UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS
FIRST SESSION

VOLUME 153—PART 1

JANUARY 4, 2007 TO JANUARY 17, 2007
(PAGES 1 TO 1562)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2007

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, January 4, 2007*

This being the day fixed by the 20th amendment to the Constitution of the United States and Public Law 109-447 for the meeting of the Congress of the United States, the Members-elect of the 110th Congress met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Karen L. Haas.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Today is built upon all the yesterdays and contains the promise of all the tomorrows.

Lord God, You are the eternal author of all creation and every age. You are the same yesterday, today and forever. Be present to us now. Be gracious and bless all those duly elected by their districts who gather today to form the House of the people as the 110th Congress of the United States of America for the governance of our beloved Nation.

Together, may they know forthright debate and civil discourse, enact quality legislation and persevere in representing the diversity and the will of the people in addressing the priority issues facing the Nation today.

Bless the families of these Representatives, granting them forbearance and understanding of the public service implied by this undertaking.

Lord, may the 110th Congress of the United States read the signs of the times and seize this moment to create a history that will reflect the values of Your kingdom here on Earth and thereby unite this Nation and reveal to peoples around the world the dignity and the glory of being the free children of God. For to You be the honor, the glory and the power, now and forever. Amen.

At the request of the Honorable NANCY PELOSI, I am pleased to introduce the Reverend Stephen A. Privett, President of the University of San Francisco, for an additional prayer.

The Reverend Stephen A. Privett, President, University of San Francisco, San Francisco, California, offered the following prayer:

I recall this morning the story of a poor mother of five children. When she was asked which of her children she loved the most, she did not answer the expected, "I love them all the same." Rather, she bent down and scooped up into her arms a young child with obviously crippling disabilities. "This one," she said, "because he needs me the most."

Let us pray:

God of compassion and mercy, we pray that the new leadership of this Congress and all of its Members will write into law the story of a country that measures its success by God's standard; by how well it cares for the weakest and most vulnerable among us.

We pray for the legislators of this 110th Congress, that they may challenge, inspire and lead us to put aside self-interest and pursue the common good of all the people of this great Nation of ours, especially of those "who need us the most." Amen.

PLEDGE OF ALLEGIANCE

The CLERK. The Members-elect and their guests will please remain standing and join in the Pledge of Allegiance to the flag.

The Clerk led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. Members-elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 109-447 for the meeting of the 110th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 435 seats in the 110th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

The Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

Representatives-elect who have not obtained their voting ID cards may do so now in the Speaker's lobby.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ANSWERED "PRESENT"—435

ALABAMA

Aderholt
Bachus
Bonner
Cramer
Davis
Everett
Rogers

ALASKA

Young

ARIZONA

Flake
Franks
Giffords
Grijalva
Mitchell
Pastor
Renzi
Shadegg

ARKANSAS

Berry
Boozman
Ross
Snyder

CALIFORNIA

Baca
Becerra
Berman
Bilbray
Bono
Calvert
Campbell
Capps
Cardoza
Costa
Davis
Doolittle
Dreier
Eshoo
Farr
Filner
Gallegly
Harman
Herger
Honda
Hunter
Issa
Lantos
Lee
Lewis
Lofgren, Zoe
Lungren, Daniel E.
Matsui
McCarthy
McKeon
McNerney
Millender-McDonald
Miller, Gary
Miller, George
Napolitano
Nunes
Pelosi
Radanovich
Rohrabacher
Roybal-Allard
Royce
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Sherman
Solis
Stark
Tauscher
Thompson
Waters
Watson
Waxman
Woolsey

COLORADO

DeGette
Lamborn
Musgrave
Perlmutter
Salazar
Tancredo
Udall

CONNECTICUT

Courtney
DeLauro
Larson
Murphy
Shays

DELAWARE

Castle

FLORIDA

Bilirakis
Boyd
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Castor
Crenshaw
Diaz-Balart, L.
Diaz-Balart, M.
Feeney

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Hastings
Keller
Klein
Mack
Mahoney
Meek
Mica
Miller
Putnam
Ros-Lehtinen
Stearns
Wasserman Schultz
Weldon
Wexler
Young

GEORGIA

Barrow
Bishop
Deal
Gingrey
Johnson
Kingston
Lewis
Linder
Marshall
Norwood
Price
Scott
Westmoreland

HAWAII

Abercrombie
Hirono

IDAHO

Sali
Simpson

ILLINOIS

Bean
Biggert
Costello
Davis
Emanuel
Gutierrez
Hare
Hastert
Jackson
Johnson
Kirk
LaHood
Lipinski
Manzullo
Roskam
Rush
Schakowsky
Shimkus
Weller

INDIANA

Burton
Buyer
Carson
Donnelly
Ellsworth
Hill
Pence
Souder
Visclosky

IOWA

Boswell
Braley
King
Latham
Loebsack

KANSAS

Boyda
Moore
Moran
Tiahrt

KENTUCKY

Chandler
Davis
Lewis
Rogers
Whitfield
Yarmuth

LOUISIANA

Alexander
Baker
Boustany
Jefferson
Jindal
McCrery
Melancon

MAINE

Allen
Michaud

MARYLAND

Bartlett
Cummings
Gilchrest
Hoyer
Ruppersberger
Sarbanes
Van Hollen
Wynn

MASSACHUSETTS

Capuano
Delahunt
Frank
Lynch
Markey
McGovern
Meehan
Neal
Olver
Tierney

MICHIGAN

Camp
Conyers
Dingell
Ehlers
Hoekstra
Kildee
Kilpatrick
Knollenberg
Levin
McCotter
Miller
Rogers
Stupak
Upton
Walberg

MINNESOTA

Bachmann
Ellison
Kline
McCollum
Oberstar
Peterson
Ramstad
Walz

MISSISSIPPI

Pickering
Taylor
Thompson
Wicker

MISSOURI

Akin
Blunt
Carnahan
Clay
Cleaver
Emerson
Graves
Hulshof
Skelton

MONTANA

Rehberg

NEBRASKA

Fortenberry
Smith
Terry

NEVADA

Berkley
Heller
Porter

NEW HAMPSHIRE

Hodes
Shea-Porter

NEW JERSEY

Andrews
Ferguson
Frelinghuysen
Garrett
Holt
LoBiondo
Pallone
Pascrell
Payne
Rothman
Saxton
Sires
Smith

NEW MEXICO

Pearce
Udall
Wilson

NEW YORK

Ackerman
Arcuri
Bishop
Clarke
Crowley
Engel
Fossella
Gillibrand
Hall
Higgins
Hinchey
Israel
King
Kuhl
Lowey
Maloney
McCarthy
McHugh
McNulty
Meeks
Nadler
Rangel
Reynolds
Serrano
Slaughter
Towns
Velázquez
Walsh
Weiner

NORTH CAROLINA

Butterfield
Coble
Etheridge
Foxx
Hayes
Jones
McHenry
McIntyre
Miller
Myrick
Price
Shuler
Watt

NORTH DAKOTA

Pomeroy

OHIO

Boehner
Chabot
Gillmor
Hobson
Jones
Jordan
Kaptur
Kucinich
LaTourette
Pryce
Regula
Ryan
Schmidt
Space
Sutton
Tiberi
Turner
Wilson

OKLAHOMA

Boren
Cole
Fallin
Lucas
Sullivan

OREGON

Blumenauer
DeFazio
Hooley
Walden
Wu

PENNSYLVANIA

Altmire
Brady
Carney
Dent
Doyle
English
Fattah
Gerlach
Holden
Kanjorski
Murphy, Patrick
Murphy, Tim
Murtha
Peterson
Pitts
Platts
Schwartz
Sestak
Shuster

RHODE ISLAND

Kennedy
Langevin

SOUTH CAROLINA

Barrett
Brown
Clyburn
Inglis
Spratt
Wilson

SOUTH DAKOTA

Herseth

TENNESSEE

Blackburn
Cohen
Cooper
Davis, David
Davis, Lincoln
Duncan
Gordon
Tanner
Wamp

TEXAS

Barton
Brady
Burgess
Carter
Conaway
Cuellar
Culberson
Doggett
Edwards
Gohmert
Gonzalez
Granger
Green, Al
Green, Gene
Hall
Hensarling
Hinojosa
Jackson-Lee
Johnson, E.B.
Johnson, Sam
Lampson
Marchant
McCaul
Neugebauer
Ortiz
Paul
Poe
Reyes
Rodriguez
Sessions
Smith
Thornberry

UTAH

Bishop
Cannon
Matheson

VERMONT

Welch

VIRGINIA

Boucher
Cantor
Davis, Jo Ann
Davis, Tom
Drake
Forbes
Goode
Goodlatte
Moran
Scott
Wolf

WASHINGTON

Baird
Dicks
Hastings
Inslee
Larsen
McDermott
McMorris Rodgers
Reichert
Smith

WEST VIRGINIA

Capito
Mollohan
Rahall

WISCONSIN

Baldwin
Kagen
Kind
Moore
Obey
Petri
Ryan
Sensenbrenner

WYOMING

Cubin

□ 1232

The CLERK. The quorum call discloses that 435 Representatives-elect have responded to their name. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. Credentials, regular in form, have been received showing the election of the Honorable LUIS FORTUÑO as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 2005; the Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia; the Honorable DONNA M. CHRISTENSEN as Delegate from the Virgin Islands; the Honorable ENI F.H. FALEOMAVAEGA as Delegate from American Samoa; and the Honorable MADELEINE Z. BORDALLO as Delegate from Guam.

ELECTION OF SPEAKER

The CLERK. Pursuant to law and precedent, the next order of business is the election of the Speaker of the House of Representatives for the 110th Congress.

Nominations are now in order.

The Clerk recognizes the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Clerk, as a father of three young children, I am particularly thrilled to be a part of this moment, thrilled that a generation of young girls and boys across America are about to witness another historic step in our Nation's march toward equality of opportunity. NANCY PELOSI's goal is a Congress known for its ideas, not its insults; its patriotism, not its partisanship.

Madam Clerk, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the office of the Speaker of the House of Representatives for the 110th Congress the name of the Honorable NANCY PELOSI, a Member-elect from the State of California.

The CLERK. The Clerk now recognizes the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Madam Clerk, I am pleased to put forward the name of a man who represents the best of honesty, integrity, decency, uncanny wisdom and understanding.

As chairman of the Republican Conference, I am directed by the unanimous vote of that conference to present for election to the office of Speaker of the House of Representatives for the 110th Congress the name of the Honorable JOHN A. BOEHNER from the State of Ohio.

The CLERK. The Honorable NANCY PELOSI, a Member-elect from the State of California, and the Honorable JOHN A. BOEHNER, a Member-elect from the State of Ohio, have been placed in nomination.

Are there further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Clerk appoints the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentleman from Michigan (Mr. EHLERS), the gentlewoman from Ohio (Ms. KAPTUR), and the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The Reading Clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2]

Pelosi—233

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

Boehner—202

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

☐ 1344

The CLERK. The tellers agree in their tallies that the total number of votes cast is 435, of which the Honorable NANCY PELOSI of the State of California has received 233 and the Honorable JOHN A. BOEHNER of the State of Ohio has received 202.

Therefore, the Honorable NANCY PELOSI of the State of California is duly elected Speaker of the House of Representatives for the 110th Congress, having received a majority of the votes cast.

The Clerk appoints the following committee to escort the Speaker-elect to the chair:

The gentleman from Ohio (Mr. BOEHNER), the gentleman from Maryland (Mr. HOYER), the gentleman from South Carolina (Mr. CLYBURN), the gentleman from Missouri (Mr. BLUNT), the gentleman from Illinois (Mr. EMANUEL), the gentleman from Florida (Mr. PUTNAM), the gentleman from Connecticut (Mr. LARSON), the gentleman from Michigan (Mr. MCCOTTER), and the members of the California delegation: Mr. STARK, Mr. GEORGE MILLER, Mr. WAXMAN, Mr. LEWIS, Mr. DREIER, Mr. HUNTER, Mr. LANTOS, Mr. BERMAN, Mr. GALLEGLY, Mr. HERGER, Mr. ROHRABACHER, Mr. DOOLITTLE, Ms. WATERS, Mr. BECERRA, Mr. CALVERT, Ms. ESHOO, Mr. FILNER, Mr. MCKEON, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. WOOLSEY, Mr. FARR, Ms. ZOE LOFGREN, Mr. RADANOVICH, Ms. MILLENDER-MCDONALD, Mr. SHERMAN, Ms. LORETTA SANCHEZ, Mrs. TAUSCHER, Mrs. CAPPS, Mrs. BONO, Ms. LEE, Mr. GARY G. MILLER, Mrs. NAPOLITANO, Mr. THOMPSON, Mr. BACA, Ms. HARMAN, Mrs. DAVIS, Mr. HONDA, Mr. ISSA, Mr. SCHIFF, Ms. SOLIS, Ms. WATSON, Mr. CARDOZA, Mr. NUNES, Ms. LINDA T. SÁNCHEZ, Mr. DANIEL E. LUNGREN, Mr. COSTA, Ms. MATSUI, Mr. CAMPBELL, Mr. BILBRAY, Mr. MCCARTHY, and Mr. MCNERNEY.

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Sergeant at Arms announced the Speaker-elect of the House of Representatives of the 110th Congress, who was escorted to the chair by the committee of escort.

□ 1400

Mr. BOEHNER. Madam Speaker, Leader HOYER, my distinguished colleagues, welcome to you all. I would particularly like to welcome our new colleagues. It is an honor and a privilege to serve in this great institution, and I would like to thank you in advance for the sacrifices and contributions you will make to this body during your time here.

As colleagues, we owe a huge debt to those who have served before us. I would be remiss if I did not mention the enormous contributions of one of my predecessors, Gerald Ford. Former President Ford served in the House over 25 years, including 8 of those years as Republican leader from 1965 to 1973. He served his Michigan constituents and the American people with great distinction not just here in Congress, but as Vice President and as President of the United States. The thoughts and prayers of this House and those of a grateful Nation are with Betty and the Ford family.

This is an historic day. In a few moments, I will have the high privilege of handing the gavel of the House of Representatives to a woman for the first time in American history.

For more than 200 years, the leaders of our government have been democratically elected, and from their ranks our leaders have always selected a man for the responsibility and honor as serving as Speaker of the House. Always, that is, until today.

It is sometimes said the Founding Fathers would not recognize the government that exists here in Washington today. It has grown in size and scope far beyond anything they could ever have imagined, much less endorsed or advocated for our future. But today marks an occasion that I think the Founding Fathers would view approvingly. And my fellow Americans, whether you are a Republican, a Democrat, or an Independent, today is a cause for celebration.

Today also, of course, marks a change in the House majority. Twelve years ago, some of us stood proudly in this Chamber as our former colleague, Dick Gephardt from Missouri, handed the gavel to the Republican Speaker, Newt Gingrich from Georgia. There were some great achievements during those 12 years that followed, and we are fortunate that the man who was the driving force behind many of those achievements will continue to serve with us: The gentleman from Illinois, DENNY HASTERT.

There were some great achievements during those 12 years that followed; there were also some profound disappointments. If there is one lesson that stands out from our party's time in the majority, it is this: A congressional majority is simply a means to an end. The value of the majority lies not in the chance to wield great power but in the chance to use limited power to achieve great things.

We refer to the gavel that I am holding as the Speaker's gavel; but like everything else in this Chamber, it really belongs to the American people. It is on loan from the real owners. This is the people's House; this is the people's Congress. Most people in America don't care who controls it. What they want is a government that is limited, honest, accountable, and responsive to their needs; and the moment a majority forgets this lesson, it begins writing itself a ticket to minority status.

The 110th Congress will write the next chapter in American history, but the American people will dictate it.

Today, the Democrat Party assumes the challenge and opportunity of majority power in the people's House. Republicans will hold the incoming majority accountable for its promises and its actions, but we also want to work with the incoming majority for the good of our Nation that we were all elected to serve.

Fundamentally, democracy is a battle of ideas. The battle of ideas, I believe, is healthy and is important for our Nation. But it is also a battle that can take place respectfully. Republicans and Democrats can disagree without being disagreeable to each other. Sometimes what people call partisanship is really a deep disagreement over a means to a shared goal, and we should welcome that conversation, encourage it, enjoy it, and be nice about it.

It is now my privilege to present the gavel of the United States House of Representatives to the first woman Speaker in our history, the gentlewoman from California, NANCY PELOSI.

Ms. PELOSI. Thank you, Leader BOEHNER. Thank you, my colleagues. Mr. Speaker. Mr. Speakers.

I accept this gavel in the spirit of partnership, not partisanship, and I look forward to working with you, Mr. BOEHNER, and the Republicans in the Congress for the good of the American people.

After giving this gavel away in the last two Congresses, I am glad someone else has the honor today.

In this House, we may be different parties, but we serve one country, and our pride and our prayers are united behind our men and women in uniform. They are working together to protect the American people; and in this Congress, we must work together to build a future worthy of their sacrifice.

In this hour, we need and pray for the character, courage, and civility of a former Member of this House, President Ford. He healed the country when it needed healing. This is another time, another war, and another trial of American will, imagination, and spirit. Let us honor his memory not just in eulogy, but in dialogue and trust across the aisle.

I want to join Leader BOEHNER in expressing our condolences and our appreciation to Mrs. Ford and to the entire Ford family for their decades of leadership and service to our country.

With today's convening of the 110th Congress, we begin anew. I congratulate all Members of Congress on your election. I especially want to congratulate our new Members of Congress. Let's hear it for our new Members.

The genius of our Founders was that every 2 years, new Members would bring to this House their spirit of renewal and hope for the American people. This Congress is reinvigorated, new Members, by your optimism and your idealism and your commitment to our country. Let us acknowledge your families whose support have made your leadership possible today.

Each of us brings to this Congress our shared values, our commitment to the Constitution, and our personal experience. My path to Congress and to the speakership began in Baltimore where my father was the mayor. I was raised in a large family that was devoutly Catholic, deeply patriotic, very proud of our Italian-American heritage, and staunchly Democratic. My parents taught us that public service was a noble calling, and that we had a responsibility to help those in need.

□ 1415

My parents worked on the side of the angels, and now they are with them.

But I am so happy that my brother, Tommy D'Alesandro, who was also a mayor of Baltimore, is here leading the D'Alesandro family from Baltimore today. He is sitting right up there with Tony Bennett.

Forty-three years ago, Paul Pelosi and I were married. We raised our five children in San Francisco where Paul was born and raised. I want to thank Paul and our five children, Nancy Corrine, Christine, Jacqueline, Paul, Jr., and Alexandra, and our magnificent grandchildren, for their love, for their support, and the confidence they gave me to go from the kitchen to the Congress.

And I thank my constituents in San Francisco and to the State of California for the privilege of representing them in Congress. St. Francis of Assisi is our city's patron saint, and his prayer of St. Francis is our city's anthem: Lord, make me a channel of thy peace; where there is darkness may we bring light, where there is hatred may we bring love, and where there is despair, may we bring hope.

Hope, that is what America is about. And it is in that spirit that I serve in the Congress of the United States.

And today, I thank my colleagues. By electing me Speaker, you have brought us closer to the ideal of equality that is America's heritage and America's hope.

This is a historic moment, and I thank the leader for acknowledging it.

Thank you, Mr. BOEHNER. It is a historic moment for the Congress, and it is a historic moment for the women of America.

It is a moment for which we have waited for over 200 years. Never losing faith, we waited through the many years of struggle to achieve our rights. But women were not just waiting; women were working. Never losing faith, we worked to redeem the promise of America that all men and women are created equal. For our daughters and our granddaughters, today we have broken the marble ceiling. For our daughters and our granddaughters, the sky is the limit. Anything is possible for them.

The election of 2006 was a call to change, not merely to change the control of Congress, but for a new direction for our country. Nowhere were the American people more clear about the need for a new direction than in the war in Iraq.

The American people rejected an open-ended obligation to a war without end. Shortly, President Bush will address the Nation on the subject of Iraq. It is the responsibility of the President to articulate a new plan for Iraq that makes it clear to the Iraqis that they must defend their own streets and their own security, a plan that promotes stability in the region and a plan that allows us to responsibly redeploy our troops.

Let us work together to be the Congress that rebuilds our military to meet the national security challenges of the 21st century.

Let us be the Congress that strongly honors our responsibility to protect the American people from terrorism.

Let us be the Congress that never forgets our commitment to our veterans and our first responders, always honoring them as the heroes that they are.

The American people also spoke clearly for a new direction here at home. They desire a new vision, a new America built on the values that have made our country great.

Our Founders envisioned a new America driven by optimism, opportunity, and courage. So confident were they in the America that they were advancing that they put on the seal, the great seal of the United States: "Novus ordo seclorum," a new order for the centuries. Centuries; they spoke of the centuries. They envisioned America as a just and good place, as a fair and efficient society, as a source of hope and opportunity for all.

This vision has sustained us for over 200 years, and it accounts for what is best in our great Nation: liberty, opportunity, and justice.

Now it is our responsibility to carry forth that vision of a new America into the 21st century. A new America that seizes the future and forges 21st-century solutions through discovery, creativity, and innovation, sustaining our economic leadership and ensuring our national security. A new America with a vibrant and strengthened middle class for whom college is affordable, health care is accessible, and retirement reliable. A new America that declares our energy independence, promotes domestic sources of renewable energy, and combats climate change. A new America that is strong, secure, and a respected leader among the community of nations.

And the American people told us they expected us to work together for fiscal responsibility, with the highest ethical standards and with civility and bipartisanship.

After years of historic deficits, this 110th Congress will commit itself to a higher standard: pay-as-you-go, no new deficit spending. Our new America will provide unlimited opportunity for future generations, not burden them with mountains of debt.

In order to achieve our new America for the 21st century, we must return this House to the American people. So our first order of business is passing the toughest congressional ethics reform in history. This new Congress doesn't have 2 years or 200 days. Let us join together in the first 100 hours to make this Congress the most honest and open Congress in history. 100 hours.

This openness requires respect for every voice in the Congress. As Thomas Jefferson said, "Every difference of opinion is not a difference of principle." My colleagues elected me to be Speaker of the House, the entire House. Respectful of the vision of our Founders, the expectation of our people, and the great challenges that we face, we have an obligation to reach beyond partisanship to work for all Americans.

Let us stand together to move our country forward, seeking common ground for the common good. We have made history; now let us make progress for the American people.

May God bless our work, and may God bless America.

□ 1430

Before we move forward, because there are so many children here and so many of them asked me if they could touch the gavel, I wanted to invite as many of them who wanted to come forward to come join me up here. I know my own grandchildren will.

Let's hear it for the children. We're here for the children. For these children, our children, and for all of America's children, the House will come to order.

I am now ready to take the oath of office from the Dean of the Congress of the United States, Mr. DINGELL. In acknowledging him, I also want to acknowledge Speaker Foley who has been with us as well.

Mr. DINGELL then administered the oath of office to Ms. PELOSI of California, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

(Applause, the Members rising.)

Mr. DINGELL. Congratulations, Madam Speaker.

SWEARING IN OF MEMBERS

The SPEAKER. According to precedent, the Chair will swear in the Members-elect en masse.

PARLIAMENTARY INQUIRY

Mr. HOLT. I have a parliamentary inquiry, Madam Speaker.

The SPEAKER. The gentleman may state his inquiry.

Mr. HOLT. In light of the fact that there are nonpartisan and partisan lawsuits under way with regard to Florida's 13th Congressional District and that the votes of 18,000 voters were not recorded on the paperless electronic voting machines in an election decided by only 369 votes, may I ask for the record whether a notice of contest has been filed with the Clerk on behalf of CHRISTINE JENNINGS pursuant to law and what effect, if any, today's proceedings have on the pending contests?

The SPEAKER. The Chair is advised by the Clerk that a notice of contest pursuant to statute, section 382 of title 2, United States Code, has been filed with the Clerk. Under section 5 of article I of the Constitution and the statute, the House remains the judge of the elections of its Members. The seating of this Member-elect is entirely without prejudice to the contest over the final right to that seat that is pending under the statute and will be reviewed in the ordinary course in the Committee on House Administration.

Mr. HOLT. I thank the Speaker.

PARLIAMENTARY INQUIRY

Mr. PUTNAM. Parliamentary inquiry, Madam Speaker.

The SPEAKER. The gentleman may state his inquiry.

Mr. PUTNAM. Am I correct, Madam Speaker, that the gentleman from Florida (Mr. BUCHANAN) has been certified by the Secretary of State as duly elected from the 13th District of Florida?

The SPEAKER. The gentleman is correct.

Mr. PUTNAM. I thank the Speaker.

The SPEAKER. If the Members-elect will rise, the Chair will now administer the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now Members of the 110th Congress.

MAJORITY LEADER

Mr. EMANUEL. Madam Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as majority leader the gentleman from Maryland, the Honorable STENY H. HOYER.

MINORITY LEADER

Mr. PUTNAM. Madam Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as minority leader the gentleman from Ohio, the Honorable JOHN A. BOEHNER.

MAJORITY WHIP

Mr. EMANUEL. Madam Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as majority whip the gentleman from South Carolina, the Honorable JAMES E. CLYBURN.

MINORITY WHIP

Mr. PUTNAM. Madam Speaker, as chairman of the Republican conference, I am directed by that conference to notify the House officially that the Republican Members have selected as minority whip the gentleman from Missouri, the Honorable ROY BLUNT.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, CHIEF ADMINISTRATIVE OFFICER AND CHAPLAIN

Mr. LARSON of Connecticut. Madam Speaker, I offer a privileged resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Karen L. Haas of the State of Maryland, be, and is hereby, chosen Clerk of the House of Representatives;

That Wilson S. Livingood of the Commonwealth of Virginia be, and is hereby, chosen Sergeant at Arms of the House of Representatives;

That James M. Eagen, III, of the Commonwealth of Pennsylvania be, and is hereby, chosen Chief Administrative Officer of the House of Representatives; and

That Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

Mr. LARSON of Connecticut. Madam Speaker, I yield to the gentleman from Florida (Mr. PUTNAM) for the purpose of offering an amendment.

Mr. PUTNAM. Madam Speaker, I have an amendment to the resolution, but before offering the amendment, I request that there be a division of the question on the resolution so that we may have a separate vote on the Chaplain.

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

AMENDMENT OFFERED BY MR. PUTNAM

Mr. PUTNAM. Madam Speaker, I offer an amendment to the remainder of the resolution.

The Clerk read as follows:

Amendment offered by Mr. PUTNAM:

Strike all after the resolved clause and insert:

That Paula Nowakowski of the State of Michigan be, and is hereby, chosen Clerk of the House of Representatives;

That Seth O. Webb of the Commonwealth of Massachusetts be, and is hereby, chosen Sergeant at Arms of the House of Representatives; and

That Brian Gaston of the State of Ohio be, and is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentleman from Connecticut (Mr. LARSON).

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair will now swear in the officers of the House.

The officers presented themselves in the well of the House and took the oath of office as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations.

□ 1445

NOTIFICATION TO THE SENATE

Mr. HOYER. Madam Speaker, I offer a privileged resolution (H. Res. 2) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that Nancy Pelosi, a Representative from the State of California, has been elected Speaker; and Karen L. Haas, a citizen of the State of Maryland, has been elected Clerk of the House of Representatives of the One Hundred Tenth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY PRESIDENT

Mr. HOYER. Madam Speaker, I offer a privileged resolution (H. Res. 3) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to consider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 3

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make:

The gentleman from Maryland (Mr. HOYER), and

The gentleman from Ohio (Mr. BOEHNER).

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. DINGELL. Madam Speaker, I offer a privileged resolution (H. Res. 4) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected Nancy Pelosi, a Representative from the State of California, Speaker; and Karen L. Haas, a citizen of the State of Maryland, Clerk of the House of Representatives of the One Hundred Tenth Congress.

The resolution was agreed to.

The motion to reconsider was laid on the table.

RULES OF THE HOUSE

Ms. SLAUGHTER. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 6) adopting the Rules of the House of Representatives for the One Hundred Tenth Congress. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question except as specified in sections 2 through 4 of this resolution.

SEC. 2. The question of adopting the resolution shall be divided among five parts, to wit: each of its five titles. The portion of the divided question comprising title I shall be debatable for 30 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title II shall be debatable for 60 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title III shall be debatable for 60 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title IV shall be debatable for 60 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title V shall be debatable for 10 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. Each portion of the divided question shall be disposed of in the order stated.

SEC. 3. Pending the question of adopting the final portion of the divided question, it shall be in order to move that the House commit the resolution to a select committee with or without instructions. The previous question shall be considered as ordered on the motion to commit to its adoption without intervening motion.

SEC. 4. During consideration of House Resolution 6 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the resolution to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. HOYER). The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the minority leader or his designee, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The resolution that I am calling up on this historic day, H. Res. 5, provides for the consideration of a rules package, H. Res. 6, that we hope will begin to return this Chamber to its rightful place as the home of democracy and deliberation in our great Nation.

The resolution we are now debating will allow the House to consider and vote on the Democratic rules package in five separate parts. The first title contains the rules package our Republican colleagues adopted in the 109th Congress, while the second through fifth titles contain amendments that will begin a reformation of this body that is long overdue.

I also include for the RECORD at this time a detailed summary of the changes H. Res. 6 will make to the standing House rules of the 109th Congress.

SUMMARY OF HOUSE RULES PACKAGE, OPENING DAY OF THE 110TH CONGRESS, PREPARED BY THE RULES COMMITTEE, LOUISE M. SLAUGHTER, CHAIRWOMAN-DESIGNATE

TITLE I—ADOPTION OF 109TH RULES PACKAGE

This title adopts the standing rules that were in effect in the 109th Congress. The subsequent adoption of the amendments contained in Titles II–V will then make certain changes to these rules.

TITLE II—ETHICS REFORMS

ENDING THE K STREET PROJECT

(Rule XXIII—Code of Official Conduct) Prohibits Members from threatening official retaliation against private firms that hire employees who do not share the Member's partisan political affiliation.

LOBBYIST GIFT BAN

(Rule XXV, cl. 5(a)) Prohibits Members and employees from accepting gifts from a registered lobbyist, from an agent of a foreign principal, or an entity that employs or retains these lobbyists and agents. Under the current gift rule, Members and employees may accept gifts valued less than $50 (and a total of $100 per calendar year) from these lobbyists and agents. The current gift ban exemptions in cl. 5(a)(3) still apply.

(Rule XXV, cl. 5(a)) Adds language clarifying that for the purposes of the gift rule, a ticket to a sporting event is valued either at the face value of a ticket, or at the cost of the ticket to the general public when (1) the ticket does not have a face value or (2) when the face value of the ticket does not reflect its economic value.

LOBBYIST TRAVEL RESTRICTIONS/ONE-DAY TRIPS

(Rule XXV, cl. 5(b)) Prohibits Members and employees from accepting travel reimbursements from a registered lobbyist, from an agent of a foreign country, or from an entity that employs or retains these lobbyists and agents. (Current rules already prohibit lobbyists and agents of foreign principals from reimbursing travel).

A new subsection to this rule clarifies that colleges and universities are not subject to this prohibition. Another subsection allows entities that employ lobbyists to reimburse Member and employee travel to one-day events (e.g. conventions, meetings). In general, travel to a one-day event includes an overnight stay, although the Ethics Committee may allow two-night stays in certain cases. These new restrictions take effect on March 1, 2007.

(Rule XXV, new cl. 5(c)) Adds new language stating that except in the case of trips sponsored by colleges and universities, lobbyists may only play a de minimis role in Member travel to one-day events that can be reimbursed by entities that employ lobbyists.

NEW TRAVEL AUTHORIZATION AND PUBLIC DISCLOSURE REQUIREMENTS

(Rule XXV, new cl. 5(d)) Adds language stating that prior to accepting reimbursed travel, Members and employees will be required to obtain a certification from the entity paying for the trip declaring that, except as permitted for universities and one-day travel, lobbyists did not plan, organize, request, arrange, or finance the travel. Members and employees will be required to submit this certification to the Ethics Committee and receive approval from the Ethics Committee before taking the trip. These new requirements take effect on March 1, 2007.

In connection with this new prior authorization requirement, this new rule requires Members and employees to submit their certifications, advance authorizations, and other travel disclosure materials to the Clerk of the House within 15 days after the travel is completed. The Clerk of the House must make this information available to the public as soon as possible. (Current rules allow 30 days for the submission of travel disclosures).

(Rule XXV, new cl. 5(i)) Requires the Ethics Committee to develop new standards for what constitutes a reasonable expense by a private group for Member travel. The Ethics Committee must also develop a new standard for determining that the travel has a valid connection to Members' official duties. In addition, it requires the Ethics Committee to develop a process for the submission and approval of the prior authorization requirements created in new cl. 5(d).

CORPORATE JET BAN

(Rule XXIII—Code of Official Conduct) Prohibits Members from using official, personal, or campaign funds to pay for the use of privately owned airplanes. (Members will still be able to charter commercially available airplanes.)

ETHICS TRAINING

(Rule XI, cl. 3) Requires the Ethics Committee to offer annual ethics training to Members and appropriate employees. New employees must receive this training within 60 days of beginning work in the House and other employees must certify they take the course each year.

COMMITTEE NAME CHANGES

(Rule X, cl. 1) Changes the names of the following House committees: 1) the Committee on Education and the Workforce becomes the "Committee on Education and Labor," 2) the Committee on International Relations becomes the "Committee on Foreign Affairs," 3) the Committee on Resources becomes the "Committee on Natural Resources," 4) the Committee on Government Reform becomes the "Committee on Oversight and Government Reform," and 5) the Committee on Science becomes the "Committee on Science and Technology."

TITLE III—CIVILITY

HOLDING VOTES OPEN

(Rule XX, cl. 2) Prohibits the Speaker from holding votes open for longer than the scheduled time for the sole purpose of changing the outcome of the vote.

CONFERENCE PROCEDURE

(Rule XXII, new cl. 12) Requires House conferees to insist that conference committees operate in an open and fair manner and that House conferees sign the final conference papers at one time and in one place.

(Rule XXII, new cl. 13) Prohibits the consideration of a conference report that has been altered after the time it was signed by conferees.

TITLE IV—FISCAL RESPONSIBILITY

FISCAL RESPONSIBILITY

(Rule XXI, new cl. 7) Prohibits the House from considering budget resolutions or amendments to budget resolutions that contain reconciliation instructions increasing the budget deficit.

(Rule XXI, new cl. 8) Applies Budget Act rules against bills that have not been reported by committees.

(Rule XXI, new cl. 10) Prohibits the consideration of any legislation proposing direct spending or revenue changes that would increase the budget deficit within a five-year or a ten-year time frame ("Pay-as-You-Go" point of order).

EARMARK REFORM

(Rule XXI, new cl. 9) Requires committees of jurisdiction and conference committees to publish lists of the earmarks, limited tax benefits, and limited tariff benefits contained in all reported bills, unreported bills, manager's amendments, and conference reports that come to the House floor. These lists will be electronically available to the public either through committee prints or printing in the Congressional Record. In the case of a reported bill, the single list contemplated by the rule may cross-reference other parts of the report. If a measure does not contain any earmarks, committees must publish a statement to this effect. A Member may make a point of order (similar to the unfunded mandates point of order) against the consideration of any special rule that waives this requirement.

This new clause defines an earmark as any Member-requested project that is targeted to a specific place and falls outside a formula-driven or competitive award process. Limited tax and tariff benefits are revenue provisions that would benefit 10 or fewer persons.

(Rule XXIII—Code of Official Conduct) Prohibits trading earmarks for votes and requires Members to disclose their earmark requests and certify that they and their spouses have no personal financial interest in the request.

TITLE V—MISCELLANEOUS

(Rule X, cl. 4) Gives the Committee on Oversight and Government Reform authority to adopt a rule allowing Committee Members and staff to conduct depositions in the course of Committee investigations.

(Rule XIII, cl. 3) Shields Rules Committee reports from a point of order if they are filed without a complete list of record votes taken during the consideration of a special rule. This provision allows the Rules Committee to publish recorded votes taken during Committee hearings in committee reports and/or through other means such as the Internet.

Makes a number of technical changes to the standing House rules.

Allows for the consideration of several pieces of legislation that are part of the "First 100 Hours" agenda if special rules for those provisions are not separately reported.

Continues the budget "deeming" resolution from the 2nd Session of the 109th Congress until such time as a conference report establishing a budget for the fiscal year 2008 is adopted.

Renews the standing order approved during the 109th Congress that prohibits registered lobbyists from using the Members' exercise facilities.

Mr. Speaker, I consider it to be a great honor to have a chance to address our House on the first day of the 110th Congress. That is what serving as a Representative in this body is, an honor.

There are only 435 Members of Congress chosen from a population of over 300 million. Our neighbors send us here to represent their interests and defend their needs in Washington. What they give us is their trust and the precious opportunity to improve the lives of millions here in America, and in many cases around the world. I can't think why anyone would want to squander that opportunity, Mr. Speaker; and yet this body's previous leadership seemed too often to do just that.

It should come as no surprise that just a few short weeks ago a national poll found that only 11 percent of American voters gave the outgoing Congress either a good or an excellent review. What was worse, fully 74 percent thought that most of us here are more focused on advancing our careers than we are on helping our fellow citizens.

Mr. Speaker, the history of the last several years has borne these opinions out. On the first day of the 109th Congress, we debated a new rules package, just as we are doing today. My fellow Democrats and I spoke out against that package from the beginning because we saw what it represented, a retreat from ethical conduct and an abandonment of our real responsibilities. It rendered the Ethics Committee totally powerless to meaningfully enforce the ethical standards of the House. While its most egregious elements were abandoned, it did its job, helping to pave the way to a Congress where unethical conduct would soon find a new home.

By the time Democratic leaders from both the House and Senate joined me to unveil our Honest Leadership and Open Government Act 1 year ago, a great deal of damage had already been done. We had already seen a Medicare bill that sold out America's seniors to the bottom lines of the drug companies. We had seen an energy bill that did nothing to make our Nation's energy supply more stable, but that made the balance books of billion-dollar corporations solid as a rock, even though the CEOs of some of those companies have admitted they did not want those tax cuts.

We had seen our homeland defenses imperiled and a war effort undermined by huge contracts given not to the best and the brightest, but to the most well-connected. Real, meaningful oversight of those contracts never seemed to make it to the agenda. In one of the most embarrassing series of revelations in our Nation's history, we had seen top legislators bought and sold for their allegiance, traded for gifts, trips, and parties, all worth so much less than the faith the American people had freely given to them and which they had, by the end, lost.

But as I said at the time, the lobbyists who gave those gifts and paid for those trips and hosted those parties, those lobbyists could only knock on the doors of Congress. Members of Congress, the ones inside, were the ones who let them in.

The culture of the last Congress came to be defined by a phrase now common to America throughout the country: it was a "culture of corruption." Two months ago, the American people decided they had paid nearly enough for that kind of leadership. They had sacrificed enough peace of mind, lost enough hope, had their well-being imperiled far too many times. They stated loud and clear that they were ready for a new culture to take hold in Washington, a culture of commitment.

That is what my fellow Democrats and I are pledging to bring to this body today, a commitment to the citizens who elected us, a commitment to their needs, a commitment to their security, and a commitment to their future. It may seem like a tall order, but we are already well on the way. We have a new set of leaders here, Democrats who understand the value of trust that has been placed in them.

Together we are going to usher in nothing less than a new way of doing business in the House. While the necessary cultural shift is already under way, a new legislative framework is needed as well. We need rules in the House that will keep the body focused on the well-being of the American people, in other words, keep us focused on our job; and that is the framework that we begin to lay out today.

The political process by which bills are written and voted on often seems arcane. It certainly receives little of the focus given to so much else that goes on in Washington. Yet it is at the very heart of what we do here. A broken political process undermines the Democratic principles the House was built on, and it serves as a gateway to a corrupted Congress.

By contrast, a responsible process acts as a powerful check against the abuses and misuses of power so common in recent years. In so many ways our Founding Fathers were visionaries. The rules that Thomas Jefferson first wrote down two centuries ago provide for order and discipline in the House. They provide for transparency and accountability. If they are followed, corruption will be exposed before it has a chance to take root.

Democrats are going to follow the long-established rules of the House, instead of treating them as impediments to be avoided. We are going to allow Members to read bills before voting on them and prevent them from being altered at the last minute.

We are not going to hold open votes for hours on end while arms are twisted and favors are traded. We are going to conduct business whenever possible during normal hours, instead of in the dead of night. We are going to be open about the schedule we keep. In short, we are going to restore basic civility to this body, and never again will any Member of the Congress have to fight to find out where the conference to which he or she has been appointed is meeting.

But we are going to do more. While the rules package of the 109th Congress effectively embraced corrupt practices, this package stamps them out. Today and tomorrow we are introducing a series of critical new rules, legislation that will help guarantee that the unethical practices of the past will have no place in our future.

Gifts and lobbyist-sponsored travel are banned by this rules package. They have been used to grant select groups of people unfettered access to Members of Congress. They have no place in this new Congress. The rules package will finally shed light on an earmarking process that has greased the wheels of corrupt House machinery. It requires the full disclosure of earmarks on all bills and conference reports before Members are asked to vote on them.

If a Member is convinced that a project is worth a Federal earmark, they should have no problem attaching their name to that funding if the project is sound and they have nothing to hide. This package will make real fiscal responsibility a fundamental principle of the House, not a rhetorical one. It will prohibit the consideration of any legislation that would increase budget deficits without offsets.

Democrats are joined by so many Republicans in believing that it is immoral to pass on the question of debt to our children and grandchildren.

☐ 1500

Enough is enough. No more deficit spending.

Mr. Speaker, and my friends on both sides of the aisle, I know I am joined by my fellow Democrats as well as many Republicans when I say that I want a Congress that America can be proud of again.

I am tired of having to tell my grandchildren and school children in my district that what they have learned in school about the ideals and practices of a democracy isn't true anymore, and what they have learned about how a bill is passed no longer stands here.

It is long past time that this House started living up to those ideas and practices; that they started putting honesty, and integrity, transparency and accountability ahead of everything else.

We must rededicate the People's House to the needs of its citizens. We must return the keys of the government and this democracy to the citizens whom they belong.

This body was created to serve as the battleground of ideas, not of checkbooks or back-room deals or deceptions. It was created to serve the people of the United States.

Today, the men and women of America have given us a very special gift. We have the ability to leave our mark on the future of our Nation. It is the only gift Members of Congress should ask for, and one we must cherish for the good of all. Let us begin.

Mr. Speaker, I would like to take this opportunity to reaffirm the jurisdiction of the Committee on Small Business as contained in House Rule X, clause 1(p). The Committee's jurisdiction includes the Small Business Administration and its programs, as well as small business matters related to the Regulatory Flexibility Act and the Paperwork Reduction Act. Its jurisdiction under House Rule X, clause 1(p) also includes other programs and initiatives that address small businesses outside of the confines of those Acts.

This reaffirmation of the jurisdiction of the Committee on Small Business will enable the House to ensure that it is properly considering the consequences of its actions related to small business.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I rise as the designee of the Republican leader.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, we have spent a great deal of time this afternoon focusing on the fact that we have the first female Speaker of the United States House of Representatives in our Nation's history. And I think it is also very important for us to note today that we have the first female Chair of the House Rules Committee in my good friend, Ms. SLAUGHTER, and I would like everyone to join in extending congratulations to Ms. SLAUGHTER.

Now, let me say, Mr. Speaker, that I look forward to working in a bipartisan way in the spirit that was outlined by Speaker PELOSI, and I, of course, will treat the new Chair of the Rules Committee with the dignity that she deserves.

I will say, Mr. Speaker, that I do rise with mixed emotions today. I was very proud to join with you as we came down the center aisle escorting the new Speaker of the House, my fellow Californian. And I am very pleased that we have the first woman, the first Californian, and the first Italian American as Speaker of the House of Representatives.

I have mixed emotions because, while I am very, very proud of Speaker PELOSI, and the new Rules Chair, Ms. SLAUGHTER, and others who are assuming leadership positions, I also am very disappointed.

I am disappointed as I look at this package that we are about to consider, because I do join with you, Mr. Speaker pro tempore, the distinguished majority leader, and Speaker PELOSI, as we have discussed privately and publicly, in our quest, and I think Speaker PELOSI put it extraordinarily well, focusing on the priorities that we have. We are, first and foremost, Americans. We are here to do the people's business and they sent a very strong message last November, and I believe we have an opportunity to do just that.

I will say that I remember very well the opening days of the 104th Congress, 12 years ago. I remember the very heady feeling that came from knowing that, for the first time, at that juncture, in almost half a century, we Republicans were in the majority of the House of Representatives, and we were going to do all that we had promised the American people.

We were that optimistic, quite frankly, because we didn't know any better. None of us had ever served in the majority and we were blissfully unaware of the pressures and problems associated with trying to govern this institution.

During the 109th Congress, the Democratic Caucus, many of whom actually served in the majority before 1995, made a lot of promises about how they would run this place if they ever achieved the majority again. Of course, they, unlike Republicans in 1994, had the experience of having run this place, having served in the majority. And I have a great deal of admiration for my colleagues, because they know exactly what they are facing. Knowing that, knowing exactly what they would face in the majority, they made a commitment to minority rights, should they regain the majority.

And that, Mr. Speaker, is why I said I am disappointed. The resolutions before us bear very little resemblance to the rhetoric on this floor and on the campaign trail. The much ballyhooed commitment to minority rights is virtually nonexistent in the measures before us today. They undermine minority rights that were constantly guaranteed when we were in the majority. The rights of the minority are undermined. Their promises are for a delivery date at some later point, if we agree to be cooperative, according to one Member on the other side of the aisle. And we have, as an IOU now, a wink and a nod and a gentle "trust us."

Mr. Speaker, trust is something that is in short supply in this House, and the actions of the incoming majority are, based on the package that has been brought before us early last evening, certainly less than 24 hours before we are considering it here on the House floor, are not doing a lot to bolster our reserves when it comes to the issue of trust. Despite an oft repeated commitment to provide Members with, as I said, at least 24 hours to review legislation before voting on the floor, we received this package at 6:15 last night, 6:15 only after that package was delivered to our friends up in the press gallery.

Now, Mr. Speaker, despite Speaker PELOSI's principle that we need to return to regular order for legislation, including a full committee process of hearings and markups and, I quote Ms. PELOSI here when she said we need an "open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute."

Now, we, in spite of that great directive that came forward, we have a rules package that actually self-executes closed rules for bills that haven't even been introduced, and won't even be going through the committee process. The section of the package that includes those closed rules is debatable for just 10 minutes. This is the polar opposite, the polar opposite of how the Republicans opened the 104th Congress, when our priorities were considered in regular order and under an open amendment process.

Mr. Speaker, also providing a stark contrast is the fact that we put in place, from day one, a guaranteed bite at the apple for the minority in the form of a motion to recommit. We felt so strongly about the fact that when we were in the minority we were denied that chance. So that is why at the beginning of the 104th Congress we put into place that guarantee for the minority.

But I must remind my Democratic colleagues on the Rules Committee that, time and time again, they have made clear their view that the motion to recommit is an insufficient opportunity to articulate their alternative. That argument was propounded constantly as we were dealing with public policy questions. So you can imagine how surprised I was when the Speaker recently replied to a reporter's question about Republican alternatives to the Democratic priorities by saying, "They'll have a motion to recommit."

Even worse than five closed rules, Mr. Speaker, is the rollback of one of the most essential elements of transparency that Republicans put into place back at the beginning of the 104th Congress; that is, the right to know how a member of a committee votes on legislation.

Mr. Speaker, this rules package exempts the Committee on Rules from the requirement to publish the votes of its members on its committee reports, something required of every other committee except the Ethics Committee.

Now, in my 12 years as a member of the Rules Committee majority, we took more than 1,300 votes in committee, every single one of which was accurately reported in the committee's report.

Mr. Speaker, at best, this is a solution in search of a problem. At worst, it is an attempt to shield the Rules Committee from the public scrutiny of its actions.

We were told by the distinguished Chair of the Rules Committee that ethics reform and rules reform were not just election year issues for Democrats. Now, Mr. Speaker, sadly, this document says something quite different than that. Promises were made, and they are not being kept. That is the thing that I find to be most troubling. We intend to explain the many inconsistencies for the record and as the debate moves forward.

At the same time, Mr. Speaker, we want to work with our democratic colleagues. Even with this treatment of minority rights, we stand here determined to work in a bipartisan way to confront the challenges that we all know face this country. Unfortunately, this rules package shuts us out from the start. It is my hope that the promises made will, indeed, be kept. But, Mr. Speaker, this package does not inspire a great deal of hope in that they in any way will.

And so, Mr. Speaker, I rise with a great deal of disappointment and a great deal of concern about the first actions that we are taking here.

Mr. Speaker, with that I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I would like to yield myself about 30 seconds, 45 perhaps, just to respond for a moment, to remind my friend that what we are voting on is the Republican package of the last term. If it was so bad, we thought it was pretty bad then as well, but we will have time to debate all these things. We will have open debate. And what we have said about fairness is what we are dedicated to do.

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, before I yield to the next speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 5 and H. Res. 6.

The SPEAKER pro tempore (Mr. CLYBURN). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I am pleased, for the purpose of debate only, to yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, on this historic day, the sun is shining brightly in Washington outside and today, finally it is shining inside this great Capitol building.

Normally, a New Year's resolution is a list you write for yourself. But the ethics package that we Democrats are now adopting was written by the American people at the ballot box in November. This January resolution is possible only because of the November revolution by voters who were, quite frankly, revolted by what they saw going on here in Washington.

Under Democratic leadership, "Spring Cleaning" is getting an early start here in January. We ban lobbyists-sponsored junkets and gifts and the use of corporate jets from jet-setting lobbyists like the tobacco company that even took one Member of Congress on a special flight to his criminal arraignment.

In Congress, an earmark too often is a secret means for a Member to funnel Federal dollars to special projects. Some are worthwhile, some are dubious.

When I talk about earmarks to my rancher friends down in Texas, they have a different earmark in mind. It is the mark you put on an ear of your cattle to identify them. By their very nature, earmarks are public, designed to identify ownership. I think we need some of that Texas thinking here in Washington. If earmarks can identify a steer, we are now able, through this new package, to know who is "steering" earmarks of federal tax dollars to some unworthy cause.

Ethics reform, of course, is not an end in and of itself. The goal of reform is to improve the substance of the work that we do here. It is to ensure that the priorities in Washington are genuinely the priorities of hard working families in San Marcos, Bastrop, Kyle, and many other communities across our country.

Because fiscal security is national security, we are also working to cut the ballooning federal deficit with pay-as-you-go budgeting; barring new spending provisions or tax changes that would increase our soaring national debt.

Our reforms seek to curb the cost of corruption. It is a cost that has been borne in the pocketbooks of our seniors who pay too much for drugs because of a drug bill that was designed by the pharmaceutical manufacturers, instead of designed to help those who needed help most.

It is the cost of corruption that is reflected in no-bid contracts in Iraq and in the aftermath of the Hurricane Katrina debacle. And it is reflected in the price that the jobless, the homeless, and the hopeless are paying for the corruption within this administration.

Mr. Speaker, accountability, so long lacking from this administration and the House leadership begins today.

□ 1515

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to my very distinguished colleague on the Rules Committee, Mr. LINCOLN DIAZ-BALART from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my dear friend, and, Mr. Speaker, I was very pleased that my friend and dear chairman of the Rules Committee, Ms. SLAUGHTER, pointed out as she spoke, I heard her speak that most of the ethics package was precisely the one that we had proposed last year. What is very disturbing, however, and really disappointing, Mr. Speaker, are a number of the items that have been included that Mr. DREIER referred to previously.

It is extremely disappointing to see that one of the great advancements of this Congress over the last two centuries, which has been to bring a transparency to our votes, because you know, Mr. Speaker, it used to be even on the floor of the House votes would take place that were not roll call votes, they were not noted for the record and, thus, for the people; yet we moved forward and we changed that. And also in committee, votes had to be recorded. That has been one of the great advancements in the last two centuries in this Congress.

And to see in the Committee on Rules, that I love so much, where we now in this rules package are faced with such a reversal of that progress and that great advancement of openness and transparency on the record, the requirement that the people will be able to see how the members of that committee vote, that has been eliminated, is being eliminated in this package, that is extremely disturbing. And everyone, Mr. Speaker, who loves this Congress should be saddened by what our friends on the other side of the aisle have included, specifically what I have just mentioned, that great reversal of progress in the rules package that has been brought forward today.

So in the hope that that will be remedied and that our friends on the other side of the aisle will realize how sad that is, I rise today with great disappointment.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 2½ minutes to the gentlewoman from Florida (Ms. CASTOR), one of our brilliant freshmen and a new member of the Rules Committee.

Ms. CASTOR. Mr. Speaker, I am pleased to offer, along with my distinguished fellow Floridian, and the new rules chairwoman, Ms. SLAUGHTER, an ethics champion in her own right, this legislation extending the rules of the 109th Congress, with ethics reforms to follow in the 110th Congress. These rules will serve as a baseline for the rules of the 110th Congress, and then we shall add the needed ethics reforms, fiscal responsibility reforms, and rules on civility.

After recent tumultuous events, we can all agree that our neighbors back home expect the highest ethical standards from the Members of Congress, the people's House. This rules package includes some of the very good rules changes made in the 109th Congress, including the end of proxy voting in committees and the emergency power granted to the Speaker to recess the House and convene in another location in the case of a terrorist incident. But our Democratic package goes further, instituting ethics reforms that prohibit Members from accepting gifts from registered lobbyists, restricting Members' travel on corporate airplanes, and offering ethics training to Members and staff.

I come to the House from local government; and like many of my reform-minded freshmen colleagues, I championed ethics reform on the local level, particularly in the Tampa Bay area, where it was needed in the inner workings of county government. Well, it is needed here in the Halls of Congress now more than ever.

The new rules will include a fair and open process for the Congress: no holding open votes to change the outcome and clear guidelines for the operation of conference committees and final conference committee reports. Provisions for more stringent fiscal responsibility and pay-as-you-go budgeting requirements ultimately will aid our neighbors back home in reducing their own debt load while the Federal Government begins to do its part to ease the financial crunch so many of us feel across the country.

The proposed transparency in the earmark process and the additional requirement that Members certify that neither their spouses nor their relatives will have any personal financial interest in an earmark request will show and assure our neighbors back home that Congress is indeed operating in a way that best serves the needs and interests of every American.

I am humble and proud to be part of this new historic Congress and am glad to stand in support of the ethics reform package led by Ms. PELOSI for high ethical standards in government.

Mr. DREIER. Mr. Speaker, I want to first congratulate Ms. CASTOR and certainly welcome her to the Rules Committee and look forward to serving with her.

PARLIAMENTARY INQUIRY

Mr. DREIER. I have a parliamentary inquiry, Mr. Speaker.

My parliamentary inquiry is, may I ask of the Chair exactly what it is we are debating and considering at this point. The Chair of the Rules Committee stood up and said, after I gave my opening remarks, that we were in the midst of a debate on the last year's rules package. I was wondering if the Chair might enlighten us as to exactly what it is that we are considering.

The SPEAKER pro tempore (Mr. CLYBURN). Pending is House Resolution 5, proposing a special order of business for consideration of House Resolution 6, adopting the Rules of the House for the One Hundred Tenth Congress.

Mr. DREIER. For the consideration of the rules package for the 110th Congress, am I correct?

The SPEAKER pro tempore. That is correct.

Mr. DREIER. Thank you very much for that clarification, Mr. Speaker.

Mr. Speaker, at this time I am very happy to yield 2 minutes to the very distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank my colleague for yielding, and I want to commend the ranking member of the Rules Committee and the former chairman for his comments because I think they bring some truth and veracity to this discussion.

I am truly pleased to join my colleagues here who are interested in good government, responsive government, but accountable government. And as a matter of principle, as a matter of principle we believe it is imperative that elected officials be held accountable for what they say and what they do.

Now, while on the campaign trail, Democrats made the promise over and over again that they wanted to have the most open and fair government in history. In fact, the new Speaker said herself, "More than 2 years ago, I first sent Speaker HASTERT proposals to restore civility in Congress. I reiterate my support for these proposals today. We must restore bipartisanship to the administration of the House, reestablish regular order for considering legislation, and ensure the rights of the minority, whichever party is in the minority. The voice of every American has the right to be heard."

And she is right. But far from regular order is what we are dealing with here. There are a couple of items I want to present. We have heard that these issues to be dealt with over the next 100 hours of debate have already been vetted, already been through committee. In fact, the freshmen, who are at least 39-strong Democrats, have not had any opportunity. So there is no regular order there.

We also note that in the rules package under Democrat control, the Rules Committee would become anything but transparent, being that the votes that are required or will take place in the Rules Committee will not be available to the public. I do not think that is what the American people voted on when they voted in November.

A minority bill of rights is what we will propose in our previous question amendment motion, and it is that kind of common sense and that kind of accountability and fairness that Americans expect and that we are asking for. Hearings, amendments to bills, 24 hours' notice, it is that kind of thing we need because it is that process that ensures that the House will work for all Americans to decrease taxes and to make certain our security is maintained in solving the health care challenges that we have.

Mr. Speaker, it appears that promises made on the campaign trail are going to be promises broken in the majority.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak on this.

I am pleased, Mr. Speaker, that we are acting quickly in this Congress on the unfinished business from the last Congress. In short order we will be dealing with things like implementing the 9/11 Commission recommendations, we will have a clean, up-or-down vote on the minimum wage unchanged after 10 years, and we will be able to deal with promoting stem cell research and cutting interest rates on student loans. Again, this is getting past the unfinished business left over from the last Congress.

I am pleased that today, unlike how we started the last Congress, we are not beginning by watering down the ethics rules or making it more difficult for the minority.

I believe very strongly in the commitment that our caucus has made. Our leadership has articulated that we are not going to treat the Republican minority the way that we were treated. I think it is going to be very important, Mr. Speaker, that we deal with the spirit with which these rules are enforced. And I am absolutely certain that you will find that the people on the Democratic side of the aisle are going to make sure that the spirit is enforced to make sure that voting machines are not kept open for hours in the middle of the night; making sure that our commitment to have functioning conference committees, where Republicans will be invited to attend conference committees, know when they are there, be able to sign off on them, and not have things parachuted in in the middle of the night in back rooms that nobody had seen; There will be no effort to have the notorious K Street Project turn the business lobby into a partisan tool.

Most important, I am interested in our progress to maintain and enhance civil discourse on this floor. I look forward to a bipartisan effort on an ethics panel that would be independent enforcement and that issue will be reported back to Congress by March 15. I am interested in working on a bipartisan basis to establish this independent mechanism for ethics oversight.

The rules we are adopting today and that we will be refining are an important first step to realize the promise of the new Congress. Most important will be the spirit. And I, for one, pledge myself to work with Rules Committee members on both sides of the aisle to make sure that that spirit is maintained.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 2 minutes to the very distinguished gentleman from Cherryville, North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I want to thank my colleague from California for that warm introduction.

Today was a historic day for the House of Representatives: A new Speaker, a new majority, and, in their words, a new time in Washington. To use the new Speaker's words, this is about respect for every voice, to work for every American, to seek common ground for the common good.

Those are high words and high values that we should seek here in the House of Representatives that all Americans desire in their government. And as a key part of what the Democrats campaigned on in the 2006 election, one of the key tenets was open and honest bipartisan governance. But their first act on this House floor is to push down the throats of this institution a closed rule that closes off debate, that disallows dissenting voices, that simply waves off that open, fair, and honest process.

To that end, I urge my colleagues to defeat the previous question. And if we defeat the previous question, I will be able to offer this minority bill of rights, the Pelosi minority bill of rights. To use the words of the new Speaker, the minority bill of rights includes guidelines for bipartisan administration of the House and for the regular Democratic order for legislation. The principles are fair and will provide for the full and open debate that the American people expect and deserve. Now, those are not my words. Those are the words of the new Speaker. Then-Minority Leader PELOSI wrote those words in June of 2004.

Now, while the new Speaker and I may not agree on much in terms of policy, tax policy, or the policy on national defense, I think we have the same values when it comes to fair and open and honest legislative debate. And to that end I sought to outline her principles and put them into the minority bill of rights. So let us defeat the previous question so that we can vote on this minority bill of rights, the Pelosi bill of rights.

□ 1530

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlelady for yielding.

Mr. Speaker, I rise in support of H. Res. 5, to provide for the rules package of the 110th Congress. I am proud that the first act of this new Congress is to pass long-overdue ethics and lobbying reform.

Today, we end the era of Jack Abramoff and Tom DeLay, when the levers of government were used less to help American families and more to reward monied special interests. Today, we take a major step to restoring Americans' trust in the legislative branch of government.

We will ban gifts from lobbyists, trips funded by lobbyists, and the use of company planes. We will shut down the K Street Project. We will force Members of Congress to take responsibility for their earmarks. And we will ban arm-twisting for votes.

The need for reform is obvious. The alliance between the previous leadership and K Street lobbyists came at a disastrous cost for democracy, decency, and the public interest. The best example is the industry-written Medicare D prescription drug bill passed in the middle of the night. The majority leadership held the vote open for 3 hours as they twisted arms and levied threats. Thousands of Maine seniors can see today that the program was designed to serve the insurance and pharmaceutical interests more than the people on Medicare.

I am pleased that the ethics package includes reforms that Congressmen DAVID OBEY, BARNEY FRANK, DAVID PRICE, and I introduced 1 year ago. I thank Chairwoman SLAUGHTER and Speaker PELOSI for incorporating our ideas, simple ideas, like ensuring that we all have time to read bills before they are voted on.

H. Res. 6 will restore the people's voice to the people's House. Every American family will benefit by legislation that is advanced in an open and transparent manner, rather than written by lobbyists behind closed doors.

I urge the adoption of this resolution and the entire Democratic rules and ethics reform package.

Mr. DREIER. Madam Speaker, may I inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore (Ms. ESHOO). The gentleman from California has 14½ minutes remaining and the gentlelady from New York has 11 minutes remaining.

Mr. DREIER. Madam Speaker, at this juncture I am very pleased to yield 2 minutes to a very, very hardworking Member of the House, the Chair of the Republican Study Committee, the gentleman from Dallas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, I thank the gentleman from California for yielding.

Madam Speaker, I rise today, and, unfortunately, I have to oppose this particular rules package.

I listened very carefully to our new Speaker when she spoke of fairness, and yet I see that the minority is not being given the opportunity to offer amendments to this particular package when it comes to the floor. We are being asked to vote on things we don't even know what they are about, something that, Madam Speaker, your party complained of when you were in the minority.

But I specifically am disturbed by what I see in supposedly the fiscal responsibility portion that this rule package would allow. I heard our new Speaker talk about how important it was to bring PAYGO to the floor of the House; and I agree, it is a great concept.

Unfortunately, what is being offered, where the minority doesn't have an opportunity to amend, is really false advertising, because what we have, Madam Speaker, is, number one, this concept called baseline budgeting, where these programs are going to grow automatically in what we call discretionary spending, and yet this PAYGO doesn't apply to this. Anything that the majority writes into the budget resolution again is exempted from PAYGO. All of the entitlement spending, a majority of the spending, which could bankrupt our children and our grandchildren, once again is exempt.

What is covered, Madam Speaker? It is hard to find. But anything that is, then the majority has 5 to 10 years apparently to put off the costs, and somehow we are supposed to be convinced in 5 to 10 years they are actually going to pay for it.

Again, this is false advertising. This isn't PAYGO; this is TAXGO. All this is is a subterfuge to make sure that hardworking American families are denied the tax relief that the Republicans and President Bush brought, the tax relief that created 6 million new jobs, that created the highest rate of homeownership in the history of our country, that helped deficits fall, that ensured that real wages came up. That is why we need to oppose this rule, Madam Speaker.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Madam Speaker, I thank the gentlelady for yielding me time.

Madam Speaker, this is a historic day in this House: the first woman ever elected Speaker; the first woman, LOUISE SLAUGHTER, to be chairman of the powerful Rules Committee. In addition to that, Ms. SLAUGHTER and Speaker PELOSI have put together a package that is indeed a historic, comprehensive ethics package that deserves the support of each and every Member of this body.

In the last Congress, we saw egregious abuses of power by Members of Congress and lobbyists. These abuses tarnished the image of this great institution and caused Americans to lose faith with their government. In the face of these scandals, America had its midterm election and the American people decided decisively to put a new party in charge here in the House of Representatives. They sent a message loud and clear that it was time to clean up the Congress, and in fact exit polls showed that nearly 92 percent of the voters were concerned with the ethical cloud hanging over Washington.

What did they ask for? They asked for honest leadership and open government, and this package presented today by Ms. SLAUGHTER, Ms. PELOSI and the leadership is the most significant, comprehensive ethics reform that has ever been presented on the first day of an opening of this Congress.

This is a rules package that cuts the ties to the old culture of corruption and in its place creates a new culture of disclosure, of accountability, and of oversight. Starting today, there will be no more lobbyist-funded junkets or vacations; starting today, no more corporate jets, where Members of Congress can be flown to their indictment arraignment; starting today, no more lobbyist-paid gifts; beginning today, no more K Street Projects. All of this is over with the passage of this package.

I have heard the other side say they had no idea what this party was going to come up with for a rules package. We have been talking for quite some time about the efforts to reform this institution, to get transparency in earmarks, to have an institution where lobbyists can't fund vacations. Now if a Member wants to take a trip, it has to be approved in advance by the Ethics Committee.

As a matter of fact, nearly every public interest group in America that has been fighting for reform over the last decade has stepped up to the plate to say this package is the most significant reform of ethics rules that we have had in a generation.

So the time has come for Democrats and Republicans to join together to pass this comprehensive ethics reform package, because the American people demanded it in the last election, and Speaker PELOSI and the new leadership in this House are delivering on that request.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 2 minutes to the very distinguished gentleman from Marietta, Georgia (Mr. GINGREY), a hardworking former member of the Rules Committee.

Mr. GINGREY. Madam Speaker, I thank the gentleman, the former chairman of the Rules Committee, my colleague from California, and also congratulate the new chairman of the Rules Committee, our friend from New York (Ms. SLAUGHTER).

I just want to point out to the gentleman from Massachusetts, the gentleman that just spoke, this ethics reform package, which we are not opposed to in the totality of it, but many, if not most of these provisions, Madam Speaker, were a part of H.R. 4975, the Republican ethics reform package which we passed in this House in May of this past year with only eight, count them, Madam Speaker, eight votes from the other side. There was total opposition to everything that we wanted to do in regard to ethics reform.

I will remind my colleagues in regard to the so-called K Street Project, that very provision, that ,is, Members not being able to put pressure on companies in regard to hiring practices, in regard to granting of any legislative favors, was part of that package. But yet our colleagues in the majority party now want to come forward and say "the K Street Project."

Now, where is the sense of fairness and fair play and bipartisanship in sticking it in the eye of the new minority, when we tried to change that very thing that they voted against?

I would say furthermore in regard to this overall package of rules, what is this business about not holding a vote open for the sole purpose of changing a vote? If that is in fact a good policy, not being able to do that, and I tend to agree with the new majority that we shouldn't be able to break people's arms with favors for earmarks or special committee assignments which may not be appropriate, then why use the word "sole?" Putting in "sole purpose" would allow them or anybody to lock a Member in the bathroom and say we are holding the vote open because they are stuck in traffic. So I would suggest let's eliminate "sole" and say for the purpose of pressuring a Member to change their vote against their will.

Last and not least, and maybe the chairman of the Rules Committee, Ms. SLAUGHTER, can address this point of this unbelievable idea that members of the Rules Committee, the new members, maybe to protect the freshman members, are not allowed to have a roll call vote in the light of day.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON), and we welcome you home.

Mr. LAMPSON. Madam Speaker, I thank the gentlelady for yielding time.

I am awfully proud to be standing here again in the midst of this distinguished body representing the people of the 22nd Congressional District of Texas.

A wave of change rushed across America since I left office, a wave that carried me back here to Washington, D.C., and I couldn't be prouder to vote today on the very first day of the 110th Congress to reform the rules and code of ethics by which this body operates; rules that were abused and tore Texas and this country apart, and a code of ethics that was disregarded and caused the American people to lose confidence in us, their representatives. We can't afford to wait another day to restore the trust and hope to those who sent us here to represent them.

It is not about moving to the left or to the right, but about moving this country forward. And now is the time to start working together by reaching across the aisle that we allow to divide us. It is time to conduct the people's business openly and honestly in the light of day.

I urge all of you, my distinguished colleagues, to join together in supporting these vital reforms. This is the first step toward restoring pride in our democracy, and that means restoring fiscal responsibility. Passing our massive debt on to our kids and grandkids is not a legacy we want to leave. Those who elect us are our employers, and we must be diligent in spending their hard-earned money which they entrust to us.

The number of earmarks alone increased nearly 400 percent and spending doubled over the last decade. We must all make an effort, Republicans and Democrats alike, to trim the fat from the budget. We can once again have a balanced budget, fund important initiatives and be diligent in our oversight of agencies of government, all without raising taxes.

I am proud to cast one of my first votes in the 110th Congress in favor of pay-as-you-go rules and aggressive reform of the earmark process so that we can return to a government truly of, by, and for the people.

I am honored to be back in this Chamber. I am proud that this Congress is starting off on the right foot with the best interests of every American on our minds, and I am proud to ask all of my colleagues to support this significant package of rules, H. Res. 5 and 6.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 2 minutes to our very distinguished chief deputy whip, my good friend from Richmond (Mr. CANTOR).

Mr. CANTOR. Madam Speaker, I thank the gentleman.

Madam Speaker, first of all I would like to congratulate the gentlelady from California on her election as Speaker and look forward to serving with her.

I just ran into a reporter on the outside of the Chamber who asked me about the tone of debate and what I thought the tone would be going forward. I agree with Leader BOEHNER when he spoke in this Chamber just a little bit earlier about the fact that we can debate, we can differ in a nice way, and I think that is what the American people expect.

□ 1545

But they also expect rigorous debate here on the floor of the House. I am asking my colleagues to reject the previous question. Because if we look at the message from this election, the American people spoke out: They want change. They want us to change the way that Washington does business. And in fact, a little less than 2 years ago, then Minority Leader PELOSI saw fit to send a letter to the former Speaker HASTERT spelling out the way that she thought this House should run, how we should change, a prescription to correct the so-called ills that my friend from Massachusetts mentioned earlier of the 109th Congress. So if we defeat the previous question, we in the House will be allowed to bring up what has been called the minority bill of rights, and this again was the recipe for change that then minority Leader PELOSI saw fit that was the right prescription for the ills that affected this institution or allegedly affected this institution.

So it just doesn't make sense for us to be here today and somehow in spirit of bipartisanship, transparency, civility, to be going back on that pledge to honor the rights of all Americans so that we can have an open debate in this House. It doesn't make sense to follow the adage, "Do as I say, not as I do."

So I would urge my colleagues to defeat the previous question, allow there to be light, allow there to be transparency, not just after we pass the first 100 hours of this Congress.

Ms. SLAUGHTER. Madam Speaker, I yield myself 45 seconds.

I understand your pain, I understand the hurt, and I understand that you are not really sure that we are going to be fair and honest. But if you look back on the 40 years here before, and I remember on the Rules Committee, that when a bill was coming up to rules, always the chairman and the ranking member came together. They worked together on everything. If it was an oversight committee, I recall that both the chair and the ranking member signed the subpoenas. There was such a series of cooperation we have never, as far as I know, dealt with retribution or underhandedness or hatefulness.

We know we have an awful lot of work to do. We have got a country to save; we have got a reputation to try to get back in the world; we have got the worst deficit we have ever seen; and, we have got to do something about a war. Let me pledge to you, we have no time for vindication or revenge, and it would be so nice if all the Members in this vote for a change would roll in the same direction.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. I yield myself such time as I may consume to respond that I never used the words "pain," I never said "hurt." I said "disappointment." I said disappointment, Madam Speaker, because I am very disappointed.

I will tell you this: I am prepared at this moment to take my three Republican colleagues and go right upstairs to the Rules Committee and go to work at this moment so that we don't have closed rules in the opening day rules package for consideration of measures that have not gone through the committee process and have not had any opportunity to even have our amendments denied in the Rules Committee.

Ms. SLAUGHTER. Madam Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. I simply want to say there is no point going up to Rules. The Rules Committee has not been constituted yet. This is being brought under privileged communication.

Mr. DREIER. Let me just say, we are prepared at this moment, Madam Speaker, we will send a resolution right now so the Rules Committee can begin meeting upstairs.

Madam Speaker, I yield 2 minutes to my friend from Nebraska (Mr. TERRY).

Mr. TERRY. Madam Speaker, I too am deeply disappointed today. I think part of the message from the electorate was that they want us to work together, that they want us to cooperate for the greater good. And, yes, that people were, at least in Nebraska, very upset with the examples of those who violated the public's trust.

We need to work together on an ethics plan. I am pleased that in this rule there are ethics measures that, by the way, the Republicans helped put together many months ago in reaction to the ethics violations we have seen from some of our colleagues.

So, as the people want us to work together in a partnership and not in partisanship, what we received was a partisan slap across the face. It is the mismatch between words and actions of which we are speaking today.

I have had a bill that was incorporated into the ethics package that we passed last May that the Democrats almost en banc opposed because it wasn't tough enough. The reality is that the package in today's rule, which we had no participation in, is, in many ways, weaker. And one of the examples is the fact that, as I worked on with our Speaker, that if you have violated the rules of this House and the public trust and you took money, you found $90,000 of cold hard cash or you took limousines or whatever the violations were, that you shouldn't be able to leave in the public disgust with the benefits of public service, i.e., a pension. That was in the ethics package passed months ago but isn't in this one. So this is a weaker package.

Now, I too wish I would have had the opportunity to take the bill that I have introduced today and did last year and work with our friends on the other side, but, in the partisan slap, have been denied the ability to do so.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I will yield 2 minutes to the gentleman from California (Mr. MCNERNEY), one of the freshmen of which we are so proud.

Mr. MCNERNEY. Madam Speaker, I am very honored to be part of the historic 110th Congress.

It is entirely appropriate that the incoming Congress is making ethics reform one of its first acts. This issue is personally important to me and to all of Californians.

We need to provide Congress with a fresh start and improve the strained relations that exist between voters and elected officials. Members of Congress should be held in the highest regard by the people they represent, and the ethics changes will help repair years of damage. We must reestablish positive relationships with everyone we serve, and end this period of mistrust in our government.

Traveling throughout our State of California, I heard from many people who simply want to believe and trust in their elected officials, and today we are sending the message that we feel the same way.

I am confident also that this will be the first of very many steps that will take back trust and civility in Congress, and I urge all of my colleagues to vote for the ethics package.

Mr. DREIER. Madam Speaker, may I inquire of the Chair how much time we have remaining?

The SPEAKER pro tempore (Ms. ESHOO). The gentleman from California has 6 minutes; the gentlewoman from New York, 4½ minutes remaining.

Mr. DREIER. Madam Speaker, I will yield an additional minute to the gentleman from Cherryville, North Carolina who would like to be recognized.

Mr. MCHENRY. Madam Speaker, I thank my colleague from California for yielding, again, to restate what is very important about this coming vote on the previous question.

If we defeat the previous question, we can then have an honest vote on the Pelosi minority bill of rights package. It is a very important thing for us to have an open, bipartisanship debate on opening day of this new Congress, for the new majority to be able to say clearly to the American people that their rhetoric is becoming reality on the opening day of this Congress. For if they do not do that and they do ram down the throats of all Members here on this floor this previous question, then all people will be locked out from offering debates on this House floor; and, from the Republican side, 140 million Americans who voted for our side of the aisle, their voices will be stifled in this process.

So, Madam Speaker, I encourage all Members, both Republicans and Democrats to come together, defeat this previous vote, and then we can move on to an open, fair debate on the minority bill of rights, the Pelosi minority bill of rights. That is a fair thing to do.

Ms. SLAUGHTER. Madam Speaker, for the purposes of debate only, I am pleased to yield 2 minutes to the gentleman from South Carolina, the chairman of the Budget Committee, Mr. SPRATT.

Mr. SPRATT. Madam Speaker, the package before us will be modified tomorrow to include provisions that reinstate a practice that was followed throughout the 1990s in the budget process called pay-as-you-go.

Pay-as-you-go was first instituted in 1991 as part of the Budget Enforcement Act when President Bush, the first President Bush, was the President of this country. Pay-as-you-go simply provides that if you want to cut taxes when you have a deficit, you can't make the deficit worse; you have got to offset those tax cuts either with entitlement cuts in an equivalent amount or with tax increases elsewhere in the Tax Code. And, if you want to enhance an entitlement, you have to pay for it with an identified revenue stream.

Our friends across the aisle are trying to imply that this PAYGO rule is a sham. I will simply say to you that our PAYGO rule is the art of the possible; it is what we can do at the present moment, and that is we can amend the rules of the House today and tomorrow to include two new PAYGO rules which we have provided for and which have been published.

There is some dispute as to whether or not the baseline against which to measure increases and decreases is going to be something that we can manipulate in the Budget Committee. I would simply invite everybody to read the language of the rule, and they will see that in this particular case, the Committee on the Budget is bound to turn to the Congressional Budget Office, which is traditional practice, and to use the recent baseline estimates supplied by the CBO consistent with section 257 of the Balanced Budget Act of 1985. That is what the rule provides. We go to CBO for the baseline, we determine whether or not the extent to which there will be an increase in spending or decrease in revenues. It is a CBO function based upon the latest baseline. And any other construction of this is a false construction.

Now, some may say this is just a rule of the House, it can be waived by the Rules Committee because, as the other side well knows, points of order of this kind traditionally have been mowed down by the Rules Committee. But this is the best we can do with a rule of the House. We can later come back and make a statutory change, but it will be good to know if our opponents on the other side who support such a change.

Mr. DREIER. Madam Speaker, may I inquire of the distinguished Chair of the Rules Committee now, are there any further speakers on the majority side?

Ms. SLAUGHTER. There are not. And I will reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself the balance of the time.

Madam Speaker, I am actually very enthused and excited about the great new opportunity that lies ahead for every single one of us. We have heard speeches today from our distinguished Republican leader, and we are all very proud that my fellow Californian has become the first woman to preside over the greatest deliberative body known to man. And, as I said earlier, I am particularly proud of the fact that I am being succeeded by the distinguished chairwoman from New York (Ms. SLAUGHTER), as the first woman to chair the Rules Committee.

□ 1600

I am enthused about the challenges that lie ahead, and I am very encouraged by the words that we heard from our new Speaker about the need for civility, about the need for us to make sure that we recognize that we are first and foremost Americans, and that the message from last November's election was a very clear one. It was a message that we should come together, work together, Democrats and Republicans alike, to solve the challenges that we face so that we can in fact do the people's business.

We are very proud of the accomplishments that we have had over the past 12 years, and I believe we can work with the new majority to build on those successes, the successes of ensuring that we have an economy that is second to none, an unemployment rate that is at near-record lows at 4.5 percent, strong domestic product growth, more Americans working than ever before in our Nation's history, more Americans owning their own homes, and more minority Americans owning their own homes.

I also am particularly proud of the fact that working together, Madam Speaker, we have been able to ensure that since that tragic day of September 11, 2001, we have not faced another attack on our soil.

The fact that we have not faced another attack is not an accident. It is because of good public policy and the leadership that we have had. Now we do have a change in leadership here in this institution, and there have been a wide range of promises that were made by Members who formerly served in the majority and now are coming back to majority status. As members of the minority, they talked about the need for enhanced minority rights. And I believe many of those things are very, very important. I believed them before, and I believe them now.

One of the things that I think is very important is for us to have an opportunity for consideration of measures here on the House floor that allow for a greater opportunity for Member participation. The thing that troubles me most is if we don't defeat this previous question and then defeat this rule that allows us to move forward, we will be proceeding with a package that will bring forward five closed rules, preventing the Rules Committee from having an opportunity to in any way consider the chance to bring forward amendments.

Never before, never before in our Nation's history have we seen an opening day Rules Committee that would allow for the consideration of five closed rules in the opening-day package. And one of the things, of course, that was discussed widely by our colleagues on the other side of the aisle which we have strongly supported is the notion of transparency, accountability, and disclosure.

One of the most troubling aspects of this measure is that we would move to prevent the RECORD from showing the votes that are cast in the Rules Committee.

We were very proud that we eliminated proxy voting when we came to majority status. Why? Because we wanted Members to show up to work, and we wanted the American people to see their work product.

Well, unfortunately, the American people understand what it means to show up to work. They understand what it means for greater disclosure and accountability and transparency. We heard the opening remarks during this rule debate on letting the sunshine in. The sun is shining outside today, and it is going to shine in. Under this provision, we see a prevention for the opportunity for the sun to shine in the Rules Committee, and I find it very troubling.

Madam Speaker, I will be asking Members to vote "no" on the previous question so we can amend this rule to make in order to consider the Speaker's minority bill of rights as was outlined on May 25, 2006, in her document "New House Principles: A Congress For All Americans." We need to give the new majority an opportunity to live up to those commitments that were made.

Madam Speaker, I ask unanimous consent to insert the text of my amendment and extraneous materials in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Ms. ESHOO). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Madam Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent to insert in the RECORD a jurisdictional memorandum of understanding between the chairmen-designate from the Committee on Transportation and the Committee on Homeland Security.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE AND THE COMMITTEE ON HOMELAND SECURITY

January 4, 2007.

On January 4, 2005, the U.S. House of Representatives adopted H. Res. 5, establishing the Rules of the House for the 109th Congress. Section 2(a) established the Committee on Homeland Security as a standing committee of the House of Representatives with specific legislative jurisdiction under House Rule X. A legislative history to accompany the changes to House Rule X was inserted in the Congressional Record on January 4, 2005.

The Committee on Transportation and Infrastructure and the Committee on Homeland Security (hereinafter "Committees") jointly agree to the January 4, 2005 legislative history as the authoritative source of legislative history of section 2(a) of H. Res. 5 with the following two clarifications.

First, with regard to the Federal Emergency Management Agency's, FEMA, emergency preparedness and response programs, the Committee on Homeland Security has jurisdiction over the Department of Homeland Security's responsibilities with regard to emergency preparedness and collective response only as they relate to terrorism. However, in light of the federal emergency management reforms that were enacted as title VI of Public Law 109-295, a bill amending FEMA's all-hazards emergency preparedness programs that necessarily addresses FEMA's terrorism preparedness programs would be referred to the Committee on Transportation and Infrastructure; in addition, the Committee on Homeland Security would have a jurisdictional interest in such bill. Nothing in this Memorandum of Understanding affects the jurisdiction of the Committee on Transportation and Infrastructure of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and the Federal Fire Prevention and Control Act of 1974.

Second, with regard to port security, the Committee on Homeland Security has jurisdiction over port security, and some Coast Guard responsibilities in that area fall within the jurisdiction of both Committees. A bill addressing the activities, programs, assets, and personnel of the Coast Guard as they relate to port security and non-port security missions would be referred to the Committee on Transportation and Infrastructure; in addition, the Committee on Homeland Security would have a jurisdictional interest in such bill.

This Memorandum of Understanding between the Committee on Transportation and Infrastructure and the Committee on Homeland Security provides further clarification to the January 4, 2005 legislative history of the jurisdiction of the Committees only with regard to these two specific issues. The Memorandum does not address any other issues and does not affect the jurisdiction of other committees.

JAMES L. OBERSTAR,
Chairman-designate,
Committee on Transportation & Infrastructure.
BENNIE G. THOMPSON,
Chairman-designate,
Committee on Homeland Security.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 5 OFFERED BY MR. DREIER OF CALIFORNIA, MR. MCHENRY OF NORTH CAROLINA, AND MR. PRICE OF GEORGIA

At the end of the resolution, add the following:

SEC. 5. Notwithstanding any other provision of this resolution, the further amendments in section 6 shall be considered as adopted.

SEC. 6. The amendments referred to in section 5 is as follows:

Strike section 503.

At the end of title III, insert the following new sections:

"Sec. 304. Bipartisan Administration of House of Representatives.

"(a) IN GENERAL.—The Rules of the House of Representatives are amended by adding at the end the following:

"RULE XXIX

"BIPARTISAN ADMINISTRATION OF HOUSE

"1. (a) The elected leadership of the majority and minority parties shall engage in regular consultations with each other to discuss scheduling, administration, and operations of the House.

"(b) The chair and ranking minority member of each committee, as well as their staffs, shall have regular meetings with each other.

"2. The House should have a predictable, professional, family-friendly schedule that allows the legislative process to proceed in a manner that ensures timely and deliberate dispensation of the work of the Congress.".

"(b) ALLOCATION OF COMMITTEE EXPENSES.—Clause 6 of rule X of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(f) Of the amount provided to a committee under a primary expense resolution or a supplemental expense resolution under this clause, or during an interim funding period described in clause 7, one-third of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, shall be paid at the direction of the ranking minority member.".

"Sec. 305. Regular Order for Legislation.

"RULE XXX

"REGULAR ORDER FOR LEGISLATION

"1. Legislation shall be developed following full hearings and open subcommittee and committee markups, with appropriate referrals to other committees. Members should have at least 24 hours to examine any legislation before its consideration at the subcommittee level.

"2. Legislation shall generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.

"3. Members shall have at least 24 hours to examine bill and conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for any legislation to be considered the following day.

"4. Floor votes shall be completed within 15 minutes, with the customary 2-minute extension to accommodate Members' ability to get to the House Chamber to cast their votes. No vote shall be held open in order to manipulate the outcome.

"5. Conference committees shall hold regular meetings (at least weekly) of all conference committee Members. All managers appointed to a conference committee shall be informed of the schedule of conference committee activities in a timely manner, and given ample opportunity for input and debate as decisions are made toward final language for the conference report.

"6. The Suspension Calendar shall be restricted to non-controversial legislation, and the ratio of legislation on the Calendar which is sponsored by members of the minority party shall be the same as the ratio of the number of members of the party to the membership of the whole House.".

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress. Only political affiliation has been changed.)

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer a amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 197, not voting 16, as follows:

[Roll No. 3]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bean
Brown (SC)
Buyer
Capuano
Gerlach
Gillmor
Inslee
Johnson, E. B.
Jones (OH)
Kanjorski
Lamborn
Lynch
Nadler
Rahall
Ryan (OH)
Shea-Porter

SWEARING IN OF MEMBERS-ELECT

The SPEAKER (during the vote). Will the gentleman from Texas (Mr. GOHMERT), the gentleman from Kansas (Mr. MORAN), and the gentleman from Michigan (Mr. ROGERS) kindly come to the well of the House and take the oath of office.

Messrs. GOHMERT, MORAN of Kansas, and ROGERS of Michigan appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will, well and faithfully, discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations.

☐ 1630

Mr. AKIN changed his vote from "yea" to "nay."

Ms. LINDA T. SÁNCHEZ of California and Mr. PRICE of North Carolina changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. SHEA-PORTER. Madam Speaker, on rollcall No. 3, I was unavoidably detained.

Had I been present, I would have voted "yea."

Mr. INSLEE. Madam Speaker, I was absent from the House floor during today's vote on the previous question that would allow for floor consideration of a Minority Rules Package.

Had I been present, I would have voted to support the previous question.

Stated against:

Mr. LAMBORN. Madam Speaker, on rollcall No. 3, I was inadvertently detained.

Had I been present, I would have voted "nay."

Mr. GERLACH. Madam Speaker, on rollcall No. 3, I was unable to make it to the floor in time to vote.

Had I been present, I would have voted "nay."

MOTION TO COMMIT OFFERED BY MR. DREIER

Mr. DREIER. Madam Speaker, I offer a motion to commit.

The SPEAKER pro tempore (Ms. ESHOO). The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. Dreier moves to commit the resolution (H. Res. 5) to a select committee composed of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendment:

At the end of the resolution, add the following:

SEC. 5. Notwithstanding any other provision of this resolution, the further amendment in section 6 shall be considered as adopted.

SEC. 6. The amendment referred to in section 5 is as follows:

At the end of title IV, add the following new section:

SEC. 406. KEEPING AMERICANS' TAX DOLLARS SAFE.

At the end of clause 6(c) of rule XIII, strike the period, insert a semicolon, and insert the following:

"(3) A rule or order waiving the requirement of clause 10 of rule XX; or,

"(4) A rule or order waiving the applicability of clause 5(b) or (c) of rule XXI."

Mr. HASTINGS of Florida (during the reading). Madam Speaker, I ask unanimous consent that the motion to commit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. DREIER. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read the motion to commit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 199, nays 232, not voting 3, as follows:

[Roll No. 4]

YEAS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—232

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters

Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—3

Brown (SC)
Buyer
Saxton

☐ 1650

Mr. OBEY, Mr. ELLSWORTH and Ms. SLAUGHTER changed their vote from "yea" to "nay."

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SCOTT of Virginia). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 235, nays 195, not voting 4, as follows:

[Roll No. 5]

YEAS—235

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Brown (SC)
Buyer
McCrery
Rogers (KY)

☐ 1710

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HOYER. Mr. Speaker, pursuant to the resolution just adopted, I call up House Resolution 6 and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 6

Resolved,

TITLE I. ADOPTION OF RULES OF ONE HUNDRED NINTH CONGRESS

SEC. 101. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress.

TITLE II. ETHICS

SEC. 201. That the Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 202. ENDING THE K-STREET PROJECT.

Rule XXIII is amended by redesignating clause 14 as clause 15, and by inserting after clause 13 the following new clause:

"14. A Member, Delegate, or Resident Commissioner may not, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(a) take or withhold, or offer or threaten to take or withhold, an official act; or

"(b) influence, or offer or threaten to influence, the official act of another.".

SEC. 203. BAN ON GIFTS FROM LOBBYISTS.

(a) Clause 5(a)(1)(A) of rule XXV is amended by inserting "(i)" after "(A)" and adding at the end the following:

"(ii) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift from a registered lobbyist or agent of a foreign principal or from a private entity that retains or employs registered lobbyists or agents of a foreign principal except as provided in subparagraph (3) of this paragraph.".

(b) Clause 5(a)(1)(B) of rule XXV is amended by inserting "not prohibited by subdivision (A)(ii)" after the parenthetical.

SEC. 204. VALUATION OF TICKETS TO SPORTING AND ENTERTAINMENT EVENTS.

Clause 5(a)(1)(B) of rule XXV is further amended by inserting "(i)" after "(8)" and adding at the end the following:

"(ii) A gift of a ticket to a sporting or entertainment event shall be valued at the face value of the ticket or, in the case of a ticket without a face value, at the highest cost of a ticket with a face value for the event. The price printed on a ticket to an event shall be deemed its face value only if it also is the price at which the issuer offers that ticket for sale to the public.".

SEC. 205. RESTRICTION OF PRIVATELY FUNDED TRAVEL.

(a) PROHIBITION.—Clause 5(b)(1) of rule XXV is amended—

(1) in subdivision (A), by striking "from a private source" and all that follows through "prohibited by this clause" and inserting "for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event in connection with his duties as an officeholder shall be considered as a reimbursement to the House and not a gift prohibited by this clause when it is from a private source other than a registered lobbyist or agent of a foreign principal or a private entity that retains or employs registered lobbyists or agents of a foreign principal (except as provided in subdivision (C))"; and

(2) by adding at the end the following new subdivision:

"(C) A reimbursement (including payment in kind) to a Member, Delegate, Resident Commissioner, officer, or employee of the House for any purpose described in subdivision (A) also shall be considered as a reimbursement to the House and not a gift prohibited by this clause (without regard to whether the source retains or employs registered lobbyists or agents of a foreign principal) if it is, under regulations prescribed by the Committee on Standards of Official Conduct to implement this provision—

"(i) directly from an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965; or

"(ii) provided only for attendance at or participation in a one-day event (exclusive of travel time and an overnight stay).

"Regulations prescribed to implement this provision may permit a two-night stay when determined by the committee on a case-by-case basis to be practically required to participate in the one-day event.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 1, 2007.

SEC. 206. LOBBYIST ORGANIZATIONS AND PARTICIPATION IN CONGRESSIONAL TRAVEL.

(a) IN GENERAL.—Clause 5 of rule XXV is further amended by redesignating paragraphs (c), (d), (e), and (f) as paragraphs (e), (f), (g), and (h), respectively, and by inserting after paragraph (b) the following:

"(c)(1)(A) Except as provided in subdivision (8), a Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip on which the traveler is accompanied on any segment by a registered lobbyist or agent of a foreign principal.

"(B) Subdivision (A) does not apply to a trip for which the source of reimbursement is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965.

"(2) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under the exception in paragraph (b)(1)(C)(ii) of this clause for a trip that is financed in whole or in part by a private entity that retains or employs registered lobbyists or agents of a foreign principal unless any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip is de minimis under rules prescribed by the Committee on Standards of Official Conduct to implement paragraph (b)(1)(C) of this clause.

"(3) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip (other than a trip permitted under paragraph (b)(1)(C) of this clause) if such trip is in any part planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal."

"(d) A Member, Delegate, Resident Commissioner, officer, or employee of the House shall, before accepting travel otherwise permissible under paragraph (b)(1) of this clause from any private source—

"(1) provide to the Committee on Standards of Official Conduct before such trip a written certification signed by the source or (in the case of a corporate person) by an officer of the source—

"(A) that the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

"(B) that the source either—

"(i) does not retain or employ registered lobbyists or agents of a foreign principal; or

"(ii) is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965; or

"(iii) certifies that the trip meets the requirements specified in rules prescribed by the Committee on Standards of Official Conduct to implement paragraph (b)(1)(C)(ii) of this clause and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip considered to qualify as de minimis under such rules;

"(C) that the source will not accept from another source any funds earmarked directly or indirectly for the purpose of financing any aspect of the trip;

"(D) that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal (except in the case of a trip for which the source of reimbursement is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965); and

"(E) that (except as permitted in paragraph (b)(1)(C) of this clause) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal; and

"(2) after the Committee on Standards of Official Conduct has promulgated the regulations mandated in paragraph (i)(1)(8) of this clause, obtain the prior approval of the committee for such trip.".

(b) CONFORMING CHANGES IN CROSS-REFERENCES.—Clause 5 of rule XXV is further amended by—

(1) in clause 5(a)(3)(E), striking "paragraph (c)(3)" and inserting "paragraph (e)(3)"; and

(2) in clause 5(e)(2) (as redesignated), striking "paragraph (d)" and inserting "paragraph (f)" .

(c) TIMELINESS OF INFORMATION.—Clause 5(b)(1)(A)(ii) of rule XXV is amended by striking "30 days" and inserting "15 days".

(d) CONFORMING AMENDMENT.—Clause 5(b)(3) of rule XXV is amended by striking "of expenses reimbursed or to be reimbursed".

(e) PUBLIC AVAILABILITY.—Clause 5(b)(5) of rule XXV is amended to read as follows:

"(5) The Clerk of the House shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007.

SEC. 207. FURTHER LIMITATION ON THE USE OF FUNDS FOR TRAVEL.

Rule XXIII is further amended by redesignating clause 15 (as earlier redesignated) as clause 16, and by inserting after clause 14 the following new clause:

"15. (a) A Member, Delegate, or Resident Commissioner may not use personal funds, official funds, or campaign funds for a flight on a non-governmental airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire.

"(b) In this clause, the term 'campaign funds' includes funds of any political committee under the Federal Election Campaign Act of 1971, without regard to whether the committee is an authorized committee of the Member, Delegate, or Resident Commissioner involved under such Act.".

SEC. 208. EXPENSES FOR OFFICIALLY CONNECTED TRAVEL.

Clause 5 of rule XXV is further amended by adding at the end the following:

"(i)(1) Not later than 45 days after the date of adoption of this paragraph and at annual intervals thereafter, the Committee on Standards of Official Conduct shall develop and revise, as necessary—

"(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish—

"(i) a connection between a trip and official duties;

"(ii) the reasonableness of an amount spent by a sponsor;

"(iii) a relationship between an event and an officially connected purpose; and

"(iv) a direct and immediate relationship between a source of funding and an event; and

"(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by this clause, including any required certifications.

"(2) In developing and revising guidelines under paragraph (1)(A), the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.".

SEC. 209. ADDITIONAL DISCLOSURE.

Clause 5(b)(3) of rule XXV is further amended—

(a) by striking "and" after the semicolon at the end of subdivision (E);

(b) by redesignating subdivision (F) as subdivision (G); and

(c) by inserting after subdivision (E) the following new subdivision:

"(F) a description of meetings and events attended; and".

SEC. 210. CLERICAL CORRECTION.

Clause 5(f)(1) of rule XXV (as earlier redesignated) is amended by striking "are" and inserting "is".

SEC. 211. ANNUAL ETHICS TRAINING FOR MEMBERS, OFFICERS AND EMPLOYEES OF THE HOUSE.

(a) Training Program.—Clause 3(a) of rule XI is amended by adding at the end the following new subparagraph:

"(6)(A) The committee shall offer annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House. Such training shall—

"(i) involve the classes of employees for whom the committee determines such training to be appropriate; and

"(ii) include such knowledge of the Code of Official Conduct and related House rules as may be determined appropriate by the committee.

"(B)(i) A new officer or employee of the House shall receive training under this paragraph not later than 60 days after beginning service to the House.

"(ii) Not later than January 31 of each year, each officer and employee of the House shall file a certification with the committee that the officer or employee attended ethics training in the last year as established by this subparagraph.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on March 1, 2007.

SEC. 212. DESIGNATING COMMITTEE ON EDUCATION AND LABOR.

(a) Clause 1 (e) of rule X is amended by striking "Committee on Education and the Workforce" and inserting "Committee on Education and Labor".

(b) Clause 3(d) of rule X is amended by striking "Committee on Education and the Workforce" and inserting "Committee on Education and Labor".

SEC. 213. DESIGNATING COMMITTEE ON FOREIGN AFFAIRS.

(a) Clause 1 of rule X is amended by—

(1) redesignating the existing paragraphs (h) through (m), as paragraphs (m), (i), (V), (h), (k), and (l), respectively (inserting paragraph (h), as redesignated, after paragraph (g)); and

(2) in paragraph (h), as redesignated, striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(b) Clause 3 of rule X is amended by—

(1)redesignating the existing paragraphs (b) through (i) as paragraphs (c), (e), (d), (i), (g), (f), (b) and (h), respectively (inserting paragraph (b), as redesignated, after paragraph (a); inserting paragraph (d), as redesignated, after paragraph (c); and inserting paragraph (f), as redesignated, after paragraph (e)); and

(2) in paragraph (f), as redesignated, striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(c) Clause 11 (a)(1)(C) of rule X is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(d) Clause 2(d) of rule XII is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

SEC. 214. DESIGNATING COMMITTEE ON NATURAL RESOURCES.

(a) Clause 1 (I) of rule X (as earlier redesignated) is amended by striking "Committee on Resources" and inserting "Committee on Natural Resources".

(b) Clause 3(h) of rule X (as earlier redesignated) is amended by striking "Committee on Resources" and inserting "Committee on Natural Resources".

SEC. 215. DESIGNATING COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.

(a) Clause 1 of rule X is further amended by—

(1) inserting paragraph (m) (as earlier redesignated), after paragraph (I) (as earlier redesignated); and

(2) in paragraph (m) (as earlier redesignated), striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform".

(b) Clause 2 of rule X is amended by—

(1) in paragraph (d)(1), striking "Committee on Government Reform' and inserting "Committee on Oversight and Government Reform"; and

(2) in paragraph (d)(2), striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform".

(c) Clause 3 of rule X is further amended by—

(1) inserting paragraph (i) (as earlier redesignated) after paragraph (h) (as earlier redesignated); and

(2) in paragraph (i), (as earlier redesignated), striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform".

(d) Clause 4 of rule X is amended by—

(1) in paragraph (c)(1), striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform"; and

(2) in paragraph (c)(2), striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform".

(e) Clause 5(d)(2) of rule X is amended by striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform".

(f) Clause 4 of rule XV is amended by striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform".

SEC. 216. DESIGNATING COMMITTEE ON SCIENCE AND TECHNOLOGY.

(a) Clause 1 (o) of rule X is amended by striking "Committee on Science" and inserting "Committee on Science and Technology".

(b) Clause 3(k) of rule X is amended by striking "Committee on Science" and inserting "Committee on Science and Technology".

SEC. 217. SEPARATE ORDER: NUMBERING OF BILLS.

In the One Hundred Tenth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as she may designate.

TITLE III. CIVILITY

SEC. 301. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 302. PROPER CONDUCT OF VOTES.

Clause 2(a) of rule XX is amended by inserting after the second sentence the following sentence: "A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.".

SEC. 303. FULL AND OPEN DEBATE IN CONFERENCE.

In rule XXII—

(a) clause 12(a) is amended by adding at the end the following new subparagraphs:

"(3) In conducting conferences with the Senate, managers on the part of the House should endeavor to ensure—

"(A) that meetings for the resolution of differences between the two Houses occur only under circumstances in which every manager on the part of the House has notice of the meeting and a reasonable opportunity to attend;

"(B) that all provisions on which the two Houses disagree are considered as open to discussion at any meeting of a conference committee; and

"(C) that papers reflecting a conference agreement are held inviolate to change without renewal of the opportunity of all managers on the part of the House to reconsider their decisions to sign or not to sign the agreement.

"(4) Managers on the part of the House shall be provided a unitary time and place with access to at least one complete copy of the final conference agreement for the purpose of recording their approval (or not) of the final conference agreement by placing their signatures (or not) on the sheets prepared to accompany the conference report and joint explanatory statement of the managers.".

(b) add the following new clause at the end:

"13. It shall not be in order to consider a conference report the text of which differs in any way, other than clerical, from the text that reflects the action of the conferees on all of the differences between the two Houses, as recorded by their placement of their signatures (or not) on the sheets prepared to accompany the conference report and joint explanatory statement of the managers.".

TITLE IV. FISCAL RESPONSIBILITY

SEC. 401. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 402. RECONCILIATION.

Rule XXI is amended by adding at the end the following new clause:

"7. It shall not be in order to consider a concurrent resolution on the budget, or an amendment thereto, or a conference report thereon that contains reconciliation directives under section 310 of the Congressional Budget Act of 1974 that specify changes in law reducing the surplus or increasing the deficit for either the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year or the period comprising the current fiscal year and the ten fiscal years beginning with the fiscal year that ends in the following calendar year. In determining whether reconciliation directives specify changes in law reducing the surplus or increasing the deficit, the sum of the directives for each reconciliation bill (under section 310 of the Congressional Budget Act of 1974) envisioned by that measure shall be evaluated.

SEC. 403. APPLYING POINTS OF ORDER UNDER BUDGET ACT TO BILLS AND JOINT RESOLUTIONS CONSIDERED UNDER SPECIAL RULES.

Rule XXI is amended by adding at the end the following new clause:

"8. With respect to measures considered pursuant to a special order of business, points of order under title III of the Congressional Budget Act of 1974 shall operate without regard to whether the measure concerned has been reported from committee. Such points of order shall operate with respect to (as the case may be)—

"(a) the form of a measure recommended by the reporting committee where the statute uses the term "as reported" (in the case of a measure that has been so reported);

"(b) the form of the measure made in order as an original bill or joint resolution for the purpose of amendment; or "(c) the form of the measure on which the previous question is ordered directly to passage.".

SEC. 404. CONGRESSIONAL EARMARK REFORM.

(a) Point of Order against Congressional Earmarks.—Rule XXI is amended by adding at the end the following new clause:

"9. (a) It shall not be in order to consider—

"(1) a bill or joint resolution reported by a committee unless the report includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

"(2) a bill or joint resolution not reported by a committee unless the chairman of each committee of initial referral has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration;

"(3) an amendment to a bill or joint resolution to be offered at the outset of its consideration for amendment by a member of a committee of initial referral as designated in a report of the Committee on Rules to accompany a resolution prescribing a special order of business unless the proponent has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the amendment (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the proponent for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

"(4) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"(b) It shall not be in order to consider a rule or order that waives the application of paragraph (a). As disposition of a point of order under this paragraph, the Chair shall put the question of consideration with respect to the rule or order that waives the application of paragraph (a). The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.

"(c) In order to be cognizable by the Chair, a point of order raised under paragraph (a) may be based only on the failure of a report, submission to the Congressional Record, or joint explanatory statement to include a list required by paragraph (a) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"(d) For the purpose of this clause, the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

"(e) For the purpose of this clause, the term 'limited tax benefit' means—

"(1) any revenue-losing provision that—

"(A) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986, and

"(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

"(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

"(f) For the purpose of this clause, the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(b) Related Amendment to Code of Official Conduct.—Rule XXIII is amended—

(a) by redesignating clause 16 (as earlier redesignated) as clause 18; and

(b) by inserting after clause 15 the following new clauses:

"16. A Member, Delegate, or Resident Commissioner may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner. For purposes of this clause and clause 17, the terms 'congressional earmark,' 'limited tax benefit,' and 'limited tariff benefit' shall have the meanings given them in clause 9 of rule XXI.

"17. (a) A Member, Delegate, or Resident Commissioner who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking minority member of the committee of jurisdiction, including—

"(1) the name of the Member, Delegate, or Resident Commissioner;

"(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

"(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member, Delegate, or Resident Commissioner;

"(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

"(5) a certification that the Member, Delegate, or Resident Commissioner or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

"(b) Each committee shall maintain the information transmitted under paragraph (a), and the written disclosures for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be open for public inspection.".

SEC. 405. PAY-AS-YOU-GO POINT OF ORDER.

Rule XXI is amended by adding at the end the following new clause:

"10. It shall not be in order to consider any bill, joint resolution, amendment, or conference report if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the deficit or reducing the surplus for either the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year or the period comprising the current fiscal year and the ten fiscal years beginning with the fiscal year that ends in the following calendar year. The effect of such measure on the deficit or surplus shall be determined on the basis of estimates made by the Committee on the Budget relative to—

(a) the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 used in considering a concurrent resolution on the budget; or

(b) after the beginning of a new calendar year and before consideration of a concurrent resolution on the budget, the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.".

TITLE V. MISCELLANEOUS

SEC. 501. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 502. DEPOSITION AUTHORITY.

Clause 4(c) of rule X is amended by adding at the end the following new subparagraph:

"(3)(A) The Committee on Oversight and Government Reform may adopt a rule authorizing and regulating the taking of depositions by a member or counsel of the committee, including pursuant to subpoena under clause 2(m) of rule XI (which hereby is made applicable for such purpose).

"(B) A rule adopted by the committee pursuant to this subparagraph—

"(i) may provide that a deponent be directed to subscribe an oath or affirmation before a person authorized by law to administer the same; and

"(ii) shall ensure that the minority members and staff of the committee are accorded equitable treatment with respect to notice of and a reasonable opportunity to participate in any proceeding conducted thereunder.

"(C) Information secured pursuant to the authority described in subdivision (A) shall retain the character of discovery until offered for admission in evidence before the committee, at which time any proper objection shall be timely.".

SEC. 503. RECORD VOTES IN THE COMMITTEE ON RULES.

The second sentence of clause 3(b) of rule XIII is amended by inserting "a report by the Committee on Rules on a rule, joint rule, or the order of business or to" after "to".

SEC. 504. CHANGES TO REFLECT INTELLIGENCE COMMUNITY REFORM.

Clause 11 of rule X is amended by—

(a) in paragraph (b)(1)(A), striking "Director of Central Intelligence" and inserting "Director of National Intelligence";

(b) in paragraph (b)(1)(A), striking "Foreign";

(c) in paragraph (b)(1)(D)(i), striking "Director of Central Intelligence" and inserting "Director of National Intelligence";

(d) in paragraph (b)(1)(D)(i), striking "Foreign";

(e) in paragraph (c)(2), inserting "the Director of National Intelligence," before "the Director of the Central Intelligence Agency";

(f) in paragraph (e)(2), striking "Central" and inserting "National"; and

(g) in paragraph (i), striking subparagraphs (1) through (6) and inserting in lieu thereof the following:

"(1) The activities of the Director of National Intelligence and the Office of the Director of National Intelligence.

"(2) The activities of the Central Intelligence Agency.

"(3) The activities of the Defense Intelligence Agency.

"(4) The activities of the National Security Agency.

"(5) The intelligence and intelligence-related activities of other agencies and subdivisions of the Department of Defense.

"(6) The intelligence and intelligence-related activities of the Department of State.

"(7) The intelligence and intelligence-related activities of the Federal Bureau of Investigation.

"(8) The intelligence and intelligence-related activities of all other departments and agencies of the executive branch.".

SEC. 505. TECHNICAL AND CONFORMING CHANGES.

(a) Clause 12(b) of rule I is amended to read as follows:

"(b)(1) To suspend the business of the House when notified of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair."

"(2) To suspend the business of the Committee of the Whole House on the state of the Union when notified of an imminent threat to its safety, the Chairman of the Committee of the Whole may declare an emergency recess subject to the call of the Chair.".

(b) Clause 6(b) of rule XIII is amended to read as follows:

"(b) Pending the consideration of a report by the Committee on Rules on a rule, joint rule, or the order of business, the Speaker may entertain one motion that the House adjourn but may not entertain any other dilatory motion until the report shall have been disposed of.".

(c) Clause 1(b) of rule XV is amended to read as follows:

"(b) Pending a motion that the House suspend the rules, the Speaker may entertain one motion that the House adjourn but may not entertain any other motion until the vote is taken on the suspension.".

(d) In clause 2(e) of rule XV, subparagraph (1) is amended to read as follows:

"(1) If a motion prevails to discharge the Committee on Rules from consideration of a resolution, the House shall immediately consider the resolution, pending which the Speaker may entertain one motion that the House adjourn but may not entertain any other dilatory motion until the resolution has been disposed of. If the resolution is adopted, the House shall immediately proceed to its execution.".

SEC. 506. SPECIAL ORDER OF BUSINESS: 9/11 SELECT PANEL.

Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a resolution to enhance intelligence oversight authority. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit which may not contain instructions.

SEC. 507. SPECIAL ORDER OF BUSINESS: 9/11 RECOMMENDATIONS.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 1 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 508. SPECIAL ORDER OF BUSINESS: MINIMUM WAGE.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 2 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 509. SPECIAL ORDER OF BUSINESS: STEM CELL.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3) to amend the Public Health Service Act to provide for human embryonic stem cell research. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 3 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 510. SPECIAL ORDER OF BUSINESS: PRESCRIPTION DRUGS.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4) to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 4 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 511. SEPARATE ORDERS.

(a) BUDGET MATTERS.—(1) During the One Hundred Tenth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Tenth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Tenth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority under section 401 of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Tenth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2008, the provisions of House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Tenth Congress has adopted such a concurrent resolution.

(B) The chairman of the Committee on the Budget (when elected) shall submit for printing in the Congressional Record—

(i) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 to accompany the concurrent resolution described in subparagraph (A), which shall be considered to be such allocations under a concurrent resolution on the budget; and

(ii) "Accounts Identified for Advance Appropriations," which shall be considered to be the programs, projects, activities, or accounts referred to in section 401(b) of House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House.

(5)(A) During the One Hundred Tenth Congress, except as provided in subsection (C), a motion that the Committee of the Whole rise and report a bill to the House shall not be in order if the bill, as amended, exceeds an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974, as estimated by the Committee on the Budget.

(B) If a point of order under subsection (A) is sustained, the Chair shall put the question: "Shall the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted notwithstanding that the bill exceeds its allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974?". Such question shall be debatable for 10 minutes equally divided and controlled by a proponent of the question and an opponent but shall be decided without intervening motion.

(C) Subsection (A) shall not apply—

(i) to a motion offered under clause 2(d) of rule XXI; or

(ii) after disposition of a question under subsection (B) on a given bill.

(D) If a question under subsection (B) is decided in the negative, no further amendment shall be in order except—

(i) one proper amendment, which shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and

(ii) pro forma amendments, if offered by the chairman or ranking minority member of the Committee on Appropriations or their designees, for the purpose of debate.

(b) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Tenth Congress—

(1) the Committee on Armed Services may have not more than seven subcommittees;

(2) the Committee on Foreign Affairs may have not more than seven subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) EXERCISE FACILITIES FOR FORMER MEMBERS.—During the One Hundred Tenth Congress—

(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members, officers and former officers of the House of Representatives, and their spouses to any former Member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute or agent of a foreign principal as defined in clause 5 of rule XXV. For purposes of this section, the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this subsection.

The SPEAKER pro tempore. Pursuant to House Resolution 5, the question shall be divided among each of the five titles of House Resolution 6. The previous question is ordered on each portion of the divided question, except as specified in sections 2 through 4 of House Resolution 5.

The portion of the divided question comprising title I is now debatable for 30 minutes.

The gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. BOEHNER) each will control 15 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

First, Mr. Speaker, let me say, this is truly a proud and historic moment for this institution, the people's House in our Nation. Today, for the first time in our history, the Members of this great body have elected a woman, the gentlewoman from California (Ms. PELOSI), to serve as our Speaker. I want to offer my heartfelt congratulations to Speaker PELOSI, as well as her husband Paul, and her children and all of her family.

Last November 7, the American people delivered a resounding message that was heard in every corner of this Nation. They want change and a new direction in our Nation. Today, as we open this new 110th Congress, with hope and great optimism, we will take the first steps in offering the voters precisely that by changing the way business is done in Washington.

As we open this new chapter in American history, we will seek to elevate results over rhetoric and put progress before partisanship as we affirm our commitment to transparency, accountability, and civility.

Mr. Speaker, this rules package includes sweeping ethics reforms that begin to address some of the most egregious transgressions of the recent past. Among other things, we will ban gifts, including meals and tickets, from lobbyists and the organizations that employ them. We will ban lobbyists and the organizations that employ them from financing travel for Members or their staffs, except for one-day travel to visit a site, attend a forum, participate in a panel, or give a speech, all obviously in the pursuance of the Members' duties. We will require Members and staff to obtain preapproval from the Ethics Committee for permitted travel; and, Mr. Speaker, we will end the K Street Project, a practice that brought shame on this House when some Members promised access in return for patronage hiring.

Now let me say, very frankly, as importantly as these rules changes are, they alone will not ensure the integrity of this institution. Rather, the Members of this House will ensure the integrity of this institution when we conduct ourselves with integrity and hold accountable those who fail to abide by these rules and the highest ethical standards.

□ 1715

Thus during the next 2 years, we have an obligation, each and every one of us, to ensure that the Ethics Committee does the job that it was constituted to perform. The implementation of rules, while vital, must be followed by effective, real enforcement.

Through this rules package, Mr. Speaker, we also signal our sincere intent to foster an environment in which civility, consensus, and compromise are nurtured. The American people are tired of partisanship. They are rightfully demanding progress on the critical priorities that face our Nation. Surely we will disagree on many issues, but that does not require us to be disagreeable, and we surely can disagree without impugning or questioning the motives, the character of our colleagues.

In addition, Mr. Speaker, this rules package restores fiscal discipline by reinstating the budget rules that helped us produce record budget surpluses in the 1990s and which previously were supported on a bipartisan basis.

Mr. Speaker, we simply cannot continue on our current fiscal course. In the last 72 months, our Nation has turned a projected 10-year budget surplus of $5.6 trillion into a deficit of more than $3 trillion. It is, in my opinion, Mr. Speaker, immoral of this generation of Americans to force our children and grandchildren to pay our bills. Our current course threatens our economic as well as our national security. Pay-as-you-go budget rules will help us restore the fiscal discipline that the American people demand. These measures represent the foundation of our mission and the basis for the good work we will do together as one body with the best interests of those we serve at heart.

Mr. Speaker, we have a profound responsibility to fulfill and make hard choices. However, we also share an extraordinary opportunity that is distinctive in the American experience, to heal a deeply divided Nation, to conquer national doubt and restore public confidence in the United States Congress. I look forward, Mr. Speaker, to working with each and every one in this body in our pursuit of that progress.

In conclusion, let me leave you with the words of our 35th President, John Kennedy, who said this: "Let us not seek the Republican answer or the Democratic answer, but the right answer. Let us not seek to fix the blame for the past. Let us accept our own responsibility for the future."

Mr. Speaker, let us now embrace our responsibility and fulfill the trust that the American people have placed in us to lead, to govern effectively, and to make the greatest Nation on Earth even greater. I urge my colleagues to support this resolution.

Mr. Speaker, at this time I would ask unanimous consent that the remaining time allocated to me be controlled by Mr. HASTINGS of Florida, a member of the Rules Committee.

The SPEAKER pro tempore (Mr. SCOTT of Virginia). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from

California (Mr. DREIER) as the designee of the minority leader.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I would like to begin by extending my compliments to my very good friend from Maryland, the distinguished majority leader, Mr. HOYER. In fact, Mr. HOYER just quoted John F. Kennedy and I believe that he was right on target in focusing on that brilliant quote of President Kennedy's where he said that we should not seek the Republican answer, we should not seek the Democratic answer, we should seek the right answer. I was struck with that, Mr. Speaker, and I believe that we should join in strong support of this resolution, of support of this title; and I am going to urge my colleagues to join in voting in support of this title which uses the rules base of the 109th Congress as the basis for which these proposed changes are being offered.

But I think it is very important for us to note that if we are going to, in fact, seek the right answer as opposed to the Republican answer or the Democratic answer, we need to do that by vigorously pursuing the deliberative process about which we all speak. And I know that during the past several years, my very distinguished colleagues on the other side of the aisle raised concerns about a lack of deliberation that existed in this House and the fact that more amendments could have been made in order. I will acknowledge that we could have made more amendments in order. That was clearly an option there. But as my friend, having served in the majority, knows very well, there are challenges that need to be addressed when you are in the majority, challenges of managing this institution. I see him sitting there very comfortably and I am glad that he is comfortable at this point, but I know full well that he, Mr. Speaker, is going to face many management challenges in the days and weeks and months ahead.

But during the past couple of years, what we have heard is a commitment to minority rights made by those who were formerly in the majority, who were in the minority at that time and are now back in the majority. And so I would argue that the words of President Kennedy can best be implemented if we in fact do increase the level of deliberation, and that is why as we look at the proposed changes that we are going to be considering, I have to say that when it comes to the actual management, I am concerned. I am concerned about the prospect of, for the first time in the history of this institution, taking prospectively five closed rules and placing that in the opening-day rules package.

Similarly, Mr. Speaker, I am concerned about the prospect of taking this issue of transparency, accountability, and disclosure about which we on both sides of the aisle regularly talk because we are here to represent all of the American people, the notion of now saying again for the first time in the history of this great institution that we are going to create an opportunity whereby we will not have accountability and transparency in our very important deliberations that will take place in the Rules Committee.

And so again I would say in response to the brilliant words of President John F. Kennedy, as outlined by our distinguished majority leader, Mr. HOYER, that we do seek the right answer; and I believe that the best way to seek the right answer is through enhanced deliberation, and we have a chance to do that.

Now, I will when it comes to this vote urge my colleagues to vote in favor of title I. Title I, as you know, Mr. Speaker, simply provides a chance to use the opening rules package of the 109th Congress, and I think that that is a correct thing for us to do; and I hope the Democrats and Republicans alike, and the majority leader has just called for support of title I and I will urge the colleagues on our side of the aisle to join so that again we will be coming together and I think having the right answer on that.

With that, Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Florida has 9½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the majority leader for yielding me time.

Mr. Speaker, House rules allowing for cosponsors have yet to be adopted. Therefore, I would submit this list of cosponsors for House Resolution 6 for the RECORD.

Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following sponsors are hereby added to H. Res. 6.

Louise Slaughter, David Obey, John Spratt, Zach Space, Chris Carney, Baron Hill, Heath Shuler, Steny Hoyer, James Clyburn, Rahm Emanuel, John Larson, Xavier Becerra, Chris Van Hollen, Rosa DeLauro, George Miller, Jim McGovern, Alcee Hastings, Doris Matsui, Kathy Castor, Betty Sutton, Peter Welch.

Gary Ackerman, Tom Allen, Jason Altmire, Rob Andrews, Michael Arcuri, Joe Baca, Brian Baird, Tammy Baldwin, Melissa Bean, Shelley Berkley, Howard Berman, Marion Berry, Tim Bishop, Earl Blumenauer, Madeleine Bordallo, Leonard Boswell, Nancy Boyda, Robert Brady, Bruce Braley.

G.K. Butterfield, Lois Capps, Mike Capuano, Dennis Cardoza, Russ Carnahan, Ben Chandler, Donna Christensen, Yvette Clarke, Emanuel Cleaver, Steve Cohen, John Conyers, Jim Cooper, Joe Courtney, Joe Crowley, Henry Cuellar, Elijah Cummings, Susan Davis, Danny Davis, Artur Davis, Lincoln Davis.

Peter DeFazio, Diana DeGette, Bill Delahunt, Norm Dicks, John Dingell, Lloyd Doggett, Joe Donnelly, Mike Doyle, Keith Ellison, Brad Ellsworth, Anna Eshoo, Bob Etheridge, Eni Faleomavaega, Sam Farr, Chaka Fattah, Bob Filner, Barney Frank, Gabby Giffords, Kirsten Gillibrand, Bart Gordon.

Al Green, Gene Green, Raul Grijalva, John Hall, Phil Hare, Jane Harman, Stephanie Herseth, Brian Higgins, Maurice Hinchey, Mazie Hirono, Paul Hodes, Tim Holden, Michael Honda, Darlene Hooley, Jay Inslee, Steve Israel, Jesse Jackson, Sheila Jackson-Lee, Eddie Bernice Johnson, Hank Johnson.

Steve Kagen, Marcy Kaptur, Patrick Kennedy, Dale Kildee, Ron Kind, Ron Klein, Dennis Kucinich, Nick Lampson, Jim Langevin, Tom Lantos, Richard Larsen, Barbara Lee, Sander Levin, John Lewis, Dan Lipinski, Dave Loebsack, Zoe Lofgren, Stephen Lynch, Tim Mahoney, Carolyn Maloney.

Ed Markey, Carolyn McCarthy, Betty McCollum, Jim McDermott, Mike McIntyre, Jerry McNerney, Mike McNulty, Martin Meehan, Kendrick Meek, Michael Michaud, Juanita Millender-McDonald, Harry Mitchell, Dennis Moore, Jim Moran, Chris Murphy, Patrick Murphy, Jerry Nadler, Grace Napolitano, Eleanor Holmes Norton, James Oberstar.

John Olver, Frank Pallone, Bill Pascrell, Ed Pastor, Donald Payne, Ed Perlmutter, Collin Peterson, Earl Pomeroy, David Price, Nick Rahall, Charlie Rangel, Silvestre Reyes, Ciro Rodriguez, Mike Ross, Steve Rothman, Lucille Roybal-Allard, Dutch Ruppersberger, Bobby Rush, Tim Ryan, John Salazar.

Linda Sánchez, John Sarbanes, Jan Schakowsky, Adam Schiff, Allyson Schwartz, David Scott, José Serrano, Joe Sestak, Carol Shea-Porter, Brad Sherman, Albio Sires, Ike Skelton, Adam Smith, Vic Snyder, Hilda Solis, Pete Stark, Ellen Tauscher, Bennie Thompson, Mike Thompson, John Tierney.

Stephanie Tubbs Jones, Mark Udall, Tom Udall, Nydia Velázquez, Tim Walz, Debbie Wasserman Shultz, Maxine Waters, Diane Watson, Henry Waxman, Anthony Weiner, Robert Wexler, Charlie Wilson, Lynn Woolsey, David Wu, Al Wynn, John Yarmuth, Rush Holt, Bobby Scott.

Mr. Speaker, I yield myself such time as I may consume.

I enjoyed listening to my colleague and good friend, and he is my good friend, former chairman of the Rules Committee, speak about closed rules. Since he is the master of closed rules, I know he knows of what he speaks.

Title I of our rules package is, or at least should be, the least controversial part, as the ranking member has said, of what we are going to discuss over the next few hours. Title I is very simply the rules of the 109th Congress. We are taking the Republican rules from the last Congress and using this as our base. The changes we will make to improve on the previous Congress's rules will come later and will be discussed by the members of the Rules Committee. This section of the House rules package makes it clearer that the former chairperson of the Rules Committee, my friend from California, was being just a bit disingenuous when he said the other day that, and I quote him, we have not received even a draft, unquote, of the Democrats' rules. Of course he had, Mr. Speaker. They were the rules of the House that he helped draft as Chair of the Rules Committee

2 years ago. All we have done is taken the old House rules and improved them to make the House a more ethical, more democratic, more open institution.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. Of course I will yield to my friend.

Mr. DREIER. I thank my friend for yielding. I really am very hesitant to interrupt the brilliance of my good friend from Fort Lauderdale.

Mr. HASTINGS of Florida. Now that you have.

Mr. DREIER. Now that I have interrupted it, I just couldn't hesitate to interrupt when I heard that I somehow had a draft by virtue of knowing what the rules package that was put into place for the operation of the 109th Congress was? That was all we had. We had nothing whatsoever beyond the rules of the House and that is it.

I thank my friend for yielding.

Mr. HASTINGS of Florida. Well, you helped make those rules, my good friend. Perhaps you didn't utilize the fact that you did as a draft. But in either event, I take it that I have made my point and you have made yours.

Frankly, Mr. Speaker, many of the changes to House rules that our Republican colleagues did make in 1995 and subsequently, in my opinion, were good ones and some of them we have kept. Proxy voting in committees was eliminated. That was an excellent reform. We have kept it. It is in our rules package. You gave the Speaker emergency power to recess the House and convene in another place in case of a terrorist incident. That was a good reform, and it is in the package that we have offered. You prohibited public works projects being named for serving Members of Congress. That always kind of bothered me, and I am glad that you got rid of it, and it was a good reform and it is in our package.

So, Mr. Speaker, title I, I think, is pretty straightforward. I think we should all be able to agree on it, and the distinguished ranking member of the Rules Committee has indicated he agrees. They are the Republican rules of last Congress that today's majority agrees with, draft or no draft. We will get to the changes later. But title I are the rules that today's minority wrote 2 years ago.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, before I yield to my good friend from Pasco, I would simply like to ask unanimous consent to enter into the RECORD at this point a copy of the draft that we received that is dated January 2, 2007. The time stamp on that is 5:45 p.m. I was informed that we had it last night at 6:10 p.m., and it had already been circulated to those in the press gallery by that point.

I would be happy to yield to my friend.

Mr. HASTINGS of Florida. I am glad my friend yields. You do agree that the rules that you wrote are the rules that are being adopted in this section that we are talking about?

Mr. DREIER. The section that we are talking about right now is simply implementation——

Mr. HASTINGS of Florida. Can I get a yes or no?

Mr. DREIER. It is simply implementation of the rules that have existed for the 109th Congress. I clearly was talking about the rules for the 110th Congress. In fact, if the gentleman was here when I had an exchange with the distinguished new Chair of the Rules Committee when she tried to argue that we somehow were debating the rules for the 109th Congress, the Chair confirmed the fact that we are in fact considering in toto the package for the 110th Congress using as base text the 109th.

What I have here and if I am able to gain unanimous consent for this, Mr. Speaker, to include in the RECORD, is the draft which uses the 109th base text and has the proposed changes, the different titles for the proposed changes for the rules of the 110th Congress.

I would ask unanimous consent to include this draft with the date and the time on it showing that it did not fall within the 24-hour notification period of time that my friends have consistently insisted on.

Mr. HASTINGS of Florida. I object, and I reserve the right to object.

Mr. DREIER. The gentleman objects to my including the draft?

Mr. HASTINGS of Florida. I reserve the right to object.

The SPEAKER pro tempore. The gentleman reserves the right to object and is recognized under his reservation.

☐ 1730

Mr. HASTINGS of Florida. I just wish to share with Mr. DREIER in the spirit of bipartisanship that mincing words with reference to whether or not you knew that this portion of the draft of the 109th rules are those of the 110th actually don't even get to the level of substance that we ought be dealing with, with something as important as the rules.

You know the rules. I agree with you that that draft that you are talking about came from the 109th; but all I am suggesting to you is that you are not surprised by anything in title I, because you participated in writing it and, therefore, I think that the record should reflect that, notwithstanding the fact.

Now, I assure you, having served on the Rules Committee with you with distinction and respecting you greatly, that you can reasonably expect that you are not only going to have 24 hours notice, you are going to have a lot of notice regarding a lot of measures that we were never accorded. And, toward that end, in the spirit of bipartisanship, I will not object to your offer.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, the simple point that I am trying to make is that we all know what the rules for the 109th Congress were. We have lived under those rules for the last 2 years. Yes, I was proud to have crafted those, working with my colleagues on this side of the aisle, and we passed those at the beginning of the Congress and we are going to have a chance in just a few minutes to vote on those again.

The point is, it is not the rules of the 109th Congress that we didn't have a draft of. We did not have a draft until January 3 at 5:45 p.m., which clearly did not comply with that 24-hour requirement that has been put forward. And that is the only point that I am trying to make.

Mr. HASTINGS of Florida. Reclaiming my time, I think the gentleman has made his point.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). Is there objection to the request of the gentleman from California?

There was no objection.

January 3, 2007—5:45 p.m.

H. RES. 6

Resolved,

TITLE I. ADOPTION OF RULES OF ONE HUNDRED NINTH CONGRESS

SEC. 101. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress.

TITLE II. ETHICS

SEC. 201. That the Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 202. ENDING THE K-STREET PROJECT.

Rule XXIII is amended by redesignating clause 14 as clause 15, and by inserting after clause 13 the following new clause:

"14. A Member, Delegate, or Resident Commissioner may not, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(a) take or withhold, or offer or threaten to take or withhold, an official act; or

"(b) influence, or offer or threaten to influence, the official act of another.".

SEC. 203. BAN ON GIFTS FROM LOBBYISTS.

(a) Clause 5(a)(1)(A) of rule XXV is amended by inserting "(i)" after "(A)" and adding at the end the following:

"(ii) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift from a registered lobbyist or agent of a foreign principal or from a private entity that retains or employs registered lobbyists or agents of a foreign principal except as provided in subparagraph (3) of this paragraph.".

(b) Clause 5(a)(1)(B) of rule XXV is amended by inserting "not prohibited by subdivision (A)(ii)" after the parenthetical.

SEC. 204. VALUATION OF TICKETS TO SPORTING AND ENTERTAINMENT EVENTS.

Clause 5(a)(1)(B) of rule XXV is further amended by inserting "(i)" after "(B)" and adding at the end the following:

"(ii) A gift of a ticket to a sporting or entertainment event shall be valued at the face value of the ticket or, in the case of a ticket without a face value, at the highest cost of a ticket with a face value for the event. The price printed on a ticket to an event shall be deemed its face value only if it also is the price at which the issuer offers that ticket for sale to the public.".

SEC. 205. RESTRICTION OF PRIVATELY FUNDED TRAVEL.

(a) Prohibition.—Clause 5(b)(1) of rule XXV is amended—

(1) in subdivision (A), by striking "from a private source" and all that follows through "prohibited by this clause" and inserting "for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event in connection with his duties as an officeholder shall be considered as a reimbursement to the House and not a gift prohibited by this clause when it is from a private source other than a registered lobbyist or agent of a foreign principal or a private entity that retains or employs registered lobbyists or agents of a foreign principal (except as provided in subdivision (C))"; and

(2) by adding at the end the following new subdivision:

"(C) A reimbursement (including payment in kind) to a Member, Delegate, Resident Commissioner, officer, or employee of the House for any purpose described in subdivision (A) also shall be considered as a reimbursement to the House and not a gift prohibited by this clause (without regard to whether the source retains or employs registered lobbyists or agents of a foreign principal) if it is, under regulations prescribed by the Committee on Standards of Official Conduct to implement this provision—

"(i) directly from an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965; or

"(ii) provided only for attendance at or participation in a one-day event (exclusive of travel time and an overnight stay).

"Regulations prescribed to implement this provision may permit a two-night stay when determined by the committee on a case-by-case basis to be practically required to participate in the one-day event.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on March 1, 2007.

SEC. 206. LOBBYIST ORGANIZATIONS AND PARTICIPATION IN CONGRESSIONAL TRAVEL.

(a) In General.—Clause 5 of rule XXV is further amended by redesignating paragraphs (c), (d), (e), and (f) as paragraphs (e), (f), (g), and (h), respectively, and by inserting after paragraph (b) the following:

"(c)(1)(A) Except as provided in subdivision (B), a Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip on which the traveler is accompanied on any segment by a registered lobbyist or agent of a foreign principal.

"(B) Subdivision (A) does not apply to a trip for which the source of reimbursement is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965.

"(2) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under the exception in paragraph (b)(1)(C)(ii) of this clause for a trip that is financed in whole or in part by a private entity that retains or employs registered lobbyists or agents of a foreign principal unless any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip is de minimis under rules prescribed by the Committee on Standards of Official Conduct to implement paragraph (b)(1)(C) of this clause.

"(3) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip (other than a trip permitted under paragraph (b)(1)(C) of this clause) if such trip is in any part planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal."

"(d) A Member, Delegate, Resident Commissioner, officer, or employee of the House shall, before accepting travel otherwise permissible under paragraph (b)(1) of this clause from any private source—

"(1) provide to the Committee on Standards of Official Conduct before such trip a written certification signed by the source or (in the case of a corporate person) by an officer of the source—

"(A) that the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

"(B) that the source either—

"(i) does not retain or employ registered lobbyists or agents of a foreign principal; or

"(ii) is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965; or

"(iii) certifies that the trip meets the requirements specified in rules prescribed by the Committee on Standards of Official Conduct to implement paragraph (b)(1)(C)(ii) of this clause and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip considered to qualify as de minimis under such rules;

"(C) that the source will not accept from another source any funds earmarked directly or indirectly for the purpose of financing any aspect of the trip;

"(D) that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal (except in the case of a trip for which the source of reimbursement is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965); and

"(E) that (except as permitted in paragraph (b)(1)(C) of this clause) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal; and

"(2) after the Committee on Standards of Official Conduct has promulgated the regulations mandated in paragraph (i)(1)(B) of this clause, obtain the prior approval of the committee for such trip.".

(b) Conforming Changes in Cross-References.—Clause 5 of rule XXV is further amended by—

(1) in clause 5(a)(3)(E), striking "paragraph (c)(3)" and inserting "paragraph (e)(3)"; and

(2) in clause 5(e)(2) (as redesignated), striking "paragraph (d)" and inserting "paragraph (f)".

(c) Timeliness of Information.—Clause 5(b)(1)(A)(ii) of rule XXV is amended by striking "30 days" and inserting "15 days".

(d) Conforming Amendment.—Clause 5(b)(3) of rule XXV is amended by striking "of expenses reimbursed or to be reimbursed".

(e) Public Availability.—Clause 5(b)(5) of rule XXV is amended to read as follows:

"(5) The Clerk of the House shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received.".

(f) Effective Date.—The amendments made by this section shall take effect on March 1, 2007.

SEC. 207. FURTHER LIMITATION ON THE USE OF FUNDS FOR TRAVEL.

Rule XXIII is further amended by redesignating clause 15 (as earlier redesignated) as clause 16, and by inserting after clause 14 the following new clause:

"15. (a) A Member, Delegate, or Resident Commissioner may not use personal funds, official funds, or campaign funds for a flight on a non-governmental airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire.

"(b) In this clause, the term 'campaign funds' includes funds of any political committee under the Federal Election Campaign Act of 1971, without regard to whether the committee is an authorized committee of the Member, Delegate, or Resident Commissioner involved under such Act.".

SEC. 208. EXPENSES FOR OFFICIALLY CONNECTED TRAVEL.

Clause 5 of rule XXV is further amended by adding at the end the following:

"(i)(1) Not later than 45 days after the date of adoption of this paragraph and at annual intervals thereafter, the Committee on Standards of Official Conduct shall develop and revise, as necessary—

"(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish—

"(i) a connection between a trip and official duties;

"(ii) the reasonableness of an amount spent by a sponsor;

"(iii) a relationship between an event and an officially connected purpose; and

"(iv) a direct and immediate relationship between a source of funding and an event; and

"(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by this clause, including any required certifications.

"(2) In developing and revising guidelines under paragraph (1)(A), the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.".

SEC. 209. ADDITIONAL DISCLOSURE.

Clause 5(b)(3) of rule XXV is further amended—

(a) by striking "and" after the semicolon at the end of subdivision (E);

(b) by redesignating subdivision (F) as subdivision (G); and

(c) by inserting after subdivision (E) the following new subdivision:

"(F) a description of meetings and events attended; and".

SEC. 210. CLERICAL CORRECTION.

Clause 5(f)(1) of rule XXV (as earlier redesignated) is amended by striking "are" and inserting "is".

SEC. 211. ANNUAL ETHICS TRAINING FOR MEMBERS, OFFICERS AND EMPLOYEES OF THE HOUSE.

(a) Training Program.—Clause 3(a) of rule XI is amended by adding at the end the following new subparagraph:

"(6)(A) The committee shall offer annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House. Such training shall—

"(i) involve the classes of employees for whom the committee determines such training to be appropriate; and

"(ii) include such knowledge of the Code of Official Conduct and related House rules as may be determined appropriate by the committee.

"(B)(i) A new officer or employee of the House shall receive training under this paragraph not later than 60 days after beginning service to the House.

"(ii) Not later than January 31 of each year, each officer and employee of the House shall file a certification with the committee that the officer or employee attended ethics training in the last year as established by this subparagraph.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on March 1, 2007.

SEC. 212. DESIGNATING COMMITTEE ON EDUCATION AND LABOR.

(a) Clause 1(e) of rule X is amended by striking "Committee on Education and the Workforce" and inserting "Committee on Education and Labor".

(b) Clause 3(d) of rule X is amended by striking "Committee on Education and the Workforce" and inserting "Committee on Education and Labor".

SEC. 213. DESIGNATING COMMITTEE ON FOREIGN AFFAIRS.

(a) Clause 1 of rule X is amended by—

(1) redesignating the existing paragraphs (h) through (m), as paragraphs (m), (i), (j), (h), (k), and (l), respectively (inserting paragraph (h), as redesignated, after paragraph (g)); and

(2) in paragraph (h), as redesignated, striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(b) Clause 3 of rule X is amended by—

(1) redesignating the existing paragraphs (b) through (i) as paragraphs (c), (e), (d), (i), (g), (f), (b) and (h), respectively (inserting paragraph (b), as redesignated, after paragraph (a); inserting paragraph (d), as redesignated, after paragraph (c); and inserting paragraph (f), as redesignated, after paragraph (e)); and

(2) in paragraph (f), as redesignated, striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(c) Clause 11(a)(1)(C) of rule X is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(d) Clause 2(d) of rule XII is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

SEC. 214. DESIGNATING COMMITTEE ON NATURAL RESOURCES.

(a) Clause 1(l) of rule X (as earlier redesignated) is amended by striking "Committee on Resources" and inserting "Committee on Natural Resources".

(b) Clause 3(h) of rule X (as earlier redesignated) is amended by striking "Committee on Resources" and inserting "Committee on Natural Resources".

SEC. 215. DESIGNATING COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.

(a) Clause 1 of rule X is further amended by—

(1) inserting paragraph (m) (as earlier redesignated), after paragraph (l) (as earlier redesignated); and

(2) in paragraph (m) (as earlier redesignated), striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform".

(b) Clause 2 of rule X is amended by—

(1) in paragraph (d)(1), striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform"; and

(2) in paragraph (d)(2), striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform".

(c) Clause 3 of rule X is further amended by—

(1) inserting paragraph (i) (as earlier redesignated) after paragraph (h) (as earlier redesignated); and

(2) in paragraph (i), (as earlier redesignated), striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform".

(d) Clause 4 of rule X is amended by—

(1) in paragraph (c)(1), striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform"; and

(2) in paragraph (c)(2), striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform".

(e) Clause 5(d)(2) of rule X is amended by striking "Committee on Government Reform" and inserting "Committee on Oversight and Govemment Reform".

(f) Clause 4 of rule XV is amended by striking "Committee on Government Reform" and inserting "Committee on Oversight and Government Reform".

SEC. 216. DESIGNATING COMMITTEE ON SCIENCE AND TECHNOLOGY.

(a) Clause 1(o) of rule X is amended by striking "Committee on Science" and inserting "Committee on Science and Technology".

(b) Clause 3(k) of rule X is amended by striking "Committee on Science" and inserting "Committee on Science and Technology".

SEC. 217. SEPARATE ORDER: NUMBERING OF BILLS

In the One Hundred Tenth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as she may designate.

TITLE III. CIVILITY

Sec. 301. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 302. PROPER CONDUCT OF VOTES.

Clause 2(a) of rule XX is amended by inserting after the second sentence the following sentence: "A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.".

SEC. 303. FULL AND OPEN DEBATE IN CONFERENCE.

In rule XXII—

(a) clause 12(a) is amended by adding at the end the following new subparagraphs:

"(3) In conducting conferences with the Senate, managers on the part of the House should endeavor to ensure—

"(A) that meetings for the resolution of differences between the two Houses occur only under circumstances in which every manager on the part of the House has notice of the meeting and a reasonable opportunity to attend;

"(B) that all provisions on which the two Houses disagree are considered as open to discussion at any meeting of a conference committee; and

"(C) that papers reflecting a conference agreement are held inviolate to change without renewal of the opportunity of all managers on the part of the House to reconsider their decisions to sign or not to sign the agreement.

"(4) Managers on the part of the House shall be provided a unitary time and place with access to at least one complete copy of the final conference agreement for the purpose of recording their approval (or not) of the final conference agreement by placing their signatures (or not) on the sheets prepared to accompany the conference report and joint explanatory statement of the managers.".

(b) add the following new clause at the end:

"13. It shall not be in order to consider a conference report the text of which differs in any way, other than clerical, from the text that reflects the action of the conferees on all of the differences between the two Houses, as recorded by their placement of their signatures (or not) on the sheets prepared to accompany the conference report and joint explanatory statement of the managers.".

TITLE IV. FISCAL RESPONSIBILITY

Sec. 401. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 402. RECONCILIATION.

Rule XXI is amended by adding at the end the following new clause:

"7. It shall not be in order to consider a concurrent resolution on the budget, or an amendment thereto, or a conference report thereon that contains reconciliation directives under section 310 of the Congressional Budget Act of 1974 that specify changes in law reducing the surplus or increasing the deficit for either the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year or the period comprising the current fiscal year and the ten fiscal years beginning with the fiscal year that ends in the following calendar year. In determining whether reconciliation directives specify changes in law reducing the surplus or increasing the deficit, the sum of the directives for each reconciliation bill (under section 310 of the Congressional Budget Act of 1974) envisioned by that measure shall be evaluated.

SEC. 403. APPLYING POINTS OF ORDER UNDER BUDGET ACT TO BILLS AND JOINT RESOLUTIONS CONSIDERED UNDER SPECIAL RULES.

Rule XXI is amended by adding at the end the following new clause:

"8. With respect to measures considered pursuant to a special order of business, points of order under title III of the Congressional Budget Act of 1974 shall operate without regard to whether the measure concerned has been reported from committee. Such points of order shall operate with respect to (as the case may be)—

"(a) the form of a measure recommended by the reporting committee where the statute uses the term "as reported" (in the case of a measure that has been so reported);

"(b) the form of the measure made in order as an original bill or joint resolution for the purpose of amendment; or

"(c) the form of the measure on which the previous question is ordered directly to passage.".

SEC. 404. CONGRESSIONAL EARMARK REFORM.

(a) POINT OF ORDER AGAINST CONGRESSIONAL EARMARKS.—Rule XXI is amended by adding at the end the following new clause:

"9. (a) It shall not be in order to consider—

"(1) a bill or joint resolution reported by a committee unless the report includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

"(2) a bill or joint resolution not reported by a committee unless the chairman of each committee of initial referral has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration;

"(3) an amendment to a bill or joint resolution to be offered at the outset of its consideration for amendment by a member of a committee of initial referral as designated in a report of the Committee on Rules to accompany a resolution prescribing a special order of business unless the proponent has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the amendment (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the proponent for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

"(4) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"(b) It shall not be in order to consider a rule or order that waives the application of paragraph (a). As disposition of a point of order under this paragraph, the Chair shall put the question of consideration with respect to the rule or order that waives the application of paragraph (a). The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.

"(c) In order to be cognizable by the Chair, a point of order raised under paragraph (a) may be based only on the failure of a report, submission to the Congressional Record, or joint explanatory statement to include a list required by paragraph (a) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"(d) For the purpose of this clause, the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

"(e) For the purpose of this clause, the term 'limited tax benefit' means—

"(1) any revenue-losing provision that—

"(A) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986, and

"(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

"(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

"(f) For the purpose of this clause, the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(b) RELATED AMENDMENT TO CODE OF OFFICIAL CONDUCT.—Rule XXIII is amended—

(a) by redesignating clause 16 (as earlier redesignated) as clause 18; and

(b) by inserting after clause 15 the following new clauses:

"16. A Member, Delegate, or Resident Commissioner may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner. For purposes of this clause and clause 17, the terms 'congressional earmark,' 'limited tax benefit,' and 'limited tariff benefit' shall have the meanings given them in clause 9 of rule XXI.

"17. (a) A Member, Delegate, or Resident Commissioner who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking minority member of the committee of jurisdiction, including—

"(1) the name of the Member, Delegate, or Resident Commissioner;

"(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

"(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member, Delegate, or Resident Commissioner;

"(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

"(5) a certification that the Member, Delegate, or Resident Commissioner or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

"(b) Each committee shall maintain the information transmitted under paragraph (a), and the written disclosures for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be open for public inspection.".

SEC.405. PAY-AS-YOU-GO POINT OF ORDER.

Rule XXI is amended by adding at the end the following new clause:

"10. It shall not be in order to consider any bill, joint resolution, amendment, or conference report if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the deficit or reducing the surplus for either the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year or the period comprising the current fiscal year and the ten fiscal years beginning with the fiscal year that ends in the following calendar year. The effect of such measure on the deficit or surplus shall be determined on the basis of estimates made by the Committee on the Budget relative to—

(a) the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 used in considering a concurrent resolution on the budget; or

(b) after the beginning of a new calendar year and before consideration of a concurrent resolution on the budget, the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.".

TITLE V. MISCELLANEOUS

SEC. 501. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 502. DEPOSITION AUTHORITY.

Clause 4(c) of rule X is amended by adding at the end the following new subparagraph:

"(3)(A) The Committee on Oversight and Government Reform may adopt a rule authorizing and regulating the taking of depositions by a member or counsel of the committee, including pursuant to subpoena under clause 2(m) of rule XI (which hereby is made applicable for such purpose),

"(B) A rule adopted by the committee pursuant to this subparagraph—

"(i) may provide that a deponent be directed to subscribe an oath or affirmation before a person authorized by law to administer the same; and

"(ii) shall ensure that the minority members and staff of the committee are accorded equitable treatment with respect to notice of and a reasonable opportunity to participate in any proceeding conducted thereunder.

"(C) Information secured pursuant to the authority described in subdivision (A) shall retain the character of discovery until offered for admission in evidence before the committee, at which time any proper objection shall be timely.".

SEC. 503. RECORD VOTES IN THE COMMITTEE ON RULES.

The second sentence of clause 3(b) of rule XIII is amended by inserting "a report by the Committee on Rules on a rule, joint rule, or the order of business or to" after "to".

SEC. 504. CHANGES TO REFLECT INTELLIGENCE COMMUNITY REFORM.

Clause 11 of rule X is amended by—

(a) in paragraph (b)(1)(A), striking "Director of Central Intelligence"; and inserting "Director of National Intelligence";

(b) in paragraph (b)(1)(A), striking "Foreign";

(c) in paragraph (b)(1)(D)(i), striking "Director of Central Intelligence" and inserting "Director of National Intelligence";

(d) in paragraph (b)(1)(D)(i), striking "Foreign";

(e) in paragraph (c)(2), inserting "the Director of National Intelligence," before "the Director of the Central Intelligence Agency";

(f) in paragraph (e)(2), striking "Central" and inserting "National"; and

(g) in paragraph (i), striking subparagraphs (1) through (6) and inserting in lieu thereof the following:

"(1) The activities of the Director of National Intelligence and the Office of the Director of National Intelligence.

"(2) The activities of the Central Intelligence Agency.

"(3) The activities of the Defense Intelligence Agency.

"(4) The activities of the National Security Agency.

"(5) The intelligence and intelligence-related activities of other agencies and subdivisions of the Department of Defense.

"(6) The intelligence and intelligence-related activities of the Department of State.

"(7) The intelligence and intelligence-related activities of the Federal Bureau of Investigation.

"(8) The intelligence and intelligence-related activities of all other departments and agencies of the executive branch.".

SEC. 505. TECHNICAL AND CONFORMING CHANGES.

(a) Clause 12(b) of rule I is amended to read as follows:

"(b)(1) To suspend the business of the House when notified of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair."

"(2) To suspend the business of the Committee of the Whole House on the state of the Union when notified of an imminent threat to its safety, the Chairman of the Committee of the Whole may declare an emergency recess subject to the call of the Chair.".

(b) Clause 6(b) of rule XIII is amended to read as follows:

"(b) Pending the consideration of a report by the Committee on Rules on a rule, joint rule, or the order of business, the Speaker may entertain one motion that the House adjourn but may not entertain any other dilatory motion until the report shall have been disposed of.".

(c) Clause 1(b) of rule XV is amended to read as follows:

"(b) Pending a motion that the House suspend the rules, the Speaker may entertain one motion that the House adjourn but may not entertain any other motion until the vote is taken on the suspension.".

(d) In clause 2(e) of rule XV, subparagraph (1) is amended to read as follows:

"(1) If a motion prevails to discharge the Committee on Rules from consideration of a resolution, the House shall immediately consider the resolution, pending which the Speaker may entertain one motion that the House adjourn but may not entertain any other dilatory motion until the resolution has been disposed of. If the resolution is adopted, the House shall immediately proceed to its execution.".

SEC. 506. SPECIAL ORDER OF BUSINESS: 9/11 SELECT PANEL.

Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a resolution to enhance intelligence oversight authority. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit shich may not contain instructions.

SEC. 507. SPECIAL ORDER OF BUSINESS: 9/11 RECOMMENDATIONS.

(1) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except; (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 1 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 508. SPECIAL ORDER OF BUSINESS: MINIMUM WAGE.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 2 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 509. SPECIAL ORDER OF BUSINESS: STEM CELL.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3) to amend the Public Health Service Act to provide for human embryonic stem cell research. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 3 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 510. SPECIAL ORDER OF BUSINESS: PRESCRIPTION DRUGS.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4) to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 4 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 511. SEPARATE ORDERS.

(a) BUDGET MATTERS.—(1) During the One Hundred Tenth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Tenth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Tenth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority under section 401 of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Tenth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2008, the provisions of House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Tenth Congress has adopted such a concurrent resolution.

(B) The chairman of the Committee on the Budget (when elected) shall submit for printing in the Congressional Record—

(i) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 to accompany the concurrent resolution described in subparagraph (A), which shall be considered to be such allocations under a concurrent resolution on the budget; and

(ii) "Accounts Identified for Advance Appropriations," which shall be considered to be the programs, projects, activities, or accounts referred to in section 401(b) of House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House.

(5)(A) During the One Hundred Tenth Congress, except as provided in subsection (C), a motion that the Committee of the Whole rise and report a bill to the House shall not be in order if the bill, as amended, exceeds an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974, as estimated by the Committee on the Budget.

(B) If a point of order under subsection (A) is sustained, the Chair shall put the question: "Shall the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted notwithstanding that the bill exceeds its allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974?". Such question shall be debatable for 10 minutes equally divided and controlled by a proponent of the question and an opponent but shall be decided without intervening motion.

(C) Subsection (A) shall not apply—

(i) to a motion offered under clause 2(d) of rule XXI; or

(ii) after disposition of a question under subsection (B) on a given bill.

(D) If a question under subsection (B) is decided in the negative, no further amendment shall be in order except—

(i) one proper amendment, which shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and

(ii) pro forma amendments, if offered by the chairman or ranking minority member of the Committee on Appropriations or their designees, for the purpose of debate.

(b) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Tenth Congress—

(1) the Committee on Armed Services may have not more than seven subcommittees;

(2) the Committee on Foreign Affairs may have not more than seven subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) EXERCISE FACILITIES FOR FORMER MEMBERS.—During the One Hundred Tenth Congress—

(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members, officers and former officers of the House of Representatives, and their spouses to any former Member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute or agent of a foreign principal as defined in clause 5 of rule XXV. For purposes of this section, the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this subsection.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Pasco, Washington.

Mr. HASTINGS of Washington. I thank the gentleman for yielding. And I will say right up front I intend to support title I and the rules package, and I take literally what the gentleman, my friend from Florida, talked about what we can expect from the Rules Committee when we restructure, hopefully next week, as to the timing and so forth of the business that we take up.

But I want to talk about one issue that is not addressed in the proposed changes for the 110th that is in the 109th package, and that is, the requirement to have recorded votes in the Rules Committee.

What the provision in the bill and the proposed changes say is that the Rules members now will comply as the Ethics Committee does. I was the chairman of the Ethics Committee in the last Congress and the ranking member in this Congress, and we have recorded votes in those committees, but we have the option of making them public or not.

Under the proposed rules packages, for the life of me, I cannot understand why that needs to be extended to the Rules Committee. It is obvious for the Committee on Official Standards, it is obvious there. But why it is in the Rules Committee is beyond what I can understand. Now, I do understand one of the reasons is that if there are errors, then you would certainly want to be able to correct those errors.

My first term was the 104th Congress, and that is when we made some major changes in voting. Since that time, there have been 1,304 recorded votes in the Rules Committee; the number of errors in the rules report in those 12 years is zero. And I think one of the reasons why is because this is a committee of only 13. There are nine Democrats and there are four Republicans in this Congress. It was the reverse in the last Congress. As a matter of fact, I would suggest that you could probably, on most of those votes, predict what the outcome is going to be.

So why, for the life of me, we would want to take the transparency of the Rules Committee away from public knowledge is absolutely beyond me. It just simply doesn't make any sense.

So I enthusiastically support adopting the rules of the 109th Congress. It would be my wish that that would be the rules for the 110th Congress, but we are going to debate that later and we will see what happens. But, again, why we want to take transparency out of votes in the Rules Committee, and I understand there will be new members on your side, why they won't want to stand the transparency for their constituency is beyond me.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1¼ minutes to the distinguished chairman of the Agriculture Committee.

Mr. PETERSON of Minnesota. Mr. Speaker, some of us that have big huge districts use our airplanes to fly around the district to get to meetings just like some people use their automobiles, and there is concern amongst the few of us that do this about a provision in here. So, Mr. HASTINGS, could you clarify for me that it is not the intent of section 207 of House Resolution 6 to prohibit a Member to use his or her own airplane; specifically, that is not intended to apply to the use of the Members' representational allowance to reimburse a Member for mileage on his or her own airplane?

Mr. HASTINGS of Florida. I want to assure my colleagues that this is not the intent of this provision. It is not intended to apply to a Member who is using her or his own airplane, whether or not it is on his personal campaign or official business. Specifically, it is not intended to apply to the use of the Members' representational allowance to reimburse a Member for mileage on his or her own airplane. We will work closely with the Ethics Committee and the Committees on House Administration to ensure that this is how these committees will interpret the rule.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the distinguished gentlewoman from Florida, my good friend, KATHY CASTOR, who is the first new Member to speak in the 110th Congress.

Ms. CASTOR. Mr. Speaker, I thank my fellow Floridian very much. And I am proud to stand here with many other new Members who are very reform-minded, and let me assure you we are ready to chart the new direction for America.

The election is over, and it is time for us to keep our commitment for honest leadership and open government rules changes. During this first 100 hours of the 110th Congress, all of us in this Congress must work together to pass key measures affecting the everyday lives of all Americans. We will begin by adopting the rules of the 109th Congress. This is the baseline proposal that is before us now. But then we shall continue on, on other proposals to clean up Washington, to sever unethical ties between lawmakers and lobbyists. We will start by banning travel and gifts from lobbyists, requiring full transparency to end the abuse of special interest earmarks, and ending the abusive processes that have undermined democracy in this House. These measures are the first steps to ensure that the Congress upholds the highest ethical standards.

Americans have paid the cost of corruption in Washington with skyrocketing prices at the pump, spiraling drug costs, and the waste and fraud of no bid contracts in the Gulf and Iraq.

No more. Reform is a top priority for this House because reform is a top priority for the American people.

As our first responsibility in fulfilling the mandate of this critical election, the Democrats are offering an aggressive reform package to restore the public trust. So, let's begin.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I am very pleased that we can, in fact, join in a bipartisan way in supporting implementation of title I of this provision. And I believe that it is great that my friend from Florida (Mr. HASTINGS) began heaping praise on the many accomplishments of the 104th Congress when we implemented things like an end to proxy voting, term limits on committee chairmen, and the other items which we have which go on and on and on, increased transparency and accountability and disclosure.

I will say that, as I have said, I am very, very troubled and saddened by the inconsistency when it comes to the issue of transparency and disclosure in light of the discussion that Mr. HASTINGS of Pasco, Washington and I have had about closing down transparency in the Rules Committee now.

My friend from Florida mentioned the fact that I may be the champion of closed rules. I will admit that as chairman of the Rules Committee, I did bring more than a few closed rules here, primarily on bills that related to tax issues, which was done under the Democratic majorities of the past and I suspect will be done in the future as well. But I will say this: Never before, never before have I, as chairman of the Rules Committee, prevented the Rules Committee from having an opportunity to deliberate and including in an opening day rules package five closed rules. I am concerned as we move forward with that. We will have that debate later on. But I look forward to urging my colleagues to join in support of title I.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, at this time I am very pleased to yield 1¼ minutes to the distinguished gentleman from Florida, who is my neighbor, Mr. RON KLEIN, who I believe is speaking for the first time.

Mr. KLEIN of Florida. Mr. Speaker, I thank the gentleman from Florida and my new friend from California. My name is RON KLEIN, and today I am proudly sworn in as all of us were in the new Congress, and I represent Florida's 22nd district. I believe I can speak on behalf of all my fellow freshmen colleagues today in saying that we are all truly honored to be here to represent the value of America's families.

It is time to bring a new direction to Washington and promote honesty, integrity, and real leadership in the United States Congress. That is why we have introduced an ethics reform package that will restore the public's trust and confidence in Congress. Those of us who were just recently on the campaign trail heard that frequently, and we know we need to do something about it.

One of these reforms has been introduced by my colleague, ZACK SPACE from Ohio's 18 district, and it is a measure banning Members of Congress and their staff from accepting gifts from lobbyists. This bill will also put a stop to the common but inappropriate practice of allowing Members of Congress to use money from their campaign coffers to pay for corporate jets for travel purposes.

☐ 1745

Letting special interests run the Congress is simply not right, and we have a responsibility to put a stop to this unscrupulous practice.

Simply put, it is time to return Congress to the people's House, not the auction house. I congratulate Speaker PELOSI, and all of the Members of Congress who were sworn in today, and I ask all Members to join us in these new policy changes.

The SPEAKER pro tempore. Pursuant to House Resolution 5, the previous question is ordered on the portion of the divided question comprising title I.

The question is on that portion of the divided question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 6]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt

Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Brown (SC)
Buyer
Davis (KY)
Jackson-Lee (TX)
Maloney (NY)
McCaul (TX)
McCrery
Norwood

□ 1811

Mr. KING of Iowa changed his vote from "nay" to "yea.".

So that portion of the divided question was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McCAUL of Texas. Madam Speaker, on Rollcall No. 6 with family in town I was given insufficient notice of the vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The portion of the divided question comprising title II is now debatable for 60 minutes.

The gentleman from Massachusetts (Mr. McGOVERN) and the gentleman from California (Mr. DREIER) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. McGOVERN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, it may seem like the November elections took place ages ago, but the sentiments that created new majorities in the House and Senate are still strong.

The American people spoke loud and clear on November 7. Together, Republicans and Democrats and independents from across this great Nation voted for change. They voted to end the cycle of corruption, pay to play, and junkets.

Today, Mr. Speaker, the new Democratic majority is fulfilling the pledge we made to the voters. We are going to clean up Washington, D.C. We are going to give the people their House back.

Two years ago my friends on the other side of the aisle brought forward a rules package that, in my opinion, did not go nearly far enough in upholding the highest ethical standards. Today we offer a package that is based on real change. Members of Congress are elected to serve the American people, not their own individual private interests. And I am proud to say that today, this House of Representatives will enact a reform package that ends the culture of corruption once and for all. The days of the K Street project are over. No longer will Members of this House be able to dictate to any private entity the hiring or firing of anyone based on their political affiliation.

This rules package prohibits Members of Congress from traveling on corporate jets. My constituents in Massachusetts don't have the opportunity to get cheap travel on corporate jets and neither should Members of Congress.

□ 1815

Mr. Speaker, this rules package also changes the way Members of Congress and staff can travel for official business. I strongly believe that overseas trips and other travel can be important tools to helping Members of Congress understand complex domestic and international issues.

But the days of lobbyist-sponsored golf junkets will be relics of the past. The actions this package takes are simple and straightforward: no more junkets, no more gifts from lobbyists, no more travel on corporate jets.

This rules package is comprehensive, and it is historic. We are going to change the way this place is run, and we are going to change the way people look at the Congress. The American people don't want to pick up their morning newspapers and read about golf junkets to St. Andrews. They don't want to hear stories about how their Congressman or Congresswoman was wined and dined with $100 steak dinners.

Mr. Speaker, this is not complicated. These are commonsense items that should have been dealt with years ago. The time has come to do what is right, to hold Members of this House to the highest ethical standards.

With the election of NANCY PELOSI as Speaker of the House, the first woman Speaker in the history of the United States, Democrats are ushering in a new era and putting an end to the culture of corruption. We are changing the tone in Washington, and we are changing the way we conduct business.

Now, I know full well that the ethical problems of the past were not limited to one side of the aisle, and the solutions to those problems can and should come from both Democrats and Republicans. I know that many of my Republican friends agree that change is needed, and they wish that their leadership in the past would have moved forward on some of these changes. I look forward to working closely with them in the weeks and the months ahead.

Mr. Speaker, the American people demand, and they deserve, a higher standard of conduct from their elected officials. Today, we are raising the bar for how Members of the 110th Congress will carry out their duties and do their jobs.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this package. Once again, I think we will have an opportunity for bipartisanship. The issue of ethics and lobbying reform is something that we believe is very, very important. As I sit here today, I am reminded of the fact that 1 year ago this month, Speaker HASTERT and I stood right upstairs in the press gallery and unveiled a package for lobbying and ethics reform, which was maligned by many of our colleagues, unfortunately.

But I will say that I am very pleased with the fact that we were ultimately able to pass out of the House our measure, which did a number of things that I am happy to see are incorporated in this provision that is coming forward from the new majority.

The thing that troubles me most, Mr. Speaker, is the fact that this was done in a unilateral way. We are all very proud of the fact that we have a working, strong, vibrant bipartisan Ethics Committee. It would have been great if we could have had the Ethics Committee come forward with these recommendations.

There has been no consultation whatsoever between the majority and the minority, although I will say, again, I congratulate those Members of the new majority for including, including many of the items that were either incorporated in H.R. 4975, which was our lobbying and disclosure act that we passed out of the House last year, and some of the provisions that Speaker HASTERT and I outlined a year ago this month: free clearance of travel, a ban on travel and an end to gifts. An end to the K Street Project. These are all very important reforms that I do think are essential.

I will say this, Mr. Speaker, as I listen to my very good friend from Massachusetts, and I congratulate him on his new position in the majority on the Rules Committee, what happens between today and March 1 of this year? Well, let us see, we have the month of January and the month of February, and, guess what, under this package, the status quo in the 110th Congress, under the Democratic majority, remains in place without any kind of reform or change.

So I have got to ask rhetorically, anyone who wants to answer as to why we are waiting until March 1 before we see any kind of implementation here. They want to see guidelines put forward, maybe by the Ethics Committee. If that is what they would like to do, why don't we impose an immediate ban until they come up with recommended guidelines?

So I will say that as I listen to these proposals, they are interesting, I am very pleased that they have incorporated them. I don't believe they go far enough. In a few minutes, my colleagues, Mr. KIRK and Mr. SHADEGG, will be talking about concern on the pension issue, which unfortunately has been left out of this, but I do believe that by and large this is a measure that is going to be worthy of bipartisan support, and I am going to urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say to my good friend from California, whom I have a lot of respect for, there is a big difference between what his leadership proposed in terms of higher ethical standards and what is being proposed here today. I have got to say to the gentleman that we include a little bit more than just banning lobbyists from the locker rooms. They are banned from the locker rooms in this bill, but there is a heck of a lot more.

Mr. DREIER. Will the gentleman yield? If you will recall, we passed H.R. 4975.

Mr. MCGOVERN. I am in the middle of my statement. I would also say to the gentleman that his party has been in control for 12 years, and there has been ample opportunity to change the status quo. The gentleman's party not only embraced the status quo, but we saw a proliferation of the culture of corruption, and that is what this is a response to. In answer to the gentleman's question as to this March 1 deadline, that is to give the Committee on Standards of Official Conduct ample time to put the rules and regulations and the disclosure requirements into place so that this can be an effective change.

So this is real historic change. We are going to end the culture of corruption in this Congress today. I am glad that the gentleman has said that he is going to support it. I hope that this is a bipartisan vote.

Mr. Speaker, I yield 5 minutes, for the purpose of debate, to the gentleman from Ohio (Mr. SPACE).

Mr. SPACE. Mr. Speaker, I rise today to ask you to support this historic rules package. The winds of change have brought me here. I don't think it is too much to say that my very presence before you constitutes a message to this body, a message sent from the good people of Ohio's 18th District. By these presence, I wish to deliver this message on behalf of my constituents.

The message is that the legislative process is broken. Rather than serving the needs of working families, this Congress has shown through past actions a preference for serving interests of the privileged few. Nowhere has this been more clear than in the influence wielded by lobbyists. The influence of lobbyists has compromised the reputation and even the health of this body.

In order to restore the integrity to this Chamber and restore America's faith in its elected officials, we must undertake substantial ethics reform. Our actions today will not only enhance the most fundamental principles of a democratic society; they will remind our constituents that we are a body of the people and not above the people.

The package before you will breach the circle of deceit between lobbyists, their wealthy clients, and this body. It represents long overdue real ethics reform. It bans House Members and their employees from accepting gifts from lobbyists and the organizations that hire them. It prohibits lobbyists from paying for or organizing Member travel, and it eliminates the all-too-common practice of legislative jet-setting. In short, the ethics package is the first step toward restoring integrity and beginning the process necessary to restore faith in our system of government.

Coming from a district whose previous Congressman became mired, and then consumed, by scandal, my fellow district residents and I understand all too intimately the perils associated with weak and loosely monitored ethics regulations.

We have suffered the frustration, disappointment, and anger associated with betrayal. We have suffered from not having a Member of Congress available to attend to the needs of the citizens of our district. But we are not alone. Other districts have suffered similar letdowns. That is inexcusable, and it is unconscionable.

At a moment in time when our Nation needs truly heroic leadership, as the challenges of the changing world continue to grow, this body has failed to step up and lead. The institution of Congress has failed to make clear its commitment to the principles of democracy; and it has frustrated, disappointed, and angered the American public.

The winds of change have, indeed, blown many among us into this Chamber, and there is much work to do.

We cannot begin our work in good faith without this declaration today that we are of, and not above, the American people. The time to act is now. We have an extraordinary burden to prove to those who have given us this honor. We must make clear to them that we are representing their interests, not bartering legislative favors in order to gain gifts and trips.

I ask my colleagues to join me in supporting this important ethics reform package.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Omaha, Nebraska (Mr. TERRY).

Mr. TERRY. Thank you, I appreciate this opportunity.

Mr. Speaker, to the gentleman from Ohio, the new Member who just spoke, I appreciate and respect his point of view. I will add, though, that the disgust, the frustration with the ethics violation, the disregard for the public's trust in this body because of a few of our colleagues isn't relegated to one side of the aisle or the other, nor one district or the other.

I think all of us in this institution today that took the oath of office are disgusted by the past; and that is why this body that last May passed a comprehensive ethics bill, which mostly was incorporated in this one, ironically, I think, it is fairly humorous, that most of our colleagues on the other side voted against it because it was not good enough, yet substantially similar to the one that is brought forward without our input into the process today.

Now I stand here today saying this isn't good enough. We could have done a better job of tightening down with lobbyists and gifts. Frankly, I don't know how to interpret the plane part, but I am concerned about establishing the public trust when someone accepts bribes.

In our package that was voted against by a lot of our colleagues from the other side of the aisle that are pounding their chests today, in that was saying that you cannot receive the fruits that you earned during your tenure in this office if you have violated the public's trust.

That is not part of the bill that stands before us today. If you have accepted a bribe, you are convicted of a felony and are sitting in jail, you should not be able to accept the part of the government-funded pension or other government-funded benefits that you earned while you were here. You just simply cannot do that.

My folks back in Nebraska think that is absolutely absurd. I just wish we had a process in place where we could have worked in a partnership to improve this bill, to make it better. But we didn't have that opportunity, and I don't have the opportunity on behalf of my Nebraskans, who feel that it is absurd that you have cash in a freezer, that you can accept bribes like we had in a California or in an Ohio district, and still accept your pension. I think it is absurd that we don't have that opportunity today.

Frankly, the fact that those folks that voted against a comprehensive ethics reform package introduced one without Republican input to improve the bill smacks of partisanship to me. I thought we were going to clear the decks of that and start working together for the public good, and it just doesn't seem like it is happening today.

That is a poor start for civility in this body.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me just educate the gentleman that the change that he is asking for requires a statutory change. Today we are dealing with the House rules. I will assure the gentleman and his constituents in Nebraska and people all over the United States who agree with him that we will have the opportunity to do that. We will go through House Administration and you will have the opportunity to do that. We will hopefully have a unanimous vote on that.

□ 1830

I am also happy to hear the gentleman and others on the other side of the aisle all of a sudden speak in favor of ethics reform and real change and ending the culture of corruption in this House. It is amazing what an election will do.

With that, Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Ms. SUTTON), a new member of the Rules Committee.

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

I rise in strong support of the rules package.

Trust is a fragile thing. It is difficult to win, but easy to lose. It finds its hold on promises kept and honesty sustained and unquestionable integrity.

As the representative of the 13th District of Ohio, I am honored to rise on this historic day to speak for the first time on the floor of the people's House.

And in so rising, I am proud that I do so to keep the faith with the people who sent me here to serve.

With our actions today, on this first day of the reform Congress, we begin to fulfill the awesome responsibility entrusted to us by the American people.

We have heard the call for change and it shall be heeded. Today, we sever the links between those who would buy influence on Capitol Hill and those who would willingly sell it.

We act to clean up the corruption which has eroded the public trust and resulted in far too many policies that benefit the well connected and the privileged few, at the expense of the greater good.

Title II of our rules package does just this. We end the K Street Project, which took peddling of access and influence to soaring new heights. We act to eradicate the cronyism and corruption. We cut off the gifts, the perks and travel wielded by special interests. We take the darkest inner workings of government and sanitize them with the light of day.

We will work to adopt this set of anti-corruption reforms to dismantle the dark corridors and backrooms and avenues to abuse that have allowed corruption to grow and flourish.

We will beat back the culture and abuses that have hurt the American people, both in policy and in spirit.

Today, we heed the call to put a halt to the corruption that has tarnished this House.

Trust is a fragile, sacred thing. And we, in the new 110th Congress, will protect it with all the power of our office.

Mr. DREIER. Mr. Speaker, let me, again, say that we look forward to supporting this package, much of which, the items that the gentlewoman just outlined, were included in H.R. 4975, which passed this House last May with strong bipartisan support.

Mr. Speaker, with that, I yield 2 minutes to my very good friend from Highland Park, Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, this House needs more ethics reforms, rather than less. And the package before the House makes a positive step, but falls short in several key areas.

The most important ethics reform that is missing from this package concerns taxpayer-funded pensions for Members of Congress convicted of a felony. Under current law, both Congressmen Traficant of the Democratic Party and Cunningham of the Republican Party would still be eligible to collect a taxpayer-funded pension, even after being indicted and convicted beyond a shadow of a doubt by a jury of their peers of a felony.

Stopping taxpayer funded pensions for lawmakers who break the law is not a new issue. My home State of Illinois, a State not known for its clean government, in that State, we, at least, kill pensions for lawmakers who break the law, and we have done so for 30 years.

Ten years ago, Speaker PELOSI voted for H.R. 4011. That would have killed pensions for Congressmen for a conviction on any one of 21 separate felonies. She was right then, and it would be right now to terminate taxpayer-funded pensions for lawbreakers.

Mr. Speaker, Democratic Congressman BRAD SHERMAN and I joined to support these very reforms in the last Congress. And we, at least, passed limited reforms and allowed the Senate at least to consider them.

But today, the 100 hours fails to take up this issue. None of these pension killing reforms are in the package or are currently scheduled.

I take what the gentleman from Massachusetts (Mr. MCGOVERN) says very seriously, that he has made a commitment to bring up legislation to kill pensions for Members of Congress convicted of a felony.

I have introduced legislation, H.R. 14, to do exactly that, modeled after the legislation supported by former Speaker HASTERT as well as Speaker PELOSI. These are commonsense reforms, already part of the law of the land in the land of Lincoln, and long ago should be part of the ethics reforms of this House.

Mr. MCGOVERN. Mr. Speaker, let me just respond to the gentleman from Illinois (Mr. KIRK) by saying I know I am from Massachusetts, and you may think I have a funny accent and you have trouble understanding me. But let me repeat what I said before. In order to make the changes on the pension issue that he is asking for, which we all support, it requires a statutory change. And I think the staff over there will help clarify that. We are all for that.

In H.R. 4011, which Ms. PELOSI supported that you mentioned was a statute. We are going to do that.

Let me just say one other thing to the gentleman. You keep on referring to your ethics reform package as if it was some kind of this monumental change and reform.

You didn't ban the K Street Project, which has really resulted in so much outrage across the country. You had a temporary suspension on the issue of travel, and you had no ban on lobbyists' gifts.

This is real reform. We are going to end the culture of corruption.

With that, Mr. Speaker, I yield for the purpose of debate only 2 minutes to the gentlewoman from New York (Mrs. GILLIBRAND).

Mrs. GILLIBRAND. Mr. Speaker, the honorable Member from my neighboring district, I am honored to be here. My new colleagues, thank you for the opportunity to speak on such an important issue.

The voters of my district and this Nation were very clear about this past election. They want change. They want real ethics reform, and they want our country to be placed in a new direction. This is what we are here to do today. We are going to restore the ethics and integrity back to Congress.

I am honored to be here today to have the opportunity to help do that restoration and take an important step to end the influence and corruption in Congress that special interests have over the legislative process.

The honest leadership package that we are voting on today and tomorrow specifically addresses the concerns that the American people have had about the legislative process and about our elected leaders. This legislation will end the practice of privately funded trips from lobbyists. If I take an official trip, my congressional budget will pay for it. If I take a vacation, I will pay for it. That is how it should be for everyone.

I also pledge to my constituents, and will vote as part of this legislation, to never accept any gifts from lobbyists, nor will my staff.

My job, and all of our jobs, is to represent the citizens of our districts. And this is the only group that I will be answerable to.

I encourage my colleagues to join me in voting in favor of ending the culture of corruption and providing the environment where we can get back to what is most important, working for the people of the United States.

Thank you, Mr. Speaker, for the opportunity to speak on this very important issue to the constituents of my 20th Congressional District of New York.

Mr. DREIER. Mr. Speaker, let me just, before yielding to the gentleman from Marietta, say very quickly again, the legislation that passed the House, H.R. 4975, specifically banned the K Street Project. Look at the language. It is virtually identical. We focused on the issue of lobbyist travel and gifts. And I believe that we can come together in a bipartisan way. We want to work in a civil tone, as was outlined by Speaker PELOSI today.

Mr. Speaker, with that I am happy to yield 3 minutes to my very good friend, former member of the Rules Committee, the gentleman from Marietta, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I was surprised when reading title II of this resolution, as it looks conspicuously like the ethics package passed by the Republican majority last Congress; the ethics package that only eight Democrats voted to support. I suspect today more than eight Democrats will finally agree with the Republicans that meaningful ethics reform is a priority of the American people.

In fact, the most obvious change in the Democratic package is the overly partisan and adversarial tone, adding headlines like "Ending the K Street Project" to language that was included in the Republican legislation. And for what purpose other than a partisan poke in the minority's eye?

Democrats campaigned on the promise of a more open and inclusive government, assuring us of their bipartisan intentions. Well, today, on the first day of the 110th, that promise has been broken. Indeed, it has been smashed.

Additionally, as the focus of title II is on fostering a spirit of civility, I find it particularly troubling that the Democrats have decided to allow only 10 minutes of debate, 5 minutes on each side, on title V of this resolution, which we will take up tomorrow.

During this brief 10 minutes of debate, we will dramatically change the way the Rules Committee does business and outline the process by which five bills, including stem cell research, the 9/11 Commission recommendation, and minimum wage legislation will be considered. That is not even 2 minutes per proposal.

So this is hardly, Mr. Speaker, the tone of civility my colleagues on the other side of the aisle are promising to foster in the 110th Congress.

The American people and the Members of this body expect more from the Democrats. Their false promises of bringing a new age of bipartisanship and transparency to the halls of this Congress have clearly not materialized, despite the insistence on this by my former colleague, Mr. MCGOVERN, while a minority member of the Rules Committee who stated, on September 28, 2006, while discussing the Electronic Surveillance Modernization Act, and I quote, "If my Republican friends want that trend of closed rules and no amendments, of no democracy in the House to continue, then, by all means, vote for this. Just go along to get along. But if you believe, as I do, that the monopoly on good ideas is not held by a few members of the leadership in a closed room, then vote "no." Have the guts to vote "no." End quote.

Mr. Speaker, I know why the Democratic leadership is trying to limit debate on these liberal bills, but the American people deserve to have a voice in this process, the voice of their elected representatives. Today, it is clear we have been denied that voice.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me just say, respond to my good friend from Georgia (Mr. GINGREY), who I am going to miss on the Rules Committee, if he thinks that the Republican reform package was meaningful reform, I will lend you my bifocals so you can read it more carefully. What ended up happening, what you ended up enacting essentially, after 12 years in the majority, was banning lobbyists from the locker room. That is all that became law.

You controlled the House of Representatives. You controlled the Congress. And you controlled the United States Senate, and that is basically all that you did.

So I would just say to the gentleman, if he wants to vote "no" on this, he can go right ahead and vote "no" on it. But that is defending the status quo.

I think the American people made it very clear during the last election that they are sick of the culture of corruption; that they want a ban on lobbyists' gifts; that they want an end to the K Street Project. They want a ban on Members using corporate jets to fly around the country. And so if you want to vote for the status quo, vote "no" on this. If you want to vote for real meaningful change, vote "yes."

Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Mr. Speaker, thank you to the gentleman from Massachusetts for yielding time.

Dear colleagues, it is my great privilege to rise today for the first time as the Representative for New Hampshire's Second District. It is humbling to serve with so many men and women I have admired for so long and to stand in this Chamber, hallowed by American history as the people's House.

But while today is dedicated, in part, to celebration, there is no time to waste in fixing the ills that have plagued this House in recent years.

Traveling across my State of New Hampshire this fall, I heard one clear, consistent message from voters—from Democrats, Independents and Republicans. We are fed up with the mess in Washington. Go down there and fix it.

Mr. Speaker, while most Americans see Congress as somewhat distant from their lives, they probably couldn't rattle off the names of Congressional leadership, for example, or quote bill numbers, they do understand with absolute clarity when Members of Congress are working for them or when Members of Congress are working for themselves.

□ 1845

Now, the Democratic ethics reform package is much needed and it is long overdue. While some in this body may bristle at its stringency, and some are now heard to complain, apparently, that it doesn't go far enough, as a new Member, I can tell you that it is only logical and only just to make these changes to the House rules, starting today and starting now.

We must ban gifts and travel from lobbyists, we must put a stop to the pernicious K Street Project, we must reform the way we spend taxpayers' money and the way we write and pass the bills meant to protect taxpayers' interests.

I strongly support the adoption of the Democratic rules package. I urge my colleagues on both sides of the aisle to vote "yes."

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to congratulate the gentleman from New Hampshire. We welcome him here. Unfortunately, this package doesn't start today and start now. It starts March 1 of 2007, 2 months from now.

I also want to say to my very good friend from Massachusetts once again that if you look at the package that we passed in May of last year, it is a package that enjoyed bipartisan support. It is one of which we are very proud. And I believe that if you look at the fact that we did go beyond preventing registered lobbyists from coming onto the House floor and the gym, we are doing many of those same things here. It has been done before.

And that is why we are proud to be here in support of this effort, which, again, some of us believe does not go far enough and there are some problems with it, but we do believe it is a positive step. Why? Because it is a reaffirmation of what Speaker HASTERT led us to last year.

With that, Mr. Speaker, I am very happy to yield 4 minutes to my good friend from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding, and I want to express my concern about the tone of this debate. Let me make it clear: I compliment my colleagues on the other side of the aisle. Ethics reform is needed here, and today you are making a good first step. But please listen carefully to those of us on this side of the aisle who will vote with you for this package when we implore you to go further and when we take some credit for the efforts of the past.

It is true that we passed as a law through this House, sadly the Senate did not follow suit, a bill that corrected many of these things. Your bill, in some respects, goes further, but some of us are concerned that it needs to go even further. And it is not because we are revisionists.

I have campaigned in this body and out of this body throughout my career for reform. I believe it is not enough just to do so-called lobbyist reform. We must direct our ethics reform at the Members of this institution. And one way to do that is a way that was recognized by our new Speaker a decade ago, and that is to say that the Hiss Act, passed clear back in 1954, which said a Member of Congress who was convicted of bribery would lose his or her pension, should be reinstituted, because it was repealed in 1961.

Over a year ago, watching what I was disappointed in in the criminal conduct of some Members of this body, I introduced a bill with 57 cosponsors saying that any Member, any Member, Republican, Democrat or otherwise, convicted of bribery in connection with their office ought to, at an absolute minimum, lose their pension. And I believe that is the standard we owe the American people, and no less.

My colleague says this is just a rules package, but this is your first hundred hours. There is no rule that says you could not have brought a statute, and I implore the gentleman and tell him that I will join with him, as will my colleague from Illinois and my colleague from Nebraska, each of whom had introduced bills a year ago or more seeking to prohibit Members from collecting a taxpayer-funded pension when they have, as the gentleman from Massachusetts pointed out, used this office not as one of public trust but one of public abuse to benefit themselves.

There is no time for delay. Pass a reform now punishing Members who misuse their office. Take away their pensions and do it now.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume, and I will commit to the gentleman from Arizona that we are going to enter into that exchange, and I look forward to having that statute on the floor where he can speak in favor of it and we can speak in favor of it too.

Let me also, Mr. Speaker, correct the record. The distinguished former chairman of the Rules Committee said none of this ethics reform takes place for 4 months. That is true on the travel, and I clarified that earlier as to why that is the case, so we had time to implement the rules and regulations of disclosure. But everything else, I will assure him, takes place immediately.

So once this ethics package passes, I would urge my colleague from California not to go out to dinner with any of his lobbyist friends because he might be breaking the law.

Mr. Speaker, I yield for purposes of debate only 2 minutes to the distinguished gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Mr. Speaker, I rise today representing Florida's 16th District and a voice in support of title II of the rules of the House relating to ethics reform in the House of Representatives.

Today, Democrats, and I hope with the support of our Republican colleagues, will pass an aggressive reform package that keeps our promise to the American people and reforms how we do business here in Washington. These ethics reforms mark an end to a tragic era in American history where the pursuit of power has cost us the faith of the American people.

We are here today to rebuild America's trust and make a promise that never again will special interest trump the interest of this great Nation. As Americans communicated on election day, they want political debate and they want the ability to choose. They are not interested in monopolies by either party on political power.

As we move forward, we can only solve the key challenges facing this great Nation by reestablishing the credibility, our credibility, to the American people. Under the new House leadership, the era of special interest politics will end and hardworking families, not lobbyists, will have a voice in Congress again.

I urge my colleagues to support these important changes to the House ethics rules.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from California has 14½ minutes remaining, and the gentleman from Massachusetts has 9½ minutes remaining.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time it is my privilege to yield 2 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Speaker, I appreciate the opportunity to address the body and speak to the issue of finance, ethics, and other reform that is before the body; and I do it in support of those you have already heard today, many of whom represent the outrage, as has been mentioned, of their constituencies because of situations that were faced by those that they ran against. It is an opportunity that we had to send a clear and positive message to the American people that what they called for in this past election is going to be carried out.

The exit polls all across this country reflected that the number one issue, the number one issue on which the voters cast their vote in the election of 2006 was concern about ethics and reforming ethics. We owe it to the American people, we owe it to all those in this body, and I sincerely recognize that everyone in this body is committed to this. We owe it to all of those to articulate and enact a rules package that incorporates this significant reform.

It is a privilege and an honor for me to stand in support of this package and in support of the ethics reforms being called for by the American people.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say that I do congratulate my colleagues. I want to begin by saying as a Californian that I am very proud of the fact that California has provided the first female Speaker of the House of Representatives. Similarly, I have congratulated our colleague, Ms. SLAUGHTER, who will be the first woman to chair the Rules Committee in our Nation's history.

This has been a historic day and I believe a very exciting day for us. I am pleased that we have been able to do a number of things already in a bipartisan way, and I think this issue of ethics and lobbying reform, building on the reforms that we passed in the 109th Congress, utilizing those very positive provisions, is exactly what we are about to vote on here in just a few minutes; and I think that it is a time when we can be civil.

And I will say to all of my friends on both sides of the aisle, the American people want us to deal with these problems, and I will reaffirm my commitment to my colleagues on the Rules Committee that I will continue to strive to comport myself in the most dignified way possible in dealing with my colleagues, and I urge support of this very important measure.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to say to my colleague from California (Mr. DREIER) that I appreciate his words of cooperation and bipartisanship, and I do hope, and it is my belief, that you will see a change in terms of more outreach across the aisle and more respect, quite frankly, for the opinions of every single Member of this House.

I agree this is a historic day. This is not only a historic day because we have elected the first woman Speaker of the House in the history of the United States of America, but this is also a historic day for what we are about to vote on. We are about to change the way we do business here in Washington. We are responding to what the American people made very clear on election day, that they are tired of the ethical lapses of their leaders in government; that they want an end to the culture of corruption; that they want a government that has high ethical standards; that they want Members of Congress to adhere to those high ethical standards and, if they do not, that they will be held accountable. So what we are doing today in this ethics package, I think, is also an important moment in our history.

What we are doing is we are doing what is right. We are holding the Members of this House to the very highest ethical standards. And I want to say to my colleague from Arizona (Mr. SHADEGG) that I agree with him on the pension issue. So do, I think, everybody on our side of the aisle. And we are going to address that and we are going to hopefully get a unanimous vote on that issue, because he is right on that issue. But, again, we are not dealing with that. That requires a statutory change, and today we are dealing with the House rules.

Mr. Speaker, what we are doing here today, I will remind my colleagues again, is very important. We are ending gifts by lobbyists to Members of Congress, we are banning the use of corporate jets for Members of Congress for a minimal price so that they can take a corporate jet and fly anywhere in this country. No one else can do that, yet that has been a practice by too many Members in this Congress. That will be banned.

We will end the lobbyist-sponsored golf junkets. They will be relics of the past. This is a new day. This is a day where ethics and where integrity are going to hold a very, very high place. We are going to end the culture of corruption with this vote, and I urge my colleagues on both sides of the aisle to vote "yes" on that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of Title II of H.R. 6, the Rules of the House of Representatives for the 110th Congress. With the adoption of this title, we begin to make good on our pledge to "drain the swamp" and end the "culture of corruption" that pervaded the 109th Congress.

Mr. Speaker, it is critically important that we adopt the ethics rules contained in Title II because Americans are paying for the cost of corruption in Washington with skyrocketing prices at the pump, spiraling drug costs, and the waste, fraud and no-bid contracts in the Gulf Coast and Iraq, for Administration cronies like Halliburton.

Ethics and legal scandals plagued the Republican Congress—from the resignation of Reps. Tom DeLay and Duke Cunningham to the admission of illegal or improper conduct by Reps. Bob Ney and Mark Foley.

The cozy relationship between Congress and special interests we saw during the 109th resulted in serious lobbying scandals, such as those involving Republican super lobbyist Jack Abramoff. In this scandal, a former congressman pleaded guilty to conspiring to commit fraud—accepting all-expense-paid trips to play golf in Scotland and accepting meals, sports and concert tickets, while providing legislative favors for Abramoff's clients.

But that is not all. Under the previous Republican leadership of the House, lobbyists were permitted to write legislation, 15-minute votes were held open for hours, and entirely new legislation was sneaked into signed conference reports in the dead of night.

The American people registered their disgust at this sordid way of running the Congress last November and voted for reform. Democrats picked up 30 seats held by Republicans and exits polls indicated that 74 percent of voters cited corruption as an extremely important or a very important issue in their choice at the polls.

Ending the culture of corruption and delivering ethics reform is one of the top priorities of the new majority of House Democrats. That is why as our first responsibility in fulfilling the mandate of this critical election, Democrats are offering an aggressive ethics reform package. We seek to end the excesses we witnessed under the Republican leadership and to restore the public's trust in the Congress of the United States.

Mr. Speaker, I commend Chairman SLAUGHTER and the members of the Rules Committee for their excellent work in preparing this ethics reform package. The reforms contained in the package are tough but not nearly too tough for persons elected to represent the interests of the 600,000 constituents in their congressional districts. Indeed, similar bipartisan lobbying and government reform proposals were debated and passed by the House and Senate in 2006 but the Congress failed to reconcile the two versions.

Mr. Speaker, I support each element of the ethics reform package, which bans gifts from lobbyists; bans lobbyist financed trips and travel; requires pre-approval and certification for travel financed by outside groups; prohibits use of corporate aircraft; ends the notorious K Street Project; and mandates ethics training for all House employees.

BANS GIFTS FROM LOBBYISTS

Members of Congress are paid enough by the taxpayers to afford to pay for their own meals. Lobbyists can make their case by providing Members of Congress accurate, reliable, and persuasive information. Thus, it is appropriate that the House rules should ban gifts, including meals and tickets, from lobbyists and the organizations that employ them, and require that tickets to sporting and other events given to Members and staff by non-lobbyists are valued at market price.

BANS LOBBYIST TRAVEL

Another reform that I support is the ban on lobbyists and the organizations that employ them from financing travel for Members or staff, except for one-day travel to visit a site, attend a forum, participate in a panel, or give a speech. As the scandal involving Jack Abramoff revealed, lobbyist financed travel led to serious abuse. The new rules do not ban such travel altogether but directs the Committee on Standards of Official Conduct to develop guidelines for minimal lobbyist involvement for one-day/one-night travel. It should be noted, however, that travel provided by a private university is not to be affected by anything in the rules package.

REQUIRES CERTIFICATION AND PRE-APPROVAL FOR TRAVEL PAID FOR BY OUTSIDE GROUPS

I also support the travel certification and pre-approval provisions. The new ethics rules require sponsors of all other permitted travel to certify that they have abided by all restrictions on lobbyist involvement and requires Members and staff to obtain pre-approval from the ethics committee for travel to ensure trips are connected to official duties, the amount spent is limited to reasonable expenses, and the destination is related to the purpose of the trip. The rules require the full disclosure of all travel within 15 days after the trip. Travel provisions take effect beginning on March 1, 2007.

PROHIBITS USE OF COMPANY PLANES

Next, the new rules prohibit the use of official, personal or campaign funds to pay for the use of non-commercial, corporate jets. This provision does not apply to charter plane services or to airplanes owned by Members.

ENDS THE K STREET PROJECT

Clarifies that no Member can take or withhold an official act, or influence, or offer or threaten to influence, the official act of another with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity.

MANDATES ETHICS TRAINING

Finally, and effective March 1, 2007, the new rules require the Committee on Standards of Official Conduct to offer annual ethics training to members, delegates, the resident commissioner, officers and employees of the House. This training would be required to involve the classes of employees deemed appropriate by the committee and must include the aspects of the Code of Official Conduct and related House rules deemed appropriate.

The required training is to be provided to new officers or employees within 60 days of their employment, and each officer or employee is to file a certification with the committee by January 31 certifying that they have attended training in the past year.

CONCLUSION

Mr. Speaker, it is wholly fitting and proper that the Members of this House, along with all of the American people, paid fitting tribute to the late President Gerald R. "Jerry" Ford, a former leader in this House, who did so much to heal our Nation in the aftermath of Watergate. Upon assuming the presidency, President Ford assured the Nation: "My fellow Americans, our long national nightmare is over." By his words and deeds, President Ford helped turn the country back on the right track. He will be forever remembered for his integrity, good character, and commitment to the national interest.

This House today faces a similar challenge. To restore public confidence in this institution we must commit ourselves to being the most honest, most ethical, most responsive Congress in history. We can end the nightmare of the last 6 years by putting the needs of the American people before those of the lobbyists and special interests. To do that, we must start by adopting Title II of H.R. 6, the ethics reforms to the Rules of the House of Representatives for the 110th Congress.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the Honest Leadership and Open Government rules package currently before the House.

Reform of the way this House conducts its business is not an option. It is an absolute necessity. A recent poll found that only 37 percent of Americans approve of how Congress is doing its job. Does anyone here doubt that the ethical scandals and procedural abuses of recent years are a major factor for this low public approval rating? In 2006 alone, four Members of the House resigned their seats under a cloud. Two of these former Members have already been convicted for unethical and illegal ties to lobbyists.

I do not believe that these specific abuses represent the majority of Members, but I do believe it is the responsibility of the Majority party to set out strong rules that can begin to regain the trust of the American people in their institution of Congress.

For many years now, our constituents have been bombarded by media reports of cozy relationships between Congress and special interests lobbyists. They are incensed by news reports of Members accepting all-expense-paid trips to play golf in Scotland, the flagrant abuse of House rules to hold 15-minute votes open for hours for the sole purpose of affecting the outcome, the widening Jack Abramoff lobbying scandal, and the lack of accountability and transparency in how congressional earmarks are awarded.

I mentioned that our constituents learned about these abuses from the media, in their morning newspapers and on the nightly news. Too often in recent years, it is also from the media that rank-and-file Members of Congress have learned about special interest provisions that were secretly inserted into legislation in the dead of night and brought up for a vote before Members had an opportunity to read what they were being asked to vote on. This form of secret legislating has got to stop, and it will stop under this reform package.

The reform package before the House will also curb a large number of the other abuses that have come to light. These reforms will ban gifts from lobbyists, expand and tighten the restrictions on congressional travel paid for by outside groups, prohibit travel on corporate jets, and require greater public disclosure of targeted special interest legislation. The reforms will also prohibit the practice of holding votes open for the sole purpose of affecting the outcome.

There are many other needed reforms contained here, but the one I want to single out is the provision that restores pay-as-you-go budgeting. Pay-as-you-go budgeting simply means that Congress will not consider any legislation to boost entitlement spending or cut taxes unless it is fully paid for. Before they were abandoned in 2002, the pay-as-you-go rules helped to turn record deficits into record surpluses in the 1990s. Since abandoning pay-as-you-go, the cumulative deficit for the past four years has totaled over $1.36 trillion. We simply cannot continue to pile up more and more debt and pass it along to our children and grandchildren.

For all these reasons, I urge all my colleagues to join me in voting for the House rules reform package before the House.

Mr. SIRES. Mr. Speaker, I rise in support of H.R. 6.

Throughout history, there has been an ongoing struggle to put the people's interest ahead of special interests. With this legislation, we put an end to this age-old struggle. The 110th Congress has been given a mandate by the people and make sure their's are the voices that are heard.

To do this, we must ban gifts and meals from lobbyists and the organizations that they represent. We must ban lobbyists from planning, organizing, financing and participating in travel for Members or staff. We must protect the American taxpayer by requiring full disclosure of earmarks so that they know how their money is being spent. We mûst ensure that the business of the people is completed in a fair and open way.

As we start the 110th Congress, we must govern our own chamber in a manner that represents the interests of our constituents. This is why I proudly rise in support of this measure and urge my colleagues to do the same.

Mr. TERRY. Mr. Speaker, I rise today to express my deep disappointment in the rules package we are considering today.

The message from the American public last fall was "we want Republicans and Democrats to work together." We all had high expectations for a "new way of doing business in Washington."

This past week during the Nation's remembrance of former President Gerald Ford, we were all reminded of the way Republicans and Democrats were able to find common ground to solve the country's problems. There was a time when the two parties could come together in the national interest.

Where, Mr. Speaker, did all of those grand and high-minded promises of bipartisanship go? I hope this is not a precedent for how the House will operate during the rest of the 110th Congress. Our constituents expect us to work together and get things done for the good of the country.

Included in this rules package are a number of ethics reforms, but they do not go far enough. We must have tougher and stronger ethics reform.

Today, there are Members serving in the House who have contributed to the American public's loss of confidence in this body. One Member was found to have $90,000 in cash in his freezer; another Member of the Appropriations Committee established separate entities that were recipients of appropriation funds. Yet, this rules package and the ethics reforms in it do nothing to punish such behavior.

We must adopt tougher and stronger measures if we are going to regain the trust of the American public. In my District, Nebraskans sent a clear message that said if Members take bribes and abuse the public's trust, they should not be protected and should not be allowed to reap the benefits of their House service such as a pension paid for by the taxpayers. Under this new Congressional leadership, Nebraska's voice will not be heard. I won't be allowed to even offer an amendment to be denied by the Rules Committee.

Mr. Speaker, I am introducing today legislation that I introduced last year—to deny pension benefits to any Member or government official who is convicted of a crime that violates the public trust. Because of the lack of a fair and open process in this House, I have been denied the opportunity to offer this legislation as an amendment.

This is not what American voters wanted to see after last fall's election. We are being denied the chance to work together. We need to restore the public's confidence in this House and one way to do that is to work together to solve the problems facing this Nation.

Mr. KIND. Mr. Speaker, I am proud to stand before you today to speak in support of the rules changes proposed by our new Speaker, Ms. PELOSI, that will bring enhanced ethics, transparency, and accountability to the House of Representatives. These measures are long overdue, and I applaud our leadership team for making this the first order of business in the 110th Congress.

It has become clear to all Americans that the ethical safeguards here in our Nation's Capital are broken. Rogue lobbyists such as Jack Abramoff were allowed to run amok for years, leaving behind a vast web of corruption in their wake. Wayward Members of Congress were swayed by the offers of expensive gifts, travel, and campaign contibutions that came their way. The maintenance of power became more important than responsible government, as we now see in the spiraling budget deficits, tax breaks for specific companies and industries, and legislation inserted into bills in the dark of night.

With our vote here today, we in the people's house say enough is enough. Today we begin to set our ship right and rebuild the trust of the American people.

Today we will prevent lobbyists from buying access and favor from lawmakers. While they will retain their constitutional right to petition government and share valuable information, they will no longer be allowed to buy meals, give gifts, or provide lavish trips. Corporate officials will no longer be able to buy exclusive access by offering the service of their private corporate jets. The powerful Washington elite will now be placed back on a more equal footing with other citizens who cannot afford such luxuries.

Additionally, all House employees will be required to attend annual ethics training to ensure that all members and staff know the rules and agree to follow them.

These changes, along with additional reporting requirements that will be enacted through subsequent legislation and more vigorous oversight by the Ethics Committee, will assure the American public that their elected officials are working for them and not for the special interests.

While some degree of corruption inevitably will always accompany power, these first steps are both valuable and necessary. I sincerely believe in the integrity of this great institution and its ability to live up to the highest expectations of its founding fathers. Those of us in this chamber have been given a tremendous opportunity to do good, and with that comes great responsibility.

It is my great hope that we all may move beyond the transgressions of the past with our sense of duty and our determination restored, and that the American people will once again believe in us. As a Nation defined by its democracy, we must accept nothing less.

Ms. DELAURO. Mr. Speaker, I rise in strong support of H. Res. 6, and commend Speaker PELOSI, the majority leader, the chairman of the Democratic Caucus, and the Rules Committee for bringing this comprehensive reform package to the floor. Indeed, with this resolution, the new Democratic majority says with one, clear voice that we are prepared to change the way Congress does business—to make good on our pledge—and restore open, honest government to Congress.

With this legislation, we take the critical steps necessary to preserving the integrity of this institution, its Members and, indeed, the democratic process in this country. This November, the American people, weary from scandal after scandal, said "enough." They said it was time to clean up Washington—to sever ties between lawmakers and lobbyists and elect a Congress engaged in the people's business—in improving people's lives, not 1 in securing perks and privileges for themselves. They want Members of Congress who are accountable for their actions.

With this Congress—and this rules package—that is exactly what they will get. This resolution closes the curtain on an era in which legislation in this body was written not by lawmakers representing their constituents, but lobbyists paid for by special interests. It puts an end to the gifts from those lobbyists—to the free meals, tickets, and the trips and vacations they paid for. It requires complete transparency for any travel paid for by outside groups. And it tells Members of Congress that when they have to fly somewhere, they can do so not on corporate Jets, but on a commercial airline, just like other Americans.

In so doing, this legislation says clearly to the American people, "We are here to do work on your behalf, not ours."

Mr. Speaker, it is a new day in Washington, DC. And with war, budget deficits, and the skyrocketing cost of health care and energy, there is so much we need to do to get this country back on track. But it starts with restoring the public trust in this institution, so that the American people understand that when we cast our votes, we do so with the utmost integrity. That is what this new House rules package ensures, and I am proud to support it.

Mr. McGOVERN. Mr. Speaker, I yield back the balance of my time.

□ 1900

The SPEAKER pro tempore (Mr. McNulty). Pursuant to House Resolution 5, the previous question is ordered on the portion of the divided question comprising title II.

The question is on that portion of the divided question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 430, nays 1, not voting 4, as follows:

[Roll No. 7]

YEAS—430

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Burton (IN)

NOT VOTING—4

Brown (SC)
Buyer
Davis, Lincoln
Norwood

□ 1929

So that portion of the divided question was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, on rollcall No. 7, had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. McNulty). Pursuant to section 4 of House Resolution 5, further proceedings will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed resolutions of the following titles in which the concurrence of the House is requested:

S. Res. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. Res. 5

Resolved, That the House of Representatives be notified of the election of the Honorable Robert C. Byrd as President of the Senate pro tempore.

S. Res. 10

Resolved, That the House of Representatives be notified of the election of the Honorable Nancy Erickson as Secretary of the Senate.

S. Res. 13

Resolved, That the House of Representatives be notified of the election of the Honorable Terrance W. Gainer as Sergeant at Arms and Doorkeeper of the Senate.

The message also announced that pursuant to Public Law 95-521, the Chair, on behalf of the President pro tempore, appoints Patricia Mack Bryan, of Virginia, as Deputy Senate Legal Counsel, for a term of service to expire at the end of the 111th Congress.

The message also announced that pursuant to Public Law 95-521, the Chair, on behalf of the President pro tempore, appoints Morgan J. Frankel, of the District of Columbia, as Senate Legal Counsel, for a term of service to expire at the end of the 111th Congress.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area".

□ 1930

ELECTION OF MAJORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. EMANUEL. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 7) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 7

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Peterson of Minnesota, Chairman.

(2) COMMITTEE ON APPROPRIATIONS.—Mr. Obey, Chairman; Mr. Murtha, Mr. Dicks, Mr. Mollohan, Ms. Kaptur, Mr. Visclosky, Mrs. Lowey, Mr. Serrano, Ms. DeLauro, Mr. Moran of Virginia, Mr. Olver, Mr. Pastor, Mr. Price of North Carolina, Mr. Edwards, Mr. Cramer, Mr. Kennedy of Rhode Island, Mr. Hinchey, Ms. Roybal-Allard, Mr. Farr, Mr. Jackson of Illinois, Ms. Kilpatrick of Michigan, Mr. Boyd of Florida, Mr. Fattah, Mr. Rothman, Mr. Bishop of Georgia, Mr. Berry, Ms. Lee, Mr. Udall of New Mexico, Mr. Schiff, Mr. Honda, Ms. McCollum of Minnesota, Mr. Israel, Mr. Ryan of Ohio, Mr. Ruppersberger, Mr. Chandler, Ms. Wasserman Schultz, Mr. Rodriguez.

(3) COMMITTEE ON ARMED SERVICES.—Mr. Skelton, Chairman.

(4) COMMITTEE ON THE BUDGET.—Mr. Spratt, Chairman.

(5) COMMITTEE ON EDUCATION AND LABOR.—Mr. George Miller of California, Chairman.

(6) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Dingell, Chairman; Mr. Waxman, Mr. Markey, Mr. Boucher, Mr. Towns, Mr. Pallone, Mr. Gordon of Tennessee, Mr. Rush, Ms. Eshoo, Mr. Stupak, Mr. Engel, Mr. Wynn, Mr. Gene Green of Texas, Ms. DeGette, Mrs. Capps, Mr. Doyle, Ms. Harman, Mr. Allen, Ms. Schakowsky, Ms. Solis, Mr. Gonzalez, Mr. Inslee, Ms. Baldwin, Mr. Ross, Ms. Hooley, Mr. Weiner, Mr. Matheson, Mr. Butterfield, Mr. Melancon, Mr. Barrow, Mr. Hill.

(7) COMMITTEE ON FINANCIAL SERVICES.—Mr. Frank of Massachusetts, Chairman.

(8) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Lantos, Chairman.

(9) COMMITTEE ON HOMELAND SECURITY.—Mr. Thompson of Mississippi, Chairman.

(10) COMMITTEE ON HOUSE ADMINISTRATION.—Ms. Millender-McDonald, Chairman.

(11) COMMITTEE ON THE JUDICIARY.—Mr. Conyers, Chairman.

(12) COMMITTEE ON NATURAL RESOURCES.—Mr. Rahall, Chairman.

(13) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Waxman, Chairman.

(14) COMMITTEE ON RULES.—Ms. Slaughter, Chairman.

(15) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Gordon of Tennessee, Chairman.

(16) COMMITTEE ON SMALL BUSINESS.—Ms. Velázquez, Chairman.

(17) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Mrs. Jones of Ohio, Chairman.

(18) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Oberstar, Chairman.

(19) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Filner, Chairman.

(20) COMMITTEE ON WAYS AND MEANS.—Mr. Rangel, Chairman; Mr. Stark, Mr. Levin, Mr. McDermott, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Tanner, Mr. Becerra, Mr. Doggett, Mr. Pomeroy, Mrs. Jones of Ohio, Mr. Thompson of California, Mr. Larson of Connecticut, Mr. Emanuel, Mr. Blumenauer, Mr. Kind, Mr. Pascrell, Ms. Berkley, Mr. Crowley, Mr. Van Hollen, Mr. Meek of Florida, Ms. Schwartz of Pennsylvania, Mr. Davis of Alabama.

Mr. EMANUEL (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PUTNAM. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 8) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 8

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Goodlatte.

(2) COMMITTEE ON APPROPRIATIONS.—Mr. Lewis of California, Mr. Young of Florida, Mr. Regula, Mr. Rogers of Kentucky, Mr. Wolf, Mr. Walsh of New York, Mr. Hobson, Mr. Knollenberg, Mr. Kingston, Mr. Frelinghuysen, Mr. Wicker, Mr. Tiahrt, Mr. Wamp, Mr. Latham, Mr. Aderholt, Mrs. Emerson, Ms. Granger, Mr. Peterson of Pennsylvania, Mr. Goode, Mr. Doolittle, Mr. LaHood, Mr. Weldon of Florida, Mr. Simpson, Mr. Culberson, Mr. Kirk, Mr. Crenshaw, Mr. Rehberg, Mr. Carter, Mr. Alexander.

(3) COMMITTEE ON ARMED SERVICES.—Mr. Hunter.

(4) COMMITTEE ON THE BUDGET.—Mr. Ryan of Wisconsin.

(5) COMMITTEE ON EDUCATION AND LABOR.—Mr. McKeon.

(6) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Barton of Texas.

(7) COMMITTEE ON FINANCIAL SERVICES.—Mr. Bachus.

(8) COMMITTEE ON FOREIGN AFFAIRS.—Ms. Ros-Lehtinen.

(9) COMMITTEE ON HOMELAND SECURITY.—Mr. King of New York.

(10) COMMITTEE ON HOUSE ADMINISTRATION.—Mr. Ehlers, Mr. Daniel E. Lungren of California, Mr. McCarthy of California.

(11) COMMITTEE ON THE JUDICIARY.—Mr. Smith of Texas.

(12) COMMITTEE ON NATURAL RESOURCES.—Mr. Young of Alaska.

(13) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Tom Davis of Virginia.

(14) COMMITTEE ON RULES.—Mr. Dreier, Mr. Lincoln Diaz-Balart of Florida, Mr. Hastings of Washington, Mr. Sessions.

(15) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Hall of Texas.

(16) COMMITTEE ON SMALL BUSINESS.—Mr. Chabot.

(17) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Mr. Hastings of Washington.

(18) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Mica.

(19) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Buyer.

(20) COMMITTEE ON WAYS AND MEANS.—Mr. McCrery, Mr. Herger, Mr. Camp of Michigan, Mr. Ramstad, Mr. Sam Johnson of Texas, Mr. English of Pennsylvania, Mr. Weller of Illinois, Mr. Hulshof, Mr. Lewis of Kentucky, Mr. Brady of Texas, Mr. Reynolds, Mr. Ryan of Wisconsin, Mr. Cantor, Mr. Linder, Mr. Nunes, Mr. Tiberi, Mr. Porter.

Mr. PUTNAM (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Mr. PUTNAM. Mr. Speaker, I offer a resolution (H. Res. 9) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 9

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 3, 2007, until otherwise ordered by the House, to-wit: Jo-Marie St. Martin, Mike Sommers, Dave Schnittger, Brian Kennedy, George Rogers, and Jay Cranford, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94. In addition, the Minority Leader may appoint and set the annual rate of pay for up to three further minority employees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DAILY HOUR OF MEETING

Ms. SLAUGHTER. Mr. Speaker, I offer a privileged resolution (H. Res. 10) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 10

Resolved, That unless otherwise ordered, before Monday, May 14, 2007, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 14, 2007, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REGARDING CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Ms. SLAUGHTER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 1) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 1

Resolved by the House of Representatives (the Senate concurring), That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Tenth Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING PROFOUND REGRET AND SORROW OF THE HOUSE ON THE DEATH OF GERALD R. FORD, 38TH PRESIDENT OF THE UNITED STATES OF AMERICA

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 11) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 11

Resolved, That the House of Representatives has learned with profound regret and sorrow of the death of Gerald R. Ford, thirty-eighth President of the United States of America.

Resolved, That the House tenders its deep sympathy to the members of the family of the former President in their bereavement.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the former President.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the former President.

MOMENT OF SILENCE

The SPEAKER pro tempore. The House will observe a moment of silence in honor of former President Ford.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS DURING THE 110TH CONGRESS

Mr. HOYER. Mr. Speaker, I ask unanimous consent that during the 110th Congress, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL IN THE CONGRESSIONAL RECORD DURING THE 110TH CONGRESS

Mr. HOYER. Mr. Speaker, I ask unanimous consent that during the 110th Congress, all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the RECORD entitled "Extensions of Remarks."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MAKING IN ORDER MORNING HOUR DEBATE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that during the first session of the 110th Congress:

(1) on legislative days of Monday when the House convenes pursuant to House Resolution 10, the House shall convene 90 minutes earlier than the time otherwise established by the resolution solely for the purpose of conducting morning hour debate; and

(2) on legislative days of Tuesday when the House convenes pursuant to House Resolution 10:

(A) before May 14, 2007, the House will convene for morning hour debate 90 minutes earlier than the time otherwise established by that resolution; and

(B) after May 14, 2007, the House shall convene for morning hour debate 1 hour earlier than the time otherwise established by that resolution; and

(3) on legislative days of Monday or Tuesday, when the House convenes for morning hour debate pursuant to an order other than House Resolution 10, the House shall resume its session 90 minutes after the time otherwise established by that order;

(4) the time for morning hour debate shall be limited to the 30 minutes allocated to each party, except that on Tuesdays after May 14, 2007, the time shall be limited to 25 minutes allocated to each party and may not continue beyond 10 minutes before the hour appointed for the resumption of the session of the House; and

(5) the form of proceeding for morning hour debate shall be as follows:

(a) the prayer by the Chaplain, the approval of the Journal and the Pledge of Allegiance to the flag shall be postponed until resumption of the session of the House;

(b) initial and subsequent recognitions for debate shall alternate between the parties;

(c) recognition shall be conferred by the Speaker only pursuant to lists submitted by the majority leader and by the minority leader;

(d) no Member may address the House for longer than 5 minutes, except the majority leader, the minority leader, or the minority whip; and

(e) following morning hour debate, the Chair shall declare a recess pursuant to clause 12(a) of rule I until the time appointed for the resumption of the session of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. HOYER. Mr. Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAME SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Ms. Marjorie C. Kelaher, Deputy Clerk, and Mr. Jorge E. Sorensen, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which they would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 110th Congress or until modified by me.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

APPOINTMENT OF MEMBERS TO HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 2001, and the order of the House of today, the Chair announces the Speaker's appointment of the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. BOEHNER) as members of the House Office Building Commission to serve with herself.

LIEUTENANT (JG) GERALD FORD

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, during the great World War II, the U.S. aircraft carrier *Monterey* faced its fiercest naval battle, not with the Imperial Japanese Navy, but the storm of the sea, Typhoon Cobra.

A naval lieutenant (jg) answering the call to action motivated the crew to combat against the Cobra's bone-crushing waves, torrential rains, and consuming fires it caused on board the ship.

Refusing the order to abandon the ship, this warrior valiantly went below, marching into the mouth of the fire, rescuing those trapped within its grasp. He ignored the searing heat of the flames and the blackness of the smoke. Hour upon hour this man led others in the charge to extinguish the demon fire, saving fellow sailors and officers.

He did not seek recognition in the darkness of 1944; it sought him. When it called, this naval officer answered in a manner of all American patriots, with courage, valor, and victory.

Twenty-nine years later, this same individual helped rescue an entire Nation from the fire of corruption and war. And he brought peace. His name was President Gerald Ford, and we thank him.

And that's just the way it is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that the whole number of the House is 435.

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1945

LANCE CORPORAL LUKE YEPSEN, TEXAS WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, it has been said, "We are United States Marines, and for two and a quarter centuries we have defined the standards of courage, spirit, and military prowess."

These are words spoken by United States Marine Corps General James Jones. This describes the elitism of those chosen few who wear the title of United States Marines.

Luke Yepsen was one man whose life was making a difference at a very young age. He personified the core values of the United States Marine Corps of honor, courage, commitment.

He was from Kingwood, Texas, a close-knit community near Houston, Texas. He was a graduate of Kingwood High School, and he was known for his big heart and ability to live life to its fullest extent. He enjoyed travel and he was proud of the fact that he had already traveled to 20 different foreign countries in his short lifetime.

Luke deeply cared about his family back home in Texas and his military family. His fellow Marines said he was more than just a friend; he was a brother, a brother to everyone who knew him.

Like many Texans, especially those Texans who go to war, Luke chose to enroll in Texas A&M after high school. During his freshman year, he made a decision to leave Texas A&M University. Gary Yepsen, Luke's father, asked him why he didn't want to graduate college and then enter the United States Marine Corps as an officer. Luke said, "I don't want to go into the Marines to tell people what to do. I want to go into the Marines so they can tell me what to do."

Here is what President Ronald Reagan said about the Marines: "Some people spend an entire lifetime wondering if they made a difference in the world. But the Marines, they don't have that problem."

Luke Yepsen was one of those Marines. With faith in God and country, at 18 Luke enrolled in the United States Marine Corps. He was an assaultman, later a mechanic, which came easy to him because of his love of cars. "He had so much courage and pride, you can't even imagine. You could hear it in his voice how proud he was," said Luke's brother, Kyle. In October of 2006, Luke was deployed to Iraq with the 1st Tank Battalion, 1st Marine Division, 1st Marine Expeditionary Force. Amid the violence and anarchy in Iraq, Luke's thoughts never waned from the security of home and American freedom. When told by his college roommate that he was praying for him, Luke quickly responded, "Well, I'm praying for you."

On December 14, 2006, at the age of 20, Luke, while fighting the forces of evil, was killed by enemy action in Iraq. For his military service, he was awarded the Purple Heart, the Combat Action Ribbon, the National Defense Service Medal, and the Iraq Campaign Medal, the Global War on Terrorism Medal, and the Sea Service Deployment Ribbon.

On the morning of December 22, 2006, hundreds of Kingwood, Texas, residents lined the streets of this community paying tribute to the family of this patriot. Many of those on the streets carried flags, yellow ribbons. Many held banners saying "Proud of You," "Proud to be an American." Some said, "Thank You." As the funeral procession made its way to the church, the residents of Kingwood, with tearful eyes and grateful hearts, saluted the Yepsen family.

Mr. Speaker, I want to tell you that patriotism is alive and well in the United States. And as the Kingwood, Texas, community mourns the loss of America's son, Luke Yepsen, and all those who came before him and all those that will come after him, we know that freedom is not free, and we thank this fearless Marine for dedicating his life to America.

Luke's sacrifice will be etched in the catalogue of history as another Marine who was always faithful. A sacrifice made for his parents, Sheila and Gary; his brother, Kyle; and his fiancee, Sandra Bruman; the Kingwood community; and this great Nation.

As we honor the life of Luke Yepsen, reflect on those timeless words from the Marine Corps Hymn that say:

"In many a strife
We've fought for life
And never lost our nerve.
If the army and the navy
Ever look on heaven's scenes,
They will find the streets are guarded
By United States Marines."

Mr. Speaker, I suspect that Lance Corporal Luke Yepsen is patrolling the streets of heaven tonight and guarding the pearly gates.

So Semper Fi, Lance Corporal Yepsen. Semper Fi.

And that's just the way it is.

HONORING DEREK RYAN KEHOE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, I rise today to speak of a courageous young man from my district, and of his friends and family and supporters, who are trying to use his untimely demise to help make the world a better place.

Derek Ryan Kehoe graduated from Nazareth High School in 2005, which this high school is located in Nazareth, Pennsylvania. And he was a star player on the school's basketball team, a team he led to the District 11 Tournament in 2005.

He was a freshman at Albright College when, in April of 2006, he discovered a lump on his back. The lump turned out to be leiomyosarcoma, or LMS as it is better known, a rare and deadly form of cancer. LMS currently has no cure. And though Derek was a strong, healthy 19-year-old, the disease overcame him, and he passed on on October 28, 2006.

Throughout his illness, Derek was cheerful and encouraging, more concerned with the feelings of those who came to see him than of his own condition. On January 5, 2007, Derek's life will be commemorated at half time of the Nazareth High-Northampton High boys basketball game. A full house is expected, and 150 of Derek's classmates are returning for the event. All proceeds from the game will be earmarked to fight this dreaded disease of LMS that took Derek away from us way too soon.

I want to extend my condolences to Derek's parents, Maureen Kehoe and Kevin Kehoe. I also want to express my support for all the people who have put together this event, including the Kehoes, the administration of Nazareth Area High School, and the Nazareth High School Booster Club. I also want to convey a special word of thanks to Nazareth basketball coach Joe Arndt, who loved Derek as he would a son and who played a key role in making this event a reality.

Mr. Speaker, I will insert a copy of these words into the CONGRESSIONAL RECORD this 4th day of January, 2007, as part of the effort to commemorate for all time the life of Derek Ryan Kehoe.

Mr. Speaker, I rise today to speak of a courageous young man from my District, and of his friends, family, and supporters who are trying to use his untimely demise to help make the world a better place.

Derek Ryan Kehoe graduated from Nazareth High School in 2005 (in Nazareth, PA) and was a star player on the school's basketball team, a team he led to the District 11 Tournament in 2005. He was a freshman at Albright College when, in April of 2006, he discovered a lump on his back. The lump turned out to be leiomyosarcoma (LMS), a rare and deadly form of cancer. LMS currently has no cure, and though Derek was a strong, healthy 19-year old, the disease overcame him, and he passed on October 28, 2006.

Throughout his illness, Derek was cheerful and encouraging, more concerned with the feelings of those who came to see him than with his own condition. On January 5, 2007, Derek's life will be commemorated at the halftime of the Nazareth High-Northampton High boys basketball game. A full house is expected, and 150 of Derek's classmates are returning for the event. All proceeds from the game will be earmarked to fight this dreaded disease of LMS that took Derek away from us way too soon.

I want to extend my condolences to Derek's parents, Maureen Kehoe and Kevin Kehoe. I also want to express my support for all the people who have put together this event, including the Kehoes, the administration of Nazareth Area High School, and the Nazareth High Booster Club. I also want to convey a special word of thanks to Nazareth basketball coach Joe Arndt, who loved Derek as he would a son, and who played a key role in making this event a reality.

Mr. Speaker, I ask that a copy of these words be inserted into the CONGRESSIONAL RECORD this 4th day of January 2007, as part of the effort to commemorate, for all time, the life of Derek Ryan Kehoe.

CLEAN ENERGY

The SPEAKER pro tempore. The gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes.

Mr. INSLEE. Mr. Speaker, I come to the floor this evening on truly what is a historic day, the beginning of this Congress. Historic, I will mention two reasons: One, the first woman Speaker of the United States House of Representatives, NANCY PELOSI, something that certainly has caused a lot of joy here and across the country and it is something worthy of noting. But a second historic event arises from Speaker PELOSI's first address as Speaker of the House today that I think marks a pivotal moment in our future of the country when it comes to our energy policy.

Speaker PELOSI today, in some of her very first comments, made a commitment to the country that our Nation would start a titanic and historic shift from old technologies associated with fossil fuels that are now putting massive amounts of carbon dioxide into the atmosphere and towards the use of new technologies that can produce our mode of power for our cars and our planes and our buses and our homes and our computers, and even our hair dryers in a way that does not contribute to global warming. And this is her commitment and her very first comment, I think it was telling, that this House will pass a measure in very short order, in the next several weeks, that will shift a huge amount of our national resources away from work in these fossil fuels that are now contributing to global warming and put that money into a fund that will be dedicated to the use of new high-technological energy sources that can free us from Middle Eastern oil, create jobs in our country, and stop global warming.

This is certainly a three-fer. And the way that she has made a commitment that this House will do is that we basically will repeal some of the less prudent activities of the former Congress that gave $7 billion of taxpayer money to the oil and gas industry, a very imprudent move, an industry that is in tip-top form financially, making profits hand over fist, the most profitable corporation in American history, indeed, world history. And yet the last Congress saw fit to give billions of dollars of tax relief to these organizations.

And these organizations are good organizations. They have good people in them. But there was no reason to give that money away when it has higher purpose. And that higher purpose that Speaker PELOSI talked about today is to take those billions of dollars, those tax goodies given away to these corporations, repeal those giveaways and shift that money, shift those public resources, into a pool of funds that will be used to develop new high-tech, clean energy sources that we can go forward to build energy independence and reduce our contributions of carbon dioxide and other gases that are contributing to global warming. And I think this is a fundamental shift in American history.

We have had a steam revolution starting with American ingenuity, with Fulton and others. We had an industrial revolution led by American inventors, Ford and others. We have had an IT revolution led by many people in the software business. Many of them in my district in North Seattle and Redmond, Washington.

And now we are heading into a fourth revolution in the industrial base of America, and that is an energy revolution, where we make a transition from dirty fuels to clean fuels, many of which we will talk about tonight, and we will do it in a smart, prudent, fiscally sound way of using funds that are being wasted essentially on these old dirty technologies and shift them over, starting today with Speaker PELOSI's wise comments, towards these new technologies.

And in doing so, we will use the most fundamental character of Americans, which is technological brilliance, innovation, creativity, tinkering. We are the greatest tinkerers and inventors, not speaking personally but our country, in human history. And now starting today, we are taking the first step what I call the road down to new Apollo. We had the first Apollo project with

John F. Kennedy where we went to the moon.

Today, with Speaker PELOSI's comments, we took the first step on the road to a new Apollo clean energy future for this country to move these resources into a clean energy future. And I am very excited about it because it will build upon the scientific prowess of America.

I would like to yield now to one of the Members of Congress who is a leader in the scientific community, a physicist with a history at Princeton, who personifies what science can do for this country, who has been a leader on these clean energy issues, for some comments on this issue, RUSH HOLT of New Jersey.

Mr. HOLT. Mr. Speaker, I thank my friend, the gentleman from Washington (Mr. INSLEE). And I look forward to joining him again in the Apollo energy legislation as I did in the last Congress, and this time I hope we will get it through because the way we produce and use energy in the United States is the greatest insult to our planet.

There are a lot of things that we do that are dangerous, unclean, unproductive. But the way we produce and use energy is the greatest insult. And I think what we want to talk about is the word "sustainable." We should be in this for the long haul for centuries to come.

As we look back on a day like today when we celebrate the ongoing experiment of the American republic, we should be thinking, as those who wrote the Constitution were thinking, about something that would last for centuries. We should be embarking on a sustainable energy path. Not just clean energy, not just renewable energy, but a sustainable energy path that is environmentally sustainable, that is economically sustainable, and that is climactically sustainable.

One of the big changes that has occurred, and I think Mr. INSLEE would agree, in the last year or 2 is here in Washington, and I think around the country, we have come to the conclusion, some of us years ago, but most people very recently, have come to the conclusion that global climate change, human induced global climate change, is real. They have come to the conclusion that it is real and they have come to the conclusion that it is serious.

They have not yet come to the conclusion that it is harmful. I would argue that it is costly and deadly. They have not come to the conclusion that there is something that we can do about it. But, indeed, I would argue that there is a great deal we can do about it. Some damage has been done.

□ 2000

There is much more we can do.

Mr. INSLEE. We want to turn to the things that can be done, because one of the messages of the new Apollo Project is that we have a clear path to use technology to solve this problem. But before we launch into a discussion now, I just wanted to note three conversations on this issue about global warming I have had in the last two weeks, that I want to note about why this is so compelling to have new energy.

The first conversation I had last week was with a woman who was a leader in the first city in the United States that is being relocated as a result of global warming. That is the village of Shishmaref in Alaska; it is on the Arctic coast of Alaska. This woman told me that last week the city voted to move their city, I think it is about 13 miles off of a coastal barrier island, that is disappearing because sea levels are rising, the tundra is melting, and the ice that serves as a barrier protecting their village is melting, and their island is disappearing, right literally underneath them.

They are having to move their whole city at a cost of $150 million, onto an inland area, that is Shishmaref, Alaska. When we have to start moving cities in this country to start dealing with global warming, it is time to have a new energy policy.

Second, I had a conversation with the president of the Marshall Islands. It is an independent nation in the South Pacific of 60,000 people. The president of the Marshall Islands told me that they are in an emergency situation because of the rising seas and the increasing frequency of big storms which are literally overtopping their islands, which are just a few feet. They are built on coral reefs. Their coral reefs are dying because the oceans are becoming warmer and more acidic due to global warming. We have a whole country that may go under water as a result of global warming.

The third conversation I had last week was with a woman who was a climatologist, I may have butchered that word, meteorologist. She is an expert on the Arctic, basically. The University of Washington just published a study that said with a fairly high degree of probability the Arctic ice pack will have disappeared in months of September, disappeared with just marginal little bits of it hanging on to the coastline by the year 2050, with all of the changes that portends, including the disappearance of the polar bear, that even the current administration under George Bush agrees should be listed as a threatened species because the Arctic ice is going to disappear.

I just note these because since Mr. HOLT and I last discussed this in the last Congress 2 months ago, these three changes have taken place. This is a dramatically rapidly changing climate we have that demands an answer to energy policy.

So I just want to set the urgency for taking steps, the first step.

Mr. HOLT. The gentleman makes a very good point, but this is not just a matter of the frost line moving a little bit north or spring coming a little bit earlier so you can get your tomatoes out sooner. No, it is much more serious than that. The pattern of storms, the pattern of droughts, even the pattern of freezes will change. Ocean currents are already showing signs of changing. That is what I mean when I say this is very costly and even deadly.

It is not just inconvenient. It does not just mean that, well, they are going to start growing sugar cane in Minnesota as the climate warms up. No, it means that lives will be lost and huge expenses will be incurred.

So that is the point. Let me just finish the two further steps we need to take in public understanding and, I would say, in legislative understanding. Once we recognize that human-induced climate changes, that it is real, that it is serious, that it is costly, and that something can be done, we have to figure out what those things are, and the new Apollo Energy Act of the last Congress that we will get in shape for this Congress will give you some of those ideas, I think. But then we have to convince ourselves that it is worth doing these things, that the benefits will be greater than the cost.

Well, I can assure you the cost will be great. But even more, we can make this a winner by stopping climate change, and we are in the best position in the world of all countries to do that because we have set the pattern for energy use for a century, and we can set the pattern for the coming century.

We are behind other countries, are doing more, we are buying windmills from Europe, not the United States, just to take one example, but we can go on and on. We could take the lead, and I can assure you, I can assure the gentleman from Washington, and anyone else, that it will be better to sell these technologies to the world than to buy them, and there is going to be a huge market for alternative sustainable technologies.

Mr. INSLEE. That point of being able to sell American technology to the world, I want to mention two companies, their CEOs I have talked to in the last month. One I talked to this morning is called Greenpoint Energy. It is a company in Boston that has developed a way to take coal and to process it into natural gas, then burn the natural gas in a way that eliminates the mercury emissions that typically come out of a coal stack, eliminates the sulfur dioxide that comes out of a smokestack and most importantly reduces carbon dioxide, the global warming gas by 60 to 65 percent.

Now, when I asked this young entrepreneur, who formerly did very well in the software industry, and is now into energy, what he saw as the future of this, he said it is unlimited. The reason it is unlimited is that we can take this technology that we build here, we can build these plants and sell them to China.

China is building one dirty coal plant a week, a 500-megawatt coal plant a week in China, which is creating massive CO_2 contributing to global warming gas. Here is a company right now, they have got 25 employees right now, and 20 subcontractors, they can have thousands at some point when we start selling this technology to the Chinese.

Another company called Nanosolar in Silicon Valley, California, they developed a way to make a solar cell using a thin cell material that can increase the efficiency, or at least decrease the cost at least by 40 to 50 percent of solar energy, using a thin cell that is about 5 percent of the current thickness of a silicone-based solar cell. They want to sell this technology when we develop it. We have the first 450-megawatt capacity plant they are building right now, as we speak tonight. They want to start selling these around the world.

So here is a tremendous opportunity for America to reverse our balance-of-payments problem and start selling things to the world rather than buying them.

Mr. HOLT. The Chinese will be buying technology. There is no question. They would prefer not to pollute their skies. They are trying to clean up for the Olympics; but they are growing fast, they need the power, they would welcome cleaner power. As evidence of that, I would say that their auto fleet is already more efficient than ours.

Because the technology is available, that is what they are buying. It would apply across the board in energy technologies. China, Southeast Asia, India, yes, and Europe.

The gentleman from Washington spoke about American ingenuity. You know we in Jersey call it Yankee ingenuity, but no aspersions on those from Southern States or Western States. That is what it was known as, or good old American know-how. We can do it.

The new Apollo Energy legislation that I joined the gentleman in the last Congress, talked about incentives, demonstration projects and investments and research and development. They are, indeed, investments that would pay off big.

Mr. INSLEE. You mentioned transportation. I just want to note what I consider to be a very exciting development in the last 7 days in this country in transportation. I want to yield to a real leader in there, Mr. BLUMENAUER.

But when it comes to cars, we have not improved the efficiency of our cars in 25 years. We get less mileage today in our cars than we did 25 years ago. But in the last 30 days something very dramatic happened in the auto industry.

General Motors announced that they were going to start developing a plug-in vehicle in the next 5 years where you can go home at night, plug in your car, charge your batteries off your electrical grid from one to two cents, effectively, a mile, you are now spending ten to fifteen. For one to two cents a mile off the grid, you can run your car for, we hope, for the first 20 miles. Then after you run out of juice, if you drive more than 20 miles, and 60 percent of our trips a day are less than 20 miles, but if you go more than 20 miles then you start burning either the gas or the ethanol that you got from corn and soybeans and rye grass. You have a flex-fuel vehicle, you plug it in at night, you are off to the races. That is the first thing.

The second thing is the Department of Energy last week issued a study which concluded that there is enough energy-generating capacity in the United States, excuse me, it was a Pacific Northwest laboratory out in Washington State, actually, an arm of the Department of Energy. They concluded there was enough electrical generating capacity today to fuel 85 percent of our cars and trucks using a plug-in battery system and not build a single new generating plant.

In other words, we could fuel 85 percent of all of our cars once we get a plug-in battery system developed without building a single new dirty plant coal or even a clean coal, for that matter, because you have all of this excess capacity at night that is sitting there that we don't use. We have all these plants that just sit there unused at night. We can use them to charge our cars. These are two very exciting developments using home-grown technology if Congress acts to move these subsidies away from the oil and gas industry, as Speaker PELOSI pledged to do today, and move them into support for these new businesses and consumers to get the new end higher energy.

I want to yield to Mr. EARL BLUMENAUER, who has been a real leader in trying to bring transportation, particularly public transit which is a very, very effective way of reducing our pollution and making our transportation more efficient.

Mr. BLUMENAUER. I appreciate your courtesy, Mr. INSLEE, in permitting me to speak on this. I appreciate your continued leadership in spotlighting issues of global warming, energy efficiency, and the difference it will make for Americans across the country.

I too was impressed today with the clear, articulate vision set forth by our new Speaker, NANCY PELOSI, reemphasizing the commitment that the Democratic leadership and our caucus has to deal meaningfully with problems of global warming, energy independence and efficiency.

Having an opportunity this evening to focus on this is important because for the first time in a dozen years we won't just be talking about this. We have legislative leadership that is committed to action, to dealing with the redirection of vast subsidies that have been given to people who need them the least, and, instead, rationalizing investments in areas that you have championed with alternative energy, wind, solar, biomass and, particularly, conservation.

You are right, tracking the problems of transportation is central to dealing with greenhouse gases, global warming and our alarming dependence on oil imported from increasingly unstable areas of the world.

I appreciate the conversation that you and Mr. HOLT have had about the positive impact, the President and the Republican leadership in the last half dozen years have been baring their head, claiming that we can't deal with problems of global warming, climate change, energy conservation because of the economic disruption.

You have cited examples from our Pacific Northwest where there are entrepreneurs ready to go, rolling up their sleeves, with things that will make a difference, creating jobs in this country, that will, in fact, conserve resources and save money.

☐ 2015

Our ability to invest in wise, diverse transportation choices for the American public has the opportunity to put money in the pockets of Americans while it fights greenhouse gas. We consume approximately 10 percent of the world's petroleum supply each year driving our SUVs to work and back. The commitment to make sure that the Arctic wildlife refuge is the last place we drill, not the next, that makes energy conservation more available to Americans, and unlocks the economic potential of a whole array of new technologies and products.

I look forward to continuing our conversation here over the next few minutes. I, personally, am committed to continuing, as I have in both of your districts in the past. I know you both have constituents that are concerned about transportation choices. This Congress might be able to do something to provide equity, for instance, for cyclists, people who burn calories instead of petroleum, but are treated differently in our Tax Code for their commuting costs, for instance. I look forward to working with you to make these a reality and make a difference to enhance the planet, protect our national security and put money in the pockets of the American taxpayer.

Mr. INSLEE. Mr. HOLT.

Mr. HOLT. If the gentleman would yield, I would like to elaborate on a point that Mr. BLUMENAUER made about transportation. Not only do we use a lot of energy going to and from work, we waste a lot of energy that no one wants to use sitting in congestion. There are some parts of the country, we certainly see it in my State of New Jersey, where an enormous amount of energy is lost. And if we could avoid that congestion, it would make everyone happier, I can assure you, not just at a sense of savings, but it would remove the aggravation.

Well, it is a whole lot easier to move electrons than it is to move chunks of metal. Smart transportation systems that take account of where the traffic is and where it can go, and compute in real time where you should go, rather than you running a car-sized computer system where you are trying this and you are trying that and you have got a million cars in this computer system in real-time trying to figure out the best routes. You can do that with smart transportation system cheap, relatively, save energy, save money, save aggravation. That is just one example of what we should do.

Mr. INSLEE. I would like to point out a shining example of what Mr. HOLT is talking about, and that is in Portland, Oregon, in part, because of the leadership of Mr. BLUMENAUER, Portland, Oregon achieved two very significant milestones in the last year. First, it was the first city ever to essentially meet the Kyoto targets for reduction of carbon dioxide. This proves it can be done.

A smart transportation policy and a smart energy policy can be both good for your economy and meet these targets to reduce carbon dioxide. Portland, Oregon has achieved that, and one of the reasons is because of their second accomplishment, the first city in the last 30 years in America, has had less miles driven per individual in the last several decades. It is the first city that has ever accomplished that by developing a very sophisticated public transportation system and developing a living system that can reduce the need for some of our long commutes. And I want to point out Portland's success on this has been an enormous benefit to its economy, because Portland, Oregon's economy has been booming. The value of property has been booming as a result of these smart energy choices it has made, and people want to live there. And it is because of some of the smart choices that have been made in order to use energy more efficiently.

Mr. HOLT. If I may just insert, some of those choices have been made by our now-colleague, Mr. BLUMENAUER. Much of the success of Portland traces back to some of the decisions that he had a part in some years ago.

Mr. BLUMENAUER. If the gentleman would yield

Mr. INSLEE. Yes.

Mr. BLUMENAUER. I appreciate your positive words about our community. And I do take pride in essentially having reached 1990, emission levels for carbon dioxide and actually having reductions in per capita emissions for each of the last 4 years. And it has been done, not at the expense of economic development and choice, but rather, as a result of providing it. And this is a point, I guess, that I am eager for us to pursue. And I appreciate the leadership that you gentlemen have exercised, both in terms of looking and investigating what's going on in Oregon and providing leadership in your own States and in your own communities.

The average American family, today, pays more for transportation than anything else in their budget, except for housing. And for Americans who make less than $40,000 a year, typically, they pay more for transportation than for housing. So our being able to have sensible development patterns where people can live closer to where they work, employing what Mr. HOLT was talking about in terms of smarter technology to let people know what they are getting into in terms of congestion, and giving people choices. This is not about saying you can't drive a car.

But when I go to other communities, and since I have been in Congress, I have been in more than 200 communities across the country working on issues of transportation, land use and affordable housing. What I find is that people are complaining not that we are trying to take away their choices, but because they have no choice. Too many communities, people can only drive to work in a single occupant vehicle. In many of these communities, 90 percent of the children cannot go to school safely on their own by bicycle or walking. And what we are talking about here is giving back choices to the American public about where they live, how they travel, choices that will not only reduce congestion, improve air pollution, it will put money in the pockets of American families.

Mr. INSLEE. If I can allude to a choice, another sort of choice, I think that is a very fundamental principle that we want to give people choices in their uses of energy. But I want to allude to a choice, if you do decide to drive a car, what kind of fuel you use. And it is a Democratic Party principle now under the leadership of Speaker PELOSI that Americans are going to have more choices about what fuel you use because as part of our effort to move money away from this giveaway to the oil and gas industry that have enslaved Americans, you are a slave to the oil and gas industry if you have got a car right now, to move it over to give more fuel choices to Americans. We intend to develop a vision for this country that you have the same freedom that Brazilians have, because in Brazil today when you pull up to the pump you are not a slave to the oil and gas industry, you are the boss because when you pull up to a pump in Brazil you decide whether you want gasoline or whether you want domestically manufactured ethanol made from sugar cane in Brazil and soon to be made through cellulosic ethanol, through corn and wheat and corn stovers and switch grass and who knows what kind of products we are going to develop so that consumers can decide what product they are going to put into the tank. And when we do that, we are going to create thousands of jobs across the country, particularly in the agricultural belt.

I got an e-mail just as I was walking over here tonight about a little article about a company in Wisconsin that are building sort of the foundations for wind turbines. They can't hire people fast enough. Right down the road, at the Chippewa Valley co-op they are brewing ethanol in Minnesota to give people a choice to put ethanol in their tank rather than gasoline, and they have created source of jobs in this little town in Minnesota that was sort of a declining town at the time. We want to give choices to people.

And we have another leader here tonight on those issues, Representative KAPTUR from the great State of Ohio, that has been a leader in an effort to make a transition from just an oil and gas economy to one based on biofuels. And I have to tell you that I am very excited about this because I have been talking to scientists who tell me that we now have the possibility of having two to four times more bio fuels per acre than we even have today, and with our corn usage today that is certainly being successful with a consequent reduction of carbon dioxide that Representative KAPTUR can tell us about. I would like to yield to Representative KAPTUR.

Ms. KAPTUR. I want to thank Representative INSLEE for taking this special order tonight on the very first night of the new Congress, the 110th Congress which is going to be so historic. And Speaker PELOSI's remarks today about energy independence for our country just rang so true. In a district like ours, which is a major new solar manufacturer, as well as wind turbine manufacturer and research region of the country. Coming from the auto belt, you don't think about that. But yet we are a biofuels leader. We have four plants being built now, both soy diesel and corn-based ethanol within our radius of 25 miles of our major community of Toledo, and in fact, some of them right in Toledo.

And I wanted to just take a few minutes, if I might, and I thank Congressman BLUMENAUER and Congressman HOLT. These gentlemen who are with us tonight are really the new age energy thinkers for our country, and I am really so happy to join you on this first night that we are here together.

And I just wanted to put on the record some interesting information that I have been sharing in the committees that I serve on. This particular chart talks about total petroleum consumption in our country, and looks at the growing share of imported petroleum as a percentage of everything that we consume.

And of course, since the beginning of the Bush administration, America is consuming one billion more barrels of oil per year, largely imported. Imports now constitute nearly three-quarters of what we use in this economy. Americans need to understand that. And over a period of time, from the beginning of the 90s, the share of imports has just risen until where now it comprises a majority of what we consume. This is a diminishing resource. Actually it is a dirty resource.

And I wish to place on the record tonight an article that was in The Financial Times back in December that lists the major companies in the world that are privately held. And I won't read the whole list tonight, except to say, of the top 20 companies, three-quarters are all oil companies, and they are not based in the United States. So all this money that the United States is spending on an imported product could be invested here at home in the new technologies that these fine gentlemen and I are talking about tonight.

Just to give you an idea, Saudi Aramco is number one on the list. Its value, estimated market value, is three-quarters of $1 trillion. $781 billion. And of course, Saudi Arabia has been a very important back up supplier to our country. I wish it were not so, but we have become very addicted to that supplier.

Petroleos Mexicanos, that oil and gas company worth $415 billion, our hard earned dollars flowing to that privately held company.

I won't go through all of them, but the next, Number 3 on the list, and the gentleman discussed Latin America, is Venezuelan Petroleum, valued at $388 billion.

Go down to Kuwait Petroleum, Number 4, $378 billion. Malaysian Petroleum, $232 billion. The idea is you go down and then you get into the companies financing this import, such as the Carlisle Group which has moved up now at $71 billion to Number 22 on the list. So I would like to submit this to the RECORD. The top three-quarters of these companies, the top 20 largest privately held companies in the world are all oil and gas. I wanted to make sure this was placed on the RECORD tonight, and to say that as the author of the first title in any farm bill in American history, a biofuels title, Title IX, we have been incentivizing at a very small level, about $23 million, not billion, $23 million dollars a year, efforts to try to help agriculturalists across this country own the future. It has been such a fight. And I heard the gentleman saying earlier this evening, finally, I think Mr. BLUMENAUER said, after 12 years, we finally have a chance to uncork this really developing answer for our Nation. And we hope that with the new farm bill and with the leadership of Congressman Colin Peterson, who is the right man at the right time in the right committee in the right country, from the Red River Valley of Minnesota, in the farm bill that will be produced this year, that we will be able to piece together the solutions that we know exist.

FT NON-PUBLIC 150

	Company	Country	Sector	Estimated Market Value as of Dec 2005 ($bn)	Type	Type (1)
1	Saudi Aramco	Saudi Arabia	Oil gas	781	S	State owned
2	Petróleos Mexicanos (Pemex)	Mexico	Oil gas	415	S	State owned
3	Petróleos de Venezuela SA	Venezuela	Oil gas	388	S	State owned
4	Kuwait Petroleum Corporation	Kuwait	Oil gas	378	S	State owned
5	Petroliam Nasional Berhad (Petronas)	Malaysia	Oil gas	232	S	State owned
6	Sonatrach	Algeria	Oil gas	224	S	State owned
7	National Iranian Oil Company	Iran	Oil gas	220	S	State owned
8	Japan Post	Japan	Postal services	156	S	State owned
9	Pertamina	Indonesia	Oil gas	140	S	State owned
10	Nigerian National Petroleum Corporation	Nigeria	Oil gas	120	S	State owned
11	Abu Dhabi National Oil Company (ADNOC)	UAE	Oil gas	103	S	State owned
12	INOC	Iraq	Oil gas	102	S	State owned
13	Libya National Oil Company	Libya	Oil gas	99	S	State owned
14	Sparkassen-Finanzgruppe*	Germany	Banking	98	P	Association
15	State Grid Corporation of China	China	Electric utilities	87	S	State owned
16	Nippon Life Insurance Company	Japan	Insurance	87	P	Mutual
17	Kohlberg Kravis Roberts Co	United States	Private equity	83	P	Partnership
18	Qatar Petroleum	Qatar	Oil gas	78	S	State owned
19	State Farm Mutual Automobile Insurance Company	United States	Insurance	76	P	Mutual
20	European Investment Bank	Luxembourg	Banking	73	S	State owned

Ms. KAPTUR. I will attest and sort of end with this. In our district today, Dr. Al Campaan, the head of Physics at the University of Toledo, has a solar-powered house from equipment made in Toledo. He takes his truck, with six batteries home, maybe eight, every night. He drives it from the university back home and he plugs it into his house. The technology exists in Toledo, Ohio. He drives it the next morning, a fully charged truck, back into the University of Toledo.

As we move to develop the technology of future, I would just recommend to those who are listening tonight, here in the Chamber and elsewhere, a wonderful book by a former decorated CIA agent, Robert Baer, for whom I have great admiration. He retired. He is in his 50s. We have probably had no better human intelligence officer throughout the Middle East and Central Asia. He wrote a book, Sleeping with the Devil.

☐ 2030

When I read that book, I thought I have to meet this man, because he is speaking my language. The life he lived is very different than the life that we have lived, but he looked the problem straight in the eye. The subtitle of the book is: "How Washington Became Addicted to Saudi Crude."

And I think it is important to note that the American people know this. They want us to do something. They want us to help transform the country. And I thank all my dear colleagues for allowing me these few minutes on the floor this evening. I was not intending to come here, but you have hit sort of the bull's eye of what this Member of Congress has been involved in for several years, and you could not be on a more important job creation, environmentally right set of initiatives for this country, and it will be a joy to be here working with you on this.

Mr. INSLEE. We appreciate the gentlewoman from the State of Ohio. We know the State of Ohio is going to do some great work on energy under the leadership of the new governor, Ted Strickland, who is committed to this agenda. And he would have been here tonight, but he is serving as governor, or will be in about a week.

I want to make two comments on the transition to a biofuels economy in the United States. First off, some people have said, well, we should not use fiber or plants for fuel. We have to use it only for food. I want to point out the fallacy of that argument. Right now we are exporting an enormous percentage of the foodstuffs we grow. We send it around the world and they send us the cash. What do we do? We take the cash and send it to Saudi Arabia.

Let us cut out the middleman. Let us grow our own. This is time to grow our own. We are sending it all over the world and then sending the cash to

Ridya and Saudi Arabia. Let us keep it right here. Let us grow our own fuel.

By the way, this is no pie in the sky. The Department of Agriculture has concluded we could have 30 percent of our fuel easily in the next 20 years, easily, using very conservative efforts. This is a very achievable goal.

The second point I want to make is that this may happen eventually without Congress's help, but it will be too late. Brazil took 30 years to make this transition to an energy independent condition using their biofuels. They use sugar cane there. They took 30 years. We do not have 30 years to wait. We have a problem with al-Qaeda tonight, we have trouble with global climate change tonight, and we have trouble with a loss of a manufacturing base in America tonight. We do not have 30 years. So we need to act and we need to do some things that the past Congresses and the current administration have not done.

Let me just mention three of them. Number one, they have not given loan guarantee assistance to get some of these plants going. The first cellulosic plant in the world, commercial cellulosic plant in the world is a company called Iogen. They are ready to build a plant. They have contracts with 300 farmers to grow a plant using the leavings of wheat to use cellulosic ethanol in Idaho, but they can not get the loan guarantee to get the job done.

We want to get that job done and get that plant up and running in Idaho. And this is going to be three or four more times effective per acre with increasing profits to farmers as a consequence.

Second, to give Americans this freedom to choose what fuel to use, they have to have cars that burn both gasoline and ethanol and, frankly, the industry has not been willing to do that. So we need to have some requirement to make sure that they make cars that burn gasoline or ethanol. They make a car for less than $100 to burn either one, so it is basically nothing to the manufacturers. We need to require that to be done. Now, they say they are going to do more of them in years, but we do not have years.

Third, we need the pumps that pump either gasoline or ethanol made from midwestern corn or wheat or biodiesel. But the folks in Brazil will tell you that companies do not like putting those pumps in, because now you're competing with their gas and oil. They have a monopoly on gas and oil, and they are not crazy about putting in a pump that competes with them.

So we are going to need to require that Americans be given a choice in pumps. Maybe we start by saying 10 percent of the stations have to have an alternative pump of ethanol, if you have 25 stations. We do not want the moms and pops that have to do this, if they cannot afford it. But if you have a big chain, why not have 10 percent of your stations at least have one ethanol pump so Americans can have that choice.

We took the first step in this journey tonight when Speaker PELOSI said we are going to start making a shift from giveaways to oil and gas towards these new clean energy futures, and I am looking forward to making progress.

And I yield to Mr. BLUMENAUER.

Mr. BLUMENAUER. Thank you. And I am intrigued with the conversation, the way that it is going at this point. We talked a moment ago about giving Americans more choices as to how they transport themselves. We can avoid the disastrous policies of this administration and the past congressional leadership of picking winners and losers and picking the wrong ones to win.

What you have described I have seen in my own State. There are people going gung ho in terms of biomass, in terms of wave energy, and technology that is emerging around the country in colleges and universities, in small businesses and large to take advantage of the opportunity.

If we just level the playing field, if we shift the massive subsidies away from the people who do not need it and do not deserve it, and help level the playing field for these emerging technologies dealing with biomass from any of a variety of fuel stocks, of dealing with electrical, solar, wind, wave, if we level the playing field, if we give them a fair and predictable tax treatment, which we do not do now, we can take these subsidies that are frankly not buying us anything.

It was interesting, the report that was suppressed by the administration for a year, that revealed we actually would have done more for energy supplies in this country, rather than lavishing tax breaks on the most profitable corporations in the world, the oil companies, selling the most profitable product, oil and gas, we would have been farther ahead just buying it up.

By our redirecting these investments, we can help this nascent technology grow around the country and we can have unleashed the potential of making a difference and allowing the free market to work after we level the playing field, after we enable them.

As you indicated, we are probably going to need to have some rules of the game to be able to jump-start these markets. But I really appreciate what you are talking about here.

I was in over a dozen States this last fall working on behalf of a number of our new colleagues, including in Ohio. I am intrigued that they to a person are concerned about global warming, to a person they understand before they become Members of this body what you are talking about here, and it makes me think that we have a real opportunity to tap some creative energy in this body to finally, as I say, stop talking about it and actually do something.

Mr. INSLEE. I would like to note that when Mr. BLUMENAUER talks about leveling the playing field, I think that is very, very important. Because when you look at these entrepreneurs, small businessmen and women that maybe have 10, 15, or 20 employees who are working out of their garage or a little warehouse they have rented somewhere and they are developing some new way. For instance, there is a company called Fiber Forge in Colorado, and they are developing a new way to use composites to build the body of an automobile that can be four times stronger than steel and weigh 30 to 40 percent as much.

Now, the challenge in doing this, we are building a composite airplane, the first one ever, the Boeing 787, but the challenge is how do you do that quickly in mass manufacturing, because it takes a lot of hand labor right now. Well, here is a little company called Fiber Forge and they are developing a way to manufacture this using mass production methods that will decrease the cost so you can build cars someday, the body of a car, out of composites that are stronger and weighs about half as much. Do not hold me to that exact number, but significantly less. But they are not getting subsidies, tax breaks, or help, whereas the giant oil companies of the world are getting those huge tax write-offs given to them by Congress.

I want to mention two other subsidies the oil and gas companies have that these new competitor businesses do not have. Subsidy number one. Probably a third of our defense budget is dedicated to the protection of our oil lanes to protect the oil these companies get and then sell to us at $3 or $2.50 a gallon. That is a multibillion dollar subsidy to the oil and gas industry that solar, wind, biofuels, clean coal that we can dig up and hopefully someday burn cleanly, they do not get that subsidy at all. That is number one.

Subsidy number two. The solar people, the wind people, the clean coal people, the wave power people, the transit people, people who do not put carbon dioxide in the air, they are competing with a company that is using the atmosphere as a free dump. The oil and gas companies today, and those using dirty coal today, are using the atmosphere as a free dumping ground to put their carbon dioxide in and they are not paying a penny for it. These other business people do not have that subsidy.

We have to do something about that so that there is some cost associated with using the air we breathe as a private dumping facility. When you go to the garbage dump now it costs us 25 bucks to dump a bunch of stuff out of your pickup into the dump, but these industries can put it into our air for free.

Now, we fixed that with sulfur dioxide and we fixed that with nitrous oxide, we have a cap and trade system, but there is a giant loophole, a giant loophole that these companies use for carbon dioxide. It is the most serious pollutant in the world today, but there is a loophole in our laws that does not impose any cost associated with putting that pollutant into our atmosphere. That needs to get fixed as well.

Now, we are going to have a long discussion about the best way to do that, but we have to do it.

I would yield to Ms. KAPTUR.

Ms. KAPTUR. I want to agree with what the gentleman is saying, and look back at the last century, which was the century of hydrocarbons. This century will be the century of carbohydrates and unlocking the power of the carbohydrate molecule in a way we have never understood it before.

Those who came before us were on this track but got derailed from it. In the early part of the 20th century, in our district, we had a car that was kind of famous called the Clyde car. It was built by the Clyde Bicycle Works, and it was built around 1898 or 1902, somewhere in there. You see this Clyde car and you look at the steering wheel and it has two levers on it. One lever is for alcohol-based fuel. You know, they knew how to build stills back then. And the other is for petroleum-based fuel. And I have been amazed to open the trunk of the car and see two different fuel tanks and think, my gosh, how did we move from that, which was what the gentleman was talking about, choice at the pumps and choice of vehicles, and where we are today. Because certain people made certain choices.

I just mention that particular example and say that as our industries and our small businesses try to bring up these new technologies, what the gentlemen are saying tonight, Mr. INSLEE, Mr. BLUMENAUER, and Mr. HOLT about financing and the tax aspects of this, if you look at certain farmers in Ohio who have tried let's say to raise the capital to build a plant, amazing things are happening that are not so good out there.

The big buck players come in and they offer people on the board money so they never bring up that production, because there is an effort by those who are currently big buck dealers, in alcohol-based fuels, let's say, to want to control the market just like the oil companies are controlling the market. We see that some farmers do not have the organizational structure that they need in order to own some of this so that our rural communities across America will be able to find new value added and lift themselves to a new economic future.

I think, and I am not sure that everyone on the Agriculture Committee agrees with me on this yet, but we need some type of loan guarantee program or long-term financing in a structure like the Federal Land Banks or our Rural Electrics, which we started years ago, so that we have a system that is long term and permits them to stay in business so that some big buck operator does not come in, drive the price down in a given small market, and not permit them to be able to bring up and let this industry flower.

So the tax and financing aspects that we have been talking about are very, very important.

I also just wanted to say something about the science, as a member of the Agriculture Committee. It is amazing that in 2007, we do not know, in terms of row crop production, how to get the most yield out of a carbohydrate-based plant and a planting system that does the least damage to the atmosphere and yields the most combustible product.

□ 2045

For example, everyone is into ethanol from corn because we have subsidized corn up to here. But what about beans that have more oil? What about canola? What about castor? We stopped growing castor beans because of the byproduct of ricin. But could we biogenetically take ricin out of castor beans and get more oil per acre?

We have got to do the science of planting, and we are just at the beginning of that age. We only have a glimmer of what that could be like. This is a major area for research where we could make a huge difference.

Mr. INSLEE. I just want to comment on that. I think basically a way to say this is that our current biofuels economy, which is very productive, and I believe is at least a small improvement on net CO^2, is really a first generation of biofuels. We have a second and third generation that are very close to coming.

One of them is this cellulosic ethanol that I have talked about. There is a company called Logen, there are several other companies doing this, to use a cellulosic method in an enhanced way of breaking open the cell to get at the carbohydrates. When we do this, this second generation of biofuels is really going to kick in and make this competitive.

I want to mention one thing before I yield to Mr. HOLT, and that is we have just Democrats participating in this discussion. But our fellow Republicans are also involved in this discussion. I, myself, and others are talking to some of our Republican colleagues, developing a bill to try to enhance this second generation of ethanol.

We do want to make this, and believe we can make this, a bipartisan effort now that we have new leadership that will free us from the chains of the oil and gas companies that have shackled the Congress to date. We are going to have some colleagues on the other side of the aisle work with us, too.

I yield to Mr. HOLT.

Mr. HOLT. Mr. Speaker, I thank the gentleman. For years, ethanol was dismissed as a net energy loser. It cost more energy to grow the crops and ferment them and produce useful fuel; it took more fuel than it provided. It was a net energy user. So it was easy to dismiss that and not invest much money in distribution systems and so forth.

Then, because there were not distribution systems, there was not much motivation to develop more efficient catalytic processes, to work with the waste, as you would be doing with cellulosic ethanol, for example. It really was, if we may mix an agricultural metaphor here, a chicken and egg problem, and we need to step in.

This is the sort of thing that the government can do at low cost without picking winners and losers by actually providing more choice, by making it possible for people to distribute the fuel as the new technology makes it economical and efficient to produce that fuel. It is a matter of investment in research and investment in infrastructure. Some of this is done through incentives, some of it is done through demonstration projects, some of it is done through direct investment of research and development. We can break out of this self-defeating chicken and egg cycle, or chicken and egg restriction.

Mr. INSLEE. I want to note too, as we do that, we want to do in a way that is fiscally responsible. One of the things we have done is to pay for these things by repealing some of these tax breaks that have gone to the oil and gas companies, and then shifting them over to these investments, to do this in a fiscally responsible way.

We also want to do it in a way that helps businesses rather than hurts them. Some of the incentive programs that have been done in the past have been done in a way to ensure their failure.

For instance, some previous Congresses have been in the terrible habit when they do tax incentives that are intended to help businesses grow, they have done it for one year at a time or two years at a time; and venture capitalists, and I have talked to many of them, say we are not going to make multibillion dollar investments, realizing the rug can be pulled out from under us.

That has been done because Congress has tried to hide the deficit, so they have tried to make these things seem like they are short term.

We only have about two more minutes. I would just like to yield to anyone who has a closing comment.

Mr. BLUMENAUER. If I could briefly comment, I appreciate what you have each indicated in terms of the new generation of dealing with biofuels. I think this is an example of how we move forward.

You are absolutely right in terms of being able to zero in on the research, to squeeze out of this, to have tax incentives that are uniform, predictable and deal with the second and third generation of ethanol development and dealing with what might happen in terms of unlocking the power of biology here.

I have been struck by how there are many opportunities for us in the new farm bill to redirect, what is it, $23 billion of subsidy at this point that flows increasingly to a very small number of farmers, often corporate farms or large ones in a small limited area in a small, limited number of crops. We have an opportunity to unlock that, help farmers with their energy production, allow more farmers into it and find out how we unlock the power of this ingenuity.

Mr. INSLEE. We just have a few seconds. I would like to just make a closing comment.

First, I would thank my colleagues and say that I really do believe this is a historic moment for the industrial base and agricultural base of America, which is today's date, to start to move to a new base away from just a dirty fossil fuel-based system to a clean energy system. We are starting to do this starting today. We are going to join Republicans, hopefully, in finding a bipartisan way to do it.

We can tell people that the genius of Americans is in these new wind sources, wind turbines, solar cells, transit, flex-fuel vehicles, plug-in vehicles, cellulosic ethanol, wave power, geothermal, fuel efficient appliances, energy efficient homes; this job is going to get done by a new Congress and it is a bright day for the country.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. BOUCHER). The gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate once again the opportunity to come to the floor of the House, and I am pleased to do it on the first day of the 110th Congress. It is an exciting day, a historic day.

I want to thank the leadership for allowing me the opportunity to host an hour of the Official Truth Squad. We started this 2 years ago, and did so because there were many of us who were concerned about the fact that on the floor of the House oftentimes the words that were spoken and the presentations made oftentimes bore little resemblance to the truth. So we began 2 years ago to institute the Official Truth Squad, to try to come to the floor like this every so often and try to do it at least once a week to bring light to issues of concern to the American people.

Today is no different. This is a historic day, the first day of the 110th Congress. It was an exciting day. The first day is always exciting. It is full of families and celebration and children on the floor of the House sharing the remarkable experiences of Members being sworn in, oftentimes new Members, of which we have today, Mr. Speaker, as you know, over 50 new Members in the House of Representatives. So it is an important occasion.

We heard a lot of discussion leading up to today, and that discussion was culminated in November by a vote by the American people, and the American people voted and changed the majorities in the House of Representatives. And in terms of the American people's decision, it was the right decision for them because it was the decision that they made at the polls. It was important for us, it is important for all of us to appreciate that, yes, they did, the American people spoke.

I think one of the things that they said is that they want a different process here. They were tired of some of the things that had gone on here in the past, so they spoke and said a different process is needed.

Many of my friends on the other side of the aisle, Mr. Speaker, as you well know, talked as we led up to the November elections about the need for civility in Congress, which we believe wholeheartedly, about the need for openness, which is imperative for us to have in our system of government, openness, and then fiscal responsibility, kind of three tenets that they brought to the American people. I would concur with each and every one of those.

I would suggest, Mr. Speaker, that those principles by the now-majority party ought to last longer than one day of speeches. So we have some concerns about what has occurred and some disappointments already, and we would like to share some of those with the American people as we are presenting things to the House of Representatives this evening.

Now, in pointing these out, the purpose is not to say how good it was when we were in the majority, because it can always be better. As many of us talked in the election process, the campaign process, we talked about the kinds of improvements that we would like to see. The purpose is to shed light on both word and deed, and it is important, because what folks say and what they do, it is important for the American people to know that those two things are the same.

In our system of government, we have elections where people go to the polls and vote. They vote based on a lot of things, but probably most importantly they base their vote on the fact that they believe that the person that they voted for and what they said they were going to do was in fact what they were going to do. So when individuals say things that they are going to do once they get into office and then they break those promises, then it is important for people to be held accountable. The American people do that time and again.

It is also important as a Member of now the minority party for us to hold the majority party accountable. One of the responsibilities we have in our dynamic form of government is to hold them accountable, and we do this as a matter of principle. It is a matter of principle, and we believe it is a matter of principle that elected officials ought to be held accountable for not just what they say, but also what they do.

To that end, I would like to share, Mr. Speaker, some quotes. We are going to talk a fair amount tonight about what individuals have said in the past, oftentimes the recent past, and what we have some concerns with in terms of their action.

This first quote is from the "Declaration on Honest Leadership and Open Government," which was one of the Democrat Party's publications that they had prior to the election. The quote there is from the now-Speaker. It says: "Our goal is to restore accountability, honesty and openness at all levels of government." It is a noble goal. It is a noble goal. We would agree with that. It is just important that when one says that that is your goal and that is your purpose that, in fact, you comply with that.

The Washington Post on December 17, 2006, said Speaker PELOSI is determined to try to return the House to what it was in an earlier era "where you debated ideas and listened to each other's arguments." Where you debated ideas and listened to each other's arguments. That is important as we go through the process of what is of concern to many of us here in the House of Representatives about how the process is already being implemented.

This is a quote from July of 2005 from Representative RAHM EMANUEL, now the chairman of the Democrat Caucus, and he voiced some frustration about the inability to have either an amendment or a vote on the floor. He said, "Let us have an up and down vote. Don't be scared. Don't hide behind some little rule. Come on out here. Put it on the table and let us have a vote. So don't hide behind the rule. If this is what you want to do, let us have an up and down vote."

It is important to remember that the purpose of that was to say that every Member of the House of Representatives ought to have the opportunity to in fact offer amendments and have their opportunity for people to say, yes, I agree with you and your amendment or your bill, or, no, I don't.

Here is a quote from Representative STENY HOYER, now the majority leader, in October of 2005. The one that I would like to highlight here is a quote where he said these provisions are an outrage, talking about the rules that were in place: "These provisions are an outrage and this process is an outrage. As one Member of this body complained, once again the vast majority of Americans are having their representatives in Congress gagged by the closed rule committee."

□ 2100

Now, we will talk a fair amount this evening about what a closed rule is and why Representative HOYER in October 2005 would have made that comment, saying that the representatives were being in effect disenfranchised in the House of Representatives.

This quote comes from our now Speaker, Speaker PELOSI, who, in a letter to then-Speaker DENNY HASTERT in October of 2006 said, and this is an important quote, because this is one of those promises that were made prior to the election and that I believe affected individuals all across this Nation and what they were going to do when they went to the polls in November.

This, again, is from now-Speaker PELOSI to then-Speaker HASTERT. And what this says is, "More than two years ago, I first sent you Democratic proposals to restore civility to the Congress. I reiterate my support for these proposals today. We must restore bipartisanship to the administration of the House, reestablish regular order for considering legislation," and we will talk about what that means, "and ensure the rights of the minority, whichever party is in the minority." Restore the rights of the minority, whichever party is in the minority. "The voice of every American has a right to be heard."

We would certainly concur with that. And, again, we will point out some of the concerns and disappointments that many of us have about the process that we have already seen in place today.

This quote here, Mr. Speaker, is from a Washington Post article of January 2, 2007, 2 days ago. And it says, "As they prepare to take control of Congress this week and face up to the campaign pledges to restore bipartisanship and openness, Democrats are planning to largely sideline Republicans from the first burst of lawmaking. Instead of allowing Republicans to fully participate in deliberations as promised after the Democrats victory in the November 7 midterm elections, Democrats now say they will use House rules to prevent the opposition from offering alternative measures."

And so we think it is important for people to be held accountable for what they say and what they do. We also think it is important, Mr. Speaker, as a matter of principle for people to do what they say they are going to do, especially elected officials.

So, Mr. Speaker, I place into the RECORD an article which appeared in The Washington Post on January 2 that included this quote, in addition to that an editorial which appeared in the Washington Post yesterday entitled, "A Fairer House, But Not Quite Yet."

[From the Washington Post, Jan. 2, 2007]

DEMOCRATS TO START WITHOUT GOP INPUT: QUICK PASSAGE OF FIRST BILLS SOUGHT

(By Lyndsey Layton and Juliet Eilperin)

As they prepare to take control of Congress this week and face up to campaign pledges to restore bipartisanship and openness, Democrats are planning to largely sideline Republicans from the first burst of lawmaking.

House Democrats intend to pass a raft of popular measures as part of their well-publicized plan for the first 100 hours. They include tightening ethics rules for lawmakers, raising the minimum wage, allowing more research on stem cells and cutting interest rates on student loans.

But instead of allowing Republicans to fully participate in deliberations, as promised after the Democratic victory in the Nov. 7 midterm elections, Democrats now say they will use House rules to prevent the opposition from offering alternative measures, assuring speedy passage of the bills and allowing their party to trumpet early victories.

Nancy Pelosi, the Californian who will become House speaker, and Steny H. Hoyer of Maryland, who will become majority leader, finalized the strategy over the holiday recess in a flurry of conference calls and meetings with other party leaders. A few Democrats, worried that the party would be criticized for reneging on an important pledge, argued unsuccessfully that they should grant the Republicans greater latitude when the Congress convenes on Thursday.

The episode illustrates the dilemma facing the new party in power. The Democrats must demonstrate that they can break legislative gridlock and govern after 12 years in the minority, while honoring their pledge to make the 110th Congress a civil era in which Democrats and Republicans work together to solve the nation's problems. Yet in attempting to pass laws key to their prospects for winning reelection and expanding their majority, the Democrats may have to resort to some of the same tough tactics Republicans used the past several years.

Democratic leaders say they are torn between giving Republicans a say in legislation and shutting them out to prevent them from derailing Democratic bills.

"There is a going to be a tension there," said Rep. Chris Van Hollen (Md.), the new chairman of the Democratic Congressional Campaign Committee. "My sense is there's going to be a testing period to gauge to what extent the Republicans want to join us in a constructive effort or whether they intend to be disruptive. It's going to be a work in progress."

House Republicans have begun to complain that Democrats are backing away from their promise to work cooperatively. They are working on their own strategy for the first 100 hours, and part of it is built on the idea that they might be able to break the Democrats' slender majority by wooing away some conservative Democrats.

Democrats intend to introduce their first bills within hours of taking the oath of office on Thursday. The first legislation will focus on the behavior of lawmakers, banning travel on corporate jets and gifts from lobbyists and requiring lawmakers to attach their names to special spending directives and to certify that such earmarks would not financially benefit the lawmaker or the lawmaker's spouse. That bill is aimed at bringing legislative transparency that Democrats said was lacking under Republican rule.

Democratic leaders said they are not going to allow Republican input into the ethics package and other early legislation, because several of the bills have already been debated and dissected, including the proposal to raise the minimum wage, which passed the House Appropriations Committee in the 109th Congress, said Brendan Daly, a spokesman for Pelosi.

"We've talked about these things for more than a year," he said. "The members and the public know what we're voting on. So in the first 100 hours, we're going to pass these bills."

But because the details of the Democratic proposals have not been released, some language could be new. Daly said Democrats are still committed to sharing power with the minority down the line. "The test is not the first 100 hours," he said. "The test is the first 6 months or the first year. We will do what we promised to do."

For clues about how the Democrats will operate, the spotlight is on the House, where the new 16-seat majority will hold absolute power over the way the chamber operates. Most of the early legislative action is expected to stem from the House.

"It's in the nature of the House of Representatives for the majority party to be dominant and control the agenda and limit as much as possible the influence of the minority," said Ross K. Baker, a political scientist at Rutgers University. "It's almost counter to the essence of the place for the majority and minority to share responsibility for legislation."

In the Senate, by contrast, the Democrats will have less control over business because of their razor-thin 51-to-49-seat margin and because individual senators wield substantial power. Senate Democrats will allow Republicans to make amendments to all their initiatives, starting with the first measure—ethics and lobbying reform, said Jim Manley, spokesman for the incoming majority leader, Harry M. Reid (D-Nev.).

Those same Democrats, who campaigned on a pledge of more openness in government, will kick off the new Congress with a closed meeting of all senators in the Capitol. Manley said the point of the meeting is to figure out ways both parties can work together.

In the House, Louise M. Slaughter (D-N.Y.), who will chair the Rules Committee, said she intends to bring openness to a committee that used to meet in the middle of the night. In the new Congress, the panel—which sets the terms of debate on the House floor—will convene at 10 a.m. before a roomful of reporters.

"It's going to be open," Slaughter said of the process. "Everybody will have an opportunity to participate."

At the same time, she added, the majority would grant Republicans every possible chance to alter legislation once it reaches the floor. "We intend to allow some of their amendments, not all of them," Slaughter said.

For several reasons, House Democrats are assiduously trying to avoid some of the heavy-handed tactics they resented under GOP rule. They say they want to prove to voters they are setting a new tone on Capitol Hill. But they are also convinced that Republicans lost the midterms in part because they were perceived as arrogant and divisive.

"We're going to make an impression one way or the other," said one Democratic leadership aide. "If it's not positive, we'll be out in 2 years."

House Republicans say their strategy will be to offer alternative bills that would be attractive to the conservative "Blue Dog" Democrats, with an eye toward fracturing the Democratic coalition. They hope to force some tough votes for Democrats from conservative districts who will soon begin campaigning for 2008 reelection and will have to defend their records.

"We'll capitalize on every opportunity we have," said one GOP leadership aide, adding that Republicans were preparing alternatives to the Democrats' plans to raise the minimum wage, reduce the interest on student loans, and reduce the profits of big oil and energy companies.

Several Blue Dog Democrats said they do not think Republicans can pick up much support from their group.

"If they've got ideas that will make our legislation better, we ought to consider that," said Rep. Allen Boyd Jr. (D-Fla.), leader of the Blue Dogs. "But if their idea is to try to split a group off to gain power, that's what they've been doing for the past 6 years, and it's all wrong."

To keep her sometimes-fractious coalition together, Pelosi has been distributing the spoils of victory across the ideological spectrum, trying to make sure that no group within the Democratic Party feels alienated.

Blue Dogs picked up some plum committee assignments, with Jim Matheson (Utah) landing a spot on Energy and Commerce and A.B. "Ben" Chandler (Ky.) getting an Appropriations seat. At the same time, members of Black and Hispanic caucuses obtained spots on these panels, as Ciro Rodriguez (Tex.) was given a seat on Appropriations and Artur Davis (Ala.) took the place of Democrat William J. Jefferson (La.) on Ways and Means.

Democrats acknowledge that if they appear too extreme in blocking the opposing party, their party is sure to come under fire from the Republicans, who are already charging they are being left out of the legislative process.

"If you're talking about 100 hours, you're talking about no obstruction whatsoever, no amendments offered other than those approved by the majority," said Rutgers's Baker. "I would like to think after 100 hours are over, the Democrats will adhere to their promise to make the system a little more equitable. But experience tells me it's really going to be casting against type."

"The temptations to rule the roost with an iron hand are very, very strong," he added. "It would take a majority party of uncommon sensitivity and a firm sense of its own agenda to open up the process in any significant degree to minority. But hope springs eternal."

[From the Washington Post, Jan. 3, 2007]

A FAIRER HOUSE: BUT NOT QUITE YET

The new Democratic House majority has an ambitious plan for its first 100 hours in power, from increasing the minimum wage to strengthening ethics rules to having the federal government negotiate prescription drug prices. Unfortunately, its plans don't include getting those provisions passed in the democratic fashion that the Democrats promised to adhere to once in the majority. When Republicans took over in 1995, they at least went through the motions of putting their "Contract With America" proposals through the normal committee process. Democrats under Speaker Nancy Pelosi (D-Calif.) have decided not to bother with that, nor to let Republicans offer amendments on the floor, nor even to put a GOP alternative up for a vote. This is exactly the kind of high-handed mistreatment that Democrats complained about, justifiably, when they were in the minority.

Democrats offer various rationales for their about-face. They say the streamlined process is necessary because they've pledged to accomplish so much in their first 100 legislative hours. But what makes living up to that self-imposed deadline—which will stretch on for weeks, in any event—more important than living up to their promise of procedural fairness? And why, even if that deadline is sacrosanct, couldn't Republicans at least be offered an opportunity to offer alternatives on the floor?

Democrats also argue that their proposals have been fully vetted and debated, but in fact many of them involve complex policy choices and some are new proposals. Democrats howled when Republicans moved unilaterally to change the rules governing the operations of the House ethics committee; why is it different for them to move unilaterally to change ethics rules? Questions such as whether the minimum wage increase should be combined with tax breaks for small businesses and whether the federal government should be the only party negotiating Medicare prescription prices ought to be put up for discussion and a vote. If that causes a fracture in the Democratic caucus, so be it.

Republicans, who were only too happy to strong-arm and ignore Democrats when the GOP was in the majority, are now, of course, moaning about being abused. In a nice bit of political theater, they plan to offer Ms. Pelosi's own "Minority Bill of Rights" from 2004, which would provide for, among other things, "open, full and fair debate consisting of a full amendment process."

Democrats say that they'll adhere to their previous promises once their first flurry of business is finished. We look forward to that. But if they don't reconsider, they will set an unfortunate precedent that fairness will be offered on sufferance, when the majority finds it convenient, and not as a matter of principle. That would not be a good start for the 110th Congress.

Mr. Speaker, I am pleased tonight to be joined in our discussion about truthfulness and our discussion about keeping promises and our discussion about the rules process by a couple of my colleagues, and others may join. And I would like to ask first for a comment or two from Congressman MCHENRY from North Carolina.

Congressman MCHENRY is an individual that came to Congress with me after the 2004 election, and has shown just great perspective and great work ethic in making certain that he understands and appreciates all of the nuances of the House and, as a matter of fact, has championed ethics reform in this House. And so I thank you so much for joining us tonight for the Official Truth Squad and look forward to your comments on the ethics that we have seen so far and also on the minority bill of rights that we have co-authored together.

Mr. MCHENRY. Thank you, Congressman PRICE. I appreciate your leadership, friendship, and support in our first term in Congress and as we begin our second. And I appreciate you pulling together the Official Truth Squad and taking this from an idea and actually making it into reality. After all, that is what this legislative process and indeed this House of Representatives is all about, is taking an idea, a powerful idea and making it happen for the American people.

To that end, the Official Truth Squad is here to make sure that the American people know what happens here in these hallowed halls of Congress. And I think it is important, what you point out today from the Democrat leaders' words and actions on their opening day and the lead-up to taking control of this new Congress. It is indeed a new day here, and the American people know that. And I think what the American people see is that the Democrats worked very hard in the campaign and were rewarded by taking control of this wonderful Congress of us, the people's House, and they campaigned on a number of things. But one of the key tenants and key principles upon which they ran their campaigns and the rhetoric they used during the campaign was about openness, honesty, and fairness.

This openness idea, it is a wonderful thing to talk about and I think it is something that I stand for and I know my colleague from Georgia does as well, and we have worked very hard during our times in public service to provide this for the American people. But it was their number one tenant in the campaign, their number one principle, openness.

Well, on the opening day of Congress, we were hoping as the new minority that this new Democrat majority would ensure openness and fairness. And that is why Congressman PRICE and I, along with some of my other colleagues, joined together to offer the minority bill of rights. And what the minority bill of rights is, in essence, is what all fifth graders in America are taught: It is the legislative process that, when you file a bill in this House, it goes to committee or subcommittee, and it is heard, it is debated, it is amended, it is crafted, and there is compromise in the process. All sides, Democrats, Republicans, conservatives, moderates, liberals, they are all heard. And then it comes to this House floor, where it again goes through that very same process of compromise and input. Well, that is what the minority bill of rights is all about. And what we offered as the minority bill of rights and what we offered here on the House floor today with our two procedural votes today, was ensuring that these principles, which then minority leader NANCY PELOSI, now Speaker PELOSI, advocated just 3 years ago.

So what we offered was, in fact, the Pelosi minority bill of rights. It is not simply a Republican idea, it is actually the minority leader, now the Speaker, her ideas on the way this place should be governed. And when we offered it here on the floor, it was flatly rejected. So it became clear here on the opening day, the opening hours of this new Democrat majority, the campaign on openness, that they really advocated closed process and they only want their ideas, their few ideas heard. They don't want any input or any dissenting opinion.

The bottom line is that Speaker PELOSI thinks that Minority Leader PELOSI was wrong. I think some people call that hypocrisy, some call it ironic to campaign on that. I think it is ridiculous on the opening day of Congress, after a new majority is elected on openness, that they cram down the throats of all the Members of this House a closed rule that does not allow for input, does not allow for amendment, doesn't allow for full, open, and fair debate, on their opening day of their first act as a majority. That is what is so egregious about what we saw here on the House floor.

In fact, this type of abuse has never happened before in the history of the U.S. House of Representatives, the idea that you put a rule out, a rule forward that closes off debate on an unknown bill. We can't even see the text of the bills that they are offering in their 100-hour proposal. They have closed it off from minority view. Simply because I have an "R" beside my name, they believe that I am not able to view it.

Well, I have got news for them. I have got news for this new Democrat majority. 140 million Americans voted for a Republican for U.S. Congress. They are not simply silencing a Member of Congress from North Carolina or a Member of Congress from Georgia; they are silencing the constituents who elected me. That is not fair. That is not openness. That is not a new way of operating. In fact, it is a very old way of operating that the Democrats used when they were in the majority before.

So I think that we should set aside the first day and be hopeful for a second day and a new beginning. We like second chances as Americans. Let's give the Democrats a second chance for true openness, input, and dialogue in a bipartisanship basis; not simply use it as a rhetorical device during the campaign, but to actually govern that way, to actually do it, make sure it happens here on this House floor, not for us as Members of Congress, but for our constituents and for the American people.

Mr. PRICE of Georgia. I appreciate those comments so much, because they really bring into focus and clarity exactly what happened today.

As I mentioned before, the purpose of this is not to say to folks, well, it was better when we were in the majority. The purpose is to say the promises that were made to the American people and decisions that the American people made upon those promises are not being followed. They are not being followed. And when they are not being followed, what that means when it comes to rules, it means that the individuals who represent those 140 million people are not allowed a voice, which means in essence that those 140 million people have no voice in the House of Representatives as it relates to the rules that have been put in place.

I also think it is important to talk about the fact that it never happened before. There is kind of this general sense by some that this is just business as usual. Well, it is not business as usual. And one of my colleagues who knows better than most, who understands and appreciates that, is my good friend from Georgia, fellow colleague from Georgia, Congressman GINGREY, who is a former member of the Rules Committee, who I think has a wonderful perspective on the rule that will enact bills in place on this floor of the House without any review by committee, any review by anybody other than potentially, I guess the Speaker, and that may be it.

So, I am so pleased that you joined us this evening to talk about what is a closed rule within a closed rule and to talk about the bills and the consequences of that for the American people. I welcome my good friend, Congressman GINGREY.

Mr. GINGREY. I thank my colleague from Georgia (Dr. PRICE) for yielding, and I thank my friend from North Carolina (Mr. MCHENRY), the two coauthors of the minority bill of rights. I am a proud co-sponsor of that, and I am proud of their ethics in regard to that.

And also, Mr. Speaker, let it be known to our colleagues that this Official Truth Squad of the former freshman Members, now sophomore Members, this is not something they just dreamed up tonight. This is something that they have been doing for the entire 109th Congress and putting some sunshine out there on a lot of these issues and shining that light of day, and this is, of course, part of a continuing process.

Dr. PRICE and Mr. MCHENRY are exactly right; I was enjoying very much being on that select powerful, powerful Rules Committee, and had that opportunity to go home and tell the folks back home that I am a member of the powerful Rules Committee. And as a member, many times I had an opportunity to hear the minority, the current chairman, Ms. SLAUGHTER, the vice chairman, Mr. MCGOVERN, the senior members, Mr. HASTINGS and Ms. MATSUI, talk about the process and talk about this idea, the appalling idea of a closed rule as Congressman PRICE points out, and what they are doing in this rules of the House package that they are sort of forcing upon us in asking us to vote on with much less than 24-hour notice.

Just listen to some of the quotes of the former four minority members of the Rules Committee who are now running the show and driving this package that contains not one significant piece of legislation, but five pieces of legislation, including the minimum wage bill, the stem cell research bill, which indeed is truly life and death issues, the 9/11 Commission Report, completing the recommendations of the 9/11 Commission. I mean, these are not naming of post offices, Mr. Speaker and my colleagues. We all know that and we know the significance. But listen to what my colleagues would say and did say many times in regard to one piece of legislation.

First of all, let me quote Ms. SLAUGHTER: "If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, Mr. Speaker, not just appropriations bills which are already restricted. An open process should be the norm and not the exception." This is from the CONGRESSIONAL RECORD of June 14, 2005.

□ 2115

Listen to what my good friend, Mr. MCGOVERN, had to say on September 28, 2006: "If the Republican leadership does not agree with the bipartisan substitute, then they should defeat it on the House floor after a full and open debate. Instead, they cower behind procedural tricks, parliamentary sleight of hand and closed rules. No wonder the American people are disgusted with Congress. If my Republican friends want this trend of closed rules, of no amendments, of no democracy in the House to continue, then by all means vote for this rule. Just go along to get along. But if you believe, as I do, that the monopoly on good ideas is not held by a few members of the leadership in a closed room, then vote 'no.' Have the guts to vote 'no.'"

That was Representative JIM MCGOVERN.

Listen to what our good friend, a senior member on the Rules Committee, Mr. ALCEE HASTINGS, had to say on September 28, 2006: "I have said it before: the way the majority runs the House is shameful. It is hypocritical, it is un-American, it is undemocratic, and it happens every single day that we have a closed rule, and in other circumstances as well." He goes on to say "closed rules are an affront to our democracy. We should stop it now. My outrage and the outrage of all on this side is as much about process as it is about policy. Pure partisan politics never produces sound public policy." CONGRESSIONAL RECORD, July 12, 2005.

Finally, the gentlewoman from California, Ms. MATSUI: "The American people want to hear practical, well-thought ideas from their elected representatives. Today we could have had that honest, engaged and realistic debate. These proposals and ideas deserve to come to the floor. They deserve to be debated, and they deserve a vote. Unfortunately, under the rule reported out, this will not happen. Instead, we will have a gripping session that yields no results. Congress is part of this government. In fulfillment of its responsibilities, this House should reject this rule and bring real policy to the floor." CONGRESSIONAL RECORD, June 15, 2006.

Mr. Speaker, I could go on, but I think you get my drift. They are doing exactly what they railed against us about. The righteous indignation that we heard on a continuing basis in the Rules Committee, and here they come with the rules of the House, and they include in it five pieces of legislation with no rule whatsoever. What do we get? A motion to recommit.

Mr. MCHENRY. Mr. Speaker, the gentleman's quotes are quite illuminating about the rhetoric that the Democrat Members used versus their actions on opening day. Your expertise on the Rules Committee is quite prescient.

There are three additional quotes that come to mind from earlier today. In the new Speaker's speech today, her rather elaborate speech today about the agenda for this new Congress, she said three things that are of importance to what we are talking about here. She said first, respect for every voice. That is what their new majority is about. And it is also to work for all of America. And, finally, it is for common ground for the common good.

Those are wonderful things and wonderful ideals that this House should live up to. But as my colleague from Georgia said, it shouldn't be simply a speech. It shouldn't simply be rhetoric; it should be reality. It should be the practice of this House to seek common ground to work for all of America, even those that didn't vote for the Democrat majority, all of America, and respect every voice, even if you have an "R" beside your name, respect for every idea that comes out of this place so that we can do what is best and right for America. It is not simply about process.

I think my colleague from Georgia said that very well. It is not about process. It is about the effects that that process have on public policy and the outcomes. If you rig the process, which I think there are countries around the world that rig their voting process, that is not true democracy. Fairness and openness, that is what brings about the best result for all of America. It is not about a Democrat idea or a Republican idea; it is about doing what is right on a bipartisan basis for the American people.

Mr. PRICE of Georgia. I appreciate those comments, and I appreciate the comments of the gentleman from Georgia (Mr. GINGREY).

I think it is appropriate now to ask my good friend, the gentlewoman from North Carolina (Ms. FOXX), to make some comments about civility. Congresswoman FOXX is a dear friend and has had great concern about the level of discourse in this House of Representatives, has participated actively in the Official Truth Squad. I know you had some comments that you wanted to make about the level of civility and the importance of that in this House.

Ms. FOXX. I want to thank you, Congressman PRICE, for bringing the Truth Squad back. It is unfortunate that we had to do it on the first day of session, but it was necessary to do that. As some folks know who may have seen us in the 109th Congress, and you know to me it seems like it was only yesterday we were here. It does not seem like a while ago.

We began the Official Truth Squad because our colleagues on the other side of the aisle were constantly saying things that we knew were not true, and we felt that somebody needed to respond to them. It fell to a group of primarily freshmen Members to form the Truth Squad, although we had great help from some of our colleagues, some of whom are here tonight, to talk about the truth.

Unfortunately, a lot of what our colleagues said in the 109th Congress, some of those things that were not true were believed by the American people, and they believed a lot of the things that they said that were not true about the economy, about things that were happening in the government; but they believed them on their promises of what they said they would do.

They offered to make changes, and we know that there were some Republicans who didn't do all that they should have done, not just in the last Congress but in others. And so the American people have held our feet to the fire on this. I think we came back here, though, with a very positive spirit and we all came in today knowing it was going to be a very historic day, but we were going to celebrate the very positive day that we have here.

All of us are very grateful for the wonderful opportunity to serve in the Congress of the United States, and we came here with the idea that we were going to solve problems that all Americans face. We see that happening in our communities every day. We see Democrats and Republicans working together side by side in many different ways.

I marvel every time I go to a parade or to some fair or some event that is put on by a community and how the people have worked together to do that, very often without any support from any government body because they put aside political differences for the good of the community. That is obviously what we Republicans want to be happening in the 110th Congress.

We believe that the American people are united in their desire for peace and national security. They want solutions to problems, not partisan bickering that only creates deadlocks and no solutions.

Again, the people in our communities do that every day, and so we looked forward to the goal and the promise of the new majority to restore the House to civility, to restore open debate so that ideas can be examined, always reviewed and respected. And as Leader BOEHNER said today in his speech, "May the best idea win."

We are here to debate ideas. We want to put the best ideas out there and know that if we put our good ideas out there and get them up for a vote, many times they are going to win; and many times we are going to vote for the ideas that the Democrats bring up. But we should be united in a common goal, although they are different perspectives. All Members agree they should be able to voice their opinions on behalf of their constituents and the constituents that sent them here to represent them.

We are going to hold the Democrats accountable to their promises, just as the Truth Squad during the 109th Congress came in and brought in the facts. And we are not going to compromise our ideals or principles, but we are going to do everything we can to make America better.

We want open debate on legislation. We want Members to be able to voice their concerns, their opinions, offer amendments in subcommittees, full committee and in consideration of any legislation on the floor. There should be plenty of time to review legislation and every Member should be allowed the opportunity to participate. After all, this is the people's House. It doesn't belong to the Members of Congress; it does belong to the American people. We are here not for a lifetime but temporarily to serve the people who sent us here.

As we are reminded again today, this House has been here for a long time and will be here for a long time to come. We want to make sure that it is strengthened and not weakened in what we do.

I don't believe there was a direct mandate in this last election. Folks lost races and won races for lots of different reasons; but I do believe the American people want change in the way we operate.

As I said the other day in our conference, as I have heard the rhetoric and seen the actions of our Democratic colleagues, the North Carolina State motto just kept going over and over in my head. The North Carolina State motto is "esse quam videri" which means: to be rather than to seem.

What we want to make sure is that our Democratic colleagues don't try to pull the wool over the eyes of the American people by seeming rather than being. And what we have seen on the first day is the seeming rather than the being.

So we want to do what I think the American people want us to do, to find solutions to the problems we face. We don't think that is going to be done behind closed doors and legislation ramrodded through here because of the majority. We don't want Members stripped of the ability to address the House with their ideas, principles and amendments. Those things don't affect us individually as much as they affect our constituents.

So I am going to remind our colleagues over and over and over again of the North Carolina State motto and say to them we hold you to the principles of doing what you said you were going to do and being rather than seeming.

Again, I want to thank my colleague from Georgia for organizing the Truth Squad in the 110th Congress, and I look forward to working with you, although I hope we are not going to have to be here too many nights a week.

Mr. PRICE of Georgia. I thank the gentlewoman from North Carolina and the wonderful words and focus that you bring to the need for civility and appropriateness in terms of word and deed on the floor of the House and in actions throughout our careers as elected officials.

I am so pleased to be joined by another good friend and colleague from Tennessee, Congresswoman MARSHA BLACKBURN, who has participated actively in the Official Truth Squad. I guess I share the gentlewoman from North Carolina's lament in having to be here on the first day because there is some straightening out in terms of bringing truth to the issue that has occurred even on this first day. We welcome you and look forward to your comments as they relate to the issues that have already occurred in this 110th Congress.

Mrs. BLACKBURN. I thank the gentleman from Georgia for his work on this issue and for his work on the Truth Squad.

Today is a historic day, as my colleagues have mentioned. I commend my colleagues from both sides of the aisle on their collegiality and their tone as we have approached this day, and have recognized the historic importance and the significance of the first female taking the position of Speaker of this wonderful body which is the people's House.

You know, as the gentleman was saying, it is so important that we note, we are not here to complain. We are not here to gripe. What we are here to do is to highlight for our constituents some of the content of a rules package that seems to be hastily pulled together that did not go through the committee process, that didn't have hearings, and was brought to the floor for a vote.

I think it is important that our constituents know, because we have a lot of new Members of this body, and those voters that voted in the elections this fall did not go to the ballot box voting to have a government that was going to be carried out in the shadows. They went to the ballot boxes saying we want government that is more accountable. We want government that is more open. We want government that is more responsive to the needs of our constituents. We want government that is going to work more effectively and more efficiently for the American people.

□ 2130

And the very first vote that is taken on the rules package presented in the people's House today is a vote that would eliminate recorded votes in the Rules Committee.

Now, in my great State of Tennessee, we have had this discussion, and in our general assembly in the great State of Tennessee, we have had this debate, and people said over and over again we want those votes recorded. We want sunshine. We want openness. And that is something that needs to be highlighted with our constituents. They need to realize the format that they are wanting to push forward would deny the minority the opportunity to hear, have their amendments heard in the Rules Committee. Dr. GINGREY has highlighted some of the provisions, and he does such a wonderful job with our Rules Committee and the concerns that we have with the format that would go before the Rules Committee that would deny recording some of these votes, which means there is less accountability. So it is our responsibility to come and highlight those things.

You know another thing that the people did not vote for this November was to raise their taxes. They did not go to the poll and vote saying, "Representatives, we want you to make it easier to raise the taxes on us." And one of the things that we find with the PAYGO rules is that it is basically pay as you go on a spending spree. Even the Concord Coalition has estimated that this 100 hours would cost $800 billion over 10 years if everything was funded. That is $80 billion a year for 10 years, $80 billion a year additional, additional, new spending.

Now, I can tell you one thing for certain. I don't know a lot, but one thing I do know is that the people of the Seventh District of Tennessee do not want to be forking over another $80 billion a year.

What they did vote for this November was to see government spending reduced, and that is where they want our emphasis to be. And it is important that we spell this out for our constituents, for the American people, for them to know what is transpiring as we come into the 110th Congress.

Words are important and it is important that we provide the clarification that is there and that is needed. And as I have viewed the package that we have debated some today and will debate tomorrow, I have come to realize that one of the things our colleagues across the aisle, the Democrats, have said is they want to go back to the way things were. I even said maybe Barbara Streisand's "The Way We Were" should be their theme song because that is how they want to go back to doing business where it is closed. This is what people voted against with the revolution in 1994. They voted then for more openness.

This past November, people thought they were going to see more action and more openness, and the first votes that are being taken are closing that process and are excluding people, excluding representatives of as many as 140 million Americans from participation in that process.

Mr. PRICE of Georgia. Mr. Speaker, reclaiming my time, I wanted to highlight the new rule for the Rules Committee, which says that votes don't have to be recorded, and I appreciate so much your bringing that up because nobody at home, none of my constituents, believe that any Member of Congress ought to be able to come here and vote and not have their constituents be able to look and see what they have done.

And, in fact, part of this rules package that I think breaks a number of promises that were made by our friends in the majority as they ran up to the election, part of this package says that those votes don't have to be recorded. And I would be happy to yield to you, but for the life of me, I can't think of a reason that one would want to do that.

Mrs. BLACKBURN. If the gentleman would yield and also yield to Dr. GINGREY, who is on the Rules Committee, but having served in a State legislative body, that is one of the things that our constituents who were tuned into watching so closely would say, how in the world can you represent me and then not tell me how you voted and try to keep that a secret? I am having a difficult time finding words to say how egregious that is and how offensive it is to our constituents.

Mr. GINGREY. I thank the gentleman from Georgia for yielding and giving me an opportunity to talk about that a little bit because at the beginning of my remarks, I talked about the powerful Rules Committee. And, Mr. Speaker, it is a powerful Rules Committee in that you decide how long you can talk on an issue. That is, you limit the time of debate. You have the power to make amendments in order to give a Member on either side of the aisle, majority or minority, an opportunity to come and talk about their amendment on the floor. They may get beat 434–1, but they have that opportunity.

As an all powerful member of the Rules Committee, as Representative

PRICE was just saying, all of a sudden, in this rules package, they are saying that one of these all powerful members can make these votes, can set this time of debate, can deny the amendment opportunity for Members on either side of the aisle and then not take a public vote, not take a roll call vote, and not go home and face their constituents, these all powerful members of the Rules Committee, not answer to their constituents for why they denied maybe a Member of their own party a good idea to debate on the House floor, their body.

And I am going to tell you the rhetorical question Dr. PRICE asked, was why would this new majority do this? I can offer a suggestion. They now, of course, have nine members. The four that were in the minority are now the majority including the chairman of the Rules Committee and the vice chairman of the Rules Committee, but they also have an additional five seats, which they are filling with some of their newly elected freshmen Democrats who can go home in these marginal districts, these red Bush districts, if you will, and say that I am an all powerful member of the Rules Committee, re-elect me, but yet not have to answer for these difficult votes that they took probably in opposition to what their constituents would want them to do.

So I thank you for giving me the opportunity to explain the rhetorical question of why they might want to do that.

Mrs. BLACKBURN. And if the gentleman would yield, if my memory is correct, in 1995, when Speaker Gingrich and the House Republicans set the rules, that was at the time that they started recording those votes; is that not correct?

Mr. GINGREY. I think the gentlewoman from Tennessee is absolutely correct on that.

Mrs. BLACKBURN. And before that, the votes were not recorded and it was the process. That is why I say we are returning to the way we were, the way they were. And it is different from the way business was conducted from 1995 until now. And I think that is an important distinction for our constituents who have stopped us on the campaign trail and stopped us as we have prepared to come in and take our solemn oath of office today and have said we want to be certain that this Congress is going to function in an open, accountable manner. We want to know what is happening in the people's House, and it is your charge to keep with us to keep us informed.

Mr. PRICE of Georgia. I thank the gentlewoman and I thank my good friend from Georgia for his answer to my rhetorical question, because the answer was the only thing that can be possible as a reason to do it is politics. That is it. That is the only thing that can be possible. There can be no good reason, from a process standpoint, for this House of Representatives not to record those votes. So I appreciate so much your enlightening me and helping me understand why that would have been done.

I do know that constituents at home are tired, are tired of decisions that are made up here in Washington based solely on politics. And, in fact, I would suggest to my friends on the other side of the aisle who now find themselves in the majority that decisions like that and being held accountable for those decisions make it so that lives in majorities can sometimes be very, very short.

So I appreciate your comments and appreciate your input and would be happy to yield if either of you had anything else to comment regarding the rules.

If not, I do want to comment a little bit about the process and about why discussion of the process is important. My good friends know and most Americans know we live in the longest surviving democracy ever in the history of man, ever in the history of man. And there is a reason for that. I think people can conjecture about why that is the case, but I think one of the reasons for that is that we as a Nation have respected the process by which we develop policy. And the reason it is important is because everybody that is an elected official, is a representative of the people, has an opportunity to have input into the process, and that process itself not only produces the best product because as you have more people involved who represent more diverse areas, I think you get a better product, but what it does do is it ensures that people trust the outcome.

They trust the outcome of not just elections, but they trust the outcome of the process of legislation. And when that process gets truncated or gets cut down or is closed, we use that term "closed rule" here, when the American people hear about a closed rule, what that means is that it does not allow your representative at home to be able to offer amendments, be able to have input into what the ultimate work product is, what the ultimate bill, what the ultimate law is.

So, Mr. Speaker, many individuals across this Nation who went to the polls and voted in November have elected people who because of changes in these rules today will not be able to have input into very, very important issues like 9/11 Commission recommendations and whether or not they are adopted; like stem cell research and whether that goes forward paid for with Federal taxpayer money; minimum wage, an important issue, but it ought to be debated, ought to have opportunity for amendment; and then something that is near and dear to my heart as a physician in my former life along with Dr. GINGREY and my other colleagues is the issue of prescription drugs and the Medicare part D prescription drug program. An extremely complex issue. Extremely complex issue.

And today, what the majority party did was say that we will bring within the next week to the floor of this House a bill that has never been discussed in committee. It has never had a hearing. It has never had anybody in this body be able to offer an amendment officially and have folks vote on it and say "yes" or "no," they believe that that is the case, that has never been through that process that results in the best work product that is available for a bill and for ultimately a law. And from the rumors that we hear, and we only hear rumors because we don't have the legislative language, because we do not know what is going to be in that bill, but from the rumors that we hear, the result of that bill will be a decrease in the kinds of medications that are available to the American people.

That may go into effect, Mr. Speaker, if the majority party goes forward with the rule that they adopted today. That may go into effect without anybody in this House of Representatives ever having an opportunity to affect that outcome.

☐ 2145

Some on the majority side would say, well, it has been talked about for a long time. It was voted on, the Medicare prescription drug program was voted on in 2003, got a lot of hearings then. There were a lot of people that talked about it and voiced their opinion on it at that time.

That is true, Mr. Speaker, but what hasn't happened is that every single freshman Member of this House was duly elected in their districts and has a right, a right, under our system of government to have input into a bill that comes out of the House of Representatives. Every single freshman will have no input into that bill or into the bill as it relates to minimum wage, as it relates to stem cell research or anything else that was included in the rules package today. Never.

That has never been done, as my colleagues said before, never been done in the history, in the history of this Nation, to have that kind of substantive legislation dealt with in a way that does not allow that kind of input.

Mr. Speaker, that kind of rule, that kind of process, which is difficult to get your arms around, but that kind of process, I would suggest to you, is an abuse of majority power. Our job, on the minority side, is to hold people accountable for their actions and for their decisions.

It is important that the American people understand and appreciate that these decisions that were made on the very first day, which, by and large, are procedural issues, that are difficult to get folks interested in, but they not only set the tone for this Congress, but they set the rules under which we make major decisions that will affect the American people as it relates to their income, as it relates to their security, and as it relates to their health. Nothing, nothing could be more important.

Mr. Speaker, this is indeed a historic day. But it is also a day of concern. It is a day of concern, because what goes on here is extremely important. Within these walls we can effect change that will benefit citizens all across our Nation. We can also effect change that will harm citizens all across our Nation. If we work together, we will do much more of the former and very little of the latter.

Let me close by just saying, Mr. Speaker, as I have said before, the challenges that we face in this Nation are huge. They are immense. But they are not Republican challenges, and they are not Democrat challenges. They are American challenges.

If we work together as a body of elected representatives from all across this wonderful and glorious Nation, we will come up with the best product, the best legislation, the best laws that will result in the most amount of benefit to our citizens all across this Nation. So I challenge, I challenge my Democrat colleagues to fulfill the promises that they made on the election, during the election campaign, to fulfill the promises that they made, to fulfill the promises that they made when they talked to citizens in their districts all across this Nation about openness and about civility and about fiscal responsibility. That challenge, that challenge making certain that you fulfill those promises is what will ring true to the American people.

I appreciate once again, Mr. Speaker, the opportunity to come to the floor tonight.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Inslee) to revise and extend their remarks and include extraneous material:)

Mr. DeFazio, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

Ms. Woolsey, for 5 minutes, today.

Mr. Schiff, for 5 minutes, today.

Mr. Stupak, for 5 minutes, today.

(The following Members (at the request of Mr. Price of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. Poe, for 5 minutes, today and January 5.

Mr. Dent, for 5 minutes, today.

Mr. Jones of North Carolina, for 5 minutes, January 9, 10, and 11.

Mr. Paul, for 5 minutes, January 5.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area"; To the Committee on Natural Resources.

ADJOURNMENT

Mr. PRICE of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 5, 2007, at 9:30 a.m. as a further mark of respect to the memory of the late Honorable Gerald R. Ford, 38th President of the United States.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Chairman and President; Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2. A letter from the Director, Office of Standards, Regulations and Variances, Department of Labor, transmitting the Department's final rule — Emergency Mine Evacuation (RIN: 1219-AB46) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

4. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued on August 14, 2002, August 7, 2003, and August 6, 2004 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

5. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the status of consular training with respect to travel or identity documents, pursuant to Section 7201(d) of the Intelligence Reform and Terrorism Prevention Act of 2004, pursuant to 42 U.S.C. 2155(b)(2); to the Committee on Foreign Affairs.

6. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment in the Government of the United Kingdom (Transmittal No. DDTC 063-06); to the Committee on Foreign Affairs.

7. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the October 12, 2006 — December 20, 2006 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

8. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620(q) of the Foreign Assistance Act of 1961, as amended, waiving restrictions on assistance to the Democratic Republic of Congo resulting from the country's default on certain U.S. loans; to the Committee on Foreign Affairs.

9. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

10. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

11. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

12. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

13. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

14. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

15. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

16. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

17. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

18. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the

activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

19. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

20. A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, Rule II of the Rules of the House of Representatives, pursuant to Rule II, clause 2(b), of the Rules of the House; (H. Doc. No. 110-4); to the Committee on House Administration and ordered to be printed.

21. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 2005 Annual Report of the National Institute of Justice (NIJ), pursuant to 42 U.S.C. 3766(c) and 3789e; to the Committee on the Judiciary.

22. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Final Rules for Nondiscrimination and Wellness Programs in Health Coverage in the Group Market (RIN: 0938-AI08) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

23. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2007-5, pursuant to Section 574(d) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 2006, Pub. L. 109-102; jointly to the Committees on Foreign Affairs and Appropriations.

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT OF THE 109TH CONGRESS 2D SESSION AND FOLLOWING PUBLICATION OF THE FINAL EDITION OF THE CONGRESSIONAL RECORD OF THE 109TH CONGRESS 2D SESSION

COMMUNICATION FROM THE HON. CURT WELDON, MEMBER OF CONGRESS, AFTER SINE DIE ADJOURNMENT

DECEMBER 14, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that a grand jury subpoena for documents, issued by the U.S. District Court for the District of Columbia and addressed to "Custodian of Records, Office of Congressman Wayne Curtis Weldon," has been delivered to my congressional office. Because the "Office of Congressman Wayne Curtis Weldon" is not a legal entity, I have treated the subpoena as directed to me and have designated a member of my staff as my Custodian of Records for purposes of gathering documents that are potentially responsive to the subpoena.

After I consult with counsel, I will make the determinations required by Rule VIII of the Rules of the House.

Respectfully,

CURT WELDON.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS AFTER SINE DIE ADJOURNMENT

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 2, 2007.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 11142(c)(1)(B) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59), I appoint the following people to serve on the National Surface Transportation Infrastructure Financing Commission:

1. Zack Scrivner, Councilman, City of Bakersfield, Contact information: 1501 Truxtun Avenue, Bakersfield, CA 93301, (661) 304–4065.
2. Dr. Adrian Moore, Vice President of Research, Reason Foundation, Contact information: 3415 S. Sepulveda Blvd., Suite 400, Los Angeles, CA 90034 (310) 391–2245.

Best regards,

BILL THOMAS,
Chairman.

COMMUNICATION FROM STAFF MEMBER OF THE HON. CHRIS CHOCOLA, MEMBER OF CONGRESS, AFTER SINE DIE ADJOURNMENT

DECEMBER 20, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Southern District of California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

REBECCA KUHN.

BILLS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Karen L. Haas, Clerk of the House reports that on January 3, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 482. To provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes.

H.R. 486. To provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

H.R. 1245. To provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

H.R. 4588. To reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 4709. To amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

H.R. 4997. To extend for 2 years the authority to grant waivers of the foreign country residence requirement with respect to certain international medical graduates.

H.R. 5483. To increase the disability earning limitation under the Railroad Retirement Act and to index the amount of allowable earnings consistent with increases in the substantial gainful activity dollar amount under the Social Security Act.

H.R. 5946. To amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

H.R. 5948. To reauthorize the Belarus Democracy Act of 2004.

H.R. 6060. To authorize certain activities by the Department of State, and for other purposes.

H.R. 6164. To amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

H.R. 6338. To amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

H.R. 6345. To make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, after sine die adjournment of the second session, 109th Congress, notified the Clerk of the House that on the following dates, he had approved and signed bills and joint resolutions of the following titles:

December 21, 2006:

H.R. 1492. An act to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

H.R. 3248. An act to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

H.R 5076. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes.

H.R. 6342. An act to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependants' Educational Assistance program, and for other purposes.

H.R 6429. An act to treat payments by charitable organizations with respect to certain firefighters as exempt payments.

December 22, 2006:

H.J. Res. 101. Joint Resolution appointing the day for the convening of the first session of the One Hundred Tenth Congress.

December 29, 2006:

H.R. 5782. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 6344. An act to reauthorize the Office of National Drug Control Policy Act.

SENATE BILLS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, after sine die adjournment of the second session, 109th Congress, notified the Clerk of the House that on the following dates, he had approved and signed bills of the following titles:

December 21, 2006:

S. 2370. An act to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

December 22, 2006:

S. 214. An act to authorize the Secretary of the Interior to cooperate with the States on the order with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

S. 362. An act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

S. 707. An act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 895. An act to authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

S. 1096. An act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1378. An act to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

S. 1529. An act to provide for the conveyance of certain Federal land in the city of Yuma, Arizona.

S. 1608. An act to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

S. 2125. An act to promote relief, security, and democracy in the Democratic Republic of the Congo.

S. 2150. An act to direct the Secretary of the Interior to convey certain Bureau of Land Management Land to the city of Eugene, Oregon.

S. 2205. An act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission on Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

S 2653. An act to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2735. An act to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

S. 3421. An act to amend title 38, United States Code, to repeal certain limitations on attorney representation of claimants for benefits under laws administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependants' Educational Assistance Program, to otherwise improve veterans' benefits, memorial affairs, and health-care programs, to enhance information security programs of the Department of Veterans Affairs, and for other purposes.

S. 3546. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

S. 3821. An act to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

S. 4042. An act to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Air Force.

S. 4091. An act to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for other purposes.

S. 4092. An act to clarify certain land use in Jefferson County, Colorado.

S. 4093. An Act to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

SENATE—*Thursday, January 4, 2007*

The fourth day of January being the day prescribed by House Joint Resolution 101 for the meeting of the 1st Session of the 110th Congress, the Senate assembled in its Chamber at the Capitol and at 12 noon was called to order by the Vice President [Mr. CHENEY].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, whom to find is life and whom to miss is death, from age to age you provide hope to those who trust you. In a changing world, you are changeless. Lord, you have given us the gift of a new year, with all of its possibilities and promises.

Empower the Members of this new 110th Congress to use this season of opportunity for Your glory. As they labor with You, help them to place our country's needs ahead of perceived political advantages. Lead them from mistrust to trust. Use them to help bring peace to our world. Show them the priorities that best honor You and inspire them to act promptly. May they strive to achieve and maintain ethical and moral fitness. When they feel discouragement, remind them that You are working for the good of those who love You. As a challenging and promising future beckons, guide their steps and supply their needs. Lead the new leaders of our legislative branch with Your sure hand. May they follow You without hesitation.

We pray in Your Sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The VICE PRESIDENT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CERTIFICATES OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate the certificates of election of 33 Senators elected for 6-year terms beginning January 3, 2007. All certificates, the Chair is advised, are in the form suggested by the Senate or contain all the essential requirements of the form suggested by the Senate. If there be no objection, the reading of the above-mentioned letters and certificates will be waived, and they will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF HAWAII

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Daniel K. Akaka, was duly chosen by the qualified electors of the State of Hawaii a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: Her excellency our Governor Linda Lingle, and our seal hereto affixed at Honolulu, Hawaii this 27th day of November, in the year of our Lord, 2006.

By the Governor:

LINDA LINGLE,
Governor.

STATE OF NEW MEXICO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Jeff Bingaman, was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our Governor Bill Richardson, and our seal hereto affixed at Santa Fe this 30th day of November, in the year of our Lord, 2006.

By the Governor:

BILL RICHARDSON,
Governor.

STATE OF OHIO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Sherrod Brown was duly chosen by the qualified electors of the State of Ohio a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

In Witness Whereof, I have hereto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus, this 8th day of December, in the year Two Thousand and Six.

BOB TAFT,
Governor.

STATE OF WEST VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, 2006, Robert C. Byrd was duly chosen by the qualified electors of the State of West Virginia, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2007.

Witness: His excellency our governor Joe Manchin III, and our seal hereto affixed at Charleston this 22nd day of November, in the year of our Lord 2006.

By the Governor:

JOE MANCHIN, III,
Governor.

STATE OF WASHINGTON

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify, that at the General Election held in the State of Washington on the 7th day of November, 2006, Maria Cantwell was duly chosen by the qualified electors of the State of Washington as Senator from said State of Washington to represent said State of Washington in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: Her excellency our Governor Christine Gregoire, and our seal hereto affixed at Olympia, Washington this 21st day of December, 2006.

By the Governor:

CHRISTINE GREGOIRE,
Governor.

STATE OF MARYLAND

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Benjamin L. Cardin was duly chosen by the qualified voters of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His Excellency our Governor Robert L. Ehrlich, Jr., and our seal hereto affixed at the City of Annapolis, this 8th day of December, in the Year of Our Lord Two Thousand and Six.

ROBERT L. EHRLICH, Jr.
Governor.

STATE OF DELAWARE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Thomas R. Carper was duly chosen at an election, in due manner held according to the form of the Act of the General Assembly of the State of Delaware and of the Act of Congress, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning noon on the 3rd day of January 2007.

Given under my hand and the Great Seal of the said State, at Dover, this 27th day of November in the year of our Lord Two Thousand Six, and of the Independence of the United States of America Two Hundred Thirty.

By the Governor:

RUTH ANN MINNER,
Governor.

STATE OF PENNSYLVANIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, 2006, Bob Casey, Jr. was duly chosen by the qualified electors of the Commonwealth of Pennsylvania as a United States Senator to represent Pennsylvania in the Senate of the United States for a term of six years, beginning on the third day of January, 2007.

Witness: His excellency our Governor, Edward G. Rendell, and our seal hereto affixed at Harrisburg this fifteenth day of December, in the year of our Lord, 2006.

By the Governor:

EDWARD G. RENDELL,
Governor.

STATE OF NEW YORK

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, two thousand six, Hillary Rodham Clinton was duly chosen by the qualified electors of the State of New York a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the third day of January two thousand seven.

Witness: His excellency our Governor George E. Pataki, and our seal hereto affixed at Albany, New York, this twenty-sixth day of December in the year two thousand six.

By the Governor:

GEORGE E. PATAKI,
Governor.

STATE OF NORTH DAKOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November 2006, Kent Conrad was duly chosen by the qualified electors of the State of North Dakota to represent North Dakota in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2007.

In witness whereof, we have set our hands at the Capitol City of Bismarck this 21st day of November 2006, and affixed the Great Seal of the State of North Dakota.

JOHN HOEVEN,
Governor.

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November 2006, Bob Corker was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2007.

Witness: His excellency our governor Phil Bredesen, and our seal hereto affixed at Nashville this 7th day of December in the year of our Lord 2006.

By the governor:

PHIL BREDESEN,
Governor.

STATE OF NEVADA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that at a general election held in the State of Nevada on Tuesday, the seventh day of November, two thousand six John E. Ensign was duly elected a Member of the United States Senate, in and for the State of Nevada, for the term of six years from and after the third day of January, two thousand seven: Now, therefore, I Kenny C. Guinn, Governor of the State of Nevada, by the authority in me vested in the Constitution and laws thereof, do hereby commission him, the said John E. Ensign as a Member of the United States Senate for the State of Nevada, and authorize him to discharge the duties of said office according to law, and to hold and enjoy the same, together with all powers, privileges and emoluments thereunto appertaining.

In Testimony Thereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol at Carson City, Nevada this twenty sixth day of December, two thousand six.

KENNY C. GUINN,
Governor.

STATE OF CALIFORNIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Dianne Feinstein was duly chosen by the qualified electors of the State of California as a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

In Witness Whereof I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 6th day of December, 2006.

ARNOLD SCHWARZENEGGER,
Governor.

STATE OF UTAH

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, 2006, Orrin G. Hatch was duly chosen by the qualified electors of the State of Utah a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning at noon on the third day of January, 2007.

In Witness Whereof, I have hereunto set my hand at Salt Lake City, this 27th day of November, 2006.

JON M. HUNTSMAN, JR.,
Governor.

STATE OF TEXAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Kay Bailey Hutchison was duly chosen by the qualified electors of the State of Texas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our governor Rick Perry, and our seal hereto affixed at Austin, Texas this 6th day of December, in the year of our Lord 2006.

By the Governor:

RICK PERRY,
Governor.

STATE OF MASSACHUSETTS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, two thousand and six, Edward M. Kennedy was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, two thousand and seven.

Witness: Her Honor, the Lieutenant Governor, Acting Governor, Kerry Healey, and our seal hereto affixed at Boston, this sixth day of December in the year of our Lord two thousand and six.

By Her Honor, the Lieutenant Governor, Acting Governor

KERRY HEALEY,
Lieutenant Governor,
Acting Governor.

STATE OF MINNESOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the Seventh day of November 2006, Amy Klobuchar was duly chosen by the qualified electors of the State of Minnesota, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our Governor Tim Pawlenty, and our seal hereto affixed at St. Paul, Minnesota this 11th day of December, in the year of our Lord 2006.

By the Governor:

TIM PAWLENTY,
Governor.

STATE OF WISCONSIN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th of November, 2006, Herb Kohl was duly chosen by the qualified electors of the State of Wisconsin a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our governor Jim Doyle, and our seal hereto affixed at Madison this 12th day of December 2006.

By the Governor:

JIM DOYLE,
Governor.

STATE OF CONNECTICUT

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to Certify that on the seventh day of November, two thousand and six, Joe Lieberman was duly chosen by the qualified electors of the State of Connecticut Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January two thousand and seven.

Witness: Her Excellency our Governor; M. Jodi Rell and our seal hereto affixed at Hartford, this twenty-ninth day of November, in the year of our Lord two thousand six.

M. JODI RELL,
Governor.

STATE OF ARIZONA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November 2006, Jon Kyl was duly chosen by the qualified electors of the State of Arizona a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2007.

Witness: Her excellency the Governor of Arizona, and the Great Seal of the State of Arizona hereto affixed at the Capitol in Phoenix this 4th day of December 2006.

JANET NAPOLITANO,
Governor.

STATE OF MISSISSIPPI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to Certify that on the 7th day of November, 2006, the Honorable Trent Lott was duly chosen by the qualified electors of the State of Mississippi, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His Excellency our Governor Haley Barbour, and the Great Seal of the State of Mississippi hereto affixed at Jackson, Hinds County, Mississippi this 19th day of December, in the year of our Lord 2006.

HALEY BARBOUR,
Governor.

STATE OF INDIANA

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the seventh day of November 2006, Richard G. Lugar was duly chosen by the qualified electors of the State of Indiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our Governor Mitchell E. Daniels, Jr., and our seal hereto affixed at Indianapolis, this the thirteenth day of December, in the year, 2006.

By the Governor:

M. E. DANIELS, Jr.,
Governor.

STATE OF MISSOURI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Claire McCaskill was duly chosen by the qualified electors of the State of Missouri, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His Excellency our Governor Matt Blunt, and our seal hereto affixed at the City of Jefferson this 30th day of November, in the year of our Lord 2006.

By the Governor:

MATT BLUNT,
Governor.

STATE OF NEW JERSEY

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Robert Menendez, was duly chosen by the qualified electors of the State of New Jersey, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2007.

By the Governor:

Given, under my hand and the Great Seal of the State of New Jersey, this 11th day of December, two thousand and six.

JON CORZINE,
Governor.

STATE OF FLORIDA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Bill Nelson, was duly chosen by the qualified electors of the State of Florida a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our Governor, Jeb Bush, and our seal hereto affixed at Tallahassee, the Capitol, this 22st day of November, in the year of our Lord 2006.

By the Governor:

JEB BUSH,
Governor.

STATE OF NEBRASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, E. Benjamin Nelson was duly chosen by the qualified electors of the State of Nebraska from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our governor Dave Heineman, and our seal hereto affixed at Lincoln, Nebraska this 11th day of December, in the year of our Lord 2006.

By the Governor:

DAVE HEINEMAN,
Governor.

STATE OF VERMONT

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Bernard Sanders was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of six year, beginning on the 3rd day of January, 2007.

Witness: His Excellency our Governor James H. Douglas, and our seal hereto affixed at Montpelier this 16th day of November, in the year of our Lord 2006.

By the Governor:

JAMES H. DOUGLAS,
Governor.

STATE OF MICHIGAN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Debbie Stabenow was duly chosen by the qualified electors of the State of Michigan a Senator from the State of Michigan to represent the State of Michigan in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Given under my hand and the Great Seal of the State of Michigan this 27th day of November, in the year of our Lord, two thousand and six.

By the Governor:

JENNIFER M. GRANHOLM,
Governor.

STATE OF MAINE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the Seventh day of November, in the year Two Thousand and Six, Olympia J. Snowe was duly chosen by the qualified electors of the State of Maine a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, in the year Two Thousand and Seven.

Witness: His excellency our Governor, John E. Baldacci, and our seal hereto affixed at Augusta, Maine this twenty-seventh day of November, in the year of our Lord Two Thousand and Six.

By the Governor:

JOHN E. BALDACCI,
Governor.

STATE OF MONTANA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

I, Brad Johnson, Secretary of State of the State of Montana, do hereby certify that Jon Tester was duly chosen on November 7th, 2006, by the qualified electors of the State of Montana as a United States Senator from said State to represent said State in the United States Senate. The six year term commences on January 3rd, 2007.

Witness: His excellency our Governor, Brian Schweitzer, and the official seal hereunto affixed at the City of Helena, the Capital, this 27th day of November, in the year of our Lord 2006.

By the Governor:

BRIAN SCHWEITZER,
Governor.

STATE OF WYOMING

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November 2006, Craig Thomas was duly chosen by the qualified electors of the State of Wyoming, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2007.

Witness: His excellency our Governor, Dave Freudenthal, and our seal hereto affixed at the Wyoming State Capitol, Cheyenne, Wyoming, this 15th day of November, in the year of our Lord 2006.

DAVE FREUDENTHAL,
Governor.

STATE OF VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, an election was held in the Commonwealth of Virginia and James H. "Jim" Webb, Jr., was duly chosen by the qualified electors of the Commonwealth of Virginia as a Senator to represent the Commonwealth of Virginia in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

In Testimony Whereof our Governor has hereunto signed his name and affixed the Lesser Seal of the Commonwealth at Richmond, this 8th day of December, 2006, and in the two hundred thirty-first year of the Commonwealth.

By the Governor:

TIMOTHY M. KAINE,
Governor.

STATE OF RHODE ISLAND

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Sheldon Whitehouse duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations, Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning at noon on the 3rd day of January, 2007.

Witness: His Excellency our Governor Donald L. Carcieri and our seal affixed on this 8th day of December, in the year of our Lord 2006.

DONALD L. CARCIERI,
Governor.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators to be sworn will now present themselves at the desk in groups of four as their names are called in alphabetical order, the Chair will administer their oaths of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. AKAKA, Mr. BINGAMAN, Mr. BROWN, and Mr. BYRD.

These Senators, escorted by Mr. REID, Mr. DOMENICI, former Senator Glenn, and Mr. ROCKEFELLER, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, and Mr. CASEY.

These Senators, escorted by Mrs. MURRAY, Mr. SARBANES, Mr. BIDEN, and Mr. SPECTER, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mrs. CLINTON, Mr. CONRAD, Mr. CORKER, and Mr. ENSIGN.

These Senators, escorted by Mr. SCHUMER, Mr. DORGAN, Mr. Frist, and Mr. REID, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mrs. FEINSTEIN, Mr. HATCH, Mrs. HUTCHISON, and Mr. KENNEDY.

These Senators, escorted by Mrs. BOXER, Mr. BENNETT, Mr. CORNYN, and Mr. KERRY, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the next group of Senators.

The legislative clerk called the names of Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, and Mr. LIEBERMAN.

These Senators, escorted by Mr. COLEMAN, Mr. Dayton, Mr. FEINGOLD, Mr. MCCAIN, and Mr. DODD, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. LOTT, Mr. LUGAR, Mrs. MCCASKILL, and Mr. MENENDEZ.

These Senators, escorted by Mr. COCHRAN, Mr. BAYH, Mr. BOND, Mrs. Carnahan, and Mr. LAUTENBERG, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. SANDERS, and Ms. SNOWE.

These Senators, escorted by Mr. MARTINEZ, Mr. BYRD, Mr. HAGEL, Mr. LEAHY, and Ms. COLLINS, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Ms. STABENOW, Mr. TESTER, Mr. THOMAS, and Mr. WEBB.

These Senators, escorted by Mr. LEVIN, Mr. BAUCUS, Mr. Melcher, Mr. ENZI, Mr. Robb, and Mr. WARNER, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the last group of Senators.

The legislative clerk called the name of Mr. WHITEHOUSE.

This Senator, escorted by Mr. REED, advanced to the desk of the Vice President, the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

RECOGNITION OF THE MAJORITY LEADER

The VICE PRESIDENT. The majority leader is recognized.

CALL OF THE ROLL

Mr. REID. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

[Quorum No. 1 Leg.]

PRESENT—89

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson, Florida
Nelson, Nebraska
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse

ABSENT—11

Brownback
Dole
Graham
Gregg
Inouye
Johnson
Murkowski
Roberts
Sessions
Smith
Wyden

The VICE PRESIDENT. A quorum is present.

LIST OF SENATORS BY STATES

ALASKA

Ted Stevens and Lisa Murkowski

ALABAMA
Richard C. Shelby and Jeff Sessions
ARIZONA
John McCain and Jon Kyl
ARKANSAS
Blanche L. Lincoln and Mark L. Pryor
CALIFORNIA
Dianne Feinstein and Barbara Boxer
COLORADO
Wayne Allard and Ken Salazar
CONNECTICUT
Christopher J. Dodd and Joseph I. Lieberman
DELAWARE
Joseph R. Biden, Jr., and Thomas R. Carper
FLORIDA
Bill Nelson and Mel Martinez
GEORGIA
Saxby Chambliss and Johnny Isakson
HAWAII
Daniel K. Inouye and Daniel K. Akaka
IDAHO
Larry E. Craig and Mike Crapo
ILLINOIS
Richard Durbin and Barack Obama
INDIANA
Richard G. Lugar and Evan Bayh
IOWA
Chuck Grassley and Tom Harkin
KANSAS
Sam Brownback and Pat Roberts
KENTUCKY
Mitch McConnell and Jim Bunning
LOUISIANA
Mary L. Landrieu and David Vitter
MAINE
Olympia J. Snowe and Susan M. Collins
MARYLAND
Barbara A. Mikulski and Benjamin L. Cardin
MASSACHUSETTS
Edward M. Kennedy and John F. Kerry
MICHIGAN
Carl Levin and Debbie Stabenow
MINNESOTA
Norm Coleman and Amy Klobuchar
MISSISSIPPI
Thad Cochran and Trent Lott
MISSOURI
Christopher S. Bond and Claire McCaskill
MONTANA
Max Baucus and Jon Tester
NEBRASKA
Chuck Hagel and Benjamin E. Nelson
NEVADA
Harry Reid and John Ensign
NEW HAMPSHIRE
Judd Gregg and John E. Sununu
NEW JERSEY
Frank R. Lautenberg and Robert Menendez
NEW MEXICO
Pete V. Domenici and Jeff Bingaman
NEW YORK
Charles E. Schumer and Hillary Rodham Clinton
NORTH CAROLINA
Elizabeth H. Dole and Richard Burr
NORTH DAKOTA
Kent Conrad and Byron Dorgan
OHIO
George Voinovich and Sherrod Brown
OKLAHOMA
James M. Inhofe and Tom Coburn
OREGON
Ron Wyden and Gordon H. Smith
PENNSYLVANIA
Arlen Specter and Robert P. Casey, Jr.
RHODE ISLAND
Jack Reed and Sheldon Whitehouse
SOUTH CAROLINA
Lindsey Graham and Jim DeMint
SOUTH DAKOTA
Tim Johnson and John Thune
TENNESSEE
Lamar Alexander and Bob Corker
TEXAS
Kay Bailey Hutchison and John Cornyn
UTAH
Orrin G. Hatch and Robert F. Bennett
VERMONT
Patrick J. Leahy and Bernard Sanders
VIRGINIA
John Warner and Jim Webb
WASHINGTON
Patty Murray and Maria Cantwell
WEST VIRGINIA
Robert C. Byrd and John D. Rockefeller IV
WISCONSIN
Herb Kohl and Russell D. Feingold
WYOMING
Craig Thomas and Michael B. Enzi

The VICE PRESIDENT. The majority leader is recognized.

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. REID. Mr. President, I send a resolution to the desk and ask for its consideration.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 1) was agreed to, as follows:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Mr. REID. I move to reconsider the vote by which the resolution was adopted.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. Pursuant to S. Res. 1, the Chair appoints the Senator from Nevada, Mr. REID, and the Senator from Kentucky, Mr. McCONNELL, as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The majority leader is recognized.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 2) was agreed to, as follows:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTION OF THE HONORABLE ROBERT C. BYRD AS PRESIDENT PRO TEMPORE

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 3) to elect ROBERT C. BYRD, a Senator from the State of West Virginia, to be President pro tempore of the Senate of the United States.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 3) was agreed to, as follows:

S. RES. 3

Resolved, That ROBERT C. BYRD, a Senator from the State of West Virginia, be, and he is hereby, elected President of the Senate pro tempore.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. Senator BYRD will be escorted to the desk.

Senator ROBERT C. BYRD, escorted by Mr. REID, Mr. McCONNELL, and Mr.

ROCKEFELLER, respectively, advanced to the desk of the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 4) notifying the President of the United States of the election of a President pro tempore.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 4) was agreed to, as follows:

S. RES. 4

Resolved, That the President of the United States be notified of the election of the Honorable ROBERT C. BYRD as President of the Senate pro tempore.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE U.S. SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 5) notifying the House of Representatives of the election of a President pro tempore.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 5) was agreed to, as follows:

S. RES. 5

Resolved, That the House of Representatives be notified of the election of the Honorable ROBERT C. BYRD as President of the Senate pro tempore.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPRESSING THE THANKS OF THE SENATE TO SENATOR TED STEVENS AND DESIGNATION AS PRESIDENT PRO TEMPORE EMERITUS

Mr. MCCONNELL. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 6) expressing the thanks of the Senate to the Honorable TED STEVENS for his service as President pro tempore of the United States Senate and to designate Senator STEVENS as President pro tempore emeritus of the United States Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 6) was agreed to, as follows:

S. RES. 6

Resolved, That the United States Senate expresses its deepest gratitude to Senator TED STEVENS for his dedication and commitment during his service to the Senate as the President Pro Tempore.

Further, as a token of appreciation of the Senate for his long and faithful service, Senator TED STEVENS is hereby designated President Pro Tempore Emeritus of the United States Senate.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FIXING THE HOUR OF THE DAILY MEETING OF THE SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 7) fixing the hour of the daily meeting of the Senate.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 7) was agreed to, as follows:

S. RES. 7

Resolved, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTING NANCY ERICKSON AS THE SECRETARY OF THE SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 8) electing Nancy Erickson as Secretary of the Senate.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 8) was agreed to, as follows:

S. RES. 8

Resolved, That Nancy Erickson of South Dakota be, and she is hereby, elected Secretary of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Nancy Erickson, escorted by Mr. REID and Mr. MCCONNELL, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to her by the Vice President, and she subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 9) notifying the President of the United States of the election of the Secretary of the Senate.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 9) was agreed to, as follows:

S. RES. 9

Resolved, That the President of the United States be notified of the election of the Honorable Nancy Erickson as Secretary of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 10) notifying the House of Representatives of the election of a Secretary of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 10) was agreed to, as follows:

S. RES. 10

Resolved, That the House of Representatives be notified of the election of the Honorable Nancy Erickson as Secretary of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTING TERRANCE W. GAINER AS SERGEANT AT ARMS AND DOORKEEPER

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 11) electing Terrance W. Gainer as Sergeant at Arms and Doorkeeper of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 11) was agreed to, as follows:

S. RES. 11

Resolved, That Terrance W. Gainer of Illinois be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 12) notifying the President of the United States of the election of a Sergeant at Arms and Doorkeeper of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 12) was agreed to, as follows:

S. RES. 12

Resolved, That the President of the United States be notified of the election of the Honorable Terrance W. Gainer as Sergeant at Arms and Doorkeeper of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 13) notifying the House of Representatives of the election of a Sergeant at Arms and Doorkeeper of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 13) was agreed to, as follows:

S. RES. 13

Resolved, That the House of Representatives be notified of the election of the Honorable Terrance W. Gainer as Sergeant at Arms and Doorkeeper of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTING MARTIN P. PAONE AS SECRETARY FOR THE MAJORITY

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 14) electing Martin P. Paone of Virginia as Secretary for the Majority of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 14) was agreed to, as follows:

S. RES. 14

Resolvled, That Martin P. Paone of Virginia be, and he is hereby, elected Secretary for the Majority of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTING DAVID J. SCHIAPPA AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. MCCONNELL. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 15) electing David J. Schiappa of Maryland as Secretary for the Minority of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 15) was agreed to, as follows:

S. RES. 15

Resolved, That David J. Schiappa of Maryland be, and he is hereby, elected Secretary for the Minority of the Senate.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 95–521, appoints Morgan J. Frankel, of the District of Columbia, as Senate legal counsel, for a term of service to expire at the end of the 111th Congress.

Mr. REID. Mr. President, has the Chair appointed Mr. Frankel?

The PRESIDING OFFICER. Yes, the Chair has appointed Mr. Frankel.

MAKING EFFECTIVE THE APPOINTMENT OF SENATE LEGAL COUNSEL

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 16) to make effective appointment of the Senate Legal Counsel.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 16) was agreed to, as follows:

S. RES. 16

Resolved, That the appointment of Morgan J. Frankel to be Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2007, and the term of service of the appointee shall expire at the end of the One Hundred Eleventh Congress.

Mr. REID. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT

Mr. PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 95–521, appoints Patricia Mack Bryan, of Virginia, as Deputy Senate Legal Counsel for a term of service to expire at the end of the 111th Congress.

MAKING EFFECTIVE THE APPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

Mr. MCCONNELL. Mr. President, I send a resolution to the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 17) to make effective appointment of the Deputy Senate Legal Counsel.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 17) was agreed to, as follows:

S. RES. 17

Resolved, That the appointment of Patricia Mack Bryan, of Virginia, to be Deputy Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2007, and the term of service of the appointee shall expire at the end of the One Hundred Eleventh Congress.

Mr. McCONNELL. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I send to the desk en bloc 12 unanimous consent requests. I ask unanimous consent that the requests be considered en bloc, that the requests be agreed to en bloc, and that they appear separately in the RECORD.

Before the Chair rules, I wish to point out that these requests are routine and are done at the beginning of every new Congress. They entail issues such as authority for the Ethics Committee to meet, authorizing the Secretary to receive reports at the desk, establishing leader time each day and floor privileges for House parliamentarians.

The PRESIDING OFFICER. Without objection, it is so ordered.

The requests read as follows:

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Mr. President, I ask unanimous consent that during the 110th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the journal.

Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his five assistants be given the privileges of the floor during the 110th Congress.

Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 110th Congress to file reports during adjournments or recesses of the Senate on appropriations bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

Mr. President, I ask unanimous consent that, for the duration of the 110th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate is authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolution, and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, Senators be allowed to leave at the desk with the journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period set aside to conduct morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. And that Senators be permitted to speak for whatever time they wish—that is, at least Senator REID and Senator MCCONNELL—and thereafter the speeches be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NEW CONGRESS

Mr. REID. Mr. President, I appreciate everyone's courtesy. This is the first experience of mine to go through these procedures. It wasn't as smooth as clockwork, but with staff help it was smooth enough. So I very much appreciate everyone's cooperation as we look forward to this new Congress.

> The future lies with those wise political leaders who realize that the great public is interested more in Government than in politics.

Franklin Roosevelt, 1940.

I have chosen this line to open this new session of the Senate because the wisdom it imparts is as relevant today as it was 67 years ago.

> The future lies with those wise political leaders who realize that the great public is interested more in Government than in politics.

The American people are expecting positive results from this 110th Congress, not more partisan rancor. We stand today at the cusp of a new Congress, ready to write a new chapter in our country's great future. It is a time of hope and promise for our Nation. The elections are over, and the next Senate campaigns have yet to begin.

Today we are not candidates; we are U.S. Senators. We 100 are from different States, we 100 represent different people, we 100 represent different political parties, but we share the same mission: keeping our country safe and providing a Government that allows people to enjoy the fruits and prosperity and, of course, our economic freedom.

Last November, the voters sent us a message. They sent this message to Democrats and they sent this message to Republicans: The voters are upset with Congress and the partisan gridlock. The voters want a Government that focuses on their needs. The voters want change. Together, Democrats and Republicans must deliver that change.

No longer can we waste time here in the Capitol while families in America struggle to get ahead. No longer can we here in the Capitol afford to pass the problems of today to Congresses of tomorrow. Those problems, for example, are from keeping families safe to raising the minimum wage to instituting new ethical reforms. We can and we must get to work.

As the new Congress begins, the challenges facing America are complex. They range from a contracted war in Iraq to a health care crisis right here at home, from a middle class that is squeezed to an energy policy that is warming our globe, from a higher education system that has exploded in costs to jobs where benefits have all but disappeared. We Senators can make a difference in each of these areas if we remember we are here to fight for our country, not with each other.

The majority, my party, holds a very slim margin—51 to 49. Some may look at this as a composition for gridlock, a recipe for gridlock, but I see this as a unique opportunity. I guarantee everyone in this Chamber that the American people are hoping it is a unique opportunity—an opportunity for Democrats, an opportunity for Republicans—to debate our differences and seek common ground. We must turn the page on partisanship and usher in a new era of bipartisan progress. How can we achieve progress? By doing things differently than they have been done in recent years.

One, we must—I repeat again and again—work together.

Second, we are going to have to work here in Washington, in the Senate, longer hours. Factory workers, shopkeepers in America's malls, schoolteachers, police officers, miners, welders, and business men and women work at least 5 days a week. Shouldn't we here in Washington, where we do our business, in this laboratory we call the Senate, do the same?

Three, we will achieve progress by working on an agenda that reflects not the needs of Democrats, not the needs of Republicans, but the needs of the people of this great country.

Today Democrats may be in charge of the Senate and the House of Representatives, but we in the Senate are committed to bipartisanship. We found that a one-party town simply doesn't work. We know from experience that majorities come and they go. Majorities are very fragile, and majorities must work with minorities to make that lasting change.

In this body, the U.S. Senate, nothing can be accomplished unless we reach across the aisle—not one way but both ways. It is because when our Founding Fathers created the Senate 219 years ago, they carved out a special place for the minority. See, the Framers of this Constitution knew that majorities can always take care of themselves. Majorities didn't need help as defined in the Constitution. But this Constitution takes care of minorities because they can't always take care of themselves. The Founding Fathers created an institution that protects this minority, and we will respect our Constitution and those protections.

I have talked with Senator MITCH MCCONNELL, the senior Senator from the great State of Kentucky. He is the minority leader. He is my friend. In the months and years that go forward, we will become even closer because he has learned, and I have learned, through adversity we grow together. I am committed to working with him, and I know he is committed to working with me. We as Democrats are committed to working with Republicans and Republicans are committed to working with us.

Does this mean there are going to be no bumps in the road? Of course there will be bumps in the road. We are in the Senate. The Founding Fathers wanted bumps in the road.

This morning, at 9 o'clock in the Old Senate Chamber, we held a rare joint caucus. It was an opportunity for us to look across the rows at each other and understand that the Senate is a place where we have to work in a bipartisan fashion.

We in the majority, we Democrats, are committed to working with our President, President Bush. He has pledged to work with Democrats. He has pledged to me personally that he would work to make progress.

We are not going to talk about what went on for the past 6-plus years. What I have discussed with the President, as late as last night, is what we are going to do for the next 22 months together. There are 22 months left in this Presidential term. The President, I know, wants to accomplish things. I want to accomplish things. He has to work with us and we have to work with him or jointly we do nothing to help our country.

As I have said, we are going to work longer hours, we are going to work full weeks, we are going to have votes on Mondays and Fridays. None of us are happy because all but 10 Senators here participated in the last Congress, the so-called do-nothing Congress. We are not proud of that fact. We spent less time working than any Congress in modern history. Some days the sessions lasted a matter of minutes. In this Congress, legislative days will be real workdays.

The extra days will help our committees. The foundation of this institution, the Senate, is the committee system. It has worked from the beginning of our great Republic, but it hasn't worked so well lately. But it now is going to have an opportunity to work better. Our committees will have the time they need to put their expertise to use.

The best legislation with the broadest possible support always comes from our committees. In the Senate, we have chairmen and ranking members with years of experience: TED KENNEDY and MIKE ENZI on the HELP Committee; MAX BAUCUS and CHUCK GRASSLEY on the Finance Committee; JOE BIDEN and DICK LUGAR on the Foreign Relations Committee; CARL LEVIN and JOHN MCCAIN on the Armed Services Committee; PATRICK LEAHY and ARLEN SPECTER on the Judiciary Committee. And on and on. These names speak of their broad experience and their ability to get things done for our country, but it must come through the committee process.

As all my Democrats know, when I assumed the job as Democratic leader, I told every ranking member that those committees had to function and I was going to let them function, and I have done that for 2 years. Now there is going to be more time for them to produce legislation. They are no longer ranking members, they are Chairs, but they cannot succeed unless they work with their ranking members.

Our committees will have the time to do a number of tasks, but the one item they need to do is conduct strong oversight. This is not a negative term. Oversight is good. It is important to find out what Federal agencies are doing, to listen to what the people who work there have to say. Congressional oversight is a responsibility that has been abdicated in recent years. Oversight is important for our country, not so we can point fingers or cast blame, but answer difficult questions and find lasting solutions to the enormous challenges we have. Everyone focuses on Iraq—of course, that is a very difficult problem—but there are many other problems that face this great country. The war in Iraq will cast a long shadow over the Senate's work this year. No issue in our country is more important than finding an end to that war. We will be listening very closely to President Bush when he comes forward with his plan next week. The President's new plan must ensure that Iraq takes responsibility for its own future and remove our troops from this civil war. Completing the mission in Iraq is the President's job and we will do everything to assist the Commander in Chief to ensure his responsibilities.

Finally, the Senate will achieve progress for our Nation by ensuring the Senate calendar reflects America's needs. In the weeks ahead, I look forward to receiving input from the minority. This afternoon, as is the tradition in the Senate, I will present an overview of the Democrats' legislative agenda, bills S. 1 through S. 10. Following the tradition of the Senate, my friend, the distinguished minority leader, Senator MCCONNELL, will offer bills S. 11 through S. 20 whenever he feels it appropriate.

In the first 10 bills we will introduce this afternoon, and in our ongoing oversight of the war in Iraq, we intend to address these priorities, basically three of them: one, providing real security; two, restoring transparency, accountability, and responsibility in the United States Government; and three, helping working Americans get ahead by boosting wages and cutting costs in health care, education, and energy.

We begin with S. 1, our plan to change the way Washington works. It was late 2005 when scandals involving lobbyists and lawmakers shocked the very core of this Nation. Despite the Senate's best attempts on a bipartisan basis, here we are 2 years later and still no reform of ethics, lobbying, and earmarks. The American people deserve better. That is why as our first order of business we will seek to give Americans the open and accountable government they deserve. We will start Monday with a bipartisan bill cosponsored by REID and MCCONNELL. I think that is a pretty good start. We will start with the ethics bill that passed the Senate last year. Now, had that bill passed, which it didn't, it would have been the most significant reform since Watergate in lobbying and ethics reform. It didn't pass. Some people minimized our starting point. I maximize our starting point. This bill included important provisions in many areas, but it was not allowed to proceed because of what took place on the other side of the Capitol. This year, we will improve that legislation and make additional reforms.

This legislation will include reforms to slow the revolving door between Government jobs and lucrative employment with special interests. It will eliminate gifts paid for by lobbyists and interests that hire lobbyists. It will limit privately funded travel such as that of the notorious golf junkets to Scotland. It will increase disclosure requirements so the public will be better informed about the activities of lobbyists. And it will increase penalties for those who seek to break the rules. I lay and spread across this RECORD how grateful I am that the distinguished minority leader has agreed to cosponsor this legislation. I think it sends the right message to America.

With these reforms, which I am confident will pass, we will help ensure America has a government that is good and honest as the people it serves.

Mr. President, I send S. 1 to the desk and ask for its appropriate referral. The bill is at the desk. I am told that the bill is at the desk and we choose not to rule XIV it at this stage.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. REID. Mr. President, S. 2 is our plan to increase the wages of working families by raising the minimum wage to $7.25 an hour. It has been 10 years since the minimum wage was last increased. In that time, the cost of gas, to say the least, has increased. The cost of food has increased. The cost of health care has increased. Even the salaries of Members of Congress have increased. In fact, the salaries of Members of Congress in the last 10 years have increased 9 times, by more than $30,000. But through all of this, the minimum wage has stayed the same. It is long past time America's workers received a raise as well.

Today, a mother or father can work full time for the minimum wage but still live $5,000 below the poverty level. Adjusted for inflation, the minimum wage is at its lowest level since 1955. S. 2 will directly raise the pay of nearly 7 million Americans by more than $4,000 and by setting a new salary floor that will indirectly boost the wages of 8 million more workers. That increase is enough to provide nearly 2 years of childcare, full tuition for a community college degree, over a year's worth of heat and electricity or more than 9 months of rent.

During the minimum wage debate we will also likely consider giving small businesses some tax relief. In fact, as we speak, Senator MCCONNELL's staff and my staff are working, along with Senator ENZI, Senator GRASSLEY, Senator KENNEDY, and Senator BAUCUS, to see if we can have a minimum wage bill that he and I will cosponsor and bring before the Senate. We are working on that.

S. 2 is at the desk, and it will be reported at the appropriate time.

S. 3 is our plan to reduce drug costs for seniors. The flaws in the Medicare drug program are well documented, but many can be traced back to one simple fact: The law as written puts drug companies ahead of America's aging. No matter whether we supported or opposed that law—that is, the one that created Medicare drug benefits—we all want to improve the program for older Americans and people with disabilities. It is our obligation to do so. Now the Federal Government, with the millions of seniors it represents through Medicare, is unable to negotiate for lower drug prices. As a result, Medicare beneficiaries are hostages to insurance companies, drug companies, and managed care entities like HMOs. S. 3 is at the desk.

S. 4 is our plan to make America safer by fully implementing the recommendations of the 9/11 Commission. Following September 11, 2001, the country turned to a respected, bipartisan group—the 9/11 Commission—to review the lessons of that terrible day and to recommend better ways to fight the war on terror. Two American patriots chaired that independent bipartisan commission: Congressman Lee Hamilton of Indiana and former Governor Tom Kean of New Jersey. They did a remarkably good job in a period of 1 year. We realized we didn't need Democratic solutions or Republican solutions to keep people safe; we needed bipartisan American solutions to keep us safe. The Commission did a wonderful job and made a number of recommendations. Some were implemented, others weren't. I was the manager, along with my distinguished colleague, the minority leader, of the bill that was brought before the Senate.

One year ago, the Commission delivered a report card grading the Government's progress in implementing its solutions. Among the grades given by that commission were 12 Ds, 5 Fs, and two incompletes. I say, try taking those grades home to your parents. These grades made clear we still have not done enough to make America safe. We have work to do, and this legislation will step toward in fulfilling the recommendations of the 9/11 Commission. Specifically, it will reinvigorate the fight against Osama bin Laden, al-Qaida, and the ideologies of violent extremists. It will enhance the security of our transportation system and our ports. It will provide America's first responders with the technology they need to communicate with each other during a crisis, and it will make it a priority to secure loose nukes around the world.

Finishing the job of implementing 9/11 Commission recommendations will not by itself win the war on terror or guarantee 100-percent complete security for the people of our country, but we hope with our legislation to improve on the worst of those grades, those Ds and Fs and incompletes, so the American people can have every confidence that Congress and the White House are taking every step—every step possible—to keep America safe. S. 4 is at the desk.

S. 5 is the Stem Cell Research Enhancement Act of this year, 2007. It is legislation we seek to pass so that American scientists will find cures—allow them to find cures for dread diseases that affect millions of our fellow countrymen. Today, there are people all across America suffering from debilitating diseases that stem cell research would cure. For these Americans, stem cell research is an area of science that offers hope, if only we in Washington would allow this hope to flourish. Last year, Congress passed legislation promoting stem cell research, only to see it vetoed by our President. This year, we will consider the legislation again, and on behalf of millions of Americans looking for cures, looking for relief, we urge our President to reconsider his veto. S. 5 is at the desk.

S. 6 is our plan to promote energy independence so we can enhance America's security and begin to deal with the threat—the threat—of global warming. I, with five of my Senate colleagues, traveled last week to the poorest country in the Western Hemisphere, Bolivia. We were in Ecuador and Peru. They told us, the most diverse Nation in the world, the most ecologically diverse Nation in the world—Ecuador—that the glaciers are melting Ecuador, rapidly. For too long our country's energy policy has had only one concern: oil company profits—$34 billion for Exxon and the other companies, international cartels, not far behind. We have allowed Exxon's bottom line to take priority over families struggling at the gas pump and the harmful effects of global warming. So in an effort to begin to solve this energy crisis, our sixth bill takes an aggressive approach to reducing America's dependence on oil, especially foreign oil, and putting more advanced technologies in the hands of consumers. It will boost production of electricity from solar, geothermal, and other renewable resources that are abundant in States such as Nevada, and it will grow our Nation's renewable energy jobs and manufacturing base. Freeing ourselves from oil is a tremendous challenge, but it is one we cannot afford to ignore. Remember: Unstable regimes around the world use our petro dollars to pay for international terror, to fund it, and pursue their despotic goals. So energy independence is not only energy independence, it is security. S. 6 is at the desk.

S. 7 is the College Opportunity Act, our plan to make college more affordable for middle-class families. In America today, a college education is more important than ever. Unfortunately, it is also far more expensive than ever. Today, too many families are being squeezed trying to put their children through school. In the last 6 years, the cost of college has increased by 52 percent. Federal assistance has declined, especially in the form of Pell grants. Our legislation will reverse this trend by raising the maximum Pell grant award. It will also assist families by lowering interest rates for student loans and expanding tax breaks for college costs. S. 7 is at the desk.

S. 8 is Rebuilding America's Military Act. As we speak, there is not a single nondeployed Army unit that is battle ready. The wars in Afghanistan and in Iraq, the war on terror, have been terribly devastating to our military. These brave men and women have done the very best any fighting force could do. But because of Iraq and Afghanistan, the U.S. militarily is strained to levels not seen since Vietnam. While our troops remain the finest in the world, infrastructure is crumbling around them. Nearly all of our combat divisions have been deployed and two-thirds of our Army combat brigades are not ready for combat. GEN Peter Schoomaker, the Chief of Staff of the Army, testified last month, "At this pace . . . we will break the active component" of the U.S. Army.

We, also, have National Guard, Reserve and Active-Duty veterans coming back in droves to America without sufficient help for their health care and certainly not their education.

If we want real security, we must rebuild the U.S. military and ensure it remains the best fighting force in the world. S. 8 is at the desk.

S. 9 will secure America by undertaking comprehensive immigration reform. I had friends and colleagues, staff, ask: Why are you bringing up this controversial subject on the first day of Congress? It has to be brought up. Immigration is a problem that affects this Nation. Last year, we passed a solid immigration bill in the Senate. There are parts of that bill I didn't like, but we passed a bill. Unfortunately, it fell victim to politics, again in the other body. Immigration reform is too vital to our security and our economy to fall by the wayside, so we must deal with it again this year. Our immigration system is broken. Does anyone dispute this? Our borders remain unsecured. Does anyone dispute that? Our laws remain underenforced. Does anyone dispute that? Does anyone dispute the fact that we have 11 million people with bad papers who are here illegally? Does anyone dispute that? No. So our bill will take a comprehensive approach to repairing this broken system. With tough and smart reforms, it will secure our borders, crack down on enforcement, and lay down a path to earned legalization for undocumented immigrants already living here. There is no amnesty. If there were ever an example of the need for bipartisanship, it is on immigration because it is going to be hard, but it is something that we have to do. S. 9 is at the desk.

Finally, S. 10 will reinstate pay-as-you-go rules to the budget process. This does not sound very politically sexy, to talk about pay as you go. But as most know, the Senate used to operate under a rule called pay as you go. This simple proposition demanded that when we increased spending or cut taxes we had to pay for it. It is a commonsense principle families all across America practice when they balance their checkbooks. Pay-go was in place in the Senate in the 1990s, when our country experienced unprecedented levels of economic growth and vitality. Remember, it can be done. In the last years of the Clinton administration, we paid down the national debt by almost a half trillion dollars. Unfortunately, the rule disappeared in recent years and the results have been disastrous: $9 trillion in debt; the largest deficits, of course, in our history; foreign debt that has more than doubled, giving unprecedented control to countries such as Saudi Arabia and China. We are even borrowing money from Mexico. These countries should not have the unprecedented control of our economic destiny. We are facing a fiscal nightmare that will not go away this Congress, and it will handicap our ability in all we need to do in so many different areas. With pay-go in place, we will begin to set America on the right track.

I have been in Congress going on 25 years. In my 25 years, I witnessed many fine moments in our Senate's history. But I believe in my State, in the Senate, and in the House, the days following 9/11 are what America is all about. It was a national tragedy, but it brought out the best in us, the best in Members of Congress, the best in the American people. Democrats and Republicans from all over America put aside our differences and worked with the administration to protect our country. That day showed the Government working as the Founders intended. This year we must work on the same bipartisan basis, the same fashion.

It should not take a national tragedy for us to work together. We should be equally united by our ability to make a positive difference in the lives of the people who sent us here. Today is that beginning. This year let us work side by side and succeed together.

> The future lies with those wise political leaders who realize the great public is interested more in government than politics.
>
> —Franklin Delano Roosevelt, 1940.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. PRYOR). The Republican leader.

THE 110TH CONGRESS

Mr. McCONNELL. Mr. President, we have heard my good friend, the majority leader, describe the first 10 bills of the majority in the new Congress. I would say for the information of all of our colleagues, the procedure in the Senate Republican conference is for the conference itself to designate our first 10 bills. We will be doing that at a meeting to occur in the next few weeks. We have essentially reserved the numbers S. 11 through S. 20 which will reflect our priorities for this Congress.

Let me say at the outset, before giving my opening remarks, how much I value the friendship and relationship I have with the distinguished majority leader. I believe we had an excellent session this morning in the old Senate Chamber, and we look forward to getting off to a good start.

Today is the 110th time in our Nation's history that we begin a new session of Congress. This is a day to renew our purpose, to set a sturdy course for the important work ahead, and to ask ourselves: What will future generations say of the 110th Congress? This is the first day of that Congress. What will they say of us on the last day?

The Senate has a unique role in our Government. It always has. It is a place where the two great political parties must work together if a common goal is to be reached. It is the legislative embodiment of individual and minority rights, a place where the careful design, crafted by our Founding Fathers, pretty much operates today the way they planned it 220 years ago.

We saw this 43 years ago with the Civil Rights Act of 1964, when the two parties forged a difficult alliance to reach a great goal. Segregated buses and lunch counters are difficult to fathom now, but their end only came about through the kind of cooperative resolution that has marked this body from the start.

At its best, the Senate is a workshop where difficult challenges, such as civil rights, are faced squarely—and addressed—with good will and careful, principled agreement. At a time such as our own, when so many issues of consequence press upon us, it must be nothing less.

Yet the challenges ahead will not be met if we do nothing to overcome the partisanship that has come to characterize this body over the past several years. A culture of partisanship over principle represents a grave threat to the Senate's best tradition as a place of constructive cooperation. It undermines the spirit and the purpose of this institution, and we must do something to reverse its course.

The Senate can accomplish great things over the next 2 years, but this opportunity will surely slip from our grasp if we do not commit ourselves to a restoration of civility and common purpose. So as we open this session, I stake my party to a pledge: When faced with an urgent issue, we will act; when faced with a problem, we will seek solutions, not mere political advantage.

The Framers thought a lot about the kind of people who would sit behind these desks on the floor and they set down some simple rules. Senators should be older than their House colleagues. They should serve longer terms, and proportional representation ensures that all States have an equal say, regardless of size. The Senate was also conceived to be a place of civil debate and good will.

Mike Mansfield showed grace and humility in his efforts to expand civil rights. Working with Republicans to offset resistance in his own party, he guided passage of the great Civil Rights Acts of the 1960s and even let a Republican take the credit. In fact, today the name Everett Dirksen may actually be better known, but historians know better.

Mansfield's collegial spirit didn't just surface when it served his purposes. Historians tell us his first appointment each day was breakfast with Senator George Aiken, a Republican from Vermont. The two men met when one of Aiken's aides spotted Mansfield alone, pushing a tray down the cafeteria line in the Capitol. She asked the new Senator if he wanted to join her and her boss for lunch, and he did. The two men remained close friends for 25 years. A small act of kindness set the tone.

Cooperation among parties is not so distant a memory that some of us can't recall Democrats and Republicans working together to pass President Reagan's tax cuts in the early 1980s. That common effort led to the greatest economic expansion of our history—the American miracle, they called it.

We saw the spirit of cooperation again in the 1990s, when a Republican-led Senate worked with the Democrats, including President Clinton, to reform welfare. And we have seen it in recent years, though less frequently, on issues such as tort reform and the Medicare prescription drug benefit.

We used to say that Senators were friends after 5 o'clock. We need more of that if we are going to restore this body to its high purpose. The Senate is not a club nor a clique. It is a group of men and women charged with the solemn duty to support and defend the Constitution against its enemies. George Mitchell once called the Senate a single body made up of 100 independent contractors. Yet he earned the respect of his colleagues by his willingness to listen, to work together, to take risks. He knew when to put self-interest aside. He knew the role of the Senate.

The risks we face today are grave, and facing them will require greater unity and civility than we have been used to around here lately. But drawing on the examples of the past and conscious of this body's historic role, we can again rise out of our party trenches and work together for the good of all.

This morning the Democrats and Republicans got together in the old Senate Chamber, an ornate, rather small room compared to this one, that always reminds me of the promise of this Nation in its early days. I would like to see, in this small act of bipartisanship, a sign of restoration to come.

The work of restoration should start with the things that are easiest to do because a victory in small things now will lead to big victories later. The Senate has not approved a minimum wage increase in more than a decade, but we are willing to work together toward that end. We believe that an increase needs to help both the workers who earn it and the small businesses that pay it.

It just makes sense to pair the increased wage with tax and regulatory relief, so the small businesses that create most of the new jobs in this country can remain competitive and employ even more people. We can get this done.

The voters told us in November that they expect more from us. One concrete thing we can do to restore their trust is common sense lobbying reform. The first bill I will sponsor as the Republican leader, in cooperation with the majority leader, is aimed at precisely that. The voters want honest government. We can get this done too.

Two issues. Two issues we can move on carefully but quickly. Let's get them done.

After that, I challenge this body to be daring. The Senate has no claim on greatness unless its power is put to great ends. Divided government demands that we must work together. So let us do so not only for ends that are easily within our grasp, but for those worthy things that have just eluded us in the past.

Social Security is an issue on which Americans demand action—yet many fear what action might mean.

Our job is not to play into those fears but to erase them. To show voters that the greatest cause for fear is the system in its current, unsustainable form. Everyone in this Chamber knows the facts. So let's be honest brokers—and strengthen Social Security before this Congress ends.

Today, the 110th Congress begins. But before it ends, the first great wave of babyboomers will retire. Over the next two decades, more than 77 million people will leave the workforce even as fewer new workers join it. And by the time they all leave, there will be only two American workers supporting each retiree.

This is clearly unsustainable. Unless we reform the system, we have a choice: Either our children work longer and harder or our parents live with less.

The Senate cannot sit idly by as this demographic reality takes shape. Rather, we must do the hard work we were elected to do. We must make our money work harder for our parents and our children, and so we need to reform Social Security now.

The Framers knew we would have to make tough decisions. That's why they didn't want Senators to be elected by popular vote. The system they devised had its own problems, so we changed it.

But the principle was sound: the right decision is not always the easiest one. We have an obligation to address the important issues of the day, in a spirit of cooperation and courage, and with a goal of accomplishment for all Americans.

Immigration is one the most pressing issues of our day. We should be daring about immigration reform—and act on it soon. The voters demand it. We have a duty to deliver.

Americans are generous, eager to welcome strangers and happy when they prosper. Yet we know that the blessings of liberty depend on respect for the law and a common national culture. We can ensure both even as we welcome those who come here looking for a better life.

Laws that are generous need not be lax. And a country that is not secure at its borders is not secure in its laws. Border security and other law enforcement professionals must have the tools they need to keep our borders—and our laws—strong.

America has not seen a domestic terrorist attack since we committed ourselves to the global war on terror. That is not an accident, some quirk of fate. Rather, it is due to the hard work of spotting and disrupting threats before they strike.

The indisputable success of these efforts is the greatest argument we have to continue to support them—and to make sure those who secure the homeland are fully equipped to continue the outstanding work they have done.

One of the principles that has guided our efforts in the war on terror is that terrorism must be fought at a distance or it will be fought in our streets.

This policy has worked—and we must ensure that it continues to work by giving the men and women who carry out that mission every day all the tools they need.

One of those tools is the terrorist surveillance program. If terrorists are calling the United States, we should know what they're talking about. This program has saved lives. And we would endanger others by ending it.

Al-Qaida is not a threat to Republicans; it's not a threat to Democrats—it is a threat to America. And the Senate must work together as we prepare for the long struggle ahead.

We must use all the tools we have: diplomacy, intelligence, economic and military might. The men and women of the Armed Forces have sacrificed much in battle. Their families have made great quiet sacrifices at home. We will honor both by pledging that the American Armed Forces will remain the best equipped, best trained, and best prepared in the world.

And very soon, we will return to the issue of Iraq. It is my hope, and my challenge to this body, that the debate will be based on what's best for the future of our Nation and for Iraq—not what's best for the Republican party or the Democratic party.

The Senate must be bold in preparing Americans for the struggle ahead. Our Nation's security depends on secure borders and a strong fighting force. It also depends on energy independence. So we must continue to work hard to decrease our reliance on foreign sources of energy.

We laid a solid foundation during the last Congress, with passage of the Energy Policy Act of 2005 and, just last month, with the enactment of the Gulf of Mexico Energy Security Act. Both measures were passed with bipartisan support, and both will decrease our dangerous dependence on foreign oil and gas.

There is more that we can do both to increase domestic supply and decrease our demand for foreign energy. The United States has an abundance of coal and remains a leader in nuclear technology. We should focus attention on using these natural resources safely, cleanly, and efficiently.

We cannot go back on the gains we made in the last Congress. And I will work with my colleagues to continue this vital work.

If the restoration of our purpose does not lead those of us in the Senate to be daring, then our prosperity should.

Republicans presided over 4 years of economic growth; the biggest housing boom since World War II; and an unemployment rate that has stayed at or below 5 percent for more than 15 months. The current rate of 4.5 percent is just remarkable.

The crash of 2000 yielded to gains that have sent the Dow Jones Industrial average to an all-time high. We have created more than 7 million jobs since August 2003. These gains are no accident. They are the result of the stimulative tax relief we passed. These policies clearly worked, and they should be kept in place.

Republicans used the strong economic climate to cut the deficit. We cut it in half even more quickly than anyone thought we would. And working together, across the aisle, we must continue that trend and balance the budget within 5 years.

Another focus of this Congress is the overwhelmingly popular and effective prescription drug relief for seniors. President Bush and the Republican Congress gave seniors the Medicare prescription drug care benefit they had waited on for decades. We cannot "scrap" this program, as some would like. And we will oppose any effort to do so.

A spirit of cooperation will lead to a heightened respect for fairness—and ensure that the same number of judicial nominees that were confirmed in the final years of the last three administrations are confirmed in the last 2 years of this one.

Americans want judges to uphold the original intent of the Constitution, not rewrite it. Judicial activism has divided the courts, the Congress, and the Nation for too long. If our work of restoration and a new civility is to take hold, we must recommit ourselves to the ideal of judicial restraint.

Like the three Presidents before him, President Bush will spend his last 2 years in office with the opposition party in control of the Senate. Like them, he has a right to expect that his nominees will receive an up-or-down vote.

The voters recently sent us a message. They told us to solve the problems that face this Nation. They expect us to win the wars we wage. And they expect us to be men and women of principle.

The people of Kentucky gave me the great honor of my life when they first elected me to the Senate. And I have gone about my work here with them foremost in my mind.

I have fought hard to advance and protect the values that matter most to the people of my State.

It is because of another election that I stand here today. I am honored that my colleagues chose me to lead them at this important moment in our history. I take my duty seriously.

I am filled today with a sense of purpose—for party, yes, but for this institution and for our Nation first, for their renewal.

Elections are about ideas, and here are some I hold most dear.

I believe the state exists to serve individuals and families, not the other way around.

I believe everyone fortunate enough to call himself or herself an American should be able to pursue their dreams freely.

I believe God has blessed this country richly, and that the proper response to the gift of freedom is to defend it.

And I believe that the first duty of Government is the defense and protection of its citizens.

So I am eager to work with my colleagues to find bold solutions to big problems. Yet on some things I will not yield.

I will never agree to proposals that weaken the security of our citizens at home or the capabilities of our Armed Forces abroad.

I will never agree to a tax increase on working families or small businesses. Our economy is strong because of the hard work and enterprise of Americans. We will not undermine that spirit by taxing it.

I will never agree to retreat from our responsibility to confirm qualified judicial nominees.

Bipartisanship, cooperation and accomplishment; yes. Civility; yes. But we will remain true to our principles.

Henry Clay was a great Kentuckian. He spent the last 2 years of his life using the tools of the Senate to save his country. His devotion to the cause of national unity was so great that one rival called it "a crowning grace" to Clay's public life.

Clay shows us that divided government need not be divisive. Indeed, it often leads to historic agreements that unity governments have little incentive to achieve.

And so, working together, forgetting past grievances, forging new alliances, we can solve the difficult issues of the day. This is the purpose of the Senate and the privilege of its Members.

If our steps are guided by this simple principle, then this 110th Congress will have met its responsibility on behalf of all Americans, and strengthened this institution for the unseen challenges that will always lie ahead.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the next 2 hours of morning business be controlled as follows: the first 60 minutes under the control of the majority, the second 60 minutes under the control of the minority, with Senators therein limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant majority leader.

A NEW DIRECTION FOR AMERICA

Mr. DURBIN. Mr. President, it is my honor to follow the speeches that have been given by my new majority leader, Senator HARRY REID of Nevada, and my new Republican leader, Senator MITCH MCCONNELL of Kentucky. It is a great honor for me to stand this day in the Senate as the assistant Democratic leader. I cannot express my gratitude to my colleagues for entrusting me with this responsibility.

I come to this moment with a sense of amazement. Some 40 years ago, as a college student in this town, I first set foot in the old Senate office building as an intern, never dreaming that 40 years later I would be standing on the floor of the Senate in this capacity. It is indeed a great honor.

I do not know how many men and women have lived in the United States of America in our history—hundreds of millions, for sure. Today there are some 300 million who count America as their home. In the entire history of the United States of America, from its creation, as of today, as of this moment in our history, 1,895 men and women have had this high honor of serving in the Senate. Today, we were joined by 10 more.

Their life stories, like the stories of many of us, are the stories of America: stories of immigrant families, stories of struggle, stories of dreams that finally resulted in an election to this great body in the Senate.

I imagine if you called on some of the experts in U.S. history—even those who served for quite a few years in the Senate—and asked them how many of the 1,895 Senators who have served here they could remember, they would be hard pressed to come up with a long list. As it happens in most walks of life, a few people stand out in history. But most are part of a parade, a parade that passes by many times anonymously.

In the desk drawers of each of our desks here there is a quaint little Senate custom. I was talking to Senator John Glenn of Ohio about it today. Senators who have served here, despite what they were told by their teachers in grade school, are encouraged to scratch their names in the bottom of the desk drawer. I happen to be sitting at the desk of former Senator John Glenn of Ohio, and my former mentor and inspiration, Senator Paul Douglas of Illinois. I would imagine if you look in these desk drawers, there will be many names you do not recognize. The point I am trying to get to is this: Members of the Senate, men and women, come and go, but, thank God, this Nation endures. And it endures because of the sacrifice each makes for the common good of this Nation.

We have weathered so many storms—9/11 the most recent but, of course, the Civil War, which almost tore us apart—and time and again throughout our history men and women in this body, in the Senate, have decided the good of this Nation was more important than their individual personal ambition.

We have another similar moment in history. It is interesting how critical Americans are of their politicians; and that is a healthy thing. We do not assume that those elected to public office are part of any gifted class or any special group. We just assume they are people who are like us and fortunate enough to get elected. But over the years a lot of people have questioned us, whether those of us who have devoted a good part of our lives to public service truly have the public interest in mind.

The skepticism grew last year with the culture of corruption, the announcements of indictments, prosecutions, resignations, not just among public officials but those who work in the Halls of the Capitol. And the skepticism and cynicism about public life grew as people heard more and more of these stories. That is why it is so important we reflect on what Senator REID said earlier about our agenda.

The first item on our agenda—and there could be many—is to address this issue of ethics and honesty in Government. I have been a fortunate soul in public life. Two people who brought me here—Paul Douglas and Paul Simon, both Senators—were literally paragons of public virtue.

Paul Douglas, as Senator from Illinois, used to have a tradition that except for food and drink he would not accept a gift worth more than $2.50. Now, it sounds like an interesting standard. It turned out to be a complete headache to figure out what to do with a gift that was worth $3, or what to do with the belt that a man hand tooled with Senator Douglas's name on it and sent to him as a gift. But he was steadfast in his belief that public service meant public sacrifice, not public enrichment.

Paul Simon, my other mentor in life, felt the same, followed in the Douglas tradition, and started me on a long road of disclosing in complete detail every year my income taxes and total net worth. There were painful moments early in my married life when Loretta and I had very little to claim as earthly possessions and filed a net worth which was pretty embarrassing. Things are a little better now, and I have continued the tradition.

But when Senator REID talks about changing the Senate rules, to start with, as the first item of business, I think what he is trying to do on behalf of Democrats and Republicans in this bipartisan bill is to address this fundamental issue of restoring the confidence of the public in the Senate. Before we roll up our sleeves and take on the issues that count for every family across America, let's take on the issue of restoring the integrity of the Senate. That is why this is a bill that is high on our list and the first we will consider.

The American people voted for change in this last election in many ways. They certainly want us to move forward. Some of our advisers tell us that the term "bipartisanship" has too many syllables and is unintelligible to the average person. I am not sure. But people do understand the words "cooperation" and "compromise." And I think people across America said to us in the last election: We want you to compromise. We want you to find solutions. We do not want you to play to a draw with nothing to show for it.

The first issue that concerns the people of Illinois to whom I speak is this war in Iraq. In the first week of October, I went to Iraq with Senator JACK REED of Rhode Island. We visited Afghanistan and had three different stops in Iraq, and we spent many hours meeting with our soldiers, sailors, marines, and airmen. I spent extra time with those from Illinois just to say hello to them and thank them. I came back not just with some frustration over a war which I think was a colossal, strategic mistake, but anger—anger that we continue to ask these brave young men and women to sacrifice their lives every single day.

I can recall when one of the generals took us aside and showed us one of these roadside bombs that kills and maims our troops, almost on a daily basis. It looked like nothing more than a fruit cocktail can, with both ends lopped off and a metal charge inside. They disguise it and camouflage it and put it on the side of the road. While unsuspecting American soldiers course down that road, they unleash the blast that kills or maims them. That is life for our soldiers in Iraq. They do not confront an enemy so much as confronting these improvised explosive devices.

Over the last few weeks, we have passed some tragic milestones. More Americans have died in Iraq than died on 9/11. As of the first of this year, the 3,000th American life was lost among our fighting men and women in Iraq. Over 22,000 have returned from Iraq with serious physical and mental injuries.

The legacy of this war will continue. Next week, the President is to propose the next phase of the war, what he wants to do next. I have to tell you, as one of 23 Members of this Senate who voted against this war, I continue to believe we made a serious mistake underestimating the gravity of the challenge once we had deposed Saddam Hussein. It is clear now this administration was not prepared to wage this war, certainly not prepared to move us to peace. What they have done is to move our troops into harm's way, risked their lives, and leave us in a situation, 4 years into this war—a war longer than World War II—where there is still no end in sight.

In October, our leaders in Iraq told Senator JACK REED and myself it is a matter of months. If we cannot get this under control in a matter of months, we have to be honest about it. I think honesty is important. There is a lot of talk about surge. Let's move beyond the word "surge" into the reality. We are talking about the lives of American soldiers, whether we will send 20,000 or 30,000 more American soldiers into that field of combat, whether that can possibly make a difference.

I hope to God the President reconsiders that. I am afraid in many instances we are only sending targets and not troops. It is time for the Iraqis to stand up and defend their own country. It is time for them to accept the responsibility of governance and defense. We have given them so much, over 3,000 American lives and all of our treasure, so they can rebuild their country and have a chance. We deposed their dictator, put him to trial, saw his execution, gave them a chance for constitutions and governments, gave them all these opportunities, and now it is their turn. We cannot impose democracy on them. That appetite for democracy has to spring from their souls, and they have to want it badly enough to work out the political compromises to disband the militia, to show the kind of leadership which will give them a nation in fact rather than just in words. That will be one of the big issues we debate here.

Some have criticized us this week for not talking about Iraq enough. I can understand it. When I hear the mothers of fallen soldiers say that should be our first priority, I think they understand, as we do, there is nothing more important that ever happened in their lives. This assurance I can give: Next week, when this Senate convenes, both the Armed Services Committee and the Foreign Relations Committee will begin hearings on Iraq. The debate will really begin in earnest, as it should, as the American people expect. And we will have a responsibility to come up with the best answer for our Nation, for our troops.

There are so many other issues we face. One near and dear to my heart is the cost of college education. This young boy from East Saint Louis, IL, could never have attended Georgetown University or law school were it not for Government loans. I borrowed the money, paid it back, and believe it changed my life forever. So many students across America today wonder if they will ever be able to borrow enough to go to school. Some of them drop out because of debt. Some of them change their life plans because of paying off student debt.

One of our first priorities is to reduce the cost of college education expenses so young people with great dreams and limited means have a chance to succeed. That is one of our priorities as Democrats, and one I totally support.

I also think we have to restore some basic economic justice in America. How can you possibly explain that over 10 years we have not raised the Federal minimum wage? These people get up and go to work every day, many of them raising children, struggling to survive, going to soup kitchens and pantries to supplement their income.

Over the Christmas holidays—as many of us do—I visited some of those places, and I met a lot of people who work 40 hours a week. They come to the soup kitchens, they come to the pantries because that is the one way to supplement their income. Well, we can do better. We need to increase the Federal minimum wage. And as Senator REID said, it is one of our highest priorities.

Senator McCONNELL said, a few moments ago, when it comes to the Medicare prescription Part D program, he will not stand by and allow us to scrap the program. I say: Hear, hear. We do not want to scrap the program. It is long overdue. Prescription drugs under Medicare keep our seniors healthy, independent, and strong. But, sadly, we know the reality that when that bill was passed, it was written by the pharmaceutical industry. It took competition out of the program so they could charge higher prices. It created a maze of opportunities, but a maze of choices for many seniors who were bewildered by what to do. It created a doughnut hole, a period of time where seniors who were the sickest had no coverage whatsoever.

So I would say to my colleague on the other side of the aisle, we are not going to scrap it. We are going to do our best to improve it. And we can improve it, bring in some competition so we have reasonable cost drugs, so we have more coverage for seniors across America.

There is an old saying that there is no education in the second kick of a mule. No matter what side of the aisle we are on, there is a lesson for all of us. The American people have given us today a rare opportunity in our history. They have given us an order, too, to chart a better course for this Nation. They have asked us to listen. And if, at the end of the day, we play to a draw on these major issues—if we do not achieve results, if we do not show a good-faith effort toward compromise and cooperation—they will be just as harsh in their judgment 2 years from now as they were last November. And we deserve it.

As we begin anew this Congress, we need to resolve together, on a bipartisan basis, to find that path to a better and stronger America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

IMPORTANT PRIORITIES

Mr. SCHUMER. Mr. President, I rise as well to speak about our priorities that Senator REID has introduced. First, I compliment him for his vision and drive toward shaping these priorities, and his leadership that will ensure the Senate makes the concerns of the average American family our top priority.

I thank my colleague from Illinois, Senator DURBIN, who, as always, is able to articulate in a very smart way, but also a way the average person can understand, how important these priorities are to us.

I also, in advance, thank my colleague Senator MURRAY for being here, and who again, in her usual wise and thoughtful way, will help us let the American people know what our priorities are.

Now, I wore a blue suit today, naturally, because we are all excited over the election in November. But in our excitement, we have to remember that we are here because of the people who sent us here, and to realize their desire for change, to make their lives better. We know a bipartisan approach is the best and perhaps the only way we will get this done.

If all our exultation and happiness today—and, believe me, I stood there with pride watching the new Members in particular be sworn in, knowing how fine they are, what a diverse group of people they are—the thing they share in common is coming from the bosom of the people of their State. Each one, each of the new representatives, each of the new Senators represents the people of their State.

They come to us with a message, and I don't think the message is left, right, or center, as some of the pundits have said. The message is to keep your eyes focused on the average family. All too often we in Washington get lost in the world of Washington. Too often politics here seems to be a minuet, shadow boxing, sometimes real boxing, where each party and each individual is seeking advantage over the other, and the focus on getting something done—something done for the American people—gets lost.

If there was one message that this election had, I think that is it. The American people were pleading with us, crying out to us with a strong but plaintive voice: Help us. The world is changing, and we see that world change in every way. Technology has dramatically affected everything we do, whether it is terrorism, where technology has enabled small groups of bad people to hurt us; whether it is jobs in education, where we now have a one-world labor market, and our workers, our kids in the third grade are going to be competing not simply against the kids in the third grade across the hallway but the kids in the third grade in China, India, and Brazil; whether it is the technology that has allowed us to live longer.

I read somewhere that a little girl born today, if she lives in the early months and up to a year old, could well live to be 100. And not very unusually, that would almost be the average. That is incredible. What that means is new problems for Social Security and Medicare. It also means that our whole lifestyle changes as people get married later, have children later, and retire and have many years of leisure in life. So technology is changing everything.

The old messages—whether they be, in my judgment, the old Democratic new deal message or the old Reagan Republican message—just don't work anymore. Voters, in November, didn't tell us to adopt a certain ideology or philosophy or even party. Their message to Washington was to stop fighting with each other and finally get something done for average Americans who are in more need of help now as the world changes quickly and dramatically.

The average American wants us to get to work on issues that matter to them on a daily basis: making them more secure, lifesaving medical research, fair wages, comprehensive immigration reform, energy independence, and affordable education and prescription drugs. They want us to go to work for them again. That is what we are going to do.

The 10 bills we have introduced are all aimed right at the heart of the average American in the sense of saying to the average American: We do know what you need, what you have asked us to do, and we are going to do our best to help you.

Make no mistake; overall, families are doing quite well, but they are beginning to hurt in certain ways: high gas prices, skyrocketing tuition, prescription drugs. These are all things the average person worries about that they probably didn't worry about 10 years ago. These first 10 bills that we are going to introduce represent the Democratic priorities for the Senate and the country. These bills take aim at making education and prescription drugs more affordable. They address our goals for energy independence, better homeland security, innovative medical research, a modernized military, and comprehensive immigration reform—priorities that have been neglected for far too long.

I first want to express my enthusiastic support for our bill to address college affordability, S. 7, which my colleagues will also address. We know we must make it easier for families to send their kids to college. As tuition costs rise, it gets harder and harder for them to do it. As college becomes more of a necessity, it also becomes less affordable. That is the dilemma we face. We are facing a critical time with this challenge coming, when a college education is vital not only to one's individual future but to our Nation's prosperity and independence.

We are competing now in a global market connected by technology, and we need a well-educated workforce. That is why I introduced upon arriving in the Senate a bill to permit a college tuition tax deduction. I have worked to support it ever since. We must ensure that this deduction does not expire, as it nearly did in December, by making it permanent. And we must do more. Just getting by is not enough when it comes to sending our kids to college. We must address other aspects of college costs, including Pell grants, loans, and lowering interest payments on loans. I know my colleague, Senator Kennedy, has big plans for addressing these issues. Just as I will work hard on the Finance Committee on the tuition issue, he, in the HELP Committee, will be leading many of my colleagues on those issues there.

What I have been asked to spend a few minutes to talk about is S. 4, a bill to implement the recommendations of the national commission on terrorist acts, the 9/11 Commission. It has now been over 5 years since the tragedy and devastation of September 11. On that day, our Nation changed irrevocably with the knowledge that terrorist forces, motivated by hatred, have the determination and ability to threaten America on our own soil. My own city of New York knows this devastation and tragedy well. On that day, and in the days following, we lost thousands of our friends and family members, including hundreds of brave firefighters and police officers who died trying to save others. We owe it to all those who lost their lives on that day to take up and implement the commission's recommendations.

On that day, it was clear that much needed to be done to improve the security of our homeland. The President and Congress responded in part by establishing the 9/11 Commission. This bipartisan commission did its work thoroughly and well, devising 41 core recommendations to prevent, defend against, and respond to the threat of future terrorist attacks. Each one of the recommendations was a vital part of the Commission's charge to Congress and the President. Yet Americans have not just been gravely disappointed but also endangered by the failure to implement all of the recommendations of the 9/11 Commission. It is high time for this failure to be rectified.

S. 4 expresses the sense of Congress that we must immediately work toward passage of legislation that will, after far too long, implement the solutions carefully crafted at our request. As the committee puts together a final detailed bill, S. 4 will serve as an important symbol of our priority for securing our Nation by implementing the recommendations. We have made some improvements since 9/11, but we still have so far to go.

America simply cannot wait any longer to fully protect our homeland. Whether it is improving communications between first responders, ensuring that law enforcement shares information about threats, or securing our transportation systems, which I know my colleague from Washington has worked on, we have a whole lot to do. We cannot wait longer for decisive action to stop weapons of mass destruction from falling into the hands of terrorists entering our country or being built by those who would destroy us. We cannot wait any longer to better combat the violent extremism that is growing around the globe.

This is only the beginning of the work that remains to be done. We have heard so much talk about homeland security in the years and days since 9/11, but in all this time we have seen far too little action. In the 110th Congress, at last that shameful state of affairs must and will come to an end.

In conclusion, the voters in November gave us great honor but humbling responsibility. We must now rise to meet that responsibility by returning the focus of our work to the basic needs of American families. Today is the first and important step toward meeting that responsibility.

So as we start this new Congress, I look forward to working with our Republican colleagues and the President to deliver these priorities for American families. Those families deserve no less.

I yield the floor.

The PRESIDING OFFICER (Mr. Salazar). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I am honored to be here with my Democratic colleague today. I listened to the Senator from New York talk about our top 10 priorities. Senator Reid, our new majority leader, and Senator Durbin before me talked about how we now in this new majority are going to focus on the real issues affecting American families. I congratulate Senators Reid, the new majority leader, and McConnell, the Republican leader, for setting the right tone today by bringing us together this morning and reminding us all that we are here together to work on a very important agenda for the American people. We will have our disagreements, our partisan battles, but at the end of the day we have to move legislation forward because if there was any message to me out of the November election that brought us to the majority now, it was that people want us to get past the partisan rancor on the floor of the Senate. They want us to get past the bickering. They expect debates, they like that, but at the end of the day they want us to move forward.

Across this country today, American families are struggling to send their kids to college, struggling to get health care, struggling with their pensions, struggling with their salaries, and they expect us, the 100 leaders of the Senate, to be here together to solve those issues in a way that moves them forward and gives promise and hope to the next generation.

Mr. President, that is what the top 10 priorities are that our new majority leader set out for us today. They are bills that focus on bringing back hope and opportunity for the thousands of American families that are hoping today that we have heard them and that we will respond and work hard to make sure their lives are better.

I am pleased that we are beginning next week with ethics reform. I think it is important to start with a strong message that we understand we have a responsibility to uphold the honor of this Senate, not just for today but for many years to come. I am very excited that within a few weeks we will be talking about the minimum wage for the families out there who are struggling so hard to make sure they do the right thing for their kids and to send them a message that we understand and we are going to do a little bit to help them.

Senator SCHUMER talked about the 9/11 Commission and implementing their report—something we should have done long ago. The security of this Nation, people's fear about where we are, is a message that we all need to understand. I am pleased that is part of the top 10 priorities of this new Congress. In dealing with the Medicare prescription drug plan, I have met with many seniors in my home State and they are confused and frustrated. They are angry as they fall into the doughnut hole and realize that the promise we have given them of prescription drugs is not meeting that expectation, and we have a responsibility to do better. I hope that we can.

I heard Senator MCCONNELL a short while ago say he didn't want us to tear apart the Medicare prescription drug plan. Nobody does. We want to make it work. I hope we can work together in cooperation and make that happen. Stem cell research: The Senator from Iowa will be speaking in a few minutes. He has been a leader on that issue. It is about promise and hope for so many American families. I hope we can move it quickly through the Senate, through the House, and to the President's desk. If we have to, I hope we have the votes to override. Far too many families struggle today, and we should at least send them the promise of the future as generations before did for us. Energy independence is critical in my State and across the Nation. It is something I hear about everywhere I go.

Strengthening our military: Certainly, that is important today, as we know we face terrorism across the globe, and we have exhausted our forces in Iraq. We have to make sure that we work together in a bipartisan manner to strengthen our military not just for today but for those who come behind us.

Included in that for me is taking care of those who have served us, our veterans, keeping the promise we made to them when they served us overseas, that we will be there when they come home. We cannot tolerate the long lines our men and women are in, the fact that they are coming home and cannot get a job; that the unemployment rate for 18- to 24-year-olds who served in Iraq and Afghanistan is three times the national average. We have a lot of work to do there. I am pleased our leader has put out immigration. This is an issue the Senate has worked through. It is a tough one, but it is one that, if we work together, we can move forward.

Many other issues are coming before us, but one I want to mention, in my last few minutes, is the issue of education. That is the backbone of our country, it always has been: making sure young people today can grow up and know that if they choose, they can go to college and it is affordable.

I am especially delighted that S. 7, one of the top 10 priorities, addresses the issue of college affordability. It is very disheartening to me to walk into a middle school today and have seventh and eighth graders say to me: Why should I get good grades; I can't afford to go to college. That is not the message we should be sending. We should be sending the message to them that if they work hard and get good grades, they will go to college.

We have to address that issue in the Senate. We all know the jobs of the future depend on our young people today and whether they get the education they need, and the money should not be a barrier.

I know this issue. Money was not a barrier for me when I was growing up. My father was diagnosed with multiple sclerosis when I was in high school. There are seven kids in our family. We all thought the door had been shut to us and the ability to go to college. But not so because leaders in the Senate stood up before I ever knew about them and said we need to have Pell grants and student loans and we need to make college affordable.

So all seven kids in my family—despite the fact my dad could no longer work and was confined to a wheelchair, that my mom had to go on welfare, she had to go back to school herself and raise seven kids—we were able to go to college on Pell grants and student loans. All seven of us graduated and went on and one of us became a Senator.

We should not be shutting that door of hope to any young American today. No matter what happens to them personally, no matter what their circumstances, no matter what State, city or community they grow up in, we want them to know the United States of America and leaders in their country know it is important for them to get an education.

So as we move forward in this session of Congress, we are going to focus on college affordability and making sure that the backbone of our country is strong once again.

We have much work ahead of us. We do need to work together. Mr. President, 51 to 49 in the Senate is very close, but we know that the issues in this country are extremely important and the families in this country are counting on us.

I look forward to working with all of my colleagues to achieve an agenda that sends that promise of hope once again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first, I thank the Senator from Washington for a very eloquent and very profound statement. The message the Senator from Washington put forward on the Senate floor is one that all Americans ought to hear. It is a message of hope and promise.

I thank the Senator from Washington for her leadership in so many areas but especially in the area about which she spoke so eloquently—the area of education. I had not known that about her family. It brings home once again that in the America we love, anything should be possible for any child. No child should be deprived of the hopes and dreams of having an education and succeeding in life simply because they were born poor or born on the wrong side of the tracks, so to speak, or maybe the wrong color—whatever. Every child ought to have that opportunity.

I thank the Senator for so eloquently putting it forward on the Senate floor.

STEM CELL RESEARCH

Mr. HARKIN. Mr. President, I wish to pick up a little bit from Senator MURRAY's remarks and talk about S. 5, the stem cell bill, that was also introduced today by the majority leader, Senator REID.

Stem cell research, when it is stripped of all of the phony arguments and rhetoric, is basically about hope. It is hope for people with Lou Gehrig's disease. It is hope for people with spinal cord injuries, hope for kids suffering from juvenile diabetes, hope for people with Parkinson's disease.

In this Congress, we are going to bring those hopes one giant step closer to reality. At long last, hopefully, we will lift the President's restrictions on stem cell research and finally give our Nation's best scientists the tools they need to produce treatments and cures.

The bill we have introduced today, S. 5, the Stem Cell Research Enhancement Act of 2007, is the exact same bill that passed both Houses last year with strong bipartisan support. The House passed the bill 238 to 194. The Senate passed it 63 to 37.

Regrettably, the President chose to exercise his first and only veto of his administration in vetoing this bill. And with his veto, the President ignored the will of the American people, he ignored scores of Nobel laureates, he ignored top scientists at the National Institutes of Health, and with one stroke of his pen, he dashed the hopes of millions of Americans suffering from diseases that could one day be cured or treated through stem cell research.

But now we are back, it is a new Congress, and the voices of hope are stronger than ever. In November, the American people elected many new

Members of Congress who support stem cell research and replaced many former Members of Congress who opposed this research. As a result, we will pass this bill again this year, and the margins of victory will be even wider.

Let me spend a moment reviewing what S. 5 would accomplish. More than 5 years ago, the President announced in a speech that federally funded scientists could conduct research only on embryonic stem cell lines that were derived prior to 9 p.m. on August 9, 2001. The President gave his speech that evening, August 9, 2001. He said all of those stem cell lines derived before 9 p.m., that was OK, but if they were derived after 9 p.m., they could not be funded with Federal funds. I never understood that. Why was it 9 p.m.? Why wasn't it 9:15 p.m. or maybe 8:45, 9:13? Why was it 9 p.m.? At the beginning, one has to question the logic of why 9 p.m. was the time barrier.

When the President announced his policy, he said that 78 stem cell lines were eligible for research. We now know that is not so. Only 21 are eligible, not nearly enough to reflect the genetic diversity of this Nation.

What is more, every one of those lines, all 21 of those lines are contaminated with mouse cells. They were grown on mouse cells, so they are all contaminated. So none of them will ever be used for any kind of human treatment.

Meanwhile, hundreds of new stem cell lines have been derived since the President's arbitrary deadline. Many of these lines are uncontaminated, they are healthy, but they are totally off limits to federally funded scientists.

That is really a shame because if we are serious about realizing the promise of stem cell research, our scientists need access to the best stem cell lines possible. We need a stem cell policy that offers true and meaningful hope. That is what S. 5 would provide.

Under this bill, federally funded researchers could study any stem cell line, regardless of the date it was derived, as long as certain strong ethical guidelines are met. I point out, again, as I have in the past and I will continue to point out, that the ethical guidelines in S. 5 are stronger than the ethical guidelines under the existing policy.

What are those guidelines?

One, no money can be exchanged. No one can ever be paid for donating embryos.

Second, these embryos can only be used for stem cell research and for nothing else.

And third, the donors have to give informed consent for them to be used.

The final point is most important. The only way a stem cell line could be eligible for this federally funded research is if it were derived from an embryo that was otherwise going to be discarded. Let me, again, say what that means.

There are more than 400,000 embryos frozen in in vitro fertilization clinics all over the country—over 400,000. Right now, the only thing that can happen to those is that they be discarded. They are thrown away every day. Every day embryos are discarded in in vitro fertilization clinics all over America. The donors have no other choice.

Take friends of mine, a young couple. They couldn't have children. They finally went to an IVF clinic. That didn't work. They went to another one. Now she is pregnant, and they are going to have twins. They may have one or two more children—I don't know—but there are going to be some of those embryos left over. Right now my friend's only choice is to have them discarded. That is her only choice. But as she said to me: I would love, after I have my children and my family, if there are embryos left over, I would love to be able to donate them for stem cell research to help cure disease and to help people who are sick.

Right now she cannot do that. Neither she nor her husband can do that. Our bill would allow them to have that option. No one is forced to do anything, but it would allow them to have that option.

I also, wish to point out again one of the misconceptions. These are embryos. They are blastocysts. They have about 100 cells. I always do this: I put a dot on a piece of paper, hold it up and say: Can anybody see that? That is what we are talking about. It is about the size of a period at the end of a sentence. There is a lot of misinformation about what we are talking about.

As I said before, Congress is going to pass this bill, that is certain. Sadly, some are already predicting the President will veto it for a second time. I hope they are wrong. I hope the President will respect the will of the people and sign the stem cell research bill. But if he does veto it, we will persist. We will use every legislative means at our disposal to make sure S. 5 is enacted into law, and it will happen during this Congress.

My nephew Kelly is one of the millions of Americans whose hopes depend on stem cell research. Kelly was in the Navy. He had a terrible accident on an aircraft carrier, and he has been basically a paraplegic now for 28 years. But he has kept his hopes alive that our scientists will be able to find a cure. Stem cell research offers the best hope for people suffering from spinal cord injuries.

Now is the time to give them the hope, to lift the ban on stem cell research. As I said, we will do that in this Congress. It will be one of the first bills we pass. I hope the President will sign it and we can move on. But if not, for Kelly and for so many millions of Americans, we hope the long wait is almost over. I predict that hope will prevail in this Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

CESAR CHAVEZ

Mr. LEAHY. Mr. President I will speak briefly. One of the things I am going to do today is join the distinguished Presiding Officer, Senator SALAZAR—in fact, I should note that this is the first time I have seen the distinguished Presiding Officer in the chair. He looks as though he was born to preside here, and he does it well. I am going to join him in introducing a bill to include Cesar Chavez among the names of the great civil rights leaders we honored in the title of last year's Voting Rights Act Reauthorization and Amendments Act of 2006.

When we were considering this legislation in the Senate Judiciary Committee, Senator SALAZAR made a compelling argument why that name, an American hero's name, should be added to the bill: because he devoted and sacrificed his life to empower the most vulnerable in America, as did Fannie Lou Hamer, Rosa Parks, and Coretta Scott King.

Cesar Chavez's name should be added to the law as an important recognition of the broad landscape of political inclusion made possible by the Voting Rights Act. This bill would not alter the act's vital remedies to address continuing discrimination in voting, but rather it is overdue recognition of the importance of the Voting Rights Act to Hispanic-Americans.

I offered Senator SALAZAR's amendment in the Judiciary Committee. The moral weight of what he wanted to do was so compelling that in a committee often fractured, it passed unanimously. It was included. It was not included in the final bill because as we were nearing the ending time, we did not want to have to have the bill go back and forth to the other body again because we wanted to get it on the President's desk in time. I committed to the distinguished Senator from Colorado that I would join him again this year, and I say with virtual certainty that the Senate Judiciary Committee will move very rapidly with that issue this year. I have the commitment of the new chairman backing that up, as does he have mine. And so I urge the Senate to quickly take up and pass this measure as we convene the new Congress and commit ourselves once again to ensuring that the great promises of the 14th and 15th Amendments are kept for all Americans.

COMPREHENSIVE IMMIGRATION REFORM

Mr. President, as this new Congress begins, we have a tremendous opportunity before us to enact fair, comprehensive immigration reform. It is time for bipartisan action. So I join with Senators from both sides of the aisle to call for comprehensive immigration reform, and I will work to enact it. We have to put aside the mean-spiritedness and shortsighted policies driven by fear and recognize the dignity of those whose work contributes to reinvigorating America. Consistent with our heritage as a nation of immigrants, we need to bring people out of the shadows. My maternal grandparents were immigrants to this country. My wife's parents came as immigrants to this country. We are a nation of immigrants. And those of us who are here now should not think that somehow we got here differently, and that we should close the doors to the rest. That is not the American way.

Through comprehensive immigration reform, we can increase the opportunities for American businesses to obtain the workers they need while ensuring that priority is given to willing workers already in this country, from dairy farms in Vermont to multinational corporations. We have been told of the plight of the American farmers from New York to California. We have seen the pictures of the piles of rotting fruit that have gone unharvested. We hear American technology companies lamenting lost opportunities and the loss of skilled innovators to other countries. Dairy farmers are yearning for more available legal workers in my own State of Vermont. But worse yet, others have watched families in their employ be torn apart through piecemeal, inconsistent, sometimes heavy-handed enforcement efforts. I have met some of those families. I have talked to people who were fifth, sixth, seventh generation Vermonters who say how unfair it is to see these good families torn apart by seemingly arbitrary immigration enforcement efforts. No American farmer, no business, should be put in the position of having to choose between obeying the law or losing their livelihood.

Where American workers can fill available jobs, of course they should be given priority. But where these jobs are available but unclaimed by American citizens, it makes no sense to deny willing foreign workers the opportunity to work. We can strike a balance if we work together.

We must streamline and reform our visa system for low-skilled workers so we can help reduce the crippling backlogs that affect American businesses. And we must increase the number of low-skilled work visas issued each year to keep up with the needs of our economy. We should enact stronger, consistent employer verification procedures. We should impose penalties for those employers who flout the law and exploit those who have no voice. We can do this by working together and enacting comprehensive reform.

Through comprehensive and smart reforms we can increase our security. Let us work to focus enforcement efforts and protect our citizens from those who seek to do us harm. Let us put an end to the enforcement conditions that end in too many needless deaths in the deserts of the Southwest, families—spouses and children—who die needlessly trying to seek the promise of America. We also have to take a smart approach in dealing with the millions of people already here, one that does not divide families and make instant criminals out of millions of people but rather honors our Nation's best traditions. When we enact reforms to bring the millions of undocumented people of this country out of the shadows, greater accountability will follow. When we provide incentives for undocumented people to enter a path to citizenship, we will encourage them to live up to our traditions of citizenship and civic responsibility. When we endow those who seek to better their lives and the lives of their families with the tools to do so legally, we help instill in them a sense of belonging, of patriotism, of opportunity. Those who decry this aspect of immigration reform must carefully consider the alternative path. By driving more people underground, we foster a culture of lawlessness and mistrust.

We can't wall ourselves off from the world. A 700-mile fence on a 2,000-mile border is not the answer. Last fall, the Republican Congress rushed through a bill to build 700 miles of fencing and did so against the advice of the Department of Homeland Security. That fence bill was neither fair nor comprehensive. I share the disappointment of tens of millions of Americans who had hoped President Bush would have exercised his constitutional authority to veto that costly, cobbled-together and mean-spirited law. Instead, the President seemed to have abandoned his principles in signing the Secure Fence Act: legislation that will cost between $2 billion and $9 billion and fail to perform as advertised to seal our southern border. Scarring our southwestern landscape with a symbol of fear, pandering, and intolerance offends the great heritage of our Nation by sending the wrong message to our neighbors and to the world about American values. It was a pricey bumper sticker law passed to curry favor in certain quarters before the elections. Instead, by focusing on technology, innovation, and personnel rather than partisan politics and divisive walls, we can do a better job of securing our border.

The President has said many times that in order for the United States to achieve real security, we must have comprehensive immigration reform which must include a realistic solution to bring out of the shadows the millions of undocumented immigrants in this country and at the same time meet the pressing needs of employers who are looking for willing workers. In numerous statements, including a speech in Mission, TX, in August 2006, he recognized that without all components of comprehensive reform working together, immigration reform will not work.

So I will continue working to enact legislation to secure our borders and strengthen our economy and bring about a realistic solution for the millions of people who want to work and live legally in our country. I will continue to support fair and comprehensive immigration reform that will respect the dignity of those who seek to join mainstream American society and better their lives in the United States. Let's hope that common sense and bipartisanship will prevail and that the promises of America, those promises of America that encouraged my grandparents to come to this country and my wife's parents to come to this country, are still there. Let us not enact laws that are beneath the dignity of a great and noble and welcoming Nation. Let us pass legislation that reflects what is the best of America and reflects the America that is a diverse country made up of people of diverse backgrounds. We will be stronger and better for it.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, before the Senator from Vermont leaves the floor, let me commend him for his remarks and the passion he brings to this subject which is based on his own personal experience but which reflects the experience, I believe, of the vast majority of Americans. I just want to tell him how much we all look forward to his leadership on this and so many other issues.

Mr. LEAHY. Mr. President, might I thank the distinguished senior Senator from Michigan. He and I have been dear friends for years and years. I thank him for those words. I am also happy to see the gavel of the Armed Services Committee go into his hands.

Mr. LEVIN. I thank my dear friend from Vermont. I join him also in telling the Senate just how pleased we are to see the Presiding Officer sitting where he is. We have worked together on many issues. We have traveled together. His commitment to such critical issues as immigration, environment, energy, and a number of other issues has made a real difference. He is a very quick study and a quick learner, as noted when we traveled together to Iraq and other countries. So he indeed fits the chair which he is sitting, and it is a pleasure to look at him as I address the Senate for a few minutes this afternoon.

REBUILDING AMERICA'S MILITARY ACT OF 2007

Mr. President, I join our majority leader, Senator REID, in introducing S. 8, the Rebuilding America's Military Act of 2007. Every Member of the Senate, every Democrat, every Republican, strongly supports our men and women in uniform and is committed to providing them with the training, equipment, and support they need and deserve. I commend Senator HARRY REID for recognizing that much needs to be done in this regard and that we need to commit ourselves to doing what needs to be done.

As the situation in Iraq has grown steadily worse over the last 3 years, our military commitments in that country have placed an increasing strain on our Armed Forces. For example, delays in ordering body armor and other protective equipment have left some of our troops vulnerable in combat. Failures to fully fund special replacement and repair of equipment that has been damaged and destroyed in the course of ongoing operations endangers our troops. The decision to send our best and most ready equipment to Iraq has left the military's nondeployed ground forces with a declining and dangerously low level of readiness to meet their wartime missions. For example, at least two-thirds of the Army units in the United States are rated as not ready to deploy. That is a totally unacceptable situation relative to the readiness of our forces. The repeated deployments and a sustained high operational tempo have placed increasing strains on members of the Armed Forces and their families.

It is my hope that we will change course in Iraq for many reasons, but one of them surely is that such a change will help address many of the problems that I have identified here in these few minutes. Placing the responsibility for the future of Iraq in the hands of the Iraqis and beginning a phased withdrawal of our troops from that country in the next 4 to 6 months would be an important step toward turning responsibility for the future of Iraq over to the Iraqis, but also a critically needed step toward rebuilding our own military. We must act to ensure that our troops have the training, equipment, and support they need to remain the strongest and best military force in the world.

Senator REID's S. 8, Senate bill 8, the Rebuilding America's Military Act of 2007, commits us to taking such action. I am confident that we can do so on a bipartisan basis, and I look forward to proceeding in that manner as the weeks and months unfold.

I again thank the Chair. I again commend him for the way in which he has proceeded as a Senator in so many ways and for his friendship.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of S.J. Res. 1 are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask each side, the Democratic and Republican sides, be given an additional 10 minutes to speak in this period. I will take the first 5 minutes of that, and then my colleague from California, Senator BOXER, will take the second 5 minutes of the Democratic time remaining for us.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ENERGY AND ENVIRONMENT SECURITY ACT OF 2007

Mr. BINGAMAN. Mr. President, I am pleased to cosponsor S. 6, which is the National Energy and Environment Security Act of 2007. This is a message bill that Senator REID introduced earlier today. It lays out a number of important goals that will guide our thinking and action on energy-related matters, including the issue of global warming, in the 110th Congress.

Let me talk briefly about five key goals that are mentioned in the bill. These goals will be subject to much more detailed discussion in future weeks and to action both in the Energy Committee and, for some issues, in the Environment Committee as well.

The first goal of the bill is to reduce our dependence on foreign and unsustainable energy sources. Any national energy strategy to reduce that dependence will have to maintain our domestic production of oil and gas as well as undertake three basic initiatives. The first of those initiatives is to greatly increase the efficiency of the cars and trucks that we put on the road in this country. There are a lot of ideas on how to do this. They include several proposals for increased CAFE standards as well as so-called "feebate" standards that send signals to the market to encourage the production and sale of high efficiency vehicles. I look forward to working with my colleagues on both sides of the aisle to try to move these proposals forward.

Another way to reduce our dependence is to further develop alternative fuels, particularly biofuels. In that regard we need to focus on broadening the base of biological feedstocks that are used to make fuels such as ethanol. This is an issue we will be focusing on in the Energy Committee.

A third way is to look at the other new technologies to power our cars and our trucks. There is much promise in hybrid vehicles with larger batteries that can be charged overnight, so-called plug-in hybrids. This sort of technology can help reduce demand for gasoline for short trips and deserves further attention.

The second goal in the bill is to reduce our exposure to the risks of global warming. While there are several Senate committees with great interest in this issue, obviously the Environment Committee has a primary role and the primary jurisdiction. But over 95 percent of the U.S. carbon dioxide emissions and nearly 85 percent of all U.S. greenhouse gas emissions come from energy production, distribution, and use. We want to work with other committees to find the best way to deal with this important issue and to balance environmental imperatives with the need for reliable and affordable energy into the future.

The third goal in the bill is to diversify and expand our use of secure, efficient, and environmentally friendly energy supplies and technologies. Efficiency is a key element in our energy policy. It deserves more attention in this Congress than we have been able to give it before. There are outstanding opportunities to reduce the demands of our future energy system by being more efficient and effective in the ways we distribute and use energy.

As one example, most incandescent light bulbs are only 5 percent efficient, so they waste 95 percent of the energy that goes into them. Fluorescent lighting is only 20 percent efficient. There is no fundamental scientific reason why lighting has to waste so much energy. New technologies are on the horizon that could reach close to 100 percent efficiency. Even if we were to make all lighting in the United States just 50 percent efficient, we would eliminate the need for the equivalent of 70 1000-megawatt nuclear power plants. Examples like this present a compelling case for pushing energy efficiency, and I expect that we will have a strong focus on these opportunities in this Congress.

A fourth goal of the bill is to reduce the burdens on consumers of rising energy prices. We need to make sure that programs such as the Low-Income Home Energy Assistance Program are fully funded and targeted at low-income and working families.

The fifth goal in the bill is to eliminate unnecessary tax giveaways and prevent energy price gouging and manipulation. We need to take a broad look at the incentives we have in place for energy production on both the tax side and the royalty side, to ensure that we have the most effective mix of incentives going forward. We are all agreed that those are issues that need attention.

The United States has one of the most favorable set of fiscal policies for production of oil and gas in the world today. Some of those fiscal incentives may be redundant at the price levels we are currently seeing. There are big problems in the royalty system being managed by the Department of the Interior, with some companies getting royalty treatment that Congress never intended them to receive. We will be looking at these issues closely in this new Congress. We will be examining how to rebalance the system, both from the perspective of having fair and effective royalty and tax policies for oil and gas and from the perspective of having effective tax and other incentives to promote other forms of energy, such as production of electricity from wind solar, geothermal, and renewable sources.

All of this is a tall order for Congress. I predict instead of seeing just one big energy bill, we will be addressing these issues through multiple bills that move through the Senate as issues and proposals for addressing these issues become ripe for action. In the Senate we will not make much progress on energy or environment unless we can develop a strong bipartisan approach on the issues. The Committee on Energy and Natural Resources has a strong tradition of bipartisan accomplishment that I plan on continuing in this new Congress. I look forward to working with my colleague, Senator PETE DOMENICI, and all members of the committee as we forge an effective path forward to promote our energy and energy-related environmental security.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, it is wonderful to see you sitting there and to tell you, as I know you will be very pleased with this news, that S. 6, which has been introduced by Leader REID, is called the National Energy and Environmental Security Act of 2007. That means Senator REID is sending a signal to all of us here, both sides of the aisle, that we are going to put the environmental issue back front and center and we are going to put the energy issue front and center and we are going to do everything we can do to become energy independent and to preserve this planet for future generations.

This is a very emotional day for me in a very good way because I am assuming the Chair of the Environment and Public Works Committee, which is a dream come true for me. Since I started my career, the environment has always been one of my signature issues. In California it is a bipartisan signature issue. We all work together, Republicans and Democrats and Independents, because we understand that the health of our planet and the health of our families is very important. America has always taken the lead. Somehow, recently, we have lost our way.

Oftentimes when I speak about the environment, people are stunned to see that, indeed, Republican Presidents have taken the lead on the environment. Dwight Eisenhower set aside the area that is now part of the Arctic National Wildlife Refuge and said we should not destroy this beautiful part of the world. Richard Nixon created the Environmental Protection Agency, and then you look at Jimmy Carter who I believe created Superfund. Presidents of both parties worked with Congress to write the Clean Air Act, the Safe Drinking Water Act—it has been, I think, a backpedaling of environmental laws and regulations that has undermined the bipartisan issue of the environment.

I have three goals for this committee. No. 1 is to protect this planet. I think that is our moral obligation. I view it as a spiritual obligation. No. 2 is to protect the health of our families, the health of our children. I view that as a moral obligation and a spiritual obligation. My third goal for the committee is to bring back bipartisanship. We have had, in this great committee, great leaders from both parties. Already I have begun reaching out to Republican friends. Of course we know there will be disagreements. But I can tell you, and I want to reassure the American people, that we are working together. Today I had an open house at the committee room and in walked my Democratic colleagues and my Republican colleagues. My former chairman, JAMES INHOFE, was the first Senator to come by and we had a series of Senators come by—Senator ISAKSON, Senator OBAMA, Senator LAUTENBERG, Senator ALEXANDER, Senator VITTER, and Senator WARNER. It was a wonderful experience for me to sit there and see that in fact we are getting off on the right foot.

I cannot tell you how good I feel about S. 6 because it lays down a marker and it says we have to do something about energy efficiency and we have to do something about global warming. If we do not act on global warming, our children and our grandchildren will wonder why we walked away from them. How could we have walked away from them? We do not want to walk away from them. I don't know any Member of this Senate who would knowingly walk away from their future family. Scientists are telling us we need to take action soon in order to avoid dangerous global warming. If we fail to act, we could reach the tipping point with irreversible consequences.

I say to my colleagues on both sides of the aisle, today I believe we have no choice but to act to slow global warming. We should look at our actions as an insurance policy. Yes, scientists will disagree. Some will say horrific things will happen. Some will say bad things will happen. I don't know of any respected scientist who thinks nothing will happen. But for bad things or horrific things, we need an insurance policy. We need to be conservative. We need to do the most we can do so we protect those future generations so when they look back at us, they will say: They stepped up and did the right thing.

It is hard to persuade people to act when the consequences of inaction lie down the road. But we are smart enough, we are wise enough to do something about global warming.

Here is the good news. Whatever we do about global warming, to reduce greenhouse gases, has a beneficial effect on our society. That is why it is something I think we can wrap our arms around. When we do something for energy efficiency, to cut back on the carbon dioxide, what does it mean? It means we save money in our pockets, if we drive fuel-efficient automobiles, alternative fuel vehicles, hybrid vehicles, cellulosic fuel vehicles. It helps us keep money in our pockets. It says we don't have to rely on foreign countries. So that makes eminent good sense. It means we will be developing technologies that we can export to the rest of the world.

Today, as the incoming Chair of the Environment and Public Works Committee, I am embarrassed to say to the people of the United States that of the 56 emitters of greenhouse gases in the order of what they have done to help solve the problem, we are 53 out of 56. Only a few countries have done less than we have done and those countries are China, Malaysia, and Saudi Arabia. I am embarrassed to stand here and say that to the American people, but I must speak the truth to the American people. We are the No. 1 emitter of greenhouse gases and we are 53rd out of 56 countries in doing something about it.

All this is going to change. I think it is going to change because the people want us to change. The people want us to lead.

I look around and see, for example, Wal-Mart—Wal-Mart, with whom I have disagreed on so many labor issues I can't even start to tell you the story about that, but here is what they are doing. They want to sell millions and millions of energy-efficient lightbulbs. These lightbulbs will save so much energy, these lightbulbs will save the consumer so much money, and I am very pleased to see that business is stepping up to the plate.

I am also pleased to see the State of California passing landmark legislation to fight global warming—my State—and doing it on such a bipartisan basis. This is very exciting for me.

We have a great bill that will be introduced by the Senator from Vermont, Mr. SANDERS. That will be the same bill written by former Senator JEFFORDS, a great leader on the Committee on Environment and Public Works, before retirement. I have to try to fill his shoes. This great bill is modeled after the California bill and will tackle this issue in a way which will be good for the environment, good for the health of our families, good for foreign policy, and good for the export of new technologies, meaning more jobs here. We can do this. We can reduce costs for consumers, for businesses.

Energy efficiency is the name of the game. It is the easiest way to get more energy.

Everyone who knows me knows I want to pass the greatest bill in the history of mankind to fight global warming. Everyone knows I want to do that. Everyone knows I want us to go as far as we can go. I am an idealist when it comes to this, but I am also a pragmatist. So we will work our colleagues in the Senate, both sides of the aisle, Republicans, Independents, and Democrats. We will open the committee to all the Senators. We will listen to their ideas. We will listen to their views. We will take the best of those ideas, we will sit down, and we will work hard and get a bill. That day will come in the near future. At that time, the faith the people have placed in Congress, once again, that faith will be restored. Some of it was lost because in many ways we took our eye off of what we had to do.

When people ask me, What is it like in the Congress, what do you like to do in the Congress, I say, Let's face it, the easiest thing is to do nothing. When you do something, somebody gets nervous about it, but when we have an issue such as global warming, which is a national security threat—and the Pentagon has told us it is a national security threat because if waters rise and there are refugees all over the world, the instability that will follow will be absolutely enormous; it will create a trend. There are predictions that if we have bad global warming, we will have weather extremes with droughts and floods and all the problems we have been getting a little look at through the lens of the last couple of years.

Fate has thrown us together, I say to my friends on the other side of the aisle. You never know when you will be born or whom you will come to know. I have gotten to know the Senator presiding. I am fortunate to have friends on both sides of the aisle. I am fortunate to have the State that has as its core value protecting God's green Earth and this planet. I am going to bring all that enthusiasm to the committee. I am going to be patient. We are going to listen. We are going to write a bill and bring it here.

I say to Majority Leader REID, it means so much to me to have as one of the top bills a bill that uses the word "environment" in the title. I cannot state how long I have been waiting for that. We have it in S. 6. It is called the National Energy and Environment Security Act of 2007. It is an apt name because when we take care of the environment, we are taking care of our own security and the health of our families.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGENDA FOR COLORADO

Mr. ALLARD. Mr. President, today we start the 110th Congress of the United States. We embark on a 2-year journey to submit, consider, debate, improve, and eventually pass legislation on behalf of the greater good of our constituents and the American people. Accordingly, I have here today a package of legislative proposals which I believe will benefit Colorado and the country. This package is the first chapter of what I hope becomes a legislative agenda for Colorado and the Nation. These 15 bills address matters from healthcare to housing, land usage to veterans, and Homeland Security to drug trafficking prevention.

These bills are:

The Methamphetamine Trafficking Enforcement Act of 2007;

the Medicare Cost Contract Extension and Refinement Act of 2007;

the Mark-to-Market Extension Act of 2007;

the National Domestic Preparedness Consortium Expansion Act of 2007;

the National Trails System Willing Seller Act of 2007;

the Pikes Peak Regional Veteran's Cemetery Act of 2007;

the Pinon Canyon Expansion Citizen's Input Act of 2007;

the Arkansas Valley Conduit Act;

the Increase Computer Efficiency Study Act of 2007;

the Mesa Verde National Park Boundary Expansion Act of 2007;

the Baca National Wildlife Refuge Purpose Act;

the Cache la Poudre River National Heritage Area Technical Amendments Act of 2007;

the Satellite and Cable Access Act of 2007;

the Granada Relocation Center National Historic Site Act of 2007;

and a Ronald Reagan U.S. Capitol Artistic Tribute Resolution.

Mr. President, this agenda of 15 bills represents many hours of work with Colorado citizens, officials, interested parties, and stakeholders. It is a set of fairly controversy-free proposals that will solve problems and offer solutions.

I intend to return to this floor with a second round of legislative proposals, proposals that I am now working on with colleagues, State officials, and Colorado stakeholders. Other measures I plan to address this session include Good Samaritan mine cleanups, bark beetle eradication legislation, Rocky Mt. National Park Wilderness, National ID theft/Social Security number protection, renewable energy tax credits, reverse mortgages, the need for public health veterinarians, oil shale royalties, and manufactured housing reform.

I look forward to working with my colleagues on getting these bills through the legislative process and being able to tell Coloradans that we in Washington are engaged on their behalf.

(The remarks of Mr. ALLARD pertaining to the submission of S. Con. Res. 1 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

(The remarks of Mr. ALLARD pertaining to the introduction of S. 124, S. 125, S. 126, S. 127, S. 128, S. 129, S. 130, S. 131, S. 132, S. 134, S. 135, S. 136, S. 168, and S. 169 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. OBAMA). Without objection, it is so ordered.

A NEW BEGINNING

Mr. SALAZAR. Mr. President, first let me congratulate the Presiding Officer for having assumed that position today for the first time. This Senator has a long-time admiration for the Senator from Illinois, for the great work he has done, and for his contributions to this body.

Let me also say that I come here today to congratulate both our majority leader, Senator REID, for his leadership, and Senator MCCONNELL for his leadership as the minority leader, and for them having brought the Members of this body together to start a new beginning, which is based on a sense that we as America will do better by working together, and that the politics of division of the past are politics that we will be able to transcend and move forward with a positive and strong agenda that will make our country and the world a stronger and safer place.

I also congratulate Senator REID and the leadership for the 10 bills introduced here today. I believe those bills create a good framework for issues that urgently need to be addressed by the Congress and by this President. I am hopeful that in the days and weeks and months ahead we will, in fact, be the kind of Senate and Congress that gets results on these important initiatives.

I don't want to comment on all 10 pieces of legislation today, but I will make reference to a couple of them. First, with respect to energy, I think all of us in this body recognize that it is time for us to embrace a true ethic of energy independence. For a long time, we have given rhetoric to the issue of energy and our overdependence on oil from the Middle East and other places. I think today Republicans and Democrats, conservatives and progressives, have come together to say we know what the answer is to this. It is not as difficult as other areas we have to deal with, such as health care. The national renewable energy lab in my home State will tell us all if we put our minds together, we can produce 30 to 40 percent of our energy from renewable energy sources. We can use the new technologies that are out there to get to energy independence.

The only thing lacking, really, has been the will of the leadership of America to move forward to get us to that energy independence. In my view, it is important that we do so, first, because our national security is dependent upon our being energy independent. We ought not to be in a position where the national sovereignty and security of this Nation is held hostage to the whims of the Middle East and those who happen to have oil wealth under their sands.

Secondly, it is important for the economic security of our country that we move forward with energy independence. As we move forward, we will find economic opportunity, including economic opportunity for rural America, to help us grow our way to energy independence.

Finally, we will be able to deal with the environmental security issues that are very much at stake in this energy debate.

I want to comment on the importance of education and the College Affordability Act, which has been presented today by Senator REID. For many of us who know the promise of America, we know that promise of America has come about through the educational opportunities we receive. For many of us in this Chamber, including Senator MURRAY, who spoke a few minutes ago—she talked about the promise of America delivered through the educational opportunities which she had. Even though she was one of seven children and had a father who had multiple sclerosis, she achieved the highest level of the American dream because that educational opportunity was given to her. I and others have gone through similar circumstances. In my own case, in Colorado, my father and mother never had an opportunity to get a college degree. We were poor, raised in a place that didn't have electricity and a telephone. Yet the promise of America and the promise of education was something that was constantly talked about to us by our parents. I often remember my father going around the table at our ranch and making sure all eight of his children were doing their homework because he knew that education would allow them to seek horizons and get to places he had not been able to reach. Over time, all eight of his children became first-generation college graduates.

Today, I stand here as a Senator from that family, born in that place. Without education, I would not be here, and those in my family would not have had the opportunities they have had. It has been the leaders in the Senate, including people such as former Senator Claiborne Pell from Rhode Island, who stood for the proposition that that educational opportunity should be afforded to all Americans, no matter what your background, no matter your economic condition; that you should be allowed to have an educational opportunity in America, because there was a recognition that with educational opportunity, anything is possible for a child in America.

So that piece of legislation Senator REID introduced today is something I hope we can embrace electively as a Senate moving forward in a comprehensive way.

Finally, let me make a quick remark on the issue of immigration reform. We spent a lot of time on immigration here in the Senate. A few months ago, we were successful in passing a bipartisan compromise to move forward. I am hopeful that as we look at the months ahead, we will be able to work with President Bush and our Democratic and Republican colleagues to fashion a comprehensive immigration reform package that will deliver an effective immigration law for our country.

In my view, that immigration reform package has to have three principles at its center. First, we have to secure our borders. I believe the legislation introduced today will, in fact, help us make sure our borders are secure. We as a sovereign Nation have to make sure we are securing our borders.

Secondly, we need to enforce our laws within our country. For far too long we have looked the other way and the laws of immigration in our country simply have not been enforced. The measure we passed last year put together the pieces to allow us to enforce our immigration laws.

Finally, from both a human and a moral and economic perspective, we need to find ways of bringing the 12 million people who now live in the shadows of America out into the sunlight of America. Those people are here working today, as they have been for many years. Their reality has in fact been recognized but somehow ignored. We need to find a way to make sure that we bring those people from the shadows into the sunlight, and the only way we will be able to do that is with a comprehensive immigration reform package that we pushed forward last year and, hopefully, we will have another opportunity to push forward in the manner of the bill introduced today by Senator REID.

I very much look forward to working with my colleagues, both Democrats and Republicans, in this body as we address the major issues facing our Nation and our world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

MILITARY CONSTRUCTION APPROPRIATIONS

Mr. INHOFE. Mr. President, I have a couple of concerns here. One is a driving concern. After having served on the House Armed Services Committee before and for the last 12 years on the Senate Armed Services Committee, I am deeply distressed that we did not get our MilCon Appropriations bill passed. I don't think a lot of people realize how significant it is that we get it passed for this fiscal year, 2007.

The partisan issues that some people are trying to tie up on the floor are nowhere near as important as this issue, and I am talking about some of the other bills. It is true that we need to have the DC appropriations bill, but it is not life-threatening and certainly not going to result in the loss of lives of our fighting troops. Labor-HHS is important but not as important as this bill. Commerce-State-Justice—a lot of those items can be put into a CR. I would have no problem with a continuing resolution. But as far as this bill is concerned, if we don't do it now, there are a lot of items in conjunction with our BRAC process that are not going to happen and have to happen and are life-threatening to our troops.

I compliment Senator HUTCHISON, who was chairman of the Subcommittee on Military Construction. She tried so hard in the last 2 days of the last session to get this bill through. Quite frankly, it wasn't really a problem in the Senate as much as it was in the other body. We tried very hard. We talked with a number of people and were unable to get that bill done.

Over the past few years, the military has sought to reshape itself out of a Cold War footing into a modern, more modular force. It has tried to reconstitute its equipment, while at the same time fighting a war in Iraq and Afghanistan. It has been forced to come to Congress for supplementals to meet just the bare minimum requirements of fighting the war and rebuilding the military as is so necessary.

So we have stretched them every way we can. We have cut into almost every program, essential initiatives such as the Future Combat System. That is a recognition, after the 1990s, when we let our modernization slide and a lot of our military needs, to bring us up so that when we send our kids into battle, we send them with the very best of equipment. If we look at some of our ground equipment, such as our artillery pieces, it is World War II technology. It is the old Paladin where they actually have to swab the breech after every shot.

The Future Combat System came up, and there was a recognition that we should have an army, a ground force that is faster, more agile, more transportable, more modern than it is today. Every week that goes by that we don't get this done, it is causing the Future Combat System—there are about 19 elements of it—to move to the right and delay this from taking place.

The fiscal year 2007 Military Construction appropriations bill was not passed into law. The continuing resolution, as currently enacted, does not allow the Department of Defense to proceed with over $17 billion in new construction and BRAC projects authorized by Congress in the 2007 authorization bill.

Let me mention what will happen if we don't do this. There are so many things having to do with the BRAC process. I opposed the last BRAC round. We went ahead and had it, and I think that is probably the last we will have for a long period of time. It has a deadline of 2011. If we don't get this bill passed—by the way, I have introduced S. 113. We have a number of cosponsors. Most of the Republican members of the Senate Armed Services Committee are on it.

The 1st Armored Division will have to stay in Germany if we don't get this passed. If that happens, we are not going to be able to have the two modular combat brigade teams we so critically need on the front lines. We are talking about the war that is taking place right now and why we need to get this MILCON appropriations bill passed.

The Army National Guard and Reserve lack $1.1 billion to construct and replace aviation support facilities. They cannot function without these facilities. The postponement of construction of 250 new homes at the naval base in Guam and the Marine Corps logistics base in Barstow, CA, are just some of the housing needs that will not be able to be continued. Of course, they will cost more money the longer we put them off.

We opened up some serious shortfalls in our UHF—that is, ultra high frequency—satellite communications capabilities. Two of the $6.5 million mobile user objective systems ground control tracking stations were slated for Hawaii and Sigonella, Italy. Without the stations, the already-funded satellites—we have the satellites ready to go—cannot launch until we get this bill passed.

We went through months of agonizing discomfort in deciding what are we going to do with the F–22, C–17, C–5, C–9, and C–40 in terms of the new locations. That has all been determined. It has been outlined in BRAC, but we can't do it until we have the hangars to take care of them, to get them into the new areas.

What we are talking about are items that directly affect the warfighting effort. The Predator, for example, has the tactical air control program that should be supporting the Army brigade combat teams.

I think we all know our ground forces have to have support, either close air support or artillery support on the ground. We can't do the close air support if we don't have the appropriations bill passed.

The Predator mission—a lot of people are not aware of this; they think of it as being intelligence-gathering agencies and a communications system targeting and retargeting on the ground. While that is very important and it has to be done, a lot of people don't realize the Predator also has the capability of firing a rocket. So we need to have that program. We cannot have it unless we get this bill passed.

The military is going to lose a lot if we don't get this bill passed. When we look at the military construction that is going on in the continental United States and we see the community support—in my State of Oklahoma, we have five major military installations. They are located near major cities. Vance Air Force Base is at Enid, OK. Then we have Altus, Lawton, McAlester, Oklahoma City, and Midwest City. We have always done well in our BRAC process because we have greater community support than most other installations. But when you have a community that has made a commitment toward MILCON predicated on the assumption that we are going to pass our Military Construction appropriations bill and then we don't do it, they could very well renege on their commitment for housing, hospitalization, and childcare. It is far more significant than most people realize. If we don't pass the needed funding, the results will be very serious.

I have in front of me a letter signed by Army Secretary Harvey and General Schoomaker:

> The potential negative effects on operational readiness cannot be overemphasized: the Army's ability to prosecute the Global War on Terrorism and to prepare for future conflicts would be severely hampered.

Another letter from Navy Secretary Donald Winter and Marine Corps Commandant GEN James T. Conway and ADM Michael G. Mullen:

> The lack of construction money "is precluding our ability to provide modern, government owned or privatized quality housing to our Sailors, Marines and their families at a time when the Global War on Terror is placing enormous stress on our military and our military families."

I am going to be looking for every opportunity to get this bill up for consideration. Again, I am concerned about all appropriations bills, and a continuing resolution, as far as I am concerned, at least is going to take care of those needs. But the one thing it cannot do is take care of the military construction needs we will have to address.

That bill is S. 113. I look forward to it coming up for consideration. We already have, as I mentioned, most members of the Armed Services Committee cosponsoring this legislation.

POLAR BEARS

Mr. INHOFE. Mr. President, I do not see anyone else in the Chamber right now. I wish to speak on a totally different subject.

Up until I guess today, turnover day, as the Presiding Officer knows, I have chaired the Environment and Public Works Committee for 4 years. I have enjoyed that very much. I will be turning that over now to Senator BARBARA BOXER. We will still be working very closely together.

One thing that happened a few days ago that I think is worth getting on the record and talking about a little bit, because this is something which is going to come up in our discussions in that committee, is, as you probably noticed, Mr. President, the U.S. Fish and Wildlife Service recently took some action to begin formal consideration of whether to list the polar bear as a threatened species under the Endangered Species Act. Over the next year, they are going to be working on this issue, making a determination as to whether the listing should take place. So right now we are starting that 1-year period.

The question the Service has to answer is this: Is there clear scientific evidence that the current worldwide polar bear population is in trouble and facing possible extinction in the foreseeable future? As the Service reviews the issue over the next year, I am confident they will conclude, as I have, that listing the polar bear is unwarranted at this time.

In the proposal, the Fish and Wildlife Service acknowledges that for 7 of the 19 worldwide polar bear populations—this is very significant. There are 19 populations worldwide for the polar bear. For seven of those populations, the Service has no population trend data of any kind. For more than a third of the known populations out there, we don't have any information. The other data suggests that for an additional five polar bear populations, the number of bears is not declining but is stable. Two more of the bear populations showed a reduced number in the past due to overhunting, but these two populations are now increasing because of new hunting restrictions.

Other sources of data mentioned in a recent Wall Street Journal piece—just this past Tuesday—suggest that "there are more polar bears in the world now than there were 40 years ago." I have to say there are quite a few more, almost twice the number from 40 years ago.

The Service estimates that the polar bear population is 20,000 to 25,000 bears, whereas in the fifties and sixties, the estimates were as low as 5,000 to 10,000 bears, and most of that was due to sport hunting at that time, and most of that has been banned.

A 2002 U.S. Geological Survey study of wildlife in the Arctic Refuge Coastal Plain noted that the polar bear populations "may now be near historic highs."

So if the number of polar bears does not appear to be in decline, then why are we considering listing the species as threatened? Because the Endangered Species Act is broken. It needs to be fixed. We tried to fix it for the past 4 years. We have been unable to reach a consensus.

The ESA allows the Fish and Wildlife Service to list the entire range of polar bears as threatened and thereby extend a wide array of regulatory restrictions to them and their habitat despite the dearth of data and a lack of scientific evidence that polar bears are, indeed, in trouble.

The law also allows for the Fish and Wildlife Service to justify its proposal on a sample from a single population in western Hudson Bay in Canada where the populations have decreased by 259 polar bears in the last 17 years. Stop and think about this. This is the western Hudson Bay in Canada, 1 of 19 sites. This is the one which is the most severe.

The population has decreased by 259 polar bears in the last 17 years; however, the figures that the International Union of Conservation of Nature and Natural Resources says that 234 bears have been killed in the last 5 years alone. If you figure that 234 have been killed in the last 5 years, the total in the last 17 years is 259, you have to assume that more than the 259 were actually shot. Ironically, Canada now is liberalizing a lot of their hunting in that area, and it is going to allow more hunting. This is something they need to address.

At this point, I would like to say that while I support hunting as a general matter, we need to fully understand its impact on the polar bear population before we blame global warming for changes in bear population. I already said we can document pretty well—scientifically it is documented—that the number of bears has actually increased except in areas where hunting is more prevalent.

I think there are a lot of people who want to somehow insert global warming as a crisis in everything and use polar bears for that reason, and we are not going to let that take place.

The Fish and Wildlife Service asserts that the reason for the decline in the western Hudson Bay population is climate change-induced ice melting. To make that assertion, they rely on hypothetical climate change computer models showing massive loss of ice and irreparable damages in the polar bear's habitat. The Service then extrapolates that reasoning to the other 18 populations of polar bears. There are 19 populations, 1 of them is in trouble, but they use that as the model, and they take that and apply that same extrapolation to the other 18 populations of polar bears, making the assumption all bears in these populations will eventually decline and go extinct.

Again, this conclusion is not based on field data but hypothetical modeling, and that is considered perfectly acceptable scientific evidence under the Endangered Species Act.

That is why it should be changed. I don't believe our Federal conservation policy should be dictated by hypothetical computer projections because the stakes of listing a decision under ESA could be extremely high. The listing of the polar bear is no exception. The ESA is the most effective Federal tool to usurp local land use control and undermine private property rights. As landowners and businesses have known for decades, when you want to stop a development project or just about any other activity, find a species on that land to protect and things will slow down and many times they stop. It could be the bearing beetle, the Arkansas shiner, and now it could be the polar bear. This is because section 7 of the ESA requires that any project that involves the Federal Government in any way must meet the approval of the Fish and Wildlife Service before the project can move forward. The Federal Government's involvement in the project can take the form of a Federal grant, an environmental permit, a grazing allotment, a pesticide registration or land development permit or a number of other documents. The law requires that Fish and Wildlife intervene and determine if the project may affect an endangered or threatened species.

So in the case of the polar bear listing, oil and gas exploration in Alaska, which accounts for 85 percent of the State's revenue and 25 percent of the Nation's domestic oil production, is immediately called into question. Likewise, the State's shipping, highway construction or fishing activities will also be subject to Federal scrutiny under section 7.

Furthermore, because the Fish and Wildlife Service has linked the icefloe habitat concerns of polar bears to global climate change, all kinds of projects around the country could be challenged. Some would say this isn't possible or that I am exaggerating. But if you take the ESA to its logical conclusion, which is certain to be done by environmental special interest groups, any activity that allegedly affects climate change or greenhouse gas emissions, they have to be evaluated and approved by Fish and Wildlife for its effect on the icefloes on which polar bears depend. Thus, this proposal could be the ultimate assault on local land use decisionmaking and suppression of private property rights to date.

So it is important that we take the next year to gather information, to make sure it is logical science, and that our decisions are science based. Again, the Wall Street Journal of this past Wednesday—not Tuesday—has an article where they go through and document very well, very succinctly, that we are not having a problem in losing this population. In fact, it is actually growing. So I ask unanimous consent to include the Wall Street Journal editorial in its entirety.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 3, 2007]

POLAR BEAR POLITICS—USING AN "ENDANGERED" SPECIES TO CHANGE ENERGY POLICY.

Unless you've been hibernating for the winter, you have no doubt heard the many alarms about global warming. Now even the Bush Administration is getting into the act, at least judging from last week's decision by Interior Secretary Dirk Kempthorne to recommend that the majestic polar bear be listed as "threatened" under the Endangered Species Act. The closer you inspect this decision, however, the more it looks like the triumph of politics over science.

"We are concerned," said Mr. Kempthorne, that "the polar bears' habitat may literally be melting" due to warmer Arctic temperatures. However, when we called Interior spokesman Hugh Vickery for some elaboration, he was a lot less categorical, even a tad defensive. The "endangered" designation is based less on the actual number of bears in Alaska than on "projections into the future," Mr. Vickery said, adding that these "projection models" are "tricky business."

Apparently so, because there are in fact more polar bears in the world now than there were 40 years ago, as the nearby chart shows. The main threat to polar bears in recent decades has been from hunting, with estimates as low as 5,000 to 10,000 bears in the 1950s and 1960s. But thanks to conservation efforts, and some cross-border cooperation among the U.S., Canada and Russia, the best estimate today is that the polar bear population is 20,000 to 25,000.

It also turns out that most of the alarm over the polar bear's future stems from a single, peer-reviewed study, which found that the bear population had declined by some 250, or 25 percent, in Western Hudson Bay in the last decade. But the polar bear's range is far more extensive than Hudson Bay. A 2002 U.S. Geological Survey of wildlife in the Arctic Refuge Coastal Plain concluded that the ice bear populations "may now be near historic highs." One of the leading experts on the polar bear, Mitchell Taylor, the manager of wildlife resources for the Nunavut territory in Canada, has found that the Canadian polar bear population has actually creased by 25 percent—to 15,000 from 12,000 over the past decade.

Mr. Taylor tells us that in many parts of Canada, "polar bears are very abundant and productive. In some areas, they are overly abundant. I understand that people not living in the North generally have difficulty grasping the concept of too many polar bears, but those who live here have a pretty good grasp of what that is like." Those cuddly white bears are the Earth's largest land carnivores.

There is no doubt that higher temperatures threaten polar bear habitat by melting sea ice. Mr. Kempthorne also says he had little choice because the threshold for triggering a study under the Endangered Species Act is low. The Bush Administration was sued by the usual environmental suspects to make this decision, which means that Interior will now conduct a year-long review before any formal listing decision is made.

Nonetheless, the bears seem to have survived despite many other severe warming and cooling periods over the last few thousands of years. Polar bears are also protected from poaching and environmental damage by the Marine Mammal Protection Act, so there is little extra advantage to the bears themselves from an "endangered" classification.

All of which suggests that the real story here is a human one, namely about the politics of global warming. Once a plant or animal is listed under the Endangered Species Act, the government must also come up with an elaborate plan to protect its habitat. If the polar bear is endangered by warmer temperatures, then the environmentalist demand will be that the government do something to address that climate change. Faster than you can say Al Gore, this would lead to lawsuits and cries in Congress demanding federal mandates to reduce greenhouse gas emissions.

Think we're exaggerating? No sooner had Mr. Kempthorne announced his study than Kassie Siegel of something called the Center for Biological Diversity told the New York Times that "even this Administration" would not be able to "write this proposal without acknowledging that the primary threat to polar bears is global warming and without acknowledging the science of global warming." Her outfit was one of those who had sued the feds in the first place over the polar bears, notwithstanding its location in the frozen tundra of Arizona. But no matter. For want of a few hundred polar bears, the entire U.S. economy could be vulnerable to judicial dictation.

With that much at stake, Mr. Kempthorne could have shown a stiffer backbone in resisting this political pressure. At the very least he now has an obligation to ensure that Interior's year-long study be based on real science and the actual polar bear population, rather than rely on computer projections. Any government decision to limit greenhouse gases deserves to be debated in the open, where the public can understand the consequences, not legislated by the back door via the Endangered Species Act.

Mr. INHOFE. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kentucky is recognized.

Mr. BUNNING. I thank the Chair.

(The remarks of Mr. BUNNING pertaining to the introduction of (S. 154 and S. 155) are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RESTORING FISCAL DISCIPLINE ACT OF 2007

Mr. CONRAD. Mr. President, on this very first day of the first session of the 110th Congress, I am proud to introduce, with Majority Leader REID, the Restoring Fiscal Discipline Act of 2007. By including this act in our top 10 legislative priorities, Democrats are sending a message. We are saying to the Nation that it is time to restore fiscal discipline in Washington.

Unfortunately, we are inheriting a fiscal mess. It is a fiscal mess of historic proportion. The head of the Government Accountability Office, General Walker, has told us:

> The U.S. Government is on an imprudent and unsustainable fiscal path.

General Walker is right. General Walker is the head of the Government Accountability Office. He is the person responsible for reporting to Congress on our fiscal condition, and he is warning us of the serious course correction that is required. As General Walker has said, and as I agree, the fact is that our budget outlook is far worse than what has been claimed. The increase in debt in 2006 is far greater than the reported deficit.

It is very interesting how the media reports these things to the American people. They say to the American people that the deficit last year was $248 billion. That is true. What they do not tell the American people, what is not said, is the debt last year increased by $546 billion—almost $300 billion more than the stated deficit. This is an utterly unsustainable course. To add almost $550 billion of debt in 1 year after having done about that amount each of the last 5 years has put us on a course that is utterly unsustainable. It fundamentally threatens America's economic security.

Read the reports. Yesterday and today in the national newspapers you saw stories about the declining value of the dollar. The dollar has been in a deep slide for 3 months. There are reports of countries, one after another, announcing that they intend to diversify their investments out of dollar-denominated securities. There is a message here to all of us—a warning, a warning of America's preeminent position in the financial world being threatened. It is being threatened by a mountain of debt.

I have tried to put into visual terms how dramatically the change in debt has been in just the last few years. When this President came to office, after his last full year, the debt stood at $5.8 trillion. We do not hold him responsible for his first year because obviously he was operating under the budget of the previous administration. But look what has happened since. The debt has skyrocketed to $8.5 trillion. If the President's course is pursued, over the next 5 years the debt will rise inexorably to $11.6 trillion, and all of this at the worst possible time, before the baby boom generation retires. This is a time we should be paying down debt, not exploding debt. There is no sober or objective observer who does not recognize the fundamental threat to our economic security caused by these budget policies. We must change course.

The result of this rising debt is that increasingly we are borrowing the funds to float this boat from abroad. In 2005, our country borrowed 65 percent of all the money that was borrowed in the world by countries. Let me repeat that. In 2005, our Nation borrowed 65 percent of all the money that was borrowed by countries in the world. The second biggest borrower was Spain. They borrowed one-tenth as much.

As we look back, this is a historic time with great challenges. The question before this body and the Congress of the United States and this President will be whether we are honest with the American people about the extent of our financial problems. This is a moment of testing. Will we be honest? Will we be truthful? Will we make the tough choices that are required?

In the last 5 years, foreign holdings of our debt have doubled. In other words, it took 42 Presidents 224 years to run up $1 trillion of U.S. debt held abroad. That amount has more than doubled in just the last 5 years. This is a course that cannot be sustained. It must be changed.

I come to the floor today to offer an important measure, a measure to restore fiscal discipline, by reimposing the pay-go rule that was so effective in the 1990s at helping us get back on track after the record deficits of the 1980s.

We know that pay-go works. It was instrumental in our turning deficits into surpluses in the 1990s. The pay-go rule says simply this: If you want more tax cuts you have to pay for them. If you want new mandatory spending you have to pay for it. If you do not pay for it, you have to muster a supermajority vote on the floor of the Senate for more tax cuts or new mandatory spending to go forward.

That is a good rule, but it will not solve the problem. No one should overpromise. No one should overstate. It is going to take serious, consistent discipline on spending, on revenue, and on entitlement reform for us to truly make progress.

In the joint caucus this morning, the leadership called on all of us to set aside partisanship to make genuine progress. This is going to be an area in which we have that opportunity. We have a window of opportunity, before we get into the next election cycle, to face up to these fiscal challenges. One part of a successful strategy is to reimpose the pay-go discipline. It is not the only thing, but it is a beginning.

In addition to reestablishing the pay-go rule, the legislation I am offering today prohibits the use of the fast-track reconciliation process for any legislation that would add to the deficit. Reconciliation is a big word; it is a fancy word. It confuses people, but it is a special process in the Senate to go around the standard rules of this body to pass legislation. It circumscribes Senators' rights. It restricts their ability to offer amendments. It sets a strict time limit on debate. The only reason those procedures were ever adopted in this body—the only reason—was to reduce budget deficits. Unfortunately, over the last 6 years those special procedures have been used to increase deficits, not to reduce deficits. That stood the whole rationale for reconciliation on its head.

It is time for us to go back to the reconciliation process that was intended and only use those extraordinary procedures for reducing deficits, not for increasing them.

(Mrs. MURRAY assumed the Chair.)

Mr. CONRAD. I note the very distinguished Member of the Senate, the Senator from the State of Washington and a member of the Senate Budget Committee, who understands full well the subject we are discussing today and the critical need for our Nation to return to a more sound fiscal course.

I offer this measure today to restore fiscal discipline. I ask my colleagues to bring their ideas to the Senate floor. You have my commitment as the incoming chairman of the Senate Budget Committee to do my level best to bring our country back. Our country needs us now. Our country needs us to be truthful and honest and to work together.

I felt, in the Senate Chamber this morning, a new spirit, a new sense of possibility—perhaps the chance that we can come together in a way that would make us all proud.

I very much hope we seize that opportunity. I look forward to working with my colleagues to achieve that result.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REINTRODUCTION OF LEGISLATION

Mr. SPECTER. Madam President, on the first day of the 110th Congress, it is an appropriate occasion to reintroduce legislation which was introduced in the 109th Congress which was not enacted. I have a number of legislative proposals to introduce today and to discuss.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 185, S. 186, and S. 187 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

STEM CELL RESEARCH

Mr. SPECTER. Mr. President, I strongly support legislation introduced earlier today which would permit Federal funding to be used for embryonic stem cell research. That is a subject which has been at the top of my agenda since November of 1998 when stem cells were first exposed. Within 10 days, in December 1998, the Appropriations Subcommittee on Labor, Health, Human Services and Education held the first hearing to explore the potential of embryonic stem cell research. In the intervening years the subcommittee has held some 19 hearings exploring this issue in some great detail.

The Specter-Harkin bill was passed last year, vetoed by the President, and the bill is back before the Congress this year where it may be possible to override a Presidential veto. That depends upon how much public support there is—really, how much public clamor there is—for this legislation to be enacted.

Embryonic stem cells have the potential to replace diseased cells. They are a veritable fountain of youth. They have enormous potential in Parkinson's, Alzheimer's, cancer, heart disease, and almost all of the known maladies. I don't know of any malady where they are not a potential for a cure because the cells in a person's body become diseased, and if the embryonic stem cell can replace the diseased cell, there is a potential for a cure.

There is opposition to this legislation on the ground that it would destroy life. That is factually not correct because there are some 400,000 embryos created for in vitro fertilization which are going to be destroyed. When the issue was raised about destroying a life, the subcommittee took the lead and appropriated $2 million to facilitate adoptions. There have only been about 100 adoptions in the past several years, so there is no doubt that using some of these embryonic stem cells will not destroy life because they will not be used to create life. If there were any chance they would create life, I would not consider utilizing them for medical research.

When the alternative is to throw them away or to use them, it seems to me a clear choice to utilize them to save lives and fight disease. That is the thrust of this legislation.

PRESIDENTIAL SIGNING STATEMENTS

Mr. SPECTER. Madam President, moving now to the issue of signing statements: I had introduced legislation in the 109th Congress to provide standing to the Congress to go to court when the President issues signing statements which, in effect, cherry-picked the provisions in the legislation he liked and disregarded the provisions in the legislation he disliked.

That kind of a proceeding, in my view, is unconstitutional because the Constitution says that we present a bill to the President; he either signs it or vetoes it. His veto is subject to override on a two-thirds vote. But, the President cannot pick and choose among the provisions of the act.

When we passed the PATRIOT Act, there were some provisions very carefully negotiated as to congressional oversight. No objection had been raised by the Department of Justice in our discussions as we negotiated about the bill. And then, when the President signed the bill, the President specifically said that he would not pay attention to those provisions if he felt that his Executive power would be impinged upon. If he disagreed with the provisions, he should have told us before we legislated.

Similarly, in the McCain Anti-Torture legislation, which passed the Senate 90 to 9, a compromise was struck between the White House and Senator MCCAIN. And here again, the President's signing statement seems to undermine the compromise that was struck.

I am not going to reintroduce the legislation now because we are discussing some modifications with some of my Senate colleagues, and I am going to defer for a brief period of time to see if we can get additional cosponsors.

JUDICIAL NOMINATIONS

Mr. SPECTER. Madam President, finally, a brief comment on judicial nominations. During the course of the 109th Congress, the Senate confirmed two Supreme Court Justices, Chief Justice Roberts and Justice Alito, 16 Court of Appeals judges, 35 District Court judges, and 1 Court of International Trade judge. At the close of the 109th Congress, there were 13 District Court nominees on the Executive Calendar, but were held up on a technicality.

I am pleased to say that Senator LEAHY advised me earlier today he is going to put those 13 nominees on the first executive session of the Judiciary Committee next week, so they will be confirmed. There was no objection raised to them in the last Congress, except they were tied up on a concern raised by one Senator about a nominee for the Western District of Michigan.

In the last Congress, we were also able to confirm a number of judges—

circuit judges, who have been held up for a long period of time: Priscilla Owen, pending since 2001; Janice Rogers Brown, pending since 2003; William Pryor, pending since 2003; Brett Kavanaugh, pending since 2003.

I ask unanimous consent that my full statement be printed in the RECORD at the conclusion of these extemporaneous remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDICIAL NOMINATIONS

Mr. SPECTER. Madam President, I seek recognition today, to discuss one of this body's most important responsibilities; namely, our responsibility to provide advice and consent on the President's judicial nominations.

At the outset, I would like to take a few moments to remind my colleagues of the Judiciary Committee's success during the last Congress in moving the President's judicial nominees through the confirmation process in a timely manner.

During the last Congress, the Senate confirmed 54 Article III judges, including the Chief Justice of the United States, an Associate Justice of the Supreme Court, 16 Court of Appeals judges, 35 District Court judges, and one Court of International Trade judge. The Senate could have, and I believe should have, confirmed 13 more District Court nominees before the conclusion of the last Congress. All of these qualified men and women were favorably reported by the Judiciary Committee without a single dissenting vote. Many of them are nominated to vacancies that have been deemed judicial emergencies. I hope we can promptly move to confirm all of these men and women in the new Congress. Failure to do so will continue to delay justice in courts from Pennsylvania to California. I have asked my friend and new Judiciary Committee Chairman Senator LEAHY to place these nominees on our Committee's very first executive business meeting. I am happy to report that he has agreed to do so.

I remind my colleagues that at the beginning of the last Congress judicial confirmations, particularly to the Circuit Courts, were at a virtual standstill with many nominees subject to filibusters. Much of the debate in this chamber during the first months of the 109th Congress involved whether or not to invoke the so-called "Constitutional Option," whereby the rules of the Senate would be altered to allow for a vote on Circuit Court nominees. Thankfully, the Senate managed to avert a major showdown over this debate and instead confirmed highly qualified nominees to the Courts of Appeals, several of whom had been pending for many years. These included Priscilla Owen (pending since 2001); Janice Rogers Brown (pending since 2003); Bill Pryor (pending since 2003); and Brett Kavanaugh (pending since 2003).

So in the last Congress we managed to move to a vote on many long languishing nominees. We also moved expeditiously on new.nominations. It was my practice as Chairman to schedule a prompt hearing on every judicial nomination as soon as all necessary materials were received and the nominee was prepared to move forward. Once given a hearing, every nominee was placed promptly on the Committee's agenda for consideration. I believe our practice, while avoiding unnecessary delay, also ensured that each nomination was thoroughly vetted so that the Senate had the information it needed to come to a vote.

In short, the Judiciary Committee and the Senate, by following regular order, carried out our Constitutional responsibilities. As a result, the federal court vacancy rate fell to as low as 4.8% during my tenure as Chairman. This is among the lowest vacancy rates in the last 20 years. Unfortunately, in part because of our failure to confirm the 13 district court nominees late in the last Congress, the vacancy rates have increased during the fall and winter.

I cite this recent history and these statistics as examples of what can be done in this body when we work hard and put fairness ahead of partisanship. I committed myself to this principle as Chairman of the Judiciary Committee and I am hopeful we can continue to work in this vein during the 110th Congress under the Chairmanship of Senator Leahy. Working together, I believe we can avoid some of the acrimony that has poisoned the nominations process in recent years.

In fact, I want to give Senator LEAHY a good bit of credit. He worked cooperatively with us to ensure that nominees were moved during the 109th Congress. There were times when our friends across the aisle could stymie our efforts to process nominees, but Senator LEAHY worked with me to enable the Senate to carry out its constitutional responsibilities.

That is why I am troubled by recent suggestions that it is appropriate to dramatically slow the confirmation process during the last two years of a president's term. Our Constitutional duties remain, despite the fact that we are now beginning a Presidential election cycle. Past Congresses have been very productive on judicial nominations during Presidential elections cycles and we should be as well.

The record shows that the Senate has confirmed numerous nominees during the last two years of every modern president's term in office. For example, in the last two years of the Carter Administration, the Senate confirmed 44 Circuit Court nominees and 154 District Court nominees.

During the last two years of the Reagan Administration, the Senate confirmed 17 Circuit Court nominees and 66 District Court nominees.

During the last two years of the George H.W. Bush Administration, the Senate confirmed 20 Circuit Court nominees and 100 District Court nominees.

During the last two years of the Clinton Administration, the Senate confirmed 15 Circuit Court nominees and 57 District Court nominees.

In many of these cases the Senate was controlled, sometimes by a substantial margin, by a different party than that which controlled the White House. I see no reason why this Senate should not be at least as productive as the Republican controlled Senate which confirmed 15 Circuit Court nominees during President Clinton's final two years in office.

I would also like to address what has been called the "Thurmond Rule." Some have suggested that this so-called rule holds that the Senate should dramatically curtail confirmations after the spring of a presidential election year. Review of the historical record suggests that this rule is more myth than reality.

It does not appear that Senator Thurmond, for whom the purported rule is named, ever publicly asserted that nominations should be delayed due to an impending presidential election. The only comment that could be so construed was made after the Committee approved ten nominees at a September 17, 1980 markup. He stated, "[L]et me make the point [that] the Minority has tried to be more than fair in considering all of the nominees that have appeared before this Committee. I would remind [the Committee] it is just about six weeks before the election, and I want to say that for a year and a half before the last election, there was no action taken on judges when we had a Republican President." However, because Senator Thurmond used this as a point of contrast, the natural implication seems to be that he considered blocking nominations in the lead up to an election unfair.

The fact of the matter is that the Senate has regularly confirmed judges in presidential election years. In the election year of 1980, when it is asserted Senator Thurmond inaugurated the so-called rule, the Senate confirmed ten Circuit Court nominees and 53 District Court nominees. Several of the Circuit Court nominations were high profile nominees with well-known credentials. Many of these nominees were confirmed relatively late in the year.

Between June 1 and September 1, 1980, the Senate confirmed four Circuit Court nominees and 15 District Court nominees, including then-ACLU General Counsel Ruth Bader Ginsburg, who was confirmed June 18, 1980.

After September 1, 1980, the Senate confirmed two more Circuit Court nominees and eleven District Court nominees. The first Circuit Court nominee, Stephen Reinhardt of the Ninth Circuit, who is now thought to be one of nation's most liberal jurists, was confirmed on September 11, 1980.

More remarkable is the second Circuit Court nominee, that of Stephen Breyer to the First Circuit. Justice Breyer was then Senator Kennedy's Chief Counsel. He was nominated by President Carter on November 13, 1980, after Carter had lost the election to Ronald Reagan. The Senate, which was also about to switch party control, held a swift confirmation hearing and voted to confirm Breyer on December 9, 1980.

The presidential election year of 1980 was not an aberration, the pattern continued in subsequent election years. In 1988, President Reagan's last year in office, the Senate confirmed seven Circuit Court nominees and 33 District Court nominees. In 1992, President George H.W. Bush's last year in office, the Senate confirmed eleven Circuit Court nominees and 53 District Court nominees. In 2000, President Clinton's last year in office, the Senate confirmed eight Circuit Court nominees and 31 District Court nominees.

Furthermore, many of these presidential election year confirmations occurred late in the year. Since 1980, 110 judges were confirmed after July 1st of a presidential election year, 17 of those were confirmed to Circuit Courts. In the same period, 63 judges were confirmed after September 1st of presidential elections years, twelve of those to Circuit Courts. In short, there does not appear to be any historical basis for the so-called "Thurmond Rule." The Senate has confirmed numerous nominees during presidential election years, and I expect that with Senator Leahy and I working together, we will do so again next year.

In fact, I think it's time to move beyond some of the more acrimonious judicial battles of the past. I think the country is served best when the Senate fulfills its constitutional duty and votes on the President's nominees.

I have called on the White House to consult with Senator Leahy and Leader Reid during the nomination process. I have also worked to ensure that judicial nominees are afforded prompt consideration and fair treatment by the Judiciary Committee. I plan to continue to do that as the Ranking Member and am confident that under Senator Leahy's leadership, our Committee will fairly and expeditiously consider judicial nominees.

Aside from the responsibility the Senate has to vote up or down on the President's nominees, we cannot forget that these people, who have agreed to undertake important government service, have family considerations and professional lives that are often adversely impacted when their careers are out on hold because of a pending nomination. We should never forget that these nominees, whether a Member decides ultimately to support them or not, are deserving of our thanks for their willingness to undergo this process and to offer their services to the American people. They deserve fair treatment by this body.

I trust that during the 110th Congress the Senate will work productively to ensure that nominees are treated fairly and that judicial vacancies are filled as soon as possible. I look forward to working with the White House and with Chairman Leahy to that end.

I yield the floor.

Mr. SPECTER. Madam President, in the absence of any other Senator on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business, with Senators permitted to speak therein for up to 10 minutes.

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

Mr. LEAHY. Madam President, I realize I have gone over the appropriate time, and I appreciate the Chair not calling me on it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. LINCOLN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORKING TOGETHER

Mr. KYL. Madam President, this has been a good day. It is a day on which many of us were sworn in and a day that the Senate began again to function in this new 110th Congress. It began with a rather historic meeting called by the new majority leader, HARRY REID, in the Old Senate Chamber, a place which I explained to my family is so imbued with the history of the United States and the history of the Senate that one cannot but help feel a sense of responsibility, a special sense of duty when functioning as a Senator in that Old Senate Chamber. Frequently there are people there who remind us of some of the history to call on us to try to rise to the same level to which many of the great Senators in the history of this country rose in the most difficult and challenging times of our country.

I believe it was Senator KENNEDY who reminded us that exactly on this day, at the very beginning of the Civil War, the Senators from the South left the Senate Chamber for the last time. They did not meet with the Senate thereafter because of the beginning of the Civil War, and that is when the Senate moved from the Old Senate Chamber to the Chamber we are now in—here.

There is a great deal of a sense of mission and of history and of responsibility when we meet in a place such as that. The purpose for the meeting was to begin this new Congress thinking about something that we have tended to forget in recent months and even, I would say, years, and that is the degree to which Senators had in the past worked together to get the people's business done.

Unlike under the rules of the House of Representatives in which the majority pretty much rules and the minority has very little power, in the Senate the minority and the majority must work together to get anything done because of the rules. With a 51–49 division right now, it is obvious that this body is almost equally divided and that under our rules we are going to have to work very well together to get anything done.

In the past there has been—and I would say leading up to the last election—a special amount of politicking and of negativity, the sort of "gotcha" kind of politics that is designed to score political points; a cynicism, a lack of comity. I think we always see that a little bit before an election but I felt it much more oppressively in the runup to this last election.

Someone has pointed out that perhaps with a divided Government now, in the sense that Democrats control the Congress and the Republican Party controls the executive branch, actually there may be much less incentive for either side to engage in that kind of politics and, to the contrary, much more incentive for both sides to try to work with each other to get things done. The reputation of Democratic Senators and Representatives will depend to some extent on how much they can accomplish. They will have to have Republican help to accomplish things. The last 2 years of the Bush Presidency will depend a great deal on how much he, working with the Congress, can get done in these 2 years. He can't do anything on his own. He has to sign bills that we pass. So he has to work with us, meaning that Republicans working with him also have to reach across the aisle and work with our colleagues in the Democratic Party.

I thought some things the Republican leader, MITCH MCCONNELL, said today were especially appropriate in this regard. I want to close our day today, reiterating some of the thoughts he expressed with which I am in total agreement. He said this:

> The Senate can accomplish great things over the next 2 years, but this opportunity will surely slip from our grasp if we do not commit ourselves to a restoration of civility and common purpose.

New Democratic colleague BERNIE SANDERS from Vermont, with whom I served in the House—we got reacquainted today—said, Are you enjoying it over here? I hesitated. And he laughed. We had a discussion about the fact that it can be very enjoyable when you work together to try to get something done. You have to work with each other across the aisle if you are going to get something done. It is not enjoyable when there is a lack of comity, where harsh language is used, when you see things done purely for political purposes. Then it is not fun. I think we would all rather look forward coming to work in the morning. And it certainly is better when we go home and report to our constituents that we were able to get something done.

I am sure the distinguished majority leader would agree with this comment that MITCH MCCONNELL made this morning. He said:

> . . . as we open this session, I stake my party to a pledge: when faced with an urgent issue, we will act; when faced with a problem, we will seek solution, not mere political advantage.

I think that is the credo all of us pretty well agreed to at the end of that very special meeting we had this morning: that we need positive solutions to real problems. We need to act in a spirit of comity. All of us need to stop the finger pointing, the negativity, the taking advantage for political purposes, and the setting up of each other in a way we would fail rather than finding a way that we can both succeed.

In fact, one of our colleagues made a comment almost exactly to that effect: We need to both succeed in what we do. Since we now have divided Government, there is an incentive for us to work with each other to do that.

There were, of course, some of our colleagues who reminded us that realistically this would not be easy, that there would be a great tendency to slip back into old habits and to fight politically, and we know that to be true. But there are some things—at least one of our colleagues made this point very strongly—on which we have to act in a united way and that starts with our national security, meeting this threat of terrorism. The distinguished Republican leader made that point. Among the things he suggested we would have to work on, he said:

> America has not seen a domestic terrorist attack since we committed ourselves to the global war on terror. That's not an accident, some quirk of fate. Rather, it is due to the hard work of spotting and disrupting threats before they strike.

Much of that capability was granted by the Senate and the House and the President in reorganizing our intelligence agencies, reorganizing some of the laws under which our intelligence agencies and law enforcement work. So we have helped to keep the American people more secure. We should continue that hard work.

He concluded on this point:

> Al-qaida is not a threat to Republicans, it is not a threat to Democrats, it is a threat to America. And the Senate must work together as we prepare for the long struggle ahead.

There were many other issues that have been discussed, things we can work together on, things we are going to have to work together on. I close with one example that, to us in this body, we know this for a fact. That is the confirmation of judges. When you have a President of one party nominating judges and the majority in the Senate is of the other party, obviously something has to give. You have to work together. It was the hope of the Republican leader, I am sure, speaking on behalf of the President of the United States as well, that we would find ways to work together, Democrats and Republicans in this body, to give a fair chance to the President's nominees. He is, after all, elected President. He has the authority under the Constitution to nominate judges. Our responsibility is to check them out, to hold the hearings, and to question their qualifications but if in fact they are qualified, to give them a chance to be put on the bench with an up-or-down vote. I hope we could do that for the vast majority of the judges the President has nominated and for the other executive branch nominations of the President as well.

These are good examples of areas in which, without cooperation, the Government for the people does not function well. So, as we end this day I ask us to reflect on some of the words of our leaders, HARRY REID and MITCH MCCONNELL, today and our colleagues in that historic meeting this morning when we talked a good game about recommitting ourselves to bipartisan solutions to problems, to work on behalf of the American people with more comity in this body, in a way which will make us feel much better amongst ourselves and make our constituents much happier than they are when they see us fighting and bickering all the time. It is fitting to end this day on that note.

I commend the majority leader, HARRY REID. I commend the Republican leader, MITCH MCCONNELL, for serving as examples for all Members in the leadership they exhibited in starting the Senate off this way.

I see the distinguished majority leader now. We can conclude this day on that high note, giving some hope to the American people that we are committed to working on their behalf for a better future, a better America.

HONORING OUR ARMED FORCES

LANCE CORPORAL CLINTON JON (C.J.) MILLER

Mr. GRASSLEY. Mr. President, I rise to pay tribute to a fallen soldier from Greenfield, IA, LCpl Clinton Jon (C.J.) Miller, who was killed while serving his country as part of an improvised explosive device detection team in Iraq. My thoughts and prayers go out to his wife Jackie, his mother Susan, his father Kerby, and all his family and friends. I am sure I speak for all Iowans when I say that I am proud to call C.J. one of us. By all accounts, he was a fine marine who felt called to, and liked, military service. Family members say that he joined the Marines during wartime because he just felt he had to serve. Where would our country be without patriotic young Americans like C.J. who feel a call to serve their country? All Americans owe a debt of gratitude to this brave Marine. As his father said, "He was a hero." Lance Corporal Miller's tremendous service and sacrifice should never be forgotten.

SERGEANT JAMES P. MUSACK

Mr. GRASSLEY. Mr. President, I rise to pay tribute to SGT James P. Musack of Riverside, IA, who tragically died as a result of a noncombat related incident while serving his country in Iraq. I am sure that all Iowans shared the same sense of sadness I felt when learning of the death of this young Iowa native. According to family and friends, he had found his calling in the military and all Americans owe him our deepest thanks for his service. Everyone joining the military knows the risks involved, but all Americans are indebted to brave patriots like James Musack who voluntarily assume those risks in order to defend our freedom and way of life. My prayers go out to his mother Yvette, his father Jim, and all his family and friends.

LIEUTENANT COLONEL PAUL J. FINKEN

Mr. GRASSLEY. Mr. President, I rise to pay tribute to LTC Paul J. Finken who has given his life for his country while serving in Iraq. He was 40 years old. Paul Finken was raised in Earling, IA, and I know all Iowans share my pride as we also mourn his loss. As a career Army officer, Lieutenant Colonel Finken had dedicated his life to the service of his country and we can never thank him enough for his service and his final sacrifice on behalf of our freedom.

In remembering Paul Finken, his family said, "Paul was a devoted husband, loving father and respected leader. He loved being a soldier and respected the soldiers he worked with. He always set the example and would never ask his soldiers to do anything he wouldn't do himself. He will be greatly missed by his family and by all who knew him." My thoughts and prayers are with his wife Jackie and his three daughters, Emilie, Caroline, and Julia, for their loss. I hope it will be of some comfort to them to know that Paul died a hero.

COLORADO WEATHER

Mr. ALLARD. Mr. President, I come today to discuss the situation in Colorado and surrounding States that has captured national attention. Over the last few weeks Colorado and its neighbors have experienced two record-setting blizzards. In some parts of Colorado these storms dropped almost 5 feet of snow and have created a nightmare situation for many in rural America. Thousands of head of cattle and other livestock are currently stranded without food or water. Only recently have some of these animals begun to see relief with supply drops via helicopter.

The aftermath of these devastating blizzards continues to paralyze many counties in Colorado and the West. Thousands of local men and women have banded together and are working to provide relief to their neighbors and to the tens of thousands of livestock facing starvation. Dozens of communities have experienced severe economic damage and loss as a result of these blizzards. These storms have created a dire situation.

In the tradition of the West local individuals have pulled together and have spent much of their holiday season trying to dig each other out and reach stranded livestock. Locals are doing all that they can, and I am grateful for the assistance that the National Guard has provided. Unfortunately more needs to be done. I am introducing legislation today that will help provide Federal resources to the backbone of America; our producers. The legislation that I introduce today will reauthorize the Livestock Compensation Program and direct the Secretary of Agriculture to allocate funds to it from the Commodity Credit Corporation to help eligible producers that have suffered a loss from these blizzards.

I am hopeful that the Senate will act swiftly on this important legislation that will get vital help to America's farmers and ranchers.

TRIBUTE TO ANTHONY J. ZAGAMI

Mr. WARNER. Mr. President, I rise today in recognition of Anthony J. "Tony" Zagami, who retired from the U.S. Government Printing Office, GPO, on January 3, 2007. Mr. Zagami has been a true public servant, having served over 40 years in Federal service and earned the distinction as the longest serving general counsel in the history of the GPO.

Mr. Zagami started his government service as a Senate page in the 1960s. He continued his service to Congress while working his way through college and law school. He received his bachelor of science degree from the University of Maryland School of Business and Public Administration, and his juris doctor from the George Mason University School of Law.

After working 25 years in the Congress, he left to become the general counsel of the Government Printing Office in 1990. The GPO, among other things, is responsible for producing the CONGRESSIONAL RECORD. During his time at the GPO, he was instrumental in transforming it into the modern digital information processing organization that it is today.

Throughout his career, both in the Congress and at the GPO, Mr. Zagami was known for his dedication and commitment to public service and received numerous awards and recognitions for his achievements. As a tribute to his outstanding performance, the GPO named him General Counsel Emeritus—the first time such a title has been bestowed upon an individual in the GPO's 145-year history.

As he ends a distinguished career, I would like to take this opportunity to thank Tony Zagami for his many years of public service to our Nation and wish him and his family the very best in all future endeavors.

ADDITIONAL STATEMENTS

IN MEMORY OF BRYAN TUVERA

• Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of a courageous man, Police Officer Bryan Tuvera. Officer Tuvera was a member of the San Francisco Police Department who died in the line of duty on December 23, 2006. He was 28 years old.

Officer Tuvera was a 4½-year veteran of the San Francisco Police Department. He served with distinction and received numerous commendations during his tenure. He was shot and killed during the pursuit of an escaped convict. He died on the tenth anniversary of his beloved father's death, who had worked as a police dispatcher with the San Francisco Police Department.

Before joining the San Francisco Police Department on July 1, 2002, Officer Tuvera received his degree in criminal justice from San Francisco State University. He is a 1996 graduate of South San Francisco High School.

Officer Tuvera was married to his wife Salina Tuvera 2 months ago. They had been preparing for their first Christmas together. He is remembered by friends and colleagues as a dedicated and professional police officer and a good friend who loved his job and was always a "class act."

Bryan Tuvera risked his life every day to make San Francisco safer. We will always be grateful for Officer Tuvera's heroic service protecting his community.

Bryan Tuvera is survived by his wife and fellow police officer, Salina Tuvera; his mother Sandy; his sister Tracee; and his grandparents Shirley and Stanley Scovill.•

IN MEMORY OF ELIZABETH TERWILLIGER

• Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of an extraordinary Californian, Elizabeth Terwilliger.

To the Marin County community, Elizabeth Terwilliger was a renowned naturalist and educator, beloved by schoolchildren and adults, who leaves an amazing environmental legacy. She died on November 27, 2006 at the age of 97. She is survived by her daughter Lynn, her son John, and several grandchildren.

Elizabeth Cooper was born in Hawaii in 1909. She moved to the mainland to pursue a master's degree in nutrition from Columbia University in New York and then attended Stanford nursing school. While at Stanford, she met her husband, Dr. Calvin Terwilliger. After World War II, the couple settled in Mill Valley, California where they raised two children.

Elizabeth took her children on nature walks throughout Marin County. Soon, she was leading nature walks for local Girl Scout and Boy Scout troops. Her unique hands-on style and storytelling ability became known throughout the community and soon she began leading field trips for area schools and environmental organizations. Leading such trips 5 days a week became her life's work.

For the 50 years that followed, every child growing up in Marin County knew Mrs. Terwilliger. She was a famous and beloved educator who traveled across the county in her familiar van filled with life-like animal models to teach school children about nature. Upon sight of her characteristic floppy straw hat, children would come running and follow her through the woods with excitement and adoration. They would soak up her stories and bring them home to teach their parents.

Those who knew Mrs. Terwilliger well recount her mesmerizing personality, her passion for nature and wildlife, and her openhearted way with children and adults alike.

In 1984, President Ronald Reagan honored Mrs. Terwilliger as an outstanding volunteer. While accepting the award at the White House, she shared one of her famous stories about "Mr. Vulture," and had President Reagan holding his arms over his head in the "V" position, representing a vulture in flight.

In addition to leading nature education programs, Mrs. Terwilliger was an advocate for environmental conservation and open space. She campaigned for a monarch butterfly preserve, bicycle paths, wetlands and open space preservation. She received numerous awards and has two preserves named after her: Terwilliger Marsh in Mill Valley and Terwilliger Butterfly Grove at Muir Beach.

She inspired Joan Linn Bekins to create the Elizabeth Terwilliger Nature Education Foundation, which later became known as WildCare. Using educational programs developed by Mrs. Terwilliger, the center provides nature programs for over 40,000 Bay Area schoolchildren each year. The center also treats thousands of wildlife each year, rehabilitating them and returning them to their natural environment.

Mrs. Terwilliger often said, "while you're learning, you're living." Her life's passion was to teach people how to embrace and love nature. She was a local treasure and a wonderful, inspiring woman.

I knew Mrs. Terwilliger and respected and admired her greatly. She will be deeply missed.

For those of us who were fortunate to know her, we take comfort in knowing that schoolchildren will continue to learn from Mrs. Terwilliger's unique educational style at WildCare. Her vision, her passion and her spirit will remain in the countless lives she touched.•

TRIBUTE TO BETH McWHIRT

• Mr. BUNNING. Mr. President, I pay tribute to Beth McWhirt teacher of social studies at Fulton County Schools on being named Teacher of the Year by the Chamber of Commerce in Hickman County, Ky.

Beth has exhibited a great commitment to her students at Fulton Middle and Senior High Schools. As a teacher of social studies, Beth is tasked to mold our Nation's young citizens to understand the history of our great Nation and the world. Being honored with this award, Beth sets an example of excellence for the rest of the faculty at Fulton County Schools.

Mr. President, I now ask my fellow colleagues join me in thanking Beth for her dedication and commitment to the education of America's future. In order for our society to continue to advance in the right direction, we must have teachers like Beth McWhirt in our public schools.•

RECOGNIZING THE BOISE STATE UNIVERSITY BRONCOS

• Mr. CRAIG. Mr. President, Today on the first day of the 110th Congress, I wish to recognize the accomplishment of the Boise State University Broncos football team this past Monday, January 1, 2007.

College sports have a way of putting schools, and cities, on the map. For instance, George Mason University was virtually unknown until their basketball team catapulted into the national spotlight through March Madness last year. However, no sport is more adept at this than the all-American sport of football.

On New Year's Day, Boise State University battled Oklahoma in the Fiesta Bowl. One announcer commented that, until today, many of the Oklahoma football players didn't even know where Boise is. Well, Mr. President, they do now.

In what is being described as one of the most thrilling games in the history of college bowl games, the Broncos defeated Oklahoma 43 to 42. I can't begin to describe to you the enthusiasm of the Bronco fans before, during, and especially after the game. It was contagious. And that is coming from a proud Idaho Vandal.

Idaho is a small State. We haven't had nationally known sports teams. It wasn't too long ago that Boise State was only known in football circles for its blue football field. On the first day of 2007, that all changed.

I am proud of what our Broncos did proving to the Nation that Idaho knows how to play football.

With this new notoriety, of course, comes an opportunity for us to tell the country that Idaho's State-run universities have a lot to offer besides great football. Between Boise State, the University of Idaho, and Idaho State University, Idaho offers tremendous education with a quality of life that can't be beat.

Boise, Idaho is now on the map of millions of college football fans thanks to our Broncos. To them I say congratulations and thank you.•

HONORING 2007 BOISE STATE UNIVERSITY BRONCOS

• Mr. CRAPO. Mr. President, if a football victory on New Year's Day is a harbinger of things to come, 2007 looks to be a thrilling year marked by success and celebration. Most of my colleagues here know that Boise State University won the Tostitos Fiesta Bowl on New Year's Day. This bowl victory completes an undefeated football season, 13 to 0, thanks to the hard work, dedication, and love of the game by the Boise State football players, fans, coach Chris Petersen, his staff, the athletic department, and the university administration. They all worked very hard to reach this remarkable achievement, and they have not only my congratulations, but the congratulations, of Idahoans and Americans everywhere.

Idaho is home to just over a million people and has some surprising secrets, not the least of which has been the five-time defending Western Athletic Conference Champion Boise State Broncos football team. It is a source of tremendous pride to see the team make national headlines, once again, for Idaho in this incredibly positive manner. The victory that barely eluded them in last year's MPC Computers Bowl came riding home and riding home hard. The Fiesta Bowl game against traditional football powerhouse the University of Oklahoma was college football at its best, and the BSU players and coaches came through with some stunning plays. While Boise dominated the first three-quarters of the game, the Sooners came roaring back. The last 2 minutes of the game were as good as college football gets. When the game went into overtime, the Sooners didn't waste a play they immediately scored a touchdown to temporarily take the lead. With the game on the line, the Boise State players came through and scored a touchdown along with a thrilling two-point conversion to bring the final score to 43 to 42, Boise State. Earlier in 2006, Boise was named the eighth most inventive city in the Nation. That creativity and innovation was certainly the Spirit of Idaho at its best on the field of play at crunch time and made this dreamed Bronco victory a reality.

The BSU Broncos are committed to excellence both on and off the field. The players take the energy they generate on the field and spread it throughout the community and State. The extraordinary progress and development of the BSU football program and the entire university stand as a testament to what can be accomplished with leadership, commitment, determination, and, most importantly, teamwork.

As the Nation marvels at the "hook and lateral" and "Statue of Liberty" plays that sealed the victory, I congratulate Coach Petersen, President Bob Kustra, Athletic Director Gene Bleymaier, the entire team, loyal students, alumni, and fans on their collective victory which all Idahoans enthusiastically share. I offer a friendly condolence to my colleagues from Oklahoma, and I am confident that their fine program will continue its tradition of excellence. And I offer this statement as a friendly notice to my colleagues from States that are home to traditional college football powerhouses: that thunder you hear is from our charging Broncos. I look forward to another great season this fall when the Broncos will run again.•

TRIBUTE TO MARVIN VAN HAAFTEN

• Mr. GRASSLEY. Mr. President, I would like to take this opportunity to offer my congratulations and gratitude to an extraordinary Iowan. Marvin Van Haaften is stepping down from his distinguished position as director of the State of Iowa's Office of Drug Control Policy. He assumed this position after being named by Governor Tom Vilsack in 2002 and has served the State with honor and distinction since accepting the appointment.

I would like to take this opportunity to show Marvin Van Haaften the appreciation that the country, the State of Iowa, and myself personally have for his extensive commitment as a public servant. With more than 32 years of law enforcement experience, Marvin has taught extensively in the field of rural law enforcement, particularly death investigation and domestic violence crimes. He has provided local and national leadership on the role of law enforcement in strategic victim safety and offender apprehension, and is presently on the board of directors of the National Center for Rural Law Enforcement. Marvin also served on many local and State committees such as the Iowa Criminal and Juvenile Justice Planning Advisory Council, the board of the Mid-Iowa Narcotics Enforcement Task Force, the board of the 18-county South Central Iowa Clandestine Laboratory Task Force, and was the third vice president on the board of directors of the Iowa Association of Counties. Marvin was named Sheriff of the year in 1991 by the Iowa State Sheriffs' and Deputies' Association and served as its president in 1996. He is also a graduate of the FBI National Academy and has attended the National Sheriffs' Association's National Sheriffs' Institute and the FBI Law Enforcement Executive Development Institute. In 1997 he became a licensed Iowa medical examiner investigator.

Marvin knows firsthand the true value and significance of a loving family. He has been married to his wife Joyce for 42 wonderful years and has the blessings of 5 grown children and the joy of 11 grandchildren. It is through Marvin's love of family and law enforcement experience that enabled him to expose the destruction that drug abuse wreaks on families.

I share my appreciation for Marvin Van Haaften along with my fellow Iowans for the invaluable service he has provided to our State and country.

He has proven himself to be versatile and fully capable of accepting and mastering the tasks placed before him. His enduring commitment to the safety of Americans is cause for admiration.

Again, I offer my congratulations and sincere appreciation to Marvin Van Haaften for his remarkable achievements throughout his extensive and highly regarded career. His hard work and determination will be missed in Iowa and throughout the Nation.•

TRIBUTE TO JUSTIN MINKEL

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that today I honor Justin Minkel, a second grade teacher at Harvey Jones Elementary School in Springdale, AR, who was named a recipient of the 2006 Milken Family Foundation National Educator Award.

Since the inception of the Milken Foundation National Educator Awards Program in 1985, over 2200 outstanding men and women have been named Milken Educators. They are honored with both public recognition and financial reward for their exceptional educational talent and positive results in the classroom.

Justin Minkel teaches in a classroom where English is the second language for the majority of his students. His students have flourished under his instruction, with nearly a third becoming fluent in English. He uses hands-on experiences to show the relevance of math concepts, and makes subjects such as science, social studies and literature more meaningful by associating them with real-world experiences. He has shared these strategies with other professionals throughout his district and has also mentored student teachers from a local university.

During the 2007–2008 school year, Mr. Minkel will serve as an ex-officio member of the Arkansas State Board of Education. He will travel the State providing professional and technical assistance to other teachers.

My home State of Arkansas is fortunate to have men and women of Justin Minkel's caliber who devote their lives to providing quality education for our children. He exemplifies the commitment and energy that will help to build a brighter future for the generations to come, and I ask my colleagues to join me in congratulating Justin Minkel on receiving the 2006 Milken Family Foundation National Education Award. This is a well deserved honor.•

MESSAGES FROM THE HOUSE

At 4:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to H. Res. 1, resolving that Karen L. Haas of the State of Maryland, be, and is hereby, chosen Clerk of the House of Representatives, and that Wilson S. Livingood of the Commonwealth of Virginia, be, and is hereby, chosen Sergeant at Arms of the House of Representatives, and that James M. Eagen, III, of the Commonwealth of Pennsylvania, be, and is hereby, chosen Chief Administrative Officer of the House of Representatives, and that Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

The message also announced that the House has agreed to H. Res. 2, resolving that the Senate be informed that a quorum of the House of Representatives has assembled, that NANCY PELOSI, a Representative from the State of California, has been elected Speaker, and Karen L. Haas, a citizen of the State of Maryland, has been elected Clerk of the House of Representatives of the One Hundred Tenth Congress.

The message further announced that the House has agreed to H. Res. 3, resolving that a committee of 2 Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The message also announced that the Speaker appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Maryland Mr. HOYER and the gentleman from Ohio Mr. BOEHNER.

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of January 5, 2005, the Secretary of the Senate, on December 19, 2006, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. DAVIS of Virginia) had signed the following enrolled bills and joint resolution:

H.R. 6111. An act to amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes.

H.R. 6143. An act to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

H.R. 6344. An act to reauthorize the Office of National Drug Control Policy Act.

H.R. 6407. An act to reform the postal laws of the United States.

H.R. 6429. An act to treat payments by charitable organizations with respect to certain firefighters as exempt payments.

H.J. Res. 101. Joint resolution appointing the day for the convening of the first session of the One Hundred Tenth Congress.

Under the authority of the order of the Senate of January 5, 2005, the enrolled bills were signed on December 19, 2006, subsequent to the sine die adjournment, by the Acting President pro tempore (Mr. FRIST).

Under the authority of the order of the Senate of January 5, 2005, the Secretary of the Senate, on December 19, 2006, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. WOLF of Virginia) had signed the following enrolled bills:

H.R. 3248. An act to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

H.R. 5782. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 6342. An act to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, and for other purposes.

Under the authority of the order of the Senate of January 5, 2005, the enrolled bills were signed on December 20, 2006, subsequent to the sine die adjournment, by the Acting President pro tempore (Mr. ALLEN).

Under the authority of the order of the Senate of January 5, 2005, the Secretary of the Senate, on December 27, 2006, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. DAVIS of Virginia) had signed the following enrolled bills:

H.R. 482. An act to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes.

H.R. 486. An act to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

H.R. 1245. An act to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

H.R. 4588. An act to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 4709. An act to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

H.R. 4997. An act to extend for 2 years the authority to grant waivers of the foreign country residence requirement with respect to certain international medical graduates.

H.R. 5483. An act to increase the disability earning limitation under the Railroad Retirement Act and to index the amount of allowable earnings consistent with increases in the substantial gainful activity dollar amount under the Social Security Act.

H.R. 5946. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

H.R. 5948. An act to reauthorize the Belarus Democracy Act of 2004.

H.R. 6060. An act to authorize certain activities by the Department of State, and for other purposes.

H.R. 6164. An act to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

H.R. 6338. An act to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

H.R. 6345. An act to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

Under the authority of the order of the Senate of January 5, 2005, the enrolled bills were signed on January 3, 2007, subsequent to the sine die adjournment, by the Acting President pro tempore (Mr. STEVENS).

MEASURE HELD AT THE DESK

The following measure was submitted and ordered held at the desk:

S. Res. 19. A resolution honoring President Gerald Rudolph Ford.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1. A bill to provide greater transparency in the legislative process.

S. 2. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 5. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 113. A bill to make appropriations for military construction and family housing projects for the Department of Defense for fiscal year 2007.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluthiacet-methyl; Pesticide Tolerance" (FRL No. 8108–8) received on January 3, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Zeta-Cypermethrin; Pesticide Tolerance" (FRL No. 8093–6) received on January 3, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State and Zone Designations; Texas" (Docket No. APHIS–2006–0145) received on January 3, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flucarbazone-sodium; Pesticide Tolerance" (FRL No. 8105–6) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Fruits and Vegetables" (Docket No. 03–086–3) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Nomenclature Changes; Technical Amendment" (FRL No. 8064–3) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Financial Reporting Requirements for Introducing Brokers" (RIN3038–AC34) received on December 14, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluroxypyr; Pesticide Tolerance" (FRL No. 8107–7) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)" (FRL No. 8105–4) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethomorph; Pesticide Tolerance" (FRL No. 8104–6) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Boscalid; Pesticide Tolerance" (FRL No. 8107–8) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–12. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxystrobin; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8100–9) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–13. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glyphosate; Pesticide Tolerance" (FRL No. 8105–9) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–14. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metconazole; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8095–4) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–15. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Myclobutanil; Pesticide Tolerance" (FRL No. 8105–1) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–16. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the approved retirement of Vice Admiral Justin D. McCarthy, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–17. A communication from the Principal Deputy Assistant Secretary, Department of the Army, transmitting, pursuant to law, a report relative to the number of Army National Guard and Reserve Soldiers adversely affected by the disparate treatment of Army Incentive Pay; to the Committee on Armed Services.

EC–18. A communication from the Commander, Army Claims Service, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Claims Against the United States" (RIN0702–AA54) received on December 15, 2006; to the Committee on Armed Services.

EC–19. A communication from the Commander, Army Claims Service, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Claims on Behalf of the United States" (RIN0702–AA55) received on December 15, 2006; to the Committee on Armed Services.

EC–20. A communication from the Under Secretary of Defense, transmitting, pursuant to law, five quarterly Selected Acquisition Reports for the quarter ending September 30, 2006; to the Committee on Armed Services.

EC–21. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Labor Reimbursement on Department of Defense Non-Commercial Time-and-

Materials and Labor-Hour Contracts" (DFARS Case 2006–D030) received on December 15, 2006; to the Committee on Armed Services.

EC–22. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Levy on Payments to Contractors" (DFARS Case 2004–D033) received on December 15, 2006; to the Committee on Armed Services.

EC–23. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contract Pricing and Cost Accounting Standards" (DFARS Case 2003–D014) received on December 14, 2006; to the Committee on Armed Services.

EC–24. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contracting Officers' Representatives" (DFARS Case 2005–D022) received on December 14, 2006; to the Committee on Armed Services.

EC–25. A message from the President of the United States, transmitting, pursuant to law, a report relative to the Service Members' training and use of riot control agents; to the Committee on Armed Services.

EC–26. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Permissible Investments for Federal Credit Unions" (RIN3133–AD27) received on January 3, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–27. A communication from the Assistant to the Board, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Home Mortgage Disclosure Act" (Docket No. 1275) received on December 14, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–28. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Deposit Insurance Assessments—Designated Reserve Ratio" (RIN3064–AD02) received on December 14, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–29. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Assessments" (RIN3064–AD03) received on December 14, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–30. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Assessments" (RIN3064–AD09) received on December 14, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–31. A communication from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Internal Control Over Financial Reporting in Exchange Act Periodic Reports of Non-Accelerated Filers and Newly Public Companies" (RIN3235–AJ64) received on December 14, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–32. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds—Customer Confirmation Reporting Requirement Threshold Amount" (Docket No. BPD-GSRS–06–02) received on December 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–33. A message from the President of the United States, transmitting, a report on the decision to take no action to suspend or prohibit the proposed merger between Alcatel and Lucent Technologies, Inc.; to the Committee on Banking, Housing, and Urban Affairs.

EC–34. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–35. A communication from the Acting General Deputy General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, received on December 14, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–36. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–37. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–38. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction" (ID No. 091306A) received on December 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–39. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures; End of the Pacific Whiting Primary Season for the Catcher/Processor Sector" (ID No. 110706A) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–40. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (ID No. 112006D) received on December 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–41. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Rhode Island Commercial Bluefish Fishery)" (ID No. 112006F–X) received on December 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–42. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfers from VA and ME to NC" (ID No. 112406A–X) received on December 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–43. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Various Aircraft Equipped with Honeywell Primus II RNZ–850()/–851() Integrated Navigation Units" (Docket No. 2003–NM–193) received on December 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC–44. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reservation System for Unscheduled Operations at Chicago's O'Hare International Airport; Extension of Expiration Date" ((RIN2120–AI47)(Docket No. FAA–2005–19422)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–45. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Additional Types of Child Restraint Systems That May Be Furnished and Used on Aircraft; Corrections" ((RIN2120–AI76)(Docket No. FAA–2006–25334)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–46. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc., Models AT–602, AT–802, and AT–802A Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–22)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–47. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–400, 777–200, and 777–300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2000–NM–360)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–48. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, –17AR, –209, –217, –217A, –217C, and –219 Turbofan Engines" ((RIN2120–AI47)(Docket No. FAA–2005–19422)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–49. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A321 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–119)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–50. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777–200 Series Airplanes Equipped with General Electric GE90–94B Engines" ((RIN2120–AA64)(Docket No. 2006–NM–142)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–51. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turmo IV A and IV C Series Turboshaft Engines" ((RIN2120–AA64)(Docket No. 2006–NE–31)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–52. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200, A340–200, and A340–300 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–185)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–53. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospace Technologies of Australia Pty Ltd. Models N22B, N22S, and N24A Airplanes" ((RIN2120–AA64)(Docket No. FAA–2006–25928)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–54. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 2B Series Turboshaft Engines" ((RIN2120–AA64)(Docket No. 2005–NE–52)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–55. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Worker Visibility" (RIN2125–AF11) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–56. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Controlled Substances and Alcohol Misuse Testing" (RIN2132–AA86) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–57. A communication from the Deputy Director, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Taking Marine Mammals; Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Conducting Precision Strike Weapons Testing and Training by Eglin Air Force Base in the Gulf of Mexico" ((RIN0648–AT39)(ID No. 022106A)) received on January 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–58. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 68 to the Fishery Management Plan for Groundfish of the Gulf of Alaska" (RIN0648–AT71) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–59. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 68 to the Pacific Coast Groundfish Fishery Management Plan" (ID No. 060606A) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–60. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule for Seasonal Closure Provision for Regulatory Amendment to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico" (RIN0648–AU04) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–61. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea and Aleutian Islands Management Area" (ID No. 081605D) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–62. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule Extension of Emergency Action Re-activating the Atlantic Sea Scallop Fishery Management Plan's (Scallop FMP) Observer Set-aside Program and Implementing an Observer Service Provider Approval Process" (RIN0648–AU47) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–63. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule for Amendment 26 to the Gulf of Mexico Reef Fish Fishery Management Plan to Establish a Red Snapper Individual Fishing Quota Program" (RIN0648–AS67) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–64. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Partial Approval of the George's Bank Cod Fixed Gear Sector Operations Plan and Allocation for 2006" (RIN0648–AU56) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–65. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments" (ID No. 112106B) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–66. A communication from the Chairman, Office of Proceedings, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Major Issues in Rail Rate Cases" (STB Ex Parte No. 657) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–67. A communication from the Chairman, Office of Proceedings, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Public Participation in Class Exemption Proceedings" (STB Ex Parte No. 659) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–68. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's annual report on Ethanol market concentration; to the Committee on Commerce, Science, and Transportation.

EC–69. A communication from the Assistant Secretary, Department of Homeland Security, transmitting, pursuant to law, a report relative to the level of screening services and protection provided at San Francisco International Airport; to the Committee on Commerce, Science, and Transportation.

EC–70. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA FAR Supplement Administrative Changes" (RIN2700–31) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–71. A communication from the Deputy Assistant Secretary, Office of Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Coast Guard's compliance with the Edible Oil Regulatory Reform Act; to the Committee on Commerce, Science, and Transportation.

EC–72. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 260 regulations)" (RIN1625–AA00) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–73. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the construction and operation of the Mixed Oxide Fuel Fabrication Facility; to the Committee on Energy and Natural Resources.

EC–74. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's response to the Competitive Sourcing Activities Report; to the Committee on Energy and Natural Resources.

EC–75. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulations for Filing Applications for Permits to Site Interstate Electric Transmission Facilities" (RIN1902–AD16) received on December 14, 2006; to the Committee on Energy and Natural Resources.

EC–76. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "North Dakota Regulatory Program" (SATS No. ND–049–FOR) received on December 14, 2006; to the Committee on Energy and Natural Resources.

EC–77. A communication from the Attorney, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Certain Consumer Products and Certain Commercial and Industrial

Equipment; Technical Amendment to Energy Conservation Standards for Certain Consumer Products and Certain Commercial and Industrial Equipment" (RIN1904–AB53) received on December 14, 2006; to the Committee on Energy and Natural Resources.

EC–78. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: HI–STORM 100 Revision 3" (RIN3150–AH98) received on December 14,2006; to the Committee on Environment and Public Works.

EC–79. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule: List of Approved Spent Fuel Storage Casks: NUHOMS HD Addition" (RIN3150–AH93) received on December 14, 2006; to the Committee on Environment and Public Works.

EC–80. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Update to Materials Incorporated byReference" (FRL No. 8249–6) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–81. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendment to Tier 2 Vehicle Emission Standards and Gasoline Sulfur Requirements: Partial Exemption for U.S. Pacific Island Territories" ((RIN2060–AN66)(FRL No. 8263–4)) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–82. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; PM–10 Test Methods" (FRL No. 8264–8) received on January 3, 2007; to the Committee on Environment and PublicWorks.

EC–83. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Requests for Rescission" (FRL No. 8260–1) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–84. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan" (FRL No. 8265–6) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–85. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan" (FRL No. 8265–4) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–86. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan" (FRL No. 8265–8) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–87. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories From Oil and Natural Gas Production Facilities" ((RIN2060–AM16)(FRL No. 8264–1)) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–88. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Shipbuilding and Ship Repair (Surface Coating) Operations" ((RIN2060–AO03)(FRL No. 8264–2)) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–89. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the East St. Louis, Illinois Ozone Nonattainment Area" (FRL No. 8261–9) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–90. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and South Coast Air Quality Management District" (FRL No. 8258–8) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–91. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District" (FRL No. 8259–9) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–92. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions" (FRL No. 8261–7) received on January 3, 2007; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. McCONNELL, Mr. DURBIN, Mr. LOTT, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. SCHUMER, Ms. MIKULSKI, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. WEBB, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. 1. A bill to provide greater transparency in the legislative process; placed on the calendar.

By Mr. REID (for himself, Mr. KENNEDY, Mr. SCHUMER, Mr. LIEBERMAN, Mr. AKAKA, Mr. BIDEN, Ms. CANTWELL, Mr. LEAHY, Mr. LAUTENBERG, Ms. STABENOW, Mr. WEBB, Mr. KERRY, Mr. REED, Ms. LANDRIEU, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, Mr. OBAMA, Mr. LEVIN, Mr. KOHL, Mrs. FEINSTEIN, Mrs. BOXER, Mr. FEINGOLD, Mr. DURBIN, Mr. PRYOR, Mr. MENENDEZ, Mr. BAYH, and Mrs. LINCOLN):

S. 2. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

By Mr. REID (for himself, Mr. BAUCUS, Mr. LEAHY, Ms. MIKULSKI, Mr. SCHUMER, Mrs. CLINTON, Ms. CANTWELL, Mr. KOHL, Ms. STABENOW, and Mr. WEBB):

S. 3. A bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries; to the Committee on Finance.

By Mr. REID (for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEAHY, Mr. SCHUMER, Ms. CANTWELL, Mr. LAUTENBERG, Ms. STABENOW, Mr. WEBB, Mr. MENENDEZ, and Ms. LANDRIEU):

S. 4. A bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for himself, Mr. HARKIN, Mr. SPECTER, Mr. KENNEDY, Mr. HATCH, Mrs. FEINSTEIN, Mr. SMITH, Mr. DURBIN, Mr. LAUTENBERG, Ms. SNOWE, Mr. SCHUMER, Ms. MIKULSKI, Mrs. CLINTON, Ms. CANTWELL, Mr. FEINGOLD, Mr. LEAHY, Mr. KOHL, Ms. STABENOW, Mr. WEBB, Mr. KERRY, Mrs. LINCOLN, Mr. DODD, Mr. MENENDEZ, Mr. REED, Mr. AKAKA, Mrs. BOXER, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. LEVIN, Mr. OBAMA, and Mr. INOUYE):

S. 5. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; read the first time.

By Mr. REID (for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. SCHUMER, Mr. LIEBERMAN, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. WEBB, Mr. SALAZAR, and Mr. MENENDEZ):

S. 6. A bill to enhance the security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself, Mr. KENNEDY, Mr. SCHUMER, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, Mr. LIEBERMAN, Mr. AKAKA, Ms. CANTWELL, Mr. BINGAMAN, Mr. LEAHY, Mr. LAUTENBERG, Mr. LEVIN, Ms. STABENOW, Mr. WEBB, Mr. MENENDEZ, Ms. LANDRIEU, Mr. SANDERS, Mr. REED, and Mr. DODD):

S. 7. A bill to amend title IV of the Higher Education Act of 1965 and other laws and provisions and urge Congress to make college more affordable through increased Federal Pell Grants and providing more favorable student loans and other benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. LEVIN, Mr. SCHUMER, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. WEBB, Mr. MENENDEZ, and Ms. LANDRIEU):

S. 8. A bill to restore and enhance the capabilities of the Armed Forces, to enhance the readiness of the Armed Forces, to support the men and women of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. REID (for himself, Mr. LEAHY, Mr. SCHUMER, Ms. CANTWELL, and Ms. STABENOW):

S. 9. A bill to recognize the heritage of the United States as a nation of immigrants and to amend the Immigration and Nationality Act to provide for more effective border and employment enforcement, to prevent illegal immigration, and to reform and rationalize avenues for legal immigration, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. CONRAD, Mr. FEINGOLD, Mr. SCHUMER, Mr. SALAZAR, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. MENENDEZ, Mr. KERRY, Mr. HARKIN, Ms. LANDRIEU, Mr. DURBIN, and Mr. OBAMA):

S. 10. A bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility; to the Committee on the Budget.

By Mr. REID (for himself, Mrs. CLINTON, Mrs. MURRAY, Mrs. BOXER, Mr. AKAKA, Mr. KERRY, Mr. LEAHY, Mr. OBAMA, Mr. SCHUMER, Mr. LAUTENBERG, Mr. KENNEDY, Mr. HARKIN, Mr. MENENDEZ, and Mr. INOUYE):

S. 21. A bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WEBB:

S. 22. A bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. DORGAN, Mr. BIDEN, and Mr. OBAMA):

S. 23. A bill to promote renewable fuel and energy security of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 24. A bill to amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate; to the Committee on Environment and Public Works.

By Mr. KOHL (for himself and Mr. LEAHY):

S. 25. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish requirements for certain petitions submitted to the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself and Ms. SNOWE):

S. 26. A bill to amend the Internal Revenue Code of 1986 to establish a program demonstrating multiple approaches to Lifelong Learning Accounts, which are portable, worker-owned savings accounts that can be used by workers to help finance education, training, and apprenticeships and which are intended to supplement both public and employer-provided education and training resources, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 27. A bill to authorize the implementation of the San Joaquin River Restoration Settlement; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 28. A bill to amend title XVIII of the Social Security Act to require the use of generic drugs under the Medicare part D prescription drug program when available unless the brand name drug is determined to be medically necessary; to the Committee on Finance.

By Ms. LANDRIEU:

S. 29. A bill to clarify the tax treatment of certain payments made to homeowners by the Louisiana Recovery Authority and the Mississippi Development Authority; to the Committee on Finance.

By Mr. STEVENS:

S. 39. A bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 41. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL (for Ms. MURKOWSKI):

S. 42. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENSIGN (for himself, Mr. INHOFE, Mr. THOMAS, Mr. SESSIONS, Mr. COLEMAN, and Mrs. DOLE):

S. 43. A bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect; to the Committee on Finance.

By Mr. VITTER:

S. 44. A bill to require disclosure and payment of noncommercial air travel in the Senate; to the Committee on Rules and Administration.

By Mr. ENSIGN (for himself and Ms. LANDRIEU):

S. 45. A bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. DEMINT, Mr. GRAHAM, and Mr. COBURN):

S. 46. A bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. ISAKSON):

S. 47. A bill to establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENSIGN (for himself, Mr. DEMINT, and Mr. INHOFE):

S. 48. A bill to return meaning to the Fifth Amendment by limiting the power of eminent domain; to the Committee on Finance.

By Mr. STEVENS:

S. 49. A bill to amend the Communications Act of 1934 to prevent the carriage of child pornography by video service providers, to protect children from online predators, and to restrict the sale or purchase of children's personal information in interstate commerce; to the Committee on Commerce, Science, and Transportation.

By Mr. ISAKSON:

S. 50. A bill to amend the Internal Revenue Code of 1986 to provide economic incentives for the preservation of open space and conservation of natural resources, and for other purposes; to the Committee on Finance.

By Mr. ISAKSON:

S. 51. A bill to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 52. A bill to amend the Tennessee Valley Authority Act of 1933 to increase the membership of the Board of Directors and require that each State in the service area of the Tennessee Valley Authority be represented by at least 1 member; to the Committee on Environment and Public Works.

By Mr. REID (for Mr. INOUYE):

S. 53. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. INOUYE):

S. 54. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State medicaid programs; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SCHUMER, Mr. KYL, and Mr. CRAPO):

S. 55. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax; to the Committee on Finance.

By Mr. REID (for Mr. INOUYE):

S. 56. A bill to provide relief to the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

By Mr. REID (for Mr. INOUYE):

S. 57. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. REID (for Mr. INOUYE):

S. 58. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

By Mr. REID (for Mr. INOUYE):

S. 59. A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program; to the Committee on Finance.

By Mr. REID (for Mr. INOUYE):

S. 60. A bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. INOUYE):

S. 61. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mr. INOUYE):

S. 62. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Finance.

By Mr. REID (for Mr. INOUYE):

S. 63. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

By Mr. REID (for Mr. INOUYE):

S. 64. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under certain programs to assist individuals in pursuing health careers and programs of grants for training projects in geriatrics, and to establish a social work training program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Mr. FEINGOLD):

S. 65. A bill to modify the age-60 standard for certain pilots and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for Mr. INOUYE):

S. 66. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

By Mr. REID (for Mr. INOUYE):

S. 67. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

By Mr. AKAKA:

S. 68. A bill for the relief of Vichai Sae Tung (also known as Chai Chaowasaree); to the Committee on the Judiciary.

By Mr. KOHL (for himself and Ms. SNOWE):

S. 69. A bill to authorize appropriations for the Hollings Manufacturing Extension Partnership Program, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for Mr. INOUYE):

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for Mr. INOUYE):

S. 71. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

By Mr. REID (for Mr. INOUYE):

S. 72. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program; to the Committee on Finance.

By Mr. REID (for Mr. INOUYE):

S. 73. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing minimum nurse staffing ratios at certain Medicare providers, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 74. A bill to ensure adequate funding for high-threat areas, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER:

S. 75. A bill to require the Federal Aviation Administration to finalize the proposed rule relating to the reduction of fuel tank flammability exposure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 76. A bill to amend section 1028 of title 18, United States Code, to prohibit the possession, transfer, or use of fraudulent travel documents; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 77. A bill to improve the tracking of stolen firearms and firearms used in a crime, to allow more frequent inspections of gun dealers to ensure compliance with Federal gun law, to enhance the penalties for gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 78. A bill for the relief of Alemseghed Mussie Tesfamical; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 79. A bill to establish within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in homicide and major violent crime cases and to provide Federal grants for such protection; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 80. A bill to amend title 5, United States Code, to provide for 8 weeks of paid leave for Federal employees giving birth and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 81. A bill to authorize the United States Department of Energy to remediate the Western New York Nuclear Service Center in the Town of Ashford, New York, and to dispose of nuclear waste; to the Committee on Environment and Public Works.

By Mr. AKAKA (for himself and Mr. LAUTENBERG):

S. 82. A bill to reaffirm the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes; to the Select Committee on Intelligence.

By Mr. MCCAIN (for himself, Ms. SNOWE, Mr. BIDEN, and Mr. LIEBERMAN):

S. 83. A bill to provide increased rail transportation security; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself, Mr. STEVENS, and Mr. DORGAN):

S. 84. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. GRASSLEY, Mr. REID, Mrs. FEINSTEIN, and Mr. FEINGOLD):

S. 85. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 86. A bill to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 87. A bill to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 88. A bill to increase the penalty for failure to comply with lobbying disclosure requirements; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 89. A bill to prohibit authorized committees and leadership PACs from employing the spouse or immediate family members of any candidate or Federal office holder connected to the committee; to the Committee on Rules and Administration.

By Mr. VITTER:

S. 90. A bill to modify the application of the Federal Election Campaign Act of 1971 to Indian tribes; to the Committee on Rules and Administration.

By Mr. ENSIGN (for himself and Mr. CRAPO):

S. 91. A bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law; to the Committee on the Budget.

By Mr. STEVENS (for himself, Mr. COLEMAN, and Mr. VITTER):

S. 92. A bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS:

S. 93. A bill to authorize NTIA to borrow against anticipated receipts of the Digital Television and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS:

S. 94. A bill to protect the welfare of consumers by prohibiting price gouging by merchants with respect to gasoline or petroleum distillates during certain abnormal market disruptions; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself, Mr. Kennedy, Ms. Cantwell, Ms. Landrieu, Mr. Lautenberg, and Mrs. Murray):

S. 95. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 96. A bill to amend the Internal Revenue Code of 1986 to ensure a fairer and simpler method of taxing controlled foreign corporations of United States shareholders, to treat certain foreign corporations managed and controlled in the United States as domestic corporations, to codify the economic substance doctrine, and to eliminate the top corporate income tax rate, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 97. A bill to amend the Internal Revenue Code of 1986 to replace the Hope and Lifetime Learning credits with a partially refundable college opportunity credit; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. Landrieu):

S. 98. A bill to foster the development of minority-owned small businesses; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY:

S. 99. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for small business employee health insurance expenses; to the Committee on Finance.

By Mrs. BOXER:

S. 100. A bill to encourage the health of children in schools by promoting better nutrition and increased physical activity, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. Lott, and Mrs. Hutchison):

S. 101. A bill to update and reinvigorate universal service provided under the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 102. A bill to amend the Internal Revenue Code of 1986 to extend and expand relief from the alternative minimum tax and to repeal the extension of the lower rates for capital gains and dividends for 2009 and 2010; to the Committee on Finance.

By Mr. KERRY (for himself, Mrs. Feinstein, and Mr. Wyden):

S. 103. A bill to amend the Internal Revenue Code of 1986 to provide that major oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers; to the Committee on Finance.

By Mr. VITTER:

S. 104. A bill to amend the Ethics in Government Act of 1978 to establish criminal penalties for knowingly and willfully falsifying or failing to file or report certain information required to be reported under that Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 105. A bill to prohibit the spouse of a Member of Congress previously employed as a lobbyist from lobbying the Member after the Member is elected; to the Committee on the Judiciary.

By Mr. REID (for Mr. Inouye):

S. 106. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. Inouye):

S. 107. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. Inouye):

S. 108. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. Inouye):

S. 109. A bill to recognize the organization known as the National Academics of Practice; to the Committee on the Judiciary.

By Mr. REID (for Mr. Inouye):

S. 110. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect, to be conducted by a clinical social worker; to the Committee on the Judiciary.

By Mr. REID (for Mr. Inouye):

S. 111. A bill to amend title 10, United States Code, to recognize the United States Military Cancer Institute as an establishment within the Uniformed Services University of the Health Sciences, to require the Institute to promote the health of members of the Armed Forces and their dependents by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes; to the Committee on Armed Services.

By Mr. REID (for Mr. Inouye):

S. 112. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a federally-qualified health center or a Native Hawaiian health care system; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. Stevens, Mr. Thune, Mr. Graham, Mr. Cornyn, Mr. Chambliss, Mr. Hatch, Mr. Thomas, Ms. Murkowski, Mr. Ensign, Mr. McCain, Mr. Martinez, Mr. Roberts, and Mrs. Dole):

S. 113. A bill to make appropriations for military construction and family housing projects for the Department of Defense for fiscal year 2007; read the first time.

By Mr. OBAMA:

S. 114. A bill to authorize resources for a grant program for local educational agencies to create innovation districts; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 115. A bill to suspend royalty relief, to repeal certain provisions of the Energy Policy Act of 2005, and to amend the Internal Revenue Code of 1986 to repeal certain tax incentives for the oil and gas industry; to the Committee on Finance.

By Mr. OBAMA (for himself and Ms. Mikulski):

S. 116. A bill to authorize resources to provide students with opportunities for summer learning through summer learning grants; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself and Ms. Snowe):

S. 117. A bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself and Mr. Pryor):

S. 118. A bill to give investigators and prosecutors the tools they need to combat public corruption; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. Bingaman, Mr. Harkin, Mr. Kerry, Mr. Lautenberg, Mr. Rockefeller, Mr. Dorgan, Mr. Schumer, Mr. Wyden, Ms. Cantwell, Mrs. Clinton, Mr. Menendez, and Mr. Nelson of Florida):

S. 119. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mr. Schumer, Mr. Kennedy, Mr. Menendez, and Mr. Lautenberg):

S. 120. A bill to establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City and at the Pentagon; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself and Mrs. Boxer):

S. 121. A bill to provide for the redeployment of United States forces from Iraq; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself and Mr. Coleman):

S. 122. A bill to amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:

S. 123. A bill to authorize the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana; to the Committee on Environment and Public Works.

By Mr. ALLARD:

S. 124. A bill to provide certain counties with the ability to receive television broadcast signals of their choice; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD:

S. 125. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. Salazar):

S. 126. A bill to modify the boundary of Mesa Verde National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. Salazar):

S. 127. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. Salazar):

S. 128. A bill to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 129. A bill to study and promote the use of energy-efficient computer servers in the United States; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 130. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under medicare; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. REED):

S. 131. A bill to extend for 5 years the Mark-to-Market program of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALLARD:

S. 132. A bill to end the trafficking of methamphetamines and precursor chemicals across the United States and its borders; to the Committee on the Judiciary.

By Mr. OBAMA (for himself, Mr. LUGAR, and Mr. HARKIN):

.S. 133. A bill to promote the national security and stability of the economy of the United States by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 134. A bill to authorize the construction of the Arkansas Valley Conduit in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 135. A bill to authorize the Secretary of the Army to acquire land for the purposes of expanding Pinon Canyon Maneuver Site, and for other purposes; to the Committee on Armed Services.

By Mr. ALLARD:

S. 136. A bill to expand the National Domestic Preparedness Consortium to include the Transportation Technology Center; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN:

S. 137. A bill to amend title XVIII of the Social Security Act to provide additional beneficiary protections; to the Committee on Finance.

By Mr. SCHUMER:

S. 138. A bill to amend the Internal Revenue Code of 1986 to apply the joint return limitation for capital gains exclusion to certain post-marriage sales of principal residences by surviving spouses; to the Committee on Finance.

By Mr. SCHUMER:

S. 139. A bill to expedite review by the Supreme Court of the warrantless electronic surveillance program of the National Security Agency; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. 140. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Finance.

By Ms. CANTWELL:

S. 141. A bill to amend the Internal Revenue Code of 1986 to permanently increase the maximum annual contribution allowed to be made to Coverdell education savings accounts, and to provide for a deduction for contributions to education savings accounts; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mrs. MURRAY, and Ms. MIKULSKI):

S. 142. A bill to amend title XXI of the Social Security Act to allow qualifying States to use all or any portion of their allotments under the State Children's Health Insurance Program for certain Medicaid expenditures; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mrs. MURRAY, and Mr. NELSON of Florida):

S. 143. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 144. A bill to provide Federal coordination and assistance in preventing gang violence; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. SMITH, and Mr. WYDEN):

S. 145. A bill to make funds available for Pacific Salmon emergency disaster assistance; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 146. A bill to require the Federal Government to purchase fuel efficient automobiles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mr. BIDEN, and Mr. DODD):

S. 147. A bill to empower women in Afghanistan, and for other purposes; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 148. A bill to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 149. A bill to address the effect of the death of a defendant in Federal criminal proceedings; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 150. A bill to amend the Safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 151. A bill to permanently prohibit oil and gas leasing off the coast of the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 152. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help States expand the educational system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 153. A bill to provide for the monitoring of the long-term medical health of firefighters who responded to emergencies in certain disaster areas and for the treatment of such firefighters; to the Committee on Commerce, Science, and Transportation.

By Mr. BUNNING (for himself, Mr. OBAMA, Mr. LUGAR, Mr. PRYOR, Ms. MURKOWSKI, Mr. BOND, Mr. THOMAS, Mr. MARTINEZ, Mr. ENZI, Ms. LANDRIEU, and Mr. CRAIG):

S. 154. A bill to promote coal-to-liquid fuel activities; to the Committee on Energy and Natural Resources.

By Mr. BUNNING (for himself, Mr. OBAMA, Mr. LUGAR, Mr. PRYOR, Ms. MURKOWSKI, Mr. BOND, Mr. THOMAS, Mr. MARTINEZ, Mr. ENZI, Ms. LANDRIEU, and Mr. CRAIG):

S. 155. A bill to promote coal-to-liquid fuel activities; to the Committee on Finance.

By Mr. REID (for Mr. WYDEN (for himself, Mr. MCCAIN, and Mr. SUNUNU)):

S. 156. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL:

S. 157. A bill to permanently increase the maximum annual contribution allowed to be made to Coverdell education savings accounts; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 158. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 159. A bill to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area"; considered and passed.

By Mr. THUNE:

S. 160. A bill to provide for compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Indian Affairs.

By Mr. THUNE:

S. 161. A bill to amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans; to the Committee on Veterans' Affairs.

By Mr. LUGAR:

S. 162. A bill to amend the Internal Revenue Code of 1986 to modify the alcohol credit and the alternative fuel credit, to amend the Clean Air Act to promote the installation of fuel pumps for E-85 fuel, to amend title 49 of the United States Code to require the manufacture of dual fueled automobiles, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER):

S. 163. A bill to improve the disaster loan program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. KENNEDY:

S. 164. A bill to modernize the education system of the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD (for himself, Mr. ROBERTS, Mr. DOMENICI, Mr. INHOFE, and Mr. HAGEL):

S. 165. A bill to require the Secretary of Agriculture to provide compensation for certain livestock losses; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCAIN (for himself, Mr. DEMINT, Mr. SMITH, and Mr. SUNUNU):

S. 166. A bill to restrict any State from imposing a new discriminatory tax on cell phone services; to the Committee on Finance.

By Mrs. BOXER:

S. 167. A bill to amend the Clean Air Act to require the Secretary of Energy to provide grants to eligible entities to carry out research, development, and demonstration projects of cellulosic ethanol and construct infrastructure that enables retail gas stations to dispense cellulosic ethanol for vehicle fuel to reduce the consumption of petroleum-based fuel; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 168. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pikes Peak Region of Colorado; to the Committee on Veterans' Affairs.

By Mr. ALLARD (for himself and Mr. LEVIN):

S. 169. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ENSIGN (for himself, Mr. CRAIG, Mr. DEMINT, Mr. COBURN, Mr. STEVENS, Mr. MCCAIN, Mr. VITTER, and Mr. CRAPO):

S. 170. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 171. A bill to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the "Mickey Mantle Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INHOFE:

S. 172. A bill to prohibit Federal funding for the Organization for Economic Co-operation and Development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INHOFE (for himself and Mr. DEMINT):

S. 173. A bill to amend title XVIII of the Social Security Act to establish Medicare Health Savings Accounts; to the Committee on Finance.

By Mr. INHOFE:

S. 174. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 175. A bill to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 176. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Finance.

By Mr. INHOFE:

S. 177. A bill to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE:

S. 178. A bill to protect freedom of speech exercisable by houses of worship or meditation and affiliated organizations; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. AKAKA):

S. 179. A bill to amend title 10, United States Code, to establish the position of Deputy Secretary of Defense for Management, and for other purposes; to the Committee on Armed Services.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. ALEXANDER, Mr. ENSIGN, Mr. ENZI, Mr. MARTINEZ, Mr. THUNE, and Mr. STEVENS):

S. 180. A bill to provide a permanent deduction for State and local general sales taxes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. BUNNING, Mr. ENSIGN, Mr. HAGEL, Mr. MARTINEZ, Mr. VITTER, Mr. CHAMBLISS, Mr. STEVENS, and Mr. BROWNBACK):

S. 181. A bill to provide permanent tax relief from the marriage penalty; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. FEINGOLD, Mr. LEAHY, Ms. SNOWE, Mr. KENNEDY, and Mr. DURBIN):

S. 182. A bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 183. A bill to require the establishment of a corporate average fuel economy standard for passenger automobiles of 40 miles per gallon by 2017, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. LAUTENBERG, Ms. SNOWE, Mr. ROCKEFELLER, Mr. KERRY, Mr. LIEBERMAN, Mrs. BOXER, Mr. PRYOR, Mr. CARPER, Mr. BIDEN, Mr. BAUCUS, Mrs. CLINTON, and Mr. SCHUMER):

S. 184. A bill to provide improved rail and surface transportation security; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. LEAHY):

S. 185. A bill to restore habeas corpus for those detained by the United States; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 186. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 187. A bill to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-issued orders for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself, Mr. LEAHY, Mr. REID, Mr. MENENDEZ, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 188. A bill to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 189. A bill to decrease the matching funds requirements and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 190. A bill to provide a technical correction to the Pension Protection Act of 2006; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 191. A bill to provide relief for all air carriers with pension plans that are not frozen pension plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. FEINGOLD):

S. 192. A bill providing greater transparency with respect to lobbying activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. CRAIG, Mr. SALAZAR, Ms. SNOWE, Ms. LANDRIEU, Mr. COLEMAN, Mr. LIEBERMAN, and Mr. HAGEL):

S. 193. A bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. CRAIG:

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States relative to require a balanced budget and protect Social Security surpluses; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 3. A resolution to elect Robert C. Byrd, a Senator from the State of West Virginia, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 4. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 5. A resolution notifying the House of Representatives of the election of a President pro tempore; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. REID):

S. Res. 6. A resolution expressing the thanks of the Senate to the Honorable Ted Stevens for his service as President Pro Tempore of the United States Senate and to designate Senator Stevens as President Pro Tempore Emeritus of the United States Senate; considered and agreed to.

By Mr. REID (for himself and Mr. McCONNELL):

S. Res. 7. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. McCONNELL):

S. Res. 8. A resolution electing Nancy Erickson as Secretary of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. McCONNELL):

S. Res. 9. A resolution notifying the President of the United States of the election of the Secretary of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. McCONNELL):

S. Res. 10. A resolution notifying the House of Representatives of the election of a Secretary of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. McCONNELL):

S. Res. 11. A resolution electing Terrance W. Gainer as the Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. McCONNELL):

S. Res. 12. A resolution notifying the President of the United States of the election of a Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. McCONNELL):

S. Res. 13. A resolution notifying the House of Representatives of the election of a Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. REID:

S. Res. 14. A resolution electing Martin P. Paone of Virginia as Secretary for the Majority of the Senate; considered and agreed to.

By Mr. McCONNELL:

S. Res. 15. A resolution electing David J. Schiappa of Maryland as Secretary for the Minority of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. McCONNELL):

S. Res. 16. A resolution to make effective appointment of the Senate Legal Counsel; considered and agreed to.

By Mr. McCONNELL (for himself and Mr. REID):

S. Res. 17. A resolution to make effective appointment of the Deputy Senate Legal Counsel; considered and agreed to.

By Mr. REID (for Mr. INOUYE):

S. Res. 18. A resolution expressing the sense of the Senate regarding designation of the month of November as "National Military Family Month"; to the Committee on Armed Services.

By Mr. REID (for himself, Mr. McCONNELL, Ms. STABENOW, Mr. LEVIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. McCAIN, Mrs. McCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 19. A resolution honoring President Gerald Rudolph Ford; ordered held at the desk.

By Mrs. CLINTON:

S. Res. 20. A resolution recognizing the uncommon valor of Wesley Autry of New York, New York; to the Committee on the Judiciary.

By Mr. ALLARD:

S. Con. Res. 1. A concurrent resolution expressing the sense of Congress that an artistic tribute to commemorate the speech given by President Ronald Reagan at the Brandenburg Gate on June 12, 1987, should be placed within the United States Capitol; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. McCONNELL, Mr. DURBIN, Mr. LOTT, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. SCHUMER, Ms. MIKULSKI, Mrs. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. WEBB, Mr. LAUTENBERG and Mr. MENENDEZ):

S. 1. A bill to provide greater transparency in the legislative process; placed on the calendar.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

Sec. 101. Short title.
Sec. 102. Out of scope matters in conference reports.
Sec. 103. Earmarks.
Sec. 104. Availability of conference reports on the Internet.
Sec. 105. Elimination of floor privileges for former Members, Senate officers, and Speakers of the House who are lobbyists or seek financial gain.
Sec. 106. Ban on gifts from lobbyists.
Sec. 107. Travel restrictions and disclosure.
Sec. 108. Post employment restrictions.
Sec. 109. Public disclosure by Members of Congress of employment negotiations.
Sec. 110. Prohibit official contact with spouse or immediate family member of Member who is a registered lobbyist.
Sec. 111. Influencing hiring decisions.
Sec. 112. Sense of the Senate that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches.
Sec. 113. Amounts of COLA adjustments not paid to certain Members of Congress.
Sec. 114. Requirement of notice of intent to proceed.
Sec. 115. Effective date.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

Sec. 201. Short title.

Subtitle A—Enhancing Lobbying Disclosure

Sec. 211. Quarterly filing of lobbying disclosure reports.
Sec. 212. Annual report on contributions.
Sec. 213. Public database of lobbying disclosure information.
Sec. 214. Disclosure by registered lobbyists of all past executive and Congressional employment.
Sec. 215. Disclosure of lobbyist travel and payments.
Sec. 216. Increased penalty for failure to comply with lobbying disclosure requirements.
Sec. 217. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 218. Disclosure of enforcement for noncompliance.
Sec. 219. Electronic filing of lobbying disclosure reports.
Sec. 220. Disclosure of paid efforts to stimulate grassroots lobbying.
Sec. 221. Electronic filing and public database for lobbyists for foreign governments.
Sec. 222. Effective date.

Subtitle B—Oversight of Ethics and Lobbying

Sec. 231. Comptroller General audit and annual report.
Sec. 232. Mandatory Senate ethics training for Members and staff.
Sec. 233. Sense of the Senate regarding self-regulation within the Lobbying community.
Sec. 234. Annual ethics committees reports.

Subtitle C—Slowing the Revolving Door

Sec. 241. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

Sec. 251. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to Congressional employees.

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2007

Sec. 261. Short title.

Sec. 262. Establishment of commission.
Sec. 263. Purposes.
Sec. 264. Composition of commission.
Sec. 265. Functions of Commission.
Sec. 266. Powers of Commission.
Sec. 267. Administration.
Sec. 268. Security clearances for Commission Members and staff.
Sec. 269. Commission reports; termination.
Sec. 270. Funding.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

SEC. 101. SHORT TITLE.

This title may be cited as the "Legislative Transparency and Accountability Act of 2007".

SEC. 102. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.

(a) IN GENERAL.—A point of order may be made by any Senator against consideration of a conference report that includes any matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

"RULE XLIV

"EARMARKS

"1. In this rule—

"(1) the term 'earmark' means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance; and

"(2) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

"2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

"(1) all earmarks in such measure;

"(2) an identification of the Member or Members who proposed the earmark; and

"(3) an explanation of the essential governmental purpose for the earmark;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.".

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) IN GENERAL.—

(1) AMENDMENT.—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

"7. It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.".

(2) EFFECTIVE DATE.—This subsection shall take effect 60 days after the date of enactment of this title.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Clerk of the House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop a website capable of complying with the requirements of paragraph 7 of rule XXVIII of the Standing Rules of the Senate, as added by subsection (a).

SEC. 105. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by—

(1) inserting "1." before "Other";

(2) inserting after "Ex-Senators and Senators elect" the following: ", except as provided in paragraph 2";

(3) inserting after "Ex-Secretaries and ex-Sergeants at Arms of the Senate" the following: ", except as provided in paragraph 2";

(4) inserting after "Ex-Speakers of the House of Representatives" the following: ", except as provided in paragraph 2"; and

(5) adding at the end the following:

"2. (a) The floor privilege provided in paragraph 1 shall not apply to an individual covered by this paragraph who is—

"(1) a registered lobbyist or agent of a foreign principal; or

"(2) is in the employ of or represents any party or organization for the purpose of influencing, directly, or indirectly, the passage, defeat, or amendment of any legislative proposal.

"(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.".

SEC. 106. BAN ON GIFTS FROM LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting "(A)" after "(2)"; and

(2) adding at the end the following:

"(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.".

SEC. 107. TRAVEL RESTRICTIONS AND DISCLOSURE.

(a) IN GENERAL.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall—

"(A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

"(i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent;

"(ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;

"(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent; and

"(iv) registered lobbyists will not participate in or attend the trip;

"(B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing—

"(i) a detailed itinerary of the trip; and

"(ii) a determination that the trip—

"(I) is primarily educational (either for the invited person or for the organization sponsoring the trip);

"(II) is consistent with the official duties of the Member, officer, or employee;

"(III) does not create an appearance of use of public office for private gain; and

"(iii) has a minimal or no recreational component; and

"(C) obtain written approval of the trip from the Select Committee on Ethics.

"(2) Not later than 30 days after completion of travel, approved under this subparagraph, the Member, officer, or employee shall file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied the Member, officer, or employee during the travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee is employed to jeopardize the safety of an individual or adversely affect national security. Such information shall also be posted on the Member's official website not later than 30 days after the completion of the travel, except when disclosure of such information is deemed by the Member to jeopardize the safety of an individual or adversely affect national security.".

(b) DISCLOSURE OF NONCOMMERCIAL AIR TRAVEL.—

(1) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

"(g) A Member, officer, or employee of the Senate shall—

"(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

"(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.".

(2) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) by striking "and" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; and"; and

(C) by adding at the end the following:

"(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

"(A) The date of the flight.

"(B) The destination of the flight.

"(C) The owner or lessee of the aircraft.

"(D) The purpose of the flight.

"(E) The persons on the flight, except for any person flying the aircraft.".

(c) Public Availability.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.".

SEC. 108. POST EMPLOYMENT RESTRICTIONS.

(a) In General.—Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended by—

(1) designating the first sentence as subparagraph (a);

(2) designating the second sentence as subparagraph (b); and

(3) adding at the end the following:

"(c) If an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.".

(b) Effective Date.—This section shall take effect 60 days after the date of enactment of this title.

SEC. 109. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS OF EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"14. A Member shall not directly negotiate or have any arrangement concerning prospective private employment until after the election for his or her successor has been held, unless such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced, and must be signed by the Member.".

SEC. 110. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 10 through 12 as paragraphs 11 through 13, respectively; and

(2) inserting after paragraph 9, the following:

"10. (a) If a Member's spouse or immediate family member is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed by that Member (including staff in personal, committee and leadership offices) from having any official contact with the Member's spouse or immediate family member.

"(b) In this paragraph, the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.".

SEC. 111. INFLUENCING HIRING DECISIONS.

Rule XLIII of the Standing Rules of the Senate is amended by adding at the end the following:

"6. No Member shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) take or withhold, or offer or threaten to take or withhold, an official act; or

"(2) influence, or offer or threaten to influence the official act of another.".

SEC. 112. SENSE OF THE SENATE THAT ANY APPLICABLE RESTRICTIONS ON CONGRESSIONAL BRANCH EMPLOYEES SHOULD APPLY TO THE EXECUTIVE AND JUDICIAL BRANCHES.

It is the sense of the Senate that any applicable restrictions on Congressional branch employees in this title should apply to the Executive and Judicial branches.

SEC. 113. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) In General.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost of living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) Deposit in Treasury.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading "**medical services**" under the heading "**veterans health administration**".

(c) Administration.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) Effective Date.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2008.

SEC. 114. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) In General.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

"I, Senator ___, intend to object to proceeding to , dated .".

(b) Calendar.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled "Notices of Intent to Object to Proceeding". Each section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) Removal.—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

"I, Senator ___, do not object to proceeding to , dated .".

SEC. 115. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

SEC. 201. SHORT TITLE.

This title may be cited as the "Legislative Transparency and Accountability Act of 2007".

Subtitle A—Enhancing Lobbying Disclosure

SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) Quarterly Filing Required.—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the "Act") (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "Semiannual" and inserting "Quarterly";

(B) by striking "the semiannual period" and all that follows through "July of each year" and inserting "the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th day if that day is not a business day"; and

(C) by striking "such semiannual period" and inserting "such quarterly period"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "semiannual report" and inserting "quarterly report";

(B) in paragraph (2), by striking "semiannual filing period" and inserting "quarterly period";

(C) in paragraph (3), by striking "semiannual period" and inserting "quarterly period"; and

(D) in paragraph (4), by striking "semiannual filing period" and inserting "quarterly period".

(b) Conforming Amendments.—

(1) Definition.—Section 3(10) of the Act (2 U.S.C. 1602) is amended by striking "six month period" and inserting "three-month period".

(2) Registration.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(3)(A), by striking "semiannual period" and inserting "quarterly period".

(3) Enforcement.—Section 6(a)(6) of the Act (2 U.S.C. 1605(6)) is amended by striking "semiannual period" and inserting "quarterly period".

(4) Estimates.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(1), by striking "semiannual period" and inserting "quarterly period".

(5) DOLLAR AMOUNTS.—

(A) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking "$5,000" and inserting "$2,500";

(ii) in subsection (a)(3)(A)(ii), by striking "$20,000" and inserting "$10,000";

(iii) in subsection (b)(3)(A), by striking "$10,000" and inserting "$5,000"; and

(iv) in subsection (b)(4), by striking "$10,000" and inserting "$5,000".

(B) REPORTS.—Section 5 of the Act (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking "$10,000" and "$20,000" and inserting "$5,000" and "$10,000", respectively; and

(ii) in subsection (c)(2), by striking "$10,000" both places such term appears and inserting "$5,000".

SEC. 212. ANNUAL REPORT ON CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(d) ANNUAL REPORT ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the first day of October of each year referred to in subsection (a), a lobbyist registered under section 4(a)(1), or an employee who is a lobbyist of an organization registered under section 4(a)(2), shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(1) the name of the lobbyist;

"(2) the employer of the lobbyist;

"(3) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom a contribution equal to or exceeding $200 was made within the past year, and the date and amount of such contribution; and

"(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or otherwise sponsored, within the past year, and the date and location of the event.".

SEC. 213. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registrations and reports filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 4(b) or 5(b).".

(b) AVAILABILITY OF REPORTS.—Section 6(a)(4) of the Act is amended by inserting before the semicolon the following: "and, in the case of a report filed in electronic form under section 5(e), shall make such report available for public inspection over the Internet not more than 48 hours after the report is filed".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6(a) of the Act, as added by subsection (a).

SEC. 214. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Act (2 U.S.C. 1603) is amended by striking "or a covered legislative branch official" and all that follows through "as a lobbyist on behalf of the client," and inserting "or a covered legislative branch official,".

SEC. 215. DISCLOSURE OF LOBBYIST TRAVEL AND PAYMENTS.

Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant provided, or directed or arranged to be provided, or the employee listed as a lobbyist directed or arranged to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(A) an itemization of the payments or reimbursements provided to finance the travel and related expenses and to whom the payments or reimbursements were made, including any payment or reimbursement made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(B) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(C) the names of any registrant or individual employed by the registrant who traveled on any such trip;

"(D) the identity of the listed sponsor or sponsors of travel; and

"(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the employee;

"(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, a registrant or employee listed as a lobbyist—

"(A) to pay the costs of an event to honor or recognize a covered legislative branch official or covered executive branch official;

"(B) to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official;

"(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

"(D) to pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the one hundred dollar cumulative annual limit described in such rules) valued in excess of $20 given by a registrant or employee listed as a lobbyist to a covered legislative branch official or covered executive branch official;

"(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality controlled by a State or local government, or a private entity.

For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. Information required by paragraph (5) shall be disclosed as provided in this Act not later than 30 days after the travel.".

SEC. 216. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Act (2 U.S.C. 1606) is amended by striking "$50,000" and inserting "$100,000".

SEC. 217. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Section 4(b)(3)(B) of the Act (2 U.S.C. 1603(b)(3)(B)) is amended to read as follows:

"(B) participates in a substantial way in the planning, supervision or control of such lobbying activities;".

(b) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—Section 4(b) of the Act (2 U.S.C. 1603(b)) is amended by adding at the end the following:

"No disclosure is required under paragraph (3)(B) if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises or controls such lobbying activities. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.".

SEC. 218. DISCLOSURE OF ENFORCEMENT FOR NONCOMPLIANCE.

Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) by inserting "(a)" before "The Secretary of the Senate";

(2) in paragraph (8), by striking "and" at the end;

(3) in paragraph (9), by striking the period and inserting "; and";

(4) after paragraph (9), by inserting the following:

"(10) provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives the aggregate number of lobbyists and lobbying firms, separately accounted, referred to the United States Attorney for the District of Columbia for noncompliance as required by paragraph (8) on a semi-annual basis"; and

(5) by inserting at the end the following:

"(b) ENFORCEMENT REPORT.—The United States Attorney for the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Government Reform and the Committee on the Judiciary of the House of Representatives on a semi-annual basis the aggregate number of enforcement actions taken by the Attorney's office under this Act and the amount of fines, if any, by case, except that such report shall not include the names of individuals or personally identifiable information.".

SEC. 219. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(e) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.".

SEC. 220. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

(a) DEFINITIONS.—Section 3 of the Act (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end of the following: "Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying."; and

(2) by adding at the end of the following:

"(17) GRASSROOTS LOBBYING.—The term 'grassroots lobbying' means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.

"(18) PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

"(A) IN GENERAL.—The term 'paid efforts to stimulate grassroots lobbying' means any paid attempt in support of lobbying contacts on behalf of a client to influence the general public or segments thereof to contact one or more covered legislative or executive branch officials (or Congress as a whole) to urge such officials (or Congress) to take specific action with respect to a matter described in section 3(8)(A), except that such term does not include any communications by an entity directed to its members, employees, officers, or shareholders.

"(B) PAID ATTEMPT TO INFLUENCE THE GENERAL PUBLIC OR SEGMENTS THEREOF.—The term 'paid attempt to influence the general public or segments thereof' does not include an attempt to influence directed at less than 500 members of the general public.

"(C) REGISTRANT.—For purposes of this paragraph, a person or entity is a member of a registrant if the person or entity—

"(i) pays dues or makes a contribution of more than a nominal amount to the entity;

"(ii) makes a contribution of more than a nominal amount of time to the entity;

"(iii) is entitled to participate in the governance of the entity;

"(iv) is 1 of a limited number of honorary or life members of the entity; or

"(v) is an employee, officer, director or member of the entity.

"(19) GRASSROOTS LOBBYING FIRM.—The term 'grassroots lobbying firm' means a person or entity that—

"(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

"(B) receives income of, or spends or agrees to spend, an aggregate of $25,000 or more for such efforts in any quarterly period.".

(b) REGISTRATION.—Section 4(a) of the Act (2 U.S.C. 1603(a)) is amended—

(1) in the flush matter at the end of paragraph (3)(A), by adding at the end the following: "For purposes of clauses (i) and (ii), the term 'lobbying activities' shall not include paid efforts to stimulate grassroots lobbying."; and

(2) by inserting after paragraph (3) the following:

"(4) FILING BY GRASSROOTS LOBBYING FIRMS.—Not later than 45 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.".

(c) SEPARATE ITEMIZATION OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after "total amount of all income" the following: "(including a separate good faith estimate of the total amount of income relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising)"; and

(B) inserting "or a grassroots lobbying firm" after "lobbying firm";

(2) in paragraph (4), by inserting after "total expenses" the following: "(including a good faith estimate of the total amount of expenses relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising)"; and

(3) by adding at the end the following:

"Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.".

(d) GOOD FAITH ESTIMATES AND DE MINIMIS RULES FOR PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

(1) IN GENERAL.—Section 5(c) of the Act (2 U.S.C. 1604(c)) is amended to read as follows:

"(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, the following shall apply:

"(1) Estimates of income or expenses shall be made as follows:

"(A) Estimates of amounts in excess of $10,0000 shall be rounded to the nearest $20,000.

"(B) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

"(2) Estimates of income or expenses relating specifically to paid efforts to stimulate grassroots lobbying shall be made as follows:

"(A) Estimates of amounts in excess of $25,000 shall be rounded to the nearest $20,000.

"(B) In the event income or expenses do not exceed $25,000, the registrant shall include a statement that income or expenses totaled less than $25,000 for the reporting period.".

(2) TAX REPORTING.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "and" after the semicolon;

(ii) in paragraph (2), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986."; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "and" after the semicolon;

(ii) in paragraph (2), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.".

SEC. 221. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) ELECTRONIC FILING.—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

"(g) ELECTRONIC FILING OF REGISTRATION STATEMENTS AND UPDATES.—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.".

(b) PUBLIC DATABASE.—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

"(d) PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—

"(1) IN GENERAL.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registration statements and updates filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

"(2) ACCOUNTABILITY.—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the internet not more than 48 hours after the registration statement or update is filed.".

SEC. 222. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect January 1, 2008.

Subtitle B—Oversight of Ethics and Lobbying

SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL REPORT.

(a) AUDIT REQUIRED.—The Comptroller General shall audit on an annual basis lobbying registration and reports filed under the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of that Act by lobbyists and their clients.

(b) ANNUAL REPORTS.—Not later than April 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(1) improve the compliance by lobbyists with the requirements of that Act; and

(2) provide the Secretary of the Senate and the Clerk of the House of Representatives with the resources and authorities needed for

effective oversight and enforcement of that Act.

SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR MEMBERS AND STAFF.

(a) Training Program.—The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) Requirements.—The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on the date of enactment of this Act not later than 120 days after the date of enactment of this Act.

SEC. 233. SENSE OF THE SENATE REGARDING SELF-REGULATION WITHIN THE LOBBYING COMMUNITY.

It is the sense of the Senate that the lobbying community should develop proposals for multiple self-regulatory organizations which could provide—

(1) for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;

(2) training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;

(3) for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;

(4) standards regarding reasonable fees to clients;

(5) for the creation of a third-party certification program that includes ethics training; and

(6) for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.

SEC. 234. ANNUAL ETHICS COMMITTEES REPORTS.

The Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate shall each issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate or House rules including the number received from third parties, from Members or staff within each House, or inquires raised by a Member or staff of the respective House or Senate committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction; or

(B) because they failed to provide sufficient facts as to any material violation of the House or Senate rules beyond mere allegation or assertion.

(3) The number of complaints in which the committee staff conducted a preliminary inquiry.

(4) The number of complaints that staff presented to the committee with recommendations that the complaint be dismissed.

(5) The number of complaints that the staff presented to the committee with recommendation that the investigation proceed.

(6) The number of ongoing inquiries.

(7) The number of complaints that the committee dismissed for lack of substantial merit.

(8) The number of private letters of admonition or public letters of admonition issued.

(9) The number of matters resulting in a disciplinary sanction.

Subtitle C—Slowing the Revolving Door

SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) Very Senior Executive Personnel.—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended by striking "within 1 year" and inserting "within 2 years".

(b) Restrictions on Lobbying by Members of Congress and Employees of Congress.—Subsection (e) of section 207 of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by striking "within 1 year" and inserting "within 2 years";

(2) by striking paragraphs (2) through (5) and inserting the following:

"(2) Congressional staff.—

"(A) Prohibition.—Any person who is an employee of a House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) Contact persons covered.—persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.";

(3) in paragraph (6)—

(A) by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)";

(B) by striking "(A)";

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (3); and

(4) by redesignating paragraph (7) as paragraph (4).

(c) Effective Date.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

SEC. 251. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

The Lobbying Disclosure Act of 1995 is amended by adding at the end the following:

"SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

"(a) Prohibition.—A registered lobbyist may not knowingly make a gift or provide travel to a Member, Delegate, Resident Commissioner, officer, or employee of Congress, unless the gift or travel may be accepted under the rules of the House of Representatives or the Senate.

"(b) Penalty.—Any registered lobbyist who violates this section shall be subject to penalties provided in section 7.".

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2007

SEC. 261. SHORT TITLE.

This subtitle may be cited as the "Commission to Strengthen Confidence in Congress Act of 2007".

SEC. 262. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch a commission to be known as the "Commission to Strengthen Confidence in Congress" (in this subtitle referred to as the "Commission").

SEC. 263. PURPOSES.

The purposes of the Commission are to—

(1) evaluate and report the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and make recommendations for new penalties;

(2) weigh the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues;

(3) determine whether the current system for enforcing ethics rules and standards of conduct is sufficiently effective and transparent;

(4) determine whether the statutory framework governing lobbying disclosure should be expanded to include additional means of attempting to influence Members of Congress, senior staff, and high-ranking executive branch officials;

(5) analyze and evaluate the changes made by this Act to determine whether additional changes need to be made to uphold and enforce standards of ethical conduct and disclosure requirements; and

(6) investigate and report to Congress on its findings, conclusions, and recommendations for reform.

SEC. 264. COMPOSITION OF COMMISSION.

(a) Members.—The Commission shall be composed of 10 members, of whom—

(1) the chair and vice chair shall be selected by agreement of the majority leader and minority leader of the House of Representatives and the majority leader and minority leader of the Senate;

(2) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party, 1 of which is a former member of the Senate;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party, 1 of which is a former member of the Senate;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, 1 of which is a former member of the House of Representatives; and

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, 1 of which is a former member of the House of Representatives.

(b) Qualifications; Initial Meeting.—

(1) Political party affiliation.—Five members of the Commission shall be Democrats and 5 Republicans.

(2) Nongovernmental appointees.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) Other qualifications.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in professions such as governmental service, government consulting, government contracting, the law, higher education, historian, business, public relations, and fundraising.

(4) Deadline for appointment.—All members of the Commission shall be appointed on a date 3 months after the date of enactment of this Act.

(5) Initial meeting.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) Quorum; Vacancies.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 265. FUNCTIONS OF COMMISSION.

The functions of the Commission are to submit to Congress a report required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules and regulations—

(1) related to section 263; or

(2) related to any other areas the commission unanimously votes to be relevant to its mandate to recommend reforms to strengthen ethical safeguards in Congress.

SEC. 266. POWERS OF COMMISSION.

(a) Hearings and Evidence.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths.

(b) Obtaining Information.—Upon request of the Commission, the head of any agency or instrumentality of the Federal Government shall furnish information deemed necessary by the panel to enable it to carry out its duties.

(c) Limit on Commission Authority.—The Commission shall not conduct any law enforcement investigation, function as a court of law, or otherwise usurp the duties and responsibilities of the ethics committee of the House of Representatives or the Senate.

SEC. 267. ADMINISTRATION.

(a) Compensation.—Except as provided in subsection (b), members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(b) Travel Expenses and Per Diem.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) Staff and Support Services.—

(1) Staff director.—

(A) Appointment.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint a staff director for the Commission.

(B) Compensation.—The staff director shall be paid at a rate not to exceed the rate established for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(2) Staff.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint such additional personnel as the Commission determines to be necessary.

(3) Applicability of civil service laws.—The staff director and other members of the staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) Experts and consultants.—With the approval of the Commission, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) Physical Facilities.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Commission on a nonreimbursable basis. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

(e) Administrative Support Services and Other Assistance.—

(1) In general.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(2) Additional support.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support services as the Commission may deem advisable and as may be authorized by law.

(f) Use of Mails.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) Printing.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

SEC. 268. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 269. COMMISSION REPORTS; TERMINATION.

(a) Annual Reports.—The Commission shall submit—

(1) an initial report to Congress not later than July 1, 2007; and

(2) annual reports to Congress after the report required by paragraph (1);

containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) Administrative Activities.—During the 60-day period beginning on the date of submission of each annual report and the final report under this section, the Commission shall—

(1) be available to provide testimony to committees of Congress concerning such reports; and

(2) take action to appropriately disseminate such reports.

(c) Termination of Commission.—

(1) Final report.—Five years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

(2) Termination.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under paragraph (1), and the Commission may use such 60-day period for the purpose of concluding its activities.

SEC. 270. FUNDING.

There are authorized such sums as necessary to carry out this title.

Ms. COLLINS. Mr. President, I rise today to join my colleagues in cosponsoring S. 1, a bill to provide greater transparency in the legislative process.

The recent elections sent a clear message to Congress that the American people have lost confidence in their government. Without the support of the people, we cannot tackle the difficult issues that this Congress must face. This bill, then, is a critical part of restoring the people's trust by reforming ethics and lobbying rules.

It is important to remember that the conduct of most Members and their staffs is beyond reproach. Likewise, it is important to recognize that lobbying—whether done on behalf of the business community, an environmental organization, a children's advocacy group, or any other cause—can provide us with useful information and analysis that aids, but does not dictate, the decision-making process. Unfortunately, in the minds of many Americans, "lobbying" has come to be associated with expensive paid vacations masquerading as fact-finding trips, special access to Members and staff that an ordinary citizen could never hope to have, and undue influence that leads to decisions made in the best interest of the lobbyist and his or her client instead of the American people.

S. 1 which is nearly identical to a bill that was the product of bipartisan efforts by the Senate Committee on Homeland Security and Governmental Affairs and the Senate Committee on Rules and Administration and that was passed by this Senate just last year—includes a number of important provisions that will help to restore the public image of the United States Congress.

S. 1 bans gifts from lobbyists. This is clear, brightline rule that diminishes the appearance of impropriety that gifts can create.

S. 1 requires greater disclosure of the sponsors of and the purposes for earmarks included in a bill so that the people can know where tax dollars are being spent and why.

S. 1 eliminates floor privileges for former Members who are seeking to lobby other members. They will enjoy no more access to Senators and Congressmen than any other citizen.

S. 1 will eliminate the practice of anonymous holds in the Senate so that we can bring debate into the open and not simply kill a bill with a secret hold.

S. 1 will require enhanced disclosure of the activities of groups lobbying Congress so that the public can easily find out which interests are trying to influence the decisions we make.

S. 1 will slow the revolving door between the Hill and the private sector by limiting the ability of departing Members and staff to lobby their former colleagues.

While I am pleased to be a cosponsor of this bill, I also believe strongly that it would be improved by the addition of an independent Office of Public Integrity within the Legislative Branch. This Office would be able to conduct nonpartisan investigations of possible ethics violations. These investigations would help to promote public confidence in the enforcement of any laws that we pass to enhance congressional ethics. During debate on this bill last year, an amendment that Senator LIEBERMAN, Senator MCCAIN, and I offered to create this Office was defeated. However, I hope my colleagues have taken the lessons of the recent elections to heart and that the idea of an Office of Public Integrity will be approved this year. To that end, I am also cosponsoring Senator MCCAIN's lobbying reform package, which he has introduced today and which contains a number of the provisions of S. 1 as well as creating an independent Office of Public Integrity.

I once again commend my colleagues on recognizing the importance of this issue by making it our first priority in the 110th Congress. I urge the Senate to work quickly to get this legislation finished so that we can move on from the task of governing ourselves and get down to the business of governing our Nation.

By Mr. REID (for himself, Mr. BAUCUS, Mr. LEAHY, Ms. MIKULSKI, Mr. SCHUMER, Mrs. CLINTON, Ms. CANTWELL, Mr. KOHL, Ms. STABENOW, and Mr. WEBB):

S. 3. A bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; SENSE OF THE CONGRESS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Prescription Drug Price Negotiation Act of 2007".

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Congress should enact, and the President should sign, legislation to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

By Mr. REID (for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEAHY, Mr. SCHUMER, Ms. CANTWELL, Mr. LAUTENBERG, Ms. STABENOW, Mr. WEBB, MR. MENENDEZ, and Ms. LANDRIEU):

S. 4. A bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that Congress should enact, and the President should sign, legislation to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively and to improve homeland security.

By Mr. REID (for himself, Mr. HARKIN, Mr. SPECTER, Mr. KENNEDY, Mr. HATCH, Mrs. FEINSTEIN, Mr. SMITH, Mr. DURBIN, Mr. LAUTENBERG, Ms. SNOWE, Mr. SCHUMER, Ms. MIKULSKI, Mrs. CLINTON, Ms. CANTWELL, Mr. FEINGOLD, Mr. LEAHY, Mr. KOHL, Ms. STABENOW, Mr. WEBB, Mr. KERRY, Mrs. LINCOLN, Mr. DODD, Mr. MENENDEZ, Mr. REED, Mr. AKAKA, Mrs. BOXER, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. LEVIN, Mr. OBAMA, and Mr. INOUYE):

S. 5. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; read the first time.

(The bill will be printed in a future edition of the RECORD.)

By Mr. REID (for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. SCHUMER, Mr. LIEBERMAN, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. WEBB, Mr. SALAZAR, and Mr. MENENDEZ):

S. 6. A bill to enhance the security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Energy and Environmental Security Act of 2007".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that Congress should enact, and the President should sign, legislation to enhance the security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming by—

(1) requiring reductions in emissions of greenhouse gases;

(2) diversifying and expanding the use of secure, efficient, and environmentally-friendly energy supplies and technologies;

(3) reducing the burdens on consumers of rising energy prices;

(4) eliminating tax giveaways to large energy companies; and

(5) preventing energy price gouging, profiteering, and market manipulation.

By Mr. REID (for himself, Mr. KENNEDY, Mr. SCHUMER, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, Mr. LIEBERMAN, Mr. AKAKA, Ms. CANTWELL, Mr. BINGAMAN, Mr. LEAHY, Mr. LAUTENBERG, Mr. LEVIN, Ms. STABENOW, Mr. WEBB, Mr. MENENDEZ, Ms. LANDRIEU, Mr. SANDERS, Mr. REED, and Mr. DODD):

S. 7. A bill to amend title IV of the Higher Education Act of 1965 and other laws and provisions and urge Congress to make college more affordable through increased Federal Pell Grants and providing more favorable student loans and other benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Opportunity Act of 2007".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the Congress should enact, and the President should sign, legislation to amend title IV of the Higher Education Act of 1965 and other laws and provisions to make college more affordable through increased Federal Pell Grants and providing more favorable student loans and other benefits.

By Mr. REID (for himself, Mr. LEVIN, Mr. SCHUMER, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. WEBB, Mr. MENENDEZ, and Ms. LANDRIEU):

S. 8. A bill to restore and enhance the capabilities of the Armed Forces, to enhance the readiness of the Armed Forces, to support the men and women of the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rebuilding America's Military Act of 2007".

SEC. 2. SENSE OF CONGRESS ON RESTORATION AND ENHANCEMENT OF THE ARMED FORCES OF THE UNITED STATES.

It is the sense of Congress that Congress should enact legislation—

(1) to restore and enhance the capabilities of the Armed Forces for deterrence, combat, and post-conflict operations;

(2) to enhance the readiness of the Armed Forces, including by the reset of military equipment; and

(3) to support the men and women of the Armed Forces, including the members of the National Guard and Reserves, through the provision of quality health care and enhanced educational assistance.

By Mr. REID (for himself, Mr. Leahy, Mr. Schumer, Ms. Cantwell, and Ms. Stabenow):

S. 9. A bill to recognize the heritage of the United States as a nation of immigrants and to amend the Immigration and Nationality Act to provide for more effective border and employment enforcement, to prevent illegal immigration, and to reform and rationalize avenues for legal immigration, and for other purposes; to the Committee on the Judiciary.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 9

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Immigration Reform Act of 2007".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the Senate and the House of Representatives should pass, and the President should sign, legislation to recognize the heritage of the United States as a nation of immigrants and to amend the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) to provide for more effective border and employment enforcement, to prevent illegal immigration, and to reform and rationalize avenues for legal immigration.

By Mr. REID (for himself, Mr. Conrad, Mr. Feingold, Mr. Schumer, Mr. Salazar, Ms. Cantwell, Mr. Leahy, Ms. Stabenow, Mr. Menendez, Mr. Kerry, Mr. Harkin, Ms. Landrieu, Mr. Durbin, and Mr. Obama):

S. 10 A bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility; to the Committee on the Budget.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 10

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Restoring Fiscal Discipline Act of 2007".

SEC. 2. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) Pay-as-You-Go Point of Order in the Senate.—

(1) In general.—For purposes of Senate enforcement, it shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the 4 applicable time periods as measured in paragraphs (5) and (6).

(2) Applicable time periods.—For purposes of this subsection, the term "applicable time periods" means any 1 of the 4 following periods:

(A) The current year.

(B) The budget year.

(C) The period of the 5 fiscal years following the current year.

(D) The period of the 5 fiscal years following the 5 fiscal years referred to in subparagraph (C).

(3) Direct-spending legislation.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) Exclusion.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) Baseline.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) Prior surplus.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) Waiver.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) Appeals.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) Determination of Budget Levels.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) Sunset.—This section shall expire on September 30, 2012.

SEC. 3. RECONCILIATION FOR DEFICIT REDUCTION OR INCREASING THE SURPLUS IN THE SENATE.

(a) In General.—It shall not be in order in the Senate to consider under the expedited procedures applicable to reconciliation in sections 305 and 310 of the Congressional Budget Act of 1974 any bill, resolution, amendment, amendment between Houses, motion, or conference report that increases the deficit or reduces the surplus in the first fiscal year covered by the most recently adopted concurrent resolution on the budget, the period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget, or the period of the 5 fiscal years following the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(b) Budget Resolution.—It shall not be in order in the Senate to consider pursuant to sections 301, 305, or 310 of the Congressional Budget Act of 1974 pertaining to concurrent resolutions on the budget any resolution, concurrent resolution, amendment, amendment between the Houses, motion, or conference report that contains any reconciliation directive that would increase the deficit or reduce the surplus in the first fiscal year covered by the most recently adopted concurrent resolution on the budget, the period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget, or the period of the 5 fiscal years following the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(c) Supermajority Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

By Mr. REID (for himself, Mrs. Clinton, Mrs. Murray, Mrs. Boxer, Mr. Akaka, Mr. Kerry, Mr. Leahy, Mr. Obama, Mr. Schumer, Mr. Lautenberg, Mr. Kennedy, Mr. Harkin, Mr. Menendez, and Mr. Inouye):

S. 21. A bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Prevention First Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT

Sec. 101. Short title.
Sec. 102. Authorization of appropriations.

TITLE II—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE

Sec. 201. Short title.
Sec. 202. Amendments to Employee Retirement Income Security Act of 1974.
Sec. 203. Amendments to Public Health Service Act relating to the group market.
Sec. 204. Amendment to Public Health Service Act relating to the individual market.

TITLE III—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

Sec. 301. Short title.
Sec. 302. Emergency contraception education and information programs.

TITLE IV—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

Sec. 401. Short title.
Sec. 402. Survivors of sexual assault; provision by hospitals of emergency contraceptives without charge.

TITLE V—AT-RISK COMMUNITIES TEEN PREGNANCY PREVENTION ACT

Sec. 501. Short title.
Sec. 502. Teen pregnancy prevention.
Sec. 503. School-based projects.
Sec. 504. Multimedia campaigns.
Sec. 505. National clearinghouse.
Sec. 506. Research.
Sec. 507. General requirements.
Sec. 508. Definitions.

TITLE VI—ACCURACY OF CONTRACEPTIVE INFORMATION

Sec. 601. Short title.
Sec. 602. Accuracy of contraceptive information.

TITLE VII—UNINTENDED PREGNANCY REDUCTION ACT

Sec. 701. Short title.
Sec. 702. Medicaid; clarification of coverage of family planning services and supplies.
Sec. 703. Expansion of family planning services.
Sec. 704. Effective date.

TITLE VIII—RESPONSIBLE EDUCATION ABOUT LIFE ACT

Sec. 801. Short title.
Sec. 802. Assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.
Sec. 803. Sense of Congress.
Sec. 804. Evaluation of programs.
Sec. 805. Definitions.
Sec. 806. Appropriations.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Healthy People 2010 sets forth a reduction of unintended pregnancies as an important health objective for the Nation to achieve over the first decade of the new century, a goal first articulated in the 1979 Surgeon General's Report, Healthy People, and reiterated in Healthy People 2000: National Health Promotion and Disease Prevention Objectives.

(2) Although the Centers for Disease Control and Prevention (referred to in this section as the "CDC") included family planning in its published list of the Ten Great Public Health Achievements in the 20th Century, the United States still has one of the highest rates of unintended pregnancies among industrialized nations.

(3) Each year, 3,000,000 pregnancies, nearly half of all pregnancies, in the United States are unintended, and nearly half of unintended pregnancies end in abortion.

(4) In 2004, 34,400,000 women, half of all women of reproductive age, were in need of contraceptive services and supplies to help prevent unintended pregnancy, and nearly half of those were in need of public support for such care.

(5) The United States has the highest rate of infection with sexually transmitted diseases of any industrialized country. In 2005, there were approximately 19,000,000 new cases of sexually transmitted diseases, almost half of them occurring in young people ages 15 to 24. According to the CDC, these sexually transmitted diseases impose a tremendous economic burden with direct medical costs as high as $14,100,000,000 per year.

(6) Increasing access to family planning services will improve women's health and reduce the rates of unintended pregnancy, abortion, and infection with sexually transmitted diseases. Contraceptive use saves public health dollars. For every dollar spent to increase funding for family planning programs under title X of the Public Health Service Act, $3.80 is saved.

(7) Contraception is basic health care that improves the health of women and children by enabling women to plan and space births.

(8) Women experiencing unintended pregnancy are at greater risk for physical abuse and women having closely spaced births are at greater risk of maternal death.

(9) A child born from an unintended pregnancy is at greater risk than a child born from an intended pregnancy of low birth weight, dying in the first year of life, being abused, and not receiving sufficient resources for healthy development.

(10) The ability to control fertility allows couples to achieve economic stability by facilitating greater educational achievement and participation in the workforce.

(11) Without contraception, a sexually active woman has an 85 percent chance of becoming pregnant within a year.

(12) The percentage of sexually active women ages 15 through 44 who were not using contraception increased from 5.4 percent to 7.4 percent in 2002, an increase of 37 percent, according to the CDC. This represents an apparent increase of 1,430,000 women and could raise the rate of unintended pregnancy.

(13) Many poor and low-income women cannot afford to purchase contraceptive services and supplies on their own. In 2003, 20.5 percent of all women ages 15 through 44 were uninsured.

(14) Public health programs, such as the Medicaid program and family planning programs under title X of the Public Health Service Act, provide high-quality family planning services and other preventive health care to underinsured or uninsured individuals who may otherwise lack access to health care.

(15) The Medicaid program is the single largest source of public funding for family planning services and HIV/AIDS care in the United States. Half of all public dollars spent on contraceptive services and supplies in the United States are provided through the Medicaid program and more than 6,000,000 low-income women of reproductive age rely on such program for their basic health care needs.

(16) Each year, family planning services provided under title X of the Public Health Service Act enable people in the United States to prevent approximately 1,000,000 unintended pregnancies, and one in three women of reproductive age who obtains testing or treatment for sexually transmitted diseases does so at a clinic receiving funds under such title. In 2005, such clinics provided 2.5 million Pap smears, over 5.3 million sexually transmitted disease tests, and over 6.2 million HIV tests.

(17) The combination of an increasing number of uninsured individuals, stagnant funding for family planning, health care inflation, new and expensive contraceptive technologies, increasing costs of contraceptives, and improved but expensive screening and treatment for cervical cancer and sexually transmitted diseases, has diminished the ability of clinics receiving funds under title X of the Public Health Service Act to adequately serve all individuals in need of services of such clinics. Taking inflation into account, funding for the family planning programs under such title declined by 59 percent between 1980 and 2005.

(18) While the Medicaid program remains the largest source of subsidized family planning services, States are facing significant budgetary pressures to cut their Medicaid programs, putting many women at risk of losing coverage for family planning services.

(19) In addition, eligibility under the Medicaid program in many States is severely restricted, which leaves family planning services financially out of reach for many poor women. Many States have demonstrated tremendous success with Medicaid family planning waivers that allow States to expand access to Medicaid family planning services. However, the administrative burden of applying for a waiver poses a significant barrier to States that would like to expand their coverage of family planning programs through Medicaid.

(20) As of December of 2006, 24 States offered expanded family planning benefits as a result of Medicaid family planning waivers. The cost-effectiveness of these waivers was affirmed by a recent evaluation funded by the Centers for Medicare & Medicaid Services. This evaluation of six waivers found that all family planning programs under such waivers resulted in significant savings to both the Federal and State governments. Moreover, the researchers found measurable reductions in unintended pregnancy.

(21) Although employer-sponsored health plans have improved coverage of contraceptive services and supplies, largely in response to State contraceptive coverage laws,

there is still significant room for improvement. The ongoing lack of coverage in health insurance plans, particularly in self-insured and individual plans, continues to place effective forms of contraception beyond the financial reach of many women.

(22) Including contraceptive coverage in private health care plans saves employers money. Not covering contraceptives in employee health plans costs employers 15 to 17 percent more than providing such coverage.

(23) Approved for use by the Food and Drug Administration, emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. New research confirms that easier access to emergency contraceptives does not increase sexual risk-taking or sexually transmitted diseases.

(24) The available evidence shows that many women do not know about emergency contraception, do not know where to get it, or are unable to access it. Overcoming these obstacles could help ensure that more women use emergency contraception consistently and correctly.

(25) A November 2006 study of declining pregnancy rates among teens concluded that the reduction in teen pregnancy between 1995 and 2002 is primarily the result of increased use of contraceptives. As such, it is critically important that teens receive accurate, unbiased information about contraception.

(26) The American Medical Association, the American Nurses Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Public Health Association, and the Society for Adolescent Medicine, support responsible sexuality education that includes information about both abstinence and contraception.

(27) Teens who receive comprehensive sexuality education that includes discussion of contraception as well as abstinence are more likely than those who receive abstinence-only messages to delay sex, to have fewer partners, and to use contraceptives when they do become sexually active.

(28) Government-funded abstinence-only-until-marriage programs are precluded from discussing contraception except to talk about failure rates. An October 2006 report by the Government Accountability Office found that the Department of Health and Human Services does not review the materials of recipients of grants administered by such department for scientific accuracy and requires grantees to review their own materials for scientific accuracy. The GAO also reported on the Department's total lack of appropriate and customary measurements to determine if funded programs are effective. In addition, a separate letter from the Government Accountability Office found that the Department of Health and Human Services is in violation of Federal law by failing to enforce a requirement under the Public Health Service Act that Federally-funded grantees working to address the prevention of sexually transmitted diseases, including abstinence-only-until-marriage programs, must provide medically accurate information about the effectiveness of condoms.

(29) Recent scientific reports by the Institute of Medicine, the American Medical Association, and the Office on National AIDS Policy stress the need for sexuality education that includes messages about abstinence and provides young people with information about contraception for the prevention of teen pregnancy, HIV/AIDS, and other sexually transmitted diseases.

(30) A 2006 statement from the American Public Health Association ("APHA") "recognizes the importance of abstinence education, but only as part of a comprehensive sexuality education program . . . APHA calls for repealing current federal funding for abstinence-only programs and replacing it with funding for a new Federal program to promote comprehensive sexuality education, combining information about abstinence with age-appropriate sexuality education."

(31) Comprehensive sexuality education programs respect the diversity of values and beliefs represented in the community and will complement and augment the sexuality education children receive from their families.

(32) Nearly half of the 40,000 annual new cases of HIV infections in the United States occur in youth ages 13 through 24. African American and Latino youth have been disproportionately affected by the HIV/AIDS epidemic. Although African American adolescents, ages 13 through 19, represent only 15 percent of the adolescent population in the United States, they accounted for 73 percent of new AIDS cases reported among adolescents in 2004. Latino adolescents, ages age 13 through 19, accounted for 14 percent of AIDS cases among adolescents, compared to 16 percent of all adolescents in the United States, in 2004. Teens in the United States contract an estimated 9.1 million sexually transmitted infections each year. By age 24, at least one in four sexually active people between the ages of 15 and 24 will have contracted a sexually transmitted disease.

(33) Approximately 50 young people a day, an average of two young people every hour of every day, are infected with HIV in the United States.

TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Title X Family Planning Services Act of 2007".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of making grants and contracts under section 1001 of the Public Health Service Act, there are authorized to be appropriated $700,000,000 for fiscal year 2008 and such sums as may be necessary for each subsequent fiscal year.

TITLE II—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE

SEC. 201. SHORT TITLE.

This title may be cited as the "Equity in Prescription Insurance and Contraceptive Coverage Act of 2007".

SEC. 202. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan or coverage provides benefits for other outpatient prescription drugs or devices; or

"(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

"(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

"(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

"(c) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

"(i) benefits for contraceptive drugs under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

"(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

"(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services; or

"(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

"(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

"(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

"(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

"(d) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

"(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides coverage or protections for participants or beneficiaries that are greater than the coverage or protections provided under this section.

"(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713 the following:

"Sec. 714. Standards relating to benefits for contraceptives".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2008.

SEC. 203. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan or coverage provides benefits for other outpatient prescription drugs or devices; or

"(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

"(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

"(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

"(c) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

"(i) benefits for contraceptive drugs under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

"(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

"(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services; or

"(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

"(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

"(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

"(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

"(d) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides coverage or protections for enrollees that are greater than the coverage or protections provided under this section.

"(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 2008.

SEC. 204. AMENDMENT TO PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following:

"SEC. 2753. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2008.

TITLE III—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

SEC. 301. SHORT TITLE.

This title may be cited as the "Emergency Contraception Education Act of 2007".

SEC. 302. EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION PROGRAMS.

(a) DEFINITIONS.—For purposes of this section:

(1) EMERGENCY CONTRACEPTION.—The term "emergency contraception" means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) or a drug regimen that is—

(A) used after sexual relations;

(B) prevents pregnancy, by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus; and

(C) approved by the Food and Drug Administration.

(2) HEALTH CARE PROVIDER.—The term "health care provider" means an individual who is licensed or certified under State law to provide health care services and who is operating within the scope of such license.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(b) Emergency Contraception Public Education Program.—

(1) In general.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop and disseminate to the public information on emergency contraception.

(2) Dissemination.—The Secretary may disseminate information under paragraph (1) directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, clinics, and the media.

(3) Information.—The information disseminated under paragraph (1) shall include, at a minimum, a description of emergency contraception and an explanation of the use, safety, efficacy, and availability of such contraception.

(c) Emergency Contraception Information Program for Health Care Providers.—

(1) In general.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with major medical and public health organizations, shall develop and disseminate to health care providers information on emergency contraception.

(2) Information.—The information disseminated under paragraph (1) shall include, at a minimum—

(A) information describing the use, safety, efficacy, and availability of emergency contraception;

(B) a recommendation regarding the use of such contraception in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b) for distribution to the patients of the providers.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2008 through 2012.

TITLE IV—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

SEC. 401. SHORT TITLE.

This title may be cited as the "Compassionate Assistance for Rape Emergencies Act of 2007".

SEC. 402. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES WITHOUT CHARGE.

(a) In General.—Federal funds may not be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) Assistance for Victims.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) Definitions.—For purposes of this section:

(1) The term "emergency contraception" means a drug, drug regimen, or device that—

(A) is used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term "hospital" has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term "Secretary" means the Secretary of Health and Human Services.

(4) The term "sexual assault" means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) Effective Date; Agency Criteria.—This section takes effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

TITLE V—AT-RISK COMMUNITIES TEEN PREGNANCY PREVENTION ACT

SEC. 501. SHORT TITLE.

This title may be cited as the "At-Risk Communities Teen Pregnancy Prevention Act of 2007".

SEC. 502. TEEN PREGNANCY PREVENTION.

(a) In General.—The Secretary of Health and Human Services (referred to in this title as the "Secretary") shall make grants to public and nonprofit private entities for the purpose of carrying out projects to prevent teen pregnancies in communities with a substantial incidence or prevalence of cases of teen pregnancy as compared to the average number of such cases in communities in the State involved (referred to in this title as "eligible communities").

(b) Requirements Regarding Purpose of Grants.—A grant may be made under subsection (a) only if, with respect to the expenditure of the grant to carry out the purpose described in such subsection, the applicant involved agrees to use one or more of the following strategies:

(1) Promote effective communication among families about preventing teen pregnancy, particularly communication among parents or guardians and their children.

(2) Educate community members about the consequences of teen pregnancy.

(3) Encourage young people to postpone sexual activity and prepare for a healthy, successful adulthood.

(4) Provide educational information, including medically accurate contraceptive information, for young people in such communities who are already sexually active or are at risk of becoming sexually active and inform young people in such communities about the responsibilities and consequences of being a parent, and how early pregnancy and parenthood can interfere with educational and other goals.

(c) Utilizing Effective Strategies.—A grant may be made under subsection (a) only if the applicant involved agrees that, in carrying out the purpose described in such subsection, the applicant will, whenever possible, use strategies that have been demonstrated to be effective, or that incorporate characteristics of effective programs.

(d) Report.—A grant may be made under subsection (a) only if the applicant involved agrees to submit to the Secretary, in accordance with the criteria of the Secretary, a report that provides information on the project under such subsection, including outcomes. The Secretary shall make such reports available to the public.

(e) Evaluations.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall, directly or through contract, provide for evaluations of six projects under subsection (a). Such evaluations shall describe—

(1) the activities carried out with the grant; and

(2) how such activities increased education and awareness services relating to the prevention of teen pregnancy.

(f) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 503. SCHOOL-BASED PROJECTS.

(a) In General.—The Secretary of Health and Human Services may make grants to public and nonprofit private entities for the purpose of establishing and operating for eligible communities, in association with public secondary schools for such communities, projects for one or more of the following:

(1) To carry out activities, including counseling, to prevent teen pregnancy.

(2) To provide necessary social and cultural support services regarding teen pregnancy.

(3) To provide health and educational services related to the prevention of teen pregnancy.

(4) To promote better health and educational outcomes among pregnant teens.

(5) To provide training for individuals who plan to work in school-based support programs regarding the prevention of teen pregnancy.

(b) Priority.—In making grants under subsection (a), the Secretary shall give priority to providing for projects under such subsection in eligible communities.

(c) Required Coalition.—A grant may be made under subsection (a) only if the applicant involved has formed an appropriate coalition of entities for purposes of carrying out a project under such subsection, including—

(1) one or more public secondary schools for the eligible community involved; and

(2) entities to provide the services of the project.

(d) Training.—A grant under subsection (a) may be expended to train individuals to provide the services described in paragraphs (1) and (2) of such subsection for the project involved.

(e) Authorization of Appropriations.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 504. MULTIMEDIA CAMPAIGNS.

(a) In General.—The Secretary of Health and Human Services shall make grants to public and nonprofit private entities for the purpose of carrying out multimedia campaigns to provide public education and increase awareness with respect to the issue of teen pregnancy and related social and emotional issues.

(b) PRIORITY.—In making grants under subsection (a), the Secretary shall give priority to campaigns described in such subsection that are directed toward eligible communities.

(c) REQUIREMENTS.—A grant may be made under subsection (a) only if the applicant involved agrees that the multimedia campaign under such subsection will—

(1) provide information on the prevention of teen pregnancy;

(2) provide information that identifies organizations in the communities involved that—

(A) provide health and educational services related to the prevention of teen pregnancy; and

(B) provide necessary social and cultural support services; and

(3) coincide with efforts of the National Clearinghouse for Teen Pregnancy Prevention that are made under section 505(b)(1).

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 505. NATIONAL CLEARINGHOUSE.

(a) IN GENERAL.—The Secretary shall make grants to a nonprofit private entity to establish and operate a National Clearinghouse for Teen Pregnancy Prevention (referred to in this section as the "Clearinghouse") for the purposes described in subsection (b).

(b) PURPOSES OF CLEARINGHOUSE.—The purposes referred to in subsection (a) regarding the Clearinghouse are as follows:

(1) To provide information and technical assistance to States, Indian tribes, local communities, and other public or private entities to develop content and messages for teens and adults that address and seek to reduce the rate of teen pregnancy.

(2) To support parents in their essential role in preventing teen pregnancy by equipping parents with information and resources to promote and strengthen communication with their children about sex, values, and positive relationships, including healthy relationships.

(c) REQUIREMENTS FOR GRANTEE.—A grant may be made under subsection (a) only if the applicant involved is an organization that meets the following conditions:

(1) The organization is a nationally recognized, nonpartisan organization that focuses exclusively on preventing teen pregnancy and has at least 10 years of experience in working with diverse groups to reduce the rate of teen pregnancy.

(2) The organization has a demonstrated ability to work with and provide assistance to a broad range of individuals and entities, including teens; parents; the entertainment and news media; State, tribal, and local organizations; networks of teen pregnancy prevention practitioners; businesses; faith and community leaders; and researchers.

(3) The organization has experience in the use of culturally competent and linguistically appropriate methods to address teen pregnancy in eligible communities.

(4) The organization conducts or supports research and has experience with scientific analyses and evaluations.

(5) The organization has comprehensive knowledge and data about strategies for the prevention of teen pregnancy.

(6) The organization has experience in carrying out functions similar to the functions described in subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 506. RESEARCH.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall make grants to public or nonprofit private entities to conduct, support, and coordinate research on the prevention of teen pregnancy in eligible communities, including research on the factors contributing to the disproportionate rates of teen pregnancy in such communities.

(b) RESEARCH.—In carrying out subsection (a), the Secretary shall support research that—

(1) investigates and determines the incidence and prevalence of teen pregnancy in communities described in such subsection;

(2) examines—

(A) the extent of the impact of teen pregnancy on—

(i) the health and well-being of teenagers in the communities; and

(ii) the scholastic achievement of such teenagers;

(B) the variance in the rates of teen pregnancy by—

(i) location (such as inner cities, inner suburbs, and outer suburbs);

(ii) population subgroup (such as Hispanic, Asian-Pacific Islander, African-American, Native American); and

(iii) level of acculturation;

(C) the importance of the physical and social environment as a factor in placing communities at risk of increased rates of teen pregnancy; and

(D) the importance of aspirations as a factor affecting young women's risk of teen pregnancy; and

(3) is used to develop—

(A) measures to address race, ethnicity, socioeconomic status, environment, and educational attainment and the relationship to the incidence and prevalence of teen pregnancy; and

(B) efforts to link the measures to relevant databases, including health databases.

(c) PRIORITY.—In making grants under subsection (a), the Secretary shall give priority to research that incorporates—

(1) interdisciplinary approaches; or

(2) a strong emphasis on community-based participatory research.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 507. GENERAL REQUIREMENTS.

(a) MEDICALLY ACCURATE INFORMATION.—A grant may be made under this title only if the applicant involved agrees that all information provided pursuant to the grant will be age-appropriate, factually and medically accurate and complete, and scientifically based.

(b) CULTURAL CONTEXT OF SERVICES.—A grant may be made under this title only if the applicant involved agrees that information, activities, and services under the grant that are directed toward a particular population group will be provided in the language and cultural context that is most appropriate for individuals in such group.

(c) APPLICATION FOR GRANT.—A grant may be made under this title only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the program involved.

SEC. 508. DEFINITIONS.

For purposes of this title:

(1) The term "eligible community" has the meaning indicated for such term in section 502(a).

(2) The term "racial or ethnic minority or immigrant communities" means communities with a substantial number of residents who are members of racial or ethnic minority groups or who are immigrants.

(3) The term "Secretary" has the meaning indicated for such term in section 502(a).

TITLE VI—ACCURACY OF CONTRACEPTIVE INFORMATION

SEC. 601. SHORT TITLE.

This title may be cited as the "Truth in Contraception Act of 2007".

SEC. 602. ACCURACY OF CONTRACEPTIVE INFORMATION.

Notwithstanding any other provision of law, any information concerning the use of a contraceptive provided through any federally funded sex education, family life education, abstinence education, comprehensive health education, or character education program shall be medically accurate and shall include health benefits and failure rates relating to the use of such contraceptive.

TITLE VII—UNINTENDED PREGNANCY REDUCTION ACT

SEC. 701. SHORT TITLE.

This title may be cited as the "Unintended Pregnancy Reduction Act of 2007".

SEC. 702. MEDICAID; CLARIFICATION OF COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.

Section 1937(b) of the Social Security Act (42 U.S.C. 1396u–7(b)) is amended by adding at the end the following:

"(5) COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Notwithstanding the previous provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark-equivalent coverage under this section unless such coverage includes for any individual described in section 1905(a)(4)(C), medical assistance for family planning services and supplies in accordance with such section.".

SEC. 703. EXPANSION OF FAMILY PLANNING SERVICES.

(a) COVERAGE AS MANDATORY CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) is amended—

(A) in subclause (VI), by striking "or" at the end;

(B) in subclause (VII), by adding "or" at the end; and

(C) by adding at the end the following new subclause:

"(VIII) who are described in subsection (dd) (relating to individuals who meet the income standards for pregnant women);".

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(dd)(1) Individuals described in this subsection are individuals who—

"(A) meet at least the income eligibility standards established under the State plan as of January 1, 2007, for pregnant women or such higher income eligibility standard for such women as the State may establish; and

"(B) are not pregnant.

"(2) At the option of a State, individuals described in this subsection may include individuals who are determined to meet the income eligibility standards referred to in paragraph (1)(A) under the terms and conditions applicable to making eligibility determinations for medical assistance under this title under a waiver to provide the benefits described in clause (XV) of the matter following subparagraph (G) of section 1902(a)(10) granted to the State under section 1115 as of January 1, 2007.".

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking "and (XIV)" and inserting "(XIV)"; and

(B) by inserting ", and (XV) the medical assistance made available to an individual described in subsection (dd) who is eligible for medical assistance only because of subparagraph (A)(10)(i)(VIII) shall be limited to family planning services and supplies described in 1905(a)(4)(C) and, at the State's option, medical diagnosis or treatment services that are provided in conjunction with a family planning service in a family planning setting provided during the period in which such an individual is eligible;" after "cervical cancer".

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (xii), by striking "or" at the end;

(B) in clause (xii), by adding "or" at the end; and

(C) by inserting after clause (xiii) the following:

"(xiv) individuals described in section 1902(dd),".

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920B the following:

"PRESUMPTIVE ELIGIBILITY FOR FAMILY PLANNING SERVICES

"SEC. 1920C. (a) STATE OPTION.—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(dd) (relating to individuals who meet the income eligibility standard for pregnant women in the State) during a presumptive eligibility period. In the case of an individual described in section 1902(dd) who is eligible for medical assistance only because of subparagraph (A)(10)(i)(VIII), such medical assistance may be limited to family planning services and supplies described in 1905(a)(4)(C) and, at the State's option, medical diagnosis or treatment services that are provided in conjunction with a family planning service in a family planning setting provided during the period in which such an individual is eligible.

"(b) DEFINITIONS.—For purposes of this section:

"(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

"(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(dd); and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

"(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

"(2) QUALIFIED ENTITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

"(i) is eligible for payments under a State plan approved under this title; and

"(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

"(B) REGULATIONS.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

"(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—The State agency shall provide qualified entities with—

"(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

"(B) information on how to assist such individuals in completing and filing such forms.

"(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

"(B) inform such individual at the time the determination is made that an application for medical assistance is required to be made by not later than the last day of the month following the month during which the determination is made.

"(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance by not later than the last day of the month following the month during which the determination is made.

"(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—

"(1) is furnished to an individual described in subsection (a)—

"(A) during a presumptive eligibility period;

"(B) by a entity that is eligible for payments under the State plan; and

"(2) is included in the care and services covered by the State plan, shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).".

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: "and provide for making medical assistance available to individuals described in subsection (a) of section 1920C during a presumptive eligibility period in accordance with such section.".

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking "or for" and inserting ", for"; and

(ii) by inserting before the period the following: ", or for medical assistance provided to an individual described in subsection (a) of section 1920C during a presumptive eligibility period under such section".

SEC. 704. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this title take effect on October 1, 2007.

(b) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this title, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

TITLE VIII—RESPONSIBLE EDUCATION ABOUT LIFE ACT

SEC. 801. SHORT TITLE.

This title may be cited as the "Responsible Education About Life Act of 2007".

SEC. 802. ASSISTANCE TO REDUCE TEEN PREGNANCY, HIV/AIDS, AND OTHER SEXUALLY TRANSMITTED DISEASES AND TO SUPPORT HEALTHY ADOLESCENT DEVELOPMENT.

(a) IN GENERAL.—Each eligible State shall be entitled to receive from the Secretary of Health and Human Services, for each of the fiscal years 2008 through 2012, a grant to conduct programs of family life education, including education on both abstinence and contraception for the prevention of teenage pregnancy and sexually transmitted diseases, including HIV/AIDS.

(b) REQUIREMENTS FOR FAMILY LIFE PROGRAMS.—For purposes of this title, a program of family life education is a program that—

(1) is age-appropriate and medically accurate;

(2) does not teach or promote religion;

(3) teaches that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases;

(4) stresses the value of abstinence while not ignoring those young people who have had or are having sexual intercourse;

(5) provides information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy;

(6) provides information about the health benefits and side effects of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(7) encourages family communication between parent and child about sexuality;

(8) teaches young people the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how not to make unwanted verbal, physical, and sexual advances; and

(9) teaches young people how alcohol and drug use can effect responsible decision making.

(c) ADDITIONAL ACTIVITIES.—In carrying out a program of family life education, a State may expend a grant under subsection

(a) to carry out educational and motivational activities that help young people—

(1) gain knowledge about the physical, emotional, biological, and hormonal changes of adolescence and subsequent stages of human maturation;

(2) develop the knowledge and skills necessary to ensure and protect their sexual and reproductive health from unintended pregnancy and sexually transmitted disease, including HIV/AIDS throughout their lifespan;

(3) gain knowledge about the specific involvement and responsibility of males in sexual decision making;

(4) develop healthy attitudes and values about adolescent growth and development, body image, racial and ethnic diversity, and other related subjects;

(5) develop and practice healthy life skills, including goal-setting, decision making, negotiation, communication, and stress management;

(6) promote self-esteem and positive interpersonal skills focusing on relationship dynamics, including friendships, dating, romantic involvement, marriage and family interactions; and

(7) prepare for the adult world by focusing on educational and career success, including developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity.

SEC. 803. SENSE OF CONGRESS.

It is the sense of Congress that while States are not required under this title to provide matching funds, with respect to grants authorized under section 802(a), they are encouraged to do so.

SEC. 804. EVALUATION OF PROGRAMS.

(a) IN GENERAL.—For the purpose of evaluating the effectiveness of programs of family life education carried out with a grant under section 802, evaluations of such program shall be carried out in accordance with subsections (b) and (c).

(b) NATIONAL EVALUATION.—

(1) IN GENERAL.—The Secretary shall provide for a national evaluation of a representative sample of programs of family life education carried out with grants under section 802. A condition for the receipt of such a grant is that the State involved agree to cooperate with the evaluation. The purposes of the national evaluation shall be the determination of—

(A) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(B) the effectiveness of such programs in preventing adolescent pregnancy;

(C) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS;

(D) the effectiveness of such programs in increasing contraceptive knowledge and contraceptive behaviors when sexual intercourse occurs; and

(E) a list of best practices based upon essential programmatic components of evaluated programs that have led to success in subparagraphs (A) through (D).

(2) REPORT.—A report providing the results of the national evaluation under paragraph (1) shall be submitted to Congress not later than March 31, 2011, with an interim report provided on an annual basis at the end of each fiscal year.

(c) INDIVIDUAL STATE EVALUATIONS.—

(1) IN GENERAL.—A condition for the receipt of a grant under section 802 is that the State involved agree to provide for the evaluation of the programs of family education carried out with the grant in accordance with the following:

(A) The evaluation will be conducted by an external, independent entity.

(B) The purposes of the evaluation will be the determination of—

(i) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(ii) the effectiveness of such programs in preventing adolescent pregnancy;

(iii) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS; and

(iv) the effectiveness of such programs in increasing contraceptive knowledge and contraceptive behaviors when sexual intercourse occurs.

(2) USE OF GRANT.—A condition for the receipt of a grant under section 802 is that the State involved agree that not more than 10 percent of the grant will be expended for the evaluation under paragraph (1).

SEC. 805. DEFINITIONS.

For purposes of this title:

(1) The term "eligible State" means a State that submits to the Secretary an application for a grant under section 802 that is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this title.

(2) The term "HIV/AIDS" means the human immunodeficiency virus, and includes acquired immune deficiency syndrome.

(3) The term "medically accurate", with respect to information, means information that is supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and where relevant, published in peer review journals.

(4) The term "Secretary" means the Secretary of Health and Human Services.

SEC. 806. APPROPRIATIONS.

(a) IN GENERAL.—For the purpose of carrying out this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012.

(b) ALLOCATIONS.—Of the amounts appropriated under subsection (a) for a fiscal year—

(1) not more than 7 percent may be used for the administrative expenses of the Secretary in carrying out this title for that fiscal year; and

(2) not more than 10 percent may be used for the national evaluation under section 804(b).

By Mr. WEBB:

S. 22. A bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

Mr. WEBB. Mr. President, I rise today to speak in support of a bill that I am introducing, entitled the Post–9/11 Veterans Educational Assistance Act of 2007. This bill is designed to expand the educational benefits that our Nation offers to the brave men and women who have served us so honorably since the terrorist attacks of September 11, 2001.

As a veteran who hails from a family with a long history of military service, I am proud to offer this bill as my first piece of legislation in the United States Senate.

Most of us know that our country has a tradition—since World War II—of offering educational assistance to returning veterans. In the 1940s, the first G.I. bill helped transform notions of equality in American society. The G.I. bill program was designed to help veterans readjust to civilian life, avoid high levels of unemployment, and give veterans the opportunity to receive the education and training that they missed while bravely serving in the military.

To achieve these goals, the post-World War II G.I. bill paid for veterans' tuition, books, fees, and other training costs, and also gave a monthly stipend. After World War II, 7.8 million veterans used the benefits given under the original G.I. bill in some form, out of a wartime veteran population of 15 million.

Over the last several decades, Congress subsequently passed several other G.I. bills, which also gave educational benefits to veterans. However, benefits awarded under those subsequent bills have not been as generous as our Nation's original G.I. bill.

Currently, veterans' educational benefits are administered under the Montgomery G.I. bill. This program periodically adjusts veterans' educational benefits, but the program is designed primarily for peacetime—not wartime—service.

Yet, now our Nation is fighting a worldwide war against terrorism. Since 9/11, we have witnessed a sharp increase in the demands placed upon our military. Many of our military members are serving two or three tours of duty in Iraq and Afghanistan. In light of these immense hardships, it is now time to implement a more robust educational assistance program for our heroic veterans who have sacrificed so much for our great Nation.

The Post–9/11 Veterans Educational Assistance Act of 2007 does just that. This bill is designed to give our returning troops educational benefits identical to the benefits provided to veterans after World War II.

The new benefits package under the bill I am introducing today will include the costs of tuition, room and board, and a monthly stipend of $1,000. By contrast, existing law under the Montgomery G.I. bill provides educational support of up to $1,000 per month for four years, totaling $9,000 for each academic year. This benefit simply is insufficient after 9/11.

For example, costs of tuition, room, and board for an in-state student at George Mason University, located in Fairfax, Virginia, add up to approximately $14,000 per year. In addition, existing law requires participating service members to pay $1,200 during their first year of service in order to even qualify for the benefit.

Let me briefly summarize some of the reforms that are contained in the bill I am introducing today.

First, these increased educational benefits will be available to those members of the military who have served on active duty since September 11, 2001. In general, to qualify, veterans must have served at least two years of active duty, with at least some period of active duty time served beginning on or after September 11, 2001.

Next, the bill provides for educational benefits to be paid for a duration of time that is linked to time served in the military. Generally, veterans will not receive assistance for more than a total of 36 months, which equals four academic years.

Third, as I mentioned a moment ago, my bill would allow veterans pursuing an approved program of education to receive payments covering the established charges of their program, room and board, and a monthly stipend of $1,000. Moreover, the bill would allow additional payments for tutorial assistance, as well as licensure and certification tests.

Fourth, veterans would have up to 15 years to use their educational assistance entitlement. But veterans would be barred from receiving concurrent assistance from this program and another similar program, such as the Montgomery G.I. bill program.

Finally, under this bill, the Secretary of Veterans Affairs would administer the program, promulgate rules to carry out the new law, and pay for the program from funds made available to the Department of Veterans Affairs for the payment of readjustment benefits.

Again, I note that the benefits I have outlined today essentially mirror the benefits allowed under the G.I. bill enacted after World War II. That bill helped spark economic growth and expansion for a whole generation of Americans. The bill I introduce today likely will have similar beneficial effects. As the post-World War II experience so clearly indicated, better educated veterans have higher income levels, which in the long run will increase tax revenues.

Moreover, a strong G.I. bill will have a positive effect on military recruitment, broadening the socio-economic makeup of the military and reducing the direct costs of recruitment.

Perhaps more importantly, better-educated veterans have a more positive readjustment experience. This experience lowers the costs of treating post-traumatic stress disorder and other readjustment-related difficulties.

The United States has never erred when it has made sustained new investments in higher education and job training. Enacting the Post-9/11 Veterans Educational Assistance Act of 2007 is not only the right thing to do for our men and women in uniform, but it also is a strong tonic for an economy plagued by growing disparities in wealth, stagnant wages, and the outsourcing of American jobs.

Mr. President I am a proud veteran who is honored to serve this great Nation. As long as I represent Virginians in the United States Senate, I will make it a priority to help protect our brave men and women in uniform.

I am honored that the Senate Majority Leader has agreed to join with me to be a defender and advocate of our veterans. The Majority Leader has included the concepts of the bill I introduce today in his leadership bill designed to rebuild the United States military. Additionally, I plan to work closely with Veterans' Affairs Committee Chairman AKAKA—and all of my Senate colleagues—to statutorily update G.I. benefits.

Together we can provide the deserving veterans of the 9/11 era with the same program of benefits that our fathers and grandfathers received after World War II.

Mr. President, I ask that the bill I introduce today—the Post-9/11 Veterans Educational Assistance Act of 2007—be printed in the RECORD along with this statement.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 22

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Post-9/11 Veterans Educational Assistance Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many "G.I. Bills" enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who served on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. 3. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

"SUBCHAPTER I—DEFINITIONS

"Sec.
"3301. Definitions.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"3311. Educational assistance for service in the Armed Forces after September 11, 2001: entitlement.
"3312. Educational assistance: duration.
"3313. Educational assistance: payment; amount.
"3314. Tutorial assistance.
"3315. Licensing and certification tests.

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"3321. Time limitation for use of and eligibility for entitlement.
"3322. Bar to duplication of educational assistance benefits.
"3323. Administration.
"3324. Allocation of administration and costs.

"SUBCHAPTER I—DEFINITIONS

"§ 3301. Definitions

"In this chapter:

"(1) The term 'active duty' has the meaning given such term in sections 101 and 3002(7) of this title and includes the limitations specified in section 3002(6) of this title.

"(2) The terms 'program of education', 'Secretary of Defense', and 'Selected Reserve' have the meaning given such terms in section 3002 of this title.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"§ 3311. Educational assistance for service in the Armed Forces after September 11, 2001: entitlement

"(a) ENTITLEMENT.—Except as provided in subsection (c) and subject to subsections (d) through (f), each individual described in subsection (b) is entitled to educational assistance under this chapter.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

"(1) An individual who—

"(A) as of September 11, 2001, is a member of the Armed Forces and has served an aggregate of at least two years of active duty in the Armed Forces; and

"(B) after September 10, 2001—

"(i) serves at least 30 days of active duty in the Armed Forces; or

"(ii) is discharged or released as described in subsection (d)(1).

"(2) An individual who—

"(A) as of September 10, 2001, is a member of the Armed Forces;

"(B) as of any date on or after September 11, 2001—

"(i) has served an aggregate of at least two years of active duty in the Armed Forces; or

"(ii) before completion of service as described in clause (i), is discharged or released as described in subsection (d)(1); and

"(C) if described by subparagraph (B)(i), after September 11, 2001—

"(i) serves at least 30 days of active duty in the Armed Forces; or

"(ii) is discharged or released as described in subsection (d)(1).

"(3) An individual who—

"(A) on or after September 11, 2001, first becomes a member of the Armed Forces or first enters on active duty as a member of the Armed Forces and—

"(i) serves an aggregate of at least two years of active duty in the Armed Forces; or "(ii) before completion of service as described in clause (i), is discharged or released as described in subsection (d);

"(B) before applying for benefits under this chapter, completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree; and

"(C) after completion of the service described in subparagraph (A)(i)—

"(i) continues on active duty;

"(ii) is discharged from active duty with an honorable discharge;

"(iii) is released after service on active duty characterized by the Secretary concerned as honorable service and is placed on the retired list, is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability list; or

"(iv) is released from active duty for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

"(4) An individual who—

"(A) on or after September 11, 2001, first becomes a member of the Armed Forces or first enters on active duty as a member of the Armed Forces and—

"(i)(I) serves an aggregate of at least two years of active duty in the Armed Forces characterized by the Secretary concerned as honorable service; or

"(II) before completion of service as described in subclause (I), is discharged or released as described in subsection (d); and

"(ii) beginning within one year after completion of service on active duty as described in clause (i)(I)—

"(I) serves at least four years of continuous active duty in the Selected Reserve during which the individual participates satisfactorily in training as required by the Secretary concerned; or

"(II) during the four years described in subclause (I), is discharged or released as described in subsection (d);

"(B) before applying for benefits under this chapter, completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree; and

"(C) after completion of the service described in subparagraph (A)—

"(i) is discharged from service with an honorable discharge, is placed on the retired list, or is transferred to the Standby Reserve or an element of the Ready Reserve other than the Selected Reserve after service in the Selected Reserve characterized by the Secretary concerned as honorable service; or

"(ii) continues on active duty or in the Selected Reserve.

"(c) EXCEPTIONS.—The following individuals are not entitled to educational assistance under this chapter:

"(1) An individual who, after September 11, 2001, receives a commission as an officer in the Armed Forces upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy.

"(2) An individual who, after September 11, 2001, receives a commission as an officer in the Armed Forces upon completion of a program of educational assistance under section 2107 of title 10 if while participating in such program such individual received an aggregate of $25,000 or more for participation in such program.

"(d) CERTAIN DISCHARGE OR RELEASE PROVIDING EXCEPTION FROM SERVICE REQUIREMENTS.—A discharge or release described in this subsection is a discharge or release (whether from service on active duty in the Armed Forces under subsection (b)(1)(B)(i), (b)(2)(B)(i), (b)(2)(C)(i), (b)(3)(A)(i), or (b)(4)(A)(i)(I) or from service in the Selected Reserve under subsection (b)(4)(A)(ii)(I)) for—

"(1) a service-connected disability;

"(2) a medical condition which preexisted such service and which the Secretary determines is not service-connected;

"(3) hardship; or

"(4) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary of each military department in accordance with regulations prescribed by the Secretary of Defense.

"(e) CERTAIN INTERRUPTION IN SELECTED RESERVE SERVICE PROVIDING EXCEPTION FROM SERVICE REQUIREMENT.—After an individual begins service in the Selected Reserve as described in subsection (b)(4)(A)(ii), the continuity of service of the individual as a member of the Selected Reserve shall not be considered to be broken—

"(1) by any period of time (not to exceed a maximum period prescribed in regulations by the Secretary concerned) during which the member is not able to locate a unit of the member's Armed Force that the member is eligible to join or that has a vacancy; or

"(2) by any other period of time (not to exceed a maximum period so prescribed) during which the member is not attached to a unit of the Selected Reserve that the Secretary concerned, pursuant to regulations, considers to be inappropriate to consider for such purpose.

"(f) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—A period of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based if the period of service is terminated because of a defective enlistment and induction based on—

"(1) the individual's being a minor for purposes of service in the Armed Forces;

"(2) an erroneous enlistment or induction; or

"(3) a defective enlistment agreement.

"§ 3312. Educational assistance: duration

"(a) IN GENERAL.—Subject to section 3695 of this title and subsection (b), an individual entitled to educational assistance under section 3311 of this title is entitled to a number of months of educational assistance under section 3313 of this title as follows:

"(1) In the case of an individual described by paragraph (1) section 3311(b) of this title—

"(A) if the individual is described by subparagraph (B)(i) of such paragraph, the aggregate number of months served by the individual on active duty in the Armed Forces after September 11, 2001; or

"(B) if the individual is described by subparagraph (B)(ii) of such paragraph, 36 months.

"(2) In the case of an individual described by paragraph (2) of section 3311(b) of this title—

"(A) if the individual is described by both subparagraphs (B)(i) and (C)(i) of such paragraph, the aggregate number of months served by the individual on active duty in the Armed Forces after September 11, 2001; or

"(B) if the individual is described by subparagraph (B)(ii) or (C)(ii) of such paragraph, 36 months.

"(3) In the case of an individual described by paragraph (3) of section 3311(b) of this title—

"(A) if the individual is described by subparagraph (A)(i) of such paragraph, the aggregate number of months served by the individual on active duty in the Armed Forces after September 11, 2001; or

"(B) if the individual is described by subparagraph (A)(ii) of such paragraph—

"(i) if the discharge or release of the individual is described by paragraph (1) of section 3311(d) of this title, 36 months; or

"(ii) if the discharge or release of the individual is described by paragraph (2), (3), or (4) of section 3311(d) of this title, the aggregate number of months served by the individual on active duty in the Armed Forces after September 11, 2001.

"(4) In the case of an individual described by paragraph (4) of section 3311(b) of this title—

"(A) if the individual is described by subparagraph (A)(i) of such paragraph—

"(i) if the individual is further described by subclause (I) of such subparagraph, 24 months;

"(ii) if the individual is further described by subclause (II) of such subparagraph and has a discharge or release described by paragraph (1) of section 3311(d) of this title, 36 months; or

"(iii) if the individual is further described by subclause (II) of such subparagraph and has a discharge or release described by paragraph (2), (3), of (4) of section 3311(d) of this title, the aggregate number of months served by the individual on active duty in the Armed Forces after September 11, 2001; and

"(B) if the individual is also described by subparagraph (A)(ii) of such paragraph—

"(i) if the individual is further described by subclause (I) of such subparagraph, an additional one month for each four months served by the individual in the Selected Reserve (other than any month in which the individual served on active duty) after September 11, 2001; or

"(ii) if the individual is further described by subclause (II) of such subparagraph and the individual—

"(I) has a discharge or release described by paragraph (1) of section 3311(d) of this title, 12 months; or

"(II) has a discharge or release described by paragraph (2), (3), or (4) of section 3311(d) of this title, an additional one month for each four months served by the individual in the Selected Reserve (other than any month in which the individual served on active duty) after September 11, 2001.

"(b) LIMITATION.—Except as provided in section 3321(b)(2) of this title, an individual may not receive educational assistance under section 3313 of this title for a number of months in excess of 36 months, which is the equivalent of four academic years

"§ 3313. Educational assistance: payment; amount

"(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) through (i)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

"(b) Approved Programs of Education.—Except as provided in subsections (g) through (i), a program of education is an approved program of education for purposes of this chapter if the program of education is approved for purposes of chapter 30 of this title.

"(c) Amount of Educational Assistance.—(1) The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

"(A) An amount equal to the established charges for the program of education.

"(B) Subject to paragraph (2), an amount equal to the room and board of the individual.

"(C) A monthly stipend in the amount of $1,000.

"(2) The amount payable under paragraph (1)(B) for room and board of an individual may not exceed an amount equal to the standard dormitory fee, or such equivalent fee as the Secretary shall specify in regulations, which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay.

"(d) Frequency of Payment.—(1) Payment of the amounts payable under subparagraphs (A) and (B) of subsection (c)(1) for pursuit of a program of education shall be made in a lump-sum amount for the entire quarter, semester, or term, as applicable, of the program of education before the commencement of such quarter, semester, or term.

"(2) Payment of the amount payable under subparagraph (C) of subsection (c)(1) for pursuit of a program of education shall be made on a monthly basis.

"(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts for pursuit of a program of education on a quarter, semester, term, or other basis.

"(e) Programs of Education Pursued on Active Duty.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

"(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

"(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

"(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made in a lump-sum amount for the entire quarter, semester, or term, as applicable, of the program of education before the commencement of such quarter, semester, or term.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (c)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(f) Programs of Education Pursued on Less Than Half-Time Basis.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on less than half-time basis.

"(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education on less than half-time basis is the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay.

"(3) Payment of the amount payable under this chapter to an individual for pursuit of a program of education on less than half-time basis shall be made in a lump-sum, and shall be made not later than the last day of the month immediately following the month in which certification is received from the educational institution involved that the individual has enrolled in and is pursuing a program of education at the institution.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (c)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

"(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

"(B) the number of course hours for full-time pursuit of such program of education.

"(g) Apprenticeship or Other On-Job Training.—(1) Educational assistance is payable under this chapter for full-time pursuit of a program of apprenticeship or other on-job training described in paragraphs (1) and (2) of section 3687(a) of this title.

"(2)(A) The educational assistance payable under this chapter to an individual for pursuit of a program of apprenticeship or training referred to in paragraph (1) is the amounts as follows:

"(i) The established charge which similarly circumstances nonveterans enrolled in the program would be required to pay.

"(ii) A monthly stipend in the amount of $1,000.

"(B) The nature and amount of the tuition, fees, and other expenses constituting the established charge for a program of apprenticeship or training under this subsection shall be determined in accordance with regulations prescribed by the Secretary. Such expenses may include room and board under such circumstances as the Secretary shall prescribe in the regulations.

"(3)(A) Payment of the amount payable under paragraph (2)(A)(i) for pursuit of a program of apprenticeship or training shall be made, at the election of the Secretary—

"(i) in a lump sum for such period of the program as the Secretary shall determine before the commencement of such period of the program; or

"(ii) on a monthly basis.

"(B) Payment of the amount payable under paragraph (2)(A)(ii) for pursuit of a program of apprenticeship or training shall be made on a monthly basis.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (c)(3) in the case of payments made in accordance with paragraph (3)(A)(i)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(h) Programs of Education by Correspondence.—(1) Educational assistance is payable under this chapter for pursuit of a program of education exclusively by correspondence.

"(2)(A) The amount of educational assistance payable under this chapter to an individual who is pursuing a program of education exclusively by correspondence is an amount equal to 55 percent of the established charge which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

"(B) In this paragraph, the term 'established charge', in the case of a program of education, means the lesser of—

"(i) the charge for the course or courses under the program of education, as determined on the basis of the lowest extended time payment plan offered by the institution involved and approved by the appropriate State approving agency; or

"(ii) the actual charge to the individual for such course or courses.

"(3) Payment of the amount payable under this chapter for pursuit of a program of education by correspondence shall be made quarterly on a pro rata basis for the lessons completed by the individual and serviced by the institution involved.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (c)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(i) Flight Training.—(1) Educational assistance is payable under this chapter for a program of education consisting of flight training as follows:

"(A) Courses of flight training approved under section 3860A(b) of this title.

"(B) Flight training meeting the requirements of section 3034(d) of this title.

"(2) Paragraphs (2) and (4) of section 3032(e) of this title shall apply with respect to the availability of educational assistance under this chapter for pursuit of flight training covered by paragraph (1).

"(3)(A) The educational assistance payable under this chapter to an individual for pursuit of a program of education consisting of flight training covered by paragraph (1) is the amounts as follows:

"(i) The established charge which similarly circumstances nonveterans enrolled in the program would be required to pay.

"(ii) A monthly stipend in the amount of $1,000.

"(B) The nature and amount of the tuition, fees, and other expenses constituting the established charge for a program of flight training under this subsection shall be determined in accordance with regulations prescribed by the Secretary.

"(4) Payment of the amounts payable under paragraph (3) for pursuit of a program of flight training shall be made on a monthly basis.

"(5) For each month for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(j) Established Charges Defined.—(1) In subsections (c) and (e), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition, fees (including required supplies, books, and equipment), and other educational costs which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

"(2) Established charges shall be determined for purposes of this subsection on the following basis:

"(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

“(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

“§ 3314. Tutorial assistance

“(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

“(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

“(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

“(A) such benefits are essential to correct a deficiency of the individual in such course; and

“(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

“(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

“(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

“(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

“§ 3315. Licensure and certification tests

“(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

“(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

“(1) $2,000; or

“(2) the fee charged for the test.

“(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

“SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

“§ 3321. Time limitation for use of and eligibility for entitlement

“(a) IN GENERAL.—(1) Except as otherwise provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

“(2) In the case of an individual described in paragraph (1) who becomes entitled to educational assistance under this chapter under section 3311(b)(4) of this title, the 15-year period described in paragraph (1) shall begin on the later of—

“(A) the date of such individual's last discharge or release from active duty; or

“(B) the date on which the four-year requirement described in section 3311(b)(4)(A)(ii) of this title is met.

“(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

“(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

“(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in paragraph (1), (2), or (3) of section 3311(d) of this title.

“§ 3322. Bar to duplication of educational assistance benefits

“(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

“(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

“(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

“(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of the date of the enactment of the Post-9/11 Veterans Educational Assistance Act of 2007, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 3(c) of the Post-9/11 Veterans Educational Assistance Act of 2007.

“§ 3323. Administration

“(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

“(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term ‘eligible veteran’ shall be deemed to refer to an individual entitled to educational assistance under this chapter.

“(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term ‘educational assistance allowance’ shall be deemed to refer to educational assistance payable under section 3313 of this title.

“(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

“(A) the first reference to the term ‘educational assistance allowance’ in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

“(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with ‘equipment’.

“(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

“(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

“(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

“(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

“(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

“§ 3324. Allocation of administration and costs

“(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

“(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.”.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

“33. Post-9/11 Educational Assistance 3301”.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting “33,” after “32,”; and

(ii) in subsection (c), by striking “both the program established by this chapter and the program established by chapter 106 of title 10" and inserting "two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10".

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

"(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.".

(C) Section 16163(e) of title 10, United States Code, is amended by inserting "33," after "32,".

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting "33," after "32," each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking "or 32" and inserting "32, or 33".

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of the date of the enactment of this Act—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, such entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, such entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any such entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has not used any such entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph—

(i) otherwise meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added); or

(ii) is making progress toward meeting such requirements.

(2) ELECTION ON TREATMENT OF TRANSFERRED ENTITLEMENT.—

(A) ELECTION.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), as provided in paragraph (3)(B).

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the eligible dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(3) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i), the number of months of entitlement of such individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to the number of months of unused entitlement of such individual under chapter 30 of title 38, United States Code, as of the date of the election, including any number of months entitlement revoked by the individual under paragraph (2)(A).

(4) CONTINUING EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—

(A) IN GENERAL.—If the aggregate amount of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), that is accumulated by an individual described in subparagraph (A)(i), (A)(ii), or (A)(iii) of paragraph (1) who makes an election under that paragraph is less than 36 months, the individual shall retain, and may utilize, any unutilized entitlement of the individual to educational assistance under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, for a number of months equal to the lesser of—

(i) 36 months minus the number of months of entitlement so accumulated by the individual; or

(ii) the number of months of such unutilized entitlement of the individual.

(B) UTILIZATION OF RETAINED ENTITLEMENT.—The utilization of entitlement retained by an individual under this paragraph shall be governed by the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(5) TREATMENT OF CONTRIBUTIONS TOWARD BASIC EDUCATIONAL ASSISTANCE.—

(A) REFUND OF CONTRIBUTIONS.—Except as provided in subparagraph (B), the Secretary of Veterans Affairs shall pay to each individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph an amount equal to the total amount of contributions made by such individual under subchapter II of chapter 30 of title 38, United States Code, for basic educational assistance under that chapter, including any contributions made under subsection (b) or (e) of section 3011 of such title or any contributions made under subsection (c) or (f) of section 3012 of such title.

(B) EXCEPTION.—In the case of an individual described by subparagraph (A) who is entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of paragraph (4)(A), the amount payable to the individual under this paragraph shall be an amount equal to—

(i) the amount otherwise payable to the individual under subparagraph (A), multiplied by

(ii) a fraction—

(I) the numerator of which is the number equal to the number of months of basic educational assistance under chapter 30 of title 38, United States Code, to which the individual is entitled by reason of paragraph (4)(A); and

(II) the denominator of which is 36.

(C) CESSATION OF CONTRIBUTIONS.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of such individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to such person.

(6) TERMINATION OF ENTITLEMENT UNDER MONTGOMERY GI BILL.—Except as otherwise provided in paragraph (4), effective on the last day of the month in which an individual makes an election under paragraph (1), the entitlement, if any, of the individual to basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, shall terminate.

(7) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (2)(A) is irrevocable.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. DORGAN, Mr. BIDEN, and Mr. OBAMA):

S. 23. A bill to promote renewable fuel and energy security of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, over the past several years, our national energy security has deteriorated rapidly. Petroleum and natural gas prices have gone up and appear to be staying up. Almost daily, we hear projections of increases in electricity prices around the country. The environmental impacts of energy use, especially from autos and power plants, are still a major health concern. The evidence of climate change is absolutely clear and very ominous, especially in the disappearance of glaciers, the break up of polar ice sheets and the increasing intensity of storms. We know that combustion of fossil fuels is the primary contributor of the anthropogenic greenhouse gases emissions that drive this global warming. Despite these negative consequences, our dependence on petroleum is rising steadily, and we are importing over 60 percent of that petroleum from foreign sources, many of whom are politically unstable or unfriendly to the United States. In short, we need to initiate a major transition of our energy sector, to one that is far more efficient, is much less reliant on fossil fuels and imported oil, and is utilizing vastly more domestically produced renewable energy.

We have seen waxing and waning concerns about our national energy economy now for over 30 years. Many of us have believed all along that we should be doing more to promote energy efficiency and to accelerate the development and use of clean, domestic renewable energy, but during most of that time, cheap energy supplies have lulled us into relatively minimal actions. Over the past three years, however, there has been an increasingly acute awareness of the dire nature of our overall energy situation. It is now clear that our energy situation is a serious threat not only to our economy but to our national security. We can no longer postpone action.

Today I am joined by my esteemed colleagues, Senator LUGAR of Indiana, Senator DORGAN of North Dakota, Senator BIDEN of Delaware, and Senator OBAMA of Illinois, in introducing the Biofuels Security Act of 2007. This bill directly addresses one of the most critical pieces of a sound national energy transition policy. It charts a clear path forward for significantly increasing our national use of renewable fuels over the next 24 years, reaching a total of 30 billion gallons per year by 2020, and 60 billion gallons per year by 2030. That latter figure represents about one-third of our nation's current annual fuel use for highway transportation. The production of the two most common forms of biofuels, ethanol and biodiesel, is expanding rapidly. We have reason to believe that this provision will provide strong impetus to increasing biofuels' production and use because it is an extension of the renewable fuels standard that I promoted in the Energy Policy Act of 2005. That standard mandates using a total of 7.5 billion gallons of renewable fuels by 2012, and already we are on a path to exceed that requirement by 2008. Thus, we can be very optimistic about the success of setting these longer term and more aggressive targets.

This bill also will ensure that the vehicles to use these renewable fuels are readily available by requiring auto manufacturers over time to produce and sell increasing numbers of dual-fuel vehicles—that is, vehicles that can be fueled by gasoline or gasoline/ethanol blends. Because the turnover of vehicles on the highway takes many years, our bill requires the fraction of dual-fuel vehicles to increase from 10 percent in 2008 up to 100 percent in 2017 and beyond. In order to assure availability of alternative fuels, our bill requires installation of increasing numbers of E–85 pumps by major oil companies at fueling stations that they own or license under their brand. These pumps will dispense E–85, a blend of 85 percent ethanol and 15 percent gasoline, which is a very popular renewable fuel because of its high ethanol content. The bill will require 50 percent of such owned and licensed stations to have pumps dispensing E–85 fuel by 2017. In addition, the bill includes a clause to ensure geographic distribution of such E–85 marketing stations.

Today I urge my Senate colleagues to join us in taking action to boost the transition to a cleaner, more resilient, and more secure energy economy. I request support for this bill and its rapid enactment.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 23

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Biofuels Security Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RENEWABLE FUELS

Sec. 101. Renewable fuel program.
Sec. 102. Installation of E–85 fuel pumps by major oil companies at owned stations and branded stations.
Sec. 103. Minimum Federal fleet requirement.
Sec. 104. Application of Gasohol Competition Act of 1980.

TITLE II—DUAL FUELED AUTOMOBILES

Sec. 201. Requirement to manufacture dual fueled automobiles.
Sec. 202. Manufacturing incentives for dual fueled automobiles.

TITLE I—RENEWABLE FUELS

SEC. 101. RENEWABLE FUEL PROGRAM.

Section 211(o)(2) of the Clean Air Act (42 U.S.C. 7545(o)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) APPLICABLE VOLUME.—

"(i) IN GENERAL.—For the purpose of subparagraph (A), the applicable volume for calendar year 2010 and each calendar year thereafter shall be determined, by rule, by the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, in a manner that ensures that—

"(I) the requirements described in clause (ii) for specified calendar years are met; and

"(II) the applicable volume for each calendar year not specified in clause (ii) is determined on an annual basis.

"(ii) REQUIREMENTS.—The requirements referred to in clause (i) are—

"(I) for calendar year 2010, at least 10,000,000,000 gallons of renewable fuel;

"(II) for calendar year 2020, at least 30,000,000,000 gallons of renewable fuel; and

"(III) for calendar year 2030, at least 60,000,000,000 gallons of renewable fuel.".

SEC. 102. INSTALLATION OF E–85 FUEL PUMPS BY MAJOR OIL COMPANIES AT OWNED STATIONS AND BRANDED STATIONS.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

"(11) INSTALLATION OF E–85 FUEL PUMPS BY MAJOR OIL COMPANIES AT OWNED STATIONS AND BRANDED STATIONS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) E–85 FUEL.—The term 'E–85 fuel' means a blend of gasoline approximately 85 percent of the content of which is derived from ethanol produced in the United States.

"(ii) MAJOR OIL COMPANY.—The term 'major oil company' means any person that, individually or together with any other person with respect to which the person has an affiliate relationship or significant ownership interest, has not less than 4,500 retail station outlets according to the latest publication of the Petroleum News Annual Factbook.

"(iii) SECRETARY.—The term 'Secretary' means the Secretary of Energy, acting in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Agriculture.

"(B) REGULATIONS.—The Secretary shall promulgate regulations to ensure that each major oil company that sells or introduces gasoline into commerce in the United States through wholly-owned stations or branded stations installs or otherwise makes available 1 or more pumps that dispense E–85 fuel (including any other equipment necessary, such as including tanks, to ensure that the pumps function properly) at not less than the applicable percentage of the wholly-owned stations and the branded stations of the major oil company specified in subparagraph (C).

"(C) APPLICABLE PERCENTAGE.—For the purpose of subparagraph (B), the applicable percentage of the wholly-owned stations and the branded stations shall be determined in accordance with the following table:

Calendar year:	"Applicable percentage of wholly-owned stations and branded stations (percent):
2008	5
2009	10
2010	15
2011	20
2012	25
2013	30
2014	35
2015	40
2016	45
2017 and each calendar year thereafter.	50.

"(D) GEOGRAPHIC DISTRIBUTION.—

"(i) IN GENERAL.—Subject to clause (ii), in promulgating regulations under subparagraph (B), the Secretary shall ensure that each major oil company described in subparagraph (B) installs or otherwise makes available 1 or more pumps that dispense E–85 fuel at not less than a minimum percentage (specified in the regulations) of the wholly-owned stations and the branded stations of the major oil company in each State.

"(ii) REQUIREMENT.—In specifying the minimum percentage under clause (i), the Secretary shall ensure that each major oil company installs or otherwise makes available 1 or more pumps described in that clause in each State in which the major oil company operates.

"(E) FINANCIAL RESPONSIBILITY.—In promulgating regulations under subparagraph (B), the Secretary shall ensure that each major oil company described in that subparagraph assumes full financial responsibility for the costs of installing or otherwise making available the pumps described in that subparagraph and any other equipment necessary (including tanks) to ensure that the pumps function properly.

"(F) PRODUCTION CREDITS FOR EXCEEDING E-85 FUEL PUMPS INSTALLATION REQUIREMENT.—

"(i) EARNING AND PERIOD FOR APPLYING CREDITS.—If the percentage of the wholly-owned stations and the branded stations of a major oil company at which the major oil company installs E-85 fuel pumps in a particular calendar year exceeds the percentage required under subparagraph (C), the major oil company earns credits under this paragraph, which may be applied to any of the 3 consecutive calendar years immediately after the calendar year for which the credits are earned.

"(ii) TRADING CREDITS.—Subject to clause (iii), a major oil company that has earned credits under clause (i) may sell credits to another major oil company to enable the purchaser to meet the requirement under subparagraph (C).

"(iii) EXCEPTION.—A major oil company may not use credits purchased under clause (ii) to fulfill the geographic distribution requirement in subparagraph (D).".

SEC. 103. MINIMUM FEDERAL FLEET REQUIREMENT.

Section 303(b)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(1)) is amended—

(1) in subparagraph (C), by striking "and" after the semicolon;

(2) in subparagraph (D), by striking "fiscal year 1999 and thereafter," and inserting "each of fiscal years 1999 through 2007; and"; and

(3) by inserting after subparagraph (D) the following:

"(E) 100 percent in fiscal year 2008 and thereafter,".

SEC. 104. APPLICATION OF GASOHOL COMPETITION ACT OF 1980.

Section 26 of the Clayton Act (15 U.S.C. 26a) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) For purposes of subsection (a), restricting the right of a franchisee to install on the premises of that franchisee a renewable fuel pump, such as one that dispenses E85, shall be considered an unlawful restriction."; and

(3) in subsection (d) (as redesignated by paragraph (1))—

(A) by striking "section," and inserting the following: "section—

"(1) the term";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(2) the term 'gasohol' includes any blend of ethanol and gasoline such as E-85.".

TITLE II—DUAL FUELED AUTOMOBILES

SEC. 201. REQUIREMENT TO MANUFACTURE DUAL FUELED AUTOMOBILES.

(a) REQUIREMENT.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

"§32902A. Requirement to manufacture dual fueled automobiles

"(a) REQUIREMENT.—Each manufacturer of new automobiles that are capable of operating on gasoline or diesel fuel shall ensure that the percentage of such automobiles, manufactured in any model year after model year 2007 and distributed in commerce for sale in the United States, which are dual fueled automobiles is equal to not less than the applicable percentage set forth in the following table:

"For each of the following model years:	**The percentage of dual fueled automobiles manufactured shall be not less than:**
2008	10
2009	20
2010	30
2011	40
2012	50
2013	60
2014	70
2015	80
2016	90
2017 and beyond	100.

"(b) PRODUCTION CREDITS FOR EXCEEDING FLEXIBLE FUEL AUTOMOBILE PRODUCTION REQUIREMENT.—

"(1) EARNING AND PERIOD FOR APPLYING CREDITS.—If the number of dual fueled automobiles manufactured by a manufacturer in a particular model year exceeds the number required under subsection (a), the manufacturer earns credits under this section, which may be applied to any of the 3 consecutive model years immediately after the model year for which the credits are earned.

"(2) TRADING CREDITS.—A manufacturer that has earned credits under paragraph (1) may sell credits to another manufacturer to enable the purchaser to meet the requirement under subsection (a).".

(2) TECHNICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

"32902A. Requirement to manufacture dual fueled automobiles.".

(b) ACTIVITIES TO PROMOTE THE USE OF CERTAIN ALTERNATIVE FUELS.—The Secretary of Transportation shall carry out activities to promote the use of fuel mixtures containing gasoline or diesel fuel and 1 or more alternative fuels, including a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels, to power automobiles in the United States.

SEC. 202. MANUFACTURING INCENTIVES FOR DUAL FUELED AUTOMOBILES.

Section 32905(b) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" before "Except";

(3) by striking "model years 1993–2010" and inserting "model year 1993 through the first model year beginning not less than 18 months after the date of enactment of the Biofuels Security Act of 2007"; and

(4) by adding at the end the following:

"(2) Except as provided in paragraph (5), subsection (d), or section 32904(a)(2), the Administrator shall measure the fuel economy for each model of dual fueled automobiles manufactured by a manufacturer in the first model year beginning not less than 30 months after the date of enactment of the Biofuels Security Act of 2007 by dividing 1.0 by the sum of—

"(A) 0.7 divided by the fuel economy measured under section 32904(c) when operating the model on gasoline or diesel fuel; and

"(B) 0.3 divided by the fuel economy measured under subsection (a) when operating the model on alternative fuel.

"(3) Except as provided in paragraph (5), subsection (d), or section 32904(a)(2), the Administrator shall measure the fuel economy for each model of dual fueled automobiles manufactured by a manufacturer in the first model year beginning not less than 42 months after the date of enactment of the Biofuels Security Act of 2007 by dividing 1.0 by the sum of—

"(A) 0.9 divided by the fuel economy measured under section 32904(c) when operating the model on gasoline or diesel fuel; and

"(B) 0.1 divided by the fuel economy measured under subsection (a) when operating the model on alternative fuel.

"(4) Except as provided in subsection (d) or section 32904(a)(2), the Administrator shall measure the fuel economy for each model of dual fueled automobiles manufactured by a manufacturer in each model year beginning not less than 54 months after the date of enactment of the Biofuels Security Act of 2007 in accordance with section 32904(c).

"(5) Notwithstanding paragraphs (2) through (4), the fuel economy for all dual fueled automobiles manufactured to comply with the requirements under section 32902A(a), including automobiles for which dual fueled automobile credits have been used or traded under section 32902A(b), shall be measured in accordance with section 32904(c).".

By Mrs. BOXER (for herself, Mr. FEINSTEIN, and Mr. LAUTENBERG):

S. 24. A bill to amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, I am introducing a bill that would require that tap water be tested for perchlorate, and would ensure the public's right to know about perchlorate in their drinking water. I am pleased that the senior Senator from California, Mrs. FEINSTEIN, and the senior Senator from New Jersey, Mr. LAUTENBERG, have joined as original cosponsors of this measure.

This toxin is a clear and present danger to California's and much of America's health, and EPA needs to get moving and protect our drinking water now. But until a perchlorate tap water standard is set, something must be done.

Therefore, my perchlorate monitoring and right to know bill will require that: EPA first swiftly set a health advisory for perchlorate that protects pregnant women, infants and children; second, that EPA order monitoring of drinking water for perchlorate until an enforceable standard is set; and, third, that the public be told about perchlorate and its health effects, if it is detected in their drinking water supply.

Drinking water sources for more than 20 million Americans are contaminated with perchlorate. The Government Accountability Office (GAO) says that perchlorate contamination has been found in water and soil at almost 400 sites in the U.S., with levels ranging from 4 parts per billion to millions of parts per billion. Perchlorate has polluted 35 States and the District of Columbia, and is known to have contaminated 153 public water systems in 26 States.

As we know, perchlorate can harm human health, especially that of pregnant women and children. Therefore, all citizens whose tap water system contains perchlorate have a right to know about that contamination, and about its potential health consequences. Only if their water is tested, and only if all systems are obligated to disclose the contamination and its health effects, will we be assured that the public is given the information that they deserve to protect themselves and their families.

EPA's original 1999 rule for monitoring of tap water for unregulated contaminants ordered testing for perchlorate. Just last year, on August 22, 2005, EPA proposed to extend the requirement that perchlorate be monitored in drinking water. However, on December 20, 2006, the Administrator reversed himself and signed a final rule removing perchlorate from the list of contaminants for which monitoring is required under the Unregulated Contaminant Monitoring Regulation. I was shocked by this action.

As a result of this new rule, Americans will not be assured of up-to-date information on whether their tap water is contaminated with this toxin. Until EPA sets a tap water standard for perchlorate, at the very least we should know if it's in our drinking water.

My bill will ensure that EPA acts swiftly to require water systems to test for and to inform the public about this threat to our health and welfare. I look forward to working with my colleagues to pass this important legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 24

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Perchlorate Monitoring and Right-to-Know Act of 2007".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) perchlorate—

(A) is a chemical used as the primary ingredient of solid rocket propellant;

(B) is also used in fireworks, road flares, and other applications.

(2) waste from the manufacture and improper disposal of chemicals containing perchlorate is increasingly being discovered in soil and water;

(3) according to the Government Accountability Office, perchlorate contamination has been detected in water and soil at almost 400 sites in the United States, with concentration levels ranging from 4 parts per billion to millions of parts per billion;

(4) the Government Accountability Office has determined that the Environmental Protection Agency does not centrally track or monitor perchlorate detections or the status of perchlorate cleanup, so a greater number of contaminated sites may already exist;

(5) according to the Government Accountability Office, limited Environmental Protection Agency data show that perchlorate has been found in 35 States and the District of Columbia and is known to have contaminated 153 public water systems in 26 States;

(6) those data are likely underestimates of total drinking water exposure, as illustrated by the finding of the California Department of Health Services that perchlorate contamination sites have affected approximately 276 drinking water sources and 77 drinking water systems in the State of California alone;

(7) Food and Drug Administration scientists and other scientific researchers have detected perchlorate in the United States food supply, including in lettuce, milk, cucumbers, tomatoes, carrots, cantaloupe, wheat, and spinach, and in human breast milk;

(8)(A) perchlorate can harm human health, especially in pregnant women and children, by interfering with uptake of iodide by the thyroid gland, which is necessary to produce important hormones that help control human health and development;

(B) in adults, the thyroid helps to regulate metabolism;

(C) in children, the thyroid helps to ensure proper mental and physical development; and

(D) impairment of thyroid function in expectant mothers or infants may result in effects including delayed development and decreased learning capability;

(9)(A) in October 2006, researchers from the Centers for Disease Control and Prevention published the largest, most comprehensive study to date on the effects of low levels of perchlorate exposure in women, finding that—

(i) significant changes existed in thyroid hormones in women with low iodine levels who were exposed to perchlorate; and

(ii) even low-level perchlorate exposure may affect the production of hormones by the thyroid in iodine-deficient women; and

(B) in the United States, about 36 percent of women have iodine levels equivalent to or below the levels of the women in the study described in subparagraph (A);

(10) the Environmental Protection Agency has not established a health advisory or national primary drinking water regulation for perchlorate, but instead established a "Drinking Water Equivalent Level" of 24.5 parts per billion for perchlorate, which—

(A) does not take into consideration all routes of exposure to perchlorate;

(B) has been criticized by experts as failing to sufficiently consider the body weight, unique exposure, and vulnerabilities of certain pregnant women and fetuses, infants, and children; and

(C) is based primarily on a small study and does not take into account new, larger studies of the Centers for Disease Control and Prevention or other data indicating potential effects at lower perchlorate levels than previously found;

(11) on August 22, 2005 (70 Fed. Reg. 49094), the Administrator proposed to extend the requirement that perchlorate be monitored in drinking water under the final rule entitled "Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions" promulgated pursuant to section 1445(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)); and

(12) on December 20, 2006, the Administrator signed a final rule removing perchlorate from the list of contaminants for which monitoring is required under the final rule entitled "Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions" (72 Fed. Reg. 368 (January 4, 2007)).

(b) PURPOSE.—The purpose of this Act is to require the Administrator of the Environmental Protection Agency—

(1) to establish, not later than 90 days after the date of enactment of this Act, a health advisory that—

(A) is fully protective of, and considers, the body weight and exposure patterns of pregnant women, fetuses, newborns, and children;

(B) provides an adequate margin of safety; and

(C) takes into account all routes of exposure to perchlorate;

(2) to promulgate, not later than 120 days after the date of enactment of this Act, a final regulation requiring monitoring for perchlorate in drinking water; and

(3) to ensure the right of the public to know about perchlorate in drinking water by requiring that consumer confidence reports disclose the presence and potential health effects of perchlorate in drinking water.

SEC. 3. MONITORING AND HEALTH ADVISORY FOR PERCHLORATE.

Section 1412(b)(12) of the Safe Drinking Water Act (42 U.S.C. 300g-1(b)(12)) is amended by adding at the end the following:

"(C) PERCHLORATE.—

"(i) HEALTH ADVISORY.—Not later than 90 days after the date of enactment of this subparagraph, the Administrator shall publish a health advisory for perchlorate that fully protects, with an adequate margin of safety, the health of vulnerable persons (including pregnant women, fetuses, newborns, and children), considering body weight and exposure patterns and all routes of exposure.

"(ii) MONITORING REGULATIONS.—

"(I) IN GENERAL.—The Administrator shall propose (not later than 60 days after the date of enactment of this subparagraph) and promulgate (not later than 120 days after the date of enactment of this subparagraph) a final regulation requiring—

"(aa) each public water system serving more than 10,000 individuals to monitor for perchlorate beginning not later than October 31, 2007; and

"(bb) the collection of a representative sample of public water systems serving 10,000 individuals or fewer to monitor for perchlorate in accordance with section 1445(a)(2).

"(II) DURATION.—The regulation shall be in effect unless and until monitoring for perchlorate is required under a national primary drinking water regulation for perchlorate.

"(iii) CONSUMER CONFIDENCE REPORTS.—Each consumer confidence report issued under section 1414(c)(4) shall disclose the presence of any perchlorate in drinking water, and the potential health risks of exposure to perchlorate in drinking water, consistent with guidance issued by the Administrator.".

By Mr. KOHL (for himself and Mr. LEAHY):

S. 25. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish requirements for certain petitions submitted to the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KOHL. Mr. President, I rise today on the first day of this new Congress to introduce the Citizen Petition Fairness and Accuracy Act of 2007. This legislation will help speed the introduction of cost-saving generic drugs by preventing abuses of the Food and Drug Administration citizen petition process.

Consumers continue to suffer all across our country from the high—and ever rising—cost of prescription drugs. A recent independent study found that prescription drug spending has more than quadrupled since 1990, and now accounts for 11 percent of all health care spending. At the same time, the pharmaceutical industry is one of the most profitable industries in the world, returning more than 15 percent on their investments.

One key method to bring prescription drug prices down is to promote the introduction of generic alternatives to expensive brand name drugs. Consumers realize substantial savings once generic drugs enter the market. Generic drugs cost on average 63 percent less than their brand-name equivalents. One study estimates that every 1 percent increase in the use of generic drugs could save $4 billion in health care costs.

This is why I have been so active in pursuing legislation designed to combat practices which impede the introduction of generic drugs. The legislation I introduce today, which I first introduced last year with Senator LEAHY in last Congress, targets one particularly pernicious practice by brand name drug companies to impede or block the marketing of generic drugs—abuse of the FDA citizen petition process.

FDA rules permit any person to file a so-called "citizen petition" to raise concerns about the safety or efficacy of a generic drug that a manufacturer is seeking FDA approval to bring to market. While this citizen petition process was put in place for a laudable purpose, unfortunately in recent years it has been abused by frivolous petitions submitted by brand name drug manufacturers (or individuals acting at their behest) whose only purpose is to delay the introduction of generic competition. The FDA has a policy of not granting any new generic manufacturer's drug application until after it has considered and evaluated any citizen petitions regarding that drug. The process of resolving a citizen petition (even if ultimately found to be groundless) can delay the approval by months or years. Indeed, brand name drug manufacturers often wait to file citizen petitions until just before the FDA is about to grant the application to market the new generic drug solely for the purpose of delaying the introduction of the generic competitor for the maximum amount of time possible. This gaming of the system should not be tolerated.

In recent years, FDA officials have expressed serious concerns about the abuse of the citizen petition process. In 2005, FDA Chief Counsel Sheldon Bradshaw noted that "[t]he citizen petition process is in some cases being abused. Sometimes, stakeholders try to use this mechanism to unnecessarily delay approval of a competitor's products." He added that he found it "particularly troublesome" that he had "seen several examples of citizen petitions that appear designed not to raise timely concerns with respect to the legality or scientific soundness of approving a drug application, but rather to delay approval by compelling the agency to take the time to consider the arguments raised in the petition, regardless of their merits, and regardless of whether the petitioner could have made those very arguments months and months before."

And a simple look at the statistics gives credence to these concerns. Of the 21 citizen petitions for which the FDA has reached a decision since 2003, 20—or 95 percent of them—have been found to be without merit. Of these, ten were identified as "eleventh hour petitions", defined as those filed less than 6 months prior to the estimated entry date of the generic drug. None of these ten "eleventh hour petitions" were found to have merit, but each caused unnecessary delays in the marketing of the generic drug by months or over a year, causing consumers to spend millions and millions of dollars for their prescription drugs than they would have spent without these abusive filings.

Despite the expense these frivolous citizen petitions cause consumers and the FDA, under current law the government has absolutely no ability to sanction or penalize those who abuse the citizen petition process, or who file citizen petitions simply to keep competition off the market. Our legislation will correct this obvious shortcoming and give the Department of Health and Human Services—the FDA's parent agency the power to sanction those who abuse the process.

Our bill will, for the first time, require all those who file citizen petitions to affirm certain basic facts about the truthfulness and good faith of the petition, similar to what is required of every litigant who makes a filing in court. The party filing the citizen petition will be required to affirm that the petition is well grounded in fact and warranted by law; is not submitted for an improper purpose, such as to harass or cause unnecessary delay in approval of competing drugs; and does not contain any materially false, misleading or fraudulent statement. The Secretary of the Department of Health and Human Services is empowered to investigate a citizen petition to determine if it has violated any of these principles, was submitted for an improper purpose, or contained false or misleading statements. Further, the Secretary is authorized to penalize anyone found to have submitted an abusive citizen petition. Possible sanctions include a fine up to one million dollars, a suspension or permanent revocation of the right of the violator to file future citizens' petition, and a dismissal of the petition at issue. HHS is also authorized to refer the matter to the Federal Trade Commission so that the FTC can undertake its own investigation as to the competitive consequences of the frivolous petition and take any action it finds appropriate. Finally, the bill directs the HHS that all citizen petitions be adjudicated within six months of filing, which will put an end to excessive delays in bringing needed generic drugs to market because of the filings of these petitions.

While our bill will not have any effect on any person filing a truly meritorious citizen petition, this legislation will serve as a strong deterrent to attempts by brand name drug manufacturers or any other party that seeks to abuse the citizen petition process to thwart competition. It will thereby remove one significant obstacle exploiting by brand name drug companies to prevent or delay the introduction of generic drugs. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 25

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Citizen Petition Fairness and Accuracy Act of 2007".

SEC. 2. CITIZEN PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended by adding at the end the following:

"(G)(i) Notwithstanding any other provision of law, any petition submitted under section 10.30 or section 10.35 of title 21, Code of Federal Regulations (or any successor regulation), shall include a statement that to the petitioner's best knowledge and belief, the petition—

"(I) includes all information and views on which the petitioner relies, including all representative data and information known to the petitioner that is favorable or unfavorable to the petition;

"(II) is well grounded in fact and is warranted by law;

"(III) is not submitted for an improper purpose, such as to harass or cause unnecessary delay (including unnecessary delay of competition or agency action); and

"(IV) does not contain a materially false, misleading, or fraudulent statement.

"(ii) The Secretary shall investigate, on receipt of a complaint, a request under clause (vi), or on its own initiative, any petition submitted under such section 10.30 or section 10.35 (or any successor regulation), that—

"(I) does not comply with the requirements of clause (i);

"(II) may have been submitted for an improper purpose as described in clause (i)(III); or

"(III) may contain a materially false, misleading, or fraudulent statement as described in clause (i)(IV).

"(iii) If the Secretary finds that the petitioner has knowingly and willingly submitted the petition for an improper purpose as described in clause (i)(III), or which contains a materially false, misleading, or fraudulent statement as described in clause (i)(IV), the Secretary may—

"(I) impose a civil penalty of not more than $1,000,000, plus attorneys fees and costs of reviewing the petition and any related proceedings;

"(II) suspend the authority of the petitioner to submit a petition under such section 10.30 or section 10.35 (or any successor regulation), for a period of not more than 10 years;

"(III) revoke permanently the authority of the petitioner to submit a petition under such section 10.30 or section 10.35 (or any successor regulation); or

"(IV) dismiss the petition at issue in its entirety.

"(iv) If the Secretary takes an enforcement action described in subclause (I), (II), (III), or (IV) of clause (iii) with respect to a petition, the Secretary shall refer that petition to the Federal Trade Commission for further action as the Federal Trade Commission finds appropriate.

"(v) In determining whether to take an enforcement action described in subclause (I), (II), (III), or (IV) of clause (iii) with respect to a petition, and in determining the amount of any civil penalty or the length of any suspension imposed under that clause, the Secretary shall consider the specific circumstances of the situation, such as the gravity and seriousness of the violation involved, the amount of resources expended in reviewing the petition at issue, the effect on marketing of competing drugs of the pendency of the improperly submitted petition, including whether the timing of the submission of the petition appears to have been calculated to cause delay in the marketing of any drug awaiting approval, and whether the petitioner has a history of submitting petitions in violation of this subparagraph.

"(vi)(I) Any person aggrieved by a petition filed under such section 10.30 or section 10.35 (or any successor regulation), including a person filing an application under subsection (b)(2) or (j) of this section to which such petition relates, may request that the Secretary initiate an investigation described under clause (ii) for an enforcement action described under clause (iii).

"(II) The aggrieved person shall specify the basis for its belief that the petition at issue is false, misleading, fraudulent, or submitted for an improper purpose. The aggrieved person shall certify that the request is submitted in good faith, is well grounded in fact, and not submitted for any improper purpose. Any aggrieved person who knowingly and intentionally violates the preceding sentence shall be subject to the civil penalty described under clause (iii)(I).

"(vii) The Secretary shall take final agency action with respect to a petition filed under such section 10.30 or section 10.35 (or any successor regulation) within 6 months of receipt of such petition. The Secretary shall not extend such 6-month review period, even with consent of the petitioner, for any reason, including based upon the submission of comments relating to a petition or supplemental information supplied by the petitioner. If the Secretary has not taken final agency action on a petition by the date that is 6 months after the date of receipt of the petition, such petition shall be deemed to have been denied on such date.

"(viii) The Secretary may promulgate regulations to carry out this subparagraph, including to determine whether petitions filed under such section 10.30 or section 10.35 (or any successor regulation) merit enforcement action by the Secretary under this subparagraph.".

By Mrs. FEINSTEIN (for herself and Mr. BOXER):

S. 27. A bill to authorize the implementation of the San Joaquin River Restoration Settlement; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will bring to a close 18 years of litigation between the Natural Resources Defense Council, the Friant Water Users Authority and the U.S. Department of the Interior. It is identical to the bill that we introduced in the waning days of the 109th Congress.

This historic bill will enact a settlement that restores California's second longest river, the San Joaquin, while maintaining a stable water supply for the farmers who have made the Valley the richest agricultural area in the world.

Without this consensus resolution to a long-running western water battle the parties will continue the fight, resulting in a court imposed settlement. To my knowledge, every farmer and every environmentalist who has considered the possibility of continued litigation believes that an outcome imposed by a judge is likely to be worse for everyone on all counts: more costly, riskier for the farmers, and less beneficial for the environment.

The Settlement provides a framework that the affected interests can accept. As a result, this legislation has the strong support of the Bush Administration, the Schwarzenegger Administration, the environmental and fishing communities and numerous California farmers and water districts, including all 22 Friant water districts that have been part of the litigation.

In announcing the signing of this San Joaquin River settlement in September, the Assistant Secretary of the Interior praised it as a "monumental agreement." And when the Federal Court then approved the Settlement in late October, Secretary of the Interior Dirk Kempthorne further praised Settlement for launching "one of the largest environmental restoration projects in California's history." The Secretary further observed that, "This Settlement closes a long chapter of conflict and uncertainty in California's San Joaquin Valley . . . and open[s] a new chapter of environmental restoration and water supply certainty for the farmers and their communities."

I share the Secretary's strong support for this balanced and historic agreement, and it is my honor to join with Senator BOXER and a bipartisan group of California House Members in introducing legislation to approve and authorize this Settlement.

The legislation indicates how the settlement forged by the parties is going to be implemented. It involves the Departments of the Interior and Commerce, and essentially gives the Secretary of the Interior the additional authority to: take the actions to restore the San Joaquin River; reintroduce the California Central Valley Spring Run Chinook Salmon; minimize water supply impacts on Friant water districts; and avoid reductions in water supply for third-party water contractors.

One of the major benefits of this settlement is the restoration of a long-lost salmon fishery. The return of one of California's most important salmon runs will create significant benefits for local communities in the San Joaquin Valley, helping to restore a beleaguered fishing industry while improving recreation and quality of life.

The legislation provides for improvements to the San Joaquin river channel to allow salmon restoration to begin in 2014. Beginning in that year, the river would see an annual flow regime mandated by the Settlement, with pulses of additional water in the spring and greater flows available in wetter years. There is flexibility to add or subtract up to 10 percent from the annual flows, as the best science dictates.

A visitor to the revitalized river channel in a decade will find an entirely different place providing recreation for residents of small towns like Mendota, and a refuge for residents of larger cities like Fresno.

The legislation I am introducing today includes provisions to benefit the farmers of the San Joaquin Valley as well as the salmon. In wet years, Friant contractors can purchase surplus flows at $10 per acre-foot for use in dry years, far less than the approximately $35 per acre-foot that they would otherwise pay for this water.

The Secretary of the Interior is authorized to recirculate new restoration flows from the Delta via the California aqueduct and the Cross-Valley Canal to provide additional supply for Friant.

Today's legislation also includes substantial protections for other water districts in California who were not party to the original settlement negotiations. These other water contractors will be able to avoid all but the smallest water impacts as a result of the settlement, except on a voluntary basis.

In addition, the restoration of flows for over 150 miles below Friant Dam, and reconnecting the upper River to the critical San Joaquin-Sacramento Delta, will be a welcome change for the more than 22 million Californians who rely on that crucial source for their drinking water.

Finally, restoring the San Joaquin as a living salmon river may ultimately help struggling fishing communities on California's North Coast—and even into Southern Oregon. The restoration of the San Joaquin and the government's commitment to reintroduce and rebuild historic salmon populations provide a rare bright spot for these communities.

In addition to congratulating the parties for making a settlement that will enable the long-sought restoration of the San Joaquin River, I am mindful of and remain committed to progress in implementing and funding the December 19, 2000, Trinity River restoration record of decision and the Hoopa Valley Tribe's co-management of the decision's important goal of restoring the fishery resources that the United States holds in trust for the Tribe.

Support of this agreement is almost as far reaching as its benefits. This historic agreement would not have been possible without the participation of a remarkably broad group of agencies, stakeholders and legislators, reaching far beyond the settling parties. The Department of the Interior, the State of California, the Friant Water Users Authority, the Natural Resources Defense Council on behalf of 13 other environmental organizations and countless other stakeholders came together and spent countless hours with legislators in Washington to ensure that we found a solution that the large majority of those affected could support.

In November of last year, California voters showed their support by approving Propositions 84 and 1E that will help pay for the Settlement by committing at least $100 million and likely $200 million or more toward the restoration costs. Indeed, this Legislation includes a diverse mix of approximately $200 million in direct Water User payments, new State payments, $240 million in dedicated Friant Central Valley Project capital repayments, and future Federal appropriations limited to $250 million. This mix of funding sources is intended to ensure that the river restoration program will be sustainable over time and truly a joint effort of Federal, state and local agencies.

I would like to emphasize that the Federal funding in the bill is for implementation of both the Restoration Goal to reestablish a salmon fishery in the river, and the Water Management Goal to avoid or minimize water supply losses supplied by Friant Water Districts. It is critical to recognize that these efforts are of equal importance.

At the end of the day, I believe that this agreement is something that we can all feel very proud of, and I urge my colleagues in the Senate to move quickly to approve this legislation and provide the Administration the authorization it needs to fully carry out its legal obligations and the extensive restoration opportunities under the settlement.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 27

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Joaquin River Restoration Settlement Act".

SEC. 2. PURPOSE.

The purpose of this Act is to authorize implementation of the Stipulation of Settlement dated September 13, 2006 (referred to in this Act as the "Settlement"), in the litigation entitled NATURAL RESOURCES DEFENSE COUNCIL, et al. v. KIRK RODGERS, et al., United States District Court, Eastern District of California, No. CIV. S-88-1658-LKK/GGH.

SEC. 3. DEFINITIONS.

In this Act, the terms "Friant Division long-term contractors", "Interim Flows", "Restoration Flows", "Recovered Water Account", "Restoration Goal", and "Water Management Goal" have the meanings given the terms in the Settlement.

SEC. 4. IMPLEMENTATION OF SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State's agreement in 1 or more Memoranda of Understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary's performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) AGREEMENTS.—

(1) AGREEMENTS WITH THE STATE.—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost sharing agreements, with the State of California.

(2) OTHER AGREEMENTS.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) MITIGATION OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) DESIGN AND ENGINEERING STUDIES.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) EFFECT ON CONTRACT WATER ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this Act, nothing in this Act shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase or exchange contract.

SEC. 5. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) TITLE TO FACILITIES.—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this Act, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) Acquisition of Property.—

(1) In general.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this Act.

(2) Applicable law.—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 4.

(c) Disposal of Property.—

(1) In general.—Upon the Secretary's determination that retention of title to property or interests in property acquired pursuant to this Act is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(2) Right of first refusal.—In the event the Secretary determines that property acquired pursuant to this Act through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(3) Disposition of proceeds.—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 9(c).

SEC. 6. COMPLIANCE WITH APPLICABLE LAW.

(a) Applicable Law.—

(1) In general.—In undertaking the measures authorized by this Act, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) Environmental reviews.—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) Effect on State Law.—Nothing in this Act shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) Use of Funds for Environmental Reviews.—

(1) Definition of environmental review.—For purposes of this subsection, the term "environmental review" includes any consultation and planning necessary to comply with subsection (a).

(2) Participation in environmental review process.—In undertaking the measures authorized by section 4, and for which environmental review is required, the Secretary may provide funds made available under this Act to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) Limitation.—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) Nonreimbursable Funds.—The United States' share of the costs of implementing this Act shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project Ratesetting Policies.

SEC. 7. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress hereby finds and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), provided, however, that—

(1) the Secretary shall continue to assess and collect the charges provided in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), as provided in the Settlement and section 9(d); and

(2) those assessments and collections shall continue to be counted towards the requirements of the Secretary contained in section 3407(c)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4726).

SEC. 8. NO PRIVATE RIGHT OF ACTION.

(a) In General.—Nothing in this Act confers upon any person or entity not a party to the Settlement a private right of action or claim for relief to interpret or enforce the provisions of this Act or the Settlement.

(b) Applicable Law.—This section shall not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 9. APPROPRIATIONS; SETTLEMENT FUND.

(a) Implementation Costs.—

(1) In general.—The costs of implementing the Settlement shall be covered by payments or in kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in paragraphs (1) through (5) of subsection (c), estimated to total $440,000,000, of which the non-Federal payments are estimated to total $200,000,000 (at October 2006 price levels) and the amount from repaid Central Valley Project capital obligations is estimated to total $240,000,000, the additional Federal appropriation of $250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section 4(a)(1) shall be shared by the State of California pursuant to the terms of a Memorandum of Understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least $110,000,000 of State funds.

(2) Additional agreements.—

(A) In general.—The Secretary shall enter into 1 or more agreements to fund or implement improvements on a project-by-project basis with the State of California.

(B) Requirements.—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California's share of the cost of implementing the provisions of section 4(a)(1).

(3) Limitation.—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) Authorization of Appropriations.—

(1) In general.—In addition to the funds provided in paragraphs (1) through (5) of subsection (c), there are also authorized to be appropriated not to exceed $250,000,000 (at October 2006 price levels) to implement this Act and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the Fund (not including payments under subsection (c)(2), proceeds under subsection (c)(3) other than an amount equal to what would otherwise have been deposited under subsection (c)(1) in the absence of issuance of the bond, and proceeds under subsection (c)(4)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this Act or the Settlement.

(2) Other funds.—The Secretary is authorized to use monies from the Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4727) for purposes of this Act.

(c) Fund.—There is hereby established within the Treasury of the United States a fund, to be known as the "San Joaquin River Restoration Fund", into which the following shall be deposited and used solely for the purpose of implementing the Settlement, to be available for expenditure without further appropriation:

(1) Subject to subsection (d), at the beginning of the fiscal year following enactment of this Act, all payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721).

(2) Subject to subsection (d), the capital component (not otherwise needed to cover operation and maintenance costs) of payments made by Friant Division long-term contractors pursuant to long-term water service contracts beginning the first fiscal year after the date of enactment of this Act. The capital repayment obligation of such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal investment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99–546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(3) Proceeds from a bond issue, federally-guaranteed loan, or other appropriate financing instrument, to be issued or entered into by an appropriate public agency or subdivision of the State of California pursuant to subsection (d)(2).

(4) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 5.

(5) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(d) Guaranteed Loans and Other Financing Instruments.—

(1) In general.—The Secretary is authorized to enter into agreements with appropriate agencies or subdivisions of the State of California in order to facilitate a bond issue, federally-guaranteed loan, or other appropriate financing instrument, for the purpose of implementing this Settlement.

(2) Requirements.—If the Secretary and an appropriate agency or subdivision of the State of California enter into such an agreement, and if such agency or subdivision issues 1 or more revenue bonds, procures a federally secured loan, or other appropriate financing to fund implementation of the Settlement, and if such agency deposits the proceeds received from such bonds, loans, or financing into the Fund pursuant to subsection (c)(3), monies specified in paragraphs (1) and (2) of subsection (c) shall be provided by the Friant Division long-term contractors directly to such public agency or subdivision of the State of California to repay the bond, loan or financing rather than into the Fund.

(3) Disposition of payments.—After the satisfaction of any such bond, loan, or financing, the payments specified in paragraphs (1) and (2) of subsection (c) shall be paid directly into the Fund authorized by this section.

(e) Limitation on Contributions.—Payments made by long-term contractors who receive water from the Friant Division and Hidden and Buchanan Units of the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727) and payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(2) shall be the limitation of such entities' direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(f) No Additional Expenditures Required.—Nothing in this Act shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(g) Reach 4B.—

(1) Study.—

(A) In general.—In accordance with the Settlement and the Memorandum of Understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of Reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) Deadline.—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) Report.—

(A) In general.—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in Reach 4B of the San Joaquin River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this Act, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) Determination required.—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in Reach 4B.

(3) Costs.—If the Secretary's estimated Federal cost for expanding Reach 4B in paragraph (2), in light of the Secretary's funding plan set out in paragraph (2), would exceed the remaining Federal funding authorized by this Act (including all funds reallocated, all funds dedicated, and all new funds authorized by this Act and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in Reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this Act in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) Finding.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) Reintroduction in the San Joaquin River.—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) Final Rule.—

(1) Definition of third party.—For the purpose of this subsection, the term "third party" means persons or entities diverting or receiving water pursuant to applicable State and Federal law and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) Issuance.—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) Required components.—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimus: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) Applicable law.—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) Report.—

(1) In general.—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) Inclusions.—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) FERC Projects.—

(1) In general.—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) Effect of subsection.—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) Effect of Section.—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

By Mr. KOHL:

S. 28. A bill to amend title XVIII of the Social Security Act to require the use of generic drugs under the Medicare part D prescription drug program when available unless the brand name drug is determined to be medically necessary; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce the Generics First Act. This legislation requires the use of available generic drugs under the Medicare Part D prescription drug program, unless the brand name drug is determined to be medically necessary by a physician.

Everywhere I go in Wisconsin, I see how prescription drug costs are a drain on seniors, families, and businesses that are struggling to pay their health care bills. They want help now and we can respond by expanding access to generic drugs. Generics, which on average cost 63 percent less than their brand-name counterparts, are a big part of the solution to health care costs that are spiraling out of control.

The private and public sectors, as well as individuals, are seeking relief from high drug costs, and Senate Special Committee on Aging has heard some remarkable success stories from some who have turned to generic drugs. Last year, General Motors testified that, in 2005, they spent $1.9 billion dollars on prescription drugs, 40 percent of their total health care spending. Their program to use generics first, when a generic drug is available, saves GM nearly $400 million a year.

Last year, millions of seniors exceeded the initial $2,250 Medicare drug benefit and fell into the "donut hole," where they had to pay the full price of their drugs. Using less expensive, but equally effective, generic drugs will keep seniors out of the "donut hole" longer and help them survive the gap in coverage.

Generic drugs approved by the FDA must meet the same rigorous standards for safety and effectiveness as brand-name drugs. In addition to being safe and effective, the generic must have the same active ingredient or ingredients, be the same strength, and have the same labeling for the approved uses as the brand drug. Generics perform the same as their respective brand name product.

Modeled after similar provisions in many state-administered Medicaid programs, this measure would reduce the high costs of the new prescription drug program and keep seniors from reaching the current gap in coverage or "donut hole" by guiding beneficiaries toward cost-saving generic drug alternatives.

We know generic drugs have the potential to save seniors thousands of dollars, and curb health spending for the Federal Government, employers, and families. And every year, more blockbuster drugs are coming off patent, setting up the potential for billions of dollars in savings. This legislation is one piece of a larger agenda I'm pushing to remove the obstacles that prevent generics from getting to market, and making sure that every senior, every family, every business, and every government program knows the value of generics and uses them to bring costs down. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 28

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Generics First Act of 2007".

SEC. 2. REQUIRED USE OF GENERIC DRUGS UNDER THE MEDICARE PART D PRESCRIPTION DRUG PROGRAM.

(a) IN GENERAL.—Section 1860D–2(e)(2) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)) is amended by adding at the end the following new subparagraph:

"(C) NON-GENERIC DRUGS UNLESS CERTAIN REQUIREMENTS ARE MET.—

"(i) IN GENERAL.—Such term does not include a drug that is a nongeneric drug unless–

"(I) no generic drug has been approved under the Federal Food, Drug, and Cosmetic Act with respect to the drug; or

"(II) the nongeneric drug is determined to be medically necessary by the individual prescribing the drug and prior authorization for the drug is obtained from the Secretary.

"(ii) DEFINITIONS.—In this subparagraph:

"(I) GENERIC DRUG.—The term 'generic drug' means a drug that is the subject of an application approved under subsection (b)(2) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act, for which the Secretary has made a determination that the drug is the therapeutic equivalent of a listed drug under section 505(j)(7) of such Act.

"(II) NONGENERIC DRUG.—The term 'nongeneric drug' means a drug that is the subject of an application approved under—

"(aa) section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act; or

"(bb) section 505(b)(2) of such Act and that has been determined to be not therapeutically equivalent to any listed drug.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs dispensed on or after the date of enactment of this Act.

By Ms. LANDRIEU:

S. 29. A bill to clarify the tax treatment of certain payments made to homeowners by the Louisiana Recovery Authority and the Mississippi Development Authority; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, at the end of the 109th Congress, I learned that the Internal Revenue Service had a tax surprise for citizens in my state of Louisiana and in Mississippi who are trying to rebuild after Katrina. This tax surprise will set back our recovery and discourage our citizens from coming home.

Let me explain to my colleagues what I am talking about. Both Louisiana and Mississippi have established programs to help families rebuild their homes and their lives after Katrina and Rita. Congress appropriated the money for these initiatives—more than $10 billion in all, and we are very grateful for the assistance. The Louisiana program is called the "Road Home" and it is administered by the Louisiana Recovery Authority (LRA). The program is now starting to get going. Homeowners are eligible to receive grants from the Road Home of up to $150,000 to help them rebuild or repair their homes. Rental properties are also eligible. Grants can also be used to buy out homes. The Louisianians who were displaced by the storms want to go home and the Road Home program will get them there.

But the IRS has dug a big pothole in the middle of the Road Home by making some of these payments taxable. The way this tax surprise works is by requiring that any hurricane victim who claimed a casualty loss deduction for damage to their home on their tax return for 2005 will have to reduce that loss by the amount of any payment from the LRA. So if they had their taxes reduced in one year and received a Road Home grant the next year, they have to essentially eliminate any benefit of the earlier casualty loss deduction. Their taxes will go up.

Now I realize that under normal circumstances, when a person's home burns down, the roof caves in, or they are a victim of theft, they can take a casualty loss deduction, provided it meets certain requirements. The loss must exceed ten percent of the taxpayer's adjusted gross income, with a per loss floor of $100. In some circumstances, taxpayers are permitted to include a current-year casualty loss on an amended prior year return.

Immediately after Katrina, we enacted the Katrina Emergency Tax Relief Act (KETRA) that suspended the ten percent floor for casualty losses incurred in the Hurricane Katrina disaster area, including those claimed on amended returns. The purpose of the change in KETRA was simple: we wanted to put money in the hands of Katrina victims as quickly as possible. We essentially encouraged taxpayers to take this casualty loss, even by amending a past return. The IRS would then provide them with a refund.

This was a very helpful proposal in the days immediately following Katrina, Mr. President. Hurricane victims needed that money. If you had lost your home, that money could help you pay for a place to live. Many hurricane victims lost their jobs and needed this money to see them through until they started working again. They used the money to begin the rebuilding of their lives.

Congress encouraged people to take the new deduction by changing the law. Now the IRS wants to take it back.

I fully understand the policy behind what the IRS is doing. Casualty loss deductions are normally reduced by the amount of any insurance or other recovery they make on the loss. In fact, at the time the taxpayer makes the deduction he or she is supposed to reduce the amount of the loss by any insurance recovery they reasonably expect to receive. If you receive a larger payment than you expected at a future time, you must claim it on your income tax return when you receive it.

The problem is that this policy will encourage people to leave Louisiana. If you took the casualty loss on your return, and you receive a $150,000 Road Home payment to rebuild your house, you will have a tax consequence. But if you took the casualty loss and sold your house to the LRA for the $150,000 payment, it is treated like a home sale and there is no tax. This policy creates a disincentive to recovery. The Road Home will become the Road Out.

Congress has done a tremendous job passing legislation to encourage investment and the rebuilding of the Gulf Coast. At the end of the last session we passed a tax extenders bill that contained a two-year extension of the bonus depreciation for investment in the most seriously damaged areas in the GO Zone. That investment is supposed to attract businesses and people to Louisiana and the Gulf. The IRS's actions will only keep people away. We should not put road blocks in the way of the Road Home.

Today, I am introducing legislation to eliminate this road block to our recovery and to clarify that Road Home payments are not to be taxed. The hurricanes in 2005 were remarkable events causing unprecedented damage. As Congress has done in the past, we must continue to respond in unprecedented and innovative ways. I encourage my colleagues to support this bill.

By Mr. BAUCUS:

S. 41. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, back in 1962, Marshall McLuhan wrote, "The new electronic interdependence recreates the world in the image of a global village." Certainly, 40 years later, that concept is truer than ever. As we prepare for the future in this global village, we need to affirm America's leadership role in the world.

The United States accounts for one-third of the world's spending on scientific research and development, ranking first among all countries. While this is impressive, relative to GDP, though, the United States falls to sixth place. And the trends show that maintaining American leadership in the future depends on increased commitment to research and science.

Asia has recognized this. Asia is plowing more funding into science and education. China, in particular, understands that technological advancement means security, independence, and economic growth. Spending on research and development has increased by 140 percent in China, Korea and Taiwan. In America, it has increased by only 34 percent.

Asia's commitment is already paying off. More than a hundred Fortune 500 companies have opened research centers in India and China. I have visited some of them. I was impressed with the level of skill of the workers I met there.

China's commitment to research, at $60 billion in expenditures, is dramatic by any measure. Over the last few years, China has doubled the share of its economy that it invests in research. China intends to double the amount committed to basic research in the next decade. Currently, only America beats out China in numbers of researchers in the workforce.

Today, I am pleased to introduce the Research Competitiveness Act of 2007. This bill would improve our research competitiveness in four major areas. All four address incentives in our tax code. Government also supports research through federal spending. But I am not addressing those areas today.

First, my bill improves and simplifies the credit for applied research in section 41 of the tax code. This credit has grown to be overly complex, both for taxpayers and the IRS. Beginning in 2008, my bill would create a simpler 20 percent credit for qualifying research expenses that exceed 50 percent of the average expenses for the prior 3 years.

And just as important: The bill makes the credit permanent. Because the credit has been temporary, it has simply not been as effective as it could be. Since its creation in 1981, it has been extended 11 times. Congress even allowed it to lapse during one period.

The credit last expired in December of 2005. After much consternation and delay, Congress passed a two-year extension just last month, extending the credit for 2006 and 2007. These temporary extensions have taken their toll on taxpayers. In 2005, the experts at the Joint Committee on Taxation wrote: "Perhaps the greatest criticism of the R&E credit among taxpayers regards its temporary nature." Joint Tax went on to say, "A credit of longer duration may more successfully induce additional research than would a temporary credit, even if the temporary credit is periodically renewed."

Currently, there are three different ways to claim a tax credit for qualifying research expenses. First, the "traditional" credit relies on incremental increases in expenses compared to a mid-1980s base period. Second, the "alternative incremental" credit measures the increase in research over the average of the prior 4 years.

Both of these credits have base periods involving gross receipts. Under the new tax bill enacted last month, a third formula was created, which does not rely on gross receipts and is available only for 2007. My bill simplifies these credits by using this new credit only, known as the "Alternative Simplified Credit," based on research spending without reference to gross receipts. The current formulas hurt companies that have fluctuating sales. And it hurts companies that take on a new line of business not dependent on research.

This new, simpler formula in my bill would not start until 2008. That start date would give companies plenty of time to adjust their accounting.

The main complaint about the existing credits is that they are very complex, particularly the reference to the 20-year-old base period. This base period creates problems for the taxpayer in trying to calculate the credit. And it creates problems for the IRS in trying to administer and audit those claims.

The new credit focuses only on expenses, not gross receipts. And it is still an incremental credit, so that companies must continue to increase research spending over time. Further, this bill adds a mandate for a Treasury study to look at substantiation issues and ensure that current recordkeeping requirements assist the IRS without unduly burdening the taxpayer.

A tax credit is a cost-effective way to promote R&E. A report by the Congressional Research Service finds that without government support, investment in R&E would fall short of the socially optimal amount. Thus CRS endorses Government policies to boost private sector R&E.

Also, American workers who are engaged in R&E activities benefit from some of the most intellectually stimulating, high-paying, high-skilled jobs in the economy.

My own State of Montana has excellent examples of this economic activity. During the 1990s, about 400 establishments in Montana provided high-technology services, at an average wage of about $35,000 per year. These jobs paid nearly 80 percent more than the average private sector wage, which was less than $20,000 a year during the same period. Many of these jobs would never have been created without the assistance of the R&E credit.

My research bill would also establish a uniform reimbursement rate for all contract and consortia R&E. It would provide that 80 percent of expenses for research performed for the taxpayer by other parties count as qualifying research expenses under the regular credit.

Currently, when a taxpayer pays someone else to perform research for the taxpayer, the taxpayer can claim one of three rates in order to determine how much the taxpayer can include for the research credit. The lower amount is meant to assure overhead expenses that normally do not qualify for the R&E credit are not counted. Different rates, however, create unnecessary complexity. Therefore, my bill creates a uniform rate of 80 percent.

The second major research area that this bill addresses is the need to enhance and simplify the credit for basic research. This credit benefits universities and other entities committed to basic research. And it benefits the companies or individuals who donate to them. My bill provides that payments under the university basic research credit would count as contractor expenses at the rate of 100 percent.

The current formula for calculating the university basic research credit—defined as research "for the advancement of science with no specific commercial objective"—is even more complex than the regular traditional R&E credit. Because of this complexity, this credit costs less than one-half of 1 percent of the cost of the regular R&E credit. It is completely underutilized. It needs to be simplified to encourage businesses to give more for basic research.

American universities have been powerful engines of scientific discovery. To maintain our premier global position in basic research, America relies on sustained high levels of basic research funding and the ability to recruit the most talented students in the world. The gestation of scientific discovery is long. At least at first, we cannot know the commercial applications of a discovery. But America leads the world in biotechnology today because of support for basic research in chemistry and physics in the 1960s. Maintaining a commitment to scientific inquiry, therefore, must be part of our vision for sustained competitiveness.

Translating university discoveries into commercial products also takes innovation, capital, and risk. The Center for Strategic and International Studies asked what kind of government intervention can maintain technological leadership. One source of technological innovation that provides America with comparative advantage is the combination of university research programs, entrepreneurs, and risk capital from venture capitalists, corporations, or governments. Research clusters around Silicon Valley and North Carolina's Research Triangle exemplify this sort of combination.

The National Academies reached a similar conclusion in a 2002 review of the National Nanotechnology Initiatives. In a report, they wrote: "To enhance the transition from basic to applied research, the committee recommends that industrial partnerships be stimulated and nurtured to help accelerate the commercialization of national nanotechnology developments."

To further that goal, the third major area this bill addresses is fostering the creation of research parks. This part of the bill would benefit state and local governments and universities that want to create research centers for businesses incubating scientific discoveries with promise for commercial development.

Stanford created the nation's first high-tech research park in 1951, in response to the demand for industrial land near the university and an emerging electronics industry tied closely to the School of Engineering. The Stanford Research Park traces its origins to a business started with $538 in a Palo Alto garage by two men named Bill Hewlett and Dave Packard. The Park is now home to 140 companies in electronics, software, biotechnology, and other high tech fields.

Similarly, the North Carolina Research Triangle was founded in 1959 by university, government, and business leaders with money from private contributions. It now has 112 research and development organizations, 37,600 employees, and capital investment of more than $2.7 billion. More recently, Virginia has fostered a research park now housing 53 private-sector companies, nonprofits, VCU research institutes, and state laboratories. The Virginia park employs more than 1,300 people.

The creation of these parks would seem to be an obvious choice. But it takes a significant commitment from a range of sources to bring them into being. To foster the creation and expansion of these successful parks, my bill will encourage their creation through the use of tax-exempt bond financing. Allowing tax-exempt bond authority would bring down the cost to establish such parks.

Foreign countries are emulating this successful formula. They are establishing high-tech clusters through government and university partnerships with private industry.

Back in 2000, a partnership was formed to foster TechRanch to assist Montana State University and other Montana-based research institutions in their efforts to commercialize research. But TechRanch is desperately in need of some new high-tech facilities. It could surely benefit from a provision such as this. I encourage my Colleagues to visit research parks in their states to see how my bill could be helpful in fostering more successful ventures.

A related item is a small fix to help universities that use tax-exempt bonds to build research facilities primarily for federal research in the basic or fundamental research area. Some of these facilities housing federal research—mostly NIH and NSF funded projects—are in danger of losing their tax-exempt bond status. Counsel have notified some state officials that they may be running afoul of a prohibition on "private use" in the tax code, because one private party has a superior claim to others in the use of inventions that result from research.

The complication comes from a 1980 law. In 1980, Congress enacted the Patent and Trademark Law Amendments Act, also known as the Bayh-Dole Act. The Bayh-Dole Act requires the Federal Government to retain a non-exclusive, royalty-free right on any discovery. In order to foster more basic research through Federal-state-university partnerships, we need to clarify that this provision of the Bayh-Dole act does not cause these bonds to lose their taxexempt status. And my bill directs the Treasury Department to do so. I understand that the Treasury Department is aware of this significant concern. Whether or not Congress enacts my legislation, I hope that the Treasury Department will clarify the situation soon.

The fourth major area that my bill addresses is innovation at the small business level. Last year, representatives of a number of small nanotechnology companies came to visit me. They told me that their greatest problem was surviving what they called the "valley of death." That's what they called the first few years of business, when an entrepreneur has a promising technology but little money to test or develop it. Many businesses simply do not survive the "valley of death." I believe that Congress should find a way to assist these businesses with promising technology.

Nanotechnology, for instance, shows much promise. According to a recent report, over the next decade, nanotechnology will affect most manufactured goods. As stated in Senate testimony by one National Science Foundation official last year, "Nanotechnology is truly our next great frontier in science and engineering." It took me a while to understand just what nanotechnology is. But it is basically the control of things at very, very small dimensions. By understanding and controlling at that dimension, people can find new and unique applications. These applications range from common consumer products—such as making our sunblocks better—to improving disease-fighting medicines—to designing more fuel-efficient cars.

So, to help these small businesses convert their promising science into successful businesses, my bill would establish tax credits for investments in qualifying small technology innovation companies. These struggling start-up ventures often cannot utilize existing incentives in the tax code—like the R&E tax credit—because they have no tax liability and may have little income for the first few years. They need access to cheap capital to get through those first few research-intensive years.

The credit in my bill would be similar to the existing and successful New Markets Tax Credit. The New Markets Credit has provided billions of dollars of investment to low-income communities across the country. In my bill, entities with some expertise and knowledge of research would receive an allocation from Treasury to analyze and select qualifying research investments. These investment entities would then target small business with promising technologies that focus the majority of their expenditures on activity qualifying as research expenses under the R&E credit.

In sum, my bill would boost both applied and basic research. It would boost research by businesses big and small. And it would foster research by for-profit and non-profits alike.

McLuhan's quote about the global village was taken by many at the time as a wake-up call to a changing world. Since then, many more leaders in this village have emerged. Let us work to see that the next big technological advance is discovered here in America. Only through continued commitment to research can We ensure that it is.

By Mr. McCONNELL (for Ms. MURKOWSKI):

S. 42. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Homeland Security and Governmental Affairs.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the test of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 42

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arctic Research and Policy Amendments Act of 2007".

SEC. 2. CHAIRPERSON OF THE ARCTIC RESEARCH COMMISSION.

(a) COMPENSATION.—Section 103(d)(1) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102(d)(1)) is amended in the second sentence by striking "90 days" and inserting ", in the case of the chairperson, 120 days, and, in the case of any other member, 90 days,".

(b) REDESIGNATION.—Section 103(d)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102(d)(2)) is amended by striking "Chairman" and inserting "chairperson".

By Mr. REID (for Mr. INOUYE):

S. 53. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise today to introduce the Rural Preventive Health Care Training Act, a bill that responds to the dire need of our rural communities for quality health care and disease prevention programs. Almost one fourth of Americans live in rural areas and frequently lack access to adequate physical and mental health care. As many as 21 million of the 34 million people living in underserved rural areas are without access to a primary care provider. Even in areas where providers do exist, there are numerous limits to access, such as geography, distance, lack of transportation, and lack of knowledge about available resources. Due to the diversity of rural populations, language and cultural obstacles are often a factor in the access to medical care.

Compound these problems with limited financial resources, and the result is that many Americans living in rural communities go without vital health care, especially preventive care. Children fail to receive immunizations and routine checkups. Preventable illnesses and injuries occur needlessly, and lead to expensive hospitalizations. Early symptoms of emotional problems and substance abuse go undetected, and often develop into full-blown disorders.

An Institute of Medicine (IOM) report entitled, "Reducing Risks for Mental Disorders: Frontiers for Preventive Intervention Research," highlights the benefits of preventive care for all health problems. The training of health care providers in prevention is crucial in order to meet the demand for care in underserved areas. Currently, rural health care providers lack preventive care training opportunities.

Interdisciplinary preventive training of rural health care providers must be encouraged. Through such training, rural health care providers can build a strong educational foundation from the behavioral, biological, and psychological sciences. Interdisciplinary team prevention training will also facilitate operations at sites with both health and mental health clinics by facilitating routine consultation between groups. Emphasizing the mental health disciplines and their services as part of the health care team will contribute to the overall health of rural communities.

The Rural Preventive Health Care Training Act would implement the risk-reduction model described in the IOM study. This model is based on the identification of risk factors and targets specific interventions for those risk factors. The human suffering caused by poor health is immeasurable, and places a huge financial burden on communities, families, and individuals. By implementing preventive measures to reduce this suffering, the potential psychological and financial savings are enormous.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 53

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Preventive Health Care Training Act of 2007".

SEC. 2. PREVENTIVE HEALTH CARE TRAINING.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by inserting after section 754 the following:

"SEC. 754A. PREVENTIVE HEALTH CARE TRAINING.

"(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, eligible applicants to enable such applicants to provide preventive health care training, in accordance with subsection (c), to health care practitioners practicing in rural areas. Such training shall, to the extent practicable, include training in health care to prevent both physical and mental disorders before the initial occurrence of such disorders. In carrying out this subsection, the Secretary shall encourage, but may not require, the use of interdisciplinary training project applications.

"(b) LIMITATION.—To be eligible to receive training using assistance provided under subsection (a), a health care practitioner shall be determined by the eligible applicant involved to be practicing, or desiring to practice, in a rural area.

"(c) USE OF ASSISTANCE.—Amounts received under a grant made or contract entered into under this section shall be used—

"(1) to provide student stipends to individuals attending rural community colleges or other institutions that service predominantly rural communities, for the purpose of enabling the individuals to receive preventive health care training;

"(2) to increase staff support at rural community colleges or other institutions that service predominantly rural communities to facilitate the provision of preventive health care training;

"(3) to provide training in appropriate research and program evaluation skills in rural communities;

"(4) to create and implement innovative programs and curricula with a specific prevention component; and

"(5) for other purposes as the Secretary determines to be appropriate.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2008 through 2011.".

By Mr. REID (for Mr. INOUYE):

S. 54. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State medicaid programs; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Nursing School Clinics Act. This measure builds on our concerted efforts to provide access to quality health care for all Americans by offering grants and incentives for nursing schools to establish primary care clinics in underserved areas where additional medical services are most needed. In addition, this measure provides the opportunity for nursing schools to enhance the scope of student training and education by providing firsthand clinical experience in primary care facilities.

Primary care clinics administered by nursing schools are university or nonprofit primary care centers developed mainly in collaboration with university schools of nursing and the communities they serve. These centers are staffed by faculty and staff who are nurse practitioners and public health nurses. Students supplement patient care while receiving preceptorships provided by college of nursing faculty and primary care physicians, often associated with academic institutions, who serve as collaborators with nurse practitioners. To date, the comprehensive models of care provided by nursing clinics have yielded excellent results, including significantly fewer emergency room visits, fewer hospital inpatient days, and less use of specialists, as compared to conventional primary health care.

This bill reinforces the principle of combining health care delivery in underserved areas with the education of advanced practice nurses. To accomplish these objectives, Title XIX of the Social Security Act would be amended to designate that the services provided in these nursing school clinics are reimbursable under Medicaid. The combination of grants and the provision of Medicaid reimbursement furnishes the financial incentives for clinic operators to establish the clinics.

In order to meet the increasing challenges of bringing cost-effective and quality health care to all Americans, we must consider a wide range of proposals, both large and small. Most importantly, we must approach the issue of health care with creativity and determination, ensuring that all reasonable avenues are pursued. Nurses have always been an integral part of health care delivery. The Nursing School Clinics Act recognizes the central role nurses can perform as care givers to the medically underserved.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 54

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing School Clinics Act of 2007".

SEC. 2. MEDICAID COVERAGE OF SERVICES PROVIDED BY NURSING SCHOOL CLINICS.

(a) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (27), by striking "and" at the end;

(2) by redesignating paragraph (28) as paragraph (29); and

(3) by inserting after paragraph (27), the following new paragraph:

"(28) nursing school clinic services (as defined in subsection (y)) furnished by or under the supervision of a nurse practitioner or a clinical nurse specialist (as defined in section 1861(aa)(5)), whether or not the nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider; and".

(b) NURSING SCHOOL CLINIC SERVICES DEFINED.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(y) The term 'nursing school clinic services' means services provided by a health care facility operated by an accredited school of nursing which provides primary care, long-term care, mental health counseling, home health counseling, home health care, or other health care services which are within the scope of practice of a registered nurse.".

(c) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting "and (28)" after "(24)".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to payments made under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for calendar quarters commencing with the first calendar quarter beginning after the date of enactment of this Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SCHUMER, Mr. KYL, and Mr. CRAPO):

S. 55. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax; to the Committee on Finance.

Mr. BAUCUS. Mr. President, there is a monster in the tax code. Like Frankenstein, the Alternative Minimum Tax brings back to life higher taxes. Higher taxes that families had been told not to worry about are brought back because of the Alternative Minimum Tax, or AMT. It is a monster that really cannot be improved. It cannot be made to work right. It is time to draw the curtain on this monster.

That is why I am pleased to join with my friend CHUCK GRASSLEY, and our fellow Committee colleagues, Senators SCHUMER, KYL, and CRAPO to introduce legislation today that will repeal the individual AMT. Our bill simply says that beginning January 1, 2007, individuals will owe zero dollars under the AMT. Further, our bill provides that individuals with AMT credits can continue to use those credits up to 90 percent of their regular tax liability.

If we don't act, in 2007, the family-unfriendly AMT will hit middle-income families earning $61,000 with three children. What was once meant to ensure that a handful of millionaires did not eliminate all taxes through excessive deductions is now meaning millions of working families, including thousands in my home State of Montana, are subject to a higher stealth tax. It is truly bizarre that we've designed a tax that deems more children "excessive deductions" and punishes duly paying your State taxes. Already, 5,000 Montana families pay a higher tax because of the AMT. But this number could multiply many times over if we don't act soon.

Not only is the AMT unfair and poorly targeted, it is an awful mess to figure out. The National Taxpayer Advocate has singled out this item as causing the most complexity for individual taxpayers.

Of course, repeal does not come without cost and that cost is significant even if we assume the 2001 and 2003 tax cuts aren't extended. We are committed to working together to identify reasonable offsets. Certainly, I don't think we want a tax system unfairly placing a higher tax burden on millions of middle-income families with children. But it doesn't serve those families either if our budget deficit is significantly worse.

Like Frankenstein's monster, the AMT brings a most unpleasant reaction from those whom it encounters. It is time we end this drama and repeal the AMT.

By Mr. REID (for Mr. INOUYE):

S. 56. A bill to provide relief to the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, almost twelve years ago, I stood before you to introduce a bill "to provide an opportunity for the Pottawatomi Nation in Canada to have the merits of their claims against the United States determined by the United States Court of Federal Claims."

That bill was introduced as Senate Resolution 223, which referred the Pottawatomi's claim to the Chief Judge of the U.S. Court of Federal Claims and required the Chief Judge to report back to the Senate and provide sufficient findings of fact and conclusions of law to enable the Congress to determine whether the claim of the Pottawatomi Nation in Canada is legal or equitable in nature, and the amount of damages, if any, which may be legally or equitably due from the United States.

Seven years ago, the Chief Judge of the Court of Federal Claims reported back that the Pottawatomi Nation in Canada has a legitimate and credible legal claim. Thereafter, by settlement stipulation, the United States has taken the position that it would be "fair, just and equitable" to settle the claims of the Pottawatomi Nation in Canada for the sum of $1,830,000. This settlement amount was reached by the parties after seven years of extensive, fact-intensive litigation. Independently, the court concluded that the settlement amount is "not a gratuity" and that the "settlement was predicated on a credible legal claim." Pottawatomi Nation in Canada, et al. v. United States, Cong. Ref. 94-1037X at 28 (Ct. Fed. Cl., September 15, 2000) (Report of Hearing Officer).

The bill I introduce today is to authorize the appropriation of those funds that the United States has concluded would be "fair, just and equitable" to satisfy this legal claim. If enacted, this bill will finally achieve a measure of justice for a tribal nation that has for far too long been denied.

For the information of our colleagues, this is the historical background that informs the underlying legal claim of the Canadian Pottawatomi.

The members of the Pottawatomi Nation in Canada are one of the descendant groups—successors-in-interest—of the historical Pottawatomi Nation and their claim originates in the latter part of the 18th century. The historical Pottawatomi Nation was aboriginal to the United States. They occupied and possessed a vast expanse in what is now the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin. From 1795 to 1833, the United States annexed most of the traditional land of the Pottawatomi Nation through a series of treaties of cession—many of these cessions were made under extreme duress and the threat of military action. In exchange, the Pottawatomis were repeatedly made promises that the remainder of their lands would be secure and, in addition, that the United States would pay certain annuities to the Pottawatomi.

In 1829, the United States formally adopted a Federal the policy of removal—an effort to remove all Indian tribes from their traditional lands east of the Mississippi River to the west. As part of that effort, the government increasingly pressured the Pottawatomis to cede the remainder of their traditional lands—some five million acres in and around the city of Chicago and remove themselves west. For years, the Pottawatomis steadfastly refused to cede the remainder of their tribal territory. Then in 1833, the United States, pressed by settlers seeking more land, sent a Treaty Commission to the Pottawatomi with orders to extract a cession of the remaining lands. The Treaty Commissioners spent 2 weeks using extraordinarily coercive tactics—including threats of war—in an attempt to get the Pottawatomis to agree to cede their territory. Finally, those Pottawatomis who were present relented and on September 26, 1933, they ceded their remaining tribal estate through what would be known as the Treaty of Chicago. Seventy-seven members of the Pottawatomi Nation signed the Treaty of Chicago. Members of the "Wisconsin Band" were not present and did not assent to the cession.

In exchange for their land, the Treaty of Chicago provided that the United States would give to the Pottawatomis 5 million acres of comparable land in what is now Missouri. The Pottawatomi were familiar with the Missouri land, aware that it was similar to their homeland. But the Senate refused to ratify that negotiated agreement and unilaterally switched the land to five million acres in Iowa. The Treaty Commissioners were sent back to acquire Pottawatomi assent to the Iowa land. All but seven of the original 77 signatories refused to accept the change even with promises that if they were dissatisfied "justice would be done."

Treaty of Chicago, as amended, Article 4. Nevertheless, the Treaty of Chicago was ratified as amended by the Senate in 1834. Subsequently, the Pottawatomis sent a delegation to evaluate the land in Iowa. The delegation reported back that the land was "not fit for snakes to live on."

While some Pottawatomis removed westward, many of the Pottawatomis—particularly the Wisconsin Band, whose leaders never agreed to the Treaty—refused to do so. By 1836, the United States began to forcefully remove Pottawatomis who remained in the east—with devastating consequences. As is true with many other American Indian tribes, the forced removal westward came at great human cost. Many of the Pottawatomi were forcefully removed by mercenaries who were paid on a per capita basis government contract. Over one-half of the Indians removed by these means died en route. Those who reached Iowa were almost immediately removed further to inhospitable parts of Kansas against their will and without their consent.

Knowing of these conditions, many of the Pottawatomis including most of those in the Wisconsin Band vigorously resisted forced removal. To avoid Federal troops and mercenaries, much of the Wisconsin Band ultimately found it necessary to flee to Canada. They were often pursued to the border by government troops, government-paid mercenaries or both. Official files of the Canadian and United States governments disclose that many Pottawatomis were forced to leave their homes without their horses or any of their possessions other than the clothes on their backs.

By the late 1830s, the government refused payment of annuities to any Pottawatomi groups that had not removed west. In the 1860s, members of the Wisconsin Band—those still in their traditional territory and those forced to flee to Canada—petitioned Congress for the payment of their treaty annuities promised under the Treaty of Chicago and all other cession treaties. By the Act of June 25, 1864 (13 Stat. 172) the Congress declared that the Wisconsin Band did not forfeit their annuities by not removing and directed that the share of the Pottawatomi Indians who had refused to relocate to the west should be retained for their use in the United States Treasury. (H.R. Rep. No. 470, 64th Cong., p. 5, as quoted on page 3 of memo dated October 7, 1949.) Nevertheless, much of the money was never paid to the Wisconsin Band.

In 1903, the Wisconsin Band—most of whom now resided in three areas, the States of Michigan and Wisconsin and the Province of Ontario—petitioned the Senate once again to pay them their fair portion of annuities as required by the law and treaties. (Sen. Doc. No. 185, 57th Cong., 2d Sess.) By the Act of June 21, 1906 (34 Stat. 380), the Congress directed the Secretary of the Interior to investigate claims made by the Wisconsin Band and establish a roll of the Wisconsin Band Pottawatomis that still remained in the East. In addition, the Congress ordered the Secretary to determine "the[] [Wisconsin Bands] proportionate shares of the annuities, trust funds, and other moneys paid to or expended for the tribe to which they belong in which the claimant Indians have not shared, [and] the amount of such monies retained in the Treasury of the United States to the credit of the clamant Indians as directed the provision of the Act of June 25, 1864."

In order to carry out the 1906 Act, the Secretary of Interior directed Dr. W.M. Wooster to conduct an enumeration of Wisconsin Band Pottawatomi in both the United States and Canada. Dr. Wooster documented 2007 Wisconsin Pottawatomis: 457 in Wisconsin and Michigan and 1550 in Canada. He also concluded that the proportionate share of annuities for the Pottawatomis in Wisconsin and Michigan was $477,339 and that the proportionate share of annuities due the Pottawatomi Nation in Canada was $1,517,226. The Congress thereafter enacted a series of appropriation Acts from June 30, 1913 to May 29, 1928 to satisfy most of money owed to those Wisconsin Band Pottawatomis residing in the United States. However, the Wisconsin Band Pottawatomis who resided in Canada were never paid their share of the tribal funds.

Since that time, the Pottawatomi Nation in Canada has diligently and continuously sought to enforce their treaty rights, although until this congressional reference, they had never been provided their day in court. In 1910, the United States and Great Britain entered into an agreement for the purpose of dealing with claims between both countries, including claims of Indian tribes within their respective jurisdictions, by creating the Pecuniary Claims Tribunal. From 1910 to 1938, the Pottawatomi Nation in Canada diligently sought to have their claim heard in this international forum. Overlooked for more pressing international matters of the period, including the intervention of World War I, the Pottawatomis then came to the U.S. Congress for redress of their claim.

In 1946, the Congress waived its sovereign immunity and established the Indian Claims Commission for the purpose of granting tribes their long-delayed day in court. The Indian Claims Commission Act (ICCA) granted the Commission jurisdiction over claims such as the type involved here. In 1948, the Wisconsin Band Pottawatomis from both sides of the border—brought suit together in the Indian Claims Commission for recovery of damages. Hannahville Indian Community v. U.S., No. 28 (Ind. Cl. Comm. Filed May 4, 1948). Unfortunately, the Indian Claims Commission dismissed Pottawatomi Nation in Canada's part of the claim ruling that the Commission had no jurisdiction to consider claims of Indians living outside territorial limits of the United States. Hannahville Indian Community v. U.S., 115 Ct. Cl. 823 (1950). The claim of the Wisconsin Band residing in the United States that was filed in the Indian Claims Commission was finally decided in favor of the Wisconsin Band by the U.S. Claims Court in 1983. Hannahville Indian Community v. United States, 4 Ct. Cl. 445 (1983). The Court of Claims concluded that the Wisconsin Band was owed a member's proportionate share of unpaid annuities from 1838 through 1907 due under various treaties, including the Treaty of Chicago and entered judgment for the American Wisconsin Band Pottawatomis for any monies not paid. Still the Pottawatomi Nation in Canada was excluded because of the jurisdictional limits of the ICCA.

Undaunted, the Pottawatomi Nation in Canada came to the Senate and after careful consideration, we finally gave them their long-awaited day in court through the congressional reference process. The court has now reported back to us that their claim is meritorious and that the payment that this bill would make constitutes a "fair, just and equitable" resolution to this claim.

The Pottawatomi Nation in Canada has sought justice for over 150 years. They have done all that we asked in order to establish their claim. Now it is time for us to finally live up to the promise our government made so many years ago. It will not correct all the wrongs of the past, but it is a demonstration that this government is willing to admit when it has left unfulfilled an obligation and that the United States is willing to do what we can to see that justice—so long delayed is not now denied.

Finally, I would just note that the claim of the Pottawatomi Nation in Canada is supported through specific resolutions by the National Congress of American Indians, the oldest, largest and most-representative tribal organization here in the United States, the Assembly of First Nations (which includes all recognized tribal entities in Canada), and each and every of the Pottawatomi tribal groups that remain in the United States today.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 56

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SETTLEMENT OF CERTAIN CLAIMS.

(a) AUTHORIZATION FOR PAYMENT.—Notwithstanding any other provision of law, subject to subsection (b), the Secretary of the Treasury shall pay to the Pottawatomi Nation in Canada $1,830,000 from amounts appropriated under section 1304 of title 31, United States Code.

(b) PAYMENT IN ACCORDANCE WITH STIPULATION FOR RECOMMENDATION OF SETTLEMENT.—The payment under subsection (a) shall—

(1) be made in accordance with the terms and conditions of the Stipulation for Recommendation of Settlement dated May 22, 2000, entered into between the Pottawatomi Nation in Canada and the United States (referred to in this Act as the "Stipulation for Recommendation of Settlement"); and

(2) be included in the report of the Chief Judge of the United States Court of Federal Claims regarding Congressional Reference No. 94-1037X, submitted to the Senate on January 4, 2001, in accordance with sections 1492 and 2509 of title 28, United States Code.

(c) FULL SATISFACTION OF CLAIMS.—The payment under subsection (a) shall be in full satisfaction of all claims of the Pottawatomi Nation in Canada against the United States that are referred to or described in the Stipulation for Recommendation of Settlement.

(d) NONAPPLICABILITY.—Notwithstanding any other provision of law, the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) does not apply to the payment under subsection (a).

By Mr. REID (for Mr. INOUYE):

S. 57. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, many of you know of my continued support and advocacy on the importance of addressing the plight of Filipino World War II veterans. As an American, I believe the treatment of Filipino World War II veterans is bleak and shameful. The Philippines became a United States possession in 1898, when it was ceded by Spain, following the Spanish-American War. In 1934, the Congress enacted the Philippine Independence Act, Public Law 73-127, which provided a 10-year time frame for the independence of the Philippines. Between 1934 and final independence in 1946, the United States retained certain powers over the Philippines including the right to call military forces organized by the newly-formed Commonwealth government into the service of the United States Armed Forces.

The Commonwealth Army of the Philippines was called to serve with the United States Armed Forces in the Far East during World War II under President Roosevelt's July 26, 1941 military order. The Filipinos who served were entitled to full veterans' benefits by reason of their active service with our armed forces. Hundreds were wounded in battle and many hundreds more died in battle. Shortly after Japan's surrender, the Congress enacted the Armed Forces Voluntary Recruitment Act of 1945 for the purpose of sending Filipino troops to occupy enemy lands, and to oversee military installations at various overseas locations. These troops were authorized to receive pay and allowances for services performed throughout the Western Pacific. Although hostilities had ceased, wartime service of these troops continued as a matter of law until the end of 1946.

Despite all of their sacrifices, on February 18, 1946, the Congress passed the Rescission Act of 1946, now codified as Section 107 of Title 38 of the United States Code. The 1946 Act deemed that the service performed by these Filipino veterans would not be recognized as "active service" for the purpose of any U.S. law conferring "rights, privileges, or benefits." Accordingly, Section 107 denied Filipino veterans access to health care, particularly for non-service-connected disabilities, and pension benefits. Section 107 also limited service-connected disability and death compensation for Filipino veterans to 50 percent of what their American counterparts receive.

On May 27, 1946, the Congress enacted the Second Supplemental Surplus Appropriations Rescission Act, which duplicated the language that had eliminated Filipino veterans' benefits under the First Rescission Act. Thus, Filipino veterans who fought in the service of the United States during World War II have been precluded from receiving most of the veterans' benefits that had been available to them before 1946, and that are available to all other veterans of our armed forces regardless of race, national origin, or citizenship status.

The Filipino Veterans Equity Act, which I introduce today, would restore the benefits due to these veterans by granting full recognition of service for the sacrifices they made during World War II. These benefits include veterans health care, service-connected disability compensation, non-service connected disability compensation, dependent indemnity compensation, death pension, and full burial benefits.

Throughout the years, I have sponsored several measures to rectify the lack of appreciation America has shown to these gallant men and women who stood in harm's way with our American soldiers and fought the common enemy during World War II. It is time that we as a Nation recognize our long-standing history and friendship with the Philippines. Of the 120,000 that served in the Commonwealth Army during World War II, there are approximately 60,000 Filipino veterans currently residing in the United States and the Philippines. According to the Department of Veterans Affairs, the Filipino veteran population is expected to decrease to approximately 20,000 or roughly one-third of the current population by 2010.

Heroes should never be forgotten or ignored; let us not turn our backs on those who sacrificed so much. Let us instead work to replay all of these brave men for their sacrifices by providing them the veterans, benefits they deserve.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 57

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Filipino Veterans Equity Act of 2007".

SEC. 2. CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS DEEMED TO BE ACTIVE SERVICE.

(a) IN GENERAL.—Section 107 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "not" after "Army of the United States, shall"; and

(B) by striking ", except benefits under—" and all that follows in that subsection and inserting a period;

(2) in subsection (b)—

(A) by striking "not" after "Armed Forces Voluntary Recruitment Act of 1945 shall"; and

(B) by striking "except—" and all that follows in that subsection and inserting a period; and

(3) by striking subsections (c) and (d).

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

"107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect on January 1, 2007.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by this Act.

By Mr. REID (for Mr. INOUYE):

S. 58. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation to repeal the current 50 percent tax deduction for business meals and entertainment expenses, and to restore the tax deduction to 80 percent gradually over a five-year period. Restoration of this deduction is essential to the livelihood of small and independent businesses as well as food service, travel, tourism, and entertainment industries throughout the United States. These industries are being economically harmed as a result of the 50 percent tax deduction.

Small businesses rely heavily on the business meal to conduct business, even more so than larger corporations. In releasing its study in May 2004, entitled he Impact of Tax Expenditure Policies on Incorporated Small Business, the Small Business Administration, SBA, Office of Advocacy, found that small incorporated businesses benefit more than their larger counterparts from the meal and entertainment tax deduction. According to the study, small firms that take advantage of the business-meal deduction reduce their effective tax rate by 0.75 percent on average, while larger firms only receive a 0.11 percent reduction in the effective tax rate. More importantly, the study strongly suggests that full reinstatement of the business meal and entertainment deduction should be a major policy priority for small businesses.

Small companies often use restaurants as onference space to conduct meetings or close deals. Meals are their best and sometimes only marketing tool. Certainly, an increase in the meal and entertainment deduction would have a significant impact on a small business bottom line. In addition, the effects on the overall economy would be significant.

Accompanying my statement is the National Restaurant Association (NRA), State-by-State chart reflecting the estimated economic impact of increasing the business meal deductibility from 50 to 80 percent. The NRA estimates that an increase to 80 percent would increase business meal sales by $8 billion and create a $26 billion increase to the overall economy.

I urge my colleagues to join me in cosponsoring this important legislation. I ask unanimous consent that the NRA State by State chart and the text of my bill be printed in the RECORD.

There being no objection, the text of the material was ordered to be printed in the RECORD, as follows:

ESTIMATED IMPACT OF INCREASING BUSINESS MEAL DEDUCTIBILITY FROM 50% TO 80%

State	Increase in Business Meal Spending 50% to 80% Deductibility ($ in millions)	Total Economic Impact in the State ($ in millions)
Alabama	99	203
Alaska	21	35
Arizona	150	297
Arkansas	57	114
California	1,022	2,265
Colorado	152	327
Connecticut	95	177
Delaware	25	44
District of Columbia	41	54
Florida	485	991
Georgia	252	565
Hawaii	56	108
Idaho	29	57
Illinois	335	785
Indiana	156	320
Iowa	59	126
Kansas	63	129
Kentucky	100	200
Louisiana	95	185
Maine	33	63
Maryland	153	319
Massachusetts	221	440
Michigan	242	471
Minnesota	139	314
Mississippi	54	103
Missouri	153	348
Montana	22	40
Nebraska	40	83
Nevada	76	134

ESTIMATED IMPACT OF INCREASING BUSINESS MEAL DEDUCTIBILITY FROM 50% TO 80%—Continued

State	Increase in Business Meal Spending 50% to 80% Deductibility ($ in millions)	Total Economic Impact in the State ($ in millions)
New Hampshire	39	72
New Jersey	225	467
New Mexico	49	92
New York	508	993
North Carolina	224	469
North Dakota	13	24
Ohio	303	663
Oklahoma	83	177
Oregon	100	206
Pennsylvania	287	638
Rhode Island	34	62
South Carolina	110	220
South Dakota	18	36
Tennessee	153	337
Texas	604	1,411
Utah	54	118
Vermont	15	28
Virginia	203	428
Washington	166	337
West Virginia	36	62
Wisconsin	123	266
Wyoming	13	21

Source: National Restaurant Association estimates, 2006.

S. 58

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.

(a) IN GENERAL.—Section 274(n)(1) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking "50 percent" and inserting "the applicable percentage".

(b) APPLICABLE PERCENTAGE.—Section 274(n) of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and inserting the following:

"(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means the percentage determined under the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2007	75
2008 or thereafter	80.".

(c) CONFORMING AMENDMENT.—The heading for section 274(n) of the Internal Revenue Code of 1986 is amended by striking "ONLY 50 PERCENT" and inserting "PORTION".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. REID (for Mr. INOUYE):

S. 59. A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the "Medicaid Advanced Practice Nurse and Physician Assistants Access Act of 2007." This legislation would change Federal law to expand fee-for-service Medicaid to include direct payment for services provided by all nurse practitioners, clinical nurse specialists, and physician assistants. It would ensure all nurse practitioners, certified nurse midwives, and physician assistants are recognized as primary care case managers, and require Medicaid panels to include advanced practice nurses on their managed care panels.

Advanced practice nurses are registered nurses who have attained additional expertise in the clinical management of health conditions. Typically, an advanced practice nurse holds a master's degree with didactic and clinical preparation beyond that of the registered nurse. They are employed in clinics, hospitals, and private practices. While there are many titles given to these advanced practice nurses, such as pediatric nurse practitioners, family nurse practitioners, certified nurse midwives, certified registered nurse anesthetists, and clinical nurse specialists, our current Medicaid law has not kept up with the multiple specialties and titles of these advanced practitioners, nor has it recognized the critical role physician assistants play in the delivery of primary care.

I have been a long-time advocate of advanced practice nurses and their ability to extend health care services to our most rural and underserved communities. They have improved access to health care in Hawaii and throughout the United States by their willingness to practice in what some providers might see as undesirable locations—the extremely rural, frontier, or urban areas. This legislation ensures they are recognized and reimbursed for providing the necessary health care services patients need, and it gives those patients the choice of selecting advanced practice nurses and physician assistants as their primary care providers.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 59

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Advanced Practice Nurses and Physician Assistants Access Act of 2007".

SEC. 2. IMPROVED ACCESS TO SERVICES OF ADVANCED PRACTICE NURSES AND PHYSICIAN ASSISTANTS UNDER STATE MEDICAID PROGRAMS.

(a) PRIMARY CARE CASE MANAGEMENT.—Section 1905(t)(2) of the Social Security Act (42 U.S.C. 1396d(t)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) A nurse practitioner (as defined in section 1861(aa)(5)(A)).

"(C) A certified nurse-midwife (as defined in section 1861(gg)).

"(D) A physician assistant (as defined in section 1861(aa)(5)(A)).".

(b) FEE-FOR-SERVICE PROGRAM.—Section 1905(a)(21) of such Act (42 U.S.C. 1396d(a)(21)) is amended—

(1) by inserting "(A)" after "(21)";

(2) by striking "services furnished by a certified pediatric nurse practitioner or certified family nurse practitioner (as defined by the Secretary) which the certified pediatric nurse practitioner or certified family nurse practitioner" and inserting "services furnished by a nurse practitioner (as defined in section 1861(aa)(5)(A)) or by a clinical nurse specialist (as defined in section 1861(aa)(5)(B)) which the nurse practitioner or clinical nurse specialist";

(3) by striking "the certified pediatric nurse practitioner or certified family nurse practitioner" and inserting "the nurse practitioner or clinical nurse specialist"; and

(4) by inserting before the semicolon at the end the following: "and (B) services furnished by a physician assistant (as defined in section 1861(aa)(5)) with the supervision of a physician which the physician assistant is legally authorized to perform under State law".

(c) INCLUDING IN MIX OF SERVICE PROVIDERS UNDER MEDICAID MANAGED CARE ORGANIZATIONS.—Section 1932(b)(5)(B) of such Act (42 U.S.C. 1396u-2(b)(5)(B)) is amended by inserting ", with such mix including nurse practitioners, clinical nurse specialists, physician assistants, certified nurse midwives, and certified registered nurse anesthetists (as defined in section 1861(bb)(2))" after "services".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished in calendar quarters beginning on or after 90 days after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

By Mr. REID (for Mr. INOUYE):

S. 60. A bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, today, along with my colleagues; Senators AKAKA, KENNEDY, CONRAD AND DORGAN, I introduce "The Wakefield Act," also known as the "Emergency Medical Services for Children Act of 2007." Since Senator HATCH and I worked toward authorization of EMSC in 1984, this program has become the impetus for improving children's emergency services Nationwide. From specialized training for emergency care providers to ensuring ambulances and emergency departments have state-of-the-art pediatric sized equipment, EMSC has served as the vehicle for improving survival of our smallest and most vulnerable citizens when accidents or medical emergencies threatened their lives.

It remains no secret that children present unique anatomic, physiologic, emotional and developmental challenges to our primarily adult-oriented emergency medical system. As has been said many times before, children are not little adults. Evaluation and treatment must take into account their special needs, or we risk letting them fall through the gap between adult and pediatric care. The EMSC has bridged that gap while fostering collaborative relationships among emergency medical technicians, paramedics, nurses, emergency physicians, surgeons, and pediatricians.

The Institute of Medicine's recently released study on Emergency Care for Children, indicated that our Nation is not as well prepared as once we thought. Only 6 percent of all emergency departments have the essential pediatric supplies and equipment necessary to manage pediatric emergencies. Many of the providers of emergency care have received fragmented and little training in the skills necessary to resuscitate this specialized population. Even our disaster preparedness plans have not fully addressed the unique needs posed by children injured in such events.

EMSC remains the only federal program dedicated to examining the best ways to deliver various forms of care to children in emergency settings. Re-authorization of EMSC will ensure that children's needs will be given the due attention they deserve and that coordination and expansion of services for victims of life-threatening illnesses and injuries will be available throughout the United States.

I look forward to re-authorization of this important legislation and the continued advances in our emergency healthcare delivery system.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 60

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wakefield Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) There are 31,000,000 child and adolescent visits to the nation's emergency departments every year, with children under the age of 3 years accounting for most of these visits.

(2) Ninety percent of children requiring emergency care are seen in general hospitals, not in free-standing children's hospitals, with one-quarter to one-third of the patients being children in the typical general hospital emergency department.

(3) Severe asthma and respiratory distress are the most common emergencies for pediatric patients, representing nearly one-third of all hospitalizations among children under the age of 15 years, while seizures, shock, and airway obstruction are other common pediatric emergencies, followed by cardiac arrest and severe trauma.

(4) Up to 20 percent of children needing emergency care have underlying medical conditions such as asthma, diabetes, sickle-cell disease, low birthweight, and bronchopulmonary dysplasia.

(5) Significant gaps remain in emergency medical care delivered to children, with 43 percent of hospitals lacking cervical collars (used to stabilize spinal injuries) for infants, less than half (47 percent) of hospitals with no pediatric intensive care unit having a written transfer agreement with a hospital that does have such a unit, one-third of States lacking a physician available on-call 24 hours a day to provide medical direction to emergency medical technicians or other non-physician emergency care providers, and even those States with such availability lacking full State coverage.

(6) Providers must be educated and trained to manage children's unique physical and psychological needs in emergency situations, and emergency systems must be equipped with the resources needed to care for this especially vulnerable population.

(7) The Emergency Medical Services for Children (EMSC) Program under section 1910 of the Public Health Service Act (42 U.S.C. 300w-9) is the only Federal program that focuses specifically on improving the pediatric components of emergency medical care.

(8) The EMSC Program promotes the nationwide exchange of pediatric emergency medical care knowledge and collaboration by those with an interest in such care and is depended upon by Federal agencies and national organizations to ensure that this exchange of knowledge and collaboration takes place.

(9) The EMSC Program also supports a multi-institutional network for research in pediatric emergency medicine, thus allowing providers to rely on evidence rather than anecdotal experience when treating ill or injured children.

(10) States are better equipped to handle occurrences of critical or traumatic injury due to advances fostered by the EMSC program, with—

(A) forty-eight States identifying and requiring all EMSC-recommended pediatric equipment on Advanced Life Support ambulances;

(B) forty-four States employing pediatric protocols for medical direction;

(C) forty-one States utilizing pediatric guidelines for acute care facility identification, ensuring that children get to the right hospital in a timely manner; and

(D) thirty-six of the forty-two States having statewide computerized data collection systems now producing reports on pediatric emergency medical services using statewide data.

(11) Systems of care must be continually maintained, updated, and improved to ensure that research is translated into practice, best practices are adopted, training is current, and standards and protocols are appropriate.

(12) Now celebrating its twentieth anniversary, the EMSC Program has proven effective over two decades in driving key improvements in emergency medical services to children, and should continue its mission to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical and emergency surgical care children receive.

(b) PURPOSE.—It is the purpose of this Act to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical care children receive.

SEC. 3. REAUTHORIZATION OF EMERGENCY MEDICAL SERVICES FOR CHILDREN PROGRAM.

Section 1910 of the Public Health Service Act (42 U.S.C. 300w-9) is amended—

(1) in subsection (a), by striking "3-year period (with an optional 4th year" and inserting "4-year period (with an optional 5th year";

(2) in subsection (d)—

(A) by striking "and such sums" and inserting "such sums"; and

(B) by inserting before the period the following: "$23,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2011";

(3) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(4) by inserting after subsection (a) the following:

"(b)(1) The purpose of the program established under this section is to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical care children receive, through the promotion of projects focused on the expansion and improvement of such services, including those in rural areas and those for children with special healthcare needs. In carrying out this purpose, the Secretary shall support emergency medical services for children by supporting projects that—

"(A) develop and present scientific evidence;

"(B) promote existing and innovative technologies appropriate for the care of children: or

"(C) provide information on health outcomes and effectiveness and cost-effectiveness.

"(2) The program established under this section shall—

"(A) strive to enhance the pediatric capability of emergency medical service systems originally designed primarily for adults; and

"(B) in order to avoid duplication and ensure that Federal resources are used efficiently and effectively, be coordinated with all research, evaluations, and awards related to emergency medical services for children undertaken and supported by the Federal Government.''.

By Mr. REID (for Mr. INOUYE):

S. 61. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Homeland Security and Governmental Affairs.

Mr. INOUYE. Mr. President, today I introduce the Clinical Social Workers' Recognition Act to correct a continuing problem in the Federal Employees Compensation Act. This bill will also provide clinical social workers the recognition they deserve as independent providers of quality mental health care services.

Clinical social workers are authorized to independently diagnose and treat mental illnesses through public and private health insurance plans across the Nation. However, Title V of the United States Code, does not permit the use of mental health evaluations conducted by clinical social workers for use as evidence in determining workers' compensation claims brought by federal employees. The bill I am introducing corrects this problem.

It is a sad irony that federal employees may select a clinical social worker through their health plans to provide mental health services, but may not go to this same professional for workers' compensation evaluations. The failure to recognize the validity of evaluations provided by clinical social workers unnecessarily limits federal employees' selection of a provider to conduct the workers' compensation mental health evaluations. Lack of this recognition may well impose an undue burden on Federal employees where clinical social workers are the only available providers of mental health care.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 61

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clinical Social Workers' Recognition Act of 2007''.

SEC. 2. EXAMINATIONS BY CLINICAL SOCIAL WORKERS FOR FEDERAL WORKER COMPENSATION CLAIMS.

Section 8101 of title 5, United States Code, is amended—

(1) in paragraph (2), by striking ''and osteopathic practitioners'' and inserting ''osteopathic practitioners, and clinical social workers''; and

(2) in paragraph (3), by striking ''osteopathic practitioners'' and inserting ''osteopathic practitioners, clinical social workers,''.

By Mr. REID (for Mr. INOUYE):

S. 62. A bill to treat certain hospital support organizations as qualified organizaitons for purposes of determining acquisition indebtedness; to the Committee on Finance.

Mr. INOUYE. Mr. President, the legislation I have introduced will extend to qualified teaching hospital support organizations the existing debt-financed safe harbor rule. Congress enacted that rule to support the public service activities of tax-exempt schools, universities, pension funds, and consortia of such institutions. Our teaching hospitals require similar support.

A New York Times article on June 21, 2002, described the financial problems which nonprofit hospitals are facing to modernize their facilities and meet the growing demand for charitable medical care. The problems have grown more urgent since that article appeared.

On November 22, 2006, the Wall Street Journal noted the rising numbers of uninsured patients who fill hospital emergency rooms without paying their bills. In 2005, 46.6 million Americans had no health insurance. Compounding the growing demand for charitable care, new safety and infection-prevention standards require hospitals to undertake massive improvements.

As a result, the article stated, for-profit hospitals are moving from older areas to affluent locations where residents can afford to pay for treatment. These private hospitals, the reporter pointed out, typically have no mandate for community service. In contrast, nonprofit hospitals must fulfill a community service requirement. They must stretch their resources to provide increased charitable care, update their facilities, and maintain skilled staffing. Both the Wall Street Journal and the New York Times noted the resulting closures of nonprofit hospitals due to this financial strain.

The problem is particularly severe for teaching hospitals. As the Times article said, nonprofit hospitals provide nearly all the postgraduate medical education in the United States. Postgraduate medical instruction is by nature not profitable. Instruction in the treatment of mental disorders and trauma is especially costly.

Despite their financial problem the nation's nonprofit hospitals strive to deliver a very high level of service. A study in the December 2006 issue of Archives of Internal Medicine had surveyed hospitals' qualify of care in four areas of treatment. It found that nonprofit hospitals consistently outperformed for-profit hospitals. It also found that teaching hospitals had a higher level of performance in treatment and diagnosis. It said that investment in technology and staffing leads to better care. And it recommended that alternative payments and sources of payments be considered to finance these improvements.

The success and financial constraints of nonprofit teaching hospitals is evident in the work of the Queen's Health Systems in my State. This 146-year-old organization maintains the largest, private, nonprofit hospital in Hawaii. It serves as the primary clinical teaching facility for the University of Hawaii's medical residency programs in medicine, general surgery, orthopedic surgery, obstetrics-gynecology, pathology, and psychiatry. It conducts educational and training programs for nurses and allied health personnel. It operates the only trauma unit as well as the chief behavioral health program in the State. It maintains clinics throughout Hawaii, health programs for Native Hawaiians, and a small hospital on a rural, economically depressed island. Its medical reference library is the largest in the State. Not the least, it annually provides millions of dollars in uncompensated health services. To help pay for these community benefits, the Queen's Health Systems, as other nonprofit teaching hospitals, relies significantly on income from its endowment.

In the past, the Congress has allowed tax-exempt schools, colleges, universities, and pension funds to invest their endowment in real estate so as to better meet their financial needs. Under the tax code these organizations can incur debt for real estate investments without triggering the tax on unrelated business activities.

If the Queen's Health Systems were part of a university, it could borrow without incurring an unrelated business income tax. Not being part of a university, however, a teaching hospital and its support organization run into the tax code's debt financing prohibition. Nonprofit teaching hospitals have the same if not more pressing needs as universities, school, and pension trusts. The same safe harbor rule should be extended to teaching hospitals.

My bill would allow the support organizations for qualified teaching hospitals to engage in limited borrowing to enhance their endowment income. The proposal for teaching hospitals is actually more restricted than current law for schools, universities, and pension trusts. Under safeguards developed by the Joint Committee on Taxation staff, a support organization for a teaching hospital can not buy and develop land on a commercial basis. The proposal is tied directly to the organization endowment. The staff's revenue estimate show that the provision with its general application will help a number a teaching hospitals.

The U.S. Senate several times has acted favorably on this proposal. The Senate adopted a similar provision in H.R. 1836 the Economic Growth and Tax Relief Act of 2001. The House conferees on that bill, however, objected that the provision was unrelated to the bill's focus on individual tax relief and the conference deleted the provision from the final legislation. Subsequently, the Finance Committee included the provision in H.R. 7 the CARE Act of 2002 and in S. 476 the CARE Act of 2003 which the Senate passed. In the last Congress S. 6 the Marriage, Opportunity, Relief, and Empowerment Act of 2005, which the Senate leadership introduced, also included the proposal.

As the Senate Finance Committee's recent hearings show, substantial health needs would go unmet if not for our charitable hospitals. It is time for the Congress to assist the nation's teaching hospitals in their charitable, educational service.

I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 62

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) In General.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 (relating to real property acquired by a qualified organization) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; or", and by adding at the end the following new clause:

"(iv) a qualified hospital support organization (as defined in subparagraph (I)).".

(b) Qualified Hospital Support Organizations.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(I) Qualified hospital support organizations.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

"(i) more than half of its assets (by value) at any time since its organization—

"(I) were acquired, directly or indirectly, by testamentary gift or devise, and

"(II) consisted of real property, and

"(ii) the fair market value of the organization's real estate acquired, directly or indirectly, by gift or devise, exceeded 25 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term 'eligible indebtedness' means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such an eligible indebtedness (or the qualified refinancing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be considered qualified if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.".

(c) Effective Date.—The amendments made by this section shall apply to indebtedness incurred on or after the date of the enactment of this Act.

By Mr. REID (for Mr. Inouye):

S. 63. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce legislation to authorize the autonomous functioning of clinical psychologists and clinical social workers within the Medicare comprehensive outpatient rehabilitation facility program.

In my judgment, it is unfortunate that Medicare requires clinical supervision of the services provided by certain health professionals and does not allow them to function to the full extent of their state practice licenses. Those who need the services of outpatient rehabilitation facilities should have access to a wide range of social and behavioral science expertise. Clinical psychologists and clinical social workers are recognized as independent providers of mental health care services under the Federal Employee Health Benefits Program, the TRICARE Military Health Program of the Uniformed Services, the Medicare (Part B) Program, and numerous private insurance plans. This legislation will ensure that these qualified professionals achieve the same recognition under the Medicare comprehensive outpatient rehabilitation facility program.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 63

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Autonomy for Psychologists and Social Workers Act of 2007".

SEC. 2. REMOVAL OF RESTRICTION THAT A CLINICAL PSYCHOLOGIST OR CLINICAL SOCIAL WORKER PROVIDE SERVICES IN A COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY TO A PATIENT ONLY UNDER THE CARE OF A PHYSICIAN.

(a) In General.—Section 1861(cc)(2)(E) of the Social Security Act (42 U.S.C. 1395x(cc)(2)(E)) is amended by striking "physician" and inserting "physician, except that a patient receiving qualified psychologist services (as defined in subsection (ii)) may be under the care of a clinical psychologist with respect to such services to the extent permitted under State law and except that a patient receiving clinical social worker services (as defined in subsection (hh)(2)) may be under the care of a clinical social worker with respect to such services to the extent permitted under State law".

(b) Effective Date.—The amendment made by subsection (a) shall apply to services provided on or after January 1, 2008.

By Mr. REID (for Mr. Inouye):

S. 64. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under certain programs to assist individuals in pursuing health careers and programs of grants for training projects in geriatrics, and to establish a social work training program to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, on behalf of our Nation's clinical social workers, I am introducing legislation to amend the Public Health Service Act. This legislation would: 1. establish a new social work training program, 2. ensure that social work students are eligible for support under the Health Careers Opportunity Program, 3. provide social work schools with eligibility for support under the Minority Centers of Excellence programs, 4. permit schools offering degrees in social work to obtain grants for training projects in geriatrics, and 5. ensure that social work is recognized as a profession under the Public Health Maintenance Organization Act.

Despite the impressive range of services social workers provide to people of this nation, few federal programs exist to provide opportunities for social work training in health and mental health care.

Social workers have long provided quality mental health services to our citizens and continue to be at the forefront of establishing innovative programs to serve our disadvantaged populations. I believe it is important to ensure that the special expertise social workers possess continues to be available to the citizens of this nation. This bill, by providing financial assistance to schools of social work and social work students, acknowledges the long history and critical importance of the services provided by social work professionals. I believe it is time to provide them with the recognition they deserve.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 64

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthen Social Work Training Act of 2007".

SEC. 2. SOCIAL WORK STUDENTS.

(a) Health Professions Schools.—Section 736(g)(1)(A) of the Public Health Service Act (42 U.S.C. 293(g)(1)(A)) is amended by striking "graduate program in behavioral or mental health" and inserting "graduate program in behavioral or mental health, including a school offering graduate programs in clinical social work, or programs in social work".

(b) Scholarships.—Section 737(d)(1)(A) of the Public Health Service Act (42 U.S.C. 293a(d)(1)(A)) is amended by striking "mental health practice" and inserting "mental health practice (including graduate programs in clinical psychology, graduate programs in clinical social work, or programs in social work)".

(c) Faculty Positions.—Section 738(a)(3) of the Public Health Service Act (42 U.S.C. 293b(a)(3)) is amended by striking "offering graduate programs in behavioral and mental health" and inserting "offering graduate programs in behavioral and mental health, including graduate programs in clinical psychology, graduate programs in clinical social work, or programs in social work".

SEC. 3. GERIATRICS TRAINING PROJECTS.

Section 753(b)(1) of the Public Health Service Act (42 U.S.C. 294c(b)(1)) is amended by inserting "schools offering degrees in social work," after "teaching hospitals,".

SEC. 4. SOCIAL WORK TRAINING PROGRAM.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) by redesignating section 770 as section 770A;

(2) by inserting after section 769, the following:

"SEC. 770. SOCIAL WORK TRAINING PROGRAM.

"(a) Training Generally.—The Secretary may make grants to, or enter into contracts with, any public or nonprofit private hospital, any school offering programs in social work, or to or with a public or private nonprofit entity that the Secretary has determined is capable of carrying out such grant or contract—

"(1) to plan, develop, and operate, or participate in, an approved social work training program (including an approved residency or internship program) for students, interns, residents, or practicing physicians;

"(2) to provide financial assistance (in the form of traineeships and fellowships) to students, interns, residents, practicing physicians, or other individuals, who—

"(A) are in need of such assistance;

"(B) are participants in any such program; and

"(C) plan to specialize or work in the practice of social work;

"(3) to plan, develop, and operate a program for the training of individuals who plan to teach in social work training programs; and

"(4) to provide financial assistance (in the form of traineeships and fellowships) to individuals who are participants in any such program and who plan to teach in a social work training program.

"(b) Academic Administrative Units.—

"(1) In general.—The Secretary may make grants to or enter into contracts with schools offering programs in social work to meet the costs of projects to establish, maintain, or improve academic administrative units (which may be departments, divisions, or other units) to provide clinical instruction in social work.

"(2) Preference in making awards.—In making awards of grants and contracts under paragraph (1), the Secretary shall give preference to any qualified applicant for such an award that agrees to expend the award for the purpose of—

"(A) establishing an academic administrative unit for programs in social work; or

"(B) substantially expanding the programs of such a unit.

"(c) Duration of Award.—The period during which payments are made to an entity from an award of a grant or contract under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Secretary and subject to the availability of appropriations for the fiscal year involved to make the payments.

"(d) Funding.—

"(1) Authorization of appropriations.—There are authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 2008 through 2010.

"(2) Allocation.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than 20 percent for awards of grants and contracts under subsection (b)."; and

(3) in section 770A (as redesignated by paragraph (1)) by inserting "other than section 770," after "carrying out this subpart,".

SEC. 5. CLINICAL SOCIAL WORKER SERVICES.

Section 1302 of the Public Health Service Act (42 U.S.C. 300e–1) is amended—

(1) in paragraphs (1) and (2), by inserting "clinical social worker," after "psychologist," each place the term appears;

(2) in paragraph (4)(A), by striking "and psychologists" and inserting "psychologists, and clinical social workers"; and

(3) in paragraph (5), by inserting "clinical social work," after "psychology,".

By Mr. INHOFE (for himself, Mr. Stevens, Mr. Lieberman, and Mr. Feingold):

S. 65. A bill to modify the age-60 standard for certain pilots and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, I rise today, as an experienced pilot over age 60, along with my colleagues, Senator Stevens, Senator Lieberman and Senator Feingold, to once again introduce a bill that will help end age discrimination among commercial airline pilots. Our bill will abolish the Federal Aviation Administration's (FAA) arcane Age 60 Rule a regulation that has unjustly forced the retirement of airline pilots the day they turn 60 for more than 45 years.

Our bipartisan bill called the "Freedom to Fly Act" would replace the dated FAA rule with a new international standard adopted this past November by the International Civil Aviation Organization (ICAO) which allows pilots to fly to 65 as long as the copilot is under 60.

Since the adoption of the ICAO standard in November of this year, foreign pilots have been flying and working in U.S. Airspace under this new standard up to 65 years of age a privilege the FAA has not been willing to grant to American pilots flying the same aircraft in the same airspace.

This bill may seem familiar; I have introduced similar legislation in the past two Congresses and I am dedicated to ensuring its passage this year. And it has never been more urgent.

We cannot continue to allow our FAA to force the retirement of America's most experienced commercial pilots at the ripe young age of 60 while they say to their counterparts flying for foreign flags "Welcome to our airspace."

Many of these great American pilots are veterans who have served our country and the flying public for decades. Many of them have suffered wage concessions and lost their pensions as the airline industry has faced hard times and bankruptcies. But these American pilots are not asking for a handout.

They are just saying to the FAA; "Give me the same right you granted our foreign counterparts with the stroke of a pen this November. Let us continue to fly, continue to work, continue to contribute to the tax rolls for an additional 5 years." We join them and echo their sentiments to FAA Administrator Blakey. As far as we are concerned, that is the least we can do for America's pilots, who are considered the best and the safest pilots in the world.

Most nations have abolished mandatory age 60 retirement rules. Many countries, including Canada, Australia, and New Zealand have no upper age limit at all and consider an age-based retirement rule discriminatory. Sadly though, the United States was one of only four member countries of ICAO, along with Pakistan, Colombia, and France, to dissent to the ICAO decision to increase the retirement age to 65 last year.

The Age 60 Rule has no basis in science or safety and never has. The Aerospace Medical Association says that "There is insufficient medical evidence to support restriction of pilot certification based upon age alone." Similarly, the American Association of Retired Persons, Equal Employment Opportunity Commission, the Seniors Coalition, and the National Institute of Aging of NIH all agree that the Age 60 Rule is simply age discrimination and should end. My colleagues and I agree.

When the rule was implemented in 1960 life expectancies were much lower at just over 69 and a half years. Today they are much higher at more than 77 years. The FAA's own data shows that pilots over age 60 are as safe as, and in some cases safer than, their younger counterparts. In the process of adopting the new international standard, ICAO studied more than 3,000 over-60 pilots from 64 nations, totaling at least 15,000 pilot-years of flying experience and found the risk of medical incapacitation "a risk so low that it can be safely disregarded."

Furthermore, a recent economic study shows that allowing pilots to fly to age 65 would save almost $1 billion per year in added Social Security.

Medicare, and tax payments and delayed Pension Benefit Guarantee Corporation (PBGC) payments.

I am encouraged by the progress that has been made. In the 109th Congress, the Senate Commerce Committee reported the modified bill with the ICAO standard favorably and the Senate Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Committee included a version of S. 65 in its bill. The FAA recently convened an Aviation Rulemaking Committee to study the issue of forced retirement. We have yet to see that report but it is our understanding the report was persuasive enough that the Administrator is considering a change in the rule now.

We are encouraged by that, but we also know that legislation will be needed to direct the FAA to pursue these changes in a timely manner and in a way that will protect companies and their unions from new lawsuits that might arise as a result of the changes. Our bill accomplishes that. Whether the FAA decides to change the rule on its own or not, Congress needs to do the right thing and pass S. 65 to fully ensure that our own American pilots have the same rights and privileges to work at least until age 65 that were accorded to foreign pilots over the age of 60 this fall.

I urge the rest of my colleagues to support the Freedom to Fly Act and help us keep America's most experienced pilots in the air.

By Mr. REID (for Mr. INOUYE):

S. 66. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, I am reintroducing legislation today that would direct the Secretary of the Army to determine whether certain nationals of the Philippine Islands performed military service on behalf of the United States during World War II.

Our Filipino veterans fought side by side with Americans and sacrificed their lives on behalf of the United States. This legislation would confirm the validity of their claims and further allow qualified individuals the opportunity to apply for military and veterans benefits that, I believe, they are entitled to. As this population becomes older, it is important for our Nation to extend its firm commitment to the Filipino veterans and their families who participated in making us the great Nation that we are today.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 66

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETERMINATIONS BY THE SECRETARY OF THE ARMY.

(a) IN GENERAL.—Upon the written application of any person who is a national of the Philippine Islands, the Secretary of the Army shall determine whether such person performed any military service in the Philippine Islands in aid of the Armed Forces of the United States during World War II which qualifies such person to receive any military, veterans', or other benefits under the laws of the United States.

(b) INFORMATION TO BE CONSIDERED.—In making a determination for the purpose of subsection (a), the Secretary shall consider all information and evidence (relating to service referred to in subsection (a)) that is available to the Secretary, including information and evidence submitted by the applicant, if any.

SEC. 2. CERTIFICATE OF SERVICE.

(a) ISSUANCE OF CERTIFICATE OF SERVICE.—The Secretary of the Army shall issue a certificate of service to each person determined by the Secretary to have performed military service described in section 1(a).

(b) EFFECT OF CERTIFICATE OF SERVICE.—A certificate of service issued to any person under subsection (a) shall, for the purpose of any law of the United States, conclusively establish the period, nature, and character of the military service described in the certificate.

SEC. 3. APPLICATIONS BY SURVIVORS.

An application submitted by a surviving spouse, child, or parent of a deceased person described in section 1(a) shall be treated as an application submitted by such person.

SEC. 4. LIMITATION PERIOD.

The Secretary of the Army may not consider for the purpose of this Act any application received by the Secretary more than two years after the date of the enactment of this Act.

SEC. 5. PROSPECTIVE APPLICATION OF DETERMINATIONS BY THE SECRETARY OF THE ARMY.

No benefits shall accrue to any person for any period before the date of the enactment of this Act as a result of the enactment of this Act.

SEC. 6. REGULATIONS.

The Secretary of the Army shall prescribe regulations to carry out sections 1, 3, and 4.

SEC. 7. RESPONSIBILITIES OF THE SECRETARY OF VETERANS AFFAIRS.

Any entitlement of a person to receive veterans' benefits by reason of this Act shall be administered by the Department of Veterans Affairs pursuant to regulations prescribed by the Secretary of Veterans Affairs.

SEC. 8. DEFINITION.

In this Act, the term "World War II" means the period beginning on December 7, 1941, and ending on December 31, 1946.

By Mr. REID (for Mr. INOUYE):

S. 67. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to extend space-available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Services are permitted to travel on a space-available basis on nonscheduled military flights within the continental United States, and on scheduled overseas flights operated by the Military Airlift Command. My bill would provide the same benefits for veterans with 100 percent service-connected disabilities.

We owe these heroic men and women who have given so much to our country a debt of gratitude. Of course, we can never repay them for the sacrifices they have made on behalf of our Nation, but we can surely try to make their lives more pleasant and fulfilling. One way in which we can help is to extend military travel privileges to these distinguished American veterans. I have received numerous letters from all over the country attesting to the importance attached to this issue by veterans. Therefore, I ask that my colleagues show their concern and join me in saying "thank you" by supporting this legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 67

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRAVEL ON MILITARY AIRCRAFT OF CERTAIN DISABLED FORMER MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1060b the following new section:

"§ 1060c. Travel on military aircraft: certain disabled former members of the armed forces

"The Secretary of Defense shall permit any former member of the armed forces who is entitled to compensation under the laws administered by the Secretary of Veterans Affairs for a service-connected disability rated as total to travel, in the same manner and to the same extent as retired members of the armed forces, on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Air Mobility Command. The Secretary of Defense shall permit such travel on a space-available basis.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1060b the following new item:

"1060c. Travel on military aircraft: certain disabled former members of the armed forces.".

By Mr. KOHL (for himself and Ms. SNOWE):

S. 69. A bill to authorize appropriations for the Hollings Manufacturing Extension Partnership Program, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise in support of the Kohl-Snowe legislation which would fund the Manufacturing Extension Partnership, MEP, for fiscal year 2008–fiscal year 2012. I am a longtime supporter of the MEP program and believe manufacturing is crucial to the U.S. economy. American manufacturers are a cornerstone of the American economy and embody the best in American values. A healthy manufacturing sector is key to better jobs, rising productivity and higher standards of living in the United States. Every individual and industry depends on manufactured goods. In addition, innovations and productivity gains in the manufacturing sector provide benefits far beyond the products themselves.

Small- and medium-sized manufacturers face unprecedented challenges in today's global economy which threaten the existence of manufacturing jobs in the United States. If it isn't China pirating our technologies and promising a low-wage workforce, it is soaring heath care and energy costs that cut into profits. Manufacturers today are seeking ways to level the playing field so they can compete globally.

One way to level the playing field—and increase the competitiveness of manufacturers—is through the MEP program. MEP streamlines operations, integrates new technologies, shortens production times and lowers costs, leading to improved efficiency by offering resources to manufacturers, including organized workshops and consulting projects. In Wisconsin, three of our largest corporations—John Deere, Harley-Davidson, and Oshkosh Truck—are working with Wisconsin MEP centers to develop domestic supply chains. I am proud to say that these companies found it more profitable to work with small- and medium-sized Wisconsin firms than to look overseas for cheap labor.

You would be hard pressed to find another program that has produced the results that MEP has. In Wisconsin alone in fiscal year 2006, WMEP reported 2,696 new or retained workers, sales of $163 million, cost savings of $33 million, and plant and equipment investments of $37 million.

Manufacturing is an integral part of a web of inter-industry relationships that create a stronger economy. Manufacturing sells goods to other sectors in the economy and, in turn, buys products and services from them. Manufacturing spurs demand for everything from raw materials to intermediate components to software to financial, legal, health, accounting, transportation, and other services in the course of doing business.

The future of manufacturing in the United States will be largely determined by how well small- and medium-sized companies cope with the changes in today's global economy. To be successful, businesses need state-of-the-art technologies to craft products more efficiently, a skilled workforce to meet the demands of modern manufacturers and a commitment from the government to provide the resources to allow companies to remain competitive.

At a time when economic recovery and global competitiveness are national priorities, I believe MEP continues to be a wise investment.

By Mr. REID (for Mr. INOUYE):

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, in our effort to accommodate many Americans by making Memorial Day the last Monday in May, we have lost sight of the significance of this day to our Nation. My bill would restore Memorial Day to May 30 and authorize our flag to fly at half mast on that day. In addition, this legislation would authorize the President to issue a proclamation designating Memorial Day and Veterans Day as days for prayer and ceremonies. This legislation would help restore the recognition our veterans deserve for the sacrifices they have made on behalf of our nation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 70

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF TRADITIONAL DAY OF OBSERVANCE OF MEMORIAL DAY.

(a) DESIGNATION OF LEGAL PUBLIC HOLIDAY.—Section 6103(a) of title 5, United States Code, is amended by striking "Memorial Day, the last Monday in May." and inserting the following: "Memorial Day, May 30.".

(b) OBSERVANCES AND CEREMONIES.—Section 116 of title 36, United States Code, is amended—

(1) in subsection (a), by striking "The last Monday in May" and inserting "May 30"; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph (4):

"(4) calling on the people of the United States to observe Memorial Day as a day of ceremonies for showing respect for American veterans of wars and other military conflicts; and".

(c) DISPLAY OF FLAG.—Section 6(d) of title 4, United States Code, is amended by striking "the last Monday in May;" and inserting "May 30;".

By Mr. REID (for Mr. INOUYE):

S. 71. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing legislation to enable those former prisoners of war who have been separated honorably from their respective services and who have been rated as having a 30 percent service-connected disability to have the use of both the military commissary and post exchange privileges. While I realize it is impossible to adequately compensate one who has endured long periods of incarceration at the hands of our Nation's enemies, I do feel this gesture is both meaningful and important to those concerned because it serves as a reminder that our Nation has not forgotten their sacrifices.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 71

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF COMMISSARY AND EXCHANGE STORES BY CERTAIN DISABLED FORMER PRISONERS OF WAR.

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by inserting after section 1064 the following new section:

"§ 1064a. Use of commissary and exchange stores by certain disabled former prisoners of war

"(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, former prisoners of war described in subsection (b) may use commissary and exchange stores.

"(b) COVERED INDIVIDUALS.—Subsection (a) applies to any former prisoner of war who—

"(1) separated from active duty in the armed forces under honorable conditions; and

"(2) has a service-connected disability rated by the Secretary of Veterans Affairs at 30 percent or more.

"(c) DEFINITIONS.—In this section:

"(1) The term 'former prisoner of war' has the meaning given that term in section 101(32) of title 38.

"(2) The term 'service-connected' has the meaning given that term in section 101(16) of title 38.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1064 the following new item:

"1064a. Use of commissary and exchange stores by certain disabled former prisoners of war.".

By Mr. REID (for Mr. INOUYE):

S. 72. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I am introducing legislation to amend Title XVIII of the Social Security Act to correct discrepancies in the reimbursement of clinical social workers covered through Medicare, Part B. The three proposed changes contained in this legislation clarify the current payment process for clinical social workers and establish a reimbursement methodology for the profession that is similar to other health care professionals reimbursed through the Medicare program.

First, this legislation sets payment for clinical social worker services according to a fee schedule established by the Secretary. Second, it explicitly states that services and supplies furnished by a clinical social worker are a covered Medicare expense, just as these services are covered for other mental health professionals in Medicare. Third, the bill allows clinical social workers to be reimbursed for services provided to a client who is hospitalized.

Clinical social workers are valued members of our health care provider network. They are legally regulated in every State of the Nation and are recognized as independent providers of mental health care throughout the health care system. It is time to correct the disparate reimbursement treatment of this profession under Medicare.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 72

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equity for Clinical Social Workers Act of 2007".

SEC. 2. IMPROVED REIMBURSEMENT FOR CLINICAL SOCIAL WORKER SERVICES UNDER MEDICARE.

(a) In General.—Section 1833(a)(1)(F)(ii) of the Social Security Act (42 U.S.C. 1395l(a)(1)(F)(ii)) is amended to read as follows: "(ii) the amount determined by a fee schedule established by the Secretary,".

(b) Definition of Clinical Social Worker Services Expanded.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking "services performed by a clinical social worker (as defined in paragraph (1))" and inserting "such services and such services and supplies furnished as an incident to such services performed by a clinical social worker (as defined in paragraph (1))".

(c) Clinical Social Worker Services Not to Be Included in Inpatient Hospital Services.—Section 1861(b)(4) of the Social Security Act (42 U.S.C. 1395x(b)(4)) is amended by striking "and services" and inserting "clinical social worker services, and services".

(d) Treatment of Services Furnished in Inpatient Setting.—Section 1832(a)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)(iii)) is amended—

(1) by striking "and services" and inserting "clinical social worker services, and services"; and

(2) by adding "and" at the end.

(e) Effective Date.—The amendments made by this section shall apply to payments made for clinical social worker services furnished on or after January 1, 2008.

By Mr. REID (for Mr. Inouye):

S. 73. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing minimum nurse staffing ratios at certain Medicare providers, and for other purposes; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Registered Nurse Safe Staffing Act. For over four decades I have been a committed supporter of nurses and the delivery of safe patient care. While enforceable regulations will help to ensure patient safety, the complexity and variability of today's hospitals require that staffing patterns be determined at the hospital and unit level, with the professional input of registered nurses. More than a decade of research demonstrates that nurse staff levels and the skill mix of nursing staff directly affect the clinical outcomes of hospitalized patients. Studies show that when there are more registered nurses, there are lower mortality rates, shorter lengths of stay, reduced costs, and fewer complications.

A study published in the Journal of The American Medical Association found that the risks of patient mortality rose by 7 percent for every additional patient added to the average nurse's workload. In the midst of a nursing shortage and increasing financial pressures, hospitals often find it difficult to maintain adequate staffing. While nursing research indicates that adequate registered nurse staffing is vital to the health and safety of patients, there is no standardized public reporting mechanism, nor enforcement of adequate staffing plans. The only regulations addressing nursing staff exists vaguely in Medicare Conditions of Participation which states: "The nursing service must have an adequate number of licensed registered nurses, licensed practice (vocational) nurse, and other personnel to provide nursing care to all patients as needed".

This bill will require Medicare Participating Hospitals to develop and maintain reliable and valid systems to determine sufficient registered nurse staffing. Given the demands that the healthcare industry faces today, it is our responsibility to ensure that patients have access to adequate nursing care. However, we must ensure that the decisions by which care is provided are made by the clinical experts, the registered nurses caring for these patients. Support of this bill supports our nation's nurses during a critical shortage, but more importantly, works to ensure the safety of their patients.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 73

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Registered Nurse Safe Staffing Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There are hospitals throughout the United States that have inadequate staffing of registered nurses to protect the well-being and health of the patients.

(2) Studies show that the health of patients in hospitals is directly proportionate to the number of registered nurses working in the hospital.

(3) There is a critical shortage of registered nurses in the United States.

(4) The effect of that shortage is revealed in unsafe staffing levels in hospitals.

(5) Patient safety is adversely affected by these unsafe staffing levels, creating a public health crisis.

(6) Registered nurses are being required to perform professional services under conditions that do not support quality health care or a healthful work environment for registered nurses.

(7) As a payer for inpatient and outpatient hospital services for individuals entitled to benefits under the Medicare program established under title XVIII of the Social Security Act, the Federal Government has a compelling interest in promoting the safety of such individuals by requiring any hospital participating in such program to establish minimum safe staffing levels for registered nurses.

SEC. 3. ESTABLISHMENT OF MINIMUM STAFFING RATIOS BY MEDICARE PARTICIPATING HOSPITALS.

(a) Requirement of Medicare Provider Agreement.—Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (U), by striking "and" at the end;

(2) in subparagraph (V), by striking the period at the end and inserting ", and"; and

(3) by inserting after subparagraph (V) the following new subparagraph:

"(W) in the case of a hospital, to meet the requirements of section 1890.".

(b) Requirements.—Title XVIII of the Social Security Act is amended by inserting after section 1889 the following new section:

"STAFFING REQUIREMENTS FOR MEDICARE PARTICIPATING HOSPITALS

"Sec. 1890. (a) Establishment of Staffing System.—

"(1) In general.—Each participating hospital shall adopt and implement a staffing system that ensures a number of registered nurses on each shift and in each unit of the hospital to ensure appropriate staffing levels for patient care.

"(2) Staffing system requirements.—Subject to paragraph (3), a staffing system adopted and implemented under this section shall—

"(A) be based upon input from the direct care-giving registered nurse staff or their exclusive representatives, as well as the chief nurse executive;

"(B) be based upon the number of patients and the level and variability of intensity of care to be provided, with appropriate consideration given to admissions, discharges, and transfers during each shift;

"(C) account for contextual issues affecting staffing and the delivery of care, including architecture and geography of the environment and available technology;

"(D) reflect the level of preparation and experience of those providing care;

"(E) account for staffing level effectiveness or deficiencies in related health care classifications, including but not limited to, certified nurse assistants, licensed vocational nurses, licensed psychiatric technicians, nursing assistants, aides, and orderlies;

"(F) reflect staffing levels recommended by specialty nursing organizations;

"(G) establish upwardly adjustable registered nurse-to-patient ratios based upon registered nurses' assessment of patient acuity and existing conditions;

"(H) provide that a registered nurse shall not be assigned to work in a particular unit without first having established the ability to provide professional care in such unit; and

"(I) be based on methods that assure validity and reliability.

"(3) Limitation.—A staffing system adopted and implemented under paragraph (1) may not—

"(A) set registered-nurse levels below those required by any Federal or State law or regulation; or

"(B) utilize any minimum registered nurse-to-patient ratio established pursuant to paragraph (2)(G) as an upper limit on the staffing of the hospital to which such ratio applies.

"(b) Reporting, and Release to Public, of Certain Staffing Information.—

"(1) Requirements for hospitals.—Each participating hospital shall—

"(A) post daily for each shift, in a clearly visible place, a document that specifies in a uniform manner (as prescribed by the Secretary) the current number of licensed and unlicensed nursing staff directly responsible for patient care in each unit of the hospital, identifying specifically the number of registered nurses;

"(B) upon request, make available to the public—

"(i) the nursing staff information described in subparagraph (A); and

"(ii) a detailed written description of the staffing system established by the hospital pursuant to subsection (a); and

"(C) submit to the Secretary in a uniform manner (as prescribed by the Secretary) the nursing staff information described in subparagraph (A) through electronic data submission not less frequently than quarterly.

"(2) Secretarial responsibilities.—The Secretary shall—

"(A) make the information submitted pursuant to paragraph (1)(C) publicly available, including by publication of such information on the Internet site of the Department of Health and Human Services; and

"(B) provide for the auditing of such information for accuracy as a part of the process of determining whether an institution is a hospital for purposes of this title.

"(c) Recordkeeping; Data Collection; Evaluation.—

"(1) Recordkeeping.—Each participating hospital shall maintain for a period of at least 3 years (or, if longer, until the conclusion of pending enforcement activities) such records as the Secretary deems necessary to determine whether the hospital has adopted and implemented a staffing system pursuant to subsection (a).

"(2) Data collection on certain outcomes.—The Secretary shall require the collection, maintenance, and submission of data by each participating hospital sufficient to establish the link between the staffing system established pursuant to subsection (a) and—

"(A) patient acuity from maintenance of acuity data through entries on patients' charts;

"(B) patient outcomes that are nursing sensitive, such as patient falls, adverse drug events, injuries to patients, skin breakdown, pneumonia, infection rates, upper gastrointestinal bleeding, shock, cardiac arrest, length of stay, and patient readmissions;

"(C) operational outcomes, such as work-related injury or illness, vacancy and turnover rates, nursing care hours per patient day, on-call use, overtime rates, and needlestick injuries; and

"(D) patient complaints related to staffing levels.

"(3) Evaluation.—Each participating hospital shall annually evaluate its staffing system and establish minimum registered nurse staffing ratios to assure ongoing reliability and validity of the system and ratios. The evaluation shall be conducted by a joint management-staff committee comprised of at least 50 percent of registered nurses who provide direct patient care.

"(d) Enforcement.—

"(1) Responsibility.—The Secretary shall enforce the requirements and prohibitions of this section in accordance with the succeeding provisions of this subsection.

"(2) Procedures for receiving and investigating complaints.—The Secretary shall establish procedures under which—

"(A) any person may file a complaint that a participating hospital has violated a requirement or a prohibition of this section; and

"(B) such complaints are investigated by the Secretary.

"(3) Remedies.—If the Secretary determines that a participating hospital has violated a requirement of this section, the Secretary—

"(A) shall require the facility to establish a corrective action plan to prevent the recurrence of such violation; and

"(B) may impose civil money penalties under paragraph (4).

"(4) Civil money penalties.—

"(A) In general.—In addition to any other penalties prescribed by law, the Secretary may impose a civil money penalty of not more than $10,000 for each knowing violation of a requirement of this section, except that the Secretary shall impose a civil money penalty of more than $10,000 for each such violation in the case of a participating hospital that the Secretary determines has a pattern or practice of such violations (with the amount of such additional penalties being determined in accordance with a schedule or methodology specified in regulations).

"(B) Procedures.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A.

"(C) Public notice of violations.—

"(i) Internet site.—The Secretary shall publish on the Internet site of the Department of Health and Human Services the names of participating hospitals on which civil money penalties have been imposed under this section, the violation for which the penalty was imposed, and such additional information as the Secretary determines appropriate.

"(ii) Change of ownership.—With respect to a participating hospital that had a change in ownership, as determined by the Secretary, penalties imposed on the hospital while under previous ownership shall no longer be published by the Secretary of such Internet site after the 1-year period beginning on the date of change in ownership.

"(e) Whistleblower Protections.—

"(1) Prohibition of discrimination and retaliation.—A participating hospital shall not discriminate or retaliate in any manner against any patient or employee of the hospital because that patient or employee, or any other person, has presented a grievance or complaint, or has initiated or cooperated in any investigation or proceeding of any kind, relating to the staffing system or other requirements and prohibitions of this section.

"(2) Relief for prevailing employees.—An employee of a participating hospital who has been discriminated or retaliated against in employment in violation of this subsection may initiate judicial action in a United States district court and shall be entitled to reinstatement, reimbursement for lost wages, and work benefits caused by the unlawful acts of the employing hospital. Prevailing employees are entitled to reasonable attorney's fees and costs associated with pursuing the case.

"(3) Relief for prevailing patients.—A patient who has been discriminated or retaliated against in violation of this subsection may initiate judicial action in a United States district court. A prevailing patient shall be entitled to liquidated damages of $5,000 for a violation of this statute in addition to any other damages under other applicable statutes, regulations, or common law. Prevailing patients are entitled to reasonable attorney's fees and costs associated with pursuing the case.

"(4) Limitation on actions.—No action may be brought under paragraph (2) or (3) more than 2 years after the discrimination or retaliation with respect to which the action is brought.

"(5) Treatment of adverse employment actions.—For purposes of this subsection—

"(A) an adverse employment action shall be treated as retaliation or discrimination; and

"(B) the term 'adverse employment action' includes—

"(i) the failure to promote an individual or provide any other employment-related benefit for which the individual would otherwise be eligible;

"(ii) an adverse evaluation or decision made in relation to accreditation, certification, credentialing, or licensing of the individual; and

"(iii) a personnel action that is adverse to the individual concerned.

"(f) Relationship to State Laws.—Nothing in this section shall be construed as exempting or relieving any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful practice under this title.

"(g) Relationship To Conduct Prohibited Under the National Labor Relations Act or Other Collective Bargaining Laws.—Nothing in this section shall be construed as permitting conduct prohibited under the National Labor Relations Act or under any other Federal, State, or local collective bargaining law.

"(h) Regulations.—The Secretary shall promulgate such regulations as are appropriate and necessary to implement this section.

"(i) Definitions.—In this section:

"(1) PARTICIPATING HOSPITAL.—The term 'participating hospital' means a hospital that has entered into a provider agreement under section 1866.

"(2) REGISTERED NURSE.—The term 'registered nurse' means an individual who has been granted a license to practice as a registered nurse in at least 1 State.

"(3) UNIT.—The term 'unit' of a hospital is an organizational department or separate geographic area of a hospital, such as a burn unit, a labor and delivery room, a post-anesthesia service area, an emergency department, an operating room, a pediatric unit, a stepdown or intermediate care unit, a specialty care unit, a telemetry unit, a general medical care unit, a subacute care unit, and a transitional inpatient care unit.

"(4) SHIFT.—The term 'shift' means a scheduled set of hours or duty period to be worked at a participating hospital.

"(5) PERSON.—The term 'person' means 1 or more individuals, associations, corporations, unincorporated organizations, or labor unions.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008.

By Mr. AKAKA (for himself and Mr. LAUTENBERG):

S. 82. A bill to reaffirm the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes; to the Select Committee on Intelligence.

Mr. AKAKA. Mr. President, I rise to introduce "The Intelligence Community Audit Act of 2007," with Senator LAUTENBERG. This legislation reaffirms the authority of the Comptroller General of the United States and head of the Government Accountability Office (GAO) to audit the financial transactions and evaluate the programs and activities of the intelligence community (IC).

Our bill is identical to S. 3968, introduced in the last Congress by Senator LAUTENBERG and myself, and to H.R. 6252, introduced in the House by Representative BENNIE THOMPSON.

The need for more effective oversight and accountability of our intelligence community has never been greater. In the war against terrorism, intelligence agencies are both the spear and the shield: the first line of our attack and of our defense. Failure can bear terrible consequences.

Congress has two responsibilities: the first is to ensure that our intelligence community is performing its mission effectively, and the second is to ensure that in performing its mission, the intelligence community is not violating the constitutional rights of individual Americans.

Yet the ability of Congress to ensure that the intelligence community has sufficient resources and capability of performing its mission has never been more in question. The establishment of the Department of Homeland Security and the passage of the Intelligence Reform and Terrorism Prevention Act of 2004 created a new institutional landscape littered by new intelligence agencies with ever increasing demands and responsibilities. These new agencies became members of an already populated club of organizations performing intelligence related functions.

The intelligence community today consists of 19 different agencies or components: the Office of the Director of National Intelligence; Central Intelligence Agency; Department of Defense; Defense Intelligence Agency; National Security Agency; Departments of the Army, Navy, Marine Corps, and Air Force; Department of State; Department of Treasury; Department of Energy; Department of Justice; Federal Bureau of Investigation; National Reconnaissance Office; National Geospatial-Intelligence Agency; Coast Guard; Department of Homeland Security, and the Drug Enforcement Administration.

Congress too has increased its oversight responsibilities. Committees other than the intelligence committees of the House and Senate have jurisdiction over such departments as Homeland Security, State, Defense, Justice, Energy, Treasury, and Commerce.

But all of these "non-intelligence" committees are restricted in their ability to conduct effective oversight of intelligence function of the agencies under their jurisdiction because, unfortunately, the intelligence community stonewalls the Government Accountability Office (GAO) when committees of jurisdiction request that GAO investigate problems. This is happening despite the clear responsibility of Congress to ensure that these agencies are operating effectively to protect America.

It is inconceivable that the GAO—the audit arm of the U.S. Congress—has been unable to conduct evaluations of the CIA for over 40 years. If the GAO had been able to conduct basic auditing functions of the CIA, perhaps some of the problems that were so clearly exposed following the terrorist attacks in September 2001 would have been resolved. And yet, it is extraordinary that five years after 9–11, the same problems persist.

Two recent incidents have made this situation disturbingly clear. At a hearing entitled, "Access Delayed: Fixing the Security Clearance Process, Part II," before my Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, on November 9, 2005, GAO was asked about steps it would take to ensure that the Office of Personnel Management (OPM), the Office of Management and Budget, and the intelligence community met the goals and objectives outlined in the OPM security clearance strategic plan. Fixing the security clearance process, which is on GAO's high-risk list, is essential to our national security. But as GAO observed in a written response to a question raised by Senator VOINOVICH, "while we have the authority to do such work, we lack the cooperation we need to get our job done in that area."

A similar case arose in response to a GAO investigation for the Senate Homeland Security Committee and the House Government Reform Committee on how agencies are sharing terrorism-related and sensitive but unclassified information. The report, entitled "Information Sharing, the Federal Government Needs to Establish Policies and Processes for Sharing Terrorism-Related and Sensitive but Unclassified Information" (GAO–06–385), was released in March 2006.

At a time when Congress is criticized by members of the 9–11 Commission for failing to implement its recommendations, we should remember that improving terrorism information sharing among agencies was one of the critical recommendations of the Commission. Moreover, the Intelligence Reform and Terrorism Prevention Act of 2004 mandated the sharing of terrorism information through the creation of an Information Sharing Environment. Yet, when asked by GAO for comments on the GAO report, the Office of the Director of National Intelligence refused, stating that "the review of intelligence activities is beyond GAO's purview."

A Congressional Research Service memorandum entitled, "Overview of 'Classified' and 'Sensitive but Unclassified' Information," concludes, "it appears that pseudo-classification markings have, in some instances, had the effect of deterring information sharing for homeland security."

Unfortunately I have more examples that predate the post 9–11 reforms. Indeed, in July 2001, in testimony, entitled "Central Intelligence Agency, Observations on GAO Access to Information on CIA Programs and Activities" (GAO–01–975T) before the House Committee on Government Reform, the GAO noted, as a practical manner, "our access is generally limited to obtaining information on threat assessments when the CIA does not perceives [sic] our audits as oversight of its activities."

The bill I introduce today does not detract from the authority of the intelligence committees. In fact, the language makes explicit that the Comptroller General may conduct an audit or evaluation of intelligence sources and methods or covert actions only upon the request of the intelligence committees or at the request of the congressional majority or minority leaders. The measure also prescribes for the security of the information collected by the Comptroller General.

As both House Rule 48 and Senate Resolution 400 establishing the intelligence oversight committees state, "Nothing in this [charter] shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the, House/Senate, to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee."

Despite this clear and unambiguous statement, the ability of non-intelligence committees to obtain information, no matter how vital to improving the security of our nation, has been restricted by the various elements of the intelligence community.

My bill reaffirms the authority of the Comptroller General to conduct audits and evaluations—other than those relating to sources and methods, or covert actions—relating to the management and administration of elements of the intelligence community in areas such as strategic planning, financial management, information technology, human capital, knowledge management, information sharing, and change management for other relevant committees of the Congress.

As I mentioned earlier in my statement, Congress also has the responsibility of ensuring that unfettered intelligence collection does not trample civil liberties. New technologies and new personal information data bases threaten our individual right to a secure private life, free from unlawful government invasion. We must ensure that private information collected by the intelligence community is not misused and is secure. Intelligence agencies have a legitimate mission to protect the country against potential threats. However, Congress' role is to ensure that their mission remains legitimate.

Attached is a detailed description of the legislation that I ask unanimous consent be printed in the RECORD.

I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the text of the legislation I am introducing be printed in the RECORD.

There being no objection, the text of the material was ordered to be printed in the RECORD, as follows:

REPORT LANGUAGE

Section 1 of the Act provides that the Act may be cited as the "Intelligence Community Audit Act of 2007".

Section 2(a) of the Act adds a new Section (3523a) to title 31, United States Code, with respect to the Comptroller General's authority to audit or evaluate activities of the intelligence community. New Section 3523a(b)(1) reaffirms that the Comptroller General possesses, under his existing statutory authority, the authority to perform audits and evaluations of financial transactions, programs, and activities of elements of the intelligence community and to obtain access to records for the purposes of such audits and evaluations. Such work could be done at the request of the congressional intelligence committees or any committee of jurisdiction of the House of Representatives or Senate (including the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate), or at the Comptroller General's initiative, pursuant to the existing authorities referenced in new Section 3523a(b)(1). New Section 3523a(b)(2) further provides that these audits and evaluations under the Comptroller General's existing authority may include, but are not limited to, matters relating to the management and administration of elements of the intelligence community in areas such as strategic planning, financial management, information technology, human capital, knowledge management, information sharing, and change management. These audits and evaluations would be accompanied by the safeguards that the Government Accountability Office (GAO) has in place to protect classified and other sensitive information, including physical security arrangements, classification and sensitivity reviews, and restricted distribution of certain products.

This reaffirmation is designed to respond to Executive Branch assertions that GAO does not have the authority to review activities of the intelligence community. To the contrary, GAO's current statutory audit and access authorities permit it to evaluate a wide range of activities in the intelligence community. To further ensure that GAO's authorities are appropriately construed in the future, the new Section 3523a(e), which is described below, makes clear that nothing in this or any other provision of law shall be construed as restricting or limiting the Comptroller General's authority to audit and evaluate, or obtain access to the records of, elements of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.

New Section 3523a(c)(1) provides that Comptroller General audits or evaluations of intelligence sources and methods, or covert actions may be undertaken only upon the request of the Select Committee on Intelligence of the Senate, or the Permanent Select Committee on Intelligence of the House of Representatives, or the majority or the minority leader of the Senate or the House of Representatives. This limitation is intended to recognize the heightened sensitivity of audits and evaluations relating to intelligence sources and methods, or covert actions.

The new Section 3523a(c)(2)(A) provides that the results of such audits or evaluations under Section 3523a(c) may be disclosed only to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community. Since the methods GAO uses to communicate the results of its audits or evaluations vary, this provision restricts the dissemination of GAO's findings under Section 3523a(c), whether through testimony, oral briefings, or written reports, to only the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community. Similarly, under new Section 3523a(c)(2)(B), the Comptroller General may only provide information obtained in the course of such an audit or evaluation to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

The new Section 3523a(c)(3)(A) provides that notwithstanding any other provision of law, the Comptroller General may inspect records of any element of the intelligence community relating to intelligence sources and methods, or covert actions in order to perform audits and evaluations pursuant to Section 3523a(c). The Comptroller General's access extends to any records which belong to, or are in the possession and control of, the element of the intelligence community regardless of who was the original owner of such information. Under new Section 3523a(c)(3)(B), the Comptroller General may enforce the access rights provided under this subsection pursuant to section 716 of title 31. However, before the Comptroller General files a report pursuant to 31 U.S.C. 716(b)(1), the Comptroller General must consult with the original requestor concerning the Comptroller General's intent to file a report.

The new Section 3523a(c)(4) reiterates the Comptroller General's obligations to protect the confidentiality of information and adds special safeguards to protect records and information obtained from elements of the intelligence community for audits and evaluations performed under Section 3523a(c). For example, pursuant to new Section 3523a(c)(4)(B), the Comptroller General is to maintain on site, in facilities furnished by the element of the intelligence community subject to audit or evaluation, all workpapers and records obtained for the audit or evaluation. Under new Section 3523a(c)(4)(C), the Comptroller General is directed, after consulting with the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, to establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General under Section 3523a(c). Under new Section 3523a(c)(4)(D), prior to initiating an audit or evaluation under Section 3523a(c), the Comptroller General shall provide the Director of National Intelligence and the head of the relevant element of the intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearances.

The new Section 3523a(d) provides that elements of the intelligence community shall cooperate fully with the Comptroller General and provide timely responses to Comptroller General requests for documentation and information.

The new Section 3523a(e) makes clear that nothing in this or any other provision of law shall be construed as restricting or limiting the Comptroller General's authority to audit and evaluate, or obtain access to the records of, elements of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.

CONGRESSIONAL RESEARCH SERVICE,
July 18, 2006.

From: Harold C. Relyea, Specialist in American National Government, Government and Finance Division.

Subject: Overview of "Classified" and "Sensitive but Unclassified" Information.

Prescribed in various ways, federal policies may require the protection of, or a privileged status for, particular kinds of information. This memorandum provides a brief introduction to, and overview of, two categories of such information policy. The first category is demarcated largely in a single policy instrument—a presidential executive order—with a clear focus and in considerable detail: the classification of national security information in terms of three degrees of harm the disclosure of such information could cause to the nation, resulting in Confidential, Secret, and Top Secret designations. The second category is, by contrast with the first, much broader in terms of the kinds of information it covers, to the point of even being nebulous in some instances, and is expressed in various instruments, the majority of which are non-statutory: the marking of sensitive but unclassified (SBU) information for protective management, although its public disclosure may be permissible pursuant to the Freedom of Information Act (FOIA). These two categories are reviewed in the discussion set out below.

SECURITY CLASSIFIED INFORMATION

Current security classification arrangements, prescribed by an executive order of the President, trace their origins to a March 1940 directive issued by President Franklin D. Roosevelt as E.O. 8381. This development was probably prompted somewhat by desires to clarify the authority of civilian personnel in the national defense community to classify information, to establish a broader basis for protecting military information in view of growing global hostilities, and to manage better a discretionary power seemingly of increasing importance to the entire executive branch. Prior to this 1940 order, information had been designated officially secret by armed forces personnel pursuant to Army and Navy general orders and regulations. The first systematic procedures for the protection of national defense information, devoid of special markings, were established by War Department General Orders No. 3 of February 1912. Records determined to be "confidential" were to be kept under lock, "accessible only to the officer to whom intrusted." Serial numbers were issued for all such "confidential" materials, with the numbers marked on the documents, and lists of same kept at the offices from which they emanated. With the enlargement of the armed forces after the entry of the United States into World War I, the registry system was abandoned and a tripartite system of classification markings was inaugurated in November 1917 with General Order No. 64 of the General Headquarters of the American Expenditionary Force.

The entry of the United States into World War II prompted some additional arrangements for the protection of information pertaining to the nation's security. Personnel cleared to work on the Manhattan Project for the production of the atomic bomb, for instance, in committing themselves not to disclose protected information improperly, were "required to read and sign either the Espionage Act or a special secrecy agreement," establishing their awareness of their secrecy obligations and a fiduciary trust which, if breached, constituted a basis for their dismissal.

A few years after the conclusion of World War II, President Harry S. Truman, in February 1950, issued E.O. 10104, which, while superseding E.O. 8381, basically reiterated its text, but added a fourth Top Secret classification designation to existing Restricted, Confidential, and Secret markings, making American information security categories consistent with those of our allies. At the time of the promulgation of this order, however, plans were underway for a complete overhaul of the classification program, which would result in a dramatic change in policy.

E.O. 10290, issued in September 1951, introduced three sweeping innovations in security classification policy. First, the order indicated the Chief Executive was relying upon "the authority vested in me by the Constitution and statutes, and as President of the United States" in issuing the directive. This formula appeared to strengthen the President's discretion to make official secrecy policy: it intertwined his responsibility as Commander in Chief with the constitutional obligation to "take care that the laws be faithfully executed." Second, information was now classified in the interest of "national security," a somewhat new, but nebulous, concept, which, in the view of some, conveyed more latitude for the creation of official secrets. It replaced the heretofore relied upon "national defense" standard for classification. Third, the order extended classified authority to nonmilitary entitie throughout the executive branch, to be exercised by, presumably, but not explicitly limited to, those having some role in "national security" policy.

The broad discretion to create official secrets granted by E.O. 10290 engendered widespread criticism from the public and the press. In response, President Dwight D. Eisenhower, shortly after his election to office, instructed Attorney General Herbert Brownell to review the order with a view to revising or rescinding it. The subsequent recommendation was for a new directive, which was issued in November 1953 as E.O. 10501. It withdrew classification authority from 28 entities, limited this discretion in 17 other units to the agency head, returned to the "national defense" standard for applying secrecy, eliminated the "Restricted" category, which was the lowest level of protection, and explicitly defined the remaining three classification areas to prevent their indiscriminate use.

Thereafter, E.O. 10501, with slight amendment, prescribed operative security classification policy and procedure for the next two decades. Successor orders built on this reform. These included E.O. 11652, issued by President Richard M. Nixon in March 1972, followed by E.O. 12065, promulgated by President Jimmy Carter in June 1978. For 30 years, these classification directives narrowed the bases and discretion for assigning official secrecy to executive branch documents and materials. Then, in April 1982, this trend was reversed with E.O. 12356, issued by President Ronald Reagan. This order expanded the categories of classifiable information, mandated that information falling within these categories be classified, authorized the reclassification of previously declassified documents, admonished classifiers to err on the side classification, and eliminated automatic declassification arrangements.

President William Clinton returned security classification policy and procedure to the reform trend of the Eisenhower, Nixon, and Carter Administrations with E.O. 12958 in April 1995. Adding impetus to the development and issuance of the new order were changing world conditions: the democratization of many eastern European countries, the demise of the Soviet Union, and the end of the Cold War. Accountability and cost considerations were also significant influences. In 1985, the temporary Department of Defense (DOD) Security Review Commission, chaired by retired General Richard G. Stilwell, declared that there were "no verifiable figures as to the amount of classified material produced in DOD and in defense industry each year." Nonetheless, it concluded that "too much information appears to be classified and much at higher levels than is warranted." In October 1993, the cost of the security classification program became clearer when the General Accounting Office (GAO) reported that it was "able to identify government-wide costs directly applicable to national security information totaling over $350 million for 1992." After breaking this figure down—it included only $6 million for declassification work—the report added that "the U.S. government also spends additional billions of dollars annually to safeguard information, personnel, and property." E.O. 12958 set limits for the duration of classification, prohibited the reclassification of properly declassified records, authorized government employees to challenge the classification status of records, reestablished the balancing test of E.O. 12065 weighing the need to protect information vis-a-vis the public interest in its disclosure, and created two review panels—one on classification and declassification actions and one to advise on policy and procedure.

Most recently, in March 2003, President George W. Bush issued E.O. 13292, amending E.O. 12958. Among the changes made by this order were adding infrastructure vulnerabilities or capabilities, protection services relating to national security, and weapons of mass destruction to the categories of classifiable information; easing the reclassification of declassified records; postponing the automatic declassification of protected records 25 or more years old, beginning in mid-April 2003 to the end of December 2006; eliminating the requirement that agencies prepare plans for declassifying records; and permitting the Director of Central Intelligence to block declassification actions of the Interagency Security Classification Appeals Panel, unless overruled by the President.

The security classification program has evolved during the past 66 years. One may not agree with all of its rules and requirements. but attention to detail in its policy and procedure result in a significant management regime. The operative executive order, as amended, defines its principal terms. Those who are authorized to exercise original classification authority are identified. Exclusive categories of classifiable information are specified, as are the terms of the duration of classification, as well as classification prohibitions and limitations. Classified information is required to be marked appropriately along with the identity of the original classifier, the agency or office of origin, and a date or event for declassification. Authorized holders of classified information who believe that its protected status is improper are "encouraged and expected" to challenge that status through prescribed arrangements. Mandatory declassification reviews are also authorized to determine if protected records merit continued classification at their present level, a lower level, or at all. Unsuccessful classification challenges and mandatory declassification reviews are subject to review by the Intragency Security Classification Appeals Panel. General restrictions on access to classified information are prescribed, as are distribution controls for classified information. The Information Security Oversight Office (ISOO) within the National Archives and Records Administration (NARA) is mandated to provide central management and oversight of the security classification program. If the director of this entity finds that a violation of the order or its implementing directives has occurred, it must be reported to the head of the agency or to the appropriate senior agency official so that corrective steps, if appropriate, may be taken

While Congress, thus far, has elected not to create statutorily mandated security classification policy and procedures, the option to do so has been explored in the past, and its legislative authority to do so has been recognized by the Supreme Court. Congress, however, has established protections for certain kinds of information—such as Restricted Data in the Atomic Energy Acts of 1946 and 1954, and intelligence sources and methods in the National Security Act of 1947—which have been realized through security classification arrangements. It has acknowledged properly applied security classification as a basis for withholding records sought pursuant to the Freedom of Information Act. Also, with a view to efficiency and economy, as well as effective records management, committees of Congress, on various occasions, have conducted oversight of security classification policy and practice, and have been assisted by GAO and CRS in this regard.

SENSITIVE BUT UNCLASSIFIED INFORMATION

The widespread existence and use of information control markings other than those prescribed for the security classification of information came to congressional attention in March 1972 when a subcommittee of what is now the House Committee on Government Reform launched the first oversight hearings on the administration and operation of the Freedom of Information Act (FOIA). Enacted in 1966, FOIA had become operative in July 1967. In the early months of 1972, the Nixon Administration was developing new security classification policy and procedure, which would be prescribed in E.O. 11652, issued in early March. Preparatory to this hearing, the panel had surveyed the departments and agencies in August 1971, asking, among other questions, "What legend is used by your agency to identify records which are not classifiable under Executive Order 10501 [the operative order at the time] but which are not to be made available outside the government?" Of 58 information control markings identified in response to this question, the most common were For Official Use Only (11 agencies); Limited Official Use (nine agencies); Official Use Only (eight agencies); Restricted Data (five agencies); Administratively Restricted (four agencies); Formerly Restricted Data (four agencies); and Nodis, or no dissemination (four agencies). Seven other markings were used by two agencies in each case. A CRS review of the agency responses to the control markings question prompted the following observation.

> Often no authority is cited for the establishment or origin of these labels; even when some reference is provided it is a handbook, manual, administrative order, or a circular but not statutory authority. Exceptions to this are the Atomic Energy Commission, the Defense Department and the Arms Control and Disarmament Agency. These agencies cite the Atomic Atomic Energy Act, N.A.T.O. related laws, and international agreements as a basis for certain additional labels. The Arms Control and Disarmament Agency acknowledged it honored and adopted State and Defense Department labels.

Over three decades later, it appears that approximately the same number of these information control markings are in use; that the majority of them are administratively, not statutorily, prescribed; and that many of them have an inadequate management regime, particularly when compared with the detailed arrangements which govern the management of classified information. A recent press account illustrates another problem. In late January 2005, GCN Update, the online, electronic news service of Government Computer News, reported that "dozens of classified Homeland Security Department documents" had been accidently made available on a public Internet site for several days due to an apparent security glitch at the Department of Energy. Describing the contents of the compromised materials and reactions to the breach, the account stated the "documents were marked 'for official use only,' the lowest secret-level classification." The documents, of course, were not security classified, because the marking cited is not authorized by E.O. 12958. Interestingly, however, in view of the fact that this misinterpretation appeared in a story to which three reporters contributed, perhaps it reflects, to some extent, the current confusion of these information control markings with security classification designations.

Broadly considering the contemporary situation regarding information control markings, a recent information security report by the JASON Program Office of the MITRE Corporation proffered the following assessment.

> The status of sensitive information outside of the present classification system is murkier than ever. . . . "Sensitive but unclassified" data is increasingly defined by the eye of the beholder. Lacking in definition, it is correspondingly lacking in policies and procedures for protecting (or not protecting) it, and regarding how and by whom it is generated and used.

A contemporaneous Heritage Foundation report appeared to agree with this appraisal, saying:

> The process for classifying secret information in the federal government is disciplined and explicit. The same cannot be said for unclassified but security-related information for which there is no usable definition, no common understanding about how to control it, no agreement on what significance it has for U.S. national security, and no means for adjudicating concerns regarding appropriate levels of protection.

Concerning the current Sensitive but Unclassified (SBU) marking, a 2004 report by the Federal Research Division of the Library of Congress commented that guidelines for its use are needed, and noted that "a uniform legal definition or set of procedures applicable to all Federal government agencies does not now exist." Indeed, the report indicates that SBU has been utilized in different contexts with little precision as to its scope or meaning, and, to add a bit of chaos to an already confusing situation, is "often referred to as Sensitive Homeland Security Information."

Assessments of the variety, management, and impact of information control markings, other than those prescribed for the classification of national security information, have been conducted by CRS, GAO, and the National Security Archive, a private sector research and resource center located at The George Washington University. In March 2006, GAO indicated that, in a recent survey, 26 federal agencies reported using 56 different information control markings to protect sensitive information other than classified national security material. That same month, the National Security Archive offered that, of 37 agencies surveyed, 24 used 28 control markings based on internal policies, procedures, or practices, and eight used 10 markings based on statutory authority. These numbers are important in terms of the variety of such markings. GAO explained this dimension of the management problem.

> [T]here are at least 13 agencies that use the designation For Official Use Only [FOUO], but there are at least five different definitions of FOUO. At least seven agencies or agency components use the term Law Enforcement Sensitive (LES), including the U.S. Marshals Service, the Department of Homeland Security (DHS), the Department of Commerce, and the Office of Personnel Management (OPM). These agencies gave differing definitions for the term. While DHS does not formally define the designation, the Department of Commerce defines it to include information pertaining to the protection of senior government officials, and OPM defines it as unclassified information used by law enforcement personnel that requires protection against unauthorized disclosure to protect the sources and methods of investigative activity, evidence, and the integrity of pretrial investigative reports.

Apart from the numbers, however, is another aspect of the management problem, which GAO described in the following terms.

> There are no governmentwide policies or procedures that describe the basis on which agencies should use most of these sensitive but unclassified designations, explain what the different designations mean across agencies, or ensure that they will be used consistently from one agency to another. In this absence, each agency determines what designations to apply to the sensitive but unclassified information it develops or shares.

These markings also have implications in another regard. The importance of information sharing for combating terrorism and realizing homeland security was emphasized by the National Commission on Terrorist Attacks Upon the United States. That the variously identified and marked forms of sensitive but unclassified (SBU) information could be problematic with regard to information sharing was recognized by Congress when fashioning the Homeland Security Act of 2002. Section 892 of that statute specifically directed the President to prescribe and implement procedures for the sharing of information by relevant federal agencies, including the accommodation of "homeland security information that is sensitive but unclassified." On July 29, 2003, the President assigned this responsibility largely to the Secretary of Homeland Security. Nothing resulted. The importance of information sharing was reinforced two years later in the report of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction. Congress again responded by mandating the creation of an Information Sharing Environment (ISE) when legislating the Intelligence Reform and Terrorism Prevention Act of 2004. Preparatory to implementing the ISE provisions, the President issued a December 16, 2005, memorandum recognizing the need for standardized procedures for SBU information and directing department and agency officials to take certain actions relative to that objective. In May 2006, the newly appointed manager of the ISE agreed with a March GAO assessment that, oftentimes, SBU information, designated as such with some marking, was not being shared due to concerns about the ability of recipients to adequately protect it. In brief, it appears that pseudo-classification markings have, in some instances, had the effect of deterring information sharing for homeland security purposes.

Congressional overseers have probed executive use and management of information control markings other than those prescribed for the classification of national security information, and the extent to which they result in "pseudo-classification" or a form of overclassification. Relevant remedial legislation proposed during the 109th Congress includes two bills (H.R. 2331 and H.R. 5112) containing sections which would require the Archivist of the United States to prepare a detailed report regarding the number, use, and management of these information control markings and submit it to specified congressional committees, and to promulgate regulations banning the use of these markings and otherwise establish standards for information control designations established by statute or an executive order relating to the classification of national security information. A section in the Department of Homeland Security appropriations legislation (H.R. 5441), as approved by the House, would require the Secretary of Homeland Security to revise DHS MD (Management Directive) 11056 to include (1) provision that information that is three years old and not incorporated in a current, active transportation security directive or security plan shall be determined automatically to be releasable unless, for each specific document, the Secretary makes a written determination that identifies a compelling reason why the information must remain Sensitive Security Information (SSI); (2) common and extensive examples of the individual categories of SSI cited in order to minimize and standardize judgment in the application of SSI marking; and (3) provision that, in all judicial proceedings where the judge overseeing the proceedings has adjudicated that a party needs to have access to SSI, the party shall be deemed a covered person for purposes of access to the SSI at issue in the case unless TSA or DHS demonstrates a compelling reason why the specific individual presents a risk of harm to the nation. A May 25, 2006, statement of administration policy on the bill strongly opposed the section, saying it "would jeopardize an important program that protects Sensitive Security Information (SSI) from public release by deeming it automatically releaseable in three years, potentially conflict with requirements of the Privacy and Freedom of Information Acts, and negate statutory provisions providing original jurisdiction for lawsuits challenging. the designation of SSI materials in the U.S. Courts of Appeals." The statement further indicated that the section would create a burdensome review process" for the Secretary of Homeland Security and would result in different statutory requirements being applied to SSI programs administered by the Departments of Homeland Security and Transportation."

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC., September 14, 2006.

From: Alfred Cumming, Specialist in Intelligence and National Security, Foreign Affairs, Defense, and Trade Division.

Subject: Congressional Oversight of Intelligence.

This memorandum examines the intelligence oversight structure established by Congress in the 1970s, including the creation of the congressional select intelligence committees by the U.S. House of Representatives and the Senate, respectively. It also looks at the intelligence oversight role that Congress reserved for congressional committees other than the intelligence committees; examines certain existing statutory procedures that govern how the executive branch is to keep the congressional intelligence committees informed of U.S. intelligence activities; and looks at the circumstances under which the two intelligence committees are expected to keep congressional standing committees, as well as both chambers, informed of intelligence activities.

If can be of further assistance, please call at 707-7739.

BACKGROUND

In the wake of congressional investigations into Intelligence Community activities in the mid-1970s, the U.S. Senate in 1976 created a select committee on intelligence to conduct more effective oversight on a continuing basis. The U.S. House of Representatives established its own intelligence oversight committee the following year.

Until the two intelligence committees were created, other congressional standing committees—principally the Senate and House Armed Services and Appropriations committees—shared responsibility for overseeing the intelligence community. Although willing to cede primary jurisdiction over the Central Intelligence Agency (CIA) to the two new select intelligence committees, these congressional standing committees wanted to retain jurisdiction over the intelligence activities of the other departments and agencies they oversaw. According to one observer, the standing committees asserted their jurisdictional prerogatives for two reasons—to protect "turf," but also to provide "a hedge against the possibility that the newly launched experiment in oversight might go badly."

INTELLIGENCE COMMITTEES; STATUTORY OBLIGATIONS

Under current statute, the President is required to ensure that the congressional intelligence committees are kept "fully and currently informed" of U.S. intelligence activities, including any "significant anticipated intelligence activity," and the President and the intelligence committees are to establish any procedures as may be necessary to carry out these provisions.

The statute, however, stipulates that the intelligence committees in turn are responsible for alerting the respective chambers or congressional standing committees of any intelligence activities requiring further attention. The intelligence committees are to carry out this responsibility in accordance with procedures established by the House of Representatives and the Senate, in consultation with the Director of National Intelligence, in order to protect against unauthorized disclosure of classified information, and all information relating to sources and methods.

The statute stipulates that: "each of the congressional intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

This provision was included in statute after being specifically requested in a letter from then Senate Foreign Relations Chairman Frank Church and Ranking Minority Member Jacob Javits in an Apr. 30, 1980 letter to then-intelligence committee Chairman Birch Bayh and Vice Chairman Barry Goldwater.

INTELLIGENCE COMMITTEE OBLIGATIONS UNDER RESOLUTION

In an apparent effort to address various concerns relating to committee jurisdiction, the House of Representatives and the Senate, in the resolutions establishing each of the intelligence committees, included language preserving oversight roles for those standing committees with jurisdiction over matters affected by intelligence activities.

Specifically, each intelligence committee's resolution states that: "Nothing in this [Charter] shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee."

Both resolutions also stipulate that:

> Nothing in this [charter] shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the [House/Senate] to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

Finally, both charters direct that each intelligence committee alert the appropriate standing committees, or the respective chambers, of any matter requiring attention. The charters state:

> The select committee, for the purposes of accountability to the [House/Senate] shall make regular and periodic reports to the [House/Senate] on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the [House/Senate] or to any other appropriate committee or committees of the [House/Senate] any matters requiring the attention of the [House/Senate] or such other appropriate committee or committees.

CROSS-OVER MEMBERSHIP

Both resolutions also direct that the membership of each intelligence committee include members who serve on the four standing committees that historically have been involved in intelligence oversight. The respective resolutions designate the following committees as falling in this category: Appropriations, Armed Services, Judiciary, and the Senate Foreign Relations Committee and the House International Relations Committee.

Although each resolution directs that such cross-over members be designated, neither specifies whether cross-over members are to play any additional role beyond serving on the intelligence committees. For example, neither resolution outlines whether cross-over members are to inform colleagues on standing committees they represent. Rather, each resolution directs only that the "intelligence committee" shall promptly call such matters to the attention of standing committees and the respective chambers if the committees determine that they require further attention by those entities.

SUMMARY CONCLUSIONS

Although the President is statutorily obligated to keep the congressional intelligence committees fully and currently informed of intelligence activities, the statute obligates the intelligence committees to inform the respective chambers, or standing committees, of such activities, if either of the two committees determine that further oversight attention is required.

Further, resolutions establishing the two intelligence committees make clear that the intelligence committees share intelligence oversight responsibilities with other standing committees, to the extent that certain intelligence activities affect matters that fall under the jurisdiction of a committee other than the intelligence committees.

Finally, the resolutions establishing the intelligence committees provide for the designation of "cross-over" members representing certain standing committees that played a role in intelligence oversight prior to the establishment of the intelligence committees in the 1970s. The resolutions, however, do not specify what role, if any, these "cross-over" members play in keeping standing committees on which they serve informed of certain intelligence activities. Rather, each resolution states that the respective intelligence committee shall make that determination.

S. 82

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Community Audit Act of 2007".

SEC. 2. COMPTROLLER GENERAL AUDITS AND EVALUATIONS OF ACTIVITIES OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) REAFFIRMATION OF AUTHORITY; AUDITS OF INTELLIGENCE COMMUNITY ACTIVITIES.—Chapter 35 of title 31, United States Code, is amended by inserting after section 3523 the following:

"§3523a. Audits of intelligence community; audit requesters

"(a) In this section, the term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(b) Congress finds that—

"(1) the authority of the Comptroller General to perform audits and evaluations of financial transactions, programs, and activities of elements of the intelligence community under sections 712, 717, 3523, and 3524, and to obtain access to records for purposes of such audits and evaluations under section 716, is reaffirmed; and

"(2) such audits and evaluations may be requested by any committee of jurisdiction (including the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate), and may include matters relating to the management and administration of elements of the intelligence community in areas such as strategic planning, financial management, information technology, human capital, knowledge management, information sharing (including information sharing by and with the Department of Homeland Security), and change management.

"(c)(1) The Comptroller General may conduct an audit or evaluation of intelligence sources and methods or covert actions only upon request of the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, or the majority or the minority leader of the Senate or the House of Representatives.

"(2)(A) Whenever the Comptroller General conducts an audit or evaluation under paragraph (1), the Comptroller General shall provide the results of such audit or evaluation only to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

"(B) The Comptroller General may only provide information obtained in the course of an audit or evaluation under paragraph (1) to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

"(3)(A) Notwithstanding any other provision of law, the Comptroller General may inspect records of any element of the intelligence community relating to intelligence sources and methods, or covert actions in order to conduct audits and evaluations under paragraph (1).

"(B) If in the conduct of an audit or evaluation under paragraph (1), an agency record is not made available to the Comptroller General in accordance with section 716, the Comptroller General shall consult with the original requestor before filing a report under subsection (b)(1) of that section.

"(4)(A) The Comptroller General shall maintain the same level of confidentiality for a record made available for conducting an audit under paragraph (1) as is required of the head of the element of the intelligence community from which it is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the intelligence community element that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such records.

"(B) All workpapers of the Comptroller General and all records and property of any element of the intelligence community that the Comptroller General uses during an audit or evaluation under paragraph (1) shall remain in facilities provided by that element of the intelligence community. Elements of the intelligence community shall give the Comptroller General suitable and secure offices and furniture, telephones, and access to copying facilities, for purposes of audits and evaluations under paragraph (1).

"(C) After consultation with the Select Committee on Intelligence of the Senate and with the Permanent Select Committee on Intelligence of the House of Representatives, the Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an audit or evaluation under paragraph (1).

"(D) Before initiating an audit or evaluation under paragraph (1), the Comptroller General shall provide the Director of National Intelligence and the head of the relevant element with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records, and information of the element of the intelligence community shall be made available in conducting the audit or evaluation.

"(d) Elements of the intelligence community shall cooperate fully with the Comptroller General and provide timely responses to Comptroller General requests for documentation and information.

"(e) Nothing in this section or any other provision of law shall be construed as restricting or limiting the authority of the Comptroller General to audit and evaluate, or obtain access to the records of, elements of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 31, United States Code, is amended by inserting after the item relating to section 3523 the following:

"3523a. Audits of intelligence community; audits and requesters.".

By Mr. MCCAIN (for himself, Ms. SNOWE, Mr. BIDEN, and Mr. LIEBERMAN):

S. 83. A bill to provide increased rail transportation security; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senators SNOWE, BIDEN, AND LIEBERMAN in introducing the Rail Security Act of 2007. This legislation is nearly identical to the rail security measures approved by the Senate during both the 108th and 109th Congresses. Unfortunately, the House of Representatives has yet to act on rail security legislation. I remain hopeful that rail security will be made a top priority for the 110th Congress.

We have taken important steps and expended considerable resources to secure the homeland since 9/11. I think all would agree that air travel is safer than it was five years ago. And, we have worked to address port security in a comprehensive manner. However, we need to do more to better secure other transportation modes, a fact well documented by the 9/11 Commission. Unfortunately, only relatively modest resources have been dedicated to rail security in recent years. As a result, our Nation's transit system, Amtrak, and the freight railroads remain vulnerable to terrorist attacks.

The Rail Security Act would authorize a total of almost $1.2 billion dollars for rail security. More than half of this funding would be authorized to complete tunnel safety and security improvements at New York's Penn Station, which is used by over 500,000 transit, commuter, and intercity passengers each workday. The legislation would also establish a grant program to encourage security enhancements by the freight railroads, Amtrak, shippers of hazardous materials, and local governments with responsibility for passenger stations. It would help to address identified security weaknesses in a manner that also seeks to protect the taxpayers' interests.

As we continue fight the War on Terror, we need to do all we can to address our vulnerabilities. We have witnessed the tragic attacks on rail systems in other countries, including the cities of London, Mumbai and Madrid, and the devastating consequences of those attacks. It is essential that we move expeditiously to protect all the modes of transportation from potential attack, and this legislation will help to do just that.

As I mentioned earlier, the Senate has consistently supported legislation to promote rail security. Most recently, rail security provisions were adopted last Fall as part of the port security legislation. But again, the House failed to allow these important security provisions to move ahead, and the provisions were stripped from the conference agreement. As a result, our rail network continues to remain vulnerable to terrorist attack. That is unacceptable in my judgement.

I urge the Senate to move quickly to again pass this important legislation.

Mr. MCCAIN (for himself, Mr. STEVENS, and Mr. DORGAN):

S. 84. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today I am pleased to be joined by Senators STEVENS and DORGAN in introducing the Professional Boxing Amendments Act of 2007. This legislation is virtually identical to a measure approved unanimously by the Senate in 2005. I remain committed to moving the Professional Boxing Amendments Act through the Senate and I trust that my colleagues will once again vote favorably on this important legislation. Simply put, this legislation would better protect professional boxing from the fraud, corruption, and ineffective regulation that have plagued the sport for far too many years, and that have devastated physically and financially many of our Nation's professional boxers.

For almost a decade, Congress has made efforts to improve the sport of professional boxing and for very good reason. With rare exception, professional boxers come from the lowest rung on our economic ladder. Often they are the least educated and most exploited athletes in our nation. The Professional Boxing Safety Act of 1996 and the Muhammad Ali Boxing Reform Act of 2000 established uniform health and safety standards for professional boxers, as well as basic protections for boxers against the sometimes coercive, exploitative, and unethical business practices of promoters, managers, and sanctioning organizations. But further action is needed.

The Professional Boxing Amendments Act would strengthen existing Federal boxing law by improving the basic health and safety standards for professional boxers, establishing a centralized medical registry to be used by local commissions to protect boxers, reducing the arbitrary practices of sanctioning organizations, and enhancing the uniformity and basic standards for professional boxing contracts. Most importantly, this legislation would establish a Federal regulatory entity to oversee professional boxing and set basic uniform standards for certain aspects of the sport.

Current law has improved to some extent the state of professional boxing. However, I remain concerned, as do many others, that the sport remains at risk. In 2003, the Government Accountability Office (GAO) spent more than six months studying ten of the country's busiest State and tribal boxing commissions. Government auditors found that many State and tribal boxing commissions still do not comply with Federal boxing law, and that there is a troubling lack of enforcement by both Federal and State officials.

Ineffective and inconsistent oversight of professional boxing has contributed to the continuing scandals, controversies, unethical practices, and unnecessary deaths in the sport. These problems have led many in professional boxing to conclude that the only solution is an effective and accountable Federal boxing commission. The Professional Boxing Amendments Act would create such an entity.

Professional boxing remains the only major sport in the United States that does not have a strong, centralized association, league, or other regulatory body to establish and enforce uniform rules and practices. Because a powerful few benefit greatly from the current system of patchwork compliance and enforcement of Federal boxing law, a national self-regulating organization though preferable to Federal government oversight is not a realistic option.

This bill would establish the United States Boxing Commission, USBC or Commission. The Commission would be responsible for protecting the health, safety, and general interests of professional boxers. The USBC would also be responsible for ensuring uniformity, fairness, and integrity in professional boxing. More specifically, the Commission would administer Federal boxing law and coordinate with other Federal regulatory agencies to ensure that this law is enforced; oversee all professional boxing matches in the United States; and work with the boxing industry and local commissions to improve the safety, integrity, and professionalism of professional boxing in the United States.

The USBC would also license boxers, promoters, managers, and sanctioning organizations. The Commission would have the authority to revoke such a license for violations of Federal boxing law, to stop unethical or illegal conduct, to protect the health and safety of a boxer, or if the revocation is otherwise in the public interest.

Mr. President, it is important to state clearly and plainly for the record that the purpose of the USBC is not to interfere with the daily operations of State and tribal boxing commissions. Instead, the Commission would work in consultation with local commissions, and it would only exercise its authority when reasonable grounds exist for such intervention. In point of fact, the Professional Boxing Amendments Act states explicitly that it would not prohibit any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing to the extent not inconsistent with the provisions of Federal boxing law.

Let there be no doubt, however, of the very basic and pressing need in professional boxing for a Federal boxing commission. The establishment of the USBC would address that need. The problems that plague the sport of professional boxing undermine the credibility of the sport in the eyes of the public and—more importantly—compromise the safety of boxers. The Professional Boxing Amendments Act provides an effective approach to curbing these problems. I urge my colleagues to support this legislation.

By Mr. MCCAIN (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. GRASSLEY, Mr. REID, Mrs. FEINSTEIN, and Mr. FEINGOLD):

S. 85. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, today I am introducing the Indian Tribes Methamphetamine Reduction Grants Act of 2007. This bill is identical to S. 4113, a bipartisan measure that was passed by unanimous consent in the Senate on December 8, 2006, the last day of the 109th Congress. The legislation would allow Indian tribes to be eligible for funding through the Department of Justice to eradicate the scourge of methamphetamine use, sale and manufacture in Native American communities. I am pleased to be joined by Senators DORGAN, BAUCUS, GRASSLEY, REID, FEINSTEIN, and FEINGOLD in introducing this important legislation.

The impacts of methamphetamine use on communities across the Nation are well known and cannot be overstated. Methamphetamine is the leading drug-related law enforcement problem in the country. Unfortunately, the meth crisis is affecting Indian Country most severely. Very serious concerns have been raised by the U.S. Department of Justice, States, and other non-tribal law enforcement agencies over the rapidly growing levels of methamphetamine production and trafficking on reservations with large geographic areas or tribes adjacent to the U.S.-Mexico border. But because of the sovereign status of the tribes, criminals are generally not subject to state jurisdiction in many cases. As a result, local law enforcement often has no jurisdiction in Indian country, and tribal law enforcement agencies bear the brunt of most law enforcement functions.

The problem of meth in Indian country, which the National Congress of American Indians identified last year as its top priority, is ubiquitous, and has strained already overburdened law enforcement, health, social welfare, housing, and child protective and placement services on Indian reservations. Last year a former tribal judge on the Wind River Reservation in Wyoming pled guilty to conspiracy to distribute methamphetamine and other drugs. The day before, the Navajo Nation police arrested an 81 year old grandmother, her daughter, and her granddaughter, for selling meth. One tribe in Arizona had over 60 babies born with meth in their systems. In 2005, the National Indian Housing Council expanded its training for dealing with meth in tribal housing: the average cost of decontaminating a single residence that has been used a meth lab is $10,000.

During the 109th Congress, as the Chairman of the Senate Indian Affairs Committee, I held hearings on this serious matter. Committee witnesses testified that the methamphetamine epidemic in Indian country has contributed to a rise in child abuse and neglect cases, among other social ills, and some tribes reported dramatic increases in suicide rates among young people linked to methamphetamine use. Following our hearings, I was pleased to work with Senators DORGAN, SESSIONS, BINGAMAN and others in improving upon our legislation to assist Indian Country in fighting this terrible drug crisis.

To avoid any potential misinterpretation of the intent of this legislation, this bill includes language developed and agreed to during the last Congress that is designed to clarify the intent of the bill. This clarifying language, provided in section 2(a)(4) of the bill, is intended to make it clear that by authorizing the Department of Justice's Bureau of Justice Assistance to award grant funds to a state, territory or Indian tribe to "investigate, arrest and prosecute individuals" involved in illegal methamphetamine activities, the legislation does not somehow authorize a grantee state, territory or Indian tribe to pursue law enforcement activities that it otherwise has no jurisdiction to pursue. And similarly, this provision also clarifies that an award or denial of a grant by the Bureau of Justice Assistance does not somehow allow a state, territory or Indian tribe to pursue law enforcement activities that it otherwise lacks jurisdiction to pursue. For example, a law enforcement agency in one state, territory or Indian reservation is not somehow enabled by this section, or by an award made pursuant to this section, to prosecute a methamphetamine crime arising in some other jurisdiction unless that agency already has such jurisdiction.

The legislation further clarifies that authority under the bill to award grants would have no effect beyond simply authorizing, awarding or denying a grant of funds to a state, territory or Indian tribe. So, for example, if a state, territory or Indian tribe is awarded or denied a grant of funds under this section, that award or denial has no relevance to or effect on the eligibility of the state, territory or Indian tribe to participate in any other program or activity unrelated to the award or denial of grants as permitted under this legislation. The award or denial of a grant under this subsection, in other words, is relevant only to the award or denial of the grant under this subsection, and nothing else.

The measure I am introducing today takes but a small step on the long journey toward our fight against methamphetamine. I encourage my colleagues to support it.

By Mr. McCAIN (for himself and Mr. KYL):

S. 86. A bill to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers; to the Committee on Energy and Natural Resources.

Mr. McCAIN. Mr. President, I am please to be joined by my colleague, Senator KYL, in reintroducing a bill to designate Fossil Creek as a Wild and Scenic River. A companion measure is being introduced today by Congressman RENZI and other members of the Arizona congressional delegation.

Fossil Creek is a thing of beauty. With its picturesque scenery, lush riparian ecosystem, unique geological features, and deep iridescent blue pools and waterfalls, this tributary to the Wild and Scenic Verde River and Lower Colorado River Watershed stretches 14 miles through east central Arizona. It is home to a wide variety of wildlife, some of which are threatened or endangered species. Over 100 bird species inhabit the Fossil Creek area and use it to migrate between the range lowlands and the Mogollon-Colorado Plateau highlands. Fossil Creek also supports a variety of aquatic species and is one of the few perennial streams in Arizona with multiple native fish.

Fossil Creek was named in the 1800's when early explorers described the fossil-like appearance of creek-side rocks and vegetation coated with calcium carbonate deposits from the creek's water. In the early 1900's, pioneers recognized the potential for hydroelectric power generation in the creek's constant and abundant spring fed baseflow. They claimed the channel's water rights and built a dam system and generating facilities known as the Childs-Irving hydro-project. Over time, the project was acquired by Arizona Public Service (APS), one of the state's largest eclectic utility providers serving more than a million Arizonans. Because Childs-Irving produced less then half of 1 percent of the total power generated by APS, the decision was made ultimately to decommission the aging dam and restore Fossil Creek to its pre-settlement conditions.

APS has partnered with various environmental groups, federal land managers, and state, tribal and local governments to safely remove the Childs-Irving power generating facilities and restore the riparian ecosystem. In 2005, APS removed the dam system and returned full flows to Fossil Creek. Researchers predict Fossil Creek will soon become a fully regenerated Southwest native fishery providing a most-valuable opportunity to reintroduce at least six Threatened and Endangered native fish species as well as rebuild the native populations presently living in the creek.

There is a growing need to provide additional protection and adequate staffing and management at Fossil Creek. Recreational visitation to the riverbed is expected to increase dramatically, and by the Forest Service's own admission, they aren't able to manage current levels of visitation or the pressures of increased use. While responsible recreation and other activities at Fossil Creek are to be encouraged, we must also ensure the long-term success of the ongoing restoration efforts. Designation under the Wild and Scenic Rivers Act would help to ensure the appropriate level of protection and resources are devoted to Fossil Creek. Already, Fossil Creek has been found eligible for Wild and Scenic designation by the Forest Service and the proposal has widespread support from surrounding communities. All of the lands potentially affected by a designation are owned and managed by the Forest Service and will not affect private property owners.

Fossil Creek is a unique Arizona treasure, and would benefit greatly from the protection and recognition offered through Wild and Scenic designation. I urge my colleagues to support this bill.

By Mr. KERRY (for himself, Mr. KENNEDY, Ms. CANTWELL, Ms. LANDRIEU, Mr. LAUTENBERG, and Mrs. MURRAY):

S. 95. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today the first bill I am introducing in the 110th Congress is the Kids Come First Act, legislation that would ensure every child in America has health care coverage. The Kids Come First Act was also the first bill I introduced in the 109th Congress and I feel just as strongly today as I did at the beginning of the last Congress that insuring all children must be a top agenda item. In the two years since I last introduced this bill, the problem of uninsured children in this nation has actually worsened.

The 110th Congress faces many challenges, from the war in Iraq to lobbying reform. But perhaps no issue bears more directly on the lives of more Americans than health care reform. Today 47 million Americans are uninsured, including 11 million under age 21. Health care has become a slow-motion Katrina that is ruining lives and bankrupting families all over the country. We cannot stand by as the ranks of the uninsured rise and American families find themselves in peril.

A recent Census Bureau report revealed that for the first time in almost a decade the number of uninsured children increased. In 2005 there were 361,000 children under the age of 18 added to the uninsured rolls. And the number of Americans without health care continues to rise.

The Kids Come First Act calls for a Federal-State partnership to mandate health coverage to every child in America. The proposal makes the states an offer they can't refuse. The federal government will pay for the most expensive part: enrolling all low-income children in Medicaid, automatically. The states will pay to expand coverage to higher income children. In the end, states across the country will save more than $6 billion a year, and every child will have health care.

It is totally unacceptable that, in the greatest country in the world, millions of children are not getting the health care they need. The Kids Come First Act expands coverage for children up to age of 21. Through expanding the programs that work, such as Medicaid and SCHIP, we can cover all eleven million children uninsured children.

Insuring children improves their health and helps families cover the spiraling costs of insuring them. Covering all kids will reduce avoidable hospitalizations by 22 percent and replace expensive critical care with inexpensive preventative care. Also, when children get the medical attention they need, they pay much better attention in the classroom and studies show their performance improves.

To pay for the expansion of health insurance for children, the Kids Come First Act includes a provision that provides the Secretary of Treasury with the authority to raise the highest income tax rate of 35 percent to a rate not higher than 39.6 percent in order to offset the costs. Prior to the enactment of the Economic Growth and Tax Relief Act Reconciliation Act of 2001, the top marginal rate was 39.6 percent. Less than one percent of taxpayers pay the top rate and for 2007, this rate only affects individual with income above $349,700.

The health care of our children is a priority that we must address and it can be done in a fiscally responsible manner. I will continue to work to find ways to offset the cost of my proposal. The wealthiest of all Americans do not need a tax cut when 11 million children do not even have health insurance. President Bush has called for this rate cut to be made permanent, but I believe it would be a better use of our resources to invest in our future by improving health care for children.

Since I first introduced the Kids Come First Act in the 109th Congress, more than 500,000 people have shown their support for the bill by becoming Citizen Cosponsors and another 20,000 Americans called into our "Give Voices to Our Values" hotline to share their personal stories. In addition, a coalition of 24 non-profit organizations representing 20 million people from across the country have endorsed Kids Come First, including the National Association of Children's Hospitals, the American Academy of Pediatrics, the American Academy of Family Physicians, March of Dimes, the Small Business Service Bureau, AFL-CIO, SEIU, and AFSCME.

It is clear that providing health care coverage for our uninsured children is a priority for our nation's workers, businesses, and health care community. They know, as I do, that further delay only results in graver health problems for America's children. Their future, and ours, depends on us doing better. I urge my colleagues to support and help enacting the Kids Come First Act of 2007 during this Congress.

I ask unanimous consent that the text of the Kids Come First Act of 2007 be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 95

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Kids Come First Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—EXPANDED COVERAGE OF CHILDREN UNDER MEDICAID AND SCHIP

Sec. 101. State option to receive 100 percent FMAP for medical assistance for children in poverty in exchange for expanded coverage of children in working poor families under Medicaid or SCHIP.
Sec. 102. Elimination of cap on SCHIP funding for States that expand eligibility for children.

TITLE II—STATE OPTIONS FOR INCREMENTAL CHILD COVERAGE EXPANSIONS

Sec. 201. State option to provide wrap-around SCHIP coverage to children who have other health coverage.
Sec. 202. State option to enroll low-income children of State employees in SCHIP.
Sec. 203. Optional coverage of legal immigrant children under Medicaid and SCHIP.
Sec. 204. State option for passive renewal of eligibility for children under Medicaid and SCHIP.

TITLE III—TAX INCENTIVES FOR HEALTH INSURANCE COVERAGE OF CHILDREN

Sec. 301. Refundable credit for health insurance coverage of children.
Sec. 302. Forfeiture of personal exemption for any child not covered by health insurance.

TITLE IV—MISCELLANEOUS

Sec. 401. Requirement for group market health insurers to offer dependent coverage option for workers with children.
Sec. 402. Effective date.

TITLE V—REVENUE PROVISION

Sec. 501. Partial repeal of rate reduction in the highest income tax bracket.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) NEED FOR UNIVERSAL COVERAGE.—

(A) Currently, there are 9,000,000 children under the age of 19 that are uninsured. One out of every 8 children are uninsured while 1 in 5 Hispanic children and 1 in 7 African American children are uninsured. Three-quarters, approximately 6,800,000, of these children are eligible but not enrolled in the Medicaid program or the State Children's Health Insurance Program (SCHIP). Long-range studies found that 1 in 3 children went without health insurance for all or part of 2002 and 2003.

(B) Low-income children are 3 times as likely as children in higher income families to be uninsured. It is estimated that 65 percent of uninsured children have at least 1 parent working full time over the course of the year.

(C) It is estimated that 50 percent of all legal immigrant children in families with income that is less than 200 percent of the Federal poverty line are uninsured. In States without programs to cover immigrant children, 57 percent of noncitizen children are uninsured.

(D) Children in the Southern and Western parts of the United States were nearly 1.7 times more likely to be uninsured than children in the Northeast. In the Northeast, 9.4 percent of children are uninsured while in the Midwest, 8.3 percent are uninsured. The South's rate of uninsured children is 14.3 percent while the West has an uninsured rate of 13 percent.

(E) Children's health care needs are neglected in the United States. One out of every 5 children has problems accessing needed care and one-quarter of young children in the United States are not fully up to date on their basic immunizations. One-third of children with chronic asthma do not get a prescription for the necessary medications to manage the disease and 1 out of every 4 children do not receive annual dental exams.

(F) Children without health insurance are twice as likely as insured children to not receive any medical care in a given year. According to the Centers for Disease Control and Prevention, nearly ½ of all uninsured children have not had a well-child visit in the past year. One in 6 uninsured children had a delayed or unmet medical need in the past year. Minority children are less likely to receive proven treatments such as prescription medications to treat chronic disease.

(G) There are 7,600,000 young adults between the ages of 19 and 20. In the United States, approximately 28 percent, or 2,100,000 individuals, of this group are uninsured.

(H) Chronic illness and disability among children are on the rise. Children most at risk for chronic illness and disability are children who are most likely to be poor and uninsured.

(2) ROLE OF THE MEDICAID AND STATE CHILDREN'S HEALTH INSURANCE PROGRAMS.—

(A) The Medicaid program and SCHIP serve as a crucial health safety net for 30,000,000 children. During the recent economic downturn and the highest number of uninsured individuals ever recorded in the United States, the Medicaid program and SCHIP offset losses in employer-sponsored coverage. While the number of children living in low-income families increased between 2000 and 2005, the number of uninsured children fell due to the Medicaid program and SCHIP.

(B) 28,000,000 children are enrolled today in the Medicaid program, accounting for ½ of all enrollees and only 18 percent of total program costs.

(C) The Medicaid program and SCHIP do more than just fill in the gaps. Gains in public coverage have reduced the percentage of low-income uninsured children by ⅓ from 1997 to 2005. In addition, a study found that publicly-insured children are more likely to obtain medical care, preventive care, and dental care than similar low-income privately-insured children.

(D) Publicly funded programs such as the Medicaid program and SCHIP actually improve children's health. Children who are currently insured by public programs are in better health than they were a year ago. Expansion of coverage for children and pregnant women under the Medicaid program and SCHIP reduces rates of avoidable hospitalizations by 22 percent and has been proven to reduce childhood deaths, infant mortality rates, and the incidence of low birth weight.

(E) Studies have found that children enrolled in public insurance programs experienced a 68-percent improvement in measures of school performance.

(F) Despite the success of expansions in general under the Medicaid program and SCHIP, due to current budget constraints, many States have stopped doing aggressive outreach and have raised premiums and cost-sharing requirements on families under these programs. In addition, 8 States stopped enrollment in SCHIP for a period of time between April 2003 and July 2004. As a result, SCHIP enrollment fell by 200,000 children for the first time in the program's history.

(G) It is estimated that nearly 50 percent of children covered through SCHIP do not remain in the program due to reenrollment barriers. A recent study found that between 10 and 40 percent of these children are "lost" in the system. Difficult renewal policies and reenrollment barriers make seamless coverage in SCHIP unattainable. Studies indicate that as many as 67 percent of children who were eligible but not enrolled for SCHIP had applied for coverage but were denied due to procedural issues.

(H) While the Medicaid program and SCHIP expansions to date have done much to offset what otherwise would have been a significant loss of coverage among children because of declining access to employer coverage, the shortcomings of previous expansions, such as the failure to enroll all eligible children and caps on enrollment in SCHIP because of under-funding, also are clear.

TITLE I—EXPANDED COVERAGE OF CHILDREN UNDER MEDICAID AND SCHIP

SEC. 101. STATE OPTION TO RECEIVE 100 PERCENT FMAP FOR MEDICAL ASSISTANCE FOR CHILDREN IN POVERTY IN EXCHANGE FOR EXPANDED COVERAGE OF CHILDREN IN WORKING POOR FAMILIES UNDER MEDICAID OR SCHIP.

(a) STATE OPTION.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by redesignating section 1939 as section 1940, and by inserting after section 1938 the following:

"STATE OPTION FOR INCREASED FMAP FOR MEDICAL ASSISTANCE FOR CHILDREN IN POVERTY IN EXCHANGE FOR EXPANDED COVERAGE OF CHILDREN IN WORKING POOR FAMILIES UNDER THIS TITLE OR TITLE XXI

"SEC. 1939. (a) 100 PERCENT FMAP.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, in the case of a State that, through an amendment to each of its State plans under this title and title XXI (or to a waiver of either such plan), agrees to satisfy the conditions described in subsections (b), (c), and (d), the Federal medical assistance percentage shall be 100 percent with respect to the total amount expended by the State for providing medical assistance under this title for each fiscal year quarter beginning on or after the date described in subsection (e) for children whose family income does not exceed 100 percent of the poverty line.

"(2) LIMITATION ON SCOPE OF APPLICATION OF INCREASE.—The increase in the Federal medical assistance percentage for a State under this section shall apply only with respect to the total amount expended for providing medical assistance under this title for a fiscal year quarter for children described in paragraph (1) and shall not apply with respect to—

"(A) any other payments made under this title, including disproportionate share hospital payments described in section 1923;

"(B) payments under title IV or XXI; or

"(C) any payments made under this title or title XXI that are based on the enhanced FMAP described in section 2105(b).

"(b) ELIGIBILITY EXPANSIONS.—The condition described in this subsection is that the State agrees to do the following:

"(1) COVERAGE UNDER MEDICAID OR SCHIP FOR CHILDREN IN FAMILIES WHOSE INCOME DOES NOT EXCEED 300 PERCENT OF THE POVERTY LINE.—

"(A) IN GENERAL.—The State agrees to provide medical assistance under this title or child health assistance under title XXI to children whose family income exceeds the medicaid applicable income level (as defined in section 2110(b)(4) but by substituting 'January 1, 2007' for 'March 31, 1997'), but does not exceed 300 percent of the poverty line.

"(B) STATE OPTION TO EXPAND COVERAGE THROUGH SUBSIDIZED PURCHASE OF FAMILY COVERAGE.—A State may elect to carry out subparagraph (A) through the provision of assistance for the purchase of dependent coverage under a group health plan or health insurance coverage if—

"(i) the dependent coverage is consistent with the benefit standards under this title or title XXI, as approved by the Secretary; and

"(ii) the State provides 'wrap-around' coverage under this title or title XXI.

"(C) DEEMED SATISFACTION FOR CERTAIN STATES.—A State that, as of January 1, 2007, provides medical assistance under this title or child health assistance under title XXI to children whose family income is 300 percent of the poverty line shall be deemed to satisfy this paragraph.

"(2) COVERAGE FOR CHILDREN UNDER AGE 21.—The State agrees to define a child for purposes of this title and title XXI as an individual who has not attained 21 years of age.

"(3) OPPORTUNITY FOR HIGHER INCOME CHILDREN TO PURCHASE SCHIP COVERAGE.—The State agrees to permit any child whose family income exceeds 300 percent of the poverty line to purchase full or 'wrap-around' coverage under title XXI at the full cost of providing such coverage, as determined by the State.

"(4) COVERAGE FOR LEGAL IMMIGRANT CHILDREN.—The State agrees to—

"(A) provide medical assistance under this title and child health assistance under title XXI for alien children who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance in accordance with section 1903(v)(4) and 2107(e)(1)(F); and

"(B) not establish or enforce barriers that deter applications by such aliens, including through the application of the removal of the barriers described in subsection (c).

"(c) REMOVAL OF ENROLLMENT AND ACCESS BARRIERS.—The condition described in this subsection is that the State agrees to do the following:

"(1) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State agrees to—

"(A) provide presumptive eligibility for children under this title and title XXI in accordance with section 1920A; and

"(B) treat any items or services that are provided to an uncovered child (as defined in section 2110(c)(8)) who is determined ineligible for medical assistance under this title as child health assistance for purposes of paying a provider of such items or services, so long as such items or services would be considered child health assistance for a targeted low-income child under title XXI.

"(2) ADOPTION OF 12-MONTH CONTINUOUS ENROLLMENT.—The State agrees to provide that eligibility for assistance under this title and title XXI shall not be regularly redetermined more often than once every year for children.

"(3) ACCEPTANCE OF SELF-DECLARATION OF INCOME.—The State agrees to permit the family of a child applying for medical assistance under this title or child health assistance under title XXI to declare and certify by signature under penalty of perjury family income for purposes of collecting financial eligibility information.

"(4) ADOPTION OF ACCEPTANCE OF ELIGIBILITY DETERMINATIONS FOR OTHER ASSISTANCE PROGRAMS.—The State agrees to accept determinations (made within a reasonable period, as found by the State, before its use for this purpose) of an individual's family or household income made by a Federal or State agency (or a public or private entity making such determination on behalf of such agency), including the agencies administering the Food Stamp Act of 1977, the Richard B. Russell National School Lunch Act, and the Child Nutrition Act of 1966, notwithstanding any differences in budget unit, disregard, deeming, or other methodology, but only if—

"(A) such agency has fiscal liabilities or responsibilities affected or potentially affected by such determinations; and

"(B) any information furnished by such agency pursuant to this subparagraph is used solely for purposes of determining eligibility for medical assistance under this title or for child health assistance under title XXI.

"(5) NO ASSETS TEST.—The State agrees to not (or demonstrates that it does not) apply any assets or resources test for eligibility under this title or title XXI with respect to children.

"(6) ELIGIBILITY DETERMINATIONS AND REDETERMINATIONS.—

"(A) IN GENERAL.—The State agrees for purposes of initial eligibility determinations and redeterminations of children under this title and title XXI not to require a face-to-face interview and to permit applications and renewals by mail, telephone, and the Internet.

"(B) NONDUPLICATION OF INFORMATION.—

"(i) IN GENERAL.—For purposes of redeterminations of eligibility for currently or previously enrolled children under this title and title XXI, the State agrees to use all information in its possession (including information available to the State under other Federal or State programs) to determine eligibility or redetermine continued eligibility before seeking similar information from parents.

"(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed as limiting any obligation of a State to provide notice and a fair hearing before denying, terminating, or reducing a child's coverage based on such information in the possession of the State.

"(7) NO WAITING LIST FOR CHILDREN UNDER SCHIP.—The State agrees to not impose any numerical limitation, waiting list, waiting period, or similar limitation on the eligibility of children for child health assistance under title XXI or to establish or enforce other barriers to the enrollment of eligible children based on the date of their application for coverage.

"(8) ADEQUATE PROVIDER PAYMENT RATES.—The State agrees to—

"(A) establish payment rates for children's health care providers under this title that are no less than the average of payment rates for similar services for such providers provided under the benchmark benefit packages described in section 2103(b);

"(B) establish such rates in amounts that are sufficient to ensure that children enrolled under this title or title XXI have adequate access to comprehensive care, in accordance with the requirements of section 1902(a)(30)(A); and

"(C) include provisions in its contracts with providers under this title guaranteeing compliance with these requirements.

"(d) MAINTENANCE OF MEDICAID ELIGIBILITY LEVELS FOR CHILDREN.—

"(1) IN GENERAL.—The condition described in this subsection is that the State agrees to maintain eligibility income, resources, and methodologies applied under this title (including under a waiver of such title or under section 1115) with respect to children that are no more restrictive than the eligibility income, resources, and methodologies applied with respect to children under this title (including under such a waiver) as of January 1, 2007.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as implying that a State does not have to comply with the minimum income levels required for children under section 1902(l)(2).

"(e) DATE DESCRIBED.—The date described in this subsection is the date on which, with respect to a State, a plan amendment that satisfies the requirements of subsections (b), (c), and (d) is approved by the Secretary.

"(f) DEFINITION OF POVERTY LINE.—In this section, the term 'poverty line' has the meaning given that term in section 2110(c)(5).".

(b) CONFORMING AMENDMENTS.—

(1) The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by inserting before the period the following: ", and with respect to amounts expended for medical assistance for children on or after the date described in subsection (e) of section 1939, in the case of a State that has, in accordance with such section, an approved plan amendment under this title and title XXI".

(2) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended—

(A) in subparagraph (C), by adding "or" after "section 1611(b)(1),"; and

(B) by inserting after subparagraph (C), the following:

"(D) who would not receive such medical assistance but for State electing the option under section 1939 and satisfying the conditions described in subsections (b), (c), and (d) of such section,".

SEC. 102. ELIMINATION OF CAP ON SCHIP FUNDING FOR STATES THAT EXPAND ELIGIBILITY FOR CHILDREN.

(a) IN GENERAL.—Section 2105 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following:

"(h) GUARANTEED FUNDING FOR CHILD HEALTH ASSISTANCE FOR COVERAGE EXPANSION STATES.—

"(1) IN GENERAL.—Only in the case of a State that has, in accordance with section 1939, an approved plan amendment under this title and title XIX, any payment cap that would otherwise apply to the State under this title as a result of having expended all allotments available for expenditure by the State with respect to a fiscal year shall not apply with respect to amounts expended by the State on or after the date described in section 1939(e).

"(2) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of paying a State described in paragraph (1) for each quarter beginning on or after the date described in section 1939(e), an amount equal to the enhanced FMAP of expenditures described in paragraph (1) and incurred during such quarter.".

(b) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(1) in subsection (a), by inserting "and section 2105(h)" after "subsection (d)";

(2) in subsection (b)(1), by striking "and subsection (d)" and inserting ", subsection (d), and section 2105(h)"; and

(3) in subsection (c)(1), by inserting "and section 2105(h)" after "subsection (d)".

TITLE II—STATE OPTIONS FOR INCREMENTAL CHILD COVERAGE EXPANSIONS

SEC. 201. STATE OPTION TO PROVIDE WRAP-AROUND SCHIP COVERAGE TO CHILDREN WHO HAVE OTHER HEALTH COVERAGE.

(a) IN GENERAL.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(1) in paragraph (1)(C), by inserting ", subject to paragraph (5)," after "under title XIX or"; and

(2) by adding at the end the following new paragraph:

"(5) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—

"(A) IN GENERAL.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage in order to provide—

"(i) items or services that are not covered, or are only partially covered, under such plan or coverage; or

"(ii) cost-sharing protection.

"(B) ELIGIBILITY.—In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.

"(C) CONTINUED APPLICATION OF DUTY TO PREVENT SUBSTITUTION OF EXISTING COVERAGE.—Nothing in this paragraph shall be construed as modifying the application of section 2102(b)(3)(C) to a State.".

(b) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of such Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), in the fourth sentence, by striking "subsection (u)(3)" and inserting ", (u)(3), or (u)(4)"; and

(2) in subsection (u), by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following:

"(4) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5).".

(c) APPLICATION OF SECONDARY PAYOR PROVISIONS.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

"(B) Section 1902(a)(25) (relating to coordination of benefits and secondary payor provisions) with respect to children covered under a waiver described in section 2110(b)(5).".

SEC. 202. STATE OPTION TO ENROLL LOW-INCOME CHILDREN OF STATE EMPLOYEES IN SCHIP.

Section 2110(b)(2) of the Social Security Act (42 U.S.C. 1397jj(b)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively and realigning the left margins of such clauses appropriately;

(2) by striking "Such term" and inserting the following:

"(A) IN GENERAL.—Such term"; and

(3) by adding at the end the following:

"(B) STATE OPTION TO ENROLL LOW-INCOME CHILDREN OF STATE EMPLOYEES.—At the option of a State, subparagraph (A)(ii) shall not apply to any low-income child who would otherwise be eligible for child health assistance under this title but for such subparagraph.".

SEC. 203. OPTIONAL COVERAGE OF LEGAL IMMIGRANT CHILDREN UNDER MEDICAID AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title for aliens—

"(i) who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and

"(ii) who are otherwise eligible for such assistance, within the eligibility category of children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

"(B)(i) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

"(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not apply to a State that makes an election under subparagraph (A).".

(b) TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)), as amended by section 201(c), is amended redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following:

"(E) Section 1903(v)(4) (relating to optional coverage of permanent resident alien children), but only if the State has elected to apply such section to that category of children under title XIX.".

SEC. 204. STATE OPTION FOR PASSIVE RENEWAL OF ELIGIBILITY FOR CHILDREN UNDER MEDICAID AND SCHIP.

(a) IN GENERAL.—Section 1902(l) of the Social Security Act (42 U.S.C. 1396a(l)) is amended by adding at the end the following:

"(5) Notwithstanding any other provision of this title, a State may provide that an individual who has not attained 21 years of age who has been determined eligible for medical assistance under this title shall remain eligible for medical assistance until such time as the State has information demonstrating that the individual is no longer so eligible.".

(b) APPLICATION UNDER TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)), as amended by section 201(c) and 203(b), is amended—

(1) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively; and

(2) by inserting after subparagraph (B), the following:

"(C) Section 1902(l)(5) (relating to passive renewal of eligibility for children).".

TITLE III—TAX INCENTIVES FOR HEALTH INSURANCE COVERAGE OF CHILDREN

SEC. 301. REFUNDABLE CREDIT FOR HEALTH INSURANCE COVERAGE OF CHILDREN.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. HEALTH INSURANCE COVERAGE OF CHILDREN.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to so much of the amount paid during the taxable year, not compensated for by insurance or otherwise, for qualified health insurance for each dependent child of the taxpayer, as exceeds 5 percent of the adjusted gross income of such taxpayer for such taxable year.

"(b) DEPENDENT CHILD.—For purposes of this section, the term 'dependent child' means any child (as defined in section 152(f)(1)) who has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins and with respect to whom a deduction under section 151 is allowable to the taxpayer.

"(c) QUALIFIED HEALTH INSURANCE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified health insurance' means insurance, either employer-provided or made available under title XIX or XXI of the Social Security Act, which constitutes medical care as defined in section 213(d) without regard to—

"(A) paragraph (1)(C) thereof, and

"(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

"(2) EXCLUSION OF CERTAIN OTHER CONTRACTS.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c)).

"(d) MEDICAL SAVINGS ACCOUNT AND HEALTH SAVINGS ACCOUNT CONTRIBUTIONS.—

"(1) IN GENERAL.—If a deduction would (but for paragraph (2)) be allowed under section 220 or 223 to the taxpayer for a payment for the taxable year to the medical savings account or health savings account of an individual, subsection (a) shall be applied by treating such payment as a payment for qualified health insurance for such individual.

"(2) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under section 220 or 223 for that portion of the payments otherwise allowable as a deduction under section 220 or 223 for the taxable year which is equal to the amount of credit allowed for such taxable year by reason of this subsection.

"(e) SPECIAL RULES.—

"(1) DETERMINATION OF INSURANCE COSTS.—The Secretary shall provide rules for the allocation of the cost of any qualified health insurance for family coverage to the coverage of any dependent child under such insurance.

"(2) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—In the case of a taxpayer who is eligible to deduct any amount under section 162(l) for the taxable year, this section shall apply only if the taxpayer elects not to claim any amount as a deduction under such section for such year.

"(3) COORDINATION WITH MEDICAL EXPENSE AND HIGH DEDUCTIBLE HEALTH PLAN DEDUCTIONS.—The amount which would (but for this paragraph) be taken into account by the taxpayer under section 213 or 223 for the taxable year shall be reduced by the credit (if any) allowed by this section to the taxpayer for such year.

"(4) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(5) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) if the credit under section 35 is allowed and no credit shall be allowed under 35 if a credit is allowed under this section.

"(6) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.".

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050V the following new section:

"SEC. 6050W. RETURNS RELATING TO PAYMENTS FOR QUALIFIED HEALTH INSURANCE.

"(a) IN GENERAL.—Any governmental unit or any person who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of a dependent child (as defined in section 36(b)) of such individual under creditable health insurance, shall make the return described in subsection (b) (at such time as the Secretary may by regulations prescribe) with respect to each individual from whom such payments were received.

"(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of the individual from whom payments described in subsection (a) were received,

"(B) the name, address, and TIN of each dependent child (as so defined) who was provided by such person with coverage under creditable health insurance by reason of such payments and the period of such coverage, and

"(C) such other information as the Secretary may reasonably prescribe.

"(c) CREDITABLE HEALTH INSURANCE.—For purposes of this section, the term 'creditable health insurance' means qualified health insurance (as defined in section 36(c)).

"(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required under subsection (b)(2)(A) to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person,

"(2) the aggregate amount of payments described in subsection (a) received by the person required to make such return from the individual to whom the statement is required to be furnished, and

"(3) the information required under subsection (b)(2)(B) with respect to such payments.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(e) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of any amount received by any person on behalf of another person, only the person first receiving such amount shall be required to make the return under subsection (a).".

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by striking "and" at the end of clause (xx) and by inserting at the end the following new clause:

"(xxi) section 6050W (relating to returns relating to payments for qualified health insurance), and".

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking "or" at the end of the next to last subparagraph, by striking the period at the end of the last subparagraph and inserting ", or", and by adding at the end the following new subparagraph:

"(DD) section 6050W(d) (relating to returns relating to payments for qualified health insurance).".

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Returns relating to payments for qualified health insurance".

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 36 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 36. Health insurance coverage of children
"Sec. 37. Overpayments of tax".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 302. FORFEITURE OF PERSONAL EXEMPTION FOR ANY CHILD NOT COVERED BY HEALTH INSURANCE.

(a) In General.—Section 151(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended by adding at the end the following new paragraph:

"(5) Reduction of exemption amount for any child not covered by health insurance.—

"(A) In general.—Except as otherwise provided in this paragraph, the exemption amount otherwise determined under this subsection for any dependent child (as defined in section 36(b)) for any taxable year shall be reduced by the same percentage as the percentage of such taxable year during which such dependent child was not covered by qualified health insurance (as defined in section 36(c)).

"(B) Full reduction if no proof of coverage is provided.—For purposes of subparagraph (A), in the case of any taxpayer who fails to attach to the return of tax for any taxable year a copy of the statement furnished to such taxpayer under section 6050W, the percentage reduction under such subparagraph shall be deemed to be 100 percent.

"(C) Nonapplication of paragraph to taxpayers in lowest tax bracket.—This paragraph shall not apply to any taxpayer whose taxable income for the taxable year does not exceed the initial bracket amount determined under section 1(i)(1)(B).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

TITLE IV—MISCELLANEOUS

SEC. 401. REQUIREMENT FOR GROUP MARKET HEALTH INSURERS TO OFFER DEPENDENT COVERAGE OPTION FOR WORKERS WITH CHILDREN.

(a) ERISA.—

(1) In general.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. REQUIREMENT TO OFFER OPTION TO PURCHASE DEPENDENT COVERAGE FOR CHILDREN.

"(a) Requirements for Coverage.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall offer an individual who is enrolled in such coverage the option to purchase dependent coverage for a child of the individual.

"(b) No Employer Contribution Required.—An employer shall not be required to contribute to the cost of purchasing dependent coverage for a child by an individual who is an employee of such employer.

"(c) Definition of Child.—In this section, the term 'child' means an individual who has not attained 21 years of age.".

(2) Clerical amendment.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713 the following:

"Sec. 714. Requirement to offer option to purchase dependent coverage for children".

(b) Public Health Service Act.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

"SEC. 2707. REQUIREMENT TO OFFER OPTION TO PURCHASE DEPENDENT COVERAGE FOR CHILDREN.

"(a) Requirements for Coverage.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall offer an individual who is enrolled in such coverage the option to purchase dependent coverage for a child of the individual.

"(b) No Employer Contribution Required.—An employer shall not be required to contribute to the cost of purchasing dependent coverage for a child by an individual who is an employee of such employer.

"(c) Definition of Child.—In this section, the term 'child' means an individual who has not attained 21 years of age.".

(c) Effective Date.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2007.

SEC. 402. EFFECTIVE DATE.

Unless otherwise provided, the amendments made by this title shall take effect on October 1, 2007, and shall apply to child health assistance and medical assistance provided on or after that date without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

TITLE V—REVENUE PROVISION

SEC. 501. PARTIAL REPEAL OF RATE REDUCTION IN THE HIGHEST INCOME TAX BRACKET.

Section 1(i)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence:

"In the case of taxable years beginning during calendar year 2007 and thereafter, the final item in the fourth column in the preceding table shall be applied by substituting for "35.0%" a rate equal to the lesser of 39.6% or the rate the Secretary determines is necessary to provide sufficient revenues to offset the Federal outlays required to implement the provisions of, and amendments made by, the Kids Come First Act of 2007.".

By Mr. KERRY:

S. 96. A bill to amend the Internal Revenue Code of 1986 to ensure a fairer and simpler method of taxing controlled foreign corporations of United States shareholders, to treat certain foreign corporations managed and controlled in the United States as domestic corporations, to codify the economic substance doctrine, and to eliminate the top corporate income tax rate, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the "Export Products Not Jobs Act." Our tax code is extremely complicated. In 1994, the IRS estimated that a family that itemized their deductions and had some interest and capital gains would spend 11½ hours preparing their Federal income tax return. A decade later in 2004, this estimate increased to 19 hours and 45 minutes. It is time for Congress to pass bipartisan tax legislation in the style of the Tax Reform Act of 1986, which greatly simplified the tax code. And our tax reform should be based upon the following three principles: fairness, simplicity, and opportunity for economic growth.

Citizens and businesses struggle to comply with rules governing taxation of business income, capital gains, income phase-outs, extenders, the myriad savings vehicles, recordkeeping for itemized deductions, the alternative minimum tax (AMT), the earned income tax credit (EITC), and taxation of foreign business income. I believe that our international tax system needs to be simplified and reformed to encourage businesses to remain in the United States. And today, I am introducing legislation that I hope will be fully considered as we continue our discussions on tax reform.

Presently, the complexities of our international tax system actually encourage U.S. corporations to invest overseas. Current tax laws allow companies to defer paying U.S. taxes on income earned by their foreign subsidiaries, which provides a substantial tax break for companies that move investment and jobs overseas. Today, under U.S. tax law, a company that is trying to decide where to locate production or services—either in the United States or in a foreign low-tax haven—is actually given a substantial tax incentive not only to move jobs overseas, but to reinvest profits permanently, as opposed to bringing the profits back to re-invest in the United States.

Recent press articles have revealed examples of companies taking advantage of this perverse incentive in our tax code. For instance, some companies have taken advantage of this initiative by opening subsidiaries to serve markets throughout Europe. Much of the profit earned by these subsidiaries will stay in the European countries and the companies therefore avoid paying U.S. taxes. Other companies have announced the expansion of jobs in India. This reflects a continued pattern among some U.S. multinational companies of shifting software development and call centers to India, and this trend is starting to expand include the shifting critical functions like design and research and development to India as well. Some companies are even outsourcing the preparation of U.S. tax returns.

The Export Products Not Jobs Act would put an to end to these practices by eliminating tax breaks that encourage companies to move jobs overseas and by using the savings to create jobs in the United States by repealing the top corporate rate. This legislation ends tax breaks that encourage companies to move jobs by: 1. eliminating the ability of companies to defer, paying U.S. taxes on foreign income; 2. closing abusive corporate tax loopholes; and 3. repealing the top corporate rate. It removes the incentive to shift jobs overseas by eliminating deferral so that companies pay taxes on their international income as they earn it, rather than being allowed to defer taxes.

Last Congress, the Ways and Means Subcommittee on Revenue held a hearing on international tax laws. Stephen Shay, a former Reagan Treasury official, testified that our tax rules "provide incentives to locate business activity outside the United States." Furthermore, he suggested that taxation of U.S. shareholders under an expansion of Subpart F would be a "substantial improvement" over our current system. The Export Products Not Jobs Act does just that.

Our current tax system punishes U.S. companies that choose to create and maintain jobs in the United States. These companies pay higher taxes and suffer a competitive disadvantage with a company that chooses to move jobs to a foreign tax haven. There is no reason why our tax code should provide an incentive that encourages investment and job creation overseas. Under my legislation, companies would be taxed the same whether they invest abroad or at home; they will be taxed on their foreign subsidiary profits just like they are taxed on their domestic profits.

This legislation reflects the most sweeping simplification of international taxes in over 40 years. Our economy has changed in the last 40 years and our tax laws need to be updated to keep pace. Our current global economy was not even envisioned when existing law was written.

My Export Products Not Jobs Act will in no way hinder our global competitiveness. Companies will be able to continue to defer income they earn when they locate production in a foreign country that serves that foreign country's markets. For example, if a U.S. company wants to open a hotel in Bermuda or a car factory in India to sell cars, foreign income can still be deferred. But if a company wants to open a call center in India to answer calls from outside India or relocate abroad to sell cars back to the United States or Canada, the company must pay taxes just like call centers and auto manufacturers located in the United States.

Currently, American companies allocate their revenue not in search of the highest return, but in search of lower taxes. Eliminating deferral will improve the efficiency of the economy by making taxes neutral so that they do not encourage companies to overinvest abroad solely for tax reasons.

The Congressional Research Service stated in a 2003 report that, "[a]ccording to traditional economic theory, deferral thus reduces economic welfare by encouraging firms to undertake overseas investments that are less productive—before taxes are considered—than alternative investments in the United States." Additionally, a 2000 Department of Treasury study on deferral stated, "[a]mong all of the options considered, ending deferral would also be likely to have the most positive long-term effect on economic efficiency and welfare because it would do the most to eliminate tax considerations from decisions regarding the location of investment."

The "Export Products Not Jobs Act" would modify the rules for determining residency for publicly-traded companies by basing a corporation's residence on the location of its primary place of management and control. This will prevent companies from locating in tax havens, but basically maintaining their operations in the United States. This provision should not hinder foreign investment in the United States. Existing companies that are incorporated in foreign countries with a comprehensive tax treaty with the United States will not be affected by this provision.

Massachusetts is an example of a state that benefits from foreign investment. Two foreign companies have recently expanded investment in Massachusetts. Our tax system should not discourage foreign investment, but it should not encourage companies to locate in tax havens.

The revenue raised from the repeal of deferral and closing corporate loopholes would be used to repeal the top corporate tax rate of 35 percent. The tax differential between U.S. corporate rates and foreign corporate rates has grown over the last two decades and the repeal of the top corporate rate is a start in narrowing this gap.

The Export Products Not Jobs Act would promote equity among U.S. taxpayers by ensuring that corporations could not eliminate or substantially reduce taxation of foreign income by separately incorporating their foreign operations. This legislation will eliminate the tax incentives to encourage U.S. companies to invest abroad and reward those companies that have chosen to invest in the United States. I urge my colleagues to join me in this effort, and I ask unanimous consent that summary of the Export Products Not Jobs Act, as well as the text of the legislation, be printed in the RECORD.

There being no objection, the text of the material was ordered to be printed in the RECORD, as follows:

EXPORT PRODUCTS NOT JOBS ACT

OVERVIEW

The Export Products Not Jobs Act makes sweeping changes to the current international tax laws by: (1) ending tax breaks that encourage companies to move jobs overseas by eliminating the ability of companies to defer paying U.S. taxes on foreign income; (2) simplifying current-law Subpart F rules; (3) closing abusive corporate tax loopholes; and (4) repealing the top corporate tax rate.

Current tax laws allow companies to defer paying U.S. taxes on income earned by their foreign subsidiaries, providing a substantial tax break for companies to move investment and jobs overseas. Except as provided under the Subpart F rules, American companies generally do not have to pay taxes on their active foreign income until they repatriate it to the United States.

The Export Products Not Jobs Act eliminates deferral so companies will be taxed on their foreign subsidiary profits in the same way they are taxed on their domestic profits. This new system will apply to profits in future years. In order to ensure that American companies can compete in international markets, income companies earn when they locate production in a foreign country that serves that foreign country's home markets can still be deferred.

The Subpart F rules which govern the taxation of foreign subsidiaries controlled by American companies have become increasingly complicated over time, adding to the overall complexity of the tax code and making it easier for companies to exploit loopholes to escape paying taxes. Under this bill, the complexity created by the current Subpart F rules will be eliminated and a simpler, more transparent system will be put into place.

In a tax system without deferral, U.S.-based multinational corporations might be tempted to locate their top-tiered entity overseas to avoid taxation on the income of a foreign subsidiary. This legislation would strengthen the corporate residency test by preventing companies from incorporating in a foreign jurisdiction to avoid U.S. taxation on a worldwide basis. The current law test that is based solely on where the company is incorporated is artificial, and allows foreign corporations that are economically similar to American companies to avoid being taxed like American companies. Determining residency based on the location of a company's primary place of management and control will provide a more meaningful standard.

In order to prevent abusive tax transactions, the legislation includes a provision that would codify the judicially-developed economic substance test, which disallows transactions where the profit potential is insubstantial compared to the tax benefits. This proposal is identical to the economic substance provisions that have been passed repeatedly by the Senate.

The revenue saved from ending deferral, strengthening the corporate residency test, and shutting down abusive tax shelters will be used to lower the maximum corporate tax rate from 35 percent to 34 percent. The tax differential between U.S. corporations and foreign corporate rates has grown over the last two decades. This proposal, in combination with the deduction for domestic manufacturing activity when fully phased-in in 2009, will result in a corporate tax rate of 31 percent for domestic manufacturing activity. The "Export Products Not Jobs Act" moves in the right direction towards narrowing this gap.

SUMMARY OF PROVISIONS

I. Reform and Simplification of Subpart F Income

Subpart F Income Defined

Present law

Generally within the U.S., 10-percent shareholders of a controlled foreign corporation (CFC) are taxed on the pro rata shares of certain income referred to as Subpart F income. A CFC generally is defined as any foreign corporation in which U.S. persons (directly, indirectly, or constructively) own more than 50 percent of the corporation's stock (measured by vote or value), taking into account only those U.S. persons that own at least 10 percent of the stock (measured by vote only). Typically, Subpart F income is passive income or income that is readily movable from one taxing jurisdiction to another. Subpart F income is defined in code section 952 as foreign base company income, insurance income, and certain income relating to international boycotts and other violations of public policy.

Export Products Not Jobs Act

This legislation strikes code section 952 and replaces it with a new definition of Subpart F income. Generally, Subpart F income is defined as all gross income of the controlled foreign corporation with exceptions for certain types of income. Subpart F income of a CFC for any taxable year is limited to the earnings and profits of the CFC for that taxable year. Subpart F will continue to include income related to international boycotts.

Exceptions to Subpart F Income

Present law

Subpart F income is defined in the code rather narrowly and the definition lists the income that it includes. Subpart F income is currently taxed, and other income of a U.S. person's CFC that conducts foreign operations generally is subject to U.S. tax only when it is repatriated to the United States.

Temporary Active Financing Exception

Under current law, there are temporary exceptions from the Subpart F provisions for certain active financing income, which is income derived in the active conduct of a banking, financing, or similar business, or in the conduct of an insurance business. This temporary exception expires at the end of 2008. To be eligible for this exception, substantially all transactions must be conducted directly by the CFC or a qualified business unit of a CFC in its home country.

Export Products Not Jobs Act

Under the legislation, Subpart F income is generally all income of a CFC except for active home country income of the CFC. Active home country income constitutes qualified property income or qualified service income and is derived from the active and regular conduct of one or more trades or businesses within the home country. The home country is defined as the country in which the CFC is created or organized.

Qualified property income is defined as income derived in connection with: (1) the manufacture, production, growth, or extraction of any personal property within the home country of the CFC; or (2) the resale in the home country of the CFC of personal property manufactured, produced, grown, or extracted within the home country of such corporation for the resale of such property by the CFC in the home country. The property has to be sold for use or consumption within the home country in either case.

Qualified services income is defined as income derived in connection with the providing of services in transactions with customers who, at the time the services are provided, are located in the home country. Services are required: (1) to be used in the home country; or (2) to be used in the active conduct of trade or business by the recipient where substantially all of the activities in connection with the trade or business are conducted by the recipient in the home country.

Under the "Export Products Not Jobs Act," the current-law temporary active financing exception is repealed. The legislation includes a de minimis exception providing that if the Subpart F income of a CFC is less than the lesser of five percent of gross income, or $1 million, the Subpart F income of the CFC is zero for that taxable year.

For purposes of calculating the Subpart F income of a CFC, properly allocated deductions are allowed.

A CFC can elect to be treated as a domestic corporation. The election will apply to the taxable year for which it is made and all subsequent taxable years unless revoked with the consent of the Secretary. If a CFC chooses to make an election to be treated as a domestic corporation, pre-2008 earnings and profits are not included in gross income.

Captive Insurance Income

Present Law

Under current law, special rules apply to captive insurance companies that have related person insurance income which is defined as any insurance income attributable to a policy of insurance or reinsurance with respect to which the person (directly or indirectly) insured is a U.S. shareholder in the foreign corporation or a related person to such a shareholder. These companies are formed to insure the risks of the owners. Under current law, a lower ownership threshold applies to determine whether a captive insurance company is treated as a CFC subject to the current-law income inclusion rules of Subpart F. Under this lower ownership threshold, a captive insurance company is treated as a CFC if 25 percent or more of the stock is owned by U.S. persons.

The special rules for captive insurance companies were added in 1986 because Congress was concerned that the ownership of these companies was often dispersed widely and that these companies were not covered by the otherwise applicable ownership threshold for a CFC.

Export Products Not Jobs Act

The bill retains, in simplified form, the present-law concept of related person insurance income, and also retains the lower ownership threshold for captive insurance companies that are treated as CFCs. Captive insurance income that meets the requirements of the active home exception, like other active home country services income, however, can be deferred.

Effective Date

The above described provisions apply to taxable years beginning after December 31, 2007.

II. Corporate Residency Definition

Present Law

The place of incorporation or organization determines whether a corporation is treated as foreign or domestic for purposes of U.S. tax law. A corporation is treated as domestic if it is incorporated or organized under the laws of the United States or of any State.

Export Products Not Jobs Act

The bill amends the rules for determining corporate residency for publicly-traded companies incorporated or organized in a foreign country, by basing such corporation's residence on the location of its primary place of management and control. A company incorporated or organized in the United States is still considered a domestic corporation in any event. Primary place of management and control is defined as the place where the executive officers and senior management of the corporation exercise day-to-day responsibility for the strategic, financial, and operational decision-making for the company (including direct and indirect subsidiaries).

Effective Date

The proposal would be effective for taxable years beginning on or after two years after the date of enactment. A corporation that is in existence on the date of enactment and is incorporated in a country in which the United States has a comprehensive tax treaty is not affected by this provision.

III. Shutdown of Abusive Tax Shelters

Clarification of Economic Substance Doctrine

Present Law

Under current law, there are specific rules regarding the computation of taxable income. In addition to these statutory provisions, courts have developed several doctrines that can be applied to deny the tax benefits of motivated transactions, even though the transaction meets the requirements of a specific tax provision. Generally, courts have denied tax benefits if the transaction lacks economic substance independent of tax considerations.

Export Products Not Jobs Act

Clarifies that a transaction has economic substance only if the taxpayer establishes that: (1) the transaction changes in a meaningful way (aside from Federal income tax consequences) the taxpayer's economic position; and (2) the taxpayer has a substantial non-tax purpose for entering into such a transaction and the transaction is a reasonable means of accomplishing such purpose. This proposal applies to transactions entered into after the date of enactment.

Penalty for Understatements Attributable to Transactions Lacking Economic Substance

Present Law

Under current law, there are various penalties for understatements. There is a 20 percent accuracy-related penalty imposed on any understatement attributable to any adequately disclosed listed transaction or certain reportable transactions ("reportable transaction understatement"). The penalty is increased to 30 percent if such a transaction is not adequately disclosed in accordance with regulations.

Export Products Not Jobs Act

The bill imposes a 40 percent penalty on any understatement attributable to any transaction that lacks economic substance ("noneconomic substance underpayment"). The rate is reduced to 20 percent if the taxpayer discloses the transaction in accordance with regulations. This proposal applies to transactions entered into after the date of enactment.

Denial of Deduction for Interest on Underpayments Attributable to Noneconomic Substance Transactions

Present Law

Under current law, no deduction for interest is allowed for interest paid or accrued on any underpayment of tax which is attributable to the portion of any reportable transaction understatement for which the facts were not adequately disclosed.

Export Products Not Jobs Act of 2006

The bill extends the disallowance of interest deductions to interest paid or accrued on any underpayment of tax attributable to any noneconomic substance underpayment. The proposal applies to transactions after the date of enactment in taxable years ending after such date.

IV. Repeal of Top Corporate Marginal Income Tax Rate

Present Law

The maximum corporate rate is 35 percent and this rate applies to taxable income in excess of $10 million. The maximum rate on corporate taxable gains is 35 percent. A corporation with taxable income in excess of $15 million is required to increase its tax liability by the lesser of three percent of the excess, or $100,000.

Export Products Not Jobs Act

The bill repeals the top corporate rate of 35 percent. The highest marginal tax rate will be 34 percent and the maximum rate of tax on corporate net capital gains will also be 34 percent. The 34 percent rate applies to income in excess of $75,000. The proposal applies to taxable years beginning after December 31, 2007.

S. 96

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) Short Title.—This Act may be cited as the "Export Products Not Jobs Act".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—FOREIGN TAX REFORM AND SIMPLIFICATION

SEC. 101. REFORM AND SIMPLIFICATION OF SUBPART F.

(a) In General.—Subpart F of part III of subchapter N of chapter 1 (relating to controlled foreign corporations) is amended by striking sections 952, 953, and 954 and inserting the following:

"SEC. 952. SUBPART F INCOME DEFINED.

"(a) In General.—For purposes of this subpart, except as provided in this section, the term 'subpart F income' means the gross income of the controlled foreign corporation.

"(b) Exceptions for Certain Types of Income.—Subpart F income shall not include—

"(1) the active home country income (as defined in section 953) of the controlled foreign corporation for the taxable year, or

"(2) any item of income for the taxable year from sources within the United States which is effectively connected with the conduct by the controlled foreign corporation of a trade or business within the United States unless such item is exempt from taxation (or is subject to a reduced rate of tax) pursuant to a treaty obligation of the United States. For purposes of paragraph (2), income described in paragraph (2) or (3) of section 921(d) shall be treated as derived from sources within the United States and any exemption (or reduction) with respect to the tax imposed by section 884 shall not be taken into account.

"(c) Limitation Based on Earnings and Profits.—

"(1) In general.—For purposes of subsection (a), the subpart F income of any controlled foreign corporation for any taxable year shall not exceed the earnings and profits of such corporation for such taxable year.

"(2) Recharacterization in subsequent taxable years.—If the subpart F income of any controlled foreign corporation for any taxable year was reduced by reason of paragraph (1), any excess of the earnings and profits of such corporation for any subsequent taxable year over the subpart F income of such foreign corporation for such taxable year shall be recharacterized as subpart F income under rules similar to the rules applicable under section 904(f)(5).

"(3) Special rule for determining earnings and profits.—For purposes of this subsection, earnings and profits of any controlled foreign corporation shall be determined without regard to paragraphs (4), (5), and (6) of section 312(n). Under regulations, the preceding sentence shall not apply to the extent it would increase earnings and profits by an amount which was previously distributed by the controlled foreign corporation.

"(d) De Minimis Exception.—If the subpart F income of a controlled foreign corporation for any taxable year (determined without regard to this subsection and section 954(a)) is less than the lesser of—

"(1) 5 percent of gross income, or

"(2) $1,000,000,

the subpart F income of such corporation for such taxable year shall be treated as being equal to zero.

"(e) Special Rules Relating to Boycotts, Bribes, and Certain Foreign Countries.—

"(1) In general.—Subpart F income of a controlled foreign corporation for any taxable year (determined without regard to this subsection) shall be increased by the sum of—

"(A) the product of—

"(i) the gross income of the corporation reduced by its subpart F income (as so determined), and

"(ii) the international boycott factor (as determined under section 999),

"(B) the sum of the amounts of any illegal bribes, kickbacks, or other payments (within the meaning of section 162(c)) paid by or on behalf of the corporation during the taxable year of the corporation directly or indirectly to an official, employee, or agent in fact of a government, and

"(C) the gross income of such corporation which is derived from any foreign country during any period during which section 901(j) applies to such foreign country and which is not otherwise treated as subpart F income (as so determined).

"(2) Special rule for illegal payments.—The payments referred to in paragraph (1)(B) are payments which would be unlawful under the Foreign Corrupt Practices Act of 1977 if the payor were a United States person.

"(3) Income derived from foreign country.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of paragraph (1)(C), including regulations which treat income paid through 1 or more entities as derived from a foreign country to which section 901(j) applies if such income was, without regard to such entities, derived from such country.

"SEC. 953. ACTIVE HOME COUNTRY INCOME.

"(a) In General.—For purposes of section 952(b), the term 'active home country income' means, with respect to any controlled foreign corporation, income derived from the active and regular conduct of 1 or more trades or businesses within the home country of such corporation which constitutes—

"(1) qualified property income, or

"(2) qualified services income.

"(b) Qualified Property Income.—For purposes of this section—

"(1) In general.—The term 'qualified property income' means income derived in connection with—

"(A) the manufacture, production, growth, or extraction (in whole or in substantial part)of any personal property within the home country of the controlled foreign corporation, or

"(B) the resale by the controlled foreign corporation within its home country of personal property manufactured, produced, grown, or extracted (in whole or in substantial part) within that home country.

"(2) Property must be used or consumed in home country.—Paragraph (1) shall only apply to income if the personal property is sold for use or consumption within the home country.

"(c) Qualified Services Income.—For purposes of this section—

"(1) In general.—The term 'qualified services income' means income (other than qualified property income) derived in connection with the providing of services in transactions with customers which, at the time the services are provided, are located in the home country of such corporation.

"(2) Services must be used in home country.—Paragraph (1) shall only apply to income if the services—

"(A) are used or consumed in the home country of the controlled foreign corporation, or

"(B) are used in the active conduct of a trade or business by the recipient and substantially all of the activities in connection with the trade or business are conducted by the recipient in such home country.

"(3) Special rule for insurance income.—If income of a controlled foreign corporation—

"(A) is attributable to the issuing (or reinsuring) of an insurance or annuity contract, and

"(B) would (subject to the modifications under section 954(c)(2)(B)) be taxed under subchapter L of this chapter if such income were the income of a domestic corporation,

such income shall be treated as qualified services income only if the contract covers only risks in connection with property in, liability arising out of activity in, or lives or health of residents of, the home country of such corporation.

"(4) Anti-abuse rule.—For purposes of this subsection, there shall be disregarded any item of income of a controlled foreign corporation derived in connection with any trade or business if, in the conduct of the trade or business, the corporation is not engaged in regular and continuous transactions with customers which are not related persons.

"(d) Home Country.—For purposes of this section, the term 'home country' means, with respect to a controlled foreign corporation, the country in which such corporation is created or organized.

"SEC. 954. OTHER RULES AND DEFINITIONS RELATING TO SUBPART F INCOME.

"(a) Deductions To Be Taken Into Account.—For purposes of determining the subpart F income of a controlled foreign corporation for any taxable year, gross income, and any category of income described in subsection (b) or (c) of section 953, shall be reduced by deductions (including taxes) properly allocable to such income or category. The Secretary shall prescribe regulations for the application of this subsection.

"(b) Election by Controlled Foreign Corporation To Be Treated as Domestic Corporation.—

"(1) In general.—If—

"(A) a foreign corporation is a controlled foreign corporation which makes an election to have this subsection apply and waives all benefits to such corporation granted by the United States under any treaty, and

"(B) such foreign corporation meets such requirements as the Secretary shall prescribe to ensure that the taxes imposed by this chapter on such foreign corporation are paid,

such corporation shall be treated as a domestic corporation for purposes of this title.

"(2) Period during which election is in effect.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an election under paragraph (1) shall apply to the taxable year for which made and all subsequent taxable years unless revoked with the consent of the Secretary.

“(B) TERMINATION.—If a corporation which made an election under paragraph (1) for any taxable year fails to meet the requirements of subparagraph (B) of paragraph (1) for any subsequent taxable year, such election shall not apply to such subsequent taxable year and all succeeding taxable years.

“(3) TREATMENT OF LOSSES.—If any corporation treated as a domestic corporation under this subsection is treated as a member of an affiliated group for purposes of chapter 6 (relating to consolidated returns), any loss of such corporation shall be treated as a dual consolidated loss for purposes of section 1503(d) without regard to paragraph (2)(B) thereof.

“(4) EFFECT OF ELECTION.—

“(A) IN GENERAL.—For purposes of section 367, any foreign corporation making an election under paragraph (1) shall be treated as transferring (as of the 1st day of the 1st taxable year to which such election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

“(B) EXCEPTION FOR PRE-2008 EARNINGS AND PROFIT.—

“(i) IN GENERAL.—Earnings and profits of the foreign corporation accumulated in taxable years beginning before January 1, 2008, shall not be included in the gross income of the persons holding stock in such corporation by reason of subparagraph (A).

“(ii) TREATMENT OF DISTRIBUTIONS.—For purposes of this title, any distribution made by a corporation to which an election under paragraph (1) applies out of earnings and profits accumulated in taxable years beginning before January 1, 2008, shall be treated as a distribution made by a foreign corporation.

“(iii) CERTAIN RULES TO CONTINUE TO APPLY TO PRE-2008 EARNINGS.—The provisions specified in clause (iv) shall be applied without regard to paragraph (1), except that, in the case of a corporation to which an election under paragraph (1) applies, only earnings and profits accumulated in taxable years beginning before January 1, 2008, shall be taken into account.

“(iv) SPECIFIED PROVISIONS.—The provisions specified in this clause are:

“(I) Section 1248 (relating to gain from certain sales or exchanges of stock in certain foreign corporations).

“(II) Subpart F of part III of subchapter N to the extent such subpart relates to earnings invested in United States property or amounts referred to in clause (ii) or (iii) of section 951(a)(1)(A).

“(5) EFFECT OF TERMINATION.—For purposes of section 367, if—

“(A) an election is made by a corporation under paragraph (1) for any taxable year, and

“(B) such election ceases to apply for any subsequent taxable year,

such corporation shall be treated as a domestic corporation transferring (as of the 1st day of such subsequent taxable year) all of its property to a foreign corporation in connection with an exchange to which section 354 applies.

“(c) SPECIAL RULE FOR CERTAIN CAPTIVE INSURANCE COMPANIES.—

“(1) IN GENERAL.—Solely for purposes of applying this subpart to related person insurance income—

“(A) the term ‘United States shareholder’ means, with respect to any foreign corporation, a United States person (as defined in section 957(c)) who owns (within the meaning of section 958(a)) any stock of the foreign corporation,

“(B) the term ‘controlled foreign corporation’ has the meaning given to such term by section 957(a) determined by substituting ‘25 percent or more’ for ‘more than 50 percent’, and

“(C) the pro rata share referred to in section 951(a)(1)(A)(i) shall be determined under paragraph (5) of this subsection.

“(2) RELATED PERSON INSURANCE INCOME.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘related person insurance income’ means any income which—

“(i) is attributable to a policy of insurance or reinsurance with respect to which the person (directly or indirectly) insured is a United States shareholder in the foreign corporation or a related person to such a shareholder, and

“(ii) would (subject to the modifications provided by subparagraph (B)) be taxed under subchapter L of this chapter if such income were the income of a domestic insurance company.

“(B) SPECIAL RULES.—For purposes of subparagraph (A)—

“(i) The following provisions of subchapter L shall not apply:

“(I) The small life insurance company deduction.

“(II) Section 805(a)(5) (relating to operations loss deduction).

“(III) Section 832(c)(5) (relating to certain capital losses).

“(ii) The items referred to in—

“(I) section 803(a)(1) (relating to gross amount of premiums and other considerations),

“(II) section 803(a)(2) (relating to net decrease in reserves),

“(III) section 805(a)(2) (relating to net increase in reserves), and

“(IV) section 832(b)(4) (relating to premiums earned on insurance contracts),

shall be taken into account only to the extent they are in respect of any reinsurance or the issuing of any insurance or annuity contract described in subparagraph (A).

“(iii) Reserves for any insurance or annuity contract shall be determined in the same manner as if the controlled foreign corporation were subject to tax under subchapter L, except that in applying such subchapter—

“(I) the interest rate determined for the functional currency of the corporation and which, except as provided by the Secretary, is calculated in the same manner as the Federal mid-term rate under section 1274(d), shall be substituted for the applicable Federal interest rate,

“(II) the highest assumed interest rate permitted to be used in determining foreign statement reserves shall be substituted for the prevailing State assumed interest rate, and

“(III) tables for mortality and morbidity which reasonably reflect the current mortality and morbidity risks in the corporation's home country shall be substituted for the mortality and morbidity tables otherwise used for such subchapter.

“(iv) All items of income, expenses, losses, and deductions shall be properly allocated or apportioned under regulations prescribed by the Secretary.

“(3) EXCEPTION FOR CORPORATIONS NOT HELD BY INSUREDS.—Paragraph (1) shall not apply to any foreign corporation if at all times during the taxable year of such foreign corporation—

“(A) less than 20 percent of the total combined voting power of all classes of stock of such corporation entitled to vote, and

“(B) less than 20 percent of the total value of such corporation,

is owned (directly or indirectly under the principles of section 883(c)(4)) by persons who are (directly or indirectly) insured under any policy of insurance or reinsurance issued by such corporation or who are related persons to any such person.

“(4) TREATMENT OF MUTUAL INSURANCE COMPANIES.—In the case of a mutual insurance company—

“(A) this subsection shall apply,

“(B) policyholders of such company shall be treated as shareholders, and

“(C) appropriate adjustments in the application of this subpart shall be made under regulations prescribed by the Secretary.

“(5) DETERMINATION OF PRO RATA SHARE.—

“(A) IN GENERAL.—The pro rata share determined under this paragraph for any United States shareholder is the lesser of—

“(i) the amount which would be determined under paragraph (2) of section 951(a) if—

“(I) only related person insurance income were taken into account,

“(II) stock owned (within the meaning of section 958(a)) by United States shareholders on the last day of the taxable year were the only stock in the foreign corporation, and

“(III) only distributions received by United States shareholders were taken into account under subparagraph (B) of such paragraph (2), or

“(ii) the amount which would be determined under paragraph (2) of section 951(a) if the entire earnings and profits of the foreign corporation for the taxable year were subpart F income.

“(B) COORDINATION WITH OTHER PROVISIONS.—The Secretary shall prescribe regulations providing for such modifications to the provisions of this subpart as may be necessary or appropriate by reason of subparagraph (A).

“(6) RELATED PERSON.—For purposes of this subsection—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘related person’ has the meaning given such term by subsection (d)(3).

“(B) TREATMENT OF CERTAIN LIABILITY INSURANCE POLICIES.—In the case of any policy of insurance covering liability arising from services performed as a director, officer, or employee of a corporation or as a partner or employee of a partnership, the person performing such services and the entity for which such services are performed shall be treated as related persons.

“(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including—

“(A) regulations preventing the avoidance of this subsection through cross insurance arrangements or otherwise, and

“(B) regulations which may provide that a person will not be treated as a United States shareholder under paragraph (1) with respect to any foreign corporation if neither such person (nor any related person to such person) is (directly or indirectly) insured under any policy of insurance or reinsurance issued by such foreign corporation.

“(d) OTHER DEFINITIONS AND RULES.—For purposes of this section—

“(1) TREATMENT OF BRANCHES.—If—

“(A) a controlled foreign corporation carries on activities through a branch or similar establishment with a home country other than the home country of such corporation, and

“(B) the carrying on of such activities in such manner has substantially the same effect as if such branch or similar establishment were a wholly owned subsidiary of such corporation,

this subpart shall, under regulations prescribed by the Secretary, be applied as if such branch or other establishment were a wholly owned subsidiary of such corporation.

“(2) HOME COUNTRY.—For purposes of paragraph (1)—

“(A) IN GENERAL.—The term ‘home country’ has the meaning given such term by section 953(d).

“(B) BRANCH.—In the case of a branch or similar establishment, the term ‘home country’ means the foreign country in which—

“(i) the principal place of business of the branch or similar establishment is located, and

“(ii) separate books and accounts are maintained.

“(3) RELATED PERSON DEFINED.—For purposes of this section, a person is a related person with respect to a controlled foreign corporation, if—

“(A) such person is an individual, corporation, partnership, trust, or estate which controls, or is controlled by, the controlled foreign corporation, or

“(B) such person is a corporation, partnership, trust, or estate which is controlled by the same person or persons which control the controlled foreign corporation.

For purposes of the preceding sentence, control means, with respect to a corporation, the ownership, directly or indirectly, of stock possessing more than 50 percent of the total voting power of all classes of stock entitled to vote or of the total value of stock of such corporation. In the case of a partnership, trust, or estate, control means the ownership, directly or indirectly, of more than 50 percent (by value) of the beneficial interests in such partnership, trust, or estate. For purposes of this paragraph, rules similar to the rules of section 958 shall apply.”.

(b) CONFORMING AMENDMENT.—The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the items relating to sections 953 and 954 and inserting:

“Sec. 953. Active home country income.

“Sec. 954. Other rules and definitions relating to subpart F income.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of controlled foreign corporations beginning after December 31, 2007, and taxable years of United States shareholders with or within which such taxable years of such corporations end.

SEC. 102. TREATMENT OF FOREIGN CORPORATIONS MANAGED AND CONTROLLED IN THE UNITED STATES AS DOMESTIC CORPORATIONS.

(a) IN GENERAL.—Section 7701(a)(4) of the Internal Revenue Code of 1986 (defining domestic) is amended to read as follows:

“(4) DOMESTIC.—

“(A) IN GENERAL.—The term ‘domestic’ means, when applied to a corporation or partnership, a corporation or partnership which is created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

“(B) INCOME TAX EXCEPTION FOR PUBLICLY-TRADED CORPORATIONS MANAGED AND CONTROLLED IN THE UNITED STATES.—Notwithstanding subparagraph (A), in the case of a corporation the stock of which is regularly traded on an established securities market, if—

“(i) the corporation would not otherwise be treated as a domestic corporation for purposes of this title, but

“(ii) the management and control of the corporation occurs primarily within the United States,

then, solely for purposes of chapter 1 (and any other provision of this title relating to chapter 1), the corporation shall be treated as a domestic corporation.

“(C) MANAGEMENT AND CONTROL.—For purposes of this paragraph, the management and control of a corporation shall be treated as primarily occurring within the United States if substantially all of the executive officers and senior management of the corporation who exercise day-to-day responsibility for making decisions involving strategic, financial, and operational policies of the corporation are primarily located within the United States. The Secretary may by regulations include other individuals not described in the preceding sentence in the determination of whether the management and control of the corporation occurs primarily within the United States if such other individuals exercise the day-to day responsibilities described in the preceding sentence.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning on or after the date which is 2 years after the date of the enactment of this Act.

(2) TRANSITION RULE FOR CORPORATIONS ORGANIZED IN TREATY COUNTRIES.—If—

(A) a corporation is in existence on the date of the enactment of this Act, and

(B) the corporation was created or organized under the laws of a foreign country with which the United States has, on such date, a comprehensive income tax treaty which the Secretary of the Treasury determines is satisfactory for purposes of this paragraph and which includes an exchange of information program,

section 7701(a)(4)(B) of the Internal Revenue Code of 1986 (as added by the amendments made by this section) shall not apply to the corporation with respect to taxable years ending in any continuous period beginning on such date during which the corporation is eligible for the benefits of such treaty (or any successor treaty with such foreign country meeting the requirements of this paragraph).

TITLE II—ECONOMIC SUBSTANCE DOCTRINE

SEC. 201. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

“(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

“(1) GENERAL RULES.—

“(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

“(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

“(i) IN GENERAL.—A transaction has economic substance only if—

“(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer’s economic position, and

“(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

“(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

“(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

“(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

“(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

“(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

“(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

“(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

“(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party’s economic income or gain, or

“(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

“(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) ECONOMIC SUBSTANCE DOCTRINE.—The term ‘economic substance doctrine’ means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

“(B) TAX-INDIFFERENT PARTY.—The term ‘tax-indifferent party’ means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person’s liability under subtitle A.

“(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

“(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

"(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

"(I) depreciation,

"(II) any tax credit, or

"(III) any other deduction as provided in guidance by the Secretary, and

"(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

"(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 202. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

"(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

"(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

"(A) there is a lack of economic substance (within the meaning of section 7701(o)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(o)(2), or

"(B) the transaction fails to meet the requirements of any similar rule of law.

"(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

"(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(2) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

"(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

"(f) CROSS REFERENCES.—

> "(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).
>
> "(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).".

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) is amended by inserting "and without regard to items with respect to which a penalty is imposed by section 6662B" before the period at the end.

(2) Subsection (e) of section 6662A is amended—

(A) in paragraph (1), by inserting "and noneconomic substance transaction understatements" after "reportable transaction understatements" both places it appears,

(B) in paragraph (2)(A), by inserting "and a noneconomic substance transaction understatement" after "reportable transaction understatement",

(C) in paragraph (2)(B), by inserting "6662B or" before "6663",

(D) in paragraph (2)(C)(i), by inserting "or section 6662B" before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting "and section 6662B" after "This section",

(F) in paragraph (3), by inserting "or noneconomic substance transaction understatement" after "reportable transaction understatement", and

(G) by adding at the end the following new paragraph:

"(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).".

(3) Subsection (e) of section 6707A is amended—

(A) by striking "or" at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

"(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B,".

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

"Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 203. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking "attributable" and all that follows and inserting the following: "attributable to—

"(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

"(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).", and

(2) by inserting "**AND NONECONOMIC SUBSTANCE TRANSACTIONS**" in the heading thereof after "**TRANSACTIONS**".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

TITLE III—ELIMINATION OF HIGHEST CORPORATE MARGINAL INCOME TAX RATE

SEC. 301. ELIMINATION OF HIGHEST CORPORATE MARGINAL INCOME TAX RATE.

(a) IN GENERAL.—Section 11(b)(1) (relating to amount of tax imposed on corporations) is amended by striking subparagraphs (C) and (D) and inserting the following new subparagraph:

"(C) 34 percent of so much of the taxable income as exceeds $75,000.".

(b) CERTAIN PERSONAL SERVICE CORPORATIONS.—Section 11(b)(2) is amended by striking "35 percent" and inserting "34 percent".

(c) CONFORMING AMENDMENTS.—

(1) Section 11(b)(1) is amended by striking the last sentence.

(2) Section 1201(a) is amended—

(A) by striking "35 percent" each place it appears and inserting "34 percent", and

(B) by striking "last 2 sentences" and inserting "last sentence".

(3) Paragraphs (1) and (2) of section 1445(e) are each amended by striking "35 percent" and inserting "34 percent".

(4) Section 1561(a) is amended by striking "last 2 sentences" and inserting "last sentence".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

By Mr. KERRY:

S. 97. A bill to amend the Internal Revenue Code of 1986 to replace the Hope and Lifetime Learning credits with a partially refundable college opportunity credit; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the College Opportunity Tax Credit Act of 2007. This legislation creates a new tax credit that will put the cost of higher education in reach for American families.

An October 2006 College Board report found that this year tuition and other costs at public and private universities rose faster than inflation. And, according to the report, tuition and fees at public universities rose more in the past five years than at any other time in the past 30 years, increasing by 35 percent to $5,836 this academic year. Over the same time period, tuition and fees at private universities increased 22 percent to $22,218.

Unfortunately, neither student aid funds nor family incomes are keeping pace with increasing tuition and fees. In my travels around the country, I frequently hear from parents concerned they will not be able to pay for their children's college. These parents know that earning a college education will result in greater earnings for their children and they desperately want to ensure their kids have the greatest opportunities possible.

In 1997, we implemented two new tax credits to make college affordable—the HOPE Credit and the Lifetime Learning Credit. These tax credits were important and have put college in reach for families, but I believe we can do more. In December, the Senate Finance Committee held a hearing on tax incentives for higher education in which we learned that the existing tax credits are not reaching enough students, particularly lower-income students who are most severely impacted by rising tuitions.

The HOPE and Lifetime Learning credits are not refundable, and therefore a family of four must have an income over $30,000 in order to receive the maximum credit. Almost half of families with college students fail to receive the full credit because their income is too low. In order to receive the full benefit of the Lifetime Learning credit, a student has to spend $10,000 a year on tuition and fees. This is nearly double the average annual public four-year college tuition and four times the average annual tuition of a community college. Over 80 percent of college students attend schools with tuition and fees under $10,000.

In 2004, I proposed a refundable tax credit to help pay for the cost of four years of college. Currently the HOPE Credit applies only to the first two years of college. The College Opportunity Tax Credit Act of 2007 (COTC) helps students and parents afford all four years of college. It also builds on the proposal I made in 2004 by incorporating some of the suggestions made by experts, including those at this week's Finance Committee hearing. My legislation creates a new credit that replaces the existing HOPE credit and Lifetime Learning credit and ultimately makes these benefits more generous.

The COTC has two components. The first provides a refundable tax credit for a student enrolled in a degree program at least on a half-time basis. It would provide a 100 percent tax credit for the first $1,000 of eligible expenses and a 50 percent tax credit to the next $3,000 of expenses. The maximum credit would be $2,500 each year per student. The second provides a nonrefundable tax credit for part-time students, graduate students, and other students that do not qualify for the refundable tax credit. It provides a 40 percent credit for the first $1,000 of eligible expenses and a 20 percent credit for the next $3,000 of expenses.

Both of these credits can be used for expenses associated with tuition and fees. The same income limits that apply to the HOPE credit and the Lifetime Learning credit apply to the COTC; the COTC will be phased out ratably for taxpayers with income between $45,000 and $55,000 ($90,000 and $110,000 for married taxpayers). These amounts are indexed for inflation, as are the eligible amounts of expenses.

The College Opportunity Tax Credit Act of 2007 simplifies the existing credits that make higher education more affordable and will enable more students to be eligible for tax relief. I understand that many of my colleagues are interested in making college more affordable. I look forward to working with my colleagues to make a refundable tax credit for college education a reality this Congress. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 97

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "College Opportunity Tax Credit Act of 2007".

SEC. 2. COLLEGE OPPORTUNITY TAXT CREDIT.

(a) IN GENERAL.—

(1) ALLOWANCE OF CREDIT.—Section 25A(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended—

(A) in paragraph (1), by striking "the Hope Scholarship Credit" and inserting "the eligible student credit amount determined under subsection (b)", and

(B) in paragraph (2), by striking "the Lifetime Learning Credit" and inserting "the part-time, graduate, and other student credit amount determined under subsection (c)".

(2) NAME OF CREDIT.—The heading for section 25A of such Code is amended to read as follows:

"SEC. 25A. COLLEGE OPPORTUNITY CREDIT.".

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of parti IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 25A and inserting the following:

"Sec. 25A. College opportunity credit.".

(b) ELIGIBLE STUDENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25A(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking "the Hope Scholarship Credit" and inserting "the eligible student credit amount determined under this subsection", and

(B) by striking "PER STUDENT CREDIT" in the heading and inserting "IN GENERAL".

(2) AMOUNT OF CREDIT.—Paragraph (4) of section 25A(b) of such Code (relating to applicable limit) is amended by striking "2" and inserting "3".

(3) CREDIT REFUNDABLE.—

(A) IN GENERAL.—Section 25A of such Code is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) PORTION OF CREDIT REFUNDABLE.—

"(1) IN GENERAL.—The aggregate credits allowed under subpart C shall be increased by the amount of the credit which would be allowed under this section—

"(A) by reason of subsection (b), and

"(B) without regard to this subsection and the limitation under section 26(a) or subsection (j), as the case may be.

"(2) TREATMENT OF CREDIT.—The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a) or subsection (j), as the case may be.".

(B) TECHNICAL AMENDMENT.—Section 1324(b) of title 31, United States Code, is amended by inserting ", or enacted by the College Opportunity Tax Credit Act of 2007" before the period at the end.

(4) LIMITATIONS.—

(A) CREDIT ALLOWED FOR 4 YEARS.—Subparagraph (A) of section 25A(b)(2) of such Code is amended—

(i) by striking "2" in the text and in the heading and inserting "4", and

(ii) by striking "the Hope Scholarship Credit" and inserting "the credit allowable".

(B) ELIMINATION OF LIMITATION ON FIRST 2 YEARS OF POSTSECONDARY EDUCATION.—Section 25A(b)(2) of such Code is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(5) CONFORMING AMENDMENTS.—

(A) The heading of subsection (b) of section 25A of such Code is amended to read as follows:

"(b) ELIGIBLE STUDENTS.—".

(B) Section 25A(b)(2) of such Code is amended—

(i) in subparagraph (B), by striking "the Hope Scholarship Credit" and inserting "the credit allowable", and

(ii) in subparagraph (C), as redesignated by paragraph (4)(B), by striking "the Hope Scholarship Credit" and inserting "the credit allowable".

(c) PART-TIME, GRADUATE, AND OTHER STUDENTS.—

(1) IN GENERAL.—Subsection (c) of section 25A of the Internal Revenue Code of 1986 is amended to read as follows:

"(c) PART-TIME, GRADUATE, AND OTHER STUDENTS.—

"(1) IN GENERAL.—In the case of any student for whom an election is in effect under this section for any taxable year, the part-time, graduate, and other student credit amount determined under this subsection for any taxable year is an amount equal to the sum of—

"(A) 40 percent of so much of the qualified tuition and related expenses paid by the taxpayer during the taxable year (for education furnished to the student during any academic period beginning in such taxable year) as does not exceed $1,000, plus

"(B) 20 percent of such expenses so paid as exceeds $1,000 but does not exceed the applicable limit.

"(2) APPLICABLE LIMIT.—For purposes of paragraph (1)(B), the applicable limit for any taxable year is an amount equal to 3 times the dollar amount in effect under paragraph (1)(A) for such taxable year.

"(3) SPECIAL RULES FOR DETERMINING EXPENSES.—

"(A) COORDINATION WITH CREDIT FOR ELIGIBLE STUDENTS.—The qualified tuition and related expenses with respect to a student who is an eligible student for whom a credit is allowed under subsection (a)(1) for the taxable year shall not be taken into account under this subsection.

"(B) EXPENSES FOR JOB SKILLS COURSES ALLOWED.—For purposes of paragraph (1), qualified tuition and related expenses shall include expenses described in subsection (f)(1) with respect to any course of instruction at an eligible educational institution to acquire or improve job skills of the student.".

(2) INFLATION ADJUSTMENT.—

(A) IN GENERAL.—Subsection (h) of section 25A of such Code (relating to inflation adjustments) is amended by adding at the end the following new paragraph:

"(3) DOLLAR LIMITATION ON AMOUNT OF CREDIT UNDER SUBSECTION (a)(2).—

"(A) IN GENERAL.—In the case of a taxable year beginning after 2007, each of the $1,000 amounts under subsection (c)(1) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.".

(B) CONFORMING AMENDMENT.—The heading for paragraph (1) of section 25A(h) of such code is amended by inserting "UNDER SUBSECTION (a)(1)" after "CREDIT".

(d) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 25A of the Internal Revenue Code of 1986, as amended by subsection (b)(3), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (h) the following new subsection:

"(j) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowed under this subpart (other than this section and sections 23, 24, and 25B) and section 27 for the taxable year.".

(2) CONFORMING AMENDMENT.—Section 25(a)(1) of such Code is amended by inserting "25A," after "24,".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. KERRY (for himself and Ms. LANDRIEU):

S. 98. A bill to foster the development of minority-owned small businesses; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, I ask unanimous consent that this statement be printed in the record. Mr. President, I rise today to introduce the Minority Entrepreneurship Development Act of 2007. At the beginning of a new Congress it is important to set priorities for the nation because every new Congress brings with it the hope for a brighter future. One of the ways that this new Senate will lead is by creating opportunities for more Americans to pursue the American dream. As incoming Chair of the Small Business and Entrepreneurship Committee, I hope to help in that effort by fostering the development of entrepreneurship in minority communities. It's vital that current and future entrepreneurs from minority communities are given the opportunity to build their own piece of the American dream. I believe that this legislation the Minority Entrepreneurship Development Act of 2007 will help in that effort.

I want to take a moment and tell you why it's so important to expand the numbers of entrepreneurs in the minority community. As a member of the Senate Committee on Small Business and Entrepreneurship, I have received firsthand testimony and countless reports documenting the positive economic impact that occurs when we foster entrepreneurship in under-served communities. There are signs of significant economic returns when minority businesses are created and are able to grow in size and capacity. Between 1987 and 1997, revenue from minority owned firms rose by 22.5 percent, an increase equivalent to an annual growth rate of 10 percent. Employment opportunities within minority owned firms increased by 23 percent during that same period. There is a clear correlation between the growth of minority owned firms and the economic viability of the minority community.

Although these economic numbers tell a significant part of the story they don't tell the whole story of what these firms mean to the minority communities they serve and represent. Many of these business leaders are first generation immigrants; many are first generation business owners and many represent, for those in their communities, what hard work, determination and patience can do.

We must encourage those kinds of values in our minority communities and, quite frankly, in our nation as a whole. For generations, millions have come to our shores in search of a better life. Millions of others were brought here by force and for years were not given a voice in how their lives would turn out. But, how ever we got here, we all have become branches of this great tree we call America. This tree is still nourished by roots planted by our forefathers more than 200 years ago. Those men and women planted the roots of hard work, innovation, faith and risk taking.

When you think about it, those words are the perfect description of an entrepreneur. It is the spirit of entrepreneurship that has made our nation great. And that is why it is absolutely imperative that we continue to support and develop that spirit in our minority communities. To that end, this legislation provides several tools to help minority entrepreneurs as they develop and grow their businesses.

First, this legislation will create an Office of Minority Small Business Development at the Small Business Administration. One of its primary functions will be to increase the number of small business loans that minority businesses receive. Latinos, African-Americans, Asian-Americans and women have been receiving far fewer small business loans than they reasonably should.

To ensure that this trend is reversed and minorities begin to get a greater share of loan dollars, venture capital investments, counseling, and contracting opportunities, this bill will give the new office the authority to monitor the outcomes for SBA's Capital Access, Entrepreneurial Development, and Government Contracting programs. It also requires the head of the Office to work with SBA's partners, trade associations and business groups to identify more effective ways to market to minority business owners, and to work with the head of SBA's Field Operations to ensure that district offices have staff and resources to market to minorities.

Second, this legislation will create the Minority Entrepreneurship and Innovation Pilot Program. This program will offer a competitive grant to Historically Black Colleges and Universities, Tribal Colleges, and Hispanic-Serving Institutions to create an entrepreneurship curriculum at these institutions and to open Small Business Development Centers on those campus' to serve local businesses.

The goal of this program is to target students in highly skilled fields such as engineering, manufacturing, science and technology, and guide them towards entrepreneurship as a career option. Traditionally, minority-owned businesses are disproportionately represented in the service sectors. Promoting entrepreneurial education to undergraduate students will help expand business ownership beyond the service sectors to higher yielding technical and financial sectors.

Third, this legislation will create the Minority Access to Information Distance Learning Pilot Program. This program will offer competitive grants to well established national minority non-profit and business organizations to create distance learning programs for small business owners who are interested in doing business with the federal government.

The goal of this program is to provide low cost training to the many small business owners who cannot afford to pay a consultant thousands of dollars for advice or training on how to prepare themselves to contract with the Federal Government. There are thousands of small businesses in this country that are excellent and efficient. They are primed to provide the goods and services that this nation needs to stay competitive. This program will help prepare them to do just that.

Finally, this legislation will extend the Socially and Economically Disadvantaged Business Program which expired in 2003. This program provides a price evaluation adjustment for socially and economically disadvantaged businesses as a way of increasing their competitiveness when bidding against larger firms. This is one more tool to increase opportunities for our minority small business owners.

I have outlined several ways that we can create a more positive environment for our minority small business community. These are reasonable steps that we ought to take without delay. Moreover, these are important steps that will help bolster a movement that is already underway. According to U.S. Census data, Hispanics are opening businesses 3 times faster than the national average. Also, business development and entrepreneurship have played a significant role in the expansion of the black middle class in this country for over a century. These business owners are embodying the entrepreneurial spirit that our forefathers carried with them as they established this nation.

With this legislation and in my role as incoming Chair of the Committee on Small Business and Entrepreneurship, I hope to play a part in helping to extend that spirit to the next generation of entrepreneurs. Not only is this vital for our minority communities, but it is vital for America. I urge my colleagues to join with me in support of the Minority Entrepreneurship Development Act of 2007.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 98

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minority Entrepreneurship Development Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 2005, the African American unemployment rate was 9.5 percent and the Hispanic American unemployment rate was 6 percent, well above the national average of 4.7 percent;

(2) Hispanics Americans represent 12.5 percent of the United States population and approximately 6 percent of all United States businesses;

(3) African Americans account for 12.3 percent of the population and only 4 percent of all United States businesses;

(4) Native Americans account for approximately 1 percent of the population and .9 percent of all United States businesses;

(5) entrepreneurship has proven to be an effective tool for economic growth and viability of all communities;

(6) minority-owned businesses are a key ingredient for economic development in the community, an effective tool for creating lasting and higher-paying jobs, and a source of wealth in the minority community; and

(7) between 1987 and 1997, revenue from minority-owned firms rose by 22.5 percent, an increase equivalent to an annual growth rate of 10 percent, and employment opportunities within minority-owned firms increased by 23 percent.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "eligible association or organization" means an association or organization that—

(A) is—

(i) a national minority business association organized in accordance with section 501(c)(6) of the Internal Revenue Code of 1986; or

(ii) a foundation of national minority business associations organized in accordance with section 501(c)(3) of the Internal Revenue Code of 1986;

(B) has a well established national network of local chapters, or a proven national membership; and

(C) has been in existence for at least the 10-year period before the date of awarding a grant under section 6;

(3) the term "eligible educational institution" means an institution that is—

(A) a public or private institution of higher education (including any land-grant college or university, any college or school of business, engineering, commerce, or agriculture, or community college or junior college) or any entity formed by 2 or more institutions of higher education; and

(B) a—

(i) historically Black college;

(ii) Hispanic-serving institution; or

(iii) tribal college;

(4) the term "historically Black college" means a part B institution, as that term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061);

(5) the term "Hispanic-serving institution" has the meaning given that term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a);

(6) the term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1101)

(7) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 532);

(8) the term "small business development center" has the meaning given that term in section 21 of the Small Business Act (15 U.S.C. 648); and

(9) the term "tribal college" has the same meaning as the term "tribally controlled college or university" under section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

SEC. 4. MINORITY SMALL BUSINESS DEVELOPMENT.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 as section 38; and

(2) by inserting after section 36 the following:

"SEC. 37. MINORITY SMALL BUSINESS DEVELOPMENT.

"(a) OFFICE OF MINORITY SMALL BUSINESS DEVELOPMENT.—There is established in the Administration an Office of Minority Small Business Development, which shall be administered by the Associate Administrator for Minority Small Business Development appointed under section 4(b)(1) (in this section referred to as the 'Associate Administrator').

"(b) ASSOCIATE ADMINISTRATOR FOR MINORITY SMALL BUSINESS DEVELOPMENT.—The Associate Administrator shall—

"(1) be—

"(A) an appointee in the Senior Executive Service who is a career appointee; or

"(B) an employee in the competitive service;

"(2) be responsible for the formulation, execution, and promotion of policies and programs of the Administration that provide assistance to small business concerns owned and controlled by minorities;

"(3) act as an ombudsman for full consideration of minorities in all programs of the Administration (including those under section 7(j) and 8(a));

"(4) work with the Associate Deputy Administrator for Capital Access of the Administration to increase the proportion of loans and loan dollars, and investments and investment dollars, going to minorities through the finance programs under this Act and the Small Business Investment Act of 1958 (including subsections (a), (b), and (m) of section 7 of this Act and the programs under title V and parts A and B of title III of the Small Business Investment Act of 1958);

"(5) work with the Associate Deputy Administrator for Entrepreneurial Development of the Administration to increase the proportion of counseling and training that goes to minorities through the entrepreneurial development programs of the Administration;

"(6) work with the Associate Deputy Administrator for Government Contracting and Minority Enterprise Development of the Administration to increase the proportion of contracts, including through the Small Business Innovation Research Program and the Small Business Technology Transfer Program, to minorities;

"(7) work with the partners of the Administration, trade associations, and business groups to identify and carry out policies and procedures to more effectively market the resources of the Administration to minorities;

"(8) work with the Office of Field Operations of the Administration to ensure that district offices and regional offices have adequate staff, funding, and other resources to market the programs of the Administration to meet the objectives described in paragraphs (4) through (7); and

"(9) report to and be responsible directly to the Administrator.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $5,000,000 for fiscal year 2007;

"(2) $5,000,000 for fiscal year 2008; and

"(3) $5,000,000 for fiscal year 2009.".

(b) CONFORMING AMENDMENTS.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended in the sixth sentence, by striking "Minority Small Business and Capital Ownership Development" and all that follows through the end of the sentence and inserting "Minority Small Business Development.".

SEC. 5. MINORITY ENTREPRENEURSHIP AND INNOVATION PILOT PROGRAM OF 2007.

(a) IN GENERAL.—The Administrator may make grants to eligible educational institutions—

(1) to assist in establishing an entrepreneurship curriculum for undergraduate or graduate studies; and

(2) for placement of a small business development center on the physical campus of the institution.

(b) USE OF FUNDS.—

(1) CURRICULUM REQUIREMENT.—

(A) IN GENERAL.—An eligible educational institution receiving a grant under this section shall develop a curriculum that includes training in various skill sets needed by successful entrepreneurs, including—

(i) business management and marketing, financial management and accounting, market analysis and competitive analysis, and innovation and strategic planning; and

(ii) additional entrepreneurial skill sets specific to the needs of the student population and the surrounding community, as determined by the institution.

(B) FOCUS.—The focus of the curriculum developed under this paragraph shall be to help students in non-business majors develop the tools necessary to use their area of expertise as entrepreneurs.

(2) SMALL BUSINESS DEVELOPMENT CENTER REQUIREMENT.—Each eligible educational institution receiving a grant under this section shall open a small business development center that—

(A) performs studies, research, and counseling concerning the managing, financing, and operation of small business concerns;

(B) performs management training and provides technical assistance regarding small business concern participation in international markets, export promotion and technology transfer, and the delivery or distribution of such services and information;

(C) offers referral services for entrepreneurs and small business concerns to business development, financing, and legal experts; and

(D) promotes market-specific innovation, niche marketing, capacity building, international trade, and strategic planning as keys to long term growth for its small business concern and entrepreneur clients.

(c) GRANT AWARDS.—

(1) IN GENERAL.—The Administrator may not award a grant under this section to a single eligible educational institution—

(A) in excess of $1,000,000 in any fiscal year; or

(B) for a term of more than 2 years.

(2) LIMITATION ON USE OF FUNDS.—Funds made available under this section may not be used for—

(A) any purpose other than those associated with the direct costs incurred by the eligible educational institution to—

(i) develop and implement the curriculum described in subsection (b)(1); or

(ii) organize and operate a small business development center, as described in subsection (b)(2); or

(B) building expenses, administrative travel budgets, or other expenses not directly related to the costs described in subparagraph (A).

(d) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall not apply to a grant made under this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than November 1 of each year in which funds are made available for grants under this section, the Associate Administrator of Entrepreneurial Development of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report evaluating the success of the program under this section during the preceding fiscal year.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) a description of each entrepreneurship program developed with grant funds, the date of the award, and the number of participants in each such program;

(B) the number of small business assisted through the small business development center with grant funds; and

(C) data regarding the economic impact of the small business development center counseling provided with grant funds.

(f) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section $24,000,000 for each of fiscal years 2007 through 2009, to remain available until expended.

(g) LIMITATION ON USE OF OTHER FUNDS.—The Administrator shall carry out this section only with amounts appropriated in advance specifically to carry out this section.

SEC. 6. MINORITY ACCESS TO INFORMATION DISTANCE LEARNING PILOT PROGRAM OF 2007.

(a) IN GENERAL.—The Administrator may make grants to eligible associations and organizations to—

(1) assist in establishing the technical capacity to provide online or distance learning for businesses seeking to contract with the Federal Government;

(2) develop curriculum for seminars that will provide businesses with the technical expertise to contract with the Federal government; and

(3) provide training and technical expertise through distance learning at low cost, or no cost, to participant business owners and other interested parties.

(b) USE OF FUNDS.—An eligible association or organization receiving a grant under this section shall develop a curriculum that includes training in various areas needed by the owners of small business concerns to successfully contract with the Federal Government, which may include training in accounting, marketing to the Federal Government, applying for Federal certifications, use of offices of small and disadvantaged businesses, procurement conferences, the scope of Federal procurement contracts, and General Services Administration schedules.

(c) GRANT AWARDS.—

(1) IN GENERAL.—The Administrator may not award a grant under this section to a single eligible association or organization—

(A) in excess of $250,000 in any fiscal year; or

(B) for a term of more than 2 years.

(2) LIMITATION ON USE OF FUNDS.—Funds made available under this section may not be used—

(A) for any purpose other than those associated with the direct costs incurred by the eligible association or organization to develop the curriculum described in subsection (b); or

(B) for building expenses, administrative travel budgets, or other expenses not directly related to the costs described in subparagraph (A).

(d) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall not apply to a grant made under this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than November 1 of each year, the Associate Administrator of Entrepreneurial Development of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report evaluating the success of the program under this section during the preceding fiscal year.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) a description of each distance learning program developed with grant funds under this section, the date of the award, and the number of participants in each program; and

(B) data regarding the economic impact of the distance learning technical assistance provided with such grant funds.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2007 through 2009, to remain available until expended.

(g) LIMITATION ON USE OF OTHER FUNDS.—The Administrator shall carry out this section only with amounts appropriated in advance specifically to carry out this section.

SEC. 7. EXTENSION OF SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESS PROGRAM.

(a) IN GENERAL.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended by striking "September 30, 2003" and inserting "September 30, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 30 days after the date of enactment of this Act.

By Mr. KERRY:

S. 99. A bill to amend the Internal Revenue code of 1986 to provide a refundable credit for small business employee health insurance expenses; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the Small Business Health Care Tax Credit Act which would provide small businesses with a refundable tax credit to help with the cost of providing employees with health insurance. Recent studies show that certain groups of individuals are less likely to have employer-provided health insurance. The 2006 Kaiser Family Foundation Employer Health Benefits Survey shows that since 2000 the number of firms offering health benefits has declined from 69 percent to 61 percent in 2006. This decline in coverage is more prevalent in small businesses. Only 48 percent of the firms with less than 10 employees offer health insurance whereas, 90 percent of the firms with 50 or more employees offer health benefits. Approximately 32 million Americans work for firms with fewer than 50 employees.

The April 2006 Commonwealth Fund Biennial Health Insurance Survey concluded that 41 percent of working-age Americans with incomes between $20,000 and $40,000 were uninsured for at least part of the past year. This reflects a dramatic increase in this income range, up from 28 percent in 2001. The survey found that of the 48 million American adults who were uninsured in the past year, 67 percent were in families where at least one person worked full time.

My legislation provides a refundable tax credit to small businesses designed to help provide coverage to those who are currently uninsured. Small businesses with less than 50 employees would be eligible to receive a tax credit to help with the cost of health care premiums for employees making more than $5,000 and less than $50,000 a year. To be eligible for the credit, the employer has to pay at least 50 percent of the health care insurance premium. The credit for businesses with fewer than 10 employees will be capped at 50 percent of the cost of the premium, and the credit amount decreases for larger businesses.

Last year, Leonard Burman, Codirector of the Tax Policy Center, testified before the Senate Finance Committee and suggested a refundable tax credit as an incremental option to help defray higher administrative costs faced by small employers in purchasing health care. This credit will help small businesses afford health care premiums. It is a refundable credit, so that it will help new businesses that do not yet have taxable income be able to offer health care and provide struggling businesses with assistance so that they can offer health care.

This tax credit will cut the cost of health insurance by up to 50 percent for small business owners. It will enable small businesses to provide health insurance for their low- and moderate-income employees. Until we can agree on a comprehensive proposal that will help reduce the cost of health care premiums for small businesses, this legislation provides an appropriate option for increasing health insurance coverage for small businesses and their employees.

I ask for unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 99

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Health Care Tax Credit Act".

SEC. 2. CREDIT FOR EMPLOYEE HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following:

"SEC. 45O. EMPLOYEE HEALTH INSURANCE EXPENSES.

"(a) GENERAL RULE.—For purposes of section 38, in the case of a qualified small employer, the employee health insurance expenses credit determined under this section is an amount equal to the applicable percentage of the amount paid by the taxpayer during the taxable year for qualified employee health insurance expenses.

"(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

"(1) 50 percent in the case of an employer with less than 10 qualified employees,

"(2) 25 percent in the case of an employer with more than 9 but less than 25 qualified employees, and

"(3) 20 percent in the case of an employer with more than 24 but less than 50 qualified employees.

"(c) PER EMPLOYEE DOLLAR LIMITATION.—The amount of qualified employee health insurance expenses taken into account under subsection (a) with respect to any qualified employee for any taxable year shall not exceed—

"(1) $4,000 for self-only coverage, and

"(2) $10,000 for family coverage.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED SMALL EMPLOYER.—

"(A) IN GENERAL.—The term 'qualified small employer' means any small employer which—

"(i) provides eligibility for health insurance coverage (after any waiting period (as defined in section 9801(b)(4))) to all qualified employees of the employer, and

"(ii) pays at least 50 percent of the cost of such coverage for each qualified employee.

"(B) SMALL EMPLOYER.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'small employer' means, with respect to any taxable year, any employer if—

"(I) the average gross receipts of such employer for the preceding 3 taxable years does not exceed $5,000,000, and

"(II) such employer employed an average of more than 1 but less than 50 qualified employees on business days during the preceding taxable year.

"(ii) AGGREGATE GROSS ASSETS.—For purposes of clause (i)(I), the term 'aggregate gross assets' shall have meaning given such term by section 1202(d)(2).

"(iii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—For purposes of clause (i)(II)—

"(I) a preceding taxable year may be taken into account only if the employer was in existence throughout such year, and

"(II) in the case of an employer which was not in existence throughout the preceding taxable year, the determination of whether such employer is a qualified small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current taxable year.

"(iv) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as one person for purposes of this subparagraph.

"(v) PREDECESSORS.—The Secretary may prescribe regulations which provide for references in this subparagraph to an employer to be treated as including references to predecessors of such employer.

"(2) QUALIFIED EMPLOYEE HEALTH INSURANCE EXPENSES.—

"(A) IN GENERAL.—The term 'qualified employee health insurance expenses' means any amount paid by an employer for health insurance coverage to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

"(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(C) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term by section 9832(b)(1).

"(3) QUALIFIED EMPLOYEE.—

"(A) IN GENERAL.—The term 'qualified employee' means an employee of an employer who, with respect to any period, is not provided health insurance coverage under—

"(i) a health plan of the employee's spouse,

"(ii) title XVIII, XIX, or XXI of the Social Security Act,

"(iii) chapter 17 of title 38, United States Code,

"(iv) chapter 55 of title 10, United States Code,

"(v) chapter 89 of title 5, United States Code, or

"(vi) any other provision of law.

"(B) EMPLOYEE.—The term 'employee'—

"(i) means any individual, with respect to any calendar year, who is reasonably expected to receive not more than $50,000 of compensation from the employer during such year,

"(ii) does not include an employee within the meaning of section 401(c)(1), and

"(iii) includes a leased employee within the meaning of section 414(n).

"(C) COMPENSATION.—The term 'compensation' means amounts described in section 6051(a)(3).

"(D) INFLATION ADJUSTMENT.—

"(i) IN GENERAL.—In the case of a taxable year beginning after 2007, the $50,000 amount in subparagraph (B)(i) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.

"(4) NO QUALIFIED EMPLOYEES EXCLUDED.—Subsection (a) shall not apply to an employer for any period unless at all times during such period health insurance coverage is available to all qualified employees of such employer under similar terms.

"(e) PORTION OF CREDIT MADE REFUNDABLE.—

"(1) IN GENERAL.—The aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

"(A) the credit which would be allowed under subsection (a) without regard to this subsection and the limitation under section 38(c), or

"(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

"(2) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'employer payroll taxes' means the taxes imposed by—

"(i) section 3111(b), and

"(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

"(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).

"(f) DENIAL OF DOUBLE BENEFIT.—No deduction or credit under any other provision of this chapter shall be allowed with respect to qualified employee health insurance expenses taken into account under subsection (a).".

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end the following:

"(32) the employee health insurance expenses credit determined under section 45O.".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Sec. 45O. Employee health insurance expenses.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2006.

By Mrs. BOXER:

S. 100. A bill to encourage the health of children in schools by promoting better nutrition and increased physical activity, and for other purposes; to the Committee on Finance.

Mrs. BOXER. Mr. President, today I rise to introduce the Healthy Students Act, a bill that addresses the rising epidemic of childhood obesity.

Over the past 30 years, obesity rates have doubled for teenagers and tripled for children ages 6 to 11. Today, more than 30 percent of children in America are overweight and more than 15 percent are obese. As a result, more children are suffering from traditionally adult diseases—including type 2 diabetes, hypertension and high cholesterol—and putting their health in great danger.

While the reasons for the growing number of obese children problems are complex, the underlying problem is simple. Children are becoming obese because they are eating too much unhealthy food and getting too little exercise.

Vending machines are in too many of our schools. Children today eat five times as much fast food as they did 30 years ago. And the number of students who eat green vegetables "nearly every day or more" has dropped to only 30 percent.

Children are getting too little exercise. Nearly 23 percent of children ages 9-13 do not engage in any free-time physical activity during the school day, and nearly 60 percent do not participate in any kind of organized sports or physical activity program outside of school.

Also, the lack of qualified health professionals (school nurses)—compounded with the access to them—is taking an adverse toll on children's health in our public schools. With just one licensed nurse for every 1,155 students, too many children don't have access to a caring health care professional who can diagnose illness, administer medicine, handle emergencies, or treat injuries.

We should ensure that during the school day, children have access to better nutrition and health care, more physical activity, and the skills necessary for a lifetime of good health. And that's what the Healthy Students Act will do.

First, the bill creates a commission of children's health experts to review existing school nutrition guidelines and develop new, healthier standards that provide more fresh fruits and vegetables and eliminate food of minimal nutritional value.

Second, the bill creates a grant program for school nutrition pilot programs that promote alternative healthful food promotion in its curriculum and lunch program.

I have seen firsthand what can be accomplished with such innovative programs. For example in Berkeley, California, the "Edible Schoolyard" program is changing the way kids eat and learn about nutrition. Schools in the Edible Schoolyard program maintain an organic garden and integrate the garden into both the curriculum and lunch program. This hands-on approach educates students on healthy eating—from planting, to harvesting, to their plates. By teaching kids about the connection between what they eat and where it comes from, we can help them develop good nutrition habits that will last a lifetime.

Third, the bill creates a "Healthy Hour" pilot program that provides funding for an additional hour to the school day either before, after or during school—set aside specifically for physical activity. As more and more schools have cut recess and physical education classes, the bill provides funding for programs that extend physical activity time and highlight the importance of exercise for children in schools across the country.

Fourth, to make sure that children have the equipment they need, the bill provides tax incentives to individuals and businesses to donate exercise and gymnasium equipment to schools and organizations serving students.

And fifth, to address the shortage of qualified health care professionals in schools, the bill creates a tuition loan forgiveness program for those who earn a degree in nursing and make a minimum 3-year commitment to work in a public elementary or secondary school. We are saying to prospective nurses: If you make an investment in helping kids, then we will make an investment in you.

Childhood obesity is a growing epidemic that we must address now. I urge my colleagues to support the Healthy Students Act to ensure that all children have the health they need to achieve their dreams.

By Mr. KERRY:

S. 102. A bill to amend the Internal Revenue Code of 1986 to extend and expand relief from the alternative minimum tax and to repeal the extension of the lower rates for capital gains and dividends for 2009 and 2010; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing legislation which addresses the individual alternative minimum tax (AMT) for 2007. Last Congress, a choice was made to extend lower capital gains and dividends rates that do not expire until the end of 2008 rather than address the AMT for 2007. My preference was to address the AMT for 2007 and I believe we still must take action to prevent taxpayers never intended to pay the AMT from being penalized this year.

I opposed the Tax Increase Prevention and Reconciliation Act of 2005 because it contained the wrong priorities for America leaving behind working families and substantially adding to the deficit. This law extended the lower rates on capital gains and dividends for 2009 and 2010, but only addressed the individual AMT for 2006.

According to the Joint Committee on Taxation, those earning $200,000 or more will receive 84 percent of the benefit of the capital gains tax cut and 63 percent of the benefit of the dividends tax cuts. According to the Congressional Budget Office, 42.8 percent of taxpayers with income between $50,000 and $100,000 will be impacted by the AMT if the AMT is not fixed for 2007 a number that increases to 66 percent by 2010. The Tax Increase Prevention and Reconciliation of Act of 2005 extends a tax cut that does not expire to the end of 2008 with a price tag of $50 billion, but fails to protect the hard working families that will be impacted by the AMT. These families were never intended to be impacted by the AMT, a tax originally designed to prevent a small number of high-income taxpayers from avoiding taxation.

Today, I am introducing legislation that will address the AMT for 2007 and repeal the lower tax rates on capital dividends for 2009 and 2010. To calculate the AMT, individuals add back certain "preference items" to their regular tax liability. These include personal exemptions, the standard deduction, and the itemized deduction for state and local taxes. From this amount, taxpayers subtract the AMT exemption amount, commonly referred to as the "patch" which reverted to lower levels at the end of 2005. The Tax Increase Prevention and Reconciliation Act of 2005 increased and extended the patch for 2006. The patch was increased in order to hold the same number of taxpayers harmless from the AMT in 2006 as in 2005.

The problem with the AMT is that while the regular tax system is indexed for inflation, the AMT exemption amounts and tax brackets remain constant. This has the perverse consequence of punishing taxpayers for the mere fact their incomes rose due to inflation.

In 2001 Congress opted to provide more tax cuts to those with incomes of over $1 million rather than fix a looming tax problem for the middle class. The Economic Growth and Tax Relief Reconciliation Act of 2001 did include a small adjustment to the AMT, but it was not enough. And we knew then that the number of taxpayers subject to the AMT would continue to rise steadily because the combination of tax cuts and a minor adjustment to the AMT would cause the AMT to explode. We are rapidly approaching this explosion and without immediate action America's middle class will be harmed.

My legislation extends and expands the AMT exemption amount for 2007 to prevent additional taxpayers from being impacted by the AMT. Without increasing and extending the AMT exemption for 2007, an additional 19.5 million taxpayers will be impacted by the AMT in 2007. Large families, with incomes as low as $49,438, will be hurt by the AMT. My legislation will allow nonrefundable personal credits such as the higher education tax credits and the dependent care credit against the AMT for 2007. This legislation is offset by repealing the lower rates on capital gains and dividends.

My colleagues on the other side of the aisle have argued that the extension of the capital gains and dividends benefits is necessary to provide investor certainty. But I believe that the certainty of working families worried about paying the AMT should come first.

About a third of long-term capital gains are reported by taxpayers who are impacted by the AMT and due to the interaction of the AMT, they do not fully benefit from the lower rates. Simply put, taxpayers forced to carry the AMT burden will not benefit from the lower capital gains and dividends rate.

The AMT is a looming problem that is impacting hard-working families and for each year that we fail to address the AMT, it gets worse and more expensive. At a minimum we must address the AMT for 2007. My legislation is not a long-term cure to the AMT crisis, but it will provide certainty for 2007 to hard working families who will be impacted by the AMT just because of where they live and the number of children they have, and it will addresses the AMT in a revenue neutral manner for 2007 as well.

We all agree that the AMT should not be impacting families with incomes below $100,000. My bill fixes the AMT for 2007 in a timely and fiscally responsible manner and gives Congress time to work in a bipartisan manner to find a fiscally responsible permanent solution to the AMT.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION AND INCREASE IN MINIMUM TAX RELIEF TO INDIVIDUALS.

(a) In General.—Section 55(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$62,550 in the case of taxable years beginning in 2006" in subparagraph (A) and inserting "$67,100 in the case of taxable years beginning in 2007", and

(2) by striking "$42,500 in the case of taxable years beginning in 2006" in subparagraph (B) and inserting "$44,800 in the case of taxable years beginning in 2007".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 2. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX LIABILITY.

(a) In General.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "2006" in the heading thereof and inserting "2007", and

(2) by striking "or 2006" and inserting "2006, or 2007".

(b) Conforming Provisions.—

(1) Section 30B(g) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(3) Special rule for 2007.—For purposes of any taxable year beginning during 2007, the credit allowed under subsection (a) (after the application of paragraph (1)) shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under subpart A and this subpart (other than this section and section 30C).".

(2) Section 30C(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(3) Special rule for 2007.—For purposes of any taxable year beginning during 2007, the credit allowed under subsection (a) (after the application of paragraph (1)) shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under subpart A and this subpart (other than this section).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. REPEAL OF EXTENSION OF LOWER RATES FOR CAPITAL GAINS AND DIVIDENDS.

The amendment made by section 102 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

By Mr. KERRY (for himself, Mrs. Feinstein, and Mr. Wyden):

S. 103. A bill to amend the Internal Revenue Code of 1986 to provide that major oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers; to Committee on Finance.

Mr. KERRY. Mr. President, today, I am introducing the Restore a Rational Tax Rate on Petroleum Act of 2007. This legislation repeals the manufacturing deduction for big oil and gas companies that was enacted by Congress in 2004. I introduced this legislation in the 109th Congress and Congressman McDermott introduced companion legislation in the House.

The domestic manufacturing deduction was designed to replace export-related tax benefits that were successfully challenged by the European Union. Producers of oil and gas did not benefit from this tax break. Initial legislation proposed to address the repeal of the export-related tax benefits and to replace them with a new domestic manufacturing deduction. That legislation only provided the deduction to industries that benefited from the export-related tax benefits. However, the final product extended the deduction to include the oil and gas industry as well.

My bill repeals the manufacturing deduction for oil and gas companies because these industries suffered no detriment from the repeal of export-related tax benefits. At a time when oil companies are reporting mind-boggling record profits, there is no reason to reward them with a tax deduction.

Like me, many Members of Congress support a windfall profits tax on big oil and gas companies. Providing this deduction to oil and gas companies actually functions as a reverse windfall profits tax. This deduction lowers the tax rates on the windfall profits that they are currently enjoying. And without Congressional action this benefit will increase: upon enactment, the domestic manufacturing deduction was three percent, but it increased to six percent in 2007 and it is scheduled to increase to nine percent in 2010.

I urge my colleagues to support this legislation. We owe it to the American people to eliminate tax benefits to the oil industry at a time of record profits, record gas prices, and record deficits.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Restore a Rational Tax Rate on Petroleum Production Act of 2007".

SEC. 2. FINDINGS.

The Congress finds that—

(1) like many other countries, the United States has long provided export-related benefits under its tax law,

(2) producers and refiners of oil and natural gas were specifically denied the benefits of those export-related tax provisions,

(3) those export-related tax provisions were successfully challenged by the European Union as being inconsistent with our trade agreements,

(4) the Congress responded by repealing the export-related benefits and enacting a substitute benefit that was an effective rate reduction for United States manufacturers,

(5) producers and refiners of oil and natural gas were made eligible for the rate reduction even though they suffered no detriment from repeal of the export-related benefits, and

(6) the decision to provide the effective rate reduction to producers and refiners of oil and natural gas has operated as a reverse windfall profits tax, lowering the tax rate on the windfall profits they are currently enjoying.

SEC. 3. DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by inserting after clause (iii) the following new clause:

"(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, natural gas, or any primary product thereof during any taxable year described in section 167(h)(A).".

(b) CONFORMING AMENDMENTS.—Section 199(c)(4) of such Code is amended—

(1) in subparagraph (A)(i)(III) by striking "electricity, natural gas," and inserting "electricity", and

(2) in subparagraph (B)(ii) by striking "electricity, natural gas," and inserting "electricity".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. REID (for Mr. INOUYE):

S. 106. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise today to introduce legislation to amend the Public Health Service Act for the establishment of a National Center for Social Work Research. Social workers provide a multitude of health care delivery services throughout America to our children, families, the elderly, and persons suffering from various forms of abuse and neglect. The purpose of this center is to support and disseminate information about basic and clinical social work research, and training, with emphasis on service to underserved and rural populations.

While the Federal Government provides funding for various social work research activities through the National Institutes of Health and other Federal agencies, there presently is no coordination or direction of these critical activities and no overall assessment of needs and opportunities for empirical knowledge development. The establishment of a Center for Social Work Research would result in improved behavioral and mental health care outcomes for our nation's children, families, the elderly, and others.

In order to meet the increasing challenges of bringing cost-effective, research-based, quality health care to all Americans, we must recognize the important contributions of social work researchers to health care delivery and the central role that the Center for Social Work can provide in facilitating their work.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Center for Social Work Research Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) social workers focus on the improvement of individual and family functioning and the creation of effective health and mental health prevention and treatment interventions in order for individuals to become more productive members of society;

(2) social workers provide front line prevention and treatment services in the areas of school violence, aging, teen pregnancy, child abuse, domestic violence, juvenile crime, and substance abuse, particularly in rural and underserved communities; and

(3) social workers are in a unique position to provide valuable research information on these complex social concerns, taking into account a wide range of social, medical, economic and community influences from an interdisciplinary, family-centered and community-based approach.

SEC. 3. ESTABLISHMENT OF NATIONAL CENTER FOR SOCIAL WORK RESEARCH.

(a) IN GENERAL.—Section 401(a) of the Public Health Service Act (42 U.S.C. 281(a)), as amended by the National Institutes of Health Reform Act of 2006) is amended by adding at the end the following:

"(26) The National Center for Social Work Research.".

(b) ESTABLISHMENT.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

"Subpart 7—National Center for Social Work Research

"SEC. 485J. PURPOSE OF CENTER.

"The general purpose of the National Center for Social Work Research (referred to in this subpart as the 'Center') is the conduct and support of, and dissemination of targeted research concerning social work methods and outcomes related to problems of significant social concern. The Center shall—

"(1) promote research and training that is designed to inform social work practices, thus increasing the knowledge base which promotes a healthier America; and

"(2) provide policymakers with empirically-based research information to enable such policymakers to better understand complex social issues and make informed funding decisions about service effectiveness and cost efficiency.

"SEC. 485K. SPECIFIC AUTHORITIES.

"(a) IN GENERAL.—To carry out the purpose described in section 485J, the Director of the Center may provide research training and instruction and establish, in the Center and in other nonprofit institutions, research traineeships and fellowships in the study and investigation of the prevention of disease, health promotion, the association of socioeconomic status, gender, ethnicity, age and geographical location and health, the social work care of individuals with, and families of individuals with, acute and chronic illnesses, child abuse, neglect, and youth violence, and child and family care to address problems of significant social concern especially in underserved populations and underserved geographical areas.

"(b) STIPENDS AND ALLOWANCES.—The Director of the Center may provide individuals receiving training and instruction or traineeships or fellowships under subsection (a) with such stipends and allowances (including amounts for travel and subsistence and dependency allowances) as the Director determines necessary.

"(c) GRANTS.—The Director of the Center may make grants to nonprofit institutions to provide training and instruction and traineeships and fellowships under subsection (a).

"SEC. 485L. ADVISORY COUNCIL.

"(a) DUTIES.—

"(1) IN GENERAL.—The Secretary shall establish an advisory council for the Center that shall advise, assist, consult with, and make recommendations to the Secretary and the Director of the Center on matters related to the activities carried out by and through the Center and the policies with respect to such activities.

"(2) GIFTS.—The advisory council for the Center may recommend to the Secretary the acceptance, in accordance with section 231, of conditional gifts for study, investigations, and research and for the acquisition of grounds or construction, equipment, or maintenance of facilities for the Center.

"(3) OTHER DUTIES AND FUNCTIONS.—The advisory council for the Center—

"(A)(i) may make recommendations to the Director of the Center with respect to research to be conducted by the Center;

"(ii) may review applications for grants and cooperative agreements for research or training and recommend for approval applications for projects that demonstrate the probability of making valuable contributions to human knowledge; and

"(iii) may review any grant, contract, or cooperative agreement proposed to be made or entered into by the Center;

"(B) may collect, by correspondence or by personal investigation, information relating to studies that are being carried out in the United States or any other country and, with the approval of the Director of the Center, make such information available through appropriate publications; and

"(C) may appoint subcommittees and convene workshops and conferences.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The advisory council shall be composed of the ex officio members described in paragraph (2) and not more than 18 individuals to be appointed by the Secretary under paragraph (3).

"(2) EX OFFICIO MEMBERS.—The ex officio members of the advisory council shall include—

"(A) the Secretary of Health and Human Services, the Director of NIH, the Director of the Center, the Chief Social Work Officer of the Veterans' Administration, the Assistant Secretary of Defense for Health Affairs, the Associate Director of Prevention Research at the National Institute of Mental Health, the Director of the Division of Epidemiology and Services Research, the Assistant Secretary of Health and Human Services for the Administration for Children and Families, the Assistant Secretary of Education for the Office of Educational Research and Improvement, the Assistant Secretary of Housing and Urban Development for Community Planning and Development, and the Assistant Attorney General for Office of Justice Programs (or the designees of such officers); and

"(B) such additional officers or employees of the United States as the Secretary determines necessary for the advisory council to effectively carry out its functions.

"(3) APPOINTED MEMBERS.—The Secretary shall appoint not to exceed 18 individuals to the advisory council, of which—

"(A) not more than two-thirds of such individual shall be appointed from among the leading representatives of the health and scientific disciplines (including public health and the behavioral or social sciences) relevant to the activities of the Center, and at least 7 such individuals shall be professional social workers who are recognized experts in the area of clinical practice, education, or research; and

"(B) not more than one-third of such individuals shall be appointed from the general public and shall include leaders in fields of public policy, law, health policy, economics, and management.

The Secretary shall make appointments to the advisory council in such a manner as to ensure that the terms of the members do not all expire in the same year.

"(4) COMPENSATION.—Members of the advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The remaining members shall receive, for each day (including travel time) they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the annual rate in effect for an individual at grade GS–18 of the General Schedule.

"(c) TERMS.—

"(1) IN GENERAL.—The term of office of an individual appointed to the advisory council under subsection (b)(3) shall be 4 years, except that any individual appointed to fill a vacancy on the advisory council shall serve for the remainder of the unexpired term. A member may serve after the expiration of the member's term until a successor has been appointed.

"(2) REAPPOINTMENTS.—A member of the advisory council who has been appointed under subsection (b)(3) for a term of 4 years may not be reappointed to the advisory council prior to the expiration of the 2-year period beginning on the date on which the prior term expired.

"(3) VACANCY.—If a vacancy occurs on the advisory council among the members under subsection (b)(3), the Secretary shall make an appointment to fill that vacancy not later than 90 days after the date on which the vacancy occurs.

"(d) CHAIRPERSON.—The chairperson of the advisory council shall be selected by the Secretary from among the members appointed under subsection (b)(3), except that the Secretary may select the Director of the Center to be the chairperson of the advisory council. The term of office of the chairperson shall be 2 years.

"(e) MEETINGS.—The advisory council shall meet at the call of the chairperson or upon the request of the Director of the Center, but not less than 3 times each fiscal year. The location of the meetings of the advisory council shall be subject to the approval of the Director of the Center.

"(f) ADMINISTRATIVE PROVISIONS.—The Director of the Center shall designate a member of the staff of the Center to serve as the executive secretary of the advisory council. The Director of the Center shall make available to the advisory council such staff, information, and other assistance as the council may require to carry out its functions. The Director of the Center shall provide orientation and training for new members of the advisory council to provide such members with such information and training as may be appropriate for their effective participation in the functions of the advisory council.

"(g) COMMENTS AND RECOMMENDATIONS.—The advisory council may prepare, for inclusion in the biennial report under section 485M—

"(1) comments with respect to the activities of the advisory council in the fiscal years for which the report is prepared;

"(2) comments on the progress of the Center in meeting its objectives; and

"(3) recommendations with respect to the future direction and program and policy emphasis of the center.

The advisory council may prepare such additional reports as it may determine appropriate.

"SEC. 485M. BIENNIAL REPORT.

"The Director of the Center, after consultation with the advisory council for the Center, shall prepare for inclusion in the biennial report under section 403, a biennial report that shall consist of a description of the activities of the Center and program policies of the Director of the Center in the fiscal years for which the report is prepared. The Director of the Center may prepare such additional reports as the Director determines appropriate. The Director of the Center shall provide the advisory council of the Center an opportunity for the submission of the written comments described in section 485L(g).

"SEC. 485N. QUARTERLY REPORT.

"The Director of the Center shall prepare and submit to Congress a quarterly report that contains a summary of findings and policy implications derived from research conducted or supported through the Center.".

By Mr. REID (for Mr. INOUYE):

S. 107. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise to introduce legislation today to modify Title VII of the U.S. Public Health Service Act in order to provide students enrolled in graduate psychology programs with the opportunity to participate in various health professions loan programs.

Providing students enrolled in graduate psychology programs with eligibility for financial assistance in the form of loans, loan guarantees, and scholarships will facilitate a much-needed infusion of behavioral science expertise into our community of public health providers. There is a growing recognition of the valuable contribution being made by psychologists toward solving some of our Nation's most distressing problems.

The participation of students from all backgrounds and clinical disciplines is vital to the success of health care training. The Title VII programs play a significant role in providing financial support for the recruitment of minorities, women, and individuals from economically disadvantaged backgrounds. Minority therapists have an advantage in the provision of critical services to minority populations because often they can communicate with clients in their own language and cultural framework. Minority therapists are more likely to work in community settings where ethnic minority and economically disadvantaged individuals are most likely to seek care. It is critical that continued support be provided for the training of individuals who provide health care services to underserved communities.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthen the Public Health Service Act".

SEC. 2. PARTICIPATION IN VARIOUS HEALTH PROFESSIONS LOAN PROGRAMS.

(a) LOAN AGREEMENTS.—Section 721 of the Public Health Service Act (42 U.S.C. 292q) is amended—

(1) in subsection (a), by inserting ", or any public or nonprofit school that offers a graduate program in professional psychology" after "veterinary medicine";

(2) in subsection (b)(4), by inserting ", or to a graduate degree in professional psychology" after "or doctor of veterinary medicine or an equivalent degree"; and

(3) in subsection (c)(1), by inserting ", or schools that offer graduate programs in professional psychology" after "veterinary medicine".

(b) LOAN PROVISIONS.—Section 722 of the Public Health Service Act (42 U.S.C. 292r) is amended—

(1) in subsection (b)(1), by inserting ", or to a graduate degree in professional psychology" after "or doctor of veterinary medicine or an equivalent degree";

(2) in subsection (c), in the matter preceding paragraph (1), by inserting ", or at a school that offers a graduate program in professional psychology" after "veterinary medicine"; and

(3) in subsection (k)—

(A) in the matter preceding paragraph (1), by striking "or podiatry" and inserting "podiatry, or professional psychology"; and

(B) in paragraph (4), by striking "or podiatric medicine" and inserting "podiatric medicine, or professional psychology".

SEC. 3. GENERAL PROVISIONS.

(a) HEALTH PROFESSIONS DATA.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended by striking "clinical" and inserting "professional".

(b) PROHIBITION AGAINST DISCRIMINATION ON BASIS OF SEX.—Section 794 of the Public Health Service Act (42 U.S.C. 295m) is amended in the matter preceding paragraph (1) by striking "clinical" and inserting "professional".

(c) DEFINITIONS.—Section 799B(1)(B) of the Public Health Service Act (42 U.S.C. 295p(1)(B)) is amended by striking "clinical" each place the term appears and inserting "professional".

By Mr. REID (for Mr. INOUYE):

S. 108. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I am introducing legislation today to amend Title VII of the Public Health Service Act to establish a psychology post-doctoral program. Psychologists have made a unique contribution in reaching out to the Nation's medically underserved populations. Expertise in behavioral science is useful in addressing grave concerns such as violence, addiction, mental illness, adolescent and child behavioral disorders, and family disruption. Establishment of a psychology post-doctoral program could be an effective way to find solutions to these issues.

Similar programs supporting additional, specialized training in traditionally underserved settings have been successful in retaining participants to serve the same populations. For example, mental health professionals who have participated in these specialized federally funded programs have tended not only to meet their repayment obligations, but have continued to work in the public sector or with the underserved.

While a doctorate in psychology provides broad-based knowledge and mastery in a wide variety of clinical skills, specialized post-doctoral fellowship programs help to develop particular diagnostic and treatment skills required to respond effectively to underserved populations. For example, what appears to be poor academic motivation in a child recently relocated from Southeast Asia might actually reflect a cultural value of reserve rather than a disinterest in academic learning. Specialized assessment skills enable the clinician to initiate effective treatment.

Domestic violence poses a significant public health problem and is not just a problem for the criminal justice system. Violence against women results in thousands of hospitalizations a year. Rates of child and spouse abuse in rural areas are particularly high, as are the rates of alcohol abuse and depression in adolescents. A post-doctoral fellowship program in the psychology of the rural populations could be of special benefit in addressing these problems.

Given the demonstrated success and effectiveness of specialized training programs, it is incumbent upon us to encourage participation in post-doctoral fellowships that respond to the needs of the nation's underserved.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Psychologists in the Service of the Public Act of 2007".

SEC. 2. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

Part C of title VII of the Public Health Service Act (42 D.S.C. 293k et seq.) is amended by adding at the end the following:

SEC. 749. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

"(a) IN GENERAL.—The Secretary shall establish a psychology post-doctoral fellowship program to make grants to and enter into contracts with eligible entities to encourage the provision of psychological training and services in underserved treatment areas.

"(b) ELIGIBLE ENTITIES.—

"(1) INDIVIDUALS.—In order to receive a grant under this section an individual shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such individual—

" (A) has received a doctoral degree through a graduate program in psychology provided by an accredited institution at the time such grant is awarded;

"(B) will provide services to a medically underserved population during the period of such grant;

"(C) will comply with the provisions of subsection (c); and

"(D) will provide any other information or assurances as the Secretary determines appropriate.

"(2) INSTITUTIONS.—In order to receive a grant or contract under this section, an institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such institution—

"(A) is an entity, approved by the State, that provides psychological services in medically underserved areas or to medically underserved populations (including entities that care for the mentally retarded, mental health institutions, and prisons);

"(B) will use amounts provided to such institution under this section to provide financial assistance in the form of fellowships to qualified individuals who meet the requirements of subparagraphs (A) through (0) of paragraph (1);

"(C) will not use more than 10 percent of amounts provided under this section to pay for the administrative costs of any fellowship programs established with such funds; and

"(D) will provide any other information or assurances as the Secretary determines appropriate.

"(c) CONTINUED PROVISION OF SERVICES.—Any in,dividual who receives a grant or fellowship under this section shall certify to the Secretary that such individual will continue to provide the type of services for which such grant or fellowship is awarded for not less than 1 year after the term of the grant or fellowship has expired.

"(d) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that define the terms 'medically underserved areas' and 'medically underserved populations'.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2008 through 2010.".

By Mr. REID (for Mr. INOUYE):

S. 109. A bill to recognize the organization known as the National Academics of Practice; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, today I am introducing legislation that would provide a Federal charter for the National Academies of Practice. This organization represents outstanding health care professionals who have made significant contributions to the practice of applied psychology, medicine, dentistry, nursing, optometry, osteopathic medicine, pharmacy, podiatry, social work, and veterinary medicine. When fully established, each of the ten academies will possess 150 distinguished practitioners selected by their peers. This umbrella organization will be able to provide the Congress of the United States and the executive branch with considerable health policy expertise, especially from the perspective of those individuals who are in the forefront of actually providing health care.

As we continue to grapple with the many complex issues surrounding the delivery of health care services, it is clearly in our best interest to ensure that the Congress has direct and immediate access to the recommendations of an interdisciplinary body of health care practitioners.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Academies of Practice Recognition Act of 2007".

SEC. 2. CHARTER.

The National Academies of Practice organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a Federal charter.

SEC. 3. CORPORATE POWERS.

The National Academies of Practice (referred to in this Act as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 4. OBJECTIVES AND PURPOSES OF THE CORPORATION.

The objectives and purposes for which the corporation is organized shall be provided for in the articles of incorporation and shall include the following:

(1) Honoring persons who have made significant contributions to the practice of applied dentistry, medicine, nursing, optometry, osteopathy, pharmacy, podiatry, psychology, social work, veterinary medicine, and other health care professions.

(2) Improving the effectiveness of such professions by disseminating information about new techniques and procedures, promoting interdisciplinary practices, and stimulating multidisciplinary exchange of scientific and professional information.

(3) Upon request, advising the President, the members of the President's Cabinet, Congress, Federal agencies, and other relevant groups about practitioner issues in health care and health care policy, from a multidisciplinary perspective.

SEC. 5. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 6. MEMBERSHIP.

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

SEC. 7. BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES.

The composition and the responsibilities of the board of directors of the corporation shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 8. OFFICERS OF THE CORPORATION.

The officers of the corporation and the election of such officers shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 9. RESTRICTIONS.

(a) Use of Income and Assets.—No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of the charter under this Act. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) Loans.—The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) Political Activity.—The corporation, any officer, or any director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of Stock and Payment of Dividends.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) Claims of Federal Approval.—The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) Federal Advisory Activities.—While providing advice to Federal agencies, the corporation shall be subject to the Federal Advisory Committee Act (5 U.S.C. Appendix; 86 stat. 700).

SEC. 10. LIABILITY.

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SEC. 11. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) Books and Records of Account.—The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) Names and Addresses of Members.—The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation.

(c) Right to Inspect Books and Records.—All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

(d) Application of State Law.—Nothing in this section shall be construed to contravene any applicable State law.

SEC. 12. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. The report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to Congress.

SEC. 14. DEFINITION.

In this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

SEC. 15. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 or any corresponding similar provision.

SEC. 16. TERMINATION.

If the corporation fails to comply with any of the restrictions or provisions of this Act the charter granted by this Act shall terminate.

By Mr. REID (for Mr. Inouye):

S. 110. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect, to be conducted by a clinical social worker; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, today I introduce legislation to amend Title 18 of the United States Code to allow our Nation's clinical social workers to use their mental health expertise on behalf of the Federal judiciary by conducting psychological and psychiatric exams.

I feel that the time has come to allow our Nation's judicial system to have access to a wide range of behavioral science and mental health expertise. I am confident that the enactment of this legislation would be very much in our Nation's best interest.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Psychiatric and Psychological Examinations Act of 2007".

SEC. 2. EXAMINATIONS BY CLINICAL SOCIAL WORKERS.

Section 4247(b) of title 18, United States Code, is amended, in the first sentence, by striking "psychiatrist or psychologist" and inserting "psychiatrist, psychologist, or clinical social worker".

By Mr. REID (for Mr. Inouye):

S. 111. A bill to amend title 10, United States Code, to recognize the United States Military Cancer Institute as an establishment within the Uniformed Services University of the Health Sciences, to require the Institute to promote the health of members of the Armed Forces and their dependents by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, Today I introduce the United States Military Cancer Institute Research Collaborative Act. This legislation, twice passed by the Senate yet unsuccessful in the House, would formally establish the United States Military Cancer Institute, USMCI, and support the collaborative augmentation of research efforts in cancer epidemiology, prevention and control. Although the USMCI already exists as an informal collaborative effort, this bill will formally establish the institution with a mission of providing for the maintenance of health in the military by enhancing cancer research and treatment, and studying the epidemiological causes of cancer among various ethnic groups. By formally establishing the USMCI, it will be in a better position to unite military research efforts with other cancer research centers.

Cancer prevention, early detection, and treatment are significant issues for the military population, thus the USMCI was organized to coordinate the existing military cancer assets. The USMCI has a comprehensive database of its beneficiary population of 9 million people. The military's nationwide tumor registry, the Automated Central Tumor Registry, has acquired more than 180,000 cases in the last 14 years, and a serum repository of 30 million specimens from military personnel collected sequentially since 1987. This population is predominantly Caucasian, African-American, and Hispanic.

The USMCI currently resides in the Washington, D.C., area, and its components are located at the National Naval Medical Center, the Malcolm Grow Medical Center, the Armed Forces Institute of Pathology, and the Armed Forces Radiobiology Research Institute. There are more than 70 research workers, both active duty and Department of Defense civilian scientists, working in the USMCI.

The Director of the USMCI, Dr. John Potter, intends to expand research activities to military medical centers across the nation. Special emphasis will be placed on the study of genetic and environmental factors in carcinogenesis among the entire population, including Asian, Caucasian, African-American and Hispanic subpopulations.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THE UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2117. United States Military Cancer Institute

"(a) ESTABLISHMENT.—(1) There is a United States Military Cancer Institute in the University. The Director of the United States Military Cancer Institute is the head of the Institute.

"(2) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for participation in the Institute.

"(3) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

"(b) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

"(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins.

"(B) The prevention and early detection of cancer.

"(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

"(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

"(c) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (b) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

"(d) ANNUAL REPORT.—(1) Promptly after the end of each fiscal year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the results of the research studies carried out under subsection (b).

"(2) Not later than 60 days after receiving the annual report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2117. United States Military Cancer Institute.".

By Mr. REID (for Mr. INOUYE):

S. 112. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a federally-qualified health center or a Native Hawaiian health care system; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Native Hawaiian Medicaid Coverage Act of 2004. This legislation would authorize a Federal Medicaid Assistance Percent, FMAP, of 100 percent for the payment of health care costs of Native Hawaiians who receive health care from Federally Qualified Health Centers or the Native Hawaiian Health Care System.

This bill was originally a provision within the Medicare Prescription Drug Bill, which the Senate passed by an overwhelming majority of 76 to 21, but was dropped from the final Medicare Prescription Drug Conference Report.

This bill is modeled on the Native Alaskan Health Care Act, which provides for a Federal Medicaid Assistance Percent, FMAP, of 100 percent for payment of health care costs for Native Alaskans by the Indian Health Service, an Indian tribe, or a tribal organization.

Community health centers serve as the "safety net" for uninsured and medically underserved Native Hawaiians and other United States citizens, providing comprehensive primary and preventive health services to the entire community. Outpatient services offered to the entire family include comprehensive primary care, preventive health maintenance, and education outreach in the local community. Community health centers, with their multi-disciplinary approach, offer cost effective integration of health promotion and wellness with chronic disease management and primary care focused on serving vulnerable populations.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Medicaid Coverage Act of 2007".

SEC. 2. 100 PERCENT FMAP FOR MEDICAL ASSISTANCE PROVIDED TO A NATIVE HAWAIIAN THROUGH A FEDERALLY-QUALIFIED HEALTH CENTER OR A NATIVE HAWAIIAN HEALTH CARE SYSTEM UNDER THE MEDICAID PROGRAM.

(a) MEDICAID.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by inserting ", and with respect to medical assistance provided to a Native Hawaiian (as defined in section 12 of the Native Hawaiian Health Care Improvement Act) through a federally-qualified health center or a Native Hawaiian health care system (as so defined) whether directly, by referral, or under contract or other arrangement between a federally-qualified health center or a Native Hawaiian health care system and another health care provider" before the period.

(b) EFFECTIVE DATE.—The amendment made by this section applies to medical assistance provided on or after the date of enactment of this Act.

By Mr. OBAMA (for himself and Ms. SNOWE):

S. 117. A bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes; to the Committee on Veterans' Affairs.

Mr. OBAMA. Mr. President, I rise today to introduce legislation that is significant both in the problems it seeks to address and the man it seeks to honor.

Since the day he arrived in Congress more than two decades ago, Lane Evans was a tireless advocate for the men and women with whom he served. When Vietnam vets started falling ill from Agent Orange, he led the effort to get them compensation. Lane was one of the first in Congress to speak out about the health problems facing Persian Gulf War veterans. He worked to help veterans suffering from Post-Traumatic Stress Disorder, and he also helped make sure thousands of homeless veterans in our country have a place to sleep. Lane Evans fought these battles for more than 20 years, and even in the face of his own debilitating disease, he kept fighting. Today, veterans across America have Lane Evans to thank for reminding this country of its duty to take care of those who have risked their lives to defend ours.

I am very proud today to introduce the Lane Evans Veterans Healthcare and Benefits Improvement Act of 2007. This bill honors a legislator who left behind an enduring legacy of service to our veterans. The legislation also is an important step towards caring for our men and women who are currently fighting for us.

I am being joined today by Senator OLYMPIA SNOWE, the lead cosponsor of this bill. Senator SNOWE has long been an advocate for veterans in her state, and I have been honored to work with her in the past on veterans issues. We have fought to reduce the backlog of disability claims at the Veterans Benefits Administration and to improve the military's ability to identify and treat Traumatic Brain Injury. Our introduction of the Lane Evans Bill is a continuation of these efforts.

Today, more than 1.5 million American troops have been deployed overseas as part of the Global War on Terror. These brave men and women who protected us are beginning to return home. Six hundred thousand people who served in Iraq and Afghanistan are now veterans, and more than 185,000 have already received treatment at the VA. That number is increasing every day. Many of these fighting men and women are coming home with major injuries. As a country, we are only beginning to understand the true costs of the Global War on Terror.

The Government Accountability Office reported that VA has faced $3 billion in budget shortfalls since 2005 because it underestimated the costs of caring for Iraq and Afghanistan veterans. The VA wasn't getting the information it needed from the Pentagon and was relying on outdated data and incorrect forecasting models. We cannot let these kind of bureaucratic blunders get in the way of the care and support we owe our servicemembers.

To avoid these costly shortfalls in the future, we have to do a better job keeping track of veterans. That's why the first thing the Lane Evans Act does is to establish a system to track Global War on Terror veterans. The VA established a similar data system following the Persian Gulf War. That effort has been invaluable in budget planning as well as in monitoring emerging health trends and diseases linked to the Gulf War. The Gulf War Veterans Information System also has been important to medical research and improved care for veterans. The sooner we begin keeping accurate track of our fighting men and women in Iraq, Afghanistan and beyond, the better and more efficiently we will be able to care for them.

The Lane Evans Act also tackles Post-Traumatic Stress Disorder. Mental health patients account for about one-third of the new veterans seeking care at the VA. The VA's National Center for PTSD reports that "the wars in Afghanistan and Iraq are the most sustained combat operations since the Vietnam War, and initial signs imply that these ongoing wars are likely to produce a new generation of veterans with chronic mental health problems."

This bill addresses PTSD in two ways. First, it extends the window during which new veterans can automatically get care for mental health from two years to five years. Right now, any servicemember discharged from the military has up to two years to walk into a VA facility and get care, no questions asked. After that, vets have to prove that they are disabled because of a service-connected injury, or they have to prove their income is below threshold levels. Unfortunately, it can take years for symptoms of PTSD to manifest. The time it takes to prove service-connection for mental health illness is valuable time lost during which veterans are not receiving critically needed treatment. The Lane Evans Act allows veterans to walk into a VA facility any time five years after discharge and get assessed for mental health care. This both extends the window and shortens the wait for vets to get care.

Second, the legislation makes face-to-face physical and mental health screening mandatory 30 to 90 days after a soldier is deployed in a war zone. This will ensure that our fighting force is ready for battle, and that we can identify and treat those at risk for PTSD. By making the exams mandatory, we can help eliminate the stigma associated with mental health screening and treatment.

Another problem veterans face is that the VA and DoD do not effectively share medical and military records. Older veterans often have to wait years for their benefits as the Department of Defense recovers aging and lost paper records. Under the Lane Evans Act, the Department of Defense would provide each separating service member at the time of discharge with a secure full electronic copy of all military and medical records to help them apply for healthcare and benefits. DoD possesses the technology to do this now. The information could be useful to VA to quickly and accurately document receipt of vaccinations or deployment to a war zone. The electronic data will also be helpful in future generations when family members of veterans seek information about military service, awards, and wartime deployment that go well beyond the existing single-sheet DD–214 discharge certificate, which is all veterans currently receive.

Finally, the legislation improves the transition assistance that National Guardsmen and military reservists receive when they return from deployment. A 2005 GAO report found that because demobilization for guardsmen and reservists is accelerated, reserve units get abbreviated and perfunctory transition assistance including limited employment training. VA should provide equal briefings and transition services for all service members regarding VA healthcare, disability compensation, and other benefits, regardless of their duty status.

Lane Evans dedicated his life to serving this country and serving veterans. The legislation Senator SNOWE and I are introducing today, honors both the man and his mission, and will continue his legacy to the next generation of American veterans.

Ms. SNOWE. Mr. President, I rise today as a proud cosponsor of S. 3988, the Lane Evans Veterans Healthcare and Benefits Improvement Act of 2007. After serving with Lane Evans in the House of Representatives for over a decade, I am honored to help introduce legislation that serves as a fitting tribute to a man whose unfaltering efforts on behalf of our nation's veterans went unmatched.

I also applaud Senator OBAMA for introducing this vital legislation at a time when over 600,000 courageous men and women have returned from combat in both Iraq and Afghanistan. In the past, Senator OBAMA and I have worked in a bipartisan manner to bolster the military's ability to detect and treat traumatic brain injury, and most recently, we have fought to reduce the backlog of claims at the Veterans Benefits Administration, VBA. Once again, I thank Senator OBAMA for his continuing resoluteness and advocacy for our veterans.

Since the beginning of conflicts in Iraq and Afghanistan, nearly 1.5 million brave Americans have deployed overseas to take part in the global war on terror. Of those 1.5 million Americans, at least 184,400 have already received medical treatment from the Department of Veterans Affairs, VA. It is time the VA and the Department of Defense, DOD, have the capability to provide incoming veterans with timely and efficient medical treatment and postdeployment services. For too long now, provision of these critical services has been hampered by a lack of resources and policy restructuring.

In 2005, the Government Accountability Office revealed that the VA faced a budget shortfall of $3 billion, due to the agency's inability to correctly gauge the benefits for Iraq and Afghanistan veterans. As a result of spending shortfalls, the VA was forced to dip into contingency funds that could have compromised the funding for other vital veterans programs. In order to remedy these unacceptable deficiencies within the veterans' benefit system, this legislation will significantly enhance the ability of the DOD and the VA to accurately track veterans of Iraq and Afghanistan, by creating a data registry that will hold a comprehensive list of VA health care and benefits use. I remind my colleagues that a similar data system was established in 1998 for Gulf War I Veterans, and has been invaluable in assessing the necessary budgetary planning for our injured veterans from that conflict.

However, not all combat wounds are caused by bullets and shrapnel. Several studies have indicated that due to the nature of warfare in Iraq—with its intense urban fighting, terrorism and civilian combat—may cause a spike in the prevalence of post traumatic stress disorder, PTSD. According to the Veterans' Health Administration, as of October 2006, of the 184,524 Operation Enduring Freedom and Operation Iraqi Freedom veterans who have sought care from the VA, 29,041 have been diagnosed as having probable symptoms of PTSD.

I strongly believe that we have a commitment to ensure that veterans with PTSD receive compassionate, world-class health care and appropriate disability compensation determinations. It is imperative that we do all we can to detect, diagnose, and treat our veterans suffering from PTSD as quickly as possible, in order to help our veterans and their families move beyond the psychological trauma of war and lead healthy, productive lives.

This legislation's proposed data registry will further assist the VA with ongoing medical research into mental health, traumatic brain injury, and many other conditions. This legislation will also require the Department of Defense to conduct in-person physical and mental health exams with every service member 30 to 90 days after deployment to war zone, in order to ensure that potential cases of PTSD are identified and treated in a timely manner. By making the exams mandatory, the stigma associated with mental health screening and treatment can be eliminated. Additionally, multiple deployments to combat zones may factor into a higher susceptibility to PTSD, stressing the necessity for mental screening prior to redeployment, in order to ensure that no servicemember experiencing symptoms of PTSD is returned to duty without treatment. If the VA and the DOD continues its current mental health screening policy, nondisclosures of PTSD symptoms will continue to deter early intervention and future VA mental health services.

This legislation addresses the difficulties associated with PTSD symptoms that develop over prolonged periods of time. Currently, the window for new veterans to obtain health care at the VA is 2 years. However, in many circumstances, it takes years for PTSD symptoms and other problems related to mental health to emerge. Therefore, this legislation will extend the window for VA mental health care from 2 years to 5 years, ensuring the necessary mental health treatment for all veterans who are struggling to recover from the traumas of war.

Further, this legislation will take large steps towards improving the transfer of military and medical records in order for veterans to receive the health care and benefits they deserve. This bill requires DOD to provide each separating service member a full electronic copy of all military and medical records at the time of discharge. By facilitating the enhanced use of electronic records, veterans will be assured the proper access and management of their required care. Currently, a lack of swift access to military records and medical records has hampered the VA's ability to treat veterans in need of care in a timely and effective manner.

According to a December 2006 GAO report, while verifying veterans claims of PTSD, regional VA offices are unable to directly access and search an electronic library of medical and service records for all service branches, and therefore, must rely on a DOD research organization, whose average response time to regional office requests is nearly 1 year. Clearly, such a processing delay is not only inexcusable, it is potentially harmful to the veteran and his or her family. Increased access to electronic records will allow the VA to quickly identify the occurrence of stressful events or experiences that may lead to the necessary treatment for PTSD.

Finally, this legislation will also require the VA to provide equal briefings and transition services for all service members regarding VA health care, disability compensation, and other benefits, regardless of status. Often times, guardsmen and reservists receive limited transition assistance and employment training, largely due to their accelerated demobilization. Thus, this legislation will provide equitable and fair transition services for all returning veterans, regardless of their service branch, component or military status.

I have nothing but the utmost respect for those brave Americans who served in uniform with honor, courage, and distinction. The obligation our nation holds for its veterans is enormous, and it is an obligation that must be fulfilled every day. Since the attacks of September 11, millions of brave American men and women have answered our nation's call to service. Congress must now do everything in its power to answer our veterans' call, to ensure that they receive the medical care and treatment that they rightly earned and rightly deserve.

Once again, I am pleased to join Senator OBAMA in introducing S. 988, because I believe it is crucial to the welfare of our Nation's veterans, and I urge my colleagues to voice their support.

By Mr. LEAHY (for himself and Mr. PRYOR):

S. 118. A bill to give investigators and prosecutors the tools they need to combat public corruption; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator PRYOR to introduce the "Effective Corruption Prosecutions Act of 2007," a bill to strengthen the tools available to Federal prosecutors in combating public corruption. This bill gives investigators and prosecutors the statutory tools and the resources they need to ensure that serious and insidious public corruption is detected and punished.

In November, voters sent a strong message that they were tired of the culture of corruption. From war profiteers and corrupt officials in Iraq to convicted Administration officials to influence-peddling lobbyists and, regrettably, even Members of Congress, too many supposed public servants were serving their own interests, rather than the public interest. The American people staged an intervention and made it clear that they would not stand for it any longer. They expect the Congress to take action. We need to restore the people's trust by acting to clean up the people's government.

The Senate's new leadership is introducing important lobbying reform and ethics legislation. Similar legislation passed the Senate last year, but stalled in the House. This is a vital first step.

But the most serious corruption cannot be prevented only by changing our own rules. Bribery and extortion are committed by people bent on getting around the rules and banking that they won't get caught. These offenses are very difficult to detect and even harder to prove. Because they attack the core of our democracy, these offenses must be found out and punished. Congress must send a signal that it will not tolerate this corruption by providing better tools for federal prosecutors to combat it. This bill will do exactly that.

First, the bill extends the statute of limitations for the most serious public corruption offenses. Specifically, it extends the statute of limitations from five years to eight years for bribery, deprivation of honest services, and extortion by a public official. This is an important step because public corruption cases are among the most difficult and time-consuming cases to investigate and prosecute. They often require use of informants and electronic monitoring, as well as review of extensive financial and electronic records, techniques which take time to develop and implement.

Bank fraud, arson, and passport fraud, among other offenses, all have 10-year statutes of limitations. Since public corruption offenses are so important to our democracy and these cases are so difficult to investigate and prove, a more modest extended statute of limitations for these offenses is a reasonable step to help our corruption investigators and prosecutors do their jobs. Corrupt officials should not be able to get away with their ill gotten gains just by waiting out the investigators.

This bill also facilitates the investigation and prosecution of an important offense known as Federal program bribery, Title 18, United States Code, section 666. Federal program bribery is the key Federal statute for prosecuting bribery involving state and local officials, as well as officials of the many organizations that receive substantial Federal money. This bill would allow agents and prosecutors investigating this important offense to request authority to conduct wiretaps and to use Federal program bribery as a basis for a racketeering charge.

Wiretaps, when appropriately requested and authorized, are an important method for agents and prosecutors to gain evidence of corrupt activities, which can otherwise be next to impossible to prove without an informant.

The Racketeer Influenced and Corrupt Organizations (RICO) statute is also an important tool which helps prosecutors target organized crime and corruption.

Agents and prosecutors may currently request authority to conduct wiretaps to investigate many serious offenses, including bribery of federal officials and even sports bribery, and may predicate RICO charges on these offenses, as well. It is only reasonable that these important tools also be available for investigating the similar and equally important offense of federal program bribery.

Lastly, my bill authorizes $25 million in additional Federal funds over each of the next four years to give federal investigators and prosecutors needed resources to go after public corruption. Last month, FBI Director Mueller in written testimony to the Judiciary Committee called public corruption the FBI's top criminal investigative priority. However, a September 2005 Report by Department of Justice Inspector General Fine found that, from 2000 to 2004, there was an overall reduction in public corruption matters handled by the FBI. The report also found declines in resources dedicated to investigating public corruption, in corruption cases initiated, and in cases forwarded to US Attorney's Offices.

I am heartened by Director Mueller's assertion that there has recently been an increase in the number of agents investigating public corruption cases and the number of cases investigated, but I remain concerned by the Inspector General's findings. I am concerned because the FBI in recent years has diverted resources away from criminal law priorities, including corruption, into counterterrorism. The FBI may need to divert further resources to cover the growing costs of Sentinel, their data management system. The Department of Justice has similarly diverted resources, particularly from United States Attorney's Offices.

Additional funding is important to compensate for this diversion of resources and to ensure that corruption offenses are aggressively pursued. My bill will give the FBI, the United States Attorney's Offices, and the Public Integrity Section of the Department of Justice new resources to hire additional public corruption investigators and prosecutors. They can finally have the manpower they need to track down and make these difficult cases, and to root out the corruption.

If we are serious about addressing the egregious misconduct that we have recently witnessed, Congress must enact meaningful legislation to give investigators and prosecutors the resources they need to enforce our public corruption laws. I strongly urge Congress to do more to restore the public's trust in their government.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Effective Corruption Prosecutions Act of 2007".

SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.

(a) In General.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3299. Corruption offenses

"Unless an indictment is returned or the information is filed against a person within 8 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

"(1) section 201 or 666;

"(2) section 1341, 1343, or 1346, if the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;

"(3) section 1951, if the offense involves extortion under color of official right;

"(4) section 1952, to the extent that the unlawful activity involves bribery; or

"(5) section 1963, to the extent that the racketeering activity involves bribery chargeable under State law, or involves a violation of section 201 or 666.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"3299. Corruption offenses.".

(c) Application of Amendment.—The amendments made by this section shall not apply to any offense committed more than 5 years before the date of enactment of this Act.

SEC. 3. INCLUSION OF FEDERAL PROGRAM BRIBERY AS A PREDICATE FOR INTERCEPTION OF WIRE, ORAL OR ELECTRONIC COMMUNICATIONS AND AS A PREDICATE FOR A RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS OFFENSE.

(a) In General.—Section 2516(c) of title 18, United States Code, is amended by adding after "section 224 (bribery in sporting contests)," the following: "section 666 (theft or bribery concerning programs receiving Federal funds),".

(b) In General.—Section 1961 of title 18, United States Code, is amended by adding after "section 664 (relating to embezzlement from pension and welfare funds)," the following: "section 666 (relating to theft or bribery concerning programs receiving Federal funds),".

SEC. 4. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE PUBLIC CORRUPTION OFFENSES.

There are authorized to be appropriated to the Department of Justice, including the United States Attorneys' Offices, the Federal Bureau of Investigation, and the Public Integrity Section of the Criminal Division, $25,000,000 for each of the fiscal years 2008, 2009, 2010, and 2011, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 654, 666, 1001, 1341, 1343, 1346, and 1951 of title 18, United States Code.

By Mr. LEAHY (for himself, Mr. Bingaman, Mr. Harkin, Mr. Kerry, Mr. Lautenberg, Mr. Rockefeller, Mr. Dorgan, Mr. Schumer, Mr. Wyden, Ms. Cantwell, Mrs. Clinton, Mr. Menendez, and Mr. Nelson of Florida):

S. 119. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am reintroducing a bill that creates criminal penalties for war profiteers and cheats who would exploit taxpayer-funded efforts in Iraq and elsewhere around the world. Last year, despite the mounting evidence of widespread contractor fraud and abuse in Iraq, the Republican-controlled Senate would not act on it. Instead, the Congress took a terrible misstep in seeking to end the work of the Special Inspector General for Iraq Reconstruction. I have been proposing versions of this bill since 2003, when it did pass the Senate. Unfortunately, this crucial provision was stripped out of the final version of a bill by a Republican-controlled conference committee.

There is growing evidence of widespread contractor fraud in Iraq, yet prosecuting criminal cases against these war profiteers is difficult under current law. We must crack down on this rampant fraud and abuse that squanders American taxpayers' dollars and jeopardizes the safety of our troops abroad. That is why I renew my efforts for accountability and action with the introduction of the War Profiteering Prevention Act of 2007. I am pleased to join with Senators Bingaman, Kerry, Harkin, Rockefeller, Dorgan, Wyden, Schumer, Cantwell, Bill Nelson, Clinton, Lautenberg and Menendez to introduce this legislation.

Congress has sent billions upon billions of dollars to Iraq with too little accountability and too few financial controls. More than $50 billion of this money has gone to private contractors hired to guard bases, drive trucks, feed and shelter the troops and rebuild the country. This is more than the annual budget of the Department of Homeland Security.

Instead of results from these companies, we are seeing penalties levied for allegations of fraud and abuse. At least 10 companies with billions of dollars in U.S. contracts for Iraq reconstruction have paid more than $300 million in penalties since 2000, to resolve allegations of bid rigging, fraud, delivery of faulty military parts and environmental damage. Seven other companies with Iraq reconstruction contracts have agreed to pay financial penalties without admitting wrongdoing.

In 2005, Halliburton took in approximately $3.6 billion from contracts to serve U.S. troops and rebuild the oil industry in Iraq. Halliburton executives say that the company received about $1 billion a month for Iraq work in 2006. In addition, last month, we learned of new plans to spend hundreds of millions more to create jobs in Iraq.

Last year, the Special Inspector General for Iraq Reconstruction found that millions of U.S. taxpayer funds appropriated for Iraq reconstruction have been lost and diverted. Yet we continue to send more taxpayer funds to Iraq, without accountability.

Too much of this money is unaccounted for, and many of the facilities and services that these funds were supposed to pay for are still nonexistent. We in Congress must ask—where did all the money go? We need to press for more accountability over the use and abuse of billions of taxpayers' dollars sent as development aid to Iraq, not less.

A new law to combat war profiteering in Iraq and elsewhere is sorely needed and long overdue. Although there are anti-fraud laws to protect against the waste of U.S. tax dollars at home, no law expressly prohibits war profiteering or expressly confers jurisdiction on U.S. federal courts to hear fraud cases involving war profiteering committed overseas.

The bill I introduced today would criminalize "war profiteering"—overcharging taxpayers in order to defraud and to profit excessively from a war, military action, or reconstruction efforts. It would also prohibit any fraud against the United States involving a contract for the provision of goods or services in connection with a war, military action, or for relief or reconstruction activities. This new crime would be a felony, subject to criminal penalties of up to 20 years in prison and fines of up to $1 million, or twice the illegal gross profits of the crime.

The bill also prohibits false statements connected with the provision of goods or services in connection with a war or reconstruction effort. This crime would also be a felony, subject to criminal penalties of up to 10 years in prison and fines of up to $1 million, or twice the illegal gross profits of the crime.

The measure also addresses weakness in the existing laws used to combat war profiteering, by providing clear authority for the Government to seek criminal penalties and to recover excessive profits for war profiteering overseas. These are strong and focused sanctions that are narrowly tailored to punish and deter fraud or excessive profiteering in contracts, both at home and abroad.

The message sent by this bill is clear—any act to exploit the crisis situation in Iraq or elsewhere overseas for exorbitant gain is unacceptable, reprehensible, and criminal. Such deceit demeans and exploits the sacrifices that our military personnel are making in Iraq and Afghanistan, and around the world. This bill also builds on a strong legacy of historical efforts to stem war profiteering. Congress implemented excessive-profits taxes and contract renegotiation laws after both World Wars, and again after the Korean War. Advocating exactly such an approach, President Roosevelt once declared it our duty to ensure that "a few do not gain from the sacrifices of the many."

Our Government cannot in good faith ask its people to sacrifice for reconstruction efforts that allow some to profit unfairly. When U.S. taxpayers have been called upon to bear the burden of reconstruction contracts—where contracts are awarded in a system that offers little competition and even less accountability—concerns about wartime profiteering are a grave matter.

Combating war profiteering is not a Democratic issue, or a Republican issue. Rather, it is a cause that all Americans can support. When I first introduced this bill in 2003, it came to be cosponsored by 21 Senators. The Senate Appropriations Committee also unanimously accepted these provisions during a Senate Appropriations Committee markup of the $87 billion appropriations bill for Iraq and Afghanistan for Fiscal Year 2004, and this provision passed the Senate. Passing bipartisan war profiteering prevention legislation was the right thing to do then, and it is the right thing to do now.

I am hopeful that in a new year, and with a new Congress, we can make a fresh start and forge a bipartisan partnership on this important issue that will result in passage of this bill. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "War Profiteering Prevention Act of 2007".

SEC. 2. PROHIBITION OF PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts

"(a) PROHIBITION.—

"(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with a war, military action, or relief or reconstruction activities within the jurisdiction of the United States Government, knowingly and willfully—

"(A)(i) executes or attempts to execute a scheme or artifice to defraud the United States; or

"(ii) materially overvalues any good or service with the specific intent to defraud and excessively profit from the war, military action, or relief or reconstruction activities; shall be fined under paragraph (2), imprisoned not more than 20 years, or both; or

"(B)(i) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(ii) makes any materially false, fictitious, or fraudulent statements or representations; or

"(iii) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry;

shall be fined under paragraph (2) imprisoned not more than 10 years, or both.

"(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

"(A) $1,000,000; or

"(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts.".

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "1039," after "1032,".

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1039".

(d) RICO.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: ", section 1039 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts)" after "liquidating agent of financial institution),".

By Mr. BAUCUS (for himself and Mr. COLEMAN):

S. 122. A bill to amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased today to introduce the Trade Adjustment Assistance Improvement Act of 2007 with my good friend and colleague, Senator NORM COLEMAN.

In 2006, the United States passed, signed or concluded no fewer than five new free trade agreements. This June, the President's authority to negotiate trade agreements will expire. Congress should extend the President's authority to negotiate these deals. But when we do, we must raise the bar higher than before. Each deal must surpass the last, in order to take advantage of and adjust to changes in the global marketplace that affect American businesses and workers.

Congress will consider these agreements on their merits. In most cases, these deals will mean more access for

American producers and service providers. In some few cases, these agreements could mean more and fiercer competition for producers and providers here at home.

Competition is the engine that drives market economies like ours. It spawns innovation and creates new jobs. But just as jobs are created in new sectors of our economy, jobs are also lost in other sectors which experience sudden or unfair competition from abroad.

Whether and how effectively we help those firms and workers who feel the negative effects of our national trade policy will, in large part, determine whether and how effectively we can move a trade agenda forward this year.

During the last several Congresses, we have experienced unprecedented change in the global marketplace and in our labor market at home. I have worked to raise the bar on our efforts to help workers affected by these changes. Today, I propose again, more urgently than ever, that Congress and the administration work together to adapt our national worker adjustment strategies to the challenges of globalization. The Trade Adjustment Assistance Improvement Act is a first and necessary step in that direction.

The Trade Adjustment Assistance Improvement Act includes many proposals that Congress should consider before the program expires this September. The Act extends coverage to more of the workers who are affected by trade and globalization. And the Act will improve the overall efficiency and effectiveness of the program.

For more than a century, the manufacturing sector drove the American economy. So, when President Kennedy decided to open the American economy to more trade, he established the Trade Adjustment Assistance program to help workers in the manufacturing sector adjust to change.

Today, our economy depends upon service exports. More than 75 percent of the American labor force work in services. While many service sector jobs cannot be outsourced, technology change makes it possible to provide many services remotely, in such fields as accounting, healthcare, and computers and information technology. So when a large call center left Kalispell, Montana, three years ago for Canada, the Montana workers left behind did not have access to the same benefits that workers laid off from the Columbia Falls Aluminum manufacturing plant did. They should have.

Last year, the Department of Labor agreed, for the first time ever, that workers who produce software, an intangible product, should be eligible for Trade Adjustment Assistance. That was a step in the right direction. We should take the next step this year. We should finally extend coverage to American service workers. That is what my bill proposes.

Trade Adjustment Assistance certification takes place on a case-by-case, plant-by-plant basis. This means that while two factories producing the same products may both experience foreign competition that leads to layoffs, often only one of those factories' laid off workers gets certified as eligible for the program.

Consider the softwood lumber industry. At least 12 out of 35 Trade Adjustment Assistance petitions filed by workers in Montana's softwood lumber industry over the last 7 years were denied by the Department of Labor. Yet, all of these mills were similarly affected by the same market conditions—dumped and subsidized Canadian imports. The International Trade Commission found that Canadian imports injured or threatened to injury the softwood lumber industry on a national scale.

But the Department of Labor's certification process does not take into account the bigger—and often more meaningful—picture. It simply relies on data provided by individual companies that lay off the workers to make its case-by-case determination.

The legislation that I introduce today makes industry-wide certification automatic for workers anywhere in the United States if the President, the International Trade Commission, or another qualified Federal agency determines that imports are harming that industry. My bill also authorizes, but does not require, the Secretary of Labor to make industry-wide determinations if she receives three or more petitions in one industry within one 6-month period, or if the Senate Finance Committee and the House Ways and Means Committee pass a resolution requesting such an investigation.

We can anticipate and in some cases even prevent displacements by renewing and expanding our commitment to small and medium-sized American companies looking to recapture their competitive edge. One key, yet small program that can help prevent displacements and shifts in production to overseas is the TAA for Firms program in the Department of Commerce. The Firms program reaches out to companies that have experienced decreasing sales or production due to import competition and have laid off or expect to lay off workers.

This program is chronically underfunded, and it should also be available to service sector firms. This bill would authorize $50 million for this program to reach more small- and medium-sized businesses across the nation before they are forced to lay off their American workers and close their doors.

This bill also moves the Firms program from the Economic Development Administration at Commerce back into the International Trade Administration. That's where it was previously. And frankly that's where it ought to have remained. Despite the Firms program's proven track record, proposals related to the program under the Economic Development Administration have sought to either defund the program altogether, or to limit eligibility by increasing the profit-loss margin required for participation and arbitrary termination of firms after 2 years. The Firms program is a trade program and should be administered by an agency whose primary mission is to help American companies to adjust to and benefit from trade.

In 2002, with the passage of the Trade Adjustment Assistance Reform Act, I had great expectations for our first wage insurance demonstration project. In theory, wage insurance—or Alternative Trade Adjustment Assistance—encourages swift re-entry into the workforce by replacing a portion of a worker's lost wages when a worker accepts a lower paying job within 6 months of a layoff. Workers who choose wage insurance over traditional Trade Adjustment Assistance training and income assistance often have less access to good training or simply cannot afford to be out of work during their training. Wage insurance provides an incentive for employers to hire lower-skilled and older workers and train them on the job.

In practice, I have been disappointed with the Department of Labor's implementation of the wage insurance proposal that we crafted in 2002. In a 2004 review by the Government Accountability Office, the Department of Labor's implementation of the benefit came up far short of the mark. Last year, the Government Accountability Office once again found that the Department needed to improve its implementation, focusing specifically on its outreach to and direction of state employment service offices.

I hope to work with the Department of Labor on strategies that will improve its outreach. Wage insurance can help put people back to work, and can even save money over traditional Trade Adjustment Assistance. But it cannot do either of those things if no one knows about the benefit.

This bill streamlines the process to qualify for wage insurance, and lowers the eligible age from 50 to 40. Wage replacement should be available to younger workers who would re-enter the workforce more quickly if they could afford the often steep wage cut.

Another key component of the Trade Adjustment Assistance Reform Act was the health care tax credit to help displaced workers and some retirees maintain access to health insurance coverage. As health costs grow, losing health insurance can be as financially devastating to workers as losing a job. While I still believe that the TAA health care tax credit holds promise, this is clearly an area where reforms are needed to help the credit achieve its purpose.

Today, the TAA health care tax credit helps only a fraction of the hundreds of thousands eligible for assistance. In its first 2 years, less than 6 percent of eligible workers and retirees enrolled. A GAO report released last year studying five major plant closings in 2003 and 2004 found that only 3 to 12 percent of eligible workers enrolled. More than half of the workers studied didn't sign up for the tax credit because the 65 percent subsidy was too low to make health coverage affordable.

The tax credit also suffers from complexity and administrative red tape. More than half of eligible workers in GAO's recent study didn't even know about the benefit. About a third of workers who knew about the benefit decided not to enroll because it was too confusing. Even those who understand it have to navigate complex rules and requirements to get the benefit.

We need to make this program simpler, more affordable, and more seamless so that more workers can take it up in the years ahead. We need to improve the information that workers and retirees get about the program and create systems to ensure that they get it. We need to cut down on the red tape. And we need to look at options to make this benefit more affordable so that we can truly reach the hundreds of thousands eligible for this benefit that Congress intended to help when we enacted these reforms 4 years ago. I plan to introduce a bill later in the year that will achieve these goals for reforming the health care tax credit and will look forward to working with Senator Coleman and other colleagues in this effort.

The forces of globalization, like trade and technology change, have created tremendous opportunities for American businesses and workers, from cutting the cost of living to increasing the margin of profit. Trade accounts for a quarter of our gross domestic product. The adjustments we have made to maximize trade's benefits save the average American household $9,000 annually.

But we must also make adjustments to respond to the challenges that come with globalization. American businesses in the 21st century face rapidly-changing consumer preferences and ever-swifter technological advances. Global competition is fierce. Innovation is the key to these companies' continued prosperity.

The same holds true for American workers. They know that they must adjust to changes in the labor market if they are to maintain their place in it. Workers must be prepared for one or more career shifts before retirement. They must acquire more skills, and refresh their skills more often.

We can help American companies adapt, and regain their competitive edge in the global marketplace. We can help more trade-displaced workers get back into the workforce. We should help these workers adapt not only to trade displacement, but to all the other aspects of globalization as well.

American workers and the companies that employ them must each continually adjust to a changing world marketplace. So too should our worker adjustment strategies.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Trade Adjustment Assistance Improvement Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR SERVICES SECTOR

Sec. 101. Short title.
Sec. 102. Extension of trade adjustment assistance to services sector.
Sec. 103. Trade adjustment assistance for firms and industries.
Sec. 104. Monitoring and reporting.
Sec. 105. Effective date.

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR INDUSTRIES

Sec. 201. Other methods of requesting investigation.
Sec. 202. Notification.
Sec. 203. Industry-wide determination.
Sec. 204. Coordination with other trade provisions.
Sec. 205. Regulations.

TITLE III—OTHER TRADE ADJUSTMENT ASSISTANCE MATTERS

Subtitle A—Trade Adjustment Assistance

Sec. 301. Calculation of separation tolled during litigation.
Sec. 302. Establishment of Trade Adjustment Assistance Advisor.
Sec. 303. Office of Trade Adjustment Assistance.
Sec. 304. Certification of submissions.
Sec. 305. Wage insurance.
Sec. 306. Training.
Sec. 307. Funding for administrative costs.
Sec. 308. Authorization of appropriations.

Subtitle B—Data Collection

Sec. 311. Short title.
Sec. 312. Data collection; information to workers.
Sec. 313. Determinations by the Secretary of Labor.

Subtitle C—Trade Adjustment Assistance for Farmers

Sec. 321. Clarification of marketing year and other provisions.
Sec. 322. Eligibility.

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR SERVICES SECTOR

SEC. 101. SHORT TITLE.

This title may be cited as the "Trade Adjustment Assistance Equity for Service Workers Act of 2007".

SEC. 102. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICES SECTOR.

(a) ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)(A)) is amended by striking "firm)" and inserting "firm, and workers in a service sector firm or subdivision of a service sector firm, or public agency)".

(b) GROUP ELIGIBILITY REQUIREMENTS; SERVICE WORKERS; SHIFTS IN PRODUCTION.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "agricultural firm)" and inserting "agricultural firm, and workers in a service sector firm or subdivision of a service sector firm, or public agency)";

(B) in paragraph (1), by inserting "or public agency" after "of the firm"; and

(C) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking "like or directly competitive with articles produced" and inserting "or services like or directly competitive with articles produced or services provided";

(ii) by striking subparagraph (B) and inserting the following:

"(B)(i) there has been a shift, by such workers' firm, subdivision, or public agency to a foreign country, of production of articles, or in provision of services, like or directly competitive with articles which are produced, or services which are provided by such firm, subdivision, or public agency; or

"(ii) such workers' firm, subdivision, or public agency has obtained or is likely to obtain such services from a foreign country.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "agricultural firm)" and inserting "agricultural firm, and workers in a service sector firm or subdivision of a service sector firm, or public agency)";

(B) in paragraph (2), by inserting "or service" after "related to the article"; and

(C) in paragraph (3)(A), by inserting "or services" after "component parts";

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by inserting "or services" after "value-added production processes";

(ii) by striking "or finishing" and inserting ", finishing, or testing";

(iii) by inserting "or services" after "for articles";

(iv) by inserting "(or subdivision)" after "such other firm"; and

(v) by striking ", if the certification of eligibility" and all that follows to the end period; and

(B) in paragraph (4)—

(i) by striking "for articles" and inserting ", or services, used in the production of articles or in the provision of services"; and

(ii) by inserting "(or subdivision)" after "such other firm"; and

(4) by adding at the end the following new subsection:

"(d) BASIS FOR SECRETARY'S DETERMINATIONS.—

"(1) INCREASED IMPORTS.—For purposes of subsection (a)(2)(A)(ii), the Secretary may determine that increased imports of like or directly competitive articles or services exist if the workers' firm or subdivision or customers of the workers' firm or subdivision accounting for not less than 20 percent of the sales of the workers' firm or subdivision certify to the Secretary that they are obtaining such articles or services from a foreign country.

"(2) OBTAINING SERVICES ABROAD.—For purposes of subsection (a)(2)(B)(ii), the Secretary may determine that the workers' firm, subdivision, or public agency has obtained or is likely to obtain like or directly competitive services from a foreign country based on a certification thereof from the workers' firm, subdivision, or public agency.

"(3) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraphs (1) and (2) through questionnaires or in such other manner as the Secretary determines is appropriate.".

(c) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by inserting "or public agency" after "of a firm"; and

(B) by inserting "or public agency" after "or subdivision";

(2) in paragraph (2)(B), by inserting "or public agency" after "the firm";

(3) by redesignating paragraphs (8) through (17) as paragraphs (9) through (18), respectively; and

(4) by inserting after paragraph (6) the following:

"(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government.

"(8) The term 'service sector firm' means an entity engaged in the business of providing services.".

SEC. 103. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES.

(a) FIRMS.—

(1) ASSISTANCE.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(A) in subsection (a), by inserting "or service sector firm" after "(including any agricultural firm";

(B) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by inserting "or service sector firm" after "any agricultural firm";

(ii) in subparagraph (B)(ii), by inserting "or service" after "of an article"; and

(iii) in subparagraph (C), by striking "articles like or directly competitive with articles which are produced" and inserting "articles or services like or directly competitive with articles or services which are produced or provided"; and

(C) by adding at the end the following:

"(e) BASIS FOR SECRETARY DETERMINATION.—

"(1) INCREASED IMPORTS.—For purposes of subsection (c)(1)(C), the Secretary may determine that increases of imports of like or directly competitive articles or services exist if customers accounting for not less than 20 percent of the sales of the workers' firm certify to the Secretary that they are obtaining such articles or services from a foreign country.

"(2) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraph (1) through questionnaires or in such other manner as the Secretary determines is appropriate. The Secretary may exercise the authority under section 249 in carrying out this subsection.".

(2) DEFINITION.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended—

(A) by striking "For purposes of" and inserting "(a) FIRM.—For purposes of"; and

(B) by adding at the end the following:

"(b) SERVICE SECTOR FIRM.—For purposes of this chapter, the term 'service sector firm' means a firm engaged in the business of providing services.".

(b) INDUSTRIES.—Section 265(a) of the Trade Act of 1974 (19 U.S.C. 2355(a)) is amended by inserting "or service" after "new product".

(c) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended by striking "subpena" and inserting "subpoena" each place it appears in the heading and the text.

(2) TABLE OF CONTENTS.—The table of contents for the Trade Act of 1974 is amended by striking "Subpena" in the item relating to section 249 and inserting "Subpoena".

SEC. 104. MONITORING AND REPORTING.

Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the first sentence—

(A) by striking "The Secretary" and inserting "(a) MONITORING PROGRAMS.—The Secretary";

(B) by inserting "and services" after "imports of articles";

(C) by inserting "and domestic provision of services" after "domestic production";

(D) by inserting "or providing services" after "producing articles"; and

(E) by inserting ", or provision of services," after "changes in production"; and

(2) by adding at the end the following:

"(b) COLLECTION OF DATA AND REPORTS ON SERVICE SECTOR.—

"(1) SECRETARY OF LABOR.—Not later than 3 months after the date of the enactment of the Trade Adjustment Assistance Improvement Act of 2007, the Secretary of Labor shall implement a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation of each worker.

"(2) SECRETARY OF COMMERCE.—Not later than 180 days after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and report to the Congress on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms obtaining services from firms in foreign countries.".

SEC. 105. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR INDUSTRIES

SEC. 201. OTHER METHODS OF REQUESTING INVESTIGATION.

Section 221 of the Trade Act of 1974 (19 U.S.C. 2271) is amended—

(1) by adding at the end the following:

"(c) OTHER METHODS OF INITIATING A PETITION.—Upon the request of the President or the United States Trade Representative, or the resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, the Secretary shall promptly initiate an investigation under this chapter to determine the eligibility for adjustment assistance of—

"(1) a group of workers (which may include workers from more than one facility or employer); or

"(2) all workers in an occupation as that occupation is defined in the Bureau of Labor Statistics Standard Occupational Classification System.";

(2) in subsection (a)(2), by inserting "or a request or resolution filed under subsection (c)," after "paragraph (1),"; and

(3) in subsection (a)(3), by inserting ", request, or resolution" after "petition" each place it appears.

SEC. 202. NOTIFICATION.

Section 2243 of the Trade Act of 1974 (19 U.S.C. 2274) is amended to read as follows:

"SEC. 224. NOTIFICATIONS REGARDING AFFIRMATIVE DETERMINATIONS AND SAFEGUARDS.

"(a) NOTIFICATIONS REGARDING CHAPTER 1 INVESTIGATIONS AND DETERMINATIONS.—Whenever the International Trade Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry, the Commission shall immediately—

"(1) notify the Secretary of Labor of that finding; and

"(2) in the case of a finding with respect to an agricultural commodity, as defined in section 291, notify the Secretary of Agriculture of that finding.

"(b) NOTIFICATION REGARDING BILATERAL SAFEGUARDS.—The International Trade Commission shall immediately notify the Secretary of Labor and, in an investigation with respect to an agricultural commodity, the Secretary of Agriculture, whenever the Commission makes an affirmative determination pursuant to one of the following provisions:

"(1) Section 421 of the Trade Act of 1974 (19 U.S.C. 2451).

"(2) Section 312 of the United States-Australia Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(3) Section 312 of the United States-Morocco Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(4) Section 312 of the United States-Singapore Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(5) Section 312 of the United States-Chile Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(6) Section 302(b) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3352(b)).

"(7) Section 212 of the United States-Jordan Free Trade Agreement Implementation Act (19 U.S.C. 2112).

"(8) Section 312 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (19 U.S.C. 4062).

"(9) Section 312 of the United States-Bahrain Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(10) Section 312 of the United States-Oman Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(c) AGRICULTURAL SAFEGUARDS.—The Commissioner of Customs shall immediately notify the Secretary of Labor and, in the case of an agricultural commodity, the Secretary of Agriculture, whenever the Commissioner of Customs assesses additional duties on a product pursuant to one of the following provisions:

"(1) Section 202 of the United States-Australia Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(2) Section 202 of the United States-Morocco Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(3) Section 201(c) of the United States-Chile Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(4) Section 309 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3358).

"(5) Section 301(a) of the United States-Canada Free Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note).

"(6) Section 404 of the United States-Israel Free Trade Agreement Implementation Act (19 U.S.C. 2112 note).

"(7) Section 202 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (19 U.S.C. 4032).

"(d) TEXTILE SAFEGUARDS.—The President shall immediately notify the Secretary of Labor whenever the President makes a positive determination pursuant to one of the following provisions:

"(1) Section 322 of the United States-Australia Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(2) Section 322 of the United States-Morocco Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(3) Section 322 of the United States-Chile Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(4) Section 322 of the United States-Singapore Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(5) Section 322 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (19 U.S.C. 4082).

"(6) Section 322 of the United States-Bahrain Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(7) Section 322 of the United States-Oman Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

"(e) ANTIDUMPING AND COUNTERVAILING DUTIES.—Whenever the International Trade Commission makes a final affirmative determination pursuant to section 705 or section 735 of the Tariff Act of 1930 (19 U.S.C. 1671d or 1673d), the Commission shall immediately notify the Secretary of Labor and, in the case of an agricultural commodity, the Secretary of Agriculture, of that determination.".

SEC. 203. INDUSTRY-WIDE DETERMINATION.

Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended by adding at the end the following:

"(e) INVESTIGATION REGARDING INDUSTRY-WIDE CERTIFICATION.—If the Secretary receives a request or a resolution under section 221(c) on behalf of workers in a domestic industry or occupation (described in section 221(c)(2)) or receives 3 or more petitions under section 221(a) within a 180-day period on behalf of groups of workers in a domestic industry or occupation, the Secretary shall make an industry-wide determination under subsection (a) of this section with respect to the domestic industry or occupation in which the workers are or were employed. If the Secretary does not make a determination and issue a certification under the preceding sentence, the Secretary shall make a determination of eligibility under subsection (a) with respect to each group of workers in that domestic industry or occupation from which a petition was received.".

SEC. 204. COORDINATION WITH OTHER TRADE PROVISIONS.

(a) INDUSTRY-WIDE CERTIFICATION BASED ON GLOBAL SAFEGUARDS.—

(1) RECOMMENDATIONS BY ITC.—

(A) Section 202(e)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended by striking ", including the provision of trade adjustment assistance under chapter 2".

(B) Section 203(a)(3)(D) of the Trade Act of 1974 (19 U.S.C. 2253(a)(3)(D)) is amended by striking ", including the provision of trade adjustment assistance under chapter 2".

(2) ASSISTANCE FOR WORKERS.—Section 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2253(a)(1)(A)) is amended to read as follows:

"(A) After receiving a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry—

"(i) the President shall take all appropriate and feasible action within his power; and

"(ii)(I) the Secretary of Labor shall certify as eligible to apply for adjustment assistance under section 223 workers employed in the domestic industry defined by the Commission if such workers become totally or partially separated, or are threatened to become totally or partially separated, not earlier than 1 year before, or not later than 1 year after, the date on which the Commission made its report to the President under section 202(f); and

"(II) in the case of a finding with respect to an agricultural commodity as defined in section 291, the Secretary of Agriculture shall certify as eligible to apply for adjustment assistance under section 293 agricultural commodity producers employed in the domestic production of the agricultural commodity that is the subject of the finding during the most recent marketing year.".

(b) INDUSTRY-WIDE CERTIFICATION BASED ON BILATERAL SAFEGUARD PROVISIONS OR ANTIDUMPING OR COUNTERVAILING DUTY ORDERS.—

(1) IN GENERAL.—Subchapter A of chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) is amended by inserting after section 224 the following new section:

"SEC. 224A. INDUSTRY-WIDE CERTIFICATION WHERE BILATERAL SAFEGUARD PROVISIONS INVOKED OR ANTIDUMPING OR COUNTERVAILING DUTIES IMPOSED.

"(a) IN GENERAL.—

"(1) MANDATORY CERTIFICATION.—Not later than 10 days after the date on which the Secretary of Labor receives a notification with respect to the imposition of a trade remedy, safeguard determination, or antidumping or countervailing duty determination under section 224 (a), (b), (c), (d), or (e), the Secretary shall certify as eligible for trade adjustment assistance under section 223(a) workers employed in the domestic production of the article that is the subject of the trade remedy, safeguard determination, or antidumping or countervailing duty determination, as the case may be, if such workers become totally or partially separated, or are threatened to become totally or partially separated not more than 1 year before or not more than 1 year after the applicable date.

"(2) APPLICABLE DATE.—In this section, the term 'applicable date' means—

"(A) the date on which the affirmative or positive determination or finding is made in the case of a notification under section 224 (a), (b), or (d);

"(B) the date on which a final determination is made in the case of a notification under section 224(e); or

"(C) the date on which additional duties are assessed in the case of a notification under section 224(c).

"(b) QUALIFYING REQUIREMENTS FOR WORKERS.—The provisions of subchapter B shall apply in the case of a worker covered by a certification under this section or section 223(e), except as follows:

"(1) Section 231(a)(5)(A)(ii) shall be applied—

"(A) by substituting '30th week' for '26th week' in subclause (I); and

"(B) by substituting '26th week' for '20th week' in subclause (II).

"(2) The provisions of section 236(a)(1) (A) and (B) shall not apply.".

(2) AGRICULTURAL COMMODITY PRODUCERS.—Chapter 6 of title II of the Trade Act of 1974 (19 U.S.C. 2401 et seq.) is amended by striking section 294 and inserting the following:

"SEC. 294. INDUSTRY-WIDE CERTIFICATION FOR AGRICULTURAL COMMODITY PRODUCERS WHERE SAFEGUARD PROVISIONS INVOKED OR ANTIDUMPING OR COUNTERVAILING DUTIES IMPOSED.

"(a) IN GENERAL.—Not later than 10 days after the date on which the Secretary of Agriculture receives a notification with respect to the imposition of a trade remedy, safeguard determination, or antidumping or countervailing duty determination under section 224 (b), (c), or (e), the Secretary shall certify as eligible for trade adjustment assistance under section 293(a) agricultural commodity producers employed in the domestic production of the agricultural commodity that is the subject of the trade remedy, safeguard determination, or antidumping or countervailing duty determination, as the case may be, during the most recent marketing year.

"(b) APPLICABLE DATE.—In this section, the term 'applicable date' means—

"(1) the date on which the affirmative or positive determination or finding is made in the case of a notification under section 224(b);

"(2) the date on which a final determination is made in the case of a notification under section 224(e); or

"(3) the date on which additional duties are assessed in the case of a notification under section 224(c).".

(c) TECHNICAL AMENDMENTS.—The table of contents for title II of the Trade Act of 1974 is amended—

(1) by striking the item relating to section 224 and inserting the following:

"Sec. 224. Notifications regarding affirmative determinations and safeguards.";

(2) by inserting after the item relating to section 224, the following:

"Sec. 224A. Industry-wide certification based on bilateral safeguard provisions invoked or antidumping or countervailing duties imposed.";

and

(3) by striking the item relating to section 294, and inserting the following:

"Sec. 294. Industry-wide certification for agricultural commodity producers where safeguard provisions invoked or antidumping or countervailing duties imposed.".

SEC. 205. REGULATIONS.

The Secretary of the Treasury, the Secretaries of Agriculture and Labor, and the International Trade Commission may promulgate such regulations as may be necessary to carry out the amendments made by this title.

TITLE III—OTHER TRADE ADJUSTMENT ASSISTANCE MATTERS

Subtitle A—Trade Adjustment Assistance

SEC. 301. CALCULATION OF SEPARATION TOLLED DURING LITIGATION.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended by adding at the end the following:

"(h) SPECIAL RULE FOR CALCULATING SEPARATION.—Notwithstanding any other provision of this chapter, any period during which a judicial or administrative appeal is pending with respect to the denial by the Secretary of a petition under section 223 shall not be counted for purposes of calculating the period of separation under subsection (a)(2) and an adversely affected worker that would otherwise be entitled to a trade readjustment allowance shall not be denied such allowance because of such appeal.".

SEC. 302. ESTABLISHMENT OF TRADE ADJUSTMENT ASSISTANCE ADVISOR.

(a) IN GENERAL.—Subchapter A of chapter 2 of title II of the Trade Act of 1974 is amended by inserting after section 221, the following new section:

"SEC. 221A. ESTABLISHMENT OF TRADE ADJUSTMENT ASSISTANCE ADVISOR.

"(a) IN GENERAL.—There is established in the Department of Labor an office to be known as the 'Office of Trade Adjustment Assistance Advisor' (in this section referred to as the 'Office'). The Office shall be headed by a Director, who shall be responsible for providing assistance and advice to any person or entity described in section 221(a)(1) desiring to file a petition for certification of eligibility under section 221.

"(b) TECHNICAL ASSISTANCE.—The Director shall coordinate with each agency responsible for providing adjustment assistance under this chapter or chapter 6 (including the Office of Trade Adjustment Assistance established under section 255A) and shall provide technical and legal assistance and advice to enable persons or entities described in section 221(a)(1) to prepare and file petitions for certification under section 221.".

(b) TECHNICAL AMENDMENT.—The table of contents for title II of the Trade Act of 1974 is amended by inserting after the item relating to section 221, the following:

"Sec. 221A. Establishment of Office of Trade Adjustment Assistance Advisor.".

SEC. 303. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following:

"SEC. 255A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

"(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of the Trade Adjustment Assistance Improvement Act of 2007, there shall be established in the International Trade Administration of the Department of Commerce an Office of Trade Adjustment Assistance (in this section referred to as the 'Office').

"(b) FUNCTIONS.—The Office shall assist the Secretary of Commerce in carrying out the Secretary's responsibilities under this chapter.

"(c) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary to carry out the responsibilities of the Secretary of Commerce described in this chapter.".

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 255, the following:

"Sec. 255A. Office of Trade Adjustment Assistance.".

SEC. 304. CERTIFICATION OF SUBMISSIONS.

Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), as amended by section 203, is amended by adding at the end the following:

"(f) CERTIFICATION OF SUBMISSIONS.—If an employer submits a petition on behalf of a group of workers pursuant to section 221(a)(1) or if the Secretary requests evidence or information from an employer in order to make a determination under this section, the accuracy and completeness of any evidence or information submitted by the employer shall be certified by the employer's legal counsel or by an officer of the employer.".

SEC. 305. WAGE INSURANCE.

(a) IN GENERAL.—Section 246(a)(3) of the Trade Act of 1974 (19 U.S.C. 2318(a)(3)) is amended to read as follows:

"(3) ELIGIBILITY.—A worker in a group that the Secretary has certified as eligible to apply for adjustment assistance under section 223 may elect to receive benefits under the alternative trade adjustment assistance program if the worker—

"(A) obtains reemployment not more than 26 weeks after the date of separation from the adversely affected employment;

"(B) is at least 40 years of age;

"(C) earns not more than $50,000 a year in wages from reemployment;

"(D) is employed on a full-time basis as defined by State law in the State in which the worker is employed; and

"(E) does not return to the employment from which the worker was separated.".

(b) CONFORMING AMENDMENTS.—

(1) Subparagraphs (A) and (B) of section 246(a)(2) of the Trade Act of 1974 (19 U.S.C. 2318(a)(2)) are amended by striking "paragraph (3)(B)" and inserting "paragraph (3)" each place it appears.

(2) Section 246(b)(2) of such Act is amended by striking "subsection (a)(3)(B)" and inserting "subsection (a)(3)".

(c) EXTENSION.—Section 246(b)(1) of such Act is amended by striking "5 years" and inserting "10 years".

SEC. 306. TRAINING.

(a) MODIFICATION OF ENROLLMENT DEADLINES.—Section 231(a)(5)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2291(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "16th week" and inserting "26th week"; and

(2) in subclause (II), by striking "8th week" and inserting "20th week".

(b) EXTENSION OF ALLOWANCE TO ACCOMMODATE TRAINING.—Section 233 of the Trade Act of 1974 (19 U.S.C. 2293), as amended by section 301, is amended by adding at the end the following:

"(i) EXTENSION OF ALLOWANCE.—Notwithstanding any other provision of this section, a trade readjustment allowance may be paid to a worker for a number of additional weeks equal to the number of weeks the worker's enrollment in training was delayed beyond the deadline applicable under section 231(a)(5)(A)(ii) pursuant to a waiver granted under section 231(c)(1)(E).".

(c) FUNDING FOR TRAINING.—Section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)) is amended—

(1) in paragraph (1) by striking "Upon such approval" and all that follows to the end; and

(2) by amending paragraph (2) to read as follows:

"(2)(A) Upon approval of a training program under paragraph (1), and subject to the limitations imposed by this section, an adversely affected worker covered by a certification issued under section 223 shall be eligible to have payment of the costs of that training, including any costs of an approved training program incurred by a worker before a certification was issued under section 223, made on behalf of the worker by the Secretary directly or through a voucher system.

"(B) Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Improvement Act of 2007, the Secretary shall develop, and submit to Congress for approval, a formula that provides workers with an individual entitlement for training costs to be administered pursuant to sections 239 and 240. The formula shall take into account—

"(i) the number of workers enrolled in trade adjustment assistance;

"(ii) the duration of the assistance;

"(iii) the anticipated training costs for workers; and

"(iv) any other factors the Secretary deems appropriate.

"(C) Until such time as Congress approves the formula, the total amount of payments that may be made under subparagraph (A) for any fiscal year shall not exceed 50 percent of the amount of trade readjustment allowances paid to workers during that fiscal year.".

(d) APPROVED TRAINING PROGRAMS.—

(1) IN GENERAL.—Section 236(a)(5) of the Trade Act of 1974 (19 U.S.C. 2296(a)(5)) is amended—

(A) by striking "and" at the end of subparagraph (E);

(B) by redesignating subparagraph (F) as subparagraph (H); and

(C) by inserting after subparagraph (E) the following:

"(F) integrated workforce training;

"(G) entrepreneurial training; and".

(2) DEFINITION.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319), as amended by 102(c), is amended by adding at the end the following:

"(19) The term 'integrated workforce training' means training that integrates occupational skills training with English language acquisition.".

SEC. 307. FUNDING FOR ADMINISTRATIVE COSTS.

Section 241 of the Trade Act of 1974 (19 U.S.C. 2313) is amended by adding at the end the following:

"(d) Funds provided by the Secretary to a State to cover administrative costs associated with the performance of a State's responsibilities under section 239 shall be sufficient to cover all costs of the State associated with operating the trade adjustment assistance program, including case worker costs.".

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking "2007" and inserting "2012".

(b) FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by inserting "and $50,000,000 for each of fiscal years 2008 through 2012," after "fiscal years 2003 through 2007,".

(c) TERMINATION.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by striking "2007" each place it appears and inserting "2012".

(d) FARMERS.—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking "2007" and inserting "2012".

Subtitle B—Data Collection

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "Trade Adjustment Assistance Accountability Act".

SEC. 312. DATA COLLECTION; INFORMATION TO WORKERS.

(a) DATA COLLECTION.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 is amended by inserting after section 249, the following new section:

"SEC. 250. DATA COLLECTION; REPORT.

"(a) DATA COLLECTION.—The Secretary shall, pursuant to regulations prescribed by the Secretary, collect any data necessary to meet the requirements of this chapter. The Secretary shall collect and publish, on an annual basis, the following:

"(1) The number of workers certified and the number of workers actually participating in the trade adjustment assistance program.

"(2) The time for processing petitions.

"(3) The number of training waivers granted.

"(4) The number of workers receiving benefits and the type of benefits being received.

"(5) The number of workers enrolled in, and the duration of, training by major types of training.

"(6) Earnings history of workers that reflects wages before separation and wages in any job obtained after receiving benefits under this Act.

"(7) Reemployment rates and sectors in which dislocated workers have been employed.

"(8) The cause of dislocation identified in each petition that resulted in a certification under this chapter.

"(9) The number of petitions filed and workers certified in each congressional district of the United States.

"(b) STATE PARTICIPATION.—The Secretary shall ensure, to the extent practicable, through oversight and effective internal control measures the following:

"(1) STATE PARTICIPATION.—Participation by each State in the collection of data required under subsection (a) and shall provide incentives for States to supplement employment and wage data obtained through the use of unemployment insurance wage records.

"(2) MONITORING.—Monitoring by each State of internal control measures with respect to program measurement data collected by each State.

"(3) RESPONSE.—The quality and speed of the rapid response provided by each State under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)).

"(c) REPORT.—

"(1) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives and make available to each State and to the public a report that includes the information collected under this section.".

(b) CONFORMING AMENDMENTS.—

(1) COORDINATION.—Section 281 of the Trade Act of 1974 (19 U.S.C. 2392) is amended by striking "Departments of Labor and Commerce" and inserting "Departments of Labor, Commerce, and Agriculture".

(2) TRADE MONITORING SYSTEM.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended by striking "The Secretary of Commerce and the Secretary of Labor" and inserting "The Secretaries of Commerce, Labor, and Agriculture".

(3) TABLE OF CONTENTS.—The table of contents for title II of the Trade Act of 1974 is amended by inserting after the item relating to section 249, the following new item:

"Sec. 250. Data collection; report.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 313. DETERMINATIONS BY THE SECRETARY OF LABOR.

Section 223(c) of the Trade Act of 1974 (19 U.S.C. 2273(c)) is amended to read as follows:

"(c) PUBLICATION OF DETERMINATIONS.—Upon reaching a determination on a petition, the Secretary shall—

"(1) promptly publish a summary of the determination in the Federal Register together with the Secretary's reasons for making such determination; and

"(2) make the full text of the determination available to the public on the Internet website of the Department of Labor with full-text searchability.".

Subtitle C—Trade Adjustment Assistance for Farmers

SEC. 321. CLARIFICATION OF MARKETING YEAR AND OTHER PROVISIONS.

(a) IN GENERAL.—Section 291(5) of the Trade Act of 1974 (19 U.S.C. 2401(5)) is amended by inserting before the end period the following: ", or in the case of an agricultural commodity that has no officially designated marketing year, in a 12-month period for which the petitioner provides written request".

(b) FISHERMEN.—Notwithstanding any other provision of law, for purposes of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) fishermen who harvest wild stock shall be eligible for adjustment assistance to the same extent and in the same manner as a group of workers under such chapter 2.

SEC. 322. ELIGIBILITY.

(a) IN GENERAL.—Section 292(c)(1) of the Trade Act of 1974 (19 U.S.C. 2401a(c)(1)) is amended by striking "80 percent" and inserting "90 percent".

(b) SPECIAL RULE FOR QUALIFIED SUBSEQUENT YEARS.—Paragraph (2) of section 292(d) of the Trade Act of 1974 (19 U.S.C. 2401A(d)(2)) is amended to read as follows:

"(2) imports of articles like or directly competitive with the agricultural commodity, or class of goods within the agricultural commodity, produced by the group contributed importantly to the decline in price determined under subsection (c)(1) without regard to whether imports of such articles increased in any year subsequent to the year the group was first certified.".

(c) NET FARM INCOME.—Section 296(a)(1)(C) of the Trade Act of 1974 (19 U.S.C. 2401e(a)(1)(C)) is amended by inserting before the end period the following: "or the producer had no positive net farm income for the 2 most recent consecutive years in which no adjustment assistance was received by the producer under this chapter".

By Ms. LANDRIEU:

S. 123. A bill to authorize the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana; to the Committee on Environment and Public Works.

Ms. LANDRIEU. Mr. President, Hurricanes Katrina and Rita revealed the Gulf Coast's vulnerability to storms and flooding. With the help of generous Americans, the people of the gulf coast have been working hard over the last year and a half to rebuild their economy, their communities, and their lives.

Since these devastating storms struck in 2005, Congress directed the U.S. Army Corps of Engineers to better protect America's gulf coast. Yet Congress's failure to pass a Water Resources Development Act WRDA, has delayed much of the needed protection. Of all of the many worthy projects throughout the Nation awaiting WRDA passage, there is one hurricane protection project that stands out and cries for immediate congressional authorization with or without a WRDA bill. Accordingly, I am introducing legislation to singularly authorize this long overdue project known as "Morganza to the Gulf of Mexico Hurricane Protection."

This project includes a series of levees, locks and other systems through Terrebonne and Lafourche Parishes in Louisiana. When complete, the Morganza to the Gulf project will protect about 120,000 people and 1,700 square miles of land against storm surges such as those caused by Hurricanes Katrina and Rita.

The Morganza to the Gulf project is distinguishable from all other projects awaiting WRDA passage because it was originally authorized in the last enacted WRDA bill in 2000, with the requirement that the Army Corps of Engineers deliver a favorable feasibility report by December 31 of that year. The Corps eventually submitted its report more than a year late, causing the authorization to expire despite the Corps' favorable recommendation.

Though repeated attempts have been made, Congress has been unable to deliver a new WRDA bill since 2000. As a result, vital hurricane protection for a portion of southeast Louisiana that the Corps recommends after years of environmental and economic analysis is awaiting congressional action, and an area of America's gulf coast remains needlessly vulnerable. Notably, every failed WRDA bill that the Senate, the House, and its committees have separately passed since 2000 has authorized the Morganza to the Gulf Hurricane Protection project. Simply stated, there is no other item in WRDA that has been kicked down the road as many times as this.

This bill that I introduce today fully authorizes the Morganza to the Gulf project in accordance with the plans and subject to the conditions of the Corps' report.

I urge my colleagues to support this legislation and ask unanimous consent that a copy of my statement and the bill appear in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MORGANZA TO THE GULF OF MEXICO PROJECT.

(a) IN GENERAL.—The Secretary of the Army shall carry out the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana, substantially in accordance with the plans, and subject to the conditions, described in the Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $886,700,000, with an estimated Federal cost of $576,355,000 and an estimated non-Federal cost of $310,345,000.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project elements the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project elements if the Secretary determines that the work is integral to the project elements.

(c) OPERATIONS AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features of the project described in subsection (a) that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212).

By Mr. ALLARD:

S. 124. A bill to provide certain counties with the ability to receive television broadcast signals of their choice; to the Committee on Commerce, Science, and Transportation.

Mr. ALLARD. Mr. President, another piece of legislation that I am introducing today addresses an issue important to citizens of southern Colorado. The problem is this: cable and satellite subscribers in two southern Colorado counties are forced by current law to receive New Mexico television stations. Lately, I hear almost every day from my constituents that they would prefer to receive Colorado television over New Mexico television.

The problem stems from the fact that these two Colorado counties are located in the Albuquerque designated market area, as determined by Nielsen Media Research. As a matter of fairness, citizens of Colorado should be eligible to receive Colorado TV. Consumers should choose which television stations they receive, especially since they are the ones paying for it.

The bill I am introducing does just that. It makes a commonsense change to the law that allows citizens of La Plata and Montezuma Counties to receive television stations from Denver, not Albuquerque.

I hope that my colleagues will join me in supporting this bill that is nearly identical to laws enacted in previous Congresses that addressed similar problems in other States.

By Mr. ALLARD:

S. 125. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I am introducing a bill dealing with the Granada Relocation Camp, also known as Camp Amache. It played an important, but sad, part in United States history. Camp Amache, one of 10 internment camps in the Nation, was established in August 1942 by the U.S. Government during World War II as a place to house the Japanese from the west coast and was closed on August 15, 1945. This is a significant part of American history and it should be preserved. My bill today will designate the Granada Relocation Camp as a national historic site in Colorado.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 126. A bill to modify the boundary of Mesa Verde National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, another piece of legislation I am introducing today will authorize the expansion of the boundary of Mesa Verde National Park. The boundary adjustment will allow for the incorporation of 324 acres of land owned by the Henneman family, which is being purchased by the Conservation Fund for conveyance to the park, as well as a 38-acre parcel that will be donated to the park by the Mesa Verde Foundation.

Mesa Verde National Park protects some of the best preserved and most notable archeological sites in the world. There are over 4,000 known archeological sites in the park, including 600 cliff dwellings. These sites were constructed by ancestral Puebloans, who occupied this area for over 700 years, from 600 A.D. to 1300 A.D.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 127. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, the Baca National Wildlife Refuge Purpose bill will give the U.S. Fish and Wildlife Service management tools that will allow the agency to run the Baca National Wildlife Refuge in a way that achieves the most beneficial use of this wonderful natural resource. The Baca National Wildlife Refuge consists of 92,500 acres of wetlands, sage brush, and riparian lands adjacent to the Great Sand Dunes National Park in southern Colorado. I, along with my former colleague from Colorado's 3rd Congressional District, U.S. Representative Scott McInnis, sponsored the legislation that converted the Sand Dunes from a monument to a park. This legislation also authorized the Federal acquisition of the Baca Ranch lands and I remain actively interested in the area's management.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 128. A bill to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I am introducing legislation which will extend congressional authorization for the Cache la Poudre Heritage Area in northern Colorado and will give local citizens greater management authority over the area. Under the original legislation, authored by former Colorado. Senator Hank Brown, the Secretary of Interior was to appoint a commission to work with the National Park Service and manage the area, but because of a technicality, the Secretary was unable to appoint the commission. In response, local citizens stepped up and formed the Poudre Heritage Alliance to support the Heritage Area until an official commission could be named. This legislation would rectify this, and empower local residents to continue the work they have been doing on behalf of the heritage area.

By Mr. ALLARD:

S. 129. A bill to study and promote the use of energy-efficient computer servers in the United States; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I am introducing a bill that will authorize the EPA to conduct a study of the growth in energy consumption by computer data centers operated by the Federal Government and by private corporations. The study will also examine industry movement toward energy efficient microchips and computer servers, potential cost savings associated with the movement to more efficient machines and what, if any, impacts to performance come with increased efficiency. The results of the study will allow us to more fully understand the impact that the growing number of computers in use throughout the country has on energy consumption. This information will better position Congress to make recommendations to Federal agencies on their energy use and computer selection.

It will also provide private industry with information that will allow them to choose computer models that will decrease their energy consumption, making their companies more efficient and profitable.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 130. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare; to the Committee on Finance.

Mr. ALLARD. Mr. President, currently American seniors enjoy Medicare health plans called cost contracts. Under legislation I am introducing today, seniors will be able to continue utilizing these valued health plans.

Medicare cost contract plans are vital to America. Cost contracts provide Medicare beneficiaries in many rural areas and small cities throughout our country with an affordable, high-quality option to the traditional Medicare fee-for-service plan. For many of these beneficiaries, Medicare Advantage plans do not provide access to physicians in the community.

Medicare cost contracts are managed care plans that are reimbursed on a cost basis for providing health services. Under current law, cost contracts are one option for Medicare beneficiaries. Cost contract premiums cover Medicare deductibles and additional benefits not covered by basic Medicare. Further, for the costs of a normal Medicare fee-for-service copayment, seniors with cost contracts can use any Medicare provider regardless of whether they participate in the health plans network. This is critical in rural areas where physicians are scarce.

Cost contracts are vital to seniors who have them. From New York to Oregon, and even to Hawaii, America's seniors are enrolled in cost contract plans. Cost contracts are especially important in rural Colorado. Of the Coloradans with cost contract plans, 89 percent live in rural Colorado, where few physicians will see patients under straight Medicare or Medicare Advantage.

Many beneficiaries who are enrolled in Medicare cost contract plans live on limited incomes. Under the traditional Medicare program, beneficiaries incur considerable out-of-pocket expenses. In addition, Medicare supplemental insurers frequently age-adjust premiums and either refuse coverage or impose coverage restrictions for pre-existing conditions. Medicare cost contract plans provide an affordable alternative.

Unfortunately, under current law cost contracts soon will terminate.

I believe Congress should work to extend Medicare cost contracts further. My bill, the Medicare Cost Contract Extension and Refinement Act of 2007, would accomplish this by extending by five years the cost contract sunset date of December 31, 2007, to December 31, 2012.

Cost contracts have been a bipartisan issue, with bipartisan support in the past. Senator Wyden of Oregon worked to get an extension for cost contracts in the 109th Congress, and I look forward to working with him again during the 110th.

By Mr. ALLARD (for himself and Mr. REED):

S. 131. A bill to extend for 5 years the Mark-to-Market program of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I turn now to the issue of housing. Congress created the Mark-to-Market Program in 1997 to reduce Section 8 costs while preserving the affordability and availability of low-income rental housing. The purpose of the program is to reduce the property rents to market level while simultaneously restructuring property debt to prevent FHA defaults.

Studies seem to show that the program has been an overwhelming success. Nearly 250,000 units of affordable housing have been preserved due to the Mark-to-Market Program. This is affordable housing that would have been permanently lost as affordable otherwise. According to HUD, the program has also saved taxpayers more than $2 billion.

The original legislation authorized the Mark-to-Market Program for 4 years, which was subsequently extended for 5 additional years. Therefore, the Mark-to-Market program authority was scheduled to expire on September 30, 2006. Fortunately, the program authority was temporarily extended under the continuing resolutions.

When the program was extended in 2001, it appeared that 5 additional years would be sufficient time for nearly all eligible properties to complete the Mark-to-Market process. However, more recent projections show that nearly 78,000 properties will face rent reductions over the next 5 years.

It is important to note that even though the program will expire, these Section 8 properties with above market rates will still be required to have their rents reduced to market levels. Without the proper tools to also restructure the debt, many owners will lack sufficient funds for property maintenance or mortgage payments. Because many Section 8 properties are also FHA insured, this will result in a significant number of claims against FHA, in addition to many tenant displacements.

Clearly, no one finds this a desirable scenario. Failure to extend the Mark-to-Market Program would be bad for tenants and bad for taxpayers. Thus, I am pleased to join with Senator REED of Rhode Island in reintroducing the Mark-to-Market Extension Act of 2007. Our bill would extend the program for 5 additional years to allow the remaining properties to go through the Mark-to-Market process. Frankly, I can see no downside to extending the program; It maintains affordable housing for less money.

I am pleased to work with industry groups and with my colleagues to see that this very worthwhile program is extended for an additional 5 years.

By Mr. ALLARD:

S. 132. A bill to end the trafficking of methamphetamines and precursor chemicals across the United States and its borders; to the Committee on the Judiciary.

Mr. ALLARD. Mr. President, the first bill I present today is to address one of the biggest current scourges of our citizens—methamphetamine abuse.

Just this week, a report published by Colorado's Meth Task Force cited Denver as a major distribution center for meth in the U.S.

Our Nation has been hard hit by the illegal trafficking of meth across U.S. borders. This is a national issue that is growing at a rate that constantly presents a challenge to our talented law enforcement officials. Through our work on the Combat Meth Act, we have provided them with many tools to fight the domestic production of meth. We are now called upon to respond to the issue of foreign produced meth as it presents a growing threat to the U.S.

In just 10 years, meth has become America's worst drug problem—worse than marijuana, cocaine or heroin. My home state of Colorado, like the rest of the Nation, faces challenges associated with the growing epidemic. Although the number of meth labs in the state is on the decline, meth distribution remains rampant because of Denver's location at the intersection of two major interstate highways, both of which serve as pipelines for the distribution of meth after it enters our country.

This evidence is echoed by the many local drug task forces, law enforcement officials, and District Attorneys who are tasked with tackling meth within our communities and who I have worked with on this issue.

According to estimates from the DEA, an alarming 80 percent of the meth used in the United States comes from larger labs, increasingly abroad, while only 20 percent of the meth consumed in this country comes from small laboratories.

Therefore, I propose that we improve efforts to curb the flow of meth both within and across our borders. We must take steps to expand enforcement to reduce the amount of meth being trafficked into the United States by establishing stricter penalties for meth offenders, improving coordination with foreign law enforcement officials, and examining the serious meth problems faced by Indian reservations.

The Methamphetamine Trafficking Enforcement Act of 2007 that I am introducing today is a first step to fighting the trafficking of this drug. My bill addresses the distribution issue by dramatically lowering the quantity and dollar amount thresholds for federal criminal prosecution of leaders of methamphetamine distribution rings.

The trafficking of meth across our borders makes Federal action necessary, but this is not our war to fight alone. This bill also presses upon the United States Trade Representative, the Secretary of State, the Attorney General, and the Secretary of Homeland Security to include new ways to curb the illicit use and shipment of pseudoephedrine, ephedrine, and similar chemicals in multilateral and bilateral negotiations. Federal law enforcement officials will collaborate with their foreign counterparts to fight meth internationally. Working together, we can find a long term solution.

According to the U.S. Department of Justice, the use, production and distribution of meth on Indian lands has increased in the past decade. With limited numbers of tribal law enforcement officials, meth can easily flow into and be trafficked out of many Indian reservations. This bill urges the Attorney General to research and report to Congress the challenges faced by all Indian reservations and make recommendations to help them address meth trafficking and abuse.

We must recognize the immediacy of the issue of methamphetamine trafficking. It is important that we protect the U.S. and its borders to ensure national security and the safety of our communities. I look forward to working with my colleagues on this issue and invite them to cosponsor the Methamphetamine Trafficking Enforcement Act of 2007.

By Mr. OBAMA (for himself, Mr. LUGAR, and Mr. HARKIN):

S. 133. A bill to promote the national security and stability of the economy of the United States by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes; to the Committee on Finance.

Mr. OBAMA. Mr. President, in 2005, Congress enacted the Renewable Fuels Standard, RFS, as part of the Energy Policy Act. The RFS is a commitment by the United States government that, henceforth, ethanol must comprise a substantial part of the national vehicle fuel supply, with a goal of 7.5 billion gallons of ethanol in our gasoline by 2012.

Ethanol production has responded vigorously to this national policy. In fact, in only two years, ethanol production has boomed to where it now far exceeds the RFS target for this year. It is widely anticipated that ethanol production will surpass the target for the year 2012 by the end of this year, five years early.

Clearly, it is time to increase the RFS targets. I am pleased to be an original cosponsor of the bill introduced today by my colleagues, Senator HARKIN and Senator LUGAR, that will increase those targets to 30 billion gallons by the year 2020 and 60 billion gallons by the year 2030. I hope my colleagues will support the provisions of that bill.

But for an expanded RFS to be successful, we must lay further groundwork. We cannot meet the targets and deadlines of an expanded RFS without a robust package of policies that set the stage for the next decade.

So far, we've met our biofuels goals by producing ethanol made from sugars that come from corn. This approach, by itself, has been profoundly successful in many rural communities but will eventually reach its maximum capacity. While that day is still several years away, we must begin preparations now. We must build upon our current path. We must continue our pursuit in cracking the code for corn cellulosics. We must pour the foundation for the next generation of biofuels made from the broadest range of agriculture feedstocks. Our vocabulary must expand to cellulosics and biobutanols, manure and miscanthus.

The American Fuels Act, which I introduce today, breathes life into an expanded RFS. The American Fuels Act is the heart, the centerpiece, the key to ensuring that an expanded RFS is successful. That's why I am pleased to be joined today by my esteemed colleagues, Senator LUGAR and Senator HARKIN, in the introduction of this bill.

The premise of the American Fuels Act is to create a "Biofuels Triangle" that focuses on (1). production, (2). distribution, and (3) consumption.

To expand production, we create an "Alternative Diesel Standard" for diesels that complements the RFS for gasoline. The Alternative Diesel Standard requires 2 billion gallons of alternative diesels into the 40 billion gallon domestic diesel supply by the year 2016, encouraging greater use of biofuel feedstocks like vegetable oils, animal fats, coal-to-liquids, manure, and municipal waste. We call for the establishment of a cellulosic biomass fuels credit of an additional 76.5 cents per gallon so that first-generation cellulosic plants can be built to meet the 250 million gallon production goals by 2012.

To expand distribution, the American Fuels Act provides a tax credit for ethanol producers to invest in on-site blending equipment, bypassing oil refineries so that E–85 can be transported directly to the pump at your local gas station. Our bill also provides freedom for fuel franchisers by making it illegal for oil companies to stop their branded franchises from selling biofuels should these local businessmen wish to respond to their customer's request for biofuels. This bill also gives franchisers the power to sue oil companies for imposing any restrictions.

And to expand consumption, the American Fuels Act encourages the manufacture of more vehicles that can function on higher ethanol blends like E–85 so that more passenger cars to be flexible fuel vehicles. We provide a $100 tax credit to automakers for each ethanol-capable vehicle produced beyond the CAFE credit or any other government requirement. We require that 100 percent of the Federal fleet must be ethanol-capable or hybrids in the next 7 years. And we require that any public transit agency that uses Federal dollars to upgrade bus fleets must purchase an alternative fuel bus, or pledge to use alternative fuels in those buses.

To oversee these efforts, we create a Director of Energy Security in the Office of the President to ensure that our massive investment in domestically produced fuels get the national security leadership and coordination it requires.

Our dependence on oil is hurting our economy and jeopardizing our national security by keeping us tied to the world's most dangerous and unstable regimes. It's the fossil fuels we insist on burning—particularly oil—that are the single greatest cause of climate change and the damaging weather patterns that have been its result. Never has the failure to take on a single challenge so detrimentally affected nearly every aspect of our well-being as Nation. And never have the possible solutions had the potential to do so much good for so many generations to come.

That's why I urge my colleagues to join us in cosponsoring the American Fuels Act. I ask for their support, and for the swift enactment of this bill. I ask unanimous consent that the text of the American Fuels Act be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Fuels Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Office of Energy Security.
Sec. 3. Credit for production of qualified flexible fuel motor vehicles.
Sec. 4. Incentives for the retail sale of alternative fuels as motor vehicle fuel.
Sec. 5. Freedom for fuel franchisers.
Sec. 6. Alternative diesel fuel content of diesel.
Sec. 7. Excise tax credit for production of cellulosic biomass ethanol.
Sec. 8. Incentive for Federal and State fleets for medium and heavy duty hybrids.
Sec. 9. Credit for qualifying ethanol blending and processing equipment.
Sec. 10. Public access to Federal alternative refueling stations.
Sec. 11. Purchase of clean fuel buses.
Sec. 12. Domestic fuel production volumes to meet Department of Defense needs.
Sec. 13. Federal fleet energy conservation improvement.

SEC. 2. OFFICE OF ENERGY SECURITY.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of Energy Security appointed under subsection (c)(1).

(2) OFFICE.—The term "Office" means the Office of Energy Security established by subsection (b).

(b) ESTABLISHMENT.—There is established in the Executive Office of the President the Office of Energy Security.

(c) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) RATE OF PAY.—The Director shall be paid at a rate of pay equal to level I of the Executive Schedule under section 5312 of title 5, United States Code.

(d) RESPONSIBILITIES.—

(1) IN GENERAL.—The Office, acting through the Director, shall be responsible for overseeing all Federal energy security programs, including the coordination of efforts of Federal agencies to assist the United States in achieving full energy independence.

(2) SPECIFIC RESPONSIBILITIES.—In carrying out paragraph (1), the Director shall—

(A) serve as head of the energy community;

(B) act as the principal advisor to the President, the National Security Council, the National Economic Council, the Domestic Policy Council, and the Homeland Security Council with respect to intelligence matters relating to energy security;

(C) with request to budget requests and appropriations for Federal programs relating to energy security—

(i) consult with the President and the Director of the Office of Management and Budget with respect to each major Federal budgetary decision relating to energy security of the United States;

(ii) based on priorities established by the President, provide to the heads of departments containing agencies or organizations within the energy community, and to the heads of such agencies and organizations, guidance for use in developing the budget for Federal programs relating to energy security;

(iii) based on budget proposals provided to the Director by the heads of agencies and organizations described in clause (ii), develop and determine an annual consolidated budget for Federal programs relating to energy security; and

(iv) present the consolidated budget, together with any recommendations of the Director and any heads of agencies and organizations described in clause (ii), to the President for approval;

(D) establish and meet regularly with a council of business and labor leaders to develop and provide to the President and Congress recommendations relating to the impact of energy supply and prices on economic growth;

(E) submit to Congress an annual report that describes the progress of the United States toward the goal of achieving full energy independence; and

(F) carry out such other responsibilities as the President may assign.

(e) STAFF.—

(1) IN GENERAL.—The Director may, without regard to the civil service laws (including regulations), appoint and terminate such personnel as are necessary to enable the Director to carry out the responsibilities of the Director under this section.

(2) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Director may fix the compensation of personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the personnel appointed by the Director shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 3. CREDIT FOR PRODUCTION OF QUALIFIED FLEXIBLE FUEL MOTOR VEHICLES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 45O. PRODUCTION OF QUALIFIED FLEXIBLE FUEL MOTOR VEHICLES.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 38, in the case of a manufacturer, the qualified flexible fuel motor vehicle production credit determined under this section for any taxable year is an amount equal to the incremental flexible fuel motor vehicle cost for each qualified flexible fuel motor vehicle produced in the United States by the manufacturer during the taxable year.

"(b) INCREMENTAL FLEXIBLE FUEL MOTOR VEHICLE COST.—With respect to any qualified flexible fuel motor vehicle, the incremental flexible fuel motor vehicle cost is an amount equal to the lesser of—

"(1) the excess of—

"(A) the cost of producing such qualified flexible fuel motor vehicle, over

"(B) the cost of producing such motor vehicle if such motor vehicle was not a qualified flexible fuel motor vehicle, or

"(2) $100.

"(c) QUALIFIED FLEXIBLE FUEL MOTOR VEHICLE.—For purposes of this section, the term 'qualified flexible fuel motor vehicle' means a flexible fuel motor vehicle—

"(1) the production of which is not required for the manufacturer to meet—

"(A) the maximum credit allowable for vehicles described in paragraph (2) in determining the fleet average fuel economy requirements (as determined under section 32904 of title 49, United States Code) of the manufacturer for the model year ending in the taxable year, or

"(B) the requirements of any other provision of Federal law, and

"(2) which is designed so that the vehicle is propelled by an engine which can use as a fuel a gasoline mixture of which 85 percent (or another percentage of not less than 70 percent, as the Secretary may determine, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) of the volume of consists of ethanol.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

"(2) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(3) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(4) NO DOUBLE BENEFIT.—The amount of any deduction or credit allowable under this chapter (other than the credits allowable under this section and section 30B) shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

"(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(6) TERMINATION.—This section shall not apply to any vehicle produced after December 31, 2011.

"(7) CROSS REFERENCE.—For an election to claim certain minimum tax credits in lieu of the credit determined under this section, see section 53(e).".

(b) CREDIT ALLOWED AGAINST THE ALTERNATIVE MINIMUM TAX.—Section 38(c)(4)(B) of the Internal Revenue Code of 1986 (defining specified credits) is amended by striking the period at the end of clause (ii)(II) and inserting ", and", and by adding at the end the following new clause:

"(iii) the credit determined under section 45O.".

(c) ELECTION TO USE ADDITIONAL AMT CREDIT.—Section 53 of the Internal Revenue Code of 1986 (relating to credit for prior year minimum tax liability) is amended by adding at the end the following new subsection:

"(e) ADDITIONAL CREDIT IN LIEU OF FLEXIBLE FUEL MOTOR VEHICLE CREDIT.—

"(1) IN GENERAL.—In the case of a taxpayer making an election under this subsection for a taxable year, the amount otherwise determined under subsection (c) shall be increased by any amount of the credit determined under section 45O for such taxable year which the taxpayer elects not to claim pursuant to such election.

"(2) ELECTION.—A taxpayer may make an election for any taxable year not to claim any amount of the credit allowable under section 45O with respect to property produced by the taxpayer during such taxable year. An election under this subsection may only be revoked with the consent of the Secretary.

"(3) CREDIT REFUNDABLE.—The aggregate increase in the credit allowed by this section for any taxable year by reason of this subsection shall for purposes of this title (other than subsection (b)(2) of this section) be treated as a credit allowed to the taxpayer under subpart C.".

(d) CONFORMING AMENDMENTS.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end the following new paragraph:

"(32) the qualified flexible fuel motor vehicle production credit determined under section 45N, plus".

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 45O. Production of qualified flexible fuel motor vehicles.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to motor vehicles produced in model years ending after the date of the enactment of this Act.

SEC. 4. INCENTIVES FOR THE RETAIL SALE OF ALTERNATIVE FUELS AS MOTOR VEHICLE FUEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 40A the following new section:

"SEC. 40B. CREDIT FOR RETAIL SALE OF ALTERNATIVE FUELS AS MOTOR VEHICLE FUEL.

"(a) GENERAL RULE.—The alternative fuel retail sales credit for any taxable year is the applicable amount for each gallon of alternative fuel sold at retail by the taxpayer during such year.

"(b) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount shall be determined in accordance with the following table:

"In the case of any sale:	**The applicable amount for each gallon is:**
Before 2010	35 cents
During 2010 or 2011	20 cents
During 2012	10 cents.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ALTERNATIVE FUEL.—The term 'alternative fuel' means any fuel at least 85 percent (or another percentage of not less than 70 percent, as the Secretary may determine, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) of the volume of which consists of ethanol.

"(2) SOLD AT RETAIL.—

"(A) IN GENERAL.—The term 'sold at retail' means the sale, for a purpose other than resale, after manufacture, production, or importation.

"(B) USE TREATED AS SALE.—If any person uses alternative fuel (including any use after importation) as a fuel to propel any qualified alternative fuel motor vehicle (as defined in this section) before such fuel is sold at retail, then such use shall be treated in the same manner as if such fuel were sold at retail as a fuel to propel such a vehicle by such person.

"(3) QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE.—The term 'new qualified alternative fuel motor vehicle' means any motor vehicle—

"(A) which is capable of operating on an alternative fuel,

"(B) the original use of which commences with the taxpayer,

"(C) which is acquired by the taxpayer for use or lease, but not for resale, and

"(D) which is made by a manufacturer.

"(d) ELECTION TO PASS CREDIT.—A person which sells alternative fuel at retail may elect to pass the credit allowable under this section to the purchaser of such fuel or, in the event the purchaser is a tax-exempt entity or otherwise declines to accept such credit, to the person which supplied such fuel, under rules established by the Secretary.

"(e) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(f) TERMINATION.—This section shall not apply to any fuel sold at retail after December 31, 2012.".

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit), as amended by section 4(d), is amended by striking "plus" at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting ", plus", and by adding at the end the following new paragraph:

"(33) the alternative fuel retail sales credit determined under section 40B(a).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 40A the following new item:

"Sec. 40B. Credit for retail sale of alternative fuels as motor vehicle fuel.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold at retail after the date of enactment of this Act, in taxable years ending after such date.

SEC. 5. FREEDOM FOR FUEL FRANCHISERS.

(a) PROHIBITION ON RESTRICTION OF INSTALLATION OF ALTERNATIVE FUEL PUMPS.—

(1) IN GENERAL.—Title I of the Petroleum Marketing Practices Act (15 U.S.C. 2801 et seq.) is amended by adding at the end the following:

"SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLATION OF ALTERNATIVE FUEL PUMPS.

"(a) DEFINITION.—In this section:

"(1) ALTERNATIVE FUEL.—The term 'alternative fuel' means any fuel—

"(A) at least 85 percent of the volume of which consists of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, or any combination of those fuels; or

"(B) any mixture of biodiesel (as defined in section 40A(d)(1) of the Internal Revenue Code of 1986) and diesel fuel (as defined in section 4083(a)(3) of the Internal Revenue Code of 1986), determined without regard to any use of kerosene and containing at least 20 percent biodiesel.

"(2) FRANCHISE-RELATED DOCUMENT.—The term 'franchise-related document' means—

"(A) a franchise under this Act; and

"(B) any other contract or directive of a franchisor relating to terms or conditions of the sale of fuel by a franchisee.

"(b) PROHIBITIONS.—

"(1) IN GENERAL.—Notwithstanding any provision of a franchise-related document in effect on the date of enactment of this section, no franchisee or affiliate of a franchisee shall be restricted from—

"(A) installing on the marketing premises of the franchisee an alternative fuel pump;

"(B) converting an existing tank and pump on the marketing premises of the franchisee for alternative fuel use;

"(C) advertising (including through the use of signage or logos) the sale of any alternative fuel; or

"(D) selling alternative fuel in any specified area on the marketing premises of the franchisee (including any area in which a name or logo of a franchisor or any other entity appears).

"(2) ENFORCEMENT.—Any restriction described in paragraph (1) that is contained in a franchise-related document and in effect on the date of enactment of this section—

"(A) shall be considered to be null and void as of that date; and

"(B) shall not be enforced under section 105.

"(c) EXCEPTION TO 3-GRADE REQUIREMENT.—No franchise-related document that requires that 3 grades of gasoline be sold by the applicable franchisee shall prevent the franchisee from selling an alternative fuel in lieu of 1 grade of gasoline.".

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 101(13) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(13)) is amended by adjusting the indentation of subparagraph (C) appropriately.

(B) TABLE OF CONTENTS.—The table of contents of the Petroleum Marketing Practices Act (15 U.S.C. 2801 note) is amended—

(i) by inserting after the item relating to section 106 the following:

"Sec. 107. Prohibition on restriction of installation of alternative fuel pumps.";

and

(ii) by striking the item relating to section 202 and inserting the following:

"Sec. 202. Automotive fuel rating testing and disclosure requirements.".

(b) APPLICATION OF GASOHOL COMPETITION ACT OF 1980.—Section 26 of the Clayton Act (15 U.S.C. 26a) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) RESTRICTION PROHIBITED.—For purposes of subsection (a), restricting the right of a franchisee to install on the premises of that franchisee qualified alternative fuel vehicle refueling property (as defined in section 30C(c) of the Internal Revenue Code of 1986) shall be considered an unlawful restriction."; and

(3) in subsection (d) (as redesignated by paragraph (1)), by striking "(d) As used in this section," and inserting the following:

SEC. 6. ALTERNATIVE DIESEL FUEL CONTENT OF DIESEL.

(a) FINDINGS.—Congress finds that—

(1) section 211(o) of the Clean Air Act (42 U.S.C. 7535(o)) (as amended by section 1501 of the Energy Policy Act of 2005 (Public Law 109–58)) established a renewable fuel program under which entities in the petroleum sector are required to blend renewable fuels into motor vehicle fuel based on the gasoline motor pool;

(2) the need for energy diversification is greater as of the date of enactment of this Act than it was only months before the date of enactment of the Energy Policy Act (Public Law 109–58; 119 Stat. 594); and

(3)(A) the renewable fuel program under section 211(o) of the Clean Air Act requires a small percentage of the gasoline motor pool, totaling nearly 140,000,000,000 gallons, to contain a renewable fuel; and

(B) the small percentage requirement described in subparagraph (A) does not include the 40,000,000,000-gallon diesel motor pool.

(b) ALTERNATIVE DIESEL FUEL PROGRAM FOR DIESEL MOTOR POOL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by inserting after subsection (o) the following:

"(p) ALTERNATIVE DIESEL FUEL PROGRAM FOR DIESEL MOTOR POOL.—

"(1) DEFINITION OF ALTERNATIVE DIESEL FUEL.—

"(A) IN GENERAL.—In this subsection, the term 'alternative diesel fuel' means biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))) and any blending components derived from alternative fuel (provided that only the alternative fuel portion of any such blending component shall be considered to be part of the applicable volume under the alternative diesel fuel program established by this subsection).

"(B) INCLUSIONS.—The term 'alternative diesel fuel' includes a diesel fuel substitute produced from—

"(i) animal fat;

"(ii) plant oil;

"(iii) recycled yellow grease;

"(iv) single-cell or microbial oil;

"(v) thermal depolymerization;

"(vi) thermochemical conversion;

"(vii) a coal-to-liquid process (including the Fischer-Tropsch process) that provides for the sequestration of carbon emissions;

"(viii) a diesel-ethanol blend of not less than 7 percent ethanol; or

"(ix) sugar, starch, or cellulosic biomass.

"(2) ALTERNATIVE DIESEL FUEL PROGRAM.—

"(A) REGULATIONS.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations to ensure that diesel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of alternative diesel fuel determined in accordance with subparagraph (B).

"(ii) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under clause (i)—

"(I) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met; but

"(II) shall not—

"(aa) restrict geographic areas in which alternative diesel fuel may be used; or

"(bb) impose any per-gallon obligation for the use of alternative diesel fuel.

"(iii) REQUIREMENT IN CASE OF FAILURE TO PROMULGATE REGULATIONS.—If the Administrator fails to promulgate regulations under clause (i), the percentage of alternative diesel fuel in the diesel motor pool sold or dispensed to consumers in the United States, on a volume basis, shall be 0.6 percent for calendar year 2009.

"(B) APPLICABLE VOLUME.—

"(i) CALENDAR YEARS 2009 THROUGH 2016.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2009 through 2016 shall be determined in accordance with the following table:

"Applicable volume of Alternative diesel fuel in diesel motor pool (in millions of gallons):	**Calendar year:**
250	2009
500	2010
750	2011
1,000	2012
1,250	2013
1,500	2014
1,750	2015
2,000	2016

"(ii) CALENDAR YEAR 2017 AND THEREAFTER.—The applicable volume for calendar year 2017 and each calendar year thereafter shall be determined by the Administrator, in coordination with the Secretary of Agriculture and the Secretary of Energy, based on a review of the implementation of the program during calendar years 2009 through 2016, including a review of—

"(I) the impact of the use of alternative diesel fuels on the environment, air quality, energy security, job creation, and rural economic development; and

"(II) the expected annual rate of future production of alternative diesel fuels to be used as a blend component or replacement to the diesel motor pool.

"(iii) MINIMUM APPLICABLE VOLUME.—For the purpose of subparagraph (A), the applicable volume for calendar year 2017 and each calendar year thereafter shall be equal to the product obtained by multiplying—

"(I) the number of gallons of diesel that the Administrator estimates will be sold or introduced into commerce during the calendar year; and

"(II) the ratio that—

"(aa) 2,000,000,000 gallons of alternative diesel fuel; bears to

"(bb) the number of gallons of diesel sold or introduced into commerce during calendar year 2016.

"(3) APPLICABLE PERCENTAGES.—

"(A) PROVISION OF ESTIMATE OF VOLUMES OF DIESEL SALES.—Not later than October 31 of each of calendar years 2008 through 2016, the Administrator of the Energy Information Administration shall provide to the Administrator an estimate, with respect to the following calendar year, of the volumes of diesel projected to be sold or introduced into commerce in the United States.

"(B) DETERMINATION OF APPLICABLE PERCENTAGES.—

"(i) IN GENERAL.—Not later than November 30 of each of calendar years 2009 through 2016, based on the estimate provided under subparagraph (A), the Administrator shall determine and publish in the Federal Register, with respect to the following calendar year, the alternative diesel fuel obligation that ensures that the requirements of paragraph (2) are met.

"(ii) REQUIRED ELEMENTS.—The alternative diesel fuel obligation determined for a calendar year under clause (i) shall—

"(I) be applicable to refineries, blenders, and importers, as appropriate;

"(II) be expressed in terms of a volume percentage of diesel sold or introduced into commerce in the United States; and

"(III) subject to subparagraph (C), consist of a single applicable percentage that applies to all categories of persons described in subclause (I).

"(C) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments to prevent the imposition of redundant obligations on any person described in subparagraph (B)(ii)(I).

"(4) CREDIT PROGRAM.—

"(A) IN GENERAL.—The regulations promulgated pursuant to paragraph (2)(A) shall provide for the generation of an appropriate amount of credits by any person that refines, blends, or imports diesel that contains a quantity of alternative diesel fuel that is greater than the quantity required under paragraph (2).

"(B) USE OF CREDITS.—A person that generates a credit under subparagraph (A) may use the credit, or transfer all or a portion of the credit to another person, for the purpose of complying with regulations promulgated pursuant to paragraph (2).

"(C) DURATION OF CREDITS.—A credit generated under this paragraph shall be valid during the 1-year period beginning on the date on which the credit is generated.

"(D) INABILITY TO GENERATE OR PURCHASE SUFFICIENT CREDITS.—The regulations promulgated pursuant to paragraph (2)(A) shall include provisions allowing any person that is unable to generate or purchase sufficient credits under subparagraph (A) to meet the requirements of paragraph (2) by carrying forward a credit generated during a previous year on the condition that the person, during the calendar year following the year in which the alternative diesel fuel deficit is created—

"(i) achieves compliance with the alternative diesel fuel requirement under paragraph (2); and

"(ii) generates or purchases additional credits under subparagraph (A) to offset the deficit of the previous year.

"(5) WAIVERS.—

"(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) in whole or in part on receipt of a petition of 1 or more States by reducing the national quantity of alternative diesel fuel for the diesel motor pool required under paragraph (2) based on a determination by the Administrator, after public notice and opportunity for comment, that—

"(i) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

"(ii) there is an inadequate domestic supply of alternative diesel fuel.

"(B) PETITIONS FOR WAIVERS.—Not later than 90 days after the date on which the Administrator receives a petition under subparagraph (A), the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove the petition.

"(C) TERMINATION OF WAIVERS.—

"(i) IN GENERAL.—Except as provided in clause (ii), a waiver under subparagraph (A) shall terminate on the date that is 1 year after the date on which the waiver is provided.

"(ii) EXCEPTION.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may extend a waiver under subparagraph (A), as the Administrator determines to be appropriate.".

(c) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1), by striking "or (o)" each place it appears and inserting "(o), or (p)"; and

(2) in paragraph (2), by striking "and (o)" each place it appears and inserting "(o), and (p)".

(d) TECHNICAL AMENDMENTS.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) in subsection (i)(4), by striking "section 324" each place it appears and inserting "section 325";

(2) in subsection (k)(10), by indenting subparagraphs (E) and (F) appropriately;

(3) in subsection (n), by striking "section 219(2)" and inserting "section 216(2)";

(4) by redesignating the second subsection (r) and subsection (s) as subsections (s) and (t), respectively; and

(5) in subsection (t)(1) (as redesignated by paragraph (4)), by striking "this subtitle" and inserting "this part".

SEC. 7. EXCISE TAX CREDIT FOR PRODUCTION OF CELLULOSIC BIOMASS ETHANOL.

(a) ALLOWANCE OF EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 of the Internal Revenue Code of 1986 (relating to credit for alcohol fuel, biodiesel, and alternative fuel mixtures) is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

"(f) CELLULOSIC BIOMASS ETHANOL CREDIT.—

"(1) IN GENERAL.—For purposes of this section, in the case of a cellulosic biomass ethanol producer, the cellulosic biomass ethanol credit is the product of—

"(A) the product of 51 cents times the equivalent number of gallons of renewable fuel specified in section 211(o)(4) of the Clean Air Act, times

"(B) the number of gallons of qualified cellulosic biomass ethanol fuel production of such producer.

"(2) DEFINITIONS.—

"(A) CELLULOSIC BIOMASS ETHANOL.—The term 'cellulosic biomass ethanol' has the meaning given such term under section 211(o)(1)(A) of the Clean Air Act.

"(B) QUALIFIED CELLULOSIC BIOMASS ETHANOL FUEL PRODUCTION.—The term 'qualified cellulosic biomass ethanol fuel production' means any alcohol which is cellulosic biomass ethanol which during the taxable year—

"(i) is sold by the producer to another person —

"(I) for use by such other person in the production of an alcohol fuel mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such cellulosic biomass ethanol at retail to another person and places such ethanol in the fuel tank of such other person, or

"(ii) is used or sold by the producer for any purpose described in clause (i).

"(3) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (b) or (c) to any taxpayer with respect to any fuel to the extent that a credit has been allowed with respect to such fuel to any taxpayer under this subsection or a payment has been made with respect to such fuel under section 6427(e).

"(4) TERMINATION.—This section shall not apply to any sale or use for any period after December 31, 2008.".

(2) CONFORMING AMENDMENTS.—

(A) Section 6426(a) of such Code is amended—

(i) by striking "subsection (d)" in paragraph (2) and inserting "subsections (d) and (f)", and

(ii) by striking "and (e)" in the last sentence and inserting ", (e), and (f)".

(B) The heading for section 6426 of such Code is amended to read as follows:

"SEC. 6426. CREDIT FOR CERTAIN FUELS AND FUEL MIXTURES.".

(C) The table of section for subchapter B of chapter 65 of such Code is amended by striking the item relating to section 6426 and inserting the following new item:

"Sec. 6426. Credit for certain fuels and fuel mixtures.".

(b) CELLULOSIC BIOMASS ETHANOL NOT USED FOR A TAXABLE PURPOSE.—

(1) IN GENERAL.—Section 6427(e) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) CELLULOSIC BIOMASS ETHANOL.—If any person sells or uses cellulosic biomass ethanol (as defined in section 6426(f)(2)(A)) for a purpose described in section 6426(f)(2)(B) in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the cellulosic biomass ethanol credit with respect to such fuel.".

(2) DENIAL OF DOUBLE BENEFIT.—Paragraph (4) of section 6427(e) of such Code, as redesignated by paragraph (1), is amended to read as follows:

"(4) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—

"(A) IN GENERAL.—No amount shall be payable under paragraph (1), (2), or (3) with respect to any mixture, alternative fuel, or cellulosic biomass ethanol with respect to which an amount is allowed as a credit under section 6426.

"(B) CELLULOSIC BIOMASS ETHANOL.—No amount shall be payable under paragraph (1) or (2) with respect to any cellulosic biomass ethanol if a payment has been made with respect to such ethanol under paragraph (3).".

(3) TERMINATION.—Paragraph (6) of section 6427(e) of such Code, as redesignated by paragraph (1), is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) any cellulosic biomass ethanol credit (as defined in section 6426(f)(2)(A)) sold or used after December 31, 2008.".

(4) CONFORMING AMENDMENT.—Paragraph (5) of section 6427(e) of such Code, as redesignated by paragraph (1), is amended by striking "or alternative fuel mixture credit" and inserting ", alternative fuel mixture credit, or cellulosic biomass ethanol credit".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 8. INCENTIVE FOR FEDERAL AND STATE FLEETS FOR MEDIUM AND HEAVY DUTY HYBRIDS.

Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) in paragraph (3), by striking "or a dual fueled vehicle" and inserting ", a dual fueled vehicle, or a medium or heavy duty vehicle that is a hybrid vehicle";

(2) by redesignating paragraphs (11), (12), (13), and (14) as paragraphs (12), (14), (15), and (16), respectively;

(3) by inserting after paragraph (10) the following:

"(11) the term 'hybrid vehicle' means a vehicle powered both by a diesel or gasoline engine and an electric motor that is recharged as the vehicle operates;"; and

(4) by inserting after paragraph (12) (as redesignated by paragraph (2)) the following:

"(13) the term 'medium or heavy duty vehicle' means a vehicle that—

"(A) in the case of a medium duty vehicle, has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds; and

"(B) in the case of a heavy duty vehicle, has a gross vehicle weight rating of more than 14,000 pounds;".

SEC. 9. CREDIT FOR QUALIFYING ETHANOL BLENDING AND PROCESSING EQUIPMENT.

(a) ALLOWANCE OF QUALIFYING ETHANOL BLENDING AND PROCESSING EQUIPMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of credit) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) the qualifying ethanol blending and processing equipment credit.".

(b) AMOUNT OF QUALIFYING ETHANOL BLENDING AND PROCESSING EQUIPMENT CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48B the following new section:

"SEC. 48C. QUALIFYING ETHANOL BLENDING AND PROCESSING EQUIPMENT.

"(a) IN GENERAL.—For purposes of section 46, the qualifying ethanol blending and processing equipment credit for any taxable year is an amount equal to 50 percent of the basis of the qualifying ethanol blending and processing equipment placed in service at a qualifying facility during such taxable year.

"(b) LIMITATION.—The credit allowed under subsection (a) for qualifying ethanol blending and processing equipment placed in service at any 1 qualifying facility during any taxable year shall not exceed $2,000,000.

"(c) QUALIFYING ETHANOL BLENDING AND PROCESSING EQUIPMENT.—For purposes of this section, the term 'qualifying ethanol blending and processing equipment' means any technology installed in or on a qualifying facility for blending ethanol with petroleum fuels for the purpose of direct retail sale, including in-line blending equipment, storage tanks, pumps and piping for denaturants, and load-out equipment.

"(d) QUALIFYING FACILITY.—For purposes of this section, the term 'qualifying facility' means any facility which produces not less than 1,000,000 gallons of ethanol during the taxable year.

"(e) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to section 48(a)(4) shall apply for purposes of this section.

"(f) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.

"(g) TERMINATION.—This section shall not apply to property placed in service after December 31, 2014.".

(c) RECAPTURE OF CREDIT WHERE EMISSIONS REDUCTION OFFSET IS SOLD.—Paragraph (1) of section 50(a) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) SPECIAL RULE FOR QUALIFYING ETHANOL BLENDING AND PROCESSING EQUIPMENT.—For purposes of subparagraph (A), any investment property which is qualifying ethanol blending and processing equipment (as defined in section 48C(c)) shall cease to be investment credit property with respect to a taxpayer if such taxpayer receives a payment in exchange for a credit for emission reductions attributable to such qualifying pollution control equipment for purposes of an offset requirement under part D of title I of the Clean Air Act.".

(d) SPECIAL RULE FOR BASIS REDUCTION; RECAPTURE OF CREDIT.—Paragraph (3) of section 50(c) of the Internal Revenue Code of 1986 (relating to basis adjustment to investment credit property) is amended by inserting "or qualifying ethanol blending and processing equipment credit" after "energy credit".

(e) CERTAIN NONRECOURSE FINANCING EXCLUDED FROM CREDIT BASE.—Section 49(a)(1)(C) of the Internal Revenue Code of 1986 (defining credit base) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the basis of any property which is part of any qualifying ethanol blending and processing equipment under section 48C.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 10. PUBLIC ACCESS TO FEDERAL ALTERNATIVE REFUELING STATIONS.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL REFUELING STATION.—The term "alternative fuel refueling station" has the meaning given the term "qualified alternative fuel vehicle refueling property" in section 30C(c)(1) of the Internal Revenue Code of 1986.

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) ACCESS TO FEDERAL ALTERNATIVE REFUELING STATIONS.—Not later than 18 months after the date of enactment of this Act—

(1) except as provided in subsection (d)(1), any Federal property that includes at least 1 fuel refueling station shall include at least 1 alternative fuel refueling station; and

(2) except as provided in subsection (d)(2), any alternative fuel refueling station located on property owned by the Federal government shall permit full public access for the purpose of refueling using alternative fuel.

(c) DURATION.—The requirements described in subsection (b) shall remain in effect until the sooner of—

(1) the date that is 7 years after the date of enactment of this Act; or

(2) the date on which the Secretary determines that not less than 5 percent of the commercial refueling infrastructure in the United States offers alternative fuels to the general public.

(d) EXCEPTIONS.—

(1) WAIVER.—Subsection (b)(1) shall not apply to any Federal property under the jurisdiction of a Federal agency if the Secretary determines that alternative fuel is not reasonably available to retail purchasers of the fuel, as certified by the head of the agency to the Secretary.

(2) NATIONAL SECURITY EXEMPTION.—Subsection (b)(2) does not apply to property of the Federal government that the Secretary,

in consultation with the Secretary of Defense, has certified must be exempt for national security reasons.

(e) REPORT.—Not later than October 31 of each year beginning after the date of enactment of this Act, the President shall submit to Congress a report that describes the progress of the agencies of the Federal Government (including the Executive Office of the President) in complying with—

(1) the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.);

(2) Executive Order 13149 (65 Fed. Reg. 24595; relating to greening the government through Federal fleet and transportation efficiency); and

(3) the fueling center requirements of this section.

SEC. 11. PURCHASE OF CLEAN FUEL BUSES.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5325 the following:

"§ 5326. Purchase of clean fuel buses

"(a) DEFINITIONS.—In this section:

"(1) ALTERNATIVE DIESEL FUEL.—

"(A) IN GENERAL.—The term 'alternative diesel fuel' means—

"(i) biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))); and

"(ii) any blending components derived from alternative fuel.

"(B) INCLUSIONS.—The term 'alternative diesel fuel' includes a diesel fuel substitute produced from—

"(i) animal fat;

"(ii) plant oil;

"(iii) recycled yellow grease;

"(iv) single-cell or microbial oil;

"(v) thermal depolymerization;

"(vi) thermochemical conversion;

"(vii) a coal-to-liquid process (including the Fischer-Tropsch process) that provides for the sequestration of carbon emissions; or

"(viii) a diesel-ethanol blend of not less than 7 percent ethanol.

"(2) CELLULOSIC BIOMASS ETHANOL.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

"(A) dedicated energy crops and trees;

"(B) wood and wood residues;

"(C) plants;

"(D) grasses;

"(E) agricultural residues;

"(F) fibers;

"(G) animal wastes and other waste materials; and

"(H) municipal solid waste.

"(3) CLEAN FUEL BUS.—The term 'clean fuel bus' means a vehicle that—

"(A) is capable of being powered by—

"(i) compressed natural gas;

"(ii) liquefied natural gas;

"(iii) 1 or more batteries;

"(iv) a fuel that is composed of at least 85 percent ethanol (or another percentage of not less than 70 percent, as the Secretary may determine, by rule, to provide for requirements relating to cold start, safety, or vehicle functions);

"(v) electricity (including a hybrid electric or plug-in hybrid electric vehicle);

"(vi) a fuel cell;

"(vii) a fuel that is composed of at least 22 percent biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)) (or another percentage of not less than 10 percent, as the Secretary may determine, by rule, to provide for requirements relating to cold start, safety, or vehicle functions);

"(viii) ultra-low sulfur diesel; or

"(ix) liquid fuel manufactured with a coal feedstock; and

"(B) has been certified by the Administrator of the Environmental Protection Agency to significantly reduce harmful emissions, particularly in a nonattainment area (as defined in section 171 of the Clean Air Act (42 U.S.C. 7501)).

"(4) QUALIFIED ALTERNATIVE FUEL PRODUCER.—The term 'qualified alternative fuel producer' means a producer of qualified fuels that, during the applicable taxable year—

"(A) are sold by the producer to another person—

"(i) for use by the person in the production of a mixture of qualified fuels in the trade or business of the person (other than casual off-farm production);

"(ii) for use by the other person as a fuel in a trade or business; or

"(iii) that—

"(I) sells to another person the qualified fuel at retail; and

"(II) places the qualified fuel in the fuel tank of the person that purchased the qualified fuel; or

"(B) are used or sold by the producer for any purpose described in subparagraph (A).

"(5) QUALIFIED FUEL.—The term 'qualified fuel' includes—

"(A) cellulosic biomass ethanol;

"(B) ethanol produced in facilities in which animal waste or other waste materials are digested or otherwise used to displace at least 90 percent of the fossil fuels that would otherwise be used in the production of ethanol;

"(C) renewable fuels;

"(D) alternative diesel fuels;

"(E) sugar, starch, or cellulosic biomass; and

"(F) any other fuel that is not substantially petroleum.

"(6) RENEWABLE FUEL.—The term 'renewable fuel' means fuel, at least 85 percent of the volume of which—

"(A)(i) is produced from grain, starch, oilseeds, vegetable, animal, or fish materials including fats, greases, and oils, sugarcane, sugar beets, sugar components, tobacco, potatoes, or other biomass; or

"(ii) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place in which decaying organic material is found; and

"(B) is used to substantially replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

"(b) PURCHASE OF BUSES.—Subject to subsections (c) and (d), beginning on the date that is 2 years after the date of enactment of this section, a bus purchased using funds made available from the Mass Transit Account of the Highway Trust Fund shall be a clean fuel bus.

"(c) ULTRA-LOW SULFUR DIESEL.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not more than 20 percent of the amount of the funds provided to a recipient to purchase buses under this section may be used by the recipient to purchase clean fuel buses that are capable of being powered by a fuel described in clause (iv), (vii), (viii), or (ix) of subsection (a)(3)(A).

"(2) EXCEPTION.—Paragraph (1) shall not apply if the recipient enters into a 3-year purchase agreement with a qualified alternative fuel producer to acquire qualified fuels in a volume sufficient to power the clean fuel buses purchased using amounts made available under this section.

"(d) USE OF CERTAIN ALTERNATIVE FUELS.—

"(1) IN GENERAL.—To be eligible to receive funds under subsection (c)(2) for the purchase of a clean fuel bus that is capable of being powered by a fuel described in clause (iv), (vii), or (ix) of subsection (a)(3)(A), an applicant or recipient shall submit to the Secretary—

"(A) a certification that the applicant will operate the clean fuel bus only with the fuel at all times in accordance with the fuel capacity and use of the fuel recommended by the manufacturer of the clean fuel bus; and

"(B) not later than 180 days after the purchase of the clean fuel bus and every 180 days thereafter, a report that documents that the fuel was used in accordance with subparagraph (A) during the 180-day period ending on the date of the report.

"(2) NONCOMPLIANCE.—Failure of an applicant or recipient of funds to provide the certification or documentation required under paragraph (1) shall—

"(A) be considered a violation of the agreement to receive the funds; and

"(B) require the applicant or recipient to reimburse the Secretary the full amount of the funds not later than 90 days after the Secretary has determined that a violation has occurred.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by inserting after the item relating to section 5325 the following:

"5326. Clean fuel buses".

SEC. 12. DOMESTIC FUEL PRODUCTION VOLUMES TO MEET DEPARTMENT OF DEFENSE NEEDS.

Section 2922d of title 10, United States Code is amended—

(1) in the heading, by striking "**and tar sands**" and inserting "**tar sands, and other sources**";

(2) in subsection (a), by striking "fuel produced, in whole or in part, from coal, oil shale, and tar sands (referred to in this section as a 'covered fuel') that are extracted by either mining or in-situ methods and refined or otherwise processed in the United States" and inserting "fuel produced, in whole or in part, from coal, oil shale, and tar sands that are extracted by either mining or in-situ methods and refined or otherwise processed in the United States and fuel produced in the United States using starch, sugar, cellulosic biomass, plant or animal oils, or thermal chemical conversion, thermal depolymerization, or thermal conversion processes (referred to in this section as a 'covered fuel')";

(3) in subsection (d), by striking "1 or more years" and inserting "up to 5 years";

(4) in subsection (e), by striking the period at the end and inserting the following: ", with consideration given to military installations closed or realigned under a round of defense base closure and realignment."; and

(5) by adding at the end the following new subsection:

"(f) PRODUCTION FACILITIES FOR COVERED FUELS.—The Secretary of Defense may enter into contracts or other agreements with private companies or other entities to develop and operate production facilities for covered fuels, and may provide for the construction or capital modification of production facilities for covered fuels.".

SEC. 13. FEDERAL FLEET ENERGY CONSERVATION IMPROVEMENT.

(a) DEFINITIONS.—Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) in paragraph (3), by inserting before the semicolon at the end the following: ", including a vehicle that is propelled by electric drive transportation technology, engine dominant hybrid electric technology, or plug-in hybrid technology";

(2) in paragraph (13), by striking "and" after the semicolon at the end;

(3) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(15) the term 'electric drive transportation technology' means—

"(A) technology that uses an electric motor for all or part of the motive power of a vehicle (regardless of whether off-board electricity is used), including—

"(i) a battery electric vehicle;

"(ii) a fuel cell vehicle;

"(iii) an engine dominant hybrid electric vehicle;

"(iv) a plug-in hybrid electric vehicle;

"(v) a plug-in hybrid fuel cell vehicle; and

"(vi) an electric rail vehicle; or

"(B) technology that uses equipment for transportation (including transportation involving any mobile source of air pollution) that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment that is linked to transportation or a mobile source of air pollution;

"(16) the term 'engine dominant hybrid electric vehicle' means an on-road or nonroad vehicle that—

"(A) is propelled by an internal combustion engine or heat engine using—

"(i) any combustible fuel; and

"(ii) an on-board, rechargeable storage device; and

"(B) has no means of using an off-board source of electricity; and

"(17) the term 'plug-in hybrid electric vehicle' means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

"(A) any combustible fuel;

"(B) an on-board, rechargeable storage device; and

"(C) a means of using an off-board source of electricity.".

(b) MINIMUM FEDERAL FLEET REQUIREMENT.—Section 303(b)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(1)) is amended—

(1) in subparagraph (C), by striking "and" after the semicolon;

(2) in subparagraph (D), by striking "fiscal year 1999 and thereafter," and inserting "each of fiscal years 1999 through 2013; and"; and

(3) by inserting after subparagraph (D) the following:

"(E) 100 percent in fiscal year 2014 and thereafter.".

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 134. A bill to authorize the construction of the Arkansas Valley Conduit in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I am introducing the Arkansas Valley Conduit bill, which will ensure the construction of a pipeline that will provide the small, financially strapped towns and water agencies along the lower Arkansas River with safe, clean, affordable water. This project was originally authorized by Congress in 1962, over 40 years ago, as a part of the Fryingpan-Arkansas Project. Due to several long years of drought and increasing Federal water quality standards, current water delivery methods are not enough. By creating an 80-percent Federal, 20-percent local cost share formula to help offset the construction costs of the conduit, this legislation will protect the future of southeastern Colorado's drinking water supplies and prevent further economic hardship.

By Mr. ALLARD:

S. 135. A bill to authorize the Secretary of the Army to acquire land for the purposes of expanding Pinon Canyon Maneuver Site, and for other purposes; to the Committee on Armed Services.

Mr. ALLARD. Mr. President, another bill dealing with the large military presence in Colorado relates to the expansion of the Army's Pinon Canyon Maneuver Site. Due to an emphasis on rapid mobility, modularity, and maneuverability in recent years, the Army's ability to project force across the battlefield has increased exponentially. As such, the Army transformation is also driving higher their requirement for training space.

With its close location to Fort Carson, Pinon Canyon was perfectly suited for the Army's training needs 20 years ago. However, with the arrival of 10,000 new soldiers to Fort Carson, the Army has determined that the size of the site needs to be increased in order to meet Fort Carson's new operational training requirements.

I have been told repeatedly by Army officials that the genesis of Fort Carson's expansion proposal occurred when several landowners approached Fort Carson and expressed their strong desire to sell. I also understand that sufficient numbers of willing sellers exist to support a significant expansion of the site. However, many in the community surrounding Pinon Canyon have major questions that need to be answered.

In order to get some of these major questions answered, a reporting requirement was placed in the 2006 Defense Authorization bill, approved by both the Senate and the House. However, the Department of Army is restricted on communicating about any specific land acquisition proposal until a waiver for that site has been granted by the Secretary of Defense, which has yet to be granted. Thus, the Army's hands were tied and they were unable to meet the full reporting requirements in the 2006 Defense authorization. I understand the difficult position the Army is on this issue, but I believe it is absolutely necessary that they provide the information to the community and to Congress prior to any acquisition of property.

The leadership at Fort Carson has done a great job of reaching out and providing what information it could to the local communities. However, the Pentagon has not been as forthcoming. I believe the Congress and, more importantly, the local communities in Southeastern Colorado need more information before we can decide whether this proposed expansion is necessary and appropriate.

With these objectives in mind, today I am introducing a bill that clearly defines the process under which the Army can expand the Pinon Canyon Maneuver Site. This legislation prohibits the use of eminent domain, requires the Army to pay fair market value. Most importantly, the bill does not allow the Army to proceed with land acquisition until it delivers the answers previously sought on the environmental and economic impacts of expansion and also must offer options for compensating the loss of property tax revenue.

It is vital that the Army take the time to answer these important questions to help alleviate the affected communities concerns. A number of counties and small towns in Southeastern Colorado could be adversely affected by this expansion, and this study will help us better understand the extent of these impacts and provide options for mitigating them.

By Mr. ALLARD:

S. 136. A bill to expand the National Domestic Preparedness Consortium to include the Transportation Technology Center; to the Committee on Homeland Security and Governmental Affairs.

Mr. ALLARD. Mr. President, in another area, the events of the past several years remind us of the vital role of first responders in responding to natural disasters and terrorists attacks. It is important that our first responders receive the training needed to make critical, life-saving decisions under emergency circumstances. I believe that an essential element of preparing our first responders is to provide them with hands-on experience in real-world training environments.

The importance of real world training was called to my attention by a visit to the Transportation Technology Training Center, TTC, in Pueblo, CO. There, I witnessed first hand the tools at our Nation's disposal to equip our first responders with the training they need, specifically in the context of rail and mass transit. But our national training consortium does not currently include a facility that is uniquely focused on emergency preparedness within the railroad and mass transit environment. The inclusion of TTC would fill a critical gap in its current training agenda.

TTC is a federally owned, 52-square-mile multimodal testing and training facility in Pueblo, CO, operated by the Association of American Railroads, AAR. Each year, an average of 1,700 first responders travel to Pueblo, CO, to participate in TTC's training program. The facility has trained more than 20,000 students in its 20-year history.

The ERTC is regarded as the "graduate school" of hazmat training because of its focus on hands on, true to life, training exercises on actual rail vehicles, including tank cars and passenger rail cars. The ERTC is uniquely positioned to teach emergency response for railway-related emergencies.

It is for these reasons that today I introduce a bill authorizing the National Domestic Preparedness Consortium, as expanded to include the Transportation Technology Center in Pueblo, CO, and providing for its coordination and use by the Department of Homeland Security in training the Nation's first responders.

By Mr. CARDIN:

S. 137. A bill to amend title XVIII of the Social Security Act to provide additional beneficiary protections; to the Committee on Finance.

Mr. CARDIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Preserving Medicare for All Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Negotiation of prices for medicare prescription drugs.
Sec. 3. Guaranteed prescription drug benefits.
Sec. 4. Full reimbursement for qualified retiree prescription drug plans.
Sec. 5. Repeal of comparative cost adjustment (cca) program.
Sec. 6. Repeal of MA Regional Plan Stabilization Fund.
Sec. 7. Repeal of cost containment provisions.
Sec. 8. Removal of exclusion of benzodiazepines from required coverage under the Medicare prescription drug program.

SEC. 2. NEGOTIATION OF PRICES FOR MEDICARE PRESCRIPTION DRUGS.

Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and inserting the following:

"(i) NEGOTIATION; NO NATIONAL FORMULARY OR PRICE STRUCTURE.—

"(1) NEGOTIATION OF PRICES WITH MANUFACTURERS.—In order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans pay the lowest possible price, the Secretary shall have and exercise authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.

"(2) NO NATIONAL FORMULARY OR PRICE STRUCTURE.—In order to promote competition under this part and in carrying out this part, the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.".

SEC. 3. GUARANTEED PRESCRIPTION DRUG BENEFITS.

(a) IN GENERAL.—Section 1860D–3 of the Social Security Act (42 U.S.C. 1395w–103) is amended to read as follows:

"ASSURING ACCESS TO A CHOICE OF COVERAGE

"SEC. 1860D–3. (a) ACCESS TO A CHOICE OF QUALIFIED PRESCRIPTION DRUG COVERAGE.—

"(1) CHOICE OF AT LEAST THREE PLANS IN EACH AREA.—Beginning on January 1, 2008, the Secretary shall ensure that each part D eligible individual has available, consistent with paragraph (2), a choice of enrollment in—

"(A) a nationwide prescription drug plan offered by the Secretary in accordance with subsection (b); and

"(B) at least 2 qualifying plans (as defined in paragraph (3)) in the area in which the individual resides, at least one of which is a prescription drug plan.

"(2) REQUIREMENT FOR DIFFERENT PLAN SPONSORS.—The requirement in paragraph (1)(B) is not satisfied with respect to an area if only one entity offers all the qualifying plans in the area.

"(3) QUALIFYING PLAN DEFINED.—For purposes of this section, the term 'qualifying plan' means—

"(A) a prescription drug plan;

"(B) an MA–PD plan described in section 1851(a)(2)(A)(i) that provides—

"(i) basic prescription drug coverage; or

"(ii) qualified prescription drug coverage that provides supplemental prescription drug coverage so long as there is no MA monthly supplemental beneficiary premium applied under the plan, due to the application of a credit against such premium of a rebate under section 1854(b)(1)(C); or

"(C) a nationwide prescription drug plan offered by the Secretary in accordance with subsection (b).

"(b) HHS AS PDP SPONSOR FOR A NATIONWIDE PRESCRIPTION DRUG PLAN.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall take such steps as may be necessary to qualify and serve as a PDP sponsor and to offer a prescription drug plan that offers basic prescription drug coverage throughout the United States. Such a plan shall be in addition to, and not in lieu of, other prescription drug plans offered under this part.

"(2) PREMIUM; SOLVENCY; AUTHORITIES.—In carrying out paragraph (1), the Secretary—

"(A) shall establish a premium in the amount of $35 for months in 2008 and, for months in subsequent years, in the amount specified in this paragraph for months in the previous year increased by the annual percentage increase described in section 1860D–2(b)(6) (relating to growth in medicare prescription drug costs per beneficiary) for the year involved;

"(B) is deemed to have met any applicable solvency and capital adequacy standards; and

"(C) shall exercise such authorities (including the use of regional or other pharmaceutical benefit managers) as the Secretary determines necessary to offer the prescription drug plan in the same or a comparable manner as is the case for prescription drug plans offered by private PDP sponsors.

"(c) FLEXIBILITY IN RISK ASSUMED.—In order to ensure access pursuant to subsection (a) in an area the Secretary may approve limited risk plans under section 1860D–11(f) for the area.".

(b) CONFORMING AMENDMENT.—Section 1860D–11(g) of the Social Security Act (42 U.S.C. 1395w–111(g)) is amended by adding at the end the following new paragraph:

"(8) APPLICATION.—This subsection shall not apply on or after January 1, 2008.".

SEC. 4. FULL REIMBURSEMENT FOR QUALIFIED RETIREE PRESCRIPTION DRUG PLANS.

(a) ELIMINATION OF TRUE OUT-OF-POCKET LIMITATION.—Section 1860D–2(b)(4)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)(ii) is amended—

(1) by inserting "under a qualified retiree prescription drug plan (as defined in section 1860D–22(a)(2))," after "under section 1860D–14,"; and

(2) by inserting ", under such a qualified retiree prescription drug plan," after "(other than under such section".

(b) EQUALIZATION OF SUBSIDIES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall provide for such increase in the special subsidy payment amounts under section 1860D–22(a)(3) of the Social Security Act (42 U.S.C. 1395w–132(a)(3)) as may be appropriate to provide for payments in the aggregate equivalent to the payments that would have been made under section 1860D–15 of such Act (42 U.S.C. 1395w–115) if the individuals were not enrolled in a qualified retiree prescription drug plan. In making such computation, the Secretary shall not take into account the application of the amendments made by section 1202 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2480).

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on January 1, 2008.

SEC. 5. REPEAL OF COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM.

Subtitle E of title II of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2214), and the amendments made by such subtitle, are repealed.

SEC. 6. REPEAL OF MA REGIONAL PLAN STABILIZATION FUND.

(a) IN GENERAL.—Subsection (e) of section 1858 of the Social Security Act (42 U.S.C. 1395w–27a) is repealed.

(b) CONFORMING AMENDMENT.—Section 1858(f)(1) of the Social Security Act (42 U.S.C. 1395w–27a(f)(1)) is amended by striking "subject to subsection (e),".

SEC. 7. REPEAL OF COST CONTAINMENT PROVISIONS.

Subtitle A of title VIII of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2357) is repealed and any provisions of law amended by such subtitle are restored as if such subtitle had not been enacted.

SEC. 8. REMOVAL OF EXCLUSION OF BENZODIAZEPINES FROM REQUIRED COVERAGE UNDER THE MEDICARE PRESCRIPTION DRUG PROGRAM.

(a) REMOVAL OF EXCLUSION.—

(1) IN GENERAL.—Section 1860D–2(e)(2) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)) is amended—

(A) by striking "subparagraph (E)" and inserting "subparagraphs (E) and (J)"; and

(B) by inserting "and benzodiazepines" after "smoking cessation agents".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to prescriptions dispensed on or after January 1, 2008.

(b) REVIEW OF BENZODIAZEPINE PRESCRIPTION POLICIES TO ASSURE APPROPRIATENESS AND TO AVOID ABUSE.—The Secretary of Health and Human Services shall review the policies of Medicare prescription drug plans (and MA–PD plans) under parts C and D of title XVIII of the Social Security Act regarding the filling of prescriptions for benzodiazepine to ensure that these policies are consistent with accepted clinical guidelines, are appropriate to individual health histories, and are designed to minimize long term use, guard against over-prescribing, and prevent patient abuse.

(c) DEVELOPMENT BY MEDICARE QUALITY IMPROVEMENT ORGANIZATIONS OF EDUCATIONAL GUIDELINES FOR PHYSICIANS REGARDING PRESCRIBING OF BENZODIAZEPINES.—The Secretary of Health and Human Services shall provide, in contracts entered into with Medicare quality improvement organizations under part B of title XI of the Social Security Act, for the development by such organizations of appropriate educational guidelines for physicians regarding the prescribing of benzodiazepines.

By Mrs. BOXER:

S. 146. A bill to require the Federal Government to purchase fuel efficient automobiles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, last year many Americans paid over $3—and in some places in California, $4—for a gallon of gasoline.

At the same time, oil companies made record profits. Enough is enough!

We need to help the American public and reduce our dependence on oil. The Federal Government should be taking the lead on this issue. Sadly, it is not.

In 2005, the Federal Government purchased 64,000 passenger vehicles. According to the U.S. Department of Energy, the average fuel economy of the new vehicles purchased for the fleet in 2005 was an abysmal 21.4 miles per gallon.

Today, hybrid cars on the market can achieve over 50 miles per gallon and SUVs can obtain 36 miles per gallon. The Government's average of 21.4 miles to the gallon is too low.

Instead, our government needs to purchase fuel-efficient cars, SUVs, and light trucks. This can be done today. I drive a Toyota Prius that gets over 50 mpg. The Ford Escape SUV can get 36 mpg.

The Federal Government should be a leader in protecting our environment and national security.

That is why I am reintroducing the Government Fleet Fuel Economy Act. The bill requires the federal government to purchase vehicles that are fuel-efficient to the greatest extent possible.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 148. A bill to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LAUTENBERG. Mr. President, I rise today with great pride to reintroduce legislation which would create a national park in my hometown of Paterson, NJ, The Paterson Great Falls National Park Act of 2007, which I first introduced last year, would bring long-deserved recognition and accessibility to one of our Nation's most beautiful and historic landmarks. I am pleased that my colleague from New Jersey, Senator MENENDEZ, is cosponsoring this legislation.

The Great Falls are located where the Passaic River drops nearly 80 feet straight down, on its course towards New York Harbor. It is one of the tallest and most spectacular waterfalls on the east coast, but the incredible natural beauty of the falls should not overshadow its tremendous importance as the powerhouse of industry in New Jersey and the infant United States. Indeed, in 1778, Alexander Hamilton visited the Great Falls and immediately realized the potential of the falls for industrial applications and development. Hamilton was instrumental in creating the planned community in Paterson—the first of its kind nationwide—centered on the Great Falls, and industry thrived on the power generated by the falls. Rogers Locomotive Works, the premier steam locomotive manufacturer of the 19th century, was located in the shadow of the falls, as were many other vitally important manufacturing enterprises.

President Ford recognized the importance of the area by declaring the falls and its surroundings a "National Historic Landmark" in 1976; he called the falls "a symbol of the industrial might which helps to make the United States the most powerful nation in the world." Now, it is time that we recognize the importance of this historic area by making it New Jersey's first national park. This would be of special importance because so few of our national parks are in urban areas. I believe that it is time we acknowledge that many of our most significant national treasures are located in densely populated areas, and creating a national park in Paterson is an ideal opportunity to do just that.

I grew up in Paterson, and I have appreciated the majesty and beauty of the Great Falls for many years. By creating a national park in Paterson, more Americans can be exposed to the exceptional cultural, natural, and historic significance of the Great Falls, and that is why I will passionately advocate for the passage of this bill. I have been delighted to again work with my good friend, Congressman BILL PASCRELL—another longtime resident of Paterson—on this issue, as well as with a bipartisan group of lawmakers from my home State, all of whom believe strongly in this cause. I urge my colleagues to support the passage of this legislation, which is so important to New Jersey and all of America.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paterson Great Falls National Park Act of 2007".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Great Falls Historic District in Paterson, New Jersey is the site Alexander Hamilton selected to implement his vision of American economic independence and transform a rural agrarian society based on slavery into a global economy based on freedom.

(2) President Ford announced the designation of the Historic District as a National Historic Landmark in 1976 and declared it "a symbol of the industrial might which helps to make America the most powerful nation in the world".

(3) The Historic District was established as a National Historic District in 1996.

(4) Exceptional natural and cultural resources make the Historic District America's only National Historic District that contains both a National Historic Landmark and a National Natural Resource.

(5) The Historic District embodies Hamilton's vision of an American economy based on—

(A) diverse industries to avoid excessive reliance on any single manufactured product;

(B) innovative engineering and technology, including the successful use of water, a renewable energy source, to power industry and manufacturing;

(C) industrial production of goods not only for domestic consumption but also for international trade; and

(D) meritocracy and opportunities for all.

(6) Pierre L'Enfant's water power system at Great Falls and the buildings erected around it over two centuries constitute the finest and most extensive remaining example of engineering, planning, and architectural works that span the entire period of America's growth into an industrial power.

(7) A National Park Service unit in Paterson is necessary to give the American people an opportunity to appreciate the physical beauty and historical importance of the Historic District.

(8) Congress and the National Park Service recognized the national significance of the Historic District through listing on the National Register of Historic Places and designation as a National Historic Landmark and a National Historic District.

(9) The Historic District is suitable for addition to the National Park System because—

(A) the national park will promote themes not adequately represented in National Park System, including aspects of African-American history and the inspiration Great Falls has been for renowned American writers and artists;

(B) the national park will promote civic engagement by attracting and engaging people who currently feel little or no connection to National Parks or the founding fathers;

(C) the national park will interpret America's developing history in the historical and global context; and

(D) the national park will foster partnerships among federal, state and local governments and private donors and non-profit organizations.

(10) The Historic District is a physically and fiscally feasible site for a national park because—

(A) all of the required natural and cultural resources are on property largely owned by local government entities;

(B) it is of a manageable size; and

(C) much of the funding will come from private donors and the State of New Jersey, which has committed substantial sums of money to fund a state park that will assist in the funding of the national park.

(11) The national park provides enormous potential for public use because its location and urban setting make it easily accessible for millions of Americans.

(12) The historic Hinchliffe stadium, adjacent to the Historic District, was home to the New York Black Yankees for many years, including 1933 when it hosted the Colored Championship of the Nation, and it was added to the National Register of Historic Places by the National Park Service in 2004.

(13) Larry Doby played in Hinchliffe Stadium both as a star high school athlete and again as Negro League player, shortly before becoming the first African-American to play in the American League.

(14) A National Park Service unit, in partnership with private donors and state and local governments, represents the most effective and efficient method of preserving the Historic District for the public.

(15) A National Park Service unit in Paterson is necessary to give the Historic District the continuity and professionalism required to attract private donors from across the country.

(16) Though the State of New Jersey will be a strong partner with a significant financial commitment, the State alone cannot preserve the Historic District and present it to the public without a National Park System unit in Paterson.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a unit of the National Park System in Paterson, New Jersey, consisting of the Historic District and historic Hinchliffe Stadium; and

(2) to create partnerships among Federal, State, and local governments, non-profit organizations, and private donors to preserve, enhance, interpret, and promote the cultural sites, historic structures, and natural beauty of the Historic District and the historic Hinchliffe Stadium for the benefit of present and future generations.

SEC. 3. DEFINITIONS.

In this Act:

(1) HISTORIC DISTRICT.—The term "Historic District" means the Great Falls National Historic District in Paterson, New Jersey, consisting of approximately 118 acres, as specified in the National Register of Historic Places.

(2) NATIONAL PARK.—The term "national park" means the Paterson Great Falls National Park established by section 4.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) MANAGEMENT PLAN.—The term "management plan" means the integrated resource management plan prepared pursuant to section 6.

(5) PARTNERSHIP.—The term "Partnership" means the Paterson Great Falls National Park Partnership established in section 7.

(6) ADVISORY COUNCIL.—The term "Advisory Council" means the Paterson Great Falls National Park Advisory Council established pursuant to section 8.

SEC. 4. PATERSON GREAT FALLS NATIONAL PARK.

(a) ESTABLISHMENT.—There is established in Paterson, New Jersey, the Paterson Great Falls National Park as a unit of the National Park System.

(b) BOUNDARIES.—The boundaries of the national park shall be—

(1) the Historic District as listed on the National Register of Historic Places; and

(2) the historic Hinchliffe Stadium as listed on the National Register of Historic Places.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The national park shall be administered in partnership by the Secretary, the State of New Jersey, City of Paterson and its applicable subdivisions, and others in accordance with the provisions of law generally applicable to units of the National Park System (including the Act of August 25, 1916 (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.)), and in accordance with the management plan.

(b) STATE AND LOCAL JURISDICTION.—Nothing in this section shall be construed to diminish, enlarge, or modify any right of the State of New Jersey or any political subdivision thereof to exercise civil and criminal jurisdiction or to carry out State laws, rules, and regulations within the national park.

(c) COOPERATIVE AGREEMENTS.—

(1) The Secretary may consult and enter into cooperative agreements with the State of New Jersey or its political subdivisions to acquire from and provide to the State or its political subdivisions goods and services to be used in the cooperative management of lands within the national park, if the Secretary determines that appropriations for that purpose are available and the agreement is in the best interest of the United States.

(2) The Secretary, after consultation with the Partnership, may enter into cooperative agreements with owners of property of nationally significant historic or other cultural resources within the national park in order to provide for interpretive exhibits or programs. Such agreements shall provide, whenever appropriate, that—

(A) the public may have access to such property at specified, reasonable times for purposes of viewing property or exhibits or attending programs established by the Secretary under this subsection; and

(B) no changes or alterations shall be made in the properties, except by mutual agreements between the Secretary and the other parties to the agreements.

(d) CONSTRUCTION OF FACILITIES ON NON-FEDERAL LANDS.—In order to facilitate the administration of the national park, the Secretary is authorized, subject to the availability of appropriated funds, to construct essential administrative or visitor use facilities on non-Federal public lands within the national park. Such facilities and the use thereof shall be in conformance with applicable plans

(e) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept and use donated funds, property, and services to carry out this section.

(f) MANAGEMENT IN ACCORDANCE WITH INTEGRATED MANAGEMENT PLAN.—The Secretary shall preserve, interpret, manage, and provide educational and recreational uses for the national park, in consultation with the owners and managers of lands in the national park, in accordance with the management plan.

SEC. 6. INTEGRATED RESOURCE MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Partnership shall submit to the Secretary a management plan for the national park to be developed and implemented by the Partnership.

(b) CONTENTS.—The management plan shall include, at a minimum, each of the following:

(1) A program providing for coordinated administration of the national park with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, and local levels, and nonprofit organizations, including each of the following:

(A) A plan to finance and support the public improvements and services recommended in the management plan, including allocation of non-Federal matching requirements and a delineation of profit sector roles and responsibilities.

(B) A program for the coordination and consolidation, to the extent feasible, of activities that may be carried out by Federal, State, and local agencies having jurisdiction over land within the national park, including planning and regulatory responsibilities.

(2) Policies and programs for the following purposes:

(A) Enhancing public recreational and cultural opportunities in the national park.

(B) Conserving, protecting, and maintaining the scenic, historical, cultural, and natural values of the national park.

(C) Developing educational opportunities in the national park.

(D) Enhancing public access to the national park, including development of transportation networks.

(E) Identifying potential sources of revenue from programs or activities carried out within the national park.

(F) Protecting and preserving sites with historical, cultural, natural, Native American and African American significance.

(3) A policy statement that recognizes existing economic activities within the national park.

(c) CONSULTATION AND PUBLIC HEARINGS.—In developing the management plan, the Partnership shall:

(1) Consult on a regular basis with appropriate officials of any local government or Federal or State agency which has jurisdiction over lands within the national park.

(2) Consult with interested conservation, business, professional, and citizen organizations.

(3) Conduct public hearings or meetings for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the management plan.

(d) APPROVAL OF THE MANAGEMENT PLAN.—

(1) IN GENERAL.—The Partnership shall submit the management plan to the Governor of New Jersey for review. The Governor shall have 90 days to review and make any recommendations regarding the management plan. After considering the Governor's recommendations, if any, the Partnership shall submit the plan to the Secretary, who shall approve or disapprove the plan not later than 90 days after receiving the management plan from the Partnership. In reviewing the management plan, the Secretary shall consider each of the following:

(A) The adequacy of public participation.

(B) Assurances from State and local officials regarding implementation of the management plan.

(C) The adequacy of regulatory and financial tools that are in place to implement the management plan.

(2) DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall, not later than 60 days after the date of such disapproval, submit to the Partnership in writing the reasons for the disapproval and recommendations for revision.

Not later than 90 days after receipt of such notice of disapproval and recommendations, the Partnership shall revise and resubmit the management plan to the Secretary who shall approve or disapprove the revision not later than 60 days after receiving the revised management plan.

(3) Result of Failure to Approve or Disapprove.—If the Secretary does not take action within the deadlines set forth in paragraphs (1) or (2), the plan shall be deemed to have been approved.

(e) Prior to adoption of the Partnership's plan, the Secretary and the Partnership shall assist the owners and managers of lands within the national park to ensure that existing programs, services, and activities that promote the purposes of this section are supported.

SEC. 7. PATERSON GREAT FALLS NATIONAL PARK PARTNERSHIP.

(a) Establishment.—There is hereby established the Paterson Great Falls National Historical Park Partnership whose purpose shall be to coordinate the activities of Federal, State, and local authorities and the private sector in the development and implementation of the management plan.

(b) Membership.—

(1) In general.—The Commission shall be composed of 13 members appointed by the Secretary, of whom—

(A) 4 members shall be appointed by the Secretary from nominees submitted by the Governor of the State of New Jersey;

(B) 2 members shall be appointed by the Secretary from nominees submitted by the City Council of Paterson;

(C) 2 members shall be appointed by the Secretary from the Paterson Great Falls National Park Advisory Board; and

(D) 1 member shall be appointed by the Secretary from nominees submitted by the Board of Chosen Freeholders of Passaic County, New Jersey.

(2) Chairperson; vice chairperson.—The Partnership shall elect one of its members as Chairperson and one as Vice Chairperson. The term of office of the Chairperson and Vice Chairperson shall be one year. The Vice Chairperson shall serve as chairperson in the absence of the Chairperson.

(3) Vacancies.—A vacancy in the Partnership shall be filled in the same manner in which the original appointment was made.

(4) Terms.—Terms of service—

(A) members of the Partnership shall serve for terms of 3 years and may be reappointed not more than once; and

(B) a member may serve after the expiration of his or her term until a successor has been appointed.

(5) Deadline.—The Secretary shall appoint the first members of the Partnership within 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to subsection (b)(1).

(c) Compensation.—Members of the Partnership shall serve without pay, but while away from their homes or regular places of business in the performance of services for the Partnership, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Federal Government service are allowed expenses under section 5703 of title 5, United States Code.

(d) Meetings.—The Partnership shall meet at the call of the Chairperson or a majority of its members.

(e) Quorum.—A majority of the Partnership shall constitute a quorum.

(f) Staff.—The Secretary shall provide the Partnership with such staff and technical assistance as the Secretary, after consultation with the Partnership, considers appropriate to enable the Partnership to carry out its duties. The Secretary may accept the services of personnel detailed from the State of New Jersey, any political subdivision of the State, or any entity represented on the Partnership.

(g) Hearings.—The Partnership may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Partnership may deem appropriate.

(h) Donations.—Notwithstanding any other provision of law, the Partnership may seek and accept donations of funds, property, or services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out this section.

(i) Use of Funds to Obtain Money.—The Partnership may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(j) Mails.—The Partnership may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(k) Obtaining Property.—The Partnership may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties, except that the Partnership may not acquire any real property or interest in real property.

(l) Cooperative Agreements.—For purposes of carrying out the management plan, the Partnership may enter into cooperative agreements with the State of New Jersey, any political subdivision thereof, or with any organization or person.

SEC. 8. PATERSON GREAT FALLS NATIONAL PARK ADVISORY COUNCIL.

(a) Establishment.—The Secretary, acting through the Director of the National Park Service, shall establish an advisory committee to be known as the Paterson Great Falls National Park Advisory Council. The purpose of the Advisory Council shall be to represent various groups with interests in the National Park and make recommendations to the Partnership on issues related to the development and implementation of the management plan. The Advisory Council is encouraged to establish committees relating to specific National Park management issues, such as education, tourism, transportation, natural resources, cultural and historic resources, and revenue raising activities. Participation on any such committee shall not be limited to members of the Advisory Council.

(b) Membership.—The Advisory Council shall consist of not fewer than 15 individuals, to be appointed by the Secretary, acting through the Director of the National Park Service. The Secretary shall appoint no fewer than 3 individuals to represent each of the following categories of entities:

(1) Municipalities.

(2) Educational and cultural institutions.

(3) Environmental organizations.

(4) Business and commercial entities, including those related to transportation and tourism.

(5) Organizations representing African American and Native American interests in the Historic District.

(c) Procedures.—Each meeting of the Advisory Council and its committees shall be open to the public.

(d) FACA.—The provisions of section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) are hereby waived with respect to the Advisory Council.

SEC. 9. FINANCIAL AND TECHNICAL ASSISTANCE.

The Secretary may provide to any owner of property within the National Park containing nationally significant historic or cultural resources, in accordance with cooperative agreements or grant agreements, as appropriate, such financial and technical assistance to mark, interpret, and restore non-Federal properties within the National Park as the Secretary determines appropriate to carry out the purposes of this Act, provided that—

(1) the Secretary, acting through the National Park Service, shall have right of access at reasonable times to public portions of the property covered by such agreements for the purpose of conducting visitors through such properties and interpreting them to the public; and

(2) no changes or alterations shall be made in such properties except by mutual agreement between the Secretary and the other parties to the agreements.

SEC. 10. ACQUISITION OF LAND.

(a) General Authority.—The Secretary may acquire land or interests in land within the boundaries of the National Park by donation, purchase with donated or appropriated funds, or exchange.

(b) State Property.—Property owned by the State of New Jersey or any political subdivision of the State may be acquired only by donation.

(c) Consent.—No lands or interests therein within the boundaries of the park may be acquired without the consent of the owner, unless the Secretary determines that the land is being developed, or is proposed to be developed, in a manner which is detrimental to the natural, scenic, historic, and other values for which the park is established.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated such sums as may be necessary to carry out this section, provided that no funds may be appropriated for land acquisition.

(b) Matching Requirement.—Amounts appropriated in any fiscal year to carry out this section may only be expended on a matching basis in a ration of at least 3 non-Federal dollars to every Federal dollar. The non-Federal share of the match may be in the form of cash, services, or in-kind contributions, fairly valued.

By Mrs. FEINSTEIN (for herself and Mr. Sessions):

S. 149. A bill to address the effect of the death of a defendant in Federal criminal proceedings; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to join Senator Sessions in re-introducing the "Preserving Crime Victims' Restitution Act." The Act would clarify the rule of law and procedures that should be applied when a criminal defendant, such as former Enron CEO Kenneth Lay, dies after he has been duly convicted, but before his appeals are final.

This bill passed the Senate unanimously at the end of the 109th Congress, but unfortunately it was not taken up by the House. Except for minor, technical corrections, this new bill is the same as what the Senate passed in the last Congress, and I urge my colleagues to speedily pass this bill, as you did before, so that it can be enacted into law.

As I mentioned when I introduced this bill last fall, we have worked closely with the Department of Justice in crafting this legislation, and have used much of DOJ's suggested language. DOJ fully supports the principles contained in this bill, and has indicated that it supports fixing this problem now to ensure that, despite a defendant's death, hard-won convictions are preserved so that restitution remains available for the victims of crime.

This bill would establish that, if a defendant dies after being convicted of a federal offense, his conviction will not be vacated. Instead, the court will be directed to issue a statement that the defendant was convicted—either by a guilty plea or a verdict finding him guilty—but then died before his case or appeal was final.

It would codify the current rule that no further punishments can be imposed on a person who is convicted if they die before a sentence is imposed or they have an opportunity to appeal their conviction. It would clarify that, unlike punishment, other relief (such as restitution to the victims) that could have been sought against a convicted defendant can continue to be pursued and collected after the defendant's death. It would establish a process to ensure that after a person dies, a representative of his estate can challenge or appeal his conviction if they want, and can also secure a lawyer—either on their own or by having one appointed and, if the Government had filed a criminal forfeiture action—in which it had sought to reach the defendant's assets that were linked to his crimes—the Government would get an extra 2 years after the defendant's death to file a civil forfeiture lawsuit so that it could try to recover those same assets in a different, and traditionally-accepted manner.

The need for this legislation was vividly demonstrated on October 17, 2006, when U.S. District Judge Sim Lake, of the Southern District of Texas, wiped clean the criminal record of Enron founder Kenneth Lay, even after a jury and judge had unanimously found him guilty of 10 criminal charges, including securities fraud, wire fraud involving false and misleading statements, bank fraud and conspiracy.

The decision to dismiss Mr. Lay's conviction was not based on any error in the trial, suggestion of unfairness in the proceedings, or allegation of his innocence. Instead, it was simply based on the fact that Mr. Lay died before his conviction had been affirmed on appeal, under a common law rule known as "abatement."

In other words, the order essentially meant that Mr. Lay was "convicted but not guilty"—"innocent by reason of his death."

Judge Lake granted this dismissal even in the face of DOJ Enron Task Force filings, which noted how Mr. Lay's conviction "provided the basis for the likely disgorgement of fraud proceeds totaling tens of millions of dollars." In other words, the dismissal meant that millions of dollars that the jury found was obtained by Mr. Lay illegally at the expense of former Enron employees and shareholders, would remain untouched in the Lay estate. These employees and shareholders will now find it much harder to lay claim to these ill-gotten gains held by Mr. Lay's estate, because they will be unable to point to his criminal conviction as proof of his wrongdoing.

I do not fault Judge Lake for issuing this order. He made it clear that he was simply following the binding precedent issued in 2004 by the full U.S. Court of Appeals for the 5th Circuit, in a case called United States v. Estate of Parsons.

But as I noted in a letter I wrote to Attorney General Gonzales on October 20, 2006, the Fifth Circuit's Parsons decision goes far beyond the traditional rule of law in this area. While the common-law doctrine of abatement has historically wiped out "punishments" following a criminal defendant's death, the Supreme Court has never held that it must also wipe out a victim's right to other forms of relief such as restitution, which simply compensate third parties who were injured by criminal misconduct.

As the six dissenters in Parsons noted, the majority's "'finality rationale' is a completely novel judicial creation which has not been embraced or even suggested by . . . other courts." The Third and Fourth Circuits, for example, have expressly refused to take this position, and upheld a restitution order after a criminal defendant's death.

The Parsons decision was remarkable in several other respects, including the fact that (as the dissenters noted), its new rule of law was apparently inspired by a single law review article. That academic piece boldly claimed that a criminal defendant's right of appeal is "evolving into a constitutional right," and suggested that a conviction untested by appellate review is unreliable and illegitimate. This notion runs contrary to the traditional rule applied in virtually every other context—where a jury's findings are typically respected under the law.

Of course a defendant is presumed innocent at the outset of his case. After a jury has deliberated and unanimously issued a formal finding of guilt, however, that presumption of innocence no longer stands.

The Parsons "finality" rationale even raises the possibility that a defendant who fully admitted his wrongdoing and pleaded guilty, but who then died while an appeal of his sentence was pending, could have his entire criminal conviction erased.

In fact, that has already occurred, in the 1994 case of United States v. Pogue, where the D.C. Circuit ordered the dismissal of a conviction of a defendant whose appeal was pending—even though the docketing statement had said that the defendant intended to challenge only his sentence, and not his underlying conviction.

Following Judge Lake's decision, I sent a letter to the Attorney General, asking him to appeal the order and continue the fight for Enron victims. Unfortunately, the Justice Department decided in November to withdraw its appeal, leaving it up to the victims themselves to pursue any further relief.

I am very disappointed in this decision. These victims have had their livelihoods and retirement stripped from them, and they deserved a Justice Department that was willing to fight vigorously to protect their interests.

Enron's collapse in 2001 wiped out thousands of jobs, more than $60 billion in market value, and more than $2 billion in pension plans. When America's seventh largest company crumbled into bankruptcy after its accounting tricks could no longer hide its billions in debt, countless former Enron employees and shareholders lost their entire life savings after investing in Enron's 401(k) plan.

Many of these Enron victims have been following closely the years of preparation by the Enron Task Force, and the four-month jury trial and separate one-week bench trial, hoping to finally recover some restitution in this criminal case. And despite Mr. Lay's vigorous efforts to avoid being held accountable for his actions, a conviction was finally secured.

Yet now these people have essentially been victimized again. They will be forced to start all over in their efforts to get back some portion of the pension funds on which they expected to subsist, and the other hard-earned assets that will remain beyond their reach, despite the unanimous, hard-fought verdicts finding Mr. Lay guilty of all ten counts with which he had been charged.

I believe in situations like this, leaving the victims without this recourse is an unacceptable outcome. That is why I am introducing this bill to prevent further injustices like this from ever happening again.

While I have no desire for our Government to punish a criminal defendant who dies, the calculation should be different when we are determining how to make up for harm suffered by other innocent victims.

This legislation offers a fair solution and orderly process in the event that a criminal defendant dies prior to his final appeal.

The time has come for Congress to end this injustice—hopefully, by acting quickly enough to assist these Enron victims, but in any event in a way that will solve the problems that the Lay dismissal so starkly illustrated.

I urge my colleagues in the Senate to quickly pass this bill, as you did in the 109th Congress, so that we can enact it into law in the 110th Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving Crime Victims' Restitution Act of 2007".

SEC. 2. EFFECT OF DEATH OF A DEFENDANT IN FEDERAL CRIMINAL PROCEEDINGS.

(a) IN GENERAL.—Subchapter A of chapter 227 of title 18, United States Code, is amended by adding at the end the following:

"§ 3560. Effect of death of a defendant in Federal criminal proceedings

"(a) GENERAL RULE.—Notwithstanding any other provision of law, the death of a defendant who has been convicted of a Federal criminal offense shall not be the basis for abating or otherwise invalidating a plea of guilty or nolo contendere accepted, a verdict returned, a sentence announced, or a judgment entered prior to the death of that defendant, or for dismissing or otherwise invalidating the indictment, information, or complaint on which such a plea, verdict, sentence, or judgment is based, except as provided in this section.

"(b) DEATH AFTER PLEA OR VERDICT.—

"(1) ENTRY OF JUDGMENT.—If a defendant dies after a plea of guilty or nolo contendere has been accepted or a verdict has been returned, but before judgment is entered, the court shall enter a judgment incorporating the plea of guilty or nolo contendere or the verdict, with the notation that the defendant died before the judgment was entered.

"(2) PUNITIVE SANCTIONS.—

"(A) DEATH BEFORE SENTENCE ANNOUNCED.—If a defendant dies after a plea of guilty or nolo contendere has been accepted or a verdict has been returned and before a sentence has been announced, no sentence of probation, supervision, or imprisonment may be imposed, no criminal forfeiture may be ordered, and no liability for a fine or special assessment may be imposed on the defendant or the defendant's estate.

"(B) DEATH AFTER SENTENCING OR JUDGMENT.—The death of a defendant after a sentence has been announced or a judgment has been entered, and before that defendant has exhausted or waived the right to a direct appeal—

"(i) shall terminate any term of probation, supervision, or imprisonment, and shall terminate the liability of that defendant to pay any amount remaining due of a criminal forfeiture, of a fine under section 3613(b), or of a special assessment under section 3013; and

"(ii) shall not require return of any portion of any criminal forfeiture, fine, or special assessment already paid.

"(3) RESTITUTION.—

"(A) DEATH BEFORE SENTENCE ANNOUNCED.—If a defendant dies after a plea of guilty or nolo contendere has been accepted or a verdict has been returned and before a sentence has been announced, the court shall, upon a motion under subsection (c)(2) by the Government or any victim of that defendant's crime, commence a special restitution proceeding at which the court shall adjudicate and enter a final order of restitution against the estate of that defendant in an amount equal to the amount that would have been imposed if that defendant were alive.

"(B) DEATH AFTER SENTENCING OR JUDGMENT.—The death of a defendant after a sentence has been announced shall not be a basis for abating or otherwise invalidating restitution announced at sentencing or ordered after sentencing under section 3664(d)(5) of this title or any other provision of law.

"(4) CIVIL PROCEEDINGS.—The death of a defendant after a plea of guilty or nolo contendere has been accepted, a verdict returned, a sentence announced, or a judgment entered, shall not prevent the use of that plea, verdict, sentence, or judgment in civil proceedings, to the extent otherwise permitted by law.

"(c) APPEALS, MOTIONS, AND PETITIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), after the death of a defendant convicted in a criminal case—

"(A) no appeal, motion, or petition by or on behalf of that defendant or the personal representative or estate of that defendant, the Government, or a victim of that defendant's crime seeking to challenge or reinstate a plea of guilty or nolo contendere accepted, a verdict returned, a sentence announced, or a judgment entered prior to the death of that defendant shall be filed in that case after the death of that defendant; and

"(B) any pending motion, petition, or appeal in that case shall be dismissed with the notation that the dismissal is due to the death of the defendant.

"(2) EXCEPTIONS.—

"(A) RESTITUTION.—If a defendant dies after being convicted in a criminal case but prior to sentencing or the exhaustion or waiver of direct appeal, the personal representative of that defendant, the Government, or any victim of that defendant's crime may file or pursue an otherwise permissible direct appeal, petition for mandamus or a writ of certiorari, or an otherwise permissible motion described in section 3663, 3663A, 3664, or 3771, to the extent that the appeal, petition, or motion raises an otherwise permissible claim to—

"(i) obtain, in a special restitution proceeding, a final order of restitution under subsection (b)(3);

"(ii) enforce, correct, amend, adjust, reinstate, or challenge any order of restitution; or

"(iii) challenge or reinstate a verdict, plea of guilty or nolo contendere, sentence, or judgment on which—

"(I) a restitution order is based; or

"(II) restitution is being or will be sought by an appeal, petition, or motion under this paragraph.

"(B) OTHER CIVIL ACTIONS AFFECTED.—If a defendant dies after being convicted in a criminal case but prior to sentencing or the exhaustion or waiver of direct appeal, the personal representative of that defendant, the Government, or any victim of that defendant's crime may file or pursue an otherwise permissible direct appeal, petition for mandamus or a writ of certiorari, or an otherwise permissible motion under the Federal Rules of Criminal Procedure, to the extent that the appeal, petition, or motion raises an otherwise permissible claim to challenge or reinstate a verdict, plea of guilty or nolo contendere, sentence, or judgment that the appellant, petitioner, or movant shows by a preponderance of the evidence is, or will be, material in a pending or reasonably anticipated civil proceeding, including civil forfeiture proceedings.

"(C) COLLATERAL CONSEQUENCES.—

"(i) IN GENERAL.—Except as provided in subparagraphs (A) and (B), the Government may not restrict any Federal benefits or impose collateral consequences on the estate or a family member of a deceased defendant based solely on the conviction of a defendant who died before that defendant exhausted or waived the right to direct appeal unless, not later than 90 days after the death of that defendant, the Government gives notice to that estate or family member of the intent of the Government to take such action.

"(ii) PERSONAL REPRESENTATIVE.—If the Government gives notice under clause (i), the court shall appoint a personal representative for the deceased defendant that is the subject of that notice, if not otherwise appointed, under section (d)(2)(A).

"(iii) TOLLING.—If the Government gives notice under clause (i), any filing deadline that might otherwise apply against the defendant, the estate of the defendant, or a family member of the defendant shall be tolled until the date of the appointment of that defendant's personal representative under clause (ii).

"(3) BASIS.—In any appeal, petition, or motion under paragraph (2), the death of the defendant shall not be a basis for relief.

"(d) PROCEDURES REGARDING CONTINUING LITIGATION.—

"(1) IN GENERAL.—The standards and procedures for a permitted appeal, petition, motion, or other proceeding under subsection (c)(2) shall be the standards and procedures otherwise provided by law, except that the personal representative of the defendant shall be substituted for the defendant.

"(2) SPECIAL PROCEDURES.—If continuing litigation is initiated or could be initiated under subsection (c)(2), the following procedures shall apply:

"(A) NOTICE AND APPOINTMENT OF PERSONAL REPRESENTATIVE.—The district court before which the criminal case was filed (or the appellate court if the matter is pending on direct appeal) shall—

"(i) give notice to any victim of the convicted defendant under section 3771(a)(2), and to the personal representative of that defendant or, if there is none, the next of kin of that defendant; and

"(ii) appoint a personal representative for that defendant, if not otherwise appointed.

"(B) COUNSEL.—Counsel shall be appointed for the personal representative of a defendant convicted in a criminal case who dies if counsel would have been available to that defendant, or if the personal representative of that defendant requests counsel and otherwise qualifies for the appointment of counsel, under section 3006A.

"(C) TOLLING.—The court shall toll any applicable deadline for the filing of any motion, petition, or appeal during the period beginning on the date of the death of a defendant convicted in a criminal case and ending on the later of—

"(i) the date of the appointment of that defendant's personal representative; or

"(ii) where applicable, the date of the appointment of counsel for that personal representative.

"(D) RESTITUTION.—If restitution has not been fully collected on the date on which a defendant convicted in a criminal case dies—

"(i) any amount owed under a restitution order (whether issued before or after the death of that defendant) shall be collectible from any property from which the restitution could have been collected if that defendant had survived, regardless of whether that property is included in the estate of that defendant;

"(ii) any restitution protective order in effect on the date of the death of that defendant shall continue in effect unless modified by the court after hearing or pursuant to a motion by the personal representative of that defendant, the Government, or any victim of that defendant's crime; and

"(iii) upon motion by the Government or any victim of that defendant's crime, the court shall take any action necessary to preserve the availability of property for restitution under this section.

"(e) FORFEITURE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the death of an individual does not affect the Government's ability to seek, or to continue to pursue, civil forfeiture of property as authorized by law.

"(2) TOLLING OF LIMITATIONS FOR CIVIL FORFEITURE.—Notwithstanding the expiration of any civil forfeiture statute of limitations or any time limitation set forth in section 983(a) of this title, not later than the later of the time period otherwise authorized by law and 2 years after the date of the death of an individual against whom a criminal indictment alleging forfeiture is pending, the Government may commence civil forfeiture proceedings against any interest in any property alleged to be forfeitable in the indictment of that individual.

"(f) DEFINITIONS.—In this section—

"(1) the term 'accepted', relating to a plea of guilty or nolo contendere, means that a court has determined, under rule 11(b) of the Federal Rules of Criminal Procedure, that the plea is voluntary and supported by a factual basis, regardless of whether final acceptance of that plea may have been deferred pending review of a presentence report or otherwise;

"(2) the term 'announced', relating to a sentence, means that the sentence has been orally stated in open court;

"(3) the term 'convicted' refers to a defendant—

"(A) whose plea of guilty or nolo contendere has been accepted; or

"(B) against whom a verdict of guilty has been returned;

"(4) the term 'direct appeal' means an appeal filed, within the period provided by rule 4(b) of the Federal Rules of Appellate Procedure, from the entry of the judgment or order of restitution, including review by the Supreme Court of the United States; and

"(5) the term 'returned', relating to a verdict, means that the verdict has been orally stated in open court.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 227 of title 18, United States Code, is amended by adding at the end the following:

"3560. Effect of death of a defendant in Federal criminal proceedings.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to any criminal case or appeal pending on or after July 1, 2007.

SEC. 4. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this Act, the amendments made by this Act, and the application of such provisions or amendments to any person or circumstance shall not be affected.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 150. A bill to amend the safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing legislation that would order EPA to promptly establish a health advisory and then a drinking water standard for perchlorate. I am pleased that the Senior Senator from California, Mrs. FEINSTEIN, and the Senior Senator from New Jersey, Mr. LAUTENBERG, have joined as original cosponsors of this measure.

This legislation will require the U.S. Environmental Protection Agency (EPA) to establish a standard for perchlorate contamination in drinking water supplies by December 31, 2007. EPA still has not committed to establishing a tap water standard for this widespread contaminant, decades after learning that perchlorate is a problem in our drinking water.

Perchlorate is a clear and present danger to California's and much of America's health. We cannot wait any longer to address this threat. EPA needs to get moving and protect our drinking water now.

Drinking water sources for more than 20 million Americans are contaminated with perchlorate. Perchlorate is the main ingredient in rocket fuel, which accounts for 90 percent of its use. Perchlorate is also used for ammunition, fireworks, highway safety flares, air bags, and fertilizers. It dissolves readily in many liquids, including water, and moves easily and quickly through the ground.

Perchlorate was first discovered in drinking water in 1957, and at the latest in the mid-1980s, EPA was aware that perchlorate contaminates drinking water. Since 1997, when California developed a new, more sensitive testing method that can detect perchlorate down to 4 parts per billion, perchlorate has been found in soil, groundwater, and surface water throughout the U.S.

According to a May 2005 report from the Government Accountability Office, perchlorate contamination has been detected in water and soil at almost 400 sites in the U.S., with levels ranging from 4 parts per billion to millions of parts per billion.

GAO also said that limited EPA data show that perchlorate has polluted 35 States and the District of Columbia, and is known to have contaminated 153 public water systems in 26 States. Those data likely underestimate total exposure, as illustrated by the finding of the California Department of Health Services that perchlorate contamination has affected at least 276 drinking water wells sources and 77 drinking water systems in California alone.

The Food and Drug Administration and other scientific researchers have detected perchlorate in the United States food supply, including in lettuce, milk, cucumbers, tomatoes, carrots, cantaloupe, wheat, and spinach, and in human breast milk.

Perchlorate can harm human health, especially in pregnant women and children, by interfering with thyroid gland, which is needed to produce important hormones that help control human health and development. The thyroid helps to ensure children's proper mental and physical development, in addition to helping to control metabolism. Thyroid problems in expectant mothers or infants can affect babies, and result in delayed development and decreased learning capability.

The largest and most comprehensive study to date on the effects of low levels of perchlorate exposure in women was recently published by researchers from the Centers for Disease Control and Prevention (CDC). CDC found that there were significant changes in thyroid hormones in women with low iodine levels who were exposed to perchlorate. The CDC researchers also found that even small increases in low-level perchlorate exposure may affect the thyroid's production of hormones in iodine deficient women. About 36 percent of women in the U.S. have iodine levels equal to or below those of the women in the study.

EPA has not established a health advisory or national primary drinking water regulation for perchlorate. Instead, the agency has established a "Drinking Water Equivalent Level" (DWEL) of 24.5 parts per billion for this toxin. The agency's DWEL does not take into consideration all routes of exposure to perchlorate, and has been criticized by experts for failing to sufficiently consider the body weight, unique exposure, and vulnerabilities of certain pregnant women and fetuses, infants, and children. It is based primarily upon a small human study by Greer et al., which tested a small number of adults. The DWEL also does not take into account the new much larger studies from CDC, and other data indicating potential effects at lower perchlorate levels than previously found.

Alarming levels of perchlorate have been discovered in Lake Mead and the Colorado River, the drinking water source for millions of Southern Californians. Communities in the Inland Empire, San Gabriel Valley, Santa Clara Valley, and the Sacramento area are also grappling with perchlorate contamination.

My bill will ensure that EPA acts swiftly to address this threat to our health and welfare. I look forward to working with my colleagues to pass this important piece of legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Pregnant Women and Children From Perchlorate Act of 2007".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) perchlorate—

(A) is a chemical used as the primary ingredient of solid rocket propellant;

(B) is also used in fireworks, road flares, and other applications.

(2) waste from the manufacture and improper disposal of chemicals containing perchlorate is increasingly being discovered in soil and water;

(3) according to the Government Accountability Office, perchlorate contamination has been detected in water and soil at almost 400 sites in the United States, with concentration levels ranging from 4 parts per billion to millions of parts per billion;

(4) the Government Accountability Office has determined that the Environmental Protection Agency does not centrally track or monitor perchlorate detections or the status of perchlorate cleanup, so a greater number of contaminated sites may already exist;

(5) according to the Government Accountability Office, limited Environmental Protection Agency data show that perchlorate has been found in 35 States and the District of Columbia and is known to have contaminated 153 public water systems in 26 States;

(6) those data are likely underestimates of total drinking water exposure, as illustrated by the finding of the California Department of Health Services that perchlorate contamination sites have affected approximately 276 drinking water sources and 77 drinking water systems in the State of California alone;

(7) Food and Drug Administration scientists and other scientific researchers have detected perchlorate in the United States food supply, including in lettuce, milk, cucumbers, tomatoes, carrots, cantaloupe, wheat, and spinach, and in human breast milk;

(8)(A) perchlorate can harm human health, especially in pregnant women and children, by interfering with uptake of iodide by the thyroid gland, which is necessary to produce important hormones that help control human health and development;

(B) in adults, the thyroid helps to regulate metabolism;

(C) in children, the thyroid helps to ensure proper mental and physical development; and

(D) impairment of thyroid function in expectant mothers or infants may result in effects including delayed development and decreased learning capability;

(9)(A) in October 2006, researchers from the Centers for Disease Control and Prevention published the largest, most comprehensive study to date on the effects of low levels of perchlorate exposure in women, finding that—

(i) significant changes existed in thyroid hormones in women with low iodine levels who were exposed to perchlorate; and

(ii) even low-level perchlorate exposure may affect the production of hormones by the thyroid in iodine-deficient women; and

(B) in the United States, about 36 percent of women have iodine levels equivalent to or below the levels of the women in the study described in subparagraph (A); and

(10) the Environmental Protection Agency has not established a health advisory or national primary drinking water regulation for perchlorate, but instead established a "Drinking Water Equivalent Level" of 24.5 parts per billion for perchlorate, which—

(A) does not take into consideration all routes of exposure to perchlorate;

(B) has been criticized by experts as failing to sufficiently consider the body weight, unique exposure, and vulnerabilities of certain pregnant women and fetuses, infants, and children; and

(C) is based primarily on a small study and does not take into account new, larger studies of the Centers for Disease Control and Prevention or other data indicating potential effects at lower perchlorate levels than previously found.

(b) PURPOSES.—The purposes of this Act are—

(1) to require the Administrator of the Environmental Protection Agency to establish, by not later than 90 days after the date of enactment of this Act, a health advisory for perchlorate in drinking water that fully protects pregnant women, fetuses, infants, and children, taking into consideration body weight and exposure patterns and all routes of exposure to perchlorate; and

(2) to require the Administrator of the Environmental Protection Agency to establish promptly a national primary drinking water regulation for perchlorate that fully protects pregnant women, fetuses, infants, and children, taking into consideration body weight and exposure patterns and all routes of exposure to perchlorate.

SEC. 3. HEALTH ADVISORY AND NATIONAL PRIMARY DRINKING WATER REGULATION FOR PERCHLORATE.

Section 1412(b)(12) of the Safe Drinking Water Act (42 U.S.C. 300g-1(b)(12)) is amended by adding at the end the following:

"(C) PERCHLORATE.—

"(i) SCHEDULE, HEALTH ADVISORY, AND STANDARD.—Notwithstanding any other provision of this section, the Administrator shall publish a health advisory and promulgate a national primary drinking water regulation for perchlorate, in accordance with the schedule and provisions established by this subparagraph, that fully protect, with an adequate margin of safety, the health of vulnerable persons (including pregnant women, fetuses, infants, and children), taking into consideration body weight, exposure patterns, and all routes of exposure.

"(ii) HEALTH ADVISORY.—Not later than 90 days after the date of enactment of this subparagraph, the Administrator shall publish a health advisory for perchlorate in accordance with clause (i).

"(iii) PROPOSED REGULATIONS.—Not later than August 1, 2007, the Administrator shall propose a national primary drinking water regulation for perchlorate in accordance with clause (i).

"(iv) FINAL REGULATIONS.—Not later than December 31, 2007, after providing notice and an opportunity for public comment, the Administrator shall promulgate a national primary drinking water regulation for perchlorate in accordance with clause (i).".

By Mrs. BOXER:

S. 152. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help States expand the educational system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I rise to reintroduce the Early Education Act. This bill will enable children across our nation to be prepared with the initial skills and abilities to successfully begin their education.

I strongly believe that there should be a national commitment to establish that all children have access to high quality prekindergarten programs. This bill is a step forward in making that possible.

Of the nearly 8 million and 3- and 4-year-olds that could be in early education, fewer than half are enrolled in an early education program. In my State of California alone, just 65 percent of 4-year-olds are in preschool.

The result is that too many children come to school ill-prepared to learn. They lack language and social skills. Almost all experts now agree that an early education experience is one of the most effective strategies for improving later school performance.

Researchers have discovered that children have a learning capacity that can and should be developed at a much earlier age than was previously thought. The National Research Council reported that prekindergarten educational opportunities are critical in developing early language and literacy skills and preventing reading difficulties in young children.

Furthermore, studies have shown that children who participate in prekindergarten programs are less likely to be held back a grade, show greater learning retention and initiative, have better social skills, are more enthusiastic about school, and are more likely to have good attendance records.

In fact, prekindergarten programs pay for themselves in long-term benefits. It is estimated that for every dollar invested in early education, about $7 are saved in later costs.

My bill, the Early Education Act, would create a program in at least 10 States to provide one year of prekindergarten early education in the public schools. There is a 50 percent matching requilement, and the $300 million authorized annually under this bill would be used by States to supplement—not supplant—other Federal, State or local funds. This bill would serve approximately 136,000 children.

Our children need a solid foundation that builds on current education system by providing them with early learning skills. I urge my colleagues to support this legislation.

By Mrs. BOXER:

S. 153. A bill to provide for the monitoring of the long-term medical health of firefighters who responded to emergencies in certain disaster areas and for the treatment of such firefighters; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I introduce the Healthy Firefighters Act, an important bill that would protect the firefighters who respond to emergencies. The bill is inspired by the brave firefighters from the San Jacinto Ranger District, who responded to the Esperanza Incident wildfire in southern California in October of 2006.

We rely on firefighters to protect us when disaster strikes, and they selflessly place themselves in danger to provide that protection. One danger they face in the course of performing their duties is exposure to toxins—including fine particulates, carbon monoxide, sulfur, formaldehyde, mercury, heavy metals, and benzene—that can have a significant negative effect on their health.

We owe it to this country's brave firefighters to minimize their sacrifice for our safety, to the greatest extent possible. My bill would require the U.S. Fire Administrator to contract with a medical research university to conduct long-term medical health monitoring of firefighters who responded to emergencies in any areas declared a disaster by the Federal Government, and provide healthcare for those firefighters who suffer health problems as a consequence of their work in those disaster areas. Pulmonary illness, neurological damage, and cardiovascular damage are examples of illnesses for which firefighters would be monitored and treated under this bill.

I urge my colleagues to consider and pass this bill to benefit firefighters, who are among this country's most heroic citizens.

By Mr. BUNNING (for himself, Mr. OBAMA, Mr. LUGAR, Mr. PRYOR, Ms. MURKOWSKI, Mr. BOND, Mr. THOMAS, Mr. MARTINEZ, Mr. ENZI, Ms. LANDRIEU, and Mr. CRAIG):

S. 154. A bill to promote coal-to-liquid fuel activities; to the Committee on Energy and Natural Resources.

Mr. BUNNING. Mr. President, I rise today to introduce the Coal-to-Liquid Fuel Promotion Act of 2007.

For too long, America has ignored its energy security. Many of us can remember the energy crises of the 1970s. We were held ransom by a monopolistic oil cartel and forced to endure shortages, gas lines, and high prices. In the early 1980s, just as America began to invest in alternative fuels, the oil-producing states of the world crashed prices to make new technology uncompetitive.

During most of the last 25 years, we have enjoyed low prices and plentiful supply, but we have paid a price. Today, we find America is addicted to oil.

Since September 11, we have seen the fragile state of our energy markets. Domestic disasters and terrorism can send energy prices spiraling out of control. Our energy resources are stretched to the limits, and small supply disruptions ripple through the entire economy. America needs a secure domestic source to ease our dependency on imported oil.

That is why today I am reintroducing my bill, the Coal-to-Liquid Fuel Promotion Act with the current Presiding Officer, Senator OBAMA of Illinois. I have worked with the coal and fuel industries, the Department of Defense, and environmental groups to identify the needs of the coal-to-liquid industry and the best way for the Government to support the coal-to-liquid development.

Coal has long been America's most abundant fuel resource and has driven our economic growth since the industrial revolution. In the coal-to-liquid process, coal is gasified, the gas is run through the FischerTropsch process, and the resulting fuel is refined into jet fuel and diesel fuel. The final product is cleaner than conventional fuels because nearly all of the sulfur and nitrogen is removed.

While this technology is just taking root in America, South Africa meets 30 percent of its fuel needs with coal. CTL technology lets America capitalize on a domestic resource that will fuel economic growth and produce the energy security required in today's world. Many of my colleagues may ask one question right now: If this technology is so great and could replace expensive imports from the Middle East, why hasn't it been done already? The answer is simple: costs and market uncertainty.

A typical size CTL plant costs more than $2 billion to construct. With complicated plans and environmental permits, a new plant could take 5 to 8 years to build. This is a challenge for even the biggest risk-takers on Wall Street. Raising the capital needed to develop a new technology is always difficult, but the multibillion dollar investment scale of a CTL plant has made it nearly impossible.

On top of this is the uncertainty of the price of oil. America has seen oil prices rise dramatically in the last few years. But investors are concerned that oil prices could drop to the low levels of the 1980s and make CTL plants uncompetitive again. I believe oil prices will stay above the price range that keeps CTL profitable, which is estimated to be between $40 and $50 per barrel. But even if oil prices were to drop that low in the next few decades, I believe CTL would more than pay for itself by insulating us from supply shocks and providing a secure domestic fuel supply for the military, businesses such as airlines and trucking, and the average American's car.

The Federal Government must act to help industry overcome these hurdles. This legislation will provide a combination of incentives to create a network of coal-to-liquid production in the United States.

The Coal-to-Liquid Fuel Promotion Act of 2007 has three parts. First, this bill addresses the need to pull together the investors and the billions of dollars required to build a CTL plant. It expands and enhances the Department of Energy's loan guarantee program included in the Energy Policy Act we passed in 2005. It expressly authorizes DOE to administer loan guarantees for the Nation's first CTL plants. These plants must be large scale, which is a minimum production of 10,000 barrels a day of liquid fuel. This program is only for the first 10 commercial plants. By then, we should have proven the economics of this technology and no further incentives will be needed.

It also provides a new program of matching loans. The loans are capped at $20 million and must be matched dollar-for-dollar by non-Federal money. They must be repaid as soon as the plants are financed.

Second, this legislation would fundamentally alter the economics of CTL plants during and after construction. It expands the investment tax credits and expensing provisions enacted in the Energy Policy Act of 2005. It increases the 20-percent tax credit for CTL plants to a maximum of $200 million for each of the first 10 CTL plants. It also extends the expiring exploration of the fuel excise tax credits for CTL from 2009 to 2020. The current provisions will expire long before the first CTL plant is even operational. This extension will provide a meaningful timeframe for CTL plants to benefit from the same tax incentives we offer renewable and hydrogen fuels.

This bill also provides an incentive for CTL plants to capture carbon emissions. We can use CO_2 to produce oil in depleted wells or extract coalbed methane.

Third, this bill provides the Department of Defense the funding to purchase, test, and integrate CTL fuels into the military. In the last few months, the Air Force has successfully tested CTL fuels in B-52 bombers. These tests are proving to the DOD and to industry that CTL fuels are as safe and reliable as the fuels produced today.

This legislation also instructs the DOD to conduct a study on CTL fuel storage and its inclusion in the Strategic Petroleum Reserve.

It authorizes the construction of storage facilities for CTL fuel and allows the Strategic Petroleum Reserve to hold up to 20 percent of its stock in the form of CTL-finished fuels.

By combining the abilities of the Department of Energy and the Department of Defense with incentives in the Tax Code, I am confident this legislation will help Kentucky, and America, become the world leaders in coal-to-liquid fuel promotion. This coal-to-liquid fuel legislation made headlines during the summer of 2006 when gas prices were at a near record high. Yet when prices fell, the pressure to pass this legislation also decreased. We have been very lucky that a mild winter has held down demand. We will not always be this lucky.

No matter what energy prices are, America needs a domestic source of fuel. This year alone we will send $250 billion to foreign countries, mostly in the Middle East, just to buy oil. Imagine what we could have done here at home with trillions of dollars we have spent on oil in the last few decades.

There is no room for politics in energy security. In the 110th Congress, Senator Obama and I will work hard with all of our colleagues to pass this important legislation. I especially look forward to working with my new chairman in the Energy Committee, Senator Bingaman, and my ranking member, Senator Domenici, on this important bill.

I now send to the desk the Coal-to-Liquid Fuel Promotion Act of 2007 and the related Coal-to-Liquid Fuel Energy Act of 2007. I ask unanimous consent these two bills be printed with my remarks in the Record.

The PRESIDING OFFICER. without objection, the bills will be received and appropriately referred.

Mr. CONRAD. Mr. President, first I commend my colleague from Kentucky for his legislation. This is an area in which I have had a continuing interest as well. I salute him because one of the great challenges facing our Nation is to dramatically reduce our dependence on foreign energy. That is in our energy interest, it is in our economic interest, it is in our vital security interest. I commend my colleague from Kentucky for coming to the floor and offering his proposal on what we could do to make progress. I thank the Senator.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coal-to-Liquid Fuel Energy Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) Coal-to-liquid.—The term "coal-to-liquid" means—

(A) with respect to a process or technology, the use of a feedstock, the majority of which is the coal resources of the United States, using the class of reactions known as Fischer-Tropsch, to produce synthetic fuel suitable for transportation; and

(B) with respect to a facility, the portion of a facility related to producing the inputs to the Fischer-Tropsch process, the Fischer-Tropsch process, finished fuel production, or the capture, transportation, or sequestration of byproducts of the use of a feedstock that is primarily domestic coal at the Fischer-Tropsch facility, including carbon emissions.

(2) Secretary.—The term "Secretary" means the Secretary of Energy.

SEC. 3. COAL-TO-LIQUID FUEL LOAN GUARANTEE PROGRAM.

(a) Eligible Projects.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

"(11) Large-scale coal-to-liquid facilities (as defined in section 2 of the Coal-to-Liquid Fuel Energy Act of 2007) that use a feedstock, the majority of which is the coal resources of the United States, to produce not less than 10,000 barrels a day of liquid transportation fuel.".

(b) Authorization of Appropriations.—Section 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514) is amended by adding at the end the following:

"(c) Coal-to-Liquid Projects.—

"(1) In general.—There are authorized to be appropriated such sums as are necessary to provide the cost of guarantees for projects involving large-scale coal-to-liquid facilities under section 1703(b)(11).

"(2) Alternative funding.—If no appropriations are made available under paragraph (1), an eligible applicant may elect to provide payment to the Secretary, to be delivered if and at the time the application is approved, in the amount of the estimated cost of the loan guarantee to the Federal Government, as determined by the Secretary.

"(3) Limitations.—

"(A) In general.—No loan guarantees shall be provided under this title for projects described in paragraph (1) after (as determined by the Secretary)—

"(i) the tenth such loan guarantee is issued under this title; or

"(ii) production capacity covered by such loan guarantees reaches 100,000 barrels per day of coal-to-liquid fuel.

"(B) Individual projects.—

"(i) In general.—A loan guarantee may be provided under this title for any large-scale coal-to-liquid facility described in paragraph (1) that produces no more than 20,000 barrels of coal-to-liquid fuel per day.

"(ii) Non-federal funding requirement.—To be eligible for a loan guarantee under this title, a large-scale coal-to-liquid facility described in paragraph (1) that produces more than 20,000 barrels per day of coal-to-liquid fuel shall be eligible to receive a loan guarantee for the proportion of the cost of the facility that represents 20,000 barrels of coal-to-liquid fuel per day of production.

"(4) Requirements.—

"(A) Guidelines.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish guidelines for the coal-to-liquids loan guarantee application process.

"(B) Applications.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall begin to accept applications for coal-to-liquid loan guarantees under this subsection.

"(C) Deadline.—Not later than 1 year from the date of acceptance of an application under subparagraph (B), the Secretary shall evaluate the application and make final determinations under this subsection.

"(5) Reports to congress.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the status of the program under this subsection not later than each of—

"(A) 180 days after the date of enactment of this subsection;

"(B) 1 year after the date of enactment of this subsection; and

"(C) the dates on which the Secretary approves the first and fifth applications for coal-to-liquid loan guarantees under this subsection.".

SEC. 4. COAL-TO-LIQUID FACILITIES LOAN PROGRAM.

(a) Definition of Eligible Recipient.—In this section, the term "eligible recipient" means an individual, organization, or other entity that owns, operates, or plans to construct a coal-to-liquid facility that will produce at least 10,000 barrels per day of coal-to-liquid fuel.

(b) Establishment.—The Secretary shall establish a program under which the Secretary shall provide loans, in a total amount not to exceed $20,000,000, for use by eligible recipients to pay the Federal share of the cost of obtaining any services necessary for the planning, permitting, and construction of a coal-to-liquid facility.

(c) Application.—To be eligible to receive a loan under subsection (b), the eligible recipient shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) Non-Federal Match.—To be eligible to receive a loan under this section, an eligible recipient shall use non-Federal funds to provide a dollar-for-dollar match of the amount of the loan.

(e) Repayment of Loan.—

(1) In general.—To be eligible to receive a loan under this section, an eligible recipient shall agree to repay the original amount of the loan to the Secretary not later than 5 years after the date of the receipt of the loan.

(2) Source of funds.—Repayment of a loan under paragraph (1) may be made from any financing or assistance received for the construction of a coal-to-liquid facility described in subsection (a), including a loan guarantee provided under section 1703(b)(11) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)(11)).

(f) Requirements.—

(1) Guidelines.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish guidelines for the coal-to-liquids loan application process.

(2) Applications.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin to accept applications for coal-to-liquid loans under this section.

(g) Reports to Congress.—Not later than each of 180 days and 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the status of the program under this section.

(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

SEC. 5. LOCATION OF COAL-TO-LIQUID MANUFACTURING FACILITIES.

The Secretary, in coordination with the head of any affected agency, shall promulgate such regulations as the Secretary determines to be necessary to support the development on Federal land (including land of the Department of Energy, military bases, and military installations closed or realigned under the defense base closure and realignment) of coal-to-liquid manufacturing facilities and associated infrastructure, including the capture, transportation, or sequestration of carbon dioxide.

SEC. 6. STRATEGIC PETROLEUM RESERVE.

(a) Development, Operation, and Maintenance of Reserve.—Section 159 of the Energy Policy and Conservation Act (42 U.S.C. 6239) is amended—

(1) by redesignating subsections (f), (g), (j), (k), and (l) as subsections (a), (b), (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) (as redesignated by paragraph (1)) the following:

"(c) Study of Maintaining Coal-to-Liquid Products in Reserve.—Not later than 1 year after the date of enactment of the Coal-to-Liquid Fuel Energy Act of 2007, the Secretary and the Secretary of Defense shall—

"(1) conduct a study of the feasibility and suitability of maintaining coal-to-liquid products in the Reserve; and

"(2) submit to the Committee on Energy and Natural Resources and the Committee on Armed Services of the Senate and the Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives a report describing the results of the study.

"(d) Construction of Storage Facilities.—As soon as practicable after the date of enactment of the Coal-to-Liquid Fuel Energy Act of 2007, the Secretary may construct 1 or more storage facilities—

"(1) in the vicinity of pipeline infrastructure and at least 1 military base; but

(b) Petroleum Products for Storage in Reserve.—Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting a semicolon at the end;

(B) in paragraph (2), by striking "and" at the end;

(C) in paragraph (3), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(4) coal-to-liquid products (as defined in section 2 of the Coal-to-Liquid Fuel Energy Act of 2007), as the Secretary determines to be appropriate, in a quantity not to exceed 20 percent of the total quantity of petroleum and petroleum products in the Reserve.";

(2) in subsection (b), by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(3) by redesignating subsections (f) and (h) as subsections (d) and (e), respectively.

(c) Conforming Amendments.—Section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(B) in paragraph (2) (as redesignated by subparagraph (A)), by striking "section 160(f)" and inserting "section 160(e)"; and

(2) in subsection (d), in the matter preceding paragraph (1), by striking "section 160(f)" and inserting "section 160(e)".

SEC. 7. AUTHORIZATION TO CONDUCT RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION OF ASSURED DOMESTIC FUELS.

Of the amount authorized to be appropriated for the Air Force for research, development, testing, and evaluation, $10,000,000 may be made available for the Air Force Research Laboratory to continue support efforts to test, qualify, and procure synthetic fuels developed from coal for aviation jet use.

SEC. 8. COAL-TO-LIQUID LONG-TERM FUEL PROCUREMENT AND DEPARTMENT OF DEFENSE DEVELOPMENT.

Section 2398a of title 10, United States Code is amended—

(1) in subsection (b)—

(A) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary"; and

(B) by adding at the end the following:

"(2) Coal-to-liquid production facilities.—

"(A) In general.—The Secretary of Defense may enter into contracts or other agreements with private companies or other entities to develop and operate coal-to-liquid facilities (as defined in section 2 of the Coal-to-Liquid Fuel Energy Act of 2007) on or near military installations.

"(B) Considerations.—In entering into contracts and other agreements under subparagraph (A), the Secretary shall consider land availability, testing opportunities, and proximity to raw materials.";

(2) in subsection (d)—

(A) by striking "Subject to applicable provisions of law, any" and inserting "Any"; and

(B) by striking "1 or more years" and inserting "up to 25 years"; and

(3) by adding at the end the following:

"(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 9. REPORT ON EMISSIONS OF FISCHER-TROPSCH PRODUCTS USED AS TRANSPORTATION FUELS.

(a) In General.—In cooperation with the Administrator of the Environmental Protection Agency, the Secretary of Defense, the Administrator of the Federal Aviation Administration, and the Secretary of Health and Human Services, the Secretary shall—

(1) carry out a research and demonstration program to evaluate the emissions of the use of Fischer-Tropsch fuel for transportation, including diesel and jet fuel;

(2) evaluate the effect of using Fischer-Tropsch transportation fuel on land and air engine exhaust emissions; and

(3) in accordance with subsection (e), submit to Congress a report on the effect on air quality and public health of using Fischer-Tropsch fuel in the transportation sector.

(b) Guidance and Technical Support.—The Secretary shall issue any guidance or technical support documents necessary to facilitate the effective use of Fischer-Tropsch fuel and blends under this section.

(c) Facilities.—For the purpose of evaluating the emissions of Fischer-Tropsch transportation fuels, the Secretary shall—

(1) support the use and capital modification of existing facilities and the construction of new facilities at the research centers designated in section 417 of the Energy Policy Act of 2005 (42 U.S.C. 15977); and

(2) engage those research centers in the evaluation and preparation of the report required under subsection (a)(3).

(d) Requirements.—The program described in subsection (a)(1) shall consider—

(1) the use of neat (100 percent) Fischer-Tropsch fuel and blends of Fischer-Tropsch fuels with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(2) the production costs associated with domestic production of those fuels and prices for consumers.

(e) Reports.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(1) not later than 180 days after the date of enactment of this Act, an interim report on actions taken to carry out this section; and

(2) not later than 1 year after the date of enactment of this Act, a final report on actions taken to carry out this section.

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

By Mr. BUNNING (for himself, Mr. Obama, Mr. Lugar, Mr. Pryor, Ms. Murkowski, Mr. Bond, Mr. Thomas, Mr. Martinez, Mr. Enzi, Ms. Landrieu, and Mr. Craig):

S. 155. A bill to promote coal-to-liquid fuel activities; to the Committee on Finance.

Mr. BUNNING. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coal-to-Liquid Fuel Promotion Act of 2007".

TITLE I—COAL-TO-LIQUID FUEL ACTIVITIES

SEC. 101. DEFINITIONS.

In this title:

(1) Coal-to-liquid.—The term "coal-to-liquid" means—

(A) with respect to a process or technology, the use of a feedstock, the majority of which is the coal resources of the United States, using the class of reactions known as Fischer-Tropsch, to produce synthetic fuel suitable for transportation; and

(B) with respect to a facility, the portion of a facility related to producing the inputs to the Fischer-Tropsch process, the Fischer-Tropsch process, finished fuel production, or the capture, transportation, or sequestration of byproducts of the use of a feedstock that is primarily domestic coal at the Fischer-Tropsch facility, including carbon emissions.

(2) Secretary.—The term "Secretary" means the Secretary of Energy.

SEC. 102. COAL-TO-LIQUID FUEL LOAN GUARANTEE PROGRAM.

(a) Eligible Projects.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

"(11) Large-scale coal-to-liquid facilities (as defined in section 101 of the Coal-to-Liquid Fuel Promotion Act of 2007) that use a feedstock, the majority of which is the coal resources of the United States, to produce not less than 10,000 barrels a day of liquid transportation fuel.".

(b) Authorization of Appropriations.—Section 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514) is amended by adding at the end the following:

"(c) Coal-to-Liquid Projects.—

"(1) In general.—There are authorized to be appropriated such sums as are necessary to provide the cost of guarantees for projects involving large-scale coal-to-liquid facilities under section 1703(b)(11).

"(2) Alternative funding.—If no appropriations are made available under paragraph (1), an eligible applicant may elect to provide payment to the Secretary, to be delivered if and at the time the application is approved, in the amount of the estimated cost of the loan guarantee to the Federal Government, as determined by the Secretary.

"(3) LIMITATIONS.—

"(A) IN GENERAL.—No loan guarantees shall be provided under this title for projects described in paragraph (1) after (as determined by the Secretary)—

"(i) the tenth such loan guarantee is issued under this title; or

"(ii) production capacity covered by such loan guarantees reaches 100,000 barrels per day of coal-to-liquid fuel.

"(B) INDIVIDUAL PROJECTS.—

"(i) IN GENERAL.—A loan guarantee may be provided under this title for any large-scale coal-to-liquid facility described in paragraph (1) that produces no more than 20,000 barrels of coal-to-liquid fuel per day.

"(ii) NON-FEDERAL FUNDING REQUIREMENT.—To be eligible for a loan guarantee under this title, a large-scale coal-to-liquid facility described in paragraph (1) that produces more than 20,000 barrels per day of coal-to-liquid fuel shall be eligible to receive a loan guarantee for the proportion of the cost of the facility that represents 20,000 barrels of coal-to-liquid fuel per day of production.

"(4) REQUIREMENTS.—

"(A) GUIDELINES.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish guidelines for the coal-to-liquids loan guarantee application process.

"(B) APPLICATIONS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall begin to accept applications for coal-to-liquid loan guarantees under this subsection.

"(C) DEADLINE.—Not later than 1 year from the date of acceptance of an application under subparagraph (B), the Secretary shall evaluate the application and make final determinations under this subsection.

"(5) REPORTS TO CONGRESS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the status of the program under this subsection not later than each of—

"(A) 180 days after the date of enactment of this subsection;

"(B) 1 year after the date of enactment of this subsection; and

"(C) the dates on which the Secretary approves the first and fifth applications for coal-to-liquid loan guarantees under this subsection.".

SEC. 103. COAL-TO-LIQUID FACILITIES LOAN PROGRAM.

(a) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term "eligible recipient" means an individual, organization, or other entity that owns, operates, or plans to construct a coal-to-liquid facility that will produce at least 10,000 barrels per day of coal-to-liquid fuel.

(b) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide loans, in a total amount not to exceed $20,000,000, for use by eligible recipients to pay the Federal share of the cost of obtaining any services necessary for the planning, permitting, and construction of a coal-to-liquid facility.

(c) APPLICATION.—To be eligible to receive a loan under subsection (b), the eligible recipient shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) NON-FEDERAL MATCH.—To be eligible to receive a loan under this section, an eligible recipient shall use non-Federal funds to provide a dollar-for-dollar match of the amount of the loan.

(e) REPAYMENT OF LOAN.—

(1) IN GENERAL.—To be eligible to receive a loan under this section, an eligible recipient shall agree to repay the original amount of the loan to the Secretary not later than 5 years after the date of the receipt of the loan.

(2) SOURCE OF FUNDS.—Repayment of a loan under paragraph (1) may be made from any financing or assistance received for the construction of a coal-to-liquid facility described in subsection (a), including a loan guarantee provided under section 1703(b)(11) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)(11)).

(f) REQUIREMENTS.—

(1) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish guidelines for the coal-to-liquids loan application process.

(2) APPLICATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin to accept applications for coal-to-liquid loans under this section.

(g) REPORTS TO CONGRESS.—Not later than each of 180 days and 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the status of the program under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

SEC. 104. LOCATION OF COAL-TO-LIQUID MANUFACTURING FACILITIES.

The Secretary, in coordination with the head of any affected agency, shall promulgate such regulations as the Secretary determines to be necessary to support the development on Federal land (including land of the Department of Energy, military bases, and military installations closed or realigned under the defense base closure and realignment) of coal-to-liquid manufacturing facilities and associated infrastructure, including the capture, transportation, or sequestration of carbon dioxide.

SEC. 105. STRATEGIC PETROLEUM RESERVE.

(a) DEVELOPMENT, OPERATION, AND MAINTENANCE OF RESERVE.—Section 159 of the Energy Policy and Conservation Act (42 U.S.C. 6239) is amended—

(1) by redesignating subsections (f), (g), (j), (k), and (l) as subsections (a), (b), (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) (as redesignated by paragraph (1)) the following:

"(c) STUDY OF MAINTAINING COAL-TO-LIQUID PRODUCTS IN RESERVE.—Not later than 1 year after the date of enactment of the Coal-to-Liquid Fuel Promotion Act of 2007, the Secretary and the Secretary of Defense shall—

"(1) conduct a study of the feasibility and suitability of maintaining coal-to-liquid products in the Reserve; and

"(2) submit to the Committee on Energy and Natural Resources and the Committee on Armed Services of the Senate and the Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives a report describing the results of the study.

"(d) CONSTRUCTION OF STORAGE FACILITIES.—As soon as practicable after the date of enactment of the Coal-to-Liquid Fuel Promotion Act of 2007, the Secretary may construct 1 or more storage facilities in the vicinity of pipeline infrastructure and at least 1 military base.".

(b) PETROLEUM PRODUCTS FOR STORAGE IN RESERVE.—Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting a semicolon at the end;

(B) in paragraph (2), by striking "and" at the end;

(C) in paragraph (3), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(4) coal-to-liquid products (as defined in section 101 of the Coal-to-Liquid Fuel Promotion Act of 2007), as the Secretary determines to be appropriate, in a quantity not to exceed 20 percent of the total quantity of petroleum and petroleum products in the Reserve.";

(2) in subsection (b), by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(3) by redesignating subsections (f) and (h) as subsections (d) and (e), respectively.

(c) CONFORMING AMENDMENTS.—Section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(B) in paragraph (2) (as redesignated by subparagraph (A)), by striking "section 160(f)" and inserting "section 160(e)"; and

(2) in subsection (d), in the matter preceding paragraph (1), by striking "section 160(f)" and inserting "section 160(e)".

SEC. 106. AUTHORIZATION TO CONDUCT RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION OF ASSURED DOMESTIC FUELS.

Of the amount authorized to be appropriated for the Air Force for research, development, testing, and evaluation, $10,000,000 may be made available for the Air Force Research Laboratory to continue support efforts to test, qualify, and procure synthetic fuels developed from coal for aviation jet use.

SEC. 107. COAL-TO-LIQUID LONG-TERM FUEL PROCUREMENT AND DEPARTMENT OF DEFENSE DEVELOPMENT.

Section 2398a of title 10, United States Code is amended—

(1) in subsection (b)—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) COAL-TO-LIQUID PRODUCTION FACILITIES.—

"(A) IN GENERAL.—The Secretary of Defense may enter into contracts or other agreements with private companies or other entities to develop and operate coal-to-liquid facilities (as defined in section 101 of the Coal-to-Liquid Fuel Promotion Act of 2007) on or near military installations.

"(B) CONSIDERATIONS.—In entering into contracts and other agreements under subparagraph (A), the Secretary shall consider land availability, testing opportunities, and proximity to raw materials.";

(2) in subsection (d)—

(A) by striking "Subject to applicable provisions of law, any" and inserting "Any"; and

(B) by striking "1 or more years" and inserting "up to 25 years"; and

(3) by adding at the end the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 108. REPORT ON EMISSIONS OF FISCHER-TROPSCH PRODUCTS USED AS TRANSPORTATION FUELS.

(a) IN GENERAL.—In cooperation with the Administrator of the Environmental Protection Agency, the Secretary of Defense, the Administrator of the Federal Aviation Administration, and the Secretary of Health and Human Services, the Secretary shall—

(1) carry out a research and demonstration program to evaluate the emissions of the use of Fischer-Tropsch fuel for transportation, including diesel and jet fuel;

(2) evaluate the effect of using Fischer-Tropsch transportation fuel on land and air engine exhaust emissions; and

(3) in accordance with subsection (e), submit to Congress a report on the effect on air quality and public health of using Fischer-Tropsch fuel in the transportation sector.

(b) GUIDANCE AND TECHNICAL SUPPORT.—The Secretary shall issue any guidance or technical support documents necessary to facilitate the effective use of Fischer-Tropsch fuel and blends under this section.

(c) FACILITIES.—For the purpose of evaluating the emissions of Fischer-Tropsch transportation fuels, the Secretary shall—

(1) support the use and capital modification of existing facilities and the construction of new facilities at the research centers designated in section 417 of the Energy Policy Act of 2005 (42 U.S.C. 15977); and

(2) engage those research centers in the evaluation and preparation of the report required under subsection (a)(3).

(d) REQUIREMENTS.—The program described in subsection (a)(1) shall consider—

(1) the use of neat (100 percent) Fischer-Tropsch fuel and blends of Fischer-Tropsch fuels with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(2) the production costs associated with domestic production of those fuels and prices for consumers.

(e) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(1) not later than 180 days after the date of enactment of this Act, an interim report on actions taken to carry out this section; and

(2) not later than 1 year after the date of enactment of this Act, a final report on actions taken to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

SEC. 201. CREDIT FOR INVESTMENT IN COAL-TO-LIQUID FUELS PROJECTS.

(a) IN GENERAL.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of credit) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) the qualifying coal-to-liquid fuels project credit.".

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48B the following new section:

"SEC. 48C. QUALIFYING COAL-TO-LIQUID FUELS PROJECT CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the qualifying coal-to-liquid fuels project credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

"(b) QUALIFIED INVESTMENT.— .

"(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of property placed in service by the taxpayer during such taxable year which is part of a qualifying coal-to-liquid fuels project—

"(A)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

"(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

"(2) APPLICABLE RULES.—For purposes of this section, rules similar to the rules of subsection (a)(4) and (b) of section 48 shall apply.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFYING COAL-TO-LIQUID FUELS PROJECT.—The term 'qualifying coal-to-liquid fuels project' means any domestic project which—

"(A) employs the class of reactions known as Fischer-Tropsch to produce at least 10,000 barrels per day of transportation grade liquid fuels from a feedstock that is primarily domestic coal (including any property which allows for the capture, transportation, or sequestration of by-products resulting from such process, including carbon emissions), and

"(B) any portion of the qualified investment in which is certified under the qualifying coal-to-liquid program as eligible for credit under this section in an amount (not to exceed $200,000,000) determined by the Secretary.

"(2) COAL.—The term 'coal' means any carbonized or semicarbonized matter, including peat.

"(d) QUALIFYING COAL-TO-LIQUID FUELS PROJECT PROGRAM.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish a qualifying coal-to-liquid fuels project program to consider and award certifications for qualified investment eligible for credits under this section to 10 qualifying coal-to-liquid fuels project sponsors under this section. The total qualified investment which may be awarded eligibility for credit under the program shall not exceed $2,000,000,000.

"(2) PERIOD OF ISSUANCE.—A certificate of eligibility under paragraph (1) may be issued only during the 10-fiscal year period beginning on October 1, 2007.

"(3) SELECTION CRITERIA.—The Secretary shall not make a competitive certification award for qualified investment for credit eligibility under this section unless the recipient has documented to the satisfaction of the Secretary that—

"(A) the proposal of the award recipient is financially viable,

"(B) the recipient will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is spent efficiently and effectively,

"(C) the fuels identified with respect to the gasification technology for such project will comprise at least 90 percent of the fuels required by the project for the production of transportation grade liquid fuels,

"(D) the award recipient's project team is competent in the planning and construction of coal gasification facilities and familiar with operation of the Fischer-Tropsch process, with preference given to those recipients with experience which demonstrates successful and reliable operations of such process, and

"(E) the award recipient has met other criteria established and published by the Secretary.

"(e) DENIAL OF DOUBLE BENEFIT.—No deduction or other credit shall be allowed with respect to the basis of any property taken into account in determining the credit allowed under this section.".

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding after clause (iv) the following new clause:

"(v) the basis of any property which is part of a qualifying coal-to-liquid fuels project under section 48C.".

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48B the following new item:

"48C. Qualifying coal-to-liquid fuels project credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 202. TEMPORARY EXPENSING FOR EQUIPMENT USED IN COAL-TO-LIQUID FUELS PROCESS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 179D the following new section:

"SEC. 179E. ELECTION TO EXPENSE CERTAIN COAL-TO-LIQUID FUELS FACILITIES.

"(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the cost of any qualified coal-to-liquid fuels process property as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the expense is incurred.

"(b) ELECTION.—

"(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

"(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

"(c) QUALIFIED COAL-TO-LIQUID FUELS PROCESS PROPERTY.—The term 'qualified coal-to-liquid fuels process property' means any property located in the United States—

"(1) which employs the Fischer-Tropsch process to produce transportation grade liquid fuels from a feedstock that is primarily domestic coal (including any property which allows for the capture, transportation, or sequestration of by-products resulting from such process, including carbon emissions),

"(2) the original use of which commences with the taxpayer,

"(3) the construction of which—

"(A) except as provided in subparagraph (B), is subject to a binding construction contract entered into after the date of the enactment of this section and before January 1, 2011, but only if there was no written binding construction contract entered into on or before such date of enactment, or

"(B) in the case of self-constructed property, began after the date of the enactment of this section and before January 1, 2011, and

"(4) which is placed in service by the taxpayer after the date of the enactment of this section and before January 1, 2016.

"(d) Election to Allocate Deduction to Cooperative Owner.—If—

"(1) a taxpayer to which subsection (a) applies is an organization to which part I of subchapter T applies, and

"(2) one or more persons directly holding an ownership interest in the taxpayer are organizations to which part I of subchapter T apply,

the taxpayer may elect to allocate all or a portion of the deduction allowable under subsection (a) to such persons. Such allocation shall be equal to the person's ratable share of the total amount allocated, determined on the basis of the person's ownership interest in the taxpayer. The taxable income of the taxpayer shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.

"(e) Basis Reduction.—

"(1) In general.—For purposes of this title, if a deduction is allowed under this section with respect to any qualified coal-to-liquid fuels process property, the basis of such property shall be reduced by the amount of the deduction so allowed.

"(2) Ordinary income recapture.—For purposes of section 1245, the amount of the deduction allowable under subsection (a) with respect to any property which is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.

"(f) Application With Other Deductions and Credits.—

"(1) Other deductions.—No deduction shall be allowed under any other provision of this chapter with respect to any expenditure with respect to which a deduction is allowed under subsection (a) to the taxpayer.

"(2) Credits.—No credit shall be allowed under section 38 with respect to any amount for which a deduction is allowed under subsection (a).

"(g) Reporting.—No deduction shall be allowed under subsection (a) to any taxpayer for any taxable year unless such taxpayer files with the Secretary a report containing such information with respect to the operation of the property of the taxpayer as the Secretary shall require.".

(b) Conforming Amendments.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 179E(e)(1).".

(2) Section 1245(a) of such Code is amended by inserting "179E," after "179D," both places it appears in paragraphs (2)(C) and (3)(C).

(3) Section 263(a)(1) of such Code is amended by striking "or" at the end of subparagraph (J), by striking the period at the end of subparagraph (K) and inserting ", or", and by inserting after subparagraph (K) the following new subparagraph:

"(L) expenditures for which a deduction is allowed under section 179E.".

(4) Section 312(k)(3)(B) of such Code is amended by striking "or 179D" each place it appears in the heading and text and inserting "179D, or 179E".

(5) The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 179D the following new item:

"Sec. 179E. Election to expense certain coal-to-liquid fuels facilities.".

(c) Effective Date.—The amendments made by this section shall apply to properties placed in service after the date of the enactment of this Act.

SEC. 203. EXTENSION OF ALTERNATIVE FUEL CREDIT FOR FUEL DERIVED FROM COAL THROUGH THE FISCHER-TROPSCH PROCESS.

(a) Alternative Fuel Credit.—Paragraph (4) of section 6426(d) of the Internal Revenue Code of 1986 is amended to read as follows:

"(4) Termination.—This subsection shall not apply to—

"(A) any sale or use involving liquid fuel derived from a feedstock that is primarily domestic coal (including peat) through the Fischer-Tropsch process for any period after September 30, 2020,

"(B) any sale or use involving liquified hydrogen for any period after September 30, 2014, and

"(C) any other sale or use for any period after September 30, 2009.".

(b) Payments.—

(1) In general.—Paragraph (5) of section 6427(e) of the Internal Revenue Code of 1986 is amended by striking "and" and the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) any alternative fuel or alternative fuel mixture (as so defined) involving liquid fuel derived from coal (including peat) through the Fischer-Tropsch process sold or used after September 30, 2020.".

(2) Conforming amendment.—Section 6427(e)(5)(C) of such Code is amended by striking "subparagraph (D)" and inserting "subparagraphs (D) and (E)".

SEC. 204. MODIFICATIONS TO ENHANCED OIL RECOVERY CREDIT.

(a) Enhanced Credit for Carbon Dioxide Injections.—Section 43 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(f) Enhanced Credit for Projects Using Qualified Carbon Dioxide.—

"(1) In general.—For purposes of this section—

"(A) the term 'qualified project' includes a project described in paragraph (2), and

"(B) in the case of a project described in paragraph (2), subsection (a) shall be applied by substituting '50 percent' for '15 percent'.

"(2) Projects described.—A project is described in this paragraph if it begins or is substantially expanded after December 31, 2007, and

"(A) uses qualified carbon dioxide in an enhanced oil, natural gas, or coalbed methane recovery method, which involves flooding or injection, or

"(B) enables the capture or sequestration of qualified carbon dioxide.

"(3) Definitions.—For purposes of this subsection—

"(A) Enhanced oil recovery.—The term 'enhanced oil recovery' means recovery of oil by injecting or flooding with qualified carbon dioxide.

"(B) Enhanced natural gas recovery.—The term 'enhanced natural gas recovery' means recovery of natural gas by injecting or flooding with qualified carbon dioxide.

"(C) Enhanced coalbed methane recovery.—The term 'enhanced coalbed methane recovery' means recovery of coalbed methane by injecting or flooding with qualified carbon dioxide.

"(D) Qualified carbon dioxide.—The term 'qualified carbon dioxide' means carbon dioxide which is produced from the gasification and subsequent refinement of a feedstock which is primarily domestic coal, at a facility which produces coal-to-liquid fuel.

"(E) Capture or sequestration.—The term 'capture or sequestration' means any equipment or facility necessary to—

"(i) capture or separate qualified carbon dioxide from other emissions,

"(ii) transport qualified carbon dioxide, or

"(iii) process and use qualified carbon dioxide in a qualified project.

"(4) Termination.—This subsection shall not apply to costs paid or incurred for any qualified project after December 31, 2020.".

(b) Conforming Amendments.—

(1) Section 43 of the Internal Revenue Code of 1986 is amended—

(A) by striking "enhanced oil recovery credit" in subsection (a) and inserting "enhanced oil, natural gas, and coalbed methane recovery, and capture and sequestration credit",

(B) by striking "qualified enhanced oil recovery costs" each place it appears and inserting "qualified costs",

(C) by striking "qualified enhanced oil recovery project" each place it appears and inserting "qualified project", and

(D) by striking the heading and inserting:

"SEC. 43. ENHANCED OIL, NATURAL GAS, AND COALBED METHANE RECOVERY, AND CAPTURE AND SEQUESTRATION CREDIT.".

(2) The item in the table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code relating to section 43 is amended to read as follows:

"Sec. 43. Enhanced oil, natural gas, and coalbed methane recovery, and capture and sequestration credit.".

(c) Effective Date.—The amendments made by this section shall apply to costs paid or incurred in taxable years ending after December 31, 2007.

SEC. 205. ALLOWANCE OF ENHANCED OIL, NATURAL GAS, AND COALBED METHANE RECOVERY, AND CAPTURE AND SEQUESTRATION CREDIT AGAINST THE ALTERNATIVE MINIMUM TAX.

(a) In General.—Subsection (c) of section 38 of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) Special rules for enhanced oil, natural gas, and coalbed methane recovery, and capture and sequestration credit.—In the case of the enhanced oil, natural gas, and coalbed methane recovery, and capture and sequestration credit determined under section 43—

"(A) this section and section 39 shall be applied separately with respect to such credit, and

"(B) in applying paragraph (1) to such credit—

"(i) the tentative minimum tax shall be treated as being zero, and

"(ii) the limitation under paragraph (1) (as modified by clause (i)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the enhanced oil, natural gas, and coalbed methane recovery, and capture and sequestration credit and the specified credits).".

(b) Conforming Amendments.—

(1) Section 38(c)(2)(A)(ii)(II) of such Code is amended by inserting "the enhanced oil, natural gas, and coalbed methane recovery, and

capture and sequestration credit," after "employee credit,".

(2) Section 38(c)(3)(A)(ii)(II) of such Code is amended by inserting ", the enhanced oil, natural gas, coalbed methane recovery, capture and sequestration credit," after "employee credit".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

By Mr. REID (for Mr. WYDEN (for himself, Mr. MCCAIN, and Mr. SUNUNU)):

S. 156. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today I am reintroducing in this new Congress a bill to advance a cause for which I have been fighting for over 10 years now. The Permanent Internet Tax Freedom Act would extend the current Internet tax moratorium, so that the Internet can remain free from burdensome and discriminatory taxes.

Legislation to keep the Internet free from these taxes has passed the Senate 3 times since 1998 with sunsets that required consecutive extensions. A permanent moratorium on Internet taxation passed through both the Commerce and Finance Committees in the 109th Congress yet failed to get action on the Senate floor.

I come to the Floor again, bringing up Internet Taxation, because the moratorium on Internet Taxation is set to expire on November 1st of this year. In only 11 months, if Congress does not act, the moratorium on Internet Taxation that has allowed the Internet and e-commerce to flourish will cease to protect American consumers and American businesses.

I don't want those who use the Internet to end up like our ancestors: they were told the Spanish-American War telephone tax was "temporary," and that the tax was just needed to pay for the war. That war ended two centuries ago, and Congress is just now getting around to getting rid of the tax!

The last time I checked, the Internet shows no sign of riding off into the sunset, or becoming obsolete. You can bet that once discriminatory taxes are slapped on Internet users, those discriminatory taxes won't be going away any time soon either.

If you want to figure out how much discriminatory taxes could be, just look at your phone bill. Taxes and government fees already add as much as 20 percent in surcharges to consumer's telephone bills.

If you take a gallon of milk to the checkout counter and pay tax on the purchase, the clerk can't turn around and charge you another tax if you're going to use the milk in your cereal and another tax if you're going to put milk in your coffee. But that's what will happen to the Internet if the ban is not made permanent. You'd still pay all the telephone taxes and all the franchise fees on cable, but on top of those you'd pay even more taxes for the same service when you sign on to the Internet!

Discriminatory and double taxation of the Internet has been banned for 8 years now. In all that time no one has ever come forward with evidence to show that the failure to impose discriminatory taxes has hurt them. No one has demonstrated why taxes that cannot be imposed in the offline world should be imposed on identical online transactions.

Western Civilization may not end if the Permanent Internet Freedom Act is not passed, but you have to ask how many times Congress has to revisit, relitigate and re-approve a law that has been this effective. It is time to make the Internet Tax moratorium permanent.

I want to thank my colleagues, Mr. MCCAIN from Arizona and Mr. SUNUNU from New Hampshire for introducing this legislation with me today. They both fought tirelessly alongside me and our former colleague, Mr. Allen from Virginia, to get the moratorium extended in 2004. I am pleased that they are now replacing Mr. Allen as my bipartisan partners on this important piece of legislation. It is my hope that the three of us, working with the rest of our colleagues, can get this all-important piece of legislation passed early this year so we do not have to worry about it as the November 1st deadline fast approaches.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Permanent Internet Tax Freedom Act of 2007".

SEC. 2. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "taxes during the period beginning November 1, 2003, and ending November 1, 2007:" and inserting "taxes:"

Mr. MCCAIN. Mr. President, I am pleased to join with Senators WYDEN and SUNUNU in introducing the Permanent Internet Tax Freedom Act of 2007. This bill would ensure that consumers never have to pay a toll when they access the Information Highway. Whether consumers log onto the Internet using cable modem, DSL, dial-up or wireless services, under this bill, they will not be taxed by any State or local governments for their Internet usage.

Keeping Internet access affordable to all Americans is a worthy policy goal. The Internet has become a fixture and core component of modem American life that has created and continues to generate social and economic opportunities throughout the United States.

In 1998, Congress put in place a temporary ban on any State or local taxes on Internet access. Additionally, Congress placed a moratorium on multiple or discriminatory State and local taxes on e-commerce transactions to ensure the growth of online commerce. This moratorium was extended in 2004, but is set to expire November 1, 2007. Our legislation, the Permanent Internet Tax Freedom Act of 2007, would make the moratorium permanent.

Today, the U.S. ranks 12th in the world in per capita Internet access, lagging behind competitors South Korea, the United Kingdom and Canada. This is absolutely unacceptable for a country that leads the world in technical innovation, economic development, and international competitiveness. We certainly cannot afford to make Internet access more difficult to obtain if we want to become more internationally competitive.

There is little doubt that the development and growth of the Internet was aided by the tax moratorium. In 1998, the year the moratorium was first enacted, 36 percent of U.S. adults reported using the Internet. In 2006, that number grew to 73 percent, an all time high according to an April 2006 Pew Internet & American Life Project Report. However, the report also found that Americans in the lowest income households are considerably less likely to be online. Just 55 percent of adults living in households with less than $30,000 annual income go online, versus 73 percent of those whose income is between $30,000–$50,000. This "digital divide" needs to be closed immediately. Continuing Congress's policy of reducing the cost of Internet access, by preventing the service from being taxed, is one step we can take now to close the "digital divide."

As use of the Internet has grown, so has e-commerce. According to the most recent comScore Networks report, Americans spent over $100 billion on Internet purchases during 2006, a major milestone for retailers and the World Wide Web. This legislation would ensure that online transactions are not taxed by cities or States at a rate higher than other sales transactions. Again, the goal of this legislation is to make the Internet affordable to all Americans and foster the growth of the Internet.

With respect to the question of whether it is wise to make Internet access tax free, Congress has a long history of giving tax incentives to commercial activities that we believe help our society. The Internet is a technology that is a source of and vehicle for significant economic benefits. The proponents of this legislation strongly believe the Internet clearly merits the tax incentives provided by this bill.

I recognize that there are some who wish to continue to make the Internet tax moratorium temporary. Their premise is that the Internet will continue to evolve and thus Internet access may develop into a service the States and localities would wish to tax. I believe that this moratorium should be permanent to continue encouraging those very Internet-related innovations. By making the moratorium permanent, businesses that invest in and provide Internet access will be able to operate in a predictable tax environment. This will result in continued investment in this very important social, political and economic medium.

Congress now has the opportunity to extend permanently the Internet tax moratorium and assure consumers that taxes will not inhibit the offering of affordable Internet access. By supporting this legislation, we can continue to promote Internet usage by Americans as well as encourage innovation relating to this technology. For these reasons, I ask my colleagues to support this pro-consumer, pro-innovation, and pro-technology bill.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 158. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from Louisiana, Senator LANDRIEU, in introducing the Access to Affordable Health Care Act, a comprehensive plan that builds on the strengths of our current public programs and private health care system to make affordable health care available to millions more Americans.

One of my priorities in the Senate has been to expand access to affordable health care. There are still far too many Americans without health insurance or with woefully inadequate coverage. As many as 46 million Americans are uninsured, and millions more are underinsured.

Maine is in the midst of a growing health insurance crisis, with insurance premiums rising at alarming rates. Whether I am talking to a self-employed fisherman, a displaced worker, the owner of a struggling small business, or the human resource manager of a large company, the soaring costs of health insurance is a common concern.

These cost increases have been particularly burdensome for small businesses, the backbone of the Maine economy. Maine small business owners want to provide coverage for their employees, but they are caught in a cost squeeze. They know that if they pass on premium increases to their employees, more of them will decline coverage. Yet these small businesses simply cannot afford to absorb double-digit increases in their health insurance premiums year after year.

The problem of rising costs is even more acute for individuals and families who must purchase health insurance on their own. Monthly health insurance premiums in Maine often exceed a family's mortgage payment. Clearly, we must do more to make health insurance more available and affordable.

The Access to Affordable Health Care Act, which we are introducing today, is a seven-point plan that combines a variety of public and private approaches. The legislation's seven goals are: one, to expand access to affordable health care for small businesses; two, to make health insurance more affordable for individuals and families purchasing coverage on their own; three, to strengthen the health care safety net for those without coverage; four, to expand access to care in rural and underserved areas; five, to increase access to affordable long-term care; six to promote healthier lifestyles; and seven, to provide more equitable Medicare payments to Maine providers to reduce the Medicare shortfall, which has forced hospitals, physicians and other providers to shift costs onto other payers in the form of higher charges, which in turn drives up health care premiums.

Let me discuss each of these seven points in greater detail.

First, our legislation will help small employers cope with rising health care costs.

Since most Americans get their health insurance through the workplace, it is a common assumption that people without health insurance are unemployed. The fact is, however, that as many as 83 percent of Americans who do not have health insurance are in a family with a worker.

Uninsured working Americans are most often employees of small businesses. In fact, some 63 per cent of uninsured workers are employed by small firms. Smaller firms generally face higher costs for health insurance than larger firms, which makes them less likely to offer coverage. The Access to Affordable Health Care Act will help these employers cope with rising costs by creating new tax credits for small businesses to make health insurance more affordable. It will encourage those small businesses that do not offer health insurance to do so and will help employers that do offer insurance to continue coverage for their employees even in the face of rising costs.

Our legislation will also provide grants to provide start-up funding to States to help businesses to form group purchasing cooperatives. These cooperatives will enable small businesses to band together to purchase health insurance jointly. This will help to reduce their costs and improve the quality of their employee's health care.

The legislation would also authorize a Small Business Administration grant program for States, local governments and non-profit organizations to provide information about the benefits of health insurance to small employers, including tax benefits, increased productivity of employees, and decreased turnover. These grants would also be used to make employers aware of their current incentives under State and Federal laws. While costs are clearly a problem, many small employers are simply not aware of laws that have already been enacted by both States and the Federal government to make health insurance more affordable. For example, in one survey, 57 percent of small employers did not know that they could deduct 100 percent of their health insurance premiums as a business expense.

The legislation would also create a new program to encourage innovation by awarding demonstration grants in up to 10 States conducting innovative coverage expansions, such as alternative group purchasing or pooling arrangements, individual or small group market reforms, or subsidies to employers or individuals purchasing coverage. The States have long been laboratories for reform, and they should be encouraged in the development of innovative programs that can serve as models for the Nation.

The Access to Affordable Health Care Act will also expand access to affordable health care for individuals and families. One of the first bills that I sponsored when I came to the Senate was legislation to establish the State Child Health Insurance Program, which provides insurance for the children of low-income parents who cannot afford health insurance, yet make too much money to qualify for Medicaid. Since 1997, this program, which is known as SCHIP, has contributed to a one-third decline in the uninsured rate of low-income children. Today, over six million children—including approximately 14,500 in Maine—receive health care coverage through this remarkably effective health care program.

First, our legislation will shore up the looming shortfalls in SCHIP funding that 17 states—including Maine—will face in Fiscal Year 2007 to ensure that children currently enrolled in the program do not lose their coverage. Just prior to adjournment in December, the Congress approved legislation to partially address these shortfalls. That legislation, however, provides only about one-fifth of the funds needed. Our legislation will close that gap.

Our legislation also builds on the success of the SCHIP program and gives States a number of new tools to increase participation. The bill authorizes new grants for States and nonprofit organizations to conduct innovative outreach and enrollment efforts to ensure that all eligible children are covered. States would also have the option of covering the parents of the children who are enrolled in programs like MaineCare. States could also use funds provided through this program to help eligible working families pay their share of an employer-based health insurance plan. In short, the legislation will help ensure that the entire family receives the health care they need.

And finally, to help make health coverage more affordable for low and middle-income individuals and families who do not have employer-provided coverage and who are not eligible for the expanded programs, our legislation would provide an advanceable, refundable tax credit of up to $1,000 for individuals earning up to $30,000 and up to $3,000 for families earning up to $60,000. This could provide coverage for up to six million Americans who would otherwise be uninsured for one or more months, and will help many more working lower-income families who currently purchase private health insurance with little or no government help.

To strengthen our nation's health care safety net, the Access to Affordable Health Care Act calls for a doubling of funding over five years for the Consolidated Health Centers program, which includes community, migrant, public housing and homeless health centers.

These centers, which operate in underserved urban and rural communities, provide critical primary care services to millions of Americans, regardless of their ability to pay. About 20 percent of the patients treated in Maine's community health centers have no insurance coverage and many more have inadequate coverage, so these centers are a critical part of our nation's health care safety net.

The problem of access to affordable health care services is not limited to the uninsured, but is also shared by many Americans living in rural and underserved areas where there is a shortage of health care providers. The Access to Affordable Health Care Act therefore calls for increased funding for the National Health Service Corps, which supports doctors, dentists, and other clinicians who serve in rural and inner city areas.

The legislation will also give the program greater flexibility by allowing National Health Service Corps participants to fulfill their commitment on a part-time basis. Current law requires all National Health Service Corps participants to serve full-time. Many rural communities, however, simply do not have enough volume to support a full-time health care practitioner. Moreover, some sites may not need a particular type of provider on a full-time basis. Our bill therefore gives the program additional flexibility to meet community needs.

As the Senate co-chair of the bipartisan Congressional Task Force on Alzheimer's Disease, I am particularly sensitive to the long-term care needs of patients with chronic diseases like Alzheimer's and their families.

Long-term care is the major catastrophic health care expense faced by older Americans today, and these costs will only increase with the aging of the baby boomers. Most Americans mistakenly believe that Medicare or their private health insurance policies will cover the costs of long-term care should they develop a chronic illness or cognitive impairment like Alzheimer's Disease. Unfortunately, far too many do not discover that they do not have coverage until they are confronted with the difficult decision of placing a much-loved parent or spouse in long-term care and facing the shocking realization that they will have to cover the costs themselves.

The Access to Affordable Health Care Act will provide a tax credit for long-term care expenses of up to $3,000 to provide some help to those families struggling to provide long-term care to a loved one. It will also encourage more Americans to plan for their future long-term care needs by providing a tax deduction to help them purchase long-term care insurance.

Health insurance alone is not going to ensure good health. As noted author and physician Dr. Michael Crichton has observed, "the future of medicine lies not in treating illness, but preventing it." Many of our most serious health problems are directly related to unhealthy behaviors—smoking, lack of regular exercise, and poor diet. These three major risk factors alone have made Maine the state with the fourth highest death rate due to four largely preventable diseases: cardiovascular disease, cancer, chronic lung disease and diabetes. These four chronic diseases are responsible for 70 percent of the health care problems in Maine.

Our bill therefore contains a number of provisions designed to promote healthy lifestyles. An ever-expanding body of evidence shows that investments in health promotion and prevention offer returns not only in reduced health care bills, but in longer life and increased productivity. The legislation will provide grants to States to assist small businesses wishing to establish "worksite wellness" programs for their employees. It would also authorize a grant program to support new and existing "community partnerships," such as the Healthy Community Coalition in Maine's Franklin County, to promote healthy lifestyles among hospitals, employers, schools and community organizations. And, it would provide funds for States to establish or expand comprehensive school health education, including, for example, physical education programs that promote lifelong physical activity, healthy food service selections, and programs that promote a healthy and safe school environment.

And finally, the Access to Affordable Health Care Act would promote greater equity in Medicare payments and help to ensure that the Medicare system rewards rather than punishes states like Maine that deliver high-quality, cost-effective Medicare services to our elderly and disabled citizens.

The Medicare Modernization Act of 2003 and subsequent legislation did take some significant steps toward promoting greater fairness by increasing Medicare payments to rural hospitals and by modifying geographic adjustment factors that discriminated against physicians and other providers in rural areas. The legislation we are introducing today will build on those improvements by establishing State pilot programs that reward providers of high- quality, cost-efficient Medicare services.

The Access to Affordable Health Care Act outlines a blueprint for reform based on principles upon which I believe a bipartisan majority in Congress could agree. The plan takes significant strides toward the goal of universal health care coverage by bringing millions more Americans into the insurance system and by strengthening the health care safety net.

Ms. LANDRIEU. Mr. President, I am pleased to join with my colleague from Main, Senator COLLINS, in introducing the Access to Affordable Health Care Act. The latest available Census figures show that 46.6 million people in our country—including almost 19 percent of the people in my home State of Louisiana—are without health insurance.

This statistic has been referred to so often in the media and in this body that it is almost possible to hear it without realizing the full impact of such uncertainty on one's day-to-day life. 46.6 million people without health insurance means 36.3 million families struggling with the knowledge that they may be just one hospitalization away from bankruptcy. It means 8.3 million children who may not be able to access the care they need to prevent increasingly common and often debilitating chronic illnesses such as diabetes and asthma, adversely affecting them for the rest of their lives. It means 27.3 million Americans with jobs, who work everyday knowing that they still may not be able to provide for their families in their time of need.

Across the country, small business owners and families are struggling with the high cost of health care. This is particularly true in Louisiana and across the gulf coast, where recovery from the 2005 hurricanes has already placed heavy burdens on thousands of families trying to rebuild and businesses working to reopen. Since 2000, the number of employees nationwide receiving health insurance through their employers has actually decreased, reversing the progress we saw in the 1990s. Small businesses create two out of every three new jobs in America and account for nearly half of America's overall employment. Yet only 26 percent of businesses with fewer than 50 employees can offer health insurance to their employees. The Access to Affordable Health Care Act gives the small businesses that are the backbone of this country the opportunity to help make their employees' lives just a little easier.

This legislation further provides for the expansion of the enormously successful SCHIP program, allowing States to cover increased numbers of pregnant women and poor, working adults. It allows for more community health centers and encourages health care providers to practice in the increasingly underserved rural areas of all States. It gives businesses the tools to not only insure their employees against illness but to encourage wellness, decreasing health care costs for everybody. It allows our government to reward States that find ways to improve health outcomes among Medicare patients, actively supporting the types of cost-efficient successes that improve the quality of life.

A country identified by its ingenuity and creativity has a moral responsibility to do more than we have to provide its citizens with the ability to keep their families safe and healthy. These comprehensive, real steps forward will open new doors of opportunity and access to affordable health care for millions of American families and business owners, and I am proud to have partnered with Senator COLLINS in this important pursuit. I encourage my colleagues to consider this legislation and to help provide our all our constituents with the peace of mind.

By Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER):

S. 163. A bill to improve the disaster loan program at the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, 16 months after Hurricane Katrina struck the Gulf Coast, small business owners in New Orleans and across Louisiana are still struggling to keep their doors open and their employees working. In those 16 months, I have worked with Senators SNOWE, LANDRIEU, and VITTER to produce a comprehensive package to reform the SBA's Disaster Assistance program. The SBA's failed response in a time of unmatched need demonstrated to everyone that this program is broken and needs fixing.

Immediately after Hurricane Katrina hit, I introduced an amendment with Senator LANDRIEU to the fiscal year 2006 Commerce, Justice and Science appropriations bill to address the needs of Gulf Region small business and homeowners. The amendment was adapted with input from Chair SNOWE, and a subsequent bipartisan amendment passed the Senate with a vote of 96-0. Although the entire Senate supported the amendment, it was stripped out of the bill in conference.

On September 30, 2005, I again worked with Chair SNOWE and Senators LANDRIEU and VITTER to introduce a bipartisan proposal, the Small Business Hurricane Relief and Reconstruction Act of 2006 S. 1807. This proposal was opposed by the administration. In June, I introduced the Small Business Disaster Loan Reauthorization and Improvements Act of 2006, S. 3487 which once again attempted to comprehensively address the shortcomings of the SBA's Disaster Assistance program. Again, the administration opposed this effort. In August, the Small Business Committee unanimously reported S. 3778, the Small Business Reauthorization and Improvements Act of 2006, which again put forward a bipartisan, comprehensive fix for this program. Finally, in December, just prior to the adjournment of the 109th Congress, yet another attempt was made at reaching a bipartisan consensus with the introduction of S. 4097, the Small Business Disaster Response and Loan Improvements Act of 2006. The administration maintained its opposition to the fixes proposed in this bill.

Now, on the first day of this new Congress, I am introducing the Small Business Disaster Response and Loan Improvements Act of 2007. Once again, this bill enjoys bipartisan support by the chair and the ranking minority member of the Small Business Committee, as well as by the Democratic and Republican Senators of Louisiana, whose constituents continue to wait for their Government to respond appropriately. I am introducing this bill on the first day of the 110th Congress because as the incoming chair of the Small Business Committee, improving the Disaster Assistance program at the SBA is among my top priorities.

This bill includes directives for the SBA to create a private disaster loan program, to allow for lenders to issue disaster loans. To ensure that these loans are borrower-friendly, we provide authorization for appropriations so that the agency can subsidize the interest rates. In addition, the administrator is authorized to enter into agreements with private contractors in order to expedite loan application processing for direct disaster loans.

The bill also includes language directing SBA to create an expedited disaster assistance loan program to provide businesses with short-term loans so that they may keep their doors open until they receive alternative forms of assistance. The days immediately following a disaster are crucial for business owners—statistics show that once they close their doors, they likely will not open them again. These short-term loans should help prevent those doors from closing.

A presidential declaration of Catastrophic National Disaster will allow the administrator to offer economic injury disaster loans to adversely affected business owners beyond the geographic reach of the disaster area. In the event of a large-scale disaster, businesses located far from the physical reach of the disaster can be affected by the magnitude of a localized destruction. We saw this when the terrorist attacks of September 11, 2001 affected businesses from coast to coast, and we saw it again with the 2005 Gulf Coast hurricanes. Should another catastrophic disaster strike, the President should have the authority to provide businesses across the country with access to the same low-interest economic injury loans available to businesses within the declared disaster area.

Non-profit entities working to provide services to victims should be rewarded and given access to the capital they require to continue their services. To this end, the administrator is authorized to make disaster loans to nonprofit entities, including religious organizations.

Construction and rebuilding contracts being awarded are likely to be larger than the current $2 million threshold currently applied to the SBA Surety Bond Program, which helps small construction firms gain access to contracts. This bill increases the guarantee against loss for small business contracts up to $5 million and allows the administrator to increase that level to $10 million, if deemed necessary.

The bill also provides for Small Business Development Centers to offer business counseling in disaster areas, and to travel beyond traditional geographic boundaries to provide services during declared disasters. To encourage Small Business Development Centers located in disaster areas to keep their doors open, the maximum grant amount of $100,000 is waived.

So that Congress may remain better aware of the status of the administration's disaster loan program, this bill directs the administration to report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regularly on the fiscal status of the disaster loan program as well as the need for supplemental funding. The adiministration is also directed to report on the number of Federal contracts awarded to small businesses, minority-owned small businesses, women-owned businesses, and local businesses during a disaster declaration.

Finally, gas prices continue to fluctuate, and fuel-dependent small businesses are struggling with the cost of energy. This bill provides relief to small business owners during times of above average energy price increases, authorizing energy disaster loans through the Small Business Administration and the United States Department of Agriculture to companies that are dependent on fuel.

In the 16 months since Katrina struck, I have visited New Orleans three times. I have met with the lifeblood of that city—its small business owners—the shopowners on Bourbon Street and on Magazine Street who make that city unique. The people of New Orleans are resilient, and they remain hopeful; they are keeping their businesses open despite tourism that has been slow to return and despite a government response that was painfully slow to arrive. Sixteen months is too long a time to wait to reform and improve a program that could have breathed relief into this city's economy during a time of desperation. As this new Congress begins, I call on my colleagues to support this legislation, a bipartisan labor of more than a year's worth of negotiations. The tools offered within this bill will go a long way toward heading off another Katrina-like response to any future catastrophic disaster.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Small Business Disaster Response and Loan Improvements Act of 2007".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PRIVATE DISASTER LOANS

Sec. 101. Private disaster loans.
Sec. 102. Technical and conforming amendments.

TITLE II—DISASTER RELIEF AND RECONSTRUCTION

Sec. 201. Definition of disaster area.
Sec. 202. Disaster loans to nonprofits.
Sec. 203. Disaster loan amounts.
Sec. 204. Small business development center portability grants.
Sec. 205. Assistance to out-of-State businesses.
Sec. 206. Outreach programs.
Sec. 207. Small business bonding threshold.
Sec. 208. Contracting priority for local small businesses.
Sec. 209. Termination of program.
Sec. 210. Increasing collateral requirements.

TITLE III—DISASTER RESPONSE

Sec. 301. Definitions.
Sec. 302. Business expedited disaster assistance loan program.
Sec. 303. Catastrophic national disasters.
Sec. 304. Public awareness of disaster declaration and application periods.
Sec. 305. Consistency between Administration regulations and standard operating procedures.
Sec. 306. Processing disaster loans.
Sec. 307. Development and implementation of major disaster response plan.
Sec. 308. Congressional oversight.

TITLE IV—ENERGY EMERGENCIES

Sec. 401. Findings.
Sec. 402. Small business energy emergency disaster loan program.
Sec. 403. Agricultural producer emergency loans.
Sec. 404. Guidelines and rulemaking.
Sec. 405. Reports.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the same meaning as in section 8 of the Small Business Act (15 U.S.C. 637).

TITLE I—PRIVATE DISASTER LOANS

SEC. 101. PRIVATE DISASTER LOANS.

(a) In General.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) Private Disaster Loans.—

"(1) Definitions.—In this subsection—

"(A) the term 'disaster area' means a county, parish, or similar unit of general local government in which a disaster was declared under subsection (b);

"(B) the term 'eligible small business concern' means a business concern that is—

"(i) a small business concern, as defined in this Act; or

"(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958; and

"(C) the term 'qualified private lender' means any privately-owned bank or other lending institution that the Administrator determines meets the criteria established under paragraph (9).

"(2) Authorization.—The Administrator may guarantee timely payment of principal and interest, as scheduled on any loan issued by a qualified private lender to an eligible small business concern located in a disaster area.

"(3) Use of loans.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (a) or (b).

"(4) Online applications.—

"(A) Establishment.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

"(B) Other federal assistance.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

"(C) Consultation.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

"(5) Maximum amounts.—

"(A) Guarantee percentage.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

"(B) Loan amounts.—The maximum amount of a loan guaranteed under this subsection shall be $3,000,000.

"(6) Loan term.—The longest term of a loan for a loan guaranteed under this subsection shall be—

"(A) 15 years for any loan that is issued without collateral; and

"(B) 25 years for any loan that is issued with collateral.

"(7) Fees.—

"(A) In general.—The Administrator may not collect a guarantee fee under this subsection.

"(B) Origination fee.—The Administrator may pay a qualified private lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender and the Administrator.

"(8) Documentation.—A qualified private lender may use its own loan documentation for a loan guaranteed by the Administrator, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan offered under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (9).

"(9) Implementation regulations.—

"(A) In general.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

"(B) Report to congress.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

"(10) Authorization of appropriations.—

"(A) In general.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration under subsection (b).

"(B) Authority to reduce interest rates.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator, to the extent available, to reduce the applicable rate of interest for a loan guaranteed under this subsection by not more than 3 percentage points.".

(b) Effective Date.—The amendments made by this section shall apply to disasters declared under section 7(b)(2) of the Small Business Act (631 U.S.C. 636(b)(2)) before, on, or after the date of enactment of this Act.

SEC. 102. TECHNICAL AND CONFORMING AMENDMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking "7(c)(2)" and inserting "7(d)(2)"; and

(B) in paragraph (2)—

(i) by striking "7(c)(2)" and inserting "7(d)(2)"; and

(ii) by striking "7(e),"; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking "That the provisions of paragraph (1) of subsection (c)" and inserting "That the provisions of paragraph (1) of subsection (d)"; and

(B) by striking "Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c)," and inserting "Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)".

TITLE II—DISASTER RELIEF AND RECONSTRUCTION

SEC. 201. DEFINITION OF DISASTER AREA.

In this title, the term "disaster area" means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration.

SEC. 202. DISASTER LOANS TO NONPROFITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) LOANS TO NONPROFITS.—In addition to any other loan authorized by this subsection, the Administrator may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a nonprofit organization located or operating in an area affected by a natural or other disaster, as determined under paragraph (1) or (2), or providing services to persons who have evacuated from any such area.".

SEC. 203. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (4), as added by this title, the following:

"(5) INCREASED LOAN CAPS.—

"(A) AGGREGATE LOAN AMOUNTS.—Except as provided in clause (ii), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $5,000,000.

"(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amount established under clause (i).".

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting "of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)" after "20 per centum".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "the, Administration" and inserting "the Administration";

(2) in paragraph (2)(A), by striking "Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)"; and

(3) in the undesignated matter at the end—

(A) by striking ", (2), and (4)" and inserting "and (2)"; and

(B) by striking ", (2), or (4)" and inserting "(2)".

SEC. 204. SMALL BUSINESS DEVELOPMENT CENTER PORTABILITY GRANTS.

Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence, by striking "as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability" and inserting "due to events that have resulted or will result in, business or government facility downsizing or closing"; and

(2) by adding at the end "At the discretion of the Administrator, the Administrator may make an award greater than $100,000 to a recipient to accommodate extraordinary occurrences having a catastrophic impact on the small business concerns in a community.".

SEC. 205. ASSISTANCE TO OUT-OF-STATE BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking "At the discretion" and inserting the following: "SMALL BUSINESS DEVELOPMENT CENTERS.—

"(A) IN GENERAL.—At the discretion"; and

(2) by adding at the end the following:

"(B) DURING DISASTERS.—

"(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide such assistance to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in a disaster area declared under section 7(b)(2)(A).

"(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which such small business development center otherwise provides services.

"(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of providing disaster recovery assistance under this subparagraph, the Administrator shall, to the maximum extent practicable, permit small business development center personnel to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.".

SEC. 206. OUTREACH PROGRAMS.

(a) IN GENERAL.—Not later than 30 days after the date of the declaration of a disaster area, the Administrator may establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in, such disaster area.

(b) ADMINISTRATOR ACTION.—The Administrator may fulfill the requirement of subsection (a) by acting through—

(1) the Administration;

(2) the Federal agency small business officials designated under section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); or

(3) any Federal, State, or local government entity, higher education institution, procurement technical assistance center, or private nonprofit organization that the Administrator may determine appropriate, upon conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

SEC. 207. SMALL BUSINESS BONDING THRESHOLD.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) INCREASE OF AMOUNT.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

SEC. 208. CONTRACTING PRIORITY FOR LOCAL SMALL BUSINESSES.

Section 15(d) of the Small Business Act (15 U.S.C. 644(d)) is amended—

(1) by striking "(d) For purposes" and inserting the following:

"(d) CONTRACTING PRIORITIES.—

"(1) IN GENERAL.—For purposes"; and

(2) by adding at the end the following:

"(2) DISASTER CONTRACTING PRIORITY IN GENERAL.—The Administrator shall designate any disaster area as an area of concentrated unemployment or underemployment, or a labor surplus area for purposes of paragraph (1).

"(3) LOCAL SMALL BUSINESSES.—

"(A) IN GENERAL.—The head of each executive agency shall give priority in the awarding of contracts and the placement of subcontracts for disaster relief to local small business concerns by using, as appropriate—

"(i) preferential factors in evaluations of contract bids and proposals;

"(ii) competitions restricted to local small business concerns, where there is a reasonable expectation of receiving competitive, reasonably priced bids or proposals from not fewer than 2 local small business concerns;

"(iii) requirements of preference for local small business concerns in subcontracting plans; and

"(iv) assessments of liquidated damages and other contractual penalties, including contract termination.

"(B) OTHER DISASTER ASSISTANCE.—Priority shall be given to local small business concerns in the awarding of contracts and the placement of subcontracts for disaster relief in any Federal procurement and any procurement by a State or local government made with Federal disaster assistance funds.

"(4) DEFINITIONS.—In this subsection—

"(A) the term 'declared disaster' means a disaster, as designated by the Administrator;

"(B) the term 'disaster area' means any State or area affected by a declared disaster, as determined by the Administrator;

"(C) the term 'executive agency' has the same meaning as in section 105 of title 5, United States Code; and

"(D) the term 'local small business concern' means a small business concern that—

"(i) on the date immediately preceding the date on which a declared disaster occurred—

"(I) had a principal office in the disaster area for such declared disaster; and

"(II) employed a majority of the workforce of such small business concern in the disaster area for such declared disaster; and

"(ii) is capable of performing a substantial proportion of any contract or subcontract for disaster relief within the disaster area for such declared disaster, as determined by the Administrator.".

SEC. 209. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: ", and shall terminate on the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007".

SEC. 210. INCREASING COLLATERAL REQUIREMENTS.

Section 7(d)(6) of the Small Business Act (15 U.S.C. 636), as so designated by section 101, is amended by striking "$10,000 or less" and inserting "$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a catastrophic national disaster declared under subsection (b)(6))".

TITLE III—DISASTER RESPONSE

SEC. 301. DEFINITIONS.

In this title—

(1) the term "catastrophic national disaster" has the meaning given the term in section 7(b)(6) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act;

(2) the term "declared disaster" means a major disaster or a catastrophic national disaster;

(3) the term "disaster loan program of the Administration" means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(4) the term "disaster update period" means the period beginning on the date on which the President declares a major disaster or a catastrophic national disaster and ending on the date on which such declaration terminates;

(5) the term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(6) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

SEC. 302. BUSINESS EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term "immediate disaster assistance" means assistance provided during the period beginning on the date on which a disaster declaration is made and ending on the date that an impacted small business concern is able to secure funding through insurance claims, Federal assistance programs, or other sources; and

(2) the term "program" means the expedited disaster assistance business loan program established under subsection (b); and

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program to provide small business concerns with immediate disaster assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the declared disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan made by the Administration under this section—

(A) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(B) shall have an interest rate not to exceed 1 percentage point above the prime rate of interest that a private lender may charge;

(C) shall have no prepayment penalty;

(D) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act; and

(E) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 303. CATASTROPHIC NATIONAL DISASTERS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

"(6) CATASTROPHIC NATIONAL DISASTERS.—

"(A) DEFINITION.—In this paragraph the term 'catastrophic national disaster' means a disaster, natural or other, that the President determines has caused significant adverse economic conditions outside of the geographic reach of the disaster.

"(B) AUTHORIZATION.—The Administrator may make such loans under this paragraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to small business concerns located anywhere in the United States that are economically adversely impacted as a result of a catastrophic national disaster.

"(C) LOAN TERMS.—A loan under this paragraph shall be made on the same terms as a loan under paragraph (2).".

SEC. 304. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (6), as added by this Act, the following:

"(7) COORDINATION WITH FEMA.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, for any disaster (including a catastrophic national disaster) declared under this subsection or major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) begin on the same date and end on the same date.

"(B) DEADLINE EXTENSIONS.—Notwithstanding any other provision of law—

"(i) not later than 10 days before the closing date of an application period for disaster relief under this Act for any disaster (including a catastrophic national disaster) declared under this subsection, the Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall notify the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives as to whether the Administrator intends to extend such application period; and

"(ii) not later than 10 days before the closing date of an application period for disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) for which the President has declared a catastrophic national disaster under paragraph (6), the Director of the Federal Emergency Management Agency, in consultation with the Administrator, shall notify the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives as to whether the Director intends to extend such application period.

"(8) PUBLIC AWARENESS OF DISASTERS.—If a disaster (including a catastrophic national disaster) is declared under this subsection, the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

"(A) the date of such declaration;

"(B) cities and towns within the area of such declaration;

"(C) loan application deadlines related to such disaster;

"(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

"(E) links to relevant Federal and State disaster assistance websites;

"(F) information on eligibility criteria for Federal Emergency Management Agency disaster assistance applications, as well as for Administration loan programs, including where such applications can be found; and

"(G) application materials that clearly state the function of the Administration as the Federal source of disaster loans for homeowners and renters.".

(b) Coordination of Agencies and Outreach.—Not later than 90 days after the date of enactment of this Act, the Administrator and the Director of the Federal Emergency Management Agency shall enter into a memorandum of understanding that ensures, to the maximum extent practicable, adequate lodging and transportation for employees of the Administration, contract employees, and volunteers during a major disaster, if such staff are needed to assist businesses, homeowners, or renters in recovery.

(c) Marketing and Outreach.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) distinguishes between disaster services provided by the Administration and disaster services provided by the Federal Emergency Management Agency, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and what eligibility requirements exist for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

SEC. 305. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) In General.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) Report.—Not later than 180 days after the date of enactment of this Act, the Administration shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 306. PROCESSING DISASTER LOANS.

(a) Authority for Qualified Private Contractors to Process Disaster Loans.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

"(9) Authority for qualified private contractors.—

"(A) Disaster loan processing.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or a catastrophic national disaster declared under paragraph (6), under which the Administrator shall pay the contractor a fee for each loan processed.

"(B) Loan loss verification services.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or a catastrophic national disaster declared under paragraph (6), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.".

(b) Coordination of Efforts Between the Administrator and the Internal Revenue Service To Expedite Loan Processing.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

(c) Report on Loan Approval Rate.—

(1) In general.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Administration's Accelerated Disaster Response Initiative; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

SEC. 307. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) In General.—Not later than March 15, 2007, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the "disaster response plan") to apply to major disasters and catastrophic national disasters, consistent with this Act and the amendments made by this Act; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) Contents.—The amended report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted on July 14, 2006;

(2) a description of how the Administrator plans to utilize and integrate District Office personnel of the Administration in the response to a major disaster, including information on the utilization of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administrator can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the system in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in cooperation with the Director of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) Exercises.—Not later than May 31, 2007, the Administrator shall develop and execute simulation exercises to demonstrate the effectiveness of the amended disaster response plan required under this section.

SEC. 308. CONGRESSIONAL OVERSIGHT.

(a) Monthly Accounting Report to Congress.—

(1) Definition.—In this subsection the term "applicable period" means the period beginning on the date on which the President declares a major disaster and ending on the date that is 30 days after the later of the

closing date for applications for physical disaster loans for such disaster and the closing date for applications for economic injury disaster loans for such disaster.

(2) Reporting requirements.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for such disaster during the preceding month.

(3) Contents.—Each report under paragraph (2) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased, noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (2);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased, noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) Daily Disaster Updates to Congress for Presidentially Declared Disasters.—

(1) In general.—Each day during a disaster update period, excluding Federal holidays and weekends, the Administration shall provide to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster or a catastrophic national disaster, as the case may be.

(2) Contents.—Each report under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans dispersed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully dispersed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) Notice of the Need for Supplemental Funds.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for such loan program.

(d) Report on Contracting.—

(1) In general.—Not later than 6 months after the date on which the President declares a declared disaster, and every 6 months thereafter until the date that is 18 months after the date on which the declared disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of the declared disaster.

(2) Contents.—Each report submitted under paragraph (1) shall include—

(A) the total number of contracts awarded as a result of the declared disaster;

(B) the total number of contracts awarded to small business concerns as a result of the declared disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of the declared disaster; and

(D) the total number of contracts awarded to local businesses as a result of the declared disaster.

TITLE IV—ENERGY EMERGENCIES

SEC. 401. FINDINGS.

Congress finds that—

(1) a significant number of small business concerns in the United States, nonfarm as well as agricultural producers, use heating oil, natural gas, propane, or kerosene to heat their facilities and for other purposes;

(2) a significant number of small business concerns in the United States sell, distribute, market, or otherwise engage in commerce directly related to heating oil, natural gas, propane, and kerosene; and

(3) significant increases in the price of heating oil, natural gas, propane, or kerosene—

(A) disproportionately harm small business concerns dependent on those fuels or that use, sell, or distribute those fuels in the ordinary course of their business, and can cause them substantial economic injury;

(B) can negatively affect the national economy and regional economies;

(C) have occurred in the winters of 1983 to 1984, 1988 to 1989, 1996 to 1997, 1999 to 2000, 2000 to 2001, and 2004 to 2005; and

(D) can be caused by a host of factors, including international conflicts, global or regional supply difficulties, weather conditions, insufficient inventories, refinery capacity, transportation, and competitive structures in the markets, causes that are often unforeseeable to, and beyond the control of, those who own and operate small business concerns.

SEC. 402. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) In General.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (9), as added by this Act, the following:

"(10) Energy emergencies.—

"(A) Definitions.—In this paragraph—

"(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

"(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the 'front month';

"(iii) the term 'heating fuel' means heating oil, natural gas, propane, or kerosene; and

"(iv) the term 'significant increase' means—

"(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

"(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

"(B) Authorization.—The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2004.

"(C) INTEREST RATE.—Any loan or guarantee extended under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(D) MAXIMUM AMOUNT.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the $1,500,000 limitation.

"(E) DECLARATIONS.—For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

"(ii) if no declaration has been made under clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

"(F) USE OF FUNDS.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.".

(b) CONFORMING AMENDMENTS RELATING TO HEATING FUEL.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(1) by inserting ", significant increase in the price of heating fuel" after "civil disorders"; and

(2) by inserting "other" before "economic".

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Administrator under section 404.

SEC. 403. AGRICULTURAL PRODUCER EMERGENCY LOANS.

(a) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in the first sentence—

(A) by striking "operations have" and inserting "operations (i) have"; and

(B) by inserting before ": *Provided,*" the following: ", or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after October 1, 2004, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after October 1, 2004, in connection with an energy emergency declared by the President or the Secretary";

(2) in the third sentence, by inserting before the period at the end the following: "or by an energy emergency declared by the President or the Secretary"; and

(3) in the fourth sentence—

(A) by inserting "or energy emergency" after "natural disaster" each place that term appears; and

(B) by inserting "or declaration" after "emergency designation".

(b) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subsection (a) to meet the needs resulting from energy emergencies.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Secretary of Agriculture under section 404.

SEC. 404. GUIDELINES AND RULEMAKING.

(a) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall each issue such guidelines as the Administrator or the Secretary, as applicable, determines to be necessary to carry out this title and the amendments made by this title.

(b) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(10)(A)(iv)(II) of the Small Business Act, as added by this Act.

SEC. 405. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator issues guidelines under section 404, and annually thereafter until the date that is 12 months after the end of the effective period of section 7(b)(10) of the Small Business Act, as added by this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(10) of the Small Business Act, as added by this Act, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section 7(b)(10), if any.

(b) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under section 404, and annually thereafter until the date that is 12 months after the end of the effective period of the amendments made to section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) by this title, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(1) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); and

(2) contains recommendations for ways to improve the assistance provided under such section 321(a), if any.

Ms. LANDRIEU. Mr. President, as we all know, there was a tremendous amount of criticism of the Federal Government's response to Hurricanes Katrina and Rita last year. Things are better now and the region is slowly recovering. But, having just finished the 2006 hurricane season, and with the 2007 season a few months away, we must be sure that if we have another disaster, the Federal Government's response will be better this time around. Disaster response agencies have to be better organized, more efficient, and more responsive in order to avoid the problems, the delays, mismanagement, and the seeming incompetence that occurred in 2005.

Today, I am proud to be an original cosponsor of legislation to improve the disaster response of one agency that had a great deal of problems last year, the Small Business Administration, SBA. This bill, the "Small Business Disaster Response and Loan Improvements Act" makes major improvements to the SBA's disaster response and provides them with essential tools to ensure that they are more efficient and better prepared for future disasters—big and small. I should also note that this bill is a result of intensive bipartisan work over the past couple of months and was introduced shortly before the 109th Congress adjourned as S. 4097. Unfortunately, there was no action on that bill so it must be reintroduced in the new Congress. I strongly believe though we can secure passage during this Congress as the bill is reflective of the priorities from Senators KERRY and SNOWE, respectively, Chair and Ranking Member of the Senate Small Business Committee, as well as Senators LANDRIEU and VITTER. For my part, I have heard loud and clear from our impacted businesses that SBA reforms should be implemented as soon as possible. That is why in September, I sent a letter to the new SBA Administrator Steve Preston, expressing concerns on the lack of progress on SBA disaster reforms, which were included in S. 3778, the FY07 SBA Reauthorization bill reported out of the Senate Small Business Committee. In this letter, I requested his cooperation, along with our committee to pass this important legislation before Congress adjourns at the end of the year. The introduction of this bill today, shows the progress that the committee made since September on this issue. I hope that this spirit of bipartisanship continues into the 110th Congress and that I can continue to work with my colleagues on the Senate Small Business Committee to reform SBA.

This legislation offers new tools to enhance SBA's disaster assistance programs. In every disaster, the SBA Disaster Loan program is a lifeline for businesses and homeowners who want to rebuild their lives after a catastrophe. When Hurricane Katrina hit, our businesses and homeowners had to wait months for loan approvals. I do not know how many businesses we lost because help did not come in time. Because of the scale of this disaster, what these businesses needed was immediate, short-term assistance to hold them over until SBA was ready to process the tens of thousands of loan applications it received.

That is why this legislation provides the SBA Administrator with the ability to set up an expedited disaster assistance business loan program to make short-term, low-interest loans to keep them afloat. These loans will allow businesses to make payroll, begin making repairs, and address other immediate needs while they are awaiting insurance payouts or regular SBA disaster loans. However, I realize that every disaster is different and could range from a disaster on the scale of Hurricane Katrina or 9-11, to an ice storm or drought. This legislation gives the SBA additional options and flexibility in the kinds of relief they can offer a community. When a tornado destroys 20 businesses in a small town in the Midwest, SBA can get the regular disaster program up and running fairly quickly. You may not need short-term loans in this instance. But if you know that SBA's resources would be overwhelmed by a storm—just as they were initially with Hurricane Katrina—these expedited business loans would be very helpful.

This legislation also would direct SBA to study ways to expedite disaster loans for those businesses in a disaster area that have a good, solid track record with the SBA or can provide vital recovery efforts. We had many businesses in the Gulf Coast that had paid off previous SBA loans, were major sources of employment in their communities, but had to wait months for decisions on their SBA disaster loan applications. I do not want to get rid of the SBA's current practice of reviewing applications on a first-come first-served basis, but there should be some mechanism in place for major disasters to get expedited loans out the door to specific businesses that has a positive record with SBA or those that could serve a vital role in the recovery efforts. Expedited loans would jump-start impacted economies, get vital capital out to businesses, and retain essential jobs following future disasters.

This bill also makes an important modification to the collateral requirements for disaster loans. The SBA cannot disburse more than $10,000 for an approved loan without showing collateral. This is to limit the loss to the SBA in the event that a loan defaults. However, this disbursement amount has not been increased since 1998 and these days, $10,000 is not enough to get a business up and running. That is why this bill increases this collateral requirement to $14,000 and gives the Administrator the ability to increase that amount, in the event of another large-scale disaster. I believe this is a reasonable and fiscally responsible increase, and at the same time gives the Administrator flexibility for future disasters which will inevitably occur.

As you may know, I pushed to get language in the last Hurricane Supplemental Appropriations bill in June 2006 to require SBA to develop a disaster plan and report to Congress on its contents by July 15, 2006. SBA provided this status report in July and I am pleased that, since then, SBA has been working on a comprehensive disaster response plan. That said, I believe that with the 2007 Atlantic hurricane season fast approaching, and other disasters possible before then, the SBA should be looking at additional ways to improve upon this plan. This legislation requires SBA to report to Congress, by March 15, 2007 on the current status of its response plan and to provide us with a snapshot of where they were with Hurricane Katrina and where they are now. The report also requests SBA feedback on suggested improvements. These improvements include better incorporating State disaster assistance efforts into SBA's response, as well as better coordination with Federal response agencies like FEMA.

The Small Business Disaster Response and Loan Improvements Act will provide essential tools to make the SBA more proactive, flexible, and most important, more efficient during future disasters. Again, I look forward to working with both Senator SNOWE and Senator KERRY during this new session of Congress to ensure that the SBA has everything it needs to meet these goals.

I ask unanimous consent that a copy of my September 27, 2006 letter to SBA be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 27, 2006.

Hon. STEVEN C. PRESTON,
Administrator, U.S. Small Business Administration, Washington, D.C.

DEAR ADMINISTRATOR PRESTON: Let me take this opportunity to again congratulate you on your confirmation as Administrator of the U.S. Small Business Administration (SBA). Your management experience and passion to serve will prove extremely helpful to you in this challenging position.

I write you today because as a member of the Senate Committee on Small Business and Entrepreneurship, as well as senator from a state hit hard by both Hurricanes Katrina, and Rita. I believe it is my duty to ensure that we implement substantive changes to SBA's Disaster Assistance Program during this session of Congress.

The SBA's response to Katrina and Rita was too slow and lacking in urgency—threatening the very survival of our affected businesses. A year has passed since Hurricanes Katrina and Rita, yet while Congress is currently acting on extensive reforms for the Federal Emergency Management Agency (FEMA), there has been only incremental changes to SBA's Disaster Assistance Program. That is why I am pleased to learn that you have recently created the Accelerated Disaster Response Initiative to identify and help implement process improvements to enable the SBA to respond more quickly in assisting small businesses and homeowners in need of assistance after a disaster. I applaud these efforts and your leadership on this issue. But much more must be done to address the systemic problems that led to delays and inaction post-Katrina and Rita.

For our part, the Senate is also attempting to address the multiple problems that hampered SBA's ability to assist impacted Gulf Coast small businesses and homeowners. Under the leadership of the Chair and Ranking Member of the Senate Committee on Small Business and Entrepreneurship, Senators Snowe and Kerry, the committee voted unanimously to approve S. 3778, the "Small Business Reauthorization and Improvements Act of 2006" and sent it to the full Senate for consideration. A copy of the bill is attached for your convenience. This bipartisan legislation reauthorizes SBA programs, and also of great importance to me and my constituents, makes essential reforms to SBA's Disaster Assistance Program. However, since S. 3778 was introduced on August 2, 2006, almost nine weeks ago, it has been blocked from consideration and the Committee is still waiting for budget information so that it may file its report on the bill. It is my understanding that the administration and SBA has several concerns about this bill in its current form.

I am very concerned at this apparent deadlock, a deadlock which threatens our bipartisan efforts to implement comprehensive SBA Disaster Assistance reforms before the end of the year. In particular, I believe that there must be SBA reforms in the following areas:

Short-Term Assistance: Following Katrina and Rita small businesses waited, on average, four to six months for approvals and disbursements on SBA Disaster Loans, In order to ensure the long-term survival of small businesses impacted by a catastrophic disaster, SBA needs to be in the business of short-term recovery—by providing either emergency bridge loans or grants.

Disaster Loan Process for Homeowners: While SBA's mission is to "aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns" it also has the added responsibility of helping affected homeowners rebuild their housing post-disaster. Katrina and Rita resulted in record numbers of SBA Disaster Loan applications from homeowners, which strained SBA's existing resources and personnel. If the SBA must bear this responsibility, the agency should improve the process as well as possibly seek greater coordination and cooperation with the U.S. Department of Housing and Urban Development on disaster housing assistance.

Expedited Disaster Loans to Businesses: The SBA currently has no mechanism in place to expedite Disaster Loans to impacted businesses that are either a major source of employment or that can demonstrate a vital contribution to recovery efforts in the area, such as businesses who construct housing, provide building materials, or conduct debris removal. The SBA needs the ability to fast-track loans to these businesses, in order to jumpstart local economies and recovery efforts.

Economic Injury Disaster Loans: Although Katrina and Rita directly affected businesses along the Gulf Coast, additional businesses in the region, as well as the rest of the country, were economically impacted by the storms. The SBA must have the ability to provide nationwide, or perhaps regional, economic injury disaster loans to businesses which can demonstrate economic distress or disruption from a future major disaster.

Loss Verification and Loan Processing: Following the Gulf Coast hurricanes, the SBA struggled for months to hire enough staff to inspect losses and process loan applications. Although SBA now has trained reserves to handle such surges in demand, the SBA also needs the permanent authority to enter into agreements with qualified private lenders and credit unions to process Disaster Loans and provide loss verification services.

Administrator Preston, I was impressed by your expressed willingness to be a bridge between Congress and the White House. For the SBA to truly bring its disaster capabilities to the next level, I believe that it must work in concert with the Congress. Together, we must remove layers of bureaucracy and red tape, which, following Katrina and Rita, both overwhelmed and frustrated dedicated SBA employees and those affected by the hurricanes. We must also give the SBA new tools to ensure that problems that occurred post-Katrina and Rita never happen again.

Last month we marked the one-year anniversary of Hurricane Katrina, and now mark the one-year anniversary of Hurricane Rita. It is essential that we take action now to make substantive reforms to the SBA Disaster Assistance Program. We owe nothing less to our small businesses. I ask that you continue working with my office on this important issue and respond to our approach in writing no later than October 31, 2006. This will help us develop a proposal which can address the concerns of the SBA as well as provide a better and more responsive SBA Disaster Assistance Program for our Small businesses.

Thank you in advance for your assistance with this request.

Sincerely,

MARY L. LANDRIEU,
United States Senator.

By Mr. KENNEDY:

S. 164. A bill to modernize the education system of the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, few things are more indispensable to the United States than good schools. Today more than ever, a quality education is the gateway to achieving the American dream and the best guarantee of equal opportunity for all our people, good citizenship, and an economy capable of mastering modern global challenges.

In 1965, as part of the War on Poverty, President Johnson signed into law the landmark Elementary and Secondary Education to strengthen America by allocating substantial Federal resources to public schools for the first time. In the bipartisan No Child Left Behind Act of 2002, we reauthorized this landmark legislation, and for the first time made a commitment that every child—black or white, Latino or Asian, native-born or an English language learner, disabled or non-disabled—would be part of an accountability plan that holds schools responsible for the progress of all students. It required every State to implement content and performance standards specifying what children should know and be able to do, and urged States to create high-quality assessments so that students' progress toward meeting those standards could be accurately measured. It expanded support for early reading and literacy skills and offered extra tutoring to students in struggling schools. It sought to improve the quality of instruction by requiring all schools to provide a highly-qualified teacher for every child.

We know these reforms can work. But good results are not possible without adequate investments. The No Child Left Behind Act recognized that to move forward with these dramatic changes, schools would need a continued infusion of Federal resources, because the cost was obviously too great for States and local governments to bear alone.

Today, because of budget cuts and poor implementation, we still have much to do to ensure that no child is left behind. President Bush has shortchanged the promise made in the law by nearly $56 billion, leaving millions of children without the resources needed to reduce class sizes, improve teaching, and set higher standards for our schools. Now, more than ever, it's important to deliver the resources our schools deserve. Thousands of schools are on watchlists in their States and need Federal support and extra assistance to bridge the learning gaps of their students.

The No Child Left Behind Act is again scheduled for reauthorization this year, and we must work to ensure that its promise is fulfilled. Aside from additional funding, one of our priorities must be to ensure that the standards and assessments used to measure progress are fair and reliable. Accountability is only as good as the tests to measure progress, and many States use tests that need substantial improvement. Some use exams that are not aligned to the standards that students must meet. Others have manufactured artificially high test score gains by lowering standards and adjusting test scores in order to avoid unfavorable consequences under the law's accountability framework.

We need to shift our understanding of the Act away from the idea that it labels and penalizes schools, and toward a more productive framework that helps schools and States reach higher, not lower. We should use the well-regarded National Assessment of Educational Progress the "Nation's report card" as a benchmark for the rigor of State exams. States should also align their elementary and secondary school standards with their standards for college entrance and success, creating seamless systems that guide students from the beginning of their education to the achievement of a college degree.

The SUCCESS Act I am introducing today would assist States in these efforts. As the name suggests, it would provide Federal support for States Using Collaboration and Cooperation to Enhance Standards for Students. It would help ensure that public schools challenge all students to learn to high standards and provide needed help to schools with the greatest needs.

The legislation updates the Nation's report card the National Assessment of Educational Progress to ensure that it sets a national benchmark which is internationally competitive and is aligned with the demands of the 21st century global economy. It expands our ability to monitor science achievement. It requires the NAEP to measure student preparedness to enter college, the 21st century workforce, or the Armed Services. It also requires the Secretary of Education to examine the gaps in student performance on state-level assessments and NAEP assessments, and to assist States that wish to analyze how their standards and assessments compare to the benchmark.

The SUCCESS Act provides critical resources to States to create "P–16" Preparedness Councils that will engage members of the early childhood, K–12 and higher education communities, along with the business and military communities, and other stakeholders to align the standards with what is needed for success in college and the workforce. The councils would be charged with ensuring that State standards and assessments meet international benchmarks to improve instruction and student achievement and prepare students to contribute in the global economy. It also provides funds to encourage collaboration among States in raising the bar for student achievement by providing grants to States working together to establish common standards and assessments that are rigorous, internationally competitive, and aligned with postsecondary demands.

I look forward to working with my colleagues on this and other important proposals as we move toward the reauthorization of the No Child Left Behind Act. In the coming weeks, our Committee on Health, Education, Labor and Pensions will hold a series of hearings and roundtable discussions to hear from experts and those dealing with the challenges of the current law on a daily basis. Our goal is to work on a bipartisan basis with all our colleagues in the Senate and in the House and with the Administration to develop a strong bipartisan bill that builds on the positive aspects of the law, addresses the concerns about its implementation, and encourages reforms that we know will work to help students succeed.

Teachers deserve the resources they need to help students achieve at higher levels. In many schools, the most valuable resource that teachers require is time. Yet the U.S. ranks 11th among industrialized nations in the number of days children attend school. Innovative approaches are needed to extend the school day and year in high-need schools. We should recruit Americorps volunteers to coordinate academically oriented extended-day programs for students and assist teachers during the school day.

We must also ensure that students in high poverty schools have access to good teachers. We should create incentives to attract the best teachers to the neediest schools, including increased salaries for teachers and principals with strong track records of success who work in hard-to-staff schools, and by creating "career advancement systems" in which highly effective teachers serve as instructional leaders for new or less successful teachers. To help teachers improve their teaching, we should invest more in training them to use the best data to improve instruction.

We should also help parents by replicating Boston's successful initiative to place parent-family outreach coordinators in every high-poverty school, and offer grants to school districts to support community programs that address children's social, emotional and other non-academic needs.

We must invest in these and other reforms to give schools the resources they need to close the achievement gap and ensure that all students can stay on track to graduate and succeed.

Experience shows that each year yields greater success when policymakers and educators commit in the long term to higher standards, better teacher training, stronger accountability, and extra help for students in need. The initial implementation of the No Child Left Behind Act has been flawed, but we can't abandon its vision of an America in which every child is important and deserves to be educated and enjoy the full benefits of our society.

That vision is as enduring as America itself. As John Adams wrote in the Massachusetts Constitution of 1780, the education of the people is "necessary for the preservation of their rights and liberty." More than two hundred years later, we need to recapture that spirit, and make "No Child Left Behind" a reality, not merely a slogan.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "States Using Collaboration and Coordination to Enhance Standards for Students Act of 2007" or the "SUCCESS Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Throughout our Nation's history, the skills and education of our workforce have been a major determinant of the standard of living of the people of the United States.

(2) According to the most recent National Assessment of Educational Progress, only 36 percent of the students in grade 4 and 30 percent of the students in grade 8 reach the proficient level in mathematics. In reading, only 31 percent of the students in grades 4 and 8 reach the proficient level. In science, only 29 percent of the students in grades 4 and 8 reach the proficient level.

(3) A State-by-State comparison of the 2005 National Assessment of Educational Progress average scale scores for 8th grade mathematics reveals that 31 States—more than ½ of the States in the Nation—scored more than 10 points (about 1 grade level) below the highest scoring State, Massachusetts.

(4) Student achievement in mathematics and science in elementary school and secondary school in the United States lags behind other nations, according to the Trends in International Mathematics and Science study and other studies, including the Programme for International Student Assessment, that recently ranked United States secondary school students 28th out of 40 first- and second-world nations, and tied with Latvia, in mathematics performance and problem solving.

(5) According to a report released in August, 2006, the Nation loses more than $3,700,000,000 a year in the costs of remedial education and in individuals' reduced earning potential because students are not learning the basic skills they need to succeed after high school.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To ensure students receive an education competitive with other industrialized countries.

(2) To assist States in improving the rigor of standards and assessments.

(3) To provide for the establishment of prekindergarten through grade 16 student preparedness councils to better link early childhood education and school readiness with elementary school success, elementary student skills with success in secondary school, and secondary student skills and curricula, especially with respect to reading, mathematics, and science, with the demands of higher education, the 21st century workforce, and the Armed Forces, in order to ensure that greater number of students, especially low-income and minority students, complete secondary school with the coursework and skills necessary to enter—

(A) credit-bearing coursework in higher education without the need for remediation;

(B) high-paying employment in the 21st century workforce; or

(C) the Armed Forces.

(4) To establish a system that encourages local educational agencies to adopt a curriculum that meets State academic content standards and student academic achievement standards and prepares all students for success in elementary school, secondary school, and post-secondary endeavors in the 21st century.

SEC. 4. DEFINITIONS.

In this Act:

(1) IN GENERAL.—The terms "elementary school", "limited English proficient", "local educational agency", "scientifically based research", "secondary school", "Secretary", and "State educational agency" have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) 21ST CENTURY CURRICULUM.—The term "21st century curriculum" means a course of study identified by a State as preparing secondary school students for entrance into credit-bearing coursework in higher education without the need for remediation, employment in the 21st century workforce, or entrance into the Armed Forces. A State shall define the 21st century curriculum in terms of content as well as course names.

(3) ACADEMIC CONTENT STANDARDS; STUDENT ACADEMIC ACHIEVEMENT STANDARDS.—The terms "academic content standards" and "student academic achievement standards", when used with respect to a particular State, mean the academic content standards and student academic achievement standards adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

(4) CRITICAL-NEED FOREIGN LANGUAGE.—The term "critical-need foreign language" means a language included on the list of critical-need foreign languages that the Secretary shall develop and update in consultation with the head official, or a designee of such head official, of the National Security Council, the Department of Homeland Security, the Department of Defense, the Department of State, the Federal Bureau of Investigation, the Department of Labor, and the Department of Commerce, and the Director of National Intelligence.

(5) END OF COURSE EXAMINATION.—The term "end of course examination" means an assessment of student learning given at the end of a particular course that is used to measure student learning of State academic content standards in the subject matter of the course.

(6) ENGINEERING AND TECHNOLOGY EDUCATION.—The term "engineering and technology education" means a curriculum and instruction that—

(A) uses technology as a knowledge base or as a way of teaching innovation using an engineering design process and context;

(B) develops an appreciation and fundamental understanding of technology through design skills and the use of materials, tools, processes, and limited resources;

(C) is taught in conjunction with applied mathematics, science, language arts, fine arts, and social studies as a part of a comprehensive education;

(D) applies the use of tools and skills employed by a globalized skilled 21st century workforce that are necessary for communication, manufacturing, construction, energy systems, biomedical systems, transportation systems, and other related fields; and

(E) through the application of engineering principles and concepts, develops proficiency in abstract ideas and in problem-solving techniques that build a comprehensive education.

(7) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(8) PROFESSIONAL DEVELOPMENT.—The term "professional development" includes activities that—

(A) improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;

(B) are an integral part of broad educational improvement plans across the school and across the local educational agency;

(C) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet the State academic content standards and student academic achievement standards and the 21st century curriculum demands;

(D) are high-quality, sustained, intensive, and classroom-focused, in order to have a positive and lasting effect on classroom instruction and the teacher's performance in the classroom;

(E) advance teacher understanding of effective instructional strategies that are based on scientifically based research and are directly aligned with the State academic content standards and State assessments;

(F) are designed to give teachers the knowledge and skills to provide instruction and appropriate language and academic support services to limited English proficient students and students with special needs, including the appropriate use of curricula and assessments;

(G) are, as a whole, regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development; and

(H) include instruction in the use of data and assessments to inform and instruct classroom practice.

(9) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(10) STATE ASSESSMENT.—The term "State assessment", when used with respect to a particular State, means the student academic assessments implemented by the State pursuant to section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(11) STUDENT PREPAREDNESS.—The term "student preparedness" means preparedness based on the knowledge and skills that—

(A) are prerequisites for entrance into—

(i) credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; and

(iii) the Armed Forces;

(B) can be measured and verified objectively using widely accepted professional assessment standards; and

(C) are consistent with widely accepted professional assessment standards and competitive with international levels of preparedness of students for postsecondary success.

SEC. 5. ALIGNING STATE STANDARDS WITH NATIONAL BENCHMARKS.

(a) REPORT ON RESULTS OF STATE ASSESSMENTS AND NATIONAL ASSESSMENT.—Not later than 90 days after each release of the results of the National Assessment of Educational Progress (as carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(2)) and section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2))) in reading or mathematics (or, beginning in 2009, science) in grades 4 and 8, the Secretary shall—

(1) prepare and submit to Congress the report described in subsection (b) on the results of the State assessments and the assessments of reading and mathematics, and, beginning in 2009, science, in grades 4 and 8, required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(2) identify States with significant discrepancies in performance between the 2 assessments, as described in subsection (b)(3).

(b) CONTENTS OF REPORT.—

(1) IN GENERAL.—The report described in this subsection shall include the following information for each subject area and grade described in subsection (a)(1) in each State:

(A) The percentage of students who performed at or above the basic level on the State assessment—

(i) for the most recent applicable year;

(ii) for the preceding year; and

(iii) for the previous year in which the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 was given in such subject,

and the change in such percentages between those assessments.

(B) The percentage of students who performed at or above the proficient level on the State assessment—

(i) for the most recent applicable year;

(ii) for the preceding year; and

(iii) for the previous year in which the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 was given in such subject,

and the change in such percentages between those assessments.

(C) The percentage of students who performed at or above the basic level on the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965—

(i) for the most recent applicable year; and

(ii) for the previous such assessment,

and the change in such percentages between those assessments.

(D) The percentage of students who performed at or above the proficient level on the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965—

(i) for the most recent applicable year; and

(ii) for the previous such assessment,

and the change in such percentages between those assessments.

(E) The difference between—

(i) the percentage of students who performed at or above the basic level for the most recent applicable year on the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(ii) the percentage of students who performed at or above the basic level on the State assessment for such year.

(F) The difference between—

(i) the percentage of students who performed at or above the proficient level for the most recent applicable year on the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(ii) the percentage of students who performed at or above the proficient level on the State assessment for such year.

(2) ANALYSIS.—In addition to the information described in paragraph (1), the Secretary shall include in the report—

(A) an analysis of how the achievement of students in grades 4, 8, and 12, and the preparedness of students in grade 12 (when such data on preparedness exists from assessments described in section 303 of the National Assessment of Educational Progress Authorization Act (as amended by this Act)), in the United States compares to the achievement and preparedness of students in other industrialized countries; and

(B) possible reasons for any deficiencies identified in the achievement or preparedness of United States students compared to students in other industrialized countries.

(3) RANKING.—The Secretary shall—

(A) using the information described in paragraph (1), rank the States according to the degree to which student performance on State assessments differs from performance on the assessments required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(B) identify those States with the most significant discrepancies in performance between the State assessments and the assessments required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965.

(c) REPORT ON STATE PROGRESS.—Beginning 5 years after the date of enactment of this Act, the Secretary shall include in the report described in subsection (a)(1) the following:

(1) Information about the progress made by States to decrease discrepancies in student performance on the State assessments and the assessments required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965.

(2) The differences that exist in States across subject areas and grades.

SEC. 6. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS CHANGES.

(a) NATIONAL ASSESSMENT GOVERNING BOARD.—Section 302 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621) is amended—

(1) in subsection (a), by striking "shall formulate" and all that follows through the period at the end and inserting "shall—

"(1) formulate policy guidelines for the National Assessment of Educational Progress (carried out under section 303); and

"(2) carry out, upon the request of a State, an alignment analysis (under section 304) comparing a State's academic content standards and student academic achievement standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, assessment specifications, assessment questions, and performance standards with national benchmarks reflected in the assessments authorized under this Act.";

(2) in subsection (b)(1), by adding at the end the following:

"(O) One representative of the Armed Forces with expertise in military personnel requirements and military preparedness, who shall serve as an ex-officio, nonvoting member.";

(3) in subsection (c), by striking paragraph (4);

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting "and grade 12 student preparedness levels" after "achievement levels";

(ii) in subparagraph (D), by inserting "members of the business and military communities," after "parents,";

(iii) in subparagraph (E), by inserting "and" after "subject matter,";

(iv) by redesignating subparagraphs (G), (H), (I), and (J) as subparagraphs (H), (I), (K), and (L), respectively;

(v) by inserting after subparagraph (F) the following:

"(G) consistent with section 303, measure grade 12 student preparedness;";

(vi) by inserting after subparagraph (I) (as redesignated by clause (iv)) the following:

"(J) ensure the rigor of the National Assessment of Educational Progress framework and assessments, taking into consideration—

"(i) the knowledge and skills that are prerequisite to credit-bearing coursework in higher education without the need for remediation, the 21st century workforce, and the Armed Forces; and

"(ii) rigorous international content and performance standards, and how the achievement of students in grades 4, 8, and 12, and the preparedness of students in grade 12, in the United States compare to the achievement and the preparedness of students in other industrialized countries;";

(vii) in subparagraph (K) (as redesignated by clause (iv)), by striking "and" after the semicolon;

(viii) in subparagraph (L) (as redesignated by clause (iv)), by striking the period at the end and inserting "; and";

(ix) by inserting after subparagraph (L) the following:

"(M) conduct an alignment analysis as described in section 304 for each State that requests such analysis."; and

(x) in the flush matter at the end—

(I) by inserting "for an assessment" after "data";

(II) by inserting "Assessment Board's" after "prior to the"; and

(III) by striking "(J)" and inserting "(L)";

(B) in paragraph (4), by inserting "of Educational Progress" after "National Assessment";

(C) in paragraph (5), in the paragraph heading, by inserting "ADVICE" after "TECHNICAL"; and

(D) in paragraph (6), by inserting "or grade 12 student preparedness levels" after "student achievement levels"; and

(5) in subsection (g)(1), by inserting "of Educational Progress" after "National Assessment".

(b) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—Section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking "PURPOSE" and inserting "PURPOSES";

(B) by striking paragraph (1) and inserting the following:

"(1) PURPOSES.—The purposes of this section are—

"(A) to provide, in a timely manner, a fair and accurate measurement of student achievement and grade 12 student preparedness in reading, mathematics, science, and other subject matter as specified in this section; and

"(B) to report trends in student achievement and grade 12 student preparedness in reading, mathematics, science, and other subject matter as specified in this section.";

(C) in paragraph (2)—

(i) in subparagraph (B), by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(ii) by striking subparagraph (C) and inserting the following:

"(C) conduct a national assessment and collect and report assessment data, including achievement and student preparedness data trends, in a valid and reliable manner on student academic achievement and student preparedness in public and private schools in reading, mathematics, and science at least once every 2 years in grade 12;";

(iii) in subparagraph (D)—

(I) by striking "subparagraph (B) are implemented and the requirements described in subparagraph (C) are met," and inserting "subparagraphs (B) and (C) are implemented,"; and

(II) by striking "science,";

(iv) in subparagraph (E)—

(I) by striking "reading and mathematics" and inserting "reading, mathematics, and science"; and

(II) by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)"; and

(v) in subparagraph (H), by striking "achievement data" and inserting "student achievement data and grade 12 student preparedness data";

(D) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i), by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(II) in clause (ii)—

(aa) by inserting "and grade 12 student preparedness" after "achievement"; and

(bb) by striking "reading and mathematics" and inserting "reading, mathematics, and science"; and

(III) in clause (iv), by striking "an evaluation" and inserting "a review"; and

(ii) in subparagraph (C)(ii), by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(E) in paragraph (4)(B), by striking ", require, or influence" and inserting "or require"; and

(F) in paragraph (5)(B), by striking "academic achievement" and inserting "academic achievement or grade 12 student preparedness";

(2) in subsection (c)(3)(A), by striking "academic achievement" and inserting "academic achievement or grade 12 preparedness";

(3) in subsection (d)(3)—

(A) in subparagraph (A), by striking "reading and mathematics in grades 4 and 8" and inserting "reading, mathematics, and science in grades 4 and 8"; and

(B) in subparagraph (B), by striking "reading and mathematics assessments in grades 4 and 8" and inserting "reading, mathematics, and science assessments in grades 4 and 8";

(4) in subsection (e)—

(A) in the subsection heading, by inserting "AND GRADE 12 STUDENT PREPAREDNESS LEVELS" after "LEVELS";

(B) in paragraph (1)—

(i) by striking the paragraph heading and inserting "DEVELOPMENT.—"; and

(ii) by inserting ", and develop grade 12 student preparedness levels" after "subsection (b)(2)(F)";

(C) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

"(A) STUDENT ACHIEVEMENT AND GRADE 12 PREPAREDNESS LEVELS.—

"(i) STUDENT ACHIEVEMENT LEVELS.—The student achievement levels described in paragraph (1) shall be determined by—

"(I) identifying the knowledge and skills that—

"(aa) are prerequisite to credit-bearing coursework in higher education without the need for remediation in English, mathematics, or science, participation in the 21st century workforce, and the Armed Forces or, in the case of grade 4 and grade 8 students, are prerequisite to grade 12 preparedness;

"(bb) are competitive with rigorous international content and performance standards; and

"(cc) can be measured and verified objectively using widely accepted professional assessment standards; and

"(II) developing student achievement levels that are—

"(aa) based on the knowledge and skills identified in subclause (I);

"(bb) based on the appropriate level of subject matter knowledge for the grade levels to be assessed, or the age of the students, as the case may be; and

"(cc) consistent with relevant widely accepted professional assessment standards.

"(ii) GRADE 12 STUDENT PREPAREDNESS LEVELS.—The grade 12 student preparedness levels described in paragraph (1) shall be determined by—

"(I) identifying the knowledge and skills that—

"(aa) are prerequisite to credit-bearing coursework in higher education without the need for remediation in English, mathematics, or science, participation in the 21st century workforce, and the Armed Forces;

"(bb) are competitive with rigorous international content and performance standards; and

"(cc) can be measured and verified objectively using widely accepted professional assessment standards; and

"(II) developing grade 12 student preparedness levels that are—

"(aa) based on the knowledge and skills identified in subclause (I); and

"(bb) consistent with widely accepted professional assessment standards."; and

(ii) in subparagraph (C), by striking "achievement levels" and inserting "student achievement levels and grade 12 student preparedness levels";

(D) in paragraph (3)—

(i) by striking "After determining that such levels" and inserting "After determining that the student achievement levels and grade 12 student preparedness levels"; and

(ii) by striking "an evaluation" and inserting "a review"; and

(E) in paragraph (4), by inserting "or grade 12 student preparedness levels" after "achievement levels"; and

(5) in subsection (f)(1)—

(A) in subparagraph (A), by inserting "and grade 12 student preparedness levels" after "student achievement levels"; and

(B) in subparagraph (B)—

(i) in clause (i), by inserting "or grade 12 student preparedness" after "achievement";

(ii) in clause (ii), by inserting "and grade 12 student preparedness levels" after "achievement levels";

(iii) by striking clause (iii) and inserting the following:

"(iii) whether any authorized assessment is being administered as a random sample and is reporting the trends in student achievement or grade 12 student preparedness in a valid and reliable manner in the subject areas being assessed;";

(iv) in clause (iv), by striking "and" after the semicolon;

(v) in clause (v), by striking "and mathematical knowledge." and inserting "and mathematical knowledge and scientific knowledge; and"; and

(vi) by adding at the end the following:

"(vi) whether the appropriate authorized assessments are measuring, consistent with this section, the preparedness of students in grade 12 in the United States for entry into—

"(I) credit-bearing coursework in higher education without the need for remediation in English, mathematics, or science;

"(II) the 21st century workforce; and

"(III) the Armed Forces.".

(c) NATIONAL BENCHMARKS.—The National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.) is amended—

(1) by redesignating sections 304 and 305 as sections 305 and 306, respectively; and

(2) by inserting after section 303 the following:

"SEC. 304. NATIONAL BENCHMARKS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to encourage the coordination of, and consistency between—

"(A) a State's academic content standards and student academic achievement standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, assessment specifications, and assessment questions; and

"(B) national benchmarks, as reflected in the National Assessment of Educational Progress;

"(2) to assist States in increasing the rigor of their State academic content standards, student academic achievement standards, assessment specifications, and assessment questions, to ensure that such standards, specifications, and questions are competitive with rigorous national and international benchmarks; and

"(3) to improve the instruction and academic achievement of students, beginning in the early grades, to ensure that secondary school graduates are well-prepared to enter—

"(A) credit-bearing coursework in higher education without the need for remediation;

"(B) the 21st century workforce; or

"(C) the Armed Forces.

"(b) ALIGNMENT ANALYSIS.—

"(1) IN GENERAL.—When the chief State school officer of a State identifies a need for, and requests the Assessment Board to conduct, an alignment analysis for the State in reading, mathematics, or science in grades 4 and 8, the Assessment Board shall perform an alignment analysis of the State's academic content standards and student academic achievement standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), assessment specifications, and assessment questions, for the identified subject in grades 4 and 8. Such analysis shall begin not later than 180 days after the alignment analysis is requested.

"(2) ASSESSMENT BOARD RESPONSIBILITIES.—As part of the alignment analysis, the Assessment Board shall—

"(A) identify the differences between the State's academic content standards and student academic achievement standards, assessment specifications, and assessment questions for the subject identified by the State, and national benchmarks reflected in the National Assessment of Educational Progress in such subject in grades 4 and 8;

"(B) at the State's request, recommend steps for, and policy questions such State should consider regarding, the alignment of the State's academic content standards and student academic achievement standards in the identified subject, with national benchmarks reflected in the National Assessment of Educational Progress in such subject in grades 4 and 8; and

"(C) at the State's request, and in conjunction with a State prekindergarten through grade 16 student preparedness council established under section 7 of the States Using Collaboration and Coordination to Enhance Standards for Students Act of 2007, assist in the development of a plan described in section 7(e)(1)(C) of such Act.

"(3) CONTRACT.—At the discretion of the Assessment Board, the Assessment Board may enter into a contract with an entity that possesses the technical expertise to conduct the analysis described in this subsection.

"(4) STATE PANEL.—The chief State school officer of a State participating in an alignment analysis described in this subsection shall appoint a panel of not less than 6 individuals to partner with the Assessment Board in conducting the alignment analysis. Such panel—

"(A) shall include—

"(i) local and State curriculum experts;

"(ii) relevant content and pedagogy experts, including representatives of entities with widely accepted national educational standards and assessments; and

"(iii) not less than 1 entity that possesses the technical expertise to assist the State in implementing standards-based reform, which may be the same entity with which the Assessment Board contracts to conduct the analysis under paragraph (3); and

"(B) may include other State and local representatives and representatives of organizations with relevant expertise.".

(d) DEFINITION OF SECRETARY.—Section 305 of the National Assessment of Educational Progress Authorization Act (as redesignated by subsection (c)(1)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Education.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 306(a) of the National Assessment of Educational Progress Authorization Act (as redesignated by subsection (c)(1)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) for fiscal year 2008—

"(A) $7,500,000 to carry out section 302;

"(B) $200,000,000 to carry out section 303; and

"(C) $10,000,000 to carry out section 304; and"; and

(2) in paragraph (2)—

(A) by striking "5 succeeding" and inserting "4 succeeding"; and

(B) by striking "and 303, as amended by section 401 of this Act" and inserting ", 303, and 304".

(f) CONFORMING CHANGES AND AMENDMENTS.—

(1) CONFORMING CHANGES TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(A) STATE PLANS.—Section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2)) is amended by striking "and mathematics" and inserting ", mathematics, and science".

(B) LOCAL EDUCATIONAL AGENCY PLANS.—Section 1112(b)(1)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)(F)) is amended by striking "reading and mathematics" and inserting "reading, mathematics, and science".

(2) CONFORMING AMENDMENT.—Section 113(a)(1) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9513(a)(1)) is amended by striking "section 302(e)(1)(J)" and inserting "section 302(e)(1)(L)".

SEC. 7. PREKINDERGARTEN THROUGH GRADE 16 STUDENT PREPAREDNESS COUNCIL GRANTS.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From amounts appropriated under subsection (g) for a fiscal year, the Secretary is authorized to award, on a competitive basis, grants to States for the purpose of allowing the States to establish State prekindergarten through grade 16 student preparedness councils (referred to in this section as "councils") that—

(A) convene stakeholders within the State and create a forum for identifying and deliberating on educational issues that cut across prekindergarten through grade 12 education and higher education, and transcend any single system of education's ability to address;

(B) develop and implement a plan for improving the rigor of a State's academic content standards, student academic achievement standards, assessment specifications, and assessment questions as necessary, to ensure such standards and assessments meet national and international benchmarks as reflected in the assessments required under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(2)) or as defined by the council as necessary for success in credit-bearing coursework in higher education without the need for remediation, the 21st century workforce, or the Armed Forces;

(C) inform the design and implementation of integrated prekindergarten through grade 16 data systems, which—

(i) will allow the State to track the progress of individual students from prekindergarten through grade 12 and into higher education; and

(ii) shall be capable of being linked with appropriate databases on service in the Armed Forces and participation in the 21st century workforce; and

(D) develop challenging—

(i) school readiness standards;

(ii) curricula for elementary schools and middle schools; and

(iii) 21st century curricula for secondary schools.

(2) DURATION.—The Secretary shall award grants under this section for a period of not more than 5 years.

(3) EXISTING STATE COUNCIL.—A State with an existing State council may qualify for the purposes of a grant under this section if—

(A) such council—

(i) has the authority to carry out this section; and

(ii) includes the members required under subsection (b); or

(B) the State amends the membership or responsibilities of the existing council to meet the requirements of subparagraph (A).

(b) COMPOSITION.—

(1) REQUIRED MEMBERS.—The members of a council described in subsection (a) shall include—

(A) the Governor of the State or the designee of the Governor;

(B) the chief executive officer of the State public institution of higher education system, if such a position exists;

(C) the chief executive officer of the State higher education coordinating board;

(D) the chief State school officer;

(E) not less than 1 representative each from—

(i) the business community; and

(ii) the Armed Forces;

(F) a public elementary school teacher employed in the State; and

(G) a public secondary school teacher employed in the State.

(2) OPTIONAL MEMBERS.—The council described in subsection (a) may also include—

(A) a representative from—

(i) a private institution of higher education;

(ii) the Chamber of Commerce for the State;

(iii) a civic organization;

(iv) a civil rights organization;

(v) a community organization; or

(vi) an organization with expertise in world cultures;

(B) the State official responsible for economic development, if such a position exists; or

(C) a dean or similar representative for a school of education at an institution of higher education or a similar teacher certification or licensure program.

(c) TIMELINE.—A State receiving a grant under this section shall establish a council (or use or amend an existing council in accordance with subsection (a)(3)) not later than 60 days after the receipt of the grant.

(d) APPLICATION.—

(1) IN GENERAL.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) demonstrate that the opinions of the larger education, business, and military community, including parents, students, teachers, teacher educators, principals, school administrators, and business leaders, will be represented during the determination of the State academic content standards and student academic achievement standards, assessment specifications, assessment questions, and the development of curricula, if applicable;

(B) include a comprehensive plan to provide high-quality professional development for teachers, paraprofessionals, principals, and school administrators;

(C) explain how the State will provide assistance to local educational agencies in implementing rigorous State standards through substantive curricula, including scientifically based remediation and acceleration opportunities for students; and

(D) explain how the State and the council will leverage additional State, local, and other funds to pursue curricular alignment and student success.

(e) USE OF FUNDS.—

(1) REQUIRED ACTIVITIES.—A State receiving a grant under this section shall use the grant funds to establish a council that shall carry out the following:

(A) Design and implement an integrated prekindergarten through grade 16 longitudinal data system for the State, if such system does not exist, that will allow the State to track the progress of students from prekindergarten, through grade 12, and into higher education, the 21st century workforce, and the Armed Forces. The data system shall—

(i) include—

(I) a unique statewide student identifier for each student;

(II) student-level enrollment, demographic, and program participation information, including race or ethnicity, gender, and income status;

(III) the ability to match individual students' test records from year to year to measure academic growth;

(IV) information on untested students;

(V) a teacher identifier system with the ability to match teachers to students;

(VI) student-level transcript information, including information on courses completed and grades earned;

(VII) student-level college preparedness examination scores;

(VIII) student-level graduation and dropout data;

(IX) the ability to match student records between the prekindergarten through grade 12 and the postsecondary systems;

(X) a State data audit system assessing data quality, validity, and reliability;

(XI) rates of student attendance at institutions of higher education;

(XII) rates of student enrollment and retention in the Armed Forces; and

(XIII) student nonmilitary postsecondary employment information;

(ii) to the extent possible, coordinate with other relevant State databases, such as criminal justice or social services data systems;

(iii) allow the State to analyze correlations between course-taking patterns in prekindergarten through grade 12 and outcomes after secondary school graduation, including—

(I) entry into higher education;

(II) the need for, and cost of, remediation in higher education;

(III) graduation from higher education;

(IV) entry into the 21st century workforce;

(V) entry into the Armed Forces; and

(VI) to the extent possible through linkages with appropriate databases on service in the Armed Forces and participation in the 21st century workforce, persistence in the Armed Forces and continued participation in the 21st century workforce; and

(iv) ensure that the use of any available data does not allow for the public identification of the individual student's personally identifiable information, and that all data shall be collected and maintained in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g; commonly referred to as the Family Educational Rights and Privacy Act of 1974).

(B) If an integrated prekindergarten through grade 16 longitudinal data system exists or is currently being built, ensure that it complies with the requirements described in subparagraph (A).

(C) Develop and implement a plan to increase the rigor of standards or assessments in reading, mathematics, or science in order to better align such standards or assessments with national benchmarks reflected in the National Assessment of Educational Progress in grades 4 and 8 (in accordance with the results of the alignment analysis conducted under section 304 of the National Assessment of Educational Progress Authorization Act), and in other grades to ensure the alignment of kindergarten through grade 12 standards or assessments with the revisions made in grades 4 and 8, or to align such standards or assessments with the demands of higher education, the 21st century workforce, or the Armed Forces or other national and international benchmarks identified by the council. Such plan may include—

(i) an articulation of the steps necessary—

(I) for revising the State academic content standards and student academic achievement standards, assessment specifications, and assessment questions for the identified subject; and

(II) to better align the standards and the assessment specifications and questions described in subclause (I) with—

(aa) national benchmarks as reflected in the National Assessment of Educational Progress required under section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) for the identified subject; or

(bb) the demands of higher education, the 21st century workforce, or the Armed Forces or other national or international benchmarks identified by the council;

(ii) an articulation of the steps necessary and the process the State will undertake to revise standards or assessments, or both, in the identified subject;

(iii) a description of the partners the State will work with to revise standards or assessments, or both; and

(iv) a description of the activities the State will undertake to implement the revised standards or assessments, or both, at the State educational agency level and the local educational agency level, which activities may include—

(I) preservice and in-service teacher, paraprofessional, principal, and school administrator training;

(II) statewide meetings to provide professional development opportunities for teachers and administrators;

(III) development of curricula and instructional methods and materials;

(IV) the redesign of existing assessments, or the development or purchase of new high-quality assessments, with a focus on ensuring that such assessments are rigorous, measure significant depth of knowledge, use multiple measures and formats (such as student portfolios), and are sensitive to inquiry-based, project-based, or differentiated instruction; and

(V) other activities necessary for the effective implementation of the new State standards or assessments, or both.

(D) Analyze the State's level of prekindergarten through grade 16 curricular alignment and the success of the State's education system in preparing students for higher education, the 21st century workforce, and the Armed Forces by—

(i) using the data produced by a data system described in subparagraph (A) or (B), or other information as appropriate; and

(ii) exploring a possible agreement between the State educational agency and the higher education system in the State on a common assessment or assessments that—

(I) shall follow established guidelines to guarantee reliability and validity;

(II) shall provide adequate accommodations for students who are limited English proficient and students with disabilities; and

(III) may be a placement examination, end of course examination, college, workforce, or Armed Forces preparedness examination, or admissions examination, that measures secondary students' preparedness to succeed in postsecondary, credit-bearing courses.

(E) If the State has an officially designated college preparatory curriculum at the time the State applies for a grant under this section—

(i) describe the extent to which students who completed the college preparatory curriculum are more or less successful than other students, including students who did not complete a college preparatory curriculum, in entering and graduating from a program of study at an institution of higher education or entering the 21st century workforce or the Armed Forces;

(ii) examine the extent to which the expectations of the college preparatory curriculum are aligned with the entry standards of the State's institutions of higher education, including whether such curriculum enables secondary school students to enter credit-bearing coursework in higher education without the need for remediation; and

(iii) examine the extent to which the curriculum allows graduates to attain the skills necessary to enter the 21st century workforce or the Armed Forces.

(F) If the State has not designated a college preparatory curriculum at the time the State applied for a grant under this section, or if the curriculum described in subparagraph (E) does not result in a higher number of students enrolling in and graduating from institutions of higher education or entering the 21st century workforce or the Armed Forces, or is not aligned with the entry standards described in subparagraph (E)(ii), develop a 21st century curriculum that—

(i) may be adopted by the local educational agencies in the State for use in secondary schools;

(ii) enables secondary school students to enter credit-bearing coursework in higher education without the need for remediation;

(iii) allows graduates to attain the skills necessary to enter the 21st century workforce or the Armed Forces;

(iv) reflects the input of teachers, principals, school administrators, and college faculty; and

(v) focuses on providing rigorous core courses that reflect the State academic content standards and student academic achievement standards.

(G) Develop and make available specific opportunities for extensive professional development for teachers, paraprofessionals, principals, and school administrators, to improve instruction and support mechanisms for students using a curriculum described in subparagraph (E) or (F).

(H) Develop a plan to provide remediation and additional learning opportunities for students below grade level to ensure that all students will have the opportunity to meet the curricular standards of a curriculum described in subparagraph (E) or (F).

(I) Use data gathered by the council to improve instructional methods, better tailor student support services, and serve as the basis for all school reform initiatives.

(J) Implement activities designed to ensure the enrollment of all students in rigorous coursework, which may include—

(i) specifying the courses and performance levels required for acceptance into public institutions of higher education;

(ii) collaborating with institutions of higher education or other State educational agencies to develop assessments aligned to State academic content standards and a curriculum described in subparagraph (E) or (F), which assessments may be used as measures of student achievement in secondary school as well as for entrance or placement at institutions of higher education;

(iii) creating ties between elementary schools and secondary schools, and institutions of higher education, to offer—

(I) accelerated learning opportunities, particularly with respect to mathematics, science, engineering, technology, and critical-need foreign languages to secondary school students, which may include—

(aa) granting postsecondary credit for secondary school courses;

(bb) providing early enrollment opportunities in postsecondary education for secondary students enrolled in postsecondary-level coursework;

(cc) creating dual enrollment programs;

(dd) creating satellite secondary school campuses on the campuses of institutions of higher education; and

(ee) providing opportunities for higher education faculty who are highly qualified, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), to teach credit-bearing postsecondary courses in secondary schools; and

(II) professional development activities for teachers, which may include—

(aa) mentoring opportunities; and

(bb) summer institutes;

(iv) expanding or creating higher education awareness programs for middle school and secondary school students;

(v) expanding opportunities for students to enroll in highly rigorous postsecondary preparatory courses, such as Advanced Placement and International Baccalaureate courses; and

(vi) developing a high-quality professional development curriculum to provide professional development opportunities for paraprofessionals, teachers, principals, and administrators.

(2) PLANNING AND IMPLEMENTATION.—A State receiving a grant under this section may use grant funds received for the first fiscal year to form the council and plan the activities described in paragraph (1). Grant funds received for subsequent fiscal years shall be used for the implementation of the activities described in such paragraph.

(f) REPORTS AND PUBLICATION.—

(1) REPORTS.—

(A) INITIAL REPORT.—Not later than 9 months after a State receives a grant under this section, the State shall submit a report to the Secretary that includes—

(i) an analysis of alignment and articulation across the State's systems of public education for prekindergarten through grade 16, including data that indicates the percent of students who—

(I) graduate from secondary school with a regular diploma in the standard number of years;

(II) complete a curriculum described in subparagraph (E) or (F) of subsection (e)(1);

(III) matriculate into an institution of higher education (disaggregated by 2-year and 4-year degree-granting programs);

(IV) are secondary school graduates who need remediation in reading, writing, mathematics, or science before pursuing credit-bearing post-secondary courses in English, mathematics, or science;

(V) persist in an institution of higher education into the second year; and

(VI) graduate from an institution of higher education within 150 percent of the expected time for degree completion (within 3 years for a 2-year degree program and within 6 years for a baccalaureate degree);

(ii) an analysis of the strengths and weaknesses of the State—

(I) in transitioning students from the prekindergarten through grade 12 education system into higher education, the 21st century workforce, and the Armed Forces; and

(II) in transitioning students from the prekindergarten through grade 12 education system into mathematics, science, engineering, technology, and critical-need foreign language degree programs at institutions of higher education;

(iii) an analysis of the quality and rigor of the State's curriculum described in subparagraph (E) or (F) of subsection (e)(1), and the accessibility of the curriculum to all students in prekindergarten through grade 12;

(iv) an analysis of the strengths and weaknesses of the State in recruiting, retaining, and supporting qualified teachers, including—

(I) whether the State needs to recruit additional teachers at the secondary level for specific subjects (such as mathematics, science, engineering and technology education, and critical-need foreign languages), particular schools, or local educational agencies; and

(II) recommendations on how to set and achieve goals in this pursuit; and

(v) a detailed action plan that describes how the council will accomplish the goals and tasks required by the grant under this section, including a timeline for accomplishing all activities under the grant.

(B) ANNUAL REPORTS.—Not later than 1 year following the submission of the initial report described in subparagraph (A), and annually thereafter for the duration of the grant, a State receiving a grant under this section shall prepare and submit to the Secretary a report that describes the State's progress in accomplishing the goals and tasks required by the grant, including progress on each item described in subparagraph (A). The final annual report under this subparagraph shall be submitted 1 year after the expiration of the grant.

(2) PUBLICATION.—A State submitting a report in accordance with this subsection shall publish and widely disseminate the report to the public, including posting the report on the Internet.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 4 succeeding fiscal years.

SEC. 8. COLLABORATIVE STANDARDS AND ASSESSMENTS GRANTS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term "eligible State" means a State that demonstrates that it has analyzed and, where applicable, revised the State standards and assessments, through participation in a prekindergarten through grade 16 student preparedness council described in section 7 or through other State action, to ensure the standards and assessments—

(A) are aligned with the demands of the 21st century; and

(B) prepare students for entry into—

(i) credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; and

(iii) the Armed Forces

(2) ELIGIBLE CONSORTIUM.—

(A) IN GENERAL.—The term "eligible consortium" means a consortium of 2 or more eligible States that agrees to allow the Secretary, under subsection (e), to make available any assessment developed by the consortium under this section to a State that so requests, including a State that is not a member of the consortium.

(B) ADDITIONAL MEMBERS.—An eligible consortium may include, in addition to 2 or more eligible States, an entity with the technical expertise to carry out a grant under this section.

(b) PROGRAM AUTHORIZED.—From amounts authorized under subsection (f), the Secretary shall award grants, on a competitive basis, to eligible consortia to enable the eligible consortia to develop common standards and assessments that—

(1) are highly rigorous, internationally competitive, and aligned with the demands of higher education, the 21st century workforce, and the Armed Forces; and

(2) in the case of assessments, set rigorous performance standards comparable to rigorous national and international benchmarks.

(c) APPLICATION.—An eligible consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) REPORT.—Not later than 90 days after the end of the grant period, an eligible consortium receiving a grant under this section shall prepare and submit a report to the Secretary describing the grant activities.

(e) AVAILABILITY OF ASSESSMENTS.—The Secretary shall—

(1) make available, to a State that so requests and at no charge to the State, any rigorous, high-quality assessment developed by an eligible consortium under this section; and

(2) notify potential eligible States, at reasonable intervals, of all assessments currently under development by eligible consortia under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $75,000,000 for fiscal year 2008 and such sums as are necessary for each of the 4 succeeding fiscal years.

By Mr. McCAIN (for himself, Mr. DEMINT, Mr. SMITH, and Mr. SUNUNU):

S. 166. A bill to restrict any State from imposing a new discriminatory tax on cell phone services; to the Committee on Finance.

Mr. McCAIN. Mr. President, I am pleased to be joined by Senator DEMINT in introducing the Cell Phone Tax Moratorium Act of 2007. This bill would put a stop to new discriminatory taxes on cell phone services for a period of 3 years.

The average general sales tax in the U.S. today is around six percent, but the average State and local taxes and fees on cell phone service comes in at about 17 percent. Consumers are left paying a hefty portion of their monthly cell phone bill to the Government for what many believe is their most important communications device.

The National Conference of State Legislatures and the National Governors' Association have issued policy positions calling for states to eliminate excessive and discriminatory taxes on communications services. State and local governments have been working with the telecommunications industry to find a solution to these excessive taxes, but no agreement has been reached. During the three year moratorium, it is my hope that State and local governments—in cooperation with industry—will work to eliminate discriminatory taxes and fees on wireless services.

Excessive taxes dampen innovation, and are regressive, hitting the most vulnerable customers the hardest. Although more then 72 percent of all Americans own a cell phone, 26 percent said they could not live without it because it is their only communications source, according to a recent Pew Internet and Life Project report. Cell phone only owners are often those who find it difficult to afford a wired and a wireless phone. Additionally, according to the same report, 74 percent of the Americans say they have used their cell phone in an emergency and gained valuable assistance.

Some State and local governments cannot move beyond the idea that wireless services are some kind of luxury item that can be taxed at a higher rate. These services may have been a luxury item many years ago, but due to deregulation wireless services are more affordable than ever and even necessary for personal or business reasons. This is why it is perplexing that some states burden cell phone subscribers with taxes and fees that can be as high as 24 percent of a consumer's total bill.

Tax rates as high as this are generally associated with cigarettes and alcohol and known as "sin taxes" designed to reduce consumption. I cannot imagine it is the intention of states and localities to reduce consumption of wireless services.

Mindful of the revenue requirements of States and localities, this bill does not eliminate existing discriminatory taxes. Nor does the bill prohibit states and localities from imposing new taxes on wireless services that are not discriminatory. The bill simply puts a stop to the creation of new discriminatory taxes on cell phone services.

Last year I introduced similar legislative language during a mark-up in the Senate Commerce Committee. The amendment passed with a vote 21–1. I am hopeful that this bill will once again be supported by the Commerce Committee and that it will be approved by the full Senate. I ask my colleagues to join me in ending the discriminatory sales taxes on this very popular communications service.

By Mrs. BOXER:

S. 167. A bill to amend the Clean Air Act to require the Secretary of Energy to provide grants to eligible entities to carry out research, development, and demonstration projects of cellulosic ethanol and construct infrastructure that enables retail gas stations to dispense cellulosic ethanol for vehicle fuel to reduce the consumption of petroleum-based fuel; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, I rise today to introduce the Cellulosic Ethanol Development and Implementation Act of 2007.

As a Nation, we should be striving for greater energy independence and for more environmentally friendly sources of fuel for our automobiles. Cellulosic ethanol is fuel ethanol made from glucose, a sugar derived from the cellolose in biomass. It is chemically identical to ethanol made from food crops like corn and sugar cane. Cellulosic ethanol is more difficult to make, because cellulose is a tough structural material that gives plants their strength.

However, making ethanol from cellulose lets us tap into a much larger source of sugars, and, therefore, potentially make much larger amounts of fuel ethanol, tens of billions of gallons or more. An additional benefit is that cellulosic ethanol made from biomass is likely to produce smaller amounts of greenhouse gases than corn ethanol, and far less greenhouse gases than gasoline it will replace. With continued technology improvements, it should be cheaper than gasoline. Because it is locally made, it reduces the need for oil imports.

An April 2005 study by the Department of Energy and Agriculture indicates that the country currently has a supply of biomass sufficient to displace 30 percent of the country's present petroleum use.

I am introducing this bill because I believe we should be doing more to harness our Nation's cellulosic ethanol potential. I have been a strong proponent of using alternative transportation fuels and efficiency measures to reduce oil dependence. Last Congress, we took a good first step in the development of cellulosic ethanol. The Energy Policy Act of 2005, known as EPAct 05, requires that at least one-third of the Nation's ethanol be produced from cellulose by 2013.

In addition, EPAct 05 also created a new ethanol section of the Clean Air Act (Section 212). In that section, one subsection, section 212(e), includes language I authored to establish a new cellulosic production conversion assistance grant program. That program, housed at the Department of Energy, provides financial assistance to encourage the building of new cellulosic facilities in the U.S. The program was authorized to receive $250 million in fiscal year 2006 and $400 million in fiscal year 2007.

Though Congress has taken the steps I've just described, I believe we can and should do more, and the bill I introduce today does just that.

It would add two new cellulosic ethanol programs to the Clean Air Act. The first is a new competitive grant program for cellulosic motor vehicle fuel research and demonstration projects. Funded at $1 billion over 6 years, universities, Federal and State research labs, private industry, nonprofit groups, or partnerships between any of these groups, would be able to compete for funds.

My bill would also create a new pilot program for the installation of ethanol fuel pumps at gas stations or any other needed infrastructure required to dispense ethanol fuel, such as a storage tank, for example. Funded at $1 billion over 6 years, the same entities that would participate in the research section of the bill would also be able to compete for funds under this program. Successful applicants would have to provide 20 percent of the grant in matching funds.

Finally, my bill also extends the authorization for the original cellulosic grant program that is currently authorized in EPAct 05. The authorization expires at the end of this year, and the bill I introduce today would extend it at $400 million per year thru 2010. This extension will ensure the program continues.

As Chair of the Environment and Public Works Committee, I believe that our Nation's energy policy must focus on conservation, improvements in energy efficiency, and the development of clean, renewable energy technology. I continue to support measures to accomplish these goals, including the promotion of cellulosic ethanol. I believe this bill is an important next step in achieving these objectives. I ask content that a copy of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cellulosic Ethanol Development and Implementation Act of 2007".

SEC. 2. CELLULOSIC ETHANOL FUEL DEVELOPMENT AND IMPLEMENTATION PROGRAM.

Section 212 of the Clean Air Act (42 U.S.C. 7546) is amended by adding at the end the following:

"(f) CELLULOSIC ETHANOL FUEL GRANT PROGRAM.—

"(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

"(A) an institution of higher education;

"(B) a National Laboratory;

"(C) a Federal research agency;

"(D) a State research agency;

"(E) a private sector entity;

"(F) a nonprofit organization; or

"(G) a consortium of 2 or more entities described in subparagraphs (A) through (F).

"(2) ESTABLISHMENT.—The Secretary shall establish a program to provide grants to eligible entities for use in carrying out research, development, and demonstration projects relating to the use of cellulosic ethanol fuel for motor vehicles.

"(3) APPLICATION.—An eligible entity that seeks to receive a grant under this subsection shall submit to the grant review committee described in paragraph (4) an application for the grant at such time, in such form, and containing such information as the grant review committee may require.

"(4) GRANT REVIEW COMMITTEE.—Applications for grants under this subsection shall be reviewed, and approved or disapproved, by a grant review committee composed of an equal number of representatives of—

"(A) the Department of Energy, to be appointed by the Secretary;

"(B) the Department of Agriculture, to be appointed by the Secretary of Agriculture;

"(C) the Environmental Protection Agency, to be appointed by the Administrator; and

"(D) experts that are not full-time employees of the Federal Government, to be appointed by the President.

"(5) PRIORITY.—In awarding grants under this subsection, the grant review committee shall give priority to eligible entities that propose to carry out—

"(A) projects that use alternative or renewable energy sources in the production of cellulosic ethanol fuel; and

"(B) demonstration projects.

"(6) MATCHING FUNDS.—As a condition of receiving a grant under this subsection, an eligible entity shall provide matching funds in the amount of 20 percent of the total amount of the grant.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000,000 for the period of fiscal years 2007 through 2013.

"(g) INFRASTRUCTURE PILOT PROGRAM FOR CELLULOSIC ETHANOL FUEL.—

"(1) IN GENERAL.—The Secretary shall establish a pilot program to provide grants to eligible entities (as described in subsection (d)(2) or defined in subsection (f)) for use in installing infrastructure (such as pumps) that would enable retail gas stations to sell and dispense ethanol fuel.

"(2) APPLICATION.—An eligible entity that seeks to receive a grant under this subsection shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may require.

"(3) MATCHING FUNDS.—As a condition of receiving a grant under this subsection, an eligible entity shall provide matching funds in the amount of 20 percent of the total amount of the grant.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000,000 for the period of fiscal years 2007 through 2013.".

SEC. 3. CELLULOSIC BIOMASS ETHANOL CONVERSION ASSISTANCE.

Section 212(e) of the Clean Air Act (42 U.S.C. 7546(e)) is amended by striking paragraph (3) and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $400,000,000 for each of fiscal years 2007 through 2010.".

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 168. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pikes Peak Region of Colorado; to the Committee on Veterans' Affairs.

Mr. ALLARD. Mr. President, I am reintroducing legislation to establish a National Veteran's Cemetery in the Pikes Peak Region of Colorado in order to meet the needs of veterans in southern Colorado. This legislation is similar to what I have introduced and supported in the past, and seeks to fill a void for many veterans and their families. Colorado's fifth Congressional District contains the third highest concentration of military retirees in the nation. Recent estimates show that there are as many as 175,000 veterans in the area, when including all of southern Colorado. This legislation will allow thousands of eligible southern Colorado military personnel, both active duty and retired as well as the many veterans living in the area, to have a chance to find their final resting place in the region so many of them have come to love and appreciate.

This legislation has been influenced by the growing military retiree and veterans populations in the Pikes Peak region as well as community leaders and local Veterans Service Organizations who have repeatedly brought this issue to my attention over the last several years. It is important to note the passion and perseverance of those that have supported a National Veterans Cemetery and have worked tirelessly on the issue. This legislation is truly citizen-generated and is a testament to the dedication of veterans in the community.

By Mr. ALLARD (for himself and Mr. LEVIN):

S. 169. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, the National Trails System Willing Seller Act will pave the way for the completion of our Nation's most outstanding national trails. The legislation will amend the National Trails System Act of 1968 to make clear that the Federal Government may purchase land to complete several national trails from willing sellers. The legislation specifically names nine trails that are spread across the nation. The Continental Divide trail, stretching from Mexico through Colorado to the Canadian border, is among the trails that await completion.

I was successful in gaining Senate passage of this legislation in the 108th Congress and am hopeful that both the House and Senate will act on the bill this year.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 171. A bill to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the "Mickey Mantle Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. INHOFE. Mr. President, I rise today along with my colleague, TOM COBURN, to proudly introduce legislation to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, OK as the "Mickey Mantle Post Office."

Mickey Mantle emulates the Oklahoma spirit of hard work, charity, and sportsmanship. He is a shining example of how commitment and dedication can lead to great success. I seek to name the post office in Commerce, Oklahoma, in Mickey Mantle's honor. He is still known to Commerce by the nicknames "Commerce Comet" or "Commerce Kid".

At age 4, Mickey Mantle moved with his family to Commerce where he grew up, having been born in Spavinaw, OK. By his father who was an amateur player and fervent fan, Mickey Mantle was named in honor of Mickey Cochrane, the Hall of Fame catcher from the Detroit Tigers.

Signing with the New York Yankees in 1949, Mantle made his Major League Debut in 1951. He played his entire Major League career with the Yankees. He was a twenty-time All Star and named American League MVP three times. Mantle was a part of 12 pennant winners and 7 World Championship clubs. Some of Mantle's records still hold today. He holds the record for most World Series home runs 18, runs batted in 40, runs 42, walks 43, extra-base hits 26, and total bases 123.

Mantle announced his retirement on March 1, 1969. He actually retired on Mickey Mantle Day, June 8, 1969. In addition to the retirement of his uniform number 7, Mantle was given a plaque that would hang on the center field wall at Yankee Stadium, near the monuments to Babe Ruth, Lou Gehrig and Miller Huggins. In 1974, as soon as he was eligible, he was inducted into the Baseball Hall of Fame demonstrating his importance to baseball and community.

Sadly, Mickey Mantle's father died of cancer at the age of 39, just as his son was starting his career. Mantle said one of the great heartaches of his life was that he never told his father he loved him.

After a bout with liver cancer himself, Mickey Mantle was given a few precious extra weeks of life due to a liver transplant. The baseball great was overwhelmed by the selfless gift of a liver from a stranger; therefore, Mickey became determined to give something back at the end of his life. Thus, in 1995, the year he died, the Mickey Mantle Foundation was established to promote organ and tissue donation, and Mickey Mantle will be remembered for something more than his heroic baseball career.

I encourage my colleagues to join me in support of this legislation as we commemorate an outstanding athlete so that future generations will be as inspired by his example of sportsmanship and charity as we have been.

Mr. INHOFE (for himself and Mr. DEMINT):

S. 173. A bill to amend title XVIII of the Social Security Act to establish Medicare Health Savings Accounts; to the Committee on Finance.

Mr. INHOFE. Mr. President, I introduce a bill to establish Medicare Health Savings Account, HSAs. This bill will make HSAs available under Medicare in lieu of Medicare Medical Savings Account, MSAs. I have long been dedicated to quality health care and believe that seniors should have the ability to make their own decisions regarding their health care, so they can receive the health care they need and deserve. As a senior myself, I appreciate how imperative it is that we seniors be provided with a wide array of choices.

My desire to see my fellow Oklahomans and all Americans receive the best possible health care is evidenced by my involvement in various health-related issues. I have always been a champion of rural health care providers. In 1997, I was one of the few Republicans to vote against the Balanced Budget Act because of its lack of support for rural hospitals. At that time, I made a commitment to not allow our rural hospitals to be closed and am pleased we finally addressed that important issue in the Medicare Modernization Act of 2003 by providing great benefits for rural health care providers as well as a voluntary prescription drug benefit to seniors. In 2003, I also co-sponsored the Health Care Access and Rural Equity Act, to protect and preserve access of Medicare beneficiaries to health care in rural regions.

In order to assist my State and other States suffering from large reduction in their Federal Medical Assistance Percentage, FMAP for Medicaid, I introduced a bill in the 109th Congress to apply a State's FMAP from fiscal year 2005 to fiscal years 2006 through 2014. The purpose of this legislation is to prevent drastic reductions in FMAP while revision of the formula itself is considered.

I am a strong advocate of medical liability reform and have consistently been an original cosponsor of the Medical Care Access Protection Act and the Healthy Mothers and Healthy Babies Access to Care Act. These bills protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs. I am committed to this vital reform that would alleviate the burden placed on physicians and patients by excessive medical malpractice lawsuits.

I have also worked with officials from the Centers for Medicare and Medicaid Services, CMS to expand access to life-saving Implantable Cardiac Defibrillators and many other numerous regulations that would affect my rural State such as the 250 yard-rule for Critical Access Hospitals.

As a supporter of safety and medical research, I have co-sponsored legislation to increase the supply of pancreatic islet cells for research and a bill to take the abortion pill RU-486 off the market in the United States.

In response to the shortages of flu vaccines experienced in years past, I introduced the Flu Vaccine Incentive Act to help prevent any future shortages in flu vaccines in both the 108th and 109th Congresses. My bill removed suffocating price controls from government purchasing of the flu vaccine while encouraging more companies to enter the market. Also, my bill freed American companies to enter the flu vaccine industry by giving them an investment tax credit towards the construction of flu vaccine production facilities.

As a result of my sister's death from cancer and a treatment we learned about not accessible in the United States that might have saved her life, Senator SAM BROWNBACK and I introduced the Access, Compassion, Care and Ethics for Seriously-ill Patients Act, ACCESS, in the 109th Congress. This bill offered a three-tiered approval system for treatments showing efficacy during clinical trials, for use by the seriously ill patient population. Seriously ill patients, who have exhausted all alternatives and are seeking new treatment options, would be offered access to these treatments with the consent of their physician. I was pleased to learn that the Food and Drug Administration has announced a proposal to offer expanded access to drugs to terminally ill patients.

My resolution to designate April 8, 2006, as "National Cushing's Syndrome Awareness Day" was passed by unanimous consent in the 109th Congress. The intent of this resolution is to raise awareness of Cushing's Syndrome, a debilitating disorder that affects an estimated 10 to 15 people per million. It is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol.

It was brought to my attention thanks to a staffer with Celiac Disease and an Oklahoma Celiac Support Group that there is a great need to raise awareness of celiac disease; therefore, I worked to get my resolution passed by unanimous consent to designate September 13, 2006 as National Celiac Disease Awareness Day. Celiac disease is an autoimmune disorder and a malabsorption disease that affects an estimated 2.2 million Americans. Celiac disease is, essentially, intolerance to gluten, a protein found in wheat, rye, oats and barley, as well as some medicines and vitamins.

Additionally, I have consistently cosponsored yearly resolutions designating a day in October as "National Mammography Day" and a week in August as "National Health Center Week" to raise awareness regarding both these issues and have supported passage and enactment of numerous health-care-related bills, such as the Rural Health Care Capital Access Act of 2006, which extends the exemption respecting required patient days for critical access hospitals under the federal hospital mortgage insurance program.

As the Federal Government invests in improving hospitals and healthcare initiatives, I have fought hard to ensure that Oklahoma gets its fair share. Specifically, over the past 3 years, I have helped to secure $5.2 million in funding for the Oklahoma Medical Research Foundation, the Oklahoma State Department of Health planning initiative for a rural telemedicine system, the INTEGRIS Healthcare System, the University of Oklahoma Health Sciences Center, the Oklahoma Center for the Advancement of Science and Technology, St. Anthony's Heart Hospital, the Hillcrest Healthcare System, and the Morton Health Center.

As a long supporter of HSAs, I believe all people should have access to them since they provide great flexibility in the health market and allow individuals to have control over their own health care. Medicare MSAs have existed since January 1, 1997, revised in December of 2003, but they have not worked. No insurer whatsoever has yet offered any Medicare MSA under the current law. To fix this problem, my legislation creates a new HSA program under Medicare that incorporates a high deductible health plan and an HSA account while dissolving the existing Medicare MSA.

In tandem with my efforts, the Centers for Medicare and Medicaid Service, CMS, are launching an HSA demonstration project that would test allowing health insurance companies to offer Medicare beneficiaries products similar to HSA. This activity points to the Administration's support of HSAs and desire to see all seniors receive the best possible coverage.

As the July 13, 2006 edition of The Hill, explains, "no legislation is pending that would integrate HSAs into the Medicare program . . ." Thus, my legislation is necessary because real Medicare HSA reform is needed in order for seniors to have true flexibility and freedom of choice in their health care.

Under my bill, beneficiaries who choose the HSA option will receive an annual amount that is equal to 95 percent of the annual Medicare Advantage, MA, capitation rate with respect to the individual's MA payment area. These funds provided through the Medicare HSA program can only be used by the beneficiary for the following purposes: as a contribution into an HSA or for payment of high deductible health plan premiums. However, the individual also has the opportunity to deposit personal funds in to the Medicare HSA.

My bill also guarantees that seniors be notified of the amount they will receive 90 days before receipt to ensure they have time to determine the best and most appropriate HSA to accommodate needs. The bill also allows the Secretary of Health and Human Services to deal with fraud appropriately and requires providers to accept payment by individuals enrolled in a Medicare HSA just as they would with an individual enrolled in traditional Medicare.

Please join me in supporting this important legislation to give our seniors more choices regarding their health care.

By Mr. INHOFE:

S. 174. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Health, Education, Labor, and Pensions.

Mr. INHOFE. Mr. President, I introduce legislation requiring parental consent for intrusive physical exams administered under the Head Start program.

Young children attending Head Start programs should not be subjected to these intrusive physical exams without the prior knowledge or consent of their parents. While the Department of Health and Human Services has administered general exam guidelines to agencies, the U.S. Code is not clear about prohibiting them without parental consent. To clarify the Code, my bill will not allow any non-emergency intrusive exam by a Head Start agency without parental consent. This would not include exams such as hearing, vision or scoliosis screenings.

This issue was brought to my attention by some of my constituents from Tulsa, OK, who felt their rights were violated when their children were subjected to genital exams and blood tests without their consent. I am pleased to see that the Rutherford Institute has taken an interest in this crucial issue and are representing my constituents.

As a father and grandfather, I believe it is vital for parents to be informed about what is happening to their children in the classroom. I hope that my colleagues will join me in support of this important bill.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. ALEXANDER, Mr. ENSIGN, Mr. ENZI, Mr. MARTINEZ, Mr. THUNE, and Mr. STEVENS):

S. 180. A bill to provide a permanent deduction for State and local general sales taxes; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to permanently correct an injustice in the tax code that has harmed citizens in many States of this great Nation.

State and local governments have various alternatives for raising revenue.

Some levy income taxes, some use sales taxes, and others use a combination of the two. The citizens who pay State and local income taxes have been able to offset some of their federal income taxes by receiving a deduction for those State and local income taxes. Before 1986, taxpayers also had the ability to deduct their sales taxes.

The philosophy behind these deductions is simple: people should not have to pay taxes on their taxes. The money that people must give to one level of Government should not also be taxed by another level of Government.

Unfortunately, citizens of some States were treated differently after 1986 when the deduction for State and local sales taxes was eliminated. This discriminated against those living in States, such as my home State of Texas, with no income taxes. It is important to remember the lack of an income tax does not mean citizens in these States do not pay State taxes; revenues are simply collected differently.

It is unfair to give citizens from some States a deduction for the revenue they provide their State and local governments, while not doing the same for citizens from other States. Federal tax law should not treat people differently on the basis of State residence and differing tax collection methods, and it should not provide an incentive for States to establish income taxes over sales taxes.

This discrepancy had a significant impact on Texas. According to the Texas Comptroller, the sales tax deduction saves a family of four $310 a year, or a total of about $1 billion each year for the State's residents who itemize deductions. The ability of taxpayers to deduct their sales taxes will lead to the creation of more than 16,500 new jobs and the addition of $920 million in State economic activity.

Recognizing the inequity in the tax code, Congress reinstated the sales tax deduction in 2004 and authorized it for two years. Last year, we extended the sales tax deduction for an additional two years. As a result of our efforts, the 55 million of us in the eight States with a sales tax but no income tax are no longer discriminated against in the tax code. Unfortunately, the deduction is only in effect through 2007, and we must act to prevent the inequity from returning.

The legislation I am offering today will fix this problem for good by making the State and local sales tax deduction permanent. This will permanently end the discrimination suffered by my fellow Texans and citizens of other States who do not have the option of an income tax deduction.

This legislation is about reestablishing equity to the tax code and defending the important principle of eliminating taxes on taxes. Last year, the Senate voted 75–25 to instruct conferees to make this deduction permanent. I hope my fellow Senators will once again support this effort and pass this legislation.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. BUNNING, Mr. ENSIGN, Mr. HAGEL, Mr. MARTINEZ, Mr. VITTER, Mr. CHAMBLISS, Mr. STEVENS, and Mr. BROWNBACK):

S. 181. A bill to provide permanent tax relief from the marriage penalty; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to provide permanent tax relief from the marriage penalty—the most egregious, anti-family provision that has been in the tax code. One of my highest priorities in the United States Senate has been to relieve American taxpayers of this punitive burden.

We have made important strides to eliminate this unfair tax and provide marriage penalty relief by raising the standard deduction and enlarging the 15 percent tax bracket for married joint filers to twice that of single filers. Before these provisions were changed, 44 million married couples, including 2.4 million Texas families, paid an average penalty of $1,480.

Enacting marriage penalty relief was a giant step for tax fairness, but it may be fleeting. Even as married couples use the money they now save to put food on the table and clothes on their children, a tax increase looms in the future. Since the 2001 tax relief bill was restricted, the marriage penalty provisions will only be in effect through 2010. In 2011, marriage will again be a taxable event and 43 percent of married couples will again pay more in taxes unless we act decisively. Given the challenges many families face in making ends meet, we must make sure we do not backtrack on this important reform.

The benefits of marriage are well established, yet, without marriage penalty relief, the tax code provides a significant disincentive for people to walk down the aisle. Marriage is a fundamental institution in our society and should not be discouraged by the IRS. Children living in a married household are far less likely to live in poverty or to suffer from child abuse. Research indicates these children are also less likely to be depressed or have developmental problems. Scourges such as adolescent drug use are less common in married families, and married mothers are less likely to be victims of domestic violence.

We should celebrate marriage, not penalize it. The bill I am offering would make marriage penalty relief permanent, because marriage should not be a taxable event. I call on the Senate to finish the job we started and make marriage penalty relief permanent today.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. FEINGOLD, Mr. LEAHY, Ms. SNOWE, Mr. KENNEDY, and Mr. DURBIN):

S. 182. A bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senators HUTCHISON, FEINGOLD, LEAHY, SNOWE, KENNEDY and DURBIN in reintroducing the "Family Abduction Prevention Act," a bill to help the thousands of children who are abducted by a family member each year.

We introduced this legislation last Congress, and it passed the Senate by unanimous consent, but unfortunately, the bill was never taken up by the House. This is important and needed legislation.

Family abductions are the most common form of abduction, yet they receive little attention, and law enforcement agencies too often don't treat them as the serious crimes that they are—too often dismissing the seriousness of these cases as family disputes.

The Family Abduction Prevention Act of 2007 would provide grants to States for the costs associated with family abduction prevention. Specifically, it would assist States with costs associated with the extradition of individuals suspected of committing the crime of family abduction, costs borne by State and local law enforcement agencies to investigate cases of missing children, training for local and State law enforcement agencies in responding to family abductions, outreach and media campaigns to educate parents on the dangers of family abductions, and assistance to public schools to help with costs associated with "flagging" school records.

Each year, over 200,000 children—78 percent of all abductions in the United States—are kidnapped by a family member, usually a non-custodial parent.

More than half of the abducting parents have a history of domestic violence, substance abuse, or a criminal record.

Unfortunately, many State and local law enforcement agencies frequently treat these abductions as personal, family disputes. Approximately 70 percent of law enforcement agencies lack written guidelines on responding to family abduction and many are not informed about the Federal laws available to help in the search and recovery of an abducted child.

Too often law enforcement assumes that a child is not in grave danger if the abductor is a family member. Unfortunately, this is not always true, and this assumption can endanger a child's life. Research has shown that the most common motive in family abduction cases is revenge against the other parent—not love for the child.

The effects of family abduction on children are often traumatic. Abducted children suffer from severe separation anxiety. To break emotional ties with the left-behind parent, some abductors will coach a child into falsely disclosing abuse by the other parent to perpetuate their control during or after the abduction. And in many cases, the child is told that the other parent is dead or did not really love them.

For example, on Takeroot.org, a website devoted to the victims of family abductions, a young lady named Kelly told the story of how her parents were going through a bitter divorce and custody battle when she was nine, and her brother was six. Her dad picked them up for a regular visit, but then just kept on driving.

Kelly says, "If I close my eyes, I can still see my mother waving goodbye as we watched her from the rear window of our father's truck. . . . Little did we know that it would be close to a year before we would see her again."

Days later, Kelly started asking her father why they were continuing to drive—and why they were sleeping in the truck. After a while, her father finally broke his silence and screamed at her that her mother had given him the children because she didn't love them and that they would just have to learn to deal with it.

For the next eleven months, they lived like fugitives on the run, often dirty and hungry, "with very little money and even less love," according to Kelly. "We left in the middle of the night, never saying goodbye to friends we may have made or people we met. I still see those people in my mind's eye. I miss them. . . . Mostly, I miss the child I was, the child I lost."

The harm caused by these abductions cannot easily be put into words. In many family abduction cases, children are given new identities at an age when they are still developing a sense of who they are. In extreme cases, the child's gender is masked to further avoid detection.

Abducting parents also often deprive their children of education and much-needed medical attention to avoid the risk of being tracked via school or medical records.

As the child adapts to a fugitive's lifestyle, deception becomes an integral part of their life. The child is taught to fear those that one would normally trust, such as police, doctors, teachers and counselors. Even after recovery, the child often has a difficult time growing into adulthood.

In some cases, the abducting parent leaves the child with strangers, or locations where their health, safety, and other basic needs may be extremely compromised.

For example, in Lafayette, CA, two girls abducted by their mother ended up under the control of a convicted child molester. When Kelli Nunez absconded with her daughters, 6-year-old Anna and 4-year-old Emily, in violation of court custody orders, she drove her daughters cross-country, and then returned by plane to San Francisco, where she handed the children to someone holding a coded sign at the airport.

The person holding the sign belonged to a helpful-sounding organization called the California Family Law Center—but the organization was actually led by Florencio Maning, a convicted child molester. For six months, Maning orchestrated the concealment of the Nunez girls with help from other people.

Luckily, police were able to track down the girls, and they were successfully reunited with their father. That success may have been due to the fact that California has been the Nation's leader in fighting family abduction.

In my State, we have a system that places the responsibility for the investigation and resolution of family abduction cases with the County District

Attorney's Office. Each California County District Attorney's Office has an investigative unit that is focused on family abduction cases. These investigators only handle family abduction cases and become experts in the process.

However, most States lack the training and resources to effectively recover children who are kidnapped by a family member. According to a study conducted by Plass, Finkelhor and Hotaling, 62 percent of parents surveyed said they were "somewhat" or "very" dissatisfied with police handling of their family abduction cases.

The "Family Abduction Prevention Act of 2007" would be an important first step in addressing this serious issue.

I urge my colleagues to pass this important legislation, just as you did in the 109th Congress.

By Mr. STEVENS:

S. 183. A bill to require the establishment of a corporate average fuel economy standard for passenger automobiles of 40 miles per gallon 2017, and for other purpose; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, the bill that I introduce today features language that would remove the legal ambiguity that for years has inhibited the Secretary of Transportation from raising fuel economy standards for passenger cars, and the measure would mandate that a fuel economy standard for passenger cars be set at 40 miles per gallon by model year 2017. By providing authority to increase standards for passenger cars, and requiring a specific fuel economy standard target, this bill would provide consumers with fuel savings at the pump, limit the Nation's dependence on foreign oil, and significantly reduce greenhouse gas emissions.

The bill would remove from the current Corporate Average Fuel Economy (CAFE) statute the requirement that the Secretary of Transportation submit to Congress any proposal to increase or decrease fuel economy standards. This requirement has been deemed unconstitutional by the U.S. Supreme Court. This legal hurdle, coupled with years of Federal funding legislation precluding the Secretary from reviewing CAFE, has prevented increases in fuel economy in the domestic passenger vehicle fleet.

The Secretary recently completed a dramatic reform of the fuel economy standards for the light-truck fleet, and he might have made similar reforms to the passenger fleet but for the statutory ambiguity of the current CAFE statute. I applaud the Secretary for his recent CAFE increases for light trucks, and I commend the administration for its seven light truck CAFE increases in the last six years. But the time has come for the Secretary to increase fuel economy standards for passenger cars as well.

In 2000, the National Academy of Sciences (NAS) issued a report that concluded that the benefits resulting from CAFE since its implementation in 1978 clearly warrant Government intervention to ensure fuel economy levels beyond what may result from market forces alone. The NAS panel found that CAFE has led to marked improvements in reducing greenhouse gas emissions, fuel consumption, and dependence on foreign oil.

Mr. President, the United States imports almost 11 million barrels of crude oil every day, compared with only five million produced here at home. And over two million imported barrels hail from the Persian Gulf region. The terrorist attacks waged on this country on September 11, 2001, and the ongoing turmoil in the Middle East has brought into focus the need to reduce our dependence on all foreign oil. The savings achieved by increasing fuel economy standards for the entire U.S. passenger vehicle fleet is essential if we are to increase our energy independence and national security.

This bill also would require the Secretary of Commerce to create a national registry system that, for the first time, would enable the automobile industry to trade fuel economy credits with other industries that generate greenhouse gas emissions. Participation in the registry would be voluntary, and any entity conducting business in the United States would be eligible to utilize the services of the registry. Therefore, automobile manufacturers would be able to contribute or purchase emissions credits with other industries that generate greenhouse gases in order to achieve compliance with CAFE and emissions standards.

Mr. President, any change to fuel economy standards requires the careful balance of many factors, including national security, consumer preference, domestic employment, as well as the need for powerful and durable vehicles in rural America, including my home State of Alaska. The amendment would provide the Secretary the authority to balance these considerations, and to make the appropriate and necessary fuel economy increases. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Improved Passenger Automobile Fuel Economy Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—40 MPG STANDARD BY 2017

Sec. 101. Cafe standards for passenger automobiles.
Sec. 102. Fuel economy standard credits.
Sec. 103. Authorization of appropriations.
Sec. 104. Effective date.

TITLE II—MARKET—BASED INITIATIVES FOR GREENHOUSE GAS REDUCTION

Sec. 201. Market-based initiatives.
Sec. 202. Implementing panel.
Sec. 203. Definitions.

TITLE I—40 MPG STANDARD BY 2017

SEC. 101. CAFE STANDARDS FOR PASSENGER AUTOMOBILES.

(a) AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES.—Section 32902 of title 49, United States Code, is amended—

(1) by striking subsections (b) and (c) and inserting the following:

"(b) PASSENGER AUTOMOBILES.—

"(1) IN GENERAL.—At least 18 months before the beginning of each model year, the Secretary of Transportation shall prescribe by regulation average fuel economy standards for passenger automobiles manufactured by a manufacturer in that model year. Each standard shall be the maximum feasible average fuel economy level that the Secretary decides the manufacturers can achieve in that model year. The Secretary may prescribe separate standards for different classes of passenger automobiles.

"(2) MINIMUM STANDARD.—Except as provided in paragraph (3), in prescribing a standard under paragraph (1), the Secretary shall ensure that no manufacturer's standard for a particular model year is less than the greater of—

"(A) the standard in effect on the date of enactment of the Improved Passenger Automobile Fuel Economy Act of 2007; or

"(B) a standard established in accordance with the requirement of section 104(c)(2) of that Act.

"(3) 40 MILES PER GALLON STANDARD FOR MODEL YEAR 2017.—The Secretary shall prescribe an average fuel economy standard for passenger automobiles manufactured by a manufacturer in model year 2017 of 40 miles per gallon. If the Secretary determines that more than 1 manufacturer is not reasonably expected to achieve that standard, the Secretary shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce of that determination.

"(c) FLEXIBILITY OF AUTHORITY.—

"(1) IN GENERAL.—The authority of the Secretary to prescribe by regulation average fuel economy standards for automobiles under this section includes the authority to prescribe standards based on one or more vehicle attributes that relate to fuel economy, and to express the standards in the form of a mathematical function. The Secretary may issue a regulation prescribing standards for one or more model years.

"(2) REQUIRED LEAD-TIME.—When the Secretary prescribes an amendment to a standard under this section that makes an average fuel economy standard more stringent, the Secretary shall prescribe the amendment at least 18 months before the beginning of the model year to which the amendment applies.

"(3) NO ACROSS-THE-BOARD INCREASES.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of automobile classes or categories already achieved in a model year by a manufacturer.";

(2) by inserting "motor vehicle safety, emissions," in subsection (f) after "economy,";

(3) by striking "energy." in subsection (f) and inserting "energy and reduce its dependence on oil for transportation.";

(4) by striking subsection (j) and inserting the following:

"(j) NOTICE OF FINAL RULE.—Before taking final action on a standard or an exemption from a standard under this section, the Secretary of Transportation shall notify the Secretary of Energy and the Administrator of the Environmental Protection Agency and provide them a reasonable time to comment on the standard or exemption."; and

(5) by adding at the end thereof the following:

"(k) COSTS-BENEFITS.—The Secretary of Transportation may not prescribe an average fuel economy standard under this section that imposes marginal costs that exceed marginal benefits, as determined at the time any change in the standard is promulgated.".

(b) EXEMPTION CRITERIA.—The first sentence of section 32904(b)(6)(B) of title 49, United States Code, is amended—

(1) by striking "exemption would result in reduced" and inserting "manufacturer requesting the exemption will transfer";

(2) by striking "in the United States" and inserting "from the United States"; and

(3) by inserting "because of the grant of the exemption" after "manufacturing".

(c) CONFORMING AMENDMENTS.—

(1) Section 32902 of title 49, United States Code, is amended—

(A) by striking "or (c)" in subsection (d)(1);

(B) by striking "(c)," in subsection (e)(2);

(C) by striking "subsection (a) or (d)" each place it appears in subsection (g)(1) and inserting "subsection (a), (b), or (d)";

(D) by striking "(1) The" in subsection (g)(1) and inserting "The";

(E) by striking subsection (g)(2); and

(F) by striking "(c)," in subsection (h) and inserting "(b),".

(2) Section 32903 of such title is amended by striking "section 32902(b)–(d)" each place it appears and inserting "subsection (b) or (d) of section 32902".

(3) Section 32904(a)(1)(B) of such title is amended by striking "section 32902(b)–(d)" and inserting "subsection (b) or (d) of section 32902".

(4) The first sentence of section 32909(b) of such title is amended to read "The petition must be filed not later than 59 days after the regulation is prescribed.".

(5) Section 32917(b)(1)(B) of such title is amended by striking "or (c)".

SEC. 102. FUEL ECONOMY STANDARD CREDITS.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended by striking the second sentence of subsection (a) and inserting "The credits—

"(1) may be applied to any of the 3 model years immediately following the model year for which the credits are earned; or

"(2) transferred to the registry established under section 201 of the Improved Passenger Automobile Fuel Economy Act of 2007.".

(b) GREENHOUSE GAS CREDITS APPLIED TO CAFE STANDARDS.—Section 32903 of title 49, United States Code, is amended by adding at the end the following:

"(g) GREENHOUSE GAS CREDITS.—

"(1) IN GENERAL.—A manufacturer may apply credits purchased through the registry established by section 201 of the Improved Passenger Automobile Fuel Economy Act of 2007 toward any model year after model year 2010 under subsection (d), subsection (e), or both.

"(2) LIMITATION.—A manufacturer may not use credits purchased through the registry to offset more than 10 percent of the fuel economy standard applicable to any model year.".

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this title and chapter 329 of title 49, United States Code, as amended by this title.

SEC. 104. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title, and the amendments made by this title, take effect on the date of enactment of this Act.

(b) TRANSITION FOR PASSENGER AUTOMOBILE STANDARD.—Notwithstanding subsection (a), and except as provided in subsection (c)(2), until the effective date of a standard for passenger automobiles that is issued under the authority of section 32902(b) of title 49, United States Code, as amended by this Act, the standard or standards in place for passenger automobiles under the authority of section 32902 of that title, as that section was in effect on the day before the date of enactment of this Act, shall remain in effect.

(c) RULEMAKING.—

(1) INITIATION OF RULEMAKING UNDER AMENDED LAW.—Within 60 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking for passenger automobiles under section 32902(b) of title 49, United States Code, as amended by this Act.

(2) AMENDMENT OF EXISTING STANDARD.—Until the Secretary issues a final rule pursuant to the rulemaking initiated in accordance with paragraph (1), the Secretary shall amend the average fuel economy standard prescribed pursuant to section 32092(b) of title 49, United States Code, with respect to passenger automobiles in model years to which the standard adopted by such final rule does not apply.

TITLE II—MARKET-BASED INITIATIVES FOR GREENHOUSE GAS REDUCTION

SEC. 201. MARKET-BASED INITIATIVES.

(a) ESTABLISHMENT OF REGISTRY FOR VOLUNTARY TRADING SYSTEMS.—The Secretary of Commerce shall establish a national registry system for greenhouse gas trading among industry under which emission reductions from the applicable baseline are assigned unique identifying numerical codes by the registry. Participation in the registry is voluntary. Any entity conducting business in the United States may register its emission results, including emissions generated outside of the United States, on an entity-wide basis with the registry, and may utilize the services of the registry.

(b) PURPOSES.—The purposes of the national registry are—

(1) to encourage voluntary actions to reduce greenhouse gas emissions and increase energy efficiency, including increasing the fuel economy of passenger automobiles and light trucks and reducing the reliance by United States markets on petroleum produced outside the United States used to provide vehicular fuel;

(2) to enable participating entities to record voluntary greenhouse gas emissions reductions; in a consistent format that is supported by third party verification;

(3) to encourage participants involved in existing partnerships to be able to trade emissions reductions among partnerships;

(4) to further recognize, publicize, and promote registrants making voluntary and mandatory reductions;

(5) to recruit more participants in the program; and

(6) to help various entities in the nation establish emissions baselines.

(c) FUNCTIONS.—The national registry shall carry out the following functions:

(1) REFERRALS.—Provide referrals to approved providers for advice on—

(A) designing programs to establish emissions baselines and to monitor and track greenhouse gas emissions; and

(B) establishing emissions reduction goals based on international best practices for specific industries and economic sectors.

(2) UNIFORM REPORTING FORMAT.—Adopt a uniform format for reporting emissions baselines and reductions established through—

(A) the Director of the National Institute of Standards and Technology for greenhouse gas baselines and reductions generally; and

(B) the Secretary of Transportation for credits under section 32903 of title 49, United States Code.

(3) RECORD MAINTENANCE.—Maintain a record of all emission baselines and reductions verified by qualified independent auditors.

(4) ENCOURAGE PARTICIPATION.—Encourage organizations from various sectors to monitor emissions, establish baselines and reduction targets, and implement efficiency improvement and renewable energy programs to achieve those targets.

(5) PUBLIC AWARENESS.—Recognize, publicize, and promote participants that—

(A) commit to monitor their emissions and set reduction targets;

(B) establish emission baselines; and

(C) report on the amount of progress made on their annual emissions.

(d) TRANSFER OF REDUCTIONS.—The registry shall—

(1) allow for the transfer of ownership of any reductions realized in accordance with the program; and

(2) require that the registry be notified of any such transfer within 30 days after the transfer is effected.

(e) FUTURE CONSIDERATIONS.—Any reductions achieved under this program shall be credited against any future mandatory greenhouse gas reductions required by the government. Final approval of the amount and value of credits shall be determined by the agency responsible for the implementation of the mandatory greenhouse gas emission reduction program, except that credits under section 32903 of title 49, United States Code, shall be determined by the Secretary of Transportation. The Secretary of Commerce shall by rule establish an appeals process, that may incorporate an arbitration option, for resolving any dispute arising out of such a determination made by that agency.

(f) CAFE STANDARDS CREDITS.—The Secretary of Transportation shall work with the Secretary of Commerce and the implementing panel established by section 202 to determine the equivalency of credits earned under section 32903 of title 49, United States Code, for inclusion in the registry. The Secretary shall by rule establish an appeals process, that may incorporate an arbitration option, for resolving any dispute arising out of such a determination.

SEC. 202. IMPLEMENTING PANEL.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an implementing panel.

(b) COMPOSITION.—The panel shall consist of—

(1) the Secretary of Commerce or the Secretary's designee, who shall serve as Chairperson;

(2) the Secretary of Transportation or the Secretary's designee; and

(3) 1 expert in the field of greenhouse gas emissions reduction, certification, or trading from each of the following agencies—

(A) the Department of Energy;

(B) the Environmental Protection Agency;

(C) the Department of Agriculture;

(D) the National Aeronautics and Space Administration;

(E) the Department of Commerce; and

(F) the Department of Transportation.

(c) EXPERTS AND CONSULTANTS.—Any member of the panel may secure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, for greenhouse gas reduction, certification, and trading experts in the private and non-profit sectors and may also utilize any grant, contract, cooperative agreement, or other arrangement authorized by law to carry out its activities under this subsection.

(d) DUTIES.—The panel shall—

(1) implement and oversee the implementation of this section;

(2) promulgate—

(A) standards for certification of registries and operation of certified registries; and

(B) standards for measurement, verification, and recording of greenhouse gas emissions and greenhouse gas emission reductions by certified registries;

(3) maintain, and make available to the public, a list of certified registries; and

(4) issue rulemakings on standards for measuring, verifying, and recording greenhouse gas emissions and greenhouse gas emission reductions proposed to the panel by certified registries, through a standard process of issuing a proposed rule, taking public comment for no less than 30 days, then finalizing regulations to implement this act, which will provide for recognizing new forms of acceptable greenhouse gas reduction certification procedures.

(e) CERTIFICATION AND OPERATION STANDARDS.—The standards promulgated by the panel shall include—

(1) standards for ensuring that certified registries do not have any conflicts of interest, including standards that prohibit a certified registry from—

(A) owning greenhouse gas emission reductions recorded in any certified registry; or

(B) receiving compensation in the form of a commission where sources receive money for the total number of tons certified;

(2) standards for authorizing certified registries to enter into agreements with for-profit persons engaged in trading of greenhouse gas emission reductions, subject to paragraph (1); and

(3) such other standards for certification of registries and operation of certified registries as the panel determines to be appropriate.

(f) MEASUREMENT, VERIFICATION, AND RECORDING STANDARDS.—The standards promulgated by the panel shall provide for, in the case of certified registries—

(1) ensuring that certified registries accurately measure, verify, and record greenhouse gas emissions and greenhouse gas emission reductions, taking into account—

(A) boundary issues such as leakage and shifted utilization; and

(B) such other factors as the panel determines to be appropriate;

(2) ensuring that—

(A) certified registries do not double-count greenhouse gas emission reductions; and

(B) if greenhouse gas emission reductions are recorded in more than 1 certified registry, such double-recording is clearly indicated;

(3) determining the ownership of greenhouse gas emission reductions and recording and tracking the transfer of greenhouse gas emission reductions among entities (such as through assignment of serial numbers to greenhouse gas emission reductions);

(4) measuring the results of the use of carbon sequestration and carbon recapture technologies;

(5) measuring greenhouse gas emission reductions resulting from improvements in—

(A) power plants;

(B) automobiles (including types of passenger automobiles and light trucks, as defined in section 32901(a)(16) and (17) respectively, produced in the same model year);

(C) carbon re-capture, storage and sequestration, including organic sequestration and manufactured emissions injection, and or storage.

(D) other sources;

(6) measuring prevented greenhouse gas emissions through the rulemaking process and based on the latest scientific data, sampling, expert analysis related to measurement and projections for prevented greenhouse gas emissions in tons including—

(A) organic soil carbon sequestration practices;

(B) forest preservation and re-forestation activities which adequately address the issues of permanence, leakage and verification; and

(7) such other measurement, verification, and recording standards as the panel determines to be appropriate.

(g) CERTIFICATION OF REGISTRIES.—Except as provided in subsection (h), a registrant that desires to be a certified registry shall submit to the panel an application that—

(1) demonstrates that the registrant meets each of the certification standards established by the panel under subsections (d) and (e); and

(2) meets such other requirements as the panel may establish.

(h) AUTOMOBILE INDUSTRY.—The Secretary of Transportation is deemed to be the certified registrant for credits earned under section 32903 of title 49, United States Code.

(i) ANNUAL REPORT.—Within 1 year after the date after the date of enactment of this Act and biennially thereafter, the panel shall report to the Congress on the status of the program established under this section. The report shall include an assessment of the level of participation in the program and amount of progress being made on emission reduction targets.

SEC. 203. DEFINITIONS.

In this title:

(1) GREENHOUSE GAS.—The term "greenhouse gas" includes—

(A) carbon dioxide;

(B) methane;

(C) hydro fluorocarbons;

(D) perfluorocarbons;

(E) nitrous oxide; and

(F) sulfur hexafluoride.

(2) BASELINE.—The term "baseline" means—

(A) the greenhouse gas emissions, determined on an entity-wide basis for the participant's most recent previous 3-year annual average of greenhouse gas emissions prior to the date of enactment of this Act; or

(B) if data is unavailable for that 3-year period, the greenhouse gas emissions as of September 30, 2004, (or as close to that date as such emission levels can reasonably be determined). In promulgating regulations under this title, the panel shall take into account greenhouse gas emission reductions or offsetting actions taken by any entity before the date on which the registry is established.

(3) CERTIFIED REGISTRY.—The term "certified registry" means a registry that has been certified by the panel as meeting the standards promulgated under section 202(e) and (f) and, for the automobile industry, the Secretary of Transportation.

(4) GREENHOUSE GAS EMISSIONS.—The term "greenhouse gas emissions" means the quantity of greenhouse gases emitted by a source during a period, measured in tons of greenhouse gases.

(5) GREENHOUSE GAS EMISSION REDUCTION.—The term "greenhouse gas emission reduction" means a quantity equal to the difference between—

(A) the greenhouse gas emissions of a source during a period; and

(B) the greenhouse gas emissions of the source during a baseline period of the same duration as determined by registries and entities defined as owners of emission sources.

(6) KYOTO PROTOCOL.—The term "Kyoto protocol" means the Kyoto Protocol to the United Nations Framework Convention on Climate Change (including the Montreal Protocol to the Convention on Substances that Deplete the Ozone Layer).

(7) PANEL.—The term "panel" means the implementing panel established by section 202(a).

(8) REGISTRANT.—The term "registrant" means a private person that operates a database recording quantified and verified greenhouse gas emissions and emissions reductions of sources owned by other entities.

(9) SOURCE.—The term "source" means a source of greenhouse gas emissions.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. LAUTENBERG, Ms. SNOWE, Mr. ROCKEFELLER, Mr. KERRY, Mr. LIEBERMAN, Mrs. BOXER, Mr. PRYOR, Mr. CARPER, Mr. BIDEN, Mr. BAUCUS, Mrs. CLINTON, and Mr. SCHUMER):

S. 184. A bill to provide improved rail and surface transportation security; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, last year we made significant improvements to the Nation's transportation security system by enacting the SAFE Port Act, which strengthened the security of our Nation's ports and maritime vessels. Yet, during the conference on this important bill, the Congress failed to seize the opportunity to enact comprehensive transportation security legislation that would have provided real homeland security for our entire transportation system. The Senate-passed version of the SAFE Port Act contained essential provisions that would have strengthened security in all of the surface modes of transportation, including passenger and freight rail, public transit, trucking, intercity bus and pipelines. But jurisdictional infighting and a lack of political will kept the leadership of the House of Representatives from agreeing to, or even attempting to consider, these provisions in conference.

Given the urgent need for surface transportation security improvements, Cochairman STEVENS and I are introducing the Surface Transportation and Rail Security Act of 2007, or STARS Act, to once again offer the Congress an opportunity to enact a comprehensive transportation security bill. We have all seen the possible consequences of an attack on critical surface transportation systems in Madrid and London. We have all heard about possible threats and foiled plots aimed at our rail tunnels and stations here at home. The time has come for us to address these vulnerabilities and risks in a comprehensive and coordinated way that ensures that in the rush to protect one mode of transportation we don't shift vulnerability towards other, less secure, transportation modes.

The STARS Act combines the rail, truck, bus, pipeline and hazardous materials security provisions that were included in the Senate-passed SAFE Port Act into a stand-alone bill, which the Commerce Committee will soon consider. These provisions were endorsed unanimously by the Senate during consideration of the SAFE Port Act, and the House of Representatives overwhelmingly voted to instruct its conferees to include these provisions in the Conference Report—advice the House leadership declined to accept. Additionally, the rail security portion of this package has already passed the Senate twice in prior Congresses and has been endorsed by railroads and rail labor alike. This kind of support demonstrates both the necessity of these improvements and the distinct possibility that we can finally enact these provisions into law this Congress.

The legislation that we introduce today reflects the Commerce Committee's substantial expertise over the issues of transportation security. The time has come to advance these improvements, and protect the vital surface transportation assets that grant us the quality of life and economic health that we all cherish. Our legislation presents an opportunity to make immediate progress on transportation security, and it is my sincere hope that my colleagues will join me in supporting consideration and passage of this measure as soon as possible.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation and Rail Security Act of 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—IMPROVED RAIL SECURITY

Sec. 101. Rail transportation security risk assessment.
Sec. 102. Systemwide amtrak security upgrades.
Sec. 103. Fire and life-safety improvements.
Sec. 104. Freight and passenger rail security upgrades.
Sec. 105. Rail security research and development.
Sec. 106. Oversight and grant procedures.
Sec. 107. Amtrak plan to assist families of passengers involved in rail passenger accidents.
Sec. 108. Northern border rail passenger report.
Sec. 109. Rail worker security training program.
Sec. 110. Whistleblower protection program.
Sec. 111. High hazard material security threat mitigation plans.
Sec. 112. Memorandum of agreement.
Sec. 113. Rail security enhancements.
Sec. 114. Public awareness.
Sec. 115. Railroad high hazard material tracking.
Sec. 116. Authorization of appropriations.

TITLE II—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

Sec. 201. Hazardous materials highway routing.
Sec. 202. Motor carrier high hazard material tracking.
Sec. 203. Hazardous materials security inspections and enforcement.
Sec. 204. Truck security assessment.
Sec. 205. National public sector response system.
Sec. 206. Over-the-road bus security assistance.
Sec. 207. Pipeline security and incident recovery plan.
Sec. 208. Pipeline security inspections and enforcement.
Sec. 209. Technical corrections.
Sec. 210. Certain personnel limitations not to apply.

TITLE I—IMPROVED RAIL SECURITY

SEC. 101. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities describe in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of vulnerabilities and risks to those assets and infrastructures;

(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 116 of this Act, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2008.

SEC. 102. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 101, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 116 of this Act., there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(1) $63,500,000 for fiscal year 2008;

(2) $30,000,000 for fiscal year 2009; and

(3) $30,000,000 for fiscal year 2010.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 103. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 116(b) of this Act, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2008;

(B) $100,000,000 for fiscal year 2009;

(C) $100,000,000 for fiscal year 2010; and

(D) $100,000,000 for fiscal year 2011.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2008;

(B) $10,000,000 for fiscal year 2009;

(C) $10,000,000 for fiscal year 2010; and

(D) $10,000,000 for fiscal year 2011.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2008;

(B) $8,000,000 for fiscal year 2009;

(C) $8,000,000 for fiscal year 2010; and

(D) $8,000,000 for fiscal year 2011.

(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 116(b) of this Act, there shall be made available to the Secretary of Transportation for fiscal year 2008 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 104. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary of Homeland Security, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section 101, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 101, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section 101, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 102(b) of this Act.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section 101 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of $45,000,000 to Amtrak; or

(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 116 of this Act,, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $100,000,000 for fiscal year 2008;

(2) $100,000,000 for fiscal year 2009; and

(3) $100,000,000 for fiscal year 2010

Amounts made available pursuant to this subsection shall remain available until expended.

(g) HIGH HAZARD MATERIALS DEFINED.—In this section, the term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. 105. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 104(g) of this Act); and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section 101.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary of Homeland Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section 104(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 116 of this Act,, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $33,000,000 for fiscal year 2008;

(2) $33,000,000 for fiscal year 2009; and

(3) $33,000,000 for fiscal year 2010.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 106. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under this Act to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(c) PROCEDURES FOR GRANT AWARD.—The Secretary shall, within 90 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. 107. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Surface Transportation and Rail Security Act of 2007, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) Limitation on Statutory Construction.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) Funding.—Out of funds appropriated pursuant to section 116(b) of the Surface Transportation and Rail Security Act of 2007, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.".

(b) Conforming Amendment.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24316. Plan to assist families of passengers involved in rail passenger accidents.".

SEC. 108. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 109. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) Program Elements.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) Railroad Carrier Programs.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) Training.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) Updates.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) Front-Line Workers Defined.—In this section, the term "front-line workers" means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) Other Employees.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 110. WHISTLEBLOWER PROTECTION PROGRAM.

(a) In General.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

"§ 20118. Whistleblower protection for rail security matters

"(a) Discrimination Against Employee.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) Dispute Resolution.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) Procedural Requirements.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this subtitle, including the burdens of proof, applies to any complaint brought under this section.

"(d) Election of Remedies.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) Disclosure of Identity.—

"(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.".

(b) Conforming Amendment.—The chapter analysis for chapter 201 of title 49, United

States Code, is amended by inserting after the item relating to section 20117 the following:

"20118. Whistleblower protection for rail security matters.".

SEC. 111. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section 104(g) of this Act to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term "high-consequence target" means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 112. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking "safety" the first place it appears, and inserting "safety, including security,".

SEC. 113. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Under"; and

(2) by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. 114. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. 115. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 105 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 104(g) of this Act) with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 116 of this Act, there shall be made available to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

"(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

"(1) $228,000,000 for fiscal year 2008;

"(2) $183,000,000 for fiscal year 2009; and

"(3) $183,000,000 for fiscal year 2010.".

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this Act—

(1) $121,500,000 for fiscal year 2007;

(2) $118,000,000 for fiscal year 2008;

(3) $118,000,000 for fiscal year 2009; and

(4) $195,000,000 for fiscal year 2011.

TITLE II—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. 201. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) ROUTE PLAN GUIDANCE.—Within one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall—

(1) document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier, and develop a framework for using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security vulnerabilities associated with hazardous material routes;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security vulnerabilities when designating highway routes for hazardous materials consistent with the 13 safety-based non-radioactive materials routing criteria and radioactive materials routing criteria in Subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous material and assess specific security vulnerabilities associated with each route and explore alternative mitigation measures; and

(7) transmit to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure a report on the actions taken to fulfill paragraphs (1) through (6) of this subsection and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) ROUTE PLANS.—

(1) ASSESSMENT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title, taking into account the various segments of the trucking industry, including tank truck, truckload and less than truckload carriers.

(2) REPORT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the findings and conclusions of the assessment.

(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance the security and safety of the nation without imposing unreasonable costs or burdens upon motor carriers.

SEC. 202. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS—

(1) IN GENERAL.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary of Homeland Security, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to encourage the equipping of motor carriers transporting high hazard materials in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless communications technology that provides—

(A) continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing truck tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of truck tracking technology to resist tampering and disabling;

(iii) the capability of truck tracking technology to collect, display, and store information regarding the movements of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials; and

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover security sensitive material in the event of loss or theft of such material.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 203. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) CIVIL PENALTY.—The failure, by a shipper, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the shipper, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compliance of hazardous materials shippers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions to the most vulnerable and critical hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Homeland Security, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by shippers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2008;

(2) $2,000,000 for fiscal year 2009; and

(3) $2,000,000 for fiscal year 2010.

SEC. 204. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Finance, the House of Representatives Committee on Transportation and Infrastructure, the House of Representatives Committee on Homeland Security, and the House of Representatives Committe on Ways and Means, a report on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security; and

(4) an assessment of industry best practices to enhance security.

SEC. 205. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary of Homeland Security, in conjunction with the Secretary of Transportation, shall consider the development of a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In considering the development of this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, private for-profit and nonprofit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. Consideration of development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system to be considered shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) CHARACTERISTICS.—The national public sector response system to be considered shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) CARRIER PARTICIPATION.—The Secretary of Homeland Security shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible if the system is established.

(e) DATA PRIVACY.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on whether to establish a national public sector response system and the estimated total public and private sector costs to establish and annually operate such a system, together with any recommendations for generating private sector participation and investment in the development and operation of such a system.

(g) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $1,000,000 for fiscal year 2008;

(2) $1,000,000 for fiscal year 2009; and

(3) $1,000,000 for fiscal year 2010.

SEC. 206. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road bus terminal operators for system-wide security improvements to their operations, including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading an emergency communications system linking operational headquarters, over-the-road buses, law enforcement, and emergency personnel; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) FEDERAL SHARE.—The Federal share of the cost for which any grant is made under this section shall be 80 percent.

(c) DUE CONSIDERATION.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security threat to bus passengers and the ability of the funded project to reduce, or respond to, that threat.

(d) GRANT REQUIREMENTS.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(e) PLAN REQUIREMENT.—

(1) IN GENERAL.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(2) COORDINATION.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(f) OVER-THE-ROAD BUS DEFINED.—In this section, the term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

(g) BUS SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a preliminary report in accordance with the requirements of this section.

(2) CONTENTS OF PRELIMINARY REPORT.—The preliminary report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(F) an assessment of industry best practices to enhance security.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(h) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $12,000,000 for fiscal year 2008;

(2) $25,000,000 for fiscal year 2009; and

(3) $25,000,000 for fiscal year 2010.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 207. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed on August 9, 2006, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 208—

(A) at high or severe security threat levels of alert; and

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

(b) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary of Homeland Security shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers of hazardous materials, State Departments of Transportation, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

SEC. 208. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act the Secretary shall complete a review of the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September, 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation, as determined by the Secretary in consultation with the Secretary of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), the Secretary shall utilize risk assessment methodologies to prioritize vulnerabilities and to target inspection and enforcement actions to the most vulnerable and critical pipeline assets.

(d) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to pipeline operators and the Secretary of Transportation security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the Secretary shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2008; and

(2) $2,000,000 for fiscal year 2009.

SEC. 209. TECHNICAL CORRECTIONS.

(a) HAZMAT LICENSES.—Section 5103a of title 49, United States Code, is amended—

(1) by inserting "of Homeland Security" after "Secretary" each place it appears in subsections (a)(1), (d)(1)(b), and (e); and

(2) by redesignating subsection (h) as subsection (i) and inserting the following after subsection (g):

"(h) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—Upon application, a State shall issue to an individual a license to operate a motor vehicle transporting in commerce a hazardous material without the security assessment required by this section, provided the individual meets all other applicable requirements for such a license, if the Secretary of Homeland Security has previously determined, under section 70105 of title 46, United States Code, that the individual does not pose a security risk.".

SEC. 210. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this Act.

Mr. LAUTENBERG. Mr. President, over five years since 9/11, much of our Nation's transportation systems remain vulnerable to terror attack. There are many reasons for the lack of action by the Federal Government, but we can no longer simply look the other way. Last year, the Congress had an opportunity to make significant strides to improve the security of our freight and passenger rail systems, highways, public transit systems, trucking and intercity bus operations, and pipeline systems. The Senate passed my amendments and amendments by other Senators to the SAFE Ports Act to address the security of these important modes of transportation. In fact, the House of Representatives overwhelmingly voted to instruct its conferees to include these provisions in the final conference report of the SAFE Ports Act.

Unfortunately, House Republican leaders stripped them out of the final version of the bill behind closed doors, instead enacting a ban on internet gambling. The actions by the House Republican leaders further delayed real progress in securing our homeland from terror. I believe the Federal Government must take a leadership role in securing our country from terrorism. States cannot on their own be left responsible for securing these interstate modes of transportation.

That is why I am proud to be an author of the Surface Transportation and Rail Security Act of 2007. I have worked with my committee co-chairmen—Senator INOUYE and Senator STEVENS—to ensure this bill gets quickly considered. Its provisions are not new to anyone. They were considered, and agreed to, merely four months ago by the Senate. I am hopeful that they will again be quickly considered and adopted.

This bill specifically requires accountability from the Department of Homeland Security, by ensuring that our rail systems have been analyzed for security risk. It authorizes necessary funding for making these security improvements and specifically includes $400 million for tunnel security improvements in the New Jersey/New York region. I will seek further Federal funding for improving security of the New Jersey/New York region's tunnels and bridges in additional legislation to be introduced this month, by working with my colleagues on the appropriate committees in the Senate.

Last month, the Bush Administration proposed certain improvements to our nation's rail systems, but these proposals fell far short of what is needed to secure our country. For instance, the Administration proposal fails to take specific actions to improve the security of railroad stations, bridges, and tunnels. More people use Amtrak's Penn Station in New York City than use all three major New Jersey-New York region airports, Newark Liberty International, JFK, and LaGuardia airports, every day. This bill takes a much more comprehensive approach, by authorizing the funding needed to make these important security improvements.

Our Nation's freight rail systems move some 12 billion tons of cargo, but we are not doing enough to protect those systems. Some of this cargo includes hazardous chemicals and other dangerous materials which travel within feet of our schools, hospitals, neighborhoods, and snake right through the middle of our cities. The potential for disaster looms large, as the misuse of these shipments can produce an effect that a weapon of mass destruction would on our communities. Clearly much more thought needs to be put into how we move this dangerous cargo, and the Federal Government must be involved. The Bush Administration must agree with this assessment, as their proposal would strictly forbid states or communities from acting on their own to protect their residents from these risks.

I look forward to working with my colleagues to ensure that this important legislation gets considered and enacted soon. We cannot afford to delay any further these vital security improvements to our country.

Mr. SPECTER (for himself and Mr. LEAHY):

S. 185. A bill to restore habeas corpus for those detained by the United States; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I will introduce legislation denominated the

Habeas Corpus Restoration Act. Last year, in the Military Commissions Act, the constitutional right of habeas corpus was attempted to be abrogated. I fought to pass an amendment to strike that provision of the Act which was voted 51 to 48. I say "attempted to be abrogated" because, in my legal judgment, that provision in the Act is unconstitutional.

It is hard to see how there can be legislation to eliminate the constitutional right to habeas corpus when the Constitution is explicit that habeas corpus may not be suspended except in time of invasion or rebellion, and we do not have either of those circumstances present, as was conceded by the advocates of the legislation last year to take away the right of habeas corpus.

We have had Supreme Court decisions which have made it plain that habeas corpus is available to noncitizens and that habeas corpus applies to territory controlled by the United States, specifically, including Guantanamo. More recently, however, we had a decision in the U.S. District Court for the District of Columbia applying the habeas corpus jurisdiction stripping provision of the Military Commissions Act, but I believe we will see the appellate courts strike down this legislative provision.

The contention that the gravamen or the substance of habeas corpus is provided by the statutory review to the Circuit Court of the District of Columbia is fallacious on its face. All the statute does is allow for a review of the regularity of proceedings. In my prepared statement, I cite an example of litigation before a federal district court, where a person charged with consorting with al-Qaida asked: "What was the name of the person? He asked: What was the name of the person I'm supposed to have consorted with? And the Presiding Officer said: I don't know, which, according to the opinion, brought uproarious laughter from the audience. Here a man is charged with consorting with al-Qaida, and they cannot even tell him the name of the person he is alleged to have consorted with.

The hearing before the Judiciary Committee, which I chaired, contained expansive, detailed evidence about the proceedings under the review provisions in Guantanamo, which are grossly, totally insufficient.

The New York Times had an extensive article on this subject, starting on the front page, last Sunday, and continuing on a full page on the back page about what is happening at Guantanamo. It is hard to see how in America, or in a jurisdiction controlled by the United States, these proceedings could substitute for even rudimentary due process of law.

As I might add, the Habeas Corpus Restoration Act was introduced in the 109th Congress. I offered the bill on behalf of myself and Senator LEAHY. Consequently, we had this bill listed in the 109th Congress as a Specter-Leahy bill, and with Senator LEAHY's consent, it is denominated as the Specter-Leahy bill again in the 110th Congress.

Mr. President, I ask unanimous consent that my prepared text be printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HABEAS CORPUS RESTORATION ACT OF 2007

Mr. SPECTER. Mr. President, I seek recognition today to introduce the "Habeas Corpus Restoration Act of 2007." Last September, during debate on the Military Commissions Act, I introduced an amendment to strike section 7 of the Act and thereby preserve the constitutional right of habeas corpus for the approximately 450 individuals detained at Guantanamo Bay. Because my amendment was not agreed to, by a narrow vote of 48–51, the right to the writ of habeas corpus was denied to those detainees. The privilege of the writ of habeas corpus has therefore been suspended.

On December 5, with my colleague Senator Leahy, I introduced the "Habeas Corpus Restoration Act of 2006" to restore the writ of habeas corpus and bring this country back into compliance with the United States Constitution. After all, the United States Constitution is unambiguous in Article 1, Section 9, Clause 2, where it states: "The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." Today, along with Senator Leahy, I am reintroducing this important legislation.

The Habeas Corpus Restoration Act is very simple: It strikes the federal habeas corpus limitations imposed by the Military Commissions Act and the Detainee Treatment Act. In so doing, the bill affords aliens detained by the United States within its territorial jurisdiction, including those detained at the Guantanamo Bay Naval Base, the right to challenge their detention and military commission trial procedures by an application for writ of habeas corpus. It will ensure that the constitutional right of habeas corpus is afforded to all individuals detained by the United States government.

The Framers explicitly intended to extend habeas protections to all, absent a case of rebellion, invasion, or the interest of public safety. This principle was ratified by the Supreme Court in the case of Hamdi v. Rumsfeld, where Justice O'Connor stated "[a]ll agree that absent suspension, the writ of habeas corpus remains available to every individual detained within the United States."

This protection extends to those detained in Guantanamo since it is a facility exclusively under the control of the United States. In Rasul v. Bush, the Supreme Court held that habeas corpus rights apply even to aliens held at Guantanamo Bay. One does not need to be a United States citizen to be afforded basic constitutional habeas corpus rights and the U.S. Constitution draws no distinction between American citizens and aliens held in U.S. custody.

Although some argue that Combatant Status Review Tribunals, commonly referred to as "CSRTs," are an adequate and effective means to challenge detention in accordance with the Supreme Court's decision in Swain v. Pressley, I couldn't disagree more. In my view, CSRTs are a sham. We have learned a great deal about the cursory review provided by these tribunals at Guantanamo Bay. They operate with very little information. Somebody is picked up on the battlefield. There is no record preserved as to what that individual did. If there was a weapon involved, it was collected and mixed in with many other weapons. There is no chain of custody or even a record of what was seized. In sum, CSRTs are nothing more than a one-sided interrogation by the military tribunal members. These proceedings simply do not comport with basic fairness because the individuals detained do not have the right to know what evidence there is against them. As Justice O'Connor wrote in her plurality opinion in the Hamdi case, "[a]n interrogation by one's captor, however effective an intelligence-gathering tool, hardly constitutes a constitutionally adequate factfinding before a neutral decisionmaker." It is essential that we provide an adequate means to evaluate the legality of an individual's continued detention.

Typically, the CSRT will advise the detainee that the evidence against them is classified and restrict access. The U.S. District Court in the In re Guantanamo case criticized the manner in which the CSRT required detainees to answer allegations based on information that cannot be disclosed. In a comical scene during the hearing, a detainee advised the tribunal that he could not answer an allegation that he had associated with a known al Qaida operative because the tribunal would not provide the name of the alleged operative. Since the tribunal would not even provide the name of the operative, the detainee could not answer even the most basic of allegations. While laughter filled the courtroom at the time when the detainee could not answer this simple allegation, we should not forget the seriousness of this process and the manner in which we are treating detainees of the United States.

The Military Commission Act's habeas corpus provisions were debated at a Senate Judiciary Committee hearing held on September 25, 2006. At the hearing, I heard from a distinguished and varied panel of witnesses, including the attorney who represented Hamdan before the Supreme Court. Perhaps most compelling during the hearing was the testimony of the former U.S. Attorney for the Northern District of Illinois, Thomas Sullivan, who has been to Guantanamo on many occasions and has represented many detainees. Mr. Sullivan was especially compelling when he made reference to a number of individual cases where the proceedings before the CSRT were completely insufficient. He cited hearings where individuals were summoned before the tribunal, but did not speak the language, did not have an attorney, did not have access to the information which was presented against them, and continued to be detained. These individuals either did not know what their charges were, or those charges of which they were aware were vague and illusory. For example, in the case of Abdul Hadi al Siba'i, Mr. Sullivan described how his client had been returned to Saudi Arabia after several months of detainment and without a trial or any notice, compensation, or apology. One can only suspect that the United States government understood that the continued detainment of this particular individual was wrong and would expose weaknesses at trial.

The failure to afford habeas review rights to detainees has concerned Kenneth Starr, former Solicitor General and U.S. Court of Appeals Judge for the District of Columbia. In a letter directed to me as Judiciary Chairman, Mr. Starr expressed his concern "about the limitations on writ of habeas corpus contained in the comprehensive military commissions bill."

If Justice O'Connor feels that detainees have the right to habeas review, but we are denying them this avenue of review, how are detainees supposed to rebut facts that they are not allowed to confront? This is why federal courts should be open to hear habeas petitions of these detainees. The Supreme Court is clear, and we should apply this precedent to the current situation involving detainees at Guantanamo Bay.

On the recent 5-year anniversary of 9/11, President Bush repeated his commitment to bring terrorists to justice. However, statistics tell us that most of the terrorists at Guantanamo will never see the inside of a courtroom. Hundreds will be held indefinitely. Of the over 400 detainees who remain at Guantanamo, the Pentagon says another 110 have been labeled as "ready to release." But the real number we need to look at is the remaining 325 or so detainees. How many will face trial? Media reports citing Pentagon sources suggest that only approximately 70 detainees will face trial.

This leaves approximately 250 detainees—more than half of those still at Guantanamo—who will be held indefinitely simply because the United States considers them to be too dangerous or in possession of sensitive intelligence information. These detainees will have no ability to challenge their confinement. My bill will ensure these individuals held in U.S. custody will be afforded the basic constitutional right to petition for habeas corpus review.

The short history of the Military Commissions Act underscores the need for this legislation. The day after the Act became law, the Justice Department filed notices in each of the 181 Guantanamo habeas cases pending before the United States District Court for the District of Columbia, highlighting the jurisdiction-stripping and retroactivity provisions of the Act. In at least one noteworthy case, the District Court has already agreed that it now lacks authority to hear such a habeas petition.

On December 13, 2006, Judge James Robertson dismissed the habeas petition of Salim Ahmed Hamdan—of Hamdan v. Rumsfeld fame—for lack of subject matter jurisdiction. While I disagree with Judge Robertson's conclusion that Hamdan has "no constitutional entitlement to habeas" because he was detained in Guantanamo rather than inside the United States, this conclusion demonstrates the lack of judicial recourse available to such detainees. Of course, the Military Commissions Act is not strictly limited to those held in Guantanamo. In another case, on November 13, 2006, the Department of Justice filed a motion with the U.S. Court of Appeals for the Fourth Circuit to dismiss the habeas petition of alleged enemy combatant Ali Saleh Kahlah al-Marri. Unlike Hamdan and other Guantanamo detainees, al-Marri has been detained inside the United States. While we could simply wait for the Supreme Court to rule on the constitutionality of denying habeas rights to such detainees, I believe the United States Congress has an obligation to act now and reverse this wrong.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Habeas Corpus Restoration Act of 2007".

SEC. 2. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(b) TITLE 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.".

SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

The amendments made by this Act shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

Mr. LEAHY. Mr. President, on the first day of this new Congress, I join Senator SPECTER to reintroduce a bill to restore the Great Writ of habeas corpus, a cornerstone of American liberty since the founding of this Nation. The Habeas Corpus Restoration Act of 2007 bill continues our efforts to amend last year's Military Commissions Act, to right a wrong and to restore a basic protection to American law. This is an issue on which we continue to work together and urge Senators on both sides of the aisle to join with us.

As Justice Scalia wrote in the Hamdi case: "The very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the Executive." The remedy that secures that most basic of freedoms is habeas corpus. It provides a check against arbitrary detentions and constitutional violations. It guarantees an opportunity to go to court, with the aid of a lawyer, to prove one's innocence. This fundamental protection was rolled back in an unprecedented and unnecessary way in the run up to last fall's election by passage of the Military Commissions Act.

The Military Commissions Act eliminated that right, permanently, for any non-citizen determined to be an enemy combatant, or even "awaiting" such a determination. That includes the approximately 12 million lawful permanent residents in the United States today, people who work and pay taxes in America and are lawful residents. This new law means that any of these people can be detained, forever, without any ability to challenge their detention Federal court—or anywhere else—simply on the Government's say-so that they are awaiting determination whether they are enemy combatants.

I deeply regret that Senator SPECTER and I were unsuccessful in our efforts to stop this injustice when the President and the Republican leadership insisted on rushing the Military Commissions Act through Congress in the weeks before the recent elections. We proposed an amendment that would have removed the habeas-stripping provision from the Military Commissions Act. We fell just three votes short in those political charged days. It is my hope that the new Senate and new Congress will reconsider this matter, restore this fundamental protection and revitalize our tradition of checks and balances.

Giving Government such raw, unfettered power as this law does should concern every American. Last fall I spelled out a nightmare scenario about a hard-working legal permanent resident who makes an innocent donation to, among other charities, a Muslim charity that the Government secretly suspects might be a source of funding for critics of the United States Government. I suggested that, on the basis of this donation and perhaps a report of "suspicious behavior" from an overzealous neighbor, the permanent resident could be brought in for questioning, denied a lawyer, confined, and even tortured. Such a person would have no recourse in the courts for years, for decades, forever.

Many people viewed this kind of nightmare scenario as fanciful, just the rhetoric of a politician. It was not. It is all spelled out clearly in the language of the law that this body passed. In November, the scenario I spelled out was confirmed by the Department of Justice itself in a legal brief submitted in federal court in Virginia. The Justice Department, in a brief to dismiss a detainee's habeas case, said that the Military Commissions Act allows the Government to detain any non-citizen designated an enemy combatant without giving that person any ability to challenge his detention in court. This is true, the Justice Department said, even for someone arrested and imprisoned in the United States. The Washington Post wrote that the brief "raises the possibility that any of the millions of immigrants living in the United States could be subject to indefinite detention if they are accused of ties to terrorist groups."

In fact, the situation is even more stark than The Washington Post story suggested. The Justice Department's brief says that the Government can detain any non-citizen declared to be an enemy combatant. But the law this

Congress passed says the Government need not even make that declaration: They can hold people indefinitely who are awaiting determination whether or not they are enemy combatants.

It gets worse. Republican leaders in the Senate followed the White House's lead and greatly expanded the definition of "enemy combatants" in the dark of night in the final days before the bill's passage, so that enemy combatants need not be soldiers on any battlefield. They can be people who donate small amounts of money, or people that any group of decision-makers selected by the President decides to call enemy combatants. The possibilities are chilling.

The Administration has made it clear that they intend to use every expansive definition and unchecked power given to them by the new law. November's Justice Department brief made clear that any of our legal immigrants could be held indefinitely without recourse in court. Earlier in November, the Justice Department went to court to say that detainees who had been held in secret CIA prisons could not even meet with lawyers because they might tell their lawyers about the cruel interrogation techniques used against them. In other words, if our Government tortures somebody, that person loses his right to a lawyer because he might tell the lawyer about having been tortured. A law professor was quoted as saying about the Government's position in that case: "Kafka-esque doesn't do it justice. This is 'Alice in Wonderland.'"

We have eliminated basic legal and human rights for the 12 million lawful permanent residents who live and work among us, to say nothing of the millions of other legal immigrants and visitors who we welcome to our shores each year. We have removed a vital check that our legal system provides against the government arbitrarily detaining people for life without charge. We may well have also made many of our remaining limits against torture and cruel and inhuman treatment obsolete because they are unenforceable. We have removed the mechanism the Constitution provides to check government overreaching and lawlessness.

This is wrong. It is unconstitutional. It is un-American. It is designed to ensure that the Bush-Cheney Administration will never again be embarrassed by a United States Supreme Court decision reviewing its unlawful abuses of power. The conservative Supreme Court, with seven of its nine members appointed by Republican Presidents, has been the only check on this Administration's lawlessness. Certainly the last Congress did not do it. With passage of the Military Commissions Act, the Republican Congress completed the job of eviscerating its role as a check and balance on the Administration.

Some Senators uneasy about the Military Commissions Act's disastrous habeas provision took solace in the thought that it would be struck down by the courts. Instead, the first court to consider that provision, a federal court in the District of Columbia, upheld the provision. We should not outsource our moral, legal and constitutional responsibility to the courts. Congress must be accountable for its actions and we should act to right this wrong.

Abolishing habeas corpus for anyone who the Government thinks might have assisted enemies of the United States is unnecessary and morally wrong. It is a betrayal of the most basic values of freedom for which America stands. It makes a mockery of the administration's lofty rhetoric about exporting freedom across the globe.

We should take steps to ensure that our enemies can be brought to justice efficiently and quickly. I introduced a bill to do that back in 2002, as did Senator SPECTER, when we each proposed a set of laws to establish military commissions. The Bush-Cheney Administration rejected our efforts and designed a regime the United States Supreme Court determined to be unlawful. Establishing appropriate military commissions is not the question. We all agree to do that. What we need to revisit is the suspension of the writ of habeas corpus for millions of legal immigrants and others, denying their right to challenge indefinite detainment on the, government's say-so.

It is from strength that America should defend our values and our Constitution. It takes commitment to those values to demand accountability from the Government. In standing up for American values and security, I will keep working on this issue until we restore the checks and balances that are fundamental to preserving the liberties that define us as a nation. We can ensure our security without giving up our liberty.

By Mr. SPECTER:

S. 186. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, the legislation which I am introducing is the Attorney-Client Privilege Protection Act. This legislation was previously introduced in the 109th Congress.

In 2003, the Department of Justice adopted the provisions of the so-called Thompson Memorandum, which allowed prosecutors to request that companies under investigation waive their attorney-client privilege, and that, absent such a waiver, prosecutors may consider the company's refusal to waive privilege in the charging process. As a result, the legal and business community complained that, if the attorney-client privilege is not waived, the corporation and individuals may get a stiffer charge.

The Department of Justice has recently revised the Thompson Memorandum, with Deputy Attorney General McNulty substituting what is now known as the McNulty Memorandum. Prior to the release of the McNulty Memorandum, I had a number of discussions with Department of Justice officials, and I thank the Department of Justice for the effort which they have made, but it is not sufficient. The new memorandum is inadequate in its protection of the attorney-client privilege.

Although the McNulty Memorandum is inadequate in failing to protect attorney-client privilege, it does improve another part of the Department of Justice's prior procedure under the Thompson Memorandum, which effectively denied the payment of counsel fees so that people who were charged were unable to defend themselves without bankrupting themselves in defense. That provision of the earlier Thompson Memorandum was declared unconstitutional in a case in the Southern District of New York.

Mr. President, again, I ask unanimous consent that the full text of my statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ATTORNEY-CLIENT PRIVILEGE PROTECTION ACT OF 2006

Mr. SPECTER. Mr. President, I seek recognition today to introduce the "Attorney-Client Privilege Protection Act of 2007," which remains necessary despite Deputy Attorney General Paul McNulty's issuance of a new set of corporate prosecution guidelines on December 12 of last year. Although the new McNulty memorandum, which replaces the memorandum issued by former Deputy Attorney General Larry Thompson, makes some improvements, the revision continues to erode the attorney-client relationship by allowing prosecutors to request privileged information backed by the hammer of prosecution if the request is denied.

This bill will protect the sanctity of the attorney-client relationship by prohibiting federal prosecutors and investigators from requesting waiver of attorney-client privilege and attorney work product protections in corporate investigations. The bill would similarly prohibit the government from conditioning charging decisions or any adverse treatment on an organization's payment of employee legal fees, invocation of the attorney-client privilege, or agreement to a joint defense agreement. This bill will hopefully force the Department of Justice to issue a meaningful change to its corporate charging policies beyond the changes in the McNulty Memorandum, which came "a day late and a dollar short" according to Frederick Krebs, the president of the Association of Corporate Counsel.

There is no need to wait to see how the McNulty memorandum will operate in practice. The flaws in that memorandum are already apparent. Moreover, before the issuance of the McNulty memorandum last month, the Thompson memorandum has been undermining the attorney-client relationship in the corporate context for nearly 4 years. In January 2003, then-Deputy Attorney General Larry Thompson issued a memorandum to all Justice Department components throughout the United States entitled "Principles of Federal Prosecution of Business Organizations." This memorandum, which was prepared on the heels of the establishment of the President's Corporate Fraud Task Force, set forth various factors for federal prosecutors to consider when deciding to prosecute corporations or other business organizations. The so-called "Thompson memorandum" lists a corporation's "cooperation and voluntary disclosure" as one of the chief factors to be considered in making a charging decision.

Just as the Thompson memorandum was issued with laudable goals in mind, the McNulty memorandum was, no doubt, the product of good intentions. Nevertheless, it continues to threaten the viability of the attorney-client privilege in business organizations by allowing prosecutors to request privilege waiver upon a finding of "legitimate need"—a standard that should guide the most basic of prosecutorial requests, not sensitive requests for privileged information.

Just as the standard is inadequate, so is the level of internal review. Although the McNulty memorandum establishes some internal review for such waiver requests, it does so in a way that diminishes the importance of a corporate client's ability to communicate with its lawyers. The memo creates two different categories of privileged information and provides very little protection to client communications to the attorney while providing significant protection and DOJ internal review for attorney communications to the client. The memo identifies the two subcategories of privileged information as: (1) "purely factual information," which consists of witness statements, interview memoranda, factual chronologies and summaries, and reports containing investigative facts documented by counsel; and (2) attorney advice to the client, including attorney notes, memoranda, and notes.

The first category of information, formally labeled Category 1 information by DOJ, may be requested with approval at the U.S. Attorney-level with consultation with the Assistant Attorney General for the Criminal Division. The consultation requirement is not defined in any way in the memo. By failing to define what it means "to consult" with the Assistant Attorney General, the McNulty memo fails to say whether the Assistant Attorney General can overrule the U.S. Attorney's decision. Unless there is a meaningful review of the U.S. Attorney's decision, it is difficult to see how the McNulty memo provides better safeguards for Category 1 information than the interim-McCallum memo, issued in October 2005, which mandated a U.S. Attorney-level "written waiver review process" for all attorney client privilege waiver requests.

As noted above, the new McNulty memo does provide greater protections for attorney advice and communication to the client, which the memo labels "Category 2" information. The McNulty memo protects Category 2 information in the first instance by making clear that it may be sought only if the prosecutor thinks Category 1 information provides an incomplete basis for the investigation. If such a request is deemed necessary, the request for Category 2 information must be approved by the Deputy Attorney General.

Although the McNulty memo provides greater protection for Category 2 information, the memo does not explain why such information will ever be needed by prosecutors outside of attorney advice in furtherance of a crime or fraud or where the advice is subject to an advice of counsel defense, both of which are expressly exempted from the waiver request process outlined in the memorandum. Thus, the only two types of attorney advice that are likely to be relevant in a criminal investigation are exempted from the memo's coverage. With that exception, I fail to see why Category 2 information is needed at all. Prosecutors do not need to know what attorneys are advising their clients unless the advice is in furtherance of a crime or the client puts the advice in issue by raising it as a defense.

No less than the Thompson memo, the new McNulty memo discourages corporate employees from having frank conversations with lawyers, which makes it difficult for companies who desire to prevent possible corruption from making appropriate remedies. The Department of Justice will not prevent corporate misconduct if it continues to inadvertently discourage the types of internal investigations and dialogues corporate officials need to detect and prevent corporate fraud.

In the next rewrite of its corporate prosecution guidelines, the Administration needs to look in the mirror. If the President refused to disclose documents or information after invoking a claim of executive privilege, it would not consider itself to be "uncooperative." Rather, the executive would simply be doing its job in representing a client. Yet, when the tables are turned, the Justice Department has memorialized a policy instructing its prosecutors to discourage attorneys from doing their job effectively.

The right to counsel is too important to be passed over for prosecutorial convenience. It has been engrained in American jurisprudence since the 18th century when the Bill of Rights was adopted. The 6th Amendment is a fundamental right afforded to individuals charged with a crime and guarantees proper representation by counsel throughout a prosecution. However, the right to counsel is largely ineffective unless the confidential communications made by a client to his or her lawyer are protected by law. As the Supreme Court observed in Upjohn Co. v. United States, "the attorney-client privilege is the oldest of the privileges for confidential communications known to the common law." When the Upjohn Court affirmed that attorney-client privilege protections apply to corporate internal legal dialogue, the Court manifested in the law the importance of the attorney-client privilege in encouraging full and frank communication between attorneys and their clients, as well as the broader public interests the privilege serves in fostering the observance of law and the administration of justice. The Upjohn Court also made clear that value of legal advice and advocacy depends on the lawyer having been fully informed by the client.

As a former prosecutor, I am acutely aware of the enormous power and tools a prosecutor has at his or her disposal. As former Supreme Court Justice and then Attorney-General Robert Jackson stated in his 1940 speech to U.S. Attorneys, "The prosecutor has more control over life, liberty, and reputation than any other person in America. His discretion is tremendous. He can have citizens investigated and, if he is that kind of person, he can have this done to the tune of public statements and veiled or unveiled intimations." Thus, the federal prosecutor has enough power without the coercive tools of the privilege waiver, whether that waiver policy is embodied in the Holder, Thompson, McCallum, or McNulty memorandum. I see no need to have the Justice Department publicly express a policy that encourages waiver of attorney-client privilege, especially where the policy is backed by the heavy hammer of possible criminal charges. Cases should be prosecuted based on their merits, not based on how well an organization works with the prosecutor. As Justice Jackson warned in the same speech, "the most dangerous power of the prosecutor [is] that he will pick people that he thinks he should get, rather than pick cases that need to be prosecuted."

Just as the Holder and Thompson memoranda before it, the McNulty memorandum embodies bad public policy by empowering federal prosecutors at the expense of the attorney-client relationship. Consequently, I echo the comments of the following organizations and individuals who have criticized the McNulty memorandum:

"The Justice Department's new corporate charging guidelines for federal prosecutors fall far short of what is needed to prevent further erosion of fundamental attorney-client privilege, work product, and employee protections during government investigations."—Karen Mathis, ABA President.

"While containing some improvements, this new policy does not adequately protect the right to attorney-client privilege, and unwisely ignores many of the recommendations of former senior Justice Department officials, the American Bar Association, and a massive coalition of some of the nation's most prominent business, legal, and civil rights groups."—Stanton Anderson, U.S. Chamber of Commerce.

"The McNulty Memorandum still falls short of protecting the attorney-client privilege, and the related work product doctrine, which derives from it."—Martin Pinales, President, National Association of Criminal Defense Lawyers.

"[T]his memo is a day late and a dollar short. Asking prosecutors to get permission before formally requesting that companies waive their attorney-client privilege will not put an end to the 'culture of waiver' that exists within DOJ. Our research shows that more often than not, requests for waiver are not asked for outright, but are coercively inferred."—Frederick Krebs, President, Association of Corporate Counsel.

"Deputy Attorney General Paul McNulty's memorandum is a disappointment. It perpetuates the dynamic that compels companies to "voluntarily" waive their rights in order to get favorable treatment or to avoid the death penalty of a federal indictment."—Caroline Fredrickson, Director, ACLU Washington legislative office; George Landrith, President, Frontiers of Freedom; Stephanie A. Martz, Director, White Collar Crime Project, National Association of Criminal Defense Lawyers; Daniel J. Popeo, Chairman, Washington Legal Foundation, in a letter to the editor of USA Today.

My bill amends title 18 of the United States Code by adding a new section, §3014, that would prohibit any agent or attorney of the United States government in any criminal or civil case to demand, request or condition treatment on the disclosure of any communication protected by the attorney-client privilege or attorney work product. The bill would also prohibit government lawyers and agents from conditioning any charge or adverse treatment on whether an organization pays attorneys' fees for its employees or signs a joint defense agreement.

While I am glad that the Justice Department revised the Thompson memorandum, I am hopeful that the Department will act again to reform the McNulty memorandum. In the absence of such action, this legislation is needed to ensure that basic protections of the attorney-client relationship are preserved.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Attorney-Client Privilege Protection Act of 2007".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Justice is served when all parties to litigation are represented by experienced diligent counsel.

(2) Protecting attorney-client privileged communications from compelled disclosure fosters voluntary compliance with the law.

(3) To serve the purpose of the attorney-client privilege, attorneys and clients must have a degree of confidence that they will not be required to disclose privileged communications.

(4) The ability of an organization to have effective compliance programs and to conduct comprehensive internal investigations is enhanced when there is clarity and consistency regarding the attorney-client privilege.

(5) Prosecutors, investigators, enforcement officials, and other officers or employees of Government agencies have been able to, and can continue to, conduct their work while respecting attorney-client and work product protections and the rights of individuals, including seeking and discovering facts crucial to the investigation and prosecution of organizations.

(6) Despite the existence of these legitimate tools, the Department of Justice and other agencies have increasingly employed tactics that undermine the adversarial system of justice, such as encouraging organizations to waive attorney-client privilege and work product protections to avoid indictment or other sanctions.

(7) An indictment can have devastating consequences on an organization, potentially eliminating the ability of the organization to survive post-indictment or to dispute the charges against it at trial.

(8) Waiver demands and other tactics of Government agencies are encroaching on the constitutional rights and other legal protections of employees.

(9) The attorney-client privilege, work product doctrine, and payment of counsel fees shall not be used as devices to conceal wrongdoing or to cloak advice on evading the law.

(b) PURPOSE.—It is the purpose of this Act to place on each agency clear and practical limits designed to preserve the attorney-client privilege and work product protections available to an organization and preserve the constitutional rights and other legal protections available to employees of such an organization.

SEC. 3. DISCLOSURE OF ATTORNEY-CLIENT PRIVILEGE OR ADVANCEMENT OF COUNSEL FEES AS ELEMENTS OF COOPERATION.

(a) IN GENERAL.—Chapter 201 of title 18, United States Code, is amended by inserting after section 3013 the following:

"§3014. Preservation of fundamental legal protections and rights in the context of investigations and enforcement matters regarding organizations

"(a) DEFINITIONS.—In this section:

"(1) ATTORNEY-CLIENT PRIVILEGE.—The term 'attorney-client privilege' means the attorney-client privilege as governed by the principles of the common law, as they may be interpreted by the courts of the United States in the light of reason and experience, and the principles of article V of the Federal Rules of Evidence.

"(2) ATTORNEY WORK PRODUCT.—The term 'attorney work product' means materials prepared by or at the direction of an attorney in anticipation of litigation, particularly any such materials that contain a mental impression, conclusion, opinion, or legal theory of that attorney.

"(b) IN GENERAL.—In any Federal investigation or criminal or civil enforcement matter, an agent or attorney of the United States shall not—

"(1) demand, request, or condition treatment on the disclosure by an organization, or person affiliated with that organization, of any communication protected by the attorney-client privilege or any attorney work product;

"(2) condition a civil or criminal charging decision relating to a organization, or person affiliated with that organization, on, or use as a factor in determining whether an organization, or person affiliated with that organization, is cooperating with the Government—

"(A) any valid assertion of the attorney-client privilege or privilege for attorney work product;

"(B) the provision of counsel to, or contribution to the legal defense fees or expenses of, an employee of that organization;

"(C) the entry into a joint defense, information sharing, or common interest agreement with an employee of that organization if the organization determines it has a common interest in defending against the investigation or enforcement matter;

"(D) the sharing of information relevant to the investigation or enforcement matter with an employee of that organization; or

"(E) a failure to terminate the employment of or otherwise sanction any employee of that organization because of the decision by that employee to exercise the constitutional rights or other legal protections of that employee in response to a Government request; or

"(3) demand or request that an organization, or person affiliated with that organization, not take any action described in paragraph (2).

"(c) INAPPLICABILITY.—Nothing in this Act shall prohibit an agent or attorney of the United States from requesting or seeking any communication or material that such agent or attorney reasonably believes is not entitled to protection under the attorney-client privilege or attorney work product doctrine.

"(d) VOLUNTARY DISCLOSURES.—Nothing in this Act is intended to prohibit an organization from making, or an agent or attorney of the United States from accepting, a voluntary and unsolicited offer to share the internal investigation materials of such organization.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 18, United States Code, is amended by adding at the end the following:

"3014. Preservation of fundamental legal protections and rights in the context of investigations and enforcement matters regarding organizations.".

By Mr. SPECTER:

S. 187. A bill to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-issued orders for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I am reintroducing the text of S. 4051, which I originally introduced on November 14 of last year. And the title articulates it in a succinct way, so I will read that. It is: a bill to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-issued warrants for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, and to ensure review of the Terrorist Surveillance Program by the United States Supreme Court.

I made a number of efforts in the 109th Congress to subject the President's surveillance program to judicial review in accordance with the existing law that a search-and-seizure warrant or a wiretap ought not to be issued without a judge making a finding of probable cause and authorizing that kind of a search and seizure or that kind of a wiretap.

Without going into the entire history, that bill was refined to the point where it is articulated in S. 4051 of the 109th Congress, which would provide for individualized warrants for calls originating in the United States and going out. That can be accomplished, according to the CIA, if there are additional resources, which this bill provides, and if the time for retroactive approval is extended from 3 days to 7 days.

With respect to calls originating outside the United States and coming in, we are advised there are simply too many of those to cover, so that on those calls the bill would expedite the judicial review which is currently in process.

A Federal court in Detroit has declared the President's program unconstitutional, and it is now pending in the Sixth Circuit. This bill would mandate review by the Supreme Court of the United States and would put review in the Federal courts on an accelerated timetable.

There are objections to proceeding with legislation along this line because of an interest in having hearings. Well, we have had a whole series of hearings, and the administration has refused to tell the Judiciary Committee the details of the program. Under our division of authority, it is the Intelligence Committee which has jurisdiction over this kind of a program.

But, we could proceed with hearings and still enact legislation which would provide constitutional protection for calls originating in the United States, which is the more serious category. Citizens here, people here in the United States, would have individual warrants and a judicial determination of probable cause before the surveillance and the wiretaps were put into effect.

Meanwhile, the program goes on. It has been going on since late 2001. It has been known to the public since December 16, 2005. And each day that passes, there are more taps, there are more searches and seizures, there is more surveillance, which may not comport with constitutional provisions.

There may be the motivation to show that the President has broken the law. And there is no doubt that the surveillance program does violate the Foreign Intelligence Surveillance Act of 1978. But the President contends that he has inherent article II power as Commander in Chief which supersedes the statute. And he may be right about that. But only a court can determine. And under the existing standards, the court must make a determination of the nature of the invasion of privacy contrasted with the importance for the public welfare of providing security. That is a judicial function.

It seems to me that where you have an avenue to have probable cause established in the traditional way on calls going out of the United States, we ought to utilize it. We ought not to have that program continue in effect without having that kind of constitutional procedure.

And then, as to calls originating outside of the United States, if the President is right, that can be determined by the courts. Let that proceed in that manner. And, the justification for delay—that we need to show the President of the United States has violated the law—is a wholly insufficient justification to withhold legislation that would be a major improvement to this surveillance program.

We can conclude, in my view, that he has violated FISA. But to repeat—and I do not like to repeat—he may have the constitutional authority for the surveillance program, but that has to be determined by a judicial proceeding.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Intelligence Surveillance Oversight and Resource Enhancement Act of 2007".

TITLE I—ENHANCEMENT OF RESOURCES AND PERSONNEL FOR ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES

SEC. 101. FOREIGN INTELLIGENCE SURVEILLANCE COURT MATTERS.

(a) AUTHORITY FOR ADDITIONAL JUDGES.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) in paragraph (1), as so designated, by inserting "at least" before "seven of the United States judicial circuits";

(3) by designating the second sentence as paragraph (4) and indenting such paragraph, as so designated, accordingly; and

(4) by inserting after paragraph (1), as so designated, the following new paragraph:

"(2) In addition to the judges designated under paragraph (1), the Chief Justice of the United States may designate as judges of the court established by paragraph (1) such judges appointed under Article III of the Constitution of the United States as the Chief Justice determines appropriate in order to provide for the prompt and timely consideration under section 105 of applications under section 104 for electronic surveillance under this title. Any judge designated under this paragraph shall be designated publicly.".

(b) CONSIDERATION OF EMERGENCY APPLICATIONS.—Such section is further amended by inserting after paragraph (2), as added by subsection (a) of this section, the following new paragraph:

"(3) A judge of the court established by paragraph (1) shall make a determination to approve, deny, or seek modification of an application submitted under section subsection (f) or (g) of section 105 not later than 24 hours after the receipt of such application by the court.".

SEC. 102. ADDITIONAL PERSONNEL FOR PREPARATION AND CONSIDERATION OF APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.

(a) OFFICE OF INTELLIGENCE POLICY AND REVIEW.—

(1) ADDITIONAL PERSONNEL.—The Office of Intelligence Policy and Review of the Department of Justice is authorized such additional personnel, including not fewer than 21 full-time attorneys, as may be necessary to carry out the prompt and timely preparation, modification, and review of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders under section 105 of that Act (50 U.S.C. 1805) approving electronic surveillance for foreign intelligence purposes.

(2) ASSIGNMENT.—The Attorney General shall assign personnel authorized by paragraph (1) to and among appropriate offices of the National Security Agency in order that such personnel may directly assist personnel of the Agency in preparing applications described in that paragraph.

(b) FEDERAL BUREAU OF INVESTIGATION.—

(1) ADDITIONAL LEGAL AND OTHER PERSONNEL.—The National Security Branch of the Federal Bureau of Investigation is authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 for orders under section 105 of that Act approving electronic surveillance for foreign intelligence purposes.

(2) ASSIGNMENT.—The Director of the Federal Bureau of Investigation shall assign personnel authorized by paragraph (1) to and among the field offices of the Federal Bureau of Investigation in order that such personnel may directly assist personnel of the Bureau in such field offices in preparing applications described in that paragraph.

(c) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR NATIONAL SECURITY AGENCY.—The National Security Agency is authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 for orders under section 105 of that Act approving electronic surveillance for foreign intelligence purposes.

(d) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is authorized for the Foreign Intelligence Surveillance Court such additional personnel (other than judges) as may be necessary to facilitate the prompt and timely consideration by that Court of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 for orders under section 105 of that Act approving electronic surveillance for foreign intelligence purposes. Personnel authorized by this paragraph shall perform such duties relating to the consideration of such applications as that Court shall direct.

(e) SUPPLEMENT NOT SUPPLANT.—The personnel authorized by this section are in addition to any other personnel authorized by law.

SEC. 103. TRAINING OF FEDERAL BUREAU OF INVESTIGATION AND NATIONAL SECURITY AGENCY PERSONNEL IN FOREIGN INTELLIGENCE SURVEILLANCE MATTERS.

The Director of the Federal Bureau of Investigation and the Director of the National Security Agency shall each, in consultation with the Attorney General—

(1) develop regulations establishing procedures for conducting and seeking approval of electronic surveillance on an emergency basis, and for preparing and properly submitting and receiving applications and orders, under sections 104 and 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804 and 1805); and

(2) prescribe related training for the personnel of the applicable agency.

TITLE II—IMPROVEMENT OF FOREIGN INTELLIGENCE SURVEILLANCE AUTHORITY

SEC. 201. EXTENSION OF PERIOD FOR APPLICATIONS FOR ORDERS FOR EMERGENCY ELECTRONIC SURVEILLANCE.

Section 105(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(f)) is amended by striking "72 hours" both places it appears and inserting "168 hours".

SEC. 202. ACQUISITION OF FOREIGN-FOREIGN COMMUNICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.

1801 et seq.), no court order shall be required for the acquisition through electronic surveillance of the contents of any communication between one person who is not located within the United States and another person who is not located within the United States for the purpose of collecting foreign intelligence information even if such communication passes through, or the surveillance device is located within, the United States.

(b) Treatment of Intercepted Communications Involving Domestic Party.—If surveillance conducted, as described in subsection (a), inadvertently collects a communication in which at least one party is within the United States, the contents of such communications shall be handled in accordance with the minimization procedures set forth in section 101(h)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(h)(4)).

(c) Definitions.—In this section, the terms "contents", "electronic surveillance", and "foreign intelligence information" have the meaning given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 203. INDIVIDUALIZED FISA APPLICATIONS.

The contents of any wire or radio communication sent by a person who is reasonably believed to be inside the United States to a person outside the United States may not be retained or used unless a court order authorized under the Foreign Intelligence Surveillance Act is obtained.

SEC. 204. ISSUES RESERVED FOR THE COURTS.

Nothing in this Act shall be deemed to amend those provisions of FISA concerning any wire or radio communication sent from outside the United States to a person inside the United States. The constitutionality of such interceptions shall be determined by the courts, including the President's claim that his Article II authority supersedes FISA.

TITLE III—ENHANCED CONGRESSIONAL OVERSIGHT AND SUPREME COURT REVIEW OF THE TERRORIST SURVEILLANCE PROGRAM

SEC. 301. CONGRESSIONAL OVERSIGHT.

(a) Electronic Surveillance Under FISA.—Section 108 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) the authority under which the electronic surveillance is conducted."; and

(2) by striking subsection (b) and inserting the following:

"(b) On a semiannual basis, the Attorney General additionally shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on electronic surveillance conducted without a court order.".

(b) Intelligence Activities.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 501 (50 U.S.C. 413)—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection:

"(f) The Chair of each of the congressional intelligence committees, in consultation with the ranking member of the committee for which the person is Chair, may inform, on a bipartisan basis, all members or any individual members of such committee of a report submitted under subsection (a)(1) or subsection (b) as such Chair considers necessary."; and

(2) in section 502 (50 U.S.C. 414), by adding at the end the following new subsection:

"(d) Informing of Committee Members.—The Chair of each of the congressional intelligence committees, in consultation with the ranking member of the committee for which the person is Chair, may inform, on a bipartisan basis, all members or any individual members of such committee of a report submitted under subsection (a) as such Chair considers necessary.".

SEC. 302. SUPREME COURT REVIEW OF THE TERRORIST SURVEILLANCE PROGRAM.

(a) In General.—Upon appeal by the United States or any party to the underlying proceedings, the Supreme Court of the United States shall review the final decision of any United States court of appeal concerning the legality of the Terrorist Surveillance Program.

(b) Expedited Consideration.—It shall be the duty of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

(c) Definition.—In this section, the term "Terrorist Surveillance Program" means the program identified by the President of the United States on December 17, 2005, to intercept international communications into and out of the United States of persons linked to al Qaeda or related terrorist organizations.

TITLE IV—OTHER MATTERS

SEC. 401. DEFINITION.

In this Act, the term "Foreign Intelligence Surveillance Court" means the court established by section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act.

SEC. 403. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date that is 30 days after the date of the enactment of this Act.

By Mr. SALAZAR (for himself, Mr. LEAHY, Mr. REID, Mr. MENENDEZ, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 188. A bill to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006; to the Committee on the Judiciary.

Mr. SALAZAR. Mr. President, I rise today to speak on behalf of legislation I am introducing today, which has the support and co-sponsorship of several of my colleagues including Senators REID, LEAHY, FEINSTEIN, BOXER and MENENDEZ.

This is a simple, straight forward measure to include the name of César E. Chávez, a truly remarkable civil rights leader and American, into the title of the reauthorization of the Voting Rights Act passed last year.

With my bill, the title of this Act would be referred to as the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and César E. Chávez Voting Rights Act Reauthorization and Amendments Act of 2006. I am proud to have been part of a unanimous Senate that reauthorized this landmark piece of civil rights legislation. Reauthorizing the Voting Rights Act extended the open door for every American to exercise their right to participate in the representative democracy founded by our Constitution, and cherished by our people. In that spirit, it is fitting that César Chávez's name be included with the other names honored in this bill—as pioneers who helped pave the way to ensure that all Americans have a voice in electing their Government at the voting booth.

César Chávez is an American hero. Like the venerable American leaders who are now associated with this effort, he sacrificed his life to empower the most vulnerable in America. For this reason, he continues to be an important part of our country's journey on the path to a more inclusive America. César Chávez believed strongly in our American democracy and saw the right to vote as a fundamental cornerstone of our freedom. I believe it is fitting that his name be a part of the reauthorization of the Voting Rights Act.

President Lyndon Johnson once stated: "The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men." With his simple but powerful slogan "Si Se Puede" or yes, it can be done, César Chávez reminded us of this truth.

Still, throughout our history and even today, many Americans have been shut out of our most fundamental right, the right to vote. When President Johnson signed the Voting Rights Act of 1965 into law, he restored the faith of millions of African Americans, Hispanic Americans, Native Americans, and others who had historically been kept from voting.

As our Nation moved forward in the next chapter of civic equality and inclusion with the reauthorization of the Voting Rights Act last year, we demonstrated to millions of Hispanic Americans this body's continued commitment to safeguarding their right to vote. To include César E. Chávez's name to that commitment today is an important change because of the message it sends Hispanic Americans. It serves as a signal of Congress' commitment to an inclusive America that brings all Americans into our democratic process.

This past November, more than 86 million Americans voted all across the country. Fifty years ago, before the enactment of the Voting Rights Act, many would not have been able to do so. It is important and fitting that we honor those civil rights leaders whose contributions and courage helped pave the way for today's more inclusive democracy, and it is fitting that the name of César E. Chávez be included with them in the title of last year's Voting Rights Act reauthorization. I look forward to working with my colleagues on this small change, and am hopeful that they will approve my proposal to revise the official title of this landmark reauthorization as the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and César E. Chávez Voting Rights Act Reauthorization and Amendments Act of 2006.

Mr. LEAHY. Mr. President, today I join Senator SALAZAR in introducing a bill to include Cesar E. Chavez among the names of the great civil rights leaders we honor in the title of last year's Voting Rights Act Reauthorization and Amendments Act of 2006, "VRARA". I supported taking this action last year during the Senate Judiciary Committee's consideration of the VRARA when I offered an amendment on behalf of Senator SALAZAR to add the Hispanic civil rights leader to those for whom the law is named. As Senator SALAZAR reminded us, Cesar Chavez is an American hero who sacrificed his life to empower the most vulnerable in America. Like Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, for whom the VRARA is named, he believed strongly in the right to vote as a cornerstone of American democracy. I offered the amendment in the Judiciary Committee and it was adopted without dissent.

In order not to complicate final passage of the Voting Rights Act, the Senate proceeded to adopt the House-passed bill without amendment so that it could be signed into law without having to be reconsidered by the House. At that time, I committed to work with Senator SALAZAR to conform the law to include recognition of the contribution to our civil rights, voting rights and American society by Cesar Chavez.

Cesar Chavez's name should be added to the law as important recognition of the broad landscape of political inclusion made possible by the Voting Rights Act. This bill would not alter the bill's vital remedies for continuing discrimination in voting, but is overdue recognition of the importance of the Voting Rights Act to Hispanic-Americans. Prior to the VRA, Hispanics, like minorities of all races, faced major barriers to participation in the political process, through the use of such devices as poll taxes, exclusionary primaries, intimidation by voting officials, language barriers, and systematic vote dilution.

I urge the Senate quickly to take up and pass this measure as we convene the new Congress and commit ourselves again to ensuring that the great promises of the 14th and 15th amendments are kept for all Americans and that the Voting Rights Act Reauthorization and Amendments Act is fully implemented to protect the rights of all Americans.

By Mr. McCAIN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. FEINGOLD):

S. 192. A bill providing greater transparency with respect to lobbying activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. McCAIN. Mr. President, today I am pleased to be joined by Senators FEINGOLD, COLLINS, and LIEBERMAN in introducing a bill to provide greater transparency into the process of influencing our Government, and to ensure greater accountability among public officials.

The legislation proposes a number of important and necessary reforms. It would provide for faster reporting and greater public access to reports filed by lobbyists and their employers under current law. It would require greater disclosure of lobbyists' contributions and payments to lawmakers and entities associated with them, as well as fundraising and other events they host. the bill also would require greater disclosure from both lobbyists, and Members and employees of Congress, of travel that is arranged or financed by a lobbyist or his client.

To address the problem of the revolving door between Government and the private sector, the bill would strengthen the lobbying restrictions on former senior members of the Executive Branch, former Members of Congress, and former senior congressional staff. It would require that Members publicly disclose negotiations they are having with prospective private employers to ensure there is no conflict of interests. The bill also would modify the provision in current law that exempts former Federal employees who go to work for Indian tribes as outside lobbyists and agents from the revolving door laws.

The bill would prohibit all gifts from lobbyists to lawmakers and their staff. To ensure that such a ban is not circumvented, the bill also would require Members of Congress and their staff to pay the fair market value for travel on private planes and the fair market value of sports and entertainment tickets. Members and staff would also have to post the details of their privately-sponsored work trips on-line for public inspection.

The bill would establish an independent, non-partisan Office of Public Integrity. Armed with a number of investigative tools, the Office of Public Integrity would investigate alleged misconduct by Members and their staff and make appropriate recommendations to the Senate Ethics Committee for final disposition.

Finally, the bill would help us combat wasteful, porkbarrel spending. It would amend Congressional rules to allow lawmakers to challenge unauthorized appropriations, earmarks, and policy riders in appropriations bills.

Mr. President, when I introduced similar legislation over a year ago, I regretted that such reform was even necessary. And, I voted against the bill that was ultimately passed in the Senate because it lacked a number of elements essential to true reform.

Unfortunately, the need for such reform has only become more acute. The American people's faith and confidence in this venerable institution has steadily eroded. The day after the mid-term elections, CNN reported that, according to national exit polls, voters were concerned about corruption and ethics in Government more than any other issue. I can tell you the polls, if not spot on, are not far off.

During my travels around the country last year, it quickly became clear that there is a deep perception that we legislators do not act on the priorities of the American people, that special interests, and not the people's interests, guide our legislative hand. This loss in confidence is not limited to a single party or ideology; rather, it cuts across the spectrum. It is a perception bred by recent Congressional failures and scandals, which I need not chronicle here.

We can begin to restore faith in this institution by divesting ourselves of some of the perks and privileges that have somehow crept into public service. Take, for example, free meals and sports and entertainment tickets. The American people have rightfully come to see the abuse of such perks as a corrupting influence. In a string of guilty pleas last year, several lobbyists, former congressional aides, and a congressman admitted that such gifts were used as bribes. Quite frankly, there is no good reason why Members of Congress and their staff cannot forgo such gifts from lobbyists. No one would seriously contend that they are necessary for us to conduct the people's business. A total gift ban would go a long way towards restoring the public's confidence in us.

Another critical aspect requiring reform is the ability of a Member to travel on a corporate jet and only pay the rate of a first class plane ticket. This bill requires Senators and their employees who use corporate or charter aircraft to pay the fair market value for that travel. While I appreciate that such a change is not popular with some of my colleagues, the time has come to fundamentally change the way we do things in this town. Much of the public views our ability to travel on corporate jets, often accompanied by lobbyists, while only reimbursing the first-class rate, as a huge loophole in the current gift rules. And they are right—it is. I have no doubt that the average American would love to fly around the country on very comfortable corporate-owned aircraft and only be charged the cost of a first-class ticket. It is a pretty good deal we have got going here. We need to face the fact that the time has come to end this Congressional perk.

At a time when the public is questioning our integrity, the Senate needs to more aggressively enforce its own rules. We can do this not just by making more public the work that the Senate Ethics Committee currently undertakes, but by addressing the conflict that is inherent in any body that regulates itself. That is why I am again proposing the creation of a new Office of Public Integrity with the capacity to initiate and conduct investigations, uncolored by partisan concerns and unconstrained by collegial relationships.

Finally, Mr. President, if we are truly serious about reform, we need to address what some have coined the currency of corruption—earmarks. In 1994, there were 4,126 earmarks. In 2005, there were 15,877—an increase of nearly 400 percent! But there was a little good news for 2006 solely due to the good sense that occurred unexpectedly when the Labor HHS appropriations bill was approved with almost no earmarks, an amazing feat given that there were over 3,000 earmarks the prior year for just that bill. Yet despite this first reduction in 12 years, it does not change the fact that the largest number of earmarks have still occurred in the last three years—2004, 2005, and 2006.

Now, let us consider the level of funding associated with those earmarks. The amount of earmarked funding increased from $23.2 billion in 1994 to $64 billion in FY 2006. Remarkably, it rose by 34 percent from 2005 to 2006, even though the number of earmarks decreased! Earmarked dollars have doubled just since 2000, and more than tripled in the last 10 years. This explosion in earmarks led one lobbyist to deride the appropriations committees as favor factories. The time for us to fix this broken process is long overdue.

Mr. President, this past election, the American people sent a clear message: clean up the way business is done in our capitol. As faithful public servants, we are obligated to respond. Let us respond meaningfully, to assure the American people that we are here promoting the interests of main street over that of K Street, and that we are more interested in public service than the perks and privileges offered us. Let us also remind ourselves that we came here in the sincere belief that public service is a noble calling, a reward unto itself.

I therefore urge my colleagues in joining me on this bill. I think our Nation and this venerable institution will be all the better for it.

By Mr. CRAIG:

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States relative to require a balanced budget and protect Social Security surpluses; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, today I am reintroducing the balanced budget amendment to the Constitution of the United States. I, for some years, along with my colleagues in a bipartisan way, have spoke to this issue. Today, in a new year and in a new Congress, Americans are eager to see a new direction for our country. They have seen Federal spending increase by $200 billion from fiscal years 2005 to 2006. They have watched the Federal deficit swell into hundreds of billions of dollars, and they have borne the costs. Our spending system is broken and, in my opinion, so is our Tax Code.

The new year is a time for new solutions to this problem. When new solutions that draw upon old principles of limited government and fiscal responsibility and tax simplicity and fairness are how you approach a problem, I think Americans once again will listen, and they will allow us to build a system that increasingly builds faith, once again, with the American people and America's taxpayers. It is simply getting back to basics. We must look at the big picture of Federal spending as a crisis in our country and begin to speak the language that is fundamental to reform in itself, not instead of half measures or bits or pieces or nibbling around the edges. But as both of our leaders have spoken in the last hour to bipartisan efforts, they speak of bold strokes to solving problems for America, and I think that is what Americans expect of us as their leaders. We must look at it simply and reduce the deficit—I would hope we could eliminate it—and to do so with a Tax Code that is fairer, more balanced, certainly simpler, and not so complex that the American taxpayers collectively have to spend billions of dollars a year simply in complying with the Tax Code itself.

In the coming months, I will address all three components of the Federal spending crisis, including a flat tax and a budget process that reforms what we get done here, and that we get it done in a timely manner. I begin with a balanced budget amendment to the United States Constitution. For many Americans, one of the signs of our deep respect for the Constitution is to acknowledge that, in exceptional cases, a problem finally rises to a level that it can only be addressed through a constitutional adjustment in our government.

I believe spending is at that crisis level and we here, Democrat and Republican, have demonstrated our inability to deal with it in a timely and responsible fashion. So it is time we act. My balanced budget amendment would require Congress to pass a balanced budget every year to ensure that Social Security surpluses are set aside exclusively to meet the future needs of beneficiaries and to require a supermajority in both the House and the Senate to raise the Nation's debt limit. In addition, it recognizes that national security is a priority of this Congress by providing essential exceptions for war and imminent military threats. In other words, over the last several years a balanced budget amendment would not have deterred us from funding, as appropriate and necessary, our engagement in Iraq and to make sure the men and women who are there on the front lines today are adequately provided with the necessary tools.

Thomas Jefferson said it so well, and he said this:

> . . .with respect to future debt, would it not be wise and just for that nation to declare in the constitution they are forming that neither the legislature, nor the nation itself can validly contract more debt than they may pay?

His logic is simple. His logic is right. I urge you to join me in making fiscal responsibility constitutionally acceptable—and a habit—of this Nation's Capitol.

With the first piece of legislation I introduce to the 110th Congress, I call on the Senate to pass a balanced budget amendment to the Constitution, a bill of economic rights for our future and our children.

I ask unanimous consent that a copy of this joint resolution proposing a balanced budget amendment to the Constitution be printed in the RECORD.

Mr. CRAIG. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 3. Any surplus of receipts (including attributable interest) over outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds shall not be counted for purposes of this article. Any deficit of receipts (including attributable interest) relative to outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds shall be counted for purposes of this article, and must be completely offset by a surplus of all other receipts over all other outlays.

"SECTION 4. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 5. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 6. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 7. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 8. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 9. This article shall take effect the second fiscal year beginning after its ratification.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

SENATE RESOLUTION 3—TO ELECT ROBERT C. BYRD, A SENATOR FROM THE STATE OF WEST VIRGINIA, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 3

Resolved, That Robert C. Byrd, a Senator from the State of West Virginia, be, and he is hereby, elected President of the Senate pro tempore.

SENATE RESOLUTION 4—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 4

Resolved, That the President of the United States be notified of the election of the Honorable Robert C. Byrd as President of the Senate pro tempore.

SENATE RESOLUTION 5—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 5

Resolved, That the House of Representatives be notified of the election of the Honorable Robert C. Byrd as President of the Senate pro tempore.

SENATE RESOLUTION 6—EXPRESSING THE THANKS OF THE SENATE TO THE HONORABLE TED STEVENS FOR HIS SERVICE AS PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE AND TO DESIGNATE SENATOR STEVENS AS PRESIDENT PRO TEMPORE EMERITUS OF THE UNITED STATES SENATE

Mr. MCCONNELL (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 6

Resolved, That the United States Senate expresses its deepest gratitude to Senator Ted Stevens for his dedication and commitment during his service to the Senate as the President Pro Tempore.

Further, as a token of appreciation of the Senate for his long and faithful service, Senator Ted Stevens is hereby designated President Pro Tempore Emeritus of the United States Senate.

SENATE RESOLUTION 7—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 7

Resolved, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

SENATE RESOLUTION 8—ELECTING NANCY ERICKSON AS SECRETARY OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 8

Resolved, That Nancy Erickson of South Dakota be, and she is hereby, elected Secretary of the Senate.

SENATE RESOLUTION 9—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 9

Resolved, That the President of the United States be notified of the election of the Honorable Nancy Erickson as Secretary of the Senate.

SENATE RESOLUTION 10—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 10

Resolved, That the House of Representatives be notified of the election of the Honorable Nancy Erickson as Secretary of the Senate.

SENATE RESOLUTION 11—ELECTING TERRANCE W. GAINER AS THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 11

Resolved, That Terrance W. Gainer of Illinois be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

SENATE RESOLUTION 12—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 12

Resolved, That the President of the United States be notified of the election of the Honorable Terrance W. Gainer as Sergeant at Arms and Doorkeeper of the Senate.

SENATE RESOLUTION 13—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 13

Resolved, That the House of Representatives be notified of the election of the Honorable Terrance W. Gainer as Sergeant at Arms and Doorkeeper of the Senate.

SENATE RESOLUTION 14—ELECTING MARTIN P. PAONE OF VIRGINIA AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 14

Resolved, That Martin P. Paone of Virginia be, and he is hereby, elected Secretary for the Majority of the Senate.

SENATE RESOLUTION 15—ELECTING DAVID J. SCHIAPPA OF MARYLAND AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES 15

Resolved, That David J. Schiappa of Maryland be, and he is hereby, elected Secretary for the Minority of the Senate.

SENATE RESOLUTION 16—TO MAKE EFFECTIVE APPOINTMENT OF THE SENATE LEGAL COUNSEL

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 16

Resolved, That the appointment of Morgan J. Frankel to be Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2007, and the term of service of the appointee shall expire at the end of the One Hundred Eleventh Congress.

SENATE RESOLUTION 17—TO MAKE EFFECTIVE APPOINTMENT OF THE DEPUTY SENATE LEGAL COUNSEL

Mr. McCONNELL (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 17

Resolved, That the appointment of Patricia Mack Bryan, of Virginia, to be Deputy Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2007, and the term of service of the appointee shall expire at the end of the One Hundred Eleventh Congress.

SENATE RESOLUTION 18—EXPRESSING THE SENSE OF THE SENATE REGARDING DESIGNATION OF THE MONTH OF NOVEMBER "NATIONAL MILITARY FAMILY MONTH"

Mr. REID (for Mr. INOUYE) submitted the following resolution; which was referred to the Committee on armed Services:

S. RES. 18

Whereas military families, through their sacrifices and their dedication to the United States and its values, represent the bedrock upon which the United States was founded and upon which the country continues to rely in these perilous and challenging times: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that the month of November should be designated as "National Military Family Month"; and

(2) the Senate encourages the people of the United States to observe "National Military Family Month" with appropriate ceremonies and activities.

Mr. INOUYE. Mr. President, today I rise to honor all our military families by submitting a Resolution to designate November as National Military Family Month. As we all know, memories fade and the hardships experienced by our military families are easily forgotten unless they touch our own immediate family.

Today, we have our men and women deployed all over the world, engaged in this war on terrorism. These far-ranging military deployments are extremely difficult on the families who bear this heavy burden.

To honor these families, the Armed Services YMCA has sponsored Military Family Week in late November since 1996. However, due to frequent "short week" conflicts around the Thanksgiving holidays, the designated week has not always afforded enough time to schedule observances on and near our military bases.

I believe a month long observation will allow greater opportunity to plan events. Moreover, it will provide a greater opportunity to stimulate media support.

A resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to our military families.

SENATE RESOLUTION 19—HONORING PRESIDENT GERALD RUDOLPH FORD

Mr. REID (for himself, Mr. McCONNELL, Ms. STABENOW, Mr. LEVIN, Mr. AKAKA, Mr. ALEXANER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. McCAIN, Mrs. McCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. Murkowski, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was ordered held at the desk:

S. RES. 19

Whereas Gerald Rudolph Ford, the 38th President of the United States, was born on July 14, 1913, in Omaha, Nebraska;

Whereas Gerald Ford was raised in Grand Rapids, Michigan, where he was active in the Boy Scouts and where he excelled as both a student and an athlete during high school;

Whereas after graduating from high school, Gerald Ford attended the University of Michigan at Ann Arbor, where he played on the university's national championship football teams in 1932 and 1933, and was honored as the team's most valuable player in 1934, before graduating with a B.A. degree in 1935;

Whereas Gerald Ford later attended Yale Law School and earned an LL.B. degree in 1941, after which he began to practice law in Grand Rapids;

Whereas Gerald Ford joined the United States Naval Reserve in 1942 and served his country honorably during World War II;

Whereas upon returning from his service in the military, Gerald Ford ran for the United States House of Representatives and was elected to Congress;

Whereas Gerald Ford served in the House of Representatives from January 1949 to December 1973, winning reelection 12 times, each time with more than 60 percent of the vote;

Whereas Gerald Ford served with great distinction in Congress, in particular through his service on the Defense Appropriations Subcommittee, of which he rose to become ranking member in 1961;

Whereas in addition to his work in the House of Representatives, Gerald Ford served as a member of the Warren Commission, which investigated the assassination of President John F. Kennedy;

Whereas, in 1965, Gerald Ford was selected as minority leader of the House of Representatives, a position he held for 8 years;

Whereas after the resignation of Vice President Spiro Agnew in 1973, Gerald Ford was chosen by President Richard Nixon to serve as Vice President of the United States;

Whereas following the resignation of President Nixon, Gerald Ford took the oath of office as President of the United States on August 9, 1974;

Whereas upon assuming the presidency, Gerald Ford helped the nation heal from one of the most difficult and contentious periods in United States history, and restored public confidence in the country's leaders;

Whereas Gerald Ford's basic human decency, his integrity, and his ability to work cooperatively with leaders of all political parties and ideologies, earned him the respect and admiration of Americans throughout the country; and

Whereas Gerald Ford was able to serve his country with such great distinction in large part because of the continuing support of his widely admired wife, Elizabeth (Betty), who also has contributed much to the nation in many ways, and of their 4 children, Michael, John, Steven, and Susan: Now, therefore, be it

Resolved, That the Senate notes with deep sorrow and solemn mourning the death of President Gerald Rudolph Ford.

Resolved, That the Senate extends its heartfelt sympathy to Mrs. Ford and the family of President Ford.

Resolved, That the Senate honors and, on behalf of the nation, expresses deep appreciation for President Ford's outstanding and important service to his country.

Resolved, That the Senate directs the Secretary of the Senate to communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

SENATE RESOLUTION 20—RECOGNIZING THE UNCOMMON VALOR OF WESLEY AUTRY OF NEW YORK, NEW YORK

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 20

Whereas Wesley Autry is a citizen of New York, New York;

Whereas Wesley Autry is a veteran of the United States Navy;

Whereas Wesley Autry witnessed a fellow subway passenger suffer from a seizure and fall onto the train tracks;

Whereas Wesley Autry was compelled by his belief that he should "do the right thing" and serve as an example to his 2 young daughters;

Whereas Wesley Autry demonstrated uncommon valor and tremendous bravery in diving onto the train tracks to save the life of his fellow subway passenger only moments before an incoming train passed over them;

Whereas the beneficiary of Wesley Autry's courageous actions is now recovering at St. Luke's Roosevelt Hospital Center, New York;

Whereas Wesley Autry has conducted himself with the utmost humility in the midst of his newfound fame; and

Whereas Wesley Autry stands out as an example of selflessness to members of his community, his state, and the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that Wesley Autry acted heroically by putting his own life at risk to save that of his fellow citizen; and

(2) expresses its deep appreciation for Wesley Autry's example and the values that his actions represent.

SENATE CONCURRENT RESOLUTION 1—EXPRESSING THE SENSE OF CONGRESS THAT AN ARTISTIC TRIBUTE TO COMMEMORATE THE SPEECH GIVEN BY PRESIDENT RONALD REAGAN AT THE BRANDENBURG GATE ON JUNE 12, 1987, SHOULD BE PLACED WITHIN THE UNITED STATES CAPITOL

Mr. ALLARD submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration.

S. CON. RES. 1

Whereas the people of the United States successfully defended freedom and democracy for over 40 years in a global Cold War against an aggressive Communist tyranny;

Whereas President Ronald Wilson Reagan's demonstration of unwavering personal conviction during this conflict served to inspire millions of people throughout the United States and around the world to seek democracy, freedom, and greater individual liberty; and

Whereas President Reagan's determined stand against the Soviet Union during his 8 years as President served as the catalyst for the collapse of the Soviet Union: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that an artistic tribute to commemorate the speech given by President Ronald Reagan at the Brandenburg Gate on June 12, 1987, during which he uttered the immortal words, "Mr. Gorbachev, tear down this wall!", should be placed within the United States Capitol.

Mr. ALLARD. Mr. President, finally, I would like to note that nearly 20 years ago, on June 12, 1987, President Ronald Reagan stood at the Berlin Wall, at the Brandenburg Gate, and issued his—issued liberty's—famous challenge to Soviet tyranny:

> Mr. Gorbachev, tear down this Wall!

I am submitting a resolution today calling for an artistic rendering of that moment in time to be painted into the Capitol, along with the other significant scenes of our Nation's past. As we walk through the building today, we can see scenes from the Nation's founding, from the Civil War, our westward expansion, even the Moon landing and Challenger astronauts. I would like to also see Reagan at the Brandenburg Gate. I think it would be entirely appropriate to have this image added. It would be an important reminder of the struggle this Nation undertook. It would stand for the millions of Americans who did their part for nearly half a century in that struggle, both military and civilian. And it would testify to the greatness of our Nation, and the greatness of our 40th President.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Saxby Chambliss:									
Greenland	Krone		46.75						46.75
Turkey	Lira		462.00						462.00
Georgia	Lari		99.10						99.10
Montenegro	Euro		710.24						710.24
Italy	Euro		81.48		3,290.59				3,372.07

Total			1,399.57		3,290.59				4,690.16

SAXBY CHAMBLISS,
Chairman, Committee on Agriculture, Nutrition and Forestry, Oct. 3, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Gove:									
Kuwait	Dinar		292.00						292.00
France	Euro		1,470.00						1,470.00
United States	Dollar				8,373.50				8,373.50
Tom Hawkins:									
Kuwait	Dinar		292.00						292.00
France	Euro		1,470.00						1,470.00
United States	Dollar				8,373.50				8,373.50
James Hayes:									
United Kingdon	Pound		302.75				27.26		330.01
France	Euro		914.25						914.25
United States	Dollar				1,322.70				1,322.70
Howard Sutton:									
United Kingdom	Pound		302.75				39.26		342.01
France	Euro		914.25						914.25
United States	Dollar				1,322.70				1,322.70
Dennis Balkham:									
Belgium	Euro		400.00						400.00
Romania	Lei		202.00						202.00
Switzerland	Euro		356.00						356.00
United States	Dollar				6,480.96				6,480.96
Sean Knowles:									
Belgium	Euro		400.00						400.00
Romania	Lei		202.00						202.00
Switzerland	Euro		356.00						356.00
United States	Dollar				6,480.96				6,480.96
B.G. Wright:									
Belgium	Euro		400.00						400.00
Romania	Lei		202.00						202.00
Switzerland	Euro		356.00						356.00
United States	Dollar				6,480.96				6,480.96
Christina Evans:									
Belgium	Euro		400.00						400.00
Romania	Lei		202.00						202.00
Switzerland	Euro		356.00						356.00
United States	Dollar				6,480.96				6,480.96
Allen Cutler:									
China	Yuan		906.00						906.00
United States	Dollar			6,967.75					6,967.75
Michele Gordon:									
United States	Dollar				2,300.00				2,300.00
Marshall Islands	Dollar		1,200.00						1,200.00
Emily Brunini:									
United States	Dollar				2,300.00				2,300.00
Marshall Islands	Dollar		1,200.00						1,200.00
Sudip Parikh:									
China	Yuan		1,573.63				72.00		1,645.63
United States	Dollar				8,539.60				8,539.60
Bettilou Taylor:									
China	Yuan		1,573.63				72.00		1,645.63
United States	Dollar				8,539.60				8,539.60
Scott Dalzell:									
Marshall Islands	Dollar		900.76						900.76
United States	Dollar				3,114.90				3,114.90
Ellen Murray:									
China	Yuan		1,573.63						1,5373.63
United States	Dollar				8,539.60				8,539.60
Paul Carliner:									
China	Yuan		906.76						906.76
United States	Dollar				6,967.75				6,967.75
Erik Fatemi:									
China	Yuan		1,573.63						1,573.63
United States	Dollar				8,539.60		90.00		8,629.60
Adrienne Hallett:									
China	Yuan		1,573.63						1,573.63
United States	Dollar				8,539.60				8,539.60
Charles Houy:									
Phillipines	Peso		846.00						846.00
United States	Dollar				2,843.75				2,843.75
Senator Inouye:									
Phillipines	Peso		846.00						846.00
United States	Dollar				2,843.75				2,843.75
Jennifer Park:									
Kenya	Shillings		1,440.00						1,440.00
Rwanda	Francs		626.00						626.00
United States	Dollar				8,144.27				8,144.27
Erik Fatemi:									
United Kingdom	Pound		2,354.00						2,354.00
United States	Dollar				2,160.54				2,160.54
									0.00
Timothy Rieser:									
Colombia	Dollar		708.00				92.00		800.00
United States	Dollar				1,050.92				1,050.92
									0.00
B.G. Wright:									
South Korea	Won		1,158.00						1,158.00
United States	Dollar				9,336.74				9,336.74
Total			30,749.67		136,044.61		392.52		166,794.28

THAD COCHRAN,
Chairman, Committee on Appropriations, Oct. 6, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Cornyn:									
United States	Dollar				5,693.00				5,693.00
Brazil	Dollar		288.00						288.00
Colombia	Dollar		165.00						165.00
Russell J. Thomasson:									
United States	Dollar				5,693.00				5,693.00
Brazil	Dollar		288.00						288.00
Colombia	Dollar		165.00						165.00
Senator Jack Reed:									
United States	Dollar				7,546.16				7,546.16
Kuwait	Dollar		311.00						311.00
Jordan	Dollar		159.00						159.00
Elizabeth King:									
United States	Dollar				7,546.16				7,546.16
Kuwait	Dollar		313.00						313.00
Jordan	Dollar		154.00						154.00
Gregory T. Kiley:									
United States	Dollar				8,513.11				8,513.11
Kuwait	Dollar		909.80						909.80
Afghanistan	Dollar		4.00						4.00
Derek M. Maurer:									
United States	Dollar			8,533.00					8,533.00
Kuwait	Dollar		908.00						908.80
Afghanistan	Dollar		4.00						4.00
Michael J. McCord:									
United States	Dollar			8,533.00					8,533.00
Kuwait	Dollar		853.00						853.00
Afghanistan	Dollar		25.00						25.00
Senator John McCain:									
Greenland	Dollar		46.75						46.75
Turkey	Dollar		462.00						462.00
Georgia	Dollar		77.70						77.70
Montenegro	Dollar		331.42						331.42
Italy	Dollar		206.79						206.79
Senator Lindsey O. Graham:									
Greenland	Dollar		18.70						18.70
Turkey	Dollar		349.00						349.00
Georgia	Dollar		9.35						9.35
Montenegro	Dollar		301.95						301.95
Italy	Dollar		178.64						178.64
Richard H. Fontaine, Jr.:									
Greenland	Dollar		274.00						274.00
Turkey	Dollar		388.00						388.00
Georgia	Dollar		375.00						375.00
Montenegro	Dollar		615.00						615.00
Italy	Dollar		423.00						423.00
Senator Jeff Sessions:									
United States	Dollar				6,506.21				6,506.21
Belgium	Euro		204.00						204.00
United Kingdom	Pound		223.00						223.00
Archibald Galloway:									
United States	Dollar				6,506.21				6,506.21
Belgium	Euro		204.00						204.00
United Kingdom	Pound		223.00						223.00
Total			9,458.10		65,069.85				74,527.95

JOHN WARNER,
Chairman, Committee on Armed Services, Oct. 30, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator James M. Inhofe:									
Ethiopia	Dollar		265.71						265.71
Uganda	Dollar		58.02						58.02
Italy	Dollar		152.60						152.60
United States	Dollar				7,205.66				7,205.66
John Bonsell:									
United States	Dollar				6,670.66				6,670.66
Ethiopia	Dollar		251.78						251.78
Uganda	Dollar		654.39						654.39
Italy	Dollar		141.33						141.33
Mark Powers:									
United States	Dollar				6,690.66				6,690.66
Qatar	Dollar		266.61						266.61
Ethiopia	Dollar		243.83						243.83
Uganda	Dollar		61.61						61.61
Italy	Dollar		191.88						191.88
Total			2,287.76		20,566.98				22,854.74

JOHN WARNER,
Chairman, Committee on: Armed Services, Oct. 30, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
United States	Dollar				12,102.76				12,102.76
Japan	Yen		1,692.00						1,692.00
China	Yuan		1,538.00						1,538.00
Russia	Ruble		1,976.00						1,976.00
Germany	Euro		1,017.00						1,017.00
Belgium	Euro		509.00						509.00
United Kingdom	Pound		2,409.00						2,409.00
William D. Duhnke:									
United States	Dollar				12,102.76				12,102.76
Japan	Yen		830.00						830.00
China	Yuan		1,002.00						1,002.00
Russia	Ruble		1,395.00						1,395.00
Germany	Euro		701.00						701.00
Belgium	Euro		347.00						347.00
United Kingdom	Pound		1,712.00						1,712.00
Steven B. Harris:									
United States	Dollar				12,102.76				12,102.76
Japan	Yen		1,180.00						1,180.00
China	Yuan		1,073.00						1,073.00
Russia	Ruble		1,379.00						1,379.00
Germany	Euro		678.00						678.00
Belgium	Euro		355.00						355.00
United Kingdom	Pound		1,681.00						1,681.00
Total			21,474.00		36,308.28				57,782.28

RICHARD C. SHELBY,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Oct. 18, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Scott Gudes:									
United States	Dollar				2,259.00				2,259.00
Honduras	Dollar		50.00						50.00
Nicaragua	Dollar		146.00						146.00
El Salvador	Dollar		571.00						571.00
Cheryl Reidy:									
United States	Dollar				2,259.00				2,259.00
Honduras	Dollar		50.00						50.00
Nicaragua	Dollar		146.00						146.00
El Salvador	Dollar		571.00						571.00
Michael Lofgren:									
United States	Dollar				7,277.80				7,277.80
Norway	Kroner		748.00						748.00
Germany	Euro		1,072.00						1,072.00
Total			3,354.00		11,795.80				15,149.80

JUDD GREGG,
Chairman, Committee on U.S. Senate Budget Committee, Oct. 2, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator David Vitter:									
United States	Dollar				6,754.82				6,754.82
Kuwait	Dinar		406.00						406.00
France	Euro		205.00				369.89		574.89
Tonya Newman:									
United States	Dollar				6,754.82				6,754.82
Kuwait	Dinar		406.00						406.00
France	Euro		205.00				369.89		574.89
Justin Crossie:									
United States	Dollar				6,754.82				6,754.82
Kuwait	Dinar		406.00						406.00
France	Euro		205.00				369.89		574.89
Marie Blanco:									
United States	Dollar				2,217.50				2,217.50
Philippines	Peso		774.00						774.00
Total			2,607.00		22,481.96		1,109.67		26,198.63

TED STEVENS,
Chairman, Committee on Commerce, Science and Transportation,
Oct. 11, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY & NATURAL RESOURCES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Joshua Johnson:									
United States	Dollar				3,125.27				3,125.27
Marshall Islands	Dollar		1,200.00						1,200.00
Allen Stayman:									
United States	Dollar				2,989.79				2,989.79
Marshall Islands	Dollar		1,016.73						1,016.73
Total			2,216.73		6,115.06				8,331.79

PETE V. DOMENICI,
Chairman, Committee on Energy & Natural Resources, Sept. 18, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED FROM 1ST QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John F. Kerry:									
India	Rupeer						2,495.00		2,495.00
Nancy Stetson:									
India	Rupee						2,495.00		2,495.00
Total							4,990.00		4,990.00

RICHARD G. LUGAR,
Chairman, Committee on Foreign Relatins, Oct. 16, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden, Jr.:									
Kuwait	Dollar		406.00						406.00
Jordan	Dollar		289.00						289.00
United States	Dollar				7,815.00				7,815.00
Senator Richard Lugar:									
Poland	Dollar		1,000.00						1,000.00
Kazakhstan	Dollar		400.00						400.00
Azerbaijan	Dollar		400.00						400.00
Georgia	Dollar		400.00						400.00
Albania	Dollar		200.00						200.00
United Kingdom	Dollar		300.00						300.00
United States	Dollar				3,697.57				3,697.57
Senator Mel Martinez:									
Greenland	Dollar		53.80						53.80
Turkey	Dollar		462.00						462.00
Georgia	Dollar		58.30						58.30
Montenegro	Dollar		541.55						541.55
Italy	Dollar		372.13						372.13
Senator Barack Obama:									
South Africa	Rand		664.00						664.00
Kenya	Shilling		715.00		185.00				900.00
Djibouti	Franc		378.00						378.00
Chad	CFA		492.00						492.00
United States	Dollar				7,667,83				7,667.83
Senator John Sununu:									
Georgia	Dollar		29.51						29.51
Montenegro	Dollar		773.94						773.94
Italy	Dollar		385.84						385.84
United States	Dollar				549.93				549.93
Jonah Blank:									
Afghanistan	Dollar		591.00						591.00
Tajikistan	Dollar		582.00						582.00
Kazakhstan	Dollar		340.00						340.00
United Arab Emirates	Dollar		336.00						336.00
United States	Dollar				8,636.29				8,636.29
Jonah Blank:									
Vietnam	Dollar		2,613.00						2,613.00
Cambodia	Dollar		636.00		598.90		63.00		1,297.00
United States	Dollar				7,686.00				7,686.00
Anthony Blinken:									
Kuwait	Dollar		406.00						406.00
Jordan	Dollar		289.00						289.00
United States	Dollar				7,442.00				7,442.00
Perry Cammack:									
Israel	Dollar		2,382.00						2,382.00
United States	Dollar				3,683.00				3,683.00
Heather Flynn:									
Zimbabwe	Dollar		915.00						915.00
South Africa	Rand		1,330.00						1,330.00
Botswana	Pula		920.00						920.00
United States	Dollar				10,269.00				10,269.00
James Greene:									
Belgium	Euro		645.00						645.00
United States	Dollar				7,154.74				7,154.74
Frank Jannuzzi:									
South Korea	Won		1,544.00						1,544.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
China	Yuan		921.00						921.00
United States	Won				6,015.32				6,015.32
Mark Lippert:									
South Africa	Rand		664.00						664.00
Kenya	Shilling		888.00		185.00				1,073.00
Djibouti	Franc		378.00		0.00				378.00
Chad	CFA		492.00						492.00
United States	Dollar		0.00		7,047.83				7,047.83
W. Keith Luse:									
Idonesia	Rupiah		1,687.00		0.00				1,687.00
Singapore	Dollar		286.00						286.00
United States	Dollar		0.00		3,031.00				3,031.00
Kenneth A. Myers, Jr.:									
Portland	Dollar		200.00						200.00
Kazakhstan	Dollar		400.00						400.00
Azerbaijan	Dollar		400.00						400.00
Georgia	Dollar		400.00						400.00
Albania	Dollar		200.00						200.00
United Kingdom	Dollar		300.00						300.00
United States	Dollar		0.00		7,022.03				7,022.03
Kenneth-A. Myers, III:									
Poland	Dollar		200.00		0.00				200.00
Kazakhstan	Dollar		400.00						400.00
Azerbaijan	Dollar		400.00						400.00
Georgia	Dollar		400.00						400.00
Albania	Dollar		200.00						200.00
United Kingdom	Dollar		300.00						300.00
United States	Dollar		0.00		7,670.48				7,670.48
Michael V. Phelan:									
Afghanistan	Afghani		1,287.00						1,287.00
Pakistan	Rupee		927.00						927.00
United States	Dollar				8,408.44				8,408.00
Jordan Lee Talge:									
China	Yuan		2,054.75						2,054.75
Puneet Talwar:									
Kuwait	Dollar		406.00						406.00
Jordan	Dollar		289.00						289.00
United States	Dollar				7,442.00				7,442.00
Puneet Talwar:									
Cyprus	Dollar		327.00						327.00
Lebanon	Dollar		94.00						94.00
Israel	Dollar		1,385.00						1,385.00
United States	Dollar				5,807.60				5,807.60
Tomicah Tillemann:									
Serbia	Dinar		322.00						322.00
Bosnia	Dollar		602.00						602.00
Serbia	Dollar		424.00						424.00
Chris Ann Keehner:									
Kenya	Dollar		1,941.00						1,941.00
United States	Dollar				9,321.00				9,321.00
Total			41,024.82		127,335.96		63.00		168,423.78

RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, Oct. 16, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Coburn:									
United States	Dollar				6,862.82				6,862.82
Kuwait	Dinar		272.00						272.00
Leland Erickson:									
United States	Dollar				691.62				691.62
United Kingdom	Pound		1,060.00						1,060.00
Belgium	Euro		800.00						800.00
Netherlands	Euro		400.00						400.00
Robert Strayer:									
United States	Dollar				711.62				711.62
United Kingdom	Pound		1,000.00		282.00				1,282.00
Belgium	Euro		760.00						760.00
Netherlands	Euro		375.00						375.00
Jason Yanussi:									
United States	Dollar				711.62				711.62
United Kingdom	Pound		1,010.09		282.00				1,292.09
Belgium	Euro		776.74		22.08				798.82
Netherlands	Euro		367.71						367.71
Total			6,821.54		9,563.76				16,385.30

SUSAN M. COLLINS,
Chairman, Committee on Homeland Security and Governmental Affairs Committee, Oct. 10, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
Nepal	Rupee		287.46						287.46
Bhutan	Ngultrum		545.86						545.86
Kuwait	Dinar		406.00						406.00
Israel	New Shekel		588.41						588.41
Libya	Dinar		528.58						528.58
Ireland	Euro		179.76						179.76
Christopher Bradish:									
Nepal	Rupee		397.00						397.00
Bhutan	Ngultrum		587.00						587.00
Kuwait	Dinar		421.00						421.00
Israel	New Shekel		810.00						810.00
Libya	Dinar		725.00						725.00
Ireland	Euro		283.00						283.00
Total			5,759.07						5,759.07

ARLEN SPECTER,
Chairman, Committee on Judiciary, Nov. 9, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Michael B. Enzi:									
Italy	Euros		909.99						909.99
Kuwait	Dinar		406.00						406.00
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.12						423.12
Senator Lamar Alexander:									
Italy	Euros		909.99						909.99
Kuwait	Dinar		406.00						406.00
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.12						423.12
Senator Johnny Isakson:									
Italy	Euros		909.99						909.99
Kuwait	Dinar		406.00						406.00
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.12						423.12
Katherine B. McGuire:									
United States	Dollar				909.47				909.47
Italy	Euros		1,127.99						1,127.99
Kuwait	Dinar		406.00						406.00
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.12						423.12
David P. Cleary:									
United States	Dollar				10,358.73				10,358.73
Italy	Euros		909.99						909.99
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.12						423.12
Beth B. Buehlmann:									
United States	Dollar				10,358.73				10,358.73
Italy	Euros		909.99						909.99
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.12						423.12
Glee C. Smith:									
United States	Dollar				10,358.73				10,358.73
Italy	Euros		909.99						909.99
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.11						423.11
Delegation Expenses:									
Italy	Euros						1,905.49		1,905.49
Kuwait	Dinar						1,460.20		1,460.20
Sri Lanka	Rupee						3,835.00		3,835.00
India	Rupee						28,153.03		28,153.03
Austria	Euros						4,427.62		4,427.62
Charlotte S. Ivancic:									
United States	Dollar				862.27				862.27
United Kingdom	Pound		1,539.00						1,539.00
Total			27,469.25		32,847.93		39,781.34		100,098.52

MICHAEL B. ENZI,
Chairman, Committee on Health, Education, Labor, and Pensions, Aug. 16, 2006

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Burr:									
United States	Dollar				2,294.50				2,294.50
Georgia	Lari		375.00						375.00
Montenegro	Euros		615.00						615.00
Italy	Euros		423.00						423.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			1,413.00		2,294.50				3,707.50

MICHAEL B. ENZI,
Chairman, Committee on Health, Education, Labor, and Pensions,
Oct. 3, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Burr:.									
United States	Dollar				6,734.82				6,734.82
France	Euro		205.00						205.00
Kuwait	Dinar		406.00						406.00
Kevin Hernandez:									
United States	Dollar				6,734.82				6,734,82
France	Euro		205.00						205.00
Kuwait	Dinar		406.00						406.00
Total			1,222.00		13,469.64				14,691.64

LARRY E. CRAIG,
Chairman, Committee on Veterans' Affairs, Oct. 6, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William Castle			201.62						201.62
Total			201.62						201.62

PAT ROBERTS,
Chairman, Committee on Intelligence, Oct. 24, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Randall Bookout:			2,596.00						2,596.00
	Dollar				6,395.00				6,395.00
Lorenzo Goco:			1,976.00						1,976.00
	Dollar				7,151.43				7,151.43
Senator Christopher Bond:			1,332.00						1,332.00
	Dollar						100.00		100.00
	Dollar				8,433.92				8,433.92
Louis Tucker:			1,332.00						1,332.00
	Dollar				7,865.07				7,865.07
Mike DuBois:			1,382.00						1,382.00
	Dollar				7,865.07				7,865.07
Eric Rosenbach:			895.27						895.27
	Dollar						98.94		98.94
	Dollar				8,275.26				8,275.26
Thomas Pack:			1,327.10						1,372.10
	Dollar				8,275.26				8,275.26
Paul Matulic:			1,477.95						1,477.95
	Dollar				8,275.26				8,275.26
Jennifer Wagner:			1,286.20						1,286.20
	Dollar				8,275.26				8,275.26
John Maguire:			1,881.00						1,881.00
	Dollar				6,737.36				6,737.36
John Dickas:			1,562.17						1,562.17
	Dollar				6,737.49				6,737.49
Todd Rosenblum:			1,907.00						1,907.00
	Dollar				6,757.00				6,757.00
Total			18,954.69		91,043.38		198.94		110.197.01

PAT ROBERTS
Chairman, Committee on Intelligence, Oct. 24, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mark Kearney:									
United States	Dollar				2,665.46				2,665.46
Macedonia	Dinar		865.30						865.30
Knox Thames:									
United States	Dollar				1,640.90				1,640.90
Canada	Dollar		74.00						74.00
Ronald McNamara:									
United States	Dollar				1,640.90				1,640.90
Canada	Dollar		90.00						90.00
Chadwick Gore:									
United States	Dollar				5,706.83				5,706.83
Austria	Euro		574.00						574.00
Sean Woo:									
United States	Dollar				5,598.08				5,598.08
South Korea	Won		1,950.00						1,950.00
Total			3,553.30		17,252.17				20,805.47

SAM BROWNBACK,
Chairman, Commission on Security and Cooperation in Europe,
Nov. 25, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), OFFICE OF THE PRESIDENT PRO TEMPORE FOR TRAVEL FROM JULY 1, TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
United Kingdom	Pounds		2,314.36						2,314.36
Sid Ashworth:									
United Kingdom	Pounds		2,314.36						2,314.36
Brian Wilson:									
United Kingdom	Pounds		2,314.36						2,314.36
Brian Potts:									
United Kingdom	Pounds		2,314.36						2,314.36
Clayton Heil:									
United Kingdom	Pounds		2,314.36						2,314.36
Charlie Houy:									
United Kingdom	Pounds		2,314.36						2,314.36
Betsey Schmid:									
United Kingdom	Pounds		2,314.36						2,314.36
Keith Kennedy:									
United Kingdom	Pounds		2,314.36						2,314.36
Senator James Inhofe:									
United Kingdom	Pounds		2,314.36						2,314.36
Kay Webber:									
United Kingdom	Pounds		2,314.36						2,314.36
Senator Thad Cochran:									
United Kingdom	Pounds		2,314.36						2,314.36
John Eisold									
United Kingdom	Pounds		2,314.36						2,314.36
Anne Caldwell:									
United Kingdom	Pounds		2,314.36						2,314.36
Senator Richard Shelby:									
United Kingdom	Pounds		2,314.36						2,314.36
Senator Pat Roberts:									
United Kingdom	Pounds		2,314.36						2,314.36
Terry Sauvin:									
United Kingdom	Pounds		2,314.36						2,314.36
Stewart Holmes:									
United Kingdom	Pounds		2,314.36						2,314.36
DeLynn Henry:									
United Kingdom	Pounds		2,314.36						2,314.36
Dave Schiappa:									
United Kingdom	Pounds		2,314.36						2,314.36
Total			43,972.84						43,972.84

TED STEVENS,
Chairman, Office of the President Pro Tempore, Oct. 13, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM AUG. 5 TO AUG. 13, 2006.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Anna M. Gallagher									
China	Yuan		2,054.75						2,054.75
Total			2,054.75						2,054.75

WILLIAM H. FRIST,
Majority Leader, Oct. 19, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), PRESIDENT PRO TEMPORE FOR TRAVEL FROM AUG. 5 TO AUG. 13, 2006

Name and country	Name of currency	Per diem*		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
China	Yuan		2,054.75						2,054.75
Senator Daniel Inouye:									
China	Yuan		1,747.75						1,747.75
Senator Thad Cochran:									
China	Yuan		2,054.75						2,054.75
Senator Arlen Specter:									
China	Yuan		1,386.54						1,386.54
Senator Norm Coleman:									
China	Yuan		2,054.75						2,054.75
Senator Patty Murray:									
China	Yuan		2,054.75						2,054.75
Senator Lamar Alexander:									
China	Yuan		1,897.15						1,897.15
Senator Richard Burr:									
China	Yuan		2,054.75						2,054.75
Sid Ashworth:									
China	Yuan		1,747.75						1,747.75
Charlie Houy:									
China	Yuan		1,747.75						1,747.75
George Lowe:									
China	Yuan		1,389.87						1,389.87
Jennifer Lowe:									
China	Yuan		1,389.87						1,389.87
Claire Jolly:									
China	Yuan		2,054.75						2,054.75
Dr. John Eisold:									
China	Yuan		2,054.75						2,054.75
Kay Webber:									
China	Yuan		2,054.75						2,054.75
Rick Desimone:									
China	Yuan		2,054.75						2,054.75
*Delegation Expenses:									
China	Yuan						19,068.26		19,068.26
Total			29,799.43				19,068.26		48,867.69

TED STEVENS,
Chairman, Presidential Pro Tempore, Nov. 28, 2006.

*Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res 179 agreed to May 25, 1977.

MEASURES READ THE FIRST TIME—S. 1, S. 2, S. 5, S. 113

Mr. REID. Madam President, it is my understanding there are four bills at the desk. I ask for their first reading, en bloc.

The PRESIDING OFFICER. The clerk will read the four bills, en bloc, for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

A bill (S. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in Federal minimum wage.

A bill (S. 5) to amend the Public Health Service Act to provide for human embryonic stem cell research.

A bill (S. 113) to make appropriations for military construction and family housing projects for the Department of Defense for fiscal year 2007.

Mr. REID. Madam President, I ask for a second reading in order to place the bills on the calendar under the provisions of rule XIV, and having done that, I object to my own requests en bloc.

The PRESIDING OFFICER. The objection is heard.

The bills will receive their second reading on the next legislative day.

ROBERT T. STAFFORD WHITE ROCKS NATIONAL RECREATION AREA

Mr. REID. Madam President, I ask consent that the Senate proceed to the consideration of S. 159 which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 159) to redesignate the White Rocks National Recreation Area in the State of Vermont as the Robert T. Stafford White Rocks National Recreation Area.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, it is with great sadness that I rise today to bid a final goodbye to one of Vermont's most distinguished public servants. On Saturday, December 23, just before Christmas, former Senator Bob Stafford from Vermont passed away at the venerable age of 93. He leaves behind a tremendous legacy of which he and his family and fellow Vermonters and all Americans should be exceptionally proud. I take this opportunity to pay tribute to Robert Stafford, an extraordinary Vermonter, and especially a very dear and close friend.

He will be greatly missed by me, my wife Marcelle, and by so many other Americans all across our country. We send our condolences to his wife Helen and his family.

Born in Rutland in 1913, Senator Stafford attended his hometown's public schools. He completed his undergraduate work at one of our Nation's finest undergraduate institutions, Middlebury College. He briefly attended the University of Michigan Law School but ultimately earned his law degree from Boston University School of Law in 1938.

Bob was a remarkable person not only because of his service as a statesman but also for his service in the military. He is a prime example of what has been so aptly named the "greatest generation."

Senator Stafford courageously stepped forward to serve our Nation during not one but two foreign wars. In 1942, he enlisted in the U.S. Navy and served on active duty from 1942 to 1946. Again, when the Korean war began, he served from 1951 to 1953 as an officer in the Navy. Bob later became the first commander of the Navy Reserve Center in Burlington, VT. The center later moved to White River Junction in 1995, and I was pleased to recommend to the Navy that the new facility be named the Robert T. Stafford Naval Reserve Center. They happily obliged. Throughout his life, Bob remained extremely proud of his Navy career. I still remember that beautiful day when we opened the new Naval Reserve facility named in honor of his leadership.

Indeed, the recently completed Lake Champlain Navy Memorial was dedicated in his honor by the unanimous recommendation of its founding committee, made up of Navy veterans, retirees, and reservists.

Bob Stafford was an absolute giant in Vermont politics. He spent almost 30 years representing our great State, first in the U.S. House of Representatives, and then in the U.S. Senate. Prior to his arrival in Washington in the early 1960s, he served his fellow Vermonters closer to home, holding a number of prominent State positions.

He served as Rutland County State's attorney and deputy State attorney general, and finally as our State attorney general. From 1957 to 1959, Bob Stafford held the post of Lieutenant Governor. In 1959, he went on to become Governor.

In 1960, Bob Stafford was elected to Vermont's sole seat in the U.S. House of Representatives. He won five successive reelections. In September of 1971, he resigned his House seat to accept an appointment to the U.S. Senate following the death of Senator Winston Prouty.

After he won a special election in January 1972, Bob proceeded to represent Vermont in the Senate during the next 17 years. I had the distinct privilege of serving with him during all but 2 of those years. He also had serving with him from the time he was Governor through the House and the U.S. Senate a most remarkable Chief of Staff, Neal Houston. He and Neal Houston were like brothers. They could almost complete each other's sentences. When I spoke to Neal and heard the sad news about Senator Stafford's passing, I knew he felt that he had lost a member of his own family.

When I first came to Washington as a young man in 1974, I was a 34-year-old junior Senator from Vermont. We didn't have any kind of orientation for new Senators at that time. Bob Stafford was an indispensable mentor to me. I will never forget the leadership and friendship he offered me during that challenging time.

Interestingly enough, Senator Stafford was sort of the epitome of a Vermont Republican in the proudest tradition. I was the only Democrat ever elected. He took me under his wing during those early years. He was enormously helpful to me, his younger, far less experienced junior colleague. I will never forget that he even allowed me the use of his office before I was assigned a space of my own, where we could interview people for positions in my office and where telephone calls could be answered. He brought me around and introduced me to both Republicans and Democrats and basically vouched for me.

But Bob and his wife Helen's kindness extended far beyond the confines of the Senate office buildings. Helen was kind enough even to offer to babysit our children when Marcelle and I were so new in town that we had nowhere to turn for childcare while we were house-hunting. This is a remarkable couple.

To this day, Marcelle and I hold enormous gratitude for the friendship the Staffords offered during our early years in Washington. That friendship has continued throughout the years, and we have many fond memories of visiting their home on Sugar Hill Road. Even after Bob left the Senate, we would drop by and visit. We had some most remarkable conversations—some political, some family, and after all of them I would leave with a smile on my face.

Bob was an extremely well liked member of the Republican Party. He served at one time in the Republican leadership, but he also formed many close friendships with Senators on the Democratic side. Always respectful, always polite, Bob Stafford consistently recognized the importance of moderation and compromise. He, better than most, knew how to form bipartisan alliances.

In his quiet and unassuming manner, Bob Stafford fought hard for the issues that mattered most to him. He believed passionately that higher education should be more accessible to all Americans, regardless of their socioeconomic status, and he was instrumental in creating the student loan program which today bears his name. The Stafford Student Loan Program has made higher education more accessible for millions of Americans, even for some who work in my office today. Bob was a champion of vocational education. Today the Stafford Technical Center, located in his hometown of Rutland, serves the needs of hundreds of students in Rutland County.

Bob showed tremendous leadership in blocking President Reagan's attempts to slash health and education funding. Thanks to Bob Stafford's hard work, programs for disabled Americans and legal aid were left largely intact during much of the 1980s when other programs were starkly scaled back. His chairmanship made sure they were protected.

Bob Stafford also played an important role in another issue of enormous relevance today, Federal emergency assistance. In 1988, President Reagan signed into law the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a bill which provides the statutory authority for Federal disaster response activities pertaining to FEMA programs.

While his achievements in the areas of education and Federal disaster relief were certainly superb, I believe his most enduring legacy will be for the work he did in protecting the environment and public health. He helped shape and strengthen some of our Nation's most critical environmental laws for over two decades.

As chairman of the Environment and Public Works Committee from 1981 to 1986, Bob Stafford was instrumental in persuading Congress to expand and strengthen the Superfund toxic waste cleanup law in the mid-1980s. It was in large part due to Robert Stafford's unwavering commitment to this bill in 1980 that the Superfund Act became law at all. As many of us know, this law has been indispensable in forcing industry polluters to contribute money to finance cleanup and restoration of contaminated wastesites.

Bob Stafford believed passionately in the Federal Government's commitment to improving the quality of our Nation's air. This was never more evident than in his steadfast work to uphold the Clean Air Act when it was under attack during the 1980s. He did not shirk from taking on his friend President Reagan as well as auto manufacturers and other industry groups in refusing to roll back this critical air pollution law.

In fact, I remember talking to him once. They were so anxious to get him to change and let these rollbacks go through that they invited him down to the White House, to spend some one-on-one time with President Reagan. The Reagan administration amazed many of their members afterward that Bob didn't back off at all. He came back and kept on protecting the environment.

I said to him: Bob, what happened when you went down there to talk with President Regan?

He said: Well, the President had notes of what he was supposed to say and he said it. Then he looked at me and he said: Bob, you're probably not going to give in, are you? Bob said: No, no, I'm not, Mr. President, but I certainly appreciate the time to be with you.

I said then: What did you talk about the rest of the time?

Oh, we talked about our kids, we talked about sports, we talked about a lot of other things. He said: I had a wonderful conversation with President Reagan. But he did not budge on the environment, something no Vermonter would do.

His concern about the contamination of our air was truly remarkable. The consistent and clear manner in which he spoke about the danger of ozone depletion, acid rain, and the release of greenhouse gases related to global warming, during a very difficult period, was a source of inspiration to so many of his colleagues on both sides of the aisle. It certainly was an inspiration to me.

As EPW chairman, Senator Stafford also led the fight to improve the quality of our water. Working closely with Senator John Chafee and others on both sides of the aisle, his leadership was critical in reauthorizing the Clean Water Act in 1987. Bob cited the passage of this act as the culmination of one of the greatest bipartisan efforts in protecting our Nation's environment. It really was. Republicans and Democrats came together. It gave me enormous pride to see him appear 3 years ago before the Senate in celebrating the act's 30-year anniversary. Thanks to Bob's leadership during those difficult years of deregulation, our Nation was able to make great strides in reducing the levels of pollutants and contaminants in our water.

Even after he retired from Congress, he served Vermont in many ways. He was a member of the University of Vermont's School of Natural Resources Advisory Committee and attended the day-long hearings with his wife Helen up to just a few years ago. He also lectured at UVM, Norwich University, and Castleton State College. In 2003, his old alma mater, Middlebury College, honored both Bob and his wife Helen, also a Middlebury graduate, by inaugurating the Robert and Helen Stafford Professorship in Public Policy. Two people who had been together almost all their lives are together in this professorship.

Also in retirement, Bob continued to fight for clean air. In 1995, he joined forces with his friend and former colleague, Senator Edmund Muskie, in incorporating the Clean Air Trust, a nonprofit organization dedicated to upholding and enforcing clean air legislation.

He leaves so many impressive achievements for his lifelong work in public service. But outside these public accomplishments, Senator Stafford was also a man of many personal hobbies and interests. It kind of reflects who he is. On weekends, he liked to slip out of Washington with his wife Helen and enjoy time on his boat, a full Moon, cruising down the Chesapeake Bay. Marcelle and I were fortunate enough to join them on occasion. He loved the water. He loved everything about sailing. You can tell why the Navy holds him in such high regard back home.

He took flying lessons as a young man. He eventually got his pilot's license in the early sixties. In fact, he would pilot a leased Cessna back and forth between Washington and Vermont.

It was a mark of this unique Senator that he welcomed and helped the first Senator of the other party to be elected in Vermont. I will always remember and cherish the walks we took down the halls and the times we would sit and talk at lunch. People thought we were talking so much about politics. We were talking about Vermont. We were talking about whether the foliage season was going to start early or late, and we would make a determined judgment when it would be. Heck, we had not the foggiest idea but, boy, we had fun determining when it would start.

No Senator could have learned as much from his fellow Senator as I did, nor could a senior Senator be so patient and understanding with his junior. Throughout our time together, when I had been inclined to move impulsively, it would be Bob Stafford who would help me decide what was truly in the best interest of the country and Vermont. He was the most unflappable person I have ever known.

I remember flying to Vermont with him once on a commercial airline. The plane hit a tremendous amount of turbulence. We suddenly dropped thousands of feet. At least one person was airborne in the cabin, and things were flying around. I know my pulse raced ever so fast. When the pilot finally got control of the plane with a shuddering, banging maneuver, I sat there stunned. I had sweat soaking through my shirt. Bob simply folded his paper—which he never stopped reading—turned to me and in a quiet voice said: Patrick, just think if this plane had gone down. Tomorrow morning there would have been a long line outside the Governor's office. Everybody would be saying what a terrible tragedy that we have lost our Senators, but, Governor, I am willing to be appointed to either one of the seats. I found that I was not so frightened, and I was able to laugh until it hurt, and I did laugh.

Bob Stafford was a man who dedicated his entire adult life to public service because he deeply believed in the value of public service. And no matter where life took him, Bob stayed close to his Vermont roots. He never forgot the people he served. While many younger Vermonters and Americans may not know much about Bob Stafford, his public service and leadership are examples for all of us. Our country would do well to stop and take notice of his life and reflect on how we should all serve our Nation better with his bipartisan leadership style.

It is with tremendous sadness that I say goodbye to this truly distinguished American, more importantly to an exceptionally dear friend. To honor Robert Stafford's legacy, Senator SANDERS and I, along with Congressman Peter Welch from Vermont, introduced a bill to rename the White Rocks National Recreation Area. This is an area Senator Stafford created in 1984. We are naming it after him. White Rocks was among his most beloved natural areas in our State. We know that he and Helen could actually see the towering white cliff face of White Rocks Mountain from their home. This will remind generations of future Vermonters of Senator Stafford's towering achievements and the humanity of his spirits.

I hope all my colleagues will support this legislation.

● Mr. SANDERS. Madam President, on this first day of the 110th Congress, I pay tribute to a former Member of this esteemed Chamber. On December 23, 2006, Senator Robert Stafford passed away. This was a tremendous loss for both Vermont and the country. There is no doubt, however, that his accomplishments in many areas will continue to be felt across this great Nation for countless years to come.

A native of Rutland, VT, Senator Stafford was born in 1913. Before representing Vermont in Washington, Bob Stafford spent years serving the people of our State, including as Attorney General. In 1960 he began service as Vermont's single voice in the U.S. House of Representatives, where he remained until 1971, when he became a Member of this hallowed body. During his 17 years in the United States Senate, Senator Stafford was known for his commitment to bipartisanship and congeniality.

Senator Stafford left his mark on our country in more ways than can be mentioned here today. He had an unwavering dedication to making education within reach of all our country's citizens and today, countless Americans—maybe even some of the younger members in this Chamber—have benefited from the Stafford Student Loan program. Additionally, his commitment to the environment and public health was unshakable. Bob Stafford, from his position as Chairman of the Environment and Public Works Committee from 1981 until 1986, worked tirelessly to address both air and water quality issues, even when it meant doing so against the wishes of his own leadership, at the highest levels. His courage on all of these issues, and so many others, will never be forgotten.

Leaving the Senate did not stop Robert Stafford from contributing to the common good. In fact, he remained active at the state level and continued to fight for protection of the environment. I can only hope that I will be as engaged for as long as he was.

To honor Senator Stafford, Senator LEAHY and I, along with Representative WELCH, introduced a bill today to re-designate the White Rocks National Recreation Area in our fine state as the "Robert T. Stafford White Rocks National Recreation Area." This is a small, but fitting, tribute to his memory.

Bob Stafford was a true public servant. I am humbled to be serving the State of Vermont in the seat he once held. He dedicated his life to serving others and to creating a better world. My thoughts are with his family as they mourn his passing. And may the example he set during his many years be emulated for many to come.●

Mr. REID. Madam President, I ask consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 159) was ordered to a third reading, was read the third time, and passed, as follows:

S. 159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT T. STAFFORD WHITE ROCKS NATIONAL RECREATION AREA.

(a) REDESIGNATION.—The White Rocks National Recreation Area in the State of Vermont, as established by section 202 of the Vermont Wilderness Act of 1984 (16 U.S.C. 460nn–1), is redesignated as the "Robert T. Stafford White Rocks National Recreation Area".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the recreation area referred to in subsection (a) shall be deemed to be a reference to the Robert T. Stafford White Rocks National Recreation Area.

ORDERS FOR MONDAY, JANUARY 8, 2007

Mr. REID. Madam President, it is my understanding that there are a couple of Senators who wish to speak. We will take care of that in a minute.

I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 11:30 a.m., on Monday, January 8; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in that day, and that the time until 12 noon be equally divided and controlled between the two leaders or their designees; that at noon, the Senate proceed to the consideration of S. Res. 19, a resolution celebrating the life of the late President Gerald R. Ford; that once the resolution is reported, the Senate then vote, without intervening objection or debate, on adoption of that resolution; that upon the adoption of the resolution, the preamble be agreed to and the motion to reconsider be laid on the table.

I further ask consent that notwithstanding the adjournment of the Senate on Friday, January 5, S. 1 be considered to have received its second reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Today was a good day in the Senate. The spirit of bipartisanship is in the air. I look forward to working with the Republican leaders and Members of Congress as we move ahead and forward in this Congress, the 110th Congress.

For the information of Members, the first vote next week is Monday, January 8, at 12 noon. Therefore, Members should be prepared to be here and ready to vote. Time will show what we will do, but votes will be a lot quicker than they used to be. We will not wait around for long times. Most of the votes are not very close, and it is not fair to keep Members from their constituents and other work in their office. If some people are not here, they will not be recorded within a reasonable period of time after the vote is called.

We hoped to proceed to S. 1. We do not have consent to move forward on that yet, but we are confident we will.

ORDER FOR ADJOURNMENT

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order, following the remarks of Senator LANDRIEU for 10 minutes and Senator COBURN for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Louisiana.

AUTHORIZATION OF MORGANZA TO THE GULF OF MEXICO HURRICANE PROTECTION PROJECT

Ms. LANDRIEU. Madam President, I come to the floor briefly to speak about a bill I introduced today on the first day of this 110th Congress to signify its importance to our State and to speak about that for a moment.

But before I do, I want to give my public congratulations to the new leadership of this Chamber, to thank the Senator from Nevada and the Senator from Kentucky, the majority leader and the minority leader, for their gathering together of the Senators today, as the Presiding Officer also attended—a quite historic meeting of almost 100 of us in the Old Senate Chamber—and their commitment to us and to the Nation, although it was a private meeting, to work in a more collegial, cooperative way as this Congress begins and to try to forge the bipartisan solutions I think our country called for as a reflection of the outcome of the last elections.

I, for one, publicly want to commit myself to that endeavor and to work toward that end, as I continue to work across the aisle with many in the other party, and even Members such as the Presiding Officer in our own party, in the Democratic Party, to get the job done for our States.

In that regard, I introduced this bill today to authorize a project and to ask for special consideration for this very important levee and hurricane protection project in the State of Louisiana called Morganza to the Gulf. As today we look forward into what we are going to do with this new hope and new spring and new era of cooperation, that is terrific. But we also need to think about looking a little bit backward as to what we did not get done in the last Congress or the Congresses before so we can pick up that work and move forward.

This initiative, Morganza to the Gulf, would fall into that category of a project that was actually approved not only by the last Congress, the 109th Congress, but the 108th and the 107th, and started back actually decades ago. And because of just a few technical glitches resulting in the U.S. Army Corps of Engineers' failure to timely complete its report, the contingent authorization of the Morganza project expired. Eventually, the Corps submitted its report more than a year late and recommended authorization of the project.

Madam President, this project when completed will protect 120,000 people in south Louisiana, many of whom were devastated by two of the worst storms and subsequent flooding in the history of our country only 2 years ago, in 2005. However, these people are left vulnerable without this project being completed. It was part of a major WRDA bill, the Water Resources Development Act, of which this Congress worked together in quite an extraordinary bipartisan effort, as the Presiding Officer knows. You have been a part of that effort.

It comes out of the EPW Committee, the Environment and Public Works Committee. Democrats on that committee and Republicans worked very hard, into the late hours of the night, trying to get that bill through. But for a number of reasons, this massive bill, with billions of dollars of projects, could not pass in the final hours.

But this one project, of all of the projects in the Nation, I believe deserves special attention, not because it is in Louisiana, not because Senator VITTER and I represent this, and not only because our State received devastation from Katrina and Rita but because this is the one hurricane protection project that actually had been approved in the last WRDA bill. But because of untimeliness on the part of the Corps of Engineers, we could not get it authorized in the last bill, and it should be first to be approved now.

I do not know what is going to happen with our WRDA bill. I am certain the Senator from California, who has pledged her support, and the ranking member of that committee, Senator INHOFE from Oklahoma, who is familiar with this, understand the special nature of this issue. Whether we can move this independently, I do not know. But I am going to ask. Until we are told no, we are going to try. Senator VITTER is not here to speak for himself, but I know he feels very strongly about this, as indicated by his own actions and strong words he has put in the RECORD. Our House Members, both Republicans and Democrats, could make the same arguments on the House side.

I know people may be tired of seeing the Senators from Louisiana and Mississippi come down and talk about the gulf coast. But it is America's energy coast. It is a working coast. There are working people who live in real communities, large and small, whose homes have been devastated, whose churches have been destroyed, whose schools have been destroyed, and who still look to us to help them, to not waste their money or others' money in the relief but to spend it wisely and well and to provide at least the Federal partnership for these hurricane protection levees. And that is what this is.

The communities of Lafourche and Terrebonne Parishes, located in southeast Louisiana, which are the heart of America's energy coast, are willing and able to do their engineering, to put up their own money, to make sure that the projects are done in an expedited fashion. But they cannot begin without this Federal authorization.

So I have introduced as stand-alone legislation, the Morganza to the Gulf of Mexico Hurricane Protection Project, as my first bill, to indicate the continued need throughout south Louisiana and the gulf coast for more protection from hurricanes and smart engineering, to say we are not going to stop asking for the things we think are most certainly meritorious of this Congress's attention and to continue to say that with all the challenges of housing, health care, education, small business recovery, et cetera, that hurricane protection for levees and coastal restoration remains a constant need for the gulf coast and, I would predict, for other coasts around the country that need to wake up to the dangers of rising tides, surges from whatever, tsunamis on the west coast, hurricanes on the east coast, as a potential, and get serious about the business of stronger infrastructure and better planning about where and where not to build close to the coast.

But again, these are working communities that are there—not sunbathing, not condos—running ports, laying pipelines, and giving the Nation the energy infrastructure it needs. These people, just like in the big cities of New Orleans and Baton Rouge and Lafayette and Lake Charles—these small communities of Houma and Lafourche and Cocherie and Golden Meadow and places that no one in Washington has ever heard of, but we visit all the time, deserve the protection of their Federal Government based on what they contribute to the Nation.

So I thank the Presiding Officer for letting me speak for the RECORD on this issue. I thank the leadership for giving me this time and commend it for the Senate to consider. Hopefully, we can pass it within the first weeks of this Congress.

I yield the floor.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Oklahoma.

STEWARDSHIP OF THE TAXPAYERS' MONEY

Mr. COBURN. Madam President, I want to spend a few minutes today to kind of summarize some of the events of the past year and kind of also to put the Senate on notice that what this election was about is us being good stewards with the taxpayers' money.

I appreciate the distinguished Senator from Louisiana. I happen to be the Senator who held that bill up in the wee hours of the morning. There were some real good reasons why I did that. It is a great example of the habits that we have to change. There is no question that levee system needs to be authorized, and it will be authorized this year. There is no question. But there was a drudging component that was added to that bill. Nobody knew what it was going to cost, at least $100 million. That portion had not cleared the committee, and it was important that we not have habits such as that, to authorize programs that we do not have any idea what they cost.

We have heard a lot of talk about bipartisanship. We can all be partisan for America. If you go to the Federal Government's Web site and go to the Comptroller General, David Walker, and you read what is there—I would encourage every American and every Senator to go read it—what you will find is we are on an absolute unsustainable course. And the problems are bad now. Madam President, we have a $260 billion deficit this year with "Enron" accounting statistics, about a $360 billion accounting deficit by real accounting statistics. That is what we are adding to the Nation's debt. That is what our kids get to pay back through a decreased standard of living. But I would encourage you to go read it. We cannot continue to do what Congresses over the last 5 years have done; that is, we cannot spend new money because there is no new money. So that means if we are going to authorize a new program, we need to make sure a couple things happen. One is we need to make sure it does not duplicate something that is already there. And if it does, we need to eliminate what it duplicates if, in fact, it is better because there is an opportunity cost of funding two programs that do the same thing. One of them does it better, so every dollar you spend on the one that does it less well costs us money in terms of the value for our children.

Let me give you a couple other examples, things where our rules kind of mess us up. Because of the budgetary rules, Federal buildings in this country are no longer owned by the Federal Government—new ones. Why is that? For any other business, any individual would, if they are going to lease a building, try to lease purchase it. Because of our accounting rules, we lease them. Because if we lease purchase, then the agency has to show the entire cost of the building in their budget that year.

Well, it does not make accounting sense. I happen to have a degree in accounting. It is crazy accounting. But what it does is force us to make bad financial choices on fixed assets for the Federal Government. We cannot get rid of the buildings that we don't want now. We spend $6 billion—that is billion with a "b"—a year maintaining buildings the Federal Government does not want. That is $6 billion. The Pentagon spends $3 billion. That is a total of $9 billion.

So if we had the $9 billion, if we could get rid of the buildings we wanted to by streamlining that process, we could save $9 billion a year. Madam President, $9 billion would do a whole lot for the people of Louisiana as far as this levee system repair.

We know we can save about $30 billion every 5 years by having the buildings we acquire or lease become lease purchase because then the taxpayer gains from the real estate rise in value associated with those buildings. We have a lot to change in what we do. I am not a partisan Republican, but I am very partisan about the future of this country and what has to change to do that.

Some other examples I would want the American public to know that we could do something about tomorrow: We have an earned-income tax credit that has a 40-percent error rate on it. That means billions of dollars every year get paid to people who do not qualify for their earned-income tax credit, but we do not fix it. We have not fixed it. Shame on us. We have $350 billion a year that is owed in taxes to the Federal Government—that is what the tax gap is this year—that will not be collected.

As a matter of fact, last year, the IRS, through incompetency, was putting on board a new program. They threw away their old program. But the new program was not ready, so they do not have a way to go back and track the problem tax payments. That is going to cost us $50 billion, $60 billion in lost revenues—one stupid error after another.

We have a program to help people with food called food stamps, except we have an error rate there, where we give out $1.6 billion to people who are absolutely not eligible for that program every year. In this very short conversation of what we have talked about, we have talked about over $400 billion that we would have. We would not be running a deficit now if we did some things efficiently.

In the last 2 years, the subcommittee I chaired, along with TOM CARPER, the

Senator from Delaware, had 46 hearings oversighting Federal financial management. We came up with, either from waste, fraud or duplication—not counting the tax gap, not counting any of these other things I have talked about—$200 billion of fraudulent, wasteful or duplicative programs associated with the Federal Government.

What the American people ought to be asking us is, rather than creating new programs, fix the ones we have. Make them efficient. Eliminate the duplications.

I am planning, when I come back, to send a letter to my colleagues outlining what my procedures plan to be in terms of blocking new bills to the floor. I thought I would read it into the RECORD tonight so that if anybody has any disagreement with it, they would come speak with me.

First is for me to agree to a unanimous consent on legislation in the 110th Congress, the bill has to conform to the vision of the limited Federal Government set forth by the Constitution and our Founding Fathers. In other words, it has to be constitutional.

Second, if it creates or authorizes a new Federal program or activity, it must not duplicate an existing program or activity.

Third, if a bill authorizes new spending, it must be offset by reductions in real spending elsewhere.

If a program or activity currently receives funding from sources including, but not limited to, the Federal Government, the bill shall not increase the Federal Government's share of that spending.

Finally, if a bill establishes a new foundation, museum, cultural or historic site, or other entity that is not an agency or a department, the Federal funding should be limited to the initial start-up cost plus an endowment that can be added to through private funding.

The way we get out of the problems facing our country starting in 2012 is to endow the future rather than expand it. If we start endowing things—one of the former Presiding Officers, the Senator from Arkansas, had a plan to honor Bill Clinton's birthplace home. I am not against that at all. But the average cost to the American taxpayer for every President's birthplace home—and there are only 22 of them—is a million dollars a year. Divide that out for a minute. That is $3,000 a day to take care of a birthplace home. Most Americans would kind of like to have that to care for their home.

The answer to that is to create an endowment with a million dollars, set it up as a fund for the Bill Clinton birthplace home endowment. It can never be touched. People can give money to that, and they can care for that. The earnings off of that will be about $60,000 a year. That is about $200 a day, or about $5,800 a month. Most people in America—as a matter of fact, the vast majority of people in America don't come close to spending that on maintaining their home in a year. So we can generously endow what needs to happen for the future and use the power of compound interest to help secure the future for our kids.

My hope is that this spirit of bipartisanship we are starting off with will lead us to do the things the American people want us to do, and that is to get control of this behemoth we call the Federal Government. We can do it if we work together and if we are partisan for our children, partisan for the future of our country, and if we will do the oversight. If our oversight is going to point at what President Bush did wrong rather than what we can do right to fix programs, eliminate inefficiencies and fraud and waste, we will do much more for the country.

I hope the words we have heard today will be acted on the entire 2 years of the 110th Congress. If they are and we follow these guidelines, we will see a surplus much sooner than 2012. We can do that but not without the hard work and dedication that says future generations are worth it, worth us doing what we need to do to make the difference. We could take care of every need of the people in Louisiana because we have tons of waste where we are spending in the wrong way, whether it is bridges to Alaska or railroads across Mississippi or financing defense contractors when insurance is going to pay their bill anyway; we could do it.

We have to stop playing the game and start thinking about the long term. My hand is out to work with anybody, whether on this side of the aisle or the other side, who wants to solve the fiscal problems facing this country. Then we can get about solving health care and retirement programs associated with Social Security and Medicare.

ORDER FOR MEASURE TO BE HELD AT THE DESK—S. RES. 19

Mr. COBURN. Madam President, I ask unanimous consent that S. Res. 19 be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I yield the floor.

ADJOURNMENT UNTIL MONDAY, JANUARY 8, 2007, AT 11:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate is adjourned until Monday, January 8, 2007, at 11:30 a.m.

Thereupon, the Senate, at 6:28 p.m., adjourned until Monday, January 8, 2007, at 11:30 a.m.

HOUSE OF REPRESENTATIVES—*Friday, January 5, 2007*

The House met at 9:30 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"Like the eyes of a servant
on the hand of her mistress
so our eyes are on the Lord our God.
till He shows us His mercy."

Lord, giver of all good gifts, You know as an institution the House of Representatives is served by many staffers and workers. As the 110th Congress begins its work, bless all who labor here on Capitol Hill. From police to parliamentarian to painter, recording clerk to reporter, both physician and political adviser, all are a blessing to the Members who are here to serve You and Your people by governance.

Assist them in their daily tasks, for all contribute to the common undertaking and serve this country. Be present to them in the midst of routine and show them Your mercy, both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBERS TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER. Pursuant to clause 11 of rule X and clause 11 of rule I, the Chair appoints the following members of the House to the Permanent Select Committee on Intelligence:

Mr. REYES, Texas, Chairman
Mr. HOEKSTRA, Michigan

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair customarily takes this occasion at the outset of a Congress to announce her policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements concerning:

first, privileges of the floor;

second, introduction of bills and resolutions;

third, unanimous-consent requests for the consideration of legislation;

fourth, recognition for 1-minute speeches;

fifth, decorum in debate;

sixth, conduct of votes by electronic device;

seventh, use of handouts on the House floor; and

eighth, use of electronic equipment on the House floor.

These announcements, where appropriate, will reiterate the origins of the stated policies. The Chair intends to continue in the 110th Congress the policies reflected in these statements. The policy announced in the 102nd Congress with respect to jurisdictional concepts related to clause 5(a) of rule XXI—tax and tariff measures—will continue to govern but need not be reiterated, as it is adequately documented as precedent in the House Rules and Manual.

Without objection, the announcements will be printed in the RECORD.

There was no objection.

1. PRIVILEGES OF THE FLOOR

The Chair will make the following announcements regarding floor privileges, which will apply during the 110th Congress.

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO STAFF

Rule IV strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated by the Chair on January 21, 1986, January 3, 1985, January 25, 1983, and August 22, 1974, and as stated in Chapter 10, section 2, of House Practice, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member's amendment is actually pending during the five-minute rule. It also does not extend to personal staff of Members who are sponsors of pending bills or who are engaging in special orders. The Chair requests the cooperation of all Members and committee staff to assure that only the proper number of staff are on the floor, and then only during the consideration of measures within the jurisdiction of their committees. The Chair is making this statement and reiterating this policy because of Members' past insistence upon strict enforcement of the rule. The Chair requests each chairman, and each ranking minority member, to submit to the Speaker a list of those staff who are allowed on the floor during the consideration of a measure reported by their committee. The Sergeant-at-Arms, who has been directed to assure proper enforcement of rule IV, will keep the list. Each staff person should exchange his or her ID for a "committee staff" badge, which is to be worn while on the floor. The Chair has consulted with the Minority Leader and will continue to consult with him.

Furthermore, as the Chair announced on January 7, 2003, in accordance with the change in the 108th Congress of clause 2(a) of rule IV regarding leadership staff floor access, only designated staff approved by the Speaker shall be granted the privilege of the floor. The Speaker intends that her approval be narrowly granted on a bipartisan basis to staff from the majority and minority side and only to those staff essential to floor activities.

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO FORMER MEMBERS

The Speaker's policy announced on February 1, 2006, will continue to apply in the 110th Congress.

ANNOUNCEMENT BY THE SPEAKER, FEBRUARY 1, 2006

The SPEAKER. The House has adopted a revision to the rule regarding the admission to the floor and the rooms leading thereto. Clause 4 of rule IV provides that a former Member, Delegate or Resident Commissioner or a former Parliamentarian of the House, or a former elected officer of the House or a former minority employee nominated as an elected officer of the House shall not be entitled to the privilege of admission to the Hall of the House and the rooms extending thereto if he or she is a registered lobbyist or an agent of a foreign principal; has any direct personal pecuniary interest in any legislative measure pending before the House, or reported by a committee; or is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

This restriction extends not only to the House floor but adjacent rooms, the cloakrooms and the Speaker's lobby.

Clause 4 of rule IV also allows the Speaker to exempt ceremonial and educational functions from the restrictions of this clause. These restrictions shall not apply to attendance at joint meetings or joint sessions, Former Members' Day proceedings, educational tours, and other occasions as the Speaker may designate.

Members who have reason to know that a person is on the floor inconsistent with clause 4 of rule IV should notify the Sergeant at Arms promptly.

2. INTRODUCTION OF BILLS AND RESOLUTIONS

The policy that the Chair announced on January 3, 1983, with respect to the introduction and reference of bills and resolutions will continue to apply in the 110th Congress. The Chair has advised all officers and employees of the House that are involved in the processing of bills that every bill, resolution, memorial, petition or other material that is placed in the hopper must bear the signature of a Member. Where a bill or resolution is jointly sponsored, the signature must be that of the Member first named thereon. The

---

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the 92d Congress. It has worked well, and the Chair thinks that it is essential to continue this practice to insure the integrity of the process by which legislation is introduced in the House.

3. UNANIMOUS-CONSENT REQUESTS FOR THE CONSIDERATION OF LEGISLATION

The policy the Chair announced on January 6, 1999, with respect to recognition for unanimous consent requests for the consideration of certain legislative measures will continue to apply in the 110th Congress. The Speaker will continue to follow the guidelines recorded in section 956 of the House Rules and Manual conferring recognition for unanimous-consent requests for the consideration of bills, resolutions, and other measures only when assured that the majority and minority floor leadership and committee chairmen and ranking minority members have no objection. Consistent with those guidelines, and with the Chair's inherent power of recognition under clause 2 of rule XVII, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 8 of rule I, will decline recognition for the unanimous-consent requests chronicled in section 956 without assurances that the request has been so cleared. This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

4. RECOGNITION FOR ONE-MINUTE SPEECHES ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO ONE-MINUTE SPEECHES

The Speaker's policy announced on August 8, 1984, with respect to recognition for one-minute speeches will apply during the 110th Congress. The Chair will alternate recognition for one-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit one-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

5. DECORUM IN DEBATE

The Chair's announced policies of January 7, 2003, January 4, 1995, and January 3, 1991, will apply in the 110th Congress. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but also to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XVII to gain a better understanding of the proper rules of decorum expected of them, and especially: to avoid "personalities" in debate with respect to references to other Members, the Senate, and the President; to address the Chair while standing and only during, and not beyond, the time recognized, and not to address the television or other imagined audience; to refrain from passing between the Chair and a Member speaking, or directly in front of a Member speaking from the well; to refrain from smoking in the Chamber; to deactivate any audible ring of wireless telephones when entering the Chamber; to wear appropriate business attire in the Chamber; and to generally display the same degree of respect to the Chair and other Members that every Member is due.

The Chair would like all Members to be on notice that the Chair intends to strictly enforce time limitations on debate. Furthermore, the Chair has the authority to immediately interrupt Members in debate who transgress rule XVII by failing to avoid "personalities" in debate with respect to references to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker; and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248 and was reiterated on January 19, 1995.

6. CONDUCT OF VOTES BY ELECTRONIC DEVICE

The Speaker's policy announced on January 4, 1995, with respect to the conduct of electronic votes will continue in the 110th Congress with modifications as follows.

As Members are aware, clause 2(a) of rule XX provides that Members shall have not less than 15 minutes in which to answer an ordinary record vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. The events of October 30, 1991, stand out as proof of this point. On that occasion, the House was considering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendment process, including the time consumed by record votes. The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that the example of October 30, 1991, be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber. Members will be given a reasonable amount of time in which to accurately record their votes. No occupant of the Chair would prevent a Member who is in the Well before the announcement of the result from casting his or her vote.

7. USE OF HANDOUTS ON HOUSE FLOOR

The Speaker's policy announced on September 27, 1995, which was prompted by a misuse of handouts on the House floor and made at the bipartisan request of the Committee on Standards of Official Conduct, will continue in the 110th Congress. All handouts distributed on or adjacent to the House floor by Members during House proceedings must bear the name of the Member authorizing their distribution. In addition, the content of those materials must comport with standards of propriety applicable to words spoken in debate or inserted in the Record. Failure to comply with this admonition may constitute a breach of decorum and may give rise to a question of privilege.

The Chair would also remind Members that, pursuant to clause 5 of rule IV, staff is prohibited from engaging in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended. Staff cannot distribute handouts.

In order to enhance the quality of debate in the House, the Chair would ask Members to minimize the use of handouts.

8. USE OF ELECTRONIC EQUIPMENT ON HOUSE FLOOR

The Speaker's policy announced on January 27, 2000, as modified by the change in clause 5 of rule XVII in the 108th Congress, will continue in the 110th Congress. All Members and staff are reminded of the absolute prohibition contained in clause 5 of rule XVII against the use of a wireless telephone or personal computer upon the floor of the House at any time.

The Chair requests all Members and staff wishing to receive or send wireless telephone messages to do so outside of the Chamber, and to deactivate, which means to turn off, any audible ring of wireless phones before entering the Chamber. To this end, the Chair insists upon the cooperation of all Members and staff and instructs the Sergeant-at-Arms, pursuant to clause 3(a) of rule II and clause 5 of rule XVII, to enforce this prohibition.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minute speeches on each side.

FISCAL RESPONSIBILITY

(Mr. SALAZAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALAZAR. Madam Speaker, the administration has turned a projected 10-year, $5.6 billion surplus into a nearly $3 trillion deficit. Over the past 6 years, America's debt has climbed 50 percent to more than $28,000 per person. It is so bad that this administration has borrowed more money from foreign nations than all previous 42 U.S. Presidents combined. That is the fiscal mess that we inherit from the 109th Congress.

We believe it is time that we finally get our fiscal house in order. Today, we will restore the pay-as-you-go rules that were instrumental to the budget surpluses we experienced in the early 1990s. Pay-as-you-go budgeting with no new deficit spending is a key first step. This will reverse the budget deficits that are currently passing billions of dollars in debt to our children and our grandchildren.

It was wrong to eliminate pay-as-you-go in 2002. We need to begin to treat our Federal budget in the way that working families treat their budgets, and pay-as-you-go is a good first step.

Madam Speaker, I hope that this House can act in a bipartisan fashion to restore fiscal responsibility to Washington.

OLE NUMBER 48—GERALD FORD

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, when President Gerald Ford played football for Michigan, he was the team's center on offense. He touched the ball on every play. The play could not begin without Gerald Ford snapping the ball. Others on the team, however, the quarterback, running back and receivers, made all the headlines, but that was fine with Gerald Ford. As the center he was neither on the right nor the left but in the middle of the charge to move the ball over the goal line.

Gerald Ford and Michigan were successful. Michigan won two national championships. Gerald Ford was offered contracts with NFL teams, such as the Detroit Lions. He chose law school instead, served in World War II, fought in that great war, and was a Member of this very House.

When he became President, ole No. 48, President Ford, took the ball again, but this time on the field of American discontent about corruption and war. He stayed in the center and once again was successful in moving Team America across the goal line of healing and hope.

However, when entering a room, President Ford always preferred the band not play the traditional Hail to the Chief but, rather, the Michigan fight song.

Thank you, President Ford, for playing ball for Team America.

And that's just the way it is.

BRING THE TROOPS HOME

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, Congress as a coequal branch of government must be prepared to act to bring our troops home from Iraq. Congress must have an exit plan and take steps to implement it. President Bush has every intention of keeping the troops in Iraq through the end of his term. However, the money is there to bring the troops home now. If Congress appropriates more money for Iraq, the war will escalate and more troops and innocent civilians will die. The American people voted for a new direction. That direction is out of Iraq. Let us rescue our troops. Let us rescue a domestic agenda. Let us reverse policies which have created chaos, massive civilian casualties and destruction in Iraq. Let us reunite the community of nations in the cause of stabilizing Iraq.

The U.S. cannot do this as occupiers or as agents of contracting and oil interests. We can do this only once we have stated our intention to end the occupation. Next week I will be presenting to this Congress a workable plan which can enable our Nation to bring the troops home, assure an international peacekeeping force and begin to close this perilous chapter in our Nation's history.

CONGRESS IS ACTUALLY GOING TO WORK 5 DAYS A WEEK TO MAKE AMERICA BETTER

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, as Democrats take control of Congress this week, the American people are going to see some stark differences in how we run this institution compared to the way it has been run for the last 6 years.

First, the House is actually going to be in session 5 days a week most weeks. Last year, the Republican Congress was known as the do-nothing Congress because it met fewer days than any Congress in 6 decades.

Not only is this House going to be in session more often, it is actually going to do its job while we are here. For years, Republican Congresses refused to conduct proper oversight of the Bush administration, instead choosing to rubber-stamp its policies.

Democrats take oversight responsibility seriously, and are prepared to hold this administration accountable for its successes and its failures. In hearings, we're going to ask administration officials some tough questions so that we can make government work again for all Americans.

Mr. Speaker, at a time when our Nation is at war and with so many domestic and international issues that must be addressed, the American people rightly want us here doing our job. The new Democratic Congress will not disappoint.

On a personal note, as one of the new freshmen elected here, America, you have a great freshman class, a great deal of talent, and I think you can feel proud of your new Speaker, Madam PELOSI.

HOUSE DEMOCRATS PLAN TO RESTORE DEMOCRACY IN THE HOUSE OF REPRESENTATIVES

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Good morning, Mr. Speaker, and buenos dias.

You know, folks, this is the people's House, but for much of the last 6 years, House Republican leaders chose to run it with an iron hand—one where only the voices of the special interests were heard in this House. Opposing voices were always ignored.

House Democrats vowed to restore democracy in this House and today we live up to that promise by committing to a fair and democratic process and the end of the 2-day workweek. Our proposal specifically prohibits holding votes open for the sole purpose of affecting the outcome. We all remember the Medicare prescription drug vote. I do. I remember staying here in the wee morning hours, 3 hours, when that vote was held open in 2003 so Republican leaders could twist enough arms to win their vote. That is not how democracy is supposed to work, and our rules change would prevent that from ever happening.

We are also going to give Members more time to read bills so that they actually know what they are reading. It should be par for the course to get a bill of a thousand pages and then begin to vote on it. We need to have more time to review that.

Today, Mr. Speaker, democracy returns to the House.

DEMOCRATIC AGENDA ON HONEST LEADERSHIP AND OPEN GOVERNMENT

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, this week with pride the new Democratic House opens this congressional session by bringing ethics reform measures to the House floor that will sever the unhealthy ties between lawmakers and lobbyists.

We made a promise to the American people that we would drain the swamp of unethical behavior here in Washington, and we begin this Congress by living up to that promise by banning travel and gifts from lobbyists, getting tough on special interest earmarks, and ending the abusive processes that have destroyed democracy.

The American people sent us all a message last November. They want us to work for them and not for the special interests. I would hope that our agenda for reform would garner the support of both Democrats and Republicans. We should all be interested in policies that will ensure that the outrageous abuses of power that have taken place over the last couple of years do not continue.

These important reforms are only the beginning.

RULES OF THE HOUSE

The SPEAKER pro tempore (Mr. STUPAK). Pursuant to section 4 of House Resolution 5, proceedings will now resume on the resolution (H. Res. 6) adopting the rules of the House of Representatives for the 110th Congress.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. When proceedings were postponed on Thursday, January 4, 2007, the portion of the divided question comprising title II had been disposed of.

Pursuant to section 2 of House Resolution 5, the portion of the divided question comprising title III is now debatable for 60 minutes.

The gentlewoman from California (Ms. MATSUI) and the gentleman from California (Mr. DREIER) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

☐ 0945

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here in the first hours of the 110th Congress we rise to restore decorum and civility to what has been from its founding the greatest deliberative institution. In doing so, we open a new chapter in the history of the House of Representatives, one that is dignified.

Mr. Speaker, the American people spoke loud and clear this past November, and I am proud to say that the Democratic majority is responding to that call. This legislation marks a new beginning. The Democratic reform package, H. Res. 6, enacts long overdue congressional reform: restoring an open government, an honest government, an ethical government; and it marks the restoration of the American people's priorities to the people's House. It is my hope that by enacting these changes we will be able to change the tone of how we conduct business in this Chamber and with each other.

I recall a time in the House of Representatives and not too long ago when Members had friends on both sides of the aisle. Our children played together, they got to know each other, they became friends. Our families ate dinner together. We treated each other as friends and colleagues, and debate on the House floor reflected mutual respect even when we disagreed and an understanding that we all have a role to play in the legislative process.

We are here today to say that this sense of civility and decorum is not dead. This institution is too great to permit any tarnish of its honor to become permanent or to allow the slights of yesterday to interfere with our efforts to build a better tomorrow. Civility can return to this great institution with the right style of leadership.

As we turn here and now in the first hours of the 110th Congress, part of that process is making sure that House rules can prevent the abuses of prior Congresses. This is the overarching intent of H. Res. 6. In particular, there are several provisions in title III of that resolution that will begin to restore civility and decorum to the legislative process and which will honor this Chamber's place as the people's House by making us more accountable to the people who sent us here.

The first provision of title III prohibits floor votes from being held open for more than 15 minutes for the sole purpose of changing the outcome of a vote. Voting is a Member's core responsibility and our primary means of giving voice to the view of our constituents. This reform is important and long overdue.

The other two provisions address the handling of conference reports, with the goal to end backroom deals for special interests. In the 110th Congress, conference committees will be conducted in an open and fair manner, and conference reports containing last-minute provisions will not be considered on the House floor.

A Chamber worthy of the title the people's House is one which conducts its business within the people's view. By making this reform package the very first item considered in this Congress, our new leadership is sending a strong message to all of the American people, Democrat, Republican, Independent, that we have heard the message you have sent us, demanding honest and ethical leadership, and we are heeding that call.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, let me begin by, now since I have the first opportunity to formally see my California colleague here on the floor, to congratulate her and all of the members of the new majority. I have congratulated Ms. SLAUGHTER and of course Ms. PELOSI, and now I join in extending congratulations to Ms. MATSUI for her move into the majority, and to say as I did yesterday that I anxiously look forward to working in a bipartisan way as was said by Speaker PELOSI and Leader BOEHNER here yesterday.

I believe it is absolutely imperative that we meet the demand that was put forth by the American people in the November election. The message that I received from that election was that they want us to work together, they want us to solve their problems. Clearly, there needs to be a clash of ideas which was envisaged by James Madison, and I believe that that is something that we can't forget, because we are not supposed to pursue what I like to call the Rodney King view of the world: can't we all just get along. The fact of the matter is we do need to recognize that there are disparate views and they need to be voiced on this House floor.

Now, the question is, can we in fact do that and at the same time maintain civility? And I think that is what title III is all about here. It is titled "civility" and it is something that I have always prided myself on, and I will say that I am saddened that it is something that has been often lacking in this House.

Frankly, as I have seen the debate take place even yesterday, I was concerned that some of the statements made would indicate a lack of civility, and that is all I am going to say about it. I hope very much that the title "civility" used for this title III is one that is recognized by Members on both sides of the aisle.

Let me get into some of the specifics now, Mr. Speaker, if I might. In February of last year, almost a year ago, Ms. SLAUGHTER, the then-ranking minority member of the Rules Committee, and all of the members of the Rules Committee joined in introducing House Resolution 686. It is a resolution which called for virtually all of the things that my colleague, Ms. MATSUI, outlined are very important for us to pursue: openness, transparency, disclosure, making sure that we meet our obligation to vote here on the House floor, that we have it done in the light of day.

The concern that I have is that what has happened here is we have unfortunately gotten a package which does not have the kind of enforcement mechanisms that were envisaged by H. Res. 686 as introduced by the members of the Rules Committee in the last Congress, and I believe unfortunately it really is not reflective of anything other than sort of the spirit of what it was they were talking about. And the spirit is of things that we all can agree on. I am supportive of those.

The fact is when they were in the minority, Resolution 686 calls for consultation and agreement with the minority. Now that they are in the majority, unfortunately, this measure does not in any way reflect the need to have consultation with the minority.

For example, on this notion of keeping votes open beyond the 15-minute period of time, when they were in the minority they called for it to only take place if they had consultation with the minority. Well, unfortunately, this measure does not call for that. And what I am reminded of as I look at these items which touch on the issues that were raised in Resolution 686, I am reminded of again the experience that I had in the past on this when I moved from minority status to majority status 12 years ago. We had something known as the Contract With America. Some may remember that. What we said was that there would be 10 items that we would bring to the floor and we would have up or down votes on those items because, frankly, we were denied the chance for many, many years to consider them. They were items that were supported by broad-based backing of the American people.

Frankly, at the end of the day, President Clinton, who was President at that time, signed over 60 percent of the measures that were incorporated in the Contract With America. What we did is we outlined in detail what that would consist of. We said it would be considered under an open amendment process, and that is exactly what we did. It is exactly what we did with those measures that came forward.

So, Mr. Speaker, we unfortunately with this measure have not seen the same kind of reflection of the goals that were outlined by the then-minority in this measure, and I thought I would take a moment just to go through a few of those items specifically and say that, unfortunately, this package is not what they called for.

Now, in the package that we had introduced in 686, it called for a requirement that conference reports contain an itemized list of any provisions in violation of the Scope rule. That is not included in this measure. It said that a rule prohibiting the Rules Committee from reporting martial law rules could not be in order. That is not included here.

A rule prohibiting the Rules Committee from waiving points of order against the conference report were a serious violation of the Scope Rule, or additions or deletions made after final agreement. That is not included here.

Another provision in Ms. SLAUGHTER's resolution as introduced in February of last year: a rule prohibiting the Rules Committee from waiving points of order against a conference report where the minority party managers of the House were not allowed to fully participate in the conference. Well, they of course said they want to have this happen, but the kind of specificity and enforcement mechanisms that were outlined in the Slaughter Resolution, H. Res. 686, introduced in February of last year, not included in this measure.

A rule permitting consideration of a conference report only if a roll call vote in open meeting was held on its final version and the results included the accompanying joint explanatory statement of managers. Well, sounds great, we are all for that, but that wasn't included in this resolution that we are now considering.

A rule prohibiting the Rules Committee from calling up a rule within 24 hours of reporting it. Well, everybody talked about that. We know that on the opening-day rules package that we considered, we received it maybe 19 hours before we brought it up or something like that, but it clearly was in the violation of the 24 hours that was insisted upon by the then-minority.

A rule requiring the Speaker of the House to publish in the CONGRESSIONAL RECORD a log of all voting activity occurring after the first 30 minutes of any recorded vote whose maximum time for voting exceeds 30 minutes. That is not included in here at all.

A rule prohibiting suspensions costing more than $100 million. I don't see that in here at all.

A rule requiring the Speaker of the House to allow an equal number of bills and resolutions sponsored by majority and minority parties under suspension.

A repeal of the Gephardt rule. A rule requiring a 24-hour layover of unanimous consent requests.

A rule prohibiting the Rules Committee from reporting a rule unless at least one minority party member of the committee is allowed to offer an amendment to it.

Now, again, I know that we are hearing words from the new majority that they want to do all these things, but when they introduced House Resolution 686, they made it very clear that they had to have enforcement mechanisms and that they were going to provide guarantees of minority rights. Unfortunately, while the word "civility" sounds great, this measure falls way, way short of that.

So I again go back to when we went from minority to majority and I looked at the fact that we were able to maintain our promise, we were able to keep our word. And I am very proud of that fact. The thing that troubles me, while I am supportive of what we are trying to do here, is that it does not comply with the promises and the commitments and the vision and the goals that were set forth in February in House Resolution 686 as was introduced by the then-minority.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to make a few comments so that all Members may keep in mind the heart of what we are doing today.

These two days of debate on the House floor mark a historic moment for reform of the people's House. The American people grew tired of a Republican Congress too unethical to conduct its business in the light of day and too deaf to hear the people's complaint. And so this past November the people exercised their right to vote in order to send a message. It was a mandate for change, to restore civility, decorum, and ethical behavior to Congress. Democrats are acting swiftly in response to their call.

When it passes the House later today, the Democratic ethics package will be the greatest reform of this institution in history. There will be no more corporate jet travel paid by special interests, no more roll call votes held open for hours in the middle of the night so that Members could be arm twisted on the floor, no more anonymous earmarks, no more last-minute provisions slipped in conference reports.

In short, Mr. Speaker, the Democratic reform package is far tougher than anything Republicans ever proposed or enacted, and it will restore integrity to this sacred institution.

Mr. Speaker, I yield 5 minutes to the gentleman, our new Member from Vermont (Mr. WELCH).

□ 1000

Mr. WELCH of Vermont. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Together, we have a lot of work to do: To help working families get ahead, restore America's standing in the world, and bring our budget back in balance. Making progress is what our constituents in 435 districts around this country have elected us to do.

To be sure, our differences will be intensely debated. However, our mutual obligations is to do everything we can to move our country forward by confronting directly and immediately the challenges before us. To succeed in the job our constituents sent us here to do, we must lay out rules in a regular order that Members can count on. These ground rules will not guarantee an outcome, but they will set out a framework where we, as an institution, make progress and serve the public.

That is why the Democratic leadership embraces three very simple, straightforward principles that will help us succeed. As the Member from California has laid out, we set out today to establish a regular civility in this body.

Civility, it is mutual respect, really, requires straightforward ground rules to guide debate. It requires adherence to rules that apply to all. Each of us will know and be able to assure the citizens who elected us when it comes to votes in this, their representative body: Members will have time to read what they are voting on; Members will have time to vote, but votes will not be held open for the purpose of changing the outcome; and Members will vote on conference reports that are the ones agreed upon by the conferees, not ones altered after the fact.

These rules, applied to all, will help us do the work of the people we represent. Our debates at times will be intense, as they should be, but we must strive to have our debates on the merits. The rules we propose for your consideration are basic. They are rules that apply to legislators in Vermont where I am from, and probably rules that your own legislators take for granted: Time to read and review before voting, timely voting procedures, and considering conference reports as signed.

Mr. Speaker, I served 13 years in the Vermont legislature, sometimes in the minority and sometimes in the majority. We in Vermont were proud of the legislative process and standards that we set. Those in the majority couldn't do things simply because they had the power. Minority voices were heard, Members were kept informed, and our legislative process was respected. We did have intense debates on the issues, but more often than not, not always, at the end of the day, good ideas were considered and we were able to move Vermont ahead.

These changes that we present for your consideration today are not just about process, they are about passing good, substantive legislation.

These new rules to establish civility to this body are essential for Congress to do the work of the American people and to build the trust of those we serve.

We face looming challenges in America, to the security of our families and to the security of our country. And nobody and no party has a monopoly on the good ideas required to steer us forward. The simple and straightforward rules of engagement will help all of us do that.

Yesterday, the minority leader, in handing over the gavel to the new Speaker, was graceful and was wise when he reminded us that we can have disagreements without being disagreeable. Both the Speaker and the minority leader stated on our behalf what we all know to be true: All of us are here for the common purpose, to make America a better place. There is and must be room for all of our voices to be heard to achieve our common purpose.

The rules we propose will help us do that. How? By establishing very clear ground rules that apply to all, the majority as well as the minority, to every Member, committee chairs and ranking members, House veterans and House freshmen. One and all alike.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by reminding my California colleague that yesterday we passed the ethics package about which she spoke, indicating that we would be voting on it later today. We voted on that yesterday. It has already gone into effect, I am very happy to say. And we did it with very strong bipartisan support.

I am proud that the ethics reform legislation, of course, was based on and incorporated most of the items that were already passed in the House last year. Again, a year ago this month, Speaker HASTERT and I stood in the well and we outlined our call for ethics and lobbying reform, bringing about the kind of accountability and transparency and disclosure, calling for the ban on gifts and dealing with the travel and all of these problems that were out there. We recognize that they are there in a bipartisan way, and yesterday we voted that out in a strong bipartisanship way.

I am very pleased to see the distinguished Chair of the Rules Committee here, and I will again, as I did yesterday, extend congratulations. And, Mr. Speaker, in the spirit of civility that we are pursuing, I think it is very important for us to debate these issues, and I would like to engage my distinguished new Chair in a colloquy, if I might.

Mr. Speaker, as I look at the resolution that is before us, the thing that I find most troubling as we focus on the issue of civility is the fact that those items that I outlined that were included in H. Res. 686 that was introduced on February 16, 2005, which called for the litany of items, and I can go through them again quickly: A requirement that conference reports contain an itemized list of any provisions in violation of the scope rule; a rule prohibiting the Rules Committee from reporting martial law rules; a rule prohibiting the Rules Committee from waiving points of order against a conference report with a serious violation; and it goes on for basically two pages.

What I would like to ask my distinguished Chair is why it is that those items that were incorporated in the base of H. Res. 686, the commitment that was made by the then-minority as to what would be done if they were to move to majority, are not included in this title that we are considering here, and not, in any way, included in the opening day rules package.

Mr. Speaker, I yield to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I think, Mr. DREIER, my good friend, that we have done a remarkable job considering we have been sworn in less than 24 hours.

We are, by no means, through when we finish the 100 hours, and we will be moving toward, again, a more just democracy in this House in the future. We have never said this is all of it.

Frankly, everybody has known what is in this package since we first unveiled it at the Library of Congress last January.

In addition, many of our colleagues in the House on both sides of the aisle are already on record through votes on many of the things that we want to bring up. Certainly minimum wage, absolutely stem cell research, and what we want to do on ending the war. And the war itself is not addressed.

Mr. DREIER. Mr. Speaker, reclaiming my time, let me just say I have been supportive of stem cell research, and I have supported the minimum wage increase. That is not what I am talking about here.

Mr. Speaker, in terms of our civil debate, which I think is very important, we are talking about the opening day rules package which is going to set forth, Mr. Speaker, the guidelines around which we will consider all of these items.

Now I would ask my friend, am I correct from inferring from the statement she just made that there is a commitment, a commitment that as we proceed forward to modify the rules of the House to include those items in H. Res. 686, which were really the cornerstone of the package that was introduced by Mrs. SLAUGHTER and the other then-minority members of the Rules Committee, which guarantee these rights to the minority that they believed were so critically important when they were in the minority; and, unfortunately, are not included in the package.

Mr. Speaker, I yield to my friend.

Ms. SLAUGHTER. You really liked those, did you, my colleague? You thought those were good reforms, the ones you are talking about?

Mr. DREIER. Mr. Speaker, reclaiming my time, in the spirit of civil debate, let me say that I believe these measures that were authored by Members of the new majority as being critical rights that the minority should have, that those Members in the majority who believed them to be so important should obviously stand by them.

All I am asking is that the promise that was made in the 109th Congress by the then-Members of the minority about what they believed minority rights should be should be, in fact, implemented. Because, unfortunately, while we can talk about these great things, when you go down the line seriatim, looking at each individual item, making sure that we do have Members of the minority guaranteed to have a right in conference committees to be there, bringing an end to considering measures without a 24-hour waiting period, these kinds of rights that the then-minority believed were imperative for the minority to have are, unfortunately, not included in this package. This is what I find to be very troubling.

Mr. Speaker, I yield to my distinguished Chair.

Ms. SLAUGHTER. I am sure you recall the time in the Rules Committee when we took this package and broke it down vote by vote, and the majority, led by you, voted down every single one of them. This seems somewhat hypocritical to me.

Mr. DREIER. Reclaiming my time so I might respond, these were not my proposals, Mr. Speaker. These were not my proposals. These were proposals put forward by Members of the new majority, and they were the commitments, the promises, and the obligations that they made as far as enforcement of minority rights that they believed to be so important. That was the platform on which they ran in November, Mr. Speaker.

I believe that what we should do is do all that we can to simply point to the fact that this title III on civility, which is supposed to be reflective of these notions, is in no way emblematic of H. Res. 686 that was introduced by the Members.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 30 seconds to Ms. SLAUGHTER to respond.

Ms. SLAUGHTER. Let me say, just watch us, Mr. DREIER. I want to reiterate what I said last night: We have no intention of keeping our foot on your necks the way you did us. And you are just going to have to watch us and see. But you have voted against every one of these, along with many other things.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the chairman of Rules Committee.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlelady for yielding, and thank her for her wonderful job.

Mr. Speaker, today we are taking up the third title of the new Democrat rules package which will restore civility to this body.

The House was always intended to be a place where civil discourse and the courteous exchange of ideas would be the normal state of affairs.

But referring to this portion of our rules package as the "civility" title is actually a civil term for what we are talking about: The restoration of democracy itself in the House of Representatives.

Over the last several years, parliamentary procedure has broken down here, and I don't know anybody who can deny that. The standard practices of this body, carefully designed rules that are fundamental to our democratic process, fell by the wayside. Far too often, they have been shunned and ignored whenever doing so fit the needs of the former majority.

At the end of 2003, the House took up a Medicare prescription drug bill. It is a perfect example of the broken legislation produced by a broken process.

Instead of proceeding in an open and transparent manner, conference discussions were held behind closed doors for months, excluding all Democrats. On one occasion, Democratic conferee CHARLES RANGEL and MARION BERRY, men who have spent their lives and careers fighting for the good of the Nation, were not let into the conference room and were physically prevented from coming inside, even though they had been appointed to be there. Why? Because the lobbyists were in the room. The lobbyists were writing the bills, not the Members of Congress, and certainly not the minority who had no fingerprint at all on the Medicare prescription drug bill.

That abuse of secrecy was for a good reason: It was bad for the country and the Republican conferees didn't want anybody to find out about it. But one group that did learn of its dangerous provisions was the Republican conference, and when the bill was brought to the floor on November 21, a significant number of principled Republicans refused to vote for it.

□ 1015

And so once again civil and democratic procedures were denied. The Republican leadership had lost the vote after the standard time allotted; so they simply kept it open. I have never seen anything like that in my years in the House. There were Cabinet Secretaries all over the floor. There were strangers or people we didn't even know on the floor as for over 3 hours they worked on people who were in tears, many of them, to make them vote for that bill. There was also a blanket liability exemption for drug manufacturers inserted into the language without the approval of the conference about 5 hours after the conference had been signed off on, and so absolutely the process was broken. According to reports, the President of the Senate simply walked over to the House side and inserted 40 pages into the bill. It amounted to a multi-billion dollar gift to drug companies.

Mr. Frist's liability exemption had been brought up during the conference process, but it was rejected, just like the Medicare legislation of 2003 had, in truth, been rejected by this House. But in each case, Members of the Republican leadership wanted something they couldn't get through the democratic process, and so they ignored the process. By doing so, they did more than pass flawed legislation. They undermined our democracy itself.

This democracy is a system designed to prevent abuses like these from occurring, a system constructed and improved over two centuries so that bad legislation could be exposed and voted down.

If we profess to care about democracy, the proof will be in the process. And, Mr. Speaker, we must save the democratic process in this House. How hypocritical is it that we try to spread democracy to other parts of the world when we disallow it in the American House of Representatives?

The civility portion of the Democratic rules package before us today will prevent the abuses of recent years from happening again. It will prohibit the Speaker from holding open votes just so the outcome can be changed. Democracy is the art of compromise, not the art of coercion.

We are also going to insist that conference committees operate in an open and fair manner and that House conferees sign final conference papers at one time and in one place. In other words, they have to be present at the conference to do so. Never again will the esteemed Members of this body on either side of the aisle be locked out of this democracy. In fact, Mr. Speaker, it does not go too far to say that about half of the American public was disenfranchised. Because of the closeness of the majority and minority, we left half of America out of the room.

This package prohibits the consideration of any conference report that was altered after it was signed by the conferees. If a conference can't agree on a legislative provision, it should not be in the conference report, period. If the Members of this body believe in the power of their ideas, there will be no need for tactics like those we have seen of late. An open, democratic, and civil process will promote good ideas and good legislation and will eliminate corruption and influence peddling.

In this new Congress and with this new rules package, we are standing up for our system of government and the needs of the people it serves and bringing back the government that they think they had, up until this last November. Democrats are going to return civility and common sense to this body, and I encourage everyone on both sides of the aisle to join us.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Once again, I am very enthusiastic about this return to civility, and I am very proud of engaging in civil debate on a regular basis. And I thank the distinguished Chair of the Rules Committee, Ms. SLAUGHTER, for engaging in debate with me on this issue once again.

And I would say that as I listened to her prepared statement, I was struck with, once again, how the notion of not keeping votes open for a long period of time is an admirable one. It is a great one. But guess what, Mr. Speaker. There is not one single item in this package that guarantees enforcement. In fact, Speaker PELOSI introduced her legislation, H.R. 4682. I remember very well looking at that legislation. Mr. Speaker, I will tell you exactly what it said. It said that if a vote is kept open beyond a 20-minute period of time, there had to be consultation with the minority. Now, that is not something I proposed. That was the proposal of Speaker PELOSI. Now, the sad thing is that in this measure there is no enforcement mechanism.

Now, of course, people are busy. They come over here for a 15-minute vote. They would like to have it take place within 20 minutes. We are hearing that votes won't go beyond that period of time for the sole purpose of changing a Member's vote. But, again, there is no enforcement mechanism. And, again, the enforcement mechanism was not my proposal. It is a proposal that the then-minority offered. But now that they are in the majority, they just decide to say, well, we want to keep this process going and we want to keep doing it, but we are not going to consult with the minority. So, again, those aren't my proposals. Those are their proposals.

Mr. Speaker, at this juncture I am very happy to yield 4 minutes to my very good friend from Marietta, Georgia, a former member of the Rules Committee, who is very thoughtful on these issues, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I want to also commend the majority in regard to title III and the overall civility tone as it pertains, of course, to conference committees and having the opportunity for Members of the minority conference team to be present, not to have things added at the last minute after all the conferees signatories have read the report and designate it as complete and then add something at the midnight hour. All of these things are good.

I was in the Georgia State Senate in the minority, and I remember the Democratic president of the senate appointing me to my first conference committee. I was thrilled. It was an issue on which I had worked very hard with the majority, and I couldn't understand why I was never called to a conference committee. And then at the sine die hour, all of a sudden this conference report was stuck under my nose and asked for my signature without even reading it, and I was absolutely appalled at that. So I commend the majority for wanting to clean that up, and I support it.

But I agree with my former chairman, now ranking member, of the Rules Committee in regard to the argument that was proffered just a minute ago that it doesn't really go quite far enough. But let me spend a little time continuing to make the point that he just made in regard to this issue of holding votes open.

Now, during the last 2 years, during almost the entire 109th Congress, after we passed an historic prescription drug benefit for 38 million seniors who had been waiting for 45 years because the now majority, when they were in control, could never deliver on that promise, all we heard for 2 years were these complaints of, well, you held the vote open 3 hours and 28 minutes. You were breaking arms of a former Member from Michigan, Mr. Smith, and others, and it was inappropriate, how appalling that was.

And now maybe you are right. Maybe holding the vote open for that purpose is inappropriate when the concerns of our constituents might be that when a Member in good conscience is opposed or in favor of a particular controversial piece of legislation and his or her vote is not going your way and so you get him in a corner or a back room and say, hey, what can we do for you? Or maybe what can we do to you if you don't vote with us? Like removing you, a good productive Member, from a certain select committee, or maybe we promise to put you, who is not quite qualified, on a good select committee that you have been wanting and pushing for for a number of years, and all of a sudden you grant them some earmark that is absolutely egregious, maybe almost as bad as the "bridge to nowhere."

So I would say to my friends in the majority, why the modifier "sole" purpose? If you really believe this, as the gentleman from California just pointed out, take out that modifier. Let us not hold votes open beyond 15 minutes for the purpose of breaking an arm and trying to change someone's mind when they in good conscience have had plenty of time to consider the bill, to think about it, indeed, maybe even pray about it. I think it is inappropriate, and I agree with you. But let's get serious about this. Let's make sure we really change it and it is not just some window dressing to kind of make your argument that you have been trying to make over the last 2 years. Let us take out the modifier, close the loophole, get serious about this, and that is real reform.

Ms. MATSUI. Mr. Speaker, before yielding to the next speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to show my support for the House rules, as we are dealing with them today, but I am also calling for an independent investigating arm for the House of Representatives.

Mr. Speaker, I rise today to lend my full support to these changes to our House Rules.

These rules are the foundation that will govern how this body operates, but also serves as a reflection of our collective values and character.

I have served almost 6 years on the House Ethics Committee.

I have seen more investigations than I care to in the last 6 years of Members on both sides of the aisle.

These rule changes should restore a tone of civility and honesty in this chamber and that is why I am supporting this package and urge all my colleagues to do the same.

However, I would like to raise an issue that is not contained in this package today.

I strongly believe that the House Ethics Committee needs an independent investigative office.

Currently, my colleagues on the Ethics Committee and I are tasked with determining whether rumors and innuendos have any merit to launch investigations that at times bring disgrace to this body and end the careers of our colleagues.

We are the Court of Congress, yet we serve as both the investigators and the judges of our colleagues. This is no easy task.

Those of us on this Committee have accepted this position and stand poised to enforce the Rules of the House and preserve the integrity of this body.

However, it would be beneficial to the Members of the Ethics Committee and this House if we had an independent investigation arm so we may have unbiased, thorough information regarding any accusation of impropriety by a Member of this body.

I believe this would help remove any partisan sentiments regarding origination of investigations and may help restore America's faith in our ability to enforce our rules.

With this information the Members of the Committee would then determine whether or not there is sufficient information to further the investigation, or take action on the issue before the Committee.

Allowing an independent investigating office to begin investigating then bring information to the Ethics Committee would not make our job easier, but it would help us have this nonpartisan information to do our job better.

I strongly support the changes proposed today, but I believe it is necessary for us to begin a dialogue on creating an Independent Investigative Office to serve the House Ethics Committee and the House of Representatives.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman from California for yielding.

Of the many concerns my constituents had as they looked at the Congress over the last few years, one of the most important and troubling had to do with the minimal amount of time we were repeatedly given to address important pieces of legislation. Indeed, it seemed often that the more important the legislation before us, the less time we had to read it.

My colleague from Georgia talked momentarily ago about the Medicare prescription drug benefit. During debate on that bill, there were important elements of it that no one seemed to understand. I asked repeatedly if people could explain it. I was told by one speaker on the then-majority side, You will have to ask somebody on the Ways and Means Committee; I am only on the Rules Committee. But we all voted on it. We voted on things repeatedly that we had not been given a chance to read, that were not allowed for amendment, and that was wrong. And I commend our leadership for trying to set a new tone, and I welcome the support of our colleagues on the minority side as they commit to trying to work with us.

Included in this rules package is a commitment by our leadership to allow adequate time for consideration of legislation before it comes to a vote. The situation here is this: we ought to make sure that we can look our constituents and our colleagues in the eye and say that before we voted on this legislation, we had ample time for ourselves and our staff to study it and we knew what was in it.

For too long lobbyists have written legislation. On some of the legislation I have talked about before, I had lobbyists calling me to say I should vote for a bill, the text of which was not even available to the Members themselves.

Members of Congress have the responsibility to give themselves and one another time to study legislation, to debate it, to hear from both sides, because there are good ideas on both sides and, frankly, there are bad ideas on both sides. So let's work together in this new Congress to set a new tone and a new precedent and a new practice.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I would like to engage in colloquy with my friend. I wonder if the gentleman has had an opportunity to look at what we consider to be the opening-day rules package that we are considering.

He has talked about, Mr. Speaker, some very important provisions. I believe that the 24-hour layover idea which was propounded by the then-Members of the minority is an important one. It is not guaranteed here; so it is not provided.

Number two, if you look at title V of the measure that is before us, title V provides 5 minutes of debate on five closed rules. The Rules Committee will not even be giving the minority the opportunity to have its amendments defeated in the Rules Committee, and we are not going through the committee process at all.

Now, I will acknowledge that the items that we are going to be addressing, a majority of which I support, are very important for us to proceed with, and an argument has been made that this was debated and discussed in the last Congress. Well, look at the tremendous number of new Members of the House that have come in, especially on the majority side. They are denied any opportunity to participate in this process at all. So as I hear my friend talk about, yes, we need to proceed in a civil manner, and I am all for that, I believe we need to proceed with fairness. I believe these things are all very important. It is just unfortunate that the facts are not reflected in the rhetoric that we are getting on the need for civility and openness and debate.

If my friend would like to respond, I would be happy to yield to him.

Mr. BAIRD. Mr. Speaker, I would be happy to respond. And let me say I acknowledge the gentleman's concern and I share it to a significant degree. Personally, I would prefer that there had been more time and more opportunity for debate in some of these measures and more opportunity for input from the minority side.

Mr. DREIER. Mr. Speaker, reclaiming my time, I appreciate that.

□ 1030

What I would say is that based on the fact that we have never before, in the 230-year history of this republic, we have never had the greatest body known to man come forward with five closed rules in an opening day package denying Members an opportunity to participate in any way.

So that is why I would argue this notion that we are beginning with a new tone, we are going to have an openness and all, is, in fact, not reflected in what we are facing in the next few days.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. I appreciate the gentleman's point. I would just echo the sentiments of the gentleman from New York earlier.

Mr. Speaker, the legislation before us in these early opening days of this session is legislation that has been debated extensively and been available extensively over the past couple of months, indeed, some of it was passed in the last Congress. I would suggest that we have had time to look at this.

I would concur, and I will say that in the future, when future measures come up, especially measures that are new to this body, I will work very vigorously to ensure that the minority has adequate time to study, to debate and offer amendments to that legislation.

Mr. DREIER. Let me just respond. I know his time has expired.

Mr. Speaker, I yield myself 10 seconds to respond.

We haven't seen any of the items. Maybe you all have those items, but we have not seen those items that we will be voting on. They haven't been submitted to us at all.

Mr. Speaker, I am happy to yield 2½ minutes to my very good friend from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman for yielding. I do have to speak up for Iowa, although I wish Iowa was playing in the national championships coming up.

Mr. Speaker, not long ago, Members and leaders of the current majority party of the House spent countless hours attempting to draw the attention of the American people to what they defined as a culture of corruption here in Congress. Hoping to use this, they wanted to turn this phrase, usher in a new Democratic majority. That was their wish on election night that Members of the new majority stood in this Chamber prior to that, and on numerous soap boxes across the country and promised that if the American people gave them the chance to run things here on Capitol Hill, they would do things differently.

Mr. Speaker, I agree that things should be done differently here in this body. Last year in the 109th Congress, I introduced H.R. 4967, the Sunlight Act, and that was of 2006. This bill would have, on a number of things, required that bills, conference reports, joint resolutions and amendments be available to the public on the Internet in a searchable format before a bill could be voted on.

It also would have required and will require, if passed, privately funded travel be approved in advance by the Rules Committee with the costs being fully disclosed in 5 days. It would require that Members report exact assets and liability values on their financial disclosures instead of vague ranges, vague ranges that allow a Member to report between $5 million and $25 million in assets. That is too broad a range.

A $20 million range would require the subject of debate to be projected on the wall so it is visible to Members and people that are in the gallery. It would require that donations to political campaigns be reported in a searchable, sortable format on the Internet and have that within the last 30 days each day, within each 24 hours a report be filed.

I believe that passage of my Sunlight Act would do much to raise the levels of transparency in the affairs of this body, and it would also restore the public's confidence in our Members. It is disingenuous for the majority claim that they want to change things when they don't want to give a consideration of commonsense reforms like those outlined in this bill.

Yet this bill, as I worked it hard last year, could not earn one signature from a single Democrat as a co-sponsor. Now, I am refused the opportunity to even offer this as a bill. This is my only opportunity to even make the argument.

So I would make this argument, Mr. Speaker, that there were a lot of campaign promises that were made. It seems to me that the one that is the most obstructive to all of us is the promise to accomplish this series of things in the first 100 hours. The first 100 hours has been redefined. Many of these promises will be also given up on, and it will be difficult, and in many cases, impossible to keep those promises.

Mr. Speaker, why don't we just waive this promise of accomplishing all these things in the first 100 hours so the people of America can be heard on the floor of the Congress.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield 1 minute to a new Member, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, I rise in full support of the civility provisions offered in part today as one of the new rules of the 110th Congress. I applaud the new Democratic leadership for offering this reform package, because our country needs a fair and functioning Congress if we are ever going to meet these huge challenges that we face as a Nation.

When my constituents in Connecticut's Second District voted for change, they knew to create that change. We need a legislative body that allows real debate and discussion, not a rush to judgment that deprives our democracy of good ideas. To achieve that goal, this rule will curb past abuses of this Chamber's processes.

This rule will prohibit votes being held open for the sole purpose of affecting the outcome, a practice that in the past damaged the public's confidence in laws passed by this institution. It will reform the conference committee process, a reform that will give all Members, the press and the American people, the opportunity to understand the content of legislation at its most critical moment, right before passage.

Mr. Speaker, the Gallup poll that came out recently December 19 ranked the Congress' performance that only 20 percent of the American people rated it good. It is time to fix the broken branch by adopting these rules.

Mr. DREIER. Mr. Speaker, may I inquire of the chair how much time is remaining on each side?

The SPEAKER pro tempore (Mr. DAVIS of Illinois). The gentleman from California has 3½ minutes remaining. The gentlewoman from California has 10 minutes remaining.

Mr. DREIER. Mr. Speaker, I reserve the balance of our time.

Ms. MATSUI. Mr. Speaker, for purposes of debate only, I yield 2 minutes to one of our new Members, the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Speaker, I am privileged to be here today to talk about the need for more civility in this body. I would like to remind the House that the last Member to be sanctioned for being assaulted on the floor of this House was Lovell Rousseau, who was involved in an assault on a representative from Grinnell, Iowa, the city I was born in.

I think we can all think back to those days and be grateful that we now serve in a body where respect is a daily part of the operations. I think it is never too late to learn from the past and to make sure that we continue to express the importance of treating each other in a manner that provides respect to this body and also brings honor to it.

When I was out on the campaign trail, I often talked about growing up in my hometown of Brooklyn, Iowa. When people had a problem there, they never asked if you were Republican or a Democrat, they asked for your help, and they got it. I think that is the purpose this body, to solve problems and to do it in a way that brings respect and honor on this body.

I am very honored that this new rules package promotes greater civility and does it in a manner that is consistent with House rule XXIII, which requires us to conduct ourselves at all times in a manner that shall reflect credibly upon this House, and by promoting an atmosphere where we are required to be on guard against abuses in voting time and reforms to the conference committee process. We will all do more to bring respect for the people who elected us to this body to serve.

Mr. DREIER. Mr. Speaker, I had no idea that we had used so much of our time, so I am going to continue to reserve our time.

I would ask my colleague from California how many speakers she has remaining.

Ms. MATSUI. Mr. Speaker, I have no further speakers, so if the gentleman from California would like to use his time.

Mr. DREIER. At this time I am happy to yield 2 minutes to a very hard-working Member, who will continue on the Rules Committee, my good friend from the Big D, Mr. SESSIONS.

Mr. SESSIONS. Mr. DREIER, I appreciate the opportunity for you to yield time to me.

Mr. Speaker, I am a little bit shocked and surprised with the reformers that have come to Congress, the brand-new Democrats who are talking about all these things that they are going to get done. Yet it seems to me that with the respect we would have for the voters who sent us here, that we would not be asked to approve and get ready to vote on things without even seeing the bills.

The new Democrat party, in their openness and trying to do things right, is asking Members of this body to vote for and approve getting rules to the floor without even knowing what the bills are about, the substance.

Mr. Speaker, I rise in opposition to this. I rise in opposition because I think it is a step backwards, not a step forwards. It represents less transparency and is a slap in the face for regular order to this House.

Section 503 of this flawed package rolls back the Sunlight reforms implemented by the Republican Party in 1995, and it creates a secret ballot in the Rules Committee for votes that are taken right upstairs, Mr. Speaker, where we would meet, where rules, as they are debated and brought before this House, Members always had to make sure that the votes that they were going to support would be recorded. That is not going to happen. There is no compelling reason for this bait-and-switch that has happened now by the new Democrats.

Mr. Speaker, I oppose this. I think it is a step backwards, and it is my hope that the newest Members of this body will listen to what is being said, that their rhetoric about the openness and change in this body is simply a step backwards. What a shame. They thought they were coming to Washington to change things, and what they are doing is to make it more like central government that we are told what to do by a few people in the Democrat leadership.

Ms. MATSUI. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time. I do so to say that I am supportive of this title called civility. We will be having a vote on that. Mr. SESSIONS was very appropriately raising concern over title V. We only had 5 minutes of debate on that. So he raised concern about the closed rules and shutting down operations of the Rules Committee that would record votes and make them public.

My concern about this measure we are going to have, which as I am going to support, because I am not going to oppose civility, is that when we look at the promises that were made by the then minority to do things like have a 24-hour waiting period before measures are brought up, it is denied in this rules package itself, because we got it about 19 hours before, so the spirit of that was denied there.

The whole notion of ensuring that we have consultation with the minority when it comes to keeping votes open, when it comes to the issue of ensuring that we will have minority participation conference in committees. As we go down the line and look at these items, Mr. Speaker, it does trouble me.

But there is a little bit of hope, and that hope was offered by the distinguished Chair of the Rules Committee, when she told me there has been such a short period of time between the election and opening day and consideration of this package, that we in the Rules Committee will have an opportunity to do more.

So I always hold out, where there is light, there is hope, you know. I will tell you, I would do everything I can to help her maintain that commitment, and we will continue to do that.

Mr. Speaker, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, these 2 days of House floor debate will culminate in a reform of House Rules unlike any other in history. This reform is a response to the American people to their mandate. This past November, the people exercised a right to vote in order to send the message. It was a mandate for change to restore civility, decorum and ethical behavior to Congress.

As I said in my opening remarks, debate on House floor must reflect mutual respect, even when we disagree. I look forward to restoring decorum and civility to this House, restoring integrity to what is truly the people's House. I urge all Members to join us in that effort.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of Title III of H.R. 6, the Rules of the House of Representatives for the 110th Congress. With the adoption of this title, we begin to make good on our pledge to restore civility, open government, and honest leadership to the House of Representatives.

Mr. Speaker, it is critically important that we adopt the civility rules contained in Title III because Americans are paying for the cost of corruption in Washington with skyrocketing prices at the pump, spiraling drug costs, and the waste, fraud and no-bid contracts in the Gulf Coast and Iraq for Administration cronies.

But that is not all. Under the previous Republican leadership of the House, lobbyists were permitted to write legislation, 15-minute votes were held open for hours, and entirely new legislation was sneaked into signed conference reports in the dead of night.

The American people registered their disgust at this terrible way of considering and voting on legislation last November and voted for reform. House Democrats picked up 30 seats held by Republicans and won the majority. Restoring open government and honest leadership is one of the top priorities of the new majority of House Democrats. That is why we have included Title III in the Rules of the House of Representative for the 110th Congress. We seek to end the excesses we witnessed under the Republican leadership and to restore the public's trust in the Congress of the United States.

Mr. Speaker, I commend Chairman SLAUGHTER and the members of the Rules Committee for their excellent work in preparing the rules package. The reforms contained in the package are necessary to ensure that all Members of Congress, each of whom is elected to represent the interests of nearly 600,000 constituents, have sufficient time to consider important legislation before casting an informed vote. The reforms we are considering also will discourage manipulation of the voting rules to alter the outcome of roll call votes.

Mr. Speaker, I support the elements of the civility package, which (1) prohibits holding votes open for the sole purpose of affecting the outcome; and (2) reforms the conference committee process by requiring adequate notice of meetings, ensuring information is available to all conferees, and prohibiting changes to the text of signed conference reports.

Mr. Speaker, under the previous House Republican leadership, several votes were held open for hours in order to change the outcome. The most notable example was the November 2003 vote on the conference report on Medicare legislation (PL 108–173) that was held open for two hours and 53 minutes, the longest recorded vote since electronic voting began in 1973. After the expiration of the 15 minute time limit, the measure lost 216 to 218. But the vote was held open hours to afford House Republican leaders, the president, and the Health and Human Services Department, enough time to lobby enough Republican members to change their votes, or cast votes, in favor of the measure, eventually achieving a majority of 220 to 215. This kind of unfair manipulation of the rules would not take place under the voting rules package we are considering today.

With respect to Conference Reports, the rules package we consider today includes provisions intended to ensure that conferees have notice of conference meetings and the opportunity to participate, as well as to prevent the insertion of material into a conference agreement after the conferees have completed their work but before the House votes on the measure. These new rules also require House managers to ensure that conference meetings occur under circumstances that allow every House conferee to have notice of the meetings and reasonable opportunities to attend. Under the prior Republican leadership, Democratic conferees frequently were not invited to meetings of conferees, which prevented U.S. from having a meaningful role in crafting an agreement.

The rules also require conferees to ensure that all provisions on which the House and Senate have disagreed be considered open to discussion at any meeting of the conference committee. Additionally, House conferees will be required to ensure that papers reflecting a conference agreement are held "inviolate to change," unless there is a renewal of the opportunity of all House managers to reconsider their decision to sign or not to sign the agreement. This change is designed to prevent material from being inserted into a conference agreement after conferees have "closed" the measure. In this connection, the new reforms requires that House managers be provided with a single time and place, with access to at least one complete copy of the final conference agreement, for the purpose of recording their approval, or lack of approval, on the signature sheets that accompany the conference report and the joint statement of managers.

Last, the new reforms bar the House from considering a conference report if the text differs materially, except clerical changes, from the text that reflects the action of the conferees when they signed the conference agreement.

Mr. Speaker, to restore public confidence in this institution we must commit ourselves to being the most honest, most ethical, most responsive Congress in history. We can end the nightmare of the last six years by putting the needs of the American people ahead of partisan political advantage. To do that, we must start by adopting by Title III of H.R. 6, the civility reforms to the Rules of the House of Representatives for the 110th Congress.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 5, the previous question is ordered on the portion of the divided question comprising title III.

The question is on that portion of the divided question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The portion of the divided question comprising title IV is now debatable for 60 minutes.

The gentleman from Florida (Mr. HASTINGS) and the gentleman from California (Mr. DREIER) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

☐ 1045

Mr. HASTINGS of Florida. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the minority leader, my friend, or his designee, pending which I yield myself such time as I may consume.

Title IV of our rules package is one of the ones of which I am most proud. Over the past 12 years, our colleagues on the other side of the aisle, while allegedly praying to the gods of fiscal responsibility, have nearly sunk our ship of state in red ink. Today we begin to right this ship and staunch the unmitigated gall of telling the American people that, on the one hand, they need to be more responsible with their money, but, on the other hand, Congress should face no such obstacle.

Today we will say "no more" to spending money that the government doesn't have, only to pass down to the young people of America, some of whom we saw here yesterday afternoon, passing it on to them before they even have a say in how their money is being spent.

Yes, today we say to the American people that Congress, like you at home, Jane and Joe Lunchbucket, will not spend money that we don't have. Our credit card is maxed out and we start to reduce it today.

My fellow Democratic colleagues will provide more details about this new set of House rules presently, but there is one more point I want to make perfectly clear. I am not going to, and I hope my colleagues aren't going to listen to my friends on the other side of the aisle lecture us about not doing enough here today.

I have read some of their "talking points" from the Budget Committee. And while I may not be a whiz kid, I know a little something about being lectured to.

And having this particular group of Republicans lecture us on fiscal responsibility is a little like having the horses on the farm complain to the ranch hand that he is not using a big enough shovel to clean up.

This analogy is not only appropriate, Mr. Speaker, it is perfect.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 30 minutes of our time to the distinguished ranking minority member of the Committee on the Budget, Mr. RYAN.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. RYAN) is recognized and will control 30 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to discuss this title IV part of the package. And I learned, when we were in the majority, watching the minority speak and criticize virtually every move we made, I thought it would be wrong if you thought there were good elements of a package to criticize it. There are good elements in this package, and I want to start off by talking about those good elements that are contained in this package before I start my criticism.

First, the earmark reforms. I am an earmark reformer. I was one of the parts of the team that reformed earmarks, that negotiated the earmark reforms we passed last fall. I think these earmark reforms in this package that the majority created are very good. They are very commendable. They work. So I want to compliment the majority for their serious earmark reform package that they have in here.

I think it is high time that when a Member of Congress requests an earmark, that that Member's name be associated with that earmark, that that Member's justification be associated with the earmark, and that we, as Members of this body, have the opportunity to vote on whether or not that earmark should be funded or not. We need more transparency and more accountability in the way we spend taxpayer dollars.

I am very pleased that in the last Congress, in the 109th Congress, we in the House passed those rules, and I am very excited that the majority has decided to continue those rules and build on that success by improving the package of earmark reforms we passed in the last Congress. So that part of this package, I want to compliment the gentleman from South Carolina and the others who put this together.

I want to direct my comments on the PAYGO part of this. I had high hopes for this part of the package. I had high hopes that the PAYGO rules that we are about to vote on would provide much needed fiscal discipline to Washington and to the way we spend taxpayer dollars. Unfortunately, this package just doesn't cut the mustard. I see this as a timid, weak, watered down, paper tiger PAYGO. What I mean when I say that, Mr. Speaker, is I believe this will have the practical effect of simply raising taxes.

Let me be very clear, Mr. Speaker. We don't have a tax revenue problem in Washington. We have a spending problem in Washington. Tax revenues have been coming into the Federal Treasury at double digit rates over the last 2 years. That is not the problem. We are getting plenty of money from workers' paychecks, from families in their taxes. It is leaving the Treasury too fast. That is our problem, and that is where the budget discipline ought to be placed, on spending.

The problem with this PAYGO is it will have the practical effect of simply having higher taxes to chase higher spending. It does absolutely nothing to address the deficit we have today. It does absolutely nothing to address today's level of spending. It does not address the uncontrollable and unsustainable rates of spending that we have with our entitlement programs today.

Now, I realize that the last majority wasn't perfect on spending. I will be the first to note that because many people saw me coming to the floor saying that in the last Congress. But when we enact spending discipline, and when we are telling the American people that we are now going to get tough on spending, we are going to be fiscally conservative, that is what we should do; and this does not do that.

More importantly, Mr. Speaker, I believe that this PAYGO regime, if it does actually work, will make it clear that the tax relief of 2001 and 2003, which got us out of a recession, which brought new revenues into the Federal Government, which created seven million new jobs, will go away. This is putting the American taxpayer on a collision course with higher taxes. And why is it doing that? Because this system, this PAYGO system, will make the pressure toward raising taxes to pay for new entitlement spending. And so for that reason, I am opposed to this PAYGO regime, Mr. Speaker. There are many others I would like to speak about.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, at this time, for purpose of debate only, I yield 1 minute to the distinguished gentleman from North Carolina, one of the true rising stars in Democratic politics today, HEATH SHULER.

Mr. SHULER. Mr. Speaker, the times of reckless and unchecked spending in Congress are over. With my fellow Blue Dogs, we are cutting our Nation's credit card. It is time to have a commonsense budget, just like our families, and just as we do in business, have a commonsense approach of budgeting.

Congress followed these rules in the 1990s. George H.W. Bush signed on, and in 2 years we saw a record budget surplus. Unfortunately, Congress has abandoned these rules and started financing spending increases with borrowing money from China.

China's share of the U.S. debt has grown faster than any other nation, from $61.5 billion in 2001 to $165 billion in 2004. We cannot borrow ourselves out of debt.

This is an important first step of implementation of a statutory PAYGO. Congress should be able to justify every line item of every spending bill to the American people. This should be supported by all Members for the future of our children and grandchildren.

This rules package also prevents inserting earmarks into bills in conference, and requires that all Members be given time to examine all bills before voting on them.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague from Wisconsin, the ranking member on the Budget Committee, on which I have had the pleasure of serving for the past 2 years.

And it is ironic that I follow another colleague from North Carolina who is in favor of the Pelosi PAYGO plan that we have before us here today on the House floor. It is unfortunate that it is being offered in a closed rule, in a setting whereupon Republicans cannot offer any constructive amendments or perfecting amendments to ensure that tax increases don't arise out of this Pelosi PAYGO plan.

According to the Wall Street Journal editorial today: "Under her," PELOSI's, "PAYGO plan, new entitlement programs and all new tax cuts would have to be offset by either cut-backs in other entitlement programs or tax increases. This version of PAYGO is a budget trapdoor, designed not to control expenditures, but to make it easier to raise taxes while blocking future tax cuts."

Mr. Speaker, I ask to include the Wall Street Journal editorial from today, entitled "Tax As You Go," for the RECORD.

[From the Wall Street Journal, Jan. 5, 2007]

TAX AS YOU GO

Congressional Democrats are dashing out of the gates to establish their fiscal conservative credentials. And as early as today House Speaker Nancy Pelosi will push through so-called "pay-as-you-go" budget rules for Congress. Keep an eye on your wallet.

"Paygo," as Washington insiders call it, sounds like a fiscally prudent budget practice: If government spends more on program A, it has to spend less money on program B, and thus budget deficits will be restrained. We're all for that. But when Republicans proposed exactly that budget rule in recent years, House Democrats voted it down.

Ms. Pelosi has something different in mind. Under her paygo plan, new entitlement programs and all new tax cuts would have to be offset by either cutbacks in other entitlement programs or tax increases. This version of paygo is a budget trapdoor, designed not to control expenditures but to make it easier to raise taxes while blocking future tax cuts.

Supporters of paygo claim it will help restrain entitlement spending. It won't. Paygo doesn't apply to current entitlements that will grow automatically over the next several decades. Ms. Pelosi's version of paygo applies only to new entitlements or changes in law that expand current programs. And on present trajectory, Medicare, Medicaid, Social Security, food stamps and the like are scheduled to increase federal spending to almost 38 percent of GDP by 2050, up from 21 percent today. Paygo won't stop a dime of that increase. This may explain why one of the leading supporters of paygo is the Center on Budget and Policy Priorities, a liberal outfit that favors far more social spending.

Paygo enthusiasts also claim that when these rules were in effect in the 1990s the budget deficit disappeared and by 2001 the budget recorded a $121 billion surplus. Sorry. The budget improvement in the late 1990s was a result of three events wholly unrelated to paygo: the initial spending restraint under the Republican Congress in 1995 and 1996 as part of their pledge to balance the budget; a huge reduction in military spending, totaling nearly 2 percent of GDP, over the decade; and rapid economic growth, which always causes a bounce in revenues. Paygo didn't expire until 2002, but by the late-1990s politicians in both parties were already re-stoking the domestic spending fires.

What paygo does restrain are tax cuts, by requiring that any tax cut be offset dollar-for-dollar with some entitlement reduction. Congressional budgeteers always overestimate the revenue losses from tax cuts, which under paygo would require onerous budget cuts to "pay for" the tax cuts. As a political matter, those spending cuts will never happen.

First on the chopping block, therefore, would be the investment tax cuts of 2003 that are set to expire in 2010. Last year Democrat David Obey of Wisconsin, the new Appropriations Committee chairman and a prodigious spender, gave this strategy away when he urged paygo rules so he could enact new social spending and pay for it by canceling the Bush tax cuts for those who make more than $1 million.

Never mind that, in the wake of those capital gains and dividend tax-rate cuts, federal revenues climbed by a record $550 billion over the past two fiscal years. Incidentally, thanks to the current economic expansion and the surge in tax revenues, the budget deficit has fallen by $165 billion in just two years—without paygo.

Given all of this, it's especially puzzling that even some conservatives seem tempted by paygo's fiscal illusions. Our friends at the Heritage Foundation have of late become obsessed with future entitlement forecasts and have advised Ms. Pelosi to enact paygo rules to stop it. But Heritage notably did not insist that tax increases be excluded from any paygo rule. Had such logic prevailed in 1980 or 2003, it's possible that neither the Reagan nor Bush tax cuts would ever have become law. As a political matter, paygo is about returning Republicans to their historical minority role as tax collectors for the welfare state.

That's not to say that new budget rules aren't highly desirable. The line-item veto, a new Grace Commission to identify and eliminate the billions of dollars of waste and failed programs, and an automatic spending sequester if the budget rises above agreed baselines would all help to restore spending discipline. But it is precisely because these rules would restrain spending that they are not on the Democratic agenda.

Paygo, by contrast, gives the appearance of spending discipline while making it all but impossible to let taxpayers keep more of their money. It should really be called "spend and tax as you go."

The fundamental budget problem here is spending too much, not taxing too little. Federal revenues climbed by $550 billion over the past two fiscal years because of the 2001 and 2003 tax relief packages. Now, this has led to a robust economic growth for our country; and as a result of that economic growth, we have had higher tax revenues to government. In fact, government revenue this year is the largest it has ever been in the history of man. Not just the history of the United States, but we have more revenue flowing into government.

So we have a spending problem, Mr. Speaker. And with this PAYGO trapdoor, the Pelosi PAYGO plan ignores the annual appropriations, and it only applies to new spending. So this is an absolute trapdoor that will lead to tax increases put forward by this new Democrat majority.

I urge us to vote this down and to actually have real constructive budget reform.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. PATRICK MURPHY).

Mr. PATRICK MURPHY of Pennsylvania. Mr. Speaker, I rise today as an original cosponsor of this vital measure.

Mr. Speaker, this vote is about one of the most important issues facing America today, fiscal responsibility.

PAYGO is straightforward. If Congress is going to buy something, we need to figure out how we are going to pay for it. That is what the small business owners, farmers, and families in the Eighth Congressional District of Pennsylvania do every single day.

If the Mignonis in Bristol want to expand their store, they have to roll up their sleeves and figure out how they are going to pay for it. When the Russos of Fairless Hills started saving for their daughters' college tuition, they had to figure out how they were going to pay for that.

Mr. Speaker, this is exactly what we are voting on here today. If you or I have a good idea, we are going to have to roll up our sleeves, just like the Mignonis and the Russos, and figure out how we are going to pay for it first.

□ 1100

As most of you know, I have a 6-week-old daughter, Maggie. Maggie and every other newborn born in America are saddled with $28,000 in debt. That is immoral. Voting "yes" to implementing PAYGO is the first step toward getting our fiscal house in order.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire as to how much time remains between the two parties?

The SPEAKER pro tempore. The gentleman from Wisconsin has 24 minutes remaining.

Mr. RYAN of Wisconsin. And the gentleman from Florida?

The SPEAKER pro tempore. The gentleman from Florida has 26 minutes remaining.

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to the distinguished budget chairperson, I want to respond to Mr. RYAN by saying, we don't have a spending revenue problem. I would remind him, when he said that, that he and his colleagues, with this President, have run up a debt larger than the previous 42 Presidents combined.

No problem, Mr. RYAN? Please.

Mr. Speaker, I yield 5½ minutes to the distinguished budget chairman, who knows more about this process than all the rest of the Members in this body combined, Mr. SPRATT.

Mr. SPRATT. I thank the gentleman for the compliment and wish I could accept it, and I am glad to have the time to explain what is before us.

The budget summit in 1990 ended up with a 5-year deficit reduction plan and a kit of budget process rules known as the Budget Enforcement Act of 1991. Among these process changes was something that we have come to call the PAYGO rule, or pay-as-you-go.

Basically, the pay-as-you-go rule provides that any increase in entitlement benefits has to be paid for by a new revenue source, and that any cut in taxes has to be offset by equivalent cuts in entitlements or by equivalent increases elsewhere in the Tax Code. In other words, entitlement increases or tax cuts have to be deficit neutral. They cannot worsen the bottom line. This is the basic principle of PAYGO; a common-sense, truly conservative principle.

PAYGO was originated by Democrats, but it was embraced by the first President Bush in 1991, in the Budget Enforcement Act. It was adopted by President Clinton in the Deficit Reduction Act of 1993. It was confirmed again by Clinton and by this Congress in a bipartisan way in the Balanced Budget Agreement of 1997. It was even endorsed by the second President Bush in his 2001 budget submission: Reinstate PAYGO. That is what the President requested.

But the Bush administration soon found that if we did that, it would get in the way of its huge tax cut agenda, and that was its driving force behind all the budget policy of this administration. So in 2002, even though it had worked, demonstrably worked, and brought the deficit down, in 2002, the Bush administration and this Congress, under Republican leadership, allowed the PAYGO rule to expire.

PAYGO had been renewed three times. From 1991 to 2001, it was the law of the budget. It worked. But it was allowed to expire. The result was a deficit that soared. President Clinton handed over to President Bush a budget that was in surplus, in surplus by $236 billion the year before President Bush took office. By 2004, without the PAYGO rule, without the strictures of the Budget Enforcement Act of 1991, the surplus was gone, wiped out, replaced by a deficit of $413 billion. That was a swing of more than $600 billion in the wrong direction.

In an effort to diminish these debts and to rein in the deficit, Democrats tried repeatedly over the last 6 years to reinstate the PAYGO rule. And Republicans, just as repeatedly, rebuked us at every turn. Today, with a new majority, we want a new commitment to fiscal responsibility. We want to pay as you go. We want to quit stacking debt on top of debt.

The statutory debt, on the watch of this administration, has increased by 60 percent, 60 percent since President Bush took office, more than $3 trillion in new debt. This is not a sustainable course. Nobody in this House would rise to support this course. So let us reverse course. Let us start today. Let us enact something that worked for 11 years, the PAYGO rule that was adopted first in 1991.

Today, we add two new rules to the rules of the House, section 402 and section 405 of title IV in the package before you. The original PAYGO rule was statutory. It set up a scorecard on which tax cuts and tax increases, entitlement cuts and entitlement increases were all entered. At the end of the fiscal year, the tally was taken by the Congressional Budget Office, and if there was an adverse balance, it had to be rectified. If it was not rectified and removed, then it would result in across-the-board abatement or sequestration cuts.

Why not just reenact the statutory rule, since that is the form that worked? I wish we could. But it is not at all clear we can pass a statutory change or reenactment of the PAYGO rule in the Senate, where 60 votes are needed. And it is even less clear, and extremely doubtful, that the President would sign a statutory PAYGO rule if it reached his desk.

So what we propose today is the art of the possible. What we propose is a House rule, setting up a point of order to any PAYGO violation. We also correct here the practice of using the reconciliation process, an extraordinary process in order to do things, that would worsen the budget deficit. But I want to focus mainly on the PAYGO result.

The ranking member of the Budget Committee, Mr. RYAN, and I look forward to working with him, he is a good man who knows his stuff, and I look forward to a good relationship, but I have to take exception when he says this rule does not reduce the deficit. By itself, it may not. But it establishes in the rules of this House a commonsense, truly conservative principle that when the budget is in deficit, deep deficit, at the very least, we should avoid making it worse. We should avoid entitlement increases that are not paid for and we should avoid tax cuts that are not offset.

This rule is not immutable, it can be waived or modified, but it establishes a strong working presumption in favor of fiscal responsibility and it holds accountable every Member who votes otherwise.

Mr. RYAN claims this bill will set a double standard favoring higher spending. But in truth it is a double-edged sword. It applies to entitlement increases as well as tax cuts. So if you want to start the 110th Congress on the foot of fiscal responsibility, the right thing to do is to vote to reinstate PAYGO. Vote for this package and its fiscal responsibility provisions.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 1 minute.

First of all, I want to start off by saying I appreciate the gentleman from South Carolina. He is a good man, knows his stuff, and I very much look forward to working with him. I just want to respond to a couple of points.

In fact, we attempted to put PAYGO in place, PAYGO on spending. So if you try to increase spending somewhere else, you should cut spending elsewhere and not raise taxes. That went down in 2004, largely because of the minority opposing it.

Second point. The reason PAYGO worked well in the 1990s is because it was statutory. If you did not comply, an across-the-board sequestration would take place, and the threat of that was one of the reasons why PAYGO was successful.

The third point I simply want to make is, you are going to hear a lot of talk about we had a surplus, we handed it to the Republicans and they squandered it. What was the surplus? The surplus was projected. It was projected. And in those economic projections they did not foresee the Enron scandals, they did not foresee the dot-com bubble bursting, and they did not foresee 9/11. Of course, they did not foresee that. They did not see the perfect storm of economic calamity, and that is what evaporated the surplus.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Mr. Speaker, last night, I came to the floor and joined my Democrat colleagues in supporting meaningful ethics reform. As a former law enforcement officer, I understand as well as anyone the need to abide by the strongest ethical guidelines, and I agree with and commend my Democrat colleagues for presenting a rules package that brings much-needed transparency to earmarking process.

In the last Congress, I consistently supported greater public disclosure of Federal spending. I will be the first Member of this body to stand up and attach my name to earmark requests and justify the need for the expenditure. The taxpayers in my district and across our Nation deserve to know how the government spends their hard-earned dollars.

But I rise against title IV because I cannot stand and support a reform package that irresponsibly attaches a rule known as PAYGO that will almost certainly lead to higher taxes on these same hard-working taxpaying Americans.

Tax cuts unequivalently spur economic growth and create jobs. The tax relief Congress enacted in 2003 produced tremendous growth and a record high stock market. These tax cuts created nearly 6 million jobs across the Nation and 88,000 jobs in Washington State alone.

Again, I agree with my colleagues on both sides of the aisle that we need more fiscal discipline. That is why I supported the balanced budget amendment in the last Congress and I hope to work to enact that in this Congress. But the way to reduce the deficit is to rein in spending and cut taxes, which has proven to increase revenue. It is not to raise taxes on families and small businesses, and I fear that this provision will do that.

I am deeply disappointed the earmark reform contained in this title was not attached to the ethics reforms that I enthusiastically joined my Democrat colleagues in supporting. While I support the earmark reforms that have been proposed here, I must urge my colleagues to oppose this measure so that we can work together to enact significant earmark reform.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5¼ minutes to the distinguished chairman of the Appropriations Committee, my friend, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, what I would like to do is to take some time on the floor today to separate fact from fiction with respect to earmarks.

Let me start by saying that I think my record is clear. I have tried as long as I have been in this Congress to restrain both the dollar amount spent on earmarks and the number of earmarks that we have had. But I want to make certain that if we are looking at earmarks we are asking ourselves the right questions.

I do not want anyone on this floor, or anyone else, including the White House, to suggest that if you eliminate funding for earmarks you save one dime. You do not. The right question to ask about earmarks is simply whether that money is put in the right place or not. And let me explain what I mean.

When the Appropriations Committee, for instance, brings out its appropriation bills, each subcommittee operates under a spending ceiling. And if that bill exceeds that spending ceiling, then a single Member can knock the entire bill off the floor. That means that earmarks, if they are provided, are provided within the predetermined ceiling for that bill. So, for instance, if the committee decides that it is going to earmark 50 after-school projects, those after-school projects are financed within the predetermined ceiling, not above that ceiling.

So if people want to pose for holy pictures on the issue of earmarks, be my guest. Just make sure you have your facts when you do so. That is all I ask.

A second thing I would point out. If we are going to talk about earmarks, then let us talk about the guy who does the most earmarking. That is the guy in the big White House at the other end of the Pennsylvania Avenue. He is called the President. And I want to give you an example of what happens with the President's budget.

The biggest earmarker in the land is the President of the United States of America. Let me give you one example.

Last year, the administration provided 18,808 FIRE grants in districts represented by Republican Members of Congress. It provided 11,470 FIRE grants in districts represented by Democrats. Every single one of those FIRE grants is the functional equivalent of an earmark.

Now, does anybody believe that that ratio of FIRE grants in Republican versus Democratic districts was not political? If you do, I have got a lot of things I would like to sell you after the session is over.

□ 1115

Let me also make one additional point: What is an earmark? If the President sends down an Army Corps of Engineers' list of projects, let's say he suggests 800 projects for the Army Corps of Engineers. Let's say the Congress, after its hearings, determines that 16 of them don't make any sense and so they substitute other projects. Are the 16 which the Congress substituted the only earmarks in that bill? What about the original President's list? He has selected those. Doesn't that represent an earmark on the part of the executive as well?

So I would simply ask, if we are going to start talking earmarks, let's not have the pot calling the kettle black. Let us remember that the Congress has a right to make policy judgments, indeed it has an obligation to make policy judgments, that direct money to one place or another.

When I was chairman of the Appropriations Committee 12 years ago, the Labor-Health-Education appropriation bill didn't contain a single earmark. Last year, our Republican friends on the other side of the aisle were planning to have 3,000 earmarks in the Labor-Health bill. I think that is a gross exaggeration of what our staffs have the ability to review.

I don't want a single earmark in any bill that the committee staff cannot review to make certain that the reputation of this House and the reputation of the committee is protected. That is why we have the provision in this language that says if any Member asks for an earmark, he also has to certify that that earmark will provide no financial advantage to him or his spouse. To me, that is the way you protect the integrity of the institution and still protect the power of the purse and still protect the prerogative of the Congress. That is the way you protect the prerogatives of the Congress, while also protecting the reputation of this institution.

So, please, keep your terms straight. Keep your facts straight. Let's not claim things that are not so about some of these changes. Let's recognize what the definitions are and the fact that this is a very complicated matter.

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to yield 1 minute to a new Member, the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I rise today to offer a word of caution about the proposed PAYGO rules which will hurt this body's ability to keep our economy moving forward. By putting more money into the hands of families and taxpayers, the tax cuts of 2001 and 2003 have helped stimulate our economy, create jobs and cut our Federal deficit in half. The proposed PAYGO rules wrongly identify these types of tax cuts as "deficit spending" and will all but eliminate our ability to provide additional tax relief to the families and taxpayers we represent.

It will also set the framework for repealing the tax cuts that have already been enacted. This amounts to a two-pronged threat to the pocketbooks of the families and taxpayers across Ohio and across America.

Mr. Speaker, like many of my colleagues, I wholeheartedly support the earmark reform contained in this rule, and I strongly support the spending restraint at the heart of the PAYGO concept, but I believe these rules will, in effect, take money out of the hands of families and taxpayers, hurting our ability to grow our economy and cut our deficit in a fiscally responsible way.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to my good friend the gentlewoman from Florida (Ms. CASTOR), a member of the Rules Committee.

Ms. CASTOR. Mr. Speaker, I thank my good friend and colleague.

Mr. Speaker, an important part of the honest leadership, open government rules package is the new commitment to more stringent fiscal responsibility under Democratic leadership and Speaker NANCY PELOSI.

Under the current administration and past Congresses, the Nation's debt has been climbing out of sight. Currently we are faced with a nearly $3 trillion national budget deficit. The rising interest rates and a projected individual share of the national debt of more than $28,000 per person is outrageous.

As a mother with two young daughters, I am concerned, like so many other parents today. You see, the personal cost of spiraling debt to the American public is overwhelming. Families are working to provide the best opportunities for their children, while juggling mortgages, credit card debt and student loans, as well as rising health care costs and housing costs.

How can our neighbors back home decrease their debt loads until the Federal Government begins to do its part? That is why the restoration of pay-as-you-go budgeting is the right step in a new direction. Pay-as-you-go is not entirely new, however.

Let me close by saying that these rules changes are essential to assure our neighbors that Congress is working earnestly to do our part to relieve the financial crunch on working families, while providing a transparent framework in which to do it.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Speaker, two plus two does not equal six, but if I were to assume that it did, I could take care of the budget. Easy.

PAYGO assumes that when you increase taxes, revenue goes up, and when you lower tax rates, revenue goes down. But history shows that that is not what happens, because there are economic factors, and people change behavior.

Since the tax cut-rate cuts of 2003, revenue has been up every year, and in 2 of the last 3 years has been up by double digits.

Two plus two does not equal six. PAYGO does not equal fiscal responsibility. What PAYGO does equal is tax increases that will hurt the economy and will not raise revenue and will not help the deficit.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to my good friend, the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, PAYGO is a budget enforcement tool that has both a history of success and a history of bipartisan support. In its original form, PAYGO was part of an agreement between the first President Bush and a Democratic Congress. A Democratic President and Congress extended it in 1993, and a Democratic President and Republican Congress extended it in 1997. Unfortunately, it was allowed to expire in 2002 and the results have been a disaster. Deficits and debt have reached historic levels and the debt limit has been raised four times.

This rule takes the first step toward restoring fiscal responsibility in the Federal Government by requiring the House of Representatives to pay for the bills that we pass.

I urge all my colleagues on both sides of the aisle to support the passage of this rule.

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to the element of the rules package that we will consider today, but I do so conflicted; conflicted, because as a long-time advocate of earmark reform and fiscal discipline, I am in large measure encouraged by the efforts of my colleagues in the new Democratic majority to step forward in good faith and open the process whereby we spend the people's money to greater transparency, particularly in the area of earmarks.

I say from the heart that I appreciate the substantive reforms and transparency and accountability that my Democratic colleagues will bring forward today on earmark reform. That being said, I will oppose this element of the rules package having to do with the pay-as-you-go provisions, which, while they sound in a common sense way attractive, this particular version I believe is lacking for three reasons:

Number one, I believe it is a weak and watered down version of PAYGO proposals of the past, including Democrat party PAYGO proposals of the past.

Number two, it doesn't reduce current spending levels or require a reduction of current spending levels.

Number three, it is, as so many of my colleagues have said, a means of justifying tax increases on working families, small businesses and family farms. In a very real sense, the American people ought to know that this proposal translates to you-pay-as-Congress-goes on spending.

In the category of a watered down provision, other PAYGO versions were enforced by across-the-board spending cuts. That is what created the incentive to control spending. But the Democrats PAYGO proposal is only enforced by a point of order, which can be waived fairly easily, as we all know.

Secondly, it only applies to new spending. Mr. Speaker, I say with some pain, having been a part of the former majority, but we currently don't pay for what goes out the door now. The 2007 budget right now is projected at $286 billion in deficit. This does nothing to require us to address our current deficits.

Lastly, as others have argued, I truly believe that by assuming that the 2001 and 2003 tax relief will automatically expire, this Democrat PAYGO provision will cause a substantial tax increase for working families, small businesses and family farms.

The American people just simply need to know, however well-intentioned, and I assume good intentions by my colleagues in the newly-minted majority, however well intentioned, I believe this PAYGO provision comes up short. It is, in a very real sense, the American people pay, as Congress goes on spending

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank the ranking member, and I appreciate the opportunity to talk. I was just trying to clarify a couple of things on the package to make sure that we understand what it is we are actually doing to ourselves.

I spent 2 years on the Budget Committee, and it was a very informative time. I sat through hours and hours of conversation by my colleagues on the other side of the aisle touting the virtues of PAYGO and that they thought this would solve the problems of the world, knowing all along that their version of PAYGO that they talked about was, in fact, a stealth tax increase, given the current Code that we have in place with respect to the taxes on capital gains and dividends, as an example, and the death tax that will come back in full force in 2011 unless we actually do something to it.

So as we consider this PAYGO concept, I would like for the American people to know that the devil is in the details, as with everything that we, in fact, do.

When I campaigned, when most of my colleagues campaigned, none of us campaigned on increasing deficits. We all campaigned, on both sides of the aisle, on reduced spending, on smaller government, all those kinds of things that both sides are saying during this debate today. But I am not sure this PAYGO version will, in fact, do that.

Also the point we were trying to check right now, I believe in addition to the rules included in this rule is a change in the Rules Committee itself to allow for votes in the Rules Committee to be not reported out in the rule. So the Democrat-controlled Rules Committee can waive this PAYGO rule and we won't know which of the members actually voted to do that because of the way this rule is.

It is interesting yesterday that the word "transparent" was used often by the folks on the other side of the aisle, and yet one of the areas in which transparency seems to have been reduced is with respect to the rule that is included in here with respect to the Rules Committee.

So with respect to PAYGO, I want my colleagues and others to know that this is a stealth tax increase that is being foisted upon our economy.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 1 minute to a gentleman that was a sheriff that had to pay as he went with reference to equipment for his department, BRAD ELLSWORTH from Indiana.

□ 1130

Mr. ELLSWORTH. Mr. Speaker, I thank the gentleman for yielding time.

I thought I was going to get to follow a fellow Hoosier, Mr. PENCE, until we changed the rules. But as a proud member of the Blue Dog Coalition, I am proud to stand today to voice my support for restoring the pay-as-you-go budgeting. Inclusion of the PAYGO provision in the new House rules will undoubtedly force us to make tough decisions, but quite frankly we have no choice. The total National debt is an astounding $9 trillion, and tough decisions need to be made by Congress. By restoring PAYGO budgeting, we will take a positive step toward reducing and easing the Federal deficit. Hoosier families in my district make tough decisions every day about how to balance their budget, and it should be no different from the Congress of the United States.

Mr. Speaker, we have an obligation to be fiscally disciplined in implementing pay-as-you-go budgeting, and this is a great place to start.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to the chairman of the Republican Study Committee, Mr. HENSARLING of Texas.

Mr. HENSARLING. Madam Speaker, I thank the gentleman for yielding, and I wish to join a number of my colleagues in congratulating the new Democrat majority for their work in the area of earmarks. We know that earmarks are perhaps a small portion of spending in this body, but they are a large portion of the culture of spending. And I certainly salute them for that work; but, Madam Speaker, I must reluctantly oppose this rule because of the so-called PAYGO provision which has been adequately pointed out is really a tax-go provision.

If PAYGO indeed lived up to its name, it would be worthy of support, but it is not. I fear that it is nothing more than false advertising. I listened very carefully to our new Speaker yesterday when I believe she said that there would be no new deficit spending under the watch of the Democrat majority. But as I look at this so-called PAYGO provision, I see nothing that deals with entitlement spending, which threatens to bankrupt future generations, our children and our grandchildren, with either massive debt or a massive tax increase.

Over half of our budget deals with entitlement spending. There is nothing that deals with that. It doesn't deal with baseline budgeting. Now, most Americans don't know what that is, it is inside baseball, but it is an accounting concept that would make an Enron accountant blush. It puts in automatic inflation for government programs, yet we don't call it new spending. And yet there is nothing in this so-called PAYGO provision dealing with that. And we don't even have a statute.

It is also false advertising, Madam Speaker, because it doesn't live up to what the Democratic majority advocated when they were in the minority. We have a rule; we don't have a statute, the rule that will end up being waivable. We don't have the sequester mechanism of earlier PAYGO. We don't have the wedding with the discretionary caps that we had. And, indeed, what we have is a subterfuge here. What we have is a Trojan horse for more tax increases on small businesses and American families that threaten the jobs of Americans, and we must vote this down

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to one of 13 members of the physicians in the House of Representatives, the distinguished colleague, my friend, Mr. KAGEN.

Mr. KAGEN. Madam Speaker, my good friend Mr. RYAN from Wisconsin, I was elected to send a message to Congress to balance its budgets and to be fiscally responsible. As PAUL RYAN notes, in Wisconsin thousands of hardworking people have lost their jobs; and when they lost their manufacturing jobs offshore, much of the wealth of this Nation was sent offshore along with those jobs.

We need a positive change in America, and it needs to start now, right here and right now in the people's House. Let's begin to build a better future for everyone by dedicating ourselves to becoming fiscally responsible today, not next week. And then when we do, let's ship our values overseas and not our jobs.

I rise before you today to urge you to support pay-as-you-go as a means to become fiscally responsible. We cannot realistically begin to solve the many problems we face until we completely reverse the misguided fiscal policy of borrow and spend, and borrow and spend, and borrow and spend, which has driven our country into more debt than our children can possibly repay. Let us agree to live within our means here in the House as we do in our own homes back in Wisconsin.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, I think everyone will agree, when it came to earmarks, the big concern about the abuses of the past were two components: one is transparency or the lack of transparency in previous proceedings when it came to earmarks. The other was the issue of what is called air drops, those that could be in a conference and at the last minute add things into the budget without going through the review of the committee or subcommittee and a public review of that aspect.

I have to compliment both sides of the aisle when it comes to transparency. I think that both Republicans and Democrats are working together to make sure the public knows who has asked for earmarks to be included. But I ask that at the same time, and to say we are a little let down, I think the public is going to feel let down, because both sides, both Republicans and Democrats, have not addressed the air drop issue. In fact, let's face it, why put your earmark or your request through the review process of committee and subcommittee if you can get put on the conference committee at the last minute, and just before the votes are brought to the House floor add your item in without going through the review process?

So I would ask the majority and the minority to take a look at this aspect and not move this bill without having it specific that unless an item has been voted on in the House or the Senate before it got to conference, that it shouldn't be added in at the last minute. And I come from the 50th District of California, as you know, and we saw the crisis in credibility and government that was created by the Member that preceded me, and one of those crises was the fact that the game here was get on that conference committee so you could add your item in, in an air drop, at the last minute.

So I would ask the majority to go back and take a look at this item and bring back something that stops the abuse of air drops, the last-minute inclusion of earmarks that doesn't go through the review process, doesn't allow the public to know about it, and doesn't allow you and me as Members to be able to address this issue individually.

Madam Speaker, I appreciate the chance, and I ask you to reconsider that before we move this item.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to one of the co-chairs of the Blue Dogs, my friend from California (Mr. CARDOZA).

Mr. CARDOZA. I thank my friend and gentleman from Florida.

Madam Speaker, as a fiscally conservative Blue Dog Democrat, I rise in strong support of reinstating pay-as-you-go budgeting and the rules that accompany it.

As Blue Dogs, we believe, as do the American people, that restoring fiscal responsibility in Washington is an urgent national priority. For far too long now under the previous leadership of this Congress and of the current White House, we have seen reckless fiscal policies that have undermined the future of America's economy. Now the time has come to take our country in a new and responsible direction.

PAYGO rules are the centerpiece of the Blue Dog 12-point reform plan for putting an end to deficit spending. We know PAYGO rules work because they have in the past. During the 1990s, with PAYGO rules in place, the massive deficits that we were seeing at that time were converted into record surpluses. We saw the greatest period of economic growth and prosperity in American history. We can do that again, and we must. This will do, in fact, that.

Mr. RYAN of Wisconsin. At this time, I would like to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, I thank the gentleman for yielding. And first I want to compliment the Democrats for earmark reform that is stronger than the Republicans did. Democrats in this way had more guts than we did to tackle earmark reform in a meaningful way, and I compliment them for that. And let me just note, though, with regard to earmarks something .that was said a little earlier. It was said that we can't save money by eliminating earmarks. That is simply not true. It was not true when it was said on this side of the aisle last year, and it is not true when it is said from that side of the aisle today.

It is like saying, and the best analogy that I think of is if you go to McDonald's and you order a combo meal and you are sitting there and you say, I am going to save money by not eating the French fries I just ordered, you are correct, you can't. That is the same analogy that is being made on that side. Once you get to the appropriation process, once the 302(a)s and 302(b)s are already set, that is right, you are not going to save money. But you can save money by not ordering the combo meal, by saying, We are going to be spending, we spent last year $3 billion in earmarks in this bill, let's lower our allocation and let's spend less.

So this notion that we can't save money by deciding not to spend money on a teapot museum or the Wisconsin procurement initiative is simply not right.

But I appreciate, and again I want to compliment, the Democrats for doing stronger earmark reform than we did.

Let me make a few comments about PAYGO. If you are going to do PAYGO, I would argue do it whole hog. Let's apply it to mandatory spending; let's apply it to automatic adjustments that come up in the appropriation process every year. This PAYGO reform is incomplete, and it may simply lead to tax increases because you will say the only way we can make this mandatory adjustment is to increase taxes. So the PAYGO restrictions, it is disappointing that they aren't stronger. I would support PAYGO on spending. There is a difference between saying you can keep your own money or we are going to spend your money. And that ought to be made plain in PAYGO.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to my friend from Utah (Mr. MATHESON). JIM came here fighting for fiscal responsibility and continues that effort.

Mr. MATHESON. Madam Speaker, I rise in support of this provision. This is a great first start. It is a great first start that this is in the rule; but I agree with my colleague from Wisconsin (Mr. RYAN), this ought to be done in a statutory way. And, quite frankly, if we want to replicate the success of the 1990s, you have got to include spending caps, too, and I hope that we work together in a bipartisan way to do that. Because that is really, if we want to have fiscal responsibility, you have got to put some teeth in this and you have got to make us all live under what are going to be some tough circumstances. But as a first step, I am pleased this is part of the rules package. I endorse it, I encourage people to support it, and I hope we recognize this as a first step and we are all going to work together to employ all of the 12 points of the Blue Dog plan that are really going to give fiscal responsibility back to this country.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, I rise reluctantly in opposition to title IV. I am a fiscal conservative and I strongly support a balanced budget, fiscal discipline, and earmark reform; but I am afraid that this version of PAYGO means taxes will go up.

I think that the problem that we have had between the two sides of the aisle is over what is spending and what is tax relief. And I think that we see tax relief as tax relief and that it is the people's money and they know best how to spend it; and the other side of the aisle includes tax relief as spending. So I think until we can iron out that difference, I think we are going to have problems.

Madam Speaker, the Wall Street Journal today in an editorial called "Tax As You Go," that is January 5, puts it best and much better than I can say it and I would just like to quote a couple of lines from there. It says: "PAYGO, by contrast, gives the appearance of spending discipline while making it all but impossible to let the taxpayers keep more of their money. It really should be called spend and tax as you go." I would urge everyone to look at this Wall Street Journal, and I submit it for inclusion into the RECORD.

[From the Wall Street Journal, Jan. 5, 2007]

TAX AS YOU GO

Congressional Democrats are dashing out of the gates to establish their fiscal conservative credentials. And as early as today House Speaker Nancy Pelosi will push through so-called "pay-as-you-go" budget rules for Congress. Keep an eye on your wallet.

"Paygo," as Washington insiders call it, sounds like a fiscally prudent budget practice: If government spends more on program A, it has to spend less money on program B, and thus budget deficits will be restrained. We're all for that. But when Republicans proposed exactly that budget rule in recent years, House Democrats voted it down.

Ms. Pelosi has something different in mind. Under her paygo plan, new entitlement programs and all new tax cuts would have to be offset by either cutbacks in other entitlement programs or tax increases. This version of paygo is a budget trapdoor, designed not to control expenditures but to make it easier to raise taxes while blocking future tax cuts.

Supporters of paygo claim it will help restrain entitlement spending. It won't. Paygo doesn't apply to current entitlements that will grow automatically over the next several decades. Ms. Pelosi's version of paygo applies only to new entitlements or changes in law that expand current programs.

And on present trajectory, Medicare, Medicaid, Social Security, food stamps and the like are scheduled to increase federal spending to almost 38% of GDP by 2050, up from 21% today. Paygo won't stop a dime of that increase. This may explain why one of the leading supporters of paygo is the Center on Budget and Policy Priorities, a liberal outfit that favors far more social spending.

Paygo enthusiasts also claim that when these rules were in effect in the 1990s the budget deficit disappeared and by 2001 the budget recorded a $121 billion surplus. Sorry. The budget improvement in the late 1990s was a result of three events wholly unrelated to paygo: the initial spending restraint under the Republican Congress in 1995 and 1996 as part of their pledge to balance the budget; a huge reduction in military spending, totaling nearly 2% of GDP, over the decade; and rapid economic growth, which always causes a bounce in revenues. Paygo didn't expire until 2002, but by the late 1990s politicians in both parties were already restoking the domestic spending fires.

What paygo does restrain are tax cuts, by requiring that any tax cut be offset dollar-for-dollar with some entitlement reduction. Congressional budgeteers always overestimate the revenue losses from tax cuts, which under paygo would require onerous budget cuts to "pay for" the tax cuts. As a political matter, those spending cuts will never happen.

First on the chopping block, therefore, would be the investment tax cuts of 2003 that are set to expire in 2010. Last year Democrat David Obey of Wisconsin, the new Appropriations Committee chairman and a prodigious spender, gave this strategy away when he urged paygo rules so he could enact new social spending and pay for it by canceling the Bush tax cuts for those who make more than $1 million.

Never mind that, in the wake of those capital gains and dividend tax-rate cuts, federal revenues climbed by a record $550 billion over the past two fiscal years. Incidentally, thanks to the current economic expansion and the surge in tax revenues, the budget deficit has fallen by $165 billion in just two years—without paygo.

Given all of this, it's especially puzzling that even some conservatives seem tempted by paygo's fiscal illusions. Our friends at the Heritage Foundation have of late become obsessed with future entitlement forecasts and have advised Ms. Pelosi to enact paygo rules to stop it. But Heritage notably did not insist that tax increases be excluded from any paygo rule. Had such logic prevailed in 1980 or 2003, it's possible that neither the Reagan nor Bush tax cuts would ever have become law. As a political matter, paygo is about returning Republicans to their historical minority role as tax collectors for the welfare state.

That's not to say that new budget rules aren't highly desirable. The line-item veto, a new Grace Commission to identify and eliminate the billions of dollars of waste and failed programs, and an automatic spending sequester if the budget rises above agreed baselines would all help to restore spending discipline. But it is precisely because these rules would restrain spending that they are not on the Democratic agenda.

Paygo, by contrast, gives the appearance of spending discipline while making it all but impossible to let taxpayers keep more of their money. It should really be called "spend and tax as you go."

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

The Bush administration has turned a projected 10-year $5.6 billion surplus into a nearly $3 trillion deficit, and my colleagues on the other side of the aisle would come here and complain that we are cleaning up their mess.

Madam Speaker, I yield 1 minute to my good friend from California, the distinguished gentleman, Mr. SCHIFF.

Mr. SCHIFF. I thank the gentleman for yielding, and I rise to speak very strongly in favor of these PAYGO rules as a very strong step to restoring fiscal responsibility to this House.

Over the last 6 years, the President and the Republican-controlled Congress essentially had a policy of borrow and spend. We didn't have the discipline to turn down new spending requests; we didn't have the discipline to pay for additional tax cuts. We even had, in the most ironic of weeks, a situation where we voted to increase the national debt by $800 billion in the same week we voted to cut taxes by $800 billion, and we made it very clear that we were borrowing the money to fund these additional tax cuts.

☐ 1145

This is not the way to restore fiscal responsibility to this House. PAYGO is. The first rule of PAYGO is when you are in a hole, as we are in, when you are in a budgetary hole, stop digging. If we want new spending, we need to find a way to pay for it. If we want new tax cuts, that is great, too, we need to find a way to pay for it. And we cannot pay for it by asking these young men and women fighting for us in Iraq and Afghanistan and elsewhere to come home and pay for it later and have their children pay for it. Because right now all we are doing is shifting this obligation onto our children and grandchildren. That has got to stop.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to a gentleman from Indiana whose committee was called, "Bring back Baron" and I am very glad we brought back Baron.

Mr. HILL. Madam Speaker, I thank the gentleman, and I thank you for waiting for 12 years to sit in the Speaker's chair. I also thank you for the opportunity to speak on an issue that I think is one of the most important actions we can take for the American people.

I am a proud member of the Blue Dog Coalition. I have been advocating, along with my colleagues in the Blue

Dogs for years that the House implement rules that ensure that the Federal Government's expenditures equal its revenues, otherwise known as PAYGO.

PAYGO rules will not only help us rein in out-of-control spending that has led to record deficits, but they will also help us clearly outline our country's priorities.

Including PAYGO rules as part of the House rules package is a great first step. And I, along with my Blue Dog colleagues, will work with leadership to ensure that they are followed. However, it is a first step. We must also work together to enact statutory rules for PAYGO as well as discretionary spending limits.

Madam Speaker, thank you again for this opportunity for the House and the country to get its spending in check.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Speaker, I am glad to be here, and I am glad that the Democrats are interested in fiscal discipline. That is a good thing. It is a good bipartisan debate. But there are three flaws in the Democrat PAYGO approach that I think are very important.

Number one, this tax issue that just won't go away. You know, based on scoring and based on reality and based on fact, when Kennedy cut taxes, when Reagan cut taxes and when Bush cut taxes, revenues went up.

Now we all know that scoring in this town counts a tax cut as a spending increase. How silly in the face of economic reality over the past 40 years.

Maybe the Democrat Party could look at scoring and change that. I think that is something we were unable to do as the majority. It would be a good idea for you to pursue it. But you and I both know that revenues went up in 2005 14 percent, in 2006 11 percent, and it was because of the economic growth brought about by the 2003 Bush tax cuts. PAYGO ignores that. How silly. How disingenuous.

Number two, I want to talk about entitlement reform. The big money, while I think we do need earmark reform and have supported it, but the big money, as we know, are in entitlements: 53 percent of the budget.

The Democrats were getting a lot of good credit for what I would say is kind of a golden oldies agenda, bringing out no original ideas, minimum wage, stem cell and student loans. And I understand those are safe things. But it is kind of like starting out the World Series by bunting instead of trying to get on base with real serious hits.

The reason why I submit that criticism is there is nothing in your agenda about immigration reform, Social Security reform, Medicare reform, the heavy-lifting ideas of entitlement, and PAYGO completely ignores those as well.

Number three, the real world, where is the Senate on PAYGO? My friend from Florida may know, but isn't it possible that unless they are going to do PAYGO, it is a silly exercise. It is boilerplate. It looks good, but the truth is if the Senate is not on board, which they are not, we are wasting time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

I say to my friend from Georgia that what I do know is he is not proud of the $3 trillion deficit that his party ran up in this country that we have the responsibility of cleaning up. I hope he is not proud of that.

Madam Speaker, I yield 1 minute to the distinguished gentleman from Florida, a new Member, whose district abuts mine, Mr. MAHONEY.

Mr. MAHONEY of Florida. Madam Speaker, I rise today representing Florida's 16th District in support of title IV of the House rules package to return fiscal responsibility to Congress.

As a former businessman, as of a couple of days ago, I cannot overstress the importance of restoring fiscal discipline and accountability to our government. Over the past 6 years, this House has allowed record surpluses to be turned into record deficits that have increased our national debt to a nearly staggering $9 trillion.

Earmarks, an important prerogative of this great body, have been abused for the purposes of greed and as a tool to hold onto power, costing Americans billions of their hard-earned money. Make no mistake, our debt is a tax on America's future as it threatens both the security and prosperity of our country.

Today we have the opportunity to demonstrate to the American people that we have heard their voices this past November and we are prepared to make our government live within its means, just like every American family. For this reason, I urge my colleagues to support title IV.

Mr. RYAN of Wisconsin. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, at this time, I am very pleased to yield 1 minute to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Madam Speaker, I thank my colleague for yielding.

Madam Speaker, I rise today in strong support of the House rules package, and especially title IV which reinstalls PAYGO budget rules.

One of the reasons I came to Congress was to bring real world business perspective to government. In the business world, accountability and results matter. To get our fiscal house in order, Congress must do what every business does: Balance its books. If it is worth doing, it is worth paying for. We must pay as we go. It is a simple concept with a proven track record.

I am pleased Congress is returning from the recent borrow-and-spend irresponsibility to fiscal soundness and the accountability our constituents expect.

I want to thank the Blue Dog Coalition and my colleagues for their leadership on this issue. Today's vote is a result of their steadfast guidance of our Democratic Caucus and Congress on the importance of fiscal responsibility.

I urge my colleagues to follow the Blue Dog's lead and support reinstituting pay-as-you-go budget rules. Now accountability in government will be more than just a catch phrase.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from Ohio (Mr. WILSON).

Mr. WILSON of Ohio. Madam Speaker, I thank the gentleman from Florida.

I rise basically to support my colleagues for introducing this important and long overdue rules package. This sets the tone for a more open and ethical Congress. In addition to other changes, the resolution creates important pay-as-you-go rules to clean up our fiscal house.

As a successful business owner, I learned the importance of balancing the books. If I hadn't, I would not have been successful in business. Our government needs to live by the same rule, and I join my fellow Blue Dogs to push PAYGO as part of the solution to the problems we are experiencing today.

We know it works. When PAYGO was on the books in the 1990s, we saw the deficits disappear. Now with an out-of-control national debt, we need PAYGO more than ever. We need fiscal responsibility in America.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself the balance of my time.

First off, I want to start off by congratulating the majority on the very commendable earmark reform legislation that is contained in this title. I just want to emphasize that. But this PAYGO package is woefully inadequate. It is a paper tiger.

Three quick points. Number one, this protects all current spending, even the programs that are scheduled to expire. However, it assumes that expiring tax relief will lapse; and, thus, require offsets to continue. This is a double standard that reflects their preference, protect higher spending but not lower taxes. It is a recipe for tax increases.

Number two, it contains a huge loophole. Spend now, save later. You can enact new spending now and come up with savings down the road, which we know never really happens. Big loophole.

Number three, this is a weaker version of PAYGO than what the majority was proposing just last year.

They were not allowing points of order to be waived when you violated a PAYGO rule in their earlier version. But now when they are in the majority, you can simply waive it with a majority vote upstairs in the Rules Committee.

This is a much weaker version of PAYGO. But I want to address a few other things.

Number one, you are going to hear this all year: They gave us a surplus. We inherited a surplus; we squandered the surplus.

Madam Speaker, what was the surplus? The surplus was a projection. It was a projection by economists at OMB and CBO that said we are going to have all of this money coming in.

You know what they didn't project, they didn't project 9/11. They didn't project war. They didn't project the dot-com bubble bursting or the recession or the Enron scandals. What did that do? It was a fiscal train wreck for America, and our numbers went down and we had to spend more money when we went to Afghanistan and Iraq.

Where are we today? The budget deficit went down 40 percent. In 1 year, the budget deficit went down 40 percent off projections. Why, Madam Speaker? It went down that much because revenues increased. Why did revenues increase, because we let the American people keep more of their own hard-earned dollars. They were able to keep more of their tax dollars.

There is a very deep difference between our two parties on principle and on philosophy. We believe that the money in America in the Federal Government is the people's money. That the money we spend is not our money, it is the money of our constituents. It is their money.

When you see rules like this, which I want to quote from the Wall Street Journal: PAYGO, by contrast, gives the appearance of spending discipline while making it all but impossible to let taxpayers keep more of their own money. It should really be called spend and tax as you go.

This bill does nothing to control current spending. It does nothing to reduce the current deficit, and it puts us on a path to raise taxes.

We believe the priorities ought to be different: That we ought to control spending and reduce spending to balance the budget, not raise taxes because after all, the money that comes to the Federal Government is not our money. It is the people's money. It comes from the paychecks of working Americans, men and women, small businesses, farmers and businesses. By letting people keep more of their own hard-earned dollar, our economy grows, revenues grow. We have to watch spending. That is where the priorities ought to be placed. This does not deliver that.

Hopefully we can work together in the future to have a real spending mechanism that actually controls spending rather than puts us on a pathway to higher taxes.

Madam Speaker, I reluctantly oppose this legislation because of the honorable earmark reforms.

Madam Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would say to Mr. RYAN that the Democrats are 2 days in the majority. The Republicans were 12 years in the majority with the purse strings, and this deficit ran up on your watch.

On the second day that we are here talking about what we are going to do as a first step to clean up your mess, you would complain? Cut me some slack.

Madam Speaker, I yield to the gentleman from Illinois (Mr. EMANUEL) such time as he may consume.

□ 1200

Mr. EMANUEL. Six years, $3 trillion in new debt. The largest accumulation of debt in the shortest period of time in American history. That is the legacy. And the one thing you can say about George Bush and this economy is we will be forever in your debt. That is the one thing that is clear.

Now, folks, I am glad that you have the sentiment to be for this, but you had the inability to do it. We are going to do something you talked about, but we actually are going to walk the walk and not just talk the talk. We are going to put this fiscal house in order.

And you did get handed a surplus prior to total Republican control. You got handed a surplus. It wasn't illusory. Nobody could not find it. We knew exactly where it was. And you spent it. You did something no American President and no Congress had ever tried in American history. Three wars, three tax cuts, $3 trillion in new debt. I don't know what your fixation is about that. You have got a fixation for the number three. I have no idea why. But that is what you did. You had a war in Iraq, a war on terror, a war in Afghanistan. You tried three major tax cuts, and you got $3 trillion in new debt. And on day number two, the Democrats have said enough is enough with running up the debt and the deficit of this country. We are going to begin to take steps to put our fiscal house in order.

And let's start with number one, and that is earmark reform. When the Republican Congress took over in 1995, throughout the entire Federal budget, 1,400 earmarks. At the end of the Republican Congress, there were 13,997 earmarks. Now, I know your kids know the explosion on those numbers from 1,400 to nearly 14,000 earmarks. And we are going to use the disinfectant of sunlight. And everybody is going to know everything they need to know about these earmarks.

Now let me use one quote over the years when we were dealing with earmarks. A famous lobbyist called earmarks "an ATM for lobbyists." Well, folks, that is part of ethics and lobbying reform, and we are going to change that. It is not going to be an ATM machine for the special interests anymore because this Congress, that gavel, is going to open up the people's House, not the auction house. And that is what has happened here over the years.

Number two, pay-as-you-go rules. I worked for an administration that had pay-as-you-go rules. It created discipline not just for Republicans, not just for Democrats. For the government. For the American people's money. And we created a surplus through hard work and discipline. These two steps, pay-as-you-go rules, no new spending without the revenue to pay for them; and earmark reform, will actually change our fiscal house and also the attitude in which we deal with things, and there won't be this insidious relationship between lobbyists and the American people's money. We will do what we need to do. And step one is lobbying and ethics reform, to change how Washington does the people's business; and step two is to put their government's fiscal house in order. That is what we are doing, and I know in your heart of hearts because I know you as individuals, and I see a number of Members here who are nodding their heads "yes," you would like to be for this, but you just can't seem to find that little green button. So this is a chance to vote for it.

Remember all the rhetoric and all the speeches you gave on earmark reform, fiscal discipline. You believe what is going on here is the right thing to do. You know it is the right thing to do. But because of party loyalties, you won't do that. That is exactly what we applauded yesterday was to put partisanship aside and join us in the act of patriotism. I know you would like to vote "yes." In your heart of hearts you would like to vote "yes." And I am proud that we are doing what you have only talked about because we will not just talk the talk. We will walk the walk.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Pay-as-you-go was the law of the land from 1990 until 2002, paving the way for a balanced budget in the late 1990s, 4 years of budget surpluses, and bringing down the national debt by $453 billion. The Bush administration has turned a projected 10-year $5.6 billion surplus into a nearly $3 trillion deficit. America's debt has already climbed 50 percent to more than $28,000 per person, and President Bush has borrowed more from foreign nations than the previous 42 United States Presidents combined.

Something has to change and that change is coming now. The pay-as-you-go budgeting with no new deficit spending is just a first step, a key first step, in reversing record budget deficits.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of Title IV of H.R. 6, the Rules of the House of Representatives for the 110th Congress. With the adoption of this title, we begin to make good on our pledge to restore fiscal responsibility, open government, and honest leadership to the House of Representatives.

Madam Speaker, it is critically important that we adopt the "pay as you go" or "paygo" rules contained in Title IV. We must restore budget discipline with no new deficit spending as the first step to reversing record budget deficits that are passing trillions in debt on to our children and grandchildren. We must also amend House rules to require full transparency in order to begin to end the abuse of special interest earmarks.

Madam Speaker, the Bush Administration has turned a projected 10-year $5.6 billion surplus into a nearly $3 trillion deficit. Under this Administration, America's debt has climbed 50 percent to more than $28,000 per person, and the United States has borrowed more from foreign nations than the previous 42 U.S. presidents combined. Rising interest rates caused by Bush deficits cost middle-class families as much as $1,700 a year on credit card and mortgage payments, with interest payments on the debt becoming one of the fastest growing categories of spending in the federal budget.

Madam Speaker, pay-as-you-go was the law of the land from 1990 until 2002, paving the way for a balanced budget in the late 1990s, four years of budget surpluses, and bringing down the national debt by $453 billion.

Forty-two percent of the American public says reducing the deficit should be a top priority. On November 5, 1990, President George H.W. Bush signed a deficit reduction bill imposing pay-as you-go discipline in a bipartisan deal supported by 47 House Republicans and 19 Senate Republicans. Republicans such as former Federal Reserve Chairman Alan Greenspan and Senator JOHN MCCAIN support pay-as-you-go budgeting. It is supported by the Concord Coalition, the Center on Budget and Policy Priorities, Committee for a Responsible Federal Budget, and the Committee for Economic Development.

Madam Speaker, earmark reform is needed to bring transparency and accountability for special projects. The status quo has permitted some Members of Congress, with no transparency and accountability, to provide favors to special friends through earmarked special projects—putting special interests ahead of the public interest. The American people deserve to know who is sponsoring earmarks to begin to stop the cases of flagrant abuse of earmarks.

The number of earmarks has exploded under the Republicans, climbing from 3,023 in FY 1996 to 13,012 in FY 2006, and the lack of transparency and accountability has led to problems—of which Rep. Cunningham is an example. Former Representative Duke Cunningham pleaded guilty to accepting bribes from defense contractors in return for his help in securing defense contracts.

The Democratic reform package will amend House rules to clearly define what constitutes an earmark, along with its proper use. Specifically, the package will prohibit earmarks that personally benefit Members and their spouses. Earmark reform under Democrats will ban earmarks that benefit lobbyists who chair a Member's Political Action Committee.

Madam Speaker, to restore public confidence in this institution, we must commit ourselves to being the most honest, most ethical, most responsive, most fiscally responsible Congress in history. We can end the nightmare of the last six years by putting the needs of the American people ahead of partisan political advantage. To do that, we must start by adopting Title III of H.R. 6, the fiscal responsibility reforms to the Rules of the House of Representatives for the 110th Congress.

Mr. MORAN of Virginia. Madam Speaker, I rise in support of this rule change and real Pay-As-You-Go or "Pay-Go" budget requirements.

Madam Speaker, the 109th Session of Congress left behind a legacy that is certain to go down in the annals of history as the height of fiscal irresponsibility. Unless you consider an additional $781 billion extension of the debt limit, the fourth of a series approved since 2003 that added an additional $3 trillion in new debt, the 109th Session can boast of no budgetary accomplishment.

In fact, it failed in its most basic responsibility: passing a budget for the Federal Government and failing to enact 9 of the 11 regular spending bills that fund the government's operations.

But, it simply didn't just fail pass a budget, it actually made the Nation's fiscal problems worse. It took what it already knew were large projected deficits and passed legislation that makes them even larger in future years. According to the Congressional Budget Office, legislation enacted last session actually increases the projected budget deficits by $452 billion above what they would have been between 2005 and 2011 had they never been in session.

Over the course of the past 5 years, with full control of the White House and both chambers of Congress, the Republican leadership inherited an estimated 10-year budget surplus of $5.6 trillion and after 5 years has turned the same 10-year period (2002–2011) into a projected budget deficit of $3 trillion—a disastrous $8.6 trillion turnabout.

This explosion of budget deficits is largely the result of 2 irresponsible budget policies of the former Republican majority:

First, was its decision to waive all budget rules and not to pay for the current war in Iraq and Afghanistan, letting emergency spending bills be enacted within the discipline and restraints on the regular budget process; and

Second, was to make tax cuts its highest priority, enacting a series of tax cuts, targeted primarily at the wealthiest Americans and corporations that need them the least, with no offsets.

According to the Joint Committee on Taxation, the 3 major tax cuts enacted over the past 5 years cost $1.5 trillion between 2001 and 2014. The actual number is somewhat higher once you tack on the additional costs of debt-servicing.

I don't pretend to have all the answers to solve our fiscal problems. But, one thing we should not do is more harm. We should not increase the amount of debt our children will inherit.

Adopting a real Pay-Go requirement as part of the Rules for the 110th Congress will keep this institution and the White House from digging an even larger budget deficit hole.

The pay-go rule we are considering today is not unlike the original one adopted as part of the 1993 budget agreement that required any spending or revenue measure we consider before the full House be fully offset and not increase the budget deficit.

The first Pay-Go requirements were adopted in 1993 as part of the largest deficit reduction package that Congress ever approved; a package that passed both chambers with a single Republican vote. It included both real spending cuts and real tax increases and placed us on a course toward balanced budgets.

The Pay-Go requirements were subsequently extended as part of the 1995 bipartisan budget agreement and closed the final gap in deficit spending that in 1999 produced the first balanced budget in more than 30 years.

We would be in a much better situation today had the original "Pay-Go" rule remained in effect.

Instead, a Republican-controlled Congress allowed the Pay-Go requirements to expire, enabling them to adopt irresponsible tax cuts that are largely responsible for the deficits we face today.

Adopting a true Pay-Go rule today gets us back on track toward responsible fiscal policy. I encourage my colleagues to support its inclusion in the Rules of the 110th Congress.

Mr. KING of Iowa. Madam Speaker, I rise to express concerns about the budget items in the Democrat Rules package.

I believe that we can do better and this proposal does not go far enough. I am committed to curtailing special-interest, pork-barrel spending and reforming earmarks.

While on the face it appears Democrats are concerned about reducing the deficit because they mention Reconciliation. This is only smoke and mirrors. Simply put, the language in their rules package makes it easy to raise taxes and difficult to reduce them. The language allows the use of expedited procedures (budget reconciliation) to raise taxes. At the same time, the language prohibits using reconciliation for tax relief.

We need transparency, accountability, and better control for the federal spending process. Earmark Reform and Reconciliation are baseless without a Rescission process for cutting spending.

Businesses and families often review their planned budget with actual spending on a monthly basis to spot and eliminate unnecessary spending. While common sense would lead taxpayers to believe that similar oversight exists for our federal budget, this would be wrong. Congress has no formal process that allows members to force votes to trim wasteful spending at any time after federal spending gets signed into law.

Soon I plan to introduce my legislation, the Cut the Unnecessary Tab (CUT) resolution, that would make any unspent federal funding vulnerable to a recorded vote for cuts at the beginning of each fiscal quarter. Any Member of the House could offer an amendment to these quarterly bills to cut spending.

Under my bill, Members of Congress will have four opportunities every year to propose elimination of programs that are superfluous or incompetent. This gives Congress a tool that individual Members can use to bring the chamber into commonsense spending cuts. No longer would any Member of Congress have the excuse that one individual acting alone would not have a way to reform the Federal Government's spending.

It is my hope that the Democrats live up to their promise for no new deficit spending. However, I fear that it's a plan to raise taxes. The resolution allows Democrats to increase spending as much as they like—as long as they "pay for" it by cutting other spending or—more likely—by chasing that spending with ever-higher taxes. This watered down PAYGO proposal does not reduce current spending—it stops tax cuts. This PAYGO applies only to NEW spending. All previous PAYGO versions were enforced by across-the-board spending cuts—that's what created the incentive to control spending. But the Democrats' PAYGO is enforced only by a point of order—which they can easily waive for their pet spending increases.

Congress can and must do better. The easiest and best way to stop the growth of federal spending and let American families keep more of their hard earned taxpayer dollars is to make these tough decisions now.

Mr. KUCINICH. Madam Speaker, I rise in support of the Title IV Sec. 405 Pay-As-You-Go rules before the House today. I support these rules that will enable us to patch a sinking ship. The Republican tax cuts for the wealthiest Americans have driven us into permanent deficit spending. These rules will stop the sacrifice of the nation's well being for the benefit of the few.

I continue to be concerned about our weakened economy and the shrinking industrial base. I believe Congress should be enacting measures that will expand the economy, revitalize the rust belt, expand our manufacturing base, prime the pump when needed in recession, and invest in infrastructure improvements. I believe Congress should enact universal healthcare for all and universal pre-kindergarten. Unlike the irresponsible tax cuts in the past 4 years, I am prepared to ensure these programs do not run up deficits over the long term. This can all be accomplished under these rules.

Mr. GARY G. MILLER of California. Madam Speaker, I rise today in reluctant opposition to Title IV of H. Res. 6, adopting the rules of the 110th Congress. This title purports to uphold a commitment to fiscal responsibility, but in actuality it includes a mechanism by which the new majority may increase taxes for hardworking Americans. Ultimately, this title could facilitate tax increases while preventing tax relief measures for millions of Americans. Instead, the House should reaffirm our commitment to fiscal responsibility by passing a balanced budget amendment to the Constitution so that Congress does not spend more than it takes in.

To be clear, I do support an important provision contained in Title IV—namely, the provision concerning the long-overdue reform for congressional earmarks. I have long supported measures to bring transparency and accountability to the earmarking process to ensure that the American people know their money is not being squandered. In fact, I proudly supported H.R. 4975, the Lobbying Accountability and Transparency Act, as well as H. Res. 1000, both of which passed last year to amend the rules of the House to address earmark reform. These two measures were the first steps in ending the abuse of earmarks by a few members and increasing fiscal trust in Congress. I fully support the continuation of these efforts to crack down on earmark misuse and improve the financial transparency of our budget.

Regrettably, the important earmark reform provision of this title was coupled with a measure that could potentially increase taxes for all Americans. This provision, known as pay-as-you-go, or PAYGO, seems like a beneficial tool to fiscal responsibility on its face. PAYGO budgetary rules require new mandatory spending be offset by either other equal reductions in mandatory spending or by revenue increases. However, with plans for new direct spending programs and budgetary rules that do not accurately score the effect of tax reductions on future economic growth, PAYGO is really a policy of "tax and spend as you go."

For this reason, I must reluctantly oppose this title. Instead, I will support the motion to commit, which will ensure Americans are not squeezed in their pocketbooks by requiring a three-fifths vote to pass any congressional tax hike. The three-fifths requirement was an important reform of the Contract with America, instituted in 1995 to protect Americans from unfair tax increases. By failing to guarantee this requirement, millions of American families and small businesses could be threatened by money grabs from greedy tax writers. This is not right. Over the past several years, our economy has seen levels of unprecedented growth as a result of the 2003 tax cuts. Today, with over seven million payroll jobs created and the Dow Jones Industrial Average at record highs, it would be irresponsible to jeopardize the economic progress we have made.

In addition, I call for the House of Representatives to consider H.J. Res. 1, which proposes a balanced budget amendment to the Constitution of the United States. I have joined over 100 of my fiscally responsible and forward-thinking colleagues in cosponsoring this bill, which is a real solution to deficit spending. For the first time ever, this amendment would put it in our Constitution—in the very fabric of our democracy—that taxpayers' money belongs to them and that Congress has the obligation of spending it carefully and responsibly. I wholeheartedly support this vital amendment and I sincerely hope this House will uphold our commitment to our constituents by considering and passing H.J. Res. 1.

Again, I cannot support Title IV of H. Res. 6 because it allows for a needless increase of the financial burden on all American families. Instead, I support the motion to commit and the Balanced Budget Amendment as real steps forward in reducing the tax burden on American families and committing ourselves to true fiscal responsibility. Our obligation to hardworking taxpayers deserve no less.

Mr. HASTINGS of Florida. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. ZOE LOFGREN of California). Pursuant to House Resolution 5, the previous question is ordered on the portion of the divided question comprising title IV.

The question is on that portion of the divided question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The portion of the divided question comprising title V is now debatable for 10 minutes.

The gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, since the title of the rules package that we are seeking to debate now includes five closed rules for legislation that we haven't seen and we only have 10 minutes to debate this title, I ask unanimous consent for 1 hour of debate, at least 1 hour of debate, for these, in effect, five closed rules.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. MCGOVERN. Madam Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

"The disinfectant of sunlight," Madam Speaker. I just heard that term.

The alternation of power can sometimes be healthy, often be healthy in democracy. Progress is made by the cumulative efforts and reforms of succeeding generations in this Congress, often from both parties. But retrogression, Madam Speaker, from progress is neither healthy nor certainly commendable.

As I mentioned before, in this section of the rules package brought forth by the new majority, first of all, the Rules Committee will no longer be required to disclose roll call votes on rules brought forth or amendments in committee. I believe, and I haven't heard it from the other side because no pretext has even been brought forth here in the House, but I believe that the pretext is for closing out sunshine completely in the Rules Committee, that some mistakes were made reporting in the past roll calls. In the last 12 years, there were over 1,300 recorded votes in the Committee on Rules, and not once, Madam Speaker, did the committee file a report with incorrect vote totals.

And then, as I made reference before, this title of the rules package that the majority brings forth includes five closed rules for legislation that we still haven't seen. And we have received a lot of criticism. I have heard a lot of criticism over the last years when we have come to the floor from the Rules Committee with closed rules, but at least we have had Rules Committees meetings and there has been an opportunity for Members to go to the Rules Committee and present amendments.

Well, now we are, in this rules package, in a totally unprecedented manner, seeing that the majority is bringing forth five closed rules for bills that we haven't seen. And in addition, they are waiving all points of order, all points of order, against all of those five bills that we haven't even seen. So that is most unfortunate, Madam Speaker.

Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would ask how much time is remaining.

The SPEAKER pro tempore. The gentleman from Florida has 1½ minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 1 minute to my distinguished friend from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, I rise in opposition to this proposal. For the first time in more than a decade and in recent memory, the new House leadership, and this is hard to believe, is attempting to keep secret the votes of one of our most important committees, the Rules Committee. It determines which bills are sent to the House floor, for how long they may be debated, and what amendments the people's House will consider. It is a critical part of our democratic process. Hiding these votes from the public, cloaking this committee in secrecy where backroom deals are shielded from the American voter, is an outrageous and arrogant step backward from open and honest government. This is abuse of power that must be stopped. And, sadly, I will file a Freedom of Information Act request on every Rules Committee vote so that the American public can see what this committee is trying to hide.

We ought to defeat this proposal

Mr. McGOVERN. Madam Speaker, let me respond to my colleagues from Florida and Texas by simply saying you are wrong.

Let me ask, has the gentleman yielded back all his time.

Mr. LINCOLN DIAZ-BALART of Florida. No, I have not.

Mr. McGOVERN. Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself the balance of my time.

So not only can we not have an hour, but now we have to finish our debate before hearing our opponents.

No, again, we heard "the disinfectant of sunlight" has arrived. An interesting definition for what has arrived, Madam Speaker.

Madam Speaker, what we are voting on today, this rules package, this provision, this title V, constitutes serious retrogression from progress made in this Congress throughout generations of work, of reform, from both parties, that has brought openness and transparency. The Rules Committee now is closed off from the public, and closed rules are brought to this floor in this rules package before we have even seen legislation. Most unfortunate, Madam Speaker.

Mr. McGOVERN. Madam Speaker, I yield myself such time as I may consume.

I appreciate the words of my colleagues from Texas and Florida. And I should remind my colleague from Florida when you are in the majority, you get to close debates. And he should have known that since he was in the majority for 12 years.

And I think for anybody to talk about abuse of power, it takes a lot of chutzpah. I would suggest to the gentleman from Texas to look at what happened over the last 12 years in this Congress.

Madam Speaker, this is the final title of the rules package. It consists of basic technical changes to the House rules.

First, this title gives the Committee on Oversight and Government Reform authority to adopt a rule, allowing committee members and staff to conduct depositions in the course of committee investigations.

□ 1215

Second, it shields the Rules Committee reports from a point of order if they are filed without a complete list of record votes taken during the consideration of a special rule. This provision allows the Rules Committee to publish recorded votes taken during committee hearings and committee reports and/or through other means, such as the Internet.

Third, it allows for the consideration of several pieces of legislation that are part of the first 100 hours agenda, if special rules for those provisions are not separately reported.

Fourth, this title continues the budget deeming resolution for the second session of the 109th Congress until such time as a conference report establishing a budget for the fiscal year 2008 is adopted.

Fifth and finally, this title renews the standing order approved during the 109th Congress that prohibits registered lobbyists from using Members' exercise facilities, which is something I know is very important to the Members on the other side of the aisle.

Now, my friends on the other side of the aisle have focused a lot of attention incorrectly on the second provision regarding the publishing of votes taken in the Rules Committee.

Let me explain in detail what this provision actually accomplishes and why we have included it in this package. Section 503 is a straightforward clerical change to clause 3(b), rule XIII, that will make it a little easier for the Rules Committee to transmit its work product to the House in a timely manner.

Despite what you may hear from the other side of the aisle, this section will not reduce the amount of information available to the public about what we do in the Rules Committee, and it will not stop us from taking public votes in the committee.

Let me make something else clear. The House rules already require committees to keep a record of all recorded votes and to make those votes available publicly.

That requirement has been in the permanent rules since 1953. The Rules Committee has always and will always comply with that rule. In fact, it is our goal to make Rules Committee votes available to the public more quickly than they do under the current practices. Our committee often meets on short notice and under severe time restrictions.

Unlike other committees, which usually have several days to put together reports, our committee is often required to assemble large, complex reports in a matter of hours. The proper reporting and filing of these reports in the House is essential to the efficient operation of the House.

Mr. BRADY of Texas. Will the gentleman yield?

Mr. McGOVERN. No, I will not. We sometimes report and file a special rule late one night, and the next morning the rule and the bill are on the House floor. There is just not much room for even minor clerical errors when you are under such tight deadlines. This rules change does not mean that the public will have any less access to what happens in the Rules Committee, Madam Speaker.

We plan to include record votes in the Rules Committee reports and, even better, we intend to post committee votes on the Rules Committee Web site as soon as they have them, so that the

American people will know what is going on.

Even better than that, we plan to have more meetings during the daylight hours so that the public and the press know what we are doing in the Rules Committee.

Well, let me say to my friends on the other side of the aisle, if you feel that the votes taken in the Rules Committee are not being made public fast enough, or are clear enough, you have my word that we will work to fix it, and we will work with you. You have my word on that.

More importantly, Madam Speaker, after our business here in the House concludes today, we will have made historic progress. We will have ended the culture of corruption that has plagued this House for the past dozen years. We will have paved the way to accomplishing what the American people voted for, to give minimum wage workers a raise.

Right now the average CEO of a Fortune 500 Company earns $10,712 in 1 hour 16 minutes. It takes an average minimum wage worker 52, 40-hour weeks, an entire year, to earn the same $10,712. It is wrong, and we are going to fix it.

We will have paved a way to make college tuition and prescription drugs more affordable, to make our homeland safer, by implementing the 9/11 Commission recommendations, and to invest in lifesaving stem cell research. All of these measures, Madam Speaker, have been the subject of hearings. Many of them have been voted on. But the majority on the other side has stalled and undermined these measure at every step. No more.

Finally, Madam Speaker, let me assure my friends, including the distinguished gentleman from Florida, that we will conduct the business of this House in a much more fair, civil and open way than has been the norm of the last 12 years. Your views will be heard more than ours were. Your ideas will be given more consideration than ours were. Your voices will be more respected than ours were, because that is the right way to run the people's House.

Mr. GINGREY. Madam Speaker, I rise today in opposition to Title V of H. Res. 6 and encourage my colleagues to vote "no" on this measure.

Since the election we have heard promises of grandeur from the new Democrat majority. They have promised to usher in a new era of civility, bi-partisanship, and cooperation into the halls of Congress. They have repeatedly stated that the American people want a civilized tone in Washington. But it appears the Democrats are ignoring their own message.

In the opening hours of this Congress, with their very first piece of business, the Democrats have put forth a resolution that is the opposite of civility and transparency—indeed, a total contradiction of the way they pledged to conduct business. For the first time in the history of this body, Madam Speaker, the Democrats have included closed rules governing future debate in the House rules package, and have even gone so far as to prevent the Rules Committee from meeting to deliberate these rules or the larger rules package.

But they did not stop there, Madam Speaker. After promising an open and fair process, the Democrats have allowed just 10 minutes of debate—that's 5 minutes per side—on Title V of this resolution.

This is no small measure, Madam Speaker. Included in Title V are closed rules governing debate on stem-cell research, the recommendations of the 9/11 commission, the cost of prescription drugs, and the federal minimum wage. Certainly the American people expect a debate of ideas and the proper congressional process for some of the most important issues facing our Nation. Instead, the Democrats will deliver 10 minutes of debate.

Further Madam Speaker, Title V of this resolution will prevent the votes of the Rules Committee from being made public. A veil of secrecy will fall over this critical committee they now control. This is not the transparency and accountability in our political process the Democrats have promised.

So, Madam Speaker, it appears the new age of the Democrat majority will unfortunately not live up to its much-hyped billing. Instead of more openness, fairness, and transparency, the Democrats have revealed the hypocritical nature of their disingenuous promises with their very first piece of legislation. Reneging on their campaign promises in the opening hours of this session is no way to build the spirit of trust and cooperation across the aisle.

Madam Speaker, I hope for the sake of the American people that the Democrats start adhering to their pre-election rhetoric and conduct the business of this body in a civilized manner.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in support of H. Res. 6, the House Rules Package for the 110th Congress. With the passage of this resolution, we are committing ourselves to restore honest leadership, civility, and fiscal responsibility to the U.S. House of Representatives. It is a commitment that we owe to our constituents and to our Nation.

Unfortunately, over the past several years, the House of Representatives was transformed from the people's House into a legislative body where those who could afford to make their influence felt far too often held sway. Legislation was enacted that benefited the wealthy few instead of the vast majority. Legislation was enacted—often in the middle of the night—without time for review or careful consideration. Legislation was enacted to benefit those who could afford to pay for fancy meals and golf vacations while legislation that would improve wages and the quality of life for working Americans was ignored. The process was abused, votes were held open, and amendments were prohibited from being offered. The losers have been the American public.

Perhaps the single best example of these abuses is the Medicare Modernization Act, a law which actually prohibits Medicare from negotiating for drug savings, as the VA and large employers do today, and by doing so guarantees that senior citizens and persons with disabilities will pay more than they should for the drugs that they need. This law would not have been enacted if pharmaceutical companies had not been allowed to use undue influence, if Democratic conferees had not been locked out of the negotiations, if Members had not been intimidated on the House floor, and if the final vote had not been held open for nearly 3 hours to change the outcome.

During the first 100 hours of the 110th Congress, we will eliminate this prohibition and require that Medicare use its bargaining clout on behalf of consumers. Today, we are taking steps to make sure that the procedural abuses that were used to enact that prohibition will become a relic of the past.

We also begin the 110th Congress by putting our financial house in order. The past 6 years of fiscal mismanagement has turned a $5.6 trillion surplus into an over $3 trillion deficit. The passage of H. Res. 6 will help us get our current debt and financial crisis under control while allowing us to make the investments needed for American families and our economic future.

With the restoration of pay-as-you-go budgeting, Congress will not be able to increase the deficit and make future generations of Americans carry a debt load so that today's wealthy can get tax cuts like the ones passed over the past few years. According to the nonpartisan Congressional Budget Office, those tax cuts, which primarily benefit the very rich, are the main cause of our country's fiscal reversal. Reining in the spiraling debt will give us a chance to invest in our communities, create jobs, provide retirement security, and stimulate our economy.

Transparency requirements for earmarks will also help us make certain that taxpayers' dollars are put to good use while eliminating wasteful spending. I believe that district-specific earmarks on appropriations or other legislation should not be provided unless they directly improve our communities. Requiring better disclosure of sponsorship of earmarks and ensuring that Members have no personal financial interest in the request will help us guarantee that the funding is targeted to essential infrastructure improvements, community development, vital research, and other important programs. Congress has a long history of providing earmarks for such projects, and I support their continued funding and eliminating the abuses of earmarks like the "Bridge to Nowhere."

H. Res. 6 is the first action of the 110th Congress. By its passage, we are demonstrating to the American public that we are going to return the House of Representatives to its rightful role as being the people's House—not just in procedures but also in policy.

Mr. HALL of New York. Madam Speaker, today the House of Representatives will consider an important package of reforms that, when adopted by this chamber, will take the first necessary steps toward restoring fiscal responsibility in our government. I am proud to be a cosponsor of these measures, which will allow us to undertake the critical tasks of balancing our budget and controlling our national debt.

For too long, our government has operated under a "buy now, pay later" philosophy that, if left unchanged, will force our children and grandchildren to foot the bill with increasingly dire consequences. The fiscal responsibility provisions put forward today will help us avoid this generational buck passing by imposing some much-needed discipline on the budgeting process. The package of reforms put forward today accomplishes that by preventing the House from considering budget measures that would increase the federal deficit.

One of the most important reforms we are advancing today is the reinstitution of "PAYGO" rules to govern the Congressional budgeting process. Although the overall budget process can be technical and complex, "PAYGO" simply means what it sounds like: you pay as you go. The "PAYGO" provision creates a barrier to passing legislation that would further inflate our huge national deficit and mortgage our country's future.

Congress operated under "PAYGO" rules from 1990 until 2002 with clear results. Under the "PAYGO" constraints on spending, our government was able to balance the budget, create budget surpluses, and reduce the national debt by $453 billion. Since the mistaken move away from the "PAYGO" rules, deficit spending is back and our national debt has spiraled out of control. As of today, the total national debt is almost an astonishing $8.7 trillion or almost $29,000 for every person in the United States. Disturbingly, much of this debt is held by America's economic competitors, including China. Instead of demonstrating the leadership needed to turn this dangerous fiscal tide, our government has not taken steps to curtail earmarks, our President has never vetoed a spending bill, and we have yet to demonstrate the will to do what is necessary.

I am proud to say that with today's reform package we can begin to change that. It is in our vital interest to get spending under control to eliminate deficits and return to paying down our debt. It will require difficult choices and the will to change business as usual in Washington, but it is our responsibility to meet that challenge by passing these reforms.

Ms. ESHOO. Madam Speaker, I rise in strong support of the rules package before us. As we begin the important work of the 110th Congress, it is imperative that we set the tone for how the people's work will be conducted in this chamber, which is the people's House.

In the November elections, Democrats offered Americans a new direction and a more ethical Congress. The American people responded with great clarity. Exit polls revealed that 74 percent of voters in November cited corruption as an important issue in determining their vote.

Now it is our turn to act. That's why we are taking immediate steps to fulfill the promise of a more ethical Congress by passing a comprehensive rules package that bans gifts and travel from lobbyists; requires adequate time to review legislation and bans the insertion of special interest provisions in the 'dead of the night' to ensure that Members have time to read the bills being considered and know exactly what is in them; mandates annual ethics training for all Members and staff; curbs abuses of voting time to ensure that votes are not held open to change the outcome; requires full disclosure of all earmarks, as well as requiring that a Member certify that earmarks do not financially benefit them or their spouses; and reinstates Pay-As-You-Go budget rules to prevent all new spending and tax cuts from adding to the federal debt.

Passage of this legislative package will begin the process of restoring integrity to the House of Representatives, assuring the people of our country that we are here on their behalf, not our own. I urge my colleagues to vote for this rules package.

Mr. KIND. Madam Speaker, I rise today in support of the measures before the House today that will restore civility and fiscal responsibility to our work. These changes to the existing House rules are essential if we are to carry out the American people's wish that we govern wisely, effectively, and in a bipartisan way.

With the votes before us today, Democrats who now find ourselves in the majority are reaching out to the other side of the aisle to assure them that we will not treat you as we were treated while we were in the minority. Through these changes we will make sure that 15-minute votes are not held open for three hours while votes are bought through arm twisting and legislative favors; that conference committees will be open to Republicans as well as Democrats; and that conference agreements cannot be circumvented through the addition of new language after they have been signed. Today we vote for the honesty and openness demanded of us by our constituents and expected in a civil, democratic society.

Today we also vote for fiscal responsibility. For five long years now, this Congress has approved, and the President has signed, budget, spending, and tax bills that have turned an enormous surplus into staggering deficit, adding tremendous burden to our children and grandchildren.

As a member of the budget committee for the last two congresses, I joined my Democratic colleagues in calling for a return to the days of paygo legislation so that all new spending is offset by corresponding reductions or new revenue. It is fitting that in our new majority we take this up as our second order of business. May hardworking families across this Nation understand that from this point forward, Congress will spend your money wisely, using the same budget discipline that you employ each and every day in your spending decisions. The days of deficit spending are coming to an end.

I thank Speaker PELOSI, Majority Leader HOYER, and our entire leadership team for bringing these issues to the floor and moving the 110th Congress in a new direction. I look forward to working with my colleagues on both sides of the aisle to solve the challenges facing this country. The rules changes before us today will help us do that, and I urge everyone here today to vote in favor of titles 2 and 3 of H. Res. 6.

Mr. McGOVERN. Madam Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. ZOE LOFGREN of California). Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adoption of title III of House Resolution 6, by the yeas and nays;

Adoption of title IV of House Resolution 6, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

The pending business is the vote on adoption of title III of House Resolution 6, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on that portion of the divided question.

The vote was taken by electronic device, and there were—ayes 430, noes 0, not voting 5, as follows:

[Roll No. 8]

YEAS—430

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan

Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

Barton (TX)
Brown (SC)
Buyer
Neal (MA)
Sullivan

☐ 1246

Ms. WATERS changed her vote from "nay" to "yea."

So that portion of the divided question was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The pending business is the vote on adoption of title IV of House Resolution 6, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on that portion of the divided question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 280, nays 152, not voting 3, as follows:

[Roll No. 9]

YEAS—280

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rodriguez
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—152

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boustany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—3

Brown (SC)
Buyer
Neal (MA)

☐ 1259

Mr. WELLER of Illinois and Mr. POE changed their vote from "nay" to "yea."

So that portion of the divided question was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BECERRA). Pursuant to House Resolution 5, the previous question is ordered on the portion of the divided question comprising title V.

The question is on that portion of the divided question.

MOTION TO COMMIT OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. Ryan of Wisconsin moves to commit the resolution (H. Res. 6) to a select committee composed of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendment:

After section 510, insert the following new sections, and redesignate the following sections (and cross references thereto) accordingly:

SEC. 511. SPECIAL ORDER OF BUSINESS: SMALL BUSINESS HEALTH PLANS

On January 16, 2007, or, if the House is not in session on such day, the next day on which the House is in session thereafter, following the third daily order of business under clause 1 of rule XIV, the House shall immediately proceed to the consideration in the House of the bill (H.R. 241) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees, and (2) one motion to recommit with or without instructions to be offered by the Majority Leader or his designee.

SEC. 512. CONGRESSIONAL EARMARK REFORM.

(a) POINT OF ORDER AGAINST CONGRESSIONAL EARMARKS.—Rule XXI is amended by adding at the end the following new clause:

"9. (a) It shall not be in order to consider—

"(1) a bill or joint resolution reported by a committee unless the report includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

"(2) a bill or joint resolution not reported by a committee unless the chairman of each committee of initial referral has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration;

"(3) an amendment to a bill or joint resolution to be offered at the outset of its consideration for amendment by a member of a committee of initial referral as designated in a report of the Committee on Rules to accompany a resolution prescribing a special order of business unless the proponent has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the amendment (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the proponent for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

"(4) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"(b) It shall not be in order to consider a rule or order that waives the application of paragraph (a). As disposition of a point of order under this paragraph, the Chair shall put the question of consideration with respect to the rule or order that waives the application of paragraph (a). The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.

"(c) In order to be cognizable by the Chair, a point of order raised under paragraph (a) may be based only on the failure of a report, submission to the Congressional Record, or joint explanatory statement to include a list required by paragraph (a) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"(d) For the purpose of this clause, the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

"(e) For the purpose of this clause, the term 'limited tax benefit' means—

"(1) any revenue-losing provision that—

"(A) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986, and

"(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

"(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

"(f) For the purpose of this clause, the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(b) RELATED AMENDMENT TO CODE OF OFFICIAL CONDUCT.—Rule XXIII is amended—

(a) by redesignating clause 16 (as earlier redesignated) as clause 18; and

(b) by inserting after clause 15 the following new clauses:

"16. A Member, Delegate, or Resident Commissioner may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner. For purposes of this clause and clause 17, the terms 'congressional earmark,' 'limited tax benefit,' and 'limited tariff benefit' shall have the meanings given them in clause 9 of rule XXI.

"17. (a) A Member, Delegate, or Resident Commissioner who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking minority member of the committee of jurisdiction, including—

"(1) the name of the Member, Delegate, or Resident Commissioner;

"(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

"(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member, Delegate, or Resident Commissioner;

"(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

"(5) a certification that the Member, Delegate, or Resident Commissioner or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

"(b) Each committee shall maintain the information transmitted under paragraph (a), and the written disclosures for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be open for public inspection.".

Mr. McGOVERN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 5, the previous question is ordered on the motion to commit.

The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RYAN of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This 15-minute vote on the motion to commit will be followed by a 5-minute vote on title V of House Resolution 6, if ordered.

The vote was taken by electronic device, and there were—yeas 200, nays 232, not voting 3, as follows:

[Roll No. 10]

YEAS—200

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—232

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—3

Brown (SC)
Buyer
Neal (MA)

□ 1320

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BECERRA). The question is on the portion of the divided question comprising title V.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CANTOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 200, not voting 3, as follows:

[Roll No. 11]

YEAS—232

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—200

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito

Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Brown (SC)
Buyer
Neal (MA)

☐ 1328

So that portion of the divided question was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ROBERT T. STAFFORD WHITE ROCKS NATIONAL RECREATION AREA

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the Senate bill (S. 159) to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreational Area," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. ANDREWS). Is there objection to the request of the gentleman from Vermont?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT T. STAFFORD WHITE ROCKS NATIONAL RECREATION AREA.

(a) REDESIGNATION.—The White Rocks National Recreation Area in the State of Vermont, as established by section 202 of the Vermont Wilderness Act of 1984 (16 U.S.C. 460nn–1), is redesignated as the "Robert T. Stafford White Rocks National Recreation Area".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the recreation area referred to in subsection (a) shall be deemed to be a reference to the Robert T. Stafford White Rocks National Recreation Area.

Mr. WELCH of Vermont. Mr. Speaker, it is with mixed emotions that I stand here on my first full day as a Member of Congress to say good bye to a great Vermont statesman. Senator Bob Stafford passed away last December at the age of 93. I feel a deep sense of pride to have the first Bill I introduce be one that honors Bob Stafford's commitment to Vermont by redesignating the White Rocks National Recreation Area as the "Robert T. Stafford White Rocks National Recreation Area".

Senator Stafford was born in Rutland in 1913. He had a long and distinguished career as a civil servant to the state, serving the state for nearly 30 years first as Governor, Representative, and Senator. Robert Stafford was a man who knew Vermont, and understood how to best serve Vermonters.

It was through his many public service positions around the state that he learned the importance of moderation and bipartisanship. He served as Rutland County State's attorney, as Deputy State Attorney General, and then as State Attorney General. In the late 1950's he was elected Lieutenant Governor, and in 1959 he became Governor.

In 1960, Bob Stafford was elected to Vermont's sole seat in the U.S. House of Representatives. He won five successive re-elections. In September 1971, he resigned his House seat to accept appointment to the U.S. Senate following the death of Senator Winston Prouty. After winning a special election in 1972, he proceeded to represent Vermont in the Senate for the next 17 years.

When he came to Washington, a member of the Republican Party, he formed many close relationships with members of both parties. Senator Stafford was able to be effective because of his reliance on moderation and compromise. He was a leader among his peers, and became an advocate for issues that were close to him and to Vermont. Affordable education and his dedication to the environment became his most important issues. The Stafford Student Loan program has made higher education more accessible for millions of Americans.

While his achievements in the areas of education and federal disaster relief were very important, it is the legacy he has left behind for the work he did in protecting the environment that he was most proud of. Bob Stafford shared Vermonters' belief that we have a moral obligation to leave for our children a cleaner environment than the one we inherited. He was a leader and visionary who helped shape and strengthen some of our Nation's most critical environmental laws for over two decades. Serving as Chairman of the Environment and Public Works Committee from 1981–1986, he led the charge to expand and strengthen the Superfund toxic waste cleanup law in the mid 1980's.

Please join me today in honoring the tremendous life and service of Senator Bob Stafford. I urge my colleagues to support this legislation, and pass the Congress by unanimous consent.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, first I want to congratulate our new Member for getting a bill passed in the first week. That is an incredible thing to get done.

Then I would like to inquire of my good friend and new majority leader, Mr. HOYER, about the schedule for next week.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. Mr. Speaker, I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

First of all, I want to say, Mr. Whip, we congratulate you on your reelection as the whip. I have an affection for whips, as you know, the position, and I am personally advantaged by our close working relationship and respect for one another. And I think the American public hopefully will be advantaged by that. I think this House will be advantaged by that, and I look forward to working with my good friend, ROY BLUNT.

In addition, all of us on our side appreciated the very gracious remarks of your leader, Mr. BOEHNER, when introducing Speaker PELOSI and passing the gavel to her. We know that is a difficult role. It was a difficult role for Mr. Gephardt when in 1995 he had that responsibility, and it was a difficult role for Ms. PELOSI on the two occasions she had to do it. Your leader was extraordinarily gracious and positive in that role, and we appreciate that and we want you to know that.

On Tuesday, the House will meet at 10:30 a.m. for morning hour and at noon for legislative business. Under the suspension calendar, we will consider a resolution mourning the passing of President Gerald Ford. That resolution, I would tell the Members, the principal sponsor of which is Mr. VERN EHLERS, our colleague on your side of the aisle, who represents the district which was so ably and effectively represented by President Ford for such a long period of time, a quarter of a century.

Mr. Speaker, we will also consider H.R. 1, a bill to implement the 9/11 Commission recommendations, and a resolution to establish a select intelligence oversight panel.

I will tell Mr. BLUNT we expect votes to be not before 3 to 4 p.m. We had originally, as you know, thought we might come in Monday. There was a schedule conflict and we wanted to accommodate that. We are glad we did. We will try to hold votes until 3 or 4, but west coast Members will have a difficult time getting back so they ought to plan on being here on Monday unless they have an important engagement they have to attend.

On Wednesday, the House will meet at 10 a.m. We will consider H.R. 2, a bill to increase the minimum wage.

On Thursday, the House will meet at 10 a.m. We will consider H.R. 3, a bill regarding stem cell research.

And on Friday, the House will meet at 10 a.m. We will consider H.R. 4, a bill regarding the Medicare prescription drug program. We expect the last votes to be hopefully no later than 2 p.m.

The practice, as you know, will be that we will come in at 6:30 on Mondays and adjourn no later than 2 p.m. on the day of adjournment. Many times that will be Friday, sometimes it will be Thursday. We understand the need for Members to get out. If it is on Thursday, the expectation is we may go a little later than that, but that will be generally the practice we will try to pursue.

Mr. BLUNT. I thank my colleague for responding. As he mentioned, we have had a great working relationship as the whips of the two parties and look forward to working with him in his new job as the leader of the majority.

I, too, thought yesterday was an historic day for the House, and a day that our Members all appreciated the historic nature of the day. Particularly on this side of the aisle, we appreciated the Speaker's comments about moving towards partnership as opposed to partisanship; and we, of course, are eager to see a little more of that partnership again.

We paid close attention during the election and after the election to the commitments to the new majority to have bills available in an earlier way and to have committee and subcommittee markup. I assume the work next week is work the majority decided will not be able to go through the subcommittee process or the committee process, and I yield to my friend to respond to that.

Mr. HOYER. The gentleman's assumption is correct. Pursuant to the rule that was adopted today, we will be moving the six items that we obviously campaigned on, told the American public that we would move on within the first 100 hours.

We believe almost all of those items have been broadly discussed, considered, not only in the election process of approximately 6 months in duration or longer, but also, for instance, the 9/11 Commission report which we will consider in the first order of business next week, vetted by the bipartisan commission, the 9/11 Commission, chaired by Governor Kean and co-chaired by Mr. Hamilton, so that the gentleman's assumption is correct.

But that does not mean, I want to make it very clear, that does not mean that when we get through those items which essentially were the items focused on during the course of the election, that we will not hew to what we believe to be a positive step forward in including both sides in deliberations, in conference reports, in committees and on the floor.

Mr. BLUNT. As you know, most of our Members voted against the rule which brings these issues to the floor without the chance to offer an alternative. We believe there is a desire to create more opportunities for alternatives, but the sooner that can happen, I think the more effectively we will show to the American people that we are finding ways to work together.

We had a pledge also of at least 24 hours of notice on the specifics of legislation. It doesn't seem to me that is quite as onerous a pledge to meet in the context of what my friend just said as going through a subcommittee, going through a committee. We didn't feel like we had that 24-hour access to information this week. We would hope next week to have the specifics of the legislation as early as possible. If in fact this is legislation that doesn't need to go through the committees because it has been so widely discussed and vetted, it would not seem to be unreasonable for everybody in the body, every Member to have a chance to see it even as early as Monday.

Mr. HOYER. I think the gentleman is correct and I am glad the gentleman said "as early as Monday." It is my understanding those bills will be available to you this afternoon, and properly so. We want you to have the opportunity and the American public to have an opportunity to read and see those bills.

It is my understanding that all of those bills will be introduced by the close of business today so they will be available to be read over the weekend and before Monday, and certainly before we come back on Tuesday.

Mr. BLUNT. I thank my friend for the response. Seeing the legislation is obviously helpful. We are really regretful we don't have a chance to offer an alternative in the real-time. We will look at the legislation. We will see if we can find a suggestion that will help meet the goals that we agree with in a more effective way. That 24-hour notice from now on we would hope would be a pledge that the majority will be able to retain.

My good friend Mr. HOYER mentioned the 9/11 Commission report. One of the recommendations of that commission was a realignment of committees. We didn't make that realignment of committees in the rules package. I wonder if there is any plan for that kind of realignment, and I would yield to the leader for that response.

Mr. HOYER. I thank the whip for that observation. That was one of the important recommendations that the commission made. Those recommendations were made, of course, over a year ago, I think. I am not sure of the exact date, but over a year ago. Your side did not implement that particular recommendation.

The gentleman is correct, we have not implemented the recommendation as recommended. What Speaker PELOSI has done, she has discussed with Leader BOEHNER what I would refer to as a hybrid of that, not perfect from I think the Commission standpoint, but meeting in spirit what the Commission wanted to do. What the Commission wanted to do was empower the Intelligence Committee with a participation in the appropriations process, which the Commission perceived would give them a greater relevance and greater influence.

We agree with that; so as you know, we have suggested and are implementing a hybrid where the members of the Intelligence Committee and members of the Defense Appropriations Committee will meet and work together to accomplish that objective. We hope that will move towards effecting what the Commission wanted to achieve, while, at the same time, maintaining the jurisdictional issues which, as you know, in this body can become very, very acutely debated.

Mr. BLUNT. I thank my friend for the response.

You may very well have said and I may not have heard, in terms of us seeing the bills for next week, would you expect that to happen by what time today?

Mr. HOYER. They are being introduced today and very frankly, Mr. Whip, I can't give you a time because I don't know. If I knew, I would give it to you.

Mr. BLUNT. Do you expect them to be introduced all at once, or will some be available earlier than others?

Mr. HOYER. I am told H.R. 3 was just introduced, is already in the hopper, and obviously others will come. It is my belief, it has been represented to me that all of the bills that will be considered next week will be introduced as of close of business today so that you will have the balance of today, Saturday, Sunday, Monday, and most of Tuesday to review those bills.

Mr. BLUNT. Certainly seeing the legislation is a step in the right direction. We believe another step in the right direction will be to be able to offer the amendments and go through the process that the majority assured us in the recent campaign will be part of their procedure.

On the Tuesday schedule, I have had one Member come up to me during our discussion and wanted me to ask if there is any possibility that 3 to 4 votes could slip closer to 5 just because of a number of travel concerns that Members have, particularly west coast members.

Mr. HOYER. We could try. But let me say in all fairness, our original intent was to meet and have votes at 6:30 on Monday. There is a very important event happening Monday night, particularly for those who live in Ohio and Florida.

In the spirit of comity, and I know if Maryland were playing, I would want to be accommodated and I want to accommodate my friend, Mr. BOEHNER. So we have done that; but it has put us in a position where we thought we would have come back Monday. That is not the case. We will have votes as late as possible, but we cannot guarantee. That leaves us a shorter period of time to do the work we have scheduled. So I cannot guarantee, but we are going to try to keep it for your Members' sake, for our Members' sake, and we understand the west coast travel issue, as late as we can in the day, but cannot guarantee later than 3:30 or 4 o'clock.

□ 1345

Mr. BLUNT. Well, I would suggest to my good friend, having tried to put these schedules together for a while, that particularly for our west coast Members, if they get here on Monday to be here for a 3:30 vote on Tuesday and then find that that Tuesday vote doesn't occur until 5:30 or 6 o'clock, there is always real anxiety about the day that costs their families, and I know my good friend is going to try his very best to give us the best schedule. My only suggestion would be if you do see that it might slip into that later time that that will be helpful to Members who, frankly, are having to decide when to leave their districts and to come a day early just to be here for that 3:30 vote as opposed to a 5:30 vote or 5 o'clock vote that might have allowed them to leave that day.

And with that, does my friend have any response to that?

Mr. HOYER. The good news is I know that I will get great empathy from you and Mr. BOEHNER on this challenge. The second response would be I want you to know, and you know this from our personal relationship, we will work very closely with you and Mr. BOEHNER to try to accommodate our Members. If we are going to be a civil body, if we are going to have civility, that means that we are going to have an understanding of the challenges facing each and every one of our Members irrespective of party and we intend to do that. I personally intend to do that, and we will work towards that. Obviously, there are times when Members are inconvenienced because we have 435, and it is just tough to accommodate everybody's interests; but to the extent we can do so, it is our absolute intent to do so. And I thank the gentleman.

Mr. BLUNT. I thank the gentleman for his response. I would say that there clearly will be days in this Congress when we just simply don't agree with the goal that we are trying to achieve on the two sides of the aisle, but I think we can find many more days when we do agree. We are optimistic about the concept of partnership as opposed to partisanship and look forward to having the bills today for next week and an extended debate in the future beyond the debate that we feel we will be allowed to have next week.

ADJOURNMENT TO MONDAY, JANUARY 8, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, January 8, 2007.

The SPEAKER pro tempore (Mr. ANDREWS). Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

STAFF SERGEANT EDWARD C. REYNOLDS, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, "To be born free is an accident, to live free is a privilege, and to die free is a responsibility." Powerful words spoken by Brigadier General James Sehorn that are embedded into the minds of our valiant soldiers protecting nations from a cowardly enemy that burrows beneath the Iraqi desert sands, those individuals that seek to annihilate our freedoms that all people should have.

The American soldier believes in freedom more than any other individual on Earth because they witness the inhumanity of tyranny. They see it in the fierce trenches of battle. Our soldiers secure life and liberty, and they give it to those folks in Afghanistan and Iraq.

U.S. Army Staff Sergeant Edward Charles Reynolds, Jr. was one of these soldiers. He was an 8-year Army veteran. Staff Sergeant Reynolds had been stationed among the terrorist Iraqi insurgents, fighting against them to ensure a free nation of Iraq.

He is a native of Port Arthur, Texas, and he was a 1997 graduate of Thomas Jefferson High School, where he was a star tight-end and middle linebacker on the football team. As a Texan, Staff Sergeant Reynolds spent fall football seasons cheering for one of the greatest teams in college football, the University of Texas Longhorns. Those who knew him knew a man who took care of others, whether it be his family, his friends, or his country. Staff Sergeant Reynolds was their protector.

Family was the most important thing to Staff Sergeant Reynolds. He was a devoted father to his children, two daughters and a son. He was dedicated to his fiancee. He was the guardian of his older sister. Friends knew him as the man that kept them out of trouble, pushing them to succeed in life. And his country knew him as a defender of our freedoms.

In December 2005, Staff Sergeant Reynolds was deployed to Iraq, worlds away, but he remained a constant presence in the life of his family and all of his friends. He sent out cards and letters, constantly reminding his fiancee of their New Year's Eve wedding date. During the next 10 months, assigned to the U.S. Army 1st Battalion, 67th Armor Regiment, 2nd Brigade, 4th Infantry Division, Staff Sergeant Reynolds dodged bullets, IEDs, and Iraqi outlaws throughout the Baghdad desert.

But on September 26, less than 2 months from coming home to Texas, Staff Sergeant Reynolds and a fellow soldier were crossing a Baghdad bridge in a military convoy when that bridge collapsed, plunging their vehicle underwater, trapping both soldiers inside. 27-year-old Staff Sergeant Reynolds and his colleague were killed in action, becoming victims in the struggle for Iraqi freedom.

A decorated soldier, Staff Sergeant Reynolds was the recipient of the Combat Infantry Badge, the Kosovo Campaign Medal. He was also awarded the Iraqi Combat Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, and the Bronze

Star. He was a lifelong member of the Borden Chapel Missionary Baptist Church. And like his mother and father, Staff Sergeant Reynolds had a devout faith in his Almighty God, believing that everything he was given was a gift by Him.

On October 7, the Borden Chapel Missionary Baptist Church in Beaumont, Texas, and the Reverend Airon Reynolds, Jr., gave this brave soldier a hero's memorial and homecoming. Family and friends were not the only ones who memorialized and honored Staff Sergeant Reynolds. The Patriot Guard Riders and the Southeast Texas Veterans Service thanked him for his valor. More than 200 Patriot Guard Riders, with flags of tribute raised, stood in honor of Staff Sergeant Reynolds, the son of Texas, an American soldier, as he reached his eternal resting place.

Mr. Speaker, I have a photograph of Sergeant Reynolds, the way that he was when he was protecting freedom across the desert sands of Iraq. American citizens are born into the privilege of freedom, and we must remember that the sacrifice given by Staff Sergeant Reynolds and all American warriors is responsible for the continuation of this great Nation.

Staff Sergeant Reynolds chose to protect the freedom that he was born into from the violent militants robbing nations of life and liberty. So God bless Staff Sergeant Reynolds and his family.

In the words of George Orwell: "We sleep safely in our beds because rough men stand ready in the night to visit violence on those who would do us harm."

And that's just the way it is

CONGRATULATIONS TO THE RUTGERS SCARLET KNIGHTS FOOTBALL TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I am very happy to say that my colleague from New Jersey, Mr. ANDREWS, is the Speaker this afternoon.

Mr. Speaker, I come to the floor this afternoon to congratulate the Rutgers Scarlet Knights on their recent victory over Kansas State in the Texas Bowl. Last Thursday the Scarlet Knights cruised to a 37–10 victory over the Kansas State Wildcats, capping their memorable season with the first bowl win in school history.

Running back Ray Rice led the winning effort with 170 yards rushing and a touchdown. Wide receiver Tim Brown scored two touchdowns, which, combined with Rutgers' stifling defense, was more than enough to put away Kansas State. The defense held Kansas State under 200 total yards and did not allow an offensive touchdown.

Coach Greg Schiano led his team to an 11-win season this year for only the second time in Rutgers' history. In his five short years since becoming head coach at Rutgers, Coach Schiano has turned the program around from a 2–9 record in the basement of the Big East to an elite football program near the top of the BCS standings. And Coach Schiano has received national recognition as the coach of the year, as well as Big East honors as coach of the year.

Mr. Speaker, also deserving of recognition are university president Richard McCormick and Rutgers athletic director Bob Mulcahy. During their tenure, Rutgers athletics, particularly the football program, has reached a high standard athletically and academically. The American Football Coaches Association has recognized Rutgers football for a high level of academic achievement among student athletes. Additionally, Rutgers student athletes have played a large role in the community by becoming involved with toy drives, hospital visits, and blood drives.

Mr. Speaker, the hard work, dedication, and teamwork exhibited by the Rutgers football program embodies the highest traditions of scholar athletes and serves as an inspiration to all New Jerseyans.

And once again I would like to congratulate the entire Rutgers athletic program and the university as a whole for this remarkable achievement. I look forward to cheering them to even greater success in the future "in that noisy college town on the banks of the old Raritan."

THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, Saddam Hussein is dead. So are 3,000 Americans. The regime in Iraq has been changed; yet victory will not be declared. Not only does the war go on; it is about to escalate. Obviously, the turmoil in Iraq is worse than ever and most Americans no longer are willing to tolerate the costs, both human and economic, associated with this war.

We have been in Iraq for 45 months. Many more Americans have been killed in Iraq than were killed in the first 45 months in Vietnam. I was in the U.S. Air Force in 1965, and I remember well when President Johnson announced a troop surge in Vietnam to hasten victory. That war went on for another decade. And by the time we finally finished that war and got out, 60,000 Americans had died. We obviously should have gotten out 10 years sooner. Troop surge then meant serious escalation.

The election is over and Americans have spoken: enough is enough. They want the war ended and our troops brought home. But the opposite is likely to occur. With bipartisan support, up to 50,000 troops may well be sent. The goal no longer is to win. Now it is simply to secure Baghdad. So much has been spent with so little to show for it.

Who possibly benefits from escalating chaos in Iraq? Neoconservatives unabashedly have written about how chaos presents opportunities for promoting their goals. Certainly Osama bin Laden has benefited from the turmoil in Iraq, as have Iranian Shiites who are now in a better position to take control of southern Iraq.

Yes, Saddam Hussein is dead, and only Sunnis mourn. The Shiites and Kurds celebrate his death, as do the Iranians and especially bin Laden, all enemies of Saddam Hussein. We have performed a tremendous service for both bin Laden and Ahmadinejad, and it will cost us plenty. The violent reaction to our complicity in the execution of Saddam Hussein is yet to come.

Three thousand American military personnel are dead. More than 22,000 are wounded, and tens of thousands will be psychologically traumatized by their tours of duty in Iraq. Little concern is given to the hundreds of thousands of Iraqi civilians killed in this war. We have spent $400 billion so far with no end in sight. This money we do not have. It is all borrowed from countries like China that increasingly succeed in the global economy while we drain wealth from our citizens through heavy taxation and insidious inflation. Our manufacturing base is now nearly extinct. Where the additional U.S. troops in Iraq will come from is anybody's guess, but surely they won't be redeployed from Japan, Korea, or Europe.

We at least must pretend that our bankrupt empire is intact, but then again, the Soviet empire appeared intact in 1988. Some Members of Congress intent on equitably distributing the suffering among all Americans want to bring back the draft. Administration officials vehemently deny making any concrete plans for a draft.

But why should we believe this? Look what happened when so many believed the reasons given for our preemptive invasion of Iraq. Selective Service officials admit running a check of their list of available young men. If the draft is reinstated, we probably will include young women as well to serve the God of equality. Conscription is slavery, plain and simple, and it was made illegal under the 13th amendment, which prohibits involuntary servitude. One may well be killed as a military draftee, which makes conscription a very dangerous kind of enslavement.

Instead of testing the efficacy of the Selective Service System and sending more troops off to a war that we are losing, we ought to revive our love of liberty. We should repeal the Selective

Service Act. A free society should never depend on compulsory conscription to defend itself.

We get into trouble by not following the precepts of liberty or obeying the rule of law. Preemptive, undeclared wars fought under false pretenses are a road to disaster. If a full declaration of war by Congress had been demanded as the Constitution requires, this war never would have been fought.

If we did not create credit out of thin air, as the Constitution prohibits, we never would have convinced taxpayers to support this war directly by increased taxation. How long this financial charade can go on is difficult to judge, but when the end comes, it will not go unnoticed by any American.

□ 1400

THE MANDATE TO BRING THE TROOPS HOME

The SPEAKER pro tempore (Mr. ANDREWS). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, yesterday all of my colleagues and I took the oath of office as a Member of this great House of Representatives, swearing to support and to defend the Constitution of the United States of America. I take this responsibility very seriously.

I take my responsibility to my constituents very seriously, and sometimes that means standing up to the executive branch when I believe it is in error, when it has gone too far or is openly ignoring the wishes of the people of America. This is what our founding fathers expected of the Congress, and, quite frankly, this is what the American people expect from the Congress.

Today I stand here and give my 174th 5-minute special order speech calling for an end to this misguided occupation in Iraq and calling on the President and all of my colleagues to support our troops by bringing them home. Already, over 3,000 American troops have been killed in Iraq, at least 44,000 have been wounded. Reports indicate that anywhere from 40,000 to 100,000 Iraqis, it is probably more, have lost their lives.

How many more families must grieve? How many more children must be orphaned? How many?

The voters sent a clear message on November 7 that Congress must stand up and say no more. The Iraq Study Group also sent a message. I was clear that the situation in Iraq is grave and deteriorating. Even President Bush finally admitted last month that we are, and he said, we are not winning in Iraq, although he also said we are not losing.

Enough Washington double-speak. It is time for action. How about a plan for the future of Iraq from President Bush? We have already spent nearly $400 billion on this occupation, and yet he is asking for $127 billion more. We already have 130,000 troops on the ground, and now we hear that he wants to send even more. He is calling it a surge. Let us be honest here, sending in more troops to clean up the mess the President has already made is an escalation. Enough is enough. No more fuzzy math, no more sloganeering, no more troops dying, no more.

Soon I will introduce a comprehensive package to bring our troops home while supporting Iraqi sovereignty. I urge my colleagues, please work with me to bring this real and workable bill to the floor.

Mr. Speaker, the voters have demanded an end to President Bush's occupation of Iraq. They don't want more talk, they want a real plan. They want a plan that will bring our troops home. This is our mandate, and this is the oath we swore to yesterday.

HONORING ANATOLE MILUNAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, it is great to be back in session and back in Washington. I look forward to a very interesting new Congress.

One of the great benefits of being a Member is the opportunity to talk about our national treasure, which is our citizens. We just lost one who became a good friend of mine, doesn't live in my Congressional district, is from the state of Illinois, name of Tony Milunas.

Now, Tony, is the story of a lot of post World War II era emigres who came from the former captive nations, the former Eastern Bloc countries that immigrated here, became active citizens, not only supported this great country, served in the military, but also was very involved in the 50 years of totalitarian ruling of the Eastern Bloc countries and helped bring freedom to those countries. With that I am going to give a little background on Tony and mention how he was very important in my life.

Anatole Milunas, "Tony," as we knew him, was born August 3, 1936 in the City of Sauliai, Lithuania. During World War II, he left Lithuania to escape the second Soviet occupation and the subsequent 50 years of terror. While in exile in 1946, he finished high school and began studying for a degree in technology in Darmstadt, Germany.

After he immigrated to the United States, he continued his schooling and graduated with a bachelor's degree from the University of Illinois. During the Korean War, he served in the United States Army, stationed in Germany as a translator and adviser to a staff officer.

He actively participated in the presidential election of President Ronald Reagan and President George Herbert Walker Bush, and has been a strong supporter of the Illinois Republican Party. From 1979 to 1985, he was a chairman of the Lithuanian American Republican National Federation, and from 1994 to 2006, Mr. Milunas was the chairman of the Lithuanian American Republican League in Illinois.

He died December 23, 2006. He left a widow, Dana, and two sons, Vytenis and Rimas, two good Lithuanian names, their families and many relatives here in Lithuania as well as friends and so many associates. He leaves behind a lasting legacy.

Now, I met Tony way back in 1992 when he looked at the family name of politicians running for office, and my colleagues here, who I have served with for many years, know that I have focused some of my extra time on Baltic issues, which is Estonia, Latvia and Lithuania. Not because I have a strong Baltic number of citizens in my district, and, in fact, it is very little, but Shimkus is ethnically Lithuanian.

Tony, seeing that name said, and being Republican, says, oh, I found a guy who will help me remember the persecution of the Baltic countries and help bring freedom, NATO enlargement, EU ascension to the Baltic countries.

He adopted me, in essence, and he encouraged me to not only be involved here on the floor, but really be involved in what for me is four generations removed. He is one generation, I am four generations.

Tony gave me this photo back on October 18, 2002, to the Honorable John Shimkus, we are proud to have you as an honorary member while we continue the Reagan legacy, Lithuanian Republican League of Illinois, Anatole Milunas. This is a photo of President Reagan when he is campaigning in Chicago. Now I am a down-stater, I am more by St. Louis and what we call southern Illinois. This was a picture Tony was very, very proud of. This was at an ethnic festival, then candidate Reagan was there. Tony handed him this bumper sticker that said, "I love Lithuanians," and here is President Reagan holding this up.

As we know, it was President Reagan that was in Berlin and said, Mr. Gorbachev, tear down this wall, which is all part of the fall of the Soviet empire and the freeing of millions of people in what we call the captive nations.

I was glad to play a small part in the movement to enlarge NATO and bring in the former captive nations that love democracy and freedom, willing to take and pay the sacrifice, transform their militaries and be true allies.

One of the reasons why I was able to do that is because of the mentorship, the friendship, the love, the compassion of this U.S. citizen who was born in Sauliai, Lithuania, who came to this country with nothing, lived the American dream, was a great citizen, but had an appreciation for his homeland.

GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today to commend the new Democratic leadership that will finally allow the U.S. House of Representatives to address high energy prices. Under prior Republican leadership in the House, the oil industry enjoyed years of record profits, record high gas prices and minimal oversight and price manipulation.

Curiously, in September and October of 2006, just before the November elections, gas prices dropped an average of $.60 per gallon compared to the record high prices of last summer. This $.60 drop in gas prices occurred despite the fact that there were pipeline disruptions in Alaska and indications that OPEC would cut oil production. Department of Energy's statistics show us that while gas prices dropped an average of $.60 a gallon in September and October, the crude oil price only dropped 10 cents a gallon.

If you listened to National Public Radio this week, you would have heard that there is evidence that the oil companies intentionally influence gas price fluctuations, and a $.60 drop was done just before the election to influence the November elections.

For years, the American Petroleum Institute, the oil companies' main lobbying group, has spent millions of dollars on public relations campaigns to convince the American people that gas prices are a direct result of crude oil prices, not oil company practices. But yet we have a 60 percent drop in gas prices, but only a 10 percent drop in the price of crude.

Ignoring their own PR, oil companies were able to significantly reduce the gas prices in September and October without a corresponding decrease in their crude oil price. Some consumer advocates, such as the Foundation for Taxpayer and Consumer Rights, have accused oil companies of purposefully reducing gas prices in the months before the election to help Republican candidates.

Since November, gas prices have already increased an average of 15 cents a gallon. This is not the first time the oil companies have been accused of attempting to manipulate markets for their benefit.

Internal memos from several oil companies written in the 1990s have revealed that the big oil companies have worked to limit refinery capacity here in the United States, allowing these companies to control the supply and cost of gasoline.

In May of 2006, the Federal Trade Commission released its report titled Investigation of Gasoline Price Manipulation and Post-Katrina Gasoline Price Increases. In this report, the Federal Trade Commission found that after Hurricane Katrina refiners, wholesalers and retailers charged significantly higher prices that did not result from either increased costs or market friends.

FTC Commissioner John Liebowitz, in a statement on the report, acknowledged that, and I quote, "that the behavior of many market participants, on balance, leaves much to be desired."

☐ 1415

Democrats have repeatedly urged the House Republican leadership to protect America's pocketbooks and not that of Big Oil. Nonetheless, the Republican leadership refused to take action last fall on high gas prices. The American people have now chosen a new direction with Democrats in charge.

During the first 100 legislative hours of this, the 110th Congress, the House of Representatives will consider legislation to end the tax breaks and special subsidies for oil companies. For too long, oil companies have benefited from weak royalty laws, tax breaks and subsidies, at the same time making record profits at the expense of the American people.

Rather than helping oil companies' bottom lines, these funds that we will recapture will instead be used to promote alternative energy sources to end our Nation's addiction to oil.

Later this year I look forward to having an open and honest debate on my legislation, which I plan to reintroduce soon, to end gas price gouging.

Last year over 120 Members cosponsored my legislation to create a Federal law against price gouging for gasoline, natural gas, and other fuel.

I look forward to continuing to work towards greater oversight of the oil and gas trading, especially off-market trades known as "over the counter" trades.

I will be re-introducing my legislation, the Prevent Unfair Manipulation of Prices Act, to improve oversight of these trades and strengthen the penalties for traders who attempt to illegally manipulate markets.

The Federal Government has a responsibility to protect consumers from high gas prices. I look forward to being able to address high energy prices, to provide our constituents with the protection they need and so desperately deserve.

Mr. Speaker, if I may, I would like to enter into the RECORD a one-page article from National Public Radio about how "in other words, in the run-up to the election, oil companies cut gasoline prices 500 percent more than their raw material costs fell. And it wasn't because refining and distribution costs rose. They were relatively stable. Oil companies simply took less profit from their refineries for a short period of time."

GAS-PRICE CONSPIRACY? YOU BET!

Commentator and consumer advocate Jamie Court says there IS evidence that oil companies intentionally influence gas-price fluctuations.

TEXT OF COMMENTARY

KAI RYSSDAL: The 110th Congress will be sworn in on Thursday. Speaker-to-be Nancy Pelosi has promised a whirlwind first 100 hours of the session. On the Democrats' list of things to do is cut subsidies to the oil industry. Perhaps as a result, the American Petroleum Institute—that's big oil's main lobbying group—is launching a public relations offensive. Complete with Congressional oil patch tours, and contributions to friendly think tanks. It's trying to convince people rising energy prices are simply the result of higher demand and shrinking supply.

Commentator and consumer advocate Jamie Court says that campaign is too slick by half.

JAMIE COURT: Say you're an oil executive and you want to keep the Republicans in control of Congress. What can you do prior to an election? Well, you can keep your refineries running at full speed, flood the market with extra fuel, and take less per gallon in profit than usual. And guess what: Department of Energy data suggest that's exactly what the oil companies did this fall. By the second week in October, gasoline prices fell 70 cents from summer's record highs. Refineries were running full throttle and America's gasoline inventories were up nearly 7 percent from the three previous Octobers. The rise in supply came despite BP's major pipeline disruption in Alaska. Ordinarily, that's an industry excuse to shrink supplies and raise prices. Now, the oil industry claimed pump prices fell because crude oil prices dropped. But gas prices dropped far more steeply than crude oil. Crude oil comes in barrels. There are 42 gallons in a barrel and the price of each gallon was down 10 cents this October over last. But gas prices fell 61 cents a gallon over the same time last year.

In other words, in the run-up to the election, oil companies cut gasoline prices 500 percent more than their raw material cost fell. And it wasn't because refining and distribution costs rose. They're relatively stable. Oil companies simply took less profit from their refineries for a short period of time. Could it have been to influence a political outcome? Well, right after election day, the price of gas suddenly rose after two months of sharp decline. Post-election, refineries have slowed down, inventories are shrinking, and gas prices are climbing. It's back to business as usual, unless the new Congress starts to do business differently.

RECOGNIZING APPALACHIAN STATE UNIVERSITY MOUNTAINEERS AND WAKE FOREST DEMON DEACONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to recognize the extraordinary efforts of the Appalachian State Mountaineers football team, who recently defeated the Massachusetts Minutemen in a 28–17 victory. What makes this a magnificent triumph is that this is the second straight year the Mountaineers have brought home the NCAA Division 1 football championship subdivision, formerly recognized as Division 1–AA. The Mountaineers finished their season with a 14–1 record, losing only their first game of the season and going undefeated all the way through to the championship game after that.

I am honored to represent Appalachian State University, as they have not only a stellar academic program but also have succeeded in athletics as well. This shows the diversity and accomplishments of Appalachian State as they exemplify a true student body where life lessons are learned through extracurricular activities as well as rigorous academic study.

I am pleased to recognize the momentous accomplishments of junior Kevin Richardson who scored all four touchdowns and had 179 rushing yards that led the Mountaineers to victory in the championship game. Although Massachusetts had started the game with an early lead, the Mountaineers persevered, worked as a team, and never gave up.

The Mountaineers had tremendous support from their fellow classmates, alumni and residents of Boone, North Carolina. Not only have they received this support on their home field, Kidd Brewer Stadium, the gridiron, but also when the Mountaineers traveled for their games. At the playoff game, an enormous crowd of 22,808 included over 15,000 Appalachian State Black and Gold dressed fans at Finley Stadium in Chattanooga, Tennessee. With great anticipation of another Mountaineer victory, the attendance set a record for Finley Stadium at the University of Tennessee where the game was played. While the game was played and won by the Appalachian State football team, the tremendous support of friends, family, alumni and North Carolina residents set an exciting tone and surely assisted the team by showing their dedicated support. Also notable was that this was the 12th time in the 15 games this season that the Mountaineers played before a sold out crowd.

I extend my deepest congratulations to all the Mountaineers who played with dedication, perseverance and, most of all, heart. I also applaud the tremendous coaching staff, including head coach Jerry Moore, who has been with Appalachian State University for 18 years, serving the athletic program with enthusiasm and steadfast commitment. His service, along with the entire coaching staff, has been invaluable in guiding the team to their great successes.

Congratulations, again, Appalachian State Mountaineers for your tremendous success in back to back NCAA titles. You are definitely a source of pride for western North Carolina.

It is also my pleasure to commend the Wake Forest Demon Deacon football team on an outstanding season. Prior to the start of the season, the Deacons were predicted to finish last in their division of the Atlantic Coast Conference. However, they were not discouraged by these predictions and actually seemed to revel in the role of the underdog. Ultimately, Wake Forest shocked the Nation by finishing the regular season 11–2, which placed them at the top of the Atlantic Division in the ACC. They then defeated the Georgia Tech Yellow Jackets in the Atlantic Coast Conference Champion game, making Wake Forest ACC champions for the first time since 1970.

Much of the team's success this year is due to its resilience, tenacity, and impeccable coaching. Wake Forest coach Jim Grobe was unanimously named ACC Coach of the Year and beat out a strong group of national contenders to be named the 2006 NCAA National Coach of the Year. Coach Grobe and the Deacons battled injuries to several key players, including their starting quarterback and starting tailback, but bounced back in the face of adversity to set a school record for victories.

After such an unbelievable season, no one was surprised when the Deacons were chosen to play the 2007 Orange Bowl. The reigning ACC champs traveled down to Miami, with their fans in tow, to face the champions of the Big East Conference, the Louisville Cardinals. Wake Forest came into the game well prepared and played like the champions they are. While Louisville emerged victorious, Wake fans and players alike left Miami with their heads held high, proud of a season full of accomplishments.

The Orange Bowl culminated a magical season for the Demon Deacons, one that Wake fans will never forget. Finishing the regular season 11–2, serving Florida State its first-ever shutout at home under the leadership of Coach Bobby Bowden, winning the ACC championship and appearing in the Orange Bowl can be considered highlights. But by no means could these achievements capture the spirit and the emotion of this phenomenal season for the Wake Forest Demon Deacons. The sentiments of this season can best be summed up in the 10 minutes following the Orange Bowl on January 2. Even though the Deacons lost, Wake fans remained in the stands after the game, standing and cheering in support of the team that brought them so much joy this season as Wake players walked to their side of the stadium to thank the fans for their steadfast support.

This relationship underlines what it means to be a Deacon fan. Wins and losses ultimately aren't all that matter, but rather the sense of pride and family that comes along with being a Deacon is what makes the Wake Forest team and the fans such a special group.

Mr. Speaker, I just want to say, Go Deacs.

There may have been a few tears shed in Dolphins Stadium following this year's Orange Bowl, but they were not tears of sadness. They were tears of pride and accomplishment, and they were very hard earned.

Congratulations to Wake Forest, and best of luck next season. We know it will be every bit as exciting as this one. Go Deacs!

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2007 AND THE 5-YEAR PERIOD FY 2007 THROUGH FY 2011

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes. I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2007 and for the five-year period of fiscal years 2007 through 2011. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 401 and 501 of H. Con. Res. 376, which is currently in effect as a concurrent resolution on the budget in the House under H. Res. 6. This status report is current through January 1, 2007. An additional report will be filed to reflect any changes in committee jurisdictions.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 376. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2007 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 376 for fiscal year 2007 and fiscal years 2007 through 2011. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2007 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2008 of accounts identified for advance appropriations under section 401 of H. Con. Res. 376. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

The fifth table provides the current level of the nondefense reserve fund for emergencies established by section 501 of H. Con. Res. 376. The table is required by section 505 of the budget resolution, and is needed to determine whether an increase in the reserve fund, allocations and aggregates will be necessary for any pending legislation that contains emergency-designated discretionary budget authority.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2007 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 376

Reflecting action completed as of January 1, 2007—[On-budget amounts, in millions of dollars]

	Fiscal year 2007	Fiscal years 2007–2011
Appropriate Level:		
Budget authority	2,283,029	[1]
Outlays	2,325,998	[1]
Revenues	1,780,666	10,039,909
Current Level:		
Budget authority	2,266,002	[1]
Outlays	2,273,560	[1]
Revenues	1,771,853	10,146,069
Current Level over (+) / under (−) Appropriate Level:		
Budget authority	−17,027	[1]
Outlays	−52,438	[1]
Revenues	−8,813	106,160

[1] Not applicable because annual appropriations Acts for fiscal years 2008 through 2011 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2007 in excess of $17,027,000,000 (if not already included in the current level estimate) would cause FY 2007 budget authority to exceed the appropriate level set by H. Con. Res. 376.

OUTLAYS

Enactment of measures providing new outlays for FY 2007 in excess of $52,438,000,000 (if not already included in the current level estimate) would cause FY 2007 outlays to exceed the appropriate level set by H. Con. Res. 376.

REVENUES

Enactment of measures that would reduce revenue for FY 2007 (if not already included in the current estimate) would cause revenues to fall further below the appropriate level set by H. Con. Res. 376.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2007 through 2011 in excess of $106,160,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 376.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF JANUARY 1, 2007

[Fiscal years, in millions of dollars]

	2007		2007–2011 Total	
	BA	Outlays	BA	Outlays
House Committee				
Agriculture:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	45	45	45	45
Current level	−35	150	34	213
Difference	−80	105	−11	168
Education and Labor:				
Allocation	0	1	0	30
Current level	16	119	178	−1,733
Difference	16	118	178	−1,763
Energy and Commerce:				
Allocation	0	0	0	0
Current level	−63	72	39	49
Difference	−63	72	39	49
Financial Services:				
Allocation	0	0	2	2
Current level	0	0	−5	−5
Difference	0	0	−7	−7
Foreign Affairs:				
Allocation	1	1	5	5
Current level	0	−5	0	−12
Difference	−1	−6	−5	−17
Homeland Security:				
Allocation	0	0	0	0
Current level	106	7	0	0
Difference	106	7	0	0
House Administration:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Judiciary				
Allocation	19	16	116	113
Current level	0	0	0	0
Difference	−19	−16	−116	−113
Natural Resources:				
Allocation	0	0	6	6
Current level	26	26	133	133
Difference	26	26	127	127
Oversight and Government Reform				
Allocation	0	0	0	0
Current level	−6,384	−6,384	−21,500	−21,500
Difference	−6,384	−6,384	−21,500	−21,500
Science and Technology				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	13	13	22	22
Current level	0	−3	−4	−19
Difference	−13	−16	−26	−41
Veterans' Affairs				
Allocation	0	0	0	0
Current level	−2	−2	1	1

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF JANUARY 1, 2007—Continued

[Fiscal years, in millions of dollars]

	2007		2007–2011 Total	
	BA	Outlays	BA	Outlays
Difference	−2	−2	1	1
Ways and Means				
Allocation	0	0	0	0
Current level	4,622	4,538	6,338	6,282
Difference	4,622	4,538	6,338	6,282

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2007—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations as of June 6, 2006 (H. Rpt. 109–488)		Current Level Reflecting Action Completed as of January 1, 2007		Current Level minus Suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	17,812	19,497	17,803	19,402	−9	−95
Defense	377,357	393,165	377,357	394,244	0	1,079
Energy & Water Development	30,017	31,411	28,926	30,751	−1,091	−660
Foreign Operations	21,300	23,441	19,609	23,144	−1,691	−297
Homeland Security	32,080	38,711	31,905	38,714	−175	3
Interior-Environment	25,889	26,902	25,471	26,566	−418	−336
Labor, HHS & Education	141,930	145,631	150,573	147,619	8,643	1,988
Legislative Branch	4,030	4,013	3,756	3,797	−274	−216
Military Quality of Life-Veterans Affairs	94,705	88,728	86,260	84,457	−8,445	−4,271
Science-State-Justice-Commerce	59,839	62,143	7,709	60,479	−2,130	−1,664
Transportation-Treasury-HUD-Judiciary-DC	67,819	130,069	67,124	128,714	−695	−1,355
Unassigned	0	0	0	0	0	0
Total (Section 302(a) Allocation)	872,778	963,711	866,493	957,887	−6,285	−5,824

Statement of FY2008 advance appropriations under section 401 of H. Con. Res. 376, reflecting action completed as of January 1, 2007

[Budget Authority in Millions of Dollars]

	Budget authority
Appropriate Level	23,565
Current Level	0
Elk Hills	0
Corporation for Public Broadcasting	0
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (Head Start)	0
Special Education	0
Vocational and Adult Education	
Transportation (highways, transit, Farley Building)	0
Payment to Postal Service	0
Section 8 Renewals	0
Total	0
Current Level over (+)/under (−) Appropriate Level	−23,565

Statement of nondefense reserve fund for emergencies under section 501 of H. Con. Res. 376, discretionary budget authority for FY 2007, reflecting action completed as of January 1, 2007

[Budget Authority in Millions of Dollars]

	Budget authority
Appropriate Level	6,450
Current Level	0
Current Level over (+)/under (−) Appropriate Level	−6,450

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 4, 2007.

Hon. JOHN M. SPRATT, Jr.,
Chairman-Designate, Committee on the Budget, House of Representatives, Washington, DC.

DEAR CONGRESSMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through January 1, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 376, the Concurrent Resolution on the Budget for Fiscal Year 2007, as approved by the House of Representatives. Although the House and the Senate have not reached agreement on a concurrent budget resolution for 2007, pursuant to House Resolution 818, H. Con. Res. 376 has the force and effect in the House for all purposes of the Congressional Budget Act of 1974 as though adopted by the Congress.

Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, and section 402 of H. Con. Res. 376, the Concurrent Resolution on the Budget for Fiscal Year 2007, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes certain amounts that affect 2007 spending (see footnote 2 of the report).

Since my last letter, dated November 15, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2007:

an act making further continuing appropriations for the fiscal year 2007 (Public Law 109–383);

an act to authorize the Secretary of the Interior to revise certain repayment contracts (Public Law 109–386);

the Tax Relief and Health Care Act of 2006 (Public Law 109–432);

the Postal Accountability and Enhancement Act (Public Law 109–435);

the Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006 (Public Law 109–458);

the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461); and

the Social Security Trust Funds Restoration Act of 2006 (Public Law 109–465).

In addition, the Congress has cleared for the President's signature the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (H.R. 5946) and the National Institutes of Health Reform Act of 2006 (H.R. 6164).

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

FISCAL YEAR 2007 HOUSE CURRENT LEVEL REPORT AS OF JANUARY 1, 2007

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:[1]			
Revenues	n.a.	n.a.	1,819,599
Permanents and other spending legislation	1,400,673	1,333,068	n.a.
Appropriation legislation	0	409,185	n.a.
Offsetting receipts	−549,710	−549,710	n.a.
Total, enacted in previous sessions:	850,963	1,192,543	1,819,599
Enacted this session:			
Authorizing Legislation:			
An act to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006 (P.L. 109–204)	−1,000	−520	0
Native American Technical Corrections Act of 2006 (P.L. 109–221)	11	11	11

FISCAL YEAR 2007 HOUSE CURRENT LEVEL REPORT AS OF JANUARY 1, 2007—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109–222)	0	0	−32,674
Heroes Earned Retirement Opportunities Act (P.L. 109–227)	0	0	−4
Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (P.L. 109–233)	−3	−3	0
Broadcast Decency Enforcement Act of 2005 (P.L. 109–235)	0	0	1
Mine Improvement and New Emergency Response Act of 2006 (P.L. 109–236)	1	0	5
Coast Guard and Maritime Transportation Act of 2006 (P.L. 109–241)	0	−3	0
Returned Americans Protection Act of 2006 (P.L. 109–250)	0	1	0
An act approving the renewal of import restrictions contained in the Burmese Freedom Democracy Act of 2003 (P.L. 109–251)	0	0	−1
An act to provide funding authcrity to facilitate the evacuation of persons from Lebonon (P.L. 109–268)	0	−5	0
Pension Protection Act of 2006 (P.L. 109–280)	15	119	363
United States-Oman Free Trade Agreement Implementation Act (P.L. 109–283)	1	1	−15
Pueblo de San Ildefonso Claims Settlement Act of 2005 (P.L. 109–286)	7	7	0
Child and Family Services Improvement Act of 2006 (P.L. 109–288)	0	−10	0
National Law Enforcement Officers Memorial Maintenance Fund Act of 2005 (P.L. 109–314)	1	1	0
National Heritage Areas Act of 2006 (P.L. 109–338)	3	3	0
Security and Accountability for Every Port Act of 2006 (P.L. 109–347)	106	7	0
John Warner National Defense Authorization Act for Fiscal Year 2007 (P.L. 109–364)	−35	150	0
Fort McDowell Indian Community Water Rights Settlement Revision Act of 2006 (P.L. 109–373)	4	4	0
An act to authorize the Secretary of the Interior to revise certain repayment contracts (P.L. 109–386)	1	1	0
Tax Relief and Health Care Act of 2006 (P.L. 109–432)	3,323	3,248	−15,600
Postal Accountability and Enhancement Act (P.L. 109–435)	−6,384	−6,384	0
Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006 (P.L. 109–458)	−1	−1	0
Veterans Benefits, Health Care, and Information Technology Act of 2006 (P.L. 109–461)	1	1	0
Social Security Trust Funds Restoration Act of 2006 (P.L. 109–465)	1,298	1,298	0
Appropriations Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234)[2]	0	−14	168
Defense Appropriations Act, 2007 (P.L. 109–289)[2]	377,571	252,047	0
Homeland Security Appropriations Act, 2007 (P.L. 109–295)[2]	32,968	20,406	0
Total, enacted this session:	407,888	270,365	−47,746
Passed, pending signature:			
Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (H.R. 5946)	2	2	0
National Institutes of Health Reform Act of 2006 (H.R. 6164)	−65	70	0
Total, passed, pending signature:	−63	72	0
Continuing Resolution Authority:			
Continuing Resolution, 2007 (P.L. 109–383)	436,112	262,309	0
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs not yet enacted	571,102	548,271	n.a.
Total Current Level 2,[3]	2,266,002	2,273,560	1,771,853
Total Budget Resolution	2,283,029	2,325,998	1,780,666
Current Level Over Budget Resolution	n.a.	n.a.	n.a.
Current Level Under Budget Resolution	17,027	52,438	8,813
Memorandum:			
Revenues, 2007–2011:			
House Current Level	n.a.	n.a.	10,146,069
House Budget Resolution	n.a.	n.a.	10,039,909
Current Level Over Budget Resolution	n.a.	n.a.	106,160
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

Notes.—n.a. = not applicable; P.L. = Public Law.

[1] The effects of the Deficit Reduction Act of 2005 (P.L. 109–171) and the Federal Deposit Insurance Reform Conforming Amendments Act of 2005 (P.L. 109–173) are included in this section of the table, consistent with the budget resolution assumptions. In addition, the scoring for the Deficit Reduction Act of 2005 includes savings from corrections to two provisions (in sections 8006 and 10002) not yet enacted, consistent with the budget resolution assumptions.

[2] Pursuant to section 402 of H. Con. Res. 95, thee Concurrent Resolution on the Budget for Fiscal Year 2006, and section 402 of H. Con. Res. 376, the Concurrent Resolution on the Budget for Fiscal Year 2007, as approved by the House of Representatives, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated are as follows:

	Budget authority	Outlays	Revenues
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Rocovery, 2006 (P.L. 109–234)	48	39,863	0
Defense Appropriations Act, 2007 (P.L. 109–289)	70,000	40,473	0
Homeland Security Appropriations Act, 2007 (P.L. 109–295)	1,829	943	0
Total, enacted emergency requirements:	71,877	81,279	0

These amounts are generally excluded from the curent level. However, section 402 of the 2007 budget resolution specifies that upon enactment of funding for the global war on terrorism, amounts included in the budget resolution for such purpose shall be considered current law when preparing the current level. Therefore, the current level includes $50,000 million in budget authority and $33,500 million in outlays assumed in the budget resolution.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

OUR MISSION IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I came to the floor to talk a little bit about national security and where the Nation's defense apparatus stands as of now. But I thought I also might comment on the comments that were made by two of my wonderful colleagues, Ms. WOOLSEY of California and Mr. PAUL of Texas, who preceded me and commented about their position to the effect that we should bring our troops home immediately from Iraq. And implicit in their comments was the message that somehow Saddam Hussein's continued rule of Iraq would have been preferable to the American intervention.

I disagree with that theme, and let me tell you why. In listening to Ms. WOOLSEY talk about the wounded, the KIA, the suffering in that part of the world, and the burden that has been borne by American soldiers, I think it is also important to remember the Iraq that was represented by Saddam Hussein.

And while she has, obviously, the images that have compelled her to take her philosophical position, the image that I have, and I keep in my desk drawer, is the photograph of the hundreds of mothers whose bodies are strewn across the hillside in northern Iraq, holding their children, some of them newborn babies, some of them four, five, 6 years old, dead in midstride where they were hit by poison chemical, poison chemical that was delivered into those villages at the order of Saddam Hussein.

And I have taken, as a guy who sometimes watches the History Channel, to tuning in when I see the History Channel reviewing the exhuming of bodies in these mass graves and putting together this story, this mosaic of Iraq history under Saddam Hussein and the story of how hundreds of people, men, women and children, would be herded across fields and they would be executed and their bodies would be pushed into mass graves. And now we are uncovering those mass graves.

And just like the mass graves that we found in Europe, especially those that were filled by bodies that had been people who had been executed by the Nazis, there are more people now in those mass graves, we find, than what we had projected.

And as I watched the exhuming of some of those bodies on the History Channel, I noticed that the anthropologist who was doing the particular work noted that the mother, in some cases, who was executed would often have a .45 bullet hole in the back of her head, and her small baby that she was holding would also have a bullet hole in the back of his or her head. So the monstrosity that was Saddam Hussein, the mass execution, the killing of people with chemical weapons, is what the American troops displaced when we moved into Iraq.

Now, it is tough to stand up a free nation and stand up a military that is able to protect it, but that is the challenge that we are meeting right now. And we are following the same basic pattern that we have followed for 60 years. Whether you are talking about Japan or the Philippines or El Salvador in our own hemisphere, first you stand up a free government. Secondly, you stand up a military that is capable of protecting that free government, and third, the Americans, not coveting anything that that country has, the Americans leave.

Now, Mr. Speaker, I thought I also might speak just a little bit, as we turn over the control of Congress to the Democrat leadership, not only in the full House, but also the committee chairmanships, and my own committee chairmanship now has been relinquished to the gentleman from Missouri, IKE SKELTON, my good friend and a wonderful person and a person with a real heart for the troops. I thought that I might just comment about where we stand right now. I think it is important for the American people to know where we stand and what this Congress that is going out has accomplished for national security.

First, what have we done for the troops? Well, over the last 8 years we have increased the pay for the Army, the Air Force, the Navy, the Marines, and the National Guard by right at 40 percent, a 40 percent pay increase. We have increased family separation pay, the amount of money that we deliver to our military families when they are separated when people are deployed overseas. We have increased that from $100 a month to about $250 a month. We have increased our combat pay.

Mr. Speaker, I know I have only got 5 minutes, so I will elaborate on some of the accomplishments that occurred during this last Congress in the next hour.

DEFINING EARMARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, again, thank you for the leadership given today and yesterday by Speaker PELOSI and the House leadership for putting us on the right course. And it is interesting to listen to my good friends, and they are good friends, who are on the other side of the aisle and to listen to the conversation on the Nation's headline stations about the commitment Democrats have made to come to work. And we are delighted that in the last couple of votes we saw almost unanimous votes as relates to our open government.

But let me, as a Member who comes from a district that depends a lot on the interests and concern of this Congress about issues of empowerment of nonprofits and charitable organizations who struggle every day to mentor children, to provide economic empowerment. Sometimes they provide assistance where government cannot. And they are the recipients of earmarks. And I think it is important that we define earmarks so that the maligning that has occurred because of some inappropriate use of earmarks really doesn't hide the value of allowing these tax dollars to go back, not through government bureaucracy but right to the people.

□ 1430

An example of that is the Texas Southern University Laboratory School, a school that is placed in a public housing complex that educates the children and other surrounding children in that neighborhood in a progressive and op-educational system, so much so that their test scores have excelled beyond public school. It is, in fact, formerly a school that had been embraced by the public school system, and now has been spun off to Texas Southern University, a teaching college, and the housing authority.

We have an earmark, of which I am very proud to have all of the scrutiny that anyone might want, that would provide dollars to continue this interesting and provocative way of teaching our children so that inner city children, children that would be pegged as not being able to be creative, are actually passing their science tests, their math tests, and they rush to school because they have a lust for learning. That is an earmark.

What I believe in this bill has been passed on reform is transparency. And any day of the week, I would be willing to associate my name to track where these monies go and determine whether there are any special interests that come back to me. You will find a complete slate in this particular earmark. And all other earmarks as this bill will allow, we will be able to say this is what this earmark is for. It is not a special interest, it does not go back to give any individual Member any kind of advantage.

These earmarks are crucial, such as earmarks for the Northeast YMCA, that deals again in the far reaches of the 18th Congressional District but helps youngsters develop leadership skills; or the earmarks that go to public health clinics that will help create a greater opportunity for first-line health care for the elderly and working Americans in the working class.

Again, this should be a Congress not wracked with special interests but a Congress who really believes in the people who went out to vote in this last election. So I am proud to be associated with this lobbying reform that has as one of its key elements the right for the American people to know where their tax dollars are going. And any day that any one of us is fortunate enough to receive an earmark, you should have the ability to be able to review it.

Let me also say as we move forward into the 100 hours of legislation how proud I am to be part of the overall package. And let me say to those of you throughout the community who have had those kinds of questions, like one of the questions that I have been asked, when are we going to raise the minimum wage, let me respond to the small businesses who might say this is going to be an extraordinary burden. I would remind you that when we raised it in 1997, you survived.

It has been 10 years since we raised the minimum wage. Those individuals who receive an increase in the minimum wage are the consumers of America. They will be in your small stores in your neighborhoods. They will be in your small businesses. They will provide the backbone of your increased economic benefit. So we should not look to the increase in the minimum wage as undermining small businesses. It will not. It will create such an infusion of dollars and provide additional dollars of saving, even though it is a measured increase that it increases over a period of time.

What a difference it will make for those individuals supporting families, single parents, double parents, working families still on the minimum wage. What a difference it will make for them to have an opportunity to grab hold or to aspire some day in their life to the American Dream. We cannot continue to be this great country without having this opportunity.

As I close, Mr. Speaker, let me simply say the minimum wage is vital; as are the 9/11 Commission recommendations, finally to be able to secure America; and, lastly, I look forward to bringing to the floor what America has sent us here to do, which is to find a dignified way of bringing our soldiers home with dignity and respect, with a thank you for what they have done on the front lines of Iraq. That is the challenge for America. That is the challenge for those of us who have come in the majority this time.

EARLY ACTIONS OF NEW DEMOCRAT MAJORITY

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. McHENRY) is recognized for 60 minutes.

Mr. McHENRY. Mr. Speaker, this is a nice occasion at the end of the week to wrap up what we have been doing and talk about how we have been active this week, but before I start, I would like to yield to the distinguished former chairman of the Armed Services Committee, my colleague from California (Mr. HUNTER), to discuss points that he illuminated in his first 5 minutes.

Mr. Speaker, I thank my good friend Mr. McHENRY, and again, I thought it was important, as we move into this new era and my great friend IKE SKELTON takes over the Armed Services Committee to reflect on where we stand and what we did in the last Congress.

Again, just to reiterate, we culminated a 40 percent pay increase for the Army, the Navy, the Air Force, the United States Marine Corps, and the National Guard in this last 8 years. Along with that, we increased family separation pay, which is the pay a family receives when the loved one is separated, maybe is in theatre, or maybe is deployed far around the world in this global war against terror. We increased that from $150 to $250 per month. We increased combat pay. We increased a number of our insurances. And also, Mr. Speaker, we increased TRICARE coverage for National Guard personnel and for their families.

Along with that, we did something that was really the special project of the outgoing readiness chairman, Mr. Hefley of Colorado, which was to bring in to full flower this privatization of housing on military bases across the country so that military wives and family members could move into really great housing.

I have to tell you, in visiting bases across America, it has been heartwarming to see these military families coming into wonderful new housing that often has an entertainment area in maybe a common area with a pool and tennis courts and reading rooms in the center of one of these housing projects where the families can go for entertainment and take their children for good quality time.

So the quality of life for America's military families has been greatly increased over the last 8 years.

Now, what have we done in terms of firepower? Mr. Speaker, I can tell you that beginning with this administration and meetings that we held with the Secretary of Defense and with the President, one concern that I had, and a number of members of our committee had, was the amount of what I would call precision firepower. That is the ability to deliver a smart bomb or a precise system. Instead of, for example, having to drop 100 bombs on a bridge to knock a bridge out, to be able to send a smart bomb in, hit one strut on that bridge, and bring the bridge down.

We all know now that this is the age of precision firepower, and we wanted to greatly expand our precision firepower because that gives the United States the capability to project enormous power around the world when we have to. So, Mr. Speaker, I just wanted to report to the people of the House, to our great colleagues and to the American people that we have in the last 8 years more than doubled, more than doubled our precision firepower.

A lot of that is manifested in what we call LGBs, or laser-guided bombs. A lot is manifested in what we call JDAMs, or joint direct attack munitions. But for our adversaries, that means that America has the power now to send in more than twice the firepower in precise places, at precise targets with enormous effect. That is very important for America's troops and for America's strength.

Now, Mr. Speaker, also people have asked what have we done in terms of enlarging the size of the two ground elements of America's military, the primary ground elements, the United States Army and the United States Marine Corps? We have increased the size of the Marine Corps now from 175,000 personnel to 180,000 personnel. We have increased it right at, in fact, exactly 5,000 Marines. And the last time I checked, we were something like 100 Marines under that limit. But we have gone from 175,000 Marines to 180,000 Marines. We are right at that exact number, a few people short, but we have those Marines actually on the ground, deployed, showing up for roll call each day in their particular position in the war against terror. So we have increased the size of the United States Marine Corps. Now, we may need further increases, but at least at this point we have a 5,000 troop increase.

With respect to the Army, we took the Army end strength from 482,000 to 512,000. That is a 30,000 person increase in the United States Army. Now, a number of us on the Armed Services Committee have done an analysis parallel to the QDR, the Quadrennial Defense Review, and we feel we may have to increase the Marine Corps and the Army further, and you can see those recommendations manifested in that report. But we have actually increased the Army and we have increased the size of the U.S. Marine Corps.

Now, if you ask, and a number of people have asked since Ronald Reagan made that speech in 1983 and said, in essence, we are entering the age of missiles, and the United States, to secure its people, has to have the ability to shoot down incoming missiles, a number of people have asked us and asked regularly where are we in terms of missile defense. And I am pleased to report, Mr. Speaker, that for the first time in the history of the United States, we actually have a very small, very limited, but nonetheless very real missile defense for the first time. It is manifested in the interceptor missiles that we have in place on the Pacific coast and Alaska that could handle, on a very limited basis, a rogue missile or several coming into the United States.

Now, some people may say, well, that is not much. And my answer is, that is more than we have ever had in the history of this country. We have deployed a missile defense and we will be building on that deployment.

So, Mr. Speaker, I just thought it was important to lay out some of the things that this Congress has done and that this Armed Services Committee has accomplished for the American people. A 40 percent pay increase for our troops, increasing the size of the U.S. Army and the U.S. Marine Corps, putting together the first missile defense in the history of the country, and more than doubling the precision firepower of our armed forces.

Lastly, Mr. Speaker, the President will be making a statement very soon about this adjusted policy on Iraq, and I just wanted to once again tell my colleagues the recommendation that I have made. I know a lot of us have made recommendations to the President and to the Secretary of Defense.

Right now, there are 18 provinces in Iraq. And in half of those provinces, nine of those provinces, there are virtually no attacks taking place. They average less than one attack a day. In those quiet peaceful provinces, there are 27 battalions of Iraqi soldiers located and stationed. Twenty-seven battalions is a lot of soldiers, Mr. Speaker. It is a lot of firepower. It is a lot of personnel.

My recommendation to the President and to the Secretary of Defense for the last several months, and I hope that this has been a part of their conversation, I have urged them, and a number of other of my colleagues have joined with me in urging them to take the 27 Iraqi battalions that we have trained and equipped and move them into the battle. Now, that means that the Ministry of Defense is going to have to give orders to those battalion commanders and those brigade commanders in the quiet peaceful sections of Iraq and tell them to saddle up their forces, get them on the trucks, and move them to Baghdad.

They need to do that. That should be nonnegotiable. It should be a requirement by the American war fighting commanders that cannot be delayed, cannot be finessed, and cannot be put aside. That is something that should be nonnegotiable, especially against the backdrop of the enormous American effort that has given birth to this new government in Iraq.

So I know the President is going to come out with his suggested policy soon, but I thought it was important to lay out this fact, that right now we have 27 Iraqi battalions in quiet areas which can be utilized in the fight, can be put into the fight. In my estimation, their value in an urban setting, especially one like Baghdad, where speaking the language is important, and where knowing the communities is important, their placement in those positions before we move any additional American troops into those urban situations is, I think, something that we should do, and that we should require of the Ministry of Defense of Iraq.

☐ 1445

I want to thank Mr. McHENRY for letting me come out and talk a little bit about these issues and take some of his valuable time. I certainly appreciate the gentleman's allowing me to come out and say a word or two.

Mr. McHENRY. Thank you, Mr. HUNTER. I certainly appreciate my good friend from California, your friendship in my brief service in the House. It has been wonderful learning from you, and I appreciate your willingness to show national leadership and national involvement as well, far beyond these House walls. Thank you so much for your leadership and friendship.

Mr. HUNTER. I thank you. I also want to thank the gentleman for his great service on our committee. He did a wonderful job.

Mr. McHENRY. Mr. Speaker, it is an interesting moment in our Nation's history, an interesting moment indeed, with a new Democrat majority coming to these hallowed halls of Congress. The American people spoke in November and they wanted a change.

As someone who was formerly in the majority party, now in the minority party, I respect the power of democracy to change our Nation and change the direction of our Nation in important policy areas. I think some of that is going to be beneficial to our economy, and other proposals that the new Democrat majority are putting forward are going to be hurtful to our economy and to our national defense and our family security. But I think it is important that we talk today about some of the early actions of this new Democrat majority.

During the campaign season over the last few years, the last 2 years, the Democrats campaigned on openness and accountability. They campaigned on many things.

In the opening days of Congress, we have seen a far different reality than what they campaigned on over the last 2 years. It is disheartening to me as an American citizen and someone who is hopeful and optimistic about this new Congress, hopeful that we can work on a bipartisan basis, and I think it is important that we talk about these opening day actions and the actions they have taken over the last 2 days of this new Democrat majority.

The first action and the first course of business of this new Congress was to pass a very closed-off process for consideration of the so-called 100-hour agenda of the Democrat party put forward by the new speaker, Ms. PELOSI of California.

What we see in this closed-off package is far different than when they campaigned on. They campaigned on an open process, open and fair debate, a dialogue across the aisle, so that we could work in a bipartisan way for the American people. The first action they took was to lock out all dissenting voices, even within their own party, but also among the Republicans represented here today. The Republicans represent 140 million Americans here in the U.S. House of Representatives. Their first action after campaigning on openness and bipartisanship was to close out dissenting voices, to close out the amendment process.

I was surprised by this, because looking at then-Minority Leader PELOSI'S words, I believed that Minority Leader PELOSI would be a very open Speaker PELOSI. What we see with her words and actions, and I have a visual aid here to that effect, now, Speaker PELOSI, then Minority Leader PELOSI, said a few things about the minority having rights here in this institution.

Then-Minority leader PELOSI said in 2004, her Minority Bill of Rights includes fair principles. "There is a very excellent chance that the Republicans will be in the minority next year, and what I am saying is this is the way the House should be conducted, in a bipartisan way, and whether he," meaning Speaker HASTERT at the time, "agrees to it or not, this is the course of action that I will take."

What is striking to me is the date on that is June 2004. We are in the second day of a Democrat majority and we have, instead of a Minority Leader PELOSI, a Speaker PELOSI. What is striking here is "that is the course of action that I will take." Those are the Speaker's words.

To that end, I took the very letter that Minority Leader PELOSI wrote at the time and we filed that legislation and we offered it here on the House floor yesterday, and it was flatly rejected. Every Democrat to the person voted against it.

It is striking to me that in their first day as a majority, as a Democrat majority, they are already going back on the words that they campaigned on, they campaigned on in 2004, 2005 and 2006.

What did they say in 2005? Then minority leader PELOSI said, "Mr. Speaker, I implore you to end the repeated abuses of the rules by the Republican majority to ram legislation through in such a secretive and unfair manner." That is 2005.

What we see today and yesterday by this new Democrat majority is that they have a secretive process, because it says that we cannot offer any amendments on the legislation that we will soon be able to see. We can't even see the legislation in their 100 hours. They have not let us or the American people or even many in their own party see the legislation which we will be voting upon and for which we gave initial approval to today. That is very striking to me, especially after the language and rhetoric used in 2004 and 2005 by Speaker PELOSI.

"Additionally, in 2006, so 3 years running, more than 2 years ago, I first sent Speaker DENNIS HASTERT Democrat proposals to restore civility to the Congress. I reiterate my support for those proposals today. We must restore bipartisanship to the administration of the House, reestablish regular order for consideration of legislation and ensure the rights of the minority, whichever party is in the minority. The voice of every American has to be heard."

Now, 2004, 2005, 2006, Minority Leader PELOSI talked about openness and bipartisanship. Speaker PELOSI, the first act of office, goes completely back on these very words. This rhetoric did not become reality on the first opening hours of the Democrat majority. I am hopeful, as all Americans should be, hopeful that there is openness tomorrow. As Americans, we are an optimistic people.

I think it would be amazing, in fact, I think we would all be amazed, if their second act was for openness when their first act, their first principle, was closing off debate and closing off any input from rank and file Members of this body and the people that we represent at home.

What I would say is that beyond just the words, we need to look at the values and the principles of this majority. We offered this minority bill of rights that then minority leader PELOSI proposed, and it simply says that legislation should be considered in the committee process and we should have full open debate and discourse.

In essence, we outlined what all fifth graders in this great country are taught about the legislative process here in the House of Representatives, that a bill is filed, it is sent to committee, it is amended and debated and compromised there, it goes to the floor and goes through that same process, when in fact that is not always the course of operation of this House.

So the problem is that it is not simply about the process. The issue today is that the process corrupts the policy.

When you stack the deck on the outcome, you corrupt the policy of this House Chamber and the laws of this land. So process and policy are intertwined. When one is corrupted, so is the other. With the Democrats shutting down debate at a critical moment in our Nation's history, we have to question their judgment.

There are a number of proper proposals they are putting forward in the initial 100 hours of debate here in the House of Representatives. One thing that is very important to Americans and our national security is the 9/11 Commission recommendations outlined in the fall and over the last few years. We have heard them very well.

The Democrats campaigned that they wanted to and would, if they were given the majority, fully implement the 9/11 recommendations. No matter whether or not they were good public policy or not, they are going to implement all of them.

Well, as it turns out, the Washington Post reported on November 30, 2006, that "With control of Congress now secured, Democratic leaders have decided for now against implementing the one measure that would affect them most directly, a wholesale reorganize of Congress to improve oversight and funding of the Nation's intelligence agencies."

It is striking that just days after the election, they are already going back on their proposal to implement the 9/11 Commission's recommendations. Now they are saying that they will implement some but not all. It is kind of surprising, because the American people heard in an almost unanimous voice from Democrats that they were going to implement all of the 9/11 Commission recommendations. I didn't hear candidates out there and Members of Congress on the Democrat side saying some, but not all. No, they said all 9/11 Commission recommendations.

Only through press reports do we know what this legislation says. They have not given this out, other than their allies on K Street and the lobbying community. But they haven't given this out for the American people and for the press and for all Members of Congress to see. So we have some concerns about this, because there are many of us who want to offer perfecting amendments, to make sure this policy is right and secures our Nation in a proper way.

Thomas Kean, who is a former distinguished Member and Governor of New Jersey, was a cochair of the 9/11 Commission. He called these important overhauls in the congressional process of oversight and intelligence vital.

What we have to do is make sure that the Democrats uphold their promise. We don't want broken promises. We don't want them to campaign on good ideas and be corrupted by an ugly process here that results in bad policy. National security is, of course, of key and utmost importance, and I am glad they are at least bringing that up in the first 100 hours.

Additionally, many of us in this Nation are concerned about research and ensuring that we have medical cures that comfort, that our government policy upholds not just ethical and moral research, but lifesaving research.

Next Thursday, from press reports, the Democrats will vote to enact legislation to expand Federal taxpayer funding for research that destroys human life and human embryos, and they call this stem cell research.

Well, while I don't support the destruction of human life, I do support stem cell research, adult stem cell research that has led to cures. Unfortunately, due to the process that they have here in this new Democrat majority, we are not going to be able to offer amendments to ensure that life is not destroyed and that human embryos are not destroyed in this process of research.

But if you look at embryonic stem cell research versus adult stem cell research, there have been wonderful cures coming out of adult stem cell research, but no cures coming out of embryonic stem cell research. And we are not even questioning whether or not embryonic stem cell research should come about. It is a question of whether our taxpayer dollars should be used to destroy human life, or what many Americans believe to be a destruction of human life.

Even if not all of us agree on whether or not life should be protected at its most basic and precious moment, we should all agree that we shouldn't have unethical processes and research funded by our Federal taxpayer dollars. In fact, the National Institutes of Health spends roughly $600 million per year on stem cell research already, including $40 million for research involving certain types of embryonic stem cell research. But the type of research they conduct does not destroy human life.

□ 1500

Additionally, nearly 100 million of it is for nonhuman embryonic stem cell research. So this is already being done, yet it is a nice rhetorical device, just like the Democrats campaigning on implementing all the 9/11 Commission Report recommendations and just like openness and fairness. American people like the sound of that. But what is concerning, whether it is embryonic stem cell research, the 9/11 Commission, or openness and fairness, is that it was only rhetoric. The Democrats didn't want to implement it and make it reality here in policy and in law for our Nation.

Beyond that, we have another provision that we voted on today, and this is Pelosi's PAYGO legislation. Now, PAYGO is a shorthanded word for pay-as-you-go. It is a nice way that we talk about it here on Capitol Hill. We call it PAYGO. Now, it sounds very good. The American people want us to pay for government policies as we enact them, and so that is a great rhetorical device as well. Pay-as-you-go. Well, what is devilish about this proposal is that it will lead to a backdoor tax increase down the line.

As the Wall Street Journal editorial said today: under Pelosi's PAYGO plan, new entitlement programs and all new tax cuts would have to be offset by either cutbacks and other entitlement programs or tax increases. This version of Pelosi's PAYGO is a budget trapdoor designed to control expenditures but to make it easier, easier, to raise taxes while blocking future tax cuts.

That is from today's Wall Street Journal.

Now, the fundamental budget problem is not spending too little and taxing too little; it is the fact that right now in our country Federal revenues climbed by $550 billion over the past 2 fiscal years, and that is as a direct result of the economic support and economic growth of the 2001 and 2003 Bush tax cuts. As the economy grows and more people are employed, fewer people use government services. As fewer people use government services and are making money on their own, they actually begin to pay taxes. When people are paying taxes, revenue to government goes up. It is a basic process. And through this robust economic growth that has come out of these tax cuts, we have had more revenue come into government.

So pay-as-you-go is a way for the Democrats to establish later the reasoning to go to the American people and say we need to raise your taxes. Now, I think it is a faulty and flawed policy, because the tax cuts of 2001 and 2003 have not limited income to government; in fact, what the American people must know, Mr. Speaker, is that the government revenue to the United States Government is the highest it has ever been in the history of our country. The highest revenue of any time in our country's history. Beyond that, actually to say it more broadly, we have more government revenue coming into the U.S. Treasury, your tax dollars coming into the U.S. Treasury. Even after tax cuts, we have the most government revenue in the history of man and the history of the Earth. No government has ever received as much in tax dollars as ours does today; yet, still, the Democrats put a proposal on the floor today that will let them raise taxes later.

It is so shocking and so surprising that they would do this in their opening week in Congress. Now, I knew there were tax-and-spenders on the other side of the aisle, and that is a liberal focus, to grow the size of government, increase the revenue to government; but I didn't realize they would do this at the very beginning of their new majority in Congress. I think the American people should be shocked by that.

But what this pay-as-you-go, or PAYGO, proposal ignores is that all the appropriations we have made in the past, the current government programs that we have will not be under this rule. So we won't analyze the entitlement programs to see where they need to be reformed; we won't analyze existing government programs to see that they are getting the proper result or they are being efficient with their dollars. It will only apply to new spending.

So let's look at the 100-hour plan and total up the tax value of it and the spending value of it. And what you see as a result of this plan is pretty simple: $800 billion of new spending in this 100-hour plan. Now, think about that. I think the American people should stop for a second, Mr. Speaker, and think about the fact that in 100 short legislative hours, over just a few days, the new Democrat majority will spend $800 billion. That is shocking.

Now, I know that there are these free-spending ways in Washington, and as a conservative I am opposed to that, especially as someone who considers themselves a fiscal hawk. But to spend that much money in such a short period of time has got to strike the American people as egregious, especially when you campaigned as the Democrats tried to in the last election as fiscal conservatives and a party that wants to balance the budget. Yet, they are offering $800 billion worth of new spending in their first acts of office.

So how do they get that money to pay as they go? They are going to come to our tax dollars, our personal tax dollars. They are going to ask more from every American. That means that when you get your paycheck, whether you work in my district in Hickory, North Carolina, or Mooresville or in Cherryville, where I am from, you are going to pay more out of that paycheck to fund the programs that the Democrats who are in control of this place want to implement. So the average working man and woman in this country will pay more under Democrat leadership than they will under Republican leadership.

Beyond that, this 100-hour proposal completely, completely ignores some of the most pressing issues in our country, certainly ensuring that our troops in the field are funded fully. Now, that is very important. Completely ignored in the 100-hour plan in the Democrat agenda for this Congress. What about entitlement reform? Because, after all, that is the largest section of the budget of our Federal budget, Medicare, Medicaid, Social Security. Very important programs. But we need to make sure that they are fiscally efficient, that they are fiscally sound, and it is clear that they are not either efficient nor sound.

So we need to look at entitlement programs, yet the Democrat majority has completely ignored entitlement reform in their agenda. They have completely ignored making Social Security solvent for future generations. And as someone who is eligible for retirement the same year that Social Security goes finally broke, I am concerned about that, and my generation of Americans should be concerned about that as well as all generations of Americans.

What else is missing? Well, obviously the cost of litigation on small businesses across this country, completely ignored that, certainly because the trial lawyers I think have helped write the Democrat agenda for this Congress and there is a big difference between what trial lawyers seek and what the average small businessman or the average family doctor in this country seeks. And so they have completely ignored reforming and limiting litigation and the cost of litigation on the American society. Completely ignored that.

They have also ignored helping small businesses with health care either through health savings accounts where individuals can save tax free, something that we as Republicans have worked very hard, and free-market conservatives like the idea of people being able to save tax free without Uncle Sam reaching into your savings and pocketing that money; or association health plans where small businesses can come together, link up, and increase their affordability and their buying capacity to give their employees health care. Completely ignored with the Democrats' agenda.

In fact, the Democrats came on the floor, some of these that campaigned on the other side of the aisle as helping small businesses, one of their first votes was to vote against letting small businesses pool their resources to buy health care. That hurts. That hurts in the opening days of Congress.

Beyond that, they have ignored border security. I think the American people have demanded border security and a sane immigration policy for this country. There are many leaders on my side of the aisle on the issue of border security, and I think we need to engage in that discussion on how we reform our immigration policy in this United States and how we plan to do that. I think most Americans agree that we must begin with the border, to ensure that we have an immigration policy that is enforceable, realistic, and real for this country.

So though we are just in a few opening hours of this new Congress, some things are clear. Some things are very clear. The rhetoric that the Democrats campaigned on was good. It was good. The American people supported it. The American people put new Democrats in office, Democrats that campaigned some as fiscal conservatives, others as social conservatives, most certainly as moderates in this last election. But their opening hours, their opening hours go back on those pledges for fiscal sanity due to the high cost of their opening plan and proposals, $800 billion worth of spending in just 100 hours.

It goes back on this openness concept. It goes back on fiscal sanity by covering up with this Pelosi PAYGO plan that will raise our taxes later in the year or later next year, certainly tax increases in the future, though. It fully ignores their proposal to fully implement the 9/11 Commission proposals by kind of sort of doing a few of them that they think are politically palatable rather than following through on their promise. It uses a great rhetorical device of stem cell research. But when they come here and they vote, they ignore the cloning issue, whether or not we are funding human cloning, whether or not we are destroying human life.

So the rhetoric in the campaign is very much removed from their actions in this new Congress.

They also ignore their pledge to work with all sides on issues of importance to the American people, to work in a bipartisan way. They even go back on their pledge and demand for minority rights here in this institution. So we see hypocrisy from the Democrat majority. Many would say it is ironic that you campaign as a conservative, yet come in and govern as a liberal, which we are already seeing in just two days of Democrat control.

But, Mr. Speaker, I think the American people are an optimistic and hopeful people. We have a new week, we have a new day coming where the Democrats can change, and I am hopeful that they will, that they will go back to what they campaigned on that the American people endorsed in the last election for bipartisanship, for openness, for national security and the defense of our country, for good strong family values, and fiscal sanity. And when that happens, I will be happy to reach across the aisle and work with my colleagues in the Democrat majority to ensure that these things happen.

But until that day comes, I will point out the fact that they are going back on their words to the American people, and I will not restrain myself from calling it as I see it, and I think as the way the American people should see it as well, that in order to govern effectively you have to fulfill your promises, you have to make sure it is not empty campaign rhetoric, that in fact it is a full implementation of the agenda that you sought in the election.

I think the American people want change in Washington. I don't think they got change in the last two days, though. I think what you saw with this new Democrat majority is this same type of abuse of power that they had in 1993, in 1992, through the 1980s and the 1970s. The majority may be new today, but the Democrat chairmen are the same as they were 20 years ago, on the larger part of the Democrat majority and for the larger part of the committees that they have organized. And the policy proposals that they offer going forward after this 100-hour proposal will be much the same as they offered in the early 1990s and the 1980s and the 1970s.

□ 1515

Those policy proposals are pretty simple: Raise your taxes, weaken national defense, and go the opposite way on family values. But I hope that we can work with moderates on the other side of the aisle, moderates on the other side of the aisle that are willing to look at fiscal sanity, willing to stand up for traditional values and willing to do the right thing for the American people and will work together. I am very hopeful that we will have that opportunity after this 100-hour proposal is done. And hopefully, it will be done quickly.

RANDOM THOUGHTS ON THE PASSING SCENE

The SPEAKER pro tempore. The gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, Mr. MCHENRY's input into this dialogue that we have here is essential. I look forward to the pugnacious Mr. MCHENRY's deliveries on this floor and in committee and before the media over the next 2 years of the new 110th Congress.

As always, Mr. Speaker, it is a profound honor and privilege to address you on the floor in the United States House of Representatives, the people's House. As I bring up this subject matter that is here before us, I have a series of things, random thoughts on the passing scene, focused on current events will be my message here today.

There are mistakes that are made and there are things said and done in political campaigns that don't always reflect the wishes or the policy, but things are said sometimes to win elections and then you have to follow through on that.

We have had some standards to look back on. The first 100 days of the presidency, many Presidents have made their pledge that in the first 100 days they are going to move pieces of policy, and they have endeavored to keep those pledges.

When the Republicans took over the majority in 1994, they also made a pledge in the first 100 days that they would bring, at least bring to a vote a series of reform changes called "Contract With America." Looking back on that, and it depends on your analysis and definition, but something like two-thirds of that agenda was passed into law. I believe all of it was voted on in this Congress. But yet it was done under a regular order. It was done under an open process, and it was done by bringing the legislation of the Contract With America, which I am comparing now to this first 100 hours of the new majority's agenda, comparing those two initiatives that were brought up in the campaign and the pledges that were made. But they were brought through in regular order in the Contract With America in 1994.

Regular order meaning that the bills were introduced and they were brought to subcommittee where they had a full subcommittee hearing and there was open debate and there was an opportunity for Democrats and Republicans to offer their amendments into the subcommittee on each of those pieces of legislation. As it came out of subcommittee, it went to full committee where there was an opportunity for the full committee members to weigh in. As we know, the committees are where we have established and developed expertise. If you look at the chairs and also the seasoned veterans on committees, both Republicans and Democrats, and I look at the Judiciary Committee where there is a tremendous amount of seniority, and I have the honor to serve on the House Judiciary Committee, there is a replete, not necessarily complete but a very replete body of knowledge within the minds of the members of the committee and the staff. And of course the history and the resources that are there.

That is why we put legislation through the subcommittee and committee processes so we can weigh in with our judgment and bring our individual expertise to bear, and we have an opportunity to hear from our constituents because they will read the language and they will parse the words and let us know where the flaws are.

Mr. Speaker, my first step into public life was going from the private sector, being a construction company founder, owner and manager into the legislative arena as an Iowa senator. And the first thing I learned was the law of unintended consequences.

In other words, you can have a good idea and it sounds perfect to you from your limited perspective. You can put that down into the form of a law, and if I were king for a day as a younger man, I might have offered some of those ideas I had earlier in my political career as an edict that I believed should have been the law of the land and lay that out there and give a bob of my scepter and declare that to be law. But my mistakes would have been as a younger, less experienced man, and sometimes still today those mistakes, I didn't understand the law of unintended consequences. I didn't understand that my ideas needed to be vetted across the spectrum of the other people that I served in the State legislature with, and I carry that experience with me into this Congress. I didn't understanding that I needed to float those ideas out to the various constituency groups that are there to be voices of individuals, and I didn't understand that I needed to float those out to individuals and get those ideas out in the press and publish my bills so that people that are interested can look in and weigh in and make phone calls, send e-mails and write letters, come and visit and lobby as individuals or join up with their various constituency groups that are out there to be able to analyze and be a louder voice as members of a group so that all of the expertise that America has to offer can come to bear on the judgments and decisions that we make here in this Congress.

But that whole process that I have described, the process utilized in 1994 with the Contract With America, that entire open, bipartisan process has been usurped by this rules package that has been brought here to the floor of this Congress. We learned essentially a new term. I don't know if anybody in this Congress understood it at the time. Some did, I imagine, because they came up with the effort on the rules.

I came down here to put up my first vote on a motion to commit. Now I have voted many times on motions to recommit.

Mr. Speaker, if I may describe that. A motion to recommit is a motion that says if you bring a bill to the floor and then it gets debated here on the floor, the motion to recommit says we want to recommit it back to committee and sometimes recommit it with instructions back to committee because there are Members here in the full House that didn't have an opportunity to weigh in on that bill as it came through committee. They didn't sit on the appropriate committee, for example. So they had a viewpoint that needed to be considered. And if a motion to recommit is successful here on the floor, that says a majority of the Members of the full House of Representatives have concluded that there are other ideas that needed to be considered, send it back to committee with instructions so those other ideas can be considered. That is a motion to recommit.

But we voted on a motion to commit, not recommit, a motion to commit. A motion to commit is send it to committee. And the reason it is a motion to commit rather than a motion to recommit is this legislation has not gone through committee. It has not gone through the subcommittee process or the committee process. It simply then is legislation that was held very tight. I don't know if it was in a locked briefcase, but it was something that the public and press didn't have access to. Members of Congress didn't have access to it. In fact, I believe many of the lower ranking Members of the majority party didn't have access to this legislation. It was secret legislation that was thrust upon us and the only opportunity that we have is a nondebatable motion to commit to committee for the first time because it didn't go through the committee process.

I submit, Mr. Speaker, that is inconsistent with the pledge that was made throughout the election process and throughout the campaign process.

There are a number of quotes that were identified, and I have some of them. I don't have all of them. One of them by now-Speaker PELOSI was this, and this was on CNN on November 9, so 2 days after the election. That would have been Thursday. She said, "Democrats are ready to lead, prepared to govern." I don't quibble with that part of the statement. But the completion of the sentence is, "ready to lead, prepared to govern, and absolutely willing to work in a bipartisan way."

Mr. Speaker, there is no definition of bipartisanship that I can apply to this process unless many of the Members of the majority party were as shut out of this process as the entire minority party was. I suspect that is the case. I don't want to parse the language in there, I just want to say that the spirit and intent of that statement, "willing to work in a bipartisan way" has been violated here, but maybe not the technical definition of that. We can expect these things because we have a house full of lawyers that are good with language and they will find a way to convolute this language to be able to defend themselves.

So I point out this process. Motion to commit, nondebatable motion. All you can do is plead for a recorded vote, and that is the only opportunity to voice objection, but there is not an opportunity to improve the legislation. And that is really what we need to do, always, all of us in a bipartisan way, at least provide an opportunity for amendments in the process. That means in the subcommittee process and in the full committee process, and then here on the floor of the House of Representatives in open debate so the public can evaluate this process, not a secret or closed process, but an open process to the public. We owe you that, America. We owe you an open and clean process and we owe you an open dialogue and an open debate.

If we don't do that, you will be drawing conclusions such as they don't believe in what they are doing enough to be able to have an open debate. What kind of work is being done here that we are not able to have it withstand the scrutiny and the criticism that might come from the public if it were an open process.

So I will submit, Mr. Speaker, that promises get made during campaigns. There were many promises made during the last campaign that will not be kept by the new majority party. But the promise that seems to be the one that is sacrosanct is the promise that in the first 100 hours we will do these things. In order to accomplish these promises of achievement within the first 100 hours, which is comparable to the first 100 days in presidential promises or the promise of the 1994 new majority, in order to achieve those goals and keep those promises, the promise we will do it within the first 100 hours, the only way to meet that was to take this bipartisanship and set it aside and suspend it at least temporarily, if not permanently, for the 110th Congress, and to set aside the subcommittee process and set aside the committee process.

We have one more avenue here that there can be an open forum, and that is the rules process. At least a member can bring an amendment to the Rules Committee, explain their amendment in open forum and ask for a vote on their amendment as to whether that amendment can be allowed to be considered here on the floor of the House of Representatives.

I was astonished there were this many amendments when I came here as a freshman a couple of Congresses ago. I was astonished that there were so many amendments that were turned down, that did not see the light of day. But there was an opportunity to present them to the Rules Committee, and I did that many times and I got turned down many times as a member of the majority party. But we don't even have a rules process that is open enough that you can present your amendments to the Rules Committee.

In fact, I believe the Rules Committee, as an example already, will not be meeting, it will simply be a decision that is made by the leadership of the majority party, and the recorded votes of the Rules Committee will be secret. That is part of this package, as I understand it, too, Mr. Speaker.

So of all of the promises that will be broken, the one that should be broken is the one that is sacrosanct, the promise of accomplishment in the first 100 hours. If we could just look at that and say we understand your motive, but this is not conducive to bipartisanship or open process; in fact, it is not conducive to good legislation because the good ideas of Democrats and Republicans are shut out of this process.

I will just ask this of now-Speaker PELOSI: Why don't you just break one promise instead of a series that will ultimately be broken, and break that promise about 100 hours so that you can keep your promise about bipartisanship, and keep your promises about an open process and ethical process. That is far more important to the American people than a promise to accomplish certain legislative endeavors within the first 100 hours.

This 100 hours is meaningless to the American people. All of this has to go over to the Senate. The Senate has to be willing to take it up. The Senate has to be able to vote cloture on some of this, and I think it will be filibustered, and it has to get to the President for signature. Timing is not as essential, it is the policy that is important. It is important to have an open process, it is important that we weigh in and that amendments be allowed to be offered and that they be considered and that they be voted on so the American people can have confidence in this process.

□ 1530

And sometimes, sometimes, this body, this great deliberative body of the people's House, will reach the right decisions. In fact, I believe often we will. When we do so with public debate and an open process, we reach the right decision for the right policy for America and we also reach it by using the right reasons, the reasons of open dialogue that allow people's positions and their knowledge to come to that debate.

Sometimes we will make the wrong decision, and when we do that, if we have open dialogue and open debate, then at least it is arguable that we have arrived at the wrong decision, but at least we followed the right process, and we can't fault the reasoning on how we get there.

I would compare Gerald R. Ford, and may he rest in peace, Gerald R. Ford, whom we said good-bye to within this past week, the man who came to the Presidency after having served 25 years here, Mr. Speaker, in the House of Representatives, a man who was almost without guile as President. A President who made decisions at a time when we needed someone who had absolute integrity. The person who had confidence, the confidence and the endorsement of Democrats and Republicans at the time, Mr. Speaker. And with Gerald R. Ford as President, when he made a decision, when I agreed with him and he laid out his reasoning and his rationale, when he made the right decision, he made it for the right reason.

He thoughtfully deliberated on the components of the information, the interactivity of them and what the result would be and what the constitutional foundation was on that decision. And he made his decision, and he told us why. And that established confidence in the integrity and the judgment, in the intellect, and the character and in the faith of Gerald R. Ford.

When he made the wrong decision, and I will just say when I disagreed with him would be my definition of the wrong decision, he still laid out his argument. And when he laid out his argument, I could not fault him for using the wrong criteria. It was well thought out. He made his arguments well. When we disagreed, I would have a different argument.

But those kinds of debates that he had within himself, he earned that respect of us for President Ford. That kind of deliberation, that kind of integrity so far in the 110th Congress is nonexistent because there hasn't been an opportunity to have that debate on any of this that has come to this at this point and the rules deny there be that kind of debate and deliberation in the future.

So I talked about the new motion, still it was in the rules, but a motion to commit. New to use. You will hear a discussion, Mr. Speaker, about PAYGO. PAYGO means pay as you go. It means something different to Democrats than it does to Republicans. And I will say that when Republicans talk about PAYGO, we mean we want to pay as we go, as do Democrats, but we believe we should constrain spending and slow the growth in government and we should find ways for reconciliation and maybe do a rescissions package so that we can rachet this spending down to keep it within the revenue stream.

We believe that the Bush tax cuts have absolutely flat out been proven to stimulate this economy. Revenue is up. Revenue has increased significantly since the Bush tax cuts were put in place. That is why our deficit has been reduced. It is because revenue has gone beyond our expectations. But the PAYGO argument for me is I want to slow this growth in spending so that we can get the size of our Federal Government back in line with the size of our revenue stream.

For example, last year there were mistakes made by the majority party in the last couple, three Congresses. I believe that there was too much money that was spent, Mr. Speaker, and I think that we should have shut that down earlier. I was surprised when I came to this Congress as a freshman in January of 2003 that there wasn't a balanced budget that I could simply endorse, jump on, and go to work with. It was a condition where we were dealing with the reality of the politics rather than the necessity of balancing the budget.

And in order to produce a balanced budget, I would have had to create my own with my new staff, who didn't really have that time and understanding of this overall 2.7 or $2.8 trillion national budget. But things crept away from a balanced budget, and we know why. We know there was the bursting of the dot-com bubble that took place and it was necessary, and I could go into that perhaps on another date, Mr. Speaker.

And we also know that we faced an attack on September 11 that shut down our financial industry and that the effort was to turn our United States economy into a tailspin. It needed to be brought out of that nosedive, and the tax cuts that we passed brought it back up out of that nosedive. We knew that we had to engage in a global war on terror and it was going to cost hundreds of billions of dollars to be able to defend Americans that had been killed in greater numbers on our soil than ever at any time in history, and we set about to do that.

So three big things sent us into a deficit: the bursting of the dot-com bubble, the attack on September 11, and the necessity to fund the effort in a global war on terror. Those three things. And as the stimulants took place on the tax cuts, it has taken a little while to get them to take hold, but there is no argument that this economy is the strongest and most powerful economy that I have experienced in my lifetime, and it is measurable by a lot of different ways. Anything that goes up and is good for the economy is up. Anything that goes down that is good for the economy is down, and the opposite is also true.

This has been a powerfully strong economy with growth in something like 18 of 19 previous quarters, and all of that growth has been up around the 3 percent level. So this economy has been powerful, and this growth has been really a great position to be in to be able to say let us let the economy grow us out of this. Let us slow this growth of balance. Let us balance this budget.

But let us not balance it, Mr. Speaker, with tax increases. That is what PAYGO means to Democrats. The tax cuts have provided the growth in our revenue stream. Tax increases will diminish the growth in our revenue stream. But their idea of pay-as-you-go is to increase taxes and increase spending, as we heard Mr. MCHENRY say, to the tune of $800 million in this package. That $800 million won't be paid for by cuts in other line items in any significant way. That, in their mind, is paid for by tax increases.

As has been stipulated by the new incoming chairman of the Ways and Means Committee, Mr. RANGEL of New York, none of the Bush tax cuts he would say he would support or endorse. And as you listened to him respond across the media airwaves, it always came back to the only way that you could characterize his position was we are going to increase taxes.

When you increase taxes, you slow this economy. Ronald Reagan once said what you tax you get less of. What you tax you get less of, and what you subsidize you get more of. But I want to talk about the what-you-tax-you-get-less-of component of that, a very wise statement of President Reagan's, and that is in our infinite lack of wisdom here in the United States of America, Mr. Speaker, we tax all productivity in America.

In fact, the Federal Government has the first lien on all productivity in America. And you can measure that by personal income tax, corporate income tax, capital gains, taxes on interest income, taxes on dividend income, taxes on your pension, taxes on your Social Security. I am forgetting some of those taxes. How about your savings and investment? Any way you can describe productivity, the Federal Government is there to tax it; so we get less productivity because we tax our productivity in America, and Democrats are poised to increase the taxes on our productivity. What you tax you get less of.

If you are paying a 10 percent income tax and you are making $50,000 a year and they want to raise that tax up to let's just say 50 percent, why in the world would you try to increase your revenue stream by 50 percent if your taxes are going to go up by the average of 50 percent and 10 percent, say, roughly 30 percent on average? That will not happen in the minds of the American people. That is why organized economies never work. That is why Marxism has failed. That is why socialized economies, managed economies, have always failed. Free enterprise has been the thing that has provided incentives so that people could produce all they could produce and they had an incentive to be able to keep the max amount possible and still be able to provide the services that are necessary to hold our sovereign state together.

Democrats want to raise taxes to balance the budget. Republicans want to cut spending to balance the budget.

So last year I put together the formula that would get us to a balanced budget. And if we just wanted to do it all at once, we need to be looking at what that balanced budget was to do that all at once. And we say, first of all, there is nondiscretionary spending. This is the kind of spending that is already in the formula, that is, what it is going to cost for Social Security, what it is going to cost for Medicaid, what it is going to cost for Medicare. That is most of them, those formulas that are automatic transfer payments that are already set up in the equation. That is nondiscretionary spending. Many people think you can't affect that. That we shouldn't change it, maybe adjust the rules in such a way that there would be fewer recipients or fewer dollars of Medicaid, for example.

That needs to be addressed, and we have tried to address entitlement spending. That is that nondiscretionary spending and the other phrase for it: you are entitled to Social Security. You are entitled to Medicare. You are entitled to Medicaid. But the rules of those entitlements are in the code today, and those rules are something that can be changed and adjusted. And I am not here to talk about how to do that specifically, although I do have some ideas on how to approach that, but we need to address entitlement spending.

That was the President's effort when he came out right after his second inaugural address and traveled the countryside and spoke about reforming Social Security. That operation will collapse at some point unless we have the political courage to touch that third rail and fix it. That is an entitlement.

Another one is Medicare. Being from the State that is last in the Nation in Medicare receipts on a per capita basis, there is much that must be done to help our people out who are on the short end of that stick. But entitlement spending is a component of this. They want to increase taxes rather than adjust entitlement spending. And the more they can grow entitlement spending, the more they can take us into socialism. And I don't want to have a managed economy. I want to have a free enterprise market economy. That is what I came here to promote and defend.

PAYGO for Democrats is raise taxes; PAYGO for Republicans is cut spending. And last year for the 2007 fiscal year, which much of that is still ahead of us, we could have left entitlements in place. We could have left defense spending in place at the appropriated levels that we have now and done nondefense discretionary spending. That is the rest of the budget that I haven't mentioned.

Mr. Speaker, nondefense discretionary spending could have been appropriated at the term of 95 percent of what it was for the 2006 fiscal year and we would have had a balanced budget.

Some of the Democrats have pledged to support a balanced budget that does not include increasing taxes, that does include reduction of spending in nondefense discretionary, that discretionary spending that doesn't put our Nation at risk. Ninety-five percent of the 2006 fiscal year, that doesn't mean an increase. That actually means a decrease of 5 percent in funding.

Well, if I have a family budget and all of a sudden I look around and I think I am going into debt here and I guess I am not going to be in a position to pass that debt along to my children, and we should not be, then we need to be willing to live within our means. And whatever your means are, most of us, if we had to look back and think we can have a balanced family budget if we would just reduce our overall spending down to 95 percent of what it was last year, we would willingly make that adjustment, recognizing that we haven't been as responsible as we should have been, and made the budget adjustment.

That is the kind of PAYGO we need to do in this Congress. We need a balanced budget here, yes, Mr. Speaker, but not PAYGO with tax increases. Pay as you go without tax increases. That is the Steve King position, and I believe that will be a core position on the part of many of the Republicans.

☐ 1545

Another way that we can adjust, address spending, is the earmark reform. I have been in strong support of earmark reform. I have stepped in and voted for 16 of the 17 that Congressman FLAKE brought to the floor of this Congress in the 109th Congress, but I don't think that really does the job. They are pieces that I agree with.

But I want to do some real reform here, Mr. Speaker, and I am prepared to introduce a bill. It is a bill that I introduced last year.

The problem is this, we talk about giving the President a line item veto, so that when there is spending that comes out, and maybe you want to talk about the Bridge to Nowhere, that is one of those issues that has been raised up as a earmark. Well, if the Bridge to Nowhere comes up, or the Cowgirl Hall of Fame comes up or some of these other earmarks that have been rather notorious in the media, we would ask the President, under a presidential line item veto to veto that, take it out of the budget, save that $273 million or whatever the number might be for any of those items, or $1 million line item veto to maybe study the nocturnal habits of the salamander, or whatever it might be. You know some of those, Mr. Speaker, they have been out in the news.

These are earmarks that get slipped in, generally at the committee level, as the bill is being drafted. It comes out here. No Member of Congress has an opportunity to evaluate those earmarks, nor an opportunity to bring an amendment that could strike those earmarks from the bill. They arrive in a compromised fashion often as a conference committee report that comes back in the negotiations between the House and the Senate.

It comes to the floor. We have got to vote on it to move to keep the government operating, and what happens is, there are line items in there that have been earmarked by people who are inside that conference committee, and these Members of Congress here, Democrats and Republicans, are held accountable for voting "yes" or "no" on pork projects that they didn't know was in the bill.

I would illustrate it this way, when I first came to this Congress, there was a 3,600 page omnibus spending bill. I was only here about 3 days, or maybe even two, and that bill came to the floor of this Congress, and 20 minutes after it was made available to my staff to evaluate, the final vote went up here on the floor of the House of Representatives.

That process meant that I was accountable for all of those earmarks that were in that omnibus spending bill, those 3,600 pages. It is one thing to try to evaluate a bill and read what's in it, it is not possible within the time we had, but it is at least possible to evaluate something that is in the bill. Try and find, Mr. Speaker, something that is not in the bill. Try and look through 3,600 pages to determine that there are omissions as well as the issues, the earmarks that are in the bill.

This process does need to be more open, so I have drafted the CUT Act, and it is cut unnecessary tab, and the tab references, if you have a tab in an eating or drinking establishment, we want to cut this tab.

I believe this, that Members of Congress need to have a legitimate opportunity to have their own line item veto. I think every Member of this Congress should be able to offer an amendment to a bill that strikes out the line items of their choice under an open rule.

So the CUT Act does this, Mr. Speaker, it allows once a quarter, four times a year, for a bill to come to the floor under an open rule, and it may just be a shell bill, it may not have a single line item strike in it, but it allows under an open rule any and every Member to bring forth their list of objectionable spending, objectionable earmarks, and have them offer those earmark strikes.

All it would do is be a rescissions bill that reduces spending, and the reduction in that spending goes to address the deficit. When the deficit is addressed, then it goes back into the general fund, which ultimately reduces our national debt, gives every Member of this Congress an opportunity to have a line item veto of their own offered to all Members of Congress.

So let us say there is a crazy appropriation out here that got slipped into a bill. It will surely happen, Mr. Speaker, it will happen hundreds and perhaps thousands of times. Let us just say that the blogosphere out there is lit up, that people go to their Web pages, and they scrutinize the work that we do. We need to give them a lot of access to do that because they are the next watch dogs on this Congress.

It used to be that the watch dogs sat in this gallery, and many do, and I am glad they are here, but then as those watch dogs were also up here in the press corps, and then the press wrote, and it got into the newspapers, and sometimes, weeks later, had got out into the press in the corners of the United States of America

Well, now we are real-time. We are real-time, and it has been press real-time for a long time, but it is even better now because we have an Internet, we have a blogosphere. Let us just say that there is a completely objectionable earmark that has been slipped in by a committee chairman, or maybe an agreement with a ranking member, that comes out of a conference committee, and it comes down to the floor of this Congress.

Let us just pick the nocturnal habits of salamanders for $10 million, to have a subject here that we can talk about and understand. Well, we don't really need to understand the nocturnal habits of salamanders, at least at that kind of experience to the taxpayers. But whatever the motivation was that put it in there, we will not see it. We will not have time to read the bill. But that bill then, once it passes a conference report, goes to the President, and he will sign that bill, because there are many things in there that we must have to keep the government operating, and now we have got $10 million wasted on the nocturnal habits of salamanders.

There is nothing Congress can do about it, we have done it. We have been complicit, our rules have been complicit in allowing these things to happen, not just with this earmark, Mr. Speaker, but hundreds and even thousands of them. My CUT Act allows this, it allows a Member to stand up on the first day of the quarter, hopefully it will be the leader and the leaders, and they will say, I have a bill at the desk made in order under the rule, and this bill is the CUT Act bill, then that allows the shell bill to come up like an appropriations bill, only this is a deappropriations bill, a rescissions bill, that every amendment that strikes spending by line item is in order, and the Members can flock over here to the Capitol, and being responsive to their constituents, being responsive to their constituency groups, being responsive to the bloggers out there, that have gone down through this legislation, have read every single line item, have read the details and the nuances of it, read every details and the nuances of it; and then, these Members of Congress can come here, offer their amendments to strike the $10 million that would be spent for the nocturnal habits of salamanders, and you can add line after item after line item, strike after strike to that.

When that happens, we will have an open process, a process that will allow for the people of the United States of America to weigh in on our appropriations that we are doing here.

That, Mr. Speaker, is a description of how the CUT Act works. A lot of us would like to see the President with a legitimate and effective line item veto. But I believe this Congress deserves a legitimate and an effective line item veto. It is why I put a lot of research into this, I have examined it, I have floated it out to the various constituency groups. I have asked them for their input because I don't want to have unintended consequences. I want to be able to provide a process here that is good for the future of America, an open process, a process that gives everybody in this Congress a line item veto, at least to offer the amendment.

When that bill passes off this floor, and I don't envision just eliminating $10 million on the nocturnal habits of salamanders, I envision there to be 25 or 50 or 100 or 300 or more line items that are accumulated into that bill that are struck. Because individually, they will not be able to withstand the scrutiny of the majority of the Members of Congress, because you, the people of America, and the American people, I should say, actually, Mr. Speaker, will insist that we be fiscally responsible and that we not waste money.

So let us just say that there are now 100 line items strikes, each one of them representing an amendment to the CUT Act bill that is in order, and that $10 million to the nocturnal habits of salamanders is the first one, and that saves the taxpayers $10 million. We go right down the list of those things that you know about, Mr. Speaker, those things that are in the media, strike after strike after strike, and we have now accumulated 100 different strikes, line item vetoes, and out of those 100, there is in there, perhaps, let us pick a round number, $1 billion. Now this bill, then, passes off this House of Representatives, and it goes over to the Senate, where we ask them to take it up.

We cannot write their rules, Mr. Speaker, but we can ask them to take up a bill that we pass here, a rescissions package that has the full support of the American people that cuts $1 billion out of our spending that reduces our deficit and when, successfully, we are at the balanced budget level, pays down the national debt.

That is the CUT Act, Mr. Speaker. That is a line item veto for Members of Congress. That is Congressional accountability. That is the kinds of things that we need to have an opportunity to debate here on the floor of this Congress when we kick off this 110th. That is the kind of amendment that has been shut out of this process, not just out of the process of subcommittee and committee, but shut out of even being presented at the Rules Committee so that there can be access to the media for the debate, the deliberation, and so that there will be people that can be held accountable for their vote when they decide they don't want this kind of an open process.

I submit that there is no desire for this open process on the part of the majority. I believe that I need to continue to beat this drum, and I will.

To package the PAYGO argument up and move on to the next component of this, PAYGO, for Republicans is, control and constrain spending to achieve a balanced you budget, no new taxes, less spending, balanced budget, fiscally responsible, PAYGO for Democrats is buy what you need to, spend what you need to pass by your Members, raise taxes, so that you can say that you balanced the budget.

That will work until you kill the goose that lays the golden egg, what you tax you will get less of. We will get less tax gas production in America as taxes increase. That means then that there will be less revenue coming in, coming off of the production in America, and eventually this economy will be constrained It will shrink, and we will have, we will finally kill the goose that lays the golden egg. We will have to come back around, reduce tax again, stimulate again, do what we did in the aftermath of September 11 to reduce tax, do it in the Reagan way, do it in the John F. Kennedy way, the Reagan way, the George W. Bush way, those things, those tax reductions have always increased and stimulated our economy. That doesn't seem to be something that is within the scope of understanding on the other side, because there is a different agenda. It is a socialization agenda.

So, that is the description of PAYGO, Mr. Speaker. Now, the next component that I want to talk about within this rules package is the idea of ethics reform. Ethics reform, I agree, we needed to reform some ethics. We didn't do enough in the 109th Congress to reform ethics. We did things that were, I thought, window dressing.

My view on ethics is that, I mentioned the bloggers a little bit earlier. We need to give the American people sunlight. They have got to have sunlight on this process. That means that we should not have rules that are written and reports that are written in such a way that the information is difficult to access, or difficult to understand, or impossible to legitimately analyze and draw real black and white conclusions.

But in truth, that is the system that we have today, and it is the system that has been improved some over the years, but it has got a ways to go. The system that I would submit is under a package that I have offered called the Sunlight bill. That means that I want a light on the things that we do.

I think that we live in a fishbowl anyway, all 435 of us, we are scrutinized by the press whenever we show up in public, we are recognized, and that is great, it is flattering. It is a tremendous honor to be able to represent the people here in the United States House of Representatives. The trade-off for that is you don't get a lot of privacy. The requirement for that is that you report your finances, for example, and that we report our campaign finances, as well as our personal finances, and we report our financial dealings. That includes real estate transactions, purchases.

But we have a system that is not open. We have a system that is not accessible. We have a system that is not really sortable, and it is vague enough that you can't draw clear conclusions from that reporting system that we have. I have offered the Sunlight Act to fix all of that and to make it more, and I am going to say far more, accessible to the American people.

First and the easiest one to deal with is the Federal Election Commission reporting. Now, all of us have to go out and raise money in order to get elected to this Congress. Money is a necessity for the people to express their freedom of speech. If we don't raise the money, eventually someone will spend a lot of money. No matter what our level of integrity is, you cannot sustain a seat in the House of Representatives if you are not willing to go out and raise some money and be able to advertise on a political campaign.

It is unfortunate. I don't know that it was envisioned by our Founding Fathers, but it is necessary. Mr. Speaker, if we concede the point that money has to be raised by Members of Congress, and it does, then we also need to discuss, and I believe, concede the point that we should have full reporting of our campaign finances, and we do have a law that requires full reporting, and I don't want to imply that that doesn't exist, it is just that the reporting isn't necessarily in real-time.

□ 1600

It isn't necessarily in a format that is accessible. So if it is not accessible, easily accessible, then it is not as full as the reporting should be. The Sunlight Act asks this, that the Federal Election Commission reporting, our campaign finances, be reported in real-time. And it sets up some parameters on how much time you have if you receive some revenue from an individual or from a PAC, the timing of that is a little looser until you get down to the last 30 days of a campaign. In the last 30 days the Sunlight Act requires that you file those campaign contributions every 24 hours, every single day, the last 30 days, you file those campaign revenues. Somebody hands you a check, that gets deposited, but it gets reported the same business day. That is not too much to ask when you have that kind of flurry going on. We have to do a lot of things on a real-time basis, and that is one of them.

But that is only, but to report that, to report it to the FEC and have the FEC bring that report out in their own good time, in a time that it is not possible for the public to understand where the monies come from, and we agree, I believe, that utilization of funds to advance a candidacy or to advance a cause are political speech, but free speech.

So if funds are speech, and the reporting of those funds is an open process, it needs to be in a timely fashion. So say if there were, what if there happened to be an entity out there that was one who was rejected by Democrats and Republicans but put a lot of money in a campaign and that didn't show up until after the election, Madam Speaker. But the public, had they known that, might have voted for the candidate who didn't receive those funds. That is my argument as to why we need to have real-time reporting.

But I want to take this back to the blogosphere. We have people out there that have their blogs and they are watching the mainstream news media. They are interacting with other blogs. They have their information conduits that come from whatever their access points are. Maybe they happen to be in politics, or maybe they are just a pundit that is well wired and well connected. And they might see information that the rest of the country doesn't see. That is how news is gathered. So the bloggers are gathering the news and they are writing their opinions and sometimes they are taking information and then sorting it in a fashion that people can use it and they can understand it.

I submit that we should submit ourselves, Madam Speaker, to the scrutiny of the blogosphere; that we should have FEC reporting, campaign finance reporting in real-time in a searchable, sortable, downloadable format that will allow anyone out there in America that has access to a computer or to the Internet to go click on that information, if they want to know where STEVE KING'S revenue stream came from, download that into a database that you can sort.

If you want to sort it alphabetically, sort it alphabetically. If you want to sort it by dollars, biggest contribution down to smallest, do that. If you want to sort it by date, do that. If you want to sort it by name, do that. But we should put that information out to the public so that you can scrutinize, in the public, where our campaign funds come from, so that you can evaluate sometimes the positions that we take. Because if they can be indexed to the influence of money, you need to hold us accountable. We owe you our best judgment.

We don't owe the public a vote that is a bought vote. And the public needs to have an opportunity to identify if there is someone who is influenced too much by money, and it needs to happen in real-time. It needs to happen every single day 30 days prior to an election. That is part of the Sunlight Act, to shed light on our Federal Election Commission reporting, real-time, Internet accessible, downloadable, searchable, sortable database so that the American public has access.

Now, Madam Speaker, that would take care of the reporting on our FEC documents. Essential open process, put me in the fish bowl, make it real-time. I am already in the fish bowl. Let's be honest and open about it and we will get these adjustments made, and they will be made by the people out there in the country, and that is where it should be.

The next part of this that needs reform even more, Madam Speaker, is our personal financial reporting from an ethics perspective. And I will reiterate that when a Member of Congress files a financial disclosure form and files it under the ethics rules that are there, they sign that document and pledge that it is true and accurate and done so within the rules and the guidelines of ethics. And to violate that, to willfully violate that and falsely report is a felony. It is a felony. It is worse to report wrong data on your ethics than it is to come into the United States illegally. It is a felony to report inaccurate information willfully on our financial disclosure forms.

But we have ranges of financial reporting, ranges that, not all of them committed to memory, and I didn't come down here prepared to go through them component by component. But I can just give some examples off the top of my head, Madam Speaker. And it works kind of this way. If you have liabilities, I am speaking again in general terms, not to the specific numbers within their financial reporting. If you have liabilities, perhaps between zero and $100,000, you put a little X in that column on this little kind of little spread sheet but it is a paper spread sheet. So you put an X in there and say, well, I owe somewhere between zero and $100,000. Or maybe you say I have no liabilities. And if you have assets that might be within $250,000 and $750,000, you put a little X in that box.

Well, then if you want to analyze what somebody is worth, you might have $100,000 worth of debt and they might have no more than $250,000 worth of assets, but you can't determine if they have no liability or $100,000 worth of liability and you can't determine whether they have $250,000 worth of assets or $750,000 worth of assets. And so as people go up the line in their reporting, the difference, the dollars in disparity get greater and greater and greater to the extent that, Madam Speaker, we have a Member seated in this Congress who reported low six digits in net worth assets 5 years earlier, and then 5 years later, showed up with somewhere between $6.4 million and $25 million in net worth. How does a person make $6 million in assets or, excuse me, in net worth value over a period of 5 years on the salary of a Member of Congress? How could a person expand that from $6.4 million on up to $25 million. Those questions cannot be legitimately answered without the Department of Justice and search warrants and Ryder trucks and filing cabinets loaded up to take into the investigation and computers being picked up and brought in and a massive financial analysis to figure out what really was going on. Were there taxpayer dollars that were pouring into this? Was there a Member of Congress that was enriching himself at the expense of the taxpayers? That is why we have the reporting of our finances.

But the ranges that are in there don't allow for the public to see that early enough to be able to call that question, get it into the media and bring that Member into bay so that it doesn't get completely out of hand. This one, from my viewpoint, looks like it is completely out of hand, and I think it is going to take more tha months yet for Justice to be able to do complete scrutiny of this and find out what really happened.

But if that Member that I am referencing, and if every Member, and I am speaking about every Member in this Congress, were required to put down exactly the dollar amount of their liabilities and exactly the dollar amounts of their assets so that you could look at their net worth, and understand that there is an amount of appreciation that might come with real estate investment. There might be an amount of appreciation that comes with stock options and investments. That needs to be reported. That should be traceable and trackable, and we should be required to put down exact dollar amounts, not ranges. Not a range of $5 to $25 million. If I were in that range, it is a lot of difference between being worth $5 million and $25 million. Where did the money come from is the reason that we have to report our finances.

The American people, Madam Speaker, do not have access to that information. That allows unethical Members of Congress to hide the worth that they may have been gathering in a fashion that is less than ethical. I believe we need to have sunlight on all of the financial proceedings, not just our Federal Election Commission reporting, not just our campaign side, but on our personal side as we are required today, but not in a range, not in a range of $5 to $25 million, not in a range of zero to $100 now, or $250,000 to $750,000, but in a range that is to the nearest dollar.

Exact reporting, and, Madam Speaker, do so in real-time. Do so in a downloadable, searchable, sortable database format, so that the bloggers out there, or anyone who has access to the Internet, be it a public library or their laptop on the bus or whether it is their hard-wired computer that sits in their basement, can sit down and say, I think I have been watching somebody here that is my Member of Congress. I don't know how they are doing so well. I am hearing rumors out here. Let's see what's really happened and go look and see, if we are going to be an open process, let's be an open process. Let's put sunlight on everything that we do in this Congress, Madam Speaker.

Let's put real-time reporting, downloadable, searchable, sortable formats on our FEC reporting for our campaign funds. Let's do that same thing for our personal finances. Let's open this up to the American people. Let them scrutinize our finances and the movement of our finances so that if some Member can be in here in the year 2000 with a net worth of perhaps $100,000, and in the year 2005 have a net worth of $6.4 million, or more, the American public can ask the question, why. Why did that take that kind of jump? It is not something that can be analyzed or justified unless there are special conditions. Those conditions, those circumstances have not been addressed at this point. I believe we need sunlight on everything that we do, sunlight on our campaign stream, sunlight on our personal finances.

And while we are shedding light on what is going on here in the Chamber, Madam Speaker, it is a bit of a surprise to many of us who come into this Congress to walk down here on the floor of Congress and hear a debate going on and it doesn't seem to be fitting with the debate we were watching on C–SPAN on the television in our office in the 5-minute walk over here. Things have changed. And you can walk on the floor of this Congress and thinking you are coming to weigh in on the debate of H. Res. 5 and find out you are debating H.R. 3495.

Now, neither one of those bills has a name in my mind. But we have names for these bills too that help describe what it is we are debating. And we are sitting in this technological era, where I have just called for real-time access for financial reporting of the Members of Congress, but the people that are sitting in the gallery here in this House of Representatives, Madam Speaker, unless they have got some kind of ear piece in them or some kind of a BlackBerry that they are allowed to have and I don't know that they are, that can tell them what is going on here on the floor of Congress they will not know when they walk in this Chamber what this debate is all about.

They will not know the bill that is before us. They will not know the amendment we are discussing. They will not know why some of the rhetoric doesn't match the language of the bill and the intent of the subject we are talking about. They can't know, Madam Speaker, because there isn't a single sign around this Chamber that tells the people that come into the gallery to witness the people's House what it is we are actually talking about. And if a Member of Congress walks in and they have been 1 minute or 5 minutes or 10 minutes out of the loop in their walk from their office and their watching their C–SPAN camera to come over here, the bill may have changed or a bill may have been temporarily deferred. It might be a different one that is taken up. And in that transfer of that subject matter, they can't know unless they walk over here and interrupt the person or the staff and ask what are we discussing, what are we debating. What is happening. I thought I came over here to talk on H.R. 6, and instead I am over here on H.R. 3094.

The reason that we don't know that is because we don't use the simplest of technology, a technology that at least when we vote puts the number of the bill up here on either end of the Chamber, illuminates it on the wooden panels so that you can see the vote that comes up. There is no technological reason, there is no procedural reason why we can't just ask for the sunlight bill on finances, why we can't just shine the light up on the wall, a subject matter that is being debated, the number of the bill that is being debated and the name and perhaps the number of the amendment that is also under discussion at the moment. That would allow anyone who comes in off the street to witness the debate and deliberation of the people's House to immediately sit down and understand what the debate is all about and understand what the amendment is and who has got the amendment up, and they will figure out then instantly who is the proponent, who is the opponent, and the process becomes more open.

The simplest thing that should be nonpartisan, this very simple idea is not just my idea but an idea that is supported and endorsed by many. I would ask if we could submit this idea to the freshmen that have come in. Those who have come out of State legislatures understand that the technology is there and has been there for years in State legislatures. When you walk into the chamber of a State House or a State Senate almost anywhere in the country, the subject of the bill is illuminated on the wall, the bill number is illuminated on the wall, the name of the person offering the amendment and the number of the amendment is offered on the wall with a short description of the bill, the amendment, so that the public can easily see what is going on, so that the members who are elected can walk in the room and instantaneously understand the process that they have walked into and be able to pick up immediately and engage in the process.

□ 1615

That is part of the light that needs to be shined on this process, Madam Speaker. And I raise this issue up with this particular discussion because it happens to be something that is almost without cost. It should be absolutely bipartisan. In fact, it should be nonpartisan in its nature. Everyone who serves here should be interested in being able to have easy access to the process and the procedure we happen to be under. And it is something that allows the people in the gallery to understand what is happening.

Right now, it could have "Special Order by King" on there. They could have a little clock on there to tell me how much time I have left before the gavel drops and my time has run and expired.

But at this point I would ask the Speaker how much time I have remaining.

The SPEAKER pro tempore (Ms. DEGETTE). The gentleman has 30 seconds.

Mr. KING of Iowa. Oh, boy. The gentleman will then immediately conclude my discussion, and I really appreciate that I have been able to bring it to that conclusion in exactly the 60 minutes that have been allowed. I appreciate also the privilege in speaking to you, Madam Speaker.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 16 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1845

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COOPER) at 6 o'clock and 45 minutes p.m.

ADJOURNMENT TO TUESDAY, JANUARY 9, 2007

Ms. DEGETTE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday next for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BROWN of South Carolina (at the request of Mr. BOEHNER) for today and January 4 after 3:30 p.m. on account of the death of his daughter.

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ADJOURNMENT

Ms. DEGETTE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until Tuesday, January 9, 2007, at 10:30 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

24. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Importation of Fruits and Vegetables [Docket No. 03-086-3] (RIN: 0579-AC23) received December 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

25. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Labor Reimbursement on DoD Non-Commercial Time-and-Materials and Labor-Hour Contracts (DFARS Case 2006-D030) (RIN: 0750-AF44) received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

26. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7474] received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

27. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

28. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determination — received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

29. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the System's final rule — Electronic Fund Transfers [Regulation E; Docket No. R-1265] received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

30. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program; Test Procedures for Certain Consumer Products and Certain Commercial and Industrial Equipment; Technical Amendment to Energy Conservation Standards for Certain Consumer Products and Certain Commercial and Industrial Equipment [Docket No. EE-RM/TP-05-500] (RIN: 1904-AB53) received December 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

31. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Acquisition Regulations — received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

32. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts — received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

33. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — North Dakota Regulatory Program [SATS No. ND-049-FOR, Amendment No. XXXVI] received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

34. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281-0369-02; I.D. 112006D] received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

35. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeastern Multispecies Fishery; 2006 Georges Bank Cod Fixed Gear Sector Operations Plan and Agreement and Allocation of Georges Bank Cod Total Allowable Catch [Docket No. 060808213-6300-02; I.D. 073106C] (RIN: 0648-AU56) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

36. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments [Docket No. 051014263-6028-03; I.D. 112106B] received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

37. A letter from the Senior Counsel, Department of Justice, transmitting the Department's final rule — Supplement to Justice Department Procedures and Council on Environmental Quality Regulations to Ensure Compliance With the National Environmental Policy Act [Docket No. USMS 101] (RIN: 1105-AB13) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

38. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-602, AT-802, and AT-802A Airplanes

[Docket No. FAA-2006-24228; Directorate Identifier 2006-CE-22-AD; Amendment 39-14805; AD 2006-22-08] (RIN: 2120-AA64) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

39. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 777-200, and 777-300 Series Airplanes [Docket No. 2000-NM-360-AD; Amendment 39-14789; AD 2006-21-05] (RIN: 2120-AA64) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

40. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-1, -1A, -1B, -7, -7A, -7B, -9, -9A, -11, -15, -15A, -17, -17A, -17R, -17AR, -209, -217, -217A, -217C, and -219 Turbofan Engines [Docket No. FAA-2006-25809; Directorate Identifier 2001-NE-30-AD; Amendment 39-14791; AD 2006-17-07R1] (RIN: 2120-AA64) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

41. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321 Airplanes [Docket No. FAA-2006-25060; Directorate Identifier 2006-NM-119-AD; Amendment 39-14792; AD 2006-21-07] (RIN: 2120-AA64) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

42. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 Series Airplanes Equipped with General Electric GE90-94B Engines [Docket No. FAA-2006-26085; Directorate Identifier 2006-NM-142-AD; Amendment 39-14794; AD 2006-21-09] (RIN: 2120-AA64) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

43. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turboshaft Engines [Docket No. FAA-2006-25730; Directorate Identifier 2006-NE-31-AD; Amendment 39-14796; AD 2006-21-11] (RIN: 2120-AA64) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

44. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A340-200, and A340-300 Airplanes [Docket No. FAA-2006-26083; Directorate Identifier 2006-NM-185-AD; Amendment 39-14793; AD 2006-21-08] (RIN: 2120-AA64) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

45. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd. Models N22B, N22S, and N24A Airplanes [Docket No. FAA-2006-25928; Directorate Identifier 2006-CE-53-AD; Amendment 39-14797; AD 2006-21-12] (RIN: 2120-AA64) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

46. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2B Series Turboshaft Engines [Docket No. FAA-2005-23809; Directorate Identifier 2005-NE-52-AD; Amendment 39-14795; AD 2006-21-10] (RIN: 2120-AA64) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

47. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Aircraft Equipped With Honeywell Primus II RNZ-850()/-851() Integrated Navigation Units [Docket No. FAA-2005-20080; Directorate Identifier 2003-NM-193-AD; Amendment 39-14802; AD 2006-22-05] received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

48. A letter from the Paralegal, FTA, Department of Transportation, transmitting the Department's final rule — Controlled Substances and Alcohol Misuse Testing [Docket No. FTA-2006-24592] (RIN: 2132-AA86) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

49. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Worker Visibility [FHWA Docket No. FHWA-2005-23200] (RIN: 2125-AF11) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

50. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Additional Types on Child Restraint Systems That May Be Furnished and Used on Aircraft; Corrections [Docket No. FAA-2006-25334; Amendment Nos. 125-51 and 135-106] (RIN: 2120-AI76) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

51. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Reservation System for Unscheduled Arrivals at Chicago's O'Hare International Airport [Docket No. FAA-2005-19411; SFAR No. 105] (RIN: 2120-AI47) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

52. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Plan Requirements — Amendments [EPA-HQ-OPA-2005-0001; FRL-8258-3] (RIN: 2050-AG23) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

53. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA FAR Supplement Administrative Changes (RIN: 2700-31) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

54. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Extension of the Presumptive Period for Compensation for Gulf War Veterans (RIN: 2900-AM47) received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

55. A letter from the Assistant to the Secretary for Reg Policy and Mgt, Department of Veterans Affairs, transmitting the Department's final rule — Filipino Veterans' Benefits Improvements (RIN: 2900-AK65) received December 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

56. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — United States — Chile Free Trade Agreement (RIN: 1505-AB47) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

57. A letter from the Director of Reg. Management, Office of Regulation Policy & Mgt, Department of Veterans Affairs, transmitting the Department's final rule — Transfer of Montgomery GI Bill-Active Duty Entitlement to Dependents (RIN: 2900-AM12) received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Armed Services and Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on December 15, 2006]

Mr. HUNTER: Committee on Armed Services. Report of the Activities of the Committee on Armed Services for the 109th Congress (Rept. 109–731). Referred to the Committee of the Whole House on the State of the Union.

[The following actions occurred on December 19, 2006]

Mr. HASTINGS of Washington: Committee on Standards of Official Conduct. In the matter of Representative James McDermott (Rept. 109–732). Referred to the House Calendar and ordered to be printed.

Mr. HASTINGS of Washington: Committee on Standards of Official Conduct. Investigation of allegations related to improper conduct involving Members and current or former House pages (Rept. 109–733). Referred to the House Calendar.

[Filed on December 21, 2006]

Mr. LEWIS of California: Committee on Appropriations. Report on Activities of the Committee on Appropriations, 109th Congress (Rept. 109–734). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. POMBO: Committee on Resources. Report on Legislative and Oversight Activities of the Committee on Resources During the 109th Congress (Rept. 109–735). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[Filed on December 22, 2006]

Mr. THOMAS: Committee on Ways and Means. Report on the Legislative and Oversight Activities of the Committee on Ways and Means During the 109th Congress (Rept. 109–736). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[Filed on December 27, 2006]

Mr. BUYER: Committee on Veterans' Affairs. Activities Report of the Committee on Veterans' Affairs, 109th Congress (Rept. 109–737). Referred to the Committee of the Whole House on the State of the Union.

[Filed on December 29, 2006]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. Summary of Legislative and Oversight Activities of the Committee on Transportation and Infrastructure for the 109th Congress (Rept. 109–738). Referred to the Committee of the Whole House on the State of the Union.

[Filed on December 29, 2006]

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Activities of the House Committee on Government Reform for the 109th Congress (Rept. 109–739). Referred to the Committee of the Whole House on the State of the Union.

[Filed on January 2, 2007]

Mr. MANZULLO: Committee on Small Business. Summary of Activities of the Committee on Small Business for the 109th Congress (Rept. 109–740). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of New York: Committee on Homeland Security. Report on Legislative and Oversight Activities of the House Committee on Homeland Security During the 109th Congress (Rept. 109–741). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. Report on the Activity of the Committee on Financial Services for the 109th Congress (Rept. 109–742). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. Survey of Activities of the House Committee on Rules, 109th Congress (Rept. 109–743). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Standards of Official Conduct. Summary of Activities of the Committee on Standards of Official Conduct for the 109th Congress (Rept. 109–744). Referred to the Committee of the Whole House on the State of the Union.

Mr. McKEON: Committee on Education and the Workforce. Report on the Activities of the Committee on Education and the Workforce During the 109th Congress (Rept. 109–745). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLATTE: Committee on Agriculture. Report of the Committee on Agriculture on Activities During the 109th Congress (Rept. 109–746). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. Legislative Review Activities of the Committee on International Relations, 109th Congress (Rept. 109–747). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. Summary of Activities of the Committee on Science for the 109th Congress (Rept. 109–748). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. Report on the Activities of the Committee on the Judiciary During the 109th Congress (Rept. 109–749). Referred to the Committee of the Whole House on the State of the Union.

Mr. NUSSLE: Committee on the Budget. Activities and Summary Report of the Committee on the Budget, 109th Congress (Rept. 109–750). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Filed on January 5, 2007]

By Mr. Thompson of Mississippi (for himself, Mr. Lantos, Mr. Skelton, Mrs. Gillibrand, Mr. Ackerman, Mr. Allen, Mr. Altmire, Mr. Andrews, Mr. Arcuri, Mr. Baca, Mr. Baird, Ms. Baldwin, Ms. Bean, Mr. Becerra, Ms. Berkley, Mr. Berman, Mr. Berry, Mr. Bishop of New York, Mr. Blumenauer, Ms. Bordallo, Mr. Boren, Mr. Boswell, Mr. Boucher, Ms. Boyda of Kansas, Mr. Brady of Pennsylvania, Mr. Braley of Iowa, Mr. Butterfield, Mrs. Capps, Mr. Capuano, Mr. Cardoza, Mr. Carnahan, Mr. Carney, Ms. Castor, Mr. Chandler, Mrs. Christensen, Ms. Clarke, Mr. Clay, Mr. Cleaver, Mr. Clyburn, Mr. Cohen, Mr. Conyers, Mr. Cooper, Mr. Costello, Mr. Courtney, Mr. Crowley, Mr. Cramer, Mr. Cuellar, Mr. Cummings, Mr. Davis of Illinois, Mr. Davis of Alabama, Mr. Lincoln Davis of Tennessee, Mrs. Davis of California, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Dicks, Mr. Doggett, Mr. Donnelly, Mr. Doyle, Mr. Ellison, Mr. Ellsworth, Mr. Emanuel, Ms. Eshoo, Mr. Etheridge, Mr. Faleomavaega, Mr. Farr, Mr. Fattah, Mr. Filner, Mr. Frank of Massachusetts, Ms. Giffords, Mr. Al Green of Texas, Mr. Gene Green of Texas, Mr. Grijalva, Mr. Hall of New York, Mr. Hare, Ms. Harman, Mr. Hastings of Florida, Ms. Herseth, Mr. Higgins, Mr. Hill, Mr. Hinchey, Ms. Hirono, Mr. Hodes, Mr. Holden, Mr. Holt, Mr. Honda, Ms. Hooley, Mr. Hoyer, Mr. Inslee, Mr. Israel, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Johnson of Georgia, Mr. Kagen, Ms. Kaptur, Mr. Kennedy, Mr. Kildee, Mr. Kind, Mr. Klein of Florida, Mr. Kucinich, Mr. Lampson, Mr. Langevin, Mr. Larsen of Washington, Mr. Larson of Connecticut, Ms. Lee, Mr. Levin, Mr. Lewis of Georgia, Mr. Loebsack, Ms. Zoe Lofgren of California, Mrs. Lowey, Mr. Lynch, Mr. Mahoney of Florida, Mrs. Maloney of New York, Mr. Markey, Ms. Matsui, Mrs. McCarthy of New York, Ms. McCollum of Minnesota, Mr. McDermott, Mr. McGovern, Mr. McIntyre, Mr. McNerney, Mr. McNulty, Mr. Meehan, Mr. Meek of Florida, Mr. Michaud, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Mitchell, Mr. Moore of Kansas, Mr. Moran of Virginia, Mr. Murphy of Connecticut, Mr. Patrick Murphy of Pennsylvania, Mr. Nadler, Mrs. Napolitano, Ms. Norton, Mr. Oberstar, Mr. Obey, Mr. Olver, Mr. Ortiz, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Mr. Payne, Mr. Perlmutter, Mr. Pomeroy, Mr. Price of North Carolina, Mr. Rahall, Mr. Rangel, Mr. Reyes, Mr. Rodriguez, Mr. Ross, Mr. Rothman, Ms. Roybal-Allard, Mr. Ruppersberger, Mr. Rush, Mr. Ryan of Ohio, Mr. Salazar, Ms. Linda T. Sánchez of California, Mr. Sarbanes, Ms. Schakowsky, Mr. Schiff, Ms. Schwartz, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Serrano, Mr. Sestak, Ms. Shea-Porter, Mr. Sherman, Mr. Shuler, Mr. Sires, Ms. Slaughter, Mr. Smith of Washington, Ms. Solis, Mr. Space, Mr. Spratt, Mr. Stark, Mr. Stupak, Ms. Sutton, Mrs. Tauscher, Mr. Thompson of California, Mr. Tierney, Mrs. Jones of Ohio, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Van Hollen, Ms. Velázquez, Mr. Walz of Minnesota, Ms. Wasserman Schultz, Ms. Waters, Ms. Watson, Mr. Waxman, Mr. Weiner, Mr. Welch of Vermont, Mr. Wexler, Mr. Wilson of Ohio, Ms. Woolsey, Mr. Wu, Mr. Wynn, Mr. Yarmuth, and Mr. Hinojosa):

H.R. 1. A bill to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States; to the Committees on Homeland Security, Energy and Commerce, the Judiciary, Intelligence (Permanent Select), Foreign Affairs, Transportation and Infrastructure, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. George Miller of California (for himself, Mr. Hoyer, Mr. Donnelly, Mr. Al Green of Texas, Mr. Ackerman, Mr. Allen, Mr. Altmire, Mr. Andrews, Mr. Arcuri, Mr. Baca, Mr. Baird, Ms. Baldwin, Ms. Bean, Mr. Becerra, Ms. Berkley, Mr. Berman, Mr. Berry, Mr. Bishop of New York, Mr. Blumenauer, Ms. Bordallo, Mr. Boswell, Mr. Boucher, Mr. Brady of Pennsylvania, Mr. Braley of Iowa, Mr. Butterfield, Mrs. Capps, Mr. Capuano, Mr. Cardoza, Mr. Carnahan, Mr. Carney, Ms. Castor, Mr. Chandler, Mrs. Christensen, Ms. Clarke, Mr. Clay, Mr. Cleaver, Mr. Clyburn, Mr. Cohen, Mr. Conyers, Mr. Cooper, Mr. Costello, Mr. Courtney, Mr. Crowley, Mr. Cuellar, Mr. Cummings, Mr. Davis of Illinois, Mr. Davis of Alabama, Mr. Lincoln Davis of Tennessee, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Dicks, Mr. Dingell, Mr. Doggett, Mr. Doyle, Mr. Ellison, Mr. Ellsworth, Mr. Emanuel, Mr. Engel, Ms. Eshoo, Mr. Etheridge, Mr. Faleomavaega, Mr. Farr, Mr. Fattah, Mr. Filner, Mr. Frank of Massachusetts, Ms. Giffords, Mrs. Gillibrand, Mr. Gordon, Mr. Gene Green of Texas, Mr. Grijalva, Mr. Gutierrez, Mr. Hall of New York, Mr. Hare, Ms. Harman, Mr. Hastings of Florida, Ms. Herseth, Mr. Higgins, Mr. Hill, Mr. Hinchey, Mr. Hinojosa, Ms. Hirono, Mr. Hodes, Mr. Holden, Mr. Holt, Mr. Honda, Ms. Hooley, Mr. Inslee, Mr. Israel, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Johnson of Georgia, Mr. Kagen, Mr. Kanjorski, Ms. Kaptur, Mr. Kennedy, Mr. Kildee, Ms. Kilpatrick, Mr. Kind, Mr. Klein of Florida, Mr. Kucinich, Mr. Lampson, Mr. Langevin, Mr. Lantos, Mr. Larsen of Washington, Mr. Larson of Connecticut, Mr. LaTourette, Ms. Lee, Mr. Levin, Mr. Lewis of Georgia, Mr. Lipinski, Mr. LoBiondo, Mr. Loebsack, Ms. Zoe Lofgren of California, Mrs. Lowey, Mr. Lynch, Mr. Mahoney of Florida, Mrs. Maloney of New York, Mr.

Markey, Ms. Matsui, Mrs. McCarthy of New York, Ms. McCollum of Minnesota, Mr. McDermott, Mr. McGovern, Mr. McHugh, Mr. McIntyre, Mr. McNerney, Mr. McNulty, Mr. Meehan, Mr. Meek of Florida, Mr. Michaud, Ms. Millender-McDonald, Mr. Mitchell, Mr. Moore of Kansas, Ms. Moore of Wisconsin, Mr. Moran of Virginia, Mr. Murphy of Connecticut, Mr. Patrick Murphy of Pennsylvania, Mr. Tim Murphy of Pennsylvania, Mr. Nadler, Mrs. Napolitano, Ms. Norton, Mr. Oberstar, Mr. Obey, Mr. Olver, Mr. Ortiz, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Mr. Payne, Mr. Perlmutter, Mr. Peterson of Minnesota, Mr. Pomeroy, Mr. Price of North Carolina, Mr. Rahall, Mr. Rangel, Mr. Reyes, Mr. Rodriguez, Mr. Ross, Mr. Rothman, Ms. Roybal-Allard, Mr. Ruppersberger, Mr. Rush, Mr. Ryan of Ohio, Mr. Salazar, Ms. Linda T. Sánchez of California, Mr. Sarbanes, Ms. Schakowsky, Mr. Schiff, Ms. Schwartz, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Serrano, Mr. Sestak, Mr. Shays, Ms. Shea-Porter, Mr. Sherman, Mr. Shuler, Mr. Sires, Mr. Skelton, Ms. Slaughter, Mr. Smith of Washington, Mr. Smith of New Jersey, Mr. Snyder, Ms. Solis, Mr. Space, Mr. Spratt, Mr. Stark, Mr. Stupak, Ms. Sutton, Mrs. Tauscher, Mr. Thompson of Mississippi, Mr. Thompson of California, Mr. Tierney, Mrs. Jones of Ohio, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Van Hollen, Ms. Velázquez, Mr. Walsh of New York, Mr. Walz of Minnesota, Ms. Wasserman Schultz, Ms. Waters, Ms. Watson, Mr. Waxman, Mr. Weiner, Mr. Welch of Vermont, Mr. Wexler, Mr. Wilson of Ohio, Ms. Woolsey, Mr. Wu, Mr. Wynn, and Mr. Yarmuth):

H.R. 2. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Education and Labor.

By Ms. DeGette (for herself, Mr. Castle, Mr. Langevin, Mr. Shays, Mr. Mitchell, Mr. Kirk, Mr. Dingell, Mr. Dent, Mr. Rangel, Mr. Porter, Mr. Waxman, Mr. Lewis of California, Mr. Conyers, Mr. Regula, Mr. Pallone, Mrs. Bono, Mr. Stark, Mr. Bilbray, Ms. Baldwin, Mr. Tom Davis of Virginia, Mrs. Capps, Mr. Reichert, Mr. Carnahan, Mr. Ramstad, Mr. Lewis of Georgia, Mrs. Biggert, Mr. Perlmutter, Mr. Gilchrest, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Altmire, Mr. Andrews, Mr. Arcuri, Mr. Baca, Mr. Baird, Ms. Bean, Mr. Becerra, Ms. Berkley, Mr. Berman, Mr. Berry, Mr. Bishop of New York, Mr. Blumenauer, Ms. Bordallo, Mr. Boswell, Mr. Boucher, Mr. Boyd of Florida, Mr. Brady of Pennsylvania, Mr. Braley of Iowa, Ms. Corrine Brown of Florida, Mr. Butterfield, Mr. Capuano, Mr. Cardoza, Mr. Carney, Ms. Carson, Ms. Castor, Mr. Chandler, Mrs. Christensen, Mr. Clay, Mr. Cleaver, Mr. Clyburn, Mr. Cohen, Mr. Cooper, Mr. Costa, Mr. Courtney, Mr. Crowley, Mr. Cuellar, Mr. Cummings, Mr. Davis of Alabama, Mr. Davis of Illinois, Mrs. Davis of California, Mr. DeFazio, Mr. Delahunt, Ms. DeLauro, Mr. Dicks, Mr. Doggett, Mr. Ellison, Mr. Engel, Ms. Eshoo, Mr. Etheridge, Mr. Faleomavaega, Mr. Farr, Mr. Fattah, Mr. Filner, Mr. Frank of Massachusetts, Ms. Giffords, Mrs. Gillibrand, Mr. Gordon, Mr. Al Green of Texas, Mr. Gene Green of Texas, Mr. Grijalva, Mr. Gutierrez, Mr. Hall of New York, Mr. Hare, Ms. Harman, Mr. Hastings of Florida, Ms. Herseth, Mr. Higgins, Mr. Hinchey, Ms. Hirono, Mr. Hodes, Mr. Holt, Mr. Honda, Ms. Hooley, Mr. Hoyer, Mr. Inslee, Mr. Israel, Ms. Jackson-Lee of Texas, Mr. Jackson of Illinois, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mr. Johnson of Georgia, Mrs. Jones of Ohio, Mr. Kagen, Mr. Kennedy, Mr. Kind, Mr. Klein of Florida, Mr. Kucinich, Mr. Lantos, Mr. Larsen of Washington, Mr. Larson of Connecticut, Ms. Lee, Mr. Levin, Mr. Loebsack, Ms. Zoe Lofgren of California, Mrs. Lowey, Mr. Lynch, Mr. Mahoney of Florida, Mrs. Maloney of New York, Mr. Markey, Mr. Matheson, Ms. Matsui, Mrs. McCarthy of New York, Ms. McCollum of Minnesota, Mr. McDermott, Mr. McGovern, Mr. McNerney, Mr. McNulty, Mr. Meehan, Mr. Meek of Florida, Mr. Michaud, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Moore of Kansas, Ms. Moore of Wisconsin, Mr. Moran of Virginia, Mr. Murphy of Connecticut, Mr. Patrick Murphy of Pennsylvania, Mr. Nadler, Mrs. Napolitano, Ms. Norton, Mr. Obey, Mr. Olver, Mr. Ortiz, Mr. Pascrell, Mr. Pastor, Mr. Payne, Mr. Pomeroy, Mr. Price of North Carolina, Mr. Reyes, Mr. Rodriguez, Mr. Ross, Mr. Rothman, Ms. Roybal-Allard, Mr. Ruppersberger, Mr. Rush, Mr. Ryan of Ohio, Mr. Salazar, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Mr. Sarbanes, Ms. Schakowsky, Mr. Schiff, Ms. Schwartz, Mr. Scott of Georgia, Mr. Serrano, Mr. Sestak, Ms. Shea-Porter, Mr. Sherman, Mr. Sires, Mr. Skelton, Ms. Slaughter, Mr. Smith of Washington, Mr. Snyder, Ms. Solis, Mr. Space, Mr. Spratt, Ms. Sutton, Mrs. Tauscher, Mr. Thompson of Mississippi, Mr. Thompson of California, Mr. Tierney, Mr. Towns, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Upton, Mr. Van Hollen, Ms. Velázquez, Mr. Visclosky, Mr. Walz of Minnesota, Ms. Wasserman Schultz, Ms. Waters, Ms. Watson, Mr. Weiner, Mr. Welch of Vermont, Mr. Wexler, Ms. Woolsey, Mr. Wu, Mr. Wynn, Mr. Yarmuth, and Mr. Hinojosa):

H.R. 3. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; to the Committee on Energy and Commerce.

By Mr. Dingell (for himself, Mrs. Emerson, Mr. Rangel, Ms. Shea-Porter, Mr. Waxman, Mr. Stark, Mr. Ackerman, Mr. Allen, Mr. Altmire, Mr. Andrews, Mr. Arcuri, Mr. Baca, Mr. Baird, Ms. Baldwin, Mr. Becerra, Ms. Berkley, Mr. Berman, Mr. Berry, Mr. Bishop of New York, Mr. Blumenauer, Ms. Bordallo, Mr. Boswell, Mr. Boucher, Ms. Boyda of Kansas, Mr. Brady of Pennsylvania, Mr. Braley of Iowa, Mr. Butterfield, Mrs. Capps, Mr. Capuano, Mr. Cardoza, Mr. Carnahan, Mr. Carney, Ms. Castor, Mr. Chandler, Mrs. Christensen, Ms. Clarke, Mr. Clay, Mr. Cleaver, Mr. Clyburn, Mr. Cohen, Mr. Conyers, Mr. Cooper, Mr. Costello, Mr. Courtney, Mr. Crowley, Mr. Cuellar, Mr. Cummings, Mr. Davis of Illinois, Mr. Davis of Alabama, Mr. Lincoln Davis of Tennessee, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Dicks, Mr. Doggett, Mr. Donnelly, Mr. Doyle, Mr. Ellison, Mr. Ellsworth, Mr. Emanuel, Ms. Eshoo, Mr. Faleomavaega, Mr. Farr, Mr. Fattah, Mr. Filner, Mr. Frank of Massachusetts, Ms. Giffords, Mrs. Gillibrand, Mr. Gordon, Mr. Al Green of Texas, Mr. Gene Green of Texas, Mr. Grijalva, Mr. Hall of New York, Mr. Hare, Ms. Harman, Mr. Hastings of Florida, Ms. Herseth, Mr. Higgins, Mr. Hill, Mr. Hinchey, Ms. Hirono, Mr. Hodes, Mr. Holden, Mr. Honda, Ms. Hooley, Mr. Hoyer, Mr. Israel, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Johnson of Georgia, Mr. Kagen, Ms. Kaptur, Mr. Kennedy, Mr. Kildee, Mr. Kind, Mr. Klein of Florida, Mr. Kucinich, Mr. Langevin, Mr. Lantos, Mr. Larsen of Washington, Mr. Larson of Connecticut, Ms. Lee, Mr. Levin, Mr. Lewis of Georgia, Mr. Lipinski, Mr. Loebsack, Ms. Zoe Lofgren of California, Mr. Lynch, Mr. Mahoney of Florida, Mrs. Maloney of New York, Mr. Markey, Ms. Matsui, Mrs. McCarthy of New York, Ms. McCollum of Minnesota, Mr. McDermott, Mr. McGovern, Mr. McNerney, Mr. McNulty, Mr. Meehan, Mr. Meek of Florida, Mr. Michaud, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Mitchell, Mr. Moore of Kansas, Mr. Moran of Virginia, Mr. Patrick Murphy of Pennsylvania, Mr. Nadler, Mrs. Napolitano, Ms. Norton, Mr. Oberstar, Mr. Obey, Mr. Olver, Mr. Ortiz, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Mr. Payne, Mr. Perlmutter, Mr. Pomeroy, Mr. Rahall, Mr. Reyes, Mr. Rodriguez, Mr. Ross, Mr. Rothman, Ms. Roybal-Allard, Mr. Ruppersberger, Mr. Rush, Mr. Ryan of Ohio, Mr. Salazar, Ms. Linda T. Sánchez of California, Mr. Sarbanes, Ms. Schakowsky, Mr. Schiff, Ms. Schwartz, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Serrano, Mr. Sestak, Mr. Sires, Mr. Skelton, Ms. Slaughter, Mr. Snyder, Ms. Solis, Mr. Space, Mr. Spratt, Mr. Stupak, Ms. Sutton, Mrs. Tauscher, Mr. Thompson of Mississippi, Mr. Thompson of California, Mr. Tierney, Mrs. Jones of Ohio, Mr. Udall of New Mexico, Mr. Van Hollen, Ms. Velázquez, Mr. Walz of Minnesota, Ms. Wasserman Schultz, Ms. Waters, Ms. Watson, Mr. Weiner, Mr. Welch of Vermont, Mr. Wexler, Mr. Wilson of Ohio, Ms. Woolsey, Mr. Wu, Mr. Wynn, Mr. Yarmuth, and Mr. Hinojosa):

H.R. 4. A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries; to the

Committees on Energy and Commerce and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Filed on January 4, 2007]

By Mr. SCHIFF (for himself, Mr. FLAKE, Mr. VAN HOLLEN, Mr. INGLIS of South Carolina, Mr. INSLEE, and Mr. MACK):

H.R. 11. A bill to reiterate that chapters 119 and 121 of title 18, United States Code, and the Foreign Intelligence Surveillance Act of 1978 are the exclusive means by which domestic electronic surveillance may be conducted, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK:

H.R. 12. A bill to permit certain school districts in Illinois to be reconstituted for purposes of determining assistance under the Impact Aid program; to the Committee on Education and Labor.

By Mr. BACA:

H.R. 13. A bill to direct the Secretary of the Army to conduct a study to determine the feasibility of carrying out a project for water supply for Rialto, Fontana, and Colton, California; to the Committee on Transportation and Infrastructure.

By Mr. KIRK (for himself and Mr. PLATTS):

H.R. 14. A bill to amend title 5, United States Code, to deny retirement benefits accrued by an individual as a Member of Congress if such individual is convicted of any of certain offenses; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 15. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST (for himself, Mr. VAN HOLLEN, Mr. TOM DAVIS of Virginia, Mr. SCOTT of Virginia, Mrs. DRAKE, Mr. HOYER, Mr. CASTLE, Mr. MORAN of Virginia, Mr. PLATTS, Mr. RUPPERSBERGER, Mr. BARTLETT of Maryland, Mr. HOLDEN, Mr. WOLF, Mr. CUMMINGS, Mrs. JO ANN DAVIS of Virginia, Mr. WYNN, Ms. NORTON, Mr. HINCHEY, and Mr. SARBANES):

H.R. 16. A bill to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay program; to the Committee on Transportation and Infrastructure.

By Mr. DEFAZIO (for himself, Mr. WALDEN of Oregon, Mr. SPRATT, Mr. PETERSON of Minnesota, Mr. OBERSTAR, Mr. DICKS, Mr. BARTON of Texas, Mr. YOUNG of Alaska, Mr. HERGER, Mr. DOOLITTLE, Mr. HASTINGS of Washington, Mrs. CUBIN, Mr. BOYD of Florida, Mr. BERRY, Mr. RADANOVICH, Ms. HOOLEY, Mr. SIMPSON, Mr. THOMPSON of California, Mr. UDALL of New Mexico, Mr. BAIRD, Mr. BOOZMAN, Mr. PETERSON of Pennsylvania, Mr. REHBERG, Ms. HERSETH, Mr. BURGESS, Mr. RENZI, Mrs MCMORRIS RODGERS, Mr. RAHALL, Mr. LIPINSKI, and Ms. SLAUGHTER):

H.R. 17. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Mr. UPTON, and Mr. CONYERS):

H.R. 18. A bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks; to the Committee on Oversight and Government Reform.

By Mr. CALVERT (for himself, Mrs. BLACKBURN, Mrs. BONO, Mr. GARY G. MILLER of California, Mr. ROHRABACHER, Mr. DREIER, Mr. GALLEGLY, Mr. ISSA, Mr. LEWIS of California, Mr. ROYCE, Mr. SESSIONS, Mr. WAMP, Mr. BURGESS, Mr. HUNTER, Mr. SENSENBRENNER, and Mr. GOODE):

H.R. 19. A bill to require employers to conduct employment eligibility verification; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH:

H.R. 20. A bill to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Energy and Commerce.

By Mr. FARR (for himself, Mr. ALLEN, Mr. GILCHREST, and Mr. SAXTON):

H.R. 21. A bill to establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a national and regional ocean governance structure, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLE of Oklahoma (for himself, Mr. HUNTER, Mr. HAYES, Mr. FRANKS of Arizona, Mrs. DRAKE, Mr. MILLER of Florida, Ms. FALLIN, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mr. LUCAS, Mr. WILSON of South Carolina, Mr. GINGREY, Mr. BUTTERFIELD, Mrs. MILLER of Michigan, Mrs MCMORRIS RODGERS, Mr. MCKEON, Mr. KLINE of Minnesota, Mr. BOREN, Mr. SAXTON, Mrs. JO ANN DAVIS of Virginia, Mr. TURNER, Mr. DAVIS of Kentucky, and Mr. JONES of North Carolina):

H.R. 22. A bill to make appropriations for military construction and family housing projects for the Department of Defense for fiscal year 2007, and for other purposes; to the Committee on Appropriations.

By Mr. FILNER:

H.R. 23. A bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH (for himself, Mrs. NAPOLITANO, Mr. CARDOZA, Mr. COSTA, and Mr. GEORGE MILLER of California):

H.R. 24. A bill to authorize the implementation of the San Joaquin River Restoration Settlement; to the Committee on Natural Resources.

By Mr. LINDER (for himself, Mr. BOREN, Mrs. MYRICK, Mr. MCCAUL of Texas, Mr. WESTMORELAND, Mr. CULBERSON, Mr. MILLER of Florida, Mr. PENCE, Mr. CONAWAY, Mr. CRENSHAW, Mr. NORWOOD, Mr. FEENEY, Mr. DEAL of Georgia, Mr. PRICE of Georgia, Mr. POE, Mrs. JO ANN DAVIS of Virginia, Mr. TANCREDO, Mr. BACHUS, Mr. GOODE, Ms. GRANGER, Mr. PEARCE, Mr. BRADY of Texas, Mr. NEUGEBAUER, Mr. BURTON of Indiana, and Mr. STEARNS):

H.R. 25. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Ways and Means.

By Mr. ISSA (for himself and Mr. DREIER):

H.R. 26. A bill to amend section 276 of the Immigration and Nationality Act to impose mandatory sentencing ranges with respect to aliens who reenter the United States after having been removed, and for other purposes; to the Committee on the Judiciary.

By Mr. ISSA:

H.R. 27. A bill to designate the exclusive economic zone of the United States as the "Ronald Wilson Reagan Exclusive Economic Zone of the United States"; to the Committee on Natural Resources.

By Mr. ISSA:

H.R. 28. A bill to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes; to the Committee on Natural Resources.

By Mr. ISSA:

H.R. 29. A bill to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H.R. 30. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; to the Committee on Natural Resources.

By Mr. ISSA (for himself, Mr. CALVERT, and Mrs. BONO):

H.R. 31. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the

Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects; to the Committee on Natural Resources.

By Mr. ISSA:

H.R. 32. A bill to provide for a credit for certain health care benefits in determining the minimum wage; to the Committee on Education and Labor.

By Mr. ISSA:

H.R. 33. A bill to provide for a credit for employers of tipped employees in determining the minimum wage required in States that require employers to pay a minimum wage at a rate higher than the Federal rate; to the Committee on Education and Labor.

By Mr. ISSA (for himself and Mr. SCHIFF):

H.R. 34. A bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

By Mr. EHLERS:

H.R. 35. A bill to amend the Elementary and Secondary Education Act of 1965 to require the use of science assessments in the calculation of adequate yearly progress, and for other purposes; to the Committee on Education and Labor.

By Mr. EHLERS:

H.R. 36. A bill to amend the Internal Revenue Code of 1986 to encourage teachers to pursue teaching math and science subjects at elementary and secondary schools; to the Committee on Ways and Means.

By Mr. EHLERS:

H.R. 37. A bill to amend the Internal Revenue Code of 1986 to encourage businesses to improve math and science education at elementary and secondary schools; to the Committee on Ways and Means.

By Mr. EHLERS:

H.R. 38. A bill to amend the Head Start Act to improve the math and science readiness of disadvantaged children; to the Committee on Education and Labor.

By Mr. MARKEY (for himself and Mr. RAMSTAD):

H.R. 39. A bill to preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Mr. NADLER, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Ms. NORTON, Mr. OLVER, Mr. WYNN, Mr. BISHOP of Georgia, Mr. RUSH, Mr. THOMPSON of Mississippi, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mrs. CHRISTENSEN, Ms. LEE, Mr. HONDA, and Mr. CLAY):

H.R. 40. A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Ms. VELÁZQUEZ:

H.R. 41. A bill to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Financial Services.

By Ms. VELÁZQUEZ:

H.R. 42. A bill to amend the Communications Act of 1934 to continue in effect and expand the Lifeline Assistance Program and the Link Up Program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. VELÁZQUEZ:

H.R. 43. A bill to amend the Housing and Community Development Act of 1974 to provide financial assistance for the development and reuse of brownfields; to the Committee on Financial Services.

By Ms. VELÁZQUEZ (for herself and Mr. TOWNS):

H.R. 44. A bill to preserve affordable housing opportunities for low-income families, and for other purposes; to the Committee on Financial Services.

By Ms. VELÁZQUEZ (for herself, Mr. SERRANO, Mr. CROWLEY, and Mr. TOWNS):

H.R. 45. A bill to authorize the Secretary of Agriculture to make grants to community-based organizations and local redevelopment agencies operating in low-income communities to promote increased access to and consumption of fresh fruits, fresh vegetables, and other healthy foods among residents of such communities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 46. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. BUTTERFIELD (for himself, Mr. CLYBURN, and Ms. NORTON):

H.R. 47. A bill to direct the Architect of the Capitol to establish and display within the Capitol Visitor Center a suitable exhibit which depicts the Congressional careers, accomplishments, and contributions of the 22 African-American Members of Congress who served during the Reconstruction and Post-Reconstruction Eras, and a suitable exhibit which acknowledges the use of slave labor in the construction of the Capitol; to the Committee on House Administration.

By Mr. WELCH of Vermont:

H.R. 48. A bill to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area"; to the Committee on Natural Resources.

By Mr. UDALL of Colorado:

H.R. 49. A bill to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska:

H.R. 50. A bill to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN:

H.R. 51. A bill to amend titles XI and XIX of the Social Security Act to remove the cap on Medicaid payments for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa and to adjust the Medicaid statutory matching rate for those territories; to the Committee on Energy and Commerce.

By Mrs. CHRISTENSEN:

H.R. 52. A bill to amend the Internal Revenue Code of 1986 to repeal the cap on the cover over of tax on distilled spirits to Puerto Rico and the Virgin Islands; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN:

H.R. 53. A bill to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN:

H.R. 54. A bill to expand the eligibility of individuals to qualify for loan forgiveness for teachers in order to provide additional incentives for teachers currently employed or seeking employment in economically depressed rural areas, Territories, and Indian Reservations; to the Committee on Education and Labor.

By Mrs. CHRISTENSEN:

H.R. 55. A bill to establish the District Court of the Virgin Islands as a court under article III of the United States Constitution; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:

H.R. 56. A bill to extend the supplemental security income benefits program to Guam and the United States Virgin Islands; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN:

H.R. 57. A bill to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN:

H.R. 58. A bill to amend the Revised Organic Act of the Virgin Islands to authorize the legislature of the Virgin Islands to create municipal governments; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN:

H.R. 59. A bill to convey certain submerged lands to the Government of the Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Mr. BAIRD (for himself, Mr. BRADY of Texas, Mr. COOPER, Mr. WAMP, Mr. MCDERMOTT, Mr. INSLEE, Mr. DICKS, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. REICHERT, Mr. HASTINGS of Washington, and Mrs. MCMORRIS RODGERS):

H.R. 60. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland:

H.R. 61. A bill to amend the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 to extend the deadline for the submission of the final report of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack, to provide for the appointment of additional members for the Commission, to ensure the availability of funds for the Commission, and for other purposes; to the Committee on Armed Services.

By Mr. BARTLETT of Maryland:

H.R. 62. A bill to amend the National Defense Authorization Act for Fiscal Year 2006 to extend the deadline for the submission of the final report of the Commission on the Implementation of the New Strategic Posture of the United States, to provide for the appointment of additional members for the Commission, to ensure the availability of funds for the Commission, and for other purposes; to the Committee on Armed Services.

By Mr. BARTLETT of Maryland:

H.R. 63. A bill to provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug commonly known as RU–486 is deemed to have been withdrawn, to provide for the review by the Comptroller General of the United States of the process by which the Food and Drug Administration approved such drug, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARTLETT of Maryland:

H.R. 64. A bill to direct the Secretary of Homeland Security to establish an independent panel to assess the homeland security needs of the National Capital Region; to the Committee on Homeland Security.

By Mr. McINTYRE (for himself, Mr. Etheridge, Mr. Faleomavaega, Mr. Hayes, Ms. Herseth, Mr. Hinchey, Mr. Kildee, Mr. Miller of North Carolina, Mr. Price of North Carolina, Mr. Watt, and Mr. Rahall):

H.R. 65. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Natural Resources.

By Mr. McINTYRE (for himself and Mr. Hayes):

H.R. 66. A bill to establish the SouthEast Crescent Authority, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McINTYRE:

H.R. 67. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. McINTYRE:

H.R. 68. A bill to amend the Water Resources Development Act of 1976 to allow the Secretary of the Army to extend the period during which the Secretary may provide beach nourishment for a water resources development project; to the Committee on Transportation and Infrastructure.

By Mr. McINTYRE:

H.R. 69. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period for entitlement to disability benefits and to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 70. A bill to authorize States to regulate the receipt and disposal of out-of-State municipal solid waste; to the Committee on Energy and Commerce.

By Mr. BARTLETT of Maryland:

H.R. 71. A bill to amend the Federal Election Campaign Act of 1971 to repeal the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the Federal Election Commission and the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations, and for other purposes; to the Committee on House Administration.

By Mr. BARTLETT of Maryland:

H.R. 72. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions; to the Committee on House Administration.

By Mr. BARTLETT of Maryland:

H.R. 73. A bill to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland:

H.R. 74. A bill to amend the National Trails System Act to authorize an additional category of national trail known as a national discovery trail, to provide special requirements for the establishment and administration of national discovery trails, and to designate the cross-country American Discovery Trail as the first national discovery trail; to the Committee on Natural Resources.

By Mr. BARTLETT of Maryland:

H.R. 75. A bill to recognize the birthdays of Presidents George Washington and Abraham Lincoln; to the Committee on Oversight and Government Reform.

By Mr. BARTLETT of Maryland:

H.R. 76. A bill to amend the Internal Revenue Code of 1986 to increase the number vehicles for which the alternative motor vehicle credit is allowed; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland:

H.R. 77. A bill to amend the Internal Revenue Code of 1986 to change the deadline for income tax returns for calendar year taxpayers from the 15th of April to the first Monday in November; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland:

H.R. 78. A bill to amend the Immigration and Nationality Act and title IV of the Social Security Act to provide for the denial of family classification petitions filed by an individual who owes child support arrearages; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland:

H.R. 79. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland:

H.R. 80. A bill to provide for Federal research, development, demonstration, and commercial application activities to enable the development of farms that are net producers of both food and energy, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland:

H.R. 81. A bill to amend title 38, United States Code, to provide that members of the Armed Forces and Selected Reserve may transfer certain educational assistance benefits to dependents, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Mr. McKeon, Mr. Abercrombie, Mr. Allen, Mr. Baca, Ms. Berkley, Mrs. Biggert, Mr. Bishop of Georgia, Mr. Bishop of New York, Ms. Bordallo, Mr. Boswell, Mr. Boucher, Mr. Boyd of Florida, Mrs. Capps, Mr. Cardoza, Ms. Carson, Mr. Chandler, Mr. Clay, Mr. Conyers, Mr. Cuellar, Mr. Cummings, Mr. Davis of Illinois, Mrs. Davis of California, Mr. DeFazio, Ms. DeLauro, Mr. Dingell, Mr. Doggett, Mr. Doolittle, Mr. Doyle, Mr. Edwards, Mr. Engel, Ms. Eshoo, Mr. Etheridge, Mr. Farr, Mr. Fattah, Mr. Frank of Massachusetts, Mr. Gillmor, Mr. Graves, Mr. Al Green of Texas, Mr. Gene Green of Texas, Mr. Grijalva, Mr. Hinojosa, Mr. Hobson, Mr. Holden, Mr. Honda, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Johnson of Illinois, Ms. Kaptur, Mr. Kennedy, Mr. Kildee, Mr. Kucinich, Mr. Langevin, Mr. Lantos, Mr. Larsen of Washington, Ms. Lee, Mr. Lewis of California, Mrs. Lowey, Mrs. Maloney of New York, Mr. Manzullo, Mrs. McCarthy of New York, Ms. McCollum of Minnesota, Mr. McGovern, Mr. McHugh, Mr. Michaud, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Moore of Kansas, Mr. Nadler, Mr. Norwood, Mr. Oberstar, Mr. Olver, Mr. Ortiz, Mr. Pallone, Mr. Paul, Mr. Rahall, Mr. Reyes, Ms. Roybal-Allard, Mr. Ruppersberger, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Mr. Saxton, Ms. Schakowsky, Mr. Schiff, Ms. Schwartz, Mr. Scott of Virginia, Mr. Sherman, Mr. Shuster, Mr. Sires, Ms. Solis, Mr. Stark, Mrs. Tauscher, Mr. Terry, Mr. Tierney, Mr. Udall of Colorado, Mr. Van Hollen, Mr. Visclosky, Mr. Waxman, Mr. Wolf, Ms. Woolsey, Mr. Smith of New Jersey, Ms. Waters, and Mr. Mollohan):

H.R. 82. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself and Mr. Petri):

H.R. 83. A bill to amend section 42 of title 18, United States Code, popularly known as the Lacey Act, to add certain species of carp to the list of injurious species that are prohibited from being imported or shipped; to the Committee on the Judiciary.

By Mrs. BIGGERT:

H.R. 84. A bill to establish a program of demonstration and commercial application of advanced energy efficiency technologies and systems for buildings, and for other purposes; to the Committee on Science and Technology.

By Mrs. BIGGERT:

H.R. 85. A bill to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies; to the Committee on Science and Technology.

By Mrs. BIGGERT (for herself, Mr. Ehlers, Mr. Johnson of Illinois, and Mr. Kirk):

H.R. 86. A bill to amend the Internal Revenue Code of 1986 to expand and extend the incentives for alternative fuel vehicles and refueling property and to repeal the oil and gas production incentives added by the Energy Policy Act of 2005; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 87. A bill to amend the Internal Revenue Code of 1986 to improve and expand education savings accounts; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 88. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to raise awareness of eating disorders and to create educational programs concerning the same, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 89. A bill to amend title 10, United States Code, to extend eligibility for combat-related special compensation paid to certain uniformed services retirees who are retired under chapter 61 of such title with fewer than 20 years of creditable service; to the Committee on Armed Services.

By Ms. BORDALLO (for herself, Mr. Jones of North Carolina, Mrs. Christensen, and Mr. Flake):

H.R. 90. A bill to amend the Lobbying Disclosure Act of 1995 to require the disclosure of the original source of funds made payable to a lobbyist who is subcontracted to engage in lobbying activities on behalf of a third person or entity, and the disclosure of the identity of that third person or entity; to the Committee on the Judiciary.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. Buchanan):

H.R. 91. A bill to establish a program to provide reinsurance for State natural catastrophe insurance programs to help the United States better prepare for and protect its citizens against the ravages of natural catastrophes, to encourage and promote mitigation and prevention for, and recovery and rebuilding from such catastrophes, and to better assist in the financial recovery from such catastrophes; to the Committee on Financial Services.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 92. A bill to amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 93. A bill to amend the Congressional Budget Act of 1974 to protect Social Security beneficiaries against any reduction in benefits; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER:

H.R. 94. A bill to make funds available for program integrity purposes, including the data mining project, under the Federal Crop Insurance Act; to the Committee on Agriculture.

By Mr. CARTER:

H.R. 95. A bill to make funds available for fiscal years 2007 and 2008 for program integrity purposes, including the data mining project, under the Federal Crop Insurance Act; to the Committee on Agriculture.

By Mr. CASTLE (for himself, Mrs. McCarthy of New York, Mr. Shays, and Mr. Kirk):

H.R. 96. A bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. CASTLE (for himself and Mr. Platts):

H.R. 97. A bill to amend the Rules of the House of Representatives to reform the ethics process, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on House Administration, Rules, and Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. Reyes, Mr. Issa, Mr. Calvert, and Mr. Bilbray):

H.R. 98. A bill to amend the Immigration and Nationality Act to enforce restrictions on employment in the United States of unauthorized aliens through the use of improved Social Security cards and an Employment Eligibility Database, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Homeland Security, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS:

H.R. 99. A bill to provide for the establishment of a hazardous materials cooperative research program; to the Committee on Science and Technology, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H.R. 100. A bill to amend the Higher Education Act of 1965 to prevent veterans' contributions to education benefits from reducing Federal student financial assistance; to the Committee on Education and Labor.

By Mrs. DAVIS of California:

H.R. 101. A bill to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns; to the Committee on House Administration.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 102. A bill to strengthen and expand scientific and technological education capabilities of associate-degree-granting colleges through the establishment of partnership arrangements with bachelor-degree-granting institutions; to the Committee on Education and Labor.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 103. A bill to amend title 5, United States Code, to create a presumption that disability of a Federal employee in fire protection activities caused by certain conditions is presumed to result from the performance of such employee's duty; to the Committee on Education and Labor.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 104. A bill to require assurances that certain family planning service projects and programs will provide pamphlets containing the contact information of adoption centers; to the Committee on Energy and Commerce.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 105. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northern Neck National Heritage Area in Virginia, and for other purposes; to the Committee on Natural Resources.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 106. A bill to extend Federal recognition to the Rappahannock Tribe, and for other purposes; to the Committee on Natural Resources.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 107. A bill to define marriage for all legal purposes in the District of Columbia to consist of the union of one man and one woman; to the Committee on Oversight and Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 108. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 109. A bill to amend the Small Business Act to make service-disabled veterans eligible under the 8(a) business development program; to the Committee on Small Business.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 110. A bill to amend the Federal Water Pollution Control Act to impose limitations on wetlands mitigation activities carried out through the condemnation of private property; to the Committee on Transportation and Infrastructure.

By Mr. KANJORSKI (for himself, Mr. Calvert, Mr. Sherman, Mr. Lewis of California, Mr. Berman, Mr. Bonner, Ms. Corrine Brown of Florida, Mrs. Capps, Mr. Cardoza, Mr. Chabot, Mr. Chandler, Mr. Cleaver, Mr. Culberson, Mr. Davis of Kentucky, Ms. DeLauro, Mr. Dingell, Mr. Engel, Ms. Eshoo, Mr. Farr, Mr. Franks of Arizona, Ms. Granger, Mr. Al Green of Texas, Mr. Higgins, Mr. Hinojosa, Mr. Holden, Mr. Holt, Mr. Hunter, Mr. Knollenberg, Mr. Kuhl of New York, Mr. Langevin, Mr. Lewis of Kentucky, Mr. Lipinski, Mr. LoBiondo, Mr. Marshall, Ms. Matsui, Mr. Meeks of New York, Mr. Michaud, Mrs. Miller of Michigan, Mr. Gary G. Miller of California, Mr. Olver, Mr. Paul, Mr. Petri, Mr. Platts, Mr. Rogers of Alabama, Mr. Saxton, Ms. Schakowsky, Mr. Schiff, Mr. Shays, Ms. Solis, Mr. Tierney, Mr. Whitfield, Mr. Alexander, Mr. Gallegly, Mr. Stearns, Mr. Udall of Colorado, Mr. Radanovich, Ms. Waters, Mr. Davis of Alabama, Mr. Barton of Texas, Mr. Emanuel, and Mr. Doolittle):

H.R. 111. A bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Financial Services.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 112. A bill to amend title 38, United States Code, to provide for the payment of stipends to veterans who pursue doctoral degrees in science or technology; to the Committee on Veterans' Affairs.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 113. A bill to amend the Internal Revenue Code of 1986 to require group health plans to provide coverage for reconstructive surgery following mastectomy, consistent with the Women's Health and Cancer Rights

Act of 1998; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 114. A bill to amend the Internal Revenue Code of 1986 to provide a double deduction for a portion of an individual's State and local property taxes that are in excess of the national average; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 115. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for expenses related to the collection and storage of umbilical cord blood; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 116. A bill to amend the Internal Revenue Code of 1986 to expand the income tax forgiveness for members of the Armed Forces who die as a result of wounds, disease, or injury incurred while serving in a combat zone to include forgiveness for the last taxable year ending before the wounds, disease, or injury are incurred; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 117. A bill to amend title XVIII of the Social Security Act to provide for a permanent hold harmless provision for sole community hospitals under the Medicare prospective payment system for covered outpatient department services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 118. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate prices for part D covered drugs for Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 119. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 120. A bill to reform Federal procedures relating to intercountry adoption; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOYLE (for himself and Mrs. BONO):

H.R. 121. A bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Science and Technology, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mrs. NAPOLITANO, Mr. GARY G. MILLER of California, and Mr. CALVERT):

H.R. 122. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; to the Committee on Natural Resources.

By Mr. DREIER (for himself, Ms. SOLIS, Mr. GARY G. MILLER of California, Mr. SCHIFF, and Mrs. NAPOLITANO):

H.R. 123. A bill to authorize appropriations for the San Gabriel Basin Restoration Fund; to the Committee on Transportation and Infrastructure.

By Mr. FORTENBERRY (for himself and Ms. HERSETH):

H.R. 124. A bill to require the prompt issuance by the Secretary of Agriculture of regulations to restore integrity to the payment limitation requirements applicable to commodity payments and benefits, to reduce waste, fraud, and abuse related to the receipt of commodity payments and benefits, and for other purposes; to the Committee on Agriculture.

By Mr. FORTENBERRY (for himself and Mr. BERMAN):

H.R. 125. A bill to provide for a temporary increase in the number of Iraqi and Afghan translators in the United States Armed Forces who may be provided status as special immigrants; to the Committee on Armed Services.

By Mr. FORTENBERRY:

H.R. 126. A bill to amend the Internal Revenue Code of 1986 to allow loans from individual retirement plans for qualified small business capital assets; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself and Mr. GARY G. MILLER of California):

H.R. 127. A bill to amend the National Housing Act to increase the mortgage amount limits applicable to FHA mortgage insurance for multifamily housing located in high-cost areas; to the Committee on Financial Services.

By Mr. FRELINGHUYSEN:

H.R. 128. A bill to amend the Federal Education Right to Privacy Act to improve the access of the victims of crimes to information concerning the outcome of disciplinary proceedings by institutions of higher education; to the Committee on Education and Labor.

By Mr. FRELINGHUYSEN (for himself, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. LOBIONDO, Mr. PALLONE, Mr. FERGUSON, Mr. PASCRELL, and Mr. ROTHMAN):

H.R. 129. A bill to direct the Director of the Federal Emergency Management Agency to designate New Jersey Task Force 1 as part of the National Urban Search and Rescue System; to the Committee on Transportation and Infrastructure.

By Mr. FRELINGHUYSEN (for himself, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. LOBIONDO, Mr. PALLONE, Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. PASCRELL, and Mr. ROTHMAN):

H.R. 130. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 131. A bill to impose a mandatory minimum sentence on a deportable alien who fails to depart or fails to attend a removal proceeding; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 132. A bill to impose a criminal penalty on an alien who fails voluntarily to depart the United States after securing permission to do so, or who unlawfully returns to the United States after voluntarily departing; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 133. A bill to amend the Immigration and Nationality Act to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 134. A bill to amend the Immigration and Nationality Act to deny visas and admission to aliens who have been unlawfully present in the United States for more than 6 months; to the Committee on the Judiciary.

By Mr. LINDER (for himself, Mr. BUTTERFIELD, Ms. BORDALLO, Mr. NORWOOD, Mr. GARY G. MILLER of California, and Mr. TERRY):

H.R. 135. A bill to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 136. A bill to amend title II of the Social Security Act to provide that individuals and appropriate authorities are notified by the Commissioner of Social Security of evidence of misuse of the Social Security account numbers of such individuals; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself, Mr. BLUMENAUER, and Mr. BARTLETT of Maryland):

H.R. 137. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 138. A bill to require an employer to take action after receiving official notice that an individual's Social Security account number does not match the individual's name, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER:

H.R. 139. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highways vehicles; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 140. A bill to amend title 10, United States Code, to require the amounts reimbursed to institutional providers of health care services under the TRICARE program to be the same as amounts reimbursed under Medicare, and to require the Secretary of Defense to contract for health care services with at least one teaching hospital in urban areas; to the Committee on Armed Services.

By Mr. GENE GREEN of Texas:

H.R. 141. A bill to direct the Secretary of Labor to revise regulations concerning the recording and reporting of occupational injuries and illnesses under the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mr. GENE GREEN of Texas:

H.R. 142. A bill to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes; to the Committee on Education and Labor.

By Mr. GENE GREEN of Texas:

H.R. 143. A bill to provide for the security of critical energy infrastructure; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 144. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to allow States and localities to provide primary and preventive care to all individuals; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 145. A bill to amend section 1369 of title 18, United States Code, to extend Federal jurisdiction over destruction of veterans' memorials on State or local government property; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 146. A bill to provide Capitol-flown flags to the families of deceased law enforcement officers; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 147. A bill to amend the Immigration and Nationality Act to exempt elementary and secondary schools from the fee imposed on employers filing petitions with respect to non-immigrant workers under the H-1B program; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 148. A bill to require the Surface Transportation Board to consider certain issues when deciding whether to authorize the construction of a railroad line; to the Committee on Transportation and Infrastructure.

By Mr. GENE GREEN of Texas:

H.R. 149. A bill to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, and for other purposes; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 150. A bill to prevent the nondisclosure of employer-owned life insurance coverage of employees as an unfair trade practice under the Federal Trade Commission Act, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 151. A bill to amend the Public Health Service Act to ensure that projects funded through the National Institutes of Health comply with wage rate requirements commonly referred to as the "Davis-Bacon Act", and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 152. A bill to amend title XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive coverage for childhood immunization; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 153. A bill to provide that no more than 50 percent of funding made available under the Low-Income Home Energy Assistance Act of 1981 for any fiscal year be provided for home heating purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 154. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH:

H.R. 155. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Natural Resources.

By Mr. HOLDEN:

H.R. 156. A bill to amend title 38, United States Code, to provide for the payment of dependency and indemnity compensation to the survivors of former prisoners of war who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of dependency and indemnity compensation to the survivors of former prisoners of war who die after that date; to the Committee on Veterans' Affairs.

By Mr. HOLT (for himself and Mr. Terry):

H.R. 157. A bill to require the Secretary of Energy to conduct a study on the potential fuel savings from intelligent transportation systems that help businesses and consumers to plan their travel and avoid delays; to the Committee on Energy and Commerce.

By Mr. HOLT:

H.R. 158. A bill to direct the Secretary of the Treasury to mint coins in commemoration of the battlefields of the Revolutionary War and the War of 1812, and for other purposes; to the Committee on Financial Services.

By Mr. HOLT:

H.R. 159. A bill to establish the American Veterans Congressional Internship Program; to the Committee on House Administration.

By Mr. HOLT:

H.R. 160. A bill to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; to the Committee on Natural Resources.

By Mr. INSLEE (for himself, Mr. Moran of Virginia, Mr. Larsen of Washington, Mr. Honda, Mr. Simpson, Mr. McDermott, and Ms. Matsui):

H.R. 161. A bill to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, and for other purposes; to the Committee on Natural Resources.

By Mr. JINDAL:

H.R. 162. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Natural Resources.

By Mr. JINDAL:

H.R. 163. A bill to make permanent marriage penalty relief; to the Committee on Ways and Means.

By Mr. JINDAL:

H.R. 164. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Ways and Means.

By Mr. JINDAL:

H.R. 165. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for roof systems; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 166. A bill to amend the Farm Security and Rural Investment Act of 2002 to reform funding for the Seniors Farmers' Market Nutrition Program, and for other purposes; to the Committee on Agriculture.

By Ms. KAPTUR:

H.R. 167. A bill to authorize the Secretary of Agriculture to provide financial assistance for the construction, improvement, and rehabilitation of farmers markets; to the Committee on Agriculture.

By Ms. KAPTUR:

H.R. 168. A bill to amend section 207 of title 18, United States Code, to further restrict Federal officers and employees from representing or advising foreign entities after leaving Government service; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.R. 169. A bill to require that, in cases in which the annual trade deficit between the United States and another country is $10,000,000,000 or more for 3 consecutive years, the President take the necessary steps to create a more balanced trading relationship with that country; to the Committee on Ways and Means.

By Mr. KING of Iowa:

H.R. 170. A bill to amend the Ethics in Government Act of 1978 and the Rules of the House of Representatives to strengthen financial disclosures and to require precertification of privately-funded travel, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. CUMMINGS, Mr. KENNEDY, Mrs. MCCARTHY of New York, Mr. LANTOS, Mr. BRADY of Pennsylvania, Ms. MCCOLLUM of Minnesota, Ms. ZOE LOFGREN of California, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. LIPINSKI, Mr. BERMAN, Mr. HONDA, Ms. MATSUI, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRIJALVA, Mr. DAVIS of Illinois, and Mr. FATTAH):

H.R. 171. A bill to amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers; to the Committee on Education and Labor.

By Ms. LEE:

H.R. 172. A bill to assist teachers and public safety officers in obtaining affordable housing; to the Committee on Financial Services.

By Ms. LEE:

H.R. 173. A bill to protect innocent elderly and disabled tenants in public housing and housing assisted under the rental assistance program under section 8 of the United States Housing Act of 1937 from eviction by reason of criminal activity; to the Committee on Financial Services.

By Ms. LEE:

H.R. 174. A bill to reauthorize the public and assisted housing drug elimination program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Ms. LEE:

H.R. 175. A bill to provide assistance to combat HIV/AIDS in India, and for other purposes; to the Committee on Foreign Affairs.

By Ms. LEE:

H.R. 176. A bill to authorize assistance to the countries of the Caribbean to fund educational development and exchange programs; to the Committee on Foreign Affairs.

By Ms. LEE (for herself, Mr. RANGEL, Mr. CONYERS, and Mr. MCDERMOTT):

H.R. 177. A bill to provide that no funds made available to the Department of the Treasury may be used to implement, administer, or enforce regulations to require specific licenses for travel-related transactions directly related to educational activities in Cuba; to the Committee on Foreign Affairs.

By Ms. LEE:

H.R. 178. A bill to reduce the spread of sexually transmited infections in correctional facilities, and for other purposes; to the Committee on the Judiciary.

By Ms. LEE:

H.R. 179. A bill to confirm the jurisdiction of the Consumer Product Safety Commission with respect to releasing systems on residential window bars and to establish a consumer product safety standard ensuring that all such bars include a quick-release mechanism; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE:

H.R. 180. A bill to require the identification of companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE:

H.R. 181. A bill to provide for the issuance of a semipostal to benefit the Peace Corps; to the Committee on Oversight and Government Reform, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California:

H.R. 182. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on automobiles sold in the United States that are not alternative fueled automobiles, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON:

H.R. 183. A bill to authorize the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana; to the Committee on Transportation and Infrastructure.

By Mr. MELANCON (for himself, Mr. BAKER, Mr. BOUSTANY, Mr. ALEXANDER, Mr. JINDAL, Mr. JEFFERSON, and Mr. MCCRERY):

H.R. 184. A bill to extend for 1 year the availability of supplemental social services block grant funding; to the Committee on Ways and Means.

By Mrs. MUSGRAVE:

H.R. 185. A bill to require the Secretary of Agriculture to provide compensation for certain livestock losses; to the Committee on Agriculture.

By Mrs. MUSGRAVE:

H.R. 186. A bill to authorize the construction of the Arkansas Valley Conduit in the State of Colorado, and for other purposes; to the Committee on Natural Resources.

By Mr. OBERSTAR:

H.R. 187. A bill to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse"; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, and Mr. SIRES):

H.R. 188. A bill to provide a new effective date for the applicability of certain provisions of law to Public Law 105-331; to the Committee on Financial Services.

By Mr. PASCRELL (for himself, Mr. ANDREWS, Mr. LOBIONDO, Mr. SAXTON, Mr. GARRETT of New Jersey, Mr. PALLONE, Mr. FERGUSON, Mr. ROTHMAN, Mr. PAYNE, Mr. FRELINGHUYSEN, Mr. HOLT, Mr. SMITH of New Jersey, and Mr. SIRES):

H.R. 189. A bill to establish the Paterson Great Falls National Park in the State of New Jersey; to the Committee on Natural Resources.

By Mr. PAUL (for himself, Mr. JONES of North Carolina, Mr. WAMP, Mr. MILLER of Florida, Mr. MCCOTTER, Mr. BARTLETT of Maryland, Ms. GINNY BROWN-WAITE of Florida, and Mr. DUNCAN):

H.R. 190. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide prospectively that wages earned, and self-employment income derived, by individuals who are not citizens or nationals of the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program under such title, and to provide the President with authority to enter into agreements with other nations taking into account such limitation on crediting of wages and self-employment income; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. MCCOTTER, Mr. WEXLER, Mr. FRANKS of Arizona, Mr. FOSSELLA, Mr. CANNON, and Mrs. JO ANN DAVIS of Virginia):

H.R. 191. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. MCCOTTER, Mr. WEXLER, Mr. FOSSELLA, Mr. FEENEY, and Mrs. JO ANN DAVIS of Virginia):

H.R. 192. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. MCCOTTER, and Mr. MILLER of Florida):

H.R. 193. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and interest on student loans; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 194. A bill to amend the Internal Revenue Code of 1986 with respect to the purchase of prescription drugs by individuals who have attained retirement age, and to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs and the sale of such drugs through Internet sites; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. JONES of North Carolina, and Mr. CULBERSON):

H.R. 195. A bill to provide greater health care freedom for seniors; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Mr. HULSHOF):

H.R. 196. A bill to amend the Internal Revenue Code of 1986 to make permanent certain tax incentives for ethanol and biodiesel used as a fuel, and for other purposes; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. RAMSTAD, Mr. UDALL of Colorado, and Mr. WAMP):

H.R. 197. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from certain renewable resources; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 198. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Natural Resources.

By Mr. RENZI:

H.R. 199. A bill to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers; to the Committee on Natural Resources.

By Mr. ROTHMAN:

H.R. 200. A bill to enable America's schools to use their computer hardware to increase student achievement and prepare students for the 21st century workplace, and for other purposes; to the Committee on Education and Labor.

By Mr. ROTHMAN:

H.R. 201. A bill to authorize 150,000 incremental vouchers for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 to help meet the housing needs of low-income families; to the Committee on Financial Services.

By Mr. ROTHMAN:

H.R. 202. A bill to authorize the renewal of tenant-based rental assistance vouchers under section 8 of the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. ROTHMAN:

H.R. 203. A bill to amend Federal crime grant programs relating to domestic violence to encourage States and localities to implement gun confiscation policies, reform stalking laws, create integrated domestic violence courts, and hire additional personnel for entering protection orders, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTHMAN:

H.R. 204. A bill to require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations and improving the overall quality of the environment, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself and Mr. Smith of New Jersey):

H.R. 205. A bill to amend title XVIII of the Social Security Act to extend the annual enrollment periods of the Medicare prescription drug benefit program and under the Medicare Advantage program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO (for himself, Mr. Weiner, Mr. Crowley, and Mrs. Maloney of New York):

H.R. 206. A bill to amend the Food Stamp Act of 1977 to provide greater access to the food stamp program by reducing duplicative and burdensome administrative requirements, authorize the Secretary of Agriculture to award grants to certain community-based nonprofit feeding and anti-hunger groups for the purpose of establishing and implementing a Beyond the Soup Kitchen Pilot Program for certain socially and economically disadvantaged populations, and for other purposes; to the Committee on Agriculture.

By Mr. SERRANO:

H.R. 207. A bill to provide for identification of members of the Armed Forces exposed during military service to depleted uranium, to provide for health testing of such members, and for other purposes; to the Committee on Armed Services.

By Mr. SERRANO:

H.R. 208. A bill to amend the Richard B. Russell National School Lunch Act to expand the fruit and vegetable pilot program to 5 States, including New York, and to include Head Start programs; to the Committee on Education and Labor.

By Mr. SERRANO:

H.R. 209. A bill to authorize the appropriation of funds to be used to recruit, hire, and train 100,000 new classroom paraprofessionals in order to improve educational achievement for children; to the Committee on Education and Labor.

By Mr. SERRANO:

H.R. 210. A bill to amend title XIX of the Social Security Act to waive the requirement for proof of citizenship during first year of life for children born in the United States to a Medicaid-eligible mother; to the Committee on Energy and Commerce.

By Ms. ESHOO (for herself, Mr. Markey, Mr. Upton, Mr. Pickering, Mr. Terry, Mr. Murtha, Mr. Larson of Connecticut, Mr. Bilirakis, Mr. Waxman, Mr. Boucher, Mr. Allen, Mr. Gordon, Mr. Pastor, Mr. Inslee, Mr. Gene Green of Texas, Ms. Hooley, Mrs. Capps, Ms. Solis, Mr. Towns, Mr. Ross, Mr. Radanovich, Mr. Rogers of Michigan, Mrs. Wilson of New Mexico, Mr. Lantos, Mr. King of New York, Mr. Ehlers, Mr. DeFazio, Mr. Oberstar, Mr. Boswell, Mrs. Davis of California, Mr. Chandler, Mr. Larsen of Washington, Mrs. McMorris Rodgers, Ms. Lee, Mr. Alexander, Mr. McDermott, Mr. Fattah, Mr. Cuellar, Mr. Brady of Pennsylvania, Mr. Platts, Ms. McCollum of Minnesota, Mr. Cooper, Ms. Loretta Sanchez of California, Mr. Blumenauer, Mr. Reichert, Mr. Dicks, Mr. Holden, Ms. Zoe Lofgren of California, Mr. Weiner, Mr. Wexler, Mr. Michaud, Mr. Davis of Illinois, Mr. Kennedy, and Mr. Gerlach):

H.R. 211. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on health and human services, including volunteer services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SERRANO:

H.R. 212. A bill to permit members of the House of Representatives to donate used computer equipment to public elementary and secondary schools designated by the members; to the Committee on House Administration.

By Mr. SERRANO:

H.R. 213. A bill to provide discretionary authority to an immigration judge to determine that an alien parent of a United States citizen child should not be ordered removed from the United States; to the Committee on the Judiciary.

By Mr. SERRANO (for himself, Mr. Hinchey, and Mrs. Maloney of New York):

H.R. 214. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Oak Point and North Brother Island in the Bronx in the State of New York as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. SERRANO:

H.R. 215. A bill to amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 216. A bill to waive certain prohibitions with respect to nationals of Cuba coming to the United States to play organized professional baseball; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 217. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Oversight and Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 218. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate income tax overpayments as contributions to the United States Library Trust Fund; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. Miller of Florida, Mr. Chabot, and Mr. Mica):

H.R. 219. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. Bartlett of Maryland, and Mr. McCotter):

H.R. 220. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to protect the integrity and confidentiality of Social Security account numbers issued under such title, to prohibit the establishment in the Federal Government of any uniform national identifying number, and to prohibit Federal agencies from imposing standards for identification of individuals on other agencies or persons; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON:

H.R. 221. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United

States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMPSON:

H.R. 222. A bill to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes; to the Committee on Natural Resources.

By Mr. STEARNS (for himself, Mrs. Schmidt, and Mr. Renzi):

H.R. 223. A bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 224. A bill to provide that no Federal funds may be used for the design, renovation, construction, or rental of any headquarters for the United Nations in any location in the United States unless the President transmits to Congress a certification that the United Nations has adopted internationally-recognized best practices in contracting and procurement; to the Committee on Foreign Affairs.

By Mr. STEARNS (for himself, Ms. Westmoreland, and Mrs. Blackburn):

H.R. 225. A bill to withhold United States funding from the United Nations Human Rights Council; to the Committee on Foreign Affairs.

By Mr. STEARNS:

H.R. 226. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

By Mr. STEARNS:

H.R. 227. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid for health insurance and prescription drug costs of individuals; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 228. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain interest amounts received by individuals; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 229. A bill to provide that no automatic pay adjustment for Members of Congress shall be made in the year following a fiscal year in which there is a Federal budget deficit; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 230. A bill to create a commission to develop a plan for establishing a Museum of Ideas; to the Committee on Natural Resources, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. Fortenberry, and Mr. Smith of Nebraska):

H.R. 231. A bill to authorize an additional district judgeship for the district of Nebraska; to the Committee on the Judiciary.

By Mr. TERRY:

H.R. 232. A bill to amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. THOMPSON of California:

H.R. 233. A bill to establish a grant and fee program through the Environmental Protection Agency to encourage and promote the recycling of used computers and to promote the development of a national infrastructure for the recycling of used computers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMPSON of California (for himself, Mr. DeFazio, Ms. Hooley, Mr. Farr, Ms. Eshoo, Mrs. Capps, Mr. Lantos, Ms. Zoe Lofgren of California, Ms. Woolsey, Mr. Wu, Mr. George Miller of California, and Ms. Matsui):

H.R. 234. A bill to make funds available for Pacific Salmon emergency disaster assistance; to the Committee on Natural Resources.

By Mr. THOMPSON of California:

H.R. 235. A bill to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMPSON of California (for himself and Ms. Woolsey):

H.R. 236. A bill to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Natural Resources.

By Mr. THOMPSON of California (for himself and Mr. DeFazio):

H.R. 237. A bill to amend title 49, United States Code, to exempt airports in economically depressed communities from matching grant obligations under the airport improvement program; to the Committee on Transportation and Infrastructure.

By Mr. WAXMAN:

H.R. 238. A bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California; to the Committee on Transportation and Infrastructure.

By Mrs. WILSON of New Mexico:

H.R. 239. A bill to increase the Federal minimum wage and to provide an alternative minimum wage as an incentive to an employer to provide health care and child care benefits; to the Committee on Education and Labor.

By Mr. GOODLATTE (for himself, Mrs. Bachmann, Mr. Barrett of South Carolina, Mr. Bilbray, Mr. Bishop of Utah, Mrs. Blackburn, Mr. Burgess, Mr. Camp of Michigan, Mr. Campbell of California, Mr. Cannon, Mr. Cantor, Mrs. Capito, Mr. Carter, Mr. Chabot, Mr. Coble, Mr. Conaway, Mrs. Cubin, Mr. Culberson, Mrs. Jo Ann Davis of Virginia, Mrs. Drake, Ms. Foxx, Mr. Franks of Arizona, Mr. Garrett of New Jersey, Mr. Gohmert, Mr. Goode, Mr. Hastings of Washington, Mr. Hensarling, Mr. Herger, Mr. Issa, Mr. King of Iowa, Mr. Kirk, Mr. Kuhl of New York, Mr. Lewis of Kentucky, Mr. Mack, Mr. Marchant, Mr. McHenry, Mrs McMorris Rodgers, Mr. Mica, Mr. Gary G. Miller of California, Mr. Miller of Florida, Mr. Neugebauer, Mr. Norwood, Mr. Pence, Mr. Petri, Mr. Pitts, Mr. Price of Georgia, Mr. Ramstad, Mr. Rehberg, Mr. Reichert, Mr. Royce, Mr. Sali, Mr. Sensenbrenner, Mr. Sessions, Mr. Smith of Nebraska, Mr. Smith of Texas, Mr. Stearns, Mr. Terry, Mr. Wamp, Mr. Westmoreland, Mr. Wilson of South Carolina, Mr. Feeney, Mr. Hall of Texas, Mr. Akin, Mr. Bachus, Mr. Bartlett of Maryland, Mr. Brady of Texas, Mr. Burton of Indiana, Mr. Calvert, Mr. David Davis of Tennessee, Mr. Tom Davis of Virginia, Mr. Mario Diaz-Balart of Florida, Mr. Everett, Mrs. Emerson, Mr. Ehlers, Ms. Fallin, Mr. Flake, Mr. Forbes, Mr. Graves, Mr. Hastert, Mr. Hoekstra, Mr. Hulshof, Mr. Kingston, Mr. LaHood, Mr. Lucas, Mr. McKeon, Mr. Moran of Kansas, Mrs. Musgrave, Mr. Radanovich, Mr. Shadegg, Mr. Tancredo, Mr. Upton, Mr. Tiahrt, Mr. Weldon of Florida, Mr. Young of Alaska, Mr. Shays, Mr. Bonner, Mr. Blunt, Mr. Simpson, Mr. Deal of Georgia, Mr. Weller, Mr. Inglis of South Carolina, Mr. Shimkus, Mr. Cole of Oklahoma, and Mr. Barton of Texas):

H.J. Res. 1. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:

H.J. Res. 2. A joint resolution proposing an amendment the Constitution of the United States regarding presidential election voting rights for residents of all United States territories and commonwealths; to the Committee on the Judiciary.

By Mrs. JO ANN DAVIS of Virginia:

H.J. Res. 3. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Natural Resources.

By Mr. GENE GREEN of Texas:

H.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States relating to limitations on the amounts of contributions and expenditures that may be made in connection with campaigns for election to public office; to the Committee on the Judiciary.

By Mrs. MILLER of Michigan:

H.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States to provide that Representatives shall be apportioned among the several States according to their respective numbers, counting the number of persons in each

State who are citizens of the United States; to the Committee on the Judiciary.

By Mrs. MUSGRAVE:

H.J. Res. 7. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SERRANO:

H.J. Res. 8. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second article of amendment, thereby removing the limitation on the number of terms an individual may serve as President; to the Committee on the Judiciary.

By Ms. SLAUGHTER:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government; considered and agreed to.

By Mrs. CHRISTENSEN:

H. Con. Res. 2. Concurrent resolution expressing the sense of the Congress that schools in the United States should honor the contributions of individuals from the territories of the United States by including such contributions in the teaching of United States history; to the Committee on Education and Labor.

By Mrs. JO ANN DAVIS of Virginia:

H. Con. Res. 3. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue commemorative postage stamps honoring Americans who have distinguished themselves by their service in the armed forces of the United States; to the Committee on Oversight and Government Reform.

By Mr. GENE GREEN of Texas:

H. Con. Res. 4. Concurrent resolution urging increased Federal funding for juvenile (Type 1) diabetes research; to the Committee on Energy and Commerce.

By Mr. HOLT (for himself and Mr. BROWN of South Carolina):

H. Con. Res. 5. Concurrent resolution expressing support for the designation and goals of "Hire a Veteran Week" and encouraging the President to issue a proclamation supporting those goals; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H. Con. Res. 6. Concurrent resolution expressing the sense of Congress that the Supreme Court misinterpreted the First Amendment to the Constitution in the case of Buckley v. Valeo; to the Committee on the Judiciary.

By Ms. LEE:

H. Con. Res. 7. Concurrent resolution calling on the League of Arab States to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur; to the Committee on Foreign Affairs.

By Ms. LEE:

H. Con. Res. 8. Concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a commemorative postage stamp honoring victims of HIV/AIDS and recognizing the struggle to prevent and treat HIV/AIDS in the United States and throughout the world; to the Committee on Oversight and Government Reform.

By Ms. LEE (for herself, Mr. TOWNS, Mr. SMITH of Washington, Mr. McDERMOTT, Mr. GRIJALVA, Mrs. JONES of Ohio, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mr. McNULTY, Mr. AL GREEN of Texas, Ms. CARSON, Mr. GUTIERREZ, Mr. HOLDEN, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. LANTOS, Mr. ABERCROMBIE, Ms. BORDALLO, Mr. FATTAH, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. PAYNE, Ms. MOORE of Wisconsin, Ms. LINDA T. SÁNCHEZ of California, Mr. WEINER, Mr. JOHNSON of Georgia, Ms. CASTOR, Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARKE, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, and Mr. COOPER):

H. Con. Res. 9. Concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a commemorative postage stamp honoring former Representative Shirley Chisholm, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Oversight and Government Reform.

By Ms. LEE:

H. Con. Res. 10. Concurrent resolution expressing the sense of the Congress that the tax give away since 2001 to the wealthiest 5 percent of Americans should be repealed and those monies instead invested in vital programs to relieve the growing burden on the working poor and to alleviate poverty in America; to the Committee on Ways and Means.

By Mr. SERRANO:

H. Con. Res. 11. Concurrent resolution entitled the "English Plus Resolution"; to the Committee on Education and Labor.

By Mr. STEARNS (for himself and Mr. WESTMORELAND):

H. Con. Res. 12. Concurrent resolution requiring the display of the Ten Commandments in the United States Capitol; to the Committee on House Administration.

By Mr. LARSON of Connecticut:

H. Res. 1. A resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. HOYER:

H. Res. 2. A resolution to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. HOYER:

H. Res. 3. A resolution authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. DINGELL:

H. Res. 4. A resolution authorizing the Clerk to inform the President of the election of the Speaker and the Clerk; considered and agreed to.

By Ms. SLAUGHTER:

H. Res. 5. A resolution providing for the consideration of the resolution (H.Res. 6) adopting the Rules of the House of Representatives for the One Hundred Tenth Congress; considered and agreed to.

By Mr. HOYER:

H. Res. 6. A resolution adopting the Rules of the House of Representatives for the One Hundred Tenth Congress; considered and agreed to.

By Mr. EMANUEL:

H. Res. 7. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. PUTNAM:

H. Res. 8. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. PUTNAM:

H. Res. 9. A resolution providing for the designation of certain minority employees; considered and agreed to.

By Ms. SLAUGHTER:

H. Res. 10. A resolution fixing the daily hour of meeting of the First Session of the One Hundred Tenth Congress; considered and agreed to.

By Mr. HOYER:

H. Res. 11. A resolution expressing profound sorrow on the occasion of the death of the Honorable Gerald R. Ford, thirty-eighth President of the United States of America; considered and agreed to.

By Mr. BARTLETT of Maryland (for himself, Mr. UDALL of New Mexico, Mr. GRIJALVA, Mr. GINGREY, Mr. WELCH of Vermont, Mr. GILCHREST, Mr. WAMP, and Mr. UDALL of Colorado):

H. Res. 12. A resolution expressing the sense of the House of Representatives that the United States, in collaboration with other international allies, should establish an energy project with the magnitude, creativity, and sense of urgency that was incorporated in the "Man on the Moon" project address the inevitable challenges of "Peak Oil"; to the Committee on Energy and Commerce.

By Mrs. BIGGERT:

H. Res. 13. A resolution encouraging increased public awareness of eating disorders and expanded research for treatment and cures; to the Committee on Energy and Commerce.

By Mr. CONAWAY (for himself and Mr. BLUNT):

H. Res. 14. A resolution amending the Rules of the House of Representatives to curtail the growth of Government programs; to the Committee on Rules.

By Mr. EHLERS (for himself, Ms. PELOSI, Mr. HOYER, Mr. BOEHNER, Mr. DINGELL, Mr. CONYERS, Mr. KILDEE, Mr. LEVIN, Mr. UPTON, Mr. CAMP of Michigan, Mr. HOEKSTRA, Mr. KNOLLENBERG, Mr. STUPAK, Ms. KILPATRICK, Mr. ROGERS of Michigan, Mr. McCOTTER, Mrs. MILLER of Michigan, and Mr. WALBERG):

H. Res. 15. A resolution mourning the passing of President Gerald Rudolph Ford and celebrating his leadership and service to the people of the United States; to the Committee on Oversight and Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H. Res. 16. A resolution recognizing Virginia's James River as "America's Founding River"; to the Committee on Natural Resources.

By Mrs. JO ANN DAVIS of Virginia:

H. Res. 17. A resolution expressing the sense of the House of Representatives that there should be established a National Inflamatory Skin Disease Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. GOODE (for himself, Mr. CULBERSON, Mr. JONES of North Carolina, Mrs. CUBIN, Mr. SULLIVAN, Mr. FEENEY, and Mr. DEAL of Georgia):

H. Res. 18. A resolution expressing disapproval by the House of Representatives of the totalization agreement between the United States and Mexico signed by the Commissioner of Social Security and the Director General of the Mexican Social Security Institute on June 29, 2004; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H. Res. 19. A resolution expressing the sense of the House of Representatives concerning health promotion and disease prevention; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H. Res. 20. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a postage stamp commemorating Juan Nepomuceno Seguin; to the Committee on Oversight and Government Reform.

By Mr. JINDAL:

H. Res. 21. A resolution to honor and recognize the achievements of Craig Webre for his 15 years of dedicated service as Sheriff of Lafourche Parish, Louisiana; to the Committee on the Judiciary.

By Mr. KING of Iowa:

H. Res. 22. A resolution expressing the disapproval of the House of Representatives of the Social Security totalization agreement between the United States and Mexico; to the Committee on Ways and Means.

By Ms. LEE:

H. Res. 23. A resolution disavowing the doctrine of preemption; to the Committee on Foreign Affairs.

By Mr. PRICE of North Carolina (for himself, Mr. DREIER, Ms. SCHWARTZ, Mrs. CAPPS, Mr. HOLT, Mr. BURTON of Indiana, Mr. WEXLER, Mr. BOOZMAN, Mr. REYES, Mr. FORTENBERRY, Mr. SNYDER, Mr. BLUMENAUER, Mr. LANTOS, Ms. WATSON, Ms. WOOLSEY, Mr. ACKERMAN, Mr. HONDA, Mr. SCHIFF, Ms. ROS-LEHTINEN, Mr. WILSON of South Carolina, Mr. PAYNE, Mr. COLE of Oklahoma, Mr. HOYER, Mr. KIRK, Mr. POMEROY, Ms. JACKSON-LEE of Texas, Ms. BORDALLO, and Mr. DAVIS of Alabama):

H. Res. 24. A resolution establishing the House Democracy Assistance Commission for the One Hundred Tenth Congress; to the Committee on Foreign Affairs.

By Mr. ROTHMAN (for himself and Mr. RAMSTAD):

H. Res. 25. A resolution calling on the Board of Directors of the National High School Mock Trial Championship to accommodate students of all religious faiths; to the Committee on Education and Labor.

By Mr. SIMPSON:

H. Res. 26. A resolution commending the Boise State University Broncos football team for winning the 2007 Fiesta Bowl and completing an undefeated season; to the Committee on Education and Labor.

By Mr. SPRATT:

H. Res. 27. A resolution to institute a Pay-As-You-Go rule in the House of Representatives for the 110th Congress; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H. Res. 28. A resolution to institute a reconciliation rule in the House of Representatives for the 110th Congress; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Filed on January 5, 2007]

By Mr. SAM JOHNSON of Texas (for himself, Mr. MCKEON, Mr. KLINE of Minnesota, Mr. MARIO DIAZ-BALART of Florida, Mr. CHABOT, Mr. MCCAUL of Texas, Mr. KING of Iowa, and Mrs. DRAKE):

H.R. 241. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees; to the Committee on Education and Labor.

By Mr. WELLER:

H.R. 242. A bill to amend the Social Security Act to provide each American child with a KidSave Account, and for other purposes; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 243. A bill to amend title 10, United States Code, to provide for the payment of Combat-Related Special Compensation to members of the Armed Forces retired for disability with less than 20 years of active military service who were awarded the Purple Heart; to the Committee on Armed Services.

By Mr. WELLER:

H.R. 244. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income for certain education and training expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 245. A bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for exercise equipment and physical fitness programs as amounts paid for medical care; to the Committee on Ways and Means.

By Mr. REICHERT:

H.R. 246. A bill to conduct a study evaluating whether there are correlations between the commission of methamphetamine crimes and identity theft crimes; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Mr. BLUMENAUER, Ms. HOOLEY, Mr. WU, and Mr. WALDEN of Oregon):

H.R. 247. A bill to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; to the Committee on Natural Resources.

By Ms. FOXX (for herself, Mr. GOODE, Mr. SHAYS, and Mrs. DRAKE):

H.R. 248. A bill to direct the Federal Trade Commission to revise the regulations regarding the Do-not-call registry to prohibit politically-oriented recorded message telephone calls to telephone numbers listed on that registry; to the Committee on Energy and Commerce.

By Mr. RAHALL (for himself and Mr. WHITFIELD):

H.R. 249. A bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros; to the Committee on Natural Resources.

By Mr. EHLERS (for himself and Mr. GILCHREST):

H.R. 250. A bill to provide for the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself and Mr. BARTON of Texas):

H.R. 251. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 252. A bill to create a separate DNA database for violent predators against children, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 253. A bill to increase the evidentiary standard required to convict a person for a drug offense, to require screening of law enforcement officers or others acting under color of law participating in drug task forces, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 254. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. EHLERS:

H.R. 255. A bill to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes; to the Committee on Science and Technology.

By Ms. JACKSON-LEE of Texas:

H.R. 256. A bill to prevent children's access to firearms; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 257. A bill to amend title XVIII of the Social Security Act to require hospitals reimbursed under the Medicare system to establish and implement security procedures to reduce the likelihood of infant patient abduction and baby switching, including procedures for identifying all infant patients in the hospital in a manner that ensures that it will be evident if infants are missing from the hospital; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 258. A bill to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 259. A bill to provide for the establishment of a task force within the Bureau of Justice Statistics to gather information about, study, and report to the Congress regarding, incidents of abandonment of infant children; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 260. A bill to establish marine and freshwater research, development, and demonstration programs to support efforts to prevent, control, and eradicate invasive species, as well as to educate citizens and stakeholders and restore ecosystems; to the Committee on Science and Technology, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 261. A bill to amend title 18, United States Code, to provide an alternate release date for certain nonviolent offenders, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 262. A bill to require the Secretary of Education to conduct a study and submit to Congress a report on methods for identifying and treating children with dyslexia in kindergarten through third grade; to the Committee on Education and Labor.

By Ms. JACKSON-LEE of Texas:

H.R. 263. A bill to authorize the Secretary of Homeland Security to establish a program to award grants to institutions of higher education for the establishment or expansion of cybersecurity professional development programs, and for other purposes; to the Committee on Science and Technology, and in addition to the Committees on Education and Labor, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 264. A bill to prevent the President from encroaching upon the Congressional prerogative to make laws, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. JACKSON-LEE of Texas:

H.R. 265. A bill to provide for the establishment of an independent, Presidentially-appointed Commission to assess the circumstances related to the damage caused by Hurricane Katrina on or between Friday, August 26, 2005, and Tuesday, August 30, 2005; to the Committee on Transportation and Infrastructure.

By Ms. JACKSON-LEE of Texas:

H.R. 266. A bill to authorize the President to posthumously award a gold medal on behalf of the Congress to the seven members of the crew of the space shuttle Columbia in recognition of their outstanding and enduring contributions to the Nation; to the Committee on Financial Services.

By Ms. JACKSON-LEE of Texas:

H.R. 267. A bill to amend title 28, United States Code, to repeal the restriction on the jurisdiction of courts, justices, and judges to hear or consider applications for writs of habeas corpus filed by or on behalf of certain aliens detained by the United States; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 268. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to clarify the roles and responsibilities of the agencies and actors responsible for the administration of such compensation program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself, Mr. BOUSTANY, Mr. SKELTON, and Mr. TAYLOR):

H.R. 269. A bill to amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names and images of members of the Armed Forces; to the Committee on Armed Services.

By Mr. SMITH of New Jersey (for himself and Mr. WOLF):

H.R. 270. A bill to authorize appropriations for fiscal years 2008 through 2010 for the Trafficking Victims Protection Act of 2000, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 271. A bill to amend the Missing Children's Assistance Act to extend the applicability of such Act to individuals determined to have a mental capacity of less than 18 years of age; to the Committee on Education and Labor.

By Mr. CAMP of Michigan:

H.R. 272. A bill to require amounts remaining in Members' representational allowances at the end of a fiscal year to be used for deficit reduction or to reduce the Federal debt, and for other purposes; to the Committee on House Administration.

By Mr. CAMP of Michigan (for himself and Mr. OBERSTAR):

H.R. 273. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 274. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself and Mr. WOLF):

H.R. 275. A bill to promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 276. A bill to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes; to the Committee on Natural Resources.

By Mr. CLEAVER:

H.R. 277. A bill to prohibit the use of amounts in a Members' Representational Allowance to provide any vehicle which does not use alternative fuels; to the Committee on House Administration.

By Mrs. CUBIN (for herself, Mr. MARKEY, Mr. BOUCHER, Mr. RADANOVICH, Mr. ALLEN, Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. KIND, Mr. KING of Iowa, Mr. MARSHALL, Mr. ROTHMAN, Mr. BOSWELL, and Mr. MCINTYRE):

H.R. 278. A bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act; to the Committee on Energy and Commerce.

By Mrs. CUBIN:

H.R. 279. A bill to amend title II of the Social Security Act to provide for Congressional oversight and approval of totalization agreements; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H.R. 280. A bill to establish a pilot program to encourage certification of teachers in low-income, low-performing public elementary and secondary schools by the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Education and Labor.

By Mrs. DAVIS of California (for herself, Mrs. JONES of Ohio, Mr. LARSEN of Washington, Mr. SCHIFF, Mrs. CAPPS, Ms. HOOLEY, Ms. WOOLSEY, and Mr. MCDERMOTT):

H.R. 281. A bill to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections; to the Committee on House Administration.

By Mrs. DAVIS of California:

H.R. 282. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for second opinions; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H.R. 283. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans permit enrollees direct access to services of obstetrical and gynecological physician services directly and without a referral; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky:

H.R. 284. A bill to amend title 5, United States Code, to provide for the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who, during war or under wartime conditions, are taken captive by armed forces or agents of a foreign government hostile to the United States; to the Committee on Oversight and Government Reform.

By Mr. DOYLE:

H.R. 285. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; to the Committee on Natural Resources.

By Mr. EHLERS:

H.R. 286. A bill to amend the Metric Conversion Act of 1975 to require Federal agencies to impose certain requirements on recipients of awards for scientific and engineering research; to the Committee on Science and Technology.

By Mrs. EMERSON:

H.R. 287. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to certain senior citizens for premiums paid for coverage under Medicare Part B; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 288. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers affected by the changes in benefit computation rules enacted in the Social Security Amendments of 1977 who attain age 65 during the 10-year period after 1981 and before 1992 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 289. A bill to protect the religious freedom of providers of adoption or foster care services; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 290. A bill to prevent ineligibility for supplemental security income benefits by reason of an increase in the Federal minimum wage; to the Committee on Ways and Means.

By Mr. GILLMOR:

H.R. 291. A bill to establish a National Sex Offender Risk Classification Task Force to create guidelines for the establishment of a risk-based sex offender classification system for use in sex offender registries; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself, Mr. WALSH of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. FARR, Ms. HOOLEY, Mrs. JONES of Ohio, Mr. KIND, Mr. LATOURETTE, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. SERRANO, Ms. WOOLSEY, and Mr. CONYERS):

H.R. 292. A bill to amend the Farm Security and Rural Investment Act of 2002 to reform funding for the Seniors Farmers' Market Nutrition Program, and for other purposes; to the Committee on Agriculture.

By Ms. KAPTUR (for herself, Mr. BLUMENAUER, Mr. BOSWELL, Mr. FARR, Mrs. JONES of Ohio, Mr. KIND, Mr. KUCINICH, Mr. MARSHALL, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Ms. SLAUGHTER, Ms. WOOLSEY, and Mr. CONYERS):

H.R. 293. A bill to authorize the Secretary of Agriculture to provide financial assistance for the construction, improvement, and rehabilitation of farmers markets; to the Committee on Agriculture.

By Mr. KILDEE:

H.R. 294. A bill to prohibit the entry into any bilateral or regional trade agreement, and to prohibit negotiations to enter into any such agreement, for a period of 2 years; to the Committee on Ways and Means.

By Mr. LAMBORN (for himself, Mrs. MUSGRAVE, Mr. TANCREDO, Mr. UDALL of Colorado, and Mr. PERLMUTTER):

H.R. 295. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pikes Peak region of Colorado; to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI:

H.R. 296. A bill to specify that the 100 most populous urban areas of the United States, as determined by the Secretary of Homeland Security, shall be eligible for grants under the Urban Area Security Initiative of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mrs. MCCARTHY of New York (for herself and Mr. DINGELL):

H.R. 297. A bill to improve the National Instant Criminal Background Check System, and for other purposes; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York:

H.R. 298. A bill to amend the Internal Revenue Code of 1986 to allow amounts in a health flexible spending arrangement that are unused during a plan year to be carried over to the next plan year; to the Committee on Ways and Means.

By Mr. MEEHAN:

H.R. 299. A bill to adjust the boundary of Lowell National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mr. PAUL (for himself, Mr. POE, and Mr. JONES of North Carolina):

H.R. 300. A bill to limit the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. PEARCE:

H.R. 301. A bill to amend the Help America Vote Act of 2002 to establish standards for the distribution of voter registration application forms, and for other purposes; to the Committee on House Administration.

By Mr. PEARCE:

H.R. 302. A bill to amend the Help America Vote Act of 2002 to prohibit a State receiving payments under such Act from using the payments for public communications which promote or oppose a candidate for public office or political party; to the Committee on House Administration.

By Mr. BILIRAKIS:

H.R. 303. A bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE (for himself, Mr. BURTON of Indiana, Mr. SESSIONS, and Mr. DOOLITTLE):

H.R. 304. A bill to establish guidelines and incentives for States to establish criminal drug dealer registries and to require the Attorney General to establish a national criminal drug dealer registry and notification program, and for other purposes; to the Committee on the Judiciary.

By Mr. PEARCE:

H.R. 305. A bill to prohibit the Secretary of Homeland Security from paroling into the United States an alien who falls ill while seeking admission at a port of entry or seeks emergency medical assistance by approaching an agent or official of the Department of Homeland Security at or near a border; to the Committee on the Judiciary.

By Mr. PEARCE:

H.R. 306. A bill to provide for an initial period of admission of 36 months for aliens employed as dairy workers; to the Committee on the Judiciary.

By Mr. PEARCE:

H.R. 307. A bill to impose limitations on the authority of the Secretary of the Interior to claim title or other rights to water absent specific direction of law or to abrogate, injure, or otherwise impair any right to the use of any quantity of water; to the Committee on Natural Resources.

By Mr. PEARCE:

H.R. 308. A bill to clarify congressional intent with respect to the nature of rights-of-way granted and accepted under former section 2477 of the Revised Statutes, and for other purposes; to the Committee on Natural Resources.

By Mr. PEARCE:

H.R. 309. A bill to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history, and for other purposes; to the Committee on Natural Resources.

By Mr. PEARCE:

H.R. 310. A bill to amend the National Park Service Concessions Management Improvement Act of 1998, to extend to additional small businesses the preferential right to renew a concessions contract entered into under such Act, to facilitate the renewal of a commercial use authorization granted under such Act, and for other purposes; to the Committee on Natural Resources.

By Mr. PEARCE:

H.R. 311. A bill to amend title 5, United States Code, to increase the maximum age for the original appointment of a retired member of the Armed Forces to a border patrol agent position, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PEARCE (for himself, Mr. NORWOOD, and Ms. BORDALLO):

H.R. 312. A bill to authorize the presentation of flags at the funerals of civilian Federal employees engaged in the support of military operations who have died in combat zones in the course of their duties; to the Committee on Oversight and Government Reform.

By Mr. PEARCE:

H.R. 313. A bill to promote greater access to air transportation for all persons; to the Committee on Transportation and Infrastructure.

By Mr. PEARCE:

H.R. 314. A bill to amend title 49, United States Code, relating to the assurance required of owners and operators of airports with respect to long-term leases for construction of hangars; to the Committee on Transportation and Infrastructure.

By Mr. PEARCE (for himself, Mr. ALEXANDER, Mr. HINOJOSA, Mr. HALL of Texas, Mr. SIMPSON, Mrs. CAPITO, Mr. HOEKSTRA, and Mr. BOUCHER):

H.R. 315. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to enter into contracts with community health care providers to improve access to health care for veterans in highly rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PEARCE:

H.R. 316. A bill to direct the Secretary of Agriculture to convey to the village of Santa Clara, the city of Bayard, or the county of Grant, in the State of New Mexico, in tracts of not less than 40 acres, at market price at its present state of use as agricultural grazing lands as determined by the Secretary, for business and community development, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR:

H.R. 317. A bill to authorize the construction of the Arkansas Valley Conduit in the State of Colorado, and for other purposes; to the Committee on Natural Resources.

By Mr. TERRY (for himself, Mr. SAXTON, Mr. HAYES, Mr. ETHERIDGE, Mr. PAUL, Mrs. BLACKBURN, Mr. GRIJALVA, and Mr. PALLONE):

H.R. 318. A bill to amend the Impact Aid program under the Elementary and Secondary Education Act of 1965 to improve the distribution of school construction payments to better meet the needs of military and Indian land school districts; to the Committee on Education and Labor.

By Mr. WOLF (for himself, Mr. CANTOR, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mrs. CAPITO, Mr. SCOTT of Virginia, Mr. PLATTS, Mr. MORAN of Virginia, and Mr. MCCRERY):

H.R. 319. A bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Mrs. EMERSON:

H.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 10. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res, 11. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mrs. EMERSON:

H. Con. Res. 13. Concurrent resolution expressing the sense of Congress regarding the need to prevent the closure or consolidation of post offices; to the Committee on Oversight and Government Reform.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 14. Concurrent resolution expressing that Congress has the sole and exclusive power to declare war; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 15. Concurrent resolution expressing the sense of Congress that the Government of Iraq should not grant blanket amnesty to persons known to have attacked, killed, or wounded members of the United States Armed Forces in Iraq; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 16. Concurrent resolution congratulating Prime Minister Portia Simpson-Miller for becoming the first democratically-elected female Prime Minister of Jamaica and the first female Jamaican head of state; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 17. Concurrent resolution expressing the sense of Congress that the people of the United States should grieve for the loss of life that defined the Third Reich and celebrate the continued education efforts for tolerance and justice, reaffirming the commitment of the United States to the fight against intolerance and prejudice in any form, and honoring the legacy of transparent procedure, government accountability, the rule of law, the pursuit of justice, and the struggle for universal freedom and human rights; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 18. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of George Thomas "Mickey" Leland; to the Committee on Oversight and Government Reform.

By Mrs. DAVIS of California (for herself, Ms. MCCOLLUM of Minnesota, Mr. KELLER, Ms. DELAURO, Mr. BOSWELL, Mr. HINOJOSA, Mrs. TAUSCHER, Mr. MOORE of Kansas, Mr. HONDA, Mr. CRENSHAW, Mr. DAVIS of Illinois, and Mr. MCCOTTER):

H. Res. 29. A resolution supporting the goals and ideals of National Mentoring Month 2007; to the Committee on Education and Labor.

By Ms. JACKSON-LEE of Texas:

H. Res. 30. A resolution recognizing the historic steps India and Pakistan have taken toward achieving bilateral peace; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas:

H. Res. 31. A resolution recognizing the Honorable Andrew L. Jefferson, Jr., on the occasion of the establishment of an endowment for trial advocacy called the "Andrew L. Jefferson Endowment for Trial Advocacy" at Texas Southern University's Thurgood Marshall School of Law in Houston, Texas; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H. Res. 32. A resolution denouncing the practices of female genital mutilation, domestic violence, "honor" killings, acid burning, dowry deaths, and other gender-based persecutions and expressing the sense of the House of Representatives that participation, protection, recognition, and independence of women is crucial to achieving a just, moral, and honorable society; to the Committee on Foreign Affairs.

By Mr. GILLMOR:

H. Res. 33. A resolution recognizing the thousands of Freemasons in every State in the Nation and honoring them for their many contributions to the Nation throughout its history; to the Committee on Oversight and Government Reform.

By Ms. JACKSON-LEE of Texas:

H. Res. 34. A resolution recognizing the 75th birthday of Desmond Mpilo Tutu, South African Anglican Archbishop of Cape Town, and Nobel Peace Prize recipient; to the Committee on Foreign Affairs.

By Mr. OBEY:

H. Res. 35. A resolution to enhance intelligence oversight authority; to the Committee on Rules.

By Mr. LANTOS (for himself and Ms. ROS-LEHTINEN):

H. Res. 36. A resolution expressing the sense of the House of Representatives that the United States should declare its support for the independence of Kosova; to the Committee on Foreign Affairs.

By Ms. SOLIS:

H. Res. 37. A resolution expressing the sense of the House of Representatives that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for farm worker families and the rights of women and children; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

(Filed on January 4, 2007)

Under clause 3 of rule XII,

Mr. KING of New York introduced a bill (H.R. 240) for the relief of Alemeseghed Mussie Tesfamical; which was referred to the Committee on the Judiciary.

(Filed on January 5, 2007)

Under clause 3 of rule XII,

Ms. LEE introduced a bill (H.R. 320) for the relief of Geert Botzen; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

INTRODUCING THE SOCIAL SECURITY BENEFICIARY TAX REDUCTION ACT AND THE SENIOR CITIZENS' TAX ELIMINATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. PAUL. Madam Speaker, today I am pleased to introduce two pieces of legislation to reduce taxes on senior citizens. The first bill, the Social Security Beneficiary Tax Reduction Act, repeals the 1993 tax increase on Social Security benefits. Repealing this increase on Social Security benefits is a good first step toward reducing the burden imposed by the federal government on senior citizens. However, imposing any tax on Social Security benefits is unfair and illogical. This is why I am also introducing the Senior Citizens' Tax Elimination Act, which repeals all taxes on Social Security benefits.

Since Social Security benefits are financed with tax dollars, taxing these benefits is yet another example of double taxation. Furthermore, "taxing" benefits paid by the government is merely an accounting trick, a shell game which allows Members of Congress to reduce benefits by subterfuge. This allows Congress to continue using the Social Security trust fund as a means of financing other government programs, and masks the true size of the federal deficit.

Instead of imposing ridiculous taxes on senior citizens, Congress should ensure the integrity of the Social Security trust fund by ending the practice of using trust fund monies for other programs. This is why I am also introducing the Social Security Preservation Act, which ensures that all money in the Social Security trust fund is spent solely on Social Security. At a time when Congress' inability to control spending is once again threatening the Social Security trust fund, the need for this legislation has never been greater. When the government taxes Americans to fund Social Security, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

In conclusion, Madam Speaker, I urge my colleagues to help free senior citizens from oppressive taxation by supporting my Senior Citizens' Tax Elimination Act and my Social Security Beneficiary Tax Reduction Act. I also urge my colleagues to ensure that moneys from the Social Security trust fund are used solely for Social Security benefits and not wasted on frivolous government programs.

TRIBUTE TO WALTER THEOPHILUS LUNSFORD, SR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor a great man and outstanding citizen who passed away on December 28, 2006.

Walter Theophilus Lunsford, Sr. passed away at the age of 90 years old in Columbus, Ga., the city where he was born, raised, and spent much of his life making an impact as a businessman, family man and positive contributor to the community.

Success came early in Mr. Lunsford's life and he never let it go. After graduating as valedictorian from Spencer High School in 1933, he furthered his academic pursuits at Fisk University where as a physics major, he pledged Kappa Alpha Psi Fraternity. Later, he became a charter member of the Eta Theta Chapter at Columbus State University, as well as the Columbus Alumni Chapter.

Mr. Lunsford first developed his business acumen by working in the family grocery store. He learned entrepreneurship first-hand as his parents expanded their business into real-estate, building houses at a time when public housing did not exist. He later built on that knowledge at the University of Chicago, studying business administration and international relations.

In the early 1940's, Mr. Lunsford carried his initial business experience into his own ventures, first as the sole owner and proprietor of Fox Deluxe Wholesale Beer Distributing Company and later, as the first black owner of a Georgia taxicab company. At the peak of its operation, he employed over 100 blacks between the Checker, Blue Bird and Red Bird Taxicab Companies. Since much of his clientele was comprised of black soldiers stationed at Fort Benning, his business filled both a social and economic void for members of the local community.

Mr. Lunsford did not stop there—as an offshoot to his taxicab business, he opened a Shell Service Station. Eventually, he closed his taxi business and opened a full auto station and grocery store, a forerunner to the modern convenience store. Along the way, he found a way to integrate his love of entertainment by opening the Pierce Amusement Company, leasing coin-operated vending and game machines to other establishments.

Above all, Mr. Walter Lunsford was a successful, well-respected entrepreneur who placed God and family first. For 62 years, he accomplished it all with his wife, Sally Bryant Lunsford, at his side. Together they raised their ten college-educated children, an accomplishment in itself.

Today, we thank and honor Mr. Lunsford, not only for his contributions to Columbus, but also for the example he set for others. He will be remembered as an inspirational figure to not only those in Columbus, but to all who have the opportunity to learn about his life.

PAYING TRIBUTE TO HAROLD LEE MEYER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of Harold Lee Meyer who passed away on December 14, 2006.

Born in Paullina, Iowa on January 1, 1927, Harold settled in Littleton, Colorado with his wife of 55 years, Natalie Meyer. After spending his career in the savings and loan industry, Harold used his retirement to give back to his community. Harold was active in both local and state pursuits, having served as a member of the Denver General Hospital Board and as director of Good Shepherd Lutheran Home of the West. As a member of the Littleton City Council and as mayor of the City of Littleton, Harold enriched and improved countless lives. His other philanthropic pursuits included being a member of DRCOG, a volunteer at the Denver Museum of Nature and Science, a driver for the Red Cross, and being an active member of the Bethlehem Lutheran Church community.

Madam Speaker, I am proud to honor the life and legacy of Harold Lee Meyer. His professional success and dedication to community should serve as an example to us all. Harold dedicated his life to enriching the lives of those around him. I applaud all his efforts; he was truly a distinguished humanitarian and will be profoundly missed.

MONTGOMERY GI BILL

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to address an inequity facing America's men and women in uniform who seek an education in return for their military service.

For years, the Montgomery GI Bill (MGIB) has allowed thousands of men and women in uniform attend college or to receive vocational training to prepare for a new career after the military.

It is an excellent program and one we must preserve.

However, Madam Speaker, I would like to remedy an inequity that exists in this program with legislation I am introducing today.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

To receive the benefits of the Montgomery GI Bill, our service members must pay into the program at the beginning of their military service.

One hundred dollars is deducted each month from their military pay for the first 12 months.

With the legislation I offer today, our service members would still make the initial contribution. However, this contribution would no longer count against them later on when they apply for federal student aid.

In many cases, Madam Speaker, the Montgomery GI Bill alone does not cover the cost for college or job training. Our service members must also apply for federal student aid to cover tuition and other expenses.

The Department of Education considers their benefits from the Montgomery GI Bill as "income"— thereby reducing the amount they are eligible to receive from federal student aid programs.

This legislation goes back to the $1,200 out-of-pocket contribution that a service member made to become eligible for the Montgomery GI Bill.

It is not fair to ask our service members to pay the original amount out of their own pocket and then penalize them for it later on.

This bill would simply exempt the original contribution that came from their own pocket from the Department of Education's income consideration.

This legislation does not present significant cost to the federal government but would go a long way to help America's individual service members afford college.

During the last Congress, I offered the provisions contained in this legislation as part of the College Access and Opportunity Act (H.R. 609) when it was on the House floor.

Unfortunately, the amendment was not accepted, but I plan to pursue the issue until we correct this inequity.

Madam Speaker, thank you for the opportunity to offer legislation benefiting America's military service members and helping them to attend college or receive job training.

INTRODUCTION OF THE ANIMAL PROHIBITION ACT OF 2007

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GALLEGLY. Madam Speaker, today I reintroduce the Animal Fighting Prohibition Act to address the brutal, inhumane practice of animal fighting, something I have been trying to federally criminalize for the past several Congresses.

A few years ago, Congress enacted legislation to tighten federal law and close some loopholes that were allowing the barbaric practices of animal fighting to thrive nationwide, in spite of bans in virtually every state.

But Congress didn't finish the job. We left in place weak penalties that have proven ineffective. Misdemeanor penalties simply don't provide a meaningful deterrent. Those involved in animal fighting ventures—where thousands of dollars typically change hands in the associated gambling activity—consider misdemeanor penalties a "slap on the wrist" or merely a "cost of doing business." Moreover, we've heard from U.S. Attorneys that they are reluctant to pursue animal fighting cases with just a misdemeanor penalty.

In recent years, we've seen a marked rise in the frequency of animal fighting busts in communities across the country. Local police and sheriffs are increasingly concerned about animal fighting, not only because of the animal cruelty involved, but also because of the other crimes that often go hand-in-hand, including illegal gambling, drug trafficking, and acts of human violence. Furthermore, there is an inherent danger for the children of animal fighters to be close to these animals.

There is the additional concern that cockfighters spread diseases that jeopardize poultry flocks and even public health. We in California experienced this first-hand, when cockfighters spread exotic Newcastle disease, which was so devastating to many of our poultry producers in 2002 and 2003. That outbreak cost U.S. taxpayers "nearly $200 million to eradicate, and cost the U.S. poultry industry many millions more in lost export markets," according to former Agriculture Secretary Ann Veneman. Cockfighting has been identified as the major contributor of the spread of avian flu throughout Thailand and other parts of Asia, where the strain originated. Many of the humans who contracted avian flu and died from it contracted it from fighting birds. Experts say it's just a matter of time before it reaches our shores.

It is time Congress finishes the job and helps state and local law enforcement officials who have requested a strengthening of federal laws to rid animal fighting from communities that do not want it.

This legislation makes violations of federal animal fighting law a felony punishable by up to three years in prison, makes it a felony to transport an animal across state or international borders for the purpose of animal fighting, and prohibits the interstate and foreign commerce in knives and gaffs designed for use in cockfighting.

In the past, this legislation has been endorsed by nearly 400 law enforcement organizations, 110 animal control and humane organizations, and a number of industry organizations as well, and I expect to have their support again. The Animal Fighting Prohibition Act of 2006 had 324 cosponsors and was passed through the Senate by unanimous consent. I ask my colleagues to support this legislation so we can end the deplorable practice of animal fighting and all of the destructive behavior associated with it.

INTRODUCTION OF THE SENIORS' HEALTH CARE FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Seniors' Health Care Freedom Act. This act protects seniors' fundamental right to make their own health care decisions by repeal federal laws that interfere with seniors' ability to form private contracts for medical services. This bill also repeals laws which force seniors into the Medicare program against their will. When Medicare was first established, seniors were promised that the program would be voluntary. In fact, the original Medicare legislation explicitly protected a senior's right to seek out other forms of medical insurance. However, the Balanced Budget Act of 1997 prohibits any physician who forms a private contract with a senior from filing any Medicare reimbursement claims for two years. As a practical matter, this means that seniors cannot form private contracts for health care services.

Seniors may wish to use their own resources to pay for procedures or treatments not covered by Medicare, or to simply avoid the bureaucracy and uncertainly that comes when seniors must wait for the judgment of a Center from Medicare and Medicaid Services (CMS) bureaucrat before finding out if a desired treatment is covered.

Seniors' right to control their own health care is also being denied due to the Social Security Administration's refusal to give seniors who object to enrolling Medicare Part A Social Security benefits. This not only distorts the intent of the creators of the Medicare system; it also violates the promise represented by Social Security. Americans pay taxes into the Social Security Trust Fund their whole working lives and are promised that Social Security will be there for them when they retire. Yet, today, seniors are told that they cannot receive these benefits unless they agree to join an additional government program!

At a time when the fiscal solvency of Medicare is questionable, to say the least, it seems foolish to waste scarce Medicare funds on those who would prefer to do without Medicare. Allowing seniors who neither want nor need to participate in the program to refrain from doing so will also strengthen the Medicare program for those seniors who do wish to participate in it. Of course, my bill does not take away Medicare benefits from any senior. It simply allows each senior to choose voluntarily whether or not to accept Medicare benefits or to use his own resources to obtain health care.

Forcing seniors into government programs and restricting their ability to seek medical care free from government interference infringes on the freedom of seniors to control their own resources and make their own health care decisions. A woman who was forced into Medicare against her wishes summed it up best in a letter to my office, ". . . I should be able to choose the medical arrangements I prefer without suffering the penalty that is being imposed." I urge my colleagues to protect the right of seniors to make the medical arrangements that best suit their own needs by cosponsoring the Seniors' Health Care Freedom Act.

TRIBUTE TO MAYOR BOB POYDASHEFF

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. BISHOP of Georgia. Madam Speaker, today I have the distinct privilege of recognizing a man of remarkable vision and unyielding commitment to the community, which he has so faithfully served. Through the leadership of Mayor Bob Poydasheff, the city of Columbus has experienced extraordinary growth and prosperity. During his tenure as mayor, the area has gained in excess of 7,000 new jobs and under his leadership the Columbus Consolidated Government has exercised fiscal responsibility resulting in balanced budgets and a surplus.

Bob Poydasheff has always exhibited exceptional character throughout his professional careers. He served in the U.S. Army for twenty four years and retired at the rank of Colonel. During his military career, Mayor Poydasheff served as Legislative Counsel to Secretary of the Army Howard (Bo) Calloway, Staff Judge Advocate at Ft. Belvoir, VA, Legal Counsel to Secretary of the Army and Secretary of Defense on Labor Relations (1955–1979). In recognition of his exemplary service to our country he has received the Vietnam Ribbon, Legion of Merit, Commendation Medal, and 2 Oak Leaf Clusters.

Mayor Poydasheff's determination to excel is apparent in virtually every aspect of his life—and in none, more evident than in his pursuit of education. After receiving a B.A. in Political Science from the Citadel in 1954, he went on to earn his Juris Doctorate from Tulane University. Mayor Poydasheff later received a M.A. in International Relations from Boston College. He has also attended The Academy of International Law and the Army War College.

Perhaps, his greatest accomplishment is the bond that he unwaveringly nurtures with his family. Mr. Bob Poydasheff and his wife, Stacy, are enjoying a wonderful and fulfilling marriage of 42 years. Of this union, they were blessed with two children, through whom they have two lovely grandchildren.

His affiliation with many civic organizations outside of the political arena demonstrates the genuineness of his nature. These organizations include: Chattahoochee Valley Citadel Club (President); Chattahoochee Boy Scout Council (Past President); Association of U.S. Army (Past President); Anne Elizabeth Shepherd Home (Past President); Fort Benning Sojourners (Past President); Board of Directors American Red Cross (Past Chairman); Military Affairs Committee, Columbus Chamber of Commerce (Past Chairman); Civilian-Military Council (Past Chairman); Military Order of World Wars (Past Commander); Minority Business Development Council; Black History Month Steering Committee; Urban League (Director); Columbus Lawyer's Club; Georgia Council of the Humanities; Kiwanis Club of Columbus; Leadership Columbus Alumni; Shriner; Scottish Rite; and Masons.

Today, we thank and honor Mayor Bob Poydasheff for his selfless dedication and steadfast commitment to the welfare of others and his community. His commendable service to the citizens of Columbus serves as an attribute which we should all strive to emulate as we attempt to make the world a better place to live for humankind. As he leaves the Mayor's office we extend our best wishes for joy and happiness in the weeks, months and years ahead.

PAYING TRIBUTE TO TOM STONE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Tom Stone for his many years as a dedicated public servant.

For the past eight years Tom has represented the citizens of Eagle County, Colorado as County Commissioner. Tom has proved to be a champion for the environment through his appointments to the Colorado River Water Conservation District, the Wildland Urban Interface Fire Committee, the National Association of Counties Public Lands Steering Committee, the Colorado State Forest Advisory Board, and Colorado Counties, Inc. Committees for Public Lands, Agriculture & Wildlife, and Land Use & Natural Resources. Most notably, Commissioner Stone created and implemented the Eagle County Youth Conservation Corps, a program of education, funding and service projects in our National Forests by Eagle County youth.

Tom worked tirelessly to develop the infrastructure necessary for the future health, safety, welfare, economy, housing and care of the citizens of Eagle County. Tom created the first of its kind public/private partnership to construct 282 affordable homes for the local workforce at Miller Ranch. He also spearheaded the building of a joint Veterans and Emergency Service Personnel Memorial on the banks of the pond to honor those who have given the greatest measure of devotion to their community and their country.

Madam Speaker, I am proud to honor Eagle County Commissioner Tom Stone. His amalgamation of professional success and community activism is exemplary. I applaud his efforts and wish him the best in his future endeavors.

INTRODUCTION OF THE FEDERAL ELECTION INTEGRITY ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Federal Election Integrity Act of 2007. This legislation would take the long-overdue step of prohibiting chief state election officials from taking part in the political campaigns of federal candidates in elections over which the officials have supervisory authority.

As a former President of the League of Women Voters in San Diego and an American voter myself, I know that election officials are entrusted with a crucial responsibility for our democracy. Their only allegiance must be to the will of the voters, not to partisan political agendas.

I think we can all agree that an inherent conflict of interest exists when a state's chief election official is responsible for monitoring and certifying the results of a federal election while actively participating in the campaign of one of the candidates in that election.

In the last several years, multiple Secretaries of State have captured national attention and incited great controversy because of their political involvement in elections they were responsible for overseeing.

Although such individuals may be honorable public servants with no improper intentions, it is of the utmost importance for the integrity of our democracy that we provide legal safeguards to ensure the public trust is never violated.

This is not a partisan issue. The record shows that officials of both parties have in the past held these two types of positions simultaneously. Rather, this is an issue of preserving the American people's faith in the integrity of our democracy.

Madam Speaker, I appreciate the opportunity to offer this important legislation to protect the public's trust in the electoral process.

INTRODUCTION OF ILLEGAL IMMIGRATION AND IDENTITY THEFT LEGISLATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GALLEGLY. Madam Speaker, today I introduced six bills that focus on the problems of illegal immigration and identity theft.

The first priority for this new Congress and any Congress, for that matter, should be to reduce the high levels of illegal immigrants entering this nation. This is a problem that goes directly to our responsibilities as a sovereign nation to secure our borders and enforce our laws.

Two of my bills address the crux of the illegal immigration problem in the United States. We know that most illegal immigrants come here looking for work. If we stop illegal workers from gaining employment, they would be less likely to enter our country illegally in the first place

To get a job, a person must provide his employer with a social security number. In many cases, an illegal immigrant simply provides a name and a fictitious social security number. Too often, an illegal immigrant has adopted the identity of a hard working American who is unaware that his identity has been stolen until he is refused a loan or contacted by an irate creditor.

The federal government currently has the capability to deter identity theft. Every year, employers have to file W–2 forms with the Social Security Administration that include the names, social security numbers and addresses of their workers.

Today, when the Social Security Administration receives multiple W–2 forms with the same social security number and different names and/or addresses, it simply ignores it, even when it is obvious that more than one person is using a Social Security number!

In other cases, when an employer files a W–2 with a name and Social Security number that does not match, the government simply mails the worker a letter explaining the discrepancy. That's it. The Social Security Administration does little to no follow-up. This has led to many discrepancies that the Social Security Administration has yet to resolve. In fact, a GAO report found that as of November 2004, there were 246 million unresolved discrepancies—involving $463 billion—dating back to 1937, the beginning of the Social Security program.

My legislation would change that.

The Employment Eligibility Verification and Anti-Identity Theft Act would require workers to resolve discrepancies if their names and Social Security numbers do not match. Employers would have to terminate workers who do not resolve discrepancies. The Social Security Administration would also be required to notify the Department of Homeland Security so it can investigate whether a crime has been committed.

The Identity Theft Notification Act of 2007 would require the Social Security Administration to investigate if it receives more than eight (8) separate W -2 forms with the same Social Security number if the number corresponds with four (4) different addresses in a single year. If the Social Security Administration finds evidence of fraudulent activity, it is required to notify not only the Department of Homeland Security, but also the legal possessor of that Social Security number. This will enable innocent people to take steps to protect their credit, identity, and good name.

Although jobs are the primary magnets that bring illegal immigrants to this country, I have also introduced another bill that will remove a major incentive for people to come to this country illegally.

The Citizenship Reform Act of 2007 would simply bring our laws into line with virtually every other nation on earth by requiring that at least one parent be a citizen or permanent resident in order for a child to become automatically a citizen.

Additionally, I have also introduced a bill that will make our current immigration law more fair. Under current law, an illegal immigrant who leaves the country faces a bar of up to three years if he has been in the country illegally for more than 6 months, and a ten year bar if he has been here illegally for more than a year. However, if an illegal immigrant never leaves the country but applies to adjust his status, he faces no reentry prohibitions. This is fundamentally unfair. My legislation provides that all illegal immigrants face the same penalty—even if they are eligible for a change in status.

Finally, I have introduced two bills that would criminalize actions common among illegal immigrants.

Unfortunately, many illegal immigrants who are apprehended and agree to voluntarily depart either fail to leave or leave only to return. My bill would make it a felony, with a mandatory one year jail sentence, for illegal immigrants agree to leave and then either fail to leave or return illegally.

I have also found that too many illegal immigrants have figured out that they are given a "get out of jail free card" when they are given a notice to appear. Another bill I have introduced would make it a felony, with a mandatory one-year jail sentence, when illegal immigrants ignore the law and refuse to appear in court when ordered.

I know that these bills, if passed, will dramatically reduce illegal immigration and identity theft. I ask my colleagues for their support to protect our nation's sovereignty and our citizens' identities.

INTRODUCTION OF THE SOCIAL SECURITY PRESERVATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. PAUL. Madam Speaker, I rise to protect the integrity of the Social Security trust fund by introducing the Social Security Preservation Act. The Social Security Preservation Act is a rather simple bill which states that all monies raised by the Social Security trust fund will be spent in payments to beneficiaries, with excess receipts invested in interest-bearing certificates of deposit. This will help keep Social Security trust fund monies from being diverted to other programs, as well as allow the fund to grow by providing for investment in interest-bearing instruments.

The Social Security Preservation Act ensures that the government will keep its promises to America's seniors that taxes collected for Social Security will be used for Social Security. When the government taxes Americans to fund Social Security, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

With federal deficits reaching historic levels the pressure from special interests for massive new raids on the trust fund is greater than ever. Thus it is vital that Congress act now to protect the trust fund from big spending, pork-barrel politics. Social Security reform will be one of the major issues discussed in this Congress and many of my colleagues have different ideas regarding how to best preserve the long-term solvency of the program. However, as a medical doctor, I know the first step in treatment is to stop the bleeding, and the Social Security Preservation Act stops the bleeding of the Social Security trust fund. I therefore call upon all my colleagues, regardless of which proposal for long-term Social Security reform they support, to stand up for America's seniors by cosponsoring the Social Security Preservation Act.

TRIBUTE TO MR. NATHAN SUBER

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor an outstanding citizen of Columbus, Georgia who has distinguished himself as a dedicated and exemplary public servant. Mr. Nathan Suber joined the Columbus City Council in 1994 and for the past 12 years has served as City Councilman of Post 1.

Mr. Suber was born just across the waters of the Chattahoochee River in nearby Phenix City, Alabama. Being the oldest of three children in a military family, Mr. Suber learned at an early age the true meaning of "service before self." As his father responded to the call of duty, Nathan Suber and his family relocated several times throughout his father's military career. It was not until the mid-sixties that the Suber family's roots were once again firmly planted in the Columbus, Georgia area. In 1968, Mr. Suber graduated from South Girard High School and later went on to earn an A.A. in Criminology at the City College of San Francisco and a B.A. in Criminal Justice at Columbus State University.

During his tenure as a Columbus Councilman, Mr. Suber served as Budget Review Committee Chairman for 1999–2000. In this appointed position, he was instrumental in changing policy to allow the citizens of Columbus access to budget sessions, which had previously been kept closed to the public. As Chairman of this committee, Mr. Suber exhibited steadfast dedication when he fought tirelessly to keep the Fluellen Recreational Center's doors open and, in the process, secured $462,000 in additional funding for the facility.

Mr. Suber also served on the Public Safety Committee and had a major role in ensuring the security of our neighborhoods by implementing measures to monitor the use of community resources. Among the many notable and worthy projects to which he has contributed vital energy and leadership were his efforts in designating the Midtown area of Columbus as a historic district. This vital rezoning measure provided a protective ordinance to the surrounding area, which prohibits development that would otherwise degrade the historic quality of the neighborhood.

Nathan Suber is known as a devout Christian and is a faithful member of Fourth Street Missionary Baptist Church, where he currently serves as Chairman of Trustees. His faith in God is shared with the younger generation through the Sunday school lessons he provides. His goodwill is further evident in his devotion to his family—his wife of twenty-nine years, Charlene B. Suber; two daughters, Kelly Suber Jones and Cynthia Suber; and one lovely grandchild, Morgan L. Jones.

Mr. Suber currently serves as Chairman of the Board of the Metro Columbus Urban League, which further attests to his unwavering commitment to community.

Today we honor Mr. Nathan Suber and thank him for all he has done for the benefit of Columbus, Georgia—as an elected official and as a private citizen driven by the compassion for others. His exemplary service to his community has set a standard of dedication and leadership that we are all compelled to emulate.

INTRODUCTION OF LEGISLATION TO CREATE A COOPERATIVE RESEARCH PROGRAM FOR HAZARDOUS MATERIALS TRANSPORTATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. CUMMINGS. Madam Speaker, today, I am pleased to introduce legislation to establish a cooperative research program for hazardous materials transportation capable of meeting our Nation's urgent need for applied research that examines hazardous materials transportation from a comprehensive, multimodal perspective.

During the 109th Congress, I introduced similar legislation and, although it failed to pass as introduced, provisions from that bill were included in the most recent federal transportation authorization, SAFETEA-LU. Those provisions provided a total of $1.25 million in federal funding per year from fiscal year 2006 through fiscal year 2009 to support the conduct of multi-modal studies of hazardous materials transportation.

While the first of these 9 studies are now being planned for implementation and will cover such topics as technologies to improve safety and security and methods for improving the utility of data collected from hazardous materials incidents, I believe it is crucial that we create a permanent research program for hazardous materials transportation.

Madam Speaker, it is estimated that one million hazardous materials shipments move through thousands of local communities across the United States every single day—usually without the knowledge of residents or even of local officials. Between 1994 and 2003, unintentional releases of hazardous materials resulted in 210 fatalities and more than 3,400 injuries.

Unfortunately, it is our tendency to focus on mitigating the risks that these shipments pose only after an accident occurs. In 2001, such an accident occurred in my district in Baltimore when a train derailed in a tunnel, puncturing a tank car and releasing a hazardous material that subsequently ignited.

This incident in the heart of Baltimore demonstrated to me and to my constituents in the most dramatic possible way the risks of hazardous materials transportation. Having seen first-hand these risks, I will never forget them—and it is for this reason that I am again introducing legislation to create a permanent hazardous materials cooperative research program.

Under our Nation's current regime for regulating the shipment of hazardous materials, more than a dozen federal agencies—as well as literally thousands of state and local agencies—regulate some aspect of hazardous materials transportation.

While each of these entities is critical and necessary to ensuring the safety of hazardous materials transportation, each entity is typically looking at hazardous materials from the perspective of a single mode, a single type of material, or a single travel route.

What we now lack is a comprehensive, multi-modal perspective that can examine risks and develop mitigation strategies that are applicable across modes, material types, and travel routes.

To fill this gap, the legislation I am introducing today will bring together representatives of federal agencies, private sector shippers and carriers, and state and local governments in a formal program to study cross-cutting topics in hazardous materials transportation that are not adequately addressed by existing mode-specific research programs.

The study program will be particularly focused on completing research projects that yield practical results immediately applicable to transportation issues.

Without the ability to adequately research and respond to issues in hazardous materials transportation that are multi-modal in scope and national in application, our ability to make informed legislative, regulatory, and operational decisions regarding hazardous materials transportation is unacceptably limited.

Therefore, I urge you to join with me in supporting the formulation of a cooperative research program for hazardous materials transportation by co-sponsoring this critical legislation.

INTRODUCING THE IDENTITY THEFT PREVENTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. PAUL. Madam Speaker, today I introduce the Identity Theft Prevention Act. This act protects the American people from government-mandated uniform identifiers that facilitate private crime as well as the abuse of liberty. The major provision of the Identity Theft Prevention Act halts the practice of using the Social Security number as an identifier by requiring the Social Security Administration to issue all Americans new Social Security numbers within 5 years after the enactment of the bill. These new numbers will be the sole legal property of the recipient, and the Social Security Administration shall be forbidden to divulge the numbers for any purposes not related to Social Security administration. Social Security numbers issued before implementation of this bill shall no longer be considered valid federal identifiers. Of course, the Social Security Administration shall be able to use an individual's original Social Security number to ensure efficient administration of the Social Security system.

Madam Speaker, Congress has a moral responsibility to address this problem because it was Congress that transformed the Social Security number into a national identifier. Thanks to Congress, today no American can get a job, open a bank account, get a professional license, or even get a driver's license without presenting his Social Security number. So widespread has the use of the Social Security number become that a member of my staff had to produce a Social Security number in order to get a fishing license!

One of the most disturbing abuses of the Social Security number is the congressionally-authorized rule forcing parents to get a Social Security number for their newborn children in order to claim the children as dependents. Forcing parents to register their children with the State is more like something out of the nightmares of George Orwell than the dreams of a free republic that inspired this nation's founders.

Congressionally-mandated use of the Social Security number as an identifier facilitates the horrendous crime of identity theft. Thanks to Congress, an unscrupulous person may simply obtain someone's Social Security number in order to access that person's bank accounts, credit cards, and other financial assets. Many Americans have lost their life savings and had their credit destroyed as a result of identity theft. Yet the Federal Government continues to encourage such crimes by mandating use of the Social Security number as a uniform ID!

This act also forbids the Federal Government from creating national ID cards or establishing any identifiers for the purpose of investigating, monitoring, overseeing, or regulating private transactions among American citizens. In 2005, this body established a de facto national ID card with provisions buried in the "intelligence" reform bill mandating Federal standards for drivers' licenses, and mandating that Federal agents only accept a license that conforms to these standards as a valid ID.

Nationalizing standards for drivers' licenses and birth certificates creates a national ID system pure and simple. Proponents of this scheme claim they are merely creating new standards for existing State IDs. However, imposing Federal standards in a Federal bill creates a federalized ID regardless of whether the ID itself is still stamped with the name of your State.

The national ID will be used to track the movements of American citizens, not just terrorists. Subjecting every citizen to surveillance diverts resources away from tracking and apprehending terrorists in favor of needless snooping on innocent Americans. This is what happened with "suspicious activity reports" required by the Bank Secrecy Act. Thanks to BSA mandates, Federal officials are forced to waste countless hours snooping through the private financial transactions of innocent Americans merely because those transactions exceeded $10,000.

Turning State-issued drivers licenses into federally controlled national ID cards is yet another Federal usurpation of State authority and another costly unfunded mandate imposed on the States. According to a report issued by the National Conference of State Legislators, turning drivers licenses into national ID cards will cost the States more than $11 billion.

Madam Speaker, no wonder there is a groundswell of opposition to this mandate. There is even a movement in several State legislatures to refuse to comply with this mandate! The Identity Theft Prevention Act not only repeals those sections of the Federal law creating a national UD, it forbids the Federal Government from using Federal funds to blackmail States into adopting uniform Federal identifiers. Passing the Identity Theft Prevention Act is thus an excellent way for this Congress to show renewed commitment to federalism and opposition to imposing unfunded mandates on the States.

This legislation not only repeals those sections of Federal law creating the national ID, it also repeals those sections of the Health Insurance Portability and Accountability Act of 1996 that require the Department of Health and Human Services to establish a uniform standard health identifier—an identifier which could be used to create a national database containing the medical history of all Americans. As an OB/GYN with more than 30 years in private practice, I know the importance of preserving the sanctity of the physician-patient relationship. Oftentimes, effective treatment depends on a patient's ability to place absolute trust in his or her doctor. What will happen to that trust when patients know that any and all information given to their doctors will be placed in a government accessible database?

By putting an end to government-mandated uniform IDs, the Identity Theft Prevention Act will prevent millions of Americans from having their liberty, property, and privacy violated by private and public sector criminals.

Some members of Congress will claim that the Federal Government needs the power to monitor Americans in order to allow the government to operate more efficiently. I would remind my colleagues that, in a constitutional republic, the people are never asked to sacrifice their liberties to make the jobs of government officials easier. We are here to protect the freedom of the American people, not to make privacy invasion more efficient.

Madam Speaker, while I do not question the sincerity of those members who suggest that Congress can ensure that citizens' rights are protected through legislation restricting access to personal information, the only effective privacy protection is to forbid the Federal Government from mandating national identifiers. Legislative "privacy protections" are inadequate to protect the liberty of Americans for a couple of reasons.

First, it is simply common sense that repealing those Federal laws that promote identity theft is more effective in protecting the public than expanding the power of the Federal police force. Federal punishment of identity thieves provides cold comfort to those who have suffered financial losses and the destruction of their good reputations as a result of identity theft.

Federal laws are not only ineffective in stopping private criminals, but these laws have not even stopped unscrupulous government officials from accessing personal information. After all, laws purporting to restrict the use of personal information did not stop the well-publicized violations of privacy by IRS officials or the FBI abuses of the Clinton and Nixon administrations.

In one of the most infamous cases of identity theft, thousands of active-duty soldiers and veterans had their personal information stolen, putting them at risk of identity theft. Imagine the dangers if thieves are able to obtain the universal identifier, and other personal information, of millions of Americans simply by breaking, or hacking, into one government facility or one government database?

Second, the Federal Government has been creating proprietary interests in private information for certain State-favored special interests. Perhaps the most outrageous example of phony privacy protection is the "medical privacy'" regulation, that allows medical researchers, certain business interests, and law enforcement officials access to health care information, in complete disregard of the Fifth Amendment and the wishes of individual patients! Obviously, "privacy protection" laws have proven greatly inadequate to protect personal information when the government is the one seeking the information.

Any action short of repealing laws authorizing privacy violations is insufficient primarily because the Federal Government lacks constitutional authority to force citizens to adopt a universal identifier for health care, employment, or any other reason. Any Federal action that oversteps constitutional limitations violates liberty because it ratifies the principle that the Federal Government, not the Constitution, is the ultimate judge of its own jurisdiction over the people. The only effective protection of the rights of citizens is for Congress to follow Thomas Jefferson's advice and "bind (the Federal Government) down with the chains of the Constitution."

Madam Speaker, those members who are not persuaded by the moral and constitutional reasons for embracing the Identity Theft Prevention Act should consider the American people's opposition to national identifiers. The numerous complaints over the evergrowing uses of the Social Security number show that Americans want Congress to stop invading their privacy. Furthermore, according to a survey by the Gallup company, 91 percent of the American people oppose forcing Americans to obtain a universal health ID.

In conclusion, Madam Speaker, I once again call on my colleagues to join me in putting an end to the Federal Government's unconstitutional use of national identifiers to monitor the actions of private citizens. National identifiers threaten all Americans by exposing them to the threat of identity theft by private criminals and abuse of their liberties by public criminals, while diverting valuable law enforcement resources away from addressing real threats to public safety. In addition, national identifiers are incompatible with a limited, constitutional government. I, therefore, hope my colleagues will join my efforts to protect the freedom of their constituents by supporting the Identity Theft Prevention Act.

RECOGNIZING J. CHRIS KOLLMAN, III, MAYOR, CITY OF COLONIAL HEIGHTS, VIRGINIA FOR HIS SERVICE AND DEDICATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. FORBES. Madam Speaker, I rise today to commend Mayor J. Chris Kollman. After serving 28 distinguished years in public service, Mayor Kollman has decided not to pursue another term in order to devote more time to his family.

Mayor Kollman began his tenure with the City of Colonial Heights nearly three decades ago when he was elected to City Council. During his time on the Council he has served two terms as Mayor and two terms as Vice-Mayor. He has been a part of many accomplishments of the city, including the building of the vocational school, the development of Southpark Mall, the building of the Colonial Heights Public Library, the building of the Government Center, the revitalization of the old City Hall Building into a Public Safety Building, the development of the Memorandum of Understanding between the City and the Schools, and his many efforts to help beautify the city.

In addition to his public service, Mr. Kollman served in the United States Army where he received an Honorable Discharge. He is also retired, after 30 years of service, from Bell Atlantic and currently owns and operates C & C Lawn Service, Inc. He is a lifelong resident of Colonial Heights and is a graduate of the Colonial Heights school system.

Mr. Kollman is a former volunteer fireman, a member of the Colonial Heights Optimist Club, served as co-chairman of the Colonial Heights After Prom Committee, and is a member of Highland United Methodist Church where he serves in various leadership positions.

Madam Speaker, please join me in honoring Mr. J. Chris Kollman.

INTRODUCTION OF THE MULTINATIONAL SPECIES CONSERVATION FUND REAUTHORIZATION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. YOUNG of Alaska. Madam Speaker, I am pleased to introduce today the Multinational Species Conservation Fund Reauthorization Act. This legislation will extend the authorization of appropriations for the African Elephant Conservation Act of 1988 and the Rhinoceros and Tiger Conservation Act of 1994. These acts have been two of the most effective conservation laws ever approved by the United States Congress.

First enacted nearly two decades ago, the African Elephant Conservation Act was designed to assist range countries who were fighting a losing battle against heavily armed poachers who were systematically annihilating the flagship species of the African continent. By the mid-1980's, the population of African Elephants had fallen from 1.3 million to less than 500,000 animals. In fact, only in Botswana, South African and Zimbabwe were elephant populations stable.

In response to this growing wildlife crisis and the real likelihood that this species could face extinction throughout most of its historic range, Congress passed the African Elephant Conservation Act. This landmark law was used to ban the importation of carved ivory into the United States and its established the African Elephant Conservation Fund. Under the terms of P.L. 100–478, the Secretary of the Interior was directed to review conservation projects submitted by government entities and non governmental organizations and to approve those that significantly advanced the conservation needs of this important species.

Since its inception, the Secretary has approved 280 conservation grants in 23 African range countries. These grants have received nearly $17 million in U.S. tax dollars and nearly $72 million in private matching funds. This favorable ratio of more than 4 to 1 in private donations has been truly remarkable.

The types of conservation projects approved include the training of wildlife personnel; determining the population status, characteristics and habitat needs of elephants in various range countries; providing uniforms, tents and security equipment to wildlife rangers; monitoring the impact of elephants on agriculture; research the seasonal migration patterns of elephants; train local residents in the collection of baseline elephant data and provide local communities with viable economic alternatives to poaching elephants and other species.

One of the more interesting conservation projects has been the partnership between local communities in Zambia and The Mcihenny Company of Avery Island, Louisiana. What has transpired is that local farmers are growing chilli peppers which are sold to be used in various tabasco products. These peppers have produced badly needed income for local African communities and they assisted in the conservation of elephants who find the scent of growing and burning peppers unacceptable to their sensory glands. The net effect is that not only are pepper plants not trampled but adjoining agricultural crops are protected by their cultivation. This innovative idea has been a real conservation achievement.

While one of these projects would not by itself save the African elephant, together, they have stopped the precipitous slide towards extinction. Sadly, there is no question that elephants are still being poached and that illegally obtained ivory remains a serious international problem. This is why this law must be extended. This small investment of taxpayer dollars is making a significant positive difference is saving this species.

Section III of this legislation will extend the Rhinoceros and Tiger Conservation Act. This act was designed to assist these two highly imperiled species. In fact, the U.S. Fish and Wildlife Service has noted that: "rhinos and tigers remain among the most charismatic and some of the most endangered species on earth".

At the time of its initial enactment in 1994, the number of rhinoceros living in the wild had fallen from 65,000 in 1970 to fewer than 16,000 animals. The five subspecies of tigers were facing an ever more perilous future. At the turn of the 20th century, there were more than 100,000 tigers living in the wild. By 1994, there were fewer than 6,000 tigers which represented a decline of roughly 95 percent. By comparison, there are more than 25,000 tigers currently living in captivity.

While there are many factors causing the decline of these species, there is no question that poaching and loss of habitat are the two primary reasons rhinos and tigers are facing extinction. A 1994 Newsweek cover shouted that the tiger was "doomed" unless the international community took some concrete steps to save them. The Rhinoceros and Tiger Conservation Act was one of those positive steps. It was a lifeline to two species on the brink of disappearing and this fund remains the only dedicated annual source of money for rhinos and tigers in the world.

In the last 12 years, the Fish and Wildlife Service has received 744 conservation grant proposals to assist rhinos and tigers. The service has approved 321 projects in range countries throughout Africa and Asia. These proposals have received $7.8 million in federal funds with nearly $20 million in private matching funds.

This money has been used to finance a host of projects including the training of wildlife mangers; facilitating the reintroduction of white rhinos; a database on tiger poaching; a tiger community education program in Indonesia; monitoring tigers, prey and their habitat in India's tiger reserves; providing emergency veterinary services to treat injured black rhinos in Zimbabwe and investigating the poaching and trade of wild tiger parts in India. The sponsors of these projects include the International Rhino Foundation, The Wildlife Conservation Society and the World Wildlife Fund.

According to the World Wildlife Fund: "there is no question that these programs have been instrumental in the conservation progress that we have seen in the last decade". In fact, The U.S. Fish and Wildlife Service has indicated that: "it has been expressed by field experts that both the Javan and Sumatran rhinos might now be extinct were it not for the multinational species conservation funds".

The purpose of my legislation is to extend the authorization of appropriations for the African Elephant Conservation Act and The Rhinoceros and Tiger Conservation Act for an additional five years until September 30, 2012. While I extend the existing annual authorization levels of $5 million for elephants and $10 million for rhinos and tigers, the stark reality is that it is highly unlikely that these species will receive $15 million in funding each year. In fact, sadly, the more likely outcome is about $2 million per year.

Nevertheless, $2 million is a huge amount of money in many local African communities who do not have the funds to equip their wildlife rangers with such basic equipment as tents, uniforms or weapons to battle heavily financed and armed poachers.

This small investment of U.S. tax dollars has made a tremendous difference in the fight to save these species from extinction. However, the battle has not been won and it is essential that we reauthorize these two highly effective conservation funds. In the words of the U.S. Fish and Wildlife Service: "continued funding is critical in order to help support efforts for these critically endangered species". It will be a monumental tragedy if we allow these flagship species to disappear forever.

I urge my colleagues to support the Multinational Species Conservation Reauthorization Act of 2007.

INTRODUCING THE SOCIAL SECURITY FOR AMERICAN CITIZENS ONLY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. PAUL. Madam Speaker, today I introduce the Social Security for American Citizens Only Act. This act forbids the federal government from providing Social Security benefits to non-citizens. It also ends the practice of totalization. Totalization is where the Social Security Administration takes into account the number of year's an individual worked abroad, and thus was not paying payroll taxes, in determining that individual's eligibility for Social Security benefits!

Hard as it may be to believe, the United States Government already provides Social Security benefits to citizens of 17 other countries. Under current law, citizens of those countries covered by these agreements may have an easier time getting Social Security benefits than public school teachers or policemen!

Obviously, this program provides a threat to the already fragile Social Security system, and the threat is looming larger. The administration's totalization proposal, a version of which passed the other body in the 109th Congress, actually allows thousands of foreigners who would qualify for U.S. Social Security benefits actually came to the United States and worked here illegally. Adding insult to injury, the federal government may even give Social Security benefits to non-citizens who worked here for as little as 18 months.

That's right: the federal government may actually allow someone who came to the United States illegally, worked for less than the required number of years to qualify for Social Security, and then returned to Mexico for the rest of his working years, to collect full U.S. Social Security benefits while living in Mexico. That is an insult to the millions of Americans who pay their entire working lives into the system and now face the possibility that there may be nothing left when it is their turn to retire.

The proposed agreement is nothing more than a financial reward to those who have willingly and knowingly violated our own immigration laws. Talk about an incentive for illegal immigration! How many more would break the law to come to this country if promised U.S. government paychecks for life? Is creating a global welfare state on the back of the American taxpayer a good idea? The program also establishes a very disturbing precedent of U.S. foreign aid to individual citizens rather than to states.

Estimates of what this latest totalization proposal would cost top one billion dollars per year. As the system braces for a steep increase in those who will be drawing from the Social Security trust fund while policy makers seriously consider cutting Social Security benefits to American seniors and raising payroll taxes on American workers, it makes no sense to expand Social Security into a global welfare system. Social Security was designed to provide support for retired American citizens who worked in the United States. We should be shoring up the system for those Americans who have paid in for decades, not expanding it to cover foreigners who have not.

It is long past time for Congress to stand up to the internationalist bureaucrats and start looking out for the American worker. I therefore call upon my colleagues to stop the use of the Social Security Trust Fund as yet another vehicle for foreign aid by cosponsoring the Social Security for American Citizens Only Act.

TRIBUTE TO BEN STONE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Ms. WOOLSEY. Madam Speaker, I, along with my colleague Congressman MIKE THOMPSON, rise today to honor Ben Stone, who recently completed 20 years of service as head of the Sonoma County Economic Development Board. Under Ben's quiet but dynamic leadership, the Economic Development Board (EDB) has successfully implemented programs that have more than met the mandate of the County Board of Supervisors to enhance economic development by concentrating on new and innovative programs that enable businesses to remain competitive in a changing economy.

Ben came to Sonoma County from the Seattle area where he had been a county administrator in Port Angeles, Washington, a consultant with Arthur Andersen & Co. and a Special Projects Director with Scafco Corporation. He graduated from Whitman College in Walla Walla and received his masters of Public Administration from the University of Washington in Seattle.

Ben tells the story that, after coming to Sonoma County, he was informed that a decision had been made to close the EDB. However, he commenced creating programs atypical of economic development, which bolstered the local economy, and, 20 years later, the EDB is thriving under his leadership.

With the help of a small staff and interns, Ben has developed a number of award-winning programs in concert with local private and public sectors. Many of these programs have been successfully transitioned to community-based organizations.

Among them are the Sonoma County Tourism Program, which served to increase tourism 31 percent; two technology groups (SofTech, a trade group, and the North Bay Techonology Roundtable, a policy group); Youth Business Week; the Business Environmental Alliance; the North Bay World Trade Association; the Small Business Center now operated by Santa Rosa Junior College; a home-based business project; and a business crime prevention program. Ben's office still operates the Sonoma County Film Commission.

Ben also initiated a broad-based strategic planning process resulting in the formation of bachelors and master's degree programs in Engineering Science at Sonoma State University, a new cooperative agricultural marketing program, and an economic research program. An EDB forum, the Business Regulatory Roundtable, involving elected officials, regulatory agencies, and business executives to improve local regulatory processes, resulted in Northern California's first multi-agency Permit Assistance Center.

By creating the Economic Development Board Foundation, the EDB is able to support research projects, bring expert speakers to discuss aspects of the economy at local presentations twice annually, present an annual State of the County program, and recognize local business men and women at the annual Spirit of Sonoma County Awards program.

Ben developed one of the most visited websites in the County. The EDB pages contain all the research reports, information on upcoming events, the latest initiatives sponsored by his office, and the first live web cast of the State of the County event. In addition, Ben helped establish the California-Swiss Foundation, the World Affairs Council, and has been on the boards of the Sonoma County Museum, the Sonoma County YMCA, and presently is a member of the President's Council at Santa Rosa Junior College.

Some form of the Economic Development Board has been a part of Sonoma County since the late 1950s. If you wanted assistance from Ben in the early days of his 20-year tenure, your first task would be to find his office, which moved four times in the first 10 years before finding a home on College Avenue in Santa Rosa. His long-time friends particularly recall his small office on Cleveland Avenue piled with filing boxes that a visitor clambered over to reach his desk.

A wall of certificates and plaques now greets visitors to his office, including a Grand Prize for Excellence from the California Association of Economic Development; four Achievement Awards from the National Association of Counties; and six Innovation Awards from the National Association of Development Organizations.

Madam Speaker, we want to honor Ben Stone today for his 20 years of service to Sonoma County and the Economic Development Board. He has made many friends in the many communities he serves and is always willing to give a boost to new arrivals or make that important contact for someone who needs assistance. As Ben always says to others, we wish him many more "Onward and Upward" years at the Sonoma County Economic Development Board.

INTRODUCTION OF LOWER BRULE AND CROW CREEK TRIBAL COMPENSATION ACT

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Ms. HERSETH. Madam Speaker, today I am pleased to introduce the Lower Brule and Crow Creek Tribal Compensation Act. This bill would fully compensate the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe in South Dakota for the lands that they lost in the last century as a result of the federal government's construction of the massive dams on the main stem of the Missouri River.

The 1944 Flood Control Act cost these tribes much in terms of lost land. It also took an enormous toll on the people of both tribes and their economies. It is critically important that we seek to fully reimburse these tribes for the lands they lost.

The Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe are both constituent bands of the Great Sioux Nation. Both border on the Missouri River in central South Dakota and are connected by the Big Bend Dam.

Congress created a trust fund for the Crow Creek Sioux Tribe in 1996, and a separate trust fund for the Lower Brule Sioux Tribe in 1997. These trust funds sought to compensate the tribes for the value of their land that is now permanently inundated as a result of the construction of the Big Bend Dam. Unfortunately, the compensation amounts between different but similarly situated tribes varied greatly along the Missouri River. The result was unfair and inadequate compensation trust funds for these tribes. This act is designed to create consistency among the affected tribes and to bring some long-overdue closure to two tribes whose best lands were inundated decades ago.

This legislation already has a history that spans multiple Congresses. An earlier version of this bill was reported by the Senate Committee on Indian Affairs in the 108th Congress and ultimately passed the Senate. In the 109th Congress it was amended in the Senate after further hearings and then reported. I am hopeful that the House will move quickly in the 110th to Congress to advance this important legislation.

Compensation for these tribes would mean an ability to actively work for the betterment of their communities. It would mean adequate roads and improved community facilities. It would mean better health care and newer schools. It would mean attracting commercial business and improving the local economy. Most importantly, it would mean a real chance for these tribes to provide future generations with the tools that so many of us take for granted.

I would ask all of my distinguished colleagues to support the Lower Brule and Crow Creek Tribal Compensation Act and work with me to enact legislation that would fairly and appropriately compensate members of the Lower Brule and Crow Creek Sioux Tribes. I ask you to do it because of the tremendous positive difference it would make in the lives of those affected—and because it is the right and fair thing to do.

HONORING BEN STONE OF SONOMA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. THOMPSON of California. Madam Speaker, I, along with my colleague Congresswoman LYNN WOOLSEY, rise today to honor Ben Stone, who recently completed 20 years of service as head of the Sonoma County Economic Development Board. Under Ben's quiet but dynamic leadership, the Economic Development Board (EDB) has successfully implemented programs that have more than met the mandate of the County Board of Supervisors to enhance economic development by concentrating on new and innovative programs that enable businesses to remain competitive in a changing economy.

Ben came to Sonoma County from the Seattle area where he had been a county administrator in Port Angeles, Washington, a consultant with Arthur Andersen & Co. and a Special Projects Director with Scafco Corporation. He graduated from Whitman College in Walla

Walla and received his Masters of Public Administration from the University of Washington in Seattle.

Ben tells the story that, after coming to Sonoma County, he was informed that a decision had been made to close the EDB. However, he commenced creating programs atypical of economic development, which bolstered the local economy, and, 20 years later, the EDB is thriving under his leadership.

With the help of a small staff and interns, Ben has developed a number of award-winning programs in concert with local private and public sectors. Many of these programs have been successfully transitioned to community-based organizations.

Among them are the Sonoma County Tourism Program, which served to increase tourism 31 percent; two technology groups (SofTech, a trade group, and the North Bay Technology Roundtable, a policy group); Youth Business Week; the Business Environmental Alliance; the North Bay World Trade Association; the Small Business Center now operated by Santa Rosa Junior College; a home-based business project; and a business crime prevention program. Ben's office still operates the Sonoma County Film Commission.

Ben also initiated a broad-based strategic planning process resulting in the formation of bachelors and master's degree programs in Engineering Science at Sonoma State University, a new cooperative agricultural marketing program, and an economic research program. An EDB forum, the Business Regulatory Roundtable, involving elected officials, regulatory agencies, and business executives to improve local regulatory processes, resulted in Northern California's first multi-agency Permit Assistance Center.

By creating the Economic Development Board Foundation, the EDB is able to support research projects, bring expert speakers to discuss aspects of the economy at local presentations twice annually, present an annual State of the County program, and recognize local business men and women at the annual Spirit of Sonoma County Awards program.

Ben developed one of the most visited websites in the County. The EDB pages contain all the research reports, information on upcoming events, the latest initiatives sponsored by his office, and the first live web cast of the State of the County event In addition, Ben helped establish the California-Swiss Foundation, the World Affairs Council, and has been on the boards of the Sonoma County Museum, the Sonoma County YMCA, and presently is a member of the President's Council at Santa Rosa Junior College.

Some form of the Economic Development Board has, been a part of Sonoma County since the late 1950s. If you wanted assistance from Ben in the early days of his 20-year tenure, your first task would be to find his office, which moved four times in the first 10 years before finding a home on College Avenue in Santa Rosa. His long-time friends particularly recall his small office on Cleveland Avenue piled with filing boxes that a visitor clambered over to reach his desk.

A wall of certificates and plaques now greets visitors to his office, including a Grand Prize for Excellence from the California Association of Economic Development; four Achievement Awards from the National Association of Counties; and six Innovation Awards, from the National Association of Development Organizations.

Madam Speaker, we want to honor Ben Stone today for his 20 years of service to Sonoma County and the Economic Development Board. He has made many friends in the many communities he serves and is always willing to give a boost to new arrivals or make that important contact for someone who needs assistance. As Ben always says to others, we wish him many more "Onward and Upward" years at the Sonoma County Economic Development Board.

INTRODUCING THE PRESCRIPTION DRUG AFFORDABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Prescription Drug Affordability Act. This legislation ensures that millions of Americans, including seniors, have access to affordable pharmaceutical products. My bill makes pharmaceuticals more affordable to seniors by reducing their taxes. It also removes needless government barriers to importing pharmaceuticals and it protects Internet pharmacies, which are making affordable prescription drugs available to millions of Americans, from being strangled by federal regulation.

The first provision of my legislation provides seniors a tax credit equal to 80 percent of their prescription drug costs. While Congress did add a prescription drug benefit to Medicare in 2003, many seniors still have difficulty affording the prescription drugs they need in order to maintain an active and healthy lifestyle. One reason is because the new program creates a "doughnut hole," where seniors lose coverage once their prescription expenses reach a certain amount and must pay for their prescriptions above a certain amount out of their own pockets until their expenses reach a level where Medicare coverage resumes. This tax credit will help seniors cover the expenses provided by the doughnut hole. This bill will also help seniors obtain prescription medicines that may not be covered by the Medicare prescription drug program.

In addition to making prescription medications more affordable for seniors, my bill lowers the price for prescription medicines by reducing barriers to the importation of FDA-approved pharmaceuticals. Under my bill, anyone wishing to import a drug simply submits an application to the FDA, which then must approve the drug unless the FDA finds the drug is either not approved for use in the U.S. or is adulterated or misbranded. This process will make safe and affordable imported medicines affordable to millions of Americans. Madam Speaker, letting the free market work is the best means of lowering the cost of prescription drugs.

I need not remind my colleagues that many senior citizens and other Americans impacted by the high costs of prescription medicine have demanded Congress reduce the barriers which prevent American consumers from purchasing imported pharmaceuticals. Congress has responded to these demands by repeatedly passing legislation liberalizing the rules governing the importation of pharmaceuticals. However, implementation of this provision has been blocked by the federal bureaucracy. It is time Congress stood up for the American consumer and removed all unnecessary regulations on importing pharmaceuticals. .

The Prescription Drug Affordability Act also protects consumers' access to affordable medicine by forbidding the Federal Government from regulating any Internet sales of FDA-approved pharmaceuticals by state-licensed pharmacists.

As I am sure my colleagues are aware, the Internet makes pharmaceuticals and other products more affordable and accessible for millions of Americans. However, the federal government has threatened to destroy this option by imposing unnecessary and unconstitutional regulations on web sites that sell pharmaceuticals. Any federal regulations would inevitably drive up prices of pharmaceuticals, thus depriving many consumers of access to affordable prescription medications.

In conclusion, Madam Speaker, I urge my colleagues to make pharmaceuticals more affordable and accessible by lowering taxes on senior citizens, removing barriers to the importation of pharmaceuticals and protecting legitimate Internet pharmacies from needless regulation by cosponsoring the Prescription Drug Affordability Act.

UNIVERSITY OF KANSAS HOSPITAL DESIGNATED AS MAGNET HOSPITAL BY THE AMERICAN NURSES CREDENTIALING CENTER

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. MOORE of Kansas. Madam Speaker, on Wednesday, December 20, 2006, the University of Kansas Hospital became the first hospital in Kansas to attain the coveted Magnet™ designation. The Department of Nursing began working toward this goal in 2002.

Since the American Nurses Credentialing Center developed the Magnet Recognition Program® in 1990, approximately 225 facilities—less than 3 percent of all hospitals—have attained Magnet designation. To join this exclusive group, both the nursing staff and hospital have demonstrated their ability to meet and exceed more than 150 professional standards of excellence.

Magnet designation recognizes the quality and importance of our nursing department. It also emphasizes the important role our nurses play in the hospital's success. Magnet hospitals exemplify the very best in patient care and outcomes. Just 3.5 percent of health care organizations are Magnet hospitals.

This designation proves the commitment of the University of Kansas Hospital to excellent patient care outcomes. Magnet designation means a hospital outperforms others and is statistically proven to have: higher quality care; better patient outcomes; lower mortality rate; significantly higher levels of patient satisfaction; salaries typically above average; excellent nursing recruitment; higher nursing retention; and greater consumer confidence. Madam Speaker, I am proud to have the opportunity to bring this noteworthy designation to your attention, and to the attention of the House of Representatives as a whole.

PROTECTING IMPACT AID FOR NORTH SUBURBAN SCHOOLS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. KIRK. Madam Speaker, today I am introducing a bill to ensure the federal government fulfills an important obligation to the families of servicemen and women in my district. In 1950, President Harry Truman established the Impact Aid program to assist school districts and communities that lose their property tax base because of the presence of the federal government. Without this federal money, the burden would fall to the remaining residents whose property taxes would continue to rise while impacting the quality of education which can be provided. The Impact Aid program helps to alleviate this problem by directly reimbursing public school districts for the loss of traditional revenue sources.

For years Impact Aid was fully funded and offered some of the strongest direct assistance to military families across the nation. Unfortunately, over the last decade we have fallen behind on this commitment, and it is time to reverse this trend.

While I support fully funding the Impact Aid program, I believe the situation in my district warrants special attention. In order to ensure that our students most in need continue to receive necessary resources, I have introduced this bill to help North Chicago to continue to qualify for heavily impacted payments, and Glenview and Highland Park receive fair compensation.

Due to a unique housing situation for the Great Lakes Naval Training Facility, Impact Aid funding should be higher in five of my school districts. This Naval base is located in North Chicago, one of the poorest school districts in my state. However, some service members and their families live in Navy housing obtained when Ft. Sheridan and Naval Air Station Glenview, located in other suburbs, were closed in the 1990's. These former bases are located within the boundaries of other school districts that now must bear the economic cost of educating children from a base, but receive none of the economic benefits a base provides. Thus, it is vitally important that we both ensure North Chicago continues to receive heavily impacted payments for the benefit of students living there, and that the surrounding communities are more fairly compensated for their loss of property taxes.

By passing this bill, the federal government will be fulfilling its responsibility to these communities, and giving our military families the support they deserve.

HONORING THE SERVICE AND RETIREMENT OF CHARLES E. COOKE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize the service of a valued staff member—Charles E. Cooke—who retired this month from the House Science Committee. As a professional staffer on the Energy Subcommittee, Charlie's expertise on the issues of energy production, energy research and development, and energy conservation have been unmatched.

Charlie has been working on energy issues since the 1960s, when he was a staffer for the Texas State Legislature. In the 1970s he moved to Washington to work with the Federal Power Commission. He represented Southern California Edison in its Washington office in the late seventies. From 1979 to 1985 he was a principal in a consulting firm that represented Texas interests in Washington and Austin.

Charlie came to Capitol Hill in 1985, first as a legislative assistant to Rep. RALPH HALL (TX) and then as staff of the Committee on Science. In 1990, Charlie went back to work for Southern California Edison on energy restructuring, telecommunications, electric transportation, and tax issues. After leaving Edison, he joined the EOP Group, an energy and environmental consulting firm, and then returned to the Hill in 1998 to serve as Special Assistant to Congressman HALL, working on utility restructuring. Finally, in 2000 Charlie returned to the Science Committee as a professional staff member with responsibility for energy issues.

Before switching to the political science field, Charlie began his early studies in electrical engineering, and his engineering training comes through, both in his approach to problems and in his passions: home improvement and landscape architecture. He has been an active volunteer in planning the House botanical gardens and on the Advisory Board of the Landscape Architecture Department at the University of Texas.

Charlie's easygoing personality, issue expertise, and his talent for making great barbeque will be long remembered on this Committee. The Science Committee's Members and staff wish him well as he moves on to new endeavors and a relaxing retirement. Thank you, Charlie, for your many years of dedicated and loyal service.

TRIBUTE TO THE FIRST GREEK ORTHODOX CHURCH OF SPRINGFIELD, MASSACHUSETTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. NEAL of Massachusetts. Madam Speaker, it is my privilege to pay my respects to the First Greek Orthodox Church in Springfield, Massachusetts, upon the occasion of its 100th anniversary.

In 1907 an old house was acquired on Auburn Street, converted into a place of worship and it was here that the rapidly growing Greek community held their first church services.

By 1920 the Greek population had grown so large that the Auburn Street building no longer could accommodate the members of St. George's Greek Orthodox Church. A building fund campaign was soon inaugurated to raise the funds to buy a new church. A building was purchased on Patton Street which provided adequate facilities for church services, a Greek school and administrative offices.

By 1940 the Greek population had again increased greatly. It was at this time that the Congregational Memorial Church at Main and Plainfield Streets became available. The Greek community took advantage of this opportunity and purchased the Memorial Church and its spacious parish house on October 7, 1940. This magnificent Gothic church, built in 1866, was designed by the noted architect, Richard Upjohn, with a high vaulted ceiling and priceless stained glass windows.

By 1975 the Church began looking at new sites for a community center and by June 1977 it was decided that St. George would expand and stay in Springfield. A General Assembly approved plans for a parish center by purchasing the old Memorial Square Library Building. The St. George Greek Orthodox Church Cultural Center was opened in 1978 and to the present time it houses administrative offices, classrooms for Sunday and Greek schools, a gymnasium and facilities for social functions. A chapel was added to the building in 1986.

The first Greek immigrants in Springfield brought with them their history, their philosophies, their democratic ideals, their courage, their culture and traditions, their Greek language and customs, their festive celebrations, their foods, music and dance and most of all their Greek Orthodox faith which they have handed down from one generation to the next all of which we celebrate this centennial year.

INTRODUCTION OF THE GERALD R. FORD, JR. POST OFFICE ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise to introduce legislation to name the post office in Vail, Colorado, after our Nation's 39th President, Gerald R. Ford, Jr.

I believe this legislation is appropriate as another means of honoring the legacy of President Ford, in large part because of his special connection to Colorado and the Vail Valley.

In 1968 then-Congressman Ford and his wife, Betty, first came to Colorado with their children to celebrate Christmas and to ski in the mountains at Vail. Like many other visitors, President Ford was inspired by the beauty of the area and found a connection to the land and to the surrounding community.

The Fords later owned a home and continued to vacation in Vail. When he became

President, his vacations in Colorado helped introduce the world to the Town of Vail, and in fact, the family home was dubbed "the Western White House."

Vail residents knew President Ford and his family as neighbors and friends and are proud of their long association with them. Gerald Ford was beloved in Vail, where he was known to be a good neighbor, an avid golfer and a lover of the outdoors.

President Ford will rightly be remembered for his personal warmth, his decency, his interest in bridging the many divisions in America during the 1970s. My father, Mo Udall, served in Congress with Gerald Ford, and while they were often on different sides in political matters—so much so that my father hoped to run against President Ford in the famous election of 1976—they were united by a common view that politics should unite people. They both were firm believers that in public life one could disagree without being disagreeable.

This is a credo I continue to believe in, and I commend the memory of both good men to this House, an institution they loved.

Coloradans, especially those in the Vail Valley, have come to think of him as the first President from Colorado because he was a great ambassador for the State, who established long ties to the people of Colorado.

As a dedicated public servant, President Ford served honorably in his years in Congress and in the White House. Most important, when America needed someone to reassure their trust in government after Watergate, he filled that leadership role with authenticity.

I believe President Ford's special relationship and legacy in Colorado should be appropriately recognized by naming the postal facilities in Vail, Colorado, in his honor.

IMMIGRATION ENFORCEMENT AND SOCIAL SECURITY PROTECTION ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. DREIER. Madam Speaker, in the last two Congresses we have spent considerable time on the extremely important issue of immigration and homeland security. In the 108th Congress, we passed the National Intelligence Reform Act, a landmark piece of legislation to overhaul our intelligence agencies. But, as I noted at that time, the bill unfortunately did not go far enough in addressing the major security vulnerability presented by the porous nature of our borders.

Seeing that need, in the 109th Congress we debated immigration extensively and even passed H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. Regrettably, the Senate failed to act on this important piece of legislation. That is why I rise to ask for the support of my colleagues for an illegal immigration control plan that I am pleased to introduce today. This proposal, the Immigration Enforcement and Social Security Protection Act, is designed to eliminate up to 98 percent of the illegal border crossings into the United States.

I believe that in order for any proposal to stop illegal immigration to be successful, it must get at the root cause of what attracts illegal immigrants to our country—and that is the lure of economic opportunity and the ease with which illegal workers can find jobs. Under the Immigration Enforcement and Social Security Protection Act, we will dramatically increase the enforcement of laws which prohibit American businesses from employing illegal immigrants. Regrettably, too many employers have been unwilling to comply with the law. The growing availability of counterfeit identity documents has also undermined the current system because employers are increasingly unable to establish the authenticity of documents presented by job applicants.

Our legislation adds new features to the Social Security card to deter counterfeiting and make it easier for employers to determine whether a card is genuine by including a digitized photo of the cardholder on the card. The improved Social Security card will also be encoded with a unique electronic encryption code to allow employers to verify each prospective applicant's work eligibility status prior to hiring, through either an electronic card-reader or a toll-free telephone number. The Department of Homeland Security will be required to establish and maintain an Employment Eligibility Database with information on a person's proof of citizenship data, work, and residency eligibility information, including expiration dates for non-citizens. This database will also include information from the Social Security Administration that the Commissioner determines necessary and appropriate for the purpose of verifying an individual's work eligibility status. Employers who hire an illegal immigrant or choose not to verify a prospective employee's work eligibility will face stiff federal fines of $50,000 and up to 5 years in prison. The employer would also be required to reimburse the government for the cost of deporting the illegal immigrant. Moreover, this bill provides that no officer or employee of the Department of Homeland Security shall have access to any information contained in the Employment Eligibility Database for any purpose other than the establishment of a system of records necessary for the effective administration of this act, and will imposes penalties of $10,000 in fines and mandatory-minimum sentence of 5 years in prison on anyone who misuses information on the database.

With the improved Social Security card and national verification system, employers will have no excuse for hiring illegal immigrants. By eliminating the supply of jobs for illegal workers, we will end the incentive for illegal immigrants to enter the United States because they will know that they will be unable to make a living here. Legal workers will only need to update their Social Security card once to have their photo placed on the card and for other long-overdue anti-fraud measures to be applied. Moreover, a worker would only need the updated Social Security card when applying for a new job. I want to make it very, very clear that this proposal does not represent the creation of a national identification card. This bill strictly prohibits the use of the Social Security card as a national ID card, and stipulates that the card not be required to be routinely carried on one's person. Social Security cards are often already required to be provided to new employers; the changes we are proposing to the Social Security card take us no further down the road of creating a national ID card. It should be noted that the government already has the information that would be contained in the Employment Eligibility Database: an individual's eligibility to work under the law is dependent on whether they are a U.S. citizen, and if not, their immigration status. Finally, the Immigration Enforcement and Social Security Protection Act also puts teeth into the new enforcement procedures by calling for the addition of 10,000 new Homeland Security officers whose sole responsibility will be to enforce employer compliance with the law. These new agents will free up the rest of the Border Patrol to exclusively focus on border enforcement and terrorism prevention.

Madam Speaker, I do not stand here today to tell the rest of the world that we intend to limit opportunities for the American dream to be fulfilled. As my good friend Arnold Schwarzenegger, Governor of my home state of California and an immigrant himself has said, many arrive in America "owning nothing but a dream." However, the Governor has also noted that the first order of our government must be to provide security for our borders. If foreign nationals wish to come to the United States, they must, as Governor Schwarzenegger said, "play by the rules," and we must make clear that there will be no economic opportunity for anyone who enters this country illegally. I look forward to continuing to work with my colleagues in this effort, and hope they will consider joining me as we take action on this vital national security priority.

I would like to thank my original co-sponsors for this legislation, including, Mr. REYES of Texas, who began his career in public service with the U.S. Immigration and Naturalization Service in the U.S. Border Patrol, where he worked for 26½ years, as well as my colleagues from California, Mr. ISSA, Mr. CALVERT, and Mr. BILBRAY.

THE PATERSON GREAT FALLS NATIONAL PARK ACT OF 2007

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. PASCRELL. Madam Speaker, it is my pleasure today to introduce the Paterson Great Falls National Park Act of 2007. This bipartisan legislation is cosponsored by every Member of the New Jersey Congressional delegation, and would designate a National Park at the majestic Great Falls in Paterson, New Jersey. I urge my colleagues to pass this legislation as soon as possible.

Fifteen miles west of New York City, the Great Falls was the second largest waterfall in colonial America. No other natural wonder in America has played such an important role in our Nation's historic quest for freedom and prosperity. At the Great Falls, Alexander Hamilton conceived and implemented a plan to harness the force of water to power the new industries that would secure our economic independence.

Hamilton told Congress and the American people that at the Great Falls he would begin implementation of his ambitious strategy to transform a rural agrarian society dependent upon slavery into a modern economy based on freedom. True to Hamilton's vision, Paterson became a great manufacturing city, producing the Colt revolver, the first submarine, the aircraft engine for the first trans-Atlantic flight, more locomotives than any city in the Nation, and more silk than any city in the world.

New Jersey's Great Falls is the only National Historic District that includes both a National Natural Resource and a National Historic Landmark. In a special Bicentennial speech in Paterson with the spectacular natural beauty of the Great Falls in the background, the late President Gerald R. Ford said, "We can see the Great Falls as a symbol of the industrial might which helps to make America the most powerful nation in the world."

Preeminent Hamilton biographers; an esteemed former Smithsonian Institution curator, the former chief of the National Park Service Historic American Engineering Record, and distinguished professors at Yale, Princeton, Harvard, NYU, Brown and other universities have filed letters with the National Park Service strongly recommending a National Historical Park for the Great Falls Historic District. Editorial boards, federal, state, and local officials and community groups have also endorsed the campaign to award a National Park Service designation to the Falls.

Scholars have concluded that Pierre L'Enfant's innovative water power system in Paterson, and many factories built later, constitute the finest remaining collection of engineering and architectural structures representing each stage of America's progress from a weak agrarian society to a leader in the global economy. It is a little known fact that L'Enfant was hired by Hamilton to create Paterson as the sister city to Washington, DC, having completed his plan of Washington only months before arriving in Paterson.

This proposed National Park would also encompass historic Hinchliffe Stadium, which was added to the National Register of Historic Places by the National Park Service in 2004. This stadium, built in 1932, is adjacent to the Great Falls and was home to the New York Black Yankees. Baseball legend Larry Doby played in Hinchliffe Stadium both as a star high school athlete and again as a Negro League player, shortly before becoming the first African-American to play in the American League.

Madam Speaker, Congress must act now to pass this vital piece of legislation, so that we may fully recognize these cultural and historic landmarks that have played such a seminal role in America's history.

STATEMENT OF INTRODUCTION OF THE COMMISSION TO STUDY REPARATION PROPOSALS FOR AFRICAN-AMERICANS ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. CONYERS. Madam Speaker, today I come before this body to reintroduce the Commission to Study Reparation Proposals for African-Americans Act. I have advanced the Commission bill for over 15 years to direct attention to a historical wrong that warrants substantial consideration and discussion. Since introduction in 1989, I have never intended to spark controversy or promote division. Rather, I have worked to further a national dialogue on the plight of African Americans in the context of slavery, Jim Crow, and other legally sanctioned discrimination.

As a result, our dialogue has become more substantive and afforded us invaluable knowledge over the years. This Congress I intend to continue such discourse. I will also work to ensure that more people understand the benefit and the promise of a Commission. Unfortunately, there are too many that do not understand its purpose. This means that we must dispel the myths and correct the mistruths surrounding the Commission bill.

Each Congress, the conversations and efforts surrounding the Commission bill become more mature and sophisticated. Today we have a better understanding of slavery and its implications than we did 16 years ago. Since 1989, over forty states and cities have passed legislation in support of the Commission bill. In 2002, lawsuits were filed against U.S. corporations for their role in perpetuating slavery. The following year, in 2003, Brown University created the Committee on Slavery and Justice to assess the University's role in slavery and determine a response. And in 2004, a federal appeals court ruled that statute of limitations prevented redress in the case of the 1921 Tulsa Race Riot, but opened the door for legislative recourse.

Most recently, on December 13, 2006, a federal appeals court ruled that U.S. corporations can be found guilty of consumer fraud for failing to disclose their roles in slavery. Just a few weeks earlier, on November 27th, Prime Minister Tony Blair condemned the African slave trade and Britain's participation. As Brown University prepares to act on Committee recommendations in February, and on the eve of the 200th anniversary of Britain's prohibition of slavery in March, productive discussions on both the national and global levels seem promised.

However, as this dialogue continues to grow, one entity is noticeably absent—the federal government. The Commission would ensure proper participation in this conversation, in addition to taking us giant steps towards closure on this matter. The truth is that the institution of slavery will continue to tarnish the American national story until we confront this part of our history. While a Commission will not erase the past, it can bring us closer to racial reconciliation and advancement.

A Commission would not only examine the institution of slavery, but the legacy of slavery that weighs heavily on this country. Just last Congress, a bipartisan collective reauthorized the Voting Rights Act because racial inequities and injustices are a reality. This reality is the result of the social, economic, and political disenfranchisement African Americans have endured throughout our experience in this country. For a majority of this nation's history, this disenfranchisement was mandated by law. Disparities in education, housing, healthcare and other critical aspects of society have resulted.

After examining the issues, the Commission would recommend appropriate remedies to Congress. There is this common misperception that "remedies" means monetary compensation. Let me be clear, the Commission bill does not mandate financial payments of any kind. Recommendations would be at the sole discretion of the Commission. It is unfair to dismiss the idea of a Commission based on a fear that monetary reparations will be warranted. We need to understand that a reparations discussion goes beyond money.

We must also recognize that understanding slavery and its modern day implications is in the best interest of our society. This nation should serve as an example for corporations, universities, and other countries. In the 110th Congress, I look forward to open and constructive discourse about the Commission bill.

TRIBUTE TO HARVEY CHRISTIE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mrs. CAPITO. Madam Speaker, I rise to honor the life of Harvey Christie, better known to people across West Virginia as Chef Harv. Chef Harv was tragically killed at age 42 in a car accident near Romney, West Virginia on December 1, 2006. He is survived by his wife Christy and two children.

Chef Harv traveled across West Virginia, as a caterer, as the host of "West Virginia Cooks", a Public Broadcasting cooking show, and as a champion for local agriculture products in our state.

Chef Harv never stopped promoting West Virginia's small farmers and food products. Whether it was catering a community dinner or visiting 4–H camp, he inspired a love for our state's agriculture goods to countless people.

Each year Chef Harv made the trip to Washington to remind members of Congress of the importance of supporting our local farmers. On each trip he cooked for "A Taste of the Virginias" held in a House office building—providing a meal made entirely from items grown in West Virginia or Virginia.

The amazing food Chef Harv prepared, like his award winning "Harv's Hot Pepper Jelly" was matched only by his outgoing, engaging personality that was an inspiration to those around him. West Virginia's agriculture community has suffered a tremendous loss with his passing, and he will be missed by countless friends across our state.

On January 13, Chef Harv's family and friends will gather to remember a life that ended much too soon. My thoughts and prayers are with his wife, children, and all of his friends and family during this difficult time.

NORMAL TRADE RELATIONS WITH VIETNAM

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. FRANKS of Arizona. Madam Speaker, on December 8, 2006, the House considered H.R. 6406, which, among other things, authorized the permanent extension of nondiscriminatory treatment (normal trade relations) to the products of Vietnam. While I am a strong proponent of free trade and I am committed to helping broaden the United States' relationship with Vietnam, I could not, in good conscience, vote for this legislation.

I continue to hold serious concerns about Vietnam's human rights record, as well as their handling of cases regarding U.S. Armed Forces personnel missing and killed in action during the Vietnam War.

Madam Speaker, I truly believe that the overall benefits of free trade are numerous for our country and that of our trading partners. These positive aspects include a higher economic standard of living, a wider range of higher quality products at lower costs, and a migration of workers from less competitive markets to more competitive and productive markets. As a former small business owner, I am and will remain a strong advocate for free trade.

However, I also believe that religious liberty and respect for human rights should be requirements for achieving the broadest possible economic success.

INTRODUCTION OF FEDERAL JUDGESHIP FOR U.S. DISTRICT COURT, DISTRICT OF NEBRASKA

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. TERRY. Madam Speaker, I rise today to call attention to a looming judicial crisis in my state of Nebraska. Today, with my Nebraska colleagues Congressman JEFF FORTENBERRY and Congressman ADRIAN SMITH, I am introducing legislation to create an additional federal judgeship for the United States District Court, District of Nebraska.

Nebraska has three permanent judgeships and three senior judges. An additional temporary judgeship was created in 1990 and lapsed in May 2004 when a judge took senior status, despite recommendations by the Judicial Conference of the United States to convert the temporary status to a permanent position. After the lapse, the Judicial Conference has continued to recommend an additional permanent judgeship. To further burden the district, two of the court's three senior judges are in their early eighties and do not take full caseloads. The third senior judge also cannot handle a full caseload due to health reasons, and as a result, the senior judges provided the equivalent of less than one active judge in 2005.

Our delegation has introduced this important legislation on the very first day of the 110th Congress because the need for immediate Congressional action has never been greater. Nebraska's federal district courts handle a heavy caseload, not unlike many federal district courts nationwide. However, the number of Nebraska federal district court judges' criminal felony filings ranks them 5th nationwide and is more than twice the national average. Furthermore, the Nebraska judges have increased their overall number of completed trials by 41 percent since 2001 and now rank 2nd nationwide on a per-judgeship basis.

Weighted filings currently total 590 per judgeship, the 7th highest total in the Nation. Based on the current total of three authorized judgeships, the court's weighted filings are well above the standards of 500 per judgeship for small courts.

These numbers mean nothing unless they are put into a real life context. Nebraska is a rural state and the judges must travel long distances in order to try cases. For example, judges in Omaha must travel almost 600 miles four times per year to conduct 2-week jury sessions. Additionally, magistrates are sent out one month prior to the judge's arrival to conduct pretrial conferences on all cases pending trial. All this travel takes its toll on these judges and forces them at times to use the services of judges from other districts.

The strain on assistance from senior judges, the high number of felony criminal cases and the heavy weighted caseload demonstrate clearly that the district of Nebraska requires four permanent judgeships. I call on all of my colleagues to recognize the pressing need for immediate Congressional action to create an additional federal judgeship in Nebraska.

TRIBUTE TO MARE ISLAND ORIGINAL 21ERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to invite my colleagues to join me in honoring the Mare Island Original 21ers for their efforts to end racial discrimination at Mare Island Naval Shipyard.

On November 17, 1962, 21 African American workers at Mare Island Naval Shipyard in Vallejo, CA, took a historic step by filing a racial discrimination complaint with President Kennedy's newly created Committee on Equal Job Opportunities. The complaint quickly helped lead to sweeping changes locally at the shipyard and nationally at military installations, including early affirmative action-type programs. All the men wanted was a wage comparable to their white co-workers and to be treated equally. What they started was a chain reaction that reverberated around the country. The group would become known as the Mare Island Original 21ers, and would forever change the base's social landscape.

Despite these pioneering steps, their early civil rights efforts remain in obscurity. The group's surviving members still talk about the movement, but the full story was buried in the 1960s and only recently came to light as a result of a series of newspaper articles by Vallejo Times Herald reporter Matthias Gafni.

Their story is typical of the time. Vallejo was a Navy town, and a separated one. With its naval shipyard, Vallejo has always had a population reflecting a wide range of ethnic backgrounds; but it was not always harmonious. In the late 1950s minorities were mostly working in unskilled positions at Mare Island as sandblasters, laborers and cleaners, with efforts to keep them out of certain positions. The discrimination was not restricted to withholding promotions and unfair hiring practices, according to one of the workers. At every phase of each work day they faced discrimination.

By 1960 the Civil Rights Movement was in its infancy and the African American workers were losing patience. In March 1961, President Kennedy issued an executive order establishing a sweeping, government-wide Equal Employment Opportunity Policy. 21 workers began organizing under the leadership of Willie Long, meeting in complete secrecy to protect their safety and their jobs. A complaint was drafted and 25 workers ultimately signed it. The complaint covered deplorable conditions for black workers, involving promotions, the apprenticeship program, and general unfair treatment. The shipyard commander found no pattern of discrimination, but President Kennedy's committee was inundated with similar complaints from around the country and changes were finally made after several years. Almost everyone who signed the original complaint was promoted to supervisor and fortunately escaped any of the serious reprisals they feared.

Their quiet but risky fight for equal treatment helped change our Nation. These heroic men included Willie Long, Boston Banks, Jr., Matthew Barnes, Louis Greer, Jake Sloan, Charles Fluker, Clarence Williams, James Davis, Thomas King, Robert E. Borden, James O. Hall, Matthew Luke, Herman Moore, Jimmie James, John L. McGhee, James J. Colbert, Virgil N. Herndon, Eddie Brady, Brodie Taylor, W.J. Price, Levi Jones, Herbert H. Lane, Kermit Day, and Charles Scales.

Madam Speaker, in tribute to these men and their fight for equal rights, it is proper for us, and it is indeed my honor, to formally recognize the Mare Island Original 21ers, and thank them for their heroic actions.

THE INTRODUCTION OF THE UDALL-EISENHOWER ARCTIC WILDERNESS ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. MARKEY. Madam Speaker, the Udall-Eisenhower Arctic Wilderness Act honors two great American visionaries by designating the coastal plain of the Arctic National Wildlife Refuge as wilderness in their names and giving permanent protection to this great unspoiled wild place. Republican President Dwight D. Eisenhower began the bipartisan legacy of fighting to protect this majestic area for future generations of Americans when he set aside the core of the Refuge in 1960. Twenty years later, in 1980, Democratic Representative Morris Udall succeeded in doubling the size of the Refuge, protecting even more of this untrammeled wilderness from oil drilling.

President Eisenhower and Morris Udall had the vision to protect a remote but very special piece of pristine wilderness. I am proud to introduce legislation today along with Representative JIM RAMSTAD of Minnesota that would complete the job they began by giving permanent protection to the coastal plain of the Refuge.

I am also proud to introduce this legislation under the bill number H.R. 39, a bill number with important historical significance in the effort to preserve the land within the Arctic Refuge. H.R. 39 was the bill number given to Mo Udall's Alaska Natural Interest Lands Conservation Act that became law in 1980, expanding the area President Eisenhower had set aside and renaming it as the Arctic National Wildlife Refuge. Representative Udall later began introducing his legislation to designate the coastal plain of the Refuge as wilderness under that same bill number. This bill number offers an important reminder of the history of this special place.

The coastal plain is the biological heart of the Refuge and is central to the survival of many unique species of animals including caribou, polar bears, musk oxen, wolves, and over 160 species of birds. The U.S. Fish and Wildlife Service calls the coastal plain the "center for wildlife activity" in the Refuge. If we were to allow drilling in the Refuge it would irreparably disrupt this important ecosystem and one of our last great wild places will be forever scared and destroyed.

In this last year, we have seen so-called "environmentally-gentle" oil drilling exposed once and for all as the myth that it is. On March 2, 2006, BP workers discovered a quarter-inch hole in a pipeline on Alaska's North Slope that had leaked 267,000 gallons of oil onto the arctic tundra. That recent spill was the largest in the history of the North Slope. Subsequent spills led to the discovery that BP had grossly mismanaged and severely neglected its pipelines and North Slope oil drilling operations, which had previously been touted by drilling proponents as the best and most technologically advanced in the world. The reality is that drilling for oil is a dirty business and opening the Arctic Refuge to drilling would forever ruin this untouched special place.

Moreover, if we were to allow drilling in the Arctic Refuge, the crown jewel of the Wildlife Refuge System, it would represent a colossal shift in the policy and precedent governing our wildlife refuges. Prying open the Arctic Refuge for drilling would set a dangerous precedent that would allow the oil companies to select any of the other 544 as the next target for oil drilling.

The Bush administration has argued that we have no choice—that we are so dependent on oil that we must start defiling our wildlife refuge system to keep feeding our oil addiction. That is wrong. We have a choice, a better choice, and it is about time that we enact real changes in our energy policy by focusing on conservation rather than seeking to drill for a few short months worth of oil in this pristine refuge.

The United States consumes 25 percent of the world's oil but controls only 3 percent of the world's oil reserves. We cannot drill our way out of our dependence on foreign oil but we can choose to harness our technologic genius to do something real about our dependence on oil.

Two-thirds of the oil we consume everyday in the U.S. goes into the gas tanks of our cars, trucks and SUVs. From an energy standpoint, drilling in the Refuge is completely unnecessary. If our cars, trucks and SUVs traveled just 3 miles more per gallon today, we would save more oil than drilling in the Arctic National Wildlife Refuge would produce at its peak levels of production. But more than that, if we increased fuel economy standards to 40 miles per gallon over 10 years, we would save more oil within 15 years than we would be able to get out of the Arctic Refuge over its entire 40–50-year production life.

The oil fields on the North Slope already annually produce more air pollution and greenhouse gases than the municipality of Washington, D.C. and the Arctic is showing the strains of global warming.

Just this last month, the Bush Interior Department proposed listing the Polar Bear as an "endangered species" because global warming appears to be so drastically affecting its habitat—particularly the summer ice floes needed to hunt—that the bears are drowning far from shore when the floating ice melts. Last week scientists confirmed that a giant ice shelf—the Ayles Ice Shelf—snapped off of its land anchor just 500 miles south of the North Pole in the Canadian Arctic. This is a feature of the Arctic landscape that is thousands of years old. The remaining ice shelves are 90 percent smaller than when they were first discovered in 1906.

Our addiction to oil is real and enduring and still largely untreated. Drilling in the refuge would amount to a declaration that we remain in denial about this addiction, its impact on our planet and our obligation to future generations.

If Congress were to ever turn the coastal plain of the Arctic Refuge into an industrial footprint by allowing oil drilling, the impact on the land and the wildlife would be permanent but the hoped-for energy benefits only temporary. There are some places in our world that are so rare and so special, that we have a responsibility to protect them. The Arctic Refuge is one of those places. As Mo Udall said, "In our lifetime, we have few opportunities to shape the very Earth on which our descendants will live their lives. In each generation, we have carved up more and more of our once-great natural heritage. There ought to be a few places left in the world the way the Almighty made them." The Udall-Eisenhower Arctic Wilderness Act would ensure that the Arctic National Wildlife Refuge is never carved up by the big oil companies but is instead forever protected for future Americans.

INTRODUCTION OF THE CALLING FOR 2-1-1 ACT OF 2007

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. TERRY. Madam Speaker, I rise in strong support of the Calling for 2–1–1 Act of 2007. I am proud to lend my support as an original cosponsor of this bill, which was introduced today by my colleague, Ms. ESHOO of California. I would also like to note a concern I have with the bill as introduced, which I hope will be resolved prior to a vote in the full House of Representatives.

2–1–1 is the number designated by the Federal Communications Commission to provide citizens with information and referral about important community services and volunteer opportunities. United Way and its affiliates operate more than 200 call centers in 41 states nationwide, including my home state of Nebraska. About two-thirds of American citizens currently have access to 2–1–1 referrals. The Calling for 2–1–1 Act will help achieve nationwide coverage for all citizens.

More than 50 percent of the calls made to 2–1–1 call centers are placed to meet basic needs such as food, heat, clothing and shelter for citizens facing difficulty. 2–1–1 helps to keep citizens off long-term government financial aid such as welfare and food stamps by meeting immediate needs before they become crises. 2–1–1 also enhances homeland security by serving as an emergency backup to 9–1–1 during natural disasters and other crises.

In my Congressional District alone, almost 40,000 Nebraskans sought information through 2–1–1 between November 2005 and October 2006. The top needs were for assistance with utilities, rent, food, housing, health and dental care, furniture and tax preparation. Thousands of Nebraskans were able to obtain assistance from federal and non-profit community service agencies because of the existence of 2–1–1.

2–1–1 was crucial during the aftermath of Hurricane Katrina. When 9–1–1 emergency lines were inoperational, 2–1–1 stepped up to link citizens in dire need with critical services, including emergency medical care, food and housing, and crisis recovery and relocation services nationwide. Volunteer organizations such as the Red Cross also benefit from people who call 2–1–1 seeking opportunities to give back to their communities. 2–1–1 meets critical needs and merits federal aid, provided that additional protections are put in place before this legislation is brought to a vote.

It was my privilege to work last year with Ms. ESHOO and Mrs. CLINTON in the Senate, as well as Mr. PICKERING and Mr. BILIRAKIS in the House of Representatives, to address important concerns for "socially sensitive" referrals before bringing the Calling for 2–1–1 Act to a vote. As Members of Congress with deep convictions for the protection of human life, we drafted language to refer callers seeking pregnancy-related services to public health departments.

This reasonable compromise was designed to ensure the 2–1–1 legislation does not become a vehicle for taxpayer funding of controversial referrals such as abortion. Unfortunately, this important language, which had been agreed upon by all parties, was not included in the legislation introduced today. I look forward to working with my Ms. ESHOO and my other colleagues to correct this situation.

If my concerns are not addressed, I would be forced to vote against and actively fight against the legislation I have cosponsored and worked to enact into law, despite my strong support for increasing access to 2–1–1 for more American citizens. The fact that I have again cosponsored this legislation despite my concern is testament to the good working relationship I have enjoyed with Ms. ESHOO and Ms. CLINTON, and which I trust will continue during this new Congress.

Thank you, Madam Speaker. I look forward to working with my colleagues on the other side of the aisle to help this legislation become law while ensuring it protects and upholds the sanctity of human life.

IN HONOR OF UNIVERSITY PARK ELEMENTARY SCHOOL

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. SESSIONS. Madam Speaker, I rise today to congratulate University Park Elementary School upon its receipt of the Department of Education's prestigious Blue Ribbon School Award.

University Park Elementary School is among the first selected in the 2006 No Child Left Behind—Blue Ribbon Schools Program. It is among only 250 schools nationwide honored for either superior academic achievement or dramatic gains in student achievement.

The Blue Ribbon Award is a testament to the hard work and dedication demonstrated by the students, parents, teachers, and administrators of University Park Elementary. This Award also recognizes the values that make the Highland Park Independent School District a beacon of academic excellence.

It is my honor and privilege to recognize University Park Elementary School for its outstanding achievement in preparing our children for the challenges of tomorrow. May University Park Elementary School continue to be a shining example of superior leadership and commitment to excellence in education.

PERSONAL EXPLANATION FOR SWEARING IN CEREMONY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. ROGERS of Michigan. Madam Speaker, please excuse my absence from the formal House of Representatives swearing in ceremony today as I was unavoidably detained while paying my respects to a fallen soldier from my district at his funeral in Arlington National Cemetery. I appreciate the opportunity to take my oath of office on my return to the U.S. Capitol.

RECOGNIZING MATTHEW A. PILCH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew A. Pilch, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the many years Matthew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew A. Pilch for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Matthew in the United States House of Representatives.

TRIBUTE TO THE PEOPLES BANK

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. VISCLOSKY. Madam Speaker, it is with pleasure that I stand before you today to recognize the many accomplishments of Peoples Bank and offer my congratulations on their 97th Anniversary in the Northwest Indiana community. To commemorate this special occasion, Peoples Bank will hold an anniversary celebration on Saturday, January 6, 2007, at the Center for Visual and Performing Arts in Munster, Indiana.

Peoples Bank was established in 1910 and was organized with a focus to meet the many needs of its consumers. Peoples Bank was originally known as the First Polish National Building and Loan Association. During that time, it was the main hub for church and social activities in East Chicago, Indiana. Over several decades, the association's name changed numerous times, and in 1989, it was renamed Peoples Bank.

Peoples Bank was the first savings and loan association to receive a federal charter in East Chicago after the Great Depression. In the 1950s, the bank played an integral role in assisting former servicemen to build or purchase homes through G.I. Loans. At this time, Peoples Bank expanded its access to the Northwest Indiana community by moving into a multi-office operation. The Woodmar section of Hammond was chosen as the second office location for Peoples Bank.

It was during the 1960s that Peoples Bank added another branch location in Merrillville. Due to the success of these initial offices, additional branches were eventually established in the area, including branches in Dyer, Munster, Schererville, and a second branch in Merrillville. In the year 2000, Peoples Bank opened its eighth branch location in Hobart.

With all of this expansion taking place, Peoples Bank introduced a new corporate headquarters in 2003. Located on two acres, this four-story building houses the many departments and offices necessary to operate such a professional organization, where the customers always come first.

Peoples Bank's Chief Executive Officer and Chairman, Mr. David Bochnowski, has served as the leader of the organization since 1981, after serving on the board since 1977. With his guidance, along with all the hard work of the staff, Peoples Bank has continued to be an active force in providing superior customer service and assistance to all of Northwest Indiana.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring and congratulating Peoples Bank on their 97th Anniversary. Their dedication to the people of Northwest Indiana and their constant efforts throughout the years are worthy of the highest commendation.

TRIBUTE TO YVONNE SCARLETT-GOLDEN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to the late Honorable Yvonne Scarlett-Golden, Mayor of Daytona Beach, Florida.

On Tuesday, December 5, this great pioneering lady succumbed to cancer at the age of 80, even as she continued performing her duties as the first female and African-American Mayor of that city. She was buried with full honors in her native Daytona Beach on Wednesday, December 13, surrounded by her six grandchildren, two brothers and a bereaved constituency. Her untimely passing will truly leave a deep void in our midst, especially in our state's African-American leadership and among the august membership of the National League of Cities, which looked up to Mayor Scarlett-Golden as one of Florida's truly great mayors.

Affectionately called "The Mayor," by her constituents and friends, Mrs. Scarlett-Golden was one of the best and noblest of Florida's leaders. She dedicated 38 years of her life toward championing the education and academic achievements of Florida students and those who came under her tutelage at the San Francisco (California) Unified School District. She advocated comprehensive academics for her students, along with scholastic projects designed to help students at the junior and senior college levels. Mrs. Scarlett-Golden believed that education was the best way for children of the poor to achieve and serve as responsible and productive citizens.

A native of Daytona Beach, Mayor Scarlett-Golden obtained her early education at Daytona Beach's Campbell and Kaiser Laboratory School. She went on to get her Bachelor's degree, graduating with Honors from Bethune-Cookman College (B–CC), and later on obtained her Master's Degree in Education from

Boston University. In 1999, her alma mater (B–CC) conferred upon her the honorary degree of Doctor of Laws.

Former Congresswoman Carrie P. Meek, a longtime friend, said of her, "Yvonne was an incredible woman who achieved a tremendous amount in her life. She took on challenges and she was a real fighter. I never would've guessed the end was so near for my dear friend." "She lived everyday as though her incredible life was never going to end."

This public servant was a multi-dimensional leader, an indefatigable community-builder, and a loving mother and grandmother. Her leadership was truly admirable. Mrs. Scarlett-Golden was a faithful steward of Daytona Beach. She was God's faithful servant, bringing hope and optimism to thousands of ordinary folks whose lives she touched so deeply, never holding anyone at arm's length. This remarkable lady was a friend of the family. She was my confidante, and I was blessed to have her as my god-mother. Indeed, for me, she will serve as an indelible reminder of the noble commitment and awesome power of public service on behalf of the less fortunate. Her faith was deep and resolute and she was blessed with a sunny disposition and enviable optimism. She will be truly missed.

She taught us the virtues of hope, optimism and faith during her earthly sojourn. This is the wonderful legacy Mayor Yvonne Scarlett-Golden left behind. And this is the gift with which she blesses us now.

INLAND EMPIRE REGIONAL WATER RECYCLING INITIATIVE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. DREIER. Madam Speaker, I rise today to re-introduce the Inland Empire Regional Water Recycling Initiative, to authorize water recycling projects under the U.S. Bureau of Reclamation's Title XVI program. This legislation, which passed the House in the 109th Congress, is an important component of southern California's regional water management.

The Inland Empire Water Recycling Initiative authorizes $30 million for the Inland Empire Utilities Agency and the Cucamonga Valley Water District to assist in constructing two water recycling projects. The projects will produce nearly 100,000 acre-feet of new water annually to the area's water supply. This initiative has the support of all member agencies of the Inland Empire Utilities Agency, which encompasses 240 square miles in southern California. It also serves a number of cities I represent, including the cities of Rancho Cucamonga, Upland and Montclair.

These water agencies are using high quality recycled water in many water intensive applications, like landscape and agricultural irrigation, construction, and industrial cooling. This allows fresh water to be conserved or used for drinking, which reduces our dependence on expensive imported water. In addition, by recycling water which would otherwise be wasted and unavailable, these agencies ensure that we ring the last drop of use out of water before it is ultimately returned to the environment.

It is imperative that we continue to approve measures preventing water supply shortages in the Western United States. This recycling initiative will help meet the water needs of the Inland Empire and begin a strategic federal-local partnership to bring a significant amount of new water supply to the region. In fact, the Bureau of Reclamation has already recognized the Inland Empire Water Recycling Initiative as one of the most cost effective water reuse projects.

The Inland Empire Regional Water Recycling Initiative has the support of all member agencies of IEUA, as well as the water agencies downstream in Orange County. IEUA serves the cities of Chino, Chino Hills, Fontana (through the Fontana Water Company), Ontario, Upland, Montclair, Rancho Cucamonga (through the Cucamonga Valley Water District), and the Monte Vista Water District.

I look forward to working closely with the House Resources Committee, and with the new Water and Power Subcommittee Chairwoman GRACE NAPOLITANO, who is a cosponsor of this bill and has been a champion of regional water solutions. I am also pleased to have the continued support of my colleagues, KEN CALVERT and GARY MILLER.

RECOGNIZING NICHOLAS J. PILCH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nicolas J. Pilch, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Nicolas has been very active with his troop, participating in many scout activities. Over the many years Nicolas has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Nicolas J. Pilch for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Nicolas in the United States House of Representatives.

TRIBUTE TO THE VERY REVEREND FATHER JOVAN TODOROVICH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure and admiration that I congratulate the Very Reverend Father Jovan Todorovich upon his retirement as parish priest at Saint Sava Serbian Orthodox Church in Merrillville, Indiana. I can truly say throughout his more than 36 years of service at Saint Sava, Father Todorovich has been one of the most dedicated, distinguished, and committed citizens of Indiana's First Congressional District. Northwest Indiana and Saint Sava have certainly been rewarded by the true service and uncompromising loyalty he has displayed to the parish and the entire community.

Father Todorovich was born in Vratare, Serbia on July 5, 1940. From a very young age, he was inspired by his faith and realized that a life of service in the priesthood was his calling. In pursuit of his dream, Father Todorovich eventually went on to complete his courses, earning a Bachelor's Degree in Theological Studies at Saints Cyril and Methodius Seminarian College in Prizen. Following the completion of his studies, Father Todorovich emigrated to the United States of America in 1964. In 1965, due to his perseverance and dedication, Father Todorovich's efforts came to fruition with his ordination into the priesthood.

Prior to joining the congregation at Saint Sava Serbian Orthodox Church, while serving as parish priest for Saint George Church, Father Todorovich served as the director of the Saint Sava Mission Summer Camp program in California. Shortly thereafter, in 1970, he arrived at Saint Sava Church, which was located in Gary, Indiana at the time. Early on during his tenure as parish priest at Saint Sava, Father Todorovich's abilities as a teacher and community leader began to emerge. It was through his efforts at this time that many new members joined the congregation, a new donation campaign was initiated, new church bylaws were introduced, and the need for social gatherings and activities for youth was realized.

When a fire destroyed the church in Gary, Father Todorovich led the parishioners of Saint Sava to a new chapel in Hobart, Indiana, where services were held until the construction of the current church, located in Merrillville, Indiana, was completed. Subsequently, the new church was consecrated in May 1991. Once again, with Father Todorovich's leadership and committed efforts, as well as the vast efforts of many parishioners, the people of Saint Sava were once again able to come together with their spiritual leader and each other to worship.

The new church's consecration, however, was not the only momentous occasion at this time, as Father Todorovich was awarded the highest honor, the Pectoral Cross with the title of Protojerej Stavrofor. To further illustrate the high esteem in which Father Todorovich is held by his parish and his community, in April 1993, he was appointed to the distinguished position of Deputy to the Metropolitan.

Another of the many ways Father Todorovich has touched the lives of so many people is through his writing. Father Todorovich is quite the accomplished writer, having produced several literary works, including: Patron Saint-Krsna Slava, Our Slava: A Manual on Confession and Communion, and A Visitor's Guide to Saint Sava Church. He has also penned various articles for the Diocesan Observer, as well as for Saint Sava's church bulletin.

Although his pastoral duties and many additional responsibilities have required a vast amount of his time, what is most impressive is the fact that Father Todorovich has never let his busy schedule keep him from his greatest love, his family. Father Todorovich and his wife, Protinica Mirijana, are the proud parents of three daughters, and they have also been blessed with one grandchild.

Madam Speaker, America is a better place because of the tireless and unselfish service of its citizens. Very Reverend Father Jovan Todorovich is a man who has dedicated his entire life to serving others, and he has been the truest example of morality and wisdom. In so doing, he has strengthened his community and the whole of our society. I ask you and my other distinguished colleagues to join me in commending Very Reverend Father Jovan Todorovich for his lifetime of enduring service and the unforgettable effect he has had on the people of Saint Sava Serbian Orthodox Church and Northwest Indiana. I wish Father Todorovich and his family well upon his retirement.

TRIBUTE TO DR. MARTY R. PINKSTON

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to Dr. Marty R. Pinkston, a longtime and dear friend of my family and one of our community's unsung heroines.

On Friday, December 15, 2006, her peers, friends and supporters will honor her at a farewell dinner as she retires from her position as Director of Governmental and Public Affairs at Florida Memorial University.

A preeminent educator, Dr. Pinkston is affectionately known as "Marty" to her countless admirers and is truly one of the most indomitable community activists of South Florida. Having dedicated a major portion of her life to making the public educational system work on behalf of Florida's minority and poor students, she has been relentless in developing innovative educational programs that succinctly responded to the needs of our community's underserved college student population. Responsible for developing strategies to secure additional resources for the university from local, state and federal sources, Dr. Pinkston was unrelenting in her dedication to providing quality education for all those willing to walk the extra mile in pursuing their college degree.

Having received her bachelor's degree from Florida A&M University, she went on to obtain her MA in Business Education from New York Institute of Technology and her Doctorate in Education from Nova Southeastern University. She complimented her educational achievements with her chairmanship of the Metro-Miami Action Plan Trust and service on the United Way of Miami-Dade County and the Miami-Dade Chamber of Commerce, as well as on the Metro-Dade County Safe Neighborhoods Parks Oversight Committee.

Dr. Pinkston epitomizes an admirable spirit of compassion and her concern for the less fortunate in our society will forever be lauded. But she is more than that. Dr. Marty Pinkston is remarkable not just for her energy, achievements and leadership, but because of the kind of person that she is. People are naturally attracted to her. The day just goes better if you get the chance to spend some time with Marty Pinkston.

As one of those hardy spirits who conscientiously chose to reach out to the less fortunate, Dr. Pinkston thoroughly understood how leadership could truly change people's lives. She wisely exercised her leadership and politic skills, alongside the mandate of her conviction and the wisdom of her knowledge. The crucial role she played all these years in developing the winning strategy for many a successful candidate for elective office evokes a genuine insight borne out of experience and expertise. She would often say that the accolades are not that important at all. Instead, she would note that what is important is that our community receives the recognition of its strength and promise amidst the tremendous challenges it has had to undertake all through the years.

It is an honor to have the the privilege of knowing this gentle and caring leader. I salute Dr. Marty R. Pinkston, a very dear friend, on behalf of a grateful community that she truly loves and cares for. Now, in retirement, she embarks upon new challenges in life and I am certain her legacy of greatness will only grow and develop as she enters this new phase of life. I wish her every happiness and success.

SAN GABRIEL BASIN RESTORATION FUND

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. DREIER. Madam Speaker, I rise today to introduce legislation that will continue to provide safe drinking water to Southern California. In 2000, Congress created the San Gabriel Basin Restoration Fund after the discovery of perchlorate and other harmful contaminants in the basin's groundwater. The fund initially authorized $85 million in federal funding to assist the state and local government agencies as well as the private companies found responsible for the contamination to effectively implement a comprehensive clean up plan that would protect the safety of our region's drinking water supply. After evaluation, it is evident that an increase in this authorization is necessary. Therefore, I am introducing legislation to amend the original authorization by increasing the total amount by $50 million.

The San Gabriel Basin Water Quality Authority (WQA) has done a tremendous job in administering the clean up program. In 1999, the WQA projected the cost of cleaning up the San Gabriel Basin at a total of $320 million based on the level of contamination of the five original Operable Units of Baldwin Park, El Monte, South El Monte, Whittier Narrows and Puente Valley. Since the San Gabriel Basin Restoration Fund was authorized by Congress in 2000, dramatically increased contamination levels have been identified in the South El Monte and Puente Valley Operable Units. This discovery has significantly increased both the capitol and operation and maintenance costs of the projects. With the cost of inflation, increased energy costs and the higher contamination levels found, the total cost is now estimated at $1 billion. Significantly, the WQA has a number of treatment plants that are already operating at full capacity with more coming on line in the near future.

The San Gabriel Groundwater Basin covers more than 160 square miles in Los Angeles County and is the primary source of drinking water for over 1.2 million people. Furthermore, natural groundwater flows from the San Gabriel Basin are allowing the contamination to spread into the Central Groundwater Basin, a vast 277 square-mile underground aquifer that provides drinking water to over half of Los Angeles County.

In working with the WQA and the U.S. Bureau of Reclamation over the past decade on this regional solution, there is no doubt that this increase is warranted and will be utilized in the most effective way to continue to provide safe drinking water.

I look forward to working closely with the House Resources Committee, and with the new Water and Power Subcommittee Chairwoman GRACE NAPOLITANO, who is a cosponsor of this bill and has been a champion of regional water solutions. I am also pleased to have the support of my colleagues ADAM SCHIFF, HILDA SOLIS and GARY MILLER, who are cosponsors of this legislation.

RECOGNIZING ZACHARY R. BODE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachary R. Bode, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many scout activities. Over the many years Zachary has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Zachary R. Bode for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Zachary in the United States House of Representatives.

TRIBUTE TO MR. DALE ENGQUIST

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today to recognize the many years of dedicated service of Mr. Dale Engquist. Having known Dale for many years, I can truly say that he is one of the most committed, knowledgeable, and honorable citizens in Northwest Indiana. Nowhere has his knowledge and commitment been more evident than in his faithful service to the National Park Service (NPS), and more specifically, to the Indiana Dunes National Lakeshore. Dale has served the Northwest Indiana community for the past 28 years, and his service to the NPS has spanned an astonishing 42 years. For many years, Dale has been a constant fixture at the Indiana Dunes National Lakeshore, and for his efforts, he will be honored at a retirement party on Tuesday, January 9, 2007, at the Lubeznik Center for the Arts in Michigan City, Indiana.

Following a summer position at Wind Cave National Park in South Dakota, Dale Engquist began his professional career with the NPS in 1964 at the National Capital Parks in Washington, DC. From there, Dale went on to serve as Chief Park Naturalist at Hot Springs National Park in Arkansas and then Assistant Chief Park Naturalist at Everglades National Park in Florida. Following his departure from Everglades National Park in 1971, Dale accepted his first Superintendent position at the Biscayne National Monument in Florida. After moving on to other managerial positions in New Jersey and Washington, DC, Dale settled in Northwest Indiana in 1978, where he served as Assistant Superintendent of the Indiana Dunes National Lakeshore until January 1983. At that time, Dale was named to the distinguished position of Superintendent of the National Lakeshore, a position he has held for the past 24 years. Over the years, Dale has maintained this post, and he has done so with a selfless commitment to nature and to the community. Dale's education, knowledge, and experience with the NPS have made him successful and respected in all of the positions he has held.

Indisputably, Dale Engquist has been extremely successful throughout his career with the NPS. To attest to this fact, Dale has been the recipient of numerous accolades and awards for merit and dedication. In 1987, he was awarded the Park Planning and Design Award for excellence in park design, as well as the Richard G. Lugar Award for recognition as an outstanding federal employee in the state of Indiana. In addition, Dale has also been honored with the 1991 Superintendent of the Year & Resource Stewardship Award, the National Park Service's 75th Anniversary Director's Award, the Sagamore of the Wabash, the Meritorious Service Award by then-Secretary of the Interior Bruce Babbitt, the Polish Cavalry Cross of Merit, and the Chicago Wilderness Excellence in Conservation Award.

Though it may be difficult to imagine where he finds the time, Dale has always been involved in several associations and organizations, including: the Association of National Park Rangers, the Eastern National Parks & Monument Association, the National Park & Recreation Association, the Indiana Park & Recreation Association, the Indiana Historical Society, the National Audubon Society, and Rotary International.

Madam Speaker, Dale Engquist has devoted himself to improving and preserving the Indiana Dunes National Lakeshore and serving the people of Northwest Indiana throughout his many years of service. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service and dedication.

TRIBUTE TO MIAMI-DADE COUNTY PUBLIC SCHOOLS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. MEEK of Florida. Madam Speaker, today I rise in solidarity with the Miami-Dade County Public Schools on the occasion of National World AIDS Day. Miami-Dade County Public Schools are working hard within my community to provide much-needed prevention information, as well as assistance to those afflicted with the HIV/AIDS virus.

Indeed, the National World AIDS Day evokes once again a special opportunity for the Miami-Dade County Public Schools, my North Dade constituents and the larger Miami-Dade County and South Florida communities to renew our collective and individual commitment to find a cure for this treatable and preventable disease. As we remember in our prayers those who passed on, as well as reach out to those who need our help, we are reminded of the urgency to fight against the spread of this virus. Despite the best efforts of our AIDS-support community organizations, in concert with the Miami-Dade County Public Schools, HIV/AIDS continues to be a devastating disease. I commend our health care professionals, the volunteers from our community organizations, and our schools, who together exemplify a symbol of strength and resilience in a way that combines true professionalism and utmost compassion along the tradition of our stewardship for one another.

The leadership of the Miami-Dade County Public Schools is readily focused on providing the opportunities of outreach information and ongoing education in a way that advances the common good of our fellow human beings, especially those who are suffering from the effects of the AIDS disease.

Despite the strategies and activities that organizations of good-will have utilized to combat this virus, we are still saddled with the fact that the pace of the AIDS infection is staggering. According to recent statistics from the World Health Organization, the past year alone has seen more infection and death from HIV/AIDS than ever before.

Of the estimated 18,371 AIDS-related deaths in the United States in 2006, approximately 52 percent were from the Black community. According to the Centers for Disease Control, Blacks accounted for 54 percent of all new diagnoses of HIV/AIDS. In Florida, HIV/AIDS is the leading cause of death among Black males and females, aged 25 to 44 years old. According to the Florida Department of Health, over half of all people living with HIV/AIDS in Miami-Dade and Broward Counties are Black.

As we celebrate National World AIDS Day in light of these agonizing facts, we must put forth a much more aggressive and concerted effort to reach out to our communities, teaching our residents about this disease, insure proper treatment for AIDS victims and continue the research needed to bring this epidemic under control. This infectious disease should not be a partisan issue, but should be a commitment for all Americans. We can and we must address the HIV/AIDS epidemic aggressively, both at home and abroad.

I encourage everyone in Miami-Dade and Broward Counties and beyond to get tested; get informed about prevention and get treatment if you need it. Let's all renew our efforts to stop the spread of this dreaded disease and, as a caring community, reach out to those of our fellow residents who are already living with HIV/AIDS. I commend the Miami-Dade County Public Schools for their leadership role in raising the awareness level about HIV/AIDS and encourage school administrators, faculty, staff and students to continue with this most laudable effort.

RECOGNIZING CHARLES C. CROWE, IV FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Charles C. Crowe, IV, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in many scout activities. Over the many years Charles has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Charles C. Crowe, IV for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Charles in the United States House of Representatives.

COMMENDING LEE BANDY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. WILSON of South Carolina. Madam Speaker, last month, the dean of South Carolina political reporters, Lee Bandy, announced his retirement from The State newspaper. Bandy joined The State in 1966, serving as Washington correspondent and bureau chief before relocating to Columbia. I well remember him giving me a tour of Congressional offices when I was a Senate intern in 1967.

I have known and worked with Lee extensively during my years in South Carolina politics. While his departure marks the end of an era, I know Lee will continue to exert tremendous influence on the South Carolina political scene.

At a recent meeting of Midlands First Tuesday Club, I presented Lee a Certificate of Achievement on behalf of Congress.

On December 14, 2006, The State's Aaron Gould Sheinin penned the following article marking Bandy's retirement:

AFTER 40 YEARS AND 3,000 COLUMNS, THE STATE'S LEE BANDY IS RETIRING

Hailed as a legend by colleagues and a mover and shaker by sources, reporter has kept finger on pulse of S.C. politics

Legendary political reporter and columnist Lee Bandy will retire at the end of the year after 40 years with The State newspaper.

Bandy, 71, has been with the newspaper since 1966. He started as Washington correspondent, then served as Washington bureau chief. He moved to Columbia in January 1992.

While Bandy will retire from day-to-day reporting, he will continue writing his weekly Sunday column at least through 2007.

During a luncheon in his honor Wednesday at the newspaper, Bandy told his colleagues, "I've met a lot of fascinating people, and I might add I've worked with some wonderful people. You've been a source of inspiration to me."

As the top political reporter in South Carolina, Bandy often is sought out by politicians looking for a positive mention in his Sunday column. During Wednesday's lunch, in fact, potential 2008 presidential candidate John Edwards left a phone message for Bandy congratulating him on his coming retirement.

During 40 years of writing his column, Bandy never missed a week. He said he estimates he's written 3,000 columns. Each column is about 800 words. That's more than 2 million words, "and that's more than enough for anybody," Bandy said.

David Broder, longtime political reporter for The Washington Post, said Bandy was a legend in the Senate Press Gallery in Washington. Broder still occasionally calls Bandy to get the pulse of South Carolina politics.

"He's enormously generous and helpful and tells you stories you would never hear from any other source," Broder said.

Former S.C. Gov. David Beasley, a Republican, called Bandy his friend and said, "No one has become president of the United States without crossing his path in 40 years, and no one has had an impact on South Carolina government that hasn't dealt with Lee Bandy."

A native of Asheville, Bandy is a graduate of Bob Jones University. He is a member of the exclusive Gridiron Club of Washington journalists. He and his wife, Mary, have two sons, Ryan and Michael, a daughter, Alexa, and two grandchildren, Sophia and Nathaniel. They are members of First Presbyterian Church in Columbia and live in Forest Acres.

INTRODUCTION OF THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GOODLATTE. Madam Speaker, I rise to introduce legislation that will amend the United States Constitution to force Congress to rein in spending by balancing the federal budget.

It is common sense to American families that they cannot spend more than they have—yet far too frequently, this fundamental principle has been lost on a Congress that is too busy spending to pay attention to the bottom line.

Our federal government must be lean, efficient and responsible with the dollars that our nation's citizens worked so hard to earn. We must work to both eliminate every cent of waste and squeeze every cent of value out of each dollar our citizens entrust to us. Families all across our nation understand what it means to make tough decisions each day about what they can and cannot afford, corporate officers are required to act in the best interests of their shareholders when using company resources, and government officials should be held to similar standards when spending the hard-earned dollars of our nation's citizens.

Congress took a dramatic step forward last year when it passed the Deficit Reduction Act. This new law found savings of approximately $40 billion over the next five years by eliminating wasteful spending and programs. This legislation was an important first step, but it was just that—a first step. Furthermore, the legislation was passed by the Senate by a margin of just one vote and was passed by the House by a margin of two votes, which shows exactly how difficult the task of balancing the budget is—and how important it is to force Congress to do so.

In the 109th Congress, we were fortunate to have a majority in the House and Senate that had an appetite for reining in spending but we stil have to make considerable strides to achieve a balanced budget. Only time will tell whether future Congresses will have this appetite as well. However, one thing is certain—if we pass an amendment to the U.S. Constitution that requires a balanced budget, Congress will have to act accordingly regardless of which party is in control in Washington, D.C. This is exactly why I am introducing this legislation today.

My legislation would amend the Constitution to require that total spending for any fiscal year not exceed total receipts and require the president to propose budgets to Congress that are balanced each year. It would also provide an exception in times of military conflicts that pose imminent and serious military threats to national security.

Furthermore, the legislation would make it harder to increase taxes by requiring that legislation to increase revenue must be passed by a true majority of each chamber and not just a majority of those present and voting. Finally, the bill requires a ⅗ majority vote for any increases in the debt limit.

This concept is not new. Forty-nine out of fifty States have a balanced budget requirement.

It has become clear that it is extremely difficult for Congress to agree on a budget that is fiscally responsible. By amending the Constitution to require a balanced budget, we can force Congress to control spending, paving the way for a return to surpluses and ultimately paying down the national debt, rather than allow big spenders to lead us further down the road of chronic deficits and in doing so leave our children and grandchildren saddled with debt that is not their own.

Yesterday, President Bush also highlighted the importance of a balanced federal budget by announcing his plan to present Congress with a budget proposal that will balance the budget by 2012. I applaud the President for his announcement and look forward to working with him to bring fiscal responsibility back to the federal government.

Our nation faces many difficult decisions in the coming years, and Congress will face great pressure to spend beyond its means rather than to make difficult decisions about spending priorities. Unless Congress is forced to make the decisions necessary to create a balanced budget, it will always have the all-too-tempting option of shirking this responsibility. The Balanced Budget Constitutional amendment is a common sense approach to ensure that Congress is bound by the same fiscal principles that America's families face each day.

I urge support of this important legislation.

RECOGNIZING CHARLES T. ORTMAN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Charles T. Ortman, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in many scout activities. Over the many years Charles has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Charles T. Ortman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Charles in the United States House of Representatives.

THE TEAM (TO ENCOURAGE ALTERNATIVELY-FUELED VEHICLE MANUFACTURING) UP FOR ENERGY INDEPENDENCE ACT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, climate change threatens the security and stability of our planet. The temperature of the earth is increasing at a rate unseen in modern times and is starting to melt the polar ice caps and disrupt weather patterns. Unprecedented levels of carbon dioxide pumped into the atmosphere by automobiles and industries, with about one-fourth of the world's carbon dioxide emissions being produced by the United States, have led to current rates of warming.

Historically high gas prices and political instability in oil producing regions reinforce the need for the United States to secure our energy independence. We can make real progress by developing and distributing alternatively fueled vehicles. Through innovation and existing technology, we can reduce our dependence on foreign oil, and promote energy efficiency and conservation to secure a safe future for our country and the environment.

Alternatively fueled vehicles, such as those that use E85 ethanol fuel, could reduce our use of petroleum fuels by up to 40%, helping our country move towards sustainable energy independence. E85 ethanol fuel can be produced from agricultural products grown here in the United States, so that money spent on fuel supports farmers in the Midwest, not countries in the Middle East. Corn may not be the only answer to biofuels, as other sources of energy such as switchgrass or other renewable starch re-sources are also on the horizon.

Congress must do more to make alternative fueled vehicles practical and accessible to every American. There are currently only six million E85-capable vehicles on U.S. roads, compared to approximately 230 million gasoline- and diesel-fueled vehicles, according to the National Ethanol Vehicle Coalition. Only 993 fuel stations in the entire country currently provide E85 fuel, and only four of these are located in California.

That is why I am again introducing this bill to encourage consumers and manufacturers to develop the infrastructure necessary for a cleaner energy future. We must do more to make alternatively fueled vehicles practical and accessible to everyone. The cost of producing flex fuel capable vehicles is minimal at the time of manufacture, but there are currently few incentives for the production of flex fuel vehicles and a lack of infrastructure to service them.

My bill will encourage the production of more alternatively fueled vehicles by phasing in a tax penalty on the manufacture or import of new, non-flex fuel vehicles. However, since the cost to convert fleets to flex fuel is nearly nil, it will be easy for manufacturers or importers to avoid these costs completely. Any revenues generated would be used to help independent gas station owners install alternative fuel equipment.

I would like to thank Speaker PELOSI for her hard work and dedication to increase investment in renewable energy and ultimately achieving energy independence. I hope this bill can be a part of the crucial national dialogue towards securing our energy independence and helping America move towards a more secure and sustainable future.

COMMENDING JOAN COUNTRYMAN

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. LANGEVIN. Madam Speaker, I rise today to commend Joan Countryman, who recently became the head of the Oprah Winfrey Leadership Academy for Girls in South Africa. In 2005, Ms. Countryman stepped down as head of the prestigious Lincoln School for girls in Providence, Rhode Island.

Ms. Countryman, a Quaker, began her career first as a math teacher and then as an administrator at the Germantown Friends School in Philadelphia, which she attended as a student. She received a bachelor's degree from Sarah Lawrence College in 1962, and after taking part in the civil rights movement, she received a master's degree in urban studies from Yale. In 1966, Ms. Countryman received a Fulbright fellowship to the London School of Economics. She is also a former Columbia University Klingenstein Fellow and a Woodrow Wilson Fellow. Ms. Countryman is also the author of works such as her 1992 book, Writing to Learn Mathematics, in which she explained how she approached the teaching of math by using such tools as journals, learning logs, and formal papers.

Before asking Ms. Countryman to head her new academy, Oprah Winfrey first asked her to lend her experience and expertise as a consultant. Oprah Winfrey founded the Leadership Academy with the goal of targeting South African girls from poor families and giving them an educational opportunity that they would otherwise not have received. Beginning with 152 girls in the seventh and eighth grades, the academy has a goal of expanding through grade 12.

I know that Joan Countryman will institute a welcoming and challenging school environment at the Oprah Winfrey Leadership Academy. Rhode Island was honored to have Ms. Countryman as an educator for twelve years, and the girls in South Africa will be lucky to have her there now.

Madam Speaker, I ask all my colleagues to join with me in wishing Joan Countryman well in her new endeavor, as well as success to the Oprah Winfrey Leadership Academy.

RECOGNIZING JONATHAN VERNICKAS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jonathan Vernickas, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 214, and in earning the most prestigious award of Eagle Scout.

Jonathan has been very active with his troop, participating in many scout activities. Over the many years Jonathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jonathan Vernickas for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Jonathan in the United States House of Representatives.

HONORING JOHN CASE, CHAIRMAN OF THE PACE BOARD OF DIRECTORS

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mrs. BIGGERT. Madam Speaker, I rise today to thank John Case for his eight years of service as Chairman of the Pace Board of Directors. Under John's leadership, numerous improvements were instituted to North America's 6th largest bus system, resulting in better service for millions of Americans living in the Chicagoland area.

It is no surprise that John was chosen to serve as Chairman of the Board—he has a long history of serving his community and nation. As a retired United States Air Force Major with twenty years of service, including in the third bomber wing during the Korean War, he brought many valuable skills to his role as Chairman. His experience is evident in the many improvements he instituted. These include developing Board Committees to handle specific decision areas, implementing use of biodiesel in the Pace bus fleet, doubling the size of Pace's vanpool program, ensuring that retirement funds are being adequately funded, and implementation of the Intelligent Bus System, which provides real-time information on bus locations, ridership and on-time performance.

John is a dedicated public servant. For more than forty years, he has served his community in many public roles. He began his public career in Lisle Township—located in the 13th District of Illinois, which I represent—and, since then, has held the position of Township Trustee and Supervisor for Lisle Township. In Dupage County, in which Lisle Township resides, he has served as a DuPage County Board Member, County Board Chairman, and Forest Preserve President.

Once again, I would like to congratulate and thank John Case on his eight successful years as Chairman of the Pace Board of Directors and for all he has done for his community.

INTRODUCTION OF THE GERALD W. HEANEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE AND CUSTOMHOUSE ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. OBERSTAR. Madam Speaker, I rise in support of a bill to name the Federal building and United States Courthouse and Customhouse in Duluth, Minnesota, in honor of Judge Gerald W. Heaney. Judge Heaney was appointed Judge of the United States Court of Appeals for the 8th Circuit on November 3, 1966. After 40 years of distinguished judicial service, Judge Heaney retired on August 31, 2006.

Judge Heaney was born on January 29, 1918, in Goodhue, a rural community in the southeastern part of Minnesota. As a child growing up in a farming community, Judge Heaney learned the value of a close family, honesty, and hard work. These qualities have marked not only his personal life but also his life as a public servant. He was educated at the College of St. Thomas in St. Paul, Minnesota, and received his law degree from the University of Minnesota in 1941.

Gerry Heaney is a decorated World War II veteran. He was a member of the distinguished Army Ranger Battalion and participated in the historic D-Day landing at Normandy. He was awarded the Silver Star for extraordinary bravery in the battle of La Pointe du Hoc in Normandy, France. He also received a Bronze Star and five battle stars.

At the end of the war, Judge Heaney returned home and entered private practice in Duluth. During that time he was instrumental in improving the state education system, and served on the Board of Regents of the University of Minnesota. He was instrumental in helping the Duluth school system develop a payroll system that equalized the pay for both men and women.

In 1966, President Johnson appointed Judge Heaney to the 8th Circuit Court of Appeals. In that capacity, Judge Heaney has been a champion of protecting the rights of the disadvantaged. He is devoted to making sure that every person has an equal opportunity for an education, a job, and a home. He firmly believes the poor, the less educated, and less advantaged deserve the protections provided by the United States Constitution.

As a hardworking, well-prepared, and fair-minded jurist, Judge Heaney left his legal imprimatur on school desegregation cases, bankruptcy law, prisoner treatment, and social security law.

His public service is discerned by industry, brilliance, and scholarly excellence. His compassion and dedication to our most disadvantaged are unparalleled.

It is fitting and proper for Congress to designate the Duluth, Minnesota Federal Building and United States Courthouse and Customhouse in honor of Judge Gerald W. Heaney.

I urge my colleagues to join me in supporting this bill.

RECOGNIZING ADAM ZELLER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Adam Zeller, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and in earning the most prestigious award of Eagle Scout.

Adam has been very active with his troop, participating in many scout activities. Over the many years Adam has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Adam Zeller for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Adam in the United States House of Representatives.

INTRODUCING THE MAKE COLLEGE AFFORDABLE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. PAUL. Madam Speaker, I rise to help millions of Americans afford higher education by introducing the Make College Affordable Act of 2007, which makes college tuition tax deductible. Today the average cost of education at a state university is $12,796 per year, and the cost of education at a private university is $30,367 per year! These high costs have left many middle class American families struggling to afford college for their children, who are often ineligible for financial aid. Therefore, middle class students have no choice but to obtain student loans, and thus leave college saddled with massive debt.

Even families who plan and save well in advance for their children's education may have a difficult time because their savings are eroded by taxation and inflation. The Make College Affordable Act will help these middle class students by allowing them, or their parents or guardians who claim them as dependents, to deduct the cost of college tuition as well as the cost of student loan repayments.

The Make College Affordable Act will also help older or nontraditional students looking to improve their job skills or prepare for a career change, by pursuing higher education. In today's economy, the average American worker can expect to change jobs, and even careers, several times during his or her working life, making it more important than ever that working Americans be able to devote their resources to continuing their educations.

Helping the American people use their own money to ensure every qualified American can receive a college education is one of the best investments this Congress can make in the future. I therefore urge my colleagues to help strengthen America by ensuring more Americans can obtain college educations by cosponsoring the Make College Affordable Act.

TRIBUTE TO LT. COL. D.B. RICHWINE, JR.

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. CALVERT. Madam Speaker, we open the 110th Congress, I rise today to honor a fine American and a devoted public servant and to congratulate him on a significant achievement. Donald Bowen Richwine, Jr. serves our Nation as a Marine Corps Officer and served the Congress as a Congressional Fellow in my office from December 2003 to December 2004. Recently he served our Nation's ongoing efforts in the Global War on Terror by his exemplary conduct in Operation IRAQI FREEDOM from October 2005 to April 2006. As a result of his devotion to duty and excellence as an officer, Bowen was promoted to the rank of Lieutenant Colonel on January 3, 2007 in a ceremony at the National Museum of the Marine Corps. Additionally, Bowen was awarded the Bronze Star Medal for his meritorious achievement in connection with combat operations against the enemy as Department of Border Enforcement Coordinator. The formal citation for this Medal follows below. I heartily congratulate Lt. Col. Richwine on his promotion and the recognition of his meritorious achievement. I share the pride felt by his wife Angela and their children, Owen and Charlie, at this time in Bowen's career.

For meritorious achievement in connection with combat operations against the enemy as Department of Border Enforcement Coordinator, II Marine Expeditionary Force (Forward) and I Marine Expeditionary Force (Forward), in support of Operation IRAQI FREEDOM 04–06 and 05–07 from October 2005 to April 2006. During this period, Major Richwine was directly responsible for the development of Iraqi border forces along over 1000 kilometers of Iraq's borders. Coordinating movements of border forces, border fort construction, and Border Transition Teams, his determined efforts led to the strategically significant restoration of Iraq's borders on 30 November 2005. Identifying a significant problem at the Ports of Entry, Major Richwine developed an innovative plan involving the creation of a multi-agency task force formed to train, advise, and mentor the forces at the Ports of Entry. Ultimately this solution was briefed to the Commanding General Multi National Forces-Iraq who decided to duplicate this idea at other locations throughout Iraq. Finally, displaying an unusually prescient grasp on the mechanisms needed to grow new units, Major Richwine on his own initiative and despite the absence of Military Occupational Specialty Schools for the border police, sought out school seats at Ministry of Defense schools across Iraq. His vigorous efforts have led to the very first school trained Iraqi Border Police, giving them critical life support capabilities which will permit them to develop logistics systems that will support their force long after the Coalition Forces depart Iraq. Major Richwine's total effectiveness, forceful leadership, and loyal devotion to duty reflected great credit upon him and upheld the highest traditions of the Marine Corps and the United States Naval Service.

RECOGNIZING MR. TED NELSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Mr. Ted Nelson of Liberty, Missouri. Ted served in the United States Navy. He fought for our country during the Korean War.

Mr. Nelson enlisted in the United States Navy before he had the opportunity to graduate from high school. He continued to serve in the Navy during the Korean War. He served honorably and returned to Liberty, Missouri. Mr. Nelson recently received his high school diploma from the Marcus School District in Marcus, Iowa.

Madam Speaker, I proudly ask you to join me in recognizing Mr. Ted Nelson. His many years of distinguished service and commitment to serving his country have been an inspiration. I commend him for his service, and I am honored to represent him in the United States Congress.

HONORING PRESIDENT GERALD FORD

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. MICA. Madam Speaker, with the passing of President Gerald Ford our Nation, the U.S. House of Representatives and the Ford Family have lost a leader, a respected colleague and a loved one who was very special to their lives.

Few American leaders of our time have gained the admiration and appreciation so well deserved and earned by our 38th President. While our country has lost a distinguished leader and the Congress has lost a distinguished Member, Gerald Ford's life and public service will always remain a model for future generations.

In October of 1999, I had the pleasure to quietly sit and speak with President Ford at the conclusion of a Capitol Hill reception that was held after he was honored with the Congressional Gold Medal in the Capitol Rotunda. While I had met him before, what struck me on this special occasion was how such a great man receiving the highest honor from our Nation and Congress could be so humble, so gracious and so genuine.

How memorable it was for me to spend that special time with that gentle man and great American. How fitting it was that Gerald Ford returned this week to the Capitol and the Congress he loved. While this gentle man belongs to the ages, he will always share a special place in our hearts and fond memories.

TRIBUTE TO JOHN ABIJAH DAVIS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. HOYER. Madam Speaker, I rise today to mark an important milestone in the life of one of my fellow Marylanders—John Abijah Davis—who today celebrates his 100th birthday.

John Abijah Davis was born January 4, 1907 in an upstairs bedroom of his parent's house on North Sherman Drive in Indianapolis, Indiana—a home built by his Uncle, Issac Davis. Named after another Uncle, John Davis, and his father, Abijah Alley Davis, John A. Davis grew up in that home, attending St. Phillip Neri school and parish, before moving on to Cathedral High School in 1920, graduating in 1924 with the first full four-year class in school history.

John Davis graduated from the University of Notre Dame in 1928 with a BA in English. At school, he counted among his friends Walter "Red" Smith, later a Pulitzer Prize winning sports columnist for the New York Times, Miller Brewing Company heir Fred Miller and Howard Phelan, who later in life donated the famous "Touchdown Jesus" mural that adorns the facade of the school library overlooking the football stadium.

In 1934, John A. Davis married Virginia Lyon in Notre Dame's historic Log Chapel in a mass presided over by his cousin, Rev. John O'Hara, then president of Notre Dame. In 1936, John and Virginia had a daughter, Mary Elizabeth Davis.

Moving from Indiana to New York, John Davis joined his brother Charles and opened the Browne-Davis Furniture Co. The business prospered and both became treasured members of the local community in Oswego. Selling their successful business after 40-plus years, the Davis brothers enjoyed a fulfilling retirement.

John briefly became a constituent of mine when he retired to Dameron, Maryland to live with his daughter Mary Elizabeth. Following her death in 2001, John moved to Cheverly, Maryland, residing with his grandson, John Davis Porcari, and his wife and five children. John Porcari served with great distinction as Maryland Secretary of Transportation under Governor Parris Glendening. He has recently been selected by Governor-elect Martin O'Malley to take on this position in his administration.

John Davis heads a family consisting of four grandchildren, 15 great-grandchildren and two great-great grandchildren. Dozens of nieces and nephews from four generations and scores of friends continue to look up to Mr. Davis, including his grand-nephew, Lt. Col. Harold VanOpdorp, USMC, who commands the First Battalion, 24th Marine Regiment in Anbar Province, Iraq.

According to his family, John Abijah Davis continues to teach life's most valuable lessons—humility, duty and hard work, devotion to one's God, family and friends. These lessons are reflected in all those he has touched. As he, his family and friends celebrate this milestone, they celebrate not the chronology of years, but the character of the man.

I join with his family and many friends in wishing him continued health and happiness on his 100th birthday.

RECOGNIZING CHAD BRENTON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Chad Brenton, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 320, and in earning the most prestigious award of Eagle Scout.

Chad has been very active with his troop, participating in many scout activities. Over the many years Chad has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Chad Brenton for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Chad in the United States House of Representatives.

INTRODUCTION OF H.R. 211, THE CALLING FOR 211 ACT OF 2007

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Ms. ESHOO. Madam Speaker, I'm very proud to introduce the Calling for 211 Act of 2007, and I look forward to working with my colleagues on the Energy and Commerce Committee to move this legislation through Committee and bring it to the House floor. I have cosponsored this bill in previous Congresses with former Rep. Mike Bilirakis, and I'm confident that we now have the momentum to pass this legislation and send it to the President.

Every hour of every day, someone in the United States needs essential services for themselves or someone close to them. These services can range from finding an after-school program for a child, to securing care for an aging parent, to finding drug or alcohol counseling. Faced with a myriad of agencies and help lines, many people end up going without services they need just because they don't know where to begin.

When someone calls 2–1–1, an information and referral specialist assesses the caller's needs and determines which service provider is best equipped to handle their problem or crisis. These specialists are also trained to determine whether a caller may be eligible for other programs. 2–1–1 service providers maintain comprehensive databases of resources, including federal, state, and local government agencies, community-based organizations, and private non-profits.

In 2000, the FCC designated 2–1–1 for community information and referral purposes. Today, 2–1–1 reaches 193 million Americans—about 69 percent of the U.S. population—with call centers operational in 41 states and the District of Columbia. However, inadequate funding prevents universal access to 2–1–1 service in every state. 2–1–1 service is currently available statewide in only 17 states. The goal of the Calling for 211 Act of 2007 is to ensure that all Americans have access to quality community information and referral services through 2–1–1 wherever they live.

The largest barriers for communities seeking to implement 2–1–1 are funding and awareness. In many states, limited resources have slowed the process of connecting communities with this vital service. Current funding where 2–1–1 is operational comes from diverse sources including non-profits, state governments, foundations, and businesses.

The Calling for 211 Act is strongly supported by the United Way and builds on existing efforts to make it easier to connect people with important community services and volunteer opportunities. The legislation provides federal matching grants to enable much-needed changes to the way people connect to community social services, including:

Providing the infrastructure to connect individuals with precise information and social services that address their needs;

Empowering the nation to better respond to large-scale emergencies and homeland security needs by relieving pressure on overwhelmed 9–1–1 call centers. During the Hurricane Katrina disaster, 2–1–1 served as a crucial backup in areas where 9–1–1 centers went down;

Providing aggregated data from 2–1–1 systems nationwide to better assess the needs of our communities.

I believe the 2–1–1 system has great potential; this legislation will establish a federal partnership with states and local communities to give more Americans access to 2–1–1 services. By augmenting existing funding from state and local governments, nonprofits, and the business community, we can ensure that 2–1–1 can finally be a truly national system. A small investment at the national level would pay immediate dividends in terms of faster, more efficient responses to non-emergency but still critical situations.

In a crisis no one has time to flip through their phonebook. When an urgent medical or safety issue arises, we dial 9–1–1 knowing we can get help anywhere and at anytime. We should expect the same when it comes to tracking down important social services as well.

I urge my colleagues to support this legislation and help to implement this critical safety net for all Americans.

CONGRESSIONAL INTEGRITY AND PENSION FORFEITURE ACT, H.R. 14

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. KIRK. Madam Speaker, today I am introducing the Congressional Integrity and Pension Forfeiture Act, H.R. 14, which would deny Members of Congress their pension should they be convicted of a felony. I feel strongly that taxpayers should not be responsible for funding the pension of one of us if we have broken the law, broken the public's trust, and been convicted of a felony.

I introduced the same bill in the 109th Congress and a portion of it was included in the Lobbying Accountability and Transparency Act of 2006, H.R. 4975. Unfortunately, this bill was never considered by the Senate. So I am reintroducing it today.

I based my bill almost exclusively after Congressman Randy Tate's bill from the 104th Congress, H.R. 4011. This bill, with 74 cosponsors, passed the House of Representatives on September 26, 1996 by a vote of 391–32 and 1 Present. It was never considered by the Senate.

The very first version of this bill was introduced by my predecessor, Congressman John Edward Porter, in 1990 during the 101st Congress. Congressman Porter had successfully passed a similar bill in the Illinois General Assembly prior to coming to the U.S. Congress. In the mid–1970s, two Members of the Illinois General Assembly were convicted of felonies, resigned, but were still allowed to receive their state pension. State Representative John Porter did not think that was right. Luckily, his bill passed the Illinois General Assembly and reform began.

An elected official should not be permitted to draw a publicly funded pension after violating the very law he or she took an oath to uphold. We should be held to a higher standard than others. We swore to uphold the constitution and if we fail to do that, we should not receive anything back from the public. A breach of law by a Member of Congress is a very serious offense that should have very serious consequences.

A TRIBUTE TO DALE DEMERS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. MICHAUD. Madam Speaker, I rise today to congratulate Dale E. Demers on the occasion of his retirement from the Department of Veterans Affairs Regional Office at Togus, Maine after more than 30 years of dedicated service. Dale will be greatly missed, and I join his many friends, co-workers and the veterans he served in wishing him the best of luck in the next phase of his life.

Dale's service to our country began in 1968, when he joined the U.S. Air Force. He began his VA career at the Togus Regional office in 1972 as a GS–1 Clerk. Dale has held several positions at Togus including Adjudicator, Supervisory Adjudicator, Assistant Service Center Manager, Service Center Manager, Assistant Center Director for Regional Office Activities, and most recently as the Director for the Regional Office.

While working full time at Togus, Dale went back to school and in 1977 received a bachelor's degree in Psychology from the University of Maine.

During Dale's career, he has been involved in many VBA initiatives. He was instrumental in Togus being chosen as a resource center site. The Togus Resource Center has been a huge success and has exceeded its goal every month since its inception. Dale was also extremely involved in the development of the current Claims Processing Improvement (CPI) Initiative, which has assisted VBA national in reducing both the duration of the response and backlog of claims processing.

Dale will be missed for his dedication and for his compassion by the veterans of Maine. I am pleased to join his colleagues, his family, and his friends in congratulating Dale on this milestone. I wish him a rewarding and enjoyable retirement.

REINTRODUCTION OF LEGISLATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. STEARNS. Madam Speaker, I am pleased on this first day of the 110th Congress to introduce several pieces of legislation that I have been pursuing over the years, and for which I will continue to advocate these next 2 years.

Ultrasound technology provides us with a fascinating "womb with a view," allowing doctors to better treat their pregnant patients. But many underprivileged pregnant women cannot afford this important option. These women desperately need access to these free services to safeguard their health and prenatal well-being. That's why I am reintroducing the "Informed Choice Act," which authorizes the Secretary of Health and Human Services to make grants to community-based, non-profit health clinics that do not charge for their services, for the purchase of ultrasound equipment. The centers that receive these grants will be better able to offer free examinations—under medical supervision—to women who might otherwise have no access to such critical care.

I respect our code of law and our society founded on religious freedom for all Americans. I believe the Ten Commandments are a concise set of values that represent the historic foundation of our nation's laws and our common view of what is right and wrong. Stories of murder, rape, drug abuse, and school violence dominate the media and reveal our society's need to be reminded of our moral compass. That is why I am reintroducing my legislation to have the Ten Commandments prominently posted in the Capitol building as a symbolic reminder of our heritage and the values we aspire to govern by.

I am reintroducing my Right to Carry Reciprocity bill that would allow for a person to carry in all 50 states if he possesses a valid permit in his home state. I believe that a person's right to self-defense should not be limited to within a state line. Today, 46 states have laws permitting concealed carry of firearms, and 38 states, accounting for two-thirds of the U.S. population, have Right To Carry laws, which dramatically reduces their incidence of violent crimes. In fact, the FBI statistics show 9 of the 10 states with the lowest violent crime rates are RTC states. It is important to note this bill would not create a federal licensing system, but merely requires states to recognize each others' carry permits, just as they recognize drivers' licenses and carry permits held by armored car guards. This bill has enjoyed bipartisan support in the past with 102 cosponsors, and I look forward to again working with my esteemed colleagues for its passage in the 110th Congress.

I am alsp reintroducing two bills pushing further reforms to the United Nations. On March 15, 2006, the U.N. replaced the discredited Human Rights Commission with a new Human Rights Council. Unfortunately, the new Council looks set to fail just as miserably as its predecessor. While making superficial structural changes, no reforms were implemented. The new elected membership includes such human rights violators as China, Cuba, Saudi Arabia, and Russia. My legislation would require the Secretary of State to withhold from the U.S. contribution to our U.N. dues an amount equal to the U.S. percentage of the cost of the Council (approximately $500,000 a year). The U.S. should not support the U.N. Human Rights Council until it upholds the ideals of the U.N. Charter and the Universal Declaration on Human Rights, and its membership is made up of free and democratic nations.

My other U.N. reform legislation deals with financial accounting for the renovation of the United Nations building in New York. There have been numerous reports of wasteful spending in this project, and my legislation would prevent U.S. federal funds from being used for this endeavor unless the President submits a report to Congress affirming the United Nations is abiding by internationally recognized best practices in contracting and resource management.

I am excited to again introduce legislation to help all American savers. My legislation, the Simple Savings Tax Relief Act of 2007, simply eliminates the taxation of interest earned in savings accounts, such as passbook savings accounts or bank certificates of deposit. I think at least some of this interest should be tax-free, as we have been working towards other forms of non-earned income. This legislation would end a punitive tax, especially assist low and middle-income earners, and ultimately contribute toward the goal of encouraging individual responsibility and taking charge of one's own financial destiny.

Because I believe that health care access for all begins with tax parity, I am pleased to again sponsor the Health Care Tax Deduction Act of 2007. This would allow deductions for amounts paid for health insurance premiums and unreimbursed prescription drugs. This would provide much needed relief to individuals struggling with the high cost of health insurance and prescription drugs through a tax deduction, and tax parity with those of us who have employer-provided tax-deductible health insurance. Expansively, this benefit extends to all IRS-defined health insurance premiums such as an HMO, PPO, a traditional indemnity plan, a new HSA, and also long-term care premiums. Right now, under the current tax code, in order to claim health care expenses individuals must file an itemized tax return. My bill would simplify and extend this tax preference for all filers.

Because Members of Congress should put our money where our mouths are, I am pleased to reoffer my Deficit Accountability Act of 2007. It would prevent any automatic pay adjustment for Members of Congress in the year following a fiscal year in which there is a Federal budget deficit. It is needed to hold Members accountable for the Federal budget, and any resulting deficits.

My last piece of legislation is one of inspiration, the Museum of Ideas Act of 2007. It would create a commission to develop a plan for establishing a Museum of Ideas. In our Nation's Capital, we are enriched with museums exhibiting arts, natural sciences, modes of transportation, musical instruments, tools of industry and production, live plants and live animals, and other such tangible artifacts of our universe, we lack a museum of the conceptual, of thoughts, concepts, and philosophies throughout the history of the world.

I look forward to working with my colleagues on all these important pieces of business for the Nation.

IN CELEBRATION OF ERMA CRAVEIRO TROWE'S 90TH BIRTHDAY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. COSTA. Madam Speaker, I rise today to celebrate the 90th birthday of Ms. Erma Craveiro Trowe, a wonderful friend and loving community member.

Erma's life story is quite fascinating. She was delivered by her grandmother on January 8, 1918 in Lanare, California. She was a graduate of Caruthers High School and California State University Fresno, formerly known as Fresno State College. Upon the completion of her studies, she pursued a successful career as a teacher at Madison Grammar School, Ahwahnee Middle School and St. Anthony's School in Fresno, California.

On February 21, 1938 Erma married Joe Craveiro. Their home was in Fresno's Kearney Park neighborhood, where they raised their four children: Audrey, Jerry, Bob and Thomas. They also operated a dairy and grew alfalfa, cotton and sugar beets.

Aside from her commitments to her family, career and the ranch, Erma has a lifelong involvement in various community activities. She is a member of the Fig Garden Women's Club, served as a Cub Scout Mother, and volunteered on the Parent Teacher's Association (PTA). Erma was also instrumental in the development of the Houghton-Kearney Elementary School.

Further, Erma has been a very dear friend to the Costa family. She was my belated mother's best friend and actually drove her to the hospital at the time of my birth.

Erma's life has been an exceptional role model for all women. She attained a higher education degree, had a career in an important field, is a person who has demonstrated endless devotion to her family and has cared deeply about the welfare of her community. It is for these reasons that I join Erma Craveiro Trowe's family and friends in wishing her a blessed 90th birthday and continued health and happiness in the years to come.

PRESIDENT'S SURGE AND ACCELERATE POLICY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 2007

Mr. RAHALL. Madam Speaker, President Bush's war in Iraq has now gone longer than America's involvement in World War II. Now we learn President Bush intends to escalate the number of American troops in Iraq. The great question across the land today is: is more of the same, the answer? Will more of the same stabilize Iraq, or for that matter the Middle East?

In all this long war in Iraq, we cannot help but wonder, what if?

What if we had not gone to war?

What if we had listened to that very important and vocal minority who stood against the war when the President lead us down that misbegotten road? Oh yes, I agree we are where we are today and we need to get out of this mess together. I have been patient since my "no" vote on this war four years ago and my "yes" vote almost 17 years ago for the first Gulf War.

Of course, there are others who are also asking what if. They are the family and friends of the young men and women who served their country. They are the loved ones of those who have not been lucky enough to make it home. They are those who sacrificed marriage, children, jobs, all in the name of a war many now casually say was a mistake.

They are those, like my son-in-law, who sacrificed seeing the birth of his and my daughter's first child.

These moments are painful for families across the country as we recently celebrated the holiday season. These moments make us want to dwell in the hope of the question, what if?

But we must not dwell, because in reflection we sometimes miss opportunity. The President is set to announce that he wants to see a "surge" force of approximately 20,000 extra soldiers to support the ongoing civil war in Iraq.

Madam Speaker, it does not take a rocket scientist to calculate the odds that more troops will mean more wounded, more fatalities, more losses to American families. Is the President ready for 20,000 more grieving families? Worse yet, has the President considered what this will do to the existing all volunteer force?

Retired Army Colonel Douglas McGregor has been quoted as saying, "It will break the force, which in my estimation is broken already. It will leave you with no strategic reserves." Retired Army Colonel David Hunt has said, "Everyone we met was on a second tour, at least, and many were on their fourth or fifth combat tour in either Iraq or Afghanistan. The soldiers are tired; the families are going nuts. It's not the solution."

But then, Madam Speaker, the President has not shown that this is truly about the sacrifice of our men and women. If it were, all of the options presented to the President would be open for consideration, not just the ones that already fit into his ideological philosophy. The report from the Iraq Study Group would not have been as casually tossed aside as were the advisements of the Presidents own military leaders—career servicemen and women who have given their entire professional lives to protecting America.

Over 3,000 have already lost their lives, and that's only the Americans. One journalist in particular, is asking what if on his own. Keith Olbermann, host of Countdown with Keith Olbermann has asked:

"What if he had already sacrificed 3,003 of them—and was then to announce his intention to sacrifice hundreds, maybe thousands, more?

"This is where we stand tonight with the BBC report of President Bush's "new Iraq strategy," and his impending speech to the nation, which, according to a quoted senior American official, will be about troop increases and "sacrifice."

"The president has delayed, dawdled and deferred for the month since the release of the Iraq Study Group.

"He has seemingly heard out everybody, and listened to none of them.

"If the BBC is right—and we can only pray it is not—he has settled on the only solution all the true experts agree cannot possibly work: more American personnel in Iraq, not as trainers for Iraqi troops, but as part of some flabby plan for "sacrifice." (Countdown, MSNBC, 1/2/07)

Madam Speaker, the President's proposal reminds me of the ostrich who would rather stick his head in the sand, than face the reality that Americans want our soldiers home now. Not after another 20,000 have had to die for a strategy that is entirely wrong.

In Olbermann's words, "The additional men and women you have sentenced to go there, sir, will serve only as targets." Which is exactly what they will be, bodies to absorb the surge in the number of insurgents which this senseless war has created. This senseless, endless war, as Mr. Olbermann states has succeeded in two ways:

"It has succeeded, Mr. Bush, in enabling you to deaden the collective mind of this country to the pointlessness of endless war, against the wrong people, in the wrong place, at the wrong time.

It has gotten many of us used to the idea—the virtual "white noise"—of conflict far away, of the deaths of young Americans, of vague "sacrifice" for some fluid cause, too complicated to be interpreted except in terms of the very important-sounding but ultimately meaningless phrase "the war on terror."

And the war's second accomplishment—your second accomplishment, sir—is to have taken money out of the pockets of every American, even out of the pockets of the dead soldiers on the battlefield, and their families, and to have given that money to the war profiteers." (Countdown, MSNBC, 1/2/07)

Which, Madam Speaker, brings me back to the question of what if? In light of all of the evidence to the contrary, what if we, as Congress, allow the President to send tens of thousands of more men and women to keep a peace that does not exist?

Madam Speaker, it is my hope that four years from now, I will not have to look back on this question of what if with the same heavy heart that I do for the past four years.

RECOGNIZING BRADLEY JOHNS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Bradley Johns, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 393, and in earning the most prestigious award of Eagle Scout.

Bradley has been very active with his troop, participating in many scout activities. Over the many years Bradley has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Bradley Johns for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Bradley in the United States House of Representatives.

INTRODUCTION OF THE UNIVERSAL RIGHT TO VOTE BY MAIL ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Universal Right to Vote by Mail Act of 2007—a bill to allow any eligible voter to vote by mail in a federal election if he or she chooses to do so.

In my home state of California, voters already have this right. California is one of the twenty-eight states that already provide this convenient alternative to voters.

While I love the ritual of going to the polls to vote, I know that getting to the polls on Election Day is often difficult. For some, it's impossible.

That is why I have introduced a bill that builds upon the growing trend of states to bring the polls to the voters. I believe we should try to meet our constituents halfway by increasing access to the electoral process.

What I am proposing is not new or even untested. States ranging from my home state of California, to Wisconsin, to North Carolina, to Maine have already adopted this voter-friendly policy.

With mail voting, citizens can vote from the convenience of their own homes. They will have more time to mull over their choices and make informed decisions, and they will be able to do so on their own terms.

Not surprisingly, studies have shown that some of the biggest supporters of voting by mail are parents, who must schedule time to go to the polls around so many other obligations.

Studies have also indicated that adding the option to vote by mail does not create a partisan advantage for one political party over the other.

Republicans and Democrats both benefit from similar increases in voter turnout when voters are given the choice to mail in their ballots.

In fact, overwhelming support for voting by mail is consistent across nearly every demographic—including age, income level, race, education, employment status and ideology. It is a win-win for all Americans.

After adopting a universal right to vote by mail system in 1978, California saw a thirty percent increase in the use of mail-in ballots.

In my district of San Diego, over 40 percent of voters opted to mail in their votes during the 2006 election.

Other States that have implemented this policy have seen the same degree of support from voters, which is why it is hardly surprising that States offering the option of mail-in ballots often experience greater voter participation.

There is also an extremely low incidence of fraud with voting by mail when compared to other methods of voting.

As the former President of the League of Women Voters of San Diego, I care deeply about the integrity of our electoral system.

Twenty-eight States have already proven this option works, and it is safe. It is time to give voters in the remaining States this convenient, secure and affordable alternative.

While I am proud to be from a State where citizens already have this right, I believe democracy works best when all citizens have an equal opportunity to have their voices heard.

Right now, an uneven playing field exists between States that already offer the option of mail-in ballots and States that do not.

When the same election is more accessible to voters in California than it is to voters in Michigan, the system is unfair.

States that fail to offer this choice stand to compromise their leverage in Federal elections by curbing the greatest level of voter participation.

We should follow the lead of over half of our Nation's States and ensure a uniformity of rights for all voters.

I ask my colleagues on both sides of the aisle to join me in supporting this effort to strengthen the democratic process and give American voters the choices they deserve.

INTRODUCTION OF THE PERSONAL HEALTH INVESTMENT TODAY ACT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. WELLER of Illinois. Madam Speaker, as we move through the 21st century, we are constantly facing new challenges to our public welfare that we had not previously seen.

A more recent challenge that has surfaced is the relative epidemic of obesity, and the onset of disease and health care difficulties resulting from lack of a healthy lifestyle.

I think that many agree with me that a key component of living a healthy productive life is found through regular exercise and the benefits that it brings.

The Department of Health and Human Services predicts that spending on healthcare will consume 20 percent of the nation's gross domestic product by 2015 if current trends hold true.

At this rate of growth, America is on track to spend roughly $4 trillion on healthcare within the next ten years. This level of spending for medical treatment is unsustainable and can only be curbed through efforts to prevent disease before treatment is necessary.

Given the healthcare crisis we are facing in this country today, I strongly believe that creative solutions are necessary to improve the nation's fitness levels.

This need for creative solutions is why I am reintroducing the The Personal Health Investment Today (PHIT) Bill, (RR. 5479 in the 109th Congress).

This bill allows for expenditures for exercise and physical activity, such as health club memberships, some exercise equipment, and sports programs, to be payable out of various tax-favored investment accounts: flexible spending accounts (FSAs), health savings accounts (HSAs), medical savings accounts (MSAs) and/or medical reimbursement arrangements, up to $1,000.

If enacted, PHIT would give parents the opportunity to pay for their children's soccer league fees out of their HSAs. They could join a fitness center and pay for the membership fees with pretax dollars or they could purchase a home gym to help them fight the onset of obesity, a primary risk factor for developing anyone of several chronic diseases which are currently fueling the frightening increase in our national healthcare expenditure.

Depending upon a consumer's individual income tax bracket, the PHIT initiative could help Americans save 25–30 percent on their exercise costs.

Health experts agree that regular physical activity substantially reduces the risk and symptoms of numerous diseases and medical conditions and is associated with fewer hospitalizations, physicians' visits, and medications, resulting in lower healthcare costs.

The PHIT tax incentive represents an important step to induce more people to get the levels of exercise they need to improve their level of fitness and help lower healthcare costs for all Americans, which is why I am proud to reintroduce this bill.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. NORWOOD. Madam Speaker, on roll call no. 7; On adoption of Title 2 of the Resolution. Had I been present, I would have voted "yea."

RECOGNIZING MARTHA C. STONUM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Martha C. Stonum of Lawson, Missouri. Martha will celebrate her 100th birthday on January 31, 2007, and it is my privilege to offer her my warmest regards on achieving this important milestone.

Mrs. Stonum was born in Lathrop, Missouri where she began her education in a one-room school house, before ultimately attending William Jewell College. Mrs. Stonum is a loving mother, grandmother, and great-grandmother to two sons, one step son, four grandchildren, two step grandchildren, eight great-grandchildren, three step great-grandchildren, and one step great-great-grandchild. Mrs. Stonum is still an active member of her community, visiting her beauty shop and church weekly.

Madam Speaker, I proudly ask you to join me in recognizing Martha C. Stonum. It is an honor to represent her in the United States Congress, and I wish her all the best for many more birthdays in the future.

INTRODUCTION OF THE NATIONAL BOARD-CERTIFIED TEACHERS IN LOW-PERFORMING SCHOOLS ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the National Board-Certified Teachers in Low-Performing Schools Act of 2007.

I have been proactive in promoting professional teaching standards throughout my public service and strongly believe certification is more important now than ever.

We know that schools in the United States are falling behind in the core subject areas of math and the sciences. Teacher certification is a step toward gaining ground against other nations as well as working to close the Achievement Gap here in our own nation.

The National Board for Professional Teaching Standards provides America's teachers with high-quality training and professional certification. Research shows the benefits of this advanced credential.

Students of certified teachers showed year-end testing improvements averaging 7 to 15 percent more than students learning from non-certified teachers.

Another study by the University of North Carolina found that the depth of learning for students was greater in the classrooms of certified teachers. That is, these students show greater cognitive gains overall than students of non-certified teachers.

I am convinced we must do more to encourage our dedicated teachers who are already in the classrooms.

My legislation authorizes a pilot program to give teachers with certification from the National Board for Professional Teaching Standards a $5,000 annual stipend when they teach in a low-income school or a school that is underperforming.

Professional teaching certification would improve education in the United States and help make our nation competitive and I am pleased for the opportunity to promote this certification in Congress.

Madam Speaker, thank you very much for the opportunity to introduce the legislation today.

INTRODUCTION OF THE COMBAT MILITARY MEDICALLY RETIRED VETERANS ACT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. WELLER of Illinois. Madam Speaker, we owe our veterans a great debt of gratitude. Their sacrifices have protected the democratic ideals that are the foundation of our country, and their heroism continues to be an example for all Americans.

Perhaps now, more than any time in recent history, it is important to remember that our Nation has remained strong because of those who have fought and died for our country. By answering the call of duty and risking their lives to protect their fellow citizens, these patriots have inspired us with their courage, compassion, and dedication.

Many of these brave men and women become severely wounded due to combat related injuries, and are forced to retire as physically unfit to perform his or her duties. Once forced out of the service, many are unable to find gainful employment due to their injuries while at the same time being rated at less than their actual disability rate by the U.S. Department of Veterans Affairs (VA). They have little to fall back on and deserve better for their sacrifice.

That is why I am reintroducing the Combat Military Medically Retired Veterans Act, (H.R. 995 in the 109th Congress), which allows combat military medically retired veterans who received the Purple Heart to collect their prorated military retirement pay.

This legislation differs from the current concurrent receipt benefit because it exempts combat military medically retired veterans from the current 20-year service requirement. The benefit will match their time of service.

The Congressional Budget Office scored my bill at $496 million over ten years, certainly a small price to pay for those who have sacrificed so much for our great nation.

I am proud to state that my bill has been endorsed by the American G.I. Forum of the

United States; American Legion, Department of Illinois; American Legion, National Office; Blinded Veterans Association; Gold Star Wives of America; and the Hispanic War Veterans of America.

All military combat veterans who are military medically retired from combat related disabilities and have been awarded the Purple Heart should be exempt from the requirement of 20 years of service in order to be entitled to their prorated military retirement pay.

America's disabled combat veterans gave their all for us and should not be penalized just because they are receiving compensation from the VA. While many disabled veterans go on to enjoy happy productive lives, many are unable to due to the severity of their wounds.

Under any doctrine of fairness it is our moral obligation to "care for him who shall have borne the battle." This bill is a good step in correcting the inequity of retirement and disability benefit to our combat disabled veterans.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. NORWOOD. Madam Speaker, on roll call No. 6; on adoption of Title I of the Resolution, had I been present, I would have voted "yea."

RECOGNIZING CHRISTOPHER D. ROBERTS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher D. Roberts, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher D. Roberts for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Christopher in the United States House of Representatives.

INTRODUCTION OF THE NATIONAL MENTORING ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce a resolution recognizing and honoring those who make a difference in the lives of our young people across the United States.

This January marks National Mentoring Month as proclaimed by the President of the United States. It is a month-long celebration honoring those who are mentors and drawing attention to the great need for more mentors.

Mentors make a tremendous difference in the lives of our children. When a responsible and reliable adult becomes a mentor, the benefits to the mentee can last a lifetime. Countless stories show the great benefits of a good role model.

Chris Moran became a mentor to Joshua Becerra in my hometown of San Diego through the Big Brothers Big Sisters program when he was just 9 years old in 1999. Chris and Joshua have gotten together on a weekly basis ever since for horseback riding, chess, and other activities. The relationship has been meaningful for both.

Spending time with a young person gave Chris a healthier perspective on what is important in life—helping others, he said. Joshua, now a student at San Diego's High Tech High, is looking forward to attending college and has already visited UCLA, San Diego State University, and other campuses trying to decide where to apply. Joshua attributes his academic success in large part to his mentor.

Joshua plans to study music when he goes on to college and would like to become a professional musician. Chris is helping him locate a college with an excellent music program.

These types of relationships between reliable adults and our young people are invaluable. Millions of adults nationwide are acting as excellent role models while providing guidance and advice to our young people—many of whom face problems at home or difficulties at school. Without a good, solid role model, our kids are more likely to drop out of high school or to become involved with drugs or alcohol.

Madam Speaker, this resolution honors and recognizes the adults across the United States who are mentors to our young people. This resolution also calls on more adults to become mentors to those in need.

Unfortunately, research shows that about 15 million children across the United States are in need of a mentor and a good role model. It is crucial that we begin to reach these children.

Finally, this resolution highlights the need to support programs that teach our young people about mentoring and the need to become involved. There are programs, for example, that encourage high school students to become mentors to younger children. These types of programs will teach the great benefits of mentoring at a young age and result in adults becoming mentors later—creating a "cycle" of mentoring.

Madam Speaker, thank you very much for the opportunity to offer a resolution honoring America's mentors on the occasion of National Mentoring Month 2007.

INTRODUCTION OF KIDSAVE

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. WELLER of Illinois. Madam Speaker, commentators on the political left and right agree about one thing: There are too many political disagreements in Washington, D.C. Of course, the best way to change that would be for those of us who are lawmakers to find common ground and begin passing legislation that virtually everyone can agree on.

Where to begin? How about with a program that has the support of moderates, liberals, and even the conservative Heritage Foundation? That program is KidSave.

This common-sense program would allow every American child—regardless of parental income—to save up tens of thousands of dollars for retirement.

KidSave is fairly simple. If it was in effect today, at birth every child would receive a loan of $2,000 from the Social Security Administration. The initial amount would be linked to inflation, so it would increase slightly year to year. The money would be deposited into an account that couldn't be opened until the owner retires or dies.

This account would be managed by the Thrift Savings Plan, the same plan that federal employees—including those of us in Congress—use to manage our retirement funds. Right now there are three low risk, low-cost options offered through the TSP: A government-bond fund, a corporate-bond fund and a stock index fund.

The child's parents would decide which fund to deposit the initial investment in, and it would grow untapped for decades and decades. According to a study by the Heritage Foundation, the opportunity for growth is so great that, even if no money was ever added to the initial investment, that loan could still grow to $50,000 by the time the child reached retirement age.

Parents and grandparents also could contribute additional money tax-free. They could add as much as $500 per year every year until the child turned 19, and that money could be diverted from their own retirement plans. That's an additional $9,500, all of it being compounded year after year until retirement.

This is one of those rare Washington programs with the power to change everyone's outlook for the better.

Wealthy people have long taken advantage of long-term investments—indeed, families such as the Rockefellers and Vanderbilts have lived for decades off the money earned by their forefathers. Today, thousands of middle-class grandparents are opening education accounts for their newborn grandchildren.

But KidSave would allow all children to enjoy the benefits of compound interest. Imagine an entire generation of working-class senior citizens with tens of thousands of dollars to spend as they wish. They'd be virtually guaranteed a secure retirement and could spend their newfound wealth on themselves or share it with their children and grandchildren.

A portion of this money would be passed from generation to generation, either as gifts to grandchildren or through donations to churches or community groups. That would help build a more secure future for generations to come.

Best of all, KidSave is a loan from Social Security, not a gift or a new government entitlement. That's one reason it enjoys such broad support. And it doesn't end up costing taxpayers anything. When the account owner reaches age 30—an age at which most people are well along in their working lives—the original loan would be repaid in five annual installments. The repayment amount would be linked to inflation, so an initial $2,000 loan would be returned to the government as, say, $3,500.

Lawmakers today are deadlocked over how to reform Social Security, how to improve welfare and how to close military bases, to name just three difficult issues.

But we could get started on solving those if we'd first implement common-sense programs that enjoy.wide support. KidSave seems like a good place to start building a better future for all Americans. That is why I am reintroducing for the 110th Congress, this important bill.

RECOGNIZING EVAN S. KNOLL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Evan S. Knoll, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Evan has been very active with his troop, participating in many scout activities. Over the many years Evan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Evan S. Knoll for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Evan in the United States House of Representatives.

SECOND OPINION COVERAGE ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mrs. DAVIS of California. Madam Speaker, today, I am introducing the Second Opinion Coverage Act—legislation that will ensure the accessibility and coverage of medical second opinions.

Imagine that your doctor tells you that you must undergo radical surgery that may threaten the use of a limb or leave you with a serious chronic condition. Understandably, you would request a second opinion from another physician. Most health care groups see the value in such requests and provide patients with a second opinion. Besides giving patients much needed peace of mind, second opinions can benefit health plans by reducing the number of invasive procedures and result in better patient care through increased dialogue about treatment options.

However, when I was a member of the California State Assembly, I heard from a number of patients who experienced a glitch in their health care coverage. They noticed the absence of a clear process for obtaining medical second opinions. These patients, many struggling with challenging health conditions, had difficulties obtaining second opinions through their health plans.

After meeting with patients, physicians and health groups, I authored a law in California that guarantees coverage of second opinions. Patients, meeting any one of several qualifying conditions, are entitled to a timely second opinion by a "qualified health care professional," within 72 hours in cases of serious or imminent health threat. When another expert is not available within the provider group or network, the organization will pay for an appropriately qualified doctor outside of the plan. Patients are responsible for the costs of applicable co-payments.

The law in California was a good first step. Unfortunately, this legislation does not cover individuals enrolled in self-insured, federally regulated health plans. Nationwide, this translates into 67 million persons without guaranteed access to second opinions. I believe the time has come to make access to second opinions a national standard.

I urge you, Madam Speaker, and all of my colleagues to pass this critical legislation into law.

INTRODUCTION OF THE TECHNOLOGY RETRAINING AND INVESTMENT NOW ACT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. WELLER of Illinois. Madam Speaker, as we move further into the 21st Century, I continue to have deep concerns over the need to maintain America's competitive edge as we continue to grow our Nation's economy.

As the U.S. economy becomes more dynamic, the types of growing industries are also changing. Increasingly new jobs in many fields require the application of technology skills. These include workers across all industry sectors, not just in the IT industry sector.

In order to keep up with the rapid rate of technological changes, expanded information technology (IT) skills education and training in many industries is essential to create a more effective and productive workforce and remain both domestically and globally competitive.

In recognition of the growing importance of information technology skills to the competitiveness of the U.S. workforce there needs to be greater awareness on the importance of increased investment in worker IT education and training.

That's why I am introducing the Technology Retraining And Investment Now Act (TRAIN Act), a bill that will improve opportunities for America's workforce in an ever-changing world.

The TRAIN Act would provide a tax credit for an amount equal to 50% of information and communications technology training (ICT) program expenses paid or incurred by the taxpayer for the benefit of: an employee of the taxpayer; or, an individual who is not employed on up to $10,000 per year. Expenses may include payments in connection with: course work, certification testing and other expenses that are essential to assessing skill acquisition.

This tax credit is necessary because technology skills are increasingly important to workers in more and more industries. It is no longer just the software programmers who create the technology, but increasingly engineers, machinists, architects, call center workers and many others who must continuously upgrade their skills in the use of the ever-changing tools of technology if they are to remain competitive in an increasingly global and service-oriented workforce market.

Just as the research and development tax credit helps companies make continuous investments in new product development, today a complimentary human resources technology development tax credit is now equally necessary to assure that there is a continuous investment in the technology skills of the U.S. workforce so it is competitive in the new worldwide economy.

RECOGNIZING DAVID I. HON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize David I. Hon, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many scout activities. Over the many years David has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending David I. Hon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent David in the United States House of Representatives.

THE WOMEN'S OBSTETRICIAN AND GYNECOLOGIST MEDICAL ACCESS NOW ACT (THE WOMAN ACT)

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mrs. DAVIS of California. Madam Speaker, today I am reintroducing the Women's Obstetrician and Gynecologist Medical Access Now Act, the WOMAN Act. This bill will ensure that every woman has direct access to her OB-GYN.

I believe women should not need a permission slip to receive OB-GYN care. Unfortunately, that is the reality faced by many women when they need to see their doctor. Numerous managed care plans require women to visit their primary care physicians before seeking the health care services they need from the providers they want. Denying direct access or forcing women to jump through numerous bureaucratic hoops to see their OB-GYN is not acceptable treatment.

The WOMAN Act recognizes women have different medical needs than men and the significant role OB-GYNs play in women's health. Women who see an OB-GYN on a regular basis are more likely to receive important screening services, such as pelvic exams, as well as counseling on critical reproductive health issues. My legislation removes the barriers complicating women's access to their doctors. Women will no longer have to contend with the gatekeeper system that can prevent or delay appropriate care.

It is easy to understand what a difference direct OB-GYN access makes in women's health care. Imagine, for a moment, a woman in San Diego who works 45 hours a week and has limited sick and vacation time. Now, imagine she has an urgent medical problem requiring an OB-GYN visit. On Monday, she calls from work to make an appointment with her primary care physician. If she is lucky, she gets an appointment for the following morning. She takes time off Tuesday to go see her doctor. Her primary care doctor agrees she should be seen by her OB-GYN and gives her a referral. Tuesday afternoon, she returns to work and calls her OB-GYN for an appointment. The doctor is in surgery on Wednesday, but they offer her an appointment on Friday morning. On Friday she takes another morning off from work, and finally, after almost a week, gets the care she needs. The unnecessary referral process resulted in her taking an extra morning off work and delayed her proper medical care by five days. The patient, employer, primary care physician, and health plan provider would have saved money and time if the patient had been able to go directly to her OB-GYN.

The public overwhelmingly supports direct access to OB-GYN care. A survey conducted by the Kaiser Family Foundation and Harvard University found that 82 percent support direct access legislation and 63 percent would support it even if their health insurance costs increased.

While serving in the California State Assembly, I heard from many women who experienced the same problems I have outlined today. After meeting with women, obstetricians and gynecologists, health plan representatives, and providers in the State of California, I wrote the State law allowing women direct access to their OB-GYN. That law was a good first step; however, it still does not cover women enrolled in self-insured, federally regulated health plans. This means that even if a woman lives in a State with direct access protections, like California, she may not be able to see her OB-GYN without a referral if she is covered by a federally regulated ERISA health plan. In addition, there are almost a dozen states which still do not provide women with direct access to OB-GYNs.

Women save time and money with better access to OB-GYN care. I believe the time has come to make direct access to an OB-GYN a national standard.

I urge you, Madam Speaker, and all of my colleagues to pass this critical legislation into law.

3,000 REASONS TO WITHDRAW TROOPS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Ms. SCHAKOWSKY. Madam Speaker, New Year's Eve marked another grave milestone in Iraq, as the United States lost its 3,000th soldier since the war began. Attacks on our troops are increasing as civil war spreads. America lost more troops in Iraq in December than in any other month during the previous two years.

As we honor the fallen, we must remember the daily life and death consequences of President Bush's policies. The time to begin withdrawing our troops from Iraq has long since passed. The longer we have stayed the course, the worse conditions in Iraq have become.

November's elections were a mandate for change in Iraq. As more and more members of the President's own party deem the Administration's policy a failure, an overwhelming majority of Americans are calling on President Bush to draw down our troops from Iraq. It has become resoundingly clear that a military solution is not possible. Our troops were not trained for or sent to Iraq to referee a civil war. An extended American military presence will just continue to fuel the insurgency.

The Republican co-chair of the Iraq Study Group, James Baker, warned that "We no longer can afford to stay the course," and Lee Hamilton, the Democratic co-chair, agreed. "The current approach is not working and the ability of the United States to influence events is diminishing. Our ship of state has hit rough waters. It must now chart a new way forward." Instead of continuing to stubbornly defend his administration's failed war strategies, the President must now work with Congress and foreign leaders to chart a diplomatic strategy that reduces the violence in Iraq.

The President left the U.S. with no good options, but increasing the number of American servicemen and women in Iraq is an unacceptable course. The new Congress must use its authority to ensure that the calls of the American people do not fall on deaf ears.

It will take many years for the U.S. to move beyond the setbacks we have suffered in Iraq. Our military is overstretched. Our diplomatic authority has been severely diminished. We have shifted our focus away from Afghanistan, and a resurgent Taliban is increasing its attacks on American troops.

For those families whose sons and daughters died in the war, the wounds will never heal. Illinois is one of eight states that lost more than 100 troops in Iraq. From Rock Island to Champaign, from Skokie to Carbondale, more than 100 families have suffered the ultimate loss. It is time to change course.

RECOGNIZING KENNETH G. SAMPSELL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kenneth G. Sampsell, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Kenneth has been very active with his troop, participating in many scout activities. Over the many years Kenneth has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kenneth G. Sampsell for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Kenneth in the United States House of Representatives.

TRIBUTE TO CHARLES BEACH III

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to an exceptional Kentuckian, Mayor Charles "Charlie" Beach III. After serving 32 years as mayor of the City of Beattyville, Kentucky, Mayor Beach is leaving office. I want to express my deepest gratitude for his many contributions and years of public service.

Throughout his tenure, Mayor Beach has led a number of initiatives to improve the lives of Lee County residents, build hope in our Appalachian region, and serve as an economic and community development leader for the entire Commonwealth. Southern and Eastern Kentucky has been plagued with inadequate water and sewer infrastructure and poor housing opportunities. Mayor Beach has been the driving force behind construction of two water plants, a sewage treatment plant, and installation of necessary piping to serve and reach the rural residents of Beattyville and Lee County. In addition, Mayor Beach is well-regarded throughout the Commonwealth for his vision of providing quality, affordable housing.

Since 2002, Mayor Beach has been a critical partner in our regional anti-drug initiative "Operation UNITE." Beach was a key early supporter and critical ally in getting drugs off our streets and cleaning up our communities. He has consistently backed efforts to educate our children on the dangers of drug use and our program to help drug users find treatment options.

In addition to his duties as mayor, Charles Beach is also the Vice-Chairman of the Peoples Exchange Bank where he provides business development and public relations leadership. He is the former President of the Kentucky League of Cities and has served as the Chairman of the Kentucky River Area Development District. These organizations promote the welfare and economic growth of Kentucky's rural and urban areas.

Madam Speaker, I want to thank Mayor Beach for his selfless sacrifice and service on behalf of the people of the City of Beattyville, Lee County, and the Commonwealth of Kentucky. His dedication and integrity are an inspiration to us all and I know his contributions will live on for many years to come.

A NEW DAY FOR AMERICA

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Ms. SCHAKOWSKY. Madam Speaker, now begins a new day for America. During the first "100 Hours" of the 110th Congress, Democrats will answer the voters' call for change. We will restore honesty, openness, and civility to Congress, require Medicare to negotiate for lower drug prices, lower the cost of higher education, raise the minimum wage, invest in " saving embryonic stem cell research and alternative energy, and strengthen our homeland security.

The election of NANCY PELOSI as Speaker of the House is a historic moment—a testament to Nancy's able, dedicated, and unifying leadership. I am confident that Speaker NANCY PELOSI (D–CA), Majority Leader STENY HOYER (D–MD), Majority Whip JAMES CLYBURN (D–SC), Caucus Chairman RAHM EMANUEL (D–IL), and Caucus Vice Chairman JOHN LARSON (D–CT) will lead us in a new direction that makes our country stronger and more just. While we will make great strides during the first "100 Hours," it's just a downpayment. Even greater change is on the horizon.

On November 7th, Americans demonstrated that they will not wait for change in Iraq. Three thousand of our troops have lost their lives and civil war is spreading. Even the Republican co-chair of the Iraq Study Group, James Baker, warned 'We can no longer afford to stay the course.' I will work with members of both parties to pressure the Bush Administration to begin to draw down troops as quickly as possible so that a diplomatic course may be pursued.

While corporations and the few at the top have profited from tax breaks and giveaways, the majority of workers and families in our country have been left behind. My fight to provide opportunity and economic security for the majority of Americans continues. I will work provide good jobs with strong benefits, to end waste and abuse in the government contracting process, and to protect consumers from corporate wrongdoing.

The challenges facing our great nation are many. With a focus on our most urgent priorities, Democrats will lead the United States to thrive again, as a force for good that provides opportunity for all.

RECOGNIZING NICHOLAS J. MOORE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nicholas J. Moore, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 900, and in earning the most prestigious award of Eagle Scout.

Nicholas has been very active with his troop, participating in many scout activities. When Nicholas achieved the rank of Eagle Scout this summer at Bartle Camp, he became the first Eagle Scout in Boy Scout Troop 900. Over the many years Nicholas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Nicholas J. Moore for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE IMPORTANCE OF BREAST CANCER AWARENESS

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. SHAYS. Madam Speaker, breast cancer is the second leading cause of cancer death among American women and more than 40,000 women will die from breast cancer this year alone. Three of four women diagnosed with breast cancer have no known risk—no family history.

While the diagnosis rate of this cancer continues to increase, I am thankful the breast cancer death rate is steadily decreasing, which is in large part due to advancing medical treatments and an increase in early detection. By continuing to support breast cancer research and early diagnosis, we can help bring an end to this disease that takes a new life once every fourteen minutes.

In recognition of last year's Breast Cancer Awareness Month, Karen Stevenson, a resident of New Canaan, Connecticut, gave an address at the launch of the "Paint the Town Pink" program at New Canaan Town Hall. I submit the text of Ms. Stevenson's remarks to be entered into the RECORD.

Good morning. Active and healthy—definitely much more fit than I am now—with no history of the disease in the family, I was completely blindsided by a breast cancer diagnosis 5 years ago based on an unusual mammogram result. I had a mastectomy and reconstructive surgery followed by 5 months of chemotherapy. My daughters were 7 and 10 at the time.

With the warm generosity of family, friends and colleagues who supplied moral support, hugs, and many a meal to help maintain normalcy in the girls' routine at home, we navigated through that difficult period and came out the other side.

The kids were troopers. To this day they still find such humor in telling the story of Mom having melted her wig on Thanksgiving Day with a sudden blast of heat from the oven while basting.

My situation is not unique, but rather, representative of what so many women in our community have faced.

I shared the first few weeks of chemo with a group of spectacular women and we quickly banded together to help carry one another through the various rounds of surgeries, chemo, radiation, genetic testing, additional surgeries, and follow-on treatments in all the years since.

Licia, a young professional diagnosed only 4 months after being married,

Kerry, an exceptionally talented marketing director, artist and mom, diagnosed only 1 week before giving birth to her second child,

Debbie, a teacher and beautiful mother of three young school children,

Julia, a NYC actress and mother of two teenagers,

Chris, an attorney and mother of two preschool daughters.

Of note, while we were a randomly assembled group of six, four of us were under 35 years old and all of us were under age 43.

Breast cancer is everywhere and I'm sure you can each add several names of patients and loved ones to the growing list. While the topic doesn't typically surface in casual conversation it always amazes me how often we discover this common sisterhood.

While the diagnosis itself is daunting, we are the fortunate beneficiaries of the drug trials and experiences of the many who have gone before us over the past 20 years, and as a result, there are many more treatment options available, as well as access to solid information about their efficacy and managing side effects. In my case and for many others, early detection and the rapidly evolving treatment have ensured we can continue to attend the soccer games and school plays, host family holidays and be here to enjoy our families.

The harsh reality is that even the treatments available today are not successful for all of us and the implication of later diagnosis is significantly added risk. It is just heartbreaking to watch so many vibrant women in our community struggle and suffer for years, exhausting treatment options that will hold back their cancer and pain while trying to continue care for their families.

We are so fortunate to live in an area with such excellent access to quality care locally—for regular check-ups, for mobile mammograms, and should it be necessary, for both proven and innovative cancer treatments. But we must take advantage of that access!

Ask yourself tonight as you are tucking your children into bed . . . or talking to your college student via phone this weekend . . . or watching your grandson's football game . . . Are you willing to put this in jeopardy unnecessarily when it takes only an hour of your time to make and keep a screening appointment? As you walk past the waves of pink on Elm and Main Streets, won't you take a pledge today to ensure all the important women in your life make this a priority?

On behalf of all of those who have been touched personally by Breast Cancer—and I'm sure there are many here today—we offer our profound thanks to the merchants of New Canaan and to Janet Blaylock and the team of volunteers she has mobilized. Your efforts to Paint the Town Pink for a weeks in October as a collective call to action will most certainly be a positive turning point in the lives of many families in our community.

HONORING DAVID OGG ON HIS PROMOTION TO BRIGADIER GENERAL

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor David Ogg on earning the rank of Brigadier General in the U.S. Army. Today, BG Ogg is being honored in a ceremony to commemorate this great achievement.

During the course of his 28 years of distinguished service, BG Ogg has served in Germany, where he was on the front line of the cold war in Europe. Later, his career transitioned to project management, and he worked with some of the military's most important and most sophisticated new hardware, such as the M113 and Stryker combat vehicles.

While his military service has led him around the globe, BG Ogg has never forgotten where he comes from. Although he is currently stationed in Michigan, BG Ogg still calls Murfreesboro, Tennessee, home. In fact, he returned to his alma mater, Middle Tennessee State University, to teach ROTC for 4 years. And his two sons now are continuing the family tradition and seeking their degrees at MTSU.

As a fellow MTSU alumnus and former student of MTSU's ROTC program, I thank BG Ogg for his service to his country, and I commend him for his hard work and dedication. I also commend his wife, Pam, and their sons, Jason and Stuart, for the sacrifices they have made as BG Ogg has proudly worn the uniform of this Nation. I wish David Ogg and the entire Ogg family continued success and happiness.

RECOGNIZING SEAN T. COWDEN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sean T. Cowden, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop, participating in many scout activities. Over the many years Sean has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Sean T. Cowden for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Sean in the United States House of Representatives.

HONORING THE LIFE OF GERALD FORD, 38TH PRESIDENT OF THE UNITED STATES

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. DAVIS of Alabama. Madam Speaker, we overlooked Gerald Ford's significance when he served as President. His tenure was only slightly longer than a congressional term, a cruel irony for a politician whose political career was so grounded in the by-ways of the House. He was hardly a master politician, if the term refers to the winning of elections or the swift dispatch of opposition: Ford came within an inch of not being re-nominated, and he lost in the general election to the most obscure winner of our times.

This week, as we mourn Ford's passing, his legacy is much clearer: first, he gracefully presided over the aftermath of Richard Nixon's forced removal, and over the culmination of our debacle in Vietnam. Had he gotten either moment wrong, the country might have been ripped into two, bitter competing halves. As we contemplate the mistakes subsequent presidents have made, it is a virtue that Gerald Ford made not a single major error in judgment: he did not blunder into any ill-chosen wars, and as much as an opposition dominated Congress thwarted him, he never resorted to subterfuge in an effort to tip the scales.

Then there is the graceful way Ford practiced politics. The challenge from Ronald Reagan was perilous because even in 1976, Ford was not of a philosophic kin with most Republican primary voters. A less principled president would have demagogued on issues like busing or affirmative action; certainly, he might have abandoned the détente that was a major contributor to taming the Soviet Union. A modern, win-at all cost politician would have savaged an unknown like Jimmy Carter. The fact is that the 1976 election season was at once breathtakingly close and remarkably civil.

Imagine if Gerald Ford's major value, the cultivation of common ground, had dominated the last two fractious decades. Our two major political philosophies would not have been at irreconcilable odds, with both tending to treat each battle as if it were the ultimate one or as if we weren't bound to share a future together. We mourn Gerald Ford's decency and we also mourn the loss of the political character that left the stage when we retired him.

HONORING DENNIS KAMPER

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me today in acknowledging the retirement of Mr. Dennis Kamper and his 38 years of public service to the United States Army Corps of Engineers, Memphis District.

Mr. Kamper began his career as a student earning both a Bachelor's and Master's Degree in Engineering at the University of Louisville. With the Corps, Mr. Kamper has served in the Louisville, Philadelphia, and Memphis Districts. At each assignment Mr. Kamper has received praise for his dedication to providing quality products and services to the Corps of Engineers and their customers.

Dennis has been a shining example of the Corps of Engineers' mission through his visionary leadership and exemplary managerial style. These contributions include the design and construction of numerous civil works projects, mentoring and recognition of his employees, his "open door" policy, and implementing and institutionalizing the Army Performance Improvement Criteria (APIC).

In addition to his professional responsibilities, Dennis Kamper has built a legacy as a model citizen and community leader. He is an active member in his church and the Society of American Military Engineers (SAME), a strong supporter of Memphis District's Adopt-a-School program, and a speaker at numerous Career Day programs promoting the engineering profession.

Please join me in honoring Dennis Kamper and wishing him the best in a well-deserved retirement.

RECOGNIZING RYAN E. MOSE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ryan E. Mose, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many scout activities. Over the many years Ryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ryan E. Mose for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Ryan in the United States House of Representatives.

RECOGNIZING HEROISM

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. STEARNS. Madam Speaker, I appreciate this chance to recognize a true hero, someone who put aside the natural reaction to remain safe and instead risked his life to save another.

Wesley Autrey recently demonstrated heroism at the subway station at 137th Street and Broadway. Mr. Autrey was waiting with his two children on the subway platform when he saw a young man suffer a seizure and fall onto the tracks.

Realizing that a train was approaching and with no chance of helping the young man off of the track, Mr. Autry jumped down onto the tracks and placed his body on top of the victim to protect him from the train. The train missed Mr. Autry by mere inches and both emerged unscathed.

In a world plagued by terrorism, indifference, and selfishness, Mr. Autrey's action demonstrated a commitment to preserving life and showed that we still have heroes among us. I commend a real American hero, Wesley Autrey.

INTRODUCTION OF THE URBAN AREA SECURITY INITIATIVE IMPROVEMENT ACT OF 2007

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Ms. MATSUI. Madam Speaker, national security is our highest priority. Congress has created risk-based grants to direct limited federal funds toward areas facing higher threats, in order to ensure that our country is protected against and prepared for any future terrorist attack.

Over the past year, however, my attempts—along with the efforts of a bipartisan coalition of my colleagues—to work with the Department of Homeland Security (DHS) to address concerns about one of those risk-based grants, the Urban Area Security Initiative (UASI), have been fruitless. This experience has led me to question whether we are successfully directing funds as this grant was intended.

For this reason, I am introducing the Urban Area Security Initiative Improvement Act of 2007. Using the information I have gleaned over the past year, this legislation will ensure the grant functions as it was proposed. It will also make certain that instead of making arbitrary decisions, DHS uses conclusive data to inform its policy.

The questions surrounding the UASI grant arose last January, when DHS released a list of 35 urban areas considered eligible to apply for UASI funding through the FY 2006 process. Eleven additional areas, including Sacramento, the Congressional District I represent, were placed in a second group and notified that their UASI funding may be terminated in future years if they did not meet the new risk assessment standards.

When DHS announced that Sacramento's UASI funds may be in jeopardy, the decision seemed unwarranted. Sacramento has a population of almost two million people, and is the capital of California—the most populous state in the nation and the sixth largest economy in the world. The city is also home to dozens of critical federal and state government buildings and much of the state's water, electricity, and telecommunication systems are managed from Sacramento. To suffer an attack would have repercussions beyond our region.

Immediately after learning about the changes to the UASI program, I requested meetings with DHS officials to understand their new risk assessment guidelines. After unsatisfactory responses from DHS, I led a coalition of my colleagues to demand information regarding DHS's revised guidelines for eligibility in an effort to urge them to change their policy.

The Chairman of the Homeland Security Committee, colleagues from San Diego and Sacramento, both of California's United States Senators and I requested a Government Accountability Office (GAO) investigation into the UASI grant process. The preliminary findings of that investigation were completed in mid-December. GAO analyzed the risk methodology and the effectiveness of the assessment, in addition to reviewing planned changes to both in the upcoming year. The report confirmed that DHS had made many arbitrary decisions during their UASI determination that skewed the outcomes of the risk-scenarios and grant awards.

Of particular concern is that DHS arbitrarily cut the number of eligible cities to 35 and created a second group of 11 of which were only able to apply for "sustainment" funding. Additionally, DHS assigned arbitrary values to assets and population without running a study of how the variation in the output of models (numerical or otherwise) used for such awards can be manipulated—a process commonly referred to as a "sensitivity" analysis. This analysis would have ensured that any changes to these values have little or no impact on the ranking of each urban area.

Both 9–11 and Hurricane Katrina demonstrated the role our first responders play in any incident, whether an act of terrorism or mother nature. And the Urban Area Security Initiative is a critical component to ensuring the preparedness of those brave men and women and, ultimately, our nation's preparedness. We all recognize that we need to direct our limited resources towards the most at-risk locations. However, and DHS has acknowledged this, they have overlooked critical infrastructure. These arbitrary decisions may have influenced the outcome of the UASI grant. This is poor national security policy and in an era when national security is a priority, it is unacceptable.

DHS will shortly be announcing those urban areas that will be eligible to apply for funding. However, Sacramento and all heavily populated urban areas will have to worry each year about whether DHS will arbitrarily change the number of eligible cities and thus, if they will even be able to apply for funding. This places significant and undue burdens on our regional homeland security efforts, as first responders attempt to prepare for and protect against any future threat, without knowing from year to year whether they can even apply for funding.

That is why I am introducing this legislation today. The UASI Improvement Act will allow the 100 most populous urban areas, as determined by the census and the Secretary of the Department of Homeland Security, to apply for UASI funds. While each urban area does not have to apply, this will guarantee that those urban areas who believe they need the funding or who find that they meet the eligibility guidelines as determined by DHS will be able to at least apply for these vital funds.

The bill also mandates that DHS conduct a sensitivity analysis. The GAO found DHS's decision to arbitrarily assign values during the risk-assignment without conducting a sensitivity analysis to be a significant flaw in the UASI grant determination process. By conducting such an analysis, DHS will have conclusive data rather than uninformed decisions to guide their decision-making.

Our local law enforcement and first responders continue to do an incredible job understanding the threats facing our country and are working hard to prevent and prepare for an attack. And while these heroes are doing their jobs, the federal government needs to do its job. Part of that is providing leadership by setting standards and the other is to provide resources. My concern is that the federal government has been shirking its responsibility, and so I am introducing legislation to make sure that Sacramento and all at-risk urban areas have the funding they need.

Madam Speaker, the Urban Area Security Initiative Improvement Act will guarantee that our most at-risk urban areas will have access to necessary federal funds, which our first responders and law enforcement need in order to protect our citizens. I look forward to working with my colleagues to pass this bill in the newly-elected 110th Congress.

TRIBUTE TO LARRY KING

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. SHUSTER. Madam Speaker, I rise today to pay tribute to a true giant in the transportation community and a dedicated servant of the citizens of Pennsylvania, Larry King. After more than 30 years of service, Mr. King will be retiring from Pennsylvania Department of Transportation (PennDot) later this month. While Larry's retirement is certainly well deserved and will provide him with more time to spend with his wife Betty and their family, all of Pennsylvania will feel the impact of his departure.

Larry joined PennDot in 1969 and has served in a variety of positions with a special focus on planning and programming. In 1991, Mr. King was appointed to serve as Deputy Secretary of Planning. In that role, he was responsible for overseeing the statewide planning process, maintaining the Commonwealth's 12 year plan and the management the state's highway and bridge program which consist of a yearly budget of roughly $1.25 billion. Additionally, Larry was charged with the difficult task of ensuring that projects moved forward in a timely and cost efficient manner.

In his time at PennDot, Larry has been a tremendous resource for members of the Pennsylvania Congressional delegation. He never hesitated to share his expertise with Members or our staff. When Congress took up the historic Transportation Equity Act for the 21st Century (TEA–21), it was Larry's counsel that Members sought in their effort to ensure that Pennsylvania received its fair share of highway and transit funding. I think we all can agree that Pennsylvania certainly benefitted from his counsel. Larry not only possesses an intimate knowledge of the federal process, he also holds a true passion for improving transportation within the Commonwealth. Indeed, I remain convinced that there is not a road in Pennsylvania on which Larry King has not traveled.

For more than 30 years, Larry has remained dedicated to serving the citizens of Pennsylvania and the Commonwealth has benefitted exponentially from his service. The numerous projects that have moved forward under his watchful eye will greatly benefit not only Pennsylvanians, but all who travel through the Commonwealth. While we all wish Larry all the best in his retirement, we must also let him know how much he will be missed. Thank you, Larry, for your many years of service and your friendship.

THERE'S A NEW LAWMAN IN TOWN: CHRISTOPHER JAMES McCAIN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. POE. Madam Speaker, earlier this week, as the sun set in southeast Texas, on January 3, 2007, 35 highly-trained, well-disciplined, dedicated disciples of the law were sworn in as new Houston Police Officers. One of those officers was Christopher McCain.

McCain comes from a law enforcement family. His stepfather, Eddie, an HPD Officer for over 25 years, pinned the new police badge on McCain at the Police Academy Graduation. Present at the graduation were his proud mother, Janet, who has spent most of her career helping people of the Houston community, and his brother Ryne.

Madam Speaker, peace officers are the last strand of wire in the fence between good and evil. They are what separate us from the anarchy of the lawless. By wearing the badge, they swear to protect, defend, and serve the citizens.

McCain, 28 (born 1978), is a single parent of 2 small children. His youthful wife met an untimely death in 2005. When this occurred, McCain accepted the duty to raise his children alone.

Although becoming an HPD officer is the beginning of a new career, McCain has spent his life in public service. After receiving his GED, McCain volunteered and joined the U.S. Marine Corps. He served 4 years on active duty as a non- commissioned officer in Special Operations, assigned to the desert sands of the Middle East and he also served in Japan. After being discharged, he was recalled to active duty in 2003. McCain's dramatic enthusiasm for serving our Nation as a Marine was another trait of our Nation's great warriors.

Here's what President Ronald Reagan said about the Marines:

> Some people spend an entire lifetime wondering if they made a difference in the world. But, the Marines don't have that problem.

Christopher McCain was one of those Marines.

When his tour of duty was over with the Marine Corps, McCain went to work for the Harris County (Houston), Texas Juvenile Probation Department. He was a Master Sergeant in the training division of the boot camp. Boot camp teaches youthful offenders discipline, hard work, and self worth. He spent 5 years (2001–2006) helping the troubled youth of the streets of Houston.

But all of his life, Christopher McCain wanted to be a peace officer. Now that dream has been accomplished. Christopher McCain is a Texas Lawman!

Peace officers, who wear the badge, are the best we have to offer to our towns and cities. Serving the people, protecting the citizens, capturing outlaws and bringing them to justice, is what these peace officers do for the rest of us.

In Houston, we call our peace officers "Houston's Finest." Officer Christopher McCain is now one of those who wear the badge and the blue uniform of "Houston's Finest." He, like his fellow peace officers, is a cut above the rest of us—and that's just the way it is.

INTRODUCING THE FAIR MINIMUM WAGE ACT OF 2007

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. GEORGE MILLER of California. Madam Speaker, as part of this first 100 hours of the 110th Congress, I am proud to introduce the Fair Minimum Wage Act of 2007. The introduction of this bill provides Congress with a long-overdue opportunity to stand up for the dignity of those 5.6 million workers in the United States making minimum wage, or near minimum wage.

The Fair Minimum Wage Act of 2007 would increase the federal minimum wage to $7.25 per hour in three steps over two years. Under this bill, sixty days after enactment, the wage would rise from the current $5.15 per hour to $5.85 per hour. One year later, it would rise to $6.55. And a year after that, it would finally rise to $7.25 per hour. The bill also extends federal minimum wage coverage, under a separate timetable, to the Commonwealth of the Northern Mariana Islands.

For almost a decade, the federal minimum wage has remained at just $5.15 an hour. The nation's poorest workers have suffered through the longest period in the history of the law without a pay raise. As a result of congressional inaction, the real value of the minimum wage has hit a 51-year low. If the rate remains unchanged in 2007, a minimum wage employee working full-time will earn only $10,712, which is $5,888 less than the $16,600 needed to lift a family of three out of poverty. This is unconscionable. These Americans have suffered at poverty wages for far too long. It is time for Congress to demonstrate that it values hard work.

Nearly 13 million American workers will see their pay rise as a result of the Fair Minimum Wage Act—5.6 million workers directly and 7.4 million workers indirectly. This number includes 7.7 million women, 3.4 million parents, and 4.7 million people of color. 79 percent of these workers are adults, and the majority of these workers work full-time.

Families with affected workers rely on those workers for more than half of their family's income. 46 percent of child-rearing families with affected workers rely solely on the earnings from those workers. If this bill becomes law, over 6.3 million children would see their parents' income rise. For a family of three this means an additional $4,400 a year, equaling 15 months worth of groceries or two years worth of health care for these families. It will mean greater dignity on the job.

Congress has a moral duty to raise the minimum wage. Churches, synagogues, and other faith groups are calling on Congress to support the Fair Minimum Wage Act. In this country, an average CEO earns more before lunchtime in one day than a minimum wage worker earns all year. This is a moral outrage in the richest country on earth. With the costs of health insurance, gasoline, and college tuition increasing, it is important, now more than ever, that we raise the minimum wage so that these hard working Americans are able to meet basic human needs.

Raising the minimum wage is not only the right thing to do, it is also economically prudent. Increasing the minimum wage will help boost the economy as a whole, putting more money into the hands of those people who need it and will spend it—indeed, spend it on basic necessities. Last year, some 665 economists, including several Nobel Laureates, signed a statement in support of raising the minimum wage. As they explained, the "minimum wage helps to equalize the imbalance in bargaining power that low-wage workers face in the labor market. The minimum wage is also an important tool in fighting poverty."

Raising the minimum wage is critical to fighting the middle class squeeze in this country. America's middle class is this country's economic backbone. It is what makes us strong. Yet the middle class is shrinking. Since 2001, the number of Americans living in poverty has increased by 5.4 million, to 37 million. More than one in six American children now lives in poverty. The Fair Minimum Wage Act of 2007 is an important first step for this new Congress in its efforts to stand up for the middle class and to stem the squeeze.

INTRODUCING WE THE PEOPLE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the We the People Act. The We the People Act forbids federal courts, including the Supreme Court, from adjudicating cases concerning state laws and polices relating to religious liberties or "privacy," including cases involving sexual practices, sexual orientation or reproduction. The We the People Act also protects the traditional definition of marriage from judicial activism by ensuring the Supreme Court cannot abuse the equal protection clause to redefine marriage. In order to hold federal judges accountable for abusing their powers, the act also provides that a judge who violates the act's limitations on judicial power shall either be impeached by Congress or removed by the president, according to rules established by the Congress.

The United States Constitution gives Congress the authority to establish and limit the jurisdiction of the lower federal courts and limit the jurisdiction of the Supreme Court. The Founders intended Congress to use this authority to correct abuses of power by the federal judiciary.

Some may claim that an activist judiciary that strikes down state laws at will expands individual liberty. Proponents of this claim overlook the fact that the best guarantor of true liberty is decentralized political institutions, while the greatest threat to liberty is concentrated power. This is why the Constitution carefully limits the power of the federal government over the states.

In recent years, we have seen numerous abuses of power by Federal courts. Federal judges regularly strike down state and local laws on subjects such as religious liberty, sexual orientation, family relations, education, and abortion. This government by Federal judiciary causes a virtual nullification of the Tenth Amendment's limitations on federal power. Furthermore, when federal judges impose their preferred polices on state and local governments, instead of respecting the polices adopted by those elected by, and thus accountable to, the people, republican government is threatened. Article IV, section 4 of the Untied States Constitution guarantees each state a republican form of government. Thus, Congress must act when the executive or judicial branch threatens the republican governments of the individual states. Therefore, Congress has a responsibility to stop Federal judges from running roughshod over state and local laws. The Founders would certainly have supported congressional action to reign in Federal judges who tell citizens where they can and can't place manger scenes at Christmas.

Madam Speaker, even some supporters of liberalized abortion laws have admitted that the Supreme Court's Roe v. Wade decision, which overturned the abortion laws of all fifty states, is flawed. The Supreme Court's Establishment Clause jurisdiction has also drawn criticism from across the political spectrum. Perhaps more importantly, attempts to resolve, by judicial fiat, important issues like abortion and the expression of religious belief in the public square increase social strife and conflict. The only way to resolve controversial social issues like abortion and school prayer is to restore respect for the right of state and local governments to adopt policies that reflect the beliefs of the citizens of those jurisdictions. I would remind my colleagues and the federal judiciary that, under our Constitutional system, there is no reason why the people of New York and the people of Texas should have the same policies regarding issues such as marriage and school prayer.

Unless Congress acts, a state's authority to define and regulate marriage may be the next victim of activist judges. After all, such a decision would simply take the Supreme Court's decision in the Lawrence case, which overturned all state sodomy laws, to its logical conclusion. Congress must launch a preemptive strike against any further federal usurpation of the states' authority to regulate marriage by removing issues concerning the definition of marriage from the jurisdiction of federal courts.

Although marriage is licensed and otherwise regulated by the states, government did not create the institution of marriage. Government regulation of marriage is based on state recognition of the practices and customs formulated by private individuals interacting in civil institutions, such as churches and synagogues. Having federal officials, whether judges, bureaucrats, or congressmen, impose a new definition of marriage on the people is an act of social engineering profoundly hostile to liberty.

It is long past time that Congress exercises its authority to protect the republican government of the states from out-of-control federal judges. Therefore, I urge my colleagues to cosponsor the We the People Act.

MATH AND SCIENCE EDUCATION LEGISLATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. EHLERS. Madam Speaker, I rise today to introduce a package of four bills aimed at improving our nation's math and science education at the pre-school through university levels.

Too often, our young students lack the academic background necessary to learn math and science skills in elementary school. The Math and Science School Readiness Act (H.R.) promotes pre-mathematics and prescience school readiness in preschool-aged children enrolled in the federal Head Start program. The bill updates the current law provision that requires that Head Start programs develop preschoolers' "numeracy skills" by requiring that such programs instead ensure that children develop and demonstrate basic premath and pre-science skills, such as counting, grouping similar objects together, and deciphering whether items have been added or subtracted. I included a similar provision in the major Head Start reauthorization bills that passed the House in 2003 and 2005, but unfortunately these bills did not become law.

Now more than ever, our nation's future economic competitiveness and national security will depend upon a workforce equipped with necessary math and science skills. Our students lag behind their international peers on several key indicators, and our states and schools are not held accountable for K–12 science education. The Science Accountability Act (H.R.) holds states and schools accountable for ensuring that our K–12 students are learning science. It amends the federal No Child Left Behind Act of 2001 to require that the science assessments, which begin in the 2007–2008 school year, be included in the state's accountability system beginning in the 2008–2009 school year. It also gradually phases in annual assessments in science in grades 3–8, matching the existing requirements for reading and math assessments.

This package of math and science bills also provides resources for improving math and science education. A tandem of bills provides incentives for teachers and businesses to enhance math and science education.

A key component of high-quality math and science education is a qualified teaching workforce. The National Science Education Tax Incentive for Teachers Act (H.R.) helps bring qualified math and science teachers to our K–12 schools and helps retain them. Eligible teachers may receive a tax credit of up to $1,500 per year.

A former science educator, I understand that students should learn math and science primarily by doing math and science. Schools lack the necessary equipment and some teachers lack training in how to use the equipment. The National Science Education Tax Incentive for Businesses Act (H.R.) encourages businesses to donate new and needed math and science-related equipment to schools or donate teacher training services. Businesses may receive a tax credit equal to 100 percent of the value of their donations.

I am hopeful that the House and Senate can quickly act on this legislative package and that President Bush will sign the bills so that our nation's math and science education may be improved on all levels.

TRIBUTE TO MR. ANTHONY L'ESPERANCE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. GARY G. MILLER of California. Madam Speaker, I rise to honor Mr. Anthony L'Esperance, a fellow southern Californian.

Mr. L'Esperance has lived a long and distinguished life. During World War II, he honorably served as a Lieutenant Commander in the Merchant Marines. His duty and commitment to this great nation have helped build the pillars of hope, peace and freedom that so many in the world still look up to.

Mr. L'Esperance was also featured in the pages of Life magazine for his work as a master magician and is credited for inventing a precise slide-calendar that incorporates the days lost due to the switch from Julian to Gregorian calendars.

But his greatest accomplishment and passion in life is his family. For more than 62 years, Mr. L'Esperance has been married to his wife Mary. They have been blessed with a son, Paul, a daughter-in-law, Jan, and granddaughter, Morgan.

Madam Speaker, I respectfully ask that this 110th Congress join me in saluting Mr. L'Esperance for his service to our country and community.

RENEWABLE ENERGY COULD TRANSFORM HAITI

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Ms. SCHAKOWSKY. Madam Speaker, I would like to share with my colleagues the following op-ed that appeared last week in the Orlando Sentinel. This article discusses how a U.S.-backed biomass policy for Haiti could move our Caribbean neighbor away from the trajectory of state failure. As the article notes: "Support for bioenergy as part of the solution to Haiti's economic dilemma—unemployment and lack of energy—could advance the development of Haiti, and reinforce the governance and security reforms that Haitians so desperately deserve." I hope all of my colleagues keep this article in mind as we enter the 110th Congress.

[From the Orlando Sentinel, Dec. 26, 2006]

HOPE AFTER H.O.P.E. FOR HAITI?

(By Johanna Mendelson-Forman)

In its final hours, the 109th Congress gave new life to Haiti's manufacturing sector, passing a trade bill that included the H.O.P.E legislation that would create up to 7,000 new jobs by allowing Haitian assembly plants to import, duty-free, textiles that would be made into clothing for the U.S. market. While not a long-term solution to Haiti's ills, the symbolism of this action went further to bolster the morale of the Haitian private sector than anything in recent years.

Haiti suffers from many problems, not the least of which is lack of jobs. Violence and kidnappings continue to undermine security in Port au Prince. Even with the presence of a robust U.N. Peace Mission, a country of 8 million people without jobs spells insecurity. The rigorous effort by the international community to reinvent the Haitian National Police is only part of the solution to a complex country where law enforcement is franchised to many different groups rather than controlled by the state. What vexes those who want Haiti to succeed is just how to create a viable and sustainable development program.

While H.O.P.E may represent a small victory, other positive signs may auger for a different approach. A donor's meeting at the end of November in Madrid yielded almost $80 million to support good governance. And the World Bank decision to offer Haiti debt reduction also will help alleviate the drain on Haiti's limited revenue. Successful municipal elections held this month marked the first time since 1995 that Haitians democratically elected leaders of local government. And even a new effort to create a non-corrupt civil service is under way.

But the most promising signs that may make the difference in the coming years will be centered on a push to help Haiti become energy independent through the use of biomass energy.

Renewable energy could transform Haiti. A World Bank study reported that growing energy crops creates jobs in addition to fuel. In a country totally dependent on foreign oil for its energy needs, such independence could prove revolutionary.

This is not science fiction. Haiti is a perfect candidate for growing oil-seed crops. In rural areas, where 70 percent of the population remains engaged in subsistence agriculture, developing an indigenous biofuels market could transform the countryside and prevent the urban migration that continues to swell the slums of Port au Prince.

The environment could also be saved. And the proven anti-erosion qualities of seed crops like Jatropha and Castor bean could also revitalize the soil in a country that is 96 percent deforested and where every rainfall puts thousands of people at risk for natural disasters. And with crops such as Jatropha, the bush is a natural fence since its leaves are poisonous to animals.

Unfortunately, helping Haiti to become energy self-sufficient is not a priority for donors despite the potential it represents. It never came up at the Madrid meeting. And U.S. development assistance has yet to see this type of sustainable agriculture in Haiti as a means of long-term poverty alleviation.

If real hope is to be restored in Haiti, it must go beyond the trade incentives embodied in the H.O.P.E legislation. Urgent action is needed so that a U.S. biomass policy for the Caribbean addresses not only the regional dilemma of foreign oil dependency, but also moves Haiti away from the trajectory of state failure, a threat that U.S. policymakers consider a grave danger to U.S. interests.

With Brazil as the lead nation in the U.N. peace operation in Haiti, the technical means for bio-energy transformation could get underway within the next year. The combined power of U.S. economic support, coupled with Brazil's biomass expertise, could certainly be applied to a place such as Haiti. It could also demonstrate that ending addiction to fossil fuels, a goal President Bush endorses, can also be applied to one of the great development challenges in our hemisphere.

In a country just a two-hour flight from the U.S. mainland, the risk of state failure looms large. Support for bioenergy as part of the solution to Haiti's economic dilemma—unemployment and lack of energy—could advance the development of Haiti, and reinforce the governance and security reforms that Haitians so desperately deserve.

TRIBUTE TO MAYOR HARRY KESSLER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Ms. KAPTUR. Madam Speaker, late in the night of January 2, 2007, our community lost a giant. Our beloved "once and ways" Mayor Harry Kessler, who symbolized honest and dedicated leadership in the public realm, has passed from this life.

He set a community standard that endures. His tenure as Mayor from 1971 through 1977 brought growth and vitality to a struggling city, and his imprimatur is everywhere. He followed his Mayoral leadership by holding other elected offices for two decades after he decided to retire as Mayor. Few have defined the Mayor of Toledo as did Mayor Harry Kessler. A beloved father for our City, he lived and breathed his life to better our city and region. His kind and gentlemanly manner, his eternal smile, and his deep commitment to integrity, learning and libraries, community service, and athletics have left permanent legacies to future generations.

Mayor Kessler was a builder, a healer, a leader who knew how to bring our community together not just for today but for tomorrow. We can each learn much from him as we emulate his life of service to us, in the private sector, in public office, and so many other community ventures. His deep love for our City that he always called home inspired us all. He did all he could to make our place on earth a finer and more humane place in which to live.

We extend deepest sympathy and gratitude to his soulmate and partner for over half a century, Mary Lou, his children and extended family. We wish them strength and peace as, together, we adjust to his passing from life with us. May God rest his soul and place him in a leading role in the City beyond stars to watch over our earthly pursuits.

IT'S TIME TO STOP THE SLAUGHTER OF A LIVING SYMBOL OF THE AMERICAN WEST

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. RAHALL. Madam Speaker, today I am reintroducing legislation that I first authored in the 109th Congress to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros. I am again joined in this effort by my good friend and colleague from Kentucky, ED WHITFIELD.

In both 2005 and 2006 the House adopted amendments I offered to the Interior and Environment Appropriations bill to prohibit the use of Federal funds for the sale or slaughter of wild free-roaming horses and burros. While we were successful in the House, neither amendment made it into law. In any event, these amendments would have only been a temporary 1-year fix. What is needed is a permanent solution to this problem. That is why I am offering my legislation today.

It was just a little over 2 years ago that 36 lines were hidden away in a 1,641-page appropriations bill that overturned more than 30 years of national policy on the protection and management of wild free-roaming horses and burros, allowing these "living symbols of the historic and pioneer spirit of the West" to literally be slaughtered through the use of a backdoor legislative maneuver enacted without public notice or input.

The public reaction to this change in law was swift and deafening. There was a good reason why it had been illegal for more than 30 years to sell or transfer wild free-roaming wild horses and burros for processing into commercial products. Americans were aghast to learn that these animals could be slaughtered for their meat to be served on dinner tables in such foreign countries as France, Belgium, and Japan.

Horses are an integral part of the tapestry of this country—a symbol, a promise of possibility, a companion, and a treasured childhood memory. Americans have always championed their survival, and expect that that these creatures will be protected. To allow them to be sacrificed and slaughtered represents great disrespect to the will of the American people and is an affront to our nation's history.

Instead of addressing long-term and widespread management problems the Bureau of Land Management, which administers the wild horse and burro program, has been forced to scurry to try to stop wild horses and burros from being sent to slaughter. Unfortunately for several dozen of these animals their attempts came too late and slaughter occurred.

Slaughter is all the more senseless since humane alternatives exist and federal agencies have the authority to carry out such humane measures as adoption, sterilization, relocation, and placement with qualified individuals and organizations.

The time has long since passed to restore the prohibition on the sale and slaughter of wild free-roaming horses and burros. I urge my colleague to heed the will of the American public and respond to common decency by supporting my legislation. We owe no less to these living symbols of the American West.

A TRIBUTE TO MR. LARRY N. DANTZLER

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. BOYD of Florida. Madam Speaker, I rise today to commend the exceptional service of Mr. Larry N. Dantzler on behalf of Bay County military installations.

Mr. Dantzler is stepping down as the president of the Bay Defense Alliance, which is a group of volunteers committed to enhancing and preserving the missions of Tyndall Air Force Base and the Naval Support Activity Panama City.

Larry has served as its leader since the groups formation in 1993, and has spent countless hours in his role to defend these installations as Base Realignment and Closure (BRAC) loomed. Under his leadership, the Bay Defense Alliance helped defend our installations in Bay County against two rounds of BRAC. Members of the Bay Defense Alliance have logged more than 15,000 volunteer hours in their efforts supporting the bases.

Mr. Dantzler has served as an advocate for the more than 11,000 men and women who serve our nation in support of Tyndall AFB, the Naval Support Activity Panama City and the Coast Guard Station Panama City. His hard work has helped build military and Congressional support for important missions in Bay County. He has served tirelessly as a liaison between Bay County, State, and Federal leadership in defense of our local bases.

This has been a job requiring great dedication—which he has done splendidly—despite his additional obligations as a business owner and his many other volunteer efforts. His additional volunteer efforts include work with the Bay County Chamber of Commerce, of which he is a past chairman, Rotary, United Way, Optimist Club, Bay Medical Center Foundation, Gulf Coast Community College Foundation, Panama City-Bay County International Airport Authority, Gulf Coast Community College Board of Trustees, Coastal Operations Institute, Girls Inc., Panama City Music Association, Bay Arts Alliance and others.

I invite my distinguished colleagues to join me in paying special tribute to Larry N. Dantzler for his invaluable service to Bay County, Florida. Through his leadership, he has laid the groundwork for preservation of our military installations for years to come and I would like to personally wish Larry, and his wife Nancy, the very best in their future endeavors.

TRIBUTE ON THE PASSING OF DAVID HERMANCE—THE FATHER OF THE AMERICAN PRIUS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Ms. HARMAN. Madam Speaker, I rise today to pay tribute to David Hermance, who was killed in a plane crash in southern California on November 25th. David was the North American Executive Engineer for Advanced Technology Vehicles at Toyota, whose headquarters is located in my congressional district.

Although most Americans may not know his name, David Hermance was one of the most influential engineers and environmentalists in the country. He was only 59 years old when the experimental aircraft he was piloting crashed into the Pacific Ocean, and his tragic death is a stunning loss not only for his family, but for the larger community he served.

Equally respected in the environmental community and the automotive industry, David was known as the "Father of the American Prius"—and for good reason. He had a knack for translating complex systems and technologies into easy-to-understand concepts, and he worked tirelessly to help lay-people understand the workings and benefits of hybrid and other advanced-technology vehicles.

It was David's passionate approach and commitment to the environment that helped persuade a skeptical industry and auto-buying public to appreciate the enormous potential of his work. In fact, Madam Speaker, my family drives two hybrid vehicles—one in California and the other in Washington, DC.

David will be sorely missed—as an outstanding individual and beloved colleague. Our thoughts and prayers are with his family: his wife Mary, his children Keith and Kathy, his grandson Colin and sister Bonnie.

INTRODUCTION OF THE IMPACT AID SCHOOL CONSTRUCTION BILL

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. TERRY. Madam Speaker, I rise today to introduce legislation to help schools educating the children of U.S. service members and schools serving Native American children on federal lands.

My legislation will improve the distribution of school construction grants under the Impact Aid program. Impact Aid compensates schools affected by a federal presence such as military installations or Native American reservations. Because federal lands are exempt from local property taxes, school districts located on or near federal lands lose a major source of revenue without the federal Impact Aid program.

Currently, school construction grants under Impact Aid allow unequal funding between military school districts and Native American school districts. For example, although 36 percent of the 1 million federal students are from military impacted schools, the majority of school construction dollars are spent on the 12 percent of Native American students.

In 2005 and 2004, $27 million in Impact Aid competitive construction grants were awarded. In 2005, only 1 of 8 competitive grants was awarded to a military impacted school district. In 2004, only three of 15 recipients were military school districts, and only one of 17 recipients in 2003 was a military school. In contrast, the formula grants under the Impact Aid School Construction program are equally distributed between military and Native American schools.

Considering that Impact Aid has historically been underfunded in meeting the needs of local school districts serving military and Native American families, this legislation is critical to ensure the most equitable use of available dollars.

Instead of sending 60 percent of funding toward 12 percent of federal students, the legislation I am introducing today would ensure 80 percent of school construction funding will be equally distributed between military and Native American schools. This approach will help ensure a high-quality education for the children of our military members selflessly serving our Nation. Priority would also be given to Native American districts in qualifying for emergency construction grants in recognition of the poor condition of too many Native American schools.

This legislation will also help schools affected by Global Rebasing at the Department of Defense (DoD). Over the next 4 years, DoD estimates that 38,000 military children will be returning to U.S. schools from closing overseas military bases. Under this legislation, schools that experience a 10 percent increase in the number of military students would be allowed to apply for emergency Impact Aid construction grants.

I am confident this excellent legislation will improve the Impact Aid program to better serve American families. I am proud that both Native American school districts and military-impacted school districts support the commonsense approach of this bill. I look forward to working with my colleagues on the reauthorization of Impact Aid later this year, and urge every Member of Congress to review and cosponsor this legislation.

HONORING MICHAEL LOFTON AND THE AFRICAN AMERICAN MEN AND BOYS CONFERENCE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor Michael Lofton, an inspirational leader who is working each day to make a difference in the lives of young people in his community. This past summer Mr. Lofton implemented an idea to bring together 200 boys, men and parents in the first African American Men and Boys Conference. His goal was to counteract the trends where African American boys were lagging academically, disrupting classes, disrespecting themselves, and often ending up incarcerated.

His passion for helping children led him to the Austin School District, where he contacted parents, school principals, health specialists, professors, sociologists, judges, law-enforcement, businesses, community leaders and clergy, in order to create a concentrated effort to support young black men and boys in the Austin community.

The monthly African American Men and Boys Conference has continued to increase in participation since its inception this past June. It has also expanded from focusing on boys and their academic needs to working with the entire family to make a difference. Each month these boys and their families focus good decision making, managing anger, taking and passing standardized tests, completing high school, attending college, maintaining a healthy lifestyle, and knowing how and when to seek assistance with school work,

It is people like Michael Lofton that are the cornerstone of our communities making a difference each and every day. He was brave enough and passionate enough to go out into the community and establish his vision for change, and he has inspired others to work with him to better our society. I commend Michael Lofton for all the work that he has done, and know that this is merely the first step of many great things to come.

HONORING SISTER MABLE WILLIAMS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Ms. LEE. Madam Speaker, I rise today to honor the life and work of Sister Mable Williams, a longtime resident of Oakland, California. Sister Mable is a role model to us all, and has demonstrated her leadership through her commitment to members of her church as well as the community at large. On Sunday, December 31, 2006, Sister Mable's friends, family and congregation will come together to celebrate her many contributions.

Sister Mable was born on January 25, 1931 in Picayune, Mississippi. She lived there until the age of 13, when she and her family moved to Alameda, California. She attended Alameda High School and Merritt Business School.

In 1953, Sister Mable married Thomas Williams, and in 1955 they moved to Oakland, California. Mable and her family have lived in Brookfield Village in East Oakland since that time, providing spiritual support to family, friends and neighbors. She also served as an employee of the United States Post Office for over 30 outstanding years, retiring in 1989.

Sister Mable joined Bethel Missionary Baptist Church in 1944 and immediately committed herself to serving in many aspects. For example, she served as a Charter Member of the church, and also as a secretary for the pastor, Reverend Herbert Guice. Furthermore, she served as a Charter Member of the Bethel Bible Class, and as a Sunday School Teacher of the Young Adult class.

One of Sister Mable's most outstanding accomplishments is having served as the Director of the Junior Church of the Bethel Missionary Baptist Church for 50 years. Under her leadership, countless young people have had opportunities to serve and to brighten their communities. Her dedication has earned her the nickname "Able Mable," because she is never too busy or too tired to give of herself.

On Sunday, December 31, 2006, the friends, family and colleagues of Sister Mable Williams will come together to celebrate her tireless work and commitment to our community. On this very special day, I join all of them in thanking and saluting Sister Mable for her invaluable service, and for the profoundly positive impact her work has had on countless lives here in California's 9th U.S. Congressional District.

TRIBUTE TO MAJOR GENERAL RICHARD A. PLATT

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. REYNOLDS. Madam Speaker, it is with great pride that I rise today to honor a respected military officer and great fighter pilot upon the occasion of his retirement from the United States Air Force and Air National Guard after 36 years of honorable and dedicated service.

Born in Silver Creek, New York, growing up in Suffern, New York, Major General Richard A. Platt began his military career June 1971 when he received his commission through the Reserve Officer Training Corps at Newark College of Engineering. After earning his pilot wings in June 1972, he flew F–4 Phantom fighter aircraft and was assigned to front line combat units in Southeast Asia, Europe and the United States.

Madam Speaker, from his early days as a fighter pilot in Vietnam to his role as a fighter weapons instructor General Platt has shown impressive leadership and combat flying skills. His flying experience includes two combat tours of duty, one in Vietnam and the other over the skies of Bosnia.

In 1981, Major General Platt left the active duty air force and continued his service flying the A-10 Warthog as a member of the 104th Fighter Wing of the Massachusetts Air National Guard. General Platt time and time again demonstrated his unparalleled vision and leadership. As a commander, he led the transformation of the 104th Fighter Wing into one of the premier fighting units in the entire American military.

Madam Speaker, following his flying career, General Platt served with distinction as he continued to provide vision and leadership to the Air National Guard. His assignments included commander of the Massachusetts Air National Guard and Air National Guard Assistant to the Commander of both Air Combat Command as well as United States Air Forces Europe. His last post brought him to Washington, D.C. where he was Assistant to the Director of the Air National Guard. In this role, General Platt was instrumental in beginning important changes to ensure the relevance and viability of the Air National Guard and United States Air Force, in this most challenging period of our country's history.

Madam Speaker, General Platt's dedication to the military has been evident from the day he joined his ROTC unit to his last tour of duty at the Pentagon; but perhaps more than any other assignment, nothing was more special to him than his role as commander of the 104th Fighter Wing. Even today, several years after General Platt's tenure, the wing is still recognized as an elite unit—his core values of integrity, dedication to duty, and patriotism remain strong. General Platt recognized that the fighter wing and our entire military are only as strong as the lowest ranking member—and no one member was more important than any other. For him the 104th Fighter Wing was more than just officers and airmen, they were, and still remain his family.

Madam Speaker, each and every American is safer and freer due to the service of Major General Platt and the men and women like him serving across all of our armed services.

Madam Speaker, in recognition of and in gratitude for his service, leadership and patriotism, I ask that this honorable body join me in honoring Major General Richard A. Platt upon the occasion of his retirement; and wish him great health and happiness in the days and years ahead as a father, husband and grandfather.

THE 110TH CONGRESS

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. INSLEE. Madam Speaker, yesterday, January 4, 2007, marked a historic day for progress in the United States of America for two reasons. The House of Representatives grew by taking further steps to represent the full fabric of the American people. The American people have selected their first woman speaker, Nancy Pelosi, and their first Muslim member of Congress, Keith Ellison. I am proud that Americans have rejected the statements from some who alleged Americans of all faiths are not welcome in Congress. This is also the first time the American people are represented by a speaker with a clear goal to move the United States towards energy independence. These advances represent steps forward in America's continuing experiment in democracy in which Congress represents America's stripes.

INTRODUCTION OF THE JOURNEY THROUGH HOLLOWED GROUND NATIONAL HERITAGE AREA ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. WOLF. Madam Speaker, today I am introducing legislation to create The Journey Through Hallowed Ground National Heritage Area. Senator WARNER will be introducing companion legislation in the Senate.

We remember the words of Abraham Lincoln in his Gettysburg Address:

> We cannot dedicate—we cannot consecrate—we cannot hallow this ground. The brave men, living and dead, who struggled here, have hallowed it far above our poor power to add or detract.

The Journey Through Hallowed Ground winds it way along U.S. Route 15 from Jefferson's home of Monticello, in Charlottesville, Virginia to Gettysburg, Pennsylvania. Starting as a trail used by the Susquehannock and Iroquois, America's early history can literally be traced along this corridor. Jefferson's Monticello, Madison's Montpellier, Monroe's Oak Hill and Ashlawn Highland, Zachary Taylor's homes, Eisenhower's cottage, Teddy Roosevelt's cabin, John Marshall's home, General George Marshall's home, and Camp David are situated along this route also dotted with numerous Civil War battlefields and sites from the underground railroad.

Designation of this historic route as a National Heritage Area will create a partnership between the federal, state, and local governments as well as local civic organizations to commemorate, conserve and promote the history and resources along the Route 15 corridor between Gettysburg and Monticello. It will help link national parks to historical sites, package tourism opportunities, and provide financial and technical support for sites in the corridor.

This historic corridor includes a significant part of the 10th District of Virginia, which I am proud to represent. I echo the sentiments of author and historian David McCullough when he said that "[t]his is the ground of our Founding Fathers. These are the landscapes that speak volumes—small towns, churches, fields, mountains, creeks and rivers with names such as Bull Run and Rappahannock. They are the real thing, and what shame we will bring upon ourselves if we destroy them."

This bill is modeled after the legislation Senator WARNER and I introduced which created the Shenandoah Valley Battlefields National Historic District in the Shenandoah Valley in 1996. Through that legislation, the Civil War battlefield sites in the Valley are being preserved. As with that bill, local, state and federal officials, working along with landowners and business leaders will be able to better promote the history of the Journey Through Hallowed Ground attracting tourism and an appreciation for the unique history of this area.

I would like to thank the Journey Through Hollowed Ground Partnership which has been working to forge partnerships that span the four states that fall within the proposed boundaries of the heritage area. This group has laid the groundwork in identifying the significant historical properties within such a concentrated area along U.S. Route 15. Dozens of towns and counties along the corridor have offered letters of support as have local civic groups. The Virginia General Assembly also has approved a resolution of support.

This legislation has been painstakingly drafted to ensure that the rights of private property owners within the district will not be usurped. In fact, designation as a heritage area increases the rights of property owners giving them an opportunity to learn more about the significance of their own property and allowing them to market their property as historically significant. Landowners should have the right to choose preservation and protection along with the right to choose to build town homes, malls and highways.

The legislation clearly states: "Nothing in this Act shall be construed to modify the authority of Federal, State, or local governments to regulate land use." Additionally, the only new federal funds accessible to The Journey Through Hallowed Ground Partnership will be for the management of the heritage area.

The bill also specifically prohibits the use of eminent domain and the ability of the management entity to regulate land use. The Government Accountability Office, the nonpartisan research service for the legislative branch, has investigated the effect of a heritage area designation on land use decisions. Its 2004 report states: "Heritage area officials, Park Service headquarters and regional staff, and representatives of national property rights groups that we contacted were unable to provide us with any examples of a heritage area directly affecting—positively or negatively—private property values or use."

This legislation is a local effort to recognize the history and beauty of this region. The organizers are local landowners who have the vision to appreciate that they live among the nation's most precious resources and history. The Journey Through Hallowed Ground Partnership conducted a poll of the residents in the heritage area and found that 81 percent of those polled expressed support for the initiative.

To understand the importance of this initiative, I refer to the words of Thomas Jefferson in his Notes on the State of Virginia:

> You stand on a very high point of land. On your right comes up the Shenandoah, having ranged along the foot of the mountain a hundred miles to seek a vent. On your left approaches the Potomac, in quest of a passage also. In the moment of their junction, they rush together against the mountain, rend it asunder, and pass off to the sea. The first glance of this scene hurries our senses into the opinion that this earth has been created in time, that the mountains were formed first, that the rivers began to flow afterwards, that in this place, particularly, they have been dammed up by the Blue Ridge of mountains, and have formed an ocean which filed the whole valley; that continuing to rise they have at length broken over this spot, and have torn the mountains down from its summit to its base. The piles of rocks on each hand, but particularly on the Shenandoah, the evident marks of their disrupture and avulsion from their beds by the most powerful agents of nature, corroborate the impression. But the distant finishing, which nature has given to the picture, is of a very different character. It is a true contrast to the foreground. It is as placid and delightful as that is wild and tremendous. For the mountain being cloven asunder, she presents to your eye, through the cleft, a small catch of smooth, blue horizon, at an infinite distance in the plain country, inviting you, as it were, from the riot and tumult roaring around, to pass through the breach and participate in the calm below.

The landscape Jefferson depicts has been inspirational to American leaders for hundreds of years. From Susquehannock Indian trading routes and to Revolutionary War battles; from the homes of the founding fathers to the first brave pioneers to make a home beyond the Blue Ridge Mountains; from the Civil War battles which threatened to divide the union to the underground railroad, our nation was forged along this route. From Blue Ridge Mountains to the west and the fertile Piedmont to the east of the corridor the route in many ways exhibits the birth and development of our nation's economy, social movements and political landscape. Perhaps even more significant than the battlefields that cluster along the route are the documents penned in the homes along the corridor. The Declaration of Independence, the Monroe Doctrine and the Marshall Plan have influenced not only this nation, but the entire world.

Every American citizen should take a trip along this route so that they know not only from where our nation has come, but also to where we are going. We cannot stand as a nation unless we know what this nation stands for.

As we come upon the 400th anniversary this year of America's birthplace at Jamestown, I urge my colleagues to join with me in supporting this legislation.

IMPLEMENTING THE 9/11 COMMISSION RECOMMENDATIONS ACT OF 2007

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, the 9/11 Commission produced an unprecedented, bipartisan evaluation of how terrorists were able to exploit our nation's security on September 11, 2001. The Commissioners made 41 valuable recommendations on how to prevent such an attack from occurring again. Unfortunately, not all of those recommendations were fulfilled by Congress and the Bush Administration. As a result, the American people remain at-risk, and our nation remains unprepared for a major emergency. When Hurricanes Katrina and Rita slammed into the Gulf Coast, we were reminded again of how unprepared we still are to deal with national disasters—whether caused by nature or a terrorist attack.

The "Implementing the 9/11 Commission Recommendations Act of 2007," which I am introducing today, will make the United States more secure by closing many of the security gaps that continue to expose our nation to the risk of a terrorist attack.

Enactment of this legislation will make it more difficult for terrorists to obtain nuclear materials, ensure that first responders finally have the equipment they need to respond to a disaster, airplanes will be more secure, our borders will be harder for terrorists to penetrate, our police and other local law enforcement will finally get the information they need about terrorist threats, and ports and other critical infrastructure will be made more secure. Perhaps most importantly, this bill makes these improvements in security without endangering our American way of life because it puts in place strong new privacy and civil liberties protections.

Specifically, this bill provides much-needed support to the first responders at the State, local, and tribal levels who bear the brunt of the emergency response and preparedness burden. The 9–11 Commission recommended that homeland security funds designed to improve emergency preparedness be allocated based on risk, and that steps be taken to provide first responders with communications systems that are fully interoperable in an emergency. This bill fulfills these recommendations by providing for risk-based evaluation and prioritization of homeland security grants and enhanced accountability for grant distribution and use, so that federal aid will go where it is most needed. Moreover, it creates a standalone grant program to help States, local and tribal governments erect the interoperable communications systems that are so vital to effective emergency response. It also encourages the use of a unified command during an emergency, so that Federal officials work more closely with State, local, and tribal governments in preparation and response efforts.

The 9/11 Commission found that many Federal agencies had information that could have led to the arrest and capture of the September 11th hijackers, but that this information did not reach the Federal, State, and local officials who could have acted on it. This bill acts on the 9/11 Commission's recommendation to improve intelligence and information sharing between Federal authorities and their State and local counterparts. First, it establishes the Fusion and Law Enforcement Education and Training (FLEET) Grant Program to strengthen the capabilities of local fusion centers and to foster cooperation among State and local law enforcement officers. It also establishes the Border Intelligence Fusion Center Program, which will put experienced Federal border security personnel to fusion centers in border States to enhance collaboration. Additionally, it provides more State and local law enforcement officers with the opportunity to gain valuable experience working in Washington with Department of Homeland Security officials. Finally, it ensures the Department itself has the technology and organization needed to facilitate intelligence and information sharing.

Our nation's aviation system, which was easily exploited by the September 11th hijackers, will also be made more secure through this bill. The 9/11 Commission found that more steps need to be taken to secure air cargo and checked baggage and to ensure airport checkpoints have the equipment necessary to detect explosives. This bill meets those concerns. First, it requires TSA to develop a system so that 100 percent of air cargo carried on passenger aircraft is inspected by 2009. Second, it provides for an additional billion dollars to be made available over the next four years to put modern baggage screening systems in place. It also creates an innovative new $250 million trust fund to address the risk of suicide bombers at the checkpoint by strengthening explosive detection at the checkpoint. The Department will also have to explain how it plans to undertake efforts to prescreen passenger names against terrorist watch lists, a task the airlines are still charged with doing over five years after 9/11. At the same time, a new, streamlined system will be put in place for innocent people to establish their identities and prevent them from being misidentified against "No Fly" or "Selectee" lists.

One of the most frightening aspects of the terrorist attacks on the World Trade Center, the Pentagon, and Flight 93 is that the planes all took off from domestic airports, meaning that each of the hijackers was already in the United States. In response to these disconcerting facts, this bill strengthens accountability for plans to implement biometric verification of foreign nationals entering and exiting the United States, as well as improved integration of the Visa Security and Terrorist Travel Programs. Moreover, this measure authorizes badly needed support and personnel for the Human Smuggling and Trafficking Center, in order to enhance its ability to combat human smuggling, human trafficking, and terrorist travel.

In addition to addressing domestic homeland security gaps, this bill also contains multiple provisions that deal with security concerns outside the United States. Since the terrorist attacks of September 11, 2001, we have become increasingly aware of the growing threat posed by terrorists with access to nuclear materials and other weapons of mass destruction. This bill takes up those concerns by providing some of the building blocks needed to mitigate the international aspects of terrorism. This bill complements existing laws and provides resources to encourage international cooperation to stem proliferation of weapons of mass destruction. It also addresses the terrorism implications of the nuclear black market, and mandates that U.S. foreign assistance and arms sales be withdrawn from countries that condone or engage in nuclear proliferation networks.

Another way that this bill protects against the threat posed by weapons of mass destruction is to strengthen security procedures for cargo entering the United States from foreign ports. Building upon the recently enacted SAFE Ports Act, this bill requires all cargo containers to be scanned before they reach U.S. ports within five years, and requires port security personnel to use the best technology available in scanning containers for radiation and density.

While it addresses a number of security concerns, this bill would also strengthen protection of privacy rights and civil liberties. Although it was created in 2004 on the recommendation of the 9/11 Commission, the Privacy and Civil Liberties Oversight Board has been little more than a shell that has failed to live up to its promise and protect the basic freedoms of Americans. This bill would take three key steps toward making the Board a legitimate force of accountability and transparency in the federal government. First, it would remove the Board from the Executive Office of the President, making it an independent and autonomous body. Second, this bill would require all Board members to be confirmed by the Senate, which will minimize political influence by the President and other executive officials whose actions it oversees. Finally, this bill would empower the Board as the Chief Privacy Officer with the authority to subpoena witnesses and evidence, a key investigative tool that would greatly strengthen the Board's ability to uncover questionable or unlawful action.

The best way to honor those who lost their lives because of the terrorist attacks on September 11, 2001 is to make sure that kind of attack never happens again. Similarly, there must be a stronger commitment to giving first responders and communities the resources they need to respond quickly and vigorously to terrorist attacks and significant natural disasters. The 9/11 Commission did an exemplary job of locating weaknesses and making recommendations for strengthening homeland security. Now it falls to us, the U.S. Congress, to follow through on those recommendations. The 9/11 Commission Recommendations Act of 2007 is a critical step in fulfilling that mission, and I urge my colleagues in the House of Representatives to join me in supporting it.

SENATE—*Monday, January 8, 2007*

The Senate met at 11:30 a.m. and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who restores the soul and gives life in the midst of decay, empower our Senators to do Your will. Be to them a faithful guide on the challenging road they travel. Teach them to find contentment in striving to please You, and provide them with Your powerful companionship.

As tomorrow's difficulties loom large, remind them that You can move mountains and create opportunities. Blaze the trail ahead for our lawmakers with Your might and wisdom, for You are our shelter and hope. Keep them from flinching before the unknown ways that spread before them and give them Your peace.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HERB KOHL led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 8, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the time until 12 noon will be divided between the majority and minority. I know Senators LEVIN and STABENOW and SALAZAR want to make statements regarding President Ford. At noon we will have a rollcall vote on the adoption of S. Res. 19, which is a resolution honoring the late President.

Following that vote, we are going to begin consideration of S. 1, the ethics package. This will be for opening statements. The minority has agreed that we could go to this bill in the morning. I appreciate that very much. We are going to work through this bill as quickly as we can. We would hope that people who want to offer amendments will be here tomorrow to offer amendments. The majority of the management of this bill will be by Senator FEINSTEIN, whose committee, Rules, has most of the jurisdiction. Senator LIEBERMAN will comanage it because there are some aspects of this legislation under the jurisdiction of his committee.

For the information of the Senate, there should be no other votes today after the 12 o'clock vote. Members are advised that the remainder of the week we should and will have rollcall votes during the day and into the evening. And we will have votes Friday. We hope to complete the voting by 12 noon if all goes right. But there will be votes Friday.

We will not finish this ethics bill this week, but we will finish next week, unless something untoward develops.

HONORING PRESIDENT GERALD FORD

Mr. REID. Mr. President, I never had the opportunity to meet with Gerald Ford when he was President, but I did when he was Vice President. I was chairman of the National Lieutenant Governors Conference. This was during the height of the energy crisis, and we came to Washington. One of the pleasures was meeting with the Vice President in the White House. That was really a big deal for me, a young Lieutenant Governor from Nevada. And a week or so after having met with the Vice President, he sent a picture to my home, a picture of me and the Vice President. That was really a significant event in the Reid family, but also my boy thought it was a significant event, and he took a crayon and marked all over that picture—my prized picture of my being in Washington, sitting with the Vice President. So my wife and I labored for some time and worked to get the crayon off that picture. We did a pretty good job. I still have the picture, but you can see my boy's marking on that with his crayon. I wish I had the opportunity to talk to the Vice President about that. I am sure he would have laughed.

President Ford was a wonderful man. We all know he died the day after Christmas. He was 93 years old. There were celebrations, as there should have been, in the Capitol Rotunda, at the National Cathedral, the Ford Presidential Library in Grand Rapids, MI, and the Episcopal Church in Grand Rapids, MI, where I had the opportunity to attend at the invitation of the former First Lady. The speeches were good. Former Secretary of Defense Rumsfeld spoke, President Jimmy Carter spoke, a noted historian spoke. It was really a quite moving event.

We have heard tales during the past couple weeks of Gerald Ford and the athlete he was. We have even read from Chevy Chase, who became famous literally making fun of Gerald Ford. He made fun of him because—he was a big man—coming out of an airplane once, he hit his head on the airplane door, and that was the beginning of Chevy Chase's career.

The fact is, even though Chevy Chase became famous making fun of President Ford, we have never had a more athletic President than President Ford—All-Big Ten; he was a great, outstanding football player at the University of Michigan.

As a Member of Congress, he was outstanding. He was praised by people who served with him. He served for about 25 years in the Congress and became the Republican leader. He, of course, was Commander in Chief as President of the United States. But one of the things we have learned so directly during the last couple weeks is how great he was to his wife Betty. She, during the time of their real public presence, had breast cancer and had a bout with alcoholism, and she approached both in a very strong, courageous way. The Betty Ford Clinic in Palm Springs is a place where people go to find that they are addicted and need help. But we have learned what a wonderful wife she was to President Ford and what a great First Lady she was to her entire country.

We have heard tributes from Senators, Governors, clergy, newsmen, and Presidents. They differed in tone and substance, but they all made the point of stressing one thing: Gerald Ford was, above all, a man of integrity, a man of honesty, and, ultimately, a role model for all of us who serve in Government.

He, of course, is the only man to become President who was never elected.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Yet, time and time again, he proved himself the right man at the right time, healing the Nation after the scars of Watergate and moving our country forward.

Husband to his wife Betty, father to his beautiful children, Michael, John, Steven, and Susan, World War II veteran, star athlete, even an Eagle Scout—Gerald Ford was the core of what America is all about, a shining example of what we hold best in America. He took office at a dark time in our country's history and shepherded this Nation through the trials of Vietnam and Watergate, with a bipartisan spirit of reconciliation and grace, a shining example to us all. He reminded a wounded nation of the honesty and decency of its leaders.

Mr. President, we all hope when we pass on our friends and colleagues will look back and say we left the world a better place. With Gerald Ford, there is no doubt. This Government, this Nation, this world are better from Gerald Ford's life and service to our country, and for this the Senate honors his life today.

UNANIMOUS-CONSENT AGREEMENT—S. RES. 19

Mr. WARNER. Mr. President, do I understand from the distinguished majority leader that the resolution does include an insertion by the distinguished Senator from Michigan, Mr. LEVIN, and myself?

Mr. REID. Yes, I say to my distinguished friend. I ask unanimous consent that S. Res. 19 be modified with the changes now at the desk. This modification has been cleared by the Republican leader. That takes care of the problem the Senator raised.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank the distinguished majority leader. Assuming we have time here—I am going to yield the floor to my leader—I will address that inclusion of the amendment.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HONORING PRESIDENT GERALD FORD

Mr. McCONNELL. Mr. President, many praiseworthy things have been said about Gerald Rudolph Ford over the past 2 weeks, and this is good. It is good to see so many people speak so well of a man who was often wrongly criticized in life, and it has been uplifting to watch an entire nation stop and reflect on what it means to live a good life, good to see that old virtues still have the power to inspire.

Of course, Gerald Ford didn't seek out the Presidency, and certainly he came into the highest elected position in the land in the unlikeliest of ways.

I was recently reminded that his life didn't get off to the most promising start. Born Leslie Lynch King, Jr., in Omaha, NE, his mother and father divorced when he was 2.

His mother picked up and moved back home to Grand Rapids, where she married a paint and varnish salesman. Gerald Ford, Sr., gave Dorothy three more boys—and her first son a new name that he would carry into history.

The childhood home was pleasant, but since money was tight, Junior had to mow lawns and grill hamburgers after school.

The experiences of the boy had an effect on the man: Ford would later gain a reputation in Congress as a fiscal conservative, as someone who thought that Government, like any household, should live within its budget. He didn't learn this from a policy paper. He didn't need to.

We have heard that Gerald Ford was a great athlete, that he could have played with the Packers or the Lions, but he took a job as an assistant coach at Yale instead. And determined to go to Yale Law School, he convinced the faculty to let him on parttime. They did.

Gerry Ford once said:

> The harder you work, the luckier you are. I worked like hell.

He ended up in the top fourth of a law school class that included a future Supreme Court Justice, a future Secretary of State—and a future President.

We have heard how President Ford signed up for the Navy after Pearl Harbor; that he put duty and country first, and nearly got swept off the deck of the USS *Monterey* in the middle of a typhoon. It wouldn't be his last brush with an early death.

And we have heard a love story: that Ford came home to Michigan after the war and married a pretty young dancer named Betty Bloomer; that he started to think about politics, and that Betty wasn't worried at all about it distracting from family life. "I never thought he'd win," she said.

But, of course, he did.

The Fords moved east, and decided to stay awhile, and stayed together through it all—until last week, when Betty, older now but no less graceful, said good-bye to her husband, the President, in the same church where they said "I do" 58 years ago.

We have been inspired by the story of President Ford's political career—how he didn't make a name for himself with high-profile speeches or partisan broadsides; how he did his job, and did it well, in big and little things.

He built a reputation as someone who could bridge the gap, who brought people together and worked problems out. Gerry Ford summed up his approach to lawmaking this way:

> You have to give a little, take a little, to get what you really want. But you don't give up your principles.

All this is what we have heard about Gerald Rudolph Ford's life before the President of the United States called him at home on October 6, 1973, to see if he would be willing to replace a Vice President who had resigned in disgrace.

Congressmen all over Washington were sitting by their phones that night, hoping the call would come for them. Gerry Ford was swimming laps.

And 8 months later, when the President himself resigned, Ford was there again.

There's a plaque at the Ford library which says that Gerald Ford may have been among the unluckiest Presidents of the 20th century. Where I come from we don't call that luck. We call it providence.

As Ford himself put it: 1975 was "not a time for summer soldiers and sunshine patriots. It was a year of fears and alarms." Gerry Ford was the right man for the moment because he was a good man all along.

And what did he bring to the presidency? Exactly what we needed in that dark and painful hour: honesty, simplicity, and what he liked to call, "a little straight talk".

Ford's sincerity may have been his greatest gift, but it almost surely cost him the greatest honor the voters could have given him. He told them plainly, just a few months after taking the oath, that the state of the Union wasn't good.

He gave them bad news again the next year, an election year when most people would have been tempted to gloss over problems. The state of the Union was better, he said, but it still wasn't good enough.

And when he lost, he wasn't bitter. He even made a point to make sure the transition was smooth. He didn't want Jimmy Carter to face the same problems he did, he said.

I remember those days. I was a young lawyer in Ford's Justice Department. I remember how the new President restored hope in our country, in the presidency, and in the Republican Party.

I remember how he lost his own race for reelection but cleared the way for another great Midwesterner to win 4 years later.

This Nation has owed a tribute to Gerald Ford for a long time, and it is good that he has gotten it in these last days.

In weaker moments, we tend to think that victory goes to the fast, the brilliant, the well-born. But in one of our Nation's weakest moments, Gerald Ford showed us leadership through the gentlemanly virtues of honesty, integrity, and plain hard work.

The tributes now are almost done. But the greatest tribute we can give to Gerald Rudolph Ford lies ahead. The American people have shown how much they admire leaders who are honest, straightforward, kind.

In the early days of a new session, we best honor the memory of our 38th President, and the Nation he loved and served so well, by making those qualities our own.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, I thank our distinguished majority leader and minority leader for their initiative in putting this resolution together. I, also, thank both of our distinguished leaders for including in the resolution a reference to the action by the Senate, an initiative we took in the Senate Armed Services Committee at the time that I was privileged to be chairman and the distinguished Senator from Michigan, Mr. LEVIN, was the ranking member, to name one of America's future aircraft carriers, now under construction, the USS *Gerald R. Ford*. This initiative then was taken into consideration by the Department of Defense, the Secretary at that time, and, indeed, the Secretary of the Navy. The Secretary of the Navy has, traditionally, responsibility for the naming of ships. And whereas the Armed Services Committee recommended during floor consideration of the annual defense authorization bill that the naming be written in law, in conference, at the request of the Secretary of the Navy, we made it a sense of the Congress.

The Department of Defense will host a ceremony on January 16th, with the Ford family and others to formally name the ship in honor of President Ford.

I, also, thank Jack Marsh, former Secretary of the Army and former counselor to President Ford, for his participation in the effort by the Senate to take this initiative, as well as former Secretary of Defense Melvin Laird. I collaborated with both of those distinguished gentlemen. Secretary Laird was a lifetime friend and served in Congress with, then, Gerald Ford.

As we go forth in our careers, we always should look back to acknowledge those who made it possible for us to achieve our goals. I am always very humbled by the many people who helped inspire me to run for the Senate and who helped me win election. Gerald Ford was right there at the beginning of my first race with sound, practical advice.

I ask the indulgence of my colleagues where I recount some of that advice: It started, I remember, in the summer of 1960. I was an advance man for then Vice President Nixon. We were on a campaign train trip through the Middle Western States, that included a stop in Michigan. This was the old-fashioned train with the observation car, where the candidate would go out on the rear platform and give a speech to the crowds that gathered in all the little towns and communities along the route. But we had one very memorable stop, I remember the town was Muskegon, Michigan.

My job was to get the candidate, the Vice President, and some of his senior staff off the train and to the auditorium in town. In performing these tasks, I was joined by an elected Michigan official. In a moment, I will provide his name. As we entered the building, we went into a holding area. I was awaiting a cue from the master of ceremonies on stage to bring on the Vice President. He was escorted by this local official. As we were waiting, unbeknownst to us, in the balcony, some mischievous people—I don't think it was evil, but it was mischievous—suddenly pelted us all with raw eggs. There we were, the Vice President with eggs streaming down off him. I took out my handkerchief and did the best I could to polish him up a bit, and the local official did the same. The Vice President went on the stage, fully composed, and gave an excellent speech.

I went back to the train thinking that I would be severely reprimanded and my first job in politics terminated. Well, it turns out that the local official who helped me get him up to the stage and who also helped to polish-up the Vice President joined me in the observation car, where they were serving beer. As he came in, I thanked him, but said: You know, I think this is the end of my political career.

And he said: Why so?

And I described my responsibility. And he then said: Well, of course, I am a local Congressman and I should bear the responsibility.

And we joined each other with a beer, he said to me: You know, I think both of us will survive.

That was Gerald Ford, showing the magnanimity of that marvelous man and his understanding of those types of situations.

I want to thank that wonderful American for his contribution to inspire me later in years to try for the Senate. He was then Vice President, and he used to counsel me on how to get started in public life. I was then Secretary of the Navy, having succeeded John Chafee, a former Member of this body, the much revered Senator from Rhode Island. And John Chafee had left the Navy Secretary's Office and ran for the Senate and was defeated in his first bid. And I was ready to plunge in and try my first race when Ford said to me: No, you want to kind of get behind you this career in the Department of Defense, because it was a highly controversial period of history. There was much concern among the citizenry, not unlike what we see today.

I took his advice. And he said: Go run the Bicentennial. I will get you appointed to that Presidential Office.

I said: Mr. President, I don't even know how to spell the word.

He said: Study up on it.

Not only did he do that, but he came down as Vice President and administered the oath to me on the steps of his beloved House of Representatives. The Bicentennial was a marvelous career opportunity to learn the fundamentals of public office. I worked with him closely, took an enormous interest, as he knew the Bicentennial would become a healing mechanism for the country in the aftermath of Watergate. He was right. I traveled with him on July 4, 1976, in his helicopter, and we made stops along the way. I will never forget going to New York Harbor on the final day of the two year celebration. And there we were on the deck of a carrier. And he struck the ship's bell such that it triggered church bells all across the United States to celebrate that day in American history.

While we were standing there, he told me about his trip to sea in 1944. I read from his biography:

> His closest call with death came not as a result of enemy fire, however, but during a vicious typhoon in the Philippine Sea in December 1944. He came within inches of being swept overboard while the storm raged. The ship, which was severely damaged by the storm and the resulting fire, had to be taken out of service. Ford spent the remainder of the war ashore and was discharged as a lieutenant commander in February 1946.

During the course of the war, he was awarded the Bronze Star, and other decorations for his valiant service. But I remember when I went overseas in 1951, as a communications officer for a Marine Corps squadron. We were aboard the same class of ship. It was a small carrier. We also went through a typhoon in the South Pacific en route to Korea. It was 72 hours of memory that will never be erased, but I know what he went through because I think that typhoon was far more severe than the one our ship experienced. So I take my hat off to this magnificent American, who was among those who made it possible for me, in many respects, to eventually be privileged to represent the State of Virginia in the Senate.

Mr. President, I ask unanimous consent that a copy of the sense of Congress naming the CVN-78 aircraft carrier as the USS *Gerald R. Ford* be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 1012. SENSE OF CONGRESS ON NAMING THE CVN-78 AIRCRAFT CARRIER AS THE U.S.S. GERALD R. FORD.

1. (a) FINDINGS.—Congress makes the following findings:

(1) Gerald R. Ford has served his country with honor and distinction for the past 64 years, and continues to serve.

(2) Gerald R. Ford was commissioned in the Naval Reserve in 1942 and served valiantly at

sea on the U.S.S. Monterey (CVL–26) during World War II, taking part in major operations in the Pacific, including at Makin Island, Kwajalein, Truk, Saipan, and the Philippine Sea.

(3) Gerald R. Ford received 9 engagement stars and 2 bronze stars for his service in the Navy during World War II.

(4) Gerald R. Ford was first elected to the House of Representatives in 1948.

(5) During 25 years of service in the House of Representatives, Gerald R. Ford distinguished himself by an exemplary record for character, decency, and trustworthiness.

(6) Throughout his service in the House of Representatives, Gerald R. Ford was an ardent proponent of strong national defense and international leadership by the United States.

(7) From 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives, raising the standard for bipartisanship in his tireless fight for freedom, hope, and justice.

(8) In 1973, Gerald R. Ford was appointed by President Nixon to the office of Vice President of the United States under the 25th Amendment to the Constitution, having been confirmed by overwhelming majorities in both Houses of Congress.

(9) On August 9, 1974, Gerald R. Ford became the 38th President of the United States, taking office during one of the most challenging periods in the history of the United States.

(10) As President from August 9, 1974, to January 20, 1977, Gerald R. Ford restored the faith of the people of the United States in the office of the President through his steady leadership, courage, and ultimate integrity.

(11) As President, Gerald R. Ford helped restore the prestige of the United States in the world community by working to achieve peace in the Middle East, preserve detente with the Soviet Union, and set new limits on the spread of nuclear weapons.

(12) As President, Gerald R. Ford served as Commander in Chief of the Armed Forces with great dignity, supporting a strong Navy and a global military presence for the United States and honoring the members of the Armed Forges.

(13) Since leaving the office of President, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, a strong supporter of human rights, and a promoter of higher education.

(14) Gerald R. Ford was awarded the Medal of Freedom and the Congressional Gold Medal in 1999 in recognition of his contribution to the Nation.

(15) As President, Gerald R. Ford bore the weight of a constitutional crisis and guided the Nation on a path of healing and restored hope, earning forever the enduring respect and gratitude of the Nation.

(b) NAMING OF CVN–78 AIRCRAFT CARRIER.—It is the sense of Congress that the nuclear-powered aircraft carrier of the Navy designated as CVN–78 should be named the U.S.S. Gerald R. Ford.

Mr. WARNER. I yield the floor.

Ms. STABENOW. Mr. President, I rise today to honor one of Michigan's great sons. Today we honor the remarkable life and lasting legacy of President Gerald R. Ford. I thank our leaders and colleagues for the wonderful tribute that will be voted on at noontime today.

This past week our Nation mourned the passing of a President, while Michigan mourned the loss of a family member. Throughout his decades in public service, including a quarter century representing Michigan in the Congress, Gerald Ford worked tirelessly to serve the people and the interests of our great State and his beloved country.

It is an honor that the State of Michigan will serve as the final resting place for one of our Nation's great leaders. The funeral last Wednesday, which I was fortunate enough to attend, was truly a moving tribute to a man who cared deeply for the city of Grand Rapids, his home State of Michigan, and the country. The thousands of mourners who came to pay their respects is evidence of what he meant to us. People standing in line for hours, on into the night, and the wonderful, gracious way the family greeted so many of those coming to show their respect for Gerald Ford was a wonderful, meaningful act to watch.

I would be remiss if I didn't take the opportunity to speak about Gerald Ford's family. Betty Ford's grace and strength throughout the past few weeks have stood as a reminder not only of the importance of family in the life of Gerald Ford but also how much she has given to America through her courage, her example, and her charity. Betty Ford stood shoulder to shoulder with President Ford as a true partner throughout his life, while redefining the role of First Lady and serving the country with her own dedicated work on issues such as alcohol and drug abuse. Together the Fords raised four remarkable children—Michael, John, Steven, and Susan. It is a testimony to Gerald Ford's character that he will be remembered not only as a great leader but as a wonderful husband, father, grandfather, and great-grandfather.

Born July 14, 1913, in Omaha, NE, Ford moved at a young age with his mother to Grand Rapids, MI, to live with his stepfather.

While attending South High School in Grand Rapids, Ford proved himself an academic and athletic prodigy, being named not only to the honor society but all-city and all-State football teams.

In 1931, Gerald Ford entered the University of Michigan, playing center and linebacker for the Wolverines. He played on two undefeated teams and was named the team's most outstanding player in 1934. Ford's legacy will always be felt at the university. To this day, his number 28 is one of only 5 football jerseys retired by the University of Michigan, while the School of Public Policy bearing his name will shape and produce America's leaders for generations to come.

Gerald Ford's childhood in Grand Rapids and his education both on and off the field at the University of Michigan helped forge a man whose character and actions throughout his life exemplified what is best about Michigan—hard work, loyalty, honesty, and selflessness.

After graduating from Michigan, Ford rebuffed offers from the Detroit Lions and the Green Bay Packers in order to attend Yale University Law School. He continued his love of athletics there by serving as a boxing coach and assistant varsity football coach. In 1941, he earned his law degree from Yale, graduating in the top quarter of his class.

Gerald Ford then returned to the city he considered his home, Grand Rapids, to practice law before joining the U.S. Naval Reserve in April 1942, serving as an assistant navigator with the USS *Monterey* in the Pacific during World War II. Ford was discharged from the Navy in 1946 as a lieutenant commander, returning to Michigan to practice law.

Entering politics with the encouragement of his stepfather, Gerald Ford ran for Congress in 1948, unseating incumbent Bartel Jonkman in the primary and going on to receive 61 percent of the vote in the general election. Gerald Ford would go on to represent the people of Michigan in Congress for the next 25 years, in 1965 rising to become the minority leader in the House.

In late 1973, Ford was called on to serve the country in a different capacity, as we all know, being named and confirmed Vice President. Within 8 short months, he was again called on to take the mantle of responsibility he had not sought, taking the oath of office as the 38th President of the United States. Stepping into the Oval Office during one of America's greatest constitutional crises, President Ford's quiet demeanor and steady hand helped calm a nation and kept the Government moving forward during some of its darkest days.

It is a testament to President Ford and his time in public office, highlighted by his years in the White House, that even those who disagreed with his policy positions respected him as a person and a public servant. Gerald Ford dedicated his life to make our State and our Nation a better place to live, work, and raise a family. He was a man who understood that integrity and service are more than just words, they are ideals—ideals he learned in our wonderful Michigan and practiced every day of his life.

As a husband, a father, a Congressman, and our President, he led quietly by example, earning respect and friendship on both sides of the aisle through the hard work and honesty for which he was known. President Ford was a man utterly deserving of the words inscribed on a football resting on a homemade memorial outside the Ford Museum in Grand Rapids this week:

> A true American and a hometown hero.

President Ford, we thank you for your service. You will be missed. Our continuing prayers and support go to your family.

Mr. COCHRAN. Mr. President, I am very pleased the Senate is formally expressing its respect and appreciation for the life and public service of President Gerald R. Ford.

No person in public service in my memory did more to restore confidence in our political institutions than President Ford.

He was a friend and mentor to me as a member of the body, giving me sound advice and serving as a wonderful role model during my career in Congress and in the Senate.

I admired him enormously. His seriousness of purpose and his common sense approach to solving our national problems were qualities that enabled him to give our nation a new sense of confidence and direction.

We are deeply grateful that he served so ably as our Republican Leader in the House, Vice President, and President of the United States.

Mr. OBAMA. Mr. President, I rise today in memory of Gerald Ford, the 38th President of the United States. President Ford shouldered his burden with a unique sense of humility and good humor, in an office not known for nourishing those traits. President Ford's unusual combination of courage, strength, and conviction led America out of a deep crisis, healing our wounds and strengthening our Constitution in the process.

Gerald Ford was a self-made Michigander who worked part-time jobs as a young man to help support his family, and later to put himself through Yale Law School. A man of many talents, he could have been a professional football player, or lived well as an attorney. But instead, he chose a life of service, first as a decorated naval officer, then a 24-year Member of Congress, leader of his party in the House of Representatives, and Presiding Officer of this Chamber as Vice President.

Domestic turmoil and foreign policy challenges marked the mid-1970s, and President Ford addressed them both. History has favorably judged his actions to move the country beyond the Watergate scandal, although he paid a heavy price at the time. He also acknowledged the severe economic difficulties faced by millions of Americans and worked head-on to alleviate them.

Despite the host of domestic challenges America faced, President Ford remained a committed internationalist. He advanced the cause of peace in the Middle East, helping to end hostilities between Israel and Egypt and laying the groundwork for a peace between those two countries that endures to this day. His backing of the Helsinki Accords, while controversial, gave important support to dissidents living under Soviet rule who sought respect for their human rights.

Throughout his life, Gerald Ford handled the responsibilities and challenges that circumstance thrust on him without losing his Midwestern openness and sensibility. To many who disagreed with him, he still came across as a comforting figure who had the Nation's best interests at heart. Central to this ability to connect with people was his self-deprecating sense of humor, summed up by the quip, "I'm a Ford, not a Lincoln."

And while he may not have been a Lincoln, he certainly was not a common President. America is a better place because of him, and we all owe President Ford and his wife, Betty, a tremendous debt of gratitude.

Mr. DOMENICI. Mr. President, I rise today to pay tribute to President Gerald Ford. His passing on December 26, 2006, was marked with a yearning for the unity he brought to our Nation over 30 years ago. I extend my sincerest and most heartfelt sympathies to his family.

Gerald Ford and I were in Congress together for a brief period of time. He was a friend to me when I was a freshman Senator and throughout my career. I will always remember and appreciate his support and counsel.

President Ford came into office at a very difficult time and faced multiple tasks. He met those challenges and successfully brought the Nation through a tumultuous period in the history of the presidency. While his time in the White House was relatively short, his legacy continues to persist. President Ford's leadership and credibility worked to bring the Nation through the Watergate crisis and its aftermath. That proved to be invaluable and underscored the resiliency of our democratic government.

My wife Nancy and I send our condolences and prayers to First Lady Betty Ford and to the entire Ford family. We join the Nation in mourning President Ford and in honoring a long life of service. May his soul rest in peace.

• Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to the 38th President of the United States.

Gerald Ford was an honest man, a modest man, and a patriotic man who cared deeply about this country. During World War II, he answered his Nation's call to duty, serving in the Navy aboard the USS *Monterey* in the Pacific Theatre. He later trained new naval officers for sea duty. Shortly after his discharge as a lieutenant commander in 1946, he began his storied political career.

During his 25 years of service in the House of Representatives, Gerald Ford earned the respect and admiration of nearly everyone in Washington. Gerald Ford's impeccable integrity made him the ideal choice to lead America at a time of considerable division.

When he was nominated by President Nixon to become Vice President, he was confirmed overwhelmingly by the Senate and the House. The Senate vote was 92–3, and the House vote was 387–35.

Before President Nixon submitted his nomination for Vice President, he asked the leadership of both parties who they would choose were they in his shoes. The obvious response was Gerald Ford.

When Gerald Ford assumed the Presidency following President Nixon's resignation, he moved quickly to bring our country together. He did this by always remaining true to his character. He also adhered to the common-sense principles that guided him throughout his career and his life. He never lost touch with his Midwestern values. And he never wavered from doing what he thought was in the best interests of the people of our country.

President Ford also attracted very talented employees. Among those who served in the Ford Administration were Alan Greenspan, Council of Economic Advisers; George H.W. Bush, CIA Director; James Baker, Undersecretary of Commerce; DICK CHENEY, Chief of Staff; and Donald Rumsfeld, Chief of Staff and later Secretary of Defense.

I had the pleasure of working with President Ford when he appointed me vice chair of the National Transportation Safety Board in 1976.

President Ford was a reliable friend and invaluable counselor. I will never forget his coming to Texas to campaign with me during my first race for the Senate. President Ford was always available to offer advice and remained in close touch with those of us who were his many appointees, staff, and colleagues over the years. This is the kind of person he was. It was an honor and a privilege to consider him a friend.

He cared deeply for his family, for his loving wife Betty, and for his four children: Michael, John, Steven, Susan.

He cared for everyone he came to know during his magnificent political career.

My thoughts and prayers go out to Betty and the entire Ford family as we honor a public servant who gave tirelessly to our country. He will be missed.•

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 12 noon, with the time equally divided between the two leaders or their designees.

The Senator from Michigan is recognized.

GERALD R. FORD

Mr. LEVIN. Mr. President, I don't know if my friends on the other side of the aisle want any of the 3 minutes remaining. If not, I will proceed.

I wanted to comment, briefly, on the life and passing of Gerald Ford during this period. I was listening to the remarks of my good friend from Virginia, and except for the part about eggs being thrown in Michigan, it struck an absolutely accurate chord, everything he said. It was kind of hard to imagine that anyone would throw eggs in Michigan, but I have to defend my home State. Other than that, I am sure his memory is very accurate and even the location no doubt is accurate.

He talked about Gerry Ford and what he did heroically in World War II and how he survived the typhoon. Gerry Ford, when he became President, inherited a typhoon. Most Americans will remember President Ford for righting the ship of state during that stormy time when he became President. We all remember him for that because it was heroic what he did then for our Nation, a different kind of heroism from what he displayed in World War II but heroism nonetheless. He was deeply respected on both sides of the aisle for his civility, his bipartisanship, his integrity.

We, in Michigan, in addition to remembering him as all others will for what he did to right that ship of state of ours, also remember him for a lifetime of service, including 13 terms in the House of Representatives from Michigan's Fifth Congressional District. And we, also, take particular pride in this son of Michigan and the manner in which he always treasured his west Michigan roots. There were many eulogies that were recently given about Gerald Ford, but in all of them it was noted that he never forgot where he came from. That was a very important part of this absolutely wonderful man, a friend of mine, someone with whom I had a number of dealings.

Before time runs out for our morning business, I wanted to thank the Senator from Virginia. I don't know if this has been mentioned this morning or not. The Senator from Virginia authored an amendment during the last authorization bill which we adopted here which, by the way, is the John Warner Defense Authorization Act for the next fiscal year, named after JOHN WARNER in tribute to his chairmanship. But in that bill, Senator WARNER offered an amendment that would name the first of a future class of aircraft carriers the USS *Gerald Ford*. I understand that the Navy recently announced that it is going to follow the suggestion which was incorporated in the Warner amendment, which I was proud to cosponsor, but in presenting that amendment at that time, Senator WARNER recounted some of the heroism of our dear friend, the recently departed President Ford, and his heroism both in war and peacetime.

I thank Senator WARNER for the initiative he took to honor Gerry Ford's service to our country in a way which I think will have a very special meaning to President Ford because, as a Navy man, having the first of a future class of aircraft carriers named after him would bring a special pride to his heart.

Gerald Ford began his service to our country in the Navy during World War II, where he displayed great valor in combat, and this will be a fitting tribute.

Our thoughts and prayers are with Gerald Ford's beloved wife Betty and his family as we celebrate his life and legacy.

Mr. WARNER. Mr. President, I thank my colleague, and I acknowledge the Senator's help on that. It was a joint project by the two of us.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

HONORING PRESIDENT GERALD RUDOLPH FORD

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 12 noon having arrived, the Senate will now proceed to the consideration of S. Res. 19, honoring President Gerald Rudolph Ford, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 19) honoring President Gerald Rudolph Ford.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mrs. DOLE), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN) and the Senator from Ohio (Mr. VOINOVICH).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) and the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—88

Akaka
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Warner
Webb
Whitehouse
Wyden

NOT VOTING—12

Alexander
Biden
Brownback
Dole
Gregg
Hutchison
Inouye
Johnson
Lautenberg
McCain
Sanders
Voinovich

The resolution (S. Res. 19) was agreed to.

The preamble, as modified, was agreed to.

The resolution, with its preamble, as modified, reads as follows:

S. RES. 19

Whereas Gerald Rudolph Ford, the 38th President of the United States, was born on July 14, 1913, in Omaha, Nebraska;

Whereas Gerald Ford was raised in Grand Rapids, Michigan, where he was active in the Boy Scouts, achieving the Eagle Scout rank, and where he excelled as both a student and an athlete during high school;

Whereas after graduating from high school, Gerald Ford attended the University of Michigan at Ann Arbor, where he played on the university's national championship football teams in 1932 and 1933, and was honored as the team's most valuable player in 1934, before graduating with a B.A. degree in 1935;

Whereas Gerald Ford later attended Yale Law School and earned an LL.B. degree in 1941, after which he began to practice law in Grand Rapids;

Whereas Gerald Ford joined the United States Naval Reserve in 1942 and served his country honorably during World War II;

Whereas upon returning from his service in the military, Gerald Ford ran for the United States House of Representatives and was elected to Congress;

Whereas Gerald Ford served in the House of Representatives from January 1949 to December 1973, winning reelection 12 times, each time with more than 60 percent of the vote;

Whereas Gerald Ford served with great distinction in Congress, in particular through his service on the Defense Appropriations Subcommittee, of which he rose to become ranking member in 1961;

Whereas in addition to his work in the House of Representatives, Gerald Ford served as a member of the Warren Commission, which investigated the assassination of President John F. Kennedy;

Whereas, in 1965, Gerald Ford was selected as minority leader of the House of Representatives, a position he held for 8 years;

Whereas after the resignation of Vice President Spiro Agnew in 1973, Gerald Ford was chosen by President Richard Nixon to serve as Vice President of the United States;

Whereas following the resignation of President Nixon, Gerald Ford took the oath of office as President of the United States on August 9, 1974;

Whereas upon assuming the presidency, Gerald Ford helped the nation heal from one of the most difficult and contentious periods in United States history, and restored public confidence in the country's leaders;

Whereas Gerald Ford's basic human decency, his integrity, and his ability to work cooperatively with leaders of all political parties and ideologies, earned him the respect and admiration of Americans throughout the country;

Whereas the John Warner National Defense Authorization Act for Fiscal Year 2007 recommended that America's next nuclear-powered aircraft carrier, designated as CVN-78, be named as the U.S.S. Gerald R. Ford, in honor of our 38th President; and

Whereas Gerald Ford was able to serve his country with such great distinction in large part because of the continuing support of his widely admired wife, Elizabeth (Betty), who also has contributed much to the nation in many ways, and of their 4 children, Michael, John, Steven, and Susan: Now, therefore, be it

Resolved, That the Senate notes with deep sorrow and solemn mourning the death of President Gerald Rudolph Ford.

Resolved, That the Senate extends its heartfelt sympathy to Mrs. Ford and the family of President Ford.

Resolved, That the Senate honors and, on behalf of the nation, expresses deep appreciation for President Ford's outstanding and important service to his country.

Resolved, That the Senate directs the Secretary of the Senate to communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask unanimous consent that Senator SALAZAR be recognized for up to 5 minutes, followed by Senator ALLARD for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. SALAZAR. I thank the Chair.

(The remarks of Mr. SALAZAR and Mr. ALLARD pertaining to the introduction of S. 194 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed for 17 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. COLLINS. Mr. President, before the two Senators from Colorado leave the floor, let me just indicate that the legislation they introduced to honor former President Ford would be referred to the Homeland Security and Governmental Affairs Committee, and as the ranking member of that committee, I wish to pledge my cooperation to them in moving this legislation. It is a fitting tribute.

Mr. ALLARD. I thank the Senator from Colorado. I appreciate all her fine work on that committee, and I really appreciate it for all the people of Colorado.

ACCESS TO AFFORDABLE HEALTH CARE ACT

Ms. COLLINS. Mr. President, last week, on the very first day of this new Congress, I joined with my colleague from Louisiana, Senator MARY LANDRIEU, in introducing the Access to Affordable Health Care Act. This is a comprehensive plan which builds on the strengths of our current public programs and private health care system to make affordable health care available to millions more Americans. It is similar to legislation we introduced in the last Congress. I hope, given the urgency of dealing with the cost of health care and health insurance, that this will be the year this legislation moves forward.

One of my priorities in the Senate has long been to expand access to affordable health care. There are still far too many Americans without health insurance or with woefully inadequate coverage. As many as 46 million Americans are uninsured, and millions more are underinsured. The State of Maine is in the midst of a growing health insurance crisis, with insurance premiums rising at alarming rates. Whether I am talking to a self-employed fisherman, a displaced mill worker, the owner of a struggling small business, or the human resources manager of a large company, the soaring costs of health insurance are a common concern. These cost increases, double digit this past year, have been particularly burdensome for small businesses, the backbone of the Maine economy.

Maine's small business owners want to provide coverage for their employees, but they are caught in a cost squeeze. They know that if they pass on premium increases to their employees, more and more of them will decline coverage altogether because they simply can't afford their share. Yet these small businesses cannot continue to simply absorb the double-digit increases in their health insurance premiums year after year. The problem of rising costs is even more acute for individuals and families who must purchase health insurance on their own. Monthly health insurance premiums in my State often exceed a family's mortgage payment. Clearly, we must do more to make health insurance more available and more affordable.

The legislation Senator LANDRIEU and I are introducing is a seven-point plan that combines a variety of public and private approaches. The legislation's seven goals are, first, to expand access to affordable health care for small businesses; second, to make health insurance more affordable for individuals and families purchasing coverage on their own; third, to strengthen the health care safety net for those without coverage; fourth, to expand access to care in rural and underserved areas; fifth, to increase access to affordable long-term care, a major challenge as our population continues to age; sixth, to promote healthier lifestyles; and seventh, to provide more equitable Medicare payments to Maine providers to reduce the Medicare shortfall which has forced hospitals, physicians, and other health care providers to shift costs on to other payers in the form of higher charges, which, in turn, drives up the cost of health care premiums.

Let me discuss these points in greater detail.

First, expanding access for small businesses by helping small employers cope with rising health insurance costs. Since most Americans get their health insurance through the workplace, it is a common assumption, but a false one, that people without health insurance are unemployed. In fact, as many as 83 percent of Americans who do not have health insurance are in a family with a worker or are working themselves. Uninsured working Americans are most often the employees of small businesses. In fact, some 63 percent of uninsured workers are employed by small firms. Smaller firms generally face higher costs for health insurance than larger companies, which makes them again less likely to offer coverage.

The legislation we have introduced will help these employers cope with rising costs by creating a new tax credit for small businesses to make health insurance more affordable. It will also encourage small businesses that do not offer health insurance to start doing so with the help of this tax credit, and it will help employers that do offer insurance to continue coverage in the face of escalating premiums.

Our legislation would also provide grants to provide startup funding to

States to help businesses join in purchasing co-ops. These co-ops would enable small businesses to band together to purchase health insurance jointly, but this part of the bill does not preempt State law, so it is a different approach than some have taken.

The legislation would also authorize the Small Business Administration grant program for States, local governments, and nonprofit organizations to provide information about benefits of health insurance to small employers, including tax benefits, increased productivity of employees, and decreased turnover. These would also be used to help make employers aware of current incentives under State and Federal laws. It is an interesting fact that one survey showed that 57 percent of small employers did not know they could deduct 100 percent of their health insurance premiums as a business expense. I want to change that into a tax credit which is far more valuable, but many small businesses don't realize that there is a tax incentive even in our current tax laws.

The legislation would also create a new program to encourage innovation by awarding demonstration grants in up to 10 States conducting the innovative coverage expansions such as pooling arrangements or group market reforms, or subsidies to employers or individuals. We know the States are the laboratories for reform. Insurance is regulated at the State level. This would provide for some assistance in conducting some innovative projects to expand coverage.

The Access to Affordable Health Care Act would also expand access to affordable health insurance for individuals and families. One of the first bills I sponsored when I first came to the Senate in 1997 was legislation introduced by Senator HATCH and Senator KENNEDY to create the State Children's Health Insurance Program, the SCHIP program, which provides insurance for children of low-income parents who cannot afford health insurance yet make too much money to qualify for the Medicaid Program. Since that time, this program has contributed to a one-third decline in the number of uninsured children in this country. Today, over 6 million children—including approximately 14,500 in Maine—are receiving health care coverage through this remarkably effective program.

Our legislation would shore up the looming shortfalls in the SCHIP program in 17 States, including Maine. We want to ensure that children currently enrolled in the program do not lose their coverage, and in order to achieve that goal, we need to make up that shortfall. Just prior to adjournment last month, Congress approved legislation which partially addressed that shortfall, but that provides only about one-fifth of the funds needed. Our legislation would help close that gap.

Our bill also builds on the success of the SCHIP program by giving States a number of new tools to increase participation. I won't go through all of the changes we would make, but let me mention one. We would allow the parents of those children enrolled in the SCHIP program to enroll in the health insurance program on a subsidized rate, depending on their income, if the State wants to take advantage of that option. The experts tell us that would help provide coverage for about 6 million more low-income Americans.

So what I am trying to do is take advantage of some existing programs such as SCHIP, expanding them, providing new tax incentives such as the tax credit for small businesses to help piece together a program that builds on the strengths of the existing program that still has a private sector approach and yet fills in the gaps in coverage and helps make health insurance more affordable. Part of that is providing for more funding for community health centers which operate in underserved urban as well as rural communities. They provide critical primary care services to millions of Americans regardless of their ability to pay.

We also know we need to deal with the problem of not enough physicians, physician assistants, nurse practitioners, and other primary care providers in underserved areas. We need to revamp the National Health Service Corps, which helps supply doctors, dentists, and other clinicians who serve in rural and inner-city areas. We want to revamp that program to make it more flexible. I was talking to physicians in Holten, ME, just recently who said that program used to be a source of physicians for rural Maine, but over the years it has become rigid and encrusted and not flexible enough and is no longer nearly as valuable as it once was. We would revamp that program.

As Senate cochair with Senator CLINTON of the bipartisan Congressional Task Force on Alzheimer's Disease, I am particularly sensitive to the long-term needs of patients with chronic diseases such as Alzheimer's and of the impact on their families. Long-term care is the major catastrophic health expense faced by older Americans today, and these costs will only increase with the aging of the baby boomer generation—our generation.

I have been surprised that many Americans mistakenly believe that Medicare or their private health insurance policy will cover the cost of long-term care should they develop a chronic illness or a cognitive impairment such as Alzheimer's. Unfortunately, far too many do not discover they do not have coverage until they are confronted with the difficult decision of placing a much loved parent or spouse in a long-term care facility and facing the shocking realization that unless they have long-term care coverage, they have to cover the costs themselves. We need to encourage people to purchase long-term care insurance, to plan for this need.

The bill we are introducing provides a tax credit for long-term care expenses of up to $3,000 to provide some help to families struggling with that cost, and it would encourage more Americans to plan for their future long-term care needs by providing a tax deduction to help them purchase long-term care insurance.

Health insurance alone is not going to ensure good health. As noted author and physician Dr. Michael Crichton has observed, "The future in medicine lies not in treating illness but in preventing it." Many of our serious health problems are directly related to unhealthy behaviors: Smoking, the lack of regular exercise, poor diet. These three major risk factors alone have made my State the State with the fourth highest death rate, due to four largely preventable diseases—or at least you can delay their onset—cardiovascular disease, cancer, chronic lung disease, and diabetes. These diseases are responsible for 70 percent of the health care problems in Maine.

Our bill, therefore, contains a number of provisions designed to promote healthy lifestyles. It includes, for example, grants to allow States to assist small businesses in establishing worksite wellness programs for their employees. It also authorizes a grant program to support new and existing community partnerships. There is a great one in Franklin County, in Maine. It is the Healthy Community Coalition, and it has made a difference in promoting healthy lifestyles.

Finally, the Access to Affordable Health Care Act will promote greater equity in Medicare payments and help to ensure that the Medicare system rewards, rather than punishes, States such as Maine that deliver high-quality, cost-effective Medicare services to our elderly and disabled citizens. The Medicare Modernization Act of 2003 and subsequent legislation did take some significant steps toward promoting greater fairness by increasing Medicare payments to rural hospitals and by modifying geographic adjustment factors that discriminated against physicians and other providers in rural areas. Our legislation would build on these improvements by establishing pilot programs that reward providers of high-quality, cost-effective Medicare services.

The Access to Affordable Health Care Act outlines a blueprint for reform based on principles upon which I am hopeful that a bipartisan majority of Congress could agree. The plan takes significant strides toward the goal of access to health care coverage by bringing millions more Americans into the insurance system and by strengthening the health care safety net. Most of all, it helps address the No. 1 obstacle to health insurance—and that is its cost—through a variety of incentives.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Madam President, I ask unanimous consent to add time to the order for morning business so I can speak for 25 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. GRASSLEY. Madam President, it is a very important issue that is going to be coming before the Senate very shortly, and it deals with the Medicare prescription drug benefit and whether the Government ought to negotiate prices as opposed to what is in the Medicare Part D bill. I wish to speak on that subject because this issue is very important to the seniors of America. It is important for the public and for Medicare beneficiaries to fully understand these proposed changes. It is equally important we explore in depth the effects these changes are going to have on this program and particularly the negative impact on the senior citizens of our country. So I am going to spend some time this week dealing with this issue.

First, everyone should recognize that political opponents of the drug benefit have, in every way, done everything they can to tear apart and denigrate this new benefit that the vast majority of seniors find to their liking, based upon a lot of different polls that have been taken over the last 7 or 8 months. In fact, the opponents of this legislation have done this ever since the ink was barely dry on the bill we called the Medicare Modernization Act of 2003.

First they said that no plan would offer—meaning no benefit plan; the people, the administrators of the program—that none of these plans would offer the new drug benefit in the first place, that eventually the Government was going to end up doing it. Of course, we know that is not the fact. The plan is up and running, and the plans are offering so many.

Then, after it was up and running, these opponents of the legislation said, well, there were too many plans. They said it was too confusing, seniors would not be able to choose a plan. But 91 percent of seniors are covered by some plan that has prescription drugs in it, and surveys show overwhelming satisfaction by seniors with their plans.

Opponents suggested plans could change their prices and the drugs they cover at the drop of a hat without even almost any notice. This did not turn out to be the case. The opponents tainted beneficiaries' views of the benefits before it even got off the ground. You wondered whether the millions of people who signed up would ever sign up, hearing so much negative stuff about it. But they did sign up.

And, as we have heard from the opponents over and over again, one of the biggest criticisms about the drug benefit is that the Government does not negotiate with drugmakers for lower prices. So they have gone to great lengths to make it sound as if nobody is negotiating with the drug companies. It is, of course, correct that the Secretary of Health and Human Services does not do negotiation with drug companies. But it is absolutely not true there are not negotiations going on with drug companies. People who say that are completely nonsensical in their understanding of the legislation or maybe they have some ulterior motive of wanting to continue to degrade and denigrate a piece of legislation that seniors have accepted.

The idea behind the drug benefit is that multiple drug plans would compete with each other to get the lowest prices from manufacturers, to be the best negotiator, and to offer beneficiaries the best possible drug plan.

The pattern for this was the 40-year-old Federal Employees Health Benefit Plan that has worked so well for Federal employees. We patterned this program, Part D, after that: plans negotiating for Federal employees, getting a good price; plans that have membership of senior citizens negotiating with drug companies to get the best possible price for senior citizens who are in a particular plan.

But the opponents of this legislation do not like plans negotiating. They think the Government directly can do a better job of negotiating because they have a belief about Government always doing good, Government always doing the best. Their faith is in big Government because they lack faith in the American people. They find it very hard to believe anybody other than the Government could do a better job of negotiating.

Last week on the Senate floor, the senior Senator from Illinois said the law "took competition out of the program so that [the drug companies] could charge what they want." Well, it did not take competition out of the program. Competition is what this program is all about.

In fact, the competition is working. Plans have no restrictions on the tools they can use to negotiate with drug companies. And, remember, these plans must be approved by the Secretary of Health and Human Services. Not every Tom, Dick, and Harry can go out and offer a plan and hoodwink seniors. There is control over these plans. But once the plan is approved, there are no restrictions on the tools they can use to negotiate. And, of course, this is very important because one thing we had learned is that Government is not actually a very good entity at figuring out what it should pay for drugs.

I have a chart in the Chamber with a quote from the Washington Post. They recognized this fact, that the Government cannot do a very good job of negotiating, where they said: "Governments are notoriously bad at setting prices. . . ." And then, as a matter of emphasis, it said: "and the U.S. government is notoriously bad at setting prices in the medical realm." I will add to that: especially when it comes to medicine policy.

Now, we knew this because of the Government's experience for paying for drugs under another Medicare program, not Part D as in "Donald," but Part B as in "Bob," the one that pays for doctors. Those drugs are given during a physician's office visit, and they could be drugs such as oral cancer drugs.

Medicare payments for these drugs were based on what is called the average wholesale price. "AWP" is the moniker that is used for that. AWP is a little bit like the sticker price of a car. The sticker price on a car is not what you pay for the car. And the average wholesale price, AWP, is not what you pay for drugs. The joke was that AWP actually stood for "Ain't What's Paid."

Over the past decade, reports issued by the Office of the Inspector General, the Department of Justice, and the Government Accountability Office found that by relying on AWP, Medicare was vastly overpaying for these drugs.

So the Federal Government sets the price, and we end up wasting a lot of taxpayer money under Part B with the few drugs that Medicare was paying for before we passed Part D.

Recommendations were made to change payments so that they reflected actual market cost. The Clinton administration tried to make some of these changes, but after push-back from providers, it backed off. Congress took another run at this issue in 2003 in the Medicare Modernization Act, and we were successful. Congress reformed how Medicare pays for these drugs under Part B as opposed to the drug program Part D. Medicare now based its payments for many of these drugs on what it ought to, a market-based price. This change is already saving taxpayers and beneficiaries, but it took years to get fixed. All that time Medicare and taxpayers paid too much for these drugs. Billions and billions of dollars were wasted.

I compliment President Clinton for trying to do something about it, but he couldn't get it done. Congress had to act. But when we had all of this track record, as we were writing the prescription drug bill, I, for one, didn't want to repeat that experience under the Medicare drug benefit. We also knew that Medicare overpays for a lot of other services and equipment. The bookshelves are full of other reports from the Government Accountability Office, from the Inspector General, from the Medicare Payment Advisory Commission, from the Congressional Budget Office, and others, about how Medicare is paying too much in too many areas where the Government pays for health care through Medicare.

For example, Medicare overpaid for durable medical equipment for years until the Republican-led Congress made changes in 2005 in what we called the Deficit Reduction Act. In fact, just 12 months ago, now, that was a big issue before the Congress.

Each year, the Office of Inspector General issues its Red Book which presents cost-saving recommendations. The books are usually 50 or more pages long, and the recommendations span all aspects of Medicare—hospitals, physicians, home health, the Medicare Part D plans, among others. And this is more evidence on many areas where Medicare doesn't get the best deal, where the Government doesn't get the best deal. So Government doesn't always know best. In fact, the situation is so bad that several years ago, Congress created what is called the Medicare Payment Advisory Commission, also known as MedPAC, to provide advice to us in Congress and to the Center for Medicare Services on what we ought to pay for services. And every year Congress hears recommendations from MedPAC addressing Medicare overpayments; yes, trying to do something about wasting the taxpayers' money, paying more than we should for health care for our senior citizens.

But even though we have MedPAC, experts studying this, coming out with recommendations, it takes Congress or the Secretary of Health and Human Services far too many years to make the changes to save the taxpayers money—more evidence that Government doesn't always know best when it sets prices.

In making recommendations, MedPAC looks at profit margins as an example. One type of provider had been found to have a margin of 16 percent off of Medicare payments. Congress has been able to act on many MedPAC recommendations, but it is not easy. There is always some special interest out there fighting saving the taxpayers money. As chairman of the Finance Committee, I received letters from Members saying, "Please don't cut benefits for this provider group or that provider group." So as the Clinton administration found, letters like that, where they come to Congress or to the administration, can make it difficult in very short order to solve a lot of these overpayment problems, despite compelling evidence of overpayment, despite the high profit margins, despite the fact that the proposed change could save the taxpayers billions of dollars.

The architects of the drug benefit—and I am one of them—were concerned that this same kind of dynamic would happen again. So 3 years ago, when we wrote the bill, we tried to deal with that problem. Political pressures on the Medicare drug benefit would tie the hands of the Secretary of Health and Human Services. If that happened, the program would be unmanageable, and the costs would skyrocket, just as they have in many of these other instances where the Government is setting the price. So, instead, Congress put competing private plans in charge of negotiating; again, following on the pattern of 40 years of the Federal Employees Health Benefits Program. So under the Part D Medicare prescription drug program, these health plans and their pharmacy benefit managers, because they have years of experience in this arena—it is what they do—they negotiate, and Health and Human Services has had very little experience and a very dismal track record in doing it.

These plans and managers have powerful bargaining clout in the market. They manage the drug coverage for tens of millions of people. There are plans that cover upwards of 50 million people—75 million in one case—far more than the 41 million Medicare beneficiaries. So, clearly, Medicare beneficiaries account for a large number of all prescriptions filled each year. Some might argue that 41 million beneficiaries have more clout than 75 million nonbeneficiaries. But numbers alone do not necessarily translate into lower cost. It is what is done to leverage those numbers that leads to lower costs.

That leverage comes from the plan being able to say to a drug company something like: I can get a better deal on a different drug that has the same clinical effect made by manufacturer Y. So thank you for your offer, but I am leaving the table.

Some plans get a better deal on drug A and put it on their formulary. Some plans get a better deal on drug B. But many experts agree, and experience suggests, that it would be difficult for Medicare itself to walk away from the table; in other words, the Government people doing the negotiating. There would be enormous pressure to cover everything and, if it did, the negotiating power lies then with the manufacturers and not with Medicare.

In fact, in a November 2 Wall Street Journal editorial, Dr. Allen Enthoven, an economist at Stanford University, wrote:

> When the government negotiates its hands are tied because there are few drugs it can exclude without facing political backlash from doctors and the Medicare population, a very influential group of voters.

Yesterday's New York Times quoted Dr. Alan Garber, the director of the Center for Health Policy at Stanford University, on the same subject. Dr. Garber said:

> To obtain drugs at low prices, a purchaser must be able to say no to covering a particular drug.

He went on to say:

> [I]f you cannot walk away from a deal, there's no way you can be sure of obtaining [the lowest possible] price.

Dr. Garber's point is exactly on point. The Medicare drug benefit recognizes that the Government would be a weaker negotiator. So as we set it up, it relies upon private sector plans to do the negotiating, as has been done for 40 years under the Federal Employees Health Benefits Program. We believed then that the private sector could be a tough negotiator, and we had a way to make competition work.

When Congress finished work on the new drug benefit in 2003, we knew it was an experiment. Nothing like this had been tried on this scale. Here is what we learned: Private competition works. It has been very successful in keeping costs down. These plans that negotiate their bids have come in lower than we even expected. This year they were down 10 percent from last year's bids. How many commodities do you see in America where you are going to find something 10 percent less this year than last year?

It happens that premiums are lower for people joining these plans; the premiums that they pay are lower than they were estimated to be. Before 2006, Medicare's chief actuary estimated that the average monthly premium would be $37 a month. But because of competition, it was actually $23 in 2006. That is 38 percent lower than expected. And because of the strong competition between plans, the average premium for beneficiaries is expected to be about $22. That is $1 cheaper this year than in 2006. The net cost to the Federal Government is also lower than expected. Just today the official Medicare actuaries are announcing that the net 10-year cost of Part D has dropped by $189 billion over the original budget window used when the Medicare Modernization Act was enacted in 2003. That is, in fact, a 30-percent drop in actual cost compared to what was projected when the bill was being written.

Cost overruns is the name of the game with most people doing business with the Federal Government. In this particular case, this is an exception to cost overruns. This is where things are coming in $189 billion less than bureaucrats projected they would cost when the bill was written. Of course, States are involved in this as well because they had a lot of senior citizens on what we call Medicaid for low-income people. States are saving money in lower contributions. These are referred to as clawback payments. So State payments are now projected to be $37 billion less over a 10-year period, and that is 27 percent lower than what we thought they would be when the legislation was written.

Just in the year 2006, the 50 States saved $700 million. The plans are negotiating lower prices for drugs. Let's take the top 25 drugs used by seniors. Using them, the Medicare prescription drug plans have been able to negotiate prices that are, on average, 35 percent lower than the average cash price at the retail pharmacies. That is 35 percent lower. Some examples: Lipitor is 15 percent lower; Anetol, 63 percent lower; Norvas, 28 percent lower; Fosamax, 30 percent lower.

When the drug benefit was signed into law, we believed it would work. We believed it would hold down costs. That is certainly happening today, now going into the second year of experience with this legislation. At the time it was signed into law, we also said that if it did not work, if the negotiating model we wrote into the legislation did not hold costs down, then Congress would need to reexamine the whole setup. That makes sense. But if costs grew too fast, then the whole idea, obviously, would have to be revisited. Maybe we would have to restrict access to drugs. Maybe we would have to rely more on mail-order pharmacies, instead of liberal access to local retail pharmacies. Maybe more drastic cost-cutting measures would be needed. We thought of all those things as we were writing this legislation.

But as it turns out now, 3 years later, since the President signed the bill, that is not the case. Everyone has heard the old saying, "If it ain't broke, don't fix it." That certainly applies here, and the evidence shows it. I would be the first one to say the Medicare drug benefit is not perfect. There are improvements that can be made. The Senate version of the drug bill had some important features that I hope we can revisit at some point. Congress should look at ways to make it easier for low-income beneficiaries to get the additional assistance they need by eliminating the low-income subsidy asset tax. We need to look at payments to pharmacies and make some reforms in that area. We need to look at ways to simplify the enrollment process. And there are other areas, too, where we can make improvements.

But to emphasize one area that is working very well, it is the negotiating power of the Medicare drug plans. They have shown their ability to hold down costs, so it is working. The pleas from the drug plans' opponents to put the Government—because they believe in big Government—in charge of negotiating are, quite frankly, about politics, not policy. These voices want to score political points with the drug benefit. It saddens me that we are going to start off this year with a new Democratic-controlled Congress playing politics with Medicare and raising issues that could harm our senior citizens as opposed to benefiting them.

But that is what this issue is all about; it is about politics. It is not about saving money because this program, through negotiations by the drug plans, is already saving money. It is surely not about improving the program. In fact, the Congressional Budget Office looked at the proposals made last year to have the Secretary negotiating drug prices, and they concluded they would not achieve any savings. So around here the Congressional Budget Office is like God. If they say something costs something and you don't have an offset for it, they are so much of a god around here, if you try to get it done, you have to have 60 votes to get it done. Now we have the Congressional Budget Office saying there are no savings, because the Government negotiates instead of having the plans negotiate. During the debate on the Deficit Reduction Act of 2005, Senators SNOWE, WYDEN, MCCAIN, and STABENOW offered an amendment to give the Secretary authority to negotiate with drug companies.

Here is what CBO said about that amendment: It would produce zero savings. So what is this amendment all about? If you are going to save senior citizens some money by having Government negotiate instead of the plans, you should not get a big zero out of the CBO.

I want to have a second chart observed by my colleagues. This is a person a lot of people 3 years ago were expressing was competent when he was judging that this bill would cost more than the CBO said it would cost, and that somehow the administration was playing games with these figures. All these figures ended up being too high because they are $189 billion lower than they were saying they were going to be. There are no cost overruns in this program as in every other program. I am going to refer to the chief actuary for Medicare who examined these proposals we are talking about and having the Government negotiate. He came up with the same conclusion: Direct price negotiations by the Health and Human Services Secretary would be unlikely to achieve prescription drug discounts of greater magnitude than those negotiated by the Medicare prescription drug plans responding to competitive forces.

Competition in the marketplace is what getting the consumer the best buy for the money is all about. Every day consumers benefit from competition. We wrote competition into this program 3 years ago, and that competition is working for the seniors. Now we have people who want to come out here and screw it all up for the senior citizens of America.

I hope we can put politics aside here and focus on some of the real improvements we could be making in the drug benefit program that I pointed out today that need to be made, and not deal with things that are working. "If it ain't broke, don't fix it."

Madam President, since no other Members are here, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LINDA HAWKER

Mr. DURBIN. Madam President, I rise today to pay tribute to a great friend of mine, an amazing woman in Springfield, IL, a dedicated public servant, Linda Hawker.

After nearly 30 years in public life, Linda is retiring as Secretary of the Illinois State Senate and starting a new chapter in her life. Those who worked with Linda in the Illinois State capitol can tell you what an amazing difference she made in the office of the Secretary of the Senate. The job is a tough one. The hours are long. But Linda has worked tirelessly to serve the people of the Senate and the people of my State.

Linda is going to be missed. Linda and I started together working in the Illinois State Senate. I was fresh out of law school. She had just started as a secretary to one of the State senators back in the early 1970s. She was born and raised in Springfield. Linda is one of eight children. She worked hard throughout her life to raise her daughter. She graduated from Sangamon State University, now known as the University of Illinois-Springfield, with a degree in political studies.

Linda has worked so hard not only for the Senate but for many candidates for the Illinois State Senate over the years. She was the first woman to serve as Secretary of the Illinois Senate, the guardian of the public records of that institution. Before serving in that position, she was assistant secretary. Prior to that, she worked for the Senate Democratic leadership staff and served as special assistant to former Illinois Senate president Phil Rock.

As Secretary of the Senate, Linda is best known as the chief administrative and fiscal officer of the Senate. But those terms don't tell the whole story.

She brought a state-of-the-art computer system into the Illinois State Senate to make it easier to track bills and debate them. She was also instrumental in the creation and development of the Illinois Women in Government Organization. In 2004, she was honored by the Illinois Democratic Women with the Eleanor Roosevelt Outstanding Democratic Woman of the Year Award—an award presented to only one woman each year—for her work in grassroots politics. Linda is also a founder of the Illinois Women in Leadership Organization, which provides opportunities and training for women to become more politically involved in my State.

Linda is deeply involved in her community, having worked in a lot of organizations, including the Committee to Study the Honesty and Integrity of Springfield Elections, the University of Illinois at Springfield Alumni Council, the Springfield Urban League, and is a former member of the Executive Committee for the American Society of Legislative Clerks and Secretaries.

But if you ask those who know Linda well, they will tell you that her story should not just be told in terms of what she has done but the people's lives she has affected. She is known as the go-to person in my part of the world, especially if you want to run for office. She is known not just as a fabulous adviser and mentor; she is the hardest working person I have known in the political scene. She is not afraid to roll up her sleeves and get into the thick of it. Linda managed the campaign of Senator Penny Severns, whose life was taken away too soon by breast cancer. They were quite a team. Penny Severns won a district she was never supposed to win, and Linda was right by her side. She has always been a great person to talk to. She always had time to listen. To be Linda Hawker's friend is to know loyalty, honesty, a diligent worker, and the best kind of friendship.

Her leadership as both Secretary and Assistant Secretary of the Illinois Senate has been an example of quiet integrity to all of those, including myself, who have worked with her. She will start a new chapter in her life with retirement, but I know no matter what she does she will be successful.

Last night, they had a reception for Linda in Springfield and I was told by press accounts this morning it was one of the largest bipartisan turnouts in history, which she truly deserved. She was that kind of a person and still is and will be for many years to come. We hope she has many great adventures in the future.

Linda, congratulations for your hard work, and thanks for being my friend.

THE IRAQ RESOLUTION ON MILITARY FORCE

Mr. DURBIN. Madam President, it was just a few years ago—some days seem much longer—that we considered a resolution in the Senate to authorize the use of military force in Iraq. We cast thousands of votes. Most members of Congress cannot recall too many of them specifically, unless reminded. But you never forget a vote on a war because you know that, at the end of the day, if you decide to go forward, people will die. It is your fervent hope that it will be the enemy, of course, but you know, in honesty, that it will be American soldiers and innocent people as well. So a vote on a war is one that Members of Congress—most every one of them—take so seriously. It costs you sleep, as you think about the right thing to do.

I can recall when the vote was cast on this war in Iraq. I sat on the Intelligence Committee for months listening to the testimony and all the evidence that was brought before us, listening behind closed doors to this classified information about the situation in that country, and then emerging from that Intelligence Committee and reading newspapers and watching television, saying the American people are not being told the same thing outside that room that I am being told inside that room. There were serious differences of opinion in this administration about whether there were even weapons of mass destruction.

At one point, we challenged the administration and said: If there are weapons of mass destruction, for goodness' sake, turn over some locations to the international inspectors. Let them find them. Once they discover them, it will confirm our fear, and other countries will join us in this effort against Saddam Hussein. But, no, they wouldn't do it. Although they told us there were hundreds of possible locations, they wouldn't turn over any specific location possibility to the international inspectors.

It raised a question in my mind as to whether they were very certain of any locations. And, if you remember, weapons of mass destruction were the centerpiece of the argument for the invasion of Iraq.

On Christmas Day many years later after that decision was made on the floor of this Senate, we learned that more Americans have now died in Iraq than died on September 11. Less than a week after that disclosure, on New Year's Eve, we marked a mournful milestone in the war in Iraq: the death of the 3,000th U.S. serviceman killed in Iraq.

Today, as I stand before the Senate, the Department of Defense reports that we have lost 3,014 American soldiers in Iraq. The 3,000th death is as tragic as the 1st death, the 300th death, the 1,000th death, but the staggering scope of casualties, the enormous toll this war has taken, must not be allowed to pass unnoticed.

America's service men and women are the bravest and best in the world. I know I say that with some patriotic pride, having been there to sit and have breakfast and lunch with them in Iraq, Afghanistan, and their other assignments. I just can't say enough about their courage and sacrifice, just ordinary, young-looking men and women who do extraordinary things.

This last October, with Senator JACK REED of Rhode Island, while sitting for breakfast with a group of about 12 soldiers from Illinois, I went around the table: Where are you from? Downstate. Oh, you are from the suburbs of Chicago. Or, you live in the city. We talked about everything under the Sun. We talked about the Chicago Bears, the Cubs, the White Sox, and how things were going back home.

I asked them how things were going. They said: We had to get up early. We had to form an honor guard at dawn because one of our soldiers was killed in the middle of the night by one of these homemade bombs that takes so many lives.

I asked: How often does that happen? Well, pretty frequently.

We know it does because we read the press accounts. We think of these young men and women and the challenges they face every single day as they risk their lives for America. We think about the families back home deep in prayer that their soldier is going to return home safely.

We owe them so much. We owe them our prayers and thanks for sure. But those of us in elected office owe them more than that. Part of what we owe them is a plan to bring this war to a close, a plan to bring them home safely, a plan to congratulate them as they return home for what they have given to this country.

Last March, President Bush was asked whether there would come a day when there will be no U.S. forces in Iraq. His answer to that simple question spoke volumes. The President said: That, of course, is an objective, and that will be decided by future Presidents and future Governments of Iraq.

Now we are told that in a few days the President will make a major policy announcement about this war. According to reports he is going to call for an increase, a major escalation of the U.S. troops committed in Iraq. The administration carefully has used the word "surge" to suggest this is somehow temporary, but we have to listen carefully when the President makes his announcement to see just how temporary it might be for the 10,000 or 20,000 or more American lives that will be at risk because of this decision.

Sending tens of thousands more troops to Iraq is not a change of course. It is not what our top military experts advise. In fact, they have said just the opposite. It is clearly not what the American people bargained for when they voted just a few months ago for a change in our direction in Iraq. It is literally and tragically more of the same. I think our troops deserve better.

President Bush has always said he will send more troops if the commanders in the field said they needed more. In December, General Abizaid, the head of the U.S. Central Command, testified before the Armed Services Committee. This is what the general said. The President told us he was listening to the generals:

> Our troops' posture needs to stay where it is as we move to enhance the capabilities of the Iraq security forces and then we need to assess whether or not we can bring major combat units out of there. . . .

General Abizaid went on to say:

> The ability to sustain that commitment [of 20,000 additional troops] is simply not something we have right now.

That was a statement made by General Abizaid just a few weeks ago. He is now moving on. He is being replaced. This was the advice of the leader of the Army and the Central Command in the field of battle. General Abizaid continued:

> I met with every divisional commander, General Casey, the core commander, General Dempsey. We all talked together. And I said, "In your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq?"

General Abizaid testified:

> And they all said no. And the reason is, because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do the work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

Last month, the bipartisan Iraq Study Group, the group that was headed by former Secretary of State James Baker and Congressman Lee Hamilton of Indiana, offered a series of recommendations that they say could allow U.S. forces to largely redeploy safely out of Iraq by April 1, 2008. The President has made it clear—although he thanked the commission—that he doesn't share their feelings. He also apparently does not share the views of the Commission that the situation in Iraq is grave and deteriorating.

This war began with deception—a deception of the American people about the threat of weapons of mass destruction. It then moved into a phase of denial where we were told over and over: Oh, the Iraqi soldiers, the forces are just terrific; we are getting them ready to take our place there; we are going to stand down when they stand up. As violence ramped up dramatically, as more and more people died, including American soldiers, it went from deception to denial, and now we are in delusion, a delusion that somehow sending more American troops into the field of battle, putting them in the midst of a civil war that finds its roots in history 14 centuries old, that somehow placing our best and bravest soldiers, marines, airmen, and sailors in this crossfire of sectarian violence, putting more of them there, as the President is likely to suggest, is going to bring this to an end sooner.

I think the President is wrong, I think the Iraq Study Group had it right, and I think sending those troops in, as General Abizaid said, gives a message to the Iraqis that is completely wrong.

Think about this for a minute. We sent the best military in the world. They deposed Saddam Hussein, took him out of power in a matter of weeks, dug him out of a hole in the ground, put him on trial which led to his execution. We then gave the Iraqis a chance to vote on their own constitution. We allowed them to form their own government. We have spent $400 billion. We have lost 3,014 lives as of this moment, and the number, sadly, continues to mount. Twenty-three thousand American soldiers have come home injured, 2,000 of them multiple amputees, soldiers who are blinded, soldiers whose lives may never be the same. We have done all this for this nation of Iraq, and now what we ask of them is simply this: Stand up and defend your own country. If you believe in your country and your future, be willing to stand and fight for it. Be willing to make the hard political decisions to bring peace and stability to your country.

That is the message we should be giving them, but instead, this administration's message is we will send in more American soldiers, maybe 10,000, 20,000, 30,000. We will escalate this conflict. We will escalate our commitment. We will build up these forces.

According to two members of the Iraq Study Group who were present when the group met with the President in November, President Bush said he continues to use the word "victory" to describe the vision in Iraq because "it's a word the American people understand." The President said: If I start to change it, it will look like I am beginning to change my policy.

That is a staggering statement because, Mr. President, we do need a change of policy. We need to face the reality of what we are currently facing in Iraq.

There are other costs beyond what I have mentioned. There are costs that we feel at home. I voted against this Iraq war—23 of us did—but I voted for every single penny this President has asked for. My thinking on it is very basic and fundamental: If it were my son and daughter in uniform, I would want them to have everything they need—everything. I can quarrel with this President, debate him all day about the policy, but not at the expense of the safety of our troops.

The money we spent there—almost $2 billion a week, over $400 billion in total—is money that has been taken out of America, away from our needs at home, money that, sadly, has been piled up in debt as this administration refuses to even pay for the war they are waging.

We are currently spending about $8 billion a month on Iraq—$8 billion. We are going to be asked to come up with another $100 billion soon and, sadly, that money we spent so far doesn't even include the cost of reequipping our Armed Forces or caring for our veterans who have come home. That is a long-term cost of this war that we will pay for decades to come.

What could we have done in America with the $380 billion or $400 billion that we spent in Iraq? We could have paid for all of the following that I am about to list—all of the following: Health care coverage for all of the uninsured children in America for the entire duration of this war; 4-year scholarships to a public university for all of this year's graduating high school seniors in America; new affordable housing units for 500,000 needy families; all the needed port security requirements to keep our homeland safe; substantial new energy conservation programs. Or, we could have completely funded No Child Left Behind.

Remember that program where we tested our kids and found out they needed help and then the Federal Government didn't send the help? We could have done that.

Or, we could have provided savings accounts for low-income families preparing for retirement, or made a downpayment on reducing the alternative minimum tax.

From my State of Illinois, our share of the Iraq war comes to about $19 billion. With that $19 billion, we could have paid for 2.5 million Illinois children in Head Start, insured 11 million children for 1 year, paid the salaries of 330,000 teachers for a year, underwritten 170,000 new affordable housing units, and covered 900,000 4-year scholarships to public universities.

President Bush has the distinction not just for this policy in Iraq, but the fact that he is the first American President in our history who has cut taxes in the midst of a war. His tax cuts have benefited the wealthiest people in America and left the largest debt in the history of the United States, and every year we remain in Iraq we add $75 billion to $100 billion to that national debt.

Beyond the cost of human lives and dollars, there are strategic costs in this war. Our military is stretched dangerously thin. The National Guard units that have been activated have come home with less equipment. Today, in Illinois, we have about a third of the equipment we need to respond to another crisis either at home or overseas.

We also know that when it comes to combat readiness, there are no units prepared to go into war at this moment. We have stretched our military so thin. The costs of reequipping these units and rebuilding these services are enormous and go way beyond what we have already spent in Iraq. Investing U.S. troop levels in Iraq will almost certainly prolong our involvement in that nation. It almost certainly will make President Bush's statement that it will be up to the successors to bring our forces home a self-fulfilling prophecy. That is not what the American people voted for in November. Sending these troops to Iraq will send the wrong message to Iraq. It will signal that Americans will continue to bear the burdens of this war.

This year, the British, who have been the most cooperative in helping us there, are slated to pull their troops out. At that point, it will be virtually an American struggle, with only a handful of countries remaining by our side.

General Casey, the commanding general in Baghdad, recently stated:

> The longer we in the U.S. force continue to bear the main burden of Iraq's security, the longer it lengthens the time that the government of Iraq has to make the hard decisions about reconciliation and dealing with the militias.

General Casey also said:

> It has always been my view that a heavy and sustained American military presence was not going to solve the problems in Iraq over the long term.

These are the generals President Bush said he listens to, and these are the people who are in command of our forces. These are voices which clearly disagree with the escalation of this war in Iraq.

Last week, America bid farewell to a good and decent man named Gerald Ford. I was honored to be at his funeral service in Grand Rapids, MI. He was a man who served at one of the most tumultuous times in American history. He inherited a war he couldn't win. Years later, when asked about that Vietnam war, President Ford said:

> My approach was we inherited the problem with the job. It is my obligation on behalf of the country to try and solve the damn thing.

A generation later, our Nation faces a similar moment. We need to work together. We need to cooperate on a bipartisan basis to find a plan worthy of the courage and sacrifice of our men and women in uniform. It should begin now. It shouldn't be left to future Presidents.

If one reads the authorization for Iraq, one understands that the goals and missions of that statement for the use of force have changed dramatically. No weapons of mass destruction, no Saddam Hussein, no threat to America. It is time for us to announce that we achieved our goals in Iraq and now the American people need to hand this responsibility over to the people of that nation in Iraq.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, it is my understanding we have a 10-minute limit in morning business. I ask unanimous consent that I be allowed an extension of an additional 5 minutes, for a total of 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ STUDY GROUP RECOMMENDATIONS

Mr. NELSON of Florida. Mr. President, on the basis of the very kind comments of the Senator from Illinois and others, very reasoned comments, many of these comments having been stimulated by the Iraq Study Group, which Mr. Baker and Mr. Hamilton both made their first presentation to the Congress, to our Senate Armed Services Committee, back in early December, there is a lot of wisdom in this. The members of this study commission are some of the finest public servants to have been produced in this country and who obviously have the interest of this country at heart and who are struggling through this thicket of unclear occurrences in the Middle East and Central Asia. The goal is to figure a way in which there might be a chance at stabilizing Iraq politically and economically so that country has a chance to continue to exist with a democratically elected government. Yet, at this point, it is certainly not clear that stability is going to materialize. We certainly hope it does because of the consequences for America and for the rest of the free world if Iraq crumbles into chaos.

Looming over that entire region is an ascendant Iran, an Iran that is penetrating its influence, not only through the Shiites in Iraq but through its efforts in other parts of the Middle East, through Syria, through Hezbollah in Lebanon, Hamas in the Palestinian Territories and as a result, we see the increasing influence of Iran and their brand of Shiite Islam. This is much to the consternation of a majority of the Arab world, in particular the Sunni Arab world as well as Israel.

In the 2 weeks preceding Christmas, I went on a visit to nine nations within a 12-day period, coming back just in time for Christmas. I was struck by the words I would hear from leaders in Israel where I first visited and the words I would hear by other Arab leaders, in some cases heads of state in Sunni Arab nations. Those words were almost identical in describing the real present and future threat posed by Iran. Of course, a lot of that concern was not only related to Iran obtaining a nuclear weapon but the immediate concern of Iraq spiraling into chaos, with no stability whatsoever, with the continued penetration by the Iranian Shiite influence.

I first went to Israel, and then continued on, visiting with the heads of state and the governments, in Palestine, and then on to Jordan, Syria, Lebanon, on to Qatar, Saudi Arabia, which, by the way, General Hayden, the head of the CIA, requested I go and spend time with the Saudi King, to urge the Saudis to exert their influence with the Sunni tribes in Iraq working towards reconciliation. I went from Saudi Arabia to Bahrain and then into Iraq. I have come away with a number of conclusions.

After visiting with the marines in western Iraq in Al Anbar Province, indeed a U.S. troop increase may well help us be better able to stabilize that part of Iraq. It is almost entirely Sunni, and the major threat there is al-Qaida, and of course the big military threat to us there is the IEDs, the improvised explosive devices.

I, along with Senator COLEMAN of Minnesota, as we were in Iraq together—and he can certainly speak for himself, but I think we were persuaded by talking to the Marine commanders that an increase of some number of troops there would help them in what they are doing on a daily basis, which is trying to get the local Arab leaders to take over their own security. There is some degree of success in western Iraq but not in Baghdad. In Baghdad there is the sectarian violence that everyone has heard about.

What we were shocked to hear was from prominent Sunni members of the Government in Iraq, in Baghdad. One prominent, high-level Iraqi Government official, a shia, said to us: Sectarian violence is not the problem. Those were almost his exact words. In his opinion, the problem was the Sunni extremists, the Baathists who want to retain power, just like they had it in the old days under Saddam Hussein, and the foreign fighters from al-Qaida. For that high-level official to sit there and look two U.S. Senators in the eyes and say that sectarian violence was not the problem is either a complete misreading of the circumstances, the reality on the ground, or else his mind is so enveloped in sectarian violence and the old hatreds of the Shiites against the Sunnis and vice versa, those hatreds that are so ingrained that he can't see beyond that sectarianism.

So in a few days, we are going to receive the President's new plan. I look forward to seeing and hearing the details of it, but it is not a new plan because there is no plan now. We need some honest realism in the policy, not hardheaded ideology. This so-called new policy ought to be driven by realism. It is the situation on the ground in Baghdad that no surge is going to solve the problem. I think those who are leaking this report in advance of it coming out have it backwards. A surge to solve the sectarian violence is not going to work. We ought to have the sectarian violence subside because Iraqi Sunnis and Shiites decide that it is more in their interests to reconcile than it is to fight the old hatred fights. At the same time, it would be my recommendation, as the Iraq Study Group report has recommended, that we start moving more to a training mission from a combat mission. Only if the sectors decide they are going to reconcile, then we, the United States, can help them be better prepared in a training mission instead of a combat mission. It is my hope that the Saudis would utilize their extensive tribal Sunni contacts in order to urge those Sunnis in Iraq that the only way you are going to see a better end of the day is to have some reconciliation. And the Saudis told me that they are now starting to see this opportunity.

There have been things that have come out in the last couple of weeks that I don't think bode too well for us. The one general who, time after time, came before our Senate Armed Services Committee and in whom I had a degree of trust in what he was saying was General Abizaid. Now General Abizaid is going to retire. He not only speaks the language, he has been involved in that region of the world for years, yet his advice is no longer going to be sought. That, to me, is a mistake.

What is at stake is the entire region with the Iranian ascendancy. What is at stake is the more than 140,000 American troops who are there now and all of those who will be rotated there in the future. What is at stake in the Middle East and central Asia is a part of the world of enormous importance to the United States.

It is hard to talk about this very difficult condition the United States is facing without also saying there is another policy we clearly ought to look at in order to make some changes to lessen our dependence on that part of the world in the future, and that is energy independence. If we did not have to import 60 percent of our daily consumption of oil from places such as the Persian Gulf region or Nigeria or Venezuela, wouldn't the defense outlook for the United States and the way we would approach our foreign policy in different parts of the world be considerably different and a lot easier for the United States?

As we eagerly anticipate the President's comments and his report on his new policy, let's understand there is not a new policy. There has not been a policy in the past. The idea that this surge of troops is a new policy is not new. We tried that before a couple of years ago and it did not work. It did not work because of the longstanding violence and hatred between those two groups of Islam which goes back to the 1600s, when the two brands of Islam started separating, and what ultimately came to be the Shiites separated from the Sunnis after the death of Mohammed. A separation, with the two sides wanting revenge is how this has played out over the years. It is still going on.

We have enormous stakes. We hope we can get it right. It is with a great deal of anticipation that I look forward to the Senate receiving the President's comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

(The remarks of Ms. STABENOW pertaining to the death of President Gerald R. Ford are printed in today's RECORD under "Morning Business.")

Ms. STABENOW. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING SALARY ADJUSTMENTS FOR JUSTICES AND JUDGES OF THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 197, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 197) to authorize salary adjustments for justices and judges of the United States for fiscal year 2007.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I thank Senator REID for expediting passage of legislation I introduced today with him and Senators SPECTER, REID, FEINSTEIN, and CORNYN to authorize cost-of-living adjustments for the salaries of United States Justices and judges for fiscal year 2007. This is a step I supported taking—and that we should have taken—in the last Congress. I am glad that a holdup on the Republican side that prevented us from passing this last week was resolved so that we could move forward in a unanimous and bipartisan way to take care of this unfinished business in the Senate. I hope that the House of Representatives will join us in making cost-of-living increase for judges an early item of business.

The legislation we pass today is a modest step towards addressing the issues raised by Chief Justice Roberts in his "Year End Report on the Federal Judiciary." I have commended the Chief Justice for speaking out on behalf of the judiciary and for seeking to strengthen the independence of the judicial branch. Judicial independence is critical for preserving our system of government and protecting the rights of all Americans.

In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress and other high-ranking executive branch officials automatic COLAs as accorded other Federal employees unless rejected by Congress. In 1981, Congress enacted section 140 of Public Law 97-92, mandating specific congressional action to give COLAs to judges. With the end of the last Congress, however, the continuing resolutions providing funding failed to suspend section 140, thus ensuring that no COLA would be provided for Federal judges during the current fiscal year, unless other action is taken. Four years ago, the last time Congress missed making a scheduled cost-of-living adjustment for the judiciary, I sponsored remedial legislation that was enacted. I have done so, again, in the hope that Congress will correct this slight.

The bipartisan legislation we pass today provides for a COLA for Federal judges consistent with the law and with fairness. I have worked hard as ranking member of the Judiciary Committee over the last 4 years to ensure the independence of the judiciary.

Some of us have tried over the years to improve the compensation of judges. I have sponsored bills for general increases in judicial compensation. One such measure did pass the Senate a few years ago only to be stalled by the Republican House leadership. Senator FEINSTEIN was the lead sponsor of such a bill last Congress.

I intend to do what I can to convince Congress to fairly evaluate this issue and the Chief Justice's arguments, so that we can see what solutions may be possible. I hope Congress and the President will reconsider a broader judicial compensation measure this year to adjust their salaries. We have taken a first step now by taking up and passing this bill allowing for the annual judicial COLA that was not enacted last year.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements related to this bill be printed in the RECORD. I also indicate this matter has been cleared with Senator MCCONNELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 197) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF SALARY ADJUSTMENTS FOR FEDERAL JUSTICES AND JUDGES.

(a) IN GENERAL.—Pursuant to section 140 of Public Law 97-92, justices and judges of the United States are authorized during fiscal year 2007 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

(b) EFFECTIVE DATE.—This Act shall take effect as of January 1, 2007.

HONEST LEADERSHIP ACT

Mr. REID. Mr. President, tomorrow morning the Senate will begin the hard work of moving our country forward with S. 1. S. 1 is the ethics, lobbying, earmark reform legislation that will be before this body tomorrow.

After a long time, it seems, the new Senate has been sworn in. Our 10 new colleagues are here. Today we govern, and we start with S. 1. It is called the Legislative Transparency and Accountability Act. When passed, this legislation will help ensure America has a government as good and as honest as the people whom it serves. I want the record to be spread with my appreciation for Senator MCCONNELL cosponsoring this legislation. As the Chair knows and has worked so hard to promote bipartisanship, we cannot accomplish anything in this 110th Congress unless the legislative body works together on a bipartisan basis and sends legislation to the President that he will sign. Senator MCCONNELL set the right tone in agreeing to cosponsor this most important legislation. Again, I appreciate that very much. It is good for the American people to see that the first piece of legislation being brought before this body is one that is cosponsored by the Republican leader and the Democratic leader.

In the weeks leading to this new Congress, we have heard Members from both sides of the aisle talk about bipartisanship. S. 1 will have turned that talk into action. This is a bipartisan bill cosponsored by the two leaders, as well as the chairs and ranking members of the relevant committees.

The designation of the bill as S. 1 has symbolic importance. Often S. 1 is a vehicle for the majority party to make a partisan statement to its base. I have asked my staff to ascertain the last time a bill designated as S. 1 was jointly sponsored by the majority and minority leaders. It has been 32 years. In 1975, majority leader Mike Mansfield and minority leader Hugh Scott jointly sponsored a bipartisan criminal justice reform bill. I am very happy to revive the Mansfield-Scott tradition, where we have leaders working together to move this country forward.

There are many reasons ethics reform is the first legislative item the Senate will consider. Most importantly, because no issue facing this body is more fundamentally important. Honest government should not be a partisan goal. It is the key to a strong nation. All our work this year is based upon what S. 1 is to the American people. When we make leaders accountable to the people, not the special interests or lobbyists, there is no limit to what we can accomplish. We can be energy independent. We can have affordable health care. We can build a strong economy and provide real security for our country. Each of these goals can be accomplished if we ensure that the people's needs, not special interest needs, are put first.

Ethics reform is also the first order of business because it is a clear priority of the American people. In election day exit polls on November 7, voters spoke loudly and very clearly about their diminished faith in government. Forty-one percent of voters named corruption as extremely important in determining whom they would vote for. Americans want us to purge the Government of undue influence, and they want us to eliminate the conditions that led to the scandal-making headlines of last year and 2005: headlines about officials being flown to Scotland for rounds of golf; headlines about committee chairmen negotiating lucrative lobbying jobs with the industries they oversee, while working on legislation important to those industries; and, of course, headlines about "pay to play" schemes such as the infamous K Street Project, where jobs and campaign donations were traded for legislation and other official acts.

A number of elected officials and lobbyists have been put in jail for their activities that showed a disrespect for the Congress and the country. The American people simply have had enough. This is not the first time the Senate has considered ethics legislation. Last year, in the wake of the scandals of 2005, we debated and passed a reform bill in the Senate. Unfortunately, it fell victim to politics and never emerged from a conference committee, even though that bill passed on a bipartisan basis in the Senate. This year we are not going to let that happen. We will pass this bill, put it into law.

The House of Representatives has already acted on part of this issue, as their rules allow them to proceed faster than the Senate, and that is an understatement. I applaud Speaker PELOSI for making ethics reform a House priority. We will address many of the same issues here. But because of our rules, we will proceed at a much slower pace, not because we want to but that is how the Senate operates.

This bill will not be referred to the committees of jurisdiction. Senator MCCONNELL and I have decided to begin the debate with the same bill that passed this Chamber 90 to 8 last year. It has been through the committees previously, providing us with a strong starting point for action this year.

The reforms in S. 1 are very real, very strong. To begin, it prohibits gifts and travel paid for by lobbyists, such as Jack Abramoff's infamous trips around the world. Under provisions of this bill, no Member or staff would be able to receive any gift or take any trip paid for by a registered lobbyist. Next, this legislation will slow the revolving door that shuffles lawmakers and top staff between Federal jobs and the private sector. We all remember the case of the House chairman to manage the Medicare Part D bill on the floor of the House only to leave shortly thereafter to make $1 million a year as president of the Pharmaceutical Research and Manufacturers of America. This bill will ban former Members from lobbying for 2 years, toughen lobbying bans already in place for senior staff, require public disclosure by Members negotiating private sector employment, and strip former Members who become lobbyists of their floor privileges.

Third, this bill will improve Senate procedures to make our work more transparent to the public. It will require full disclosure of earmarks. It will provide new tools to ensure that Members of Congress and members of the public have a chance to review bills before they are voted on. It will make it harder to insert new provisions in conference reports and hand out special favors in the dead of night.

Fourth, it will improve lobbying disclosures. Today lobbyists must file reports semiannually. Our legislation will require them quarterly. Not only that, we will post the reports on the Internet, and we will require lobbyists to include their campaign contributions and fundraisers. Those who don't follow the rules will be subject to stiff new penalties.

Fifth, this bill will make partisan efforts to influence private sector hiring, such as the K Street Project, a violation of Senate rules and mandate ethics training for all Members and staff.

The bill I have outlined, in a broad sense, is a starting point. If we did nothing else other than pass this bill, we would have enacted the most sweeping ethics reforms in a generation or more. But we will not stop with this bill that has been introduced. Very soon I expect to offer a substitute amendment that will strengthen this legislation even more. I hope to do that sometime tomorrow. Then we will have ample time for other Senators to improve the bill through further amendment.

Our two Democratic managers, Senators FEINSTEIN and LIEBERMAN, will oversee a strong bipartisan debate. And together we will pass the strongest Government reform bill to come out of the Senate since Watergate.

Some of the improvements I expect to be approved this week include extending the gifts and travel ban to companies and groups that hire lobbyists, not just the lobbyists themselves. I also expect we will approve earmark disclosure and that we will toughen penalties for those who set up fraudulent, corrupt lobbying schemes such as the ones Mr. Abramoff created.

We have tremendous challenges facing us this year, but our first is to restore the people's faith in their government. With the bipartisan reforms I have outlined today, we can accomplish that task.

There is no better way to start this new Congress than by showing the American people that we will answer only to them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I believe we are in morning business; is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. FEINSTEIN. What is the length of time for each Senator?

The PRESIDING OFFICER. A 10-minute time limit.

Mrs. FEINSTEIN. I thank the Chair.

LOBBYING, ETHICS, AND EARMARK REFORMS

Mrs. FEINSTEIN. Mr. President, the majority leader has asked if, as the new chairman of the Rules Committee, I would come down and briefly say a few words about the bill we will be placing on the floor tomorrow. That bill is S. 1. This bill has passed the Senate before by a vote of 90 to 8. It offers the opportunity for the Senate to come together, in a bipartisan way, and pass lobbying reforms, some ethics reform, some earmarks reform, and take a real step together in an important way.

As we all know, the House has passed a set of rules, and so the conference is going to be an interesting one because the Senate will have its own bill. The House will have its own exclusive rules and hopefully will present some bill language from relevant committees in the House that we will be able to reconcile in the conference committee.

Tomorrow, with Senator BENNETT as the ranking member, as well as Senators LIEBERMAN and COLLINS, we will formally present this bill. I hope that the presentation will reflect our commitment to work together to see that the discussion is full, that we understand that there are differences of opinion within the Senate on some of the points, but that it is critically important that action be taken.

We all know what has happened this past year. We all know that the results of the election have indicated that corruption is an important concern of the electorate, some say the most important concern, even with Iraq, that was voted on in this election. So the voice of the people calling us to move ahead, pass legislation, and see that our House is clean and scrupulous is increasingly important. I believe we will measure up.

The base bill that will be on the floor tomorrow is identical to the bill that was passed last year. It came to the floor in the early part of the year and was then passed by the Senate. It was held up in the House over a difference of opinion on 527 reform. And from that point on, it was stymied and went nowhere.

It is also my understanding—and my staff has been a party to the discussions—that there will be a leadership amendment. That leadership amendment will be concurred in by the majority leader, the minority leader, the chair and ranking member of Rules and others. It will essentially toughen the bill that was presented last year. We will deal with a number of issues, including strengthening the earmark language.

Now, I want to make a couple of personal comments on earmarks. In my view, this is the most difficult part of the entire bill, to reconcile feelings, to be able to develop some form of a consensus. An earmark is an appropriation placed in the budget by Members of Congress. I believe earmarks should exist. We have big States, and I come from a big State of 38 million people. We pay far more in taxes than we get back in services. Therefore, to be able to place in the budget certain critical items that benefit California's infrastructure and California's programs is important.

I also strongly believe that my name should accompany the earmark. I have no problem letting anyone know what earmark I have suggested.

I strongly believe that—and this is where I think I probably differ from some of my colleagues—if an earmark is added in the dark of night, if the earmark is not voted on by a subcommittee of the Appropriations Committee, it should be subject to a 60-vote point of order. Right now, rule XXVIII, according to the Parliamentarian, does not apply to earmarks per se but out-of-scope matters only—for example, ANWR. So I think the discussion in the ensuing week and a half is going to be an interesting one.

Secondly, are earmarks just non-Federal additions, congressional additions to a budget, or do they also encompass funds that go to State entities or private entities? As we work on this issue, I say to the Members that I would very much like to know your views. I would like to work with every Member. It is my intention as the new chairman of the Rules Committee to work openly and, hopefully, in a bipartisan way not only with the ranking member but with other Republicans and Democrats on that committee. The first hearing we will have in the Rules Committee will be on the subject of the past election—specifically, the undervote in Sarasota, FL, on certain items on their ballot, e-voting, and what we might be able to do to assure people who vote that their vote is recorded accurately; that there are actually no switchovers; that there is no difference between how you press the button and how your vote is recorded; and that you can corroborate with a paper trail that, in fact, that is the way you voted.

I come to the Senate floor to make very brief opening remarks and signal my intention to work with the Rules Committee on this bill in a bipartisan way and, hopefully, to make as much progress as we can.

I have been an appropriator for 13 out of my 15 years in this body. I have served in different capacities, as we all have. We work our way up through the chairs in Appropriations. I think the time has come for earmarks, and for holds as well, to stop the anonymity, give them the full light of day; for Members who produce earmarks to be willing to defend them and that when earmarks are placed in the dark of night by a Member, they would be subject to a 60-vote point of order.

I will say one other thing about holds. A hold is something that a Member does to essentially indicate that they have a concern about a vote. It is difficult, from a parliamentary perspective, to take action because you may just want to hold a bill so that you have an opportunity to read it, which would just be 24 hours or so. Or you may have some mischief in your mind when you produce a hold. I have seen holds that were put on virtually everything that came out of a committee because one Member wanted to make a point. I have seen Members put holds on every bill another Member had to make a point. It seems to me that along with the era of the anonymous earmark, the era of the anonymous hold ought to be put to rest with a big sign that says "rest in peace."

This is a new day. I do agree that transparency and full disclosure act in the best interest of this body. I look forward to presenting the bill tomorrow, along with Ranking Member BENNETT, Senator LIEBERMAN, and Senator COLLINS, and to the ensuing 6 or 7 days of discussion and amendments.

I want to ask one other thing, and that is that when the bill comes to the floor, Members come down and file their amendments so that in addition to the leadership-proposed substitute, we will have knowledge of what is about to come to the floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I understand we are in morning business with Members granted approximately 10 minutes apiece, if they so choose; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERTS. I thank the Presiding Officer.

WESTERN KANSAS SNOWSTORMS

Mr. ROBERTS. Mr. President, I rise today to call your attention to what can only be described as a major disaster in my home State of Kansas and surrounding States—certainly the State represented by the distinguished Presiding Officer—along with New Mexico and eastern Colorado, more especially in western Kansas.

In the last days of December, a large winter storm spread over 30 inches of heavy snow and up to 3 inches of ice in much of my State of Kansas.

As you can see from this picture of what used to be a row of electric towers—a very idyllic scene in Kansas, where we produce the food and fiber this Nation needs—and then from the following picture—I will take this picture down and basically show you what happened after the blizzard—of what remains, this storm has caused overwhelming destruction all throughout the region. There are 21 towers in this condition, as shown in the picture. These are major towers of power, of electrical grid that have been destroyed all across my State of Kansas, more especially in the western part.

As a result, 15-foot snowdrifts closed highways and left over 60,000 customers without power. Over 10,000 downed utility poles litter the area. We did not get that picture blown up in time, but it is a marvelous picture of a road—you can see the snow here—that goes by with a whole bunch of telephone poles snapped off like matchsticks. And that has happened all throughout that area. Residents who are lucky enough to have generators are now paying up to $50 a day for diesel fuel to simply generate electricity to stay warm, to exist.

What is more, the storm hit one of the largest concentrations of livestock in the State. Let me put up a chart that is going to be a little difficult to discern from the standpoint of what it portrays. For reasons you can understand when you look at this image, we have received numerous reports of animals like this calf—yes, this is a calf. You can see the calf's nose, and one eye here and one eye here. We do not know whether the calf made it, in that our producers are working overtime, our ranchers are working overtime to get food to their livestock herds. But in this particular instance, you can see what happens to an animal that is caught in these kinds of conditions—a rather sad scene, to say the least. Either they succumb to a lack of food or a lack of water or they suffer extreme weight loss.

(Ms. STABENOW assumed the Chair.)

Mr. ROBERTS. Madam President, what happens, as you well know, coming from the State you represent, is that you will have a thaw, but the thaw will only involve a couple of inches, and it turns to ice, and then below that mud. So if you have any livestock there, they are stuck. You could even put a bale of hay right next to them and they could not eat it.

So many economic livelihoods are in danger if Kansas farmers are unable to reach their herds of cattle or keep them fed. I take great pride in reporting that all across our State our producers are doing the very best they can under very difficult circumstances.

In light of the overwhelming destruction this storm has thrust on our State, 44 counties were immediately declared states of disaster. This comes as no surprise to those of us who have seen the damage this storm has caused or those of us who have gone through previous storms. I remember the one in 1973, which caused great damage, and we had to use Air Force planes with bales of hay to keep the livestock herds, at least to the extent they could be, from dying. However, what comes as a surprise to myself and many others is that FEMA has been unable to fully respond to our vital requests for assistance.

Last night, the President issued a major disaster declaration for Kansas, allowing the State access to two—two—of the seven—that is important: Two of the seven—major types of public assistance. However, he agreed with me, when I showed the President these images of our State a moment ago at the White House that the damage in the western part of our State goes far beyond something called "debris removal" and "emergency protective services."

Furthermore, we have been told that debris removal does not cover the removal of snow. Now, wait a minute. If you are in western Kansas or you are out on the high plains and you have 30 inches of snow and 15-foot snowdrifts but you cannot remove the snow because it cannot be categorized as debris, how on Earth can you reach the debris that is underneath the snow? That seems to be a quandary or a question that is rather ridiculous under the circumstances.

While I understand that Federal officials must confirm a record or near-record amount of snow in order to expend Federal funds—I understand that—30 inches of snow certainly covers any other debris one could hope to clear, including the 15-foot drifts.

The bottom line is that the State of Kansas needs its Federal Government to assist in restoring power and clearing massive amounts of snow. And they need this assistance immediately—not next week, next month, or next year.

I have been told that meetings this week will determine whether Kansas qualifies for the remaining categories of public assistance. You remember that picture of the transformer, which I will put back up—and I will cover the picture of this poor calf—these are the kinds of things where we have to have public assistance; otherwise, you have local, small generators and people paying $50 a day for diesel fuel just to keep warm. That is the kind of category of public assistance—I am not going to list all of them—we desperately need.

I can only ask on behalf of Kansans, who will have been stuck in the snow for 2 weeks by the time these meetings occur, that these decisions be made sooner rather than later. I have been informed just this morning by our FEMA Director, Mr. David Paulison—who wants to be of all possible help—that much work remains to be done between the State and also our regional FEMA officials.

I understand that. There are a lot of regulations. There are a lot of things Congress itself has put into the regulations in regard to FEMA help or State officials, that they must work through this. But the 850 people in Sharon Springs, Kansas, cannot afford to clear the 15-foot snowdrifts that are currently covering six blocks of Main Street. Their county of 1,500 people could not have known to budget for the 600 truckloads of snow they estimate it will take to clear just their Main Street, just that area. They estimate it would take that to do the job. They need their Federal Government's help, and they need their State and also regional FEMA help to expedite this process, which I understand is going to take place on Wednesday. Why it cannot take place before that I am not sure. And why the Weather Service cannot at least discern this was a major snow—a major snow of 30 inches and 15-foot drifts—is a little bit beyond me. We will keep working on that.

As each day passes that FEMA is not able to issue the remaining categories of assistance—I am not blaming FEMA. I know there is a process. I am not blaming the State. I know there is a process. But the people of Saint Francis and the people of many other communities—county seat communities, noncounty seat communities, very small communities—need the assistance now.

I hope FEMA and our Government do not give the impression that it is entirely focused solely on large urban and suburban communities, or natural disasters that make the headlines, make the headlines, and make the headlines. Obviously, I am talking about hurricanes, I am talking about mudslides, I am talking about forest fires, I am talking about major disasters where FEMA does the best job they possibly can. We have come through a lot in the past sessions of Congress.

So I am asking our State officials and our FEMA folks here in Washington and also on a regional level to prove this is not the case by quickly providing all available Federal resources to support this effort in our heartland. And again, let's do it this week. Let's not wait until next week and the week after and a month after.

I thank the distinguished Presiding Officer and yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

TRIBUTE TO BOB McGOWAN

Mr. REID. Mr. President, I rise today to honor the accomplishments of Bob McGowan, the Washoe County assessor. Last year, after more than 24 years in office, Bob retired as the longest serving elected department head in the county. His personable demeanor and dedication to service will be missed.

Bob has been a resident of Nevada for more than 38 years. After working in the Nevada Attorney General's office, Bob made the first of many successful runs for elected office. In 1982, the citizens of Washoe County elected him as their county assessor. For more than two decades, Bob has presided over the growth of Washoe County. From the rising real estate values at Lake Tahoe to the rapid development in the city of Reno, Bob has sought to provide fairness for Washoe County residents.

Most importantly, Bob has never forgotten that the goal of elected office is service. After his election in 2002, he told the Reno-Gazette Journal: "From the first day I went in office, we've always been a public service organization, not just a property appraisal." Under Bob's guidance, the assessor's office has become more responsive to Washoe County residents. For example, Bob moved the assessor's office into the digital age, and residents of Washoe County can now access many forms online. Bob has also worked to save the taxpayers money, trimming his own budget to return more than $2 million dollars to the Washoe County general fund.

As the county assessor, Bob has always been in tune with the issues of Washoe County. He has navigated controversies over rising property values with ease, taking the time to talk with the people he serves. To this day, residents are amazed that Bob is so approachable and accessible. He can quickly put a visitor at ease with his humble demeanor and his frequent jokes. In fact, I cannot recall a time that I have met with Bob when he hasn't told me a funny anecdote or story.

In addition to his professional accomplishments, Bob is a dedicated part of his community. He has served as president for Habitat for Humanity and as an executive board member of the alumni organization for the University of Nevada, Reno. Additionally, as the president of the Keep Truckee Meadows Beautiful organization, he led an effort to protect the pristine areas surrounding Lake Tahoe. While working to improve Washoe County, Bob also raised three wonderful children in Reno. A few years ago, I had the privilege to host his daughter, Megan, in my Washington office. A finer former employee does not exist.

Bob McGowan has been an important part of Northern Nevada for more than two decades. His retirement will leave large shoes to fill, but I am confident that Bob will continue to improve Washoe County for many years to come. It is my great pleasure to offer my congratulations to Bob and the McGowan family.

HONORING OUR ARMED FORCES

CORPSMAN CHRISTOPHER ANDERSON

Mr. SALAZAR. Mr. President, I rise to reflect for a moment on the service and sacrifice of Navy Hospital Corpsman Christopher Anderson of Longmont, CO. Corpsman Anderson was killed in Iraq last month in the volatile Al Anbar province in service to this Nation. He was only 24, and was laid to rest late last month in Arlington National Cemetery here in our Nation's Capital.

In Longmont, they bade farewell to Hospital Corpsman Anderson with all appropriate honors that this Nation, his community and his family could bestow: A Purple Heart and 21-gun salute, a release of doves, and hundreds lining the streets to pay their final respects to a young man taken from this life all too soon.

Serving as a Navy Corpsman with a unit of Marines is no easy task. The job dates back to the Spanish-American War, and is an incredibly dangerous job which entails carrying a loaded weapon along with the tools of your trade: Saving lives.

The marines I have had the privilege of knowing are all proud, brave and honorable men whose respect must be earned through hard work. For a Corpsman, the title of "Doc" comes only when you have earned the respect of your Marine unit, when they are prepared to risk their lives for you as they would one of their own, because they know with absolute conviction that you would do the same.

One fellow Navy Corpsman reflected on the honor of this title, saying of the Marines, "If they yell, 'Corpsman up,' they know Doc is going to be right there. . . . When the Marines call you 'Doc,' you know you'll never let them down, you'll never leave their side. That bond between a Marine and a Navy corpsman is something that will last forever. We call them 'My Marines'—they call us 'My Doc.' "

Navy Hospital Corpsman Christopher Anderson was "Doc" to his marines.

For Christopher Anderson, service was always in his blood. He was an uncommon young man of steady nerves and a unique ability to inspire others to find greatness in themselves. When he graduated Longmont High School in 2000, he sought a way to make a difference in the world, and had considered becoming a police officer or firefighter. His grandfather observed, "If he saw a wreck on the side of the road, he was the first to stop and help."

And then in 2005, a higher calling of service reached out to Christopher: America. When Christopher enlisted in the U.S. Navy in August, 2005, he was the fourth generation of his family to join the service. And he carried on his family tradition with honor and distinction.

Throughout training and during his service, Hospital Corpsman Anderson met every challenge with excellence. At his boot camp graduation, Corpsman Anderson was voted by his peers the "honor graduate" of his class, the premier member of his class. He sought advanced combat medic training and volunteered for an assignment to the front lines in Iraq. When one of his sergeants was injured by an IED in Iraq, a surgeon commented that Corpsman Anderson's emergency medical treatment was the finest he had ever seen.

A marine will tell you that he will always take a bullet for his Doc, because his Doc is the only one who can take it back out. Hospital Corpsman Christopher Anderson sacrificed his life for this Nation because he knew that our Nation needed his service. He accepted these great risks with a smile and extraordinary courage from which all of us can take a lesson. He sacrificed himself for the ideals of his country. It is a debt which we cannot repay, and a loss we cannot replace. And we are all humbled by his service and sacrifice.

To Christopher's parents, Rick and Debra, his brother Kyle, I know that no words can describe or assuage the pain you feel. I pray that you can find comfort in the knowledge that Christopher was doing something which he truly loved, and of which he was extraordinarily proud. He will endure in our hearts and prayers.

LANCE CORPORAL NICKLAS PALMER

Mr. President, I rise to commemorate the life and service of a young marine from Leadville, CO: Marine LCpl Nicklas James Palmer. Lance Corporal Palmer was killed last month in Fallujah, Iraq.

Nick Palmer was only 19 years old when he was taken from his family in Iraq. But he was serving his Nation with honor and distinction as a marine, something he had dreamed of doing as a high school student in Lake County.

Nick Palmer came to the State of Colorado as a boy, and in 2005 when he graduated from Lake County High School, he was a man prepared to find his place in the world. In high school, Nick was a football player who lettered all 4 years with the Lake County High varsity squad, a lineman to be precise.

I have known a few linemen in my day, and it tells us all something about his character and why he was drawn to the Marine Corps: Nick Palmer was a man who knew that there was tough work to be done, that it required leadership, physical skill and courage and that he was the right man for the job.

The Marine Corps was a natural fit for Nick Palmer. It was physical and independent, and allowed him the opportunity to become a leader. In fact, Nick prepared for Marine Corps boot camp by taking 10-mile runs with a 40-pound pack on his back, determined to be the finest recruit at Camp Pendleton in San Diego.

That is a lineman's mentality, and it is the steel at the very core of the U.S. Marine Corps: Through discipline, one achieves excellence.

Nick Palmer was not solely a man of serious character. His family, classmates, teachers, and community all reflected that he was a young man who always had a smile for a friend and saw the laughs to be had in life. He was a loyal friend, an independent young man who was always prepared to lend a hand or take the lead.

Lance Corporal Palmer was anxious to get to Iraq, to begin his service to his Nation. His time with the Marine Corps was marked by his continuing leadership: Lance Corporal Palmer's commanding officer in Iraq noted that he was never afraid to step forward and say, "I'll do it."

It was that spirit that moved Nick Palmer to serve this Nation in the first place as a member of the U.S. Marine Corps. His character, leadership, and courage exemplified that sacred motto of the Marines: Semper Fi. Always Faithful.

To Nick's mother and father, Brad and Rachele, and his brother Dustin, know that you and Nick will remain in the thoughts and prayers of an entire Nation. We are honored by his service, we are humbled by his sacrifice, and we are forever grateful for his courage and character.

PRIVATE FIRST CLASS SETH STANTON

Mr. President, I rise to reflect on the loss of a Coloradan and member of the U.S. Armed Forces, Army PFC Seth Stanton. Private First Class Stanton was fatally wounded late last month in Taji, Iraq, when a roadside bomb exploded beneath his vehicle. He was only 19 years old.

In June 2005, after graduating from Coronado High School in Colorado Springs, he enlisted in the Army. At the time the improvised explosive device destroyed the humvee in which he was riding, had been in Iraq for 2 months.

Seth Stanton was a young man who, as his uncle noted, lived every minute of his life to the fullest. He was an outstanding student who was skipped all the way up to the 12th grade, ahead of his age, after being home schooled for many years.

And he loved off-roading in his prized Jeep Cherokee with its heavy-duty suspension and oversized tires rumbling across our state's rugged terrain. He even bragged to his friends about how four fellow service members told him one day "how illegal my Jeep is."

As a man, Seth Stanton had many opportunities ahead of him. But instead of choosing to attend college or join the workforce, Seth Stanton chose a different path: the U.S. Army. Private First Class Stanton knew that his Nation, and the people of Iraq, needed his service and support, and he bravely stepped forward and volunteered for this challenging duty.

Private First Class Stanton didn't choose to follow this path, as his grandmother Georgell noted, out of politics or economics or some other motive. He chose it because he knew in his heart it was the right thing to do: dedicate himself to a cause greater than his own.

The tragedy of a life of such promise going unrealized affects everyone in this body, and in this Nation, but not as deeply or personally as it will move his parents Stephen and Anna or the rest of his family. Every American mourns your loss with you, and Seth's courage and sacrifice will be honored always.

Chapter Five of the Book of Matthew chronicles that, in his Sermon on the Mount, Jesus tells us, "Blessed are the peacemakers: for they shall be called the children of God." I hope that this brings you solace in the coming days, with the knowledge that He holds Seth close, and blesses his character and sacrifice.

STAFF SERGEANT DAVID STAATS

Mr. President, I rise to call the Nation's attention to a service member whom we lost late last month in service to our country.

Army SSgt David Staats was killed in Taji, Iraq, when a roadside bomb detonated beneath his vehicle. Staff Sergeant Staats epitomized the spirit of service to his Nation. He was only a few weeks into his third tour in Iraq. He was a young man, only 30 years old, with his entire life ahead of him. He leaves behind his wife Meagan, his 8-year-old son Tyler, and stepdaughter, Katie.

He heard the call to serve his country early on, enlisting in the Army before he even graduated from high school in 1995. After his second tour, in which he was stationed in Kuwait and Iraq, he briefly left the service. But soldiering was in his blood, the core of who he was, and he reenlisted after only a year away from the Army.

In his service in Iraq, Staff Sergeant Staats was upholding the global values of human dignity, freedom and liberty. He did so not for glory or praise, but because he had absolute confidence in his values and his mission to protect those who cannot protect themselves.

Staff Sergeant Staats' mother said it best: "He was doing what he thought he should do."

David Staats was a loving son, husband and father, too. He treasured the time he spent with his son Tyler and his stepdaughter Katie, and was an adoring husband to his wife Meagan.

President Abraham Lincoln famously once said, "In the end, it's not the years in your life that count. It's the life in your years." The loss of David Staats was sudden, and tragic. It reminds each America of the gravity of that which we ask of our service members, and the brief nature of our time on this Earth.

But in his service to our Nation and his family, David Staats lived a life of honor, courage, character and distinction to which every American can look with respect and admiration.

To Meagan, Tyler, and Katie, to David's parents Roger and Wanda, and his sister Bethany, I hope that this knowledge can help ease the painful sorrow each of you feel. While your anguish from his loss may never fully pass, I hope that you can take comfort in the knowledge that David's service and sacrifice on behalf of each and every American will be forever honored by a humble and grateful Nation.

RETIREMENT OF DR. PHILIP ROYAL SHIPP, JR.

Mr. GRASSLEY. Mr. President, I am pleased to speak today to honor the career of Dr. Philip Royal Shipp, Jr., a devoted public servant who has served the Congress for nearly 30 years at the Congressional Research Service, CRS. During his tenure at the CRS, Dr. Shipp has served in several key management and leadership roles, demonstrating extraordinary levels of competence, intelligence, and intellectual creativity in each of these positions.

Most recently, Dr. Shipp has served as the Director of the Domestic Social

Policy Division. The Domestic Social Policy Division offers the Congress research and analysis in many programs and policies that under the jurisdiction of the Senate Finance Committee, including the Medicare, Medicaid, and State Children's Health Insurance Programs, as well as Social Security, pensions, welfare, child welfare programs.

I have been honored to serve as chairman of the Finance Committee for 4 years and am pleased to continue my service as the ranking Republican on the committee. Analysts under Dr. Shipp's supervision have worked closely with my Finance Committee staff, briefing them on complex programs and policies, helping them in the drafting of legislation and participating in Senate Finance Committee hearings.

We Members of Congress simply could not do our work effectively without the support we receive from organizations like the Congressional Research Service. There is simply no other organization with the reputation and the credibility of CRS. The work provided by CRS is always first rate, oftentimes quantitative and impeccably nonpartisan. Dr. Shipp, throughout his career, has embodied these characteristics.

Dr. Shipp began his Federal service in 1964 as an economist with the Federal Reserve. He was subsequently a progr analyst with the Office of Management and Budget and later the Acting Administrator of the Food and Nutrition Service. Dr. Shipp made significant contributions to the Food and Nutrition Service, including an expanded view of the public policy purposes of food assistance programs such as food stamps. He also was instrumental in establishing and expanding the agency's in-house capacity to analyze programs, study their effects, and estimate the impact of legislative and regulatory changes.

Dr. Shipp joined the Congressional Research Service in 1977 as a Senior Specialist in Social Legislation in the former Education and Public Welfare, EPW, Division. He spent a significant part of the next decade leading teams of CRS analysts in high-level, committee-requested, legislatively relevant research studies focused on health and income issues. Topics included health insurance for the uninsured, retirement income for an aging population, and work incentives in income support programs. Under Dr. Shipp's direction, CRS developed a framework and quantitative model to compare legislative options for a new retirement system for Federal workers; this model was used in the development of the Federal employee retirement system that is in place today. During this period, in 1984, Dr. Shipp also served as Executive Director of the Congressional Panel on Social Security Organization, which was charged with developing an organizational and management framework for an independent agency for Social Security. The panel's principal recommendations were reflected in the legislation that eventually created the independent Social Security Administration.

In 1989, Dr. Shipp became Associate Director of CRS for Research Planning and Coordination, where he guided efforts to evaluate and improve CRS services and operations and led several of tge agency's first strategic management reviews. He returned to EPW as Division Chief in 1994 and became head of the expanded Domestic Social Policy Division in 1999. As Assistant Director for Domestic Social Policy, the largest research division within CRS, Dr. Shipp emphasized the building of analytic capacities, with a special focus on empirical analysis, as a way to enhance CRS' legislative support to Congress. He was instrumental in building CRS capacities in all areas of domestic social policy, in particular health policy analysis, Social Security and disability analysis, homeland and border secur, public health preparedness, and housing and welfare policy. He organized and staffed the division to respond to new challenges, in particular the heightened need for expertise in domestic intelligence and counterterrorism after the attacks of September 11, 2001. Dr. Shipp also conceived and implemented an initiative to enhance CRS' strong analytic work in issues associated with the aging of the population, by expanding the division's staff to include new analysts with expertise in specific relevant disciplines. Under Dr. Shipp's leadership, CRS also obtained and developed the capacity to use a micro-simulation model for analysis of the distributional impact of alternative policy options for Social Security reform.

I am informed that Dr. Shipp was an exceptional manager with a clear vision of how CRS should be of service to the Congress. He leaves a strong legacy that will have a profound effect on the Congress for years to come. I know that my colleagues join me in thanking him for his service and wishing him well as he embarks on new challenges ahead.

VERMONT COMPANY BRIDGES THE DIGITAL DIVIDE

Mr. LEAHY. Mr. President, today I wish to tell my colleagues in the Senate about a family-owned telephone business in Vermont that has once again led the industry in customer service and technological advances. Waitsfield and Champlain Valley Telecom has successfully delivered high-speed broadband Internet service capability by way of Digital Subscriber Line, DSL, technology to every single one of its customers something most of its competitors have found difficult, if not impossible, to do.

The beautiful rural and mountainous landscape that makes Vermont such a wonderful place to live has proven to be a stubborn barrier in delivering broadband access to every Vermonter. Moreover, as one of the country's most rural States, Vermont struggles to implement large broadband infrastructure investments that reach relatively small population densities. Yet in the Mad River Valley—where Mother Nature has deposited plenty of these beautiful yet stubborn barriers and people settled where they wanted to and not where the roads told them to—Waitsfield and Champlain Valley Telecom found a way to ensure that their customers have an access ramp to the information super highway.

By making this significant investment in their own network, Waitsfield and Champlain Valley Telecom has invested in the economic vitality of every household it serves. Broadband access is a necessity for the company looking to move to Vermont, for the student writing a research paper, or for the family doing research on an upcoming vacation. So much of our country's economy depends upon high-speed Internet access, and making this access available to every American will require more companies willing to follow the lead of Vermont's own Waitsfield and Champlain Valley Telecom.

Waitsfield and Champlain Valley Telecom is a growing company, but it remains independently owned and operated by the Haskin family, under the leadership of Gregg Haskin. My wife Marcelle and I are proud to call the Haskins close friends, and we are even prouder of the deep commitment they have to their community. We wish them continued success, and I hope that my friends in the Senate will take this story back to their home States and point to this company's model as a key factor toward bridging the digital divide.

IN HONOR OF BRUCE JAMES

Mr. ENSIGN. Mr. President, I rise today to honor a Nevadan whose ingenuity and leadership has changed the way that government operates. Bruce James has served as Public Printer for 4 years, but the impact of his service will be felt indefinitely.

President Bush chose Bruce to head the Government Printing Office because of his extensive experience in the printing industry, beginning when Bruce was 11 years old and set up a basement print shop in Cleveland, OH. His lifetime of work as a printer and executive has been full of great success and accolades, and, combined with his inspiring commitment to public service, he has earned the respect of Nevadans and leaders and organizations around the world.

While businesses in this country have been rapidly transforming and changing to accommodate technology, many sectors of our government have fallen drastically behind. While it is easy to blame bureaucracy and the slow speed at which government generally operates, we must focus our work on keeping pace. That is exactly why Bruce James was ideal for the job of transitioning the Government Printing Office from a 19th century print shop mentality and reputation to a 21st century digital tool for keeping Americans informed.

Bruce has successfully developed and managed printing and publishing ventures driven by technology for more than 30 years. With the same leadership and zeal that he put into private sector enterprises for all those years, Bruce was determined to turn the Government Printing Office into a state-of-the-art information machine by today's standards.

When Bruce took over the Government Printing Office, the agency had lost $100 million over the last 5 years. By 2004, Bruce had turned devastating losses into an $11 million gain. As a staunch fiscal conservative looking to make government as efficient as possible, I applaud Bruce's efforts and ingenuity in turning this agency upside down and making it run more like a business—a successful business. He did so with compassion for the employees, a determination to succeed, and the vision to make it happen.

This country is fortunate to have had Bruce at the helm of the Government Printing Office. He made the agency more fiscally responsible, and he also has made great progress in making government documents more accessible. By the end of 2008, nearly every Federal Government document published since our Nation was founded will be available online.

It is a remarkable achievement, especially considering how far Bruce had to bring the agency to reach this point. In the position for only 4 years, he set a standard for all government agencies today and in the future. When Bruce first spoke to the White House about taking the position, he told them he could not get this sort of transformation done in less than 3 years, and if it took him more than 5, he was not the right person for the job. Turns out he was the perfect person for the job.

As he prepares to complete his term as the Nation's 24th Public Printer, I want to thank Bruce James for his commitment to the job, his respect for the position, and his tremendous contributions to furthering the core mission of the Government Printing Office—keeping America informed.

Nevadans welcome you and Nora home with open arms and great pride for the work you have done. Thank you and God bless you.

HONORING SENATORIAL SERVICE

• Mrs. DOLE. Mr. President, it is an honor indeed to pay tribute to a number of fine individuals who I am fortunate to call not just my colleagues, but also dear friends: Senators Bill Frist, George Allen, Conrad Burns, Lincoln Chafee, Mike DeWine, Rick Santorum and Jim Talent.

BILL FRIST

One of the greatest losses to the Senate is the departure of our majority leader, Dr. Bill Frist. I first became acquainted with Bill when he called me during my time as president of the American Red Cross to say that he would travel to Africa with us to volunteer as a surgeon.

Back then, I immediately recognized Bill's intelligence, integrity and compassion for others. I saw how dedicated he was about sound policy—especially health care policy—and how dedicated he was to helping those most in need, whether they be in America, in Africa, or anywhere in the world. And I saw how his colleagues quickly came to respect him, to rely on his judgment, and to value his counsel.

In the fall of 2001, when terrorism hit home in the United States Capitol, we saw how Bill's colleagues immediately turned to him for his guidance and expertise, and Bill responded to the challenge. For example, he quickly transformed his Senate website into the best source of information for Senate staff on the issues surrounding possible anthrax exposure. And he was willing to speak with each and every Member of the Senate community to allay concerns with accurate medical information. Bill utilized his expertise to write legislation to help protect the entire Nation from the scourge of bioterrorism.

For the past 2 years, I was honored to serve as a member of Bill's leadership team. As our leader, Bill displayed extraordinary integrity, care and thoughtfulness in dealing with every Senator, and he worked tirelessly to bring together his colleagues for the betterment of our Nation.

Bill's record of achievement as our majority leader is exemplary. As a result of his steady leadership, we succeeded in securing historic tax relief that has helped put more money in the pockets of hard-working Americans while paving the way for today's stunning economic recovery. His leadership improved life for our seniors by lowering the cost of prescription drugs. He helped spearhead important reforms of our tort system and bankruptcy code. Under Bill's leadership, we passed a comprehensive energy bill that reduces our reliance on foreign oil. And to help keep our Nation's fiscal house in order, Bill led the fight to pass a landmark deficit reduction plan that put some brakes on mandatory Federal spending. Perhaps most importantly, Bill's leadership was indispensable in helping place men and women on our Federal courts, including the United States Supreme Court, who will strictly interpret the law rather than try to legislate from the bench.

During Bill's 12 years in the Senate, our Nation faced many challenges and many changes. But Bill retained his strong sense of direction, his dedication to reaching out to those most in need, and his devotion to his family—Karyn, Harrison, Jonathan, and Bryan. As he has done in medicine and in public service, I know that in future endeavors Bill will continue to serve and help his fellow man.

GEORGE ALLEN

It has also been a privilege to serve alongside my good friend and colleague, Senator George Allen. In the Senate, George built on an already remarkable record of service to the people of Virginia, where he served as a Member of the House of Delegates, a Member of the U.S. House of Representatives and as one of the most respected and successful Governors in the history of the Commonwealth.

As a Senator, George continued his common sense, "Jeffersonian" style of conservative leadership. He proved time and again that he is a tremendous ally of Virginia's defense communities and military families. In 2005, George was a strong proponent of helping families of fallen soldiers by raising the death gratuity for next-of-kin from $12,000 to $100,000. And as a member of the Commerce Committee, George Allen was the Senate leader in working to maintain America's competitive advantage in technology and innovation. George founded the Senate Competitiveness Caucus to promote an agenda that ensures that the United States continues to create high paying jobs and produce the very best engineers and scientists in the world.

One of George's best attributes as a Senator was that he did more than just talk the talk—George delivered real results. He advocated for increased funding for math and science education, in particular at historically black colleges and other minority institutions. He has been a leader in the Senate on improving health savings accounts by increasing the amount individuals can contribute each year to their HSAs, thus allowing them to save more money for current and future health care needs. George also secured more than $3.5 million in Federal funding for cutting-edge nanotechnology research and development. And he led the fight to ban Internet access taxes and make the internet tax moratorium permanent, as he understands that saddling consumers with high taxes will stifle innovation and expand the digital divide.

Throughout his career, George Allen has served the people of Virginia with courage and distinction, and he has provided a wonderful example for public servants who follow in his footsteps.

I wish all the best to George, his dear wife Susan, and their three children.

CONRAD BURNS

For the past 18 years, Montanans were extremely fortunate to be represented by Conrad Burns. There is no question that Conrad delivered time and again for the people of his State.

As a member of the Senate Appropriations Committee, Conrad secured more than $2 billion in Federal funds for Montana. And as chairman of the Senate Appropriations Subcommittee on Interior, he was a tireless advocate of programs that benefit all Montanans, such as protecting drinking water and defending his State's wilderness and wildlife. Conrad also fought hard for Malmstrom Air Force Base and Montana's military presence during the base realignment and closure process in 2005.

As chairman of the communications subcommittee of the Commerce Committee, Conrad fought for deregulation and new Internet and mobile phone technologies. And he worked to ensure that rural Montana communities have access to the technologies that will keep them competitive in today's global marketplace.

Throughout his time in the Senate, Conrad was a strong proponent of government accountability, fiscal responsibility and lower taxes. He worked diligently to decrease America's dependence on foreign oil. And he was an early backer of the Medicare prescription drug benefit that is now helping millions of seniors afford their medicines.

Conrad's legacy will live on, across Montana, and in the halls of the Senate, long after he has shut the door to his office. He leaves behind an extraordinary record of service to the people of his State. My warmest wishes to my friend Conrad Burns, his wife Phyllis, and their family.

LINCOLN CHAFEE

Senator Lincoln Chafee also will be greatly missed in this Chamber. Lin served the people of Rhode Island with the utmost honor, integrity and compassion.

I have great respect for Lin Chafee for his commitment to the principles of personal freedom, individual responsibility and fiscal discipline. Well-known for his reputation as a fierce deficit hawk, he has been a vocal advocate for responsible government spending, and a strong supporter of abolishing the marriage tax penalty and increasing the child tax credit. Linc also took a very active interest in promoting the health care of women and children.

Lincoln Chafee also has been tirelessly dedicated to improving his home state. As a member of the Senate Committee on Environment and Public Works, he secured more than $1 billion in Federal funding for Rhode Island's infrastructure, including the Warwick Station project and the development of the East Providence shoreline. And as chairman of the Subcommittee on Fisheries, Wildlife and Water, he worked diligently to protect air and water quality in his State.

Linc was a principled, independent Member, adamant about doing what he believed was right for the families he represented. Throughout his Senate career, he demonstrated a willingness to listen to all sides of an issue and work with members of both political parties. He is a man who speaks his mind, votes his conscience, and treats others with the dignity and respect they deserve.

Linc is a refreshing politician, a diligent public servant, and a devoted family man to his wife Stephanie and their three children. It goes without saying that my colleagues in the Senate—and the people of Rhode Island—will greatly miss Senator Lincoln Chafee.

MIKE DE WINE

Among the Senate's most effective legislators, Senator Mike DeWine of Ohio will use his many talents and expertise to tackle new endeavors. Mike's career is truly an American success story. As a boy, he learned the values of hard work and perseverance in the fields and the mill of his family's small agricultural business in Yellow Springs, OH. It is those principles that have guided him throughout a stellar career in public service, in which he has served as prosecutor, an Ohio State Senator, a Member of the U.S. House of Representatives, and as Lieutenant Governor.

As a Senator, Mike made his mark in a number of policy areas. He was a strong proponent of education and children's health care. In particular, he advocated for children's hospitals because he understands that these hospitals are important centers for pediatric research.

During more than a decade of service on the Senate Intelligence Committee, Mike worked doggedly to investigate intelligence failures and revamp our intelligence community. As the chairman of the Retirement Security and Aging Subcommittee of the HELP Committee, he focused his efforts on modernizing our Nation's pension system. And as the first Ohio Senator in six decades to serve on the Appropriations Committee, Mike was committed to ensuring that our Nation's first responders have the resources they need. On the Judiciary Committee, Mike took the lead on a number of antiterror and anticrime initiatives, such as the Patriot Act, as well as proposals to curb drunk driving, to help keep all Americans safe.

Perhaps what I admire most about Mike is that this terrific father of eight, and grandfather of nine, always puts his family first. As a public servant, Mike has used his positions to contribute to the greater good, and he has brilliantly served the people of Ohio throughout his career. May God bless Mike DeWine, his wife Fran, and their family for many, many years to come.

RICK SANTORUM

It goes without saying that it pulls at my heartstrings to bid farewell to Senator Rick Santorum. On issue after issue—tax relief, education, affordable health care, national security Rick has stood tall for Pennsylvanians and all Americans.

Rick is a man of conviction, deep faith, and integrity—qualities instilled in him growing up in Pennsylvania as the son of an Italian immigrant. He doesn't beat around the bush, and you never have to wonder where he stands. His word is his bond, and he expresses his views with great passion and expertise.

Since his early days in the Senate, Rick was an inspirational leader. One of the qualities I admired most about him as a legislator was that he never was one to dodge the tough issues; in fact, he readily took the lead on those issues and set out to find solutions to very serious challenges. For example, he spearheaded the passage of welfare reform in 1996, which to date has helped more than 1 million Americans go from receiving welfare checks to paychecks. Rick fought hard for No Child Left Behind, and as a result, today math and reading scores in Pennsylvania schools are on the rise. He also fought hard to ensure that all Pennsylvanians have access to high quality, affordable health care. He is a strong supporter of Federal cancer research, including increased funding for breast cancer research. And he led the charge to reform our medical malpractice laws to curb lawsuit abuse and ensure that patients continue to receive the critical care they need. Rick also recognizes that hard-earned dollars belong to families and small businesses, not Uncle Sam.

In addition, Rick was one of Congress's most dedicated and knowledgeable Members when it came to developing antipoverty initiatives. He was the driving force behind legislation that would provide a tremendous boost to charitable-giving through a series of targeted tax incentives aimed at helping the homeless, the drug addicted, and the less fortunate in our society. And he committed himself to working to eradicate the global HIV/AIDS pandemic. In short, Rick Santorum is the embodiment of what it means to be a compassionate conservative.

Rick was so attentive to the needs of those he represented and always put Pennsylvania first. For example, he helped secure $100 million to build America's first ever coal to ultra-clean fuel plant in Pennsylvania, which not only creates jobs but also provides more affordable energy and benefits the environment. I often joked with Rick that he should hold another title, the "Mayor of Pennsylvania." It's no surprise that he made it a point each year to visit all of Pennsylvania's 67 counties. On so many issues, Rick has been a principled advocate for his constituents.

While Rick works incredibly hard, there is no question that he is first and foremost a dedicated family man to his wife Karen and their six children. It has been a privilege indeed to work closely with Rick—sometimes literally, as our offices were on the same hall. He is an all-around class act, and with his numerous accomplishments and exemplary record of service to his constituents, he will certainly be a tough act to follow.

JIM TALENT

Senator Jim Talent has been an outstanding representative of the people of Missouri. A dedicated public servant, he served for 8 years in the State House of Representatives, as well as 8 years in the U.S. House. Jim was the lead author in the House of the landmark 1996 welfare reform bill that has moved more than a million Americans off welfare and into work and self-sufficiency.

Jim is man of impeccable character and a natural leader, and in the Senate he held a number of leadership posts in his freshman term—as the chairman of the Armed Services Seapower Subcommittee, as the chairman of the Agriculture Subcommittee on Marketing, Inspection, and Product Promotion, and as a deputy whip. He also demonstrated a remarkable ability to make things happen legislatively, with many of his bills passed by Congress and signed into law. Jim's amazing legislative record reflects not just his abilities but also the respect he earned from his colleagues.

Jim delivered on his promises to Missourians to help create jobs, grow the economy and strengthen our national defense. He also worked to improve health care, and he advocated on behalf of those who suffer from sickle cell disease and breast cancer.

It has been my pleasure to serve with Jim on the Senate Armed Services Committee. I have seen him in action and know that there is no one more committed to ensuring that our country's defenses remain strong. I was proud to work closely with him to enact legislation to prevent predatory lenders from targeting our brave men and women in uniform and their families. There is no question that he is a steadfast supporter of our service members, their families, and their livelihood.

This Chamber needs more members like Jim, who understand that the only way to really make a difference is to put partisan concerns aside and work across the aisle. Throughout his public service career, Jim Talent has certainly made a positive difference, and he will surely be missed in the U.S. Senate.

As these men—Bill Frist, George Allen, Conrad Burns, Lincoln Chafee, Mike DeWine, Rick Santorum and Jim Talent—conclude their service in the U.S. Senate, let me say that I am so proud to have worked with individuals of such character, strength, and intellect. Our Nation is grateful for their many contributions. And as they each will undoubtedly continue to contribute to our country's greatness, their leadership and vision will be missed here in the U.S. Senate.•

ADDITIONAL STATEMENTS

A TRAGIC LOSS FOR IDAHOANS

• Mr. CRAPO. Mr. President, with sadness I recognize the passing of Dan Harpole, former executive director of the Idaho Commission on the Arts, president of the National Assembly of State Arts Agencies, and dedicated father and friend. I had the pleasure of working with Dan in recent years as he promoted arts in Idaho and truly changed the face of the Idaho Commission on the Arts. Dan successfully worked to integrate art appreciation and education into Idaho communities through local, State and Federal collaboration efforts. Dan's spirit has transformed the arts in Idaho, bringing them to a place of cultural and community preeminence. I respectfully submit a portion of his obituary, written by his good friend and fellow Idaho artist, Cort Conley, that describes, in detail, Dan's remarkable achievements in Idaho.

> In November 2000, Dan was unanimously singled out from a field of 36 distinguished candidates as the new executive director of the Idaho Commission on the Arts. Although chosen for his reputation and recognition earned elsewhere, he was also selected for his optimistic, companionable disposition and pragmatic views, his ability to build bridges and get things done. Chair Marilyn Beck's estimate that he was the perfect person for the job proved astute. He came to inhabit Idaho arts the way paint does a painting. Dan thrived on the lives and challenges around him on what is now called networking. His attitude and leadership led to a legacy of accomplishments on behalf of the arts in Idaho. Not a little of it was his talent for consensus or accord, which he once attributed to being the seventh of ten children: When you're in a big family, you learn to negotiate for your life, he quipped. While in Idaho, Dan served on the executive committee of the board of directors for the National Assembly of State Arts Agencies and was elected president in 2005. He also served as trustee for the Western States Arts Federation. Among the exceptional achievements of his legacy: uniting the Idaho Congressional Delegation not only in support of the budget for National Endowment for the Arts, but for its first increased appropriation in over a decade; bringing the annual conference of the National Assembly of State Arts Agencies to Boise, 2005; statewide Arts Matter conferences; pursuit of strategies for a cultural trust and for art in public places; more recently, the unanimous support of the Joint Finance-Appropriations Committee and the Idaho Legislature for a significant one-time increase in the Commission s budget; and, finally, being awarded, in memoriam, the Chairman's Medal from the chair of the NEA for serving the National Endowment for the Arts and arts in America with distinction.

I was glad to hear of the NEA Chairman's Medal that Dan's family will receive on his behalf this month, but not the least bit surprised. I had the opportunity to recognize Dan's remarkable abilities and accomplishments in this Chamber almost a year ago when he was chosen to be president of the National Assembly of State Arts Agencies. Dan fully deserved this and all accolades that he received over the years. His love of the arts, his work promoting their appreciation in Idaho and his ability to provide leadership, vision, insight, and compassion lives on unmistakably in his legacy. Cort Conley concludes his tribute to Dan's life by stating:

> In summary, then: love, laughter, courage. All estimable indeed. Still, as a tombstone in County Kerry reads, "Death leaves a heartache no one can heal/Love leaves a memory no one can steal." Nothing more appropriate can be said.

My wife Susan and I offer our condolences to his family and especially to his young children, Hunter and Fiona, at this difficult time.•

PEACE OFFICER: KEN JORDAN

• Mr. SALAZAR. Mr. President, I rise to praise the service of a police officer from Colorado Springs: Officer Ken Jordan. Ken Jordan was killed in the line of duty early last month during a traffic stop. He was only 34.

As anyone in law enforcement can tell you, there is no such thing as a "routine" traffic stop. Every time you pull a driver over, there is the risk that something could go wrong, that this could be the one that proves too much for even your training and judgment. And yet, Ken Jordan, like countless other peace officers around this Nation do every day, set these fears aside and carried out his job with professionalism and courage.

In the Colorado Springs Police Department, Officer Jordan was a DUI specialist. His work removed unsafe drunk drivers from our roads, saving lives every time he was on duty. He was an outstanding example of his job, known to sometimes have three or four suspects lined up at Memorial Hospital in Colorado Springs, waiting to be tested for their blood alcohol level.

Ken Jordan was a native of Chicago, and graduated from Western Illinois University, where he studied law enforcement. In 2000, he joined the Colorado Springs Police Department and called Colorado his home.

Mr. President, I have every confidence that if Ken Jordan were here with us today, he would undoubtedly tell us of his love for the outdoors and adventure sports. He reveled in the joys of life, be it kayaking in Fiji or playing pranks on family members. His smile was as big as all the Rockies and just as ever-present.

One Denver police officer summed it up best: "He was the person you would want to have as a friend."

Every time we lose a peace officer, our entire Nation grieves for them, and for their families, and loved ones. To Officer Jordan's parents and sister Sue, and to his beloved Heidi, I know that no words can ease the pain you feel at this difficult time. But through your sorrow, I hope that you can find solace in this police officers' prayer:

> Lord I ask for courage,
> Courage to face and conquer my own fears,
> Courage to take me where others will not go.
> I ask for strength,
> Strength of body to protect others and strength of spirit to lead others.
> I ask for dedication,
> Dedication to my job, to do it well, dedication to my community, to keep it safe.
> Give me Lord, concern
> For others who trust me and compassion for those who need me.
> And please, Lord,
> Through it all, be at my side.

Officer Ken Jordan's service to his community will always be honored and never forgotten. Our entire Nation stands humbled by his sacrifice, in awe of his courage, honor, and character.●

TRIBUTE TO VERNON ASHLEY

● Mr. THUNE. Mr. President, today I wish to recognize the many and great achievements of Vernon Ashley. Vernon proudly served his country in World War II and later went on to graduate from Dakota Wesleyan College at the age of 34. He proceeded to be elected tribal chairman of the Crow Creek Indian Reservation and was later appointed South Dakota's Indian Affairs Coordinator under three different Governors.

Mr. Ashley's achievements do not end there however. Vernon served as the executive director for Vista for both North and South Dakota and supervised all volunteer service during the recovery of the Rapid City flood disaster. Vernon was also a founding member of the American Indian Veterans Association and is a dedicated husband and the loving father of seven.

Mr. President, today with Vernon's friends and family, I congratulate him on his many and most recent accomplishments. I have known Vernon for many years. He is a man of impeccable character and integrity. Governor Rounds and the State legislature of South Dakota have rightly declared that in South Dakota, January 15, 2006, is Vernon Ashley Day. Today I join the Governor and members of the legislature in congratulating this great American.●

MESSAGE FROM THE HOUSE

At 11:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government.

The message also announced that the House has passed the following bill, without amendment:

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area".

The message further announced that the House has agreed to H. Res. 11, resolving that the House of Representatives has learned with profound regret and sorrow of the death of Gerald R. Ford, 38th President of the United States of America.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outide the seat of government; to the Committee on Rules and Administration.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 5. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 113. A bill to make appropriations for military construction and family housing projects for the Department of Defense for fiscal year 2007.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–93. A communication from the Assistant Secretary, Department of the Interior, transmitting, pursuant to law, the Department's annual report relative to grants streamlining and standardization; to the Committee on Environment and Public Works.

EC–94. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2006 Reporting Notice and Amendment; Partial Updating of TSCA Inventory Database; Chemical Substance Production, Processing, and Use Site Reports" (FRL No. 8109-9) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–95. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Redesignation of the Kent and Queen Anne's 8–Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan" (FRL No. 8259–7) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–96. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Revision to Ohio State Implementation Plan to Rescind Oxides of Nitrogen Rule" (FRL No. 8259–5) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–97. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks" (FRL No. 8260–7) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–98. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry" (FRL No. 8259–6) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–99. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Toxics Release Inventory Burden Reduction Final Rule" (FRL No. 8260–4) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–100. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Interstate Rule and Federal Implementation Plans for CAIR; Corrections" (FRL No. 8254–7) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–101. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Extension of the Deferred Effective Date for 8–hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas; Correction" (FRL No. 8256–7) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–102. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Rule Interpreting the Scope of Certain Monitoring Requirements for State and Federal Operating Permits Programs" (FRL No. 8257–3) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–103. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Area Sources: Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Copper Smelting, and Primary Nonferrous Metals-Zinc, Cadmium, and Beryllium" (FRL No. 8257–4) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–104. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry" ((RIN2060–AJ78) (FRL No. 8256–4)) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–105. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Finding that Certain States Did Not Submit Clean Air Mercury Rule State Plans for New and Existing Electric Utility Steam Generating Units and Status of Submission of Such Plans" (FRL No. 8255–9) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–106. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: The 2007 Critical Use Exemption from the Phaseout of Methyl Bromide" (FRL No. 8109–9) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–107. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the assessment of the flood management system for the Sacramento and San Joaquin River basins; to the Committee on Environment and Public Works.

EC–108. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a report relative to a document recently issued by the Agency that is related to its regulatory programs; to the Committee on Environment and Public Works.

EC–109. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a quarterly report relative to the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–110. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the status of the comprehensive plan examining the deauthorization of the Mississippi River-Gulf Outlet; to the Committee on Environment and Public Works.

EC–111. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fuel Economy Labeling of Motor Vehicles: Revisions to Improve Calculation of Fuel Economy Estimates" (FRL No. 8257–5) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–112. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Plan Requirements—Amendments "((RIN2050–AG23) (FRL No. 8258–3)) received on December 15, 2006; to the Committee on Environment and Public Works.

EC–113. A communication from the President of the United States, transmitting, pursuant to law, a report relative to his intent to add East Timor to the list of beneficiary developing countries and to the list of least-developed beneficiary developing countries under the Generalized System of Preferences; to the Committee on Finance.

EC–114. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2006–111) received on January 3, 2007; to the Committee on Finance.

EC–115. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting Rules for Widely Held Fixed Investment Trusts" ((RIN1545–BF75) (TD 9308)) received on January 3, 2007; to the Committee on Finance.

EC–116. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bulgarian Per Se Entity" (Notice 2007–10) received on January 3, 2007; to the Committee on Finance.

EC–117. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice on Cash Balance and Other Hybrid Defined Benefit Pension Plans and Section 701 of PPA '06" (Notice 2007–6) received on January 3, 2007; to the Committee on Finance.

EC–118. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Method Change Procedure for Executory Contract Liabilities" (Rev. Proc. 2007–14) received on January 3, 2007; to the Committee on Finance.

EC–119. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Executory Contract Liabilities" (Rev. Rul. 2007–3) received on January 3, 2007; to the Committee on Finance.

EC–120. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Maximum Vehicle Values for 2007 Used to Determine the Value of Personal Use of an Employer-Provided Vehicle Under the Special Valuation Rules Under Regulations Sections 1.61–21(d) and (e)" (Rev. Proc. 2007–11) received on January 3, 2007; to the Committee on Finance.

EC–121. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Specified Covered Services Under Section 482" (Rev. Proc. 2007–13) received on January 3, 2007; to the Committee on Finance.

EC–122. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice on Temporary Section 482 Regulations" (Notice 2007–5) received on January 3, 2007; to the Committee on Finance.

EC–123. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Necessary to Facilitate Business Electronic Filing Under Section 1561" ((RIN1545–BF26) (TD 9304)) received on January 3, 2007; to the Committee on Finance.

EC–124. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revision of Rev. Proc. 2005–12" (Rev. Proc. 2007–17) received on January 3, 2007; to the Committee on Finance.

EC–125. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "User Fees for Processing Installment Agreements" ((RIN1545–BF69) (TD 9306)) received on January 3, 2007; to the Committee on Finance.

EC–126. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Source of Income from Certain Space and Ocean Activities; Source of Communications Income" ((RIN1545–AW50) (TD 9305)) received on January 3, 2007; to the Committee on Finance.

EC–127. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Changes in Computing Depreciation" ((RIN1545–BC18) (TD 9307)) received on January 3, 2007; to the Committee on Finance.

EC–128. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice Requesting Comments on In-Service Distributions—Section 905 of PPA '06" (Notice 2007–8) received on January 3, 2007; to the Committee on Finance.

EC–129. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 9281 Effective Date" (Notice 2007–1) received on January 3, 2007; to the Committee on Finance.

EC–130. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2006; to the Committee on Finance.

EC–131. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Exemption of Work Activity as a Basis for a Continuing Disability Review" (RIN0960–AE93) received on December 21, 2006; to the Committee on Finance.

EC–132. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Rules for the Issuance of Work Report Receipts, Payment of Benefits for Trial Work Period Service Months After a Fraud Conviction, Changes to the Student Earned Income Exclusion, and Expansion of the Reentitlement Period for Childhood Disability Benefits" (RIN0960–AG10) received on December 21, 2006; to the Committee on Finance.

EC–133. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Visual Disorders" (RIN0960–AF34) received on December 21, 2006; to the Committee on Finance.

EC–134. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Patient Classification Under Medicare's Prospective Payment System for Skilled Nursing Facilities"; to the Committee on Finance.

EC–135. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Losses Reported from Inflated Basis Assets from Lease Stripping Transactions" (Coordinated Issue Paper UIL: 9226–01–00) received on December 21, 2006; to the Committee on Finance.

EC–136. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—January 2007" (Rev. Rul. 2007–2) received on December 21, 2006; to the Committee on Finance.

EC–137. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Corporate Reorganizations; Distributions Under Sections 368(a)(1)(D) and 354(b)(1)(B)" ((RIN1545–BF84) (TD 9303)) received on December 21, 2006; to the Committee on Finance.

EC–138. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Prohibited Allocations of Securities in an S Corporation" ((RIN1545–BC34) (TD 9302)) received on December 21, 2006; to the Committee on Finance.

EC–139. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Outcome and Assessment Information Set Study; to the Committee on Finance.

EC–140. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination and Wellness Programs in Health Coverage in the Group Market" (RIN0938–AI08) received on December 21, 2006; to the Committee on Finance.

EC–141. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Financial Report of the United States Government for Fiscal Year 2006; to the Committee on Finance.

EC–142. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States–Chile Free Trade Agreement" (RIN1505–AB47) received on December 21, 2006; to the Committee on Finance.

EC–143. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—October 2006" (Rev. Rul. 2006–62) received on December 21, 2006; to the Committee on Finance.

EC–144. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementation of Section 402(i) of H.R. 4" (Notice 2006–105) received on December 21, 2006; to the Committee on Finance.

EC–145. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 846 Discount Factors for 2006" (Rev. Proc. 2007–9) received on January 3, 2007; to the Committee on Finance.

EC–146. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Transition Relief for Certain Partnerships and Other Pass-Thru Entities Under Section 470" (Notice 2007–4) received on December 21, 2006; to the Committee on Finance.

EC–147. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 832 Discount Factors for 2006" (Rev. Proc. 2007–10) received on December 21, 2006; to the Committee on Finance.

EC–148. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Cumulative List of Changes in Plan Qualification Requirements" (Notice 2007–3) received on December 21, 2006; to the Committee on Finance.

EC–149. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Rules for Nondiscrimination and Wellness Programs in Health Coverage in the Group Market" ((RIN1545–AY32) (TD 9298)) received on December 21, 2006; to the Committee on Finance.

EC–150. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Necessary to Facilitate Business Electronic Filing" ((RIN1545–BC15) (TD 9300)) received on December 21, 2006; to the Committee on Finance.

EC–151. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reduction in Taxable Income for Housing Hurricane Katrina Displaced Individuals" (TD 9301) received on December 21, 2006; to the Committee on Finance.

EC–152. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification relative to waiving the restrictions contained in section 1305 of the National Defense Authorization Act for Fiscal Year 2000; to the Committee on Foreign Relations.

EC–153. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the President's decision to exercise waiver authority with regard to a prohibition on military assistance; to the Committee on Foreign Relations.

EC–154. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a Presidential Determination to suspend the limitation on the obligation of State Department Appropriations contained in the Jerusalem Embassy Act of 1995; to the Committee on Foreign Relations.

EC–155. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Benjamin A. Gilman International Scholarship Program; to the Committee on Foreign Relations.

EC–156. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2006–271–2006–280); to the Committee on Foreign Relations.

EC–157. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the President's determination to exercise his waiver authority in certain countries with respect to the prohibition on the use of fiscal year 2006 Economic Support Funds provided for in section 574(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006; to the Committee on Foreign Relations.

EC–158. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Colombia and Ecuador; to the Committee on Foreign Relations.

EC–159. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Payment of Premiums; Assessment of and Relief From Penalties" (RIN1212–AA95) received on December 21, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–160. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age" (29 CFR Part 4044) received on January 3, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–161. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on January 3, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–162. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans" (29 CFR Part 4022) received on January 3, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–163. A communication from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Performance of Functions; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000, as Amended" (RIN1215–AB51) received on January 3, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–164. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Study Regarding Barriers to Participation of Farmworkers in Health Programs"; to the Committee on Health, Education, Labor, and Pensions.

EC–165. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Policy, received on December 21, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–166. A communication from the Chief and Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a change in previously submitted reported information and nomination for the position of Inspector General, received on December 21, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–167. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the National Advisory Committee on Institutional Quality and Integrity for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–168. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulations" (48 CFR Part 301) received on December 21, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–169. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Employee Benefits Security, received on December 21, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–170. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the interjurisdictional adoption of children in foster care; to the Committee on Health, Education, Labor, and Pensions.

EC–171. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to states' effectiveness in establishing and enforcing medical support obligations; to the Committee on Health, Education, Labor, and Pensions.

EC–172. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, a report relative to the Department's competitive sourcing activities during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–173. A communication from the Director, Office of Standards, Regulations and Variances, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Emergency Mine Evacuation" (RIN1219–AB46) received on December 21, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–174. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Family Violence Prevention and Services Program for fiscal years 2002–2004; to the Committee on Health, Education, Labor, and Pensions.

EC–175. A communication from the Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Final Rules for Nondiscrimination and Wellness Programs in Health Coverage in the Group Market" (RIN1210–AA54) received on December 21, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–176. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–177. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–178. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semi-annual reports of the Inspector Generals of the Treasury Department and Tax Administration for the period ending September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–179. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through October 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–180. A communication from the Inspector General, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2006 Performance Report; to the Committee on Homeland Security and Governmental Affairs.

EC–181. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–182. A communication from the Secretary of Energy, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–183. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Organization's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–184. A communication from the Executive Director and Chief Operating Officer, American Battle Monuments Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–185. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–186. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–187. A communication from the Acting Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–188. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, the Organization's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–189. A communication from the Office of the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–190. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–191. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–192. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–193. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the Corporation's Management Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–194. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a report relative to the seven audit reports issued during fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–195. A communication from the Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the Semi-Annual Report of the Inspector

General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–196. A communication from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–197. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–198. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the 2006 Annual report on the implementation of the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Homeland Security and Governmental Affairs.

EC–199. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–200. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–201. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary, received on December 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–202. A communication from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–203. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978; to the Committee on Homeland Security and Governmental Affairs.

EC–204. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, information copies of prospectuses supporting the Administration's fiscal year 2007 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–205. A communication from the Secretary, Postal Rate Commission, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner, received on December 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–206. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005–14" (FAC 2005–14) received on December 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–207. A communication from the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–208. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Use of NARA Facilities" (RIN3095–AB55) received on December 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–209. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–210. A communication from the Inspector General, Small Business Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–211. A communication from the Chief Financial Officer, Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–212. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–213. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–214. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Auditor's Review of the HIV/AIDS Crisis Area Capacity Building Fund Authorized by the Fiscal Year 2006 Budget Support Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–215. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–216. A communication from the Director, U.S. Trade and Development Agency, transmitting, pursuant to law, a report relative to the Agency's competitive sourcing activities for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–217. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–218. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–219. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the Office's competitive sourcing activities for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–220. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002—Reporting and Best Practices" (RIN3206–AK55) received on December 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–221. A communication from the Secretary of Education, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–222. A communication from the Secretary for Regulatory Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Filipino Veterans' Benefits Improvements" (RIN2900–AK65) received on December 21, 2006; to the Committee on Veterans' Affairs.

EC–223. A communication from the Director of Regulatory Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Medical: Informed Consent—Extension of Time Period and Modification of Witness Requirement for Signature Consent" (RIN2900–AM19) received on December 21, 2006; to the Committee on Veterans' Affairs.

EC–224. A communication from the Director of Regulatory Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Transfer of Montgomery GI Bill—Active Duty Entitlement to Dependents" (RIN2900–AM12) received on December 21, 2006; to the Committee on Veterans' Affairs.

EC–225. A communication from the Chief of the Immigration Unit, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Board of Immigration Appeals: Composition of Board and Temporary Board Members" ((RIN1125–AA57) (EOIR No. 158I)) received on December 21, 2006; to the Committee on the Judiciary.

EC–226. A communication from the Senior Counsel, United States Marshals Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Supplement to Justice Department Procedures and Council on Environmental Quality Regulations to Ensure Compliance with the National Environmental Policy Act" ((RIN1105–AB13) (USMS 101)) received on December 21, 2006; to the Committee on the Judiciary.

EC–227. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to the need for existing bankruptcy judgeships; to the Committee on the Judiciary.

EC-228. A communication from the Acting Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Shawnee Hills Viticultural Area" (RIN1513-AA70) received on December 21, 2006; to the Committee on the Judiciary.

EC-229. A communication from the Acting Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Chehalem Mountains Viticultural Area" (RIN1513-AA57) received on December 21, 2006; to the Committee on the Judiciary.

EC-230. A communication from the Junior Past National Treasurer, Navy Wives Clubs of America, transmitting, pursuant to law, a report relative to the latest audit of the organization; to the Committee on the Judiciary.

EC-231. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Clarification of Registration Requirements for Individual Practitioners" (RIN1117-AA89) received on December 21, 2006; to the Committee on the Judiciary.

EC-232. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the annual report of the National Institute of Justice for fiscal year 2005; to the Committee on the Judiciary.

EC-233. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the submission of its report on Defense base closures and realignments; to the Committee on Armed Services.

EC-234. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the national emergency declared by Executive Order 13222 of August 17, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-235. A communication from the Deputy Chief Counsel, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Transportation Worker Identification Credential Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License" (RIN1652-AA41) received on January 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC-236. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts for fiscal year 2006; to the Committee on Rules and Administration.

EC-237. A communication from the Chief Information Office and the Chief Privacy Officer, Federal Election Commission, transmitting, pursuant to law, an annual report relative to activities that affect privacy; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 194. A bill to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN (for himself, Mr. CONRAD, Mr. THUNE, and Ms. LANDRIEU):

S. 195. A bill to amend the Federal Crop Insurance Act to establish permanent authority for the Secretary of Agriculture to quickly provide disaster relief to agricultural producers that incur crop or livestock losses as a result of damaging weather or related condition in federally declared disaster areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself and Mr. SALAZAR):

S. 196. A bill to amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. REID, Mrs. FEINSTEIN, and Mr. CORNYN):

S. 197. A bill to authorize salary adjustments for justices and judges of the United States for fiscal year 2007; considered and passed.

By Mr. LUGAR:

S. 198. A bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations; to the Committee on Foreign Relations.

By Ms. MURKOWSKI:

S. 199. A bill to amend the Safe Drinking Water Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI:

S. 200. A bill to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. KENNEDY, Mr. MENENDEZ, and Mr. LAUTENBERG):

S. 201. A bill to establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City and at the Pentagon; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 202. A bill to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 203. A bill to provide equitable treatment for the people of the Village Corporation established for the Native Village of Saxman, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 204. A bill for the relief of Ziad Mohamed Shaban Khweis, Heyam Ziad Khweis, and Juman Ziad Khweis; to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 205. A bill to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. Res. 21: A resolution recognizing the uncommon valor of Wesley Autrey of New York, New York; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. BROWN, his name was added as a cosponsor of S. 1, a bill to provide greater transparency in the legislative process.

S. 2

At the request of Mr. KENNEDY, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Connecticut (Mr. DODD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 4

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

S. 10

At the request of Mr. CONRAD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 10, a bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

S. 43

At the request of Mr. ENSIGN, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Missouri (Mr. BOND) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 57

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 85

At the request of Mr. MCCAIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 85, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 87

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 87, a bill to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

S. 101

At the request of Mr. STEVENS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 101, a bill to update and reinvigorate universal service provided under the Communications Act of 1934.

S. 119

At the request of Mr. LEAHY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 119, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

S. 136

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 136, a bill to expand the National Domestic Preparedness Consortium to include the Transportation Technology Center.

S. 170

At the request of Mr. ENSIGN, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from South Dakota (Mr. THUNE), the Senator from Nebraska (Mr. HAGEL) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 170, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 190

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 190, a bill to provide a technical correction to the Pension Protection Act of 2006.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 194. A bill to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. ALLARD. Mr. President, as my good friend and colleague from Colorado just mentioned, we are introducing S. 194 naming the post office in Vail, CO, after former President Gerald R. Ford. As this vote just showed, we are all aware that when Gerald Ford passed away last month, our country lost a great man. Much has been said recently about President Ford: How he selflessly came to the aid of this country in one of its most trying times, how he governed through his beliefs about what was the best decision for the Nation regardless of the personal consequences, and his lifelong pursuit of bipartisanship and debate.

The defining characteristic of President Ford was his ability to remain humble and a man of the people. As testimonies poured in across the Nation, we were reminded about how he played selflessly as center at the University of Michigan, worked as a busboy while attending law school, and often hosted barbecues for his neighbors at his home in Alexandria, VA, while serving as House minority leader.

President Ford's charm and likability were shown all over the country, but away from his home State and the microscope of Washington, DC, Gerald Ford and his family also touched Colorado. As a Congressman from Michigan, the Ford family visited Colorado to ski in 1968 and since then have remained a constant presence in that community. He skied there, he built a house in nearby Beaver Creek, and he hosted a golf tournament for 20 years.

Following President Ford's passing, more than 2,500 people gathered at the base of Vail Mountain to witness a touching tribute to the President that included 500 ski instructors and a torchlight parade on Vail's Golden Peak. In Vail, like many other communities, President Ford was regarded as a tremendous asset and a man who treated everyone as an equal. Several residents remarked that one would never know he was a former President.

As a lasting tribute to this tremendous man, I cannot think of a more appropriate honor than to have Vail's post office bear the name of Gerald R. Ford, Jr. A post office is the point in every community that brings all people together, and there is no better way to symbolize the virtues President Ford demonstrated through his public and private life. I encourage the Senate to pass legislation entitled "Senate Bill 194" in recognition of President Ford and his contributions to Vail, CO.

Mr. SALAZAR. Mr. President, I rise today to speak in favor of a bill that will be introduced by Senator ALLARD and myself to name the post office in Vail, CO, after President Gerald R. Ford.

I call myself fortunate because I worked with President Ford. In our brief time together, it was obvious to me he was a man of honor, integrity, and courage.

Gerald Ford was a man who loved the State of Colorado, who loved its people and its culture. So it is a fitting tribute that the post office in his adopted town of Vail should bear his name.

President Ford led a remarkable life—remarkable not only for his great success but for the humility, dignity, and candor which were the hallmarks of his career. And what a career it was: from the University of Michigan to Yale Law School to service in the Navy to a leadership position in the U.S. Congress, and eventually, of course, to the Presidency of these United States, to say nothing of a long and productive post-Presidential career.

Of course, it is his time in the White House which people will remember most, and for good reason. It was President Ford who, through his leadership, brought the country together during a time of crisis. He was not only the right man at the right time for a very difficult job, he was a perfect man to deal with circumstances, the likes of which this country had never seen.

But I will remember President Ford not only for his good deeds in public office but for his unending commitment to justice and equality well after he left the White House behind. In 1999, when our shared alma mater, the University of Michigan, had its diversity policies challenged in court, President Ford wrote an op-ed piece in the New York Times about diversity, and he talked about an inclusive America which was essential to the future and the strength of the United States. In his op-ed piece, which was widely circulated, about which he and I spent time talking one day, he wrote the following:

> Of all the triumphs that have marked this as America's century—breathtaking advances in science and technology, the democratization of wealth and dispersal of political powers in ways hardly imaginable in 1899—none is more inspiring, if incomplete, than our pursuit of racial justice.

President Ford bravely defended the University of Michigan's diversity program with the same elegance and bravery with which he confronted the tribulations of the Watergate era and, in the process, left behind a legacy of tolerance and justice which will not soon be forgotten.

Of course, no tribute to President Ford would be complete without mention of his extraordinary family, particularly his wife, Betty, and as President Ford famously said:

> I am indebted to no man, and only to one woman—to my dear wife.

Betty Ford's bravery and her candor has inspired millions upon millions of Americans, and we are grateful for her service, and we wish her and the Ford family the very best.

The people of Colorado thank Gerald Ford for his service, and we are proud to move forward in helping the post office in Vail, CO, bear his name.

By Mr. KERRY (for himself and Mr. SALAZAR):

S. 196. A bill to amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. KERRY. Mr. President, today Senator SALAZAR and I are the Congressional Pension Accountability Act legislation to deny Federal pensions to Members of Congress who are convicted of white collar crime such as bribery. A similar provision passed the House of Representatives during the 109th Congress. I look forward to working with my colleagues to include this legislation in the ethics reform legislation to be considered by the Senate this week.

I strongly believe that all Members of Congress must be held to the highest ethical standards and those who violate the public trust must be held accountable for their actions. Last year, a series of scandals exposed Washington lobbyists and Members of Congress who used undue and improper influence to represent special interests in their dealings with the Federal Government.

In 2005, the now infamous Washington lobbyist Jack Abramoff pleaded guilty to conspiracy, mail fraud and tax evasion charges in a plea agreement. The Justice Department is currently investigating his attempts to influence Federal Government policy in both Congress and the Executive Branch.

Last November, Representative Bob Ney resigned from the House of Representatives after pleading guilty to conspiracy and making false statements. In a plea agreement, former Representative Ney acknowledged taking trips, tickets, meals and campaign donations from Mr. Abramoff in return for taking official actions on behalf of Abramoff clients.

In March 2002, Representative Ney inserted an amendment in the Help America Vote Act to lift an existing Federal ban against commercial gaming by a Texas Native American tribal client of Abramoff. In return, Representative Ney received all-expense-paid and reduced-price trips to Scotland to play golf, a trip to New Orleans to gamble and a vacation in Lake George, NY, all courtesy of Mr. Abramoff.

In the largest bribery case in the Congress since the 1980s, Representative Randy "Duke" Cunningham recently resigned from the House of Representatives after pleading guilty in Federal court to receiving $2.4 million in bribes from military contractors and evading more than $1 million in taxes. In a plea agreement, former Representative Cunningham admitted to a pattern of bribery lasting close to 5 years, with Federal contractors giving him Persian rugs, a Rolls-Royce, and antique furniture and paying for travel and hotel expenses, use of a yacht and a lavish graduation party for his daughter.

These stories are outrageous and they sicken me. As elected representatives, we must hold ourselves and all those who represent the Federal Government to the highest ethical standards. The principle is a simple one: Public servants who abuse the public trust and are convicted of ethics crimes should not collect taxpayer financed pensions.

Under current law, former Representatives Cunningham, Ney and others convicted of serious ethics abuses will receive a Congressional pension of approximately $40,000 per year—paid for by American taxpayers. Only a conviction for a crime against the United States, such as treason or espionage, will cost a Member of Congress their pension. This law must be changed to ensure that Congress does not reward unethical behavior.

The Congressional Pension Accountability Act will bar Members of Congress from receiving taxpayer-funded retirement benefits after they have been convicted of bribery, conspiracy, perjury or other serious ethics offenses.

It is my understanding that there is some concern about how this legislation may affect innocent spouses and children of Members of Congress who lose their pensions as a result of this legislation. Even after this legislation is enacted, the Member will still receive a refund of all contributions into either the Federal Employees Retirement System (FERS) or the Civil Service Retirement System (CSRS) and will retain all benefits from the Thrift Savings Plan (TSP).

The Congressional Pension Accountability Act is supported by the National Taxpayers Union and a similar provision is supported by Taxpayers for Common Sense, the Family Research Council and Citizens Against Government Waste.

Together we can significantly improve our government by changing the way business is done in Washington. I believe this legislation will help ensure that our government once again responds to the needs of our people, not special interests. I ask all my colleagues to support this legislation.

By Mr. LUGAR:

S. 198. A bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, today I am introducing the Nunn-Lugar Cooperative Threat Reduction Act of 2007. This legislation is based on a bill I first offered in 2005. It is focused on facilitating implementation of the Nunn-Lugar program and removing some of the self-imposed restrictions that complicate or delay the destruction of weapons of mass destruction.

In 2005, the Senate approved this legislation in the form of an amendment I offered to the National Defense Authorization Act by an overwhelming vote of 78 to 19. Last year, the Senate adopted a similar amendment by unanimous consent. Unfortunately, these provisions were not included in either conference agreement.

While well-intentioned, the congressionally-imposed conditions on Nunn-Lugar have inhibited the amount of work that can be done to eliminate and safeguard weapons of mass destruction in the former Soviet Union. Each year, a six month, thirteen step certification and waiver process must be completed before appropriated funds can be obligated to eliminate weapons of mass destruction. This annual process wastes money and valuable time—time lost in the fight against proliferation. In the field, it can prevent the availability of funds already authorized and appropriated by Congress for the Nunn-Lugar Program, thus delaying critical dismantlement work.

To date, the Nunn-Lugar program has deactivated for destroyed: 6, 934 nuclear warheads; 637 ICBMs; 485 ICBM silos; 81 ICBM mobile missile lauchers; 155 bombers; 906 nuclear air-to-surface missiles; 436 submarine missile launchers; 601 submarine launched missiles; 30 nuclear submarines; and 194 nuclear test tunnels.

Perhaps most importantly, Ukraine, Belarus, and Kazakhstan emerged from the Soviet Union as the 3rd, 4th, and 8th largest nuclear weapons powers in the world. Today, all three are nuclear weapons free as a result of cooperative efforts under the Nunn-Lugar program.

The Nunn-Lugar Program currently has a permanent waiver authority, to be used on an annual basis, for the congressionally-imposed certifications on the Nunn-Lugar program. While the waiver permits the program to continue its important work, the waiver does not solve the underlying problem.

In 1991, concerns surrounding Russian commitments to nonproliferation led the original Nunn-Lugar legislation to require President to certify annually that each recipient is "committed to" meeting six conditions: 1. Making a substantial investment in dismantling or destroying such weapons; 2. forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction; 3. forgoing any use of fissionable and other components of destroyed nuclear weapons in new nuclear weapons; 4. facilitating United States verification of weapons destruction carried out under the program; 5. complying with all relevant arms control agreements; and 6. observing internationally recognized human rights, including the protection of minorities.

At the time, these conditions were important to defining the U.S. strategic relationship with each Nunn-Lugar recipient. The question we must answer today is, what national security benefit do the certification requirements provide the American people? Do the conditions make it easier or harder to eliminate weapons of mass destruction in Russia or elsewhere? Do the conditions make it more likely or less likely that weapons are eliminated?

Congress imposed an additional six conditions on construction of the chemical weapons destruction program at Shchuchye. These conditions include: 1. Full and accurate Russian declaration on the size of its chemical weapons stockpile; 2. allocation by Russia of at least $25,000,000 to chemical weapons elimination; 3. development by Russia of a practical plan for destroying its stockpile of nerve agents; 4. enactment of a law by Russia that provides for the elimination of all nerve agents at a single site; 5. an agreement by Russia to destroy or convert its chemical weapons production facilities at Volgograd and Novocheboksark; and 6. a demonstrated commitment from the international community to fund and build infrastructure needed to support and operate the facility.

Some will suggest that the certification process is, at most, an annoyance, but not a serious programmatic threat. I disagree. While well intentioned, these conditions delay and complicate efforts to destroy weapons of mass destruction. If the proliferation of weapons of mass destruction is the number one national security threat facing our country, we cannot permit any delays in our response.

The Bush Administration withheld Russia's certification in 2002 because of concerns in the chemical and biological weapon arenas. President Bush recognized the predicament and requested waiver authority for the Congressionally-imposed conditions. While awaiting temporary waiver to be authorized in law, new Nunn-Lugar projects were stalled and no new contracts were finalized between April 16 to August 9, 2002. This delay caused numerous disarmament projects in Russia to be put on hold, including: 1. Installation of security enhancements at ten nuclear weapons storage sites; 2. initiation of the dismantlement of two strategic missile submarines and thirty submarine-launched ballistic missiles; and 3. initiation of the dismantlement of SS-24 rail-mobile and SS-25 road-mobile ICBMs and launchers. Clearly, these projects were in the national security interest of the United States, but they were delayed because of self-imposed conditions and bureaucratic red tape. A second period of delay began on October 1, 2002, with the expiration of a temporary waiver. Again, U.S. national security suffered with the postponement of critical dismantlement and security activities for some six weeks until Congress acted.

The events of 2002 are not the exceptions: They are the rule. In some years, Nunn-Lugar funds are not available for expenditure until more than half of the fiscal year has passed, and weapons of mass destruction slated for dismantlement await the U.S. bureaucratic process. This means that the program is denied access to these funds for large portions of the fiscal year in which they were intended to be spent while critical nonproliferation projects are put on hold. The bureaucracy generates reams of paper and yet ultimately produces an outcome that was never in doubt; namely, that it is in the national security interests of the United States to eliminate weapons of mass destruction in Russia and elsewhere.

The certification and waiver processes consume hundreds of man-hours of work by the State Department, the Intelligence Community, the Pentagon, as well as other departments and agencies. This time could be better spent tackling the proliferation threats facing our country. Instead of interdicting WMD shipments, identifying the next AQ Khan, or locating hidden stocks of chemical and biological weapons, our nonproliferation experts spend their time compiling reports and assembling certification or waiver determinations. Even more frustrating is the fact that the majority of these reports are repetitive, in that the Department of State already reports on most of these issues in other formats.

Some will argue that the certification process provides the Administration with leverage on Russian behavior. I disagree. I do not believe any of the certification subjects are a good reason to stop the destruction and safeguarding of weapons of mass destruction. I would argue just the opposite; these are reasons for us to accelerate our efforts and become more vigilant in our approach.

These programmatic delays have given Russia, and others, cover to hide behind, pointing the finger of blame on the United States for slow program implementation and taking the spotlight off their failure to provide access and transparency. While we call on President Putin to speed up dismantlement and open more sites for security upgrades, congressionally-imposed conditions and funding delays are used as arguments against accelerating Nunn-Lugar projects.

I have concluded that despite the best intentions of Congress, the certification requirements on the Nunn-Lugar program have outlasted their utility. While the goals of the conditions are pure, they simply do not belong on nonproliferation programs. I would point out that the equally important nonproliferation programs at the Departments of Energy and State do not have these conditions. They do not suffer from the annual certification and waiver process. Why should the Nunn-Lugar program, focused on the dismantlement of nuclear, chemical and biological weapons, be singled out for this treatment or need for leverage.

I am pleased that a number of administration officials and groups have endorsed the elimination of the certification and waiver process. The 9/11 Commission Report weighed in with an important endorsement of the Nunn-Lugar program, saying that "Preventing the proliferation of [weapons of mass destruction] warrants a maximum effort—by strengthening counter-proliferation efforts, expanding the Proliferation Security Initiative, and supporting the Cooperative Threat Reduction Program." The Report went on to say that "Nunn-Lugar . . . is now in need of expansion, improvement and resources." More recently, the follow-on 9/11 Public Discourse Project wrote that the elimination of the certification requirements "is an important step forward in protecting the United States against catastrophic attack."

Secretary Rice has testified that the Administration strongly supports my efforts pointing out that "flexibility in being able to administer the program would be most welcome." Bob Joseph, the Under Secretary of State for Arms Control and International Security, also expressed his support saying pointedly to me that "the fact that there are 13 steps that can take . . . six months or longer to get through certainly . . . underlines the rationale for [this legislation] . . . Whatever we can do, Senator, to improve the efficiency of the process, to reduce the time lines involved, and to provide greater flexibility for action, I would be in favor of."

Charles Boyd, USAF (Ret.) and Stanley Weiss, the Chief Executive Officer and Chairman, respectively, of the Business Executives for National Security, wrote to the Armed Services Committees of the House and Senate expressing support for the elimination of the certification requirements on the Nunn-Lugar program. They wrote in part: "Even though conditions can be waived, doing so diverts time and effort that could otherwise be used to meet proliferation challenges. Relying on waivers also preserves the risk that funding delays could threaten existing projects and investments."

In sum, the proliferation of weapons of mass destruction is the number one national security threat facing the United States today. The Nunn-Lugar program is making tremendous contributions to the elimination of potentially vulnerable stockpiles. While the Congress' intentions in imposing annual certification requirements were pure, the process has evolved into a bureaucratic quagmire in to which months of work by numerous departments, agencies and bureaus are sunk. The Administration toils to produce a forgone conclusion; namely, that it is in U.S. interests to eliminate and secure weapons and materials of mass destruction. The funds for these operations are delayed while threats remain-unaddressed. This is red-tape that we can do without. The only practical effect is unnecessary delays to our response to the number one national security threat facing the United States.

By Ms. MURKOWSKI:

S. 199. A bill to amend the Safe Drinking Water Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska; to the Committee on Environment and Public Works.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will allow the Environmental Protection Agency to continue to provide grant funding and technical assistance to remote communities in Alaska for critical water and sewer projects. These remote communities are only accessible by either aircraft or boat.

This important funding was originally authorized as part of the Safe Drinking Water Act Amendments of 1996 and was reauthorized in 2000. Every fiscal year, the EPA transfers funding authorized by this program to the State of Alaska's Village Safe Water Program, which is managed by the Alaska Department of Environmental Conservation.

The water and sewer conditions in the villages in Alaska that still need this critical funding rival the conditions in rural communities in third world countries. For example, residents in some villages in Alaska have to go to a central source in the community to get fresh water. Instead of flushing toilets, residents of some villages have to use a device called a "honeybucket." This device is a large bucket with a toilet seat on top. When the honeybucket is full, it is usually dumped in a lagoon or on land. Sometimes, these dump locations are near sources of drinking water.

The Village Safe Water program has been a success over the years. Many homes in Alaska's remote communities now have plumbing due to funds authorized by this program. However, 34 percent of homes in these communities still do not have indoor plumbing. It is unacceptable that these Americans still do not have access to conventional plumbing in their homes in 2007.

Previously, the Office of Management and Budget published a Program Assessment Rating Tool report concerning this program. This report found several deficiencies concerning the administration of this program. In response to that report, the Alaska Department of Environmental Conservation has put in place several changes to correct these deficiencies, including hiring additional accounting staff and initiating a memorandum of understanding with EPA Region 10 regarding program procedures and requirements.

This legislation reauthorizes the program through fiscal year 2010 and increases the authorized funding level from $40 million to $42 million, a modest five percent increase. Also, the legislation requires the State of Alaska to mandate that grant recipients clearly identify the scope and the goal of the project for which funding is sought and how the funds will be used to meet the specific, stated goal of the project; establish long-term goals for the program and carry out regular reviews of grantees to determine if the stated scope and goal of each grant are being met. This bill also requires the State of Alaska to submit an annual report to the EPA that addresses these issues. If a project-specific problem included in the report is not rectified within an amount of time agreed to by the State of Alaska and the EPA or if both entities are not able to agree on a timetable to fix the problem, the EPA will not disburse any additional funding for the project in question.

It is imperative that we reauthorize this critically important program soon. The health and well-being of rural Alaskans is at stake.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

Section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a) is amended—

(1) by redesignating subsection (e) as subsection (h);

(2) by inserting after subsection (d) the following:

"(e) REQUIREMENTS.—As a condition of receiving a grant under this section, the State of Alaska shall—

"(1) require each applicant to clearly identify the scope and the goal of the project for which funding is sought and how the funds will be used to meet the specific, stated goal of the project;

"(2) establish long-term goals for the program, including providing water and sewer systems to Alaska Native villages; and

"(3) carry out regular reviews of grantees to determine if the stated scope and goals of each grant are being met.

"(f) REPORTING.—Not later than December 31 of the calendar year following the fiscal year in which this subsection is enacted, and annually thereafter, the State of Alaska shall submit to the Administrator of the Environmental Protection Agency a report describing the information obtained under subsection (e) during the fiscal year ending the preceding September 30, including—

"(1) the specific goals of each project;

"(2) how funds were used to meet the goal; and

"(3) whether the goals were met.

"(g) REVIEW.—

"(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall require the State of Alaska to correct any deficiencies identified in a report under subsection (f).

"(2) FAILURE TO CORRECT OR REACH AGREEMENT.—

"(A) IN GENERAL.—If a deficiency in a project included in a report under subsection (f) is not corrected within a period of time agreed to by the Administrator and the State of Alaska, the Administrator shall not permit additional expenditures for that project.

"(B) TIME AGREEMENT.—

"(i) IN GENERAL.—Not later than 180 days after the date of submission to the Administrator of a report under subsection (f), the Administrator and the State of Alaska shall reach an agreement on a period of time referred to in subparagraph (A).

"(ii) FAILURE TO REACH AGREEMENT.—If the State of Alaska and the Administrator fail to reach an agreement on the period of time to correct a deficiency in a project included in a report under subsection (f) by the deadline specified in clause (i), the Administrator shall not permit additional expenditures for that project."; and

(3) in subsection (h) (as redesignated by paragraph (1))—

(A) by striking "$40,000,000" and inserting "$42,000,000"; and

(B) by striking "2005" and inserting "2010".

By Ms. MURKOWSKI:

S. 200. A bill to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, in 2005 I first introduced a measure of benefit to my home State of Alaska, the Alaska Water Resources Act, for a number of reasons. While the bill easily passed the U.S. Senate in 2005, it did not complete its journey to final passage, which is why I am reintroducing the bill today. The importance of water resource data collection to a State that has a resource-based economy cannot be overstated. Economic development is predicated on access to an adequate water supply, and in my State there is inadequate hydrologic data upon which to secure both economic development and the health and welfare of Alaskan citizens.

Alaska is an amazing State from a hydrological viewpoint. It is home to more than 3 million lakes—only about 100 being larger than 10 square miles—more than 12,000 rivers and uncounted thousands of streams, creeks and ponds. Together these water bodies hold about one-third of all the fresh water found in the United States.

Alaska is home to a number of large rivers. The Yukon, which originates in western Canada, runs 1,400 miles—discharging from 25,000 cubic feet of water per second in early spring to more than 600,000 cubic feet per second in May during the spring thaw. The Yukon drains roughly 330,000 square miles of Alaska and Canada, about one-third of the State. Besides the Yukon, Alaska is home to nine other major rivers and creeks all running more than 300 miles in length: the Porcupine, Koyukuk, Kuskokwim, Tanana, Innoko, Colville, Noatak, Kobuk and Birch Creek.

Alaska residents from early spring to fall face substantial flood threats, from spring flooding caused by breakup and ice damming to fall's heavy rains, but the State has fewer than 100 stream gaging stations operated by the U.S. Geological Survey—Alaska having less than 10 percent of the stream flow information that is taken for granted by all other States in the Nation. Alaska averages one working gage for each 10,000 square miles, while, as an example, Pacific Northwest States average one gage for each 365 square miles. To emphasize the lack of data now available for Alaska, I would point out that to equal the stream gage density of the Pacific Northwest States my State would need to have over 1,600 total gage sites.

Alaska also supports the Nation's least modern and undeveloped potable water distribution system. Water for Alaska towns outside of the more densely populated "Railbelt" comes predominately from groundwater sources. Surface water sources often result in supply/storage problems since these surface sources freeze and are not readily available for up to half of the year. The chances for water-borne contaminants to affect potable water supplies, including fecal matter from Alaska's plentiful wildlife populations, human waste from inquate or nonexistent sewage treatment facilities, and natural mineral deposits, natural arsenic levels in mineralized zone creeks frequently exceeding EPA standards) are present and increasing. In areas that predominately depend on groundwater sources, such as the "Railbelt" there is only very limited knowledge of the nature and extent of aquifers that support those critical groundwater supplies. Extensive permafrost further complicates the potential for adverse impacts to Alaska. In portions of Southcentral Alaska where there is a dependence on groundwater as the source for an adequate healthy water supply, the availability of that supply is starting to be in jeopardy. Allocations of water need to be based on scientific data, and the data needed upon which the allocations are made is unavailable. Users of water are only beginning to realize the potential conflicts that may arise, and the limits on future economic development that may result from inadequate knowledge of the water resource, particularly in the Matanuska-Susitna Borough, on the Kenai Peninsula, and to a lesser extent in portions of the municipality of Anchorage and in the Fairbanks area, where groundwater provided by wells is a crucial part of the State's water distribution system, and where there is little known about the size, capacity, extent and recharge capability of the aquifers that these wells tap.

Alaska, according to the Alaska Department of Environmental Conservation, still has some 16,000 homes in 71 generally Native villages not being served by piped water or enclosed water haul systems. There are still 55 villages in Alaska where up to 29 percent of the residents are not served by sanitary water systems, with more than 60 percent of residents not being served in 16 villages. Even though, since statehood in 1959, the State and Federal governments have spent $1.3 billion on rural water-sanitation system improvements, the State still has an estimated need for nearly $650 million in additional funding to complete installation of a modern water-sanitation system.

Planning and engineering for those locations cannot be easily completed without better information as to the availability and extent of supply of water and better analysis of new technologies that could be used for water system installations, including possible desalination for some island and coastal communities.

For all these reasons today I have reintroduced legislation authorizing the Department of the Interior's Commissioner of Reclamation and the Director of the U.S. Geological Survey to conduct a series of water resource studies in Alaska. The studies will include a survey of water treatment needs and technologies, including desalination treatment, which may be applicable to water resources developments in Alaska. The study will review the need for enhancement of the National Streamflow Information Program administered by the U.S. Geological Survey. The Streamflow review will determine whether more stream gaging stations are necessary for flood forecasting, aiding resource extraction, determining the risk to the state's transportation system, and for wildfire management. Groundwater resources will also be further evaluated and documented to determine the availability of water, the quality of that groundwater, and the extent of the aquifers in some urban areas.

This type of study, already conducted for most all other States in the Nation, should help Alaska better plan and design water systems and transportation infrastructure and also better prepare for floods and summer wildfires.

There is literally "water, water everywhere" in Alaska, but too often, especially in communities such as Ketchikan that take water from surface sources, or the rapidly growing Mat-Su Valley where there may be less water to drink during unusually dry summers, there is a real and growing problem of maintaining an adequate healthy supply of pure water. This problem is only going to grow more severe with a growing population and economy. This bill is designed to provide more information to help communities plan for future water needs and to help State officials plan for flood and fire safety concerns and further economic development.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 205. A bill to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; to the Committee on Energy and Natural Resources.

Mr. STEVENS. Mr. President. Today I reintroduce legislation which will resolve an ongoing dispute in my State concerning rights of way in the Copper River Valley region.

In the 109th Congress, both the Senate and House of Representatives held hearings on this bill. It is my hope that we can move this important legislation quickly through the Senate.

When Congress attempted to settle outstanding land claims in Alaska, it unintentionally created a land dispute between Native allotees and utility companies. In the 1950s and 1960s, the Federal Government and the State of Alaska granted rights of way to the Copper Valley Electric Association to run power lines across areas in our state that were later claimed by Alaska Natives. These rights were conveyed before Alaska Native allotment claims had been filed and processed.

In 1980, Congress passed the Alaska National Interest Lands Conservation Act in 1980, which legislatively ratified native allotment land claims subject to the valid existing rights of other land holders. However, several Native allottees challenged the existing rights of other land holders and claimed that the Copper Valley Electric Association was trespassing on their lands. In 1987, the Department of Interior's Interior Board of Land Appeals affirmed this position, finding native allotees have priority over other competing uses of land—in this case, those of the utility company—regardless of the fact that the rights of way were granted prior to the conveyance of the property in question to the allotees. This situation is still unresolved and has resulted in years of litigation.

We have been unable to settle these disputes through existing remedies. These conflicts now jeopardize existing transportation and utility corridors and threaten future infrastructure development in the region.

At my request, the Government Accountability Office (GAO) reviewed this situation. The GAO issued its report and recommended solutions. This bill incorporates the GAO's recommendation. It compensates the owners of the Native allotments, while ensuring that the utility companies are able to provide residents with the infrastructure and services they need. I believe this is the most equitable solution available, and I urge the Senate to pass this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 21—RECOGNIZING THE UNCOMMON VALOR OF WESLEY AUTREY OF NEW YORK, NEW YORK

Mrs. CLINTON (for herself and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 21

Whereas Wesley Autrey is a citizen of New York, New York;

Whereas Wesley Autrey is a veteran of the United States Navy;

Whereas Wesley Autrey has been a member in good standing of the Construction and General Building Laborers' Local 79 since 1996;

Whereas Wesley Autrey witnessed a fellow subway passenger suffer from a seizure and fall onto the train tracks;

Whereas Wesley Autrey was compelled by his belief that he should "do the right thing" and serve as an example to his 2 young daughters;

Whereas Wesley Autrey demonstrated uncommon valor and tremendous bravery in diving onto the train tracks to save the life of his fellow subway passenger only moments before an incoming train passed over them;

Whereas the beneficiary of Wesley Autrey's courageous actions is now recovering at St. Luke's Roosevelt Hospital Center, New York;

Whereas Wesley Autrey has conducted himself with the utmost humility in the midst of his newfound fame; and

Whereas Wesley Autrey stands out as an example of selflessness to members of his community, his State, and the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that Wesley Autrey acted heroically by putting his own life at risk to save that of his fellow citizen; and

(2) expresses its deep appreciation for Wesley Autrey's example and the values that his actions represent.

Mrs. CLINTON. Mr. President, I rise today to discuss a resolution I submitted on January 8 in recognition of the uncommon valor and tremendous bravery demonstrated by New York City resident Wesley Autrey.

On January 2, 2007, Mr. Autrey and others stood on a platform in the 137th Street subway station in Harlem, and watched as a young man suffering from a seizure fell onto the train tracks. Terrified by what he saw, Mr. Autrey heroically dove down onto the tracks, putting his own life in grave danger to save that of a stranger. Mr. Autrey covered the young man in the trough between the tracks as the incoming train screamed to a halt just inches above his head.

Later, when asked about the courageous rescue, Mr. Autrey responded humbly, saying, "I'm not looking at this like I'm the hero, cause the real heroes are the young men and women that are fighting in Iraq now. What I did is something that any New Yorker should do . . . if you see somebody in distress, do the right thing."

We could all learn from Wesley Autrey's example. A proud member of the Construction and General Building Laborers' Local 79, a veteran of the United States Navy, and a father of two young girls, Mr. Autrey—in both his heroic actions and his humble conduct in the midst of his newfound fame—represents values that all Americans should cherish and respect. His selflessness should be held up as an example to those in his community, his state and his country.

Indeed, this resolution is just one fitting way in which to honor the uncommon valor and tremendous bravery demonstrated by Wesley Autrey when he dove in front of an incoming train to save the life of a stranger on January 2. I am hopeful that my Senate colleagues from both sides of the aisle will join me in honoring Mr. Autrey by moving this legislation as expeditiously as possible.

MEASURES PLACED ON THE CALENDAR—S. 2, S. 5, S. 113

Mr. REID. Mr. President, it is my understanding that there are three bills at the desk that are now due for a second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the titles of the bills for the second time.

The legislative clerk read as follows:

A bill (S. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

A bill (S. 5) to amend the Public Health Service Act to provide for human embryonic stem cell research.

A bill (S. 113) to make appropriations for military construction and family housing projects for the Department of Defense for fiscal year 2007.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills, en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

UNANIMOUS CONSENT AGREEMENT—S. 1

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. S. 1, the ethics bill, at 11 a.m. tomorrow morning, January 9, for debate only until 2:15 p.m, with the time, until the Senate recesses for the party luncheons, equally divided and controlled between the leaders and their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JANUARY 9, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, January 9; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business until 11 a.m., with the Senator permitted to speak therein, with the first half controlled by the minority and the second half controlled by the majority; and that the Senate stand in recess from 12:30 until 2:15 for the party caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, I direct to the attention of all Senators that tomorrow afternoon Senators who have amendments to the ethics lobbying earmark reform legislation, S. 1, be prepared to start offering them. We are going to work until we complete this legislation. It is my goal to complete the bill the following week.

I remind Senators that Monday is the Dr. Martin Luther King holiday; therefore, of course there will be no votes on Monday. The first vote on Tuesday will be at 5:30 on that day, Tuesday; the 16th, I think, is the date. It is Tuesday, a week from tomorrow. I will indicate the reason I am not moving more quickly is I have had a number of Senators tell me they have events on Monday dealing with the commemoration of the Dr. King holiday and that they could not be here in time for work on Tuesday.

We are going to work hard. We are going to finish the bill the following week. I advise Senators we are going to finish the bill the following week. Everyone should be aware that we will finish it. Even if we have to go past Friday at noon, we are going to finish this bill because we are going to move thereafter to minimum wage. Thereafter, it appears at this stage we are going to move to either the stem cell legislation and then the negotiating for lower prescription drug prices for Medicare. I don't know if we are going to do stem cell first or the Medicare negotiation bill, but one of those will be the third matter.

We have a lot to do. Today the Senate voted to adopt a resolution honoring the late President Gerald Ford. Tomorrow we are beginning the ethics bill at 11, as under a previous order. Tomorrow will be a full day for debate and amendments to that bill.

As I mentioned, the bulk of the bill is under the auspices of the Rules Committee. Senators FEINSTEIN and BENNETT will be ready to go tomorrow at 11. We also will see Senators LIEBERMAN and COLLINS managing certain parts of that bill when the Senate Homeland Security Committee's jurisdiction is primary.

ORDER FOR THE EXPIRATION OF THE MORNING HOUR

I ask, Mr. President, that the morning hour be deemed to have expired tomorrow morning when we reconvene.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPLETION OF VOTES

Mr. REID. Mr. President, as I indicated in our conversations that we have had about the conduct of the Senate, one of the things that I have seen over the years is how much time is wasted, waiting for Senators to come from committee meetings, from airports and other places, causing the Senate, in effect, to be in lockdown until a vote is complete. We have had votes that take a long time—an hour. We had a first vote today. We finished the 15 minutes, the 5 minutes—the vote is over. That is the way it is going to be.

Today at least one Democratic Senator missed that vote. I hope that Senator doesn't miss any more votes. We are going to get in the habit of completing the votes on time.

I have told my counterpart, Senator MCCONNELL, if there is an issue that is one vote here, one vote there, it is 50 to 50 and people are moving around trying to get someone to change a vote, we will extend the time. But 98 percent of the votes are not close; 98 percent of the time we are going to finish the vote in 20 minutes. Everyone should be aware of that, Democrats and Republicans. This applies to Senator MCCONNELL and Senator REID. If we are not going to be here, the vote will be closed.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:21 p.m., adjourned until Tuesday, January 9, 2007, at 10 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 9, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 10

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine agriculture and rural America's role in enhancing national energy security.

SR–328A

Foreign Relations

To hold hearings to examine securing America's interests and the current situation in Iraq.

SH–216

Judiciary

To hold hearings to examine balancing privacy and security, focusing on the privacy implications of government data mining programs.

SD–226

10 a.m.

Finance

To hold hearings to examine tax incentives for businesses in response to a minimum wage increase.

SD–215

Health, Education, Labor, and Pensions

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations and committee's rules of procedure for the 110th Congress; to be followed by a hearing to examine challenges and opportunities relating to health care for all Americans.

SD–430

2:30 p.m.

Intelligence

Closed business meeting to consider pending calendar business.

SH–219

JANUARY 11

10 a.m.

Finance

To hold hearings to examine an overview and economic perspectives for the Medicare Prescription Drug Benefit, focusing on prescription drug pricing and negotiation.

SD–215

Foreign Relations

To hold hearings to examine the remaining options relating to securing America's interests in Iraq.

SD–106

10:30 a.m.

Budget

To hold hearings to examine the long-term budget outlook.

SD–608

2 p.m.

Foreign Relations

To hold hearings to examine the remaining options relating to securing America's interests in Iraq, focusing on troop surge, partition, withdrawal, or strengthening the center.

SD–106

2:30 p.m.

Intelligence

To hold hearings to examine current and projected national security threats.

SH–216

JANUARY 12

9:30 a.m.

Armed Services

To hold hearings to examine the current situation in Iraq; there is a possibility of a closed session in S-407 following the open session.

SH–216

JANUARY 17

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine aviation security, focusing on the recommendations of the 9/11 Commission.

SR–253

JANUARY 18

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine Federal efforts for rail and surface transportation security.

SR–253

FEBRUARY 1

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the communications marketplace relating to the FCC.

SR–253

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—*Tuesday, January 9, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Divine Master, You are our stronghold and the pioneer of our future. Teach us to work with greater faithfulness. May pleasing You become our primary focus as You place a song in our heart for each burden on our shoulders.

Guide our lawmakers today. Lead them to Your fortress of love, patience, and kindness. Remind them that any success alien to Your way is worse than failure and that any failure in Your Spirit is better than gold. Let Your benediction rest upon our Senators, and may they bring their stewardship in line with the destiny You desire for their lives. Make them channels of Your grace and coworkers in the building of Your kingdom.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 9, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, the Senate will be in a period of morning business until 11 a.m. The minority will control the first half and the majority will control the second half. Under a previous order, the Senate will begin consideration of the ethics legislation at 11 a.m., for debate only, until the Senate goes into recess for its normal weekly party conference luncheons.

The managers of the bill will be here at 11 a.m., and they will be making their opening statements, if appropriate, as well as a number of other Members who have expressed an interest in speaking this morning. When the Senate returns after the party luncheons, the substitute amendment will be laid down. So Members should be ready to review this amendment and prepare their amendments accordingly.

I am working with the distinguished Republican leader to see if we can offer something together—I am hopeful and very confident we can—as a substitute amendment.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that following the opening statements of Senators FEINSTEIN and BENNETT with respect to S. 1, the following Senators be recognized to speak for the times specified: Senator TESTER, 10 minutes; Senator NELSON of Florida, 15 minutes; Senator SALAZAR, 15 minutes; and that when the Senate reconvenes at 2:15, debate time be extended for another 30 minutes, with Senators LIEBERMAN and COLLINS recognized for 15 minutes each; that following that time, the majority leader be recognized to offer a substitute amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, let me be very clear that if a Republican Member is available and desires to speak, they would follow a Democratic speaker. We would alternate that. These times only list Democrats, but if there is a Republican, we will insert them between the two, if they want to speak.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SENATOR ALBEN BARKLEY

Mr. MCCONNELL. Mr. President, a few months prior to this body's convening last week, I was honored and humbled when my colleagues elected me to serve as the Republican leader in the 110th Congress.

I am thankful for the trust my friends have placed in me, and I won't break that trust.

At such a time as this, and in such an historic Chamber, my thoughts turn toward great Kentuckians of the past who have left their indelible mark on this body.

Henry Clay served as Speaker of the House, Senator, and Secretary of State, despite losing three Presidential campaigns.

John Sherman Cooper served as the conscience of the Senate, and I have spoken on this floor before of the admiration and respect I will always have for the Senator who mentored me in my first job on Capitol Hill.

But there is another famous Kentuckian who once dominated these Senate hallways who we should not forget.

He was a key lawmaker during World War II, and close friend to Presidents—a passionate orator, champion of the New Deal, and popular teller of tall tales. After his Senate service, he made famous the nickname "the Veep."

That man is Alben Barkley, the last, and until now, the only Senator from Kentucky to be elected his party's leader.

Senator Barkley served as majority leader for 10 years, from 1937 to 1947, longer than anyone else before him. From 1947 to 1949 he served as minority leader, and in 1948 he was elected Vice President to President Truman.

But some of my colleagues may not know that Senator Barkley almost became the first President of the United States from Kentucky since Abraham Lincoln. He lost that opportunity by taking a courageous stand to put the Senate, the Senators he led, and principle ahead of political ambition.

Like Lincoln, Alben Barkley was born in a log cabin, literally, on his father's tobacco farm in Graves County, KY, in 1877. The Barkley family was not a family of means, and Alben grew up chopping wood, harvesting tobacco, and plowing fields. Swapping stories with his father's hired hands, Alben began to develop his fun-loving, storytelling persona.

When he got older, Alben worked odd jobs to make ends meet. One time at a shoe store, a man with exceptionally large feet walked in and said to Alben, "I'd like to see a pair of shoes that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

would fit me." The sharp-witted tobacco farmer's son retorted, "So would I!" Alben had to change jobs quite often.

Becoming a lawyer in Paducah, Barkley's political career began with a race for county attorney in McCracken County. The history books tell us he bought a one-eyed horse named Dick and stumped the whole county riding that horse.

At 27 years old, he toppled the incumbent in the Democratic primary and easily won the general election in 1905, for Kentucky in those days was very much a one-party State.

Barkley then won election as McCracken County judge before going to the U.S. House of Representatives in 1912. Kentucky voters re-elected Barkley, an avid progressive and devotee of President Woodrow Wilson, six times until sending him to this Chamber in 1926.

Barkley's long shadow over history was fixed here in the Senate, where he served from 1927 to 1949, and then after his Vice Presidency again from 1955 until his death in 1956.

Here in the Senate, Barkley became known as a first-rate speechmaker and storyteller. Many can recall Senator Barkley's saying: "A good story is like fine Kentucky bourbon . . . it improves with age and, if you don't use it too much, it will never hurt anyone."

By 1933, Barkley was selected as an assistant to Senate Majority Leader Joe Robinson of Arkansas. In 1937, Robinson died, clearing the way for Barkley's election as leader—but the manner of Barkley's election to the top spot would serve today as an object lesson to Senators of how not to get the job, and it hampered Barkley's effectiveness as leader for several years thereafter.

When the 75th Congress began, the Democrats held a whopping 76 seats in the Senate, leaving only 16 Republicans and four Independents. Their majority was so large that freshmen Democrats had desks over here on the Republican side of the Chamber in the back.

Senators in those days referred to the lone outpost of Democrats over here on the Republican side in the back as the "Cherokee Strip" because those unlucky Members were off the reservation.

But the Democratic Party was badly split in two. Half the caucus supported Franklin Roosevelt's New Deal policies, and the other half frequently undermined them.

In the leader's race, the first group lined up behind Barkley, and the latter behind Senator Pat Harrison of Mississippi. Each Senator had pledges of support from enough Senators to win, so they thought.

Usually in the Senate, it is the Vice President who breaks ties. But this close vote was broken by the President himself. The day after Robinson's death, Roosevelt sent Barkley a letter that began, "My Dear Alben." Roosevelt even referred to Barkley, correctly, but cheekily, as the "acting majority leader."

Now, Roosevelt preferred Barkley over Harrison because he knew he could count on Barkley to shepherd his New Deal policies through the upper Chamber. Besides his public letter, FDR also dispatched aides to exert pressure on Senators to vote for Barkley.

One week after Robinson's death, all 75 Senate Democrats met to vote—75. With 74 votes tallied, Barkley and Harrison stood tied at 37 votes apiece. The 75th and final vote put Barkley over the top. Senator Barkley had won the election, but he had lost a much more important race with his colleagues.

As the Presiding Officer and all of my friends in the Chamber know, the Senate has the sole power to choose its own leaders and chart its own course of affairs, without interference from the executive branch. And every Senator guards that right very seriously.

Many Senators took offense at the President's influence in Senator Barkley's election, and Barkley, frankly, paid the price. His colleagues granted him the title of majority leader, but not the accompanying authority or respect.

On his first day in the top post, Democratic Senators ignored his plea not to override a Presidential veto, putting Barkley on the losing side of a 71 to 19 vote. The bill had originally been sponsored by Barkley himself, putting the leader in the humiliating position of losing a vote to sustain a veto of his own bill.

Over the next few years, Barkley's troubles mounted, actually, as he kept finding himself on the losing end of votes. Senators cruelly reminded him of how he had climbed to the top spot by mockingly referring to him as "Dear Alben."

Even worse, Washington journalists, seeing the leader unable to move his colleagues, dubbed him "Bumbling Barkley," and the name stuck.

In March 1939, Life magazine published a poll of Washington journalists rating the 10 "most able" Senators. Barkley's one-time rival Pat Harrison ranked fifth. The Senate majority leader did not make the list.

Despite setbacks, Senator Barkley plunged ahead to lead the Senate and to champion President Roosevelt's New Deal. His colleagues began to melt under his considerable personal charm.

In contrast with Robinson's heavy-handed leadership style, Barkley often sat down with a colleague, disarmed him with humor or a funny story, and then made his case.

Barkley led from the podium at his desk, speaking persuasively and knowledgeably on any and every bill. By 1940, much of official Washington realized that legislation was actually moving faster and more successfully through the Senate—and that Barkley deserved the credit.

Barkley was crucial at negotiating compromise with his fellow Senators. As the war in Europe heated up and international affairs took up more of the Senate's time, Barkley's record of success continued to mount.

Historians note the vital role he played in passing the Lend-Lease Act, repealing the Arms Embargo Act and the Neutrality Act, and enacting the first peacetime military draft.

As the Senate majority leader, Barkley eagerly embraced the responsibility to lead the charge for the administration's legislation. But sometimes—sometimes—the President took the loyal leader for granted.

That ended when Senator Barkley dramatically broke with his beloved President on a matter of principle.

Barkley's move may have angered Roosevelt, but by stepping out of the President's shadow and throwing off the impression of servility that the mocking phrase "Dear Alben" implied, Barkley forever earned the respect and trust of his Senate colleagues.

The principle Barkley made his stand on is one dear to my heart; and that is, keeping taxes low. By February 1944, America was at war with the Axis Powers, and President Roosevelt wanted to raise taxes considerably to pay for it. He requested a tax increase of $10.5 billion, which was, apparently, a lot of money in those days.

Majority Leader Barkley knew that the Senate didn't have nearly the appetite for higher taxes that the President did. A $10.5 billion tax hike simply could not pass.

But Barkley did the best he could for his President, and successfully steered through the Finance Committee and onto the floor a bill to raise revenues by $2.2 billion.

Barkley pleaded with Roosevelt to accept the bill as the best he could get and to sign it. He knew the Senate, and he knew his Senators. But the President dismissed the leader's advice.

Even though he knew it was coming, Roosevelt's veto message stung Barkley. It was petty, and it was personal.

The President wrote that, having asked the Congress for a loaf of bread, the final bill was "a small piece of crust." Then his next words struck hardest of all. He declared the final bill as "not a tax bill but a tax-relief bill, providing relief not for the needy, but for the greedy."

After years of devotion and support to the President—often at the cost of the respect of his own colleagues—this insult to his integrity as a legislator, a leader, and a disciple of the New Deal was too much for Barkley.

Overwhelmed with passion, Barkley dictated a speech to his secretary and walked out to the Senate floor. Word had leaked of what was coming. Journalists packed the galleries, and many Senators took their seats to listen to their leader.

For the first time Senator Barkley, Washington's most famous raconteur, seemed to nervously stumble over his words. His voice cracked with emotion as he related his history of steadfast support for the Roosevelt administration.

> I dare say that during the past seven years of my tenure as majority leader, I have carried that flag over rougher terrain than was ever traversed by any previous majority leader,

Barkley explained.

> But . . . there is something more precious to me than any honor that can be conferred upon me by the Senate of the United States, or by the people of Kentucky . . .
>
> Or by the president of this Republic. And that is the approval of my own conscience and my own self-respect.

And with that Alben Barkley resigned as majority leader.

Barkley had always believed the leader must have overwhelming support for the President's position. Unable to give that, stepping down was his only choice.

Nearly every Senator in the chamber rose for a thunderous ovation. The galleries stood as one to applaud as well. Longtime Senators said they could not remember the last time a speech received such a tremendous response, and Vice President Henry Wallace called it "the most dramatic occasion in the U.S. Senate over which I ever presided."

Within a day of Barkley's declaration of independence, he received over 7,000 telegrams. Roosevelt saw when he was beaten and wrote a letter urging Barkley not to resign. But he needn't have bothered.

The next day, the Democrats unanimously reelected Barkley to the leader's post. "Make way for liberty!" shouted Texas Senator Tom Connally, expressing the joy of his colleagues that their leader, and by extension, the entire Senate, had stood up for the Senate's independence as a co-equal branch.

The Senate turned back Roosevelt's veto 72 to 14, and this time Alben Barkley led his colleagues to win that vote. Senator Elbert Thomas of Utah summed up the newfound power and prestige of the majority leader.

"By his one-vote margin in the 1937 contest when he was first elected leader, the impression was given, and it has been the impression ever since, that he spoke to us for the president," Thomas said. "Now he speaks for us to the president."

The majority leader and the President mended the breach soon after and continued to work together. But you could say their relationship was never again the same.

That summer, the Democratic National Convention nominated President Roosevelt to an unprecedented fourth term. But with Vice President Wallace deemed too liberal by most of the party and dumped from the ticket, the President needed a new running mate. Could it be Barkley?

As the convention opened, Barkley emerged as a seeming front-runner. He had the respect and confidence of the delegates. The Kentucky delegation—not surprisingly—formally endorsed him.

But ever since breaking with Roosevelt in February, the President had had "a certain intangible reserve" towards the majority leader. Roosevelt emphatically told his supporters Barkley was unacceptable as a running mate.

Of course, we all know that the 1944 vice presidential nomination eventually fell to another Senator, Harry Truman of Missouri, who was hand picked by the President himself.

And we all know that in April 1945, less than 3 months after taking the oath of office for his fourth term, Franklin Delano Roosevelt died. His health had been failing for some time, even back during the 1944 convention.

Harry Truman became the 33rd President of the United States. Alben Barkley stayed on as Senate majority leader and narrowly missed becoming the first President from Kentucky since Abraham Lincoln.

Henry Clay, who once held Alben Barkley's Senate seat, said "I would rather be right than be President." Alben Barkley lived by that motto.

He chose to stand for his personal sense of honor and the integrity of the Senate, knowing it could cost him the favor of the President and possibly the Vice-Presidential nomination. It did. But Alben Barkley never regretted it.

In fact, Barkley kept his keen sense of humor. In a speech to newly elected Senators in 1945, Barkley warned them to run "for the tall and uncut" if they ever received a letter from the President that began with "Dear" followed by their first name.

Like so many other revered figures who have occupied these chairs, Alben Barkley loved the Senate, and he fought to protect it. As the Senate majority leader, that was his duty, and he fulfilled it without hesitation.

After 4 years as Vice President to Truman, Barkley retired from politics, seemingly forever. But he longed to return to this Chamber which had seen his greatest successes and his most ignoble defeats. So he ran for and won reelection in 1954, ousting Republican John Sherman Cooper.

Alben Barkley died on April 30, 1956. He left this world doing what he loved—giving a speech.

In his final moments, he explained to a crowd of students at a mock convention at Washington and Lee University that as a newly elected Senator, he had refused a seat in the front row of this Chamber, despite his decades of service.

"I am glad to sit in the back row," the 78-year-old Barkley said. "For I would rather be a servant in the house of the Lord than to sit in the seats of the mighty."

Those were Senator Barkley's last words before he collapsed. The crowd's applause was the last thing he would hear, before suffering a massive heart attack.

I wanted to share the story of Alben Barkley with my colleagues because I know that as we all debate the issues of the day in the Senate, we are mindful not just of what is happening in our country today, but what has gone before. History, and men like Alben Barkley, has much to teach us.

Politics in America today can often be a bruising exercise. But I take comfort in Alben Barkley's reminder that even if that is true, we can and should put principle over the pursuit of power.

We've just had a hard-fought election. I for one, have always enjoyed a good political contest.

I appreciate the opportunity to present a set of principles and ideals to the people and to hear their choice when they cast their votes.

But while we spar in the arena of ideas, let's not forget what we're sparring for. The goal is not just to win, but to win because you stand for a cause that will better your countrymen and your country.

Many of my colleagues on both sides of the aisle understand that lesson well. It is an honor for me to share this floor with them.

I am looking forward to continuing the contest in the time ahead. For now, we are ready to roll up our sleeves and get back to work on behalf of the American people.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 11 a.m., with the first half of the time under the control of the minority, and the second half of the time under the control of the majority.

The Senator from Iowa.

MEDICARE DRUG BENEFIT

Mr. GRASSLEY. Mr. President, I welcome the new Presiding Officer to the Senate. I look forward to working with him as a new Senator. I hope he enjoys his time in the Senate.

I am back here again today, as I was yesterday, to talk about the Medicare drug benefit. Yesterday I spoke about how the benefit uses prescription drug plans and competition—with emphasis upon competition—to keep costs down for our senior citizens. I spoke about how well that system of competition that is in the prescription drug bill has been working for the last 2 years of its operation. Today I want to get to the crux of this debate and a debate that is going to take place a few days from now in this Chamber, the so-called prohibition on Government negotiation with drugmakers.

Opponents of the Medicare drug benefit have misrepresented what we call the "noninterference clause" language. That language doesn't prohibit Medicare from negotiation with drugmakers. It prohibits the Government from interfering in negotiations that are actually taking place.

Much of this debate hinges on a convenient lapse of memory that I am going to emphasize during my remarks about the history of the noninterference clause. So today I want to take my colleagues on a little trip down memory lane. For our first stop on memory lane, I would like to read something. This is a quote from someone talking about their very own Medicare drug benefit proposal:

> Under this proposal, Medicare would not set prices of drugs. Prices would be determined through negotiations between private benefit administrators and drug manufacturers.

The person who said this clearly wanted private negotiation with drug companies for a Medicare benefit, not Government negotiations. The person I quoted was proposing—and I will quote again what he said—"negotiations between private benefit administrators and drug manufacturers." I don't think that person could be more clear in what he was attempting to accomplish with his proposal.

You are going to be shocked to hear who said this. The quote is from none other than President Clinton. President Clinton made that comment as part of his June 1999 plan for strengthening and modernizing Medicare for the 21st century. President Clinton went on to say that under his plan "prices would be determined through negotiations between the private benefit administrators and drug manufacturers."

I quote further:

> The competitive bidding process would be used to yield the best possible drug prices and coverage, just as it is used by large private employers and by the Federal Employees Health Benefits Plan today.

President Clinton also described his plan as using private negotiators as opposed to Government negotiators, because "these organizations have experienced managing drug utilization and have developed numerous tools of cost containment and utilization management."

Does this ring any bells? It should because it is the same framework used in today's Part D Medicare prescription drug benefit, private negotiations with drug companies, and it is based on the nearly 50-year history of the Federal Employees Health Benefits Program.

I would like to refer to another part of Medicare history for memory's sake as well. This is another interesting spot on memory lane for history buffs. The Clinton plan had a coverage gap that we refer to in the Senate as the doughnut hole, just like the bill eventually signed into law in 2003.

Like many others, the brandnew Speaker of the House has questioned why one would pay premiums at a point in time when you are not receiving benefits, as is the case with the doughnut hole. Well, that is how insurance works. We all know how the insurance industry works. Go look at your homeowner and auto policies and Part B Medicare. You pay premiums to have coverage. That is how President Clinton's plan was meant to work, if it had become law.

In Sunday's Washington Post, the new Speaker of the other body, PELOSI, was quoted about having a doughnut hole. She said:

> How could that be a good idea, unless you are writing a bill for the HMOs and pharmaceutical companies and not for America's seniors?

Was she referring to President Clinton's plan proposed in 1999? As I said, he proposed his plan in June of that year. On April 4, 2000, S. 2342 was introduced in the Senate. S. 2342 would have created a drug benefit administered through private benefit managers. So here again would be private negotiators negotiating with the drug companies to save seniors money on their prescription drugs. Does that sound familiar? It is just like today's Medicare Program that is law.

Here is another important stop down our memory lane. That bill, S. 2342, introduced in 2000, included language on noninterference:

> Nothing in this section or in this part shall be construed as authorizing the secretary to authorize a particular formulary, or to institute a price structure for benefits, or to otherwise interfere with the competitive nature of providing a prescription drug benefit through benefit managers.

This is the first bill—the very first one—where the noninterference clause appeared. This is the first prohibition in present law on Government negotiation that was introduced. But S. 2342 wasn't introduced by a Republican; it was introduced by my esteemed colleague, the late Senator Moynihan. One month later, there was a bill, S. 2541, introduced. I will read some of the language that was in that bill. That bill said this; I have it on the chart:

> The secretary may not (1) require a particular formulary, institute a price structure for benefits; (2) interfere in any way with negotiations between private entities and drug manufacturers, and wholesalers; or (3) otherwise interfere with the competitive nature of providing a prescription drug benefit through private entities.

I will make it clear that this wasn't a Republican bill, either. It was introduced, as you can see, at that time by Senator Daschle, who was joined by 33 other Democrats, including 3 who are still prominent in the Senate—REID, DURBIN, and KENNEDY. That is right. I want you all to know that 33 Senate Democrats cosponsored a bill with a noninterference clause in it. You see, it turns out that the Democrats didn't want the Government—nor did President Clinton—interfering in the private sector negotiations either. They recognized then that the private sector would do a better job, and they didn't want some Government bureaucrat messing it up.

I will go to another chart. In June 2000, two Democratic bills were introduced in the House of Representatives that also included noninterference language. H.R. 4770 was introduced by then-Democratic leader Dick Gephardt. That bill had more than 100 Democrats cosponsoring, including the new Speaker of the House—then not speaker—NANCY PELOSI, and Representatives RANGEL, DINGELL, and STARK. RANGEL, DINGELL, and STARK are people whom I have worked closely with in Congress recently on a lot of health legislation or tax legislation—or trade legislation, in the case of Congressman RANGEL.

The prohibition on Government negotiation included in that House bill was almost identical to the language Senator Daschle had in his bill. Here is the text of the actual noninterference clause included in the bill signed by the President in 2003, present law—what we refer to as Part D now:

> Noninterference.—in order to promote competition under this part and in carrying out this part, the secretary (1) may not interfere with the negotiations between drug manufacturers and pharmacies and PDP sponsors; and (2) may not require a particular formulary or institute a price structure for reimbursement of covered part D drugs.

Well, that sounds a bit like what was sponsored by Democrats over the last several years. Last week, the senior Senator from Illinois described the 2003 Medicare bill—and this was in a speech on the floor—as being written by the pharmaceutical industry. But the noninterference clause first appeared in legislation introduced by Democrats who now oppose the same provision that is in present law.

Now, the opponents of the Medicare drug benefit always say that the noninterference clause is proof the present law was written by the drug industry. My question, Mr. President, is this: If that is what they want to think, then did the same pharmaceutical industry write these bills that the Democrats introduced in 2000, 2001, and 2002?

I bet you are wondering how many Democratic bills had the now infamous noninterference clause in it—that is, the prohibition on Government negotiation. Well, here is the whole timeline. As you can see from chart 4, that prohibition on the Government negotiating, the noninterference clause, has been in seven bills by Democrats between 1999 and 2003, including a bill introduced in the House on the same day, H.R. 1, which eventually became the bill the President signed. There were seven. Here they are. The first is the Moynihan bill, April 2000; Daschle-Reid bill, May 2000; Eshoo bill, June 2000; Gephardt-Pelosi-Rangel-Stark-Dingell-Stabenow—when she was in the House and is now a Senator—introduced June 2000. STARK had it in a motion to recommit in June 2000. Senator WYDEN from Oregon introduced it as part of S. 1185 in July 2001. THOMPSON of California had it in a House bill in June of 2003.

It seems to me that on the other side of the aisle there ought to be some consideration of where did Republicans get this idea. I hate to steal ideas from Democrats, but if they work, they work. I spoke yesterday about how this provision—or the present way of doing it. The Federal Health Employee Benefit Program has been doing it for 50 years, and it has been saving senior citizens lots of money, not just on the price of prescription drugs but prescription drugs and premiums and a lot of other things—not only saving senior citizens money out of their own pockets but saving the taxpayers with a new judgment on what the cost of the drug program is going to be that was projected back when it was signed by the President. It is $189 billion less than the Congressional Budget Office, the CMS, and the OMB said it would cost.

Now, I know what the response will be. It will be that even though Democratic bills had nearly the exact same prohibition on Government negotiation—practically word for word in seven bills over a long period of time—opponents now think the approach is no longer the best for Medicare. That's sort of like "we supported it before we opposed it." Beneficiaries and the public deserve more than that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, it is my understanding we are in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

HONORING THE UNIVERSITY OF FLORIDA'S NCAA FOOTBALL CHAMPIONSHIP

Mr. NELSON of Florida. Mr. President, I am here with a big smile on my face, with an orange and blue tie, to recognize the signal accomplishment of the University of Florida Fighting Gators, and not only now with the national championship in football, but in the same season, the 2006 season, to have the unusual achievement of having the national champions in basketball as well as football.

Throughout the season, this team was challenged time after time and was underrated in the press; yet, they had the heart to win and keep fighting. The score of 41 to 14 last night clearly shows who are the national champions.

On behalf of our State of Florida, later today, I will be introducing a resolution commending the University of Florida for being the national champions and urge our colleagues to join in this Senate resolution.

I will only additionally call to the Senate's attention that with my colleague, SHERROD BROWN of Ohio, we engaged in a friendly wager. This is not like the normal wager that years ago, when a Florida team was playing a California team and the junior Senator from California, Senator BOXER, and I entered into a friendly wager of a crate of oranges versus a barrel of California almonds—and our office enjoyed those almonds for several months. No, this was a different kind. This was a wager with Senator BROWN of Ohio that the losing team's Senator would do the number of military pushups equivalent to the score of the game in public in front of the cameras. So with a score of 41 to 14, that is 55 pushups. I will even extend the olive branch to Senator BROWN that if he doesn't want to do all of them, I will do part of them with him. But it is a great day for college football, and it is certainly a great day for the State of Florida and for the University of Florida.

STAR PRINT—S. 21

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that S. 21 be star printed with the changes that are at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMPACT OF THE WAR IN IRAQ

Mr. DORGAN. Mr. President, this morning and in the days leading up to today, we have seen and heard a great deal of discussion, particularly by the media, describing the issue of the President's speech tomorrow evening and all of the discussion in the political system as a political tug of war about Iraq. It is not that. This is not a political tug of war. It is a serious moment for this country to try to evaluate what to do about something that overlays almost everything else we are considering these days; that is, the current war in Iraq. What do we do about what is happening there? It is about the lives of our soldiers. It is about our country's future. It is about how to make change in Iraq, how to create the kind of change that will give us the opportunity to do the right thing.

I intend to listen carefully to what the President says in his speech to the nation tomorrow night. I am not going to prejudge what he says, but let me suggest what I think the President has to answer for us, for me, for the American people.

There is considerable discussion about the fact that the President will likely call for a surge or an increase in American troops going to Iraq. There is also discussion that perhaps he will call for additional funds that would be sent to Iraq for reconstruction or other things Americans would contribute.

One point the President will have to explain is the testimony that was given less than 2 months ago before the Senate by General Abizaid, the top military commander in Iraq. I am talking about the top military commander of American troops in Iraq. Here is what General Abizaid said in November, less than 2 months ago. He said:

> I met with every divisional commander, General Casey, the corps commander, General Dempsey. We all talked together. And I said, "In your professional opinion, if we were to bring in more American troops now, does that add considerably to our ability to achieve success in Iraq?" And they all said no. The reason is because we want the Iraqis to do more. It is easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

This is testimony before a congressional committee of the top U.S. military commander in Iraq saying he has asked all of his top commanders, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq. He said:

> They all said no.

That is something I believe has to be reconciled. Has that changed? Has something changed in 2 months?

With respect to the amount of money that is sent to the country of Iraq, I observe this: This country has spent hundreds of billions of dollars on the Iraq war. Between Iraq and Afghanistan, we are now approaching $400 billion. We appropriated separately roughly a $20 billion pot of money for reconstruction in Iraq. That is in addition to the reconstruction which has been done by American soldiers. That $20-plus billion was pushed out the door—a massive amount of money—in a short time.

I held a good number of hearings as chairman of the Democratic Policy Committee on that issue: contracting in Iraq. I think it is the most significant amount of waste, fraud, and abuse this country has ever seen. Let me show one poster that describes a part of it, which was shown at our hearing and we discussed this:

> A $243 million program led by the United States Army Corps of Engineers to build 150 health care clinics in Iraq has, in some cases, produced little more than empty shells of crumbling concrete and shattered bricks cemented together into uneven walls.

A company called the Parsons Corporation got this money. They were to rehabilitate, I believe, 142 health clinics in the country of Iraq. Twenty were done, and the rest didn't happen at all. The money was spent. All the money is gone. The American taxpayers found that all their money was gone, but the fact is that the health clinics were not rehabilitated.

There was a doctor, a physician from Iraq, who testified. He said: I went to the Health Minister of the new Government of Iraq. I said: I want to see these health clinics that were supposed to have been rehabilitated for which some $200 million was appropriated by the U.S. taxpayers, by the U.S. Government. I want to see these health clinics.

He said the Health Minister of the new Government of Iraq said: You don't understand, they don't exist. They are imaginary clinics.

Well, our money is gone. This is an example of the waste, fraud, and abuse in contracting.

The Halliburton corporation, Custer Battles corporation—it is unbelievable—the stories. This photo shows some American officials with $100 bills wrapped in Saran Wrap the size of a big brick. This fellow testified at a hearing I held, this man in the white shirt. He said: Look, we told contractors in Iraq: Bring a bag, we pay cash. He said it was like the Wild West: Bring a sack, we pay cash.

This $2 million in $100 dollar bills wrapped in Saran Wrap actually went to Custer Battles corporation. Custer Battles corporation got over $100 million in contracts. Among other things, it is alleged they took forklift trucks from the Baghdad Airport, took them over to a warehouse, repainted them, and then sold them to the Coalition Provisional Authority, which was us. It is a criminal action at this point.

My point is this: Whatever we do in Iraq, I want to be effective. We owe it to the troops, we owe it to the men and women who wear America's uniform.

At this point, we have America's troops in the middle of a civil war. Yes, most of this is sectarian violence. We see the reports. January 7: 30 dead in Baghdad, bodies hang from lampposts. The Government said Saturday that 72 bodies were recovered around the city, most showing signs of torture. We see these day after day after day. Our heart breaks for the innocent victims of this war. The question for us now is, Should American troops be in the middle of that civil war? Should we send additional troops to that circumstance? If so, for what purpose? And if so, why do we do it less than 2 months after General Abizaid said the commanders do not believe additional troops will be effective?

We have done what is called a surge in Baghdad starting last July. I believe it was somewhere around 15,000 additional troops were sent to Baghdad. The fact is, the violence increased, more soldiers died.

I am going to listen to President Bush's speech. This ought not and I hope will not and should not be political. It is about all of us, Republicans and Democrats, the President and the Congress working together to find a way for the right solution for this country to support our soldiers, make the right judgments for them, make the right judgments for our country's long-term interests.

Yes, we have a fight against terrorism that we must wage, and we must do it aggressively, but most of what is going on in Iraq at this point is sectarian violence, and it is, in fact, a civil war. The question is, What do we do now?

It seems to me that if we are going to keep American troops in Iraq for any length of time, we ought to consider partitioning so at least we separate the combatants and the sectarian violence. It only seems to me, in a civil war, that works. But I will listen intently tomorrow with my colleagues to hear what the President's new plan is. I hope we can work together in a way that begins to do what is in the best interest of this country. I am very skeptical about this issue of deciding that we are going to surge additional troops into Iraq, even as the top military commanders in Iraq say that should not be done.

I mentioned Iraq first because it overwhelms most of the other agenda here, but there are so many other issues with which we must deal. Let's deal with Iraq and get that right, support our troops, do what is necessary, do what is best for our country. Let's work together, Republicans and Democrats, let's work together, the President and the Congress, and find the right solution and do what is right for our future. Then let's turn to other issues.

How about energy? It is interesting, we are held hostage by foreign oil. Over 60 percent of the oil that runs the American economy comes from off our shores. When we talk about energy independence, we need energy independence, and I support fossil fuels. We are going to use oil, coal, and natural gas. We always have and we always will, and I support that. But let me say this: In 1916, this Congress put in place tax incentives for the production of oil, long-term, robust, permanent tax incentives to incentivize the additional production of oil.

Think how different it is with what we have done with renewable energy. We decided about 20 years ago to give some tax incentives to incentivize renewable energy development, but they were temporary, short term. The production tax credit for the production of wind and other renewable energy has been extended five times because it has been short term. It has been allowed to expire three times. That is not a commitment to this country. This is not a commitment to renewable energy. This is not a commitment to energy independence. The fact is, we are just babystepping our away along in all these areas. We didn't do that with oil. We made a robust, long-term commitment in 1916, and it remains today, that said: Let's produce. How about doing the same thing for renewable energy? Yes, the biofuels, but also wind energy and hydrogen fuel cells and all the other ways that can make us more secure from an energy standpoint. Let's stop babystepping. Let's have a 10-year plan. We cannot do this with a 1-year plan or a 2-year plan. We need to deal with that issue.

We need to deal with the issue of health care costs. I wanted to, but I don't have the time this morning, to respond to my colleague from Iowa who twice has come to the floor to talk about why our Government shouldn't be allowed to negotiate drug prices in the Medicare Program. It is preposterous that we have a provision in law that prevents the Federal Government from negotiating lower drug prices, especially because our consumers in this country pay the highest prices for prescription drugs in the world, and that is unfair. I relish that debate, and I wait for that debate.

Jobs and trade—the fact is, we have lots of issues we need to sink our teeth into. I am going to come back and speak about many of these issues at great length. First, we have to deal with this situation in Iraq. That is very important. That is about the lives of men and women who wear America's uniform. But it is more than that as well. It is about what we are doing around the world. It is about, yes, our lives and our treasure, and we need to get that right.

I mentioned when I started that I think the press, if one listens to all the programs, tend to portray this as a political tug of war. It is deadly serious, much more serious than a political tug of war. It is about trying to get this right for our country's future.

I hope that in the coming several weeks, we can come to a conclusion about this very important issue—yes, the war in Iraq, the larger war on terrorism, deal with some of these issues, such as homeland security—and then move on to begin to address the issues I just talked about as well; that is, the issue of energy security, health care costs, jobs, trade, and a series of issues that are important for this country's future.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be given 10 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, this morning I rise to discuss the terrible situation we see in Iraq. While home in New Jersey over these last few days, I was often approached by constituents on the street and there was one topic that would come into the conversation almost immediately, when people said: Senator, when are we going to get our troops out of the crossfire in Iraq?

It is a great question, but the answer is certainly not clear.

Our constituents back home understand that President Bush has totally mishandled the diplomatic and strategic parts of the Iraq mission and our troops are the ones who are caught in the middle—caught in the middle of an ethnic civil war between Sunnis and Shiites. From my home State of New Jersey, we have already lost 74 people in Iraq; nationwide the total is quite clear—over 3,000 have lost their lives, and there are over 23,000 wounded with injuries that could disable them for the rest of their lives.

To make matters worse, a disproportionate amount of the burden of this conflict has fallen to Guard and Reserve troops. In fact, in early 2005, the National Guard and the Reserves made up nearly half of the fighting force in Iraq, people who were to be called up when emergencies arose. The Reserves were not there primarily to be a replacement for long-term combat duty. This administration decided early on that their agenda for the military was to shrink the size of our Active Forces. We all heard that. "We will get it down to being lean and mean, and increase reliance on contractors for support." If it were not so tragic, it would be a joke.

Now we see, in practice, the Bush long-term military plan has been a disaster. We do not have enough active troops. We are relying way too much on the Guard and Reserve. And contractors such as Halliburton have been wasting taxpayer dollars right and left.

The proof of this waste was a fine, levied against Halliburton, of $60 million at one time for overcharges for the care and feeding of our troops. We continue to hear of irresponsible behavior of contractors serving our needs in Iraq. Mismanagement of all forms has been a hallmark of Defense Department supervision.

At every turn, this President has made terrible judgments. Tomorrow we are going to hear another decision by President Bush. Why should the American people trust him to understand what he is getting us into? We heard the President say, "Bring 'em on," one of the most disingenuous statements ever made by a President. I served in Europe during World War II, and I can tell you that we never wanted to hear a Commander in Chief taunting the enemy from the comforts of the White House. Asking more of the enemy to show their faces? We didn't want to see them at all.

We saw the President's foolish display of bravado on the Aircraft Carrier *Abraham Lincoln* when he declared, "Mission accomplished." What a careless statement the President of the United States made that day, over 3½ years ago. Mission accomplished? That meant the job was finished, as far as most people were concerned. But it was not through.

While the President was performing in 2003, leaders were warning of a military crisis. General Shinseki, Army Chief of Staff, told a Senate Armed Services Committee that we would need to keep a large force in Iraq even after a war to curb ethnic tensions and provide humanitarian aid. General Shinseki, distinguished military leader, said we needed several hundred thousand troops there. His assessment was harshly dismissed quickly by the President and by Secretary Rumsfeld. The General's reality-based opinion got in the way of their ideologically based mission of a smaller Active-Duty Force.

In the aftermath of the initial invasion, President Bush has made the wrong move almost every time. Now we have walked so deep into the swamp in Iraq that just adding more guns is not going to work. This so-called surge is another bad idea—slogans, such as "cut and run" have to be matched against the reality of "stay and die."

President Bush likes to say: I do what the generals tell me to. But now we know that is not the case. The generals have been extremely candid about their view of the surge idea. They think it is wrong. Now we are hearing that the President intends to give another $1 billion to Iraqi reconstruction projects. We want to fund every cent that our troops need for their safety, for their return, for their health care, for their well-being, but sending more money down the rat hole is not going to do it. It is being diverted from programs at home, such as education, stem cell research, health care for all our people, to name a few, and the taxpayers of New Jersey do not want their money used to build another civilian project in Iraq that is going to get blown up the next day. Before we look to spend more money on civil projects in Iraq, let's get the diplomatic situation straightened out.

The American people want to see us leave Iraq with some hope for stability in our absence. That will require President Bush to use all of the diplomatic tools at his disposal to force a dramatic change of course for the Iraqi Government. The current Government in Iraq has to take real steps to disarm the Shiite militias and show the Sunnis that they will actually be empowered in the Iraqi Government. If we do not do that, we could send a million troops to Iraq tomorrow, but it would not make a difference. If the Sunnis feel the Iraqi Government has nothing to offer and Prime Minister al-Maliki doesn't stop the Shiite militias, the bloodbath will continue.

I hope the leaks about the President's plan are wrong and that he will announce tomorrow a better course, a course that will allow us to exit Iraq but with real hope of a more stable society left behind.

I conclude that with the history of planning for this war and the statements coming from the White House and the leadership of the Defense Department I ask: How can we trust their judgment with a new plan to put more people in harm's way without some idea of when this will end? It is not a good idea and we ought to get a better explanation from the President and the Defense Department as to what might the outcome be if their plan succeeds.

I yield the floor.

Mr. BYRD. Mr. President, the Oxford English Dictionary defines the word "surge"—s-u-r-g-e—as "a sudden large temporary increase." Note in particular the word "temporary." President Bush's rumored new strategy on Iraq—a surge of U.S. troops intended to quell the violence in Baghdad—is both wrongheaded and headed for failure.

As outlined, the surge envisions clearing all violent factions out of Baghdad in an effort which is to be led by Iraqi security forces. Apparently, U.S. forces will provide indiscriminate firepower in another attempt to establish democracy by brute force. This does not seem to me to be the way to win hearts and minds in Iraq.

I oppose any surge in Iraq. Only days ago, just days ago, we passed the grim milestone of 3,000 American dead in Iraq. There are few firm numbers on Iraqi lives lost, but estimates are in the tens of thousands. I am reminded of one definition of "insanity": making the same mistake over and over while continuing to expect a different result. We have surged before. Still the violence in Iraq worsens.

We are close to the beginning of the fifth year—the fifth year—of a war which should never have been started by an administration that fed the Congress and the public false information. This is an administration which has learned nothing—nothing, zilch—nothing more about the country of Iraq than it knew before it launched an unprovoked U.S. attack.

Our stated purpose for continuing to occupy Iraq is to help the Iraqi people build a stable democracy. But the difficulty of that task should have been clear before we invaded. It was clear to me. Iraq is a country that was only held together by a brutal strongman, Saddam Hussein. And without the strongman to force cohesion, it is a country with deep ethnic and religious divisions and no central loyalties. There is no tradition of constitutions or equal rights, no unifying common beliefs about individual freedoms or governing with the consent of the governed—none of that commonality of thought that reinforces governing principles in the society at large.

The al-Maliki Government would never survive on its own outside the Green Zone in Baghdad, and indeed the point of a surge is to secure only the capital. But what then? After accelerating the violence, even if we are able to lock down Baghdad, what will transpire to keep the insurgency from regrouping elsewhere, possibly fed by Iran or by Syria? How will we then establish the legitimacy of a shaky Iraqi Government?

In my view, we may be about to make a critical mistake by moving in exactly the wrong direction in Iraq. Instead of a surge, we ought to be looking at a way to begin orderly troop reduction. The folly of the surge idea is apparent. The insurrection in Iraq is a civil war. The conflict is among warring factions battling for some measure of control over the others. U.S. involvement on one side simply further energizes all the other sides. This surge will only energize them, further provoking a likely countersurge of violence. If it is a true surge—in other words, temporary—the insurrection factions will only work harder to maim and kill our troops and claim victory if we reduce forces. So, in fact, there will probably be no surge but, rather, a permanent escalation of the U.S. presence, which is simply being sold to the American public as a surge. Once again, we get obfuscation and spin from a White House that seems incapable of careful thought and analysis.

Any plan to increase troops in President Bush's new strategy is simply a plan to intensify violence, put more American troops in harm's way, risk the lives of more innocent Iraqis, engender more hatred of U.S. forces, and embroil U.S. forces deeper in a civil war.

I would like to see a clear defining—a clear defining—of our immediate challenges in Iraq; a realistic discussion about short-term achievable goals; an admission that we cannot remain in Iraq for much longer because the American public will not tolerate it; and benchmarks for beginning an orderly withdrawal conditioned on actions by the Iraqi Government.

So, Mr. President, the al-Maliki Government has been duly elected by the people of Iraq. It is time we let them take charge. Let them, Mr. President. Let them take charge. As long as we prop them up and inflame hatred, they will never have the legitimacy they need to make the political decisions that may ultimately save Iraq. In short, it is time to take the training wheels off the bike. Do you know what that means? It is time to take the training wheels off the bike.

Our blundering—and it is nothing less—our blundering has inflamed and destabilized a critical region of the world, and yet we continue to single-mindedly pursue the half-baked goal of forcing democracy on a country which is now embroiled in a civil war. Our blinders keep us from seeing the regional problems which are bubbling and which soon may boil. The real damage to the United States is not only the loss of life and the billions of dollars expended, it is also the diminution of our credibility around the world as a country with the will and the vision to lead effectively.

Serious diplomacy is clearly in order on the matters of Lebanon, the Israel-Palestinian conflict, and on Iran. Multinational talks were part of the Iraq Study Group's recommendations, but diplomacy usually ends up at the bottom of the administration's option list, and that is where it has landed again.

If the "shoot first" crowd in the White House continues to stick its chin out and believe that bullets and bombast will carry the day, soon—very soon—our ability to mediate the morass of difficulties in the Mideast and elsewhere may be permanently damaged. Pariahs do not usually carry much weight at negotiating tables. If the lesson in Iraq teaches anything, it is that military might has very great limitations. But then that is a lesson we should have learned many years ago from Vietnam—many years ago from Vietnam.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will proceed to consideration of S. 1, for debate only, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

The PRESIDING OFFICER. Under the previous order, the time until 2:15 p.m. shall be equally divided between the leaders or their designees.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I have discussed with Senator BENNETT a proposal for a unanimous consent agreement on a speaking order. I would like quickly to move it as a request for unanimous consent that I be given 15 minutes; Senator BENNETT, as ranking member, 15 minutes; Senator TESTER, 10 minutes; Senator LOTT, if he cares to come down, 10 or 15 minutes which, if it is 15, will balance with 15 on the Democratic side; Senator NELSON, 15; the next open slot for a Republican, 15 minutes; and Senator SALAZAR, 15 minutes.

I ask that at 2:15, for 15 minutes each, the majority leader be recognized, followed by the minority leader if he requests time.

Mr. President, let me vitiate that last part because we would like to have Senators LIEBERMAN and COLLINS recognized at 2:15 for 15 minutes each and then Senators REID and MCCONNELL, if they so desire. That is the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, it is an honor to take the floor today as the new chairman of the Senate Rules and Administration Committee to help lead the battle for meaningful and credible ethics reform. In the last election, the message was loud and clear: It is time to change the way business is done in the Nation's Capitol. Passage of this ethics reform package is the most direct action we can take to show the American people that tighter rules and procedures are in place and that the corrupt practices of the few will no longer be permitted. Strong criminal sanctions for these practices will henceforth be in place.

Passage of this bill will demonstrate once and for all that we care more about representing the American people than the perks of power.

I am especially pleased to be joined in this effort by my new ranking member, Senator BENNETT, with whom I look to work very closely in this new Congress. I am also pleased that Senator LIEBERMAN, the new chairman of Homeland Security and Government Affairs, and Senator COLLINS, the ranking member of that committee, have agreed to join us on the floor as comanagers of this bill.

On March 29, 2006, by a 90-to-8 vote, the Senate passed S. 2349, the Legislative Transparency and Accountability Act, which has now been introduced by the majority and minority leaders as S. 1. This legislation was a combination of separate bills reported by the Rules Committee and the Homeland Security and Governmental Affairs Committee. It came to the floor early last year, at a time when Americans were becoming increasingly concerned about corrupt and criminal practices by a group of lobbyists, administration officials, congressional staff and, yes, even Members of Congress.

Also, various questions were raised about the K Street Project, in which lobbyist firms, trade associations, and other business groups were told they would encounter a closed door in Congress unless they hired members of the then majority party.

The Senate-passed bill was a strong ethics, earmark and lobbying reform package. Unfortunately, the House voted instead to soften the provisions, lift the limits on party expenditures in general elections, and regulate 527 groups. A stalemate ensued and no conference report was returned. Now, with a new Congress under Democratic leadership, the Senate's first bill, S. 1, is essentially the same text as the Senate-passed S. 2349.

I believe one message that was very clear in the last election was the need for Congress to immediately take steps to restore the public's trust. I would like to briefly outline the major provisions of the base bill and then follow up with some discussion about the improvements that are being considered in a bipartisan leadership substitute.

This is now the base bill. It prohibits gifts and travel paid for by lobbyists. Section 106 bans all gifts and meals from lobbyists. Section 107(a) bans travel paid for by lobbyists or in which lobbyists participate. Section 107(b) requires full disclosure of travel by Members or their staffs on noncommercial airplanes. It closes the revolving door. Section 241 extends the existing lobbying ban for former Members and senior executive branch personnel from 1 to 2 years. That is a consequential change. Sections 108 and 241 toughen the existing lobbying ban for senior staff—those making 75 percent of a Member's salary or more—by prohibiting them from lobbying anyone in the Senate, not just their former boss or committee, as is presently required.

Section 109 requires public disclosure by Members of any negotiations for private sector employment.

Section 105 strips floor privileges from former Members who become registered lobbyists so that no former Senator can come to the Senate floor to lobby.

Section 110 bars immediate family members from lobbying a Member or his or her office, though they could still lobby other offices.

Section 103 requires that a sponsor of an earmark be identified with the additional spending requests in the earmark on all bills, amendments, and conference reports.

Section 104 requires conference reports, including the sponsors of earmarks in these reports, be posted on the Internet at least 48 hours before a vote unless the Senate determines by a majority vote that it is urgent to proceed to the legislation. So there is a hiatus in which names of sponsors will be published on the Internet for at least 48 hours.

Section 102 subjects any out-of-scope matter added by a conference report to a 60-vote point of order. What does "out of scope" mean? It means a matter not approved by either body of the Congress. If you have a matter not approved by either body, and you want to bring it up in a conference report, you would have to withstand the test of a 60-vote point of order if a Member saw fit to bring that point of order. The Parliamentarian tells me that would not include earmarks added in conference which were not approved by the House or Senate. Members should know that. Earmarks are not included, just out-of-scope issues. We might want to take that into consideration.

As I have said before, I strongly believe such earmarks which have been added without being voted on by the subcommittee, committee, House or Senate, should be subject to a 60-vote point of order. I am interested in working with any colleagues on this matter.

The provision at issue was based on a stand-alone bill I introduced with Senator LOTT last year, but it was changed as it moved forward. Even though it may not include earmarks, it is an important provision which will go a long way toward stopping controversial provisions often added in the dark of night.

Transparency in the Senate: Section 111 makes the K Street project—that is, partisan efforts to influence private sector hiring—a violation of Senate rules.

Section 232 requires ethics training for members of staff.

Section 234 requires the Ethics Committee to issue annual reports on its activity—not to name names but to give the public a better idea about how active the committee has been.

Section 114 of the bill requires Senators to identify holds they place on legislation. This is an important improvement. All too often, important legislation has been blocked by an anonymous hold, and nobody knows who it is. Here, one person can stop a bill that has been dutifully passed out of the committee and passed by the Senate. This measure does not prevent such holds but requires that the Senator doing this file a public report in the CONGRESSIONAL RECORD within 3 days.

My colleagues from the Homeland Security and Government Affairs Committee will have much to say about the lobbyist disclosure provisions because they fall within the jurisdiction of their committee.

Let me go into a few major provisions under discussion that would likely come with a substitute amendment. The first is sporting and entertainment events. The substitute requires the proper and full valuation of tickets to sporting and entertainment events. No more cut-rate tickets to combat the below-market prices being charged Members and staff as a way of getting around the gift ban. It would close the revolving door. The substitute prohibits Members from negotiating for private sector employment that involves lobbying activity while still holding office. Senior staff would have to inform the Ethics Committee if they enter into negotiations for private sector employment.

The substitute will also have a repeal on the current exception to the revolving door lobbying ban for Federal staffers hired by Indian tribes, something my office has worked on with Senator REID.

Now, earmarks. Over the last 12 years, the number of earmarks have tripled to 16,000, worth $64 billion a year. The process has clearly gotten out of control. An important first step is disclosure. The substitute provides much more vigorous transparency. In the bill approved by the Senate last March, an earmark is defined as "a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of that assistance." The term "assistance" means budget authority, contract authority, loan authority, and other expenditures and tax expenditures or other revenue items.

In the substitute, earmarks will be defined much more broadly to include not only non-Federal entities but any provision that benefits only one non-Federal entity even though the original funding is routed through a Federal agency. This is meant to get at the kind of earmarks notoriously offered by former Representative Cunningham that effectively directed funds to a non-Federal entity but did not directly name the entity.

We will also include targeted tax benefits and targeted tariff benefits in the definition of earmarks.

Another section is a provision sponsored by Senators CONRAD and GREGG, chairman and ranking member of the Committee on the Budget. This amendment requires a Congressional Budget Office score for all conference reports before they are considered by the Senate. In emergencies, this could be waived by 60 votes.

The substitute will express the sense of the Senate on fair and open conference committee procedures. What that means is for the majority party not to exclude the minority party from the conference. We Democrats know what this is like. We would like to end that and have conferences open for the free discussion of Members of both political parties. This is a sensible provision. We should put an end to the practice that existed in this last Congress.

There will also be a ban on dead-of-night additions to conference reports after they have already been signed by Members. I actually couldn't believe this went on, but it does, and we should end it.

There are two important areas on which no agreement has been reached. Our majority leader had proposed broadening gift reform in S. 1 to prohibit gifts not only from lobbyists but also from organizations that employ or retain lobbyists, which makes sense. He had proposed broadening the travel provisions of S. 1 to prohibit travel paid for not only by lobbyists but also by organizations that employ or retain lobbyists and prohibit lobbyists' involvement in that travel. I also think that makes sense.

The minority leadership did not agree on the two proposals, so I now expect to see our majority leader offer an amendment on this separately. I will be pleased to support it.

In conclusion, a USA Today Gallup Poll last month said that only 15 percent of those polled gave our House high marks for honesty. That was down from 25 percent in 2001 when Members got their best score since 1976. When one looks at the scandals that were exposed last year, that is not surprising. The ties between lobbyists and lawmakers must be broken. Yes, the public has a constitutional right to petition Congress, but that right should not be limited to those who seek any special access.

The 2006 election saw the largest congressional shift since 1994. Even with the war on Iraq on voters' minds, polls showed Americans more concerned about ethics in government. The stakes are high. It is imperative we act. We have a vehicle to do so before the Senate. I hope we will.

I yield to the distinguished ranking member.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the chairman of the Rules Committee for her careful and cogent explanation of what is in the bill. I am happy to be an original cosponsor of S. 1. I will be a cosponsor of the substitute that will be provided under her leadership along with Senator REID and Senator MCCONNELL.

I agree with her and with most others that we need to move ahead on this issue. We need to let the American people know we are paying attention to the ethics questions as they relate to lobbying and to our own internal activities.

Her discussion of earmarks has very little to do with the way lobbyists operate but with the way the Congress operates. Lobbyists react to what we do. They are paid to pay attention to what we do and then shift and adjust their activities to match what is going on in the Congress. Many of the problems we have seen arise in the last dozen years have come from changes within Congress, changes in procedures—not formal changes but evolutionary changes—that have come along as Congress has reacted to the pressures we face.

My first experience in this town was as a teenager, as an intern. I suppose there is something wrong with me because I was enough of a political junky that I used to sit in the gallery at night when I could have gone home and listen to the debate in the Senate. I would amuse myself in the daytime by reading the CONGRESSIONAL RECORD. I am not sure how many people would do that today.

In those days, debate in the Senate was real debate. Senators would come to the Senate, go back and forth with each other. Things were different. The way things moved through committees was different. It was a much more leisurely and orderly process.

I have seen, in the 14 years I have been in the Senate, the process speed up to the point that even the kind of cursory examination we would give to legislation 14 years ago has gone by the boards.

I have been part of the process of creating the omnibus appropriations bill, which is probably the worst possible way to legislate. Yet under the pressures we found ourselves confronted with it was the only way to get appropriations bills completed.

I have watched as the authorizing process has gradually but inexorably broken down as authorizers now come to appropriators and say: We can't get this through our committee for a variety of reasons. Would you add it to the appropriations bill? The appropriations bill is picked because it is the only bill that has to pass. We have to fund the Government.

I remember a Congress when Secretary Babbitt had a vital problem relating to his department and to my State. We talked it through. Then he said: Senator, see if you can get it on the CR, the continuing resolution. There was no opportunity for passage of that particular item. Here is a Cabinet officer, representing President Clinton, talking to a Republican Senator, representing the people of Utah, and the advice is: See if you can put it on the CR.

Obviously, the process of orderly authorization, oversight, examination, and then appropriations which is laid down in our rules has broken down under the pressure. It was in that crucible where people such as Duke Cunningham would step forward and say: We are going to take advantage of this broken process to our own personal advantage.

Now, understand, Duke Cunningham is in jail. Understand, Jack Abramoff, the lobbyist who saw the opportunity of exploiting this breakdown, is in jail. The laws, the rules, the ethics that currently exist, gave rise in this present circumstance to a comment someone made. He said: You folks in the Congress are the only people I know who, when someone breaks the rules, decide the thing to do is to change the rules.

There is some sense that perhaps we are overreacting to the scandals of Abramoff and Cunningham. I do not believe that S. 1 is an overreaction, nor do I believe is the substitute offered by Senators REID and MCCONNELL, of which I and I am assuming the chairman of the committee are original cosponsors. But as the debate goes forward, there might be a temptation to overreact in some of the amendments that will be offered to this bill and to the substitute. So I want to make a few points about the whole process of lobbying.

Again, a little personal history: Back in the 1960s, I was a lobbyist. I have said my timing was terrible because when I went to work as a lobbyist, lobbyists were not paid as much as Members. Today it seems to be the other way around.

I remember belonging to a group that very creatively called itself the Breakfast Group because we met for breakfast once a month. It consisted of all of the lobbyists of Fortune 500 companies in Washington at the time. We would meet at the Chamber of Commerce where the staffer from the Chamber of Commerce would brief us on their attitudes toward our issues. He left the chamber to set up an office for a Fortune 500 company and wanted to join the group as one of our members. We voted him in, and then we voted the membership closed because we said if we get too many more, it will be too big. There were 20 members. There were 20 people who were representatives of Fortune 500 companies at the time.

Mr. President, this is an old document I hold in my hand from 2000, so it is 6 years old. It includes the names of all of the lobbyists who are currently in Washington. That little group of 20 has grown somewhat in the 40 years from then till now. But as you look through this list, one thing becomes clear that I think a lot of people do not understand with respect to the legislation we are considering. By virtue of all of the people who have now entered this kind of activity, virtually every single American is represented by a lobbyist. Every single American has someone lobbying in behalf of his or her interests, whether he or she knows it or not.

I just dipped into this document, turned open some pages, at complete random, to see who are the lobbyists and what are they here for. Here on page 473, we have the Legal Action Center for the City of New York: A not-for-profit law and policy organization fighting discrimination against people with substance abuse problems, people with HIV/AIDS, and people with criminal records. So people who have substance abuse problems, HIV/AIDS, and criminal records have a lobbyist.

Here is the Learning Disabilities Association. Here is the Lawyers Alliance for World Security: A national, non-partisan membership organization of legal professionals dedicated to stopping unrestrained weapons proliferation and bringing the rule of law to the newly independent nations of the former Soviet Union. So if you are against nuclear proliferation, you have a lobbyist.

The League of Conservation Voters: A national, non-partisan arm of the environmental movement, works to elect pro-environmental candidates to Congress, publishes annual ratings of Congress, and so on.

OK. Flipping ahead, we have the National Association of Schools of Dance: Accreditation of post-secondary educational programs in dance—they have a lobbyist—along with the National Association of State Units on Aging: A national, non-profit public-interest organization dedicated to providing general and specialized information, technical assistance, and professional development support to State units on aging.

And I went a little deeper away from national associations. We have, on page 636 the Solar Energy Research and Education Foundation: An educational organization developing a museum in Washington featuring interactive CD-ROM-based computer technology. And next to that is the Solid Waste Agency of Northern Cook County and across the page, the Office of the Attorney General of the State of South Dakota.

Every American is represented in one form or another by a lobbyist. So we must be careful as we deal with the perception that comes out of perhaps televisionland that all lobbyists are corrupt, all lobbyists operate with shady activities, with under-the-table money.

If we decide that is, in fact, what we are dealing with and clamp down in such a way so hard as to get in the way of the National Association of Schools of Dance, we will do damage to the constitutional right—right there in the first amendment, next to freedom of religion and freedom of speech—the constitutional right to lobby. They did not call it that in the 18th century. They said the right to petition the Government for redress of your grievances because the Capitol had not been built and a lobby had not been created. But the word came out of people exercising their rights. We must respect that. We must recognize we have to do this very carefully. And we must recognize that internal reform, disclosure of earmarks, activities with respect to conference reports, cleaning up our own act of how we handle legislation is an important part of seeing to it that the process is proper.

As I said at the outset, I do not believe S. 1 is an overreaction. I do not believe the amendment in the nature of a substitute is an overreaction. I am happy to be an original cosponsor of both. And I salute the majority leader in his determination to start out with this issue because it is an issue on which we can reach broad bipartisan agreement. It is an issue that can send the message to the voters that, yes, we recognize that, however it has evolved, the rules do need to be changed. Even though the people who broke the old rules were caught under the old rules, convicted under the old rules, and sent to prison under the old rules, we need to be looking ahead and recognize that in a world where virtually everyone is involved, in one way or another, we need to do this right.

So I am happy to be a part of this debate, and I appreciate the leadership we are receiving from the majority leader and from the chairman of the committee.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished ranking member for his excellent comments, and I have learned something about his life which I found very interesting. I did not know he had started his distinguished career as a lobbyist, and I clearly saw the growth of that institution in the book the Senator held up. I thank the Senator very much for his comments. I look forward to working with him in the committee.

Mr. President, I would like to ask all Members, beginning this afternoon, to please come and file your amendments. We are eager to have them. In the unanimous consent agreement, the Senator from Montana is next, Mr. TESTER. However, I do not see him on the Senate floor. So let me say this: The way we will run this is by doing a unanimous consent agreement and trying to line up speakers, if that is agreeable with the ranking member. If people are not here, they will lose their place in line.

Mr. President, I ask the Senator, is that agreeable to the ranking member?

Mr. BENNETT. Yes, Mr. President, that will be agreeable to me, with the understanding that if the Senator does show up, then they will go in the queue wherever they can fit.

Mrs. FEINSTEIN. That is correct.

I see the Senator from Montana just emerging for his first appearance before this body, and he is therefore recognized for—I have 10 minutes down.

I ask the Senator, would you require 10 minutes or 15 minutes because we will give the same amount to the distinguished Senator LOTT?

Mr. TESTER. Mr. President, I say to Senator FEINSTEIN, 10 minutes will be more than adequate.

Mrs. FEINSTEIN. Fine. Mr. President, I yield 10 minutes of time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 10 minutes.

Mr. TESTER. Thank you, Mr. President.

It is a great honor for me to be before you today in this Chamber as a Senator representing the great State of Montana.

It is the genius of American democracy that a third-generation family farmer from Big Sandy, MT, can serve in the world's greatest deliberative body. We have a great opportunity with great responsibility. Americans are not enamored by ideology or political party. I ran for the U.S. Senate because I wanted to make Government work for the American people once again.

Montanans stood by me to demand change. We are here today because the American people want their Government to work. Today, we can show the American people that their Government does work by enacting genuine ethics reform, to ensure a Government that is transparent and open.

As I met with the folks across the State of Montana, I heard over and over again about the loss of faith in our Government and our elected officials. Scandals and questionable behavior have brought a shadow over this institution. But today the Sun is rising again.

The leadership of Senator REID and the addition of the Feingold-Obama ethics reforms are a giant step forward in restoring the public's faith in their Government and public officials. The "for sale" sign on Congress will be taken down, and the pay-to-play practices of past Members will finally come to an end. These bills shine a spotlight on how Members operate in Washington to ensure that the people's business rather than the special interests' business is being done.

In Montana, we believe in working together with our neighbors to find solutions to our problems. And in our Nation, the American people are looking for all of us to represent them, the people, those hard-working families trying to make ends meet.

The best way to work for the American people is to ensure that they cannot only see what is happening in their

Government but that they can take part in their Government. It is time for transparency, time for working families, small businesses and family farmers and ranchers to not only be heard but to be represented and empowered in this body and in the Halls of our Nation's Capitol.

No more currying favor with Members of Congress and staff by high-powered lobbyists through free court-side tickets or all-expense-paid travel to exotic destinations. No more slipping in special interest provisions in bills already signed, sealed, and all but delivered. No more floor privileges and Member gym privileges for former Members lobbying on behalf of their clients. No more so-called K Street projects in which Members force lobbying firms to hire staffers from a certain party or lose the Member's support for their clients' projects.

Montanans and Americans simply deserve better from their Government and elected representatives. Montanans and Americans deserve a government that is working hard for their interests, not the big-moneyed special interests. All of these special privileges and activities get in the way of making real changes that will improve the lives of hard-working and honest American and Montana families.

I want to do the job the people of Montana have hired me to do, and this ethics package gives me the tools to do just that. I am proud and honored to join with my colleagues in support of change that will bring sunshine to the process of government and allow for transparency.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I am pleased to rise again, for the second year in a row, in support of the Legislative Transparency and Accountability Act of 2007. It was my pleasure, last year, as the chairman of the Rules Committee, to work with my colleague on the Democratic side of the aisle, CHRIS DODD, and in fact, the entire committee in a bipartisan way to produce this legislation from the Rules Committee.

Then we brought it to the floor. We had an open process. We had lots of amendments offered. At some point it was the will of the Senate we bring debate it to a close, and we produced legislation because there is a need for ethics and lobby reform. I have been an aggressive supporter of many of the provisions that have been already mentioned today and that are included in this bill.

So I want to make it clear that last year the Senate passed this legislation, with significant improvements or changes in the law with regard to the rules of the Senate, ethics, and lobbying reform, and moved it into the process of being in conference with the House. Unfortunately, it was not concluded.

I do have a long history in this area, going back to when I was in the House in the 1970s, and when we passed some gift reform in the 1980s. And here we are again. I don't back away from having in the past supported some changes. And having done it last year and again this year, I think we should move forward in this area. But I must say, I am delighted to yield the leadership role on this issue to the distinguished Senator from California, Mrs. FEINSTEIN. She is now the incoming chairman of the Committee on Rules managing this legislation in place of CHRIS DODD of Connecticut who did such a good job last year, and my colleague from the great State of Utah, Senator BENNETT. These two people will work together. They will do a credible job. They will aggressively support responsible changes in the ethics rules and lobbying laws of this country. However, I believe they will have the courage to say to us sometimes: Wait a minute, what does this mean? What are we doing to ourselves, the institution, and the job we do?

I have been in Congress 34 years. I know when changes need to be made. I also know sometimes when we are about to put a gun to our head and pull the trigger. Let's do this in a responsible, nonpartisan way that is good for the institution and good for America. But, please, let's not turn it into feckless positioning to make it look good when, in fact, the result could be very counterproductive. I hope we will not do that. I don't question anybody's motives. We all have perspectives we have to think about.

Take, for instance, the issue of earmarks. We all have views on that. In some areas it is called pork. I have said many times that earmarks are pork when they are north of Memphis, TN.

I am from one of the poorest States in the Nation. I am not going to give up the right, the opportunity to get some help for some of the poorest people in America when the bureaucracy won't do it.

I have a little old town in Mississippi, Tchula, MS, with an African-American woman, Republican mayor, where they have to haul water to their houses for drinking. That is in America today. It is unbelievable that in 2006, you have people who don't have safe drinking water in this country. We passed the safe drinking water legislation in 1996. Yet it still doesn't seem to filter down to the poorest of the poor sometimes. I tried for years to get HUD to help this little town that sits in a saucer that floods every year.

I said: Please help us move these people onto higher ground, get them out of their snake-infested, annually flooded houses; help us get them water and sewers; help us get them decent housing; help us get them a community center, a police station. Just help them.

I never got a nickel. So my colleague Senator COCHRAN and I started earmarking funds for this little town. It wasn't big. It was a relatively small amount of money. But if we cannot, as Senators or Congressmen from a district or a State, whether it is Montana, Minnesota or Mississippi, step up sometimes where legislation has not done the job, or where the bureaucracy has not done its job, and fix the problem, then we are not fulfilling our Constitutional obligations to the citizens of our states. Sometimes I know more about the need for a transportation project than some bureaucrat at the Department of Transportation. I am not going to give up what I consider a Constitutional right, and that is the right to shape how federal money is spent.

However, has earmarking gotten out of control? Yes. Has it been growing like topsy over the years under Democrats and Republican? Yes.

Some people say: You shouldn't get an appropriation unless it has been authorized. Do you know why we started getting appropriations for projects that weren't authorized? Because we quit authorizing. The Senate got in a situation in recent years—and it goes back to both Republicans and Democrats; we share the blame on this—where we quit getting bills done. How many bills lie dormant at this desk because there is a hold by a fellow Republican or a Democrat against a fellow Democrat? If you wait until you get authorization, such as a water resources bill, before you get the appropriation, you may never get it. That forced a lot of what has happened.

I am a firm believer in sunshine. Disclose it. That is the best antiseptic. I am not ashamed of what I do. If I am going to be embarrassed if it is made public, I won't do it. Of course, there is one danger. The more we publicize what we are doing, there may be more and more pressure on us to do more. Somebody is going to have to explain on the Appropriations Committee why Senator X gets an earmark and Senator Y doesn't. So we may be, again, creating growth in this process. But I think we should disclose it. I don't have any problem with identifying earmarks, explanations of earmarks. There is no amount of disclosure you can come up with that I wouldn't think is OK.

I also—and Senator FEINSTEIN knows this—have developed a real concern about what has been going on now and growing for a number of years where things are added in conference at the last minute that were not considered by, or included in, either the House or the Senate bill. That unnerves me. By the way, it is not just appropriations; it is authorizations, and it is tax bills.

The one incident that alarmed me actually involved a tax bill. Because if you are a conferee in the last minute of conference some night at 10 o'clock and you can change a phrase in a tax bill that can mean billions for a particular sector of the economy, that is very dangerous. But it happens.

I know it is difficult to write exact language to deal with the problem of last minute inserts in conference reports. I drafted such language that I believe will be workable. I welcome these new leaders of the Rules Committee and recommend they review closely the language I have drafted that addresses this issue and I believe will not create a tremendous problem for the leadership.

HARRY REID is going to be standing here one day trying to wrap up a session on a major bill and if we create point of order authority on anything that is added in conference without some limits on it, he could be hit with a series of points of order, one after the other after the other. Then how do you complete the conference report? The leadership has to worry about that on both sides of the aisle.

I think we could do more on these earmarks. My colleague from Mississippi Senator COCHRAN has been chairman of Appropriations, as well as the ranking member. I am going to make sure I work closely with him on how we do this. But we need to do more.

I believe this legislation we have before us is a good effort. Some people say it is not good enough. Look, if we start trying to satisfy certain media people, certain ethics groups, there is no limit. We will all be living in robes in the Russell courtyard with no access to the outside. So we can't do that. But let's do all we can. Let's do some things that will improve the way we do business. I think this legislation does this. It is bipartisan in introduction. I understand a substitute will be offered later this afternoon that will maybe move the ball forward some more. I am not sure exactly what all that would be, but what I have looked at, I don't see major problems there. I do think how you deal with the defining earmarks and how you disclose sponsorship is important but more delicate than some may think.

With regard to gifts, we ought to get over that. We should not be having gifts from lobbyists. We shouldn't be having meals paid for by lobbyists. Some of you have heard me say this, anyway. If I never have to have another meal at night with, frankly, anybody, the happier I will be. But I am so offended that somebody says for the price of a meal, I can be had by a lobbyist or anybody else. People wouldn't elect me Senator from Mississippi if they thought I could be had for a meal. Plus the meals you have up here are not any good, anyway. You can't get blackeyed peas up here. You can't get really good, properly prepared catfish up here. It is outrageous. So my point is, I am insulted by the accusation. Get rid of the gifts and meals and get that perception off the table. You are not giving up much, anyway. I would rather go home and have dinner with my wife. That is what more of us ought to do.

By the way, I hope under the present leadership we will have a little more time at night with our families. I have this unique idea about my job. I think you should work during the day, and I think you should go home at night. I hope we will not be nocturnal. I am glad to see Senator REID saying he is going to hold the votes to 20 minutes. I am glad we are going to be working on Mondays and Fridays. When I had a little bit to say about that, we did that. We voted on Mondays and Fridays. I would rather work during the day and do the responsible thing and go home and be with my family at night.

With regard to third-party-funded travel, again, I think we need to have a lot more disclosure. I think you ought to have detailed trip identification or itinerary, and a listing of who was on the trip. I do think we need to be careful. Are we going to totally ground ourselves around here? There are constitutional questions we have to consider. We do have to get places within our own States. I do think we should be aware that if you represent Maryland—maybe Senator BENNETT made this point—if you represent a State that is relatively small, you can get where you need to be in an hour in a car. But if you represent Alaska or California, you can't get there. Even my State, when I go from the Mississippi gulf coast devastated by the hurricane to north Mississippi to that great center of learning at Oxford, the University of Mississippi, it is 346 miles. That is not even the end of the State. You can't get everywhere you need to be with just automobile transportation. Should you have to report it? Should there be a limit on how you do that? Absolutely. But let's be careful about making it impossible for us to do our jobs here as men and women of the Senate.

With regard to some of the other rules included in this bill, floor privileges for former Members where the possibility, perception may be that a former Member is here lobbying on a bill, you can't have that, no. At the same time, we shouldn't prohibit former Members on the day we are sworn in, as we had this past week, from coming on to the floor and participating in that celebratory ceremony. Again, let's use some common sense. Don't prohibit them en bloc. Allow former Members to come on certain occasions, but don't allow them to come when we are legislating, certainly, if they are lobbying.

Another issue deals with job negotiations by sitting Senators. Again, we ought to have disclosure. If you are negotiating for private employment, you should disclose that. That's what this bill does.

In conclusion, I think we have a good base bill. It sounds as though the substitute may be OK. I am sure there are going to be some amendments that we should think about very carefully. Let's be careful about pompous pontificating or questioning other people's motives. Let's be careful that when we do something, we can actually enforce it. Let's think it through. I think we can do that. I think the way it has been brought up is fine.

I am very concerned about the idea of an outside office of public integrity and how that could be used unfairly in a political season. Some people say: Well, don't worry about that. Well, you have to. Because we could do it to each other. You would hope that we wouldn't; I wouldn't do it to the Senator from Florida and he wouldn't do it to me. But it has been done. Going way back to my years in the House, I was on the franking commission. We had a process to file complaints with the franking commission if a Member of the House misused the frank. It was interesting, right before the election, how many extra complaints about abuse of the frank showed up before that commission. It became a political issue that was used to beat up a Member who quite often wasn't even guilty of anything wrong. But the damage was done. It was in the media.

Mr. President, we can and should pass a reform bill. I said that last year. It is the right thing to do. But I hope that we will use common sense. Let's not turn ourselves into something where we can't even do the job. Let's not inadvertently make criminals out of ourselves and our staffs. I am not saying there haven't been problems and that there won't be in the future. We are all human beings, and we are capable of making mistakes. But we can do a better job. I think it is time we do that.

I want to make it clear that as far as I am concerned, this is going to be a bipartisan effort.

This is not partisan. The mistakes made over the years that I have seen since I have been in Washington have been made on both sides of the aisle. We can do a better job of putting things into place where we are less likely to make a mistake. I wish the very best to the Chairlady and the ranking member. I think they can do a good job, and I think we can do something good for the institution, and we will restore a modicum of faith in us from the American people.

Mr. NELSON of Florida. Will the Senator yield for an observation?

Mr. LOTT. I think my time has expired. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I am glad to yield to the Senator from Florida.

Mr. NELSON of Florida. I wish to say this to my colleague in response to his excellent comments about the tendency of some folks to pontificate around here. It called to mind for this Senator the old adage that "I would rather see a sermon than hear one any day." That might be a lesson for all of us in public office to remember.

Mr. LOTT. Mr. President, it is a very good adage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. NELSON of Florida. Mr. President, I am not going to take that amount of time. I do want to go back to the basic underlying problem that finally is bringing us to the point that we are going to get a bill passed here and one in the House of Representatives, and we are going to get a compromise hammered out in a conference committee and get a product which we will send to the President for his signature.

It basically has boiled down to the fact that we have had vote buying and earmark buying. That is inimical to the interests of this country and the way that we operate in a system of justice. It is inimical to the interest of a democracy, in representing the people, and when the people see this, they say: Enough; we want a change. We tried to do this in the last Congress. There was a bill passed here and there was a bill passed on the other side of the Capitol, but for all the various personal reasons and special interests, we could not get anything moving and get a final agreement.

Now, what does this come out of? It comes out of a basic human failing called pride. Pride, by the way, in the Good Book, is mentioned as one of the greatest sins. Pride can be described in many other ways. It can be arrogance, obstinance or it can be an "it is my way or the highway" attitude. It can be quite destructive. As this observer of the National Aeronautics and Space Administration would clearly note, it was arrogance in the NASA management that brought down two space shuttles—one in 1986 because the NASA management wasn't listening to what the engineers on the line were saying. The communication—in other words, due to arrogance and pride—was going one way, from the top to the bottom, not from the bottom up. That caused the destruction in January of 1986 of the space shuttle Challenger. And 18 years later, the very same thing happened again to NASA. The space shuttle Columbia was destroyed for a different technical reason than 18 years previously, but the same reason occurred, which was the arrogance of power and pride that had set in. The same thing happened. Communication was from the top down, but they weren't listening to the engineers on the line who were telling them that that thermal protection foam on the external tank was shedding in the launch of each of those space shuttles.

So we say that same thing—pride, arrogance, the abuse of power. Remember the British politician who said, "Power corrupts and absolute power corrupts absolutely." Indeed, that is what we see. It is not applicable to one side of the aisle or the other. This has happened throughout the history of this great democracy, over two centuries. So what happens is that, ultimately, the people will say: Enough, and we want change. Then we will try to respond to the change. We remember the reaction that occurred in this country in 1974 in the election as a result of the arrogance of power that had been in the White House that we know as the Watergate scandal. And then we know about in the decade of the 1980s, where the Democrats had been in power for decades, and then there was one thing after another that was happening. In the election of 1994, people were tired of the arrogance that was being displayed. Now we are on a shorter cycle—here, in a 12-year period, from 1994 to 2006, and people were saying: I don't like this vote buying, this earmark buying, where somebody gets a special appropriation because they happen to be getting special gifts of lodging and trips and gifts and antiques and meals, and so forth and so on. And, of course, that is the celebrated case of MGM and Mitchell Wade and all of that fallout, and you hear the revelations coming out of another lobbyist, Jack Abramoff, and the resignation of another major figure in the House of Representatives. It all goes back to this arrogance of power.

Since we all have "feet of clay," what is the best way we can try to avoid that temptation of arrogance of power? The temptation is going to be there. First of all, it has to be right there in your heart. Check your own self as a public servant. But the next thing we can do is something that we are attempting to do in this legislation. You get everything out into the open, so that you know that there is always the fourth estate, the press, looking over your shoulder. That makes it easier for them to find out what the facts are. Thus, the earmarks have to be completely transparent if, indeed, there are going to be any earmarks, which is another question we will address on down the line.

Get it out into the sunshine. We have a tradition of that in Florida from way back in the 1960s, enacting the sunshine law. State Senator J. Emory Cross, from Gainesville, FL, a place in celebration right now as a result of the national championship—Senator Cross, who was an old country lawyer and a State senator, said there has to be a different way. That was in the 1960s. They passed Florida's sunshine law which said that a government body meeting to discuss public business had to be in the public. All of that doesn't occur here all of the time—a lot of it by necessity because of national security, and so forth. But the most we can do is get things out into the open, in the full glare of the spotlight, so that people can evaluate that what we are and what we are not doing is to strengthen this democracy. That is what we have to do.

I think this legislation is a step in the right direction. It is going to try to get at these lobbyist-financed meals, gifts, and travel. It is clearly going to require more transparency. Our democratic Government is viewed as a model in countries throughout the world. I just spent 2 weeks in the Middle East and Central Asia. They do business a lot differently. Payoffs, and so forth, are a standard practice in a lot of those parts of the world. We do it differently here. Perhaps that is another reason why this constitutional democracy has survived and, indeed, thrived for well over two centuries. The Founding Fathers established a government that was designed to put a check on power and represent the interests of all Americans, regardless of their station in life.

So as we grapple with this issue of trying to put an influence on those who articulate a special interest, a narrowly defined interest, instead of an interest for what is referred to as the common wheel, the common good, then that is very much vital to restoring the balance of power in the functioning of our Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 15 minutes.

Mr. SALAZAR. Mr. President, first, let me praise our great majority leader and Senator McCONNELL, the minority leader, for bringing us together for a good start to the 110th Congress. The idea of a joint caucus, both parties coming together to send a signal that we were going to work together in the 110th Congress as we begin, was a very good step. I believe Senator REID said we are now entering a season of hope and that we can move forward with hope for positive results in the 110th Congress. Senator McCONNELL talked about how a government, even though it may be divided by the two parties and the executive branch, can be the kind of government that can bring about good results for the people of America. That was a very good statement as well. Citing what happened in the 1981 Reagan Social Security revision, that was an example of how a divided Government could get a result, as well as his speaking about the 1996 welfare-to-work reform. That was another good example of how we can get things done.

I hope this Congress, in fact, gets to be known as the Congress that did, in fact, produce results for the American people and that we can work together to bring about those results.

Today, as we begin the consideration of S. 1, it is one of those efforts in which we together are attempting to show results to the American people to restore the confidence of the American people in the institutions that belong to them.

It is no coincidence that this is the first bill to come before this new Senate. This bill lays a foundation for everything that we hope to do in the months and years ahead. It does so by addressing three fundamental needs.

First, it addresses the need to restore the people's faith in their Government. Indeed, in the wake of the Jack Abramoff scandal, the conviction of former Congressman Duke Cunningham, and the various other allegations and investigations that have created this problem in Washington, DC, it is clear that the American people have lost faith in their Government.

In case we didn't know it beforehand, that message was sent loudly and clearly by the voters in the November elections. With this bill, we have the opportunity to restore that lost faith without which we cannot effectively conduct the business of the people of America.

Second, this bill also addresses the need to bring greater transparency to the Government of America. As Justice Brandeis said a long time ago:

> Sunshine is said to be the best of disinfectants.

These words have particular resonance with the American people as we look to end today the practice of holding one-party conference committees; of placing strange and anonymous holds, not knowing where they come from, on legislation and nominations just because someone wants to prevent progress from taking place; and slipping provisions into conference reports that were not passed by either Chamber, some of these provisions being slipped into the conference reports in the dead of night. With this bill, we look to replace these secretive practices with a more open and transparent Congress for the American people.

Third, we also need to take on the influence of special interests and to curb those influences of special interests on the Government of America.

When the American people see a revolving door between Congress and the K Street lobbying firms, when they see Members of Congress and staff treated to gifts and travel paid by lobbyists, when they see legislation changed at the behest of a special interest, they understandably roll their eyes. With this bill, we look to curb the influence of special interests in favor of the people's interest because all of us were elected to represent the people first.

This bill is not a perfect bill, and we will work this week to refine and improve the bill. For example, I would like to see the denial of Federal pensions to Members of Congress who are convicted of certain crimes. I am proud to support an amendment with Senator JOHN KERRY which would do just that in this legislation. The likes of former Congressman Duke Cunningham and the bribery that occurred in that particular case should be the grounds for the denial of pensions to Federal Congressmen and Congresswomen.

I would also like to see greater transparency in the committee process, and I will offer an amendment on that issue later this week.

I also believe it is important to note that this bill touches on ethics in the executive branch. We know there has been so much focus in the public debate on how this deals only with the legislative branch of Government, but, in fact, this legislation will also end up creating a new program of Government independence and integrity in the executive branch.

It will do so by extending the revolving door for very senior executive branch employees from 1 to 2 years and by expressing the sense of the Senate that any applicable restrictions on congressional branch employees should also apply to the executive and judicial branches of Government.

We need to make sure that every branch of Government has strong ethics rules. I look forward to working with my colleagues to accomplish that goal in the coming months. It is my hope that the relevant committees address these issues in the near future.

Let me make a comment about this issue.

The fact is, the House of Representatives is dealing with ethics as their first issue, and the Senate is dealing with ethics as our first issue. We are taking a very important step in the right direction, but at the end of the day, it is the loss of confidence of the people of America in their Government in Washington as a whole that we need to take a look at, and the issues we deal with here are only focused largely on the legislative branch of Government, but there are also a whole host of issues in the executive branch of Government that should require us to take a hard look at what it is that all of our Government officials are doing.

At the end of the day, our goal should be to try to make sure the integrity of Government extends to all aspects of the Government and that the confidence of the people we all represent extends to a confidence in all of our Government. The only way we can do that is to make sure we have the highest ethical standards that apply to the Congress as well as to the White House and to the executive branch of Government.

It is my sincere hope that the committees of jurisdiction, including the Committee on Governmental Affairs and Homeland Security and other committees that will look at this issue, will also help us bring about that kind of cultivation with respect to how we look at integrity in Government.

It isn't enough for us to clean out only a part of the barn in Washington, DC. I am a rancher and a farmer in terms of my upbringing. When you go in, you clean out the whole barn. Our effort is to clean up Washington, DC, and, if it is a committed effort on the part of both Democrats and Republicans, we need to make sure we are cleaning out the whole barn.

Finally, it is important to make sure that we all recognize this bill is moving us forward in the right direction in a number of ways. It bans all gifts, and it bans meals and travel paid for by lobbyists. That is a ban that did not exist before this context. It is an important step in the right direction.

Second, it requires public disclosure within 3 days of any hold placed on a nomination or on legislation. During the 109th Congress, Democrats and Republicans who were part of legislation we were trying to get through could not find out who was putting holds on legislation. That is not the way to do business. If a Senator has a problem with a bill, if they want to put a hold on a bill, they ought to tell their colleagues what it is they have a problem with, what is the substantive issue that causes that Senator a concern that requires him or her to put a hold on a bill.

This is a very important procedural positive step forward for this institution, and I look forward to strongly supporting that part of the bill.

Third is closing the revolving door between Congress and K Street by extending the cooling off period of Members of Congress and stiffening the rules regarding lobbying activity by senior staff members. It is an important rule that allows us to close that revolving door which has been a part of Washington, DC, for far too long.

Fourth, this legislation requires that conference reports be made available to the public at least 48 hours before their consideration by the Senate. That way not only be the public of the United States of America but also the Members of this body will have an opportunity to study what is in the legislation and will be able to react so we do not enact legislation that is passed in the dead of night without people knowing on what they are voting.

Fifth, the bill requires a list of earmarks in a bill, the identity of the Senators who propose them, and also identity of their essential Government purpose.

For the last year, we have talked about earmark reform and the importance of moving forward with changes in the earmark process, which has been a part of this body probably since its inception, but making sure we know where those earmarks are coming from, who is proposing them, and what is the essential governmental purpose that is being addressed by that particular earmark.

It is essential for us to be able to tell the American public what it is we are doing with taxpayers' dollars. I fully support the earmark proposals that are put forth in this legislation.

As a member of the Senate Ethics Committee, I am also pleased to join with my colleagues in supporting the aspects of the bill that would do the following:

First, it would require the Ethics Committee of the Senate to report on an annual basis with detailed statistics on the number of alleged violations and the status of complaints that are pending before the Ethics Committee of the Senate.

Second, it would require the Ethics Committee that it conduct mandatory ethics training not only for Senators but also for all of our staffs who are affected by the decisions and the activities of our office on an ongoing basis.

And, third, that we as a Senate move forward in the creation of an independent commission to make recommendations on the effectiveness of congressional ethics rules and lobbying disclosure laws.

It is important to note that these changes are necessary, not because there is something inherently wrong or dishonorable about the process of petitioning the Government. They are important and they are necessary because the American people have lost faith in their Government and because our Government should be doing more to have a Government that is transparent and a Government that is responsive to the business of the people.

I commend the leadership, Senator REID and Senator McCONNELL, members of the Rules Committee, my colleagues and friends from California and Utah who are the managers of this bill, and members of the Governmental Affairs and Homeland Security Committee for their work. This is very important legislation that is taking an important first step in restoring the faith of the American people in the integrity of their Government.

I thank the Chair, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold the quorum call?

Mrs. FEINSTEIN. Yes, if the Senator will withhold the requst for a quorum call, Mr. President, I note that it is almost 12:30 p.m. I ask that the Senate recess until 2:15 p.m.

RECESS

The PRESIDING OFFICER. Under previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. McCASKILL).

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007—Continued

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate with the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Maine, Ms. COLLINS, to be recognized for 15 minutes each.

The Senator from Utah is recognized.

Mr. BENNETT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, I know the order provides for Senator LIEBERMAN to go first, followed by myself. Since Senator LIEBERMAN has not yet arrived on the floor, I ask unanimous consent that I be permitted to begin. When Senator LIEBERMAN arrives on the floor, I will yield to him and then reclaim my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, today the Senate once again considers significant legislation to reform ethical practices and lobbying practices. Any sense of deja vu among my colleagues is understandable, for the bill before us, S. 1, is identical to the bill passed by the Senate by a vote of 90 to 8 in March of last year. That bill was the bipartisan product of the Senate Committee on Homeland Security and Governmental Affairs and the Senate Committee on Rules and Administration. Because it never became law and because the issues that it addressed have only grown more troubling, the bill stands before us reincarnated but still very much needed.

The recent elections took place in the shadow of far too many revelations of questionable or even downright illegal conduct by Members of Congress. In reaction to those scandals, the American people sent a clear message to Congress that they had lost confidence in their Government. You may ask, Why does it matter? Why does it matter if the American people have confidence in their Government officials? It matters because without the trust of the American people, we cannot tackle the major issues facing this country. As long as our constituents are convinced that the decisions we are making are tainted by special influences or undue influence, then we simply cannot accomplish the work of this Nation.

I think it is appropriate that the first bill that is brought before this Chamber to be debated and considered is one that would reform the lobbying and ethics rules to increase disclosure and to ban practices that might be called into question or create an appearance of wrongdoing. We need to assure the American people that the decisions we make are decisions of integrity, in which their interests are put first.

It is important to remember that the conduct of most Members of Congress and their staffs is beyond reproach. I believe the vast majority of people serving in the House and the Senate are here for the right reason. They are here because they care deeply about their country and they want to contribute to the formulation of public policy they believe will improve the lives of the American people.

The same can be said for the conduct of most lobbyists. In fact, lobbying—whether done on behalf of the business community, an environmental organization, a children's advocacy group, or any other cause—can often provide Members of Congress with useful information and analysis. That information and analysis aids but does not dictate the decisionmaking process.

Unfortunately, today the word "lobbying" too often conjures up images of expensive paid vacations masquerading as fact-finding trips, special access the average citizen can never have, and undue influence that leads to tainted decisions. We cannot underestimate the corrosive effect this perception has on the public's confidence in the legislative process.

One of the most important functions of the bill before us is to increase transparency, make it evident what is going on, how our decisions are made. As Justice Oliver Wendell Holmes once noted, "Sunlight is the best disinfectant." That, indeed, is the premise of this bill. It calls for greatly increased disclosure. It provides, for example, for a searchable, accessible public database where information on lobbying contacts and filings will be maintained and disclosed. It requires far more detailed disclosure of lobbyist activities in more frequent filings under the Lobbying Disclosure Act, and it ensures that this information is made readily available to the public via the Internet. The knowledge that the public will be able to scrutinize in detail the activities of a lobbying firm and contacts between Members and lobbyists will help to provide much needed transparency in this whole area. In addition, the enhanced disclosures will allow citizens to decide for themselves what is acceptable and what is not.

This bill also contains some needed reforms of earmarks. Too many times an earmark—the designation of taxpayer dollars for a specific purpose—has been included in the final version of an appropriations bill, or another bill, despite the fact that it was never discussed or debated in either the Senate or the House. By requiring that any earmarks in legislation disclose the name of the Member of Congress who proposed the earmark and also requiring an explanation of the essential governmental purpose of the earmark, and by making this information available on the Internet, this legislation will shed sunlight on the source of and the reason for earmarks and allow them to be fairly evaluated.

I go through a very rigorous process when I decide to press for earmarks. I make sure there is community support, I review them in depth, and I am going to be very comfortable having my name attached to earmarks that I propose. In fact, I hope then that will help my constituents know I am working very hard for a project with which I agree.

It is not the process of earmarks per se that is a problem. The problem is when earmarks are sneaked into the final version of legislation without public debate, without a vote, without any consideration, and no one is sure where the earmark came from, who sponsored it or, in some cases, even who the beneficiary is going to be. That is the problem. That is what this bill would cure.

The enhanced disclosure in this legislation not only applies to the activities of lobbyists but to our own activities as well. I am pleased this legislation takes steps to eliminate the practice of anonymous holds on Senate legislation. This occurs when a Member notifies the cloakroom that he or she wishes to block a piece of legislation from coming to the floor and yet does so anonymously. I can tell you as someone who has had to deal with anonymous holds time and again, it is very frustrating when you can't find out who is holding up your legislation, why they are holding it up, and you cannot begin to resolve whatever the problems are. The hallmark of this body should be free and open debate. A process that allows a secret hold to kill a bill without a word of debate on the Senate floor is contrary to that principle.

The bill also includes some important provisions to slow the so-called revolving door problem, where Members of Congress and high-ranking staff leave their jobs in the Senate or the House one day and then turn around and lobby the institution they once served. Once again, the limitations in this bill get to the heart of the image problem here and help to ensure the integrity of our decisions.

Many of our former colleagues have become lobbyists. There is nothing wrong with that. But there should be a cooling-off period before they come back.

I notice my colleague from Connecticut has now arrived on the floor. Through the Chair, I ask my colleague if he wants me to finish my statement or if he wants to do his now, since he was first in the queue?

Mr. LIEBERMAN. Madam President, to my friend from Maine, it is an expression of the partnership we have had over the years on the committee that the hearing in our committee went until 2 o'clock so Senator COLLINS was able to get here before I was. If she will please finish her statement and I will go after her.

Ms. COLLINS. I thank my colleague from Connecticut.

I am also very pleased to join Senators REID, MCCONNELL, FEINSTEIN, LIEBERMAN, and BENNETT in cosponsoring a bipartisan substitute amendment that will be laid down this afternoon. This substitute amendment will further strengthen the legislation we have before us. I thank all of my colleagues for working together to achieve this goal.

Nevertheless, I make clear, while I strongly support the legislation before the Senate as well as the substitute, the legislation could be further strengthened in a very important way.

Last year, Senators LIEBERMAN, MCCAIN and I proposed an Office of Public Integrity. That concept is also included in another bill that was sponsored this year by Senators MCCAIN, LIEBERMAN, FEINGOLD, and myself. I anticipate Senator LIEBERMAN, Senator MCCAIN, Senator FEINGOLD, and I will be offering this proposal during the course of this debate.

I will debate that issue later at the appropriate time, but right now let me say any true comprehensive reform of our lobbying and ethics rules should include an independent investigatory body. The American people view the way we investigate ethics violations as an inherently conflicted process. Think about it—and I know the Presiding Officer has a law enforcement background—we are our own advisers, our own investigators, our own prosecutors, our own judges, our own juries. We play every role.

As good a job as a Member of the Ethics Committee in the Senate has done in overseeing the conduct of Members and their staff, it remains difficult, if not impossible, to guarantee the system works in a way that gives the public confidence that there is an impartial, thorough review of allegations against Members of Congress when we are fulfilling every role in the process.

Now, I respect and understand the constitutional requirement that Members of Congress sit in judgment of one another and our proposal does not change. The Office of Public Integrity would bring the results of its investigation to the Ethics Committee, which would then decide whether to proceed further, whether there is an actual violation, and what kind of remedy, if any, is necessary. That is an important provision. I look forward to working with the Senator from Connecticut, the Senator from Wisconsin, and the Senator from Arizona in that area.

We need also to make sure we stop having trips that are paid vacations. However, we don't want to interfere with true fact-finding trips. Those are generally useful to our work. We are close to working out the right balance in that area.

I look forward to passing effective legislation that will help to restore the public's confidence in the Senate. By scheduling this bill first on our agenda we have recognized the importance of these issues to the American people. We need to act without delay to help restore their faith in how we do business.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 15 minutes.

Mr. LIEBERMAN. Madam President, I thank my colleague and friend from Maine, Senator COLLINS, for her excellent statement and for her work as she led the committee, which produced a significant part of the bill before the Senate. I will speak about it and put it in a larger context.

We all know that the trust that people have in Congress is at a low point. I don't know that it is a historic low point, but it is a lot lower than anyone wants it to be, both for the national interest and out of a sense of pride we have in the service we attempt to give.

The reasons for the low level of public trust and confidence in Members of Congress and, more to the point, in Congress as an institution are more than one. One of the significant reasons for the low level of confidence in Congress is the partisanship that has divided this institution and, too often, made it impossible to do anything for the people who sent us here, who gave us the privilege of coming here to serve them. Partisanship is one part of the lack of esteem and trust the public has in us.

A second part is the public's doubt about the ethics of Members of Congress and the process we have for judging our ethics. Scandal after scandal unfolded last year. The public was left with the impression that the self-interest of lawmakers and lobbyists too often triumphed over the national good and the national interests. That is not true, but that was certainly the impression made by some of the awful exposures and scandals that were uncovered and by the prosecution of Members and lobbyists.

Unless we take action to restore the public's trust in us—that central confidence between those who are privileged to govern and those who, if you will, are governed—we will not be able to do the things we need to do to take on and to respond, in a constructive way, to the challenges we have before the Senate, including a new strategy for Iraq, a momentous decision that will affect our national security to be kicked off, if you will, redirected, by the statement that the President will make to the Nation tomorrow night; fighting the war on terrorism, reducing the deficit, doing something to fix our health care system, which is broken; improving our public system of education which, for still does not offer an equal opportunity to too many of our children; taking stress off the middle class which is the heart and soul of our country. All of those things will not happen in a good way unless we can rebuild the public's trust in us.

It involves less partisanship, a better self-policing of ethics—and I will come to that in a minute—but also doing some of the things I have talked about, responding to some of the problems, taking advantage of some of these opportunities that will restore the relationship between the people of the United States and those who serve them in the Congress.

And so much of law—we legislate the law—as someone taught me years ago, is the way we express our values, the way we express our aspirations for ourselves as a society, the rights and wrongs, what we hope we will be, is apparent in the system by which we legislate ourselves and those who lobby us. But the reality is that the best system for doing that is our own ethical norms, which most of us, of course, have; that, ultimately, we have to self-police ourselves by not trifling with and demeaning the extraordinary opportunity to serve that our constituents have given us.

Now we come to S. 1. I truly commend our new majority leader, Senator REID, for introducing an ethics and lobbying reform bill as S. 1 and scheduling it as the very first legislative item of business for the Senate in this 110th Congress. I will give a little background to how we got here, particularly legislatively how we got here.

In January of last year, I was privileged to join Senator MCCAIN in cosponsoring a sweeping lobbying reform bill that he crafted following his and Senator DORGAN's courageous investigation into the scandal surrounding the lobbyist Jack Abramoff. Senator FEINGOLD and Senator REID also introduced comprehensive bills that added many constructive, progressive ideas to the debate.

Senator COLLINS seized the moment as Chairman of the Homeland Security and Governmental Affairs Committee, and by early March of last year, our committee reported, with near unanimous bipartisan support, the most significant piece of lobbying reform legislation to come before Congress in over a decade. In the Rules Committee, Senators LOTT and DODD worked together to mark up a tough set of reforms to the Senate ethics rules. Senators FEINSTEIN and BENNETT, as the incoming and ranking members of that committee, have picked up the baton of reform where their predecessors left off.

As a result of a truly bipartisan effort last year, the Senate combined provisions reported out of the two committees—Homeland Security and Rules—and passed the legislation overwhelmingly by a vote of 90 to 8. Unfortunately, the House did not pursue the same course. It passed a weak bill on a mostly partisan vote and the House and Senate never moved to conference.

Now, we begin the new year with a fresh chance to finish old business and clean up our House and Senate for tomorrow. Last year's Senate-passed bill is the text of S. 1 before the Senate now, a set of reforms that would bring greater honesty and transparency to the way we do business in Washington.

This year, we should go beyond last year's proposals, as Senator COLLINS said, and enact even stronger reforms because the demand and need is greater. Our legislation should go further to include an independent Office of Public Integrity.

What we start with today in S. 1 is a very strong statement that the 110th Congress will put the public interest over special interest.

I will spend a few moments describing the provisions of S. 1 that were reported out of our Homeland Security and Governmental Affairs Committee in March of last year, dealing primarily with the Lobbying Disclosure Act which comes before our committee under the rules.

The Lobbying Disclosure Act was passed in 1995, more than a decade ago. Since then, the number of lobbyists has skyrocketed. Last year, 6,554 lobbying firms or organizations, not individuals—firms or organizations—registered to lobby. That is almost double the 3,554 registrants in 1996, the first full year of reporting under the Lobbying Disclosure Act. The Office of Public Records received a total of 46,835 lobbying reports last year which represents a tremendous amount of activity. The amount of money spent each year on lobbying has skyrocketed, as well. Here we make estimates that put the number well over $2 billion a year for lobbying.

Now, to state the obvious, but the obvious often needs to be stated, lobbying Congress is not an evil thing to do. Being a lobbyist is not a dishonorable profession. In fact, lobbying Congress is a constitutionally protected right. The first amendment protects the right of all people to petition the Government for redress of grievances. Therefore, we have to be respectful when we legislate in this area. But it is entirely consistent with the first amendment right, and, of course, essential to our Government to provide ethics and transparency for lobbying practices.

First and foremost, are the politicians. In S. 1, we bring the Lobbying Disclosure Act into the age of the Internet by requiring electronic filing and creating a public-searchable database on the Internet, making the information as accessible as a click of the mouse to everyone interested.

We bring greater transparency to the relationship between lawmakers and lobbyists by expanding the types of activities lobbyists must disclose, including their campaign contributions, the fundraisers they host for Federal candidates, travel arranged for Members of Congress, payments to events to honor Members of Congress, and contributions to entities such as charities that are established by, for or controlled by a Member. We would get more timely disclosure from lobbyists by requiring them to submit filings on a quarterly, rather than a semiannual, basis.

S. 1 would also close a major loophole in the Lobbying Disclosure Act by requiring lobbyists, for the first time, to disclose paid efforts to generate grassroots lobbying.

Our former colleague, the late and really great Lloyd Bentsen, a Senator from Texas, once described this kind of grassroots lobbying as "Astroturf lobbying." Why? Because it generates manufactured, artificial rather than real, self-grown, grassroots pressures on Congress.

As it stands now, the Lobbying Disclosure Act requires disclosure only by lobbyists directly in contact with Members. S. 1 would require disclosure of the identity of organizers of media campaigns, mass mailings, phone banks, and other large-scale efforts encouraging the public to contact Members of Congress about specific issues. This is important because it would provide the American people, Members of Congress, ourselves, and the media with a better understanding of whose money is financing which efforts to influence Congress. This bill calls for transparency, but puts no limits on activity.

We would also remove the cloak obscuring so-called stealth lobbying campaigns which occur when a group of individuals, companies, unions, or associations ban together to form a lobbying coalition. These coalitions frequently have innocent-sounding names that give the impression they are promoting positive mom-and-pop, apple pie goals. But, in fact, they lobby on a range of issues that could never be identified by the name of the coalition.

S. 1 would also toughen the enforcement provisions under the Lobbying Disclosure Act by doubling to $100,000 the civil penalty that a lobbyist is subject to for violations of the law's requirements. And, for the first time, this proposal would forbid a lobbyist from providing gifts or travel to a Member of Congress in violation of House or Senate rules.

We would slow the revolving door between Congress and K Street by doubling from 1 to 2 years the so-called cooling off period for former Members of Congress, during which time they would face lobbying restrictions.

In total, the provisions of S. 1, I believe, provide a strong foundation for reform. Can this bill be improved? Of course it can. And I believe it will in the amendment process that will come before this Chamber on S. 1.

The majority leader, I know, is working to craft a comprehensive substitute bill that will go even further toward tightening earmark disclosure and revolving-door rules. I am confident that, through the amendment process, we will emerge with a bill that is even stronger than the good bill we passed last year.

A final word. In my opinion, significant changes to our ethics rules must be accompanied by significant changes to the way we enforce those rules. The public is understandably skeptical about a system in which we investigate, consider, and pass final judgments on allegations of ethical responsibility. They have seen too many Members, in the last few years particularly, caught up in scandal. In order to win the public's confidence, and, frankly, to do what is right to demonstrate our seriousness in this effort, I believe it is time, this year, to create an independent, investigative, and enforcement Office of Public Integrity. That would in no way usurp the ultimate authority of the Senate Ethics Committee, under rules consistent with the Constitution to be the final arbiter of questions about the ethics of Members of the Senate.

Mr. President, in closing, I would say this: We have an opportunity to begin anew—a fresh start at rebuilding the bonds of trust that have been broken between the Congress and the American people because of the unethical behavior of a few Members of this great institution.

S. 1 is the beginning, and a strong beginning, of what I believe will be an even stronger ending to accomplishing that critically important goal.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, is S. 1 now before the Senate?

The PRESIDING OFFICER. Yes.

AMENDMENT NO. 3

Mr. REID. Madam President, I send an amendment to the desk in the form of a substitute.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, and Ms. COLLINS, proposes an amendment numbered 3.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Madam President, I am very happy the Senate has now begun debate on S. 1. It is a strong, bipartisan package of ethics reforms and will help reassure the American people that we answer to them.

The matter now before the Senate, S. 1, without the substitute I have offered, would be the most significant changes in ethics and lobbying reform since Watergate. So if we do nothing else other than adopt the Reid-McConnell S. 1, we should feel very good about what we are able to accomplish in this body.

I repeat, if we accomplish nothing else, the legislation now before this body will be the most significant, important change in ethics and lobbying rules for about three decades. So without any question, S. 1 is a good start.

But we should even do better, and that is what the substitute I sent to the desk on my behalf and that of Senator McCONNELL will do. It will even do better for the American people.

For those who are watching this debate in the Senate and are expecting real, meaningful results, that is what is going to happen. I think the American people for sure are not interested in quick fixes or window dressing or a few public relations moves. They want bold changes. They want us to fundamentally alter the way business is done in the Nation's Capital and to ensure that the people's interests—not the special interests—come first in the Halls of Congress.

So today Senator McCONNELL and I introduced S. 1. And now I have offered on our behalf—Senators McCONNELL and REID—a substitute amendment designed to make the Senate's ethics legislation even stronger.

First of all, I want the RECORD spread with my appreciation and the acknowledgment of the bipartisan effort of the Republican leader. I think it speaks volumes that the two of us are here before this body asking our Members to support two very fine pieces of legislation, S. 1 and now the substitute amendment. We are asking our Members to join with us.

As I indicated earlier—and I repeat for the third time—if we do nothing other than pass S. 1, tremendous changes in the way we do business in Washington will occur. But now, to add to that, is the bipartisan substitute which will make that even stronger. So I cannot say enough publicly or privately in the way of extending my appreciation to the Republican leader for working with me.

And we worked together on this issue. Our staffs have worked together on this for weeks—weeks. And we did not finalize what we were going to do until today as the Senate convened. The Republican leader suggested to me: Here are some things I think we should do. Here are some things we should not do. What do you think?

I said: I will think about it. I have thought about it. He was right. I acknowledged that he was right and called him a short time later and indicated that to be the case.

What are a few of the highlights of the Reid-McConnell substitute amendment?

First, the substitute will place new prohibitions and disclosure requirements on lawmakers and senior staff when they seek private sector employment. The underlying bill slowed the revolving door between top Government jobs and lucrative private sector employment, but the substitute amendment will do even more to reduce the undue influence that results from the revolving door.

Second, the Reid-McConnell substitute will eliminate dead of night changes to conference reports. Once a conference report has been signed, it will be completely impermissible to change it.

What is this all about? We have had so many instances in recent years where the conference is closed, and sure enough, we come to the Senate floor and the conference report includes matters that were put in the bill after the conference had been closed. That is wrong. That will no longer be possible. What we do with conference reports will have to be done in a public fashion.

Also, you will note this legislation does things other than what has been done on a bipartisan basis with Reid and McConnell. For example, one of the finest relationships we have in this body is between Democrat KENT CONRAD and Republican JUDD GREGG. They are both experts with the Government's money. They work together as much as they can, in a bipartisan fashion, and I think it is better than any two budget people have worked together since we have had a budget process in the Senate.

The substitute includes a reform proposal by the chairman and ranking member of the Budget Committee, Senators CONRAD and GREGG, requiring that conference reports be accompanied by a CBO score. We need to restore fiscal discipline and reduce the large deficits that have developed over the past several years.

In the past we have had conference reports that have had matters included with no ability for Senators to determine how much it was going to cost. Just put these in there and, we were told: Well, the CBO did not have time to do it. It is the end of the session. It is a big bill. They do not have the time to do it.

They are going to have to have the time to do it now or it will not be done. That matter will not be in unless we have a score from the Congressional Budget Office.

There are a number of other things in this substitute. I will not mention them all. But the substitute amendment will strengthen the provision in the underlying bill requiring disclosure of earmarks.

The American public should be concerned about earmarks. Now, I am not opposed to earmarks. They have been in appropriations bills since we have been a country. They have just gotten way, way out of hand. Thousands of them. And it has not shined a good light on our Congress.

In recent years, we have seen lawmakers—working on behalf of lobbyists—insert anonymous earmarks, costing taxpayers millions and millions of dollars, into legislation at the last minute. In these instances, the earmarking process has been subject to abuses that we must all work together to bring to an end.

I have been a Member of the Appropriations Committee for two decades, and there is not a single earmark I have ever put in a bill that I would be afraid to put my name on. And that is in effect what we are asking: if an earmark has merit, a Senator should be willing to stand by it publicly. That is why, under this bill, if a Member of Congress wants to direct taxpayer funds to a specific need—they have a right to do that, and I believe an obligation to do that—if a Member of Congress wants to direct taxpayer funds to a specific need that they believe is important to their State or to this country, they will be required to attach their name to that in the light of day. That is appropriate.

Now, the substitute that Senator McCONNELL and I have offered to the Senate has more than that. But that is a rough outline of what we have.

Madam President, I ask for the yeas and nays on the substitute amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4 TO AMENDMENT NO. 3

(Purpose: To strengthen the gift and travel bans.)

Mr. REID. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for himself, Mr. DURBIN, and Mr. SALAZAR, proposes an amendment numbered 4 to amendment No. 3.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Madam President, my presence on this floor relating to this bill is about to come to an end. I would hope that when I finish my brief statement Senators will come and participate in the debate dealing with S. 1, the substitute Senator McCONNELL and I offered, and this amendment, and then whatever other amendments.

I have indicated there will be an open process here, and I want Senators to feel comfortable that they have the opportunity to offer amendments. I will say, I think we should move forward as quickly as possible. I would very much like to finish this bill next week and have every intention to do so. In fact, everyone should be aware of and alerted to the fact that we are going to finish the bill next week, even if it goes past Friday at 12 o'clock.

We need to finish this legislation. Next week is a short week because of Dr. King's holiday. So we need to work on this legislation. We do not have a lot of time just to wait around and have a lot of quorum calls.

Last November, the American people called for bold changes in the way Washington does business. In the Senate, we have made answering this call for change our first priority, S. 1.

Senator McCONNELL and I have joined with S. 1, and Democrats and Republicans together introduced a sweeping package of ethics reforms as our first item of legislation. And today, as I have indicated, Senator McCONNELL and I have made the bill even stronger.

I would like to go even further. That is what this one, final amendment I have offered does. My second-degree amendment contains three major provisions.

First, it strengthens the gift ban in the underlying bill. Whereas S. 1 bans gifts from lobbyists to Members of Congress and staff, this amendment would go one step further and ban gifts from companies and other organizations that even employ or retain lobbyists.

Two, this amendment strengthens the travel ban in the underlying bill. Whereas S. 1 bans travel paid for by lobbyists, this amendment will go further and ban—with some commonsense exceptions—travel paid for by companies and other organizations that employ or retain lobbyists.

Finally, this Reid amendment will include a very significant reform about which there has been much discussion in recent days.

This amendment will require Members of the Senate to pay the full charter fare if they wish to travel on private airplanes. If a Senator needs to fly on a private airplane for any purpose, he or she should be required to pay the full cost of that trip, not a discounted one. These reforms are not aimed at any particular lawmakers. I have traveled on private airplanes a lot over the years. These reforms are not directed to any particular lawmaker or any political party. We have all done it over the years, with some exception. They are designed to remove even the appearance of impropriety from this Congress.

What we in this body have to do is not only do away with what is wrong but what appears to be wrong. And to the American public, flying around on these aircraft appears to be wrong. I hope it hasn't changed any votes. I am confident it has not. But we want to do away with what even appears to be wrong.

I repeat, this particular reform is not aimed at any particular lawmaker, any particular political party, any particular campaign committee. It is designed to remove even the appearance of impropriety from Members of this body and send a strong signal to the American public that their elected representatives are not unduly influenced by meals, travel, and gifts that lobbyists and large corporations are willing to lavish. We all remember the scandals making headlines across America a year ago. The newspapers were filled with the stories of lawmakers being flown around the world for rounds of golf, corrupt lobbyists bilking their clients for millions of dollars, and of top congressional staff being wined and dined and treated to sporting events by special interests trying to influence their bosses. These stories have a corrosive effect on the great institution in which we all serve. We must make sure they are never repeated by reassuring the American people that legislation can't be traded and that their leaders can't be bought.

I look forward to a spirited debate on these amendments and eventual passage of this bill. Together we must do all we can to restore the faith of the American people in their Government. We need to answer the people's call for change. If an earmark has merit, a lawmaker should be willing to stand by it publicly. If a person wants to fly on an airplane, it should be under the rules that apply to most everybody else in the country.

These are significant proposals of change. They are for the good of the institution. I hope the vast majority of the Senate will support the amendment offered by Senator McCONNELL and this Senator and also the amendment I offered by myself.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Madam President, I commend my colleague, Senator REID, the majority leader. I was happy to join in cosponsoring not only the Reid-McConnell substitute but also the Reid amendment that has just been offered. What we are attempting to do is restore the confidence of the American public in Congress. We have a lot of work to do. The sad and troubling events of the last several years which have involved investigations, prosecutions, and convictions of so many on Capitol Hill and those who work nearby are a grim reminder that there are people who will try to exploit this system.

I echo the sentiments of the Senator from Maine, Ms. COLLINS, when she said that the overwhelming majority of the Members of the House and Senate, both political parties, are honest, hard-working people. I have spent many years working with my colleagues in the Senate as well as in the House. I do believe they understand that public service is not supposed to be an avenue to wealth; it is supposed to be an opportunity to serve. If you want to get rich, don't run for office. That is the basic rule which all of us understand. Those who fail to understand it unfortunately tarnish the reputation of Congress and those others who serve honorably.

We are attempting through this effort, which Senator FEINSTEIN and Senator BENNETT are leading on the floor, to make changes in the rules of the Senate and the procedures of the Senate so we can start to restore the confidence of the American people in this institution. It is fitting and proper that this is the first bill we consider. This is the first thing we should do. Everything else should follow after we have addressed this important ethical concern.

I wish to say a word about earmarks because there has been a lot said. Some believe—even the President, in a recent Wall Street Journal article—that earmarks are the root of the real problem on Capitol Hill. I don't agree with the President. I think as long as earmarks in appropriations spending bills are fully transparent, clearly for a public purpose, they are a good thing.

I have been involved in the Appropriations Committees in both the House and Senate, trying to bring back a fair share of funds to my home State of Illinois through the earmark process. Where some may try to squirrel away or secret away an earmark in a bill, I view it much differently. It is usually a race to the press release to take credit for things we have included in the bill because I take great pride in the effort we have made. This legislation addresses the earmark process. It will add transparency and accountability to it and, in so doing, allow us to return to the earmarks and appropriations bills with pride, understanding we have improved that process overall.

The last point I would like to make is that those who would take bribes in public life are clearly criminal. They have violated the law. They should be prosecuted and convicted for that bribery and corruption. We are attempting now to limit the contacts between those who have an interest in legislation and those of us who vote on legislation to make sure that relationship is more professional, less personal, and that there is more disclosure on both sides in terms of that relationship.

I would like to say for a moment that it doesn't get to the heart of the issue. The heart of the issue is not whether any Member of Congress is going to take money or a lavish gift or trip. That happens so rarely. But there is something built into our political system that really has to be debated, that goes to the real heart of this issue; that is, the way we finance our campaigns as elected officials.

Unless you are one of the fortunate few—so wealthy that you can finance your own campaign and never ask for a contribution—most of us spend a good part of our public lives asking for donations. We go to every one we see, from those of modest means who give us small checks to the richest people in America who write much larger checks. It is almost an imperative if you are not wealthy, if you want to finance a campaign, to find millions of dollars to buy the television and radio time to deliver your message in your State. If we really want to get to the heart of restoring the confidence of the American people in our Government, we have to go to the heart of the problem—the way we finance political campaigns.

For many years on Capitol Hill, I resisted the notion of public financing of campaigns. I had some pretty good arguments against it. Why do I want to see public moneys or taxpayer dollars going to crazy candidates representing outlandish causes who have no business in this political process? Well, those arguments held up for a while, but over time I came to understand that while I was arguing against that lunatic fringe in American politics, I was creating a trap for everyone else who was honest and trying to raise enough money to wage an effective campaign.

The time has come for real change. In this last election cycle, which the Presiding Officer knows full well, more money was spent in that off-year election than in the previous Presidential election year. The amount of money going into our political process is growing geometrically. It means that more and more special interest groups and individuals with an agenda are pouring dollars into the political process. It means that our poor, unsuspecting voters are the victims of these driveby ads that come at them night and day for months before a campaign. It means that candidates, both incumbents and challengers, spend month after weary month on the telephone begging for money.

It is no surprise that the same people we are begging money for are the people who are the subject of this ethics legislation—the lobbyists of the special interest groups. We live in this parallel world.

Today, with the passage of this underlying legislation, we will ban a lobbyist buying me lunch. Tomorrow that same lobbyist can have me over for lunch at his lobbying firm to provide campaign funds for my reelection campaign, and it is perfectly legal. What is the difference? From the viewpoint of the person standing on the street looking through the window, there is none. It is the same lobbyist and the same Member of Congress. The fact that one is a political campaign fundraising event and another is a personal lunch is a distinction which will be lost on most of America.

The reason I raise this is I will support these ethics reforms. They are absolutely essential. They are the product of the scandals we have seen on Capitol Hill in the last several years. But if we stop there, if we do nothing about the financing of our political campaigns, we have still left a trap out there for honest people serving in Congress to fall into as they try to raise money for their political campaigns. In a few weeks I will be introducing public financing legislation to try to move us to a place where some States have already gone—the States of Arizona, for example, and Maine—moving toward clean campaigns, understanding that the voters are so hungry for changes and reforms that will shorten campaigns, make them more substantive, take the special interest money out of those campaigns, make them a real forum and debate of ideas and not a contest of fundraising. Sadly, that is what they have become in many instances.

I urge my colleagues in their zeal for reform not to believe that the passage of S. 1 and its amendments will be the end of the debate. I hope it will only be the beginning and that we can move, even in this session of Congress, to meaningful hearings and the passage of public financing of campaigns that will truly reform the way we elect men and women to office at the Federal level and restore respect to this great institution of the U.S. Congress, both the House and the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Madam President, in November, the American people sent a clear message to their representatives in Washington. After a year in which too many scandals revealed the influence special interests have in this town, the American people told us that we better clean up our act, and we better do it fast.

But it would be a mistake if we conclude this message was intended for just one party or one politician. After all, the votes hadn't even been counted in the last election before we started hearing reports that corporations were already recruiting lobbyists with Democratic connections to carry their water in the next Congress. This is why it is not enough to just change the players; we have to change the game.

Americans put their faith in us this time around because they want us to restore their faith in Government, and that means more than window dressing when it comes to ethics reform.

I was hopeful that last year's scandals would have made it obvious to us that we need meaningful ethics legislation, but last year, despite some good efforts on this side of the aisle, the bill we ended up with, I thought, was too weak. It left too many loopholes, and it did too little to enforce the rules. It was a lost opportunity. It would not have restored the people's faith in Congress, and in that end I had no choice but to vote against it.

I don't want that to happen this time. Fortunately, the substitute amendment the majority leader, HARRY REID, has offered today brings us close to the bill that will achieve his stated goal, and that is to pass the most significant ethics and lobbying reform since Watergate. We owe the American people real reform, and if we work hard this week and next, we will get it done.

This time out, we must stop any and all practices that would lead a responsible person to believe a public servant has become indebted to a lobbyist. That means a full gift and meal ban. That means prohibiting lobbyist-funded travel that is more about playing golf than learning policy. And that means closing the revolving door to ensure that Capitol Hill service, whether as a Member of Congress or as a staffer, isn't all about lining up a high-paying lobbying job. We should not tolerate a committee chairman shepherding the Medicare prescription drug bill through Congress at the same time he is negotiating a job with the pharmaceutical industry to be their top lobbyist.

The substitute bill offered by Majority Leader REID contains many of these reforms. I thank him for working with Senator FEINGOLD and me in crafting this package. But in two important respects, I think we still need to go further.

First, we need to go further with respect to enforcement. I will save my remarks on this subject for a later time, but I fully support the creation of an office of public integrity, as Senators LIEBERMAN and COLLINS have proposed. It is similar to the independent ethics commission I proposed last February. Regardless of what approach we adopt, we have to take politics out of the initial factfinding phase of ethics investigations, and we have to ensure sufficient transparency in the findings of those investigations so the American people can have confidence that Congress can police itself.

The second area in which we need to go further is corporate jets. Myself and Senator FEINGOLD introduced a comprehensive ethics bill that, among other things, would close the loopholes that allow for subsidized travel on corporate jets. Today, I am very pleased to see the majority leader has offered an amendment that would serve the same purpose. I fully support him in his effort.

Let me point out that I fully understand the appeal of corporate jets. Like many of my colleagues, I traveled a good deal recently from Illinois to Washington, from Chicago to downstate, from fundraisers to political events for candidates all across the country. I realize finding a commercial flight that gets you home in time to tuck in the kids at the end of a long day can be extremely difficult. This is simply an unfortunate reality that goes along with our jobs.

Yet we have to realize these corporate jets don't simply provide a welcome convenience for us; they provide undue access for the lobbyists and corporations that offer them. These companies don't just fly us around out of the goodness of their hearts. Most of the time we have lobbyists riding along with us so they can make their company's case for a particular bill or a particular vote.

It would be one thing if Congressmen and Senators paid the full rate for these flights, but we don't. We get a discount—a big discount. Right now a flight on a corporate jet usually costs us the equivalent of a first-class ticket on a commercial airplane. But if we paid the real price, the full charter rate would cost us thousands upon thousands of dollars more.

In a recent USA Today story about use of corporate jets, it was reported that over the course of 3 days in November 2005, BellSouth's jet carried six Senators and their wives to various Republican and Democratic fundraising events in the Southeast. If they had paid the full charter rate, it would have cost the Democratic and Republican campaign committees more than $40,000. But because of the corporate jet perk, it only cost a little more than $8,000.

There is going to be a lot of talk in the coming days about how important it is to ban free meals and fancy gifts, and I couldn't agree more, but if we are going to go ahead and call a $50 lunch unethical, I can't see why we wouldn't do the same for the $32,000 that BellSouth is offering in the form of airplane discounts. That is why I applaud Senator REID on his amendment to require Members to pay the full charter rate for the use of corporate jets.

As I said, I understand that for many Members, these jets are an issue of convenience. They allow us to get home to our constituents, to our families, and to the events that are often necessary for our jobs. But in November, the American people told us very clearly they are tired of the influence special interest wields over the legislative process. The vast majority of Americans can't afford to buy cheap rides on corporate jets. They don't get to sit with us on 3-hour flights and talk about the heating bills they can't pay, or the health care costs that keep rising, or the taxes they can't afford, or their concerns about college tuition. They can't buy our attention, and they shouldn't have to. And the corporation lobbyists shouldn't be able to either. That is why we need to end this corporate jet perk if we are to pass real, meaningful ethics reform.

The truth is, we cannot change the way Washington works unless we first change the way Congress works. On November 7, voters gave us the chance to do this, but if we miss this opportunity to clean up our act and restore this country's faith in Government, the American people might not give us another opportunity.

I urge my colleagues to support both the substitute amendment and the Reid amendment to close the corporate jet loophole. I ask unanimous consent that I be added as a cosponsor to the Reid-McConnell amendment No. 3 and Reid amendment No. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, there are some Senators here who want to offer an amendment. I simply want to make a brief response to my friend from Illinois and his comments about corporate jets.

I have seen firsthand exactly what he is talking about, where a corporate jet picks you up, takes you to a fairly remote location, and it is not only well stocked with food and drink but with experts who will fill you in on what it is they want you to know.

There is another side of it, however. As the Senate knows, I am unburdened with a legal education, but there is one phrase that comes out of the legal profession and I think applies here, which is: Hard cases make bad law. I am speaking now for the most senior Republican who will very much speak for himself on this issue, but I think in this context it is appropriate to insert these remarks.

In the State of Alaska, the only way one can get to 70 percent of the population locations in Alaska is by air. I suppose one could get there by dogsled, but as a practical matter, the only way you get there is by air.

That being the case, there are planes flying all over Alaska every day, and virtually all of them are owned by corporations.

The corporate executive is flying from Anchorage to point A or from Juneau to point B, or whatever, and says to the Senator: I am going there; can I give you a ride? There is no charter rate for these kinds of activities. Some of the planes are pretty small. But this is the only way you can get around in that State.

A Senator said this morning in our breakfast meeting: In my State, I can get to every location in the State in less than an hour by automobile. I have been in the State of Delaware. It is hard to stay in the State of Delaware by automobile. But if you go to some of the large States of the West—Alaska being obviously the largest—and an absolute, firm ban on any kind of flight on corporate jets unless you are paying commercial hourly rates for the charter is to say to the Senators of Alaska: You cannot travel around your State; you can't communicate.

Utah is a smaller State than Alaska. I don't take flights around Utah very often. I spend a lot of time in the car. From one end of the State to the other, it takes about 4 hours by car. Sometimes it is easier to do that than try to deal with the hassle of getting in and out of airports, and many of the places I go don't have airports. But I would hope, as we have this debate about corporate jets, that we do not think solely in terms of Halliburton's corporate jet with a single Senator surrounded by lobbyists, and we recognize at the other end of the spectrum there are circumstances that require—indeed, common sense dictates—the use of corporate jets fully reported, paid for in an intelligent way that will allow us to not take a single case and apply it to every situation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I regret the Senator from Illinois left the floor because I thought I might ask a question of him. But he has left the floor. I see a Senator on the other side ready to speak, so I will defer at this time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I have looked forward to joining this debate. I compliment those leaders who had the foresight to bring this very important issue to the floor of the Senate at the very beginning of this new Congress.

I worked with many Senators on both sides of the aisle last year. We had a bipartisan working group very focused on ethics and lobbying reform. We tried to push forward some bold, significant proposals.

In the end, I was rather disappointed, quite frankly, with the final product as it left the Senate floor. But I am very hopeful that we will produce a stronger, bolder final product now in this new Senate this month, particularly having listened to the voters and their very clear statements on the issue in the last election.

AMENDMENT NO. 5 TO AMENDMENT NO. 3

Mr. VITTER. Madam President, in that regard, I will send up three amendments to the desk and I ask that they be considered. I call up the first of those three amendments and I will explain it. I ask that the pending amendment be set aside for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 5 to amendment No. 3.

Mr. VITTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the application of the Federal Election Campaign Act of 1971 to Indian tribes)

At the appropriate place, insert the following:

SEC. . APPLICATION OF FECA TO INDIAN TRIBES.

(a) CONTRIBUTIONS AND EXPENDITURES BY CORPORATIONS.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

"(d) TREATMENT OF INDIAN TRIBES AS CORPORATIONS.—

"(1) IN GENERAL.—In this section, the term 'corporation' includes an unincorporated Indian tribe.

"(2) TREATMENT OF MEMBERS AS STOCKHOLDERS.—In applying this subsection, a member of an unincorporated Indian tribe shall be treated in the same manner as a stockholder of a corporation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any election that occurs after December 31, 2007.

Mr. VITTER. Madam President, this amendment is very simple. It attacks what is a very significant loophole in current campaign finance law, and that is a big and gaping loophole with regard to Indian tribes. As you know, under Federal campaign finance law, entities such as corporations, labor unions, et cetera, can participate in the Federal political process, but they need to do that, in terms of contributions and finances, through PACs, through political action committees. That is not true with regard to Indian tribes. Indian tribes, unlike every other entity, unlike corporations, unlike labor unions, unlike every entity under the Sun, can give money directly from their tribal revenues—including, of course, their biggest source of revenue right now, which is gambling revenue. So they can take that significant source of money and use that directly, through the leadership vote of the tribe, to give money to political candidates.

In addition, there is another part of this big loophole, and that is that some of the cumulative giving limits that apply to every other entity out there—corporations, labor unions, et cetera—do not apply to Indian tribes. Again, this is a very glaring loophole under present Federal campaign finance law. I do not think there is any good rationale or argument under the Sun to retain it.

I strongly urge all of my colleagues, Democrats and Republicans, to take a good, hard look at this and vote for and support this very simple amendment which simply closes that loophole.

We may have some Member stand on the Senate floor and say: It may be a good idea, but we need to put it off. We are going to look at campaign finance later. We need to talk about this later in a different context.

I strongly disagree. When we think about the events of the last year, when we think about the debate, the national concern about corruption and cronyism, certainly there are big stories having to do with Indian tribes at the center of this. Some of the worst abusers of those situations were not the tribal members nor the tribal leadership themselves, but certainly it involved Indian tribes, and certainly the enormous amount of money available to the tribes because of gambling revenue was at the heart of those very bad situations.

I think we need to address this now. We need to hit it dead on. It is very much part of the stories and concerns we have heard about over the last year or two. Again, this is very simple, straightforward and very fair—which is to treat Indian tribes exactly as we treat other entities, such as corporations, such as labor unions, et cetera. Certainly allow them to participate in the political process, certainly allow them to fully support candidates of their choice but make them do that through setting up PACs, not simply allow them to spend their gambling revenue or other proceeds directly and in many cases without some of the overall limits that apply to other entities such as corporations.

With that, I will be happy to answer any questions or participate in any debate on the floor. I, also, have two other amendments at the desk. Whenever it is in order, I ask to call up those so we may discuss those as well.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 6 TO AMENDMENT NO. 3

Mr. VITTER. Madam President, I ask unanimous consent to lay aside the pending amendment and call up my second amendment at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 6 to amendment No. 3.

Mr. VITTER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit authorized committees and leadership PACs from employing the spouse or immediate family members of any candidate or Federal office holder connected to the committee)

At the appropriate place, insert the following:

SEC. ____. PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 324 the following new section:

"SEC. 325. PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

"(a) IN GENERAL.—It shall be unlawful for any authorized committee of a candidate or any other political committee established, maintained, or controlled by a candidate or a person who holds a Federal office to employ—

"(1) the spouse of such candidate or Federal office holder; or

"(2) any immediate family member of such candidate or Federal office holder.

"(b) IMMEDIATE FAMILY MEMBER.—For purposes of subsection (a), the term 'immediate family member' means a son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

Mr. VITTER. Madam President, this is a second amendment of a package of amendments I am presenting to the full Senate. As I did with the first amendment, what I would like to do—and I have had discussions with the Chair and ranking member, the participants who are leading the floor debate—is I will briefly explain this amendment. I will certainly be happy to engage in a fuller debate at a later time and have a full vote on this amendment, as with the previous one, at a later time, hopefully, in the next few days.

This amendment, also, directly addresses a situation that has clearly arisen and clearly caused great concern among the American people in the last couple of years. That is family members of Members of Congress, Members of the House, Members of the Senate, making money—being paid, in some cases, very large amounts of money—while being employed by that candidate's PAC. Under present law, it is perfectly legal. It certainly doesn't pass the "smell" test in the hearts and minds of many Americans, but it is perfectly legal for a Member's campaign to hire a family member, a spouse, a child, any close family member—to help take care of the business of that PAC and be compensated for it, in some cases, with very significant salaries.

Let me say at the outset, I believe there are ways that could be done properly and ethically. The problem is, as is the case in so many of these questions, that there are also many ways where it can be and is and has been abused, so it basically puts a family member on the payroll of an entity that the Member of the House or the Senate controls. There is no real governing entity that polices the situation. No one knows whether that person shows up for work or for how many hours or how significant that work is. At the end of the day, through that family member, the family enjoys a significant additional income because that Member of the House or Senate is in politics and controls that PAC.

Again, this is not a theoretical problem yet to happen. This is not a solution waiting for a problem. This has been done in real life. This has clearly been abused in the past. It has clearly been a conduit for Members to gain family income through entities they control. I think, because of that abuse, because of the real erosion of public confidence we have seen in Congress because of abuses such as this over the last several years, there is only one sure and clean way to solve the problem and that is to simply have a bright-line test and say: Immediate family members can't get paid by the Member's PAC. We are not going to allow that. You have to hire a nonfamily member for these administrative roles so that no one can abuse the situation and put an immediate family member on the payroll, often at a very significant salary.

Again, my amendment is very simple. It says no immediate family member can be hired by the candidate's campaign or leadership PAC, and it defines immediate family member the same way section 110 of last year's Senate-passed bill defined that term, and that is son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother or stepsister or spouse. It is straightforward, a bright-line rule. To me it is very clear that is the only way we are going to stop this abuse that has occurred in the past and rebuild the confidence of the American people.

AMENDMENT NO. 7 TO AMENDMENT NO. 3

With that, if it is appropriate, I ask unanimous consent to lay aside that amendment and call up my third amendment at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 7 to amendment No. 3.

Mr. VITTER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Ethics in Government Act of 1978 to establish criminal penalties for knowingly and willfully falsifying or failing to file or report certain information required to be reported under that Act, and for other purposes)

At the appropriate place, insert the following:

SEC. ____. KNOWING AND WILLFUL FALSIFICATION OR FAILURE TO REPORT.

Section 104(a) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting "(1)" after "(a)";

(2) in paragraph (1), as so designated, by striking "$10,000" and inserting "$50,000"; and

(3) by adding at the end the following:

"(2)(A) It shall be unlawful for any person to knowingly and willfully falsify, or to knowingly and willingly fails to file or report, any information that such person is required to report under section 102.

"(B) Any person who violates subparagraph (A) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both."

Mr. VITTER. Madam President, this third amendment is also very clear and straightforward. It increases the penalties significantly in cases in which there is not just a mistake on a financial disclosure form but a knowing and willful and purposeful attempt to hide information that the Member knows is supposed to be made public under the law. It increases those penalties on the civil side, and it, also, under the appropriate circumstances, creates criminal penalties for that.

Again, I think this goes to the heart of the erosion of public confidence because of lobbyists and ethics lapses and abuses over the last several years which have clearly involved Members of Congress. Some are in jail now as we speak because of those abuses.

This is a very clear and necessary way to remedy those past abuses and that erosion of public confidence. I think it is very important that these penalties are serious on the civil side and on the criminal side but that they only apply to cases where there is knowing and willful misrepresentation, where there is an active and a clear attempt to hide facts, to not comply with the law. Clerical or other mistakes don't cut it. That is not worthy of these very serious civil and, in some cases, criminal penalties. But a knowing and willful misrepresentation, an active attempt to hide facts from the public that the law clearly mandates be made public, that is a different story. We need a zero tolerance policy for that.

Again, my amendment increases those penalties on the civil side and on the criminal side, and I urge all the Members of the Senate to support this very important amendment to rebuild that credibility of this body and of the House.

In closing, let me say, again, I welcome this activity on the Senate floor. I welcome this debate. I compliment Majority Leader REID and all others who made this decision to put this issue front and center, first, on the Senate floor in the new Senate. I am eager to pass a strong, responsible bill to restore, to build up over time—it will not happen overnight—the confidence of the American people in our institutions.

Since I first came to the Senate, I have worked with various Senators, including a bipartisan working group on these issues, on these proposals last year. But I don't think we went far enough last year. Clearly, we didn't pass a bill through the entire process. But even the bill we passed through the Senate I don't think was strong enough. It did not address some of these crucial areas, including the Indian tribal campaign finance loophole, including the area of abuse where candidates and Members can put family members on the PAC campaign payroll, including making sure we increase civil and criminal penalties for knowing and willful violations.

My amendments will do this, and I urge all of my colleagues to take a good, hard look at them. Tomorrow, I will be introducing two, possibly three, other amendments, and I look forward to debating those as well. I appreciate the helpfulness of the managers. I look forward to coming back to these amendments to call them up for full debate and vote.

I yield my remaining time.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I am happy to see the Senator from Montana presiding.

I am very pleased to speak about ethics and lobbying reform and the bill we will consider over the next week or so.

To start, what a pleasure it is to have a majority here that not only supports reform but recognizes the importance of dealing with this issue immediately in this new Congress. There is no better way to show the American people that things have changed in Washington and will continue to change than by taking up and passing strong ethics and lobbying reforms right away. I thank Majority Leader REID for making a decision to start our work in this new Congress with this issue. This is the right thing to do.

Ethical conduct in Government should not be an aspiration, it should be a given. For too long, the public has had to open the morning papers and read about how Congress is mired in scandal rather than about how we are going to deal with the really tough problems) facing our country. We might wish that rules aren't necessary, but time has proven, over and over again, that they are. And once there are rules, there seem always to be people who want to bend those rules or skate as close to the line as they can. And sometimes they fall or jump over that line. And so the rules need to be revisited and toughened, based on experience.

Just over a year ago, it looked like the Jack Abramoff scandal had finally lit a fuse under the Congress. Soaring promises were made that reform was on the way last year. Bills were introduced, hearings were held, and ultimately both the House and Senate considered legislation on the floor. But there was always a sense that what was going on was just a show. It was clear that many of those in charge wanted to change as little as possible. It seemed like the Republican leaders in the House believed that the public really didn't care about these issues. First they attached major campaign finance reform provisions to the bill the Senate passed, and then they let it die.

We found out on November 7 just how wrong they were. The new faces in this Senate are the direct result of the public's distaste for how the last Congress handled this issue, and many others. So now it is time for real action. And the public will again be watching closely to see how we perform.

We start our work today on S. 1, which is the same bill that the Senate approved last year, by a vote of 90–8. Last year, I was one of the eight. I thought the bill was too weak in some very significant ways. And so today, along with the junior Senators from Illinois and Connecticut, Senators Obama and Lieberman, I have introduced the Lobbying and Ethics Reform Act. This is our attempt to say what we think the Senate's final product should look like when we finish our work on S. 1.

I do not intend to offer this new bill as a complete substitute. Instead, I will seek to I have important provisions of this bill added as amendments to S. 1. I am happy to say that a number of the suggestions that we make in our bill have been accepted by the majority leader. Some are included in his substitute, which is the base bill for this legislation. Some very important additional improvements are included in the Reid first degree amendment. This is a very good start for this debate, to improve the bill right at the outset.

I take a few minutes as we start this debate to talk about some of the most important issues that we must address in this bill. First, we need an airtight lobbyist gift ban. No loopholes, no ambiguity. We took a first step towards banning gifts from lobbyists, including meals, tickets, and everything else, in last year's bill, but we left open a big loophole. If we do nothing else to improve last year's effort, we have to close that loophole.

I am not going to stand here and say that any Senator's vote can be purchased for a free meal or a ticket to a football game. But I don't think anyone can argue that lobbyists are providing these perks out of the goodness of their hearts, either. At this point, no reform bill is going to be credible unless it contains a strict lobbyist gift ban.

No one has ever explained to me why Members of Congress need to be allowed to accept free meals, tickets, or any other gift from a lobbyist. If you really want to have dinner with a lobbyist, no one is saying that you can't. Just take out your credit card and pay your own way. I can tell my colleagues from personal experience that you will survive just fine under a no-gifts policy. The Wisconsin Legislature has such a policy and I brought it here with me to Washington. I don't go hungry. We need to just stop the practice of eating out at the expense of others. It is not necessary. It looks bad. And it leads to abuses.

I am happy to say that Senator REID agrees that the lobbyist gift ban is not a ban if organizations that retain or employ lobbyists can still give gifts. He is prepared to close the loophole in S. 1 that would allow that to continue. His amendment does that and I support it.

Another important shortcoming of S. 1 is in the area of privately funded travel. That was the issue that leapt to the fore when Jack Abramoff pled guilty just a little over a year ago. Abramoff took Members of Congress on "fact finding trips" to Scotland where they went shopping and golfed at St. Andrews. It was a scandal and Members of Congress were falling all over each other in a race to do something about it. But just a few months later, the Senate passed a bill that did almost nothing at all about it.

My staff keeps a file of invitations for fact-finding trips for staff. Here are a few from over the years. A "legislative issues seminar" on St. Michaels Island, sponsored by MCI World Com, with dinner at the Inn at Perry Cabin; a trip to Silicon Valley sponsored by the Information Technology Industry Council, with dinner sponsored by the Wine Institute; a "congressional field trip" sponsored by GTE to Tampa and Clearwater Beach. The invitation reads:

> To take advantage of the terrific location beside Tampa Bay and the Gulf of Mexico, we'll demonstrate that you can place a cellular call over water, either while dining aboard a boat or fishing for that night's dinner.

These kinds of "fact finding trips" paid for by industry groups were left untouched by the bill the Senate passed. That was one of the reasons I voted against the bill.

Fortunately, the new House leadership recognized the need to do something about privately funded travel, even if they weren't prepared to prohibit it entirely. The House passed a rules change on the first day of the session to allow only trips sponsored by groups that don't employ or retain lobbyists. The only trips that groups that lobby can offer are to a one day event—to make a speech, for example. This is a major improvement, especially because lobbyist participation in organizing, arranging, or planning these trips would be strictly limited.

There are many things that could be done about privately funded travel, but at the very least we should not have more lenient travel rules than the House of Representatives. Again, I am pleased that Senator REID supports the House travel rules and I hope we will adopt his amendment that brings us in line with those rules.

When I introduced my lobbying reform bill back in July 2005, it included a provision addressing the abuse of Members flying on corporate jets. At that time, I have to say, it seemed like a fantasy that we would actually pass such a provision. I heard complaint after complaint about it, that we shouldn't do it.

Slowly but surely, many people have come around to where the public is: Corporate jet travel is a real abuse. Sure, it is convenient, but it is based on a fiction—that the fair market value of such a trip is just the cost of a first class ticket. And when that fiction is applied to political travel, it creates a loophole in the ban on corporate contributions that we have had in this country for over a century. Any legislation on corporate jets must include campaign trips as well as official travel because one thing is for certain—the lobbyist for the company that provides the jet is likely to be on the flight, whether it is taking you to see a factory back home or a fundraiser for your campaign.

Our bill does that. It covers all of the possible uses of corporate jets, and amends all of the Senate rules needed to put in place a strong reform, and the Federal election laws as well. From now on, if you want to fly on a corporate jet, you will have to pay the charter rate. And these flights shouldn't be an opportunity for the lobbyist or CEO of the company that owns the jet to have several hours alone with a Senator. Our bill prohibits that as well. This is what the American people have been calling for. There are no loopholes or ambiguities here. Politicians flying on private planes for cheap will be a thing of the past if we can get this provision into the bill. Senator REID's amendment includes a tough corporate jet provision. I am pleased to support that portion of the amendment. This is a big deal, and I commend the majority leader for taking this step.

Another issue on which I hope we will make some improvements in this bill is the revolving door between between Government service and lobbying firms. One of the things that really sticks in the craw of the people back home is the idea that politicians use their government service as a stepping stone to lucrative lobbying careers. And they also believe, rightly in some cases, that former Members who are lobbyists have special access and influence over their former colleagues. We have a criminal statute that prohibits former Senators from lobbying the Congress for a year after they leave office. The same tough provisions apply to top officials in the executive branch.

But experience has shown that these provisions don't really get at the problem. The cooling off period is too short. Our bill doubles it. And the cooling off period has become more of a warming up period for some Members of Congress who move on to work for an organization with interests in legislation. They basically run the lobbying show behind the scenes during the time they can't lobby their colleagues directly.

Is it too much to ask a Member of Congress who leaves office to take a 2-year breather before accepting money from an employer for trying to influence Congress? I don't think so. We are talking here about highly talented and highly employable people. There are so many employers, so many worthy causes, that would benefit from their talents and experience, doing things other than trying to influence legislation. Fortunately, the Lobbying Disclosure Act has a ready made definition of "lobbying activities" that is broader than lobbying contacts. Our bill's revolving door provision prohibits Members of Congress from engaging in lobbying activities for 2 years after leaving office, not just lobbying contacts. That would make the revolving door restrictions really mean something.

I believe that is what the public wants—restrictions that mean something, not rules for show, with hidden loopholes and not a system of rules with lax enforcement. That is why our bill includes the Lieberman-Collins proposal for an Office of Public Integrity to investigate ethics complaints and make recommendations to the Ethics Committee on whether to take action. It is certainly time that this proposal receive very serious consideration. We are on the cusp of making some very significant changes to our own rules. Let's not undermine what we are accomplishing by leaving unaddressed the very real need for tough and independent enforcement.

I also believe this bill must go further in addressing earmarks. Senator MCCAIN's bill, which I have cosponsored, includes a provision that would allow the Senate to strip out earmarks for unauthorized spending. This is an important reform and I hope it can be added to the bill.

Thus far, I have talked only about ethics rules, but the bill on the floor contains some very significant improvements to our lobbying disclosure laws as well. The current law, the Lobbying Disclosure Act, which was enacted in 1995, was itself a landmark reform, the first change in nearly 50 years to the original Federal Regulation of Lobbying Act. I was here when the LDA passed, under the leadership of the Senator of Michigan, Mr. LEVIN. It is an important and effective law.

A decade of experience has shown, however, that it has shortcomings. The bill on the floor includes some important improvements. My bill incorporates those improvements and also adds some—requiring disclosure by lobbyists of the earmarks they try to get for their clients, and requiring lobbyists and lobbying organizations to file separate reports on their political contributions and fundraising. The use of campaign contributions as a lobbying tool is well known in this city and in this Senate. It is time that our lobbying disclosure laws reflected that. And we should cover all of the tools in the lobbyist's work bench, not just direct contributions but the collection or bundling of the contributions of others. Lobbyists wield influence by serving as fundraisers, not just be giving money themselves.

I have high hopes for this debate. After a false start last year, we can get this job done. The House has moved quickly to pass new ethics rules. It is our turn now. And we can lead the way with serious lobbying disclosure reforms. I am looking forward to working with my colleagues on both sides to start this Congress with a real accomplishment. If we do this, the public's confidence in how we tackle the many pressing issues before us will be greatly enhanced. That, in the end, is the best reason to undertake these reforms. They are the foundation on which the rest of our work together stands.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD are printed in today's RECORD under "Morning Business.")

Mr. BYRD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask that Members know that the floor is open, that now is the time, and that hopefully they will file any amendment and come down forthwith and speak to them.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak as in morning business for a few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

Mr. LEAHY. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAY-GO

Mr. GREGG. Mr. President, I wish to speak briefly, not specifically on this bill, although it is related to this bill. I will have an amendment to this bill. Hopefully, I can offer that tomorrow. But since there is a lull in activities, I want to speak briefly on something the House has recently done as part of its 100-hour agenda. It has passed language which is euphemistically referred to as pay-go.

I think it is important to understand what the implications of that language are because it gives definition to the House leadership rather quickly in this whole process of where we are going in the area of fiscal responsibility as a country because what this language essentially does is guarantee tax increases, but it has virtually no impact on spending restraint.

It has been given this motherhood title "pay-go" when, in fact, it should be called and more accurately is described as "tax-go."

The implications of this language are pretty simple. It says that when a tax cut lapses or comes to the end of its term, that tax cut will be raised back to the original rate. So, for example, we today have a tax rate of 10 percent for low-income individuals. That tax cut was put in place back in the early 2000 period under the President's tax cuts. That tax cut comes to a close from a statutory standpoint—in the sense that the authorization level of the rate terminates in 2010—and that rate will jump back up to the basic rate, which I believe was 15 percent at the time. So there will be a 5-percent tax increase on low-income Americans who pay taxes. That would be people with over $40,000 of income, for all intents and purposes. That is a tax increase.

One would think that type of mechanism would also be applied, if one is going to use a euphemism such as pay-go, to the spending side of the aisle, so when the spending program used up its authorized life—let's take, for example, the farm program—and it reaches the end of its term, as the farm program is about to do, at that point, that program, which is a subsidized program, would have the cost of the original program go back in place or it would be cut back to having no subsidy at all. But that is not the way it works.

Under the proposal, entitlement programs are perceived to go on forever and to spend money forever at whatever the rate is, even if their authorization ends. But tax reductions are perceived to end and tax rates are perceived to go up. You basically treat the two sides of the ledger entirely differently. On one side of the ledger, taxes go up under this "tax-go" proposal if there is no change, and on the other side of the ledger, if there is no change, the entitlement spending goes on for that designated program forever without it falling back and being limited. There is no review of it.

The practical implication of this language is that the only thing it affects, when you put in place this so-called pay-go, which is really "tax-go," is the tax side of the ledger. That is the only thing that can be impacted because the entitlement program under the scoring mechanisms of our Government don't lapse, don't end. The spending is perceived to go on. So pay-go cannot apply to it. You cannot review the program. It is only on the tax side that it applies.

The effect of that is this is a mechanism to force a tax increase because what this basically says is without 60 votes, you cannot continue the lower tax rate. But on the entitlement side, you can continue to spend the money not subject to a 60-vote threshold. Those are two different approaches to the two sides of the ledger in the Congress.

So by taking this action in the House and passing this language, they have essentially said it is their goal to dramatically increase taxes, to use the mechanism of alleged pay-go, or "tax-go," to drive major tax increases on the American public.

If you are on the Democratic side of the aisle in the House, or maybe even on the Democratic side in the Senate, that may make sense; you may want to raise taxes. It is the tradition, of course, of the party to like to raise taxes, I guess. That is how they got the title "tax and spend" fixed to their nomenclature. But this is rather a brash way to do it; to start right out with the first major enforcement mechanism for budget, supposedly, restraint being a mechanism that doesn't reduce spending at all, doesn't restrain spending at all. All it does is force us to raise taxes or at least be subject to a 60-vote point of order if we want to maintain taxes at their present level.

Some may say: We need to raise taxes; the tax burden in America is not large enough on earning Americans, especially on high-income Americans. I fundamentally disagree. Why? Because when one looks at the present law and what is generated in revenues, we are seeing a dramatic increase in revenues in this country. Revenues have jumped in the last 3 years more than they have jumped in any period in our history. That is because we have in place a tax system which has created an incentive for people to go out and invest and undertake economic activity which has, in turn, generated revenues to the Federal Government.

Historically, the Federal Government revenues have been about 18.2 percent of the gross national product. That is how much the Federal Government has historically taken out of our economy and spent for the purposes of governance. That is the average.

We are now getting back in tax receipts, because of these large increases over the last 3 years, close to 18.4, 18.5 percent of gross national product, so we have actually gone over what is the historical level of revenues to the Federal Government. We are generating more revenues than the Federal Government historically gets. That is good news.

It has been done in the right way, by the way. We have generated this extra revenue by creating an atmosphere out there where people are willing to invest in taxable activity. We have seen it over the years. In fact, President Kennedy was the first one to appreciate this, followed by President Reagan, and then President Bush. When you get tax levels too high—the American people are creative. We are a market economy with an entrepreneurial spirit, and when you raise taxes too high, people say: I am not going to pay that tax rate. I am going to invest in something that avoids taxes, some highly depreciated something that expenses items like municipal bonds, something that allows me to put my money where I don't have to pay that exorbitant tax rate.

What has happened, however, under the Kennedy tax cut and the Reagan tax cut and the Bush tax cut is when you get taxes at the right level, when you say to the American entrepreneur and American earner: We are going to charge you what is a reasonable tax rate on your investment, then the American people go out and they invest in taxable activity. That taxable activity generates jobs and jobs create growth. It also is a much more efficient way to have money used. You don't have money inefficiently being invested for the purpose of avoiding taxes. Money is instead invested for the purpose of generating activity, which is productive.

As a result, the entire economy rises, as has happened in the last few years, and you generate significant revenues to the Federal Treasury, as has happened in the last few years, and is projected, by the way, to continue—both by the CBO and OMB.

Some will say: Sure, but that doesn't point out the fact that the high-income people in America got a huge tax cut under this tax proposal. Remember, we are generating more revenue from this tax cut, more revenue than we got before. We had a down period. There are going to be a lot of debates about that. My view is it came out of the bubble of the late 1990s and the attack of 9/11 and the initial impact of the tax cut. But that has all been reversed to a point where we now have an economic situation where we are generating more revenues to the Federal Government than we have as an historical norm. So we are getting more revenues from this tax system.

Interestingly enough, the tax system is more progressive. It is the most progressive it has been in history. The American people with incomes in the top 20 percent are paying 85.2 percent of the Federal tax burden. The top 20 percent pay 85 percent of the tax burden. That compares to the Clinton years where the top 20 percent were paying 84 percent. So, actually, the top 20 percent are absorbing more of the tax burden of America, generating more revenues to the Government, and not only that but the bottom 40 percent of American income-earning individuals are getting more back than they did under the Clinton years, almost twice as much.

If you earn less than $40,000 in America, you are receiving more back than you did in the Clinton years because of the fact of the earned-income tax credit—in fact, almost, as I said, twice as much.

We have a law now that is doing two extraordinary things: it is generating huge revenues to the Federal Treasury because of the economic activity it is encouraging—creating jobs, creating investment, creating taxable events—and it has created a more progressive tax system. That is the good news.

So why do we want to raise taxes? Why do we want to go back and raise taxes on that situation? I don't think we should. But if you follow the pay-go proposal that has been brought forward by the House, that is the only option that occurs as these tax policies start to lapse in the year 2010.

I would probably be willing to fight that fight. In fact, I am willing to fight that fight if we treated the spending side of the ledger the same way under pay-go, or under "tax go," as I call it, but we don't. As I mentioned earlier, because of the way the baseline works around here, the spending side of the ledger does not have to be looked at under the pay-go rules. You can continue to spend on those entitlement programs whatever is in their traditional spending patterns, whatever they are, plus increases as a result of more people using them. Granted, you can't create new entitlement programs. Those would be subject to pay-go. And you can't dramatically expand the programs. For example, the Part D premium would have been subject to pay-go—was subject to pay-go. But that is only a small portion of the spending issue. The real essence of the spending issue is the underlying entitlement, as is, of course, the essence of the tax side, the underlying rate.

What you have essentially done is create a mechanism which, because of the way we score spending versus taxes, causes taxes to be subject to a 60-vote point of order but does not cause spending to be subject to the same discipline. So the practical implications of it are that it will basically be used primarily as a force for forcing tax increases on the American people. That is almost automatically, by the way, because in 2010 these taxes that are in place, these tax rate changes, lapse. Under the rules they will be subject to a 60-vote point of order and getting 60 votes around here for a tax cut, as we know, is pretty difficult.

This is the problem with pay-go as it is presently structured. Interestingly enough, the House has also done this in a way that doesn't even go to the traditional pay-go rules, which would involve sequester, as I understand it. They have done this outside the statutory process. They have done it as a rule and therefore the true enforcement mechanism against a new entitlement, to the extent pay-go would apply against a new entitlement, would be sequester.

What is sequester? It essentially says that either you offset the new spending with spending cuts somewhere or else you have an automatic event which does it for you across the board. That is the right way to do this. You should have a sequester. So the failure to get sequester as part of the exercise just once again shows that there isn't a seriousness of purpose in this rule as it was passed by the House relative to spending restraint. There is only a seriousness of purpose relative to making sure that taxes go up. You really can't defend that position unless you are willing to take the position that really what we are interested in is raising taxes because otherwise, to defend that position, you would have to say: Yes, but we didn't want it to apply to entitlement programs that already exist. And even if there is a new entitlement program we didn't want it to apply to that new entitlement program with any enforcement mechanism that might actually require us to cut spending. We will just sort of finesse that one. The only thing we really want this to be required to attach to is whether taxes go up in 2010.

So I do think it is ironic, if not a bit disingenuous, to have one of the first major items of principle upon which the House Democratic leadership is going to stand be that they want a rule that puts in place the requirement that we raise taxes. In my opinion, it shows there maybe is a superficial purpose relative to actually defending and controlling spending.

I have not been one to shrink from pointing out that my side has not done a great job on spending restraint. I have been rather definitive about that. But I do think that it is inappropriate to start this Congress with the statement that we are going to be fiscally disciplined and then claim that fiscal discipline is going to be hung on one rule. And that appears to be the only thing done over there on the issue of, as they say, "fiscal discipline," one rule which as a practical matter has no practical effect on spending restraint. None.

There are ways to correct this. There are ways to make this rule a statute. In fact, the Senator from North Dakota has proposed that. There are ways to make this rule apply appropriately to restraining entitlements as well as restraining the issue of tax policy, if that is what you want to do. I might be inclined to support such a rule if it were balanced, if it said we are going to be as aggressive on the issue of spending restraint and entitlements as we are going to be aggressive on the issue of defining how taxes are applied, but that is not the case. That is not the case at all.

This is a rule that comes at us, that treats these two accounts differently and inappropriately in the sense that it treats one as apples, one as oranges, and then says we are only going to deal with the apples.

It is not good policy. For some reason, unfortunately, it has managed to take on a life of its own relative to this nomenclature—pay-go—so that there is almost a sacrosanctness to it. We had an idea around here for years called the lockbox which took on that same sort of sacrosanct concept even though it also was a bit illusory as to what it accomplished versus what it claimed to accomplish. This proposal has the same problem. It is illusory as to what it accomplishes compared to what it claims to accomplish. It does accomplish the raising of taxes. It does not accomplish the disciplining of the entitlement side of the spending accounts.

I understand that this matter is probably not going to be raised on our side until we get to the budget process. That may or may not be the right place to raise this issue because if you are going to do it statutorily, which is actually the way you should do it, the budget process can't accomplish that. But should we, and when we do approach this topic, I hope we can amend this in a manner which would allow us to have it play fairly so that we had apples on both sides of the agenda, both sides of the ledger, or oranges on both sides of the ledger, so that an entitlement program, when it reached its authorizing term, would have to be subject to the issue—not new entitlements, but the actual underlying entitlement. When you have a tax program, when it hits its authorized life, it would be subject to the same. That would be the right way to do it, but it is not the way the House did it, and it wasn't done that way intentionally.

I would like to think that it was just inadvertent that they left out entitlements, but it is not. They left it out because the driving thrust—and I think the reason it has taken on such a life of its own in the nomenclature—the driving thrust is to use this as a mechanism to basically attack the tax cuts of the early 2000 period. It is not an attempt to restrain the rate of growth of this Government on the entitlement accounts.

Why do we need to restrain the rate of growth on the entitlement accounts? It is very simple. The numbers are stark, they are there, and everybody agrees to them. By the year 2025, three accounts in this Government—Social Security, Medicare, and Medicaid—will absorb 20 percent of the gross national product, 20 percent. By the year 2040 they will be absorbing almost 30 percent of the gross national product. If you recall what I said earlier—which I can understand that you don't because I have been going on for a long time—the revenues of the Federal Government are only 18.4 percent of the Federal gross national product. So, by 2025, because of the retirement of the baby boom generation, we will simply be unable to afford this Government unless we are going to radically increase the tax burden on all Americans, working Americans. It is pretty obvious to me you can't tax your way out of this problem. You cannot put a burden on the next generation of 22, 23, 24 percent of gross national product as being their tax burden because that means you deny them the ability to live a lifestyle like we are living. You deny them the extra dollars they would need to send their children to college, to buy their homes, to be able to do what they want to do with their life, because all of that money is going to go to taxes to pay for all the entitlements on the books which we have to pay for as a result of the retired generation.

You cannot tax your way out of this issue, even if we agree with the static models that say as you raise taxes, you get more revenue. I happen to not believe in that. We have proven with Kennedy, Reagan, and Bush cuts that does not work. Even if you were to accept you cannot tax your way out of this problem, you have to address the spending side of the ledger. That is why you have to have a real pay-go rule—not a tax-go rule, a pay-go rule—that actually does address the spending side of the ledger aggressively as it addresses the tax side of the ledger or you should not have the rule at all, because you are basically prejudicing us to move down the road of tax increases and not addressing the fundamental problem, the fundamental issue that is driving the problem our children will confront, which is they are going to get a country they cannot afford. Our generation is going to give them a country they cannot afford. That is not right for one generation to do to another generation.

There are ways to address this. There are substantive ways to address it. The Senator from North Dakota has been one of the leaders and now, as chairman of the Budget Committee, gets to be the leader—I welcome him to that role—in trying to come to some resolution on this whole issue of how you get to the balance between spending and taxes in the face of the human demographic, this huge retirement that will occur and the pressures it will put on our society.

We are getting off on the wrong foot if we simply say we are just going to do it on the tax side of the ledger. That is essentially what this proposal that came out of the House does. There are better ways to do it. There are better ways to structure the proposal. The issue has to be addressed. It means as a society we have to address it. We simply cannot do it on the tax side of the ledger.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. LOTT. If the Senator from North Dakota will yield,

I wonder if we have any information that is available with regard to a vote or votes tonight that Members can be made aware of. Does the Senator from North Dakota have any information on that?

Mr. CONRAD. I do not.

Mr. LOTT. I understand Senator FEINSTEIN might have had some information she could provide on that. I know there are Senators waiting to hear the expected schedule for tonight.

Parliamentary inquiry: Are we still in debate on the underlying ethics and lobbying bill?

The PRESIDING OFFICER. It is the pending question.

Mr. LOTT. Mr. President, Senator FEINSTEIN is in the Senate.

If the Senator from North Dakota would yield briefly.

Mr. CONRAD. I am happy to yield so colleagues know plans for the evening.

Mrs. FEINSTEIN. Mr. President, through the Chair to the distinguished Senator from Mississippi, we have three amendments so far by Senator VITTER. They are being vetted with respect to committees. We are not at the present time prepared for a vote. My view is the likelihood of a vote tonight is remote. I have been in our cloakroom trying to learn if I can say there are no more votes. The closest I can come is to say the likelihood of a vote is not high. Does that help the Senator?

Mr. President, I very sincerely urge Members, please come to the floor if Members have amendments. Please file amendments. Please speak to your amendments. We will never finish this bill unless Members are here. The floor has been open all afternoon for amendments. With the exception of one Senator, there are no amendments before the Senate. I hope Members are listening. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DURBIN. I am sorry to interrupt my colleague. If I could ask the Senator to yield for a moment, through the Chair, I ask the Senator from California as the manager of this bill if she would have any objection if we made it official that there will be no votes further this evening.

Mrs. FEINSTEIN. I have been asking to do just that for 1 hour. Yes, of course.

Mr. DURBIN. I think we should do that in respect to schedules.

Mrs. FEINSTEIN. I respect the Senator for getting the job done.

Mr. DURBIN. Let us also encourage, admonish our colleagues that we will have some votes in the morning and get the bill moving. We want to get this bill finished. We will stay in session next week until this bill is finished. It is better to frontload it with activity. That means if anyone has a serious amendment, come on down tomorrow morning because we would like to bring it to the Senate floor for consideration.

Mrs. FEINSTEIN. If I may, the Senator from Illinois is absolutely right. I made three appeals for amendments thus far. What I am concerned about is at the very end of the consideration of the bill, we will be flooded with amendments and not have the time to debate the matter. Now is that time. The Senator is absolutely correct. Hopefully we will both be listened to.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

PAY-GO

Mr. CONRAD. Mr. President, I come to the Senate to respond to my colleague, the Senator from New Hampshire, with respect to the issue of pay-go. People deserve to hear the other side of the story.

I say to my colleague from New Hampshire, who has left the Senate floor, that is one of the most creative presentations on pay-go I have ever heard. And very little of it matches the description I would give of pay-go.

The first thing I point out, the Senator from New Hampshire used to be a strong supporter of pay-go. In fact, this is what he said in 2002, 4½ years ago:

> The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or if you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event that also lapses.
>
> . . . If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress, and, as a result, will dramatically aggravate the deficit which, of course, impacts important issues, but especially impacts Social Security.

He was right. Now we have seen a dramatic transformation in his position. He was exactly right.

Look at the evidence. He said it would aggravate the deficits if we did not have pay-go. We can now look at the record. We have now been 6 years without effective pay-go discipline in this Senate. What has happened? The debt of the country has exploded. The debt is now $8.5 trillion and it is headed for $11.6 trillion under the budget plan our colleagues on the side opposite offered in this Senate.

They did exactly what he predicted almost 5 years ago without pay-go discipline. Deficits and debt have exploded, and increasingly this debt is being financed from abroad. In fact, it took 42 Presidents—all these Presidents pictured here—224 years to run up $1 trillion of U.S. debt held abroad. This President has more than doubled that amount in just 5 years.

The absence of pay-go or effective pay-go is not the sole reason for this, but it is one reason. The Senator from New Hampshire himself predicted that back in 2002. He said that pay-go requires a tax increase. Wrong. Pay-go doesn't require a tax increase. What pay-go does is say this: If you want new tax cuts, you have to pay for them or get a supermajority vote.

The Senator from New Hampshire then says, there is no spending discipline. Wrong again, because pay-go says you can't have new mandatory spending. Remember, mandatory spending is well over half of the budget: Medicare, Social Security—those are examples of mandatory spending. And pay-go says you can't have new mandatory spending unless you pay for it, or you get a supermajority vote.

The Senator from New Hampshire said to us that pay-go is a stalking-horse for tax increases. That is not true. Pay-go is a stalking-horse for budget discipline. He himself said as much 5 years ago.

The Republicans—at least some now—say that tax cuts are treated unequally because they do not continue indefinitely in the baseline. Why is that? It is because our friends on the other side sunset the tax cuts in order to jam more of them into a period of time.

Now they say, after they are the ones who constructed these sunsets, gee, there are sunsets on these tax cuts. Guess what. They are the architects of the sunsets. They are the ones who wrote the sunset provisions into the law. If they had not used reconciliation—which is a large word that simply means special provisions here to avoid extended debate—to avoid Senators' right to amend to put pressure on the Senate to act in a very short period of time, if they had not used those special provisions then, the tax cuts would be part of the baseline on an ongoing basis. They are hoisted on their own petard. That is the reality of what is occurring.

Now, the Senator from New Hampshire said there has been an explosion of revenue under their watch. No, there hasn't been. Last year we got back to the revenue base we had in 2000. It has taken all this time to get back to the revenue base we had then.

What the Senator is talking about is shown on this chart. Here are the real revenues of the United States, and we can see there has been virtually no growth since 2000. In 2000 we had just over $2 trillion of revenue. They put in their tax cuts in 2001 and revenue declined. It declined more the next year. It declined more the next year. And it stayed down the fourth year. Only in 2005 did we start to get close, and only in 2006 did we get back to the revenue base we had in 2000.

Now, just because they cut the revenue base did not stop them from increasing spending. They increased spending 40 percent during this same period. The result was, as I have shown in the previous charts, an explosion of deficits, an explosion of debt.

Here is what happened to the deficits. Here they are. They inherited budget surpluses. In 2002, we were back in red ink; in 2003, record deficits; in 2004, a new record; in 2005, one of the three worst deficits in the history of the country; in 2006, again, huge deficits. And here we are in 2007. This is a projection at about the same level as last year, actually somewhat worse.

But that doesn't even tell the story because, unfortunately, the buildup of the debt is far greater than the size of the deficit.

This was the stated deficit for last year, $248 billion. But the debt grew by $546 billion. We will never hear the word "debt" leave the lips of our friends on the other side of the aisle. We will never hear the word "debt" leave the lips of our President. Because they know these facts and I know these facts. The "debt" is growing much faster than the size of the deficit. It is the debt that is the threat.

As we have indicated, increasingly we are borrowing it from abroad. Last year we borrowed 65 percent of all the money that was borrowed by countries in the world. The next biggest borrower was Spain, at one-tenth as much as we borrowed.

The hard reality is, we are on a collision course because none of this adds up. The result is, we borrowed over $600 billion from Japan. We borrowed over $300 billion from China. We borrowed over $200 billion from the United Kingdom. We have even now borrowed $50 billion from our neighbors to the north in Canada. In fact, we now owe Mexico over $40 billion.

Look, their fiscal prescription has failed—failed completely—and the question is, Do we change course? I believe we must. Part of changing course is to go back to the pay-go discipline we had in previous years. That pay-go discipline—and I want to repeat—says this very clearly: If you want new tax cuts, you have to pay for them. If you want new mandatory spending, you have to pay for it. If you do not pay for it, in either case you have to get a supermajority vote.

Let me just make clear on middle-class tax cuts, I believe we ought to pay for them to extend them, but even if you did not, there is no question you would command a supermajority vote on the floor of the Senate. There is no question that you would get 60 votes for the 10-percent bracket, 60 votes for childcare credits, 60 votes to end the marriage penalty. We know you would command 60 votes on any one of those. I personally think we ought to pay for it. But pay-go does not require that you pay for it if you can command a supermajority. What our friends on the other side are worried about are the outsized tax cuts for the wealthiest among us because they believe, and perhaps rightly, that you could not get 60 votes to extend those, which means you would have to pay for them, which, in the context of the growth of deficit and debt, probably makes perfect sense.

What is most interesting is the change in my colleague's position because, as I indicated, 5 years ago these were his statements. I will end as I began. Five years ago my colleague said:

> The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event.

That is what pay-go does. That is exactly what he said 5 years ago. He was right then. He is wrong now because he has changed his position. He said then:

> If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress. . . .

He went on to say:

> **. . . and, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.**

The tragedy is, they gutted pay-go. They gutted it. And the result is precisely what he predicted at the time. The deficits and the debt have exploded.

What the House has tried to do and what we will try to do here is restore some basic budget discipline. Pay-go is one part of that. It is not the only part. It is not the salvation to our budget woes, but it is a tool that will help. It helped in the 1990s. It will help now. It does not require tax increases. That is just a false statement. It does not require tax increases. It says if you want new tax cuts, you have to pay for them or get a supermajority vote.

He says there are no spending restraints. Wrong again. In pay-go, it says very clearly that you cannot have new mandatory spending unless you offset it. And if you cannot offset it, you have to get a supermajority vote. That is the kind of budget discipline we need. That is the kind of budget discipline we have had in the past, and it led us from major deficits—in fact, record deficits at the time—to record surpluses.

To say pay-go is a stalking-horse for tax increases is just false. Pay-go is a budget process tool that is designed to help bring some discipline back to this body, to keep us from running up this massive debt. If you think about it, increasingly we are financing these deficits and debt abroad. Fifty-two percent of our debt now is being financed abroad. As a result, we have doubled foreign holders of our debt in just 5 years. That is an utterly unsustainable course.

What could it mean? Well, if these countries which are now advancing us hundreds of billions of dollars decided to diversify out of dollar-denominated securities, what would we have to do? We would have to raise interest rates in order to attract the capital to float this boat. That is what we would have to do. That would have very serious consequences for our economy. That is why we cannot continue on this course.

Pay-go is one part of the solution to these problems. It is only one part. I would not even suggest it is the major part. What is really lacking around here is will. What is really lacking around here is telling the American people the truth about our fiscal condition, and only if we tell them the truth will they respond with the urgency that circumstances require.

I very much hope we are going to be truth tellers in this Congress and we are going to go to the American people and be frank with them about this buildup of debt and the risks it creates for our country and the fundamental challenge it presents to our long-term economic security. The one place I agree entirely with the Senator from New Hampshire is that the long-term entitlement programs must be reformed because we face a demographic tsunami: the retirement of the baby boom generation. Make no mistake, it is going to change everything. This is fundamentally different from anything we have seen before. And this is not a projection because the baby boomers have been born. They are out there. They are alive today. They are going to retire. They are going to be eligible for Social Security and Medicare.

The hard reality is, we cannot foot the bill for all the promises that have been made by past Congresses. The Senator from New Hampshire is dead-on on that issue, and he and I and others are going to work our very best together to try to address these long-term challenges.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, if you walked down the main streets of Oregon or Rhode Island or anywhere else in our country and asked what a secret hold was, my guess is that most citizens would have no idea what it was, or maybe they would think it is some kind of hairspray or maybe a smackdown wrestling move.

But the fact is that a secret hold is one of the most powerful tools that exists in our democracy. I and Senator GRASSLEY have worked for a decade to ensure that if a Senator puts a hold on a piece of legislation, they would have to do it in the open. They would have to do it in a way that was considered accountable. A hold in the Senate is, in fact, what it sounds like; it keeps a piece of legislation or an important measure from coming up. In some instances, it can affect millions of people and billions of dollars.

It would be one thing if a Member of the Senate, such as the Senator from Rhode Island or the Senator from Iowa, felt very strongly about something and they came to the floor and said: I am going to do everything I can to block it because I don't think it is in the public interest and I am opposed. That is one thing. It is quite another thing for a Senator to exercise the power and to keep something from even coming before this body in total secrecy. When he was asked why he robbed banks, Willie Sutton said, "That's where the money is." The reason I and Senator GRASSLEY have called for openness with respect to holds is we believe the secret hold is where the power is.

We particularly want to reduce the power of lobbyists who so often hotwire, the way things work here in the Senate, to block everything through a secret hold that the public knows nothing about. Getting a Senator to put a secret hold on a bill is akin to hitting the jackpot for the lobbyists. Not only is the Senator protected by a cloak of anonymity but so are the lobbyists. A secret hold, in fact, can let lobbyists play both sides of the street. They may have multiple clients. They may have multiple interests, and they can figure out how to orchestrate a victory without alienating potential or future clients. This is one of the most powerful tools a lobbyist can have, and it is particularly powerful at the end of a session in the Senate.

We are delighted that the Presiding Officer, the new Senator from Rhode Island, is here. He will see what it is like at the end of a session. Suffice it to say that it is pretty darn chaotic. Measures and proposals are flying every which way, and through a secret hold you can keep something from ever being heard at all. What I was struck by when I had a chance to come to this distinguished body is that in a number of instances in the past, it has not even been a Senator to exercise one of these secret holds; it has been a member of a staff—a personal staff or committee staff—or somebody else. So what you have is this extraordinary power exercised by someone who doesn't even have an election certificate. I think that is an abuse of power, and that is what I and Senator GRASSLEY have sought to change.

We want to make it clear we are not trying to reduce the ability of a Member of the Senate who feels strongly about a measure to make sure they can weigh in and be heard on that particular concern. Under our proposal, you are not going to have the end of holds. In fact, last year, I put a public hold on something I felt very strongly about.

Mr. President, I am sure the Chair heard about it in the course of his experience over the last couple of years. I felt very strongly about protecting Internet democracy and making sure there wasn't discrimination against those who use the Internet. A piece of legislation passed the Senate Commerce Committee that, in my view, would be very detrimental to Internet users. Right now, you pay your Internet access charge and you go where you want, when you want, how you want. Nobody faces discrimination. That would have changed under the bill that was passed by the Senate Commerce Committee. So I came to the floor of this body a few minutes after it passed committee, and I announced I was putting a public hold on that legislation because I wanted to do everything in my power to make sure that the Internet, as we know it today, would continue. So anybody who disagreed with me—and as the Presiding Officer knows, the cable and phone lobbies were spending millions and millions of dollars on advertising. They could tell who was accountable because while I was exercising my hold, everybody knew about it. It wasn't done in the dead of night, wasn't done by skulking around in a fashion where there was no way to hold somebody accountable. I came to the floor of the Senate.

I see my good friend, the distinguished Senator from Iowa. When he and I started working on this, he said: I am going to try this. I think doing public business in public is the way to go and, by the way, I don't think this is going to hurt. I don't think it is going to bite you. I remember the words of the distinguished Senator from Iowa because he and others have seen it. We have had a number of colleagues on both sides of the aisle join us in this effort, including Senator INHOFE, who has been a strong supporter, and Senator SALAZAR from Colorado, a strong supporter. It is almost as if there is a new openness caucus that has come together in the Senate behind the simple proposition that Senator GRASSLEY has stood for and that is that public business ought to be done in public. Senator GRASSLEY and I have worked for a full decade to bring this about.

We are very pleased that as a result of the bipartisan cooperation between the distinguished majority leader, Senator REID, and the distinguished minority leader, Senator MCCONNELL, it has been included in the legislation in the ethics bill before the Senate. Senator GRASSLEY and I know that no matter what you put into law, there will be efforts by some, we are sure, to try to find a way to get around it. But I will tell you that we have seen such an abuse of this practice in recent years, where Senators in secret can avoid any accountability at all. It seems to me that this legislation that is part of the ethics package that requires a Senator who weighs in on a measure to be held publicly accountable is long overdue. We have allowed, particularly through the help of the Senator from Maine, Ms. COLLINS, that it will be possible for Senators to consult on measures very easily.

Senator GRASSLEY and I have no intention of blocking the ability to conduct those consultations that give Senators an opportunity to learn more about a piece of legislation and work together on a bipartisan basis. But what we do feel strongly about is when Senators weigh in, when they make it clear they are going to block something, as I sought to do—and, fortunately, I was successful on the communications debate last year—when Senators weigh in and they want to block something that can affect, as that particular bill would have, billions of dollars and millions of people, then everyone ought to know who is going to be held accountable.

I see my good friend from Iowa. Similar to myself, he has put a full decade into this campaign for a new openness in the Senate, for more sunlight in the Senate. We will have to continue to prosecute our cause as the debate goes forward, and we still have a conference with the other body. I think the fact that this has been included as a result of the strong support of Senator REID, the majority leader, and the Senator from Kentucky, Mr. MCCONNELL, is a strong blow for the cause of open Government and accountability.

With that, I yield the floor and look forward to the remarks of my partner in this whole effort, the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I compliment the Senator from Oregon, Senator WYDEN, for being a bulldog on this issue and working so closely with me. Besides complimenting him on his efforts, and finally being victorious on these efforts, it gives me an opportunity to say to the country at large, people who generally believe that everything done in Washington is done on a partisan basis, this is an example of where one Democrat and one Republican, working together, have been successful, and we have been working together. So everything in Washington is not partisan.

Also, I think it brings to a point that as far as the Senate is concerned, as opposed to the other body, the fact that this probably would not have gotten done if it had not been done in a bipartisan way. For things to be successful in the Senate, it takes some bipartisanship and the broader the bipartisanship the better. But also as a substitute for bipartisan opposition to what we are doing, our bulldogging this issue for a long period of time has proven to override the bipartisan opposition to it because when we put an issue such as this to public debate, common sense has to prevail.

Getting back to what Senator WYDEN quoted me as saying over the last several years, that the public's business ought to be done in public, that people who are surreptitiously trying to do things and then try to explain that to the public, the public is not going to buy into it. But the public does buy into doing what the public thinks Congress is all about, and that is being a very public body because we are representatives of the people.

I say those things aside from the merits of the issue. I cannot express those merits for myself any better than Senator WYDEN has done. I don't intend to try to attempt to do that, but I will give you my version of why this is a very important issue. In doing this, I fully support everything Senator WYDEN has said, and I associate myself with those remarks.

As an extension of what he said, I will say for myself, every Senator does have a right and, if he or she is representing their constituents, ought to exercise this right to object to a unanimous consent request to bringing matters before the Senate that they might feel are detrimental to their constituency or detrimental to the good of the country. Of course, an extension of unanimous consent is putting a hold as a way of protecting that right.

Since Senators cannot be on the floor all the time, a hold is essentially a way of putting the leaders on notice that a Senator intends to object to a unanimous consent request to proceed to a matter. Of course, I have exercised, and the Senator from Oregon has said he has exercised, putting on holds for various reasons. For a long time, I have made my holds public by putting a very short statement in the CONGRESSIONAL RECORD of why I was holding something up, No. 1, because I think the public's business ought to be public, and, No. 2, because I am saying holds ought to be public, so it would be unethical for me to have a secret hold, and No. 3, people who disagree with my hold ought to have an opportunity to discuss with me why they think their position is right, and I ought to have a right to discuss with them why I think something ought to be changed in their bill or some reason I am holding it up, so one can talk and know they are getting together to solve the problem so the work of the Senate can be done.

Since I have done that, I have to say I fully support the right of Senators to place holds on items that they do not consent to consider. However, a Senator has no right to register an objection anonymously. That has not been that way for decades in the Senate because some Senators feel that the public good ought to require that sometimes things ought to be done in secret. I don't happen to agree with that thought. So I am taking the position that the public's business ought to be public.

If I could expand on that a little bit, I suppose there are some legitimate exceptions to it, but except for the privacy laws, except for national security and connected with that maybe our intelligence operation and maybe in the case of executive privilege—meaning people who are in the White House very close to the President—I think there is no reason for business not to be public. That is, 99 percent of the rest of the business that the Federal Government does, from my point of view, ought to be public.

In practice, a hold can prevent a measure from coming before the Senate indefinitely. This gives tremendous power to a single Senator that no single Senator should be able to exercise for a very long period of time, maybe in the purist way—but in the less pure way should not be able to exercise secretly because the public's business ought to be done in the public.

There is no good reason why a Senator should be able to singlehandedly block the Senate's business without public accountability. For several years now, as I have said, I have practiced using holds for various reasons, but I placed a statement in the RECORD of why I was doing it.

We must have transparency in the legislative process for the right of the public to know what we are doing but also to expedite the public's work. The use of secret holds damages public confidence in the institution of the Senate. I figure a secondary, subsidiary benefit of what we are doing is when people get the idea that we are not trying to do something secret, that the public's business is public, they are going to be less cynical about the institutions of Government generally. The less cynicism we have, the more confidence people are going to have in the institutions of Government and the better our Government is going to operate, the better the representative system of Government is going to operate.

But where does less cynicism start? It doesn't start necessarily with changing the rules. It starts with people such as Senator GRASSLEY, Senator WYDEN, and Senator WHITEHOUSE because when we do things in the way the public expects us to do them and more Senators do that all the time, Senator by Senator we are going to reduce the cynicism and enhance public respect for the institutions of Government.

The purpose of the underlying bill before the Senate is to provide greater transparency in the legislative process. Therefore, the amendment by Senator WYDEN and this Senator from Iowa is a natural extension of that purpose. It is quite appropriate that this underlying bill include disclosure requirements for holds that he and I have been working on for several years.

In the process, we have to compliment Senator REID for including this in the underlying bill and Senator MCCONNELL; and I am not sure how they individually felt about this in the past. But I think it is very clear that with the vote we had last year—I think it was in the mid-eighties—of Senators who support what we are doing, it is a foregone conclusion that regardless of how leaders might feel about it, if they were on the other side, they were very much in the minority.

Realism finally comes through when we have consistency and determination, as Senator WYDEN has demonstrated and that vote demonstrates, and it is a tribute to our leaders that if they don't necessarily like what we are doing, that they have included it in their legislation. Obviously, I have to give thanks to them. I, also, give thanks to Senator LOTT who, over a period of couple of years, has been working with us. I, also, wish to give credit to the President pro tempore, Senator BYRD, who a couple years back gave us some encouragement along this line.

I hope, now that everything is coming together, that within a few short weeks we can have a very open process of making holds public, bringing people together and producing results in the Senate because of one giant step we are taking here.

Doing away with holds might not sound like one giant step, but it is from the standpoint if you knew what the four-letter word "hold" does to the legislative process around here, it grinds everything to a halt—everything to a halt. Try to explain to your constituents back home that some Senator has a hold on a bill and try to explain that is why we can't get something done. They wonder what planet we come from. It is very difficult to explain.

We are still going to have holds, we still have to explain it, but at least I can say to people it is Senator SMITH or Senator Jones or Senator Wilson who has a hold on the bill, and I am going to talk with them and see what we can do about it and get something done.

I compliment the Senator from Oregon very much and hopefully the Senate is going to work better.

Mr. GRASSLEY. Mr. President, I wish to speak as in morning business for such time as I might consume, and for other Members, it will be in the neighborhood of about 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE DRUG BENEFIT

Mr. GRASSLEY. Mr. President, I am back again tonight to talk about the Medicare drug benefit. As I said yesterday, the 110th Congress will consider legislation that would fundamentally change the benefit. The public and Medicare beneficiaries need to fully understand the proposed changes and how they would affect them.

When we talk about the public and Medicare beneficiaries, remember, for the most part, we are talking about the senior citizens of America and people who are on Social Security disability.

Yesterday I spoke about how the benefit uses prescription drug plans in competition to keep costs down and how well that has worked. Today I want to get to the crux of this debate, the so-called prohibition on Government negotiation with drugmakers.

Opponents of the Medicare drug benefit have twisted the law to come up with their absurd claim that Medicare will not be negotiating with drugmakers. They misrepresented the noninterference clause. The language does not prohibit Medicare from negotiating with drugmakers; it prohibits the Government from interfering in negotiations that are ongoing all the time.

So it is a prohibition on Government negotiating. It is not a prohibition on negotiation. It is very important because it is not the Government agency itself that is doing the negotiating. It is the private prescription drug plans that are doing the negotiation.

That may surprise some people who have heard about the so-called prohibition on negotiations. Of course, price negotiations occur on drugs provided to Medicare beneficiaries. Those negotiations occur between the prescription drug plans and the manufacturers. We have a precedent for this. The plans are run by organizations experienced in negotiation with drug manufacturers. They deliver prescription drug benefits to millions and millions of Americans—in other words, meaning millions and millions of Americans beyond senior citizens—and including this 50-year precedent of it being done for Federal employees through the Federal Employees Health Benefit Plans.

As I said yesterday, competition among the plans to get the best price is working. We have lower than expected bids and cost of premiums and lower than expected costs for the Government as a result. So not only is it saving the senior citizens money, as it has been saving Federal employees money for 50 years, but also lowering costs to the taxpayers because there is some subsidy for seniors in the Medicare prescription drug program.

Most importantly, we have lowered prices on drugs for beneficiaries. For the top 25 drugs used by seniors—so I am just taking the top 25 drugs used—the Medicare prescription drug plans have been able to negotiate prices that on average are 35 percent lower than the average cash price at retail pharmacies; 35 percent lower. The purpose of the prohibition on Government negotiation—in other words, getting back to what is referred to as the noninterference clause—is to keep the Government from undermining these negotiations that have been so successful and to keep the Government out of the medicine cabinet.

I have lost count of the number of times I have talked about this so-called prohibition that is not a prohibition on negotiations, because negotiations are going on every day. I am not easily discouraged and that is why I am here talking tonight on this subject. I prefer to debate more substantive issues, but unfortunately that is not the case. The debate that went on during the campaign, the debate that went on in some speeches on the floor in the last Congress, and the debate that will come here on the Senate floor in the next 3 weeks, is in fact a shell game. It is about distortion of the language of the law, it is about manipulation of beneficiaries and, in turn, the public, and it hinges on the convenient lapse in some people's memory about the history of this noninterference clause. What I want to do today is remind people about the history.

We are going to take a little trip down memory lane. For our first stop on memory lane, let me take a second to read something to you. This is a quote from someone talking about their own Medicare drug benefit proposal.

> Under this proposal, Medicare would not set prices for drugs.

Let me start over again because that first sentence needs to be emphasized:

> Under this proposal, Medicare would not set prices for drugs. Prices would be determined through negotiations between the private benefit administrators and drug manufacturers. . . .

The person who said this clearly wanted private negotiations with drug companies for Medicare benefits. He was proposing, and I want to quote again from this person—and I am soon going to tell you who that is—

> . . . negotiations between private benefit administrators and drug manufacturers.

So I am taking that quote out of the previous quote for a way of emphasis.

> Negotiations would go on between private benefit administrators and drug manufacturers.

In other words, not involving the Government. So it could not be more clear what this person had in mind when he was proposing legislation a few years ago. You are going to be shocked to hear who said this. For those who thought President Bush said it, they are wrong. The quote is from none other than President Clinton. President Clinton made that comment as part of his June 1999 plan for strengthening and modernizing Medicare. President Clinton had in his idea, when we were going to strengthen and modernize Medicare with a prescription drug program, that we ought to have negotiations done by the private sector, not by the Government.

President Clinton went on to say that under his plan:

> Prices would be determined through negotiations between the private benefit administrators and drug manufacturers.

Quoting further:

> The competitive bidding process would be used to yield the best possible drug prices and coverage. . . .

And following the 50-year precedent I have been referring to, he went on to say:

> . . . just as it is used by large private employers and the Federal Employee Health Benefit Plans today.

That is the end of the quote from President Clinton.

President Clinton also described his plan as using private negotiators because:

> These organizations have experience managing drug utilization and have developed numerous tools for cost containment and utilization management.

This is a President whom a lot of people would believe, because he comes from the Democratic Party, has great faith in big Government, that he would not be suggesting these things. But when you have a precedent of 50 years of it working for Federal employees, he believed it was good enough to use when you offer prescription drugs to the senior citizens of America.

Does this ring any bells? It should, because it is the same framework used in today's Medicare prescription drug benefit—and I had a hand, as a conferee, in writing that. Private negotiations with drug companies—and it is based on a nearly 50-year history of the Federal Employees Health Benefit Plan.

Here is another interesting spot on memory lane—if I could digress for a minute for the benefit of Members who keep ringing up about a doughnut hole—separate from the issue of pricing drugs and negotiating. I thought it would be good to remind people. The Clinton plan had a coverage gap as well. It had a doughnut hole, as we refer to it, like the bill eventually signed by President Bush in 2003. Like many others, the new Speaker of the House has questioned why one would pay premiums at a point in time when you are not receiving benefits. In other words, when you are in the doughnut hole. It happens in the private sector, in a lot of different insurances. That is how insurance works. Go look at any homeowner's policy and auto policy or even the Part B of Medicare. You pay premiums to have coverage, and that is also how President Clinton's plan would have worked if it had been passed in 1999 instead of 2003.

In Sunday's Washington Post, Speaker PELOSI was quoted on her thoughts about having a doughnut hole. She said:

> How could that be a good idea unless you're writing a bill for the HMOs and the pharmaceutical companies and not for America's seniors?

Maybe she was referring to President Clinton's plan. As I said, President Clinton proposed this plan in June of 1999. On April 4, 2000, in a bill that is listed as S. 2342, the Medicare Modernization Act introduced here in the Senate, S. 2342 from that year, 2000, would have created a drug benefit administered through benefit managers. It even had the same title as the Medicare law that is now law. The Medicare Modernization Act is the title in 2000. It is the title of a bipartisan bill that is now law. So, here again, we have private negotiations with drug companies. It sounds familiar. It is like today's Medicare drug benefit.

Here is another important stop down our memory lane. This bill, which I referred to as S. 2342 previously, included the following language, "Noninterference," nothing in this section or in this part shall be construed as authorizing the Secretary to:

> require a particular formulary or to institute a price structure for benefits; (2) interfere in any way with negotiations . . . or (3) otherwise interfere with the competitive nature of providing a prescription drug benefit through private entities.

This is the first bill, the very first one where the noninterference clause appeared. You could say it is the second time it appeared because it appeared as a suggestion of President Clinton, but it was introduced the first time, and this was the language. But S. 2342 was not introduced by Republicans. It was introduced by my esteemed colleague and friend, the late Senator Moynihan. One month later there was S. 2541 introduced. I will read some language of that bill. Here I go to the first chart I have. I have four charts coming up.

> (B) Noninterference . . . The Secretary may not—
>
> (1) require a particular formulary, institute a price structure for benefits;
>
> (2) interfere in any way with negotiations between private entities and drug manufacturers or wholesalers; or
>
> (3) interfere with the competitive nature of providing a prescription drug benefit through private entities.

That wasn't a Republican bill, either. It was introduced by Senator Daschle, who was joined by 33 other Democrats, including Senators REID, DURBIN, and KENNEDY. For instance, 33 Senate Democrats cosponsored language for a bill that they now find not to their liking. I don't understand it. It turns out that the Democrats did not want Government interfering in the private sector negotiations, either. They recognized then that the private sector would do a better job. They recognized then what President Clinton recognized: something that had worked 50 years for Federal employees could be allied to senior citizens and Medicare as well and maybe do it better. And they didn't want the Government, some bureaucrat, messing it all up. At that time, they didn't want the Government in their medicine Cabinet, either.

In June 2000, two Democratic bills were introduced in the House of Representatives that also included the noninterference language. One was introduced by Dick Gephardt. That bill had more than 100 cosponsors, including then-Representative PELOSI, now Speaker of the House, but it also included Representatives RANGEL, DINGELL, and STARK. I want Members to know I worked very closely on some health issues with DINGELL and STARK, and I worked very closely with Congressman RANGEL on trade and tax issues.

That language included in H.R. 4770, introduced by Representative Gephardt and supported by more than 100 House Democrats, was almost identical to the language in Senator Daschle's bill. So we have 33 Senate Democrats, we have 100 House Democrats supporting the noninterference language.

Here is a chart with the text of the noninterference clause included in what is now Part D, the prescription drug part of Medicare, referring to it again under its official title, the Medicare Modernization Act.

It says:

> (B) Noninterference—in order to promote competition under this part and in carrying out this part, the Secretary—
>
> (1) may not interfere with the negotiations between the drug manufacturers and pharmacies and PDP sponsors; and
>
> (2) may not require a particular formulary or institute a price structure for the reimbursement of covered Part D drugs.

It sounds exactly like what was introduced in the Democratic bill. If we compare this language to the Gephardt-Pelosi language, the Medicare Modernization Act provisions have 26 fewer words. Compare it to the Daschle-Kennedy noninterference clause—the Medicare Modernization Act has 10 fewer words. It sounds as if sponsors of those bills were pretty concerned about the potential of Government interference.

Last week, the senior Senator from Illinois described the Medicare law enacted in 2003 as being written by the pharmaceutical industry. But the noninterference clause first appeared in legislation introduced by Democrats who now oppose the same provision that is law.

Since the opponents of the Medicare drug benefit always say that the noninterference clause is proof that the drug industry wrote the law, my question is, If that is what you think, did the pharmaceutical industry also write the bills that you had put in over the previous years going back to the bills I have referred to that were introduced by Democrats? I bet you wonder just how many Democratic bills contain that now infamous "noninterference clause"—the prohibition, in other words, on Government negotiating.

I have a timeline. As this chart shows, the prohibition on Government negotiation—the noninterference clause—has been in seven bills by Democrats between 1999 and 2003. That is in addition to the point I make clear of where the last Democratic President was on this subject: right where the law is today. Seven bills, including the bill introduced in the House on the same day as H.R. 1, which is now the law.

First it was in the Moynihan bill in 2000. There was a Daschle-Reid-Kennedy bill. That was followed in the House by a bill introduced by Representative ESHOO and then the Gephardt-Pelosi bill which has Representatives RANGEL, DINGELL, STARK, and our colleague who then was in the House, Senator STABENOW now, as a cosponsor. Representative STARK then had his own bill, and the senior Senator from Oregon introduced his bill in the Senate.

Finally, in the House, Representative Thomas introduced a bill. I know what the response will be. It will be that even though Democratic bills had nearly exactly the same noninterference language, practically word for word in seven bills over a long period of time, opponents now think that approach is no longer best for Medicare. It is sort of like we supported it before we opposed it.

Mr. DURBIN. Will the Senator yield?

Mr. GRASSLEY. Of course I yield for a question. We very seldom get a chance to debate. That is a welcome opportunity.

Mr. DURBIN. I notice that my friend and colleague from Iowa has been in the Senate for the last several days talking about Medicare prescription Part D, which he played a major role in creating. I know he feels the program as passed into law should not be changed—or at least not along the lines many suggest. However, I ask this question: Does the Senator believe that the current program at the Veterans' Administration which allows that agency to bargain for bulk discounts on behalf of our veterans to reduce the prices of the drugs they buy for our veterans is a good policy?

Mr. GRASSLEY. In the sense of what we can afford for veterans, we ought to think in terms of that we cannot afford enough for veterans who put their lives on the line.

When we have appropriated accounts, there are some limits, as opposed to an entitlement such as Medicare, but it is not as good as what seniors have under this because there are several therapies the Government will not pay for under the veterans program we pay for under Medicare. From that standpoint of the quality of the program, based upon the therapies that are available, it is not as good as what we have in Medicare.

Mr. DURBIN. Would the Senator acknowledge the fact, though, that the Veterans' Administration, because it can bargain on behalf of all veterans and obtain bulk discounts, saves money not only for the veterans who are provided with these drugs but also for our Government; that the pharmaceutical companies, anxious to provide drugs to millions of veterans, will give bulk discounts that will benefit both the Veterans' Administration and the veterans?

Mr. GRASSLEY. The answer is yes. But you get back to the person who came to one of my town meetings and said: The doctor said I ought to have this prescription. Why won't the Veterans' Administration pay for it? I have to have this one, according to the Veterans' Administration, and there is some way it affects me that the other one wouldn't.

We have to take that into consideration as well. Yes, bulk discount gets drugs cheaper, but the Government is not going to pay for every drug. You are going to have the bureaucrat in the medicine cabinet of the veteran, and the bureaucrat is not today in the medicine cabinet of the senior citizen.

You also have to realize that, in addition to the VA having a limited formula, they also do not have the availability of the drug in the pharmacies the way we provide in this Medicare Program.

Mr. DURBIN. Would the Senator from Iowa acknowledge the fact that under the current Medicare prescription Part D, if a senior citizen in Iowa or Illinois signed up for a specific program, there is no guarantee the formulary they signed up for today will be available to that senior next month or even next year? So if the Senator from Iowa is concerned that the VA can't guarantee all drugs, the current Medicare prescription drug Part D Program does not guarantee the formulary. The formulary can literally change by the month, and a senior can find that a valuable and important drug they signed up for is no longer covered.

Mr. GRASSLEY. If you want to say for a period of a year or beyond a year, the answer is yes, but for 12 months, no. But also remember that every year the Secretary of Health and Human Services has to approve these plans, and there are certain basic needs they have to meet. One of those basic needs that is in the law that is not in the VA program is a requirement that every therapy be available.

Mr. DURBIN. I say to the Senator from Iowa, it has been my experience, working with my seniors, that every plan does not offer every drug.

Mr. GRASSLEY. That is true, but every therapy is available.

Mr. DURBIN. That is the same situation the VA faces. The VA may say to that veteran: We believe you should have a generic drug. The veteran may prefer a brand-name drug which is more expensive, but the plan provides the therapy through a generic drug. So in that way, it parallels what the Senator is describing under Medicare prescription Part D.

What I am suggesting, what we are suggesting on this side of the aisle, is not to foreclose the possibility that private plans will continue to offer options under Medicare prescription Part D. What we are trying to add is something that was debated at length and rejected when the bill was written; that is, to allow Medicare as an agency, as a program, to offer its own prescription drug program for seniors, to bargain with pharmaceutical companies to find the lowest prices possible and then allow the seniors to make the choice: either take the Medicare approach or take a private approach. It gives more choices, not fewer.

Mr. GRASSLEY. Mr. President, I say to the Senator, I want to comment on the first part of what he recently said; that is, that what you say is true in regard to plans changing what drugs can be offered. We require that every therapy be available, but you are right, not every drug is available. And you want what the VA has because it might be better.

Now, let me point out then why our program is better. In the VA, 30 percent of drugs are covered, 70 percent not covered. In our program, if a senior finds him or herself in a plan where at the end of the year it has changed, they have choices of several plans to go to. The VA does not have that choice. There is no place a veteran can go. There is no place my constituents could go when they came to me and said: Why don't you cover this drug? My doctor says I need it because of what it does to me that the other one won't—or just the opposite.

Mr. DURBIN. If I could say to the Senator from Iowa, I have found my veterans to be very happy with the VA program. It is a very affordable program.

Mr. GRASSLEY. I have, too, so I agree with the Senator.

Mr. DURBIN. It is growing dramatically in size, which suggests more veterans are using it. But going back to Medicare Prescription Part D, we are not suggesting that Medicare offering its own program as an option is going to be mandatory on seniors. It is still their decision whether they want to use the Medicare approach—which we are supporting on this side of the aisle, which allows for these discounted drugs—or if they feel a private plan is better for them, better for their needs, better for their pocketbook. It is just a consumer choice. But that choice is not available today.

Medicare cannot offer to the seniors, under Medicare Prescription Part D, an option. What is wrong with Medicare offering that option and competing with these private insurance companies?

Mr. GRASSLEY. Well, can I ask a question without answering the Senator's question?

Mr. DURBIN. Certainly. Of course.

Mr. GRASSLEY. Because I was very joyful the Senator was coming out here. I saw him come out. I probably irritated him or something.

Here is what I was hoping we would be debating. Because the whole point of the last 2 days is: From President Clinton in June 1999, all the way through bills that the Senator's party introduced in 2003, we had the noninterference clause in it. I want you to know I felt very comfortable adopting a Democrat noninterference clause in my bill that is now law, and I was hoping the Senator was going to come out and give some justification why his party—mostly in his party; there were some on our side who would agree—why his party would change its mind after President Clinton thought that what we have been doing for 50 years was working so well in the Federal Employees Health Benefit Program that he wanted to do it. And he said you get lower drug prices by doing it that way.

Several bills—I think I said seven bills—introduced by Democrats had the same principle in it. And now you don't like it. I don't understand why. I was hoping that was why the Senator came out to debate.

Mr. DURBIN. Mr. President, I would say to my friend from Iowa, that is why I was asking the questions because I think the questions get beyond the word "noninterference" into the reality of the choice we are suggesting.

I do not believe it is an interference to the rights of seniors eligible under Medicare Prescription Part D to give them an additional choice. And that is all we are asking: Allow Medicare to offer to the seniors another choice. They can reject it. They can accept it. I do not think that is mandatory or interfering.

I think, frankly, that a free-market Republican such as my good friend from Iowa would grasp that as a good option. It means the private insurance companies would then have to do their best to compete with Medicare. If Medicare offers a better plan, seniors can take it. If it does not, they can take private insurance options that are currently available.

Mr. GRASSLEY. If it is a good idea, I think the Senator from Illinois would do the consumers more good by offering a Government program to compete with Wal-Mart, maybe.

Mr. DURBIN. I would say, when it comes to the Medicare program, we know this was created by the Senator's committee. And I salute him for his leadership. But it is in fact a Government program. In fact, it is a program that is subsidized by our Federal Government. It is not just allowing little, private entities to compete. We provide a subsidy to them. We have constructed a plan which has a doughnut hole where there is a period of no coverage. We have constructed an approach that some seniors find very hard to understand. But regardless, it is a Government creation. What we are suggesting is a Medicare option is not unreasonable. It still leaves the final choice in the hands of the seniors. They make the final choice what is best for them, what is best for their family, and what is best for their budget.

Mr. GRASSLEY. Mr. President, I think I have to give a bottom line and say it is working. Or if that is not good enough for you—after 2 years—that it is something that is working, it is something that is needed, it is something that Republicans got passed. And we did not get it passed without Democratic help, thank God—it was bipartisan—otherwise we would not have gotten it done. But for 4 years we were waiting for something to happen on your side of the aisle. It did not happen.

So could I end by saying one thing? In case my word is not so good, I would quote from the LA Times. It is in response to what the Senator said about the VA program. And I do not have any problems with the VA program. But it says here:

> VA officials can negotiate major price discounts because they restrict the number of drugs on their coverage list. In other words, the VA offers lower drug prices but fewer choices.

Now, do we want to give the seniors of America fewer choices? I think you do. The route you are going, that is where you are going to end up.

Mr. DURBIN. Mr. President, I would say to the Senator from Iowa, it is true that the VA formulary for eligible drugs is a more restrictive list. I do not know if that will be the same case when Medicare—if they are allowed to—offers an option. But ultimately the choice is in the hands of the seniors. If they think the formulary that is offered by Medicare is too restrictive, they do not have to choose it. It is their ultimate decision. It is the concept of freedom. And I know the Senator from Iowa embraces that concept. I hope he will consider our approach.

Mr. GRASSLEY. So I cannot attribute this specifically to the Senator from Illinois, but the Senator is talking about choice now, and if there is anything people have choice on, it is all the plans that are available. But from your side of the aisle, starting in 2004, all I heard was there was too much choice, too much choice, too many plans.

So I do not know for sure if you and your party know where you are coming from, whether choice is OK, how much choice is OK. Maybe you are leading us down the line where we are going to end up, if you get too much Government interference, we will not have choice.

Mr. DURBIN. I would say to my colleague, when it comes to this issue, my experts are pharmacists. Just like so many towns in Iowa, there are many towns in Illinois where the drugstore pharmacy is a community center, and people come to trust their druggist, trust their pharmacist. What I did, as Medicare Prescription Part D came on line, was to visit those drugstores and sit down with the pharmacist. And I will tell you quite candidly, many times they were dealing with seniors who had reached a point in life where a lot of information was difficult to evaluate, and they had to work with their pharmacist to find the best option.

So if there was a criticism on our side, it was the fact that there was so much information being given to seniors with a limited amount of time to make a decision. I think the Senator from Iowa would concede that some seniors needed the help of family members or pharmacists or counselors at senior centers to help them make this decision.

But on the final analysis, I hope the Senator will be open to the concept that if Medicare offers an option, it is just another choice for seniors. Take it or leave it. It is still ultimately their decision.

Mr. GRASSLEY. Mr. President, let me suggest to you that the committee that has jurisdiction over it, which I am no longer chairman of, has a tradition of trying to work through things. I want you to know I am committed to looking if there are better ways of doing it. But I think it is pretty difficult to argue with a program that has come in with senior citizens, by 80 percent in more than one poll, saying they are satisfied and, secondly, a program—what Government program have you ever seen come in without big cost overruns?

This one has come in now with the latest projection by CBO that it is going to cost $189 billion less than we anticipated it would cost. And we got lower Federal costs. We got lower premiums for the seniors. We got 35-percent lower drug prices for the 25 drugs most used by seniors. We got lower State costs, because the States do not have to pick up the duel eligibles as they used to.

There is something good coming out of the discussion the Senator and I are having. If we would have had this discussion 3 years ago, you would have said what we were doing was going to bring holy hell and not do any good and it would never work. At least now there is some acceptance of the program. So maybe with a little bit more dialog we will come around to the point where you are saying: Maybe, Senator GRASSLEY, you were right.

Mr. DURBIN. Mr. President, I am always—in fact, I have been quoted in your campaign literature sometimes saying nice things about you.

Mr. GRASSLEY. I noticed you have not said that so I can quote you again.

Mr. DURBIN. I am being very careful this time around. And I would be happy to acknowledge you are my friend and a great leader, and you have done a great job here. And put it in your next brochure if it will help.

But I want to close by saying thank you for this dialog. It is rare on the floor of the Senate, and we need more of it. I would say, when it comes to perfect laws, I think aside from the Ten Commandments, most laws could stand an amendment or two. So I hope you will be open to the possibility of improving Medicare Prescription Part D.

Mr. GRASSLEY. Remember, the bill you want to amend is a bipartisan bill. Remember that.

Mr. DURBIN. I thank the Senator.

Mr. GRASSLEY. I thank you.

Mr. President, I want to finish my remarks. I am not sure finishing my remarks can be more valuable than what we just had here in this sort of discussion. But I think when the Senator came in, I was kind of needling the other party a little bit with a statement like all of this business of Democrats introducing this noninterference language, and my copying it, thinking that was the right thing to do, was the bipartisan thing to do, that now they are backing off of it, as you can see by the recent exchange I had with my friend from Illinois, that it is sort of for the Democrats like: We supported it before we opposed it.

But I want to recap. When Democrats controlled the Senate, their bills took the same approach and had basically the same noninterference language—the same prohibition on government negotiations. Looks like my colleagues across the aisle yielded—and perhaps against their own better policy judgment—to take the opportunity to make political hay by demagoguing what seems like a reasonable proposition. That proposition was that Government, with all those Medicare beneficiaries in the Medicare program, should negotiate lower prices for drugs. In reality, it is nothing but an appealing sound bite.

After the Medicare law was enacted, opponents distorted the meaning of the language and vowed to change it. They have now demagogued on this issue for 3 years. They had all that time to prepare their proposals. What has been introduced to date? The bill introduced in the House to address the so-called prohibition has been described as "not as far-reaching as the new majority indicated before taking power."

The Senate bill is a nonbinding sense of the Congress resolution as a placeholder with no details. I understand that some bills are introduced as markers pending further development. I have done that myself. But 3 years of talking about this issue, talking about what is wrong with the noninterference clause, and there still is no more substance behind the proposal than that?

One of the questions I should have asked the Senator from Illinois is, please describe to me how it is going to work if you take out the noninterference clause. I have never had anybody tell me that. Something like, let's do it a little bit like the VA, but the HHS is not the VA. So how is it going to be done? Somewhere along the line they are going to have to tell us.

In fact, the USA Today editorial page recognized the lack of substance when they wrote in November that House Democratic aides couldn't provide any details on their party's proposal. This is after 3 years of their finding fault with what is law.

It makes me wonder if people who led the charge against the so-called prohibition on Government negotiation truly ever did change their minds about this provision. There was actually a surprising level of agreement among Democrats and Republicans that the private sector would be able to do a better job of tough negotiation with drug companies than the Government could ever do. We had all seen the same history of the poor job Medicare does setting prices on almost anything, whether it is hospitals or whether it is wheelchairs. Everyone from President Clinton to Mr. Gephardt to Speaker PELOSI to the senior Senator from Oregon, recognized that at the time when they put their names on legislation.

The same USA Today editorial referred to opponents' plans to change the law as "more of a campaign pander than a fully baked plan." Maybe the opponents finally realized that themselves.

I believe beneficiaries and the public deserve more than that. That is what the debate is going to be all about. But they are going to have to sell their point.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANTONIO POMERLEAU, AN AMAZING VERMONTER

Mr. LEAHY. Mr. President, one of the most amazing citizens of our remarkable State of Vermont is Antonio Pomerleau. Most people know him as Tony Pomerleau. My wife Marcelle and our children know him simply as Uncle Tony.

Tony and his wife Rita have been among the most generous contributors to the well-being of families in Vermont of anyone I know, and he did not come from a wealthy background. His parents, my wife's grandparents, came as immigrants to the United States from the Province of Quebec in Canada. Nonetheless, he and his wife Rita raised a family of 10 and also faced the tragedy of losing two beautiful daughters. Throughout it all, he has retained his position as a leading citizen of our State but even more so as an example to all of us.

Shortly before Christmas, Tony was named Vermonter of the year by our State's largest newspaper. With pride, I ask unanimous consent that the editorial about our Uncle Tony be printed in the RECORD so everyone throughout our great country can know about him.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Dec. 24, 2006]

TONY POMERLEAU, VERMONTER OF THE YEAR

He's 89 years old and still going like the Energizer bunny, his family says.

Tony Pomerleau.

People know his name in this state. And those who know the man consider themselves fortunate.

He is Santa Claus to countless children, the festive, white-haired gentleman who has thrown a big party every Christmas since 1982 for hundreds of children and their families who might not be able to afford a celebration of their own.

He is Mr. P, the delightful, generous soul who added a holiday party for families of the Vermont Army National Guard in 2004. It was a huge lift for the 800 or so people who attended, and he did it again in 2005—and again this year, opening the doors to all Guard families, with special attention paid to the families of about 120 Guard members who are still deployed.

Everyone is welcome. Everyone has a seat at Antonio (Tony) Pomerleau's table.

It's Pomerleau's giving spirit that makes him so deserving of the honor of Vermonter of the Year. His steadfast commitment to Vermont and the people of this state make him a fine choice.

As Robert Perreault of Hardwick said in his nomination letter, "He is extremely generous with his time, ideas and money, to implement programs that have helped people, especially the children and our Vermont Guardsmen and their families."

Pomerleau's niece, Marcelle Leahy, wife of Sen. Patrick Leahy, encouraged her uncle to play a role in helping the Guard families with whom she was working through the Guard's Family Readiness Group. Pomerleau was more than happy to do it.

It doesn't take much for Pomerleau to be persuaded to share his good fortune with others. He "came up the hard way," his son Ernie said last week. Tony Pomerleau has been there.

He was the third child of Ernest and Alma Pomerleau, a hardworking French-Canadian couple who decided to try their chances across the border in Vermont. When Pomerleau was 6 months old, the family moved to a dairy farm in Barton, according to an unpublished biography the family has put together.

As a child, Pomerleau was touched by two formative incidents. First, he fell down the basement stairs at age 3 and was forced to wear an iron corset. Doctors feared his life would be shortened.

"He wasn't supposed to live beyond 12 years old," Erie Pomerleau said. "And here he is, 89 and still going strong."

The second incident, according to the family biography, was something of a miracle. Alma Pomerleau took her son, age 10, to Ste. Anne de Beaupre in Quebec—the shrine that is covered in crutches and other medical aids left behind by countless others who believed they were cured.

Alma removed young Tony's iron brace, and they returned home to Vermont without it. Her son was fine.

"Of course it was a miracle. It was my mother's prayers," Pomerleau said in the biography.

And so Tony Pomerleau gives back. He gives and gives, according to the families, charities, schools and organizations that have been touched by his spirit.

There's the renowned annual party, organized by the Burlington Parks and Recreation Department, and paid for by Pomerleau. Now there's also the Guard party. There is St. Michael's College in Colchester, where Pomerleau, received an honorary doctorate after years of contributing to the campus. There is Burlington's Church Street, which he helped rejuvenate in the 1950s. There is the Burlington Police Department, where Pomerleau was a longtime police comissioner. He bought the North Avenue building for the police headquarters and has provided ongoing support for the officers, such as laptop computers for their patrol cars. There are the scholarships at Rice Memorial High School, the renovations at Christ the King Church, the trips Pomerleau has funded for Burlington schoolchildren, and the regular donations to the American Red Cross, United Way of Chittenden County and the Salvation Army.

Pomerleau started his entrepreneurial life as a child, soon after he shed that iron brace. He sold haircuts and canaries. He washed cars, ran errands and helped his family in their general store in Newport. In 1942, after working for a national shoe store chain up and down the East Coast, he decided to settle in Burlington where he bought a failing grocery store. Within three years, he owned four stores and a wholesale beverage business. In 1951, he started his real estate career and by age 45, he was a millionaire. Pomerleau built Vermont's first shopping center in the 1950s, the Ethan Allen Shopping Plaza, and then developed about 20 more.

He has lived large, and the beautiful Greek Revival building on College Street that houses Pomerleau Real Estate is a testament to that life.

Through it all, Pomerleau's wife, Rita, and 10 children, two of whom have died, have been his main focus. Pomerleau is also the proud grandfather of 13.

In many ways, Tony Pomerleau remains the optimistic boy who left his iron brace behind at Ste. Anne de Beaupre.

"Someone asked him the other day when he was going, to retire," son Ernie said. "And he said, 'When I get old.' "

Never get old, Mr. P. We like you the way you are.

HONORING PRESIDENT GERALD FORD

Mr. HATCH. Mr. President, even as we usher in a new Congress, Americans have said farewell to one of our Chief Executives, President Gerald R. Ford. President Ford was a man of character and integrity, a leader of hope and purpose. I hope and pray that the outpouring of support for President Ford in recent days will be a source of comfort and strength for his family and especially for his beloved wife, First Lady Betty Ford.

The people of Michigan's Fifth District loved their Congressman Jerry Ford. They sent him to the House of Representatives 13 times, by large margins. In fact, Congressman Ford's reelection percentages over nearly a quarter century did not vary by more than a few points. His constituents supported him as he served them, consistently and solidly.

It is easy to see why his constituents felt such a connection with him. Jerry Ford grew up in Grand Rapids, MI. He achieved the rank of Eagle Scout and, in high school, joined the honor society and was named to all-city and all-State football teams. At the University of Michigan, he played center on two national championship football teams and was named most valuable player in 1934.

Early in life, Jerry Ford's values and basic good sense helped him see past the excitement of the moment. He passed up opportunities to use his athletic prowess for the Detroit Lions and Green Bay Packers and instead decided to coach boxing and football at Yale University, where he realized his goal of attending law school. He returned to Grand Rapids to begin practicing law and, after serving in the Navy during World War II, returned again to practice law and seek election to Congress in 1948. Somehow in all that activity, he found time to court Elizabeth Bloomer. She must have been a very understanding woman because he even campaigned on their wedding day. President Ford would later say that his most valued advice was that which came from his wife. They spent 58 years together and had four wonderful children.

The qualities that endeared Congressman Ford to his constituents also inspired trust in his colleagues in the House, who elected him Republican Conference chairman in 1963 and then Republican leader in 1965. In fact, Congressman Ford was so well regarded that President Lyndon Johnson named him to the Warren Commission which investigated the assassination of President John F. Kennedy, and President Richard Nixon tapped him to replace the resigned Vice President Spiro Agnew.

Gerald Ford loved the House of Representatives, and his personal political goal was to become Speaker of the House. He declined invitations to run for the Senate and for Governor. Ironically, while the Republicans' minority status kept him from leading that Chamber, his appointment as Vice President allowed him to become President of the Senate.

The Ford Presidency was brief, just 29 months long, but broke significant new political ground. He was the only occupant of the Oval Office who was never elected either President or Vice President. Former New York Governor Nelson Rockefeller's appointment as Vice President meant that, for the first time in American history, neither of the Nation's two top officers had been elected to either office. The Ford and Rockefeller appointments were the first handled under the procedures established by the 25th amendment to the Constitution, ratified less than a decade earlier. And, of course, President Ford presided over our Nation's bicentennial in 1976.

The passage of even a few years, let alone a few decades, can easily change memories and perspectives. In recent years, the majority party has held either House of Congress by a modest margin. In this body today, the balance of power could rest on one Senator. At one point during Gerald Ford's service in the House, however, Democrats outnumbered Republicans by more than 2-to-1. Even under those difficult circumstances, Congressman Ford found ways of reaching across the aisle, working productively with the other party to find solutions to the Nation's problems.

When Gerald Ford took up residence at the other end of Pennsylvania Avenue, there were times when he had to stand up to Congress. He issued an astounding 66 vetoes in fewer than 3 years, and Congress was able to override just a few.

President Ford served during one of the most trying times in American history, facing troubles at home and abroad. At home, there was the Watergate scandal that had resulted in the Ford Presidency. In 1975, unemployment reached a level nearly twice what it is today. Inflation was in double digits. Fears of energy shortages persisted. Elsewhere in the world, President Ford faced the war in Vietnam and crises in the Middle East and the continued threat posed by the former Soviet Union. And on top of all of that, he shouldered the burden of restoring Americans' faith in their leaders and in democracy itself. Last week in his eulogy, Dr. Henry Kissinger, President Ford's Secretary of State, put it this way: "Unassuming and without guile, Gerald Ford undertook to restore the confidence of Americans in their political institutions and purposes."

He made decisions, some of which were unpopular at the time, that he felt were necessary for the good of the Nation. Some say that these contributed to his narrow loss to Jimmy Carter. At the same time, from opinion polls after the political conventions showing the incumbent trailing by nearly 30 points, President Ford closed the gap to make the 1976 election one of the closest in American history.

We are all thankful President Ford did not simply retire from public life when he left the White House. For nearly three decades, he remained active as a statesman and involved in important issues. He founded, and for many years chaired, the World Forum conducted by the American Enterprise Institute, and he continued writing about some of the political and social challenges of our day. In 2001, he authored a poignant column which appeared in the Washington Post and endorsed legislation to promote regenerative therapies that can give hope to Americans suffering from chronic diseases. As a cosponsor of that legislation, I was moved and grateful for President Ford's wisdom and support.

For these and so many other activities and contributions, President Ford received the Medal of Freedom, America's highest civilian award, in 1999 and the Profiles in Courage Award from the Kennedy Foundation in 2001. In 1999, he and Mrs. Ford received the Congressional Gold Medal for their dedicated public service and humanitarian contributions.

As great as President Ford was, he was always the first to acknowledge his wonderful spouse, and I would be remiss, if I did not say a few words about Betty Ford. She was such a model of grace and dignity, inspiring us with her love and devotion to her family. Betty Ford was a bold First Lady, candidly sharing with the Nation her struggles with cancer and chemical dependency. She did not, however, stop there but turned those struggles into a crusade to help others. She served as cochairman of the Susan G. Komen Foundation when it was founded in 1982. Each year, she presents the Betty Ford Award from that foundation to a champion in the fight against breast cancer. The Betty Ford Center, which she founded in 1982, is today one of the leading treatment facilities in America, perhaps the world, and Mrs. Ford continues to serve as its board chairman.

As recently as last week, Betty and her four children, Steve, Mike, Jack, and Susan, showed us their tremendous devotion and kindness as they stood in the Capitol Rotunda for hours on end greeting every visitor who came to pay their respects to President Ford. Even in the face of tragedy, Betty and her children are gracious.

President Ford believed that most people were mostly good most of the time. That optimistic attitude led him once to say that while he had many adversaries in his political life, he could not remember having a single enemy. When he took the oath of office on August 9, 1974, he offered not an inaugural address but what he called just a little straight talk among friends. He made a commitment, a compact, with his fellow Americans, in which he said:

> You have not elected me as your President by your ballots, he said, and so I ask you to confirm me as your President with your prayers . . . I have not sought this enormous responsibility, but I will not shirk it . . . Our Constitution works; our great republic is a government of laws and not of men. Here the people rule . . . God helping me, I will not let you down.

Those words so reflected the character and vision of President Ford that they were printed in the opening pages of the commemorative program distributed when the Gerald R. Ford Museum was dedicated in September 1981 in Grand Rapids. It is there, along the Grand River, that thousands of Americans, many waiting for hours in the cold, paid a final tribute to our 38th President. And it is nearby, in the city he loved and that loved him, that President Ford was laid to rest.

Gerald Ford did not let us down. It is fitting that on the gravestone of this remarkable man, this distinguished public servant, this healer of our Nation, are the simple words: Lives Committed to God, Country, and Love.

Mr. HAGEL. Mr. President, President Gerald Ford had a distinguished career of public service marked by his exceptional personal qualities, and his passing is a sad moment for all Americans.

President Ford was born in Omaha, NE in 1913 and grew up in Grand Rapids, MI. As a student at the University of Michigan, Ford was an allstar football player and became an assistant football coach at Yale University while he earned his law degree. During his service in World War II, he attained the rank of lieutenant commander in the Navy.

President Ford was first elected to Congress in 1948 and served for 25 years, eight as the minority leader. He was selected to serve as Vice President and became President because he was a man who could restore integrity to the Presidency, hope in America, and bridge partisan divides in Congress.

I first met Gerald Ford when he was the House minority leader and I was chief of staff for Congressman John Y. McCollister from Omaha. I have never met a person in politics who was a more decent and more complete individual than President Ford. He earned the trust and confidence of the American people through his character, competency and common decency.

I had the honor of attending his Capitol memorial service in the Rotunda last week with my daughter, Allyn, and son, Ziller. I am grateful and proud that they had the opportunity to hear President Ford remembered and eulogized with eloquence, grace, and honesty. America is a better place because of President Gerald Ford. He will be greatly missed.

HONORING OUR ARMED FORCES

CORPORAL MATTHEW JOSEPH STANLEY

Mr. GREGG. Mr. President, I rise today to pay special tribute to U.S. Army CPL Matthew Joseph Stanley of Wolfeboro, NH. Tragically, on December 16, 2006, this courageous young soldier and two of his comrades gave their last full measure for our Nation when their Army vehicle struck an improvised explosive device in Taji, Iraq, north of Baghdad. At the time of this hostile action Corporal Stanley, a cavalry scout with C Troop, 1st Squadron, 7th Cavalry Regiment, 1st Cavalry Division, based in Fort Hood, TX, was serving his second tour in Iraq in support of Operation Iraqi Freedom.

Matthew was a 2002 graduate of Kingswood Regional High School where he was wellknown and liked by his teachers and fellow students. Classmates remember Matthew as fun, always laughing and having a smile on his face. Family and friends say he was one of the nicest guys you would ever want to meet and remember his fondness for hunting and fishing.

Sensing a call to duty, and because of his desire to protect his country, in December 2003, Matthew joined the U.S. Army. Upon completing basic training at Fort Knox, KY, in the spring of 2004, he reported to Fort Hood, TX. The awards and decorations that Corporal Stanley received over the succeeding months are a testament to the strong character of this man. They include the Bronze Star Medal, Purple Heart, two Army Commendation Medals, Army Good Conduct Medal, Combat Action Badge, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, and Expert Rifle Qualification Badge. He was posthumously promoted to the rank of corporal.

Patriots from the state of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Taji—and U.S. Army CPL Matthew Stanley served and fought in that same fine tradition. During our country's difficult Revolutionary War, Thomas Paine wrote "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman." In these turbulent times Matthew stood with the country he loved, served it with distinction and honor, and earned and deserves our love and thanks.

My sympathy, condolences, and prayers go out to Matthew's wife Amy, his parents Lynn and Richard, his brothers and sisters, and to his other family members and many friends who have suffered this most grievous loss. All will sorely miss Matthew Stanley, a 22-year-old patriot who was proud of his family, proud of where he lived, and proud of what he did. In the words of Daniel Webster—may his remembrance be as long lasting as the land he honored. God bless Matthew Joseph Stanley.

CORPORAL JONATHAN E. SCHILLER

Mr. GRASSLEY. Mr. President, it is with a sense of sadness, but also pride, that I rise today to pay tribute to CPL. Jonathan E. Schiller of Ottumwa, IA, who gave his life on New Year's Eve in service to his country in Iraa. He is remembered by friends and family for his good humor and his patriotism. Corporal Schiller's parents, Bill and Liz Schiller, said of their son, "Jon died doing what he loved, serving his country and protecting the freedom of our people and others. We are proud of our son's accomplishments and those of his fellow soldiers in the Army and all branches of the military. We are forever grateful to the Army for changing our boy into a man who fought and died defending something that we take for granted every day... freedom!" My thoughts and prayers are with Bill and Liz, Jon's brothers Charlie and Max, and all of those in the Ottumwa area and elsewhere who mourn the loss of this brave young man. Jon Schiller's willingness to volunteer for military service in a time of war speaks loudly to his love of our country. He now joins the honored ranks of generations of American youth who have laid down their lives for the preservation of freedom. His courageous service and tremendous sacrifice must never be forgotten by a grateful Nation.

WELCOMING REPRESENTATIVE MAZIE HIRONO TO THE 110TH CONGRESS

Mr. INOUYE. Mr. President, it is my pleasure to welcome the newest member of the Hawaii Congressional Delegation, Representative MAZIE HIRONO, to the 110th Congress.

Representative HIRONO has previously served the State of Hawaii as Lieutenant Governor, Hawaii State Representative, and deputy state attorney general, and I am confident she will continue her distinguished record as a compassionate, tireless, and courageous public servant through her service in Washington as a Member of the U.S. House of Representatives. She embodies the best of Hawaii and our Nation.

As a young girl, she and her mother and two brothers emmigrated from Japan in search of a better life. The life they found in Hawaii was marked by struggle and hard work. But, more importantly, MAZIE HIRONO found hope and self-reliance.

She also learned an important lesson that still guides her today. "My mother taught me that no circumstance is beyond the power of courage, and that when you know what is right you must find the will to act, even against the greatest of odds," she says. That uncommon spirit, from an uncommon mother, defines MAZIE HIRONO.

I kindly ask you and my colleagues to join me in welcoming Representative HIRONO to the 110th Congress of the United States.

RETIREMENT OF GARY LAPIERRE

Mr. KENNEDY. Mr. President, I would like to recognize a New England journalism legend, Gary LaPierre, who retired on December 29, capping a remarkable career. For many citizens of our region, Gary LaPierre is the voice of New England. He comes from the beautiful small town of Shelburne Falls, MA, where his mother Esther still lives today, and is one of the most dependable, fair, and effective journalists Massachusetts has ever seen. Gary first began covering me in my 1964 Senate reelection campaign, and he has been asking me questions ever since—his interviews with me number in the hundreds. This past election day, November 7, 2006, Gary declared me the winner in my Senate race that evening.

Gary has won many awards for his outstanding journalism over the years. His "LaPierre on the Loose" segment and his skills in investigative reporting send chills down the spines of anyone out to defy the public interest. Whether it is lighthearted regional stories, investigative analyses, or news of the day, Gary handles them all well, and he brings them to us with his trademark clarity, vision, and integrity. I am not sure what Boston will do in the mornings now that Gary is retiring.

I have always liked Gary. He asks the tough questions, and he has been there when history was happening in Boston. He brought national stories to local neighborhood news and covered everything local superbly.

Schoolchildren love Gary, too. When we were buried in a snowstorm, he is the dean of school cancellations and can read through the list faster than anyone on the air. He covered the blizzard of 1978 while holed up in his studio for 5 straight days, keeping constant tabs on those stranded on Route 128. For many, Gary was the narrator in what became one of Boston most cherished hometown stories.

But Gary's reach has often extended beyond Boston borders. He has traveled with the Beatles, and he met our Iranian hostages in Germany. But he always came home to where his heart is—and we are happy he did.

Gary is a fair political reporter as well. He has covered every Democratic Presidential Convention I can recall—and Republican ones, too—and he covered my own campaign in 1980. In fact, no campaign is complete without Gary's analysis, and we have all learned a great deal from him over the years.

His reassuring voice guided us through the horrors of September 11, a day that none of us will ever forget. He also brought us the joys of the Red Sox World Series Championship in 2004. Whatever the topic, he had a talent for making his listeners feel they were a part of the event.

Gary's compassion, his integrity, and his love for Boston will be missed on the airwaves each morning, but he leaves us with cherished memories, and he helped make WBZ in Boston the world class broadcasting station it is today. Now, as he retires, I join his countless admirers in wishing him a long and happy retirement. He has certainly earned it. We will miss you on WBZ, Gary, but to us, you will always be the voice of Boston.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 6:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker signed the following enrolled bill:

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area".

At 7:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1. An act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Foreign Relations by unanimous consent, and referred as indicated:

S. 198. A bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations; to the Committee on Armed Services.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1. An act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–238. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Executive Compensation Disclosure" (RIN3235–A180) received on January 8, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–239. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing efforts for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–240. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, a report relative to the inventory of commercial activities undertaken by the Commission in fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC–241. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Criticality Control of Fuel Within Dry Storage Casks or Transportation Packages in a Spent Fuel Pool" (RIN3190–AH95) received on January 8, 2007; to the Committee on Environment and Public Works.

EC–242. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to its study on the effect of certain rural hospital payment adjustments; to the Committee on Finance.

EC–243. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2006–6" (Rev. Proc. 2007–6) received on January 8, 2007; to the Committee on Finance.

EC–244. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2006–8" (Rev. Proc. 2007–8) received on January 8, 2007; to the Committee on Finance.

EC–245. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2006–5" (Rev. Proc. 2007–5) received on January 8, 2007; to the Committee on Finance.

EC–246. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2006–4" (Rev. Proc. 2007–4) received on January 8, 2007; to the Committee on Finance.

EC–247. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 451—General Rule for Taxable Year of Inclusion" (Rev. Rul. 2007–1, 2007–3) received on January 8, 2007; to the Committee on Finance.

EC–248. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revisions to Rev. Proc. 2004–11" (Rev. Proc. 2007–16) received on January 3, 2007; to the Committee on Finance.

EC–249. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "CPI Adjustment for Section 1274A for 2007" (Rev. Proc. 2007–4) received on January 8, 2007; to the Committee on Finance.

EC–250. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Field Directive on Application of IRC Section 118 to Partnerships" (UIL: 118.01–02) received on January 8, 2007; to the Committee on Finance.

EC–251. A communication from the Secretary, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing activities during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. LAUTENBERG, and Ms. SNOWE):

S. 206. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Mr. COLEMAN:

S. 207. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate part or all of any income tax refund to support reservists and National Guard members; to the Committee on Finance.

By Mr. LEVIN:

S. 208. A bill for the relief of Luay Lufti Hadad; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 209. A bill for the relief of Marcos Antonio Sanchez-Diaz; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 210. A bill for the relief of Anton Dodaj, Gjyljana Dodaj, Franc Dodaj, and Kristjan Dodaj; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mrs. DOLE, Mr. AKAKA, Mr. BAYH, Mr. NELSON of Florida, Mrs. BOXER, Mr. BURR, Ms. CANTWELL, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. HAGEL, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MENENDEZ, Mrs. MURRAY, Ms. MIKULSKI, Ms. SNOWE, Mr. VITTER, Mr. CASEY, Mr. BENNETT, and Ms. STABENOW):

S. 211. A bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 212. A bill for the relief of Perlat Binaj, Almida Binaj, Erina Binaj, and Anxhela Binaj; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 213. A bill for the relief of Mohamad Derani, Maha Felo Derani, and Tarek Derani; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. LEAHY):

S. 214. A bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mrs. BOXER, Mr. HARKIN, Mr. LEAHY, Mrs. CLINTON, Mr. OBAMA, and Mr. WYDEN):

S. 215. A bill to amend the Communications Act of 1934 to ensure net neutrality; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 216. A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN:

S. 217. A bill to require the United States Trade Representative to initiate a section 301 investigation into abuses by the Australian Wheat Board with respect to the United Nations Oil-for-Food Programme, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. OBAMA, and Mr. ROCKEFELLER):

S. 218. A bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit; to the Committee on Finance.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 219. A bill to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRAIG:

S. 220. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. HARKIN, Mr. HAGEL, and Mr. LEAHY):

S. 221. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mrs. DOLE, Mr. ISAKSON, and Mr. SESSIONS):

S. 222. A bill to amend the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 to extend the date for the President to determine if Haiti meets certain requirements, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. MCCAIN, Mr. DURBIN, Mr. ALLARD, Mr. LUGAR, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. LEVIN, Ms. MURKOWSKI, Mr. CORNYN, Mr. GRAHAM, Mr. KERRY, Mr. SALAZAR, Mr. OBAMA, Mr. DORGAN, Mr. WYDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, and Mrs. FEINSTEIN):

S. 223. A bill to require Senate candidates to file designations, statements, and reports in electronic form; to the Committee on Rules and Administration.

By Mr. DODD (for himself and Mr. BINGAMAN):

S. 224. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 225. A bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY:

S. 226. A bill to direct the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 227. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS (for himself, Mr. STEVENS, and Mr. ALEXANDER):

S. 228. A bill to establish a small business child care grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 229. A bill to redesignate a Federal building in Albuquerque, New Mexico, as the "Raymond G. Murphy Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. FEINGOLD (for himself, Mr. OBAMA, Mr. LIEBERMAN, and Mr. TESTER):

S. 230. A bill to provide greater transparency in the legislative process; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Mr. CHAMBLISS, Ms. MIKULSKI, Mr. CORNYN, Mr. OBAMA, Ms. SNOWE, Ms. STABENOW, Ms. COLLINS, Mr. KOHL, Mr. LEVIN, Mr. DURBIN, Mr. BAUCUS, Mr. BINGAMAN, Mr. KERRY, Mr. BIDEN, Mr. ROCKEFELLER, and Mr. SALAZAR):

S. 231. A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 232. A bill to make permanent the authorization for watershed restoration and enhancement agreements; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mrs. BOXER, Mr. SANDERS, Mr. HARKIN, and Mr. KERRY):

S. 233. A bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 234. A bill to require the FCC to issue a final order regarding television white spaces; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 1, a bill to provide greater transparency in the legislative process.

S. 5

At the request of Mr. REID, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 80

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 80, a bill to amend title 5, United States Code, to provide for 8 weeks of paid leave for Federal employees giving birth and for other purposes.

S. 85

At the request of Mr. MCCAIN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 85, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 95

At the request of Mr. KERRY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 95, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 105

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 105, a bill to prohibit the spouse of a Member of Congress previously employed as a lobbyist from lobbying the Member after the Member is elected.

S. 113

At the request of Mr. INHOFE, the names of the Senator from Maine (Ms. COLLINS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Louisiana (Mr. VITTER), the Senator from Wyoming (Mr. ENZI) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 113, a bill to make appropriations for military construction and family housing projects for the Department of Defense for fiscal year 2007.

S. 138

At the request of Mr. SCHUMER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 138, a bill to amend the Internal Revenue Code of 1986 to apply the joint return limitation for capital gains exclusion to certain post-marriage sales of principal residences by surviving spouses.

S. 143

At the request of Ms. CANTWELL, the name of the Senator from Tennessee

(Mr. ALEXANDER) was added as a cosponsor of S. 143, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes.

S. 147

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 147, a bill to empower women in Afghanistan, and for other purposes.

S. 184

At the request of Mr. INOUYE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from North Dakota (Mr. DORGAN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 184, a bill to provide improved rail and surface transportation security.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. LAUTENBERG, and Ms. SNOWE):

S. 206. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today with my colleague, Senator COLLINS, to introduce legislation that protects the retirement benefits earned by public employees and eliminates barriers which discourage many Americans from pursuing careers in public service. This bill will repeal two provisions of the Social Security Act—the Government Pension Offset and Windfall Elimination Provision—which unfairly reduce the retirement benefits earned by public employees such as teachers, police officers, and firefighters.

The Government Pension Offset reduces a public employee's Social Security spousal or survivor benefits by an amount equal to two-thirds of his or her public pension.

Take the case of a widowed, retired police officer who receives a public pension of $600 per month. His job in the local police department was not covered by Social Security, yet his wife's private-sector employment was. An amount equal to two-thirds of his public pension, or $400 each month, would be cut from his Social Security survivor benefits. If this individual is eligible for $500 in survivor benefits, the Government Pension Offset provision would reduce his monthly benefits to $100.

In most cases, the Government Pension Offset eliminates the spousal benefit for which an individual qualifies. In fact, 9 out of 10 public employees affected by the Government Pension Offset lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years.

The Windfall Elimination Provision reduces Social Security benefits by up to 50 percent for retirees who have paid into Social Security and also receive a public pension, such as from a teacher retirement fund.

While the reforms that led to the creation of the Government Pension Offset and Windfall Elimination Provision were meant to prevent public employees from being unduly enriched, the practical effect is that those providing critical public services are unjustly penalized.

According to the Congressional Budget Office, the Government Pension Offset provision alone reduces earned benefits for more than 300,000 Americans each year, by upwards of $3,600. In some cases, for those living on fixed incomes, this represents the difference between a comfortable retirement and poverty.

Nearly one million Federal, State, and municipal workers, as well as teachers and other school district employees, are unfairly held to a different standard when it comes to retirement benefits.

Private-sector retirees receive monthly Social Security checks equal to 90 percent of their first $656 in average monthly career earnings. However, under the Windfall Elimination Provision, retired public employees are only allowed to receive 40 percent of the first $656 in career monthly earnings, a penalty of over $300 per month.

This unfair reduction in retirement benefits is inequitable. The Social Security Fairness Act will allow government pensioners the chance to receive the same 90 percent of their benefits to which nongovernment pension recipients are entitled.

We must do more to encourage people to pursue careers in public service. Unfortunately, the Government Pension Offset and Windfall Elimination Provision make it more difficult to recruit teachers, police officers, and fire fighters; and, it does so at a time when we should be doing everything we can to recruit the best and brightest to these careers.

California's police force needs to add more than 10,000 new officers by 2014—a growth of nearly 15 percent—while hiring more than 15,000 additional officers to replace those who leave the force.

It is estimated that public schools will need to hire between 2.2 million and 2.7 million new teachers nationwide by 2009 because of record enrollments. The projected retirements of thousands of veteran teachers and critical efforts to reduce class sizes also necessitate hiring additional teachers.

California currently has more than 300,000 teachers but will need to double this number by 2010, to 600,000 teachers, in order to keep up with student enrollment levels.

Most importantly, the Government Pension Offset and Windfall Elimination Provision hinder efforts to recruit new math and science teachers from the private sector. As our world becomes increasingly interconnected, it is imperative that our school children receive the finest math and science education to ensure our Nation's future competitiveness in the global economy.

It is counterintuitive that on the one-hand, policymakers seek to encourage people to change careers and enter the teaching profession, while on the other hand, those wishing to do so are discouraged because they are clearly told that their Social Security retirement benefits will be significantly reduced.

Now that we are witnessing the practical effects of these 20 year old provisions, I hope that Congress will pass legislation to address the unfair reduction of benefits that essentially sends the message that if you do enter public service, your family will suffer and will be unable to receive the full retirement benefits to which they would otherwise be entitled.

I understand that we are facing deficits and repealing the Government Pension Offset and Windfall Elimination Provision will be costly.

I am open to considering all options that move us toward our goal of removing this inequity by allowing individuals to keep the Social Security benefits to which they are entitled while promoting public sector employment.

We should respect, not penalize, our public service employees. I hope that my colleagues will join me in sending this long overdue message to our Nation's public servants, that we value their contributions and support giving all Americans the retirement benefits they have earned and deserve.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Fairness Act of 2007".

SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVISION.

(a) IN GENERAL.—Section 202(k) of the Social Security Act (42 U.S.C. 402(k)) is amended by striking paragraph (5).

(b) CONFORMING AMENDMENTS.—

(1) Section 202(b)(2) of the Social Security Act (42 U.S.C. 402(b)(2)) is amended by striking "subsections (k)(5) and (q)" and inserting "subsection (q)".

(2) Section 202(c)(2) of such Act (42 U.S.C. 402(c)(2)) is amended by striking "subsections (k)(5) and (q)" and inserting "subsection (q)".

(3) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking "subsections (k)(5), subsection (q)," and inserting "subsection (q)".

(4) Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking "subsections (k)(5), subsection (q)" and inserting "subsection (q)".

SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.

(a) IN GENERAL.—Section 215 of the Social Security Act (42 U.S.C. 415) is amended—

(1) in subsection (a), by striking paragraph (7);

(2) in subsection (d), by striking paragraph (3); and

(3) in subsection (f), by striking paragraph (9).

(b) CONFORMING AMENDMENTS.—Subsections (e)(2) and (f)(2) of section 202 of such Act (42 U.S.C. 402) are each amended by striking "section 215(f)(5), 215(f)(6), or 215(f)(9)(B)" in subparagraphs (C) and (D)(i) and inserting "paragraph (5) or (6) of section 215(f)".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 2007. Notwithstanding section 215(f) of the Social Security Act, the Commissioner of Social Security shall adjust primary insurance amounts to the extent necessary to take into account the amendments made by section 3.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from California, Senator FEINSTEIN, in introducing the Social Security Fairness Act. This bill repeals two provisions of current law—the windfall elimination provision (WEP) and the government pension offset (GPO) that unfairly reduce earned Social Security benefits for many public employees when they retire.

Individuals affected by both the GPO and the WEP are those who are eligible for Federal, State or local pensions from work that was not covered by Social Security, but who also qualify for Social Security benefits based on their own work in covered employment or that of their spouses. While the two provisions were intended to equalize Social Security's treatment of workers, we are concerned that they unfairly penalize individuals for holding jobs in public service when the time comes for them to retire.

These two provisions have enormous financial implications not just for Federal employees, but for our teachers, police officers, firefighters and other public employees as well. Given their important responsibilities, it is unfair to penalize them when it comes to their Social Security benefits. These public servants—or their spouses—have all paid taxes into the Social Security system. So have their employers. Yet, because of these two provisions, they are unable to collect all of the Social Security benefits to which they otherwise would be entitled.

While the GPO and WEP affect public employees and retirees in virtually every State, their impact is most acute in 15 States, including Maine. Nationwide, more than one-third of teachers and education employees, and more than one-fifth of other public employees, are affected by the GPO and/or the WEP.

Almost one million retired government workers across the country have already been adversely affected by these provisions. Many more stand to be affected by them in the future. Moreover, at a time when we should be doing all that we can to attract qualified people to public service, this reduction in Social Security benefits makes it even more difficult for our Federal, State and local governments to recruit and retain the teachers, police officers, firefighters and other public servants who are so critical to the safety and well-being of our families.

The Social Security windfall elimination provision reduces Social Security benefits for retirees who paid into Social Security and who receive a government pension from work not covered under Social Security, such as pensions from the Maine State Retirement Fund. While private sector retirees receive Social Security checks based on 90 percent of their first $656 average monthly career earnings, government pensioners checks are based on 40 percent—a harsh penalty of more than $300 per month.

The government pension offset reduces an individual's survivor benefit under Social Security by two-thirds of the amount of his or her public pension. It is estimated that 9 out of 10 public employees affected by the GPO lose their entire spousal benefit, even though their deceased spouses paid Social Security taxes for many years.

What is most troubling is that this offset is most harsh for those who can least afford the loss—lower-income women. In fact, of those affected by the GPO, 73 percent are women. According to the Congressional Budget Office, the GPO reduces benefits for more than 200,000 of these individuals by more than $3,600 a year—an amount that can make the difference between a comfortable retirement and poverty.

Our teachers and other public employees face difficult enough challenges in their day-to-day work. Individuals who have devoted their lives to public service should not have the added burden of worrying about their retirement. Many Maine teachers, in particular, have talked with me about this issue. They love their jobs and the children they teach, but they worry about the future and about their financial security in retirement.

I hear a lot about this issue in my constituent mail, as well. Patricia Dupont, for example, of Orland, ME, wrote that, because she taught for 15 years under Social Security in New Hampshire, she is living on a retirement income of less than $13,000 after 45 years in education. Since she also lost survivors' benefits from her husband's Social Security, she calculates that a repeal of the WEP and the GPO would double her current retirement income.

These provisions also penalize private sector employees who leave their jobs to become public school teachers. Ruth Wilson, a teacher from Otisfield, ME, wrote:

> "I entered the teaching profession two years ago, partly in response to the nationwide pleas for educators. As the current pool of educators near retirement in the next few years, our schools face a crisis. Low wages and long hard hours are not great selling points to young students when selecting a career.
>
> I love teaching and only regretted my decision when I found out about the penalties I will unfairly suffer. In my former life as a well-paid systems manager at State Street Bank in Boston, I contributed the maximum to Social Security each year. When I decided to become an educator, I figured that because of my many years of maximum Social Security contributions, I would still have a livable retirement 'wage.' I was unaware that I would be penalized as an educator in your State."

In September of 2003, I chaired a Governmental Affairs Committee hearing to examine the effect that the GPO and the WEP have had on public employees and retirees. We heard compelling testimony from Julia Worcester of Columbia, ME—who was then 73. Mrs. Worcester told the Committee about her work in both Social Security-covered employment and as a Maine teacher, and about the effect that the GPO and WEP have had on her income in retirement. Mrs. Worcester worked for more than 20 years as a waitress and in factory jobs before deciding, at the age of 49, to go back to school to pursue her life-long dream of becoming a teacher. She began teaching at the age of 52 and taught full-time for 15 years before retiring at the age of 68. Since she was only in the Maine State Retirement System for 15 years, Mrs. Worcester does not receive a full State pension. Yet she is still subject to the full penalties under the GPO and WEP. As a consequence, she receives just $171 a month in Social Security benefits, even though she worked hard and paid into the Social Security system for more than 20 years. After paying for her health insurance, she receives less than $500 a month in total pension income.

After a lifetime of hard work, Mrs. Worcester, is still substitute teaching just to make ends meet. This simply is not fair. I am therefore pleased to join Senator FEINSTEIN in introducing this legislation to repeal these two unfair provisions, and I urge my colleagues to join us as cosponsors.

By Mr. COLEMAN:

S. 207. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate part or all of any income tax refund to support reservists and National Guard members; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I rise today to introduce legislation to assist the families of our reservists and National Guard members. With our reservists and National Guard members bravely answering our country's call to service, we must do all we can to meet the calls of help from those families left behind who are struggling financially as a result of their loved ones' wartime service.

All too often, the families of reservists and National Guard members must contend not only with the physical absence of a loved one but also with the loss of income that makes paying house, car, medical and other bills too great of a burden to bear without help. According to the latest available statistics, some 55 percent of married Guard members and reservists have experienced a loss in income, with nearly 50 percent experiencing a loss of $1,000 in pay per month and 15 percent experiencing a loss of $30,000 or more in pay a year. With our Guard and reservists putting their lives on the line, they should not also have to put their families' financial lives on the line due to their service.

In an effort to provide relief to these families, I am introducing today the Voluntary Support for Reservists and National Guard Members Act that would bolster the financial assistance available to these families. More specifically, the Voluntary Support for Reservists and National Guard Members Act would provide taxpayers the option of contributing part of their tax refund to the Reserve Income Replacement Program which provides financial assistance to those families who have experienced an income loss due to a call-up to active duty. In 2005, the IRS issued 106 million refunds that totaled $227 billion with the average refund coming in at $2,141.36. Even a small percentage of this amount could make a significant difference in the lives of these reservist and National Guard families.

While we can do little to ease the emotional burden experienced by families regarding the service of their loved ones, we can at least try to give them some peace of mind when it comes to their day-to-day finances. These families already have made a great sacrifice to the nation, and they should not also have to sacrifice their financial well-being due to their loved ones' service. Beyond our gratitude, care packages and gifts, we can thank our troops for their service by helping to meet the everyday needs of their families who are facing financial hardships. My bill would provide Americans a convenient way to thank our troops by contributing a portion of their tax refunds to give much-needed help to the loved ones of our reservists and National Guard members .

I ask unanimous consent that my legislation, the Voluntary Support for Reservists and National Guard Members Act, and the accompanying remarks be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voluntary Support for Reservists and National Guard Members Act".

SEC. 2. DESIGNATION OF OVERPAYMENTS TO SUPPORT RESERVISTS AND NATIONAL GUARD MEMBERS.

(a) DESIGNATION.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

"PART IX—DESIGNATION OF OVERPAYMENTS TO RESERVE INCOME REPLACEMENT PROGRAM

"Sec. 6097. Designation

"SEC. 6097. DESIGNATION.

"(a) IN GENERAL.—In the case of an individual, with respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that a specified portion (not less than $1) of any overpayment of tax for such taxable year be paid over to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code.

"(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made in such manner as the Secretary prescribes by regulations except that such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.

"(c) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as—

"(1) being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed, and

"(2) a contribution made by such taxpayer on such date to the United States.".

(b) TRANSFERS TO RESERVE INCOME REPLACEMENT PROGRAM.—The Secretary of the Treasury shall, from time to time, transfer to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code, the amounts designated under section 6097 of the Internal Revenue Code of 1986, under regulations jointly prescribed by the Secretary of the Treasury and the Secretary of Defense.

(c) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"PART IX. DESIGNATION OF OVERPAYMENTS TO RESERVE INCOME REPLACEMENT PROGRAM".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mrs. CLINTON (for herself, Mrs. DOLE, Mr. AKAKA, Mr. BAYH, Mr. NELSON of Florida, Mrs. BOXER, Mr. BURR, Ms. CANTWELL, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. HAGEL, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MENENDEZ, Mrs. MURRAY, Ms. MIKULSKI, Ms. SNOWE, Mr. VITTER, Mr. CASEY, Mr. BENNETT, and Ms. STABENOW):

S. 211. A bill to facilitate nationwide availability of 2-2-1 telephone service for information and referral on human services, volunteer services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce the Calling for 2-1-1 Act. I'm thrilled to be a part of the new Democratic Congress as we move to pass the kind of bipartisan legislation I'm talking about today—a bill that could make an invaluable difference in the lives of citizens in New York and the country.

I'd first like to thank my colleague Senator DOLE for joining me in this effort. Because of her long history with the Red Cross, the Senator understands the importance of 2-1-1, and I am so pleased to be working with her again in this new Congress to champion this important cause.

Every hour of every day, someone in the United States needs essential services—from finding an after-school program to securing adequate care for an aging parent. Faced with a dramatic increase in the number of agencies and help-lines, people often don't know where to turn. In many cases, people end up going without necessary services because they do not know where to start. The 2-1-1 system is a user-friendly social-services network, providing an easy-to-remember and universally available phone number that links individuals and families in need to the appropriate nonprofit and government agencies. 2-1-1 helps people find and give help by providing information on job training, schools, volunteer opportunities, elder care housing, and countless other community needs.

However, the importance of this system extends far beyond the day to day needs of our citizens. The need for effective communication was made crystal clear in the immediate aftermath of the devastation of September 11, when most people did not know where to turn for information about their loved ones. Fortunately for those who knew about it, 2-1-1 was already operating in Connecticut, and it was critical in helping identify the whereabouts of victims, connecting frightened children with their parents, providing information on terrorist suspects, and linking ready volunteers with coordinated efforts and victims with necessary mental and physical health services. 2-1-1 provided locations of vigils and support groups, and information on bioterrorism for those concerned about future attacks.

As time went by, many people needed help getting back on their feet. More than 100,000 people lost their jobs. Close to 2,000 families applied for housing assistance because they couldn't pay their rent or mortgage. 90,000 people developed symptoms of post-traumatic stress disorder or clinical depression within eight weeks of the attacks. Another 34,000 people met the criteria for both diagnoses. And 2–1–1 was there to help.

The needs were great and the people of America rose to the challenge. But our infrastructure struggled to keep up with this outpouring of support. In fact, a Brookings Institution and Urban Institute study of the aftermath of September 11 found that many dislocated workers struggled to obtain available assistance. The devastation of natural disasters Hurricanes Katrina and Rita further demonstrated the need to connect people to services quickly in a time of crisis. That's what 2–1–1 is all about: providing a single, efficient, coordinated way for people who need help to connect with those who can provide it.

There is broad, bi-partisan support for this legislation—because the need for it has been proven. Unfortunately, in many States, limited resources have slowed the process of connecting communities with this vital service. Without adequate Federal support, 2–1–1 will not reach a nationwide population for decades. The University of Texas developed a national cost-benefit analysis that found there would be a savings to society of nearly $1.1 billion over ten years if 2–1–1 were operational nationwide. The Federal Government, States, counties, businesses and citizens all stand to benefit from a nationwide 2–1–1 service.

As this new Congress moves in a positive direction for America, we must enact legislation that best protects and prepares ourselves for the future. All fifty States deserve to be equipped with the proper communication to respond effectively in an emergency situation.

Every single American should have a number they can call to cut through the chaos of an emergency. That number is 2–1–1. It's time to make our citizens and our country safer by making this resource available nationwide.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mrs. BOXER, Mr. HARKIN, Mr. LEAHY, Mrs. CLINTON, Mr. OBAMA, and Mr. WYDEN):

S. 215. A bill to amend the communications act of 1934 to ensure net neutrality: to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, the issue of Internet freedom, which is also known as net neutrality, is one that is very important to me. I have long fought in Congress against media concentration, to prevent the consolidation of control over what Americans see, read and hear in the media. Americans have recognized how important this issue is and millions spoke out when the FCC sought to loosen the ownership rules to allow for more consolidation.

But now, Americans face an equally great threat to the democratic vehicle of the Internet. The Internet, which we have always taken for granted as an open and free engine for economic and creative growth, is now also at risk, and this must also become a front burner issue for consumers and businesses.

The Internet became a robust engine of economic development by enabling anyone with a good idea to connect to consumers and compete on a level playing field for consumers' business. The marketplace picked winners and losers, and not some central gatekeeper. Our economy, small businesses and consumers benefited tremendously from that dynamic marketplace.

But now we face a situation where the FCC has removed nondiscrimination rules that applied to Internet providers for years, and that enabled the Internet to flourish, and consumers and innovation to thrive.

The FCC removed these rules, and broadband operators soon thereafter announced their interest in acting in discriminatory ways, planning to create tiers on the Internet that could restrict content providers' access to the Internet unless they pay extra for faster speeds or better service. Under their plan, the Internet would become a new world where those content providers who can afford to pay special fees would have better access to consumers.

On November 7, 2005 then-SBC, now AT&T, CEO Ed Whitacre was quoted in Business Week as saying: "They don't have any fiber out there. They don't have any wires. They don't have anything . . . They use my lines for free—and that's bull. For a Google or a Yahoo! or a Vonage or anybody to expect to use these pipes for free is nuts!"

In another article a senior executive from Verizon was quoted as saying: "(Google) is enjoying a free lunch that should, by any rational account, be the lunch of the facilities providers."

Now perhaps if we had a competitive broadband market we would not need to be concerned about the discriminatory intentions of some providers. In a market with many competitors, there is a reasonable chance that market forces would discipline bad behavior.

But this is not the case today: FCC statistics on broadband show that the local cable and telephone companies have a 98 percent share of the national broadband residential access market.

For those that say, the market will take care of competition, and ensure that those that own the broadband networks won't discriminate, that cannot be so when at best consumers have a choice of two providers.

Furthermore, these broadband operators have their own content and services, video, VOIP, media content. They have an incentive to favor their own services and to act in an anti-competitive fashion. Last year Cablevision's Tom Rutledge talking about Vonage made the following statement: "So, anyone who buys Vonage on our network using our data service doesn't really know what they are doing . . . Our service is better, its quality of service. We actually prioritize the bits so that the voice product is a better product."

With these developments, consumers' ability to use content, services and applications could now be subject to decisions made by their broadband providers. The broadband operator will become a gatekeeper, capable of deciding who can get through to a consumer, who can get special deals, faster speeds, better access to the consumer.

This fundamentally changes the way the Internet has operated and threaten to derail the democratic nature of the Internet. American consumers and businesses will be worse off for it.

It is for this reason that Senator SNOWE and I are reintroducing the Internet Freedom Preservation Act, with the support of Internet businesses large and small, consumer groups, labor and education groups, religious organizations, and many others.

Last year we faced an uphill battle: broadband providers were spending millions of dollars on print and television advertisements and efforts to convince lawmakers to let them act as gatekeepers on the Internet, removing the power from the consumers that drive Internet choice today.

We still face the vast resources of broadband operators that seek to authorize their ability to control content on the Internet. But more importantly on the side of our legislation we have the grass roots support for and the substantive merits of Internet freedom.

In addition, we have proof that it can be done—nondiscrimination rules and Internet freedom can co-exist with profitable business plans. Recently AT&T accepted as a condition of its merger with BellSouth a net neutrality provision written by the FCC. Wall Street immediately reported that it expected no impact on AT&T's bottom line by the acceptance of these conditions, and AT&T is forging ahead, while at the same time having committed to protecting Internet freedom.

It is clear that an open and neutral Internet can co-exist and thrive along with competitive and profitable business models.

But legislation is still critical. The merger conditions are an important step but are not enough. We must restore Internet freedom mandates to the entire broadband industry and make them permanent, ensuring that consumers can continue to receive the benefits of an open and vibrant Internet not only in the short term from

AT&T, but from any broadband provider in the longer term.

Today we introduce the Internet Freedom Preservation Act to ensure that the Internet remains a platform that spawns innovation and economic development for generations to come. We look forward to working with our colleagues in Congress to enact these important measures into law.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Freedom Preservation Act".

SEC. 2. INTERNET NEUTRALITY.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

"SEC. 12. INTERNET NEUTRALITY.

"(a) Duty of Broadband Service Providers.—With respect to any broadband service offered to the public, each broadband service provider shall—

"(1) not block, interfere with, discriminate against, impair, or degrade the ability of any person to use a broadband service to access, use, send, post, receive, or offer any lawful content, application, or service made available via the Internet;

"(2) not prevent or obstruct a user from attaching or using any device to the network of such broadband service provider, only if such device does not physically damage or substantially degrade the use of such network by other subscribers;

"(3) provide and make available to each user information about such user's access to the Internet, and the speed, nature, and limitations of such user's broadband service;

"(4) enable any content, application, or service made available via the Internet to be offered, provided, or posted on a basis that—

"(A) is reasonable and nondiscriminatory, including with respect to quality of service, access, speed, and bandwidth;

"(B) is at least equivalent to the access, speed, quality of service, and bandwidth that such broadband service provider offers to affiliated content, applications, or services made available via the public Internet into the network of such broadband service provider; and

"(C) does not impose a charge on the basis of the type of content, applications, or services made available via the Internet into the network of such broadband service provider;

"(5) only prioritize content, applications, or services accessed by a user that is made available via the Internet within the network of such broadband service provider based on the type of content, applications, or services and the level of service purchased by the user, without charge for such prioritization; and

"(6) not install or utilize network features, functions, or capabilities that impede or hinder compliance with this section.

"(b) Certain Management and Business-Related Practices.—Nothing in this section shall be construed to prohibit a broadband service provider from engaging in any activity, provided that such activity is not inconsistent with the requirements of subsection (a), including—

"(1) protecting the security of a user's computer on the network of such broadband service provider, or managing such network in a manner that does not distinguish based on the source or ownership of content, application, or service;

"(2) offering directly to each user broadband service that does not distinguish based on the source or ownership of content, application, or service, at different prices based on defined levels of bandwidth or the actual quantity of data flow over a user's connection;

"(3) offering consumer protection services (including parental controls for indecency or unwanted content, software for the prevention of unsolicited commercial electronic messages, or other similar capabilities), if each user is provided clear and accurate advance notice of the ability of such user to refuse or disable individually provided consumer protection capabilities;

"(4) handling breaches of the terms of service offered by such broadband service provider by a subscriber, provided that such terms of service are not inconsistent with the requirements of subsection (a); or

"(5) where otherwise required by law, to prevent any violation of Federal or State law.

"(c) Exception.—Nothing in this section shall apply to any service regulated under title VI, regardless of the physical transmission facilities used to provide or transmit such service.

"(d) Stand-Alone Broadband Service.—A broadband service provider shall not require a subscriber, as a condition on the purchase of any broadband service offered by such broadband service provider, to purchase any cable service, telecommunications service, or IP-enabled voice service.

"(e) Implementation.—Not later than 180 days after the date of enactment of the Internet Freedom Preservation Act, the Commission shall prescribe rules to implement this section that—

"(1) permit any aggrieved person to file a complaint with the Commission concerning any violation of this section; and

"(2) establish enforcement and expedited adjudicatory review procedures consistent with the objectives of this section, including the resolution of any complaint described in paragraph (1) not later than 90 days after such complaint was filed, except for good cause shown.

"(f) Enforcement.—

"(1) In general.—The Commission shall enforce compliance with this section under title V, except that—

"(A) no forfeiture liability shall be determined under section 503(b) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4); and

"(B) the provisions of section 503(b)(5) shall not apply.

"(2) Special orders.—In addition to any other remedy provided under this Act, the Commission may issue any appropriate order, including an order directing a broadband service provider—

"(A) to pay damages to a complaining party for a violation of this section or the regulations hereunder; or

"(B) to enforce the provisions of this section.

"(g) Definitions.—In this section, the following definitions shall apply:

"(1) Affiliated.—The term 'affiliated' includes—

"(A) a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person; or

"(B) a person that has a contract or other arrangement with a content, applications, or service provider relating to access to or distribution of such content, applications, or service.

"(2) Broadband service.—The term 'broadband service' means a 2-way transmission that—

"(A) connects to the Internet regardless of the physical transmission facilities used; and

"(B) transmits information at an average rate of at least 200 kilobits per second in at least 1 direction.

"(3) Broadband service provider.—The term 'broadband service provider' means a person or entity that controls, operates, or resells and controls any facility used to provide broadband service to the public, whether provided for a fee or for free.

"(4) IP-enabled voice service.—The term 'IP-enabled voice service' means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately) with interconnection capability such that service can originate traffic to, and terminate traffic from, the public switched telephone network

"(5) User.—The term 'user' means any residential or business subscriber who, by way of a broadband service, takes and utilizes Internet services, whether provided for a fee, in exchange for an explicit benefit, or for free.".

SEC. 3. REPORT ON DELIVERY OF CONTENT, APPLICATIONS, AND SERVICES.

Not later than 270 days after the date of enactment of this Act, and annually thereafter, the Federal Communications Commission shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the—

(1) ability of providers of content, applications, or services to transmit and send such information into and over broadband networks;

(2) ability of competing providers of transmission capability to transmit and send such information into and over broadband networks;

(3) price, terms, and conditions for transmitting and sending such information into and over broadband networks;

(4) number of entities that transmit and send information into and over broadband networks; and

(5) state of competition among those entities that transmit and send information into and over broadband networks.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 216. A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today, I am introducing along with Mr. Domenici the "Pecos National Historical Park Land Exchange Act of 2007".

This bill will authorize a land exchange between the Federal Government and a private landowner that will benefit the Pecos National Historical Park in my State of New Mexico.

Specifically, the bill will enable the Park Service to acquire a private inholding within the Park's boundaries in exchange for the transfer of a nearby tract of National Forest System land. The National Forest parcel has been identified as available for exchange in the Santa Fe National Forest Land and Resource Management Plan and is surrounded by private lands on three sides.

The Pecos National Historical Park possesses exceptional historic and archaeological resources. The Park preserves the ruins of the great Pecos pueblo, which was a major trade center, and the ruins of two Spanish colonial missions dating from the 17th and 18th centuries.

The Glorieta unit of the park protects key sites associated with the 1862 Civil War Battle of Glorieta Pass, a significant event that ended the Confederate attempt to expand the war into the West. This unit will directly benefit from the land exchange.

Similar bills passed the Senate in the 106th, 108th, and 109th Congresses, and I hope it finally will be enacted this Congress.

I ask unanimous consent that the full text of the bill I have introduced today be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pecos National Historical Park Land Exchange Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term "landowner" means the 1 or more owners of the non-Federal land.

(3) MAP.—The term "map" means the map entitled "Proposed Land Exchange for Pecos National Historical Park", numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term "Park" means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term "State" means the State of New Mexico.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—On conveyance by the landowner to the Secretary of the Interior of the non-Federal land, title to which is acceptable to the Secretary of the Interior—

(1) the Secretary of Agriculture shall, subject to the conditions of this Act, convey to the landowner the Federal land; and

(2) the Secretary of the Interior shall, subject to the conditions of this Act, grant to the landowner the easement described in subsection (b).

(b) EASEMENT.—

(1) IN GENERAL.—The easement referred to in subsection (a)(2) is an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(2) ROUTE.—The Secretary of the Interior, in consultation with the landowner, shall determine the appropriate route of the easement through the Park.

(3) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior, in consultation with the landowner, determines to be appropriate.

(4) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal law.

(c) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if the value is not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(B) REQUIREMENTS.—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) APPROVAL.—The appraisals conducted under this paragraph shall be submitted to the Secretaries for approval.

(3) EQUALIZATION OF VALUES.—

(A) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized by—

(i) the Secretary of the Interior making a cash equalization payment to the landowner;

(ii) the landowner making a cash equalization payment to the Secretary of Agriculture; or

(iii) reducing the acreage of the non-Federal land or the Federal land, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(i) be deposited in the fund established by Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a); and

(ii) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(d) COSTS.—Before the completion of the exchange under this section, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(e) APPLICABLE LAW.—Except as otherwise provided in this Act, the exchange of land and interests in land under this Act shall be in accordance with—

(1) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(2) other applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this Act, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this Act as the Secretaries determine to be appropriate to protect the interests of the United States.

(g) COMPLETION OF THE EXCHANGE.—

(1) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(A) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(B) the date on which the Secretary of the Interior approves the appraisals under subsection (c)(2)(C); or

(C) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this section.

(2) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this Act.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this Act in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") (16 U.S.C. 1 et seq.).

(b) MAPS.—

(1) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(2) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(A) the Federal land and non-Federal land exchanged under this Act; and

(B) the easement described in section 3(b).

By Mr. COLEMAN:

S. 217. A bill to require the United States Trade Representative to initiate a section 301 investigation into abuses by the Australian Wheat Board with respect to the United Nations Oil-for-Food Programme, and for other purposes; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Australian Wheat Board Accountability Act of 2007".

SEC. 2. INVESTIGATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 30 days after the date of the enactment of this Act, the United States Trade Representative shall initiate an investigation in accordance with title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) to determine if actions by the Australian Wheat Board with respect to the Board's abuse of the United Nations Oil-for-Food Programme constitutes an act, policy, or practice and justifies taking action described in section 301(a)(1) of such Act (19 U.S.C. 2411(a)(1)).

(b) ACT, POLICY, OR PRACTICE.—For purposes of this Act, any economic damage suffered by United States wheat farmers as a result of the practices of the Australian Wheat Board related to the United Nations Oil-for-Food Programme during the period 1999 to 2003 shall be deemed to be an act, policy, or practice under section 301(a)(1) of the Trade Act of 1974.

SEC. 3. ACTIONS.

(a) NEGOTIATED SETTLEMENT.—

(1) IN GENERAL.—If as a result of the investigation required by section 2 an affirmative determination is made that the actions of the Australian Wheat Board have resulted in barriers to United States wheat exports or meet the requirements for mandatory action described in section 301(a)(1) of the Trade Act of 1974 (19 U.S.C. 2411(a)(1)), the United States Trade Representative shall seek a negotiated settlement with the Government of Australia for compensation under section 301(c)(1)(D) of such Act (19 U.S.C. 2411(c)(1)(D)).

(2) AMOUNT OF COMPENSATION.—In seeking a settlement under paragraph (1), the Trade Representative shall seek compensation in an amount equal to the economic damages suffered by United States wheat farmers as a result of the actions of the Australian Wheat Board with respect to the Board's abuse of the United Nations Oil-for-Food Programme.

(b) IMPOSITION OF DUTIES.—

(1) IN GENERAL.—If the United States Trade Representative fails to reach a settlement with the Government of Australia on or before the date that is 6 months after the date that the United States Trade Representative begins the negotiations described in subsection (a), the United States Trade Representative shall establish a retaliation list (as described in section 306(b)(2)(E) of the Trade Act of 1974; 19 U.S.C. 2416(b)(2)(E)) and shall impose a rate of duty of 100 percent ad valorem on articles on that list that are imported directly or indirectly from Australia. The duties shall be imposed in a manner consistent with section 301(a)(3) of the Trade Act of 1974 (19 U.S.C. 2411(a)(3)).

(2) DURATION OF ADDITIONAL DUTIES.—The duties imposed pursuant to paragraph (1) shall remain in effect until the date that the United States Trade Representative certifies to Congress that the imposition of such duties is no longer appropriate because adequate compensation has been obtained and the Australian Wheat Board is no longer engaging in the acts, policies, or practices that were the basis for the imposition of the duties.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. OBAMA, and Mr. ROCKEFELLER):

S. 218. A bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit; to the Committee on Finance.

Ms. SNOWE. Mr. President, today Congress is confronted with how to best provide tax relief to American families earning slightly more than the minimum wage. We can do that by expanding the availability of the child tax credit to more working families.

In 2001, I pushed to make the child tax credit refundable for workers making around the minimum wage. As enacted in 2001, a portion of a taxpayer's child tax credit would be refundable—up to 10 percent of earnings above $10,000.

In 2004, Congress passed the Working Families Tax Relief of 2004, which increased from 10 percent to 15 percent the portion of the child tax credit that is refundable. Although the legislation increased the amount of the refundable child credit, it failed to increase the number of families eligible for the benefit. The consequences are serious for low-income Americans living paycheck-to-paycheck. It means that tens of thousands of low-income families will be completely ineligible for a credit they should receive.

This year, because the income threshold is indexed, only taxpayers earning over $11,750 are eligible to receive the refundable portion of the child tax credit. Low-income families earning less than $11,750 are shut out of the child tax credit completely.

For example, a single mother who earns the current minimum wage and works a 40 hour week, for all 52 weeks of the year, fails to qualify for the refundable portion of the child tax credit. Since the mother earns $10,700, she is a mere $300 away from qualifying for the credit. Worse, if the single mother does not receive a raise the following year, it will be even tougher to qualify because the $11,750 she originally needed to earn is adjusted for inflation and will increase.

Today, I am introducing legislation, the Working Family Child Assistance Act, with Senators LINCOLN, OBAMA, and ROCKEFELLER that will enable more hard-working, low-income families to receive the refundable child credit this year. My legislation returns the amount of income a family must earn to qualify for the child tax credit to $10,000. Moreover, my bill would "de-index" the $10,000 threshold for inflation, so families failing to get a raise each year would not lose benefits.

Most notably, my bill is identical to the refundable child credit proposal the Senate passed in May 2001 as part of its version of that year's tax bill. Although I was able to ensure that a refundable child credit would be part of the final bill sent to President Bush, conferees did index the $10,000 threshold to inflation despite my best efforts.

The staff of the Joint Committee on Taxation has estimated that this legislation will allow an additional 600,000 families to benefit from the refundable child tax credit. The Maine Department of Revenue estimates that 16,700 families in Maine alone would benefit from our proposal. Two thousand of these Maine families would otherwise be completely locked out of the refundable child tax credit under current law.

For example, my legislation provides a $113 child credit to a mom who earns $10,750 per year. That's money she could use to buy groceries, school books, other family necessities, and even pay rent.

Our families and our country are better off when government lets people keep more of what they earn. Parents deserve their per-child tax credit, and my bill rewards families for work.

I am committed to this issue and have called on President Bush to work with Congress so we can help an additional one million children, whose parents and guardians struggle every day to take care of them.

Mrs. LINCOLN. Mr. President, I come before the Senate to once again raise an issue that is near and dear to my heart—an issue that is of great importance to working families across this country. In 2001 and again in 2003, Senator SNOWE and I worked together to ensure that low-income working families with children receive the benefit of the Child Tax Credit. I come here today to again ask my colleagues to help me ensure that low-income families aren't forgotten as we discuss tax relief in the 110th Congress.

Unfortunately, although we have made great strides in ensuring that the credit is a useful tool for our working families, in its current form it isn't working for everyone. We can and should take an important additional step to improve it.

As some of my colleagues may be aware, to be eligible for the refundable child tax credit, working families must meet an income threshold. If they don't earn enough, then they don't qualify for the credit. The problem is that some of our working parents are working full-time, every week of the year and yet they still don't earn enough to meet the income threshold to qualify for the credit, much less to receive a meaningful refund.

In 2006, the New York Times highlighted a report which shows that almost one-third of our children live in families that do not qualify for the child tax credit because family earnings are too low. When you break the findings down by race, it's even more disheartening—about half of all African American children and half of all Latino children are left out of the full child tax credit because their family's earnings are just too low to qualify.

It is wrong to provide this credit to some hardworking Americans, while leaving others behind. The single, working parent that is stocking shelves at your local grocery store is every bit as deserving as the teacher, accountant or insurance salesman that qualifies for the credit in its current form. We must address this inequity and we must ensure that our tax code works for all Americans, especially those working parents forced to get by on the minimum wage.

In response, Senator SNOWE and I have proposed a solution that will build on our previous efforts to make this credit work for those that need it the most. Today, we are reintroducing the Working Child Family Assistance Act, legislation which de-indexes the income threshold and sets it at a reasonable level so that all working parents, including those making the minimum wage, qualify for the credit. This is a simple, easy solution to a serious problem.

I look forward to working with my colleagues and the Administration to correct this inequity and to ensure that those low-income, hard-working families that need this credit the most do receive its benefits.

Mr. OBAMA. Mr. President, I rise to speak about the Child Tax Credit and to support S. 218, a bill I've worked on with Senators SNOWE and LINCOLN. Working families should get the tax relief they deserve, and I am proud to cosponsor this bill to help realize this aspiration. The Child Credit is an important component of our Federal tax code, and S. 218 is an important step in making the credit more valuable and more fair for those who need it most.

Raising children is expensive and has become even more so in recent years. The Child Tax Credit allows middle class families to claim a credit of $1,000 per child against their Federal income tax. That's a big help in covering these rising costs.

Importantly, the Child Credit also recognizes the particular vulnerability low-income families with children. Since the credit is refundable to the extent of 15 percent of a taxpayer's earned income in excess of $11,300, families earning more than that threshold level of income get at least a partial benefit even if they have no Federal income tax liability. The benefit may be small for families with low incomes, but every penny helps defray the rising costs of being a working parent in America today.

Unfortunately, as currently structured, the Child Credit leaves more and more families out of the benefit each year. That's because the income threshold for eligibility rises annually at the rate of inflation even though family incomes may not rise as fast. That means that if you earn the minimum wage, or if your wage is low and you didn't get a raise, or if you worked fewer hours than the year before, then your tax refund probably shrunk. It may even have disappeared. Given that an estimated four and a half million households with children experienced this decline last year alone, we must reverse this unintended—and unfair—effect.

In many cases, indexing the parameters of the tax system for inflation makes sense because it neutralizes the effects of inflation on the tax system. In this case, however, indexing the threshold results in an unfair tax increase for low-income, working families whose incomes are not keeping up with rising costs. Recent data indicates that the typical low-income household actually saw its earnings decline during the first few years ofthis decade. At the same time, the costs of housing, childcare, and driving to work have increased sharply.

This bill returns the threshold to its original level of $10,000 and freezes it, thereby expanding the benefit to include more kids and protecting those families from unfair tax increases due to inflation. This is an important step in improving the fairness of our tax code and providing necessary support to working families.

In time, I hope we will do more. It is unfair that more than eight million children in families with incomes too low to qualify for even a partial credit get no benefit at all. These are families whose incomes are far below the Federal poverty level and whose children ironically have the greatest needs—even as their parents pay an enormous share of their incomes in taxes and basic services, such as food, housing, and clothing.

America can do better. In the new Congress, I hope we will tackle the broader challenge of ensuring that their parents have jobs that pay living wages, a home they can afford, a school district that enables a life of opportunity, a community that cares for its children, and the faith that hard work and personal commitment payoff. America can do this.

I urge my colleagues to join me in supporting this important bill as a first step in addressing the broader goal of equal opportunity for all Americans.

By Mr. CRAIG:

S. 220. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce the Southern Idaho Bureau of Reclamation Repayment Act of 2007. This Act authorizes prepayment by landowners of their allocated portion of the obligations to the Bureau of Reclamation within A&B Irrigation District and will allow individual landowners to prepay their obligations if they so desire. Additionally, the Act will allow the landowners who have prepaid to be exempt from the acreage limitation provisions set in the Reclamation Reform Act of 1982, thereby creating an appropriate market for the sale of those lands now owned by landowners who have either died or have retired.

I look forward to working with my colleagues to move this necessary bill through the legislative process quickly.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. HARKIN, Mr. HAGEL, and Mr. LEAHY):

S. 221. A bill amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise to re-introduce the Fair Contracts for Growers Act of 2007. This bill would simply instill fairness into contractual dealings between farmers and processors. It ensures that parties to a dispute related to agricultural contracts have a true choice of venues.

I introduce this legislation because I believe that anti-competitive activity has become a grave threat to the family farmer. During the last Farm Bill debate, I brought this same bill forward, along with several others. Despite this policy passing the Senate, remarkably the final Farm Bill included no provisions to address concentration.

So, earlier this year, I announced that I will be putting forward a package of bills that will focus on anti-competitive activity in the agriculture industry. This bill is the first step of my agriculture concentration agenda.

Today's legislation is one piece of the puzzle to help stop the unfair impact that vertical integration is having on the family farmer. In the last several years we've seen a tremendous shift in agriculture toward contract production. Under many of these contract arrangements, large, vertically integrated agribusiness firms have the power to dictate the terms of "take-it-or-leave-it" production contracts to farmers.

Then, when there is a dispute between the packer and the family farmer, and the contract between the two includes an arbitration clause, the family farmer has no alternative but to accept arbitration to resolve the dispute. These clauses limit farmers' abilities to pursue remedies in court, even when violations of Federal or State law are at issue. This mandatory arbitration process puts the farmer at a see disadvantage. Even in a situation where discrimination or fraud is suspected, a farmer's only recourse under such a contract is to submit to arbitration. The farmer cannot seek redress in court, even if the result is bankruptcy or financial ruin.

Make no mistake, arbitration is very useful in certain situations. It reduces the load on our courts, and can save parties the expense of drawn-out litigation. This bill would not rule out arbitration-just forced arbitration.

The Fair Contracts for Growers Act would amend the Packers and Stockyards Act to require that any contract arbitration be voluntarily agreed upon by both parties to settle disputes at the time a dispute arises, not when the contract is signed. This would allow farmers the opportunity to choose the best form of dispute resolution and not have to submit to the packers. It ensures that a farmer, most often the "little guy" in these dealings, is able to maintain his constitutional right to a jury trial. It also gives him a chance to compel disclosure of relevant information, held by the company, which is necessary for a fair decision.

During consideration of the Farm Bill, the Senate passed, by a vote of 64–31, the Feingold-Grassley amendment to give farmers a choice of venues to resolve disputes associated with agricultural contracts. I urge my colleagues to join with Senator FEINGOLD and me, along with our other cosponsors, in supporting this important legislation.

I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IOWA FARMERS UNION,
Ames, IA, January 3, 2007.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of Iowa Farmers Union, Women, Food and Agriculture Network (WFAN) and the Iowa Chapter of National Farmers Organization to reiterate our strong support for the Fair Contracts for Growers Act, and to thank you for your leadership in introducing this legislation.

Contract livestock and poultry producers are being forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, non-negotiable contract with large, vertically integrated processing firms. These producers forfeit their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control over the information needed for growers to argue their case. In a civil court case, this evidence would be available to a grower's attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal as well as the right to an explanation of the decision.

Many assume that arbitration is a less costly way of resolving dispute than going to court, but for the producer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon. Independent family farmers all over the U.S. will benefit from a law that stops the abuse of arbitration clauses in livestock and poultry contracts.

Sincerely,.

CHRIS PETERSEN,
President.

JANUARY 4, 2007.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington DC.

DEAR SENATOR GRASSLEY: On behalf of the Campaign for Contract Agriculture Reform, I would like to thank you for your leadership in introducing the Fair Contracts for Growers Act.

With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. In many cases, particularly in the livestock and poultry sector, the farmer never actually owns the product they produce, but instead makes large capital investments on their own land to build the facilities necessary to raise animals for an "integrator."

Under such contract arrangements, farmers and growers are often given take-it-or-leave-it, non-negotiable contracts, with language drafted by the integrator in a manner designed to maximize the company's profits and shift risk to the grower. In many cases, the farmer has little choice but to sign the contract presented to them, or accept bankruptcy. The legal term for such contracts is "contract of adhesion." As contracts of adhesion become more commonplace in agriculture, the abuses that often characterize such contracts are also becoming more commonplace and more egregious.

One practice that has become common in livestock and poultry production contracts is the use of mandatory arbitration clauses, where growers are forced to sign away their constitutional rights to jury trial upon signing a contract with an integrator, and instead accept a dispute resolution forum that denies their basic legal rights and is too costly for most growers to pursue.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a growers' attorney through discovery. In an arbitration proceeding, the company is generally not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself. For example, in one Mississippi case, filing fees for a poultry grower to begin an arbitration proceeding were $11,000. In contrast, filing fees for a civil court case are $150 to $250. Lawyer fees in a civil case are often paid on a contingent-fee basis.

In addition, the potential for mandatory arbitration clauses to be used abusively by a dominant party in a contract has also been recognized by Congress with regard to other sectors of our economy. In 2002, legislation was enacted with broad bipartisan support that prohibits the use of pre-dispute, mandatory arbitration clauses in contracts between car dealers and car manufacturers and distributors. The Fair Contract for Growers Act is nearly identical in structure to the "car dealer" arbitration bill passed by Congress in 2002.

Thank you again for introducing the Fair Contracts for Growers Act, to assure that arbitration in livestock and poultry contracts is truly voluntary, after mutual agreement of both parties after a dispute arises. If used, arbitration should be a tool for honest dispute resolution, not a weapon used to limit a farmers' right to seek justice for abusive trade practices.

I look forward to working with you toward enactment of this important legislation.

Sincerely,

STEVEN D. ETKA,
Legislative Coordinator, Campaign for Contract Agriculture Reform.

NATIONAL FAMILY FARM COALITION,
Washington, DC, January 9, 2007.

Senator CHARLES GRASSLEY,
Hart Building,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing as president of the National Family Farm Coalition to express our strong support for the Fair Contracts for Growers Act, and to thank you for your leadership in introducing this legislation. As you know, the National Family Farm Coalition provides a voice for grassroots groups on farm, food, trade and rural economic issues to ensure fair prices for family farmers, safe and healthy food, and vibrant, environmentally sound rural communities. Our organization is committed to promoting justice in agriculture, which is stymied by current practices that give farmers unfair and unjust difficulties when they wish to arbitrate a contract dispute.

Therefore, the Fair Contracts for Growers Act is very timely. With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. Under these contracts, it is common for farmers and growers to be forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, non-negotiable contract with a large, vertically integrated processing firm. In doing so, the farmer is forced to give up their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a growers' attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce common sense legislation to stop the abuse of arbitration clauses in the livestock and poultry contracts.

Sincerely,

GEORGE NAYLOR,
President.

SUSTAINABLE AGRICULTURE COALITION,
Washington, DC, January 8, 2007.

Senator CHUCK GRASSLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of the Sustainable Agriculture Coalition in support of the Fair Contract for Growers Act and to thank you for your leadership in introducing this legislation.

The Fair Contracts for Growers Act is necessary to help level the playing field for our farmers and ranchers who enter into production contracts with packers and processors. The rapid rise of vertically integrated production chains, combined with the high degree of concentration of poultry processors and meatpackers, leaves farmers and ranchers in many regions of the country with few choices, or only a single choice, of buyers for their products. Increasingly, farmers and ranchers are confronted with "take-it-or-leave-it," non-negotiable contracts, written by the company. These contracts require that farmers and ranchers give up the basic constitutional right of access to the courts and sign mandatory binding arbitration clauses if they want access to a market for their products. These clauses are signed before any dispute arises, leaving the producers little, if any, ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon. Many basic legal processes are not available to farmers and ranchers in arbitration. In most agricultural production contract disputes, the company has control of the information needed for a grower to argue a case. In a civil court case, this evidence would be available to the grower's attorney through discovery. In an arbitration proceeding, however, the company is not required to provide access to this information, thus placing the grower at an extreme disadvantage. In addition, in most arbitration proceedings, a decision is issued without an opinion providing an explanation of the principles and standards or even the facts considered in reaching the decision. The arbitration proceeding is a private, closed to effective public safeguards, and the arbitration decisions are often confidential and rarely subject to public oversight or judicial review.

Moreover, there is a growing perception that the arbitration system is biased towards the companies. This private system is basically supported financially by the companies which are involved repeatedly in arbitration cases. The companies also know the history of previous arbitrations, including which arbitrators generally decide in the companies' favor. This arbitration history is rarely available to a farmer or rancher involved in a single arbitration proceeding.

Arbitration is often assumed to be a less costly way of resolving disputes than litigation. But this assumption must be tested in light of the relative resources of the parties. For most farmers and ranchers, arbitration is a significant expense in relation to their income. One immediate financial barrier is filing fees and case service fees, which in arbitration are usually divided between the parties. A few thousand dollars out of pocket is a minuscule expense for a well-heeled company but can be an insurmountable barrier for a farmer with a modest income who is in conflict with the farmer's chief source of income. This significant cost barrier to most farmers, when coupled with the disadvantages of the arbitration process, can deny farmers an effective remedy in contract dispute cases with merit.

The Sustainable Agriculture Coalition represents family farm, rural development, and conservation and environmental organizations that share a commitment to federal policy reform to promote sustainable agriculture and rural development. Coalition member organizations include the Agriculture and Land Based Training Association, American Natural Heritage Foundation, C.A.S.A. del Llano (Communities Assuring a Sustainable Agriculture), Center for Rural Affairs, Dakota Rural Action, Delta Land and Community, Inc., Future Harvest-CASA (Chesapeake Alliance for Sustainable Agriculture), Illinois Stewardship Alliance, Institute for Agriculture and Trade Policy, Iowa Environmental Council, Iowa Natural Heritage Foundation, Kansas Rural Center, Kerr Center for Sustainable Agriculture, Land Stewardship Project, Michael Fields Agricultural Institute, Michigan Agricultural Stewardship Association, Michigan Land Use Institute, Midwest Organic and Sustainable Education Service, The Minnesota Project, National Catholic Rural Life Conference, National Center for Appropriate Technology, Northern Plains Sustainable Agriculture Society, Ohio Ecological Food and Farm Association, Organic Farming Research Foundation, Pennsylvania Association for Sustainable Agriculture, Rural Advancement Foundation International-USA, the Sierra Club Agriculture Committee, and the Washington Sustainable Food and Farming Network. Our member organizations included thousands of farmers and ranchers with small and mid-size operations, a number of whom have entered into agricultural production contracts or are considering whether to sign these contracts. As individuals, these farmers and ranchers do not have the financial power or negotiating position that companies enjoy in virtually every contract dispute. We agree with Senator Grassley that, in the face of such unequal bargaining power, the Fair Contract for Growers Act is a modest and appropriate step which allows growers the choice of entering into arbitration or mediation or choosing to exercise the basic legal right of access to the courts.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce commonsense legislation to stop the abuse of mandatory arbitration clauses in livestock and poultry contracts.

Sincerely,

MARTHA L. NOBLE,
Senior Policy Associate.

S. 221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Contracts for Growers Act of 2007".

SEC. 2. ELECTION OF ARBITRATION.

(a) IN GENERAL.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"§ 17. Livestock and poultry contracts

"(a) DEFINITIONS.—In this section:

"(1) LIVESTOCK.—The term 'livestock' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

"(2) LIVESTOCK OR POULTRY CONTRACT.—The term 'livestock or poultry contract' means any growout contract, marketing agreement, or other arrangement under which a livestock or poultry grower raises and cares for livestock or poultry.

"(3) LIVESTOCK OR POULTRY GROWER.—The term 'livestock or poultry grower' means any person engaged in the business of raising and caring for livestock or poultry in accordance with a livestock or poultry contract, whether the livestock or poultry is owned by the person or by another person.

"(4) POULTRY.—The term 'poultry' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

"(b) CONSENT TO ARBITRATION.—If a livestock or poultry contract provides for the use of arbitration to resolve a controversy under the livestock or poultry contract, arbitration may be used to settle the controversy only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

"(c) EXPLANATION OF BASIS FOR AWARDS.—If arbitration is elected to settle a dispute under a livestock or poultry contract, the arbitrator shall provide to the parties to the contract a written explanation of the factual and legal basis for the award.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"17. Livestock and poultry contracts.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to a contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this Act.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. MCCAIN, Mr. DURBIN, Mr. ALLARD, Mr. LUGAR, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. LEVIN, Ms. MURKOWSKI, Mr. CORNYN, Mr. GRAHAM, Mr. KERRY, Mr.

SALAZAR, Mr. OBAMA, Mr. DORGAN, Mr. WYDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, and Mrs. FEINSTEIN):

S. 223. A bill to require Senate candidates to file designations, statements, and reports in electronic form; to the committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I will once again introduce with the, Senator from Mississippi, Mr. COCHRAN, and the Senator from Arizona, Mr. MCCAIN, a bill to bring Senate campaigns into the 21st century by requiring that Senate candidates file their campaign finance disclosure reports electronically and that those reports be promptly made available to the public. This step is long overdue, and I hope that the fact that we now have two dozen or so bipartisan cosponsors indicates that the Senate will act quickly on this legislation.

A series of reports by the Campaign Finance Institute has highlighted the anomaly in the election laws that makes it nearly impossible for the public to get access to Senate campaign finance reports while most other reports are available on the Internet within 24 hours of their filing with the Federal Election Commission (FEC). The Campaign Finance Institute asks a rhetorical question: "What makes the Senate so special that it exempts itself from a key requirement of campaign finance disclosure that applies to everyone else, including candidates for the House of Representatives and Political Action Committees?"

The answer, of course, is nothing. The United States Senate is special in many ways. I am proud to serve here. But there is no excuse for keeping our campaign finance information inaccessible to the public when the information filed by House candidates or others is readily available. A recent Washington Post editorial called this delay "completely unjustified." I couldn't agree more, especially now, when the Senate is debating ethics reforms designed to increase transparency and accountability to the public. I ask unanimous consent that the text of this editorial be printed in the RECORD following the text of the bill.

My bill amends the section of the election laws dealing with electronic filing to require reports filed with the Secretary of the Senate to be filed electronically and forwarded to the FEC within 24 hours. The FEC is required to make available on the Internet within 24 hours any filing it receives electronically. So if this bill is enacted, electronic versions of Senate reports should be available to the public within 48 hours of their filing. That will be a vast improvement over the current situation, which, according to the Campaign Finance Institute, requires journalists and interested members of the public to review computer images of paper-filed copies of reports, and involves a completely wasteful expenditure of hundreds of thousands of dollars to re-enter information into databases that almost every campaign has available in electronic format.

The current filing system also means that the detailed coding that the FEC does, which allows for more sophisticated searches and analysis, is completed over a week later for Senate reports than for House reports. This means that the final disclosure reports covering the first two weeks of October are often not susceptible to detailed scrutiny before the election. According to the Campaign Finance Institute, in the 2006 election, "[v]oters in six of the hottest Senate races were out of luck the week before the November 7 election if they did Web searches for information on general election contributions since June 30. In all ten of the most closely followed Senate races voters were unable to search through any candidate reports for information on 'pre-general election (October 1–18)' donations." And a September 18, 2006, column by Jeffery H. Birnbaum in the Washington Post noted that "When the polls opened in November 2004, voters were in the dark about $53 million in individual Senate contributions of $200 or more dating all the way back to July. . . ."

It is time for the Senate to at long last relinquish its backward attitude toward campaign finance disclosure. I am encouraged by the supportive statements from a number of my colleagues on both sides of the aisle, including the new Minority Leader and Minority Whip, and the new Chair of the Rules Committee. I urge the enactment of this simple bill that will make our reports subject to the same prompt, public scrutiny as those filed by PACs, House and Presidential candidates, and even 527 organizations. I close with another question from the Campaign Finance Institute: "Isn't it time that the Senate join the 21st century and allow itself to vote on a simple legislative fix that could significantly improve our democracy?" This Congress, let us answer that question in the affirmative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senate Campaign Disclosure Parity Act".

SEC. 2. SENATE CANDIDATES REQUIRED TO FILE ELECTION REPORTS IN ELECTRONIC FORM.

(a) IN GENERAL.—Section 304(a)(11)(D) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(D)) is amended to read as follows:

"(D) As used in this paragraph, the terms 'designation', 'statement', or 'report' mean a designation, statement or report, respectively, which—

"(i) is required by this Act to be filed with the Commission, or

"(ii) is required under section 302(g) to be filed with the Secretary of the Senate and forwarded by the Secretary to the Commission.".

(b) CONFORMING AMENDMENTS.—

(1) Section 302(g)(2) of such Act (2 U.S.C. 432(g)(2)) is amended by inserting "or 1 working day in the case of a designation, statement, or report filed electronically" after "2 working days".

(2) Section 304(a)(11)(B) of such Act (2 U.S.C. 434(a)(11)(B)) is amended by inserting "or filed with the Secretary of the Senate under section 302(g)(1) and forwarded to the Commission" after "Act".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any designation, statement, or report required to be filed after the date of enactment of this Act.

[From The Washington Post, Dec. 6, 2006]

DARK AGES DISCLOSURE; IT'S TIME FOR THE SENATE TO BRING ITS CAMPAIGN FILING SYSTEM INTO THE MODERN ERA

Three years ago we wrote an editorial using the headline above. It decried the senseless and costly loophole under which people running for the Senate—alone among federal political candidates and committees—aren't required to file campaign finance reports electronically. In an age when such reports can be filed with the click of a mouse, Senate candidates submit their disclosures on paper, with weeks of delay before they are transferred to a form available and searchable on the Internet. As a result, in the final stretch of campaigns, anyone interested in learning who is bankrolling Senate candidates or how they are spending the cash has to go page by page through voluminous reports. This delay is so obviously unjustified that we expected the legal glitch to be quickly fixed.

Naive us. Three years later, the situation remains unaddressed. According to the Campaign Finance Institute, as late as the week before Election Day, in all 10 of the most closely followed Senate races, no detailed information was available online about contributions between Oct. 1 and Oct. 18, the last filing period before the election. For six candidates in those races—Democrats Ned Lamont (Conn.), Claire McCaskill (Mo.) and Sheldon Whitehouse (R.I.), and Republicans Mike DeWine (Ohio), Rick Santorum (Pa.) and Thomas H. Kean Jr. (N.J.)—the only financial information available was from before June 30.

It would be easy to change the rule, and the Senate should do so in the final days of the 109th Congress. More than 20 senators, of both parties, have signed on to S. 1508, the Senate Campaign Disclosure Parity Act. If any senator opposes requiring electronic filing, none is willing to say so. Majority Whip Mitch McConnell (R-Ky.), who was rumored to be opposed to the change, says he is for it. Senate Rules Committee Chairman Trent Lott (R-Miss.), whose panel has jurisdiction in this area, said three years ago that it was "part of honesty in elections, I think. Make it accessible." Now what's needed is for Mr. Lott to get committee members' approval to speed the matter to the Senate floor.

To put it bluntly: Republicans, why let the new Democratic majority get credit for making this obvious fix? Do it now, while you're still in charge.

By Mr. DODD (for himself and Mr. BINGAMAN):

S. 224. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, on the 5th anniversary of No Child Left Behind (NCLB), I rise today to introduce The Standards to Provide Educational Achievement for Kids (SPEAK) Act, a bill designed to start the job of holding every child in America to the same high standards. At its core, SPEAK will create, adopt, and implement voluntary core American education content standards in math and science while incentivizing States to adopt them.

America's leadership, economic, and national security rest on our commitment to educate and prepare our youth to succeed in a global economy. The key to succeeding in this endeavor is to have high expectations for all American students as they progress through our Nation's schools.

Currently there are 50 different sets of academic standards, 50 State assessments, and 50 definitions of proficiency under the No Child Left Behind Act. As a result of varied standards, exams and proficiency levels, America's highly mobile student-aged population moves through the Nation's schools gaining widely varying levels of knowledge, skills and preparedness. And yet, in order for the United States to compete in a global economy, we must strengthen our educational expectations for all American children—we must compete as one Nation.

Recent international comparisons show that American students have significant shortcomings in math and science. Many lack the basic skills required for college or the workplace. This affects our economic and national security; it holds us back in the global marketplace and risks ceding our competitive edge. This is unacceptable.

America was founded on the notion of ensuring equity and opportunity for all. And yet, we risk both when we allow different students in different States to graduate from high school with very different educations. We live in a Nation with an unacceptably high high school dropout rate. We live in a Nation where 8th graders in some States score more than 30 points higher on tests of basic science knowledge than students in other States. I ask my colleagues today what equality of opportunity we have under such circumstances.

This is where American standards come in. Voluntary, core American standards in math and science are the first step in ensuring that all American students are given the same opportunity to learn to a high standard no matter where they reside. They will allow for meaningful comparisons of student academic achievement across States, help ensure that American students are academically qualified to enter college or training for the civilian or military workforce, and help ensure that students are better prepared to compete in the global marketplace. Uniform standards are a first step in maintaining America's competitive and national security edge.

While I realize there will be resistance to such efforts, education is after all a State endeavor; we cannot ignore that at the end of the day America competes as one country on the global marketplace. This does not mean that I am asking States to cede their authority in education. What the bill simply proposes is that we use the convening power of the Federal Government to develop standards and then provide States with incentives to adopt them.

At the end of the day, this is a voluntary measure. States will choose whether or not to participate. States that do participate, while required to adopt the American standards, will be given the flexibility to make them their own. They will have the option to add additional content requirements, they will have final say in how coursework is sequenced, and, ultimately, States and districts will still be the ones developing the curriculum, choosing the textbooks and administering the tests. The standards provided for under this legislation will simply serve as a common core.

The SPEAK Act will task the National Assessment Governing Board (NAGB) with creating rigorous and voluntary core American education content standards in math and science for grades K–12. It will require that the standards be anchored in the National Assessment of Educational Progress' (NAEP) math and science frameworks. It will ensure that such standards are internationally competitive and comparable to the best standards in the world. It will develop rigorous achievement levels. It will ensure that varying developmental levels of students are taken into account in the development of such standards. It will provide for periodic review and update of such standards. It will allow participating States the flexibility to add additional standards to the core. And, it establishes an American Standards Incentive Fund to incentivize States to adopt the standards. Among the benefits of participating is a significant infusion of funds for States to bolster their K–12 data systems.

What I propose today is a first step. A first step in regaining our competitive edge. A first step in ensuring that all American students have the opportunity to receive a first class, high-quality education. It is not a step that I am taking alone.

The SPEAK Act has garnered endorsements from businesses, math/science organizations, foundations, and the education community, including the National Education Association (NEA). Through the leadership of Congressman VERNON EHLERS in the House of Representatives it shares not only bicameral, but bipartisan support. Together we have all come together to affect meaningful change in our public schools.

We live in an economy where you can no longer lift, dig or assemble your way to success. Today, you've got to think your way to success so that when public education doesn't work, when we fail to compete as one nation, our entire country gets left behind. Low expectations translate to an America that is less competitive on the world stage. If that happens, we are going to wonder why we didn't do anything about it while we still had time.

Core American standards will set high goals for all students, allow for meaningful comparisons of achievement across States, and help ensure that all of our students are qualified to enter college. At the end of the day, we all want what's best for our country and parents want what's best for their kids. With core standards, America will begin the work of regaining its competitive edge in the global economy. And in the life of every student, equality will be made a little more real with introduction of this bill, as the skills and knowledge we expect of them are no longer made contingent on where they reside.

I hope that my colleagues will join me in supporting the SPEAK Act. As we start holding our students to the same high standards, I expect that we will be amazed at the excellence that follows. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Standards to Provide Educational Achievement for Kids Act" or the "SPEAK Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Assessing science in the National Assessment of Educational Progress.
Sec. 4. Definitions.
Sec. 5. Voluntary American education content standards; American Standards Incentive Fund.
Sec. 6. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Throughout the years, educators and policymakers have consistently embraced standards as the mechanism to ensure that every student, no matter what school the student attends, masters the skills and develops the knowledge needed to participate in a global economy.

(2) Recent international comparisons make clear that students in the United States have significant shortcomings in mathematics and science, yet a high level of scientific and mathematics literacy is essential to societal innovations and advancements.

(3) With more than 50 different sets of academic content standards, 50 State academic assessments, and 50 definitions of proficiency under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)), there is great variability in the measures, standards, and benchmarks for academic achievement in mathematics and science.

(4) Variation in State standards and the accompanying measures of proficiency make it difficult for parents and teachers to meaningfully gauge how well their children are learning mathematics and science in comparison to their peers internationally or here at home.

(5) The disparity in the rigor of standards across States yield test results that tell the public little about how schools are performing and progressing, as States with low standards or low proficiency scores may appear to be doing much better than States with more rigorous standards or higher requirements for proficiency.

(6) As a result, the United States' highly mobile student-aged population moves through the Nation's schools gaining widely varying levels of knowledge, skills, and preparedness.

(7) In order for the United States to compete in a global economy, the country needs to strengthen its educational expectations for all children.

(8) To compete, the people of the United States must compare themselves against international benchmarks.

(9) Grounded in a real world analysis and international comparisons of what students need to succeed in work and college, rigorous and voluntary core American education content standards will keep the United States economically competitive and ensure that the children of the United States are given the same opportunity to learn to a high standard no matter where they reside.

(10) Rigorous and voluntary core American education content standards in mathematics and science will enable students to succeed in academic settings across States while ensuring an American edge in the global marketplace.

SEC. 3. ASSESSING SCIENCE IN THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

(a) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS AUTHORIZATION ACT.—Section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) is amended—

(1) in subsection (a), by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "science," after "mathematics,";

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(ii) in subparagraph (C), by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(iii) in subparagraph (D), by striking "science,";

(iv) in subparagraph (E), by striking "reading and mathematics" and inserting "reading, mathematics, and science"; and

(v) in subparagraph (F)—

(I) by striking "continue to" ; and

(II) by striking "reading and mathematics" and inserting "reading, mathematics, and science";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "reading and mathematics" each place the term occurs and inserting "reading, mathematics, and science"; and

(ii) in subparagraph (C)(ii), by striking "reading and mathematics" and inserting "reading, mathematics, and science"; and

(D) in paragraph (4)(B), by striking ", require, or influence" and inserting "or require";

(3) in subsection (d)(3), by striking "reading and mathematics" each place the term occurs and inserting "reading, mathematics, and science"; and

(4) in subsection (f)(1)(B)(v), by striking "and mathematical knowledge" and inserting ", mathematical knowledge, and science knowledge".

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended—

(1) in section 1111(c)(2) (20 U.S.C. 6311(c)(2))—

(A) by inserting "(and, for science, beginning with the 2008–2009 school year)" after "2002–2003"; and

(B) by striking "reading and mathematics" and inserting "reading, mathematics, and science"; and

(2) in section 1112(b)(1)(F) (20 U.S.C. 6312(b)(1)(F)), by striking "reading and mathematics" and inserting "reading, mathematics, and science".

SEC. 4. DEFINITIONS.

Section 304 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9623) is amended—

(1) in the matter preceding paragraph (1), by striking "In this title:" and inserting "Except as otherwise provided, in this title:";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Education.".

SEC. 5. VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS; AMERICAN STANDARDS INCENTIVE FUND.

The National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.) is amended—

(1) by redesignating sections 304 (as amended by section 4) and 305 as sections 306 and 307, respectively; and

(2) by inserting after section 303 the following:

"SEC. 304. CREATION OR ADOPTION OF VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS.

"(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Standards to Provide Educational Achievement for Kids Act and from amounts appropriated under section 307(a)(3) for a fiscal year, the Assessment Board shall create or adopt voluntary American education content standards in mathematics and science covering kindergarten through grade 12.

"(b) DUTIES.—The Assessment Board shall implement subsection (a) by carrying out the following duties:

"(1) Create or adopt voluntary American education content standards for mathematics and science covering kindergarten through grade 12 that reflect a common core of what students in the United States should know and be able to do to compete in a global economy.

"(2) Anchor the voluntary American education content standards based on the mathematics and science frameworks and the achievement levels under section 303(e) of the National Assessment of Educational Progress for grades 4, 8, and 12.

"(3) Ensure that the voluntary American education content standards are internationally competitive and comparable to the best standards in the world.

"(4) Review existing standards in mathematics and science developed by professional organizations.

"(5) Review State standards in mathematics and science as of the date of enactment of the Standards to Provide Educational Achievement for Kids Act and consult and work with entities that are developing, or have already developed, such State standards.

"(6) Review the reports, views, and analyses of a broad spectrum of experts, including classroom educators, and of the public, as such reports, views, and analyses relate to mathematics and science education, including reviews of blue ribbon reports, exemplary practices in the field, and recent reports by government agencies and professional organizations.

"(7) Review scientifically rigorous studies that examine the relationship between—

"(A) the sequences of secondary school-level mathematics and science courses; and

"(B) student achievement.

"(8) Ensure that steps are taken in the development of the voluntary American education content standards to recognize the needs of students who receive special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and of students who are limited English proficient (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

"(9) Solicit input from State and local representative organizations, mathematics and science organizations (including mathematics and science teacher organizations), institutions of higher education, higher education organizations, business organizations, and other appropriate organizations.

"(10) Ensure that the voluntary American education content standards reflect what students will be required to know and be able to do after secondary school graduation to be academically qualified to enter an institution of higher education or training for the civilian or military workforce.

"(11) Widely disseminate the voluntary American education content standards for public review and comment before final adoption.

"(12) Provide for continuing review of the voluntary American education content standards not less often than once every 10 years, which review—

"(A) shall solicit input from organizations and entities, including—

"(i) 1 or more professional mathematics or science organizations, including mathematics or science educator organizations;

"(ii) the State educational agencies that have received American Standards Incentive Fund grants under section 305 during the period covered by the review; and "(iii) other organizations and entities, as determined appropriate by Assessment Board; and

"(B) shall address issues including—

"(i) whether the voluntary American education content standards continue to reflect international standards of excellence and the latest developments in the fields of mathematics and science; and

"(ii) whether the voluntary American education content standards continue to reflect what students are required to know and be able to do in science and mathematics after graduation from secondary school to be academically qualified to enter an institution of higher education or training for the civilian or military workforce, as of the date of the review.

"SEC. 305. THE AMERICAN STANDARDS INCENTIVE FUND.

"(a) DEFINITIONS.—In this section:

"(1) IN GENERAL.—The terms 'elementary school', 'local educational agency', 'professional development', 'secondary school', 'State', and 'State educational agency' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(2) ACADEMIC CONTENT STANDARDS.—The term 'academic content standards' means the challenging academic content standards described in section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

"(3) LEVELS OF ACHIEVEMENT.—The term 'levels of achievement' means the State levels of achievement under subclauses (II) and (III) of section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii)(II), (III)).

"(4) STATE ACADEMIC ASSESSMENTS.—The term 'State academic assessments' means the academic assessments for a State described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

"(b) ESTABLISHMENT OF FUND.—From amounts appropriated under section 307(a)(4) for a fiscal year, the Secretary shall establish and fund the American Standards Incentive Fund to carry out the grant program under subsection (c).

"(c) INCENTIVE GRANT PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—Not later than 12 months after the Assessment Board adopts the voluntary American education content standards under section 304, the Secretary shall use amounts available from the American Standards Incentive Fund to award, on a competitive basis, grants to State educational agencies to enable each State educational agency to adopt the voluntary American education content standards in mathematics and science as the core of the State's academic content standards in mathematics and science by carrying out the activities described in subsection (f).

"(2) DURATION AND AMOUNT.—A grant under this subsection shall be awarded—

"(A) for a period of not more than 4 years; and

"(B) in an amount that is not more than $4,000,000 over the period of the grant.

"(3) SEA COLLABORATION PERMITTED.—A State educational agency receiving a grant under this subsection may collaborate with another State educational agency receiving a grant under this subsection in carrying out the activities described in subsection (f).

"(d) CORE STANDARDS.—A State educational agency receiving a grant under subsection (c) shall adopt and use the voluntary American education content standards in mathematics and science as the core of the State academic content standards in mathematics and science. The State educational agency may add additional standards to the voluntary American education content standards as part of the State academic content standards in mathematics and science.

"(e) STATE APPLICATION.—A State educational agency desiring to receive a grant under subsection (c) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

"(1) timelines for carrying out each of the activities described in subsection (f)(1); and

"(2) a description of the activities that the State educational agency will undertake to implement the voluntary American education content standards in mathematics and science adopted under section 304, and the achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress, at both the State educational agency and local educational agency levels, including any additional activities described in subsection (f)(2).

"(f) USE OF FUNDS.—

"(1) MANDATORY ACTIVITIES.—A State educational agency receiving a grant under subsection (c) shall use grant funds to carry out all of the following:

"(A) Adopt the voluntary American education content standards in mathematics and science as the core of the State's academic content standards in mathematics and science not later than 2 years after the receipt of a grant under this section.

"(B) Align the teacher certification or licensure, pre-service, and professional development requirements of the State to the voluntary American education content standards in mathematics and science not later than 3 years after the receipt of the grant.

"(C) Align the State academic assessments in mathematics and science (or develop new such State academic assessments that are aligned) with the voluntary American education content standards in mathematics and science not later than 4 years after the receipt of the grant.

"(D) Align the State levels of achievement in mathematics and science with the student achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress not later than 4 years after the receipt of the grant.

"(E) Develop dissemination, technical assistance, and professional development activities for the purpose of educating local educational agencies and schools on what the standards adopted by the State educational agency under this section are and how the standards can be incorporated into classroom instruction.

"(2) PERMISSIVE ACTIVITIES.—A State educational agency receiving a grant under subsection (c) may use the grant funds to carry out, at the local educational agency or State educational agency level, any of the following activities:

"(A) Develop curricula and instructional materials in mathematics or science that are aligned with the voluntary American education content standards in mathematics and science.

"(B) Conduct other activities needed for the implementation of the voluntary American education content standards in mathematics and science.

"(3) PRIORITY.—In awarding grants under this section the Secretary shall give priority to a State educational agency that will use the grant funds to carry out subparagraph (A) of paragraph (2).

"(g) AWARD BASIS.—In determining the amount of a grant under subsection (c), the Secretary shall take into consideration—

"(1) the extent to which a State's academic content standards, State academic assessments, levels of achievement in mathematics and science, and teacher certification or licensure, pre-service, and professional development requirements, must be revised to align such State standards, assessments, levels, and teacher requirements with the voluntary American education content standards created or adopted under section 304 and the achievement levels in mathematics and science developed under section 303(e); and

"(2) the planned activities described in the application submitted under subsection (e).

"(h) ANNUAL STATE EDUCATIONAL AGENCY REPORTS.—A State educational agency receiving a grant under subsection (c) shall submit an annual report to the Secretary demonstrating the State educational agency's progress in meeting the timelines described in the application under subsection (e)(1).

"(i) GRANTS FOR DOD AND BIA SCHOOLS.—

"(1) DEPARTMENT OF DEFENSE SCHOOLS.—From amounts available from the American Standards Incentive Fund, the Secretary, upon application by the Secretary of Defense, may award grants under subsection (c) to the Secretary of Defense on behalf of elementary schools and secondary schools operated by the Department of Defense to enable the Secretary of Defense to carry out activities similar to the activities described in subsection (f) for the elementary schools and secondary schools operated by the Department of Defense.

"(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From amounts available from the American Standards Incentive Fund, the Secretary, in consultation with the Secretary of the Interior, may award grants under subsection (c) to the Bureau of Indian Affairs on behalf of elementary schools and secondary schools operated or funded by the Department of the Interior to enable the Director of the Bureau of Indian Affairs to carry out activities similar to the activities described in subsection (f) for the elementary schools and secondary schools operated or funded by the Department of the Interior.

"(j) STUDY.—Not later than 2 years after the completion of the first 4-year grant cycle for grants under this section, the Commissioner for Education Statistics shall carry out a study comparing the gap between the reported proficiency on State academic assessments and assessments under section 303 for State educational agencies receiving grants under subsection (c), before and after the State adopts the voluntary American education content standards in mathematics and science as the core of the State education content standards in mathematics and science.

"(k) DATA GRANT.—

"(1) PROGRAM AUTHORIZED.—

"(A) IN GENERAL.—From amounts appropriated under section 307(a)(4), the Secretary shall award, to each State educational agency that meets the requirements of paragraph (3), a grant to enhance statewide student level longitudinal data systems as those systems relate to the requirements of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

"(B) DATA AUDIT SYSTEM.—The State, through the implementation of such enhanced data system, shall—

"(i) ensure that the State has in place a State data audit system to assess data quality, validity, and reliability; and

"(ii) provide guidance, technical assistance, and professional development to local educational agencies to ensure local education officials and educators have the tools, knowledge, and protocol necessary to use the enhanced data system properly, ensure the integrity of the data, and be able to use the data to inform education policy and practice.

"(2) AMOUNT OF GRANT.—A grant awarded to a State educational agency under this subsection shall be in an amount equal to 5 percent of the amount allocated to the State under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332). If the amounts available from the American Standards Incentive Fund are insufficient to pay the full amounts of grants under paragraph (1) to all State educational agencies that receive a grant under this subsection, then the Secretary shall ratably reduce the amount of all grants under this subsection.

"(3) REQUIREMENTS.—In order to receive a grant under this subsection, a State educational agency shall—

"(A) have received a grant under subsection (c); and

"(B) successfully demonstrate to the Secretary that the State has aligned—

"(i) the State's academic content standards and State academic assessments in mathematics and science, and the State's teacher certification or licensure, pre-service, and professional development requirements, with the voluntary American education content standards in mathematics and science; and

"(ii) the State levels of achievement in mathematics and science for grades 4, 8, and 12, with the achievement levels in mathematics and science developed under section 303(e) for such grades.

"(4) NATURE OF GRANT.—A grant under this subsection to a State educational agency shall be in addition to any grant awarded to the State educational agency under subsection (c).

"(5) LIMIT ON NUMBER OF GRANTS.—In no case shall a State educational agency receive more than 1 grant under this subsection.

"(l) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of the Standards to Provide Educational Achievement for Kids Act, and every 2 years thereafter, the Secretary shall report to Congress regarding the status of all grants awarded under this section.

"(m) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to establish a preferred national curriculum or preferred teaching methodology for elementary school or secondary school instruction.

"(n) TIMELINE EXTENSION.—The Secretary may extend the 12-year requirement under section 1111(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(F)) by not less than 2 years and by not more than 4 years for a State served by a State educational agency that receives grants under subsections (c) and (k).".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 307(a) of the National Assessment of Educational Progress Authorization Act (as redesignated by section 5(1)) (20 U.S.C. 9624(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated—

"(1) to carry out section 302, $6,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year;

"(2) to carry out section 303, $200,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year;

"(3) to carry out section 304, $3,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year; and

"(4) to carry out section 305, $400,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.".

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 225. A bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation that I introduced last November along with the distinguished Senator from Hawaii, Senator AKAKA, and that I am again introducing today. The bill would expand the number of eligible recipients of retroactive payments under the Traumatic Injury Protection under Servicemembers' Group Life Insurance, or "TSGLI", benefit. Most of my colleagues have perhaps heard the story of how this important benefit became law and what its intended purpose is, but I believe it is worth repeating.

In April of 2005 I was visited by three servicemembers who were seriously injured during Operation Iraqi Freedom (OIF). They were members of an organization called the Wounded Warrior Project, and they told me of their lengthy recovery times at Walter Reed Army Medical Center and the financial toll that that period of convalescence had on them and their families. They talked about wives, parents, and other relatives who had taken long absences from work, and some who had even quit their work, in order to spend time with those recovering at Walter Reed. And they told me that the Department of Veterans Affairs compensation system was no help because, by law, those benefits do not kick in until after separation from service.

Based on their experiences, these wounded warriors recommended that I pursue legislation to create a new insurance benefit for those with traumatic injuries such as theirs. The insurance would pay between $25,000 and $100,000 as soon as possible after an injury occurred, thereby bridging the gap in assistance needed during the time of a wounded servicemember's recovery and the time of his or her separation from service. They asked that I make the legislation prospective only, meaning that they, and hundreds of others, would go without any TSGLI payment. I honored that request and, together with Senator AKAKA and other Members of the Committee on Veterans' Affairs, introduced an amendment to the 2005 Emergency Supplemental Appropriations bill then pending before the Senate.

A second degree amendment was later unanimously agreed to which authorized retroactive benefit payments to *all* of those injured in the Operation Iraqi Freedom and Operation Enduring Freedom (OEF) theaters of operation—providing for TSGLI payments to hundreds of servicemembers who had been seriously injured since the start of the wars in Afghanistan and Iraq. At the time, the retroactive TSGLI provision was consistent with other retroactive benefits approved within the Emergency Supplemental bill, such as $238,000 in combined Servicemembers' Group Life Insurance (SGLI) and death gratuity benefits that were provided retroactively to survivors of those killed in combat operations since the start of the War on Terror. Needless to say, the TSGLI amendments were approved by the Congress and enacted into law.

Fast forward to the present. TSGLI has been up and running since December 1, 2005, and provides financial assistance of $25,000 to $100,000 to traumatically injured servicemembers within, on average, 60 days of the date of the injury causing event. As of January 5, 2007, almost 2,233 wounded OIF/OEF servicemembers have benefited under the retroactive portion of the program. For those with injuries post December 1, 2005, it does not matter if an injury occurs as a result of combat operations or training exercises—payment under TSGLI is available in either situation; 626 wounded servicemembers have benefited under this aspect of the program.

The Senate Committee on Veterans' Affairs held a hearing on the TSGLI benefit in September 2006. The Committee received testimony from the Wounded Warrior Project, the organization largely responsible for TSGLI's conception. While very pleased with the program overall, a serious concern was raised regarding the equity of only extending retroactive TSGLI payments to those injured during Operations Iraqi and Enduring Freedom. Mr. Jeremy Chwat, testifying for the Wounded Warrior Project that day, used the example of one servicemember as representative of others who are not now eligible for benefits:

> Brave men and women like Seaman Robert Roeder who was injured on January 29, 2005 when an arresting wire on the aircraft carrier, the USS Kitty Hawk, severed his left leg below the knee . . . Although the ship was on its way to the Gulf and the training exercises being conducted were in preparation for action in either Operation Enduring or Iraqi Freedom, Robert's injury does not qualify for payment.

Furthermore, since enactment of the 2005 Emergency Supplemental, retroactive SGLI and death gratuity benefits combining $238,000 have been expanded to provide payments to survivors of all servicemembers who died on active duty, whether in combat or not. The reason behind the expansion of retroactive benefits was a recognition that military service is universal in character; that each military man or woman, no matter where they are serving, contributes in a unique way to make the United States Armed Forces second to none.

The legislation I am again introducing today, along with Senator AKAKA, will make the TSGLI retroactive payment eligibility criteria consistent with the other benefit program retroactive payment criteria I just mentioned. Thus, if this legislation is enacted, all traumatically injured servicemembers who served between October 7, 2001, and December 1, 2005, will be eligible for TSGLI payments, irrespective of where their injuries occurred. Unofficial estimates from VA suggest that there may be over 215 active duty personnel who, like Seaman Roeder, sustained traumatic injuries during this time period while performing their military duties.

Both the Wounded Warrior Project and the National Military Families Association have expressed their support for this bill. And I now ask my colleagues for their support. This is the right thing to do for our military men and women.

I ask unanimous consent that the text of the bill text be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109–233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking ", if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom".

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking "IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM".

By Mr. GRASSLEY:

S. 226. A bill to direct the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FALSE CLAIMS SETTLEMENTS.

Section 8E of the Inspector General Act (5 U.S.C. App.) is amended by adding at the end the following:

"(e)(1) In preparing the semi-annual report under section 5, the Inspector General of the Department of Justice shall describe each settlement or compromise of any claim, suit, or other action entered into with the Department of Justice that—

"(A) relates to an alleged violation of section 1031 of title 18, United States Code, or section 3729 of title 31, United States Code (including all settlements of alternative remedies); and

"(B) results from a claim of damages in excess of $100,000.

"(2) The descriptions of each settlement or compromise required to be included in the semi-annual report under paragraph (1) shall include—

"(A) the overall amount of the settlement or compromise and the portions of the settlement attributed to various statutory authorities;

"(B) the amount of actual damages estimated to have been sustained and the minimum and maximum potential civil penalties incurred as a consequence of the defendants that is the subject of the settlement or compromise;

"(C) the basis for the estimate of damages sustained and the potential civil penalties incurred;

"(D) the amount of the settlement that represents damages and the multiplier or percentage of the actual damages applied in the actual settlement or compromise;

"(E) the amount of the settlement that represents civil penalties and the percentage of the potential penalty liability captured by the settlement or compromise;

"(F) the amount of the settlement that represents criminal fines and a statement of the basis for such fines;

"(G) the length of time involved from the filing of the complaint until the finalization of the settlement or compromise, including—

"(i) the date of the original filing of the complaint;

"(ii) the time the case remained under seal;

"(iii) the date upon which the Department of Justice determined whether or not to intervene in the case; and

"(iv) the date of settlement or compromise;

"(H) whether any of the defendants, or any divisions, subsidiaries, affiliates, or related entities, had previously entered into 1 or more settlements or compromises related to section 1031 of title 18, United States Code, or section 3730(b) of title 31, United States Code, and if so, the dates and monetary size of such settlements or compromises;

"(I) whether the defendant or any of its divisions, subsidiaries, affiliates, or related entities—

"(i) entered into a corporate integrity agreement related to the settlement or compromise; and

"(ii) had previously entered into 1 or more corporate integrity agreements related to section 3730(b) of title 31, United States Code, and if so, whether the previous corporate integrity agreements covered the conduct that is the subject of the settlement or compromise being reported on or similar conduct;

"(J) in the case of settlements involving medicaid, the amounts paid to the Federal Government and to each of the States participating in the settlement or compromise;

"(K) whether civil investigative demands were issued in process of investigating the case;

"(L) in qui tam actions, the percentage of the settlement amount awarded to the relator, and whether or not the relator requested a fairness hearing pertaining to the percentage received by the relator or the overall amount of the settlement;

"(M) the extent to which officers of the department or agency that was the victim of the loss resolved by the settlement or compromise participated in the settlement negotiations; and

"(N) the extent to which relators and their counsel participated in the settlement negotiations.".

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 229. A bill to redesignate a Federal building in Albuquerque, New Mexico, as the "Raymond G. Murphy Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

Mr. DOMENICI. Mr. President, I rise today with my colleague, Senator BINGAMAN, to introduce legislation that will designate the Veterans Administration Medical Center in Albuquerque, NM, the "Raymond G. Murphy Department of Veterans Affairs Medical Center."

Jerry Murphy is an extraordinary New Mexican who was awarded the Congressional Medal of Honor for his heroic actions on February 3, 1953, while serving in the Korean war. On that day in February 1953, Marine 2nd Lieutenant Murphy participated in a raid on Ungok Hill. In the course of the operation, most of the senior officers in Lieutenant Murphy's unit were killed or wounded and the assault on the hill became stalled with many members of the Marine assault force pinned down and trapped on the hill by enemy fire. Seeing his fellow marines in trouble and against orders Lieutenant Murphy organized and led a daring rescue effort. Under intense enemy fire, Murphy personally made countless trips up the hill to evacuate and provide cover for the stranded marines. Though he was wounded numerous times, Lieutenant Murphy refused treatment for his wounds until all marines were accounted for and everyone else had been treated. Lieutenant Murphy was also awarded a Silver Star for bravery in a previous action in 1952.

Jerry's personal mission to protect and aid his fellow servicemen and women did not end on that hill in Korea, for 25 years he worked in the Veteran's Administration, VA regional office in Albuquerque, New Mexico. While there Jerry worked tirelessly as a counselor in the Division of Vocational Counseling to insure the men and women who served and defended our Nation were able to make the transition to life in peacetime.

Unlike many of us who look to retirement as a time for personal pursuits and relaxation, Jerry chose to carry on his work on behalf of veterans and until 2000 volunteered at the VA hospital in Albuquerque, NM.

For these reasons I am introducing this legislation today. Jerry Murphy is a true American hero who in war and peace dedicated himself to others. I think it only right that the medical center in Albuquerque bear his name in recognition of his great service to this country and its men and women in uniform.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building known and designated as the "Department of Veterans Affairs Medical Center" located at 1501 San Pedro Drive, SE, in Albuquerque, New Mexico, shall be known and redesignated as the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

By Mrs. FEINSTEIN (for herself, Mr. CHAMBLISS, Ms. MIKULSKI, Mr. CORNYN, Mr. OBAMA, Ms. SNOWE, Ms. STABENOW, Ms. COLLINS, Mr. KOHL, Mr. LEVIN, Mr. DURBIN, Mr. BAUCUS, Mr. BINGAMAN, Mr. KERRY, Mr. BIDEN, Mr. ROCKEFELLER, and Mr. SALAZAR):

S. 231. A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senator CHAMBLISS and a number of other co-sponsors in introducing the Edward Byrne Memorial Justice Assistance Grant Reauthorization Act. This bill would take the $1,095,000,0000 amount which Congress authorized for the Byrne/JAG grant program in fiscal year 2006 in the Violence Against Women and DOJ Reauthorization Act of 2005 (Pub. L. 109-162), and reauthorize that same amount for the program in each year through fiscal year 2012.

The "Byrne/JAG" program resulted from the 2005 consolidation of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, and the Local Government Law Enforcement Block Grants.

Named after New York Police Officer Edward Byrne, who was killed in the line of duty in 1988, it provides critical support to State and local law enforcement officials.

Byrne/JAG is a law enforcement funding program run by the Department of Justice. For more than 20 years, grants from Byrne/JAG and its predecessor programs have funded state and local drug task forces, community crime prevention programs, substance abuse treatment programs, prosecution initiatives, and many other local crime control programs.

One of the most popular uses of Byrne/JAG funds is to support multi-jurisdictional task forces, which help fight drug and firearm traffickers, gangs, pharmaceutical diversion, and organized crime in America's communities.

Results from Byrne/JAG are real. According to data compiled by the National Criminal Justice Association from self-reported metrics submitted by State Administering Agencies for the 2004 grant year, task forces funded in part by Byrne/JAG grants were responsible for: 54,050 weapons seized; 5,646 methamphetamine labs seized; and $250,000,000 in cash and personal property seized, not including the value of narcotics seized. They were also responsible for removing massive quantities of controlled substances from America's streets, including: 2.7 million grams of amphetamine and methamphetamine; 1.8 million grams of powder cocaine; 278,200 grams of "crack" cocaine; 73,300 grams of heroin; 75 million cultivated and noncultivated marijuana plants, and 27 million kilograms of marijuana.

As Ron Brooks, President of the National Narcotics Officers' Associations' Coalition (NNOAC) testified last June, "more than one-third of all meth lab seizures were conducted by Byrne-funded task forces."

We get good returns on this investment. The National Sheriff's Association estimates that, with 2,794 personnel in multi-jurisdictional drug tasks forces, this equates to: 79 drug arrests per full-time employee (221,475 total); 6 kilograms of cocaine seized per FTE. (17,991 total); 2 kilograms of meth seized per FTE, 5,452 kilos total"; 400 grams of heroine seized per FTE, 1,177 kilos total, 306 lbs. of processed marijuana per FTE, 855,309 total; and 3 meth lab responses per FTE, 8,983 total.

And our rural communities are especially dependent on Byrne/JAG grants. Byrne/JAG grants to the States are allocated 60/40, so that 40 percent of the funds must be set aside for distribution to local governments. In short, this is one of the only sources of federal funds for sheriffs and police chiefs in many of our smaller towns and counties.

When Byrne/JAG and the Community Oriented Policing Services (COPS) program were well funded, state and local law enforcement officers produced real results. It is no coincidence that, during this period, we saw more than a decade of steady reductions in violent crime.

Unfortunately, Federal funding for these justice assistance programs has been dramatically slashed in recent years. As late as Fiscal Year 2003, the Byrne grant programs had been funded at a level of $900 million. In Fiscal Year 2004, however, it was reduced to $725 million. And in FY2005, Byrne/JAG was cut to $634 million.

That year in California, the Governor issued a notice to the law enforcement community, advising that this change would "significantly reduce the amount of drug control and criminal justice funding in California"—by a whopping $14 million in one year, just for my State.

In Fiscal Year 2006, the program was cut even further, to only $416.5 million—amounting to a 54 percent cut from Fiscal Year 2003. In Fiscal Year 2006, and then again in Fiscal Year 2007, the President's budget proposed eliminating the Byrne program entirely.

In response, the Senate voted to restore Byrne funding in Fiscal Year 2006 to its Fiscal Year 2003 level of $900 million, but that increase was taken out of the final conference report.

For Fiscal Year 2007, the Senate again restored $900 million in a budget amendment, but no appropriations bill was passed.

What have we seen in the wake of these cuts to State and local law enforcement and the Byrne/JAG program?

After a decade of declines, FBI reports for 2005 showed a rise in violent crime in every region of our country—an overall increase of 2.5 percent, the largest reported increase in violent crime in the U.S. in 15 years.

For the first six months of 2006, the numbers for violent crime were even worse—up again in every region, and with a surge of nearly 3.7 percent. And the number of robberies—which many criminologists see as a leading indicator of future activity—was up by almost 10 percent. The reduction in Byrne/JAG and other similar funding is not the only reason for this increase. Experts also cite the spread of criminal street gangs like MS-13, for example, as a major factor in the jump in violent crime.

When we are faced with such challenges, however, the Byrne/JAG program has a clear role to play in addressing America's growing violent crime problem.

A national integrated threat demands a national integrated response, with State and local law enforcement leading the way, but with the Federal Government providing meaningful support. Byrne/JAG facilitates. that design, by allowing State and local leaders to leverage resources in key areas, and facilitating collaboration among those in law enforcement, corrections, treatment, and prevention.

A review of programs around the country reveals that some Byrne/JAG-funded task forces receive between $30 and $40 from State or local sources for every Federal dollar they receive. Rather than supplanting other sources, Byrne/JAG often leverages Federal dollars, by providing the incentive needed for local agencies to cooperate, communicate, share information and build good cases.

Because State and local cops account for 97 percent of all drug arrests in America, further Byrne/JAG cuts will have a clear effect, as NNOAC President Ron Brooks testified: [T]ake away the Byrne-JAG drug task forces and I guarantee you will have fewer lab seizures . . . The meth supply will continue to grow, as will the toxic meth waste that is being dumped in many neighborhoods.

Unfortunately, some of this is already happening. After the recent cuts to Byrne/JAG, the governor of Texas eliminated funding for most drug task forces in his State, because he decided the limited funding available was needed instead for border enforcement. Narcotics officers throughout the United States also report a similar trend of eliminations and decreases of task forces.

Without multi-jurisdictional task forces, officers will revert to working within their own stovepipes, arresting mere targets of opportunity instead of focusing on organizational targets that have a disproportionate impact on the problem. Police officers will return to working within their own teams rather than cooperating and using shared intelligence to identify wider drug trafficking investigations.

Since 9/11, we have understandably placed greater emphasis on the terrorist threat from abroad, and protecting our borders. But to save the perimeter and lose the heartland to international drug cartels, American street gangs, local meth cookers and neighborhood drug traffickers would be a hollow victory indeed.

Last year, a group of 15 organizations—including NNOAC, the National Troopers Coalition, the International Association of Chiefs of Police, the Major City Chiefs' Association, the National Sheriffs Association, the National District Attorneys' Association, the National Alliance of Drug Enforcement Agencies, the National Association of Counties, the National Association of Drug Court Professionals—all came together to call for the Byrne/JAG program to be funded at the $1.1 billion level.

The 15 groups represented more than 456,000 law enforcement officers, drug court judges, treatment practitioners, and prosecutors from over 2,000 counties and more than 5,000 community prevention coalitions. And for the 110th Congress, funding Byrne/JAG at the $1.1 billion level remains a top law enforcement priority.

Passage of this bill will respond to such requests from law enforcement, and also send a clear message that any further efforts by this Administration to reduce or eliminate the Byrne/JAG program in the Fiscal Year 208 budget will be strongly resisted by this Congress.

I urge my colleagues to support this legislation.

By Mr. WYDEN:

S. 232. A bill to make permanent the authorization for watershed restoration and enhancement agreements; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, the legislation I introduce today reauthorizes a very successful cooperative watershed restoration program that I originally sponsored, and that was originally enacted for the Forest Service, in the Fiscal Year 1999 Interior Appropriations bill. The original legislation lasted through Fiscal Year 2001 after which it was reauthorized by the Appropriations Committees, at my request, through Fiscal Year 2005 and then again through Fiscal Year 2011. My bill passed the Senate in the 109th Congress, but unfortunately did not pass in the House before the end of the Congress. Today, I reintroduce the bill hoping that it can speedily pass both chambers.

The bill making what is commonly referred to as the Wyden amendment permanent authorizes the Secretary of Agriculture to use appropriated Forest Service funds for watershed restoration and enhancement agreements that benefit the ecological health of National Forest System lands and watersheds. The Wyden amendment does not require additional funding, but allows the Forest Service to leverage scarce restoration dollars thereby allowing the federal dollars to stretch farther. During the eight years the program has existed, the Forest Service has leveraged three dollars for every Forest Service dollar spent on these agreements.

The Wyden amendment has resulted in countless Forest Service cooperative agreements with neighboring state and local land owners to accomplish high priority restoration, protection and enhancement work on public and private watersheds. The projects authorized by these agreements have improved watershed health and fish habitat through the control of invasive species, culvert replacement, and other riparian zone improvement projects. In addition to ecological restoration, use of the Wyden amendment has improved cooperative relationships between the Forest Service, private land owners, state agencies and other federal agencies.

I am hopeful that my colleagues on the Energy and Natural Resources Committee will again pass this bill out of the Committee and that thereafter this legislation can again pass the Senate expeditiously. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Watershed Restoration and Enhancement Agreements Act of 2007".

SEC. 2. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended—

(1) in subsection (a), by striking "each of fiscal years 2006 through 2011" and inserting "fiscal year 2006 and each fiscal year thereafter";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

"(1) a watershed restoration and enhancement agreement entered into under this section; or

"(2) an agreement entered into under the first section of Public Law 94-148 (16 U.S.C. 565a-1).".

AMENDMENTS SUBMITTED AND PROPOSED

SA 1. Mr. KERRY (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 2. Mr. LEAHY (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 3. Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) proposed an amendment to the bill S. 1, supra.

SA 4. Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR , and Mr. OBAMA) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 5. Mr. VITTER (for himself and Mr. GRASSLEY) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 6. Mr. VITTER proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 7. Mr. VITTER proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms.

COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 8. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1. Mr. KERRY (for himself, Mr. SALAZAR): submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE _____—CONGRESSIONAL PENSION ACCOUNTABILITY

SEC. ___1. SHORT TITLE.

This title may be cited as the "Congressional Pension Accountability Act".

SEC. 2. DENIAL OF RETIREMENT BENEFITS.

(a) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; or", and by inserting after paragraph (2) the following:

"(3) was convicted of an offense described in subsection (d), to the extent provided by that subsection."; and

(2) by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by inserting after subparagraph (B) the following:

"(C) with respect to the offenses described in subsection (d), to the period after the date of conviction.".

(b) OFFENSES DESCRIBED.—Section 8312 of such title 5 is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

"(d) The offenses to which subsection (a)(3) applies are the following:

"(1) An offense within the purview of—

"(A) section 201 of title 18 (bribery of public officials and witnesses); or

"(B) section 371 of title 18 (conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes an offense within the purview of such section 201.

"(2) Perjury committed under the statutes of the United States or the District of Columbia in falsely denying the commission of any act which constitutes an offense within the purview of a statute named by paragraph (1), but only in the case of the statute named by subparagraph (B) of paragraph (1).

"(3) Subornation of perjury committed in connection with the false denial or false testimony of another individual as specified by paragraph (2).

An offense shall not be considered to be an offense described in this subsection except if or to the extent that it is committed by a Member of Congress (as defined by section 2106, including a Delegate to Congress).".

(c) ABSENCE FROM UNITED STATES TO AVOID PROSECUTION.—Section 8313(a)(1) of such title 5 is amended by striking "or" at the end of subparagraph (A), by striking "and" at the end of subparagraph (B) and inserting "or", and by adding at the end the following:

"(C) for an offense described under subsection (d) of section 8312; and".

(d) NONACCRUAL OF INTEREST ON REFUNDS.—Section 8316(b) of such title 5 is amended by striking "or" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; or", and by adding at the end the following:

"(3) if the individual was convicted of an offense described in section 8312(d), for the period after the conviction.".

SEC. 3. CONSTITUTIONAL AUTHORITY.

The Constitutional authority for this title is the power of Congress to make all laws which shall be necessary and proper as enumerated in Article I, Section 8 of the United States Constitution, and the power to ascertain compensation for Congressional service under Article I, Section 6 of the United States Constitution.

SEC. ___4. EFFECTIVE DATE.

This Act, including the amendments made by this Act, shall take effect on January 1, 2009.

SA 2. Mr. LEAHY (for himself and Mr. PRYOR): submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

SA 3. Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) proposed an amendment to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

Sec. 101. Short title.
Sec. 102. Out of scope matters in conference reports.
Sec. 103. Earmarks.
Sec. 104. Availability of conference reports on the Internet.
Sec. 105. Sense of the Senate on conference committee protocols.
Sec. 106. Elimination of floor privileges for former Members, Senate officers, and Speakers of the House who are lobbyists or seek financial gain.
Sec. 107. Proper Valuation of Tickets to Entertainment and Sporting Events.
Sec. 108. Ban on gifts from lobbyists.
Sec. 109. Travel restrictions and disclosure.
Sec. 110. Restrictions on former officers, employees, and elected officials of the executive and legislative branch.
Sec. 111. Post employment restrictions.
Sec. 112. Disclosure by Members of Congress and staff of employment negotiations.
Sec. 113. Prohibit official contact with spouse or immediate family member of Member who is a registered lobbyist.
Sec. 114. Influencing hiring decisions.
Sec. 115. Sense of the Senate that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches.
Sec. 116. Amounts of COLA adjustments not paid to certain Members of Congress.
Sec. 117. Requirement of notice of intent to proceed.
Sec. 118. CBO scoring requirement.
Sec. 119. Effective date.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

Sec. 201. Short title.

Subtitle A—Enhancing Lobbying Disclosure

Sec. 211. Quarterly filing of lobbying disclosure reports.
Sec. 212. Quarterly reports on other contributions.
Sec. 213. Additional disclosure.
Sec. 214. Public database of lobbying disclosure information.
Sec. 215. Disclosure by registered lobbyists of all past executive and Congressional employment.
Sec. 216. Increased penalty for failure to comply with lobbying disclosure requirements.
Sec. 217. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 218. Disclosure of enforcement for noncompliance.
Sec. 219. Electronic filing of lobbying disclosure reports.
Sec. 220. Disclosure of paid efforts to stimulate grassroots Lobbying.
Sec. 221. Electronic filing and public database for lobbyists for foreign governments.
Sec. 222. Additional lobbying disclosure requirements.
Sec. 223. Increased criminal penalties for failure to comply with lobbying disclosure requirements.
Sec. 224. Effective date.

Subtitle B—Oversight of Ethics and Lobbying

Sec. 231. Comptroller General audit and annual report.
Sec. 232. Mandatory Senate ethics training for Members and staff.
Sec. 233. Sense of the Senate regarding self-regulation within the Lobbying community.
Sec. 234. Annual ethics committees reports.

Subtitle C—Slowing the Revolving Door

Sec. 241. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

Sec. 251. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to Congressional employees.

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2007

Sec. 261. Short title.
Sec. 262. Establishment of commission.
Sec. 263. Purposes.
Sec. 264. Composition of commission.
Sec. 265. Functions of Commission.
Sec. 266. Powers of Commission.
Sec. 267. Administration.
Sec. 268. Security clearances for Commission Members and staff.
Sec. 269. Commission reports; termination.
Sec. 270. Funding.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

SEC. 101. SHORT TITLE.

This title may be cited as the "Legislative Transparency and Accountability Act of 2007".

SEC. 102. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.

(a) IN GENERAL.—A point of order may be made by any Senator against a conference report that includes any matter not committed to the conferees by either House. The point of order may be made and disposed of separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be stricken;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

"RULE XLIV

"EARMARKS

"1. In this rule—

"(1) the term 'earmark' means a provision that specifies the identity of a non-Federal entity (by naming the entity or by describing the entity in such a manner that only one entity matches the description) to receive assistance and the amount of the assistance;

"(2) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures;

"(3) the term 'targeted tax benefit' means—

"(A) any revenue provision that has the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers; or

"(B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

"(4) the term 'targeted tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

"2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

"(1) all earmarks, targeted tax benefits, and targeted tariff benefits in such measure;

"(2) an identification of the Member or Members who proposed the earmark, targeted tax benefit, or targeted tariff benefit; and

"(3) an explanation of the essential governmental purpose for the earmark, targeted tax benefit, or targeted tariff benefit;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.

"3. (a) A Member who proposes an earmark, targeted tax benefit, or targeted trade benefit included on a list prepared pursuant to paragraph 2, shall certify that neither the Member nor his or her spouse has a financial interest in such earmark, targeted tax benefit, or targeted tariff benefit.

"(b) In this paragraph, the term 'financial interest' shall be interpreted in a manner consistent with Senate Rule XXXVII."

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) IN GENERAL.—

(1) AMENDMENT.—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

"7. (a) It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.

"(b) This paragraph may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

"8. It shall not be in order to consider a conference report unless the text of such report has not been changed after the Senate signatures sheets have been signed by a majority of the Senate conferees.".

(2) EFFECTIVE DATE.—This subsection shall take effect 60 days after the date of enactment of this title.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Clerk of the House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop a website capable of complying with the requirements of paragraph 7 of rule XXVIII of the Standing Rules of the Senate, as added by subsection (a).

SEC. 105. SENSE OF THE SENATE ON CONFERENCE COMMITTEE PROTOCOLS.

It is the sense of Senate that—

(1) conference committees should hold regular, formal meetings of all conferees that are open to the public;

(2) all conferees should be given adequate notice of the time and place of all such meetings; and

(3) all conferees should be afforded an opportunity to participate in full and complete debates of the matters that such conference committees may recommend to their respective Houses.

SEC. 106. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by—

(1) inserting "1." before "Other";

(2) inserting after "Ex-Senators and Senators-elect" the following: ", except as provided in paragraph 2";

(3) inserting after "Ex-Secretaries and ex-Sergeants at Arms of the Senate" the following: ", except as provided in paragraph 2";

(4) inserting after "Ex-Speakers of the House of Representatives" the following: ", except as provided in paragraph 2"; and

(5) adding at the end the following:

"2. (a) The floor privilege provided in paragraph 1 shall not apply, when the Senate is in session, to an individual covered by this paragraph who is—

"(1) a registered lobbyist or agent of a foreign principal; or

"(2) is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

"(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.".

SEC. 107. PROPER VALUATION OF TICKETS TO ENTERTAINMENT AND SPORTING EVENTS.

Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following: "The market value of a ticket to an entertainment or sporting event shall be the face value of the ticket or, in the case of a ticket without a face value, the value of the most similar ticket sold by the issuer to the public. A determination of similarity shall consider all features of the ticket, including access to parking, availability of food and refreshments, and access to venue areas not open to the public. A ticket with no face value and for which no similar ticket is sold by the issuer to the public, shall be valued at the cost of a ticket with the highest face value for the event.".

SEC. 108. BAN ON GIFTS FROM LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting "(A)" after "(2)"; and

(2) adding at the end the following:

"(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.".

SEC. 109. TRAVEL RESTRICTIONS AND DISCLOSURE.

(a) IN GENERAL.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall—

"(A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

"(i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent;

"(ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;

"(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent; and

"(iv) registered lobbyists will not participate in or attend the trip;

"(B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing—

"(i) a detailed itinerary of the trip; and

"(ii) a determination that the trip—

"(I) is primarily educational (either for the invited person or for the organization sponsoring the trip);

"(II) is consistent with the official duties of the Member, officer, or employee;

"(III) does not create an appearance of use of public office for private gain; and “(iii) has a minimal or no recreational component; and

“(C) obtain written approval of the trip from the Select Committee on Ethics.

“(2) Not later than 30 days after completion of travel, approved under this subparagraph, the Member, officer, or employee shall file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied the Member, officer, or employee during the travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee is employed to jeopardize the safety of an individual or adversely affect national security. Such information shall also be posted on the Member's official website not later than 30 days after the completion of the travel, except when disclosure of such information is deemed by the Member to jeopardize the safety of an individual or adversely affect national security.”.

(b) DISCLOSURE OF NONCOMMERCIAL AIR TRAVEL.—

(1) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

“(g) A Member, officer, or employee of the Senate shall—

“(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

“(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.”.

(2) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) by striking “and” at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting “; and”; and

(C) by adding at the end the following:

“(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

“(A) The date of the flight.

“(B) The destination of the flight.

“(C) The owner or lessee of the aircraft.

“(D) The purpose of the flight.

“(E) The persons on the flight, except for any person flying the aircraft.”.

(c) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

“(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.”.

SEC. 110. RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCH.

(a) IN GENERAL.—Section 207 of title 18, United States Code, is amended—

(1) in subsection (i)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) the term ‘tribe’ has the meaning given that term in section 19 of the Act of June 18, 1934 (commonly known as the ‘Indian Reorganization Act’) (25 U.S.C. 479).”; and

(2) in subsection (j)—

(A) in paragraph (1), by striking “or local” and inserting “, local, or tribal”; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “AND LOCAL” and inserting “, LOCAL, AND TRIBAL”; and

(ii) in subparagraph (A), by striking “or local” and inserting “, local, or tribal”.

(b) CONFORMING AMENDMENT.—Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i) is amended by striking subsection (j).

SEC. 111. POST EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended by—

(1) designating the first sentence as subparagraph (a);

(2) designating the second sentence as subparagraph (b); and

(3) adding at the end the following:

“(c) If an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.”.

(b) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this title.

SEC. 112. DISCLOSURE BY MEMBERS OF CONGRESS AND STAFF OF EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

“14. (a) A Member shall not directly negotiate or have any arrangement concerning prospective private employment until after his or her successor has been elected, unless such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced, and must be signed by the Member.

“(b) A Member shall not directly negotiate or have any arrangement concerning prospective employment until after his or her successor has been elected for a job involving lobbying activities as defined by the Lobbying Disclosure Act of 1995.

“(c) (1) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall notify the Committee on Ethics that he or she is negotiating or has any arrangement concerning prospective private employment.

“(2) The disclosure and notification under this subparagraph shall be made within 3 business days after the commencement of such negotiation or arrangement.

“(3) An employee to whom this subparagraph applies shall recuse himself or herself from any matter in which there is a conflict of interest or an appearance of a conflict for that employee under this rule and notify the Select Committee on Ethics of such recusal.”.

SEC. 113. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 10 through 12 as paragraphs 11 through 13, respectively; and

(2) inserting after paragraph 9, the following:

“10. (a) If a Member's spouse or immediate family member is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed by that Member (including staff in personal, committee, and leadership offices) from having any official contact with the Member's spouse or immediate family member.

“(b) In this paragraph, the term ‘immediate family member’ means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.”.

SEC. 114. INFLUENCING HIRING DECISIONS.

Rule XLIII of the Standing Rules of the Senate is amended by adding at the end the following:

“6. No Member shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

“(1) take or withhold, or offer or threaten to take or withhold, an official act; or

“(2) influence, or offer or threaten to influence the official act of another.”.

SEC. 115. SENSE OF THE SENATE THAT ANY APPLICABLE RESTRICTIONS ON CONGRESSIONAL BRANCH EMPLOYEES SHOULD APPLY TO THE EXECUTIVE AND JUDICIAL BRANCHES.

It is the sense of the Senate that any applicable restrictions on Congressional branch employees in this title should apply to the Executive and Judicial branches.

SEC. 116. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) IN GENERAL.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost-of-living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) DEPOSIT IN TREASURY.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading “**MEDICAL SERVICES**” under the heading “**VETERANS HEALTH ADMINISTRATION**”.

(c) ADMINISTRATION.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2008.

SEC. 117. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) IN GENERAL.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

"I, Senator ___, intend to object to proceeding to   , dated   .".

(b) CALENDAR.—The Secretary of the Senate shall establish, for both the Senate Calendar of Business and the Senate Executive Calendar, a separate section entitled "Notices of Intent to Object to Proceeding". Each section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) REMOVAL.—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

"I, Senator   , do not object to proceeding to ___, dated ___.".

SEC. 118. CBO SCORING REQUIREMENT.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a report of a committee of conference unless an official written cost estimate or table by the Congressional Budget Office is available at the time of consideration.

(b) SUPERMAJORITY REQUIREMENT.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 119. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

SEC. 201. SHORT TITLE.

This title may be cited as the "Legislative Transparency and Accountability Act of 2007".

Subtitle A—Enhancing Lobbying Disclosure

SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the "Act") (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "Semiannual" and inserting "Quarterly"; and

(B) by striking the first sentence and inserting the following: "Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th day if that day is not a business day in which a registrant is registered with the Secretary of the Senate and the Clerk of the House of Representatives on its lobbying activities during such quarterly period."; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "semiannual report" and inserting "quarterly report";

(B) in paragraph (2), by striking "semiannual filing period" and inserting "quarterly period";

(C) in paragraph (3), by striking "semiannual period" and inserting "quarterly period"; and

(D) in paragraph (4), by striking "semiannual filing period" and inserting "quarterly period".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Act (2 U.S.C. 1602) is amended by striking "six month period" and inserting "three-month period".

(2) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(3)(A), by striking "semiannual period" and inserting "quarterly period".

(3) ENFORCEMENT.—Section 6(a)(6) of the Act (2 U.S.C. 1605(6)) is amended by striking "semiannual period" and inserting "quarterly period".

(4) ESTIMATES.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(1), by striking "semiannual period" and inserting "quarterly period".

(5) DOLLAR AMOUNTS.—

(A) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking "$5,000" and inserting "$2,500";

(ii) in subsection (a)(3)(A)(ii), by striking "$20,000" and inserting "$10,000";

(iii) in subsection (b)(3)(A), by striking "$10,000" and inserting "$5,000"; and

(iv) in subsection (b)(4), by striking "$10,000" and inserting "$5,000".

(B) REPORTS.—Section 5 of the Act (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking "$10,000" and "$20,000" and inserting "$5,000" and "$10,000", respectively; and

(ii) in subsection (c)(2), by striking "$10,000" both places such term appears and inserting "$5,000".

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end of the following:

"(d) QUARTERLY REPORTS ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th if that day is not a business day, each registrant under section 4(a)(1) or (2), and each employee who is listed as a lobbyist under a current filing under section 4 or 5, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(1) the name of the registrant or covered lobbyist;

"(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

"(3) in the case of a covered lobbyist, the date, amount, and recipient of each contribution made within the past quarter for each federal candidate or officeholder, leadership PAC, or political party committee for whom the employee has made aggregate contributions equal to or exceeding $200 during the calendar year;

"(4) in the case of a covered lobbyist, the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or otherwise sponsored by the lobbyist within the past quarter, and the date and location of the event; and

"(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant or covered lobbyist provided, or directed or arranged to be provided, within the past quarter, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(A) an itemization of the payments or reimbursements provided to finance the travel and related expenses and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(B) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(C) whether the registrant or lobbyist traveled on any such travel;

"(D) the identity of the listed sponsor or sponsors of such travel; and

"(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the lobbyist;

"(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

"(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

"(B) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered legislative branch official, or an entity designated by such official; or

"(D) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

"(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.".

SEC. 213. ADDITIONAL DISCLOSURE.

Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end of the following:

"(5) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality controlled by a State or local government, or a private entity.".

SEC. 214. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registrations and reports filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 4(b) or 5(b).".

(b) AVAILABILITY OF REPORTS.—Section 6(a)(4) of the Act is amended by inserting before the semicolon the following: "and, in the case of a report filed in electronic form under section 5(e), shall make such report available for public inspection over the Internet not more than 48 hours after the report is filed".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6(a) of the Act, as added by subsection (a).

SEC. 215. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Act (2 U.S.C. 1603) is amended by striking "or a covered legislative branch official" and all that follows through "as a lobbyist on behalf of the client," and inserting "or a covered legislative branch official,".

SEC. 216. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Act (2 U.S.C. 1606) is amended by striking "$50,000" and inserting "$100,000".

SEC. 217. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Section 4(b)(3)(B) of the Act (2 U.S.C. 1603(b)(3)(B)) is amended to read as follows:

"(B) participates in a substantial way in the planning, supervision, or control of such lobbying activities;".

(b) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—Section 4(b) of the Act (2 U.S.C. 1603(b)) is amended by adding at the end the following:

"No disclosure is required under paragraph (3)(B) if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises, or controls such lobbying activities. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.".

SEC. 218. DISCLOSURE OF ENFORCEMENT FOR NONCOMPLIANCE.

Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) by inserting "(a)" before "The Secretary of the Senate";

(2) in paragraph (8), by striking "and" at the end;

(3) in paragraph (9), by striking the period and inserting "; and";

(4) after paragraph (9), by inserting the following:

"(10) make publicly available the aggregate number of lobbyists and lobbying firms, separately accounted, referred to the United States Attorney for the District of Columbia for noncompliance as required by paragraph (8) on a semi annual basis"; and

(5) by inserting at the end the following:

"(b) ENFORCEMENT REPORT.—The United States Attorney for the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Government Reform and the Committee on the Judiciary of the House of Representatives on a semi annual basis the aggregate number of enforcement actions taken by the Attorney's office under this Act and the amount of fines, if any, by case, except that such report shall not include the names of individuals or personally identifiable information.".

SEC. 219. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(e) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.".

SEC. 220. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

(a) DEFINITIONS.—Section 3 of the Act (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end of the following: "Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying."; and

(2) by adding at the end of the following:

"(17) GRASSROOTS LOBBYING.—The term 'grassroots lobbying' means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.

"(18) PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

"(A) IN GENERAL.—The term 'paid efforts to stimulate grassroots lobbying' means any paid attempt in support of lobbying contacts on behalf of a client to influence the general public or segments thereof to contact 1 or more covered legislative or executive branch officials (or Congress as a whole) to urge such officials (or Congress) to take specific action with respect to a matter described in section 3(8)(A), except that such term does not include any communications by an entity directed to its members, employees, officers, or shareholders.

"(B) PAID ATTEMPT TO INFLUENCE THE GENERAL PUBLIC OR SEGMENTS THEREOF.—The term 'paid attempt to influence the general public or segments thereof' does not include an attempt to influence directed at less than 500 members of the general public.

"(C) REGISTRANT.—For purposes of this paragraph, a person or entity is a member of a registrant if the person or entity—

"(i) pays dues or makes a contribution of more than a nominal amount to the entity;

"(ii) makes a contribution of more than a nominal amount of time to the entity;

"(iii) is entitled to participate in the governance of the entity;

"(iv) is 1 of a limited number of honorary or life members of the entity; or

"(v) is an employee, officer, director or member of the entity.

"(19) GRASSROOTS LOBBYING FIRM.—The term 'grassroots lobbying firm' means a person or entity that—

"(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

"(B) receives income of, or spends or agrees to spend, an aggregate of $25,000 or more for such efforts in any quarterly period.".

(b) REGISTRATION.—Section 4(a) of the Act (2 U.S.C. 1603(a)) is amended—

(1) in the flush matter at the end of paragraph (3)(A), by adding at the end the following: "For purposes of clauses (i) and (ii), the term 'lobbying activities' shall not include paid efforts to stimulate grassroots lobbying."; and

(2) by inserting after paragraph (3) the following:

"(4) FILING BY GRASSROOTS LOBBYING FIRMS.—Not later than 45 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.".

(c) SEPARATE ITEMIZATION OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after "total amount of all income" the following: "(including a separate good faith estimate of the total amount of income relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising)"; and

(B) inserting "or a grassroots lobbying firm" after "lobbying firm";

(2) in paragraph (4), by inserting after "total expenses" the following: "(including a good faith estimate of the total amount of expenses relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising)"; and

(3) by adding at the end the following:

"Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.".

(d) Good Faith Estimates and De Minimis Rules for Paid Efforts To Stimulate Grassroots Lobbying.—

(1) In general.—Section 5(c) of the Act (2 U.S.C. 1604(c)) is amended to read as follows:

"(c) Estimates of Income or Expenses.—For purposes of this section, the following shall apply:

"(1) Estimates of income or expenses shall be made as follows:

"(A) Estimates of amounts in excess of $10,0000 shall be rounded to the nearest $20,000.

"(B) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

"(2) Estimates of income or expenses relating specifically to paid efforts to stimulate grassroots lobbying shall be made as follows:

"(A) Estimates of amounts in excess of $25,000 shall be rounded to the nearest $20,000.

"(B) In the event income or expenses do not exceed $25,000, the registrant shall include a statement that income or expenses totaled less than $25,000 for the reporting period.".

(2) Tax reporting.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "and" after the semicolon;

(ii) in paragraph (2), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986."; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "and" after the semicolon;

(ii) in paragraph (2), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.".

SEC. 221. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) Electronic Filing.—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

"(g) Electronic Filing of Registration Statements and Updates.—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.".

(b) Public Database.—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

"(d) Public Database of Registration Statements and Updates.—

"(1) In general.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registration statements and updates filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

"(2) Accountability.—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the Internet not more than 48 hours after the registration statement or update is filed.".

SEC. 222. ADDITIONAL LOBBYING DISCLOSURE REQUIREMENTS.

Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended by adding at the end the following:

"(8) a certification that the lobbying firm, or registrant, and each employee listed as a lobbyist under section 4(b)(6) or 5(b)(2)(C) for that lobbying firm or registrant, has not provided, requested, or directed a gift, including travel, to a Member or employee of Congress in violation rule XXXV of the Standing Rules of the Senate or rule XXV of the Rules of the House of Representatives.".

SEC. 223. INCREASED CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

(1) by inserting "(a) Civil Penalty.—" before "Whoever"; and

(2) by adding at the end the following:

"(b) Criminal Penalty.—Whoever knowingly, willfully, and corruptly fails to comply with any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.".

SEC. 224. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect January 1, 2008.

Subtitle B—Oversight of Ethics and Lobbying

SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL REPORT.

(a) Audit Required.—The Comptroller General shall audit on an annual basis lobbying registration and reports filed under the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of that Act by lobbyists and their clients.

(b) Annual Reports.—Not later than April 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(1) improve the compliance by lobbyists with the requirements of that Act; and

(2) provide the Secretary of the Senate and the Clerk of the House of Representatives with the resources and authorities needed for effective oversight and enforcement of that Act.

SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR MEMBERS AND STAFF.

(a) Training Program.—The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) Requirements.—The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on the date of enactment of this Act not later than 120 days after the date of enactment of this Act.

SEC. 233. SENSE OF THE SENATE REGARDING SELF-REGULATION WITHIN THE LOBBYING COMMUNITY.

It is the sense of the Senate that the lobbying community should develop proposals for multiple self-regulatory organizations which could provide—

(1) for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;

(2) training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;

(3) for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;

(4) standards regarding reasonable fees to clients;

(5) for the creation of a third-party certification program that includes ethics training; and

(6) for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.

SEC. 234. ANNUAL ETHICS COMMITTEES REPORTS.

The Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate shall each issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate or House rules including the number received from third parties, from Members or staff within each House, or inquires raised by a Member or staff of the respective House or Senate committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction; or

(B) because they failed to provide sufficient facts as to any material violation of the House or Senate rules beyond mere allegation or assertion.

(3) The number of complaints in which the committee staff conducted a preliminary inquiry.

(4) The number of complaints that staff presented to the committee with recommendations that the complaint be dismissed.

(5) The number of complaints that the staff presented to the committee with recommendation that the investigation proceed.

(6) The number of ongoing inquiries.

(7) The number of complaints that the committee dismissed for lack of substantial merit.

(8) The number of private letters of admonition or public letters of admonition issued.

(9) The number of matters resulting in a disciplinary sanction.

Subtitle C—Slowing the Revolving Door

SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) VERY SENIOR EXECUTIVE PERSONNEL.—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended by striking "within 1 year" and inserting "within 2 years".

(b) RESTRICTIONS ON LOBBYING BY MEMBERS OF CONGRESS AND EMPLOYEES OF CONGRESS.—Subsection (e) of section 207 of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by striking "within 1 year" and inserting "within 2 years";

(2) by striking paragraphs (2) through (5) and inserting the following:

"(2) CONGRESSIONAL STAFF.—

"(A) PROHIBITION.—Any person who is an employee of a House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) CONTACT PERSONS COVERED.—Persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.";

(3) in paragraph (6)—

(A) by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)";

(B) by striking "(A)";

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (3); and

(4) by redesignating paragraph (7) as paragraph (4).

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

SEC. 251. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

The Lobbying Disclosure Act of 1995 is amended by adding at the end the following:

"SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

"(a) PROHIBITION.—Persons described in subsection (b) may not make a gift or provide travel to a Member, Delegate, Resident Commissioner, officer, or employee of Congress, if the person has knowledge that the gift or travel may not be accepted under the rules of the House of Representatives or the Senate.

"(b) PERSONS SUBJECT TO PROHIBITION.—The persons subject to the prohibition in subsection (a) are any lobbyist that registers under section 4(a)(1), any organization that employs 1 or more lobbyists and registers under section 4(a)(2), and any employee listed as a lobbyist by a registrant under section 4(b)(6).

"(c) PENALTY.—Any person who violates this section shall be subject to the penalties provided in section 7.".

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2007

SEC. 261. SHORT TITLE.

This subtitle may be cited as the "Commission to Strengthen Confidence in Congress Act of 2007".

SEC. 262. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch a commission to be known as the "Commission to Strengthen Confidence in Congress" (in this subtitle referred to as the "Commission").

SEC. 263. PURPOSES.

The purposes of the Commission are to—

(1) evaluate and report the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and make recommendations for new penalties;

(2) weigh the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues;

(3) determine whether the current system for enforcing ethics rules and standards of conduct is sufficiently effective and transparent;

(4) determine whether the statutory framework governing lobbying disclosure should be expanded to include additional means of attempting to influence Members of Congress, senior staff, and high-ranking executive branch officials;

(5) analyze and evaluate the changes made by this Act to determine whether additional changes need to be made to uphold and enforce standards of ethical conduct and disclosure requirements; and

(6) investigate and report to Congress on its findings, conclusions, and recommendations for reform.

SEC. 264. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) the chair and vice chair shall be selected by agreement of the majority leader and minority leader of the House of Representatives and the majority leader and minority leader of the Senate;

(2) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party, 1 of which is a former member of the Senate;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party, 1 of which is a former member of the Senate;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, 1 of which is a former member of the House of Representatives; and

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, 1 of which is a former member of the House of Representatives.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Five members of the Commission shall be Democrats and 5 Republicans.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in professions such as governmental service, government consulting, government contracting, the law, higher education, historian, business, public relations, and fundraising.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on a date 3 months after the date of enactment of this Act.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 265. FUNCTIONS OF COMMISSION.

The functions of the Commission are to submit to Congress a report required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules and regulations—

(1) related to section 263; or

(2) related to any other areas the commission unanimously votes to be relevant to its mandate to recommend reforms to strengthen ethical safeguards in Congress.

SEC. 266. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths.

(b) OBTAINING INFORMATION.—Upon request of the Commission, the head of any agency or instrumentality of the Federal Government shall furnish information deemed necessary by the panel to enable it to carry out its duties.

(c) LIMIT ON COMMISSION AUTHORITY.—The Commission shall not conduct any law enforcement investigation, function as a court of law, or otherwise usurp the duties and responsibilities of the ethics committee of the House of Representatives or the Senate.

SEC. 267. ADMINISTRATION.

(a) COMPENSATION.—Except as provided in subsection (b), members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(b) TRAVEL EXPENSES AND PER DIEM.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) STAFF AND SUPPORT SERVICES.—

(1) STAFF DIRECTOR.—

(A) APPOINTMENT.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint a staff director for the Commission.

(B) COMPENSATION.—The staff director shall be paid at a rate not to exceed the rate established for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(2) STAFF.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint such additional personnel as the Commission determines to be necessary.

(3) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff director and other members of the

staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) PHYSICAL FACILITIES.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Commission on a nonreimbursable basis. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

(e) ADMINISTRATIVE SUPPORT SERVICES AND OTHER ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(2) ADDITIONAL SUPPORT.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support services as the Commission may deem advisable and as may be authorized by law.

(f) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

SEC. 268. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 269. COMMISSION REPORTS; TERMINATION.

(a) ANNUAL REPORTS.—The Commission shall submit—

(1) an initial report to Congress not later than July 1, 2007; and

(2) annual reports to Congress after the report required by paragraph (1);

containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) ADMINISTRATIVE ACTIVITIES.—During the 60-day period beginning on the date of submission of each annual report and the final report under this section, the Commission shall—

(1) be available to provide testimony to committees of Congress concerning such reports; and

(2) take action to appropriately disseminate such reports.

(c) TERMINATION OF COMMISSION.—

(1) FINAL REPORT.—Five years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

(2) TERMINATION.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under paragraph (1), and the Commission may use such 60-day period for the purpose of concluding its activities.

SEC. 270. FUNDING.

There are authorized such sums as necessary to carry out this title.

SA 4. Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike sections 108 and 109 and insert the following:

SEC. 108. BAN ON GIFTS FROM LOBBYISTS AND ENTITIES THAT HIRE LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting "(A)" after "(2)"; and

(2) adding at the end the following:

"(B) A Member, officer, or employee may not knowingly accept a gift from a registered lobbyist, an agent of a foreign principal, or a private entity that retains or employs a registered lobbyist or an agent of a foreign principal, except as provided in subparagraph (c).".

SEC. 109. RESTRICTIONS ON LOBBYIST PARTICIPATION IN TRAVEL AND DISCLOSURE.

(a) PROHIBITION.—Paragraph 2 of rule XXXV is amended—

(1) in subparagraph (a)(1), by—

(A) adding after "foreign principal" the following: "or a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal";

(B) striking the dash and inserting "complies with the requirements of this paragraph."; and

(C) striking clauses (A) and (B);

(2) by redesignating subparagraph (a)(2) as subparagraph (a)(3) and adding after subparagraph (a)(1) the following:

"(2) Notwithstanding clause (1), a reimbursement (including payment in kind) to a Member, officer, or employee of the Senate from an individual other than a registered lobbyist or agent of a foreign principal that is a private entity that retains or employs one or more registered lobbyists or agents of a foreign principal for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee shall be deemed to be a reimbursement to the Senate under clause (1) if it is, under regulations prescribed by the Select Committee on Ethics to implement this clause, provided only for attendance at or participation for 1-day at an event (exclusive of travel time and an overnight stay) described in clause (1). Regulations to implement this clause, and the committee on a case-by-case basis, may permit a 2-night stay when determined by the committee to be practically required to participate in the event.";

(3) in subparagraph (a)(3), as redesignated, by striking "clause (1)" and inserting "clauses (1) and (2)";

(4) in subparagraph (b), by inserting before "Each" the following: "Before an employee may accept reimbursement pursuant to subparagraph (a), the employee shall receive advance authorization from the Member or officer under whose direct supervision the employee works to accept reimbursement.";

(5) in subparagraph (c)—

(A) by inserting before "Each" the following: "Each Member, officer, or employee that receives reimbursement under this paragraph shall disclose the expenses reimbursed or to be reimbursed and authorization (for an employee) to the Secretary of the Senate not later than 30 days after the travel is completed.";

(B) by striking "subparagraph (a)(1)" and inserting "this subparagraph";

(C) in clause (5), by striking "and" after the semicolon;

(D) by redesignating clause (6) as clause (7); and

(E) by inserting after clause (5) the following:

"(6) a description of meetings and events attended; and";

(6) by redesignating subparagraphs (d) and (e) as subparagraphs (f) and (g), respectively;

(7) by adding after subparagraph (c) the following:

"(d) A Member, officer, or employee of the Senate may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under subparagraph (a) for a trip that was planned, organized, or arranged by or at the request of a registered lobbyist or agent of a foreign principal, or on which a lobbyist accompanies the Member, officer, or employee on any segment of the trip. The Select Committee on Ethics shall issue regulations identifying de minimis activities by lobbyists or foreign agents that would not violate this subparagraph.

"(e) A Member, officer, or employee shall, before accepting travel otherwise permissible under this paragraph from any person—

"(1) provide to the Select Committee on Ethics a written certification from such person that—

"(A) the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

"(B) the source either—

"(i) does not retain or employ registered lobbyists or agents of a foreign principal and is not itself a registered lobbyist or agent of a foreign principal; or

"(ii) certifies that the trip meets the requirements specified in rules prescribed by the Select Committee on Ethics to implement subparagraph (a)(2);

"(C) the source will not accept from any source funds earmarked directly or indirectly for the purpose of financing the specific trip; and

"(D) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal and that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal, except as permitted by regulations issued under subparagraph (d), and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal; and

"(2) after the Select Committee on Ethics has promulgated regulations mandated in subparagraph (h), obtain the prior approval of the committee for such reimbursement.";

(8) by striking subparagraph (g), as redesignated, and inserting the following:

"(g) The Secretary of the Senate shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received."; and

(9) by adding at the end the following:

"(h)(1) Not later than 45 days after the date of adoption of this subparagraph and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary—

"(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish—

"(i) a connection between a trip and official duties;

"(ii) the reasonableness of an amount spent by a sponsor;

"(iii) a relationship between an event and an officially connected purpose; and

"(iv) a direct and immediate relationship between a source of funding and an event; and

"(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by this clause, including any required certifications.

"(2) In developing and revising guidelines under clause (1)(A), the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.

"(3) For purposes of this subparagraph, travel on an aircraft operated or paid for by a carrier not licenced by the Federal Aviation Administration to operate for compensation shall not be considered a reasonable expense.".

(b) REIMBURSEMENT FOR NONCOMMERCIAL AIR TRAVEL.—

(1) CHARTER RATES.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following: "Fair market value for a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding an aircraft owned or leased by a governmental entity, shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such cost by the number of members, officers, or employees of the Congress on the flight).".

(2) UNOFFICIAL OFFICE ACCOUNTS.—Paragraph 1 of rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following;

"(c) For purposes of reimbursement under this rule, fair market value of a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such cost by the number of members, officers, or employees of the Congress on the flight).".

(3) CANDIDATES.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (42 U.S.C. 431(8)(B)) is amended by—

(A) in clause (xiii), striking "and" at the end;

(B) in clause (xiv), by striking the period and inserting "; and"; and

(C) by adding at the end the following :

"(xv) any travel expense for a flight on an aircraft that is operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, but only if the candidate, the candidate's authorized committee, or other political committee pays to the owner, lessee, or other person who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number of candidates on the flight) by not later than 7 days after the date on which the flight is taken.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

SA 5. Mr. VITTER (for himself and Mr. GRASSLEY) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. _____. APPLICATION OF FECA TO INDIAN TRIBES.

(a) CONTRIBUTIONS AND EXPENDITURES BY CORPORATIONS.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

"(d) TREATMENT OF INDIAN TRIBES AS CORPORATIONS.—

"(1) IN GENERAL.—In this section, the term 'corporation' includes an unincorporated Indian tribe.

"(2) TREATMENT OF MEMBERS AS STOCKHOLDERS.—In applying this subsection, a member of an unincorporated Indian tribe shall be treated in the same manner as a stockholder of a corporation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any election that occurs after December 31, 2007.

SA 6. Mr. VITTER proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 324 the following new section:

"SEC. 325. PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

"(a) IN GENERAL.—It shall be unlawful for any authorized committee of a candidate or any other political committee established, maintained, or controlled by a candidate or a person who holds a Federal office to employ—

"(1) the spouse of such candidate or Federal office holder; or

"(2) any immediate family member of such candidate or Federal office holder.

"(b) IMMEDIATE FAMILY MEMBER.—For purposes of subsection (a), the term 'immediate family member' means a son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SA 7. Mr. VITTER proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. . KNOWING AND WILLFUL FALSIFICATION OR FAILURE TO REPORT.

Section 104(a) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting "(1)" after "(a)";

(2) in paragraph (1), as so designated, by striking "$10,000" and inserting "$50,000"; and

(3) by adding at the end the following:

"(2)(A) It shall be unlawful for any person to knowingly and willfully falsify, or to knowingly and willingly fails to file or report, any information that such person is required to report under section 102.

"(B) Any person who violates subparagraph (A) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.".

SA 8. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USING CHARITIES FOR PERSONAL OR POLITICAL GAIN.

(a) IN GENERAL.—Rule XXXVII of the Standing Rules of the Senate, as amended by this Act, is amended by adding at the end the following:

"15. (a) A Member of the Senate shall not use for personal or political gain any organization—

"(1) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

"(2) the affairs over which such Member or the spouse of such Member is in a position to exercise substantial influence.

"(b) For purposes of this paragraph, a Member of the Senate shall be considered to have used an organization described in subparagraph (a) for personal or political gain if—

"(1) a member of the family (within the meaning of section 4946(d) of the Internal Revenue Code of 1986) of the Member is employed by the organization;

"(2) any of the Member's staff is employed by the organization;

"(3) an individual or firm that receives money from the Member's campaign committee or a political committee established, maintained, or controlled by the Member serves in a paid capacity with or receives a payment from the organization;

"(4) the organization pays for travel or lodging costs incurred by the Member for a trip on which the Member also engages in political fundraising activities; or

"(5) another organization that receives support from such organization pays for travel or lodging costs incurred by the Member.

"(c)(1) A Member of the Senate and any employee on the staff of a Member to which paragraph 9(c) applies shall disclose to the Secretary of the Senate the identity of any person who makes an applicable contribution and the amount of any such contribution.

"(2) For purposes of this subparagraph, an applicable contribution is a contribution—

"(A) which is to an organization described in subparagraph (a);

"(B) which is over $200; and

"(C) of which such Member or employee, as the case may be, knows.

"(3) The disclosure under this subparagraph shall be made not later than 6 months after the date on which such Member or employee first knows of the applicable contribution.

"(4) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to this subparagraph as soon as possible after they are received.

"(d)(1) The Select Committee on Ethics may grant a waiver to any Member with respect to the application of this paragraph in the case of an organization which is described in subparagraph (a)(1) and the affairs over which the spouse of the Member, but not the Member, is in a position to exercise substantial influence.

"(2) In granting a waiver under this subparagraph, the Select Committee on Ethics shall consider all the facts and circumstances relating to the relationship between the Member and the organization, including—

"(A) the independence of the Member from the organization;

"(B) the degree to which the organization receives contributions from multiple sources not affiliated with the Member;

"(C) the risk of abuse; and

"(D) whether the organization was formed prior to and separately from such spouse's involvement with the organization.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 9, 2007, at 2:30 p.m. to hold a closed briefing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, January 9, 2007, at 9:30 a.m. for a hearing titled "Ensuring Full Implementation of the 9/11 Commission's Recommendations."

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING OF TRIBUTES TO THE LATE PRESIDENT GERALD FORD

Mr. REID. Mr. President, I ask unanimous consent that tributes to the late President Gerald Ford be printed as a Senate document and that Senators have until Thursday, February 15, of this year to submit tributes to the late President.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE NOMINATIONS

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the nominations to the Office of Inspector General, except the Office of Inspector General of the Central Intelligence Agency, be referred in each case to the committee having the primary jurisdiction over the department, agency or entity, and if and when reported in each case, then to the Committee on Homeland Security and Governmental Affairs for not to exceed 20 calendar days, except in cases when the 20-day period expires while the Senate is in recess, the committee shall have an additional 5 calendar days after the Senate reconvenes to report the nomination and that if the nomination is not reported after the expiration of that period, the nomination be automatically discharged and placed on the executive calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

TODAY IN THE SENATE

Mr. REID. Mr. President, we have had a good day today, a lot of work has been done. I commend the distinguished Senator, who is still on the floor, for being such a good manager. Her assignment as chairman of the Rules Committee comes at a very opportune time for us and a burdensome time for her. There is so much the Rules Committee is going to be required to do in the next 2 years, not the least of which is some matters that will be spun off from this bill, including campaign finance reform, which I have spoken with Senator MCCONNELL about. I think he agrees that all matters relating to campaign finance reform should be referred to the Rules Committee and other committees that feel they have any jurisdiction. But the principal responsibility will be with Rules. We have to have extensive hearings on campaign finance reform, dealing with a broad range of issues—foundations, 527s, and all kinds of other things.

It has been a good day. I applaud the Senator from California, Senator FEINSTEIN, for her work.

ORDERS FOR WEDNESDAY, JANUARY 10, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow morning, January 10, Wednesday; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business for an hour, with Senators permitted to speak therein, with the first half hour controlled by the majority and the second half hour controlled by the minority, and that at the conclusion of morning business the Senate resume S. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, today I offered the bipartisan substitute amendment. Four amendments are pending as well. Today, I alerted Members to expect votes tomorrow. Also, I remind Members that all Members of the 110th Congress have been invited to the Supreme Court tomorrow. There is a dinner. There is no cocktail hour and no reception. The dinner will begin promptly at 6:30 tomorrow evening. I have been to these events over the years, and they are really good. We have to reach out to our separate but equal branch of Government called the judicial branch. I find all nine of those Justices to be the most interesting people. They have such a tremendous responsibility. I think it will be good conversation, with a limited speech or two. I hope freshman Senators can find it in their schedules to come. It is also for the spouses.

DISCHARGE AND REFERRAL

Mr. REID. Mr. President, I ask unanimous consent that S. 198, the Nunn-Lugar Cooperative Threat Reduction Act of 2007, be discharged from the Foreign Relations Committee and then referred to the Armed Services Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is nothing further to come before the

Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:32 p.m., adjourned until Wednesday, January 10, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 9, 2007:

THE JUDICIARY

ANTHONY C. EPSTEIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE SUSAN REBECCA HOLMES, RETIRED.

LESLIE SOUTHWICK, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE CHARLES W. PICKERING, SR., RETIRED.

JOSEPH S. VAN BOKKELEN, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA, VICE RUDY LOZANO, RETIRING.

JOHN PRESTON BAILEY, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA, VICE FREDERICK P. STAMP, JR., RETIRED.

VALERIE L. BAKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE CONSUELO B. MARSHALL, RETIRED.

VANESSA LYNNE BRYANT, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT, VICE DOMINIC J. SQUATRITO, RETIRED.

CAROL A. DALTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE A. NOEL ANKETELL KRAMER, ELEVATED.

THOMAS M. HARDIMAN, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE RICHARD L. NYGAARD, RETIRED.

HEIDI M. PASICHOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE ANNA BLACKBURNE-RIGSBY, ELEVATED.

PETER D. KEISLER, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JOHN G. ROBERTS, JR., ELEVATED.

DEBRA ANN LIVINGSTON, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE JOHN M. WALKER, JR., RETIRED.

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE STEPHEN S. TROTT, RETIRED.

MARY O. DONOHUE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE FREDERICK J. SCULLIN, JR., RETIRED.

THOMAS ALVIN FARR, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE MALCOLM J. HOWARD, RETIRED.

NORA BARRY FISCHER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE ROBERT J. CINDRICH, RESIGNED.

GREGORY KENT FRIZZELL, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, VICE SVEN E. HOLMES, RESIGNED.

PHILIP S. GUTIERREZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE TERRY J. HATTER, JR., RETIRED.

MARCIA MORALES HOWARD, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE HARVEY E. SCHLESINGER, RETIRED.

JOHN ALFRED JARVEY, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA, VICE RONALD E. LONGSTAFF, RETIRED.

FREDERICK J. KAPALA, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE PHILIP G. REINHARD, RETIRING.

SARA ELIZABETH LIOI, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE LESLEY BROOKS WELLS, RETIRED.

ROSLYNN RENEE MAUSKOPF, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE DAVID G. TRAGER, RETIRED.

LIAM O'GRADY, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE CLAUDE M. HILTON, RETIRED.

LAWRENCE JOSEPH O'NEILL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE OLIVER W. WANGER, RETIRED.

WILLIAM LINDSAY OSTEEN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE WILLIAM L. OSTEEN, SR., RETIRED.

HALIL SULEYMAN OZERDEN, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, VICE DAVID C. BRAMLETTE, RETIRED.

MARTIN KARL REIDINGER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE GRAHAM C. MULLEN, RETIRED.

JAMES EDWARD ROGAN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE NORA M. MANELLA, RESIGNED.

THOMAS D. SCHROEDER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE FRANK W. BULLOCK, JR., RETIRED.

BENJAMIN HALE SETTLE, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE FRANKLIN D. BURGESS, RETIRED.

LISA GODBEY WOOD, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA, VICE DUDLEY H. BOWEN, JR., RETIRED.

OTIS D. WRIGHT II, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE GARY L. TAYLOR, RETIRED.

GEORGE H. WU, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE RONALD S. W. LEW, RETIRED.

UNITED STATES SENTENCING COMMISSION

DABNEY LANGHORNE FRIEDRICH, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 2009, VICE MICHAEL O'NEILL, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BERYL A. HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011 (REAPPOINTMENT), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JOHN R. STEER, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

JAMES F. X. O'GARA, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE BARRY D. CRANE.

DEPARTMENT OF JUSTICE

WILLIAM W. MERCER, OF MONTANA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE ROBERT D. MCCALLUM, JR.

STEVEN G. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JACK LANDMAN GOLDSMITH III, RESIGNED.

NATIONAL SECURITY EDUCATION BOARD

ANDREW J. MCKENNA, JR., OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE ROBERT N. SHAMANSKY, TERM EXPIRED.

DEPARTMENT OF DEFENSE

MICHAEL J. BURNS, OF NEW MEXICO, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE DALE KLEIN, RESIGNED.

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MICHAEL L. DOMINGUEZ.

EXPORT-IMPORT BANK OF THE UNITED STATES

MICHAEL W. TANKERSLEY, OF TEXAS, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK. (NEW POSITION)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SCOTT A. KELLER, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE STEVEN B. NESMITH, RESIGNED.

AMTRAK

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE LINWOOD HOLTON, TERM EXPIRED.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

CHARLES DARWIN SNELLING, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2012. (REAPPOINTMENT)

DEPARTMENT OF COMMERCE

JANE C. LUXTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE JAMES R. MAHONEY.

REFORM BOARD (AMTRAK)

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE AMY M. ROSEN, TERM EXPIRED.

CORPORATION FOR PUBLIC BROADCASTING

WARREN BELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE KENNETH Y. TOMLINSON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF ENERGY

KEVIN M. KOLEVAR, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF ENERGY (ELECTRICITY DELIVERY AND ENERGY RELIABILITY), VICE JOHN S. SHAW, RESIGNED.

DEPARTMENT OF THE INTERIOR

JOHN RAY CORRELL, OF INDIANA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE JEFFREY D. JARRETT.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM LUDWIG WEHRUM, JR., OF TENNESSEE, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JEFFREY R. HOLMSTEAD, RESIGNED.

ROGER ROMULUS MARTELLA, JR., OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE ANN R. KLEE, RESIGNED.

ALEX A. BEEHLER, OF MARYLAND, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY, VICE NIKKI RUSH TINSLEY, RESIGNED.

FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

UNITED STATES INTERNATIONAL TRADE COMMISSION

IRVING A. WILLIAMSON, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2014, VICE STEPHEN KOPLAN, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

CATHERINE G. WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008, VICE KAREN HASTIE WILLIAMS, TERM EXPIRED.

FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

UNITED STATES INTERNATIONAL TRADE COMMISSION

DEAN A. PINKERT, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2015, VICE JENNIFER ANNE HILLMAN, TERM EXPIRED.

FEDERAL INSURANCE TRUST FUNDS

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL MERON, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE ALEX AZAR II.

DEPARTMENT OF THE TREASURY

PETER E. CIANCHETTE, OF MAINE, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010, VICE NANCY KILLEFER, TERM EXPIRED.

SOCIAL SECURITY ADMINISTRATION

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2013, VICE JAMES B. LOCKHART III.

MICHAEL J. ASTRUE, OF MASSACHUSETTS, TO BE COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013, VICE JO ANNE BARNHART.

DEPARTMENT OF STATE

ELLEN R. SAUERBREY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (POPULATION, REFUGEES, AND MIGRATION), VICE ARTHUR E. DEWEY, RESIGNED.

STANLEY DAVIS PHILLIPS, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

INTER-AMERICAN FOUNDATION

HECTOR E. MORALES, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2010, VICE JOSE A. FOURQUET, RESIGNED.

BROADCASTING BOARD OF GOVERNORS

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009, VICE FAYZA VERONIQUE BOULAD RODMAN, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTERNATIONAL MONETARY FUND

MARGRETHE LUNDSAGER, OF VIRGINIA, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS, VICE NANCY P. JACKLIN, TERM EXPIRED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES R. KUNDER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE FREDERICK W. SCHIECK.

DEPARTMENT OF STATE

RICHARD E. HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

BROADCASTING BOARD OF GOVERNORS

D. JEFFREY HIRSCHBERG, OF WISCONSIN, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007. (REAPPOINTMENT)

DEPARTMENT OF STATE

C. BOYDEN GRAY, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

SAM FOX, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

ASIAN DEVELOPMENT BANK

CURTIS S. CHIN, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR, VICE PAUL WILLIAM SPELTZ.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KATHERINE ALMQUIST, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE LLOYD O. PIERSON, RESIGNED.

UNITED STATES INSTITUTE OF PEACE

RON SILVER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009, VICE STEPHEN D. KRASNER, TERM EXPIRED.

DEPARTMENT OF LABOR

LEON R. SEQUEIRA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE VERONICA VARGAS STIDVENT.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DAVID PALMER, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011, VICE CARI M. DOMINGUEZ, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009. (REAPPOINTMENT)

UNITED STATES INSTITUTE OF PEACE

JUDY VAN REST, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009, VICE DANIEL PIPES.

DEPARTMENT OF LABOR

RICHARD STICKLER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE DAVID D. LAURISKI, RESIGNED.

NATIONAL INSTITUTE FOR LITERACY

PATRICIA MATHES, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2007, VICE MARK G. YUDOF, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

PETER N. KIRSANOW, OF OHIO, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008, VICE RONALD E. MEISBURG.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

ARLENE HOLEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2010, VICE ROBERT H. BEATTY, JR., TERM EXPIRED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

RICHARD ALLAN HILL, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2009, VICE JUANITA SIMS DOTY, TERM EXPIRED.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MICHAEL F. DUFFY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2012. (REAPPOINTMENT)

DEPARTMENT OF LABOR

PAUL DECAMP, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE TAMMY DEE MCCUTCHEN, RESIGNED.

UNITED STATES POSTAL SERVICE

ELLEN C. WILLIAMS, OF KENTUCKY, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2016. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

JULIE L. MYERS, OF KANSAS, TO BE ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE MICHAEL J. GARCIA.

EXECUTIVE OFFICE OF THE PRESIDENT

SUSAN E. DUDLEY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, VICE JOHN D. GRAHAM, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

GREGORY B. CADE, OF VIRGINIA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY, VICE R. DAVID PAULISON, RESIGNED.

FEDERAL LABOR RELATIONS AUTHORITY

WAYNE CARTWRIGHT BEYER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2010, VICE OTHONIEL ARMENDARIZ, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CENTRAL INTELLIGENCE

JOHN A. RIZZO, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY, VICE SCOTT W. MULLER, RESIGNED.

ELECTION ASSISTANCE COMMISSION

ROSEMARY E. RODRIGUEZ, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2007, VICE RAYMUNDO MARTINEZ, III, RESIGNED.

FEDERAL ELECTION COMMISSION

STEVEN T. WALTHER, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, VICE SCOTT E. THOMAS, TERM EXPIRED.

HANS VON SPAKOVSKY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE BRADLEY A. SMITH, RESIGNED.

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009. (REAPPOINTMENT)

ROBERT D. LENHARD, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE DANNY LEE MCDONALD, TERM EXPIRED.

ELECTION ASSISTANCE COMMISSION

CAROLINE C. HUNTER, OF FLORIDA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009, VICE PAUL S. DEGREGORIO, TERM EXPIRED.

DEPARTMENT OF THE INTERIOR

CARL JOSEPH ARTMAN, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE DAVID WAYNE ANDERSON.

DEPARTMENT OF VETERANS AFFAIRS

THOMAS E. HARVEY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS), VICE PAMELA M. IOVINO, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER SECTION 188, TITLE 14, U.S. CODE:

To be lieutenant

THOMAS W. DENUCCI, 3271

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LARRY L. ARNETT, 9771
COL. OTIS P. MORRIS, 9268
COL. GILBERTO S. PENA, 6848

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. H. STEVEN BLUM, 9926

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRADLY S. MACNEALY, 4551

HOUSE OF REPRESENTATIVES—*Tuesday, January 9, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. HINOJOSA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
January 9, 2007.

I hereby appoint the Honorable RUBÉN HINOJOSA to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

IRAQ

Mr. BLUMENAUER. Thank you, Mr. Speaker.

No matter what you call it, another escalation in the war in Iraq is wrong. I will oppose in both word and deed any effort to send more troops. We've tried it before. It will not just mean more American casualties. It will bring more violence to the Iraqis while adding to the burden on our already strained Armed Forces. We should start instead bringing our troops home, not sending more into harm's way in what the President's advisers have already admitted is a political decision, not a strategic one. Let's take advantage of the new congressional leadership to change direction in what Americans know is our most important issue, ending the war in Iraq.

We should start with the resolution the Bush administration used to authorize this disaster. Knowing what we know now, the authorization of force bears little relation to reality. Instead, the committees of jurisdiction should use their upcoming hearings to craft new legislation that will mean a withdrawal of our troops as well as guide our continued involvement in Iraq until that withdrawal is complete. I will introduce legislation later this month that would provide exactly that sort of guide by refocusing our efforts on political, diplomatic and economic strategies.

Most importantly and most immediately, Congress has clear authority through its power of the purse. We must demand accountability for how money is spent, who is getting how much and for what purpose. We need to target war profiteering. There are too many accounts of contractors who have taken taxpayer dollars and abandoned our troops under fire and the Iraqi people in need. We need an entity like the Truman Commission during World War II to aggressively investigate contractors, punish war profiteers and recover misspent funds by canceling any failed or fraudulent contracts. By redirecting as much of the money as possible to projects run for and by Iraqis, we can repair that damaged country as cost effectively as possible.

We must also reconsider the unprecedented privatization of our military effort. The outsourcing of these basic support functions in Iraq has left contractors unaccountable to the American people, immune from military law and has cost the taxpayers much more than we've needed to spend.

While we're at it, Congress should end the outsourcing of our work. It should be embarrassing to the Republican leadership that it took the Iraqi Study Group to provide the oversight and accountability that Congress should have done these past 4 years.

We need to work to make sure the political discussion surrounding Iraq is not just more civil but more effective. We need to make it possible to debate this issue in terms of facts and the policy consequences and not hide behind the cloud of politics. In the 2002, 2004 and 2006 election cycles, there was lots of talk about Iraq, but people didn't tell the truth. Instead, the issue was manipulated for political purposes. We must resist the efforts to reduce this discussion to how it will impact the next election rather than how we got into this mess and how we are going to get out of it. In all of this conversation, we need to be dealing with the long-term security of the United States.

We must look at the President's plan to escalate the war in Iraq in the context of those violent fundamentalists around the world that would do us harm, threats of genocide in Darfur and chaos in Somalia, nuclear proliferation, global warming and the loss of America's influence in the world. In none of those areas does escalating the war in Iraq make the world a safer place.

The American people would welcome Congress doing our job right. Only then can we turn this disaster around and provide the security for families in America and around the world.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 40 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MORAN of Virginia) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

This Nation is still in mourning for President Gerald Ford. Today, as the House of Representatives pays tribute to him, we pray to You, Lord God, paraphrasing his own remarks in 1974 on taking the oath of office as President:

"We believe that truth is the glue that holds government together, not only our government but civilization itself. That bond is unbroken at home and abroad.

"In all our public and private acts as Members of Congress, we expect to follow our instincts of openness and candor with full confidence that honesty is always the best policy in the end.

"As we bind up internal wounds, let us restore the golden rule to our political process and let mutual love purge our hearts of suspicion and of hate."

At the beginning of the 110th Congress, we ask the people of this Nation for their prayers. With all the strength and all the good sense we have gained from life, with all the confidence our family, our friends and dedicated staff impart to us and with the good will of countless Americans we have encountered, we now solemnly reaffirm our

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

promise to uphold the Constitution, to do what is right as God gives us to see the right, and to do the very best we can for America.

"God helping us, we will not let you down."

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the Following Resolution:

S. RES. 19

Whereas Gerald Rudolph Ford, the 38th President of the United States, was born on July 14, 1913, in Omaha, Nebraska;

Whereas Gerald Ford was raised in Grand Rapids, Michigan, where he was active in the Boy Scouts, achieving the Eagle Scout rank, and where he excelled as both a student and an athlete during high school;

Whereas after graduating from high school, Gerald Ford attended the University of Michigan at Ann Arbor, where he played on the university's national championship football teams in 1932 and 1933, and was honored as the team's most valuable player in 1934, before graduating with a B.A. degree in 1935;

Whereas Gerald Ford later attended Yale Law School and earned an LL.B. degree in 1941, after which he began to practice law in Grand Rapids;

Whereas Gerald Ford joined the United States Naval Reserve in 1942 and served his country honorably during World War II;

Whereas upon returning from his service in the military, Gerald Ford ran for the United States House of Representatives and was elected to Congress;

Whereas Gerald Ford served in the House of Representatives from January 1949 to December 1973, winning reelection 12 times, each time with more than 60 percent of the vote;

Whereas Gerald Ford served with great distinction in Congress, in particular through his service on the Defense Appropriations Subcommittee, of which he rose to become ranking member in 1961;

Whereas in addition to his work in the House of Representatives, Gerald Ford served as a member of the Warren Commission, which investigated the assassination of President John F. Kennedy;

Whereas in 1965, Gerald Ford was selected as minority leader of the House of Representatives, a position he held for 8 years;

Whereas after the resignation of Vice President Spiro Agnew in 1973, Gerald Ford was chosen by President Richard Nixon to serve as Vice President of the United States;

Whereas following the resignation of President Nixon, Gerald Ford took the oath of office as President of the United States on August 9, 1974;

Whereas upon assuming the presidency, Gerald Ford helped the nation heal from one of the most difficult and contentious periods in United States history, and restored public confidence in the country's leaders;

Whereas Gerald Ford's basic human decency, his integrity, and his ability to work cooperatively with leaders of all political parties and ideologies, earned him the respect and admiration of Americans throughout the country;

Whereas the John Warner National Defense Authorization Act for Fiscal Year 2007 recommended that America's next nuclear-powered aircraft carrier, designated as CVN-78, be named as the U.S.S. Gerald R. Ford, in honor of our 38th President; and

Whereas Gerald Ford was able to serve his country with such great distinction in large part because of the continuing support of his widely admired wife, Elizabeth (Betty), who also has contributed much to the nation in many ways, and of their 4 children, Michael, John, Steven, and Susan: Now, therefore, be it

Resolved, That the Senate notes with deep sorrow and solemn mourning the death of President Gerald Rudolph Ford.

Resolved, That the Senate extends its heartfelt sympathy to Mrs. Ford and the family of President Ford.

Resolved, That the Senate honors and, on behalf of the nation, expresses deep appreciation for President Ford's outstanding and important service to his country.

Resolved, That the Senate directs the Secretary of the Senate to communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 197. An act to authorize salary adjustments for justices and judges of the United States for fiscal year 2007.

RAISING THE MINIMUM WAGE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the sad truth is that we have an epidemic of working poor in this country. These are Americans who work 40 to 60 hours a week and sometimes 7 days a week, yet can't afford the basic necessities. At $5.15 per hour, a full-time minimum wage worker makes less than $11,000 a year, which is less than most of us make in a month. These aren't just teenagers working part time. Most minimum-wage workers are actually hard-working disadvantaged adults. Each day these working poor are faced with the impossible decision of having to choose between food, clothing, shelter, medicine and utility bills. No American who works hard for a living should have to make those types of choices. We cannot continue to look away while hardworking Americans linger in poverty. This isn't just an economic issue, it is an ethical and moral issue.

I commend the Democratic leadership for their dedication to this issue, and I urge my colleagues to support this raise for the millions of Americans who deserve it.

MEXICO GOES HIGH-TECH ON ILLEGAL ENTRY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Mexican illegals looking to breach entry into the United States are receiving encouraging help from their own government. In the past, the Mexican government has provided pamphlets to illegals on how to sneak into the United States. Now the Mexican government has announced it is going high tech. The government will provide illegals with GPS tracking devices, allowing them to call on the U.S. Cavalry, the U.S. Customs and Border Patrol, if they get lost among the treacherous rivers and deserts lining the U.S.-Mexico border.

By passing out GPS devices free of charge, Mexico wants the U.S. to rescue illegals that are in trouble on American soil and provide them free medical attention but supposedly let them still stay in the United States. Instead of discouraging Mexican citizens from illegally entering America, Mexico is asking the U.S. to cooperate, ignore the invasion and then provide aid to stranded illegals.

Mr. Speaker, this is absurd. Our Federal Government's loyalties lie with the American people, not with illegals that are colonizing America. The U.S. must stand firm against the Mexican government's unlawful, illegal invasion into our homeland.

And that's just the way it is.

THE KUCINICH PLAN FOR EXIT FROM IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, there is a compelling need for a new direction in Iraq, one that recognizes the plight of the people of Iraq, the false and illegal basis of the United States' war against Iraq, the realities on the ground which make a military resolution of the conflict unrealistic, and the urgent responsibility of the United States to use the process of diplomacy and international law to achieve stability in Iraq.

Today, I am presenting to Congress what is called the Kucinich Plan for

Exit from Iraq. These are some of the elements:

1. The U.S. announces it will end the occupation, close military bases and withdraw.
2. The U.S. announces it will use existing funds to bring the troops and necessary equipment home.
3. Order a simultaneous return of all U.S. contractors to the U.S. and turn over all contracting work to the Iraqi government.
4. Convene a regional conference for the purpose of developing a security and stabilization force for Iraq.
5. Prepare an international security and peacekeeping force to move in, replacing U.S. troops who then return home.
6. Develop and fund a process of national reconciliation.
7. Reconstruction and jobs.
8. Reparations.
9. Political sovereignty.
10. Dealing with the Iraq economy.
11. Economic sovereignty for Iraq.
12. A process of international truth and reconciliation between the people of the United States and the people of Iraq.

It is time for a new direction, and the Kucinich plan offers that direction.

PAYGO AND EARMARK REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to discuss fiscal responsibility and earmark reform. I have spent my entire political career fighting to reduce wasteful spending so Americans can keep more of their hard-earned money.

In the 109th Congress, I voted for H. Res. 1000 which provided for earmark reform by requiring full disclosure of earmarks on funding, authorization and revenue legislation so Members and the public will be able to easily identify projects which otherwise may be inappropriately hidden from adequate scrutiny in a timely manner.

Earmark reform is important to providing accountability of government spending. It is truly disappointing and a shame that the Democrat leadership coupled it with the fiscally irresponsible policy of PAYGO, which forced many of us to vote "no." PAYGO is based on tenuous economic projections, is unreliable and, simply put, will make it easier to raise taxes and more difficult to give taxpayers back their money.

I voted for the Republican motion to commit which included the earmark reform and excluded PAYGO. Unfortunately, the Republican motion did not succeed, and we now face fiscal policies where government can spend more and continually raise taxes on the American taxpayer.

INTEROPERABLE PUBLIC SAFETY COMMUNICATIONS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, in its final report, the 9/11 Commission concluded, and I quote:

"The inability to communicate was a critical element of the World Trade Center, Pentagon and Somerset County, Pennsylvania, crash sites where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, State and Federal levels remains an important problem. Federal funding of such interagency communication units should be given high priority."

The lack of interoperability among first responders has plagued our Nation for too long. Today Congress is taking an important step to give our first responders the tools they need to do their jobs and keep our Nation safe.

The fact is that, since September 11, the Republican administration and Congress failed to make adequate investments in interoperable communications for our police, firefighters and EMTs. After September 11, President Bush said, "We want to spend money to make sure equipment is there, strategies are there, communications are there to make sure that you have whatever it takes to respond." Yet under President Bush and the Republican-led Congress, the money was not allocated, the equipment was not there, strategies were incomplete and first responders still could not communicate across agencies and jurisdictions.

Today, Congress will consider the Implementing the 9/11 Commission Recommendations Act which will create a stand-alone grant program for interoperable communications. Today, the Democratic Congress starts a new direction for public safety and to keep America safe.

CAPTAIN HAYES CLAYTON

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to pay tribute to the memory of Captain Hayes Clayton, a heroic member of our military who was killed in action on Christmas day in Balad, Iraq.

Captain Clayton was a classmate of my daughter, Laura Neil. She remembers his strength of character. Others have remembered his strength of faith. Indeed, Captain Clayton leaves behind a legacy of living by the highest moral principles.

Before enlisting in the Army, Captain Clayton was known as a standout defensive end on the football team at Marietta High School and a skilled Army ROTC member at Fort Valley State University in Georgia.

Captain Clayton leaves behind his parents, Reverend Hayes and Marlena Clayton, his brothers Eric and Michael, his loving wife Army First Lieutenant Monica Clayton, and a precious 4-month-old son, Hayes, III, who proudly carries on his father's name.

Mr. Speaker, my prayers go out to his family and my deepest gratitude goes out for his selfless and deep sacrifice for our Nation. I ask you to join me in honoring the distinguished memory of Captain Hayes Clayton.

BETTER SECURING OUR NATION BY PASSING THE 9/11 COMMISSION RECOMMENDATIONS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, securing the safety of the American people is our number one priority as elected officials. To do this we must look at all facets of homeland security and take all necessary precautions seriously. Democrats have pledged to address the matter of homeland security comprehensively by implementing the recommendations of the independent, bipartisan 9/11 Commission. Of their 41 recommendations made over 2 years ago, many have been only partially implemented and others have not been implemented at all.

Because of this delay in addressing the Commission's recommendations, we still have major holes in our homeland security system. More than 5 years after 9/11, only 5 percent of containers entering U.S. ports are screened. In addition, most air cargo is not screened at all, and our first responders are still unable to communicate with each other during an emergency.

Mr. Speaker, Congress can no longer ignore the recommendations of the 9/11 Commission. This week we will have an opportunity to better secure our Nation by beginning the process of approving these recommendations.

□ 1215

REMEMBERING PRESIDENT GERALD FORD

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, the last 2 weeks have been a time of sorrow for me, and a time of pride also. I was awakened at 2:00 in the morning to learn that my good friend, President Ford, had passed away. And the succeeding whirlwind of funerals, receptions, and events dealing with his death have reminded us all how much he gave our country and how much he did for our country.

I am proud to call Mr. Ford a friend. I am proud of what he did for our country. I am proud that he so ably reflected the values and virtues of west Michigan, my part of the country.

We pray that You will bless Betty and his family and give them comfort and give them strength.

I will shortly be presenting a resolution honoring President Ford, and I hope that Members will find their way to the floor to speak on this special resolution, or speak later this evening. I encourage them to join me in honoring this great American and wonderful President.

SUPPORT H.R. 1

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, we must begin to think differently in America and join hands across the aisle. Our Nation must become secure now, not next week; and that is why I rise in support of H.R. 1.

As other Members have, I ask the current administration to present this Congress with a comprehensive plan for Iraq, a plan that makes sense, a plan based on the realities on the ground in Iraq and in the region, for all of us have the same goal: to build a better and more secure Nation.

By working together, we will accomplish our shared mission, first, by implementing the recommendations of the 9/11 Commission; secondly, by securing our borders; and, finally, by protecting our Nation from threats from nuclear warfare.

Please join me in supporting H.R. 1 as we begin to work together to build a better Nation and a more secure Nation for everyone.

WAR ON TERROR

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I do want to speak for just a moment about the war on terror and our efforts in Iraq. It is clear that we have come to a very important time in this effort. The President is going to speak about his strategy tomorrow night.

You know, I have been asked many times over the last few weeks, and certainly on Sunday when I was at Fort Campbell, if I would support a surge in the troops. I think that we have to remember that it is important that we listen to the men and women and the commanders in the field as we have this discussion.

We have to look at the situation: what does it take to defuse it, to stand up the Iraqis and make it easier to relinquish control to the Iraqis for their country.

It is exactly this sort of opportunity and these situations that really animate the work and the leadership of Lieutenant General David Petraeus, the American commander who has been there for a year with the 101st, who was back for a year training the Iraqi troops in Baghdad, and now will return again. He has been called the military's warrior scholar and has drawn deeply on his dual background to create a leadership style that is respectful of military tradition and is innovative. We support General Petraeus.

We look forward to his work there and his leadership style as we work to continue to defeat the terrorists and win the war on terror.

TO QUOTE THE KING

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, yesterday, January 8, was the 72nd anniversary of the birth of the King of Rock and Roll, Elvis Presley. Elvis was a Memphian, a U.S. Army veteran, and an ambassador of goodwill throughout the world through his music and movies.

I am here to tell you that Elvis is still alive today in spirit and is as relevant as ever. To quote The King as we proceed through the 100 hours, "It's Now Or Never" that we make the changes that America needs. When this Democratic majority finishes with the status quo, it will be "All Shook Up" because we will do the people's will so we will not be "Return(ed) to Sender." And we won't be cruel to those being paid the minimum wage.

Mr. Speaker, by the way, I have noticed in my office, I think we need a surge protector. Can you get one up there? Thank you, Mr. Speaker.

CONGRATULATING ILLINOIS ON DIVERSITY

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, yesterday I attended the inauguration ceremonies for the constitutional offices of the State of Illinois. I want to congratulate the people of Illinois for the diversity in its selection of individuals to run their State.

Governor Rod Blagojevich was reelected; Lieutenant Governor Patrick Quinn, Irish American; Attorney General Lisa Madigan, a young Irish American; Secretary of State Jesse White, African American; Comptroller Dan Hynes is Irish American; and State Treasurer Alexi Giannoulias, a Greek American who is 30 years old and is going to do an outstanding job.

I simply congratulate the people of the great State of Illinois on its selection of constitutional officers to run its State.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MORAN of Virginia). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

MOURNING THE PASSING OF PRESIDENT GERALD RUDOLPH FORD

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 15) mourning the passing of President Gerald Rudolph Ford and celebrating his leadership and service to the people of the United States, as amended.

The Clerk read as follows:

H. RES. 15

Whereas all American Presidents affect the history of the United States, but President Gerald Rudolph Ford leaves a legacy of leadership and service that will endure for years to come;

Whereas millions of men and women across America mourn the death of the 38th President of the United States;

Whereas Gerald R. Ford is the only person from the State of Michigan to have served as President of the United States;

Whereas Gerald R. Ford graduated from the University of Michigan with academic and athletic excellence;

Whereas Gerald R. Ford attended Yale University Law School and graduated in the top 25 percent of his class while also working as a football coach;

Whereas Gerald R. Ford joined the United States Navy Reserves in 1942 and served valiantly on the U.S.S. Monterrey in the Philippines during World War II;

Whereas the U.S.S. Monterrey earned 10 battle stars, awarded for participation in battle while Gerald R. Ford served on the ship;

Whereas Gerald R. Ford was released to inactive duty in 1946 with the rank of Lieutenant Commander;

Whereas in 1948, Gerald R. Ford was elected to the House of Representatives, where he served with integrity for 25 years;

Whereas Gerald R. Ford's contributions to the foreign operations and defense subcommittees of the Committee on Appropriations earned him a reputation as a "congressman's congressman";

Whereas in 1963, President Lyndon Johnson appointed Gerald R. Ford to the Warren Commission investigating the assassination of President John F. Kennedy;

Whereas from 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives;

Whereas from 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office at a dark hour in the history of the United States and returning the faith of the people of the United States in the Presidency through his wisdom, courage, and integrity;

Whereas the Presidency of Gerald R. Ford is remembered for restoring trust and openness to the Presidency;

Whereas President Gerald R. Ford followed a steady, sensible course to cope with the Nation's economic problems and during his Administration halted double-digit inflation and lowered unemployment;

Whereas President Gerald R. Ford worked to solidify President Nixon's accomplishments in China, bring representatives of Israel and Egypt to the conference table, and provide developmental assistance to poor countries;

Whereas in 1975, under Gerald R. Ford's leadership, the United States signed the Final Act of the Conference on Security and Cooperation in Europe, commonly known as the "Helsinki Agreement", which ratified post-World War II European borders and supported human rights;

Whereas Gerald R. Ford, together with Betty Ford, was awarded the Congressional Gold Metal in 1999 in recognition of dedicated public service and outstanding humanitarian contributions to the people of the United States;

Whereas in 1999, Gerald R. Ford received the Medal of Freedom, the Nation's highest civilian award, for his role in guiding the Nation through the turbulent times of Watergate, the resignation of President Nixon, and the end of the Vietnam War, and for restoring integrity and public trust to the Presidency;

Whereas since leaving the Presidency, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan, which was named for the former President in 1999; and

Whereas Gerald R. Ford's life has been characterized by honesty, integrity, and dedication of purpose: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation for the profound public service of President Gerald Rudolph Ford;

(2) tenders its deep sympathy to Betty Ford; to Michael, Jack, Steven, and Susan; and to the rest of the family of the former President; and

(3) directs the Clerk of the House to transmit a copy of this resolution to the family of President Gerald Rudolph Ford.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the debate on the pending motion to suspend be extended to 1 hour.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 15.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Gerald Ford, the Nation's 38th President, and the only person to serve both as President and Vice President, although elected to neither office, led the Nation out of the dark days of the Watergate scandal. When Ford took office on August 9, 1974, he declared: "I assume the Presidency under extraordinary circumstances. This is an hour of history that troubles our minds and hurts our hearts."

After playing football at the University of Michigan and serving on an aircraft carrier in the Navy during World War II, Ford was elected to the House of Representatives in 1948 as a Republican. The district he represented included his hometown of Grand Rapids, Michigan. Ford's reputation for integrity and openness made him popular and well regarded among his peers during his 25 years in Congress.

In 1965, he was elected minority leader. In October of 1973, Vice President Spiro Agnew resigned from office after pleading no contest to tax evasion. President Nixon, ensnared in the rising Watergate scandal, asked the well-respected Ford to leave Congress in order to replace Agnew, and he accepted.

In September 1974, Ford granted President Nixon a pardon, an act that is credited for calming American anxieties about the Watergate controversy. "It was a tough decision," Ford told USA Today in an interview in 2000. "We needed to get the matter off my desk so I could concentrate on the problems of 260 million Americans and not have to worry about the problems of one man."

Gerald Ford was a devoted public servant who led this country with grace and bipartisanship during challenging times. All of America is grateful to him for his leadership and dedication.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, though he served as President for only 2½ years, Gerald Rudolph Ford, Jr., leaves a legacy of leadership and service that will endure for years to come. As the 38th President of the United States, he is remembered as a man whose integrity and decency would be the salve needed to heal a deeply divided country during one of the most politically turbulent periods in our Nation's history. He is also remembered as a loving and loyal husband, family man, and friend.

Born on July 14, 1913, in Grand Rapids, Michigan, Gerald Ford graduated from the University of Michigan and excelled in both academics and athletics. He was voted the most valuable player on the football team his senior year at Michigan, which led to offers to play for the Chicago Bears and the Green Bay Packers.

Despite these offers, Ford decided that law would be a better career choice. He attended Yale University Law School, graduating in the top 25 percent of his class while working as a football and a boxing coach.

It was at Yale that he would receive his first taste of national politics, volunteering on Wendell Willkie's 1940 Presidential campaign.

His rise in Michigan politics was put on hold when he joined the United States Navy in 1942 to serve in the Second World War. He served valiantly on the aircraft carrier USS *Monterrey* until 1946, attaining the rank of lieutenant commander.

1948 was a banner year for Ford as it was the year he was elected to the House of Representatives, with over 60 percent of the vote, the lowest margin he was ever to receive. It was also the year he would marry Elizabeth "Betty" Bloomer, who would become one of his most ardent campaigners and mother to their four children.

Ford served in the House for distinction and honor for 25 years, where his contributions earned him a reputation as a Congressman's Congressman. Even though his highest aspiration was to be Speaker of the House, he never got the chance. He did, however, hold the highest Republican post in a Democratically controlled Congress by being elected the minority leader in 1965.

He held that post until 1973 when he was appointed by President Nixon to replace Spiro Agnew as Vice President of the United States of America amid allegations of corruption.

After Nixon's resignation on August 9, 1974, Gerald Ford became the 38th President of the United States and has the distinction of being the only person to serve as but never be elected by the populace to either the Presidency or the Vice Presidency.

As President, he followed a steady, sensible course to cope with the Nation's economic problems. He is credited with halting double-digit inflation and lowering unemployment. He also worked to solidify President Nixon's accomplishments in China and ended U.S. involvement in the Vietnam War.

Under his leadership, the United States signed the final act of the Conference on Security and Cooperation in Europe, commonly known as the Helsinki agreement, which ratified post-World War II European borders and supported human rights, and is now regarded as having helped bring down the Soviet Union.

Maybe most importantly, his wisdom, courage and integrity restored the faith of the American people in the executive branch of government. His time in office is remembered for restoring trust and openness to the Presidency.

His courageous and difficult decision to pardon President Nixon may have cost him the election. However, it is now regarded as being in the best interest of the Nation, allowing it to move forward and recover from a tumultuous time.

After leaving the Presidency, Ford became an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan. And together with his wife, Betty, he was awarded the Congressional Gold Medal in 1999 in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States.

□ 1230

Also in 1999 Ford received the Medal of Freedom, the Nation's highest civilian award, for his role in guiding the United States through the turbulent times of Watergate, the resignation of President Nixon and the end of the Vietnam War, and for restoring integrity and public trust to the Presidency.

Gerald R. Ford, the President and the man, embodied many fine characteristics that we as Americans value: honor, integrity, decency, hard work and kindness. For this, I ask my colleagues to join in honoring his legacy by supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Virginia for his remarks and would like to yield such time as he may consume to the gentleman from Michigan, Representative BART STUPAK.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to be an original cosponsor of this resolution, paying tribute to one of Michigan's greatest sons, a man who dedicated the best years of his life to public service, President Gerald R. Ford. Those who knew Gerald Ford remember him for his humility, his understanding of the virtue of public service and his dedication to his family. Michigan and America have lost a statesman who truly believed in the honor of public service.

President Ford will be remembered not only for his Presidency but also for his distinguished career representing Michigan in Congress and for his service as minority leader of the United States House of Representatives. He believed deeply in this institution, and he served his State, his party and his Nation skillfully as a Congressman for more than a quarter of a century. President Ford exemplified the values both of this institution and the great State of Michigan with humility, good humor, faith and persistence.

Gerald Ford did not seek power or fame, but he answered the call of our Nation's highest office when our Nation needed him. He was selected to be Vice President because of his high character, bipartisanship and integrity. Eight months later, these qualities were evident when President Ford helped heal a divided nation after the Watergate scandal.

There can be no better demonstration of a tribute to President Gerald R. Ford than the outpouring of gratitude and respect from ordinary citizens when he was laid to rest on January 3. The people of Michigan remember him not only as President or minority leader but as a constant presence in our lives and as a selfless, dedicated public servant who talked about the values that unite us in the most divisive of times.

President Gerald R. Ford represented us with honor and courage, and he will be deeply missed. To Betty and his children, Michael, Jack, Steven and Susan, thank you for sharing the President with us.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the author of this resolution, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H. Res. 15, a resolution I introduced along with Speaker PELOSI, Republican Leader BOEHNER, Majority Leader HOYER and the entire Michigan congressional delegation. This resolution honors our great President, Gerald R. Ford, who was also an outstanding Member of Congress.

I am privileged to serve in the same House seat that President Ford held. I am still deeply honored when people, both here and in Grand Rapids, Michigan, refer to my district as "Jerry Ford's district." After all these years, they still consider it to be Jerry's.

He personified the many good traits that West Michigan has to offer our Nation; honesty, integrity and a sense of courage and duty. I think you are going to hear these words a great deal as we honor President Ford in this chamber, where he honorably served for 25 years.

I was deeply touched by the funeral services and memorial celebrations held for President Ford over the past 2 weeks since his death on Tuesday, December 26, 2006. I want to thank all those who helped plan and carry out those memorable events, which solemnly reflected on this great man and his service and leadership to our Nation. I am pleased that this House can now take time at the beginning of a new Congress to celebrate and remember one of our own Members and the great things that he did for our country.

For many younger Americans, these past tributes have served as a history lesson about the so-called "accidental President." They have learned, and those of us who knew him, have remembered his athletic prowess at the University of Michigan; his brave service in the Navy during World War II; his outstanding representation of Grand Rapids and Western Michigan in the Congress; his ascension to the Republican Leader's position in 1965; his appointment and confirmation as Vice President in 1973; and, of course, his rise to the Presidency in the wake of Richard Nixon's resignation in August 1974.

What has struck me during the memorial services and tributes is the shift in the way President Ford is regarded as compared to some of the opinions during his Presidency. For example, at the time of his appointment as Vice President, the Wall Street Journal editors wrote that the nomination "caters to all the worst instincts on Capitol Hill, clubbiness, partisanship and the small-mindedness that thinks in terms of those who should be rewarded rather than those who could best fill the job."

Little did the Wall Street Journal know that the Congress had in fact picked the person who could best fill the job; they later changed their thoughts and their writings about President Ford.

I think a lot of people probably thought at the time as the Wall Street Journal did. He was a political insider, from a relatively small city in Michigan, who many knew little about. But those of us in Grand Rapids, his constituents and his colleagues, knew who he was, a decent, thoughtful, trustworthy man, full of integrity and courage.

As it turns out, the country should be eternally grateful for the blessing of the timely leadership, strength and wisdom of Jerry Ford during this perilously difficult time in the constitutional history of our Nation. I am glad that 30 years of history have shown that the Members of Congress, and those who advised President Nixon on his appointment, knew what they were talking about and what they were doing.

President Ford's appointment and his ascendancy to the office of President was not the result of "clubbiness" or "political favor." He was the person best suited to fill the job, and he literally healed our Nation by the actions that he took during those troubled times.

I am pleased that the opinion writers at the Wall Street Journal recognized this when editorializing after his death. They eloquently wrote that President Ford navigated many perils in his short tenure, including the public furor over Watergate, the unpopularity of the Vietnam War, dramatic inflation and a struggling economy, and, as they put it, "better than he gets credit for."

I think that over time history will continue to hold President Ford in even higher regard for the actions he took to bring honor and respect back to the Presidency, to stabilize the economy, and to lay the groundwork for freedom and democracy to spread and for Soviet communism to fall.

My thoughts and prayers continue to go out to Betty and to their children, Michael, Jack, Steven and Susan, as well as their grandchildren. The Ford family demonstrated remarkable composure and strength during these long weeks of mourning, and we thank them for helping to lead us in our grief.

At the beginning of this new year and this new Congress, I am hopeful that we in this House will be mindful of the life and legacy of Jerry Ford. He served in this House with distinction, he treated everyone with respect, and he always conducted himself with honesty, integrity and forthrightness in every matter he undertook. I pray that we will do the same.

His family creed, incidentally, although humorous, is one we should all emulate: "Work hard, tell the truth, and come to dinner on time."

Mr. Speaker, I know all my colleagues will support this resolution to honor our 38th President.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the last week we have heard many discussions about the impact of President Gerald Ford. We have heard people talk about the fact that he was never elected to either the Presidency nor the Vice Presidency of the United States. But yet his impact has been felt in such a way, as I listened to Representative EHLERS from Michigan talk, that people still refer to the district as his district.

I hear individuals who are sports fans who remember his days as an athlete when he played football and the fact that whatever the assignments were, that he could pick up the assignment and do exceptionally well with it, and that oftentimes he didn't veer too far from the center. He didn't always veer so far to the left or he didn't always veer so far to the right, but he was one of these kind of straight-down-the-middle people who protected the interests of his colleagues, who protected the well-being of his mates, who protected the interests of those on the team.

I think he saw America as a team and, when he was given the ball, decided that his greatest challenge was to protect the interests of America. And that is what he did, even though he probably knew that it would cause some difficulty with his reelection.

Even though he knew that in all likelihood and all probability there were individuals who would be concerned enough that they may not give him the kind of support that he would need to be reelected, he did it anyway. He did it because he could put the interests of the country above those of any personal feelings or personal need that he had. I think that that is really what puts him down in history as one who excelled to the point of greatness, because he served the country and served the interests of the country extremely well.

Mr. Speaker, when students study politics, when young people are trying to understand what it is that they need to be and what they ought to become if they really want to be a great public servant, they should study the life of President Gerald Ford, and they should understand that being a public servant is to put the public interest first. That is what he did, that is what he is noted for, and that is why all of America continues to revere him, especially those of us who are old enough to remember that period, who are old enough to kind of recall the mood of the people and what was taking place and what was going on at that time.

No matter how historians write the script, you can never take away what President Gerald Ford did for America. That is why we salute him, and that is why we raise him up; that is why we lift him to the American people, and that is why this resolution is so important.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Speaker, I rise as a proud Michigander today to express my profound respect and appreciation and admiration for the life and public service of our 38th President.

President Gerald Ford was a man of impeccable integrity and ethics who served valiantly in World War II on the USS *Monterey*, where he came close to losing his life in December of 1944. After returning home to Michigan, his calling remained in public service to his country. He ran for the Grand Rapids area congressional seat against an incumbent Republican congressman. Nobody thought he could win. But with a strong conviction and a clear contrast between the two, he won two-to-one in the primary.

☐ 1245

President Ford went on to serve 25 years in the U.S. House and was voted in 1961 by the House membership as a "Congressman's Congressman." Rising to the rank of Republican leader, he was known for his modesty, his intelligence and thoughtfulness throughout his career. After Ford became President, his decisions that he made, though costing him politically, healed a fractured Nation. Today, we thank him for putting our country ahead of his own political success.

May we never forget this great Michigander, and may the Lord's blessings be upon his family.

Mr. DAVIS of Illinois. Mr. Speaker, could I inquire as to how much time I have left.

The SPEAKER pro tempore. The gentleman from Illinois has 21 minutes remaining and the gentleman from Virginia has 18 minutes remaining.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Oftentimes when we talk about civil rights and the era of civil rights, and we talk of the individuals who were pushing perhaps the most, sometimes the name of Gerald Ford does not get included in that discussion, and he is not included in that discussion because he didn't always loom as high as some others might have. He was not necessarily one of these individuals that you would just simply know about. Oftentimes he did what he did somewhat quietly but, nevertheless, did it and it had the impact that it was designed to have.

Such were his positions relative to civil rights issues, even prior to ever seeking or getting involved in public office. I was told a story of how, as he captained the football team, that there were some controversies relative to an African American member of the team who was not going to get an opportunity to play. Of course, President Ford, as football team captain at that time, a sort of president-in-waiting, learning what leadership really meant and what leadership was all about, just sort of took the position that if this gentleman was not going to be able to play, then neither would he. And of course the team was concerned, because if you have a star and the star is not playing, then of course it decreases your chance of winning.

Think of what America would be if all of us stood up all of the time for stars, or for the individuals who had the potential to be stars, to make sure that they got their rightful chance, their rightful opportunity, got their acceptance because of what they could contribute and because of what they brought to the table. I guess that really was the understanding that Gerald Ford had even at that moment, and all of America continues to be grateful to him.

Mr. Speaker, at this time it would be my pleasure and my honor to yield to the gentlewoman from California, the Speaker of the House, such time as she might consume.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and applaud him, Mr. DAVIS of Illinois, and the gentleman from Virginia (Mr. DAVIS), for bringing this resolution to the floor to honor a great man, and I rise today to join them in paying tribute to the life and leadership of President Gerald Ford.

I would like to also recognize Mrs. Betty Ford and the wonderful children, Michael, Jack, Steven, and Susan, who with their love and support helped to make President Ford's leadership possible; but they made a contribution in their own right.

Betty Ford really changed the way people in America talked about their health and the challenges in their lives. Every family in America respects her, every family in America is in her debt for, again, changing how people speak about their physical and other challenges. Mrs. Ford, we all give you our condolences and our respect and admiration for your leadership as well.

Having also served as House minority leader, as President Ford did, I have great respect for the fair and reliable leadership that President Ford displayed throughout his service in the House. He was effective and respected on both sides of the aisle. He recognized that however much we may disagree on political questions, we serve the people of the Nation, the great institution, the House of Representatives.

He later became President, and another President, Thomas Jefferson, said: "Every difference of opinion is not a difference of principle." Gerald Ford knew that. Gerald Ford followed that. He assumed office during one of the greatest times of challenge for our Nation and provided the American people with the steady leadership and optimism that was his signature.

The outpouring of emotion and affection displayed by the American people last week and the week before reminds us that they desire the kind of leadership President Ford embodied. In this hour, we need and pray for President Ford's character, courage, and civility to affect us. He healed the country when it needed healing. This is another time, another war, and another trial of our American will, imagination, and spirit. I ask our colleagues, let us honor his memory not just in eulogy but in dialogue and trust across the aisle.

Once again, our condolences to the family. I hope it is a comfort to the Ford family that so many people mourn their loss and are praying for them at this time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I have no further speakers at this time.

Mr. DAVIS of Illinois. Mr. Speaker, in order to give additional Members an opportunity to speak on this resolution, and knowing that the morning has just begun and we are into early afternoon, I withdraw this resolution, with the objective of bringing it up at a later time so that additional Members would have an opportunity to speak.

The SPEAKER pro tempore. The resolution is withdrawn.

IMPLEMENTING THE 9/11 COMMISSION RECOMMENDATIONS ACT OF 2007

Mr. THOMPSON of Mississippi. Madam Speaker, pursuant to House Resolution 6, and as the designee of the majority leader, I call up the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Implementing the 9/11 Commission Recommendations Act of 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—RISK-BASED ALLOCATION OF HOMELAND SECURITY GRANTS

Sec. 101. First responders homeland security funding.

TITLE II—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

Sec. 201. Improve Communications for Emergency Response Grant Program.

TITLE III—STRENGTHENING USE OF A UNIFIED INCIDENT COMMAND DURING EMERGENCIES

Sec. 301. National exercise program design.
Sec. 302. National exercise program model exercises.
Sec. 303. Responsibilities of Regional Administrators of the Federal Emergency Management Agency.

TITLE IV—STRENGTHENING AVIATION SECURITY

Sec. 401. Installation of in-line baggage screening equipment.
Sec. 402. Aviation security capital fund.
Sec. 403. Airport checkpoint screening explosive detection.
Sec. 404. Strengthening explosive detection at airport screening checkpoints.
Sec. 405. Extension of authorization of aviation security funding.
Sec. 406. Inspection of cargo carried aboard passenger aircraft.
Sec. 407. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.
Sec. 408. Transportation Security Administration personnel management.
Sec. 409. Strategic plan to test and implement advanced passenger prescreening system.

TITLE V—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

Sec. 501. Requirements relating to entry of containers into the United States.

TITLE VI—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

Subtitle A—Human Smuggling and Trafficking Center Improvements

Sec. 601. Strengthening the capabilities of the Human Smuggling and Trafficking Center.

Subtitle B—International Collaboration to Prevent Terrorist Travel

Sec. 611. Report on international collaboration to increase border security, enhance global document security, and exchange terrorist information.

Subtitle C—Biometric Border Entry and Exit System

Sec. 621. Submittal of plan on biometric entry and exit verification system implementation.

TITLE VII—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT AND FIRST RESPONDERS

Subtitle A—Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program

Sec. 701. Findings.
Sec. 702. FLEET Grant program.

Subtitle B—Border Intelligence Fusion Center Program

Sec. 711. Findings.
Sec. 712. Establishment of Border Intelligence Fusion Center Program.

Subtitle C—Homeland Security Information Sharing Enhancement

Sec. 721. Short title.
Sec. 722. Homeland Security Advisory System.
Sec. 723. Homeland security information sharing.

Subtitle D—Homeland Security Information Sharing Partnerships

Sec. 731. Short title.
Sec. 732. State, Local, and Regional Information Fusion Center Initiative.
Sec. 733. Homeland Security Information Sharing Fellows Program.

Subtitle E—Homeland Security Intelligence Offices Reorganization

Sec. 741. Departmental reorganization.
Sec. 742. Intelligence components of Department of Homeland Security.
Sec. 743. Office of Infrastructure Protection.

TITLE VIII—PROTECTING PRIVACY AND CIVIL LIBERTIES WHILE EFFECTIVELY FIGHTING TERRORISM

Subtitle A—Privacy and Civil Liberties Oversight Boards

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Making the Privacy and Civil Liberties Oversight Board independent.
Sec. 804. Requiring all members of the Privacy and Civil Liberties Oversight Board be confirmed by the Senate.
Sec. 805. Subpoena power for the Privacy and Civil Liberties Oversight Board.
Sec. 806. Reporting requirements.

Subtitle B—Enhancement of Privacy Officer Authorities

Sec. 811. Short title.
Sec. 812. Authorities of the privacy officer of the Department of Homeland Security.

TITLE IX—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

Sec. 901. Vulnerability assessment and report on critical infrastructure information.
Sec. 902. National Asset Database and the National At-Risk Database.

TITLE X—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

Sec. 1001. Strategic transportation security information sharing.

Sec. 1002. Transportation security strategic planning.

TITLE XI—PRIVATE SECTOR PREPAREDNESS

Sec. 1101. Participation of private sector organizations in emergency preparedness and response activities.

TITLE XII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

Sec. 1201. Findings.
Sec. 1202. Definitions.

Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism

Sec. 1211. Repeal and modification of limitations on assistance for prevention of weapons of mass destruction proliferation and terrorism.

Subtitle B—Proliferation Security Initiative

Sec. 1221. Proliferation Security Initiative improvements and authorities.
Sec. 1222. Authority to provide assistance to cooperative countries.

Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1231. Findings; statement of policy.
Sec. 1232. Authorization of appropriations for the Department of Defense Cooperative Threat Reduction Program.
Sec. 1233. Authorization of appropriations for the Department of Energy programs to prevent weapons of mass destruction proliferation and terrorism.

Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1241. Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.
Sec. 1242. Request for corresponding Russian coordinator.

Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1251. Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.
Sec. 1252. Purposes.
Sec. 1253. Composition.
Sec. 1254. Responsibilities.
Sec. 1255. Powers.
Sec. 1256. Nonapplicability of Federal Advisory Committee Act.
Sec. 1257. Report.
Sec. 1258. Termination.

TITLE XIII—NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT

Sec. 1301. Short title.
Sec. 1302. Definitions.

Subtitle A—Sanctions for Transfers of Nuclear Enrichment, Reprocessing, and Weapons Technology, Equipment, and Materials Involving Foreign Persons and Terrorists

Sec. 1311. Authority to impose sanctions on foreign persons.
Sec. 1312. Presidential notification on activities of foreign persons.

Subtitle B—Further Actions Against Corporations Associated With Sanctioned Foreign Persons

Sec. 1321. Findings.
Sec. 1322. Campaign by United States Government officials.
Sec. 1323. Coordination.
Sec. 1324. Report.

Subtitle C—Rollback of Nuclear Proliferation Networks

Sec. 1331. Nonproliferation as a condition of United States assistance.
Sec. 1332. Report on identification of nuclear proliferation network host countries.
Sec. 1333. Suspension of arms sales licenses and deliveries to nuclear proliferation host countries.

TITLE XIV—9/11 COMMISSION INTERNATIONAL IMPLEMENTATION

Sec. 1401. Short title; table of contents.

Subtitle A—Quality Educational Opportunities in Arab and Predominantly Muslim Countries.

Sec. 1411. Findings; Policy.
Sec. 1412. International Arab and Muslim Youth Opportunity Fund.
Sec. 1413. Annual report to Congress.
Sec. 1414. Extension of program to provide grants to American-sponsored schools in Arab and predominantly Muslim Countries to provide scholarships.

Subtitle B—Democracy and Development in Arab and Predominantly Muslim Countries

Sec. 1421. Promoting democracy and development in the Middle East, Central Asia, South Asia, and Southeast Asia.
Sec. 1422. Middle East Foundation.

Subtitle C—Restoring United States Moral Leadership

Sec. 1431. Advancing United States interests through public diplomacy.
Sec. 1432. Expansion of United States scholarship, exchange, and library programs in Arab and predominantly Muslim countries.
Sec. 1433. United States policy toward detainees.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

Sec. 1441. Afghanistan.
Sec. 1442. Pakistan.
Sec. 1443. Saudi Arabia.

TITLE I—RISK-BASED ALLOCATION OF HOMELAND SECURITY GRANTS

SEC. 101. FIRST RESPONDERS HOMELAND SECURITY FUNDING.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by striking the items relating to the second title XVIII, as added by section 501(b)(3) of Public Law 109–347, and inserting the following:

"TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

"Sec. 1901. Domestic Nuclear Detection Office.
"Sec. 1902. Mission of Office.
"Sec. 1904. Testing authority.
"Sec. 1905. Relationship to other Department entities and Federal agencies.
"Sec. 1906. Contracting and grant making authorities.";

(2) by redesignating the second title XVIII, as added by section 501(a) of Public Law 109–347, as title XIX;

(3) in title XIX (as so redesignated)—

(A) by redesignating sections 1801 through 1806 as sections 1901 through 1906, respectively;

(B) in section 1904(a) (6 U.S.C. 594(a)), as so redesignated, by striking "section 1802" and inserting "section 1902"; and

(C) in section 1906 (6 U.S.C. 596), as so redesignated, by striking "section 1802(a)" each place it appears and inserting "section 1902(a)";

(4) in section 1(b) in the table of contents by adding at the end the following:

"TITLE XX—FUNDING FOR FIRST RESPONDERS

"Sec. 2001. Definitions.
"Sec. 2002. Faster and Smarter Funding for First Responders.
"Sec. 2003. Covered grant eligibility and criteria.
"Sec. 2004. Risk-based evaluation and prioritization.
"Sec. 2005. Use of funds and accountability requirements.";

and

(5) by adding at the end the following:

"TITLE XX—FUNDING FOR FIRST RESPONDERS

"SEC. 2001. DEFINITIONS.

"In this title:

"(1) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 2002.

"(2) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

"(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

"(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

"(C)(i) is located on, or within 5 miles of, an international border or waterway;

"(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

"(iii) is located within or contiguous to one of the 50 largest metropolitan statistical areas in the United States; or

"(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

"(3) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

"(4) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider'.

"(5) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(6) REGION.—The term 'region' means—

"(A) any geographic area consisting of all or parts of 2 or more contiguous States that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of an application for a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more such governments or governmental agencies in a mutual aid agreement; or

"(B) any other combination of contiguous local government units (including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by the Secretary as a region for purposes of this Act with the consent of—

"(i) the State or States in which they are located, including a multi-State entity established by a compact between two or more States; and

"(ii) the incorporated municipalities, counties, and parishes that they encompass.

"(7) TERRORISM PREPAREDNESS.—The term 'terrorism preparedness' means any activity designed to improve the ability to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

"(8) CAPABILITIES.—The term 'capabilities' shall have the same meaning that term has under title VIII.

"SEC. 2002. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

"(a) COVERED GRANTS.—This title applies to grants provided by the Department to States, urban areas, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

"(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

"(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

"(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

"(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

"(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

"(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

"(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.); the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.); and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

"SEC. 2003. COVERED GRANT ELIGIBILITY AND CRITERIA.

"(a) GRANT ELIGIBILITY.—

"(1) STATE, REGION, OR DIRECTLY ELIGIBLE TRIBE.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant under the programs referred to in paragraphs (1) and (3) of section 1802(a).

"(2) HIGH-THREAT URBAN AREAS.—Any urban area that is determined by the Secretary to be a high-threat urban areas shall be eligible to apply for a covered grant referred to in paragraph (2) of section 1802(a).

"(b) GRANT CRITERIA.—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the capabilities for terrorism preparedness established by the Secretary.

"(c) SUBMISSION OF STATE PREPAREDNESS REPORT.—

"(1) SUBMISSION REQUIRED.—The Secretary shall require that any State applying to the Secretary for a covered grant must submit State Preparedness Report specified in section 652(c) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

"(2) CONSULTATION.—The State report submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

"(d) CONSISTENCY WITH STATE PLANS.—

"(1) IN GENERAL.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security report or plan.

"(2) APPROVAL OF PLAN BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

"(3) REVISIONS.—A State may revise the applicable State homeland security plan approved by the Secretary under this subsection, subject to approval of the revision by the Secretary.

"(e) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, urban area, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

"(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants must be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

"(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

"(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

"(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the capabilities for terrorism preparedness within the State, urban area, region, or directly eligible tribe to which the application pertains;

"(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2005(g)(1), would assist in fulfilling the capabilities for terrorism preparedness specified in such plan or plans;

"(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

"(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to local governments and Indian tribes;

"(E) if the applicant is a region—

"(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

"(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

"(iii) a designation of a specific individual to serve as regional liaison;

"(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

"(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison; and

"(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 2005(g)(2).

"(5) REGIONAL APPLICATIONS.—

"(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

"(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

"(ii) shall supplement and avoid duplication with such State application; and

"(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

"(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

"(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application: Provided, That in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

"(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

"(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 2006(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

"(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

"(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

"(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

"(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

"(6) TRIBAL APPLICATIONS.—

"(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

"(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

"(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

"(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

"(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

"(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

"(iii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

"(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

"(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 2006(g)(1), the tribe may request payment under section 2006(h)(3) in the same manner as a local government.

"(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"SEC. 2004. RISK-BASED EVALUATION AND PRIORITIZATION.

"(a) PRIORITIZATION OF GRANT APPLICATIONS.—

"(1) FACTORS TO BE CONSIDERED.—The Secretary shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based upon the most current risk assessment available by the Office of Intelligence Analysis and the Office of Infrastructure Protection of the threats of terrorism against the United States. In establishing criteria for evaluating and prioritizing applications for covered grants, the Secretary shall coordinate with the National Advisory Council established under section 508, the Director of the Federal Emergency Management Agency, the United States Fire Administrator, the Chief Intelligence Officer of the Department, the Assistant Secretary for Infrastructure Protection, and other Department officials as determined by the Secretary.

"(2) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

"(A) Agriculture and food.

"(B) Banking and finance.

"(C) Chemical industries.

"(D) The defense industrial base.

"(E) Emergency services.

"(F) Energy.

"(G) Government facilities.

"(H) Postal and shipping.

"(I) Public health and health care.

"(J) Information technology.

"(K) Telecommunications.

"(L) Transportation systems.

"(M) Water.

"(N) Dams.

"(O) Commercial facilities.

"(P) National monuments and icons.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

"(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

"(A) Biological threats.

"(B) Nuclear threats.

"(C) Radiological threats.

"(D) Incendiary threats.

"(E) Chemical threats.

"(F) Explosives.

"(G) Suicide bombers.

"(H) Cyber threats.

"(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

"(4) CONSIDERATION OF ADDITIONAL FACTORS.—The Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Secretary shall give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

"(5) MINIMUM AMOUNTS.—After evaluating and prioritizing grant applications under paragraph (1), the Department shall ensure that, for each fiscal year—

"(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan;

"(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan;

"(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State plan; and

"(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Secretary receives less than 5 applications for such fiscal year from such tribes or does not approve at least one such application.

"(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

"(A) having a significant international land border; or

"(B) adjoining a body of water within North America through which an international boundary line extends.

"(b) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 2003(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (a)(5) of this section.

"(c) RELATIONSHIP TO OTHER PROGRAMS.—This section shall be carried out in consultation with the Secretary of Health and Human Services. Nothing in this section affects the scope of authority of the Secretary of Health and Human Services, including such authority under the Public Health Service Act.

“SEC. 2005. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

“(a) In General.—A covered grant may be used for—

“(1) purchasing or upgrading equipment, including computer hardware and software, to enhance terrorism preparedness;

“(2) exercises to strengthen terrorism preparedness;

“(3) training for prevention (including detection) of, preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

“(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency management plans to enhance terrorism preparedness;

“(5) establishing or enhancing mechanisms for sharing terrorism threat information;

“(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness purposes;

“(7) additional personnel costs resulting from—

“(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

“(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

“(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

“(D) the hiring of staff to serve as intelligence analysts to strengthen information and intelligence sharing capabilities;

“(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

“(9) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices that are constructed consistent with the requirements of section 6(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9), except that the cost of such measures may not exceed the greater of—

“(A) $1,000,000 per project; or

“(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

“(10) the costs of commercially available interoperable communications equipment (that, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Assistant Secretary for Emergency Communications, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

“(11) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

“(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from an act of terrorism;

“(13) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

“(14) Public safety answering points;

“(15) paying for the conduct of any activity permitted under the Law Enforcement Terrorism Prevention Program, or any such successor to such program; and

“(16) other appropriate activities as determined by the Secretary.

“(b) Prohibited Uses.—Funds provided as a covered grant may not be used—

“(1) to supplant State or local funds;

“(2) to construct buildings or other physical facilities;

“(3) to acquire land; or

“(4) for any State or local government cost-sharing contribution.

“(c) Intelligence Analysts.—An individual hired to serve as an intelligence analyst under subsection (a)(7)(D) must meet at least one of the following criteria:

“(1) The individual has successfully completed training that meets the standards of the International Association of Law Enforcement Intelligence Analysts to ensure baseline proficiency in intelligence analysis and production.

“(2) The individual has previously served in a Federal intelligence agency as an intelligence analyst for at least two years.

“(d) Multiple-Purpose Funds.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving capabilities for terrorism preparedness established by the Secretary.

“(e) Reimbursement of Costs.—

“(1) Paid-on-call or volunteer reimbursement.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

“(2) Performance of federal duty.—An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

“(f) Assistance Requirement.—The Secretary may not require that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

“(g) Flexibility in Unspent Homeland Security Grant Funds.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

“(h) State, Regional, and Tribal Responsibilities.—

“(1) Pass-through.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

“(2) Cost sharing.—

“(A) In general.—The Federal share of the costs of an activity carried out with a covered grant to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

“(B) Interim rule.—The Federal share of the costs of an activity carried out with a covered grant awarded before the end of the 2-year period beginning on the date of the enactment of this section shall be 100 percent.

“(C) In-kind matching.—Each recipient of a covered grant may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, including, but not limited to, any necessary personnel overtime, contractor services, administrative costs, equipment fuel and maintenance, and rental space.

“(3) Certifications regarding distribution of grant funds to local governments.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

“(4) Quarterly report on homeland security spending.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent for any State, region, or directly eligible tribe that, not later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of a covered grant or a pass-through under paragraph (1)—

“(A) the amount obligated to that recipient in that quarter;

“(B) the amount expended by that recipient in that quarter; and

“(C) a summary description of the items purchased by such recipient with such amount.

“(5) Annual report on homeland security spending.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

“(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

“(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

“(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

“(D) The extent to which capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

“(E) The extent to which capabilities identified in the applicable State homeland security plan or plans remain unmet.

“(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

“(i) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

“(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

“(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

“(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

“(C) impose additional restrictions or burdens on the recipient’s use of funds under the grant, which may include—

“(i) prohibiting use of such funds to pay the grant recipient’s grant-related overtime or other expenses;

“(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

“(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

“(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 2003(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities’ terrorism preparedness efforts.

“(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

“(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

“(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

“(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

“(iii) the local government complies with subparagraphs (B) and (C).

“(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

“(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

“(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

“(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

“(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

“(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

“(i) shall not affect any payment to another local government under this paragraph; and

“(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

“(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

“(j) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by January 31 of each year covering the preceding fiscal year—

“(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

“(2) containing information on the use of such grant funds by grantees; and

“(3) describing—

“(A) the Nation’s progress in achieving, maintaining, and enhancing the capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

“(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.”.

TITLE II—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

SEC. 201. IMPROVE COMMUNICATIONS FOR EMERGENCY RESPONSE GRANT PROGRAM.

(a) ESTABLISHMENT.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following new section:

“SEC. 522. IMPROVE COMMUNICATIONS FOR EMERGENCY RESPONSE GRANT PROGRAM.

“(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Office of Grants and Training and in coordination with the Director for Emergency Communications, shall establish the Improve Communications for Emergency Response Grant Program to make grants to States and regions to carry out initiatives to improve interoperable emergency communications, including initiatives to achieve solutions to statewide, regional, national, and, where appropriate, international interoperability.

“(b) USE OF GRANT FUNDS.—A State or region receiving a grant under this section may use the grant for short-term or long-term goals for improving interoperable emergency communications, including interoperability within that State or region, and to assist with—

“(1) statewide or regional communications planning;

“(2) design and engineering for interoperable emergency communications systems;

“(3) procurement and installation of interoperable emergency communications equipment;

“(4) interoperable emergency communications exercises;

“(5) modeling and simulation exercises for operational command and control functions;

“(6) technical assistance and training for interoperable emergency communications; and

“(7) other activities determined by the Secretary to be integral to interoperable emergency communications.

“(c) REGION DEFINED.—For the purposes of this section, the term ‘region’ means any combination of contiguous local government units, including such a combination established by law or mutual aid agreement between two or more local governments or governmental agencies.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for grants under section 522 of the Homeland Security Act of 2002, as added by subsection (a)—

(1) such sums as may be necessary for the first fiscal year that begins after the later of—

(A) the date on which the Secretary of Homeland Security completes and submits to Congress the National Emergency Communications Plan required under section 1802 of the Homeland Security Act of 2002 (6 U.S.C. 572);

(B) the date on which the Secretary of Homeland Security completes and submits to Congress the first baseline interoperability assessment required under section 1803 of such Act (6 U.S.C. 573); or

(C) the date on which the Secretary of Homeland Security, after consultation with the Director of Emergency Communications, determines and notifies Congress that substantial progress has been made towards the development and promulgation of voluntary consensus-based interoperable communications standards pursuant to section 1801(c)(11) of such Act (6 U.S.C. 571(c)(11)); and

(2) such sums as may be necessary for each subsequent fiscal year.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of that Act is amended by inserting after the item relating to section 521 the following:

“Sec. 522. Improve Communications for Emergency Response Grant Program.”.

TITLE III—STRENGTHENING USE OF A UNIFIED INCIDENT COMMAND DURING EMERGENCIES

SEC. 301. NATIONAL EXERCISE PROGRAM DESIGN.

Section 648(b)(2)(A) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) is amended by striking clauses (iv) and (v) and inserting the following:

"(iv) designed to provide for systematic evaluation of readiness and enhance operational understanding of the Incident Command System and relevant mutual aid agreements;

"(v) designed to address the unique requirements of populations with special needs; and

"(vi) designed to include the prompt development of after-action reports and plans for quickly incorporating lessons learned into future operations; and".

SEC. 302. NATIONAL EXERCISE PROGRAM MODEL EXERCISES.

Section 648(b)(2)(B) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) is amended by striking so much as precedes clause (i) and inserting the following:

"(B) shall include a selection of model exercises that State, local, and tribal governments can readily adapt for use, and shall provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises, whether a model exercise program or an exercise designed locally, that—".

SEC. 303. RESPONSIBILITIES OF REGIONAL ADMINISTRATORS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 507(c)(2) of the Homeland Security Act of 2002 (enacted by section 611 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295)) is amended by striking "and" after the semicolon at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following:

"(I) assisting State, local, or tribal governments, where appropriate, to pre-identify and evaluate suitable sites where a multi-jurisdictional unified command system can be quickly established if the need for such a system arises; and".

TITLE IV—STRENGTHENING AVIATION SECURITY

SEC. 401. INSTALLATION OF IN-LINE BAGGAGE SCREENING EQUIPMENT.

Not later than 30 days after the date of enactment of this Act, the Secretary for Homeland Security shall submit to the appropriate congressional committees the cost sharing study described in section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3722), together with the Secretary's analysis of the study, a list of provisions of the study the Secretary intends to implement, and a plan and schedule for implementation of such listed provisions.

SEC. 402. AVIATION SECURITY CAPITAL FUND.

(a) IN GENERAL.—Section 44923(h)(1) of title 49, United States Code, is amended in the second sentence by striking "2007" and inserting "2011".

(b) DISCRETIONARY GRANTS.—Section 44923(h)(3) of such title is amended by striking "for a fiscal year, $125,000,000" and inserting ", $125,000,000 for each of fiscal years 2004, 2005, and 2006 and such sums as may be necessary for each of fiscal years 2007 through 2011".

SEC. 403. AIRPORT CHECKPOINT SCREENING EXPLOSIVE DETECTION.

Section 44940 of title 49, United States Code, is amended—

(1) in subsection (d)(4) by inserting ", other than subsection (i)," before "except to"; and

(2) by adding at the end the following:

"(i) CHECKPOINT SCREENING SECURITY FUND.—

"(1) ESTABLISHMENT.—There is established in the Department of Homeland Security a fund to be known as the 'Checkpoint Screening Security Fund'.

"(2) DEPOSITS.—In fiscal year 2008, after amounts are made available under section 44923(h), the next $250,000,000 derived from fees received under subsection (a)(1) shall be available to be deposited in the Fund.

"(3) FEES.—The Secretary of Homeland Security shall impose the fee authorized by subsection (a)(1) so as to collect at least $250,000,000 in fiscal year 2008 for deposit into the Fund.

"(4) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available until expended for the research, development, purchase, deployment, and installation of equipment to improve the ability of security screening personnel at screening checkpoints to detect explosives.".

SEC. 404. STRENGTHENING EXPLOSIVE DETECTION AT AIRPORT SCREENING CHECKPOINTS.

Not later than 7 days after the date of enactment of this Act, the Assistant Secretary for Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees the strategic plan described in the section amended by section 4013(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3719).

SEC. 405. EXTENSION OF AUTHORIZATION OF AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking "and 2006" and inserting "2006, 2007, 2008, 2009, 2010, and 2011".

SEC. 406. INSPECTION OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

"(g) AIR CARGO ON PASSENGER AIRCRAFT.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary of Homeland Security shall establish a system to inspect 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

"(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that equipment, technology, procedures, and personnel are used to inspect cargo carried on passenger aircraft to provide a level of security equivalent to the level of security for the inspection of passenger checked baggage as follows:

"(A) 35 percent of such cargo is so inspected by the end of fiscal year 2007.

"(B) 65 percent of such cargo is so inspected by the end of fiscal year 2008.

"(C) 100 percent of such cargo is so inspected by the end of fiscal year 2009.

"(3) REGULATIONS.—

"(A) INTERIM FINAL RULE.—The Secretary of Homeland Security may issue an interim final rule as a temporary regulation to implement this subsection without regard to the provisions of chapter 5 of title 5.

"(B) FINAL RULE.—

"(i) IN GENERAL.—If the Secretary issues an interim final rule under subparagraph (A), the Secretary shall issue, not later than one year after the effective date of the interim final rule, a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

"(ii) FAILURE TO ACT.—If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the 1-year period referred to in clause (i), the interim final rule issued under subparagraph (A) shall not be effective after the last day of such period.

"(iii) SUPERCEDING OF INTERIM FINAL RULE.—The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).

"(4) REPORT.—Not later than 1 year after the date of establishment of the system under paragraph (1), the Secretary shall transmit to Congress a report that describes the system.".

(b) ASSESSMENT OF EXEMPTIONS.—

(1) TSA ASSESSMENT OF EXEMPTIONS.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate committees of Congress and to the Comptroller General a report regarding an assessment of each exemption granted for inspection of air cargo and an analysis to assess the risk of maintaining such exemption.

(B) CONTENTS.—The report referred to in subparagraph (A) shall include—

(i) the rationale for each exemption;

(ii) what percentage of cargo is not screened as a result of each exemption;

(iii) the impact of each exemption on aviation security;

(iv) the projected impact on the flow of commerce of eliminating each exemption, respectively, should the Secretary choose to take such action; and

(v) plans and rationale for maintaining, changing, or eliminating each exemption.

(2) GAO ASSESSMENT.—Not later than 120 days after the date on which the report under paragraph (1) is submitted, the Comptroller General shall review the report and provide to Congress an assessment of the methodology of determinations made by the Secretary for maintaining, changing, or eliminating an exemption.

SEC. 407. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et. seq.) is amended by adding at the end the following:

"SEC. 432. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

"(a) IN GENERAL.—The Secretary shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other Department entity.

"(b) OFFICE OF APPEALS AND REDRESS.—

"(1) ESTABLISHMENT.—The Secretary shall establish an Office of Appeals and Redress to oversee the process established by the Secretary pursuant to subsection (a).

"(2) RECORDS.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office of Appeals and Redress, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

"(3) INFORMATION.—To prevent repeated delays of a misidentified passenger or other individual, the Office of Appeals and Redress shall—

"(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual; and

"(B) furnish to the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other appropriate Department entity, upon request, such information as may be necessary to allow such agencies to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives.

"(4) INITIATION OF APPEAL AND REDRESS PROCESS AT AIRPORTS.—The Office of Appeals and Redress shall establish at each airport at which the Department has a significant presence a process to allow air carrier passengers to begin the appeals process established pursuant to subsection (a) at the airport.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 430 the following:

"Sec. 432. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.".

SEC. 408. TRANSPORTATION SECURITY ADMINISTRATION PERSONNEL MANAGEMENT.

(a) ELIMINATION OF CERTAIN PERSONNEL MANAGEMENT AUTHORITIES.—Effective 90 days after the date of the enactment of this Act—

(1) section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is repealed and any authority of the Secretary of Homeland Security derived from such section 111(d) shall terminate;

(2) any personnel management system, to the extent established or modified pursuant to such section 111(d) (including by the Secretary through the exercise of any authority derived from such section 111(d)) shall terminate; and

(3) the Secretary shall ensure that all TSA employees are subject to the same personnel management system as described in subsection (e)(1) or (e)(2).

(b) ESTABLISHMENT OF CERTAIN UNIFORMITY REQUIREMENTS.—

(1) SYSTEM UNDER SUBSECTION (e)(1).—The Secretary shall, with respect to any personnel management system described in subsection (e)(1), take any measures which may be necessary to provide for the uniform treatment of all TSA employees under such system.

(2) SYSTEM UNDER SUBSECTION (e)(1).—Section 9701(b) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(6) provide for the uniform treatment of all TSA employees (as defined in section 408(d) of the Implementing the 9/11 Commission Recommendations Act of 2007).".

(3) EFFECTIVE DATE.—

(A) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(1).—Any measures necessary to carry out paragraph (1) shall take effect 90 days after the date of the enactment of this Act.

(B) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(2).—Any measures necessary to carry out the amendments made by paragraph (2) shall take effect 90 days after the date of the enactment of this Act or, if later, the commencement date of the system involved.

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of the enactment of this Act, the Government Accountability Office shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(A) the pay system that applies with respect to TSA employees as of the date of the enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Government Accountability Office considers appropriate.

(d) TSA EMPLOYEE DEFINED.—In this section, the term "TSA employee" means an individual who holds—

(1) any position which was transferred (or the incumbent of which was transferred) from the Transportation Security Administration of the Department of Transportation to the Department of Homeland Security by section 403 of the Homeland Security Act of 2002 (6 U.S.C. 203); or

(2) any other position within the Department of Homeland Security the duties and responsibilities of which include carrying out one or more of the functions that were transferred from the Transportation Security Administration of the Department of Transportation to the Secretary by such section.

(e) PERSONNEL MANAGEMENT SYSTEM DESCRIBED.—A personnel management system described in this subsection is—

(1) any personnel management system, to the extent that it applies with respect to any TSA employees by virtue of section 114(n) of title 49, United States Code; and

(2) any human resources management system, established under chapter 97 of title 5, United States Code.

SEC. 409. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.

Not later than 90 days after the date of the enactment of the Act, the Secretary of Homeland Security shall submit to Congress a plan that—

(1) describes the system to be utilized for the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Assistant Secretary of Homeland Security (Transportation Security Administration), to the automatic selectee and no fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;

(2) provides a projected timeline for each phase of testing and implementation of the system;

(3) explains how the system will be integrated with the prescreening system for passenger on international flights; and

(4) describes how the system complies with section 552a of title 5, United States Code.

TITLE V—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

SEC. 501. REQUIREMENTS RELATING TO ENTRY OF CONTAINERS INTO THE UNITED STATES.

(a) REQUIREMENTS.—Section 70116 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(c) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

"(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

"(A) the container is scanned with equipment that meets the standards established pursuant to paragraph (2)(A) and a copy of the scan is provided to the Secretary; and

"(B) the container is secured with a seal that meets the standards established pursuant to paragraph (2)(B), before the container is loaded on the vessel for shipment to the United States.

"(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

"(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

"(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to detect any breach into a container and identify the time of such breach.

"(C) REVIEW AND REVISION.—The Secretary shall—

"(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every two years; and

"(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available, to—

"(I) identify the place of a breach into a container;

"(II) notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

"(III) track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

"(D) DEFINITION.—In subparagraph (C), the term 'Exclusive Economic Zone of the United States' has the meaning given the term 'Exclusive Economic Zone' in section 2101(10a) of this title.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, such sums as may be necessary for each of the fiscal years 2008 through 2013.

(c) REGULATIONS; APPLICATION.—

(1) REGULATIONS.—

(A) INTERIM FINAL RULE.—Consistent with the results of and lessons derived from the pilot system implemented under section 231 of the SAFE Port Act (Public Law 109-347), the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than 180 days after the date of the submission of the report under section 231 of the SAFE Port Act, without regard to the provisions of chapter 5 of title 5, United States Code.

(B) FINAL RULE.—The Secretary shall issue a final rule as a permanent regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than one year after the date of the submission of the report under section 231 of the SAFE Port Act, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

(2) PHASED-IN APPLICATION.—

(A) IN GENERAL.—The requirements of section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, apply with respect to any container entering the United States, either directly or via a foreign port, beginning on—

(i) the end of the 3-year period beginning on the date of the enactment of this Act, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot equivalent units of containers were loaded on vessels for shipping to the United States in 2005; and

(ii) the end of the 5-year period beginning on the date of the enactment of this Act, in the case of a container loaded on a vessel destined for the United States in any other country.

(B) EXTENSION.—The Secretary may extend by up to one year the period under clause (i) or (ii) of subparagraph (A) for containers loaded in a port, if the Secretary—

(i) finds that the scanning equipment required under section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, is not available for purchase and installation in the port; and

(ii) at least 60 days prior to issuing such extension, transmits such finding to the appropriate congressional committees.

(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

(e) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under such section do not violate international trade obligations or other international obligations of the United States.

TITLE VI—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

Subtitle A—Human Smuggling and Trafficking Center Improvements

SEC. 601. STRENGTHENING THE CAPABILITIES OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, shall provide to the Human Smuggling and Trafficking Center (in this section referred to as the "Center") the administrative support and funding required for its maintenance, including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its mission.

(b) STAFFING OF THE CENTER.—

(1) IN GENERAL.—Funding provided under subsection (a) shall be used for the hiring of for not fewer than 30 full-time equivalent staff for the Center, to include the following:

(A) One Director.

(B) One Deputy Director for Smuggling.

(C) One Deputy Director for Trafficking.

(D) One Deputy Director for Terrorist Travel.

(E) Not fewer than 15 intelligence analysts or Special Agents, to include the following:

(i) Not fewer than ten such analysts or Agents shall be intelligence analysts or law enforcement agents who shall be detailed from entities within the Department of Homeland Security with human smuggling and trafficking related responsibilities, as determined by the Secretary.

(ii) Not fewer than one full time professional staff detailee from each of the United States Coast Guard, United States Immigration and Customs Enforcement, United States Customs and Border Protection, Transportation Security Administration, and the Office of Intelligence and Analysis.

(2) REQUIREMENTS.—Intelligence analysts or Special Agents detailed to the Center under paragraph (1)(E) shall have at least three years experience related to human smuggling or human trafficking.

(3) DURATION OF ASSIGNMENT.—An intelligence analyst or Special Agent detailed to the Center under paragraph (1)(E) shall be detailed for a period of not less than two years.

(c) FUNDING REIMBURSEMENT.—In operating the Center, the Secretary of Homeland Security shall act in accordance with all applicable requirements of the Economy Act (31 U.S.C. 1535), and shall seek reimbursement from the Attorney General and the Secretary of State, in such amount or proportion as is appropriate, for costs associated with the participation of the Department of Justice and the Department of State in the operation of the Center.

(d) DEVELOPMENT OF PLAN.—The Secretary of Homeland Security shall develop a plan for the Center that—

(1) defines the roles and responsibilities of each Department participating in the Center;

(2) describes how the Department of Homeland Security shall utilize its resources to ensure that the Center uses intelligence to focus and drive its efforts;

(3) describes the mechanism for the sharing of information from United States Immigration and Customs Enforcement and United States Customs and Border Protection field offices to the Center;

(4) describes the mechanism for the sharing of homeland security information from the Center to the Office of Intelligence and Analysis, including how such sharing shall be consistent with section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458);

(5) establishes reciprocal security clearance status to other participating agencies in the Center in order to ensure full access to necessary databases;

(6) establishes or consolidates networked systems for the Center; and

(7) ensures that the assignment of personnel to the Center from agencies of the Department of Homeland Security is incorporated into the civil service career path of such personnel.

(e) MEMORANDUM OF UNDERSTANDING.—The Secretary of Homeland Security shall execute with the Attorney General a Memorandum of Understanding in order to clarify cooperation and coordination between United States Immigration and Customs Enforcement and the Federal Bureau of Investigation regarding issues related to human smuggling, human trafficking, and terrorist travel.

(f) COORDINATION WITH THE OFFICE OF INTELLIGENCE AND ANALYSIS.—The Office of Intelligence and Analysis, in coordination with the Center, shall submit to Federal, State, local, and tribal law enforcement and other relevant agencies periodic reports regarding terrorist threats related to human smuggling, human trafficking, and terrorist travel.

Subtitle B—International Collaboration to Prevent Terrorist Travel

SEC. 611. REPORT ON INTERNATIONAL COLLABORATION TO INCREASE BORDER SECURITY, ENHANCE GLOBAL DOCUMENT SECURITY, AND EXCHANGE TERRORIST INFORMATION.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Homeland Security, in conjunction with the Director of National Intelligence and the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report on efforts of the Government of the United States to collaborate with international partners and allies of the United States to increase border security, enhance global document security, and exchange terrorist information.

(b) CONTENTS.—The report required by subsection (a) shall outline—

(1) all presidential directives, programs, and strategies for carrying out and increasing United States Government efforts described in subsection (a);

(2) the goals and objectives of each of these efforts;

(3) the progress made in each of these efforts; and

(4) the projected timelines for each of these efforts to become fully functional and effective.

(c) DEFINITION.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

Subtitle C—Biometric Border Entry and Exit System

SEC. 621. SUBMITTAL OF PLAN ON BIOMETRIC ENTRY AND EXIT VERIFICATION SYSTEM IMPLEMENTATION.

Not later than 7 days after the date of the enactment of this Act, the Secretary for Homeland Security shall submit to the Committee on Homeland Security and the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate the plan developed by the Secretary under section 7208(c) of the Intelligence Reform and Terrorism Prevention

Act of 2004 (8 U.S.C. 1365b(c)(2)) to accelerate the full implementation of an automated biometric entry and exit data system.

TITLE VII—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT AND FIRST RESPONDERS

Subtitle A—Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program

SEC. 701. FINDINGS.

Congress finds the following:

(1) The intelligence component of a State, local, or regional fusion center (in this title referred to generally as “fusion centers”) focuses on the intelligence process, in which information is collected, integrated, evaluated, analyzed, and disseminated. The Federal Government and nontraditional sources of intelligence information—such as public safety entities at the State, local, and tribal levels, and private sector organizations—all possess valuable information that when “fused” with law enforcement data and properly analyzed at fusion centers can provide law enforcement officers with specific and actionable intelligence about terrorist and related criminal activity.

(2) Participation by local and tribal law enforcement officers and intelligence analysts in fusion centers helps secure the homeland by involving such officers and analysts in the intelligence process on a daily basis, by helping them build professional relationships across every level and discipline of government and the private sector, and by ensuring that intelligence and other information, including threat assessment, public safety, law enforcement, public health, social service, and public works, is shared throughout and among relevant communities. Such local and tribal participation in fusion centers supports the efforts of all law enforcement agencies and departments to anticipate, identify, monitor, and prevent terrorist and related criminal activity.

(3) Some local and tribal law enforcement agencies and departments, however, lack resources to participate fully in fusion centers.

(4) Needs-based grant funding will maximize the participation of local and tribal law enforcement agencies and departments in fusion centers by reducing the costs associated with detailing officers and intelligence analysts to fusion centers. Consequently, such grant funding will not only promote the development of more effective, resourceful, and situationally aware fusion centers, but will also advance the cause of homeland security.

SEC. 702. FLEET GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 is further amended by adding at the end the following new section:

“SEC. 203. FLEET GRANT PROGRAM.

“(a) IMPLEMENTATION PLAN AND ESTABLISHMENT.—

“(1) IMPLEMENTATION PLAN.—Not later than 90 days after the date of the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary shall develop a Fusion and Law Enforcement Education and Teaming Grant Program (in this section referred to as the ‘FLEET Grant program’) implementation plan and submit to the appropriate congressional committees a copy of such plan. In developing such plan, the Secretary shall consult with the Attorney General, the Bureau of Justice Assistance, and the Office of Community Oriented Policing of the Department of Justice and shall encourage the participation of fusion centers and local and tribal law enforcement agencies and departments in the development of such plan. Such plan shall include—

“(A) a clear articulation of the purposes, goals, and specific objectives for which the program is being developed;

“(B) an identification of program stakeholders and an assessment of their interests in and expectations for the program;

“(C) a developed set of quantitative metrics to measure, to the extent possible, program output; and

“(D) a developed set of qualitative instruments (e.g., surveys and expert interviews) to assess the extent to which stakeholders believe their needs and expectations are being met by the program.

“(2) ESTABLISHMENT.—Not later than 180 days after the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary shall implement and carry out a FLEET Grant program under which the Secretary, in consultation with the Attorney General, shall make grants to local and tribal law enforcement agencies and departments specified by the Secretary, in consultation with the Attorney General, for the purposes described in subsection (b). Subject to subsection (g), each such grant shall be made for a two-year period.

“(b) USE OF GRANT AMOUNTS.—

“(1) IN GENERAL.—A grant made to a local or tribal law enforcement agency or department under subsection (a) shall be used to enable such agency or department to detail eligible law enforcement personnel to participate in a fusion center that serves the geographic area in which such agency or department is located, and may be used for the following purposes:

“(A) To hire new personnel, or to pay existing personnel, to perform the duties of eligible law enforcement personnel who are detailed to a fusion center during the absence of such detailed personnel.

“(B) To provide appropriate training, as determined and required by the Secretary, in consultation with the Attorney General, for eligible law enforcement personnel who are detailed to a fusion center.

“(C) To establish communications connectivity between eligible law enforcement personnel who are detailed to a fusion center and the home agency or department of such personnel in accordance with all applicable laws and regulations.

“(2) MANDATORY PRIVACY AND CIVIL LIBERTIES TRAINING.—All eligible law enforcement personnel detailed to a fusion center under the FLEET Grant Program shall undergo appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties in partnership with the Privacy and Civil Liberties Oversight Board.

“(3) LIMITATION.—A local or tribal law enforcement agency or department participating in the FLEET Grant program shall continue to provide a salary and benefits to any eligible law enforcement personnel detailed to a fusion center, in the same amounts and under the same conditions that such agency or department provides a salary and benefits to such personnel when not detailed to a fusion center. None of the funds provided by the FLEET grant program may be used to carry out this paragraph.

“(4) ELIGIBLE LAW ENFORCEMENT PERSONNEL DEFINED.—For purposes of this section, the term ‘eligible law enforcement personnel’ means any local or tribal law enforcement officer or intelligence analyst who meets each eligibility requirement specified by the Secretary. Such eligibility requirements shall include a requirement that the officer or analyst has at least two years of experience as a law enforcement officer or intelligence analyst with the local or tribal law enforcement agency or department selected to participate in the FLEET Grant program.

“(c) APPLICATIONS.—

“(1) IN GENERAL.—No grant may be made under subsection (a) unless an application for such grant has been submitted to, and approved by, the Secretary, in consultation with the Attorney General. Such an application shall be submitted in such form, manner, and time, and shall contain such information, as the Secretary, in consultation with the Attorney General, may prescribe by regulation or guidelines.

“(2) JOINT APPLICATIONS.—A local or tribal law enforcement agency or department may file a joint grant application to detail eligible law enforcement personnel to a fusion center. Such application shall be—

“(A) for a single detailed officer or intelligence analyst, who shall be detailed to work at a fusion center on a full-time basis; or

“(B) in the case of participating local and tribal law enforcement agencies or departments for which a detail arrangement described in subparagraph (A) is likely to result in hardship due to a staffing shortage (as determined by the Secretary, in consultation with the Attorney General), for several eligible law enforcement personnel from multiple local or tribal law enforcement agencies or departments in the same geographic area, who shall be detailed to a fusion center, each on a part-time basis, as part of a shared detail arrangement, as long as—

“(i) any hours worked by a detailed officer or analyst at a fusion center in a shared detail arrangement shall be counted toward the hourly shift obligations of such officer or analyst at his or her local or tribal law enforcement agency or department; and

“(ii) no detailed officer or analyst working at a fusion center in a shared detail arrangement shall be required to regularly work more hours than the officer or analyst would otherwise work if the officer or analyst was not participating in the shared detail arrangement.

“(d) DISTRIBUTION OF GRANTS.—In considering applications for grants under subsection (a), the Secretary, in consultation with the Attorney General, shall ensure that, to the extent practicable—

“(1) entities that receive such grants are representative of a broad cross-section of local and tribal law enforcement agencies and departments;

“(2) an appropriate geographic distribution of grants is made among urban, suburban, and rural communities; and

“(3) such grants are awarded based on consideration of any assessments of risk by the Department of Homeland Security.

“(e) PRIORITY.—The Secretary, in consultation with the Attorney General, shall issue regulations regarding the use of a sliding scale based on financial need to ensure that a local or tribal law enforcement agency or department that is eligible to receive a grant under subsection (a) and that demonstrates to the satisfaction of the Secretary, in consultation with the Attorney General, that it is in financial need (as determined by the Secretary, in consultation with the Attorney General) receives priority in receiving funds under this section.

“(f) MATCHING FUNDS.—

“(1) IN GENERAL.—Subject to paragraph (2), the portion of the costs of a program, project, or activity funded by a grant made to an entity under subsection (a) may not exceed 80 percent.

"(2) EXCEPTION.—The Secretary, in consultation with the Attorney General, may waive, wholly or in part, the requirement under paragraph (1) of a non-Federal contribution to the costs of a program, project, or activity if the entity receiving the grant for such program, project, or activity can demonstrate to the satisfaction of the Secretary, in consultation with the Attorney General, that it would be a hardship for such entity to satisfy such requirement.

"(g) RENEWAL OF GRANTS.—A grant made to a local or tribal law enforcement agency or department under subsection (a) may be renewed on an annual basis for an additional year after the first two-year period during which the entity receives its initial grant, if—

"(1) the entity can demonstrate to the satisfaction of the Secretary, in consultation with the Attorney General, significant progress in achieving the objectives of the application for the initial grant involved; and

"(2) such renewal would not prevent another local or tribal law enforcement agency or department that has applied for a grant under subsection (a), has not previously received such a grant, and that would otherwise qualify for such a grant, from receiving such a grant, as determined by the Secretary, in consultation with the Attorney General.

"(h) REVOCATION OR SUSPENSION OF FUNDING.—If the Secretary, in consultation with the Attorney General, determines that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application submitted under subsection (c), the Secretary, in consultation with the Attorney General, may revoke or suspend funding of that grant, in whole or in part. In the case of a revocation or suspension of funds under this subsection based on a determination of fraud, waste, or abuse, with respect to a grant recipient, such grant recipient shall be required to refund the grant funds received under subsection (a) that are related to such fraud, waste, or abuse, respectively.

"(i) REPORTS.—

"(1) REPORTS TO SECRETARY.—Each local or tribal law enforcement agency or department that receives a grant under subsection (a) shall submit to the Secretary and the Attorney General a report for each year such agency or department is a recipient of such grant. Each such report shall include a description and evaluation of each program, project, or activity funded by such grant.

"(2) REPORT TO CONGRESS.—One year after the date of the implementation of the FLEET grant program, and biannually thereafter, the Secretary, in consultation with the Attorney General, shall submit to the appropriate congressional committees a report describing the implementation and progress of the FLEET Grant Program. Each such report shall include the following:

"(A) A list of the local and tribal law enforcement agencies and departments receiving grants.

"(B) Information on the grant amounts awarded to each such agency or department.

"(C) Information on the programs, projects, and activities for which the grant funds are used.

"(D) An evaluation of the effectiveness of the FLEET Grant program with respect to the cause of advancing homeland security, including—

"(i) concrete examples of enhanced information sharing and a description of any preventative law enforcement actions taken based on such information sharing; .

"(ii) an evaluation of the effectiveness of the detail arrangements with FLEET Grant program grant recipients;

"(iii) an evaluation of how the FLEET Grant program benefits the fusion centers;

"(iv) a description of how individual law enforcement officers and intelligence analysts detailed to the fusion centers benefit from the detail experience; and

"(v) an evaluation of how the detail of the law enforcement officers and intelligence analysts assists the fusion centers in learning more about criminal or terrorist organizations operating within their areas of operation, including a description of any homeland security information requirements that were developed, or any homeland security information gaps that were filled, as a result of the detail arrangement.

"(E) An analysis of any areas of need, with respect to the advancement of homeland security, that could be addressed through additional funding or other legislative action.

"(j) CUSTOMER SATISFACTION SURVEYS.—The Secretary, in consultation with the Attorney General, shall create a mechanism for State, local, and tribal law enforcement officers and intelligence analysts who participate in the FLEET Grant program to fill out an electronic customer satisfaction survey, on an appropriate periodic basis, to assess the effectiveness of the FLEET Grant program with respect to improving information sharing. The results of these voluntary surveys shall be provided electronically to appropriate personnel at the Office of Grants and Training of the Department and at the Bureau of Justice Assistance and the Office of Community Oriented Policing of the Department of Justice. The results of these customer satisfaction surveys shall also be included in an appropriate format in the reports described in subsection (i).

"(k) CONTINUATION ASSESSMENT.—Five years after the date of the implementation of the FLEET Grant program, the Secretary, in consultation with the Attorney General, shall submit to the appropriate congressional committees a FLEET Grant program continuation assessment. Such continuation assessment shall—

"(1) recommend whether Congress should continue to authorize and fund the FLEET Grant program (as authorized under this section or with proposed changes), and provide the reasoning for such recommendation; and

"(2) if the Secretary recommends the continuation of the FLEET Grant program—

"(A) recommend any changes to the program which the Secretary, in consultation with the Attorney General, has identified as necessary to improve the program, and the reasons for any such changes;

"(B) list and describe legislative priorities for Congress relating to the continuation of the program; and

"(C) provide recommendations for the amounts of funding that should be appropriated for the continuation of the program in future fiscal years, including justifications for such amounts.

"(l) GENERAL REGULATORY AUTHORITY.—The Secretary, in consultation with the Attorney General, may promulgate regulations and guidelines to carry out this section.

"(m) DEFINITIONS.—For the purposes of this section:

"(1) The term 'local law enforcement agency or department' means a local municipal police department or a county sheriff's office in communities where there is no police department.

"(2) The term 'tribal law enforcement agency or department' means the police force of an Indian tribe (as such term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) established and maintained by such a tribe pursuant to the tribe's powers of self-government to carry out law enforcement.".

(b) DEFINITION OF FUSION CENTER.—Section 2 of such Act is amended by adding at the end the following new paragraph:

"(17) The terms 'State, local, or regional fusion center' and 'fusion center' mean a State intelligence center or a regional intelligence center that is the product of a collaborative effort of at least two qualifying agencies that provide resources, expertise, or information to such center with the goal of maximizing the ability of such intelligence center and the qualifying agencies participating in such intelligence center to provide and produce homeland security information required to detect, prevent, apprehend, and respond to terrorist and criminal activity. For purposes of the preceding sentence, qualifying agencies include—

"(A) State, local, and tribal law enforcement authorities, and homeland and public safety agencies;

"(B) State, local, and tribal entities responsible for the protection of public health and infrastructure;

"(C) private sector owners of critical infrastructure, as defined in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e));

"(D) Federal law enforcement and homeland security entities; and

"(E) other appropriate entities specified by the Secretary.".

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 202 the following:

"Sec. 203. FLEET Grant Program.".

Subtitle B—Border Intelligence Fusion Center Program

SEC. 711. FINDINGS.

Congress finds the following:

(1) The United States has 216 airports, 143 seaports, and 115 official land border crossings that are official ports of entry. Screening all the people and goods coming through these busy ports is an enormous resource challenge for the men and women of the Department of Homeland Security ("Department") .

(2) Department personnel, including personnel from the Bureau of Customs and Border Protection ("CBP") and U.S. Immigration and Customs Enforcement ("ICE"), cannot be everywhere at all times to ensure that terrorists, weapons of mass destruction, and other related contraband are not being smuggled across the border in order to support attacks against the United States.

(3) State, local, and tribal law enforcement personnel are uniquely situated to help secure the border areas in their respective jurisdictions by serving as "force multipliers". To do so, however, law enforcement officers need access to available border intelligence developed by the Department. Such access shall help State, local, and tribal law enforcement personnel deploy their resources most effectively to detect and interdict terrorists, weapons of mass destruction, and related contraband at United States borders.

(4) The Department has not yet developed a single, easily accessible, and widely available system to consistently share border intelligence and other information with its State, local, and tribal law enforcement partners. It likewise has failed to establish a process by which State, local, and tribal law enforcement personnel can consistently share with the Department information that they obtain that is relevant to border security.

(5) As a result, State, local, and tribal law enforcement personnel serving jurisdictions along the northern and southern borders typically depend upon personal relationships with CBP and ICE personnel in their respective jurisdictions to get the information they need. While personal relationships have helped in some locales, they have not in others. This has led to an inconsistent sharing of border intelligence from jurisdiction to jurisdiction.

(6) State, local, and regional fusion centers ("fusion centers") may help improve this situation.

(7) In the wake of the terrorist attacks of September 11, 2001, numerous State, local, and tribal authorities responsible for the protection of the public and critical infrastructure established fusion centers to help prevent terrorist attacks while at the same time preparing to respond to and recover from a terrorist attack should one occur.

(8) Most border States have some variation of a fusion center.

(9) In general, while the Federal Government has helped to establish fusion centers through the Department's grants, a substantial percentage of the financial burden to support ongoing fusion center operations is borne by States and localities.

(10) The Department, and in particular, the Department's Office of Intelligence and Analysis, has undertaken a program through which it sends such office's personnel to fusion centers to establish a Department presence at those centers. In so doing, the hope is that such personnel will serve as a point of contact for information being shared at fusion centers by State, local, and tribal law enforcement personnel. Personnel at fusion centers hopefully will also act as a channel for information being shared by the Department itself.

(11) Border State, local, and tribal law enforcement officers anticipate that fusion centers will be a critical source of border intelligence from the Department. While the Department's border intelligence products generated in the District of Columbia and disseminated to fusion centers will undoubtedly be helpful, a far richer source of border intelligence will likely come from CBP and ICE personnel working locally in border jurisdictions themselves.

(12) Establishing a CBP and ICE presence at border State fusion centers will help ensure the most consistent, timely, and relevant flow of border intelligence to and from the Department and State, local, and tribal law enforcement in border communities. Border State fusion centers thus could serve as a tool to build upon the personal relationships and information sharing that exists in some, but not all, jurisdictions between CBP, ICE, and State, local, and tribal law enforcement.

SEC. 712. ESTABLISHMENT OF BORDER INTELLIGENCE FUSION CENTER PROGRAM.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following new section:

"SEC. 204. BORDER INTELLIGENCE FUSION CENTER PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established in the Department the Border Intelligence Fusion Center Program, to be administered by the Under Secretary for Intelligence and Analysis, for the purpose of stationing Bureau of Customs and Border Protection and U.S. Immigration and Customs Enforcement officers or intelligence analysts in the fusion centers of participating border States.

"(2) NEW HIRES.—Funding provided under the Border Intelligence Fusion Center Program shall be available to hire new CBP and ICE officers or intelligence analysts to replace CBP and ICE officers or intelligence analysts who are stationed at border State fusion centers under this section.

"(b) PARTICIPATION.—

"(1) IN GENERAL.—The Secretary may develop qualifying criteria for a border state fusion center's participation in the Border Intelligence Fusion Center Program.

"(2) CRITERIA.—Such criteria may include the following:

"(A) Whether the center focuses on a broad counterterrorism and counter-criminal approach, and whether that broad approach is pervasive through all levels of the organization.

"(B) Whether the center has sufficient numbers of adequately trained personnel to support a broad counterterrorism and counter-criminal mission.

"(C) Whether the center has access to relevant law enforcement, private sector, open source, and national security data, as well as the ability to share and analytically exploit such data for actionable ends in accordance with all applicable laws and regulations.

"(D) The entity or entities providing financial support for the center's funding.

"(E) Whether the center's leadership is committed to the fusion center's mission, and how the leadership sees the center's role in terrorism prevention, mitigation, response, and recovery.

"(c) ASSIGNMENT.—Wherever possible, not fewer than one CBP officer or intelligence analyst and one ICE officer or intelligence analyst shall be stationed at each participating border State fusion center.

"(d) PREREQUISITE.—

"(1) PRIOR WORK EXPERIENCE IN AREA.—To be stationed at a border State fusion center under this section, a CBP or ICE officer shall have served as a CBP or ICE officer in the State in which the fusion center where such officer shall be stationed is located for not less than two years before such assignment in order to ensure that such officer is familiar with the geography and people living in border communities, as well as the State, local, and tribal law enforcement agencies serving those communities.

"(2) INTELLIGENCE ANALYSIS, PRIVACY, AND CIVIL LIBERTIES TRAINING.—Before being stationed at a border State fusion center under this section, a CBP or ICE officer shall undergo—

"(A) appropriate intelligence analysis training via an intelligence-led policing curriculum that is consistent with the standards and recommendations of the National Criminal Intelligence Sharing Plan, the Department of Justice and Department Fusion Center Guidelines, title 28, part 23, Code of Federal Regulations, as well as any other training prescribed by the Under Secretary for Intelligence and Analysis; and

"(B) appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties in partnership with the Privacy and Civil Liberties Oversight Board.

"(3) EXPEDITED SECURITY CLEARANCE PROCESSING.—The Under Secretary for Intelligence and Analysis shall ensure that security clearance processing is expedited for each CBP and ICE officer or intelligence analyst stationed at border State fusion centers under this section and shall ensure that such officer or analyst has the appropriate clearance to conduct the work of the Border Intelligence Fusion Center Program.

"(4) FURTHER QUALIFICATIONS.—Each CBP and ICE officer or intelligence analyst stationed at a border State fusion center under this section shall satisfy any other qualifications the Under Secretary for Intelligence and Analysis may prescribe.

"(e) RESPONSIBILITIES.—

"(1) IN GENERAL.—

"(A) CREATION AND DISSEMINATION OF BORDER INTELLIGENCE PRODUCTS.—CBP and ICE officers and intelligence analysts assigned to border State fusion centers under this section will help State, local, and tribal law enforcement in jurisdictions along the northern and southern borders, and border State fusion center staff, overlay threat and suspicious activity with Federal homeland security information in order to develop a more comprehensive and accurate threat picture. Such CBP and ICE officers and intelligence analysts accordingly shall have as their primary mission the review of border security-relevant information from State, local, and tribal law enforcement sources, and the creation of border intelligence products derived from such information and other border-security relevant information provided by the Department, and the dissemination of such products to border State, local, and tribal law enforcement. CBP and ICE officers or intelligence analysts assigned to border State fusion centers under this section shall also provide such products to the Office of Intelligence and Analysis of the Department for collection and dissemination to other fusion centers in other border States.

"(B) DATABASE ACCESS.—In order to fulfill the objectives described in subparagraph (A), CBP and ICE officers and intelligence analysts stationed at border State fusion centers under this section shall have direct access to all relevant databases at their respective agencies.

"(C) CUSTOMER SATISFACTION SURVEYS.—The Secretary shall create a mechanism for State, local, and tribal law enforcement officers who are consumers of the intelligence products described in subparagraph (A) to fill out an electronic customer satisfaction survey whenever they access such a product. The results of these voluntary surveys should be provided electronically to appropriate personnel of the Department. The results of these customer satisfaction surveys should also be included in an appropriate format in the annual status reports described in subsection (h)(2)(A).

"(2) CULTIVATION OF RELATIONSHIPS.—CBP and ICE officers and intelligence analysts stationed at border State fusion centers under this section shall actively cultivate relationships with State, local, and tribal law enforcement personnel in border communities in order to satisfy the mission described in paragraph (1), and shall make similar outreach to Canadian and Mexican law enforcement authorities serving neighboring communities across the northern and southern borders. CBP and ICE officers and intelligence analysts stationed at border State fusion centers under this section may also serve as a conduit of border intelligence products from the Department itself and shall ensure that such products are provided to all appropriate law enforcement agencies, departments, and offices in border States.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a border State fusion center to participate in the Border Intelligence Fusion Center Program.

"(g) REPORTS.—

"(1) DEVELOPMENT OF IMPLEMENTATION PLAN.—

"(A) IN GENERAL.—Not later than 90 days after the date of the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary shall develop a Border Intelligence Fusion Center Program implementation plan and submit to the appropriate congressional committees a copy of such plan. In developing such plan, the Secretary shall consult with State, local, and tribal authorities responsible for border State fusion centers.

"(B) CONTENTS.—The implementation plan should also address the following elements for effective program assessment:

"(i) A clear articulation of the purposes, goals, and specific objectives for which the program is being developed.

"(ii) An identification of program stakeholders and an assessment of their interests in and expectations of the program.

"(iii) A developed set of quantitative metrics to measure, to the extent possible, program output.

"(iv) A developed set of qualitative instruments (e.g., surveys and expert interviews) to assess the extent to which stakeholders believe their needs and expectations are being met.

"(2) STATUS REPORTS AND CONTINUATION ASSESSMENT.—

"(A) STATUS REPORTS.—

"(i) IN GENERAL.—The Secretary shall submit to the appropriate congressional committees status reports on the Border Intelligence Fusion Center Program. The reports shall address the elements described in paragraph (1)(B). The reports shall also include the following:

"(I) A description of the training programs in place for CBP and ICE officers and intelligence analysts participating in the program.

"(II) A listing of the border State fusion centers where CBP and ICE officers and intelligence analysts are deployed.

"(III) A representative survey of State, local, and tribal law enforcement officers serving border jurisdictions regarding the specificity and actionable nature of the border intelligence provided by CBP and ICE officers at such fusion centers.

"(IV) A description of the results of the customer satisfaction surveys submitted by users of the products described in subsection (e)(1).

"(ii) DEADLINES.—Status reports under clause (i) shall be submitted not later than—

"(I) one year after the date of the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007; and

"(II) three and five years after the date on which the Border Intelligence Fusion Center Program is established.

"(B) CONTINUATION ASSESSMENT.—Not later than the end of the fifth year following the date on which the Border Intelligence Fusion Center Program is established, the Secretary shall submit to the appropriate congressional committees a Border Intelligence Fusion Center Program Continuation Assessment. The continuation assessment shall accomplish the following:

"(i) Recommend whether the program should continue in its present or some altered form or not.

"(ii) Provide the reasons for that recommendation.

"(iii) If the recommendation is that the program should continue, list and describe legislative priorities for Congress regarding the continuation of the program, and provide recommended appropriations amounts and justifications for them.

"(h) DEFINITION OF BORDER STATE FUSION CENTER.—The term 'border State fusion center' means a fusion center located in the State of Washington, Idaho, Montana, North Dakota, Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, New York, Vermont, New Hampshire, Maine, California, Arizona, New Mexico, or Texas.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 203 the following:

"Sec. 204. Border Intelligence Fusion Center Program.".

Subtitle C—Homeland Security Information Sharing Enhancement

SEC. 721. SHORT TITLE.

This subtitle may be cited as the "Homeland Security Information Sharing Enhancement Act of 2007".

SEC. 722. HOMELAND SECURITY ADVISORY SYSTEM.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

"SEC. 205. HOMELAND SECURITY ADVISORY SYSTEM.

"(a) REQUIREMENT.—The Under Secretary for Intelligence and Analysis shall implement a Homeland Security Advisory System in accordance with this section to provide public advisories and alerts regarding threats to homeland security, including national, regional, local, and economic sector advisories and alerts, as appropriate.

"(b) REQUIRED ELEMENTS.—The Under Secretary, under the System—

"(1) shall include, in each advisory and alert regarding a threat, information on appropriate protective measures and countermeasures that may be taken in response to the threat;

"(2) shall, whenever possible, limit the scope of each advisory and alert to a specific region, locality, or economic sector believed to be at risk; and

"(3) shall not, in issuing any advisory or alert, use color designations as the exclusive means of specifying the homeland security threat conditions that are the subject of the advisory or alert.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to subtitle A of title II the following:

"Sec. 205. Homeland Security Advisory System.".

SEC. 723. HOMELAND SECURITY INFORMATION SHARING.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

"SEC. 206. HOMELAND SECURITY INFORMATION SHARING.

"(a) INFORMATION SHARING ENVIRONMENT.—Consistent with section 1016 of the National Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and in accordance with all other applicable laws and regulations, the Secretary shall integrate and standardize the information of the intelligence components of the Department into a Department information sharing environment, to be administered by the Under Secretary for Intelligence and Analysis.

"(b) INFORMATION SHARING AND KNOWLEDGE MANAGEMENT OFFICERS.—For each intelligence component of the Department, the Secretary shall designate an information sharing and knowledge management officer who shall report to the Under Secretary for Intelligence and Analysis with respect to coordinating the different systems used in the Department to gather and disseminate homeland security information.

"(c) STATE, LOCAL, AND PRIVATE-SECTOR SOURCES OF INFORMATION.—

"(1) ESTABLISHMENT OF BUSINESS PROCESSES.—The Under Secretary for Intelligence and Analysis shall establish Department-wide procedures for the review and analysis of information gathered from State, local, tribal, and private-sector sources and, as appropriate, integrate such information into the information gathered by the Department and other department and agencies of the Federal Government.

"(2) FEEDBACK.—The Secretary shall develop mechanisms to provide analytical and operational feedback to any State, local, tribal, and private-sector entities that gather information and provide such information to the Secretary.

"(d) TRAINING AND EVALUATION OF EMPLOYEES.—

"(1) TRAINING.—The Under Secretary shall provide to employees of the Department opportunities for training and education to develop an understanding of the definition of homeland security information, how information available to them as part of their duties might qualify as homeland security information, and how information available to them is relevant to the Office of Intelligence and Analysis.

"(2) EVALUATIONS.—The Under Secretary shall, on an ongoing basis, evaluate how employees of the Office of Intelligence and Analysis and the intelligence components of the Department are utilizing homeland security information and participating in the Department information sharing environment.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

"Sec. 206. Homeland security information sharing.".

(c) ESTABLISHMENT OF COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE.—

(1) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following new section:

"SEC. 207. COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE.

"(a) ESTABLISHMENT.—The Secretary, acting through the Chief Intelligence Officer, shall establish a comprehensive information technology network architecture for the Office of Intelligence and Analysis.

"(b) NETWORK MODEL.—The comprehensive information technology network architecture established under subsection (a) shall, to the extent possible, incorporate the approaches, features, and functions of the network proposed by the Markle Foundation in reports issued in October 2002 and December 2003, known as the System-wide Homeland Security Analysis and Resource Exchange (SHARE) Network.

"(c) Comprehensive Information Technology Network Architecture Defined.—the term 'comprehensive information technology network architecture' means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the strategic goals and information resources management goals of the Office of Intelligence and Analysis.".

(2) Clerical amendment.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

"Sec. 207. Comprehensive information technology network architecture.".

(3) Reports.—

(A) Report on implementation of plan.—Not later than 360 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report containing a plan to implement the comprehensive information technology network architecture for the Office of Intelligence and Analysis of the Department of Homeland Security required under section 205 of the Homeland Security Act of 2002, as added by paragraph (1). Such report shall include the following:

(i) Priorities for the development of the comprehensive information technology network architecture and a rationale for such priorities.

(ii) An explanation of how the various components of the comprehensive information technology network architecture will work together and interconnect.

(iii) A description of the technology challenges that the Office of Intelligence and Analysis will face in implementing the comprehensive information technology network architecture.

(iv) A description of technology options that are available or are in development that may be incorporated into the comprehensive technology network architecture, the feasibility of incorporating such options, and the advantages and disadvantages of doing so.

(v) An explanation of any security protections to be developed as part of the comprehensive information technology network architecture.

(vi) A description of any safeguards for civil liberties and privacy to be built into the comprehensive information technology network architecture.

(vii) An operational best practices plan.

(B) Progress report.—Not later than 180 days after the date on which the report is submitted under subparagraph (A), the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the Secretary in developing the comprehensive information technology network architecture required under section 205 of the Homeland Security Act of 2002, as added by paragraph (1).

(d) Intelligence Component Defined.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is further amended by adding at the end the following new paragraph:

"(18) The term 'intelligence component of the Department' means any directorate, agency, or element of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information except—

"(A) a directorate, agency, or element of the Department that is required to be maintained as a distinct entity under this Act; or

"(B) any personnel security, physical security, document security, or communications security program within any directorate, agency, or element of the Department.".

Subtitle D—Homeland Security Information Sharing Partnerships

SEC. 731. SHORT TITLE.

This subtitle may be cited as the "Homeland Security Information Sharing Partnerships Act of 2007".

SEC. 732. STATE, LOCAL, AND REGIONAL INFORMATION FUSION CENTER INITIATIVE.

(a) In General.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further is amended by adding at the end the following:

"SEC. 208. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

"(a) Establishment.—The Secretary shall establish a State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

"(b) Duties.—Through the State, Local, and Regional Fusion Center Initiative, the Secretary shall—

"(1) coordinate with the principal official of each State, local, or regional fusion center and the official designated as the Homeland Security Advisor of the State;

"(2) provide Department operational and intelligence advice and assistance to State, local, and regional fusion centers;

"(3) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment (as defined under section 1016(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(a)(2))) in accordance with all applicable laws and regulations;

"(4) conduct table-top and live training exercises to regularly assess the capability of individual and regional networks of State, local, and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;

"(5) coordinate with other relevant Federal entities engaged in homeland security-related activities;

"(6) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

"(7) review homeland security information gathered by State, local, and regional fusion centers and incorporate relevant information with homeland security information of the Department;

"(8) provide management assistance to State, local, and regional fusion centers;

"(9) serve as a point of contact to ensure the dissemination of relevant homeland security information.

"(10) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

"(11) provide State, local, and regional fusion centers with expertise on Department resources and operations;

"(12) provide training to State, local, and regional fusion centers and encourage such fusion centers to participate in terrorist threat-related exercises conducted by the Department; and

"(13) carry out such other duties as the Secretary determines are appropriate.".

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

"Sec. 208. State, Local, and Regional Information Fusion Center Initiative.".

(c) Reports.—

(1) Concept of operations.—Not later than 90 days after the date of the enactment of this Act and before the State, Local, and Regional Fusion Center Initiative under section 208 of the Homeland Security Act of 2002, as added by subsection (a), has been implemented, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Initiative, which shall include a privacy and civil liberties impact assessment.

(2) Privacy and civil liberties.—

(A) Review of concept of operations.—Not later than 180 days after the date on which the report under paragraph (1) is submitted, the Privacy Officer of the Department of Homeland Security and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security shall review the privacy and civil liberties implications of the Initiative and the concept of operations and report any concerns to the Secretary of Homeland Security and the Under Secretary of Homeland Security for Intelligence and Analysis. The Secretary may not implement the Initiative until the Privacy Officer and the Officer for Civil Rights and Civil Liberties have certified that any privacy or civil liberties concerns have been addressed.

(B) Review of privacy impact.—Under the authority of section 222(5) of the Homeland Security Act of 2002 (6 U.S.C. 142(5)), not later than one year after the date on which the State, Local, and Regional Fusion Center Initiative is implemented, the Privacy Officer of the Department of Homeland Security, in consultation with the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, shall submit to Congress, the Secretary of Homeland Security, and the Under Secretary of Homeland Security for Intelligence and Analysis a report on the privacy and civil liberties impact of the Initiative.

SEC. 733. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

(a) Establishment of Program.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

"SEC. 209. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

"(a) Establishment.—

"(1) In general.—The Secretary, acting through the Under Secretary for Intelligence and Analysis, shall establish a fellowship program in accordance with this section for the purpose of—

"(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—

"(i) the mission and capabilities of the Office of Intelligence and Analysis; and

"(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and

"(B) promoting information sharing between the Department and State, local, and tribal law enforcement officers and intelligence analysts by stationing such officers and analysts in order to—

"(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal homeland security information needs;

"(ii) identify homeland security information of interest to State, local, and tribal law enforcement officers and intelligence analysts; and

"(iii) assist Department analysts in preparing and disseminating terrorism-related products that are tailored to State, local, and tribal law enforcement officers and intelligence analysts and designed to thwart terrorist attacks.

"(2) PROGRAM NAME.—The program under this section shall be known as the 'Homeland Security Information Sharing Fellows Program'.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—In order to be eligible for selection as an Information Sharing Fellow under the program, an individual must—

"(A) have homeland security-related responsibilities or law enforcement-related responsibilities;

"(B) be eligible for an appropriate national security clearance;

"(C) possess a valid need for access to classified information, as determined by the Under Secretary for Intelligence and Analysis;

"(D) be an employee of an eligible entity; and

"(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties in partnership with the Privacy and Civil Liberties Oversight Board.

"(2) ELIGIBLE ENTITIES.—For purposes of this subsection, the term 'eligible entity' means—

"(A) a State, local, or regional fusion center;

"(B) a State or local law enforcement or other government entity that serves a major metropolitan area, as determined by the Secretary;

"(C) a State or local law enforcement or other government entity that serves a suburban or rural area, as determined by the Secretary;

"(D) a State or local law enforcement or other government entity with port responsibilities, as determined by the Secretary;

"(E) a State or local law enforcement or other government entity with border responsibilities, as determined by the Secretary;

"(F) a State or local law enforcement or other government entity with agricultural responsibilities, as determined by the Secretary;

"(G) a tribal law enforcement or other authority; or

"(H) such other entity as the Secretary determines is appropriate.

"(c) OPTIONAL PARTICIPATION.—No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.

"(d) PROCEDURES FOR NOMINATION AND SELECTION.—

"(1) IN GENERAL.—The Under Secretary shall establish procedures to provide for the nomination and selection of individuals to participate in the Homeland Security Information Sharing Fellows Program.

"(2) LIMITATIONS.—The Under Secretary shall—

"(A) select law enforcement officers and intelligence analysts representing a broad cross-section of State, local, and tribal agencies; and

"(B) ensure that the number of Information Sharing Fellows selected does not impede the activities of the Office of Intelligence and Analysis.

"(e) LENGTH OF SERVICE.—Information Sharing Fellows shall serve for a reasonable period of time, as determined by the Under Secretary. Such period of time shall be sufficient to advance the information-sharing goals of the Under Secretary and encourage participation by as many qualified nominees as possible.

"(f) CONDITION.—As a condition of selecting an individual as an Information Sharing Fellow under the program, the Under Secretary shall require that the individual's employer agree to continue to pay the individual's salary and benefits during the period for which the individual is detailed.

"(g) STIPEND.—During the period for which an individual is detailed under the program, the Under Secretary shall, subject to the availability of appropriations provide to the individual a stipend to cover the individual's reasonable living expenses for that period.

"(h) SECURITY CLEARANCES.—If an individual selected for a fellowship under the Information Sharing Fellows Program does not possess the appropriate security clearance, the Under Secretary shall ensure that security clearance processing is expedited for such individual and shall ensure that each such Information Sharing Fellow has obtained the appropriate security clearance prior to participation in the Program.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

"Sec. 209. Homeland Security Information Sharing Fellows Program.".

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of the enactment of this Act and before the implementation of the Homeland Security Information Sharing Fellows Program under section 209 of the Homeland Security Act of 2002, as added by subsection (a), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

(2) PRIVACY AND CIVIL LIBERTIES.—

(A) REVIEW OF CONCEPT OF OPERATIONS.—Not later than 180 days after the date on which the report under paragraph (1) is submitted, the Privacy Officer of the Department of Homeland Security and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security shall review the privacy and civil liberties implications of the Program and the concept of operations and report any concerns to the Secretary of Homeland Security and the Under Secretary of Homeland Security for Intelligence and Analysis. The Secretary may not implement the Program until the Privacy Officer and the Officer for Civil Rights and Civil Liberties have certified that any privacy or civil liberties concerns have been addressed.

(B) REVIEW OF PRIVACY IMPACT.—Under the authority of section 222(5) of the Homeland Security Act of 2002 (6 U.S.C. 142(5)), not later than one year after the date on which the Homeland Security Information Sharing Fellows Program is implemented, the Privacy Officer of the Department of Homeland Security, in consultation with the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, shall submit to Congress, the Secretary of Homeland Security, and the Under Secretary of Homeland Security for Intelligence and Analysis a report on the privacy and civil liberties impact of the Program.

Subtitle E—Homeland Security Intelligence Offices Reorganization

SEC. 741. DEPARTMENTAL REORGANIZATION.

(a) REDESIGNATION OF DIRECTORATE FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended—

(1) in subsection (a)(1)—

(A) by striking "a Directorate for Information Analysis and Infrastructure Protection" and inserting "an Office of Intelligence and Analysis"; and

(B) by striking "an Under Secretary for Information Analysis and Infrastructure Protection" and inserting "an Under Secretary for Intelligence and Analysis";

(2) by striking subsection (b) and redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) in subsection (b), as so redesignated—

(A) by striking "and infrastructure protection" before "are carried out" and inserting "and intelligence"; and

(B) by striking "the Under Secretary for Information Analysis and Infrastructure Protection" and inserting "the Under Secretary for Intelligence and Analysis";

(4) in subsection (c), as so redesignated—

(A) by striking "the Under Secretary for Information Analysis and Infrastructure Protection" and inserting "the Under Secretary for Intelligence and Analysis";

(B) by striking paragraphs (2), (5), and (6), and redesignating paragraphs (3) through (17) as paragraphs (2) through (14), respectively;

(C) by redesignating paragraphs (18) and (19) as paragraphs (20) and (21), respectively;

(D) in paragraph (2), as so redesignated, by striking "To integrate" and inserting "To participate in the integration of";

(E) in paragraph (14), as so redesignated, by inserting "the Assistant Secretary for Infrastructure Protection and" after "coordinate with"; and

(F) by inserting after paragraph (14), as redesignated by subparagraph (B), the following new paragraphs:

"(15) To coordinate and enhance integration among intelligence components of the Department.

"(16) To establish intelligence priorities, policies, processes, standards, guidelines, and procedures for the Department.

"(17) To establish a structure and process to support the missions and goals of the intelligence components of the Department.

"(18) To ensure that, whenever possible—

"(A) the Under Secretary for Intelligence and Analysis produces and disseminates reports and analytic products based on open-source information that do not require a national security classification under applicable law; and

"(B) such unclassified open source reports are produced and disseminated contemporaneously with reports or analytic products concerning the same or similar information that the Under Secretary for Intelligence and Analysis produces and disseminates in a classified format.

"(19) To establish within the Office of Intelligence Analysis an Internal Continuity of Operations (COOP) Plan that—

"(A) assures that the capability exists to continue uninterrupted operations during a wide range of potential emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies, that is maintained at a high level of readiness and is capable of implementation with and without warning; and

"(B) includes plans and procedures governing succession to office within the Office of Intelligence and Analysis, including—

"(i) emergency delegations of authority (where permissible, and in accordance with applicable law);

"(ii) the safekeeping of vital resources, facilities, and records;

"(iii) the improvisation or emergency acquisition of vital resources necessary for the performance of operations of the Office; and

"(iv) the capability to relocate essential personnel and functions to and to sustain the performance of the operations of the Office at an alternate work site until normal operations can be resumed.";

(5) in subsections (d) and (e), as redesignated by subsection (a)(2), by striking "Directorate" each place it appears and inserting "Office"; and

(6) in subsection (f), as redesignated by subsection (a)(2)—

(A) by striking "the Under Secretary for Information Analysis and Infrastructure Protection" and inserting "the Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection"; and

(B) by inserting "and section 203" after "under this section".

(b) Technical and Conforming Amendments.—

(1) Homeland security act of 2002.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 103(a), by adding at the end the following new paragraph:

"(10) An Under Secretary for Intelligence and Analysis.";

(B) in section 223, by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Under Secretary for Intelligence and Analysis, in cooperation with the Assistant Secretary for Infrastructure Protection";

(C) in section 224, by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Assistant Secretary for Infrastructure Protection"; and

(D) in section 302(3), by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection".

(2) Headings.—

(A) Section 201.—The heading for section 201 of such Act is amended to read as follows:

"SEC. 201. OFFICE OF INTELLIGENCE AND ANALYSIS.".

(B) Section 201(a).—The heading for subsection (a) of section 201 of such Act is amended to read as follows:

"(a) Under Secretary of Homeland Security for Intelligence and Analysis.—".

(C) Section 201(b).—The heading for subsection (b) of section 201 of such Act, as redesignated by subsection (a)(2), is amended to read as follows:

"(b) Discharge of Intelligence and Analysis.—".

(3) National security act of 1947.—Section 106(b)(2)(I) of the National Security Act of 1947 (50 U.S.C. 403-6) is amended to read as follows:

"(I) The Under Secretary for Intelligence and Analysis of the Department of Homeland Security.".

(4) Intelligence reform and terrorism prevention act of 2004.—Section 7306(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3848) is amended by striking "Under Secretary for Information Analysis and Infrastructure Protection" and inserting "Under Secretary for Intelligence and Analysis".

SEC. 742. INTELLIGENCE COMPONENTS OF DEPARTMENT OF HOMELAND SECURITY.

(a) Responsibilities.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is further amended by adding at the end the following new section:

"SEC. 210. INTELLIGENCE COMPONENTS.

"(a) Responsibilities.—Subject to the direction and control of the Secretary, the responsibilities of the head of each intelligence component of the Department are as follows:

"(1) To ensure that duties related to the acquisition, analysis, and dissemination of homeland security information are carried out effectively and efficiently in support of the Under Secretary for Intelligence and Analysis.

"(2) To support and implement the goals established in cooperation with the Under Secretary for Intelligence and Analysis.

"(3) To incorporate the input of the Under Secretary for Intelligence and Analysis with respect to performance appraisals, bonus or award recommendations, pay adjustments, and other forms of commendation.

"(4) To coordinate with the Under Secretary for Intelligence and Analysis in the recruitment and selection of intelligence officials of the intelligence component.

"(5) To advise and coordinate with the Under Secretary for Intelligence and Analysis on any plan to reorganize or restructure the intelligence component that would, if implemented, result in realignments of intelligence functions.

"(6) To ensure that employees of the intelligence component have knowledge of and comply with the programs and policies established by the Under Secretary for Intelligence and Analysis and other appropriate officials of the Department and that such employees comply with all applicable laws and regulations.

"(7) To perform such other duties relating to such responsibilities as the Secretary may provide.

"(b) Training of Employees.—The Secretary shall provide training and guidance for employees, officials, and senior executives of the intelligence components of the Department to develop knowledge of laws, regulations, operations, policies, procedures, and programs that are related to the functions of the Department relating to the handling, analysis, dissemination, and acquisition of homeland security information.".

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

"Sec. 210. Intelligence components.".

SEC. 743. OFFICE OF INFRASTRUCTURE PROTECTION.

(a) Establishment.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is further amended by adding at the end the following new section:

"SEC. 210A. OFFICE OF INFRASTRUCTURE PROTECTION.

"(a) Assistant Secretary for Infrastructure Protection.—

"(1) In general.—There shall be in the Department an Office of Infrastructure Protection headed by an Assistant Secretary for Infrastructure Protection.

"(2) Responsibilities.—The Assistant Secretary shall assist the Secretary in discharging the responsibilities assigned by the Secretary.

"(b) Discharge of Infrastructure Protection.—The Secretary shall ensure that the responsibilities of the Department regarding infrastructure protection are carried out through the Assistant Secretary for Infrastructure Protection.

"(c) Responsibilities of Assistant Secretary.—Subject to the direction and control of the Secretary, the responsibilities of the Assistant Secretary for Infrastructure Protection shall be as follows:

"(1) To carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States (including an assessment of the probability of success of such attacks and the feasibility and potential efficacy of various countermeasures to such attacks).

"(2) To participate in the integration of relevant information, analyses, and vulnerability assessments (whether such information, analyses, or assessments are provided or produced by the Department or others) in order to identify priorities for protective and support measures by the Department, other agencies of the Federal Government, State and local government agencies and authorities, the private sector, and other entities.

"(3) To develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency preparedness communications systems, and the physical and technological assets that support such systems.

"(4) To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other agencies of the Federal Government and in cooperation with State and local government agencies and authorities, the private sector, and other entities.

"(5) To coordinate with the Under Secretary for Intelligence and Analysis and elements of the intelligence community and with Federal, State, and local law enforcement agencies, and the private sector, as appropriate.

"(6) To perform such other duties as assigned by the Secretary under this Act.

"(d) Staff.—

"(1) In general.—The Secretary shall provide the Office with a staff having appropriate expertise and experience to assist the Assistant Secretary in discharging responsibilities under this section.

"(2) Private sector staff.—Staff under this subsection may include staff from the private sector.

"(3) Security clearances.—Staff under this subsection shall possess security clearances appropriate for their work under this section.

"(e) Detail of Personnel.—

"(1) In general.—In order to assist the Office in discharging responsibilities under this section, personnel of other Federal agencies may be detailed to the Department for the performance of analytic functions and related duties.

"(2) Cooperative agreements.—The Secretary and the head of the agency concerned may enter into cooperative agreements for the purpose of detailing personnel under this subsection.

"(3) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

"Sec. 210A. Office of Infrastructure Protection.".

TITLE VIII—PROTECTING PRIVACY AND CIVIL LIBERTIES WHILE EFFECTIVELY FIGHTING TERRORISM

Subtitle A—Privacy and Civil Liberties Oversight Boards

SEC. 801. SHORT TITLE.

This subtitle may be cited as the "Protection of Civil Liberties Act".

SEC. 802. FINDINGS.

Congress finds the following:

(1) On July 22, 2004 the National Commission on Terrorist Attacks Upon the United States issued a report that included 41 specific recommendations to help prevent future terrorist attacks, including details of a global strategy and government reorganization necessary to implement that strategy.

(2) One of the recommendations focused on the protections of civil liberties. Specifically the following recommendation was made: "At this time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.".

(3) The report also states that "the choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our History has shown that the insecurity threatens liberty at home. Yet if our liberties are curtailed, we lose the values that we are struggling to defend.".

(4) On December 17, 2004, Public Law 108–458, the National Intelligence Reform Act, was signed into law. This law created a civil liberties board that does not have the authority necessary to protect civil liberties.

SEC. 803. MAKING THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD INDEPENDENT.

Section 1061(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended by striking "within the Executive Office of the President" and inserting "as an independent agency within the Executive branch".

SEC. 804. REQUIRING ALL MEMBERS OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD BE CONFIRMED BY THE SENATE.

Subsection (e) of section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended to read as follows:

"(e) MEMBERSHIP.—

"(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President by no later than 6 months after the date of the enactment of the Protection of Civil Liberties Act, by and with the advice and consent of the Senate, which shall move expeditiously following each nomination.

"(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President consult with the leadership of that party, if any, in the Senate and House of Representatives.

"(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

"(4) TERM.—Each member of the Board shall serve a term of six years, except that—

"(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

"(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

"(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

"(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

"(C) the members initially appointed under this subsection shall serve terms of two, three, four, five, and six years, respectively, from the effective date of this Act, with the term of each such member to be designated by the President.

"(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.".

SEC. 805. SUBPOENA POWER FOR THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

Section 1061(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended—

(1) so that subparagraph (D) of paragraph (1) reads as follows:

"(D) require, by subpoena issued at the direction of a majority of the members of the Board, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence."; and

(2) so that paragraph (2) reads as follows:

"(2) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.".

SEC. 806. REPORTING REQUIREMENTS.

(a) DUTIES OF BOARD.—Paragraph (4) of section 1061(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended to read as follows:

"(4) REPORTS.—

"(A) RECEIPT, REVIEW, AND SUBMISSION.—

"(i) IN GENERAL.—The Board shall—

"(I) receive and review reports from privacy officers and civil liberties officers described in section 212; and

"(II) periodically submit, not less than semiannually, reports to the appropriate congressional committees, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the, Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and to the President.

Such reports shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

"(ii) CONTENTS.—Not less than 2 reports the Board submits each year under clause (i)(II) shall include—

"(I) a description of the major activities of the Board during the preceding period;

"(II) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c);

"(III) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c); and

"(IV) each proposal reviewed by the Board under subsection (c)(1) that the Board advised against implementing, but that notwithstanding such advice, was implemented.

"(B) INFORMING THE PUBLIC.—The Board shall—

"(i) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

"(ii) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.".

(b) PRIVACY AND CIVIL LIBERTIES OFFICERS.—

(1) DESIGNATION OF OFFICERS.—Section 1062 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3688) is amended to read as follows:

"SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

"(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the National Intelligence Director, the Director of the Central Intelligence Agency, any other entity within the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

"(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

"(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

"(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

"(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

"(A) that the power actually enhances security and the need for the power is balanced with the need to protect privacy and civil liberties;

"(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

"(C) that there are adequate guidelines and oversight to properly confine its use.

"(b) Exception to Designation Authority.—

"(1) Privacy officers.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

"(2) Civil liberties officers.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

"(c) Supervision and Coordination.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

"(1) report directly to the head of the department, agency, or element concerned; and

"(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

"(d) Agency Cooperation.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

"(1) has the information, material, and resources necessary to fulfill the functions of such officer;

"(2) is advised of proposed policy changes;

"(3) is consulted by decisionmakers; and

"(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

"(e) Reprisal for Making Complaint.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(f) Periodic Reports.—

"(1) In general.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

"(A)(i) to the appropriate congressional committees, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

"(ii) to the head of such department, agency, or element; and

"(iii) to the Privacy and Civil Liberties Oversight Board; and

"(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

"(2) Contents.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

"(A) information on the number and types of reviews undertaken;

"(B) the type of advice provided and the response given to such advice;

"(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

"(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

"(g) Informing the Public.—Each privacy officer and civil liberties officer shall—

"(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

"(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

"(h) Savings Clause.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.

"(i) Protections for Human Research Subjects.—The Secretary of Homeland Security shall ensure that the Department of Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by such Department.".

(2) Clerical amendment.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 1062 and inserting the following:

"Sec. 1062. Privacy and civil liberties officers.".

Subtitle B—Enhancement of Privacy Officer Authorities

SEC. 811. SHORT TITLE.

This subtitle may be cited as the "Privacy Officer With Enhanced Rights Act of 2007" or the "POWER Act".

SEC. 812. AUTHORITIES OF THE PRIVACY OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) by inserting before the first sentence the following: "(a) Appointment and Responsibilities.—"; and

(2) by adding at the end the following:

"(b) Authority to Investigate.—

"(1) In general.—The senior official appointed under this section is specifically authorized—

"(A) to have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to which the senior official has responsibilities under this section;

"(B) to make such investigations and reports relating to the administration of the programs and operations of the Department as are, in the senior official's judgment, necessary or desirable;

"(C) to require by subpoena the production, by persons other than Federal agencies, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the functions of the senior official under this section;

"(D) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the functions of the senior official under this section; and

"(E) to take any other action that may be taken by the Inspector General of the Department, as necessary to require employees of the Department to produce documents and answer questions relevant to performance of the functions of the senior official under this section.

"(2) Enforcement of subpoenas.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

"(3) Effect of oaths, etc.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

"(c) Term of Office.—The term of appointment of a senior official under subsection (a) shall be 5 years.

"(d) Reports to Congress.—The senior official appointed under subsection (a) shall submit reports directly to Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget.".

TITLE IX—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

SEC. 901. VULNERABILITY ASSESSMENT AND REPORT ON CRITICAL INFRASTRUCTURE INFORMATION.

(a) In General.—Subtitle B of title II of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

"SEC. 216. ANNUAL CRITICAL INFRASTRUCTURE VULNERABILITY ASSESSMENT AND REPORT.

"(a) Vulnerability Assessment Required.—Except where a vulnerability assessment is required under another provision of law, for each fiscal year, the Secretary, acting through the Assistant Secretary for Infrastructure Protection pursuant to the responsibilities under section 210A, shall prepare a vulnerability assessment of the critical infrastructure information available to the Secretary with respect to that fiscal year. Each vulnerability assessment shall contain any actions or countermeasures proposed or recommended by the Secretary to address security concerns covered in the assessment. The information in each such assessment shall be set forth separately for each critical infrastructure sector, including the critical infrastructure sectors named in Homeland Security Presidential Directive-7, as in effect on January 1, 2006.

"(b) Annual Report to Congress.—

"(1) Report required.—Not later than six months after the last day of a fiscal year, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing a summary and review of the vulnerability assessments prepared by the Secretary under subsection (a) for that fiscal year and the two preceding fiscal years. The information in the report shall be set forth separately for each of the critical infrastructure sectors described in subsection (a).

"(2) CONTENTS OF REPORT.—The Secretary shall include in the report required under paragraph (1)—

"(A) for each critical infrastructure sector covered by the report, a summary comparison describing any changes between the vulnerability assessment for the fiscal year covered by the report and the vulnerability assessment for the preceding fiscal year;

"(B) the explanation and comments of the Secretary with respect to the greatest risks to critical infrastructure for each such sector; and

"(C) the recommendations of the Secretary for mitigating such risks.

"(3) CLASSIFIED ANNEX.—The report required under paragraph (1) may contain a classified annex.".

(b) TECHNICAL AMENDMENT.—Section 212(3) of such Act (6 U.S.C. 131(3)) is amended—

(1) by inserting "relating to" after "the security of critical infrastructure or protected systems"; and

(2) in subparagraph (A), by inserting "the" after "(A)".

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 215 the following new item:

"Sec. 216. Annual critical infrastructure vulnerability assessment and report.".

SEC. 902. NATIONAL ASSET DATABASE AND THE NATIONAL AT-RISK DATABASE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 is amended by adding at the end the following new sections:

"SEC. 210C. NATIONAL ASSET DATABASE AND NATIONAL AT-RISK DATABASE.

"(a) ESTABLISHMENT.—

"(1) NATIONAL ASSET DATABASE.—The Secretary shall establish and maintain a national database of nationwide critical infrastructure assets to identify and prioritize critical infrastructure and key resources and to protect them from terrorist attack. The database shall be known as the 'National Asset Database'.

"(2) NATIONAL AT-RISK DATABASE.—The Secretary shall establish within the National Asset Database, a database containing a list of the infrastructure the Secretary determines is most at risk, to be known as the 'National At-Risk Database'.

"(3) NATIONAL ASSET DATABASE CONSORTIUM.—

"(A) ESTABLISHMENT.—The Secretary shall establish a consortium to be known as the 'National Asset Database Consortium'. The Consortium shall advise the Secretary on the best way to identify, generate, organize, and maintain the databases described in paragraphs (1) and (2) and shall be made up of at least two but not more than four national laboratories and the heads of such other Federal agencies as the Secretary deems appropriate.

"(B) ADMINISTRATION AND CONSULTATION.—The Secretary shall—

"(i) select as members of the National Asset Database Consortium national laboratories or Federal agencies that have demonstrated experience working with and identifying critical infrastructure;

"(ii) enter into contracts, as necessary, with the members of the National Asset Database Consortium to perform the tasks required under this section; and

"(iii) solicit and receive comments from the National Asset Database Consortium on—

"(I) the appropriateness of the protection and risk methodologies in the National Infrastructure Protection Plan or other nationwide infrastructure protection plan issued by the Department; and

"(II) alternative means to define risk and identify specific criteria to prioritize the most at-risk infrastructure or key resources.

"(b) USE OF DATABASE.—The Secretary shall use the database established under subsection (a)—

"(1) in the development, coordination, integration, and implementation of plans and programs, including to identify, catalog, prioritize, and protect critical infrastructure and key resources in accordance with Homeland Security Presidential Directive number 7, and in cooperation with all levels of government and private sector entities that the Secretary considers appropriate; and

"(2) in providing any covered grant to assist in preventing, reducing, mitigating, or responding to terrorist attack.

"(c) MAINTENANCE OF DATABASE.—

"(1) IN GENERAL.—The Secretary shall maintain and annually update the database, including by—

"(A) annually defining and systematically examining assets in the database that are described incorrectly or that do not meet national assets guidelines used by the Secretary to determine which assets should remain in the National Asset Database and the National At-Risk Database;

"(B) annually providing a list to the States of assets referred to in subparagraph (A) for review before finalizing the decision of which assets to include in the National Asset Database and the National At-Risk Database;

"(C) reviewing the guidelines to the States to ensure consistency and uniformity for inclusion and how the Department intends to use that data;

"(D) meeting annually with the States to provide guidance and clarification of the guidelines to promote consistency and uniformity in submissions;

"(E) utilizing on an ongoing basis the National Asset Database and other expert panels established by the Department to review and refine the National Asset Database and the National At-Risk Database; and

"(F) utilizing the Department's National Infrastructure Simulation and Analysis Center for the National Asset Database taxonomy and asset information in the National Asset Database and facilitating the future exchange of information between the National Asset Database and such center.

"(2) ORGANIZATION OF INFORMATION IN DATABASE.—The Secretary shall—

"(A) remove from the National Asset Database or the National At-Risk Database any asset that the Secretary determines to be unverifiable and as not meeting national asset guidelines set forth by the Secretary in requests for information from States; and

"(B) classify assets in the database according to the 17 sectors listed in National Infrastructure Protection Plan developed pursuant to Homeland Security Presidential Directive 7, to ensure that the assets in the National Asset Database and the National At-Risk Database can be categorized by State and locality, regionally, and in such a manner as is effective for grants and other purposes.

"(3) MILESTONES AND GUIDELINES.—The Secretary shall—

"(A) identify and evaluate key milestones for the National Asset Database and the National At-Risk Database, including methods to integrate private sector assets and tasks that must be completed to eventually allocate homeland security grant programs based on the information contained in the database; and

"(B) issue guidelines for—

"(i) States to submit uniform information for possible inclusion in the National Asset Database or the National At-Risk Database; and

"(ii) review of such submissions by the Department.

"(d) REPORTS.—

"(1) IN GENERAL.—Not later than March 1 of each year, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the critical infrastructure included in the National Asset Database that is most at risk to terrorism.

"(2) CONTENTS.—Each report shall include the following:

"(A) The name, location, and sector classification of assets in the National Asset Database that have been identified or deemed critical infrastructure that is most at risk to terrorism.

"(B) Changes made in such database regarding such critical infrastructure made during the period covered by the report regarding—

"(i) defining and identifying critical infrastructure; and

"(ii) compiling a usable database.

"(C) The extent to which the database has been used as a tool for allocating funds to prevent, reduce, mitigate, and respond to terrorist attacks.

"(3) CLASSIFIED INFORMATION.—The Secretary shall provide to the members of the committees to which the report required under this subsection is required to be submitted under paragraph (1) a classified briefing on the contents of such report. The Secretary shall also submit with each report a classified annex containing information required to be submitted under this section that cannot be made public.

"(e) COVERED GRANT DEFINED.—In this section, the term 'covered grant' means any grant provided by the Department under any of the following:

"(1) The Urban Area Security Initiative.

"(2) The Buffer Zone Protection Program.

"(3) Any other grant program administered by the Department, as determined appropriate by the Secretary.

"(4) Any successor to a program referred to in this paragraph.".

(b) DEADLINES FOR IMPLEMENTATION AND NOTIFICATION OF CONGRESS.—

(1) DEADLINE FOR RECOMMENDATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall secure recommendations on how to identify, generate, organize, and maintain the list of assets in the databases from the consortium of national laboratories, as required under section 210C(a)(2) of the Homeland Security Act of 2002, as added by subsection (a).

(2) DEADLINE FOR FIRST REPORT REGARDING USE OF THE NATIONAL ASSET DATABASE.—Notwithstanding the date specified under section 210C(d) of the Homeland Security Act of 2002, as added by subsection (a), the Secretary of Homeland Security shall submit

the first report required under that section not later than 180 days after the date of the enactment of this Act.

(c) Clerical Amendment.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 210 the following:

"Sec. 210C. National Asset Database and National At-Risk Database.".

(d) Submittal of Certain Reports.—Each report that is authorized or required by this Act (or the amendments made by this Act) to be prepared by the Secretary of Homeland Security and that concerns a matter of the type carried out under an program under the jurisdiction of the Committee on Energy and Commerce of the House of Representatives shall be submitted to the Committee on Energy and Commerce of the House of Representatives, in addition to the other congressional committees involved.

TITLE X—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

SEC. 1001. STRATEGIC TRANSPORTATION SECURITY INFORMATION SHARING.

Section 114 of title 49, United States Code, is amended by adding at the end the following:

"(u) Strategic Information Sharing.—

"(1) Establishment of plan.—The Secretary of Homeland Security shall establish a Strategic Transportation Security Information Sharing Plan.

"(2) Purpose of plan.—The plan shall ensure the robust development of tactical and strategic intelligence products for disseminating to public and private stakeholders security information relating to threats to and vulnerabilities of transportation modes, including aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, and over-the-road bus transportation.

"(3) Content of plan.—The plan shall include—

"(A) a description of how intelligence analysts in the Transportation Security Administration are coördinating their activities with other intelligence analysts in the Department of Homeland Security and other Federal, State, and local agencies;

"(B) reasonable deadlines for completing any organizational changes within the Department of Homeland Security required to accommodate implementation of the plan; and

"(C) a description of resource needs for fulfilling the plan.

"(4) Reports to congress.—

"(A) In general.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the plan.

"(B) Updates.—

"(i) Certification of full implementation.—After achieving full implementation of the plan, the Secretary shall submit to the appropriate congressional committees a written certification of such implementation.

"(ii) Updates on implementation.—Not later than 90 days after the date of submission of a report under subparagraph (A), and every 90 days thereafter until the date of submission of a written certification under clause (i), the Secretary shall submit to the appropriate congressional committees a report containing an update on implementation of the plan.

"(C) Annual report.—Following the date of submission of a written certification under subparagraph (B)(i), the Secretary shall submit to the appropriate congressional committees an annual report on the following:

"(i) The number of transportation intelligence reports disseminated under the plan and a brief description of each report.

"(ii) The security classification of each report.

"(iii) The number of public and private stakeholders who were provided with each report.

"(5) Survey.—The Secretary shall conduct an annual survey of the satisfaction of each of the recipients of transportation intelligence reports disseminated under the plan, and include the results of the survey as part of the annual report to be submitted under paragraph (4)(C).

"(6) Security clearances.—The Secretary shall ensure that public and private stakeholders have the security clearances needed to receive classified information if information contained in transportation intelligence reports cannot be disseminated in an unclassified format.

"(7) Classification of material.—To the greatest extent possible, the Secretary shall provide public and private stakeholders with specific and actionable information in an unclassified format.

"(8) Definitions.—In this subsection, the following definitions apply:

"(A) Appropriate congressional committees.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t).

"(B) Plan.—The term 'plan' means the Strategic Transportation Security Information Sharing Plan established under paragraph (1).

"(C) Public and private stakeholders.—The term 'public and private stakeholders' means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations.".

SEC. 1002. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) In General.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

"(B) transportation modal security plans addressing risks, threats, and vulnerabilities for aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.".

(b) Role of Secretary of Transportation.—Section 114(t)(2) of such title is amended by inserting before the period at the end the following: "and in carrying out all other responsibilities set forth in this subsection".

(c) Contents of National Strategy for Transportation Security.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B) by inserting ", based on vulnerability assessments conducted by the Department of Homeland Security," after "risk-based priorities";

(2) in subparagraph (D)—

(A) by striking "and local" and inserting ", local, and tribal"; and

(B) by striking "private sector cooperation and participation" and inserting "cooperation and participation by private sector entities, including nonprofit employee labor organizations,";

(3) in subparagraph (E)—

(A) by striking "response" and inserting "prevention, response,"; and

(B) by inserting "and outside of" before "the United States"; and

(4) in subparagraph (F) by adding at the end the following: "Research and development projects initiated by the Department of Homeland Security shall be based on such prioritization.".

(d) Periodic Progress Report.—Section 114(t)(4)(C) is amended—

(1) in clause (i) by inserting before the period at the end the following: ", including the transportation modal security plans";

(2) by striking clause (ii) and inserting the following:

"(ii) Content.—Each progress report submitted under this subparagraph shall include, at a minimum, the following:

"(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal security plans that the Secretary, in consultation with the Secretary of Transportation, considers appropriate.

"(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Department of Homeland Security in the previous year and a description of how the grants accomplished the goals of the National Strategy for Transportation Security.

"(III) An accounting of all funds (other than grants referred in subclause (II)) expended by the Department of Homeland Security on transportation security.

"(IV) Information on the number of employees of the Department of Homeland Security, by agency, working on transportation security issues. The listing shall be divided by transportation mode, including aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation modes. The listing shall include information, by transportation mode, on the number of contractors hired by the Department of Homeland Security to work on transportation-related security.

"(V) Information on the turnover in the previous year among employees of the Department of Homeland Security working on transportation security issues. Specifically, the report shall provide information on the number of employees who have left the Department, their agency, the area in which they worked, and the amount of time that they worked for the Department.

"(iii) Written explanation of transportation security activities not delineated in the national strategy for transportation security.—Before carrying out a transportation security activity that is not clearly delineated in the National Strategy for Transportation Security, the Secretary shall submit to appropriate congressional committees a written explanation of the activity, including the amount of funds to be expended for the activity.".

(e) Appropriate Congressional Committees Defined.—Section 114(t)(4)(E) of such title is amended by striking "Select".

(f) Priority Status.—Section 114(t)(5)(B) of such title is amended—

(1) by striking "and" at the end of clause (iii);

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

"(iv) the transportation sector specific plan required under Homeland Security Presidential Directive 7; and".

(g) Coordination; Plan Distribution.—Section 114(t) of such title is amended by adding at the end the following:

"(6) Coordination.—In carrying out the responsibilities set forth in this section, the

Secretary of Homeland Security, working with the Secretary of Transportation, shall consult with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other appropriate entities.

"(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall provide an unclassified version of the National Strategy for Transportation Security to Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other appropriate entities.".

TITLE XI—PRIVATE SECTOR PREPAREDNESS

SEC. 1101. PARTICIPATION OF PRIVATE SECTOR ORGANIZATIONS IN EMERGENCY PREPAREDNESS AND RESPONSE ACTIVITIES.

(a) ESTABLISHMENT OF PREPAREDNESS PROGRAM.—Section 519 of the Homeland Security Act of 2002 (6 U.S.C. 318) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 519. PARTICIPATION OF PRIVATE SECTOR ORGANIZATIONS IN EMERGENCY PREPAREDNESS AND RESPONSE ACTIVITIES.";

(2) by inserting "(a) USE OF PRIVATE SECTOR NETWORKS IN EMERGENCY RESPONSE.—" before "To the maximum"; and

(3) by adding at the end the following:

"(b) PRIVATE SECTOR EMERGENCY PREPAREDNESS PROGRAM.—

"(1) PREPAREDNESS PROGRAM.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall develop and implement a program to enhance private sector preparedness for acts of terrorism and other emergencies and disasters through the promotion of the use of voluntary consensus standards.

"(2) PROGRAM ELEMENTS.—In carrying out the program, the Secretary shall develop guidance and identify best practices to assist or foster action by the private sector in—

"(A) identifying hazards and assessing risks and impacts;

"(B) mitigating the impacts of a wide variety of hazards, including weapons of mass destruction;

"(C) managing necessary emergency preparedness and response resources;

"(D) developing mutual aid agreements;

"(E) developing and maintaining emergency preparedness and response plans, as well as associated operational procedures;

"(F) developing and conducting training and exercises to support and evaluate emergency preparedness and response plans and operational procedures;

"(G) developing and conducting training programs for security guards to implement emergency preparedness and response plans and operations procedures; and

"(H) developing procedures to respond to external requests for information from the media and the public.

"(3) STANDARDS.—

"(A) IN GENERAL.—The Secretary shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for private sector emergency preparedness that will enable private sector organizations to achieve optimal levels of emergency preparedness as soon as practicable. Such standards shall include the National Fire Protection Association 1600 Standard on Disaster/Emergency Management and Business Continuity Programs.

"(B) CONSULTATION.—The Secretary shall carry out paragraph (1) in consultation with the Assistant Secretary for Infrastructure Protection, the Assistant Secretary for Cyber Security and Communications, the Under Secretary for Science and Technology, the Director of the Federal Emergency Management Agency, and the Special Assistant to the Secretary for the Private Sector.

"(4) COORDINATION.—The Secretary shall coordinate the program with, and utilize to the maximum extent practicable—

"(A) the voluntary standards for disaster and emergency management and business continuity programs accredited by the American National Standards Institute and developed by the National Fire Protection Association; and

"(B) any existing private sector emergency preparedness guidance or best practices developed by private sector industry associations or other organizations.".

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by striking the item relating to section 519 and inserting the following:

"Sec. 519. Participation of private sector organizations in emergency preparedness and response activities.".

TITLE XII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

SEC. 1201. FINDINGS.

(a) FINDINGS OF THE 9/11 COMMISSION.—Congress finds that the 9/11 Commission made the following determinations:

(1) The United States Government has made insufficient progress, and receives a grade "D", on efforts to prevent weapons of mass destruction (WMD) proliferation and terrorism.

(2) The Cooperative Threat Reduction (CTR) program has made significant accomplishments, but much remains to be done to secure weapons-grade nuclear materials. The size of the problem still dwarfs the policy response. Nuclear materials in the former Soviet Union still lack effective security protection, and sites throughout the world contain enough highly-enriched uranium to fashion a nuclear device but lack even basic security features.

(3) Preventing the proliferation of WMD and acquisition of such weapons by terrorists warrants a maximum effort, by strengthening counter-proliferation efforts, expanding the Proliferation Security Initiative (PSI), and supporting the Cooperative Threat Reduction (CTR) Program.

(4) Preventing terrorists from gaining access to WMD must be an urgent national security priority because of the threat such access poses to the American people. The President should develop a comprehensive plan to dramatically accelerate the timetable for securing all nuclear weapons-usable material around the world and request the necessary resources to complete this task. The President should publicly state this goal and ensure its fulfillment.

(5) Congress should provide the resources needed to secure vulnerable materials as quickly as possible.

(b) RECOMMENDATIONS OF 9/11 COMMISSION.—Congress further finds that the 9/11 Commission has made the following recommendations:

(1) STRENGTHEN "COUNTER-PROLIFERATION" EFFORTS.—The United States should work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to capture, interdict, and prosecute smugglers of nuclear material.

(2) EXPAND THE PROLIFERATION SECURITY INITIATIVE.—In carrying out the Proliferation Security Initiative (PSI), the United States should—

(A) use intelligence and planning resources of the North Atlantic Treaty Organization (NATO) alliance;

(B) make participation open to non-NATO countries; and

(C) encourage Russia and the People's Republic of China to participate.

(3) SUPPORT THE COOPERATIVE THREAT REDUCTION PROGRAM.—The United States should expand, improve, increase resources for, and otherwise fully support the Cooperative Threat Reduction (CTR) program.

SEC. 1202. DEFINITIONS.

In this title:

(1) The terms "prevention of weapons of mass destruction proliferation and terrorism" and "prevention of WMD proliferation and terrorism" include activities under—

(A) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note);

(B) the programs for which appropriations are authorized by section 3101(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2458);

(C) programs authorized by section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (the FREEDOM Support Act) (22 U.S.C. 5854) and programs authorized by section 1412 of the Former Soviet Union Demilitarization Act of 1992 (22 U.S.C. 5902); and

(D) a program of any agency of the Federal Government having a purpose similar to that of any of the programs identified in subparagraphs (A) through (C), as designated by the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism and the head of the agency.

(2) The terms "weapons of mass destruction" and "WMD" mean chemical, biological, and nuclear weapons, and chemical, biological, and nuclear materials that can be used in the manufacture of such weapons.

(3) The term "items of proliferation concern" means equipment or other materials that could be used to develop WMD or for activities involving WMD.

Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism

SEC. 1211. REPEAL AND MODIFICATION OF LIMITATIONS ON ASSISTANCE FOR PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

Consistent with the recommendations of the 9/11 Commission, Congress repeals or modifies the limitations on assistance for prevention of weapons of mass destruction (WMD) proliferation and terrorism as follows:

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 22 U.S.C. 5952 note) is repealed.

(4) AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION—MODIFICATION OF CERTIFICATION REQUIREMENT; REPEAL OF FUNDING LIMITATION; CONGRESSIONAL NOTICE REQUIREMENT.—Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 22 U.S.C. 5963) is amended—

(A) in subsection (a)—

(i) by striking "the President may" and inserting "the Secretary of Defense may"; and

(ii) by striking "if the President" and inserting "if the Secretary of Defense, with the concurrence of the Secretary of State,";

(B) by striking subsection (c);

(C) in subsection (d)(1)—

(i) by striking "The President may not" and inserting "The Secretary of Defense may not"; and

(ii) by striking "until the President" and inserting "until the Secretary of Defense";

(D) in subsection (d)(2)—

(i) by striking "Not later than 10 days after" and inserting "Not later than 15 days prior to";

(ii) by striking "the President shall" and inserting "the Secretary of Defense shall"; and

(iii) by striking "Congress" and inserting "the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and Committee on Foreign Relations of the Senate"; and

(E) in subsection (d) by adding at the end the following:

"(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.".

(5) AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION—MODIFICATION OF CERTIFICATION REQUIREMENT; REPEAL OF FUNDING LIMITATION; CONGRESSIONAL NOTICE REQUIREMENT.—Section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1747) is amended—

(A) in subsection (a)—

(i) by striking "the President may" and inserting "the Secretary of Energy may"; and

(ii) by striking "if the President" and inserting "if the Secretary of Energy, with the concurrence of the Secretary of State,";

(B) by striking subsection (c);

(C) in subsection (d)(1)—

(i) by striking "The President may not" and inserting "The Secretary of Energy may not"; and

(ii) by striking "until the President" and inserting "until the Secretary of Energy";

(D) in subsection (d)(2)—

(i) by striking "Not later than 10 days after" and inserting "Not later than 15 days prior to";

(ii) by striking "the President shall" and inserting "the Secretary of Energy shall"; and

(iii) by striking "Congress" and inserting "the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and Committee on Foreign Relations of the Senate"; and

(E) in subsection (d) by adding at the end the following:

"(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.".

Subtitle B—Proliferation Security Initiative

SEC. 1221. PROLIFERATION SECURITY INITIATIVE IMPROVEMENTS AND AUTHORITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress, consistent with the 9/11 Commission's recommendations, that the President should strive to expand and strengthen the Proliferation Security Initiative (PSI) announced by the President on May 31, 2003, with a particular emphasis on the following:

(1) Issuing a presidential directive to the relevant government agencies and departments that establishes a defined annual budget and clear authorities, and provides other necessary resources and structures to achieve more efficient and effective performance of United States PSI-related activities.

(2) Working with the United Nations Security Council to develop a resolution to authorize the PSI under international law.

(3) Increasing PSI cooperation with non-NATO partners.

(4) Implementing the recommendations of the Government Accountability Office (GAO) in the September 2006 report titled "Better Controls Needed to Plan and Manage Proliferation Security Initiative Activities" (GAO–06–937C), including the following:

(A) The Department of Defense and the Department of State should establish clear PSI roles and responsibilities, policies and procedures, interagency communication mechanisms, documentation requirements, and indicators to measure program results.

(B) The Department of Defense and the Department of State should develop a strategy to work with PSI-participating countries to resolve issues that are impediments to conducting successful PSI interdictions.

(5) Expanding and formalizing the PSI into a multilateral regime to increase coordination, cooperation, and compliance among its participating states in interdiction activities.

(b) BUDGET SUBMISSION.—The Secretary of State and the Secretary of Defense shall submit a defined budget for the PSI, beginning with the budget submissions for their respective departments for fiscal year 2009.

(c) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the implementation of this section. The report shall include—

(1) the steps taken to implement the recommendations described in paragraph (4) of subsection (a); and

(2) the progress made toward implementing the matters described in paragraphs (1), (2), (3), and (5) of subsection (a).

(d) GAO ANNUAL REPORT.—The Government Accountability Office shall submit to Congress, beginning in fiscal year 2007, an annual report with its assessment of the progress and effectiveness of the PSI, which shall include an assessment of the measures referred to in subsection (a).

SEC. 1222. AUTHORITY TO PROVIDE ASSISTANCE TO COOPERATIVE COUNTRIES.

(a) IN GENERAL.—The President is authorized to provide, on such terms as the President considers appropriate, assistance under subsection (b) to any country that cooperates with the United States and with other countries allied with the United States to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace or in vessels under its control or registry.

(b) TYPES OF ASSISTANCE.—The assistance authorized under subsection (a) consists of the following:

(1) Assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) Assistance under chapters 4 (22 U.S.C. 2346 et seq.) and 5 (22 U.S.C. 2347 et seq.) of part II of the Foreign Assistance Act of 1961.

(3) Drawdown of defense excess defense articles and services under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(c) CONGRESSIONAL NOTIFICATION.—Assistance authorized under this section may not be provided until at least 30 days after the date on which the President has provided notice thereof to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate, in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(a)), and has certified to such committees that such assistance will be used in accordance with the requirement of subsection (e) of this section.

(d) LIMITATION.—Assistance may be provided to a country under section (a) in no more than three fiscal years.

(e) USE OF ASSISTANCE.—Assistance provided under this section shall be used to enhance the capability of the recipient country to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace, or in vessels under its control or registry, including through the development of a legal framework in that country, consistent with any international laws or legal authorities governing the PSI, to enhance such capability by criminalizing proliferation, enacting strict export controls, and securing sensitive materials within its borders, and to enhance the ability of the recipient country to cooperate in operations conducted with other participating countries.

(f) LIMITATION ON SHIP OR AIRCRAFT TRANSFERS TO UNCOOPERATIVE COUNTRIES.—Notwithstanding any other provision of law, the United States may not transfer any excess defense article that is a vessel or an aircraft to a country that has not agreed that it will support and assist efforts by the United States to interdict items of proliferation concern until thirty days after the date on which the President has provided notice of the proposed transfer to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), in addition to any other requirement of law.

Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1231. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress is aware that certain United States threat reduction and nonproliferation programs have in past years encountered obstacles to timely obligating and executing the full amount of appropriated funds, and that certain United States threat reduction and nonproliferation programs currently encounter such obstacles and therefore maintain unobligated and uncosted balances. Such obstacles include lack of effective policy guidance, limits on program scope, practical inefficiencies, lack of cooperation with other countries, and lack of effective leadership to overcome such obstacles.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States, consistent with the 9/11 Commission's recommendations, to eliminate the obstacles described in subsection (a) with concrete measures, such as those described in this title, to accelerate and strengthen progress on preventing weapons of mass destruction (WMD) proliferation and terrorism. Such measures described in this title include the removal and modification of statutory limits to executing funds, the expansion and strengthening of the PSI, the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle D, and the establishment of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle E. As a result, Congress intends that any funds authorized to be appropriated to programs for preventing WMD proliferation and terrorism under this section will be executed in a timely manner.

SEC. 1232. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) FISCAL YEAR 2007.—In addition to any other amounts authorized to be appropriated, there are authorized to be appropriated to the Department of Defense Cooperative Threat Reduction Program such sums as may be necessary for fiscal year 2007 for the following purposes:

(1) Biological weapons proliferation prevention.

(2) Chemical weapons destruction at Shchuch'ye, Russia.

(3) Acceleration, expansion, and strengthening of all CTR activities.

(b) FUTURE YEARS.—It is the sense of Congress that in fiscal year 2008 and future fiscal years, the President should accelerate and expand funding for Cooperative Threat Reduction programs administered by the Department of Defense and such efforts should include, beginning upon enactment of this Act, encouraging additional commitments by the Russian Federation and other partner nations, as recommended by the 9/11 Commission.

SEC. 1233. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY PROGRAMS TO PREVENT WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

In addition to any other amounts authorized to be appropriated, there are authorized to be appropriated to the Department of Energy National Nuclear Security Administration such sums as may be necessary for fiscal year 2007 for programs to prevent weapons of mass destruction (WMD) proliferation and terrorism, to be used as follows:

(1) To accelerate, expand, and strengthen the Global Threat Reduction Initiative (GTRI), with a particular emphasis on—

(A) the Russian research reactor fuel return program;

(B) international radiological threat reduction;

(C) emerging threats and gap material; and

(D) development of quick response and short-term capabilities to secure and remove WMD materials throughout the world.

(2) To accelerate, expand, and strengthen the Nonproliferation and International Security (NIS) program, with a particular emphasis on—

(A) global security and engagement, and cooperation with the People's Republic of China, India, and other states;

(B) activities to address emerging proliferation concerns in North Korea, Iran, and elsewhere;

(C) participation in negotiations regarding North Korea's nuclear programs;

(D) inter-agency participation in the Proliferation Security Initiative (PSI);

(E) technical and other assistance to the International Atomic Energy Agency (IAEA) to support efforts to increase the IAEA's capacity to secure vulnerable WMD materials worldwide and prevent WMD proliferation and terrorism;

(F) efforts to increase United States ability to help states around the world place the "effective controls" on WMD and related materials and technology mandated by United Nations Security Council Resolution 1540 (2004);

(G) cooperation on international safeguards and export controls in South Asia, the Middle East, and other regions;

(H) efforts to strengthen United States commitments to international regimes and agreements; and

(I) establishment of a contingency fund for opportunities to prevent WMD proliferation and terrorism that arise.

(3) To accelerate, expand, and strengthen the International Materials Protection, Control and Accounting (MPC&A) program, with a particular emphasis on—

(A) implementation of physical protection and material control and accounting upgrades at sites;

(B) national programs and sustainability activities in Russia;

(C) material consolidation and conversion (including significant acceleration of the down-blending of highly-enriched uranium to low-enriched uranium, the removal of highly-enriched uranium from facilities, and international participation in these efforts);

(D) efforts to strengthen cooperation with Russia;

(E) implementation of Second Line of Defense Megaports agreements;

(F) implementation of Department of Energy actions under the Security and Accountability for Every Port Act of 2006 (also known as the SAFE Port Act; Public Law 109-347); and

(G) promoting and facilitating worldwide the promulgation of best practices for security of weapons usable and other nuclear materials.

(4) To accelerate, expand, and strengthen the Research and Development program, with a particular emphasis on—

(A) improvement of United States government capability for both short and long-term, and innovative, research and development that addresses emerging WMD proliferation and terrorism concerns and will maintain United States technological advantage, including the capacity to detect nuclear material origin, uranium enrichment, and plutonium reprocessing; and

(B) efforts to significantly expand the scientific research and development skills and resources available to the Department of Energy's programs to prevent WMD proliferation and terrorism.

Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1241. OFFICE OF THE UNITED STATES COORDINATOR FOR THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President an office to be known as the "Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism" (in this subtitle referred to as the "Office").

(b) OFFICERS.—

(1) UNITED STATES COORDINATOR.—The head of the Office shall be the United States Coordinator of the Office (in this subtitle referred to as the "Coordinator").

(2) DEPUTY UNITED STATES COORDINATOR.—There shall be a Deputy United States Coordinator of the Office (in this subtitle referred to as the "Deputy Coordinator"), who shall—

(A) assist the Coordinator in carrying out the responsibilities of the Coordinator under this subtitle; and

(B) serve as Acting Coordinator in the absence of the Coordinator and during any vacancy in the office of Coordinator.

(3) APPOINTMENT.—The Coordinator and Deputy Coordinator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be responsible on a full-time basis for the duties and responsibilities described in this section.

(4) LIMITATION.—No person shall serve as Coordinator or Deputy Coordinator while serving in any other position in the Federal Government.

(c) DUTIES.—The responsibilities of the Coordinator shall include the following:

(1) Serving as the advisor to the President on all matters relating to the prevention of weapons of mass destruction (WMD) proliferation and terrorism.

(2) Formulating a comprehensive and well-coordinated United States strategy and policies for preventing WMD proliferation and terrorism, including—

(A) measurable milestones and targets to which departments and agencies can be held accountable;

(B) identification of gaps, duplication, and other inefficiencies in existing activities, initiatives, and programs and the steps necessary to overcome these obstacles;

(C) plans for preserving the nuclear security investment the United States has made in Russia, the former Soviet Union, and other countries;

(D) prioritized plans to accelerate, strengthen, and expand the scope of existing initiatives and programs, which include identification of vulnerable sites and material and the corresponding actions necessary to eliminate such vulnerabilities;

(E) new and innovative initiatives and programs to address emerging challenges and strengthen United States capabilities, including programs to attract and retain top scientists and engineers and strengthen the capabilities of United States national laboratories;

(F) plans to coordinate United States activities, initiatives, and programs relating to the prevention of WMD proliferation and terrorism, including those of the Department of

Energy, Department of Defense, Department of State, and Department of Homeland Security, and including the Proliferation Security Initiative, the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, United Nations Security Council Resolution 1540, and the Global Initiative to Combat Nuclear Terrorism;

(G) plans to strengthen United States commitments to international regimes and significantly improve cooperation with other countries relating to the prevention of WMD proliferation and terrorism, with particular emphasis on work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to interdict and prosecute smugglers of WMD material, as recommended by the 9/11 Commission; and

(H) identification of actions necessary to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under subtitle E of this title.

(3) Leading inter-agency coordination of United States efforts to implement the strategy and policies described in this section.

(4) Conducting oversight and evaluation of accelerated and strengthened implementation of initiatives and programs to prevent WMD proliferation and terrorism by relevant government departments and agencies.

(5) Overseeing the development of a comprehensive and coordinated budget for programs and initiatives to prevent WMD proliferation and terrorism, ensuring that such budget adequately reflects the priority of the challenges and is effectively executed, and carrying out other appropriate budgetary authorities.

(d) STAFF.—The Coordinator may appoint and terminate such personnel as may be necessary to enable the Coordinator to perform his or her duties.

(e) CONSULTATION WITH COMMISSION.—The Office and the Coordinator shall regularly consult with and strive to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, established under subtitle E of this title.

(f) ANNUAL REPORT ON STRATEGIC PLAN.—For fiscal year 2009 and each fiscal year thereafter, the Coordinator shall submit to Congress, at the same time as the submission of the budget for that fiscal year under title 31, United States Code, a report on the strategy and policies developed pursuant to subsection (c)(2), together with any recommendations of the Coordinator for legislative changes that the Coordinator considers appropriate with respect to such strategy and policies and their implementation or the Office of the Coordinator.

SEC. 1242. REQUEST FOR CORRESPONDING RUSSIAN COORDINATOR.

It is the sense of the Congress that, as soon as practical, the President should personally request the President of the Russian Federation to designate an official of the Russian Federation having authorities and responsibilities for preventing weapons of mass destruction (WMD) proliferation and terrorism commensurate with those of the Coordinator, and with whom the Coordinator should coordinate planning and implementation of activities in the Russian Federation having the purpose of preventing WMD proliferation and terrorism.

Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1251. COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

There is established the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this subtitle referred to as the "Commission").

SEC. 1252. PURPOSES.

(a) IN GENERAL.—The purposes of the Commission are to—

(1) assess current activities, initiatives, and programs to prevent WMD proliferation and terrorism; and

(2) provide a clear and comprehensive strategy and concrete recommendations for such activities, initiatives, and programs.

(b) IN PARTICULAR.—The Commission shall give particular attention to activities, initiatives, and programs to secure all nuclear weapons-usable material around the world and to significantly accelerate, expand, and strengthen, on an urgent basis, United States and international efforts to prevent, stop, and counter the spread of nuclear weapons capabilities and related equipment, material, and technology to terrorists and states of concern.

SEC. 1253. COMPOSITION.

(a) MEMBERS.—The Commission shall be composed of 9 members, of whom—

(1) 3 members shall be appointed by the President;

(2) 2 members shall be appointed by the majority leader of the Senate;

(3) 1 member shall be appointed by the minority leader of the Senate;

(4) 2 members shall be appointed by the Speaker of the House of Representatives; and

(5) 1 member shall be appointed by the minority leader of the House of Representatives.

(b) CO-CHAIRMEN.—The Commission shall have two co-chairmen designated from among the members of the Commission. Of the co-chairmen—

(1) 1 shall be designated by the President; and

(2) 1 shall be designated jointly by the majority leader of the Senate and the Speaker of the House of Representatives.

(c) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 90 days of the date of the enactment of this Act.

(d) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(e) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the co-chairmen or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 1254. RESPONSIBILITIES.

(a) IN GENERAL.—The Commission shall address—

(1) the roles, missions, and structure of all relevant government departments, agencies, and other actors, including the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under subtitle D of this title;

(2) inter-agency coordination;

(3) United States commitments to international regimes and cooperation with other countries; and

(4) the threat of weapons of mass destruction proliferation and terrorism to the United States and its interests and allies, including the threat posed by black-market networks, and the effectiveness of the responses by the United States and the international community to such threats.

(b) FOLLOW-ON BAKER-CUTLER REPORT.—The Commission shall also reassess, and where necessary update and expand on, the conclusions and recommendations of the report titled "A Report Card on the Department of Energy's Nonproliferation Programs with Russia" of January 2001 (also known as the "Baker-Cutler Report") and implementation of such recommendations.

SEC. 1255. POWERS.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such designate subcommittee or designated member may determine advisable.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the co-chairmen, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 1256. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the report required under section 1257.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 1257. REPORT.

Not later than 180 days after the appointment of the Commission, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 1258. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this subtitle, shall terminate 60 days after the date on which the final report is submitted under section 1257.

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subsection (a) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

TITLE XIII—NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT

SEC. 1301. SHORT TITLE.

This title may be cited as the "Nuclear Black Market Counter-Terrorism Act of 2007".

SEC. 1302. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(2) FOREIGN PERSON.—The term "foreign person"—

(A) means any person who is not a citizen or national of the United States or lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act;

(B) includes any foreign corporation, international organization, or foreign government; and

(C) includes, for purposes of subsections (a) and (b) of section 1311, successors, assigns, subsidiaries, and subunits of the person described in subparagraph (A) or (B) (as the case may be), and other business organizations or associations in which that person may be deemed to have a controlling interest.

(3) PERSON.—The term "person"—

(A) means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity, or subsidiary, subunit, or parent entity thereof, and any successor of any such entity; and

(B) in the case of a country where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), means all activities of that government relating to the development or production of any nuclear equipment or technology.

(4) UNITED STATES FOREIGN ASSISTANCE.—The term "United States foreign assistance" means assistance under the foreign operations, export financing, and related programs appropriations Act for a fiscal year, and assistance under the Foreign Assistance Act of 1961.

Subtitle A—Sanctions for Transfers of Nuclear Enrichment, Reprocessing, and Weapons Technology, Equipment, and Materials Involving Foreign Persons and Terrorists

SEC. 1311. AUTHORITY TO IMPOSE SANCTIONS ON FOREIGN PERSONS.

(a) DETERMINATION OF NUCLEAR ACTIVITIES BY FOREIGN PERSONS.—

(1) DETERMINATION.—Notwithstanding any other provision of law, the President shall impose the sanctions described in subsection (b) whenever the President determines that a foreign person, on or after the date of the enactment of this Act, participated in the export, transfer or trade of—

(A) nuclear enrichment or reprocessing equipment, materials, or technology to any non-nuclear-weapon state (as defined in section 102(c) of the Arms Export Control Act) that—

(i) does not possess functioning nuclear enrichment or reprocessing plants as of January 1, 2004; and

(ii)(I) does not have in force an additional protocol with the International Atomic Energy Agency for the application of safeguards (as derived from IAEA document INFCIRC/540 and related corrections and additions); or

(II) is developing, manufacturing, or acquiring a nuclear explosive device; or

(B) any nuclear explosive device, or design information or component, equipment, materials, or other items or technology that—

(i) is designated for national export controls under the Nuclear Supplier Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as IAEA document INFCIRC/254/Rev. 6/Part 1 and subsequent revisions) and the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology (published as IAEA document INFCIRC/254/Rev. 5/ Part 2 and subsequent revisions); and

(ii) contributes to the development, manufacture, or acquisition of a nuclear explosive device by—

(I) a non-nuclear weapon state; or

(II) a foreign person.

(2) DEFINITION.—For purposes of paragraph (1), the term "participated" means sold, transferred, brokered, financed, assisted, delivered, or otherwise provided or received, and includes any conspiracy or attempt to engage in any of such activities, as well as facilitating such activities by any other person.

(b) SANCTIONS.—The sanctions referred to in subsection (a) that are to be imposed on a foreign person are the following:

(1) No assistance may be provided to the foreign person under the Foreign Assistance Act of 1961, and the foreign person may not participate in any assistance program of the United States Government. Any such assistance being provided to the foreign person, and any participation in such assistance program by the foreign person, on the date on which the sanction under this paragraph is imposed shall be terminated as of such date.

(2) The United States Government may not export to the foreign person, or grant a license or other approval to export to or import from the foreign person of, any defense articles, defense services, or design or construction services under the Foreign Assistance Act of 1961 or the Arms Export Control Act. Any contract to export such articles or services, or license or approval to export or import, under either such Act, that is in effect on the date on which the sanction under this paragraph is imposed shall be terminated as of such date.

(3) Licenses or any other approval may not be issued for the export to the foreign person of any goods or technology subject to the jurisdiction of the Export Administration Regulations under chapter VII of title 15, Code of Federal Regulations (or successor regulations), other than food and other agricultural commodities, medicines and medical equipment. Any such license or approval that is in effect on the on the date on which the sanction under this paragraph is imposed, shall be terminated as of such date.

(4) No department or agency of the United States Government may procure, or enter into any contract for the procurement of, any goods or services from the foreign person. The Secretary of the Treasury shall prohibit the importation into the United States of goods, technology, or services produced or provided by the foreign person, other than information or informational materials within the meaning of section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

(c) PERIOD SANCTIONS IN EFFECT.—The sanctions referred to in subsection (b) should be imposed for not less than two years, but may be imposed for longer periods. The President may suspend after one year any sanction imposed pursuant to this section 15 days after submitting to the appropriate congressional committees a report explaining—

(1) the reasons for suspending the sanction;

(2) how the purposes of this title and United States national security are furthered by such suspension; and

(3) what measures the United States will take or is taking to ensure that the foreign person will not engage in similar activities in the future.

(d) WAIVER AUTHORITY.—The President may waive the imposition of any sanction under subsection (b) if the President certifies to the appropriate congressional committees that the waiver—

(1) is important to the national security interests of the United States; and

(2) would further the purposes of this title.

SEC. 1312. PRESIDENTIAL NOTIFICATION ON ACTIVITIES OF FOREIGN PERSONS.

(a) REPORTS TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, and not later than January 31 of each year thereafter, the President shall submit to the appropriate congressional committees a report detailing any activity by any foreign person described in section 1311. This report shall also include a description of any sanctions that have been imposed and their duration.

(b) PUBLICATION.—When the President imposes sanctions under section 1311, the President shall, to the maximum extent possible in unclassified form, publish in the Federal Register, not later than 15 days after reporting such sanctions to the appropriate congressional committees under subsection (a), the identity of each sanctioned foreign person, the period for which sanctions will be in effect, and the reasons for the sanctions.

Subtitle B—Further Actions Against Corporations Associated With Sanctioned Foreign Persons

SEC. 1321. FINDINGS.

The Congress finds the following:

(1) Foreign persons and corporations engaging in nuclear black-market activities

are motivated by reasons of commercial gain and profit.

(2) Sanctions targeted solely against the business interests of the sanctioned person or business concern may be unsuccessful in halting these proliferation activities, as the sanctions may be seen merely as the cost of doing business, especially if the business interests of the parent or subsidiary corporate entities are unaffected by the sanctions.

(3) Such narrow targeting of sanctions creates the incentive to create shell and "carveout" corporate entities to perform the proliferation activities and attract sanctions, leaving all other aspects of the larger corporation unaffected.

(4) To dissuade corporations from allowing their associated commercial entities or persons from engaging in proliferation black-market activities, they must also be made to suffer financial loss and commercial disadvantage, and parent and subsidiary commercial enterprises must be held responsible for the proliferation activities of their associated entities.

(5) If a corporation perceives that the United States Government will do everything possible to make its commercial activity difficult around the world, then that corporation has a powerful commercial incentive to prevent any further proliferation activity by its associated entities.

(6) Therefore, the United States Government should seek to increase the risk of commercial loss for associated corporate entities for the proliferation actions of their subsidiaries.

SEC. 1322. CAMPAIGN BY UNITED STATES GOVERNMENT OFFICIALS.

The President shall instruct all agencies of the United States Government to make every effort in their interactions with foreign government and business officials to persuade foreign governments and relevant corporations not to engage in any business transaction with a foreign person sanctioned under section 1311, including any entity that is a parent or subsidiary of the sanctioned foreign person, for the duration of the sanctions.

SEC. 1323. COORDINATION.

The Secretary of State shall coordinate the actions of the United States Government under section 1322.

SEC. 1324. REPORT.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of State shall report to the appropriate congressional committees on the actions taken by the United States to carry out section 1322.

Subtitle C—Rollback of Nuclear Proliferation Networks

SEC. 1331. NONPROLIFERATION AS A CONDITION OF UNITED STATES ASSISTANCE.

United States foreign assistance should only be provided to countries that—

(1) are not cooperating with any non-nuclear-weapon state or any foreign group or individual who may be engaged in, planning, or assisting any international terrorist group in the development of a nuclear explosive device or its means of delivery and are taking all necessary measures to prevent their nationals and other persons and entities subject to their jurisdiction from participating in such cooperation; and

(2) are fully and completely cooperating with the United States in its efforts to eliminate nuclear black-market networks or activities.

SEC. 1332. REPORT ON IDENTIFICATION OF NUCLEAR PROLIFERATION NETWORK HOST COUNTRIES.

(a) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the President shall submit a report to the appropriate congressional committees that—

(A) identifies any country in which manufacturing, brokering, shipment, transshipment, or other activity occurred in connection with the transactions of the nuclear proliferation network that supplied Libya, Iran, North Korea, and possibly other countries or entities; and

(B) identifies any country in which manufacturing, brokering, shipment, transshipment, or other activity occurred for the purpose of supplying nuclear technology, equipment, or material to another country or foreign person that could, in the President's judgment, contribute to the development, manufacture, or acquisition, of a nuclear explosive device by a country or foreign person of concern to the United States

(2) ADDITIONAL INFORMATION.—The report under paragraph (1) shall also include a description of the extent to which each country described in the report is, in the opinion of the President, fully cooperating with the United States in its efforts to eliminate the nuclear proliferation network described in paragraph (1)(A) or stopping the activities described in paragraph (1)(B). The President shall base the determination regarding a country's cooperation with the United States in part on the degree to which the country has satisfied United States requests for assistance and information, including whether the United States has asked and been granted direct investigatory access to key persons involved in the nuclear proliferation network described in paragraph (1)(A) or the activities described in paragraph (1)(B).

(b) CLASSIFICATION.—Reports under this section shall be unclassified to the maximum extent possible.

SEC. 1333. SUSPENSION OF ARMS SALES LICENSES AND DELIVERIES TO NUCLEAR PROLIFERATION HOST COUNTRIES.

(a) SUSPENSION.—Upon submission of the report and any additional information under section 1332 to the appropriate congressional committees, the President shall suspend all licenses issued under the Arms Export Control Act, and shall prohibit any licenses to be issued under that Act, for exports to, or imports from, any country described in the report, unless the President certifies to the appropriate congressional committees that such country—

(1)(A) has fully investigated or is fully investigating the activities of any person or entity within its territory that has participated in the nuclear proliferation network described in section 1332(a)(1)(A) or the activities described in section 1332(a)(1)(B); and

(B) has taken or is taking effective steps to permanently halt similar illicit nuclear proliferation activities;

(2) has been or is fully cooperating with the United States and other appropriate international organizations in investigating and eliminating the nuclear proliferation network, any successor networks operating within its territory, or other illicit nuclear proliferation activities; and

(3) has enacted or is enacting new laws, promulgated decrees or regulations, or established practices designed to prevent future such activities from occurring within its territory.

(b) WAIVER.—The President may waive the requirements of subsection (a) in a fiscal year if—

(1) the President has certified to the appropriate congressional committees that the waiver is important to the national security of the United States; and

(2) at least 5 days have elapsed since making the certification under paragraph (1).

TITLE XIV—9/11 COMMISSION INTERNATIONAL IMPLEMENTATION

SEC. 1401. SHORT TITLE; TABLE OF CONTENTS.

This title may be cited as the "9/11 Commission International Implementation Act of 2007".

Subtitle A—Quality Educational Opportunities in Arab and Predominantly Muslim Countries.

SEC. 1411. FINDINGS; POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that "[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamic terrorism".

(2) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and recommended that the United States Government "should offer to join with other nations in generously supporting [spending funds] . . . directly on building and operating primary and secondary schools in those Muslim states that commit to sensibly investing financial resources in public education".

(3) While Congress endorsed such a program in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), such a program has not been established.

(b) POLICY.—It is the policy of the United States—

(1) to work toward the goal of dramatically increasing the availability of modern basic education through public schools in Arab and predominantly Muslim countries, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

(2) to join with other countries in generously supporting the International Arab and Muslim Youth Opportunity Fund authorized under section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by section 1412 of this Act, with the goal of building and operating public primary and secondary schools in Arab and predominantly Muslim countries that commit to sensibly investing the resources of such countries in modern public education;

(3) to offer additional incentives to increase the availability of modern basic education in Arab and predominantly Muslim countries; and

(4) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.

SEC. 1412. INTERNATIONAL ARAB AND MUSLIM YOUTH OPPORTUNITY FUND.

Section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2228) is amended to read as follows:

"SEC. 7114. INTERNATIONAL ARAB AND MUSLIM YOUTH OPPORTUNITY FUND.

"(a) FINDINGS.—Congress finds the following:

"(1) The United Nation's 2003 Arab Human Development Report states that the quantitative expansion of Arab education remains incomplete. The report asserts that high rates of illiteracy, especially among women, persist. Children continue to be denied their basic right to elementary education. Higher education is characterized by decreasing enrollment rates compared to developed countries, and public expenditures on education has declined since 1985.

"(2) The UN report cities the decline in quality as the most significant challenge in the educational arena in Arab countries.

"(3) Researchers argue that curricula taught in Arab countries seem to encourage submission, obedience, subordination, and compliance, rather than free critical thinking.

"(4) Despite major efforts to improve preschool education in some Arab countries, the quality of education provided in kindergartens in the region does not fulfill the requirements for advancing and developing children's capabilities in order to help socialize a creative and innovative generation.

"(5) Many factors in Arab countries adversely affect teachers' capabilities, such as low salaries (which force educators in to take on other jobs that consume their energy and decrease the time they can devote to caring for their students), lack of facilities, poorly designed curricula, indifferent quality of teacher training, and overcrowded classes.

"(6) Educational attainments in Arab and non-Arab Muslim countries—from literacy rates to mathematical and science achievements—are well below global standards.

"(7) It is estimated that there are 65,000,000 illiterate adult Arabs, and two-thirds of them are women.

"(8) Educational enrollment for Arab countries rose from 31,000,000 children in 1980 to approximately 56,000,000 children in 1995. Yet despite this increase, 10,000,000 children between the ages of 6 and 15 are currently not in school.

"(9) In the Middle East, roughly 10,000,000 children still do not go to school.

"(10) Even though women's access to education has tripled in Arab countries since 1970, gender disparities still persist. Illiteracy in Arab countries affects women disproportionately. Women make up two-thirds of illiterate adults, with most living in rural areas.

"(11) The publication of books and other reading materials in Arab countries faces many major challenges, including the small number of readers due to high rates of illiteracy in some such countries and the weak purchasing power of the Arab reader. The limited readership in Arab countries is reflected in the small number of books published in such countries, which does not exceed 1.1 percent of world production, although Arabs constitute five percent of the world population.

"(12) The nexus between health and education in Arab countries is very strong. Gains in women's education accounted for an estimated 43 percent reduction in child malnutrition between 1970 and 1995. Educated mothers are more likely to better space births, to have adequate prenatal care, and to immunize their children.

"(13) Many educational systems in Arab and non-Arab Muslim countries widen the gap between rich and poor: while rich students attend excellent private schools, poor children receive grossly inadequate schooling.

"(b) PURPOSE.—The purpose of this section is to strengthen the public educational systems in Arab and predominantly Muslim countries by—

"(1) authorizing the establishment of an International Arab and Muslim Youth Educational Fund through which the United States dedicates resources, either through a separate fund or through an international organization, to assist those countries that commit to education reform; and

"(2) providing resources for the Fund to help strengthen the public educational systems in those countries.

"(c) ESTABLISHMENT OF FUND.—

"(1) AUTHORITY.—The President is authorized to establish an International Arab and Muslim Youth Opportunity Fund.

"(2) LOCATION.—The Fund may be established—

"(A) as a separate fund in the Treasury; or

"(B) through an international organization or international financial institution, such as the United Nations Educational, Science and Cultural Organization, the United Nations Development Program, or the International Bank for Reconstruction and Development.

"(3) TRANSFERS AND RECEIPTS.—The head of any department, agency, or instrumentality of the United States Government may transfer any amount to the Fund, and the Fund may receive funds from private enterprises, foreign countries, or other entities.

"(4) ACTIVITIES OF THE FUND.—The Fund shall support programs described in this paragraph to improve the education environment in Arab and predominantly Muslim countries.

"(A) ASSISTANCE TO ENHANCE MODERN EDUCATIONAL PROGRAMS.—

"(i) The establishment in Arab and predominantly Muslim countries of a program of reform to create a modern education curriculum in the public educational systems in such countries.

"(ii) The establishment or modernization of educational materials to advance a modern educational curriculum in such systems.

"(iii) Teaching English to adults and children.

"(iv) The establishment in Arab and predominantly Muslim countries of programs that enhance accountability, transparency, and interaction on education policy in such countries between the national government and the regional and local governments through improved information sharing and monitoring.

"(v) The establishment in Arab and predominantly Muslim countries of programs to assist in the formulation of administration and planning strategies for all levels of government in such countries, including national, regional, and local governments.

"(vi) The enhancement in Arab and predominantly Muslim countries of community, family, and student participation in the formulation and implementation of education strategies and programs in such countries.

"(B) ASSISTANCE FOR TRAINING AND EXCHANGE PROGRAMS FOR TEACHERS, ADMINISTRATORS, AND STUDENTS.—

"(i) The establishment of training programs for teachers and educational administrators to enhance skills, including the establishment of regional centers to train individuals who can transfer such skills upon return to their countries.

"(ii) The establishment of exchange programs for teachers and administrators in Arab and predominantly Muslim countries and with other countries to stimulate additional ideas and reform throughout the world, including teacher training exchange programs focused on primary school teachers in such countries.

"(iii) The establishment of exchange programs for primary and secondary students in Muslim and Arab countries and with other countries to foster understanding and tolerance and to stimulate long-standing relationships.

"(C) ASSISTANCE TARGETING PRIMARY AND SECONDARY STUDENTS.—

"(i) The establishment in Arab and predominantly Muslim countries of after-school programs, civic education programs, and education programs focusing on life skills, such as inter-personal skills and social relations and skills for healthy living, such as nutrition and physical fitness.

"(ii) The establishment in Arab and predominantly Muslim countries of programs to improve the proficiency of primary and secondary students in information technology skills.

"(D) ASSISTANCE FOR DEVELOPMENT OF YOUTH PROFESSIONALS.—

"(i) The establishment of programs in Arab and predominantly Muslim countries to improve vocational training in trades to help strengthen participation of Muslims and Arabs in the economic development of their countries.

"(ii) The establishment of programs in Arab and predominantly Muslim countries that target older Muslim and Arab youths not in school in such areas as entrepreneurial skills, accounting, micro-finance activities, work training, financial literacy, and information technology.

"(E) OTHER TYPES OF ASSISTANCE.—

"(i) The translation of foreign books, newspapers, reference guides, and other reading materials into local languages.

"(ii) The construction and equipping of modern community and university libraries.

"(5) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for fiscal years 2008, 2009, and 2010.

"(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

"(C) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under subsection (a) shall be in addition to amounts otherwise available for such purposes.

"(6) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this section and annually thereafter, the President shall submit to the appropriate congressional committees a report on United States efforts to assist in the improvement of educational opportunities for Arab and predominantly Muslim children and youths, including the progress made toward establishing the International Arab and Muslim Youth Opportunity Fund.

"(7) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

SEC. 1413. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than June 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of Arab and predominantly Muslim countries to increase the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism.

(b) CONTENTS.—Each report shall include—

(1) a list of Arab and predominantly Muslim countries that are making serious and sustained efforts to improve the availability

of modern basic education and to close educational institutions that promote religious extremism and terrorism;

(2) a list of such countries that are making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained;

(3) a list of such countries that are not making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism; and

(4) an assessment for each country specified in each of paragraphs (1), (2), and (3) of the role of United States assistance with respect to the efforts made or not made to improve the availability of modern basic education and close educational institutions that promote religious extremism and terrorism.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 1414. EXTENSION OF PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.

(a) FINDINGS.—Congress finds the following:

(1) Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. Law 108-458) authorized the establishment of a pilot program to provide grants to American-sponsored schools in Arab and predominantly Muslim countries so that such schools could provide scholarships to young people from lower-income and middle-income families in such countries to attend such schools, where they could improve their English and be exposed to a modern education.

(2) Since the date of the enactment of that section, the Middle East Partnership Initiative has pursued implementation of that program.

(b) EXTENSION OF PROGRAM.—

(1) IN GENERAL.—Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended—

(A) in the section heading—

(i) by striking "**PILOT**"; and

(ii) by inserting "**ARAB AND**" before "**PREDOMINANTLY MUSLIM**";

(B) in subsection (a)(2), by inserting "Arab and" before "predominantly Muslim";

(C) in subsection (b), in the matter preceding paragraph (1), by inserting "Arab and" before "predominantly Muslim";

(D) in subsection (c)—

(i) in the subsection heading, by striking "PILOT";

(ii) by striking "pilot"; and

(iii) by striking "countries with predominantly Muslim populations" and inserting "Arab and predominantly Muslim countries";

(E) in subsection (d), by striking "pilot" each place it appears;

(F) in subsection (f)—

(i) by striking "pilot"; and

(ii) by inserting "an Arab or" before "a predominantly Muslim country";

(G) in subsection (g), in the first sentence—

(i) by inserting "and April 15, 2008," after "April 15, 2006,"; and

(ii) by striking "pilot"; and

(H) in subsection (h)—

(i) by striking "2005 and 2006" inserting "2007 and 2008"; and

(ii) by striking "pilot".

(2) CONFORMING AMENDMENT.—Section 1(b) of such Act is amended, in the table of contents, by striking the item relating to section 7113 and inserting after section 7112 the following new item:

"7113. Program to provide grants to American-sponsored schools in Arab and predominantly Muslim countries to provide scholarships.".

Subtitle B—Democracy and Development in Arab and Predominantly Muslim Countries

SEC. 1421. PROMOTING DEMOCRACY AND DEVELOPMENT IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH ASIA, AND SOUTHEAST ASIA.

(a) FINDINGS.—Congress finds the following:

(1) Al-Qaeda and affiliated groups have established a terrorist network with linkages throughout the Middle East, Central Asia, South Asia, and Southeast Asia.

(2) While political repression and lack of economic development do not justify terrorism, increased political freedoms, poverty reduction, and broad-based economic growth can contribute to an environment that undercuts tendencies and conditions that facilitate the rise of terrorist organizations.

(3) It is in the national security interests of the United States to promote democracy, the rule of law, good governance, sustainable development, a vigorous civil society, political freedom, protection of minorities, independent media, women's rights, private sector growth, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia.

(b) POLICY.—It is the policy of the United States to—

(1) promote over the long-term, seizing opportunities whenever possible in the short term, democracy, the rule of law, good governance, sustainable development, a vigorous civil society, political freedom, protection of minorities, independent media, women's rights, private sector growth, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia;

(2) provide assistance and resources to individuals and organizations in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia that are committed to promoting such objectives and to design strategies in conjunction with such individuals and organizations; and

(3) work with other countries and international organizations to increase the resources devoted to promoting such objectives.

(c) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to appropriate congressional committees a report with a country-by-country five year strategy to promote the policy of the United States described in subsection (b). Such report shall contain an estimate of the funds necessary to implement such a strategy.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 1422. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the "Foundation").

(2) FUNDING.—

(A) AUTHORITY.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes specified in subsection (a), including through making grants and providing other assistance to entities to carry out programs for such purposes.

(B) FUNDING FROM OTHER SOURCES.—In determining the amount of funding to provide to the Foundation, the Secretary of State shall take into consideration the amount of funds that the Foundation has received from sources other than the United States Government.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate prior to designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons or entities (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and containing such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes specified in subsection (a).

(e) Limitation on Payments to Foundation Personnel.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) Retention of Interest.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes specified in subsection (a), and, only to the extent and in the amounts provided for in advance in appropriations Acts, may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States.

(g) Financial Accountability.—

(1) Independent private audits of the foundation.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO audits.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) Audits of grant recipients- .—

(A) In general.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) Recordkeeping.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to in subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) Annual Reports.—Not later than January 31, 2008, and annually thereafter, the Foundation shall submit to the appropriate congressional committees and make available to the public a report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes specified in subsection (a); and

(4) the financial condition of the Foundation.

(i) Definitions.—In this section:

(1) Appropriate congressional. committees.—The term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) Middle east.—The term "Middle East" means Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, West Bank and Gaza, and Yemen.

(j) Expiration of Authority.—The authority provided under this section shall expire on September 30, 2017.

(k) Repeal.—Section 534(k) of Public Law 109-102 is repealed.

Subtitle C—Restoring United States Moral Leadership

SEC. 1431. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.

(a) Finding.—Congress finds that the report of the National Commission on Terrorist Attacks Upon the United States stated that, "Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.".

(b) Sense of Congress.—It is the sense of Congress that—

(1) The United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations.

(2) Public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.

(3) A significant expansion of United States international broadcasting would provide a cost-effective means of improving communication with countries with significant Muslim populations by providing news, information, and analysis, as well as cultural programming, through both radio and television broadcasts.

(c) Special Authority for Surge Capacity.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:

"SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

"(a) Emergency Authority.—

"(1) In general.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other governmental entity of the United States to furnish the Broadcasting Board of Governors with the assistance of such department, agency, or entity based outside the United States as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

"(2) Supersedes existing law.—The authority of paragraph (1) shall supersede any other provision of law.

"(3) Surge capacity defined.—In this subsection, the term 'surge capacity' means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis abroad.

"(b) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.

"(2) Availability of funds.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

"(3) Designation of appropriations.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the 'United States International Broadcasting Surge Capacity Fund'.

"(c) Report.—The annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) shall provide a detailed description of any activities carried out under this section.

"(d) Authorization of Appropriations for United States International Broadcasting Activities.—

"(1) In general.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated such sums as may be necessary to carry out United States Government broadcasting activities under this Act, including broadcasting capital improvements, the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), and the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277), and to carry out other authorities in law consistent with such purposes.

"(2) Availability of funds.—Amounts appropriated pursuant to the authorization of appropriations in this section are authorized to remain available until expended.".

SEC. 1432. EXPANSION OF UNITED STATES SCHOLARSHIP, EXCHANGE, AND LIBRARY PROGRAMS IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES.

(a) Report; Certification.—Not later than 30 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the recommendations of the National Commission on Terrorist Attacks Upon the United States and the policy goals described in section 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) for expanding United States scholarship, exchange, and library programs in Arab and predominantly Muslim countries. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to paragraph (1) of such subsection.

(c) GAO Review of Certification.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on whether the recommendations referred to in subsection (a) have been implemented and whether the policy goals described in section 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 have been achieved.

(d) Definition.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs and the Committee on Oversight and Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1433. UNITED STATES POLICY TOWARD DETAINEES.

(a) Findings.—Congress finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States (commonly referred to as the "9/11 Commission") declared that the United States "should work with friends to develop mutually agreed-on principles for the detention and humane treatment of captured international terrorists who are not being held under a particular country's criminal laws" and recommended that the United States engage our allies "to develop a common coalition approach toward the detention and humane treatment of captured terrorists", drawing from Common Article 3 of the Geneva Conventions.

(2) Congress has passed several provisions of law that have changed United States standards relating to United States detainees, but such provisions have not been part of a common coalition approach in this regard.

(3) A number of investigations remain ongoing by countries who are close United States allies in the war on terrorism regarding the conduct of officials, employees, and agents of the United States and of other countries related to conduct regarding detainees.

(b) Report; Certification.—Not later than 90 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary of State, in consultation with the Attorney General and the Secretary of Defense, shall submit to the relevant congressional committees a report on any progress towards implementing the recommendations of the 9/11 Commission for engaging United States allies to develop a common coalition approach, in compliance with Common Article 3 of the Geneva Conventions, toward the detention and humane treatment of individuals detained during Operation Iraqi Freedom, Operation Enduring Freedom, or in connection with United States counterterrorist operations. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress that the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(c) Termination of Duty to Report.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(d) GAO Review of Certification.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in such subsection have been achieved.

(e) Definition.—In this section, the term "relevant congressional committees" means—

(1) with respect to the House of Representatives, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence; and

(2) with respect to the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

SEC. 1441. AFGHANISTAN.

(a) Statements of Policy.—The following shall be the policies of the United States:

(1) The United States shall vigorously support the Government of Afghanistan as it continues on its path toward a broad-based, pluralistic, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan and shall maintain its long-term commitment to the people of Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan as long as the Government of Afghanistan supports such United States involvement.

(2) In order to reduce the ability of the Taliban and Al-Qaeda to finance their operations through the opium trade, the President shall engage aggressively with the Government of Afghanistan and our NATO partners, and in consultation with Congress, to assess the success of the Afghan counternarcotics strategy in existence as of December 2006 and to explore all additional options for addressing the narcotics crisis in Afghanistan, including possible changes in rules of engagement for NATO and Coalition forces for participation in actions against narcotics trafficking and kingpins.

(b) Statement of Congress.—Congress strongly urges that the Afghanistan Freedom Support Act of 2002 be reauthorized and updated to take into account new developments in Afghanistan and in the region so as to demonstrate the continued support by the United States for the people and Government of Afghanistan.

(c) Emergency Increase in Policing Operations.—

(1) In general.—The President shall make every effort, on an emergency basis, to dramatically increase the numbers of United States and international police trainers, mentors, and police personnel operating in conjunction with Afghanistan civil security forces and shall increase efforts to assist the Government of Afghanistan in addressing the corruption crisis that is threatening to undermine Afghanistan's future.

(2) Report.—Not later than 180 days after the date of the enactment of this Act and every six months thereafter until September 31, 2010, the President shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on United States efforts to fulfill the requirements of this subsection.

(d) Emergency Energy Assistance.—

(1) Finding.—Congress finds that short-term shortages of energy may destabilize the Government of Afghanistan and undermine the ability of President Karzai to carry out critically needed reforms.

(2) Authorization of assistance.—The President is authorized to provide assistance for the acquisition of emergency energy resources, including diesel fuel, to secure the delivery of electricity to Kabul, Afghanistan, and other major Afghan provinces and cities.

(3) Authorization of appropriations.—There are authorized to be appropriated to the President to carry out paragraph (2) such sums as may be necessary for each of fiscal years 2008 and 2009.

SEC. 1442. PAKISTAN.

(a) Findings.—Congress finds the following:

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime in Afghanistan and combating international terrorism in the frontier provinces of Pakistan.

(2) There remain a number of critical issues that threaten to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan, including—

(A) curbing the proliferation of nuclear weapons technology;

(B) combating poverty and corruption;

(C) building effective government institutions, especially secular public schools;

(D) promoting democracy and the rule of law, particularly at the national level;

(E) addressing the continued presence of Taliban and other violent extremist forces throughout the country;

(F) maintaining the authority of the Government of Pakistan in all parts of its national territory;

(G) securing the borders of Pakistan to prevent the movement of militants and terrorists into other countries and territories; and

(H) effectively dealing with Islamic extremism.

(b) Statements of Policy.—The following shall be the policies of the United States:

(1) To work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan, and to end the use of Pakistan as a safe haven for forces associated with the Taliban.

(2) To establish a long-term strategic partnership with the Government of Pakistan to address the issues described in subparagraphs (A) through (H) of subsection (a)(2).

(3) To dramatically increase funding for programs of the United States Agency for International Development and the Department of State that assist the Government of Pakistan in addressing such issues, if the Government of Pakistan demonstrates a commitment to building a moderate, democratic state, including significant steps towards free and fair parliamentary elections in 2007.

(4) To work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection and help to resolve the dispute between the Government of Pakistan and the Government of India over the disputed territory of Kashmir.

(c) Strategy Relating to Pakistan.—

(1) Requirement for report on strategy.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States to engage with the Government of Pakistan to address the issues described in subparagraphs (A) through (F) of subsection (a)(2) and carry out the policies described in subsection (b) in order accomplish the goal of building a moderate, democratic Pakistan.

(2) Appropriate congressional committees defined.—In this subsection the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(d) Limitation on United States Security Assistance to Pakistan.—

(1) Limitation.—

(A) In general.—For fiscal years 2008 and 2009, United States assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) or section 23 of the Arms Export Control Act (22 U.S.C. 2763) may not be provided to, and a license for any item controlled under the Arms Export Control Act (22 U.S.C. 2751 et seq.) may not be approved for, Pakistan until 15 days after the date on which President determines and certifies to the appropriate congressional committees that the Government of Pakistan is making all possible efforts to prevent the Taliban from operating in areas under its sovereign control, including in the cities of Quetta and Chaman and in the Northwest Frontier Province and the Federally Administered Tribal Areas.

(B) Form.—The certification required by subparagraph (A) shall be transmitted in unclassified form, but may contain a classified annex.

(2) Waiver.—The President may waive the limitation on assistance under paragraph (1) for a fiscal year if the President determines and certifies to the appropriate congressional committees that it is important to the national security interest of the United States to do so.

(3) Sunset.—The limitation on assistance under paragraph (1) shall cease to be effective beginning on the date on which the President determines and certifies to the appropriate congressional committees that the Taliban, or any related successor organization, has ceased to exist as an organization capable of conducting military, insurgent, or terrorist activities in Afghanistan from Pakistan.

(4) Appropriate congressional committees defined.—In this subsection, the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(e) Nuclear Proliferation.—

(1) Finding.—Congress finds that Pakistan's maintenance of a network for the proliferation of nuclear and missile technologies would be inconsistent with Pakistan being considered an ally of the United States.

(2) Sense of congress.—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(f) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the President for providing assistance for Pakistan for fiscal year 2008—

(A) for "Development Assistance", such sums as may be necessary to carry out the provisions of sections 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d,);

(B) for the "Child Survival and Health Programs Fund", such sums as may be necessary to carry out the provisions of sections 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b);

(C) for the "Economic Support Fund", such sums as may be necessary to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

(D) for "International Narcotics Control and Law Enforcement", such sums as may be necessary to carry out the provisions of chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.);

(E) for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", such sums as may be necessary;

(F) for "International Military Education and Training", such sums as may be necessary to carry out the provisions of chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.); and

(G) for "Foreign Military Financing Program", such sums as may be necessary to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) Other funds.—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.

(g) Extension of Waivers.—

(1) Amendments.—The Act entitled "An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes", approved October 27, 2001 (Public Law 107–57; 115 Stat. 403), is amended—

(A) in section 1(b)—

(i) in the heading, to read as follows:

"(b) Fiscal Years 2007 and 2008.—"; and

(ii) in paragraph (1), by striking "any provision" and all that follows through "that prohibits" and inserting "any provision of the foreign operations, export financing, and related programs appropriations Act for fiscal year 2007 or 2008 (or any other appropriations Act) that prohibits";

(B) in section 3(2), by striking "Such provision" and all that follows through "as are" and inserting "Such provision of the annual foreign operations, export financing, and related programs appropriations Act for fiscal years 2002 through 2008 (or any other appropriations Act) as are"; and

(C) in section 6, by striking "the provisions" and all that follows and inserting "the provisions of this Act shall terminate on October 1, 2008.".

(2) Effective date.—The amendments made by paragraph (1) take effect on October 1, 2006.

(3) Sense of congress.—It is the sense of Congress that determinations to provide extensions of waivers of foreign assistance prohibitions with respect to Pakistan pursuant to Public Law 107–57 for fiscal years after the fiscal years specified in the amendments made by paragraph (1) to Public Law 107–57 should be informed by the pace of democratic reform, extension of the rule of law, and the conduct of the parliamentary elections currently scheduled for 2007 in Pakistan.

SEC. 1443. SAUDI ARABIA.

(a) Findings.—Congress finds the following:

(1) The Kingdom of Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, and a lack of political outlets for its citizens, that poses a threat to the security of the United States, the international community, and the Kingdom of Saudi Arabia itself.

(2) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists who operate within Saudi Arabia or who operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

(b) Sense of Congress.—It is the sense of Congress that, in order to more effectively combat terrorism, the Government of Saudi Arabia must undertake and continue a number of political and economic reforms, including increasing anti-terrorism operations conducted by law enforcement agencies, providing more political rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, promulgating and enforcing domestic laws, and regulation on terrorist financing.

(c) Statements of Policy.—The following shall be the policies of the United States:

(1) To engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues, such as the lack of political freedoms, with the goal of restructuring the relationship on terms that leaders of both countries can publicly support.

(2) To enhance counterterrorism cooperation with the Government of Saudi Arabia, if the political leaders of such government are committed to making a serious, sustained effort to combat terrorism.

(3) To support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms throughout the country.

(d) Strategy Relating to Saudi Arabia.—

(1) Requirement for report on strategy.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the progress on the Strategic Dialogue (established by

President George W. Bush and Crown Prince (now King) Abdullah in April 2005) between the United States and Saudi Arabia, including the progress made in such Dialogue toward implementing the long-term strategy of the United States to—

(A) engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

(B) work with the Government of Saudi Arabia to combat terrorism, including through effective prevention of the financing of terrorism by Saudi institutions and citizens.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. Pursuant to section 507 of House Resolution 6, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 90 minutes.

The Chair recognizes the gentleman from Mississippi, chairman of the Homeland Security Committee.

□ 1300

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are here today considering this bill for one reason: To protect America from terrorism and from those who advocate hate and violence against our Nation and its values.

Let's be clear. The bill before us today does not contain Democratic or Republican ideas on how to protect our Nation. It contains American ideas.

Madam Speaker, it contains ideas formulated by the 9/11 Commission, a bipartisan group of Americans chosen for their wisdom, expertise and love of country; Americans who we tasked to tell us what happened on September 11, 2001, and how to avoid it happening again. That is why we are here today.

I hope my colleagues will put rhetoric and political games aside to do right by the American people, to do right by those whose lives were affected by 9/11, including those whose memories we honor.

I have heard and read a lot of excuses about fulfilling the recommendations, Madam Speaker. On one hand, many of my colleagues across the aisle have publicly said for months they already fulfilled the recommendations.

In the past week they have accused the Democratic leadership of presenting a bill that doesn't fulfill the recommendation and leaves gaps.

Madam Speaker, I am a bit baffled. Did the Republicans fulfill or not fulfill the recommendations? I think we all know the answer, and that is why we are here today.

To those who want to point out alleged gaps in the 9/11 bill, I say, we can do better than the past. Here is a chance for Congress to stop dragging its feet, to become the "do something" Congress. We can stand around complaining and pointing fingers, or we can finally do the job we are here and hired to do.

There is an old Irish proverb that says, "You will never plow the field if you only turn it over in your mind."

Congress has spent 5 years turning over the 9/11 recommendations in its mind. On the topics covered by this legislation, we have seen bills introduced, amendments offered, hearings held, and investigative reports written.

Don't be fooled by those who say that this bill is moving too quickly. It has been 5 years since 9/11. It has been 3 years since the 9/11 Commission issued its report.

Now is the time, Mr. Speaker, to plow the field. Now is the time to act on the 9/11 recommendations. The 9/11 Commission has told us that we must provide Homeland Security grants to States and cities based on risk, not a pork barrel formula. This bill meets that recommendation.

The 9/11 Commission told us many more people could die after a terrorist attack or natural disaster if police, fire fighters and paramedics can't communicate with each other.

Today, we will create a dedicated grant program to ensure State and local first responders have communication systems that talk to one another.

The 9/11 commissioners told us that more than 5 years after the hijacked planes flew into our national landmarks, our aviation system is still not secure enough.

We still do not spend our money cost-effectively to screen checked baggage. Airport checkpoints are not equipped with the most modern technologies, like those needed to detect liquid explosives, and cargo that is stored under a passengers seat is still not adequately inspected.

This bill extends funding for advanced baggage screening and creates a novel new trust fund to strengthen checkpoint security.

Perhaps more importantly, Mr. Speaker, this bill requires TSA to create a system of inspections to ensure that 100 percent of the cargo shipped on passenger planes is screened within 3 years.

TSA will do this through a system that uses equipment, technology, canines, inspectors and other means to ensure that the level of security provided for air cargo is equivalent to the level of security for checked baggage.

This bill also requires all cargo containers carried on ships to be scanned and sealed before they leave for an American port. The scanning requirement in this bill are put in place within a reasonable time frame, 3 years for large ports and 5 years for smaller ports.

This bill takes other key steps to fulfill the 9/11 Commission's recommendations, such as strengthening critical infrastructure security and improving private sector preparedness.

Perhaps more importantly, this bill will create a strong independent Privacy and Civil Liberties Board. It will also strengthen the authority of privacy officers in Federal agencies.

We all know that securing our Nation will be of little use if we lose our way of life. Our commitment to privacy and individual freedom is in this process.

For too long, Mr. Speaker, many in this House have talked about strengthening Homeland Security. But they are unwilling to pay the necessary price or confront the waste and White House mismanagement.

Now is the time, Mr. Speaker, to put action into words. Supporting the 9/11 Commission Fulfillment Act today will do just that.

Mr. Speaker, I reserve the balance of my time.

PURPOSE AND SUMMARY

The purpose of H.R. 1 is to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

BACKGROUND AND NEED FOR LEGISLATION

The National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) produced an independent and comprehensive report evaluating the events and implications of the terrorist attacks that occurred on September 11, 2001. Included in the report were 41 recommendations on how to prevent such an attack from occurring again. As of the conclusion of the 109th Congress, not all of those recommendations had been fulfilled. Consequently, the United States remains unprepared for a major emergency of that kind. Hurricanes Katrina and Rita's destruction of the Gulf Coast region further emphasized American vulnerability to national disasters, whether they are caused by nature or terrorism.

In addition to the report, several members of the 9/11 Commission participated in the "9/11 Public Discourse Project," which issued a series of report cards evaluating and ultimately grading the federal government's progress on executing the Commission's recommendations as they related to national security and preparedness. The final report card, issued on December 5, 2005, gave an alarming number of failing or nearly failing grades to key aspects of the government's policies, procedures, and operations.

Areas that received failing grades included interoperable communications for first responders, risk-based homeland security funding, and airline passenger screening, all of which are addressed by H.R. 1. Nearly-failing grades (D's) were used to describe the government's progress toward realistic assessment of critical infrastructure, checked bag and cargo screening for passenger aircraft, providing incentives for information sharing, encouraging government-wide information sharing, creating a meaningful Privacy and Civil Liberties Oversight Board, a maximum effort to prevent terrorist from acquiring weapons of mass destruction, cultivating international scholarship and exchange programs with Arab and predominantly Muslim countries, and thoughtful examination of the role played by Saudi Arabia in the international community.

By enacting provisions that address key recommendations from the 9/11 Commission, H.R. 1 will make the United States more secure, closing many of the security and preparedness gaps mentioned above that keep Americans vulnerable to future national emergencies.

HEARINGS

This bill reflects the findings of many oversight hearings that have taken place since the 9/11 Commission issued its recommendations in 2004.

On February 10, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "The Proposed Fiscal Year 2006 Budget: Enhancing Terrorism Preparedness for First Responders."

On February 16, 2005, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "The Proposed Fiscal Year 2006 Budget: Building the Information Analysis Capabilities of DHS."

On March 15, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "Nuclear Terrorism: Protecting the Homeland." Witnesses included Charles E. McQueary, Under Secretary for Science and Technology, Department of Homeland Security; Paul McHale, Assistant Secretary for Homeland Defense, Department of Defense; Paul M. Longsworth, Deputy Administrator for Defense Nuclear Proliferation, Department of Energy; and Willie T. Hulon, Assistant Director for Counterterrorism, FBI.

On April 12, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "The Need for Grant Reform and the Faster and Smarter Funding for First Responders Act of 2005."

On April 19, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "DHS Coordination of Nuclear Detection Efforts." Witnesses included Vayl Oxford, Acting Director of the DNDO; Dr. Fred Ikle, Center for Strategic and International Studies; Dr. Graham Allison, Director, Belfer Center for Science and International Affairs, John F. Kennedy School of Government, Harvard University; and Col. Randy Larson, USAF (Ret.) CEO, Homeland Security Associates.

On May 26, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "Building A Nuclear Bomb: Identifying Early Indicators of Terrorist Activity." Witnesses included the Honorable Ronald F. Lehman, Director for Global Security Research, Lawrence Livermore National Laboratory; Mr. David Albright, President, Institute for Science and International Security; and Ms. Laura Holgate, Vice President for Russial/New Independent States, Nuclear Threat Initiative.

On June 21, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology?" Witnesses included Mr. Gene Aloise, Director, Natural Resources and Environment, GAO; Dr. Richard L. Wagner, Chair, Defense Science Board Task Force on Prevention of and Defense Against Clandestine Nuclear Attack, Senior Staff Member Los Alamos National Laboratory; and Ms. Bethann Rooney, Security Director, Port Authority of New York & New Jersey, among others.

On June 22, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing titled, "Ensuring the Security of America's Borders through the Use of Biometric Passports and Other Identity Documents." Testimony was received from Department of Homeland Security and State Department officials.

On June 28, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "Pathways to the Bomb: Security of Fissile Materials Abroad."

On July 13, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing titled, "Leveraging Technology to Improve Aviation Security." Members took testimony from industry stakeholders, including firms with checkpoint technologies that show promise at detecting explosives at TSA checkpoints.

On July 19, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing titled, "Leveraging Technology to Improve Aviation Security, Part II." Testimony was received from Cliff Wilke, the TSA Chief Technology Officer.

On July 20, 2005, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "A Progress Report on Information Sharing for Homeland Security."

On September 8, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "WMD Terrorism and Proliferant States." Witnesses included Ray Takeyh, Senior Fellow, Middle Eastern Studies, Council on Foreign Relations; Dr. Daniel Byman, Director, Center for Peace and Security Studies, Georgetown University; and Gregory Giles, National Security Consultant, Hicks and Associates.

On September 22, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "Trends in the Movement of Illicit of Nuclear Materials."

On September 29, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "Incident Command, Control, and Communications during Catastrophic Events."

On October. 19, 2005, the full Committee held a hearing titled, "Federalism and Disaster Response: Examining the Roles and Responsibilities of Local, State, and Federal Agencies." The Committee heard testimony from the governors of Arizona, Texas and Florida, as well as three local elected officials.

On October 26, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "Ensuring Operability During Catastrophic Events." The Subcommittee heard testimony from Dr. David Boyd, Director of project SAFECOM at the Department of Homeland Security.

On November 8, 2005, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "Federal Support for Homeland Security Information Sharing: The Role of the Information Sharing Program Manager."

On November 17, 2005, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "Terrorism Risk Assessment at the Department of Homeland Security."

On November 17, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "International Efforts to Promote Nuclear Security." Witnesses included Jerry Paul, Principal Deputy Administrator, Acting Deputy Administrator for Nonproliferation Programs, National Nuclear Security Administration, Department of Energy, and Stephen Rademaker, Acting Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State.

On February 8, 2006, the Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science, and Technology held a joint hearing titled, "Protecting the Homeland: Fighting Pandemic Flu from the Front Lines."

On February 15, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "The President's Proposed Fiscal Year 2007 Budget for the Department of Homeland Security: The Office of Intelligence and Analysis."

On February 15, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "The State of Interoperable Communications: Perspectives from the Field."

On March 1, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "The State of Interoperable Communications: Perspectives from State and Local Government."

On March 8, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "Proposed Fiscal Year 2007 Budget: Enhancing Preparedness for First Responders."

On March 8, 2006, the Subcommittee on Management, Integration, and Oversight held a hearing titled, "The 9/11 Reform Act: Examining the Implementation of the Human Smuggling and Trafficking Center."

On April 6, 2006 and May 10, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held hearings titled, "Protection of Privacy in the DHS Intelligence Enterprise."

On April 12, 2006, the Committee held a field hearing titled, "Emergency Planning and Preparedness: Federal, State, and Local Coordination."

On April 25, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "The State of

Interoperable Communications: Perspectives on Federal Coordination of Grants, Standards, and Technology." The Subcommittee heard testimony from two panels. The first panel consisted of the principal Federal agencies that are responsible for coordinating Federal communication systems with state and local jurisdictions. The second panel included Federal and non-governmental entities that develop the standards and examined the impact of technology in the area of interoperable/emergency communication.

On May 24, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "Examining the Progress of the DHS Chief Intelligence Officer." The Subcommittee heard testimony from Mr. Charles Allen, the Chief Intelligence Officer at the Department of Homeland Security.

On May 25, 2006, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "Preventing Nuclear Smuggling: Enlisting Foreign Cooperation." Witnesses included Mr. Vail Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security; Mr. Jayson Ahearn, Assistant Commissioner for Field Operations, Customs and Border Protection, Department of Homeland Security; Mr. David Huizenga, Assistant Deputy Administrator for International Materials Protection, Control and Accounting, National Nuclear Security Administration, Department of Energy; and Mr. Frank Record, Acting Assistant Secretary of State for International Security and Nonproliferation, Department of State.

On June 15, 2006, the full Committee held a hearing titled, "DHS Terrorism Preparedness Grants: Risk-Based or Guess-Work."

On June 22, 2006, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "International Efforts to Promote Nuclear Security." Witnesses included Mr. Jerry Paul, Principal Deputy Administrator, Acting Deputy Administrator for Nonproliferation Programs, National Nuclear Security Administration, Department of Energy; Mr. Frank Record, Acting Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State; and Mr. Jack David, Deputy Assistant Secretary of Defense for International Security Policy, Office of the Secretary, Department of Defense, among others.

On June 28, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "DHS Intelligence and Border Security: Delivering Operational Intelligence."

On July 26, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "Emergency Care Crisis: A Nation Unprepared for Public Health Disasters."

On September 7, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "State and Local Fusion Centers and the Role of DHS."

On September 13, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "The Homeland Security Information Network: An Update on DHS Information Sharing Efforts." The Subcommittee heard testimony from the Inspector General of the Department of Homeland Security.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The purpose of H.R. 1, the "Implementing the 9/11 Commission Recommendations Act of 2007," is to strengthen national security and emergency preparedness efforts by enacting recommendations made by the National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) in their comprehensive report on the terrorist attacks of September 11, 2001.

INFORMAL BUDGET ESTIMATE

While there was no formal analysis from the Congressional Budget Office, it is estimated that with respect to Titles I through XI—those titles that fall within the jurisdiction of the Committee on Homeland Security—the only sections that would affect net direct spending are sections 402 and 403.

Section 402, which would extend provisions related to the Aviation Security Capital Fund through 2011, would have no net cost over time. That provision would receive credit for triggering collection of the first $250 million in passenger fees, which would offset the cost of subsequent spending.

Section 403, which creates a new $250 million checkpoint screening improvement fund for fiscal year 2008 that is funded through the Aviation Security Capital Fund, would have no net overall cost, although it would mean that the amount available to offset TSA's 2008 appropriation for aviation security would be reduced by $250 million.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Constitutional authority for this legislation is provided in Article I, section 8, clause 1 of the Constitution, which grants Congress the power to provide for the common Defense of the United States.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

TITLE I: RISK-BASED ALLOCATION OF HOMELAND SECURITY GRANTS

§101—First Responders Homeland Security Funding. This section amends the Homeland Security Act of 2002, by inserting Title XX ("Funding for First Responders") to the end of the Act, including the following new sections:

§2002—Faster and Smarter Funding for First Responders. This section sets forth provisions governing Department of Homeland Security (DHS) grant funding for first responders pursuant to the State Homeland Security Grant Program, the Urban Area Security Initiative, and the Law Enforcement Terrorism Prevention Program. It specifically excludes non-DHS programs, the FIRE Grant programs, and the Emergency Management Performance Grant program and Urban Search and Rescue Grants program authorized by specified Federal laws.

§2003—Covered Grant Eligibility and Criteria. This section specifies that high threat urban areas are eligible to apply for funding under the Urban Area Security Initiative and that States, regions, and directly eligible tribes may apply for funding under the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program. It also directs the Secretary of Homeland Security to require any State applying for a covered grant to submit a State Preparedness report, to be developed in consultation with local governments and first responders. Additionally, this section precludes a grant award to a State absent approval of such plan. It sets forth minimum contents for grant applications, including the designation of regional and tribal liaisons (if the applicant is a region or directly eligible tribe) and requires regional and tribal applications to be coordinated with State applications. Finally, this section requires applicants who purchase equipment that do not meet or exceed any applicable national voluntary consensus standards to include an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

§2004—Risk-Based Evaluation and Prioritization. This section requires the Secretary to evaluate and annually prioritize pending applications for covered grants based upon the degree to which they would lessen the threat to, vulnerability of, and consequences for persons (including transient commuters and tourists) and critical infrastructure. It also requires such evaluation and prioritization to be coordinated with the National Advisory Council (established as part of the recent FEMA Reform Bill), the FEMA Administrator, the United States Fire Administrator, the Chief Intelligence Officer of the Department, the Assistant Secretary for Infrastructure Protection, and other Department officials as determined by the Secretary. This section also sets forth minimum amounts each state shall receive (0.25%), providing for larger grant awards to applicants that have a significant international land border and/or adjoin a body of water within North America that contains an international boundary line (0.45%).

§2005—Use of Funds and Accountability Requirements. This section lists authorized uses of covered grants and prohibits the use of grant funds to supplant State or local funds, to construct physical facilities, to acquire land, or for any State or local government cost sharing contribution. It authorizes covered grant applicants to petition the Secretary for reimbursement of the costs of any activity relating to prevention of, preparedness for, response to, or recovery from acts of terrorism that is a federal duty and normally performed by a federal agency, and that is being performed by a State and/or local government under agreement with a federal agency. In addition, it sets the federal share of the costs of activities carried out under covered grants at 100 percent of the total for the two-year period following enactment of this Act and at 75 percent thereafter. This section also requires each covered grant recipient to submit annual reports on homeland security spending and establishes penalties for States that fail to pass through to local governments within 45 days of receipt of grant funds. Finally, this section requires the Secretary to report to Congress on grant program activities annually.

TITLE II: ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

§201—Improve Communications for Emergency Response Grant Program. This section would amend Title V of the Homeland Security Act of 2002 by creating a stand-alone interoperability grant program at the Department of Homeland Security. This provision requires the Department of Homeland Security's Office of Grants and Training to coordinate with the Director of Emergency Communications to establish the Improved Communications for Emergency Response (ICER) grant program to improve emergency communications among state, regional, national, and in some instances, along the international border communities. The provision provides that the ICER grant would be established the first fiscal year following the Department's completion of and delivery to Congress of the National Emergency Communication Plan (as outlined in current law) and baseline operability and interoperability assessment, and, upon the Secretary's determination that substantial progress has been made with regard to emergency communication equipment and technology standards. Further, this section outlines the available use of the ICER grants for planning, design and engineering, training and exercise, technical assistance, and other emergency communication activities deemed integral by the Secretary.

TITLE III: STRENGTHENING USE OF A UNIFIED INCIDENT COMMAND DURING EMERGENCIES

§301—National Exercise Program Design. This section strengthens federal assistance to state, local, and tribal governments both in implementing and in fully understanding the National Incident Management System (NIMS), the Incident Command System (ICS), any relevant mutual aid agreements, and the broad concepts of a unified command system. It refines and focuses some of the provisions of the Post Katrina Emergency Management Reform Act of 2006 by expressly requiring that the National Exercise Program include practical exercises that reinforce the aforementioned subject matters. Finally, it ensures that the utility of any exercise is maximized by requiring that the exercise plans of state, local, and tribal governments include the prompt creation of an after-action report and the rapid incorporation of any lessons learned into future operations.

§302—National Exercise Program Model Exercises. This section amends the Post Katrina Emergency Management Reform Act of 2006 to make it easier for state, local, and tribal governments to conduct exercises meant to reinforce NIMS/ICS training. It does so by requiring the Department of Homeland Security to develop and make available to them pre-scripted, preplanned exercise scenarios and materials that will need minimal tailoring.

§303—Responsibilities of Regional Administrators of the Federal Emergency Management Agency. This Section amends the Homeland Security Act of 2002 and the Post Katrina Emergency Management Reform Act of 2006 to require FEMA's Regional Administrators to assist state, local, and tribal governments in pre-identifying and evaluating sites where a multijurisdictional unified command system can be quickly established in the event of a terrorist attack or a natural disaster.

TITLE IV: STRENGTHENING AVIATION SECURITY

§401—Installation of In-Line Baggage Screening Equipment. This provision directs the Department of Homeland Security to issue, within thirty days of final passage of the Act, a cost-sharing study required under the Intelligence Reform and Terrorism Prevention Act of 2004 that will provide creative financing solutions to promote greater deployment of in-line explosive detection systems. Additionally, the Secretary is to provide analysis of the study, including a list of provisions DHS supports and a schedule to implement them. The 9/11 Public Discourse Project gave Congress and the Administration a "D" on improving the security of checked baggage.

§402—Aviation Security Capital Fund. The 9/11 Discourse Project gave "checked bag and cargo screening a 'D,' stating that "Improvements here have not been made a priority by the Congress or the administration. Progress on implementation of in-line screening has been slow. The main impediment is inadequate funding." This provision renews expiring authorization for TSA to issue letters of intent, grants or other funding vehicles to airports to help support in-line EDS projects through Fiscal Year 2011. Without this provision, authorization to issue such grants would expire at the end of Fiscal Year 2007. The provision also removes the $125 million cap on the level of support that TSA can give airports under this fund.

§403—Airport Checkpoint Screening Explosive Detection. This provision creates a Checkpoint Screening Security Fund to support the research, development and deployment of EDS checkpoint technologies. The provision provides a one-time deposit of $250 million in FY 2008, from the revenues collected from the passenger ticket fees. The 9/11 Commissioners continues to be concerned about the threat that a would-be terrorist would get passed the TSA checkpoint with explosives strapped to their bodies. The 9/11 Public Discourse Project gave Congress a "C" on improving airline screening checkpoints to detect explosives. The Commissioners found that "while more advanced screening technology is being developed, Congress needs to provide the funding for, and TSA needs to move as expeditiously as possible with the appropriate installation of explosive detection trace portals at more of the nation's airports."

§404—Strengthening Explosive Detection at Airport Screening Checkpoints. This provision directs the Department of Homeland Security to issue, within seven days of enactment, a strategic plan for the deployment of explosive detection equipment at checkpoints that is long overdue under the Intelligence Reform and Terrorism Prevention Act of 2004.

§405—Extending Authorization of Aviation Security Funding. This provision reauthorizes the Aviation Security Capital Fund, which expires in 2007, through 2011 to ensure that TSA can continue to collect fees on tickets purchased by the flying public to enhance aviation security. This language would make available an additional $1 billion towards the challenge of expanding inline EDS deployment, that is $250 million per year from FY 2008 through 2011.

§406—Inspection of Cargo Carried Aboard Passenger Aircraft. This provision directs the Department of Homeland Security to establish and implement a system to inspect 100% of cargo carried on passenger aircraft by 2009. The measure directs the Department to develop a phased-in approach so that by the end of fiscal year 2007, 35% of cargo carried on passenger aircraft is inspected; by the end of fiscal year 2008, 65% percent of cargo is inspected; and by the end of fiscal year 2009, 100% of cargo is inspected. Last December, the 9/11 Commissioners gave a "D" grade to Congress and the Administration for their efforts to enhance air cargo screening.

§407—Appeal and Redress Process for Passengers Wrongly Delayed or Prohibited from Boarding a Flight. This provision directs the Secretary of Homeland Security to create the Office of Appeals and Redress to establish and administer a timely and fair process for airline passengers who believe they have been delayed or prohibited from boarding a flight because they have been misidentified against the "No Fly" or "Selectee" watchlists. The 9/11 Commissioners identified problems with airline passenger pre-screening as an area that needs addressing. In the 9/11 Public Discourse Project, the Commissioners stated that there has not been any real progress on improving the watch-listing process. The Department of Homeland Security was given an "F" in this area.

§408—Transportation Security Administration Personnel Management. This section provides for equal treatment for all Transportation Security Administration employees, including screeners. This provision requires the Department of Homeland Security apply the same management system to all TSA employees, including screeners. Under this provision, all TSA employees, including screeners, would have collective bargaining rights and whistleblower rights.

§409—Advanced Airline Passenger Prescreening. This provision directs the Secretary to submit a plan with milestones to test and implement a system to prescreen passengers against the automatic selectee and no fly lists. The plan is due 90 days after enactment of the Act and must include (1) a description of the system; (2) a projected timeline for each phase of testing and implementation of the system; (3) an explanation of how the system integrates with the prescreening system for passenger on international flights; and (4) a description of how the system complies with the Privacy Act.

TITLE V: STRENGTHENING THE SECURITY OF CARGO CONTAINERS

§1501—Requirements Relating to Entry of Containers into the United States. This section amends 46 U.S.C. §70116 to add a new subsection. Under the new subsection, all containers must be scanned overseas using the best-available technology, including scanning for radiation and density, before they are loaded onto a ship destined for the United States. The scans will be reviewed by American security personnel before the container is loaded, and as technology becomes available, containers will be sealed with a device that will sound an alarm when it is tampered with, and will notify U.S. officials of a breach before the container enters the Exclusive Economic Zone of the United States. This section also requires the Secretary of Homeland Security to establish standards for scanning equipment and seals. The Secretary is required to review and if necessary, revise these standards not less than once every two years. Moreover, this section authorizes to be appropriated such sums as may be necessary to carry out this new requirement for fiscal years 2008 through 2013.

Under this section, the Department of Homeland Security is required to issue a final rule implementing this requirement within one year after the Department issues the report on the foreign pilot program required by §231 of the SAFE Ports Act. In addition, this section mandates a phased-in application. The new requirement shall apply to containers loaded at larger ports (more than 75,000 TEUs loaded in 2005) beginning on the end of the 3-year period beginning on the date of the enactment of this act. The new requirement shall apply to all other containers beginning on the end of the 5-year period beginning on the date of enactment of this act. This section encourages the Secretaries of Homeland Security and State to promote and establish international standards for the security of containers moving through the international supply chain. The legislation also requires the Secretary of Homeland Security to consult with the appropriate public and private stakeholders when carrying out this new subsection to ensure that actions taken by the Department do not violate international trade obligations or other international obligations of the United States.

TITLE VI: STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

Subtitle A—Human smuggling and trafficking center improvements

§601—Strengthening the Capabilities of the Human Smuggling and Trafficking Center. This section would improve the capabilities of the Human Smuggling and Trafficking Center (HSTC) by authorizing the Assistant Secretary of Immigration and Customs Enforcement (ICE) to provide administrative and operational support to stem human smuggling, human trafficking, and terrorism travel. This provision would authorize the hiring of 30 FTEs, of which no less than 15 detailed special agents and intelligence analysts—with at least three years of experience in the field of human smuggling and trafficking—would serve for at least two years at HSTC. This provision requires the Secretary to develop a plan whereby the responsibilities of the participating agencies and departments would be clearly defined, outline how the Department's resources would be used to support the intelligence functions of HSTC, and describe the information sharing mechanism with the Office of Information and Analysis (I&A), ICE, and the U.S. Customs and Border Protection. Under this provision, the plan must also develop a reciprocal clearance status for participating agencies and departments, establish coordinated networked systems, and define efforts to incorporate HSTC personnel into the civil service system. This provision also requires SHA to execute a Memorandum of Understanding with the Attorney General clarifying the responsibilities of the participating departments regarding human smuggling, trafficking, and terrorist travel. Finally, I&A, in coordination with HSTC must produce periodic reports to Federal, State, local, and tribal law enforcement and other relevant agencies regarding the terrorists threats related to human smuggling, human traveling, and terrorism travel.

Subtitle B—International collaboration to prevent terrorist travel

§611—Report on International Collaboration to Increase Border Security, Enhance Global Document Security, and Exchange Terrorist Information.

Subtitle C—Entry and exit of foreign nationals into the United States

§621—Biometric Entry and Exit Verification. This section directs that the Secretary submit a plan, detailing the manner in which the US-VISIT program meets the goals of a comprehensive entry and exit screening system—including both biometric entry and exit—and how it will fulfill statutory obligations. As of October 2006, this plan was still under review in the Office of the Secretary, according to US-VISIT officials. Without such a plan, DHS cannot articulate how entry/exit concepts fit together—including any interim nonbiometric solutions—and neither DHS nor Congress is in a good position to prioritize and allocate resources, including funds for any facility modifications that might be needed, for a US-VISIT exit capability, to plan for the program's future, or to consider trade-offs between traveler convenience and security.

TITLE VII: IMPROVING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT AND FIRST RESPONDERS

Subtitle A—Fusion and Law Enforcement Education and Teaming (FLEET) grant program

§701—Findings.

§702—FLEET Grant Program. State, local, and tribal law enforcement participation in state and local fusion centers advances the cause of homeland security by involving officers in the intelligence process on a daily basis; helping officers build relationships across every level and discipline of government and the private sector; and ensuring that criminal intelligence and other information is shared with their home communities. Unfortunately, the many local and tribal police and sheriffs' officers who serve suburban, rural, and tribal areas lack the resources to participate fully in fusion centers. This section accordingly establishes and authorizes funding for a program that will help them detail officers and intelligence analysts to state fusion centers by defraying the costs associated with details. Specifically, it will provide local and tribal communities with the funding they need to backfill positions vacated by detailees; to train detailees in the intelligence cycle and privacy and civil liberties, and to ensure effective communications between detailees and their home departments and agencies. By encouraging participation in state fusion centers by these lower profile but equally critical law enforcement players—regardless of resources—this program will promote the development of more robust fusion centers nationally that are better geared toward protecting the American people. This section authorizes such sums as may be necessary for each of fiscal years 2008 through 2013 in support of the FLEET Grant Program.

Subtitle B—Border Intelligence Fusion Center Program

§711—Findings.

§712—Establishment of Border Intelligence Fusion Center Program. Law enforcement officers speak highly of fusion centers—entities that have been established at the State and regional levels in order to make sense of the millions of pieces of data available to them, state health authorities, local first responders, the private sector, and other homeland security players. One place where police and sheriffs' officers have identified a need for such intelligence "fusion" is at America's borders. As the June 2, 2006, arrest of suspected terrorists in Toronto, Canada, and news that al Qaeda has considered crossing the Mexican border to infiltrate the country both vividly demonstrate, America needs a "border intelligence" capability. Having situational awareness of the goings-on at our points of entry and all places in between would help the Department of Homeland Security make best use of its resources by partnering more effectively with the state, local, and tribal law enforcement officers that are the "eyes and ears" at our borders. Although it is commonly accepted that officers armed with that information could be effective lookouts for terrorists, drug and human smugglers, and others who pose a threat to the nation, no consistent and effective border intelligence capability yet exists. This section accordingly establishes and authorizes funding for a program that will require the Department to deploy Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) officers to border state fusion centers in order to generate border-related intelligence products that are relevant to the policing communities in those states. This section also provides for intelligence analysis, privacy, and civil liberties training. This section authorizes such sums as may be necessary for each of fiscal years 2008 through 2013 in support of the Border Intelligence Fusion Center Program.

Subtitle C—Homeland Security information sharing enhancement

§721—Short Title.

§722—Homeland Security Advisory System. This section directs the Under Secretary for Intelligence and Analysis to implement an advisory system to relay advisories and alerts to the public regarding threats to the homeland. This bill likewise prescribes the contents of those advisories and alerts, and it makes clear that the Under Secretary for Intelligence and Analysis is not to use color designations as the exclusive means warning the public of potential threat conditions.

§723—Homeland Security Information Sharing. This section directs the Secretary to integrate the various intelligence components of the Department (CBP, ICE, TSA, etc.) into a Departmental Information Sharing Environment (ISE) to be administered by the Under Secretary for Intelligence and Analysis. To support the development of the ISE, this section:

(1) requires the Secretary to appoint "Knowledge Management Officers" for each intelligence component in order to promote a coordinated approach to gathering and disseminating homeland security information;

(2) establishes business processes for the review of information provided by State, local, tribal, and private sector sources and related feedback mechanisms; and

(3) establishes a training program for Department employees so they can better understand what "homeland security information" is, how they can identify it as part of their day-to-day work, and how it is relevant to the Office of Intelligence and Analysis.

This section also directs the Secretary, acting through the Under Secretary for Intelligence and Analysis, to establish a comprehensive information technology network architecture that will connect all of the databases within the Department of Homeland Security to each other—promoting internal information-sharing within the Department's Office of Intelligence and Analysis (I&A) and among the Department's various intelligence components. This section requires the Secretary to submit an implementation plan and progress report to Congress in order to monitor the development of the architecture and encourages its developers to adopt the functions, methods, policies, and network qualities recommended by the Markle Foundation.

Subtitle D—Homeland Security information sharing partnerships

§731—Short Title.

§732—State, Local, and Regional Information Fusion Center Initiative. This section directs the Secretary to establish an initiative to partner I&A with State, local, and regional information fusion centers. Such fusion centers analyze and disseminate potentially homeland security relevant information to appropriate audiences in a given community and are managed by a State, local, or regional government entity. This section directs the Secretary to, among other things, coordinate the Department's information sharing efforts with these entities; provide intelligence and other assistance to them; represent the interests of these entities to the wider Intelligence Community; and provide appropriate training. In addition, this section requires the Secretary to submit a concept of operations for the fusion center initiative before it can get underway. It also requires the Secretary to address any privacy or civil liberties concerns about the initiative raised by both the Department's Privacy Officer and Officer for Civil Rights and Civil Liberties before the initiative is implemented. This section also requires a follow-up privacy impact assessment within one year after the initiative commences.

§733—Homeland Security Information Sharing Fellows Program. This section essentially creates a program by which State, local, and tribal law enforcement agencies can nominate officers to work alongside intelligence analysts in I&A to accomplish three key goals for improving information sharing: (1) identifying for Department intelligence analysts what kinds of homeland security information are actually of interest to law enforcement, including information that can be used to help thwart terrorist attacks; (2) assisting intelligence analysts to write and disseminate intelligence reports in a shareable format—providing officers with specific and actionable information without disclosing sensitive sources and methods; and (3) serving as a point of contact for officers in the field who want to share information with the Department but are unsure of where they should direct that information. Moreover, this section directs the Under Secretary for Intelligence and Analysis to solicit nominations for the program from a wide range of urban, suburban, and rural communities; provides a stipend to participating officers when funding permits; and directs the Under Secretary for Intelligence and Analysis to expedite the security clearance process for any nominee selected for the program who does not otherwise possess a valid security clearance. This provision requires the Secretary to submit a concept of operations for the program before it can get underway. It also requires the Secretary to address any privacy or civil liberties concerns about the program raised by both the Department's Privacy Officer and Officer for Civil Rights and Civil Liberties before the program can begin. Additionally, this section also requires a follow-up privacy impact assessment within one year after the program commences.

Subtitle E—Homeland Security intelligence offices reorganization

§741—Departmental Reorganization. This section reflects the changes wrought by the Secretary's Second Stage Review by redesignating the Directorate for Information Analysis and Infrastructure Protection (IAIP) within the Homeland Security Act of 2002 as I&A. It likewise redesignates the "Under Secretary for Information Analysis and Infrastructure Protection" as the "Under Secretary for Intelligence and Analysis." This section also takes the list of responsibilities for the Under Secretary for Information Analysis and Infrastructure Protection contained in Section 201 of the Homeland Security Act of 2002 and divides them up between the new Under Secretary for Intelligence and Analysis and the new Assistant Secretary for Infrastructure Protection who heads the new Office of Infrastructure Protection (described in Section 763 below). This section also adds new responsibilities for the Under Secretary for Intelligence and Analysis, including (1) coordinating and enhancing integration among the Department's intelligence components; (2) establishing intelligence priorities; and (3) ensuring that open-source information is used in I&A products whenever possible. In addition, this section requires the Under Secretary for Intelligence and Analysis to establish a continuity of operations (COOP) plan in the event I&A's operations are disrupted by a range of potential emergencies and includes a variety of technical and conforming amendments.

§742—Intelligence Components of the Department of Homeland Security. This section defines "intelligence component"; requires the Secretary to provide training to intelligence component staff regarding the handling, analysis, dissemination, and collection of homeland security information; and sets forth the responsibilities of the heads of each of the Department's intelligence components. Those responsibilities include: (1) ensuring that the work of their component supports the Under Secretary for Intelligence and Analysis and is consistent with his goals; (2) incorporating the Under Secretary for Intelligence and Analysis's input with regard to performance appraisals, bonus or award recommendations, recruitment and selection of staff, reorganization of the component, and other matters; and (3) ensuring that staff has knowledge of and complies with the programs and policies established by the Under Secretary for Intelligence and Analysis.

§743—Office of Infrastructure Protection. This section establishes the aforementioned Assistant Secretary for Infrastructure Protection to head the new Office of Infrastructure Protection. This section also lists six key responsibilities for this new Assistant Secretary, including (1) conducting assessments of key resource and critical infrastructure vulnerabilities; (2) identifying priorities for Department protective and support measures; (3) developing a comprehensive national plan for securing key resources and critical infrastructure; (4) recommending protective measures for key resources and critical infrastructure; and (5) coordinating with the Undersecretary for Intelligence and Analysis and the Department's homeland security partners. The remainder of this section requires the Secretary to provide the Office with an expert staff, some of whom may hail from the private sector. It also requires staff to have appropriate security clearances and provides that personnel from other Federal agencies may be detailed to the Office in order to meet staffing needs.

TITLE VIII: PROTECTING PRIVACY AND CIVIL LIBERTIES WHILE EFFECTIVELY FIGHTING TERRORISM

Subtitle A—Privacy and civil liberties oversight boards

§801—Short Title.

§802—Findings.

§803—Making: the Privacy and Civil Liberties Oversight Board Independent. This provision removes the Board from the Executive Office of the President and makes the Board an independent agency. Under its current structure, the Board acts under the direction of the President, its offices are housed within the White House and its members serve at the pleasure of the President. This section would grant the Board autonomy and change its status to an independent agency.

§804—Requiring: All Members of the Privacy and Civil Liberties Oversight Board to Be Confirmed by the Senate. This section requires every member of the Board to be confirmed by the U.S. Senate. The Board will be composed of a full-time chairman and 4 additional members. The Board members shall be determined to be qualified and selected on the basis of their professional qualifications, achievements, public stature and expertise in the areas of civil liberties and privacy. Moreover, there shall never be more than three members of the Board that are members of the same political party and those individuals who are not of the same political party as the President can only be appointed after the President has consulted with the leadership of the nominee's party. Members of the Board cannot serve as an elected official or an employee of the Federal Government, other than in the capacity as a Board member during their tenure of service. All members will serve for a term of six years each.

§805—Subpoena Power for the Privacy and Civil Liberties Oversight Board. This section states that the Board will have subpoena powers that will be enforced by the U.S. District Court in the judicial district where the subpoenaed person resides. The subpoenas must be issued by the majority of the members of the Board.

§806—Reporting: Requirements. This provision requires the Board to submit no less than two reports each year to the appropriate committees of Congress that shall include a description of the Board's activities, information on its findings, conclusions, minority views, and recommendations resulting from its advice and oversight functions. The Board will also receive and review reports from Privacy Officers and Civil Liberties Officers from other executive branch agencies. The reports shall be unclassified, to the greatest extent possible, with a classified annex if necessary. The general public shall be kept abreast of the Board's activities through its reports, which shall be made public and through public hearings.

Subtitle B—Enhancement of privacy officer authorities

§811—Short Title.

§812—Authorities of the Privacy Officer of the Department of Homeland Security. This section vests the designated privacy officer with the power to access any and all records necessary to fulfill the obligations of the office; undertake any privacy investigation that is deemed appropriate; subpoena documents from the private sector, where necessary; obtain sworn testimony; and take the same action that the Department's Inspector General can take in order to obtain answers to questions and responsive documents in the course of an investigation. The term of appointment shall be five years. Additionally, the Privacy Officer will be required to submit reports directly to Congress regarding the officer's performance without any prior comment of amendment by the Secretary, Deputy Secretary, or any other officer or employer of the Department of the Office of Management and Budget.

TITLE IX: IMPROVING CRITICAL INFRASTRUCTURE SECURITY

§901—Vulnerability Assessment and Report on Critical Infrastructure Information. This section requires the Secretary to provide annual comprehensive reports on vulnerability assessments for all critical infrastructure sectors established in Homeland Security Presidential Directive-7. This provision will require the Secretary to provide the appropriate congressional committees with a summary vulnerability report and a classified annex for each industry sector. This provision also requires the Department of Homeland Security to provide a summary report from the preceding two years to compare with the current report to show any changes in vulnerabilities, provide explanations and comments on greatest risks to critical infrastructure for each sector, and additional recommendations for mitigating these risks.

§902—National Asset Database and the National At-Risk Database. This section requires the Secretary of the Department of Homeland Security to maintain two databases addressing critical infrastructure: the National Asset Database and, as a subset, the National at-risk Database. These databases will list the nation's critical infrastructure most at-risk of a terrorist attack. To develop the National Asset Database and the At-Risk Database, the Secretary will meet with a consortium of national laboratories and experts. The Secretary is required to annually update both databases and remove assets and resources that are not verifiable or do not comply with the database requirements. The Secretary will also meet with the states and advise them as to the format for submitting assets for the lists and notifying them as to deficiencies before removing or not including assets on the lists. This provision also requires the Secretary to consult the Databases for purposes of allocating various Department grant programs. Finally, the Secretary must provide an annual report to Congress on the contents of the Databases.

TITLE X: TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

§1001—Strategic Transportation Security Information Sharing. This section amends 49 U.S.C. §114 to add subsection 114(u). This new subsection requires the establishment of a Strategic Transportation Security Information Sharing Plan. The purpose of this plan is to ensure the robust development of tactical and strategic intelligence products related to transportation security for dissemination to public and private stakeholders. The plan shall include a description of how intelligence analysts in the Transportation Security Administration are coordinating their activities with other Federal, State, and Local analysts. In addition the plan shall include reasonable deadlines for completing organizational changes within the Department and a description of resources needed to fulfill this plan.

Under this new subsection, the Secretary of the Department of Homeland Security is required to submit a report containing the plan to the appropriate Congressional Committees within 180 days of enactment. The Secretary is also required to submit an annual report and updates on implementation

The Secretary of Homeland Security is required under the new subsection to conduct an annual survey on the stakeholder satisfaction concerning the transportation security intelligence reports issued by the Department. To the greatest extent possible, the Secretary shall provide stakeholders with transportation security information in an unclassified format. The Secretary is also required to ensure that stakeholders have the security clearances needed to receive classified information if the information can not be disseminated in an unclassified format.

§1002—Transportation Security Strategic Planning. This section amends 49 U.S.C. 114(t). This new legislation specifically states that the Secretary of the Department of Homeland Security is required to complete modal security plans for aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation assets (the National Strategy for Transportation Security is complete, but its underlying modal plans have not yet been completed). The Secretary of Homeland Security is responsible for coordinating all efforts undertaken under this subsection with the Secretary of Transportation. The development of risk-based priorities required under this section shall be based on vulnerability assessments conducted by the Department of Homeland Security.

This section requires the Secretary to define the roles and missions of tribal authorities. This section also requires the Secretary to establish mechanisms for encouraging employee organization cooperation and participation. Under this new language, the Secretary is responsible for a comprehensive delineation of prevention responsibilities. The responsibilities and issues delineated under this section have been expanded to include executed acts of terrorism outside of the United States. Research and development projects initiated by the Department shall be based on the prioritization required by this subsection. This section requires the Secretary, in conjunction with the submission of the budget to Congress under 31 U.S.C. §1105(a), to submit to the appropriate congressional committees an assessment of the progress made on implementing the transportation modal security plans.

The periodic progress report required under this subsection shall include, at a minimum, recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal security plans that the Secretary, in consultation with the Secretary of Transportation, considers appropriate. The report shall include an accounting of all grants, including those for research and development, distributed by the Department of Homeland Security the previous year and a description of how these grants accomplished the goals of the National Strategy for Transportation Security. The report shall include an accounting of all funds spent by the Department on transportation security. This accounting should not include the aforementioned grants. The report shall include information on the number of employees, by agency, working on transportation security issues. This listing shall be divided by mode—aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation modes. This list shall also include information, by mode, on the number of contractors hired by the Department to work on transportation-related security. Finally, the report shall include information on the turnover of transportation-security related employees at the Department the previous year. Specifically, the report shall provide information on the number of people who have left the Department, their agency, the area in which they worked, and the amount of time that they had worked at the Department. If the Department initiates any transportation security activities that are not clearly delineated in the National Strategy for Transportation Security, the Department shall provide an explanation to the appropriate congressional committees; including the amount of funds expended for these initiatives.

Finally, this section requires the National Strategy for Transportation Security to include, as an integral part or as an appendix, the Transportation Sector Specific Plan required under Homeland Security Presidential Directive 7. Additionally, the Secretary of Homeland Security, working with the Secretary of Transportation, shall consult with other Federal agencies; state, local, and tribal officials; the private sector; employee organizations; institutions of higher learning; and others, as applicable, when carrying out the responsibilities outlined in this section. An unclassified version of the National Strategy for Transportation Security shall be provided to other Federal agencies; state, local, and tribal officials; the private sector; employee organizations; institutions of higher learning; and others, as applicable.

TITLE XI: PRIVATE SECTOR PREPAREDNESS

§1101—Participation of Private Sector Organizations in Emergency Preparedness and Response Activities. This provision establishes a program by which the Secretary of Homeland Security will establish a disaster and emergency preparedness response program for the private sector. Under this provision, within 90 days of passage, the Secretary will create a program to enhance private sector preparedness and response to terrorism and other emergencies and disasters. Among other things, the program must establish guidelines to: (1) identify hazards and assessing risks and impacts, (2) mitigating hazards, (3) managing emergency preparedness and response, and (4) developing training and response plans and operational procedures. Among any such standards created, the Department is required to use National Fire Protection Association 1600 Standard on Disaster/Emergency Management and Business Continuity Programs, which establishes a check-list of best practices for disaster and emergency preparedness and response. This standard was endorsed and recommended by the 9/11 Commission.

TITLE XII: PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

§1201—Findings.

§1202—Definitions.

Subtitle A—Repeal and modification of limitations on assistance for prevention of WMD proliferation and terrorism

§1211—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism. Consistent with the 9-11 Commission's recommendations, this section repeals conditions on CTR assistance to Russia and the former Soviet Union, as proposed by Senator Lugar in amendments in prior Congresses. This provision also removes limits on the use of CTR and Department of Energy funds outside the former Soviet Union by modifying certification requirements and repealing funding caps while providing additional oversight over this program.

Subtitle B—Proliferation Security Initiative

§1221—Proliferation Security Initiative Improvements and Authorities. This section expresses a Sense of Congress that the President should expand and strengthen the PSI, with a particular focus on implementing recent recommendations from the Government Accountability Office, including establishing a separate budget item for PSI. It also requires the Secretary of State and Secretary of Defense to submit defined annual budgets for the PSI. This provision further requires a presidential report on the implementation of Subtitle B and an annual GAO report on PSI progress and effectiveness.

§1222—Authority to Provide Assistance to Cooperative Countries. This section authorizes the President to provide certain types of foreign military assistance to countries that cooperate with the U.S. and its allies to achieve PSI goals. It also requires the President to notify the Congress 30 days before transferring any ship or aircraft with military applications to any country that does not support U.S. interdiction efforts.

Subtitle C—Assistance to Accelerate Programs to Prevent WMD Proliferation and Terrorism

§1231—Findings: Statement of Policy.

§1232—Authorization of Appropriations for the Department of Defense Cooperative Threat Reduction Program. This provision authorizes such additional appropriations as may be necessary for fiscal year 2007 for the CTR Program, particularly for biological weapons proliferation prevention; chemical weapons destruction at Shchuch'ye; and to accelerate and strengthen all Cooperative Threat Reduction programs. This section also contains a sense of Congress that in future fiscal years, the President should accelerate and expand funding for Department of Defense CTR programs, and should begin immediately to secure additional commitments from the Russian Federation and other partner countries to facilitate such efforts.

§1233—Authorization of Appropriations for Department of Energy Programs to Prevent WMD Proliferation and Terrorism. This provision authorizes appropriations for FY 2007 for the Department of Energy National Nuclear Security Administration for the following programs and purposes:

To accelerate and strengthen the Global Threat Reduction Initiative (GTRI or "global cleanout"), with a particular emphasis on the Russian research reactor fuel return program; international radiological threat reduction; and development of a quick response and short-term capabilities to secure and remove nuclear materials throughout the world.

To accelerate and strengthen the Nonproliferation and International Security program, with a particular emphasis on global security and engagement with China, India, and other states; activities to address emerging proliferation concerns in North Korea, Iran and elsewhere; participation in negotiations regarding North Korea's nuclear programs; inter-agency participation in the PSI; technical and other assistance to the International Atomic Energy Agency (IAEA) to increase the IAEA's capacity to secure vulnerable materials worldwide and prevent nuclear terrorism; U.S. efforts to help states around the world place the "effective controls" on weapons of mass destruction and related materials and technology mandated by UN Security Council Resolution 1540; cooperation on export controls in South Asia, the Middle East and other regions; efforts to strengthen U.S. commitments to international regimes and agreements; and establishment of a contingency fund for opportunities that arise.

To accelerate and strengthen the International Materials Protection, Control and Accounting program, with a particular emphasis on implementation of physical protection and material control and accounting upgrades at site; national programs and sustainability activities in Russia; material consolidation and conversion (including significant acceleration of the down-blending of highly-enriched uranium (HEU) to low-enriched uranium (LEU), the removal of HEU from facilities, and international participation in these efforts); efforts to strengthen cooperation with and access to Russia; implementation of Second Line of Defense Megaports agreements; and implementation of Department of Energy actions under the Security and Accountability for Every (SAFE) Port Act of 2006.

To accelerate and strengthen the Research and Development program, with a particular emphasis on improvement of U.S. government capability for both short and long-term, and innovative, nonproliferation research and development that addresses emerging proliferation concerns and will maintain U.S. technological advantage, including the capacity to detect nuclear material origin, uranium enrichment and plutonium reprocessing; and efforts to significantly expand the scientific research and development skills and resources available to the Department of Energy's nonproliferation programs.

Subtitle D—Office of the United States Coordinator for the Prevention of WMD Proliferation and Terrorism

§1241—Office of the United States Coordinator for the Prevention of WMD Proliferation and Terrorism. This section establishes the executive office of the U.S. Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism. The U.S. Coordinator's duties include serving as the advisor to the President on all matters relating to the prevention of WMD proliferation and terrorism; formulating a comprehensive and well-coordinated U.S. strategy and policies (including department and agency performance milestones, identification of program inefficiencies, plans to coordinate and expand U.S. activities, new initiatives and programs, and plans to strengthen international cooperation); leading interagency coordination; conducting oversight and evaluation; and overseeing the development of a comprehensive and coordinated budget and carrying out other budgetary authorities. This section further requires an annual congressional report on the strategy and policies described in Subtitle D, and consultation with the Commission on the Prevention of WMD Proliferation and Terrorism (established in Subtitle E).

§1242—Request for Corresponding Russian Coordinator. This section expresses a sense of Congress that the President should personally request the President of the Russian Federation to designate an official of the Federation with responsibilities for preventing WMD proliferation and terrorism, commensurate with those of the U.S. Coordinator, and with whom the U.S. Coordinator should work to plan and implement activities in the Russian Federation.

Subtitle E—Commission on the Prevention of WMD Proliferation and Terrorism

§1251—Commission on the Prevention of WMD Proliferation and Terrorism. This section directs the President to convene a bipartisan blue-ribbon commission of experts for the purpose of assessing current activities and programs to prevent weapons of mass destruction (WMD) proliferation and terrorism, and providing a clear and comprehensive strategy and concrete recommendations for these activities and programs.

§1252—Purposes. This section provides for the purposes of the Commission, including assessing current activities, initiatives, and programs to prevent WMD proliferation and terrorism and providing a clear and comprehensive strategy and concrete recommendations for such activities, initiatives, and programs, with a particular emphasis on significantly accelerating, expanding, and strengthening, on an urgent basis, United States and international efforts to prevent, stop, and counter the spread of nuclear weapons capabilities and related equipment, material, and technology to terrorists and states of concern.

§1253—Composition. This provision describes the composition of the Commission, which will have three members appointed by the President, three members,appointed the by the House and three members appointed by the Senate, and establishes requirements for quorum and filling vacancies.

§1254—Responsibilities. This section requires the Commission to address the structure and mission of relevant government actors, including the Office of the U.S. Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (established in Subtitle D); inter-agency coordination; U.S. commitments to international regimes; and the threat of WMD proliferation and terrorism to the U.S. and its interests. This section also requires the Commission to reassess, and where necessary update and expand upon, the conclusions and recommendations of the report entitled "A Report Card on the Department of Energy's Nonproliferation Programs with Russia" of January 2001 (also known as the "Baker-Cutler Report").

§1255—Powers. This provision describes the powers of the Commission.

§1256—Nonapplicability of Federal Advisory Committee Act. This section clarifies that the Federal Advisory Commission Act does not apply to the Commission but requires the Commission to hold hearings as appropriate.

§1257—Report. This section requires that the Commission report to Congress not later than 180 days after appointment of the Commission.

§1258—Termination. This provision terminates the Commission 60 days after completion of the report required under §1257.

TITLE XIII: NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT

§1301—Short Title.

§1302—Definitions.

Subtitle A—Sanctions for transfers of nuclear enrichment, reprocessing, and weapons technology, equipment, and materials involving foreign persons and terrorists

§1311—Authority to Impose Sanctions on Foreign Persons. This section requires the President to impose sanctions on any foreign person who trades nuclear enrichment technology to any non-nuclear weapon state that does not possess such technology as of January 1, 2004 and does not have in force an IAEA Additional Protocol; or, is developing nuclear weapons; or, who provides items controlled by the Nuclear Suppliers Group that contributes to the development of a nuclear weapon by a non-nuclear weapon state or any foreign person. Sanctions include prohibiting foreign assistance to such person, prohibiting the export of defense articles, defense services, or dual use items (other than food or medicine), and prohibiting contracts. Sanctions may be waived if it is important to the national interest and furthers the purposes of the Act.

§1312—Presidential Notification on Activities of Foreign Persons. This provision requires a report from the President on foreign persons who engage in the activities described in §1311.

Subtitle B—Further actions against corporations associated with sanctioned foreign persons

§1321—Findings.

§1322—Campaign by United States Government Officials. This section requires the President to instruct U.S. officials and agencies to persuade foreign governments and relevant corporations not to enter into any business transaction with foreign persons who engage in the activities described in 1311.

§1323—Coordination. This section provides that the Secretary of State coordinate the activities of U.S. government agencies under 1322.

§1324—Report. This provision requires an annual report on all activities described in this subtitle.

Subtitle C—Rollback of nuclear proliferation networks

§1331—Nonproliferation as a Condition of United States Assistance. This section provides that U.S. assistance should only be provided to countries that are not cooperating with countries or foreign groups or individuals who are engaged in, planning or assisting any international terrorist group in the development of nuclear weapons or the means to deliver them and are taking all necessary measures to prevent their nationals or persons under their control from participating in such cooperation and are fully and completely cooperating with the United States in its efforts to eliminate nuclear black-market networks.

§1332—Report on Identification of Nuclear Proliferation Network Host Countries. This provision requires an annual report that identifies any country in which activities of the nuclear black market network that supplied Libya, Iran and North Korea occurred and any country in which such activities occur in the future. This section also requires that the President submit information as to whether such countries are fully cooperating with the United States, including providing access to individuals involved in such networks.

§1333—Suspension of Arms Sales Licenses and Deliveries to Nuclear Proliferation Host Countries. This provision directs the President to prohibit exports or other activities under the Arms Export Control Act to any country unless the President certifies that such country is fully investigating the nuclear black market networks described in 1332, is taking effective steps to halt such activities, and is fully cooperating with the United States and other appropriate international organizations in investigations regarding such networks. These prohibitions may be waived if it is important to the national security interest. 25

TITLE XIV: 9/11 COMMISSION INTERNATIONAL IMPLEMENTATION

§1401—Short Title: Table of Contents.

Subtitle A—Quality educational opportunities in Arab and predominantly Muslim countries

§1411—Findings: Policy. This section declares that it is the policy of the United States to: work toward the goal of dramatically increasing the availability of modern basic education through public schools in Arab and predominantly Muslim countries, join with other countries in supporting the International Arab and Muslim Youth Opportunity Fund, offer additional incentives to increase the availability of basic education in Arab and predominantly Muslim countries, and work to prevent financing of education institutions that support radical Islamic fundamentalism.

§1412—International Arab and Muslim Youth Opportunity Fund. This section amends §7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 by establishing an International Arab and Muslim Youth Opportunity Fund. The new §7114(a) contains findings on the United Nation's 2003 Arab Human Development Report on the lack of quality public education, the high illiteracy, enrollment, and access rates in Arab countries. The new §7114(b) states the purpose is to strengthen the public educational systems in Arab and predominantly Muslim countries by authorizing the establishment of an International Arab and Muslim Youth Opportunity Fund and providing resources for the Fund to help strengthen the public educational systems in Arab and predominantly Muslim countries. The new §7114(c) authorizes the establishment of an International Arab and Muslim Youth Opportunity Fund as either a separate fund in the U.S. Treasury or through an international organization or international financial institution; authorizes the Fund to support specific activities, including assistance to enhance modern educational programs; assistance for training and exchange programs for teachers, administrators, and students; assistance targeting primary and secondary students; assistance for development of youth professionals; and other types of assistance such as the translation of foreign books, newspapers, reference guides, and other reading materials into local languages and the construction and equipping of modern community and university libraries; and authorizes such sums as may be necessary for fiscal years 2008, 2009 and 2010 to carry out these activities. This subsection requires the President to prepare a report on the United States efforts to assist in the improvement of education opportunities for Arab and predominantly Muslim children and youths, including the progress in establishing the International Arab and Muslim Youth Opportunity Fund. This subsection also provides a definition for use in this section.

§1413—Annual Report to Congress. This section directs the Secretary of State to prepare an annual report on the efforts of Arab and predominantly Muslim countries to increase the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism and provides the requirements for the annual report.

§1414—Extension of Program to Provide Grants to American-Sponsored Schools in Arab and Predominantly Muslim Countries to Provide Scholarships. This section provides findings regarding the pilot program established by §7113 of the 9/11 Implementation Act of 2004, stating that this program for outstanding students from lower-income and middle-income program in Arab and predominantly Muslim countries is being implemented. This provision also amends §7113 to extend that program for FY2007 and 2008, authorizes such sums as may be necessary for such years, and requires a report in April 2008 about the progress of the program.

Subtitle B—Democracy and development in Arab and predominantly Muslim countries

§1421—Promoting Democracy and Development in the Middle East, Central Asia, South Asia, and Southeast Asia. This section contains findings describing the national security interests of the United States to promote democracy, the rule of law, good governance, sustainable development, a vigorous civil society, political freedom, protection of minorities, independent media, women's rights, private sector growth, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia. This provision also declares that it is the policy of the United States to promote in the short and long-term, democracy, the rule of law, good governance, sustainable development, a vigorous civil society, political freedom, protection of minorities, independent media, women's rights, private sector growth, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia; and provide assistance to individuals and organizations in the countries of those regions that are committed to promoting those objectives. Moreover, this section directs the Secretary of State to prepare a report with a country-by-country five year strategy to promote the policy of the United States described in subsection (b), including an estimate of the funds necessary to implement such a strategy.

§1422—Middle East Foundation. This provision authorizes the Secretary of State to designate an appropriate private, non-profit United States organization as the Middle East Foundation and to provide funding to the Middle East Foundation through the Middle East Partnership Initiative. This subsection directs the Secretary of State to provide notification prior to designating an appropriate organization as the Middle East Foundation. It also requires the Middle East Foundation to award grants to persons located in the Middle East or working with local partners based in the region to carry out projects that support the purposes specified in subsection (a); and permits the Foundation to make a grant to a Middle Eastern institution of higher education to create a center for public policy. In addition, this section prevents the funds provided to the Foundation from benefiting any officer or employee of the Foundation, except as salary or reasonable compensation for services, and provides that the Foundation may hold funds provided in this section in interest-bearing accounts, subject to appropriations. This section requires annual independent private audits, permits audits by the Government Accountability Office, and requires audits of the use of funds under this section by the grant recipient. This provision also directs the Foundation to prepare an annual report on the Foundation's activities and operations, the grants awarded with funds provided under this section, and the financial condition of the Foundation. Finally, this section repeals 534(k) of P.L. 109–102.

Subtitle C—Restoring United States moral leadership

§431—Advancing United States Interests through Public Diplomacy. This provision finds, via the National Commission on Terrorist Attacks Upon the United States, that the U.S. government has initiated some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan and that these efforts are beginning to reach larger audiences. It also includes a sense of Congress that the United States needs to improve its communication of ideas and information to people in countries with significant Muslim populations, that public diplomacy should reaffirm the United States commitment to democratic principles, and that a significant expansion of United States international broadcasting would provide a cost-effective means of improving communications with significant Muslim populations. In addition, this section amends the United States International Broadcasting Act of 1994 to include a provision establishing special authority for surge capacity for U.S. international broadcasting activities to support United States foreign policy objectives during a crisis abroad, and authorizes such sums to carry out the surge capacity authority and directs the Broadcasting Board of Governors to submit an annual report to the President and Congress. This section also authorizes such sums as may be necessary for FY 2008 for U.S. broadcasting activities, including broadcasting capital improvements.

§1432—Expansion of United States Scholarship, Exchange, and Library Programs in Arab and Predominantly Muslim Countries. This section directs the Secretary of State to prepare a report on the recommendations of the National Commission on Terrorist Attacks Upon the United States for expanding U.S. scholarship, exchange, and library programs in Arab and predominantly Muslim countries, including a certification by the Secretary of State that such recommendations have been implemented or if a certification cannot be made, what steps have been taken to implement such recommendations. This provision also directs the Comptroller General of the United States to review the certification once submitted.

§1433—United States policy toward Detainees. This section restates the 9/11 Commission recommended that the United States develop a common coalition approach toward detention and humane treatment of captured terrorists, that while the U.S. has passed a number of laws in this area, it has not developed such a common coalition approach, and that a number of U.S. allies are conducting investigations related to treatment of detainees. It also requires a report 90 days after enactment of the Act and 180 days thereafter on any progress on developing such an approach, and a certification that such an approach has been implemented or, if such certification has not been made, the steps taken to implement this recommendation. In addition, this provision terminates the requirement of subsection (b) if the Secretary makes such a certification, and requires a GAO review of the certification.

Subtitle D—Strategy for the United States' relationship with Afghanistan, Pakistan, and Saudi Arabia

§1441—Afghanistan. This provision declares that it is the policy of the United States to maintain its long-term commitment to Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan and that the President shall engage aggressively with the Government of Afghanistan and NATO to assess the success of the Afghan December 2006 counternarcotics strategy and to explore all additional options for addressing the narcotics crisis in Afghanistan, including considering whether NATO forces should change their rules of engagement regarding counternarcotics operations. Moreover, this section declares that the Afghanistan Freedom Support Act of 2002 should be reauthorized and updated, and directs the President to make every effort to dramatically increase the numbers of United States and international police trainers, mentors, and police personnel operating with Afghan civil security forces and shall increase efforts to assist the Government of Afghanistan in addressing corruption; and directs the President to submit a report on the United States efforts to fulfill the requirements in this subsection. This section also authorizes such sums as may be necessary for fiscal years 2008 and 2009 for the acquisition of emergency energy resources, including diesel fuel, to secure the deliver of electricity to Afghanistan.

§1442—Pakistan. This section declares that it is the policy of the United States to work with the Government of Pakistan to combat international terrorism, to end the use of Pakistan as a safe haven for forces associated with the Taliban, to establish a long-term strategic partnership with Pakistan, to dramatically increase funding for programs of the U.S. Agency for International Development and the Department of State, and to work with the international community to secure additional financial and political support to assist the Government of Pakistan in building a moderate, democratic state. This provision also requires the President to submit a report on the long-term strategy of the United States to engage with the Government of Pakistan to address curbing the proliferation of nuclear weapons technology, combating poverty and corruption, building effective government institutions, promoting democracy and the rule of law, addressing the continued presence of the Taliban and other violent extremist forces throughout the country, and effectively dealing with Islamic extremism. In addition, this section prohibits the provision of United States security assistance to Pakistan until the President certifies that the Government of Pakistan is making all possible efforts to prevent the Taliban from operating in areas under its sovereign control but provides a national security waiver to the President. The subsection includes a sunset provision whereby the limitation of assistance will cease to be effective once the President determines that the Taliban cease to exist as an organization capable of conducting military, insurgent, or terrorist activities in Afghanistan from Pakistan. This provision also authorizes such sums as may be necessary for assistance for Pakistan in various different accounts, and extends waivers of foreign assistance restrictions with respect to Pakistan through the end of FY 2008 and includes a sense of congress that extensions of these waivers beyond FY 2008 should be informed by whether Pakistan makes progress in rule of law and other democratic reforms and whether it holds a successful parliamentary election.

§1443—Saudi Arabia. This provision states Congressional findings that the Kingdom of Saudi Arabia's record in the fight against terrorism has been uneven and that the United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists, and expresses a sense of congress that the Government of Saudi Arabia must undertake a number of political and economic reforms in order to more effectively combat terrorism. This section also provides for a number of statements of policies regarding the U.S. relationship to Saudi Arabia, including engaging Saudi Arabia to openly confront the issue of terrorism, to enhance counterterrorism cooperation, and to support reform efforts by the Government of Saudi Arabia. Finally, this provision requires a report on the ongoing U.S.-Saudi Strategic Dialogue and whether the Dialogue has promoted progress in achieving the U.S. long term strategy to engage the Government of Saudi Arabia to undertake reforms and to combat terrorism.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, let me thank the gentleman from Mississippi (Mr. THOMPSON), the new chairman of the Homeland Security Committee, for the work that he did, certainly in the time that I was chairman of the Homeland Security Committee and he was the ranking member.

Let me also wish him the very best as he embarks on his tenure as chairman of the Homeland Security Committee. And even though we certainly will have differences today and the debate will be strong at times, I want to assure him that I share the same commitment he does. I know that he shares the commitment that I have to work together in a bipartisan way on the issue of Homeland Security and throughout the next 2 years. I certainly look forward to working with him and cooperating with him in every way that I can, and I know I speak for the members of the committee on my side of the aisle.

Mr. Speaker, it is, to me, a very significant matter that Homeland Security is listed as the top issue. I agree that it should be. I agree that it is, and to that extent, I certainly commend the gentleman from Mississippi (Mr. THOMPSON) for bringing forth this legislation.

However, I am extremely disappointed in the way it is being done. And I say that not just as a matter of process or a matter of procedure, but I say that as a person who, during the 15 months that I was the chairman of the Homeland Security Committee, I did all I could to ensure that every piece of legislation that came through our committee was bipartisan from day one. Every piece of legislation went through a complete subcommittee hearing. The Democratic minority, at the time, were fully apprised of all that we were doing at all stages. Went to a full committee hearing, and again, everyone was apprised of all that was happening. It was an open book. And as a result of that, we passed very, very significant bipartisan legislation in the most recent Congress, the Port Security Act, chemical plant legislation, reforming and restructuring FEMA. The interoperability legislation, which was jointly sponsored and advanced by Mr. REICHERT and Mr. PASCRELL became part of the FEMA restructuring legislation. And I say that because it shows that, on an issue such as homeland security, we make the most progress when we work together, and that this should not be a partisan issue because terrorists don't care if you are Democrats, Republicans or Independents. If we are Americans, they want to kill us. And that has to be our guiding principle throughout this.

So I am disappointed today that such a piece of legislation, which attempts to deal with such a vital issue in such an all-encompassing way is going to be done without any benefit at all of going through the committee, having committee hearings, getting testimony, of reaching out. We, as Republicans, had no say whatsoever in this legislation.

Again, I emphasize, I can speak for the Homeland Security Committee. That never happened during the 15 months that I was the chairman, nor do I believe it ever happened under my predecessor, Mr. Cox.

Now, as far as the legislation today, as I said, parts of it are disappointing. And I guess this even goes back to last week. If there is one issue, one recommendation that the Homeland Security Committee made was that we should centralize as much jurisdiction as possible in one committee, rather than have such a multiplicity of committees and subcommittees in both Houses requiring the Secretary and the assistants and the undersecretaries to come up to the Hill to be testifying, and also to get a much more coordinated policy. Nothing was done on that whatsoever.

Now, the chairman pointed out that perhaps Republicans could have done this in the past. Well, the fact is, this is a work in progress. It was the Republican majority which set up and established, first as a select committee for 2 years and then as a permanent committee since January of 2005, the Committee on Homeland Security. I know in my conversations with the leadership, it was certainly the intention to centralize it more. Would they have? I believe they would have. If not, I certainly would have fought to have it done because one thing I think the former ranking member and the current chairman and I would agree on, we saw last year what happened when you had legislation going from one committee to the other, one committee trying to grab a small part of it and slowing down the process.

Also, we found out how nuanced and how complicated these issues are, and that very few of us ended up where we began. We saw, as the debate went forward, as the hearings went forward, as the expert witnesses came in, just how intricate these issues were and how vital they were and how important it was not to jump ahead.

Now, the chairman mentioned, for instance, scanning 100 percent of cargo within 3 years or most of it done within 3 years. Now, on its face, that sounds very good. It is a good sound bite. It is good for a 100-hour scenario. But the fact is, we held extensive hearings on that. The fact is that the legislation that was arrived at between the House and the Senate, seeing the complexity of it, and realizing that there is no technology in place right now that could bring that about, has set up pilot projects around the world, and we will get a report back on those projects with a sense of urgency and a need to implement whatever can be implemented. But to set forth a 100-percent standard when there is no evidence now that that can be achieved during that time period, to me, gives a false hope to the American people, and it is playing, to me, it is trivializing what should be the most important issue that confronts the Nation today.

Now, also, on that and to show that our constructive criticism of this issue is not done in a partisan way, the Washington Post today had an editorial extremely critical of that provision in particular and the process in general.

So with that I look forward to the debate today. As I said, I have real problems with the process. I have certain specific problems with parts of the legislation. But that can be all brought out in the debate today. Unfortunately, there won't be an opportunity to offer amendments on it. As I said, there were no committee hearings. But it is going to be a long 2 years, long in the sense that we have a long period in which to get a lot done. But, on the other hand, I assure Mr. THOMPSON that once we get this behind us, I look forward to working with him in as bipartisan a way as possible. And with the respect I have for him, I think, at the end of that long 2 years, the American people will see that we have achieved quite a bit.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to assure the ranking member that after today, and from this day forward, there will be communication. We will work together. The jurisdictional issues that we didn't resolve completely in the last 15 months or so, I assure you, we will do our best to make sure that they don't come into impacting the committee.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the chairman of the Homeland Security Committee.

Notwithstanding the remarks of the gentleman from New York (Mr. KING), the fact is that the bipartisan 9/11 Commission gave the last Congress Fs and Ds in implementing its recommendations. This Congress is determined to earn its As in implementing those recommendations, and not just by inspecting the air and sea cargo but also by distributing the funds that are available based upon risk, not just by population; by preventing the spread of terrorism and, particularly, weapons of mass destruction; by reducing the appeal of extremism through international quality education and the expansion of democracy and economic development.

But most of all, Mr. Speaker, this Congress is determined to implement the principal recommendation of the 9/11 Commission, which was to restore U.S. moral leadership. That is the intent of this bill. I strongly urge support for it.

Mr. KING of New York. Mr. Speaker, I would just point out to the gentleman from Virginia (Mr. MORAN) that on the fairer funding, the legislation which is in the bill today is exactly the legislation which passed the previous Congress, and certainly, that part of the bill I will support strongly.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

□ 1315

Mr. MICA. Mr. Speaker, I ask unanimous consent that the House resolve into secret session as though pursuant to a motion by Mr. MICA, under rule XVII, clause 9. Because there are 54 new Members of the House of Representatives and a significant number of returning Members who have not had access to critical classified information, it is extremely vital to their understanding of the consequences of their vote in regard to the impact of H.R. 1, which will affect this Nation, our security, and pending terrorist threat.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Florida?

Mr. THOMPSON of Mississippi. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that the distinguished incoming chairman of Armed Services, Mr. SKELTON, be allowed to control the remainder of the time.

The SPEAKER pro tempore. Is there objection to the gentleman from Mississippi?

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Mississippi.

Mr. Speaker, during the Presidential debates of 2004, there was one point of consensus between the two candidates that is important for us in our debate today. In answer to the question of what is the single most threat to the national security of the United States, both candidates agree that nuclear proliferation and weapons of mass destruction in the hands of terrorists was the biggest threat. This view was shared by the 9/11 Commission, which recommended a vital effort to prevent and counter the proliferation of weapons of mass destruction.

H.R. 1 will help put the United States much further down the path to addressing the problem of weapons of mass destruction, proliferation, and terrorism. It will strengthen the Cooperative Threat Reduction program also, known as the Nunn-Lugar program, as well as the Department of Energy's nonproliferation programs. It will strengthen and expand the multinational Proliferation Security Initiative started by this administration and will establish a new Coordinator for the Prevention of Weapons of Mass Destruction, Proliferation, and Terrorism.

The bill also establishes a new commission to follow up on the work of the 9/11 Commission focused on the issue of weapons of mass destruction, proliferation, and terrorism.

Specifically, the bill will repeal a set of limitations on nonproliferation programs which threatens on an annual basis to shut off access to program funding unless Congress or the President waives them. It simplifies the authority to use those funds outside the countries of the former Soviet Union when necessary and appropriate while strengthening oversight. The bill authorizes such sums as are necessary for these programs.

On the Proliferation Security Initiative, the bill calls upon the President to continue and to expand it. It directs the administration to develop and transmit to Congress a defined budget for this effort and initiates a GAO review. The bill further authorizes the President to use foreign assistance as an initiative to get more countries to join.

The coordinator for the Prevention of Weapons of Mass Destruction, Proliferation, and Terrorism established by this bill will be a senior aide close to the President who can give the nonproliferation programs spread across the Federal Government the support they need and, of course, deserve. The bill requires a comprehensive strategy to fully use and coordinate these programs, and it calls for measurable goals and milestones by which we can judge progress.

The commission established by this bill will build upon the excellent work of the 9/11 Commission by examining in detail the existing nonproliferation programs and also any new and creative ideas for securing dangerous materials.

In addition, the commission would follow up on the work of the Baker/Cutler Commission, which made a series of recommendations in this area in 2001.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield the remainder of my time to the distinguished ranking member of the Foreign Affairs Committee, the gentlelady from Florida (Ms. ROS-LEHTINEN), and ask unanimous consent that she be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the gentleman from New York?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York for yielding me the time.

Mr. Speaker, it is truly a shame that the new Democratic leadership has chosen to turn what was a bipartisan, carefully calibrated approach to safeguarding our Nation's security in the aftermath of 9/11 into a partisan political tool. This bill does have some good elements. In fact, a big portion of the foreign policy titles in the bill mirror what is already in law, with some minor additions or recommendations.

That said, the bill does raise concern, and it even includes drafting errors that could have been avoided had we on the other side of the aisle had in the committees been allowed to operate and been allowed to contribute to the drafting, but we were not.

For example, the Nuclear Black Market section in this bill, Mr. Speaker, is a legislative effort that I had the pleasure of working on with the gentleman from California (Mr. LANTOS) throughout the last few years.

However, much has changed. Parts of it need revision. It needs to be reedited and updated. But we will be unable to fix these provisions and make these necessary corrections.

Far more troubling, Mr. Speaker, is the profound divergence between our two parties that this legislation reveals. The divergence is clearly most demonstrated in the provisions regarding the Proliferation Security Initiative, known as the PSI.

Since its creation by this administration in the year 2002, the PSI has quickly become one of this country's most valuable tools in helping to stop the spread of weapons of mass destruction and preventing them from falling into the hands of terrorists. Our PSI partners and others at times have stopped the transshipment of material and equipment bound for Iran's ballistic missiles programs and also prevented Iran from procuring funds and the goods to support its weapons of mass destruction programs, including its nuclear program; and it was PSI cooperation between the U.S., the U.K., and other European partners that began the demise of the Dr. A.Q. Khan network, an action that was also instrumental in convincing the Libyan Government to stop its nuclear weapons and longer-range missile programs.

Despite this success, Mr. Speaker, this legislation urges the President to secure a resolution by the United Nations Security Council that would authorize the PSI under international law. We have seen how ineffective the U.N. Security Council has been in compelling Syria to stop its support for terrorist activities in Lebanon, or at least in keeping to its own deadlines regarding Iran's nuclear program. Giving the United Nations the ability to define what is permissible under the PSI will result in the imposition of unpredictable limitations, unpredictable conditions, and unpredictable interpretations and would result in a regulatory straightjacket overseen by the international bureaucracy.

Frankly, Mr. Speaker, this is disturbing. I need only point out the continuing efforts by Russia and China to hobble the efforts of the United States at the United Nations to apply pressure to Iran to abandon its nuclear weapons program. If this recommendation were followed, the PSI would be undermined. The problem, however, is far deeper than merely the threat to this vital and proven program. The position of some of my colleagues across the aisle appears to be that the PSI and similar efforts by the United States to defend its citizens against terrorists and other threats require authorization under international law by the United Nations. They believe that these so-called multilateral regimes are credible substitutes for the efforts of the United States.

We must oppose any efforts to substitute action by the U.N. and other international organizations for those of the U.S. Government in carrying out its fundamental responsibility to protect the American people and advance American interests. I know that there are many of my colleagues who are equally concerned that this proposal should be adopted. I know their constituents will be, Mr. Speaker.

Therefore, I hope that all of our colleagues carefully think about some of these provisions and that they put partisan politics aside when it comes time to vote on the motion to recommit, a motion that reaffirms a central tenet of the U.S. foreign policy, and that is that it is the responsibility of the U.S. Government to protect the American people. This responsibility must never be surrendered to the United Nations or other multilateral institutions.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the Armed Services Committee.

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker, colleagues, our country is living on borrowed time. A quantity of highly enriched uranium or plutonium the size of a grapefruit that could be put into a vehicle the size of a U-Haul truck could result in the detonation of a nuclear weapon about the size of that which leveled Hiroshima and Nagasaki.

Loose nuclear materials have been too loose and too free for too long around the world. This was the first and most urgent recommendation of the 9/11 Commission. Frankly, we have been moving at too slow of a pace with too little of a focus and without sufficient funding to get this problem under control.

Today's long overdue legislation is a necessary first step toward protecting the American people against these egregious consequences. This legislation properly focuses on the problem of loose nuclear material, the origins of which and the whereabouts of which we do not know. It focuses upon nuclear material that is in hands that are not properly being secured, it focuses on nuclear materials that are being properly secured, and it expedites the process of converting reactors that use highly enriched uranium to reactors that would use low-enriched uranium and, therefore, be much, much less of a risk.

For the first time, there will be a central point in the executive branch where the diplomatic intelligence, research and development and military responsibilities for bringing this problem under control will be focused and centered in one place.

The job will not be done by the passage of this legislation. But for too long we have lived on borrowed time waiting for the passage of this legislation. I would urge my colleagues on both the majority and minority side to vote "yes" and start us down the road toward solving this egregious and urgent problem.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 9 minutes to the gentleman from Florida (Mr. Mica), 5 minutes to the gentleman from Michigan (Mr. Hoekstra), 10 minutes to the gentleman from Michigan (Mr. Upton), 34 minutes to the gentleman from New York (Mr. King), and ask that each of them be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the gentlewoman from Florida?

There was no objection.

Mr. MICA. I thank the gentlelady for yielding me this time.

Mr. Speaker, I am pleased to come to the floor during what I consider to be probably one of the most important issues that we will consider, not only in this 100 hours, but in this entire session of Congress, because this issue determines and will determine the very security, not just the security as far as a terrorist attack on this Nation, but even our economic security; and the actions that are taken here have great implications.

While I believe that my good friends on the other side of the aisle are very well intended in what they propose today, unfortunately I believe they are misguided in what they are doing.

I have a copy of the 9/11 Commission report. I chaired for some 6 years the Aviation Subcommittee. I inherited it by fate of the good Lord and circumstances here in Congress. I followed from the very beginning the creation of TSA and all of the actions that we have taken from day one in protecting this great Nation against a terrorist attack.

□ 1330

I have read the proposals that are brought forth here today. Unfortunately, these proposals can result in turning in the wrong direction at this time in our vulnerability against terrorist attack. Let me be very frank, and I offered before, and I am sorry that the other side did not accept it, unanimous consent requests that we resolve into a committee for 1 hour, 1 hour of a secret session to discuss the pending threats against this Nation and also the status of our security systems in place to deal with those threats, and I was denied it. As part of the record of this Congress, now, I was denied that opportunity.

There are 54 Members who were elected, new Members, Republican and Democrat, who have not had access to that classified information. They will vote in a few hours on turning the direction of the system that we have put in place and a system we are trying to make work to protect us against a terrorist attack, and we have been denied the opportunity for 1 hour in closed session, with no cameras, no public, but the classified reports.

Mr. Speaker, I am going to ask that the titles of each of the classified reports that now are in possession of the Transportation Committee be included in this part of the Record.

DHS OIG FINAL PENETRATION TEST RESULTS—March 30, 2004

AUDIT OF PASSENGER AND BAGGAGE SCREENING PROCEDURES AT DOMESTIC AIRPORTS

AUDIT OF PASSENGER AND BAGGAGE SCREENING PROCEDURES AT DOMESTIC AIRPORTS

FOLLOW-UP AUDIT OF PASSENGER AND BAGGAGE SCREENING PROCEDURES AT DOMESTIC AIRPORTS (UNCLASSIFIED SUMMARY)

FOLLOW-UP AUDIT OF PASSENGER AND BAGGAGE SCREENING PROCEDURES AT DOMESTIC AIRPORTS (U)

AIRPORT PASSENGER SCREENING—PRELIMINARY OBSERVATIONS ON PROGRESS MADE AND CHALLENGES REMAINING

BRIEFING TO THE CHAIRMAN, AVIATION SUBCOMMITTEE—HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE—March 31, 2004

AVIATION SECURITY—SYSTEMATIC PLANNING NEEDED TO OPTIMIZE THE DEPLOYMENT OF CHECKED BAGGAGE SCREENING SYSTEMS

AVIATION SECURITY—SCREENER TRAINING AND PERFORMANCE MEASUREMENT STRENGTHENED, BUT MORE WORK REMAINS

We have tried to make this work, and the good Lord and some efforts on behalf of many people, maybe just sheer fate, have brought us to this day and not being attacked. And last week on Thursday when I gave up that responsibility of chairing Aviation, a great mantle came off my shoulders, but I am telling you that you are headed in the wrong direction today. We have a very fragile system of security, particularly aviation security.

Now you come forth with recommendations. One recommendation dealing with cargo security is not a recommendation in this 9/11 Report. I defy anyone to find it. So what you are doing is taking our limited resources that protect us and putting them in an area that does not protect us.

We have had problems with TSA, yes. I have had four TSA administrators in 5 years. That is a problem with TSA. We have a system out there that screens passengers as they come through. And there are some improvements, I must say, that you have provided in this, but they are not the improvements we need. And now we are telling TSA, an agency across the Potomac here in Washington to head in another direction.

We have taken the money for research and development that was first authorized, we put it in the original TSA bill, $50 million, half of it was taken by a Senator for a pet project. The next year $75 million, this Congress failed to act, and $63 million was spent on salary instead of research and development for the technology to protect us. So here we go off in another direction on a recommendation I defy anyone to find in here.

Another point here, and it is nice to throw your friends a bone but this is not the time to do it. I am telling you, I am very serious about this, folks, and listen to this. These words will be repeated because this Nation is at risk, and you won't take 1 hour to even listen to what that risk is or address that risk and what you are going to do.

Nowhere in this 9/11 Commission does it say that we should give collective bargaining rights to airport screeners, to TSA screener personnel. Nowhere. We had a bipartisanship agreement when we created TSA that we wouldn't do that and put us at risk, that we needed to move people around, that we needed to fire people when we needed to do that. This is taking big government; we have 43,000 screeners, 43,000 screeners, it is taking big government and it is doing the worst thing we could possibly do is making it entrenched in big government.

We need to replace those people with technology. Here is the report: 78 percent of the personnel could be replaced that now conduct checked baggage screening. You go to the airport, you check your bags. Check your bags. The failure rate of that system that was forced into place, I tried to get us to opt for technology; instead, we spent some $20 billion so far on this system that is reliant on people, human beings who fail. We could save 78 percent of the personnel costs. There are 16,800 people checking those bags by hand. I visited some 50 airports during August and September, and I am telling you, the system is flawed. And you are changing now to a recommendation that isn't even in this report? You are taking a big bureaucracy and making it an entrenched bureaucracy? You are putting us at risk.

This isn't a game, a political game where we score a few points and tell people we are doing something. This is about our women and children, our wives and mothers and our loved ones being put on aircraft and not having a secure system in place, and we aren't doing that with these proposals.

So maybe I am a little bit too emotional on this subject, maybe I have been too involved in this subject; but I am telling you for the sake of this country and our security. And many of the Members here have not had the opportunity to sit down and look at those classified reports. When this report was written, liquid bombs, liquid explosives, does it appear anywhere in here? The terrorists that we deal with now, is it addressed anywhere here? I need to have these points in the RECORD because this deals with our national security. And I am telling you, and mark my words on this day, that our terrorist-hatred folks know what is going on. They have tested the system, they test the system, and they scope the system and they see these flaws, and they would have to be laughing to see us change our resources to go in another direction and put us at risk today.

Again, there are some good things in here. We have right now about a dozen airports with in-line high-tech systems. One of the them is the Speaker, Ms. PELOSI's, airport. It is the safest airport in the world. It has private screeners, and it has automated in-line high-tech equipment. Its capacity to find and detect threats is almost flawless. That is the model that we need; instead, we have about a dozen airports. Unfortunately, it will be 20 years at the current rate in which you propose to protect us with even that basic protection.

Mr. SKELTON. Mr. Speaker, may I inquire how much time is remaining for each side, please.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Missouri has 77½ minutes, and the gentlewoman from Florida has 69 minutes remaining.

Mr. SKELTON. Mr. Speaker, in order to respond, I will yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank my good friend from Florida. Much of what you say is correct. But I have to refer you to the 9/11 report in the final recommendations: 9/11 public discourse project grades, checked bag and cargo screening, D. And it says in the report, in the final report, that improvements have not been made a priority by the Congress or the administration.

It is about time. And while the terrorists may know or they may not know, we have to do what we have to do, and we have to do it based upon the record.

The 9/11 recommendations are very clear, Mr. Speaker. The 9/11 Commission is in black and white right here, says it right here, received a D, and that is not acceptable to us.

Mr. SKELTON. Mr. Speaker, I yield myself 30 seconds.

My friend and colleague, the gentlewoman from Florida, reminds me of a law school professor who would say when someone gave a fuzzy answer, Well, read it. What does it say? And in looking at our resolution regarding the issue she raises about U.N. resolution encourages the administration to work to expand and formalize the PSI into a multi-national regime, and let me quote for my friend from Florida, "to increase coordination, cooperation, and compliance among its participating States in interdiction activities."

Mr. Speaker, I yield at this time 2 minutes to the gentlewoman from California.

Mrs. TAUSCHER. Mr. Speaker, I thank the chairman of the House Armed Services Committee for yielding time.

Mr. Speaker I rise in strong support of the 9/11 Commission Recommendations Act of 2007. Congress has reformed the intelligence community to better identify global threats and defend the United States, but for too long we have had a gaping hole in our security, eliminating the threat of weapons of mass destruction. And for too long the Bush administration and their congressional allies have left nonproliferation on the back burner. The bill before us today provides the tools we need to fight the threat of the world's most dangerous weapons. In the last Congress, I introduced the 9/11 Commission Combating Proliferation Implementation Act along with my colleagues JOHN SPRATT and MARTY MEEHAN.

The essential provision of our bill contained also in the bill before us today creates a coordinator for the prevention of weapons of mass destruction proliferation within the White House. The coordinator would also have both the budget authority over all nonproliferation programs and would also be responsible for designing and implementing a strategic plan to address the current threat levels posed by weapons of mass destruction.

Currently, nonproliferation efforts are overseen by the Departments of Energy, Defense, and State. While they all have had some success, these three large agencies are not guided by an overall plan or supported by a single individual who has the ability to ensure accountability. Because of the lack of high-level attention and leadership, some programs have either lapsed or been burdened with unrelated restrictions. Such a coordinating function has been recommended several times, including in the 1999 Deutsche Commission, to access the organization of the Federal Government to combat the proliferation of weapons of mass destruction.

As the 9/11 Commission warned: "The greatest danger of another catastrophic attack in the United States will materialize if the world's most dangerous terrorists acquire the world's most dangerous weapons."

We know the threat; now we have to act. I urge my colleagues to join me in support of this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), a former chairman of the Committee on Transportation and an expert in that field.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentlelady for yielding.

My colleagues and Mr. and Mrs. America, this is primarily a political gesture without a great deal of result, and that is unfortunate. The hearings are necessary, especially in cargo screening. It has been shown to us that the cargo screening port security cannot occur within our ports themselves without total cooperation from the overseas shippers to the United States.

What we are asking in this bill is expenditure of huge dollars for really window dressing and not results. As the gentleman from Florida said, we are not really in this legislation as being proposed giving us any more security. We are expending dollars in the billions in the airports, and it will be in the billions in the ports and the waterways of our Nation. And the direct result will be, and keep this in mind, Mr. and Mrs. America, a direct cost to you without any security. Every product, everything you pick up that is imported to the United States will add an additional cost, and it may make us noncompetitive. There are other ports within our hemisphere that will be accepting without the security that is being offered in this bill within our ports the cargo that should be coming through our ports employing our people.

If you want true security, it will be done at the origin of shipping to the United States, and that is where we should be putting our efforts, not a charade of saying we are going to have our ports secure because we are going to put millions of dollars, billions, into the screening of everyone who works in the ports and setting up an artificial barricade of security.

There is an old saying: If you want a secure area, don't let anybody know how you secured it. What this proposal says is: national standards shall be set, and thus you shall be secure. But if I am the bad guy, I will figure around it to do good damage, bad damage to you, good damage to me. I ask you to reconsider and let's go back to the hearing process and do this job right.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

☐ 1345

Mr. LARSEN of Washington. Mr. Speaker, I thank the chairman of the

House Armed Services Committee for yielding time.

I rise today in support of fully implementing the September 11 Commission recommendations. As a member of the House Armed Services Committee, I can say that this bill creates a new foundation of security here at home by protecting our borders, our infrastructure and our freedoms. This legislation also plays an equally important role by reenergizing our engagement abroad and creating a new foundation for security in the international arena. These provisions, particularly those dealing with the prevention of proliferation of weapons of mass destruction, are what I would like to discuss today.

We will not be safe here at home as long as the worst weapons can fall into the worst hands. Citizens around the world will not be safe unless responsible nations work together to locate, secure and destroy global nuclear stockpiles. Today we are rightfully strengthening the leadership of the United States in these important areas.

The time for us to fully engage in the nonproliferation and counter proliferation arenas is long overdue. This bill dramatically strengthens the nonproliferation regime by both strengthening the best programs of the last decade and creating a new coordination and sanctions mechanism that will strengthen the nonproliferation mission for the future. I am particularly pleased with the provisions that will strengthen the Proliferation Security Initiative, or PSI, and the Cooperative Threat Reduction Initiative, CTRI.

With the involvement of approximately 70 nations, PSI has become the primary platform that allows us to work with our allies to search planes and ships carrying suspect cargo and to seize illegal weapons or missile technologies.

Unfortunately, until now, the future of this successful program was uncertain. Without a dedicated funding source and without integration into international law, this critical program could falter without proper administration support. This legislation works to secure the future of PSI by integrating it into both international law and to our own budget process.

And, finally, this bill provides Congress with the ability to fully support CTRI programs that are geared to lock up nuclear weapons and nuclear materials around the world. By lifting funding limitations and encouraging the program's expansion, this bill shows the world that our Nation, the United States, will strengthen its role as the global leader in combating proliferation.

Mr. UPTON. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, time moves on, but before some of us begin pretending that we are legislating on a blank slate when it comes to 9/11, I am going to take this moment in my time to remind everyone of the good work that was indeed accomplished over the last 2 years. In fact, we are also standing on the shoulders of giants who, in the face of the tragic events of 9/11, actually took action to make this Nation a safer place.

Congress's first responders were both Republicans and Democrats, and some of them were here just last session writing laws to protect America. America's firefighters, police officers, ambulance crews, the ones who received $1 billion, "B" as in big, to help save American lives surely haven't forgotten about Congress's efforts, and neither should we.

The issue of our Nation's own security is too important to play politics with. And while some on the other side perhaps would prefer to give the impression that Congress has done little, nothing could be further from the truth.

I am proud of what was accomplished and what we can do more. Indeed, we succeeded in enacting within the Energy and Commerce Committee's jurisdiction a number of provisions improving public safety communications. For example, the digital television provisions of the Deficit Reduction Act cleared 24 megahertz of spectrum in every market in the Nation exclusively for use by its first responders.

The interoperable communications provisions provided in the Deficit Reduction Act did not merely authorize funding but made $1 billion in direct spending available for equipment to enable first responders to more effectively communicate with each other in times of disaster.

The Call Home Act accelerated to September 30 of this year the deadline for distribution of that $1 billion for interoperable communications.

The Warning, Alert and Response Network, WARN Act, created a framework through which wireless communication providers can transmit emergency alerts to the public on a national, regional or local basis and required that the Federal Communications Commission adopt technical standards for that alert system.

The national alert provisions of the Deficit Reduction Act made $156 million in direct spending available for use with the national alert system created under the WARN Act.

The E911 provisions of the Deficit Reduction Act made another $43 million in direct spending available to implement the Enhance 911 Act of 2004, which provides grants to upgrade existing 911 systems for advanced capabilities.

The Department of Homeland Security appropriations legislation created an Office of Emergency Communications within the Energy and Commerce Committee's oversight. That office is directed to develop a national emergency communication plan and to report on the communications capabilities and needs of emergency response providers and relevant government officials.

These are all critical items that we have already enacted into law over the last 2 years, better preparing our Nation to respond to natural or manmade disasters.

From my own leadership spot as chairman of the Telecommunications and Internet Subcommittee, I seized on one particular recommendation offered by the 9/11 Commission. I wanted to help our first responders, and I am proud of the work that we did on a very strong bipartisan basis. First of all, we provided a slice of the spectrum for the first responders, 24 megahertz, and we saw that with Katrina as well, that our first responders in New York couldn't get the signal to evacuate the building. We saw that our folks helping folks in Katrina couldn't communicate between the Coast Guard helicopter and the sheriff boat down below. That is going to change because we are going to give some of the responders some of that spectrum.

Second, we know that the cost for this equipment is enormously high. We provided $1 billion in the Upton amendment, which I helped shepherd through our committee and through the conference, to provide the means for our first responders so that they could purchase the equipment. It was done. The President signed it into law.

As much as we would like to say that this could be effective today, January 8, 2007, we cannot do that. First of all, we have to get the spectrum. That means we have to retrieve it from those that are using it, in this case, the broadcasters. They have to make the transition from analog to digital. A lot of them have done that, but it is more than $1 million often for some of these stations. We also have to think about the consumers, the millions of Americans who do not have a digital TV set. They can't receive the signal unless they have got that converter box. They aren't made yet. We have a transition for that to happen.

At the end of the day, we set a date, a hard date, when that all would happen, February of 2009. There were many that took us on that didn't want a hard date. They wanted to extend forever and a day, perhaps. In fact, there were amendments offered to delay the date even further. I would like to say that, at least on our side of the aisle, we opposed every one of those amendments to extend the deadline, and thank goodness we were successful because that date is now set. We had to work and negotiate with the Senate, with ourselves, but it is now set. It is a good thing.

We have an unmistakable record of results. Let us work together and build on them.

Mr. Speaker, at this time I yield 2 minutes to my colleague on the Energy and Commerce Committee, the honorable gentleman from Illinois (Mr. SHIMKUS), a very valuable member of our subcommittee as we helped shepherd this legislation.

Mr. SHIMKUS. Mr. Speaker, the gentleman from Michigan outlined crucial actions we took in the last Congress to improve the use of telecommunications technologies, and I appreciate those efforts, especially as co-Chair of the E911 caucus. But our work for Homeland Security was not confined to the telecommunications arena.

One of the most important issues Congress faced last year was creating a program in the Department of Homeland Security to protect chemical facilities from terrorist attacks. The challenge was to ensure that our Nation's chemical plants could appropriately secure their facilities by providing technical guidance and oversight by the Department of Homeland Security but without being overzealous and allowing DHS to take over the daily management of these facilities.

We needed to prevent terrorists from using our domestic disclosure laws from obtaining roadmaps to our chemical plants' vulnerabilities. Congress also clarified the distinct reach of existing environmental and public health laws versus homeland security and chemical plant securities.

While the more conscientious members of the American chemical industry already had a head start on Congress by developing rigorous security standards on their own, Congress has now ensured that good security standards govern all significant chemical players, not just the conscientious leaders.

DHS's chemical security program is not about using the threat of terrorism as an excuse to drive American chemical factories offshore. Its purpose is just the opposite: to make certain that chemical facilities continue to be safe for these workers and communities, to ensure the viability of employment in the chemical industry for American workers, and to guarantee that all Americans can continue to enjoy the benefits of these plant products.

As Chairman Barton said last year, America does not become safer with greater levels of regulation. It just becomes more regulated.

DHS has recently proposed regulations to carry out this new chemical plant security authority, and those regulations closely follow Congress's intent in hammering out the compromise.

I look forward to working with the Department to ensure that the program gets underway and measures up to the task that Congress gave it in the Fiscal Year 2007 Homeland Security Appropriations Act.

Mr. SKELTON. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, a few moments ago, the former chairman of the Transportation and Infrastructure Committee, Mr. YOUNG of Alaska, was excoriating this side of the aisle and saying that our provisions in this bill for 100 percent scanning of containers were impractical and couldn't be done. I would simply point out that the provision in this bill is word for word the same as the provision that was negotiated by Mr. OBERSTAR and me with Mr. YOUNG and Mr. LOBIONDO and included in the bill in the Transportation and Infrastructure Committee last year by unanimous vote, supported by Mr. YOUNG and Mr. LOBIONDO, who thought it was very practical last year.

It is not impractical this year if it was practical last year.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a good bill, long past due, but a good bill in many respects, particularly in the application of this bill to the nonproliferation of nuclear materials and nuclear weapons and weapons of mass destruction.

In the debates, Presidential debates, between President Bush and Senator KERRY, there was one subject on which both candidates found common ground: They both agreed that the gravest threat to the United States is terrorists armed with nuclear weapons or crude radiological weapons. That may be the gravest threat facing us, but you wouldn't know it from the application of resources in the Defense budget today.

The 9/11 Commission, looking at what we have done, gave us a "D," a "D," on efforts to restrict access to weapons of mass destruction, particularly nuclear weapons. There are tons of weapons-grade plutonium and enriched uranium scattered about the world. For example, under the Atoms for Peace program, enriched uranium was leased or lent to countries around the world to be used in their research programs. Much of that nuclear material, some of it fissile, is loosely secured, some by no more than a chain link fence and a junkyard.

Graham Allison, who was the dean at the Kennedy School at Harvard, wrote a book about this subject and entitled it "Preventable Catastrophe" as if to emphasize, on one hand, the dire threat and, on the other hand, the fact that we are not necessarily doomed to this fate. The first thing he recommended is, we have got to keep nuclear materials secure and away from the reach of terrorists and rogue states.

This bill assembles the best of various bills and amendments that we have debated in committee, sometimes on the floor and in conference, occasionally with success, more often than not for one reason because we haven't been able to get all of our members out of the Rules Committee. But here in a nutshell is what we would do: Set up a director for nonproliferation, we need somebody who can direct this effort, oversee it, seek the funding for it and fight for it; speed up the removal of nuclear research materials or, where they can't be removed, enhance their security; expand the so-called Proliferation Security Initiative, by which the United States can seize nuclear materials on the high seas outside the United States and coordinate such interdiction with other countries; and expand the so-called Cooperative Threat Reduction program, better known as Nunn-Lugar. In cost-benefit terms, this may be the best money we have spent.

☐ 1400

To date, we have deactivated 6,000 warheads, 500 ICBMs, 400 ICBM silos.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from the great State of Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I rise today to address the first responder and emergency management reforms in this 9/11 bill.

As the past chairman of the emergency management subcommittee, I am very familiar with first responder reforms we enacted since the September 11 attacks.

While there are some improvements in this bill, the major 9/11 reforms were made under Republican leadership. Since 9/11, we have provided over $15 billion to prepare State and local first responders. We increased funding for Fire Grants and created the SAFER grant program for hiring firefighters. We also created a billion dollar grant program for emergency communications.

Unlike the unfunded authorization in the Democrats' bill, Republican leadership provided real money. But we have done much more than simply throw money at first responders. We also enacted a comprehensive reform bill that rebuilds FEMA's capabilities and establishes a truly national preparedness system. We gave FEMA the authority and the tools they need to manage all disasters. We strengthened FEMA's regions, response teams, logistics, and communications capabilities. We established a national preparedness goal and set clear preparedness standards for State and local governments to coordinate their resources and focus on their highest risk priorities.

We established a national incident command system so that all levels of government can integrate their forces in a disaster. We created a comprehensive training and exercise program so first responders will be ready when the next big disaster strikes. And we created a comprehensive assessment and lessons-learned program so that first responders won't make the same mistakes again.

Unlike the bill before us, we made these reforms through a series of committee hearings and markups with bipartisan support. While the press releases are going to claim that this bill implements all of 9/11 Commission recommendations, the reality is that the vast majority of legislative changes were made under Republican leadership.

This is no more than window dressing. It is not good policy; it is politics.

Mr. SKELTON. Mr. Speaker, for the very first time for the gentleman from Pennsylvania to address this body, I yield 2 minutes to Mr. SESTAK.

Mr. SESTAK. Mr. Speaker, I rise today in support of this bill, H.R. 1.

If 9/11 taught us anything, it is that the leadership we most need in this Nation today is not a leadership to lead us out of a crisis, but rather a leadership that prevents such crises from ever happening.

Today is about offering such leadership. As a Nation, we have been fortunate to have wars away from our shore, "over there." But after 9/11, we saw that we now face a war here at home. And 2½ years ago a bipartisan commission provided 41 recommendations to prevent another attack on U.S. home soil.

Few argue that the commission's recommendations are wrong. But so far their implementation generally rates Fs, Ds and incompletes. And so this legislation ensures that we will win at home by having a homeland defense that says to our adversaries, Today is not your day.

I had the honor while serving in the military of leading our youth in harm's way overseas. But 5 days ago, I became responsible for a new set of citizens, the constituents of my district. When I think about how to serve them best, and to turn their hopes into accomplishment, our foremost duty is to provide for their security this time here at home.

Our Nation needs the tools to be secure: training that can prevent a crisis and first responders with seamless communications among Federal, State, and local levels.

Today as we debate, we are reminded of what John F. Kennedy once said: "The hour is late, but the agenda is long," which is why we must act now to implement these long overdue recommendations.

So as we look at ourselves in the national mirror and say we are better than this, we can and we must change for a more secure America. We then can look our constituents in the eyes, Mr. Speaker, knowing that we did turn their hope into accomplishment here at home. I urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from California (Mr. ROYCE), who is an expert on fighting international terrorism.

Mr. ROYCE. Mr. Speaker, I thank the gentlelady for yielding me this time.

I must confess, I do not understand the compulsion to integrate PSI into international law under the United Nations. I share my ranking member's concern with the fact that weakening the Proliferation Security Initiative is going to have grave consequences for the security of this country. And it is going to have grave consequences for the administration's ability to interdict weapons of mass destruction material. This needlessly empowers the United Nations to weaken our hand.

Right now the Proliferation Security Initiative is a Bush administration multilateral initiative aimed at stopping the proliferation of weapons of mass destruction, interdicting those weapons of mass destruction on cargo, whether on land or in the air or at sea. It has been around since 2003. It is an aggressive response crafted by then-Under Secretary of Arms Control John Bolton, and it checks increasingly sophisticated proliferators.

As the proliferation subcommittee I chaired in the last Congress heard in hearings, PSI has produced results. It has served as a strong deterrent to would-be proliferators, most recently conducting a joint exercise in the Persian Gulf where Iran menaces. PSI cooperation has stopped the transshipment of material and equipment bound for ballistic missile programs in countries of concern, including Iran. It has had a dozen successes, and it was critical in uncovering Libya's WMD program and the A.Q. Khan proliferation network in 2003 in Pakistan.

The key to PSI is its flexibility. The key is the ability to cooperate with other countries on a moment's notice. That is something that an organization like the United Nations inherently cannot do. Yet this bill before us instructs the President to pursue a U.N. Security Council resolution to authorize the PSI under international law. Putting a successful multilateral program up to a Chinese veto strikes me as weakening PSI rather than strengthening it, as is called for by the 9/11 Commission.

In 2005, then-Secretary Kofi Annan endorsed PSI as is, with no call for a Security Council resolution. By keeping PSI flexible, it avoids the lowest-common-denominator approach that U.N.-centered initiatives inevitably take. If the majority really wanted to bolster PSI, the other body should have kept its key champion, Ambassador Bolton, in place at the United Nations.

Now, as for the legislation to authorize the President to establish an International Arab and Muslim Youth Opportunity Fund to be located as a separate fund in Treasury or through the international organization or financial organization, naming UNESCO or the U.N. Development Program as possibilities, why would we locate this fund in UNESCO or UNDP, which would surely distort its goals and mismanage its resources?

The UNDP in 2005, as Israel was withdrawing from the Gaza Strip, financed the Palestinian Authority's production of propaganda materials, banners, bumper stickers and T-shirts bearing the slogan: "Today Gaza, Tomorrow the West Bank and Jerusalem." This rightly led to protests from U.S. Representative John Bolton, who rightly called this funding inappropriate and unacceptable.

And then there is the UNDP's long record of hostility toward economic freedom. Has anyone thought through this fund? I do not think this fund was thought through, and I think a chance to go through the committee process would have allowed us the opportunity to raise these serious concerns.

Nor do I understand, frankly, the compulsion to give the United Nations this input and this ability to have the Security Council veto the authority we right now have in order to effectively use our Proliferation Security Initiative on the high seas.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, from the beginning, this Administration obstructed independent review of the 9/11 tragedy. But for the courage of the 9/11 families, we wouldn't have any recommendations to consider here.

We are not now moving "too quickly" by finally enacting recommendations in 2007 that were issued in 2004 about a tragedy that occurred in 2001.

Just as with the deepening quagmire in the Iraq civil war and the aftermath of the Hurricane Katrina debacle, this Administration wastes precious time and squanders precious dollars.

Many of those, who, by their neglect, have earned failing grades from the independent 9/11 Commission, continue rejecting this long-overdue legislation to make our families safer here at home, while at the same time they urge us to engage in more misadventure abroad.

Security in our homes, at our borders, and in our air and seaports must be given a top priority.

Mr. SKELTON. Mr. Speaker, I yield the balance of our time on this side to the chairman of the Foreign Affairs Committee, the gentleman from California (Mr. LANTOS), and I ask unanimous consent that he be allowed to control the balance of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. LANTOS) is recognized for 66½ minutes.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a solemn commitment to those who lost their lives in the 9/11 attacks, to the people who lived through those brutal events, and to all of their loved ones. Honoring this commitment will help spare others in our country from enduring similar pain and loss. It is the right and responsible thing to do.

We need to apply the lessons learned from September 11, 2001, including the recommendations of the bipartisan 9/11 Commission.

Mr. Speaker, until now we in the Congress have only partially met our responsibility to assure that these recommendations are fully implemented.

Today on this floor we are adopting the rest of those recommendations as we promised. As the 9/11 Commission recognized, the struggle between the forces of tolerance and pluralism and the forces of nihilism and destruction is not confined to a single dimension. It is a war of ideas as well as a war of arms. It is a challenge of diplomacy and development as well as one of intelligence and ideology. Our bill recognizes this fact in a number of ways.

It includes the commission's recommendation to establish an International Arab and Muslim Youth Opportunity Fund to help expand, improve, and modernize the public education system in the Muslim world, an idea whose time surely has come.

Our legislation directs the Secretary of State to develop a 5-year country-by-country strategy of promoting democracy, the rule of law, sustainable development, private sector growth, and open economic systems. This provision will focus on building democratic institutions and not focus on elections alone.

We are establishing a Middle East Foundation in order to facilitate the delivery of assistance to our friends in the region who are involved in civil society, to increase political participation and to foster independent media. We have sought to follow the commission's advice to restore the moral leadership of the United States by increasing our public diplomacy efforts, including the expansion of U.S. scholarship, exchange, and library programs in the Muslim world.

□ 1415

Mr. Speaker, the treatment of detainees in the war on terrorism has undermined our national security. It has eroded our moral standing in the world and made it more difficult for the intelligence services of our friends and allies to work closely with us. Our bill will provide additional review over what the administration has done to create a common coalition approach on all these matters.

Mr. Speaker, our bill also addresses U.S. policy towards three countries whose role is critical in the war on terrorism: Afghanistan, Pakistan and Saudi Arabia. It reaffirms our commitment to a stable and democratic Afghanistan so that no future terrorist acts may be launched from that country, it provides that the United States must work with Pakistan to end the use of its territory as a safe haven for Taliban and al Qaeda, and it provides us additional oversight tools over our relationship with Saudi Arabia.

Our legislation, Mr. Speaker, strengthens our efforts to keep nuclear weapons out of the hands of terrorists. It addresses the emergence of a black market in nuclear technology that has facilitated the development of nuclear programs in Iran, North Korea, Libya and elsewhere. Our legislation provides for sanctions against individuals and corporations which deal in this illegal trade in nuclear materials and technology. It will help us determine which countries are allowing such black markets to operate from their territories.

Our legislation makes significant improvements in the effectiveness of U.S. nonproliferation programs. Our bill removes all impediments to securing and eliminating so-called "loose nukes" and the dangerous nuclear material that terrorists could use one day against us.

Mr. Speaker, this is a comprehensive package that has been supported by members of the 9/11 Commission. It is not the end of our work of protecting our Nation's security, requiring constant vigilance by this Congress.

I encourage all of our colleagues to look around this Chamber as we conduct this debate. If not for the heroism of a dedicated handful of Americans, this building, this Chamber and this shining monument to democracy might well have been reduced to ashes on September 11, 2001. We have a commitment to ensure that the lessons of that day are a permanent part of their legacy.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. ACKERMAN), the chairman select of the Middle East and South Asia Subcommittee, and I ask unanimous consent that he control the balance of our time.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to compliment the Chairs, particularly my friend, the distinguished gentleman from California, for their hard work on this legislation. This bill was not easy in getting ready, given its size and scope, and the House owes all its thanks.

It is entirely proper that the first bill of this 110th Congress, H.R. 1, be focused on the implementation of the 9/11 Commission Report. Under the previous majority and under the leadership of the current administration, America's common defense has been shortsighted, irresponsible, poorly conceived and incompetently executed. There can scarcely be any argument that our Nation's reputation is in tatters; our finances are in disarray; our alliances are in poor repair; our deterrent posture has been weakened; and our Armed Forces have been overextended and are nearing exhaustion.

The Bush administration and the Republican Congress of the past have combined, through a posture of belligerence and torpor, arrogance and ineptitude, to make America less free, less strong and less safe. From the party that has claimed "peace through strength" as its guiding principle, we have unfortunately come to discover that "war with weakness" has been their governing practice.

But a new day has dawned, and I am proud, Mr. Speaker, that we have turned our attention so readily in this new Congress to cleaning up the mess that has been made of our national security.

We all know that hindsight offers almost perfect vision. But the great and bitter irony, indeed the great tragedy of the past 2 years, is that, in contrast to the confused and inept policy the Bush administration has pursued and that the previous Congress rubber stamped, there was and there is a readily available, easily implemented strategy waiting on the shelf.

From July 22, 2004, onward, a clear and compelling strategy for the struggle against the radical Islamic terrorists who attacked our Nation on September 11th has been waiting for us, shamefully gathering dust. It is a bipartisan strategy. It is a thoughtful and insightful strategy. And most significantly, it actually is a strategy. It is an actual and realistic plan for applying all the tools of national power to achieve our national interests and protect our Nation from further attack.

It does not depend on the metaphysical power of the word "freedom" to transform cultures or dissolve ancient hatreds. It does not assume that elections are great sociological Band-Aids that will make everything all better; and it is not faith-based. It is not a policy which we simply announce and then hope and pray that it works.

It is a strategy that recognizes that our enemies are dangerous, but they are also vulnerable. It is a strategy that sees the difference between great nations with powerful industrial economies, and a league of violent religious zealots living in caves and on the margins of society. Our enemies are not all powerful, and it is about time that we stop trying to terrify the public in order to justify and excuse bad policy and infringements upon our civil rights.

We need to remember that whatever chaos, murder and destruction al

Qaeda's leadership and the global jihadi movement have perpetrated, in truth they are not great leaders and theirs is not a great movement. They are dangerous, for sure, but they are also failures. Virtually every success the jihadist have celebrated since 9/11 have actually been the work of our own badly guided hands.

What have they marked as signs of progress? Is the civil war in Iraq the result of their unstoppable juggernaut of chaos or our recklessness in tearing down the structures of law and order and our incomprehensible unwillingness to match forces to the mission? Is the collapse of security in Afghanistan the outcome of their mighty offensive or our unconscionable passivity and penny-pinching? Is the rise in violence in the Arab-Israeli conflict the product of their clever tactics or our idiotic disengagement? And is the decline of our reputation and prestige a consequence of their brilliant public relations strategy or our fixed determination to treat Arab and Muslim public opinion as irrelevant?

The truth is that our enemies face enormous handicaps. Their goals and methods are broadly considered illegitimate, even in the countries we have most alienated. Our enemies can destroy, but they cannot create. They can impose, but they cannot inspire. Their vision of the future is, in fact, utterly unpalatable to the great mass of their own desired audience. Indeed, the grandiosity of their vision for a revived caliphate generally inspires mockery and scorn, not support or adherence.

Our enemies are a few thousand lunatics who want to put the entire world in a straitjacket of 12th century Islamic law who shouldn't be hard to defeat in a public relations war. If our situation wasn't so tragic and dire, it would be hysterically funny. If it were a movie, it would be "The Jihadi Mouse that Roared."

More than 5 years after 9/11, it is about time we put in place a strategy that takes the threat as seriously as it deserves but doesn't wrap our Nation around the twin axles of fear and ignorance. And just because our military is readily available and highly effective doesn't make it the right tool for every job.

The 9/11 Commission Report was explicit about the significance of the foreign policy components of an effective national counter terrorism strategy. Sadly, the Bush administration and previous Congress thought little of this advice. Public diplomacy was equated with campaign-style spin and flavor-of-the-month diplomatic initiatives designed to address American critics but not Arab or Muslim public opinion.

This bill takes a different tact. Instead of broadcasting our inability to steer events, this legislation will strengthen our ability to create like-minded allies. Instead of alternately yelling at Arab governments and giving them cash anyway, this legislation sets in motion efforts to strengthen our allies at the roots of their societies. Instead of sweeping bad behavior by allies under the carpet, this bill demands that the administration come clean about what has been happening in the key regions and what the United States has done in response.

There is more that must be done to right our policy in the Arab and Muslim world, and as a member of the Middle East and South Asia Subcommittee, I am looking forward to getting to work.

This legislation to implement the recommendations of the 9/11 Commission is an appropriate starting point and hopefully marks a welcome change of course. The fact that we have not been attacked since September 11th should give us no more solace than the 8 years of quiet between the first attack on the Twin Towers and the day that they were destroyed.

We may only hope that our continuing efforts will hold the next attack in abeyance indefinitely. As the President likes to remind us, we are safer but not yet safe. Today's legislation implementing the 9/11 Commission Report is not a panacea, but it will make us safer still. I strongly encourage all Members of the House on both sides of the aisle to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), who represents a district made up of many families who lost loved ones on 9/11 and has a staff member who also suffered a terrible loss on that horrific day.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend from Florida for yielding.

Mr. Speaker, when terrorism crashed through our national borders and claimed the lives of nearly 3,000 Americans, including over 50 men and women from my district in New Jersey who were in the World Trade buildings that day, I advocated early and consistently for a commission to chronicle the lessons learned from the 9/11 tragedy and to develop a well-informed, thoughtful strategy to reduce the risk of future terrorist attacks.

The commission's report and subsequent legislation were thoroughly examined by House committees, including the two hearings that I chaired, one in the Committee on International Relations on visa reform and recommendations for enhanced U.S. diplomacy, and the other in the Committee on Veterans' Affairs on emergency medical preparedness.

The scrutiny given to the report by previous Congresses was robust, thorough and fair, and although prior legislation implemented numerous important measures that have bolstered our national security, indeed, much has already been done, we must always be diligent in implementing new and expanded means for responding to developing threats.

□ 1430

Our enemies as we all know are constantly on the prowl searching for our vulnerabilities, and our ability to remain ahead of them is critical for our very survival.

Mr. Speaker, the legislation before us today is yet another attempt in trying to distribute the majority of homeland security and first responder grants based on the risk of terrorism. New Jersey is the most densely populated State in the Nation with at least a dozen sites placed on the FBI's national critical infrastructure list. I, along with members of our delegation in New Jersey, have maintained, like a majority of this House and like the Bush administration, that the Department of Homeland Security's first responder grant system was flawed and needed to focus on critical infrastructure rather than on minimum guarantees and a simple population count. The risk formula established by this bill, which will face tough sledding over on the Senate side, will ensure that the Department of Homeland Security thoroughly and accurately evaluates the risks that New Jersey and other States and locales face rather than just doling it out like it's pork-barrel money.

Mr. Speaker, I appreciate title VI's provisions that recognize and address the often overlooked correlation between terrorism and human trafficking and smuggling. In addition, like many here in this room, I applauded the creation of the Privacy and Civil Liberties Board 2 years ago. Unfortunately, it has not been implemented in a way that matched the intent of the law nor in the way that the 9/11 Commission had recommended.

H.R. 1 does include significant reforms that would strengthen the efforts of that board by making it an independent agency and giving it subpoena power. These provisions will ensure that the government is protecting America's privacy while still doing everything in its power to protect our Nation from a terrorist attack.

I support H.R. 1 and strongly recommend its passage.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield to the distinguished gentlewoman from California for a unanimous-consent request.

Ms. HARMAN. Mr. Speaker, I rise in strong support of H.R. 1.

As I have said many times, terrorists won't check our party registration before they blow us up. The American people know this. And they expect us to protect them in spite of many barriers—personal, institutional, and political—that often gridlock the legislative process.

Mr. Speaker, keeping America secure is our sworn constitutional duty. This bill, which includes measures considered over the past 2 years by Chairman THOMPSON and the Homeland Security Committee, is important. If it becomes law, it will make us safer.

Let me highlight a few items.

First, a strengthened Privacy and Civil Liberties Board. Originally created as part of the Intelligence Reform Act of 2004, the Board is reestablished as an independent agency with subpoena powers and all five members are subject to Senate confirmation. That is a good thing, and something Speaker PELOSI urged as the Intel Reform bill was written.

Second, a greater allocation of Homeland Security grants based primarily on risk, rather than the "squeaky wheel" theory. My own District includes portions of LAX and the Port of Los Angeles. But other cities and States are also subject to significant risk—from obvious targets like New York and Washington, to smaller communities with nuclear or chemical facilities. Congress must direct its limited resources where threats are greatest, period.

Third, intelligence and information-sharing. I believe reforms at the Federal level are beginning to take hold—though I wish the Intelligence Committees in Congress would get budgetary authority, as the 9/11 Commission recommended.

H.R. 1 focuses on providing State and local first responders more of the intelligence tools they need. For example, it requires DHS to deploy officers to border State fusion centers, and permits State and local authorities to send detailees to DHS.

It is locals, after all, who will be most likely to know what's wrong in their neighborhoods. And so we must trust and empower them to act.

Finally, interoperable communications. I salute our colleague Representative LOWEY for her persistence. Without interoperable communications, we won't have the ability to stop or respond to major attacks.

H.R. 1 is aptly numbered. It is this House's first responsibility. Vote "aye."

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman, a member, the chairwoman actually of the House Administration Committee, Ms. MILLENDER-MCDONALD.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank my friend for giving me this time.

Mr. Speaker, I am very pleased to rise and offer my support and brief comments on this measure before the House today, the 9/11 Commission Recommendations Implementation Act. This act reflects our determination to strengthen the United States' efforts to combat terror on these shores and as such is commendable and prescient.

It is clearly in our national best interest to pass this productive legislation and fulfill yet another promise to the American people. Productivity and focus of this kind were clearly demanded by the American citizens in the 2006 national elections. The 9/11 Commission Recommendations Implementation Act is far reaching, and it encompasses a multitude of endeavors critical to ensuring our Nation's security.

We must pass this legislation, Mr. Speaker. This legislation is critical. This legislation is important. This legislation is what the American people have asked us to pass. One such endeavor that I particularly am pleased to see in this legislation is the strengthening of port security. In my district and in surrounding areas, we have the largest port complex, the Los Angeles and the Long Beach port security. This bill talks about, and we will put into place by phasing in the requirement for 100 percent screening of cargo containers bound for this United States.

Before this 110th Congress, the Congress before us did not put this in any piece of legislation. This is important because if we are going to safeguard and bring national security to this country, we must look at the cargo that comes and passes through these ports.

The other thing, Mr. Speaker, is aviation security. This bill will require and direct the Department of Homeland Security to establish a system for inspecting 100 percent of cargo carried on our aircrafts. I heard earlier on the floor that we need high tech. This is what this bill is talking about, bringing about high technology that will screen the cargo that is carried aboard our aircraft.

It is important that we pass this piece of legislation because this legislation is important to ensuring that we have national security and a secure America. I call on Congress to pass this legislation today and to implement it as quickly as possible because of the importance of this piece of legislation.

The other thing that we have here that requires our looking at and passing this bill is that the 9/11 Commission gave us a C grade on passenger screening at checkpoints to detect explosives. We must pass this legislation so that the American people will be safe.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield to the gentleman from California (Mr. SHERMAN) 3 minutes.

Mr. SHERMAN. I thank the gentleman for yielding.

I would like to thank Speaker PELOSI and our leadership for putting together an outstanding bill and thank Mr. LANTOS and the leadership of our committee for the provisions within the jurisdiction of the Foreign Affairs committee. I expect to be the chair of the subcommittee of the Foreign Affairs Committee that deals with terrorism and nonproliferation, and I want to focus on those matters in my short presentation here today.

The most important issue facing the United States and certainly the most important part of this bill deals with preventing nuclear attack on American cities. Since a nuclear bomb is about the size of a person, it could be smuggled into the United States inside a bale of marijuana. Now, I know that this bill will deal with port security, but we cannot expect our ports or our borders to be airtight. The key is preventing the worst people from getting their hands on the worst weapons. This bill implements several provisions that will be helpful in that regard.

First, it authorizes all funds necessary for the Nunn-Lugar program to help Russia get control over its thousands of potentially loose nukes, the weapons left over from the Cold War. Second, it authorizes all funds necessary for the Global Threat Reduction Initiative to get control of the 20 tons of highly enriched uranium at various nuclear reactor sites around the world, many of them unsecured. But I want to emphasize, this bill only authorizes funds and it will be meaningless unless we appropriate the funds, and I look forward to an appropriation bill that does just that as quickly as possible.

This bill imposes sanctions limiting the sale of U.S. weapons to those who provide centrifuges to Iran. I hope the administration will be able to report to us, before they send the F–16s, that Pakistan has verifiably and permanently halted its aid to the Iranian nuclear weapons program. This bill will do a lot, but we have to do more to prevent nuclear weapons from falling into the worst hands.

The bill also contains important provisions dealing with public diplomacy and youth education. I think that the United States should print the textbooks for the poorest nations in the world. In doing so, we can help parents in such poor countries—that make only a dollar a day or less—who are required to provide textbooks for their kids or their kids can't go to school. At the same time we can assure American taxpayers that our tax dollars are being used to help kids and not to teach hate. I look forward to a foreign aid bill that focuses on the textbook needs of those in the poorest countries in the world.

Ms. ROS-LEHTINEN. Mr. Speaker, I am now pleased to yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), who understands the dangers of turning over U.S. national security concerns to international organizations.

Mr. ROHRABACHER. Mr. Speaker, there are positive, even necessary, elements of this legislation; but nevertheless it is flawed. A major flaw reflects what I believe, I think I state, a wrongheaded approach which is favored perhaps by the new majority of this current Congress.

Mr. Speaker, today I rise in strong support of a motion that will be offered later, the motion to recommit H.R. 1. That motion is aimed at removing this damaging flaw that is currently part of the bill. The Proliferation Security Initiative, or the PSI, is a vital program created by the United States in which we team with 14 other partner countries to catch terrorists who attempt to transfer weapons of mass destruction. We created this program so that the United States and our allies could operate independently and quickly without bureaucratic interference to stop the world's most dangerous terrorists. The PSI has been effective due to its independence as well as the member countries' commitments to stop these weapons transfers.

This, as I say, has been an effective effort. It was created by Americans. It was led by Americans. And the decisions made were essentially under the leadership of Americans. The new majority in this House seems to favor a more multilateral approach which would be led by international organizations, in this case the United Nations.

If H.R. 1 passes in its current form, so will a sense of Congress that says our Proliferation Security Initiative should be authorized by the United Nations. Our new majority in Congress appears more interested in catering to unelected bureaucrats at the United Nations than in stopping proliferation of weapons of mass destruction. This is not only a dangerous mistake; it runs totally counter to the principles we have followed thus far in our country where Americans should be the main determinants of those elements and those decisions that so much affect our security.

Now, I understand that the new majority prefers a more global approach which, of course, would leave us dependent on international bodies like the United Nations. But that is not an approach that I believe will make this country safer as reflected in this legislation. A sense of Congress that says we want to cede our power to the United Nations on any issue such as this but especially on matters of U.S. national security is a mistake.

I encourage my colleagues on both sides of the aisle to correct this harmful error in H.R. 1 and vote in favor of the motion to recommit. And as we face these decisions in the future, as we make these very important decisions and as we develop legislation like this, let's remember our obligation is to the people of the United States. Our obligation is not to curry favor with unelected bureaucrats at the United Nations.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. Engel).

Mr. ENGEL. Mr. Speaker, I rise today in support of H.R. 1, to implement the 9/11 Commission recommendations. Unfortunately, the Republican leadership in the last Congress refused to do so, and I am glad we are doing it now.

As a New Yorker, I understand the serious concerns about homeland security, and I have long argued in favor of a formula funding based on risk. In the 109th Congress, Mr. Fossella and I introduced the Responsible Bioterrorism Funding Act of 2006, which directed the Department of Homeland Security to develop a funding formula based on risk. Unfortunately, again the Republican Congress did not pass our bill. So in 2006, as a result, New York's homeland security funding was cut by 40 percent. Thus, per capita in New York we received $3 per resident while other States received as much as $60 or more.

No State has a higher risk of terrorist attack than New York, so the new funding formulas proposed in this bill will allocate funding based on risk rather than an across-the-board funding level as established in the PATRIOT Act. This is very, very important and this bill strikes the balance between allocating most of the funding based on risk while ensuring that each State has the proper funding to reach a level of preparedness.

I also stand in strong support of title II of this bill, which establishes a communications interoperability grant program. I have worked on this as well. I believe this is a good part of this bill, and I strongly urge my colleagues to vote for it.

Ms. ROS-LEHTINEN. Mr. Speaker, I am now pleased to yield 3 minutes to the gentleman from Illinois (Mr. Kirk), a proud vet who understands the threat of terror internationally.

Mr. KIRK. Mr. Speaker, I rise in support of this legislation, especially its new security requirement for Pakistan to continue to receive U.S. taxpayer subsidies.

☐ 1445

After September 11, the government of Pakistan performed admirably, allowing U.S. Army supplies to help our campaign in Afghanistan to end the Taliban dictatorship. The Pakistani military also moved into the lawless tribal areas where Osama Bin Laden sought refuge.

But that record of cooperation against Bin Laden has dramatically weakened over the last 9 months. In a set of two agreements, the government of Pakistan has largely given up on the conflict against Bin Laden and his Taliban allies. In two agencies along the Afghan borders, North and South Waziristan, al Qaeda and the Taliban now have safe havens immune from action by the regular Pakistani military. They are now at rest, slumbering in garrison, marvelously inactive against foreign terrorists operating on Pakistani soil.

This issue directly concerns the safety of Americans, both here and abroad. Waziristan and Pakistan could now be called "al Qaedastan," as terrorist leaders have led organization efforts in attacks against Afghan territory.

Recently I accompanied Senators McCain and Lieberman to visit our garrison in Khost, Afghanistan, where they reported a 500-percent increase in attacks against their outpost organized from these regions of Pakistan.

Mr. Speaker, we need to pass this legislation to send a message to Pakistan that you must continue to work with the United States and our NATO allies in Afghanistan against the Taliban and al Qaeda. A policy of safe havens and sanctuary for these people will not work, has not worked, is not working and represents a direct threat, first to Americans in uniform stationed in Afghanistan and later to our allies in Europe and America itself.

Mr. ACKERMAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman, Adam Schiff.

Mr. SCHIFF. Mr. Speaker, one of the most important findings of the 9/11 Commission was that the failure to anticipate the attack was a failure of imagination. The idea of such an assault was so abhorrent it was difficult to think about.

We cannot know for sure what form a future attack may take, but as we struggle to prevent it, we must be willing to consider the most horrific possibility, a nuclear or biological attack on an American city. The idea of 100,000 people killed in an instant is an idea too terrible to contemplate. But to ignore this threat, or fail to act upon it with the greatest urgency is to be grossly, criminally, negligent with our Nation's security.

Osama Bin Laden has termed the acquisition of weapons of mass destruction "a religious duty." He has called for an American Hiroshima. This is his Mein Kampf.

H.R. 1 includes many of the best ideas from around the country on how to combat nuclear terrorism. But the one fundamental idea is, we must prevent terrorists from acquiring nuclear weapons or material because once it is acquired, it may be too late. This bill will strengthen the Global Threat Reduction Program and accelerate the global clean-out of the stockpiles around the world. And I urge everyone's support.

Mr. Speaker, I rise in strong support of this bill, which is long overdue and I commend the Speaker and other members of the Leadership for making this a priority.

One of the most important findings of the 9/11 Commission was that the failure to anticipate the attack was a "failure of imagination." The idea of such an assault was so abhorrent that it was difficult to think about. We cannot know for sure what form a future attack may take, but as we struggle to prevent it, we must be willing to consider the most horrific possibility: a nuclear or biological attack on an American city. The idea of 100,000 people killed in an instant, is an idea too terrible to contemplate, but to ignore this threat, or fail to act upon it with the greatest urgency, is to be grossly, criminally neglegent with our Nation's security. Osama bin Laden has termed the acquisition of weapons of mass destruction "a religious duty." He has called for an American Hiroshima. This is his Mein Kampf.

H.R. 1 includes many of the best ideas from around the country on how to combat nuclear terrorism. But the one fundamental idea is that we must prevent terrorists from acquiring nuclear weapons or material, because once they are acquired, it may be too late.

Programs throughout the government are struggling to secure nuclear weapons and materials around the world, and prevent nuclear trafficking. But there is little overall organization of these efforts. That's why our bill establishes a Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism in the Office of the President. The Coordinator will formulate and coordinate a comprehensive strategy for U.S. nonproliferation activities, oversee all nonproliferation and nuclear terrorism prevention programs, and advise the President and congress on the progress that each program is making.

To assist the Coordinator, this bill establishes a bipartisan blue-ribbon commission to assess the current state of U.S. nonproliferation and nuclear terrorism prevention activities, develop a clear, comprehensive strategy, and identify the areas in which accelerated effort is most urgent.

Currently, the President must certify that Russia is meeting certain conditions before authorizing the release of Cooperative Threat Reduction funds. This has caused delays in shielding vulnerable weapons when the President was unable to fully certify Russia. This bill removes those restrictions, granting the President more flexibility in negotiations with Russia. It also gives the President the flexibility to direct Cooperative Threat Reduction funds outside of Russia when necessary.

The bill will strengthen the Global Threat Reduction Program, to accelerate the global clean-out of the most vulnerable stockpiles of nuclear material. At the current pace, cleaning up the most vulnerable nuclear sites around the globe will take more than a decade. Given AQ's desire for these weapons, how can we be assured that we will have this much time—we can't.

The bill also urges the President to expand the Proliferation Security Initiative, an international program to intercept weapons of mass destruction shipments. It encourages joint training exercises, particularly with China and Russia, to strengthen our cooperation on security issues, and encourage them to adopt strict standards for WMD security. U.N. Security Council Resolution 1540 broached the idea of international standards for securing nuclear material, but was brief on the specifics. Now the U.S. must take the lead in establishing those standards, through organizations like the Proliferation Security Initiative.

I hope everyone can support this long-awaited overhaul to our anti-nuclear-terrorism efforts.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FOSSELLA), who has many families who lost loved ones in 9/11 in his district.

Mr. FOSSELLA. Mr. Speaker, at the outset, let me just thank the majority for bringing this bill to the floor because I think most Americans want Democrats and Republicans to ensure that all America remains safe and secure, and not to repeat another September 11. And, by and large, there are some very good elements in the legislation.

But let me, right at the outset, request that as we go forward, there are some specific concerns that New York City has that I think need to be addressed. First is the notion that the city itself cannot apply directly. It must go through the State without any requirement for the State to get the funds to the localities like New York City. We know by now that New York City has specific needs, and therefore, I believe should be addressed.

The same would apply to what could be a duplicative process whereby the grant program, and as someone who was involved in the establishment the first grant program under the Department of Commerce, where, as we speak, the NTIA is in the process of preparing guidelines, my concern is that we don't get into a situation where there are two different agencies getting into a bureaucratic trap which will prevent the flow of money.

Most important, however, is the fact that we know that one size does not fit all. And I speak specifically that, under the current bill, there could be, and I think will be, a problem with the restriction to Section 306. And that is that over the last 10 years, New York City has dedicated a lot of money and, in the last 5 years, since 9/11, almost $1 billion to upgrade its interoperability capacity to allow firefighters and police officers to talk with each other.

Now, under this bill, we are essentially saying that everyone must use the 700 megahertz in the spectrum. New York City cannot. As I say, they have developed and deployed $1 billion plus in the 400 and the 800 megahertz of the spectrum. Why? Because they found it easier to use that for communicating into the subways, into high rise buildings. And the last thing I think this Congress wants to be on the record for is to essentially tie the hands of New York City, undo much of the good work that has taken place over the last 5 years, and allow New York City and other localities that have unique and specific needs to continue to deploy and build on the networks that they have put in place. I think it would be a big mistake. I encourage the majority to consider this as the process goes forward.

I make no mistake and make no hesitation in suggesting that this will hurt and punish New York City and the millions and tens of millions of people who come there annually to visit the greatest city in the world.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the distinguished gentlewoman from Pennsylvania, ALLYSON SCHWARTZ.

Ms. SCHWARTZ. Mr. Speaker, I am proud to stand here today as we deliver on one of the most important campaign promises our party made to the American people, implementing the 9/11 Commission recommendations. Today we will take steps to improve our Nation's aviation, port and transportation security. We will strengthen government intelligence and information sharing, and we will prevent terrorists from acquiring weapons of mass destruction. And we will create a dedicated source of funding to provide first responders with communications interoperability equipment that will allow our first responders to communicate across departmental and jurisdictional lines during emergencies.

It was over 5 years ago when evacuation orders were not heard in the towers of the World Trade Center because police and fire fighters and other emergency personnel simply could not talk to each other. The Federal Government failed to act. And these same communication problems happened again during the failed response following Hurricane Katrina.

As a representative of the Philadelphia region, a major population, commerce, and transportation hub, I share the opinion that we have to do something about this. It is scandalous not to act.

Mr. Speaker, I am proud to stand with you as we deliver on one of the most important campaign promises our party made to the American people.

Today, we will implement the bipartisan 9/11 Commission's recommendations. And, today we will make our Nation safer.

We will: improve our Nation's aviation, port and transportation security; strengthen government intelligence and information sharing; help reduce the appeal of extremism abroad; and prevent terrorists from acquiring Weapons of Mass Destruction.

We will also create a dedicated source of funding to provide first responders with communications interoperability—the type of equipment that allows local, state, and regional first responders to communicate with one another during emergencies.

We know that the inability to communicate across department and jurisdiction lines impedes first responder's ability to address emergency situations. It was over five years ago when evacuation orders were not heard in the towers of the World Trade Center because the police, fire fighters and other emergency personnel simply could not speak to each other.

Despite this, the Federal Government failed to act and these very same communications problems happened again during the failed response and recovery efforts in the Gulf region following Hurricane Katrina. Prompting, in part, Thomas Kean, former chair of the 9/11 Commission, to call the Republican-led Congress' lack of progress on this issue scandalous.

However, local communities across the Nation have been moving forward—despite little leadership from the Federal level. In my region, the Philadelphia Police Department along with Southeastern Pennsylvania Transit Authority are working to address the fact that their radio systems are not compatible—making it virtually impossible for them to communicate should a coordinated response be necessary.

I have been working closely with city and transit officials to find interim remedies to this problem. However, it has been a difficult task, in large part, because of the lack of guidance and resources provided by the Federal Government. In fact, when they applied for a grant to help fund an interoperable communications system, the Department of Homeland Security denied their request. This denial leaves the city of Philadelphia, its transit system and the millions of daily riders, residents and workers in the region vulnerable to attack. It also leaves the city's first responders less prepared than need to be to protect the fifth largest metropolitan region in the country.

But, Mr. Speaker, today is a new day. It is a day when Congress acknowledges our Nation's first responders—police officers, fire fighters, medics. It is a day when we give these brave women and men the tools to properly aid their fellow Americans in need of help.

The aptly numbered bill—H.R. 1—will pass this body within the first 100 legislative hours of the 110th Congress, and it demonstrates that the Democratic-led Congress' top priority is protecting and ensuring the safety of the American people.

Thank you and I urge a "yes" vote on implementing the recommendations of the 9/11 Commission.

Mr. ACKERMAN. Mr. Speaker, I am very pleased now to yield 2 minutes to the gentleman from Queens and the Bronx, New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Queens and Nassau County, Mr. ACKERMAN, for yielding me this time.

I listened very closely to my colleague from Staten Island, Mr. FOSSELLA, and his concerns about any disadvantage that New York may suffer under passage of this legislation. It is not our intention or anyone's intention to have New York be disadvantaged in any way, shape or form. And I will continue to work with him, as we have done in previous Congresses, to help make sure that New York is not disadvantaged.

But Mr. Speaker, I rise in strong support of H.R. 1. After the awful events of September 11, our Nation joined together to construct ways to prevent this from happening again and for better protecting our homeland.

But this administration, the Bush administration, and Congress then refused to act or to listen properly. The Republicans refused to implement commonsense recommendations ensuring Federal Homeland Security dollars went to places where they were actually needed.

The Republicans did not take threat or risk assessment into account for protecting our homeland. Rather, the Republicans took politics into account.

Democrats are fixing these problems and providing real security to all 300 million Americans, regardless of political persuasion. Democrats are making sure all of our first responders in harm's way are given the training they need to perform and protect our citizens. Democrats are cracking down on loose nukes and strengthening nuclear proliferation to keep weapons out of the wrong hands.

For over 5 years I have heard the Republicans play politics with homeland security and with the lives and the memories of the 3,000 people who were murdered on 9/11. Their scare tactics expired this November when the American people demanded real change.

Homeland security is about protecting the homeland and not politics or 30-second ads. We Democrats recognize that.

After 6 years, America is moving in a new direction. It is moving forward, Mr. Speaker. Let's protect America. Let's implement the 9/11 Commission's recommendations and let us move forward.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume, the remaining time.

We have seen, Mr. Speaker, how ineffectively the United Nations Security Council has been in compelling Syria to stop its support for terrorist activities in Lebanon or at least keeping to its own deadlines regarding Iran's nuclear program.

After decades of rampant anti-Americanism at the United Nations, after decades of opposition and obstruction regarding virtually every aspect of U.S. foreign policy, no one can truly believe that the United Nations Security Council would draft its resolutions to advance the interests of the United States or that any U.N. entity would help the U.S. image in the Arab and Muslim world.

I need only point to the continuing efforts by Russia and China to hobble U.S. efforts at the U.N. that would seek to apply pressure on Iran to abandon its nuclear weapons program.

Let us consider the UNDP, for example. In 2005, as Israel was withdrawing from Gaza, financed by the Palestinian Authority's production of propaganda materials, it included banners, bumper stickers, T-shirts bearing the slogan: "Today, Gaza; tomorrow, the West Bank and Jerusalem." This is the United Nations.

This rightly led to protests from then U.S. Ambassador to the United Nations John Bolton who rightly called this funding inappropriate and unacceptable.

And we know the record of the UNDP of hostility toward economic freedom. Has anyone really thought this through? This needs to be revamped, and the bill before us does not address that in a correct way to have it be pro-U.S. and pro-U.S. national security.

Mr. Speaker, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I am delighted to yield 1 minute to the gentlewoman from the Capital of the United States, Washington, DC, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. Mr. Speaker, 5 years after 9/11, we still have no national security strategy for securing public transportation, the principal form of transportation most Americans use, 9 billion passenger trips annually. No wonder the 9/11 commission gave a C minus grade.

This bill rescues us by requiring the Department of Homeland Security to develop risk-based priorities for transportation security and, finally, a strategic information plan so that the private sector, which owns our modes of transportation, can share information with one another.

Mr. Speaker, the terrorists have changed their focus, as Madrid and London made clear. We have not.

I was the sponsor of the Secure Trains Act. It had no Republican sponsors; many Democratic sponsors.

After 9/11, we promised we would never be caught flatfooted again. This bill finally gets us up on our feet and rescues us from a zero strategy on public transportation and public transportation from being the stepchild of national security.

□ 1500

Mr. HOEKSTRA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, for a bill that is supposed to carry out a series of partisan campaign promises on national security and homeland security issues, what is most notable about this bill is actually the many areas that it highlights where there has been bipartisan agreement, not only on the provisions of the 9/11 Commission that should be implemented, but just as importantly, those recommendations that should not be implemented.

In the 109th Congress, the House acted to address many of the recommendations of the 9/11 Commission. A number of these reforms were included in the Intelligence Reform and Terrorism Prevention Act, in which the Intelligence Committee played a prominent role. Others were addressed and refined in later legislation.

On intelligence matters, many of the items in this bill are duplications or slight modifications to initiatives that were already put into place during the preceding Congress, such as support to the fusion of border intelligence and provisions to facilitate greater information sharing on homeland security.

As another key example, this bill would create a new Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism. This duplicates and complicates the work of the National Counterproliferation Center created in the Intelligence Reform bill.

I also think it is important to point out that contrary to campaign promises, this bill does not implement all of the recommendations of the 9/11 Commission. Let me note a few, the intelligence budget, and paramilitary activities, that it does not address at all.

This bill is following the lead of the previous Congress and not implementing the two recommendations that were not warranted, declassifying the amount of the intelligence budget and making the Department of Defense the lead for all paramilitary operations. These decisions were right for our national security on the merits in the last Congress, and they are still right for our national security now.

I appreciate that this bill follows and reinforces Republican positions on these issues where the 9/11 Commission recommendations were not good policy. This bill also curiously omits another explicit recommendation of the 9/11 Commission that the majority party's representation on the intelligence oversight committee should never exceed the minority's representation by one. If the new majority wants to claim that it has implemented all of the 9/11 Commission recommendations, it cannot pick and choose to implement all of its recommendations except the ones that involve their own power.

Later today, the House will also consider a resolution that purports to address the 9/11 Commission's recommendation to consolidate intelligence oversight in Congress and enhance the influence of the authorizing committee on the appropriations process. The proposal will not accomplish the objectives sought by the 9/11 Commission.

The 9/11 Commission recommended that the authorizing committee also become the Appropriations Committee. The last Congress thought that that was a bad idea, and we didn't do it. The proposal in front of us today will further add complication and confusion by creating a third group in the House with responsibility for intelligence. Actually, in the last Congress, we pretty much achieved what the 9/11 Commission was trying to accomplish, where we had basically a seamless integration of the Intelligence Committee authorizations bill reflected in the appropriations bill.

I also want to point out that this bill was flawed in much more than its failure to promise to fully implement the commission recommendations. As ranking member and former chairman of the Permanent Select Committee on Intelligence, I am concerned that parts of it have significant potential to impact our Nation's critical intelligence programs and capabilities. Even worse, these provisions were developed outside of regular order, without any participation from the relevant committees.

I want to briefly note my concerns with two of these provisions. Section 1433 of the bill would require the United States to "develop a common coalition approach" with respect to detainees. This proposal is much broader in scope and effect than the actual recommendation of the 9/11 Commission, and it is bad policy. I would hope that all Members of the House would be in agreement that the law should not require the United States of America to ask for the permission of other countries, even our partners, to gather intelligence from and deal effectively and appropriately with detainees and terrorists who threaten our national security.

In addition, this proposal would significantly implicate an already challenging area by requiring us to reconcile newly clarified detainee authority with the policies of some nations whose legal authorities protecting human rights are nowhere near as well developed as ours. In addition, this bill would reopen previously negotiated and resolved issues by making the Civil Liberties Board an independent body in granting its subpoena authority. Overall, it would complicate intelligence.

Mr. ACKERMAN. Mr. Speaker, I yield 1 minute to one of our newest Members, but very distinguished already, the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Speaker, as many of the new Members ran on a promise of bringing change to Washington, one of the key areas of that new direction was the responsibility of securing this Nation. In July of 2004, the bipartisan 9/11 Commission issued a comprehensive series of recommendations and urged this body and the leaders of this country to take prompt action to implement those recommendations and make us safer.

Today, in just the second week of our majority, the Democratic House of Representatives will pass legislation that will address the 9/11 recommendations and make the American people safer and more secure.

Just yesterday, the 9/11 Commission Vice Chair, Lee Hamilton, a former Member of this body, stated the bottom line is that if this bill, H.R. 1, is enacted, funded and implemented, then the American people will be safer because it carries out the recommendations of the commission.

I am proud to be part of this effort to implement those recommendations, and I am proud because that was a promise made to the Members of our constituents last fall. Action on this critical issue of securing our Nation is long past due. The citizens of our great Nation are calling for change. In the area of national security, the time for change has arrived.

Mr. ACKERMAN. Mr. Speaker, I am doubly pleased to yield 1½ minutes to the final speaker, the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. On 9/11, many of us were here in the Capitol. As we saw smoke billowing from the Pentagon, we recognized the direct threat that faced our country. We stood together on the steps of this buildings, Republicans and Democrats together, and promised the American people that we would do our best to secure this Nation.

But we have failed the American people. The 9/11 Commission graded the administration in this Congress with five Fs, twelve Ds, and nine Cs; and we must accept no less than straight As. Our Nation responded with overwhelming support to the commission's recommendations, and that is why I urge all of you to join me today in voting for H.R. 1.

This bill will make us safer, but it is just a first step. A TV station in Houston recently uncovered serious security holes at the Port of Houston. I mean that literally, holes. As they walked along the perimeter, they found several holes in the fences. This security breach at one of the Nation's largest ports is unacceptable.

Today this threat, this hole in our Nation's security, is being patched. Our safety is nonnegotiable, and we can no longer shortchange our ports. A vote for this bill today demonstrates our dedication to securing our Nation. It is a first step towards truly securing the Nation from threats, not only in our backyard, but to threats half a world away.

When I go home this Friday and greet the hardworking men and women of the 22nd Congressional District as they leave their plants and port facilities where they work, I can thank them for the risk they take every day and look them in the eye and finally tell them they will be safe and so will our country.

Mr. Speaker, let us have no more smoke. Let us have no more holes. Let us do the right thing and pass H.R. 1.

On September 11, 2001 many of us were here in the Capitol. As we saw the smoke billowing from the Pentagon, we recognized the direct threat that faced our country. We stood together on the steps of this building, Republicans and Democrats together, and promised the American people that we would do our best to secure this nation. But for far too long we have failed the American people. In 2005 members of the 9/11 Commission graded both the Administration and Congress with 5 F's, 12 D's, 9 C's, and 2 Incompletes. We must accept no less than straight A's. Our nation responded with overwhelming support of the Commission's recommendations, and as their representatives, we should implement them. That's why I urge all of you to join me today in voting for H.R. 1. This bill will make us safer, but it's just the first step.

For too long we have ignored the threat and been unwilling to meet the challenge. This is a challenge that we ignore at our own peril. Our Nation's seaports handle over 95 percent of our foreign trade worth over $1 trillion a year. The 9/11 Commission report concluded that terrorists have the "opportunity to do harm as great or greater in maritime and surface transportation" than the 9/11 attacks. In 2003 the Coast Guard estimated that it would need $7.2 billion to fully implement the security requirements of the Maritime Transportation Security Act. Until recently, Congress had only provided $910 million for port security since the 9/11 attacks. We must fulfill our responsibility by fully funding these provisions, providing appropriate oversight and ensuring that these measures are implemented efficiently and effectively. Our safety is non-negotiable, and we can no longer short-change our ports.

In fact, a local TV station in Houston recently uncovered serious security holes at the Port of Houston, which borders the 22nd district. And I literally mean holes. As they walked along the perimeter they found several holes in the fence. This is a fence that is meant to deter terrorists, yet there it is helping them gain access to these crucial facilities. This serious security breach at one of the Nation's largest ports in one of the Nation's largest cities is unacceptable. And today this threat, this hole in our nation's security and my constituents' peace of mind, is being patched. Our safety is non-negotiable, and we can no longer short-change our ports. A vote for this bill today demonstrates our dedication to securing our Nation. It even goes beyond the commission's recommendations—requiring 100 percent of U.S.-bound shipping containers to be scanned and sealed using the best available technology over the next 5 years, among other provisions.

This is the first step towards truly securing our Nation, from threats in our own backyard to threats half a world away. This bill will enable us to improve our own security while fostering improved relations across the globe. I urge all of you, my colleagues here in the people's House, and I implore our colleagues in the Senate, to vote for this important piece of legislation. And I urge the president to sign it into law. And when I go home this Friday, and greet the hardworking men and women of the 22nd Congressional District as they leave the plants and port facilities where they work, I can thank them for the risks they take everyday and look them in the eye and finally tell them they will be safe and so will our country.

Mr. ACKERMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Mississippi (Mr. THOMPSON), the honorable chairman of the Homeland Security Committee, and ask unanimous consent that he control the balance of our time.

The SPEAKER pro tempore. Without objection, the gentleman from Mississippi is recognized for 36 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I want to commend, in the beginning, Chairman THOMPSON and Ranking Member KING for the work of your staff, everybody chipped in; and I really want to commend the work that you have all done.

Mr. Speaker, it is about time. Three years ago, the commission put forward a comprehensive evaluation of our Nation's vulnerabilities and listed key recommendations toward making our Nation safer, more secure. We finally passed landmark legislation to close many of the dangerous security gaps, and we are going to do that today. We will address the weaknesses that continue to leave this Nation at risk, and I say it is about time.

More than a year ago, Hurricane Katrina and Hurricane Rita reminded us all again how unprepared we still are to deal with catastrophes, whether caused by nature or a terrorist attack. That is the politics. That is the charade. And that charade has been a deadly charade. The Congress will not wait another day to make the necessary improvements to our Homeland Security. This landmark legislation includes many long overdue steps.

Our ports and our critical infrastructure will be better protected. Our borders will be harder to enter. Terrorists will confront greater difficulty in obtaining nuclear materials, and our aviation will be better defended, just to name a few.

I am particularly pleased with two major provisions. First, this bill would substantially increase the share of homeland security grants that are provided to States based on risk. I fought for this, the chairman has fought for this, I think you fought for this, Mr. Ranking Member. We want 100 percent risk on these grants.

It is crucial that we ensure that Federal money designed to better equip and train our first responders actually reaches down to where it is needed most.

I have long said that the current system of distributing grant funding to local levels is fundamentally broken. In an era when information can be sent instantaneously any way, any place in the world, it is utterly nonsensical that our Nation's police, fire and EMS personnel cannot consistently communicate with each other. Not another day should pass without us addressing that. Anybody who says that we have addressed it, look at how the administration tried to zero out the interoperability part of the legislation. Tell the truth.

Mr. KING of New York. Mr. Speaker, I would just advise the gentleman from New Jersey, my good friend, that as far as the threat and risk funding, I was the prime cosponsor for that bill, and it did pass in the last Congress by a vote of 409–10 in a bipartisan way.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LEWIS), the ranking member and the past chairman of the Appropriations Committee.

Mr. LEWIS of California. Thank you very much, Mr. KING and Mr. Chairman.

Mr. Speaker, I might respond to the colleagues, this is the longest I have seen you, your presence on the floor in many a year, and your being in the podium. We will not let you get away as you would normally choose to do.

But having said that, Mr. Speaker, you know it is not my intention to speak on every authorizing bill that might come along. Indeed, we have enough work to do on our Appropriations Committee, enough to take up the time of our fine authorizers. But in the meantime, it is important for us to say early on, in these first 100 hours, that there are issues that will be brought to the floor that purport to reflect the interests of authorizers that have huge implications in so far as appropriations are concerned. So for this one time I would like to take just a moment to discuss a bit of that.

First, as a member of the Appropriations Committee, I must mention that this bill is full of new programs, policy directives, performance directives, all kinds of authorizing suggestions, without any indication as to where the money might really be coming from. It is one thing to say that we want to establish a policy. It is another thing to say that we are going to pay as we go. It is an entirely different thing to say exactly where the money will come from.

It is very important for the Members to know that throughout this package that purports to deal with the 9/11 Commission, and those recommendations, that we have here to a very significant degree, within the authorizing process, a statement of policy that is little more than a press release. There really are no serious suggestions here as to how we go about solving the problems that are implied by the presentation of this legislation.

The tens of billions of dollars that would be required to implement this general statement of policy should not be ignored. It is not good enough to suggest that we are going to balance the budget and pay as we go. The first bill before us provides an authorizing base that does exactly the reverse.

We are not in this to confront the Appropriations Committee with authorizers, but indeed it is about time that we begin to lay the foundation for policy and appropriations work that actually reflects the will of the House as well as the appropriations process.

□ 1515

Mr. Speaker, I know that you agree with all of that because of your appropriations background.

Mr. Speaker, I rise in opposition to this legislation before us today. This is a bill full of feel-good promises and sound bites but no realistic approach to becoming a reality. Let me provide just a few illustrations of my concern.

First, as a member of the Appropriations Committee, I must mention that this bill is full of new programs, policy directives and performance directives authorized at "such sums as necessary," the total of which is likely to reach into the tens of billions of dollars. It proposes carving out $250 million from passenger ticket security fees as a "one-time deposit" for research, development, and deployment of Explosive Detection System checkpoint technology. But, because there is no guarantee this amount can be covered by current collections, it will likely require a direct appropriation. In other words, it proposes a new cost, with no offset.

While some of these programs are worthwhile I am unsure how the new majority plans to actually fund them. This is a classic demonstration that the majority's pledge to offset any new increases in funding is, at this point, nothing more than an empty sound bite.

Absent new appropriations, there is little chance these programs, policy directives, and performance objectives will see the light of day. For example, this bill requires the inspection of 100 percent of the over 11 million U.S.-bound seaborne cargo containers within five years. While DHS currently inspects 100 percent of high-risk cargo, estimates to physically inspect 100 percent of sea-bound cargo, including those containers shipped by trusted partners, run in the tens of billions of dollars not counting additional manpower and operational costs. Even the editorial section of this morning's Washington Post describes the majority's container security proposal as a "waste of money" with a "marginal benefit" and no "realistic cost estimate".

Additionally, estimates to physically inspect all cargo on passenger planes for a single year exceed $500 million and may require up to an additional 8,000 screeners at a cost of $400 million per year. And on top of these annual costs, there is an upfront investment of over a billion dollars for equipment installation and facility modifications. Still, this legislation casually calls for 100 percent inspection by the end of Fiscal Year 2009.

Mr. Speaker, throwing money at a problem is not the solution. In fact, since 9/11, Congress has made steady and substantial, yet realistic, progress in many of these areas. In Fiscal Year 2005, we called for the tripling of the percentage of cargo screened on passenger aircraft, required quarterly updates on meeting this goal, and directed the development of standards and technology to reduce manpower requirements.

We continue to target all high-risk cargo inbound for the United States. We also support expansion of our Container Security Initiative, which will place actual Customs and Border Protection employees at 58 of the world's largest ports, covering approximately 85 percent of the U.S.-bound shipping containers by the end of this fiscal year. Last year, the 109th Congress passed the SAFE Port Act, which, among other things, created pilot programs, each designed to test the possibility and viability of achieving 100 percent screening overseas. Through the Secure Freight Initiative, the Administration has set up 9 of these pilot programs.

While we appreciate the new majority's attempt, this bill is little more than a press release full of unfunded mandates that has little chance of becoming law. Real reform begins with committee and subcommittee hearings and mark-ups, and ends with a negotiated product that contains substantive yet realistic reform. This bill fails that, and many other, tests.

Mr. THOMPSON of Mississippi. Mr. Speaker, I now yield 1 minute to the majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, it is no mere coincidence that this legislation, which will implement the recommendations of the bipartisan 9/11 Commission, is designated as House Resolution No. 1 in this new Congress. Our first and highest responsibility as Members of this Congress is to protect the American people, to defend our homeland, and to strengthen our national security. The fact is, our Nation today, 5½ years after the attacks of September 11th, is still not as safe as it should and must be.

As Tom Kean, the former Republican Governor of New Jersey and cochair of the 9/11 Commission observed just a few months ago, "We're not protecting our own people in this country. The government is not doing its job." That is the former Republican Governor of New Jersey, the cochair of the Commission.

Today, however, through this important legislation, this House will take a vital step forward in protecting our people and our Nation. We have taken steps, there is no doubt about that. We have taken steps together in a bipartisan way, but we have not taken all the steps we could take. And that is the point of the gentleman from Mississippi, and I support his contention.

This legislation among other things will substantially improve our homeland security by doing the following:

Significantly increasing the share of state homeland security grants provided on the basis of risk. I know that my good friend, the former chairman of the committee, agrees with that proposition. In fact, we passed it through this House; unfortunately, the Senate did not.

Creating a stand-alone grant program for interoperable communications for first responders. Curt Weldon and I have chaired for a long time the Fire Service Caucus. Interoperability is a critical issue for our country and for our security.

Phasing in the requirement of 100 percent inspection of air cargo over the next 3 years and 100 percent scanning of U.S.-bound shipping containers over the next 5 years. How can we have security in America if literally thousands of tons of cargo is being shipped in either by air or ship that we don't know its content?

Accelerating the installation of explosive detection systems for checked baggage. A critical step.

Furthermore, H.R. 1 will help us prevent terrorists from acquiring weapons of mass destruction. It will strengthen the cooperative threat reduction or Nunn-Lugar programs; create a coordinator for the prevention of weapons of mass destruction proliferation and terrorism; and strengthen efforts to eliminate a nuclear black market network. I would think all of us would want to see those objectives accomplished.

Additionally, Mr. Speaker, H.R. 1 seeks to reduce extremism by enhancing the International Arab and Muslim Youth Opportunity Fund and establishing a Middle East foundation that will promote economic opportunities, education reform, human rights and democracy in the Middle East, all of which was proposed by Governor Kean, Mr. Hamilton and unanimously the 9/11 Commission.

It also bears noting, Mr. Speaker, that this bill will strengthen the Privacy and Civil Liberties Board, removing the board from the executive office of the President and making it an independent agency and granting the board subpoena power.

I mention these provisions because I believe they demonstrate that we can improve our security without compromising the democratic principles upon which this great Nation was founded.

Let no one, however, be mistaken: This legislation alone, nor perhaps any legislation, can immunize our Nation from attack. However, it represents an important step forward for our national security. That is why we wanted to accomplish it in the first 100 hours of our deliberation.

As former Congressman Lee Hamilton, the other cochair of the 9/11 Commission noted, Mr. Speaker, just yesterday, "The bottom line is, if this bill, H.R. 1, is enacted, funded and implemented, then the American people will be safer."

That is our objective. I am confident that is the objective of every Member of this House, Democrat or Republican. That is our responsibility.

I urge my colleagues on both sides of the aisle, Mr. Speaker, to support this critically important piece of legislation.

Mr. KING of New York. Mr. Speaker, as a tribute to the enormous influence you wield over this House, you will notice that even though we are the authorizing committee, the first two speakers are members of your Appropriations Committee, and I yield 5½ minutes to the ranking member of the Homeland Security Subcommittee, Mr. ROGERS.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the gentleman for yielding and thank the Speaker, and I particularly want to thank the ranking member of the committee who yielded for all of his tremendous efforts over the past years to prevent terrorism and secure the country.

Mr. Speaker, there is not a more fundamental purpose of our government than to provide for the safety and security of our people. That was the guiding principle as we over the last several years have provided almost $250 billion toward Federal homeland security programs since 9/11. But, Mr. Speaker, the ideas and proposals contained within this bill are overly costly and Draconian even. It is an effort by the new Democrat majority to look aggressive on homeland security. This bill will waste billions and possibly harm homeland security by gumming up progress already under way.

Over the last 4 years, our Subcommittee on Homeland Security Appropriations provided a significant combination of aggressive oversight and vast resources to address our most critical homeland security needs.

First, with port, cargo, and container security. We not only have appropriated over $16 billion to fully support groundbreaking programs, such as the Container Security Initiative, the Domestic Nuclear Detection Office, we required DHS to double its inspection and radiation screening efforts; target 100 percent of incoming cargo, establish security standards for both land and sea cargo containers; maintain 100 percent manifest review and trusted shipper validation standards; and inspect 100 percent of all high-risk cargo. So rather than take the costly and Draconian approach included in this bill before us today, we put in place methodical, robust measures that balance our security needs with legitimate trade.

You need look no further than this morning's Washington Post editorial, and I want to quote from it because I think it says it better than certainly I can. A quote from this Washington Post this morning:

"Given a limited amount of money and an endless list of programs and procedures that could make Americans safer, it's essential to buy the most homeland security possible with the cash available. That can be a tough job. That's all the more reason not to waste money on the kind of political shenanigan written into a sprawling Democratic bill, up for a vote in the House this week, that would require the Department of Homeland Security to ensure that every maritime cargo container bound for the U.S. is scanned before it departs for American shores."

Continuing to quote from the Washington Post: "Container scanning technology is improving, but it is not able to perform useful, speedy inspections of cargo on the scale House Democrats envision. Congress has already authorized pilot programs to study the feasibility of scanning all maritime cargo. The sensible posture is to await the results of those trials before buying port scanners, training the thousands who would be needed to operate them and gumming up international trade."

Continuing to quote from the Washington Post this morning:

"The Democrats don't offer a realistic cost estimate for the mandate they will propose today, but the cost to the government and the economy is sure to be in the tens of billions and quite possibly hundreds of billions annually. The marginal benefit isn't close to being worth the price. Under recently expanded programs, all cargo coming into the country is assessed for risk and, when necessary, inspected, all without the cost of expensive scanning equipment, overseas staff and long waits at foreign ports. Perhaps that's why the September 11th Commission didn't recommend 100 percent cargo scanning."

Quoting the Washington Post further:

"The newly installed House leadership will bring the bill, which contains a range of other homeland security proposals both deserving and undeserving, directly to the floor, bypassing the Homeland Security Committee."

No hearings, just bring it on. That is the Washington Post, and I couldn't say it better than did the Post.

On the issue of aviation security, we took a strong stance towards the implementation of security technologies by providing almost $17.3 billion towards aviation security programs, including almost $2 billion for explosive detection systems.

On border security and immigration enforcement, we provided over $75 billion over the last 4 years and ended, yes ended, the practice of catch-and-release once and for all. We have made progress on grants to State and local first responders on issues surrounding intelligence.

In sum, Mr. Speaker, the bill before us today simply validates the funding and policy initiatives of the past two Congresses. I believe our record of accomplishments as well as the overwhelming bipartisan support of each and every one of the four appropriations bills speaks for itself. Now is the time to build upon the substantial work of the last 4 years and seriously debate our homeland security needs rather than recycle political ideas for political ends.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3½ minutes to the new chairman of the House Homeland Security Appropriations Subcommittee, Mr. PRICE.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding, and I commend him for his management of this legislation, bringing this urgent matter to the floor, and expediting its consideration. I rise in support of H.R. 1, legislation Congress should have passed long ago to address the unfulfilled 9/11 Commission recommendations.

As the incoming chair of the Homeland Security Appropriations Subcommittee, I can tell you there is no time to waste in enacting and implementing this legislation.

Now, no one should suppose that this will be easy. This is an ambitious agenda for the Department, and based on the Department's performance to date, it is going to have to rise considerably to meet that challenge.

There will be challenges for us in Congress as well, as my friend the immediate past chairman of our Appropriations Subcommittee has just stressed. These are not going to be easy priorities to meet.

Many of the bill's programs are not currently funded, such as the Interoperable Communications Grant Program. This means that the Appropriations Committee and in particular our subcommittee will have to find additional resources.

Congress will also have to provide rigorous oversight of the Department's implementation of the bill. I look forward to working with Chairman THOMPSON and other colleagues to hold the Department accountable. The President must also do his part by requesting and supporting the funding to get the job done.

This bill provides significant discretion for determining risk to the Department of Homeland Security. Now, discretion is fine, but it must be used fairly and wisely, backed by tested assumptions and rigorous methodology and firm data. This is a critical area for stringent oversight by Congress.

As we move to a more risk-based approach, there are two important points to make: First, as we have funded new homeland security grant programs dedicated to helping State and local governments prepare for and respond to terrorism, the President and Congress have at the same time reduced funding for the broadly targeted programs our first responders have depended on.

Department of Justice programs that support police received a total of $1.5 billion in 2003, but by 2006, that was reduced to $559 million.

□ 1530

Fire grants received $745 million in 2003 but only $662 million for 2007.

For many State and local governments, this is simply robbing Peter to pay Paul, because their homeland security grant dollars have to be stretched to fill gaps left by the defunding of these other programs. It should not be an either/or proposition. We need healthy funding levels for both homeland security grants and for the more broadly based fire grants and COPS and Byrne and other Department of Justice grants.

The second important point is that homeland security means more than security from man-made disasters. No matter where a disaster occurs and whether it is natural or man-made, our local police and firefighters and EMTs will be the first on the scene to help the public. The Department's risk assessments should do more to take that into account.

In closing, Mr. Speaker, this bill is a critical first step in the process of making real security improvements, but there are many, many more steps we are going to have to take. I look forward to working with colleagues on both sides of the aisle as we travel down this critical path.

Mr. KING of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. ROGERS), who did such an outstanding job in the past Congress as chairman of the Management, Integration and Oversight Subcommittee.

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to associate myself with the remarks of the ranking member of the Appropriations Subcommittee on Homeland Security, Mr. ROGERS.

As the gentleman stated, homeland security is too important an issue not to have any oversight. And the 279-page bill we consider today is too encompassing not to have any jurisdiction consideration by the committees of jurisdiction.

On such an important issue as protecting our country from terrorist attacks, we should have the opportunity to offer and debate amendments on the specific provisions of this bill. For example, the bill contains provisions authorizing billions of dollars in spending for new programs that have not been approved by the Committee on Homeland Security. The bill misses the opportunity to continue our consolidation of committee jurisdiction started in the 109th Congress over DHS and called for by the 9/11 Commission.

The bill also contains revisions to many initiatives developed under the Republican leadership. For example, Section 812 of the bill expands the authorities of the Privacy Officer of the Department of Homeland Security. This vital position was established by the Homeland Security Act of 2002, a Republican bill, signed by President Bush into law. This was the first statutory mandate for a Privacy Officer in the executive branch.

Another Republican bill which the President signed into law, the Intelligence Reform and Terrorism Prevention Act of 2004, elevated the position of the Privacy Officer authorizing its direct reporting to the Secretary.

Concerns have been raised that the pending bill would turn the Privacy Officer into an investigating officer. In fact, this proposal was specifically rejected last year during a markup in the Subcommittee on Management, Integration and Oversight, which I chaired. The DHS Inspector General stated that this provision would interfere with his role and would "create duplicative investigations and overlapping demands for documents involved in investigations of privacy violations."

And, Mr. Speaker, I will include this letter in the RECORD.

OFFICE OF INSPECTOR GENERAL,
DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, December 28, 2006.

Hon. MIKE D. ROGERS,
Chairman, Subcommittee on Management, Integration and Oversight,
Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN ROGERS: Thank you for the opportunity to comment on two proposed amendments to the authority of the U.S. Department of Homeland Security (DHS) Privacy Officer—H.R. 3041 and S. 2827, both titled as the "Privacy Officer with Enhanced Rights Act" or "POWER Act." The Office of Inspector General (OIG) opposes these amendments because they would interfere with OIG's jurisdiction and create duplicative investigations and overlapping demands for documents involved in investigations of privacy violations. Therefore, should either proposal be considered for further review, OIG strongly recommends that specific language be included to clearly state that the DHS OIG has primary authority over investigations, audits, and other inquiries that might be conducted by the Privacy Officer.

As currently drafted, H.R. 3041 and S. 2827 would grant the DHS Privacy Officer authority to investigate; issue reports; administer or require oaths, affirmations or affidavits; issue subpoenas (except to Federal agencies); and access records and other materials related to programs and operations within the Chief Privacy Officer's jurisdiction. These authorities are, as stated above, duplicative. With respect to the proposed investigatory authority, the DHS Inspector General already has authority to investigate violations of law and regulations, including privacy-related violations relating to DHS programs and operations. Granting parallel authority to the Privacy Officer to investigate and issue subpoenas would unnecessarily and inefficiently duplicate and disrupt the established and working authority of the Inspector General to conduct such investigations and issue subpoenas as needed. In addition, the Privacy Officer can already make referrals on privacy-related violations to the DHS Inspector General for investigation and review. Therefore, there is no need to confer additional authority to the Privacy Officer.

Regarding the proposed subpoena authority for the Privacy Officer, each branch of the Federal government already has extensive subpoena authorities that are regularly exercised to obtain documents or testimony to investigate misconduct such as civil rights violations. In the event of a significant allegation concerning such a violation, there would already be overlapping and likely immediate demands for documents and testimony by the Executive Branch, by the Congress, and through the Courts. Adding a set of competing subpoenas from the DHS Privacy Officer would unnecessarily increase the burden on subpoenaed parties by requiring them to respond to multiple requests.

The OIG therefore strongly recommends that the following new subsection be added under section (b)(2) of both amendments:

(2) DHS OFFICE OF INSPECTOR GENERAL AUTHORITY—The exercise of authority by the senior official appointed under this section shall be subject to, and shall not interfere with, the authority of the DHS Office of Inspector General. Prior to initiating any investigation under this section, the senior official shall refer the allegation to be investigated to the Inspector General. If the Inspector General initiates an audit, investigation, or inspection relating to the allegation, the Inspector General may provide notice that it has initiated an inquiry. If the Inspector General issues such a notice, no other audit or investigation shall be initiated into the matter by the senior official appointed under this section, and any other audit, investigation, or other inquiry of the matter shall cease.

This provision will ensure the OIG's ability to perform its independent statutory responsibilities under the Inspector General Act.

Regarding variations between H.R. 3041 and S. 2827, the amendments differ in three respects:

H.R. 3041 includes a vaguely-worded provision, tying the Privacy Officer's authority to that of the Inspector General. The bill authorizes the Privacy Officer to: "take any other action that may be taken by the Inspector General of the Department, as necessary to require employees of the Department to produce documents and answer questions relevant to performance of the functions of the senior official under this section." H.R. 3041(B)(1)(E). S. 2827 does not have a similar provision.

H.R. 3041 includes a five-year term limit for the Privacy Officer. S. 2827 has no such limit.

S. 2827 places the Privacy Officer under the general supervision of the Secretary and requires the Secretary to report to Congress "promptly" if the Officer is removed or transferred to another position. S. 2827 does not have a similar provision.

With respect to H.R. 3041's provision tying the Privacy Officer's authority to that of the DHS Inspector General, it is not clear what authority would be granted by this provision. It appears to be designed to incorporate certain Inspector General authorities into the Privacy Officer's statutory authorities. As drafted, it is not clear whether the scope of the Privacy Officer's authorities under this provision is limited to privacy issues and if it is so limited, how "privacy issues" are defined, and by whom.

Regarding the term of office provision included in H.R. 3041, but not in S. 2827, and placement under the Secretary's general supervision (included in H.R. 3041, but not in S. 2827), OIG does not believe these two variations significantly distinguish the proposed amendments.

In summary, OIG opposes the proposed amendments because they would create duplication in investigations and overlapping demands for documents involved in investigations of privacy violations. If either proposal be enacted, it should include an additional provision stating that any exercise of authority by the Privacy Officer should not interfere with, and should not be construed as limiting, the authority of the Inspector General.

Thank you for the opportunity to comment on this legislation. Questions regarding these comments may be addressed to Richard N. Reback, Counsel to the Inspector General, on (202) 254-4100.

Sincerely,

RICHARD L. SKINNER,
Inspector General.

The pending bill would also grant the Privacy Officer access to "all records" and other materials available to DHS. Such sweeping access could have a chilling effect on intelligence agencies sharing vital information with DHS.

The Inspector General has urged amendments to protect his independent responsibilities under the Inspector General Act. DHS has also requested amendments.

But we don't have that option. It is ironic that on the same day this bill is being considered in the House under a closed rule, the Senate is holding a hearing on the same topic. And Senators will have an opportunity later to offer amendments.

The bill before us today should be subject to the same bipartisanship and open process. The stakes are too high, and we need to get it right.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands, Dr. DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. Mr. Speaker, it is with great pride and a sense of hope for the future that I rise in strong support of H.R. 1, legislation which fulfills an important promise we Democrats made to fully implement the 9/11 Commission's recommendations.

Before continuing, I want to commend the Honorable BENNIE THOMPSON on his ascension to the chairmanship of the House Committee on Homeland Security. Congressman THOMPSON served as a first-rate ranking member of the committee during the last Congress, and I look forward to working with him and our now Ranking Member KING to further strengthen our Nation's security.

Mr. Speaker, it has been a matter of great consternation that today, 5-plus years after 9/11, our first responders still do not have the capacity to communicate consistently with each other during emergencies. It was one of the tragic failures in Katrina as late as 2005.

H.R. 1 will create a national Emergency Communication Plan and a stand-alone emergency communications grant program that will finally provide first responders with the kind of standards and equipment they need.

Another provision that has been long fought for is 100 percent inspection of cargo on passenger planes as well as 100 percent screening of containers bound for this country and improved explosive detection systems at passenger checkpoints at our Nation's airports. One of the "F" grades the administration and the last Congress received was failure to implement risk-based funding. The new formula is a great step forward and would provide more funding for States and territories that adjoin a body of water within North America that contains an international boundary line. This can assist the U.S. Virgin Islands in providing the additional border patrol needed to protect our residents and our country.

Lastly, in March of 2001, a member of the Hart Commission told a bipartisan group that the greatest threat to us was the growing animosity towards the United States. Today we are more hated than ever. Changing this and protecting privacy and civil liberties as provided in H.R. 1 is critical to making America not only safer but better.

Mr. Speaker, we owe H.R. 1 to those who died on 9/11 and their families. Its passage is critical to the future of our great Nation, and I urge my colleagues to support it.

Mr. Speaker, it is with great pride and a sense of hope for the future security of our Nation that I rise in strong support of H.R. 1—legislation which fulfills an important promise we Democrats made to the American people last fall—to pass legislation within the first 100 hours of our assuming the majority in the House of Representatives, to make the Nation safer by fully implementing the 9/11 Commission's recommendations.

Before continuing with my remarks in support of this bill, Mr. Speaker, I want to applaud you for the inspired principled and strong leadership which enabled you to become speaker of this great Body and to commend my Chairman, the Honorable BENNIE THOMPSON on his ascension as to the Chairmanship of the Homeland Security in the House.

BENNIE served as a first-rate ranking member of the Homeland Security Committee during the last Congress and I look forward to working with him to further strengthen the state of our homeland security and in fact to pass today many of the measures that he championed and Democrats supported in the preceding Congress but could not get passed.

Mr. Speaker and my colleagues, last year the bipartisan 9/11 Commissioners gave Congress and the administration a number of very poor grades including 5 Fs, 12 Ds and 2 incompletes on implementing their recommendations. These woeful grades were a call for action and today Democrats are answering that call.

Mr. Speaker, it has been a matter of great consternation that today, 5 plus years after 9/11, our first responders do not have the capacity to communicate consistently with each other during emergencies. It was one of the tragic failures in Katrina in 2005.

Among the long overdue steps included in H.R. 1 that will substantially improve homeland security is the creation of a stand-alone emergency communications grant program that will provide first responders with the standards and type of equipment they need.

I am sure that we have wasted not only time, but a lot of money in funding the purchasing of equipment that cannot talk to each other because we have not had standards or a plan. Most importantly, today with this legislation, we create a national Emergency Communication Plan that will guide the implementation of the grant program. I want to applaud my colleague Congresswoman LOWEY for her persistence on this issue.

Another group of provisions that have been long fought for and are now included in H.R. 1, will be the requirement that ED MARKEY of Massachusetts has championed for 100 percent inspection of cargo in passenger planes by 2009. This bill will also provide for 100 percent screening of containers bound for this country and improve explosive detection systems at passenger checkpoints at our Nation's airports such as we have seen already implemented in other countries such as Canada.

I cannot leave this floor without speaking about another issue that is very important to my constituents and that relates to our need for strengthened border security.

One of the F grades the administration and the last Congress received was on failure to implement risk-based funding. Over the past year we have seen increased border crossings using the USVI to enter the United States. The new formula would provide for a larger minimum for States—and that includes territories according to the definition—that adjoin a body of water within North America that contains an international boundary line which we do. This can assist us in providing the additional border patrol needed to protect not just our residents in the U.S. Virgin Islands but our entire Nation.

I don't have time to speak to all of the important provisions included in H.R. 1, but in closing let me mention one more that I believe gets to the heart of what is needed to protect the United States and all who live here—and that is the provisions that help to restore the moral authority and leadership of our country in the world.

I recall that a bipartisan retreat in March of 2001, a member of the Hart Commission told us that the Commission had determined that the greatest threat to us was the growing animosity toward the United States.

While some steps have been taken since that report and the terrible events that took place 7 months later to protect us from terrorist attacks, nothing has been done to improve our relationships with our global neighbors. In fact we are more hated now than ever.

H.R. 1 takes steps to begin to heal the rift that has been widening between the United States and Arab and Muslim communities and between us and the rest of the world.

It is also my hope that along with the provisions for stronger protections for privacy and civil liberties, we can also mitigate some of the unintended consequences of the broad brush approaches that have been taken thus far.

These are critical components of setting a new direction for our country and making America not only safer but better!

Mr. Speaker, implementing the 9/11 Commission's recommendations is supported by most Americans and by several bipartisan and nonpartisan groups and we owe H.R. 1 to those who died on 9/11 and their families and loved ones.

As a member of the House Homeland Security Committee, this is a proud day for me and for all Americans as we take this action to improve homeland security by preventing terrorists from acquiring WMD's, by improving our intelligence mechanisms and prevention and protection programs, and by developing strategies for preventing the growth and spread of terrorism, while safeguarding the rights of all and the integrity of our Constitution.

This is a bill that is critical to the future of our great Nation and I urge my colleagues to support it.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. MCCAUL), the former chairman of the Investigation Subcommittee of the Homeland Security Committee.

Mr. MCCAUL of Texas. Mr. Speaker, I thank the ranking member of the Homeland Security Committee, on which I am proud to serve, for yielding.

Mr. Speaker, I rise today in support of H.R. 1, but I also rise to express my disappointment.

Despite the importance of a bipartisan approach to homeland security and promises made to the contrary, the new majority has chosen to prevent even their own rank and file members from participating in the debate over this bill. This stands in stark contrast to how Republicans implemented 39 of the 41 9/11 Commission recommendations when we were in the majority.

This bill raises several concerns. It proposes to require the Department of Homeland Security to screen 100 percent of maritime cargo containers bound for the United States. And while well intentioned, this is not possible with current technology. Under the SAFE Port Act passed in the last Congress, we started a pilot project to determine the feasibility of such a program. We should continue and await the results of this study.

This new unfunded mandate would cost the government and the economy billions of dollars per year and bring commerce to a crashing halt. And even the Washington Post today called this a "bad investment." H.R. 1 also gives foreign port terminal operators a role in the screening of cargo containers bound for U.S. seaports.

Most disturbing of all, H.R. 1 proposes to hand over control of the Proliferation Security Initiative, a system which works to protect Americans against the proliferation of weapons of mass destruction, to the United Nations. This is the same United Nations of which Syria and Iran are members. As a former counter terrorism official in the U.S. Department of Justice, I know first hand the threat of terrorism. It is very much alive and well. And while I am overall supportive of this bill and the 9/11 Commission recommendations, Congress can and should do better.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield such time as she may consume for the purpose of a colloquy to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank our distinguished chairman.

Mr. MURTHA, it is wonderful to see you in the chair.

I rise as a proud cosponsor of this legislation, which is really going to complete the outstanding work of the 9/11 Commission.

The issue that I want to focus my remarks on today is one that my colleagues and I have worked very hard on on a bipartisan basis on the Energy and Commerce Committee for many years, and that is how to guarantee real communication interoperability between first responders. This is a very, very important issue for all of our first responders and our communities. The fact is that interoperability can be solved today. Advanced technology developed across the United States and certainly in my district in the Silicon Valley can successfully enable first responders and others to communicate using disparate communication devices and networks. The problem up to this point has been a lack of resources and guidance from the Federal Government as to where and how local first responders should invest their scarce dollars to achieve this solution.

The bill before us addresses this problem by establishing a stand-alone grant program within the Department of Homeland Security devoted to establishing an interoperability framework that local authorities can work from. What is of utmost importance in creating this new grant program is the need to ensure technology neutrality so that the best available solution, whether it be radio, software or IP network-based, can be implemented as soon as possible.

So with this in mind, Mr. Speaker, I would like to at this time yield to my colleague, the chairman of the Homeland Security Committee, to ask if he agrees that the goal and the intent of this legislation is to guarantee that our efforts to fund interoperability solutions are indeed technology neutral. Specifically, the term "equipment" as used in the legislation should not be interpreted to exclude important technology such as software, middleware or network-based IP solutions.

Mr. THOMPSON of Mississippi. Mr. Speaker, I can assure the gentlewoman that the goal of this legislation is to be technologically neutral.

Ms. ESHOO. Mr. Speaker, I thank the chairman, and I encourage my colleagues to help promote full communications interoperability by supporting the bill before us.

Mr. KING of New York. Mr. Speaker, I am proud to yield 5 minutes to the Republican whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank Mr. KING for yielding.

Mr. Speaker, I rise today, in fact, in support of most of the efforts that are in this bill because most of the efforts in this bill were things that the Republicans in control of the Congress worked to pass on the House side of the building just in the last 2 years.

The most important responsibility of the Federal Government is to protect the American people. House Republicans recognized that and moved to enact important recommendations from the 9/11 Commission during the 109th Congress. We enacted, I believe, 39 of those 41 recommendations. And I would suggest to my colleagues that there is probably a reason we didn't enact the other two, because we didn't think they were the right thing to do.

Despite the fact that we have already taken this action before in the House by overwhelming majorities, the bill on the floor today has bypassed the committee process. There has been no opportunity to offer amendments. And, in fact, I want to talk in a minute about one new and I think particularly bad idea. These ideas are proposed in a way that talks about putting risk-based funding in place when, in fact, every single Democrat failed to support an almost identical initiative in the 109th Congress. That initiative passed in the 109th Congress. And amazingly, this initiative starts when that one ended. I am puzzled by what was so wrong with that initiative in the 109th Congress, now in the 110th Congress. It is an initiative that just simply takes up where the bill we passed last year left off.

□ 1545

We can't prevent terror attacks in this country by adding other layers of bureaucracy. We can't prevent terror attacks by making public information about our intelligence budget and other budgets that shouldn't be made public. Homeland security is too important to play politics when American lives are at stake. As a body, both Democrats and Republicans, we need to be committed to that.

We have an enemy that has vowed to exploit every weakness, every piece of needless information we give them, every failure we have to understand the kind of fight that we are in, Mr. Speaker.

Also in this legislation today, there is a sense of Congress that the Proliferation Security Initiative initiated by the President in 2003 would need to be somehow authorized by the United Nations. I think that doesn't make sense for this Congress. I don't believe that will ever be in any legislation that makes it to the President's desk. I think it is a particularly bad idea to suggest that our initiatives for proliferation security would somehow now come under the auspices of the United Nations.

This has been a successful program. We have 14 direct partners in this program; over 70 countries have worked with us to follow-up on specific pieces of information that we needed to check into to be sure that proliferation was not a problem.

Mr. Speaker, I hope that the House votes later today to eliminate that sense of the Congress that the United Nations would authorize this program from this legislation. I look forward to bringing this issue to the floor as the majority has promised with debate in the future. We didn't have committee debate on this bill today. I hope that we quickly get to the promises of the majority to debate these bills in committee, bring them to the floor, and work together to do the right thing for the American people.

Mr. THOMPSON of Mississippi. Mr. Speaker, before yielding to the next speaker, I would like to make note of the fact that I submitted remarks related to jurisdictional interest by the gentleman from Michigan (Mr. CONYERS) on H.R. 1.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the bill, and I want to thank the chairman for your important work on this bill.

I am very pleased that one of the first acts of the Democratic Congress is to finally enact the long overdue recommendations of the 9/11 Commission.

This bill contains language I first proposed in the 108th Congress to create a dedicated grant program for emergency communications, which the Republican-controlled Congress rejected at least five times, including in stand-alone amendments.

Communications failures that forced first responders to use runners to relay messages on September 11 and following Hurricane Katrina more closely resemble the time of Paul Revere than the technology available in 2007. The post-September 11 world demands 21st-century preparedness.

Many of us have long recognized that we are not prepared to respond to the next emergency until our first responders can communicate with one another. The legislation addresses this massive gap in our Nation's communications capabilities and will improve safety for hundreds of thousands of first responders who protect our communities each day.

In addition to the interoperability provisions, I am very pleased that this bill includes my proposals to fix the flawed grant funding formula, improve airport screening by providing important rights for screeners, and overhauls the troubled National Asset Database.

I urge your support for this vital piece of legislation that includes long-overdue improvements for first responders. I thank the gentleman again for his leadership, and I look forward to working together with the people on the other side of the aisle to get this done.

Mr. KING of New York. Mr. Speaker, I am privileged to yield 2 minutes to the gentleman from California who played such a prominent leadership role in the last Congress, including port security legislation and chemical plant legislation, both of which passed the floor, Mr. DANIEL E. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the ranking member.

Mr. Speaker, I say this not in anger but in sadness about the missing bipartisanship here by the way this was brought to the floor. If there was any committee in the last Congress that worked harder on bipartisanship than our committee, I don't know what it was. We worked very closely with the new chairman of the full committee on so many things. We were cosponsors together on the chemical security bill, the port security bill. We managed to have a 29–0 vote in committee after many, many different committee hearings, consultation with the Democratic side as well as the Republican side. And we passed it out 29–0 and passed it off the floor 421–2.

And in response to that, we have presented to us this bill which is basically take it or leave it. That's not the way to do these sorts of things.

They say we have already dealt with these things. By my count, over 12 percent of the membership of this House has never been here before. So maybe they don't count. Maybe they ought not to have the opportunity to consider these things. It doesn't seem to me that is the way we ought to be doing things.

Everybody is talking about the 9/11 Commission. What is the biggest thing that we haven't done with the 9/11 Commission which the commissioners have pointed out? We haven't consolidated jurisdiction in this House for homeland security.

Now, we started to on our side, and I admit we didn't do everything we ought to have done. When is the greatest opportunity, the golden opportunity you have to do it? When your party takes over, when you don't have any chairmen. Everybody is looking to be a chairperson for the first time. That is when you can do it. You have lost the golden opportunity to do what the 9/11 Commission said was the greatest thing we hadn't done in following their recommendations, and it isn't done.

And then we have in here 100 percent screening of ocean-going and aviation cargo. Instead of doing it smartly and instead of doing it efficiently, instead of doing it effectively, instead of doing it successfully, instead of using that which we have better than any place in the world, both intelligence gathering and the use of technology, and apply it with sophisticated algorithms, we say we want to cover everything.

Mr. THOMPSON of Mississippi. Mr. Speaker, I include for the RECORD three letters of support for this bill from the International Association of Chiefs of Police, the National Sheriffs' Association, and the National Association of Police Organizations.

NATIONAL ASSOCIATION OF POLICE
ORGANIZATIONS, INC.,
Washington, DC, January 8, 2007.

Hon. BENNIE THOMPSON,
Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: On behalf of the National Association of Police Organizations (NAPO) representing more than 238,000 law enforcement officers throughout the United States, I would like to thank you for introducing H.R. 1, the "Implementing the 9/11 Commission Recommendations Act of 2007," and advise you of our support, particularly in regards to Subtitles A and B under Title VII of the legislation. If enacted, this bill will establish a Fusion and Law Enforcement Education and Teaming (FLEET) grant program, as well as a Border Intelligence Fusion Center program to assist state and local law enforcement in protecting our nation's borders from terrorist and related criminal activity.

This legislation recognizes the importance of consistent coordination and communication between the country's local, state, and federal law enforcement in preventing acts of terrorism within the United States. The creation of the FLEET and the Border Intelligence Fusion Center programs will help ensure that state and local law enforcement in border regions are properly supported, trained and informed in order to prevent terrorism before it occurs. Most importantly, these provisions will allow law enforcement agencies to maximize their participation in the fusion centers by providing funds to allow them to assign officers and intelligence analysts to the centers without having to reduce daily neighborhood crime protection.

NAPO believes that homeland security funding greatly assists local law enforcement. However, we also believe that the continuation and full funding of the Community Oriented Policing Services (COPS) program and Byrne-Justice Assistance Grant (JAG) program is imperative.

The "Implementing the 9/11 Commission Recommendations Act of 2007" ensures that state and local first responders along our nation's borders are properly supported, trained and equipped to prevent terrorism before it occurs. I thank you for your continued support of law enforcement. If you have any questions, please feel free to contact me, or NAPO's Legislative Assistant, Andrea Mournighan.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE,
Alexandria, VA, January 8, 2007.

Hon. BENNIE THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our strong support for the proposed Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program and the Border Intelligence Fusion Center Program that are contained in H.R. 1, Implementing the 9/11 Commission Recommendations Act of 2007. The IACP believes that the adoption of these two provisions would represent a major step forward in enabling the law enforcement community to better detect, disrupt, and prevent future acts of terrorism.

These provisions reflect the reality that while planning, conducting surveillance, or securing the resources necessary to mount their attacks, terrorists often live in our communities, travel on our highways, and shop in our stores. As we discovered in the aftermath of September 11th, several of the terrorists involved in those attacks had routine encounters with state and local law enforcement officials in the weeks and months before the attack. If state, tribal, and local law enforcement officers are adequately equipped and trained and fully integrated into an information and intelligence sharing network, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike.

These two provisions emphasize the vital role that state, local, and tribal law enforcement must play in the development and dissemination of critical intelligence in order to detect, prevent, prepare for, and respond to acts of terrorism. It is IACP's belief that they will also help ensure that law enforcement agencies at all levels of government are equal partners, and that the experience and capabilities of all parties are realized, by allowing state, local, and tribal law enforcement to participate more actively in the intelligence gathering and sharing process.

Thank you for continuing support of our nation's law enforcement community. The IACP stands ready to assist in any way possible.

Sincerely,

JOSEPH C. CARTER,
President.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, January 8, 2007.

Hon. BENNIE THOMPSON,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: On behalf of the National Sheriffs' Association (NSA), I write to you to express our strong support for the provisions contained under Title VII of H.R. 1, "Implementing the 9/11 Commission Recommendations Act of 2007," that would establish Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program and the Border Intelligence Fusion Center Program. NSA believes that the FLEET and Border Intelligence Fusion Center programs would provide the necessary resources and framework for integration to greatly enhance holistic and geographic approaches in homeland security intelligence and infonnation gathering and sharing between federal, state and local law enforcement agencies.

However, our position is contingent upon amending the definition of "local law enforcement agency or department" in Title VII, Subtitle A of the bill—to include all sheriffs' office across the country rather than just those "sheriffs office in communities where there is no police department" to ensure that sheriffs' offices where police department is present are not excluded from grant eligibility under the FLEET Grant Program. As you may be aware, a sheriff is the chief law enforcement officer in their respective county and have jurisdiction over all cities within that county. Thus, we respectfully request that the language of the bill be amended to appropriately reflect and recognize the proper authority of the office of sheriff.

As the voice of 3,087 elected sheriffs across the country and the largest association of law enforcement professionals in the nation, the communication and integration of federal homeland security efforts with state and local fusion centers is an important priority for NSA. Since the events of September 11, the significance of how local law enforcement information might protect national security and the importance of homeland security intelligence and information gathering and sharing have increased substantially. As recognized by your committee, homeland security intelligence and information pertains not only to terrorist intentions and capabilities to attack people and infrastructure within the United States but also to U.S. abilities to detect, prevent, prepare for and respond to potential terrorist attacks.

Sheriffs and their deputies play a critical role in homeland security intelligence and information efforts as the nation's counterterrorism "eyes and ears." Local law enforcement personnel will almost always be the first to experience first hand suspicious activities and first to respond to any terrorist event. Clearly, there is a national intelligence role for state and local law enforcement in which they make contributions to preventing attacks or other inimical acts directed against the United States..NSA believes that the proposed programs would facilitate change in the organizational culture barrier thereby establishing state and local law enforcement entities as equal partners in homeland security intelligence efforts. Moreover, these programs would help build an integrated intelligence capability to address threats to the homeland, consistent with U.S. laws and the protection of privacy and civil liberties.

Sheriffs across the nation share a common counterterrorism interest. The proliferation of intelligence and fusion centers across the country reflect the importance and the value to gathering and sharing information that assists local law enforcement agencies in preventing and responding to local manifestations of threats to their community. We want to thank you for your efforts in addressing this important issue and look forward to working with you to ensure the enactment of these provisions as well as other proposed initiatives in your "LEAP: A Law Enforcement Assistance and Partnership Strategy" report.

Sincerely,

SHERIFF TED KAMATCHUS,
President.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, on our side of the aisle the Democrats over the last 3 years have identified some gaping holes in our Nation's security, even in aviation where we have spent the most money. You can do it in two ways: you can have state-of-the-art equipment and not a lot of people, or a lot of people and not very good equipment, or a mix of the two.

The Republicans have chosen to do neither. They haven't been willing to buy the equipment we need: state-of-the-art explosives detection equipment at passenger checkpoints. They haven't been willing to invest in the inline screening for baggage, and they put a totally arbitrary cap on the number of screeners. There are gaping holes. We are going to plug those. A quarter of a billion dollars for explosives screening at passenger checkpoints, a known threat. A billion dollars for inline screening which the Republicans have refused to fund.

For 4 years, airports across America have begged for inline screening grants. None have been forthcoming from the Republicans. They are saying they have taken care of everything in such a great bipartisan way.

Now my friend from Florida got up and waxed poetic about San Francisco and said it was due to two things: private screeners and inline screening. Well, the inline equipment I agree with him, and we are going to fund it, unlike the majority. We will install it in every airport in America.

But I disagree on the privatized screening because actually it turns out now that the private screeners at San Francisco were tipped off before the inspectors came through. They don't do any better, and maybe would do worse without those tips, than our public employees. We are going to give them the tools they need.

On containers, Assistant Secretary Michael Jackson said they want to screen every container before they leave a U.S. port for the interior. Why? Because they might contain threats.

And we said, What does that make our ports, a sacrifice zone if they have a nuclear weapon contained in them?

We want to screen containers on the other side of the ocean. Now we hear people on that side get up and say hundreds of billions of dollars to screen these containers. Actually, it is 30 to $50 per container. There are 11 million containers. That is somewhere between 300 and $500 million a year, paid for by a modest fee on the shippers, not by the taxpayers of America.

We are going to make America more secure. We are going to plug the holes you left in our security and fix the problem.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. GILLIBRAND), a new Member of Congress.

Mrs. GILLIBRAND. Mr. Speaker, I thank Chairman THOMPSON for this opportunity to address this crucial issue.

I am proud that the 110th Congress has put homeland security as its highest priority and will ensure that our country will finally get the security investment it needs.

In 2004, the 9/11 Commission provided us with a nonpartisan assessment of our current state of readiness. And while a few of their recommendations have been enacted, this administration and the previous congressional leadership did not make these recommendations a funding priority.

The bill we will pass today addresses many of the concerns of the 9/11 Commission, including one of the biggest for New York State, which is port security. Two of the busiest ports in the world, both in Hong Kong, already scan 100 percent of their cargo containers. There is no reason that all ships destined for the United States shouldn't be held to the same standard.

The bill we are voting on today gives the largest ports in the world 3 years to implement a system to scan for radiation and density on all containers coming into this country. This impacts my district, in particular, because my district geographically surrounds the port of Albany. If a container with radioactive materials came up the Hudson River from New York City and was unloaded in Albany, it would devastate our entire region. Such a risk will be addressed by this legislation.

This bill is also important to me as a mother and to all parents in my district and in our Nation. Every time we travel by airplane and bring our children, we are concerned about safety.

This bill will allow parents and grandparents to know that our children will be safer when we travel by plane by requiring 100 percent of air cargo to be scanned by the end of 2009, as well as providing funding for anti-bomb detection for bags and passengers.

I am also pleased that this bill reflects the fact that our first responders are indeed "first preventers." As we all remember, on 9/11 many firemen and police officers gave up their lives because they couldn't communicate. Up until now, we have not yet invested sufficiently to improve such communication capabilities. This bill will do just that.

Finally, I am very pleased that this bill includes investments against terrorist attacks by securing nuclear materials from the former Soviet Union. If you ask any terrorist expert in the world, they will tell you this is their gravest concern. And, finally, I am extremely pleased this funding will be based on risk. For New York State, that means increased funding for my State, including my district.

The U.S. Congress must always make the safety of the American people its number one concern. I am confident this bill will do just that.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), a member of the Homeland Security Committee.

Mr. MARKEY. Mr. Speaker, I thank the chairman very much.

In this bill there are two provisions which have been blocked for 4 years by the White House and by Republican leadership. They are going to be included in this bill and passed this afternoon.

One is to require that all cargo which is placed on passenger planes in the United States is screened so that there is no bomb, there is nothing that can lead to a catastrophic event in the air, does in fact pass through security. This is a huge change. Each of us has our bags screened, our shoes screened; but the cargo on that same plane placed next to our bags is not screened. This bill will make that possible. I have been working with Mr. SHAYS from Connecticut on this for the last 4 years. Today is a historic day.

Secondly, there is an amendment in this bill which will ensure the screening of all ships, all cargo overseas before it departs for the United States to determine whether or not there is a nuclear bomb on that plane. We know that is al Qaeda's highest objective: to obtain a nuclear weapon from the former Soviet Union or from some other rogue state, to then transport it to a port somewhere around the world, put it on a ship and bring it to a port in the United States. When it is in the port of New York or Boston or Long Beach, it is already too late.

□ 1600

The bomb will be detonated by remote on the ship, causing the catastrophic event, not as the cargo is being taken off. So this amendment requires the screening of all that cargo overseas. This is long overdue. It is al Qaeda's dream to have a nuclear explosion in a major American city, and now, finally, today we do this.

I want to compliment Mr. NADLER on all of his work over the years on this issue, for his leadership. I thank the chairman, the ranking member, Mr. KING, for all of their courtesies over the last several years.

Mr. THOMPSON of Mississippi. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to control the time on this side in the temporary absence of the ranking member, Mr. KING.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. REICHERT), a member of the committee.

Mr. REICHERT. Mr. Speaker, I thank the gentleman.

Mr. Speaker, last year as chairman of the Homeland Security Subcommittee on Emergency Preparedness, I oversaw many of the committee's accomplishments in addressing recommendations of the 9/11 Commission. Among them were the successful passage of the 21st Century Emergency Communications Bill, the Faster, Smarter Funding Act, and comprehensive bipartisan FEMA reform legislation. My subcommittee, as well as the entire Homeland Security Committee, was successful last year because of our willingness and ability to work across the aisle to find solutions to problems. As a result, I am disappointed in the way that H.R. 1 is coming before the House today.

I remain a strong supporter of certain aspects of this legislation, such as the language that makes first responder funding risk-based. Unfortunately, I have many concerns about other language included in this bill and believe that H.R. 1 would be better public policy had the bill been considered in committee and a rule allowed for an open amendment process.

This legislation, Mr. Speaker, includes a new grant program that is intended to make grants to local law enforcement to pay personnel costs of officers serving in intelligence fusion centers. As a former sheriff of a major metropolitan county encompassing the City of Seattle, I certainly agree with and understand the need for this authority.

One of my major goals in Congress is to continue to fund local law enforcement as their responsibility grows and grows to protect this homeland. So I support the direction of the this bill. However, as it is written, the language in this bill is unclear as to whether or not it may not apply to all police agencies, all Sheriff's departments, across the country. This problem could have been resolved if we had a bipartisan bill, and I would have been glad to work with my friends across the aisle on this issue.

In addition, I have grave concerns for section 408, which includes the TSA personnel management provision. This provision removes the flexibility of TSA to move employees where they are needed most. This provision was not a 9/11 Commission recommendation and has no place in a bill that is described as enacting those recommendations. Including this provision without hearings or examining its potential impact is irresponsible.

Last summer, during the U.K. liquid explosives scare, the Department of Homeland Security was able to retrain and rapidly deploy TSA officers to address this new threat. Section 408 of this legislation would remove that authority. This provision warrants a full debate in committee and also on the House floor.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. MURTHA, thank you for your leadership. It is good to see you in the Speaker's Chair. Let me thank the chairman of the committee, Mr. THOMPSON, for his vision and his leadership.

Very quickly, let me remind my colleagues of the tragic incident where we saw the massive loss of life on September 11, 2001. Today we stand on the floor in 2007 finishing the work that was not done by this part Republican Congress since 2001. So I applaud the leadership of this committee for moving forward on responding to the tragedy that changed the lives of so many Americans and those who are still suffering because of the deaths of their loved ones.

This is an important step and an important day, and I quickly acknowledge the fact that we will now have 100 percent scanning of containers bound for the United States. We will have the effectiveness of making sure that the best technology will be used; and also we will tell America that all of the critical infrastructure will be updated and current so we will know those most vulnerable assets.

In addition, we will have for the first time a transportation security planning strategy, and I compliment the gentleman from Mississippi whose bill authored in the last session establishes the importance of having a strategy for transportation security.

Need I remind you of the recent incident with the Metro here in Washington, DC. Although it was labeled as an accident, we know that the transportation system of America is enormously vulnerable.

I am grateful that we have now a Civil Liberties and Privacy Board that has been languishing in the White House, but now it is under the jurisdiction of the United States Congress. And, yes, the work I have done in the past on anti-smuggling legislation was reaffirmed by the restrictions on terrorists freely traveling without real protection against this danger.

This is a good bill. It is long overdue, and I ask my colleagues to support H.R. 1.

INTRODUCTION

Mr. Speaker, September 11, 2001, is a day that is indelibly etched in the psyche of every American and most of the world. Much like the unprovoked attack on Pearl Harbor on December 7, 1941, September 11, is a day that will live in infamy. And as much as Pearl Harbor changed the course of world history by precipitating the global struggle between totalitarian fascism and representative democracy, the transformative impact of September 11 in the course of American and human history is indelible. September 11 was not only the beginning of the Global War on Terror, but moreover, it was the day of innocence lost for a new generation of Americans.

Just like my fellow Americans, I remember September 11 as vividly as if it was yesterday. In my mind's eye, I can still remember being mesmerized by the television as the two airliners crashed into the Twin Towers of the World Trade Center, and I remember the sense of terror we experienced when we realized that this was no accident, that we had been attacked, and that the world as we know it had changed forever. The moment in which the Twin Towers collapsed and the nearly 3,000 innocent Americans died haunts me until this day.

At this moment, I decided that the protection of our homeland would be at the forefront of my legislative agenda. I knew that all of our collective efforts as Americans would all be in vain if we did not achieve our most important priority: the security of our Nation. Accordingly, I became then and continue to this day to be an active and engaged Member of the Committee on Homeland Security who considers our national security paramount.

Our Nation's collective response to the tragedy of September 11 exemplified what has been true of the American people since the inception of our Republic—in times of crisis, we come together and always persevere. Despite the depths of our anguish on the preceding day, on September 12, the American people demonstrated their compassion and solidarity for one another as we began the process of response, recovery, and rebuilding. We transcended our differences and came together to honor the sacrifices and losses sustained by the countless victims of September 11. Let us honor their sacrifices by implementing the bipartisan recommendations of the 9/11 Commission in order to ensure that the tragedy of 9/11 is never repeated. Let us learn from the lessons offered by our history so that we are not destined to repeat them.

9/11 COMMISSION RECOMMENDATIONS

Madam Speaker, I wish to pay tribute to the distinguished chair of the Homeland Security Committee, the gentleman from Mississippi, BENNIE THOMPSON. Under Mr. THOMPSON's visionary leadership, the Democrats on the Committee have performed yeoman service in developing a framework needed to protect the homeland. Unlike the previous Republican leadership, we Democrats embrace wholeheartedly the recommendations of the 9/11 Commission, a body comprised of ten of the most distinguished citizens in this country.

Madam Speaker, I want to talk about several of the key provisions of H.R. 1, the bill implementing the bipartisan 9/11 Commission's recommendations.

IMPROVING HOMELAND SECURITY—RISK-BASED FUNDING

The importance of providing risk-based allocation of Homeland Security grants cannot be overemphasized. Last December, the 9/11 Commissioners gave an "F" grade to the Administration and Congress on providing risk-based homeland security funding. This bill would substantially increase the share of homeland security grants that are provided to States based on risk, rather than population. Under the bill, a Department of Homeland Security risk assessment would determine each state's funding and most states would be guaranteed a minimum of 0.25 percent. The bill would provide for a larger minimum (0.45 percent) for states that have a significant international land border and/or adjoin a body of water within North America that contains an international boundary line.

FIRST RESPONDERS—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

Last December, the 9/11 Commissioners also gave an "F" grade to the Administration and Congress on communications interoperability for first responders. This bill would improve the communications capabilities of first responders by establishing a stand-alone communications interoperability grant program at the Department of Homeland Security to provide first responders with the type of equipment that allows them to communicate with one another during emergencies.

AVIATION SECURITY—INSPECTING CARGO CARRIED ABOARD PASSENGER AIRCRAFT

The 9/11 Commissioners gave a "D" grade to the Administration and Congress for their efforts on enhancing air cargo screening. This bill directs the Department of Homeland Security (DHS) to establish a system for inspecting 100 percent of cargo carried on passenger aircraft over the next 3 years. The bill directs DHS to develop a phased-in approach so that by the end of FY 2007, 35 percent of this cargo is inspected; by the end of FY 2008, 65 percent is inspected; and by the end of FY 2009, 100 percent is inspected.

IMPROVING THE EXPLOSIVE SCREENING OF CHECKED BAGGAGE ON AIRCRAFT

The 9/11 Commissioners also gave a "D" grade to the Administration and Congress on improving the security of checked baggage. This bill continues the dedication of $250 million per year currently collected in airport security fees from the Aviation Security Capital Fund for the installation of in-line explosive detection systems for checked baggage at our Nation's airports for fiscal years 2008 through 2011.

IMPROVING THE EXPLOSIVE SCREENING OF AIRLINE PASSENGERS

The 9/11 Commissioners gave a "C" grade to the Administration and Congress on improving airline passenger screening checkpoints to detect explosives. This bill requires the Department of Homeland Security to issue a strategic plan for the deployment of explosive detection equipment at passenger checkpoints that is long overdue. The bill also provides new funding in order to make rapid improvements to security measures at passenger checkpoints.

PORT SECURITY—REQUIRING 100 PERCENT SCANNING OF CONTAINERS BOUND FOR THE U.S.

This bill goes beyond the 9/11 Commission's recommendations by including provisions that would phase in a requirement for 100 percent scanning of cargo containers bound for the United States. This provision would require that 100 percent of cargo containers be scanned and sealed using the best available technology before being loaded onto ships destined for the United States. The containers must be scanned by both X-ray machines and radiation detectors.

Large ports would be given 3 years to comply and smaller ports 5 years. (Two of the busiest port terminals in the world—in Hong Kong—already scan 100 percent of cargo containers). The Port of Houston represents a substantial source of vulnerability. The Port is the world's sixth largest seaport and the Nation's largest oil port; and for the past 8 years, it has led the Nation in the amount of foreign tonnage.

CRITICAL INFRASTRUCTURE SECURITY—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

The 9/11 Commissioners gave a "D" grade to the Administration and Congress for their efforts on critical infrastructure assessment. This bill requires the Department of Homeland Security to conduct an annual vulnerability assessment for all critical infrastructure sectors. It also requires DHS to annually update the National Asset Database to ensure that it is a current list of national assets and critical infrastructure.

OVERALL TRANSPORTATION SECURITY PLANNING—IMPROVING TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

The 9/11 Commissioners gave a "C−" grade to the Administration and Congress on the National Strategy for Transportation Security, arguing that it was too vague to be useful. This bill requires improvements in the National Strategy for Transportation Security, such as by requiring DHS to develop risk-based priorities for transportation security initiatives based on vulnerability assessments conducted by the Department. It also requires DHS to develop a Strategic Information Sharing Plan for transportation in order to significantly improve the sharing of security information with all transportation stakeholders.

I introduced the Security Plans and Training for Rail and Mass Transit Systems Amendment to H.R. 4439 on March 9, 2006. This amendment, which mandated security plans and training for rail and mass transit systems, was adopted by voice vote.

INFORMATION SHARING—STRENGTHENING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT

The 9/11 Commissioners gave a "D" grade on government information sharing. This bill contains several provisions to strengthen intelligence and information sharing with local law enforcement. First, it strengthens state and local intelligence "fusion" centers, which have been established to gather, analyze and disseminate potentially homeland security-relevant information to appropriate state and local officials. Second, it strengthens the presence of federal agencies, such as the Border Patrol, at fusion centers in border states. Thirdly, it improves the Department of Homeland Security's Information Sharing Programs.

TERRORIST TRAVEL—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

The 9/11 Commissioners gave an "Incomplete" grade on preventing terrorist travel. This bill improves the capabilities of the Human Smuggling and Trafficking Center by authorizing additional funding to stem human smuggling, human trafficking, and terrorism travel, including requiring the hiring of experienced intelligence analysts in the field of human trafficking and terrorist travel.

During my tenure as the ranking member of the Immigration and Claims Subcommittee in the Judiciary Committee, I have stressed that alien smuggling will not stop until we establish an immigration policy that substantially reduces the need for illegal entry into the United States. In the meantime, our highest priority should be to do what we can to reduce the deaths from reckless, help in achieving that objective, the Commercial Alien Smuggling Elimination Act (The CASE Act). It would do this by establishing an informant program which has been designed to facilitate the investigation and prosecution, or disruption, of reckless commercial smuggling operations.

Finally, the CASE Act would require the Secretary of Homeland Security to develop and implement an outreach program to educate the public here and abroad about the penalties for smuggling aliens. It also would provide information about the financial rewards and the immigration benefits that would be available for assisting in the investigation, disruption, or prosecution of a commercial alien smuggling operation.

Furthermore, Republicans on the Homeland Security Committee defeated (11 to 16) my amendment (No. 16) to the Department of Homeland Security Authorization Act of Fiscal Year 2006. This amendment required the Secretary of Homeland Security to develop and implement a comprehensive strategy to secure the land borders, based on threat and vulnerability assessments of our ports-of-entry and the vast stretches of land between them.

My Rapid Response Border Protection Act: Increases in CBP Inspectors, Funding for Essential Equipment, Foreign Language Training, and Incentives to Improve Morale (offered by Ms. JACKSON-LEE, H.R. 4312, Nov. 16, 2005).

The Committee on Homeland Security defeated (12 to 15) the Jackson- (1H) to H.R. 4312, the Border Security and Terrorism Prevention Act of 2005. This amendment provided:

Funding to hire and train an additional 2,000 inspectors and Border Patrol agents each year, beginning with $375 million for Fiscal Year 2006; $692 million in Fiscal Year 2007; $1.008 billion in Fiscal Year 2008; $1.324 billion in Fiscal Year 2009; and $1.641 billion in Fiscal Year 2010. These numbers are identical to those authorized in the 9/11 Act.

Funding to provide agents with radios, night-vision equipment, and weapons.

Enhanced foreign language training for border agents and inspectors.

Incentives to improve the morale of border inspectors, including new student loan payments and retirement incentives.

PREVENTING TERRORISTS FROM ACQUIRING WMD—PREVENTING THE PROLIFERATION OF WMD AND TERRORISM

The 9/11 Commissioners gave a "D" to the Administration and Congress on preventing the proliferation of WMD and terrorism. This bill includes numerous provisions to address this issue, including: strengthening DOD's Cooperative Threat Reduction (or "Nunn-Lugar") program that focuses on nuclear materials in the former Soviet Union; strengthening the Energy Department's Global Threat Reduction Initiative; providing for reforms, increased tools and greater oversight over the Proliferation Security Initiative, through which the United States and participating countries interdict WMD; establishing a U.S. Coordinator for the Prevention of WMD Proliferation and Terrorism, who would serve as an advisor to the President on all WMD proliferation issues; and requiring the establishment of a blue-ribbon Commission on the Prevention of WMD Proliferation and Terrorism, consisting of experts appointed by both Congress and the President and mandated to develop a clear and comprehensive strategy on preventing WMD proliferation.

ENACTING "THE NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT"

The bill includes "The Nuclear Black Market Counter-Terrorism Act," which requires the President to impose sanctions on any foreign person who trades nuclear enrichment technology to a non-nuclear weapons state or provides items that contribute to the development of a nuclear weapon by a non-nuclear weapons state or any foreign person. Sanctions include prohibiting foreign assistance to such person; prohibiting the export of defense articles, defense services, or dual use items; and prohibiting contracts. These provisions also provide that U.S. assistance should only be provided to countries that are not cooperating with countries or individuals who are engaged in, planning or assisting any terrorist group in the development of nuclear weapons; and to countries that are completely cooperating with the U.S. in its efforts to eliminate nuclear black-market networks. This title also includes enhanced oversight over U.S. efforts to break up nuclear black markets.

STRATEGIES FOR REDUCING THE APPEAL OF EXTREMISM—QUALITY EDUCATIONAL OPPORTUNITIES: PROMOTING QUALITY EDUCATIONAL OPPORTUNITIES IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES

The 9/11 Commissioners gave a "D" grade regarding increasing secular educational opportunities in Muslim countries. This bill would significantly enhance the International Arab and Muslim Youth Opportunity Fund, which is designed to improve educational opportunities for these youth, by calling for greater funding and outlining specific purposes for the fund. Under the bill, the fund would be used for such purposes as enhancing modem educational programs; funding training and exchange programs for teachers, administrators, and students; and providing other types of assistance such as the translation of foreign books, newspapers and other reading materials into local languages.

DEMOCRACY AND DEVELOPMENT—PROMOTING DEMOCRACY AND DEVELOPMENT IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES

This bill would authorize the Secretary of State to designate an appropriate private, non-profit U.S. organization as the Middle East Foundation and to provide funding for the foundation through the Middle East Partnership Initiative. The purpose of this foundation would be to support, in the countries of the Middle East, the expansion of civil society; opportunities for political participation of all citizens; protections for internationally recognized human rights; reforms in education; independent media; policies that promote economic opportunities for all citizens; the rule of law; and democratic processes of government. It also requires the Secretary to develop 5-year strategies on fostering human rights and democracy in order to require a long- term approach to the promotion of democracy.

RESTORING U.S. MORAL LEADERSHIP—ADVANCING U.S. INTERESTS THROUGH PUBLIC DIPLOMACY

The 9/11 Commissioners gave a "C" grade for providing a clear U.S. message abroad. This bill calls for the U.S. to improve its communication of ideas and information to people in countries with significant Muslim populations, for U.S. public diplomacy to reaffirm U.S. commitment to democratic principles, and for a significant expansion of U.S. international broadcasting that is targeted to countries with significant Muslim populations. The measure also provides for "surge" authority to allow the Broadcasting Board of Governors to better address emerging situations and opportunities.

EXPANSION OF U.S. SCHOLARSHIP EXCHANGE AND LIBRARY PROGRAMS IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES

The 9/11 Commissioners gave a "D" grade regarding expanding U.S. scholarship, exchange and library programs in Muslim countries. This bill requires the Secretary of State to prepare a report on the 9/11 Commission's recommendations on these U.S. scholarship, exchange and library programs, including a certification by the Secretary that such recommendations have been implemented, or if a certification cannot be made, what steps have been taken to implement such recommendations. The bill also requires the GAG to review the government's efforts in this area.

DEVELOPING COMMON COALITION STANDARDS FOR TERRORIST DETENTION.

The 9/11 Commission recommended that the U.S. develop a common coalition approach on standards for terrorist detention. Last December, the 9/11 Commissioners then gave the Administration and Congress an "F" grade for failing to do so. This bill requires the Secretary of State, in consultation with the Secretary of Defense and the Attorney General, to submit to Congress a report on progress being made to develop such an approach.

U.S. RELATIONSHIP WITH SAUDI ARABIA, PAKISTAN, AND AFGHANISTAN—SUPPORTING REFORM IN SAUDI ARABIA

The 9/11 Commissioners gave a "D" grade to the Administration and Congress on promoting reform in Saudi Arabia. This bill calls for the U.S. to engage Saudi Arabia on openly confronting the issue of terrorism; to enhance counterterrorism cooperation with Saudi Arabia; and to support Saudi Arabia's efforts to make political, economic, and social reforms throughout the country. The measure also requires the President to report on whether the Administration's "Strategic Dialogue" with Saudi Arabia is meeting these objectives.

HELPING PAKISTAN HANDLE THE THREATS FROM EXTREMISTS

The 9/11 Commissioners gave a "C+" grade on supporting Pakistan against extremists. This bill requires the President to submit a report to Congress on the long-term U.S. strategy to engage with the Government of Pakistan to address curbing the proliferation of nuclear weapons technology; combating poverty and corruption; promoting democracy and the rule of law; and effectively dealing with Islamic extremism. The measure also requires a certification that Pakistan is addressing the continued presence of the Taliban and other violent extremist forces throughout the country as a condition of continued assistance. In addition, it extends the waiver of sanctions on Pakistan because of its military coup until after Pakistan's parliamentary elections.

MAINTAINING A LONG-TERM COMMITMENT TO AFGHANISTAN

This bill calls for the U.S. to maintain its long-term commitment to Afghanistan by increased assistance and the continued deployment of U.S. troops in Afghanistan. It also calls for the President to engage aggressively with the Government of Afghanistan and NATO to explore all options for addressing the narcotics crisis in Afghanistan. It also directs the President to make every effort to dramatically increase the numbers of U.S. and international police trainers, mentors and police personnel operating with Afghan civil security forces; and to address current short-term shortages of energy in Afghanistan, in order to ensure the delivery of electricity to Afghanis.

CONCLUSION

Madam Speaker, as I stand here today, my heart still grieves for those who perished on flights United Airlines 93, American Airlines 77, American Airlines 11, and United Airlines 175. When the sun rose on the morning of September 11, none of us knew that it would end in an inferno in the magnificent World Trade Center Towers in New York City, the Pentagon in Washington, DC, and in the grassy fields of Shanksville, Pennsylvania. How I wish we could have hugged and kissed and held each of the victims one last time.

I stand here remembering those who still suffer, whose hearts still ache over the loss of so many innocent and interrupted lives. My prayer is that for those who lost a father, a mother, a husband, a wife, a child, or a friend will in the days and years ahead take comfort in the certain knowledge that they have gone on to claim the greatest prize, a place in the Lord's loving arms. And down here on the ground, their memory will never die so long as any of the many of us who loved them lives.

Madam Speaker, the best way to honor the memory of those lost in the inferno of 9/11, is to do all we can to ensure that it never happens again. The way to do that is to pass H.R. 1 and implement the 9/11 Commission's recommendations.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, section 621 of H.R. 1 requires the Department of Homeland Security to report to Congress how it plans to implement an automated biometric entry-and-exit data system.

A decade ago, Senator Alan Simpson and I authored the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 which required the Federal Government to develop such an automated entry-and-exit system. This would enable us to know who is entering the United States and when they leave.

Forty percent of all illegal immigrants come to the United States legally but overstay their temporary visas. We can never begin to solve the illegal immigration problem if we don't deal with overstays, and we can never deal with overstays until we have a functioning exit control system.

Instead of mandating completion of the exit component of a U.S. visit, this bill simply requires that the administration submit a report, a report already required by the Intelligence Reform and Terrorism Prevention Act of 2004. The failure to fully implement an exit control system is more evidence that it will be a long time before our country has secure borders. Instead of helping to change that, this bill only requires a report.

Mr. Speaker, I am disappointed that we have missed an opportunity to better secure our homeland.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentlelady from California (Ms. LORETTA SANCHEZ).

Mr. LORETTA SANCHEZ of California. Thank you, Mr. Chairman, and it feels great to call you Mr. Chairman.

I rise today in support of H.R. 1, the Implementing the 9/11 Recommendations Act of 2007, and as a Member who has been on the Homeland Security Committee since its inception and a ranking member on one of its major committees, I am really thrilled that we are bringing this legislation on the real first day of legislative business.

There are some really essential things in this. One major thing would be to achieve real security by implementing and distributing most homeland security grant funding on the basis of risk. After the Department of Homeland Security's completion of a comprehensive risk assessment, States with lower risks will be guaranteed 25 percent funding, or 45 percent if that State has an international land or sea border. This is important because, as we know, there are many States that need that money, and they need it now.

Another important provision of this will be the infrastructure database, one that I have been talking about for the last 4 years and trying to get together. Let's just get that done. These requirements would satisfy the 9/11 Commission recommendation for the development of a reliable and complete list of the Nation's critical infrastructure to be used so we can help to assess the threats and allocate the limited resources that we have.

Of course, I am particularly pleased we are going to have an Office of Appeals and Redress. This is something that I offered as an amendment in committee which is included in this legislation so that people who are on the terrorist list have some way to get off if they are innocent.

I rise today in support of H.R. 1, the Implementing the 9/11 Recommendations Act of 2007.

Over the last several Congresses, my work as the ranking member of the Economic Security, Infrastructure Security and Cyber Security Subcommittee of the Homeland Security Committee has focused on the threats to our Nation's security and how we can best protect ourselves from those threats.

This legislation is an essential step towards achieving real security by implementing outstanding 9/11 Commission recommendations.

One major security enhancement in this legislation is the move to distribute most homeland security grant funding on the basis of risk.

After the Department of Homeland Security's completion of comprehensive risk assessments, States with lower risk will be guaranteed 25 percent of all homeland security funding, or 45 percent if the State has an international land or sea border.

This provision strikes an appropriate balance between allocating most of the funding based on risk, while ensuring that every State will have the funding to maintain the necessary level of preparedness.

Another important provision in this legislation requires annual updates of the National Asset Database, and the creation of a subset, the National At-Risk Database which will list the infrastructure most at risk to terrorist attacks.

In addition, the provision requires the Department of Homeland Security to consult each State annually to discuss their assets, and confer with them before removing a State asset from the Database.

These requirements satisfy the 9/11 Commission recommendation for the development of a reliable and complete list of the Nation's critical infrastructure to be used to assess threats and allocate infrastructure protection grants.

I am also particularly pleased that a provision to establish an Office of Appeals and Redress that I offered as an amendment in Committee was included in this legislation.

I drafted this provision in response to my constituents' frustrations when they were held up because they had the same name as someone on the no-fly list, a frustration that I experienced personally several months ago.

The establishment of this DHS-wide office will ensure a timely and fair process for individuals that are wrongly identified, to seek redress, correct their records and reduce, or end, repeated delays and missed flights.

These are just a few of the important provisions in H.R. 1 that will improve our Nation's security. I urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from New Mexico (Mr. PEARCE), a member of the committee.

Mr. PEARCE. Mr. Speaker, I appreciate our colleague's efforts to secure the Nation. We join in that effort. Protecting our homeland requires diligence, resolve and common sense, and I salute my colleagues who drafted the bill. However, since we had no process in committee to discuss or amend the bill, we are simply left with asking rhetorical questions here on the floor.

We were told earlier that for $30 to $40 per container we were going to secure America. I hold in front of me my passport. I am about to get that renewed. Every 10 years we do that, and it is going to cost $82. I will tell you that we had secure communications, secure briefings in homeland security, how they cannot secure even our passports for $82, yet we are going to secure containers that are coming from the Middle East full of oil; we are going to secure containers full of vegetables; and we are not going to interrupt commerce.

We cannot even count on some of our friends to protect the intellectual property rights on compact discs, and yet we are going to trust them to offer the security of this Nation.

These are the questions that should have come up in committee. These are the questions that should come up today. These are the questions that are being ignored, and we are being asked to look the other way and declare the Nation safer.

I join with my colleagues in saying it is awfully important for us to make the Nation safe. The way we do that is to prosecute the war on terror, to take the will away from those people who would strike this country, to ensure that intelligence will provide us with the resources and the application of the resources to the areas of greatest threat. We cannot secure containers for $30 apiece when we can't secure the passport for $82.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a member of the Homeland Security Committee.

Mr. LANGEVIN. Mr. Chairman, I want to thank you for yielding.

Mr. Speaker, I rise today to commend this body for getting us back on track to fully implementing all the recommendations made by the bipartisan 9/11 Commission. The 9/11 Commission provided an objective and eye-opening assessment of how terrorists were able to exploit our security vulnerabilities on September 11 and made 41 key recommendations to address these shortcomings. Unfortunately, 2½ years after the Commission's report, glaring threats still remain.

Just over a year ago, the 9/11 Discourse Project issued a report card that gave the administration Ds and Fs in some of the most critical areas. Today, we finally have an opportunity to ensure that the 9/11 Commission's tireless efforts were not in vain. H.R. 1 would shore up remaining vulnerabilities and implement recommendations that have been ignored completely or have been only partially addressed until now.

As the ranking member of the Subcommittee on the Prevention of Nuclear and Biological Attack in the 109th Congress, I am pleased that this bill makes it more difficult for terrorists to obtain nuclear materials. It strengthens our global nonproliferation programs, which have proven successful in securing the most dangerous nuclear material abroad.

To further protect our homeland from nuclear threats, H.R. 1 also requires 100 percent screening of cargo.

Finally, this legislation will help our first responders, who place their lives on the line each and every day, by funding State and local interoperable communications systems essential for emergency response. H.R. 1 also significantly improves information sharing, which is our first line of defense.

This is a good bill, and I urge passage.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield for the purpose of unanimous consent to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE. Mr. Speaker, I rise as a proud New Yorker and a new member of the Homeland Security Committee in enthusiastic support of H.R. 1.

Mr. Speaker, I rise in full support of H.R. 1, Implementing the 9/11 Commission's Recommendations. As a New Yorker and a member of the Homeland Security Committee, this bill will implement very important recommendations that will ensure countries' citizens are more secure.

During the attacks of September 11, the lives of nearly 400 persons from Brooklyn, New York, came to an abrupt end due to terrorists who used commercial airliners as guided missiles and crashed them into both of the World Trade Center Towers in lower Manhattan. In accordance with the attacks, more innocent lives were lost due to an adequately communication infrastructure. This bill will help to address this shortfall in our first responders' ability to coordinate future rescue efforts.

I cannot think of a better way of honoring the memories, sacrifice and dedication of New York City's first responders: Fire Department of New York—FDNY; Emergency Medical Service—EMS; New York Police Department—NYPD; and the Port Authority Police Department—PAPD.

Terrorism is not an Islamic issue or a Muslim issue, it is a human issue. No matter what form or by whom it is perpetrated, terrorism is a direct threat to our civil society. I believe that these recommendations will help restore civility in our world. We must continue to demonstrate that Americans are good people, and overall, we want to help each other. Our diplomatic efforts will become more robust, our presence will be more visible and our day to day activities with our neighbors around the world, more meaningful. The bill's provisions include requiring major improvements in aviation security, border security, and infrastructure security; providing first responders the equipment and training they need; beefing up efforts to prevent terrorists from acquiring weapons of mass destruction; and significantly expanding diplomatic, economic, educational, and other strategies designed to counter terrorism.

Overall, Mr. Speaker, I believe the recommendations will help make our nation safer and will limit the likelihood of a similar attack on our country. I fully support this legislation and encourage all of my colleagues to do the same.

Mr. KING of New York. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I heard all during the fall campaign from the Democratic side of the aisle, the new majority, how they were going to fully implement, fully implement, the recommendations of the 9/11 Commission and talk about how the then Republican majority failed miserably, and the 9/11 Commission gave the Republicans failing grades, failing grades for passing 39 out of 41 recommendations by the bipartisan commission.

□ 1615

Now, when I do the math on that, that is 95 percent. I do not know about your school, Mr. Speaker, but at Georgia Tech, 95 percent was a solid A.

But the point I want to make is that in no way, shape, or form is the new majority coming forward with full implementation of the recommendations of the 9/11 Commission. And I hope the media and I hope the 9/11 families do not give you a pass on this.

When you look at those 41 recommendations, a couple that we were not able to pass, that we did not pass, and I think we probably should have, one of them was especially in regard to the House Permanent Select Committee on Intelligence, having that as a balanced committee, almost like the House Committee on Standards of Official Behavior, the ethics committee, where you have an equal balance between the two sides, the commission has called for a one-vote margin, a one-person margin for the majority. You have structured that committee with a 12–9 majority for the Democrats.

Also, the commission has called for open disclosure, Mr. Speaker, in regard to the funding for intelligence, that every Member of this body should have an opportunity to see what each of 15 agencies, not just the CIA but all those agencies embedded within the Department of Defense and under the control of the Deputy Secretary of Intelligence within the Department, we need to know what that spending is. So let us tell the truth and be honest with the American people.

Mr. Speaker, a little earlier, the distinguished majority leader, who I have great respect for, and I know you have great respect for Mr. HOYER, said that the Democratic co-Chair of the 9/11 Commission, Mr. Hamilton, said: "If H.R. 1 is implemented and fully funded, the American people will be safer." No, duh. But at what cost?

And, Mr. Speaker, what the former Republican majority has done in regard to container security initiatives, we screen every container.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the former sheriff from southern Indiana, who is now a Member of Congress, Mr. ELLSWORTH.

Mr. ELLSWORTH. Mr. Speaker, I thank the gentleman for yielding.

When the 9/11 Commission completed their extensive investigation, they reported an inability of the public safety organizations at the local, State, and Federal levels to establish compatible and adequate communications. According to the report, a commitment had to be made to improve the interoperability of emergency communications and capabilities for first responders.

With nearly 25 years of law enforcement experience, I understand the essential need for effective emergency communications. When a devastating tornado ripped through my community in November of 2005, our local first responders were equipped to communicate with each other. However, the much-needed help we needed from other agencies was difficult during this time because they were unable to speak to us when they came on the scene.

For too long Congress has been decidedly ineffective in addressing our country's most pressing security needs. The 9/11 Commission gave Congress an F on ensuring communication interoperability for first responders. We need to rectify this. Congress and the Federal Government can and must do better, and that is why I stand in support and strongly endorse the implementation of the 9/11 Commission's recommendations.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut, who has been on this issue for so many years, including before September 11, Mr. SHAYS.

Mr. SHAYS. I thank the gentleman for yielding, and I just want to say to PETER KING, as chairman you ran this committee in such a bipartisan way and worked well with the now-chairman, and I just hope and pray that this continues on a bipartisan basis.

I want to say as well that I am excited to be back for 2 years to wrestle with the people's business, and these are very important issues.

As co-chairman of the 9/11 Commission Caucus, I could tell you reasons why you might want to vote against the bill. It does not provide the total amount spent on intelligence. It does not address recommendations to shift covert operations from CIA to defense. It does not create a separate appropriation subcommittee on intelligence. It does not make a select permanent committee a full committee, nor does it address the jurisdictions of the Department of Homeland Security.

I could tell you those would be reasons why you could be disappointed. But why you should like this bill is that it deals with expanding risk-based funding, and it deals more with interoperability, which is a huge issue.

I am particularly concerned about screening all cargo on passenger planes within 3 years, and I am happy this bill does that. Cargo screening, I am not sure if it will screen 100 percent of cargo, but I do think it moves us towards doing what we need to do to identify radiation and potential nuclear weapons. I particularly like making the Privacy and Civil Liberties Board an independent agency and giving it subpoena power.

These are things that I think move the ball forward. I think Republicans did it in the last session, and I think this legislation is a good step forward. So we can find reasons why we may not like it; but I would hope, in the end, on a bipartisan basis, we can recognize that it does a lot more good and therefore deserves our support.

Again, I thank Mr. KING for his leadership as chairman, and I welcome our new chairman.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield such time as he may consume to the distinguished member of the Committee on Energy and Commerce, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, on behalf of Mr. DINGELL, who unfortunately is delayed at the White House, I want to enter into a colloquy with the gentleman from Mississippi.

I appreciate the gentleman's yielding to me to consider the aspects of H.R. 1 that are of jurisdictional interests to the Committee on Energy and Commerce. I regret that time will not allow for a full discussion on the floor of the areas where clarification and collaboration are warranted.

Earlier today, Mr. DINGELL sent a letter to you, Mr. Chairman, outlining areas where the Energy and Commerce Committee would like to work together with your committee in a meaningful manner as the bill moves forward. The response received was that you recognize the Committee on Energy and Commerce has jurisdictional interest in a number of aspects of the bill. Mr. DINGELL wishes to get assurances from you that you will work with us and members of the Energy and Commerce Committee as this legislation moves forward to ensure that the bill does not result in the private sector being subjected to conflicting or inconsistent rules or guidance. Does the gentleman from Mississippi agree?

Mr. THOMPSON of Mississippi. I agree we should avoid conflicting or inconsistent rules or guidance.

Mr. STUPAK. I thank the chairman, and I hereby submit both letters for the RECORD to ensure the record is complete on this matter.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, January 9, 2007.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN DINGELL: I appreciate your letter regarding certain aspects of H.R. 1, the "Implementing the 9/11 Commission Recommendations Act of 2007."

While it is important to note that I do not control the entire process, as there are other House Committees involved and the Senate will likely have its own positions on a variety of these issues, I would be glad to work with you as the legislation moves forward. I agree we should avoid conflicting or inconsistent rules and guidance. As for the specific areas of interest that you raise in your letter, I am pleased to respond to each issue, point by point, as raised in your letter.

First, I would say that it is the my intention that the Secretary of Homeland Security, in developing risk-based funding criteria for first responder programs, coordinate with the Secretary of Health and Human Services. Additionally, I am pleased to work with you to ensure that issues regarding the Department of Energy's Megaports program and the cargo scanning requirement contained in the bill are addressed.

Your letter also seeks clarification on the intended impact of the word "except" in section 901 of the bill and how it would relate to activities underway by the Environmental Protection Agency (EPA). In answer to your question, I do agree that the effect of the "except" clause is that there is no requirement that for the Department of Homeland Security to perform vulnerability assessments at drinking water utilities. However, I note that the Department of Homeland Security does use the drinking water vulnerability assessments conducted under the Safe Drinking Water Act for a number of purposes, and it works with the EPA on these issues. It is not the intention of this legislation to affect that relationship either. Additionally, it is not my intention that the voluntary program outlined in Title XI of the bill interfere with the mandatory Clean Air Act program. As for energy, I am pleased to work with you to clarify that the bill does not intend to conflict with respect to the types of energy-related regulatory or administrative regimes identified in your letter.

Finally, with respect to your questions on telecommunications and cybersecurity, I am pleased to work with you on the matters raised and agree that the bill does not attempt in any way to diminish or dilute any authority or resources of the Assistant Secretary for Cyber Security or of other Federal agencies engaged in efforts to secure cyber space. I would note that Rep. Zoe Lofgren, a Member of the Homeland Security Committee, was one of the original sponsors of H.R. 285, the bill to create the Assistant Secretary of Cyber Security, during the 109th

Congress. I have been glad to work to create this position, and I agree that is not the intention of the bill to weaken that position. I also do not intend to weaken other federal cyber security efforts.

I appreciate the cooperation in this manner and look forward to working with you, as this bill moves through the legislative process.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 9, 2007.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to seek clarification on jurisdictional aspects of H.R 1, the "Implementing the 9/11 Commission Recommendations Act of 2007". The bill appears to concern many sectors of the United States economy. These include food safety, chemical safety, energy, electric reliability, nuclear energy, public health and health care, biological threats, telecommunications, the Internet, pipeline safety, safe drinking water, and hydroelectric facilities.

As the Committee on Energy and Commerce has jurisdiction on statutes that concern these economic sectors and has relevant expertise to offer, I would like assurances that you will continue to work with me in a meaningful manner on these issues as the bill moves forward. I believe that such collaboration will help ensure that the bill does not result in the private sector being subjected to conflicting or inconsistent rules or guidance.

I would like to give a few examples of portions of the bill where clarification would be helpful. First, with respect to first responders in emergency situations, Section 101 of the bill requires the Secretary of Homeland Security to establish risk-based evaluation and prioritization criteria for Department of Homeland Security grants to first responders. The new Section 2004(a) of the Homeland Security Act created by Section 101 of this bill requires the Secretary, "in establishing criteria for evaluating and prioritizing applications for covered grants," to "coordinate" with "other Department officials as determined by the Secretary." In developing the criteria, do you intend for the Secretary of Homeland Security to coordinate with the Secretary of Health and Human Services, among other Federal agencies?

As to the scanning of containers at foreign ports, there is a provision in Title V of the bill to require the scanning of 100 percent of containers before they leave foreign ports bound for the United States. The Department of Energy has a "Megaports Initiative" to secure containers at foreign ports. As the scanning requirement contained in the bill may raise a number of issues involving the Department of Energy's Megaports program, will you work with me to ensure that these issues are addressed?

As to environmental matters, Section 901 requires the Secretary of Homeland Security to prepare a vulnerability assessment of critical infrastructure "Except where a vulnerability assessment is required under another provision of law." The Safe Drinking Water Act requires drinking water utilities to conduct vulnerability assessments and provide them to the Environmental Protection Agency (EPA) for review. Do you agree that the effect of the "except" clause is that there is no requirement for Homeland Security officials to perform vulnerability assessments at drinking water utilities?

Continuing with environmental matters, Title XI of the bill directs the Secretary of Homeland Security to develop and implement a program to enhance private sector emergency preparedness through the promotion and use of voluntary standards. Section 112(r) of the Clean Air Act establishes a regulatory program that concerns accidental releases of hazardous chemicals, and the program requires covered facilities to prepare an emergency response plan. That plan must inform the public and local agencies as to accidental releases, emergency health care, and employee training measures. Am I correct that you do not intend for the bill's voluntary program to interfere with the mandatory Clean Air Act program?

Turning to energy, I want to work with you to clarify the bill's effect with respect to independent regulatory commissions in the field, such as the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC), as well as the Department of Energy (DOE), which issues health and safety regulations for protection of the public, workers, and the environment. The areas of concern regarding energy include the following:

(1) The bill's effects on the Energy Reliability Organization recently approved by FERC pursuant to the Energy Policy Act of 2005.

(2) The bill's effects on conditions established by the NRC on construction and operation licenses required of the Nation's nuclear power plants to ensure their safety and reliability, including their ability to withstand natural disasters such as hurricanes and earthquakes and also potential hostile threats.

(3) The bill's effects on rules established by the DOE (in concert with other regulatory agencies such as the Environmental Protection Agency (EPA)) with respect to radiological hazards at the Nation's nuclear waste and weapons facilities, including rules relating to worker safety and the protection of public health and the environment.

Will you work with me to clarify these matters?

Another area of concern relates to various telecommunication issues. One is improving communications interoperability. The National Telecommunications and Information Administration (NTIA), one of the Executive Branch agencies with communications expertise, administers, in consultation with the Department of Homeland Security's, a billion dollar program to improve interoperable emergency communications. Will you work with me on these telecommunications issues?

Finally, there is the issue of cyber security. For example, several Federal agencies have ongoing efforts to improve cyber security. Similarly, the expert on cyber-security within the Department of Homeland Security is the Assistant Secretary for Cyber Security and Telecommunications, as set out in section 242 of the Department of Homeland Security Appropriations Act for Fiscal Year 2007. Do you agree that this bill does not attempt in any way to diminish or dilute any authority or resources of the Assistant Secretary for Cyber Security or of other Federal agencies engaged in efforts to secure cyber space?

I appreciate your cooperation. In closing, I note that additional issues may be identified that would benefit from our cooperative efforts. Thank you in advance for considering my concerns and providing the necessary clarification on these matters.

Sincerely,

JOHN D. DINGELL,
Chairman,
Committee on Energy and Commerce.

Mr. THOMPSON of Mississippi. I yield 1 minute to the gentleman from Michigan (Mr. STUPAK) for his statement.

Mr. STUPAK. I thank the gentleman for yielding to me as I rise in support of the H.R. 1 legislation to implement the 9/11 Commission recommendations.

For far too long, police officers have not been able to communicate directly with firefighters, EMT, and other emergency personnel. This is called interoperability. This lack of the ability to communicate with each other resulted in the deaths of 121 firefighters on September 11 because no one could tell these firefighters to get out of the building before the World Trade Center fell upon them.

The 9/11 Commission concluded that the inability to communicate was a critical element in the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash sites. Federal funding of such interagency communication units should be given a high priority, so said the 9/11 Commission.

I have been down to this floor repeatedly since then trying to increase money for interoperability so we could communicate with each other. Last year, I actually introduced an amendment which asked for $5.8 billion of the $18 billion estimated for this interoperability program, and, unfortunately, my Republican colleagues defeated the amendment on a tie vote.

Mr. Speaker, at a minimum, we owe our first responders the tools they need to do the jobs they need to do so that they may protect the American people.

Mr. Speaker, I rise in support of H.R. 1, legislation to implement the 9–11 Commission's recommendation.

For far too long, police officers have not been able to communicate directly with firefighters or EMT in their own city or just across jurisdictional lines. This lack of the ability to communicate is called interoperability. The lack of interoperability resulted in the deaths of 121 firefighters on September 11th because no one could tell these firefighters that the World Trade Center was about to cave in on them.

The 9–11 Commissioners concluded:

> The inability to communicate was a critical element of the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash sites . . . Federal funding of such (interagency communication) units should be given high priority—9–11 COMMISSION REPORT

In 2005, the 9–11 Commission gave Congress and the Administration an "F" for failing to address our nation's interoperability problem.

H.R. 1 would establish a grant program within the Department of Homeland Security dedicated to interoperable communications and require greater accountability at DHS.

In the past, I have offered an amendment to apply $5.8 billion dollars to the new grant program, but my Republican colleagues defeated my amendment on a tie vote.

Republicans defeated similar Democratic efforts in the Homeland Security Committee. Time and time again, the Republican-led House blocked more funding for interoperable communications.

Mr. Speaker, at minimum, we owe our first responders the tools they need to do their jobs to make America safe—our first responders must be able to communicate. Today, Congress is taking steps to provide those tools and ensure we never repeat the mistakes of 9-11.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, it has been almost 3 years since the train bombing in Madrid, almost 2 years since the transit bombing in London, and nearly a year since the commuter rail bombings in Bombay, India; yet the Bush administration has done nothing to protect the Nation's freight and transit rail systems and its millions of passengers.

We cannot keep treating our rail infrastructure as second-class citizens. We have dedicated billions of dollars to repair the rail system in Iraq but have done little to invest in the security upgrades needed right here in America.

Another perfect example of falling down on the job is the administration repeatedly zeroing out the Port Security Grant program, which is one of the few sources for a port to improve antiterrorist measures in their facilities.

Passing this bill will be the first step in a long road to protecting the people of this Nation and making sure our communities, our first responders, and our transportation workers are safe.

In December 2005, the 9/11 Commission gave the administration and Congress five Fs and 12 Ds. An example of one of these F grades is in providing a risk-based allocation of homeland security.

I encourage all the Members to vote for this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Pursuant to section 507 of House Resolution 6, further proceedings on the bill will be postponed.

SELECT INTELLIGENCE OVERSIGHT PANEL

Mr. HASTINGS of Florida. Madam Speaker, pursuant to section 506 of House Resolution 6, I call up the resolution (H. Res. 35) to enhance intelligence oversight authority, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 35

Resolved, That in clause 4(a) of rule X of the Rules of the House of Representatives, add the following new paragraph at the end:

"(5)(A) There is established a Select Intelligence Oversight Panel of the Committee on Appropriations (hereinafter in this paragraph referred to as the 'select panel'). The select panel shall be composed of not more than 13 Members, Delegates, or the Resident Commissioner appointed by the Speaker, of whom not more than eight may be from the same political party. The select panel shall include the chairman and ranking minority member of the Committee on Appropriations, the chairman and ranking minority member of its Subcommittee on Defense, six additional members of the Committee on Appropriations, and three members of the Permanent Select Committee on Intelligence.

"(B) The Speaker shall designate one member of the select panel as its chairman and one member as its ranking minority member.

"(C) Each member on the select panel shall be treated as though a member of the Committee on Appropriations for purposes of the select panel.

"(D) The select panel shall review and study on a continuing basis budget requests for and execution of intelligence activities; make recommendations to relevant subcommittees of the Committee on Appropriations; and, on an annual basis, prepare a report to the Defense Subcommittee of the Committee on Appropriations containing budgetary and oversight observations and recommendations for use by such subcommittee in preparation of the classified annex to the bill making appropriations for the Department of Defense.

"(E) Rule XI shall apply to the select panel in the same manner as a subcommittee (except for clause 2(m)(1)(B) of that rule).

"(F) A subpoena of the Committee on Appropriations or its Subcommittee on Defense may specify terms of return to the select panel.".

PARLIAMENTARY INQUIRY

Mr. DREIER. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore (Ms. ZOE LOFGREN of California). State your inquiry.

Mr. DREIER. Under what authority are we considering this resolution, Madam Speaker?

The SPEAKER pro tempore. House Resolution 6 provides for its consideration.

Mr. DREIER. Further parliamentary inquiry, Madam Speaker. Did the order of the House which is allowing for consideration of this resolution specify a specific resolution by number in that order?

The SPEAKER pro tempore. It described the resolution by title.

Mr. DREIER. Further parliamentary inquiry. Are there other resolutions that have been introduced with the title "To enhance intelligence oversight authority"?

The SPEAKER pro tempore. The Chair does not have cognizance of that.

Mr. DREIER. I am sorry?

The SPEAKER pro tempore. The Chair is not aware of that.

Mr. DREIER. Well, further parliamentary inquiry, Madam Speaker. I, with authority, can say that there in fact is a resolution that has been introduced, House Resolution 38, that has the exact same title, which is, "to enhance intelligence oversight authority."

And my question that I would propound to the Chair is whether or not the Chair would have been able to recognize me if I had, in fact, based on the structure of this order of the House, H. Res. 6, I had called up House Resolution 38.

The SPEAKER pro tempore. The gentleman's question is hypothetical, as the gentleman from Florida has already called up the resolution, so the Chair will not speculate whether anybody else could have been recognized.

Mr. DREIER. Thank you very much, Madam Speaker. The only thing that I would say, if I could just engage in a further parliamentary inquiry, is would there in fact have been an opportunity for those of us in the minority had we been recognized by the Chair to call up the resolution other than the one that is called up.

And I know we are going through a transition period, and I want to do everything I possibly can to help the majority to pursue their goals here and try to move this legislation.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. DREIER. I would just like to let those members of the majority know that.

The SPEAKER pro tempore. Pursuant to section 506 of House Resolution 6, the gentleman from Florida (Mr. HASTINGS) and the gentleman from California (Mr. DREIER) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the final report of the National Commission on Terrorist Attacks upon the United States, better known as the 9/11 Commission, made several recommendations on steps that the government could take in order to prevent and prepare for future terrorist attacks.

□ 1630

In particular, the Commission said, and I quote, "Congressional oversight for intelligence and counter terrorism is dysfunctional. Congress should address this problem. We have considered various alternatives: A joint committee on the old model of the Joint Committee on Atomic Energy is one. A single committee, in each House of Congress, combining authorizing and appropriating authorities is another." End of quote.

Subsequent to the report, commissioners also suggested creating a new appropriations subcommittee dealing only with intelligence matters. It is my pleasure today to see the House implement this recommendation from the 9/11 Commission.

This House rules change, by creating a Select Intelligence Oversight Panel within the House Appropriations Committee, responds to the commission's recommendation by creating a new panel that is made up of members of both the Appropriations Committee and the Intelligence Committee.

The Select Intelligence Oversight Panel will strengthen the oversight process by providing a mechanism for considering intelligence funding and the way appropriated funds are spent on intelligence activities from the combined perspectives of the Appropriations and Intelligence committees. The Select Intelligence Oversight Panel will be primarily responsible for reviewing and studying, including through the hearings process, the President's budget submission for intelligence and the execution of intelligence activities.

The committee will also be tasked with making recommendations to the Defense Appropriations Subcommittee and to other Appropriations subcommittees on intelligence programs, projects, and activities. Moreover, this new panel will, on an annual basis, prepare a report to the Defense Appropriations Subcommittee containing budgetary and oversight observations and recommendations for use by the subcommittee in preparation of the classified annex to the Defense Appropriations Bill.

I see that the Republican members of the Rules Committee, in a letter to the chair lady of that committee, are complaining that we are not allowing the committee process to work its will, and that it is unfair to the Republican side. I would say, to paraphrase Shakespeare, "They do protest too much, methinks."

The 9/11 Commission report was published more than 2½ years ago. Aside from sitting on their collective thumbs, what did the Republicans do on this specific recommendation? Nothing, much like what they did on the rest of the 9/11 report.

Okay. Fine. The President now claims the right to open every citizen's mail without judicial approval. The President says he can listen to every citizen's phone calls without judicial approval. Oh, and read everyone's e-mails too, without judicial approval. But I don't remember those being recommendations of the 9/11 Commission.

Madam Speaker, we are doing this for the security of our Nation and our people. As I said at the outset, this was in large part a recommendation of the 9/11 Commission.

Now, I see my friend from California, and he is my friend, about ready to speak. And I would simply say to the ranking member, maybe you should ask the families of the 9/11 victims if they think Congress should spend another 2 years debating action and then taking none, or whether we should take action and move forward on behalf of the families affected by those terrorist attacks of 9/11 and the rest of the country that is looking for results, not rancor.

No more rancor, Madam Speaker. No rhetoric, Madam Speaker. Results. That is what the American people have asked for, and that is what we will deliver.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

Let me begin by saying that I really am somewhat surprised at the remarks of my very good friend. First of all, if you look at the fact that we focused very enthusiastically on the recommendations of the 9/11 Commission and implemented 39 of the 41, we had a challenge in dealing with the issue of jurisdiction. And I have got to say, Madam Speaker, that if you look at the question of jurisdiction and making very important changes in jurisdiction, it is one of the single most difficult things that is to be done.

And I will tell you, I see my friend from Wisconsin (Mr. OBEY) here, the distinguished chairman of the Committee on Appropriations; 13 years ago, he and I had the opportunity to serve on what was known as the Joint Committee on the Organization of Congress. And we had a tough time looking at the issue of jurisdiction.

And you know what, Madam Speaker? After the work of that commission, and unfortunately, when the new majority was in power back then, none of the recommendations of that commission were put into place. None of the brilliant ideas that Mr. OBEY propounded were put into place at that time.

But when we came to majority in 1994, Madam Speaker, I still have scars on my back to show how difficult it was to bring about major jurisdictional reform. And I have to say that it is a very, very difficult thing to do, but essential. At that time, we consolidated, basically eliminated three standing committees. I had Members on both sides of the aisle at that time come to me and say that the future of the Republic was jeopardized if we did not keep the Post Office and Civil Service Committee, the District of Columbia Committee, and the Merchant Marine and Fisheries committee. My God, if we didn't keep that in the place, we as a Nation were going right down the tubes.

But guess what? We eliminated those committees. We reduced by 20 percent the number of subcommittees, and it was very tough. We were going through a transition, as we had Members who were looking forward to taking on the gavels.

And then something that was equally difficult was dealing with the post-9/11 situation, the Department of Homeland Security. We had to put into place a committee structure here that allowed us to establish this committee on Homeland Security that we have today, taking jurisdiction from other committees.

Similarly, we had a very tough time when it came to the Energy and Commerce Committee and what was then called the Banking Committee, trying to bring that together. It is very tough work. And it saddens me that this great opportunity that is here, like the one we faced in 1994, is slipping away with the measure that we are considering right here.

For that reason, Madam Speaker, I rise in strong opposition to H. Res. 35, this resolution that provides for simply a new oversight committee for national intelligence.

Madam Speaker, as we all know, the five most important words in the middle of the preamble of U.S. Constitution are "provide for the common defense." Part and parcel of that responsibility is effective oversight of the Intelligence community, both to ensure its success and to protect our liberties.

Now, the 9/11 Commission correctly identified significant deficiencies in our national intelligence apparatus and, yes, our oversight of those agencies. The 9/11 Commission, as I said, made 41 separate recommendations. Through enactment of the USA PATRIOT Act, the Homeland Security Act, the 9/11 Recommendation Implementation Act, and I was proud to serve as a conferee in that effort, our majority took affirmative steps to implement nearly all of the 9/11 Commission recommendations.

Is there more that remains to be done? Of course there is. We all acknowledge that. As long as America has enemies, Madam Speaker, we will need to re-evaluate and improve our Nation's defenses.

Does the resolution before us do that? Absolutely not. Unfortunately, it doesn't.

The 9/11 Commission recommended two options for intelligence oversight. First, a joint committee based on the model of the old Joint Committee on Atomic Energy, and second, a single committee in each House of Congress combining authorizing and appropriating authorities. The proposal in front of us today does neither of those things that were recommended by the 9/11 Commission. In fact, it goes in completely the opposite direction, Madam Speaker. Rather than consolidating oversight authority into a single committee that has both authorizing and appropriating authority, it just creates a new committee that has neither, doesn't have either of those powers. So while the 9/11 Commission recommended one committee, we will have three committees dealing with this very important issue.

Further, I am unsure as to what authority this committee actually will have. Having been in the midst of jurisdictional struggles, as I said, for the last decade and a half, I know what it means. As far as I can tell the only authority that this committee has is to write a report to the same people who serve on the committee. They could write a report and give it to themselves.

And the 9/11 Commission was very specific about who should serve on the committee. And I quote from the 9/11 Commission report, Madam Speaker, they said, "Four of the Members appointed to this committee or committees should be a Member who also serves on each of the following additional committees, the Armed Services Committee, the Judiciary Committee, the Foreign Affairs Committee and the Defense Appropriations Subcommittee."

Now, Madam Speaker, where are the members of the Armed Services Committee, Judiciary Committee or the Foreign Affairs Committee?

Apparently, those aspects of our intelligence activities weren't important enough for the promised improved oversight.

Now, did the Republicans enact, as I said, every 9/11 Commission recommendation exactly as they wrote it? No, we didn't. But, we didn't promise to, and I quote from Speaker PELOSI, "to make our Nation safer by implementing all of the recommendations of the independent bipartisan 9/11 Commission."

Now, Madam Speaker, Republicans made sure that there was good communication between the administration, our authorizing committees and Appropriations Committee on intelligence matters. That has made a difference over the last few years. We all know that very, very well. The fact that we haven't had an attack on our soil is, to me, evidence of the success of this administration and the role that this Congress played.

I don't believe that creating committees with both authorizing and appropriating authority, and we have the distinguished former chairman, my always chairman of the Appropriations Committee, my good friend from California (Mr. LEWIS), here, and I know he would share my concern about this merger. But it is something that is worth considering.

Frankly, that notion concentrates a lot of power and erodes some of the very important checks and balances that exist in the committee system. But, frankly, it is very important to note that this resolution does away with even the pretense of bipartisanship.

I applauded enthusiastically when Speaker PELOSI talked about her quest for civility and bipartisanship. And it has been said time and time again, unlike our resolution in the 109th Congress establishing the bipartisan Katrina panel, I remember very well when we put that together, established it, and it did great work. Unfortunately, this resolution, the resolution on Katrina gave the minority the right to appoint its members. This resolution authorizes the Speaker, the Democratic Speaker, to appoint the Republican members of the committee, without any consultation with the Republicans at all.

The tradition in this House is that each party caucus is responsible for its own appointments. And this resolution, for the first time ever, does away with that precedent.

Now, Madam Speaker, unfortunately, I never got a chance to make those arguments where I should have made those arguments, with my very good friend from Fort Lauderdale (Mr. HASTINGS) where? Right upstairs in the Rules Committee.

As I argued here at the end of last week when we had this measure before us, we had, for the first time in the history of this institution, the first time ever, five closed rules brought up in the opening day rules package of the House. Unfortunately, the Rules Committee has been thrown completely out the window when it comes to this.

And last week, when we debated this, we had a total of 5 minutes to debate the opening day rules package and five closed rules, without bills being introduced, without committee hearings, without the process whatsoever and without even giving us, the struggling minority, upstairs in the Rules Committee the opportunity to have our amendments denied. We didn't even have the chance to have our amendments denied upstairs in the Rules Committee.

All I am saying, listen, I am loving my role here in the minority, Madam Speaker. It is really a great opportunity to be able to represent the people of California here. But I will tell you, Democrats and Republicans alike all across this country have been treated very poorly in an unprecedented way.

Now, I believe that many of the Commission's recommendations were right. That is why we implemented so many of them. But this resolution that we have before us is wrong when it comes to this opportunity that we unfortunately are allowing to slip through our fingers. We are not being given the chance to put into place the very, very important jurisdictional reforms that are needed to deal with this issue.

Madam Speaker, I reserve the balance of my time.

□ 1645

Mr. HASTINGS of Florida. Madam Speaker, I would remind my good friend from San Dimas that you had 2½ years to introduce these measures, and you did nothing.

The Members of the 9/11 Commission support this change. I saw one of them this morning, Lee Hamilton; and all of them are on board with the change that they recommended.

But perhaps since we have had so much rhetoric, and we need some guidance for results, we can ask the author of the legislation if he would give us information on this measure.

Madam Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished chairman of the Appropriations Committee.

Mr. OBEY. I very much thank the gentleman for the time.

Madam Speaker, I observed that the minority is complaining about the fact that this approach has not been sufficiently bipartisan. As I recall, during the 10 years that the Democrats were in the minority, or more, I asked the Rules Committee almost 100 times to make specific proposals in order. The last time I checked, the record demonstrated that they had made them in order exactly two times.

Mr. DREIER. Would the gentleman yield on that point? At least it was not when I was upstairs in the Rules Committee.

Mr. OBEY. I didn't hear what you said, but I don't have the time to yield anyway, I am sorry.

The fact is that the 9/11 Commission recognized two problems that in their words rendered congressional oversight of intelligence "dysfunctional". The first was that the intelligence authorizing committee was routinely ignored by the administration and the intelligence community because they didn't provide the money. In this town, people follow the money.

Secondly, the Appropriations Committee, frankly, was negligent in its responsibilities for oversight. Example: When Secretary of Defense Rumsfeld established an independent intelligence operation outside of the purview of his own agency's intelligence shop, I tried to find out what was going on. I requested that the Appropriations Committee do a thorough Surveys And Investigations study of what was going on. My efforts were blocked by that same committee.

The third problem we faced is that there was grossly insufficient staff on the part of the Appropriations Committee to have decent congressional oversight. Example: The Democratic minority had exactly one staffer to deal not only with all intelligence issues but also with the entire defense budget. How much do you think you can get done with one person?

The other problem was that there was not sufficient emphasis on intelligence matters by the Defense Appropriations Subcommittee because they had a lot of other things to do dealing with "little" problems like the Army, the Navy, and the Air Force.

So the 9/11 Commission suggested one way to correct that problem. They suggested that we merge the authorizers with the appropriators, and that the authorizing committee, in fact, do the appropriating.

We concluded that there was a better way to accomplish the same goal. We felt that the problem with the initial recommendation was that it doesn't make much sense to consider intelligence funding requests standing alone, because in the real world those requests have to compete with other national security imperatives, again, funding the Army, the Air Force, and the other agencies.

Instead, we chose to follow a different model, that of the Joint Committee on Taxation. That committee conducts an annual review of the strategic plans and the budget of the IRS.

This bill follows, with some variation, that pattern. It creates a hybrid committee composed of members from the Intelligence Committee and the Appropriations Committee. They are all appointed by the Speaker because, in technical terms, whenever task forces are created around here, it is the Speaker who does the appointing. Speaker PELOSI has already made crystal clear that she intends to appoint whatever Republicans are suggested by the minority leader.

But there was another reason that the Speaker is listed as appointing all of these people, because we want to make clear to the intelligence community that if they try to ignore what this task force is trying to do, that they are not just messing around with individual Members of Congress; they are messing around with the leader of an independent branch of government who has the authority to inflict consequences if they don't provide information the Congress is entitled to have.

This task force will be given the obligation to prepare an annual assessment of all intelligence activities and to make budget recommendations, which will serve as the basis for the preparation of the intelligence budget, the classified annex to the defense appropriation bill.

The reason the subcommittee needs to have at least the ability in theory to change some of those recommendations is because it has a job which that panel doesn't have. It has the job of measuring the needs of intelligence against other national security needs, and it needs to have that flexibility.

But this bill would also lead to a beefed-up staff for this task force, and that task force will be buttressed by the subpoena power of the Appropriations Committee.

That means that at long last we will have at least one panel which the intelligence community cannot ignore. We will have one panel which even the Republican members of the commission, like John Lehman, have indicated is a great step forward. I would just suggest that if the gentleman had preferred a different approach, it would have been nice if he had produced one in the 2½ years he had the chance.

I urge support for this proposal.

Mr. DREIER. Madam Speaker, at this time I yield 3 minutes to the distinguished ranking member, our former chairman and future chairman of the Committee on Appropriations, my friend from Highland, California (Mr. LEWIS).

Mr. LEWIS of California. Madam Speaker, it is a pleasure to be with you. On this occasion, we are addressing one more time a recommendation of the 9/11 Commission. I must say that while it is very important that we get the House to seriously review those matters and see what next steps we should be taking, I feel pretty strongly that it is important that the two sides of the aisle work very closely together regarding this. This resolution would create a new panel of the Appropriations Committee that would, in part, duplicate work already performed by the Intelligence Committee.

Unfortunately, this substantive change in committee jurisdiction is being proposed without benefit of the kind of bipartisan input that I personally appreciate and think causes the place to work an awful lot better. The present structure in intelligence oversight was developed following the recommendations of the Pike and Church committees in the 1970s. It took years to develop and execute a quality congressional restructure for intelligence oversight.

Something of this importance and sensitivity requires more than just an hour's consideration on the floor. It deserves a thorough review by the committees of the House and all of us who are concerned, from various jurisdictions, about these matters.

I recognize that this is an oversight bill; and with tongue in cheek, I congratulate the new majority for that kind of oversight, drafting legislation without any input from the Republicans of the House.

While I am grateful to Mr. OBEY for his efforts to reach out to me personally, I am deeply concerned that no substantive consultation occurred between the majority and the minority, particularly at a leadership level.

Further, I am very concerned that we not jettison the oversight regime that is in place without knowing for certain that we are going to replace it with something that goes beyond just simply getting in the way of the oversight process. I am afraid that what we are doing here is talking about oversight. Instead, on the other hand, we are defusing effective oversight.

It is important that we recognize that one more time we are putting out press releases and producing very little in terms of substantive results.

Madam Speaker, as I said, it is a delight to be with you, and I appreciate the time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1½ minutes to the distinguished gentleman from Virginia (Mr. MORAN), a member of the Appropriations Committee.

Mr. MORAN of Virginia. I thank the gentleman from Florida.

Madam Speaker, the Select Intelligence Oversight Panel will bridge the current divide between the oversight and the funding of our Nation's intelligence community, and it will make a significant long-term contribution to the safety of the American people.

The robust and lawful collection, analysis, and integration of intelligence on our enemy's activities is one of the most powerful tools in the battle against terrorism. But over the last several years, this Congress has been reluctant to ensure that this powerful tool is, in fact, used to its fullest capability.

It is time for Congress to fulfill its oversight responsibility by undertaking hard-nosed assessments of the intelligence community's operations. This oversight panel will be in the position to make these tough and needed assessments, and based on these conclusions, to make recommendations that will enable the intelligence community to deliver the highest level of performance. For example, our human intelligence assets must be able to infiltrate developing global terrorist networks. The exodus of long-serving professional agents from the intelligence community must be reversed, and a new generation of analysts must be recruited.

The Inspector General within the Directorate of National Intelligence must be empowered to identify waste, fraud, and abuse whenever it occurs throughout the intelligence community.

Madam Speaker, Speaker PELOSI's proposed panel will, in fact, improve the operations of the Nation's intelligence community and, in so doing, will advance the security of the American people. That is why this proposal should be passed overwhelmingly by the Congress.

Mr. DREIER. Madam Speaker, at this time I yield 2 minutes to the very distinguished and hardworking former chairman of the committee from Holland, Michigan (Mr. HOEKSTRA).

Every single argument that I heard from Mr. OBEY, Madam Speaker, was, in fact, in support of the argument from the House Select Committee on Intelligence.

Mr. HOEKSTRA. Madam Speaker, the conduct of oversight of our Nation's intelligence community is one of the most sensitive and complex duties that we have as a Congress. Our committee and other committees took a very close look at recommendations from the 9/11 Commission. We implemented many of them. Some of them we did not implement.

We recognized the need to coordinate the strategies of the authorizing committee and the Appropriations Committee. We recognized the need for additional oversight. As a matter of fact, in the last Congress we created subcommittees specifically focused on oversight and increased the number of committee staff that were dedicated to the work of oversight.

We also recognized the importance of coordinating between authorizers and appropriators. In the last Congress, the appropriations bill closely mirrored the authorization bill that this House passed. We worked hand-in-glove because we recognized the importance of putting that together and recognized the importance of what the 9/11 Commission recommended.

This resolution today goes in exactly the wrong direction. The objective of the 9/11 Commission that was identified was to give the authorizing committee greater, if not sole, influence and control over appropriations, authorizations, and oversight.

This resolution creates an additional committee between the authorizers and the appropriators that will add confusion. One of the things that we hear so often from the homeland security folks, from the intelligence folks, is we report to all of these different committees on the Hill, and there is a lack of clarity. It is exactly what is going to happen now. We are adding more confusion to the process, rather than adding and keeping clarity in this process.

If you go back to when the committee was first established under the Church committee, there was one issue that was very important: there had to be clarity as to what committee was going to conduct oversight.

□ 1700

Mr. HASTINGS of Florida. Madam Speaker, would you be so kind as to tell each side how much time remains.

The SPEAKER pro tempore. The gentleman from Florida has 17 minutes; the gentleman from California has 16 minutes.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 4 minutes to the distinguished gentleman from Texas, the chairman of the Select Committee on Intelligence, my good friend SILVESTRE REYES.

Mr. REYES. Madam Speaker, I thank the gentleman for yielding.

A few weeks ago I had a conversation with my good friend and colleague, the former chairman, who is now our ranking member. At the time, he was supportive of this panel. I recognize we all have the right to change our minds, but part of this process is starting to build a bridge that gives us an opportunity on the authorizing side to be able to do a better job for this country.

Madam Speaker, today I rise in strong support of H. Res. 35, which would implement a core recommendation of the 9/11 Commission.

Madam Speaker, 2½ years ago, the bipartisan 9/11 Commission, five Democrats and five Republicans, unanimously made 45 recommendations to prevent another attack on United States soil. Tragically, the President and previous Congress earned dismal grades for failing to enact these recommendations. One of these recommendations, indeed the one the commission called the most difficult and the most important, was to reform the way Congress oversees the intelligence activities of the United States.

Intelligence is the tip of the spear in the war against violent extremists and in the efforts to counter weapons of mass destruction. Yet despite the importance of this mission, congressional oversight of intelligence has largely been dysfunctional.

Most significantly, the committee responsible for overseeing the intelligence community, the House Intelligence Committee, has had little role in deciding how the Nation's intelligence budget is spent. H. Res. 35 is a critical starting point for fixing our broken oversight system. Today, we are creating a special panel within the Appropriations Committee to recommend funding levels for intelligence activities. This panel will be comprised of appropriators and authorizers, both Democrats and Republicans, with its own dedicated staff to review intelligence community activities.

As the chairman of the authorizing committee, the House Intelligence Committee, I welcome this change because it gives authorizers, those of us who review the intelligence programs and set overall funding levels, a real seat at the table in deciding how the money is being spent. In the past, our committee has had no real voice in the appropriations process. Today, with the passage of H. Res. 35, those who control the policy and those who control the purse will become unified.

Oversight promotes greater accountability; and accountability results in better intelligence, greater diversity among intelligence officers to penetrate the hardest targets, more sophisticated analysts, and a deeper understanding of the longer term threats that are facing this country. One need only look at the situation in Iraq to understand the perils of faulty intelligence. The best way for Congress to ensure that those days are over is to enact a meaningful reform of the way we oversee the intelligence budget.

Madam Speaker, the threats facing our country are real. We have some of the best and brightest on the front lines, often undercover and frequently under fire, trying to gather the intelligence to keep America safe. We owe it to them and to their families to provide the strongest intelligence community that we can support and we can field. H. Res. 35 is an important start to achieving that goal, so today I proudly urge all my colleagues to support the resolution.

Mr. DREIER. Madam Speaker, I am very proud at this time to yield 3 minutes to a hardworking member of the Committee on Intelligence, the gentlewoman from Albuquerque, New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Madam Speaker, I have some sympathy with those on the Democrat side of the aisle tonight because you made a promise. You said you were going to implement the 9/11 Commission recommendations, and now you have to at least appear to make good on that promise even if it doesn't make any sense. So you have come up with a way to do so that really doesn't implement or address the real concerns of the 9/11 Commission, but is actually going to make things a whole lot worse around here in terms of intelligence oversight.

The 9/11 Commission recommended streamlining and combining oversight functions and budgeting functions and giving a single committee the power of the purse and the power to oversee our intelligence community.

Now, the 9/11 Commission, in my view, had some good ideas and we implemented them, particularly in the Intelligence Reform and Terrorism Protection Act of 2005, which was the most comprehensive reorganization of the intelligence community since the creation of the CIA in 1948.

But they also came up with some ideas, as commissions do, that weren't such great ideas. They recommended putting the Director of National Intelligence inside the political ring of the White House. I think that is a terrible idea for independence of intelligence and keeping intelligence from being influenced by political considerations. They recommended that we reveal the size of the intelligence budget, which has always been secret. Both of those were bad ideas.

I think there is also a danger in eliminating the checks and balances that are inherent in the fact that we separate appropriations from authorizing, particularly in a realm where almost everything is done in secret. The existence of those checks and balances within this institution is actually healthy with respect to oversight of the intelligence community.

But they came up with a solution in this resolution that doesn't even do what the 9/11 Commission decided was the real problem. We have two boxes on the chart overseeing the intelligence community, so the resolution creates three. How does that streamline anything? And by adding these, when we add these boxes to the organization chart, we don't even in this resolution clarify who is responsible for what. So if you are interested in a particular program, its challenges, its prospects, its importance, who do I go to? The chairman of the intel community? The chairman of defense approps? The chairman of this new community that doesn't seem to have much authority at all?

We have now divided it and made it even more confusing and messed up than the 9/11 Commission said it was in the first place. At least my colleague from Wisconsin was honest enough to admit this isn't what the 9/11 Commission recommended. In fact, they are probably rolling their eyes as we speak.

We have tied the intelligence oversight in knots with this proposal; and I would urge my colleagues if they can't stomach rejecting it now, at least fix it later when nobody else is looking.

GENERAL LEAVE

Mr. HASTINGS of Florida. Madam Speaker, before yielding to the next speaker, I would like to ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on H. Res. 35.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, before yielding again, I would just remind my colleagues my good friend from New Mexico says that we shouldn't merge this committee. My good friend from San Dimas, California, says that we should merge this committee, which kind of demonstrates that the Republicans are capable of falling off the same horse from both sides, all things considered.

Mr. DREIER. I never said that.

Mr. HASTINGS of Florida. Madam Speaker, I yield 2½ minutes to the distinguished gentleman from New Jersey, a member of the Committee on Intelligence, my good friend, RUSH HOLT.

Mr. HOLT. Madam Speaker, I thank the gentleman.

I am pleased we are considering this bill today because it moves us closer to dealing with an issue identified by the 9/11 Commission as a problem. Not that we needed the commission to tell us this; we know it is a problem. I think we would all agree that congressional oversight of intelligence programs should be improved. This bill would do that by creating a standing body in which both the authorizing committee and the relevant Appropriations Committee come together to examine the requests and performance of the intelligence community's many agencies. This has never been done before, and I certainly believe it is a significant step in the right direction.

The panel is charged to look at whether the current programs that we support make sense in the world we live in today, how they perform, how they spend money, and whether they make us safer. The 9/11 Commission stated on page 420 that any congressional reform in this area should produce an entity that allows "a relatively small group of Members of Congress, given time and reason to master the subject and the agencies, to conduct oversight of the intelligence establishment and be clearly accountable for their work." This bill does that.

The gentlewoman from New Mexico said the 9/11 commissioners surely don't approve. Well, Commissioner Roemer, a former member of this body who understands how things work here, said yesterday: "They," meaning these recommendations, "do one of the most important things for congressional reform, that is, strengthen the oversight process." He goes on to say: "Empowering both committees will significantly improve our oversight." He strongly endorses this, as do the other members of the 9/11 Commission.

Money spent in inappropriate collection systems, questionable covert activities, or dubious intelligence community reorganization schemes is money wasted; and it shortchanges our ability to protect our troops and our people here at home.

Those who will serve on this panel truly will have their work cut out for them. Many intelligence programs have not received the type of scrutiny that they should have, and the success of this new panel is not guaranteed. But I can assure you, Madam Speaker and my colleagues, that we need for this committee, this panel to succeed. I applaud the leadership of the House for moving this bill, and I look forward to voting for it and urge my colleagues to do the same.

Mr. DREIER. Madam Speaker, I yield myself 10 seconds to say in response to my good friends, Mr. HASTINGS and Mr. REYES, that I never in my prepared remarks at the outset said that I was supportive of this notion of merging the authorizing and the appropriating process. I simply said that that was the recommendation of the 9/11 Commission, and I stated that I was concerned about that prospect.

Madam Speaker, I yield 3 minutes to my good friend from Savannah, Georgia, a hardworking member of the Appropriations Committee, Mr. KINGSTON.

Mr. KINGSTON. Madam Speaker, I wanted to raise one premise that no one has talked about, and that is this blind belief in everything the 9/11 committee says, and apparently individual Members as well.

The 9/11 Commission was a bipartisan group of good people, some who served in the House. They are intelligent people who have been involved in public policy, but I am not aware that they were top-notch CIA or FBI or intelligence community members. I don't know of them having risen up through the ranks of the intelligence circles or the antiterrorism circles that makes them absolutely experts on everything on what is now a 2½-year-old report.

I wanted to bring that up because I think it is important when you consider that when the 9/11 Commission came out, this Congress on a bipartisan basis implemented 39 out of the 41 recommendations. We did not implement all the recommendations, but we had hearings on them and they were bipartisan and there was a lot of discussion, unlike what we have here today. What we have here today is a recommendation, a recommendation not made by the 9/11 Commission but, from what I am hearing, one Member wandering around the Hall said, Yeah, this is a good idea. Now, that is hardly the way to make a major step in the way we approach intelligence in the House. It doesn't make sense at all.

This bill today has not had a hearing. The Rules Committee did not hear of any amendments that could or would be offered or debated. I think, frankly, the thing that is ironic, and I have got to say as I see over there many of my very good friends, many institutionalists, people who have great respect for the institution, you know that on intelligence we have generally been bipartisan here in the Capitol. Certainly there are times when intelligence like everything else devolves into partisanship, but generally speaking we have conducted this body in the wake of 9/11 itself in a bipartisan manner, and yet today we don't have that. We do not have those amendments which people could come together on.

So I just wanted to raise that because, as I sit as an Appropriations Committee member on the Defense Subcommittee, and I sit there and I listen to so many people like Mr. OBEY, Mr. MURTHA, Mr. LEWIS, and Mr. YOUNG, the folks I would consider the sage folks in the back room who at the end of the day do the pragmatic thing and put the best interests of the Nation forward, in this particular case that has not been allowed to happen. So I find myself a little perplexed by this because it has not been thoroughly vetted, and I am going to vote "no" on it because of the process itself.

Now, there are a lot of other issues that are important, and it is important to me that the ranking member of the Appropriations Committee, the ranking member of the Armed Services Committee, the Homeland Security, of the Rules Committee, of the Intelligence Committee, and the Foreign Affairs Committee, and the Judiciary Committee are all resoundingly against this.

Madam Speaker, I have in my hand a "Dear Colleague" letter which I have read and reviewed, and I submit for inclusion into the RECORD that has been written by them, and I think the points that they have raised are very, very important.

110TH CONGRESS
OF THE UNITED STATES,
Washington, DC, January 9, 2007.

DEAR REPUBLICAN COLLEAGUE: Today the House is scheduled to consider House Resolution 35, a resolution purporting to enhance intelligence oversight authority. We are writing to you to outline our strong concerns with the current version of the resolution and to ask you to join us in opposing this resolution.

As a response to the 9/11 Commission recommendation to streamline intelligence oversight, Speaker Pelosi proposed the select panel on Intelligence oversight within the Appropriations Committee to consolidate intelligence oversight. Unfortunately, we believe this proposal is wholly inconsistent with any notion of a more streamlined and rigorous intelligence oversight process. In fact, we believe the proposal will make oversight more complex and less effective.

The 9/11 Commission recommended creating a single committee with both authorizing and appropriating authority. The House of Representatives did not agree with this recommendation, and instead worked to ensure proper oversight by creating a new oversight subcommittee within the House Permanent Select Committee on Intelligence and by improving coordination and cooperation between the authorization committees and the House Appropriation Committee. The new proposal undermines these efforts by adding a duplicative and seemingly powerless panel to the process. Instead of consolidating our oversight responsibilities, we will be diffusing them, making three entities within the House for oversight of the intelligence community instead of the current two.

It is also apparent that the oversight parameters and responsibilities are not clearly defined. If this panel is supposed to be conducting oversight, it is unclear whether the panel will get into intelligence operations. We have worked hard to limit the unauthorized dissemination of highly classified and sensitive programs, and we are concerned about the practical implementation of the panel.

Finally, if the proposed oversight panel is charged with reviewing and studying the entire intelligence community, why are the Armed Services, Foreign Affairs, Homeland Security, and Judiciary Committees not represented on the panel? The 9/11 Commission specifically recommended members from the Armed Services, Foreign Affairs, and Judiciary Committees also serve on the joint authorization appropriations committee. The purpose of the recommendation is to ensure adequate input and review by the appropriate authorization committees. If the purpose of the panel is too afford more aggressive oversight, why were these equities and jurisdictions overlooked?

If this proposal had gone through the normal committee process, which House Rules Ranking Member Dreier requested, we would have had an opportunity to address these serious concerns through regular order.

Given these serious concerns, we do not agree this would be a responsible revision of the current intelligence oversight structure. We respectfully request you join us in voting "no" on H. Res, 35.

Sincerely,

Rep. Jerry Lewis, Ranking Member, Appropriations Committee; Rep. Duncan Hunter, Ranking Member, Armed Services Committee; Rep. Peter King, Ranking Member, Homeland Security Committee; Rep. David Dreier, Ranking Member, Rules Committee; Rep. Peter Hoekstra, Ranking Member, Intelligence Committee; Rep. Ileana Ros-Lehtinen, Ranking Member,. Foreign Affairs Committee; Rep. Lamar Smith, Ranking Member, Judiciary Committee.

□ 1715

But I have to say, this is just not the right step in terms of addressing the national security needs of our Nation.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself 10 seconds before yielding to the distinguished gentlewoman from New York.

My colleague, the ranking member, just said he did not say he supported combining these functions, and yet here is his signature on his legislation that does just that. That is what I was talking about when I said that is disingenuous.

Madam Speaker, at this time I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY), my friend and classmate.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding.

The 9/11 Commission report identified the failure in the intelligence system of this country as a major cause of 9/11. They called for many reforms, some of which we have implemented. And as cochair of the 9/11 Commission Caucus, I am extremely pleased today with the formation of this new Select Intelligence Oversight panel, which mirrors the recommendation of the 9/11 Commission. It is supported by many of the members of the 9/11 Commission. It is supported by the 9/11 families that have tracked the provisions to make this country safer probably closer and harder than Members of this Congress, and they are in the gallery today. And this new oversight panel will strengthen the oversight process by combining the perspectives and expertise of both the Appropriations and Intelligence Committees and the insights of the authorizers likewise. And this new panel, we can be assured that these experts from both of these areas will be included in the oversight and funding decisions for our intelligence community.

I congratulate the leadership of this Congress, the new Democratic leadership, Speaker PELOSI and Chairman OBEY, for including in the first 100 hours this major reform, that they have repeatedly said in all of their hearings and they continue to speak out on it, they gave this Congress an "F" in intelligence oversight. Today we are getting an "A" by creating a committee with experts to oversee it. And with a focus on the security and the intelligence, it will make this country safer. I applaud our leadership, the new Democratic leadership.

Mr. DREIER. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 2 minutes to my classmate and very good friend, a member of the Select Committee on Intelligence that I have served with, my good friend from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I thank my distinguished colleague. And, Madam Speaker, it is wonderful to see you in the chair.

I rise in support of H. Res. 35. And I believe that for all of us on both sides of the aisle that this is a moment of high responsibility.

If there is anything that we became painfully aware of, it was that we did not have a seamless operation, intelligence operation, to help protect our country. So what we are debating and discussing here are not a handful of sentences. What we are doing is we are blending, for a very important reason, the power of the purse and the power of the policy. They can no longer stand as independent smokestacks, number one.

Number two, I ask all of my colleagues of the House, could the abuse and corruption that was done unto the budget survive the scrutiny of what we are proposing here, where a member of the Intelligence Committee committed those crimes?

So this is a moment of really high responsibility. I welcome ideas from both sides of the aisle. They are always important. But I think the overriding principles here are really what have been stated by so many, including the comments that I am making. As a member of the House Intelligence Committee, I welcome, I welcome more oversight. The problem with intelligence relative to the Congress is there has been undersight or no sight, and that is dangerous for our country.

So I support these reforms. I think that they are very important. It is a moment of high responsibility for the Congress, and I salute the Speaker as well as the chairman of the committees of jurisdiction for bringing this much-needed legislation before the House, and I urge all of my colleagues to support it.

Mr. DREIER. Madam Speaker, at this time, I am happy to yield 2 minutes to our very hardworking colleague from Wilmington, Delaware (Mr. CASTLE).

Mr. CASTLE. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in opposition to H. Res. 35, a resolution to create a Select Intelligence Oversight Panel to advise the House Appropriations Committee.

As a former member of the House Select Committee on Intelligence, I strongly believe that we must enact all of the 9/11 Commission's intelligence recommendations, even those that apply to our own congressional committees.

In its final report, outlining steps Congress should take to combat the problems which plagued our Nation in the lead up to September 11, the 9/11 Commission stated that "Congress should pass a separate appropriations act for intelligence, defending the broad allocation of how these tens of billions of dollars have been assigned among the varieties of intelligence work."

In the wake of the terrorist attacks of 2001, Congress acted quickly to enact a large majority of the commission's recommendations. Today the House will likely pass some of the remaining recommendations, impacting various agencies and levels of government. However, as it turns out, it has been those recommendations that apply directly to the tangled rules of procedures here in the United States Congress, which have been left unfinished.

Specifically, I am disappointed that the resolution before us today fails to implement the 9/11 Commission's very specific recommendation that Congress enact a separate appropriations bill for our intelligence community. Currently, intelligence funding is concealed in the classified section of the Pentagon's budget and thus is subject to very little accountability. As currently drafted, I have serious concerns that the proposed Intelligence Oversight Panel will have very little control over the actual funding decisions and will only succeed in confusing the process and adding to its complex bureaucracy.

As a former member of the House Intelligence Committee, I believe strongly in the 9/11 Commission's recommendations. For that reason, I will introduce legislation immediately to create an empowered and independent intelligence appropriations subcommittee to oversee the intelligence community funding and to keep our Nation safe from those seeking to destroy our way of life.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1½ minutes to the distinguished gentleman from Maryland (Mr. RUPPERSBERGER), with whom I have served on the Select Committee on Intelligence as well.

Mr. RUPPERSBERGER. Madam Speaker, I rise in strong support of H. Res. 35.

The 9/11 Commission recommended that we change the way Congress oversees the intelligence activities. I am very familiar with those activities as a member of the Committee on Intelligence and also representing constituents who work for the National Security Agency. NSA is in my district.

At a time when we have reformed our intelligence agencies and required them to communicate and cooperate and unified their management through the new Director of National Intelligence, it is only right that we unify our oversight of the intelligence community.

H. Res. 35 does just that. It will allow us to make more informed and more effective funding decisions. It will enhance the ongoing work of the Intelligence and Appropriations Committees.

Our job on national security should be to do what is best to put the safety and the security of our Nation first, above all. We can't get bogged down with our own individual complaints about jurisdiction and power. We have to do what is best for America.

I will be proud to vote for H. Res. 35.

Mr. DREIER. Madam Speaker, at this time I am very happy to yield 2 minutes to my good friend from Peoria, Illinois (Mr. LAHOOD).

Mr. LAHOOD. Madam Speaker, I thank Mr. DREIER for yielding to me.

I find it a little puzzling that the author of this legislation has continued to refer to it during his remarks as a "task force." I see no language in the legislation that was authored by the distinguished chairman of the Appropriations Committee that calls for a task force.

I think it is also puzzling, too, that that term has been entered into the RECORD, which can be found nowhere in the legislation. I also think it is peculiar that the gentleman from Florida, who has served with me now for 8 years on the Intelligence Committee, would be willing to create more bureaucracy.

The gentleman knows full well we need no more bureaucracy to bog down the intelligence community. We have sat there time after time and listened to people from the intelligence community come to our committee. We need no more bureaucracy.

And you know as well as I do, it takes 4 to 5 years for people on the committee to understand the terms and the agencies. And now you are going to create another level that has to educate all of these people to get up to speed? Come on, Mr. HASTINGS. You know better. And to have this committee or task force, I don't know which, appointed by only the Speaker of the House is unprecedented. It means that our leader has no say in who is appointed to this task force or committee. Unprecedented. You would never stand for that. Mr. OBEY and Mr. HASTINGS, you would be up here screaming bloody murder if we tried to pull that stunt on you.

This is not fair. It is not right. Our side should have our say. This is an insult to the gentleman sitting on that side of the Chamber, Mr. MURTHA, and the gentleman sitting on that side of the Chamber, Mr. YOUNG, who have overseen as representatives as the once chairman and now chairman of the Defense Appropriations Subcommittee. You don't have faith in them? You don't think they can look over the intelligence budget? I do not know about you, Mr. MURTHA, but I suspect you have some doubts. I know Mr. YOUNG does. This is an insult to both of you and to the Appropriations Committee and to the Defense Subcommittee. Do these gentlemen need oversight? No, they don't.

Vote against this lousy bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. ZOE LOFGREN of California). The Chair would ask Members to address their remarks to the Chair.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to the distinguished chairman of the Appropriations Committee.

Mr. OBEY. Madam Speaker, if the gentleman from Illinois, my good friend, wants to hyperventilate over the fact that I simply verbally referred to this as a "task force" rather than a "panel," be my guest. I guess his threshold of excitement has been considerably lowered these days.

Let me simply say, the gentleman says this is an insult to Mr. MURTHA and to Mr. YOUNG. No, it is not. He asked, does the Defense Appropriations Committee need oversight? It certainly did the last year, and let me tell you why.

When Mr. Rumsfeld set up his separate stovepiping operation for intelligence, I went to Mr. MURTHA, asked him to sign a letter instituting a surveys and investigations study because, under our rules, under our practices, we needed the support of the full chairman, the full ranking member and the subcommittee chairman and the subcommittee ranking member. I went to Mr. MURTHA. He signed on to the letter calling for the investigation. I went to Mr. YOUNG. He signed on to the letter calling for the investigation. But I was blocked by the full committee chairman.

So if you are asking me, does the Appropriations Committee, based on its record of the last 2 years, need some additional oversight on this issue? You bet it does, because as a result of that refusal to proceed, we never did learn what Rumsfeld was doing until we read it in the press. That is not the way it is supposed to work.

This is the first time that we have created any kind of a panel that will force the Appropriations Committee and the authorizing committee to work together like adults rather than worrying about dunghill jurisdictional issues. And the security of this country is a whole lot more important than the feelings of any one committee.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Let me at the outset say to my good friend from Fort Lauderdale (Mr. HASTINGS), one of my staff members encouraged me to have his words taken down when he accused me just a few minutes ago of being disingenuous when it came to the introduction of House Resolution 38. That resolution, as the gentleman knows from the parliamentary inquiry that I engaged in, was designed to simply point to the flaws and the way this measure was crafted. Now, that resolution in no way called for the merging of the authorizing and the appropriating process. I simply said at that point that that was a recommendation of the 9/11 Commission.

I would be happy to yield to my friend if he can, in fact, point to me where in the resolution I introduced, House Resolution 38, it states that there should be a merging of both the authorizing and the appropriating process. And I am very happy to yield to my good friend from Fort Lauderdale.

Mr. HASTINGS of Florida. Do you support the legislation that you filed?

Mr. DREIER. I introduced the H. Resolution 38, and I support it much more so than I do the resolution that we have here. The reason being that I believe very much that there should, in fact, be consultation in a bipartisan way rather than having unilateral decisions made by the Speaker of the House over the minority in this Chamber, as Mr. LAHOOD said so well, an unprecedented action that has been taken. And my point is, there is nothing in the resolution that I introduced that does what led the gentleman to call me disingenuous. I, in the spirit of comity as set forth by Speaker PELOSI in her opening remarks, am not going to have the words of my friend taken down. I do not engage in name calling on the floor of this House, and even if people want to continue that towards me, I refuse to respond.

Madam Speaker, let me close by making a couple of remarks about what it is that is before us here. About 6 months ago in July, my very distinguished colleague, the new chairman of the Homeland Security Subcommittee of Appropriations, and he also will be serving as the chairman of the very important House Democracy Assistance Commission, and I am looking forward to serving now as the co-chairman, the ranking Republican on that committee; last July we went on our mission to help build democracies, build the parliaments in these fledgling democracies around the world. And I am very proud, Madam Speaker, that we have been able to do this in 12 countries. Last July, we were in Nairobi, Kenya, meeting with members of the parliament. When we were there, we had an opportunity to go and visit the site of one of the greatest tragedies to take place in our Nation's history, and that was before September 11, 2001. In 1998, our colleagues will recall that the embassies of both Nairobi, Kenya, and Dar es Salaam, Tanzania, were brutally attacked by al Qaeda. We all know that that happened, and we know there was a response at that time. We finally got the news last night that we have been able to see, with regional support, support of the Ethiopians, support of the Kenyans, who very courageously have stepped up to the plate; we launched an air strike in southern Somalia against al Qaeda that was successful, successful in making sure that we make another blow against those who inflicted the worst attack in modern history against the United States of America.

Madam Speaker, I argue that that kind of success was not an accident. That kind of success in launching that strike against those who attacked the United States of America, both here on our soil and on our embassies in Dar es Salaam and Nairobi, was done because of our effective leadership in the United States of America in prosecuting this Global War on Terror.

□ 1730

Now, I believe that as we look at what it is that we are doing here, it is very admirable. We know, as Mrs. WILSON said earlier, a promise was made to implement all of the recommendations of the 9/11 Commission. We are very proud of the fact that 39 of the 41 recommendations that were made by that commission have been put into place.

What we have before us is something that is very ill founded, and it is an attempt to respond to that promise.

But one of the things that I have learned, Madam Speaker, when you do something simply for the sake of doing something, it is probably the wrong thing. Madam Speaker, I do believe very fervently this is the wrong thing.

Now, I have here a copy of the rules of the House, and as I look through the structure that put into place the committee on which Mr. LAHOOD has served so proudly, the Intelligence Committee, it calls for membership from the Committee on Appropriations, the Committee on Armed Services, the Committee on International Relations, the Committee on the Judiciary, and it makes the Speaker and the minority leader ex-officio members. And it in fact does call for the Speaker to make the appointments. It traditionally is done in with consultation with Members of the minority.

Madam Speaker, it is important to note that is what the Permanent Select Committee on Intelligence is all about. We have virtually the identical structure being put into place for little more than a feel-good measure. That is really what it is. It is to be able to say, yes, we have this committee.

I am going to say, as I did when I opened this debate, Madam Speaker, Mr. OBEY and I worked on that joint committee on the organization of Congress back in 1993. We had 37 hearings, and 243 witnesses during that 2-year period came before us. Those numbers have stuck with me because that was a great opportunity I had to serve, along with our colleague, Lee Hamilton, interestingly enough, who was the cochair of the commission on the House side, and PETE DOMENICI and David Boren, the father of our colleague, DAN BOREN, co-chaired the committee on the other side.

We looked at a wide range of changes, many of which I am proud to say we implemented. We talked about the issue of jurisdiction, but we didn't come up with firm recommendations. But when we took over, before a single Republican Member got their hands on the gavel, we saw them put into place recommendations.

Madam Speaker, I urge a "no" vote on this resolution, and I urge a vote for my motion to recommit that I will be offering forthwith.

Madam Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself the balance of my time.

I would first like to respond to my good friend and say to him that I am awfully glad you did not accept the recommendation of your staff member that my words be taken down with reference to the comments that you made. Let me repeat for you what I said. I said and I quote, "Mr. Dreier just said he did not say that he supported combining these functions. And yet here is his signature on his legislation that does just that."

The SPEAKER pro tempore. The gentleman from Florida has the time.

Mr. DREIER. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. Does the gentleman from Florida yield for a parliamentary inquiry?

Mr. HASTINGS of Florida. No.

The SPEAKER pro tempore. The gentleman from Florida has the time.

Mr. HASTINGS of Florida. Let me read from Mr. DREIER's House Resolution 30. You said there is established a select intelligence oversight panel of the Committee on Appropriations. The select panel shall be composed of not more than 14 Members, delegates or the resident commissioner appointed by the Speaker. The select panel shall include the chairman and ranking member of the Committee on Appropriations, the chairman and ranking member of the Committee on Defense, six additional members of the Committee on Appropriations, and four members on the Permanent Select Committee on Intelligence.

That is the exact same thing Mr. OBEY is doing with the exception of the constitution of the number on the committee.

The SPEAKER pro tempore. The gentleman from Florida has the time.

Mr. HASTINGS of Florida. I would be more than pleased to yield to my friend because I don't like the characterization that you put forward that I am being disingenuous by saying that you are disingenuous and that you were going to take my words down.

I need time to respond to Mr. LAHOOD as well. He commented on the nomenclature of the intelligence committee, and his comment was that I know better. And he knows that I know that the nomenclature is difficult because he and I were on that steep learning curve, he before me, and I had to learn as well.

But I can tell him that Mr. MURTHA and Mr. YOUNG know that nomenclature as well as you and I do, RAY, and you know that.

If I have time at the end, I will yield.

As I said before, this is a specific recommendation of the 9/11 Commission. I am proud that the House Democrats can again do more in 1 week than Republicans were able to do in the last 2½ years since the 9/11 Commission made their report. The gentleman that I have already referenced knows of what I speak.

With that, I yield to my friend.

Mr. DREIER. Madam Speaker, I appreciate my friend yielding. I will simply state once again that there is absolutely nothing in either Mr. OBEY's resolution or the resolution that I introduced that calls for the 9/11 Commission's recommendation of merging the authorization and the appropriations process. That is why it is very clear that it has not called for the merging.

Mr. HASTINGS of Florida. Madam Speaker, reclaiming my time, nobody said that, Mr. DREIER.

Mr. DREIER. If the gentleman would yield, that is what I was accused of having said. I never said anything of the kind.

Mr. HASTINGS of Florida. Reclaiming my time, as I said earlier to my friend, I enjoy our banter and I can suggest to him that being in the minority is going to be a very long 2 years for you.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 35, which establishes a Select Intelligence Oversight Panel of the Committee on Appropriations. Establishing a panel to oversee the expenditures of taxpayer monies on intelligence activities is imperative to ensure that our Intelligence community functions at the highest level to keep the citizens of this country safe and secure. This is a welcome, beneficial, and long overdue reform. For far too long there has not been any means for this body to measure the effectiveness of the usage of funds appropriated to ensure that the intelligence community is equipped to detect, detract and deter the many potentially detrimental and disastrous threats to the citizens of this country.

Madam Speaker, one of the advantages of establishing a select intelligence oversight panel with the Committee on Appropriations is that it will enable the House to hold hearings and conduct oversight regarding the appropriation and expenditure of funds for intelligence-related activities. The resulting openness in intelligence matters through this oversight panel enables this House to discharge its duty to the nation to ensure that our intelligence capabilities are the highest and best in the world and more than sufficient to prevent another 9/11. We cannot afford the costs of the tragic results of 9/11. In fact, the families of the victims of 9/11 as well as all of the citizens of this country still look to us for responsible action in the area of Intelligence.

The oversight panel will also serve the important role of removing barriers between the House Appropriations subcommittee that approves funds for intelligence and the intelligence committee that oversees operations. Of great importance, is the fact that the establishment of this panel will address a central commission finding that Congressional oversight of intelligence matters is dysfunctional and needs to be more centralized. This oversight panel will give Congress a much better chance to correct and avoid those major concerns which were highlighted by the 9/11 Commission. Those problems included: permeable borders; inconsistency in immigration policy; limited capacities to share intelligence information; permeable aviation security; an unprepared FAA and NORAD; ineffective communication and no clear chain of command; no unity for emergency responders; and Congress and Executive Branch that was too slow in responding to threats.

Madam Speaker, the creation of this select panel will allow the House to review intelligence spending requests, conduct hearings, make financing recommendations and assess how the money is spent. With this increased ability to monitor the budget as well as operations of the Intelligence community, we can better face and prepare for the security challenges confronting the United States and the international community as a whole.

I urge my colleagues to support this bill to establish a Select Intelligence Oversight Panel of the Committee on Appropriations.

Mr,. HASTINGS of Florida. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 506 of House Resolution 6, the resolution is considered read and the previous question is ordered.

MOTION TO RECOMMIT OFFERED BY MR. DREIER

Mr. DREIER. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Dreier moves to recommit the resolution (H. Res. 35) to the Committee on Rules.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DREIER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting H. Res. 35.

The vote was taken by electronic device, and there were—yeas 195, nays 232, not voting 8, as follows:

[Roll No. 12]

YEAS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—232

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett

Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Buyer
Culberson
Gillmor
Knollenberg
Marchant
Moran (KS)
Norwood
Ortiz

☐ 1804

Mr. CAPUANO, Mr. CRAMER, Mrs. NAPOLITANO, and Ms. WOOLSEY changed their vote from "yea" to "nay."

Messrs. SAXTON, BROWN of South Carolina, ROGERS of Michigan, LATHAM, EHLERS, SOUDER, WELDON of Florida, and KIRK changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 188, not voting 8, as follows:

[Roll No. 13]

AYES—239

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Buyer
Gillmor
Hall (NY)
Knollenberg
Marchant
Moran (KS)
Norwood
Ortiz

☐ 1818

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HALL of New York. Madam Speaker, on rollcall No. 13, had I been present, I would have voted "aye."

IMPLEMENTING THE 9/11 COMMISSION RECOMMENDATIONS ACT OF 2007

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to Section 507 of House Resolution 6, proceedings will now resume on the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

The Clerk read the title of the bill.

PARLIAMENTARY INQUIRIES

Mr. HENSARLING. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman will state his parliamentary inquiry.

Mr. HENSARLING. Mr. Speaker, pursuant to what order of the House are we considering this resolution, H.R. 1?

The SPEAKER pro tempore. The House is proceeding under House Resolution 6.

Proceedings will now resume on H.R. 1.

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HENSARLING. Does that special order of the House waive all points of order against H.R. 1, including the newly enacted and much advertised pay-as-you-go point of order?

The SPEAKER pro tempore. All points of order are waived by House Resolution 6.

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry. Does the special order provide for the consideration of any amendments?

The SPEAKER pro tempore. By way of a motion to recommit.

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry. Does the special order treat the minority's right to offer a motion to recommit in the same manner as the bill itself by waiving all points of order again, including the much advertised new pay-as-you-go point of order against the motion to recommit?

The SPEAKER pro tempore. The motion to recommit is admissible. No waivers are provided for such motion.

When proceedings were postponed earlier today, 11 minutes of debate remained on the bill.

The gentleman from Mississippi (Mr. THOMPSON) had 6½ minutes remaining, and the gentleman from New York (Mr. KING) had 4½ minutes remaining.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Speaker, because her time was accidentally cut off earlier, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding and for his leadership.

Mr. Speaker, today belongs to the family members of the attacks of September 11 who have worked tirelessly to see these recommendations enacted. They spent today in Congress in meetings in support of this legislation.

The 9/11 Commission gave us a blueprint for better security which was not meant to be on a shelf gathering dust. With this legislation, Congress accomplishes more for security in less than a week than it previously could accomplish in more than 2 years.

Homeland security is a high priority of the first 100 hours agenda, and it includes many important and commonsense provisions. It requires Homeland Security grants to be based on risk, not politics. And the radios that did not work on 9/11 still do not work, and they did not work at Katrina. It establishes a grant program specifically for communications equipment for first responders.

It establishes an independent privacy and civil liberties board with subpoena power, and it includes the prevention and helps to prevent the proliferation of weapons of mass destruction and terrorism. The bill expands the U.S. diplomatic outreach in the Middle East.

In short, the bill will make our citizens and our country safer. It is an important bill, and the 9/11 families thank the leadership of this Congress. The responders thank the leadership of this Congress. And I am deeply grateful that H.R. 1 is among the first bills in the first Democratic Congress to pass. It will make us safer in this country. I congratulate the new leadership on their hard work at making this happen.

Mr. KING of New York. Mr. Speaker, may I inquire of the gentleman from Mississippi as to how many speakers he has?

Mr. THOMPSON of Mississippi. Mr. Speaker, I have one speaker, and I will be prepared to close after that.

Mr. KING of New York. Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, for the last 4 years I have worked to ensure that no shipping container should be put on a ship bound for the United States until it is scanned for radiation and density, and sealed with a tamper-proof seal. The 9/11 Commission insisted on better port security measures.

Last year, along with Mr. OBERSTAR, I introduced the Sail Only if Scanned Act. We tried to insert into the SAFE Port Act, but the Republican leadership opposed this provision with near party-line votes in committee and on the floor.

But now, Title V of this bill will implement the Sail Only if Scanned Act, and require that every container be scanned and sealed with a tamper-proof seal before being placed on a ship bound for the U.S. We phase in the requirement, within 3 years for large ports, 5 years for small. But it must be done.

We must be serious about protecting ourselves against the terrorists. Studies are not enough. This bill finally takes the threat seriously.

The cost to scan each container is only about $6.50. The startup cost to purchase and install the scanning equipment world wide is about $1.5 billion. Foreign ports can recover the cost by charging about $20 per container. Given the fact that it costs about $4,000 to ship a container from Asia to the United States and a container might hold $50,000 or $100,000 worth of goods, that is a drop in the bucket.

This bill also includes critical provisions to strengthen aviation security, to distribute homeland security grants based on risk, and it will strengthen the Cooperative Threat Reduction Program to secure nuclear materials in the former Soviet Union. For years, some of us have been pushing to accelerate counter-proliferation programs. This bill will go a long way toward securing loose nuclear materials around the world.

I congratulate the new leadership of this House for pressing this bill. I urge all my colleagues to vote for this and finally implement the key recommendations of the 9/11 Commission and make this country safer.

Madam Speaker, for the last four years, I have worked to insure that no shipping container should be put on a ship bound for the U.S. until it is scanned for radiation and density, and sealed with a tamper-proof seal. The 9/11 Commission insisted on better port security measures.

Last year, along with Chairman OBERSTAR, I introduced the Sail Only if Scanned (SOS) Act. We then tried to insert it into the SAFE Port Act. Unfortunately, the Republican leadership opposed this provision, with near party-line votes in committee and on the floor.

But now, Title V of this bill will implement the Sail Only if Scanned Act, and require that every container be scanned and sealed with a tamper-proof seal before being placed on a ship bound for the U.S. We phase in the requirement—within 3 years for large ports, 5 years for small. But it must be done.

We know our port security system is vulnerable. The 9/11 Commission said the opportunities to do harm are as great, or greater, in maritime transportation than in our aviation system.

Luckily, the Democratic Leadership is willing to follow through on our promise to scan 100 percent of shipping containers so that we can prevent nuclear weapons from being smuggled into the United States through our ports. We recognize that it is time for Congress to catch up to the rest of the World. In Hong Kong, the Integrated Container Inspection System (ICIS) pilot program has successfully achieved 100 percent scanning, proving that the technology works without slowing down commerce. Many other ports are already starting to purchase this equipment, and many in the shipping industry realize that it is in their best interest to secure their cargo before, G–d forbid, someone uses our ports to cause harm, and the system has to be completely shut down.

We must be serious about protecting ourselves against the terrorists. Studies are not enough. This bill, finally takes the threat seriously.

The cost to institute this system is minimal. It could be folded into the cost of doing business and the consumer would never even notice. The cost to scan each container is only about $6.50. The startup cost to purchase and install the scanning equipment worldwide is about $1.5 billion. Foreign ports can recover the cost by charging about $20 per container. This is a drop in the bucket given that it costs about $4,000 to ship a container from Asia to the United States, and that container might hold $50,000–$100,000 or more worth of goods. We waste billions of dollars in Iraq and on other Defense Programs, such as "Star Wars," but we can protect ourselves against this very real threat to our port security system with virtually no cost to the U.S. Government.

We must not wait to impose security measures until containers reach the United States. If there is a bomb inside a container, and it is detected in Newark, or Miami, or Los Angeles, it may be too late. Reading the cargo manifest is not enough. Trusting the shippers is not enough. We must verify the contents of the containers at the point of origin, before they are loaded onto a ship destined for America. This bill will do just that.

This bill also includes critical provisions to strengthen aviation security, to distribute homeland security grants based on risk, and it will strengthen the Cooperative Threat Reduction Program to secure nuclear materials in the former Soviet Union. For years, I have been pushing to accelerate counter proliferation programs, and this bill will go a long way toward securing loose nuclear materials around the world.

I urge all my colleagues to vote for H.R. 1 and finally implement all of the recommendations of the 9/11 Commission.

Mr. KING of New York. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, as I said at the outset of the debate, I commend the gentleman from Mississippi (Mr. THOMPSON) on his elevation to the position of chairman. He is an outstanding Member of this House, and I look forward to working with him in a bipartisan manner throughout the next 2 years.

I must say, however, that I am deeply disappointed in the manner in which this bill was brought to the floor today and, indeed, with many of the provisions that are in this bill. I say that as someone who lost more than 150 friends, neighbors and constituents on September 11th, who has a number of staff members working for me who lost relatives on September 11th, so no issue is more important to me than getting homeland security right and making it work.

But during the previous 2 years, certainly during the 15 months that I was chairman of the Homeland Security Committee, it was bipartisan. Every bill that came to the floor went through subcommittee and went through the full committee. Port security legislation, FEMA restructuring, chemical plant security bill, all went through the subcommittee, full committee and were adopted by this House and were signed into law.

In addition to that, we had the risk-based funding bill which went through the committee and again passed on the House floor. It was blocked in the Senate. But the fact is, we got results, and we got them in a bipartisan basis. No bill came to the floor without full bipartisan cooperation from day one.

Now, unfortunately, for whatever reason, as part of the 100 hours show, the leadership refuses to allow any bipartisan input, no committee involvement at all, no subcommittee involvement and no amendments. And in doing that, it is not just a shot at us. We can survive that. We will be back in 2 years. But what I am concerned about is, what this does for the next 2 years and what it does to the Homeland Security Committee, because the 9/11 Commission specifically stated that a committee should be given primary jurisdiction. That should be the Homeland Security Committee.

□ 1830

The Democrats could have taken care of that in their rules package. They refused to do it. So the most important recommendation of the 9/11 Commission is not being enacted today. It is not being done at all. In fact, they are weakening the committee by bypassing the committee process.

I will use as one example what happens when a bill is rushed to the floor without the proper deliberative process. We talk about 100 percent scanning of all cargo coming into our ports. The fact is in the port security bill, which passed the House, passed the Senate and was enacted into law, we set up pilot projects around the world to find a scanning process that works.

The fact is there is no current technology that works at 100 percent. We don't have it. We want to find what works the best. Nowhere in the 9/11 Commission report do they call for 100 percent scanning. All of us want to have it. The fact is we are not going to be able to scan 11 million containers coming into our shores.

Now, last year when this was first raised by the Democratic Party, the Washington Post said it is a terrible idea. It is a slogan, not a solution. We hope lawmakers resist the temptation to use it in the election season to come.

Now, the Washington Post is not exactly an advocate of the Republican Party. Today in their editorial, they talk about what a tough job it is to bring about homeland security. They say it will not be done by wasting money on the kind of political shenanigans written into the sprawling Democratic bill introduced on the House floor today.

The Democrats don't offer a realistic cost estimate for the mandate they will propose, but the cost to the government and the economy is sure to be in the tens of billions of dollars and quite possibly hundreds of billions annually.

Luckily, the Senate will give more thought to its homeland security bill, the Washington Post says, but House Democrats can figure those odds as well as anyone, but why not score some easy political points in your first 100 hours.

Well, the fact is you shouldn't be scoring political points on the issue of homeland security. That is too important an issue to be trivialized the way you are doing it here today. Now I will, in the end, I will vote for this bill despite its faults, because I want to send a bipartisan message that the House stands behind homeland security.

But I will hope that in the future, we will have a Homeland Security Committee which is empowered the way it should be by the Democratic leadership, that a Homeland Security Committee, which I know the chairman wants to do, will work in a bipartisan way so we can address the scourge of Islamic terrorism as Republicans and Democrats and Americans and not having something rammed through to score cheap political points in the 100-hour circus.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself the remainder of the time.

First of all, I would like to set a couple of things straight for the record. For my ranking member, these 9/11 recommendations are not cheap political tricks; they are very serious and things that we all take very seriously because of that.

With respect to the 100 percent port cargo screening, it says take the lessons learned from the pilots and then implement what you learned from the pilots, not go forward, like you say.

You talk about not bringing bills before the committee. You brought a fence bill straight to the floor without going through a subcommittee or a committee.

So I might say to my colleague, I look forward to working with him over the next 2 years on making sure that we keep America safe from bad people, but also that we are able to respond to natural disasters and other things.

Mr. Speaker, it is fitting and proper that this bill, the first bill voted upon by the new Congress, gets the record straight on the 9/11 Commission's report. We finished the job. Yesterday, former Vice Chair Lee Hamilton of the 9/11 Commission made it very clear why we are here today.

He said in his view, "The terrorists are plotting today on how best to strike the United States. They will not wait, and it has been a source of very considerable frustration to the members of the 9/11 Commission that so many of our recommendations, which really are commonsense recommendations, like the ability of the first responders to communicate with one another, the allocation of funds on the basis of risk and not politics, and many

The Clerk read the title of the bill.

PARLIAMENTARY INQUIRIES

Mr. HENSARLING. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman will state his parliamentary inquiry.

Mr. HENSARLING. Mr. Speaker, pursuant to what order of the House are we considering this resolution, H.R. 1?

The SPEAKER pro tempore. The House is proceeding under House Resolution 6.

Proceedings will now resume on H.R. 1.

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HENSARLING. Does that special order of the House waive all points of order against H.R. 1, including the newly enacted and much advertised pay-as-you-go point of order?

The SPEAKER pro tempore. All points of order are waived by House Resolution 6.

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry. Does the special order provide for the consideration of any amendments?

The SPEAKER pro tempore. By way of a motion to recommit.

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry. Does the special order treat the minority's right to offer a motion to recommit in the same manner as the bill itself by waiving all points of order again, including the much advertised new pay-as-you-go point of order against the motion to recommit?

The SPEAKER pro tempore. The motion to recommit is admissible. No waivers are provided for such motion.

When proceedings were postponed earlier today, 11 minutes of debate remained on the bill.

The gentleman from Mississippi (Mr. THOMPSON) had 6½ minutes remaining, and the gentleman from New York (Mr. KING) had 4½ minutes remaining.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Speaker, because her time was accidentally cut off earlier, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding and for his leadership.

Mr. Speaker, today belongs to the family members of the attacks of September 11 who have worked tirelessly to see these recommendations enacted. They spent today in Congress in meetings in support of this legislation.

The 9/11 Commission gave us a blueprint for better security which was not meant to be on a shelf gathering dust. With this legislation, Congress accomplishes more for security in less than a week than it previously could accomplish in more than 2 years.

Homeland security is a high priority of the first 100 hours agenda, and it includes many important and commonsense provisions. It requires Homeland Security grants to be based on risk, not politics. And the radios that did not work on 9/11 still do not work, and they did not work at Katrina. It establishes a grant program specifically for communications equipment for first responders.

It establishes an independent privacy and civil liberties board with subpoena power, and it includes the prevention and helps to prevent the proliferation of weapons of mass destruction and terrorism. The bill expands the U.S. diplomatic outreach in the Middle East.

In short, the bill will make our citizens and our country safer. It is an important bill, and the 9/11 families thank the leadership of this Congress. The responders thank the leadership of this Congress. And I am deeply grateful that H.R. 1 is among the first bills in the first Democratic Congress to pass. It will make us safer in this country. I congratulate the new leadership on their hard work at making this happen.

Mr. KING of New York. Mr. Speaker, may I inquire of the gentleman from Mississippi as to how many speakers he has?

Mr. THOMPSON of Mississippi. Mr. Speaker, I have one speaker, and I will be prepared to close after that.

Mr. KING of New York. Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, for the last 4 years I have worked to ensure that no shipping container should be put on a ship bound for the United States until it is scanned for radiation and density, and sealed with a tamper-proof seal. The 9/11 Commission insisted on better port security measures.

Last year, along with Mr. OBERSTAR, I introduced the Sail Only if Scanned Act. We tried to insert into the SAFE Port Act, but the Republican leadership opposed this provision with near party-line votes in committee and on the floor.

But now, Title V of this bill will implement the Sail Only if Scanned Act, and require that every container be scanned and sealed with a tamper-proof seal before being placed on a ship bound for the U.S. We phase in the requirement, within 3 years for large ports, 5 years for small. But it must be done.

We must be serious about protecting ourselves against the terrorists. Studies are not enough. This bill finally takes the threat seriously.

The cost to scan each container is only about $6.50. The startup cost to purchase and install the scanning equipment world wide is about $1.5 billion. Foreign ports can recover the cost by charging about $20 per container. Given the fact that it costs about $4,000 to ship a container from Asia to the United States and a container might hold $50,000 or $100,000 worth of goods, that is a drop in the bucket.

This bill also includes critical provisions to strengthen aviation security, to distribute homeland security grants based on risk, and it will strengthen the Cooperative Threat Reduction Program to secure nuclear materials in the former Soviet Union. For years, some of us have been pushing to accelerate counter-proliferation programs. This bill will go a long way toward securing loose nuclear materials around the world.

I congratulate the new leadership of this House for pressing this bill. I urge all my colleagues to vote for this and finally implement the key recommendations of the 9/11 Commission and make this country safer.

Madam Speaker, for the last four years, I have worked to insure that no shipping container should be put on a ship bound for the U.S. until it is scanned for radiation and density, and sealed with a tamper-proof seal. The 9/11 Commission insisted on better port security measures.

Last year, along with Chairman OBERSTAR, I introduced the Sail Only if Scanned (SOS) Act. We then tried to insert it into the SAFE Port Act. Unfortunately, the Republican leadership opposed this provision, with near party-line votes in committee and on the floor.

But now, Title V of this bill will implement the Sail Only if Scanned Act, and require that every container be scanned and sealed with a tamper-proof seal before being placed on a ship bound for the U.S. We phase in the requirement—within 3 years for large ports, 5 years for small. But it must be done.

We know our port security system is vulnerable. The 9/11 Commission said the opportunities to do harm are as great, or greater, in maritime transportation than in our aviation system.

Luckily, the Democratic Leadership is willing to follow through on our promise to scan 100 percent of shipping containers so that we can prevent nuclear weapons from being smuggled into the United States through our ports. We recognize that it is time for Congress to catch up to the rest of the World. In Hong Kong, the Integrated Container Inspection System (ICIS) pilot program has successfully achieved 100 percent scanning, proving that the technology works without slowing down commerce. Many other ports are already starting to purchase this equipment, and many in the shipping industry realize that it is in their best interest to secure their cargo before, G–d forbid, someone uses our ports to cause harm, and the system has to be completely shut down.

We must be serious about protecting ourselves against the terrorists. Studies are not enough. This bill, finally takes the threat seriously.

The cost to institute this system is minimal. It could be folded into the cost of doing business and the consumer would never even notice. The cost to scan each container is only about $6.50. The startup cost to purchase and install the scanning equipment worldwide is about $1.5 billion. Foreign ports can recover the cost by charging about $20 per container. This is a drop in the bucket given that it costs about $4,000 to ship a container from Asia to the United States, and that container might hold $50,000–$100,000 or more worth of goods. We waste billions of dollars in Iraq and on other Defense Programs, such as "Star Wars," but we can protect ourselves against this very real threat to our port security system with virtually no cost to the U.S. Government.

We must not wait to impose security measures until containers reach the United States. If there is a bomb inside a container, and it is detected in Newark, or Miami, or Los Angeles, it may be too late. Reading the cargo manifest is not enough. Trusting the shippers is not enough. We must verify the contents of the containers at the point of origin, before they are loaded onto a ship destined for America. This bill will do just that.

This bill also includes critical provisions to strengthen aviation security, to distribute homeland security grants based on risk, and it will strengthen the Cooperative Threat Reduction Program to secure nuclear materials in the former Soviet Union. For years, I have been pushing to accelerate counter proliferation programs, and this bill will go a long way toward securing loose nuclear materials around the world.

I urge all my colleagues to vote for H.R. 1 and finally implement all of the recommendations of the 9/11 Commission.

Mr. KING of New York. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, as I said at the outset of the debate, I commend the gentleman from Mississippi (Mr. THOMPSON) on his elevation to the position of chairman. He is an outstanding Member of this House, and I look forward to working with him in a bipartisan manner throughout the next 2 years.

I must say, however, that I am deeply disappointed in the manner in which this bill was brought to the floor today and, indeed, with many of the provisions that are in this bill. I say that as someone who lost more than 150 friends, neighbors and constituents on September 11th, who has a number of staff members working for me who lost relatives on September 11th, so no issue is more important to me than getting homeland security right and making it work.

But during the previous 2 years, certainly during the 15 months that I was chairman of the Homeland Security Committee, it was bipartisan. Every bill that came to the floor went through subcommittee and went through the full committee. Port security legislation, FEMA restructuring, chemical plant security bill, all went through the subcommittee, full committee and were adopted by this House and were signed into law.

In addition to that, we had the risk-based funding bill which went through the committee and again passed on the House floor. It was blocked in the Senate. But the fact is, we got results, and we got them in a bipartisan basis. No bill came to the floor without full bipartisan cooperation from day one.

Now, unfortunately, for whatever reason, as part of the 100 hours show, the leadership refuses to allow any bipartisan input, no committee involvement at all, no subcommittee involvement and no amendments. And in doing that, it is not just a shot at us. We can survive that. We will be back in 2 years. But what I am concerned about is, what this does for the next 2 years and what it does to the Homeland Security Committee, because the 9/11 Commission specifically stated that a committee should be given primary jurisdiction. That should be the Homeland Security Committee.

□ 1830

The Democrats could have taken care of that in their rules package. They refused to do it. So the most important recommendation of the 9/11 Commission is not being enacted today. It is not being done at all. In fact, they are weakening the committee by bypassing the committee process.

I will use as one example what happens when a bill is rushed to the floor without the proper deliberative process. We talk about 100 percent scanning of all cargo coming into our ports. The fact is in the port security bill, which passed the House, passed the Senate and was enacted into law, we set up pilot projects around the world to find a scanning process that works.

The fact is there is no current technology that works at 100 percent. We don't have it. We want to find what works the best. Nowhere in the 9/11 Commission report do they call for 100 percent scanning. All of us want to have it. The fact is we are not going to be able to scan 11 million containers coming into our shores.

Now, last year when this was first raised by the Democratic Party, the Washington Post said it is a terrible idea. It is a slogan, not a solution. We hope lawmakers resist the temptation to use it in the election season to come.

Now, the Washington Post is not exactly an advocate of the Republican Party. Today in their editorial, they talk about what a tough job it is to bring about homeland security. They say it will not be done by wasting money on the kind of political shenanigans written into the sprawling Democratic bill introduced on the House floor today.

The Democrats don't offer a realistic cost estimate for the mandate they will propose, but the cost to the government and the economy is sure to be in the tens of billions of dollars and quite possibly hundreds of billions annually.

Luckily, the Senate will give more thought to its homeland security bill, the Washington Post says, but House Democrats can figure those odds as well as anyone, but why not score some easy political points in your first 100 hours.

Well, the fact is you shouldn't be scoring political points on the issue of homeland security. That is too important an issue to be trivialized the way you are doing it here today. Now I will, in the end, I will vote for this bill despite its faults, because I want to send a bipartisan message that the House stands behind homeland security.

But I will hope that in the future, we will have a Homeland Security Committee which is empowered the way it should be by the Democratic leadership, that a Homeland Security Committee, which I know the chairman wants to do, will work in a bipartisan way so we can address the scourge of Islamic terrorism as Republicans and Democrats and Americans and not having something rammed through to score cheap political points in the 100-hour circus.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself the remainder of the time.

First of all, I would like to set a couple of things straight for the record. For my ranking member, these 9/11 recommendations are not cheap political tricks; they are very serious and things that we all take very seriously because of that.

With respect to the 100 percent port cargo screening, it says take the lessons learned from the pilots and then implement what you learned from the pilots, not go forward, like you say.

You talk about not bringing bills before the committee. You brought a fence bill straight to the floor without going through a subcommittee or a committee.

So I might say to my colleague, I look forward to working with him over the next 2 years on making sure that we keep America safe from bad people, but also that we are able to respond to natural disasters and other things.

Mr. Speaker, it is fitting and proper that this bill, the first bill voted upon by the new Congress, gets the record straight on the 9/11 Commission's report. We finished the job. Yesterday, former Vice Chair Lee Hamilton of the 9/11 Commission made it very clear why we are here today.

He said in his view, "The terrorists are plotting today on how best to strike the United States. They will not wait, and it has been a source of very considerable frustration to the members of the 9/11 Commission that so many of our recommendations, which really are commonsense recommendations, like the ability of the first responders to communicate with one another, the allocation of funds on the basis of risk and not politics, and many other recommendations, are simply common sense. It has puzzled us and frustrated us that they have not been enacted into law."

Let us be very clear, Mr. Speaker, today's bill fixes these problems and fulfills many of the 9/11 Commission's recommendations. In short, as 9/11 Vice Chair Lee Hamilton said yesterday, if this bill is enacted, funded and implemented, the American people will be safer.

I urge support of the bill.

Mr. STARK. Mr. Speaker, I rise in support of an important bill that will make America safer and more secure.

Today's legislation ends years of gridlock by finally enacting recommendations made by the 9/11 Commission over 2 years ago. H.R. 1 will distribute homeland security grants based on risk, enhance nuclear non-proliferation, and improve education and economic development in Arab and Muslim countries.

Under the Republican regime, I was never one to jump on the homeland security bandwagon as Congress passed meaningless resolutions intended to frighten and divide the American people, repeatedly and falsely claimed progress was being made in Iraq, and conducted no oversight of the Department of Homeland Security. In contrast, the Democratic Congress is already taking meaningful action to improve American security. H.R. 1 is short on rhetoric and long on reforms and tough new security requirements.

The 9/11 Commission Recommendations Act contains common sense, bipartisan ideas. Opponents may argue that this bill is too ambitious, but they won't find a single provision inserted merely to instigate a political fight.

In the recent election, Democrats pledged to work across the aisle to pass substantive legislation that will affect the everyday lives of all Americans. This first bill meets that pledge. I urge my colleagues to heed the pleas of our constituents to stop posturing and start legislating by voting yes to make America more secure.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of H.R. 1, and I urge all my colleagues to join me in voting to pass this vitally important legislation to implement the recommendations of the bipartisan 9/11 Commission.

Keeping all Americans safe should be the top priority of the government. Congress cannot wait for another attack to take steps to protect our nation from terrorism. I have worked on the Homeland Security Committee to implement the 9/11 Commission's recommendations, and I hope that the rest of my colleagues will join me in supporting these critical reforms.

The bill includes a number of steps to improve homeland security, including:

Requiring major improvements in aviation security, border security, and infrastructure security;

Requiring 100 percent inspection of cargo at ports and on passenger aircraft;

Providing first responders the equipment and training they need including the critical issue of communications interoperability;

Increasing efforts to prevent terrorists from acquiring weapons of mass destruction;

Significantly expanding diplomatic, economic and educational strategies designed to counter Islamic terrorism;

Strengthening privacy and civil liberties protections; and

Restoring America's moral leaderships throughout the world.

As North Carolina's only Member of the Homeland Security Committee, I worked with my colleagues in the 109th session of Congress to implement many of the reforms included in today's legislation. In particular, I joined my colleagues on the committee in supporting legislation to screen 100 percent of all containers entering U.S. ports, and to provide first responders with interoperable communications equipment.

The bipartisan 9/11 Commission was created by Congress to provide recommendations on preventing another terrorist attack. The recommendations were released in 2004. Congress implemented several of the recommendations in December 2004, however the Republican-controlled Congress did not implement many, and only partially implemented others. In its final report card, the 9/11 Commissioners gave the Administration and Congress many poor grades on implementing the recommendations, and this legislation will make America safer by putting these new policies into place.

Mr. Speaker, the American people want bipartisan action to provide real solutions for a safe and secure country, and I urge my colleagues to join me in voting to pass H.R. 1.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of H.R. 1, a long awaited legislative package that will finally fulfill our duty to protect the people of our nation by fully implementing the recommendations of the 9/11 Commission.

After months of careful investigation into the security weakness that led to the 9/11 attacks, the bipartisan and independent 9/11 Commission proposed a series of reforms necessary to secure our country and prevent future terrorist attacks. These recommendations addressed a number of areas, including revamping the way we fund homeland security, preventing nuclear materials and WMD from falling in the worst hands, and targeting the root causes of terrorism. Yet, despite bipartisan public support for their work, 20 of the Commission's 41 recommendations—nearly half—have gone unfulfilled.

Over the past two years, the 9/11 Commission has rated Congress' implementation of their recommendations with failing grades. Protecting the American people is the primary responsibility of our government, and I am proud that one of the first bills considered by the new Congress is the implementation of all of the 9/11 recommendations. This bill meets our duty to protect the nation we serve by requiring the scanning of all air and maritime cargo, increasing resources that will enable our first responders to communicate with each other in times of crisis, and ensuring that we distribute our homeland security funding where it is needed the most.

I am particularly grateful that this bill increases our commitment to preventing the worst weapons from falling into the worst hands. During public forums on nuclear nonproliferation I have hosted in the past year at St. Joseph College and Trinity College, many of my constituents expressed their concerns about nuclear materials falling into the hands of terrorists. That threat to our nation is real, and this bill fulfills the 9/11 Commission recommendation to prevent terrorists from acquiring weapons of mass destruction and strengthen our nonproliferation programs around the world.

More than sixty Connecticut residents lost their lives on that tragic September day in 2001. Over five years later, we owe it to them and their families to finally implement these measures and ensure that such a day will never happen again.

Mr. LANGEVIN. Mr. Speaker, I rise today to commend this body for considering legislation which with finally get us back on track to fully implement all of the recommendations made by the bipartisan 9/11 Commission in 2004.

The 9/11 Commission provided our nation an objective and eye-opening assessment of how terrorists were able to exploit our security vulnerabilities on September 11th and made 41 key recommendations to address these shortcomings.

Unfortunately, two and a half years after the Commission's recommendations, there are still glaring threats that remain to be addressed. In fact, just over a year ago, the 9/11 Public Discourse Project issued a report card that gave the Administration D's and F's in some of the most critical areas.

Today, we finally have an opportunity to ensure that the 9/11 Commission's tireless efforts were not in vain. The legislation before us would shore up remaining vulnerabilities and implement recommendations that have been ignored completely or only partially addressed until now.

As the former Ranking Member of the Subcommittee on Prevention of Nuclear and Biological Attack, I am particularly pleased that this bill contains several provisions to make our nation more secure from the threat of a nuclear attack. H.R. 1 strengthens our most effective global non-proliferation programs, like Cooperative Threat Reduction and the Global Threat Reduction Initiative. These programs have proven successful in securing the most dangerous nuclear material abroad, before it can get into the hands of those who would do us harm.

Additionally, this measure gives the United States the power to sanction individuals involved in the illegal trade of nuclear material. It also builds upon the recently enacted SAFE Ports Act by requiring all cargo containers be scanned before leaving their port of origin and improves the quality of their inspections.

Today we are also taking a long-overdue, comprehensive approach to the vulnerabilities that remain in our aviation system. Under this measure, we will finally screen 100 percent of cargo on passenger planes and improve airline screening checkpoints to detect explosives. This measure will also create a redress process for passengers misidentified against the "No Fly" or "Selectee" watchlists who have been wrongfully delayed or prohibited from boarding a flight.

This measure provides significant support to first responders, who place their lives on the line each day, by funding state and local efforts to obtain the interoperable communication systems essential for emergency response. Additionally, our bill will considerably improve information sharing, which is one of our most effective forms of defense. H.R. 1 will strengthen fusion centers across the country, helping state and local law enforcement build relationships across every level and discipline of government and with the private sector to help ensure that criminal intelligence and other information is shared with those who can put it to the best use.

Finally, this legislation will protect the privacy and civil liberties of Americans, while effectively combating terrorism. Under this measure, the Privacy and Civil Liberties Oversight Board will be reestablished as an independent agency, which will greatly enhance the Board's oversight functions and help to ensure that we do not sacrifice freedom in the name of security.

The best way to honor those who died in the attacks of September 11th is to learn from the lessons of that tragic day, and this bill brings us much closer towards achieving this goal.

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of H.R. 1.

I am deeply disappointed that it has taken more than 5 years since the terrible events of September 11, 2001, to implement the recommendations of the 9/11 Commission.

However, by making legislation implementing these recommendations the first measure brought to the floor, our Democratic leadership has affirmed what will be our unwavering commitment to homeland security throughout the 110th Congress.

I am also deeply heartened that this bill would exceed the 9/11 Commission's recommendations by finally requiring the examination of all shipping containers bound for the United States.

Only a small percentage of the 11 million containers delivered during the more than 62,000 port calls made annually at U.S. ports is physically inspected upon arrival. It is therefore critical that all possible measures be taken to interdict containers that could pose a threat to our Nation's security before they ever set sail for our shores.

I urge the passage of H.R. 1 and I commend Speaker PELOSI, Leader HOYER, and Chairman THOMPSON for their dedication to port security. I look forward to working with our distinguished Chair, Mr. OBERSTAR and the leadership to strengthen the security of every facet of our Nation's transportation network.

Mr. STEARNS. Mr. Speaker, H.R. 1, the "Fully Implementing the 9/11 Commission Recommendations Act," does not achieve what it advertises. In fact, in many cases, it inhibits our Nation's ability to secure our citizens against attack. This bill neglects to address many recommendations, including classified oversight of the Homeland Security Department, declassification of the intelligence budget, and a shift of paramilitary operations from the CIA to the Defense Department. There are other provisions inserted in this bill, that do not appear anywhere in the 9/11 Commission Report, including unionization of Transportation Security Administration (TSA) employees, 100 percent screening of cargo containers, and several foreign policy initiatives, some of which have already been passed into law.

Incredibly, a provision in this bill would cede one of our Nation's most critical and effective national security initiatives to regulation by the United Nations. The Proliferation Security Initiative (PSI) is a 4-year-old program created and run by the United States to coordinate nonproliferation efforts by ourselves and our allies. This program's effectiveness was a key deterrent to Libya's nuclear program, and was directly responsible to uncovering the large Pakistani nuclear black market ring run by A.Q. Khan. Transferring this program to the United Nations would require participants in the program to seek the approval of these foreign governments prior to interdicting illicit WMD material, creating yet another hurdle that agencies would have to overcome prior to intercepting illegal WMD shipments.

This program relies heavily on shared intelligence, which is the primary reason it must not be handed over to the UN Security Council. This would jeopardize the intelligence, routes, methods and sources used by U.S. and allied forces to prevent proliferation of WMDs by rogue regimes and terrorist organizations. Allowing members of the United Nations Security Council, which in the past has counted Syria and Pakistan as members, will compromise operations, cripple the program's effectiveness and endanger our citizens.

In yet another disparity, the 9/11 Commission does not recommend 100 percent screening of cargo containers. However, the last Congress determined that greater security was a need, and therefore passed, with bipartisan support, the SAFE Ports Act. Under these expanded security measures, all cargo entering the country is assessed for risk long before it reaches our shores, and when designated as questionable, those shipments are thoroughly inspected. In fact, current best practices by the Customs and Border Patrol also includes random inspections both at dockside during loading and unloading, and of the trucks as they leave the port.

This 100 percent mandate is also incredibly burdensome financially. House Democrats expect industry, and possibly foreign governments, to cover the costs of ensuring 100 percent cargo screening of containers entering the United States by air or sea. The airlines would be expected to pay for air cargo inspections; while foreign port terminal operators would be expected to pay for scanning U.S. bound sea cargo. The bill does not estimate how much this will cost, but DHS is already spending $60 million a year to scan sea cargo at six foreign ports. According to DHS, there are more than 700 I seaports that ship to the U.S., raising estimates of the costs of this program into the tens of billions.

Funding for Homeland Security must be split to address a wide array of threats against the United States to minimize risk as best possible. To allocate funding on any program that has little likelihood of effectiveness is egregiously irresponsible. Container-screening technology is improving, but is not yet proficient enough to scan all of those containers in a useful, accurate, and speedy manner. That is why in the SAFE Ports Act, Congress included provisions to conduct feasibility studies of the 100% container-screening proposal and of emerging screening technology. The results of these studies have not even been reported, and yet the Democratic leadership insists on pushing through this incredibly ill advised mandate without the full information, without hearings and without mark-up sessions in committee. This illogical, ill-informed approach to our national security is being pursued with only one discernable purpose, political clout by achieving passage of the Democrats' "100 hours agenda".

There is also the extraordinarily troubling provision that would grant collective bargaining rights to TSA employees. On the surface, this may seem reasonable, but it poses a clear danger to our national security. Granting unionization rights to TSA employees would allow them to strike when negotiating their contracts. Imagine a strike of TSA screeners at airports across the nation at Thanksgiving, or the during the Fourth of July holiday. It would be a nightmare—airport operations would cease or the security of our flights would be threatened from lack of adequate passenger and luggage screening. That is one reason why federal employees in positions impacting National Security were purposely excluded from collective bargaining rights when Congress passed the Labor-Management Relations Act in 1947, and affirmed again when the TSA was re-established under the Department of Homeland Security in 2002.

DHS must have the flexibility to move and retrain employees at will in response to the changing nature of threats against the United States. Following last July's intelligence revelation that terrorists were plotting action against U.S. flights from the United Kingdom, one critical advantage that DHS cited was the ability to shift employees to respond to this new emerging threat. Should TSA employees unionize, DHS would no longer have this speed and flexibility, weakening our responses to terrorist threats.

This bill is touted by democrats to implement many of the recommendations of the 9/11 Commission, but not only does it not accomplish this, it fails to identify funding for the initiatives. In fact, only one provision in the entire bill contains a defined funding authorization: the checkpoint screening security fund, which would authorize $250 million for FY2008. Therefore, this legislation could end up only as an exercise in futility should appropriators not allocate funds for these programs. House Homeland Security Chairman BENNIE THOMPSON conceded that he may have included more authorization levels had there been more time, "But, in the spirit of 'let's get it done,' we'll work it out." Ramming through legislation with the expectation that legitimate concerns and problems with legislation will be addressed at some later date is not the way to protect our citizens, and it is certainly a haphazard manner in which to pass laws.

National security is not an issue that should hinge on "rough drafts" of proposals awaiting future refinement. If there is a need to reform our nationals security procedures, which I believe there is, it is imperative that we thoroughly consider these issues in Committee with hearings and legislation mark-up sessions. We must always consider national security issues with due deference and the humbling knowledge that every initiative we pass here in Washington will directly impact the security of our constituents at home.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of H.R. 1. The 9/11 Commission made its recommendations over two and a half years ago, and I am pleased this legislation to implement those recommendations is a top priority in this Congress.

Among other things, this legislation will address the allocation of Homeland Security grants to ensure risk-based distribution of funds to provide the most vulnerable areas with the resources necessary to protect citizens and infrastructure. Section 2001 of this bill defines what critical sectors should be used to determine high risk areas, and representing a district that is home to many of these sectors, I have long supported these changes.

This bill will also improve information sharing among different levels of law enforcement, improve the interoperability of communications for first responders, and strengthen aviation and cargo security.

As the 9/11 Commission pointed out, these are all important steps toward securing our homeland. But I am concerned about how some of these objectives are accomplished and the jurisdictional implications in this bill.

In particular, this bill provides the Department of Homeland Security with broad authority over public health, electric transmission, site security, and communications. The agencies and departments that currently oversee these areas have expertise working with these issues and it is not clear that DHS is better prepared to regulate, advise or award grants in these areas.

I look forward to working with my colleagues to ensure these issues are worked out either in conference or through committee oversight.

Mr. HOLT. Mr. Speaker, after more than 2 years of needless delay, the House is finally taking action on the balance of the recommendations made by the 9/11 Commission. This is a large bill that tackles a range of critical issues, but I want to comment on three areas in particular: risk-based funding for homeland security needs, making our first responder's communications truly interoperable, and measures we need to take overseas to stop the terrorist from getting here in the first place.

For the past several years, I've sponsored a series of homeland security grant writing workshops for first responder organizations in my district. These workshops are always well attended and I'm pleased that they've been of value in helping various fire, EMS, and police departments cross central New Jersey become competitive in applying for these grants. However, the one question I get most often from these professionals is "Why aren't these grants allocated on the basis of risk?" I know many of my colleagues were hearing the same thing from their first responders, which is why last year I joined a number of my colleagues in sending a letter to Secretary of Homeland Security Michael Chertoff asking him to make grant award decisions on the basis of risk. While DHS has made some progress in this area, it hasn't come far enough quickly enough. That's why I'm pleased that this bill requires DHS to use a risk-based funding formula when allocating these grants. New Jersey is at far greater risk of attack—and it has more infrastructure targets, like chemical plants—than more rural, less densely populated states. Our vulnerabilities require commensurately greater resources.

Another critical fix contained in this bill is a grant program dedicated to communications interoperability. As incredible as it may seem, 5 years after the 9/11 attacks, and one year after Hurricanes Katrina and Rita, the Department of Homeland Security still does not allocate funds specifically for the purpose of helping local first responders coordinate in an emergency. As a result, states and localities are forced to rob Peter to pay Paul by using large chunks of homeland security grant funding—in some instances 80 percent—to purchase communications equipment. As a result, fewer resources are spent securing bridges, ports, and buildings. This is a false choice being forced upon local officials. Today's legislation is a down payment on those needs.

Importantly, the federal grants can be used only for equipment, technology, and systems that have been determined by the Secretary of Homeland Security to meet emergency communications equipment and technology standards. Therefore, State and local governments will be protected from relying solely on the claims of vendors, and can use the grants to invest in emerging technologies, not the same dinosaur systems that first responders historically have been forced to rely on. Also, this bill also takes steps to ensure the completion of a National Emergency Communication Plan. Such a plan will help to ensure that Federal, State, and local governments are developing plans and systems to improve multi-jurisdictions communications in an emergency that is truly "National" in scope.

Finally, while this bill includes useful provisions for strengthening our outreach to the Islamic world, we have to recognize that defensive measures at home are necessary in part because of a failure of our policies abroad.

For decades, our government has had a devil's bargain with a number of corrupt, despotic regimes in the Middle East and South Asia: they help us maintain order in the region, and we help them maintain order at home. We don't like to talk about this hypocritical double standard, but it exists, and it is impossible to truly quantify how much damage that hypocrisy and our support for such dictatorial regimes has cost us.

This is another legacy of the Cold War, where any country—no matter how brutal its government—was a potential ally for us against the Soviets. The same misguided approach is now being applied in our relationships with various countries with corrupt, brutal governments that ruthlessly suppress dissent at home even as they proclaim their solidarity with us in the war against Al Qaeda and like-minded groups.

The reality is that by viciously obliterating the voices of moderation in their societies, these despotic regimes are paving the way for Al Qaeda. By eliminating those calling for a free press and free elections, these governments are driving ever-greater numbers of Muslims into bin Laden's ranks. So long as we stand by and let them repress or destroy the voices of moderation in these countries, will we be complicit in the creation of the next generation of people who reject democracy in favor of the Kalishnikov rifle or the car bomb.

Mr. Speaker, I'm pleased that the House will pass this bill today and I will gladly support it. But we must know that even if this bill becomes law, the work of protecting our citizens and restoring our country's standing in the world has only begun.

Ms. MATSUI. Mr. Speaker, the new Congress has begun and today we debate the first piece of our 100 hours agenda, H.R. 1—the implementation of some of the long-overdue bipartisan 9/11 Commission recommendations.

As I have stated on numerous occasions, national security is our highest priority. By passing these long-overdue 9/11 Commission recommendations today, we will be taking significant steps towards better protecting our country. This means scanning all air cargo loaded onto passenger planes and seabome cargo containers shipped into the United States, as well as encouraging intelligence information sharing among federal, state and local agencies.

Further, it will increase the share of state homeland security grants provided to our communities, based on risk—an issue of particular concern to my home state of California. The current formula results in 40 percent of funding equally distributed to each state with the remainder allocated based on risk. With H.R. 1, each state is guaranteed a minimum of .25 percent of funding, while states that share an international border, or are connected to a body of water with an international border would receive at least .45 percent. This strikes a balance between risk-based allocations and ensuring a funding minimum for all states. Another result of this new distribution is that more funding will be directed towards essential programs such as the Urban Area Security Initiative, the State Homeland Security Grant program and the Law Enforcement Terrorism Prevention program.

Concerns have also been raised about the gaps in the Department of Homeland Security's critical infrastructure asset database. Over the past year, I have repeatedly highlighted overlooked infrastructure with DHS, which led to the Department making changes to the Urban Area Security Initiative Grant. This bill will begin to close this gap by requiring annual assessments of information regarding critical infrastructure and the creation of a regularly updated asset databases.

As I have repeatedly stated, the federal government needs to do its job of protecting the American people. Part of that is providing leadership by setting standards as incorporated in H.R. 1 and the other is to provide resources.

Mr. Speaker, Congress has had far too long to implement these critical reforms recommended by the bipartisan 9/11 Commission. I am pleased to be able to vote today in favor of H.R. 1. I know that these reforms will direct our limited federal funds toward areas facing higher threats, and ensure further safety standards for our transportation systems. Through H.R. 1 we will ensure that our country is better protected against and prepared for any future terrorist attack.

Mr. HERGER. Mr. Speaker, there are a number of provisions in this bill that I believe will improve our national security. For instance, I support increasing protections at our most important infrastructure facilities, like dams and power plants, and improving the Homeland Security grant allocation process so that it is truly risk-based. I also agree with the provisions in the bill that would strengthen sanctions on countries that participate in the proliferation of nuclear materials, equipment and weapons technology.

However, I do have concerns with the bill's cargo inspection provision. We need to arrive at a system that ensures that all cargo entering the U.S. is safe. I believe the best way to approach supply chain security is through a risk-based approach, as endorsed by the SAFE Ports Act, which became law last fall. In particular, the SAFE Ports Act establishes a pilot program to test a system of 100 percent scanning at three ports. Then, based on lessons learned from that program, we could deploy a broader functioning inspection system.

Although the goal of today's legislation is laudable, I am concerned that it imposes an arbitrary deadline for its new requirement for 100 percent scanning in all ports without first considering the effectiveness of such a proposal or our ability to carry it out. We must also consider who will pay for this new program—both inside and outside the United States.

Mr. Speaker, I remain committed to working with others in the House to see that the provisions of last year's SAFE Ports Act are implemented, and believe that the feasibility of any new measures and mandates should be demonstrated before they're passed into law.

Mr. SENSENBRENNER. Mr. Speaker, during this past campaign, Democrats pledged to move legislation through the regular committee process and to allow Republicans more latitude to offer amendments on the House floor. They broke this promise last week, again today, and they intend to do it next week as well. Today, as the House considers H.R. 1, the Implementing the 9/11 Commission Recommendations Act of 2007, Members are not allowed to offer any amendments. Formal committee process, rather than a closed rule and no committee consideration, would have identified the absurdity of providing an unelected board with an administrative subpoena authority that exceeds that of the FBI.

An administrative subpoena is an order from a government official to a third party, instructing the recipient to produce certain information. Congress has granted subpoena authority to many agencies that exercise regulatory powers. One problem with administrative subpoenas is that they are not reviewed by courts unless challenged or for enforcement reasons.

The 9/11 Commission's final report recommended that "there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties." H.R. 1 makes the Privacy and Civil Liberties Oversight Board an independent agency within the executive branch.

I generally oppose administrative subpoenas within the executive branch, specifically those for law enforcement. I opposed granting the FBI administrative subpoena authority during consideration of the PATRIOT Act and I oppose it in this case.

During a Judiciary Committee markup of H.R. 10 in September 2004, I offered an amendment to establish a Privacy and Civil Liberties Oversight Board to provide advice and counsel on policy development and implementation as it pertains to privacy and civil liberties implications of executive branch actions, proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism. My amendment was a complete substitute for an amendment offered by Mr. WATT that would have provided for a similar board with broad administrative subpoena power and provided nearly unlimited authority to analyze all aspects of the Nation's war on terrorism.

While it is necessary to provide the proper tools and resources needed to fight and win the war on terror, giving an unelected board broad administrative subpoena authority is not the answer.

Mr. GARRETT of New Jersey. Mr. Speaker, I am greatly pleased that the first priority of this legislation is to continue the efforts of the 109th Congress to fundamentally change the way in which Homeland Security grants are dispersed. By current formulae, only 60 percent of grants are assigned on the basis of risk, meaning that we are spending hundreds of millions of dollars that should be protecting our most vulnerable citizens and infrastructure on political priorities.

Restructuring this grant program to better protect the regions at highest risk of terrorist threat has been amongst my highest priorities since coming to Congress. North Jersey, which I represent, lost many residents and family members in the 9/11 attacks and, in fact, sent many of its own first responders over the Hudson River to respond to those attacks. While those same brave New Jersey first responders have struggled to purchase the communications and safety equipment that are necessary to deal with any future attacks, operating with outdated air packs and obsolete radio equipment, other areas of the country with less risk of terrorist attack have had the luxury of using these funds for far less necessary purchases.

Three times the 109th Congress passed legislation to fix this gross oversight. I hope that the current leadership will stand strong and insist that their colleagues in the Senate take the appropriate steps to better prioritize our limited funds and make our people safer.

I am further concerned that this large and expensive bill has come to floor outside of any normal procedure. There are a number of new programs, panels, reports, and procedures contained in the bill that have never come before the Committee on Homeland Security. Some of these programs may be effective in enhancing our security, but without expert testimony or any comment from the department officials who will carry out these directives, we can have no confidence in their value.

In fact, there is no real way to even determine what all these provisions will cost since the bill fails to appropriate or authorize specific sums. Given the claims of our new leadership that they are retaking the mantle of fiscal responsibility, it is disturbing to see that their first piece of legislation, H.R. 1, comes to the floor without any plan for how much is to be spent and where all this new funding is supposed to come from.

Security for the American people should be our number one priority, but we absolve ourselves of our responsibility as legislators by writing a blank check. I hope that in the coming months we can work together to bring real solutions to the House floor and work with the Senate to send strong legislation to the President.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 1, the Implementing the 9/11 Commission Recommendations Act.

I am pleased that in the first 100 hours of the 110th Congress, the Democratic leadership is taking up legislation of enormous importance: how to make our Nation safe from future terrorist attacks.

As a Nation, we must work harder to close the security gaps that still exist. For example, we know that transportation systems are a frequent target of terrorist attacks. In fact, one third of the terrorist attacks that take place around the world's largest transportation systems.

As many have observed, our Nation's security is only as strong as our weakest link. This bill will help strengthen some of our weakest links, especially with respect to security at our ports.

Today only about 5 percent of the more than 11 million shipping containers destined for the United States are inspected or scanned. We cannot own or control the entire global trade network, but we can and should ensure the security of containers destined for this country.

Security experts agree that nuclear weapons, or bomb-making materials, could easily be smuggled into the country under the current regime.

Beyond the human toll, an attack on or through our ports would have a dramatic economic impact and could bring the flow of commerce to a dead stop. A terrorist attack on our ports—or an attack carried out through a cargo container system—would undermine our Nation's confidence in the hundreds of thousands of containers that crisscross our country every day.

I'm proud to represent one of the busiest commercial ports on the West Coast—the Port of Hueneme. The employees at the Port and the people that live and work around it appreciate that this bill will finally close this glaring security gap.

H.R. 1 ensures that every container is scanned using the best available technology before being loaded onto a ship destined for our country. And it mandates a gradual implementation to ensure that overseas ports have the time to purchase and install new scanning equipment. These measures will ensure that commerce will continue to flow as these important security measures are taken.

As you know, this legislation is modeled on the operations conducted at container terminals in Hong Kong, which scans 100 percent of cargo containers without impeding commerce. The cost of creating this security system is quite minimal. In fact, the estimated cost to scan a container is only $6.50—a drop in the bucket given it costs about $4,000 to ship a container from Asia to the United States.

All Congress needs to do is make 100 percent scanning the policy of the United States. And this legislation would do just that

To protect the security of our Nation, Congress must act to implement this recommendation of the 9/11 Commission, and the others included in this legislation, to further secure our homeland.

Mr. Speaker, we continue to confront grave threats, and there is no greater priority than ensuring the safety of our country.

I urge my colleagues to support this vital legislation.

Mr. BACA. Mr. Speaker, I rise in support of this important legislation to make Americans safer.

One of the most important functions of government is to protect people.

On September 11, 2001, our Nation suffered the devastating terrorist attacks on the World Trade Center in New York and at the Pentagon. Thousands of people were killed, many were injured, and all of us were scarred.

We vowed to do whatever was necessary to protect our homeland. We owe it to the victims and their families. We owe it to all Americans.

And we are taking a big step to make Americans safe.

Congress is now following the recommendations made by the bipartisan commission formed to report on the 9/11 failures.

This Commission had both Republicans and Democrats, men and women who have served our country well. They worked hard to produce a report that would help us understand what needed to be done.

The 9/11 Commission issued 41 recommendations to the Administration and Congress that were designed to improve homeland security, prevent terrorists from acquiring weapons of mass destruction, and develop strategies for preventing the spread of Islamic terrorism.

Many of these recommendations have only been partially implemented. Others have been ignored.

For more than 5 years after the September 11 attacks, Republican leaders refused to take action on many of the recommendations essential to the security of the American people.

The 9/11 Commissioners have routinely given the Bush Administration and Congress failing grades on implementing the recommendations and taking actions to protect Americans.

So it is important that we pass this legislation.

This bill includes many provisions to improve homeland security, including steps to prevent terrorist attacks by speeding up the installation of explosive detection systems to monitor passengers and baggage at airports, requiring 100 percent inspection of air cargo over the next 3 years and 100 percent scanning of U.S.-bound shipping containers over the next 5 years.

These steps are especially important to the people I represent in the Inland Empire of California because our region is an important transportation route for cargo arriving in the United States at the ports of Long Beach and Los Angeles and at LAX airport.

We must make sure that dangerous weapons or chemicals or other hazardous material are not brought into our country and then traveling on highways or railroad tracks or stored in warehouses in the San Bernardino area.

With this legislation, we are also creating a grant program to help first responders have the equipment they need and make sure they can communicate with one another in an emergency.

These are just some of the important and necessary ways we are making Americans safer by passing this legislation.

I am proud to support H.R. 1 to implement the recommendations of the 9/11 Commission.

Mr. DINGELL. Mr. Speaker, on July 22, 2004, the 9/11 Commission released its final report on the 2001 terrorist attacks. That was 2½ years ago. Since that time, we have had two elections and two Congresses. Yet only today are we beginning to enact most of the recommendations of the 9/11 Commission.

This is a long and complicated bill that is far from perfect. The scope of the bill's language must be addressed before it is finalized into law. This is, however, an important step forward.

The inaction of the previous Congress and the current administration has left America vulnerable, with the American people questioning its leadership. Cargo remains largely unscreened. Not all first responders can communicate effectively. International alliances against terrorism are in shambles. Civil protections have been weakened. Any bill that attempts to hold the administration accountable for this state of affairs is indeed welcome.

The legislation calls for vulnerability assessments of our Nation's infrastructure and seeks to prioritize threats. It establishes grant programs involving the private sector and public safety officials, for communications, intelligence, and border protection, and encourages a common set of criteria for private sector preparedness efforts.

Some of these functions already occur within Federal agencies that regulate sectors of our economy, including energy, public health, telecommunications, information technology, drinking water, chemical and transportation systems, as well as other commercial facilities. We must ensure the bill will not result in wasteful or duplicative efforts that may cause further confusion, or compromise our national security.

H.R. 1 establishes a new grant program at DHS to improve communications among public safety organizations during emergencies. But true interoperability requires more than just spectrum and technology. Stepped-up coordination and planning among public safety personnel, accompanied by greater funding, are critical.

Congress directed the Department of Commerce to use its spectrum and communications expertise to administer a $1 billion interoperable communications grant program, which is currently underway. Recognizing the value of such a grant program, this legislation now seeks to emulate this approach within DHS. I hope that doing so will properly focus DHS on ways to achieve widespread communications interoperability.

In addition, given the Government Accountability Office's cyber security concerns, I fully expect nothing in this bill will distract DHS or other Federal agencies from properly preparing for and reacting to cyber threats.

Additionally, my home State of Michigan has one of the busiest—and most peaceful—border crossings in the world. Businesses on both sides of the border are dependent on smooth and regular transit between the U.S. and Canada. We need to consider the costs to the economy of northern border States as we strike a balance between open borders and security.

In the weeks following 9/11, the delays at the Ambassador Bridge—Detroit's only crossing with Canada—cost Michigan billions and forced factories to suspend production. Hopefully this legislation can speed the technological enhancements and personnel expansion we desperately need.

I also appreciate the independence this legislation provides to the Privacy and Civil Liberties Oversight Board, whose membership will be confirmed by the Senate. This should go a long way toward ensuring that civil liberties of Americans are truly protected. Without independence, opportunities for chicanery will persist.

I look forward to working with my colleagues to improve upon this important first step. As this legislation moves into conference, members of the Committee on Energy and Commerce with extensive expertise on these matters including issues as diverse as nuclear energy, the reliability of our communications systems, and the safety of our food supply and drinking water, will enhance these policies for the betterment of the American people.

Mr. FOSSELLA. Mr. Speaker, at the outset let me just thank the majority for bringing this bill to the floor because I think that most Americans want Democrats and Republicans to work together to ensure that all America remains safe and secure and not to repeat another September 11.

And by and large there are some very good elements of the legislation, but let me right at the outset request that as we go forward there are some specific concerns that New York City has that I think need to be addressed. First is the issue that the city itself cannot apply directly for the interoperable communications grants, it must go through the State without any requirements that the State get the funds to the locality like New York City such as exists in the UASI process. We know by now that New York City has specific needs and therefore I believe this should be addressed.

The same would apply to what could be a duplicative process in relation to the new interoperability grant program under DHS speaking as someone who was involved with the establishment of the first interoperability grant program under the Department of Commerce where as we speak the NTIA is in the process of preparing guidelines. My concern is that we don't get in a situation where there are two different agencies getting into a bureaucratic trap which will prevent the flow of money.

Most importantly, however, is that we know that one size does not fit all and I speak specifically that under current law there could be, and I think will be a problem, with relation to section 3006 of Public Law 109–171. And that is, as much that over the last 10 years New York City has allocated a lot of money and in the last 5 years since 9/11 almost a billion dollars to upgrade its interoperability capacity to allow firefighters and police officers to talk to each other. So now under current law we are essentially saying that everyone must use the 700 MHz in the spectrum. New York City cannot, like I said, they have allocated a billion dollars, in the 400 and the 800 megahertz spectrum, Why? Because they found out that it is easier to use that to communicate into subways, into high rise buildings. The last thing I think this Congress wants to be on the record for is to essentially tie the hands of New York City. Undo much of the good work that has taken place over the last 5 years and allow New York City and other localities that have unique and specific needs to continue to deploy and build on the networks that they have put in place. I think it would be a big mistake, I encourage the majority to consider using this legislation as a vehicle to clarify congressional intent in current law as the process goes forward. I make no mistake, I make no hesitation that not acting will hurt and punish New York City and the millions, tens of millions of people who come there to visit the greatest city in the world.

Ms. HOOLEY. Mr. Speaker, I rise today to support H.R. 1, Implementing the 9/11 Commission Recommendations Act of 2007. With this legislation we finally have a real opportunity to address the unfulfilled recommendations of the bipartisan 9/11 Commission on improving homeland security, preventing terrorists from acquiring WMD, and developing strategies for preventing the spread of Islamic terrorism.

While I support H.R. 1, there is one area of concern that I believe we could do more to improve and that involves security improvements to our ports and incoming containers. Certainly, screening containers is important but it isn't enough. We have to start with the basics.

The idea of screening 100 percent of all cargo containers is a formidable task that is expensive and extremely time consuming. I believe we should strive to meet these goals, however, this could take many years and cost billions of dollars before we achieve that objective. In the meantime, there are many inexpensive basic steps that we can take to make our ports and containers more secure. Tampering of containers in route to the United States is a genuine threat. Today, containers are only protected by a simple bolt seal. All it takes to defeat our current container security is bolt cutter. Fortunately better technology is available. For over 3 years, the Department of Homeland Security and Customs and Border Patrol have been developing a Container Security Device or a CSD.

The job of a CSD is simple. It attaches to the inside of a cargo container, protected from the elements and anybody who might want to remove or disable it. It monitors and records door openings—authorized and unauthorized. The CSD can then report those breaches to port or customs authorities. It sounds simple and it is simple. These devices are currently being used by the private sector—companies like Starbucks—to safeguard their shipments worldwide. But unbelievably, despite extensive evaluation by DHS, CBP and commercial entities, it still has not been deployed in even a pilot program in the supply chain.

Today, we don't know where a container has been, whether someone has opened the doors or who actually stuffed it. CSD technology that is available today can provide critical security information. It is also important to note that the CSD program is available at little cost to the Federal Government and to shippers. At less than $20 per shipment, we have a chance to make a real difference in port security. The administration should move to deploy CSD technology and do it at soon as possible.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 1, legislation to fully implement the remaining recommendations of the 9/11 Commission. I am pleased the new House leadership has made this one of the first major pieces of legislation debated in the 110th Congress.

In the 5 years since the appalling acts of September 11, our country has been fighting terrorism to protect America and our friends and allies. On July 22, 2004, the independent and bipartisan 9/11 Commission provided to Congress and the American public 41 recommendations to improve homeland security.

At the end of the 108th Congress, legislation was passed and signed into law that implemented some of the recommendations of the 9/11 Commission. I was disappointed that the bill did not implement all of the Commission's recommendations. That is why I am pleased to support the bill before us today which includes all of the remaining recommendations.

One of the most important subjects the bill addresses is how the U.S. Government interacts with the Arab and Muslim world. The United States must extend our preemptive strategy to include winning the hearts and minds in the developing world; I believe this can be achieved through education reform. H.R. 1 would significantly enhance the International Arab and Muslim Youth Opportunity Fund, which is designed to improve educational opportunities for these youth, by calling for greater funding and outlining specific purposes for the fund.

Education reform in the Arab and Muslim world is of great importance to me. In fact during the 109th Congress I introduced the Universal Education Act to reform education in the developing world. Despite strong evidence that education can make nations more prosperous, healthy, stable, and democratic, the total amount spent each year on foreign aid directed at education could not even build 20 American high schools. If one of our strategic goals is to defeat terrorism around the world, we need to drastically increase our foreign aid spending, and to help developing nations improve their education systems.

Additionally, the bill before us improves the capabilities of the Human Smuggling and Trafficking Center by authorizing additional funding and hiring intelligence analysts experienced in the fields of human trafficking and terrorist travel. Cutting off the ability for terrorist to leave their country of origin is a first good step to stopping another attack on U.S. soil.

Further, the legislation strengthens several Federal non-proliferation initiatives so that weapons of mass destruction, WMD, do not fall into the hands of terrorists. Moreover, H.R. 1 would enact the Nuclear Black Market Counter-Terrorism Act. This bill requires the President to impose sanctions on any foreign person who trades nuclear enrichment technology to a non-nuclear weapons state or provides items that contribute to the development of a nuclear weapon by a non-nuclear weapons state or any foreign person. This action sends a clear message to would be terrorists that if they do attempt to arm themselves there will be serious consequences.

I praise the Commission for its excellent work, leadership, patriotism, and service to our country. We owe it to the families of the victims of 9/11 and to the citizens of our country to use the report's recommendations to make certain such attacks never happen again.

Again, I would like to congratulate and thank the House leadership for making one of the first tasks of the 110th Congress implementing the wise reforms suggested by the 9/11 Commission. I urge my colleagues to vote "yes" on H.R. 1.

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of H.R. 1.

I am deeply disappointed that it has taken more than 5 years since the terrible events of September 11, 2001, to implement the recommendations of the 9/11 Commission.

However, by making legislation implementing these recommendations the first measure brought to the floor, our Democratic leadership has affirmed what will be our unwavering commitment to homeland security throughout the 110th Congress.

I am also deeply heartened that this bill would exceed the 9/11 Commission's recommendations by finally requiring the examination of all shipping containers bound for the U.S.

Only a small percentage of the 11 million containers delivered during the more than 62,000 port calls made annually at U.S. ports is physically inspected upon arrival. It is therefore critical that all possible measures be taken to interdict containers that could pose a threat to our Nation's security before they ever set sail for our shores.

I urge the passage of H.R. 1 and I commend Speaker PELOSI, Leader HOYER, and Chairman THOMPSON for their dedication to port security.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this long-overdue legislation to implement the recommendations of the 9/11 Commission.

The war on terror isn't just a military operation—it's also a battle to persuade people in Arab and Muslim countries that the universal values of freedom and democracy are far superior to radical ideologies that preach intolerance, hate and violence.

This bill includes several important provisions to help us succeed in that struggle.

Building on previous legislation, it establishes an enhanced International Arab and Muslim Youth Opportunity Fund to provide educational opportunities for young people.

The Fund will support teacher training, the development of modern curricula, and the translation of western publications to help ensure that students have alternatives to the radical Madrassas that nurtured the Taliban and al-Qaeda.

A related provision in the bill extends a program I authored with Mr. Knollenberg that provides scholarships for Arab and Muslim students to attend American-sponsored elementary and secondary schools in their home countries.

This can be a cost-effective means to ensure that needy students receive an American-style education and exposure to western ideas and values.

H.R. 1 also authorizes the designation of a Middle East Foundation to support democracy, human rights, civil society, independent media and the rule of law in countries throughout the greater Middle East.

Like the highly successful Asia Foundation, this non-profit, non-governmental institution will make it easier for the U.S. to support reform-minded organizations and individuals without arousing the suspicion and mistrust that often comes with direct government funding.

Consistent with the recommendation of the 9/11 Commission, this legislation also calls for a significant expansion of U.S. international broadcasting and other public diplomacy in Arab and Muslim countries, and provides new authority that will allow the Broadcasting Board of Governors to respond quickly to a crisis overseas.

As Congress takes these steps to improve our international broadcasting capabilities, I hope the President will appoint a new Chairman of the BBG to enhance the credibility and effectiveness of that important organization.

Finally, this bill also contains some very important provisions to combat the proliferation of weapons of mass destruction.

It repeals unnecessary restrictions on the Nunn-Lugar Cooperative Threat Reduction program, strengthens the Global Threat Reduction Initiative, and establishes a U.S. Coordinator for the Prevention of WMD Proliferation and Terrorism.

I urge all of my colleagues to vote "aye" on this important legislation.

Mr. BLUMENAUER. Mr. Speaker, I could not be more pleased that we start the hundred legislative hours dealing with the implementation of 9/11 commission recommendations.

On the first somber anniversary of 9/11, I asked myself whether we had done all we could have as a Congress to make America safe. Sadly I did not think so and my feelings were vindicated when the bipartisan independent 911 commission later reported that much more was left to be done. That was as unacceptable then as it is now.

The American public expects and deserves better. By moving forward with these recommendations today, we are keeping faith with that commitment and making long overdue progress. I understand that this is the beginning of that commitment rather than the end. There are other things that I would do much more quickly including giving the American public the budget numbers so they can begin to evaluate our stewardship, but I understand that these will take more time.

We are striking a balance between rapid action, broader consensus and bipartisan engagement. Today we're dealing with the lowest hanging fruit and setting the stage for more progress. I look forward to the committees' of jurisdiction in the House stepping up their efforts, and to the Senate joining us in what I hope will be a steady stream of further reform. Until that happens, launching the grant program for interoperability among first responders refocusing investments based on risks and not political power and providing a platform for the legislative leadership to coordinate in these critical oversight areas are very important first steps.

We'll continue to work for further streamlining the congressional intelligence and security oversight, but I am delighted that this will be done in an open legislative platform and moving away from the backroom dealing that has shut out the minority.

This represents an important and long overdue step forward.

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 1, which provides for the implementation of remaining recommendations by the bipartisan 9/11 Commission.

Implementation of the 9/11 Commission's recommendations is long overdue. In 2004, the 9/11 Commission submitted 41 recommendations to the Bush Administration and Congress to fill critical gaps in our nation's homeland security. More than two years later, many of these recommendations have only been partially implemented and others not at all. Troubling gaps in our homeland security still exist. As the Co-Chairmen of the Commission stated last August, "we are not as safe as we should be."

As just one example, the 9/11 Commission found that the inability of first responders to communicate with each other and their commanders resulted in a loss of life after the planes hit the World Trade Center towers five years ago. In an emergency situation, first responders in a unit—and across departments—must be able to talk to each other. In response, one of the Commission's recommendations stated that establishing and funding interoperable communications for first responders had to be given a high priority. This hasn't happened; indeed, after Hurricane Katrina slammed into New Orleans last year, the communications network in that city simply collapsed.

Securing funding for interoperable radios is the number one homeland security priority for my district, but the high cost of establishing the required infrastructure and acquiring the necessary equipment has greatly slowed this vital effort. For smaller communities, the tens of thousands of dollars needed to upgrade their systems is simply too great. The standalone interoperability grant program included in this legislation is a great step forward, and I look forward to working to secure appropriations for this critical effort in the future.

The Commission also criticized the current funding system for federal first responder funding—which guarantees States a large portion of baseline funding with some additional funding distributed on the basis of population—arguing that homeland security assistance should be based "strictly on an assessment of risks and vulnerabilities."

One result of the current funding formula is that States at low risk of terrorist attack receive far more money per capita than states at much higher risk from terrorism. For example, under the current formula, Wyoming received $18.06 per capita in Department of Homeland Security grants in 2006 while Michigan, whose border crossings are the busiest on the northern border and conduct about $450 million in trade every day, received $5.13 per capita.

The legislation before the House significantly increases that share of state homeland security grants provided on the basis of risk. Under the bill, most States would be guaranteed a minimum of 0.25 percent of Homeland Security grant money, down from 0.75 percent. Eighteen states that have international borders, including Michigan, would get a higher guaranteed amount of 0.45 percent of the total. The rest of the money would be distributed based on the Homeland Security Department's assessment of risk and need. I agree with this approach. We must focus our resources on high-threat areas where the risk from terrorist attack are greatest.

The most basic job of government is to be ready to respond in the event of a disaster, whether natural or man-made. We can't afford another response like the one following Hurricane Katrina. I urge all my colleagues to join me in voting for this important legislation.

Mr. COSTELLO. Mr. Speaker, I rise in support of H.R. 1, the 9/11 Commission Fulfillment Act of 2007. Specifically, I strongly support the provision in this bill that creates a new Checkpoint Screening Security Fund, with $250 million in dedicated funding for explosive detection technology at airport checkpoints. This provision is derived from H.R. 1818, the Airport Screener Technology Improvement Act of 2005, which Chairman OBERSTAR and I introduced last Congress.

Mr. Speaker, the single greatest security threat to aviation today is the suicide-bomber as evidenced by the 9/11 Commission specifically recommending that the Transportation Security Administration (TSA) and Congress "give priority attention to improving the ability of screening checkpoints to detect explosives on passengers."

Several months later, the Department of Homeland Security Inspector General (IG) reported that airport screeners were still having serious problems detecting threat items at checkpoints because they lacked the technology. Specifically, the IG found that:

> "Despite the fact that the majority of screeners . . . were diligent in the performance of their duties . . . lack of improvement since our last audit indicates that significant improvement in performance may not be possible without greater use of technology . . . We encourage TSA to expedite its testing programs and give priority to technologies, such as backscatter x- ray, that will enable the screening workforce to better detect both weapons and explosives."

In response to the IG's findings, the TSA concurred.

In September 2005, the 9/11 Commission reiterated its recommendation to strengthen passenger security screening declaring that "minimal progress" had been made. The Commission urged Congress to:

> ". . . provide the funding for, and TSA needs to move as expeditiously as possible with, the installation of explosives detection trace—portals at more of the nation's 441 commercial airports, while both continue to support the development of more advanced screening technology."

Mr. Speaker, the recommendations, findings and statements of the DHS IG, TSA, and the 9/11 Commission all suggest that technology is sorely needed to improve security at our airports. But, limited funding has prevented the wide-scale deployment of these technologies.

We know what needs to be done to improve screener performance, and we must take action now. If a U.S. airliner is destroyed by a suicide-bomber it will not be regarded as a "failure of imagination"—it will be regarded simply as a failure of funding and a failure of political will to provide the resources that might have prevented it.

Mr. Speaker, I am extremely pleased that H.R. 1 provides dedicated funding to improve airport security checkpoints and I ask my colleagues to vote yes on this bill so we can work to deploy technologies that will help our screeners do their jobs and keep the American traveling public safe.

Mr. HASTERT. Mr. Speaker, our Government has no greater responsibility to the American people than national security. It is one of the few prescribed duties specifically outlined in both the preamble and body of the United States Constitution.

It has been over 5 years since the terrorist attacks of September 11 and America is safer and much more alert to the dangers that lurk in our world. Since 9/11, our military and our intelligence services have thwarted dozens of attacks. Their efforts have saved countless lives. These successes were possible because of the tools we armed them with through the passage of laws on the floor of this House.

Mere days after September 11, Republicans responded by approving the USA PATRIOT Act to address the ways in which American law enforcement agencies can combat terrorism. By making necessary changes such as modernizing wiretapping laws and allowing more information sharing between law enforcement agencies, we increased the likelihood of catching terrorists and punishing them accordingly. This law, which we recently reauthorized, has enabled the Federal Government to effectively deter and punish terrorist acts in the U.S. and around the world.

Following the release of the 9/11 Commission's report and recommendations. Members of the House and Senate met to discuss these issues. At times, our views differed significantly regarding the changes we believed were necessary, but, in the end, we were able to find common ground on many of these issues and did what was right for America.

This culminated in the passage of the Intelligence Reform and Terrorism Prevention Act. This legislation provided the largest overhaul in the structure of the U.S. intelligence community since the creation of the CIA and incorporated most of the recommendations offered by the 9/11 Commission. Furthermore, this legislation allowed the intelligence community to focus its efforts on 21st century threats and was a tremendous step to further protecting the safety of the American people.

As we learned, access to timely and accurate information is critical to defeating terrorists and protecting our Nation from other threats. As such, the bill created the Office of the National Intelligence Director who acts as the unifying central point bringing together U.S. intelligence efforts. In addition, the bill addressed the loop-holes that existed in our national security structure by making improvements to law enforcement, defense intelligence, emergency preparedness, and border and aviation security.

The Intelligence Reform Act also addressed the issue of communications interoperability for first responders. The act required the Secretary of Homeland Security to establish a national strategy for public safety interoperability communications, and required the Secretary to establish two pilot projects to serve as national models. In addition, we passed subsequent legislation to establish an Office of Emergency Communications within the Department of Homeland Security.

Furthermore, we included provisions in the Deficit Reduction Act to plan for the release of radio frequency spectrum, and create a fund to receive spectrum auction proceeds. Among other things, the fund establishes a grant program of up to $1 billion for public safety agencies to deploy interoperable systems.

Nonetheless, we still had important border security and immigration provisions to be addressed. To that end, the House passed the REAL ID Act of 2005. A key 9/11 Commission recommendation, the REAL ID Act federally standardizes the requirements for applying and issuing State identification cards. According to the 9/11 Commission, the 19 hijackers responsible for the 9/11 terrorist attacks carried between them 13 valid drivers' licenses and 21 State-issued ID cards. The Commission recommended Congress establish Federal standards for sources of identification in order to target terrorist travel and better prevent another terrorist attack on American soil. This legislation addressed that.

And that's not all—over the past 5 years, this House has passed legislation to address maritime and port security, aviation security, and research and development of biomedical countermeasures to potential biological attacks.

As President John F. Kennedy once said, "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger." This is a responsibility we have never shied away from. America must continue to be vigilant and prepared for terrorist threats and attacks. And we will continue to work together to that end.

Mr. ORTIZ. Mr. Speaker, I rise in support of the long-awaited legislation this nation has desperately needed since the 9/11 attacks on our democracy . . . yet which was pushed to the back burner by the previous Congress.

I'm proud that—within the first 100 legislative hours of this Congress—we are considering this bill to make our Nation safer by implementing the 9/11 Commission's recommendations left out of the Intelligence Reform bill in 2004. The bill also goes beyond the Commission's recommendations by requiring, within five years, 100 percent scanning of U.S.-bound shipping containers.

I represent two major ports in South Texas—the Port of Brownsville and the Port of Corpus Christi, which also has a strategic sealift command—and the array of possibilities for terrorists to access our Nation through shipping containers is amazing and horrifying.

Implementing the Commission's recommendations will make us safer by enhancing homeland security, strengthening efforts to stop the proliferation of WMD, and promoting strategies to reduce the appeal of extremism, particularly in Muslim parts of the world.

Today, we are—at long last—making a number of substantial improvements to homeland security, including: distributing homeland security grants on the basis of risk alone; creating a stand-alone grant program for interoperable communications for first responders; requiring a 100 percent inspection of air cargo over the next 3 years; accelerating the installation of explosive detection systems for checked baggage; and mandating a strategic plan to deploy explosive detection equipment at passenger checkpoints.

Today's bill also offers provisions to prevent terrorists from acquiring WMD by creating a U.S. Coordinator for the Prevention of WMD Proliferation and Terrorism and a blue-ribbon commission to recommend further reforms. We also strengthen efforts to eliminate nuclear black-market networks, easily the greatest danger to the civilized nations of the world.

Through this bill we offer strategies to reduce the appeal of extremism by providing assistance for expanding modern educational programs for Arab and other Muslim youth around the world, as well as promoting economic opportunities, education reform, human rights, and democratic processes in the countries of the Middle East.

This is a good day for this nation . . . and when the president signs this bill into law, we will be a safer nation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to take the opportunity to make reference to the fact that H.R. 1 includes provisions in which the Judiciary Committee has a jurisdictional interest. Specifically, I am speaking of provisions that touch on the following aspects of the bill: the Human Smuggling and Trafficking Center, the Fusion and Law Enforcement Education and Teaming Grant Program, the Privacy and Civil Liberties Oversight Board, the Federal Advisory Committee Act, and the treatment of detainees.

I appreciate the assistance of my colleague from Michigan, Mr. CONYERS, in assuring the expedited consideration of this important legislation on the House floor, given his Committee's jurisdictional interest in the legislation. While it is important to note that I do not control the entire process, as there are other House Committees involved and the Senate will likely have its own positions on a variety of these issues, I am glad to work with the gentleman from Michigan and other Members of the Judiciary Committee as this legislation moves forward.

Mr. MCNERNEY. Mr. Speaker, the terrorist attacks of September 11, 2001 remain a dark day in our Nation's history, but the tragedy of 9/11 rallied Americans to the aid of their fellow citizens and showed the world our resilience.

Throughout the country, patriotic Americans responded to the attacks by volunteering to serve their country in the armed forces, and I am proud to count my son among those who signed up.

Since 9/11 we've known that we need to do more to expand security measures nationwide. The legislation we will be voting on today takes us a few steps closer to protecting Americans here at home by increasing security at our nation's ports and airports, improving communication, and providing funding for our first responders.

The 9/11 Commission created the blueprint for increasing security some time ago, and I'm pleased today that we are implementing these critical security recommendations to make America more safe.

I commend the House for taking up this legislation today, and I urge all of my colleagues to support its adoption.

Mr. SIRES. Mr. Speaker, I rise today in support of H.R. 1. My district in Northern New Jersey was greatly impacted by the terrorist attacks on September 11, 2001. It has been over 5 years since that terrible day and we are still mourning for those who were lost. I can think of no better way to honor the memories of those who were lost and to honor those who were injured than to pass H.R. 1 today.

Two and half years ago the bipartisan 9/11 Commission released their report and submitted 41 recommendations to Congress. As of today, many of those recommendations have not been implemented and therefore we have not done everything we can to help secure our nation.

One of the most important recommendations is to change the distribution of homeland security funding for high risk States and regions. My district has been named one of the areas in the country that is most susceptible to terrorist attacks. The risk that we live with every day should warrant more federal funding in order to help ensure security. The cities and towns in my district need to know that they can count on funding for overtime, equipment, and all of the other demands that are put on our communities due to these threats.

Mr. Speaker, this bill is long overdue. I strongly support H.R. 1 and I urge all of my colleagues to support this legislation.

Mr. WEINER. Mr. Speaker, I rise today to call upon my colleagues to address the very real threat to the security of rail passengers in America. I am a supporter of the 9/11 Commission Bill and commend the Speaker and Chairman THOMPSON for their leadership in at long last implementing the basic reforms directed by the 9/11 Commission.

But the 9/11 Commission's recommendations were but a first step. Since the Commission completed its work, the evolution of terrorism has continued in countries around our planet, and we cannot turn a blind eye to the vulnerabilities that we face in this Nation—particularly those vulnerabilities that are being routinely targeted by terrorists in other parts of the world. Most notably, as demonstrated by the bombings in Madrid in 2004, London in 2005, and Mumbai in 2006—the passenger rail and transit system in this country is a high-risk target and we must address this critical security need immediately.

We rightfully have devoted extensive efforts towards securing aviation, but now it is time to devote significant resources towards one of this country's most vital economic assets.

Each weekday, there are 11.3 million passengers using some form of rail and mass transit. That's more than 5 times as many people taking air passenger trips. At New York's Penn Station alone—there are over half a million people passing through; that is more passengers than at our two busiest air hubs—Chicago and Atlanta—combined. And yet, on average, we have spent $9 per air passenger compared to 1 penny per rail and mass transit passenger.

The Secretary of Homeland Security often states that it is the management of risk and not the elimination of risk that is the core principle for DHS—and the management of risk requires the prioritization of risk based on three key components: threat, vulnerability, and consequence.

Passenger rail facilities have a high passenger density, which creates the potential for a spectacular attack that is intended to instill fear—we know this is what our enemies look for when planning attacks. We know that they have already mounted vicious attacks in Madrid, London, and Mumbai over the last 3 years, and even before 9/11—in Paris and Tokyo. This threat is real, it is serious, and it is not going away.

We also know that if anything were to happen to disrupt our passenger rail system, the economic consequences and impacts on our way of life would be devastating.

Finally, we know that most of our major passenger rail facilities are old, in some cases falling apart, lack modern security enhancements built into the station design, and would be unable to recover quickly from even a minor attack. They have not been retrofitted, reinforced, or rebuilt in ways consistent with today's threat environment.

Thus, our passenger rail system is clearly at a high risk based on all three components—threat, vulnerability, and consequence. And this risk must be managed better.

Now some people argue that because the rail system in our country is open and dynamic and therefore impossible to secure like other parts of the transportation system, that we should not spend a lot of money trying—that it becomes a "slippery slope." To the contrary, to do nothing in the face of such demonstrated high risk is irresponsible.

Rail and transit authorities have made efforts to improve security. However, authorities are having a difficult time identifying resources that can be used for capital improvements. In fact, between 2001 and 2003 over $1.7 billion was spent on security efforts for rail and transit by State and local authorities, but 75 percent was used just for overtime and other labor-intensive security operating expenses. While these measures are a key part of securing open facilities like rail stations, their costs leave very little money for the much needed capital investments in security.

The American Public Transportation Association estimated that it cost State and local transportation authorities nearly $1 million a day during the 36 days of high alert status after the July 2005 London bombings—and this number does not even include the costs incurred in the additional efforts of New York and New Jersey's random searches.

No matter what we may have planned, the fact is that we will end up devoting tremendous resources should there be a rail attack. I would rather see us be strategic in our investments than be reactive every time a new threat is evident. Targeted investments in capital security enhancements at our most critical, high-risk locations will serve us during normal and heightened alerts and can possibly reduce our operating costs by leveraging the capability of people on the scene.

The Federal Government does not have to do this alone. We constantly hear about the importance of public-private partnerships, yet we have few positive examples to point at. The rail system has the opportunity to leverage the investments of private developers who seek to benefit from transit-oriented development. As we address capital security investments in passenger rail facilities, Congress should acknowledge and even encourage these public-private partnerships by providing a way for private developers to be guaranteed that the Federal Government's commitment to long-term projects is real. The current homeland security annual grant cycle is a road block for these larger projects, and it is critical to our Nation's security and fiscal well-being that we take advantage of such investment opportunities as they arise.

From 9/11 through 2005 we have spent approximately $20 billion on aviation security, but only $500 million on rail and transit security. We can and must do better than this. I call on my colleagues to join me in this Congress to address the critical issue of capital investments in our rail passenger security.

After Madrid and London, we can have no more excuses.

Mr. MICA. Mr. Speaker, I rise today to bring to Members' attention a number of concerns have with the aviation security, emergency preparedness, and port security provisions contained in H.R. 1, the "Implementing the 9/11 Commission Recommendations Act of 2007."

AVIATION SECURITY PROVISIONS

Almost all of the aviation security provisions in H.R. 1 address requirements previously authorized or mandated by the Republicans in the years since September 11th.

H.R. 1 sets up an unrealistic Cargo Inspection Program that will be impossible to implement without bringing commerce to a halt and diverts limited funding and attention from higher security threats. Even more, Congress already addressed this recommendation in the Intelligence Reform and Terrorist Prevention Act of 2004; provided $200M each year 2005–2007 to improve cargo security and $100M each year 2005–2007 for research and development.

H.R. 1 will require inspection or a physical search of each piece of cargo and will therefore bring commerce to a grinding halt.

H.R. 1 ignores risk assessments to date that cargo is not a high threat area. Rather, passenger and baggage screening has been and should continue to be the first priority. Yet, passenger security checkpoints are still using 1950's technology with little explosive detection capability. Currently, only 28 out of 441 commercial airports have full or partial in-line EDS. Of the largest 29 airports that handle 75% of all passengers, only 9 have full in-line EDS systems.

Additionally, even though it is NOT a 9/11 Commission Recommendation, H.R. 1 gives TSA employees collective bargaining which will keep in place a flawed system and negatively impact the introduction of much needed screening technology.

Only thing worse than government bureaucracy is entrenched government bureaucracy. Yet that is exactly what H.R. 1 is seeking to create. In fact, H.R. 1 ignores and reverses Congressional direction in the Aviation and Transportation Security Act that a flexible personnel management system is essential to TSA's critical national security role. H.R. 1 also ignores and reverses TSA's January 2003 determination that, ". . . individuals carrying out the security screening function . . . , in light of their critical national security responsibilities, shall not, . . . be entitled to engage in collective bargaining. . . ."

H.R. 1 will be costly and will keep in place a flawed, security system and deny the opportunity to put in place much needed screening technology. Europeans learned the hard way and moved from a government-run airport security system to a private system with government oversight. It looks like we are not learning from their efforts.

Finally, H.R. 1 does not address many important aviation security issues such as: Ensuring biometrics operations in identification and access control; deploying high technology solutions; improving pilots' licenses; setting a term for TSA Deputy Secretary position. We have had 4 different people in charge in the 5 years since the agency was created (Magaw, Loy, Stone and Hawley)—not counting when the post was unfilled. For instance, in 2001, the Democrat-lead Senate adjourned for the year without taking action to fill this post—the President had to make a recess appointment on January 7th, 2002.

EMERGENCY MANAGEMENT PROVISIONS

The Post Katrina Emergency Management Reform Act and past appropriations bills already address most of the 9/11 Commission's first responder recommendations. Republicans already implemented comprehensive emergency management reform. Normal procedure and a committee markup would have allowed Congress to address the few inconsistencies with the Post Katrina Emergency Management Reform Act enacted by the last Congress.

H.R. 1 makes only minor emergency management reforms. Republicans enacted comprehensive emergency management reform last year in the Post Katrina Emergency Management Reform Act addressing interoperable communications, emergency preparedness standards and FEMA reform. H.R. 1 authorizes another grant program for communications equipment, providing for "such sums as necessary." This is just an authorization, not real money. In contrast, the Republicans passed a law that will allocate a portion of the digital spectrum sale to interoperable communications grants. This is real money, and will be a billion dollars.

H.R. 1 is a first step toward the Federal Government placing unfunded mandates for preparedness on private businesses. It is important for individuals and businesses to be prepared for disasters, but H.R. 1 includes a provision that is a first step toward the Federal government placing unfunded mandates for preparedness on private businesses. It goes well beyond any Congressionally-mandated role and inserts the Federal Government into state and local affairs.

PORT SECURITY PROVISIONS

Well before the 9/11 Commission's report in 2004, Congress recognized the potential for a maritime-based terrorist attack. In 2002, Congress adopted the Maritime Transportation Security Act which established a framework of comprehensive port and vessel security. Congress expanded the Act in 2004 and adopted the SAFE Port Act last year. The SAFE Port Act established a cargo scanning pilot program. That program will start scanning containers bound for the United States in at least 5 foreign ports later this year.

So, I am surprised to see the proposal to mandate 100 percent screening on the floor today. That is NOT the recommendation of the 9/11 Commission. The Commission recommends that the government "identify and evaluate the transportation assets that need to be protected, set risk-based priorities for defending them, select the most practical and cost-effective ways of doing so, and then develop a plan, budget, and funding to implement the effort." That isn't what this provision does.

While the proposal before us today would allow the existing pilot program to continue, it would also require each and every cargo container to be screened in each and every foreign port not later than 5 years, and as soon as 3 years from enactment. This requirement would come into effect regardless of the results of the pilot program and, perhaps, regardless of the availability of any sufficient screening system.

When this proposal was first made last year, it was opposed by the Administration, the maritime transportation industries, and such voices as the Washington Post's editorial page. Instead of enacting any blanket requirements on the maritime transportation sector without any technologies capable of achieving the standards, Congress rightly required the Department of Homeland Security to test the capabilities of available scanning technologies.

My friends on the other side of the aisle are justifying their proposal by saying that 100 percent scanning systems are in place at two ports overseas. It is not. In these ports, some—but not all—containers are scanned, and none of the scans are analyzed to determine that the container is or is not a risk.

No system currently in place in any port worldwide is capable of scanning and reviewing 100 percent of containers that are bound for the United States. What will we do in 3 years if there are no scanning technologies available without creating massive backups and delays in international maritime commerce? Let's complete the pilot program and not establish mandatory requirements that we may not be able to meet.

Congress has acted to make America's maritime commerce is safer than before 9/11. It is unfortunate that this bill has been brought to the House Floor with the intention of convincing the American people that until now Congress has simply let the 9/11 Commission's recommendations languish. Nothing could be further from the truth.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today very pleased that we will finally pass legislation to implement in full the recommendations made by the 9/11 Commission over 2 years ago. This is an important day for our Nation, and an extremely important day for the security of our Nation.

There is much to like about this legislation, but today I would like to focus only on a few of the many important provisions in the bill. Specifically, I have supported in the past, and continue to support today, efforts to screen 100 percent of shipping containers headed through United States ports. As I have noted here on the floor of the House before, approximately 95 percent of our Nation's trade, worth nearly $1 trillion, enters or leaves through our seaports. We must secure these ports and do so immediately. We have already waited too long.

I know there is much concern about the feasibility of this provision to screen 100 percent, because of cost as well as whether or not it is simply possible. But Madame Speaker, I believe it is feasible. There are technologies being developed in my district by able small businesses to provide for improved screening processes while ensuring that port operations continue efficiently and effectively. Our Nation has faced challenges to our security before, and industry and our citizens have responded. I believe this can be the case again if we demonstrate the will to lead. And today we are on the verge of doing so.

Another aspect of H.R. 1 that I would like to highlight today are the changes made to the Civil Liberties Oversight Board. Representatives MALONEY, SHAYS, and I introduced legislation during the 109th Congress to make the Board an independent agency, grant the Board subpoena authority, subject all members of the Board to be confirmed by the Senate, require that no more than three members of the same political party be allowed to serve simultaneously, thus creating a more bipartisan and politically diverse board, and require each executive department or agency with law enforcement or antiterrorism functions to designate a privacy and civil liberties officer. H.R. 1 includes each and every one of these provisions.

Mr. Speaker, these are just a few of the many provisions included in H.R. 1 that will help secure our nation and I strongly support the passage of this legislation today. I urge my colleagues to do the same.

Mr. POMEROY. Mr. Speaker, I rise today in support of H.R. 1. This bill takes an important long-overdue step to implement recommendations put forth by the 9/11 Commission. This bill improves interoperability, enhances cargo and overall port security, and strengthens U.S. efforts to reduce the proliferation of weapons of mass destruction.

I do recommend that implementation of this bill be undertaken in such a way as to ensure that our rural first responders do not receive less funding as a result of the redistribution of the homeland security grants in the legislation. First responders across the Nation must be equipped to readily deal with and react to security concerns in the United States. Therefore, I think it is critical that North Dakota's first responders continue to receive the funding that they need and deserve to do their job.

Mr. CONAWAY. Mr. Speaker, I wish to revise and extend my remarks with regard to the vote on H.R. 1—Implementing the 9/11 Commission Recommendations Act of 2007.

While I certainly support the goal of this legislation and believe it to be imperative that Congress continue to work with the Administration to ensure the safety and security of our Nation, I could not in good conscience vote in favor of the measure as it was presented. I agree there is still work to be done and it would benefit this Congress to discuss the continued implementation of the recommendations of the 9/11 Commission; however, I believe H.R. 1 contained some critical flaws that prevent it from being a solution to the security dilemmas that we face today.

First and foremost, I believe this legislation is fiscally irresponsible. Not only does it create new government spending without providing any offsets, it essentially provides a blank check for these unfunded mandates by authorizing "such sums as may be necessary" for an unspecified number of years. Providing effective and common sense security measures is essential; however we cannot do so at the expense of fiscal responsibility and subject our Nation to higher government spending and a greater Federal deficit.

Beyond being fiscally irresponsible, I had concerns about the manner in which this legislation was considered. Decisions on matters as grave and enduring as the security and safety of this Nation should not be undertaken hastily or impulsively and should not subvert the normal legislative process. This legislation was not afforded the opportunity to traverse the regular order and be debated on, amended, or considered during the committee process. Further, as no amendments were allowed, it cannot be said that the proposal received a fair and open debate.

Further, the 9/11 Commission Recommendations Act contains a provision expressing the Sense of Congress that the Proliferation Security Initiative (PSI) should be authorized by the United Nations. I believe it presents a dangerous situation to allow the UN control over such an important program which restricts the transfer of banned weapons and technology, given that the UN membership includes some of the nations responsible for the violations that PSI seeks to prevent.

Finally, I am opposed to the provision that extends collective bargaining guarantees to the employees of the Transportation Security Administration (TSA). It is important to remember this is an idea that was explored during the creation of the TSA as the Homeland Security Act of 2002 was considered and at that time, it was determined it was not in the best interest of the organization and its mission. Unionizing TSA employees would tie the hands of the agency and disallow it the flexibility to deploy its workforce and change the nature of employees' work and locations in response to national emergencies.

Again, I want to emphasize for the record that I recognize the critical and serious nature of the business of protecting and securing our Nation and its citizens. However, as previously explained, I could not in good conscience vote for legislation that I do not believe to be an effective or responsible means in which to address these important Issues.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in strong support of H.R. 1, the Implementing the 9/11 Commission Recommendations Act. The safety of our families, our communities and our country is the top priority of Americans and today, finally, it is the top priority of Congress.

It is long past time to make the changes and investments necessary to improve our homeland security. The Commission submitted 41 recommendations in 2004. Since then, the Republican-controlled Congress has failed to take action. In fact, last year, the bipartisan 9/11 Commissioners gave Congress failing grades on implementing the Commission's recommendations.

H.R. 1 will both enhance our homeland security and reduce the threat overseas. Implementing these recommendations is supported by 9/11 families and 62 percent of Americans.

This bill includes several critical elements to improving American security. It will establish a grant program to improve interoperability and finally allow our first responders to communicate and share information with one another. It also ensures that taxpayer dollars are used wisely and requires that homeland security grants are awarded based on risk. H.R 1. will provide for screening of 100 percent of containers bound for the U.S. and establishes an improved system of screening the cargo and baggage on aircraft.

Democrats have also included provisions to act proactively in improving stability around the world. This legislation will improve prevention of the proliferation of weapons of mass destruction and nuclear technology. It will also take a critical step in reducing the appeal of extremism by encouraging educational opportunities in Arab and Muslim countries.

H.R 1. will change Congress' failing grade to an "A" from the 9/11 Commission. This legislation is a comprehensive effort to enhance our security and to promote stability and understanding around the world. 9/11 Commissioner Lee Hamilton said that if H.R. 1 passes, America will be safer. I urge my colleagues to join me in making this so.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong support of H.R. 1 which will carry out the recommendations of the 9/11 Commission.

In 2002, Congress passed and funded a distinguished bipartisan panel to investigate and report on the September 11, 2001 terrorist attacks on our country. In spite of the urgency and critical nature of the panel's report and recommendations, the Bush administration and the Republican-led Congress failed to implement key recommendations that would improve the defense of our Nation such as enhancing homeland security and developing strategies to prevent the spread of Islamic terrorism and the acquisition of weapons of mass destruction by terrorists.

Putting into action only a few of the Commission's carefully thought out recommendations did only half the job. And we all know that protecting America is a full-time job requiring full-time vigilance and full-time protection. This is especially true in today's post-9/11 world.

For the past 4 years, I have had the privilege of serving on the Homeland Security Appropriations Subcommittee. As a member of that subcommittee, I heard testimony and attended briefings from officials at the Department of Homeland Security that brought to light the shortcomings of this Department and its failure to meet its mandate to secure our borders and protect our country. The then Chairman of the committee even withheld funding due to the Department's unresponsiveness and apparent lack of urgency about its mission.

Mr. Speaker, protecting our country must be our government's number one priority. If that mission lacks urgency by the very agency created to protect us, we will continue to remain dangerously vulnerable to those who would harm us.

I believe that putting into action all of the Commission's recommendations is urgently needed to help protect our country against a terrorist attack. And under our new Democratic leadership, which will be vigilant in its oversight and in holding the administration accountable, I am confident Democrats will push this agency beyond its bureaucratic lethargy to take the steps necessary to secure our homeland and protect our fellow Americans.

While I endorse the entire package of recommendations in the bill under consideration, I am particularly pleased to note that it includes several of the issues I addressed in hearings before the Homeland Security Appropriations Subcommittee. These issues are critically important to our Nation and the communities I represent in Los Angeles.

First among them is interoperable communications. Our country lost many heroic first responders on that fateful September morning because they were unable to receive the message to evacuate the Twin Towers. Incredibly, 5 years after 9/11, this serious problem of interoperable communications continues to plague our emergency responders. This is particularly true for first responders in districts like mine, where various communities are covered by multiple jurisdictions of police, sheriff, and fire departments.

I am very pleased that included in this bill is the 9/11 Commission's recommendation to create a grant program for interoperable communications with a dedicated stream of funding. This will greatly enhance the ability of our first responders to close this critically serious communications gap.

Another issue of great concern to my constituents is currently being addressed at Los Angeles world airports. It is the installation of in-line detection systems for checked baggage on commercial airliners. The Commission's recommendations in this bill call for accelerating the installation of in-line explosive detection systems at all major airports.

The cargo hold of airplanes, filled with baggage, has often been called the "soft underbelly" of our aviation transportation system. By placing state of the art detection systems in our Nation's airport, we will harden that vulnerable soft spot and protect the flying public. And by consolidating the handling of baggage and screening equipment we will accelerate the movement of goods, passengers, and cargo.

In committee I have also consistently raised my concerns about the security of cargo containers entering ports such as the Ports of Los Angeles-Long Beach. I am very pleased that this bill goes beyond the Commission's recommendations by requiring, within 5 years, 100 percent scanning of U.S.-bound shipping containers.

We are very fortunate there has not been a port-centered attack on our Nation. As we saw during the 2002 labor dispute that closed the Ports of LA-Long Beach and cost the national economy $1 billion per day, any long term disruption of our national maritime trade would have a devastating effect on our Nation's economy as well as the rest of the world.

While some critics may complain about the cost involved in scanning these cargo containers, we cannot afford to be penny wise and pound foolish when it comes to our security. We must make the necessary investments. The added cost of security in our post 9/11 era is the price we must pay to protect American lives and our Nation. If we do not make this investment, the cost could be much higher not just in dollars but in lives.

And finally, among other critical needs addressed by the 9/11 Commission, is the need to significantly increase the number of state homeland security grants and award them on the basis of risk. While it is true we must make every effort to protect all parts of our country, given our limited funds, we must prioritize our security weaknesses and allocate these scarce funds first to the areas most at risk of an attack.

It was therefore welcomed news that late last week the Department of Homeland Security has announced it will commit more than 55 percent of urban area grant funds to the six urban areas facing the highest threat of terrorist attacks.

Mr. Speaker, as the former Homeland Appropriations Subcommittee Chairman HAL ROGERS often stated, "those who seek to harm us have to get it right only occasionally, while those of us working to protect America have to get it right 100 percent of the time. Fully implementing the recommendations of the 9/11 Commission is a critical step toward "getting it right" and moving our Nation forward to our 100 percent goal of protecting our United States of America.

I urge my colleagues to vote for this important legislation.

Mr. ISRAEL. Mr. Speaker, on September 11th, 2001, my congressional district lost well over one hundred people; and tens of thousands of lives were shattered.

So it is on their behalf that I rise today and support passage of this bill, to implement the recommendations of the bipartisan 9–11 Commission.

I am grateful that the first bill to be passed in the first hours of a new majority is this one. Because America can't afford to wait another minute. We've had 5½ years of excuses, delays, postponements and lobbying. That's 5½ years too long.

Even today, Mr. Speaker, there are some who doubt we can meet the deadlines to screen air cargo in 3 years and shipping cargo in 5 years.

Mr. Speaker, America's greatest triumphs were not achieved by saying "it's too hard." They were secured by refusing to take no for an answer.

In 1962, 5 years after Sputnik was launched, John F. Kennedy said, "By the end of the decade we will land on the moon."

In 2007, over 5 years after 9–11, we are saying, "by the end of the decade we will screen all air cargo on our planes."

If we could research, develop, engineer and build the systems that lifted people into space, out of orbit, propel them to the moon, land them on the moon, bring them back to their capsule, return to earth, survive a fiery reentry and deposit them safely in the ocean—then we should be able to figure out how to screen air cargo in a way that minimizes risk and inconvenience to people who get on planes.

Mr. Speaker, when it came to securing America's place in the world, President Kennedy didn't say "I wish we could land a man on the moon but it's not easy enough, so instead we'll send a bus to Des Moines."

Mr. Speaker, when it came to preserving our national survival, President Roosevelt didn't say, "Yesterday was a day of infamy, so let's spend 5½ years figuring out how to respond with the least inconvenience to the American people."

Mr. Speaker, when it comes to the safety and security of my constituents, there can be no more excuses, no further delay, no higher priority.

And to those who disagree with me, who earnestly and honorably believe we must continue to study feasibility and practicalities, I will share other words of President Kennedy, from that same speech when he told America we would go to the moon:

> We choose to go the moon in this decade and do the other things, not because they are easy, but because they are hard, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to win, and the others, too.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to section 507 of House Resolution 6, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. ROS-LEHTINEN. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Ms. Ros-Lentinen moves to recommit the bill H.R. 1 to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendments:
>
> Page 191, after line 22, insert the following:
>
> (a) STATEMENT OF POLICY.—The following shall be the policies of the United States:
>
> (1) The responsibility for ensuring the security of the American people rests exclusively with the Government of the United States and may not be delegated in whole or in part to any international organization, agency, or tribunal or to the government of any other country.
>
> (2) The freedom of the Government of the United States to act as it deems appropriate to ensure the security of the American people may not be limited by, or made dependent upon, the act or lack thereof, by any international organization, agency, or tribunal or by the government of any other country.
>
> (3) The U.S. Constitution is the supreme law of the land and cannot be subordinated to, or superseded by, any act, or lack thereof, by any international organization, agency, or tribunal or by the government of any other country.
>
> (4) In carrying out its responsibility for ensuring the security of the American people, the Government of the United States has sought and should continue to seek to enlist the cooperation and support of international organizations, agencies, and tribunals, including the United Nations and its affiliated organizations and agencies, as well as the governments of other countries; but no act taken by the Government of the United States regarding its responsibility to ensure the security of the American people may be deemed to require authorization, permission, or approval by any international organization, agency, or tribunal or by the government of any other country.
>
> Page 191, line 23, redesignate subsection (a) as subsection (b).
>
> Page 192, strike lines 10 through 12.
>
> Page 192, line 13, redesignate paragraph (3) as paragraph (2).
>
> Page 192, line 15, redesignate paragraph (4) as paragraph (3).
>
> Page 193, strike lines 6 through 9.
>
> Page 193, line 10, redesignate subsection (b) as subsection (c).
>
> Page 193, line 14, redesignate subsection (c) as subsection (d).
>
> Page 193, lines 23 to 24, strike "paragraph (4) of subsection (a)" and insert "paragraph (3) of subsection (b)".
>
> Page 194, lines 2 to 3, strike "paragraphs (1), (2), (3), and (5) of subsection (a)" and insert "paragraphs (1) and (2) of subsection (b)".
>
> Page 194, line 4, redesignate subsection (d) as subsection (e).
>
> Page 194, line 9, strike "(a)" and insert "(b)".

Mr. THOMPSON of Mississippi (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Ms. ROS-LEHTINEN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 5 minutes in support of her motion to recommit.

Ms. ROS-LEHTINEN. Mr. Speaker, since its creation by this administration in the year 2002, the Proliferation Security Initiative, known as PSI, has quickly become one of this country's most valuable tools in helping to stop spread the weapons of mass destruction and preventing them falling into the hands of terrorist countries.

Our PSI partners, working at times with others, have stopped the transshipment of materials and equipment that have been bound for Iran's ballistic missiles programs and also has prevented Iran from procuring goods to support its WMD programs, including its nuclear program. Again, it was PSI cooperation between the United States, Britain and other European partners that began the demise of the Dr. A.Q. Khan network, an action that also contributed to the decision of the Libyan Government to stop and abandon its nuclear weapons and longer-range missile program.

However, despite this extraordinary record of success, some of our Democratic colleagues tell us, as noted in the Dear Colleague that they have circulated today, that securing United Nations authorization under international law would persuade countries that are not currently cooperating with us in the United States to prevent this illicit trade in items of proliferation concern to somehow cooperate with us.

They dismissed a coalition of the willing, on which the PSI is based as an ad hoc assembly. But the PSI has been a success precisely because it is a coalition of the willing.

Countries that might wish to slow or limit its activities have no means of doing so. The fact is that no country that genuinely wishes to cooperate with the United States, another PSI participant, is prevented from doing so. The idea that there is a need for the United Nations to provide legitimacy to the PSI under international law to permit countries to cooperate is nonsense.

I do not share the sentiments of my Democratic colleagues who have the surprising faith in the United Nations' desire to advance the interests of the United States. Whether it is Iran, Syria, terrorism, Middle East peace, the U.N. is rarely a help and more often than not a hindrance to the advancement of the goals of the United States. Rather, the desire for consensus, an agreement for agreement's sake, as a result, is a race to the bottom.

We have seen this with the so-called Human Rights Council, Mr. Speaker. If we allow the section cited in the motion to remain in the bill, a similar result is likely to happen with PSI. Some of my Democratic colleagues appear to regard U.N. authorization under international law as something upon which U.S. action must be predicated, that it is a higher authority to which we must turn in order to secure authorization for all our actions, a permission which may be granted or held as the U.N. sees fit.

We must reject that interpretation. I am certain that many of our constituents do reject it. What troubles me most are statements that begin with the phrase "international law does not allow."

☐ 1845

We on this side of the aisle do not believe that international law controls what the U.S. can and cannot do, what it must do to protect the interests of the American people. That is why I have included language in this motion to recommit stating that simple truth.

Mr. Speaker, I would like to yield the remaining time to Mr. WOLF of Virginia, a man who understands the failures of the United Nations. And I strongly urge my colleagues to vote for this restatement of the fundamental principle upon which our Constitution and the foreign policy of our country is based.

Mr. WOLF. Why would you give the United Nations any impact when, in Rwanda, 700,000 people died, and the U.N. did nothing? In Srebrenica, the U.N. stood by as 700 Muslims were led to their death by the Serbs. In Darfur, where I have been, I led the first delegation, 450,000 people have died, and this House has called it genocide, and genocide continues today.

Why would you give the U.N. any authority when it couldn't stop genocide in Darfur, genocide in Srebrenica, and genocide in Darfur today? I strongly support the amendment.

Mr. LANTOS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. LANTOS. Let me first say, I strongly agree with my good friend from Virginia in opposing genocide. Genocide has nothing to do with this legislation. Let's make that clear.

Mr. Speaker, my friends on the other side are misrepresenting provisions in H.R. 1 that strengthen and reform the Proliferation Security Initiative. They are attempting to exhume an old tactic: Scare the American people with the specter of the all-powerful, irresistible military machine that is the United Nations.

Of course, Mr. Speaker, this characterization is as absurd as ever and has about as much substance as Shakespeare's Banquo's Ghost. But it is part and parcel of the irrational opposition to all things multilateral even when multilateral and international institutions clearly benefit American interests.

In fact, Mr. Speaker, our bill seeks to use international law to our benefit. Our bill seeks to broaden the Proliferation Security Initiative's authorities under international law to help us convince more nations to support U.S. efforts to stop and prevent the illicit trade in dangerous items of proliferation concern. It does not relinquish any responsibility to the United Nations.

Current international law gives no basis for partners in the Proliferation Security Initiative to intercept shipments related to weapons of mass destruction. One cannot overcome this weakness by ad hoc assemblages of coalitions of the willing.

Even the White House has admitted that international law is weak in this regard and needs to be strengthened.

Mr. Speaker, the motion to recommit would in fact weaken U.S. counter proliferation efforts by undermining effective action at the United Nations to increase Proliferation Security Initiative's global legitimacy and authority.

Mr. Speaker, we will never allow any other government or international organization to control what actions we take to safeguard U.S. national security, but we will use international tools that are available to us in the real world to protect America regardless of the purely ideological preferences of some on the other side.

Mr. Speaker, I urge my colleagues to oppose the motion to recommit, and yield the balance of the time to my good friend from Missouri, the distinguished chairman of the committee on Armed Services, IKE SKELTON.

Mr. SKELTON. Mr. Speaker, as a fellow says back home: You can have your own opinion, but you can't have your own facts. As I said to my friend the gentlewoman from Florida a few moments ago: Read the language. It is not what folks on the other side are saying it is.

The Proliferation Security Initiative, as established by the President in 2003, is among the newer elements of our many efforts to stop proliferation of weapons of mass destruction. The PSI is all about the interdiction of weapons of mass destruction and materials, and supports American and international security interests. It is a voluntary agreement that we propose, but we have actively encouraged other nations to participate.

It is really pretty simple: It is in American interests to stop ships carrying weapons of mass destruction. It is in our own security interests, if not other countries', to join this effort and take on more of this critical work. The oceans of this earth are vast, and sometimes we are not closest to the ship that must be stopped. We need states all over the world willing to step in.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. ROS-LEHTINEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 198, noes 230, not voting 7, as follows:

[Roll No. 14]

AYES—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann

Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—7

Buyer
Gillmor
Knollenberg
Marchant
Moran (KS)
Norwood
Ortiz

☐ 1909

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MARSHALL. Mr. Speaker, during rollcall vote No. 14 on H.R. 1, I mistakenly recorded my vote as "yes" when I should have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LANTOS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 299, noes 128, not voting 8, as follows:

[Roll No. 15]

AYES—299

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—128

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Coble
Cole (OK)

Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hastert
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
McCarthy (CA)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (KY)
Rohrabacher
Royce
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Buyer
Gillmor
Knollenberg
Marchant
Moran (KS)
Moran (VA)
Norwood
Ortiz

☐ 1917

Mr. CARDOZA changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MORAN of Virginia. Madam Speaker, on rollcall No. 15, I missed the rollcall vote inadvertently. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ELLISON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

MOURNING THE PASSING OF PRESIDENT GERALD RUDOLPH FORD

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 15) mourning the passing of President Gerald Rudolph Ford and celebrating his leadership and service to the people of the United States, as amended.

The Clerk read as follows:

H. RES. 15

Whereas all American Presidents affect the history of the United States, but President Gerald Rudolph Ford leaves a legacy of leadership and service that will endure for years to come;

Whereas millions of men and women across America mourn the death of the 38th President of the United States;

Whereas Gerald R. Ford is the only person from the State of Michigan to have served as President of the United States;

Whereas Gerald R. Ford graduated from the University of Michigan with academic and athletic excellence;

Whereas Gerald R. Ford attended Yale University Law School and graduated in the top 25 percent of his class while also working as a football coach;

Whereas Gerald R. Ford joined the United States Navy Reserves in 1942 and served valiantly on the U.S.S. Monterrey in the Philippines during World War II;

Whereas the U.S.S. Monterrey earned 10 battle stars, awarded for participation in battle while Gerald R. Ford served on the ship;

Whereas Gerald R. Ford was released to inactive duty in 1946 with the rank of Lieutenant Commander;

Whereas in 1948, Gerald R. Ford was elected to the House of Representatives, where he served with integrity for 25 years;

Whereas Gerald R. Ford's contributions to the foreign operations and defense subcommittees of the Committee on Appropriations earned him a reputation as a "congressman's congressman";

Whereas in 1963, President Lyndon Johnson appointed Gerald R. Ford to the Warren Commission investigating the assassination of President John F. Kennedy;

Whereas from 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives;

Whereas from 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office at a dark hour in the history of the United States and returning the faith of the people of the United States in the Presidency through his wisdom, courage, and integrity;

Whereas the Presidency of Gerald R. Ford is remembered for restoring trust and openness to the Presidency;

Whereas President Gerald R. Ford followed a steady, sensible course to cope with the Nation's economic problems and during his Administration halted double-digit inflation and lowered unemployment;

Whereas President Gerald R. Ford worked to solidify President Nixon's accomplishments in China, bring representatives of Israel and Egypt to the conference table, and provide developmental assistance to poor countries;

Whereas in 1975, under Gerald R. Ford's leadership, the United States signed the Final Act of the Conference on Security and Cooperation in Europe, commonly known as the "Helsinki Agreement", which ratified post-World War II European borders and supported human rights;

Whereas Gerald R. Ford, together with Betty Ford, was awarded the Congressional Gold Metal in 1999 in recognition of dedicated public service and outstanding humanitarian contributions to the people of the United States;

Whereas in 1999, Gerald R. Ford received the Medal of Freedom, the Nation's highest civilian award, for his role in guiding the Nation through the turbulent times of Watergate, the resignation of President Nixon, and the end of the Vietnam War, and for restoring integrity and public trust to the Presidency;

Whereas since leaving the Presidency, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan, which was named for the former President in 1999; and

Whereas Gerald R. Ford's life has been characterized by honesty, integrity, and dedication of purpose: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation for the profound public service of President Gerald Rudolph Ford;

(2) tenders its deep sympathy to Betty Ford; to Michael, Jack, Steven, and Susan; and to the rest of the family of the former President; and

(3) directs the Clerk of the House to transmit a copy of this resolution to the family of President Gerald Rudolph Ford.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the debate on the pending motion to suspend the rules be extended to 1 hour.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 15.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, thrust by President Nixon's resignation into an office he had never sought, former President Gerald Ford occupied the White House for just 896 days. They were, however, 896 extraordinary days that President Ford used to guide the Nation through and out of the dark days of the Watergate scandal.

When Ford took office on August 9, 1974, he declared: "I assume the Presidency under extraordinary circumstances. This is an hour of history that troubles our minds and hurts our hearts."

Ford got his first exposure to national politics at Yale University, working as a volunteer in Wendell Willkie's Republican campaign for President.

After World War II service with the Navy in the Pacific, he went back to practicing law in Grand Rapids and became active in Republican reform politics. The rest is history.

President Ford was elected to the House of Representatives in 1948 as a

Republican. Ford's reputation for integrity and openness made him popular and well regarded among his peers during his 25 years in Congress.

In 1965, he was elected minority leader. Mr. Ford was a devoted public servant who led his country with grace and bipartisanship during challenging times. The country is grateful to him for his leadership and dedication.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

It is a great pleasure once again to recognize the many accomplishments that President Ford had during his life, and I am pleased that we can spend more time this evening adding to the record we began early this afternoon.

Before I do that, I want to remind all Members to please take the time to go to the Cloakrooms and record their remembrances in the books that are displayed there. This will be very meaningful to Mrs. Ford and the family if we can do that, and I urge all Members to do that.

Mr. Speaker, before I proceed any further, I would like to yield to Mr. MCCOTTER from Michigan for such time as he may consume.

Mr. MCCOTTER. Mr. Speaker, I just wanted to go on record with the reminiscence of late President Ford.

As a young person growing up in Michigan, I remember Watergate. It is a very early political memory. And it would have been so easy at the time for that indelible memory to remain with a young person and sour them and make them cynical toward the public process and toward government in general.

But I was very lucky because the man who took the place of the disgraced Richard Nixon was a man from Michigan by the name of Gerald Ford. Living in Michigan at the time being a young person, to see someone from my home State filled me with pride and a sense of inspiration that one person could rise above it and help to heal the wounds of a Nation.

So in many ways today in paying respect to Gerald Ford, it is not my ability to thank him for his service to our country in general, but to thank him personally for the inspiration that he provided me, to see what one good and decent man could do for his fellow Americans.

Mr. EHLERS. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure now to yield such time as he may consume to one who knew President Ford well, the Dean of the House of Representatives, the Honorable JOHN DINGELL from the State of Michigan.

Mr. DINGELL. Mr. Speaker, I thank my dear friend for his kindness and for his yielding me this time. I express to him my gratitude not only for his managing this time, but for bringing this bill to the floor. You have done a good thing, and I say to you, sir, my thanks.

I also want to congratulate my dear friend from Michigan (Mr. EHLERS) for his part in bringing this matter before us.

We honor here a great American, a real patriot, a distinguished President, a man who served with distinction in the House, where he had no enemies and legions of friends. He was an honorable and decent man. He was a friendly man. He was uncomplicated. He was good. He was a fine family man, and he was a man with whom any Member of this House on either side of the aisle could work with affection and with respect. We will miss him. He was a great American, and he was a man who left a great tradition as a Member of this body and as a member of the Appropriations Committee where he served with distinction.

A curious event associated with him is that he always wanted to be Speaker, but never made the grade. By a curious set of circumstances, he was the only man who probably could have been confirmed as Vice President under the constitutional amendment. And by an even more curious circumstance, he was never elected either Vice President or President, and yet he served in both offices with real distinction.

I will be praying for the repose of his soul. My wife, Deborah, and I knew Gerald Ford and admired him greatly. We extend our condolences to his wonderful wife, Betty, who was his loyal friend, supporter, counselor, and who served his country and him and all of us with distinction and who brought luster not just to her name but also to the name of her distinguished husband.

We will pray to God He be good to Jerry Ford, and I thank my colleagues for bringing this resolution. It is well deserved by a great American.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to give a few vignettes of Jerry Ford that illustrate the type of man that he was.

We heard this afternoon when we discussed this on the floor that he had been active in supporting the Civil Rights Act that passed this House and the Senate some years ago. But this was not an out-of-the-ordinary thing for him. When he was a football player at the University of Michigan, and a very fine one, I might add, undoubtedly the finest athlete to ever occupy the White House, he was the captain of the football team. They were scheduled to play Georgia Tech. There was one African American football player on the Michigan football team, and Georgia Tech said we cannot allow a black player to play on the field at Georgia Tech.

When Gerald Ford heard that, he said I will not play either. I am simply not going to play if they will not let my friend, Ward, play. That was the type of person he was. It was not until his African American friend begged him to play that he finally conceded that he would play.

Another vignette is when he was elevated to the Presidency, we had a big party for him back in Grand Rapids, Michigan, and 5,000 people turned out for our little party. Person after person got up to the microphone and related experiences in their life where Jerry Ford had helped them, whether it was a matter of housing, of veterans benefits, getting medals for veterans. The list went on and on and on.

That accords with another thing that was told me by one of my fellow legislators at the time. He had become a Member of Congress and he said, Sometimes I cursed Jerry Ford. Because of the high standard of constituent service he provided, he said, we worked endlessly in our office to do as well as Jerry Ford and his staff did in his office.

☐ 1930

Those are two examples. I have more, but I see that the majority leader has arrived, and I know he is anxious to speak on this issue.

Mr. DAVIS of Illinois. Mr. Speaker, it is now my pleasure to yield such time as he may consume to the majority leader, the gentleman from Maryland (Mr. HOYER), one who did know the President, but, as I observed a few minutes, not quite as long as Representative JOHN DINGELL.

Mr. HOYER. Mr. Speaker, I thank my very distinguished friend for yielding and thank him for his leadership in this Congress, in the great city that he represents and his State of Illinois. He does a wonderful job.

I am pleased to join the sponsor of this resolution, my good friend, VERN EHLERS. VERN EHLERS represents the district, as some of you have already been told, I am sure, I just got to the floor, but I am sure you have been told he represents the district that Gerald Ford represented for a quarter of a century.

Jerry Ford was my friend. President Ford was someone who I got to know after he was President of the United States. As Mr. DAVIS observed, I was not in the Congress and did not serve with President Ford. He was, however, a distinguished leader of this body.

I would like to say just a few words, Mr. Speaker, about the contributions of a great American leader, a man who personified integrity, openness, civility and a sense of responsibility, and a man who helped restore public confidence in our institutions of government during a time of national crisis and grave doubt about our government, and that doubt existed here in this country and abroad.

President Jerry Ford, our Nation's 38th President, took office during a period of American history when deep skepticism was the norm and uncertainty ruled the day. The challenges he faced were not the product of his actions, but he effectively confronted them and helped our proud Nation rise above its "long national nightmare," as he referred to it, and to begin dreaming again about the promise that has been ours since our founding.

President Ford, of course, never asked to be our Commander in Chief. The responsibilities and burdens of that office were thrust upon him when he chose to answer our Nation's highest calling. That calling came because of the respect that was accorded to him in this House, in the United States Senate and in our country.

He never put partisanship or ambition ahead of the needs of the American people, seeking instead to heal our national wounds. Where he saw division, he built bridges, and where he saw doubt, he nurtured trust.

I am proud to be able tonight to serve in the same Chamber where Gerald R. Ford served our Nation for such a long time. I have now served one year longer than Gerald Ford served in this House. He served for 25 years. I am in my 26th year. But no one brought more luster to their service, no one brought more integrity to this House, no one was a better example of what all of us ought to be as Members of this great institution, the People's House, than was Gerald R. Ford of Michigan.

He offered his talents for seeking compromise and building consensus. I would hope all of us would take a lesson from Gerald Ford as we move ahead over the next 2 years. Too often, the cycle that we enter is a cycle of confrontation rather than consensus creation. We need consensus. America wants consensus. America wants progress. America wants a Congress focused on its need, not a Congress focused on how we can make the other guy look bad.

Gerald Ford can be an example and should be an example for all of us to emulate. I am honored to have this opportunity to carry on President Ford's steadfast commitment to God, to country, to, obviously, his family, his beloved wife Betty and to the People's House.

It goes without saying that the thoughts and prayers of an indebted Nation are with the Ford family in their time of sorrow. I want to congratulate the Ford family, who conducted themselves with such great dignity and returned the caring of literally tens of thousands of people who came through our Rotunda to honor President Ford and his service and to thank him for that which he has done for our country. Jack and Susan in particular stood for hours greeting people and thanking them for being there, and the other children as well.

On December 26, 2006, we lost a great American, a great leader and a great friend. I was a member of the Appropriations Committee and had the honor of chairing the Treasury-Postal Committee. The Treasury-Postal Committee had under its aegis the retirement funds for our former Presidents, and in that capacity, I had an opportunity to talk to him from time to time, not about his own personal interests, which we did talk about, but that is not why we talked.

He talked about the institution. He talked about what we were doing to make this House run better. I can remember we were at a forum at Georgetown together over two decades ago at which we both spoke, and he spoke of the need for having more contested elections, as opposed to districts that were automatic for one party or the other. He said that would be good for democracy, good for discussion of issues and good for the creation of consensus.

Gerald Ford's indomitable spirit will live in these halls of power and service for generations to come, halls that will forever bear the mark of his influence and dedication to the people of the United States of America.

I want to extend my deepest sympathy to President Ford's beloved wife, Betty, his children and his family and loved ones, and in closing thank him; thank him for being an example to which all of us could repair for service in this body; thank him for being an example for the American people to look to for what a Member of Congress can and ought to be, a man of principle, a man of generosity, a man who cared about his country and its people.

Gerald Ford, we thank you for your service, and we miss you.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to add a few more comments, little vignettes. We have had a lot of discussion today about the wonderful attributes of President Ford as a President, as a Vice President and as a Member of the House of Representatives. Indeed, he was a most gracious person and also a most capable and hardworking person. I appreciate the comments that Majority Leader HOYER made which reflect very accurately what a wonderful person Mr. Ford was. But I want to add just a few examples from my hometown and my experience with him.

I, at one time, was the Chairman of the County Commission. This was at the time when we were erecting the Ford Museum in Grand Rapids. Of course, he was interested in that and came around regularly. He was retired from the Presidency at that time.

I recall walking down the street with Mr. Ford. I thought I knew quite a few people there, but walking down the street with him, even though he had not served in Congress for some 10 years at that time, people, of course, would greet him and say, "Hi, Jerry, how are you doing?" They all knew him. The amazing part to me was that he knew them, and he would say, "Hi, Bob. Hi, Shirley. Hi, Jerry. How are you doing?"

Then another time we walked into the Amway Grand Plaza Hotel, which had been the Pantlind Hotel, and he had stayed there when he came back to Grand Rapids for visits and for meetings. We walked into the hotel lobby, and, of course, a number of people saw him and sort of mobbed him and kept talking to him.

I noticed a bellman standing off to the side, and it was clear to me that he wanted to speak to Mr. Ford but didn't dare to come up to this group of people. He just thought it wasn't proper. So I mentioned this to President Ford. I said, "I think the bellman wants to talk to you." He said, "Oh, good." So he marches over to him and says, "Harry, how are you doing? It is good to see you again." I didn't know he had a personal relationship with him.

Then he said, "By the way, I heard that your mother has cancer. Is that true? How is she doing?" He then had a 10-minute conversation with this young man about his mother and her health and what had gone on. I am curious how many ex-Presidents would take the time to do that for a bellman that they had known in the past?

Similarly, the first time he went to the White House as President and a reporter I know was following him, and as he approached the White House, of course, the Marines stood erect, opened the doors and stood at attention. He came up and held out his hand and said, "Hi, I am Jerry Ford. I am going to be living here. What is your name?" The reporter talked to the Marines at the door after that and said, "Have you ever had that before?" One said, "No, I have been here for several years, and the previous President has never even looked at me." But, again, that was characteristic of Mr. Ford.

One final little note. I first got acquainted with him, I am a nuclear scientist, as most of you know. I had moved from Berkley, California, where I got my Ph.D., and I was teaching at Calvin College. I heard a speech at a national convention from a Congressman who said, "It is terrible. We don't have any scientists in the Congress. We don't have any scientific advice." He said, "I urge you to contact your Member of Congress to see if you can help them by giving scientific advice."

So I took the gentleman at his word. I sent a letter to Congressman Ford and said, "I am a scientist. I have heard there is not much scientific advice there. I would be happy to help you in any way I can."

I dropped the letter in the mailbox, and my first thought was, I would get a nice response that said: Thank you for your comments. We will keep you in mind if we ever need you. But in fact, Mr. Ford was excited about it. The day they got the letter, his chief of staff called me and said, "Jerry is very excited with this and would like to meet with you."

So I met with him. I established a science advisory committee, and we met with him quarterly to advise him on scientific matters. What struck me was he was extremely interested in the meetings and in what we were saying, but also very, very quick on catching on to the scientific terms and issues we were discussing, much more so than the average lay person would be able to catch on. So it was a real pleasure for us.

But one day after a meeting, I said, "Mr. Ford, I don't quite understand, because you come back to Grand Rapids, you spend all day in meetings, you spend an hour or hour and a half in a meeting with us just because we want you to know more about science," and I said, "You really seem to enjoy it. Doesn't it get tiresome sometimes?"

He put his arm around my shoulder and he said, "Vern, one thing you have to recognize: Everyone else I meet with is asking for something. You are the only group I meet with that is offering me something."

I have never forgotten that, and it really gave a lot of meaning to me when I got here in Congress and found out that is true. Almost everyone that walks through our office doors comes in asking for something, not trying to help. So I now appreciate more fully why he appreciated our help.

These are just a few instances of what a wonderful human being President Ford was, how he related to the people around him, how he was concerned about the people around him and really sought to do what was best for them and what was best for this country. He was a terrific model for the rest of us and for me myself, and I have always tried to serve the people as well as he has.

With that, Mr. Speaker, I have no further speakers, and I have no further comments, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, as I close, let me just first of all commend and thank Representative EHLERS for introducing this resolution. I also want to thank all of those who have come down and taken the time to speak.

In summing up the life of President Gerald Ford, I am reminded of something that my mother used to tell us all the time, and that is that if a task is once begun, never leave until it is done; be the labor great or small, do it well or not at all.

President Gerald Ford, wherever he was, did his work well, whether it was on the football field, at the university, in the halls of Congress, as Vice President and ultimately as President of the United States of America, and our country is a better place because of it.

Mr. HOLT. Mr. Speaker, I rise today to join all Americans today in mourning the passing of President Gerald R. Ford and support.

Gerald Ford became President in the aftermath of Watergate, a scandal that shook to the core the confidence that Americans place in their government. His unquestioned integrity, good humor, and unimpeachable personal character carried this nation through one of the toughest periods of American history. Gerald Ford's legacy is one of steadiness in a time of crisis and of selfless service for his country.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of House Resolution 15, Mourning the passing of President Gerald R. Ford.

While we mourn President Ford, we also celebrate this great American's life and unique contributions to our country. I believe he will be remembered as a devoted and decent man of impeccable integrity who put service to his country before his own self interest. In public life, there can be no higher achievement.

In 1968 President Ford and his family first came to Colorado to ski. He was inspired by the beauty of the area and found a connection to the land and to the surrounding community and ended up buying home in Beaver Creek. When he became President, his vacations in Colorado helped introduce the world to the Town of Vail, and in fact, the family home was dubbed "the Western White House."

Coloradans, especially those in the Vail Valley, consider Jerry Ford to be the first President from Colorado because he was a great ambassador for the State who established long ties to the people of Colorado. He was known as the first skiing president, and because of this tireless promotion of Colorado's ski industry, he was inducted into the Colorado Ski Hall of Fame in 2001. He was a good neighbor, an avid golfer and a lover of the outdoors. So you can see why I like to claim the former president as a constituent.

Because of his work with charities in Colorado and his contributions to our great state, I've introduced a bill which would rename the Vail Post Office after President Ford, and I hope that the House will take up that bill soon and pass it in his honor.

President Ford will rightly be remembered for his personal warmth, his decency, his interest in bridging the many divisions in America during the 1970s. My father, Mo Udall, served in the Congress with him, and while they were often on different sides in political matters they were united by a common view that politics should unite people. I remember a story in 1974 President Ford invited Arizona's senators and representatives to ride on Air Force One for a meeting he was having with Mexico's president. At the time, Arizona had two Republican senators and three Republican congressmen. They all declined. The one Democratic congressman—my dad—accepted the invitation.

"All these other politicians don't want Ford to come into their district. Hell, I'm glad to see him in mine," my dad told a person in a crowd outside the place where Ford and the Mexican president were meeting. Mo then went into the crowd and put his arm around the president, telling him how proud Arizona was to have him. "It's a great day for the state."

They both were firm believers that in public life one could disagree without being disagreeable. This is a credo I try to live by and I draw inspiration from my father and from President Ford. They were both practitioners of civility long before the term came a popular term of political art.

As a dedicated public servant, President Ford served honorably in his years in Congress and in the White House. Most important, when America needed someone to reassure their trust in government after Watergate, he filled that leadership role with authenticity.

In short, Gerald Ford helped heal our nation during a time of crisis, provided steady leadership and restored people's faith in the presidency and in government. We need leaders like him today.

Mr. TERRY. Mr. Speaker, I rise today to honor the late President Gerald R. Ford, who was born in my hometown of Omaha, Nebraska. President Ford will forever be remembered for his great service to the people of the United States of America. He served the people at a complicated and divisive time in our history with honor and distinction. By helping our Nation heal from the political turmoil of Watergate, he helped move us forward.

President Ford was a man of selfless actions based in modest, Midwestern values. As a public servant, I am proud of his efforts; as a Nebraskan, I am proud of our President.

President Ford was a man who gave up a National Football League career in order to study law and ultimately serve the people in the highest office of public service. His love for our Nation and our American freedoms will live on through our work in Congress and his immortal words, spoken during his 1977 State of the Union Address when he said "The Constitution is the bedrock of all our freedoms. Guard and cherish it, keep honor and order in your own house, and the republic will endure."

He was a scholar, an athlete, an honorable President, and an even more honorable American. Our nation will truly miss his leadership, honestly and integrity.

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to pay tribute to a great friend of this institution, President Gerald Ford. I speak for all of us when I say that our thoughts and our prayers go out to his wife, Betty, and their family.

Born Leslie Lynch King, Jr. in Omaha, Nebraska, President Ford embodied the values and spirit of Nebraska by putting the good of the nation ahead of personal, partisan politics. He was a valued colleague to two branches of our government, who loved and honored our traditions.

A great statesman, he will be hard—if not impossible—to replace. President Ford taught us lessons of unity we will do well to remember as we debate issues that may be divisive.

The flags hang at half-mast throughout our entire nation to remember a good and decent man. Though I never met him, I am honored to pay my respects to this great.

God bless him and his family.

Mrs. MILLER of Michigan. Mr. Speaker, as a member from the Michigan Congressional Delegation I am proud to honor today one of our State's favorite sons, the 38th President of the United States Gerald R. Ford.

President Ford is the only person in the history of our Nation to ascend to presidency having never sought either the presidency or the vice presidency. And he did so at one of the most difficult moments in our Nation since the Civil War.

Upon assuming office he acknowledged that he had not been elected through the votes of the American people but simply asked for his confirmation through their prayers.

He was the right man, for the right office at the right time for our Nation.

He made policy decisions not based on political calculation, but on what he believed was in the " best interests of the Nation.

He was not afraid to reach across party lines to find solutions to the myriad of challenges which faced our Nation.

He was a man of unquestionable character.

Prior to coming to Congress I had the honor to serve as Michigan's Secretary of State and as such served as our State's official historian.

During my term in office I had the privilege to place a historic marker at the newly renovated boyhood home of President Ford.

On that day he spoke of the values instilled in him in that home, in his community and in our great State of Michigan.

These were values that served him well throughout his life and certainly when he assumed the presidency.

Values like honesty. Integrity. Treating every person with respect and dignity. Love of country and a commitment to freedom.

His commitment to these values was evident throughout his public service.

As a military officer in the Pacific in World War II.

As a member of this House of Representatives for nearly three decades.

As the leader of the Republican minority in the House where he proudly voted for and sought votes for landmark legislation like the Civil Rights Act and Voting Rights Act.

And as Vice President and President of the United States where he helped America recover from what he called our long National nightmare of Watergate and where he concluded the war in Vietnam.

Simply put, Gerald R. Ford was a great American worthy of our honor and respect.

Our condolences go out to his wonderful and courageous wife Betty and to the entire Ford Family.

A grateful Nation owes a debt of gratitude to President Ford for his lifetime of honorable service.

May he rest in peace.

Mr. DINGELL. Mr. Speaker, I rise today to honor and pay tribute to my dearly departed friend, Gerald R. Ford, the 38th President of the United States.

Gerald R. Ford rose to the Presidency at a time when the Nation was in crisis. Disillusioned by Watergate, nervous about an economy in recession, and anxious to get its soldiers out, of war, the country was yearning for a leader who could reestablish a sense of normalcy. So when Ford took over the White House after a short stint as Vice President, and a quarter century in the House of Representatives—even though we disagreed on some fundamental policy issues—I was relieved. I knew Jerry as an all-American hailing from Grand Rapids, Michigan, a fellow World War II Veteran, and above all, a man of extraordinary character. He was the right man at the right time to restore a divided Nation shaken to its Constitutional roots.

When Ford left for duty he was considered an "isolationist". When he came back, he was a committed internationalist. It was this change, which I think marks the type of person that my friend Gerald Ford was. Many of today's pundits will call him a "throwback" or a "dying breed". I say he simply possessed a remarkable sense of self, strong patriotism and astute common sense. He looked at the world, saw the conflicts, recognized the need for U.S. leadership, and changed his own opinion.

Too often today, men and women in public life who change their opinion are derided. Stubborn consstency in the face of rebutting evidence is now considered leadership. But this narrow definition of leadership was never the Ford model. He was a citizen legislator, a stalwart in a grand tradition that stretches back throughout democracy, from the complexities of the 21st century to the founding of Athens. He never sought leadership, it aways came to him.

During his 25 years in Congress, where we worked side-by-side in the Michigan delegation for 17 years, Ford worked hard for his party but also reached out and made many friends abross the aisle. His party elected him as minority leader in 1965, where he served as an effective leader and consensus builder until 1973, when he took over the Vice Presidency under Richard Nixon, replacing Spiro Agnew.

Not only did Ford take over the Presidency during one of the toughest times in American history, he did so as a leader whose political party differed from the congressional majority. Ford vetoed an unprecedented 66 bills during his Presidency. Nevertheless, the Congress passed some important laws with bipartisan support under the Ford Administrationl including the Community Development Block Grant, the Privacy Act, and the Federal Elections Campaign Act Amendments.

Ford and I worked particularly closely during his presidency on energy matters. Despite our differences, we were able to work together. During the Ford Administration we passed the Energy Policy and Conservation Act of 1975 (EPCA), which established the Nation's first fuel economy standards. Because of his self assuredness and his uncanny ability to think for himself, policy disputes did not deter Ford from working across party lines to achieve success. Nor did partisan bickering preclude bipartisan friendships: he played golf with political adversary Tip O'Neill and became good friends with Jimmy Carter after Carter defeated him in the 1976 election.

President Ford was devoted to ensuring that America and the Presidency were in better, shape than when he found it, and above all else, this was his most important accomplishment. His honesty and patriotism should be a model for elected officials today who are often too eager to create a sound bite and too reluctant to find common ground. Mr. Speaker, I ask that you and my fellow colleagues join me in remembering President Gerald R. Ford, and honoring him by carrying on his legacy of bipartisanship, honesty and integrity in the years to come.

Mrs. BONO. Mr. Speaker, I rise today in strong support of House Resolution 15, and to pay tribute to a dear friend and remarkable American. Today, we honor the life and memory of our Nation's 38th President, Gerald R. Ford. The consideration of this legislation is of great personal importance to me, as I had the honor and distinction of counting President Ford not only as a friend but also as a constituent.

These past few weeks, the American people have come to know the story of one of our most beloved leaders, a man who brought our nation together during a tumultuous time and restored faith in our democratic system of government. President Ford famously said, "Our Constitution works, our great Republic is a government of laws and not of men." Yet, the truth is that our system works because of people like Gerald R. Ford and his wonderful wife, Betty—people who dedicated their lives to making our country strong and improving the prospects for all American citizens.

Despite achieving great success as an athlete, President Ford declined the opportunity to play professional football because he wanted to serve the Nation he loved. He went to Yale to study law, served heroically in the U.S. Navy during World War II, honorably represented the people of Michigan in this very House for 25 years, and was selected to serve as Vice President because he had the confidence of the U.S. Congress and was simply the best man for the job. He assumed the Presidency he never sought because, when called, he never shied from his duty to his country.

His personal integrity was beyond question and his quiet strength steadied our Nation in a time of crisis. President Ford skillfully led our nation through the post-Watergate era, he laid the groundwork for an historic peace accord in the Middle East, and steered our country through tough economic times. History has shown that he was the right leader for those difficult days.

In California's Coachella Valley, where President Ford and Betty made their home after leaving the White House, their support of charities, too numerous to mention, helped make them the beloved "first-couple" of the Palm Springs region. As lifelong partners who were truly devoted to one another and to their family, the Fords encouraged millions of dollars in donations to many worthwhile causes. When Betty Ford courageously raised public awareness of dependency issues and founded the recovery clinic in her name, President Ford stood squarely and quietly behind her every step of the way.

I extend my deepest sympathy to Betty and the entire Ford family for their loss, a loss we all share. As we begin this Congressional session in the House which he loved so deeply, I think we would be well-served to remember the example of leadership and selfless duty to country that President Ford provided. We celebrate his memory and our Nation is better for his service.

Mr. LEVIN. Mr. Speaker, I rise in Strong support of House Resolution 15. It is fitting and right that the House remember this highly distinguished citizen of the State of Michigan, and honor his service to the people of the United States.

Gerald Ford's life and legacy define the term "public servant." He served with distinction in World War II aboard the U.S.S.

Monterey. In 1948, he was elected to the House of Representatives, where he served with integrity for 25 years. In 1974, during one of the darkest moments in U.S. history, Gerald Ford served as our Nation's 38th President, and restored integrity to the Presidency.

As the Nation has honored President Ford over the course of the last week, I have been struck by how many have made mention of his honesty, trustworthiness and essential decency. As the first President Bush said of his one-time colleague in the House of Representatives at the memorial service at Washington Cathedral last week, "to political ally and adversary alike, Jerry Ford's word was always good."

President Ford will also be remembered for believing that America is strongest when we work together and work with others.

President Ford has left us a rich legacy. As we begin this new Congress, I hope all of us here will honor him by taking to heart that legacy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 15. This resolution mourns the passing of Gerald Rudolph Ford, Jr., the 38 President of the United States, and honors his lifetime of outstanding leadership and service to our Nation.

President Ford was born Leslie Lynch King, Jr., in 1913 in Omaha, Nebraska. Soon after his birth, his mother moved to Grand Rapids, Michigan, where she remarried and he was adopted and renamed after his stepfather, Gerald Rudolph Ford.

While in high school, Jerry Ford was an outstanding student and athlete, and Eagle Scout. He went on to achieve a Bachelor of Arts at the University of Michigan, where he majored in economics and political science. He also played on the University's 1932 and 1933 national championship football teams and was selected to several college All-American football teams. Indeed, Jerry Ford was such a gifted football player that he was offered contracts by the Detroit Lions and Green Bay Packers. But he turned them down to accept a coaching position at Yale University, in hopes of gaining admission to its law school. His perseverance paid off and he was admitted in 1938. He graduated in the top third of his class with an LL.B. in 1941.

President Ford returned to Grand Rapids to practice law and teach a course at the University of Grand Rapids. He also helped coach the Grand Rapids football team. After the United States entered World War II, he joined the U.S. Naval Reserve, serving on the light aircraft carrier USS *Monterey*. In 1944, he narrowly survived a deadly typhoon in the Philippine Sea. In 1946 he completed his military service and was honorably discharged.

Upon returning home to Grand Rapids, Jerry Ford resumed his law practice, this time with a more "internationalist" outlook due to his experiences abroad. He was elected to Congress with more than 60 percent of the vote in 1948 after ousting an isolationist incumbent in the Republican primary. During the 1948 campaign, Jerry married the outspoken advocate of women's rights, Elizabeth Anne Bloomer Warren, whom we all know and love as "Betty." Jerry Ford was elected to Congress 13 times by his constituents, never once receiving less than 60 percent of the vote. In October 1973, he was nominated to be Vice-President by President Richard Nixon and assumed the office after being confirmed by both the House and the Senate. In fact, Jerry Ford holds the distinction of being the only person in history to be confirmed by both chambers of Congress.

At noon on August 9, 1974, upon the resignation of President Nixon, Jerry Ford became the 38th President of the United States. In addressing the Nation after taking the oath of office, President Ford said: "My fellow American's, our long national nightmare is over." And he was right. Over the next twenty-nine months, President Ford did so much, by word and deed, to restore public confidence in the institutions of government. In the final analysis, President Ford's lasting legacy is "all he did to heal our land," as his predecessor, President Jimmy Carter, memorably put it in his 1977 Inaugural Address. There is perhaps no more deserving recipient of the Medal of Freedom, an honor bestowed on President Ford in 2000 by President Bill Clinton. In 1999, he was awarded the Congressional Gold Medal and in 2001, he was presented the Profile in Courage Award by the John F. Kennedy Library and Museum.

Mr. Speaker, I salute President Ford for his outstanding and patriotic service, especially his efforts as President to unite and heal the Nation in a time when it had lost all confidence in its officials. I strongly urge all members to join me in supporting this resolution honoring and celebrating the late President Gerald R. Ford and his lifetime of achievement and service to our country. We mourn the death but celebrate the life of this great American, this great president, and former Minority Leader of this House.

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor former President and U.S. Congressman Gerald R. Ford.

Gerald Ford, who is often referred to as "Michigan's Greatest Son," worked hard wherever his life led him and based his decisions upon what he felt was the right thing to do.

A star football player with my alma mater, the University of Michigan, he turned down offers to play in the National Football League to study law at Yale.

He then volunteered to serve his country in the Navy during World War II before returning to Michigan to put his law degree to work.

He later defeated an incumbent for a seat in the U.S. House of Representatives in his own party's primary, which from my own experience is an incredibly difficult endeavor. His colleagues later elected him to the highest leadership position among Republicans in the House.

Gerald Ford admittedly did not seek the greatness of the U.S. presidency, but destiny determined that he would become the right man in the right place at the right time.

President Ford allowed the country to move forward by pardoning Richard Nixon, although it likely contributed to him failing to win the 1976 election.

He helped to unite a divided nation, even when he knew that it would likely result in a great personal cost. He made the decision because he knew that if he did not, our country would spend the months and years looking back and not ahead. For him it was simply the right thing to do.

He conducted himself with integrity and character throughout every step of his distinguished career. He set a very high standard for those of us in West Michigan who would follow him to Washington.

The legacy he leaves to join his Creator will impact not only the officeholders who follow in his footsteps, but generations of Americans to come.

Mr. KILDEE. Mr. Speaker, I rise today to express my strong support for H. Res. 15, a House Resolution mourning the passing of former President Gerald Ford of Michigan.

Throughout his life and his career, Jerry Ford exhibited the highest standards of courage, wisdom, integrity, and civility.

I had the honor of serving with President Ford's brother, Thomas, in the Michigan legislature before I was elected to Congress in 1976.

Mr. Speaker, I must admit that I was one of those who questioned President Ford's pardon of Richard Nixon at the time he did it.

But by the time Ford gave his final State of the Union speech in January 1977, I, and most of the Nation, had come to realize the rightness of his decision to pardon Nixon.

I vividly remember the sustained and prolonged applause, from both sides of the aisle, for President Ford during his January 1977 State of the Union Address to the Congress.

He took the Office of the Presidency at a very difficult and troubled time for our Nation and for our world.

He had previously served his country with honor as a naval officer during World War Two, as a member of the U.S. House of Representatives from the State of Michigan, and as the minority leader of the U.S. House.

But when his country needed him the most, he served in the highest office in the land, as President of the United States of America.

He was the right person, at the right time, in the right office.

He guided our Nation through a very difficult time and he helped in the healing process which our Country so deeply needed at that time in our history.

Mr. Speaker, Jerry Ford loved this Country, he loved his house, he loved his State of Michigan, and he certainly loved his wife Betty and their children and grandchildren.

Our thoughts and our prayers are with them as we honor Jerry Ford today.

Mr ENGEL. Mr. Speaker, I rise today to pay tribute to the great President Gerald R. Ford, who has recently passed away. Gerald Ford was not only America's 38th president but he was also a dedicated husband, father, athlete and WWII veteran.

Born in Nebraska, Ford was an athletic young man. He was the star of his high school football team and continued to play football as a college student at the University of Michigan. He then went on to receive his law degree from Yale University. Shortly after graduating from Yale, Ford received a commission as ensign in the U.S. Naval Reserve and received numerous awards for his bravery and service during WWII. After returning from the war, Ford became more involved in politics, serving as member of the House of Representatives for 25 years, including 8 years as the Minority leader, and later becoming Vice President before taking the oath as President.

President Ford took power following one of the most difficult times in our Nation's history and brought America back together. Gerald Ford was a noble, honorable man who emerged as a leader at a time when Americans were questioning their government. President Ford showed us that strength and integrity are indisputably important traits to have in order to successfully lead our great Nation.

As power has just changed hands in Congress, it is my hope that we will heed the legacy of Gerald Ford and always seek to stand together to face the challenges of the future. Gerald Ford will be sorely missed by all of the Americans that he touched. My heart goes out to all of his family members.

Mr. COLE of Oklahoma. Mr. Speaker, I rise today to praise a truly good man. With the passing of President Gerald Ford, the House of Representatives lost its most distinguished alumni, and America lost a great patriot who always placed his country's good ahead of his own political interest. Gerald Ford was a man of absolute integrity and profound personal decency.

Much has been said about President Ford's distinguished career in the House and as President. Many will rightly recall his absolute integrity and his profound personal decency. To build upon those remarks, I would like to share some of my personal interactions with Gerald Ford. I had the honor of meeting and working with former President Ford on many occasions after he left office. I found him to be the same man in private that he was in public—decent, honorable, and self-deprecating in his humor and observations. He was shrewd without being devious and wise without being complicated.

Mr. Speaker, President Ford had genuine connections to and affection for Oklahoma and Oklahomans. He told me on several occasions that he became Vice President and ultimately President because of the late Speaker Carl Albert of Oklahoma, who supported his nomination for the Vice Presidency. He always remembered that Oklahoma was one of only two Southern States that he carried in 1976. Indeed, once while making this point to me, he recalled the exact margin of victory—13,266 out of over 1 million cast.

Mr. Speaker, during a memorable 1976 campaign stop in Oklahoma, President Ford said, "It's great to be in Oklahoma, the home of Will Rogers, who never met a man he didn't like, and the Oklahoma Sooners, who never played a team they couldn't beat." I later told him that single line won Oklahoma for him. "Well," he responded, "talking college football is pretty good politics in a lot of places. You might try it if you're ever campaigning in Ohio, Michigan, Pennsylvania, or just about anywhere in the South." It is still one of the best pieces of advice I ever got from a practicing politician.

President Ford paired his intelligence with empathy and his candor with modesty. He was as politically astute as he was personally decent, something that all too many people forget. He was absolutely loyal to his party while still approaching politics in a pragmatic and bipartisan manner that made genuine political compromise possible. The House was all the better because of his character, and so too was our country. When speaking to the Congress, the President said with his usual humility that he was a Ford, not a Lincoln. Today, only the best among us might be able to call themselves Fords.

We will all miss him very much, Madam Speaker, and I strongly urge support of H. Res. 15.

Mr. HOBSON. Mr. Speaker, I rise today to join my colleagues in honoring the legacy of former President Gerald R. Ford.

Although I never served with President Ford personally, I admire him for his record as a leader in the House of Representatives, and later for accepting one of the greatest challenges an individual can assume—the Presidency of the United States of America.

In the past couple of weeks, we have heard many historians talk about President Ford's legacy of healing our nation in the aftermath of the Watergate scandal. At the time, he was sharply criticized for his decision to pardon President Richard Nixon, but now he has been lauded for moving this country forward. I think they are right. I admire him for the courage he had in making what was arguably one of the most difficult decisions a sitting president has ever made.

As a Midwesterner myself, I would like to think that it was some of the values and experiences that President Ford had while growing up in Michigan that helped shape him into the courageous and good-natured leader that he later became.

While President Ford played football for what we Ohio State University fans refer to as "the team up north," he demonstrated his good-natured personality the day that he gave the university's 1974-commencement address. It was just a few weeks after he became president and legendary football coach Woody Hayes was still at OSU. According to a recent story in The Columbus Dispatch, he said: "We just had our picture taken together and when that picture appears in today's Dispatch, I'm pretty sure what the caption will say," Ford said. "Woody Hayes and friend."

President Ford loved our country, and he served it with integrity, which helped restore the public's confidence in the presidency.

I proudly join my colleagues in honoring him with this resolution, and expressing our deepest sympathy to Mrs. Betty Ford and her family.

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to my colleague and fellow Michigander, President Gerald R. Ford. I had the privilege of serving alongside then Congressman Ford in the United States House of Representatives for nearly a decade, and was able to observe firsthand the character and integrity of this "congressman's congressman." Congressman Ford's exemplary service was confirmed by the support of the people of Grand Rapids, Michigan, whose love for him endures to this day. As minority leader of this body, President Ford demonstrated the collegiality and uprightness he would draw upon to lead our Nation through a dark time in our history.

I disagreed with some of President Ford's decisions. Along with most of the American public at that time, I disapproved of the way he pardoned his predecessor before trial proceedings had been initiated. I also disagreed with many of his policy positions. However, time has shown that the man some have called the "accidental president" was the right person to take the highest office in the land at a critical time for our Nation.

Gerald Ford's honor and integrity were the qualities we needed to restore trust and openness to a damaged Presidency. His humble and steady leadership brought our democracy back from the brink of a constitutional crisis. The citizens of the state of Michigan and of our great Nation will not soon forget the important contributions of this man of integrity and honor.

Mr. TURNER. Mr. Speaker, I am pleased to support H. Res. 15, a resolution honoring the life of President Gerald R. Ford. As America remembers President Ford's leadership and service to the American people, I offer my condolences to the Ford family.

While attending former President Ford's funeral, I had the opportunity to converse with Dr. David Mathews, a community leader in my district. Dr. Mathews served as Secretary of Health, Education and Welfare under President Ford and shared with my office some personal stories of the President's legacy. Dr. Mathews recalled:

> Ford was a reconciler. While there was a great balance in Ford, he was also tough as nails. He did what he believed the country needed and was never motivated by polls.
>
> In 1976 one U.S. soldier stationed at Fort Dix died of the swine flu. There was some concern that the potential for an epidemic existed. A panel of the best and brightest scientists of the day was convened. That panel included Doctors Jonas Salk and Albert Sabin, who did much of his research at the University of Cincinnati. Both were pioneers in developing polio vaccines. Some of the panelists counseled the president to quickly begin creating vaccine and getting the word out to the nation. Others thought it prudent not to risk a panic, and wait. President Ford was decisive and unwilling to risk an epidemic, giving the order to produce the vaccine. To emphasize the point President Ford and I received the first and second doses of the vaccine.
>
> The working relationship and personal friendship between President Ford and I continued after the Ford administration. In the early 1980s, when I became president of the Kettering Foundation, I suggested to Ford that he invite former president Jimmy Carter to the first conference at the Gerald R. Ford Presidential Library. That conference addressed the public's reaction to proposals to strengthen the Nation's Social Security program. The meeting was based on results from a citizens' briefing book prepared for the National Issues Forums.
>
> Characteristically, President Ford agreed, not just begrudgingly, or acquiescing, he was enthusiastic about inviting Carter . . . That was the first project Presidents Ford and Carter did together. It resulted in a life-long friendship.

I am pleased to join my colleagues in supporting H. Res. 15 and honoring the life of President Ford.

Mr. BOEHNER. Mr. Speaker, I stand in strong support of the resolution honoring the life of former President Gerald R. Ford.

Gerald Ford served America with great distinction—first in the military, then as a Member of the U.S. House, and later as Vice President and President of the United States. After faithfully serving his Michigan constituents for 25 years in the House, he was called to serve all of the American people in the White House when his country needed him most.

The Watergate crisis was one of the most difficult times in our nation's history, and President Ford's unflinching leadership helped heal a nation and restore the American people's faith in their government. His decision to pardon President Nixon was a controversial and difficult move that drew a great deal of criticism. But in hindsight, I think most Americans would agree it was the right decision, the honorable decision, and reflected President Ford's good judgment and straightforward approach.

Throughout the ordeal, President Ford earned our affection and respect. He will be remembered for the integrity, character, and grace he exhibited in his work and throughout his life.

As public servants we owe a huge debt to those who have served before us, and we owe President Ford a debt of gratitude for the enormous contributions and sacrifices he made on behalf of his country. I am humbled to serve in the same elected leadership post he occupied for eight years during his tenure in the House.

Our thoughts and prayers, and those of a grateful nation, are with Betty and the Ford family. I urge all my colleagues to support this resolution.

Mr. REGULA. Mr. Speaker, I would like to comment on the life and legacy of President Gerald Ford.

I served with him in the House of Representatives and had the pleasure of working with him when he served both as Vice President and President of the United States. I will always think fondly on President Ford as a humble, genuine President and good friend.

The people of Ohio will always be extremely grateful for his leadership in creating Ohio's Cuyahoga National Park, one of the most visited in the 388 National Parks and other sites administered by the National Park Service.

President Ford's leadership and service to the Nation is well described in the title of his book "A Time to Heal."

His wife Betty in her role as First Lady also was a wonderful role model for millions of American women, particularly her devotion to helping people in establishing the Betty Ford Clinic to help individuals with challenging personal problems.

Our Nation was enormously enriched by the leadership of President Ford and his wife Betty.

I would like to extend my sincere condolences to the Ford family. I pray that you are comforted by the kind words and admiration the country has shown for President Ford.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in support of H. Res. 15, a resolution to honor the late President Gerald Ford who passed away on December 26, 2006. A man of great honor and integrity who led this country through one of the most difficult times in our history, he will be remembered as a fair, respected leader who was able to rise above partisanship to serve the citizens of this nation.

President Ford, born in Omaha, Nebraska and raised in Grand Rapids, Michigan, embodied the spirit of the Midwest. He was hardworking, modest, unassuming, and throughout his life held an unabashed pride in the University of Michigan where he starred on the football team. During World War II, President Ford earned the title of lieutenant commander and several honors while serving this country in the U.S. Navy.

Mr. Ford began his political career when he was elected to the U.S. House of Representatives as the Representative from Grand Rapids, Michigan. He held that seat from 1949 until 1973, and of the 25 years he served in the House, he was minority leader for 8.

In 1973, when Vice President Spiro Agnew resigned, President Richard Nixon nominated then Congressman Ford to assume the vice presidency. President Ford's nomination was quickly approved by both the House and the Senate. However, his time as Vice President was brief and the attention of the country was focused on the looming Watergate scandal. On August 9, 1974, President Nixon stepped down and President Ford assumed the position of Commander-in-Chief.

As our nation's president, Ford was faced with the critical task of regaining the trust of a country that had lost confidence in its top leadership. In order to begin to restore transparency and integrity to the office of the President, he traveled around the country listening and talking to the people of this country. President Ford felt the way in which he could help the country to begin to move beyond the wounds of Watergate was to grant a full and unconditional pardon to President Nixon. President Gerald Ford put the needs of our nation before his own vulnerability to political fallout, and that is the mark of a great leader.

On behalf of the families of Minnesota's Fourth Congressional District, we extend our prayers and sincerest condolences to Mrs. Betty Ford, her children and all of the family and friends of President Ford. President Gerald Ford was a loving husband and father and a devoted public servant. He will be remembered and honored in the highest regard.

Mr. Speaker, please join me in paying tribute to the life of President Gerald Ford.

Ms. MILLENDER-McDONALD. Mr. Speaker, last week, Congress received the body of the late President Gerald Rudolph Ford, our 38th President, to lie in State in the Rotunda. He was the second President for whom I felt such an endearment that it felt as if I'd lost a friend.

I first met President Ford along with President Carter several years ago when I called on both men to support legislation I had introduced to give those who had been incarcerated, paid their debt to society, and had become productive citizens a restoration of their voting rights. In speaking with him, I found him to be very sensitive and understanding of that important issue. He said that it was the decent thing to do and signed a letter (along with President Carter and myself) asking President George W. Bush to submit a proclamation to all States to ensure these citizens' voting rights.

Two years later, I had the opportunity to meet with him and his beloved wife, Betty, at Rancho Mirage along with Governor Schwarzenegger and others to discuss federal legislation for California. We continued our discussion on voting rights, and I became further impressed with his modesty despite the fact that he had served at the highest level in this country.

Gerald R. Ford was a man of character and integrity, with many accomplishments to his credit. He was a Boy Scout, and the only President who has ever attained the rank of Eagle Scout. He was a football star for the University of Michigan where he majored in political science and economics while leading his team to two national titles. He studied at Yale Law School and opened his own law practice in Grand Rapids, Michigan before joining the Navy where he served as an officer during World War II and earned several medals.

In 1948, Gerald R. Ford was elected to the U.S. House of Representatives where he served until 1973. He was the Republican Minority Leader from 1965–1973. During his years in the House, Ford was, as the New York Times described, "a negotiator and a reconciler." On October 12, 1973, Ford was appointed Vice President of the United States after Spiro Agnew resigned. He became President after the resignation of Richard Nixon on August 9, 1974. President Gerald R. Ford is the only person to ever serve as both Vice President and President without being elected to either office.

As President, one of Ford's first actions was to pardon President Nixon, allowing the nation to heal and move on. Although this action was highly criticized at the time and may have cost him the election in 1976, it helped to restore Americans' faith in the office of the President. President Ford successfully addressed high inflation and unemployment while ending American involvement in Vietnam and pursuing international human rights through the Helsinki Accords, helping end the Cold War.

President Ford's legacy extends far beyond his accomplishments, however. More than anything else, President Gerald R. Ford will be remembered for his character, integrity, and humility. Gerald R. Ford was a very decent and humble human being. As Americans, we mourn more than the loss of a former President—we mourn the loss of a truly great American.

Mr. EMANUEL. Mr. Speaker, I am honored to rise with my colleagues today in support of House Resolution 15, honoring the late Honorable Gerald Rudolph Ford, the 38th President of the United States.

Here in this Chamber, President Ford served dutifully for 24 years, representing the people of the Fifth District of Michigan from 1949 until his ascension to the Oval Office. As a Congressman, Gerald Ford's warmth, approachability, and affability made him one of the most highly regarded Members of his day.

It was these qualities which would shape Gerald Ford into an excellent House floor leader for his party, a position he held for 8 years until his appointment as the 40th Vice President. During his tenure as minority leader, Gerald Ford set a standard of fairness, diplomacy, and cooperation to which all of us can aspire.

As both Vice President and President, Gerald Ford was called to serve in positions of great responsibility during a troubled time in our Nation's history. Ford accepted his powers and responsibilities with the same steadfast composure and patience for which he had became known as a Congressman.

As a man known for his ability to create consensus, compromise, and conciliation, he was well suited to take the helm of America and navigate the turbulent storm it faced. President Ford's gentle nature helped soothe the deep scars America faced after an arduous period of strife at home and abroad.

Mr. Speaker, Gerald Ford served our country with a patient hand, an understanding mind, and a reassuring voice. His time in Congress and in the White House leave behind a legacy of commitment, passion, and comity that we will all remember.

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to the passing of a great President and American, President Gerald R. Ford.

As I reflect upon the distinguished life and legacy of President Ford, the first things that come to mind are his honesty, integrity, and ability to make the tough decisions for a nation that was fiercely divided by war and recovering from a scandal at the highest level of government. He served with the best interest of America in mind, never losing sight of his faith, family, and his beloved roots in southwest Michigan.

President Ford was truly a Michigan original, and folks throughout our State saw an ordinary man become extraordinary; yet, he always remained our native son. His upbringing in Michigan molded the man that Gerry Ford became—growing up in an environment that encouraged him to pursue his vision of what America should and could be.

I have the great honor and privilege of representing some of the very same folks in southwest Michigan that President Ford did during his time in Congress.

All our hearts go out to Betty and the Ford children: Mike, Jack, Steve, and Susan during this difficult time.

His legacy continues to grow particularly as we see first hand the partisan divisions which divide our country and this Congress. President Ford was one that always put his country first and his party second.

President Ford was a remarkable man and an outstanding representative of the Wolverine State. Our Nation was blessed to have such a compassionate and steadfast leader and he will forever remain in our memory.

Farewell to our President. Go Blue.

□ 1945

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 15, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. EHLERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

UNIVERSITY OF FLORIDA FOOTBALL CHAMPIONSHIP

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, a St. Pete headline says: "Gator Nation: It's A Great Time to be a Gator." The Gainesville Sun boasts: "Gators Made Most of Their Chances." The Miami Herald states: "Gators are First on the Court and First on the Field." The Florida Times Union reads: "The Gators Stand Tall and Deliver; Florida Totally Dominates Ohio in Claiming the National Championship."

Go Gators!

The BCS Championship game between the University of Florida Gators and the Ohio State University Buckeyes last night was a clash of the titans and history in the making.

My alma mater, the University of Florida, became the first school in NCAA history to hold national titles in football and men's basketball at the same time. Only six Division I schools have ever won a football and men's basketball national championship since 1936, and never in the same year.

Thanks to Head Coach Urban Meyer, the Florida coaching staff, and the outstanding Gator football team, we finished the season with a 13–1 record.

I want to congratulate the University of Florida for not only being the best athletic school in the country but also the best in academia.

The Gators, through persistent offense and an overwhelming defense, defeated the Ohio State University Buckeyes 41–14. They earned 21 first downs, 370 total yards, and did not turn the ball over on offense. The defense held the opponents to only eight first downs, 82 total yards, and sacked the quarterback five times, for 51 yards.

No doubt about it, the best team won the National Championship. Go Gators!

GATORS WIN THE NATIONAL CHAMPIONSHIP TITLE

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to congratulate the University of Florida Gators for winning the Bowl Championship Series National Football title last night.

After a hard fought season, the Gators proved victorious last night with a dazzling 41–14 triumph over the Ohio State University Buckeyes. I want to extend special congratulations to Florida's head coach, Urban Meyer, who trained this football team to be the best in the country. All of the athletes are shining stars for the university and deserve our highest praise.

Last night, the University of Florida made history by winning national titles in both men's basketball and football in the same season. Florida's academic reputation is stellar, our sports teams are number one and our fans are like none other. Mr. Speaker, it is great to be a Florida Gator. Congratulations to the students, faculty, alumni, and friends of the University of Florida.

I have just one thing left to say, Mr. Speaker, and that is: Two bits, four bits, six bits a dollar. All for the Gators, stand up and holler. Go Gators!

CONGRATULATIONS TO UNIVERSITY OF FLORIDA GATORS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I too want to add my words to my colleagues from Florida. I happen to represent the southern part of Florida, but I can tell you it is a great day for all of Florida and we have good reason to be proud of these fine men who have shown the country that Florida is not only football territory but also just a great athletic territory with great universities in our great State.

With that, Mr. Speaker, I yield to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. I just want to once again thank the Gators; and as we speak, I want you to know that they are arriving in Gainesville and we want to extend our wholehearted congratulations to the coaching staff and to the faculty and staff.

I also have a yell, one that I remember, and we used to do it when I was a student at the University of Florida. It was: One, two, three, four, five, them there Gators don't take no jive.

And they did it last night. Go Gators!

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRAQ AND THE PROPOSED BUSH ESCALATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, first of all, congratulations for being up in that chair.

I rise today to unwaveringly support the Speaker of the House, who has said that she opposes any escalation of the occupation of Iraq, that she opposes sending more combat troops into a situation in Iraq that is so, so messy.

The Speaker represents an overwhelming majority viewpoint among the American people. Indeed, Mr. Speaker, she is Speaker today because the American people overwhelmingly rejected the Bush occupation policy, a policy that has already claimed over 3,000 American lives, cost us hundreds of billions of dollars, ignited a bloody civil war, and diminished our national security.

But President Bush is stubbornly and desperately clinging onto an ideological vision that has been completely discredited. He is not listening to the new Congress. He is not listening to the American people. He is not listening to the Iraq Study Group. He is not even listening to his military commanders, who have advised against an escalation.

Even the most hawkish observer imaginable, Oliver North, has come out against an escalation in a recent column entitled: "More Troops Equals More Targets."

This occupation takes a more disastrous turn with each passing week, but the Bush administration not only is sticking to its failed policy; it is investing even more in that policy.

Our military presence, from the very beginning, hasn't brought peace and freedom to Iraq. It has been a catalyst for greater violence and disorder. It hasn't defeated the insurgency. It has been what has motivated the insurgency. It hasn't solved problems in Iraq. It has exacerbated them.

So what is the White House's solution? Send more troops and put more Americans in harm's way, even though the American presence destabilized Iraq in the first place. Escalation defies common sense, Mr. Speaker. It is completely incomprehensible. The President of the United States has a unique take on an old proverb. He believes that if you find yourself in a hole, the solution is to keep on digging.

Here in Congress, however, we want to stop digging. On Friday, the Congressional Progressive Caucus and the Out of Iraq Caucus will co-host a forum featuring former Senator George McGovern and Mideast expert Dr. William Polk. They will be discussing their plan for ending the occupation, as outlined in their recent book, "Out of Iraq: A Practical Plan For Withdrawal Now."

We will also be joined by leaders from the military, and from diplomatic and intelligence communities, who will offer their expertise and input in a dialogue with Senator McGovern and Dr. Polk.

It is time for a 180-degree turn in the U.S. policy toward Iraq. It is time for the Congress to act out the mandate it received from the American people in November. It is time to get down to business and figure out how to extricate ourselves from Iraq, end the occupation and bring our troops home.

TRIBUTE TO SPECIALIST DUSTIN R. DONICA, TEXAS WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, General Douglas MacArthur said: "A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others. He does not set out to be a leader, but becomes one by the quality of his actions and the integrity of his intent."

Tonight, I want to talk about that kind of leader, Army Specialist Dustin Ross Donica, 3rd Battalion, 509th Parachute Infantry Regiment, 4th Airborne Brigade Combat Team, 25th Infantry Division of Fort Richardson, Alaska.

Dustin grew up in Spring, Texas, outside of Houston. His nickname was Double D. He enjoyed teasing his sister, Courtney. He loved to joke around with his family and his friends, and he was known by many for his unique sense of humor. He was very, very close to his family.

He was especially close to his only sister, with whom he shared an unbreakable bond. They were called the "Irish Twins," born 1 year apart. The two often told others they were actually twins.

Dustin always described himself as a modest person, although looking at his life, this modest son of Texas accomplished extraordinary accomplishments. Even at a young age, he was known as the hero who grew up down the street. That was because of his attitude about service and about loyalty.

In 2003, the Klein High School graduate left the University of Texas and enlisted in the United States Army.

When Dustin was asked about joining the Army, he said, "I've grown up in a very privileged area. When most people of my generation are asked to do something, their first thought is, how will this benefit me? I need to do this so that my first thought is, how does it benefit others."

No wonder people said Dustin had a sense of honor and duty, traits that are very rare in our culture.

When Dustin was deployed to Iraq, he sent his sister a teddy bear. The teddy bear was wearing an Airborne uniform complete with a Donica patch on the pocket. He wanted the bear to serve as a reminder that he was fighting to keep her safe and he was always constantly thinking of her.

Mr. Speaker, you know, there's something all-American about a teddy bear. Dustin was constantly concerned for the well-being of his family back home. Even though he was in the combat war zone, all of Dustin's phone conversations with his family ended, "Remember, I love y'all. Take care. Be safe."

One of Dustin's last requests was that his parents visit his close friend, Logan. Logan had served also in Iraq, and he was being treated in the United States for his injuries. He was a very close friend of Dustin's, and Dustin asked that his parents provide Logan comfort by visiting him in the hospital in the United States.

But on December 28, 2006, at the dynamic age of 22, Double D., Dustin Donica was killed in Iraq, conducting combat operations against the anti-Iraqi forces in the city of Karmah in the Al Anbar Province.

As in many other times in his life, Dustin was standing guard, protecting his fellow soldiers in arms when he received his fatal injuries.

Now, the media has taken it upon themselves to assign a number to this patriot. Dustin's legacy is more than just a number. He was an American fighting man. He was the only son of the Donica family. He was totally committed to America. He was not a media number. And Dustin Donica's name was the example of bravery, courage and duty.

Dustin, like those who came before him, stopped at nothing to defend freedom. Our American duty, the duty for all of us that are left behind, is to honor America's sons, like Dustin Donica. In the words of President Calvin Coolidge, "The Nation which forgets its defenders . . . it too will be forgotten."

Dustin was a man who loved life, family and country. His parents, David and Judy Donica said, "We loved Dustin. He will be missed by us and those that knew him."

This is a photograph of Dustin Donica, Mr. Speaker. And yesterday Dustin was laid to rest with full military honors in Klein Memorial Park Cemetery in Texas.

These words from one of Dustin's favorite songs, "American Soldier" by Toby Keith, describe the commitment of courageous men like Dustin who we are proud of, men who are proud to wear the uniform of the United States soldier. It goes like this, Mr. Speaker: "An American soldier, an American, beside my brothers and sisters, I will proudly take a stand. When liberty is in jeopardy, I will always do what's right. I am out here on the front line. So sleep well tonight. Sleep in peace, America, because I'm an American soldier."

These young Americans like Dustin are a rare breed, Mr. Speaker. They are the American breed, and we thank them and their families.

And that's just the way it is.

□ 2000

NO ESCALATION OF TROOPS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the floor this evening to voice my strong opposition to President Bush's apparent decision to send up to 20,000 more troops to Iraq. Tomorrow evening the President will try to persuade a very skeptical public that more troops are needed in Iraq. But regardless of the number he suggests tomorrow night, I will oppose any efforts to escalate the war by sending additional American troops.

Mr. Speaker, it appears President Bush has learned nothing from the results of the 2006 election, nor has he listened to the suggestions of the bipartisan Iraq Study Group or his own Joint Chiefs of Staff who said as late as last month that they saw no reason to send more troops to Iraq.

Instead, President Bush has chosen to stick his head in the sand, not listen to anyone and continue on a course that is not going to make Iraq any safer for either our brave troops or for the Iraqis themselves.

It is time to bring an end to the war in Iraq. President Bush has lost the support of the American people who have grown frustrated by the continuing loss of American troops. They are rightfully asking the question, why must our troops continue to serve as referees in a civil conflict between Sunnis and Shias?

Mr. Speaker, there was a new Washington Post ABC news poll released this morning. And only 17 percent of Americans support sending more troops to Iraq; 17 percent is not a mandate for anything, in my opinion. And it is time for President Bush to finally listen to the American people.

Many of us woke up on New Year's Day to the headline of "3,000" bannered across our newspapers. We have now lost more than 3,000 soldiers in Iraq. Now, how many more are going to have to die before the President realizes that there is no possible U.S. military solution in Iraq?

Some supporters of the President's plan are going to claim that if we bring our troops home now, the more than 3,000 U.S. soldiers that have died over the past 3 years will have done so in vain. But I could not disagree more. These men and women fought admirably for our country and will certainly be remembered as heroes. But the question now is whether or not we want to risk thousands more American lives for a war that we so obviously cannot win.

Since the inception of this war, we have seen little evidence of progress in Iraq. In fact, the violence has only intensified to the point that a report released from the President's own Pentagon concluded that violence in Iraq was at an all time high just last month. And last month was the third deadliest month for American troops since the start of the war with insurgents claiming 111 soldiers lives.

Now, our troops know that the situation in Iraq is getting worse every day. They are speaking about IEDs, the improvised explosive devices used by the insurgents, which are now bigger and more complex.

The Bush Administration has tried troop escalation before, but it has never worked. Last summer, the President touted a plan that sent more troops into Baghdad, similar to what is expected to be proposed by him tomorrow. But while the violence subsided for a couple of weeks, by the end of August last year, violence was again on the rise, and it continued to escalate for the remainder of the year.

Based on these facts on the ground, why would the President even consider sending more troops to Iraq? Why would you put more American lives in harm's way when we know that previous troop escalations have not been successful in reducing violence and decreasing the number of insurgents?

Mr. Speaker, it is time for us to begin to bring our troops home. The President has said that increasing troops is a sacrifice we have to make to win this war. But I think truly it is time for him to admit that risking more American lives for this failed war is a monumental mistake.

HONORING THE LIFE OF HOWARD ZWYER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today our community bid special praise and farewell to a beautiful human being, Howard Zwyer of Monclova, Ohio. A lifelong farmer, along with his wife, Eleanor, his brother, Ray, and his wife, Thelma, farmed over 1,000 acres as their father had before them. And the Zwyer family, and Howard, carried on an ethic of stewardship of our land, of husbandry, soil conservation and community mindedness that surely is not equaled by any other American.

He was 83. He lived to be 83, and he died within a mile of his birthplace. He and his brother, Ray, and their father, John, began growing corn, soybeans and wheat in the early years, even raising beef cattle.

Now, their father died in 1963, and the brothers took over. And they loved the land. When he retired formally from agriculture, he gardened and shared the produce with others. He really needed to work with the soil. It was part of him. And he never complained about being a farmer.

Mr. Zwyer retired formally about 20 years ago, and his brother died in 2002. I can tell you, they represented agriculture in Northern Ohio. There was nothing like getting on a combine with the Zwyers beaming ear to ear. I had some of those experiences.

He inherited so much of his spunk from his father, and he was also political. Howard was a Township Trustee from 1972 to 1979 and sought public office because he thought there needed to be changes for the better. Without complaint, he accepted constituents' phone calls of praise or blame and made sure the telephone was at the dinner table so he could answer.

And during late night snowstorms, he helped plow the roads. He really was a builder of our community. Throughout his public service, he attended most trustees meetings and recruited others to run for township office. His daughter said he was a little sad about how Monclova had evolved into more of a suburban community, but he understood how progress may change life as we have known it.

In retirement, Mr. Zwyer made bluebird houses, which he installed and tended, lots of bluebird houses. The family joked about how he could do anything if he had a roll of duct tape, a Snickers bar and a can of WD-40. And that is so true.

He loved adventures with his grandchildren, and he gave out cards that gave you hugs and kisses, and he handed out lots of tulips.

He was a member of St. Joseph's Church, Maumee, and became an usher until he became ill about 6 years ago.

He was a 1941 graduate of former Monclova High School, and his beloved wife, Eleanor, survives him. They have been married since 1945. They have a daughter, Jeanne Counts; a brother, Bob Zwyer; and two grandsons.

It is such a joy to be able to talk about the life of this wonderful, wonderful Ohioan who did so much to create a culture of caring and of fatherliness across our region and who helped make agriculture in Ohio, our leading industry, what it is today.

We shall truly miss Howard Zwyer and all of the values that he represented. We know that he, his brother Ray, their father, are in a very, very special place in the city beyond the stars. We shall miss them. We wish their families Godspeed. Our thoughts are with them particularly at this difficult time.

[From The Blade, Jan. 7, 2007]

HOWARD JOHN ZWYER

Howard John Zwyer, 83, of Monclova, passed away Friday, January 5, 2007, at the Hospice of Northwest Ohio in Perrysburg. Howard was born May 13, 1923, in Monclova, the son of John and Sophie Grossheim Zwyer. He graduated from Monclova High. School in 1941. Howard was a farmer and gardener his entire life, never living more than one mile from his original home. He loved sharing his raspberries, blackberries and other produce from his garden with neighbors and friends. Howard was a lifelong member of St. Joseph Catholic Church and ushered for many years. He served as a Monclova Township Trustee for eight years and after his service, he stayed active in the township and politics. He was a member of the Monclova Democrat Club, Lucas County Farm Bureau, the Maumee Eagles and the Lucas County Soil and Water Conservation

District. Howard loved his family, International tractors, duct tape, WD–40, Snickers bars, adventures with his grandsons, hugs, Tulips, bluebirds and smiles.

He is survived by his wife of 61 years, Eleanor; daughter, Jeanne (Jim) Counts; grandsons, Buck (Heather) Counts and Will Counts; brother, Bob (Eleanor) sister-in-law, Thelma Zwyer and many special nieces and nephews. He was preceded in death by his parents; son, Jimmy; a daughter, Julie; brother and sister-in law, Paul and Geneva; brother, Raymond, and sister and brother-in-law, Helen and Gilbert Sattler.

IRAQ TROOP ESCALATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, tomorrow night President Bush will go on prime time television to present to the Nation the results of, quite frankly, what I call his listening tour on what to do about Iraq.

After 4 years since the war began, the President has suddenly taken an interest in listening. But he certainly is not hearing the American people.

Nearly 4 years ago, this unnecessary war in Iraq began, and it has cost our Nation so much. Over 3,000 brave American men and women have given their lives. We have spent close to $400 billion on this war, and the President is poised to ask for another $100 billion in the fiscal 2006 supplemental next month.

And this war has greatly undermined our standing in the world and our national security.

Each additional day that our troops remain on the ground in Iraq, the longer the target remains on their backs. Instead of doing something immediately to remove these targets from our troops, the President is expected to propose escalating the number of our troops in Iraq by 20,000.

Now, regardless of how you spin this, either as a surge or a bump, it amounts to an escalation of the war at precisely the time we should be seeking to bring the Iraq war to an end. It is like the man who finds himself in a hole and decides that the best way out is to keep digging.

An escalation in troops won't change a thing on the ground. Iraq is still in a civil war, and we are still occupiers.

As reported yesterday, nearly 23,000 Iraqis died in 2006. This is just in 1 year. And even worse, over 17,000 of these deaths came in the second half of the year.

In escalating the number of troops, the President fails to address exactly how U.S. troops will referee this civil war. Are we to pick sides and support ethnic cleansing of one group over another? Adding more U.S. troops to this mess will prove not only ineffective, it is just plain foolish.

But this tactic is nothing new. The President has added troops in the past. There have been escalations during the Iraqi elections in 2005 and 2006 to shore up Baghdad security. The violence may have quelled for a moment but only to return with a vengeance, as we have seen.

Finally, the President's plan is futile. Some of the President's own advisors and experts have questioned the utility of a troop escalation. Their reasons range from the Iraqi government's inability to capitalize on new troops to the sheer folly of adding more troops to an already incendiary situation.

No such luck. In fact, a senior military official was quoted last month as saying adding more troops would be like adding kerosene to a fire.

General Abizaid, the top military commander in Iraq, testified before the Senate Armed Services Committee in November 2006. He posed the question of his commanders and generals. He said, If we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? General Abizaid reported that they all said no.

Mr. Speaker, the President's own press secretary, Tony Snow, said yesterday that the President still wants to hear what Members of Congress have to say. Well, I tell you, we have listened to the American people. Over 60 percent oppose the idea of increased troop levels. We have listened to the President's own commanders. Escalating the number of troops won't change the facts on the ground. I think it is time for the President to listen.

Mr. President, Mr. President, Mr. President, bring our troops home and make sure that we have no permanent military bases in Iraq.

□ 2015

END THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise this evening to give voice to tens of millions of Americans throughout our country who are looking for an end to the war in Iraq. I rise on behalf of our brave soldiers on our battlefield who have done everything our country has asked of them under terrible circumstances and who have made terrible sacrifices.

I rise on behalf of their families who have suffered great losses and who worry day and night for their safety and for the loved ones still in combat. I rise this evening to call on our President to give the Nation what it has deserved, a viable plan to safely bring this war to an end, to redeploy the American forces out of Iraq, and turn the future of Iraq over to the Iraqi people once and for all.

President Bush is soon expected to call for an escalation to the war in Iraq, seeking to deploy an additional 20,000 troops into combat. The President's plan would be just the latest in a series of flawed and tragic decisions that he has made regarding Iraq.

The President was advised at the outset of the war by one of his top generals to send a large American force in order to win. President Bush rejected that idea, and since then he has tried at different times a surge of American troops in an effort to win the war. Now, each time that effort has failed.

Now he appears ready to defy the odds and take great risks with the lives of others in order to try his plan one more time. The President has failed to make a compelling case for adding more troops into what is clearly the greatest American foreign policy disaster in half a century or even longer.

I applaud the efforts of House Speaker NANCY PELOSI and Senate Majority Leader HARRY REID, who have called for a new course in Iraq. On Friday they wrote: "Adding more combat troops will only endanger more Americans and stretch our military to the breaking point for no strategic gain. Rather than deploy additional forces to Iraq, we believe the way forward is to begin the phased redeployment of our forces in the next 4 to 6 months, while shifting the principal mission of our forces there from combat to training, logistics, force protection and counterterror."

I implore the President to seriously consider these views, and I implore him to also consider the views of the current and former military and political leaders of his own administration who have openly questioned sending additional troops to Iraq. For instance, on December 17 in 2006, former Secretary of State Colin Powell said, "I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work."

On November 15 General Abizaid expressed, "I've met with every divisional commander. General Casey, the Corps commander, General Dempsey—we all talked together. And I said, 'In your professional opinion, if we were to bring more American troops now, does it add considerably to our ability to achieve success in Iraq?' And they all said no."

The war in Iraq is a mistake from the beginning, and I voted against authorizing this war. But regardless of one's position then, clearly there is no sound basis now for increasing America's military presence in Iraq. The war has claimed the lives of over 3,000 American soldiers and has wounded more than 20,000, and it has clearly become a civil war.

It is unconscionable to ask one more American soldier to fight and die in a civil war in Iraq. The President must engage key nations like Syria, Iran, Saudi Arabia, Jordan and others in an effort to create a political solution in Iraq. The Nation opposes the ongoing war in America. There is still time for the President to change course, to reconsider his call for 20,000 more troops in Iraq, and to begin the redeployment of our troops and our forces now.

I salute those who continue to serve in Iraq. I salute their families and pledge to them my unyielding support and respect as we try to safely bring the war to an end.

Mr. President, listen to the people of the Nation which you govern. They have spoken, and they have spoken overwhelmingly. They reject the prolonging of the war in Iraq. They want our soldiers redeployed and brought home safely, and they want it done now.

Please, Mr. President, listen to the people of this Nation.

STATEHOOD FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the House to inform the House that I have today filed a bill to give full voting rights in this House to the people of the District of Columbia, who are second per capita in the Federal income tax they pay to support this government, this House and this Senate, and who have fought and died in every war since the creation of a Republic, including the outrageous war where we now serve.

I come in gratitude that the House is now governed by my own party, which for decades has supported not only what my bill today would afford, a vote in the House, but a vote in both Houses, and I come to thank my own caucus for that support. But I also come in some frustration and with some impatience. I come in frustration that I am still a second-class citizen in my own House.

Until I can represent the people of the District of Columbia as a full American citizen, this frustration and impatience will continue.

I had hoped to be able to vote on the bills we all ran on that are now before the House. I came to speak today, but once again, when the vote came, I could not vote. I couldn't vote because I was not even allowed the vote in the Committee of the Whole that I won when the Democrats were last in power.

My people in the District have chastised me for even trying to get the Committee of the Whole vote. They perhaps recognize that it is a hubris that I wished at least to vote in this House as we convened, and they are perhaps right. They tell me, we are not in any way interested in another second-class vote, ELEANOR. It is time for first-class rights for the people of the District of Columbia.

So I accept their chastisement and pledge to them that I will not rest, now that Democrats are in power, until Democrats do as they have always said, that they sought power to do, to give votes to the people of the District of Columbia.

I have tried everything, I have tried statehood, I have tried Committee of the Whole. It is time to try the real thing, Mr. Speaker, when there are 650,000 people who pay their taxes and have met every obligation, and are not recognized as citizens in their own House and send somebody to the House that is not even recognized to vote on this House, not even in the Committee of the Whole.

I come to express their frustration, to say I am leaving all that behind. I have introduced the bill they want. I accept their chastisement. We want our votes. We want it in the 110th Congress, and we want it now. I speak for them as a woman who knows what it means to be a second-class citizen, and who, once she left the District went to law school, said, I shall never again be a second-class citizen. Yes, I grew up in segregated schools in this town, in segregated Washington. That is what it meant to be a second-class citizen. Now to be a second-class civics citizen, after 200 years, has become too much to bear.

So I have introduced a bill to make it absolutely clear, as my people have said I must do today, that there is boiling determination among the people of the District of Columbia to get this vote. Not in January. We have respected the right of the Congress to come forward with the bills that are of great importance to the country, but those of us who believe that the vote is basic, is basic to Democrats, is basic to America, I believe we should move on after January and finally keep the promise that at least Democrats have made to the House and that I commend Republicans for getting us very close to in the 109th Congress.

This is the 110th, Mr. Speaker. This is the moment of truth. This is the moment when the Democrats have not only the opportunity, but the obligation to give a vote in the 110th Congress to the people of the District of Columbia.

REMEMBERING QUINCY BEAVER, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it is with great sadness that I rise today to announce the passing of a great American, Quincy Beaver, Sr. Quincy had been a resident of Carson, California, for 38 years. His contributions to his community, the State of California, and the world are legend. He was a passionate advocate for justice and equality and devoted countless hours working in political, civil rights and labor union movements.

Quincy's community and social activism span nearly 7 decades. Upon receiving an honorable discharge from the military in 1945, Quincy returned to Los Angeles where he immediately began to serve his community. Given his passionate commitment to service, he was presented numerous accolades and awards that are too numerous to list.

But a few of Quincy's leadership positions, honors and awards include Chair of the Employment Labor Committee of the Los Angeles chapter of the Congress of Racial Equality, referred to as CORE, board member of the South Central Welfare Planning Council, board member of the Charles R. Drew Community Advisory Council, founding member of the Carson/Torrance NAACP, and Chair of the chapter's First Executive Board, member of the Compton and Long Beach chapters of the NAACP, and board member of the Campaign for a Citizens' Police Review Board.

Quincy was a major player in the creation of the Southern California Free South Africa movement and a founding member of the Martin Luther King, Jr., Democratic Club, and elected its first president in 1972.

He worked in numerous local, State and national political campaigns; and during the 1972 campaign, Quincy formed the Black Workers for McGovern. In 1984, he founded and served as chairperson of the 31st Congressional District Jesse Jackson for President Campaign.

For the last 44 years, Quincy was a member of the California Democratic Council, CDC, a state-wide organization of Democratic clubs where he held numerous positions in the organization, including immediate past president.

Quincy was married to Geneva Phillips, who was his friend, his confidant, his caregiver, and the love of his life. They shared a passion for community service and grass-roots politics. He was the proud father of four children.

We will sorely miss Quincy's unswerving commitment to community service, quality education, to jobs and to safe working conditions for all people. We will certainly miss his community activism. Dear Quincy, rest in peace.

□ 2030

BLUE DOG COALITION

The SPEAKER pro tempore. The gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes.

Mr. ROSS. Mr. Speaker, I rise this evening on behalf of the 44 member strong fiscally conservative Democratic Blue Dog Coalition. We are a group of fiscally conservative Democrats that are committed to restoring common sense and fiscal discipline to our Nation's government. During the 109th session of Congress, we had 37 members; in the 110th session of Congress, we have grown to 44 members, 44 fiscally conservative Democrats that share my vision of putting America on a path toward fiscal responsibility, putting America on a path toward accountability, and putting America on a path that will restore common sense to our national government.

As you walk the Halls of Congress, as you walk the Cannon House Office Building, the Longworth House Office Building, as you walk the Rayburn House Office Building, you will see this poster, Mr. Speaker; and as you see this poster, it will be a symbol that you are walking by an office that houses a Blue Dog member. You will find 44 of these posters in the Halls of Congress to remind the American people and to remind the Members of Congress and to remind all of us as we walk these Halls that our Nation is one that is tragically in debt.

The current national debt of these United States of America is $8,690,905,471,722, and actually 43 cents. I just didn't have room to put it on the poster. I ran out of room. And for every man, woman, and child in America, your share of the national debt is $29,005.60. It is what we have coined in the Blue Dog Coalition as the debt tax, D-E-B-T tax. It is one tax that cannot be cut, that cannot be repealed until we get our Nation's fiscal house in order.

Mr. Speaker, you might be thinking, Now, didn't President Clinton leave us with a balanced budget, the first one in some 40 years? Didn't we have a balanced budget from 1998 through 2001? Yes, Mr. Speaker, we did. But in the past 6 years, this Republican President and this Republican Congress has given us record budget deficit after record budget deficit.

On this chart you will see the four largest deficits ever in our Nation's history. The first rank was 2004 when our Nation wrote $413 billion worth of hot checks. The second largest deficit ever in our Nation's history was in 2003 when our Nation wrote $378 billion in hot checks. In 2005, it was $318 billion. And in 2006, the President actually had a press conference to brag on the fact that he came in under projection and only wrote $296 billion worth of hot checks, the largest deficit year after year after year under this Republican-controlled Congress that has given us the largest debt ever in our Nation's history.

As members of the fiscally conservative Democratic Blue Dog Coalition, we believe that the American people have given us the majority in this Congress because they want us to do something about it; and, Mr. Speaker, we have a plan. We have a 12-point plan to restore budget discipline and common sense to our national government.

Why is this important? It is important because if you think with me, Mr. Speaker, the total national debt from 1789 to 2000 was $5.67 trillion; but by 2010, the total national debt will have increased to $10.88 trillion. That is a doubling, a doubling of the 211-year debt in just 10 years.

Interest payments on this debt are one of the fastest growing parts of the Federal budget, and the debt tax, D-E-B-T tax, is one that cannot be repealed.

Mr. Speaker, the reason this should matter to every man, woman, and child in America is quite simple: deficits do matter. Deficits reduce economic growth; they burden our children and grandchildren with liabilities; they increase our reliance on foreign lenders who now own 40 percent of our debt. Let me repeat that: foreign lenders now own 40 percent of our debt.

Put another way, this administration and this Republican Congress over the past 6 years have borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined. It is time to restore some common sense and fiscal discipline to our Nation's government.

Why? Why does it matter to the working families and seniors to this country? It is quite simple. Our Nation is borrowing some $1 billion a day. We are spending one-half billion dollars each day paying interest on the debt we have already got before we increase it another $1 billion today. And as you can see, the red graph is the increase we spend on your tax money paying interest on the national debt. The blue is how much we spend on education. Look at the difference. The red graph illustrates the amount of your tax money that is going not to pay principle but to pay interest on the national debt. The blue represents how much we are investing in our young people, how much we are spending on education. The green represents how much we are spending on homeland security. Tragically, the dark blue illustrates how much we are spending taking care of our veterans.

It is time this country gets its priorities in order, and I believe the American people on November 7 spoke loud and clear in giving us a chance to lead in this Chamber, and we are ready to lead, and we are ready to lead with the Blue Dog Coalition's 12-point plan for budget reform.

Mr. Speaker, I mentioned that we have grown to 44 members in the fiscally conservative Democratic Blue Dog Coalition, and one of those members that has joined our ranks is the gentleman from Ohio, and at this time I would yield to my friend from Ohio, CHARLIE WILSON, for as much time as he would like to take.

Mr. WILSON of Ohio. Mr. Speaker, as Congressman ROSS said, I am a new Member, Mr. Speaker, and it is a pleasure to be here from Ohio. And one of the major concerns is the amount of debt that we have created in this country.

One of the reasons that I have joined the Blue Dogs is I like the idea of us having a balanced budget. I truly believe, Mr. Speaker, that Congress cannot buy on credit without being responsible for the credit card.

This is not the principle that I have lived by all my life as a successful businessman and these are not the principles that our government can run by. We need to be accountable. We need to be able to step forward and show what our money is being used for, and not to spend more than we have.

Each and every one of us has budgets within our home, we have budgets within our life that we use every day. We know that we have to live within our budget or we have bad consequences. Ladies and gentlemen, Mr. Speaker, there is no difference for us as a government. We have to live within our means. And to see the transformation that has happened in the last 6 years in going from a large surplus of $400 billion to now a nearly $9 trillion balance of debt, D-E-B-T as Congressman ROSS says, in our government.

It is time that we start saying to the Congress and to the administration we must live within our means. We have to know that the Blue Dogs are going to be watching and are going to be concerned, and one of the plans that has been set forth by the Blue Dogs is what we call PAYGO. That means that you don't buy anything that you are going to pay for to go forward until you decide what you are going to eliminate. It is just like each and every one of us does in our lives every day. We know that we can't just go out and buy anything, that we have to budget for it, we have to make an opportunity so that we are able to pay for it.

And so one of the new plans that you are going to be hearing coming out of this 110th Congress is going to be the PAYGO, that means that our spending must be paid for before we go forward. This is just one of the plans that the Blue Dogs are taking responsibility for to help us put a lid on the spending that is going on within our country.

I am so proud to join these other 43 people and now 44 of us in the Blue Dogs in bringing about accountability and helping us to put spending caps on what is going on in our government. I am delighted to be one of the speakers today that is concerned about what is going on in our country and look forward to working to bring fiscal responsibility to this government.

Mr. ROSS. I thank the gentleman from Ohio (Mr. WILSON) for joining us on the floor this evening for the Blue

Dog Special Order as we talk about restoring common sense and fiscal discipline to our Nation's government. And the gentleman from Ohio, a new member of the fiscally conservative Democratic Blue Dog Coalition, he mentioned that one of the things that we have done already in this 110th Congress under the Democratic leadership is reinstitute the PAYGO rules. That means pay-as-you-go. And on the very first day in the first 24 hours of the 110th session of Congress, we are very pleased as members of the Blue Dog Coalition that the leadership of this House under Democratic control chose to include in their rules package reinstituting the PAYGO rule, because that rule was in place from 1998 through 2001 when we saw a balanced budget in this country. It makes sense to me.

You know, 49 States require a balanced budget. Holly Ross requires a balanced budget at the Ross family in Prescott, Arkansas. We own a small business; we are required to balance the books there. And in our opinion, it is not asking our Nation too much to balance its books. And one of the ways that you begin the process of doing that is instituting the PAYGO rule, which means pay-as-you-go. If you have got a wonderful program, then show us what program you are going to cut to pay for it.

Now, I got a big kick last week during the debate on this very floor when Republicans jumped up and down opposed to reinstituting the PAYGO rule. When I was a small child growing up, I always heard it was the Democrats that tax and spend, and yet it was the Republicans over the last 6 years that has given us record deficit after record deficit, the largest debt ever in our Nation's history. And last week they said they were opposed, many of them said they were opposed to the PAYGO rule because it meant to pay for a new program raising taxes. They don't get it, Mr. Speaker. It is not about raising taxes; it is about cutting spending. It is about reducing the size of our government. It is about paying as you go. If you want to create a new program, show us which program you are going to cut to pay for it.

As members of the fiscally conservative Democratic Blue Dog Coalition we are sick and tired of the games; we are sick and tired of the partisan bickering that goes on at our Nation's Capitol. I don't care if it is a Democrat or Republican idea. All I care about is, is it a commonsense idea? Does it restore accountability and fiscal responsibility and discipline to our Nation's government?

□ 2045

At this time I yield to Joe Donnelly, a Member of Indiana, a member of the fiscally conservative Democratic Blue Dog Coalition.

Mr. DONNELLY. Thank you, Congressman ROSS, for yielding.

I want to talk for a minute or 2 about what Congressman ROSS had mentioned. The foreign debt that we have now has doubled in the last 5 years to over $2 trillion at this point. And you think of our country, and our country has been there to help and to finance so many others over the years. You think after World War II we helped put Japan back on its feet. We helped in Europe. And the sad fact is that right now Japan is helping us, that we are having to sell to Japan to help pay for our debt, selling our Treasury notes. And it is a sad fact that China has become one of the largest lenders to our country. And it is simply because we have not covered those costs that we have been running in our government.

I have two children, and I do not want to pass on to them the debts that we have been running up. I am proud to be a member of the Blue Dogs to try to change this direction.

You think of our small businesses in this country, and those small businesses are having to pay part of the fare for this debt that we continue to run up. The interest rates that we are paying on that are funds that could have been used to help small businesses. Back home in South Bend, Indiana, or in Rochester, Indiana, where I come from, those funds could have been used to help with the education of children in Michigan City or down in Logansport, Indiana. But instead those funds are used today to help pay the interest on the debts that we have run up. But with the Blue Dogs' help and with the Democrats' help, that is going to end.

What the people of this country are beginning to understand and what the folks back home in Indiana do understand is that we bring Hoosier common sense to this issue, Mr. ROSS. Congressman, what we are trying to do is make sure that we do the same things here in Washington that we do back home in Mishawaka, Indiana, and in our beloved State. We are going to stop the increase in the debt. We are going to see it lowered, and we are going to see those funds used to take care of our veterans, who need more help than ever. More come home every day with various issues. Our beloved troops that come home from Iraq, Afghanistan and all over the world, our funds need to be used for them, not to continue covering a debt that we continue to run up. We will end that debt. We will lower those interest payments, and they will be used to educate our children, take care of our veterans down in Delphi, Indiana, and throughout our country, and to set our country back on the right course. That is what Democrat common sense will bring, and that is what the Blue Dogs promise to bring with us.

Congressman ROSS, thank you so much for this opportunity.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Indiana, a new member of the fiscally conservative Democratic Blue Dog Coalition, for joining us on the floor this evening as we talk about our plan to restore fiscal discipline to our Nation's government.

Mr. Speaker, on November 7, the American people spoke, and they said they wanted a new direction for this country both here at home and abroad. And in speaking, they gave us, as Democrats, a chance to lead in this 110th Congress. And Mr. Speaker, we are ready, willing and able and prepared to do so.

And part of the way that we believe we can restore fiscal sanity to our National Government, it took 6 years to create this mess, and we can't fix it overnight, but we have a plan to begin to restore some fiscal discipline to our Nation's Government. And it is what we call the Blue Dog Coalition's 12-point plan for budget reform. And I am pleased to be joined this evening by the gentlewoman from Illinois, Ms. BEAN, who is going to join me in talking about some of these 12 points, and I now yield to Ms. BEAN.

Ms. BEAN. Thank you for yielding, Mr. ROSS from Arkansas. It is such a pleasure to be part of the Blue Dog Coalition. And our 12-point plan for budget reform is so important to get this country back on the right fiscal track. Fiscal responsibility is what our constituents, as taxpayers, expect from us and particularly what our children and our grandchildren expect from us as well. Their future depends on our making better decisions than we have been making.

I know just to the right of Mr. ROSS there is a little chart that he has probably already referred to before I joined him here on the floor.

Have you already put up the actual total of the national debt?

That is an important chart to look at because it is a staggering reality, as we have added trillions of dollars in recent years to our national debt. And when I meet with children in my district, when I go to elementary schools, middle schools and high schools, and I talk to kids a little bit about financial literacy and fiscal responsibility, I am embarrassed to admit that we haven't been demonstrating much of it here at a congressional level. And I share with these kids that their share of the national debt is, as you can see, over $29,000. We are approaching $30,000, each individual American's share of the national debt. It is just a gross irresponsibility that we have demonstrated, and we need to rectify that.

So I am proud of the leadership that the Blue Dogs has brought to our caucus and to this Congress to get back to pay-as-you-go budget rules because pay-as-you-go budget rules have worked in the past on a bipartisan basis to force fiscal discipline amongst a body that includes 435 Members with different interests. It forces us to make the tough decisions so we can stay within our budget and work back towards a balanced budget.

Our 12-point plan includes, number one, requiring a balanced budget; number two, not allowing Congress to buy on credit; number three, putting a lid on spending; number four, requiring agencies to put their fiscal houses in order. Too many of our agencies, according to the GAO, 16 of the 23 major Federal agencies, can't even issue a simple audit of their books, and that is just unacceptable. You can't run a business that way. We can't run our personal household finances that way. How can we allow agencies to continue to not demonstrate exactly how they are spending our tax dollars?

Number five, make Congress tell taxpayers how much they are spending. Create a greater degree of transparency. Number six, set aside a rainy day fund. Number seven, do not hide your votes to raise the debt limit. There has been too much of that dishonesty in what we say we are doing and what we are really doing as far as how it shakes out in the overall national debt. Number eight, justify spending for pet projects. We have just moved forward on that in what we introduced recently in our rules to require Members to list any projects that they have put into a bill for their districts and to justify that on the merits of those expenditures.

Mr. ROSS. Mr. Speaker, reclaiming my time, I think it is very important that we point out that not only the PAYGO rule, which means pay-as-you-go, no more borrowing money from China to fund some project and let our children and grandchildren worry about it, but pay-as-you-go is one of the rules implemented during the first 24 hours of the 110th Congress under this new Democratic leadership. It is very significant because it is one of the 12 points of the Blue Dogs Coalition's plan for budget reform. But also another one of our 12 points that was included in those first 24 hours in the rules package is adding a level of transparency, justifying, if you will, pet projects or earmarks. I think it is very significant that, of these 12 points that you are reading off, two of them we have tried for years to get the Republican leadership to work with us in a bipartisan manner on this. And two of these 12 were included in the first 24 hours of the Democratic-controlled Congress. I think that is very significant, and I want to thank the leadership for including those.

Ms. BEAN. Mr. Speaker, it is very exciting to see us move forward on part of the 12-point plan, and I know we are going to continue to work hard to get even more.

And our next one I know we are also including is ensuring that Congress has an opportunity to read the bills that they are voting on, and we have also changed in our rules where things are getting rammed through and people didn't have X amount of hours to look at those bills so they knew what they were voting on. That is number nine.

Mr. ROSS. Mr. Speaker, reclaiming my time, that reminds me that back when we were voting on the Medicare Part D prescription drug bill, now estimated to cost billions and billions and billions of dollars over the next 10 years, it went to a vote barely a day after the final version of the 500-plus-page bill was made to Members of Congress. We are putting an end to that. We are giving Members of Congress an opportunity to know what they are voting on.

Ms. BEAN. Absolutely. Number 10 is requiring an honest cost estimate for every bill that Congress votes on as well. The Congressional Budget Office can and should be providing that prior to voting on any expenditure so we know exactly what the long-term ramifications of that expenditure are going to be at least from an estimate perspective.

Number 11 is making sure that the new bills do fit within the budget. And number 12 is making Congress do a better job of keeping tabs on government programs and creating a higher degree of accountability and reports back to Congress on whether we are actually accomplishing what we say we are supposed to be accomplishing with those programs.

Mr. ROSS. Mr. Speaker, I thank the gentlewoman from Illinois for sharing with us the Blue Dog Coalition's 12-point plan for budget reform. And if time permits, Mr. Speaker, we will go into more detail on each of these 12 points. And the ones we do not get to tonight, you can expect us back next Tuesday night for this Blue Dog Special Order where we will continue to talk about these 12 points for budget reform because if we are going to clean up the mess in Washington, if we are going to put an end to the deficit spending, if we are going to begin to pay down the debt, we have got to have this 12-point plan in place. You give us this 12-point plan, Mr. Speaker, and we can give you a balanced budget once again in this country.

And, Mr. Speaker, if you have any comments, questions, or concerns for us, you can e-mail us at bluedog@mail.house.gov. Again, Mr. Speaker, if you have any comments, questions, or concerns for us, you can e-mail us at bluedog@mail.house.gov.

At this time, it gives me great pleasure to yield to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much, Mr. Ross, for yielding. And to my fellow colleagues, it is such a pleasure to join you once again.

When we were here last, we were in the minority, and we said some things. We said what we wanted to do. We said some of the first things we would do when we got here, and one of those was to address this serious problem of financial and fiscal responsibility.

I had some time to reflect on our history, and as we looked at the very first move that we made when we came back last week, one of our first measures was to establish pay-as-you-go, PAYGO. It is very interesting that this is not a new phenomenon. Not only did we have it in store when we had the Clinton administration and prior to that, but from the very foundation of our country, it was Thomas Jefferson. First, Thomas Jefferson was so against government debt and its inherent dangers that, back in 1789, in a letter that he wrote to James Madison and Alexander Hamilton, Framers of our Constitution, in that letter, Thomas Jefferson wondered in the letter as he wrote to Madison and Hamilton, he wondered this, whether, quote, "one generation of men has a right to bind another." And he came to his answer with an exclamation point in the letter: "No." He said that "the Earth belongs in usufruct to the living."

□ 2100

Jefferson concluded in this letter with these words. He said no generation can contract debts greater than may be paid during the course of its own existence. In other words, financial responsibility. Fiscal responsibility was at the cornerstone of this great Republic, of this great Nation, the cornerstone of a lasting and free Nation.

One generation of consumers borrowing and spending then hands that bill to the next generation, that get the benefits of spending the money in the present while passing on the debt to future generations, that is not what the Founding Fathers had in mind. And each generation as we move through our history paid down its debt before it moved on, oftentimes marked by war. In 1812, the debt was paid down. The Civil War, borrowed money, the debt was paid down. And into World War I and World War II when the debt really amassed up to $62 billion, and yet over time and those generations those debts were paid down. All of the way up through the Cold War, even into the Reagan years, and up to Clinton, up to the year 2001.

But then after 2001 when this Republican administration took hold, in the 5 years that ensued, this President and the preceding Congress, controlled by Republicans, borrowed more money from foreign governments and foreign nations than the entire preceding 218 years of this country. From 1789, the year Thomas Jefferson wrote these words to caution us and set the pattern to pay as we go, here we are now with that big situation hanging over us of the borrowing from our debt.

And I mention that because we are now faced with that situation where we are borrowing this money, over $1.5 trillion over the last 5 years, from countries in the most unstable regions of the world: $310 billion from Communist China; nearly $700 billion from Japan; and nearly $300 billion from the unstable OPEC countries in the Middle East which we are dealing with now. This is the background which we are having to deal with today.

Mr. ROSS. The gentleman makes an excellent point. You want to talk about something that is critical to our national security, it is this business that over the past 6 years we continue to cut taxes on folks earning over $400,000 a year with money that we borrowed from foreign central banks and foreign investors, and left our children and grandchildren with the bill to pay.

The gentleman was ticking some of these off, but if I may, it is kind of like David Letterman and his top 10 list, the top 10 current lenders: Japan, $640.1 billion; China, $321.4 billion; the United Kingdom, $179.5 billion. This is the amount of money the United States of America has borrowed from foreign countries to fund tax cuts in this country for folks earning over $400,000 a year.

The voters on November 7 said it is time for a new direction and new priorities in this country, and we are going to give them to the American people. But to continue the list: OPEC, $98 billion, and we wonder why gasoline was approaching $3 a gallon in August; Korea, $72.4 billion; Taiwan, $68.9 billion; the Caribbean banking centers, $61.7 billion; Hong Kong, $46.6 billion; and Germany, $46.5 billion; and to round out the top 10 current lenders to the United States of America, and you are not going to believe this, Mexico, $40.1 billion.

This administration over the past 6 years has borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined, and that is why we rise tonight as members of the fiscally conservative Democratic Blue Dog Coalition to talk about leading America in a new direction, a direction that will restore fiscal discipline to our government; and the way we achieve that is through our Blue Dog Coalition 12-point plan for budget reform.

Mr. SCOTT of Georgia. Mr. Speaker, it is important that we remind people that not only are we talking about the billions of dollars that we just articulated we are borrowing from these foreign governments, more than we borrowed over the last 218 years, but the interest, the money that these folks are making off of us now constitutes the fastest growing part of our budget. We are spending more just paying for the money on the interest that is being charged than we are spending on education, the environment, and veterans at a time when our veterans are making such fantastic contributions and at a time when there needs to be a greater emphasis placed on those who have been on the battlefield and are coming home, and we are spending more on the interest there.

Let me just finalize this for a moment, and I just want to mention because we are here and we talked about what we wanted to do. Pay-as-you-go was one of the deals we made. We passed earlier today the 9/11 Commission recommendations. We have worked on so many other things, but I do want to just mention the earmark reform legislation that we passed, and just to share with the American people what we have already passed in our earmark reform.

It will require committees to disclose the sponsors of any earmarks included in appropriations authorizing measures such as the highway bill and the tax or trade legislation that benefits 10 or fewer. We will have new rules that will prohibit trading earmarks for votes and require Members to disclose their earmark request and certify that they and their spouses have no personal financial interest in the requests. These provisions comprehensively require committees of jurisdiction and conference committees to publish lists of the earmarks, limit tax benefits, and limit tariff benefits, along with their sponsors contained in the reported bills and the managers' amendments and conference reports brought to the House floor for consideration.

A Member may make a point of order against consideration of any rule that waives this requirement. The rule defines an earmark as any Member-requested project that is targeted to a specific place and falls outside of a formally driven competitive process. Transparency, clearness: this is what the American people want. And I am proud to see us in our first week of action be able to pass these important measures that bring about good strong stewardship of the taxpayer money.

Mr. ROSS. I thank the gentleman from Georgia, a real leader within the fiscally conservative Democratic Blue Dog Coalition for joining us this evening on the House floor as we talk about this new direction for America.

The American people have spoken, and they have told us that it is time for a change. They have given us Democrats an opportunity to lead them in a new direction. I am proud of what we have accomplished in the first few hours of the 110th Congress. We have instituted the PAYGO rules, the rules that say if you are going to spend money, you have to show us how you are going to pay for it, the rules we had in place when we had a balanced budget in this country from 1998 until 2001.

You are seeing us put in place earmark reform, a greater level of transparency and knowing clearly who is asking for the money and where it is going and who is benefiting from it.

Second in our Blue Dog Coalition's 12-point plan for budget reform, in the first 24 hours of this new Congress, we are making progress. We have heard the American people. They have given us an opportunity to lead, and we are demonstrating we can do that. In the first 100 legislative hours, we are passing the 9/11 Commission recommendations that were not implemented in the 109th Congress under the Republican leadership. We are raising the minimum wage, which is something I am very excited about.

Mr. Speaker, if we are serious about moving people from welfare to work, we have to pay them more than $10,712 a year. That is what the Federal minimum wage in this country represents if you work 40 hours a week, 52 weeks a year, never get sick and don't take a single day off for vacation. We can do better than that by America's working families, and we will. We will this week, the first full week of the 110th session of Congress.

We will pass legislation on the floor this week that tells our government that, yes, it can negotiate on behalf of 40 million seniors with the big drug manufacturers to bring down the high cost of medicine. The American people on November 7 gave us an opportunity to lead. And in these early hours of the 110th Congress, and as members of the fiscally conservative Democratic Blue Dog Coalition, we are demonstrating that we are ready to lead and that we are leading America in a new direction.

Again, Mr. Speaker, the national debt, $8,690,905,471,722. Let's think about this. $8,690,905,471,722.43. The 43 cents wouldn't fit on the poster. For every man, woman and child in America, to get us out of this mess, everybody in America would have to write a check for $29,005.60. That is why we must restore common sense and fiscal discipline to our Nation's government.

Mr. Speaker, as you walk the Halls of Congress, you will know when you are walking past the door of a Blue Dog Coalition member because you will see this poster; and, unfortunately, you will see this number change each day. We are going to do our part to hopefully see this number go down as we push for a balanced budget in this country, as we push for the day when we can see a balanced budget in this country, as we push to restore fiscal discipline and common sense to our national government and its budgeting process.

Mr. Speaker, I am pleased to introduce another new member of the 44 member strong fiscally conservative Democratic Blue Dog Coalition, the Congressman from Florida, Mr. MAHONEY.

Mr. MAHONEY of Florida. I thank my good friend from Arkansas.

Mr. Speaker, I rise today on behalf of Florida's 16th Congressional District and am a proud voice in support of restoring fiscal discipline to Congress. I am very proud to be a Blue Dog.

When I was thinking about what I wanted to talk to the American people about tonight, I decided that the best way to share my feelings, my views in terms of fiscal discipline and why I am a Blue Dog, gets back to something that is near and dear to me.

Just a week and a half ago, I was a businessman. I had never held an elected office. And the reason I decided to leave private life and come to Congress is because I was worried about government's out-of-control spending that was hurting our economy. More importantly, that was hurting our innovative economy, and to make it very simple for all, was hurting the future of my daughter and all of the children of this country if we don't get our fiscal house in order.

When I take a look at the Blue Dog plan, the 12-point plan for budget reform, I look at the points and I think back to my experience as a businessman. There are several things that I would like to highlight tonight that I can relate to, and every American involved in a business can relate to.

The first point is point number one on the plan which requires a balanced budget. In business it is requiring a profit. A balanced budget is something that makes sense for government, it makes sense for business, and the Blue Dogs are proposing that we make a balanced budget a constitutional amendment requiring that this House, that this Congress, balance the books.

The second thing I would like to talk about is point number four which requires agencies to put their fiscal house in order. That is really getting into financial control. As my colleague from Illinois, Congressperson BEAN, pointed out, 16 of 23 major Federal agencies can't issue a simple audit of the books. That is unacceptable in business, and that should be unacceptable here in Congress.

What the Blue Dogs propose is that we would propose legislation that would freeze any Federal agency that can't properly balance their books. We would not allow it in business, and we shouldn't allow it here in Congress.

Point five, we want to make Congress tell taxpayers how much they are spending. This gets to a concept in business called management accountability. What the Blue Dogs are proposing is that any bill that calls for more than $50 million in new spending must be put to a roll call vote. By putting it to a roll call vote, what that does is it forces every Member of Congress to stand up and go on record for their constituents to see how fiscally responsible they are.

The next point I would like to highlight is point number ten which requires honest cost estimates for every bill that Congress votes on.

In business, we call this a business plan. Prior to undertaking any new endeavor, what a competent manager would ask for is a plan that sets out the goals and objectives of the proposed venture, in this case a proposed piece of legislation.

And then as part of that plan, he would ask to have a cost estimate of what the investment would be. That is a very important issue.

What the Blue Dogs propose is that every conference report and bill that comes to the floor of the House be accompanied by a cost estimate prepared by the nonpartisan Congressional Budget Office.

□ 2115

These are just a few of the points, a few of the agenda points that the Blue Dog coalition is working on.

Let me reiterate what many of my colleagues have said. Fiscal responsibility is a critical issue. It is an issue of competitiveness. It is an issue of making sure that our children are not being taxed with runaway budget deficits. People that say it doesn't matter or it is not as important as a percentage of GDP are wrong, and I am proud to be part of a group, the Blue Dog Coalition, that is committed, Mr. Speaker, to addressing these issues in the 110th Congress.

Mr. Speaker, I yield back to my good friend from Arkansas.

Mr. ROSS. Mr. Speaker, I thank my good friend from Florida, Mr. MAHONEY, for his leadership on these issues and his experience as a business person that he brings to this Congress. I appreciate his perspective and I appreciate his membership in the fiscally conservative Democratic Blue Dog Coalition.

Mr. Speaker, in the time we have remaining, I want to spend some time talking more about the 12 point plan for budget reform, about our vision to restore fiscal discipline to our Nation's government.

Again, Mr. Speaker, if you have any comments, questions or concerns for us, you can e-mail us at bluedog@mail.house.gov. That is bluedog@mail.house.gov.

I am delighted to be joined tonight by a number of our 44 member strong, fiscally conservative Blue Dog Coalition Members. At this time I believe we are going to open it up for a colloquy, and I yield to the gentleman from Indiana, Mr. DONNELLY.

Mr. DONNELLY. Thank you, Congressman ROSS.

Mr. Speaker, the question that came to mind while I was sitting here with my colleagues is this: What do you think our moms and dads would think if they were here today and we said to them, we owe money to Mexico, we owe money to China, we owe money to Japan, we owe money to all these countries. Your grandchildren will owe $29,005 each to help cover the national debt.

My wife's folks, her dad fought in World War II, Bougainville and Guadalcanal, to help preserve freedom in this world. Her mom was in the WAVES. My dad was in the Navy. When they came home, they thought America's role was to help build others. They wouldn't believe what they see today here in our country.

I was wondering what some of my colleagues think, and you, Congressman ROSS, your comments on that.

Mr. ROSS. I want to thank the gentleman from Indiana for his commitment to putting an end to these record deficits in our Federal Government.

The gentleman is absolutely right. I grew up in a small Methodist Church outside of Prescott and Hope, Arkansas, Midway United Methodist Church, and I can remember Sunday after Sunday after Sunday growing up where the preacher would talk about being a good steward, that was always before he passed the plate, and the preacher would talk about being a good steward.

Well, the American people have sent us here and had us raise our right hand and put our left hand on the Bible and take the oath of office and pledge, swear to uphold the Constitution, and, yes, be good stewards of the American people's tax money. That is really what this is all about.

I think it is very important, the work that we are doing as members of the fiscally conservative Democratic Blue Dog Coalition, and trying to be good stewards of the tax money of the people back home and to make sure it is spent wisely and to make sure it is accounted for.

I yield to the gentleman from Ohio, Mr. WILSON.

Mr. WILSON of Ohio. Thank you, Congressman ROSS.

Mr. Speaker, I would like to just speak for a moment, if I could, in regard to putting the lid on the spending. One of the things that we all know we came here to do is to stop the runaway inflation and debt that is just climbing up in our country on a regular basis.

The thought that spending from the year 2001 to 2003, total government spending, Mr. Speaker, increased by 16 percent, these types of raises and just continual going into debt is what has put our country where every man, woman and child now is at the level of $29,005.

We need to have the right kind of controls, and I believe in Ohio, Indiana, Florida, certainly please speak out as to what you feel the issues are in your State and what we can do about it.

Mr. SCOTT of Georgia. If the gentleman will yield for a moment, I would like to respond to your point, because we owe it to those generations. That is one of the reasons why I spoke out and set the stage for my remarks, to go back to the beginning of this country, when the foundation of this country was laid out. That is what has made us great. We honor our debts. That is what Hamilton and that is what Jefferson and that is what Madison were all about.

You talk about your parents and your grandparents. What would they say? What would my grandparents say? They would say, by George, we love this country. This is our country. We are hoping and we are praying that the Congress will stand and get it right.

As I looked at the polls in Georgia, we had a rainy day in the election down in Georgia, but when I looked over the precincts, I could see that it wasn't 25 or 30 percent turnout, in that rain there was 50 and 60 and 70 percent turnout. The people in this country love this country, and they know that we need a new direction, and the first order of this new direction is to get our finances in order.

Your parents brought you up, my parents brought me up saying watch your money, son. Work hard. Save it. Invest it. Make sure you honor your debt. That is what they would want us to do.

Mr. ROSS. Mr. Speaker, I yield to the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Mr. Speaker, I also would like to address the question, but from a slightly different perspective, and that has to do with again one of the reasons I think the Democrats are now in control of the House and the Blue Dogs have such a great opportunity, and it gets back to a fundamental issue of ethics, it gets back to a fundamental issue of values.

It is very clear that this House for the last 6 years has been operating under a different set of standards and ethics than the American people. It is very clear that this House does not take responsibility for its work in terms of the bills and the cost of the bills and the budget. These are not our values.

What I would say to my parents tonight is this, and that is this Congress is committed to fiscal responsibility and this coalition is committed to fiscal responsibility. It is very important that the American people understand that their elected officials have to operate under the same rules that they have to operate under when they balance their checkbook every month around the kitchen table. That is important, that we achieve that kind of fiscal discipline. It is important that the American people understand that this Congress is committed to it.

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Florida for that perspective as we discuss something that is very important to our Nation, and that is how we get our fiscal house back in order after 6 years of reckless spending. We believe we have a plan to do it. That plan is now being implemented.

In the first 24 hours of the 110th Session of Congress we saw the PAYGO rule implemented, which can give us a balanced budget again. It worked before. It can work again. And we saw transparency, a new level of transparency added to earmark reform.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Thank you so much, Mr. ROSS. It is a pleasure to be here with my colleagues. Colloquy is always a fun way to communicate on things that we have common concerns about.

I thought Mr. SCOTT led this conversation so well when he talked about Jefferson's quote about our responsibility to future generations. He knew that as a founder of this great Nation, and we still have that responsibility to future generations.

We teach our children that if they make a mess, they ought to clean it up. Yet we have made a mess of this Nation's finances, and we need to start now, and we have started in this first 100 hours in the Democratic majority to address that mess and clean it up. The expression is "pass the buck," but what we have instead been doing is passing the debt. We should not be passing trillions of dollars to future generations with "borrow and spend." Instead, we should pay as we go.

Mr. ROSS. Mr. Speaker, I thank the gentlewoman from Illinois for that perspective.

It is wonderful to be joined this evening during the Blue Dog special order by a number of new members of the fiscally conservative Democratic Blue Dog Coalition. I believe we have had three, and this will be make four new members join us for this discussion and this debate here on the House floor this evening.

I am pleased at this time to yield to the gentleman from Pennsylvania, PATRICK MURPHY.

Mr. PATRICK MURPHY of Pennsylvania. Thank you, sir. I appreciate the opportunity to speak here tonight amongst my colleagues here in the Blue Dogs.

When you come down to Washington, you align yourself with people that are just like you, people that represent not just you personally, but your district back at home and your interests in your district back at home.

When Congresswoman BEAN talked about Thomas Jefferson and the future generations, I couldn't help but think that I kissed this morning when I came to work my baby daughter goodbye for the day, Maggie Murphy. I mentioned earlier she was born 6 weeks ago.

When you look at that bottom number there that the Blue Dogs fight for, that $29,000, every newborn in America is born into that debt, that $29,000 apiece, they are born into that debt, and this Congress previously just let it keep rolling and rolling and growing and growing.

Finally the Blue Dogs have arrived now, and the Blue Dogs are saying, listen, we are not going to take it anymore. We are putting our foot down. We are going to be disciplined.

That discipline is something I learned personally in the military, that families in my district in Bucks County, Pennsylvania, know about, because in my district we have Washington's Crossing, where those soldiers that started the Revolution, that really earned our independence, showed the discipline when they didn't have the best uniforms. They didn't have the best equipment, but they had a belief, and they stood by their beliefs.

That is exactly what the Blue Dogs do, and they keep it simple. They say we stand for two things: Fiscal discipline, fiscal responsibility; and, number two, a strong national defense.

That is why it is an honor that the families in the Eighth Congressional District, they know that their congressman, in myself, in PATRICK MURPHY, and our colleagues of the Blue Dogs, that we stand for something, and that we will fight every single day to bring down that number, so that when people like Maggie Murphy and other newborns in Lower Bucks Hospital and all over America, when they are born into our great country, and it is a great country, they are not born $29,000 in debt.

Mr. DONNELLY. Mr. Speaker, if I could say one other thing to the American people, and that is the gentleman you just heard from from Pennsylvania is also an Iraqi war veteran, a member of the 82nd Airborne, and the folks of Pennsylvania and this country can be very, very proud that PATRICK MURPHY is here in Congress with us today.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Indiana, and I yield to the gentleman from Georgia, Mr. SCOTT.

Mr. SCOTT of Georgia. Thank you very much, Mr. ROSS. It is indeed a pleasure to be here with everyone, as I said earlier.

I think in conclusion tonight it is very important that we let the American people know that we very soberly understand this charge that has been handed to us as Democrats to lead in this Congress, and we also understand why and we handle that responsibility with great care.

One of the things that it is important for us to point out, when they ask what can we do and what is expected of us, is to stand up for the American people finally at last and lift up our way of life.

We have two duties to do under the Constitution as Members of Congress and they are expecting us to use these tools and do them well, and these tools are, one, oversight. Through our ability to oversee this government we can make these changes happen. The other is appropriations, to handle their money as good stewards. These are the things that we are committed to do, and this is how we will get to the new direction that the American people expect us to get to.

Mr. ROSS. Mr. Speaker, I want to thank the many members of the fiscally conservative Democratic Blue Dog Coalition for coming to the floor of the House of Representatives this evening and joining me for a discussion on how we can restore fiscal discipline and common sense to our national government, how we can bring this number down, Mr. Speaker. As we conclude, I will remind you in that this number actually went up by some $40 million during the hour that we have been here on the floor this evening.

□ 2130

TAX INCREASES

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes.

Mr. SHUSTER. Mr. Speaker, it is certainly an honor to be here on the House floor, and it is a great opportunity to follow the Blue Dogs tonight, that coalition on the Democratic side that are talking about fiscal responsibility, because that is what I want to also talk about tonight. It is an extremely important issue. It is a pocketbook issue. And one I didn't hear mentioned too frequently by my friends in the Blue Dog Coalition has to deal with taxes and what we are responsible for here in Washington, which is spending, and also making sure we are not reaching too deep in the pockets of the American people and spending their money.

Quite frankly, Mr. Speaker, I am very concerned that the American people are unaware of what is going to happen here in Congress in the next 4 years. There is a countdown. The countdown begins. It is 1,452 days, and we will see over that period of time the tax cuts that we put in place as a Republican majority, they will expire. So the American people, over the next 4 years, will see a $200 billion tax increase, money that will be taken out of their pockets.

The Democratic majority doesn't even have to act. They can just run out the clock. I am not sure the American people realize that, that if the Democrats don't act to extend these tax breaks, that they will see this $200 billion tax increase occur, as I said between today and January 1, 2011. As I said, I appreciate the Blue Dogs coming here and talking about fiscal responsibility, but unless they act and they join with the Republicans to see these extended, that is what the American people face.

What do these tax cuts mean? They mean that over the last 4 years we have seen 7.2 million jobs created in this country because of those tax cuts. Just in the month of December, 167,000 jobs were created in this country. The unemployment rate in this country is down to 4.5 percent. That is the lowest average it has been in four decades, and that is directly attributable to the tax cuts that we passed over the last 4, 5, or 6 years in this Congress. Again, if we don't extend them, if we don't do the responsible thing and let the American people keep more of their money, there will be dollars taken out of their pockets.

Now, what has happened with those tax cuts is that the American people have gotten to keep more of their hard-earned dollars. The American people, from Pennsylvania, to Arkansas, to California, to Arizona get to keep their money in their pockets and get to decide how that money is going to be spent. It is not going to be spent in Washington by bureaucrats. When you get $2,000 or $4,000 more in your pocket a year because of these tax cuts, you decide whether you will use it as a downpayment on a car, save the money for your children's college education, or buy a new washer and dryer or refrigerator for your home. These are the things the American people want to be able to purchase, and they can do it with these tax cuts.

As I said, I am very, very concerned that we are going to see this $200 billion tax increase if we don't move forward to expand that. We had four major tax relief packages since 2001. We cut taxes on the American taxpayer in every walk of life. Across the board, every American has benefited by this. We eliminated the marriage penalty tax. We stopped penalizing people in this country for being married. We should be encouraging that in America: marriage. We doubled the child tax credit from $500 to $1,000. If we don't act to extend that, that will be cut in half over the next 4 years.

We removed 10.6 million low-income Americans from paying taxes all together. People are not paying taxes because we lowered those tax rates. We lowered tax rates on our small businesses and employers.

I know every single district in this country has numerous small businesses. It is the backbone of the American economy. And we have cut taxes for those people in small business, and they have been able to take that money and reinvest it in their businesses and their employees. I know full well because before I came to Congress I didn't serve in the State legislature, I wasn't a trial attorney, I was a small business owner, and I worked to employ between 30 and 40 people. I know what it is like to meet a payroll, and I know what that burden is like to have to pay crushing taxes. I know what it is like to make sure my bills are being paid every month.

So as a small business owner, I know firsthand. As a family man, as a father of two children, and a daughter that will go to Penn State University next year, I know it is important to save for college. Every American wants to save money to help their children get educated. As I said, I think it is extremely important that we here in Congress act responsibly to keep those tax cuts in place and there is record revenue coming into Congress.

I hope that the Democrats will take a lesson from history, from one of their own, Jack Kennedy, in the 1960s. President Kennedy did the right thing. He cut taxes. What happened? Revenues increased to the government. What happened in 1980, when Ronald Reagan did the same thing? He cut taxes and revenues increased to the Federal Government. And we did that again in 2001 and 2003. And what happened? History has repeated itself. Revenues are at the highest levels that they have ever been to the Federal Government.

So once again, I am absolutely committed, and we are going to be coming to the House floor week after week talking to the American people, reminding them that if the Democrats do not act, do not aggressively pursue the extension of these taxes that the American people will be penalized.

And I think that here in this next hour I am going to be joined by many of my colleagues who want to stand up and talk about this. And the folks coming down to the floor, most of them, if not all of them, are former small business owners or still own small businesses and have families and raised families, so they can talk to the issues that we are here talking about tonight: what it means to get $2,000 more a year in your pocket, or $4,000 or $5,000, or have lower tax rates, if you are running a business.

I will now invite some of my colleagues up, the gentleman from Tennessee (Mr. DAVIS). I yield to him.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I thank Mr. SHUSTER for giving me this opportunity. I too am a father of two and a small business owner, and I am truly honored to have this occasion to discuss my ideas. This open discussion is part of what makes us so great as a Nation.

I am from the First District of Tennessee. It is a place of beautiful, majestic mountains, thriving communities, and a growing economy. Northeast Tennessee has unrivaled beauty and unsurpassed potential. However, the beautiful First Tennessee District and our country could be headed toward economic danger. For instance, in the last week, the three-fifths majority required to raise our taxes has been removed by the Democrat Party.

Tax cuts are not permanent. Seemingly, it is only a matter of time before these massive tax increases are put in place. It is our responsibility to protect the American people from these unnecessary tax burdens. If the tax cuts that are in place are allowed to expire, some families could see an increase in taxes up to 39 percent. Married couples and families will once again be subject to the tax penalty.

As I speak tonight, time and time again history has proven that tax reductions have spurred economic resurgence. Our current economic figures once again prove this fact. With the tax cuts in place, real after-tax income has risen 9.6 percent since the year 2000. The United States has grown faster than any other G–7 industrialized nation over the past four quarters. The time to control spending and to make tax cuts permanent is now.

I will be joining many of my colleagues in signing a letter to President Bush encouraging him to veto any legislation implementing tax increases on working people and on the businesses of America. It is not the time to place greater financial burden on the families of the First District of Tennessee nor the many other people of this great Nation.

Mr. SHUSTER. I thank the gentleman from Tennessee and would just point out that, as the gentleman said, he is a father, and I understand that he was a hospital manager before he started his own business. So he knows firsthand what it is like to be out there meeting a payroll, facing the tax burden of this country. So I really appreciate not only that you are here in Congress and you bring a commonsense, a small business owner's perspective to the legislative process, but you are here tonight talking about these issues that are going to be vital to not only people in Tennessee and Pennsylvania but across this country. Every American is concerned about their tax bill.

It was interesting, the Blue Dogs were down here talking this evening earlier and they said America voted for a change. America did vote for a change, I believe. But I don't believe that I heard anybody in America, at least not in my congressional district in Pennsylvania, or across Pennsylvania, who said they wanted to vote for higher taxes. I am very concerned.

As you mentioned, they changed the rules. We had the rules in place where we had to have a three-fifths majority to pass tax increases. They have reduced that to a simple majority. That obviously means they need only 218 votes. The Blue Dogs were talking tonight there are between 40 and 50 members of the Blue Dogs. I hope they hang with us as we try to push the agenda to keep the American taxpayers, keep the American people with those tax cuts in place.

Again, Mr. DAVIS, thank you very much for coming down tonight.

Mr. DAVID DAVIS of Tennessee. Thank you.

Mr. SHUSTER. Mr. Speaker, it is now my pleasure to yield time to the gentleman from Texas (Mr. NEUGEBAUER), who again comes from a business background, somebody who has raised a family and brings a businessman's common sense here to the legislative process.

Mr. NEUGEBAUER. Well, I thank the gentleman from Pennsylvania, and just like him, I haven't been in the State legislature. I have been a small businessman all of my life.

What we know about small businesses is that they are the number one job creator in America. As we heard the gentleman say awhile ago, over nearly 7 million new jobs have been created in this country in the last 3½ years. Quite honestly, most of that has been from small businesses all across this country.

One of the things that a lot of people don't know that have not had their own business is that small businesses are also big taxpayers. What they do not also realize is that in some cases we ask our small businesses to pay more taxes than we do other folks. That is because our small business people, in addition to income tax, have to pay self-employment tax.

The way you build a business in America is that you do it by taking money that you are making and reinvesting it in your business, and that is the way you grow your business. It is these growing businesses in America that have been growing America.

When I first got in the home building business, I had a young man who was a plumbing contractor, and he too was starting his new business. And he was starting it with basically one truck and a helper. So when we started together, I had a small building business and he had a small plumbing company. What I watched my friend Bobby do over the years is build his business one truck at a time. He would work hard and pretty soon he had built up his business and he had to go buy another truck. You know what happens when a plumbing company buys another truck? They have to hire what? More people. And pretty soon he worked hard and he had to buy another truck. And you know what happened when he bought another truck? He had to hire more people.

But Bobby couldn't have bought those trucks if he hadn't been building his business, having money and capital in his business to be able to go to his banker and say, you know, I am building a business here and I have equity in my business. But what happens is the American Government says, oh, Mr. Small Businessman, you are making money, so we are going to reach in there and in some cases take half of that small business's money. So that causes the business to grow at half the rate as it could if it wasn't paying exorbitant taxes.

I would say to the gentleman from Pennsylvania, as you know, it is not just Big Government taxing, but it is the regulation that also our small businesses all across the country are worried about. When you add onto small businesses not only the carrying of a tax burden, but all of the burdens of regulation that we put on these small businesses, and on top of that you put a lawsuit environment in this country that on any given day a small businessman can lose his business, I say to my friend that small businesses are about to be entered onto the Endangered Species List.

□ 2145

Because, quite honestly, we have policy in this country that is not friendly to small businesses, the very businesses, the very people that have built this great Nation. And so when I hear folks on the other side of the aisle talk about we have a plan, well, I hope that plan is not to continue the trend that they have done in the past, and that is taxing small businesses out of existence. And you get a little nervous when they change the rules in this House that, as the gentleman said a while ago, that instead of taking three-fifths of this body, it only takes a simple majority to increase taxes.

Now, I do applaud our friends, the Blue Dogs, for one of the things that they said tonight, and that is that we do need to do something about deficit spending in this country. And I am ready to join across the aisle with my friends and say, let's do that by addressing spending.

If you really want to do good things for America in the future, you don't do it by taxing our small businesses out of existence. You do it by making America a more fiscally sound country. You ask the American Government to do the same thing that these small businesses do. They are not able to, whenever they need more money, to go get it from somebody else by just reaching in. You don't go to a customer after you finish the job and say, "you know, what, I told you it was going to be one price, but I am going to charge you another price." You don't keep your business very long. So I want to join our friends to do that. But I do not want to join our friends on a path of taxing because I would tell you, in 2003, the unemployment rate in America was 6.1 percent. Today it is 4.5 percent. More people are employed today in America than any other time in the history of this Nation. More people own homes today than any other time in the history of this Nation. This is a prosperous time. And we got here by leaving the decision on how people spend their money to the people who make the money and not big government. Big government doesn't grow America. Americans grow America.

I thank the gentleman for having this time tonight, and I look forward to continued dialogue with my colleagues as we really talk about making sure that our American businesses don't end up on the endangered species list.

Mr. SHUSTER. I thank the gentleman from Texas. And when you talk, I think a lot of folks here in Congress, I think, forget about the stories that you talk about, the plumber who starts out with a truck and all of a sudden he has enough business, he buys two trucks, then three trucks. And that is what small business in America has been doing over the last couple of decades. That is where most of the jobs are created in this country, in small business by that plumber or that person who has an idea that works hard and puts together a plan and goes to the bank and borrows some money. And I know when I first went into business back in 1990, I bought an existing business, borrowed a lot of money, went into debt, worked hard. And something that I learned in college in accounting is that cash and profits aren't the same thing. And a lot of people, I think they say, and I realized that lesson, I learned it in accounting, but it really didn't make an impact on me until my first year I had a profit in business and thought, oh my goodness. We had a great year. And then I realized that I had to pay this tax bill, but all my cash was tied up in my inventory and improving the physical plant and doing things to make business continue to grow. But I didn't have the cash. So I had to keep the debt up; had to figure out how to get that money to pay taxes. So it really puts a tremendous burden on small business when you have a high tax burden.

And, as you pointed out, American business, small business, is really the backbone of this country. So I appreciate the fact that you are another small business owner and that you, like myself, didn't serve in the legislature before, and you bring that perspective of a small business owner, of a business owner of someone that has been out there meeting payrolls and creating jobs in this economy.

It is now my pleasure to yield to another great Texan, Mr. CONAWAY, from Texas, who is the resident CPA in the House tonight. So I am sure we can learn a few lessons from him. So with that, Mr. CONAWAY, thank you.

Mr. CONAWAY. I thank my colleague for doing this hour tonight. And if I really want to put the colleagues in the House to sleep, we can talk about Internal Revenue Code sections and those kind of things. I will have you dozing off quickly.

Mr. SHUSTER. But I would ask the gentleman at some point to talk about cash flow and the difference between profit and cash because that is an awakening process.

Mr. CONAWAY. Exactly, something that most everybody understands.

When I came to Congress, actually, my first race was against my good colleague, RANDY NEUGEBAUER. He and I campaigned against each other and, quite frankly, campaigned the way Republicans ought to campaign against each other, and that is why you should vote for me, and he stuck to why you should vote for him. And one of the reasons that I thought folks should vote for me was that I thought the small business mind set or experiences were underrepresented in Congress. Now, I hadn't done any empirical research. I just made that up. It sounded good. I thought, from having watched the way things going on out here, I just thought it was the case. But RANDY won the first one. He was a small business guy. He won that first race, and then I was fortunate enough to win a race, and we now serve together. And I suspect he has found, like I did, that that was a lot truer than I had even thought about; that there really is a real lack of appreciation of how hard it is to make a buck.

Not to denigrate anybody's path to this place, but I think folks who have worked in the real business world, who have, as you said, met payrolls and been responsible for both sides of a budget; it is easy to budget if you are in government and all you are worried about is how much you spent because you know that you can collect it from somebody. You have got a sheriff someplace that will go collect it if need be. We have got a big gun that we will point at folks and take that money away from them.

But in business, you have got to worry about both sides. You have got to figure out how to do some service or put together some product that you can sell to somebody else for a profit. And then you have got to hold your costs down and all those kinds of things, all those decisions that go into that.

I had 32-plus years in business as a CPA. I had a, from a variety of clients, from really big clients to really small mom-and-pop shops.

We have got a colleague that is going to talk in a little bit that is a doctor. One of the closest things that I had to being a doctor-like experience and telling somebody they have had a terminal illness was each year when I would have to go to my dad, who ran a small business in the oil field service company, and tell him what his taxes were going to be. I dreaded that like the plague because it was my fault. I was his accountant. And even though the Congress and the Internal Revenue Code were done by Congress and implemented by the Internal Revenue Service, I was the bad guy. I had to go tell my dad that he owed more money in taxes than he really wanted to pay. And he would constantly say, well, how do I not pay those taxes? How do I get out of doing that?

I heard an interesting phrase the other day that fines are a tax on criminal activity; taxes are fines on successful activities.

Every time we spend a buck in here, and we spend a lot of bucks, $2.7 trillion, I try to not lose sight how hard it is for us to, for whoever that taxpayer out there that we collected that buck from, how hard it was for them to make that money.

I live in West Texas where oil and gas is a big deal. And part of my background is working as a rough neck on drilling companies for drilling rigs. And when we spend money, I think about that rough neck working morning tower for a drilling company. In the winter, it is cold and miserable and wet and nasty, and in the summer time, it is hot and dry and miserable. Hard work. I am talking labor. Now we sometimes refer to what we do in this body as work. But folks, this is not work. This is a job. This is something we do. Work is when you are outside doing physical labor. And I have done some of that, and I went to college so I didn't have to keep doing that.

But I think about how hard that person works to earn the money that we then take taxes away from him to help do whatever it is we do. Most of what we do appears important. Some of what we do is not important, and we shouldn't do it. And that is where we ought to be about the process of reducing the amount of money that we take away from people and spend. But I keep thinking about that guy working morning tower and how hard it is for him to earn a dollar so that we can take $0.20 of it or $0.50 of it, whatever it is we decide to take in our infinite wisdom from him as a result of his or her hard work.

We will hear over the next 2 years as we talk about this stealth tax increase that is coming, that is either the capital gains rate going up or the various family-friendly things that we did in 2001, 2003, or the death tax that comes roaring back in 2011; we will hear the Democrats talk about, "well, we are going to fix it for the little guy. We are going to not raise taxes on the small taxpayer and all those kinds of folks." That is a class warfare issue that I think is unworthy of us. As we begin to kind of differentiate between good folks who make money and bad folks who make money based on the amount of money they make, I think it is unworthy of us. Let's try to not do that because successful people are the ones who invest. They are the ones who create businesses. They are the ones that make money that can provide jobs.

The times that I have had to go look for a job, it has been very few, but the times I have gone to look for a job, I have not gone to somebody that was losing money to ask for a job. Only the Federal Government can lose money and still hire new people. Every small business out there, every medium-size business, most big businesses quit hiring people if they are not making money. Only in the Federal Government do we have the luxury of continuing to hire folks when in fact we are in a deficit spending that we have been on in the last several years.

In an attempt to, well, before I start that, I spent 2 years on the Budget Committee and listened to some of our good colleagues on the other side talk, day after day in those hearings about their proposals for PAYGO, their proposals for reducing the deficit, all those kinds of things. Every single one of those conversations, either overtly or as a sub plot to those conversations, was a tax increase. It wasn't about spending less money, because at the same time they were talking about reducing the deficit, they would propose billions of dollars of additional spending within the budget that we were trying to pass. So the idea that we can only fix the deficit by raising taxes is misplaced.

We don't have a tax revenue problem in this Federal Government. We collected a record amount of revenues for the Federal Government in fiscal year 2006, up double digits from the collection record in 2005, which was up double digits from the collections in 2004. We have got a spending problem. And I have got some, a couple of proposals that I want to talk about which may not be exactly on point with what Mr. SHUSTER wants to talk about tonight. But one of them is a "no new programs" agenda. This was a rule to the House rules that, you know, I hate to whine like the rest of us, but we had no input in the House rules. But I introduced a House rule the other day that said, if you are going to propose a new program of some sort, then, as a part of that enacting legislation, you actually have to eliminate another program of equal or greater spending; the idea being that if we have come up with the newest great new idea, that I ought to find somewhere else in the Federal activities that there is a program that is less important than my new one. The idea being is, if I can't find something that is less important than my new program, then what I am effectively telling the taxpayers of this country is this new program is the least important thing the Federal Government could do. And for goodness sake, why would we do that?

And so the idea is to help us begin to set priorities. Talk is cheap, and we all, both sides, talk about setting priorities and all those kinds of things. But this would help put some teeth in the idea of forcing Congress to make choices between two good things. I am not talking about good and bad. Anybody can make those decisions. But we have got to make choices between two good things a lot of times as to where we spend our money. Families do that. Businesses do that. And all of us have to do that, except at the Federal Government level. So in an attempt to help us learn how to set priorities, this "no new programs" would be a small step in that direction.

The other thing that I have done and I have actually got two of the Blue Dogs to cosponsor, original cosponsors on my savings and appropriations concept. If we come in here, and our experiences so far with the Democrats is that the rule under which we debate things that we are passing has not provided us opportunities to amend them. I mean, it is a closed rule. We did it to them; they are doing it to us. That is just kind of the way it works. But on appropriation bills, those are the one opportunity that we have where the Rules Committee is not in between us and what needs to get done. And with all due deference to my former member of the Rules Committee, this is an opportunity for those of us on the floor to suggest changes in the appropriations process that we think are appropriate.

Under the current scheme, if we amend an appropriations bill to reduce the spending in that bill, common sense would say that that money doesn't get spent. That is not how this system works. That money goes back to the committee and is spent somewhere else. So while we are able to get an amendment that the 218 of us would agree that spending shouldn't occur, it gets spent somewhere else.

So what this law would say is that when that happens, if we are able to overrun the appropriators, and the appropriators legitimately hate this idea, but if we are able to get 218 of us, whether it is, in our case now, it has got to have some Democrats now to help us out, but we are able to reduce an appropriations bill by some amount, that that will actually reduce the 302A and 302B allocations and all of that machination that goes on so that we would actually not spend that money.

□ 2200

It would reduce the deficit or increase a surplus, if we ever got to that particular place. I have got a couple of Democrats who have agreed to cosponsor, so I am encouraged by that, that we can, in fact, begin to work on the spending side of what we have got going on here.

I want to again thank Mr. SHUSTER for having this out here tonight.

When Congress saw fit to increase the section 179, throwing a little code at you, section 179 deduction for businesses or small business deduction where you can immediately expense up to $100,000 of business property that you put in service, that was a huge boon to small businesses.

It allowed them to immediately write off the cost of having to put new equipment into service, and as Mr. NEUGEBAUER has already said, when his plumber friend bought a new truck, he had to have somebody drive that truck. In all likelihood there was a swamper on that truck so he put two more people to work.

That happened thousands of times across this great country. It was part of that impetus, part of this push to get us out of this recession that we were in 2001, 2002 and 2003, that single piece was a great part of what helped do that. That was directly positive for small businesses, and it is one of those that we continue to extend, but will go away unless this Congress acts to keep renewing it.

One final story. In talking with folks about the death tax back in the district, I tell them that probably the most dangerous week for anyone who has assets and beneficiaries is the week between Christmas of 2010 and New Year's Day. Here is why:

If you have got assets that you have worked hard for your life, but you got beneficiaries, you are going to get those assets when you die, if you are still breathing on January 1 of 2011, then those beneficiaries immediately have a 55 percent partner called the Federal Government.

My advice to those folks is to go ahead and have Christmas with your family, but then you probably ought to make yourself real scarce unless, if the current law stays in place where the death tax goes completely away in 2010, and the Federal Government has no claim on your assets when you die, to January 1 of 2011, when the Federal Government gets a 55 percent claim on those assets. So those of you who have assets, if we aren't able to get the laws changed and effect that, you probably ought to make yourself pretty scarce around your beneficiaries post-Christmas and January 1. Good luck with that.

I would like to thank my good colleague, Mr. SHUSTER, for having this hour tonight, sponsoring it. I hope to participate with you in the future.

Mr. SHUSTER. I want to thank the gentleman from Texas. I think you bring up a very good point on the spending side. As you know, as an accountant, anybody that has been in business, two sides to the income statements, there is revenues and costs.

Costs are important. You have to control your costs. You can't spend more than you bring in. Of course, we have done that over the last couple of years, because we are at war, we have seen a recession. But the revenue side is equally important, and there are two ways to do it in the Federal Government. We have found that you can increase taxes, which gives you increased revenue for a while, but eventually the economy turns down, and then revenues go down; or you can do as Jack Kennedy, President Kennedy, did in 1960, Ronald Reagan did in the 1980s and we did in the early 2000s, we cut taxes and revenues grew. There are record levels of revenue coming into the Federal Government.

Don't listen to BILL SHUSTER about how it works when you cut taxes. Look at the record, look at the history record, and you will see it is quite clear.

You mentioned the death tax, yes. The gentleman has another point to make.

Mr. CONAWAY. Let me just, on your point, most business, every business, has to decide what they are going to charge for their product or their service. It is one of those key decisions every business manager has to make.

Because if they set their prices too high, they will not sell enough units. Obviously if they set it too low, they will not make as much money as they should. So most times the businesses decide to lower that price in order to get volume up, in order to sell more.

The Federal Government doesn't exactly do that; but the truth of the matter is, if we do raise taxes, you will get a short-term blip; tell people, until that begins to act, in effect a fine on doing well, and having a negative impact on the economy. Businesses have to make that decision, and I think the Federal Government ought to be in that same mind-set as well.

Mr. SHUSTER. That is a great point. It is great to have people like you in Congress to bring that common sense and know what it is like, and what really happens when prices go up and taxes go up and the response you get from people.

You also mentioned that January 1, 2011, the death tax expires. You also have the capital gains tax will expire January 1, 2009. The taxes on dividends will increase January 1, 2009. I think it is record numbers of American people that have investments in the stock market through their mutual funds. Over 60 percent of America has invested. Folks that are getting dividends from those investments are going to be taxed at higher rates.

We are going to again lose the child credit that will be cut in half over the next couple of years, the marriage tax, the penalty will be put back in place. Low-income taxpayers will go from that 10 percent tax bracket up to 15 percent tax bracket if we don't act.

Just to remind the American people that are watching tonight, it is 14,052 days in the countdown for the Democrat tax increase. They don't have to act. All they have to do is sit on the clock, run out the clock. When it runs out, we are going to see over the next 4 years a $200 billion tax increase.

Another thing you mentioned about job increases, I saw over the last 6 years, one of the sectors in the economy that saw one of the larger increases percentage-wise in jobs was the government, and over 4 percent increase in government jobs. You know, we see that in other sectors of our economy. We have seen many of them increase double digits, but that is one that was discouraging to me to see the Federal Government, when we were at these times when we were trying to cut spending. We need to cut some of that and curtail some of these government jobs.

Mr. CONAWAY. Let me mention one other tax that is out there; we will talk about the national sales tax on another night. But the alternative minimum tax is another tax that we in the Republican majority basically kicked the can down the road a year at a time; this Congress under the Democratic leadership will have to do the same thing because it is a tax increase that is on the horizon that requires Congress to do something or the tax comes in.

We were unable to put a permanent fix in place, and full or fair disclosure. I actually had to pay the alternative minimum tax this year, and it ticked me off.

Mr. SHUSTER. That is like 20 million Americans, or something like that.

Mr. CONAWAY. Yes, and that number grows. So in addition to these taxes expiring on their own, the fix on the alternative minimum tax has got to be removed and/or a permanent fix put in place, which will be quite daunting for anyone to get done, particularly in a Congress, which my sense is they would rather increase taxes than deal with the tough decisions of cutting spending.

Mr. SHUSTER. I thank the gentleman. The last point you make, we talked about it earlier, I think Mr. DAVIS brought it up, they decreased the number of Members of the House that had to vote in favor, three-fifths down to a simple majority. It seems pretty clear to me what they are doing.

Over the last 4 or 5 years, 6 years since I have been in Congress, I haven't seen a budget proposal by the other side that hasn't increased spending significantly, and there are some estimates that in these first 100 hours the proposals that they are putting forth over the next several years are something to the effect of an $800 billion increase in spending.

Again I think it is quite clear what the Democrats intend to do. We need to stay together as Republicans and join together with the Blue Dogs to fight that.

Mr. CONAWAY. Let me add one point to what you just said. The bill we passed this evening to make the world quote, unquote, a safer place, which I voted against, one, in my view, of the fatal flaws to that is we don't know how much that costs. There were open-ended blank check authorizations in that bill for so much money and for such time as is needed.

So the first rattle out of the box, the first substantive piece of legislation that the other side proposed and put forward had these open-ended spending issues in there. You know, the cost is not necessarily always the determinative factor, but I grew up in a world where I had to ask what things cost, and I suspect most folks do. I factor that into a cost benefit analysis that we all make every single day.

It is one of those fatal flaws to the very first piece of legislation that our colleagues on the other side put forward today, of substance. The rules we did last week, that is one thing. But today's piece, couldn't score it from CBO. They don't have a clue what we authorized in terms of new spending, new programs, new dollars that we have to take away from good hardworking Americans. I appreciate the time.

Mr. SHUSTER. I thank the gentleman. It is discouraging to see the Blue Dogs here tonight. I think most of them, if not every single one of them, voted for that program. They were talking about fiscal responsibility tonight; they have no idea how much it is going to cost. It is going to be a big cost. They all know that.

But it is my pleasure to yield to the gentleman from Georgia, Dr. PHIL GINGREY, who I know is an old pro at these Special Orders and does a great job. It is something that I think a lot of Americans, myself included, as I was growing up, we tried to put this group together as we talked. We wanted small business people, people from the business background, to be on the floor.

When you introduce a guy, Dr. PHIL GINGREY, and say he is a physician, a lot of Americans like myself in my younger days didn't realize a physician is a small business owner. He is a man or a woman who is running a practice. You call them patients, but they are customers. But it is a practice, and it is a business.

You have to meet a bottom line, and you have to do what many do, the plumber, the car dealer or the computer business operator, you are meeting that bottom line and making sure it is profitable.

Mr. GINGREY. I thank the gentleman. No question about it, physicians are small businessmen and women. I do feel a little bit like a fish out of water with the economic competitors caucus. Most of my colleagues who have spoken here are, indeed, without question, small businessmen and women, and, in fact, of course, Representative CONAWAY from Texas is a CPA.

But as Representative SHUSTER is saying, physicians are small businessmen and women. Even a small practice like the one I was in with the four or five OB/GYN doctors, we probably had 40 employees, nurses, front office people, lab people.

BILL SHUSTER is absolutely right: we had to meet a payroll, we had to provide health insurance, we had to provide benefits. We had to worry about how we are going to have the money to expand and maybe bring in a new partner and grow the practice.

My colleagues were talking about section 179 under the IRS Tax Code that under Republican leadership would increase the amount that could be deducted on capital improvements, bricks and mortar, putting in a new X-ray machine, whatever, from $25,000 to $100,000, and to allow that small businessman and -woman to write off an additional $300,000 worth of capital improvement, investment, job growth, over an accelerated period of time.

That has, Mr. Speaker and my colleagues on both sides of the aisle, without question, has stimulated this economy. As I listen to my colleagues in the first part of the Special Order talking about the job growth, the unemployment rate, the increase, the amount of revenue, particularly over the last couple of years, I think we are talking about maybe an additional $400 billion worth of revenue after these tax cuts that includes low and marginal rates for every single taxpayer, the increase in child tax credit from $600 a child to $1,000 a child, eliminating the marriage tax penalty that Mr. CONAWAY talked about, eliminating that death tax.

We have, Mr. Speaker, created 7 million additional jobs since the spring of 2003. When I first got here in the early part of 2003, for months at a time I heard my colleagues on the other side of the aisle talk about, watch, we have lost another 30,000 jobs this month, we have lost another 40,000 jobs this month. Now they can't say that because I think we have gone something like 18 straight months with job growth.

But what I do hear them saying is, oh, these are service jobs, these are minimum-wage jobs. They are not important. I didn't hear that argument when they were wailing away about the fact that we are losing jobs.

We could have said, well, these are unimportant jobs, these are seasonal jobs, these are service jobs. They are not that important to the economy. They are important to the economy, and they create dignity of work and pride and an accomplishment, people putting out a day's work for a day's pay.

□ 2215

So that is really what we have done here. I think that what my good friend from Pennsylvania was saying cuts right to the chase: PAYGO rules as adopted in that omnibus rules package for the 110th Congress that was passed last week is a recipe for making it easier to raise taxes and more difficult indeed, Mr. Speaker, if not impossible, to lower taxes. And that is exactly what these new PAYGO rules do. Because under these rules, as my colleagues know, you can raise taxes without any offsetting cut by simply going through this process of reconciliation and raise all this entitlement spending, and that is exactly what will happen.

Representative SHUSTER was talking, or maybe Mr. CONAWAY, a few minutes ago about this bill that we just passed in regard to completing the promises of the 9/11 Commission. It doesn't do that; it is an absolute farce to suggest that it does. But there is no question that inspecting every single piece of cargo, every single crate that comes into this country through a maritime port, can you imagine, Mr. Speaker, what the cost is? They totally ignored how we are going to pay for that.

So this PAYGO business, it is not law. It is not in legislation. It does not have the force of that, and our colleagues on the other side of the aisle can simply waive a rule any time they want to in term of PAYGO. So we need to be truthful to the American people.

It has been said during this hour that, in 1960, we had a Democratic President, President Kennedy, and he cut taxes, and we raised revenue; President Reagan did it in 1980; and President George W. Bush has done it in 2001 and 2003. We have not lost revenue because of lower rates and tax incentives mainly for small businessmen and women; we have created an additional 7 million jobs. And, yes, they are paying taxes at a lower rate. Yes, they are getting to deduct certain things to help them be able to grow their businesses. And so you have a lot more people, 7 million, indeed who are paying taxes or paying at a lower rate. But when you crunch the numbers, and I am not a math major, but that is where you come up with an additional $450 billion. Whereas, on this static scoring system that we get from OMB and CBO, they say, well, because you have cut the rate here and you cut the rate there and you have given $1,000 instead of $600 per child and you are finally getting rid of the death tax, over 10 years, this is going to cost $1.3 trillion. Well, yes, if it didn't work, it was going to cost $1.3 trillion. But the fact is, it did work. Instead of costing money, we raised revenue, as Representative SHUSTER has pointed out.

But I will guarantee you one thing, Mr. Speaker and my colleagues, if you let these tax cuts expire, and there is no question about the cost to the American taxpayer and it is real, it will be an additional $2.4 million.

Mr. Speaker, with that I am going to turn it over to the real experts on business. But I appreciate the opportunity of joining them tonight and weighing in on this.

Mr. SHUSTER. I thank the gentleman. And as you pointed out, the PAYGO rules, the decrease from a three-fifths majority to a simple majority to pass tax increases, that should make every American sit up and say, my goodness, the Democrats do plan on raising taxes. But if they still aren't sure about it, I have got just a couple of quotes here.

The incoming chairman of the Ways and Means Committee told Bloomberg News that he cannot think of one of the tax cuts passed under President George Bush that merits renewal. He also told the Congressional Daily when he was asked whether he considered tax increases across the income spectrum, and his quote was, "No question about it." He said, "Everything has to be on the table." "Everything" would mean repealing the 10 percent low income tax bracket, the child tax credit I talked about, the marriage penalty, all of which was passed in 2001 and, of course, the death tax. And my good friend from Texas knows full well what it is going to do to a lot of business owners on Main Street. We are not talking about Wall Street, we are talking about Main Street America and in the farms of the Midwest.

So with that, I yield to my good friend from Texas.

Mr. NEUGEBAUER. The gentleman from Pennsylvania is correct. I think one of the concerns I have about the death tax is, in many cases, it has the potential to rob some of the smaller communities in America from some of the mainstays in their community. I think about the farmer who worked for 20, 30, 40 years putting together pieces of land, making his operation a little bit larger so that he can compete today in a global economy and wants his son, our sons to be a part of that business in the future. But as the gentleman, my good friend Mr. CONAWAY, my neighbor to the south, said: Depending on what day he dies, he may not have any land to leave his sons, or they may have a new partner.

I do a number of town hall meetings as I travel through out my district. I have a very large district, 29,000 square miles, 27 counties. And one evening I was talking to a group of citizens in a little small community, and after that was over, I had a young woman come up to me and say, "You know, Congressman, we have had this ranch in our family for nearly 100 years, and recently my father passed away, and we are faced with the fact that we may have to sell a part of this ranch to keep some of it." And I think about a small auto dealership that the founder of that built up over the years, worked hard, paid taxes already.

I think the egregious thing about this death tax is we have been talking about the taxes that have been imposed on these small businesses over the years, and they work hard and in spite of paying all those taxes, property taxes, income taxes, employment taxes, then at the end, we say, "You did such a great job of building that business, we are going to tax it one more time." And in many cases, it has the potential to put those businesses out of business and take away in some cases a fairly major employer in that community.

So I think one of the things that we have been kind of saying tonight, and my colleagues, is that we are at a crossroads here, and we have some very important decisions to make on behalf of the American people here for the next few years, and I am concerned, as many of you are, that some of these businesses, if we don't act in a way to be friendlier to small business, keeping many of these tax cuts permanent, and if we don't look at permanently eliminating the death tax, that again we could really penalize these small businesses.

Mr. CONAWAY. Let me just add a little bit to what my good friend is talking about.

In 2011, the portion of your estate that is not taxable drops back to $1 million. You know, $1 million sounds like a lot of money, and it is, don't get me wrong. I had a staffer the other day who made the comment that $12 million wasn't much money. And I said, "Well, who has got a checkbook?" So one of them got out a personal check, and I said, "Tear a deposit slip out of that checkbook." So they tore it out, and I handed it to the staffer, and I said, "Put $12 million on that deposit slip." And they said, "Well, it won't fit." I said, "Okay, well, $12 million is a lot."

One million dollars is a lot of money. But in today's environment, with property values having gone to what they are, it doesn't take a super successful individual to get at that $1 million and much above that when you add in their house and life insurance and those kinds of things. So when the other side talks about the death tax, they typically throw out Warren Buffett or Bill Gates or these other bazillionaires as examples why we need to redistribute that wealth.

The truth of the matter is this tax hits smalltown America. I was at dinner tonight with an individual who had some property west of Fort Worth, west of Aledo, actually, maybe in your district, that 4 or 5 years ago was selling for $750 an acre. And because of the growth in population, growth of Aledo and other areas, now that land is $46,000 an acre, and so that family has suddenly gone into a pretty good sizeable estate.

Now, it is their money. They took the risk of owning that property. They took the risk of trying to make a living off that property, paying the property taxes year after year after year on that property, and now the Federal Government in January 1, 2011, becomes a 55 percent partner in that deal.

This is the one tax that I think is just fundamentally wrong. We are always going to have taxes collected in some way or another. We have got to find the minimum amount of money needed to fund the Federal Government, and that has got to be taxes. But the death tax ought to be one that we wean ourselves from and get away from it because it is fundamentally flawed. It is unfair, and it is really one that hurts small America, and it has generational ripple effects. You and I both have constituents who tell us time and again they are paying for their own property a second and third time because when grand-dad died, they had to borrow money to pay it off. They just got that paid off, and then their dad died and passed it down, they had to borrow money to pay the estate taxes, and now they have got it paid off. So that cycle is just flat out fundamentally unfair.

Mr. NEUGEBAUER. The gentleman makes a great point. Not only does, in many cases, it affect the families that own that property, but in many cases, let's say you have got a heating and air conditioning business here that employs 50, 60 people. And all of a sudden the founder passes away, and the next day the family has to come and say to these employees, "I don't know whether we are going to be able to continue this business or not because we are going to have to borrow a bunch of money to pay the taxes." And in many cases, putting a bunch of debt on a new business or even an existing business requires servicing that debt and has an impact. And so then it is a ripple effect because that tax base that has been in that community for a number of years is in jeopardy, and the commitment and the contribution that that small business has made to that community sometimes disappears.

I think the fact that we said earlier, and I think all of us said, that America was built by these small businesses, small ranchers, doctors, entrepreneurs all across this country, we built this country that way, but we have the danger of tearing it down with a poor taxing policy.

Mr. SHUSTER. I would like to recognize the gentleman from Tennessee.

Mr. DAVID DAVIS of Tennessee. I think it is vitally important that it is individuals and small business owners and businesses across this country that pay these taxes. And I want to put a personal face on this.

If the majority party allows taxes to be increased, it will cost us nearly $2.4 trillion in new taxes to American taxpayers. What does that mean to people across America tonight and the people in the First Congressional District of Tennessee? It means that there will be 115 million taxpayers who would pay an average of $1,716 more each year. It means that 48 million married couples would pay an average of $2,726 more every year; and it means that 17 million seniors would pay an average of over $2,000 more a year. It is real people paying real dollars, and I hope the people in this body will remember that as we move forward.

I am disappointed that we changed the rules last week with the majority vote to decrease the amount of people that it takes to increase taxes. I think it should have been left at three-fifths, not a simple majority. I think that was a mistake last week when the majority party did that. I hope they will protect taxpayers in America over the next 2 years.

Mr. SHUSTER. I thank the gentleman from Tennessee.

Our time is running out, but I want to just talk about a real world experience. There is a family, Mr. and Mrs. Smith living in my hometown of Hollidaysburg or maybe even Youngstown, Ohio, or a small town in Florida or California; that person, Mr. and Mrs. Smith making $40,000 combined income, if these tax cuts are allowed to expire, they are going to pay about $2,100 more in taxes a year. And there are some people in this country who may think that $2,100 isn't a lot of money; but for that family struggling in Youngstown, Ohio, $2,100 a year, if you put $2,100 in the bank every year, at 5 percent interest return on that $2,100 and you invested it every year for 10 years, that turns into over $30,000. That is a good nest egg for that family to put their son or daughter through college or pay a good chunk of that if you are going to a great State school. So these things are serious, they are real life, and I just want to thank all the Members who came down here tonight who come from, whether it is a home care business, as Mr. DAVIS, or CPA or Mr. NEUGEBAUER being a builder and a developer, myself running an automobile dealership, people just like us all across America that have to be concerned about what is going to happen here in the next 2 years. And all Americans need to understand that they have to talk to their Members of Congress and put the pressure on them to make sure that these tax cuts stay in place so that the American people can keep more of their hardearned dollars in their pockets and they can spend it as they see fit and not send it here to Washington, DC to be spent by faceless, nameless bureaucrats in many of these agencies.

□ 2230

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. The gentleman from Florida (Mr. MEEK) is recognized for 45 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to be before 110th Congress. I can tell you that as the 30-Something Working Group has been coming to the floor for 3-plus years and talking about what we would like to do if we were ever in the majority, and the American people saw fit to give the Democrats the majority here in this House last November. And we are appreciative and grateful, and I am glad to be here with my good colleague Ms. WASSERMAN SCHULTZ.

Mr. RYAN is around here on the floor somewhere, Mr. Speaker. I believe he is hiding because of the lashing, or it is hard to put it in words, that the Florida Gators, who, it was reported that it was said that they shouldn't even get off the bus to play against the number-one ranked Ohio Buckeyes.

But I am going to yield to Ms. WASSERMAN SCHULTZ, and then we will get into the meat of our discussion, because Ms. WASSERMAN SCHULTZ has a degree and paper hanging on her wall from University of Florida, and on her car she has Florida tags. I mean, she is a real Gator. I just kind of happen to be from the State of Florida.

But go ahead, Ms. WASSERMAN SCHULTZ. Congratulations.

Ms. WASSERMAN SCHULTZ. Thank you so much. We are all Gators today. It is a Gator Nation. And we were just thrilled that the fighting Gator football team came to play yesterday, dominated Mr. RYAN's team, although Mr. RYAN went to Youngstown; so he is not technically a Buckeye, but I guess anyone who hails from the State of Ohio is a Buckeye. And we enjoyed showing the Buckeyes that we belonged in that game, and we are just very proud of our Florida Gators.

Mr. RYAN of Ohio. If the gentleman from Florida would yield, I am happy to take my whooping like a man, Mr. Speaker. And let me just say to you, Mr. Speaker, and any of the other Members who may be Buckeye fans, not only was the game horrible, a complete whooping, but then I woke up this morning and the first thing I did was I called Mr. MEEK, and I said, "Mr. MEEK, I had a terrible dream last night. It was awful. Let me tell you about it." And he reminded me that it actually happened. And then our first meeting this morning, I ran into Ms. WASSERMAN SCHULTZ, who was in her beautiful outfit that she has on now but also the University Florida Gator glasses, and her Coke this morning had a little cozy on it that was also blue and orange. So she is very humble about her victory last night. And the only thing I can say is that the coach of Florida is an Ohioan, born just a few miles outside of my district. That is all I am hanging on to.

Ms. WASSERMAN SCHULTZ. We will give him that.

Mr. RYAN of Ohio. That is all I am hanging on to. But it was a great game, and you have got a great coach and a great team, and see you on the basketball court.

Mr. MEEK of Florida. Mr. RYAN, you did take it like a man. We were watching the game together, and it was great for college football and great for all of us here in the country to see the underdog win. And it kind of tells our story here in the U.S. House of Representatives. And I just want to thank everyone on behalf of all of us. But tonight we are going to take a moment because, Mr. Speaker, when we come back to the floor, we have a number of freshmen that are coming in that are new 30-somethings that were elected in this election, and they are going to come to the floor. I believe, and all of us in 30-Something Working Group believe, that we were effective in the 108th and the 109th Congress, communicating with the American people. We want to thank not only the Speaker but also the majority leader, Mr. HOYER; and also Mr. CLYBURN, who was our Democratic leader, now our Democratic whip; and now Mr. EMANUEL for his good work, who is our chairman of the Democratic Caucus; and Mr. LARSON, who is the vice chairman, for all the support they gave the 30-Something Working Group, including the Members on the Democratic side of the aisle.

We talked about what we would do, Mr. Speaker, if we had the opportunity to get into the majority. And I am happy to report that we talked about putting in standards on PAYGO, making sure that whatever we appropriated, wherever we spend, that we also identify how we are going to pay for it so that we can get away from owing all of these countries money as we owe now. And there is a lot of work that has to be done that the Republican Congress has left us with.

Looking at records like this, $1.05 trillion borrowed by the President and the Republican majority in the 109th Congress and the 108th Congress over 42 Presidents at $1 trillion. So all of the charts you see here tonight, Mr. Speaker, will only be resurrected, if I could use that word, every now and then because the charts are going to be talking about what we have done. We did that last week.

Today we implemented the 9/11 Commission's recommendations, all of them, here on this floor. And we had some of our Republican colleagues join us, and we are going to work in a bipartisan way to make sure that we do what we told the American people we would do in our Six in 2006 plan.

Also, I think it is important, on Wednesday, we are going to raise the minimum wage. Tomorrow the minimum wage will be raised here on this House of Representatives floor. This House that we talked about time after time again that we would do if given the opportunity. Later this week, securing low prices on prescription drugs, giving the Federal Government negotiating opportunity with the drug companies. Also stem cell research, ethics reform. These are things that the 109th Congress under Republican control, they didn't even do it. And we have done it within the first 100 hours, and we have a lot more that we would like to do. So I would not only like to thank our good friend, Ms. WASSERMAN SCHULTZ, which our districts neighbor each other in Florida, but Mr. RYAN and Mr. DELAHUNT, Uncle Bill, in his absence.

Mr. Speaker, he apologized for not being here tonight, and I told him, this is the first night that we are on the floor coming back in the majority. And, Mr. Speaker, I can tell you, as I yield to my colleagues, Ms. WASSERMAN SCHULTZ and Mr. RYAN, that I know from me and from all of us in the 30-Something Working Group, we are forever grateful to the American people for allowing us to have the opportunity to lead in a commonsense way on their behalf. And it took Republicans and it took independents and it took Democrats and it took the Green Party and it took folks who voted for the first time because they had hope that we are going to move this country in a new direction. And I am so happy to our leadership and also to the members of the Democratic Caucus that we are following through on what we said we would do. It is going to be painful, but we are going to do it because the American people want a new direction. I am so happy that I am a member of a caucus and a party that has said they are going to do something, and they are actually doing it. That is a paradigm shift here in Washington.

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you so much to my good friend, Mr. MEEK, and it is so wonderful to be with my good friends in the 30-Something Working Group. We spent so many nights here talking about the need for us to move this country in a new direction, a new direction for America. That is what, Mr. Speaker, you and others talked about during the campaign. We went out and talked about making sure that we could increase the minimum wage for the first time in 10 years; have the student loan interest rate; fully implement the 9/11 Commission recommendations; make sure that we repeal the energy industry subsidies that they don't need because they are the most profitable industry in the entire world so that we can truly fund alternative energy resources; eliminate the prohibition against negotiating for lower prescription drug prices; and putting the stem cell research bill on the President's desk once again; and making sure that we can finally establish some accountability with this administration on the war in Iraq.

□ 2240

At last we will have the opportunity to bring them in and ask them the tough questions that our good friends on the other side of the aisle refused to ask for years.

We had an opportunity as the 30-something Working Group to point out and contrast what we would do in the majority if we were given that opportunity versus what the Republican leadership was doing for the last 12 years. And the American people responded and gave us that opportunity.

Some people might have started at the top of this hour, kind of scratched their head and wondered why we were talking about the University of Florida national championship and the Gators victory, but there is some analogy, all kidding aside.

The Gators showed that they came to play last night when no one expected them to win, when for months people didn't give them any chance of coming out on top and winning the national championship. I think that our victory on November 7 is analogous to that because certainly at the beginning of my first term in Congress 2 years ago, no one gave the Democrats a chance. No one gave us a snowball's chance of reaching the point that we did on November 7 and being able to elect enough Members to truly move this country in a new direction.

In part because of the Members that joined us on the floor each night and our Democratic Caucus colleagues who were so committed to get the message out and talking to their constituents and really appealing to the issues that the American people cared about, as opposed to the special interests and the culture of corruption and the pall that was cast over this Capitol for so long, now we are finally being given that opportunity. It is incredibly important.

One of the most amazing things for me as a woman was that last Thursday we were able to watch history in the making when the gavel was passed to Speaker NANCY PELOSI as the first woman Speaker in United States history. I had my twin 7-year-olds on the floor that day, and I know you had your children on the floor with you that day, Mr. MEEK, but the opportunity for our kids to see, and especially for little girls in America, to see that really anything is possible in America, for that, for us to be able to witness that was just incredible.

And today for us to be able to witness Speaker PELOSI preside over H.R. 1, the passage of H.R. 1, which was the first bill that we adopted in the 100-hours agenda that fully implements the 9/11 Commission agenda. The Republicans minimally implemented those recommendations, and that is why the 9/11 Commission co-chairmen gave them Ds and Fs, because they had not allocated funding on the basis of risk and vulnerabilities. They had not created and rehearsed State and local emergency response plans. They had not addressed the interoperability issues between intelligence agencies and first responders. There were at least 10 items. They have not protected privacy and civil liberties with an oversight function. They have not improved air passenger screening. They were not checking all the cargo. There was no funding or mechanism to check all of the cargo that came through our ports. H.R. 1 that we adopted today implements that right now. It was a thrill to watch Speaker PELOSI preside over the passage of the first item in our 100-hours agenda.

Mr. RYAN of Ohio. Mr. Speaker, the gentlewoman is right. Last week during all of the Speaker ceremonies, one of the things was a mass up at Trinity College where the Speaker went to college. There were two pictures up on the altar. One was a picture of a kid in Darfur and the other was a kid from Hurricane Katrina. There were pictures of these kids from New Orleans and Darfur all over. I think that kind of symbolized where this Speaker is taking this House of Representatives, that is, we are going to act in the best interest of those kids to protect them by implementing these recommendations.

I think the frustration we see on the other side of the aisle, and there is always a level of frustration because you are in power and then out of power, but the one level of frustration from the other side of the aisle is this stuff isn't brain surgery. We have been waiting years to implement some of this stuff. The minimum wage, 10 years. The 9/11 Commission report has been out for a long time. Some of these other things such as negotiating drug prices, we are actually going to get this stuff done in the first 100 hours of legislative business we are doing here. I think there is a level of frustration on their side because some of them wanted it and it couldn't get through, or they don't want it and we are implementing it. But this agenda has the support of the American people.

In some ways, these are broad parameters for us. But take the PAYGO rules. We are going to make sure that we are only spending money that actually comes into the Treasury. We are not going to go out and borrow from China. I know our friends who were here before were talking about we are going to get rid of all of the tax cuts. We are going to implement middle-class tax cuts, and we are going to ask some of the people who have been making millions, if not billions, of dollars over the past couple of years to pay more. If you are making millions of dollars a year, we are going to ask you to pay more in taxes. And the reason we are going to do that is we are either going to ask you or we go and we borrow it from China. You are benefiting a great deal from the economy that we have here, from the political system we have here, and we need your help in balancing our budget.

Now, there is nothing that has more of an effect on average people than increased interest rates. As we borrow money and borrow money, money becomes scarce in the market, and interest rates go up. If you try to buy a house or car, interest rates have gone up and you are paying more. We are going to keep those tax cuts for the middle class, and we are going to ask the wealthiest to pay a little more. And by balancing the budget, we are going to try to reduce interest rates, and that will lead to another economic boom like happened in 1993 when President Clinton and a Democratic Congress balanced the budget. That is the way it is going to be.

We are proving to the American people, and this is the exciting part, I think the American people took a leap of faith on us. In the last few days, we have actually done what we said we were going to do. Later this week we are going to continue to do what we said we were going to do, and next week we will do what we said we were going to do. And when the President gets here to give his State of the Union, he will have a Democratic agenda lying on the table to have to discuss, and that includes the war in Iraq.

Mr. MEEK of Florida. Mr. Speaker, the gentleman from Ohio (Mr. RYAN) is making an excellent point. If you can elaborate more on what you were talking about, I think that is very important.

Mr. RYAN of Ohio. When you talk about PAYGO, and we were talking earlier about the college loan interest rates and in cutting these interest loans in half for both parent and teachers, the bottom line is we are going to cut those interest rates and make college more affordable. You are also talking about the minimum wage and the stem-cell research which we want to talk a little bit about tonight. We are talking about bread-and-butter issues, investing in science and cutting interest rates in half, making sure the bottom is lifted up. I think we have a lot going on.

Ms. WASSERMAN SCHULTZ. Expanding access to higher education was one of the critical elements, is one of the critical elements of the 100-hours agenda because America is all about opportunity.

Our good friends on the other side of the aisle talk about prosperity and how it is essential to make sure that Americans can continue to prosper, and we absolutely believe that. But there is no denying that prosperity isn't possible in this or any other country without an education.

If you are denied access to education because of the lack of affordability, because you can't pay for it or because your ability to repay a loan is prohibited because the interest rate is so high that you are paying for the rest of your natural life and it takes such a huge chunk of your income that eventually you have to decide not to pursue an education, then prosperity isn't possible.

As you have in this chart, and Mr. MEEK is going to talk about minimum wage, we lag behind the world in terms of global education standards. You have thousands of students who will graduate with engineering degrees this year. And look at the difference in numbers: 600,000 engineering degrees in China; 350,000 engineering degrees in India; and 70,000 engineering degrees in the United States of America.

□ 2250

Now, if that isn't an example and evidence of where we need to focus our priorities and make sure that we expand access to higher education so that we can grow that number, then our ability to be competitive globally is severely, severely impacted, and individual's ability to prosper is severely impacted.

Mr. RYAN of Ohio. Mr. Speaker, just to be fair, these numbers have been shifted and I have seen different numbers for China, India and the United States. But the bottom line is no matter which ones you are looking at, they have a significant advantage on some of these. You look at our math and science scores, they have gone up a little bit, I think in the fourth grade range, but not nearly where we want them to be. We still have a tremendous gap between the wealthiest and poorest districts. We have a tremendous gap between minority districts and white districts. We have got a lot of work to do.

The No Child Left Behind Act is coming up this year to be reauthorized and hopefully funded at the levels. Hopefully we can make the kind of changes that we always hear about on the campaign trail when it comes to education, teachers grabbing us about No Child Left Behind. We have a brutally competitive world out there waiting for us, and these changes need to happen, and some of them need to happen in the first 100 hours.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield, one of the things I wanted to point out is it could ultimately, as we continue to do these 30-something hours, it could be easy to presume now that we are in the majority that we would come here and only talk about the Democrats' agenda and what we are planning to do, and we are going to spend quite a bit of time talking about that during these hours.

But I think it is important that our colleagues and others who might hear us talking tonight understand that the reason that our taking the majority in the Congress was so important, besides our being able to implement an agenda, is the accountability factor.

We are going to come here, now that we are in the majority and control the agenda here, it is absolutely our responsibility because we have the ability to do it to hold this administration accountable, to ask questions, to hold hearings, to bring them here and make sure that they answer questions about their policies that the American people showed us on November 7 they don't agree with.

It is going to be incredibly important in the time that we spend on this floor that we not only talk about our agenda, but what we are doing to make sure that we restore the Congress' role, constitutional role, where we hold the administration accountable and reestablish the system of checks and balances.

Mr. MEEK of Florida. I think it is important, Mr. RYAN, Ms. WASSERMAN SCHULTZ, and also Mr. Speaker and Members, a perfect example of the balance of power. Now, in the 109th there were a lot of things said. I won't be giving any speeches any time soon saying I was proud to be a Member of the 109th Congress, because we had Members that were indicted, we had Members that were saying "I have a list, and if you are not on my contributors' list, you can't have a meeting with me." We had the K Street Project. We had a number of other things. We had the page scandal.

We had a number of things, because no one was policing the body of this U.S. House. No one took responsibility on telling the special interests, no, you can't have that. No one took the responsibility in standing up to the big oil companies and saying we are going to legislate on behalf of the American people.

When we start talking about investing in alternative fuels on this floor within the next couple of days, next week or what have you, that is going to be something that no one dreamed would ever take place.

I am holding this chart up because we have been holding it up, especially in the 109th Congress, to talk about the increases that Members of Congress have received in pay and what the American people have received, zero, since 1997 as it relates to an increase in the minimum wage.

Guess what? This chart, we can send it over to the National Archives across the street, because tomorrow we are going to increase the minimum wage.

Guess what a little legislative leadership brings? Now the President is saying "I am for the increase in the minimum wage." Isn't that something? And when we get on that board tomorrow, Mr. Speaker, I guarantee you that there are going to be a lot of Republicans that are going to say, you know something, and they are going to send a press release out and say "I voted for an increase in the minimum wage." Unheard of in the 109th Congress.

Mr. RYAN of Ohio. Unheard of in the 108th Congress, unheard in the 107th Congress.

Mr. MEEK of Florida. And on and on under Republican control. So I think it is very important for everyone to understand when we have legislative leadership, the writers of Constitution said there is going to be a legislative, an executive, a judicial. They did not say executive and legislative together. They didn't say someone calling from the White House and saying this is the way the vote is going to go down, and if you like it or not, this is what is going to happen.

I have been talking to some of my Republican colleagues, and we all have great relationships with our Republican colleagues, many of them. We had an issue with the Republican leadership leading them down the wrong road, and we even tried to correct some of those issues here on the floor saying, you know, we want to get in the majority, but we care about the American people first, so, please, vote for our amendment, when we could get one on the floor, a motion to recommit, saying we want to make sure the American people are involved in this. We couldn't even pull one Republican on many of those issues.

But tomorrow, thank God for our democracy, thank God for folks that voted for Democratic control of the House, we are going to have many Republicans that are going to vote. It is not going to be where were you yesterday, it is going to be thank God we are able to do something for the American people. So that is where we are.

When Ms. WASSERMAN SCHULTZ talked about legislative leadership, it is important. We have to be bold and we have to be bipartisan. I am just so happy that we are going to have the opportunity to do that. That is major, Ms. WASSERMAN SCHULTZ, that is major, Mr. RYAN, for the American people to vote for change and to see it, immediately. Not, well, when is the next election? What? Two years and some change.

We are not even out of January yet, and we are already voting in a bipartisan way because of the leadership of the Democrats that say we have to increase the minimum wage, something we told the American people we would do. So I am excited about the fact, Mr. RYAN, that we are able not only in our lifetime but in our political lifetime to be able to deliver to the American people something that is important.

Ms. WASSERMAN SCHULTZ and Mr. RYAN, when we come back to the floor, we are going to have members of the Freshman Caucus, of the Democratic Caucus, that are going to be joining us here on this floor. These are individuals that are fresh, out of not only the campaign, but out of private life, to bring to this House the kind of input that we need.

One thing we are committed to do in the 30-Something Working Group, there is an old spiritual that says "we are in no ways tired." We are in no ways tired, because we have a war that is going on, we still have people without health care, we have a deficit that is continuing to run out of control. But we have now passed legislation to pay as we go. We now have the will and the desire to do the right thing on behalf of our veterans. All of the things we talked about.

So I look forward, Mr. Speaker, to coming to the floor to not only report on progress, but also to ask the Members on both sides of the aisle and the American people to give us the kind of input that we need.

We had the rubber stamp, Ms. WASSERMAN SCHULTZ and Mr. RYAN, that we asked the American people what should we do with the rubber stamp. I want to thank Mr. Manatos with the Speaker's office, I like to say that, with the Speaker's office, that facilitated that asking of the American people.

We are going to keep the rubber stamp, the Republican Congress rubber stamp of the 109th, to remind us that we never, ever want to go back to a rubber stamp Congress. It is not good for the country and it is not good for our future, and it is not good for the men and women that are our veterans and those that are now serving for our independence for us to be able to salute one flag. It is not good. That is not what the Constitution called for and that is not what we are going back to.

So there was a discussion of destroy the rubber stamp, or put the rubber stamp on E-Bay and give it to the Troop Relief Fund or whatever the case may be. But the overwhelming e-mails that we received in the 30-Something Working Group was keep the rubber stamp as a reminder of what you don't want to do in the 110th, if God is willing, in the 111th and the 112th and so on and so on Congress, to not allow that to happen.

So, Mr. RYAN, I just want to say, I know Ms. WASSERMAN SCHULTZ joined us in the 109th, I want to thank you personally on the 108th, because it was kind of lonely. It was just the two of us. Every now and then we would get other members of the 30-Something Working Group. I want to thank you for sticking in there over the years, and then when you are in the majority, commit to coming back with the same enthusiasm to say not only thank you, but to say that we are going to continue to work and we are going to continue to reach out and continue to do the things that we did in the minority to make sure that we have a strong majority and make this country stronger.

□ 2300

And I want to thank Ms. WASSERMAN SCHULTZ for all the things she does. And I don't know how she does it all, being a mom. I am a dad, but to be a mom is a totally different definition. But she comes to this Congress and brings not only what she brings from the Florida senate, but the same kind of energy, integrity and good will on behalf of the American people, so I want to thank you and all the other Members.

I want to thank Uncle Bill for being an individual that is receiving Medicare. He is a Medicare recipient now. The fact that he comes to the floor.

Mr. RYAN of Ohio. When we are here early, he comes to the floor.

Mr. MEEK of Florida. Right. When we come earlier, he comes to the floor.

And Mr. Manatos, he is the glue that keeps this whole thing together. I can't say enough about him. I want to thank him for all the work he has done. Even though we are all paid to do what we do, Mr. Speaker, it takes an extra wanting to serve the American people to come to this floor night after night.

And I want to take just a personal point. I want to thank my family for allowing me to be here, because I have two kids and a wife here in Washington, DC with me. They allow me to come to this floor. But the whole thing comes down to the fact that we have men and women that are deployed for 15 months at a time, so at least I can go two to three blocks to the Capitol at 10 o'clock at night, give them voice and those out in America voice that are punching in and out every day trying to figure out how they are going to get health care for their kids, how they are going to move in a direction where they will be able to have some savings and a tax cut as a middle class.

So I am very thankful. You all can tell I am a little emotional tonight. I see folks here, the Capitol Police and other folks here working tonight, saying, Congressman, you have a big smile on your face. It is my first time being on the floor in the majority. It is not only a historic majority but I am glad to be part of change and glad to do something on behalf of the American people.

Mr. RYAN.

Mr. RYAN of Ohio. Cheers, brother. I couldn't agree with you more, and we want to thank you too for your leadership. We have had a good couple of years where one of us is inevitably tired and cranky, maybe hungry, and the other one has said, we have to go. We have to go do it. We have to keep going.

But when you look at what we are able to do, and I was just glancing over at the minimum-wage stuff, 13 million people would likely benefit from the increase. 7.7 million women, 3.4 million parents, and 4.7 million people of color will benefit, with an average family of three getting $4,400 more a year in their pocket. That is why you do what you do. That is why you get into public life.

You start looking at some of the funding streams for community health clinics and safe and drug-free schools, and the Pell grants, and we are not going to be able to wave a magic wand, because we are in a heck of a hole, so it is going to take us a few years to get out of this, but we are going to start bringing some balance to this process. And I think average people are going to start being represented here under the dome.

We are not perfect. We will probably make some mistakes along the way, but I think they are going to be mistakes of us trying to do the right thing and make things happen. This is an incredibly complex system we run, with 435 Members from different walks of life, different States and different regions to try to make things happen. Then to go across the hall and try to agree with 100 people from 50 States, and balance that off the President and the executive branch is difficult, but I think we are laying down some good framework here that we can work in the next few weeks and hopefully in the next few years that will affect average people's lives.

So, cheers. And now to my Gator friend.

Ms. WASSERMAN SCHULTZ. Thank you. I think the key word you touched on is balance. That is why I am thrilled, and I know the two of you are as well, to have the opportunity to restore balance and to restore the American people's confidence in their government again.

Because, Mr. MEEK and Mr. RYAN, that is one of the things that was a casualty of the last several years, with the headline every other day, every day sometimes, about a colleague of ours on the other side of the aisle being indicted, as Mr. MEEK said, or arrested. We have former colleagues in jail. We have lobbyists that inappropriately tried to influence this process that are in jail.

This election, I think, was a reflection of the American people's desire for change and to move in a new direction. And one of the things that Speaker PELOSI has talked about, and talked about so often in the campaign, is what her speakership and our majority will be about is making this the most bipartisan Congress in the United States history, with the inclusiveness and the participation that Members on both sides of the aisle will have an opportunity to have, and that that is incredibly important.

That extends beyond just the Members here, but extends to the voices of the people that we are serving. The net roots, for example. That is a community that has been so instrumental and so involved in getting the message out about what people in the country care about. I know that the three of us have interacted during our time on the floor here with folks involved in the net roots and they have given voice to so many people exponentially that would not have had the ability to get our message out. It is incredibly important.

Inclusiveness and balance and confidence in government is I think going to be the watch words that will be really the clarion call of our majority, so I really look forward to that opportunity.

I tell you, where we are at this stage of our careers and our lives, I have been in public office now for, gosh, I guess it is 16 years, which is kind of amazing. But it is actually 16 years, and I have spent 4 of those years in the majority in the State House. Mr. MEEK, we served a couple years in the majority together in the State House, and that is the last time that I had an opportunity to actually advance an agenda. We definitely spent a lot of time honing our defensive skills, and I think we have gotten pretty good at that and comparing and contrasting. But at the end of the day, most of us, the vast majority of us ran for office in order to make the world better, and now we have that opportunity.

Like you said, Mr. RYAN, we might not always do it right, but it won't be for lack of good intentions and it won't be for lack of trying to stand up for those who have no voice, which I think will be quite a marked contrast compared to, and I hate to directly question the intentions, but compared to the intentions of some over the last few years. That is the most diplomatic way I can put it.

Mr. RYAN of Ohio. Very diplomatic. I want to make one final point before we close up here.

If the elections didn't go the way they were supposed to, or the way they did, I should say, and this was still a Republican-controlled House and a Republican-controlled Senate, just to put all this in context, what would have happened is the President would have said that we want to put 20,000 or 30,000 more troops in Iraq, and this Congress would have got out the rubber stamp, and it would have been a done deal. And in several months there would be a $100 billion supplemental and there would be 30,000 more troops in Iraq, and we would be further down the line. There would be no question that that is exactly what would have happened.

So the power and the force of the American people in their statement that they made basically says we are going to have a discussion about this. Now, how this ends up, we don't know. But I know from a personal perspective there is going to be some strong resistance to adding any more troops, and we are going to have a discussion about money and everything else.

Now, we don't have a caucus position, but the bottom line is this: there is going to be a discussion. And that is what is great about this country, and that is what is great about the elections. It is not just going to get rammed through this House, and the American people are not going to feel helpless. They are going to feel like they are here.

I know we are ready to wrap things up. Mr. MEEK, great game last night. You are actually a Miami of Florida fan.

Mr. MEEK of Florida. Miami of Florida? I can tell you are from Ohio.

Mr. RYAN of Ohio. Miami of Florida.

Ms. WASSERMAN SCHULTZ. Go Rattlers.

Mr. RYAN of Ohio. That is what I said.

Mr. MEEK of Florida. No, you said I am actually a Miami of Florida fan. I can tell you are from Ohio. Miami of Ohio? We say Miami, Florida. We don't say Miami of Florida. But thank you, Mr. RYAN.

Mr. RYAN of Ohio. All I am saying is that last night he was like a big Gator fan.

Ms. WASSERMAN SCHULTZ. We are all big Gator fans.

Mr. RYAN of Ohio. Now, I can see Ms. WASSERMAN SCHULTZ, because I have seen the outfit. But you, all of a sudden they win and you are now a big fan.

But I want to congratulate you. This is not poor sportsmanship. Ms. WASSERMAN SCHULTZ, I want to congratulate you as well. Thank you for all your hard work.

And I yield to my good friend.

Mr. MEEK of Florida. Mr. RYAN, you claimed Ohio State, but you live in Niles, Ohio, far from where Ohio State is located.

Mr. RYAN of Ohio. Wait a minute, I want to clarify, it is the Ohio State university.

Mr. MEEK of Florida. I am not yielding to you. I am yielding to Ms. WASSERMAN SCHULTZ for closing. I am going to close, then you are going to give the Web site. Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I just want to close by saying that I look forward to the opportunity to continuing the balance that we have been trying to strike the last number of years and having the opportunity to implement our agenda, to move this country in a new direction, and begin to establish some real accountability and oversight with this administration.

I look forward to joining you on the floor with the 30-Something Working Group and having our new colleagues, the new additions, the new recruits in the 30-Something Working Group, which is the freshman class.

Mr. MEEK of Florida. Thank you, Ms. WASSERMAN SCHULTZ.

I can tell you that in the 30-Something Working Group we do, Mr. Speaker, kind of mix it up here and there, but I think it is very, very important. I am glad we came tonight just to reflect on the work, and to say thank you to the American people, and to say thank you to the staff here in the House, and to say thank you to all of our families.

I would like to say thank you to our personal staff that work in our offices. We get together, Mr. Speaker, and we go over this information, what works best here for the American people. So we just don't come to the floor. We actually spend a lot of staff time. So we want to say thank you to our staffs.

Once again, we would like to say thank you to the Speaker for creating this group and sticking with us and giving us the resources that we need to come to the floor night after night, and we look forward to continuing to do that.

The good thing about this 30-Something Working Group, Mr. Speaker, is that this wasn't a project to get in the majority; this was a project to work on behalf of the American people. So in the majority we will continue to do the things we did in the minority because we still have people out there that need the kind of representation in a sensible way. This is not partisan. We are going to read off the song sheet of whatever the Democratic National Committee puts out. That is not what it is all about. It is about giving voice, commonsense solutions, and moving in the direction that we have to move in.

So we look forward to working with our Republican colleagues. And I am so honored, Mr. Speaker, to yield to Mr. RYAN to give the Web site out, and then I am going to yield back our time. But since we no longer can use our old Web site, because we are in the majority now, Mr. Manatos had to write it on some notebook paper to give out to the Members until we get our Web site memorized.

Mr. RYAN of Ohio. We are still maintaining our grass-roots approach here with the legal pad. www.Speaker.gov/30something.

Mr. MEEK of Florida. Can you give that out one more time?

Mr. RYAN of Ohio. www.Speaker.gov/30something.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. HOYER) for today.

Mr. BUYER (at the request of Mr. BOEHNER) for today and the balance of the week on account of medical reasons.

Mr. GILLMOR (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WATSON) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mr. MARIO DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and January 10, 11, and 12.

Mr. BURTON of Indiana, for 5 minutes, January 10, 11, and 12.

Mr. PRICE of Georgia, for 5 minutes, January 10.

Mr. SHUSTER, for 5 minutes, January 10.

Mr. PAUL, for 5 minutes, January 11.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 197. An act to authorize salary adjustments for justices and judges of the United States for fiscal year 2007; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area".

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 10, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

58. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [EPA-HQ-OPP-2002-0043; FRL-8064-3] received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

59. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0823; FRL-8100-9] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

60. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerance [EPA-HQ-OPP-2005-0145; FRL-8107-8] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

61. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dimethomorph; Pesticide Tolerance [EPA-HQ-OPP-2005-0532; FRL-8104-6] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

62. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerance for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2006-0942; FRL-8105-4] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

63. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fluroxypyr; Pesticide Tolerance [EPA-HQ-OPP-2005-0536; FRL-8107-7] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

64. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerance [EPA-HQ-OPP-2006-0177; FRL-8105-9] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

65. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Metconazole; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0655; FRL-8095-4] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

66. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Myclobutanil; Pesticide Tolerance [EPA-HQ-OPP-2006-0282; FRL-8105-1] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

67. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flucarbazone-sodium; Pesticide Tolerance [EPA-HQ-OPP-2006-0935; FRL-8105-6] received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

68. A letter from the Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Nondiscrimination and Wellness Programs in Health Coverage in the Group Market (RIN: 1545-AY32) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

69. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Interstate Rule (CAIR) and Federal Implementation Plans for CAIR; Corrections [EPA-HQ-OAR-2004-0076; FRL-8254-7] (RIN: 2060-AM99) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

70. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Extension of the Deferred Effective Date for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas; Correction [EPA-HQ-OAR-2003-0090; FRL-8256-7] (RIN: 2060-AN90) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

71. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Rule Interpreting the Scope of Certain Monitoring Requirements for State and Federal Operating Permits Programs [EPA-HQ-OAR-2003-0179; FRL-8257-3] (RIN: 2060-AN74) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

72. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Nonferrous Metals-Zinc, Cadium, and Beryllium [EPA-HQ-OAR-2006-0510; FRL-8257-4] (RIN: 2060-AN45) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

73. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry [EPA-HQ-OAR-2002-0051 FRL-8256-4] (RIN: 2060-AJ78) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

74. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Finding that Certain States Did Not Submit Clean Air Mercury Rule (CAMR) State Plans for New and Existing Electric Utility Steam Generating Units and Status of Submission of Such Plans [FRL-8255-9] received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

75. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone; The 2007 Critical Use Exemption from the Phaseout of Methyl Bromide [EPA-HQ-OAR-2005-0538; FRL-8257-2] (RIN: 2060-AN54) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

76. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 2006 Reporting Notice and Amendment; Partial Updating of TSCA Inventory Database; Chemical Substance Production, Processing, and Use Site Reports [EPA-HQ-OPPT-2006-0981; FRL-8109-9] (RIN: 2070-AC61) received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

77. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Redesignation of the Kent and Queen Anne's 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance [EPA-R03-OAR-2006-0353; FRL-8259-7] received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

78. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's

final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Revision to Ohio State Implementation Plan to Rescind Oxides of Nitrogen Rule [EPA-R05-OAR-2006-0354; FRL-8259-5] received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

79. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobile and Light-Duty Trucks [EPA-HQ-OAR-2002-0093; FRL-8260-7] (RIN: 2060-AN10) received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

80. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry [EPA-HQ-OAR-2005-00475; FRL-8259-6] (RIN: 2060-AK14) received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

81. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Toxics Release Inventory Burden Reduction Final Rule [TRI-2005-0073; FRL-8260-4] (RIN: 2025-AA14) received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

82. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 128(a); Notice of Grant Funding Guidance for State and Tribal Response Programs [FRL-8253-9] received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

83. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fuel Economy Labeling of Motor Vehicles: Revisions to Improve Calculation of Fuel Economy Estimates [EPA-HQ-OAR-2005-0169; FRL-8257-5] (RIN: 2060-AN14) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

84. A communication from the President of the United States, transmitting an supplemental consolidated report, consistent with the War Powers Resoultion, to help ensure that the Congress is kept fully informed on U.S. military activities in support of the war on terror, Kosovo, and Bosnia and Herzegovina, pursuant to Public Law 93-148; (H. Doc. No. 110-5); to the Committee on Foreign Affairs and ordered to be printed.

85. A communication from the President of the United States, transmitting notification of his intention to add East Timor to the list of beneficiary developing countries and to the list of least-developed beneficiary developing countries under the Generalized System of Preferences, submitted in accordance with section 502 (f) of the Trade Act of 1974; (H. Doc. No. 110-6); to the Committee on Ways and Means and ordered to be printed.

86. A letter from the Deputy Chief Counsel, Regulations, Department of Homeland Security, transmitting the Department's "Major" final rule — Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License [Docket Nos. TSA-2006-24191; Coast Guard-2006-24196; TSA Amendment Nos. 1515-(New), 1540-8, 1570-2, 1572-7] (RIN: 1652-AA41) received January 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH of Pennsylvania (for himself, Mr. HAYES, and Mr. REYNOLDS):

H.R. 321. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that additional tariffs be imposed on products of that country on the basis of the rate of manipulation by that country of the rate of exchange between the currency of that country and the United States dollar; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland (for himself, Mr. GINGREY, Mr. WELLER, Mr. CHABOT, Mr. DANIEL E. LUNGREN of California, Mr. LIPINSKI, Mr. DAVIS of Kentucky, Mr. LINCOLN DAVIS of Tennessee, Mr. FRANKS of Arizona, Mr. HUNTER, Mrs. MUSGRAVE, Mr. JONES of North Carolina, Mr. INGLIS of South Carolina, and Mr. GILCHREST):

H.R. 322. A bill to derive human pluripotent stem cell lines using techniques that do not harm human embryos; to the Committee on Energy and Commerce.

By Mr. BACHUS (for himself, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Mr. GILLMOR, Mr. HENSARLING, Mr. MOORE of Kansas, Mrs. BIGGERT, Mr. JONES of North Carolina, Ms. WASSERMAN SCHULTZ, Mr. SHAYS, Mr. FEENEY, Mr. HINOJOSA, Mr. PAUL, Mr. GARRETT of New Jersey, Mr. CLAY, Mr. RENZI, Mr. NEUGEBAUER, Mr. DAVIS of Kentucky, Mr. MCHENRY, Ms. HOOLEY, Mrs. MCCARTHY of New York, and Mr. MATHESON):

H.R. 323. A bill to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes; to the Committee on Financial Services.

By Mr. MCKEON (for himself, Mr. MCCRERY, Mr. KLINE of Minnesota, Mrs. BIGGERT, Mr. TIBERI, Mr. FORTUÑO, Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, Mr. LEWIS of Kentucky, Mr. PORTER, Mr. CAMP of Michigan, Mr. WELLER, Mr. HELLER, Mr. LINDER, Mr. MCCAUL of Texas, Mr. DANIEL E. LUNGREN of California, Mr. BAKER, Mrs. SCHMIDT, Mr. FRELINGHUYSEN, Mr. ADERHOLT, Mrs. JO ANN DAVIS of Virginia, Mr. CALVERT, Mr. BOOZMAN, Mr. FORTENBERRY, Mr. KIRK, and Mr. REHBERG):

H.R. 324. A bill to increase the minimum wage, to provide access to health care coverage to employees of small businesses, and to preserve American jobs; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself and Mr. HINOJOSA):

H.R. 325. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Education and Labor.

By Mr. BUTTERFIELD:

H.R. 326. A bill to amend title XIX of the Social Security Act to require that each State plan for medical assistance under Medicaid provide that the financial participation of the State is 100 percent of the non-Federal share of expenditures under the plan; to the Committee on Energy and Commerce.

By Mr. BOSWELL (for himself, Mr. KIND, Ms. JACKSON-LEE of Texas, Mr. LIPINSKI, Mr. HINCHEY, Mr. ENGEL, Mr. ROSS, Mr. WEINER, Ms. WOOLSEY, Mr. SCHIFF, Mr. LINCOLN DAVIS of Tennessee, Mrs. CAPPS, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Mrs. LOWEY, Mr. LANTOS, Ms. SCHWARTZ, Mr. MEEKS of New York, Mr. ORTIZ, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. RAHALL, Mr. SPRATT, Mr. BOUCHER, Mr. HONDA, Ms. MATSUI, Mr. MCINTYRE, Ms. WATERS, Mr. CRAMER, Mr. MOLLOHAN, Mr. WEXLER, Mr. MILLER of North Carolina, Mr. CROWLEY, Ms. MCCOLLUM of Minnesota, Ms. SCHAKOWSKY, Mr. MOORE of Kansas, Mr. RUPPERSBERGER, Mr. OLVER, Mr. COSTELLO, Mr. POMEROY, Mr. SALAZAR, Mrs. NAPOLITANO, Mr. LATHAM, Mr. MICHAUD, Mrs. MALONEY of New York, Mr. LANGEVIN, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. STARK, Mr. EDWARDS, Mr. MORAN of Virginia, Mr. KING of Iowa, Mr. BERMAN, Mr. ETHERIDGE, Mr. LOEBSACK, Mr. MARSHALL, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. MCDERMOTT, Mr. BRALEY of Iowa, Mr. KENNEDY, Mr. LARSON of Connecticut, Ms. ZOE LOFGREN of California, Mr. BAIRD, Mr. WATT, Mr. SHERMAN, Mr. TAYLOR, Mr. CHANDLER, Mr. BERRY, Mr. HOLDEN, Mr. DONNELLY, Mr. HILL, Mr. BOYD of Florida, Mr. CARDOZA, Mr. MELANCON, Ms. HARMAN, Ms. BEAN, Mr. PETERSON of Minnesota, Mr. BACA, Mr. COSTA, Mr. MATHESON, Mr. BARROW, Mr. SCOTT of Georgia, Mr. SHULER, Mr. WILSON of Ohio, Mr. PATRICK MURPHY of Pennsylvania, Ms. HERSETH, Mr. MAHONEY of Florida, Mr. ELLSWORTH, Mr. HAYES, and Mr. WAMP):

H.R. 327. A bill to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans; to the Committee on Veterans' Affairs.

By Ms. NORTON (for herself and Mr. TOM DAVIS of Virginia):

H.R. 328. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself and Mr. GOODE):

H.R. 329. A bill to amend title 40, United States Code, to designate certain counties as part of the Appalachian region; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 330. A bill to establish a Federal program to provide reinsurance to improve the availability of homeowners' insurance; to the Committee on Financial Services.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 331. A bill to direct the Secretary of Veterans Affairs to conduct a study of the accuracy of expiration dates on certain prescription drugs maintained by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CARTER:

H.R. 332. A bill to amend title II of the Social Security Act to provide that wages earned, and self-employment income derived, by individuals while such individuals were not citizens or nationals of the United States and were illegally in the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program under such title; to the Committee on Ways and Means.

By Mr. MARSHALL:

H.R. 333. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability rated less than 50 percent to receive concurrent payment of both retired pay and veterans' disability compensation, to eliminate the phase-in period for concurrent receipt, to extend eligibility for concurrent receipt and combat-related special compensation to chapter 61 disability retirees with less than 20 years of service, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 334. A bill to require the House of Representatives and the Senate to each establish a Subcommittee on Intelligence in the Committee on Appropriations, and for other purposes; to the Committee on Rules, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 335. A bill to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office"; to the Committee on Oversight and Government Reform.

By Mrs. DAVIS of California:

H.R. 336. A bill to require the distribution by the National Technical Information Service of monthly updates of the Death Master List prepared by the Social Security Administration to all nationwide consumer reporting agencies, to require such consumer reporting agencies to maintain a permanent fraud alert in each file of a consumer whose name appears on the Death Master List, and for other purposes; to the Committee on Financial Services.

By Mrs. DAVIS of California (for herself and Mr. MCDERMOTT):

H.R. 337. A bill to eliminate the unfair and disadvantageous treatment of cash military compensation other than basic pay under the supplemental security income benefits program; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 338. A bill to improve communications interoperability for emergency response; to the Committee on Energy and Commerce.

By Mr. DUNCAN:

H.R. 339. A bill to amend title 38, United States Code, to improve access to medical services for veterans seeking treatment at Department of Veterans Affairs outpatient clinics with exceptionally long waiting periods; to the Committee on Veterans' Affairs.

By Mr. DUNCAN:

H.R. 340. A bill to amend title II of the Social Security Act to allow remarried widows, widowers, and surviving divorced spouses to become or remain entitled to widow's or widower's insurance benefits if the prior marriage was for at least 10 years; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 341. A bill to amend title II of the Social Security Act to provide for payment of lump-sum death payments upon the death of a spouse; to the Committee on Ways and Means.

By Mrs. EMERSON (for herself, Mr. AKIN, Mr. BLUNT, Mr. CARNAHAN, Mr. CLAY, Mr. CLEAVER, Mr. GRAVES, and Mr. HULSHOF):

H.R. 342. A bill to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr., United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mrs. EMERSON:

H.R. 343. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to military retirees for premiums paid for coverage under Medicare Part B; to the Committee on Ways and Means.

By Mr. FEENEY (for himself, Mr. MARIO DIAZ-BALART of Florida, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 344. A bill to ensure that Federal emergency management funds are not used for crisis counseling, recreation, or self esteem building classes or instruction; to the Committee on Transportation and Infrastructure.

By Mr. HOEKSTRA:

H.R. 345. A bill to amend the Internal Revenue Code of 1986 to temporarily provide a shorter recovery period for the depreciation of certain systems installed in nonresidential buildings; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. GONZALEZ, Mr. ACKERMAN, Mr. MCGOVERN, Mr. HAYES, Mr. LAHOOD, Ms. BORDALLO, Mr. ORTIZ, Mr. PICKERING, Mr. GALLEGLY, Mr. AKIN, Mr. RENZI, Mr. WHITFIELD, and Mr. ABERCROMBIE):

H.R. 346. A bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps; to the Committee on Armed Services.

By Mr. JONES of North Carolina:

H.R. 347. A bill to amend the Federal Election Campaign Act of 1971 to require political committees which are associated but not affiliated with a Federal candidate or officeholder to include in the statements of organization and the reports such committees file with the Federal Election Commission the identification of each candidate or officeholder with which the committee is associated, and for other purposes; to the Committee on House Administration.

By Mr. JONES of North Carolina:

H.R. 348. A bill to amend title 5, United States Code, to provide that a Member of Congress convicted of any of certain felony offenses shall not be eligible for retirement benefits based on that individual's Member service, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE of Minnesota:

H.R. 349. A bill to amend the Clean Air Act to require all gasoline sold for use in motor vehicles to contain 10 percent renewable fuel in the year 2010 and thereafter, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KLINE of Minnesota:

H.R. 350. A bill to prohibit a convicted sex offender from obtaining approval of immigration petitions filed by the offender on behalf of family members; to the Committee on the Judiciary.

By Ms. LEE:

H.R. 351. A bill to establish the Independent Commission on the 2004 Coup d'Etat in the Republic of Haiti; to the Committee on Foreign Affairs.

By Ms. LEE:

H.R. 352. A bill to require poverty impact statements for certain legislation; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. MEEHAN, Mr. GRIJALVA, Mr. DELAHUNT, Mr. MCGOVERN, and Mr. ABERCROMBIE):

H.R. 353. A bill to prohibit the use of funds for an escalation of United States forces in Iraq above the numbers existing as of January 9, 2007; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York:

H.R. 354. A bill to amend the Elementary and Secondary Education Act of 1965 to improve school safety; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself and Mr. DANIEL E. LUNGREN of California):

H.R. 355. A bill to direct the Attorney General to conduct a study on the feasibility of expanding the National Incident-Based Reporting System to identify crime data relating to elementary and secondary schools; to the Committee on the Judiciary.

By Mr. MCKEON:

H.R. 356. A bill to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States; to the Committee on Natural Resources.

By Mr. REHBERG (for himself, Ms. HERSETH, and Mrs. CUBIN):

H.R. 357. A bill to amend the Agricultural Marketing Act of 1946 to implement mandatory country of origin labeling requirements for meat and produce on September 30, 2007; to the Committee on Agriculture.

By Mr. REICHERT:

H.R. 358. A bill to amend title 38, United States Code, to expand and make permanent the Department of Veterans Affairs benefit for Government markers for marked graves of veterans buried in private cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SOLIS:

H.R. 359. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estarada Chavez and the farm labor movement; to the Committee on Natural Resources.

By Mrs. TAUSCHER (for herself, Mr. MEEHAN, and Mr. SPRATT):

H.R. 360. A bill to provide for counterproliferation measures; to the Committee on Foreign Affairs.

By Ms. LEE:

H. Con. Res. 19. Concurrent resolution affirming the sense of Congress regarding the obligation of the United States to improve the lives of the 36,950,000 Americans living in poverty and the 15,928,000 of those who live in extreme poverty; to the Committee on Oversight and Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. ENGEL, Mr. WALSH of New York, Mr. NEAL of Massachusetts, Mr. KING of New York, Mr. PAYNE, Mr. GARRETT of New Jersey, Mr. PALLONE, Mr. CROWLEY, Mr. MCNULTY, and Mr. ROTHMAN):

H. Con. Res. 20. Concurrent resolution calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process; to the Committee on Foreign Affairs.

By Mr. ROTHMAN (for himself, Mr. KIRK, Mr. TOWNS, Mr. CROWLEY, Mr. ENGEL, Mrs. MCCARTHY of New York, Ms. SCHAKOWSKY, Mr. JOHNSON of Illinois, Mr. INGLIS of South Carolina, Mr. BURTON of Indiana, Ms. BERKLEY, Mr. SESSIONS, Mr. PATRICK MURPHY of Pennsylvania, Mr. FATTAH, Mr. CARNEY, Mr. MCNULTY, Mr. KLEIN of Florida, Mr. MCCAUL of Texas, Mr. MANZULLO, Mr. ROHRABACHER, Mr. SAXTON, and Mr. LEWIS of Georgia):

H. Con. Res. 21. Concurrent resolution calling on the United Nations Security Council to charge Iranian President Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the United Nations Charter because of his calls for the destruction of the State of Israel; to the Committee on Foreign Affairs.

By Mr. DREIER:

H. Res. 38. A resolution to enhance intelligence oversight authority; to the Committee on Rules.

By Ms. WASSERMAN SCHULTZ (for herself, Ms. CORRINE BROWN of Florida, Mr. STEARNS, Mr. BUCHANAN, Mr. MAHONEY of Florida, Mr. HASTINGS of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. WEXLER, Ms. CASTOR, Mr. MICA, and Mr. MARIO DIAZ-BALART of Florida):

H. Res. 39. A resolution commending the University of Florida Gators for their victory in the 2006 Bowl Championship Series (BCS) and for winning the national college football championship; to the Committee on Education and Labor.

By Mr. MCHENRY (for himself, Mr. GERLACH, Mr. CARTER, Mr. WILSON of South Carolina, Mr. FEENEY, Mr. BOUSTANY, Mr. CANTOR, Mr. PRICE of Georgia, Mr. KLINE of Minnesota, Mr. CAMPBELL of California, Mr. BURTON of Indiana, Mr. HENSARLING, Mr. ISSA, Ms. GRANGER, Mr. GARRETT of New Jersey, Mr. COBLE, Mr. GINGREY, Mr. FRANKS of Arizona, and Mrs. SCHMIDT):

H. Res. 40. A resolution amending the Rules of the House of Representatives to establish a minority bill of rights to require the House to be administered in a bipartisan manner and to require regular order in the legislative process; to the Committee on Rules.

By Mr. MEEHAN (for himself, Mr. STARK, Mr. ALLEN, Mr. BLUMENAUER, Mrs. CAPPS, Mr. DEFAZIO, Mr. PAYNE, Ms. WOOLSEY, Mr. GRIJALVA, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Mr. MARKEY, Mr. HONDA, Mr. CUMMINGS, Mr. KENNEDY, and Mrs. TAUSCHER):

H. Res. 41. A resolution expressing the sense of the House of Representatives that an increase in number of members of the United States Forces deployed in Iraq is the wrong course of action and that a drastic shift in the political and diplomatic strategy of the United States is needed to help secure and stabilize Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ (for himself, Mr. HALL of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EDWARDS, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, Mr. REYES, Mr. HINOJOSA, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. AL GREEN of Texas, Mr. CUELLAR, and Mr. LAMPSON):

H. Res. 42. A resolution recognizing Ann Richards' extraordinary contributions to Texas and American public life; to the Committee on Oversight and Government Reform.

By Mr. SIMPSON (for himself and Mr. SALI):

H. Res. 43. A resolution commending the Boise State University Broncos football team for winning the 2007 Fiesta Bowl and completing an undefeated season; to the Committee on Education and Labor.

By Mr. STEARNS (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. PUTNAM, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRENSHAW, Mr. MACK, Mr. BILIRAKIS, Mr. KLEIN of Florida, Ms. ROS-LEHTINEN, and Ms. CASTOR):

H. Res. 44. A resolution to commend the University of Florida Gators for winning the Bowl Championship Series National Championship Game; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

[Filed on January 4, 2007]

Mr. KING of New York introduced a bill (H.R. 240) for the relief of Alemseghed Mussie Tesfamical; which was referred to the Committee on the Judiciary.

[Filed on January 5, 2007]

Ms. LEE introduced a bill (H.R. 320) for the relief of Geert Botzen; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of January 5, 2006]

H.R. 11: Mr. FARR, Mr. WEXLER, Mr. MCGOVERN, Mr. BOUCHER, Mr. ACKERMAN, Mr. STARK, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLT, Mr. DELAHUNT, Mr. BERMAN, and Mr. THOMPSON of Mississippi.

H.R. 14: Mr. SESSIONS.

H.R. 17: Mr. BLUMENAUER, Mr. REICHERT, Mr. LINCOLN DAVIS of Tennessee, and Mr. WU.

H.R. 19: Mr. MCCOTTER.

H.R. 25: Mr. GINGREY, Mrs. DRAKE, and Mr. YOUNG of Alaska.

H.R. 51: Ms. BORDALLO.

H.R. 54: Ms. BORDALLO.

H.R. 65: Mr. CONYERS, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. TOWNS, Mr. CLYBURN, Mr. FATTAH, Mr. RUPPERSBERGER, Mr. OLVER, Mr. PASTOR, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mrs. JONES of Ohio, Mr. HOYER, Ms. MILLENDER-MCDONALD, and Ms. JACKSON-LEE of Texas.

H.R. 135: Mr. GOODLATTE.

H.R. 137: Mr. CAMPBELL of California, Mr. SHIMKUS, MR. DEAL of Georgia, Mr. NORWOOD, Mr. JONES of North Carolina, Mr. SHADEGG, Mr. BILBRAY, Ms. PRYCE of Ohio, Mr. MORAN of Virginia, Mr. LINDER, Mr. MARKEY, Mr. BERMAN, Mr. UPTON, Mr. ISSA, Mr. SAXTON, Mr. GARY G. MILLER of California, Mr. WELDON of Florida, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. FOSSELLA, Mr. SHAYS, Mr. CRAMER, Mr. WOLF, Ms. HARMAN, Mr. COSTELLO, Mr. WELLER, Mr. KIRK, Mr. FRANKS of Arizona, Mr. WALSH of New York, Mr. KING of New York, Mr. GILCHREST, and Mr. FARR.

H.R. 171: Mr. RUPPERSBERGER.

H.R. 183: Mr. BAKER.

H.R. 211: Mr. MELANCON, Mr. HOEKSTRA, Mr. WOLF, Mr. LEWIS of Kentucky, Mr. CONAWAY, Mr. RUPPERSBERGER, and Mr. FILNER.

H.J. Res. 1: Mr. JONES of North Carolina, Mr. PETERSON of Minnesota, Mr. TAYLOR, and Mr. MARSHALL.

H.J. Res. 2: Ms. BORDALLO.

H. Con. Res. 2: Ms. BORDALLO.

H. Con. Res. 9: Ms. MCCOLLUM of Minnesota, Mr. BUTTERFIELD, and Ms. NORTON.

H. Res. 18: Mr. ROYCE, Mr. ROHRABACHER, Mrs. BLACKBURN, Mrs. JO ANN DAVIS of Virginia, Mr. GINGREY, Mr. GARRETT of New Jersey, Mr. PAUL, Mr. SESSIONS, Mr. GARY G. MILLER of California, Mr. HAYES, Mr. DUNCAN, and Mr. TANCREDO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. BENNIE G. THOMPSON OF MISSISSIPPI

H.R. 1, the "Implementing the 9/11 Commission Recommendations Act of 2007," does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d) or 9(e) of House Rule XXI.

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

H.R. 2, the Fair Minimum Wage Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

KROEGER WINS FOOT LOCKER HIGH SCHOOL CROSS COUNTRY NATIONAL CHAMPIONSHIP

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, it is not everyday a Member of Congress gets the opportunity to proclaim they have a national champion attending school in their district. I rise today to congratulate Kathy Kroeger, a student at Independence High School in Thompson Station, Tennessee, for winning the 2006 Foot Locker High School Cross Country National Championship.

"The Beast," as she is commonly called for her consistent domination over her cross-country opponents, is a two-time defending Class AAA State champion and holds multiple State records.

Kathy recorded a time of 17:29, several seconds ahead of her closest competitor during the National Championship in San Diego. In 2005, Kathy came in a very respectable 16th place.

Winning a national championship is not an easy feat in any sport. You must be committed to constantly improving yourself, have a great support system around you, and have the determination and drive to compete. Kathy has all of the above factors, which lead her to winning the championship.

We look for many good things to come from Kathy in the future; whether on the course, in school, or out in the world, I wish her all the best.

SEMPER FIDELIS, A TRIBUTE TO CORPORAL JASON L. DUNHAM, UNITED STATES MARINE CORPS

HON. JOHN R. KUHL, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. KUHL of New York. Madam Speaker, it is with honor and pleasure that I rise to recognize Corporal Jason L. Dunham, United States Marine Corps. Corporal Dunham will posthumously receive our Nation's highest award for valor on January 11, 2007 from our 43rd President, George W. Bush.

Corporal Dunham grew up in Scio, New York. He was known for his prowess in baseball, basketball, and soccer at Scio Central School. He was also well-known throughout his entire community, not just for his good-natured pranks, but for being a young man of enthusiastic yet humble spirit, someone who genuinely cared for others and who could always be counted on if someone was in need. He enlisted in the Marine Corps in July 2000, because the Marines were known to have the toughest training, but also the strongest brotherhood. He also felt a personal challenge to complete basic training and to do it well.

Following his first duty assignment with Marine Corps Security Forces in Kings Bay, Georgia, Corporal Dunham was assigned to Fourth Platoon, Kilo Company, Third Battalion, Regimental Combat Team 7, First Marine Division. Having quickly proven himself as a capable and conscientious leader, Corporal Dunham was assigned as a Squad Leader and entrusted with the training, welfare, and lives of nine American Sons. He soon earned a reputation for his unwavering commitment to his fellow Marines. He had a caring, respectful, and humane style of leadership and believed above all in leadership by example.

On 14 April 2004, while conducting a reconnaissance mission in the town of Karabilah in Al Anbar province, Corporal Dunham and his men heard rocket-propelled grenade and small arms fire erupt two kilometers to the west. Their Battalion Commander's patrol had been ambushed while enroute to visit Lima Company at Camp Husaybah, right on the Syrian border. Realizing that his unit was in a position to assist, Corporal Dunham ordered the vehicles of his Combined Anti-Armor Team to link up with his dismounted squad and advance toward the engagement to provide reinforcement. Upon reaching the site of the ambush, they were quickly barraged with enemy fire. Corporal Dunham ordered the vehicles dismounted and led one of his fireteams into the village to neutralize the ambush. After having moved several blocks south into the village, they discovered seven Iraqi vehicles in a column attempting to depart to the east. Corporal Dunham ordered his Marines to block their movement and check the vehicles for insurgents. As he approached the second vehicle in the column, an insurgent leaped out and attacked Corporal Dunham. In the ensuing hand-to-hand struggle, Corporal Dunham wrestled the Iraqi insurgent to the ground and immediately noticed that the insurgent was holding a live grenade. Corporal Dunham alerted his fellow Marines, and aware of the imminent danger but without hesitation, he removed his helmet and covered the grenade, absorbing the brunt of the explosion and shielding his fellow Marines from the blast in a selfless act of bravery that most certainly saved the lives of two of his Marines.

By his undaunted courage, intrepid fighting spirit, and unwavering devotion to duty in the face of certain death, Corporal Dunham gallantly gave his life for his country, thereby reflecting great credit upon himself and upholding the highest traditions of the Marine Corps and the United States Naval Service. Corporal Jason L. Dunham epitomizes the selfless devotion to duty that our young men and women have displayed time and time again in Iraq, Afghanistan, Africa, and numerous other places around the world. Our Nation is blessed to have a military full of Corporal Dunhams who are serving with great distinction. My heart goes out to his family, the townspeople of Scio, NY, and the Marines, for they have lost one of America's finest.

CELEBRATING THE LIFE OF JANE FAGERSTROM

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. HIGGINS. Madam Speaker, it is my distinct honor to remember the life of a proud Chautauqua County leader. Jane Fagerstrom, born April 1, 1927, to Floyd and Bertha Alden Nelson, passed away on January 6, 2006, at the age of 79. She left behind a legacy for all Chautauqua County residents to be proud of.

A compassionate and dynamic woman, Jane Fagerstrom was a strong leader who had a real desire to help the working people of Chautauqua County. She served her community for over four decades and was a pioneer in the Chautauqua County legislature, serving as the first chairperson between 2000 and 2002.

Jane began her career in 1963 as a secretary for Joe Gerace, Sr., who was a lawyer at the time and also served as supervisor for the town of Busti. When Gerace became the first county executive in 1975, Mrs. Fagerstrom stayed with him and played an integral role in helping run the county's executive branch.

As the former director of Chautauqua's Comprehensive Employment Training Administration, and through her efforts to support the Manufacturing Technology Institute, Jane will be remembered for her efforts to help those without work.

She was also a past president of the Joint Neighborhood Project, a founding member of the Resource Center board of directors, she served on the Research and Strategic Planning Council, the planning committee of the United Way, was commissioner of the Civil Service in Jamestown, was on the advisory committee of Habitat for Humanity, the Interfaith Volunteer Program, Salvation Army Advisory Board, Board of Trustees of Jamestown Community College and the SALT organization.

Mrs. Fagerstrom was preceded in death by her husband of over 50 years, John W. Fagerstrom, whom she wed September 21, 1946, and who passed away on November 25, 1997. Surviving her are her three sons, John W. (Ann) Fagerstrom of Jamestown, Jeffrey L. Fagerstrom of Billings, Montana and David A. (Deb) Fagerstrom of Cherry Creek; two granddaughters, Nikki (Kevin) Pierce of Jamestown and Ashley Fagerstrom of Billings; two great-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

grandchildren, Kal and Addie Pierce; her sister, Dorothy Olson of Jamestown; and several nieces and nephews.

Madam Speaker, I would like to take this opportunity to remember and celebrate the life of Jane Fagerstrom and remember her contributions to her community. I ask my colleagues to join me in honoring her spirit here today.

HONORING POLICE CHIEF JACK W. LONG AS HE RETIRES FROM THE DUNCANVILLE POLICE DEPARTMENT

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. MARCHANT. Madam Speaker, I rise today to commend Chief of Police Jack W. Long as he retires from 30 years of dedicated service to the Duncanville Police Department.

Chief Long graduated from Sunset High School in Dallas, TX, in 1971 and entered the U.S. Army the following year, serving in the military police through 1975. In 1976 he began his career with the Duncanville Police Department and was promoted to Sergeant just 3 years later in 1979. That same year he also obtained an associate's degree from El Centro Community College. In 1981 Long was promoted to Lieutenant and in 1982 he graduated from the Southwestern Law Enforcement Command Management School.

Three years later he graduated from the University of Texas at Arlington with a bachelor's degree in Criminal Justice. In 1993 Long completed the Best Southwest Leadership training and in 1994 he graduated from the 178th Session of the FBI National Academy in Quantico, VA, and also completed graduate work at the University of Virginia that same year.

He has completed more than 2,000 hours of law enforcement training and currently holds a Master Peace Officer Certification from the Texas Commission on Law Enforcement Officer Standards and Education.

Chief Long is intimately involved in the community and is a member of many organizations, including the Duncanville Chamber of Commerce, Duncanville Lions Club, and Texas Police Chiefs Association. He has also served as Chairman of the Boy Scouts of America Committee, Post 886, and as vice president of the North Texas Police Chiefs Association.

He and his wife, Deborah, have one son named Chad.

Madam Speaker, it is with great honor that I recognize Chief of Police Jack W. Long's three decades of distinguished service to the Duncanville Police Department and to the city of Duncanville and its citizens. His contributions will leave an indelible mark and his leadership will be sorely missed. I am proud to serve as his representative in Washington, DC.

MOURNING THE DEATH OF SERGEANT JESSE CASTRO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Ms. BORDALLO. Madam Speaker, since the birth of our great Nation, there have been true patriots—men and women—always willing and always able to answer the call to arms. Although they realized the risks, their love for home and family and loyalty to the Nation overrode their fears. In the on-going war against terrorism, my island home has lost yet another son, SGT Jesse Castro, U.S. Army, of Chalan Pago. With a heavy but proud heart, I extend heartfelt condolences and profound sympathy to Jesse's family on behalf of the People of Guam and a grateful Nation. Jesse was a caring son, a loving husband, a devoted father, and a proud American patriot.

Jesse will be remembered by so many people, but he will especially be remembered by his fellow athletes who shared his enthusiasm for sport and adventure. Jesse was a member of Guam's Junior National Baseball team, as well as the Tamuning Eagles and Pepsi Giants football teams. His passion for the mixed martial arts was remarkable and only equaled by his skill and success in the sport, all of which will forever be remembered by his fellow fighters, but especially by those who faced him in the ring. His intensity, dedication and competitive spirit were felt by and known to those who practiced with him for athletic competition and later by the soldiers who trained with him to protect peace and freedom in the United States Army. Jesse also enjoyed the thrill of off-roading and motorcycling on his Harley-Davidson, passions that further reflected his love of adventure and his free spirit.

But perhaps above all else, Jesse's desire to learn and to serve his people marked him. He was clearly a young and mature community leader, the kind of young man every community hopes to produce and forever embraces. Driven by his sense of duty and public service, he completed the Guam Community College's Basic Law Enforcement Academy. Determined to put his new skills to use and to act on his sense of duty, Jesse would not, however, wait for a vacancy on the police force. He quickly enlisted in the United States Army and set out to serve his country and the cause of freedom.

Ultimately, Jesse's life was a celebration of living life to its fullest. His love for his family, his devotion to his island, and his dedication to his country will forever serve as an inspiration to all who know or hear of Jesse Castro. It is said that there is no greater love than that a man lay down his life for another. Jesse gave his life so that others might some day know the joys of freedom and liberty. Jesse's beautiful wife, Therese, his young infant son, Jesse Jr. and mother, Doring, will forever know that their Jesse lived a life worth living, one marked by dignity, excellence, service, integrity, adventure and love. And while we will all forever miss him, we will all forever celebrate him. I honor him and his family. God Bless Jesse and the Castro family, God Bless Guam and God Bless America.

IN RECOGNITION OF LANCE CORPORAL CODY GORDON WATSON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. ROGERS of Alabama. Madam Speaker, LCpl Cody Gordon Watson, 21, of Oxford, Alabama, died on December 6, 2006, in Iraq. Lance Corporal Watson was assigned to the 2nd Battalion, 10th Marine Regiment, 2nd Marine Division, Camp Lejeune, North Carolina. His survivors include his mother and father Linda S. and Dennis B. Watson of Anniston, Alabama.

Lance Corporal Watson was known for his upbeat and dedicated spirit. Like all soldiers, he dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Lance Corporal Watson, like other brave men and women who have served in uniform, died serving not just the United States, but the entire cause of liberty. Indeed, he was a true American.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve our Nation.

IN RECOGNITION OF BEVERLY LYNE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to recognize Ms. Beverly Lyne of Boulder, Colorado for her selfless contribution to providing desperately needed medical attention to the people of Uganda. Ms. Lyne's background as a patient education consultant at Longmont United Hospital provided her with a strong foundation from which to offer her services to the developing world. Before volunteering her skills in Uganda, she had worked in the infectious-diseases field for almost 20 years as a registered nurse while also caring for AIDS patients in Boulder County.

Two years ago, an e-mail from one of her former physician associates sparked her interest in setting up a health clinic in Uganda. Lyne partnered with three Canadian nurses to help establish the Learning Empowers Uganda Medical Clinic that now serves more than 30,000 Ugandan men, women, and children. These people had escaped the violence of their homelands and settled in a semi-permanent camp in Soroti often with only the clothes on their back. Prior to Lyne's arrival, hospitals were little more than empty shells, with no supplies and minimal medicine or staff. Today, the same buildings have been transformed into functioning health and education centers, complete with labs and refrigerators for medicine.

Because of the compassion of Beverly Lyne and her colleagues, valuable care is being provided for those most in need. She has made incalculable contributions to advance the quality of life for the Ugandan people and in doing so has made her world a better place in which to live.

I ask my colleagues to join me in thanking Beverly Lyne for her courage and compassion. Within her spirit lays the hope for a better tomorrow. I wish Beverly congratulations for her accomplishments and good health and happiness to both herself and the people she serves.

FREEDOM FOR JUAN CARLOS HERRERA ACOSTA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Juan Carlos Herrera Acosta, a political prisoner totalitarian Cuba.

Mr. Herrera Acosta is a tireless advocate for the freedom of Cuba and has dedicated much of his life to the cause of freedom for the Cuban people. He believes that every trapped citizen in totalitarian Cuba deserves to live with the most basic and fundamental human rights and protections of individual liberty.

Juan Carlos Herrera Acosta is an independent journalist with the Agencia de Prensa Libre Oriental (APLO) in Santiago, Cuba and national coordinator for the Cuban Youth Movement for Democracy. He was arrested on March 20, 2003, as part of the despicable island-wide crackdown on peaceful human rights activists and independent journalists. In April of 2003, he was wrongfully sentenced on trumped-up charges claiming that he undermined "national independence and territorial integrity" and served the "imperialist ends" of the United States, to 20 years in a hellish totalitarian gulag. In reality his only "crime" was challenging a corrupt, brutal, and repressive system that robs its citizens of every freedom.

Reporters Without Borders reported that on August 29, 2006, Mr. Herrera Acosta was severely beaten and dragged along the prison's corridors by two regime henchmen because he reiterated a demand to be allowed to make a phone call—a right the dictatorship has routinely denied him. According to Directorio, Mr. Herrera Acosta has undertaken numerous hunger strikes while in prison to protest the deplorable, inhumane and degrading conditions in which prisoners of conscience in Cuba are held.

Most recently, in an urgent declaration read aloud to the Cuban Democratic Directorate by Rolando Rodriguez Lobaina, executive member of the Cuban Youth Movement for Democracy, Mr. Herrera Acosta reaffirmed his commitment to the cause of freedom for the Cuban people:

> I fight because the light of truth and liberty reaches this land converted into a feudal estate before a Caesar that bleeds her dry. As a dignified son of this country, I am willing to offer my life if it is necessary to defend pacifism, so that peace and concordance would thrive in the land of Varela and Marti. I do not discard the possibility that a clinically induced death, at the hands of the commissars of terror, will truncate my life. But as long as I have strength and my heart is beating, I will continue to fight from inside the monstrous womb of Castro's prisons.
>
> I will never lower myself to bow down, nor will I live on my knees; and as Jose Marti would express, I reiterate: "I want the first law of our Republic to be the respect of Cubans for the plain dignity of man." The price to pay has been very high. Pain, grief, and exile constitute the panacea that is Castro's reign of terror.
>
> But I do not resign to live condemned, I am simply continuing the dignified example of the historical Cuban political prisoners. Freedom for Cuba! God, Country, and Liberty! May human rights thrive and prevail in my country!

Let me be very clear, Mr. Herrera Acosta is imprisoned because he refuses to accept the Castro brothers' dictatorship today. Madam Speaker, Mr. Herrera Acosta is representative of the fighting spirit of the Cuban people: of their rejection of the brutality, discrimination, depravity, and oppression of the totalitarian tyranny.

We must speak out against the abominable violations of human rights, dignity, and freedom on that oppressed island. My colleagues, we must demand the immediate and unconditional release of Juan Carlos Herrera Acosta and every other political prisoner in totalitarian Cuba.

IN HONOR OF THE HONORABLE WILLIAM T. McLAUGLIN

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize the 90th birthday of The Honorable William T. McLaughlin, former mayor of Wilmington. Bill McLaughlin has led an extraordinary life, filled with exceptional acts of public service, as well as a strong dedication to my home State of Delaware. He certainly has packed a great deal of accomplishment into his 90 years.

During World War II, Bill flew 50 combat missions in the South Pacific as a tail gunner and radioman. After the war, Bill went to night school under the G.I. Bill and spent his career with the DuPont Company. He spent 58 years married to the late Mary McLaughlin, with whom he raised two fine sons. Bill did not begin his political career until 1964, when he was elected to the city council in an upset victory. After serving as a strong advocate for progressive causes on the council, he was elected as mayor in 1976, and served the city from 1977–1984. I had the privilege of serving as Lieutenant Governor of Delaware during his second term as mayor and enjoyed working with him on many different issues.

The McLaughlin years were prosperous ones for both the city of Wilmington and the State of Delaware. Together with Governor Pete duPont, Bill helped to enact the Financial Center Development Act which brought Delaware to the forefront of the banking industry. Mayor McLaughlin worked tirelessly to protect jobs, attract new employers, and grow the local economy.

Not only was the economy successful during Bill McLaughlin's time, but crime rates declined, city and water systems were improved, and low-income families had increased access to housing. While a tireless worker for the city of Wilmington, the mayor should also be remembered for his sense of humor. One St. Patrick's Day, Mayor McLaughlin made his way down King Street in a green leprechaun costume.

Bill continues to serve as a dignified leader in countless service organizations. I commend him for a life of service and thank him for his tireless dedication to Delaware. I am proud to call him a friend.

HONORING CEDAR HILL HIGH SCHOOL FOR WINNING THE 5A DIVISION II FOOTBALL STATE CHAMPIONSHIP

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. MARCHANT. Madam Speaker, I rise today to extend my congratulations to the 2006 Cedar Hill High School football team, which on Saturday, December 23, 2006 earned the title of 5A Division II State Champions and finished its storybook season a perfect 16–0.

On that day it was clear to everyone in the Alamodome that the Cedar Hill Longhorns squad deserved the glowing praise it had received all season long from its adoring fans. Under head coach Joey McGuire and his staff, the Longhorns ripped through four playoff opponents before routing the Cypress Falls Golden Eagles 51–17 in the championship game. A balanced team effort prevailed with both the Cedar Hill offense and defense shining brightly throughout the Longhorns' first ever playoff run. Cedar Hill won with discipline, with heart and perhaps most importantly, with class and dignity.

Over the last few years Coach McGuire has developed a special family-like atmosphere between his players and staff that has resulted in a growing sense of camaraderie and purpose. The team's winning attitude surfaced many times during the regular season and playoffs, perhaps most notably in a comeback, doubleovertime victory over district rival DeSoto that showed the true intestinal fortitude of the Longhorns.

Throughout its historic championship run, Cedar Hill represented the ideal virtues of amateur athletic programs—teamwork, tenacity, competitiveness and dignity—and its immaculate season will be recounted for generations to come in Southwest Dallas County.

I could not be more proud than to represent Cedar Hill High School in Congress, and I congratulate the players, coaches, fans and parents who made the 2006 season such a memorable one.

IN RECOGNITION OF "LITTLE" JIMMY SCOTT, RECIPIENT OF THE NATIONAL ENDOWMENT FOR THE ARTS JAZZ MASTERS AWARD

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today in recognition of "Little" Jimmy Scott, a native of Cleveland, Ohio, located in my congressional district, who will be honored on Friday, January 12, 2007, in New York City with the Jazz Masters Award presented by the National Endowment for the Arts, NEA.

Born in 1925 in Cleveland, Ohio, as one of ten children, Jimmy Scott has been delighting audiences with his vocal talents around the country and around the globe since he was a young man. He began by performing throughout Northeast Ohio, sharing the stage with some of the most famous names in jazz.

He began his solo career at Harlem's Baby Grand, impressing the likes of Billie Holiday and well-known songwriter Doc Pomus. Jimmy Scott's friendship with Doc Pomus began during that stint in Harlem and lasted for 45 years and endured despite long periods away from the microphone. In fact, it was not until Jimmy Scott sang at Doc Pomus' funeral in 1991 that he gained international fame and began to tour around the world. His re-emergence as a singer was heralded by his Grammy-nominated album, "All the Way," and he has thrilled fans, both young and old, ever since.

Established in 1982, the National Endowment for the Arts' Jazz Masters Award has recognized numerous jazz artists, ranging from household names to less well-known performers. The 2007 Jazz Masters will be honored with an awards ceremony and concert, a one-time $25,000 fellowship and a 50-state Jazz Masters Tour. NEA Jazz Masters are selected from nominations from the public and reviewed by a panel of jazz experts before being submitted to the National Council on the Arts and the Chairman of the NEA.

Therefore, on behalf of the people of the 11 th Congressional District, it is my distinct pleasure to recognize "Little" Jimmy Scott on being selected as a 2007 Jazz Master and to thank him for—sharing his beautiful voice and boundless talent with fans around the world.

IN RECOGNITION OF THE RETIREMENT OF JUDGE SAM MONK

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to Judge Sam Monk who is retiring after 28 years of service. Judge Monk currently resides as Circuit Judge of the Seventh Judicial Circuit in Anniston, Alabama.

Judge Sam Monk graduated from the University of Alabama School of Law in 1975. Prior to law school, Judge Monk served in the United States Army. Judge Monk has worked in both private practice and has served as Presiding Judge for the 7th Judicial Circuit, Circuit Judge for the 7th Judicial Circuit, and as District Judge for Calhoun and Cleburne Counties.

Judge Monk will officially retire on January 15, 2007, but a reception in his honor will be held on January 12, 2007, at the Calhoun County Courthouse.

I salute Judge Monk and congratulate him on his service to the legal field over the past 28 years. I wish him all the best on this important occasion.

TRIBUTE TO DR. OFELIA TABARES-FERNANDEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to congratulate Dr. Ofelia Tabares-Fernandez for her outstanding contributions to the south Florida community. Both in her professional and private life, Dr. Tabares-Fernandez has dedicated countless hours to enriching our community culturally and economically. I wholeheartedly commend Dr. Tabares-Fernandez for her hard work and dedication on behalf of south Florida.

Through years of hard work spanning three decades, Dr. Tabares-Fernandez consistently proved herself a capable leader and an extraordinarily active volunteer. Her professional successes, of which there are many, include her career as a banker and marketing consultant, college trustee, research associate for the Cuban Research project, and director of the College Center for Latin American Studies.

Dr. Tabares-Fernandez earned many civic distinctions as well. To name only a few, she founded the Cuban Patriotic Education Board and the Cuban Women's Club, where she also served as president, and founded the Spanish Speaking Volunteer Service at Jackson Memorial Hospital. To promote and preserve Cuban culture, she produced and directed a local weekly television show, "Cuban Culture," and founded the Cuban Museum of Arts and Culture. Her contributions have earned her numerous awards including "Outstanding Woman Citizen of the Year" from Florida International University and the "Community Headliner Award."

The life of Dr. Tabares-Fernandez is an inspiration to us all. I am certain that her children, Pepita, Raul, Jr., Aurelio, Patricia, Cesareo, Maria, Juan, Sheila, Jose, and Ximena, are proud of her as well.

Her professional choices, as well as the projects she has enthusiastically undertaken in her free time, reveal Dr. Tabares-Fernandez's life to be one of tireless public service. Her numerous contributions have helped to make our community the extraordinary multicultural metropolis that it is today. As a result, Dr. Tabares-Fernandez has earned herself a very special place in the rich Cuban-American history of South Florida. Dr. Ofelia Tabares-Fernandez is a true humanitarian whose work has permanently impacted our community in a wonderful way.

RECOGNIZING COMMAND SERGEANT MAJOR GEORGE Q. CRISOSTOMO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize CSM George Q. Crisostomo on the occasion of his retirement from the United States Army after 28 years of service.

Command Sergeant Major Crisostomo has served our country with distinction both in peacetime and wartime. His exemplary service includes assignments as a Drill Sergeant at Fort Benning, Georgia, and as a Senior ROTC Instructor in Puerto Rico. He served his first combat tour in support of Operation Desert Storm as a Platoon Sergeant while assigned to the 3rd Battalion, 17th Infantry (RAKASSAN), 101st Airborne Division (Air Assault), Fort Campbell, Kentucky. Most recently, Command Sergeant Major Crisostomo served a combat tour in support of Operation Iraqi Freedom as a Command Sergeant Major with the 1st Battalion, 17th Infantry Regiment, Fort Wainwright, Alaska.

Throughout his Army career, Command Sergeant Major Crisostomo distinguished himself as a leader, serving in positions where soldiers relied upon him for guidance, experience, and knowledge. In addition to his leadership assignments in combat and service as an instructor, Command Sergeant Major Crisostomo has served as a Scout Team Leader, Squad Leader, Platoon Sergeant, Company First Sergeant, and Battalion Command Sergeant Major. He was a "soldier's soldier."

Command Sergeant Major Crisostomo's exemplary service earned him numerous awards and military decorations including the Legion of Merit, Bronze Star with one Oak Leaf Cluster and the Meritorious Service Medal. He also earned the Expert and Combat Infantryman badges. Command Sergeant Major Crisostomo received the Korea National Defense Service Medal, the Southwest Asia Service Medal, the Iraqi Campaign Medal, and the Global War on Terrorism Expeditionary Medal.

I wish to recognize the sacrifices and support of Command Sereant Major Crisostomo's family, especially his wife, Claire. I also recognize the positive influence that he has had in preparing his children for their futures. His daughter, Jenna Lynn, is now a senior at the University of Arizona, and his son, SGT Joshua D. Crisostomo, is following in his footsteps and is currently serving in Iraq with the 2nd Battalion, 14th Infantry, 10th Mountain Division, Fort Drum, New York.

On behalf of the people of Guam and a grateful Nation, we congratulate Command Sergeant Major Crisostomo and his family as he retires from the United States Army, and we wish him the very best in his future endeavors.

MR. AMIGO 2006

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. ORTIZ. Madam Speaker, I wish today to commend the 2006 "Mr. Amigo," Lucero Hoganza León, chosen recently by the Mr. Amigo Association of Brownsville, TX, and Matamoros, Tamaulipas, in Mexico. Like Cher, Ms. León is popularly known only as "Lucero" among her many fans in the U.S. and Mexico. Each year the Mr. Amigo Association honors a Mexican citizen with the title of "Mr. Amigo," and that person acts as a goodwill ambassador between our two countries.

The Mr. Amigo Award began in 1964 as an annual tribute to an outstanding Mexican citizen who has made a lasting contribution during the previous year to international solidarity and goodwill. "Mr. Amigo" presides over the annual Charro Days Festival.

The Charro Days Festival is a pre-Lenten event, much like Mardi Gras in New Orleans, held in Brownsville and Matamoros. Charro Days festivities last for several days; this year they will be February 25–28 and will include parades and appearances by Lucero. Charro Days is an opportunity to enjoy the unique border culture of the Rio Grande Valley area.

As Mr. Amigo 2005, Lucero will head the international parade of Brownsville Charro Days and Matamoros Fiestas Mexicanas festivities.

During Charro Days, South Texans celebrate the food, music, dances, and traditions of both the United States and Mexico. The United States-Mexican border has a unique, blended history of cowboys, bandits, lawmen, farmers, fishermen, oil riggers, soldiers, scientists, entrepreneurs, and teachers.

The border has its own language and customs. On both sides of the border, there is a deep sense of history, much of which the border has seen from the front row. We have seen war and peace; we have known prosperity and bad times. Charro Days is a time for all of us to reflect on our rich history, to remember our past and to celebrate our future.

Lucero was chosen for this honor based on her accomplishments as an entertainer and her efforts for people with disabilities. Her philanthropic career started in December 1997 when she hosted 27 uninterrupted hours of a telethon to raise money for a rehabilitation center for the handicapped.

While Lucero has won many awards as an entertainer, she has also been named the recipient of the 2002 Double Eagle Leadership Award. She has recorded 20 albums, including "Ocho Quince," and starred in 6 telenovelas in her career. Currently, she stars in the acclaimed telenovela "Alborada." She co-hosted the seventh annual Latin Grammy Awards in early 2006.

During difficult times in our world, the Mr. Amigo concept unites sister cities on both sides of the border and sends a message that we are neighbors, and mends that trust, understand, and respect each other. We share a language, customs and during Charro Days, we take time to celebrate our distinctive culture.

I urge my colleagues to join me in commending Lucero, the 2006 Mr. Amigo, as well as the cities of Brownsville and Matamoros, for their dedication to international goodwill between the United States and Mexico.

TRIBUTE TO ELIZABETH TERWILLIGER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to honor Elizabeth Terwilliger, one of Marin County's most beloved heroines, an environmentalist who instilled a love of nature in children of all ages. "Mrs. T.," as she was known to all, died on November 27, 2006, at the age of 97.

Her enthusiastic and interactive teaching style made learning about nature especially entertaining and instructive for children and adults alike. This included President Reagan who, along with an audience at a White House Volunteer Action Award ceremony, flapped his arms like "Mr. Vulture" under her guidance. Her irresistible style ranged from mimicking animal behaviors to demonstrations with taxidermied animals, some of which had come via her own freezer. In her trademark straw hat, she led field trips until she was 85, where her call of "Something special!" alerted eager participants to yet another marvel of the natural world.

Mrs. T's long-time passion for the environment had burgeoned when she started hiking to avoid housework in the 1960s. From that, she became committed to inspire the people of the Bay Area to care for the natural world as she did. "People take care of what they love," she claimed.

This mission began with including other housewives, and then their children, on her hikes, as well as leading field trips for her children's schools and clubs. By the late 60s, she was leading volunteer trips 5 days a week for teachers and wildlife organizations and, in 1970, created Terwilliger Nature Guides with other volunteers. In 1975, the Elizabeth Terwilliger Nature Education Foundation was formed; it later merged with the California Center for Wildlife and became WildCare, an organization which today teaches 40,000 Bay Area school children annually.

"WildCare is honored to follow directly in Mrs. T's adventurous footsteps," said Executive Director Karen J. Wilson." We are all fortunate that her enthusiasm and energy will live on in the generations of children she has inspired. To underscore her Bay Area legacy, WildCare recently named our San Rafael facility in her honor—we have become the Terwilliger WildCare Center."

She was also a tireless advocate for the environment and open space. Her mark is everywhere in Marin County from the establishment of the Butterfly Grove at Muir Beach to creation of countywide bike paths to preservation of Angel Island and countless other conservation efforts.

Born in Hawaii in 1909, Elizabeth Terwilliger attended the University of Hawaii, and then came to the mainland to earn a master's degree at Columbia University and a nursing degree at Stanford. She met her future husband Calvin, an orthopedic surgeon, at Stanford, and they married in 1939. They moved to Marin in 1946. Calvin passed away in 1990. She is survived by their daughter Lynn Ellen, their son John, and grandsons Dana, Ryan, and Sean.

Elizabeth Terwilliger earned numerous well-deserved accolades and awards, but her true legacy is the contagious passion she inspired in children and adults. Everywhere we see people living her watchword, "This is my country. Wherever I go, I will leave it more beautiful than I found it."

Madam Speaker, Mrs. T. truly left this country beautiful, and we thank and honor her for her for it.

ARMY SPECIALIST JOHN PAUL BARTA: SOUTH TEXAN LOST IN IRAQ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. ORTIZ. Madam Speaker, since this House last met before Christmas, another South Texan from my Congressional District has fallen in battle in Iraq, and I ask my colleagues to join me in honoring this life lost in the service of our Nation.

Army SPC John Paul Barta, 25, was assigned to the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade, 1st Cavalry Division out of Ft. Hood, Texas. He never saw Christmas Eve; he was killed in Buhriz, Iraq, about 30 miles north of Baghdad, during combat operations on Dec. 23.

Madam Speaker, each time we lose a soldier—a member of our American family—we lose a little piece of ourselves. Each time, it is just unbearable. Let me tell you more about this noble patriot who gave the last full measure of devotion to the nation he loved.

An exceptional athlete, Specialist Barta was remembered as a well-mannered and respectful young man. He attended Flour Bluff High School in Corpus Christi, excelling on both the baseball and football fields.

Throughout his 4-year teenage athletic career, coaches and teammates in both sports knew him as a go-to player who came through even when the odds were long. This star baseball player also gently mentored his teammates. From time to time he was known as a perfectionist.

And while he was a natural competitor depended upon by teammates for the big play, he confided to a friend months ago about the ever-present fear of serving in Iraq. He was humble and he was competitive; precisely the type of person you'd want to wear the sacred uniform of the United States.

Specialist Barta is survived by his wife, Eun Ji, of Killeen; his mother, Laurie Barta, brothers Josh and Billy Ray Barta, and grandparents Adolph Barta, of Corpus Christi, and Jackie and Larry Blake of Milton, FL.

Everyone in the greater South Texas community will miss him, but nobody will miss him like his family. We mourn with this family; we lift up our broken hearts in gratitude to his family, and we all want to see the end of the war in Iraq.

Madam Speaker, I ask the House to join me in honoring Army SPC John Paul Barta and his service on behalf of the United States and to offer our thanks and our deepest sympathy to the family of this warrior, who gave the last full measure of devotion to our Nation and the United States Army.

IN RECOGNITION OF THE 70TH ANNIVERSARY OF THE MONTGOMERY ALUMNAE CHAPTER OF DELTA SIGMA THETA SORORITY, INC.

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the 70th Anniversary of the Montgomery Alumnae Chapter of Delta Sigma Theta Sorority, Inc. in Montgomery, Alabama. With nearly 425 members, this chapter remains focused and committed to public service and education in the community.

The Montgomery Alumnae Chapter was founded in 1937 on the campus of Alabama State University. Members will gather on Saturday, January 13, 2007, to observe the anniversary event with a luncheon and rededication ceremony. Throughout the decades, Delta Sigma Theta has been and remains committed to what is known as the Sororities Five Point Programmatic Thrust: Economic Development, Educational Development, Political Awareness and Involvement, Physical and Mental Health and International Awareness and Involvement.

I salute these women and their commitment to philanthropy and wish them the best on this milestone in their chapter. Congratulations to the Montgomery Alumnae Chapter of Delta Sigma Theta on their 70th Anniversary.

IN MEMORY OF JAMES ROITER SCRIVNER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. SKELTON of Missouri. Madam Speaker, it is with deep sadness that I inform the House of the death of Mr. James (Jim) Roiter Scrivner of Versailles, MO.

Mr. Scrivner was born in Stover, MO, on May 4, 1926, son of James Oscar and Adelia B. "Della" Roiter Scrivner. He graduated from Stover High School in 1943 and went on to serve his country in World War II with the United States Navy as a surgical technician. He came back to Missouri and attended Central Methodist College, graduating in 1949. In October 1950, he graduated as valedictorian from the Kansas City College of Mortuary Service in Kansas City, Kansas.

Mr. Scrivner married Bertha M. "Honey" Guenther on September 3, 1949. They were blessed with three wonderful daughters and two granddaughters.

Mr. Scrivner and his wife established the Scrivner Funeral Home in Versailles in January of 1952 and opened additional funeral homes in Stover and Russellville. In 1984, Mr. Scrivner's daughter and son-in-law became partners in the family business and in 2004 assumed full ownership from Jim and Honey.

Along with his successful business, Mr. Scrivner was very active in his community and church. He served as mayor of Versailles from 1972–1979. In 1972 he received the "Certificate of Appreciation" from the Missouri Municipal League and in 1981 was the recipient of an Economic Development Award from the Missouri Division of Commerce and Industrial Development. Mr. Scrivner was also very active with the Versailles Chamber of Commerce, the Morgan County Fair Board, the Versailles Lions Club, and local politics. For the last 10 years, he has served as a volunteer with the Capital Region Medical Center in Jefferson City. In addition, Jim was a member of the Versailles United Methodist Church.

Madam Speaker, James Roiter Scrivner was a valuable leader in his church and community and a very dear friend. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife Honey; his three daughters, Mona, Sherry, and Jamie; and his two grandchildren.

HONORING THE MEMORY OF MARY LOU PALMER

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor a great Western New Yorker and a longtime, dedicated aide to my predecessor in Congress. Mary Lou Palmer of Hamburg, New York, served as chief of staff to my predecessor, former Congressman Jack Quinn, for the entirety of his 12 years in Congress, and did so with dignity, grace, and effectiveness.

Born Mary Lou Brown in our common hometown of South Buffalo, New York, Mary Lou was a devoted wife and mother who ran a successful business here in Western New York. She started in politics as a volunteer and rose to be chief of staff to my predecessor, never forgetting from whence she came, or the people that her boss represented.

Mary Lou was a tremendous help to my own senior staff during the transition period between my predecessor's service in Congress and my own.

It is with great sadness, Madam Speaker, that I announce Mary Lou's passing to the House, and I am certain that our colleagues will join with me in extending to Mary Lou's family our deepest sympathies.

COACH BOB KNIGHT

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. POE. Madam Speaker, in West Texas, football has been king since the beginning of time. Other sports were "foreign" to the flat, dry plains. Then somebody from a college in Indiana showed up, with a round ball and changed the Texas sports landscape. Bob "The General" Knight became the head coach of the Texas Tech Red Raiders men's basketball team—yes, basketball. On January 1, 2007, the threshold into a new year, Knight crossed another important threshold—becoming the winningest coach ever in NCAA Division I basketball with a total of 880 victories. This record came in a win, by Texas Tech, over the University of New Mexico Lobos, with a score of 70–68. The previous record holder was Dean Smith, head coach of the University of North Carolina. Coach Knight has made basketball at Texas Tech into a cause and crusade.

A review of Knight's collegiate coaching career is in order. We start where Knight, himself, started—the West Point Military Academy. It was there that Knight earned his first head coaching job at the extraordinarily young age of 24. It was at West Point that Knight earned the nickname "The General." His tenure at West Point produced a basketball record of 102 wins and 50 losses.

After West Point, Knight went on to the basketball state of Indiana, and the University of Indiana Hoosiers, in 1971. Leading the Hoosiers is where the achievements began to pile up in the trophy room. Knight's accomplishments boast three National Championships (1976, 1981, and 1987), a never replicated, undefeated season (1976), eleven Big Ten Conference titles (1973–1976, 1980–1981, 1983, 1987, 1989, 1991, 1993), National Coach of the Year (1975, 1976, 1987, 1989), and Big Ten Coach of the Year (1973, 1975, 1976, 1980, 1981). As a Hoosier, Knight averaged a 73% success rate with 662 wins and 239 losses.

Outside of the NCAA national championships, Knight has led teams to three other championships. In 1979, the Hoosiers won the NIT Championship. Also, in 1979, Knight coached the Pan American team to a gold medal. In 1984, Knight had the privilege of leading the U.S. men's basketball team to a Gold Medal at the Summer Olympics in Los Angeles. On May 13, 1991, Knight was memorialized when he was inducted, for his coaching, in the Naismith Basketball Hall of Fame.

In 2001, Knight accepted the head coach position at Texas Tech and quickly turned the program around into a winning organization. Coach takes ordinary players and teaches them to perform above their ability. We can expect to see the Red Raider's basketball team to continue to excel in the future.

Finally, it is worth noting that Knight's accomplishments extend beyond the court, beyond the victories—he is first and foremost a teacher. High graduation rates mark his teams, and many excellent players, most notably Isaiah Thomas, have gone on to professional and Hall of Fame glory. Also, 16 former assistant coaches of Knight have gone on to become head coaches at the collegiate level.

So, Madam Speaker, as the New Year rings in, I commend Bob Knight for excellence in leadership of America's youth. The West Texas sports landscape has, yes, changed forever.

That's just the way it is.

HONORING THE LIFE OF JEROMY PAUL CASTRO NEWBY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Ms. BORDALLO. Madam Speaker, I rise today to honor the short life of Jeromy Paul Castro Newby who passed away on January 5, 2007, but whose life inspired many people on our island of Guam. To all who knew him, Jeromy was a cheerful young man whose smile and warmth brightened those around him. He was active in school and village activities and his service to our community is an enduring example for young people on Guam.

A tenth-grader at Southern High School in Guam, Jeromy was an excellent student who earned the appreciation of his teachers and classmates. Jeromy was a competitive athlete, who was respected for both his skill and sportsmanship on the basketball court and baseball diamond. Jeromy was also a performer with the Inetnon Gef Pago, a cultural performance group dedicated to promoting the Chamorro culture through song and dance. Jeromy's love of our island and the Chamorro culture was evidenced by the activities he participated in and the relationships he formed.

Jeromy's memory will be cherished by those whose lives he touched. I join our community in extending heartfelt condolences to his parents, Johnny Reyes and Lynette Castro Newby, his brothers Johnny Lee, Joe Michael, and Jesse Noel, and his sisters Jenny Lynn and Jenny Lou for their loss.

IN MEMORY OF IKE LIVERMORE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today for the solemn purpose of commemorating the life of a monumental figure. Ike Livermore was one of the great leaders of the conservation movement, and as much as anyone in the 20th century, he was responsible for preventing the development, division, and exploitation of California's last unblemished areas. But his legacy far exceeds a crusade against the intrusion of the modern world into the wilderness. In the life he lived and through the ideas he championed, Ike Livermore reminded us that the obligation to protect our natural heritage is not a burden, and though the battles and compromises may not be easy, the reward for perseverance is a richer existence for all.

Ike Livermore lived an adventurous life. At the age of 15, he and a friend took mules across a rough section of the central coast for 10 days without crossing a single road. This was the trip that formed the basis of his longstanding opposition to the construction of Highway 1 on the coast. Having graduated from Stanford, he traveled to the 1936 Olympics as a member of the Unites States' baseball team. Subsequent to completing his M.B.A. degree, again at Stanford, he served as a Lieutenant in the United States Army during World War II. Here he was a witness to history during the invasions of Sicily, Okinawa, and Iwo Jima.

After returning to California, Mr. Livermore first founded a mule-packing company in the southern Sierra and then a small lumber mill near his family home in Northern California. In 1952 he went to work as treasurer at Pacific Lumber Company, and helped promote sustainable logging practices during the heyday of the California logging industry. Many of the areas he advocated be protected as wilderness were near areas being logged by the company, but Ike understood the need for balance in resource management.

In 1967, he gladly accepted a request to join the cabinet of California Governor Ronald Reagan as the Secretary of Resources. During his time in the Reagan Administration, Ike was a fierce opponent of several attempts to build roads over these passes he himself had walked, and finally convinced the Governor to scuttle plans to build two roads over the highest passes. His wisdom is readily apparent: the areas in question have now been designated Sequoia National Park and the John Muir wilderness. He was also instrumental in the creation of Redwood National Park on the northern Coast. Marshalling the same arguments he had made in his master's thesis 30 years earlier, he convinced members of Governor Reagan's cabinet that the economic benefits of wilderness far outweighed other potential uses of the land. Such reasoning is the foundation of the important modern understanding that the preservation of wild land can be as valuable as its exploitation.

Ike's heart was always in the wild country, and throughout many years in the enviromnental community he caused others to share his appreciation of unspoiled natural beauty during expeditions all over the state. Among his favorite places in the high Sierra Nevada was the long, mostly undeveloped stretch from Yosemite National Park to Walker Pass. While operating his mule-packing venture he covered much of this territory, and after he had folded the business and moved on with other pursuits, he continued to return to the area for many years leading Sierra Club expeditions and fighting to oppose development.

Madam Speaker, many people will gather at the end of the month to remember Ike, and all the good that he has done. But it takes more than great accomplishments to earn a place in people's hearts. Ike Livermore was, above all, a great and kind man. Loving towards family and friends, calm and respectful in his conduct, a strong and passionate leader for the causes he championed, Ike's life is a model for future generations. His works did not define him, but were a reflection of the man who gave so many his wisdom and guidance. He will long be remembered as a true, Californian, a visionary environmentalist who understood the balance of man and nature, and realized that both must be allowed to prosper.

Madam Speaker, it is appropriate at this time that we remember and celebrate the life of Ike Livermore. His accomplishments are innumerable, but he leaves behind a greater legacy of personal involvement in the wilds of California. He proved by example that one can be an industrialist and an environmentalist, and after his retirement from public life, he remained active fighting for wilderness all over the state. His life will long be remembered, even as his ideas continue to bear fruit.

COUNCIL OF KHALISTAN SENDS NEW YEAR GREETING TO THE SIKH NATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. TOWNS. Madam Speaker, the Council of Khalistan, which leads the peaceful, democratic, nonviolent effort to free Khalistan, the Sikh homeland, from India, has sent New Year's greetings to the Sikhs from the council and its president, Dr. Gurmit Singh Aulakh.

In the letter, Dr. Aulakh calls On Sikh political leaders to stand up for the interests of their people, which is what all of us in public office anywhere should be doing. He notes that without sovereignty, nations perish, and he cites the situation of the Jewish people before World War II as compared to their situation now. That is a good example of what sovereignty can do for a people. He calls on the Punjab Legislative Assembly that is about to be elected next month to pass a resolution again declaring Khalistan's independence.

Dr. Aulakh calls for the return of the state capital, Chandigarh, to Punjab, along with the Punjabi areas of neighboring states Himachal Pradesh and Haryana. He urges an end to the diversion of Punjab's water without compensation. He notes that the fanners are being oppressed by being forced to buy fertilizer at exorbitantly high rates but being forced to sell their crops at ridiculously low prices. He notes the insults and repression that India has inflicted on the Sikhs, including the Golden Temple attack, the murder of over 250,000 Sikhs since 1984, the fact that more than 52,000 Sikhs are being held as political prisoners, and so many other violations. The letter notes that in an independent Khalistan, India would not be able to inflict such insults and repression on the Sikh Nation.

In addition to the quarter of a million Sikhs it has murdered, the Indian regime has killed over 300,000 Christians in Nagaland, more than 90,000 Muslims in Kashmir and 2,000 to 5,000 in Gujarat, as well as Christians and Muslims elsewhere in the country and Tamils, Manipuris, Dalits, Bodos, Assamesc, and other minorities. Tens of thousands of people are held as political prisoners, according to Amnesty International. Congress should demand the release of all political prisoners and the prosecution of those who have violated the rights of Sikhs, Muslims, Christians, and other minorities.

Madam Speaker, the time has come for the glow of freedom to be enjoyed by everyone. It is time to cut off American aid and trade with India until all people enjoy full human rights there. In addition, we should put the U.S. Congress on record in support of freedom everywhere in South Asia. Now that a new Congress has taken office, it is an ideal time to pass a resolution calling for a free and fair plebiscite on the subject of independence. That is the democratic way to do things and it's time that India started behaving like a democracy.

Madam Speaker, I would like to put the Council of Khalistan's New Year message into the RECORD at this time.

COUNCIL OF KHALISTAN,
Washington, DC, January 9, 2007.

DEAR KHALSA, JR:

Waheguru Ji Ka Khalsa, Waheguru Ji Ki Fateh!

The New Year has already arrived. Happy New Year to you and your family and the Khalsa Panth. May 2007 be your best year ever. I wish you health, joy, and prosperity in the new year.

The flame of freedom continues to burn brightly in the heart of the Sikh Nation. No force can suppress it. Guru Gobind Singh blessed the Khalsa Panth, saying "in grieb Sikhin ko deom Patshahi." ("I bless the humble Sikhs with sovereignty.") The Sikh Nation must dedicate this year to working hard to achieve that goal. Self-determination is the right of all peoples and nations and the essence of democracy. Without sovereignty, religions perish. With sovereignty, they flourish. Compare the situation of the Jewish people in Europe before World War II to their situation now. There is no reason Sikhs cannot achieve a similar change of fortune.

It has been said that "without vision, the people perish," but with vision, the people flourish. It is time for the Sikh Nation to flourish. Sikhs have suffered too much already under the yoke of Indian persecution since independence, especially over the past 25 years. We have seen the attack on the Golden Temple, over 250,000 Sikhs murdered and over 52,000 held as political prisoners, the murder of the Akal Takht Jathedar, more than 50,000 Sikh youth tortured, murdered, then declared unidentified and secretly cremated, their bodies never returned to their families. Their families continue to suffer. We must help their widows and orphans. Let us find the vision to throw off this repression. With that vision, the Sikh Nation will flourish; without it, we will perish and India's effort to eliminate Sikhism will succeed. This is the reason that Guru Gobind Singh sent Sikhs to learn Sanskrit and to gain knowledge of other religions, so that the Khalsa Panth might be more enlightened and be aware of the qualities of its own religion and culture.

The Indian government is reacting to the rising tide of freedom for the Sikh Nation. It has stepped up its efforts to destroy the Sikh religion and deny Sikhs an environment to flourish. They have kept Punjabi-speaking areas out of Punjab while supporting an influx of Hindus into Punjab. Sikhs are prohibited from buying land in Rajasthan, Himachal Pradesh, and Uttaranchal Pradesh, yet there are no restrictions on land ownership in Punjab by non-Sikhs. People from anywhere can buy land in Punjab, including people from Rajasthan and Himachal Pradesh. India is trying to subvert Khalistan's independence by overrunning Punjab with non-Sikhs while keeping Sikhs from escaping the brutal repression in Punjab. I ask Captain Amarinder Singh and Badal to get the Punjabi-speaking areas back from Haryana and Himachal Pradesh. These areas rightfully belong to Punjab. When will the political leaders of Punjab stand up for the Sikhs?

In Punjab, the Sikh population is 75 percent rural. Sikhs are dependent on agriculture. The lifeline of farmers is water. We must stop the diversion of Punjab's water to Rajasthan and Haryana without compensation. That is a natural resource of Punjab. A couple of years ago, Captain Amarinder Singh's government cancelled the water agreements. I call on Chief Minister Amarinder Singh to use his power to receive payments for this water. As we pay the price for the coal we get from the Indian government, then why can't we get paid for the water we give? Sikh leaders in Punjab must take a strong stand on this issue.

The Indian government squeezes Sikh farmers by all available means. They sell fertilizer and seeds at very high cost but when it comes time to sell produce, the government sets the price very low. This leads to thousands of farmers committing suicide because of their colossal financial indebtedness to the Indian government.

It is time to take control of the Bhakra Dam and the Nangal hydroelectric project. These belong to Punjab but are controlled by the Delhi regime. Punjab must take complete control of these projects and sell electricity at market rates. The Gobindgarah Fort, which was built by the Sikh missal Bhangian, was recently returned to Punjab by the Indian government. That is a good first step. Now all that is the Khalsa Panth's, including the sovereignty that is our birthright, must also be returned so that Sikhs can flourish in the glow of freedom promised by the Indian National Congress during the independence struggle.

The capital of Chandigarh was built by Punjab. Punjab must get it back from the Indian government. It is the height of highhandedness to make Chandigarh a Union Territory. I ask Chief Minister Amarinder Singh to take this good opportunity to regain, control of Chandigarh. This will help him politically as well. Haryana is a wealthy state; let Haryana build its own capital.

In November we met with Pakistani Prime Minister Shaukat Aziz. He said he would build a road from Kartapur Sahib to the Indian border, provided that the Punjab government builds its portion as well. I have visited Kartapur. There is only a mile or so of the road and the Ravi River is completely dried up. The bridge, which is on the Indian side, needs minor repairs. This road would be good for the people on both sides of the border. It would help build good relations between India and Pakistan, particularly between Pakistan and the Sikhs of Punjab. I urge Captain Amarinder Singh to build the road immediately so that Sikhs from Punjab can visit Kartapur Sahib where Guru Nanak departed this Earth for his heavenly abode. It is a serene place.

The RSS and its political arm, the BJP, want to divide the Sikh Nation. The Dasam Granth is RSS mischief. The issue of its authorship has been settled long ago, despite what any Indian-controlled Sikh leader may say now. I urge Akal Takht Jathedar Joginder Singh Vedanti to stop the discussion of the Dasam Granth completely and concentrate his efforts on achieving freedom for Khalistan and stopping the vices that have percolated in the Sikh religion, including abortion of female fetuses, drinking liquor, and the caste system. Guru Gobind Singh created the Khalsa as equals. Mazhabi Sikhs are as good Sikhs as anyone else. They are our brothers and sisters and we must treat them as equals. Remember what Guru Gobind Singh said: "Ragrete Guru ke Bete." ("The Mazhabi Sikhs are the sons of the guru.") Guru Gobind Singh lifted them up and Sikhs established Sikh rule from 1710 to 1716 and from 1765 to 1849. When America declared its independence in 1776, Punjab was already ruled independently by the Sikh missals.

Twice last year, Sikhs were arrested for making speeches in support of Khalistan and raising the Khalistani flag. The Indian regime is clearly worried about the rising tide in support of Sikh sovereignty. Let us dedicate our energy this year to achieving the establishment of Khalistan. Any organization that sincerely supports Khalistan deserves the support of the Sikh Nation. When Khalistan is free, the Sikhs can resolve these issues in a way that benefits the Khalsa Panth, not the forces of Hindutva.

However, the Sikh Nation needs leadership that is honest, sincere, consistent, and dedicated to the cause of Sikh freedom if we are to continue to move the cause of freedom for Khalistan forward in 2007 as we did in 2006. Remember the words former Jathedar of the Akal Takht Professor Darshan Singh: "If a Sikh is not a Khalistani, he is not a Sikh." Khalistan is the only way that Sikhs will be able to live in freedom, peace, prosperity, and dignity. It is time to start a Shantmai Morcha to liberate Khalistan from Indian occupation. We must achieve our freedom by peaceful, democratic, nonviolent means. Let that be the mission of 2007.

Elections for the Punjab Legislative Assembly will be held on February 13. Vote only for candidates who are committed to establishing Khalistan and will work to make it a reality. Every morning and evening the Khalsa Panth recites "Raj Kare Ga Khalsa." We must dedicate ourselves to realizing this. The time is now. We can do it by the ballot. I ask Sikhs of every political shade not to miss this opportunity. We must realize it now. When the Punjab Legislative Assembly reconvenes it must pass a resolution for the independence of Khalistan. As soon as that resolution passes, India will no longer be able to repress the Sikhs. Three million Sikhs living outside India will make sure that Khalistan is free without any further loss of human life. In a democracy, you can't rule the people against their wishes.

Sikhs will never get any justice from Delhi. Ever since independence, India has mistreated the Sikh Nation, starting with Patel's shameful memo labeling Sikhs "a criminal tribe" even though the Sikh Nation gave over 80 percent of the sacrifices to free India. How can Sikhs continue to live in such a country? There is no place for Sikhs in supposedly secular, supposedly democratic India.

Let us make certain that 2007 is the Sikh Nation's most blessed year by making it the year that we shake ourselves loose from Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom, and dignity. Now it is up to us. Do not waste this opportunity.

May Guru bless the Khalsa Panth in 2007 and always.

Sincerely,

DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

HONORING DOCTOR CRAIG C. MELLO, PHD

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. MCGOVERN. Madam Speaker, I rise today to honor Dr. Craig C. Mello, PhD of the University of Massachusetts Medical School (UMMS) in my hometown of Worcester, Massachusetts for his great work in the advancement of genetic research.

Born in New Haven, CT in 1960, Dr. Mello is an alumnus of Brown University where he received a Bachelor's of Science in Biochemistry in 1982 and Harvard University where he received his PhD in Cellular and Developmental Biology.

Dr. Mello and his colleague Dr. Andrew Fire are today's pioneers in RNA interference (RNAi). Their dedication to science and research has provided the world with evidence that will lead to the saving of lives around the world. Dr. Mello's research is not only groundbreaking but revolutionary.

Madam Speaker, Dr. Mello's and Dr. Fire's discovery was published in Nature magazine in 1998. They have received several awards, including the National Academy of Sciences Award in Molecular Biology and the Wiley Prize in Biomedical Sciences as well as international awards in Germany and Canada. Most recently, Dr. Mello and Dr. Fire received the Nobel Prize in Physiology in 2006 for their work on RNAi, the highest honor in the world in the field of medicine and physiology.

Dr. Craig C. Mello has instilled a sense of pride among the citizens of the Commonwealth of Massachusetts and the City of Worcester with his research in the field of developmental gene regulation.

Madam Speaker, I am sure that the entire U.S. House of Representatives joins me in thanking Dr. Craig C. Mello for his contribution to the field of genetic research and congratulating him on his achievement of the 2006 Nobel Prize in Physiology and Medicine.

IN LASTING MEMORY OF Q. BYRUM HURST

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Q. Byrum Hurst, who passed away December 4, 2006, in Hot Springs, AR, at the age of 88.

Mr. Q. Byrum Hurst had two passions—law and politics. He passed the Arkansas bar exam in 1941 and spent his life in politics with the exception of his stint in the U.S. Army from 1943–1945. Q. Byrum Hurst was elected Garland County Judge in 1947 and then elected to the State Senate where he served 22 consecutive years. In 1967, Mr. Hurst was elected President Pro Tempore of the Senate where he also served as Acting Governor of Arkansas during the absence of the sitting Governor.

Q. Byrum Hurst was recognized as one of the most powerful and influential men in Arkansas politics where he earned a reputation for his hard work on behalf of Hot Springs, his hometown.

Q. Byrum Hurst was an active, lifelong member of the First Church of God where he also served as Sunday School Superintendent. He was also a long-time supporter of the Boy Scouts of America and the Optimist International Club.

My deepest condolences go to his children, Q. Byrum Hurst, Jr., of Hot Springs; Lezah Stenger of Springfield, MO; Byretta Fish of Bentonville; to his 17 grandchildren and 25 great-grandchildren; and to his brother F.L. Hurst of Hot Springs and his sister Norma Jean Austin of San Antonio, TX. Q. Byrum Hurst will be greatly missed in Hot Springs, Garland County and throughout the State of Arkansas.

HONORING CHERI DEAN OF LAKE COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Ms. Cheri Dean on the occasion of her retirement from the Social Security Administration after 31 years of service to the government and people of Lake County.

Ms. Dean was hired as a claims development clerk in 1976 and was promoted through a series of positions from administrative assistant to service representative and finally to claims representative. At each stage of her career she has been a model of professional excellence and has worked hard to ensure that the needs of Lake County's residents are met. Her timely action has ensured the continuity of payments to many people who relied on her work.

After her retirement, Ms. Dean will move to Oklahoma where she will live near her family. She plans to spend time working on a family genealogy and traveling throughout the region.

Madam Speaker, it is appropriate at this time that we thank Ms. Dean for her decades of service with the Lake County branch of the Social Security Administration, and I wish her all the best in the future.

INTRODUCTION OF MEDICARE PRESCRIPTION DRUG NEGOTIATION ACT OF 2007

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. DINGELL. Madam Speaker, seniors, individuals with disabilities and the taxpayers of America were done a disservice in 2003 when the Medicare Prescription Drug legislation passed with a provision that prohibits the Secretary of Health and Human Services from negotiating with drug manufacturers for lower prescription drug prices. Representatives EMERSON, RANGEL, PORTER and I are introducing the Medicare Prescription Drug Negotiation Act of 2007 today to help seniors get the lowest prices possible on prescription medications under Medicare.

This legislation removes the prohibition of the Secretary from negotiating lower prescription drug prices. Moreover, it requires the Secretary to negotiate for lower prescription drug prices in Medicare without restricting access to any medications.

Drug prices under the Medicare prescription drug plan are more than 80 percent higher than prices negotiated by other agencies in the Federal government and more than 60 percent higher than prices in Canada. And this year the prices for each of the top five most popular drugs taken by seniors have gone up.

Currently, each of the 1200 plus prescription drug plans can use its volume of enrollees as leverage to purchase at bulk and other discount rates from drug companies. The Government, however, cannot do the same on behalf of Medicare's 40 million beneficiaries. We are now requiring that the Secretary do just that.

This simple legislation could save billions in prescription drug costs, premiums, and cost sharing for the millions of Medicare beneficiaries. It leaves the details up to the Secretary of HHS, who has the necessary experience and expertise to secure lower prescription drug prices. This bill has the support of the AARP, Consumer's Union and the AFL–CIO.

It is time we put the best interests of Medicare beneficiaries ahead of those of the drug companies. Seniors are clamoring for relief, and Americans overwhelmingly support having the Secretary of HHS negotiate for lower prescription drug prices on behalf of Medicare. The Medicare Prescription Drug Negotiation Act of 2007 is specifically designed to correct the shortfalls of the flawed 2003 Medicare Prescription Drug legislation and to provide affordable prescription drugs to Medicare beneficiaries.

INTRODUCTION OF RESOLUTION CHARGING IRANIAN PRESIDENT MAHMOUD AHMADINEJAD WITH VIOLATION OF THE 1948 CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. KIRK. Madam Speaker, today, along with my colleague STEVEN ROTHMAN (D–NJ), I introduce a resolution charging Iranian President Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. This resolution urges the United Nations Security Council to use its power under international law to hold the Iranian leader accountable for his genocidal statements targeting the Israeli people.

The Convention on the Prevention and Punishment of the Crime of Genocide was designed by the international community to outlaw genocide; to never again allow a massive crime similar to the Holocaust by Nazi Germany during World War II.

But now we are faced with an Iranian leader whose public statements call for a second Jewish Holocaust.

The Convention on the Prevention and Punishment of the Crime of Genocide prohibits not only acts of genocide, but also prohibits "direct and public incitement to commit genocide."

This resolution urges the United Nations Security Council to examine the evidence of Ahmadinejad's incitement. In order to present the evidence in a clear and concise manner, I recently asked the Congressional Research Service to compile a list entitled "Ahmadinejad in His Own Words," and I present it to the House today.

On October 26, 2005, in advance of Iran's Jerusalem Day, established by Ayatollah Khomeini, Ahmadinejad spoke at a conference of the Society for the Defense of the Palestinian Nation, and members of the Islamic Students Union, and an audience of hundreds of students.

In his speech, he described his vision of an age-old confrontation between the world of Islam and the "World of Arrogance," that is the West; portraying Israel and Zionism as the spearhead of the West against the Islamic nation. He emphasized in that speech the need to eliminate Israel which, he said, was an attainable goal.

He delivered this speech before several representatives of Hizbullah and its leader Hassan Nasrallah and Hamas leader Khaled Mash'al.

Speaking to a student conference then, entitled "World without Zionism," Mahmoud Ahmadinejad stated:

"Very soon this stain of disgrace (i.e. Israel) will vanish from the center of the Islamic world—and this is attainable. . .

The people who sit in closed rooms cannot decide on this matter. The Islamic people cannot allow this historic enemy to exist in the heart of the Islamic world. . .

I hope that the Palestinians will maintain their wariness and intelligence, much as they have pursued their battles in the past ten years. This will be a short period, and if we pass though it successfully, the process of the elimination of the Zionist regime will be smooth and simple. . .

Our dear Imam [Khomeini] ordered that the occupying regime in Jerusalem be wiped off the face of the earth. This was a very wise statement."

On April 15, 2006, at the opening of a conference on supporting the Palestinians, he said:

"Like it or not, the Zionist regime is heading toward annihilation."

On April 27, 2006, he stated in a speech in the western Iranian town of Zanjan, carried on live national television.

"This regime (Israel) will one day vanish."

On May 11, 2006, Ahmadinejad made a reference to Israel in a speech to students and instructors at University of Jakarta, he said:

"I advise them to pack up and move out of the region before being caught in the fire they have started in Lebanon."

On July 8, 2006, speaking to regional officials at the opening of a two-day conference in Tehran on security in Iraq, he said: "The basic problem in the Islamic world is the existence of the Zionist regime, and the Islamic world and the region must mobilize to remove this problem."

On July 29, 2006, during an emergency meeting with Muslim leaders, he said:

"The real cure for the (Lebanon) conflict is elimination of the Zionist regime, but there should be first an immediate ceasefire."

On August 3, 2006, in a speech before the Organization of the Islamic Conference, to presidents, prime ministers and policy-makers of 17 Muslim-majority nations in Malaysia, a major international conference, he said.

"The Zionist regime is fraudulent and illegitimate and cannot survive."

On October 19, 2006, speaking to crowds of people in Islamshahr, southwest of Tehran, he said:

"This regime will be gone, definitely. You should know that any government that stands by the Zionist regime from now on will not see any result but the hatred of the people."

On December 12, 2005, in a speech to thousands in the southeastern city of Zahedan in the southeastern Sistan va Baluchistan Province and this was carried on Iranian television, Ahmadinejad said:

"Today, they (Europeans) have created a myth in the name of Holocaust and consider it to be above God, religion and the prophets . . . If you committed this big crime, then why should the oppressed Palestinian nation pay the price? . . . This is our proposal: If you committed the crime, then give a part of your own land in Europe, the United States, Canada or Alaska to them so that the Jews can establish their country."

On April 24, 2006 at a press conference in Tehran, he said:

"Every German-born is indebted to the arrogant and greedy Zionists. . . . Sixty years after the war, why do the Palestinian people have to burn in the crimes of Zionists under the pretext of the Second World War?"

And on December 8, 2005, speaking at a press conference on the sidelines of an Organization of the Islamic Conference anti-terrorism summit in Mecca, Saudi Arabia, he said:

"Today, they have created a myth in the name of Holocaust and consider it to be above God, religion and the prophets . . . If you (Europeans) committed this big crime, then why should the oppressed Palestinian nation pay the price? You have to pay the compensation yourself. This is our proposal: give a part of your own land in Europe, the United States, Canada or Alaska to them so that the Jews can establish their country."

This is President Ahmadinejad in his own words that I place before the House—all accurately translated and provided in one place to present clearly a rising danger to our allies in Israel and to the West in general.

I was looking briefly at a recently translated quote by another leader. He said:

"Why does the world shed crocodile's tears over the richly merited fate of a small Jewish minority? But what happened to the conscience of the world when millions in Germany were suffering from hunger and misery? I ask Roosevelt, I ask the American people: Are you prepared to receive in your midst these well-poisoners of the German people and the universal spirit of Christianity?"

It may sound like a recent speech from Mahmoud Ahmadinejad. It was actually the works of Adolf Hitler from the magazine Staatszeitung. Looking at these words we have an eerie echo of the past, and potentially a warning of the future. I lay them before the House today so that we see them all clearly, for who this leader is, what he has stated publicly, and where he would like to take his nation.

Madam Speaker, we founded the United Nations out of the ashes of the Holocaust. How can we sit idly by today as a UN Member State openly speaks of bringing another one?

The United Nations Security Council should charge President Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and increase international condemnation of this dangerous leader. I want to thank Congressman ROTHMAN for leading with me on this issue and I urge my colleagues to support this legislation.

INTRODUCTION OF THE IDENTITY THEFT PREVENTION AND TIMELY REPORT ACT OF 2007

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to address a horrible form of identity theft.

We have heard plenty lately about the need to take swift action to prevent this serious crime. In 2006, one of the largest data security breaches in history occurred when the Department of Veterans Affairs, VA, lost the names, Social Security numbers, and the dates of birth of over 26 million Americans. We hear a lot about security breaches and the identity theft of living Americans. One aspect of the crime you do not always hear about is the misuse of personal information of deceased Americans.

This is a serious issue for many reasons. For one, it is their loved ones who pay the price. Months or even years after a family member passes away, surviving spouses or other relatives will begin to receive credit card bills or even phone calls from bill collectors. A predator can go onto certain web sites and purchase Social Security numbers that are sold for purposes of tracking family histories and genealogy. The predator then uses the Social Security number to apply for credit cards, loans, and other forms of consumer credit.

There were even reports that a predator was misusing the personal information of a New York City resident who died in the September 11, 2001 terrorist attacks. In another case, a woman began to receive bills addressed to her daughter who had passed away 17 years before.

In my hometown of San Diego, the local news media shed light on another unfortunate case. A predator took information on a woman published in an obituary and used it for identity theft crimes. It was up to her son to repair the damage and put an end to the abuse. I cannot imagine the emotional toll these cases must take on surviving relatives, and I rise today to take action to prevent further cases of this crime.

It is time Congress acted to block this form of identity theft from continuing. Predators can collect this information with relative ease giving them a steady supply of Social Security numbers, dates of birth, and the information they need to commit these horrible crimes. Furthermore, this form of identity theft can ruin the good names and pristine credit histories of those who are deceased. Unless we take action, family members will continue to suffer from the misuse of their loved ones' personal information.

The legislation I introduce today, the Identity Theft Prevention and Timely Report Act of 2007, requires that the Federal Government inform each national credit bureau when an individual passes away. In turn, the credit bureaus will flag the histories of those who are deceased and potential creditors will know not to issue lines of credit or new loans to those attempting to misuse personal information.

Madam Speaker, I urge that we act to stop this vicious form of identity theft and protect the relatives of America's deceased.

GANDHI: BEHIND THE MASK OF DIVINITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. TOWNS. Madam Speaker, I have recently encountered a book entitled Gandhi: Behind the Mask of Divinity, which sheds new light on the founder of India. The author, Colonel G. B. Singh, USA, portrays Mohandas Gandhi as a person who was more interested in advancing his own group than in the advancement of all people. Using Gandhi's own words, Colonel Singh portrays a very different Gandhi than you and I have been told about.

Colonel Singh argues that the Gandhi we have been told about isn't the real Gandhi. He writes that he hopes that his book will stimulate discussion and provoke people to think about who Mohandas Gandhi really was. Since Gandhi is considered the father of the Indian nation, understanding his character is essential to understanding India.

Colonel Singh's book is definitely controversial, but it is an important contribution to a full understanding of this important historical character.

Madam Speaker, there is an excerpt from the book's introduction on the back cover, which has been reproduced, and I would like to introduce that two-paragraph excerpt into the RECORD at this time to give a flavor of the book and encourage people to broaden their perspective on Gandhi.

FROM THE INTRODUCTION TO GANDHI: BEHIND THE MASK OF DIVINITY

(By G.B. Singh)

> Over the years I have discussed Gandhi with many Americans, both formally and informally. . . . What continues to irk me is the amount of Gandhi "propaganda material" that has flooded our libraries and bookstores. For an unsuspecting Westerner, the reading of Gandhi as he is portrayed on these shelves can bring about the intended result. That is understandable. This book is an attempt to close the gap between the popularized Gandhi and the historical Gandhi. This book will incite readers to be more open-minded and to seek to validate the "truths" presented. My hope is that it will provoke honest, healthy, and open dialogue and foster more scrutiny about him. . .
>
> Years of dedicated research on Gandhi convinced me that our hero was fundamentally a racist. In this book, I present the facts. The evidence presented here is not a matter of speculation or distorted interpretation. Much of the irrefutable evidence lay buried beneath a mountain of Gandhi's own writings—in his own words, which I have uncovered—comments that will be difficult to dispute once they are read. In this book you will read the evidence in its entirety. My primary intention is to untangle the web that Gandhi weaved—and his followers are still weaving—for many years. Only through a methodical probing can we expose Gandhi's campaign of deception: the lies, the propaganda, the misinformation, the half-truths, and the effort to hide behind religion. Where Gandhi left off, his followers have picked up, and they continue their own sophisticated campaigns, both in India and abroad. The book should not be looked upon as another Gandhi biography. Rather, it should provide a standard by which to weigh the Gandhi literature for accuracy and objectivity. Also, this book, though narrowly focused, should stand as a guide alerting us to how thoroughly the Gandhi propagandists and others have succeeded in deceiving us.

TRIBUTE TO THE CLINTON EXCHANGE CLUB ON THE OCCASION OF ITS 60TH ANNIVERSARY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to the Clinton Exchange Club on the occasion of its 60th anniversary and to thank its members for the extraordinary contributions they have made to the greater Clinton community throughout the club's distinguished history. Exchange Clubs all across America are widely known for their efforts to prevent child abuse and nurture our nation's young people, however nowhere has the noble mission of this great service organization been more fully embraced by its membership than the Clinton Exchange Club.

As a regular participant in the Memorial Day Exercises in the Town of Clinton, I have proudly marched behind the Exchange Club as they distribute American flags to the children lining the parade route. This public display of patriotism is an invaluable lesson for our young people to learn and I am grateful to the Clinton Exchange Club for making it an indispensable part of the town's Memorial Day tradition. The Clinton Exchange Club is a source of civic education, encouragement and support for the community's youth that extends far beyond one holiday a year. Through the sponsorship of local sports teams, the Freedom Shrine, the youth of the month recognition program and the numerous scholarships it awards, the Clinton Exchange Club is a positive force in nearly all facets of a child's development. A large number of Clinton's youth have responded to the example the Exchange Club has given them by establishing their own affiliated service organization at Clinton High School known as the Excel Club. The close collaboration between the Exchange Club and the Excel Club has ensured that service to others will endure as the hallmark of this tight-knit community for generations to come.

Madam Speaker, the Town of Clinton enjoys a well-deserved reputation as one of the most compassionate communities in the Commonwealth of Massachusetts. That is due in large part to the innumerable good deeds the Clinton Exchange Club has performed over these last 60 years. The greatest tribute I can pay them as they celebrate this important milestone is to humbly ask that they rededicate themselves to the club's mission and continue to better the lives of their neighbors and fellow citizens. This nation owes the Clinton Exchange Club a debt of gratitude for their legacy of service and the United States Congress congratulates them on this wonderful occasion.

IN MEMORY OF W.E. AYERS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of W.E. Ayers, who passed away December 8, 2006, in Pine Bluff, Arkansas, at the age of 76.

W.E. Ayers was a pillar of the city of Pine Bluff and the state of Arkansas for decades. Ayers was the former Chairman and CEO of Simmons First National Corporation of Pine Bluff. He joined the organization in 1957 and became Senior Vice President in 1969. Mr. Ayers was then named President of the Bank in 1985 and named Chairman of the Board the following year.

A graduate of Louisiana State University, W.E. Ayers also received an honorary doctorate degree from the University of Arkansas at Pine Bluff and Southeast Arkansas College.

W.E. Ayers was an active member of Lakeside United Methodist Church where he served as a former trustee and Sunday School teacher. He was a past President of the Arkansas Bankers Association as well as a member of the Kiwanis Club, Pine Bluff Chamber of Commerce, Arkansas Arts Council and the Arkansas School for Mathematics and Science Foundation.

My deepest condolences go to his wife, Diane Ayers; son and daughter-in-law, Tim and Leigh Ayers of Atlanta, GA; daughter Cathy Zimmerman of Boulder, CO; and to his 5 grandchildren. W.E. Ayers will be greatly missed in Pine Bluff and throughout the state of Arkansas.

HONORING GARY LOUIS SIMPSON OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize the long and successful career of Mr. Gary Louis Simpson, the Sheriff-Coroner of Napa County, California. On December 28th Mr. Simpson will stand down after 20 years and 5 terms as the elected Sheriff of Napa County. During his tenure, the Sheriff's Department has developed and expanded numerous programs to extend the involvement of the department with other law enforcement agencies and county departments. He leaves behind a technologically sophisticated and well-trained department prepared to continue the work he has advanced for many years.

Mr. Simpson was born in Missouri, but moved to California at an early age, and grew up in Oakland. He attended Pacific Union College and graduated with a B.A. in Social Sciences in 1965. Mr. Simpson served in the United States Army from 1966–1969 and left at the rank of 1st Lieutenant before joining the Napa Police Department that same year. In 1983 he was promoted to Lieutenant in the Police Department. In 1986 he ran for the office of Sheriff, and was elected the 25th Sheriff of Napa County.

As Sheriff, Mr. Simpson expanded the work of the Sheriffs department beyond the strict. confines of law enforcement and into the communities of the Napa Valley. Through a variety of programs like DARE and the Sheriffs Activity League, Mr. Simpson has reached out to the youth of the Napa Valley and helped develop a safe and healthy place for children to grow. He has created an innovative program, the Sheriff Citizens Academy, which is conceived to allow people living and working in the Napa Valley to better understand the work of the Sheriffs Department. Additionally, this important program has begun the process of building bridges between members of the community and law enforcement.

Madam Speaker, it is appropriate at this time that we recognize Mr. Gary Louis Simpson on his retirement after 20 years as the Sheriff of Napa County. He has been instrumental in developing the resources and capabilities of law enforcement in Napa County. He will enjoy retirement in the company of his wife Veronica, their children, and their two granddaughters.

CONGRATULATING ARTRAIN USA ON RECEIVING THE 2006 NATIONAL AWARD FOR MUSEUM AND LIBRARY SERVICES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. DINGELL. Madam Speaker, I rise today to congratulate Artrain USA on being a recipient of the 2006 National Award for Museum and Library Services, a prestigious award presented to a select few libraries and museums for outstanding public service.

The National Award for Museum and Library Services is the nation's highest honor for museums and libraries. Artrain USA was one of three museums selected by the Institute for Museum and Library Sciences to receive this high honor. Three libraries were also selected to be honored.

Located in Ann Arbor, Michigan, Artrain USA's unique concept of a traveling museum has visited hundreds of communities, enriching the lives of over 3.2 million people. Many of these communities are rural or underserved and did not have access to this type of world-class art exhibits and educational opportunities. By bringing the art to the communities on vintage railroad cars, Artrain USA provides these communities with a wonderful opportunity for cultural growth and education. This is an indispensable public service and I am especially proud to say that Artrain USA hails from Michigan's 15th Congressional District, which I represent in the House of Representatives.

I would particularly like to congratulate Debra Polich, President & CEO of Artrain USA, for her tireless work and dedication to making Artrain USA a national presence. Madam Speaker, I ask that you and all of my colleagues join me in congratulating Deb and the rest of the Artrain USA team on winning this esteemed award and in sending our best wishes for success in the future.

IN MEMORY OF KEVIN BROPHY

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. KINGSTON. Madam Speaker, it is my pleasure to rise today to honor the memory of the late Kevin Brophy. Kevin was a remarkable young man who touched the lives of all those he met.

Kevin Brophy was a native of Melbourne, Australia, who graduated from Memorial Day School in Savannah, GA. In his time at Memorial, Kevin averaged 28.4 points, 7.2 rebounds, and 12.4 assists per game setting a single season school record of 424 points.

Kevin went on to attend the University of Georgia where, as a walk-on, to the 2005 Bulldogs men's basketball team he played in all 28 games of his freshman season and started in seven Southeastern Conference contests. Though he began his collegiate sports career as a walk-on, Kevin quickly earned an athletic scholarship before the start of his sophomore season.

As a member of the Georgia Bulldogs basketball program, Kevin scored a season high of 19 points against the Vanderbilt University Commodores, nine of those coming in the last nine minutes. Kevin's attitude, maturity, and work ethic were contagious, spreading to all those with whom he came in contact.

Tragically, Kevin's life ended July 20, 2006, near Greensboro, GA, just hours after he devoted his time to improving the basketball program at the Athens Boys and Girls Club. His death has left a community in mourning but his life has inspired us all.

RECOGNIZING THE CONTRIBUTIONS OF TOM RICE TO OUR HOMELAND SECURITY

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Ms. PRYCE of Ohio. Madam Speaker, I rise today to recognize a distinguished constituent and a valued member of our country's Homeland Security team, Tom Rice, the federal security director for Port Columbus International Airport. Tom was recently chosen from among 125 peers by the Transportation Security Administration as the Federal Security Director of the Year for the Eastern Region.

In bestowing this honor, TSA recognized Tom's contributions in providing operational direction for federal security, demonstrating integrity and innovation, and improving the morale of employees by promoting a culture of achievement among team members.

Tom's four decades of distinguished and impeccable service in law enforcement is no secret to central Ohio. After serving for 33 years in the Ohio State Highway Patrol, Tom spent a year at the Department of Rehabilitation and Correction as the acting chief inspector and then had a 5-year tour with the City of Columbus as safety director. Before briefly retiring, Tom also consulted for the Ohio Department of Youth Services. However, with the creation of TSA, Tom was swiftly called to return to duty and was sworn in as the first FSD for Port Columbus and Rickenbacker airports in June 2002.

I am thrilled to see his leadership in security recognized nationally by our Nation's top security agency. Passengers at Port Columbus know and trust Tom. And even amid passenger uncertainty due to terrorist threats, his innovative and professional leadership has helped Port Columbus continue to grow and business at Rickenbacker to flourish. I can think of no better person to receive the recognition of our Homeland Security community.

HONORING THE HEART HOSPITAL OF NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mrs. WILSON of New Mexico. Madam Speaker, I rise today to honor a remarkable organization from the State of New Mexico. The Heart Hospital of New Mexico was established in 1999, through a joint effort between the state's leading cardiology and cardiovascular surgery groups, as an entire medical facility dedicated to fighting heart disease. Located near downtown Albuquerque, it is the state's first free-standing heart facility, dedicated to providing the most advanced, patient-centered, family-centered care for the region.

Recently, Quantum Research and the New Mexico Business Weekly sponsored a comprehensive employee survey to identify the "best places to work" in New Mexico. With 211 hardworking employees, the Heart Hospital was ranked first amongst New Mexico's largest employers. The award acknowledges a company's achievements in creating a positive work environment that not only attracts employees, but also retains them.

Heart Hospital employees cited flexible work schedules, employee-driven work standards and commitment to superior patient care as critical to their job satisfaction. The Heart Hospital also offers reimbursements for licensures, certifications and tuition; reimbursement for nursing education for household members of employees; full vestment for the company portion of 401(k) upon enrollment and employee appreciation lunches and other recognition.

Madam Speaker, no matter how you measure it, the Heart Hospital of New Mexico sets a standard of excellence. The hospital fills a crucial need in central New Mexico's community, and I am honored to recognize such an outstanding healthcare provider and its outstanding team of dedicated employees here today.

STATEMENT HONORING ROBERT L. HADLEY, SR.

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to an honorable man, Robert L. Hadley Sr. His commitment towards his family and his hard work has made him a commendable role model for all of America's future generations.

Born on April 13, 1919, Mr. Hadley was raised to hold strong to his faith and valued the beliefs embedded in him from his childhood. His everyday life and career reflected those praiseworthy values.

In 1937, after the completion of his studies Mr. Hadley entered into the car sales industry with a zest for learning. In 1941, he was called upon by his country to serve in the Army during WWII. He courageously contributed his time to protect our Nation.

Mr. Hadley completed his service to the U.S. Army and returned to his loving wife and son. He then continued working hard in the automotive sales industry while ensuring his son grew up to become an admirable young man. The life lead by Mr. Hadley has undoubtedly become a legacy.

On behalf of the Dallas, TX community, I commend Mr. Robert Hadley's admirable achievements.

ENDING THE WAR IN IRAQ

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. DEFAZIO. Madam Speaker, tomorrow the President will announce he has yet another new strategy for victory in Iraq. This strategy will come just over a year after he released his last strategy for victory in Iraq, which was completed in November 2005.

According to the Brookings Institution's Iraq Index, since the President released his last plan, more than 900 U.S. troops have been killed in Iraq, more than 2,200 Iraqi police and military forces have also been killed. The number of Iraqi civilians killed has risen from 1,778 in January 2006 to nearly 3,300 in December 2006. The number of multiple fatality bombings has increased from 41 in November 2005 to 69 in December 2006.

In other words, by virtually every measure, the violence in Iraq is worse this year than last year, the political situation is more volatile and deteriorating by the day and the civil war is expanding.

After nearly four years, after more than 3,000 U.S troops have been killed, after more than 22,500 U.S. troops have been injured—nearly half of whom have been injured severely enough that they cannot return to duty—and after more than $300 billion of U.S. taxpayers' money has been spent with no benefit to U.S. national security and with little progress toward stabilizing Iraq, what is the President's response? All indications are that he will propose to compound the failure by escalating the war, putting tens of thousands of more American lives at risk, and borrowing tens or hundreds of billions of dollars more in order to prosecute a war that cannot be won militarily.

It is past time to end the open-ended commitment the President has made in Iraq. Reportedly the President will propose benchmarks the Iraqi government must achieve, but since there will be no consequences if the Iraqis fail, these benchmarks are meaningless. The Iraqi government has failed to follow through on previous commitments, yet the President's response has only been to express continuing support for the Iraqi Prime Minister. His proposal this week will likely be more of the same.

As long as the U.S. military remains stuck with the President's pledge of unlimited support, Iraqi politicians and security forces will use the U.S. presence as a crutch and will fail to take the necessary steps to solve their differences, establish an effective and inclusive government, end sectarian violence, and create a secure and prosperous society.

Democracy and stability cannot be imposed on unwilling parties. As New York Times columnist Thomas Friedman said recently on Meet the Press, a stable, pluralistic democracy in Iraq is everyone's second choice except ours. The Shias want power for themselves. The Sunnis want power. And the Kurds want power and independence. What they don't want to do is share that power, and we can't make them.

Being confronted with the reality of a U.S. withdrawal should force the Iraqi factions to reach the political compromises necessary to move their country forward. If not, there is no reason to prolong the U.S. involvement in Iraq if we want a stable country more than the Iraqi people and their elected leaders do.

The U.S. cannot impose freedom, security, and unity in Iraq by force. Those worthy goals can only be achieved by the Iraqi people themselves, which will only happen when the Iraqi people and their leaders decide to put aside their sectarian differences. The U.S. cannot force Sunnis, Shias, and Kurds to make peace or to act for the common good. They have been in conflict for 1,400 years. Nor should the U.S. military be forced to remain in Iraq essentially as an army for one side of a civil war. The U.S. military cannot solve the sectarian violence and the lack of political reconciliation in Iraq. Only the Iraqis can.

In a minute, I will address where I believe we need to go from here. But, before that, I want to briefly review how we got into Iraq and how the Bush administration's many mistakes have brought us to the disaster we face today.

The list of the Bush administration's failures with respect to Iraq is long and well-known. But it bears repeating, particularly since the administration may be making similar ones with respect to Iran.

The administration manipulated, misrepresented and in some cases outright lied about the intelligence on Iraq's weapons of mass destruction programs and non-existent ties to al-Qaeda in order to build support in Congress and among the public for the war.

The administration went in with too few troops to successfully carry out the mission.

The administration went in with few real allies.

The administration went in with no exit strategy.

The administration failed to stop the rampant looting in the wake of Saddam Hussein's ousting, which set back recovery and reconstruction.

The administration failed to understand the ethnic tensions that were unleashed in Iraq.

The administration failed to understand the ethnic power bases in Iraq.

The administration relied on Iraqi exiles with no support among the Iraqi people.

The administration did not turn over authority to Iraqis early on. Instead, they stood up the Coalition Provision Authority to run Iraq, which cemented in the minds of the Iraqis that U.S. forces were an occupying power.

The administration largely used inexperienced political hacks to run the CPA rather than experienced foreign service-types or individuals with subject matter expertise.

The administration disbanded the Iraqi army, which added to the security problems by creating a large pool of unemployed, armed, and alienated Iraqis.

The administration purged the Iraqi government of all Baath party members, even low-level Baathists, which continues to hamper the delivery of even basic government services to Iraqis since the bureaucracy has basically been created from scratch.

The administration failed to conduct proper oversight of reconstruction resulting in waste, fraud, and abuse, poor contractor performance and Iraqi expectations for progress not being met.

This is not an exhaustive list, but it highlights some major failures that have contributed to the chaos in Iraq.

The administration claims that what has happened in Iraq was unforeseeable. In reality, many critics predicted the problems in Iraq. The administration just chose to ignore those who raised concerns. The problems in Iraq are actually worse than predicted because of the administration's blunders.

The administration ignored the doctrine created by its own Secretary of State Colin Powell when he was Chairman of the Joint Chiefs of Staff. The "Powell doctrine" says that the U.S. should go to war only as a last resort and then only with overwhelming force. In his article "U.S. Forces: Challenges Ahead" in Foreign Affairs in 1992–93 Powell posed a number of questions to be asked by U.S. policymakers before launching a war. Is a vital national security interest threatened? Do we have a clear, attainable objective? Have the risks and costs been fully and frankly analyzed? Have all other non-violent policy means been exhausted? Is there a plausible exit strategy? Have the consequences been fully considered? Is the action supported by the American people? Does the U.S. have broad international support?

The answer to these questions in the case of the Iraq war is no. But the administration went ahead anyway and Powell put aside any misgivings he may have had and publicly supported it.

The administration ignored General Eric Shinseki, then the head of the Army, who testified before the Senate Armed Services Committee on February 25, 2003, that the administration's plans failed to include an adequate number of troops. He said, "I would say that what's been mobilized to this point—something on the order of several hundred thousand soldiers are probably, you know, a figure that would be required. We're talking about post-hostilities control over a piece of geography that's fairly significant, with the kinds of ethnic tensions that could lead to other problems."

Secretary Rumsfeld and his deputy, Paul Wolfowitz, called Shinseki's estimate "far off the mark" and "wildly off the mark". Wolfowitz said it would be "hard to believe" more troops would be required for post-war Iraq than to remove Saddam Hussein from power.

It may have been hard for an ideologue like Mr. Wolfowitz to believe, but it wasn't hard for a military professional like General Shinseki to envision.

Many Members of Congress also raised concerns. I personally wrote to the President on September 5, 2002. I challenged the supposed threat posed by Iraq's assumed WMD programs. I raised questions about more pressing national security challenges like North Korea and Iran. I raised questions about the impact the war would have on U.S. relations with allies and our reputation in the world. I posed questions about what the impact of a long-term occupation of Iraq by U.S. forces. I asked about the impact of diverting military and intelligence resources to Iraq from the battle against al-Qaeda in Afghanistan. And I raised concerns about the economic impact and the impact on U.S. taxpayers from the war.

The administration dismissed the concerns and warnings of critics like me and launched this ill-advised war. I voted against it. We're forty-six months into the war, where do we go from here?

The President apparently believes that the U.S. needs to escalate the conflict in Iraq by sending 30,000 or more additional troops to Iraq. I think that is a mistake. It will not bring stability to Iraq, and I oppose it and will vote against it if given the opportunity.

Just as importantly, the President's chief military advisors oppose it. As General John Abizaid, then the head of all U.S. forces in the Middle East, testified before the Senate Armed Services Committee hearing on November 15, 2006, "I met with every divisional commander, General Casey, the core commander, General Dempsey, we all talked together. And I said, in your professional opinion, if we were to bring in more American Troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is because we want the Iraqis to do more. It is easy for the Iraqis to rely upon to us do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future."

The President didn't like what he heard, which may be why General Abizaid is expected to retire this March. As a Lebanese-American who is fluent in Arabic, his understanding of the region will be greatly missed. General Casey has also been removed as commander of U.S. forces in Iraq.

Shinseki, Abizaid, Casey. There is a pattern here of the Bush administration ignoring the advice of military leaders and firing them when they don't tell the President what he wants to hear.

Let me be clear, I do not believe there is any level of U.S. troops that could stabilize Iraq at this point.

But, I think it is particularly offensive that the President is reportedly planning to put 30,000 additional U.S. lives at risk when that escalation is virtually certain to have little or no impact on the violence in Iraq. There might be a small, temporary reduction in the chaos in Iraq, but the escalation will not solve the deep and underlying political conflicts that are preventing a long-term resolution to the violence in Iraq.

The President desperately wants to look like he's trying something new in Iraq in response to the concerns of the American people, but really he's just repeating the same mistakes and compounding previous failures. The administration is trying to prolong the U.S. involvement in Iraq in order to perpetuate the fallacy that the President's original vision for a democratic, pro-U.S., capitalistic, pluralistic Iraq is still achievable. It is not. The American Enterprise Institute military escalation plan for Iraq, which is the basis for the President's proposals, has a timeline of 18–24 months, conveniently enough leaving the mess in Iraq for the next President, meaning President Bush would never have to admit his policies in Iraq have been a failure but at a very steep cost to our troops taxpayers.

The administration already increased the number of U.S. troops in Baghdad this summer and has occasionally increased the number of troops throughout Iraq, yet the violence against our troops and Iraqi security forces and civilians continues to increase. Following the influx of troops this summer in Operation Forward Together, the violence in Iraq actually increased. Weekly attacks increased by 15 percent while the number of Iraqi civilian casualties increased by 51 percent.

Based on historical analysis, counterinsurgency experts estimate it takes around 20 U.S. troops per 1,000 inhabitants to successfully fight a counterinsurgency. To achieve that ratio in Baghdad alone would require 120,000 troops. Even with the escalation proposed by the President, we'd only have around 40,000 troops in Baghdad. For all of Iraq, it would require 500,000 troops. We only have around 140,000 there today.

General Shinseki and others based their original recommendation for several hundred thousand troops on this historical analysis. But, the time in which a large number of forces could stabilize Iraq has long since passed.

The bottom line is that a proposal to increase U.S. troop levels in Baghdad or Iraq more generally by 30,000 troops in not a serious effort to restore stability to Iraq. Essentially, the President is proposing to put more lives at risk with little or no chance of success.

The President and his allies justify the continuing U.S. presence in Iraq by claiming that if we don't fight there, we'll have to fight here at home. However, the Iraqi Sunni rejectionists, Saddamists, and nationalist Shias, who combined make up the vast bulk of the insurgents and militias committing violence in Iraq, have no interest in attacking the U.S. homeland. They just want U.S. military forces out of their own country. They have no designs on our country. So it is misleading, at best, to argue that if we don't fight there, we will fight them in the streets of the United States.

It is also misleading to pretend that if the U.S. leaves that somehow Osama bin Laden will take control of Iraq. There is no chance that the Shias and Kurds, who represent around 80 percent of the population in Iraq, will allow foreign terrorist elements to take over the country. Even the majority of the Sunnis have grown tired of foreign terrorists operating in Iraq.

A better strategy is to announce a timeline for bringing our troops home over the next 6 months to a year. The administration has always set timelines for political developments in Iraq—for elections, for the drafting of the constitution etc. The administration argued such timelines were necessary to focus the energy of Iraq's leaders and to force compromises. We need to do the same on the military side.

In the interim, I have also proposed that U.S. troops be removed from front line combat positions in Iraqi cities and towns, turning over daily security patrols, interactions with citizens, and any offensive security actions to the Iraqis themselves.

The training and equipping of Iraqi security forces should be accelerated and the sectarian balance must be improved.

The U.S. must renounce any U.S. interest in constructing permanent U.S. military bases in Iraq.

It is also important to accelerate reconstruction spending and grant the bulk of reconstruction contracts to local companies employing Iraqis rather than multinational corporations, whom have proven inefficient, inflexible, sometimes fraudulent and have even imported workers rather than employing Iraqis.

The U.S. embassy in Baghdad should also be reduced to normal size and authority rather than establishing one of the largest embassies in the world.

And, the U.S. must engage in robust diplomacy with all factions in Iraq, except the foreign terrorists and domestic al-Qaeda elements, and work with Iraq's neighbors in an effort to bring about political reconciliation among Sunnis, Shias, and Kurds.

Our troops have done all that has been asked of them in Iraq. Saddam Hussein is dead. His allies are on the run or in prison. The threat from WMDs in Iraq is nonexistent. Arguably, the war that Congress authorized has been won. Our troops should come home. Congress did not authorize U.S. troops to referee a civil war in Iraq.

TRIBUTE TO ALLISON STANGEBY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mrs. EMERSON. Madam Speaker, I rise today to congratulate Allison Stangeby—the recipient of the 2006 Bill Emerson Good Samaritan Award. Because of Allison's efforts, thousands of our nation's less fortunate have been provided with food aid.

Allison used her workplace as a tool to reach out to the hungry. She works for the New York Giants as the Director of Community Relations. Under Allison's leadership, the New York Giants became the first sports franchise to arrange to have its stadium-generated leftover concession food made available to feed the hungry through Sports Wrap. Sports Wrap is a new venture that evolved from Rock and Wrap It Up!, a volunteer hunger relief charity started in 1990.

Additionally, Allison has helped launch similar programs with the New York Yankees, New York Mets, New York Jets and New Jersey Nets. By setting an example, Allison has empowered others to reach out to those in need. This is the mark of a great volunteer.

This is the vision my late husband Bill Emerson had for domestic food aid programs when he worked to pass the Good Samaritan Food Act protecting these donations from liability. Bill's hopes for hunger relief in America were very high when he worked to make such programs possible in 1990. He would be very proud of Allison for her contributions to hunger relief.

Allison is a major reason why this hunger relief charity continues to gain notoriety and grow. As long as there are men, women and children who need the helping hand of other Americans, people like Allison have proven they will be there with a helping hand to offer.

Thank you for your kind service to our Nation, Allison. Congratulations on earning the 2006 Bill Emerson Good Samaritan Award. Best of luck to you as you continue your noble work.

HONORING UNIVERSITY OF FLORIDA GATORS FOOTBALL TEAM

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. BILIRAKIS. Madam Speaker, I rise today to congratulate the University of Florida football team on winning the 2006 NCAA national championship.

Madam Speaker, as a University of Florida graduate, born in "Gator Country," I could not be happier with the outcome of last night's game. This team showed true grit and grace by overcoming public opinion, which said they did not belong in the national title game, to defeat a daunting opponent.

Madam Speaker, I would also like to congratulate the University of Florida as a whole for becoming the first institution in Division 1 history to hold both the NCAA Men's Basketball and NCAA Football Championships at the same time. Last night's achievement was truly historic.

Madam Speaker, it took the University of Florida 90 years to win its first NCAA Football Championship and only 10 to win its second. Hopefully this trend will continue.

Madam Speaker, I hope everyone will join me in congratulating these fine young men on their historic victory.

HONORING BEN ANDERSON OF AMERICAN CANYON, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Ben Anderson of American Canyon, California, and thank him for his many years of service devoted to the city and people of American Canyon. As a member of the first city council elected in 1992, Ben Anderson has generously lent his wisdom and guidance to the process of constituting a city government.

Mr. Anderson moved to the area in the early 1980s as an officer in the US Navy at the Mare Island Naval Shipyard. In the early 1990s he was instrumental in beginning the petition process and collecting signatures for the incorporation of American Canyon. Having received encouragement from other citizens involved in the campaign, he ran for a seat on the city council and won. He retired from service in the Navy around the same time he took his seat on the council, citing his desire to devote his efforts to full time service to the community.

During his 14 years as a council member Mr. Anderson has helped guide the development of American Canyon from its infancy into the rapidly growing and successful town we know today. Faced with a variety of challenges in managing the growth of the city, the council has overseen, the development of a complex but functional civic infrastructure. Mr. Anderson has been actively involved in the development of schools and libraries, a gym and swimming pool, and a series of commercial ventures that have brought flourishing businesses to the city.

In addition to his work in city government, Mr. Anderson has been a conscientious leader to the community. He volunteers as a coach with local youth sports leagues, working with multiple soccer or basketball teams at any given time. He has also been an active participant with the local Lion's Club and Veterans of Foreign Wars, including assisting their charitable efforts with his considerable organizational expertise. Finally, and most importantly, he has established a high standard during the proceedings of the city council by always treating city staff, council members, and the community with politeness and respect in the conduct of his duties as a City Councilman.

Madam Speaker, it is appropriate at this time that we thank Mr. Anderson for the time he has served on the city council in American Canyon, and all of the many positive works his efforts have yielded. I know that he will remain an active and vocal member of the community even as he retires from elected office.

A TRIBUTE TO MR. WALTER M. BOOKER, JR.—JAZZ BASSIST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. RANGEL. Madam Speaker, I rise today to pay tribute to the life and legacy of Walter M. Booker, Jr., jazz bassist who left this world at the age of 72 years and to enter into the RECORD an article in the Washington Post by Matt Schudel entitled "Walter Booker, 72; Jazz Bassist worked with Vaughn, Monk."

Walter M. Booker, Jr, was born in Texas, son of the late Walter Monroe Booker, Sr. and the late Thomye Collins Booker. The family moved to Washington, DC when his father accepted a position with the Howard University Medical School and later became Head of the Department of Pharmacology. Booker was drafted into the United States Army in the 1950s. While serving in Europe he was fascinated with the acoustic bass and began to play the instrument at the age of 26.

Known as "Bookie," Booker lived for over 40 years in my Congressional District. He provided the rhythmic foundation for Cannonball Adderley, Sarah Vaughan and many other prominent jazz musicians. His most notable partnership was with the Adderley brothers' quintet, featuring Julian "Cannonball" Adderley on alto saxophone and Nat Adderley on cornet. For six years, until Cannonball's death in 1975, Booker served as music ambassador touring the world with the popular group, which pioneered the catchy yet sophisticated style of music known as "soul jazz."

Booker played a Viennese bass built in 1792 salvaged from the dusty basement of a German church. He is known for his bowing technique, sure intonation, ability to play high, accurately pitched notes, as well as his animated performing style, often swaying from side to side.

Booker appeared on more than 275 albums before making his first and only recording under his own name, "Bookie's Cookbook." He gave his final public performances in December 2004.

Even though Walter M. Booker passed away on November 24, 2006, his contributions to the world of jazz and the United States of America will continue to resonate through his music.

[From the Washington Post, Dec. 17, 2006]

WALTER BOOKER, 72; JAZZ BASSIST WORKED WITH VAUGHAN, MONK

(By Matt Schudel)

Walter Booker, a bass player who provided the rhythmic foundation for Cannonball Adderley, Sarah Vaughan and many other prominent jazz musicians, died Nov. 24 of cardiac arrest at his home in New York. He was 72.

Mr. Booker, who spent his formative years in Washington, came to the bass at a relatively advanced age, first picking up the instrument at 26 while serving in the Army. He had completed two years of medical school at Howard University in the early 1960s when he left his studies to pursue music as a full-time career.

Known for his precise, resonant tone, Mr. Booker was quickly recognized as one of the elite bass players in jazz, working for extended periods in the 1960s with singer Betty Carter, pianist Chick Corea, trumpeter Donald Byrd and saxophonists Sonny Rollins and Stan Getz. He also toured widely with Washington singer and pianist Shirley Horn.

Mr. Booker formed one of his most significant partnerships in 1969, when he joined the Adderley brothers' quintet, featuring Julian "Cannonball" Adderley on alto saxophone and Nat Adderley on cornet. For six years, until Cannonball's death in 1975, Mr. Booker toured the world with the popular group, which pioneered the catchy yet sophisticated style of music known as "soul jazz."

Working in several groups at the same time in the early 1970s, Mr. Booker was in one of the last ensembles led by visionary composer and pianist Thelonious Monk. From 1975 to 1981, he was the bassist for singer Sarah Vaughan.

"They were more than colleagues," Mr. Booker's wife, Bertha Hope-Booker, said of her husband's many associations with renowned musicians. "They were friends. All the music he played, he imbued with something different."

After moving to New York in 1964, Mr. Booker studied with Homer R. Mensch, a faculty member of the Juilliard School of Music who had played under conductor Arturo Toscanini.

Mr. Booker, who played a Viennese bass built in 1792 that had been salvaged from the dusty basement of a German church, became known for his bowing technique, his sure intonation and his ability to play high, accurately pitched notes. He was also known for his animated performing style, often swaying from side to side.

"He was a 'dancing' bass player," said his wife, a jazz pianist and composer in her own right. "It was like he and the bass had this connection."

Walter Monroe Booker Jr. was born Dec. 17, 1933, in Prairie View, Tex., and moved to Washington in the early 1940s, when his father joined the faculty of the Howard University medical school. (He later was the head of the pharmacology department.)

The younger Mr. Booker studied clarinet and piano, attended D.C. public schools and graduated from high school at the Palmer Memorial Institute in North Carolina. He was a graduate of Morehouse College in Atlanta, where he played alto saxophone in the concert band.

In the late 1950s, while serving in the Army in Europe—he was in the same unit as Elvis Presley—Mr. Booker developed his interest in the bass. After returning to Washington, he began to play in jazz bands, most notably the JFK Quintet led by Andrew White, while attending medical school.

In New York, Mr. Booker designed a recording studio based on the geodesic principles of Buckminster Fuller. His studio became a gathering place for many musicians who later had celebrated careers, including Angela Bofill, Nat Adderley Jr., T.S. Monk, Noel Pointer, Airto Moreira and the jazz-rock group Weather Report.

In the 1980s and '90s, Mr. Booker worked regularly with Nat Adderley, pianist John Hicks and, in recent years, his wife. He also led groups that performed Brazilian music, which he occasionally played on guitar, and the works of jazz pianist Elmo Hope, his wife's first husband. In the 1990s, he led workshops at the New Sewell Music Conservatory in Washington.

Mr. Booker appeared on more than 275 albums before making his first and only recording under his own name, "Bookie's Cookbook," for the Mapleshade label in Upper Marlboro in 2000. He gave his final public performances in December 2004. Suffering from prostate cancer and other ailments this year, Mr. Booker asked that his bass be brought to his hospital, where he could play it during his final illness.

His marriages to Yvonne Blakeney and Maria Smith ended in divorce.

Survivors include his wife of 20 years, of New York; two sons from his first marriage, Randall Booker of Miami and Russell Booker of Philadelphia; a son from his second marriage, Krishna Booker, who is a percussionist with Sergio Mendes, of Los Angeles; three stepchildren, Monica Hope, Kevin Hope and Daryl Hope, all of New York; a sister, Marjorie Booker of Washington; two grandchildren; and a great-grandson.

ON THE INTRODUCTION OF THE DISTRICT OF COLUMBIA FAIR AND EQUAL HOUSE VOTING RIGHTS ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 9, 2007

Ms. NORTON. Madam Speaker, today Government Reform Committee Ranking Member TOM DAVIS (R–VA) and I keep our promise to reintroduce the Fair and Equal House Voting Rights Act as our first bill of the 110th Congress. Republican DAVIS was the chair of the Committee when we worked together for 4 years to get Republican and Democratic agreement on this bill to give one voting representative to the mainly Democratic District of Columbia and another to the largely Republican State of Utah. The idea arose after Utah narrowly missed getting a seat following the last census and later failed to get the Supreme Court to rule in the State's favor. The bill also would permanently increase the size of the House of Representatives from 435 to 437 members. I want to thank my colleague TOM DAVIS, the original author of the bill, for his indispensable persistence, and for his bipartisan spirit that afforded me every opportunity to significantly contribute to the bill during the 109th Congress, when he was in the Republican majority and I was a minority member.

Democrats have long been outspoken in their commitment to D.C. voting rights, and I appreciate their unwavering support. The bill we introduce today reflects the political history of our country that inalterably demonstrates that additional representation has been granted only on the basis of exact political equivalence, assuring neither benefit nor disadvantage to either party. This bill meets the necessary standard. Party, of course, should not matter when it comes to a democratic right as basic as representation in the legislature that taxes citizens and sends them to war. However, it is the undeniable reality that party equivalence in one form or another has driven decisions for adding voting representation. Many remember the most recent additions of Alaska and Hawaii, when these States entered the union because their voting records eliminated party advantage. However, this pattern was set throughout the nineteenth century as each State entered the union, most dramatically, of course, when no slave State could be admitted unless a free State came in at the same time.

Preserving all their rights as American citizens to voting rights in each house, the people of the District of Columbia and our civil rights and civic allies have nevertheless concluded that there can be no serious attempt to achieve the vote for our citizens that ignores precedents woven so tightly into our history. The linchpin of this legislation is its bipartisan balance, and we are grateful for the rare opportunity we believe will not come again soon, but that the Utah-D.C. bill offers District citizens now, to follow the unerring path to the vote laid out by American history.

A similar bill approved by the Committee on Government Reform last May called for the additional seat in Utah to be at-large until the 2010 census, but when the bill was referred to the Judiciary Committee, then-chairman JAMES F. SENSENBRENNER, Jr. (R–WI) insisted that Utah adopt a redistricting plan that allowed for four seats before he would approve the bill. The Utah's legislature met in early December and quickly adopted a four-seat plan, which is provided for in today's bill. However, House leadership declined to address the issue in the closing days of the 109th Congress. We now seek our seat to vote in the 110th Congress.

Although we came close to securing passage in the 109th Congress, the District's vote was already long past due. We're in overtime in the 110th. We will proceed based on the same win-win approach that carried us through last Congress. In the spirit of the partnership promised by the new Democratic House majority, I am optimistic that Democrats will see the bill as a historic opportunity to make good on promises for voting rights and equality for the people of the District of Columbia.

Finally, I ask to be forgiven a personal allusion. Throughout this process, I have never referred to the District's vote as my vote or to what the vote would mean to me personally because the vote will not belong to me. I have never mentioned the special reason I personally wanted to be the first to cast the vote because the Fair and Equal House Voting Rights Act is for D.C. residents now and in the future, not for me. However, my 16 years in Congress has been defined by the search for a way to achieve full representation for the city where my family has lived since before the Civil War. That search has included the two-day debate followed by a vote on statehood more than 10 years ago that Speaker Tom Foley afforded me, and the vote I subsequently won in the Committee of the Whole because of the long commitment of the Democratic majority to D.C. voting rights and the commitment of my party to maximize the rights of the citizens who live in the Nation's capital until voting rights could be achieved. The struggle has been driven by its own terms, by the here and now, by the residents of the District of Columbia for over 200 years. Yet, I cannot deny the personal side of this quest, epitomized by my family of native Washingtonians, my father Coleman Holmes, my grandfather, Richard Holmes, who entered the D.C. Fire Department in 1902 and whose picture hangs in my office, a gift from the D.C. Fire Department, and especially my great-grandfather, Richard Holmes, a slave who walked off a Virginia plantation in the 1850s, made it to Washington, and began our family here. I cannot help but think today of this man I never knew, a slave in the District until Lincoln freed the slaves here 9 months before the Emancipation Proclamation. I am mindful of my great grandfather, who came here in a furtive search for freedom itself, not the vote in Congress. I wonder what a man who lived as a slave in the District, and others like him would think if he could know that his great-granddaughter might be the first to cast the first full vote for the District of Columbia in the House of Representatives. I hope to have the special honor of casting the vote I have sought for 16 years. I want to cast that vote for the citizens of this city, whom I have had the great privilege of representing, who have fought with me every step of the way, and who have waited interminably for justice. Yes, and I want to cast that vote in memory of my great-grandfather, Richard Holmes.

THE MILITARY FAMILIES FINANCIAL SECURITY ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mrs. DAVIS of California. Madam Speaker, With the support of my colleague, Rep. JIM MCDERMOTT, I rise today to introduce the Military Families Financial Security Act. This bill will ensure the brave men and women who serve our country will not have to worry about losing critical services their dependent children need.

The men and women who serve in our Armed Forces are everyday heroes. I know about the valor of military families from my own experience as a military wife when my husband was stationed in Japan during the Vietnam War. As a wife and mother in a foreign country with two young children, I observed that many servicemembers were also mothers and fathers and were making the same sacrifices I was. Just as these brave men and women are working to protect our Nation, we must likewise protect them and their loved ones through the laws and policies we enact.

In San Diego and around the country, some military families rely on the Supplemental Security Income program (SSI) for means-tested financial assistance. This safety net program is designed to protect qualifying families from poverty and provides access to valuable social services such as Medicaid. Without SSI, some special-needs families would not be able to cover their medical expenses.

Current regulations threaten some military families' eligibility. They face a unique risk of losing benefits due to the way military pay is treated under SSI rules. The Social Security Administration (SSA) considers anything outside basic pay as "unearned income." This method hurts servicemembers and their families since there are more than 30 types of military pay in addition to basic pay. These different pays, considered unearned income, result in higher countable income and affect eligibility. Just a few dollars can make all the difference in the world to these military families.

My legislation would change how the SSA calculates income for SSI eligibility by treating most military compensation as earned income. This simple change will keep families eligible for SSI benefits and simplify the administration of this program.

In testimony before the Human Resources Subcommittee of the Ways and Mean Committee, Social Security Commissioner JoAnne Barnhart has indicated her support for such a proposal.

> The provision would treat cash military compensation and civilian wages alike, and thus eliminate the present unfair and disadvantageous treatment of cash military compensation other than basic pay under SSI. The proposal would increase SSI benefits for most military families with disabled children, which are currently about 3,000 families. It would be a significant program simplification in these cases and would have a relatively small program cost of only $2 million over 10 years.

She also mentioned how "determining the difference in the types of military pay is time consuming and error prone, and the guidelines for making such determinations covers 14 pages in SSA's operating instructions."

As a proud member of the House Armed Services Committee, I am committed to improving the quality of life of the men and women who serve our country. This legislation is fair, overdue and demonstrates our Nation's appreciation. This legislation will give servicemembers peace of mind from knowing that their duties will not jeopardize their families' eligibility for SSI benefits and related services.

I urge you, Madam Speaker, and all of my colleagues to pass this critical legislation into law.

SENATE—*Wednesday, January 10, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, help us this day to praise Your Name, ponder Your precepts, and live for Your glory. May we praise Your Name by living with gratitude because of the gifts of life, liberty, and joy. Teach us to ponder Your word as we seek Your wisdom in the privacy of our prayerful encounters with You. Lord, we desire to honor You with our lives by exemplifying those attitudes and traits that give the world a glimpse of Your divine plan.

Today, use the Members of this body for Your purposes. Draw them so close to You that their work will not be a burden but a delight. Empower them to serve our land in the spirit of children rejoicing in doing Your will.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 10, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELCOMING THE PRESIDING OFFICER

Mr. REID. Mr. President, I am happy to see the Presiding Officer who is presiding for the first time—a new Senator, longtime Member of Congress, but we are happy to see you presiding over the Senate.

SCHEDULE

Mr. REID. Mr. President, yesterday, we made significant progress on the ethics and lobbying reform bill. This will go a long way toward helping to reduce cynicism about this body. We began debate on the bill. The Republican leader and I offered a strong substitute amendment that made numerous important improvements to the underlying bill. And then I offered an amendment to strengthen the bill even further. Then we have had a number of other Senators come to the floor and make statements, offer amendments. And I think that is certainly appropriate.

Mr. President, I do emphasize this morning this is not a campaign finance reform bill. My personal feeling is campaign finance reform needs a very close going over. We need to hold extensive hearings on this issue. There are a lot of very complicated issues dealing with campaign finance reform, some of which deal with not only the Rules Committee but the Finance Committee because there are tax implications. I respectfully submit to my colleagues—both in the majority and minority—this is not the place to do rifle shots on campaign finance reform. I was a real cynic in the past about doing anything with, for example, 527s. I now think we have to take a look at a lot of these campaign finance issues, including 527s. But it has to be done in a thoughtful, probative way. I hope we can do that.

This is not a campaign finance bill. Campaign finance is an important issue, and we are going to have a full consideration of campaign finance in this Congress. But this bill is not the place for those amendments.

I look forward to Senators continuing to offer amendments today and hope we can make more progress in the coming days to wrap up this bill next week. We will wrap up the bill next week, even if it is a long week. If things slow down or there appears to be some stalling, I will have to see if cloture is the only alternative, which it might be. But for now let's keep moving forward. I have had people come to me and say they have some amendments to offer. I think that is very important. This is an open process. People should be able to do that.

We are going to be in a period of morning business for an hour, as soon as I and the Republican leader sit down. The majority will control the first half hour and the minority will control the last half hour. Once morning business closes, the Senate will resume the consideration of the ethics bill.

As I have said, there are a number of amendments pending. And as I have indicated, there are other Members who are interested in offering amendments today. I hope we will be in a position later this morning to take action on some of these pending amendments. The managers have expressed their desire to work with Members in regard to these two amendments.

The two managers of this bill are two of our finest. Senator FEINSTEIN in the past has managed bills as a member of the Appropriations Committee. Senator BENNETT is someone who has a great knowledge of Senate procedures. He is, in my opinion, a Senator's Senator. He does such a good job in everything he is involved in. We have two very good, thoughtful managers of this bill. If anyone can move this forward, I know the two of them can.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

LOBBYING AND ETHICS REFORM LEGISLATION

Mr. MCCONNELL. Mr. President, I would like to say to my good friend, the majority leader, I share his view that we ought to make progress on this bill. There are a number of amendments already pending. We will be working together during the course of the morning to get some votes scheduled. I share his view that we ought to finish this bill next week. So we will be going forward in a cooperative frame of mind.

This is an important piece of legislation. It has bipartisan support, as illustrated by the fact that the majority leader and myself are cosponsors of the substitute he offered yesterday. This is a piece of legislation that ought to be passed and ought to be passed soon in the Senate and will be done with a broad bipartisan basis of support.

So I look forward to working with my friend during the course of the day to get votes in the queue so we can move forward.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, if I could say one thing before the Republican leader leaves. I want everyone to hear what I said before. The first measure Senator MCCONNELL and I introduced, S. 1, will be the most significant lobbying and ethics reform bill since Watergate, if nothing else happens. And then we went a step further and, on a bipartisan basis, offered the substitute amendment which moves the ball down the field by a long way.

This bill is significant, and if nothing else happens other than S. 1 and the substitute, this will be a tremendously important piece of legislation in the annals of the history of this country. We have a lot of other people who want to improve the bill in their mind, and that is what this amendment process is all about. But we cannot lose sight of the fact that this is a significant move forward in ethics and lobbying reform with the two measures that have been put forward on a bipartisan basis. We have done already, some good work for the Senate.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I might add, I agree with everything the majority leader said. This substitute is essentially what passed the Senate last year 90 to 8. The Senate is ready to act or close to ready to finish this important piece of legislation. We were last year. It was bogged down in the legislative process in dealing with the other body. But we are going to pass this next week with an overwhelming bipartisan vote. And the majority leader and I will be working together to make that possible.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 1 hour, with the first half of the time under the control of the majority and the second half of the time under the control of the minority.

The Chair recognizes the deputy majority leader.

IRAQ

Mr. DURBIN. Mr. President, tonight President Bush will address our Nation. The subject is one that is on the minds of virtually every American. It is Iraq. According to the accounts in the press, President Bush will be announcing that he will be increasing the number of U.S. forces in Iraq, perhaps by 20,000 troops.

If these news accounts are correct, that means an additional 20,000 American service men and women will be sent into harm's way or ordered to remain there for longer tours of duty.

This morning on television, on CNN, they interviewed the families of some soldiers who are now headed for their third tour of duty. There was a sad, heartbreaking interview with a mother—her two small children nearby, and her soldier husband sitting just a chair away. She said she could not be prouder of her husband. She considered him a hero and a brave man and that he would answer the call of duty whenever. But she said, in her words: It is just so frustrating trying to raise this family with my husband being called to duty over and over and over again.

Our hearts go out to those families. Our prayers are with them and the troops as this decision is made to escalate this war in Iraq, to raise the number of troops from 144,000 to possibly 164,000 or higher.

These troops follow these orders because they are the best and the bravest. They march off to war, risk their lives, away from those they love because they are sworn to protect this great Nation. We can never thank them enough for what they are doing. Every moment of debate that we have on the floor of this Senate about the policy of our Government toward Iraq should not diminish nor detract from our great debt of gratitude to these men and women and their families.

I will be joining a number of my colleagues this afternoon as we sit with the President for a final briefing before his decision. Sadly, I am afraid that decision has already been made. It is the wrong decision. For reasons I do not understand, President Bush has reversed a position which he took early on. His position was that he would heed the advice and counsel of the men and women in uniform, of the generals in the field, of those who were in command and could see the actual battle on a day-to-day basis. The President told us, over and over again, he would only dispatch as many troops as they asked for. But clearly that has changed.

General Abizaid, who was the leader, the commanding general of CENTCOM, who oversaw Iraq and Afghanistan, told us in November he saw no reason for more U.S. troops. Let me read what General Abizaid said in testimony before Congress just weeks ago:

> I met with every divisional commander, General Casey, the corps commander, General Dempsey. We all talked together. And I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq?

General Abizaid went on to say:

> And they all said no. And the reason is, because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work.

General Abizaid said:

> I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

Those are the words of the commanding general in Iraq a few weeks ago. Those were words which the President told the American people repeatedly would be his guidance in making decisions about whether to send more troops into battle. Those are words which the President tonight will ignore and reject.

There is a sad reality. The sad reality is this: 20,000 American soldiers, too few to end this civil war in Iraq; too many American soldiers to lose. I do not understand the President's logic. I do not understand how 20,000 troops could significantly make any difference.

Will there be a time line for these troops? If this is, in effect, a surge, as the White House has characterized it over and over again, is it temporary in nature? Well, if it is a surge that is temporary in nature, it betrays another position taken by the White House. How many times have we been told we cannot talk about an orderly withdrawal from Iraq or redeployment? How many times have we been told we do not talk about when we are going to bring American soldiers home for fear the enemy in Iraq will wait us out?

If this increase and escalation of troops is temporary in nature, then it betrays the argument which the White House has made now for years. If we are going to add 20,000 troops, how can we guarantee that the enemy will not "wait us out"?

I find it hard to follow the President's logic. I don't understand why he believes 20,000 troops will change the complexion of a civil war. I certainly don't understand how sending troops in on a temporary basis is going to result in anything of a positive nature. Army Chief of Staff Peter Schoomaker said:

> We should not surge without a purpose and that purpose should be measurable.

What is the purpose? How will it be measured, and what is the timeline for completion? When does the President expect these troops and the 144,000 other American troops currently in Iraq to return home? The President may not want to use the word "escalation," but that is the word that fits because if he is going to increase the number of troops, increase the danger to our soldiers, it is an escalation of this war. Like Presidents Kennedy, Johnson, and Nixon, President Bush is saying that he is sending more troops because conditions on the ground demand it.

In 1966, President Lyndon Johnson said:

> Our numbers have increased in Vietnam because the aggression of others has increased in Vietnam. There is not, and there will not be, a mindless escalation.

But that escalation was followed by many others because American Presidents were trying to win someone else's civil war and because they were refusing to recognize the fundamental reality.

It is that the Iraqis, if we send in 20,000 more troops, will assign 20,000 troops or more to match. I suggest that that is a departure from what we have heard from this White House. Every schoolchild in America can recite the mantra: As they stand up, we will stand down. We have heard this over and over and over again. The suggestion that, as the Iraqi soldiers stand up and take responsibility, American soldiers can come home, that has been the promise. But if this is the bargain today, 20,000 American troops to generate 20,000 Iraqi troops, then we have changed the mantra. The mantra now is, as American troops stand up, Iraqi troops will stand up. If that is, in fact, the new policy, how can there ever be any end in sight?

We understand the reality. After almost 4 years, in a war that has lasted longer than World War II, we understand that we cannot win on a military basis. The President said it. Secretaries of Defense have said it. The generals in the field have said it. The Iraq war can only be stabilized and won on a political and economic basis. And to start with, we must disband the militias. The notion that leaders like Sadr can create a militia, a death squad, which can roam the streets of Baghdad and the roads of Iraq with impunity, suggests that there will be no stability and no security under these circumstances. The simple fact is, there is no sharing of power.

When I visited Iraq the second time a few weeks ago with Senator JACK REED of Rhode Island, we visited ministries which provide services almost exclusively to one religious sect. The health ministry, under the control of Mr. Sadr, is a ministry which provides few if any services to Sunnis. The Sunni population, which is about a third of the population of Iraq, doesn't get the hospitals and doctors. This ministry just helps Shias.

I also talked to some people in the field. I said: When it comes to police protection, how does that work?

Well, if you go into Baghdad and go into the police station, you will quickly learn whether it is a Shia or Sunni police station. Shia police don't arrest Shia civilians, and Sunni police don't arrest Sunni civilians. That is how badly fractured the society of Iraq is today. Is there anyone who believes that 20,000 American troops will change that? That decision has to be made by that Government's leaders to change Iraq and move it toward a nation and away from warring factions.

Some are skeptical. They argue that this division in Islam is 14 centuries old, and it is naive for westerners such as Americans and the Brits to believe that the arrival of the best troops in the world is somehow going to quell the flames of this battle that has gone on for centuries. It certainly isn't. It isn't going to change the circumstance without new political leadership. We need to establish civil order in Iraq. We need to make certain that we have leadership in this government that makes hard decisions that moves it toward a true nation. That is the answer to the stability of Iraq, not 20,000 American soldiers and marines, sailors, and airmen who are now going to add to the ranks of those who risk their lives every day.

It is time for the President to also be honest with the American people about the cost of this war. As of this morning, 3,015 American troops have died in Iraq; 7 times that number have come home disabled, maimed, blinded, suffering amputations and traumatic brain injury. That is the human legacy which is the paramount concern we all have.

There has also been another legacy of cost, almost $2 billion a week that we are spending in the war on Iraq, money taken out of the United States and away from the very real needs of our Nation being spent over there. Yet here in the fourth year of this war, less electricity is being generated in Iraq than on the day we invaded. There is an opportunity for us to provide drinking water, but it, unfortunately, hasn't been successful, despite 4 years of effort. Sewage facilities, jobs, the most basic things, the most basic services by which you judge a society, those measurements tell us that we have failed to produce in Iraq as promised.

That is the reality, despite some $380 to $400 billion having been spent by the United States in the 4 years we have been involved in this war. Now the administration is preparing another supplemental request. I read in the papers this morning that they are going to try to keep it under $100 billion. They come in and call this war an unanticipated emergency appropriation. We are now in the fourth year of unanticipated emergency appropriations. Sadly, every dollar we are spending in Iraq is a dollar not spent in America and a dollar of debt left to our children.

This President is the first President in the history of the United States, despite all the conflicts Presidents have faced, to call for a tax cut in the midst of a war, making our deficit situation even worse. The President needs to be much more honest with the American people in terms of the real cost of this war.

Let's speak for a moment about the state of our military. Again, they are the best and bravest in the world. Meeting with them on my recent trip, I left with pride that they would put on the uniform and risk their lives for our country. But our military has paid a heavy price, not just in the deaths and casualties but in the fact that they have lost combat readiness, equipment. They have been weakened in a world where we can't afford to be weak. This President refuses to replenish the troops as needed. Our National Guard units in Illinois and across the Nation have about one-third of the equipment they need to respond to a domestic crisis or if activated again in Iraq. There is little or no effort to replenish these troops as they must be. We struggle, offering bonuses and incentives to bring in more recruits and retain those who are currently serving, understanding that our ranks are thinning because we have asked so much of these men and women who serve us.

General Abizaid told the Senate Armed Services Committee in November that the military does not have the capacity to maintain an additional 20,000 soldiers and marines in Iraq. It will be interesting to see how the President suggests we find these soldiers and marines that he now wants to send over in the escalation of this war.

General Abizaid said:

> The ability to sustain that commitment is simply not something we have right now with the size of the Army and the Marine Corps.

That was the general's testimony just a few weeks ago. Yet the President has decided to ignore the general's statement and to call for more troops. I don't doubt the Pentagon can find somewhere to get additional troops, extending the tours of duty of those who are currently there, for example; and I don't doubt that our brave men and women will bear this ever-increasing burden. But I ask, at what cost to our Nation, at what cost to its families?

We have to ask as well: How does sending more troops represent the change in direction so clearly called for by the American people when they voted this last November? Tragically, this idea of escalating the war is more of the same. Tonight I expect the President to use the word "change" repeatedly, but I have seen little to give me hope that he will actually implement change or a new direction in our policy in Iraq.

I want Congress and the American people to finally ask the hard questions. For the 4 years of this war, this Congress has been supine. It has refused to stand up and accept its constitutional responsibility to hold this administration, as it should hold every administration, accountable for its conduct and spending. That is why I am heartened to know that even this week, we will have our first hearings before the Senate Armed Services Committee and the Senate Foreign Relations Committee, hearings by Chairman LEVIN and Chairman BIDEN, in an effort to ask some of the hard questions about the policies we have in Iraq.

This line of inquiry is long overdue. Simple things need to be asked. First, some accountability when it comes to the money that is being spent. We have all heard about the abuses, the profiteering. It doesn't make America any safer or help our troops at all. It pads the bottom line for private companies, many of whom benefit from no-bid contracts, but it doesn't make us any safer. We need to hold the Department of Defense accountable, to make sure that taxpayers' money is well spent, to make sure that the money being spent for our troops is, in fact, providing them with the best equipment and everything that was promised. That inquiry is long overdue.

We are also, of course, going to face the reality that this civil war in Iraq is getting worse and not better. When 3,000 civilians die in the course of a month, it is an indication of a society that is out of control.

We will soon be approaching the fourth anniversary of the invasion. I can remember when the vote was cast on the floor of the Senate. It was late at night. It was a week or two before the election. Several of us who had voted against this use of force because of our serious concerns didn't know, of course, what it would mean in the next election or how this would play out ultimately.

We stand here today, some 4 years later after that vote, and realize that this decision to invade Iraq was the most serious strategic mistake in foreign policy made by this country in the last four decades. One has to go back to the decision in Vietnam to continue to escalate that conflict, long after we had any prospect of success or victory, to find an analogy in recent memory.

The time came under President Gerald Ford when he faced the reality of Vietnam. It is time for President Bush to face the reality of Iraq. The reality is this: America has paid a heavy price. We have paid with American blood. We have paid with American sacrifice. We have paid with American treasure. We have given the Iraqis so much. We have deposed their dictator. We put him on trial. He will no longer be on the scene in any way, shape, or form since his execution. We have given them a chance to draft their own constitution, hold their own free elections, establish their own government. We have protected them when no one else would. America has done everything promised in Iraq. The reality, though, is we have done what we can do. Now it is up to the Iraqis. It is up to them to stand and defend their own country.

Sending in 20,000 more troops at this moment says to the Iraqis: Don't worry. America will always be there to bear the brunt of battle so that Iraqis don't have to.

That is not the right approach. The best approach is for us to start redeploying our troops on a systematic basis so that the Iraqis know that it is their responsibility and their country that they must stand and defend. It is time for us not to send more American troops into danger but to bring American troops out of danger and back home. That needs to start and start immediately.

Instead of the President's escalation of the war within the next 6 months, we should begin to redeploy our troops so that it truly becomes an Iraqi effort to create an Iraqi nation. Our end goal, as the Baker-Hamilton Iraq Study Group showed us, should be redeployment, repositioning of the majority of our forces by the first quarter of 2008. Escalation is not a blueprint for success. It is a roadmap to where we have already been.

Mr. GREGG. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. GREGG. I have been wondering what the specific position of the Democratic leadership was on the other side of the aisle relative to Iraq. If I understand it correctly, it is that we should redeploy—which, I presume, is a euphemism for withdraw—is that correct?

Mr. DURBIN. The redeployment would take the troops out of Iraq and, perhaps, position them in a nearby country. We would still be involved in trade, still be involved in hunting down al-Qaida forces and trying to stop terrorism. Yes, our feeling is—and I think the Senate vote on this—we should begin redeploying troops on a 4-to-6-month basis.

Mr. GREGG. Mr. President, if I may use the term withdraw, I have heard the term withdraw being used, but apparently it doesn't mean the troops would be coming out of Iraq. The Senator further suggested that that should be done immediately, is that correct?

Mr. DURBIN. Our feeling is that we could not do it immediately. The Baker-Hamilton study group suggested that we would basically redeploy our troops over a 15-month basis. That would suggest an orderly movement of troops of maybe 10,000 a month. But if you did it precipitously, it would create a danger for our troops and an instability. I think if we had an orderly redeployment, withdrawal, the Iraqis would get the message that they have to step in as American troops are redeployed.

Mr. GREGG. The Senator used the term "immediately" in his statement. That is why I wanted to clarify that. So we should withdraw over the horizon, i.e., redeploy, the Senator said, and that withdrawal should be at a pace of about 10,000 troops per month, and that process should begin immediately, I guess, and that it would be completed within 18 months; being the first quarter of 2008. Is that basically the specifics of how the Senator would approach the situation on the ground?

Mr. DURBIN. What I described to you is the Baker-Hamilton proposal. I did make exceptions for leaving troops there for training purposes and for hunting down al-Qaida terrorists, those specific circumstances. My feeling is that over a 4-to-6-month basis, we need to establish timelines so our troops could start moving away from Iraq and the Iraqis can step in. I use 10,000 a month because that is the way the math works if you follow Baker-Hamilton. It could be zero troops withdrawn or redeployed in the first 60 days, and 20,000 or 30,000 at some future time.

My personal belief is that until the Iraqis understand that we are leaving, they will not accept the responsibility to defend their own government and country, and they won't make the hard political decisions to put an end to the civil war.

Mr. GREGG. I appreciate the specifics from the assistant leader. I have not heard specifics from the other side of the aisle. I think it is constructive.

Can I continue to ask the question, however, to get a sense of what the specific proposals are from the other side. The President is going to send up a supplemental estimated to be over $100 billion. We have already had one of approximately $70 billion. So we are talking of a total supplemental of $170 billion. This additional supplemental would be, I presume, to cover what is being represented in the press as potentially a surge in troops and additional spending of significant dollars for reconstruction. Is it the position of the Senator that that $100 billion is more money than needs to be spent? In other words, if the proposal of the Senator, which is a withdrawal over the horizon, to begin over the next 2 or 3 months, accelerated to the point where it was completed by the beginning of 2008, averaging about 10,000 people per month—is it therefore the Senator's position that if you pursue that course of action, you would not need $100 billion?

Mr. DURBIN. I don't serve on the Armed Services Committee, but it is my guess that redeploying troops is also a very expensive endeavor—maybe as expensive as deploying them and holding a position. So I don't know if there will be a savings if there is a redeployment. Although I voted against the use of force resolution that led to the invasion, I voted for every penny this administration asked for for the troops. I believe—and I think my fellow colleagues on the Democratic side, and I am sure on the Republican side—that they don't want to shortchange the troops either as they stay in Iraq or if they are redeployed from Iraq. I would judge the supplemental under those circumstances. What will it cost to redeploy them safely?

Mr. GREGG. I thank the Senator; he is always forthright. I will ask a followup question. Does the Senator believe this supplemental that is coming up, as I believe, should go through the regular order rather than being declared an emergency and have authorization language, or go through the authorizing committee for review and then go to the appropriating committee and then come to the floor?

Mr. DURBIN. I don't speak for the leadership or anybody in the caucus, but I believe that. This notion that we are dealing with an unanticipated expenditure in the fourth year of this war is a charade. I think it would be better for us to deal with this in the regular appropriations process so that we can integrate the cost of the supplemental with the actual expenses of the Department of Defense and do our best to meet the needs of our soldiers and yet not waste taxpayer dollars.

Mr. GREGG. I appreciate the Senator's courtesy in allowing me to ask him some questions.

Mr. DURBIN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Without objection, the time on the majority side will be reserved, and the Senator from New Hampshire is recognized.

CONFRONTING A CONUNDRUM

Mr. GREGG. Mr. President, I rise to discuss again what I consider to be the single largest quality-of-life issue we have confronting us as a nation. That is the issue of how we pay for my generation, the baby boom generation, which is about to begin to retire and the effect our retirement as a generation will have on the capacity of our children to be successful and have a quality of life that is equal to what we have had as a nation.

We confront a conundrum. The baby boom generation has been the most productive and most resilient generation in the history of the Nation. As a result, through each decade of its growth, beginning in the 1950s when it added a lot of elementary schools, right through the 1960s, 1970s, 1980s, 1990s, and into the 2000s, when it created a huge engine of economic activity in this country because there are so many of us, so highly educated and so aggressive as a productive engine for the whole Nation, we have been able to contribute to society and to our Nation the highest quality of life in the history of our Nation—in the history of the world, for that matter.

But now this generation, which is the largest generation in our history, is going to begin to retire. All of the retirement systems were built up over the years in order to benefit people who retire in our Nation, to make sure they can retire with dignity, Social Security, Medicare and, to a lesser extent, Medicaid. It was based on the promise that Franklin Roosevelt had, which is that you would have a lot of people working and a few people retiring. In 1950, the concept was that you would have, for example, 13 people working for every 1 person retired, so that the working Americans would be able to not only earn a good living for themselves but would also be able to support those people who are retired.

Well, that equation fails in the present projected future because the baby boom generation doubles the number of retirees from approximately 35 million to 70 million, and from a system which had 13 people working for every 1 person retired in the 1950s to about 2 people working for every 1 person retired by 2025. So you go from a pyramid to a rectangle and you have those working people trying to support the people who are retired. There are not enough people working to do that. So you create a huge burden and basically a fiscal crisis of inordinate proportion.

I have a chart nearby that clearly reflects this problem. This simply shows three costs that the Federal Government incurs, which are Social Security, Medicare, and Medicaid, the three largest entitlement accounts, as they are referred to.

Those accounts make up about 8 percent of our gross national product today. Historically, the Federal Government spends about 20 percent of GDP. If it gets much above that 20 percent of the GDP, it becomes an extreme burden for the productive side of our economy and you end up with people being able to produce less because the Government is taking so much out of their paycheck and productivity drops and quality of life drops.

So we have as a nation always sort of maintained within a fairly small range this concept that the Federal Government should spend about 20 percent of GDP. That goes way back. This chart takes us back to 1962. In times of war, that spikes, and it has historically—especially in World War II. But that is the traditional amount.

However, the problem we confront is that the cost of Social Security, Medicare and Medicaid alone—those three items—because of the retirement of this huge generation and the price which it will take to pay benefits for that generation, actually will absorb 20 percent of GDP in the mid 2020 period, which is not that far away. It is within 20 years, which is not that far. We will actually have a situation where three Federal programs are using all of the dollars which historically the Federal Government has used in order to support the purposes of the Federal Government. So that would mean, theoretically, that the only thing you could pay for would be those three programs. You could no longer pay for national defense, which is the first responsibility of Federal Government; you could not pay for education, health care, environmental protection, or all of the things the Federal Government does that are significant in improving the quality of our standards of life.

That, however, doesn't end the problem, because the cost of this generation continues to go up. In fact, just those 3 programs break through the 20-percent line and go well up into the high 20 percent—28, 29 percent of GDP, as projected—as we head out into 2030 to 2040.

Basically, what you see is the fact that we are headed toward a situation where the cost of these three programs alone will essentially bankrupt our country. The practical implications of this are that the younger generation, the people working for a living, our children and grandchildren, will have to pay a tax burden that is so high that their discretionary income won't be able to be spent on educating their children with a better college education, or on buying a home, or on living a better lifestyle. Their discretionary money will go to taxes to support the cost of these three entitlement programs.

This is not a sustainable idea. This is not an idea that any responsible person involved in governance could subscribe to. Certainly, one generation has no right to pass on to another generation a set of costs that is going to bankrupt the capacity of the next generation to live as good a quality of life as the prior generation was living. It is not right, fair, or appropriate.

Another thing this chart shows is that, as a practical matter, you cannot tax your way out of the situation. A lot of people say: we will just raise taxes. You cannot tax your way out of the situation. You cannot raise taxes high enough to pay for the costs we are going to incur as a result of these entitlement programs having to benefit so many Americans.

Why? It is very simple. Historically, Federal taxes have been 18.2 percent of GDP. Today we have Federal tax of 18.4, 18.5. So we are over the historic norm today. Once you get Federal taxes up above 20 percent and they head toward 23, 24, 25 percent, or even higher, in order to accomplish the coverage of these costs, you are essentially going to be taxing productive Americans at a level where you would reduce dramatically their productivity.

It is sort of a downward spiral event. It is akin to killing the goose that is laying the golden egg situation. You cannot lay a tax burden on a productive people and expect them to continue to be productive because human nature, the natural response to something such as that, is people become less productive. As they see 60, 70, 80 percent of their next dollar they earn going to the Federal Government or to taxes, they are going to be less inclined to go out and earn that next dollar because they are keeping so little of it. That is just human nature.

So it is a downward spiral event. Once you get taxes above a certain level, they stop producing revenues because people do tax avoidance activity or, alternatively, they simply stop being productive and society stops investing, capital formation drops off, jobs stop being created, and you basically drive yourself into a severe recession or you become less competitive with the rest of the world, which doesn't have the same problem.

We cannot tax your way out of this issue. We actually have to address the fundamental, underlying problem, which is that these programs, as they are presently structured, are not sustainable in the future, and we have to figure out a way to make them sustainable.

There are many ways to do this. There is no one solution to this problem. There is no magic bullet out there, although with Social Security it is a much simpler exercise in the sense of moving parts. But there are many ways to continue to deliver high-quality retirement services in Social Security, Medicare, and Medicaid but have them be affordable to the generation who is paying for it.

Five years ago, myself, Senator Breaux, Senator Bob Kerrey, Senator Chuck Robb, Senator Moynihan, and on our side of the aisle, Senator CRAIG THOMAS and a number of other Senators, came together to develop a plan for Social Security which was bipartisan, which would have solved the problem over the long term, which would have continued the benefit structure which was extremely robust—in fact, a more robust system than what seniors are facing today—yet put it in a position that was affordable.

Yes, there were revenues included in that package. Any solution is going to have to involve benefit adjustments and revenues. There is no way we can do it on one side. The fact is, we have to face up to this situation. As a society, we have to face up to this need.

I guess that is my point today. We are running out of time. I have been delivering this message for a while. The clock continues to run. We are running out of time. We have an opportunity, a window. It is a unique window. There are not a whole lot of advantages to the fact that I am no longer chairman of the committee I used to be chairman of, but one of the advantages is, from my perspective, we now have a divided Government. We have a Democratic Congress and a Republican Presidency.

I happen to believe that any solution to this issue has to be absolutely bipartisan. There can be no question from the American people that a solution on these issues is not done in a bipartisan way because if the American people think it isn't fair, they are not going to be attracted to it; they are going to think it is gamesmanship by one party or the other.

So anything that has to be done has to be done in a bipartisan way. We are in a climate where any solution that is going to occur is going to be bipartisan. That is the good news. But that window of opportunity isn't going to be open that long. We are going to be heading into a Presidential election pretty soon, and in both of the last Presidential elections, we have seen outrageous, despicable, in my opinion, demagoguery on the issue of Social Security. The well was poisoned before the day even started in both those campaigns.

The opportunity to aggressively and effectively address this issue, to develop a bipartisan solution has to occur sooner rather than later, and it has to be done in a way with which the American people are comfortable because it is fair.

I put forward a proposal on this issue. I put forward a proposal that deals a lot with this responsibility package called SOS that has about 30 sponsors. One part of that package was to structure a procedure to deliver results. I believe we should use procedure to drive policy because I believe that once you put policy on the table, everybody takes shots at it, all the different interests in this city sit around and pick it apart. It makes much more sense to use procedure, and the procedure I use is a fast-track, bipartisan commission, where you absolutely have to have bipartisan decisions, you have a supermajority approval, and you do it on a fast track and have people who are going to be players sitting around a room to try to work it out.

That is not the only way to approach this issue. There are a lot of different ways to approach this issue. I hope we, as a Congress, and our leadership in this body—and I know our leadership is interested in this issue. I talked with people on the other side of the aisle who are active on this issue and active in the leadership, and there is key interest in this issue, but the time to move is now.

We are running out of time, and we have to get on with this.

I wanted to make this point, again. I stand ready, a lot of Members on my side stand ready to pursue substantive action in this area. Hopefully, we can do it.

On a second note, this is a point I raised with the assistant leader, we are about to get a $100 billion-plus supplemental on the war. Nobody in this Senate in any way is going to vote in a manner that doesn't give our troops what they need when our troops are in the field—at any time, especially when they are in the field.

These supplementals are important to make sure we adequately fund people who are putting their lives on the line for us, but the process that has evolved is not right; it is just plain not right. This will be the fourth year—I think it is like the sixth supplemental, maybe it is the seventh or maybe it is the eighth—I have lost track—that a bill will have come up designated as an emergency from the Pentagon and basically bypasses the process of review through the authorizing committee and, for all intents and purposes, through the Appropriations Committee and comes directly to the floor and spends tens of billions of dollars.

It is a shadow budget, as I have described it. We have a budget process around here. Granted, it is not working that well. Hopefully, it will work better this year. But we do have a budget process, and the purpose of the budget process is to give adequate review and fiscal discipline so that we are responsible stewards of the taxpayers' money. But when we have this shadow budget that comes up, entirely outside the budget process and continues to come up and has become almost the regular order of approach as to how we fund the Pentagon now, you are essentially saying budgets don't matter, review of the substance doesn't matter, spending should simply be done as requested, without any oversight and without any discipline as to how much is going to be spent. I don't think that is the right way to approach this.

In the last budget, I set aside almost $90 billion for supplementals for the war. The Pentagon wouldn't give us a number. They sent up a euphemistic number. They wouldn't even support that number. So we arbitrarily set $90 billion because that was the average of what the supplemental requests had been over the prior 3 years. Then we subjected it to budgetary restraint, so that if it went over the $90 billion, they had to explain it, they had to justify it. We had to have a supermajority if we wanted to accomplish it, if somebody wanted to challenge it—but only if somebody wanted to challenge it.

What is happening now is we are looking at $170 billion, not $90 billion, of spending in this year. That is almost $130 billion over what the Pentagon claimed they euphemistically set up as a throwaway number, which they wouldn't even defend when we had a hearing on this subject.

Essentially, what we are seeing is that there has been a decision downtown to do an end run around the budget process and essentially an end run around the oversight process. We are also seeing, regrettably, that they are gaming the system, at least in the last supplemental—and it is reported that in this supplemental, although I haven't seen the numbers—there is a fair amount of spending which had nothing—well, it had something, but it was truly tangential to the war effort. It went to the core issue of the Defense budget, which is still spending over $400 billion. That is on top of the supplementals. They were using this shadow budget, where they knew they had no restraints, to basically pick up spending which should have been in the core budget and had at least gone through the authorizing process.

There were a number of items in there that fell into that category, including the whole restructuring of the Army. And now we are hearing they may even have joint strike fighters in this next supplemental, two of them potentially. At least that is what has been reported. Maybe they will be out by the time it gets here because light has been shined on them.

The fact is, it shouldn't work that way. We know we are in a war. We know, approximately, what that war is going to cost. We should have a process which reviews it in an orderly fashion, and that is the way it was historically done here.

The Vietnam war was appropriated and authorized. Almost all the spending went through an authorizing and appropriating process. Almost all the appropriations of the Korean war went through the authorizing and appropriating process. It is a very predictable number right now, or within range of a very predictable number. They don't have to send $170 billion up as a supplemental and designate it an emergency to fight this war. We know it is going to cost us in that range, and it should go through the authorizing process and then through the appropriating process. It shouldn't come up as an emergency.

Sure, there may be some amount on top of that which may occur during the year, we may need to put in another X number of dollars, and that may be a legitimate emergency, but the core spending of this war should be accounted for in the regular order and reviewed so it doesn't end up being a gamesmanship exercise coming to us from downtown which is essentially to avoid, ignore, and mute the capacity of the Congress to have an impact on how the spending occurs, whether it is legitimately part of the war or legitimately part of the Defense Department.

I am concerned about this situation. I have heard mumbling from the administration, at least from OMB, that they are going to try to budget for this stuff that is appropriately not in the war—by "this stuff," I mean things that are appropriately not in the war effort but are in the Defense Department's underlying budget—and that they are going to take those out and put them in the underlying Defense budget.

They need to do more than that. They need to structure the budget they send up here so that if they want to have a separate account for the war fighting, fine. I can understand that because we don't want to build it into the base. I am 100 percent for that. But it shouldn't be a separate budget, an emergency budget, and it should go through the authorizing and appropriations process.

We have time to do that. We have a strong authorizing committee. I sit on the appropriating committee, and we have an extremely strong appropriating committee. We can review the numbers quickly and analyze whether it is fair and appropriate, and I suspect 95, 98 percent of it will be approved. But the fact that we are going to approve it doesn't mean it shouldn't at least be reviewed. Basically, muting and undermining the legitimacy of the congressional role in funding is, undermining, in some degree, the commitment to the war effort itself. It is counterproductive to having popular support for the war effort.

I hope that when they send up this next supplemental that they not designate it as an emergency and that they ask that it go through the process, but tell us to do it in a quick way, don't spent a month doing this; do it in a week and a half, 2 weeks, and we can do that; otherwise, I believe we will continue on a path that is harmful not only to the relationship between the executive and the legislative branches, it is harmful to good governance and the good stewardship of tax dollars and it is, more importantly, more harmful to the war effort itself.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

Pending:

Reid amendment No. 3, in the nature of a substitute.

Reid amendment No. 4 (to amendment No. 3), to strengthen the gift and travel bans.

Vitter amendment No. 5 (to amendment No. 3), to modify the application of the Federal Election Campaign Act of 1971 to Indian tribes.

Vitter amendment No. 6 (to amendment No. 3), to prohibit authorized committees and leadership PACs from employing the spouse or immediate family members of any candidate or Federal office holder connected to the committee.

Vitter amendment No. 7 (to amendment No. 3), to amend the Ethics in Government Act of 1978 to establish criminal penalties for knowingly and willfully falsifying or failing to file or report certain information required to be reported under that Act.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I am privileged to be able to manage the bill for part of today. Senator FEINSTEIN and I—she is the chair of the Rules Committee, and I, in my capacity as chair of the Homeland Security and Governmental Affairs Committee, will be alternating on our side. I am honored to do that.

I would say that after a day, we are off to a good start in our consideration of S. 1, the bill before us. The majority and minority leaders, Senators REID and MCCONNELL, laid down yesterday a bipartisan substitute amendment that improves what was already a strong bill, S. 1, and I know a number of other Senators have come to the floor to file or offer amendments. It is good to proceed in that way.

We have a bill before us which fortunately has strong bipartisan support, and it is certainly my hope, and I know the hope of managers on both sides, and the leaders, that we can move along with the consideration of these amendments so that we will complete this bill in the timeframe laid out by the majority leader, which is the end of next week. This will be not just auspicious but a meaningful, bipartisan way to begin this 110th Congress.

I wish to speak in strong support of the comprehensive substitute that was laid down and offered by the majority and minority leaders yesterday. I am pleased to join as a sponsor of that amendment. The underlying text of S. 1 is already a sweeping reform of ethics rules and lobbying regulations, and the substitute takes us even further in strengthening those reforms. I would like to focus on a few of the additional improvements made by the substitute.

The substitute will clarify and strengthen the provisions in the underlying bill that require, for the first time, lobbyists to report on campaign contributions and travel they arrange for Members of Congress—for the first time. We also will require lobbyists to disclose contributions to Presidential libraries and inaugural committees. This is an extension of one of the basic building blocks of this reform, which is disclosure, transparency, shining the sunshine on what is happening here so the public, the media, and Congress itself will be better informed and can take appropriate action. These disclosures will provide a fuller picture of the relationships between those who lobby and those who are lobbied in the Congress and in the executive branch.

The substitute also creates a new criminal penalty for violations of the Lobbying Disclosure Act. While the underlying bill, S. 1, already doubles the amount of civil penalties that may be imposed, a criminal penalty will strengthen the hand of the Department of Justice in pursuing and punishing the most egregious violations.

The substitute will also tighten the revolving door rules by prohibiting Senators from negotiating for jobs as lobbyists while they are still in office. We will also require senior Senate staff to report to the Ethics Committee when they are negotiating for employment so that the Ethics Committee can identify any conflicts of interest and require staff to recuse themselves while they are still employed by the Senate from working on issues that may present conflicts of interest with those with whom they are negotiating.

The substitute will also provide new rules on evaluation of tickets to sporting and entertainment events. Why, one may ask, would we need that provision if the underlying bill already bans gifts from lobbyists to Members? The reason is there has been a concern that there could be an end run around this ban, and this provision will prevent any lobbyist who might think of doing so from selling tickets to Members or staff at a steeply discounted price, which would effectively be a gift because the discount itself would be a benefit in and of itself.

The substitute also improves the provisions in S. 1 that provide transparency for the earmark process. The substitute will strengthen and clarify the definition of an earmark, to make sure that it includes targeted tax benefits and targeted tariff benefits. These are obviously matters of great importance and of value. A targeted tax benefit, which is to say a tax cut or a credit, or a tariff benefit often has as much value, and many times has more value, than a specific earmarked appropriation. So the substitute now strengthens and clarifies the definition of "earmark" to include those benefits.

The improved definition makes clear that earmarks, as in the bill, include earmarks to non-Federal entities when the money is first funneled through a Federal entity. That provision addresses what some perceive and have said is a weakness in the earmark provisions in the underlying bill.

All of this is an attempt by this body to take hold of the earmark process that was abused by some in the ethical scandals that have occurred here in Congress, and more generally is blamed by others for an escalation in the cost of Government without covering those costs.

I have always believed you have to be direct and forthright about this issue. It is not that all earmarks are evil. There are good earmarks and bad earmarks, and there are limits to the earmarks we want to provide simply because we can't afford to provide beyond that. The attempt of S. 1 and the substitute laid down by Senators REID and MCCONNELL is not to stop earmarks but to create transparency, disclosure, and a process by which the full body will be both aware of the earmarks and able to challenge them if an individual Senator or Senators desire.

The substitute also contains a sense of the Senate on fair and open procedures for conference committees, and this also relates to how earmarks are handled. The substitute also amends the Senate rules to make clear that no changes may be made to conference reports after the reports have been signed by the conferees. This is obviously the concern, unfortunately based in fact, that, after a conference report, including one signed by the conferees, either staff or Members in high positions have been able to insert items, earmarks, into those conference reports, which obviously suppresses not only the public's right to know but the Members' right to know. This substitute will now make clear that no changes of that kind can be made.

I am disappointed that the substitute does not include some additional gift and travel rules. I believe there is strong bipartisan support for some of the measures I have in mind. That is why I intend to support the majority leader when he offers an amendment to pass the gift and travel provisions to which I am referring in a separate amendment. The House already has passed strict gift and travel rules, and I personally hope the Senate will follow suit.

I am also very pleased that the majority leader has included in this amendment that I referred to an additional amendment, a strong provision on the use of corporate jets. This is a controversial, difficult matter. It is an issue that Senators MCCAIN, FEINGOLD, OBAMA, and I wanted to pursue last year when we took this up essentially in its predecessor form, but we were unable to do so once cloture was reached on the bill because the amendment was determined to be nongermane.

Under current law this is the reality. When a Member of Congress or a candidate for Federal office uses a private plane instead of flying on a commercial airline, the ethics rules, as well as the Federal Election Commission rules, require a payment to the owner of the plane equivalent to a first-class commercial ticket. The current rules undervalue flights on noncommercial jets and provide, in effect, a way for corporations and individuals to give benefits to Members beyond the limits provided for in our campaign finance laws. The Reid amendment would eliminate that loophole by requiring that the reimbursement be based on the comparable charter rate for a plane.

I know there are strong feelings on both sides of that. I appreciate that Senator REID will put that before the Senate. I look forward to supporting him in it.

We have some very strong reform proposals before the Senate. We are off to a good beginning. We have a lot more work to do, and I hope my colleagues will come to the floor and offer their amendments so we can get this all done by the end of next week.

I suggest the absence of a quorum.

Mr. DEMINT. Will the Senator withhold his request?

Mr. LIEBERMAN. I note the presence of the Senator from South Carolina on the floor of the Senate, and I will yield to him at this time. I withdraw my request for a quorum call.

The ACTING PRESIDENT pro tempore. The request is withdrawn. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I ask unanimous consent to set the pending amendment aside and I be permitted to offer four amendments.

The ACTING PRESIDENT pro tempore. Is there objection to the request? Hearing no objection, it is so ordered.

AMENDMENTS NOS. 11, 12, 13, AND 14 TO AMENDMENT NO. 3 EN BLOC

Mr. DEMINT. Mr. President, I have four amendments at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendments by number.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes amendments numbered 11, 12, 13, and 14 to amendment No. 3 en bloc.

Mr. DEMINT. I ask unanimous consent the reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 11

(Purpose: To strengthen the earmark reform)

Strike section 103 and insert the following:

SEC. 103. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

RULE XLIV

EARMARKS

"1. It shall not be in order to consider—

"(a) a bill or joint resolution reported by a committee unless the report includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

“(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

“(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

“2. For the purpose of this rule—

“(a) the term ‘congressional earmark’ means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

“(b) the term ‘limited tax benefit’ means—

“(1) any revenue-losing provision that—

“(A) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

“(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

“(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

“(c) the term ‘limited tariff benefit’ means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

“3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

“4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

“(1) the name of the Member;

“(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

“(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

“(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

“(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

“(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee’s or subcommittee’s website not later than 48 hours after receipt on such information.”.

AMENDMENT NO. 12

(Purpose: To clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope)

At the appropriate place, insert the following:

SEC. . EARMARKS OUT OF SCOPE.

Any earmark that was not committed to conference by either the House of Representatives or the Senate in their disagreeing votes on a measure shall be considered out of scope under rule XXVIII of the Standing Rules of the Senate and section 102 of this Act if contained in a conference report on that measure.

AMENDMENT NO. 13

(Purpose: To prevent Government shutdowns)

At the appropriate place, insert the following:

SEC. . AMENDMENT TO TITLE 31.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

“§ 1311. Continuing appropriations

“(a)(1) If any regular appropriation bill for a fiscal year (or, if applicable, for each fiscal year in a biennium) does not become law before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

“(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

“(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

“(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

“(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year;

“(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year;

“(C) the rate of operations provided for in the regular appropriation bill as passed by the House of Representatives or the Senate for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version; or

“(D) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

“(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

“(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

“(B) the last day of such fiscal year.

“(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

“(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

“(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

“(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

“(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

“(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

“(f) For purposes of this section, the term ‘regular appropriation bill’ means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

“(1) Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

“(2) Commerce, Justice, Science, and Related Agencies.

“(3) Defense.

“(4) Energy and Water Development.

“(5) Financial Services and General Government.

"(6) Homeland Security.

"(7) Interior, Environment, and Related Agencies.

"(8) Labor, Health and Human Services, Education, and Related Agencies.

"(9) Legislative Branch.

"(10) Military Construction, Veterans' Affairs, and Related Agencies.

"(11) State, Foreign Operations, and Related Programs.

"(12) Transportation, Housing and Urban Development, and Related Agencies.".

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

"1311. Continuing appropriations".

AMENDMENT NO. 14

(Purpose: To protect individuals from having their money involuntarily collected and used for lobbying by a labor organization)

At the appropriate place, insert the following:

SEC. . PROTECTION OF WORKERS' POLITICAL RIGHTS.

Title III of the Labor Management Relations Act, 1947 (29 U.S.C. 185 et seq.) is amended by adding at the end the following:

"SEC. 304. PROTECTION OF WORKER'S POLITICAL RIGHTS.

"(a) PROHIBITION.—Except with the separate, prior, written, voluntary authorization of an individual, it shall be unlawful for any labor organization to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used to lobby members of Congress or Congressional staff for the purpose of influencing legislation.

"(b) AUTHORIZATION.—An authorization described in subsection (a) shall remain in effect until revoked and may be revoked at any time.".

Mr. DEMINT. Mr. President, I thank the Senators from Connecticut and Utah for working with me to get the time to offer these amendments. When similar legislation was considered last year, I voted against it because I believed it did not do enough in the way of earmark reform. I believe the same is true for the substitute that is before us today, and I am offering these amendments to strengthen the bill and try to get it to the point where I can support it.

My first amendment would enhance the disclosure requirements for congressional earmarks, for limited tax benefits, and limited tariff benefits to match those proposed in the other body by Speaker of the House NANCY PELOSI. The earmark definition in the substitute is woefully inadequate. It exempts earmarks for Federal entities as well as earmarks in report language.

According to the Congressional Research Service, more than 95 percent of all earmarks in fiscal year 2006 were found in report language, not in the bill text. In effect, disclosure requirements in the substitute could conceivably apply to only 5 out of every 100 earmarks.

The definition of a targeted tax benefit in the substitute also falls short, as it never explicitly defines what constitutes a limited group of taxpayers. Speaker PELOSI's language, however, explicitly defines a limited tax benefit as one that is targeted to 10 or fewer beneficiaries.

I do not always agree with Speaker PELOSI, but on this issue we are in full agreement. The earmark definition agreed to in the House is by far the most comprehensive definition that is currently being debated, and I encourage my colleagues to support it.

My second amendment would clarify that earmarks that were not in either the House or Senate version of the bill are out of scope when they are added in a conference report. As my colleagues know, a lot of earmarks find their way into conference reports where they cannot be voted on. This circumvents the legislative process, and it fosters abuse of taxpayer dollars. I am pleased that the substitute partly addresses this problem by creating a new 60-vote point of order against matters that are out of scope. This was designed to allow Members to object to out-of-scope earmarks and have them removed from the conference report, but the Senate Parliamentarian does not believe this provision is enforceable against earmarks specifically.

My amendment would clarify that out-of-scope earmarks are subject to this new point of order in the Senate bill as well as rule XXVIII of the Standing Rules of the Senate, which prohibits adding out-of-scope matters in conference. I believe this is the true intent of the substitute, and I strongly encourage my colleagues to support it.

My third amendment would prevent the Government from shutting down when regular appropriations bills are not enacted. It would do so by automatically triggering a continuing resolution that funds agencies at current levels for up to a year. The amendment would begin automatic funding on the first day of a lapse in appropriations, and it would end on the day the regular appropriations bill becomes law or the last day of the fiscal year, whichever comes first. This would eliminate the must-pass nature associated with regular appropriations bills which often pressure lawmakers into accepting spending bills with objectionable earmarks.

I understand that the Democratic leader intends to get all of the appropriations bills done before the end of the fiscal year, but there are always unforeseeable events that must be dealt with, and there is always a chance that we will be faced with having to pass a bad bill or allowing parts of the Government to shut down. I certainly do not support Government shutdowns, and I know my colleagues do not either. My amendment would create a safety net that would avoid the crisis situations that often pressure lawmakers into supporting spending bills that they would not otherwise support. This is a commonsense proposal, and I encourage my colleagues to support it.

My fourth amendment would prevent labor unions from using a member's dues to lobby Congress without the prior separate and written consent of that member. Union dues, like taxes, are compulsory for union members. We all believe Congress must be transparent and accountable in the way it spends tax dollars, and we should all support making unions transparent and accountable in the way they spend members' dues. Federal tax dollars cannot be used for lobbying but compulsory union dues can be used for lobbying. This is a real problem because it forces union workers to pay for lobbying with which they may not agree. If someone is a member of a trade association and they disagree with the actions of that group, they can always stop paying their dues. This freedom is not afforded to union workers.

I tried on several occasions last year to pass legislation that would bar criminals convicted of serious felonies from gaining secure access to our ports. This proposal is essential to protecting our Nation from future terrorist attacks, and it is overwhelmingly supported by Americans. But the measure was killed by several unions that lobbied against it, and they killed it with dues that they forced union workers to pay without their consent.

My amendment simply requires consent from union members before his or her dues may be used to lobby Congress. My amendment has nothing to do with political contributions. That is a debate for another day. But as long as unions force workers to pay dues as a condition of employment, they should get consent from their members before they use those dues to lobby Congress. My amendment would ensure that voluntary contributions will be the only contributions that can go toward lobbying Congress.

I thank the managers again for working with me to get these amendments called up so our colleagues can begin reviewing them. I would be pleased to work with the managers in scheduling additional time to debate and vote on these amendments.

I yield and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

AMENDMENT NO. 9

Mr. VITTER. Mr. President, I ask unanimous consent to call up my amendment No. 9 which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] for himself and Mr. INHOFE, proposes an amendment numbered 9 to amendment No. 3.

Mr. VITTER. I ask unanimous consent to waive the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To place certain restrictions on the ability of the spouses of Member of Congress to lobby Congress)

On page 51, between lines 12 and 13, insert the following:

SEC. 242. SPOUSE LOBBYING MEMBER.

(a) IN GENERAL.—Section 207(e) of title 18, United States Code, as amended by section 241, is further amended by adding at the end the following:

"(5) SPOUSES.—Any person who is the spouse of a Member of Congress and who was not serving as a registered lobbyist at least 1 year prior to the election of that Member of Congress to office and who, after the election of such Member, knowingly lobbies on behalf of a client for compensation any Member of Congress or is associated with any such lobbying activity by an employer of that spouse shall be punished as provided in section 216 of this title.".

(b) GRANDFATHER PROVISION.—The amendment made by subsection (a) shall not apply to any spouse of a Member of Congress serving as a registered lobbyist on the date of enactment of this Act.

Mr. VITTER. Mr. President, I thank the leaders, the floor managers, all those involved in this important debate for putting this front and center of our business in the new Congress. It is very appropriate we do so.

I hope we all recognize, after the last few years, we need a very focused, sincere, determined effort to strengthen the law, strengthen enforcement, and rebuild the confidence of the American people in our institutions.

These two amendments that I bring to the Senate I hope will do that. They are part of a package I have introduced, along with three amendments I introduced and talked about briefly yesterday.

Let me get to this first amendment today. It is a very simple, straightforward idea to address what, unfortunately, is a very real issue and a very real cause for concern by the American people. That is the practice, in some cases, of spouses of Members of the House and Senate being registered lobbyists, making large amounts of money in that profession, lobbying at the same time they are a spouse of a Member of the House or a Member of the Senate. My amendment is very straightforward and says we will not allow that.

The underlying bill addresses that in a very narrow way, to say that spouses in that situation can't directly lobby their own spouse or that Members' office. That is great, but clearly a person in that situation—a Senate spouse, a House spouse—has enormous entre to other Members, to other offices. My amendment is broader and says we are not going to allow that. Spouses of sitting Members of the House and Senate cannot lobby.

Unfortunately, I wish history was such that Members could argue this is a solution looking for a problem. That is not the case. This happens. It has happened. It has clearly been abused. There have been instances that have been reported that have caused great legitimate alarm and concern by the American people of this being abused. This has come to light in the last several years. Spouses making large amounts of money, bringing that income to the family bank account—obviously, the Member of Congress is part of it, participates in it—from lobbying.

There is a situation with two fundamental problems. One is a lobbyist spouse clearly having extraordinary access to other Members and their offices. That is one real problem. The second real problem is maybe even more significant. That is the opportunity for significant moneyed interests, special interests, whatever you want to call it, to be able to write a check, a big check, in the form of a salary that goes directly into a Member's family bank account through the spouse. That is a practice that has been used and abused in the recent past. Again, this is not a solution looking for a problem.

We, also, point out there is an exception in my amendment. I debated whether to include this exception. I can make an argument that we should not even allow this exception, but to bend over backwards, to be fair, to answer some concerns of other Members, I included the exception. It says, if this lobbyist spouse was a lobbyist more than a year before the Member was first elected to the Congress, they can continue with that activity. In other words, someone who legitimately built up a career well before that marriage was ever seriously contemplated, can continue. Again, I can make an argument of no exceptions, but in the interest of bending over backward to meet some legitimate questions, I included that exception.

I hope all Members of the Senate, Republican and Democrat, will carefully look at this amendment and support it. This has been and is a practice. It has been used and abused in the past. It has clearly caused serious concerns among the American people. It has been in press reports and other disclosures in the last couple of years.

To say we are doing wholesale lobbying and ethics reform, and, oh, by the way, we are not going to touch this, we are going to forget about this, would make a folly of the whole exercise. I encourage all Members of the Senate to support this concept.

Let's make a clear-cut rule. Let's get rid of this clear conflict of interest to potential abuses, unusual access to Members, as well as the possibility of special interests basically being able to write a big check directly into a Member's family bank account.

AMENDMENT NO. 10 TO AMENDMENT NO. 3

With that, Mr. President, I ask unanimous consent to temporarily set aside that amendment and call up my second amendment of the day, amendment No. 10.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 10 to amendment No. 3.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the penalty for failure to comply with lobbying disclosure requirements)

On page 34, line 5, strike "$100,000" and insert "$200,000".

Mr. VITTER. Mr. President, I think this amendment also addresses an important issue in this ethics and lobbying reform debate; that is, the significance of the penalties involved for serious violations.

This amendment is very straightforward. It says that registered lobbyists who fail to comply with the Lobbying Disclosure Act—and after that is called to their attention, and then they fail to remedy the situation, fail to fix it, fail to follow other aspects of the law—the maximum penalty can be $200,000. Current law, right now, is $50,000. I simply think that is too low for the most serious violations of the Lobbying Disclosure Act, considering that in virtually all of these cases the lobbyist is given notice and allowed to correct the situation before we ever get to this sort of very serious penalty.

The underlying bill on the floor, as I understand it, will propose to increase the current law penalty from $50,000 to $100,000. I think that is obviously movement in the right direction but not far enough. My amendment would propose changing current law from a maximum penalty of $50,000 to $200,000.

Again, let me emphasize a couple things. I think there is the wide and correct perception by the American people that in a lot of these cases you have a law, you have a violation, and it just ends up being a slap on the wrist—the cost of doing business to a lobbyist who is making millions. I think that is true in many cases. That is a real defect in the law. We need to correct that.

Secondly, we are talking about a maximum penalty—up to $200,000. It does not mean it has to be $200,000. And we are talking about a situation where a violation is called to a person's attention and that person fails to comply with the law within 60 days, fails to right the wrong by complying with other provisions of the Lobbying Disclosure Act.

So given all of that, given all of those circumstances, I think a maximum penalty—maximum—of up to $200,000 is very legitimate and is a change that is really overdue.

Again, I implore all the Members of the Senate, Democrat and Republican, to take a good, hard look at this amendment. I think when they do, the vast majority will support it. I certainly look forward to that.

With that, Mr. President, I look forward to further debate on these amendments and certainly votes on these amendments, and I have received commitments for that.

With that, I yield back my time.

The PRESIDING OFFICER. The Senator yields back his time.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that at 11:45 a.m. this morning, the Senate resume consideration of the Vitter amendment No. 7 and that there be 15 minutes of debate, controlled 5 minutes each for the majority and minority managers and 5 minutes for Senator VITTER; that at 12 noon, without further intervening action or debate, the Senate proceed to vote in relation to Vitter amendment No. 7.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 7 TO AMENDMENT NO. 3

Mr. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 7.

The PRESIDING OFFICER. The amendment is pending.

Mr. VITTER. I thank the Chair. Under the previous order, I will talk about this amendment for 5 minutes and then the floor managers will do the same.

Mr. President, I explained this yesterday. It is a very straightforward amendment. It simply increases penalties—I think appropriately—for willful and knowing misrepresentations on financial disclosure reports.

As you know, many people in Government, including U.S. Senators, have to file financial disclosure statements. That is section 101 of the Ethics in Government Act of 1975. It is very basic information about not every detail of our finances, but the broad brush of an individual's finances. This applies to others, certainly, in the administration, executive branch, as well as some in the judicial branch.

Section 104 of that act is about the penalties. That says the Attorney General can file a civil suit against any individual who knowingly and willfully falsifies that sort of document or knowingly and willfully fails to report that information. But the maximum fine under that civil suit is $10,000. Mr. President, this can literally be a slap on the wrist in certain situations. This can literally encourage people to falsify documents or not report certain information completely or properly because, No. 1, that figure will never be noticed or caught; No. 2, worst case, if it is, it is only $10,000. It may be worth paying that and trying to get away with it versus disclosing certain information.

That is unacceptable. This amendment fixes that. It raises the maximum civil penalty from $10,000 to $50,000, and it allows—doesn't mandate—the Attorney General to bring criminal charges in certain situations, with a maximum penalty of up to 1 year imprisonment. Again, in certain situations, that would be appropriate and the current law in certain situations, I believe, will actually encourage folks to try to get away with noncompliance, nondisclosure.

Finally, I ask this simple question in support of the amendment: If that is the right approach for the average American citizen, why should it not be the right approach for U.S. Senators, House Members, and members of the executive branch? Why do I say that? Well, if an average American citizen knowingly and willfully falsifies tax documents, guess what. They are in a heap of trouble and they face much greater potential consequences than a civil fine of up to $10,000. They absolutely face potential criminal charges. So if it is right and appropriate for the average American citizen, certainly the same rule should bear on Members of the Senate, Members of the House, and members of the executive branch, no more or less. What is fair is fair. We need to be treated like the average American citizen.

With that, I yield back my time and look forward to wrapping up this debate.

The PRESIDING OFFICER. Who yields time?

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, we have no problem with this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, in about 5 minutes the Senate will vote on the amendment offered by the Senator from Louisiana, Mr. VITTER. First, I thank him for offering this amendment, which concerns the Ethics in Government Act, a law that falls within the jurisdiction of the Homeland Security and Governmental Affairs Committee, which I am privileged to chair in this session. The penalty provisions for disclosure violations under that act, the Ethics in Government Act, have not been addressed in some time. Senator VITTER's amendment begins to do that. I think it does it in an appropriate way. I intend to support the Senator's amendment.

As has been said, and I will repeat it, the amendment will increase the civil penalties that already exist under the act and will create a new penalty for knowing and willful falsification or failure to report, and that is a criminal penalty.

I note for my colleagues' benefit that the Homeland Security and Governmental Affairs Committee intends to take up reauthorization of the Office of Government Ethics this year.

I know that some of my colleagues are interested in offering amendments to this bill, S. 1, related to executive branch ethics. Obviously, I am happy to work with them on these amendments to see if any of those might appropriately be attached to this bill, such as the one we are voting on now.

But I also want to say on behalf of the committee that there may be some other proposed amendments that the committee believes need further deliberate consideration by the committee. I will be happy to work with my colleagues on those, urging them not to go forward on this bill, but with the promise that as we address the Office of Government Ethics reauthorization and other matters, that we will be glad to consider those proposals. As the hour approaches, I urge my colleagues to support this progressive amendment by the Senator from Louisiana.

I thank the Chair and yield the floor.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. LIEBERMAN. Mr. President, I now yield back all of the remaining time and suggest that we go forward with the vote.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 7 offered by the Senator from Louisiana.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Idaho (Mr. CRAPO).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted "aye."

The PRESIDING OFFICER (Mr. OBAMA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—93

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—2

Lott
Lugar

NOT VOTING—5

Brownback
Byrd
Crapo
Inouye
Johnson

The amendment (No. 7) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I want to engage the managers here. It is my understanding I will have time shortly to give a statement on Iraq. I don't want to interfere with the legislation on the floor, and I am asking whether this would be a good time for that statement to take about maybe 15, 20 minutes.

I see no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. BAUCUS. Mr. President, I am concerned about the deteriorating situation in Iraq. We need to change course. Let me urge my colleagues to consider a few principles for where I believe we should go from here.

Like my colleagues, I have received an outpouring of letters, e-mails, telephone calls. Montanans are split in how Americans should proceed, but one thing is clear: They all want to see an end to it. They want to see our men and women come home.

On October 20, a man from Cutbank, MT wrote me to say:

> Yesterday was a very emotional day for me. I currently have a son serving in Iraq who does house-to-house raids and goes out on extended missions. My other son, who just joined the Army, informed me that he too will now be leaving for Iraq. As native Americans, my sons will be honored when they return home. We are proud of them. We are very proud of our native Americans who serve as warriors, but I am deeply concerned with what they face every day over there.

Amber, a military wife from Great Falls, MT writes:

> I realize that my voice is a voice of millions that call for your assistance. However, I couldn't sleep at night knowing I didn't at least try to do what I think is right. My husband along with many others here in Montana is in Iraq right now, and just recently we lost a soldier from Billings. Help us bring the troops home where they belong with their families who miss them.

In September, Tom Gignoux, from Missoula, MT, a Marine Corps veteran with a Purple Heart wrote me to say this:

> I no longer support the war in Iraq. I believe that mismanagement of the occupation and reconstruction has made the war unwinnable and is distracting us from the war on terrorism.

Mr. President, I believe it is time for our combat troops to come home from Iraq. America entered into this war with motivations that were clearly honorable, but they were mistaken. As the 9/11 Commission found, there was no connection between Iraq and the attacks on 9/11. There were no weapons of mass destruction. And the theory that America could, through invading Iraq, establish democracy that would spread throughout the region has proven a cruel joke.

If we knew then what we know now, I would not have voted for the war. If we knew then what we know now, I believe the results of that vote would have been different. Indeed, I doubt that we would even be asked to take that vote.

The administration was not up front with us. They presented faulty intelligence and faulty information, especially about weapons of mass destruction. Unfortunately, the quality of congressional decisionmaking was no better than the quality of the information upon which we relied.

Going into Iraq was a mistake. The premise was wrong. After September 11, 2001, we had international support to go after al-Qaida and to find Osama bin Laden. That is the mission we should be strongly pursuing—more strongly. Our resources are incorrectly being exhausted in Iraq. I cannot go back and change that vote, but I can work in a new direction.

I first commend our troops. They are wonderful. They have shown such courage, such exemplary strength. They are terrific. They removed the tyrant Saddam Hussein. They addressed the potential threat of weapons of mass destruction. They have done their job well. We are all proud of them. Their service has been outstanding. No one can argue against their contribution to our national security, and their dedication to their missions goes unmatched.

I believe in giving our soldiers, sailors, and airmen the proper equipment and tools they need to stay safe and to succeed. A year ago, I spoke about our responsibility to get as much funding as possible for the troops. I have criticized spending on high-tech weapons systems at the expense of boots on the ground. I voted in favor of every Defense bill and war supplemental since the war began.

I heard of families hosting bake sales to buy body armor. I have tried to do everything I could to protect our troops. But it is no longer enough.

Now our brave troops stand in the crossfire of a civil war. We have lost more than 3,000 troops in the escalating conflict. Just this week, the Iraqi Health Ministry reported that more than 17,000 Iraqis died in the second half of 2006. That is more than three times as many who died in the first half of 2006. And now, America has spent more time fighting this war than we spent in World War II.

I understand and sympathize with the Americans who continue to support this war because they do not want their family and friends to have died in vain. I know what they feel. I struggled with that last summer when my nephew Phillip died in Iraq. On July 29, Marine Cpl Phillip Baucus, my brother John's son, was killed during combat operations in the Al Anbar province. He was just 28 years old. Phillip was a bright and dedicated young man. He was like a son to me. He had a loving wife and a bright future. His death was devastating.

I know what it is like to wait on the flight line at Dover Air Force Base. I know what it is like to weep over the body of a fallen soldier and family member. I know what it is like to escort Phillip back from Dover to Montana. I know what it is like to pray for a reason, and to become determined not to lose.

I am not the only Montanan who has grieved. We are not a large State, but 14 Montanans have so far lost their lives in Iraq, and we grieve for them all. In fact, we in Montana send more troops to Iraq on a per capita basis than any other State in the Nation. Those men and women who have lost their lives have served a noble purpose. They have taught us lessons in courage, and we honor that courage by speaking out. We honor that courage by admitting that what we are doing is not working, and we honor that courage by finding a new direction.

A change in strategy is not defeat. A change in strategy is a recognition that things are not working. Moving forward, I urge the President and the Congress to consider four principles. First, we must not escalate the conflict. Second, we must train Iraqis to stand up for themselves. Third, we must start bringing our troops home by the middle of this year. Fourth, we must engage Iraq's neighbors and the world community to find a more political solution.

Let me explain in greater detail. First, I do not support the escalation in the number of American troops. Throwing more troops at the problem—especially a modest number, up to 20,000—is not a solution. Escalating the war is not a solution. We must not launch a strategy which has no benchmarks for its success. How long and at what cost do we add troops to the conflict? It is a mistake.

The Iraq Study Group is a prestigious and well-respected group. Secretary of Defense Robert Gates was a member. The study group said the current strategy in Iraq is not working. That is what this study says. But to this date, the President has not implemented any of the group's recommendations.

President Bush has stated numerous times that he listens to the commanders on the ground. American commanders on the ground have reported that al-Qaida has increasingly gained political influence among the Sunnis. General Abizaid told the Senate Armed Services Committee:

> I believe that more American forces prevent Iraqis from doing more, from taking responsibility for their own future.

I urge the President to listen to what General Abizaid said and not just replace commanders who say things he does not want to hear.

Second, we should not have an open-ended commitment in Iraq. America must make that clear to the Iraqi Government. The war is now costing us $2 billion a week. That is $2 billion a week that is not being devoted to health care, veterans' benefits, or education.

There must be a more specific plan. The plan needs to outline how long our training efforts will continue, and the plan needs to show at what point the Iraqis will take over security of their own country.

Last weekend, Iraq's Prime Minister, Nuri al-Maliki, reiterated the need and his commitment to getting the Iraqi security forces to stand up on their own two feet. America should support these efforts. In short, our forces should stand down so the Iraqi forces can stand up.

Third, with a new focus on political solutions, the United States should start phased redeployment of combat troops in roughly 6 months, with the goal of having combat forces out of Iraq as soon as possible. Our troops are stretched too thin to address emerging threats around the world. There is something called opportunity cost. It is a technical term. But we are so focused on Iraq that we are not paying attention to other trouble spots in the world as much as we should. We must not focus solely on Iraq in blindness to the rest of the world.

Our troops are serving their third and fourth tours in Iraq. Some deployments have been extended for 12 to 18 months. Some troops no longer have a year to spend at home between deployments. I have seen firsthand in Montana how the Guard and Reserves are deployed in record numbers. They have served honorably and with my great admiration. But we need them on U.S. soil for homeland defense missions. The Active-Duty troops must not be overextended. They need to be ready to deploy around the world.

Finally, America must engage Iraq's neighbors more than we have. The Iraq Study Group named a peaceful solution to the Arab-Israeli conflict as a major potential contributor to the stability in Iraq. I strongly agree with that. That will take so much of the terrorists' energy out of their sails, frankly, if we could find a meaningful solution to the Israeli-Palestinian conflict. The Iraq Study Group said:

> The United States cannot achieve its goals in the Middle East unless it deals directly with the Arab-Israeli conflict and regional stability.

They continue:

> There must be renewed and sustained commitment by the United States to a comprehensive Arab-Israeli peace on all fronts.

We have taken too many steps backward in that conflict. Our invasion of Iraq has simply stirred up things way too much. It has caused problems. America's presence has opened the doors to terrorism and sectarian violence.

We must reengage and work toward peace and diplomatic solutions. We must seek increased participation of other nations both in a political way forward and also in reconstruction work. We should redouble our efforts to reach out to that nation and to our allies who also have an intense interest in peace in that region and work together toward a responsible exit.

In March of 1919, the Emir of Iraq, Feisal ibn Hussein, wrote to Supreme Court Justice Felix Frankfurter. This is what he said:

> We feel that Arabs and Jews are cousins in race, having suffered similar oppressions at the hands of powers stronger than themselves, and by happy coincidence they have been able to take the first step toward the mutual attainment of their national ideals together. . . . Indeed, I think neither can be a real success without the other. . . . I look forward . . . to a future in which we will help you and you will help us, so that the countries in which we are mutually interested may once again take their places in the community of civilized peoples in the world.

That is what the Emir of Iraq wrote in 1919.

America must renew its commitment to peace in the Middle East. We must work to regain the fleeting sense of optimism that can lead to political resolution. We must be positive. We must be the leaders that we Americans are. We must work to stop the spilling of blood in the land of Abraham.

I urge President Bush to listen to the Iraq Study Group. I urge him to listen to commanders such as General Abizaid. I urge him to listen to the American people. It is time for America to change its course. It is time for a new political effort. It is time to bring the troops home.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. GRASSLEY. Mr. President, I am back here today, as I have been other days this week, to talk about the Medicare drug benefit and the debate about whether the Government would do a better job of negotiating with drug companies than the prescription drug plans that are doing so this very day under law of the last 2½ years. Over the past 2 days, I have talked about the fundamental structure of the drug benefit. I talked about the heart of it, of the drug benefit plan, as competition. Plans, with vast experience in negotiating with drug manufacturers, compete to get the best drug prices for Medicare. That is what is happening today to benefit our senior citizens. Plans that have been doing this for 50 years are negotiating with drug companies in a competitive way to get the best prices for Medicare senior citizens. To date, the proof is in the pudding. We have lower bids, we have lower beneficiary premiums, lower costs to the Government, and lower costs to our States. Most importantly, we have lower prices on drugs, meaning senior citizens get affordable drugs and low-income people do not have to choose between drugs and food. Remember, that was a goal we had in 2003 we passed this legislation.

I will give some examples of how this competition has worked. A draft PricewaterhouseCoopers study found in 2006 prescription drug plans achieved higher savings, 29 percent compared to unmanaged drug benefit expenditures. That is almost 100 percent greater than the 15-percent savings projected by Centers for Medicare and Medicaid Services and almost 50 percent greater than the savings estimated by the Congressional Budget Office way back when, in 2003, when we all thought if this program worked at all there would be some savings on prescription drugs for seniors. However, it has turned out to be much greater savings than we anticipated when we wrote the bill.

It isn't often that legislation we write comes back with a better benefit to the taxpayers, better benefit to our seniors or any group or population. Most often there are what we call cost overruns.

I believe it is fair to say that competition is working.

Yesterday, I talked about how this whole debate is based on nothing more than a distortion of language in what is called the noninterference clause in the existing legislation. This noninterference language was first included in legislation introduced by many of the same people now opposing it, and these people tend to be led by Members of the Democratic Party.

To be clear, that language, the noninterference language that people now are questioning, that period of time between 1999 and 2003, bills introduced by Members in the other party included this language and now, somehow, they do not like it.

I want to be clear that the impressions left by opponents of this part of the legislation that we do not have competition, we do not have negotiations, this language in the legislation does not prohibit negotiations to get drug prices down. Negotiations occur between private plans and the drug manufacturers regularly. You could not get those percentage decreases in prices I just mentioned—those percentages that are even greater than percentages we thought when we wrote the legislation—you would not get those without negotiation, you would not get those without competition.

I, also, pointed out in earlier speeches, so far, proposals to have the Secretary of HHS negotiate drug prices have not been shown to actually save any money. Our beloved Congressional Budget Office tells us that they cannot project savings by having a Government bureaucrat negotiate instead of plans negotiating. Nevertheless, here we are, in the new Congress, discussing this matter once again.

What I want to do today is put forward a picture of what Government negotiations might look like. Admittedly, doing this will require some speculation. Why is that necessary? It is necessary because Democrats have not provided many details on how they actually envision their requirement that the Secretary negotiate how that will work. This is despite the fact that some opponents of the noninterference clause have demagoged this issue for nearly 3 years. After 3 years, they are still out there saying the noninterference clause ought to go, but there are no details on how their plan will work. They have given us a few clues as to their thinking on how they want it to work.

For the longest time, I heard it said that the Secretary of Health and Human Services should have the power to negotiate drug prices, as the Veterans' Administration does. With the Veterans' Administration as our guide, let's talk about the VA's approach to purchasing drugs and then ask you to consider, after you hear this, do you want to do it that way? This discussion will be somewhat technical, but I urge listeners to bear with me because we need to get beyond the Veteran's Administration sound bite. Everyone needs to have a good understanding of what this would mean for Medicare.

It is a fact that the Veterans' Administration uses different purchasing arrangements to get discounts on prescription drugs. But there is a big distinction between these purchasing arrangements. The Veterans' Administration has access to what we call the Federal supply schedule prices. Under the Federal supply schedule prices, the Government guarantees by law that it must get the best price in the marketplace. This means that the Federal supply schedule prices cannot exceed the lowest price that a manufacturer gives in comparable terms and conditions to a non-Federal customer such as the pharmacy benefit manager. Since that is technical, I will go over that once more. Under the Federal supply schedule, the Government guarantees by law that it must get the best price in the marketplace. But what this means is that the Federal supply schedule prices cannot exceed the lowest price that a manufacturer gives under comparable terms and conditions to a non-Federal customer, and that could include health plans, pharmacy benefit managers, and many others. Under Federal law, manufacturers must list their drug on the supply schedule to qualify for reimbursement under Medicaid.

Next, the VA can purchase drugs at the Federal ceiling price. Again, the Government passed a law to guarantee itself an automatic discount no one else can get. By law, that price is automatically 24 percent less than the average price paid by basically all non-Federal purchasers.

Isn't that a nice negotiating tactic? Pass a law and guarantee yourself a discount. The logical questions are, why not have Medicare access the Federal supply schedule—because people who want to do it such as the VA, that is where it takes you. Why not give Medicare the Federal ceiling price?

I will refer to a chart because experts have looked at this question, and we have assigned the Government Accountability Office to look into this. They had a year 2000 report on this. They say:

> Mandating that federal prices for outpatient prescription drugs be extended to a large group of purchasers, such as Medicare beneficiaries, could lower the prices they pay but raise prices for others.

In other words, raising prices for everybody else in America that is purchasing drugs. You heard that right: Raise prices on everybody else.

Who would face the higher prices under "everybody else"? Small businesses, their employees, their families, to name a few. Those higher prices would likely force employers to reduce their prescription drug benefit or stop providing health insurance coverage altogether. Of course, that is an outcome I surely hope people want to avoid, but it may be an outcome that the proponents of doing away with the noninterference clause are not aware of. Or the people that are saying we ought to follow the VA practice may not be aware, that to save the taxpayers some money you are going to raise the price of drugs on everybody else in America, according to the Government Accountability Office.

The Government Accountability Office reached its conclusion by examining what happened to drug prices after Congress required drug manufacturers to pay rebates to State Medicaid Programs such as the Federal supply schedule, the Medicaid rebate program guarantees that the Government gets the best price in the marketplace.

What happened after the law was enacted? The best prices went up for everyone else. The practical effect was twofold: First, the size of rebates for State Medicare Programs got smaller. What the Federal Government wanted to accomplish to benefit the States did not happen. Second, other purchasers paid higher prices. One might ask why that might happen. Here is why: Drugmakers had to eliminate their best prices to private purchasers or face bigger rebates. That happens because if they gave 1 purchaser a best price, they then had to give the best price to 50 State Medicaid purchasers. One discount to a private purchaser could mean millions that a manufacturer would be forced to pay in rebates to the Government.

What do you think the drug companies did to counteract a well-intentioned act of Congress which ended with unintended consequences? The drug companies eliminated all the deep discounts so that they did not have to pay as much in mandatory rebates to Medicaid.

A 1996 study by the nonpartisan Congressional Budget Office examined the extent to which the Medicaid laws result in higher drug prices to everyone else. Listen to what our Congressional Budget Office concluded:

> Best price discounts have fallen from an average of over 36 percent in 1991 to 19 percent in 1994. Hence, although the Medicaid rebate appears on the surface to be attractive, it may have had unintended consequences for private purchasers.

The Federal Government passes a law to do good, and we find out we end up not doing so good. Almost a 50-percent reduction in best-price discounts; is that good? A nearly 50-percent reduction in the discounts received by purchasers such as health plans that serve employers and their employees; is that good? Of course, it is not. What this means is when those deep discounts went away, the price that everyone else pays for drugs went up. So those mandates, rebates to Medicaid made drug prices for everyone else higher.

Talk about unintended consequences. And we in the Senate who set these things up had the right intentions for doing it, but it has not worked out—unless you want to look at the good it did to the Federal Treasury and not count or not discount the harm it did to everyone else who paid higher prices.

To state it more simply, when discounts to a large purchasing group are based on discounts to another, no one gets a good discount. That is what the Government Accountability Office said in its 2000 report:

> Extending the Federal Supply Schedule . . . could also raise the prices paid by private and federal purchasers, as increases in prices, manufacturers charged their best customers would, in turn, increase Federal Supply Schedule prices.

Would opponents of the noninterference clause believe the congressional agencies, such as the CBO and the Government Accountability Office, that striking the noninterference clause would not be good? Ironic, isn't it, when the Government used price controls to mandate discounts to itself, it actually makes prices go up. I will go through that again. When the Government uses price controls to mandate discounts to itself, it actually makes prices go up. No person in their right mind concerned about the Federal Treasury or concerned about the cost of drugs to people in this country would say that meets the commonsensical test. But that is what happens.

During a 2001 hearing before the Senate Committee on Veterans' Affairs, my colleague, the senior Senator from Pennsylvania, Mr. ARLEN SPECTER, posed a question on this very matter. He asked whether adding Medicare to the VA and Department of Defense purchasing mix would produce greater bulk discounts. The Veterans' Administration chief consultant for its Pharmacy Benefits Management Strategic Health Group answered that adding Medicare to the Federal Supply Schedule umbrella would result in increased drug prices for both the Veterans' Administration and the Department of Defense.

So, now, in addition to the Government Accountability Office and the Congressional Budget Office, the Veterans' Administration weighs in for itself, and the Department of Defense, that doing what repealers of the noninterference clause want to do will actually increase drug prices to the Veterans' Administration and the DOD. And people want to use the Veterans' Administration as a pattern to affect Medicare. So that is saying it for the third time.

If I could say it for another time, straight from the Veterans' Administration's mouth, itself: Extending VA prices to Medicare would make the VA's own drug prices increase.

And for one last time, the basic point they are making is, if you try to mandate discounts to everyone, then—what I have said a few minutes ago—no one gets a discount. Now, I am no economist, but that is basic economics. And not only that but it is common sense.

I think I have pretty much laid out why including Medicare in the Federal Supply Schedule is not as good an idea as its proponents may have made it out to be.

So now I want to go back to how the Veterans' Administration uses competitive bidding to get the discounts they say they want to use as a pattern for the Medicare Program.

Let me start by giving you an important piece of information. The Veterans' Administration has its own pharmacy benefits manager. More than a decade ago, as part of a major initiative to improve the care delivered, the Veterans' Administration formed a pharmacy benefits manager, better known around here as a PBM.

So you will probably wonder why they did that. Because, as stated in the VA news release, they wanted to maximize a strategy used by the private sector. You have people who want to have Medicare do it like the VA does it, but the VA set up a very special program because they wanted to learn something from the private sector.

A primary responsibility of the PBM for the Veterans' Administration was to develop a national formulary. The Government learned that from the private sector, the very same people they are finding complaints about now. They wanted to set up a national formulary.

A formulary is the list of drugs that a plan will cover. Basically, if your drug is not on the list, it is not covered.

A 2005 article in the American Journal of Managed Care, coauthored by the Veterans' Administration's staff and university-based researchers, stated that the Veterans' Administration created the national formulary to achieve two main goals.

First, the Veterans' Administration wanted to reduce the variation in access to drugs across its many facilities throughout the United States. In other words, they wanted to put a VA bureaucrat between the doctor and the patient. Doctors could not subscribe to everything that they thought that patient might need because if it was not on the formulary, they could not prescribe it.

Second, the VA wanted to use the formulary as leverage to get lower prices for drugs. Let me repeat that because it is important. The Veterans' Administration created a national formulary to create the leverage it needed to get lower prices for drugs.

That goes back to the point I made a couple days ago. The ability to get good discounts does not result from the sheer number of people a purchaser buys for. The ability to get good discounts comes from how the purchaser leverages those numbers. That leverage comes from a purchaser threatening to exclude a drug from the formulary. So it eventually comes down to threats.

The Veterans' Administration uses its formulary to say: Give me a better price or else—or else we are not going to buy your drugs at all.

As I said earlier, the Veterans' Administration was intentionally adopting a private sector strategy when it started using a formulary to get lower drug prices. The Medicare prescription drug plans also use formularies to negotiate lower drug prices. The most important thing about the VA formulary is that it is one big national formulary.

The biggest difference between the VA and Medicare is that beneficiaries have choices.

Let me make that clear. The biggest difference between how the VA does it and how the plans do it—the plans that are approved by the Secretary of Health and Human Services for the senior citizens of America and Medicare—the biggest difference is the beneficiaries have choices. They can choose their plans with different formularies. So Medicare bureaucrats are not coming between the patient and the doctor like VA bureaucrats are coming between the patient and the doctor. You can run into this in your town meetings because I had people come up to me and complain about the VA: My doctor says I ought to have this drug because the drug that the VA wants me to take has side effects.

And they come to me and say: How come the VA won't pay for this drug because it is better for me, according to my doctor?

And their answer is: Because the VA wants to save money. So you have a Government bureaucrat deciding what is best for your health instead of your doctor.

But the principle behind the prescription drug bill that Senator BAUCUS and I wrote was that we were not going to have the bureaucrat getting in the medicine cabinet of a person, of senior citizens. We wanted every therapy available. That is the way it is written, and that is the way it is being carried out. So I wonder if people who say you ought to change this and do it the way the VA does it know how you are negatively affecting the senior citizens of America.

The way senior citizens can do it is they have choice. They can enroll in a plan that covers their drugs. They can enroll in a plan that allows them to use their neighborhood pharmacy. The VA does not do business with every pharmacist in America. So you are hurting your local pharmacist when you do business that way.

Under the Veterans' Administration programs, veterans do not have a choice. They cannot choose a different plan, and they have to use the VA's own pharmacy, not the pharmacy down the street. Using a limited number of VA-controlled pharmacies and mail-order pharmacies also helps keep VA costs down.

But one of the things we wanted to accomplish in the prescription drug bill, Part D, was to make sure the Government did not use its leverage to hurt local pharmacists. And we put several things in—a requirement you had to have a brick-and-motor pharmacist in every plan. So we have some requirements to help pharmacies that the VA does not even worry about. And I have to confess to the community pharmacists of America, we still have a lot of work to do to help them so they benefit from this program like we intended. There are some unintended consequences to what we did, even considering the fact we took the community pharmacists into consideration.

Under the VA program, then, you do not have a local pharmacist to go to. When they do not use the local pharmacist the way we do, when they use all these mail-order pharmacies, they hurt the local pharmacist, but they are saving some money.

Also, there is limited access to drugs, limited access to retail pharmacies. That is how the VA works. So do you want to force that upon the senior citizens of America?

I would like to go to another chart now. The Los Angeles Times put it best in an article on November 27 of last year. According to the Los Angeles Times:

> VA officials can negotiate major price discounts because they restrict the number of drugs on their coverage list. . . . In other words, the VA offers lower drug prices but fewer choices.

So do you want to offer fewer choices to our seniors? That is not what we wanted when we wrote the Medicare bill. We wanted to keep CMS bureaucrats out of the Medicare medicine cabinet of every senior citizen.

So what would it mean if the Government negotiated lower drug prices for Medicare in a national system like the Veterans' Administration? It would mean having a more limited formulary. And it would mean having the Veterans' Administration bureaucrat between you and your doctor.

So I would go to a chart that would make this more picturesque and more clear to you. This chart shows what this would mean. It would mean that instead of having 4,300 drugs available to them, beneficiaries would have about 1,200 drugs available. If Medicare used a national formulary like the VA, it would mean that 70 percent of the prescription drugs could not be covered by Medicare. Only 30 percent of the drugs covered today would be covered.

Then let's get into some specific drugs, about major problems we are trying to treat today, such as diabetes or cholesterol. There, too, if the Government negotiated for Medicare like it does for VA, it would mean fewer drugs covered by Medicare.

In the case of treatment for depression: 65 percent covered; 35 percent not covered. In the case of treatment for high cholesterol: 54 percent covered, 46 percent not covered. It seems that by looking at these drugs, if the Government used the VA model, our senior citizens would not be as well served.

Now, maybe you can make an argument we are not treating our veterans right. We appropriate more money every year for veterans health programs. And we have to because the needs are there and we made a promise. We have to keep the promise to the veterans. But I think veterans watching this could say: Well, why not cover these? Why not cover these? Well, I have given the reason. We want to save taxpayers money. But it is completely opposite what we wanted to accomplish under the Medicare bill to serve our senior citizens: everything being available, and to save the taxpayers money through competitive bidding.

This could also mean that beneficiaries could not get their prescriptions filled at the most convenient pharmacy for them. That is not what we wanted when writing the bill. We put seniors first. Those who want to repeal it, it seems to me, they are putting bureaucrats first, or at least they are putting bureaucrats between the doctor and the senior citizen. In many cases, those realities have led Medicare-eligible veterans to enroll in Medicare drug programs so they will have coverage for drugs not covered by the VA.

When I held my town meetings as we were rolling out this new drug program, I had veterans say: Well, does this mean I have to get out of the veterans program?

I said: If you are satisfied with the veterans program, you can stay in it. You do not have to do anything. If you decide later on you want to get into one of these programs, you can do it without penalty.

So they had the best of both worlds. If they were satisfied with the VA, keep it. But we have evidence that some of them are leaving the VA program to join the program of Part D Medicare. Even though many veterans have very good drug coverage, almost 40 percent of the veterans with VA benefits and Medicare coverage are enrolled in Part D. So when you get beyond the easy sound bites, when you get to the facts, applying the VA system to Medicare is neither as easy as it sounds nor will it likely have the effect that the proponents suggest.

It now appears that even they have begun to figure this out because now, when the rubber hits the road, when they have to produce something, they introduce a bill—and I am referring now to a bill of the other body—that explicitly prohibits the Secretary from creating a formulary.

In fact, the Los Angeles Times reported last week that a House Democratic leadership aide said, "We felt we couldn't go as far as the Veterans Affairs [Department] does."

Under the House Democrats bill, Medicare can't have a formulary. As I tried to make clear here today, the drug formulary is the key to negotiating lower drug prices. The House Democrats bill prohibits the Government from having a national formulary. No formulary means no negotiations, no leverage over drug companies. In reality, the Democratic proposal on negotiation actually prohibits the Government from negotiating. Under their plan for Government negotiation, the Government won't be able to say no to a drug company. With no formulary to bargain with, the drug companies could say something like this: No, why should I give you that price if you can't exclude me or charge higher cost sharing?

At the same time, the House Democrats bill repeals the prohibition on the Government setting a pricing structure. So if the Government cannot negotiate because it can't have a formulary, if there is no prohibition on Government price structure, where does that leave us? Sounds like price controls to me. Experience shows that when the Government sets prices for itself, when it gives itself mandatory discount, prices go up for everyone, higher prices for everyone else. Why would anyone want that sort of a situation?

Everyone always asks, why not have Medicare work like the VA program to get lower drug prices. I think I have laid out why that idea might not be as good as the proponents have made it sound. Having Medicare work like the VA could mean fewer drugs covered, restricted access to community pharmacies, more use of mail-order pharmacies and higher drug prices for everyone else. I can't imagine that is what people want.

So where does that leave us? The Medicare plans are working today. I say that based upon several polls that show 80 or so percent of the seniors are satisfied. The plans are also delivering the benefits to Medicare beneficiaries. These private sector plans have the experience of negotiating better prices. These Medicare negotiators have proven their ability to get lower prices. The Medicare plans are negotiating with drug companies using drug formularies within the rules set by law, and the formularies are basic for that negotiation.

Last week on the Senate floor, the Senator from Illinois said that the law "took competition out of the program so that [the drug companies] could charge whatever they want." That is not true. We have the 50-year experience of the Federal Employees Health Benefit Program negotiating for every Federal employee to keep costs down to the citizen as well as to the taxpayers. We patterned it something like that. And quite frankly, when we patterned it for the senior citizens under Medicare, I wasn't entirely sure we would get all the plans interested, that we would have the competition we ended up having. It has worked beyond our expectation. And thank God it did, because I am not sure we had that kind of expectation out of it. But it sure worked. Thank God something worked a little bit better than we anticipated it would work.

So we had a Senator saying that we took competition out of the program. Competition is what this program is all about, and that competition is working. Costs are lower. Premiums are lower. Let me quantify how premiums are lower, because when we were writing the bill in 2003, we were figuring at what price, somewhere between $35 and $40 a month, could we get seniors to join. Over that, we would have problems. Competition has brought it in at $23 last year and $22 this year on average. So these organizations remain in the best position to get lower prices for Medicare beneficiaries and taxpayers.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Iowa.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business for not to exceed 5 minutes in order to submit a resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the submission of S. Res. 22 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. COLEMAN. Mr. President, having recently returned from another visit to Iraq serving as a member of the Foreign Relations Committee, I come to the floor this afternoon to express my views on the most pressing issue facing our country today: our path to success in Iraq. The Iraq Study Group recently stated the situation in Iraq is grave and deteriorating. When the current path isn't working, you have to be flexible. You have to shift. You have to make a change. And, clearly, in Iraq today we have to make a change. The President of the United States, on Friday, said the same thing.

In December I met with Iraqi political leaders, U.S. troops and their leaders, as well as our diplomats on the ground. Our conversations with this broad range of individuals helped me draw various conclusions that are key to evaluating the proposals currently being debated. In light of the President's upcoming announcement of his strategy for Iraq, I think it is important to share these conclusions.

It is easy to lose sight of the fact that we are in Iraq as part of a Global War on Terror. There is no question that Iraq has become the key battleground of this war. Failure cannot be an option in either the overall war on terror or in Iraq. As the President has correctly stated, this is the battle of this generation. With menacing regimes in Iran and Syria, we cannot dismiss the fact that a failed state in Iraq would lead to much more than chaos and collapse in that nation. It would destabilize a critical region of the world and, most alarmingly, would create a breeding ground for terrorists whose ambitions do not stop at Iraq's borders. Americans—all Americans—have a direct stake in winning this war.

We know the United States will be involved in the war on terror for the foreseeable future. The question is, How do we move forward in Iraq? How do we fight this war? And, where do we put our troops?

From my experience in Iraq, I know now, or at least I believe, that we are fighting it essentially on two fronts. The first is the war we intended to fight: a war against terrorists, primarily Sunni extremists and foreign jihadists linked to al-Qaida—foreign terrorists. The other war is a war between the Iraqis themselves: Shiite against Sunni, in a seemingly endless cycle of grisly violence. Our military must continue the battle against extremists and terrorists, but we have no business being caught in the crossfires of an Iraqi sectarian conflict.

The good news is we have had great success in fighting the war on terror, imposing crippling losses on the international jihadist network which today operates in Iraq. Indeed, during my visit in December with marines from Minnesota stationed in Anbar, they reported they were making great headway against the insurgency there. I am proud of their accomplishments, and I firmly believe these military victories directly enhance our security at home. But to secure the ground that these marines have cleared of insurgents in places such as Fallujah, they need Sunni police officers. They need Sunni members of the Iraqi Army. They need reconciliation between Sunni and Shia. So as we continue to fight the first war, the war against terrorists, we need also to address the second war, that of Iraqi against Iraqi.

The overall consensus I found in Iraq is that we will be unable to hold on to the ground we have gained on the first front without addressing the second front: Iraqi sectarian violence. This violence is spiraling rapidly and is undermining the success we have made against the terrorists. If the Iraqi security forces, both Army and police, are to someday soon take over the fighting of the insurgency from U.S. troops, it is clear that intergroup violence must be brought under control. The Iraqi security forces must include all Iraqis: Sunni, Shiite, Kurd, and others. To be certain, our efforts cannot succeed if sectarian hatred is not addressed at the highest level of the Iraqi Government immediately.

The only long-term solution for bringing stability to Iraq must be centered on national reconciliation. It is true that after decades of Sunni violence led by Saddam Hussein and his regime, the Shiites still have unaddressed grievances. But this does not call for, nor permit, neighborhood-by-neighborhood ethnic cleansing, nor a refusal to work together for the future of all Iraqis. Shiites may be able to win short-term victories through the use of violence, but in the long term they will not have a unified country if they continue to do so. Iraqi leaders should focus on reining in all sectarian groups under the umbrella of a national and inclusive political process. This is a solution that can only be led by the Iraqis themselves.

With no doubt, this sectarian violence was left to grow unchecked for far too long. Even so, it is not too late to get Iraq back to stable footing. But it will come from dialogue and political compromise enforced by a central government prepared to take on militias under the control of religious sects, clans, and even common criminals. We must get to the point where Iraqi citizens express their views through political channels instead of through violence. The Iraqis are the masters of their own destiny, and it is important that our strategy regard them as such.

Since my trip to Iraq in December, I have been calling for the Iraqi Government to establish a series of benchmarks that will diffuse the sectarian violence and stabilize the country politically and economically. These benchmarks would include an oil revenue-sharing agreement and economic assistance to areas that have been neglected in the past. The reality is not putting resources in Anbar Province because it is Sunni, and so as a result, what you get is a feeding of insurgency by the actions of a government that has not been prepared to address the issue of sectarian violence. We will be a better supporter of the Iraqi Government if we pressure them to create and adhere to these benchmarks rather than assuming that this fractured Government will take this on by themselves. I fear that up to this point the Iraqi leadership has not stepped up to the plate to make the difficult decisions that are necessary to pave the road for a political solution.

When I was in Iraq with Senator BILL NELSON from Florida, we met with the Iraqi National Security Adviser to Maliki, Dr. Rubaie, who contended that sectarian violence wasn't the main problem, but the problem was the foreign terrorists and was the Sunni insurgency. That is not the case. As a Senator responsible for looking after the best interests of my constituents and all Americans, I take seriously the responsibility of Iraqi political leaders to honor the sacrifices that are being made by American soldiers. I refuse to put more American lives on the line in Baghdad without being assured that the Iraqis themselves are willing to do what they need to do to end the violence of Iraqi against Iraqi. If Iraq is to fulfill its role as a sovereign and democratic state, it must start acting like one. It is for this reason that I oppose the proposal for a troop surge. I oppose the proposal for a troop surge in Baghdad where violence can only be defined as sectarian. A troop surge proposal basically ignores the conditions on the ground, both as I saw on my most recent trip and reports that I have been receiving regularly since my return. My consultations with both military and Iraqi political leaders confirms that an increase in troops in areas plagued by sectarian violence will not solve the problem of sectarian hatred. A troop surge in Baghdad would put more American troops at risk to address a problem that is not a military problem. It will put more American soldiers in the crosshairs of sectarian violence. It will create more targets. I just don't believe that makes sense.

Again, I oppose a troop surge in Baghdad because I don't believe it is the path to victory or a strategy for victory in Iraq. I recognize there are those who think otherwise. The Iraqi Study Group, in their report, said that they could, however, support a short-term deployment, a surge of American combat forces to stabilize Baghdad or to speed up the training and equipping mission if the U.S. commander in Iraq determines that such standards would be effective.

I sat with the President with Democratic colleagues and Republican colleagues. I know that he has weighed this heavily, and I know he has looked at this issue for a long time. Apparently, he has come to the conclusion that, in fact, a troop surge would be helpful. I believe his comments will contain—hopefully contain—discussions about benchmarks and contain a commitment to do those things to rebuild the economy and create jobs so that we get rid of some of the underlying causes and frustrations that feed the insurgency. But the bottom line is, again, at this point in time, it is sectarian violence that I believe is the major issue that we face and more troops in Baghdad is not going to solve that problem.

As one of the final conclusions to share of my experience in Iraq, I would also like to emphasize the significant role of Iran in fomenting instabilities. Across the board, my meetings with Iraqi officials revealed that the Iranians are driving instability in Iraq by all means at their disposal. We had a hearing today in the Foreign Relations Committee and one of the speakers, one of the experts said that it may be, and it is probably clear that, the Iranians have a stake in American failure in Iraq and its stability in the region, and they feed on that. Indeed, there are credible reports that Iran is currently supplying money and weapons to both its traditional Shiite allies and its historic Sunni rivals, all for the purposes of ensuring a daily death toll of Iraqi citizens. It is clear the Iranians have concluded that chaos in Iraq is in their direct interest. Iran's role thus far, not to mention their pursuit of nuclear weapons, makes it hard to believe that they might suddenly become a constructive partner in the stabilization of Iraq.

I want to point out that my commitment to success in Iraq has not changed, nor my willingness to consider options that would realistically contribute toward our goals there. In my trips to Iraq, I have gone with an open mind as to what next steps could be taken as we work with the Iraqis to stabilize their country. I have said all along that the stakes of our mission in Iraq are such that failure is simply not an option, and I will only support proposals that will steer the United States toward victory. Abandoning Iraq today would precipitate an even greater surge of ethnic cleansing. It would, as I indicated before, precipitate an episode of instability and chaos in the region that would be in no one's interest. But my most recent trip to Iraq also reaffirmed to me that it is the Iraqis who must play the biggest role in any strategy for success. Our investment must be tied to their willingness to make the tough choices needed to pave the way to stability and for them to act on them.

I represent Minnesota, but if I represented Missouri, I think I would simply say to Maliki: Show me. Show me your resolve. Show me your commitment. Show me that you can, in fact, do the things that have to be done to deal with the sectarian violence, and then we can talk about enhancing and increasing the American effort. I haven't seen it. I don't see it today, and as such, I am certainly not willing to put more U.S. troops at risk.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. SALAZAR. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Vitter amendment, No. 10, is the pending amendment.

AMENDMENT NO. 15 TO AMENDMENT NO. 3

Mr. SALAZAR. I ask unanimous consent that the pending amendment be set aside so that I can offer amendment No. 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. SALAZAR), for himself and Mr. OBAMA, proposes an amendment numbered 15 to amendment No. 3.

Mr. SALAZAR. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require Senate committees and subcommittees to make available by the Internet a video recording, audio recording, or transcript of any meeting not later than 14 days after the meeting occurs)

At the appropriate place, insert the following:

SEC. . PUBLIC AVAILABILITY OF SENATE COMMITTEE AND SUBCOMMITTEE MEETINGS.

(a) IN GENERAL.—Paragraph 5(e) of rule XXVI of the Standing Rules of the Senate is amended by—

(1) by inserting after "(e)" the following: "(1)"; and

(2) by adding at the end the following:

"(2) Except as provided in clause (1), each committee and subcommittee shall make publicly available through the Internet a video recording, audio recording, or transcript of any meeting not later than 14 days after the meeting occurs.".

(b) EFFECTIVE DATE.—This section shall take effect October 1, 2007.

Mr. SALAZAR. Mr. President, I rise today to discuss amendment No. 15, which is being offered by myself and the Senator from Illinois, BARACK OBAMA. The amendment is a very simple amendment but a very important one as we undertake our effort to revise the ethics rules of the Congress. The amendment simply requires that each Senate committee and subcommittee make available on the Internet either a video recording, an audio recording or a transcript of every meeting that is open and that those documents be made public within 14 days of the meeting's adjournment, unless a majority of the committee members decide otherwise.

I was surprised, frankly, to realize how difficult it is for all of our constituents to learn about the work we do in this Senate and Congress because most of that work occurs in the committees of our legislative Chamber. Most of those committee meetings are not broadcast. There are a few occasionally that get broadcast on C-SPAN or that are picked up by one of the networks, but that is a rare occurrence. It is an exception to receive that kind of broadcast. So, as far as the public of the United States is concerned, most of the work we do in committees—which is where most of the work actually occurs for our legislative activity—is work that actually occurs in the dark.

While Senate rules require that committee meetings be open to the public and that each committee prepare and keep a complete transcript or electronic recording of all of its meetings, it still remains very difficult for citizens to figure out what actually goes on in our committee rooms. According to one estimate, a transcript or electronic recording is available online for only about one-half of all Senate committee and subcommittee hearings. Only for one-half of those hearings is there made available a transcript that the public can actually access. That number is far too low. There is no reason why, in this day of modern technology and communications, we should not be able to achieve a goal of 100 percent.

I know we often refer to Justice Brandeis because he was one of those great jurists who really illuminated our times with some of his wisdom, his jewels that have become almost cliches that captured the moment. I remember Justice Brandeis's famous line where he said, "Sunshine is said to be the best of disinfectants."

Those words are as true now as ever. We have seen an unprecedented level of secrecy in the legislative process. We have seen one-party conference committees where, just because you happen to be of the other party, you were not allowed to participate in the conference committee or you were not even notified that a conference committee was, in fact, meeting. We have seen provisions that are slipped into conference committee reports that were not passed by either Chamber. Those kinds of procedures and tactics are often used. That kind of secrecy is part of what has caused a lack of confidence of the American people in our institutions in Washington, DC.

The time for secret government is over. This legislation we have been considering over the last several days, and hopefully will bring to conclusion this week or next week, will be a great first step in making sure we are returning government back to the people and integrity back to the processes which we oversee in the Congress.

I hope my colleagues can join us as we move forward with this amendment. I will quickly add that the amendment will create no serious burden for the committees of our Senate. First, our committees will have until October 1 of 2007 to adjust their practices. Second, they have three options: They can do audio, they can do video, they can do transcript—whichever option they choose—in order to comply with the provisions of my amendment. Third, many of the committees are already posting this information online.

One central purpose of this bill is to improve transparency in the legislative process. My amendment is an important step in that direction. I urge my colleagues to support this amendment. I thank Senator OBAMA for his support of this amendment and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2 TO AMENDMENT NO. 3

Mr. LEAHY. Mr. President, I understand that amendment No. 2 is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. PRYOR, proposes an amendment numbered 2 to amendment No. 3.

Mr. LEAHY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To give investigators and prosecutors the tools they need to combat public corruption)

At the appropriate place, insert the following:

SEC. . EFFECTIVE CORRUPTION PROSECUTIONS ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the "Effective Corruption Prosecutions Act of 2007".

(b) EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.—

(1) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3299. Corruption offenses

"Unless an indictment is returned or the information is filed against a person within 8 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

"(1) section 201 or 666;

"(2) section 1341, 1343, or 1346, if the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;

"(3) section 1951, if the offense involves extortion under color of official right;

"(4) section 1952, to the extent that the unlawful activity involves bribery; or

"(5) section 1963, to the extent that the racketeering activity involves bribery chargeable under State law, or involves a violation of section 201 or 666.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"3299. Corruption offenses.".

(3) APPLICATION OF AMENDMENT.—The amendments made by this subsection shall not apply to any offense committed more than 5 years before the date of enactment of this Act.

(c) INCLUSION OF FEDERAL PROGRAM BRIBERY AS A PREDICATE FOR INTERCEPTION OF WIRE, ORAL OR ELECTRONIC COMMUNICATIONS AND AS A PREDICATE FOR A RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS OFFENSE.—

(1) IN GENERAL.—Section 2516(c) of title 18, United States Code, is amended by adding after "section 224 (bribery in sporting contests)," the following: "section 666 (theft or bribery concerning programs receiving Federal funds),".

(2) IN GENERAL.—Section 1961 of title 18, United States Code, is amended by adding after "section 664 (relating to embezzlement from pension and welfare funds)," the following: "section 666 (relating to theft or bribery concerning programs receiving Federal funds),".

(d) AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE PUBLIC CORRUPTION OFFENSES.—There are authorized to be appropriated to the Department of Justice, including the United States Attorneys' Offices, the Federal Bureau of Investigation, and the Public Integrity Section of the Criminal Division, $25,000,000 for each of the fiscal years 2008, 2009, 2010, and 2011, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 654, 666, 1001, 1341, 1343, 1346, and 1951 of title 18, United States Code.

Mr. LEAHY. Mr. President, I am pleased to join with Senator MARK PRYOR to offer an amendment to the ethics bill, the Effective Prosecutions Act of 2007. Our amendment would strengthen the tools available to Federal prosecutors in combating public corruption. It gives investigators and prosecutors the statutory rules and resources they need to assure that corruption is detected and prosecuted.

In November, voters sent a strong message that they were tired of the culture of corruption. From war profiteers and corrupt officials in Iraq to convicted administration officials, to influence-peddling lobbyists and, regrettably, even Members of Congress, too many supposed public servants are serving their own interests rather than the public interests.

Actually, the American people staged an intervention and made it clear they would not stand for it any longer, and they expect Congress to take action. We need to restore the people's trust by acting to clean up the people's government.

The Legislative Transparency and Accountability Act will help to restore the people's trust. Similar legislation passed the Senate last year, but stalled in the House. This is a vital first step.

But the most serious corruption cannot be prevented only by changing our own rules. Bribery and extortion are committed by people who are assuming they will not get caught. These offenses are very difficult to detect and even harder to prove. But because they attack our democracy itself, they have to be found out and punished. We can send a signal we don't believe in corruption, that we want it punished.

I was pleased to join Senator PRYOR last week to introduce the Effective Corruption Prosecutions Act of 2007, and I hope that all Senators will support us and incorporate this important bill into the Legislative Transparency and Accountability Act. Our legislation gives investigators and prosecutors the tools and resources they need to go after public corruption.

Senator PRYOR is a former attorney general. He understands, as I do, as I am a former prosecutor, the need for such legislation.

First, it would extend the statute of limitations for the most serious public corruption offenses, extending it from 5 years to 8 years for bribery, deprivation of honest services, and extortion by public officials.

The reason this is important is these public corruption cases are among the most difficult and time consuming to investigate, before you even bring a charge. They often require use of informants and electronic monitoring, as well as review of extensive financial and electronic records, techniques which take time to develop and implement. Once you bring a charge, the statute of limitations tolls. You do not want it to run out before you can bring the charge.

Bank fraud, arson, and passport fraud, among other offenses, all have 10-year statutes of limitations. Since public corruption offenses are so important to our democracy and these cases are so difficult to investigate and prove, a more modest extended statute of limitations for these offenses is a reasonable step to help our corruption investigators and prosecutors do their jobs. Corrupt officials should not be able to get away with ill-gotten gains simply because they outwait the investigators.

This legislation also facilitates the investigation and prosecution of an important offense known as Federal program bribery, Title 18, United States Code, section 666. Federal program bribery is the key Federal statute for prosecuting bribery involving State and local officials, as well as officials of the many organizations that receive substantial Federal money. This legislation would allow agents and prosecutors investigating this important offense to request authority to conduct wiretaps and to use Federal program bribery as a basis for a racketeering charge.

Wiretaps, when appropriately requested and authorized, are an important method for agents and prosecutors to gain evidence of corrupt activities, which can otherwise be next to impossible to prove without an informant. The Racketeer Influenced and Corrupt Organizations, RICO, statute is also an important tool which helps prosecutors target organized crime and corruption.

Agents and prosecutors may currently request authority to conduct wiretaps to investigate many serious offenses, including bribery of Federal officials and even sports bribery, and may predicate RICO charges on these offenses, as well. It is only reasonable that these important tools also be available for investigating the similar and equally important offense of Federal program bribery.

Lastly, the Effective Corruption Prosecutions Act authorizes $25 million in additional Federal funds over each of the next four years to give Federal investigators and prosecutors needed resources to go after public corruption. Last month, FBI Director Mueller in written testimony to the Judiciary Committee called public corruption the FBI's top criminal investigative priority. However, a September 2005 Report by Department of Justice Inspector General Fine found that, from 2000 to 2004, there was an overall reduction in public corruption matters handled by the FBI. The report also found declines in resources dedicated to investigating public corruption, in corruption cases initiated, and in cases forwarded to U.S. attorneys' offices.

I am heartened by Director Mueller's assertion that there has recently been an increase in the number of agents investigating public corruption cases and the number of cases investigated, but I remain concerned by the inspector general's findings. I am concerned because the FBI in recent years has diverted resources away from criminal law priorities, including corruption, into counterterrorism. The FBI may need to divert further resources to cover the growing costs of Sentinel, their data management system. The Department of Justice has similarly diverted resources, particularly from United States Attorney's Offices.

Additional funding is important to compensate for this diversion of resources and to ensure that corruption offenses are aggressively pursued. This legislation will give the FBI, the U.S. attorneys' offices, and the Public Integrity Section of the Department of Justice new resources to hire additional public corruption investigators and prosecutors. They can finally have the manpower they need to track down and make these difficult cases, and to root out corruption.

These may sound like dry nuts-and-bolts measures, but what we are trying to figure out is what will actually allow us to investigate and prosecute the kinds of crimes that undermine our democracy.

If we are serious about addressing the egregious misconduct that we have recently witnessed, Congress must enact meaningful legislation to give investigators and prosecutors the resources they need to enforce our public corruption laws. I strongly urge Congress to pass this important amendment as a major step to restoring the public's trust in their government.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Utah.

Mr. BENNETT. Would the Senator from Vermont yield for some questions?

Mr. LEAHY. Certainly.

Mr. BENNETT. Mr. President, my first question is whether the Department of Justice has asked for this and whether they need these additional resources to deal with the challenges.

Mr. LEAHY. Mr. President, if I might answer that, last month the FBI directed written testimony to the Judiciary Committee. When GAO looked at it, the Department of Justice Inspector General found the numbers had gone way down partly because some of the resources had been converted to other matters. Regarding financial resources, as the distinguished Senator certainly knows, as he is on the Committee on Appropriations, enormous amounts of money were diverted to the very difficult setup of the computer system, the central system, and the FBI. Hundreds and hundreds and hundreds of millions of dollars literally went down the drain, and they have had to start all over.

I understand from Director Mueller's assertion that there has been an increased number of agents investigating public corruption cases, but it also appears that the resources have not been there.

If they don't want it, send it back to the Treasury. What I am concerned about, I say to my friend from Utah, and he is my friend, I recall in prosecutor days when legislative bodies would say, Boy, we are going to cut down on crime, we are going to give more crimes increased penalties; that will stop crime. And I said, Well, are you going to give us the resources to catch the people? No, we don't have money for that, but we will double the penalty.

The fact is, if somebody commits a crime, they figure they won't get caught. On some of these sophisticated bribery cases, and I include influence-peddling cases, they think if they can wait out the short statute of limitations, the 5-year statute of limitations, they can get away with it. We will at least increase that to 8 years. It should be out there somewhere near sports bribery, which I believe is 10 years.

Mr. BENNETT. Mr. President, I thank the Senator for his answer.

It seems to me this is more of an appropriations issue rather than something that is relevant to this bill. I remember in history that Members of Congress who were involved in ABSCAM were picked up without the additional authority that is in this amendment. I remember Mayor Marion Barry, the Mayor of Washington, was videotaped with existing powers and existing resources at that time without the additional information of this amendment. As we have said, both Jack Abramoff and Duke Cunningham are in jail under existing procedures and existing resources.

While I certainly do not want to be here characterized as being reluctant to pursue wrongdoing, I am not sure I understand why this particular activity is essential now, whether we have any indication that there is a great deal of Government corruption in both Houses that needs this kind of additional attention. If they need more money because of additional workload elsewhere, I am more than happy to vote for the more money. I would appreciate it if the Senator from Vermont would give Members the background of why he thinks this additional activity is necessary.

Mr. LEAHY. The money will still be appropriated. Simply authorizing does not appropriate money. I don't want to be in a position where the Committee on Appropriations or somebody says we are not authorized. The distinguished Senator could easily say "zero." I don't want them to say it is a great idea but they cannot authorize it.

We just agreed to an amendment that makes it a crime that already exists and makes it a misdemeanor. The Senator from Utah supports that. This is for prevention of crimes and to make sure they can be prosecuted. They are not being prosecuted.

The Senator mentions the Jack Abramoff case. We know that is ongoing, and there were lots of people who hoped they could wait out the statute of limitations on that bad boy. Under this, they will not.

I suggest we make these retroactive. I am suggesting we need enough time to investigate. And the FBI has had to divert so much money—first the hundreds of millions lost because they screwed up on the computer system, and they have had to divert a lot more from it. If they want to come up here and tell us they don't need this, fine. I haven't heard that from the Department of Justice at all. I have heard from the Inspector General that these investigations have suddenly gone way down in the last 4 years. Maybe there has been a great new wave of morality in this country and we have only seen the most egregious cases. I believe in the redemption of everyone, but I am not sure it happens all at once.

Mr. BENNETT. Mr. President, I will look at this amendment with great interest. I appreciate the sincerity with which my friend from Vermont offers it.

My first reaction to the increase in the statute of limitations is that is fairly reasonable. My only immediate reaction is it gives the impression that there is widespread corruption that is not being examined in the Congress.

Mr. LEAHY. This is not just the Congress; we are talking about the ability to go after State officials, for example, who are diverting public money. We are talking about a group that receives Federal funds and uses bribery to get it, going after or diverting it when they do. This is not just naming 535 Members of Congress but goes further than that.

Mr. BENNETT. I appreciate that clarification. I will examine the amendment with great care.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. What is the pending business, Mr. President?

The PRESIDING OFFICER. The Leahy amendment is the pending amendment.

AMENDMENT NO. 16 TO AMENDMENT NO. 4

Mr. STEVENS. Mr. President, I ask unanimous consent that amendment be set aside so I can offer an amendment to the Reid amendment No. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I have the amendment at the desk, Mr. President.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 16 to amendment No. 4.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit certain travel within State)

At the appropriate place in the amendment insert the following:

"(l) Notwithstanding any other provision of this paragraph or any other rule, if there is not more than one flight daily from a point in a Member's State to a point within that Member's State, the Member may accept transportation in a privately owned aircraft to that point provided (1) there is no appearance of or actual conflict of interest, and (2) the Member has the trip approved by the Select Committee on Ethics. When accepting such transportation, the Member shall reimburse the provider at either the rate of a first class ticket, if available, or the rate of a full fare coach ticket if first class rates are unavailable between those points.".

Mr. STEVENS. Mr. President, the current Senate rule requires Members to pay the cost of a first-class plane ticket for travel on a private plane. The amendment does not substantially reform our lobbying laws, and this amendment will place an undue burden on Members from rural States, at great expense to the taxpayers.

Most Members who take private flights do so to complete official business. These flights enable Members from States such as Wyoming, Montana, and my State of Alaska access to rural areas. Our State does not have the infrastructure found in more densely populated States throughout the country. Many of our constituents live in communities that cannot be accessed by road. We need to fly to these remote communities.

Despite this rule, or any other rule, these flights are essential and will continue and must continue to take place. This amendment will not provide meaningful reform. It will increase the amount of money Members need from the Treasury to pay for these flights. The taxpayer will foot the bill for the amendment, and the only real change will be more money in the pockets of those who own and operate the private planes.

Those representing States with less-developed infrastructure and many geographically remote communities—my friends from other rural States and even some large States such as California—have this problem. It is a unique problem. It is essential to take flights into these rural areas because there are no roads to get there.

In Alaska, almost 80 percent of our towns and villages cannot be accessed by road year-round. Even our State capital, Juneau, can only be reached by boat or by plane. There are few scheduled commercial flights a week to many villages in our State. Our State uses planes the way people in the lower 48 use cars, buses, and taxis.

It is literally true. If I took a Senator to Bethel, for instance, and wanted to go upriver to visit some of the mines or the small villages, there is only one way to get there, and that is by plane, and in many instances a floatplane. But these are still private aircraft and would be banned by this amendment—or the actual cost of the operation of the plane would be required to be paid, but I would be paying that from taxpayers' funds, not from my funds but from the taxpayers' funds if this amendment passed.

Flights on private planes are necessary in our State, particularly when traveling to areas which are only accessible by private planes or by long boat rides in the summertime. Along the great rivers such as the Yukon or the Kuskokwim, you could take a boat. It would take you several days to wind up those rivers to go to a village you might be able to fly to in 30 minutes.

I use private planes to visit constituents who cannot afford to come to Washington to visit with our congressional delegation. On many occasions, I am asked to come to these villages to talk to them about their problems, and I can only go there by private plane. I use private planes to view the conditions in rural communities and villages. For instance, this last October, I visited the village of Kivalina in my State to view the catastrophic damage caused by winter storms there.

Now, at times we do have available the Air National Guard planes. But in times of war such as this right now, to use these National Guard planes puts a substantial burden on the Guard because so many of their people are deployed.

Now, I can recall several occasions when I have traveled with other Members on private planes to show them areas of our State which were subject to important legislation. These trips have been invaluable to our deliberations on the floor.

I recall taking a group of Senators on a CODEL—"congressional delegation;" that is "CODEL"—to Prudhoe Bay to help them understand Alaska's oil industry. There is no public access to Prudhoe Bay and no commercial flights. We must fly in on an industry plane.

We continued the CODEL. After we got there—we went up by their jet—we took a helicopter flight over the Coastal Plain of ANWR. Now, that, again, was about an hour and a half flight, out and back, on a helicopter. That flight was on a private helicopter, owned by some entity within the oil industry there at Prudhoe Bay. Had this proposed amendment been in effect, that trip would not have been possible, as the cost of the trip would have been prohibitive.

Now, other people were going up there anyway and we flew up on their plane to Prudhoe Bay.

On the helicopter, they wanted us to go out and see these conditions where drilling would take place. But it would not have been possible for the Senators who were our visitors to see this area firsthand. The area we went to and had them look at is an area that currently is producing 16 percent of our Nation's energy. If you want to go visit that industry in Oklahoma or somewhere like that, you would go to a town by commercial aircraft and you would get probably in a private car and they would drive you out. I doubt that you would have to have a helicopter. But what I am saying is, our conditions require air where other people use buses, taxis, or private automobiles.

There are countless examples of how we use these airplanes. For instance, about 3 years ago, I went along on a flight that was going to Bethel, AK. This is an area out in the Kuskokwim Delta area of our State. The person who asked me to go with him wanted me to personally experience the use of a capstone variant. A capstone is a system that has revolutionized the airline safety industry in our State. In the 1990s, for instance, an airplane crashed on average every other day in my State. We had an aircraft-related fatality every 9 days. Capstone and these related technologies, which make cockpit technology available to the pilot to know what is going on and what the threats are, have reduced these airplane crashes by 40 percent.

The reason I went along was they wanted me to see that system and to experience it so I would understand it and support the money the FAA was going to ask for in terms of development of these new technologies.

I went out to Valdez several times on an industry airplane to review the 1989 oil spill in my State, once in a Coast Guard jet. That was my first flight to see that fantastically horrible and great disaster. But we went out several times to try to figure out what to do with our oversight of the oil spill itself. We went out in a private airplane. I also recently took a flight from Point Barrow, which is at the top of our State, the farthest north portion of our State, over to Nome, which is out on the peninsula, and it is a flight—there is no scheduled service between those two places. It is about 300 miles. If I had not taken that flight on a private plane, I would have gone down to Fairbanks from Barrow, gone to Anchorage, and then flown back up to Kotzebue and come down to Nome. It actually saved the taxpayers money. This was an official business trip that saved the taxpayers money by going the same way on a private plane, and we compensated the owner of that plane under the current rule with the equivalent of a first-class fare between those two places, had there been such a scheduled flight in the first place.

For instance, the flight from Anchorage alone to Nome is 540 miles. It is farther than from here to Chicago. I think that is about 500 miles. Anyway, if this amendment passes, I have to ask the Senate, what should we do, those of us who represent rural areas such as this? I don't think the Senate expects us not to respond to a constituent's request, particularly an organized area such as a village or a city, to come view the conditions in their area when they believe they need Federal assistance. We have to take planes to get to such areas.

Last October, I visited several communities along the west coast of Alaska that had been damaged by severe storms, and we used a combination of commercial, charter, and private aircraft. We worked out what was the best advantage to the Government and used different types of aircraft as we went on that trip. I saw firsthand the problems of erosion that are going on there and learned about the needs of those places, particularly the problems these villages will face in the future if continued erosion takes place and they have to move back from these barrier islands on which they live. My charter cost alone, one way from Kotzebue to Bethel, was $1,500. That was the charter cost which we paid on the equivalent because there was no scheduled flight there, a 3-hour flight, more than triple the total cost for commercial and private flight combined. Had this amendment been in effect, there would have been no way that I could have justified spending taxpayers' money for this type of transportation cost.

If a Member from another State is going from one town to another and someone is going to drive there, there is no provision that anybody would have to pay for the cost of going in an automobile to another town. The effect of this amendment now would be that whenever I use an aircraft that is a private aircraft, I would have to repay from the Treasury, by asking for the funds, to an organization with a plane that was going to fly there anyway.

I think our current rule is very fair. It says we pay the operator of those airplanes the equivalent first-class fare to travel from point to point in our State. It would be unreasonably expensive to apply the provisions of the pending amendment to our State.

It is particularly burdensome because of our Senate rules. I don't think many Members think about this. Our office allowances are based on population, not the distance we travel within our State. We would have to pay from our allowances. And each Senator gets a maximum allowance per year from the Senate. This amendment, if enacted, will mean that my budget will run out in the first month or two of the calendar year. It would not permit us to travel to these remote communities throughout the year. It would simply become too expensive to deal with going to these communities to listen to their complaints and to view them and to be able to report to the Senate.

I believe that if a plane is going to a village in the direction I need to go, if there is room on that for my staff and me, we should be able to get on that plane and go see the problems they want us to see. And it is reasonable to compensate them at what it would cost to fly on a commercial flight, if there was one. That is what we have been doing. I have never had a complaint from anyone in my years here in the Senate traveling under the existing rule. Taxpayers, however, should not have to pay outrageous costs for us to do our business.

As a matter of fact, as I said, once we have exhausted our allowances, and coming from a State that has a small population but is enormous, this is going to be an enormous burden on those of us who represent our State.

I have hesitated to try to get an exemption for Alaska. I am not doing that. The amendment I have before the Senate will continue the current rule but would say that we can travel on a privately owned aircraft to the point where there is not commercial service, but we would have to go to the Ethics Committee and show there is no appearance or actual conflict of interest in taking the trip, and the trip would have to be approved by the Ethics Committee. I think that gives it a transparency. We not only will report after we take the trip, but we will get approval of the Ethics Committee before we take the trip.

There is a lack of commercial air service in many areas in the lower 48 that this would apply to, the larger States in the West in particular. We just do not have frequent flights between our communities that other States enjoy. We travel great distances to see our constituents. When I go west from Anchorage out to Shemya—that is the place where the X-band radar was going to be and where the current radars they operate in the North Pacific are, a former large air base that is not very large now—that is 1,200 miles. If I go out farther than that to Adak, it is almost 1,800 miles. If I fly from Anchorage to Unalakleet, the charter rate under the Reid amendment would be thousands of dollars. I should go to places like that at least once a year. I try to do that.

The effect of this prohibition against using these private planes unless we pay the charter rate is really very oppressive.

Mr. GREGG. Will the Senator yield so I may ask a question?

Mr. STEVENS. I do yield without losing my right to the floor.

Mr. GREGG. I ask unanimous consent that at the conclusion of the Senator's remarks, I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. The pending amendment will not improve the system as far as those of us from these rural States are concerned. It will hurt our constituents. I think it will punish the taxpayers.

Some have suggested that raising the cost of private plane travel is important because it gives the appearance of fairness. The reason is that citizens cannot fly on private planes, so we should not be able to fly on them, either. The difference is that a private citizen in my State doesn't have to go to Kivalina, doesn't have to go to Unalakleet, doesn't have to go to these places where changes are taking place as we speak. The whole Arctic is changing because of the current circumstances. I think the Senate is going to hear more about that. But as these changes take place, we must go there. We must try to take people from the administration there. We must try to get the Corps of Engineers and other agencies to go with us to see what can be done to meet the problems our constituents face.

I don't think there are many Senators who would have to visit four or five communities in one weekend that are so far apart. We usually only have a weekend to make trips such as this. If those of us who have to do this have to pay this charter rate, it is not our money, this is official business. If this amendment passes, I will be asked to spend part of the allowance I get to run my Senate office at enormous cost to pay the full cost of flying the plane on a charter rate even though there are other people in that plane who are already going on company business and they are willing to take us along on the basis of paying what would be the equivalent in terms of a commercial rate.

We need transparency. I support that. We want to try to do this without additional burden to our taxpayers. I think we should disclose flights on private planes, and we do. We disclose them. Today we disclose. Under the current rule, we disclose whom we paid when we go on these flights. From my point of view, we ought to look at this amendment from the point of view of appearances, but it really is not totally appearances. It is necessity. If this amendment passes, we will face the difficult choice of either flying to remote communities at considerable cost to the taxpayer or to the State and the developed communities or failing to do the duty to those we represent who live in these remote areas. I think Alaska has probably the most pressing problems of any State in terms of the changes that are coming back because of global climate change. There is no question about that.

We will do everything we can to assist a Senator who faces problems such as that but not do it in a way that will increase substantially the cost to the taxpayers and reduce our ability to do our jobs as Senators. If I have to use this money to take those trips to these small cities, I will not have the money to do the things I would normally do—for instance, flying from here to Alaska. The same funds that are available to us to pay these charters flights are the funds I use to fly to Alaska.

I parenthetically say, Mr. President, when I came here, a Senator was allowed two trips a year. One to come down and go back and another to go home. Today, many of us make 10, 15, 20 trips. One time, I made 35 trips home to my State of Alaska because there were so many problems and things we had to do. It was not for campaigning or an election year, it was to talk to people about problems they were facing.

I don't think this amendment is part of lobbying reform. I understand the need to find some way to deal with it. I, also, believe we should have some exception in the amendments that deals with the problems we face, where we cannot travel except by the use of private planes. I hope the Senator from California will take occasion to look at this amendment. I know that being a Californian, there are problems she faces, too, but not on the regular basis that we face, in terms of dealing with Alaska.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I know there is a unanimous consent agreement of the Senator from New Hampshire. Would he allow me to answer the Senator from Alaska?

Mr. GREGG. Yes, I will do that.

Mrs. FEINSTEIN. On the face of this, I don't have a problem with it.

Mr. STEVENS. I thank the Senator.

Mrs. FEINSTEIN. I appreciate the smile. It is a rare one.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 17

Mr. GREGG. Mr. President, I rise to offer an amendment to this bill, along with Senator DEMINT and a number of colleagues—about 25 of them.

This amendment we are offering is what we call the second look at waste amendment. It is a child of the original line-item veto, although it is not a line-item veto. As the Congress will remember, we passed the line-item veto in the early 1990s and gave President

Clinton that authority. He actually used that authority. It was challenged in court and was found to be unconstitutional. But that line-item veto was passed rather strongly by this Congress and by the Senate, and it was a bipartisan effort, which I hope this will be, to try to allow the executive branch more opportunity to address omnibus bills around here.

This proposal that we put forward is not like the line-item veto because it doesn't have the same constitutional impact. It is truly a second look at waste amendment, where we basically say to the executive branch that if you get one of these omnibus bills filled with different initiatives—and these bills can be hundreds of pages long and can involve hundreds of billions of dollars of spending and massive amounts of authorization, and it is not unlikely that there is going to be a fair amount of activity put in there because somebody knows it is an omnibus bill and they know it is going to have to pass and go forward, and even though the language put in may be questionable as to purpose, policy or as to just plain waste, it gets stuck in this—baggage thrown in the train as they say—that baggage can never be looked at. The President has no capacity to take another look at this. Congress ends up with the vote—and we get one vote, usually, on these types of bills; sometimes in the Senate we get more shots at it. They are not scrutinized at an intensity level that they should be.

So this second look at waste language essentially says that the President can, on four different occasions during the year, send up what amounts to an enhanced rescission package, where if he has gotten bills that have had in them things the executive branch deems to be inappropriate, most likely wasteful spending or spending that is unnecessary or maybe counterproductive even, he can ask the Congress—or she, maybe in the next round—to take another look at that spending, and there is a fast-track procedure where that goes to a vote.

The savings, should they occur as a result of rescission—and it is presumed that all rescissions will involve savings—will go to deficit reduction. The language itself is essentially modeled after language that was offered as a Democratic substitute by the Democratic leadership back when we were debating the original line-item bill President Clinton ended up having the authority to use. So we have tried to structure it in a bipartisan way, using bipartisan language and verses—for example, the language originally sent up by the White House as to how they would have liked to have handled this, which we felt overreached the authority of the executive significantly, and we have basically set that language aside and moved forward with this language, which is more restrictive on executive rights. It truly retains the right of the legislative branch to control the spending issues. But it does ask us, as the legislative branch, to take another look at things that may be of questionable interest. Of course, if both Houses don't approve the request from the President, the spending stays in place. So it is one of these light-of-day amendments that tracks very closely what is being proposed in both Houses in the area of earmarks.

It is an attempt to address what is a common event, which is a cluster or a significant earmark not necessarily individually directed but maybe more expansive, that is put in a bill that the executive simply can't not sign and the Congress can't not pass. So it is an attempt to basically bring some transparency, light of day, on some of what occurs around here and is referred to as occurring in the middle of the night.

It is an initiative which has very strong support by a large number of groups. A few would be the Chamber of Commerce, the Center for Individual Freedom, the Concord Coalition, Americans for Tax Reform—groups that are interested—the National Taxpayers Union—groups that are interested in having more discipline over the fiscal process of this Government.

All this is is another disciplining mechanism. It actually gives the executive branch the opportunity to come forward and say, listen, do you want to do this? Did you want to spend this money in this way? If the Congress concludes that, yes, it did, the matter is over. In fact, it takes an affirmative action of the Congress to confirm the decision of the executive or the request of the executive to pursue this course of action of not spending this money. The original Presidential proposal would have allowed them to send up numerous rescission requests, which could have tied the Congress up technically and practically for months. This avoids that. It is very limited. They can only send up four, and one has to come up with a budget. The original request from the executive branch would have said that they could withhold spending on something that they decided to send a rescission up on for up to 180 days, with the practical effect being they could have withheld spending almost forever.

This bill dramatically shortens that to 45 days or until Congress acts. It is similar to a BRAC approach, in other words. It says you tell us what you think should be rescinded. We will act within a short timeframe. If we disagree or decide not to act in a way that is consistent with your request, then the matter is over and the money gets spent. If we agree, the rescission occurs and both Houses must concur in the rescission.

So this is an exercise in good Government, in transparency, and it is an exercise in trying to give the American people the information they need on bills that are very complex and sometimes have a lot of questionable activity buried in them, to give them another chance to have those decisions reviewed. It is an exercise in fiscal discipline because the money saved goes to deficit reduction.

As I said, it has very strong support. I hope that my colleagues will join us in supporting this. I see that the Senator from South Carolina has joined us on the floor. He has been a strong spokesperson for this initiative.

I send my amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside without objection.

The clerk will report.

The legislative clerk read as follows:

> The Senator from New Hampshire (Mr. GREGG), for himself, Mr. DEMINT, Mrs. DOLE, Mr. BURR, Mr. CHAMBLISS, Mr. THOMAS, Mr. SESSIONS, Mr. MCCONNELL, Mr. LOTT, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. ALLARD, Mr. CRAPO, Mr. BUNNING, Mr. VITTER, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAIG, Mr. MCCAIN, Mr. SUNUNU, Mr. ENZI, Mr. MARTINEZ, Mr. COLEMAN, Mr. GRAHAM, and Mr. VOINOVICH, proposes an amendment numbered 17.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. GREGG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I rise in support of the amendment offered by Senator GREGG. This amendment would establish a legislative line-item veto.

The American people sent a clear message in November that they were tired of a broken system that wasted their hard-earned money on pork projects. They want us to make the tough decisions and end the "favor factory," where taxpayer money goes to the highest bidding lobbyist.

The legislative line-item veto strikes at the heart of this ethics dilemma. It gives the President the ability to strip special spending and earmarks out of a bill and send them back to Congress for an up-or-down vote. By doing this, it allows the administration to work with Congress in a constructive way to reduce wasteful spending, to reduce the budget deficit and ensure that taxpayer dollars are spent wisely.

The Senator's amendment permits the President to submit to Congress proposals to cancel specific appropriations, as well as items of direct spending and targeted tax benefits. Both the House and the Senate would have to vote on each Presidential proposal, without amendment, within a short timeframe. But the proposed rescission could not take effect unless approved by Congress.

Mr. President, giving the President enhanced authority to seek rescission of new spending will help ensure that taxpayer dollars are not wasted on earmarks that are not national priorities. Since the Supreme Court struck down the Line-Item Veto Act of 1996, the number of earmarks has significantly increased. The line-item veto has a long history of bipartisan support. At least 11 Presidents from both parties have called for the authority to address individual spending items wrapped into larger bills. These Presidents include Grant, Hayes, Arthur, Roosevelt, Truman, Eisenhower, Nixon, Ford, Reagan, Bush, and Clinton. Additionally, the Governors of 43 out of 53 States already have this authority.

Mr. President, the Senator's proposal is also consistent with the Constitution. In its 1998 ruling striking down the Line-Item Veto Act of 1996, the Supreme Court concluded that the act "gave the President the unilateral power to change the text of duly enacted statutes." However, this amendment does not raise those constitutional issues because the President's rescissions must be enacted by both Houses of Congress and signed into law.

This amendment has been dramatically curtailed so that even supporters of congressional earmarks can support it because it limits the President to four rescission packages a year. The fast-track mechanism is similar to what we use for BRAC, as well as free trade agreements. Rather than forcing Americans to accept a foot-tall omnibus spending bill with thousands of earmarks, this amendment will give the President a second look at waste so we can all protect American taxpayers.

This is an important amendment. We know that earmarks have gotten way out of control and must be reduced. Without this commonsense provision, this bill cannot be serious about addressing earmarks, as well as the corruption that is associated with them.

The Senator's amendment is very sound, and I urge my colleagues to support the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mrs. HUTCHISON. Mr. President, will the Senator yield? I ask unanimous consent that following the remarks of Senator CONRAD, I be recognized to speak in support of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is one of the all-time worst ideas to be brought to the Chamber. First, it has no place on this bill. This bill is about ethics reform. What our colleagues have brought is a budget matter, without taking it to the Budget Committee first, without hearings, without a chance for review, without a recommendation. As a result, it is subject to a budget point of order which, if other action is not taken, I will be constrained to raise at the appropriate time.

Why do I say this is a bad idea? Because it has virtually nothing to do with budget discipline, and it has virtually everything to do with increasing the power of the President. That is what this is about.

I hope colleagues understand that this provision, if adopted, would actually undermine the chances to do something about our long-term fiscal imbalances. People listening may wonder: How can that be? How can the line-item veto in any way endanger a long-term agreement on entitlements? Let me say why.

Tucked away in this little legislative offering that has been casually brought to the floor without going through the Budget Committee first are provisions that would allow the President to target any agreement reached on a long-term solution to our entitlement challenges. So we could have—and we are working to achieve now—a long-term agreement to face up to the demographic tsunami that is coming at us. We could engage all of this year in resolving those matters in a bipartisan way—Democrats and Republicans working together—and then the President could come in the backdoor and cherry-pick those provisions with which he disagrees.

If my colleagues want to undermine the negotiation, the bipartisan negotiation that needs to occur here on long-term entitlements, if they want to endanger that enterprise, adopt this amendment, hand that power to the President. If they want to instead engage in a serious negotiation, forget about this amendment, and let's get about the work of preparing a plan to deal with our long-term fiscal challenges. But if anybody thinks we are going to enter into a seriatim negotiation in which we first negotiate in good faith on both sides to achieve a long-term solution and then we hand the President the ability to come and cherry-pick the whole thing, forget it. That is not going to work.

We already know what the President's policies have done to our fiscal outlook. The deficits on this President's watch have exploded. He inherited a balanced budget. He promptly put us in deficit and then in record deficits for 2003 and 2004, 2005, the third worst deficit in our history, and some improvement last year.

These have been enormous deficits and deficits that understate the problem because last year while the deficit was $248 billion, the addition to the debt was $546 billion. I find when I talk to my constituents that they are very surprised by this enormous difference between the size of the deficit and the additions to the debt. The biggest reason for the differences is the $185 billion of Social Security money that was taken last year to pay other bills.

I have said to my constituents: If anybody tried to do this in the private sector—tried to take the retirement funds of their employees and use it to pay other operating expenses—they would be on their way to a Federal institution, but it wouldn't be the Congress of the United States, it wouldn't be the White House. They would be headed for the big house because that is a violation of Federal law.

The combined result, in terms of our debt, of these fiscal policies has been to increase the debt of the country by more than 50 percent through last year, and we are headed for another $3 trillion of debt over the next 5 years if the President's policies are pursued. That is a combination of increases in spending and reductions in revenue.

On the spending side, the President inherited a budget that was spending about 18.4 percent of GDP. We are up to 20.4 percent of GDP last year. This is a very significant increase in spending and, of course, revenue has stagnated.

Only last year did we get back to the revenue base that we had in the year 2000. While there has been significant revenue growth in the last 2 or 3 years, even with that we are only now back to the revenue base we enjoyed in 2000.

On the question of whether this line-item rescission is going to make a difference with respect to the deficit, here is a USA Today editorial from last year on the line-item veto. The editorial states:

> . . . [T]he line-item veto is a convenient distraction. The vast bulk of the deficit is not the result of self-aggrandizing line items, infuriating as they are.

And make no mistake, I am for disciplining the notion of these line items, these individual items that Members stick into appropriations bills. Senator McCAIN and I had a legislative proposal last year to discipline that process. The line-item veto before us makes very little difference.

> The deficit is primarily caused by unwillingness to make hard choices on benefit programs or to levy the taxes to pay for the true cost of government.

This is the Roanoke Times, a newspaper in Virginia, from last year. They pointed out:

> . . . [T]he president already has the only tool he needs: The veto. That Bush has declined to challenge Congress in five-plus years is his choice. The White House no doubt sees reviving this debate as a means of distracting people from the missteps, miscalculations, mistruths and mistakes that have dogged Bush and sent his approval rating south. The current problems are not systemic; they are ideological. A line-item veto will not magically grant lawmakers and the president fiscal discipline and economic sense.

They are not alone in that assessment. Here is the previous CBO Director. He is actually still the CBO Director, will be until his successor takes office some time later this week or perhaps some time next week. Here is what he said:

> Such tools, however, cannot establish fiscal discipline unless there is a political consensus to do so. . . . In the absence of that consensus, the proposed changes to the rescission process . . . are unlikely to greatly affect the budget's bottom line.

Not only do newspaper editorialists and the CBO Director cast doubt on the significance of this with respect to the question of fiscal discipline, Senator GREGG said this last year:

> Passage of [the line-item veto] legislation would be a "political victory" that would not address long-term problems posed by growing entitlement programs.

The Budget Committee chairman also said:

> . . . it would have "very little impact" on the budget deficit.

He was being a truthteller then, and I think it is the truth now.

George Will, the conservative columnist, made this point:

> It would aggravate an imbalance in our constitutional system that has been growing for seven decades: the expansion of executive power at the expense of the legislature.

Those are words. Let me put it into a real-life example. If we give this power to the President, what is to prevent him from calling up Senator CONRAD and saying: You know, Senator, I know you represent a State that is rural. I know that rural electric cooperatives are critically important to delivering electricity in your rural areas. I know you have a provision in a recent appropriations bill that would address safety concerns on those systems. You know, we are looking at the line-item rescission package that I might be sending up, and I would like to be able to help you on that proposal you have to improve the safety of rural electric systems, but, you know, separately I have a judge who is coming up for confirmation. I know you have said some harsh things about that judge, that you don't want to approve him. I don't want to suggest in any way these things are linked, but, Senator, I need your help on the confirmation of that judge. Separately—I don't want to connect these two at all—I also am reviewing this package of rescissions and would very much hope I wouldn't have to include your provision to make rural electric systems in your State more safe and more secure.

I think I would get the message. That is exactly what we don't need: to hand more power to this President; frankly, as far as I am concerned, to hand more power to any President, more power to put leverage on individuals in the Senate and the House to bend to the will of the White House. They already have enough power down there.

American Enterprise Scholar Mr. Ornstein said this about the line-item veto:

> The larger reality is that this line-item veto proposal gives the President a great additional mischief-making capability, to pluck out items to punish lawmakers he doesn't like, or to threaten individual lawmakers to get votes on other things, without having any noticeable impact on budget growth or restraint.
>
> More broadly, it simply shows the lack of institutional integrity and patriotism by the majority in Congress. They have lots of ways to put the responsibility of budget restraint where it belongs—on themselves. Instead, they willingly, even eagerly, try to turn their most basic power over to the President. Shameful, just shameful.

I think it is shameful. More than shameful, this, I believe, is a fundamental threat to the negotiation which must occur in this body and in the other body and with the President of the United States. That is a negotiation on the long-term fiscal imbalances of this country, including Medicare, Social Security, Medicaid, and the structural deficit as well.

If we are to engage in good faith on that negotiation, we simply can't be subject to a circumstance in which once that negotiation is completed, the President is free to cherry-pick which part of the deal he will allow to move forward. That would completely undermine the ability to have this negotiation.

Let me just end by making these points. One, this proposal represents an abdication of congressional responsibility. Two, it shifts too much power to the executive branch with little impact on the deficit. Three, it provides the President up to a year to submit rescission requests—up to a year. It requires the Congress to vote on the President's proposals within 10 days. It provides no opportunity to amend or filibuster proposed rescissions—no opportunity to amend. Sometimes I really don't know what our colleagues are thinking. It allows the President to cancel new mandatory spending proposals passed by Congress such as those dealing with Social Security, Medicare, veterans, and agriculture at the very time we are poised to enter into a negotiation on those very matters.

If there were ever an ill-considered amendment, inappropriate to the underlying legislation, this is it. I urge my colleagues to either support a budget point of order against this matter because it violates the budget rules very clearly or support a tabling motion to get on to the business of passing this ethics reform proposal. But to mix budget issues with ethics reform has the entire matter confused and fundamentally threatens the opportunity to do what must be done, which is for Democrats and Republicans together to consider long-term entitlement reform.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise today to speak in favor of the amendment, but I do think that some of the points that have been made are valid. I am supporting this amendment because I believe it is important that we do everything possible to put restraints on spending and go back to the balanced budget we had before terrorists struck our country in 2001. I think that is so important that passing an amendment to try for 4 years—and it does have a 4-year sunset provision—to see if we can give the President the authority to do some big overall cuts is a good idea, but I did do it with some reservation.

I supported the line-item veto that was passed by the Congress in 1996. I supported it because I thought it would provide fiscal restraint. I think it was misused, and I was very pleased when the Supreme Court overturned it. I said I would never vote for it again because I believe the Constitution is very clear that Congress has the purse strings. That is how James Madison phrased it in the Federalist Papers: the power of the purse is in Congress. That is where the budget is passed to go to the President, and I believe we should uphold our part of the Constitution.

Earmark reform is important, and the most important part that I hope we will pass is transparency. It is important that people be willing to stand up and say: Yes, I did this earmark.

Let me just tell my colleagues how I operate on the Appropriations Committee with regard to my State. Obviously, as chairman of the Military Construction and Veterans Affairs Subcommittee and now as its ranking member, I pass appropriations that come from the President and from the Pentagon for military installations. But I also take care of my State—that is what I was elected by my constituents to do—and I balance the needs of the cities in my State. So if the biggest need in Houston, TX, is the dredging of the port because it is such an economic engine for Houston, that is what my major priority for Houston is going to be. On the other hand, for Dallas, it is going to be the Dallas Area Rapid Transit Authority or the Trinity River flood control project, and that is my major priority for Dallas. And it goes on that way. I balance so that the major needs of my cities are met and their highest priorities are met. But it doesn't mean they get everything they ask for. The lower priorities will not be met.

If we turn this over to the executive branch, how is the employee sitting at the Department of Transportation going to know that the major need of Dallas is DART and the major need of Houston is over in the Interior Department or the Energy Department or the Corps of Engineers? How are those two people in Federal agencies who have never been to Dallas or Houston going to know that the first priority is something besides what they are giving them? That is my job. That is what I do. I am proud of it, and I want it to be transparent, and that is the reform which we should enact.

So I don't want to just continue to hear that earmark reform is pork barrel spending reform. Spending is spending. If it is done in the executive branch or if it is done by Congress, it is spending, and hopefully we have a system that funds the top priorities.

I believe there are projects that are not in the national interest that go into appropriations bills. That is why I think some reining in of the process through this amendment can be a good thing, and it is why I have supported it and am supporting it. It does have the capability to give the President the authority to go in and look at projects he believes don't meet the national need, and he is elected by the people of our country. I believe letting him have four different times to come to Congress and rescind may be too many. I hope that number could be brought to two. I would think the OMB and the President would be able to see, during two different budget or appropriations analyses, that a project wouldn't meet the President's standards, and then it could come back to Congress and Congress can say we disagree with the President or we agree with the President. It is the coming back to Congress that is the change from the original line-item veto that was passed in 1996 and which should allow the Supreme Court to affirm this rescission process.

I think it is worth a try. But I also would say for the record that we are going to have President Bush for 2 years and we are going to have a new President for 2 years, the duration of this amendment if it passes and goes into law. I think that will be a good test. Congress will then have the right to come back and say it has worked well, it has cut spending, it has prioritized better. Frankly, maybe some people won't put earmarks in bills if they are not proud that the earmarks serve a national interest, and maybe that in itself will bring down the number of earmarks and the spending.

But the bottom line is that we are on a trajectory to have a balanced budget because we are setting budget limits on what we appropriate. We always do that, and then we reconcile. And we have been able to keep the economy strong and bring down the unemployment rate by keeping the tax cuts we gave the American people in 2001 and 2003. Unemployment is at an all-time low. So I think we are exercising fiscal restraint, particularly in light of the fact that we have had some major hits on our country that have required us to spend money—hits such as 9/11, the war on terror, which is the most important security issue facing our country, and Hurricane Katrina and the rebuilding of New Orleans and Mississippi. We need to do those things and do them well. We know that. Despite all of those added expenditures, we have half the deficit that was built up after our country was hit by terrorists, and we are on the way to bringing it lower, and that is our goal. It must be our goal. I think this amendment can help us in furthering that goal.

So I am going to support it. It has changed since the first time the Senator from New Hampshire introduced it. I didn't support it in the beginning. He has made changes that make it more palatable to a Member of Congress who is trying to uphold the right of Congress under the Constitution, which I believe is my responsibility to do. I must uphold the rights of Congress in order to keep the three branches equal, as much as we can do that. That is the beauty of our constitutional framework, that balance of power.

I also have a responsibility to my constituents who elected me to make sure that my State is treated fairly. I am proud of what we have been able to do, and I want it in the open. I believe reform is necessary, and I am going to support the amendment. But if this amendment does go into effect, I would urge this President and the next President who will have this vast authority to use it wisely and judiciously because that is the only way it will have the effect we are all intending it to have.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today to oppose the Gregg amendment because as a member of the Budget Committee, as we have watched this develop and as we worked on it last year in committee, I believe it is too broad and not in the public interest.

I am not opposed to line-item veto. In Michigan, when I was in the State legislature for 16 years, we had and have a line-item veto, but it is a very narrowly crafted line-item veto in a very different setting. We have a germaneness rule in Michigan that certainly we do not have here, where topic by topic is taken up separately, or legislation separately. We here work in a larger format where we are many times—most of the time—negotiating very complex legislation, and frequently we have a number of different issues and interests coming into the same bill, and it creates a very different climate in which this is being discussed.

Also, this is a very broad application, and I believe too broad. Let me give my colleagues an example. The amendment would give the President unprecedented powers to dramatically weaken any legislation we might put together that would strengthen Social Security or Medicare or 'any other areas of mandatory spending such as veterans' benefits or other areas where we have critical needs. Let's suppose for a moment that we come together, and this is the way it is always done, and we negotiate an agreement around Social Security or around Medicare, and as always, it is a give and take.

Let's say, for instance, around Medicare, it is a provision where the industry receives certain things they would like to see happen, and on the other side, those things that are important for people, for seniors, for the disabled, for those trying to be able to afford medicine, we negotiate things there that allow prices to go down or more competition or better benefits. But then it goes to the President, and under this particular bill the President will be allowed to go into that legislation and veto certain parts of an agreement that the Senate and the House made to come up with something that was balanced, that would allow legislation to happen. The President will be able to come in, for instance, and decide to keep the provisions of the pharmaceutical industry, an industry he has been very close to, and at the same time he might then strike out provisions regarding negotiation or improved benefits or something else that might help seniors or people and put pressure on the industry to have a more competitive pricing system.

This is something that I believe we should not, in good conscience, allow to happen. It is our job to sort through all of the pieces of the legislative process, all the complexities, all the competing needs. If we come up with something that is balanced and supported by this Senate and the House of Representatives and it is sent to the President, the President should not be able to go in and cherry-pick which provisions of a compromise he supports or does not support.

This particular amendment in this proposal would undermine the very intent of Congress. In the case of Medicare, I believe it would create a situation where it is impossible for us, certainly within this time and this administration, to move forward on many positive things that are necessary to improve Medicare for seniors or to address Social Security in a way that keeps Social Security secure for the future.

Also, it is important to say that this is not a necessary tool to reduce the deficit. In fact, we, on both sides of the aisle, have been speaking about reducing the deficit. On this side of the aisle our distinguished incoming chairman of the Budget Committee has been our leader on speaking out through that committee, as has our leader in this Senate. Senator REID has spoken out and made pay-go a priority, fiscal responsibility a priority for us coming into this new year. We will soon adopt what is called pay-as-you-go legislation that basically says, if we decide to spend dollars, whether it is in the form of a tax cut or in new spending of some kind, we have to pay for it.

It is the same thing that any family or any business has to do: figure out how you are going to pay for it. We are the ones who have committed, as part of our agenda, our priority: to bring this huge deficit under control and try to get our arms around some fiscal responsibility in this Government. We have put that forward and that will play a major role, reinstituting pay-go.

Unfortunately, our colleagues on the other side of the aisle have blocked this for 6 years. During that time we have seen deficits go up and up and up and decisions being made that have added to the spending of this country.

We have seen policies that turned a $5.6 trillion surplus created under the Clinton policies into record deficits.

Now we understand that we are at a crossroads in this country. It is absolutely critical that we bring fiscal responsibility and we begin to turn this around. But this proposal in front of us does not do that. I hope we will see strong support on both sides of the aisle for fiscal responsibility and pay-go legislation and begin to make tough decisions about what is in the interests of America, what is in the interests of our businesses trying to do business and stay in America, of our families who need jobs and health care and want to know they can send the kids to college and breathe the air and drink the water and all of those things that are critical to our quality of life. We have a lot of tough decisions to make. But one strategy is not to create this broad tool for the President to be able to undermine anything that we are doing together on a bipartisan basis to get to agreement, to be able to move things forward.

I am very concerned particularly at this time with this type of legislation. I speak a lot about Medicare. I know the distinguished Chair is also deeply concerned and involved in health care issues and Medicare. We want very much to be able to see change occur, change that is good for our seniors, change to make health care coverage and prescription drugs more affordable and make sure our businesses, large and small, have the capacity to compete effectively in Michigan and be able to afford health care for their employees. I am very concerned this kind of proposal would enable the President to come in in support of those interests he supports, that I believe are on the opposite side of what we are trying to do, unfortunately, in the health care arena, and allow him to undermine any effort that we make to go forward together. People are desperately asking that we move forward and get something done on the issues that are critical to them, that matter to them.

Again, I rise to oppose the Gregg amendment. I encourage colleagues to do the same. We stand together and we can move forward together around fiscal responsibility. This is not the way to do that. This gives unprecedented power and flexibility to the President for him to undermine what we need to do together in order to solve big problems and get things done for people.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have enjoyed this debate on this amendment. At the risk of sounding like wishy-washy Charlie Brown, I agree with both sides; that is, I agree with Senator CONRAD absolutely on the line-item veto. I came to the Congress supporting the line-item veto. I voted for the line-item veto. Then I watched how President Clinton used the line-item veto. What Senator CONRAD had to say is exactly right. When the Supreme Court struck it down and Senator BYRD and Senator Moynihan both talked about how glorious a day it was for the Congress that the line-item veto had been stricken, I took the floor and said: I am converted. I agree with you. I will never vote for the line-item veto again.

I remember Senator Moynihan saying,

> If Lyndon Johnson had the line-item veto he would have turned into an emperor.

We must preserve the rights of the legislature against that kind of thing.

What Senator GREGG has proposed is not a line-item veto. I know the press described it as such, but this will not be the first time the press has inaccurately described something that is going on here. Under the terms of Senator GREGG's amendment, the President is limited in the number of things he can send back to us. They can be overturned with a simple majority vote rather than the standard veto two-thirds. And it is not an abrogation of congressional authority. It simply gives the President the right to say, on selected issues: Do you really want to do this? I have looked this over. I found this, this, and this that strike me as particularly egregious. Do you really want to do this? And by a majority vote the Congress can say: Yes, we really do. And it is done.

So it is not a line-item veto. It is simply a review of a relatively—not relatively, an absolutely narrow, few number of items.

I am not sure I would have crafted it that way. I am not sure this is going to make much difference. But it does not have the potential for the kinds of mischief that Senator CONRAD talked about. I agree with Senator CONRAD, I am a new convert—not new anymore. I am a firm convert against the line-item veto. But I think the kind of additional executive review subject to a majority vote to overturn in Congress that Senator GREGG has proposed is not going to threaten the foundations of the Republic or even the stability of this institution. For that reason I will support the amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, if I may, I listened carefully to the remarks of the ranking member, a friend for whom I have great respect and with whom I hope to work very closely. I do disagree on this.

I have watched Senator CONRAD, now, for more than a decade. He is usually armed with charts when he comes to the floor or a committee or a caucus. I have never ever found him to be wrong. I don't think there is any person in this body who knows better what he is doing than Senator CONRAD. I have been just unusually proud of his leadership on the Budget Committee.

My objection to this amendment—and I agree with Senator BENNETT; I was an original supporter of the line-item veto. This is a different day right now. It is a different situation. Different issues are at stake in a line-item veto. This is an ethics bill. We are talking about lobby reform and earmark reform and we want very much to have a bipartisan bill. We are not going to have a bipartisan bill if we get into campaign finance reform and line-item vetoes and a number of other issues that are beginning to percolate.

It is my hope that we could keep this bill restricted to ethics, restricted to lobby reform, earmark reform, those things that are properly before this body. That is the only way we are going to get a broad consensus that is going to survive a conference and come back with something all Members can support.

I am going to begin to move to table items that are outside of the germane issues of this bill in the hopes that we could keep this broad, bipartisan support.

The underlying bill from which we have already moved away with the substitute amendment passed this body early last year by a vote of 90 to 8. The substitute amendment seeks to toughen it. Again, the substitute confines itself to matters within the bill. I must say that I think it is ill-advised to come forward with some of these amendments. At an appropriate time I will rise to begin to move to table them.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I understand we are waiting to lock in votes.

I was asking the chairman of the committee if I might speak for 6 or 8 minutes in morning business while we are waiting to hear back.

I ask unanimous consent to speak for 8 minutes in morning business.

The ACTING PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 242 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I rise at this moment to discuss a vote earlier today which began at approximately 12 noon on the Vitter amendment to the Legislative Transparency and Accountability Act of 2007, S. 1.

Had I been permitted to vote, I would have voted for the Vitter amendment. Now, why do I say "permitted"? Why do I say "had I been permitted to vote"? I say it because even though I was in the Capitol Building and on my way to the Senate floor, and even though my staff had so advised the Democratic cloakroom and was told that I had time to get to the Senate Chamber, the leadership arbitrarily closed the vote before I could get to the floor. That action prevented me from doing my constitutional duty to represent the people of my State of West Virginia. I was not more than 5 minutes from the Senate Chamber.

Next year, Mr. President, I will begin my 50th year of service in the Senate. In November, I was elected to serve an unprecedented ninth full term in the Senate. And I was also elected, just days ago, by my colleagues to serve as President pro tempore of the Senate, a position fourth in line in the order of succession to the Presidency of the United States.

I have cast, as of 11:59 a.m. this morning, 17,779 rollcall votes. And the vote I was prevented from casting would have made that number 17,780. The last rollcall that I missed in casting a vote was on March 30, 2006. It was 5 days after my darling wife of nearly 69 years had passed away.

And so I rise at this time not to blame anybody or to lecture anybody, but I do feel that I owe an explanation to the people of West Virginia why I missed the vote. I take these matters very seriously. And I want to explain to the people, who rightfully expect me to do on this day of January 10—and on every other day that the Senate has rollcall votes—they expect me to be here and to answer the rollcall.

I well understand the need to avoid undue delays in transacting the people's business. As majority leader of the Senate from 1977 to 1981, and from 1987 to 1989, I had to wrestle with such issues myself. It is very difficult to accommodate the schedules of 100 Senators and to get the Nation's business done expeditiously. I know all about that. I have been down that road. I have had my feet in those tracks before.

But I hope that as Senators, who serve in a body that reveres tradition, seniority, debate, deliberation, experience, and common courtesy, we try to avoid sacrificing an understanding of individual Members' circumstances and constitutional obligations as we aim for efficiency in our work, which we know that the Senate is not expected to be, and never will be—never has been—an efficient body. That is not the way legislation is done in a body such as ours where we do have free and open debate.

There is no Senate rule mandating the length of time for rollcall votes. I think we have to be careful and considerate in putting constraints on votes. While I wholeheartedly support efforts to avoid unduly dragging rollcall votes, I also hope that we will not forget the common courtesies for which this body has for more than 200 years afforded its Members, especially when Senators are making every effort to get to the floor and are only a few minutes away from appearing here to cast a vote. No real reason exists to deny this Senator a right to represent his constituents, as I was elected to do.

Surely we do not need to coldly sacrifice our regard for Members who, after all, are only human and who experience the travails of life which befall many human beings—we have traffic; we have head colds; we have infirmities or unexpected emergencies—when only a slight accommodation would assist them. After all, we do—when I use the pronoun "we," I include myself—represent real people and we purport to understand human needs and circumstances. I hope that we will reflect that same reasonableness in our treatment of one another and our dealings with one another here in the Senate and studiously avoid overly arbitrary, artificial, sometimes unconscionable and bloodless decrees that are such an ill fit for a legislative body in which each Member carries such tremendous burdens and responsibilities under the U.S. Constitution.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. I ask unanimous consent that at 5 o'clock today, the Senate vote in relation to the following amendments in the order listed and that there be 2 minutes between the votes equally divided: the Vitter amendment No. 5 regarding Indian tribes and the Vitter amendment No. 6 regarding family members; that the time until then be divided as follows: 2 minutes each to Senators BENNETT and FEINSTEIN and 5 minutes for Senator VITTER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Utah.

AMENDMENT NO. 6

Mr. BENNETT. I yield my 2 minutes to the Senator from Maine.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank my colleague from Utah.

I rise in opposition to the amendment offered by the Senator from Louisiana that would restrict the ability of a campaign to hire the spouse or child of a candidate. I just don't see why we would want to get into the issue of whom a candidate can put on his or her payroll. As long as it is a fully disclosed expense, which it would be through campaign finance reports and campaign disclosures, then the voters can judge whether it is appropriate. In some cases, it may be appropriate; in some cases, it may not. Why should we bar the ability of a family member to work for a candidate? I don't see the point of that.

This isn't a case where taxpayer dollars are being used and you might want to make sure that you are following some antinepotism rules. This is a campaign.

As it happens, I have never had a relative on my campaign payroll. I should perhaps make that clear. But many times when people are starting out, running for public office the first time, it is family members who are willing to work on the campaign at very minimal pay in order to help their relative win the race.

I don't see this creating a problem. I think it is a mistake for us to legislate in this area. I urge opposition to Senator VITTER's amendment.

I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. I yield to Senator VITTER if he wishes, and then I will wrap up.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I urge all Members to vote against the motion to table. I believe I am correct that it will be in the form of a motion to table.

Mrs. FEINSTEIN. That is correct.

Mr. VITTER. I urge them to vote against the motion to table. I appreciate the legitimate concerns that have been expressed about this amendment. However, I do think this is not a solution looking for a problem. This is a real problem that we need to solve.

The problem is simply this: This has been abused in the past. There are clear and documented cases whereby Members, candidates especially, use their political position to add to the family income. If the case of a Member or a candidate hiring a family member on a campaign could truly be enforced, if we had a way consistently in all cases to make sure that the law was being followed that only bona fide work should be paid for at fair market value prices, that would be one thing. That is the law. You can do it, but it is only supposed to be done to compensate actual work at fair market value prices.

The fact is, there is no way to police that. There have been plenty of situations, unfortunately, in the past where this opportunity was used to allow a candidate to use his political position to increase the family income. This has come to light in the last several years. This has been an unfortunate practice. I think it is part of a whole series of abuses that Americans are just fed up with. They see Members of Congress, people in politics, using their political position to increase their income or increase their family's income. This is a situation which is wide open for that abuse.

Again, it would be one thing if present law were enforced. Present law says you can do it, yes, but it is only supposed to be for real work, bona fide services at a reasonable compensation level. It is crystal clear that that provision is not and cannot be policed. There is no real meaningful way to ensure that. So it is an opportunity which has been used by some folks who use their political position to add to their family income.

This goes to the heart of the concerns of many Americans. It goes to the heart of a lot of issues on the lobbying side. It goes to the heart of issues involving campaign finance.

I urge all Members of the Senate to solve this problem in the only way that is practical, which is to draw a red line, create a clear prohibition so that we avoid those abuses which have unfortunately happened in the past.

I urge Members of the Senate to vote against the motion to table.

I yield back my time.

Mr. LEVIN. Mr. President, while I am troubled by the potential questions raised by the employment of a family member on a campaign committee or leadership PAC, I will support the chairman of the Senate Rules Committee, Senator FEINSTEIN's motion to table the Vitter amendment No. 6 because it deals primarily with campaign finance reforms and because Senator FEINSTEIN has assured me, personally, that the Rules Committee will hold hearings on this specific issue as a part of comprehensively addressing campaign finance reform later this year.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I find myself in agreement with the Senator from Maine. I don't understand why we are getting into this issue at this place and time. I see no evidence of anything improper in this body. To a great extent what I see happening is legislation being developed in reaction to things that have happened in the other body, not in this body. I have been very proud of this body because we have been able to conduct our business in a very respectful manner. If there is evidence in this body of any improper and unreasonable payment to which the Senator seemed to allude, I ask him, please, bring it to the Rules Committee. I can assure him we will hold a hearing, if necessary. We will pass legislation. But at this time, what we are trying to do is coalesce around a 90-to-8 vote that took place early last year, that passed almost unanimously a bill out of this Senate dealing with earmarks, dealing with lobbying reform, dealing with ethics reform.

We are trying to keep extraneous matters, to the extent that we can, out of this bill.

With that in mind, I move to table Vitter amendment No. 5 and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

The Senator from Louisiana.

Mr. VITTER. I ask unanimous consent simply to be recognized for the time remaining of my 5 minutes so that I may also address my second amendment which will be voted on. I misunderstood. I thought the time allotments only applied to the amendment I addressed, not the other amendment. Therefore, I want to address the second amendment as well.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 5

Mr. VITTER. Mr. President, the second of my amendments that will be voted on through a motion to table is with regard to the clear loophole in campaign finance law about Indian tribes. We have talked about this and debated this. This has been widely recognized for quite some time. It is a loophole in the law that allows tribes to give to candidates directly, including gambling proceeds, without any necessity of forming a PAC and going through those rigorous requirements that corporations, labor unions, and other entities have to do. This is a loophole that has been widely recognized and needs to be closed.

Certainly no legitimate argument exists that this is beyond the present debate. Think about the single biggest scandal that got us to this debate, the Jack Abramoff scandal. Indian tribes and their unfettered access to money, including gambling revenues, was at the center of the single biggest scandal that brought us to this debate. There is no legitimate argument that the amendment is somehow extraneous to the debate. If this is going to be a meaningful exercise about real reform, really cleaning things up, getting serious, not protecting sacred cows, then let's get real about it.

One way we get real about it is closing this Indian tribe loophole which clearly exists and has no legitimate justification. I urge all Senators to vote against the motion to table because, again, this goes to the heart of the Abramoff matter. We need to properly regulate those campaign contributions in the same way as we do other entities, corporations, labor unions, and the like.

With that, I appreciate the deference in allowing me to speak to this issue.

I yield the floor.

Mr. INOUYE. Mr. President, I rise today to express my strong opposition to an amendment to S.1, the Legislative Transparency Act of 2007, which is proposed by my colleague, Senator DAVID VITTER of Louisiana.

This amendment amends the Federal Election Campaign Act, FECA, so that Indian tribes would be singled out for the purposes of campaign finance law. In effect, this proposal would prohibit tribal campaign contributions by defining tribes as corporations under our Nation's campaign finance laws.

Indian tribes are constitutionally recognized sovereign governments, with whom the Federal Government has a trust relationship. The primary purpose of Indian tribes is to provide governmental services to their members. Corporations are for-profit entities whose primary goal is to maximize profits for its shareholders. Treating Indian tribes as corporations for the purposes of campaign finance sets a dangerous precedent for their treatment in other areas of the law.

In addition, I do not support this measure because it would treat Indian tribes differently from other similarly situated entities regarding their campaign contributions. Indian tribes are exempt from the aggregate limit and the reporting requirements on their campaign contributions in the same manner as other unincorporated associations are exempt. While I support efforts to require more transparency with respect to the reporting of all contributions, I do so with the caveat that all similarly situated entities should be subject to the same reporting requirements.

If enacted this amendment would limit the ability of tribes to participate fully in the political process by preventing them from making campaign contributions.

Even though tribes are acknowledged as sovereigns, they have not been granted seats in the U.S. Congress. Instead, they must rely on the Congress to represent them. Having served in the United States Senate for 45 years and on the Indian Affairs Committee for the past 28 years, I have seen how the Congress has taken actions without considering their effects on tribes and individual Indians. At times, it even seemed that the Congress took action only to appease non-Indians. It causes one to wonder whether the Congress would have taken those actions if tribes had been consulted and been allowed to actively participate in the political process.

Due to some bad actions taken by non-Indians, some are calling to prevent tribes from fully participating in the electoral process. We must pause and reflect upon the impact that this proposal will have now and in the long term. We must ensure that the tribes, who were the victims of illegal acts, are not penalized in the name of reform. To do this, we must fully consider the unique nature of Indian tribes. Tribes need a voice to reflect their unique legal status. Without a seat in the U.S. Congress they must be allowed to use other means to participate in this process.

And once again, we must ensure that Indian gaming is not unfairly blamed. Some believe that Indian gaming is providing an improper tribal advantage in the political process. During the 2004 election cycle, tribal contributions comprised one-third of 1 percent of total contributions nationwide. Given the facts, it is hard to conceive of an unfair tribal advantage.

I believe that many critics of full tribal participation in the election process do not understand the unique history, status, and relationship that Indian tribes have with the Federal Government. Indian tribes have much to lose in the Federal process. The U.S. government has a history of taking from Indian tribes, and taking without fulfilling our obligations. We must fully consider the tribal role in the Federal process before determining that gaming revenues cannot be used in the Federal process or that tribes should not be allowed to fully participate. The U.S. Senate committees of jurisdiction should have the opportunity to hold hearings and fully explore this issue.

Therefore, for these reasons I urge my colleagues to join me in opposing this proposed measure, and preserving the rights of Indian tribes to participate in the political process.

Mr. DORGAN. Mr. President, I want to speak in response to the amendment offered by Mr. VITTER yesterday that relates to the application of the Federal campaign finance laws to Indian tribes. As Mr. VITTER suggested, this issue is outside the scope of the bill presently before us, and we should consider it at a later date when overall campaign fiance matters are being reviewed. I expect there to be a motion to table his amendment until a more appropriate time, and I will support such a motion.

More importantly though, I feel compelled to respond to some of the statements made in support of the amendment that are simply factually inaccurate. Mr. VITTER offered his amendment to correct what he describes as a very significant loophole in the campaign finance laws for Indian tribes. He stated that unlike other entities Indian tribes can give money directly from their tribal revenues and are not subject to the giving limits that apply to everyone else. Mr. VITTER stated that we should treat Indian tribes exactly as we treat other entities.

Contrary to these statements, we do treat Indian tribes exactly as we treat other unincorporated entities.

Last year, the Committee on Indian Affairs held a hearing on the applicability of the Federal campaign finance laws to Indian tribes. The committee held this hearing to counter the significant factual errors that were being reported in the news. In fact, the Federal Election Commission felt the need to issue an Advisory on Indian Tribes last year to clarify the misconceptions about the law that regulates the political activity of Indian tribes. The chairman and vice chairman of the Federal Election Commission testified before the committee on how the campaign finance laws apply to Indian tribes.

So let me convey some important facts about how Indian tribes are indeed treated under the campaign finance laws:

Indian tribes are treated as "a group of persons" under the Federal campaign finance laws. This decision was first made by the Federal Election Commission in 1978.

Thus, Indian tribes are subject to the contribution limitations and prohibitions applicable to all "persons" under the law. We treat them the same as all other persons. For the last election cycle, this was $2,100 to each candidate, $26,700 per year to a political party's national committee, and $5,000 per year to a political action committee.

Similar to other unincorporated entities, Indian tribes do not have to report their political contributions. However, political committees, including candidate and party committees, that receive contributions from Indian tribes must report those contributions in their disclosure reports.

Also, similar to other unincorporated entities, Indian tribes are not subject to the cumulative giving limits applicable to "individuals." This is because Indian tribes are not "individuals." This is the same way that other types of organizations are treated, such as partnerships or certain limited liability companies.

Indian tribes are not treated in any unique manner under the Federal campaign finance laws. They are treated just like other unincorporated entities. The concerns raised by Mr. VITTER are not unique to Indian tribes. Many entities can give money directly from their revenues, and only "individuals" are subject to a cumulative giving limit.

Now that is not to say that there shouldn't be any changes to the campaign finance laws, or that there should not be more transparency with regards to political contributions. However, Indian tribes should not be singled out because of misunderstandings about how the Federal laws apply to them. Nor should the sovereignty of Indian tribes or their ability to represent their tribal members be infringed upon.

Mrs. FEINSTEIN. Mr. President, once again, I move to table the Vitter amendment No. 5 and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Idaho (Mr. CRAPO).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted "no."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Stevens
Tester
Thomas
Webb
Whitehouse
Wyden

NAYS—40

Alexander
Allard
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
DeMint
Dole
Ensign
Enzi
Graham
Grassley

Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Roberts
Sessions
Shelby
Specter
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—4

Brownback
Crapo
Inouye
Johnson

The motion was agreed to.

Mrs. FEINSTEIN. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 6

The ACTING PRESIDENT pro tempore. Under the unanimous consent agreement, there remains 2 minutes equally divided between the Senator from Louisiana and the Senator from California on the Vitter amendment No. 6.

Who yields time? The Senator from Utah.

Mr. BENNETT. Mr. President, I am in favor of the tabling motion, so I will be happy to yield whatever time I have to the Senator from Louisiana.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, how much time do I have under the unanimous consent agreement?

The ACTING PRESIDENT pro tempore. The Senator from Louisiana has 1 minute.

Mr. VITTER. Mr. President, I urge Senators to vote against this motion to table. Unfortunately, this opportunity to increase a Member's family income has been used and abused, and it tarnishes the entire body. It is one factor that has helped erode public confidence in the Congress.

If there was a way to truly police present law, I would say fine, but the fact is, there clearly is not and there is no way to know if services are being rendered and if a proper amount is being paid. So it is and will remain, if this amendment is tabled, a clear conduit of abuse of which some Members—I am not saying many or most, some Members—will take advantage. That will continue to hurt this institution and all of us who don't participate in that practice.

I yield back my time.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, once again, this is related to campaign spending. It does not belong in this bill. We are trying to keep a bill with which the greatest majority of the Senate can agree.

Secondly, I know of no problems related to this issue in this body. Should there be any evidence that any Senator has that there are problems, please bring it to the Rules Committee and we will do something about it.

In the absence of that, I move to table the Vitter amendment No. 6, and I ask for the yeas and nays?

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, prior to starting the vote on this and granting the request for the yeas and nays, we are going to come in at 9:30 in the morning. There will be a period for morning business for an hour. Then we hope to have debate on the Stevens amendment, a serious amendment, dealing with travel. We hope to be able to complete that debate fairly quickly, in an hour or so. So there will be a vote on that amendment, if things work out the way we hope, at around 11:30 in the morning.

There are a number of amendments pending. The managers have done extremely well. As I said earlier this morning, we couldn't have two better people managing this bill. People who have amendments to offer, please come and offer them; otherwise, we are going to get the idea that maybe people are wanting to move forward on this legislation in some other way.

Mrs. FEINSTEIN. Once again, Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mrs. BOXER (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Idaho (Mr. CRAPO).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—54

Akaka
Alexander
Baucus
Bennett
Biden
Bingaman
Bond
Brown
Bunning
Byrd
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Enzi
Feinstein
Gregg
Hatch
Kennedy
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCaskill
Menendez
Murkowski
Murray
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Stabenow
Sununu
Thomas
Voinovich
Webb
Whitehouse

NAYS—41

Allard
Bayh
Burr
Cantwell
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
DeMint
Dole
Ensign
Feingold
Graham
Grassley
Hagel
Harkin
Hutchison
Inhofe
Isakson
Kerry
Kyl
Landrieu
Martinez
McCain
McConnell
Mikulski
Nelson (FL)
Obama
Roberts
Shelby
Smith
Snowe
Specter
Stevens
Tester
Thune
Vitter
Warner
Wyden

ANSWERED "PRESENT"—1

Boxer

NOT VOTING—4

Brownback
Crapo
Inouye
Johnson

The motion was agreed to.

Mr. WHITEHOUSE. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 16 WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent that amendment No. 16 be withdrawn. There has been confusion over the interpretation of that amendment. I will look at it and redraft it.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendment is withdrawn.

The Senator from Colorado.

AMENDMENT NO. 17 TO AMENDMENT NO. 3

Mr. ALLARD. Mr. President, what is the pending amendment?

The ACTING PRESIDENT pro tempore. Amendment No. 17 by the Senator from New Hampshire is pending.

Mr. ALLARD. Mr. President, I rise today in support of the Second Look at Wasteful Spending amendment offered by Senator GREGG to the pending Legislative Transparency Act of 2007.

I am proud to be an original cosponsor of this amendment, as I was to be a cosponsor of the Stop-Over-Spending Act of 2006, which contained a similar provision.

Spending is out of control and it is time that Congress put its money where its mouth is when it comes to reigning in spending. In addition to being a good first step, this amendment is symbolic because it is the first opportunity of this new Congress to do so.

I hope the new majority party will use this opportunity to live up to its promise of fiscal responsibility and support this amendment.

The amendment is simple. In a nutshell, it allows the President to identify individual items of wasteful spending that, for one reason or another, slipped through Congress and send them back for closer scrutiny.

Once under the microscope for Congress and all of America to see, both houses of Congress will have the opportunity to give the individual proposal an up-or-down vote.

If both Houses deem the spending appropriate, the President must release the funds. On the other hand, if it does not survive the scrutiny of both Houses, the spending is rescinded.

Importantly, any savings resulting from rescinded items of spending goes to reduce the Federal deficit. With record revenues streaming into the Treasury as a result of the Republican pro-growth tax cuts, we have made significant strides toward cutting the deficit. This amendment provides an opportunity to chip away at the deficit from the spending side of the equation.

Some of you may recall the Line Item Veto Authority that a Republican Congress gave to President Clinton in 1996 and wonder how this differs. This legislation, although similar in purpose, is not nearly as far-reaching as the authority given to President Clinton.

Under that authority, presidential cancellations went into effect automatically, without Congressional action. Unlike that law, the Second Look at Wasteful Spending legislation requires that Congress take affirmative steps to affirm or deny any rescission package proposed by the President. In other words, Congress has the final say on the President's rescission request.

Today's legislation contains several other important limitations on the President's authority. First, the President is limited to the submission of four rescission packages per year. Second, the President's rescission requests are limited to discretionary or mandatory spending or tax bills introduced on or after the legislation's enactment. Third, the authority sunsets in 4 years to allow Congress to reevaluate it after two Presidents have each used it for 2 years.

I am pleased that Senator GREGG chose to address this issue during the pending lobbying reform legislation. Both pieces legislation share the goal of bringing greater transparency to the Federal spending process.

While I do not pretend that it will solve all of the long-term fiscal problems—such as long-term entitlement spending—I do believe that it is an important and symbolic first step.

Even if the authority is never used by the President, its mere existence will have a chilling effect on wasteful discretionary spending. Individual Members of Congress will give second thought to promoting wasteful items spending that they know will receive a second look.

Similarly, it will provide an additional check on new items of mandatory spending, each of which has the potential to exacerbate the crisis that is the unsustainable growth in long-term entitlement spending. I say crisis because we received testimony in the Budget Committee that, if left unchecked, in under 30 years spending on just three entitlement programs—Medicare, Medicaid and Social Security—will exceed, as a share of GDP, the amount of spending that the entire U.S. Government consumes today.

In other words, those three programs are unsustainable. To further put the issue in perspective, outstanding 75-year Government promises, including Medicare, Medicaid, and Social Security, exceed the total amount of taxes collected in U.S. history by $26 trillion.

Again, this amendment is only the first step in reducing spending—something that the American taxpayers demand and deserve.

I am hopeful that the new majority party will take the opportunity to support its promises of fiscal responsibility and join me in supporting this amendment.

It will bring more accountability and transparency to the legislative process so that Americans will know what is happening and can hold Members of Congress more accountable.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 15, AS MODIFIED

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Salazar amendment No. 15 be the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the amendment be modified with the changes at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 15), as modified, is as follows:

At the appropriate place, insert the following:

SEC.   . PUBLIC AVAILABILITY OF SENATE COMMITTEE AND SUBCOMMITTEE MEETINGS.

(a) IN GENERAL.—Paragraph 5(e) of rule XXVI of the Standing Rules of the Senate is amended by—

(1) by inserting after "(e)" the following: "(1)"; and

(2) by adding at the end the following:

"(2) Except with respect to meetings closed in accordance with this rule, each committee and subcommittee shall make publicly available through the Internet a video recording, audio recording, or transcript of any meeting not later than 14 business days after the meeting occurs.".

(b) EFFECTIVE DATE.—This section shall take effect October 1, 2007.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter and accompanying section 102(b) report from the Office of Compliance Board of Directors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE,
Washington, DC, January 4, 2007.

Hon. ROBERT C. BYRD,
President Pro Tempore, U.S. Senate, The Capitol, Washington, DC.

DEAR PRESIDENT PRO TEMPORE BYRD: Section 102(b)(2) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1302, requires that, "Beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each report to be printed in the CONGRESSIONAL RECORD, and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

The Board of Directors of the Office of Compliance is transmitting herewith the Section 102(b) Report for the 109th Congress. The Board requests that the accompanying Report be published in both the House and Senate versions of the CONGRESSIONAL RECORD on the first day on which both Houses are in session following receipt of this transmittal.

Any inquiries regarding the accompanying Notice should be addressed to Tamara Chrisler, Acting Executive Director of the Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, D.C. 20540.

Sincerely,

SUSAN S. ROBFOGEL,
Chair of the Board of Directors.

OFFICE OF COMPLIANCE,
Washington, DC, December 21, 2006.

Hon. TED STEVENS,
President Pro Tempore of the Senate, U.S. Senate, The Capitol, Washington, DC.

DEAR MR. STEVENS: Pursuant to section 102(b) of the Congressional Accountability Act, I am pleased to announce that the Board of Directors of the Compliance has completed its biennial report. Accompanying this letter is a copy of our section 102(b) report for the 109th Congress.

The section 102(b) report and its incorporated recommendations are an integral part of the Congressional Accountability Act. As a principle function of the Board, this report provides insight into the ever-changing climate that exemplifies the working environment of the legislative branch. As such, the Board views the submission of this report as the primary method of keeping the Act alive beyond its inception. With this submission, the Board presents its prior recommendations and specifically makes recommendations concerning the need for additional tools and mechanisms to increase the Office's efforts to ensure continued safety and health of legislative branch employees and visitors; as well as the need for regulations in the legislative branch for veterans entering and returning to the workforce.

With more than ten years of experience living with congressional accountability, the Board and the office are committed to the recommendations we outline in this report. As the sixth such report to Congress, we are seeking appropriate time for review, consultation, and action in the 110th Congress.

On behalf of the Board of Directors, I submit this important document for your review and attention.

Sincerely,

TAMARA E. CHRISLER,
Acting Executive Director.

OFFICE OF COMPLIANCE SECTION 102(b) REPORT, DECEMBER 2006

This is the sixth biennial report submitted to Congress by the Board of Directors of the Office of Compliance of the U.S. Congress, pursuant to the requirements of section 102(b) of the Congressional Accountability Act (2 U.S.C. 1302 (b)). Section 102(b) of the Act states in relevant part:

Beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree [provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees; and (B) access to public services and accommodations] . . . are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

Bracketed portion from section 102(b)(1).

INTRODUCTION

Prior to the enactment of the Congressional Accountability Act of 1995 (CAA), Congress recognized the need to legislate many aspects of the workplace, and it did so by passing laws to address workplace rights and the employment relationship. These laws, however, were not applicable to Congress. Congress had excluded itself and other instrumentalities of the legislative branch from the requirements of these laws. Passage of the CAA, with nearly unanimous approval, in the opening days of the 104th Congress, reflected a national consensus that Congress must live under the laws it enacts for the rest of society.

The CAA is not meant to be static. The Act intended that there be an ongoing, vigilant review of federal law to ensure that Congress continue to apply to itself—where appropriate—the labor, employment, health, and safety laws it passes. To further this goal, the Board of Directors of the Office of Compliance ("Board") was tasked with the responsibility of reviewing federal laws each Congress to make recommendations on how the CAA could be expanded. Since its creation, the Board has duly submitted biennial Reports to Congress, starting in 1996, detailing the limited and prudent amendments that should be made to the CAA. There was also an Interim Report in 2001, regarding Section 508 of the Rehabilitation Act of 1973. In past reports, the Board has taken a broad approach in presenting its recommendations to amend the Congressional Accountability Act, and has encouraged Congress to consider and act upon those recommendations. By including Appendices A through C in this Report, the Board incorporates these prior recommendations as part of this Report: amendments to the Rehabilitation Act, title II and title III of the Civil Rights Act, record-keeping and notice posting, jury duty, bankruptcy, garnishment, and employee protection provisions of environmental statutes. The Board continues to ask that these prior recommendations be implemented.

Now that Congress has had substantial time to reflect on the contents of the Board's prior reports, it is critical that Congress continue the example set in 1995 with the enactment of the original provisions of the CAA. Without action on the Board's recommendations, the worthy goal of the Congressional Accountability Act gradually may be eroded.

The overwhelming bipartisan support for the CAA's passage in 1995 is a testament to the importance of—and support for—the principles the CAA embodies, both in Congress and in the electorate as a whole. While recognizing the enormous importance of many of the other issues faced today by Congress, the Board is hopeful that issuance of this 2006 Section 102(b) Report will result in legislative action to finally implement these recommendations, so that the CAA remains current with the employment needs of the legislative branch.

EXECUTIVE SUMMARY

In this 2006 Report, the Board is prioritizing its recommendations, without in any way diminishing the importance of the recommendations made in prior Reports. In this current Report, the Board focuses on two areas of vital and immediate concern to the covered community—safety and health, and veterans' rights—and urges Congress to take action on them.

The Office of Compliance Office of the General Counsel ("OGC") is responsible for ensuring safety and health of legislative branch employees through the enforcement of the provisions of the Occupational Safety and Health Act ("OSHA"). This responsibility includes inspection of the covered community, which the Office of the General Counsel performs in collaboration with employing offices. While enormous progress has been achieved by the Office of the Architect of the Capitol ("AOC") and other employing offices in improving health and safety conditions, there remain circumstances where progress will be enhanced if the OGC is provided specific tools to perform: whistle blower and similar retaliation protection, temporary restraining orders, investigatory subpoenas, and recognition by the responsible party for health and safety violations in covered facilities. With these tools, the Office of the General Counsel would be better positioned to ensure that the covered community is a safe and healthy one for its employers and employees, as well as its visitors.

Congress has enacted laws to ensure that soldiers with civilian employment will not be penalized for their time spent away from their employers while serving in the military. Through the enactment of these laws, Congress ensured that military service will not prevent individuals from remaining professionally competitive with their civilian counterparts. The Veterans' Employment Opportunities Act ("VEOA") and the Uniformed Services Employment and Reemployment Act ("USERRA") currently provide protections for military personnel entering and returning to federal and other civilian workforces. Under VEOA, Congress has enacted protections for these soldiers, so that in certain circumstances, they receive a preference for selection to federal employment. Regulations for these laws have been implemented in the executive branch, and the Board encourages Congress to implement corresponding regulations in the legislative branch.

RECOMMENDATIONS

I. Whistle Blower Protection Act Application to the CAA

Retaliation protections

Over the years, the Office of Compliance has received numerous inquiries from legislative branch employees about their legal rights following their having reported allegations of employer wrongdoing or mismanagement. Unfortunately, these employees are not currently protected from employment retaliation by any law. The retaliation provisions of the CAA limit protection to employees who, in general, exercise their rights under the statute. Whistle blower protections are intended specifically to prevent employers from taking retaliatory employment action against an employee who discloses information which he or she believes evidences a violation of law, gross mismanagement, or substantial and specific danger to public health or safety.

The Whistle Blower Protection Act ("WPA") prohibits executive branch personnel decision makers from taking any action to:

(3) coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity;

(4) deceive or willfully obstruct any person with respect to such person's right to compete for employment;

(5) influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment;

(6) grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment;

(7) appoint, employ, promote, advance, or advocate for the appointment, promotion, advancement, in or to a civilian position any individual who is a relative (as defined in section 3110(a)(3) of this title) of such employee if such position is in the agency in which the employee is serving as a public official (as defined in section 3110(a)(2) of this title) or over which such employee exercises jurisdiction or control as such an official;

(8) take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of—

(A) any disclosure of information by an employee or applicant for employment because of—

(i) a violation of any law, rule, or regulation, or

(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

(B) any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures of information which the employee or applicant reasonably believes evidences—

(i) a violation of any law, rule, or regulation, or

(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs;

(9) take or fail to take, or threaten to take or fail to take, any personnel action against any employee or applicant for employment because of—

(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

(B) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (A);

(C) cooperating with or disclosing information to the Inspector General of an agency, or the Special Counsel, in accordance with applicable provisions of law; or

(D) for refusing to obey an order that would require the individual to violate a law;

(10) discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee or applicant of any crime under the laws of any State or the District of Columbia, or of the United States.[1]

Over the years, legislative branch employees have proven essential in informing the General Counsel of the possible existence of serious hazards that may affect the safety and health of employees, management representatives, and members of the public that would otherwise not come to his attention. In order to assure the free flow of this information, it is incumbent upon Congress to protect employees from intimidation and retaliation when they exercise their rights to report and allege violations.

On July 17, 2006, Senator Chuck Grassley introduced a bill[2] to Congress that would amend the Congressional Accountability Act to give legislative branch employees some of the whistle blower protection rights that are available to executive branch employees. In the executive branch, employees can take allegations of employment reprisal based on whistle blowing to the Office of the Special Counsel or can bring an individual action directly before the Merit Systems Protection Board.[3] As the bill is written, legislative branch employees would bring such matters to the Office of Compliance's dispute resolution program. Although this program provides a mechanism for employees to bring a complaint, the employees would have to prosecute these very technical issues themselves, or incur the cost of hiring an attorney to litigate these issues. Employees of the executive branch do not bear such a burden. To assure that whistle blower protection rights are effectively vindicated, it is imperative that the General Counsel be granted the same authority to investigate and prosecute OSHA-type violations of the CAA, as is provided under other remedial labor laws.

Executive agencies that are required to enforce labor and employment rights are often given explicit statutory authority to conduct investigations and litigation respecting charges of employer intimidation and retaliation of employees. For example, the General Counsel of the Federal Labor Relations Authority may investigate discrimination based on the filing of an unfair labor practice.[4] Under the Occupational Safety and Health Act, the Secretary of Labor is given very clear authority to investigate and prosecute reprisals.[5] The Equal Employment Opportunity Commission is granted authority to initiate charges and conduct investigations into claims of discrimination.[6] The National Labor Relations Act also grants to its General Counsel the authority to issue a complaint upon the filing of an employee charge of retaliation.[7]

Covered employees who have sought information from the Office of Compliance respecting their substantive rights under the safety and health provisions of the CAA have expressed concern about their exposure when they come forward to provide evidence in such investigations. They have also indicated reluctance or financial inability to shoulder the litigation burden without the support of the Office of the General Counsel investigative process and enforcement procedures.

The Board of Directors believes that the ability of the General Counsel to investigate and prosecute retaliation in the OSH process would effectively serve to relieve employees of these burdens. It would also preserve confidence in the CAA and empower legislative branch employees to exercise their rights without fear of adverse action in reprisal for their protected activities.

Protection from solicitation of recommendations

The Board believes that the subsection (b)(2) rule of the Whistle Blower Protection Act should be made applicable to all legislative branch employing offices, other than the two houses of Congress and the entities listed in section 220(e)(2)(A)–(E) of the CAA.

The Board urges Congress to discourage "political" recommendations in the filling of covered positions. Specifically, subsection (b)(2) of the Whistle Blower Protection Act provides that anyone with personnel authority may not: "solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—(A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or (B) an evaluation of the character, loyalty, or suitability of such individual . . ."

The Board recommends that Congress apply this restriction to anyone with personnel authority in any legislative branch employing office, other than the two houses of Congress and the entities listed in section 220(e)(2)(A)–(E) of the CAA.

II. Increased safety and health compliance tools

Temporary restraining orders

The Occupational Safety and Health Act is applied, in part, to the legislative branch through Section 215(b) of the Congressional Accountability Act. Under this section, the remedy for a violation of the CAA is a corrective order similar to such an order granted under the remedial section of the OSH Act. Among other things, the OSH Act authorizes the Secretary of Labor to seek a temporary restraining order in district court in the case of imminent danger. Such enforcement authority is necessary for the General Counsel of the Office of Compliance to ensure that safety and health violations are remedied expeditiously. The General Counsel takes the position that although Section 215(b) of the CAA does not expressly provide preliminary injunctive relief as a remedy, such authority is implied by the Act's terms. Certain employing offices, as well as other stakeholders, however, differ with this interpretation, as the language is not stated directly in the Act. Accordingly, the Board seeks to amend the current language of the Act to alleviate all ambiguity and to make clear the General Counsel's authority to seek such relief.

Express authority to seek preliminary injunctive relief is essential to the General Counsel's ability to eliminate promptly all potential workplace hazards. Although a situation has not been presented yet where a court injunction was necessary to resolve a case of imminent danger, the General Counsel can foresee the very likelihood of having to do so. In fiscal year 2006, the General Counsel increased his efforts to remedy two serious violations which posed imminent danger to workers: unabated safety violations which existed in the Capitol Power Plant utility tunnels since before 1999, and the lack of safety shoring for AOC workers in trenches surrounding Library of Congress buildings. Fortunately, the prompt filing of a formal complaint led the AOC to implement immediate interim abatement measures to protect workers in the tunnels from imminent harm. In addition, the filing of a citation for the safety shoring violation prompted the AOC to take immediate steps to install appropriate shoring to protect its employees.

In both of these instances, the need for injunctive relief was obviated due to the prompt and voluntary compliance of the AOC. However, in other situations, employing offices may not so readily accept responsibility for correcting an imminent safety hazard. For example, the increased use of contractors to perform construction and repair work on Capitol Hill creates situations where the responsibility for assuring safe conditions may not be as clear, or as readily accepted, by an employing office. Cases of that nature demonstrate the need for the availability of injunctive relief to ensure the immediate and ongoing safety of employees and members of the public pending resolution of issues of responsibility and cost.

The Board urges Congress to recognize the General Counsel's need to have the authority to seek preliminary injunctive relief. Although implicitly provided in the Act, the current language under Section 215(b) creates ambiguity as to whether such authority has been granted to the General Counsel. The Board recommends that the CAA be amended to clarify that the General Counsel has the standing to seek a temporary restraining order in Federal district court and that the court has jurisdiction to issue the order.

Investigatory subpoenas

The General Counsel of the Office of Compliance is responsible for conducting health and safety inspections in covered offices in the legislative branch. In implementation of this mandate, the General Counsel is granted many, but not all, of the same authorities that are granted to the Secretary of Labor under section 8 of the Occupational Safety and Health Act.[8] One of the significant authorities granted to the Secretary of Labor is that of issuing investigatory subpoenas in aid of inspections. Other federal agencies, such as the National Labor Relations Board and the Federal Labor Relations Authority, likewise are given such authority in implementation of their authority to investigate complaints. However, the Congressional Accountability Act does not grant to the General Counsel the authority to require the attendance of witnesses and the production of evidence in furtherance of his investigations.

---

[1] Footnotes appear at end of report.

While most employing offices do not directly refuse to provide requested information during the General Counsel's investigations, significant delays in providing information are, unfortunately, not unusual. The lack of authority to compel the prompt release of information and witnesses from employing offices hampers the ability of the General Counsel to enforce health and safety regulations. To conduct a thorough workplace inspection, the General Counsel must interview witnesses and examine information that may reside solely within the possession of the employing office, and not otherwise readily available to employees, the public, or the General Counsel. Absent the authority to issue investigatory subpoenas, an employing office may, with impunity, refuse or simply stall in responding to the General Counsel's requests for information. Such actions would hinder investigations and may exacerbate potential health and safety hazards. Recently, an employing office argued that the General Counsel was not entitled to the records of results of testing for hearing damage performed on legislative employees. The General Counsel was without an efficient mechanism to gain access to this information.

Currently, the only means to compel production of documents or testimony when cooperation is not forthcoming is to issue a citation and a complaint, and institute legal proceedings against the employing office. Besides being costly, this process is counterproductive to the General Counsel's efforts to maintain and further a collaborative relationship with employing offices. In addition, the inherent delays of litigation may have the effect of exposing employees and the public to unabated hazard and significant risk of exposure or injury. Prompt production of information or access to witnesses allows the General Counsel to collaborate with employing offices and make an informed decision and assess risks and hazards. This authority will directly enhance the ability of the General Counsel to carry out his statutory duty to maintain a safe and healthy workplace.

The Office of the Architect of the Capitol is responsible for safety and health violations in covered facilities

In its Report on Occupational Safety and Health Inspections for the 108th Congress, the General Counsel raised a concern regarding enforcing compliance with the OSH Act where work is performed by contractors hired by the Architect of the Capitol. In the 108th Biennial Report, three specific incidents were cited wherein AOC contractors created hazardous situations that posed significant risk to property in one instance, and severe bodily injury to employees and the public in the other two. The latter two conditions were corrected by the AOC, even though the AOC asserted it had no obligation to do so. In the other situation, a citation was issued by the General Counsel; however, the AOC has contested this citation, asserting that it has limited, if any, responsibility to monitor or ensure compliance with OSHA regulations and safety standards whenever work is performed by contractors.

OSHA, rather than the Office of Compliance General Counsel, has jurisdiction over AOC private sector contractors. As the AOC increasingly relies on such contractors to perform its construction and repair work, it is foreseeable that safety and health enforcement in the legislative branch could increasingly devolve to OSHA rather than the Office of Compliance General Counsel. Were the AOC to prevail in its contention that it was not responsible for hazards created by its contractors, the ability of the General Counsel to protect legislative branch employees would be severely undermined. Moreover, divided jurisdiction over the elimination of hazardous conditions that affect legislative branch employees would appear to be contrary to the purpose of the CAA.

The General Counsel's jurisdiction to hold an employing office accountable for complying with safety standards does not turn on whether the employing office performs its work directly or through the use of a contractor. Otherwise, the health and safety in much of the legislative branch would depend on the diligence and skill of independent contractors rather than that of the Architect of the Capitol. The Government Accountability Office recently expressed a similar concern that the "AOC had not fully exercised its authority to have the contractors take corrective actions to address recurring safety concerns" in regard to construction at the Capitol Visitor Center.[9]

OSHA has a "Multi-Employer Citation Policy,"[10] under which employers can be considered both a "controlling and exposing employer engaged in construction and repair work." This policy requires that these multi-employers be held accountable and responsible for any safety violations in their facilities. Because the AOC is charged with the responsibility for the supervision and control of all services necessary for the protection and care of the Capitol and the Senate and House Office Buildings, the AOC would be considered a multi-employer, under OSHA's definition, and thereby accountable and responsible for any safety violations in its facilities.[11] The Board of Directors encourages Congress to adopt OSHA's policy to ensure the uniform pattern of enforcement throughout the legislative branch.

The Board urges Congress to take a realistic look at the safety and health concerns in the covered community. Much work has been done, and progress continues to be made, to ensure that Congress provides a safe and healthy environment for its employees and visitors. In order to ensure this continued progress, there are certain mechanisms that must be in place for the General Counsel of the Office of Compliance to ensure that safety and health risks are at a minimum and are thoroughly and expeditiously addressed. The Board encourages Congress to allow the General Counsel to implement these tools to meet this goal.

III. Veterans' rights

Veterans' Employment Opportunities Act

Since the end of the Civil War, the United States Government has granted veterans a certain degree of preference in federal employment, in recognition of their duty to country, sacrifice, and exceptional capabilities and skills. Initially, these preferences were provided through a series of statutes and Executive Orders. In 1944, however, Congress passed the first law that granted our service men and women preference in federal employment: the Veterans' Preference Act of 1944.[12] The Veterans' Preference Act provided that veterans who are disabled or who served in military campaigns during specified time periods are "preference eligible" veterans and would be entitled to preference over non-veterans (and over non-preference-eligible veterans) in decisions involving selections and retention in reductions-in-force.

In 1998, Congress passed the Veterans Employment Opportunities Act ("VEOA"),[13] which "strengthen[s] and broadens"[14] the rights and remedies available to military veterans who are entitled to preferences in federal employment. In particular, Congress clearly stated in the law itself that certain "rights and protections" of veterans' preference law provisions for certain executive branch employees, "shall apply" to certain "covered employees" in the legislative branch.[15]

Initially, the Board published an Advanced Notice of Proposed Rulemaking for VEOA regulations on February 28, 2000, and March 9, 2000. Upon consideration of the comments received, the Board changed its approach and published a Notice of Proposed Rulemaking on December 6, 2001. Since that time, the Board has engaged in extensive discussions with stakeholders to obtain input and suggestions into the drafting of the regulations. The Board is mindful that stakeholder input is critical in ensuring that the proposed regulations capture the particular workings and procedures of the legislative branch. To that end, the Board is committed to investing as much time as is necessary to promulgate and implement the VEOA regulations.

One of the most critical aspects of drafting these regulations has been to acknowledge the longstanding and significant differences between the personnel policies and practices, as well as the history, of the legislative branch and the executive branch. In particular, the executive branch distinguishes between employees in the "competitive service" and the "excepted service," often with differing personnel rules applying to these two services. The legislative branch has no such classification system and hence, no dichotomy.

Although the CAA mandates application to the legislative branch of certain VEOA provisions originally drafted for the executive branch, the Board notes the central distinction made in the underlying statute: certain veterans' preference protections (regarding hiring) applied only to executive branch employees in the "competitive" service, while others (governing reductions in force and transfers) applied both to the "competitive" and "excepted" service. For example, the hiring practice in the executive branch includes a numeric rating and ranking process. Such process includes a point-preference for certain veterans. Because no such rating and ranking process exists in the legislative branch, the application of the point-preference had to be adjusted to properly fit the particular practices of the legislative branch.

The extensive discussions with various stakeholders across Congress and the legislative branch have raised these issues and have provided a forum in which to discuss how best to address these unsuited areas of the regulations. The suggestions made and comments received by stakeholders have allowed the Board to engage in thoughtful deliberation and careful consideration of the particular needs of the legislative branch. Accordingly, the Board has crafted proposed regulations that it believes will fit the practices and procedures of the varying entities in the covered community.

Uniformed Services Employment and Re-employment Rights Act

The Uniformed Services Employment and Re-employment Rights Act ("USERRA") was enacted in December 1994, and the Department of Labor submitted regulations for the executive branch in 2005. USERRA's provisions ensure that entry and re-entry into the civilian workforce are not hindered by participation in non-career military service. USERRA accomplishes that purpose by providing rights in two kinds of cases: discrimination based on military service, and denial of an employment benefit as a result of military service.

Currently, the Board is engaged in drafting proposed regulations for USERRA's application to the legislative branch. During the 110th Congress, the Board will present its proposed regulations to stakeholders and engage in similar consultations as with the proposed VEOA draft regulations. The Board anticipates that this interactive and collaborative approach will allow the Board, as with the VEOA draft regulations, to ascertain the concerns and particular demands of the legislative branch with respect to application of these regulations.

There is a need for both VEOA and USERRA regulations in the legislative branch. Congress has seen fit to provide service men and women certain protections in federal civilian employment, and without adopted regulations, these protections are without legal effect in the legislative branch. The particular procedures and practices in the legislative branch necessitate regulations written especially for the legislative branch. The Board encourages Congress to adopt these regulations, once proposed, so that VEOA and USERRA protections can be provided specifically to employees of the legislative branch with regulations suitable to the needs of the covered community.

CONCLUSION

As the tenth anniversary of the Congressional Accountability Act of 1995 has now passed, it is time for a comprehensive analysis and update of the law to ensure that it continues to reflect the commitment by the lawmakers of this nation to democratic accountability.

With this 102b Report, the Board of Directors of the Office of Compliance urges the leadership of both houses of Congress to seriously consider the recommendations included in this report. The Board encourages Congress to look at the recent activities in the covered community to recognize the need for the implementation of these recommendations. In particular, the efforts made by the Office of the General Counsel of the Office of Compliance and the Office of the Architect of the Capitol to eliminate safety and health hazards that exist in the covered community have been successful due to the collaborative nature of the approach to the problem. However, certain safety issues and certain hazards may only be successfully addressed by the use of other mechanisms, such as specific retaliation protections for whistle blowers, preliminary injunctive relief, investigative subpoenas, and the General Counsel's ability to investigate and prosecute OSH claims of retaliation.

A fair workplace consists of fair treatment for its applicants and employees who serve in the military. The legislative branch attracts and employs many men and women who have collateral military responsibility. Congress has enacted laws which ensure that these individuals receive the same treatment as their civilian counterparts. Those service men and women who make application for federal employment in the legislative branch and those individuals returning from active duty must be assured, through appropriate regulation, that their service in the military will not hinder them from serving in their country's legislative branch of government.

The Board also encourages the leadership to increase Congress's compliance with section 102(b)(3) of the CAA. Section 102(b)(3) requires that every House and Senate committee report accompanying a bill or joint resolution that impacts terms and conditions of employment or access to public services or accommodations must "describe the manner in which the provisions of the bill or joint resolution apply to the legislative branch" or "in the case of a provision not applicable to the legislative branch, include a statement of the reasons the provision does not apply." Congress has made efforts to include such language in proposed bills, and the Board encourages its continued effort.

This Board, its executive appointees, and the staff of the Office of Compliance are prepared to work with the leadership, our oversight committees, other interested Members, and instrumentalities in Congress and the legislative branch to make these recommendations part of the Congressional Accountability Act during the 110th Congress.

Respectfully submitted,

Susan S. Robfogel, *Chair.*
Barbara L. Camens.
Alan V. Friedman.
Roberta L. Holzwarth.
Barbara Childs Wallace.

APPENDIX A

Employment and civil rights which still do not apply to Congress or other legislative branch instrumentalities

The statutes below, with the exception of Section 508 of the Rehabilitation Act, were all first identified by the Board in 1996 as not included among the laws which were applied to Congress through the Congressional Accountability Act of 1995. The absence of section 508 of the Rehabilitation Act was first identified in our 2001 Interim Report to Congress. We here repeat the recommendations—made in our Reports of 1996, 1998, 2000, 2002, and 2004, as well as those of the Interim 2001 Report—that these statutes should also be applied to Congress and the legislative branch through the Act.

The 1998 amendments to section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d)

In November 2001, the Board submitted an Interim Section 102(b) Report to Congress regarding the 1998 amendments to the Rehabilitation Act of 1973 in which the Board urged Congress to make those amendments applicable to itself and the legislative branch. The purpose of the 1998 amendments is to: "require each Federal agency to procure, maintain, and use electronic and information technology that allows individuals with disabilities the same access to technology as individuals without disabilities." [Senate Report on S. 1579, March 1998]

As of this time, some five years later, software and other equipment which is "508 compliant" is readily available and in use by some employing offices. The Board encourages consistent use of these technologies so that individuals with impairments may have the same opportunities to access materials as others.

The Board reiterates its recommendation that Congress and the legislative branch, including the General Accounting Office, Government Printing Office, and Library of Congress, be required to comply with the mandates of section 508.

Titles II and III of the Civil Rights Act of 1964 (42 U.S.C. §§2000a to 2000a–6, 2000b to 2000b–3)

These titles prohibit discrimination or segregation on the basis of race, color, religion, or national origin regarding the goods, services, facilities, privileges, advantages, and accommodations of "any place of public accommodation" as defined in the Act. Although the CAA incorporated the protections of titles II and III of the ADA, which prohibit discrimination on the basis of disability with respect to access to public services and accommodations,[16] it does not extend protection against discrimination based upon race, color, religion, or national origin with respect to access to public services and accommodations. For the reasons set forth in the 1996, 1998 and 2000 Section 102(b) Reports, the Board has determined that the rights and protections afforded by titles II and III of the Civil Rights Act of 1964 against discrimination with respect to places of public accommodation should be applied to employing offices within the legislative branch.

Prohibition against discrimination on the basis of jury duty (28 U.S.C. §1875)

Section 1875 provides that no employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of the United States. This section currently does not cover legislative branch employment. For the reasons set forth in the 1996, 1998 and 2000 Section 102(b) Reports, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Prohibition against discrimination on the basis of bankruptcy (11 U.S.C. §525)

Section 525(a) provides that "a governmental unit" may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person who is or has been a debtor under the bankruptcy statutes. This provision currently does not apply to the legislative branch. For the reasons stated in the 1996, 1998 and 2000 Section 102(b) Reports, the Board recommends that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Prohibition against discharge from employment by reason of garnishment (15 U.S.C. §1674(a))

Section 1674(a) prohibits discharge of any employee because his or her earnings "have been subject to garnishment for any one indebtedness." This section is limited to private employers, so it currently has no application to the legislative branch. For the reasons set forth in the 1996, 1998 and 2000 Section 102(b) Reports, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

APPENDIX B

Regulatory enforcement provisions for laws which are already applicable to the legislative branch under the act

Record-keeping and notice-posting requirements of the private sector CAA laws

As mentioned in its 1998, 2000, 2002, and 2004 Reports, experience in the administration of the Act leads the Board to recommend that all currently inapplicable record-keeping and notice-posting provisions be made applicable under the CAA. For the reasons set forth in its prior reports of 1998, 2002, and 2004, the Board recommends that the Office be granted the authority to require that records be kept and notices posted in the same manner as required by the agencies that enforce the provisions of law made applicable by the CAA in the private sector.

Other enforcement authorities exercised by the agencies that implement the CAA laws for the private sector

To further the goal of parity, the Board also recommends that Congress grant the Office the remaining enforcement authorities that executive branch agencies utilize to administer and enforce the provisions of law made applicable by the CAA in the private sector. Implementing agencies in the executive branch have investigatory and prosecutorial authorities with respect to all of the private sector CAA laws, except the WARN Act. Based on the experience and expertise of the Office, granting these same enforcement authorities would make the CAA more comprehensive and effective. By taking these steps to live under full agency enforcement authority, the Congress will strengthen the bond that the CAA created between the legislator and the legislated.

APPENDIX C

Employee protection provisions of environmental statutes

Since its 1996 Report, the Board has addressed the inclusion of employee protection provisions of a number of statutory schemes: the Toxic Substances Control Act, Clean Water Act, Safe Drinking Water Act, Energy Reorganization Act, Solid Waste Disposal Act/Resources Conservation Recovery Act, Clean Air Act, and Comprehensive Environmental Response, Compensation and Liability Act. In its 1996 Section 102(b) Report, the Board stated: "It is unclear to what extent, if any, these provisions apply to entities in the Legislative Branch. Furthermore, even if applicable or partly applicable, it is unclear whether and to what extent the Legislative Branch has the type of employees and employing offices that would be subject to these provisions. Consequently, the Board reserves judgment on whether or not these provisions should be made applicable to the Legislative Branch at this time."

Further, in the 1998 Report the Board concluded that, while it remained unclear whether some or all of the environmental statutes apply to the legislative branch, "[t]he Board recommends that Congress should adopt legislation clarifying that the employee protection provisions in the environmental protection statutes apply to all entities within the Legislative Branch."

In the 2002 and 2004 Reports, the Board explicitly analyzed these protections and recommended that the employee protection provisions of these acts be placed within the CAA and applied to all covered employees, including employees of the Government Accountability Office, Government Printing Office, and Library of Congress. The Board reiterates those recommendations herein, including its recommendation to eliminate the separation of powers conflict inherent in enforcing these statutes, and urges Congress to include such amendments to the Act.

CONTACT INFORMATION

Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, SE, Washington, DC 20540-1999, t/ 202-724-9250 tdd/ 202-426-1912 f/ 202-426-1913. Recorded Information Line/ 202-724-9260 www.compliance.gov.

ENDNOTES

[1] Subsections (b)(11) and (b)(12) refer to "competitive service," merit systems principles, and other specific personnel matters within the . . . .

[2] S. 3676, 109th Cong. (2006)

[3] See 5 U.S.C. 1201 et seq.

[4] See 5 U.S.C. §7118(a)(1)

[5] See 29 U.S.C. §660(c)(2). See also Federal Mine Safety and Health Act, 30 U.S.C. §815 which grants the Secretary of Labor the authority to prosecute a discrimination claim before the Federal Mine Safety and Health Review Commission.

[6] These procedures do not apply to federal sector equal employment opportunity.

[7] 29 U.S.C. §158(a)(4); §160(b).

[8] 29 U.S.C. §657.

[9] See "Testimony of David M. Walker, Comptroller General of the United States Before the Subcommittee on the Legislative Branch, Committee on Appropriations, U.S. Senate" (May 17, 2005), p. 9.

[10] OSHA Directive CPL 2-0.124, December 10, 1999.

[11] Id, Sections X(c) and X(e).

[12] Act of June 27, 1944, ch. 287, 58 Stat. 387, amended and codified in various provisions of Title 5 of the United States Code.

[13] Pub. L. 105-339, 112 Stat. 3186 (October 31, 1998).

[14] Sen. Rept. 105-340, 105 Cong., 2d Sess. at 19 (Sept. 21, 1998).

[15] VEOA " 4(c)(1) and (5).

HONORING PRESIDENT GERALD FORD

Mr. SCHUMER. Mr. President, it is with great sadness but great honor that I rise to commemorate the life and actions of Gerald R. Ford, the 38 President of the United States. President Ford led our country through turbulent and uncertain times and did so with a kind of strong modesty that he was known for his entire life. From his days as a star of the University of Michigan football team to serving as minority leader in the U.S. House of Representatives, Gerald Ford's ability to lead was apparent to all. Aside from his leadership qualities, President Ford was a man beyond reproach and respected by all. These qualities made him Richard Nixon's choice to replace his first Vice President, Spiro Agnew. Following President Nixon's resignation, Gerald Ford returned honor to the office of the President and restored the country's confidence in our leaders. Gerald Ford exemplified the best of America and served the country in every way. From his heroism in World War II to his Presidency and graceful retirement, he harkens back to a day when love of country and bipartisanship were paramount.

Mrs. DOLE. Mr. President, it is with a heavy heart that I join with all North Carolinians and all Americans in mourning the passing of President Gerald Ford. I was privileged to call President Ford a dear friend for more than 30 years, and my husband Bob and I continue to keep Betty and the entire Ford family in our thoughts and prayers.

President Ford presided over America during some of her most difficult and challenging times. Immediately upon entering the Oval Office, President Ford was confronted with a myriad of problems—a faltering economy, energy shortages, international disputes, and a nation disheartened and disillusioned by scandal. He confronted these challenges head-on, and he did so with honesty, integrity, common sense, and decency. He was a true American patriot who never failed to put the interests of his country above his own political interests. And, to me, that is the embodiment of a true leader.

Long before entering the White House, President Ford had a distinguished and successful career. He diligently represented the people of Michigan in the U.S. House of Representatives for 25 years, including 8 years serving as House minority leader. Throughout each chapter of his career, President Ford displayed extraordinary care and thoughtfulness as he worked tirelessly to bring together his colleagues—from both sides of the ideological spectrum—for the betterment of our Nation. And in turn, his colleagues respected him, relied on his wise judgment, and valued his leadership.

As my husband Bob says, President Ford was the type of person you would want as your next-door neighbor. He was humble, down-to-earth, and accessible. What you saw with President Ford was what you got.

In addition to having the honor of serving in President Ford's administration as a Federal Trade Commissioner, I had the privilege of spending a good bit of time with President Ford and his dear wife Betty when my husband campaigned as his running mate in 1976. During this time, I saw a side of the President that I wish every American could have seen.

I will never forget the day when President Ford announced that Bob would be his running mate. We were in Bob's hometown of Russell, KS, and my mother-in-law wanted very much to serve a home-cooked fried chicken dinner to the President. But when President Ford and Bob arrived at her home, they discovered that Mrs. DOLE had accidentally locked herself out of the house. So there was the President of the United States standing on the front stoop patiently waiting for Mrs. DOLE to find the spare key. She was a nervous wreck, but the President didn't mind one bit—instead, he kindly offered to help her find the key, so together they searched until they found it behind a drainpipe. I have always thought this story about a small kindness truly speaks volumes about the sterling character of a man I have long respected and admired. Even as President Ford had the weight of the world on his shoulders, he always treated his fellow man with kindness, respect, and personal modesty.

President Ford served the United States with courage and distinction, and he provided a shining example for all public servants to follow. I am so proud to have known this man of character, strength, and intellect. I will miss my friend, and I wish the best to Betty, his children, Michael, John, Steven, and Susan, and the entire Ford family.

Ms. SNOWE. Mr. President, I rise today to state how proud I was to support Senate Resolution 19, celebrating the life of the late President Gerald R. Ford.

It was an honor to commemorate the extraordinary legacy of the 38th President of the United States, Gerald Rudolph Ford, as we have mourned the loss of a treasured national leader and exceptional public servant.

President Ford will forever be remembered for his unassailable integrity and decency, at a most difficult and challenging time. He was truly a great American who devoted his life not only to the Nation he loved but also to the finest and most ennobling ideals of public service. Throughout the years, President Ford represented a voice of civility and problem-solving—of consensus-building—and healing. History will record that his contribution to America's story was both indispensable and irrefutable.

When our Nation looked to him for assurance, his stalwart character, disposition, and judgment instilled a quiet and renewed confidence in our country. He restored the public trust in the Presidency and in our Government, reminded us of the strength and durability of our Constitution, and engendered a hope that tempered our anxieties and turned our attention once again to the future.

During his distinguished 25 years as both a Member and later minority leader of the U.S. House of Representatives, then-Congressman Gerald Ford never sought the office of Vice President or President, but when in 1974 he faced the daunting task of assuming the highest office in the land, his steadfast dedication to the bedrock principles of hardwork, common sense, and duty—so emblematic of his upbringing and his remarkable career in Congress—prepared him to occupy the White House and served him well over the course of his brief but historic tenure.

With an unwavering moral compass, a certain grasp of purpose, and an always-steady resolve, President Ford guided us out of conflict abroad and quelled our concerns here at home and in doing so brought honor to the Oval Office and reassurance to Americans. It is fitting that in football as well as in his public life, Gerald Ford was ever the keystone, the center that held those around him together, who exemplified the essential underpinning that made progress possible.

On a personal note, last summer I had the esteemed privilege of cosponsoring—along with Senators WARNER, STEVENS, and LEVIN—an amendment offered by Senator JOHN WARNER to the 2007 Defense authorization bill that would name our Nation's newest carrier the "USS *Gerald R. Ford*." In fact, the Navy's entire class of future carriers would be known as the Ford class—in honor of the President we praise.

Later this month, that accolade—which the Senate passed unanimously—is expected to come to fruition. Such a bestowal by Navy Secretary Winter would be an appropriate tribute to then-Lieutenant Ford, who, as a sailor in December 1944, encountered a typhoon while aboard the carrier USS *Monterey* and demonstrated the virtues that would emerge as the hallmark of his unflagging service and sacrifice to our Nation, such as calm and courage amid turmoil, presence of mind to act decisively despite confusion and chaos, and an unflinching will of spirit to help others, even at great personal peril.

It has been recounted in the Bob Drury and Tom Clavin book "Halsey's Typhoon: The True Story of A Fighting Admiral, an Epic Storm, and an Untold Rescue" that Lieutenant Ford rescued wounded comrades, beat back raging fires, and helped salvage a ship that was ordered to be abandoned. Gerald Ford was integral to the effort driven by the simple belief of the skipper, Captain Ingersoll, that "we can fix this." As part of Admiral Halsey's Third Fleet, they did not give up the USS *Monterey* in what reportedly was "one of the worst natural disasters in U.S. military history," a disaster where much of the fleet was decimated and more men were purportedly killed than in the Battle of Midway.

Mr. President, this story in many ways embodies the essence of this great son of Michigan. The story of the USS *Monterey* is telling in that—like President Ford—it has for years taken a humble and unassuming place in the American narrative—and yet over time has rightfully grown in stature and acclaim. We also see a disposition and valor in a young sailor that would be brought to bear later in life as a statesman. Lieutenant Ford's reaction to conflagration and crisis was to take action and help tamp it down. Gerald Ford helped bring under control the flames that imperiled the USS *Monterey*. He would do similarly as President when charged to guide the ship of state—which he did with a fearless, unflappable demeanor. And which he did, to paraphrase President Lincoln, "with firmness in the right as God [gave him] to see the right." And through his eloquence of action, Gerald Ford moved us all to "strive on to finish the work we [were] in" . . . and helped "to bind up the nation's wounds." And for that we are eternally grateful.

Our thoughts and prayers continue to be with First Lady Betty Ford, their children, and the entire Ford family. May God bless and keep President Gerald R. Ford and may God bless the United States of America he so ably led.

HONORING HOLIDAY WREATHS AT ARLINGTON CEMETERY

Ms. SNOWE. Mr. President, I rise today to recognize and honor the patriotic and exemplary contribution of Morrill Worcester, owner of Worcester Wreath Company in Harrington, ME, who for the past 15 years has undertaken what has become an extraordinary tradition—to donate, transport, and oversee the placement of Maine balsam fir holiday wreaths on the graves of the exceptional service men and women buried and forever extolled at Arlington National Cemetery.

It is truly inspiring to see how the actions of one man can transform into such an honorable and moving tribute to America's fallen heroes. Unquestionably, I am immensely grateful to have been part of Morrill Worcester's dream, which began in December of 1992 when he called my office to ask if he could place his excess wreaths on the graves of soldiers at Arlington National Cemetery. I never could have imagined that what occurred on that day would evolve remarkably into a nationwide gesture of unfailing gratitude for our troops.

During the season of thankfulness and giving, Morrill Worcester's tremendous generosity exemplifies not only the very best of the holiday spirit but also the inherent good will and can-do belief which is the abiding hallmark of Mainers. And what better way to celebrate the joy engendered by that time of year than to pay rightful homage to the countless courageous veterans who made the ultimate sacrifice to ensure and protect the many freedoms we cherish everyday. It is on occasions such as this that I could not be more proud to be both a Mainer and an American.

This past December Mr. Worcester was joined by 800 volunteers, including many provided by the Maine State Society, Maine Civil Air Patrol Units, local VFW and American Legion Posts, military units, congressional staffers, schoolchildren, Scout troops, and an array of American veterans for the trek down U.S. Route 1 from Harrington to Washington, DC, with 5,000 Maine balsam fir holiday wreaths.

In fact, it was on Thursday, December 14, 2006 when the tractor-trailer with the logo "Wreaths across America" was parked at the top of the 11th section of the cemetery, with more than 500 volunteers gathered and ready to grace those monuments to heroism with red ribbons, making an already beautiful testament to bravery and valor even more stunning and glorious. The Maine wreaths were also laid on the grave of Edmund Muskie, former U.S. Senator from Maine and Secretary of State, and near the sites of the Tomb of the Unknown Soldier and the USS *Maine* Memorial.

The many white tombstones that one day prior had stood barren now had come to life because of one man and hundreds of dedicated volunteers who, with full hearts and sharing hands, simply took the time to thank those who sacrificed themselves on our behalf—men and women whose undaunted service recalls the timeless words of President John Adams: "If we do not lay out ourselves in the service of mankind whom should we serve?"

With many of America's finest in harm's way, especially in Iraq and Afghanistan, it is more imperative than ever that we remember always that freedom is not free—and there are those who gave the full measure of devotion to protect us and defend our liberty.

A NEW CHANCE FOR GUN LEGISLATION

Mr. LEVIN. Mr. President, on April 20, 1999, two students walked into Columbine High School and carried out a shooting rampage, killing 12 fellow students and a teacher, as well as wounding 24 others, before committing suicide. A week later, we paused in the Senate to observe a moment of silence in tribute to those who died and to express our sympathy for their loved ones. Since this tragic event, many of us, on many occasions, have urged our colleagues to debate and pass sensible gun legislation.

Between 1999 and 2004, over 117,000 people have been killed by guns, criminals continue to gain easy access to guns and law enforcement officers do not have the tools they need to investigate gun-related crimes. The 109th Congress nonetheless has failed to act and has missed numerous opportunities to enhance the safety of our communities across the Nation. Congress has not reauthorized the 1994 assault weapons ban. Congress has not closed the gun show loophole. Congress has failed to make the necessary improvements to the National Instant Criminal Background Check System that could significantly decrease the likelihood of convicted criminals gaining access to guns. And, the President has failed to provide the necessary leadership. Instead we have seen a continual rise in the levels of gun related crime. This increase in crime levels has not been restricted to America's largest cities, but has also permeated America's small and mid-sized cities. As Paul Helmke, president of the Brady Campaign to Prevent Gun Violence and former mayor of Fort Wayne, IN, describes it:

> For almost six years, many have systematically made it easier for criminals to have access to firearms by weakening enforcement of laws that cut illegal gun trafficking, supporting policies that encourage more firearms on the streets of American cities, putting AK-47s and other military-style semiautomatic weapons back onto our streets and even placing huge restraints on the ability of governments and individuals to hold the gun pushers accountable through the civil court system.

The 110th Congress has a fresh opportunity to act on a bipartisan basis to pass legislation that will make our streets safer for all Americans. I urge my colleagues to work to enact sensible gun safety legislation for the benefit of our families, communities and police officers.

CREATION OF A U.S. AFRICA COMMAND

Mr. FEINGOLD. Mr. President, as the Defense Department continues its planning for the creation of an Africa Command, it is important to realize that the creation of a new regional combatant command focused exclusively on Africa will have a profound impact on our country's presence, policies, and engagement in what is becoming one of the most critical regions of the world. New bases, new personnel, new missions, new efforts, and new relationships will be created, and our potential to have a positive impact throughout the continent will be enhanced greatly.

We have to be strategic and forward-thinking as we create this new organization, though. Because we are making such a profound change to our posture on the continent, we need to ensure that the new organization will contribute to, not define, the U.S. Government's overall strategy and objectives for the continent. We also need to make sure that the U.S. military's activities and involvement on the continent do not overshadow, skew, or otherwise hinder our Government's other key objectives.

It is clear that challenges in Africa are diverse and complex. We have a number of security-related concerns there, ranging from terrorist organizations and safe havens to large-scale corruption, regional conflicts, and the disruption of global energy markets. Continuing to establishing firm and productive military-to-military relations with a number of African nations is also critical.

But we have learned that the way to address the underlying causes of the security challenges throughout the continent is not generally through military power. In fact, the best way to address the full range of security-related concerns in Africa is to focus on the underlying conditions that plague governments and societies throughout the continent. Security threats and instability stem from corruption, absence of human rights, poverty, disease, lagging economies, and joblessness. Weak governments are incapable of addressing the dynamics that often contribute to lawlessness or violence, and are often left without any capacity to help defeat trans-national threats.

Our focus as a government, therefore, must be on strengthening African governance capacities and legitimacy, as well as the commitment to the rule of law, sound democratic mechanisms, and human rights. We must continue to help alleviate the humanitarian suffering that exists throughout the continent, and we must work hard to assist African countries develop sound democratic institutions that are credible and capable, and that have the technical capacity to provide for their people and to govern fairly. Only then will we start to see real returns—real, long-term returns—for our national security.

This isn't to suggest that continued military involvement throughout the continent isn't essential. It is. But only if it is a component of a broader strategy to address these underlying causes of instability. U.S. military activities throughout Africa must help support a larger framework that seeks to strengthen African governments and balance the need for good governance and security capacity. Our security assistance to African nations, and more broadly, the work of the U.S. military throughout Africa, must not interfere with, create an imbalance in, or skew the necessary political, economic, and social work that must be done if we are going to see any long-term improvement in areas of critical concern.

Accordingly, establishing a new combatant command for Africa presents an opportunity to strengthen our national security focus in Africa, but it also presents an opportunity to create a military command with the primary mission of supporting diplomatic, development, humanitarian assistance, and regional initiatives led by the Department of State, USAID, and other agencies. This command, if designed right, will be able to serve as a contributor to broader U.S. Government efforts throughout the continent, and will help provide an additional platform for regional thinking, strategizing, and activity that will advance the strategic interests of our country throughout Africa.

To be effective, of course, this command will take careful planning. It will also take a considerable amount of planning on the part of the Department of State, USAID, and other departments and agencies that will have to adjust to this new organization. It will take intensive coordination and adjustments throughout the civilian interagency and it will be crucial that State, USAID, and other departments and agencies are playing a full role in the creation of this command.

The mission of this command will need to be relatively broad. Africa Command should establish strong security-oriented relationships with our partner nations throughout Africa. These relationships should be coordinated with our embassies and with Washington, but should only be part of our broader efforts with any given country. The command's efforts should be balanced and should take into consideration the scale and scope of diplomatic, development, humanitarian, and human rights efforts in each country.

The command should also prepare to deal with international organizations—particularly the African Union and subregional organizations that often play leading roles in regional and continental peacekeeping efforts, conflict mitigation activities, and humanitarian response. Establishing a strong relationship with the AU and other organizations will be essential to unlocking the potential for Africans to address security challenges throughout their continent.

The command should also prepare to conduct missions that have often taken a backseat to higher profile or less military-focused efforts. Humanitarian assistance—often one of the best ways to win hearts and minds in the immediate aftermath of a natural disaster or conflict—will need to be at the top of the command's list of priorities. So too should efforts to help rebuild societies after conflict. This might take the form of logistical assistance for humanitarian or development personnel, or potentially a direct role for U.S. military personnel, when appropriate. Other critical components of the new command's mission should include anticorruption efforts, leadership training, strengthening civilian oversight of national militaries, preventing the spread of HIV/AIDS, demobilizing or reintegrating ex-combatants, and being on standby for rapid response to new conflicts or challenges.

The Department of Defense does a lot of this already. Many of these missions have been carried out by dedicated men and women in uniform who are stationed in places like Nigeria, Uganda, or at the Combined Joint Task Force—Horn of Africa. The challenge, though, is to establish a command that places these initiatives on its priority list, and to ensure that these efforts are resourced appropriately, are coordinated with the appropriate departments and agencies, and that they do not distort or disrupt other key initiatives throughout the continent.

With this new mission and these challenges in mind, I would like to raise a series of issues that I believe to be important as our government begins developing this new command.

First, as the Department of Defense plans for the creation of an Africa Command, it is essential that it think outside of the traditional model of the regional combatant command. While this new command will help us defeat terrorist networks that operate, recruit, stage, or otherwise seek haven throughout the continent of Africa, this new command should not have combat as its primary mission. It should have as its core mission the task of supporting bilateral, regional, and continental diplomatic and development efforts. It also should be focused on bolstering State, USAID, and other government activities—providing resources, information, and logistical support for programs that have often been slowed or stopped because of the very absence of these things.

Second, the creation of an Africa Command and the design of its mission, objectives, and capacity, must be done in concert with the Department of State, the U.S. Agency for International Development, and other departments and agencies that are active in Africa. This new organization—the first regional command to be focused exclusively on Africa—will obviously be military in nature, but it must cast a new mold for regional combatant commands that incorporates interagency interests and responsibilities from the outset, as well as personnel from throughout the government that can help advance the mission of the U.S. Government in Africa. The Department of State and USAID personnel should be embedded deeply into the command and should play important leadership roles in the various components of this command. Formal coordination mechanisms, too, must be established between the new command, our embassies, Washington, and other pertinent regional and functional commands around the world.

Given its potential impact throughout the continent, we should make every effort to ensure that the command represents a unified U.S. Government effort, and that in the early planning phases of this command that civilian interagency requirements are absorbed and incorporated into the final organization.

Third, and more specifically, the planning process for the creation of an Africa Command must be met with parallel—and equally aggressive—discussions within the Department of State. The Department of State must realize that an Africa Command will have a significant impact on how it does its business and how it coordinates and collaborates with the Defense Department. It should begin planning for internal bureaucratic changes, as well as posture changes throughout the continent, to account for the fact that the Defense Department's presence and focus will be regional, while the Department of State's efforts will remain largely bilateral.

Africa Command will help alleviate many coordinate challenges between departments that have existed to date. But it won't change the fact that the State Department still focuses on bilateral relationships and often has trouble organizing, coordinating, or planning for regional initiatives or programs. Closer State-DOD relations will come about as a result of the creation of Africa Command if and when the State Department begins addressing how it can better organize itself to address regional conflicts, transnational counterterrorism efforts, humanitarian emergencies that spill over borders, and ungoverned spaces.

We must also recognize the resource disparity between the Defense Department and the Department of State. This will most likely be an important issue as this new command is created. But short of dramatically increasing the State Department's budget in the next few years to account for an additional and needed focus on Africa, it will be essential that the State Department maintain a leadership role throughout this entire process, and that it adjusts itself to better manage and coordinate all U.S. government efforts throughout the continent. The State Department should apply its best Africa and political-military minds to DOD's efforts to create this new command, and it should view its role as both client and patron, knowing well that the creation of this new command will require new leadership efforts within the State Department.

Fourth, it is crucial that the Defense Department and the State Department move faster to establish joint planning mechanisms—both strategic and financial. It has become widely known that Defense and State planning mechanisms are not in sync, and that both organizations plan, or don't plan, for events, missions, and strategic objectives differently. This needs to be addressed immediately. The creation of Africa Command will give both departments an opportunity to begin syncing planning capabilities, and may open the window to truly interagency budgeting and strategic planning processes that will align all U.S. Government resources to address challenges in places like Africa.

This may sound bureaucratic, but it has real implications on how we position our government to address the wide-ranging challenges throughout Africa, and indeed throughout the rest of the world. The State Department develops bilateral strategic plans and generates resource requirements largely based on bilateral, and sometimes multilateral efforts. The Defense Department views things more regionally, establishing regional commands and task forces that can evaluate, strategize, and implement programs based on the needs or challenges unique to a given region—challenges that often transcend national borders or programming allocations. Neither department's strategic planning process is perfect, but I would urge both Departments—in addition to USAID, the Department of Treasury, Justice, Agriculture, as well as others—to begin evaluating how the strategic planning process can incorporate departmental or agency-specific activities and efforts into comprehensive U.S. Government strategies for the continent, subregions, and partner nations. Creating combined planning processes would also benefit lawmakers that are constantly seeking better coordination and a higher return on taxpayer investments.

Fifth, and in a related vein, the President should make absolutely clear that ambassadors—chiefs of mission in any given country—are his representatives and must be accountable and responsible for all actions taken on behalf of the U.S. Government in any given country. It is essential that ambassadors have the ultimate say of what happens in country, and that he or she has the ability to "turn off" any programs, initiatives, or efforts that may adversely affect our government's broader goals in or relationship with a given country. That said, the Department of State may want to consider creating a new position for Africa that can help liaise—at a sufficiently senior level—with the senior Africa Command commander on daily issues. This position would be more than a political advisor. This person would ideally have the ability to make decisions at the traditional three- or four-star level, and provide a substantive and management-oriented perspective on State and DOD efforts throughout the continent. This person would ideally not be based in Washington, and might benefit from serving side-by-side with the new combatant commander.

The Department of State—both in Washington and at our embassies—must step up and play a stronger leadership role. I would imagine that DOD would welcome this. In many countries in Africa the Defense Department represents the bulk of U.S. efforts or presence. Our security assistance programs are wide-ranging and often overshadow development, economic, or political assistance to fragile and poor countries. This is not to suggest that the creation of a new command for Africa is bad. It is not. I authored a successful piece of legislation last year that required the Defense Department to do a complete feasibility study on this very issue. I believe that it will enhance our ability to do important work throughout Africa, and that it will have a positive impact on our national security. But it is essential that as we increase our efforts to strengthen the security capabilities of our partners in Africa, we do not undermine critical human rights and that we work to strengthen democratic institutions. The State Department must prepare to exert its authority and influence on the new command's activities and ensure that future U.S. Government efforts in Africa are balanced and take into consideration the larger strategic efforts in any given country, region, and throughout the continent.

Finally, the Congress needs to be prepared to support this new effort. It will be essential that Congress take into account the needs of the Defense Department and the individual uniformed services as this new command is created. But it is equally essential that Congress take into account the needs of the State Department, USAID, and other agencies that are trying to ramp up their efforts throughout the continent. If anything, the creation of a new combatant command for Africa should signal the dramatically increasing importance of Africa to our national security, and that to truly address the range of challenges present there we need to look at an equally aggressive plan to strengthen our diplomatic, development, humanitarian, and human rights work throughout the continent. This may include addressing how the Congress allocates funds—both to this new command and to the other departments and agencies that will make the spirit and intent of this command work.

In closing, we must focus greater resources on Africa but we should ensure that our efforts in Africa do not become primarily military in nature, and that the State Department continues to play the primary leadership role with respect to our efforts on the continent. Those within the Defense Department, the State Department, at USAID and other key departments and agencies will need to use this as an opportunity to evaluate and enhance the way they do business. The success of this governmental effort requires it, and our national security depends on it.

COAL TO LIQUIDS FUEL PRODUCTION ACT

Mr. OBAMA. Mr. President, I am pleased to join my distinguished colleague, the Senator from Kentucky, Mr. BUNNING, in introducing this important legislation.

The geologic deposit known as Illinois Basin Coal—which lies beneath Illinois, Indiana and Kentucky—has more untapped energy potential than the combined oil reserves of Saudi Arabia and Kuwait. This coal deposit underlies more than 65 percent of the surface of the State of Illinois, with recoverable reserves estimated to be in excess of 38 billion tons from my State alone. Moreover, with just a glance at a map of Illinois, one can see that my State is dotted with towns that reflect our 200-year coal mining history—towns with names like Carbondale, Energy, Carbon Hill, Coal City, and Zeigler.

In some parts of Illinois, however, these names are just shadows of the past. More than 15 years ago, upon the enactment of the Clean Air Act Amendments of 1990, coal mining in Illinois was drastically transformed. Given the high sulfur content of Illinois coal, many users switched from Illinois coal to other, lower sulfur coals mined out West. As a result, thousands of Illinois jobs vanished, and with it, the life force of many of these towns. Air quality throughout the Nation improved drastically, but vast energy resources were rendered idle, awaiting new future technologies.

Today, we are exploring those new technologies, which promise a renaissance for coal communities. Two east central Illinois towns, for example, are under consideration for the billion-dollar FutureGen project, which many of my colleagues know will be the first near zero-emissions coal-fired powerplant in the world.

But coal from the Illinois Basin, with its high energy content, is a superb feedstock not just for power generation, as promised by FutureGen, but also for the manufacture of Fischer-Tropsch—FT—fuel. Created in the 1920s by German scientists and used during World War II, the FT process is the major fuel source for vehicles in South Africa. In both nations, the production of diesels from coal was developed as a response to petroleum embargoes against those nations at various points in their history.

Meanwhile, in the United States, more than 55 percent of our fuel consumption continues to come from foreign oil, and that number is growing. Our economy is exposed to potential jeopardy from oil supply disruptions and price shocks. We must diversify our fuel supply, and that means all domestic options should be on the table for consideration.

Fischer-Tropsch fuel is interchangeable with standard diesel, functioning in existing engines with little or no modification. FT fuels can be transported in our existing fuel distribution infrastructure. Moreover, FT fuels have far lower emissions than standard diesel. The Department of Defense, the largest consumer of petroleum in the United States, has great interest in acquiring this fuel. But Fischer-Tropsch is not manufactured in the U.S., and no focused federal initiatives exist to encourage the development of a Fischer-Tropsch manufacturing base.

The bill introduced by Senator BUNNING and myself will provide that Federal focus. This bill will help to create a new market for abandoned and abundant Illinois Basin coal, revitalizing economic development and jobs in the coal communities of our States. It will help develop the capital infrastructure for producing FT fuels at the levels necessary for preliminary testing by the Department of Defense and for the private sector. It will explore carbon sequestration for this technology before we can pursue construction. And it will play a key role in reducing our Nation's dependence on foreign oil.

I know that there are no perfect answers in the pursuit of energy independence. There is no single fuel or feedstock that offers affordability, reliability, transportability, and sensitivity to the environment in equal ways. But, as we pursue the best course of action for our energy independence, we cannot delay action until we reach the perfect solution. Maintaining our dependency on unstable regions of the world for the fuel that we cannot live without is far too great a risk. Actions taken today must be accompanied by rigorous concurrent debate in preparation for the second and third generation choices of our alternative fuel infrastructure.

I urge my colleagues to support this bill.

ADDITIONAL STATEMENTS

60TH BIRTHDAY OF THE NORTH DAKOTA AIR NATIONAL GUARD

• Mr. DORGAN. Mr. President, January 16, 2007, is a special day for North Dakota.

It is the 60th birthday of the North Dakota Air National Guard. It will also mark a major milestone in the history of the North Dakota Air National Guard. On that day the 119th Fighter Wing will conduct a ceremony honoring the final flight of their F-16s, closing out an illustrious history of flying fighter aircraft in defense of our country.

On that day, the 119th Fighter Wing will also introduce the public to its two new missions, operating Predator unmanned aerial systems and flying light transport aircraft.

The North Dakota Air National Guard began on January 16, 1947. The first Air Guard squadron organized in North Dakota was the 178th Fighter Squadron in Fargo. The first meetings were held in the Army National Guard Armory in downtown Fargo but the squadron moved to Hector Airport by the end of the year.

Duane Larson was the squadron commander during the 1950s. He was nicknamed "Pappy" because he was the senior fighter pilot. The squadron started calling themselves Pappy Larson and his Happy Hooligans after an old comic strip. The squadron has been called the Happy Hooligans ever since.

The Happy Hooligans began operations with the P-51D Mustang. They flew the Mustang until 1954. After that they flew F-94s, F-89s, F-102s, F-101B Voodoos and F-4D Phantoms. Since 1990, they have flown F-16s.

On April 1, 1951, the Hooligans were mobilized for Federal service and ordered to active duty during the Korean conflict. When they were demobilized in 1954, they were put on alert to defend against an attack by the Soviet Union. At first, the alert consisted of aircraft on the main ramp of Hector Field with aircrew sleeping in a nearby building on base.

The alert mission was supposed to be a temporary mission for the Happy Hooligans. It was only supposed to last 6 months to a year. It turned into a 52 year stint. From 1954 to 2006, the North Dakota Air National Guard flew alert in more than a dozen states and nearly a dozen nations.

In 1998 the Happy Hooligans established a permanent alert detachment of F-16s, pilots and ground crews at Langley Air Force Base in Virginia. Their mission was to provide air defense for Washington, DC, and other locations along the eastern seaboard. That mission came to an end on October 12, 2006.

I cannot talk about the Happy Hooligans alert mission without mentioning the events of 9/11.

The attack on the World Trade Center in New York precipitated an order for the fighters of 119th Fighter Wing's alert detachment to scramble from Langley. Three North Dakota Air National Guard F-16s took to the air, but regrettably they were not yet over Washington's airspace when American Airlines flight 77 hit the Pentagon. They were still some minutes away. But they then flew, as I understand it, 7 or 8 hours that day performing combat air patrol over the skies of Washington, DC.

In the shock of that morning, I have to tell you that I will never forget what it meant to look up to the bright blue September morning sky and see F-16 fighter planes flying air cover over the Nation's Capitol. We found out later those were the Happy Hooligans from Fargo, ND.

The Happy Hooligans are folks who farm; run drug stores; teach school. They do a lot of things in their community. But they also are members of an Air National Guard unit that maintains and flies aircraft. And they do that better than anybody.

For almost 60 years the Happy Hooligans have ranked with the best fighter pilots in the world. They have flown in contests against the world's top combat pilots, and they have brought the trophies home to Fargo, ND, as proof that they are the best fighter pilots in the world.

Several years ago, USA Today wrote about the Happy Hooligans. It called them the "Godfathers of air superiority." It said, "When you strap one of these senior fliers into the cockpit of an F-16 Fighting Falcon, the younger boys get out of the way because these are the best air-to-air combat fighters in the world."

That article was about one of the three times that the 119th Fighter Wing won the Air Force's William Tell competition.

William Tell is the U.S. Air Force's foremost air-to-air competition. It is the Super Bowl of air superiority. F-16 units are not supposed to win it. Reserve component units are not supposed to win it. F-15 teams from active Air Force wings are supposed to win it. But someone must have forgotten to tell this to the Happy Hooligans.

So this National Guard unit from Fargo, ND, has taken its airplanes to the William Tell contest, and they have flown against the world's top combat pilots, and they have brought the William Tell Award home to Fargo, ND, three times, as proof that they are the best fighter pilots in the world.

The Happy Hooligans have also won the Hughes Trophy twice. That award recognizes the outstanding air-to-air unit in the country. It too has been dominated by F-15s. The 119th is the only F-16 unit that has ever won it.

Alongside their flying record, the Happy Hooligans also have an unmatched safety record.

Since 1973, they have flown more than 150,000 hours in F-101s, F-4s and F-16s without a single major accident. That amount of flight time translates to about 17 accident-free years in the air.

That is the longest continuous period of safe fighter aircraft operations for any Air National Guard fighter unit and one of best safety records in U.S. Air Force history. In March 2006, the 119th Fighter Wing was recognized for flying its F-16s for a total of 70,000 hours in 3,920 individual sorties without mishap. That is also a record.

All those trophies and records are a testament to the thousands of men and women who have served in the North Dakota Air National Guard since 1947. The pilots make the headlines but they would not get off the ground without all the other people in the unit.

U.S. defense policy is changing, and the role of the Happy Hooligans is going to change with it.

But make no mistake about it: the 119th Wing will still lead the way, doing its job for America.

The Happy Hooligans are going to accept their new missions of controlling unmanned aerial vehicles and flying the future Joint Cargo Aircraft with the same enthusiasm and professionalism as they flew fighters. And they will perform those missions better than anyone else in the country. Because that is the way they do everything.•

HONORING CORTLANDT DIETLER

• Mr. SALAZAR. Mr. President, I would like to recognize Cortlandt Dietler, a great Coloradan who tonight is receiving the National Western Stock Show's 2007 Citizen of the West award. This is an honor befitting a man whose life and career exemplify the Western values of independence, hard work, and humility.

A native Coloradan, Cort is a pioneer in the oil industry and has helped make Denver an energy center for our Nation. He began his career with ARAMCO in Lebanon in 1947, and has been involved with more than 30 energy companies since, many of which he has led or has founded. Today, he is the chairman of TransMontaigne Inc. a petroleum product distribution and marketing company which he founded. He is so respected in his industry that his peers have honored him repeatedly; in 1976 the Denver Petroleum Club named him the Oil Man of the Year, in 1986 the Colorado Petroleum Association named him the Pioneer Oil Man of the Year, and in 2003 the Independent Petroleum Association of the Mountain States selected him as the Wildcatter of the Year.

I have known Cort to be a spirited contributor to his community. He lends his expertise to organizations like the Denver Art Museum, the El Pomar Foundation, and the Buffalo Bill Memorial Association. He is generous as a philanthropist and has a candid voice on the shared challenges we face.

While Cort has worked primarily in the oil industry, he has also worked in ranching and with the National Western Stock Show for many years. He and a partner ran a cattle operation in the Eagle River Valley, near Vail, and bred thoroughbreds for racing.

He is being honored today because he epitomizes the values which are so central to Western life—he has worked hard, acted ethically, and served his community with humility and honor. Cort belongs among the select group of leaders who have received this award, and I congratulate him on this honor.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 5:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2. An act to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area".

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2. An act to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–252. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, authorization of 2 officers to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–253. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of General John P. Abizaid, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–254. A communication from the Federal Register Certifying Office, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Administrative Offset Under Reciprocal Agreements with States" (RIN1510–AB09) received on January 9, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–255. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1557–AD00) received on January 9, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–256. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Awards" (RIN3206–AL06) received on January 9, 2007; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–1. A resolution adopted by the Senate of the State of Louisiana relative to memorializing Congress to adopt the Constitution Restoration Act; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 16

Whereas, in 2005, the United States Supreme Court, in two razor thin majorities of 5–4 in Van Orden v. Perry (Texas) and ACLU v. McCreary County (Kentucky), concluded that it is inconsistent with the First Amendment to display the Ten Commandments in an outdoor public square in Texas, but not on the courthouse walls of two counties in Kentucky; and

Whereas, at the instance of the Indiana Civil Liberties Union, a federal judge recently ordered the Indiana House of Representatives to discontinue opening its sessions in prayer in the name of Jesus Christ, ruling that the practice is now "unconstitutional"; and

Whereas, despite the fact that America's Constitution ends with an acknowledgment of Jesus Christ in Article VII, providing in pertinent part "Done . . . in the Year of our Lord . . . ," threats of federal court litigation over the acknowledgment of God now have some Americans doubtful whether it is even "constitutional" to extend greetings of "Merry Christmas" or otherwise publicly acknowledge the historical birth of Christ; and

Whereas, the First Amendment of the United States Constitution, which provides in part that "Congress shall make no law respecting an establishment of religion," is specific and unequivocal instruction to only the United States Congress and the United States Constitution makes no restriction on the ability of states, municipalities, or individuals to acknowledge God, the Supreme Ruler of the Universe; and

Whereas, the federal judiciary has overstepped its constitutional boundaries and ruled against the acknowledgment of God as the sovereign source of law, liberty, and government by local and state officers and other state institutions, including state schools; and

Whereas, a constant complaint from the federal courts is that their caseloads are too heavy due in part to an increasingly large proportion of cases consuming the docket of federal courts which involve "unconstitutional separation between church and state" claims involving litigants who claim to be offended at the mention of Jesus Christ; and

Whereas, one significant way dockets of federal courts could be reduced would be the adoption of the Constitutional Restoration Act by Congress which would remove the jurisdiction of the federal courts over these types of claims or controversies under the authority of Article III, Section 2, of the United States Constitution; and

Whereas, the Senate of the Louisiana Legislature recognizes that this is the season to give gifts and be charitable and an integral part of the season is the inclusion and acknowledgment of Jesus Christ: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to adopt the Constitution Restoration Act, thereby reducing the caseload of our federal courts by removing from their jurisdiction any and all cases involving the acknowledgment of God as the sovereign source of law, liberty, or government as authorized by Article III, Section 2, of the United States Constitution. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–2. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to memorializing Congress to adopt the Constitution Restoration Act; to the Committee on the Judiciary.

Senate Concurrent Resolution No. 23

Whereas, in 2005, the United States Supreme Court, in two razor thin majorities of 5-4 in Van Orden v. Perry (Texas) and ACLU v. McCreary County (Kentucky), concluded that it is inconsistent with the First Amendment to display the Ten Commandments in an outdoor public square in Texas, but not on the courthouse walls of two counties in Kentucky; and

Whereas, at the instance of the Indiana Civil Liberties Union, a federal judge recently ordered the Indiana House of Representatives to discontinue opening its sessions in prayer in the name of Jesus Christ, ruling that the practice is now "unconstitutional"; and

Whereas, despite the fact that America's Constitution ends with an acknowledgment of Jesus Christ in Article VII, providing in pertinent part "Done . . . in the Year of our Lord . . .", threats of federal court litigation over the acknowledgment of God now have some Americans doubtful whether it is even "constitutional" to extend greetings of "Merry Christmas" or otherwise publicly acknowledge the historical birth of Christ; and

Whereas, the First Amendment of the United States Constitution, which provides in part that "Congress shall make no law respecting an establishment of religion," is specific and unequivocal instruction to only the United States Congress and the United States Constitution makes no restriction on the ability of states, municipalities, or individuals to acknowledge God, the Supreme Ruler of the Universe; and

Whereas, the federal judiciary has overstepped its constitutional boundaries and ruled against the acknowledgment of God as the sovereign source of law, liberty, and government by local and state officers and other state institutions, including state schools; and

Whereas, a constant complaint from the federal courts is that their caseloads are too heavy due in part to an increasingly large proportion of cases consuming the docket of federal courts which involve "unconstitutional separation between church and state" claims involving litigants who claim to be offended at the mention of Jesus Christ; and

Whereas, one significant way dockets of federal courts could be reduced would be the adoption of the Constitutional Restoration Act by Congress which would remove the jurisdiction of the federal courts over these types of claims or controversies under the authority of Article III, Section 2, of the United States Constitution; and

Whereas, the Louisiana Legislature recognizes that this is the season to give gifts and be charitable and an integral part of the season is the inclusion and acknowledgment of Jesus Christ: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to adopt the Constitution Restoration Act, thereby reducing the caseload of our federal courts by removing from their jurisdiction any and all cases involving the acknowledgment of God as the sovereign source of law, liberty, or government as authorized by Article III, Section 2, of the United States Constitution. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–3. A resolution adopted by the House of Representatives of the State of Louisiana relative to memorializing Congress to take such actions as are necessary to create a federal catastrophe fund; to the Committee on Banking, Housing, and Urban Affairs.

House Resolution No. 6

Whereas, creation of a federal catastrophe fund is a comprehensive, integrated approach to help better prepare and protect the nation from natural catastrophes, such as hurricanes, tornadoes, wildfires, snowstorms, and earthquakes; and

Whereas, the current system of response to catastrophes leaves many people and businesses at risk of being unable to replace what they lost, wastes tax dollars, raises insurance premiums, and leads to shortages of insurance needed to sustain our economy; and

Whereas, creation of a federal catastrophe fund would help stabilize insurance markets following a catastrophe and help steady insurance costs for consumers while making it possible for private insurers to offer more insurance in catastrophe-prone areas; and

Whereas, a portion of the premiums collected by insurance companies could be deposited into such a fund which could be administered by the United States Treasury and grow tax free; and

Whereas, the federal catastrophe fund would operate as a "backstop" and could only be accessed when private insurers and state catastrophe funds have paid losses in excess of a defined threshold; and

Whereas, utilizing the capacity of the federal government would help smooth out fluctuations consumers currently experience in insurance prices and availability because of exposure to large catastrophic losses and would provide better protection at a lower price; and

Whereas, when there is a gap between the insurance protection consumers buy and the damage caused by a major catastrophe, taxpayers across the country pay much of the difference, as congressional appropriations of billions of dollars for after-the-fact disaster relief in the aftermath of Hurricane Katrina demonstrated: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to create a federal catastrophe fund; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–4. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to commending and memorializing Congress for passing the Domenici-Landrieu Gulf of Mexico Energy Security Act of 2006; to the Committee on Energy and Natural Resources.

Senate Concurrent Resolution No. 16

Whereas, since 1930 the coastal landscape of Louisiana has lost over 1,900 square miles of land, eroding at a rate of 25 square miles every year. In addition, hurricanes Katrina and Rita converted over 200 square miles of wetlands into open water; and

Whereas, the communities, economy, natural resources, and cultural heritage of south Louisiana remain vulnerable to the extremes of coastal flooding, hurricanes, and land loss; and

Whereas, the protection and restoration of coastal Louisiana will require a long term commitment of funding to establish comprehensive, effective and sustainable coastal protection projects and programs; and

Whereas, the Louisiana congressional delegation has been working for decades to secure a steady stream of revenue to fund the critical work of coastal protection and restoration in Louisiana; and

Whereas, since the inception and development of federal offshore oil and gas production in the Gulf of Mexico, the state of Louisiana has provided essential onshore support for such production; and

Whereas, such support has included numerous components of Louisiana's vital "energy corridor" that provide the nation with a third of its domestic oil and gas supply, including the pipeline systems that cross Louisiana's coastal wetlands; and

Whereas, the countless communities in south Louisiana that form the backbone and labor force to facilitate the delivery of these crucial energy resources to the rest of the nation are critical factors in such support; and

Whereas, the federal government collects over $6 billion each year from the bonus bids, rents and royalties derived from federal leases on the Outer Continental Shelf in the Gulf of Mexico, and under current federal law nearly all of these revenues are deposited into the General Treasury of the United States; and

Whereas, in recognition of the urgent crisis facing coastal Louisiana and of the support provided by each of the Gulf Coast states that produce oil and gas for the nation, and in further acknowledgment of the significant amount of funding available from oil and gas production on the Outer Continental Shelf, the United States Congress passed the Domenici-Landrieu Gulf of Mexico Energy Security Act of 2006 on December 9, 2006; and

Whereas, this act authorizes oil and gas development in about 8.3 million acres of the eastern Gulf of Mexico, including 2.5 million acres within a section known as Lease Area 181; and

Whereas, beginning in the federal Fiscal Year 2007 and in each fiscal year thereafter, this Act directs the secretary of the United States Department of the Interior to share 37.5 percent of the revenues from these new areas with the states of Texas, Louisiana, Mississippi and Alabama for coastal restoration, with such funds to be derived from bonus bids, rents, and royalties on leases within the new areas; and

Whereas, beginning in the federal Fiscal Year 2016 and in each fiscal year thereafter, this Act further directs the secretary of the United States Department of the Interior to share 37.5 percent of the revenues with the states of Texas, Louisiana, Mississippi and Alabama from all new federal oil and gas leases after the date of enactment in existing U.S. Department of Interior, Mineral Management Service, planning areas throughout the Gulf of Mexico; and

Whereas, the enactment of this Act represents the most significant change offshore oil and gas policy in over fifty years; and

Whereas, the dedication of these revenues constitute the beginning of the steady stream of federal funding sought by the Louisiana congressional delegation for decades; and

Whereas, such steady stream of federal funding is a truly significant step towards sustainable coastal protection and restoration as an attainable goal for Louisiana: Therefore, be it

Resolved, That the Legislature of Louisiana commends and memorializes the United States Congress for passing the Domenici-Landrieu Gulf of Mexico Energy Security Act of 2006, which provides for sharing of federal offshore oil and gas revenue with Louisiana for coastal protection and restoration. Be it further

Resolved, That the Legislature of Louisiana congratulates the members of the Louisiana congressional delegation for their dedication, persistence, and vigilance in fighting for a share of federal offshore oil and gas revenues to protect and restore coastal Louisiana through the passage of the Domenici-Landrieu Gulf of Mexico Energy Security Act of 2006. Be it further

Resolved, That the Legislature of Louisiana requests and urges President George W. Bush to immediately sign the Domenici-Landrieu Gulf of Mexico Energy Security Act of 2006. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, and to the office of the President of the United States.

POM–5. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to memorializing Congress to authorize Louisiana to lease closed interstate rest areas to private entities; to the Committee on Environment and Public Works.

Senate Concurrent Resolution No. 13

Whereas, many rest areas located on Louisiana's interstate highways have been closed in recent years; and

Whereas, these closed rest areas have created a burden on the state and an eyesore to interstate travelers; and

Whereas, if the Congress authorized Louisiana to lease closed interstate rest areas to private entities, certain conveniences, such as gas stations, auto repair stations and restaurants, could be offered to the traveling public in a convenient manner; and

Whereas, these conveniences would then be available in areas where they are not currently available; and

Whereas, such developments could provide a revenue stream to Louisiana by making use of property in a desirable area not currently being used in commerce: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to authorize Louisiana to lease closed interstate rest areas to private entities in order to provide services and products helpful or desirable to interstate travelers. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CANTWELL:

S. 235. A bill to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Mr. Sununu, Mr. Leahy, and Mr. Akaka):

S. 236. A bill to require reports to Congress on Federal agency use of data mining; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. Craig, Mr. Kennedy, Mr. Martinez, Mrs. Boxer, and Mr. Voinovich):

S. 237. A bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. Gregg, Mr. Sununu, Mr. Nelson of Florida, and Mr. Leahy):

S. 238. A bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 239. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. Domenici, Mr. Bingaman, Mr. Enzi, Mr. Stevens, Mr. Bennett, Ms. Murkowski, and Mr. Bunning):

S. 240. A bill to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. Akaka):

S. 241. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Ms. Snowe, Mr. Grassley, Mr. Kennedy, Mr. McCain, Ms. Stabenow, Mr. Specter, Mr. Bingaman, Ms. Collins, Mrs. Feinstein, Mr. Durbin, Mr. Nelson of Florida, Mr. Pryor, Mr. Kohl, Mr. Levin, Mr. Schumer, Mr. Leahy, Mr. Obama, Mr. Wyden, Mr. Sanders, Mr. Kerry, Mr. Brown, Mr. Feingold, Mr. Inouye, Mrs. Lincoln, Mr. Salazar, Mrs. Clinton, Mrs. Boxer, and Mr. Tester):

S. 242. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself, Mr. McConnell, Mr. Gregg, Mr. Cornyn, Mr. Sessions, Mr. DeMint, Mr. Inhofe, Mr. Coburn, Mr. Vitter, Mrs. Dole, Mr. Voinovich, Mr. Thune, Mr. Allard, Mr. Alexander, and Mr. Burr):

S. 243. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself, Mr. McConnell, Mr. Ensign, Mr. Cornyn, Mr. Sessions, Mr. DeMint, Mr. Inhofe, Mrs. Dole, Mr. Voinovich, Mr. Thune, Mr. Allard, and Mr. Alexander):

S. 244. A bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services; to the Committee on the Judiciary.

By Mr. PRYOR (for himself and Mrs. Lincoln):

S. 245. A bill to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. Kerry, Mr. Enzi, and Ms. Landrieu):

S. 246. A bill to enhance compliance assistance for small business; to the Committee on Small Business and Entrepreneurship.

By Mr. BOND:

S. 247. A bill to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr. United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself and Ms. Snowe):

S. 248. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the work opportunity credit, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 249. A bill to permit the National Football League to restrict the movement of its franchises, and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Mr. Wyden):

S. 250. A bill to reduce the costs of prescription drugs for Medicare beneficiaries and to guarantee access to comprehensive prescription drug coverage under part D of the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. VITTER (for himself and Mr. DeMint):

S. 251. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 252. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 253. A bill to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENZI (for himself and Mrs. Clinton):

S. 254. A bill to award posthumously a Congressional gold medal to Constantino Brumidi; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 255. A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CARPER, Mr. COLEMAN, and Mr. AKAKA):

S. Res. 22. A resolution reaffirming the constitutional and statutory protections accorded sealed domestic mail, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 5

At the request of Mr. REID, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 10

At the request of Mr. REID, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 10, a bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

S. 43

At the request of Mr. ENSIGN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 143

At the request of Ms. CANTWELL, the names of the Senator from Nevada (Mr. REID) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 143, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes.

S. 147

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 147, a bill to empower women in Afghanistan, and for other purposes.

S. 191

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 191, a bill to provide relief for all air carriers with pension plans that are not frozen pension plans.

S. 195

At the request of Mr. DORGAN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Wyoming (Mr. ENZI) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 195, a bill to amend the Federal Crop Insurance Act to establish permanent authority for the Secretary of Agriculture to quickly provide disaster relief to agricultural producers that incur crop or livestock losses as a result of damaging weather or related condition in federally declared disaster areas, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Kansas (Mr. ROBERTS) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 214

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 233

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 233, a bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

AMENDMENT NO. 4

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of amendment No. 4 proposed to S. 1, a bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. LEAHY, and Mr. AKAKA):

S. 236. A bill to require reports to Congress on Federal agency use of data mining; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I am pleased today to introduce the Federal Agency Data Mining Reporting Act of 2007. I want to thank Senator SUNUNU for once again cosponsoring this bill, which we also introduced in the last Congress. Senator SUNUNU has consistently been a leader on privacy issues, and I am pleased to work with him on this effort. I also want to thank Senators LEAHY, AKAKA, and WYDEN, for their continuing support of the bill.

The controversial data analysis technology known as data mining is capable of reviewing millions of both public and private records on each and every American. The possibility of government law enforcement or intelligence agencies fishing for patterns of criminal or terrorist activity in these vast quantities of digital data raises serious privacy and civil liberties issues—not to mention serious questions about the effectiveness of these types of searches. But four years after Congress first learned about and defunded the Defense Department's program called Total Information Awareness, there is still much Congress does not know about the Federal Government's work on data mining.

We have made some progress. We know from reviews conducted by the Government Accountability Office that as of May 2004 there were nearly 200 Federal data mining programs, more than one hundred of which relied on personal information and 29 of which were for the purpose of investigating terrorists or criminals. And we have learned a few more details on five of those programs from a follow-up report that GAO issued in August 2005. We also have a brief report from the DHS Inspector General published in August 2006, and as a result of my amendment to the DHS appropriations bill we have a July 2006 report from the Privacy Office at the Department of Homeland Security that provides some interesting policy suggestions relating to data mining.

But this information has come to us haphazardly, and lacks detail about the precise nature of the data mining programs being utilized or developed, their efficacy, and the consequences Americans could face as a result. Furthermore, much of the reporting thus far has focused on the Department of Homeland Security. It also appears there has been little if any government-wide consideration of privacy policies for these types of programs. Indeed, public debate on government data mining has been generated more by press stories than as a result of congressional oversight.

My bill would require all Federal agencies to report to Congress within 180 days and every year thereafter on data mining programs developed or used to find a pattern or anomaly indicating terrorist or other criminal activity on the part of individuals, and how these programs implicate the civil liberties and privacy of all Americans. If necessary, specific information in the various reports could be classified.

This is information we need to have. Congress should not be learning the details about data mining programs after millions of dollars are spent testing or using data mining against unsuspecting Americans. The possibility of unchecked, secret use of data mining technology threatens one of the most important values that we are fighting for in the war against terrorism—freedom.

Data mining could rely on a combination of intelligence data and personal information like individuals' traffic violations, credit card purchases, travel records, medical records, and virtually any information contained in commercial or public databases. Congress must conduct oversight to make sure that all government agencies engaged in fighting terrorism and other criminal enterprises—not just the Department of Homeland Security, but also the Department of Justice, the Department of Defense and others—use these types of sensitive personal information effectively and appropriately.

Let me clarify what this bill does not do. It does not have any effect on the government's use of commercial data to conduct individualized searches on people who are already suspects, nor does it require that the government report on these types of searches. It does not end funding for any program, determine the rules for use of data mining technology, or threaten any ongoing investigation that might use data mining technology.

My bill would simply provide Congress with information about the nature of the technology and the data that will be used. The Federal Agency Data Mining Reporting Act would require all government agencies to assess the efficacy of the data mining technology they are using or developing—that is, whether the technology can deliver on the promises of each program. In addition, my bill would make sure that Congress knows whether the Federal agencies using data mining technology have considered and developed policies or guidelines to protect the privacy and due process rights of individuals, such as privacy technologies and redress procedures. With complete information about the current data mining plans and practices of the Federal Government, Congress will be able to conduct a thorough review of the costs and benefits of the practice of data mining on a program-by-program basis and make considered judgments about whether programs should go forward. Congress will also be able to evaluate whether new privacy rules are necessary.

In addition, Congress must look closely at the government's activities because data mining is unproven in this area. Some argue that data mining can help locate potential terrorists before they strike. But we do not, today, have evidence that pattern-based data mining will prevent terrorism. In fact, some technology experts have warned that this type of data mining is not the right approach for the terrorism problem. Just last month, the Cato Institute released a report—coauthored by a scientist specializing in data analytics and an information privacy expert—concluding that "[t]he only thing predictable about predictive data mining for terrorism is that it would be consistently wrong."

Some commercial uses of data mining have been successful, but have arisen in a very different context than counterterrorism efforts. For example, the financial world has successfully used data mining to identify people committing fraud because it has data on literally millions, if not billions, of historical financial transactions. And the banks and credit card companies know, in large part, which of those past transactions have turned out to be fraudulent. So when they apply sophisticated statistical algorithms to that massive amount of historical data, they are able to make a pretty good guess about what a fraudulent transaction might look like in the future.

We do not have that kind of historical data about terrorists and sleeper cells. We have just a handful of individuals whose past actions can be analyzed, which makes it virtually impossible to apply the kind of advanced statistical analysis required to use data mining in this way. That raises serious questions about whether data mining will ever be able to locate an actual terrorist. Before the government starts reviewing personal information about every man, woman and child in this country, we should learn what data mining can and can't do—and what limits and protections are needed if data mining programs do go forward.

We must also bear in mind that there will inevitably be errors in the underlying data. Everyone knows people who have had errors on their credit reports—and that is the one area of commercial data where the law already imposes strict accuracy requirements. Other types of commercial data are likely to be even more inaccurate. Even if the technology itself were effective, I am very concerned that innocent people could be ensnared because of mistakes in the data that make them look suspicious. The recent rise in identity theft, which creates even more data accuracy problems, makes it even more important that we address this issue.

I also want to touch on one issue that has proved difficult in many debates about data mining: how to define the term. What is data mining? From policy debates to government reports, many people have wrestled with this question. While it can be defined more broadly, for the purpose of this reporting requirement, data mining is limited to the process of attempting to predict future events or actions by discovering or locating patterns or anomalies in data. However, for purposes of the reporting requirement in this bill, which seeks information on those data mining programs most likely to threaten the privacy and civil liberties of Americans, I have limited the definition in a couple of other ways. First, the bill's core definition of data mining is to conduct a query, search or other analysis of one or more electronic databases to "discover a predictive pattern or an anomaly indicative of terrorist or criminal activity on the part of any individual or individuals." Data mining has a number of applications at various government agencies outside the context of terrorism and other criminal investigations, but I have limited the definition for purposes of this legislation in order to get reports on the programs most likely to raise privacy concerns. For example, the May 2004 GAO report identified a number of government data mining programs whose goals are managing resources efficiently or identifying fraud, waste and abuse in government programs, and that do not rely on personally identifiable information. I am not seeking reports on programs like these.

Second, as I alluded to earlier, the definition explicitly excludes queries to retrieve information from a database that is based on information—such as address, passport number or license plate number—that is associated with a particular individual or individuals. This type of query is a traditional investigative technique. Although government agencies must be careful in their use of commercial databases, simply querying a Choicepoint database for information about someone who is already a suspect is not data mining.

Most Americans believe that their private lives should remain private. Data mining programs run the risk of intruding into the lives of individuals who have nothing to do with terrorism or other criminal activity and understandably do not want their credit reports, shopping habits and doctor visits to become a part of a gigantic computerized search engine operating without any controls or oversight, and without much promise of locating terrorists. As the Cato report put it, "[t]he possible benefits of predictive data mining for finding planning or preparation for terrorism are minimal. The financial costs, wasted effort, and threats to privacy and civil liberties are potentially vast."

At a minimum, the administration should be required to report to Congress about the various data mining programs now underway or being studied, and the impact those programs may have on our privacy and civil liberties, so that Congress can determine whether any benefits of this practice come at too high a price to our privacy and personal liberties. As Senator WYDEN and I have told the Director of National Intelligence, we must have a public discussion about the efficacy and privacy implications of data mining. We wrote a letter to him on November 15, 2006, that included the following:

> [W]e believe there needs to be a public discussion before the implementation of any government data mining program that would rely on domestic commercial data and other information about Americans. There are serious questions about whether pattern analysis of such data can effectively identify terrorists, given the relative lack of historical data about terrorist activities. And as the furor over the Total Information Awareness program demonstrated, the American public has serious—and legitimate—concerns about the privacy ramifications of programs designed to fish for patterns of criminal or terrorist activity in vast quantities of digital data, collected by other entities for entirely different reasons. Pattern analysis runs the risk of generating a large number of false positives, meaning that innocent Americans could become the subject of investigation. Before we go down that path, it is critical that we have a public discussion about the efficacy and privacy implications of this technology. And, if we decide that data mining is effective enough to warrant spending taxpayer dollars on it, we should establish strong privacy protections to protect innocent people from being the subject of government suspicion.
>
> Of course, the Intelligence Community should be taking advantage of new technologies in its critical responsibility to protect our country from terrorists, and much of its work must remain classified to protect national security. But we can have a public debate about what privacy rules should constrain data mining programs deployed domestically, without revealing sensitive information like the precise algorithms that the government has developed.

This bill is the first step in this process—a way for Congress and, to the degree appropriate, the public to finally understand what is going on behind the closed doors of the executive branch so that we can start to have a policy discussion about data mining that is long overdue. I urge my colleagues to support this bill. All it asks for is information to which Congress and the American people are entitled.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Agency Data Mining Reporting Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) DATA MINING.—The term "data mining" means a query, search, or other analysis of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the query, search, or other analysis to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals; and

(B) the query, search, or other analysis does not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases.

(2) DATABASE.—The term "database" does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

SEC. 3. REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.

(a) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be made available to the public, except for a classified annex described in subsection (b)(8).

(b) CONTENT OF REPORT.—Each report submitted under subsection (a) shall include, for each activity to use or develop data mining, the following information:

(1) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(2) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(3) A thorough description of the data sources that are being or will be used.

(4) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(5) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(6) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data mining activity.

(7) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data mining in order to—

(A) protect the privacy and due process rights of individuals, such as redress procedures; and

(B) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(8) Any necessary classified information in an annex that shall be available, as appropriate, to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(c) TIME FOR REPORT.—Each report required under subsection (a) shall be—

(1) submitted not later than 180 days after the date of enactment of this Act; and

(2) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under subsection (a).

Mr. LEAHY. Mr. President, I am pleased today to join with Senators FEINGOLD, SUNUNU and others to introduce the Federal Agency Data Mining Reporting Act of 2007. This important privacy legislation would begin to restore key checks and balances by requiring Federal agencies to report to Congress on their datamining programs and activities. We joined together to introduce a similar bill last Congress. Regrettably, it received no attention. This year, I intend to make sure that we do a better job in considering Americans' privacy, checks and balances, and the proper balance to protect Americans' privacy rights while fighting smarter and more effectively against security threats.

In recent years, the Federal Government's use of data mining technology has exploded. According to a May 2004 report by the General Accounting Office, there are at least 199 different government data mining programs operating or planned throughout the Federal Government, with at least 52 different Federal agencies currently using data mining technology. And, more and more, these data mining programs are being used with little or no notice to ordinary citizens, or to Congress.

Advances in technologies make data banks and data mining more powerful and more useful than at any other time in our history. These can be useful tools in our national security arsenal, but we should use them appropriately so that they can be most effective. A mistake can cost Americans their jobs and wreak havoc in their lives and reputations that can take years to repair. Without adequate safeguards, oversight and checks and balances, these powerful technologies also become an invitation to government abuse. The government must take steps to ensure that it is properly using this technology. Too often, government data mining programs lack adequate safeguards to protect the privacy rights and civil liberties of ordinary Americans, whose data is collected and analyzed by these programs. Without these safeguards, government data mining programs are prone to produce inaccurate results and are ripe for abuse, error and unintended consequences.

This legislation takes an important first step in addressing these concerns by pulling back the curtain on how this Administration is using this technology. It does not by its terms prohibit the use of this technology, but rather provides an oversight mechanism to begin to ensure it is being used appropriately and effectively. This bill would require Federal agencies to report to Congress about its data mining programs. The legislation provides a much-needed check on federal agencies to disclose the steps that they are taking to protect the privacy and due process rights of American citizens when they use these programs.

We need checks and balances to keep government data bases from being misused against the American people. That is what the Constitution and our laws should provide. We in Congress must make sure that when our government uses technology to detect and deter illegal activity that it does so in a manner that also protects our most basic rights and liberties. This bill advances this important goal, and I urge all Senators to support this important privacy legislation.

By Mrs. FEINSTEIN (for herself, Mr. CRAIG, MR. KENNEDY, Mr. MARTINEZ, Mrs. BOXER, and Mr. VOINOVICH):

S. 237. A bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, Senators CRAIG, KENNEDY, MARTINEZ, BOXER, VOINOVICH and I are once again introducing legislation that will address the chronic labor shortage in our Nation's agricultural industry. This bill is a priority for me—and for the tens of thousands of farmers who are currently suffering—and I hope we will move it forward early in this Congress.

The Agricultural Job Opportunities, Benefits, and Security Act, or AgJOBS, is the product of more than ten years of work. It is a bipartisan bill supported by growers, farmers, and farm workers alike. It passed the Senate last year as part of the comprehensive immigration reform bill last spring in the 109th Congress. It is time to move this bill forward.

The agricultural industry is in crisis. Farmers across the Nation report a 20 percent decline in labor.

The result is that there are simply not enough farm workers to harvest the crops.

The Nation's agricultural industry has suffered. If we do not enact a workable solution to the agricultural labor crisis, we risk a national production loss of $5 billion to $9 billion each year, according to the American Farm Bureau.

California, in particular, will suffer. California is the single largest agricultural state in the nation. California agriculture accounts for $34 billion in annual revenue. There 76,500 farms that produce half of the nation's fruits, vegetables, and nuts from only 3 percent of the Nation's farmland.

California farms produce approximately 350 different crops: pears, walnuts, raisins, lettuce, onions, cotton, just to name a few.

Many of the farmers who grow these crops have been in the business for generations. They farm the land that their parents and their grandparents farmed before them.

The sad consequence of the labor shortage is that many of these farmers are giving up their farms. Some are leaving the business entirely. Others are bulldozing their fruit trees—literally pulling out trees that have been in the family for generations—because they do not have the labor they need to harvest their fruit.

Once the trees are gone, they are replaced by crops that do not require manual labor. And our pears, our apples, our oranges will come from foreign sources.

The trend is quite clear. If there is not a means to grow and harvest our produce here, we will import produce from China, from Mexico, from other countries who have the labor they need.

We will put American farmers out of business. And there will be a ripple effect felt throughout the economy: in farm equipment, inputs, packaging, processing, transportation, marketing, lending and insurance. Jobs will be lost and our economy will suffer.

The reality is that Americans have come to rely on undocumented workers to harvest their crops for them.

In California alone, we rely on approximately one million undocumented workers to harvest the crops. The United Farm Workers estimate that undocumented workers make up as much as 90 percent the farm labor payroll.

Americans simply will not do the work. It is hard, stooped labor, requiring long and unpredictable hours. Farm workers must leave home and travel from farm to farm to plant, prune, and harvest crops according to the season.

We must come to terms with the fact that we rely on an undocumented migrant work force. We must bring those workers out of the shadows and create a legal and enforceable means to provide labor for agriculture. That realization is what led to the long and careful negotiations creating AgJOBS.

The AgJOBS bill is a two part bill. Part one identifies and deals with those undocumented agricultural workers who have been working in the United States for the past 2 years or more. Part two creates a more usable H–2A Program, to implement a realistic and effective guest worker program.

The first step requires undocumented agricultural workers to apply for a "blue card" if they can demonstrate that they have worked in American agriculture for at least 150 workdays over the past 2 years. The blue card entitles the worker to a temporary legal resident status.

The blue card itself is encrypted and machine readable; it is tamper and counterfeit resistant, and contains biometric identifiers unique to the farm worker.

The second step requires that a blue card holder work in American agriculture for an additional 5 years for at least 100 workdays a year, or 3 years at 150 workdays a year.

Blue card workers would have to pay a $500 fine. The workers can travel abroad and reenter the United States and they may work in other, non-agricultural jobs, as long as they meet the agricultural work requirements.

The blue card worker's spouse and minor children, who already live in the United States, may also apply for a temporary legal status and identification card, which would permit them to work and travel.

The total number of blue cards is capped at 1.5 million over a five year period and the program sunsets after 5 years.

At the end of the required work period, the blue card worker may apply for a green card to become a legal permanent resident.

There are also a number of safeguards. If a blue card worker does not apply for a green card, or does not fulfill the work requirements, that individual can be deported.

Likewise, a blue card holder who commits a felony, three misdemeanors, or any crime that involves bodily injury, the threat of serious bodily injury, or harm to property in excess of $500, cannot get a green card and can be deported.

This program, for the first time, allows us to identify those hundreds of thousands of farm workers who now work in the shadows. It requires the farm workers to come forward and to be identified in exchange for the right to work and live legally in the United States. And it gives farmers the legal certainty they need to hire the workers they need.

The program also modifies the H–2A guest worker program so that it realistically responds to our agricultural needs.

Currently, the H–2A program is bureaucratic, unresponsive, expensive, and prone to litigation. Farmers cannot get the labor when they need it. AgJOBS offers a much-needed reform of the outdated system.

The labor certification process, which often takes 60 days or more, is replaced by an "attestation" process. The employer can file a fax-back application form agreeing to abide by the requirements of the H–2A program. Approval should occur in 48 to 72 hours.

The interstate clearance order to determine whether there are U.S. workers who can qualify for the jobs is replaced by a requirement that the employer file a job notification with the local office of the state Employment Security Agency. Advertising and positive recruitment must take place in the local labor market area.

Agricultural associations can continue to file applications on behalf of members.

The statutory prohibition against "adversely affecting" U.S. workers is eliminated. The Adverse Effect Wage Rate is instead frozen for 3 years, and thereafter indexed by a methodology that will lead to its gradual replacement with a prevailing wage standard.

Employers may elect to provide a housing allowance in lieu of housing if the governor determines that there is adequate rental housing available in the area of employment.

Inbound and return transportation and subsistence are required on the same basis as under the current program, except that trips of less than 100 miles are excluded, and workers whom an employer is not required to provide housing are excluded.

The motor vehicle safety standards for U.S. workers are extended to H–2A workers.

Petitions for admission of H–2A workers must be processed and the consulate or port of entry notified within 7 days of receipt. Requirements are the same as current law.

Petitions extending aliens' stay or changing employers are valid upon filing.

Employers may apply for the admission of new H–2A workers to replace those who abandoned their work or are terminated for cause, and the Department of Homeland Security is required to remove H–2A aliens who abandoned their work.

H–2A visas will be secure and counterfeit resistant.

A new limited federal right of action is available to foreign workers to enforce the economic benefits required under the H–2A program, and any benefits expressly offered by the employer in writing. A statute of limitations of three years is imposed.

Finally, lawsuits in State court under State contract law alleging violations of the H–2A program requirements and obligations are expressly preempted. Such State court lawsuits have been the venue of choice for litigation against H–2A employers in recent years.

AgJOBS is the one part of the immigration bill about which there is uniform agreement. Everyone knows that agriculture in America is supported by undocumented workers. As immigration enforcement tightens up, and increasing numbers of people are prevented from crossing the borders or are being deported, the result is our crops go unharvested.

We are faced today with a very practical dilemma and one that is easy to solve. The legislation has been vetted over and over again. Senator CRAIG, I, and a multitude of other Senators have sat down with the growers, with the farm bureaus, with the chambers, with everybody who knows agriculture, and they have all signed off on the AgJOBS bill.

This is our opportunity to solve a real problem.

I ask my colleagues to join Senator CRAIG, Senator KENNEDY, Senator MARTINEZ, Senator BOXER, Senator VOINOVICH and me in supporting this legislation.

I also ask by unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2007" or the "AgJOBS Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, table of contents.
Sec. 2. Definitions.

TITLE I—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

Subtitle A—Blue Card Status

Sec. 101. Requirements for blue card status.
Sec. 102. Treatment of aliens granted blue card status.
Sec. 103. Adjustment to permanent residence.
Sec. 104. Applications.
Sec. 105. Waiver of numerical limitations and certain grounds for inadmissibility.
Sec. 106. Administrative and judicial review.
Sec. 107. Use of information.
Sec. 108. Regulations, effective date, authorization of appropriations.

Subtitle B—Correction of Social Security Records

Sec. 111. Correction of Social Security records.

TITLE II—REFORM OF H–2A WORKER PROGRAM

Sec. 201. Amendment to the Immigration and Nationality Act.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Determination and use of user fees.
Sec. 302. Regulations.
Sec. 303. Reports to Congress.
Sec. 304. Effective date.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term "blue card status" means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 101(a).

(3) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(4) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(6) TEMPORARY.—A worker is employed on a "temporary" basis when the employment is intended not to exceed 10 months.

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

TITLE I—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

Subtitle A—Blue Card Status

SEC. 101. REQUIREMENTS FOR BLUE CARD STATUS.

(a) REQUIREMENT TO GRANT BLUE CARD STATUS.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant blue card status to an alien who qualifies under this section if the Secretary determines that the alien—

(1) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2006;

(2) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

(3) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under section 105(b); and

(4) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(b) AUTHORIZED TRAVEL.—An alien who is granted blue card status is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

(c) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted blue card status an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(d) TERMINATION OF BLUE CARD STATUS.—

(1) IN GENERAL.—The Secretary may terminate blue card status granted to an alien under this section only if the Secretary determines that the alien is deportable.

(2) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under section 103, the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(A) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(B) the alien—

(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under section 105(b);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(iv) fails to perform the agricultural employment required under section 103(a)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in section 103(a)(3).

(e) RECORD OF EMPLOYMENT.—

(1) IN GENERAL.—Each employer of an alien granted blue card status under this section shall annually—

(A) provide a written record of employment to the alien; and

(B) provide a copy of such record to the Secretary.

(2) SUNSET.—The obligation under paragraph (1) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(f) REQUIRED FEATURES OF IDENTITY CARD.—The Secretary shall provide each alien granted blue card status, and the spouse and any child of each such alien residing in the United States, with a card that contains—

(1) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(2) biometric identifiers, including fingerprints and a digital photograph; and

(3) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(g) FINE.—An alien granted blue card status shall pay a fine of $100 to the Secretary.

(h) MAXIMUM NUMBER.—The Secretary may not issue more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

SEC. 102. TREATMENT OF ALIENS GRANTED BLUE CARD STATUS.

(a) IN GENERAL.—Except as otherwise provided under this section, an alien granted blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under section 103.

(c) TERMS OF EMPLOYMENT.—

(1) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(2) TREATMENT OF COMPLAINTS.—

(A) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this paragraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(B) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with subparagraph (A) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(C) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this paragraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(D) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of section 103(a).

(E) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this paragraph shall bear the cost of their own attorney's fees for the arbitration.

(F) NONEXCLUSIVE REMEDY.—The complaint process provided for in this paragraph is in addition to any other rights an employee may have in accordance with applicable law.

(G) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to subparagraph (D).

(3) CIVIL PENALTIES.—

(A) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under section 101(e) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(B) LIMITATION.—The penalty applicable under subparagraph (A) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

SEC. 103. ADJUSTMENT TO PERMANENT RESIDENCE.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(1) QUALIFYING EMPLOYMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the alien has performed at least—

(i) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of this Act; or

(ii) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on the date of the enactment of this Act.

(B) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of subparagraph (A) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of the enactment of this Act.

(2) PROOF.—An alien may demonstrate compliance with the requirement under paragraph (1) by submitting—

(A) the record of employment described in section 101(e); or

(B) such documentation as may be submitted under section 104(c).

(3) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of paragraph (1)(A), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that subparagraph if the alien was unable to work in agricultural employment due to—

(A) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(B) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(C) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(4) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(5) FINE.—The alien pays a fine of $400 to the Secretary.

(b) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted blue card status an adjustment of status under this section and provide for termination of such blue card status if—

(1) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(2) the alien—

(A) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under section 105(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(c) Grounds for Removal.—Any alien granted blue card status who does not apply for adjustment of status under this section before the expiration of the application period described in subsection (a)(4) or who fails to meet the other requirements of subsection (a) by the end of the application period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(d) Payment of Taxes.—

(1) In general.—Not later than the date on which an alien's status is adjusted under this section, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

(A) no such tax liability exists;

(B) all such outstanding tax liabilities have been paid; or

(C) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(2) Applicable federal tax liability.—In paragraph (1) the term "applicable Federal tax liability" means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under subsection (a)(1) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(3) IRS cooperation.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

(e) Spouses and Minor Children.—

(1) In general.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under subsection (a), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(2) Treatment of spouses and minor children.—

(A) Granting of status and removal.—The Secretary may grant derivative status to the alien spouse and any minor child residing in the United States of an alien granted blue card status and shall not remove such derivative spouse or child during the period that the alien granted blue card status maintains such status, except as provided in paragraph (3). A grant of derivative status to such a spouse or child under this subparagraph shall not decrease the number of aliens who may receive blue card status under subsection (h) of section 101.

(B) Travel.—The derivative spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(C) Employment.—The derivative spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(3) Grounds for denial of adjustment of status and removal.—The Secretary may deny an alien spouse or child adjustment of status under paragraph (1) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(A) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under section 105(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

SEC. 104. APPLICATIONS.

(a) Submission.—The Secretary shall provide that—

(1) applications for blue card status under section 101 may be submitted—

(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary; and

(2) applications for adjustment of status under section 103 shall be filed directly with the Secretary.

(b) Qualified Designated Entity Defined.—In this section, the term "qualified designated entity" means—

(1) a qualified farm labor organization or an association of employers designated by the Secretary; or

(2) any such other person designated by the Secretary if that Secretary determines such person is qualified and has substantial experience, demonstrated competence, and has a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act (8 U.S.C. 1159, 1160, and 1255), the Act entitled "An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes", approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by that Act.

(c) Proof of Eligibility.—

(1) In general.—An alien may establish that the alien meets the requirement of section 101(a)(1) or 103(a)(1) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(2) Documentation of work history.—

(A) Burden of proof.—An alien applying for status under section 101(a) or 103(a) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 101(a)(1) or 103(a)(1), as applicable.

(B) Timely production of records.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under subparagraph (A) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(C) Sufficient evidence.—An alien may meet the burden of proof under subparagraph (A) to establish that the alien has performed the days or hours of work required by section 101(a)(1) or 103(a)(1) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(d) Applications Submitted to Qualified Designated Entities.—

(1) Requirements.—Each qualified designated entity shall agree—

(A) to forward to the Secretary an application submitted to that entity pursuant to subsection (a)(1)(B) if the applicant has consented to such forwarding;

(B) not to forward to the Secretary any such application if the applicant has not consented to such forwarding; and

(C) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

(2) No authority to make determinations.—No qualified designated entity may make a determination required by this subtitle to be made by the Secretary.

(e) Limitation on Access to Information.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to subsection (f).

(f) Confidentiality of Information.—

(1) In general.—Except as otherwise provided in this section, the Secretary or any other official or employee of the Department or a bureau or agency of the Department is prohibited from—

(A) using information furnished by the applicant pursuant to an application filed under this title, the information provided by an applicant to a qualified designated entity, or any information provided by an employer or former employer for any purpose other than to make a determination on the application or for imposing the penalties described in subsection (g);

(B) making any publication in which the information furnished by any particular individual can be identified; or

(C) permitting a person other than a sworn officer or employee of the Department or a bureau or agency of the Department or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(2) Required disclosures.—The Secretary shall provide the information furnished under this title or any other information derived from such furnished information to—

(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(B) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(3) CONSTRUCTION.—

(A) IN GENERAL.—Nothing in this subsection shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes, of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(B) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this subsection, information concerning whether the alien applying for blue card status under section 101 or an adjustment of status under section 103 has been convicted of a crime at any time may be used or released for immigration enforcement or law enforcement purposes.

(4) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be subject to a fine in an amount not to exceed $10,000.

(g) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(1) CRIMINAL PENALTY.—Any person who—

(A) files an application for blue card status under section 101 or an adjustment of status under section 103 and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(h) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for blue card status under section 101 or an adjustment of status under section 103.

(i) APPLICATION FEES.—

(1) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(A) shall be charged for the filing of an application for blue card status under section 101 or for an adjustment of status under section 103; and

(B) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(2) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under paragraph (1)(B) for services provided to applicants.

(3) DISPOSITION OF FEES.—

(A) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under paragraph (1)(A).

(B) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for blue card status under section 101 or an adjustment of status under section 103.

SEC. 105. WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.

(a) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under section 103.

(b) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under section 101(a) or an alien's eligibility for adjustment of status under section 103(b)(2)(A) the following rules shall apply:

(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) WAIVER OF OTHER GROUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(B) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under subparagraph (A).

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(3) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for blue card status under section 101 or an adjustment of status under section 103 by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(c) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in section 101(a)(2) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in section 101(a)(2), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for blue card status under section 101 or adjustment of status under section 103 except in accordance with this section.

(b) ADMINISTRATIVE REVIEW.—

(1) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(2) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(c) JUDICIAL REVIEW.—

(1) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(2) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

SEC. 107. USE OF INFORMATION.

Beginning not later than the first day of the application period described in section 101(a)(2), the Secretary, in cooperation with qualified designated entities (as that term is defined in section 104(b)), shall broadly disseminate information respecting the benefits that aliens may receive under this subtitle and the requirements that an alien is required to meet to receive such benefits.

SEC. 108. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to implement this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation, for fiscal years 2007 and 2008.

Subtitle B—Correction of Social Security Records

SEC. 111. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2007,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

TITLE II—REFORM OF H-2A WORKER PROGRAM

SEC. 201. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

"SEC. 218. H-2A EMPLOYER APPLICATIONS.

"(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(1) IN GENERAL.—No alien may be admitted to the United States as an H-2A worker, or otherwise provided status as an H-2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H-2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H-2A worker.

"(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H-2A workers.

"(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H-2A nonimmigrant is, or H-2A nonimmigrants are, sought:

"(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H-2A workers could not reasonably have been foreseen.

"(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H-2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H-2A worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H-2A workers in order to force the hiring of United States workers under this clause.

"(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) WITHDRAWAL OF APPLICATIONS.—

"(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) REVIEW AND APPROVAL OF APPLICATIONS.—

"(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

"(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application."

"SEC. 218A. H–2A EMPLOYMENT REQUIREMENTS.

"(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

"(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) LIMITATION.—

"(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) REQUIRED WAGES.—

"(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

"(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

"(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

"(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

"(i) the worker's total earnings for the pay period;

"(ii) the worker's hourly rate of pay, piece rate of pay, or both;

"(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the ¾ guarantee described in paragraph (4);

"(iv) the hours actually worked by the worker;

"(v) an itemization of the deductions made from the worker's wages; and

"(vi) if piece rates of pay are used, the units produced daily.

"(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2009, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

"(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) COMMISSION ON WAGE STANDARDS.—

"(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

"(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

"(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) FINAL REPORT.—Not later than December 31, 2009, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

"(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least ¾ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the '¾ guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

"(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

"(II) does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

"(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

"SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

"(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

"(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(c) CRITERIA FOR ADMISSIBILITY.—

"(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

"(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

"(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

"(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

"(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United

States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

"(d) PERIOD OF ADMISSION.—

"(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed 10 months.

"(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

"(e) ABANDONMENT OF EMPLOYMENT.—

"(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

"(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

"(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

"(f) REPLACEMENT OF ALIEN.—

"(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

"(A) who abandons or prematurely terminates employment; or

"(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

"(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

"(g) IDENTIFICATION DOCUMENT.—

"(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

"(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

"(A) The document shall be capable of reliably determining whether—

"(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

"(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

"(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

"(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

"(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

"(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

"(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

"(A) for a period of more than 10 months; or

"(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

"(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

"(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

"(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

"(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

"(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

"(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

"(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

"(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅙ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

"(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

"(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2007, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

"(1) may be admitted for an initial period of 12 months;

"(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

"(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

"(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

"(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

"(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

"(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

"(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

"(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

"(A) the alien's employer on behalf of the eligible alien; or

"(B) the eligible alien.

"(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

"(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

“(5) Extension of stay.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

“(6) Construction.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

“SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

“(a) Enforcement Authority.—

“(1) Investigation of complaints.—

“(A) Aggrieved person or third-party complaints.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

“(B) Determination on complaint.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

“(C) Failures to meet conditions.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

“(D) Willful failures and willful misrepresentations.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

“(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

“(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

“(E) Displacement of United States workers.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

“(F) Limitations on civil money penalties.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

“(G) Failures to pay wages or required benefits.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

“(2) Statutory construction.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

“(b) Rights Enforceable by Private Right of Action.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

“(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

“(2) The reimbursement of transportation as required under section 218A(b)(2).

“(3) The payment of wages required under section 218A(b)(3) when due.

“(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

“(5) The guarantee of employment required under section 218A(b)(4).

“(6) The motor vehicle safety requirements under section 218A(b)(5).

“(7) The prohibition of discrimination under subsection (d)(2).

“(c) Private Right of Action.—

“(1) Mediation.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

“(A) Mediation services.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

“(B) 90-day limit.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

“(C) Authorization.—

“(i) In general.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

“(ii) Mediation.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

“(2) Maintenance of civil action in district court by aggrieved person.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

“(3) Election.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

“(4) Preemption of state contract rights.—Nothing in this Act shall be construed to diminish the rights and remedies of an H-2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H-2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H-2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H-2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) PRECLUSIVE EFFECT.—Any settlement by an H-2A worker and an H-2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H-2A employer on behalf of an H-2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—.

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H-2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H-2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H-2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"SEC. 218D. DEFINITIONS.

"For purposes of this section and section 218, 218A, 218B, and 218C:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H-2A workers by an employer, means laying off a United States worker from a job for which the H-2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H-2A EMPLOYER.—The term 'H-2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H-2A WORKER.—The term 'H-2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYING OFF.—

"(A) IN GENERAL.—The term 'laying off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications.
"Sec. 218A. H–2A employment requirements.
"Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218C. Worker protections and labor standards enforcement.
"Sec. 218D. Definitions.".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens pursuant to the amendment made by section 201(a) of this Act and a collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 201 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 201(a) of this Act, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the fees pursuant to the amendment made by section 201(a) of this Act shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively, by section 201 of this Act, and the provisions of this Act.

SEC. 302. REGULATIONS.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all regulations to implement the duties of the Secretary under this Act and the amendments made by this Act.

(b) REQUIREMENT FOR THE SECRETARY OF STATE TO CONSULT.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this Act and the amendments made by this Act.

(c) REQUIREMENT FOR THE SECRETARY OF LABOR TO CONSULT.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this Act and the amendments made by this Act.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as amended or added by section 201 of this Act, shall take effect on the effective date of section 201 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 303. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 101(a);

(5) the number of such aliens whose status was adjusted under section 101(a);

(6) the number of aliens who applied for permanent residence pursuant to section 103(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 103(c).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this Act.

SEC. 304. EFFECTIVE DATE.

Except as otherwise provided, sections 201 and 301 shall take effect 1 year after the date of the enactment of this Act.

Mr. KENNEDY. Mr. President, It's a privilege to join Senator FEINSTEIN and Senator CRAIG and my other colleagues today as we reintroduce the Agricultural Jobs, Opportunity, Benefits, and Security Act. I commend them and Representatives HOWARD BERMAN and CHRIS CANNON for their bipartisan leadership and I'm honored to be part of this landmark legislation.

The bill reflects a far-reaching and welcome agreement between the United Farm Workers and the agricultural industry on one of the most difficult immigration' challenges we face, and we in Congress should make the most of this unique opportunity for progress.

America has a proud tradition as a Nation of immigrants and a Nation of laws. But our current immigration laws fail us on both counts. Much of the Nation's economy today depends on the hard work and the many contributions of immigrants. The agricultural industry would grind to a halt without immigrant farm workers. Yet, the overwhelming majority of these workers lack legal status, and can be easily exploited by unscrupulous employers.

The legislation we are introducing, called the "AgJOBS Act," is an opportunity to correct these long-festering problems. It will give farm workers and their families the dignity and justice they deserve, and it will give agricultural employers a legal workforce.

It is a realistic compromise that now has broad support in Congress, and from business and labor, civic and faith-based organizations, liberals and conservatives, trade associations and immigrant rights groups.

The Act is a needed reform in our immigration law to reflect current economic realities and meet our national security needs more effectively, and do so in a way that respects America's immigrant heritage. It provides a fair and reasonable means for illegal agricultural workers to earn legal status, and it also reforms the current visa program, so that employers unable to obtain American workers can hire needed foreign workers.

The AgJOBS Act is good for both labor and business. The Nation can no longer ignore the fact that more than half of our agricultural workers are undocumented. Growers need an immediate, reliable and legal workforce at harvest time. Farm workers need legal statues to improve their wages and working conditions. Everyone suffers when crops rot in the fields because of the lack of an adequate labor force.

The AgJOBS Act provides a fair and reasonable process for undocumented agricultural workers to earn legal status. Undocumented farm workers are clearly vulnerable to abuse by unscrupulous labor contractors and growers. Their illegal status deprives them of bargaining power and depresses the wages of all farm workers. Our bill provides fair solutions for undocumented workers who have been toiling in our fields and harvesting our fruits and vegetables.

This bill is not an amnesty. To earn the right to remain in this country, workers would not only have to demonstrate past work contributions to the U.S. economy, but also make a substantial future work commitment. These workers will be able to come forward, identify themselves, provide evidence that they have been employed in agriculture and will continue to work hard, and will play by the rules in the future.

This legislation will modify the current temporary foreign agricultural worker program, while preserving and enhancing key labor protections. It achieves a fair balance. It streamlines the H-2A visa application process by reducing paperwork for employers and accelerating processing. But individuals participating in the program receive strong labor protections.

Our legislation will unify families. When temporary residence is granted a farm worker's spouse and minor children will be able to remain legally in the U.S. but they will not be authorized to work. When the worker becomes a permanent resident, the spouse and minor children will also gain such status.

AgJOBS will also enhance national security and reduce illegal immigration. It will reduce the chaotic, illegal, and all-too-deadly flows of immigrants at our borders by providing safe and legal avenues for farm workers and their families. Future temporary workers will be carefully screened to meet security concerns. Enforcement resources will be more effectively focused on the highest risks. By bringing undocumented farm workers out of the shadows and requiring them to pass through security checks, it will enable officials to concentrate more effectively on terrorists and criminals.

Last year, Senators came together—Democrats and Republicans—to pass a far-reaching immigration reform bill that included the AgJOBS bill. The American people are calling on us to come together again. They know there is a crisis, and they want action now.

President Bush has been a leader on immigration reform, and I'm hopeful that he will renew his efforts with members of his party, so that we can continue action quickly this year on comprehensive reform legislation and end this festering crisis once and for all. The House of Representatives is now ready to be a genuine partner in this effort.

By heritage and history, America is a Nation of immigrants. Our legislation proposes necessary changes in the law while preserving this tradition. This bill will ensure that immigrant farm workers can live the American dream and contribute to our prosperity, our security, and our values, and I hope very much that it can be enacted as soon as possible in this new Congress.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, Mr. SUNUNU, Mr. NELSON of Florida, and Mr. LEAHY):

S. 238. A bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to protect one of Americans' most valuable but vulnerable assets: social security numbers.

The bill I propose is identical to legislation that I introduced last year. This is the fifth Congress in which I have proposed legislation to protect social security numbers. I stand before you again today because I believe that this issue is too important to ignore.

We all know that once a person's social security number is compromised, the path to identity theft is a short one. The Federal Trade Commission estimates that as many as 10 million Americans have their identities stolen each year.

The crime takes many forms. Thieves can obtain social security numbers through public records—marriage licenses, professional licenses, and countless other public documents—many of which are available on the internet.

These stolen social security numbers then act like virtual keys, allowing the thieves to unlock an individual's identity.

Thieves open credit cards and charge them to the max. Often, the victim does not even realize what has happened until they are denied credit in the future because of the unpaid debt on the fraudulent credit cards.

Thieves open bank accounts in the victim's name and write bad checks.

Thieves get driver's licenses or identification cards, and even apply for government benefits in the victim's name.

Identity theft is serious. A person whose identity is stolen can lose thousands of dollars and take months or even years to regain their good name and credit.

The damage, loss, and stress of identity theft are considerable.

Victims may lose job opportunities, or be denied loans for education, housing, or cars because of negative information on their credit reports. They may even be arrested for crimes they did not commit.

The ease with which social security numbers can be accessed is distressing, but also, unnecessary.

The Social Security Number Misuse Prevention Act would require government agencies and businesses to do more to protect Americans' social security numbers. The bill would: stop the sale or display of a person's social security number without his or her express consent; prevent Federal, State and local governments from displaying social security numbers on public records posted on the Internet; end the printing of social security numbers on government checks; prohibit the employing of inmates for tasks that give them access to the social security numbers of other individuals; limit the circumstances in which businesses could ask a customer for his or her social security number; commission a study of the current uses of social security numbers and the impact on privacy and data security; and institute criminal and civil penalties for misuse of social security numbers.

This legislation is simple and necessary to stop the growing epidemic of identity theft that has been plaguing America and its citizens.

As we move further into the information age and rely more on information sharing, this problem will only get worse, unless we take action. I urge my colleagues to support the Social Security Number Misuse Prevention Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD.

S. 238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Number Misuse Prevention Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Prohibition of the display, sale, or purchase of Social Security numbers.
Sec. 4. Application of prohibition of the display, sale, or purchase of Social Security numbers to public records.
Sec. 5. Rulemaking authority of the Attorney General.
Sec. 6. Treatment of Social Security numbers on government documents.
Sec. 7. Limits on personal disclosure of a Social Security number for consumer transactions.
Sec. 8. Extension of civil monetary penalties for misuse of a Social Security number.
Sec. 9. Criminal penalties for the misuse of a Social Security number.
Sec. 10. Civil actions and civil penalties.
Sec. 11. Federal injunctive authority.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The inappropriate display, sale, or purchase of Social Security numbers has contributed to a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

(2) While financial institutions, health care providers, and other entities have often used Social Security numbers to confirm the identity of an individual, the general display to the public, sale, or purchase of these numbers has been used to commit crimes, and also can result in serious invasions of individual privacy.

(3) The Federal Government requires virtually every individual in the United States

to obtain and maintain a Social Security number in order to pay taxes, to qualify for Social Security benefits, or to seek employment. An unintended consequence of these requirements is that Social Security numbers have become one of the tools that can be used to facilitate crime, fraud, and invasions of the privacy of the individuals to whom the numbers are assigned. Because the Federal Government created and maintains this system, and because the Federal Government does not permit individuals to exempt themselves from those requirements, it is appropriate for the Federal Government to take steps to stem the abuse of Social Security numbers.

(4) The display, sale, or purchase of Social Security numbers in no way facilitates uninhibited, robust, and wide-open public debate, and restrictions on such display, sale, or purchase would not affect public debate.

(5) No one should seek to profit from the display, sale, or purchase of Social Security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the individuals to whom those numbers are assigned.

(6) Consequently, this Act provides each individual that has been assigned a Social Security number some degree of protection from the display, sale, and purchase of that number in any circumstance that might facilitate unlawful conduct.

SEC. 3. PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS.

(a) Prohibition.—

(1) In general.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1028A the following:

"§ 1028B. Prohibition of the display, sale, or purchase of Social Security numbers

"(a) Definitions.—In this section:

"(1) Display.—The term 'display' means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual's Social Security number.

"(2) Person.—The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

"(3) Purchase.—The term 'purchase' means providing directly or indirectly, anything of value in exchange for a Social Security number.

"(4) Sale.—The term 'sale' means obtaining, directly or indirectly, anything of value in exchange for a Social Security number.

"(5) State.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

"(b) Limitation on Display.—Except as provided in section 1028C, no person may display any individual's Social Security number to the general public without the affirmatively expressed consent of the individual.

"(c) Limitation on Sale or Purchase.—Except as otherwise provided in this section, no person may sell or purchase any individual's Social Security number without the affirmatively expressed consent of the individual.

"(d) Prerequisites for Consent.—In order for consent to exist under subsection (b) or (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual's Social Security number shall—

"(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

"(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

"(e) Exceptions.—Nothing in this section shall be construed to prohibit or limit the display, sale, or purchase of a Social Security number—

"(1) required, authorized, or excepted under any Federal law;

"(2) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

"(3) for a national security purpose;

"(4) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

"(5) if the display, sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction), including, but not limited to—

"(A) the prevention of fraud (including fraud in protecting an employee's right to employment benefits);

"(B) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers;

"(C) the retrieval of other information from other businesses, commercial enterprises, government entities, or private nonprofit organizations; or

"(D) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business;

"(6) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

"(7) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

except that, nothing in this subsection shall be construed as permitting a professional or commercial user to display or sell a Social Security number to the general public.

"(f) Limitation.—Nothing in this section shall prohibit or limit the display, sale, or purchase of Social Security numbers as permitted under title V of the Gramm-Leach-Bliley Act, or for the purpose of affiliate sharing as permitted under the Fair Credit Reporting Act, except that no entity regulated under such Acts may make Social Security numbers available to the general public, as may be determined by the appropriate regulators under such Acts. For purposes of this subsection, the general public shall not include affiliates or unaffiliated third-party business entities as may be defined by the appropriate regulators.".

(2) Conforming amendment.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following:

"1028B. Prohibition of the display, sale, or purchase of Social Security numbers.".

(b) Study; Report.—

(1) In general.—The Attorney General shall conduct a study and prepare a report on all of the uses of Social Security numbers permitted, required, authorized, or excepted under any Federal law. The report shall include a detailed description of the uses allowed as of the date of enactment of this Act, the impact of such uses on privacy and data security, and shall evaluate whether such uses should be continued or discontinued by appropriate legislative action.

(2) Report.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall report to Congress findings under this subsection. The report shall include such recommendations for legislation based on criteria the Attorney General determines to be appropriate.

(c) Effective Date.—The amendments made by this section shall take effect on the date that is 30 days after the date on which the final regulations promulgated under section 5 are published in the Federal Register.

SEC. 4. APPLICATION OF PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS TO PUBLIC RECORDS.

(a) Public Records Exception.—

(1) In general.—Chapter 47 of title 18, United States Code (as amended by section 3(a)(1)), is amended by inserting after section 1028B the following:

"§ 1028C. Display, sale, or purchase of public records containing Social Security numbers

"(a) Definition.—In this section, the term 'public record' means any governmental record that is made available to the general public.

"(b) In General.—Except as provided in subsections (c), (d), and (e), section 1028B shall not apply to a public record.

"(c) Public Records on the Internet or in an Electronic Medium.—

"(1) In general.—Section 1028B shall apply to any public record first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity after the date of enactment of this section, except as limited by the Attorney General in accordance with paragraph (2).

"(2) Exception for government entities already placing public records on the internet or in electronic form.—Not later than 60 days after the date of enactment of this section, the Attorney General shall issue regulations regarding the applicability of section 1028B to any record of a category of public records first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity prior to the date of enactment of this section. The regulations will determine which individual records within categories of records of these government entities, if any, may continue to be posted on the Internet or in electronic form after the effective date of this section. In promulgating these regulations, the Attorney General may include in the regulations a set of procedures for implementing the regulations and shall consider the following:

"(A) The cost and availability of technology available to a governmental entity to redact Social Security numbers from public records first provided in electronic form after the effective date of this section.

"(B) The cost or burden to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments of complying with section 1028B with respect to such records.

"(C) The benefit to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028B should apply to such records.

Nothing in the regulation shall permit a public entity to post a category of public records on the Internet or in electronic form after the effective date of this section if such category had not been placed on the Internet or in electronic form prior to such effective date.

"(d) HARVESTED SOCIAL SECURITY NUMBERS.—Section 1028B shall apply to any public record of a government entity which contains Social Security numbers extracted from other public records for the purpose of displaying or selling such numbers to the general public.

"(e) ATTORNEY GENERAL RULEMAKING ON PAPER RECORDS.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Attorney General shall determine the feasibility and advisability of applying section 1028B to the records listed in paragraph (2) when they appear on paper or on another nonelectronic medium. If the Attorney General deems it appropriate, the Attorney General may issue regulations applying section 1028B to such records.

"(2) LIST OF PAPER AND OTHER NONELECTRONIC RECORDS.—The records listed in this paragraph are as follows:

"(A) Professional or occupational licenses.

"(B) Marriage licenses.

"(C) Birth certificates.

"(D) Death certificates.

"(E) Other short public documents that display a Social Security number in a routine and consistent manner on the face of the document.

"(3) CRITERIA FOR ATTORNEY GENERAL REVIEW.—In determining whether section 1028B should apply to the records listed in paragraph (2), the Attorney General shall consider the following:

"(A) The cost or burden to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments of complying with section 1028B.

"(B) The benefit to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028B should apply to such records.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code (as amended by section 3(a)(2)), is amended by inserting after the item relating to section 1028B the following:

"1028C. Display, sale, or purchase of public records containing Social Security numbers.".

(b) STUDY AND REPORT ON SOCIAL SECURITY NUMBERS IN PUBLIC RECORDS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study and prepare a report on Social Security numbers in public records. In developing the report, the Comptroller General shall consult with the Administrative Office of the United States Courts, State and local governments that store, maintain, or disseminate public records, and other stakeholders, including members of the private sector who routinely use public records that contain Social Security numbers.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1). The report shall include a detailed description of the activities and results of the study and recommendations for such legislative action as the Comptroller General considers appropriate. The report, at a minimum, shall include—

(A) a review of the uses of Social Security numbers in non-federal public records;

(B) a review of the manner in which public records are stored (with separate reviews for both paper records and electronic records);

(C) a review of the advantages or utility of public records that contain Social Security numbers, including the utility for law enforcement, and for the promotion of homeland security;

(D) a review of the disadvantages or drawbacks of public records that contain Social Security numbers, including criminal activity, compromised personal privacy, or threats to homeland security;

(E) the costs and benefits for State and local governments of removing Social Security numbers from public records, including a review of current technologies and procedures for removing Social Security numbers from public records; and

(F) an assessment of the benefits and costs to businesses, their customers, and the general public of prohibiting the display of Social Security numbers on public records (with separate assessments for both paper records and electronic records).

(c) EFFECTIVE DATE.—The prohibition with respect to electronic versions of new classes of public records under section 1028C(b) of title 18, United States Code (as added by subsection (a)(1)) shall not take effect until the date that is 60 days after the date of enactment of this Act.

SEC. 5. RULEMAKING AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Except as provided in subsection (b), the Attorney General may prescribe such rules and regulations as the Attorney General deems necessary to carry out the provisions of section 1028B(e)(5) of title 18, United States Code (as added by section 3(a)(1)).

(b) DISPLAY, SALE, OR PURCHASE RULEMAKING WITH RESPECT TO INTERACTIONS BETWEEN BUSINESSES, GOVERNMENTS, OR BUSINESS AND GOVERNMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Commissioner of Social Security, the Chairman of the Federal Trade Commission, and such other heads of Federal agencies as the Attorney General determines appropriate, shall conduct such rulemaking procedures in accordance with subchapter II of chapter 5 of title 5, United States Code, as are necessary to promulgate regulations to implement and clarify the uses occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction) permitted under section 1028B(e)(5) of title 18, United States Code (as added by section 3(a)(1)).

(2) FACTORS TO BE CONSIDERED.—In promulgating the regulations required under paragraph (1), the Attorney General shall, at a minimum, consider the following:

(A) The benefit to a particular business, to customers of the business, and to the general public of the display, sale, or purchase of an individual's Social Security number.

(B) The costs that businesses, customers of businesses, and the general public may incur as a result of prohibitions on the display, sale, or purchase of Social Security numbers.

(C) The risk that a particular business practice will promote the use of a Social Security number to commit fraud, deception, or crime.

(D) The presence of adequate safeguards, procedures, and technologies to prevent—

(i) misuse of Social Security numbers by employees within a business; and

(ii) misappropriation of Social Security numbers by the general public, while permitting internal business uses of such numbers.

(E) The presence of procedures to prevent identity thieves, stalkers, and other individuals with ill intent from posing as legitimate businesses to obtain Social Security numbers.

(F) The impact of such uses on privacy.

SEC. 6. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT DOCUMENTS.

(a) PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

"(x) No Federal, State, or local agency may display the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to violations of section 205(c)(2)(C)(x) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(x)), as added by paragraph (1), occurring after the date that is 3 years after the date of enactment of this Act.

(b) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (b)) is amended by adding at the end the following:

"(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the Social Security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of a criminal offense.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

SEC. 7. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"SEC. 1150A. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

"(a) IN GENERAL.—A commercial entity may not require an individual to provide the individual's Social Security number when purchasing a commercial good or service or deny an individual the good or service for refusing to provide that number except—

"(1) for any purpose relating to—

"(A) obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act;

"(B) a background check of the individual conducted by a landlord, lessor, employer, voluntary service agency, or other entity as determined by the Attorney General;

"(C) law enforcement; or

"(D) a Federal, State, or local law requirement; or

"(2) if the Social Security number is necessary to verify the identity of the consumer to effect, administer, or enforce the specific transaction requested or authorized by the consumer, or to prevent fraud.

“(b) Application of Civil Money Penalties.—A violation of this section shall be deemed to be a violation of section 1129(a)(3)(F).

“(c) Application of Criminal Penalties.—A violation of this section shall be deemed to be a violation of section 208(a)(8).

“(d) Limitation on Class Actions.—No class action alleging a violation of this section shall be maintained under this section by an individual or any private party in Federal or State court.

“(e) State Attorney General Enforcement.—

“(1) In general.—

“(A) Civil actions.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this section, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

“(i) enjoin that practice;

“(ii) enforce compliance with such section;

“(iii) obtain damages, restitution, or other compensation on behalf of residents of the State; or

“(iv) obtain such other relief as the court may consider appropriate.

“(B) Notice.—

“(i) In general.—Before filing an action under subparagraph (A), the attorney general of the State involved shall provide to the Attorney General—

“(I) written notice of the action; and

“(II) a copy of the complaint for the action.

“(ii) Exemption.—

“(I) In general.—Clause (i) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

“(II) Notification.—With respect to an action described in subclause (I), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the same time as the State attorney general files the action.

“(2) Intervention.—

“(A) In general.—On receiving notice under paragraph (1)(B), the Attorney General shall have the right to intervene in the action that is the subject of the notice.

“(B) Effect of intervention.—If the Attorney General intervenes in the action under paragraph (1), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

“(3) Construction.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

“(A) conduct investigations;

“(B) administer oaths or affirmations; or

“(C) compel the attendance of witnesses or the production of documentary and other evidence.

“(4) Actions by the attorney general of the United States.—In any case in which an action is instituted by or on behalf of the Attorney General for violation of a practice that is prohibited under this section, no State may, during the pendency of that action, institute an action under paragraph (1) against any defendant named in the complaint in that action for violation of that practice.

“(5) Venue; service of process.—

“(A) Venue.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

“(B) Service of process.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

“(i) is an inhabitant; or

“(ii) may be found.

“(f) Sunset.—This section shall not apply on or after the date that is 6 years after the effective date of this section.”.

(b) Evaluation and Report.—Not later than the date that is 6 years and 6 months after the date of enactment of this Act, the Attorney General, in consultation with the chairman of the Federal Trade Commission, shall issue a report evaluating the effectiveness and efficiency of section 1150A of the Social Security Act (as added by subsection (a)) and shall make recommendations to Congress as to any legislative action determined to be necessary or advisable with respect to such section, including a recommendation regarding whether to reauthorize such section.

(c) Effective Date.—The amendment made by subsection (a) shall apply to requests to provide a Social Security number occurring after the date that is 1 year after the date of enactment of this Act.

SEC. 8. EXTENSION OF CIVIL MONETARY PENALTIES FOR MISUSE OF A SOCIAL SECURITY NUMBER.

(a) Treatment of Withholding of Material Facts.—

(1) Civil penalties.—The first sentence of section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking “who” and inserting “who—”;

(B) by striking “makes” and all that follows through “shall be subject to” and inserting the following:

“(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

“(B) makes such a statement or representation for such use with knowing disregard for the truth; or

“(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, shall be subject to”;

(C) by inserting “or each receipt of such benefits while withholding disclosure of such fact” after “each such statement or representation”;

(D) by inserting “or because of such withholding of disclosure of a material fact” after “because of such statement or representation”; and

(E) by inserting “or such a withholding of disclosure” after “such a statement or representation”.

(2) Administrative procedure for imposing penalties.—The first sentence of section 1129A(a) of the Social Security Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking “who” and inserting “who—”; and

(B) by striking “makes” and all that follows through “shall be subject to” and inserting the following:

“(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

“(2) makes such a statement or representation for such use with knowing disregard for the truth; or

“(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, shall be subject to”.

(b) Application of Civil Money Penalties to Elements of Criminal Violations.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8(a)), as amended by subsection (a)(1), is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by redesignating the last sentence of paragraph (1) as paragraph (2) and inserting such paragraph after paragraph (1); and

(3) by inserting after paragraph (2) (as so redesignated) the following:

“(3) Any person (including an organization, agency, or other entity) who—

“(A) uses a Social Security account number that such person knows or should know has been assigned by the Commissioner of Social Security (in an exercise of authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Commissioner by any person;

“(B) falsely represents a number to be the Social Security account number assigned by the Commissioner of Social Security to any individual, when such person knows or should know that such number is not the Social Security account number assigned by the Commissioner to such individual;

“(C) knowingly alters a Social Security card issued by the Commissioner of Social Security, or possesses such a card with intent to alter it;

“(D) knowingly displays, sells, or purchases a card that is, or purports to be, a card issued by the Commissioner of Social Security, or possesses such a card with intent to display, purchase, or sell it;

“(E) counterfeits a Social Security card, or possesses a counterfeit Social Security card with intent to display, sell, or purchase it;

“(F) discloses, uses, compels the disclosure of, or knowingly displays, sells, or purchases the Social Security account number of any person in violation of the laws of the United States;

“(G) with intent to deceive the Commissioner of Social Security as to such person’s true identity (or the true identity of any other person) furnishes or causes to be furnished false information to the Commissioner with respect to any information required by the Commissioner in connection with the establishment and maintenance of the records provided for in section 205(c)(2);

"(H) offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional Social Security account number or a number which purports to be a Social Security account number; or

"(I) being an officer or employee of a Federal, State, or local agency in possession of any individual's Social Security account number, willfully acts or fails to act so as to cause a violation by such agency of clause (vi)(II) or (x) of section 205(c)(2)(C), shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each violation. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from such violation, of not more than twice the amount of any benefits or payments paid as a result of such violation.".

(c) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of the Social Security Act (42 U.S.C. 1320a-8(e)(2)(B)) is amended by striking "In the case of amounts recovered arising out of a determination relating to title VIII or XVI," and inserting "In the case of any other amounts recovered under this section,".

(d) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of the Social Security Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking "charging fraud or false statements".

(2) Section 1129(c)(1) of the Social Security Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking "and representations" and inserting ", representations, or actions".

(3) Section 1129(e)(1)(A) of the Social Security Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking "statement or representation referred to in subsection (a) was made" and inserting "violation occurred".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to violations of sections 1129 and 1129A of the Social Security Act (42 U.S.C. 1320–8 and 1320a–8a), as amended by this section, committed after the date of enactment of this Act.

(2) VIOLATIONS BY GOVERNMENT AGENTS IN POSSESSION OF SOCIAL SECURITY NUMBERS.—Section 1129(a)(3)(I) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)(I)), as added by subsection (b), shall apply with respect to violations of that section occurring on or after the effective date described in section 3(c).

(f) REPEAL.—Section 201 of the Social Security Protection Act of 2004 is repealed.

SEC. 9. CRIMINAL PENALTIES FOR THE MISUSE OF A SOCIAL SECURITY NUMBER.

(a) PROHIBITION OF WRONGFUL USE AS PERSONAL IDENTIFICATION NUMBER.—No person may obtain any individual's Social Security number for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for any illegal purpose.

(b) CRIMINAL SANCTIONS.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting "or" after the semicolon; and

(2) by inserting after paragraph (8) the following:

"(9) except as provided in subsections (e) and (f) of section 1028B of title 18, United States Code, knowingly and willfully displays, sells, or purchases (as those terms are defined in section 1028B(a) of title 18, United States Code) any individual's Social Security account number without having met the prerequisites for consent under section 1028B(d) of title 18, United States Code; or

"(10) obtains any individual's Social Security number for the purpose of locating or identifying the individual with the intent to injure or to harm that individual, or to use the identity of that individual for an illegal purpose;".

SEC. 10. CIVIL ACTIONS AND CIVIL PENALTIES.

(a) CIVIL ACTION IN STATE COURTS.—

(1) IN GENERAL.—Any individual aggrieved by an act of any person in violation of this Act or any amendments made by this Act may, if otherwise permitted by the laws or rules of the court of a State, bring in an appropriate court of that State—

(A) an action to enjoin such violation;

(B) an action to recover for actual monetary loss from such a violation, or to receive up to $500 in damages for each such violation, whichever is greater; or

(C) both such actions.

It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of the regulations prescribed under this Act. If the court finds that the defendant willfully or knowingly violated the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

(2) STATUTE OF LIMITATIONS.—An action may be commenced under this subsection not later than the earlier of—

(A) 5 years after the date on which the alleged violation occurred; or

(B) 3 years after the date on which the alleged violation was or should have been reasonably discovered by the aggrieved individual.

(3) NONEXCLUSIVE REMEDY.—The remedy provided under this subsection shall be in addition to any other remedies available to the individual.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who the Attorney General determines has violated any section of this Act or of any amendments made by this Act shall be subject, in addition to any other penalties that may be prescribed by law—

(A) to a civil penalty of not more than $5,000 for each such violation; and

(B) to a civil penalty of not more than $50,000, if the violations have occurred with such frequency as to constitute a general business practice.

(2) DETERMINATION OF VIOLATIONS.—Any willful violation committed contemporaneously with respect to the Social Security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a), (b), (f), (h), (i), (j), (m), and (n) and the first sentence of subsection (c) of such section, and the provisions of subsections (d) and (e) of section 205 of such Act (42 U.S.C. 405) shall apply to a civil penalty action under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act (42 U.S.C. 1320a–7a(a)), except that, for purposes of this paragraph, any reference in section 1128A of such Act (42 U.S.C. 1320a–7a) to the Secretary shall be deemed to be a reference to the Attorney General.

SEC. 11. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this Act or the amendments made by this Act, the Federal Government shall have injunctive authority with respect to any violation by a public entity of any provision of this Act or of any amendments made by this Act.

By Mrs. FEINSTEIN:

S. 239. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Notification of Risk to Personal Data Act.

It is vitally important that Congress take immediate action to ensure that individuals are notified when companies, Federal agencies, and other institutions suffer security breaches that could jeopardize their personal information.

The Notification of Risk to Personal Data Act is a simple, straightforward bill that would require that notice be sent to individuals in the event of a data breach which compromises their personal information.

Providing individuals with knowledge that their personal information has been accessed by a hacker will allow them to take action to prevent or limit the damage caused by these security breaches.

The need for such legislation is, unfortunately, self-evident given the spate of data breaches we have all read and heard about. Unfortunately, almost every week we learn of a new breach.

For example, there have been major data breaches in just the last few months at Boeing, UCLA, the Colorado Department of Human Services, Starbucks, the Chicago Voters' Database, and Akron Children's Hospital.

Given this ongoing problem, it is not surprising that Americans have made it clear that they want Congress to act. A September 2005 CBS News/New York Times national poll on privacy and identity theft found that 89 percent of Americans are "concerned" about the theft of their personal identity information and 68 percent of Americans feel that Congress should do more to regulate personal data and its collection.

According to the Federal Trade Commission identity theft affects approximately 10 million Americans each year. In 2004, there were 635,173 identity theft and fraud complaints made to the Federal Trade Commission's Consumer Sentinel. In 2004, identity fraud cost Americans $52.6 billion dollars. Over the past 2 years, approximately 18 million individuals in this country have been exposed or affected by identity theft.

Data breaches threaten individual's economic and emotional well being. A person whose identity is stolen can lose thousands of dollars and it can take months or even years for a person to regain their good name and credit. So when a data breach occurs, people have a right to find out as soon as possible.

That is why I have introduced and tried to pass legislation that would: require that the Federal Government and business entities notify individuals when there has been a security breach involving their personal data; ensure that the notice is provided without unreasonable delay; create very limited exceptions to notification for national security and law enforcement purposes, as well as instances in which law enforcement certifies that there is no threat of harm to the individual; provide civil remedies against those who do not notify individuals and the provisions of the bill would be enforced by State attorney generals; and pre-empt all state laws so that there is a single, nationwide notification requirement.

I strongly believe that individuals have a right to be notified when their most sensitive information is compromised—because it is truly their information.

The instant legislation will give all Americans more control and confidence about the safety of their sensitive personal information. They will know when their data has been compromised so that they take the appropriate steps to protect themselves.

In November 2005, the Judiciary Committee approved the Personal Data Privacy and Security Act. That bill included similar notification legislation. Unfortunately, the Senate took no further action and the bill expired at the end of the 109th Congress.

Since then, the problem of identity theft has worsened—there have been numerous large scale data security breaches involving companies, federal agencies, and universities.

We cannot afford to keep waiting to act. I urge the Senate to pass the Notification of Risk to Personal Data Act to give Americans the information they need to protect themselves from identity theft.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Notification of Risk to Personal Data Act of 2007".

SEC. 2. NOTICE TO INDIVIDUALS.

(a) IN GENERAL.—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of, or collects sensitive personally identifiable information shall, following the discovery of a security breach of such information notify any resident of the United States whose sensitive personally identifiable information has been, or is reasonably believed to have been, accessed, or acquired.

(b) OBLIGATION OF OWNER OR LICENSEE.—

(1) NOTICE TO OWNER OR LICENSEE.—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of, or collects sensitive personally identifiable information that the agency or business entity does not own or license shall notify the owner or licensee of the information following the discovery of a security breach involving such information.

(2) NOTICE BY OWNER, LICENSEE OR OTHER DESIGNATED THIRD PARTY.—Nothing in this Act shall prevent or abrogate an agreement between an agency or business entity required to give notice under this section and a designated third party, including an owner or licensee of the sensitive personally identifiable information subject to the security breach, to provide the notifications required under subsection (a).

(3) BUSINESS ENTITY RELIEVED FROM GIVING NOTICE.—A business entity obligated to give notice under subsection (a) shall be relieved of such obligation if an owner or licensee of the sensitive personally identifiable information subject to the security breach, or other designated third party, provides such notification.

(c) TIMELINESS OF NOTIFICATION.—

(1) IN GENERAL.—All notifications required under this section shall be made without unreasonable delay following the discovery by the agency or business entity of a security breach.

(2) REASONABLE DELAY.—Reasonable delay under this subsection may include any time necessary to determine the scope of the security breach, prevent further disclosures, and restore the reasonable integrity of the data system and provide notice to law enforcement when required.

(3) BURDEN OF PROOF.—The agency, business entity, owner, or licensee required to provide notification under this section shall have the burden of demonstrating that all notifications were made as required under this Act, including evidence demonstrating the necessity of any delay.

(d) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—If a Federal law enforcement agency determines that the notification required under this section would impede a criminal investigation, such notification shall be delayed upon written notice from such Federal law enforcement agency to the agency or business entity that experienced the breach.

(2) EXTENDED DELAY OF NOTIFICATION.—If the notification required under subsection (a) is delayed pursuant to paragraph (1), an agency or business entity shall give notice 30 days after the day such law enforcement delay was invoked unless a Federal law enforcement agency provides written notification that further delay is necessary.

(3) LAW ENFORCEMENT IMMUNITY.—No cause of action shall lie in any court against any law enforcement agency for acts relating to the delay of notification for law enforcement purposes under this Act.

SEC. 3. EXEMPTIONS.

(a) EXEMPTION FOR NATIONAL SECURITY AND LAW ENFORCEMENT.—

(1) IN GENERAL.—Section 2 shall not apply to an agency if the agency certifies, in writing, that notification of the security breach as required by section 2 reasonably could be expected to—

(A) cause damage to the national security; or

(B) hinder a law enforcement investigation or the ability of the agency to conduct law enforcement investigations.

(2) LIMITS ON CERTIFICATIONS.—An agency may not execute a certification under paragraph (1) to—

(A) conceal violations of law, inefficiency, or administrative error;

(B) prevent embarrassment to a business entity, organization, or agency; or

(C) restrain competition.

(3) NOTICE.—In every case in which an agency issues a certification under paragraph (1), the certification, accompanied by a description of the factual basis for the certification, shall be immediately provided to the United States Secret Service.

(b) SAFE HARBOR.—An agency or business entity will be exempt from the notice requirements under section 2, if—

(1) a risk assessment concludes that there is no significant risk that the security breach has resulted in, or will result in, harm to the individuals whose sensitive personally identifiable information was subject to the security breach;

(2) without unreasonable delay, but not later than 45 days after the discovery of a security breach, unless extended by the United States Secret Service, the agency or business entity notifies the United States Secret Service, in writing, of—

(A) the results of the risk assessment; and

(B) its decision to invoke the risk assessment exemption; and

(3) the United States Secret Service does not indicate, in writing, within 10 days from receipt of the decision, that notice should be given.

(c) FINANCIAL FRAUD PREVENTION EXEMPTION.—

(1) IN GENERAL.—A business entity will be exempt from the notice requirement under section 2 if the business entity utilizes or participates in a security program that—

(A) is designed to block the use of the sensitive personally identifiable information to initiate unauthorized financial transactions before they are charged to the account of the individual; and

(B) provides for notice to affected individuals after a security breach that has resulted in fraud or unauthorized transactions.

(2) LIMITATION.—The exemption by this subsection does not apply if the information subject to the security breach includes sensitive personally identifiable information in addition to the sensitive personally identifiable information identified in section 13.

SEC. 4. METHODS OF NOTICE.

An agency, or business entity shall be in compliance with section 2 if it provides both:

(1) INDIVIDUAL NOTICE.—

(A) Written notification to the last known home mailing address of the individual in the records of the agency or business entity;

(B) Telephone notice to the individual personally; or

(C) E-mail notice, if the individual has consented to receive such notice and the notice is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001).

(2) MEDIA NOTICE.—Notice to major media outlets serving a State or jurisdiction, if the number of residents of such State whose sensitive personally identifiable information was, or is reasonably believed to have been, acquired by an unauthorized person exceeds 5,000.

SEC. 5. CONTENT OF NOTIFICATION.

(a) IN GENERAL.—Regardless of the method by which notice is provided to individuals under section 4, such notice shall include, to the extent possible—

(1) a description of the categories of sensitive personally identifiable information that was, or is reasonably believed to have been, acquired by an unauthorized person;

(2) a toll-free number—

(A) that the individual may use to contact the agency or business entity, or the agent of the agency or business entity; and

(B) from which the individual may learn what types of sensitive personally identifiable information the agency or business entity maintained about that individual; and

(3) the toll-free contact telephone numbers and addresses for the major credit reporting agencies.

(b) ADDITIONAL CONTENT.—Notwithstanding section 10, a State may require that a notice under subsection (a) shall also include information regarding victim protection assistance provided for by that State.

SEC. 6. COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.

If an agency or business entity is required to provide notification to more than 1,000 individuals under section 2(a), the agency or business entity shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) of the timing and distribution of the notices.

SEC. 7. NOTICE TO LAW ENFORCEMENT.

(a) SECRET SERVICE.—Any business entity or agency shall give notice of a security breach to the United States Secret Service if—

(1) the number of individuals whose sensitive personally identifying information was, or is reasonably believed to have been acquired by an unauthorized person exceeds 10,000;

(2) the security breach involves a database, networked or integrated databases, or other data system containing the sensitive personally identifiable information of more than 1,000,000 individuals nationwide;

(3) the security breach involves databases owned by the Federal Government; or

(4) the security breach involves primarily sensitive personally identifiable information of employees and contractors of the Federal Government involved in national security or law enforcement.

(b) NOTICE TO OTHER LAW ENFORCEMENT AGENCIES.—The United States Secret Service shall be responsible for notifying—

(1) the Federal Bureau of Investigation, if the security breach involves espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service under section 3056(a) of title 18, United States Code;

(2) the United States Postal Inspection Service, if the security breach involves mail fraud; and

(3) the attorney general of each State affected by the security breach.

(c) 14-DAY RULE.—The notices to Federal law enforcement and the attorney general of each State affected by a security breach required under this section shall be delivered as promptly as possible, but not later than 14 days after discovery of the events requiring notice.

SEC. 8. ENFORCEMENT.

(a) CIVIL ACTIONS BY THE ATTORNEY GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any business entity that engages in conduct constituting a violation of this Act and, upon proof of such conduct by a preponderance of the evidence, such business entity shall be subject to a civil penalty of not more than $1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of $50,000 per person.

(b) INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—If it appears that a business entity has engaged, or is engaged, in any act or practice constituting a violation of this Act, the Attorney General may petition an appropriate district court of the United States for an order—

(A) enjoining such act or practice; or

(B) enforcing compliance with this Act.

(2) ISSUANCE OF ORDER.—A court may issue an order under paragraph (1), if the court finds that the conduct in question constitutes a violation of this Act.

(c) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this Act are cumulative and shall not affect any other rights and remedies available under law.

(d) FRAUD ALERT.—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c-1(b)(1)) is amended by inserting ", or evidence that the consumer has received notice that the consumer's financial information has or may have been compromised," after "identity theft report".

SEC. 9. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a business entity in a practice that is prohibited under this Act, the State or the State or local law enforcement agency on behalf of the residents of the agency's jurisdiction, may bring a civil action on behalf of the residents of the State or jurisdiction in a district court of the United States of appropriate jurisdiction or any other court of competent jurisdiction, including a State court, to—

(A) enjoin that practice;

(B) enforce compliance with this Act; or

(C) civil penalties of not more than $1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of $50,000 per day.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this Act, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) FEDERAL PROCEEDINGS.—Upon receiving notice under subsection (a)(2), the Attorney General shall have the right to—

(1) move to stay the action, pending the final disposition of a pending Federal proceeding or action;

(2) initiate an action in the appropriate United States district court under section 8 and move to consolidate all pending actions, including State actions, in such court;

(3) intervene in an action brought under subsection (a)(2); and

(4) file petitions for appeal.

(c) PENDING PROCEEDINGS.—If the Attorney General has instituted a proceeding or action for a violation of this Act or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this Act against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(d) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act regarding notification shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in—

(A) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(B) another court of competent jurisdiction.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

(f) NO PRIVATE CAUSE OF ACTION.—Nothing in this Act establishes a private cause of action against a business entity for violation of any provision of this Act.

SEC. 10. EFFECT ON FEDERAL AND STATE LAW.

The provisions of this Act shall supersede any other provision of Federal law or any provision of law of any State relating to notification of a security breach, except as provided in section 5(b).

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to cover the costs incurred by the United States Secret Service to carry out investigations and risk assessments of security breaches as required under this Act.

SEC. 12. REPORTING ON RISK ASSESSMENT EXEMPTIONS.

The United States Secret Service shall report to Congress not later than 18 months after the date of enactment of this Act, and upon the request by Congress thereafter, on—

(1) the number and nature of the security breaches described in the notices filed by those business entities invoking the risk assessment exemption under section 3(b) of this Act and the response of the United States Secret Service to such notices; and

(2) the number and nature of security breaches subject to the national security and

law enforcement exemptions under section 3(a) of this Act.

SEC. 13. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) AGENCY.—The term "agency" has the same meaning given such term in section 551 of title 5, United States Code.

(2) AFFILIATE.—The term "affiliate" means persons related by common ownership or by corporate control.

(3) BUSINESS ENTITY.—The term "business entity" means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, venture established to make a profit, or nonprofit, and any contractor, subcontractor, affiliate, or licensee thereof engaged in interstate commerce.

(4) PERSONALLY IDENTIFIABLE INFORMATION.—The term "personally identifiable information" means any information, or compilation of information, in electronic or digital form serving as a means of identification, as defined by section 1028(d)(7) of title 18, United State Code.

(5) SECURITY BREACH.—

(A) IN GENERAL.—The term "security breach" means compromise of the security, confidentiality, or integrity of computerized data through misrepresentation or actions that result in, or there is a reasonable basis to conclude has resulted in, acquisition of or access to sensitive personally identifiable information that is unauthorized or in excess of authorization.

(B) EXCLUSION.—The term "security breach" does not include—

(i) a good faith acquisition of sensitive personally identifiable information by a business entity or agency, or an employee or agent of a business entity or agency, if the sensitive personally identifiable information is not subject to further unauthorized disclosure; or

(ii) the release of a public record not otherwise subject to confidentiality or nondisclosure requirements.

(6) SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.—The term "sensitive personally identifiable information" means any information or compilation of information, in electronic or digital form that includes—

(A) an individual's first and last name or first initial and last name in combination with any 1 of the following data elements:

(i) A non-truncated social security number, driver's license number, passport number, or alien registration number.

(ii) Any 2 of the following:

(I) Home address or telephone number.

(II) Mother's maiden name, if identified as such.

(III) Month, day, and year of birth.

(iii) Unique biometric data such as a finger print, voice print, a retina or iris image, or any other unique physical representation.

(iv) A unique account identifier, electronic identification number, user name, or routing code in combination with any associated security code, access code, or password that is required for an individual to obtain money, goods, services or any other thing of value; or

(B) a financial account number or credit or debit card number in combination with any security code, access code or password that is required for an individual to obtain money, goods, services or any other thing of value.

SEC. 14. EFFECTIVE DATE.

This Act shall take effect on the expiration of the date which is 90 days after the date of enactment of this Act.

By Mr. CRAIG (for himself, Mr. DOMENICI, Mr. BINGAMAN, Mr. ENZI, Mr. STEVENS, Mr. BENNETT, Ms. MURKOWSKI, and Mr. BUNNING):

S. 240. A bill to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I am today introducing, along with Senators DOMENICI, BINGAMAN, ENZI, STEVENS, BENNETT, MURKOWSKI, and BUNNING, the National Geologic Maping Reauthorization Act of 2007. This is an act that has been very beneficial to the Nation and deserves to be reauthorized.

The National Geologic Mapping Act was originally signed into law in 1992, creating the National Cooperative Geologic Mapping Program (NCGMP). This program exists as a partnership between the USGS and the State geological surveys, whose purpose is to provide the Nation with urgently-needed geologic maps that can be and are used by a diverse clientele. These maps are vital to understanding groundwater regimes, mineral resources, geologic hazards such as landslides and earthquakes, and geology essential for all types of land use planning; as well as providing basic scientific data. The NCGMP contains three parts; FedMap—the U.S. Geological Survey's geologic mapping program, StateMap—the State geological survey's part of the act, and EdMap—a program to encourage the training of future geologic mappers at our colleges and universities. All three components are reviewed annually by a Federal Advisory Committee to ensure program effectiveness and to provide future guidance.

FedMap geologic mapping priorities are determined by the needs of Federal land-management agencies, regional customer forums, and cooperatively with the State geological surveys. FedMap also coordinates national geologic mapping standards. StateMap is a competitive program wherein the States submit proposals for geologic mapping that are critiqued by a peer review panel. A requirement of this section of the legislation is that each Federal dollar be matched one-for-one with State funds. Each participating State has a State Advisory Committee to ensure that its proposal addresses priority areas and needs as determined in the NGMA. The success of this program ensured reauthorization of similar legislation in 1997 and in 1999 with widespread bipartisan support in both the House and Senate.

To date, millions of dollars been awarded to State geological surveys through StateMap, and these Federal dollars have been more than matched by State dollars. The high quality geologic maps produced will be used by a very broad base of customers including geotechnical consultants, Federal, State and local land managers, and mineral and energy exploration companies. Information on how to obtain all of these maps is provided on the Internet by the National Geologic Map Database, allowing ease of access for all users.

EdMap has trained over 550 university students at 118 universities across the Nation. The best testament to the quality of this training are its beneficiaries—an unusually high percentage of these students go on to careers in Earth Science, becoming university professors, energy company exploration scientists, or mapping specialists themselves. Their EdMap program experience provides them with a remarkable self-confidence, having completed a difficult and independent field mapping experience.

The National Geologic Mapping Reauthorization Act benefits numerous citizens every day by assuring there is accurate, usable geologic information available to communities and individuals so that safe, educated resource use decisions can be made. I encourage my colleagues to support this legislation and am committed to its timely consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Geologic Mapping Reauthorization Act of 2007".

SEC. 2. FINDINGS.

Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;"; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting "homeland and" after "planning for";

(B) in subparagraph (E), by striking "predicting" and inserting "identifying";

(C) in subparagraph (I), by striking "and" after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

"(J) recreation and public awareness; and"; and

(3) in paragraph (9), by striking "important" and inserting "available".

SEC. 3. PURPOSE.

Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by inserting "and management" before the period at the end.

SEC. 4. DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.

Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking "not later than" and all that follows through the semicolon and inserting "not later than 1 year after the date of enactment of the National Geologic Mapping Reauthorization Act of 2007;";

(2) in subparagraph (B), by striking "not later than" and all that follows through "in accordance" and inserting "not later than 1 year after the date of enactment of the National Geologic Mapping Reauthorization Act of 2007 in accordance"; and

(3) in the matter preceding clause (i) of subparagraph (C), by striking "not later than" and all that follows through "submit" and inserting "submit biennially".

SEC. 5. GEOLOGIC MAPPING PROGRAM OBJECTIVES.

Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking "geophysical-map data base, geochemical-map data base, and a"; and

(2) by striking "provide" and inserting "provides".

SEC. 6. GEOLOGIC MAPPING PROGRAM COMPONENTS.

Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking "and" after the semicolon at the end;

(2) in subclause (II), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(III) the needs of land management agencies of the Department of the Interior.".

SEC. 7. GEOLOGIC MAPPING ADVISORY COMMITTEE.

(a) MEMBERSHIP.—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(1) in paragraph (2)—

(A) by inserting "the Secretary of the Interior or a designee from a land management agency of the Department of the Interior," after "Administrator of the Environmental Protection Agency or a designee,";

(B) by inserting "and" after "Energy or a designee,"; and

(C) by striking ", and the Assistant to the President for Science and Technology or a designee"; and

(2) in paragraph (3)—

(A) by striking "Not later than" and all that follows through "consultation" and inserting "In consultation";

(B) by striking "Chief Geologist, as Chairman" and inserting "Associate Director for Geology, as Chair"; and

(C) by striking "one representative from the private sector" and inserting "2 representatives from the private sector".

(b) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and".

(c) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking "10-member" and inserting "11-member".

SEC. 8. FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.

Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking "geologic map" and inserting "geologic-map"; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

"(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;".

SEC. 9. BIENNIAL REPORT.

Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking "Not later" and all that follows through "biennially" and inserting "Not later than 3 years after the date of enactment of the National Geologic Mapping Reauthorization Act of 2007 and biennially".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.

Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $64,000,000 for each of fiscal years 2007 through 2016."; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "2000" and inserting "2005";

(B) in paragraph (1), by striking "48" and inserting "50"; and

(C) in paragraph (2), by striking 2 and inserting "4".

By Mr. WYDEN (for himself and Mr. AKAKA):

S. 241. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I introduce legislation to authorize the Secretary of the Interior to enter into cooperative agreements to protect National Parks through collaborative efforts on lands inside and outside of National Park System units. My bill passed the Senate in the 109th Congress, but unfortunately did not have an opportunity to pass in the House before the end of the Congress. Today, I reintroduce the bill hoping that it can expeditiously pass again in the Senate and continue on to pass in the House.

This legislation is based on very successful watershed protection legislation enacted for the Forest Service and the Bureau of Land Management, now commonly referred to as the Wyden amendment. The Wyden amendment, first enacted in 1998 for Fiscal Year 1999, has resulted in countless Forest Service and Bureau of Land Management cooperative agreements with neighboring state and local land owners to accomplish high priority restoration, protection and enhancement work on public and private lands. It has not required additional funding, but has allowed the agencies to leverage their scarce restoration dollars thereby allowing the Federal dollars to stretch farther.

The legislation I introduce today will allow the Park Service to use a similar authority to attack natural threats to National Parks, such as invasive weeds, before they cross onto Parks' land. The National Park Service tells me that if they have to wait until the weeds hit the Parks before treating them the costs for treatment rise exponentially and the probability of beating the weeds back drops exponentially.

Examples of projects the National Park Service would pursue with this authority, as well as the groups with which they would partner, are attached. I am pleased that Senator AKAKA is joining me as an original cosponsor of this legislation and I hope my other colleagues will join me as cosponsors of this legislation and in ensuring its swift passage. I ask unanimous consent that the text of the bill and a list of projects be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Resource Protection Cooperative Agreement Act".

SEC. 2. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or willing private landowners to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall—

(1) provide for—

(A) clear and direct benefits to natural resources of a unit of the National Park System;

(B) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(C) preventing, controlling or eradicating invasive exotic species that occupy land within a unit of the National Park System or adjacent to a unit of the National Park System; or

(D) restoration of natural resources, including native wildlife habitat;

(2) include a statement of purpose demonstrating how the agreement will—

(A) enhance science-based natural resource stewardship at the unit of the National Park System; and

(B) benefit the parties to the agreement;

(3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—

(A) protect natural resources of the unit; and

(B) benefit the parties to the agreement;

(4) identify any materials, supplies, or equipment that will be contributed by the parties to the agreement or by other Federal agencies;

(5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and

(7) shall include such terms and conditions that are agreed to by the Secretary and the other parties to the agreement.

(c) LIMITATIONS.—The Secretary shall not use any amounts associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

POTENTIAL COOPERATIVE PROJECTS ADJACENT TO OR NEARBY NPS LANDS:

STATE: ALABAMA

Exotic Plants

Park Unit: Russell Cave National Monument. Partner: Alabama Department of Game and Fish. Projects/Pest: Autumn olive.

STATE: ALASKA

Exotic Plants

Park Unit: Denali National Park and Preserve. Partner: Private landowner and Alaska Department of Transportation. Projects/Pest: Remove multiple species from an isolated location in Kantishna. White sweet clover along the Park's Highway.

Park Unit: Gates of the Arctic National Park and Preserve. Partner: Alaska Department of Transportation, Bureau of Land Management. Projects/Pest: Multiple species moving up the Dalton Highway towards the park.

Park Unit: Glacier Bay National Park and Preserve. Partner: Town of Gustavus. Projects/Pest: Remove multiple species from isolated locations.

Park Unit: Kenai Fjords National Park. Partner: U.S. Forest Service. Projects/Pest: Yellow sweetclover on Exit Glacier Road.

Park Unit: Klondike Gold Rush Historical Park. Partner: Town of Skagway. Projects/Pest: White sweetclover, Butter-and-eggs.

Park Unit: Sitka National Historical Park. Partner: City of Sitka. Projects/Pest: Japanese knotweed.

Park Unit: Wrangell-St. Elias National Park and Preserve. Partner: Town of McCarthy and Alaska Department of Transportation, Bureau of Land Management. Projects/Pest: Remove multiple species from isolated locations and White sweetclver on area roadways.

STATE: ARIZONA

Exotic Plants

Park Unit: Canyon de Chelly National Monument. Partner: Navajo Indian Reservation Project/Pest: Tamarisk and Russian olive.

Park Unit: Grand Canyon National Park. Partner: Hualapai Indian Reservation. Project/Pest: Remove Tamarisk from shared drainages.

Park Unit: Hubbell Trading Post National Historic Site. Partner: Navajo Indian Reservation. Project/Pest: Pueblo Colorado Wash tamarisk and Russian olive.

STATE: CALIFORNIA

Exotic Plants

Park Unit: Death Valley National Park. Partners: Private lands (Shoshone, CA), Bureau of Land Management, State Fish and Game. Projects/Pest: Amargosa River tamarisk control Saline Valley tamarisk.

Park Unit: Golden Gate National Recreation Area. Partners: Private land. Projects/Pest: Remove Pampas grass serving as a seed source re-infesting NPS lands.

Park Unit: Golden Gate National Recreation Area. Partner: State and Private lands. Projects/Pest: Jubata grass.

Park Unit: Mojave National Preserve. Partners: Private and State land. Project/Pest: Tamarisk near I-15 corridor, scattered in-holdings and mine sites.

Aquatic Resources

Park Unit: Golden Gate National Recreation Area. Partners: Private and Public lands. Projects/Pest: Work with City/College and others to facilitate movement of listed butterfly between two separated NPS parcels.

Park Unit: Point Reyes National Seashore. Partners: Private lands. Project/Pest: Restore eroded stream channels benefiting the salmonid fishery in the park.

Park Unit: Santa Monica Mountains National Recreation Area. Partners: Private lands, City and County government, NGO's. Project/Pest: Numerous projects to stabilize, mitigate or restore land disturbances affecting runoff and erosion processes.

Geologic Resources

Park Unit: Redwood National Park. Partners: Private lands. Project/Pest: Work collaboratively to implement erosion control measures from roads associated with timber harvest.

STATE: COLORADO

Exotic Plants

Park Unit: Dinosaur National Monument. Partner: Utah State land. Project/Pest: Jones Hole Creek, spotted knapweed and tamarisk.

Park Unit: Mesa Verde National Park Partner: Ute Mountain Indian Reservation. Project/Pest: Mancos River tamarisk.

STATE: DISTRICT OF COLUMBIA

Exotic Plants

Park Unit: National Capitol Area East. Partners: Private landowners. Project/Pest: Asian Spiderwort (Murdannia keisak).

STATE: GEORGIA

Exotic Plants

Park Unit: Chickamauga and Chattanooga National Military Park, Partners: Lookout Land Trust and Private business, Project/Pest: Kudzu.

STATE: HAWAII

Exotic Plants

Park Unit: Haleakala National Park. Partners: State, Private landowners, Private industry, NGO's, General public Project/Pest: Miconia Fountain Grass, Bocconia, Pampas Grass.

Park Unit: Hawaii Volcanoes National Park. Partners: State, Private landowners, NGO's, Private industry. Project/Pest: Miconia Fountain Grass, Bocconia, Pampas Grass.

Park Unit: Kaluapapa National Historical Park Partners: State, Private landowners, NGO's, Private industry Project/Pest: Miconia Fountain Grass, Bocconia, Pampas Grass.

STATE: IDAHO

Geologic Resources

Park Unit: Hagerman Fossil Beds National Monument. Partners: Private lands. Project/Pest: Prevent irrigation canal seepage causing slumpage/wasting of fossil resources and impacts to Snake River.

STATE: KENTUCKY

Exotic Plants

Park Unit: Mammoth Cave National Park. Partners: Private landowner and State University. Project/Pest: Garlic mustard.

STATE: MARYLAND

Exotic Plants

Park Unit: Antietam National Battlefield. Partners: State and County Department of Transportation. Project/Pest: Tree of Heaven.

Park Unit: Assateague Island National Seashore. Partners: State agency. Projects/Pest: Eragrostis curvula (weeping lovegrass) coming into park from state lands.

Park Unit: Catoctin Mounain Park. Partners: State roads, Railroad right-of-way. Project/Pest: Mile-a-minute.

STATE: MASSACHUSETTS

Exotic Plants

Park Unit: Minute Man National Historical Park. Partners: Local municipalities. Projects/Pest: Variety of exotic plants along boundaries of park.

Wetlands

Park Unit: Cape Cod National Seashore. Partners: Town of Well fleet, MA. Projects/Pest: CACO has three large wetlands that are impaired due to salt marsh diking that has restricted tidal flow to the systems, some impacted for more than 100 years. Having the ability to access and utilize funds to alter and improve the water control structures ultimately is all that is needed to restore thousands of acres of wetlands within the park boundary.

STATE: MISSOURI

Geologic Resources

Park Unit: Ozark National Scenic Riverways. Partners: Private lands, Federal agencies. Project/Pest: Develop understanding of and extent of karst environment in and around the park.

STATE: MONTANA

Exotic Plants

Park Unit: Glacier National Park. Partners: Blackfeet tribe. Project/Pest: Numerous exotic plant species.

Native Species

Park Unit: Glacier National Park. Partners: Montana Fish, Wildlife and Parks, U.S. Forest Service, BNSF Railroad and others. Project/Pest: Fencing along boundaries, white and limber pine restoration and wetland surveys.

STATE: NEVADA

Exotic Plants

Park Unit: Great Basin National Park. Partners: Private, State and U.S. Forest Service. Project/Pest: Scattered spotted knapweed and thistle in shared drainages with the park.

Park Unit: Lake Mead National Recreation Area. Partners: County, State, Private, Bureau of Land Management. Project/Pest: Virgin River, Las Vegas Wash, Muddy River, tall whitetop, Russian knapweed, camelthorn and tamarisk.

STATE: NEW JERSEY

Aquatic Resources

Park Unit: Morristown National Historical Park. Partners: Private landowners. Project/Pest: Develop and implement in concert with private landowners best management practices to reduce pesticide and storm water runoff into Primrose Creek which contains a genetically pure stock of native brook trout.

STATE: NEW MEXICO

Exotic Plants

Park Unit: Pecos National Historical Park. Partner: Private landowners, U.S. Forest Service, and State agencies. Projects/Pest: tamarisk.

STATE: NEW YORK

Exotic Plants

Park Unit: Delaware Water Gap National Recreation Area. Partners: State agencies, Local municipalities, watershed associations. Projects/Pest: Variety of exotic plants along park boundaries.

Park Unit: Gateway National Recreation Area. Partners: State agency. Projects/Pest: Oriental bittersweet invading from park into state lands.

STATE: NORTH CAROLINA

Exotic Plants

Park Unit: Blue Ridge Parkway. Partner: The Nature Conservancy, U.S. Forest Service. Projects/Pest: Oriental Bittersweet

Park Unit: Carl Sandburg Home National Historic Site. Partner: Adjacent Homeowner Association Projects/Pest: English Ivy.

Park Unit: Guilford Courthouse National Military Park. Partner: Guilford County Parks and Recreation. Projects/Pest: Wild yam and Privet.

STATE: OKLAHOMA

Exotic Plants

Park Unit: Washita Battlefield National Historic Site. Partner: Private landowners, U.S. Forest Service. Projects/Pest: Scotch thistle.

STATE: OREGON

Exotic Plants

Park Unit: John Day Fossil Beds National Monument. Partner: Private Landowners, County Weed Districts and Watershed Councils. Projects/Pest: Medusa head, Tarweed, Russian Knapweed Yellow Start thistle, Whitetop and other weeds.

Park Unit: Lewis and Clark National Historical Park (formerly Fort Clatsop National Memorial). Partner: Private Timber lands, Private Agriculture lands and Oregon State Parks. Projects/Pest: Scotch Broom, Reed Canary Grass, English Holly, and other invasive plants.

STATE: PENNSYLVANIA

Exotic Plants

Park Unit: Upper Delaware Scenic and Recreational River. Partners: Local municipalities, Private landowners. Projects/Pest: Mainly Japanese knotweed along Delaware River and tributaries.

Aquatic Resources

Park Unit: Valley Forge National Historical Park. Partners: Private landowners, County/State governments, non-profit groups. Project/Pest: Implement Valley Creek Restoration Plan and EA which identifies management strategies and restoration opportunities within the watershed and outside the park including the retrofitting of 24 detention basins, creation of 30 ground water infiltration sites, re-vegetation of miles of eroding stream banks, and planting of riparian buffers throughout the watershed.

STATE: TENNESSEE

Exotic Plants

Park Unit: Big South Fork National River and Recreation Area. Partners: Tennessee Division of Forestry and Tennessee State Parks. Project/Pest: Multi-flora rose and Privet.

Park Unit: Cumberland Gap National Historical Park. Partners: City of Middlesboro. Project/Pest: Privet.

Park Unit: Obed Wild and Scenic River. Partners: Tennessee Wildlife Resources Agency. Project/Pest: Multi-flora rose and Privet.

STATE: TEXAS

Exotic Plants

Park Unit: Big Bend National Park. Partners: State and Local government, Private landowners and Country of Mexico. Project/Pest: Tamarisk along Rio Grande River Drainage.

STATE: UTAH

Exotic Plants

Park Unit: Arches National Park. Partners: State and Bureau of Land Management. Project/Pest: Courthouse Wash and Salt Creek tamarisk.

Park Unit: Canyonlands National Park. Partners: Private and The Nature Conservancy. Project/Pest: Dugout Ranch area, tamarisk and knapweed.

Park Unit: Capitol Reef National Park. Partners: Private and U.S. Forest Service. Projects/Pest: Sulphur Creek and Upper Fremont River, tamarisk.

Park Unit: Zion National Park. Partners: Private and State lands. Projects/Pest: Upper and Lower Virgin River, tamarisk.

STATE: VIRGINIA

Exotic Plants

Park Unit: Colonial National Historical Park. Partners: NGO (Colonial Williamsburg Foundation). Projects/Pest: kudzu, English ivy, and tree of heaven straddling common boundary.

Park Unit: Shenandoah National Park. Partners: Private lands (east boundary and west boundary). Projects/Pest: Kudzu straddling east boundary; bamboo straddling west boundary.

Park Unit: Wolf Trap National Park for the Performing Arts. Partners: County and private lands. Project/Pest: Lesser Celandine.

STATE: WASHINGTON

Exotic Plants

Park Unit: Ebey's Landing National Historical Reserve. Partner: Washington State Parks, The Nature Conservancy of Washington, Island County, Ebey's Landing Trust Board, Washington State Department of Transportation. Projects/Pest: Poison Hemlock.

Park Unit: Lake Roosevelt National Recreation Area. Partner: U.S. Forest Service, State, Tribal, and Private lands. Projects/Pest: Eurasian watermilfoil.

Park Unit: Olympic National Park. Partner: U.S. Forest Service, State, Tribal, and Private (including timber company) lands. Projects/Pest: Several species of knotweed.

Aquatic Resources

Park Unit: Olympic National Park. Partners: Private lands, State lands and U.S. Fish and Wildlife Service lands. Project/Pest: Cooperatively characterize aquifer parameters such as storage and transmission coefficients, monitor ground water levels, spring flow river flow install new monitoring wells to determine response of aquifer to water withdrawals.

STATE: WEST VIRGINIA

Exotic Plants

Park Unit: Appalachian National Scenic Trail. Partners: Non-NPS owners of trail lands. Projects/Pest: Variety of exotic plants coming into easements along the trail—major problem throughout the length of this linear park.

STATE: WYOMING

Aquatic Resources

Park Unit: Yellowstone National Park. Partners: State of Montana. Project/Pest: Initiate groundwater studies in the Yellowstone Groundwater Area north of the park.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. KENNEDY, Mr. MCCAIN, Ms. STABENOW, Mr. SPECTER, Mr. BINGAMAN, Ms. COLLINS, Mrs. FEINSTEIN, Mr. DURBIN, Mr. NELSON of Florida, Mr. PRYOR, Mr. KOHL, Mr. LEVIN, Mr. SCHUMER, Mr. LEAHY, Mr. OBAMA, Mr. WYDEN, Mr. SANDERS, Mr. KERRY, Mr. BROWN, Mr. FEINGOLD, Mr. INOUYE, Mrs. LINCOLN, Mr. SALAZAR, Mrs. CLINTON, Mrs. BOXER, AND Mr. TESTER):

S. 242. A bill to amend the Federal food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DORGAN. Mr. President, I have come to the floor for just a couple of minutes to describe a piece of legislation that I and Senator OLYMPIA SNOWE have introduced today with 30 of our colleagues in the Senate dealing with the issue of drug reimportation.

Mr. President, I ask unanimous consent to show on the floor of the Senate a couple of bottles.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I would like to show two bottles that contained Lipitor, a drug that most of us know is a cholesterol-lowering drug. Lipitor is made by a company in a plant—in this case in Ireland—and in Ireland they put Lipitor in these two bottles, and they send the Lipitor in this bottle to Canada, and they send the Lipitor in this bottle to the United States.

The difference? Well, there is no difference. It is the same pill, put in the same bottle, made by the same company, an FDA-approved drug. The difference is the United States consumer pays 65 percent more for this drug than the consumer in Canada.

But it is not just Lipitor. And it is not just a plant in Ireland by this company that produces it and sends it to here and then to Canada, and charges the American consumer the highest prices. It is virtually all of the brand drugs. And in virtually every case, the

American consumer is paying the highest prices for prescription drugs—the highest prices in the world.

My colleague, Senator SNOWE and I and many others in this Chamber—Senator STABENOW, Senator KENNEDY, Senator MCCAIN, and so many others—30 Senators have introduced this legislation that allows the reimportation of FDA-approved drugs—produced in FDA-inspected plants—allows the reimportation of those lower priced prescription drugs into this country. It allows American consumers to take advantage of the global economy by buying that FDA-approved drug where it is sold for a fraction of the price.

One day, some while ago, on a beautiful summer day, outside of Oakes, ND, I was meeting with a group of farmers. At this farmyard, we were sitting on bales of straw and having a long discussion, and there was one older fellow there in his eighties, early eighties. He said to me: My wife has been suffering from breast cancer for 3 years. She is an elderly woman battling breast cancer now for 3 years. For 3 years, we have driven from the southern part of North Dakota into Canada to buy Tamoxifen for my wife to treat this breast cancer. She needs this medicine to fight the breast cancer, and the only way we can afford it is for us to get in the car and drive to Canada and buy Tamoxifen at 20 percent of the price we would have to pay in this country.

American consumers should not have to do that. They ought to be allowed to reimport prescription drugs that are made in FDA-approved plants and are FDA-approved drugs.

The legislation we have introduced today is necessary. I do not want American consumers to have to purchase prescription drugs elsewhere. I want them to be able to purchase them in this country at a fair price. The problem is, we are now paying the highest prices in the world. If we allow the reimportation, it will put downward pressure on prices in this country. That is our real goal.

Now the Congressional Budget Office has done a study. They tell us that brandname drugs cost 35 to 55 percent less in most other countries than they do in the United States. The AARP, American Association of Retired Persons, has done a study showing the drugs most frequently used by senior citizens in our country have increased by a 6.3-percent price increase from June 2005 to June 2006—double the rate of inflation.

The Congressional Budget Office estimates that if we pas the legislation we have now introduced today, there will be a savings of about $50 billion in direct savings over the next decade for American consumers, with $6.1 billion of that savings to the Federal budget.

So we believe this is important. We have been blocked from getting this legislation through the Congress for some long while. The leadership of this institution supports it. The legislation is bipartisan—broadly bipartisan.

Now let me say one other thing. Some people say, and particularly the pharmaceutical industry says, this cannot be done safely, it will jeopardize safety for American consumers. Well, let me say that the consumers in the European countries have been doing this for 20, 25 years. There is something called parallel trading. They have been doing it for 20, 25 years without any issues of safety. If you want to buy a drug in Spain, and you live in France, no problem. If you want to buy a drug in Italy, and you live in Germany, no problem. They have been doing that—called parallel trading—for 25 years. Surely, we can accomplish that in this country as well.

Let me show a couple of charts, briefly.

First, Americans are charged the highest prices in the world. This one chart compares it to Canada: Lipitor, Prevacid, Zocor, Zoloft, Celebrex. I will not go through the entire list.

Dr. Peter Rost, vice president of marketing for Pfizer, came to Washington, and here is what he said:

> The biggest argument against reimportation is safety. What everyone has conveniently forgotten to tell you is that in Europe reimportation of drugs has been in place for 20 years.

He went on to say there is not any issue of safety.

And, finally, the American Association of Retired Persons endorses the legislation we have introduced today. I will not read all of that.

But the final chart shows what is happening with respect to spending on prescription drugs, and where it is heading, and why we ought to do something to give consumers the opportunity to see fair prices on prescription drugs.

Miracle drugs offer no miracles to those who cannot afford to buy them. I have no brief against the pharmaceutical industry. I want them to keep producing lifesaving, miracle drugs for this country. In fact, we produce a great deal of public spending in the NIH and elsewhere that gives them the research base for which a good number of those drugs is produced.

But let me also say that the pharmaceutical industry owes the American consumer a fair deal. We should not be paying the highest prices in the world for prescription drugs. It is not fair. And if the pharmaceutical industry is going to use a global economy in order to move its commodities and its various ingredients for prescription drugs around the world to produce in Ireland or to produce here or in Puerto Rico, then the American people ought to be able to use the global economy to get a better price on FDA-approved drugs.

We have waited a long while. I have worked on this I guess 6 or 8 years. We have been blocked repeatedly from getting a vote in the Congress, both in the House and the Senate. Now we have introduced, with broad, bipartisan support, an identical piece of legislation in the House and in the Senate.

I believe we will get a vote in both bodies and pass legislation and send it to the President of the United States. It will save $50 billion over the next decade on prescription drug bills for the American people, save the Federal Government $5 billion or $6 billion in spending, and give a fair deal to the American people that they will be able to buy prescription drugs at a fair price.

Mr. President, I look forward to consideration of this measure in the Senate. I am pleased on behalf of my colleague Senator SNOWE and myself and a broad group of Republicans and Democrats in the Senate to push this legislation.

I see Senator SANDERS is here, and I know she has worked on this issue for a long while as well. We have a broad, bipartisan group. We are going to push this and get this done in this session of Congress.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. ENZI, and Ms. LANDRIEU):

S. 246. A bill to enhance compliance assistance for small business; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I have long worked to reduce the burden that Federal regulations bear on small businesses. Over the past twenty years, the number and complexity of Federal regulations have multiplied at an alarming rate. These regulations impose a much more significant impact on small businesses than larger businesses. A recent report prepared for the Small Business Administration's Office of Advocacy found that in 2004, the per-employee cost of Federal regulations for firms with fewer than 20 employees was $7,647. That was 44.8 percent more than the $5,282 per-employee cost faced by businesses with 500 or more workers.

That is why today, I rise with Senators KERRY, ENZI, and LANDRIEU to introduce the Small Business Compliance Assistance Enhancement Act of 2007. Our bill would clarify requirements that exist under Federal law to ensure that agencies produce useful small business compliance guides that explain, in a readable format, the compliance requirements of complex rules. This "small," targeted reform, which would not create any new rules or requirements, would have a major benefit for small businesses across the country.

In 1996, the Senate passed without opposition the Small Business Regulatory Enforcement Fairness Act (SBREFA) to make the Regulatory Flexibility Act more effective in curtailing the impact of regulations on small businesses. One of the most important provisions of SBREFA is a requirement that agencies produce compliance assistance materials to help small businesses satisfy regulatory obligations. Unfortunately, over the years, agencies have done a poor job of meeting this requirement. The Government Accountability Office (GAO) has found that agencies have ignored this requirement or failed miserably in their attempts to satisfy it. The GAO has also found that the language of SBREFA is unclear in some places about what is actually required. Consequently, small businesses have been forced to figure out on their own how to comply with these regulations. This makes compliance that much more difficult to achieve, and therefore reduces the effectiveness of the regulation.

The Small Business Compliance Assistance Enhancement Act of 2007 would close those loopholes and requires agencies to produce quality compliance assistance materials for small businesses. Our bill is drawn directly from the GAO's recommendations and is intended only to clarify an already existing requirement. Similarly, the compliance guides that the agencies will produce are merely suggestions about how to satisfy a regulation's requirements without imposing further requirements or additional enforcement measures. Nor does this bill, in any way, interfere or undercut an agency's ability to enforce its regulations to the full extent they currently enjoy. Furthermore, our bill was included as part of the Small Business Reauthorization and Improvements Act that was unanimously reported out of the Senate Small Business Committee in the 109th Congress.

All too often, small businesses do not maintain the staff, or possess the financial resources to comply with complex Federal regulations. This puts them at a disadvantage compared to larger businesses, and reduces the effectiveness of the agency's regulations. If an agency cannot describe how to comply with its regulation, how can we expect a small business to figure it out? This was the reason the requirement to provide compliance assistance was originally included in SBREFA, and this rationale is just as valid today as it was in 1996.

Specifically, our bill would clarify that a small business compliance guide is required whenever an agency determines that a rule will have "a significant economic impact on a substantial number of small entities". This would avoid confusion about whether the agency should produce a compliance guide.

Second, our bill would also clarify how a guide shall be designated. Under current law, agencies must "designate" the publications prepared under the section as small business compliance guides. However, the form in which those designations should occur is unclear. This term would be changed to "entitle." Consistent use of the phrase "Small Entity Compliance Guide" in the title could make it easier for small entities to locate the guides that the agencies develop. This would also aid in using on line searches—a technology that was not widely used when SBREFA was passed. Thus, agencies would be directed to publish guides entitled "Small Entity Compliance Guide."

Third, our bill would clarify how a guide shall be published. SBREFA currently requires that agencies "shall publish" the guides, but it does not indicate where or how they should be published. At least one agency has published the guides as part of the preamble to the subject rule, thereby requiring affected small entities to read the Federal Register to obtain the guides. Under our bill, agencies would be directed, at a minimum, to make their compliance guides easily accessible and available through their websites. In addition, agencies would be directed to forward their compliance guides to known industry contacts such as small businesses or associations with small business members that will be affected by the regulation.

Fourth, our bill also clarifies when a guide shall be published. Section 212 of SBREFA currently does not indicate when compliance guides should be published. This means that even if an agency was required to produce a compliance guide, the agency may claim that they have not violated that requirement since there is no deadline established for when they had to produce that guide. Under our bill, agencies would be instructed to publish the compliance guides coincident with, or as soon as possible after, the final rule is published, provided that the guides must be published no later than the effective date of the rule's compliance requirements.

Finally, our bill would clarify the phrase "compliance requirements." At a minimum, this term means what a small business has to do to satisfy the regulation, and when they will know they have met the requirements. This should include a description of the procedures a small business might employ. If, as is the case with many OSHA and EPA regulations, testing is required, the agency should explain how that testing should be conducted. Our bill makes clear that the procedural description should be merely suggestive—an agency would not be able to enforce this procedure if a small business was able to satisfy the requirements through a different approach.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Compliance Assistance Enhancement Act of 2007".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Small businesses represent 99.7 percent of all employers, employ half of all private sector employees, and pay 44.3 percent of total United States private payroll.

(2) Small businesses generated 60 to 80 percent of net new jobs annually over the last decade.

(3) Very small firms with fewer than 20 employees spend nearly 50 percent more per employee than larger firms to comply with Federal regulations. Small firms spend twice as much on tax compliance as their larger counterparts. Based on an analysis in 2004, firms employing fewer than 20 employees face an annual regulatory burden of $7,647 per employee, compared to a burden of $5,282 per employee for a firm with over 500 employees.

(4) Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) requires agencies to produce small entity compliance guides for each rule or group of rules for which an agency is required to prepare a final regulatory flexibility analysis under section 604 of title 5, United States Code.

(5) The Government Accountability Office has found that agencies have rarely attempted to comply with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note). When agencies did try to comply with that requirement, they generally did not produce adequate compliance assistance materials.

(6) The Government Accountability Office also found that section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) and other sections of that Act need clarification to be effective.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To clarify the requirement contained in section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) for agencies to produce small entity compliance guides.

(2) To clarify other terms relating to the requirement in section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note).

(3) To ensure that agencies produce adequate and useful compliance assistance materials to help small businesses meet the obligations imposed by regulations affecting such small businesses, and to increase compliance with these regulations.

SEC. 3. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) COMPLIANCE GUIDE.—

"(1) IN GENERAL.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) COMPLIANCE ACTIONS.—

"(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) EXPLANATION.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements.

"(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements relating to the rule.

"(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) REPORTING.—Not later than 1 year after the date of enactment of the Small Business Compliance Assistance Enhancement Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

By Mr. BOND:

S. 247. A bill to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr. United States Courthouse"; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, I rise today to introduce legislation designating the new Federal Courthouse in Cape Girardeau, MO. as the Rush Hudson Limbaugh, Sr. United States Courthouse.

When people talk about the American Dream, the "Spirit of America" and the people who helped make this country great, all one really has to do is mention the name of the late Rush Hudson Limbaugh Sr.

Mr. Limbaugh led an extraordinary life in which he practiced law for almost 80 years until his death at age 104 in 1996. At the time of his death, Mr. Limbaugh was the Nation's oldest practicing lawyer and still came into work about twice a week at the law firm he founded over 50 years before in Cape Girardeau, MO.

Known by his peers as a superb trial lawyer with impeccable character and integrity, he was a beloved icon of the Missouri legal community, especially in Southeast Missouri where he lived all his life.

Born in 1891, on a small farm in rural Bollinger County, he was the youngest of eight children and attended school in a one room primary school house. It is said that a passion for the law first developed in Rush as a 10-year-old boy when a Daniel Webster Oration that he memorized inspired him to become a lawyer. Fourteen years later, he began a legal career that lasted eight decades. Throughout those 80 years, his interest in the law and his dedication to his clients never wavered.

Rush paid his way through college at the University of Missouri at Columbia by working on the university farm and doing odd jobs such as carpentry, firing up furnaces, caring for animals and waiting tables. While in college, his oratory skills won him awards which he later utilized with great success in the courtroom.

In 1914, he entered law school, and after two years, he skipped the third year and passed the Missouri Bar examination. In 1916, he was admitted into the Missouri Bar and his long distinguished legal career began in Cape Girardeau.

Over his career, Rush argued more than 60 cases in front of the Missouri Supreme Court along with many prominent civil cases. He was a specialist in probate law and helped draft the 1955 Probate Code of Missouri. He also tried cases before the Interstate Commerce Commission, the U.S. Labor Board and the Internal Revenue Appellate Division.

From 1955 through 1956, he was President of the Missouri Bar and later served as President of the State Historical Society of Missouri. In addition to this, Mr. Limbaugh was a leading member of numerous legal and civic organizations including the American Bar Association, the Missouri Bar Foundation, the Missouri Human Rights Commission, the Cape Girardeau Board of Education and the Salvation Army Advisory Board.

However, Rush's contributions were not just limited to Missouri. In the late 1950's, Rush served as a U.S. State Department special envoy to India where he promoted American jurisprudence and constitutional government among lawyers, judges and university students in that newly formed country. And in the 1960's, he served as Chairman of the American Bar Association's special committee on the Bill of Rights.

Rush was truly an inspiration and mentor to many aspiring lawyers, especially the ones in his own family. His two sons, Rush Jr. and Steven, both practiced law with him for many years. His son, Steven N. Limbaugh, currently serves as a Senior Federal Judge in St. Louis. Four of his grandsons followed in his footsteps and pursued legal careers including his grandson Steven Jr. who is now a Missouri Supreme Court Justice.

Perhaps the best measure of Rush Hudson Limbaugh' legacy as a lawyer and as a human being comes from the praise and admiration of his peers in the legal community. "A top notch all-around lawyer; the epitome of what a lawyer ought to be said one colleague. "A legend in his time," said another.

However, his grandson Steven may have offered the best possible description of this great citizen: "He was an extraordinary man, exemplary in every way, yet very humble. He was a lawyer's lawyer, a community servant and a gentle and kind man whose family was the very center of his life."

It is only fitting that the new Federal courthouse in Cape Girardeau, Missouri be named after this great hero of American Jurisprudence.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RUSH HUDSON LIMBAUGH, SR. UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, shall be known and designated as the "Rush Hudson Limbaugh, Sr. United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Rush Hudson Limbaugh, Sr. United States Courthouse".

By Mr. BAUCUS (for himself and Ms. SNOWE):

S. 248. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the work opportunity credit, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. President, I am pleased to join my Colleague, Senator SNOWE, in introducing legislation to improve and permanently extend the Work Opportunity and the Welfare-to-Work tax credits. Last year, I was pleased to help enact legislation that consolidated, streamlined, and extended these credits through the end of 2007. Now it is time to make these tax credits permanent.

The current extension expires at the end of this year. So immediate action is needed to make these credits permanent and make several improvements to the programs to improve their effectiveness. Recurring lapses and extensions make administration of this credit burdensome both for the taxpaying employer, who cannot keep track of who is or is not qualified, and for the IRS, which needs to ensure that taxpayers are complying with the ever-shifting law. Last year, the program lapsed until late December, when Congress finally passed a retroactive extension.

Over the past decade, the Work Opportunity Tax Credit, WOTC, and the Welfare-to-Work credits have helped more than 2.2 million public assistance dependent individuals to enter the workforce. These hiring tax incentives have demonstrated their effectiveness. They help to level the job selection playing field for low-skilled individuals. They provide employers with additional resources to help recruit, select, train and retain individuals with significant barriers to work. Many vulnerable individuals still need a boost in finding employment. And this is particularly important during periods of high unemployment. Without an extension of these programs, the task of transitioning from welfare-to-work will become even harder for individuals who reach their welfare eligibility ceiling.

Because of the costs involved in setting up and administering a WOTC and Welfare-to-Work program, employers have established massive outreach programs to maximize the number of eligible persons in their hiring pool. The States, in turn, have steadily improved the programs through improved administration. WOTC has become an example of a true public-private partnership design to assist the most needy applicants. Without the additional resources provided by these hiring tax incentives, few employers would actively seek out this hard-to-employ population.

The new combined WOTC and Welfare-to-Work credits provide employers with a graduated tax credit equal to 25 percent of the first $6,000 in wages for eligible individuals working between 120 hours and 399 hours and a 40-percent tax credit on the first $6,000 in wages for those working more than 400 hours. In the category of longterm welfare recipients, employers receive a maximum credit of $4,000, or 40 percent of qualified first year wages up to $10,000. Employers receive a maximum credit of $5,000, or 50 percent of qualified wages up to $10,000, for retaining for a second year individuals in the long-term welfare assistance category.

In my home State of Montana, many businesses take advantage of this program, including large multinational firms and smaller family-owned businesses. Those who truly benefit from the WOTC and Welfare-to-Work program, however, are low-income families under the Food Stamp Program, the Aid to Families with Dependent Children, AFDC, and Temporary Assistance for Needy Families, TANF, programs, and also low income U.S. Veterans. In Montana, more than 1,000 people were certified as eligible under the WOTC program during an 18-month period, October 2001 through March 2003, including 476 Food Stamp recipients, 475 AFDC or TANF recipients, and 52 U.S. veterans.

The bill that we are introducing today provides for a permanent program extension of the combined credits. After a decade of experience with WOTC and Welfare-to- Work, we know that employers do respond to these important hiring tax incentives. Permanent extension would provide these programs with greater stability, thereby encouraging more employers to participate, make investments in expanding outreach to identify potential workers from the targeted groups, and avoid the wasteful disruption of termination and renewal. A permanent extension would also encourage the state job services to invest the resources needed to make the certification process more efficient and employer-friendly.

Finally, there are other changes in the bill that would extend these benefits to more people and help them find work. One change would increase the age of eligibility for those individuals seeking work who reside in enterprise zones or empowerment communities. Another change would include referrals from the Ticket to Work program in the Vocational Rehabilitation category. These two changes are modest improvements to the program.

Further, this bill adds a new subcategory with an enhanced credit for employers who hire veterans with service-connected disabilities occurring on or after September 11, 2001. As of July 2006, nearly 20,000 members of our Armed Forces were wounded in action in Operation Iraqi Freedom and Operation Enduring Freedom. Many of these veterans are now permanently disabled. Of these brave men and women who have been wounded, nearly 5,000 are members of the National Guard and Reserves. Our National Guard and Reserves are carrying a huge burden in our current conflicts abroad.

Many of these wounded veterans come from rural States such as my home State of Montana. In Montana, we have the highest proportion of veterans per capita of any state. According to the most recent census, veterans account for nearly one out of every six people in Montana. And veterans and families of veterans constitute a significant portion of the population in rural states throughout the country.

When not deployed, many National Guardsmen and reservists in Montana support their families with second and even third jobs. At any time, they can be deployed overseas, to our borders, or even to aid with national disasters such as hurricanes or forest fires. If they are injured or disabled, however, many become unable to perform the jobs that they did before deployment. They will need to transition into a new job or career. It is our duty to provide the proper means for veterans to make that transition. It is our duty to help them to live as independent citizens.

Since August 2002, the share of veterans collecting unemployment insurance has nearly doubled. During any given year, half a million veterans across the Nation experience homelessness. We are not providing enough resources for veterans looking for work. We are too often failing our injured and our disabled veterans.

Many seriously injured and disabled veterans simply do not know what they are going to do once they return home. We need to help these young men and women. And a modest tax incentive to get them back into the workforce is one place to start.

I look forward to working with Senator SNOWE to get a permanent work incentive for these individuals. And I encourage our Colleagues to join us in this effort.

By Mrs. FEINSTEIN:

S. 249. A bill to permit the National Football League to restrict the movement of its franchises, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, last November, John York, the owner of the San Francisco 49ers, announced his intention to move the team to Santa Clara.

The 49ers have been an integral part of San Francisco for the past 60 years. The team was founded in 1946 as part of the All-American Football Conference and joined the National Football League in 1950, when the two leagues merged.

The team's name is derived from the city's history, celebrating the miners who rushed to San Francisco in search of gold in 1849 and helped build the city.

The team has been a part of San Francisco for so long, and is such a central part of its culture, that the prospect of the team leaving concerns many of the people of San Francisco.

In response, I am introducing the Football Fairness Act that provides a new and limited antitrust exemption that is designed to slow the frequent movement of National Football League teams and prevent communities from suffering the financial and intangible costs of these moves.

As Mayor of San Francisco, I had the pleasure of witnessing several 49ers' Super Bowl victory parades.

What I remember most about those victories is the way the team's success brought the city together. I've also seen other cities unite in celebration of their teams' championships.

Our football teams are more than just businesses. They are a common denominator that cut across class, race, and gender to bond the people of a city. They are a key component of a city's culture and identity.

There are instances where a city cannot support a team, but it is disheartening when a city that can—and does—support a team is nevertheless abandoned and the loyalty of the fans discarded.

In 1985, then 49ers owner Eddie DeBartolo explored the possibility of moving the team to San Jose. As Mayor of San Francisco, I worked with the 49ers and we were able to reach an agreement to keep the team in San Francisco.

Today, I remain hopeful that an agreement to keep the team will be reached that will benefit the people of San Francisco and the 49ers' organization.

However, this situation highlights a broader trend of NFL teams abandoning cities after those communities invested substantial funds and good will into a team.

This persistent movement is bad for our cities.

In the last 25 years, National Football League teams have moved 7 times: Oakland Raiders to Los Angeles in 1982, Baltimore Colts to Indianapolis in 1984, St. Louis Cardinals to Tempe in 1988, Los Angeles Rams to St. Louis in 1994, Los Angeles Raiders to Oakland in 1994, Cleveland Browns to Baltimore in 1996, and Houston Oilers to Nashville in 1997.

However, during that same time period only 1 Major League Baseball franchise moved. In 2004, with the approval of Major League Baseball, the Montreal Expos became the Washington Nationals.

Why has there been stability in baseball, while National Football League teams have moved so frequently?

Unlike the NFL, Major League Baseball has an antitrust exemption which gives the league and its owners control over the movement of its teams.

When the Oakland Raiders sought to relocate to Los Angeles in 1982, the National Football League's owners voted to prevent the move. However, the courts found that the NFL's intervention was a violation of antitrust laws, and the League could do nothing to prevent the Raiders from moving.

Just 12 years later, the Raiders left Los Angeles to return to the same city and stadium it had abandoned.

If a city is incapable of supporting a team, it is understandable that a franchise would move. However, of the six cities that have seen National Football League teams leave in the last 25 years, five of those cities later received another NFL franchise.

It is clear that NFL teams are not moving because cities cannot support teams.

To address the real costs imposed on communities by the persistent and unnecessary franchise movement that we have witnessed, I am introducing the Football Fairness Act.

The Football Fairness Act is straightforward and it is limited.

It would permit the National Football League to review and restrict its teams' movement. This should help keep the fans who support the NFL from being left out of the equation.

The Act is targeted. It limits the exemption from antitrust laws solely to the National Football League's ability to prevent the movement of its franchises. Consequently, the Act will not diminish competition.

I urge my colleague to support the Football Fairness Act and help prevent the damage done to fans and communities by frequent NFL franchise movement.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Football Fairness Act of 2007".

SEC. 2. FINDINGS.

The Congress finds that—

(1) National Football League teams foster a strong local identity with the people of the cities and regions in which they are located, providing a source of civic pride for their supporters;

(2) National Football League teams provide employment opportunities, revenues, and a valuable form of entertainment for the cities and regions in which they are located;

(3) there are significant public investments associated with National Football League facilities;

(4) it is in the public interest to encourage the National Football League to operate under policies that promote stability among its member teams and to promote the equitable resolution of disputes arising from the proposed relocation of National Football League teams; and

(5) National Football League teams travel in interstate to compete and utilize materials shipped in interstate commerce, and National Football League games are broadcast nationally.

SEC. 3. CLARIFICATION OF ANTITRUST LAWS RELATED TO RELOCATION.

It shall not be unlawful by reason of any provision of the antitrust laws for the National Football League to enforce rules authorizing the membership of the league to decide that a member club of such league shall not be relocated.

SEC. 4. INAPPLICABILITY TO CERTAIN MATTERS.

(a) IN GENERAL.—Nothing contained in this Act shall—

(1) alter, determine, or otherwise affect the applicability or inapplicability of the antitrust laws, the labor laws, or any other provision of law relating to the wages, hours, or other terms and conditions of employment of players in the National Football League, to any employment matter regarding players in the National Football League, or to any collective bargaining rights and privilege of any player union in the National Football League;

(2) alter or affect the applicability or inapplicability of the antitrust laws or any applicable Federal or State law relating to broadcasting or telecasting, including section 1 of Public Law 87–331 (15 U.S.C. 1291), any agreement between the National Football League or its member teams, and any person not affiliated with the National Football League for the broadcasting or telecasting of the games of the National Football League or its member teams on any form of television;

(3) affect any contract, or provision of a contract, relating to the use of a stadium or arena between a member team and the owner or operator of any stadium or arena or any other person;

(4) exempt from the antitrust laws any agreement to fix the prices of admission to National Football League games;

(5) exempt from the antitrust laws any predatory practice or other conduct with respect to competing sports leagues that would otherwise be unlawful under the antitrust laws; or

(6) except as provided in this Act, alter, determine, or otherwise affect the applicability or inapplicability of the antitrust laws to any act, contract, agreement, rule, course of conduct, or other activity by, between, or among persons engaging in, conducting, or participating in professional football.

(b) ANTITRUST LAWS.—As used in this section, the term "antitrust laws" has the meaning given to such term in the first section of the Clayton Act (15 U.S.C. 12) and in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 250. A bill to reduce the costs of prescription drugs for Medicare beneficiaries and to guarantee access to comprehensive prescription drug coverage under part D of the Medicare program, and for other purposes; to the Committee on Finance.

Mrs. SNOWE. Mr. President, today I join with my colleague and friend Senator RON WYDEN, to introduce legislation which we have sponsored since 2004 to ensure the sound fiscal management of our Medicare prescription drug benefit. Together we both supported the enactment of the Medicare Modernization Act in 2003 (MMA), and we remain committed to seeing our seniors able to rely on a high quality, affordable benefit.

Today millions of American seniors are at last receiving assistance with the high cost of prescription drugs. For so many, that will make a difference between choosing whether to take needed medications and the other necessities of life. We have indeed come a very long way. We look forward to realizing all the incredible benefits of this coverage as we see the results of more affordable access to prescription drugs—better health for our seniors, and substantial health care savings.

This new benefit marks a milestone for Medicare. And that is an apt analogy because today Part D represents a landmark, not a destination. There is no doubt that this benefit is not all it could or should be, but it is a giant step forward in helping millions of seniors to afford medications which are so essential to health care today. For modem drugs not only treat disease, but actually can prevent its development.

While we have seen this landmark progress, it has not come without difficulty. Yet today seniors are saving substantially on their prescription drugs and we see reports that four of five enrollees are pleased with the assistance they are receiving.

It is undoubtedly the help they are getting which has resulted in such satisfaction. Because the confusion, the complexity, and often a lack of oversight on the plans has created some serious consumer issues which we will continue to address. But today the first issue before us is the cost of prescription drugs in the plans.

Over 3 years ago the Congress was given a price tag for this benefit that was simply unrealistic. Recognizing an absence of cost management, I joined with Senator WYDEN to address the escalating cost projections we were seeing. Today, some say all is well, as we hear that the estimated cost of the benefit declined somewhat from a peak estimate of about $720 billion over 10 years. Yet I must note that some of the reasons for that reduction are too quickly glossed over. Enrollment is lower than it was estimated to be as more Americans chose to stay in private coverage. We also saw this past year that we failed to reach many of those low income seniors who most needed help. Today as seniors enter their first full year of coverage, we will see a more realistic year—particularly in terms of more beneficiaries facing the donut hole.

We have heard estimates that the average senior is saving an average of $1,000 per year, but we should ask how that savings is being achieved. The discovery by many seniors—when they reached the donut hole—that their cost of medications was the same or even higher than what they paid prior to enrolling in Part D—that should be a red flag that we may not be seeing the purchasing power of seniors harnessed for the savings they deserve.

Back in 2005 the Medicare Actuary had estimated that drug plans would negotiate a discount of about 15 percent off undiscounted retail prices. So last year we were curious—just how were they doing in Maine? My staff compared prices for the top 24 medications used by seniors and found that our plan prices for those medications averaged less than 12 percent below the price any senior could already obtain, by simply walking into a retail pharmacy. That is not even using membership or association discounts, or using an on-line pharmacy like Drugstore.com—where seniors could obtain better prices. That result—finding a single senior could do better than a plan—is certainly disappointing.

That points to a system that is working well in terms of subsidy, but certainly needs to improve in terms of negotiating substantial discounts. But we are told that the cost of the benefit is lower, and that premiums were stable this year. Yet if you ask what standalone drug coverage actually costs this year, CMS will tell you that those premiums have gone up about 10 percent. Not unlike increases in the deductible, the size of the donut hole, and out-of-pocket expense. As Senator WYDEN and I learned from GAO reports we have received, the prices of drugs used by seniors have inexorably increased since 2000 at two to three times the inflation rate.

So the costs of this program will remain a concern. Most of us envisioned that not only would the taxpayer contribute to helping seniors with drug expenses, but we would realize substantial savings from lower prices on prescription drugs.

That is why Senator WYDEN and I proposed to achieve some balance in the public private partnership which is Part D today, and it is why today we are again introducing the Medicare Enhancements for Needed Drugs Act—the MEND Act. In this drug benefit the HHS Secretary should have a proper role in negotiation. Negotiation, not price setting.

It is clear that what the Congress intended to do was to create a true public-private partnership, utilizing competitive forces to bring more choices to seniors—in drugs, benefit plan designs, pharmacies, and more. So seniors can vote with their pocketbooks, and we can see their choices in the market influence the kind of benefit they receive. That is not the same as a system in which the government sets prices, and that is why our legislation specifically bans such a practice. Under our legislation, the Federal Government cannot set either prices or formularies—that is absolutely clear.

What I believe most of us desire to do is give the present system the best tools to achieve success. That means that the Secretary must have an oversight role. He should be examining performance and pointing out where plans need to improve. But today if he noticed a product on which poor discounts were being achieved, and he attempted to discuss that publicly, he would likely be accused of interference. Further, if a plan reported intransigence in trying to negotiate with a manufacturer, the Secretary could not respond. That makes no sense. It is a disservice taxpayers, beneficiaries, and the plans as well.

Our legislation rescinds the "non-interference" clause and directs the Secretary to negotiate for any necessary fallback plan, and in addition, to respond to requests for help from plans which cannot obtain reasonable negotiation.

We have also added two additional areas in which the Secretary must negotiate. First, as the CBO has stated that negotiation of single-source drugs could yield savings, our legislation directs the Secretary to engage in negotiation regarding those unique products. We also know that some drugs exist because the taxpayer provides substantial support to see them developed. The public deserves a fair price on those products it made possible, so the Secretary should weigh in those cases.

Finally, our bill protects beneficiaries by assuring that seniors will have access to a comprehensive coverage option—at least one plan in each region must provide the option to avoid the coverage gap, dreaded "donut hole". Today seniors in 11 States simply cannot obtain such coverage and they must at least have the option of protecting themselves.

These are reasonable ways to help plans succeed, and to protect both beneficiaries and taxpayers within the public-private partnership on which this benefit rests.

I call on my colleagues to join us in this effort, so that we may improve the partnership between private enterprise and the Federal Government in serving our seniors.

I ask unanimous consent that the bill's text be printed in the CONGRESSIONAL RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Enhancements for Needed Drugs Act of 2007".

SEC. 2. GAO STUDIES AND REPORTS ON PRICES OF PRESCRIPTION DRUGS.

(a) Review and Reports on Retail Prices of Prescription Drugs.—

(1) Initial review.—The Comptroller General of the United States shall conduct a review of the retail cost of prescription drugs in the United States during 2000 through 2006, with an emphasis on the prescription drugs most utilized for individuals age 65 or older.

(2) Subsequent review.—After conducting the review under paragraph (1), the Comptroller General shall continuously review the retail cost of such drugs through December 31, 2010, to determine the changes in such costs.

(3) Reports.—

(A) Initial review.—Not later than 90 days after the date of enactment of this Act, the

Comptroller General shall submit to Congress a report on the initial review conducted under paragraph (1).

(B) SUBSEQUENT REVIEW.—Not later than April 1 of 2008, 2009, 2010, and 2011, the Comptroller General shall submit to Congress a report on the subsequent review conducted under paragraph (2).

(b) ANNUAL GAO STUDY AND REPORT ON RETAIL AND ACQUISITION PRICES OF CERTAIN PRESCRIPTION DRUGS.—

(1) ONGOING STUDY.—The Comptroller General of the United States shall conduct an ongoing study that compares the average retail cost in the United States for each of the 20 most utilized prescription drugs for individuals age 65 or older with—

(A) the average price at which private health plans acquire each such drug;

(B) the average price at which the Department of Defense under the Defense Health Program acquires each such drug;

(C) the average price at which the Department of Veterans Affairs under the laws administered by the Secretary of Veterans Affairs acquires each such drug; and

(D) the average negotiated price for each such drug that eligible beneficiaries enrolled in a prescription drug plan under part D of title XVIII of the Social Security Act that provides only basic prescription drug coverage have access to under such plans.

(2) ANNUAL REPORT.—Not later than October 1, 2007, and annually thereafter, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1), together with such recommendations as the Comptroller General determines appropriate.

SEC. 3. INCLUSION OF AVERAGE AGGREGATE BENEFICIARY COSTS AND SAVINGS IN COMPARATIVE INFORMATION FOR BASIC MEDICARE PRESCRIPTION DRUG PLANS.

Section 1860D–1(c)(3) of the Social Security Act (42 U.S.C. 1395w–101(c)(3)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)"; and

(B) by adding at the end the following new clause:

"(vi) AVERAGE AGGREGATE BENEFICIARY COSTS AND SAVINGS.—With respect to plan years beginning on or after January 1, 2008, the average aggregate costs, including deductibles and other cost-sharing, that a beneficiary will incur for covered part D drugs in the year under the plan compared to the average aggregate costs that an eligible beneficiary with no prescription drug coverage will incur for covered part D drugs in the year."; and

(2) by adding at the end the following new subparagraph:

"(C) AVERAGE AGGREGATE BENEFICIARY COSTS AND SAVINGS INFORMATION ONLY FOR BASIC PRESCRIPTION DRUG PLANS.—The Secretary shall not provide comparative information under subparagraph (A)(vi) with respect to—

"(i) a prescription drug plan that provides supplemental prescription drug coverage; or

"(ii) a Medicare Advantage plan.".

SEC. 4. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and by inserting the following:

"(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—

"(1) IN GENERAL.—In order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans pay the lowest possible price, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.

"(2) MANDATORY RESPONSIBILITIES.—The Secretary shall be required to—

"(A) negotiate contracts with manufacturers of covered part D drugs when the drug is a single source drug without a therapeutic equivalent;

"(B) participate in the negotiation of contracts with respect to any covered part D drug upon the request of an approved prescription drug plan or MA–PD plan;

"(C) participate in the negotiation of contracts for any covered part D drugs for which there is a substantial amount of Federal research funding in the development of the drug; and

"(D) negotiate contracts with manufacturers of covered part D drugs for each standard fallback prescription drug plan under subsection (g) and each comprehensive fallback prescription drug plan under subsection (k).

"(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be construed to limit the authority of the Secretary under paragraph (1) to the mandatory responsibilities under paragraph (2).

"(4) NO PARTICULAR FORMULARY OR PRICE STRUCTURE.—In order to promote competition under this part and in carrying out this part, the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.

"(5) USE OF SAVINGS.—The savings to the Medicare Prescription Drug Account through the use of the authority provided under this subsection (including the mandatory responsibilities under paragraph (2)) shall be used to strengthen the program under this part and to reduce the Federal deficit.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 5. ACCESS TO A COMPREHENSIVE MEDICARE PRESCRIPTION DRUG PLAN.

(a) REQUIREMENT FOR ACCESS.—Section 1860D–3(a) of the Social Security Act (42 U.S.C. 1395w–103(a)) is amended—

(1) in paragraph (1)—

(A) by striking "CHOICE OF AT LEAST TWO PLANS IN EACH AREA.—The Secretary" and inserting "CHOICE

"(A) CHOICE OF AT LEAST TWO PLANS IN EACH AREA.—The Secretary"; and

(B) by adding at the end the following new subparagraph:

"(B) CHOICE OF A COMPREHENSIVE PRESCRIPTION DRUG PLAN.—In addition to the requirement under subparagraph (A), the Secretary shall ensure that each part D eligible individual has available a choice of enrollment in a comprehensive prescription drug plan (as defined in paragraph (4)) in the area in which the individual resides. In any such case in which such a plan is not available, the part D eligible individual shall be given the opportunity to enroll in a comprehensive fallback prescription drug plan."; and

(2) by adding at the end the following new paragraph:

"(4) COMPREHENSIVE PRESCRIPTION DRUG PLAN.—For purposes of this section, the term 'comprehensive prescription drug plan' means a prescription drug plan that provides coverage of covered part D drugs after an individual has reached the initial coverage limit under paragraph (3) of section 1860D–2(b) but has not reached the annual out-of-pocket threshold under paragraph (4)(B) of such section that is the same as the coverage for such drugs that is provided under the plan after the individual has met the deductible under paragraph (1) of such section but has not reached such initial coverage limit.".

(b) COMPREHENSIVE FALLBACK PRESCRIPTION DRUG PLAN.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by adding at the end the following new subsection:

"(k) GUARANTEEING ACCESS TO COMPREHENSIVE COVERAGE.—

"(1) SOLICITATION OF BIDS.—Separate from the bidding process under subsections (b) and (g), the Secretary shall provide for a process for the solicitation of bids from eligible comprehensive fallback entities (as defined in paragraph (2)) for the offering in all comprehensive fallback service areas (as defined in paragraph (3)) in one or more PDP regions of a comprehensive fallback prescription drug plan (as defined in paragraph (4)) during the contract period specified in subsection (g)(5) (as made applicable to this subsection under paragraph (6)).

"(2) ELIGIBLE COMPREHENSIVE FALLBACK ENTITY.—For purposes of this section, the term 'eligible comprehensive fallback entity' means, with respect to all comprehensive fallback service areas in a PDP region for a contract period, an entity that—

"(A) meets the requirements to be a PDP sponsor (or would meet such requirements but for the fact that the entity is not a risk-bearing entity); and

"(B) does not submit a bid under section 1860D–11(b) for any prescription drug plan for any PDP region for the first year of such contract period.

For purposes of subparagraph (B), an entity shall be treated as submitting a bid with respect to a prescription drug plan if the entity is acting as a subcontractor of a PDP sponsor that is offering such a plan. The previous sentence shall not apply to entities that are subcontractors of an MA organization except insofar as such organization is acting as a PDP sponsor with respect to a prescription drug plan.

"(3) FALLBACK SERVICE AREA.—For purposes of this subsection, the term 'comprehensive fallback service area' means, for a PDP region with respect to a year, any area within such region for which the Secretary determines before the beginning of the year that the access requirements of the first sentence of section 1860D–3(a)(1)(B) will not be met for part D eligible individuals residing in the area for the year.

"(4) COMPREHENSIVE FALLBACK PRESCRIPTION DRUG PLAN.—For purposes of this part, the term 'comprehensive fallback prescription drug plan' means a prescription drug plan that—

"(A) offers the standard prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A);

"(B) offers coverage of covered part D drugs after an individual has reached the initial coverage limit under paragraph (3) of section 1860D–2(b) but has not reached the annual out-of-pocket threshold under paragraph (4)(B) of such section that is the same as the coverage for such drugs that is offered after the individual has met the deductible under paragraph (1) of such section but has not reached such initial coverage limit; and

"(C) meets such other requirements as the Secretary may specify.

"(5) MONTHLY BENEFICIARY PREMIUM.—Except as provided in section 1860D–13(b) (relating to late enrollment penalty) and subject to section 1860D–14 (relating to low-income assistance), the monthly beneficiary premium to be charged under a comprehensive fallback prescription drug plan offered in all comprehensive fallback service areas in a PDP region shall be uniform and shall be an amount equal to—

"(A) 25.5 percent of an amount equal to the Secretary's estimate of the average monthly per capita actuarial cost, including administrative expenses, under the comprehensive fallback prescription drug plan of providing the coverage described in paragraph (4)(A) in the region, as calculated by the Chief Actuary of the Centers for Medicare & Medicaid Services; and

"(B) 100 percent of an amount equal to the Secretary's estimate of the average monthly per capita actuarial cost, including administrative expenses, under the comprehensive fallback prescription drug plan of providing the coverage described in paragraph (4)(B) in the region, as calculated by the Chief Actuary of the Centers for Medicare & Medicaid Services.

In calculating such administrative expenses, the Chief Actuary shall use a factor that is based on similar expenses of prescription drug plans that are not standard or comprehensive fallback prescription drug plans.

"(6) INCORPORATION OF STANDARD FALLBACK PRESCRIPTION DRUG PLAN PROVISIONS.—The provisions of paragraphs (1)(B), (5), and (7) of subsection (g) shall apply to comprehensive fallback prescription drug plans and entities offering such plans in the same manner as such provisions apply to standard fallback prescription drug plans and entities offering such plans.

"(7) SAME ENTITY MAY OFFER BOTH FALLBACK PRESCRIPTION DRUG PLANS IN AN AREA.—The Secretary may award a contract to an entity under this subsection with respect to an area and period and a contract under subsection (g) with respect to the same area and period.".

(c) CONFORMING AMENDMENTS.—

(1) ACCESS.—Section 1860D–3 of the Social Security Act (42 U.S.C. 1395w–103) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A) of subsection (a), as redesignated by subsection (a), by inserting "standard" before "fallback";

(ii) in paragraph (2), by striking "paragraph (1)" and inserting "paragraph (1)(A)"; and

(B) in subsection (b)(2), by striking "fallback prescription drug plan for that area under section 1860D–11(g)" and inserting "standard or comprehensive fallback prescription drug plan for that area under subsections (g) and (k) of section 1860D–11, as applicable".

(2) LIMITED RISK PLANS.—Section 1860D–11(f) of the Social Security Act (42 U.S.C. 1395w–111(f)) is amended—

(A) in paragraph (1)—

(i) by striking "1860D–3(a)" and inserting "1860D–3(a)(1)(A)"; and

(ii) by inserting "standard" before "fallback"; and

(B) in paragraph (2)(A), by striking "1860D–3(a)" and inserting "1860D–3(a)(1)(A)"; and

(C) in each of subparagraphs (A) and (B) of paragraph (4), by striking "a fallback" and inserting "a standard or comprehensive fallback".

(3) STANDARD FALLBACK PRESCRIPTION DRUG PLAN.—Section 1860D–11(g) of the Social Security Act (42 U.S.C. 1395w–111(g)) is amended—

(A) in the heading, by inserting "STANDARD PRESCRIPTION DRUG" after "ACCESS TO";

(B) by inserting "STANDARD" before "FALLBACK" each place it appears;

(C) by striking "FALLBACK" each place it appears and inserting "STANDARD FALLBACK";

(D) by inserting "standard" before "fallback" each place it appears; and

(E) in paragraph (3), by striking "1860D–3(a)" and inserting "1860D–3(a)(1)(A)".

(4) ANNUAL REPORT.—Section 1860D–11(h) of the Social Security Act (42 U.S.C. 1395w–111(h)) is amended by striking "(f) and (g)" and inserting "(f), (g), and (k)".

(5) LIMITATION ON ENTITIES OFFERING FALLBACK PRESCRIPTION DRUG PLANS.—Section 1860D–12(b)(2) of the Social Security Act (42 U.S.C. 1395w–112(b)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking "a fallback" and inserting "a standard or comprehensive fallback";

(B) in subparagraph (A)—

(i) by striking "section 1860D–11(g)" and inserting "subsection (g) or (k) of section 1860D–11";

(ii) by striking "such section" and inserting "such subsections, as applicable"; and

(iii) by striking "a fallback" and inserting "a standard or comprehensive fallback";

(C) in subparagraph (B), by striking "a fallback" and inserting "a standard or comprehensive fallback";

(D) in subparagraph (C), by striking "a fallback" and inserting "a standard or comprehensive fallback" and

(E) in the flush matter following subparagraph (C), by striking "a fallback" and inserting "a standard or comprehensive fallback".

(6) COLLECTION OF PREMIUM.—Section 1860D–13(c)(3) of the Social Security Act (42 U.S.C. 1395w–113(c)(3)) is amended by striking "a fallback" and inserting "a standard or comprehensive fallback".

(7) PAYMENT.—Section 1860D-15(g) of the Social Security Act (42 U.S.C. 1395w–115(g)) is amended by striking "offering" and all that follows and inserting the following: "offering.—

"(1) a standard prescription drug plan (as defined in paragraph (4) of section 1860D–11(g)), the amount payable shall be the amounts determined under the contract for such plan pursuant to paragraph (5) of such section; and

"(2) a comprehensive prescription drug plan (as defined in paragraph (4) of section 1860D–11(k)), the amount payable shall be the amounts determined under the contract for such plan pursuant to such paragraph (5) (as made applicable to section 1860D–11(k) under paragraph (6) of such section).".

(8) PAYMENT FROM ACCOUNT.—Section 1860D–16(b)(1)(B) of the Social Security Act (42 U.S.C. 1395w–116(b)(1)(B)) is amended by inserting "standard and comprehensive" before "fallback".

(9) DEFINITION.—Section 1860D–41(a)(5) of the Social Security Act (42 U.S.C. 1395w–151(a)(5)) is amended to read as follows:

"(5) STANDARD FALLBACK PRESCRIPTION DRUG PLAN; COMPREHENSIVE FALLBACK PRESCRIPTION DRUG PLAN.—The terms 'standard fallback prescription drug plan' and 'comprehensive fallback prescription drug plan' have the meaning given those terms in subsection (g)(4) and (k)(4), respectively, of section 1860D–11.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008.

Mr. WYDEN. Mr. President, Senator SNOWE and I said we would work to improve the Medicare Part D benefit ever since we voted for its passage. Senator SNOWE and I think one of the most egregious errors in the Medicare drug benefit was to write into law that the Secretary cannot have bargaining power under any circumstances. That is why today we are introducing the Medicare Enhancements for Needed Drugs Act of 2007. This legislation lifts the prohibition on bargaining power and requires the Secretary to negotiate on behalf of seniors.

We believed that one of the most important things missing from the Part D benefit was cost containment—and allowing Medicare to negotiate for drug prices would be an important cost containment measure. Our legislation clearly prohibits price setting or the creation of a uniform formulary. What our legislation allows Medicare to do is to be a smart shopper—just as any consumer would be—by allowing Medicare to go in the market and use its clout just like any other big purchaser.

Under our proposal, the Secretary could negotiate in any circumstance, but must negotiate in several instances: for single source drugs for which there is no therapeutic equivalent; drugs for which taxpayer funding was substantial in its research and development; and for any fallback plan the Secretary must provide. In addition, our legislation requires the Secretary to provide a fallback plan if there is not comprehensive coverage, including coverage for the so-called donut hole, available in a region.

The Congressional Budget Office has stated there might be savings achieved if the Secretary could negotiate for single source drugs for which there is no therapeutic equivalent. To be good stewards of taxpayer dollars, to be able to strengthen the program and to help seniors truly save, we must look toward using every logical tool to lower costs. Not to try to achieve lower prices in areas identified as potentially saving the program, taxpayers and seniors would be foolish.

I don't know of a single private entity, whether it's a timber company in my home State of Oregon, or a big auto company, who when they're buying something in bulk doesn't say, hey pal, how about a discount? So why shouldn't Medicare, if it needs to negotiate, have that authority just in case? Why wouldn't we want to assure that Medicare can be a smart shopper?

I look forward to working with my colleagues as the Senate Finance Committee works on this issue.

By Mr. FEINGOLD:

S. 252. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on Homeland Security and Governmental Affairs.

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation that would put an end to automatic pay raises for Members of Congress.

As I have noted when I raised this issue in past years, Congress has the authority to raise its own pay, something that most of our constituents cannot do. Because this is such a singular power, Congress ought to exercise it openly, and subject to regular procedures including debate, amendment, and a vote on the record.

But current law allows Congress to avoid that public debate and vote. All that is necessary for Congress to get a pay raise is that nothing be done to stop it. The annual pay raise takes effect unless Congress acts.

This stealth pay raise mechanism began with a change Congress enacted in the Ethics Reform Act of 1989. In section 704 of that Act, Members of Congress voted to make themselves entitled to an annual raise equal to half a percentage point less than the employment cost index, one measure of inflation.

On occasion, Congress has voted to deny itself the raise, and the traditional vehicle for the pay raise vote is the Treasury appropriations bill. But that vehicle is not always made available to those who want a public debate and vote on the matter. Just last year, for example, the Senate did not consider the Treasury appropriations bill. Instead, we passed a series of continuing resolutions to fund government operations usually addressed in that bill and other appropriations bills that were not taken up. Because of that, Senators were effectively prevented from offering an amendment to force an up or down vote on the annual pay raise. And that situation was not unique.

As I have noted in the past, getting a vote on the annual congressional pay raise is a haphazard affair at best, and it should not be that way. The burden should not be on those who seek a public debate and recorded vote on the Member pay raise. On the contrary, Congress should have to act if it decides to award itself a hike in pay. This process of pay raises without accountability must end.

This issue is not a new question. It was something that our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. On September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was proud to help ratify the amendment. Its approval by the Michigan legislature on May 7, 1992, gave it the needed approval by three-fourths of the States.

The 27th Amendment to the Constitution now states: "No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened."

I honor that limitation. Throughout my 6-year term, I accept only the rate of pay that Senators receive on the date on which I was sworn in as a Senator. And I return to the Treasury any additional income Senators get, whether from a cost-of-living adjustment or a pay raise we vote for ourselves. I don't take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th Amendment. The stealth pay raises like the one that Congress allowed for 2006 certainly violate the spirit of that amendment at the very least.

This practice must end and this bill will end it. Senators and Congressmen should have to vote up-or-down to raise Congressional pay, and my bill would require just that. We owe our constituents nothing less.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking "(a)(1)" and inserting "(a)";

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking "as adjusted by paragraph (2) of this subsection" and inserting "adjusted as provided by law".

(c) EFFECTIVE DATE.—This section shall take effect on February 1, 2009.

By Ms. LANDRIEU:

S. 253. A bill to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. LANDRIEU. Mr. President, it gives me great pleasure to introduce the Disaster Loan Fairness Act of 2007. This legislation strikes provisions contained in the Community Disaster Loan Act of 2005 and the Emergency Supplemental spending bill for hurricane relief, which prohibited forgiveness of Special Community Disaster Loans authorized in those measures.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act requires forgiveness of a loan if an independent audit determines that its recipient cannot sustain its repayment obligations after a 3-year grace period. The statute recognizes the very real possibility that hard-hit communities may need to be excused from repayment. For the first time in the history of the program though, forgiveness was specifically prohibited by the Community Disaster Loan Act of 2005. These were the strictest terms ever required. Clamping down in the wake of the worst disaster in history did not make sense at the time, and it does not make sense now.

In the last Congress, I introduced S. 1872, which eliminated this provision governing the first round of loans authorized in October of 2005. Louisiana applicants received about $739 million in this first round. This bill accomplishes that same objective, and also strikes forgiveness restrictions attached to a second round of loans authorized in June of 2006, through which Louisianans received about $261 million in Orleans, St. Bernard, and St. Tammany Parishes. These recipients in the second round included sheriffs, fire districts, levee districts, school boards, sewage and water boards, port harbor and terminal authorities, regional transit authorities and parish governments.

Essential operational expenditures must be made to facilitate recovery in the wake of a disaster, including services like police, fire protection, transit and sanitation. One of the great ironies of the Community Disaster Loan Program is the fact that it exists largely to supplement shortcomings in the Stafford Act. Between 1970 and 1974, the program was administered as a grant program before the Stafford Act converted it to a loan program. FEMA will not reimburse emergency responders for their straight-time salaries, and a large portion of these loans were needed for payroll expenses to essential employees.

This bill does not necessarily forgive all loans made to hurricane-affected communities. Communities must apply for cancellation, and forgiveness is only permitted when an independent review of a city's fiscal health finds justification to cancel the debt. Even then, communities must still repay loan funds used for capital improvements, debt servicing, assessments, intragovernmental services, cost-sharing and otherwise reimbursable activities. It is also important to remember that the size of the loans has been limited to a proportion of the community's operating budget since these programs were first authorized.

The majority of disaster loans have been repaid, and the program is used only by areas that have suffered a major disaster. In 29 years, the program has only received 64 applications associated with 21 disasters. Compared to 1,104 disasters declared in total, that is a very small proportion. There were no loans issued under this authority for 6 years prior to FY 2005. These figures indicate that this program has not been abused by jurisdictions that could do without the funds. Program administrators and independent auditors have found cause to cancel 93 percent of loan funding distributed to hard-hit areas over the years, but this represents the inevitable fact that disasters can be catastrophic, and areas requiring significant help are less likely to be whole again after only 3 years.

The City of New Orleans was forced to lay off 3,000 people—over 80 percent of its workforce. Let us act now to ensure that other cities are not forced to follow, by giving a break to disaster loan recipients who prove unable to repay their debt. They will still have 3 years to try, and some may succeed, but we must adjust to the reality of the situation. It is time we relieve Gulf Coast communities of the burdens they were forced to shoulder in order to keep police cars, fire trucks and sanitation trucks rolling, reopen schools and bring cities back to life by getting things working.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disaster Loan Fairness Act of 2007".

SEC. 2. CANCELLATION OF LOANS.

(a) IN GENERAL.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061) is amended by striking "*Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:".

(b) DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 471) is amended under the heading "DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT" under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" under the heading "DEPARTMENT OF HOMELAND SECURITY", by striking "*Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 255. A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, water is the life's blood for New Mexico. When the water dries up in New Mexico, so will many of its communities. As such, the scarcity of water in New Mexico is a dire situation. Unfortunately, the New Mexico Office of the State Engineer (NM OSE) lacks the tools necessary to undertake the Herculean task of effectively managing New Mexico's water resources.

Today, I introduce legislation that would allow New Mexico to make informed decisions about its limited water resources.

In order to effectively perform water rights administration, as well as comply with New Mexico's compact deliveries, the State Engineer is statutorily required to perform assessments and investigations of the numerous stream systems and ground water basins located within New Mexico. However, the NM OSE is ill equipped to vigorously and comprehensively undertake the daunting but critically important task of water resource planning. At present, the NM OSE lacks adequate resources to perform necessary hydrographic surveys and data collection. As such, ensuring a future water supply for my home state requires that Congress provide the NM OSE with the resources necessary to fulfill its statutory mandate.

The bill I introduce today would create a standing authority for the State of New Mexico to seek and receive technical assistance from the Bureau of Reclamation and the United States Geological Survey. It would also provide the NM OSE the sum of $12.5 million in federal assistance to perform hydrologic models of New Mexico's most important water systems. This bill would provide the NM OSE with the best resources available when making crucial decisions about how best preserve our limited water stores.

Ever decreasing water supplies in New Mexico have reached critical levels and require immediate action. The Congress cannot sit idly by as water shortages cause death to New Mexico's communities. I hope the Senate will give this legislation its every consideration. I thank Senator BINGAMAN, Chairman of the Energy and Natural Resources Committee for cosponsoring this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Mexico Water Planning Assistance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

(2) STATE.—The term "State" means the State of New Mexico.

SEC. 3. COMPREHENSIVE WATER PLAN ASSISTANCE.

(a) IN GENERAL.—Upon the request of the Governor of the State and subject to subsections (b) through (f), the Secretary shall—

(1) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(2) conduct water resources mapping in the State; and

(3) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of climate, surface water, and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts;

(7) technical review of data, models, planning scenarios, and water plans developed by the State; and

(8) provision of scientific and technical specialists to support State and local activities.

(c) ALLOCATION.—In providing grants under subsection (a), the Secretary shall, subject to the availability of appropriations, allocate—

(1) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(2) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(3) $1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(4) $4,500,000 for statewide digital orthophotography mapping; and

(5) such sums as are necessary to carry out additional projects consistent with subsection (b).

(d) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under subsection (a) shall be 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the

Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(e) NON-REIMBURSABLE BASIS.—Any assistance or grants provided to the State under this Act shall be made on a non-reimbursable basis.

(f) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $3,000,000 for each of fiscal years 2008 through 2012.

SEC. 5. SUNSET OF AUTHORITY.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 22—REAFFIRMING THE CONSTITUTIONAL AND STATUTORY PROTECTIONS ACCORDED SEALED DOMESTIC MAIL, AND FOR OTHER PURPOSES

Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CARPER, Mr. COLEMAN, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 22

Whereas all Americans depend on the United States Postal Service to transact business and communicate with friends and family;

Whereas postal customers have a constitutional right to expect that their sealed domestic mail will be protected against unreasonable searches;

Whereas the circumstances and procedures under which the Government may search sealed mail are well defined, including provisions under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and generally require prior judicial approval;

Whereas the United States Postal Inspection Service has the authority to open and search a sealed envelope or package when there is immediate threat to life or limb or an immediate and substantial danger to property;

Whereas the Postal Accountability and Enhancement Act (Public Law 109-435) expressly reaffirmed the right of postal customers to have access to a class of mail sealed against inspection;

Whereas the United States Postal Service affirmed January 4, 2007, that the enactment of the Postal Accountability and Enhancement Act (Public Law 109-435) does not grant Federal law enforcement officials any new authority to open domestic mail;

Whereas the signing statement on the Postal Accountability and Enhancement Act (Public Law 109-435) issued by President Bush on December 20, 2006, raises questions about the President's commitment to abide by these basic privacy protections; and

Whereas the Senate rejects any interpretation of the President's signing statement on the Postal Accountability and Enhancement Act (Public Law 109-435) that in any way diminishes the privacy protections accorded sealed domestic mail under the Constitution and Federal laws and regulations:

Now, therefore, be it

Resolved, That the Senate reaffirms the constitutional and statutory protections accorded sealed domestic mail.

Ms. COLLINS. Mr. President, I rise today to submit a Senate resolution that will reaffirm the fundamental constitutional and statutory protections accorded sealed domestic mail. I am very pleased to have the distinguished chairman of the Senate Governmental Affairs and Homeland Security Committee, Senator LIEBERMAN, as a cosponsor, Senator CARPER, who was the author of the postal reform bill with me in the last Congress, Senator COLEMAN, and Senator AKAKA, all of whom have been very active on postal issues.

On December 20, President Bush signed into law the Postal Accountability and Enhancement Act that Senator CARPER and I originally introduced in 2004. This new law represents the most sweeping reforms to the U.S. Postal Service in more than 30 years.

The Presiding Officer and new chairman of the committee knows well that of all the legislation our committee produced last year, in many ways this was the most difficult to bring to completion.

The act, which will help the 225-year-old Postal Service, meets the challenges of the 21st century, establishes a new rate-setting system, helps ensure a stronger financial future for the Postal Service, provides more stability and predictability in rates, and protects the basic feature of universal service. One of the act's many provisions provides continued authority for the Postal Service to establish a class of mail sealed against inspection.

The day President Bush signed the Postal Reform Act into law, he also issued a signing statement construing that particular provision to permit "searches in exigent circumstances, such as to protect human life and safety." While I understand that the President's spokesman has explained that the signing statement did not intend to change the scope of this new law, it has resulted in considerable confusion and widespread concern about the President's commitment to abide by the basic privacy protections afforded sealed domestic mail. For some, it raised the specter of the Government unlawfully monitoring our mail in the name of national security.

Given this unfortunate perception, I wish to be very clear as the author of this legislation. Nothing in the Postal Reform Act, nor in the President's signing statement, alters in any way the privacy and civil liberty protections provided to a person who sends or receives sealed mail. In fact, the President's signing statement appears to do nothing more than restate current law, but by the mere act of issuing the signing statement, unfortunately, the administration raised questions about what, in fact, is their intent.

Under current law, mail sealed against inspection is entitled to the strongest possible protections against physical searches, the protections afforded by our Constitution which guard against unreasonable searches. With only limited exceptions, the Government needs a warrant issued by a court before it can search sealed mail. This is true whether the search is conducted under our Criminal Code to obtain evidence of a crime or under the Foreign Intelligence Surveillance Act, FISA, of 1978 to collect foreign intelligence information concerning a national security threat. Only when there is an immediate danger to life or limb or an immediate and substantial danger to property can the Government search a domestic sealed letter or package without a warrant. Let me give a couple of examples. That could occur when there are wires protruding from a package, for example, or odors escaping from an envelope or stains on the outside of a package indicating that the contents may constitute an immediate danger or threat.

Americans depend on the U.S. Postal Service to transact business and to communicate with friends and family, and if there is any doubt in the public's mind that the Government is not protecting the constitutional privacy accorded their mail, if there is suspicion that the Government is unlawfully opening mail, then our Nation's confidence in the sanctity of our mail system and, indeed, in our Government will be eroded. That is precisely why I am joining with my colleagues in submitting this resolution today. It makes clear to all law-abiding Americans that the Federal Government will not invade their privacy by reading their sealed mail absent a court order or emergency circumstances. Any contrary interpretation of the Postal Reform Act is just plain wrong.

I invite my colleagues to join me in cosponsoring this resolution which reaffirms the constitutional and statutory protections accorded to domestic sealed mail. I say to the Presiding Officer, the chairman of the committee with jurisdiction over this matter, that I hope we can act very quickly and get this resolution approved by the full Senate. I believe it is important that we go on record without any delay to assure the American people that those protections which they value so much are still in place and have not been altered, given the doubt that the President's signing statement created.

AMENDMENTS SUBMITTED AND PROPOSED

SA 9. Mr. VITTER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, MR. BENNETT, MR. LIEBERMAN, MS. COLLINS, Mr. OBAMA, Mr. SALAZAR, AND MR. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process.

SA 10. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 11. Mr. DEMINT (for himself and Mr. CORNYN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 12. Mr. DEMINT (for himself and Mr. OBAMA) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 13. Mr. DEMINT proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 14. Mr. DEMINT proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 15. Mr. SALAZAR (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 16. Mr. STEVENS proposed an amendment to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 17. Mr. GREGG (for himself, Mr. DEMINT, Mrs. DOLE, Mr. BURR, Mr. CHAMBLISS, Mr. THOMAS, Mr. SESSIONS, Mr. MCCONNELL, Mr. LOTT, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. ALLARD, Mr. CRAPO, Mr. BUNNING, Mr. VITTER, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAIG, Mr. MCCAIN, Mr. SUNUNU, Mr. ENZI, Mr. MARTINEZ, Mr. COLEMAN, Mr. GRAHAM, Mr. VOINOVICH, Mr. ISAKSON, Mr. ENSIGN, and Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 18. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 19. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 20. Mr. BENNETT (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 21. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 9. Mr. VITTER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 51, between lines 12 and 13, insert the following:

SEC. 242. SPOUSE LOBBYING MEMBER.

(a) IN GENERAL.—Section 207(e) of title 18, United States Code, as amended by section 241, is further amended by adding at the end the following:

"(5) SPOUSES.—Any person who is the spouse of a Member of Congress and who was not serving as a registered lobbyist at least 1 year prior to the election of that Member of Congress to office and who, after the election of such Member, knowingly lobbies on behalf of a client for compensation any Member of Congress or is associated with any such lobbying activity by an employer of that spouse shall be punished as provided in section 216 of this title.".

(b) GRANDFATHER PROVISION.—The amendment made by subsection (a) shall not apply to any spouse of a Member of Congress serving as a registered lobbyist on the date of enactment of this Act.

SA 10. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 34, line 5, strike "$100,000" and insert "$200,000".

SA 11. Mr. DEMINT (for himself and Mr. CORNYN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike section 103 and insert the following:

SEC. 103. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

RULE XLIV

EARMARKS

"1. It shall not be in order to consider—

"(a) a bill or joint resolution reported by a committee unless the report includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

"(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

"(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"2. For the purpose of this rule—

"(a) the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(b) the term 'limited tax benefit' means—

"(1) any revenue-losing provision that—

"(A) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

"(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

"(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

"(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

"3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

"4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

"(1) the name of the Member;

"(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

"(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

"(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

"(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

"(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee's or subcommittee's website not later than 48 hours after receipt on such information.".

SA 12. Mr. DEMINT (for himself and Mr. OBAMA) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ___. EARMARKS OUT OF SCOPE.

Any earmark that was not committed to conference by either the House of Representatives or the Senate in their disagreeing votes on a measure shall be considered out of scope under rule XXVIII of the Standing Rules of the Senate and section 102 of this Act if contained in a conference report on that measure.

SA 13. Mr. DEMINT proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ____. AMENDMENT TO TITLE 31.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

"§ 1311. Continuing appropriations

"(a)(1) If any regular appropriation bill for a fiscal year (or, if applicable, for each fiscal year in a biennium) does not become law before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

"(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

"(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

"(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

"(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year;

"(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year;

"(C) the rate of operations provided for in the regular appropriation bill as passed by the House of Representatives or the Senate for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version; or

"(D) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

"(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

"(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

"(B) the last day of such fiscal year.

"(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

"(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

"(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

"(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

"(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

"(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

"(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

"(1) Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

"(2) Commerce, Justice, Science, and Related Agencies.

"(3) Defense.

"(4) Energy and Water Development.

"(5) Financial Services and General Government.

"(6) Homeland Security.

"(7) Interior, Environment, and Related Agencies.

"(8) Labor, Health and Human Services, Education, and Related Agencies.

"(9) Legislative Branch.

"(10) Military Construction, Veterans' Affairs, and Related Agencies.

"(11) State, Foreign Operations, and Related Programs.

"(12) Transportation, Housing and Urban Development, and Related Agencies.".

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

"1311. Continuing appropriations".

SA 14. Mr. DEMINT proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF WORKERS' POLITICAL RIGHTS.

Title III of the Labor Management Relations Act, 1947 (29 U.S.C. 185 et seq.) is amended by adding at the end the following:

"SEC. 304. PROTECTION OF WORKER'S POLITICAL RIGHTS.

"(a) PROHIBITION.—Except with the separate, prior, written, voluntary authorization of an individual, it shall be unlawful for any labor organization to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used to lobby members of Congress or Congressional staff for the purpose of influencing legislation.

"(b) AUTHORIZATION.—An authorization described in subsection (a) shall remain in effect until revoked and may be revoked at any time.".

SA 15. Mr. SALAZAR (for himself, Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. . PUBLIC AVAILABILITY OF SENATE COMMITTEE AND SUBCOMMITTEE MEETINGS.

(a) IN GENERAL.—Paragraph 5(e) of rule XXVI of the Standing Rules of the Senate is amended by—

(1) by inserting after "(e)" the following: "(1)"; and

(2) by adding at the end the following:

"(2) Except as provided in clause (1), each committee and subcommittee shall make publicly available through the Internet a video recording, audio recording, or transcript of any meeting not later than 14 days after the meeting occurs.".

(b) EFFECTIVE DATE.—This section shall take effect October 1, 2007.

SA 16. Mr. STEVENS proposed an amendment to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place in the amendment insert the following:

"(l) Notwithstanding any other provision of this paragraph or any other rule, if there is not more than one flight daily from a point in a Member's State to a point within that Member's State, the Member may accept transportation in a privately owned aircraft to that point provided (1) there is no appearance of or actual conflict of interest, and (2) the Member has the trip approved by the Select Committee on Ethics. When accepting such transportation, the Member shall reimburse the provider at either the rate of a first class ticket, if available, or the rate of a full fare coach ticket if first class rates are unavailable between those points.".

SA 17. Mr. GREGG (for himself, Mr. DEMINT, Mrs. DOLE, Mr. BURR, Mr. CHAMBLISS, Mr. THOMAS, Mr. SESSIONS, Mr. MCCONNELL, Mr. LOTT, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. ALLARD, Mr. CRAPO, Mr. BUNNING, Mr. VITTER, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAIG, Mr. MCCAIN, Mr. SUNUNU, Mr. ENZI, Mr. MARTINEZ, Mr. COLEMAN, Mr. GRAHAM, Mr. VOINOVICH, Mr. ISAKSON, Mr. ENSIGN, and Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the end, insert the following:

TITLE III—SECOND LOOK AT WASTEFUL SPENDING ACT OF 2007

SEC. 301. SHORT TITLE.

This title may be cited as the "Second Look at Wasteful Spending Act of 2007".

SEC. 302. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking part C and inserting the following:

"PART C—LEGISLATIVE LINE ITEM VETO

"SEC. 1021. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

"(a) PROPOSED RESCISSIONS.—The President may send a special message, at the time and in the manner provided in subsection (b), that proposes to rescind dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—

"(i) FOUR MESSAGES.—The President may transmit to Congress not to exceed 4 special messages per calendar year, proposing to rescind dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits.

"(ii) TIMING.—Special messages may be transmitted under clause (i)—

"(I) with the President's budget submitted pursuant to section 1105 of title 31, United States Code; and

"(II) 3 other times as determined by the President.

"(iii) LIMITATIONS.—

"(I) IN GENERAL.—Special messages shall be submitted within 1 calendar year of the date of enactment of any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit the President proposes to rescind pursuant to this Act.

"(II) RESUBMITTAL REJECTED.—If Congress rejects a bill introduced under this part, the President may not resubmit any of the dollar amounts of discretionary budget authority, items of direct spending, or targeted tax benefits in that bill under this part, or part B with respect to dollar amounts of discretionary budget authority.

"(III) RESUBMITAL AFTER SINE DIE.—If Congress does not complete action on a bill introduced under this part because Congress adjourns sine die, the President may resubmit some or all of the dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits in that bill in not more than 1 subsequent special message under this part, or part B with respect to dollar amounts of discretionary budget authority.

"(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit proposed to be rescinded—

"(i) the dollar amount of discretionary budget authority available and proposed for rescission from accounts, departments, or establishments of the government and the dollar amount of the reduction in outlays that would result from the enactment of such rescission of discretionary budget authority for the time periods set forth in clause (iii);

"(ii) the specific items of direct spending and targeted tax benefits proposed for rescission and the dollar amounts of the reductions in budget authority and outlays or increases in receipts that would result from enactment of such rescission for the time periods set forth in clause (iii);

"(iii) the budgetary effects of proposals for rescission, estimated as of the date the President submits the special message, relative to the most recent levels calculated consistent with the methodology described in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, for the time periods of—

"(I) the fiscal year in which the proposal is submitted; and

"(II) each of the 10 following fiscal years beginning with the fiscal year after the fiscal year in which the proposal is submitted;

"(iv) any account, department, or establishment of the Government to which such dollar amount of discretionary budget authority or item of direct spending is available for obligation, and the specific project or governmental functions involved;

"(v) the reasons why such dollar amount of discretionary budget authority or item of direct spending or targeted tax benefit should be rescinded;

"(vi) the estimated fiscal and economic impacts, of the proposed rescission;

"(vii) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority or items of direct spending or targeted tax benefits are provided; and

"(viii) a draft bill that, if enacted, would rescind the budget authority, items of direct spending and targeted tax benefits proposed to be rescinded in that special message.

"(2) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE AND JOINT COMMITTEE ON TAXATION.—

"(A) IN GENERAL.—Upon the receipt of a special message under this part proposing to rescind dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits—

"(i) the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed rescission and shall include in its estimate, an analysis prepared by the Joint Committee on Taxation related to targeted tax benefits; and

"(ii) the Director of the Joint Committee on Taxation shall prepare an estimate and forward such estimate to the Congressional Budget Office, of the savings from repeal of targeted tax benefits.

"(B) METHODOLOGY.—The estimates required by subparagraph (A) shall be made relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmitted to the chairmen of the Committees on the Budget of the House of Representatives and Senate.

"(3) ENACTMENT OF RESCISSION BILL.—

"(A) DEFICIT REDUCTION.—Amounts of budget authority or items of direct spending or targeted tax benefit that are rescinded pursuant to enactment of a bill as provided under this part shall be dedicated only to deficit reduction and shall not be used as an offset for other spending increases or revenue reductions.

"(B) ADJUSTMENT OF BUDGET TARGETS.—Not later than 5 days after the date of enactment of a rescission bill as provided under this part, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise spending and revenue levels under section 311(a) of the Congressional Budget Act of 1974 and adjust the committee allocations under section 302(a) of the Congressional Budget Act of 1974 or any other adjustments as may be appropriate to reflect the rescission. The adjustments shall reflect the budgetary effects of such rescissions as estimated by the President pursuant to paragraph (1)(B)(iii). The appropriate committees shall report revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974. Notwithstanding any other provision of law, the revised allocations and aggregates shall be considered to have been made under a concurrent resolution on the budget agreed to under the Congressional Budget Act of 1974 and shall be enforced under the procedures of that Act.

"(C) ADJUSTMENTS TO CAPS.—After enactment of a rescission bill as provided under this part, the President shall revise applicable limits under the Second Look at Wasteful Spending Act of 2007, as appropriate.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—

"(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader of each House, for himself, or minority leader of each House, for himself, or a Member of that House designated by that majority leader or minority leader shall introduce (by request) the President's draft bill to rescind the amounts of budget authority or items of direct spending or targeted tax benefits, as specified in the special message and the President's draft bill. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) REFERRAL AND REPORTING.—

"(i) ONE COMMITTEE.—The bill shall be referred by the presiding officer to the appropriate committee. The committee shall report the bill without any revision and with a favorable, an unfavorable, or without recommendation, not later than the fifth day of session of that House after the date of introduction of the bill in that House. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(ii) MULTIPLE COMMITTEES.—

"(I) REFERRALS.—If a bill contains provisions in the jurisdiction of more than 1 committee, the bill shall be jointly referred to the committees of jurisdiction and the Committee on the Budget.

"(II) VIEWS OF COMMITTEE.—Any committee, other than the Committee on the Budget, to which a bill is referred under this clause may submit a favorable, an unfavorable recommendation, without recommendation with respect to the bill to the Committee on the Budget prior to the reporting or discharge of the bill.

"(III) REPORTING.—The Committee on the Budget shall report the bill not later than the fifth day of session of that House after the date of introduction of the bill in that House, without any revision and with a favorable or unfavorable recommendation, or with no recommendation, together with the recommendations of any committee to which the bill has been referred.

"(IV) DISCHARGE.—If the Committee on the Budget fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House.

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) APPEALS.—Appeals from decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this part shall be decided without debate.

"(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this part, consideration of a bill under this part shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this part under a suspension of the rules or under a special rule.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. A motion to proceed to consideration of the bill may be made even though a previous motion to the same effect has been disagreed to. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith, shall not exceed a total of 10 hours, equally divided and controlled in the usual form.

"(C) DEBATABLE MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour from the time allotted for debate, to be equally divided and controlled in the usual form.

"(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(F) CONSIDERATION OF THE HOUSE BILL.—

"(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate shall consider, and the vote under paragraph (1)(C) shall occur on, the House companion bill.

"(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, the Senate bill shall be held pending receipt of the House message on the bill. Upon receipt of the House companion bill, the House bill shall be deemed to be considered, read for the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—

"(1) IN GENERAL.—No amendment to a bill considered under this part shall be in order in either the Senate or the House of Representatives.

"(2) NO DIVISION.—It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole).

"(3) NO SUSPENSION.—No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in either the House of Representatives or the Senate to suspend the application of this subsection by unanimous consent.

"(e) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD.—

"(1) AVAILABILITY.—The President may not withhold any dollar amount of discretionary budget authority until the President transmits and Congress receives a special message pursuant to subsection (b). Upon receipt by Congress of a special message pursuant to subsection (b), the President may direct that any dollar amount of discretionary budget authority proposed to be rescinded in that special message shall be withheld from obligation for a period not to exceed 45 calendar days from the date of receipt by Congress.

"(2) EARLY AVAILABILITY.—The President may make any dollar amount of discretionary budget authority withheld from obligation pursuant to paragraph (1) available at an earlier time if the President determines that continued withholding would not further the purposes of this Act.

"(f) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND.—

"(1) SUSPEND.—

"(A) IN GENERAL.—The President may not suspend the execution of any item of direct spending or targeted tax benefit until the President transmits and Congress receives a special message pursuant to subsection (b). Upon receipt by Congress of a special message, the President may suspend the execution of any item of direct spending or targeted tax benefit proposed to be rescinded in that message for a period not to exceed 45 calendar days from the date of receipt by Congress.

"(B) LIMITATION ON 45-DAY PERIOD.—The 45-day period described in subparagraph (A) shall be reduced by the number of days contained in the period beginning on the effective date of the item of direct spending or targeted tax benefit; and ending on the date that is the later of—

"(i) the effective date of the item of direct spending or targeted benefit; or

"(ii) the date that Congress receives the special message.

"(C) CLARIFICATION.—Notwithstanding subparagraph (B), in the case of an item of direct spending or targeted tax benefit with an effective date within 45 days after the date of enactment, the beginning date of the period calculated under subparagraph (B) shall be the date that is 45 days after the date of enactment and the ending date shall be the date that is the later of—

"(i) the date that is 45 days after enactment; or

"(ii) the date that Congress receives the special message.

"(2) EARLY AVAILABILITY.—The President may terminate the suspension of any item of direct spending or targeted tax benefit suspended pursuant to paragraph (1) at an earlier time if the President determines that continuation of the suspension would not further the purposes of this Act.

"(g) DEFINITIONS.—In this part:

"(1) APPROPRIATION LAW.—The term 'appropriation law' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

"(2) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

"(3) DAYS OF SESSION.—The term 'days of session' means only those days on which both Houses of Congress are in session.

"(4) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—The term 'dollar amount of discretionary budget authority' means the dollar amount of budget authority and obligation limitations—

"(A) specified in an appropriation law, or the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

"(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

"(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which budget authority or an obligation limitation is provided in an appropriation law;

"(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

"(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law.

"(5) RESCIND OR RESCISSION.—The term 'rescind' or 'rescission' means—

"(A) in the case of a dollar amount of discretionary budget authority, to reduce or repeal a provision of law to prevent that budget authority or obligation limitation from having legal force or effect; and

"(B) in the case of direct spending or targeted tax benefit, to repeal a provision of law in order to prevent the specific legal obligation of the United States from having legal force or effect.

"(6) DIRECT SPENDING.—The term 'direct spending' means budget authority provided by law (other than an appropriation law), mandatory spending provided in appropriation Acts, and entitlement authority.

"(7) ITEM OF DIRECT SPENDING.—The term 'item of direct spending' means any specific provision of law enacted after the effective date of the Second Look at Wasteful Spending Act of 2007 that is estimated to result in an increase in budget authority or outlays for direct spending relative to the most recent levels calculated consistent with the methodology described in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and, with respect to estimates made after that budget submission that are not included with it, estimates consistent with the economic and technical assumptions underlying the most recently submitted President's budget.

"(8) SUSPEND THE EXECUTION.—The term 'suspend the execution' means, with respect to an item of direct spending or a targeted tax benefit, to stop the carrying into effect of the specific provision of law that provides such benefit.

"(9) TARGETED TAX BENEFIT.—The term 'targeted tax benefit' means—

"(A) any revenue provision that has the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers; or

"(B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1017, and 1021"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1017 and 1021".

(c) CLERICAL AMENDMENTS.—

(1) SHORT TITLE.—Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(A) striking "Parts A and B" before "title X" and inserting "Parts A, B, and C"; and

(B) striking the last sentence and inserting at the end the following new sentence: "Part C of title X also may be cited as the 'Second Look at Wasteful Spending Act of 2007'.".

(2) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for part C of title X and inserting the following:

"PART C—LEGISLATIVE LINE ITEM VETO

"Sec. 1021. Expedited consideration of certain proposed rescissions".

(d) SEVERABILITY.—If any provision of this Act or the amendments made by it is held to be unconstitutional, the remainder of this Act and the amendments made by it shall not be affected by the holding.

(e) EFFECTIVE DATE AND EXPIRATION.—

(1) EFFECTIVE DATE.—The amendments made by this Act shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this title.

(2) EXPIRATION.—The amendments made by this Act shall expire on December 31, 2010.

SA 18. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CONGRESSIONAL TRAVEL PUBLIC WEBSITE.

(a) IN GENERAL.—Not later than October 1, 2007, the Secretary of the Senate and the Clerk of the House of Representatives shall establish a publicly available website that contains information on all congressional reported official travel that includes—

(1) a simple, easily understood search engine;

(2) uniform categorization by Member, organization, travel, dates, destination, and any other common categories associated with congressional travel; and

(3) all forms filed in the Senate and the House of Representatives relating to official travel, including the "Disclosure of Member or Officer's Reimbursed Travel Expenses" form in the Senate.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 19. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 8, line 4 of the amendment, strike "expense."." and insert the following: "expense.

"(i) A Member, officer, or employee who travels on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration shall file a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken. The report shall include—

"(1) the date of such flight;

"(2) the destination of such flight;

"(3) the owner or lessee of the aircraft;

"(4) the purpose of such travel;

"(5) the persons on such flight (except for any person flying the aircraft); and

"(6) the charter rate paid for such flight.".

On page 9, line 21 of the amendment, strike "committee pays" and insert the following: "committee—

"(I) pays"

On page 10, line 5 of the amendment, strike "taken." and insert the following: "taken; and

"(II) files a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken, such report shall include—

"(aa) the date of such flight;

"(bb) the destination of such flight;

"(cc) the owner or lessee of the aircraft;

"(dd) the purpose of such travel;

"(ee) the persons on such flight (except for any person flying the aircraft); and

"(ff) the charter rate paid for such flight.".

SA 20. Mr. BENNETT (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike section 220 of the amendment (relating to disclosure of paid efforts to stimulate grassroots lobbying).

SA 21. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REPORT REGARDING POLITICAL CONTRIBUTIONS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress detailing the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives during the 30-month period beginning on the date that is 24 months before the date of enactment of the Acts identified in subsection (b) by the corresponding organizations identified in subsection (b).

(b) ORGANIZATIONS AND ACTS.—The report submitted under subsection (a) shall detail the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives as follows:

(1) For the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2066), any contribution made during the time period described in subsection (a) by or on behalf of a political action committee associated or affiliated with—

(A) a pharmaceutical company; or

(B) a trade association for pharmaceutical companies.

(2) For the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109-8; 119 Stat. 23), any contribution made during the time period described in subsection (a) by or on behalf of a political action committee associated or affiliated with—

(A) a bank or financial services company;

(B) a company in the credit card industry; or

(C) a trade association for any such companies.

(3) For the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 594), any contribution made during the time period described in subsection (a) by or on behalf of a political action committee associated or affiliated with—

(A) a company in the oil, natural gas, nuclear, or coal industry; or

(B) a trade association for any such companies.

(4) For the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109-53; 119 Stat. 462), any contribution made during the time period described in subsection (a) by or on behalf of a political action committee associated or affiliated with—

(A) the United States Chamber of Commerce, the National Association of Manufacturers, the Business Roundtable, the National Federation of Independent Business, the Emergency Committee for American Trade, or any member company of such entities; or

(B) any other free trade organization funded primarily by corporate entities.

(c) AGGREGATE REPORTING.—The report submitted under subsection (a)—

(1) shall not list the particular Member of the Senate or House of Representative that received a contribution; and

(2) shall report the aggregate amount of contributions given by each entity identified in subsection (b) to—

(A) Members of the Senate by the organizations identified in subsection (b) during the time period described in subsection (a) for the corresponding Act identified in subsection (b); and

(B) Members of the House of Representatives by the organizations identified in subsection (b) during the time period described in subsection (a) for the corresponding Act identified in subsection (b).

(d) DEFINITIONS.—In this section—

(1) the terms "authorized committee", "candidate", "contribution", "political committee", and "political party" have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431); and

(2) the term "political action committee" means any political committee that is not—

(A) a political committee of a political party; or

(B) an authorized committee of a candidate.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I wish to inform the Senate and the Public that the committee on Energy and Natural Resources will hold a hearing during the session of the Senate on Wednesday, January 10, 2007 at 9:45 a.m. in room SD–G50 of the Dirksen Building.

The purpose of the hearing is to receive testimony on the global oil balance and its implications for U.S. economic and national security.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday January 10, 2007 at 9:30 a.m. in 328a, Senate Russell Office Building. The purpose of this committee hearing will be to discuss agriculture and rural America's role in enhancing national energy security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, January 10, 2007, at 2 p.m., in closed session to receive a briefing regarding U.S. military action in Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Finance will meet on Wednesday, January 10, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Tax Incentives for Businesses in Response to a Minimum Wage Increase".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 10, 2007, at 9:30 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Wednesday, January 10, 2007 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Balancing Privacy and Security: The Privacy Implications of Government Data Mining Programs" on Wednesday, January 10, 2007 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness List: The Honorable Robert Barr, Chief Executive Officer, Liberty Strategies, LLC, Atlanta, GA; James Jay Carafano, Ph.D., Heritage Foundation, Assistant Director, Kathryn and Shelby Cullom Davis Institute for International Studies, Senior Research Fellow, Douglas and Sarah Allison Center for Foreign Policy Studies, Washington, DC; Mr. Jim Harper, Director of Information Policy Studies, CATO Institute, Washington, DC; Ms. Leslie Harris, Executive Director, Center for Democracy and Technology, Washington, DC; Mr. Kim A. Taipale, Founder and Executive Director, Center for Advanced Studies in Science and Technology Policy, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 10, 2007 at 2:30 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GREGG. Mr. President, I ask unanimous consent that Seema Mittal, assistant to the Senate Budget Committee, be allowed the privilege of the floor during the consideration of S. 1 and votes that may occur in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The chair, on behalf of the majority leader, after consultation with the ranking member of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel: David L. Miller of South Dakota.

The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, appoints the Senator from Connecticut (Mr. DODD) as a member of the Board of Regents of the Smithsonian Institution, vice the Senator from Tennessee (Mr. FRIST).

MEASURE READ THE FIRST TIME—H.R. 2

Mr. WHITEHOUSE. Mr. President, I understand that H.R. 2 is at the desk, and I ask for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. WHITEHOUSE. I now ask for a second reading, and I object to my own request.

The ACTING PRESIDENT pro tempore. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY, JANUARY 11, 2007

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, January 11; that on Thursday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business for 90 minutes, with Senators permitted to speak therein, with the first half controlled by the minority and the second half controlled by the majority; that at the conclusion of morning business, the Senate resume S. 1.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Mr. President, on behalf of the leader, I have been asked to reiterate that votes are expected tomorrow and could occur around noon, with other votes occurring in the afternoon. A number of amendments are still pending, and it is hoped that we can begin to dispose of them as other Members come forward with amendments.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:07 p.m., adjourned until Thursday, January 11, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 10, 2007:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

BRADLEY UDALL, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2012. (REAPPOINTMENT)

DEPARTMENT OF STATE

P. ROBERT FANNIN, OF ARIZONA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

WILLIAM RAYMOND STEIGER, OF WISCONSIN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DOUGLAS MENARCHIK, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT. (REAPPOINTMENT)

OFFICE OF PERSONNEL MANAGEMENT

HOWARD CHARLES WEIZMANN, OF MARYLAND, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE DAN GREGORY BLAIR.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

NATALIE J. FREEMAN, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JASON D. FRASER, OF THE DISTRICT OF COLUMBIA
TADEUSZ FINDEISEN, OF FLORIDA
MILAN PAVLOVIC, OF NEW YORK
CHERYL ANN WILLIAMS, OF VIRGINIA

DEPARTMENT OF STATE

KATHERINE L. BRANDEIS, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

KAYA DURRELL ADAMS, OF THE DISTRICT OF COLUMBIA

ROBERT W. APPIAH, OF TENNESSEE
ROBERT L. ARELLANO, OF FLORIDA
JOHN L. BRANNAMAN, OF IOWA
PAUL V. BRUNING, OF CALIFORNIA
JAYNE M. CARBONE, OF MARYLAND
JULIE CHEN, OF MARYLAND
KENNETH COLLINS, OF THE DISTRICT OF COLUMBIA
LAURA E. COUGHLIN, OF MARYLAND
THOMAS CRUBAUGH, OF MARYLAND
TIMOTHY J. DONNAY, OF VERMONT
BETH PENNOCK DUNFORD, OF NEW YORK
POLLY C. DUNFORD-ZAHAR, OF NEW YORK
MICHAEL J. EDDY, OF MISSOURI
RONALD HOWARD EDWARDS, OF MARYLAND
SYLVA ETIAN, OF MARYLAND
MARTIN R. FISCHER, OF CALIFORNIA
LATANYA MAPP FRETT, OF GEORGIA
CHRISTIAN G. FUNG, OF CALIFORNIA
RAMSES GAUTHIER, OF FLORIDA
NANCY A. FISHER-GORMLEY, OF FLORIDA
JOHN F. HANSEN, OF WASHINGTON
ROSS MARVIN HICKS, OF TEXAS
MCDONALD C. HOMER, OF MARYLAND
JOHN D. IRONS, OF VIRGINIA
CHERYL KAMIN, OF MARYLAND
JEFFREY S. KAUFMAN, OF VIRGINIA
RALPH VINCENT KOEHRING, OF VIRGINIA
KIMBERLEY LUCAS, OF THE DISTRICT OF COLUMBIA
MICHAEL MARTIN, OF FLORIDA
STEPHEN ROBERT MORIN, OF VIRGINIA
PAMELA J. MORRIS, OF MASSACHUSETTS
ALEATHEA D. PIRTLE MUSAH, OF GEORGIA
EVELYN RODRIGUEZ PEREZ, OF FLORIDA
KENDRA PHILLIPS, OF ILLINOIS
SUZANNE M. POLAND, OF IOWA
ROBERT S. RHODES, JR., OF MARYLAND
PATRICK L. ROBINSON, OF NEW HAMPSHIRE
MICHAEL PATRICK ROSSMAN, OF VIRGINIA
KEVIN C. SHARP, OF CALIFORNIA
DAVID B. SMALE, OF OREGON
AMY C. TOHILL-STULL, OF VIRGINIA
KEVIN JOSEPH STURR, OF NEW YORK
SUSAN CAROL THOLLAUG, OF CALIFORNIA
SUSAN MARY THOMAS, OF TENNESSEE
DAVID JOSEPH THOMPSON, OF VIRGINIA
CHRISTOPHE A. TOCCO, OF CALIFORNIA
THERESA G. TUANO, OF MARYLAND
MARK ROBERT VISOCKY, OF WISCONSIN
CLINTON DAVID WHITE, OF FLORIDA
PETER ALEXANDER WIEBLER, OF PENNSYLVANIA
IRIS L. YOUNG, OF VIRGINIA
SHEILA A. YOUNG, OF OREGON

DEPARTMENT OF STATE

BRIAN E. ANSELMAN, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ERNEST J. ABISELLAN, OF FLORIDA
ORY S. ABRAMOWICZ, OF ILLINOIS
VALERIE THERESE ADAMCYK, OF NEW YORK
TERRY ALLEN ALSTON, OF TENNESSEE
BRIDGETTE SARAH ANDERSON, OF TEXAS
PETER JAMES ANTHES, OF VIRGINIA
JOHN MORGAN BARRETT, OF CALIFORNIA
ELIAS STEPHEN BAUMANN, OF FLORIDA
SALLY PARKS BEHRHORST, OF CALIFORNIA
MOULIK DHYAN BERKANA, OF NEW YORK
MANU BHALLA, OF NEW HAMPSHIRE
ELLEN S. BIENSTOCK, OF PENNSYLVANIA
DANIEL L. BIERS, OF CALIFORNIA
BRIAN EDWARD BOLTON, OF VIRGINIA
TREVOR W. BOYD, OF NEW JERSEY
JEREMY D. CADDEL, OF TEXAS
JOSEPH J. CALLAHAN IV, OF FLORIDA
MICHAEL R. CARPENTER, OF CALIFORNIA
MICHAEL J. CHADWICK, OF VIRGINIA
BENJAMIN CHIANG, OF VIRGINIA
JASON JOHN CHIODI, OF PENNSYLVANIA
LOREN EDWARD CHOVAN, OF CALIFORNIA
DAN CINTRON, OF NEW YORK
WILLIAM M. COLEMAN IV, OF NORTH CAROLINA
DEWITT CHARLES CONKLIN III, OF FLORIDA
MARY GARDNER COPPOLA, OF CONNECTICUT
WILEY PATRICK CRAGUN, OF TEXAS
KEVIN BERLE CRISP, OF CALIFORNIA
RODNEY DEVI CUNNINGHAM, OF NEW YORK
JENNIFER LYNN DAVIS, OF VIRGINIA
JESSICA LYNN DAVIS BA, OF THE DISTRICT OF COLUMBIA
BROOKE ELIZABETH DE MONTLUZIN, OF LOUISIANA
STEVEN M. DYOKAS, OF ILLINOIS
JENNIFER W. EADIE, OF VIRGINIA
MEGAN ALLISON ELLIS, OF CALIFORNIA
JEROME NORBERT EPPING, JR., OF TEXAS
MATTHEW M. EUSSEN, OF WASHINGTON
SHANNON BELL FARRELL, OF WISCONSIN
LISA LAURETTE FICEK, OF SOUTH DAKOTA
MARY FRANCIS FISK-TELCHI, OF ARKANSAS
REBECCA ANN FONG, OF CALIFORNIA
DONALD L. FRERICHS, OF TEXAS
KATHERINE L. GILES-DIAZ, OF VIRGINIA
ROBERT L. GONZALES, OF TEXAS
SARAH ELIZABETH GORDON, OF NEW YORK
JEFFREY DAVID GRAHAM, OF NEW YORK
MICHAEL W. GRAY, OF LOUISIANA
MICHAEL THOMAS GREER, OF NEW YORK
NICHOLAS C. GRIFFITH III, OF TENNESSEE
C. COLIN GUEST, OF VIRGINIA
CATHERINE GULYAN, OF COLORADO
MARY K. GUNN, OF CALIFORNIA
CHRISTOPHER JOHN GUNNING, OF TEXAS
MARLIN J. HARDINGER, OF WISCONSIN
CYNTHIA R. HARVEY, OF WASHINGTON
RONALD E. HAWKINS, JR., OF MARYLAND
CHARLES V. HAWLEY, OF VIRGINIA
CHRISTENE BINH-AN PHAM HENDON, OF MICHIGAN
WILLIAM E. HERZOG, OF ILLINOIS
DEBORAH ANN HICK, OF FLORIDA
KEVAN PAUL HIGGINS, OF MARYLAND

JAMES J. HOGAN III, OF CALIFORNIA
ERIK J. HOLMGREN, OF ILLINOIS
SARAH PRICE HORTON, OF FLORIDA
BRADLEY A. HURST, OF CALIFORNIA
SUZANNE MARY INZERILLO, OF ILLINOIS
ANDREW JOHNSON, OF CALIFORNIA
MATTHEW RALEIGH JOHNSON, OF ALABAMA
KENNETH JONES, OF NEW JERSEY
RYAN JOHN KOCH, OF COLORADO
KAWEEM M. KOSHAN, OF CALIFORNIA
COURTNEY A. KRAMER BEALE, OF THE DISTRICT OF COLUMBIA
JENNIFER ADRIANA LARSON, OF NEW HAMPSHIRE
MEGAN ELIZABETH LARSON-KON, OF MARYLAND
GEORGE EDWARD LEARNED, OF COLORADO
CHRISTOPHER GEORGE LESLIE, OF NORTH CAROLINA
YAGNYA VIKRAM LIMAYE-DAVIS, OF VIRGINIA
VLAD LIPSCHUTZ, OF NEW YORK
BONNIE D. LONG, OF FLORIDA
CHRISTOPHER JOHN LONG, OF CALIFORNIA
SARA MARGARET LUTHER, OF COLORADO
ELIZABETH M. MACDONALD, OF CONNECTICUT
PETER K. MALECHA, OF ILLINOIS
JOHN RUSH MARBURG, OF MARYLAND
JOHN MARIETTI, OF MICHIGAN
ELIZABETH KATHLEEN MARTIN, OF ILLINOIS
PETER H. MARTIN, OF THE DISTRICT OF COLUMBIA
JEFFREY WILLIAM MAZUR, OF WISCONSIN
ANDREW MCCLEARN, OF VIRGINIA
ROBERT HAYNES MCCUTCHEON III, OF VIRGINIA
MARK G. MCGOVERN, OF NEW JERSEY
WALTER R. MILLER, OF CONNECTICUT
JOSEPH E. MOONE, OF VIRGINIA
DAVID W. MOYER, OF MARYLAND
GONS GUTIRREZ NACHMAN, OF FLORIDA
JAI LAWRIE NAIR, OF ARIZONA
SIRIANA KVALVIK NAIR, OF ARIZONA
PAUL F. NARAIN, OF MARYLAND
TIMOTHY DAVID NELSON, OF CALIFORNIA
ELEFTHERIOS E. NETOS, OF INDIANA
CHRISTOPHER M. NEWTON, OF CALIFORNIA
AMY LORENE NICODEMUS, OF NEW JERSEY
AARON C. OLSA, OF VIRGINIA
BRYAN OLTHOF, OF VIRGINIA
LESLIE ORDEMAN, OF COLORADO
AMY LYNN MUDD PATEL, OF MISSOURI
DEBORAH Y. PEDROSO, OF CALIFORNIA
MAURA VAUGHAN PELLET, OF WASHINGTON
CHAD S. PETERSON, OF WASHINGTON
JENNIFER MARIE PETERSON, OF FLORIDA
RICHARD J. PETERSON, OF UTAH
JEFFREY LYNN PILGREEN, OF WASHINGTON
ROBERT JASPER POPE, OF MINNESOTA
ANDREW L. PRATER, OF MISSOURI
CAROLINE L. PRICE, OF GEORGIA
MARION HEYNA RAM, OF CALIFORNIA
JUDITH RAVIN, OF NEW JERSEY
LARILYN LEIGH REFFETT, OF ILLINOIS
ANTHONY F. RENZULLI, OF NEW YORK
ISABEL E. RIOJA-SCOTT, OF ARIZONA
FREDERIC JORGE ROCAFORT PABN, OF FLORIDA
JENNIFER LEE ROQUE, OF FLORIDA
JAMES PALMER ROSELI, OF MARYLAND
ERIC A. SALZMAN, OF NEW MEXICO
SATRAJIT SARDAR, OF TEXAS
ERIN SAWYER, OF CALIFORNIA
LAURA KATHRYN SCHEIBE, OF VIRGINIA
CAROLYN SCHERER CLARK, OF FLORIDA
ELIZABETH NICHOLS SCHLACHTER, OF VIRGINIA
AARON MICHAEL SCHWOEBEL, OF TEXAS
JON M. SELLE, OF TEXAS
MICHAEL T. SESTAK, OF NEW YORK
GEOFFREY C. SIEBENGARTNER, OF OREGON
JESSICA LEIGH SIMON, OF OREGON
DAVID WALKER SIMPSON, OF TEXAS
CHRISTOPHER M. SMITH, OF FLORIDA
DEMIAN SMITH, OF VIRGINIA
TIMOTHY G. SMITH, OF WASHINGTON
AARON DAVID SNIPE, OF VIRGINIA
CHRISTOPHER K. SNIPES, OF CALIFORNIA
ALEXANDER W. SOKOLOFF, OF FLORIDA
MARK STROH, OF PENNSYLVANIA
OSMAN N. TAT, OF MARYLAND
ROBERT J. TATE, OF WASHINGTON
CODY CORINNE TAYLOR, OF CALIFORNIA
KATYA THOMAS, OF MARYLAND
STERLING DAVID TILLEY, JR., OF FLORIDA
TIMOTHY SHAWN TIMMONS, OF WASHINGTON
DANNA JULIE VAN BRANDT, OF THE DISTRICT OF COLUMBIA
KRISTIN L. WESTPHAL, OF VERMONT
THOMAS WISE, OF MINNESOTA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

DEBORAH ANN MCCARTHY, OF FLORIDA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

WALLY G. VAUGHN, 4567

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JAMES E. POWELL, 2947

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JEAN M. EAGLETON, 4151

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant general

JEFFREY R. COLPITTS, 0129

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEPHEN D. HOGAN, 2466
PAULA R. WATSON, 3385
PHILLIP H. WILLIAMS, 3045

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LAURENCE W. GEBLER, 2665

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN E. MARKHAM, 9887

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ARIEL P. ABUEL, 0870
DEAN A. REDDEN, 9308
SCOTT C. SHELTZ, 6757

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID W. LAFLAM, 4592

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

THOMAS P. FLYNN, 1255

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 1552:

To be colonel

EARL W. SHAFFER, 0652

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

GAYANNE DEVRY, 1364
CARLOS R. ESQUIVEL, 1701

To be major

GRADY L. BURLESON, 9656
RENEE S. DAYE, 5714
JULIETTE S. FONTAINE, 9904
STEVEN P. HERNANDEZ, 0010
JANICE E. KATZ, 5930
NEIL R. WHITTAKER, 3283

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

ORSURE W. STOKES, 3666

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ALVIS DUNSON, 0347

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JEFFREY W. WEISER, 7010

To be major

MURRAY R. BERKOWITZ, 0890
PABLO C. CHAN, 5315
LEONARD J. GRADO, 1892

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

KURT G. BULLINGTON, 5242

To be major

RANDELL D. BASS, 2233
JASON M. CATES, 5030

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ALTON J. LUDER, JR., 3796
DOUGLAS J. MOUTON, 2978

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

GARY L. BREWER, 5833

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

MICHAEL J. FINGER, 0643
ROBERT T. RUIZ, 6940

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

PHILIP SUNDQUIST, 7840

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be major

CARRIE G. BENTON, 6761
CAROL A. MACGREGORDEBARBA, 0827

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be major

MARIVEL VELAZQUEZCRESPO, 7692

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

GRACE NORTHUP, 4613
JANET L. NORMAN, 2018
MYLY T. MCDIVITT, 0055
MARY L. SPRAGUE, 2342

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064

To be colonel

FRANCIS M. BELUE, 2903
RUBEN D. COLON, JR., 0077
JAMES L. GRIFFIN, 9708
CHARLES L. HOWELL, 5373
KENNETH L. KERR, 4070
WILLIAM T. LAIGAIE, 5799
MICHAEL T. LEMBKE, 4401
SCOTTIE R. LLOYD, 5594
THOMAS A. MACGREGOR, 5353
JOHN E. POWERS, 4374
THOMAS E. PRESTON, 2451
RICHARD G. QUINN, 9540
GREGORY K. WILLIAMSON, 1925
CHRISTOPHER H. WISDOM, 4193
CARL S. YOUNG, JR., 7623

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JAMES W. ADAMS, 0609
MICHAEL C. AID, 5323
ROBERT Q. AKE, 8598
JOHN W. ALLEN, 8154
MICHAEL J. ALLEN, 8430
REGINALD E. ALLEN, 6887

PEDRO G. ALMEIDA, 6651
FRANZ J. AMANN, 4414
PAUL J. AMBROSE, 2889
CURTIS A. ANDERSON, JR., 1895
DAVID E. ANDERSON, 5809
RICHARD J. ANDERSON, 4328
MICHAEL A. ARMSTEAD, 1669
HENRY A. ARNOLD III, 3063
REGGIE L. AUSTIN, 2303
JOHN W. BAKER, 7021
WILLIAM E. BALES, 4092
CHRISTOPHER S. BALLARD, 4913
LAUREEN M. BARONE, 9656
EARNEST A. BAZEMORE, 7207
CRAIG A. BELL, 4404
LEITH A. BENEDICT, 6315
LISA C. BENNETT, 4813
GUS BENTON II, 8163
JOHN E. BESSLER, 8694
RICHARD A. BEZOLD, 4781
ELIZABETH A. BIERDEN, 5604
CLINTON R. BIGGER, 0055
MARTIN G. BINDER, 5002
CARL D. BIRD III, 2510
GARRY P. BISHOP, 4663
JAMES R. BLACKBURN, 7670
KENNETH L. BOEHME, 1066
MICHAEL D. BOLLUYT, 6333
BRADLEY W. BOOTH, 1172
RICHARD F. BOWYER, 6703
JAMES M. BRANDON, 1632
LARS E. BRAUN, 3862
DARCY A. BREWER, 8538
DAVID J. BROST, 1625
CHARLES R. BROWN, 7461
FREDRICK BROWN, 7941
JEFFERY D. BROWN, 0255
PAUL D. BROWN, 1462
JON K. BUONERBA, 0945
KATHRYN A. BURBA, 8511
STEPHEN T. BURNS, 0811
PAUL S. BURTON, 5157
GREGORY K. BUTTS, 5112
RICHARD M. CABREY, 5978
GRETCHEN A. CADWALLADER, 0800
DWAYNE CARMAN, JR., 0943
STEVEN E. CARRIGAN, 2928
CAROLYN A. CARROLL, 1191
ALFRED D. CARTER, 3835
FLORENTINO L. CARTER, 1477
ROSEMARY M. CARTER, 4654
JERRY CASHION, 6064
MICHAEL A. CEROLI, 8218
CLATON D. CHANDLER, 3258
ALLEN M. CHAPPELL III, 8187
WELTON CHASE, JR., 8012
ROBERT G. CHEATHAM, JR., 2353
CONRAD D. CHRISTMAN, 3690
WILLIAM M. CHURCHWELL, 2991
FREDERICK S. CLARKE, 7783
ROGER L. CLOUTIER, JR., 9139
MARK B. COATS, 9000
MARCUS A. COCHRAN, 0299
GEORGE E. CONE, JR., 2063
JOSEPH R. CONNELL, 3736
JEFFREY C. CORBETT, 1630
ROBERT E. CORNELIUS, JR., 3364
LUIS B. CRESPO, 4694
DEBORAH M. CUSIMANO, 2877
ERIK O. DAIGA, 8894
JAMES W. DANNA III, 7808
MARK C. DARDEN, 0222
JEFFREY L. DAVIDSON, 7784
JEFFREY S. DAVIES, 5192
KEVIN I. DAVIS, 4690
MATTHEW Q. DAWSON, 7542
ANTHONY E. DEANE, 3019
BRIAN J. DIAZ, 9499
JEFFREY W. DILL, 2571
TODD L. DODSON, 0012
ROBERT C. DOERER, 7898
BRIAN L. DOSA, 8716
BRIAN M. DRINKWINE, 2528
EDWIN M. DROSE, JR., 0130
KENNETH C. DYER, 5767
JEFFREY R. ECKSTEIN, 3040
RODNEY D. EDGE, 3301
PETER B. EDMONDS, 5585
JAMES D. EDWARDS, 0745
ANTHONY J. ENGLISH, 8422
DANIEL M. ENOCH, 7081
PAUL J. ERNST, SR., 0296
RAUL E. ESCRIBANO, 3679
THOMAS P. EVANS, 2500
JOHN S. FANT, 1656
STEPHEN E. FARMEN, 8711
ANTHONY FEAGIN, 4167
PHILIP T. FEIR, 1207
JEFFREY L. FELDMAN, 3484
BRUCE H. FERRI, JR., 1860
MARLENE S. FEY, 2284
GEORGE R. FIELDS, 5952
DOUGLAS L. FLOHR, 3445
JACK D. FLOWERS, 7718
JAY G. FLOWERS, 5329
ANDREW J. FRANK, 9970
JEFFREY D. FREELAND, 1222
DONALD G. FRYC, 9865
DAVID E. FUNK, 4121
CHARLES H. GABRIELSON, 2526
DAVID B. GAFFNEY, 8332
DONALD N. GALLI, 5042
AUBREY L. GARNER II, 6737
JAMES P. GARRISON, 1321
JAMES D. GEORGE, JR., 8730
RANDY A. GEORGE, 9642
MARIA R. GERVAIS, 6315
CHRISTOPHER P. GIBSON, 5003
KARL GINTER, 4171
GERALD L. GLADNEY, 6064
DAVID P. GLASER, 3842
JEFFREY J. GOBLE, 3645
MICHAEL GODFREY, 7548
MICHAEL K. GODFREY, 1363
WILLIAM P. GOETZ, 6888
JON P. GOODSMITH, 5856
DARYL GORE, 9511
REGINA M. GRANT, 7366
DANIEL C. GRIFFITH, 5480
JOSEPH M. GRUBICH, 0710
JUSTIN C. GUBLER, 3435
BRIAN R. HAEBIG, 9985
WILLIAM T. HAGER, 8056
DELBERT M. HALL, 8420
FRANK R. HALL, 8602
OSCAR J. HALL IV, 3202
JOSEPH P. HARRINGTON, 7304
BARRY HARRIS, 4160
MARC D. HARRIS, 9857
STEVEN D. HARRIS, 2085
JEROME K. HAWKINS, 3208
FREDERICK A. HEAGGANS, SR., 0887
CHRISTIAN E. HEIBEL, 6080
RICHARD S. HICKENBOTTOM, 9234
CHRISTOPHER M. HICKEY, 2586
MATTHEW T. HIGGINBOTHAM, 5175
DAVID C. HILL, 4196
JOHN C. HINKLEY, 8814
DANIEL R. HIRSCH, 7867
GARY R. HISLE, JR., 6658
CHRISTOPHER K. HOFFMAN, 6926
DAVID E. HOLLIDAY, 7406
THOMAS S. HOLLIS, 4518
JOHN M. HORN, 9092
MARK C. HOROHO, 2857
MICHAEL L. HOWARD, 6246
RHONDA P. HOWARD, 6693
DONALD E. HOWELL, 9637
FRANCIS J. HUBER, 3948
MELVIN D. HULL, 0165
MARK A. HURON, 5762
KENNETH J. HURST, 8757
CLAYTON M. HUTMACHER, 6851
JAMES T. IACOCCA, 1074
SHEILA F. J-MCCLANEY, 7577
WILLIAM T. JAMES, JR., 1282
ANDREW V. JASAITIS, 1359
SEAN M. JENKINS, 3739
JAMES H. JOHNSON III, 4394
MARK D. JOHNSON, 4910
PETER L. JONES, 6677
RICHARD G. KAISER, 9228
DANIEL L. KARBLER, 0523
OLEN L. KELLEY, 1187
WILLIAM P. KEYES, 5811
ERIC B. KEYS, 7115
GRADY S. KING, 8176
RICKY T. KING, 2922
DAVID P. KITE, 3126
ROBERT J. KMIECIK, 7337
LAWRENCE A. KOMINIAK, 0025
RICHARD J. KOUCHERAVY, 3400
JAMES E. KRAFT, 1031
DENNIS A. KRINGS, 2184
MICHAEL E. KURILLA, 1139
PAUL W. LADUE, 1138
MORGAN M. LAMB, 5524
STEVE E. LAMBERT, 9423
KEVIN J. LANCASTER, 8066
KEITH A. LANDRY, 0285
RANDALL C. LANE, 8784
PAUL J. LAUGHLIN II, 3183
ANTHONY A. LAYTON, 8347
ALVIN B. LEE, 7832
DAVID A. LEE, 3147
JAMES D. LEE, 2441
SUNG H. LEE, 0787
JOHN W. LOFFERT, JR., 0106
LAURA C. LOFTUS, 8759
RONNIE W. LONG, JR., 2252
ORLANDO LOPEZ, 7824
GARY E. LUCK, JR., 4250
JEFFERY K. LUDWIG, 1080
STEVEN M. LYNCH, 8028
PATRICK M. LYONS, 7551
THOMAS D. MACDONALD, 6820
LORENZO MACK, SR., 5672
WILLIAM A. MACKEN, 7559
SCOT D. MACKENZIE, 7050
ROGER S. MARIN, 3222
JOSEPH F. MARQUART IV, 6154
VALRICA J. MARSHALLQUINONES, 3854
STEVEN D. MATHIAS, 8454
GREGORY C. MAXTON, 4562
JOHN M. MCCARTHY, 0584
JOHN N. MCCARTHY, 0021
KYLE M. MCCLELLAND, 8003
DEBORAH J. MCDONALD, 6486
TIMOTHY P. MCGUIRE, 1935
TERRENCE J. MCKENRICK, 7389
WILLIAM MELENDEZ, 2697
MYRNA L. MERCED, 2954
STEVEN M. MERKEL, 2187
JENNIFER E. MERKLE, 4198
STEVEN R. MILES, 3868
CHRIS E. MILLER, 5422
GERALD H. MILLER, 2662
MICHELE D. MILLET, 5295
GARY L. MILNER, 2459
JIMMIE MISTER, JR., 2053
CHRISTOPHER R. MITCHELL, 4679
LAURENCE M. MIXON, 1380
TOMMY R. MIZE, 9225
JAMES H. MOLLER, 1413
WILLIAM K. MOONEY, JR., 4137
JOSEPH P. MOORE, 2973
HURMAYONNE W. MORGAN, 4989
EDWARD J. MORRIS, JR., 1505
SHAWN M. MORRISSEY, 5134
MICHAEL G. MORROW, 7483
DOUGLAS S. MULBURY, 9285
MARK A. MURRAY, 8239
PAUL J. MURRAY, 8556
DAVID J. NELSON, 1626
PETER A. NEWELL, 2674
DOUGLAS H. NOMURA, 4210
JOHN G. NORRIS, 3302
JAMES E. NORWOOD, 5450
THOMAS P. OCKENFELS, 7773
RICHARD B. OCONNOR II, 6607
JEFFREY S. OGDEN, 0093
THOMAS E. OHARA, JR., 8040
JOSEPH E. OSBORNE, 1145
THOMAS H. PALMATIER, 9969
BRUCE D. PARKER, 4858
ROBERT PASTORELLI, 5807
DOUGLAS J. PAVEK, 4646
WILLIAM O. PAYNE, 5703
ROBERT D. PETERSON, 5137
GREGORY D. PETRIK, 4312
CARL E. PHILLIPS, 0246
SAMUEL T. PIPER III, 8301
BRIAN J. PRELER, 0535
JACK K. PRITCHARD, 0556
LAVON R. PURNELL, 2528
ROBERT C. QUINN, 9248
LEOPOLDO A. QUINTAS, JR., 9566
MARK A. RADO, 8241
JAMES E. RAINEY, 5842
LEE F. RANSDELL, 7000
KARL D. REED, 3265
CATHERINE A. REESE, 0099
TERENCE W. REEVES, 4023
RICHARD J. REID, JR., 4066
DAN J. REILLY, 5670
GREGORY D. REILLY, 8575
CEDRIC T. RICE, 9050
PATRICK M. RICE, 3622
ROBERT J. RICE, 5931
MARK D. RICHARDSON, 0314
THOMAS P. RILEY, 1155
ROBERT H. RISBERG, 4414
FRANKLIN D. ROACH, 2181
JOEL E. ROBERTS, 2116
DOUGLAS C. ROBERTSON, 1072
THOMAS H. ROE, 0958
RANDY R. ROSENBERG, 9539
DOMENICO ROSSI, 3738
ROBERT M. ROTH, 8738
RANDOLPH R. ROTTE, JR., 1437
WILFRED G. ROWLETT, JR., 8586
EDWARD J. RUSH, JR., 5441
JACQUELYN L. RUSSELL, 9811
JOHN T. RYAN, 6867
JEFFERSON M. RYSCAVAGE, 8210
MICHAEL J. SAGE, 8246
JAMES R. SAGEN, 1933
KREWASKY A. SALTER, 2185
CHARLES B. SALVO, 7730
BOBBIE H. SANDERS, 5443
GARY S. SANDERS, 2308
ROGER N. SANGVIC, 9547
KENT D. SAVRE, 2630
WILLIAM J. SCHAFER, 4392
JOHN F. SCHRADER, 1034
CHARLES E. SEXTON, 9957
CAROLYN R. SHARPE, 8267
WILLIAM H. SHAW III, 5085
STEVEN L. SHEA, 8067
LINDA K. SHEIMO, 2849
JAMES J. SHIVERS, 3839
BARTHOLOMEW U. SHREVE, 4305
WILLIAM P. SIMRIL, JR., 5136
KERRY T. SKELTON, 4104
ANTHONY R. SKINNER, 9030
DEREK S. SMITH, 6339
JOHN T. SMITH, 3413
STANLEY O. SMITH, 6891
TRACY O. SMITH, 8116
SCOTT A. SPELLMON, 9011
CHRISTOPHER L. SPILLMAN, 2509
JEFFREY A. SPRINGMAN, 9813
MARK R. STAMMER, 5031
THOMAS C. STEFFENS, 4905
JERRY D. STEVENSON, 9869
MICHELLE J. STEWART, 8042
NAPOLEON W. STEWART, 1833
TIMOTHY S. SUGHRUE, 9524
ROBERT P. SULLIVAN, 3406
BRIAN P. SUNDIN, 0313
MICHAEL J. SWANSON, 5118
BRENDA F. TATE, 4557
MICHAEL J. TEAGUE, 0424
RORY K. TEGTMEIER, 9943
DANIEL L. THOMAS, 5749
NELLO A. THOMAS III, 6032

CHRISTOPHER R. THOMPSON, 1370
PRESTON THOMPSON, 3548
JOHN C. THOMSON III, 5475
JOHN K. TIEN, JR., 9490
DAVID E. TIGHE, 5964
JOSEPH A. TIRONE, 0550
GARY W. TONEY, 1937
SHERI L. TONNER, 3527
AMY F. TURLUCK, 8131
LENNIE R. UPSHAW, 2217
DIANE M. VANDERPOT, 6749
JAMES A. VIOLA, 7303
LOUIS A. VOGLER, 1673
TIMOTHY A. VUONO, 4440
FLEM B. WALKER, JR., 8319
DAVID L. WARD, 8344
JESSE S. WARD, 6465
MICHAEL J. WARMACK, 8964
THOMAS F. WASHER II, 0571
VERSALLE F. WASHINGTON, 4379
SCOTT T. WATERMAN, 3135
GRANT A. WEBB, 7408
ERIC J. WESLEY, 6512
ROBERT P. WHALEN, JR., 6837
MARVIN S. WHITAKER, 9191
CHRISTOPHER J. WICKER, 3972
ROBERT F. WIELER, JR., 3474
DAVID L. WILCOX, 3970
CHARLES A. WILLIAMS, 1611
ROBERT D. WILLIAMS, 6500
THEODORE C. WILLIAMS IV, 8507
WILLIAM L. WIMBISH, JR., 8060
LOUIS B. WINGATE, 8542
DAVID M. WITTY, 5147
TODD R. WOOD, 8251
JAMES E. WOODARD, SR., 7503
ANTHONY O. WRIGHT, 5148
GEORGE G. WRIGHT, 1568
DALE L. WRONKO, 8261
D060258
D060275
D060244
D060249
D060273
D060251
D060241
D060255
D060257
D060243
X6012
X1480
X0396
X1118
X3320
X3404
X0393

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

EDWARD E. AGEE, JR., 5769
JAMES B. BANKSTON, 6271
RANDALL M. BENTZ, 7619
DAVID D. BRIGGS, 8785
TODD A. BROWNE, 1285
STEVEN M. CHARBONNEAU, 8345
THOMAS M. CIOPPA, 2976
ROBERT A. CLAFLIN, 6310
RAY A. COMBS II, 1958
GUY T. COSENTINO, 5962
BOBBY G. CRAWFORD, 7943
CHARLES D. EUBANKS, JR., 7962
JOHN G. FERRARI, 5696
FREDERICK J. GELLERT, 1272
ALEJANDRO D. HERNANDEZ, 8536
WESLEY J. JENNINGS, 2408
STANLEY A. KING, 1922
ROBERT F. KOLTERMAN, 8063
SCOTT T. KRAWCZYK, 4058
RUSSELL P. LACHANCE, 7016
EUGENE J. LESINSKI, 4769
MICHAEL E. LINICK, 0176
LARRY LOCK, 2971
JEFFREY A. MARQUEZ, 8731
MICHAEL S. MCGURK, 1952
CHRISTOPHER P. MCPADDEN, 7153
DOUGLAS J. MILLER, 5369
FRANK A. MILLER, 5214
STEVEN A. STEBBINS, 2652
CEDRIC T. WINS, 3387

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

TIMOTHY K. BUENNEMEYER, 5683
RENE G. BURGESS, 2540
HANS E. BUSH, 4586
JANE E. CRICHTON, 0440
EDWARD H. EIDSON, 2153
JEFFREY A. FARNSWORTH, 9722
EDWARD J. FISH, 0951
CASEY C. FLAGG, 3571
THOMAS P. GALVIN, 6566
JEFFREY T. GIRARD, 9929
EARNEST E. HANSLEY, 2954
KIRK V. JOHNSON, 4064
RIVERS J. JOHNSON, JR., 1833
GREGORY S. JULIAN, 0387
CHARLES A. JUMPER, 8405
TIMOTHY L. KOPRA, 1414
KAREN F. LLOYD, 0247
MATTIE M. LOVE, 6877
JEREMY M. MARTIN, 9490
TED F. MARTIN, 9298
STEPHEN J. MAYHEW, 9702
MICHAEL A. MILLER, 0960
DONALD W. MORRIS, 1729
LUCIOUS B. MORTON, 2504
ANGELO RIDDICK, 2271
MICHAEL J. SANDERS, 1691
WAYNE M. SHANKS, 9966
WILLIAM K. SUCHAN, 7495
ARTHUR N. TULAK, 2860
D060262

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

PHILIP K. ABBOTT, 7802
MARK R. ARN, 1815
CALVIN D. BAILEY, 9143
CRIS J. BOYD, 3292
SCOTT A. CAMPBELL, 8014
MICHAEL P. CAVALIER, 1836
KENNETH A. CHANCE, 7581
ANTONIO S. CHOW, 4284
MATTHEW T. CLARKE, 5959
WILLIAM E. COLE, 9758
CRAIG A. DEDECKER, 4069
SHANE DIETRICH, 2253
STEVEN G. DRAKE, 0219
ROBERT W. DUGGLEBY, 5596
JOHN A. ELLIS, 7831
GREGORY M. FIELDS, 0472
KARL S. FLYNN, 7999
ROBIN L. FONTES, 9887
JEFFREY A. GABBERT, 9984
DONALD L. GABEL II, 2263
GREGORY B. GONZALEZ, 7142
KEITH R. HARRINGTON, 8558
LINDA R. HERBERT, 3872
SIMON L. HOLZMAN, 9566
DEAN T. KATSIYIANNIS, 5197
ROBERT H. LUNN, 0693
PHILLIP N. MAXWELL, 2391
KURT H. MEPPEN, 1676
JEFFREY J. MOCKENSTURM, 1491
EARL D. NOBLE, 8789
WARREN N. ODONELL, 6186
CHRISTOPHER M. OLIVER, 2747
THOMAS M. OLSON, 3016
SHANE T. OPENSHAW, 8530
ANTHONY S. PELCZYNSKI, 1764
KEVIN B. PETERSON, 7075
JAIMY S. RAND, 7483
DAVID W. RIGGINS, 2066
DOUGLAS H. ROMBOUGH, 6602
DANIEL C. ROSSO, 0619
KAREN D. SAUNDERS, 1525
THOMAS SCHAIDHAMMER, 5901
MICHAEL V. SCHLEICHER, 9692
MICHAEL L. SCHODOWSKI, 2288
ROBERT W. SCHUMITZ, 4522
LAWRENCE S. SILAS, 8540
JAMES E. SIMPSON, 4439
VALERIE E. SLOAN, 3577
MICHAEL R. STEVES, 6419
JOHN R. SURDU, 6106
ZSOLT I. SZENTKIRALYI, 5572
IVAR S. TAIT, 6370
DOUGLAS A. TAMILIO, 8108
KENNETH R. TARCZA, 3528
KURT L. TAYLOR, 4732
SCOTT R. TAYLOR, 8011
PHILIP R. THIELER, 7451
LEON N. THURGOOD, 3986
DANIEL W. TOMLINSON, 4682
CAROLYN J. WASHINGTON, 4374
JOHN M. WENDEL, 6200
JEFFREY S. WILTSE, 4314

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

CHERYL E. BOONE, 6581
GREGORY L. BOWMAN, 5872
KAREN H. CARLISLE, 5887
GARY P. CORN, 0712
MICHAEL A. CRESSLER, 2964
WENDY P. DAKNIS, 8385
KERRY L. ERISMAN, 0066
STACY E. FLIPPIN, 9348
JAMES J. GIBSON, 2882
TRACY A. GLOVER, 8715
JEFFREY C. HAGLER, 8408
PATRICIA A. HARRIS, 4128
NEWTON W. HILL, 0802
ROBERT P. HUSTON, 6643
CHRISTOPHER W. JACOBS, 7956
LAURA K. KLEIN, 7955
MICHAEL L. KRAMER, 2410
RICK S. LEAR, 7802
CHARLES D. LOZANO, 1619
JAMES R. MCKEE, JR., 5868
CRAIG E. MERUTKA, 4225
SAMUEL W. MORRIS, 5303
MICHAEL L. NORRIS, 7717
JOHN N. OHLWEILER, 3781
CYNTHIA G. OLSEN, 4781
ROBERT T. PENLAND, JR., 3057
PAUL J. PERRONE, JR., 1031
JUAN A. PYFROM, 1557
PAULA I. SCHASBERGER, 3853
WILLIAM A. SCHMITTEL, 3933
FRANCISCO A. VILA, 2775

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

TIMOTHY M. GREENE, 5238

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

DAVID J. ADAMS, 6982
ISMIAL A. ALJIHAD, 3641
PAUL M. ALLGEIER, 8373
CASEY B. BAKER, 4229
DANIEL A. BAKKER, 2348
TIMOTHY M. CLARK, 0902
CHARLES E. EATON, 8079
MATTHEW H. LEWIS, 1998
RONNIE P. MANGSAT, 0326
JOSEPH A. MOORE, 5050
ROBERT I. PATCHIN IV, 3209
DOUGLAS J. PEGHER, 8569
ANDREW B. PLATTEN, 3014
JACK C. RIGGINS, 2615
SCOTT A. ROSETTI, 9563
MATTHEW RUSSELL, 0422
THEODORE P. STANTON, 6680
WILLIAM B. SWANBECK, 1762
CHIMI I. ZACOT, 8885

HOUSE OF REPRESENTATIVES—*Wednesday, January 10, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HASTINGS of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
January 10, 2007.

I hereby appoint the Honorable ALCEE L. HASTINGS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"Let us sing a new song to the Lord.
Let us praise the Lord in all the works of justice."

Lord, may the Nation be strengthened in hope and be inspired to think through things anew. With new Members and experienced Members working together in Congress, may new tactics and decisions be revealed as the will of the people and in accord with Your provident plan.

In You, O Lord, we find creativity, wisdom and faithful love, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. STEARNS) come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IRAQI SURGE

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, the President's proposal that he will announce tonight to increase rather than decrease the number of troops in Iraq defies the reality on the ground and the advice of our wisest military commanders. This decision will only serve to put more forces in the crossfire of a growing civil war. If there ever was a justifiable mission to depose a ruthless dictator, that mission has been accomplished. The Congress never authorized this military occupation. It is irresponsible and, in fact, immoral to allow more innocent American lives to be lost in vain.

Iraq is an artificial nation that was created by Winston Churchill and Gertrude Bell in 1922 to promote their concept of British imperialism. The reality is that this was never a winnable war for the United States of America nor in my view is it a sustainable civil society, and adding more troops is not going to change that reality.

DEPUTY GILMER HERNANDEZ—BORDER LAWMAN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, in the small border town of Rocksprings, Texas, where drug smugglers and human smugglers sneak across the Rio Grande into America, lone Deputy Sheriff Gilmer Hernandez was on patrol. In the stillness of the vast night, a speeding Suburban runs a red light. Deputy Hernandez, 25, stops the vehicle, but suddenly, without warning, the vehicle takes off. Deputy Hernandez says the vehicle tried to run him down. The lawman fires several shots, one of which shoots out the rear tire, just like in the movies.

The vehicle stops, and eight or nine illegals jump out and take off running into the sagebrush. One illegal had a minor injury from a bullet. The U.S. Government rounds up six or seven of the illegals and, guess what, prosecutes Deputy Hernandez, claiming he recklessly discharged his firearm and uses the illegals as witnesses against the lawman during a trial.

Citizens of his town are mad. One said, "Our deputy's in jail for doing his job."

Mr. Speaker, another example of how the Federal Government is more concerned about people illegally invading America than it is about the men who protect America. Once again, our government is on the wrong side of the border war.

And that's just the way it is.

CONGRATULATING BULGARIA ON BEING ADMITTED INTO THE EUROPEAN UNION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this has been a joyous new year for the people of Bulgaria. On January 1, Bulgaria and Romania were admitted into the European Union. In less than 16 years Bulgaria has successfully transitioned from a Communist totalitarian regime into a free market democracy.

Three years ago, I was honored to be at the White House with former Prime Minister Simeon Saxe-Coburg Gotha as Bulgaria was admitted into NATO. Bulgaria has proven to be a true ally in the global war on terrorism and there are currently plans for three U.S. bases to be located within Bulgaria. Bulgaria has one of the fastest-growing European economies, and membership in the EU will accelerate its pace.

Congratulations to President Georgi Parvanov, Prime Minister Sergey Stanishev, Ambassador to Washington Elena Poptodorova, and my longtime friend and former ambassador to Athens, Stefan Stoyanov. I am grateful to serve with Congresswoman ELLEN TAUSCHER as co-chair of the Bulgaria Caucus.

In conclusion, God bless our troops, and we will never forget September 11.

IT'S TIME TO RAISE THE MINIMUM WAGE

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. It's time to raise the minimum wage.

Mr. Speaker, I love America, and I want to make real the ideal expressed in the Pledge of Allegiance, liberty and justice for all. Justice not just for those who make more in a day than a minimum wage worker makes in a year, not just for those who are in, those who are in charge, in control, included, but justice also for those who are out, who are left out of the economic recovery, who are without health insurance, who are locked out of an apartment because they cannot afford to pay rent.

Mr. Speaker, in the final analysis, the justness of America will not be determined by how we treat millionaires in the suites of life but, rather, how we

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

treat minimum wage workers in the streets of life.

GO GATORS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to congratulate the University of Florida Gators for their win Monday night to capture their second football national championship. With the Gators' 41–14 defeat of the Ohio State Buckeyes, they become the first Division I school to hold the national championship in men's basketball and football at the same time.

Coming into this game, many of the so-called experts did not give the Gators any chance of defeating the previously undefeated Buckeyes. However, once they took the field, the Gators were not intimidated. In fact, the Gators held Ohio State to only 82 yards of total offense, the fewest number of yards in BCS history.

The Florida Gators are an excellent example of both the university and the great State of Florida in their tenacity, spirit and, of course, their desire to succeed. I take great pride in representing the University of Florida and congratulate Coach Urban Meyer and the entire university on this great accomplishment.

The SPEAKER pro tempore. I wanted to ask my colleague to continue for another minute since I am from Florida.

IRAQI SURGE

(Mr. INSLEE asked and was given permission to address the House for 1 minute.)

Mr. INSLEE. Mr. Speaker, we need a surge of congressional action to stop George Bush's disastrous policy in Iraq. The country needs and is desperate for a change in policy in Iraq, and tonight President George Bush will continue his policy of failure, of giving us just more of the same.

It is clear that we need to insist on a political solution in Iraq rather than to insist on Americans continuing to pour billions of dollars and thousands of lives into this political chaos in Iraq. The President has refused to listen to the bipartisan panel calling for a change in Iraq. He has refused to listen to the American people. But he cannot refuse to listen to a Congress that fulfills its obligation under the Constitution to exercise the power of the purse to stop this misguided escalation.

The U.S. House should vote in clear and no uncertain terms to fund the troops that are there and to cut off funding for any escalation. It is our constitutional obligation. It is a commonsense policy to insist on Iraqis standing up. That is the direction and the change we need in this country.

STEM CELL BREAKTHROUGH

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to recognize and congratulate Wake Forest University's Institute for Regenerative Medicine for its recent medical breakthrough in amniotic fluid stem cell research. Using these specific cells does not require the destruction of human life at any stage.

This is tremendous news. Not only does this prevent the destruction of human life but these stem cells have amazing properties that show very promising results. Unlike embryonic stem cells, these remain stable for years without forming tumors and are easily retrieved for medical use. They also have the ability to grow into brain, muscle and other forms of tissue that could potentially cure diseases. In addition, since these cells are a genetic match to a fetus, they can be used to help cure birth defects or even be frozen over time to use as a personalized tissue bank for use later in life.

In addition to being a medical breakthrough, this gives hope to millions who support the sanctity of life that curing diseases and the potential for regenerative tissue growth are possible in a moral and ethical way.

I am proud to recognize the truly amazing work of Wake Forest University's Institute of Regenerative Medicine and look forward to the promise of its continued research.

□ 1015

RAISING THE MINIMUM WAGE

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, today we have the opportunity to raise the wages of 13 million Americans, and we should take it.

Why raise the minimum wage in America? For the simple reason that men and women in the richest Nation on Earth should not work full time and still be relegated to living in poverty. What does it mean for the father or mother in a family of three to live on the current minimum wage? It means an income of $10,000 a year.

Imagine living in Glendale, Burbank or Pasadena, or any city in America, and trying to get by on $10,000 a year. A raise in the minimum wage will be an additional $4,000 for that family of three. It will mean more groceries on the table and a greater opportunity to get health care. It will mean potentially pulling that family out of poverty. It is the right thing to do. We have the opportunity today to make that happen for millions, and we should take it.

REDUCING TAX AND REGULATORY BURDEN

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to speak briefly about the issue that my good friend from Burbank, Mr. SCHIFF, did, and that is the issue of minimum wage.

I am well aware of the fact that 80 percent of the American people believe we should increase the minimum wage, and I am for everyone's wage being increased. I want those who are struggling to get on the first rung of the economic ladder to have every opportunity possible.

That is why I think it is very important that as we prepare to embark on this debate on the minimum wage, that we focus on the most important item that we face and that was raised by Mr. SCHIFF, that being the issue of our being the richest economy in the world.

Mr. Speaker, that is not by accident. It is because of policies that we have put into place that are doing everything we can to ensure economic growth. So that is why as we look at this issue of making sure that people who are dealing with economic challenges, we need to make sure that job creation is priority number one. And that is why focusing on reducing the tax and regulatory burden on those who are creating jobs should be priority number one.

INCREASING MINIMUM WAGE

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, as this session of Congress begins, one of the most important pieces of legislation is the one we have been discussing, and that is increasing the minimum wage. This bill is long overdue.

During the first 100 hours, this Congress will vote to extend economic prosperity to 7.3 million Americans who have been left behind for far too long. It has been almost a decade since the Federal minimum wage has been increased. Today, a minimum wage worker is trying to make due on less than $11,000 a year. This is simply impossible; $5.15 an hour is simply not a fair and livable wage for hardworking Americans. In fact, the minimum wage is at its lowest purchasing level in over 50 years.

It is time Washington stands up for the little guy and gives more than 6 million workers a much-deserved pay raise.

CHANGE COURSE IN IRAQ

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, what a deaf President we have. The American people told him loud and clear on November 7 that we want to change course in Iraq. He doesn't hear them.

The Iraq Study Group told him loud and clear we must change course in Iraq and certainly not escalate; he doesn't hear them.

His generals tell him that more troops won't do any good, will simply increase American casualties; he hears them, but he fires them and gets generals that will tell him what he wants to hear.

There is nothing more clear today than that the civil war in Iraq is a civil war, that there is no function for the United States to try to help one side against the other in that civil war. Indeed, one could make the case we picked the wrong side, and that we must withdraw our troops. We must tell the Iraqis that we are withdrawing, and we are withdrawing on a timetable. You make a deal with each other, you live together or fight your own civil war, we are not going to do it for you.

Mr. Speaker, for that we should not escalate. We should pass legislation in this Congress saying funds that are appropriated can be used only to protect the troops and to withdraw them.

WORKERS IN NEED OF A PAY RAISE

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, there are millions of workers in this Nation in desperate need of a pay raise. They work full time, struggling to make ends meet and support their families while bringing home a little more than $10,000 a year in pay. These workers are currently making the minimum wage, which has not moved from $5.15 an hour for almost a decade, making it the lowest minimum wage in 50 years when adjusted for inflation.

This is a national embarrassment. As Dr. Martin Luther King, Jr., said: In this rich Nation, it is a crime that any American should have to work for starvation wages.

Today we have an opportunity to come together and give American workers an urgently needed pay raise.

Mr. Speaker, this legislation is one of the most fair and necessary bills we will pass during this first 100 hours of the new Congress. It provides all of us an opportunity to help our most vulnerable constituents improve their quality of life.

In America, we believe that if you work hard and play by the rules, you can make a decent living for your family. Let's demonstrate our commitment to that today.

WHY WE CAN'T WAIT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, in this week of recognition and admiration of Dr. Martin Luther King, Jr., I am reminded of a book he wrote and the words "why we can't wait" which emphasized the urgency of the civil rights movement for the then Negro in the United States of America.

Today we rise to indicate to America we cannot wait for an increase in the minimum wage. We cannot wait for that waitress who asked me when she would be able to provide more for her children and have the opportunity for the American dream.

By raising the minimum wage today, we impact 7 million women, 3.4 million parents, and we raise it from $5.15 to $7.25 over 2 years. In 9 years, 10 years, we have not raised the minimum wage.

I say this in the backdrop of the President's speech tonight on Iraq, because that theme follows why we can't wait for a successful policy in Iraq, and why we can't wait to have the President change directions to ensure that we eliminate that failed policy.

We are going to stand for a new direction in Iraq, saving our soldiers and bringing them home with dignity. And we are going to stand for working families in America.

DEMOCRATS TAKE NATION IN NEW DIRECTION

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, this month Democrats will take action on a bold agenda that includes all Americans. During our first 100 hours of legislative work, we are going to expand economic opportunities to millions of Americans who have been left standing in need for 6 years at least.

Hardworking middle class Americans feel like they have been left behind. While CEOs see millions of dollars in bonuses and large pay increases, middle class workers have faced stagnant wages for well over 5 years. And while their wages remain virtually the same, they are trying to stretch every paycheck to better afford increasing education and health care costs.

This month, Congress will give these families some much-needed help. For families trying to afford a college education for their children, we are going to cut student loan interest rates in half, which should save the average borrower about $5,000 over the life of the loan.

For seniors struggling to pay for high price prescription drug costs, we are going to lessen the burden by giving the Federal Government the ability to actually negotiate for lower drug prices.

Today we will give working Americans a minimum wage increase.

LIVABLE WAGE

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, today the hardworking men and women of America have reason to rejoice. Today from the people's House, the House of Representatives, we have heard the call of the people of America, and we will today say that labor has dignity and the working people of America deserve a raise in pay.

It has been a long time coming, about 10 years; too long in fact, too long. Fifteen million people will benefit. But the people who get the pay increase, they will not be the only beneficiaries. You and I will be able to claim a generous Nation that believes that all labor is dignified and must be honored with fair and decent pay.

Poverty has increased every year over the last 6 years. The ranks of the uninsured have increased every year over the last 6 years; and something else has increased over the last 6 years, executive pay.

An average CEO makes more before lunch than the average minimum wage worker makes all year long.

Today, the House recognizes that all labor is important; all workers deserve dignity.

Today, the House recognizes that 37 million people living in poverty is not acceptable.

And this should mark a new beginning.

Toward concerning all—because a loving nation looks out for the health and wellness of all its people.

Today's a step towards a livable wage—not just a minimum wage.

Toward economic justice.

PASS FAIR MINIMUM WAGE ACT

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOEBSACK. Mr. Speaker, the Fair Minimum Wage Act is aptly named because this legislation is about fairness, about shrinking the ever-widening gap between those who can afford to live in our society and those who struggle every day to make ends meet.

My constituents in Iowa and people across America are working harder, but they are not receiving the fruits of their labor, and many face daily financial hardships.

I am very concerned that while Congress has failed to raise the minimum wage for the past 10 years, the salaries of the Members of this body have risen dramatically. For the past 10 years, the minimum wage remains stagnant at

$5.15 an hour, but annual congressional salaries rose by more than three times what a minimum wage earner makes in a year.

I call on all of my colleagues today to promptly increase the minimum wage and show America that we are about fairness, about rewarding those who work hard day in and day out.

MINIMUM WAGE IS ARBITRARY NUMBER

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, despite vastly overwhelming numbers, I rise to address the House, and I apparently represent the entire body on this side of the aisle.

I want to say this to my Democrat friends, and I understand the vote here and I understand the politics of minimum wage, but why $7.50 an hour, $7.15, whatever it is? Why not $8? Why not $9? It is an arbitrary number anyhow. Maybe $15, maybe $20 an hour. It is an arbitrary number. If we are command and control, central government planning anyhow, why is $7 an hour sufficient?

In 1980, 15 percent of the workers in America were on minimum wage. Today, it is 2.5 percent. Who are they? Fifty-two percent are teenagers. Thirty percent are part-timers. And 40 percent have never held a job before.

Many studies show that when the minimum wage increases, small businesses who will be most affected actually decrease the number of jobs, thus hurting those whom we are supposed to be helping.

I would say to you that the reason most jobs do not pay minimum wage anymore is because the economy has moved the central government planning of Congress and the thinking of 1938 which set the law in motion to begin with. With that, Mr. Speaker, I look forward to the debate today.

PASS MINIMUM WAGE ACT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in strong support of H.R. 2, the Fair Minimum Wage Act of 2007, and I am glad it will pass today in the House of Representatives, because for too long the disparity between the wealthiest and the poor has been going on and continuing to grow in America. And it is in no small part due to the Republicans not raising the minimum wage in almost 10 years.

Imagine this, you work for $5.15 an hour. You work all year round, and not your take-home pay but your gross pay is $10,700. That is $6,000 below the poverty level for a family of three every year.

The minimum wage has not gone up. Real income, the buying power of the dollar has gone down for Americans. And the cost of health insurance, of gasoline, of home heating, of tuition at college has gone up by $5,000 since the year 2000. So this is an important law to pass today.

SUPPORTING MINIMUM WAGE

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, I want to make sure that my first public words on this sacred floor address an issue of utmost importance to the citizens of this great Nation.

Today, we will be considering H.R. 2, the Fair Minimum Wage Act of 2007, to give 13 million Americans a pay raise. This is legislation which I am pleased to be an original cosponsor of.

Increasing the minimum wage is necessary. It is a necessary step to help 38 million Americans living in poverty. Yet the Congress for almost 10 years has failed to assist this population by increasing the minimum wage to a decent wage. An increase in the minimum wage would help nearly 700,000 Georgia workers.

As I understand it, Mr. Speaker, the majority leadership of the 109th Congress felt it necessary to award themselves a pay raise despite the fact that they worked just over 100 days in 2006. Given that more than half of Americans will benefit from this wage increase, I am looking forward to Americans getting a fair wage today and have this bill pass.

Given that more than half of Americans who will benefit from this wage increase work a full week every week, it is time for this Congress to increase the minimum wage and give America's hardest workers a fair wage for a fair day's work.

□ 1030

FAUX KLINGONS SENDING REAL AMERICANS TO WAR

(Mr. WU asked and was given permission to address the House for 1 minute.)

Mr. WU. Mr. Speaker, 4 years ago, this administration took America to war in Iraq without adequate evidence. Since that time, the administration has not listened to the American people, it hasn't listened to our professional military, and it certainly hasn't listened to this Congress.

It was said of a prominent businessman in downtown Portland that he never listened to anybody and that if he was ever drawn in a cartoon he would be drawn without ears.

Now, this President has listened to some people, the so-called Vulcans in the White House, the ideologues. But unlike the Vulcans of Star Trek, who made the decisions based on logic and fact, these guys make it on ideology. These aren't Vulcans. There are Klingons in the White House. But unlike the real Klingons of Star Trek, these Klingons have never fought a battle of their own.

Don't led faux Klingons send real Americans to war. It is wrong.

ANSWERING THE CHALLENGE TO THE ESCALATION OF THE WAR IN IRAQ

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute.)

Mr. BRALEY of Iowa. Mr. Speaker, I rise to commemorate an historic event that occurred in this Chamber 91 years ago during the middle of the Great War, the war to end all wars.

On January 10, 1918, this House passed a constitutional amendment granting women the right to vote by a vote of 274 to 136. Representative Jeanette Rankin from Montana, the first woman to serve in this body, whose statue appears in Statuary Hall and who became the first woman to serve in Congress in 1917, asked her male colleagues this important question in asking them to support that amendment: "How shall we answer the challenge, gentlemen?"

Her question is worth repeating today as President Bush prepares to escalate the war in Iraq. We need to repeat her question: How shall we answer this challenge?

SUPPORT THE STEM CELL RESEARCH ENHANCEMENT ACT

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, today, we will have the chance to grant relief to millions of Americans toiling under an unjust minimum wage, but later this week we will also have the opportunity to grant relief to the millions of Americans who are suffering from debilitating and life-threatening diseases by passing the bipartisan Stem Cell Research Enhancement Act.

In Connecticut, I was proud to have overseen passage of the Nation's first law investing State funds in life-saving stem cell research. But our $100 million success story in Connecticut was a bittersweet one, since our effort was made necessary only by the Federal Government's failure to act.

Mr. Speaker, I will be even prouder to join my colleagues on both sides of the aisle this week to support legislation that will buttress the hopes of millions of Americans with the tangible support and resources of their Federal Government, and I hope that this unprecedented show of support here in the people's House will give our President cause to reconsider his unfounded and unpopular decision to oppose this life-saving initiative.

WAR IN IRAQ OF BENEFIT TO NO ONE

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, the President of the United States is going to urge a troop escalation in Iraq. I must protest this for the following reasons:

This war was wrong from the beginning. Our focus should have been Afghanistan. We had a real opportunity to bring freedom and change to Afghanistan. Instead, we diverted our attention to Iraq with disastrous results.

More troops will not bring the United States more support from the Iraqis, but it will bring our troops and the people of Iraq more misery, more fighting, more injuries and more death.

We are spending our children's future in this war.

There are no benefits to either the United States, to Iraq or to the world.

RIGHTING A WRONG FOR OUR WORKING FAMILIES

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, I rise to say that what will be going on today is righting a wrong for working families in America, and that is raising the minimum wage.

It has been a full 10 years since President Clinton was able to raise the minimum wage to help the people who work for us on a daily basis. With all the increased costs we have today, of housing, of health care, it is just impossible for people to be able to make it. In Ohio, we have seen people suffer because the minimum wage has not been relevant to what is going on in their life.

Many years ago, Henry Ford was criticized for saying that he paid his workers better than others, and his logic was his workers would be able to buy the cars that they manufactured. We want the people today to be able to have the right to be able to buy the things that they need, certainly for their families. So raising the minimum wage is the right thing to do.

DEMOCRATS MAKE GOOD ON THEIR PROMISE TO TAKE AMERICA IN A NEW DIRECTION

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, Democrats promised that if the American people trusted us with control of Congress, we would take America in a new direction. So far, we have made good on our promise to break the link between lobbyists and legislation, and we reinstituted pay-as-you-go budgeting.

But our work is not done. We are now in our first 100 hours of legislation, and already we have passed legislation that will make America more secure by implementing the independent 9/11 Commission recommendations.

Today, we will give Americans a much-needed pay raise by increasing the minimum wage; later this week, we are going to begin making health care more affordable by giving the Federal Government the ability to negotiate for lower prescription drug prices; and tomorrow we are going to give hope to millions of Americans by allowing stem cell research. Next week, we will also move down the path to energy independence by ending subsidies to Big Oil and investing in renewable energy.

Democrats promise to deliver so we can take America in a new direction.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. McKEON. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 45) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 45

Resolved, That the following named members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Everett, Mr. Lucas, Mr. Moran of Kansas, Mr. Hayes, Mr. Johnson of Illinois, Mr. Graves, Mr. Bonner, Mr. Rogers of Alabama, Mr. King of Iowa, Mrs. Musgrave, Mr. Neugebauer, Mr. Boustany, Mr. Kuhl of New York, Ms. Foxx, Mr. Conaway, Mr. Fortenberry, Mrs. Schmidt, Mr. Smith of Nebraska, Mr. McCarthy of California, and Mr. Walberg.

(2) COMMITTEE ON ARMED SERVICES.—Mr. Saxton, Mr. McHugh, Mr. Everett, Mr. Bartlett of Maryland, Mr. McKeon, Mr. Thornberry, Mr. Jones of North Carolina, Mr. Hayes, Mr. Calvert, Mrs. Jo Ann Davis of Virginia, Mr. Akin, Mr. Forbes, Mr. Miller of Florida, Mr. Wilson of South Carolina, Mr. LoBiondo, Mr. Cole of Oklahoma, Mr. Bishop of Utah, Mr. Turner, Mr. Kline, Mrs. Miller of Michigan, Mr. Gingrey, Mr. Rogers of Alabama, Mr. Franks of Arizona, Mrs. Drake, Ms. McMorris Rodgers, Mr. Conaway, and Mr. Davis of Kentucky.

(3) COMMITTEE ON EDUCATION AND LABOR.—Mr. Petri, Mr. Hoekstra, Mr. Castle, Mr. Souder, Mr. Ehlers, Mrs. Biggert, Mr. Platts, Mr. Keller, Mr. Wilson of South Carolina, Mr. Kline, Mr. Inglis of South Carolina, Mrs. McMorris Rodgers, Mr. Marchant, Mr. Price of Georgia, Mr. Fortuño, Mr. Boustany, Ms. Foxx, Mr. Kuhl of New York, Mr. Bishop of Utah, Mr. David Davis of Tennessee, and Mr. Walberg.

(4) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Hall, Mr. Hastert, Mr. Upton, Mr. Stearns, Mr. Deal of Georgia, Mr. Whitfield, Mr. Norwood, Mrs. Cubin, Mr. Shimkus, Mrs. Wilson of New Mexico, Mr. Shadegg, Mr. Pickering, Mr. Fossella, Mr. Buyer, Mr. Radanovich, Mr. Pitts, Mrs. Bono, Mr. Walden of Oregon, Mr. Terry, Mr. Ferguson, Mr. Rogers of Michigan, Mrs. Myrick, Mr. Sullivan, Mr. Murphy, and Mr. Burgess.

(5) COMMITTEE ON FINANCIAL SERVICES.—Mr. Baker, Ms. Pryce of Ohio, Mr. Castle, Mr. King of New York, Mr. Royce, Mr. Lucas, Mr. Paul, Mr. Gillmor, Mr. LaTourette, Mr. Manzullo, Mr. Jones of North Carolina, Mrs. Biggert, Mr. Shays, Mr. Gary G. Miller of California, Mrs. Capito, Mr. Feeney, Mr. Hensarling, Mr. Garrett of New Jersey, Ms. Ginny Brown-Waite of Florida, Mr. Barrett of South Carolina, Mr. Renzi, Mr. Gerlach, Mr. Pearce, Mr. Neugebauer, Mr. Price of Georgia, Mr. Davis of Kentucky, Mr. McHenry, Mr. Campbell of California, Mr. Putnam, Mrs. Blackburn, Mrs. Bachmann, and Mr. Roskam.

(6) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Burton of Indiana, Mr. Shays, Mr. McHugh, Mr. Mica, Mr. Souder, Mr. Platts, Mr. Cannon, Mr. Duncan, Mr. Turner, Mr. Issa, Mr. Marchant, Mr. Westmoreland, Mr. McHenry, Ms. Foxx, Mr. Bilbray, and Mr. Sali.

(7) COMMITTEE ON HOMELAND SECURITY.—Mr. Smith of Texas, Mr. Shays, Mr. Souder, Mr. Tom Davis of Virginia, Mr. Daniel E. Lungren of California, Mr. Rogers of Alabama, Mr. Jindal, Mr. Reichert, Mr. McCaul of Texas, Mr. Dent, Ms. Ginny Brown-Waite of Florida, Mrs. Blackburn, Mr. Bilirakis, and Mr. David Davis of Tennessee.

(8) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Smith of New Jersey, Mr. Burton of Indiana, Mr. Gallegly, Mr. Rohrabacher, Mr. Royce, Mr. Chabot, Mr. Manzullo, Mr. Tancredo, Mr. Paul, Mr. Flake, Mrs. Jo Ann Davis of Virginia, Mr. Pence, Mr. McCotter, Mr. Wilson of South Carolina, Mr. Boozman, Mr. Barrett of South Carolina, Mr. Mack, Mr. Fortenberry, Mr. McCaul of Texas, Mr. Poe, Mr. Inglis of South Carolina, and Mr. Fortuño.

(9) COMMITTEE ON THE JUDICIARY.—Mr. Sensenbrenner, Mr. Coble, Mr. Gallegly, Mr. Goodlatte, Mr. Chabot, Mr. Daniel E. Lungren of California, Mr. Cannon, Mr. Keller, Mr. Issa, Mr. Pence, Mr. Forbes, Mr. King of Iowa, Mr. Feeney, Mr. Franks of Arizona, Mr. Gohmert, and Mr. Jordan.

(10) COMMITTEE ON NATURAL RESOURCES.—Mr. Saxton, Mr. Gallegly, Mr. Duncan, Mr. Gilchrest, Mr. Calvert, Mr. Cannon, Mr. Tancredo, Mr. Flake, Mr. Renzi, Mr. Pearce, Mr. Brown of South Carolina, Mr. Fortuño, Mrs. McMorris Rodgers, Mr. Jindal, Mr. Gohmert, Mr. Cole of Oklahoma, Mr. Bishop of Utah, Mr. Shuster, Mr. Heller of Nevada, Mr. Sali, and Mr. Lamborn.

(11) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Sensenbrenner, Mr. Smith of Texas, Mr. Rohrabacher, Mr. Calvert, Mr. Bartlett of Maryland, Mr. Ehlers, Mr. Lucas, Mrs. Biggert, Mr. Akin, Mr. Bonner, Mr. Feeney, Mr. Neugebauer, Mr. Inglis of South Carolina, Mr. McCaul of Texas, Mr. Mario Diaz-Balart of Florida, Mr. Gingrey, Mr. Bilbray, and Mr. Smith of Nebraska.

(12) COMMITTEE ON SMALL BUSINESS.—Mr. Bartlett of Maryland, Mr. Graves, Mr. Akin, Mr. Shuster, Mrs. Musgrave, Mr. King of Iowa, Mr. Fortenberry, Mr. Westmoreland, Mr. Gohmert, Mr. Heller of Nevada, Mr. David Davis of Tennessee, Ms. Fallin, Mr. Buchanan, and Mr. Jordan.

(13) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Young of Alaska, Mr. Petri, Mr. Coble, Mr. Duncan, Mr. Gilchrest,

Mr. Ehlers, Mr. LaTourette, Mr. Baker, Mr. LoBiondo, Mr. Moran of Kansas, Mr. Gary G. Miller of California, Mr. Hayes, Mr. Brown of South Carolina, Mr. Johnson of Illinois, Mr. Platts, Mr. Graves, Mr. Shuster, Mr. Boozman, Mr. Gerlach, Mr. Mario Diaz-Balart of Florida, Mr. Marchant, Mr. Dent, Mr. Poe, Mr. Reichert, Mr. Mack, Mr. Kuhl of New York, Mr. Westmoreland, Mr. Boustany, Mrs. Schmidt, Mrs. Miller of Michigan, Mrs. Drake, Ms. Fallin, and Mr. Buchanan.

(14) COMMITTEE ON VETERANS AFFAIRS.—Mr. Stearns, Mr. Burton of Indiana, Mr. Moran of Kansas, Mr. Baker, Mr. Brown of South Carolina, Mr. Miller of Florida, Mr. Boozman, Ms. Ginny Brown-Waite of Florida, Mr. Turner, Mr. Bilbray, Mr. Lamborn, and Mr. Bilirakis.

The SPEAKER pro tempore. Without objection, further reading of the resolution is dispensed with.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MAJORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PALLONE. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 46) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 46

Resolved, That the following named Members and Delegate be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Spratt, Mr. Ortiz, Mr. Taylor of Mississippi, Mr. Abercrombie, Mr. Meehan, Mr. Reyes, Mr. Snyder, Mr. Smith of Washington, Ms. Loretta Sanchez of California, Mr. McIntyre, Mrs. Tauscher, Mr. Brady of Pennsylvania, Mr. Andrews, Mrs. Davis of California, Mr. Langevin, Mr. Larsen of Washington, Mr. Cooper, Mr. Marshall, Ms. Bordallo, Mr. Udall of Colorado, Mr. Boren, Mr. Ellsworth, Ms. Boyda of Kansas, Mr. Patrick Murphy of Pennsylvania, Mr. Johnson of Georgia, Ms. Shea-Porter, Mr. Courtney, Mr. Loebsack, Mrs. Gillibrand, Mr. Sestak, Ms. Giffords, Ms. Castor.

(2) COMMITTEE ON EDUCATION AND LABOR.—Mr. Kildee, Mr. Payne, Mr. Andrews, Mr. Scott of Virginia, Ms. Woolsey, Mr. Hinojosa, Mrs. McCarthy of New York, Mr. Tierney, Mr. Kucinich, Mr. Wu, Mr. Holt, Mrs. Davis of California, Mr. Davis of Illinois, Mr. Grijalva, Mr. Bishop of New York, Ms. Linda T. Sánchez of California, Mr. Sarbanes, Mr. Sestak, Mr. Loebsack, Ms. Hirono, Mr. Altmire, Mr. Yarmuth, Mr. Hare, Ms. Clarke, Mr. Courtney, Ms. Shea-Porter.

Mr. PALLONE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LIFTING MINIMUM WAGE WORKERS OUT OF POVERTY

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute.)

Mr. WELCH of Vermont. Mr. Speaker, $2.32 for a gallon of gas, $2.99 for a gallon of milk, $20 or $25 for a single day of childcare. These are real prices and, too often, real choices that working Americans face every day.

In Vermont, and across America, we have had a proud tradition of self-reliance and sense of community. We need to combine these two values, self-reliance on the one hand and community on the other, by rewarding work and making work pay.

We send a message every day to our citizens and our workers that we value work and that government has a role to play in ensuring opportunity to everyone willing to contribute. It is time we matched that message with our own leadership.

It is no accident that in Vermont and more than 20 States around the country, Republicans and Democrats, working together, have led in the effort to reward work with a reasonable minimum wage above our national minimum last set nearly a decade ago.

There are few more important tasks before us than addressing the growing economic gap between America's wealthiest citizens and low income workers.

Last year, millionaires were given tax breaks that put an average of $40,000 in their pockets, and yet middle class workers who earn less than $20,000 received just two dollars. Two dollars—for the whole year. That is rewarding wealth rather than work.

Today a full-time minimum wage worker earns just $10,712 annually—more than $2,000 below the poverty line for a family of two. Asking millions of our neighbors to work full time without a wage above poverty is wrong.

I believe that Congress must raise the federal minimum wage to $7.25 an hour to help life every minimum wage worker out of poverty.

Today and together, we can begin to restore a balance, by rewarding work and not just wealth, acknowledging we are all in this together.

FAIR MINIMUM WAGE ACT OF 2007

Mr. HOYER. Mr. Speaker, pursuant to section 508 of House Resolution 6, I call up the bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 2. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 3. APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(1) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(2) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

The SPEAKER pro tempore. Pursuant to section 508 of House Resolution 6, the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. BOEHNER) each will control 90 minutes.

The Chair recognizes the distinguished majority leader, the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am extraordinarily happy to rise in support of this legislation. This legislation is very late in coming to this floor as a free-standing bill. It is, however, never too late to do the right thing.

This legislation, the Fair Minimum Wage Act of 2007, is long overdue. I believe it will pass this House today with broad bipartisan support, as the 9/11 bill did yesterday, making our country safer.

At long last, Mr. Speaker, this House is just hours away from finally passing a clean increase in the Federal minimum wage and sending this legislation to the Senate, where we devoutly hope the Members of the other body will do the same without delay.

H.R. 2 is the second key piece of legislation in the new Democratic majority's 100-hours agenda, and we are following through on our pledge to the American people to immediately address these critical issues.

There is probably not a Member of this House who fails to appreciate that an American who works full time at today's minimum wage of $5.15 per hour is essentially living in poverty. That is not right, Mr. Speaker. That worker, if he or she works 40 hours per week for 52 weeks, makes roughly $10,700 per year. If that mom has a child or that father has a wife and a child, they are essentially living on $6,000 less than we determine to be poverty in America.

Passing this legislation today, which will raise the minimum wage by $2.10 per hour to $7.25 in three steps over the next 2 years, is simply a matter of doing what is right, what is just and what is fair.

Frankly, Mr. Speaker, if it were up to me, I would do $7.25 an hour now. But we are going to phase this in so that small businesses and others can accommodate this raise. But that will mean, Mr. Speaker, that those on the minimum wage will still have to wait.

It has been 9 years and 4 months since the last increase in the Federal minimum wage took effect, and that was under President Clinton. This represents the longest period without an increase since Congress established the minimum wage in 1938, since Congress said we are going to have a minimum in the United States that we will pay people and respect people who work to make themselves, their families and their country better.

At $5.15 today, the minimum wage level is at its lowest level, adjusted for inflation, in over 50 years, half a century. In fact, Mr. Speaker, if the minimum wage had been adjusted by a cost of living increase on an annual basis since 1968, a minimum wage worker would not be making $5.15, would not be making $7.25, but would be making $9.05. So, effectively, this raise will be $1.85 less than they would be making if it had been raised on a regular basis.

Meanwhile, just since 2000, the cost of health insurance, gasoline, home heating, attending college, food and other related expenses have all increased, in fact, for an average family, about $5,000 a year in that period of time. Yet the minimum wage worker has not received any raise.

This legislation will benefit literally millions of Americans. An estimated 5.6 million Americans who make less than $7.25 per hour will directly benefit from this increase. An estimated additional 7.3 million Americans, including family members of those making less than $7.25, will indirectly benefit.

□ 1045

Now there are those who will claim this legislation will hurt small business and the economy. I reject that. I believe history shows that that is not the case. In fact, when we raised it in 1997, the economy was having one of its most successful periods of time, which continued long past the adoption of the minimum wage. In fact, according to one recent study, small business employment grew more in States with a higher minimum wage between 1997 and 2003 than in Federal minimum wage States. In other words, in those States that were paying above the $5.15 an hour, their economies grew more and they created more jobs than did those States which had frozen their minimum wage at the Federal minimum wage.

In fact, Lee Scott, the chief executive officer of Wal-Mart, has stated that the current minimum wage "is out of date with the times. We can see firsthand at Wal-Mart how many of our customers are struggling to get by. Our customers simply don't have the money to buy basic necessities between paychecks."

Now, what is Wal-Mart all about? Wal-Mart is about bringing prices down. It is very controversial how they do it, but the fact is they know their consumers cannot buy even discounted necessities of life on the minimum wage.

Mr. Speaker, you and I know that in the richest Nation on the face of the Earth, that is wrong.

In a bipartisan way, and I haven't counted the Republican votes, but we are going to get a lot of Republican votes from those who are saying to the American people, as we are, we agree with you. Because 89 percent of the American people, when questioned, believe the minimum wage ought to be raised. Eighty-nine percent of the American people. And, Mr. Speaker, 83 percent of small businesses say this will not adversely affect them.

Mr. Speaker, it is time to pass this legislation. Sixty-four House Republicans joined all Democrats here last July in voting for a $7.25 per hour wage under the vocational education bill.

There is simply no reason, I suggest to you, not to support this legislation. In the United States of America, the richest country on the face of the Earth, you should not be relegated to poverty if you work hard and play by the rules.

I urge my colleagues on both sides of the aisle to support this reasonable bipartisan legislation. The President of the United States has indicated that he will sign a minimum wage increase. There may be some changes that he wants, but he has recognized, as we will recognize today, that it is long past the time when we need to pay people and give them the dignity that their work demands and has earned.

Mr. Speaker, I ask unanimous consent that I be allowed to yield the balance of my time to the gentleman from California (Mr. GEORGE MILLER), who has been the leader on this issue in the House of Representatives and one of the leaders in the country and who chairs the Education and Labor Committee.

The SPEAKER pro tempore. Without objection, the gentleman from California will be permitted to control the time.

There was no objection.

Mr. McKEON. Mr. Speaker, as the minority leader's designee, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this debate represents a series of colossal missed opportunities. The new Democratic leadership of the House promised us and the voters a fair, open, honest, and, yes, democratic process in considering major pieces of legislation. Instead, today we are stuck with unfair, closed and heavy-handed terms for our debate, terms that were tucked into an unrelated rules package less than a week ago.

Not only was that move unprecedented, but it also means that during today's debate on a minimum wage increase, what you see is what you get. No comprehensive alternative has been allowed. No amendments will be considered. In fact, I didn't even get a chance for those types of considerations before the Rules Committee because, well, the Rules Committee didn't meet on this issue. There was no hearing.

That is unfortunate because, frankly, there are Members on both sides of the aisle who support a balanced minimum wage increase, and this bill, this early in the Congress, represented an opportunity to work together toward a true, bipartisan, bicameral consensus. But we won't, and that is a colossal missed opportunity.

My colleagues will remember that last summer the Republican majority brought forward and passed legislation to increase the Federal minimum wage to $7.25 an hour with important considerations for small businesses and their workers. Many Democrats joined us in advancing the measure. In fact, had a few more on the other side of the Capitol supported this measure, today's debate would be unnecessary because the minimum wage increase would already have taken place.

Nonetheless, I was hopeful that when we considered minimum wage legislation under the new Democratic majority we would again do so with our Nation's small businesses and their workers in mind, particularly since both the President and the Senate majority leader have indicated their willingness to forge such a consensus. But it is apparent that we are not here on this side of the Capitol, and that is a colossal missed opportunity. So later in this debate I will offer a motion to recommit that would provide them the very protections that the Democratic leadership's bill does not.

Yesterday, Mr. Speaker, my friend, the ranking Republican member on the Ways and Means Committee, Mr. McCRERY from Louisiana, and I introduced minimum wage legislation that, quite frankly, puts the bill before us today to shame. It is a three-pronged measure that includes the same, the same, minimum wage provisions that are in the Democratic leadership's bill.

As you can see on the chart, here is the unbalanced Democratic plan. It does raise the minimum wage. Then the comprehensive Republican plan. It also raises the minimum wage from $5.15 to $7.25 per hour over the 2 years, in precisely the same increments as the Democrat leadership's bill.

Also identical to the Democrat leadership bill, the Working Families Wage and Access to Health Care Act that we offered yesterday would extend the Federal minimum wage to the Commonwealth of the Northern Mariana Islands. We don't stop there, however. But the Democrat leadership does, another colossal missed opportunity.

As you can see, the Working Families Wage and Access to Health Care Act not only increases the minimum wage in the same exact manner as H.R. 2, but it also would expand access to affordable health care for working families, including many families that may benefit from the wage increase. The Democratic leadership's scaled-down proposal does not include this.

For the last several Congresses, Republicans and Democrats alike have joined together behind legislation that would significantly expand access to health coverage for uninsured families across the country by creating Small Business Health Plans.

According to the U.S. Census Bureau, the number of Americans who have no health insurance is about 46.5 million. Estimates indicate 60 percent or more of the working uninsured work for or depend upon small employers who lack the ability to provide health benefits for their workers. To ease the burden on small businesses and provide meaningful benefits to those who work for them, the Working Families Wage and Access to Health Care Act would allow small businesses to join together and purchase quality health care for workers and their families at a lower cost.

Now, during today's debate, we are likely to hear from our colleagues on the other side of the aisle about how a certain percentage of the American people support a minimum wage increase. By the same token, my colleagues also should be aware that a whopping 93 percent of Americans support creating small business health plans; and 36 members of their own Democratic caucus supported them in the 109th Congress. Doing so again during this debate would not only be logical but it would be welcome news for scores of uninsured working families. But the Democratic leadership's bill won't allow for it, and our bill simply isn't allowed at all. A colossal missed opportunity.

Finally, as you can see, only the Working Families Wage and Access to Health Care Act includes a number of other important considerations for small businesses and their workers. Small businesses create two-thirds of the Nation's new jobs, and 98 percent of the new businesses in the U.S. are small businesses. Increasing the minimum wage increases costs for small employers, and often they may be forced to respond by reducing their number of workers, scaling back benefits or hiring fewer new employees.

Given that small employers are responsible for most of the new jobs in our Nation, and practically every new business, why would we do anything to endanger their momentum? Well, you would have to ask the Democratic leadership, because that is exactly what their proposal would do. By offering small businesses and their workers important protections, the Working Families Wage and Access to Health Care Act would protect American jobs. The House Democratic leadership's scaled-down minimum wage proposal will not. A colossal missed opportunity.

Mr. Speaker, only the Republican-led Working Families Wage and Access to Health Care Act will both raise the minimum wage and protect small businesses and their workers. And only the Republican-led Working Families Wage and Access to Health Care Act will both raise the minimum wage and expand access to affordable health care for working families.

Unfortunately, due to unfair, closed, and heavy-handed tactics, only the scaled-down Democrat leadership plan is before us today. A colossal missed opportunity, not just for the House but for working families and small businesses as well.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when Speaker PELOSI spoke about the first 100 hours of the 110th Congress, one of the things she said she wanted to accomplish was to begin to make the economy fairer for all Americans. Today, with this legislation to increase the minimum wage, we begin that task.

For 10 years, the lowest-paid workers in America have been frozen out of the economy of this country. They have ended up every year, after going to work every day, every week, every month, they have ended up poor, far below the poverty line of this country. They have been working at a Federal poverty wage, not a Federal minimum wage.

I am very honored today to be here supporting this legislation as the chairman of the Education and Labor Committee. I am also very honored to be sharing this legislation with our new majority leader, Mr. HOYER. Because of his activities in the last Congress, we were able to bring this issue to a head because of the amendment that he offered on the Health and Human Services bill, where the Republicans chose not to bring the bill to the floor of the Congress, not to bring it to a vote because they wanted to deny American workers access to the minimum wage.

I consider this a new beginning and a new Congress, but I must say I cannot let the history that the gentleman from California laid out for us to suggest that that is the record. The gentleman has said numerous times in his opening statement that this is a colossal missed opportunity. Let me tell you what a colossal missed opportunity is. For the last 10 years, the Republican leadership in this House fought tooth and nail to avoid any, any opportunity to have an up-or-down vote on the minimum wage. The only time they thought the poorest workers in America were worth an increase in the minimum wage was if they could tie it to a tax cut for the wealthiest people in the United States.

□ 1100

So they never really were interested in it. They wanted to use the power of the sense of fairness that the American public had about the treatment of the poorest workers. They wanted to use that power, that sense of outrage, that sense of immorality that they had about what the Republicans were doing, to drive tax cuts for the wealthiest people in the country.

They said they were going to pass the bill and send it to the President's desk. We said it was going to die in the Senate, and it died in the Senate. And here today we see the same proposal being made. They are going to suggest that later today they are going to couple minimum wage with the wonderful health care plan for workers.

Their own CBO, the Congressional Budget Office, says that more than 75 percent of the small business workers, over 20 million workers and their dependents, would see their health insurance premiums increase as a result of this proposal. So now they are going to give these workers an increase in the minimum wage, but then they are going to increase their premiums for health insurance. What a wonderful gift from the Republican Party.

Can't you just give these workers an increase and be done with it? They have been working at a 10-year-old minimum wage, but they are paying 2007 bread prices and milk prices and energy prices and rentals. Where is the decency? Where is the decency to give these workers what they are entitled to, what everybody knows that they should have?

Not only that, but then we find out with this wonderful health plan that some 8 million workers who are currently insured will probably lose their insurance. So now they are going to, if you get insurance, they are going to increase the premiums. If you have insurance, you may lose your insurance.

This isn't what America thinks makes the economy fair. What they think makes the economy fair is an increase in the minimum wage.

As you all know, this is the longest period in history of law without a wage increase. During that time, the minimum wage has dropped to its lowest buying power in 51 years. The Fair Minimum Wage Act of 2007 would increase the Federal minimum wage to $7.25 an hour over three steps over the next 2 years.

Raising the minimum wage is critical to fighting the middle-class squeeze in this country. Fifty-nine percent of American workers state that they have to work harder to earn a decent living than they did 20 or 30 years ago. Since 2001, the median household incomes have fallen by $1,300. Wages and salaries make up the lowest share of the economy in nearly six decades. Meanwhile, corporate profits, CEO buyouts, golden parachutes, golden handshakes and golden hellos take hundreds of millions, if not billions, of dollars out of the same corporations that say they can't give an increase to their workers.

While the economy is growing and the wealth of its Nation is increasing, more Americans are struggling to pay their bills. Over the last 5 years, the number of Americans living in poverty has increased from 5.4 million to 37 million. One in six children now lives in poverty.

Since 2000, prices of education, gasoline and health care have all greatly outpaced inflation. Raising the minimum wage is an important first step for the Congress in its efforts to stand up for middle class and to stem the middle-class squeeze. This raise will make a real, critical difference to millions of people's lives, and that is what America understands. You pass the minimum wage, and you dramatically change life for millions of people.

Does it solve their economic problems? Does it solve the economic stress? No, it doesn't. But it changes their lives. For a family of three, increasing the minimum wage will mean an additional $4,400 a year, equaling 15 months of groceries or 2 years' worth of health care. That is a change in the standing of these people's lives.

Raising the minimum wage to $7.25 an hour in 2009, taking into account the increases in family earned income tax credit will take those people who are 11 percent below the poverty level line and move them to 5 percent above the poverty line. Still close to the poverty line but beginning to make this economy fair.

It is important that we pass this legislation and we pass it free standing. It is important that we do that so we can address the needs of these families, not that we hijack their plight, not that we hijack their misery, not that we hijack the willingness of the American people to do something for them to then do something that works against them. This is very, very important, this piece of legislation, and it is important that we address the concerns of these individuals.

I am proud to say that, on this legislation, H.R. 2, its over 200 original cosponsors, and I am very proud to say we are joined by seven Republican Members who are original cosponsors of this legislation, and I want to thank so many of those Republicans who worked over the years to try to get us this vote on the minimum wage, but we weren't successful. Today is the opportunity to bring these two sides of the aisle together, to begin to make this economy fair and to help these people who struggle every day in very difficult jobs, to do the right thing, to participate in the American economy and to provide for their families. But they are not able to do it at a 10-year-old minimum wage, and we need to bring that kind of equity to it.

We are joined in support of this legislation by over 500 national and local organizations, by over 1,000 Christian, Jewish and Muslim faith leaders who have spoken out on this legislation, by the U.S. Conference of Catholic Bishops who wrote: "For us it is a matter of simple justice for a decent society." And that is what this is about today.

This is more than just the dollars and cents per hour. This is about the morality of this country. This is about the ethics of this body on whether or not these people who have been stuck at this wage for 10 years are entitled to have this modest, modest increase, and I would hope that the House would overwhelmingly support this clean vote on the minimum wage increase over the next 2 years to $7.25.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. KLINE), a member of the committee.

Mr. KLINE of Minnesota. Mr. Speaker, the tax relief and fiscal policies passed in recent years by, frankly, House Republicans, provide a track record of proactive and successful economic reform. As we take our first steps in the 110th Congress, we must build upon that record and ensure that any minimum wage increase includes meaningful considerations for America's small businesses, while protecting and expanding benefits for working families that depend upon them.

Less than a week ago, the Labor Department announced the creation of 167,000 new jobs in December. We have experienced more than 3 years of uninterrupted job growth that includes the creation of more than seven million new jobs since August, 2003. Worker wages have risen more than 150 percent faster than in the early 1990s. Per capita disposable income has risen over 9 percent since 2001.

Let's not stop the momentum we have built together. Let's not pass a minimum wage increase without keeping employers in mind. Let's not fall into the temptation of passing a bill that is nothing more than symbolism, lacking the necessary substance to help our economy continue to grow.

As we consider an increase in the minimum wage, we must consider the impact it will have on businesses that create two-thirds of our Nation's new jobs. I was proud to support Mr. McKEON and Mr. McCRERY's Working Families Wage and Access to Health Care legislation, which advances this discussion and also offers meaningful measures that will benefit those employers who bear the brunt of any minimum wage increase. If we don't support them, the cruel irony of any minimum wage increase will be a loss of jobs.

Independent studies confirm that the proposal by the House Democrats to raise the minimum wage without including considerations for those who pay the minimum wage and their workers would halt the momentum of recent economic growth dead in its tracks. According to a Federal Reserve economist, as many as one million workers in the restaurant industry alone could lose their jobs under this current proposal.

Recently, my office received a phone call from Mr. John Wiederholt, the owner of Wiederholt's Supper Club in Miesville, Minnesota, a wonderful little community of 135 people located in the heart of my district. Miesville is known for amateur baseball, a historic hamburger joint and Wiederholt's.

The Democrats scaled-down proposal would cost Mr. Wiederholt's charming supper club nearly $2,000 a year. He says: "I've been at this 34 years. If this passes, because my waitresses get tips already, they just walked into my place and gave the highest-paid people in my place a raise."

Throughout the country, there are tens of thousands of stories just like Mr. Wiederholt's. Small businesses are the backbone of the American economy. It is absolutely essential that Congress keeps these creators of jobs in mind when we consider this legislation. We must make sure a minimum wage increase does not have harmful effects on businesses and their ability to foster job growth and provide benefits for working families.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY. Mr. Speaker, I rise today in strong support of H.R. 2, the Fair Minimum Wage Act, because it is long past due that we provide a pay raise to many of our country's hardest workers.

Today is a good day for the House, and it is a good day for American workers. I thank Chairman MILLER for introducing a bill whose time has come.

Mr. Speaker, a decent job, with fair pay, is a cornerstone of the foundation upon which the American Dream is built. As our minimum wage, it serves as a yardstick by which to measure other workers' pay.

Fair wages make it possible for working families to pay the rent, put food on the table and save for the future, a home and college. Yet, for our minimum wage workers facing the rising costs of gasoline, health care, child care, rent and heating their home, $5.15 is just not enough.

Mr. Speaker, we haven't provided a pay raise for minimum wage workers in 10 years, the longest period without adjustment since enactment of the Fair Labor Standards Act. Adjusted for inflation, its buying power is the lowest it has been in 51 years.

Adequate wages create a stronger, more efficient work force. And I know the great majority of small business owners pay their workers more than the minimum wage. In fact, in the 4 years following the last minimum wage increase, small business employment grew more in those States paying a higher minimum wage than in those States paying only the minimum wage. Paying good wages is good business sense.

Mr. Speaker, increasing the minimum wage is good economic policy, it is good social policy, and, most importantly, the people in my district in Indiana think it is just fair. It is time that this body ensures that all American workers are compensated fairly and can share in the prosperity of the American economy.

I urge my colleagues to support our workforce and pass H.R. 2.

Mr. McKEON. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HENSARLING), the chairman of the RSC committee.

Mr. HENSARLING. Mr. Speaker, in America, we can either have maximum opportunity or we can have minimum wages. We cannot have both. In the land of the free, in a Nation as great as ours, how can we deny people their maximum opportunity, their opportunity to secure the American Dream?

Well, apparently, our Democrat colleagues can, because, for thousands, they will now replace the American Dream of boundless career opportunities instead with the nightmare of welfare dependence.

Columnist George Will recently wrote that increasing the minimum wage is "a bad idea whose time has come." And, unfortunately, Mr. Speaker, apparently that time has come.

What is the purpose? Notwithstanding the rhetoric that we hear today, the purpose of this law is really to protect skilled labor from the competition of unskilled labor. We understand the elections are over. The American people have spoken. But, apparently, now labor union bosses are collecting their chits.

Now, what is the effect of this law? Indeed, I admit, some will have a mandated pay raise in America. Those will be the lucky ones. Many more will have their hours cut, Mr. Speaker. Many will have their benefits cut due to this law, and many will lose their jobs. And again, thousands, thousands will be denied that opportunity to climb on that first rung of the economic ladder in America and, instead, be condemned to a life of poverty. This should not happen in America.

Mr. Speaker, I recently spoke to a number of people who create jobs and hope and opportunity in America, good solid citizens from the Fifth Congressional District of Texas. I heard from David Hinds, the owner of Van Tone Created Flavors of Terrell, Texas. His company employs over 25 people in this community in my district. But he says, if we pass this increase in the minimum wage, he is going to have to lay off three, maybe four of his employees and automate his plant to use less labor.

I heard from Kevin and Jeaneane Lilly. Kevin was a guy who started out at McDonald's years ago frying up the french fries. He now owns 10 McDonald's restaurants. He says, if the Democrats act today to increase the minimum wage, they will be forced to lay off all of their part-time workers and use only full-time workers.

I spoke to Larry Peterson, who has a small business called EmbroidMe in Dallas, Texas. He says, instead of hiring three to four people at the current minimum wage, he is going to have to do with one to two higher paid, more highly skilled people, denying those other two people their rung on the economic ladder.

□ 1115

Mr. Speaker, these are just a few stories from one congressional district in Texas, but these stories are going to be replicated all over America if we pass this law.

Now, the proponents of this law say somehow it is necessary, because we have to force employers to pay fair wages. Yet I know, Mr. Speaker, that 99 percent of all Americans have their wages set by free people negotiating in a competitive marketplace.

In other words, without any interference by Congress whatsoever 99 percent of all people in the workforce were able to find work above the minimum wage. Do we not believe in the American free enterprise system anymore? The proponents also say we must raise the minimum wage to help the poor, but by and large the minimum wage workers aren't poor. Less than one in five lives below the poverty line. The average family income of a minimum wage worker is about $40,000 a year. Very few minimum wage workers, indeed, support a family. Instead, the majority are teenagers. They are college students, and many are part-time workers.

In fact, the problem is that many poor people either cannot work or will not work. Over three-fifths of the individuals below the poverty line did not work in 2005. Only 11 percent work full time.

An increase in the minimum wage is going to do very little to help poor people who either cannot work or will not work. The way to help poor people is not to cut off the bottom rung of the economic ladder in America. For those who feel that they want to help the poor over and above what we are already doing, I would remind them that, by and large, the working poor qualify for health care through Medicaid, through subsidies, through food stamps, housing subsidies through section 8 vouchers, energy assistance through LIHEAP, cash assistance through Earned Income Tax Credit, TANF, and the list goes on and on and on.

In fact, Mr. Speaker, there has been an explosion of anti-poverty spending at the Federal level under President Bush, up 39 percent between the years 2001 and 2005. So contrary to the protest of the other side of the aisle, there is a lot of direct government assistance here. We need to remind people again that any wage rate is better than no wage rate.

The pool of minimum wage workers is constantly changing, and as they learn new skills, they prove themselves and they climb up the economic opportunity ladder. Why do we want to deny them this opportunity?

Mr. Speaker, I have some personal experience here because I was in high school in May of 1974, when Congress promised me a pay raise. I was the bellman at the Holiday Inn in College Station, Texas, trying to put some money together to go to college. I worked my way through college.

But when Congress gave me that pay raise, guess what? I got my pink slip. That Holiday Inn was struggling. They had to lay off the two newest employees they had to make ends meet. This causes unemployment. This should be voted down.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 30 seconds.

I say, it is an interesting discussion from the other side of the aisle. It just doesn't comport with the evidence that we have in States that have passed a higher minimum wage than the Federal minimum wage. They have experienced higher job growth than those States with the low minimum wage. Overall, retail job growth between 1998 and 2006 was 10.2 percent in those States with a higher minimum wage and only 3.7 percent in the Federal minimum wage States.

Overall across all sectors it was 30 percent greater. The fact of the matter is, an increase in the minimum wage is helping the economy grow.

Mr. Speaker, I yield for 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee who has been battling this issue long and hard.

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker, nearly 10 years ago, I sat on this floor and listened to speeches like the one my friend from Texas just gave, and we voted to raise the minimum wage. And what happened? Unemployment went down. The economy grew. And America prospered. It will happen again if we pass this increase in the minimum wage. There have been many days since that day nearly 10 years ago. One of those days when the prescription drug bill was on the floor, the industry came, and it wanted special protection from lawsuits and special pricing. It was their day, and they got it.

When the energy bill was on the floor, the energy companies came in and wanted massive subsidies, and no crackdown on pricing. It was their day, and they got it.

When the tax bill was on the floor, the wealthiest people in the country, people making more than $300,000 a year wanted massive tax breaks. It was their day, and they got it.

I am sorry to disappoint the opponents of the minimum wage, but this is not your day. This is the day for the people who empty the bed pans, change the bed linens, sweep the floors, and do the hardest work of America. After a 10-year wait, even though they don't have the lobbyists here, even though they don't have the political action committees here, this is their day.

This is the day we are going to raise the minimum wage, change the direction of the country, and restore economic fairness for the American economy. Join with Republicans and Democrats and independents across this country. Vote "yes" on the increase in the minimum wage.

Mr. McKEON. Mr. Speaker, I yield 30 minutes to the gentleman from Louisiana (Mr. McCRERY), the ranking member on the Ways and Means Committee.

I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCRERY. Thank you, Mr. McKEON, for allowing the Ways and Means Committee to control 30 minutes of the time in this debate.

Mr. Speaker, I yield myself so much time as I may consume.

This debate today is important. It is obviously important to a lot of people around the country who are making minimum wage or who would seek an entry-level job in our country. It is also important, though, to many small businesses around our Nation who are struggling to stay in business, struggling to create jobs, and to face the competition often from much bigger establishments that have some advantages in the marketplace. It is those small businesses that the McKeon-McCrery alternative would address today. If we are given the chance today to modify the legislation before us to include some benefits for small businesses, in our view this would greatly improve the legislation before us regarding the minimum wage.

Let me just briefly explain what that alternative would be if Members of this House were given the opportunity to vote on it.

The minimum wage provisions would be the same as in the underlying legislation that is on the floor today. It would increase the minimum wage from $5.15 to $7.25 over 2 years in three increments. But it would add to that a provision from the Education and Labor Committee regarding association health plans that would make it easier for small businesses to get health insurance for their employees, and three tax provisions designed to help small businesses cope with the burden that would be placed on them by an increase in the minimum wage.

Those three tax provisions are a 1-year extension of the higher small business expensing limits. As you will recall, we passed in the last few years legislation allowing small businesses to expense up to $100,000 of investment in their small business in the year of that investment. That provision currently is scheduled to expire at the end of 2009. This legislation, this alternative that we would like to present today, would extend that provision 1 year through 2010.

The next tax provision that would help small businesses is a 15-year depreciation period for new restaurant construction.

Now, that is important because current law allows a much shorter depreciation period, 15 years, for leasehold improvements, including restaurants, but it has to be improvements to an existing building. In the restaurant business, a lot of times to keep up with the competition and to keep market share, an owner will have to build a new facility. You can't just refurbish the old facility. You have got to build a new building to keep pace.

Under the current law though, he would have to depreciate that investment over 39 years. This provision would put him on an equal standing with those who just recently built a restaurant and are upgrading it with improvements.

So it would give a 15-year depreciation period, both to leasehold improvements for existing buildings, existing restaurants, but also a 15-year depreciation period for the construction of new restaurants.

Finally, the third tax provision that we would add to this legislation to help small businesses would be the FUTA surtax repeal, that is the unemployment payroll tax. Back in the 1970s, when we were having problems with our unemployment trust fund, and we were extending unemployment benefits across the Nation, we had to impose a surtax to bring money into the system to be able to pay the unemployment bills around the country. That debt though was paid off in the 1980s, and for whatever reason, Congress has decided to continually extend that unemployment surtax.

This bill would accelerate the expiration of that .2 percent unemployment surtax that employers have to pay today. It would accelerate it from the end of this year 2007 to April 1 of 2007.

As you know, that surtax, that .2 surtax is imposed only on the first $7,000 of wages, so it would most directly give relief to those employers who have those low-skilled, low-dollar employees, and would give them some immediate relief in that regard.

Mr. Speaker, our proposal is to increase the minimum wage, but also give help to those businesses that will be most adversely affected by the imposition of these increased costs for their businesses.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. CARNEY), who has been a long-time champion of increasing the minimum wage.

Mr. CARNEY. I would like to thank my colleague from California for the time.

Mr. Speaker, today the House will vote for bipartisan legislation aimed at increasing the minimum wage and making an important change for the families of nearly 13 million American workers.

It is unconscionable, Mr. Speaker, that the minimum wage has remained unchanged for nearly 10 years. During the past decade, consumer costs have skyrocketed. Energy, health care and education costs have all risen, while my constituents have seen their real incomes drop.

It is wrong that millions of Americans work full time and year around and still live in poverty. I am voting to give them a raise, a raise that is long overdue.

This bill will increase the minimum wage by $2.10 an hour over 2 years. This will mean an additional $4,400 for a family of three equaling 15 months' worth of groceries or 2 years' worth of health care. Helping them to keep up with the rising costs of these necessities is something that we have the moral obligation to do.

As the father of five, I understand, I keenly understand the impact of rising costs on a tight family budget.

Raising the minimum wage is the first step to a stronger economy for all Americans, not just for the privileged few. Our action today will make a real difference in the lives of America's working families and I am proud to vote for it, and I respectfully urge my colleagues to stand with our working families, as well.

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to a member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in opposition to the minimum wage increase. Not only is this legislation detrimental to small business growth and job creation, but it has been brought to the floor outside the normal committee review process without the ability to consider an alternative.

I have long stood against minimum wage hikes, which increase government interference in the labor market. Economists agree that when the cost of labor increases, it becomes more difficult for employers to hire new workers.

□ 1130

Unfortunately, the burden of wage increases falls on small businesses which produce an estimated two-thirds of all new jobs in the United States. Minimum wage job seekers, often first-time employees looking to get their foot in the door, are most harmed by such increases. It is troubling that this bill gives no thought to softening the financial impact of our engines of new job growth when we could easily combine a wage increase with tax relief to help small businesses stay competitive and keep our economy growing.

One provision not included in the minimum wage bill would extend small businesses expensing. Over the last few years, Congress has increased the expensing limit which allows firms to write off equipment purchases immediately. This allows small businesses to expand faster and hire new workers. I continue to support a permanent extension of this provision. Without extension, expensing will soon revert from its current $100,000 back to $25,000.

Other relief not permitted in this is the elimination of the unnecessary 2 percent unemployment surtax. I joined my friend JIM McCRERY in the 109th Congress to end the surtax and stimulate job creation and higher wages for those same workers who might lose jobs due to a minimum wage hike.

Finally, discounting relief from the 41 percent minimum wage increase, the bill ignores other side effects, such as impacts on the workfare participants. Current law determines how long welfare beneficiaries may participate in workfare, which helps recipients develop good work habits. As the minimum wage rises, recipients have access to less work, even if that is what they most need to prepare for a new job.

Mr. Speaker, by dismissing alternatives, the majority has generated a bill whose benefits to the American workers will be negligible, side effects real, and impacts on job creation palpable. I urge my colleagues to reject this measure.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 15 seconds to submit for insertion into the RECORD a statement of 650 economists, including five Nobel laureates, that support this increase in the minimum wage and say that it will not be detrimental to the economy.

HUNDREDS OF ECONOMISTS SAY: RAISE THE MINIMUM WAGE

The minimum wage has been an important part of our nation's economy for 68 years. It is based on the principle of valuing work by establishing an hourly wage floor beneath which employers cannot pay their workers. In so doing, the minimum wage helps to equalize the imbalance in bargaining power that low-wage workers face in the labor market. The minimum wage is also an important tool in fighting poverty.

The value of the 1997 increase in the federal minimum wage has been fully eroded. The real value of today's federal minimum wage is less than it has been since 1951. Moreover, the ratio of the minimum wage to the average hourly wage of non-supervisory workers is 31 percent, its lowest level since World War II. This decline is causing hardship for low-wage workers and their families.

We believe that a modest increase in the minimum wage would improve the well-being of low-wage workers and would not have the adverse effects that critics have claimed. In particular, we share the view the Council of Economic Advisors expressed in the 1999 Economic Report of the President that "the weight of the evidence suggests that modest increases in the minimum wage have had very little or no effect on employment." While controversy about the precise employment effects of the minimum wage continues, research has shown that most of the beneficiaries are adults, most are female, and the vast majority are members of low-income working families.

As economists who are concerned about the problems facing low-wage workers, we believe the Fair Minimum Wage Act of 2005's proposed phased-in increase in the federal minimum wage to $7.25 falls well within the range of options where the benefits to the labor market, workers, and the overall economy would be positive.

Twenty-two states and the District of Columbia have set their minimum wages above the federal level. Arizona, Colorado, Missouri, Montana, Nevada and Ohio, are considering similar measures. As with a federal increase, modest increases in state minimum wages in the range of $1.00 to $2.50 and indexing to protect against inflation can significantly improve the lives of low-income workers and their families, without the adverse effects that critics have claimed.

LEADING ECONOMISTS ENDORSE THIS STATEMENT

Henry Aaron, The Brookings Institution; Kenneth Arrow+ Stanford University; William Baumol+, Princeton University and New York University; Rebecca Blank, University of Michigan; Alan Blinder, Princeton University; Peter Diamond+, Massachusetts Institute of Technology; Ronald Ehrenberg, Cornell University; Clive Granger*, University of California, San Diego; Lawrence Katz Harvard University (AEA Executive Committee); Lawrence Klein*+, University of Pennsylvania; Frank Levy, Massachusetts Institute of Technology; Lawrence Mishel, Economic Policy Institute; Alice Rivlin+, The Brookings Institution (former Vice Chair of the Federal Reserve and Director of the Office of Management and Budget); Robert Solow*+, Massachusetts Institute of Technology; and Joseph Stiglitz*, Columbia University.

Six hundred and fifty of their fellow economists agree.

ECONOMISTS SUPPORTING INCREASE IN MINIMUM WAGE

Katherine G. Abraham University of Maryland; Frank Ackerman Tufts University; F. Gerard Adams Northeastern University; Randy Albelda University of Massachusetts—Boston; James Albrecht Georgetown University; Jennifer Alix-Garcia University of Montana; Sylvia A. Allegretto Economic Policy Institute; Beth Almeida International Association of Machinists and Aerospace Workers; Abbas Alnasrawi University of Vermont; Gar Alperovitz University of Maryland—College Park; Joseph Altonji Yale University; Nurul Aman University of Massachusetts—Boston; Teresa L. Amott Hobart and William Smith Colleges; Alice Amsden Massachusetts Institute of Technology; Bernard E; Anderson University of Pennsylvania; Robert M. Anderson University of California—Berkeley; Bahreinian Aniss California State University—Sacramento; Kate Antonovics University of California—San Diego; Eileen Appelbaum Rutgers University; David D. Arsen Michigan State University; Michael Ash University of Massachusetts—Amherst; Glen Atkinson University of Nevada—Reno; Rose-Marie Avin University of Wisconsin—Eau Claire; M.V. Lee Badgett University of Massachusetts—Amherst; Aniss Bahreinian Sacramento City College; Ron Baiman Loyola University Chicago; Asatar Bair City College of San Francisco; Katie Baird University of Washington—Tacoma; Dean Baker Center for Economic and Policy Research; Radhika Balakrishnan Marymount Manhattan College; Stephen E. Baldwin KRA Corporation; Erol Balkan Hamilton College; Jennifer Ball Washburn University; Brad Barham University of Wisconsin—Madison; Drucilla K. Barker Hollins College; David Barkin Universidad Autonoma Metropolitana; James N. Baron Yale University; Chuck Barone Dickinson College; Christopher B. Barrett Cornell University; Richard Barrett University of Montana; Laurie J. Bassi McBassi & Company; Francis M. Bator Harvard University; Rosemary Batt Cornell University; Sandy Baum Skidmore College; Amanda Bayer Swarthmore College; Sohrab Behdad Denison University; Peter F. Bell State University of New York—Purchase; Dale L. Belman Michigan State University; Michael Belzer Wayne State University; Lourdes Beneria Cornell University; Barbara R. Bergmann American University and University of Maryland; Eli Berman University of California—San Diego; Alexandra Bernasek Colorado State University; Jared Bernstein Economic Policy Institute; Michael Bernstein University of California—San Diego; Charles L. Betsey Howard University; David M. Betson University of

Notre Dame; Carole Biewener Simmons College; Sherrilyn Billger Illinois State University; Richard E. Bilsborrow University of North Carolina—Chapel Hill; Cyrus Bina University of Minnesota—Morris; Melissa Binder University of New Mexico; L. Josh Bivens Economic Policy Institute; Stanley Black University of North Carolina—Chapel Hill; Ron Blackwell AFL–CIO; Margaret Blair Vanderbilt University Law School; Gail Blattenberger University of Utah; Robert A. Blecker American University; Barry Bluestone Northeastern University; Peter Bohmer Evergreen State College; David Boldt State University of West Georgia; Roger E. Bolton Williams College; James F. Booker Siena College; Jeff Bookwalter University of Montana; Barry Bosworth The Brookings Institution; Heather Boushey Center for Economic and Policy Research; Roger Even Bove West Chester University; Samuel Bowles Santa Fe Institute; James K. Boyce University of Massachusetts—Amherst; Ralph Bradburd Williams College; Michael E. Bradley University of Maryland—Baltimore County; Elissa Braunstein Colorado State University; David Breneman University of Virginia; Mark Brenner Labor Notes Magazine; Vernon M. Briggs Cornell University; Byron W. Brown Michigan State University; Christopher Brown Arkansas State University; Clair Brown University of California—Berkeley; Philip H. Brown Colby College; Michael Brun Illinois State University; Neil H. Buchanan Rutgers School of Law and New York University School of Law; Robert Buchele Smith College; Stephen Buckles Vanderbilt University; Stephen V. Burks University of Minnesota—Morris; Joyce Burnette Wabash College; Paul D. Bush California State University—Fresno; Alison Butler Wilamette University; Antonio G. Callari Franklin and Marshall College; Al Campbell University of Utah; James Campen University of Massachusetts—Boston; Maria Cancian University of Wisconsin—Madison; Paul Cantor Norwalk Community College; Anthony Carnevale National Center on Education and the Economy; Jeffrey P. Carpenter Middlebury College; Francoise Carre University of Massachusetts—Boston; Michael J. Carter University of Massachusetts—Lowell; Susan B. Carter University of California—Riverside; Karl E. Case Wellesley College; J. Dennis Chasse State University of New York—Brockport; Howard Chernick Hunter College, City University of New York; Robert Cherry Brooklyn College—City University of New York; Graciela Chichilnisky Columbia University; Lawrence Chimerine Radnor International Consulting, Inc; Menzie D; Chinn University of Wisconsin—Madison; Charles R. Chittle Bowling Green State University; Kimberly Christensen State University of New York—Purchase; Richard D. Coe New College of Florida; Robert M. Coen Northwestern University; Steve Cohn Knox College; Rachel Connelly Bowdoin College; Karen Smith Conway University of New Hampshire; Patrick Conway University of North Carolina—Chapel Hill; David R. Cormier West Virginia University; James V. Cornehls University of Texas—Arlington; Richard R. Cornwall Middlebury College; Paul N. Courant University of Michigan—Ann Arbor; James R. Crotty University of Massachusetts—Amherst; James M. Cypher California State University—Fresno; Douglas Dalenberg University of Montana; Herman E. Daly University of Maryland; Anita Dancs National Priorities Project; Nasser Daneshvary University of Nevada—Las Vegas; David Danning University of Massachusetts—Boston; Sheldon Danziger University of Michigan—Ann Arbor; Jane D'Arista Financial Markets Center; Paul Davidson The New School for Social Research; Jayne Dean Wagner College; Gregory E. DeFreitas Hofstra University; Bradford Delong University of California—Berkeley; James G. Devine Loyola Marymount College; Ranjit S. Dighe State University of New York—Oswego; John DiNardo University of Michigan—Ann Arbor; Randall Dodd Financial Policy Forum; Peter B. Doeringer Boston University; Peter Dorman Evergreen State College; Robert Drago Pennsylvania State University; Laura Dresser University of Wisconsin; Richard B. Du Boff Bryn Mawr College; Arindrajit Dube University of California—Berkeley; Marie Duggan Keene State College; Lloyd J. Dumas University of Texas—Dallas; Christopher Dunn Earth and Its People Foundation; Steven N. Durlauf University of Wisconsin—Madison; Amitava K. Dutt University of Notre Dame; Jan Dutta Rutgers University; Gary A. Dymski University of California—Riverside; Peter J. Eaton University of Missouri—Kansas City; Fritz Efaw University of Tennessee—Chattanooga; Catherine S. Elliott New College of Florida; Richard W. England University of New Hampshire; Ernie Englander George Washington University; Gerald Epstein University of Massachusetts—Amherst; Sharon J. Erenburg Eastern Michigan University; Susan L. Ettner University of California—Los Angeles; Linda Ewing United Auto Workers; Colleen A. Fahy Assumption College; Loretta Fairchild Nebraska Wesleyan University; David Fairris University of California—Riverside; Warren E. Farb International Capital Mobility Domestic Investment; Martin Farnham University of Victoria; Jeff Faux Economic Policy Institute; Susan Fayazmanesh California State University—Fresno; Rashi Fein Harvard Medical School; Robert M. Feinberg American University; Susan F. Feiner University of Southern Maine; Marshall Feldman University of Rhode Island; Marianne A. Ferber University of Illinois—Urbana-Champaign; William D. Ferguson Grinnell College; Rudy Fichtenbaum Wright State University; Deborah M. Figart Richard Stockton College; Bart D. Fmzel University of Minnesota—Morris; Lydia Fischer United Auto Workers, retired; Peter Fisher University of Iowa; John Fitzgerald Bowdoin College; Sean Flaherty Franklin and Marshall College; Kenneth Flamm University of Texas—Austin; Maria S. Floro American University; Nancy Folbre University of Massachusetts—Amherst; Christina M. Fong Carnegie Mellon University; Catherine Forman Quinnipiac University; Harold A. Forman United Food and Commercial Workers; Mathew Forstater University of Missouri—Kansas City; Liana Fox Economic Policy Institute; Donald G. Freeman Sam Houston State University; Gerald Friedman University of Massachusetts—Amherst; Sheldon Friedman AFL–CIO; Alan Frishman Hobart and William Smith Colleges; Scott T. Fullwiler Wartburg College; Kevin Furey Chemeketa Community College; Jason Furman New York University; David Gabel Queens College; James K. Galbraith University of Texas—Austin; Monica Galizzi University of Massachusetts—Lowell; David E. Gallo California State University—Chico; Byron Gangnes University of Hawaii—Manoa; Irwin Garfinkel Columbia University; Rob Garnett Texas Christian University; Garance Genicot Georgetown University; Christophre Georges Hamilton College; Malcolm Getz Vanderbilt University; Teresa Ghilarducci University of Notre Dame; Karen J. Gibson Portland State University; Richard J. Gilbert University of California—Berkeley; Helen LAchs Ginsburg Brooklyn College—City University of New York; Herbert Gintis University of Massachusetts—Amherst; Neil Gladstein International Association of Machinists and Aerospace Workers; Amy Glasmeier Penn State University; Norman J. Glickman Rutgers University; Robert Glover University of Texas—Austin; Arthur S. Goldberger University of Wisconsin—Madison; Lonnie Golden Penn State University—Abington College; Dan Goldhaber University of Washington; Marshall I. Goldman Wellesley College; Steven M. Goldman University of California—Berkeley; William W. Goldsmith Cornell University; Donald Goldstein Allegheny College; Nance Goldstein University of Southern Maine; Nick Gomersall Luther College; Eban S. Goodstein Lewis and Clark College; Neva Goodwin Tufts University; Roger Gordon University of California—San Diego; Peter Gottschalk Boston College; Elise Gould Economic Policy Institute; Harvey Gram Queens College, City University of New York; Jim Grant Lewis & Clark College; Ulla Grapard Colgate University; Daphne Greenwood University of Colorado—Colorado Springs; Karl Gregory Oakland University; Christopher Gunn Hobart and William Smith Colleges; Steven C. Hackett Humboldt State University; Joseph E. Harrington Johns Hopkins University; Douglas N. Harris Florida State University; Jonathan M. Harris Tufts University; Martin Hart; Landsberg Lewis & Clark College; Robert Haveman University of Wisconsin—Madison; Sue Headlee American University; Carol E. Heim University of Massachusetts—Amherst; James Heintz University of Massachusetts—Amherst; Paul A. Heise Lebanon Valley College; Susan Helper Case Western Reserve University; John F. Henry University of Missouri—Kansas City; Barry Herman The New School; Edward S. Herman University of Pennsylvania; Guillermo E. Herrera Bowdoin College; Joni Hersch Vanderbilt University Law School; Thomas Hertel Purdue University; Steven Herzenberg Keystone Research Center; Donald D. Hester University of Wisconsin—Madison; Gillian Hewitson Franklin and Marshall College; Bert G. Hickman Stanford University; Marianne T. Hill Center for Policy Research and Planning; Martha S. Hill University of Michigan—Ann Arbor; Michael G. Hillard University of Southern Maine; Rod Hissong University of Texas—Arlington; P. Sai-Wing Ho University of Denver; Emily P. Hoffman Western Michigan University; Harry J. Holzer Georgetown University and Urban Institute; Marjorie Honig Hunter College, City University of New York; Barbara E. Hopkins Wright State University; Mark R. Hopkins Gettysburg College; Ann Horowitz University of Florida; Ismael Hossein; Zadeh Drake University; Charles W. Howe University of Colorado—Boulder; Candace Howes Connecticut College; Frank M. Howland Wabash College; David C. Huffman Bridgewater College; Saul H. Hymans University of Michigan—Ann Arbor; Frederick S. Inaba Washington State University; Alan G. Isaac American University; Doreen Isenberg University of Redlands; Jonathan Isham Middlebury College; Sanford M. Jacoby University of California—Los Angeles; Robert G. James California State University—Chico; Kenneth P. Jameson University of Utah; Russell A. Janis University of Massachusetts—Amherst; Elizabeth J. Jensen Hamilton College; Pascale Joassart University of Massachusetts—Boston; Jerome Joffe St. John's University; Laurie Johnson University of Denver; William Johnson Arizona State University; Lawrence D. Jones

University of British Columbia; Alexander J. Julius New York University; Bernard Jump Syracuse University; Fadhel Kaboub Drew University; Shulamit Kahn Boston University; Linda Kamas Santa Clara University; Sheila B. Kamerman Columbia University; John Kane State University of New York—Oswego; Billie Kanter California State University—Chico; J.K. Kapler University of Massachusetts—Boston; Roger T. Kaufman Smith College; David E. Kaun University of California—Santa Cruz; Thomas A. Kemp University of Wisconsin—Eau Claire; Peter B. Kenen Princeton University; Farida C. Khan University of Wisconsin—Parks ide; Kwan S. Kim University of Notre Dame; Marlene Kim University of Massachusetts—Boston; Christopher T. King University of Texas—Austin; Mary C. King Portland State University; Lori G. Kletzer University of California—Santa Cruz; Janet T. Knoedler Bucknell University; Tim Koechlin Vassar College; Andrew I. Kohen James Madison University; Denise Eby Konan University of Hawaii—Manoa; Ebru Kongar Dickinson College; James Konow Loyola Marymount University; Krishna Kool University of Rio Grande; Douglas Koritz Buffalo State College; Daniel J. Kovenock Purdue University; Kate Krause University of New Mexico; Vadaken N. Krishnan Bowling Green State University; Douglas Kruse Rutgers University; David Laibman Brooklyn College—City University of New York; Robert M. La; Jeunesse University of Newcastle; Kevin Lang Boston University; Catherine Langlois Georgetown University; Mehrene Larudee DePaul University; Gary A. Latanich Arkansas State University; Robert Z. Lawrence Harvard University—Kennedy School of Government; Daniel Lawson Drew University; William Lazonick University of Massachusetts—Lowell; Joelle J. Leclaire Buffalo State College; Frederic S. Lee University of Missouri Kansas City; Marvin Lee San Jose State University; Sang-Hyop Lee University of Hawaii—Manoa; Woojin Lee University of Massachusetts—Amherst; Thomas D. Legg University of Minnesota; J. Paul Leigh University of California—Davis; Charles Levenstein University of Massachusetts—Lowell; Margaret C. Levenstein University of Michigan—Ann Arbor I Henry M. Levin Columbia University; Herbert S. Levine University of Pennsylvania; Mark Levinson Economic Policy Institute; Oren M. Levin-Waldman Metropolitan College of New York; Mark K. Levitan Community Service Society of New York; Stephen Levy Center for Continuing Study of California Economy; Arthur Lewbel Boston College; Lynne Y. Lewis Bates College; David L. Lindauer Wellesley College; Victor D. Lippit University of California—Riverside; Pamela J. Loprest Urban Institute; Richard Lotspeich Indiana State University; Michael C. Lovell Wesleyan University; Milton Lower Retired Senior Economist, U.S. House of Representatives; Stephanie Luce University of Massachusetts—Amherst; Robert Lucore United American Nurses; Jens Otto Ludwig Georgetown University; Dan Luria Michigan Manufacturing Technology Center; Devon Lynch University of Denver; Lisa M. Lynch Tufts University; Robert G. Lynch Washington College; Catherine Lynde University of Massachusetts—Boston; Arthur MacEwan University of Massachusetts—Boston; Hasan MacNeil California State University—Chico; Allan MacNeill Webster University; Craig R. MacPhee University of Nebraska—Lincoln; Diane J. Macunovich University of Redlands; Janice F. Madden University of Pennsylvania; Mark H. Maier Glendale Community College; Thomas N. Maloney University of Utah; Jay R. Mandie Colgate University; Andrea Maneschi Vanderbilt University; Garth Mangum University of Utah; Catherine L. Mann Brandeis University; Don Mar San Francisco State University; Dave E. Marcotte University of Maryland—Baltimore County; Robert A. Margo Boston University; Ann R. Markusen University of Minnesota—Twin Cities; Ray Marshall University of Texas LBJ School of Public Affairs; Stephen Martin Purdue University; Patrick L Mason Florida State University; Thomas Masterson Westfield State College; Julie A. Matthaei Wellesley College; Peter Hans Matthews Middlebury College; Anne Mayhew University of Tennessee—Knoxville; Alan K. McAdams Cornell University; Timothy D. McBride St. Louis University School of Public Health; Elaine McCrate University of Vermont; Kate McGovern Springfield College; Richard D. McGrath Armstrong Atlantic State University; Richard McIntyre University of Rhode Island; Hannah McKinney Kalamazoo College; Judith Record McKinney Hobart and William Smith Colleges; Andrew McLennan University of Sydney; Charles W. McMillion MBG Information Services; Ellen Meara Harvard Medical School; Martin Melkonian Hofstra University; Jo Beth Mertens Hobart and William Smith Colleges; Peter B. Meyer University of Louisville and Northern Kentucky University; Thomas R. Michl Colgate University; Edward Miguel University of California—Berkeley; William Milberg The New School; John A. Miller Wheaton College; S.M. Miller Cambridge Institute and Boston University; Jerry Miner Syracuse University; Daniel J.B. Mitchel University of California—Los Angeles; Edward B. Montgomery University of Maryland; Sarah Montgomery Mount Holyoke College; Robert E. Moore Georgia State University; Barbara A. Morgan Johns Hopkins University; John R. Morris University of Colorado—Denver; Monique Morrissey Economic Policy Institute; Lawrence B. Morse North Carolina A&T State University; Saeed Mortazavi Humboldt State University; Fred Moseley Mount Holyoke College; Philip I. Moss University of Massachusetts—Lowell; Tracy Mott University of Denver; Steven D. Mullins Drury University; Alicia H. Munnell Boston College; Richard J. Murnane Harvard University; Matthew D. Murphy Gainesville State College; Michael Murray Bates College; Peggy B. Musgrave University of California—Santa Cruz; Richard A. Musgrave Harvard University; Ellen Mutari Richard Stockton College; Sirisha Naidu Wright State University; Michele Naples The College of New Jersey; Tara Natarajan St. Michael's College; Julie A. Nelson Tufts University; Reynold F. Nesiba Augustana College; Donald A. Nichols University of Wisconsin—Madison; Eric Nilsson California State University—San Bernardino; Laurie Nisonoff Hampshire College; Emily Northrop Southwestern University; Bruce Norton San Antonio College; Stephen A. O'Connell Swarthmore College; Mehmet Odekon Skidmore College; Paulette Olson Wright State University; Paul Ong University of California—Los Angeles; Van Doorn Ooms Committee for Economic Development; Jonathan M. Orszag Competition Policy Associates, Inc.; Paul Osterman Massachusetts Institute of Technology; Shaianne T. Osterreich Ithaca College; Rudolph A. Oswald George Meany Labor Studies Center; Spencer J. Pack Connecticut College; Arnold Packer Johns Hopkins University; Dimitri B. Papadimitriou The Levy Economic Institute of Bard College; James A. Parrott Fiscal Policy Institute; Manuel Pastor University of California—Santa Cruz; Eva A. Paus Mount Holyoke College; Jim Peach New Mexico State University; M. Stephen Pendleton Buffalo State College; Michael Perelman California State University—Chico; Kenneth Peres Communications Workers of America; George L. Perry The Brookings Institution; Joseph Persky University of Illinois—Chicago; Karen A. Pfeifer Smith College; Bruce Pietrykowski University of Michigan—Dearborn; Michael J. Piore Massachusetts Institute of Technology; Karen R. Polenske Massachusetts Institute of Technology; Robert Pollin University of Massachusetts—Amherst; Marshall Pomer Macroeconomic Policy Institute; Tod Porter Youngstown State University; Shirley L. Porterfield University of Missouri—St. Louis; Michael J. Potepan San Francisco State University; Marilyn Power Sarah Lawrence College; Thomas Power University of Montana; Robert E. Prasch Middlebury College; Mark A. Price Keystone Research Center; Jean L. Pyle University of Massachusetts—Lowell; Paddy Quick St. Francis College; John M. Quigley University of California—Berkeley; Willard W. Radell, Jr. Indiana University of Pennsylvania; Fredric Raines Washington University in St. Louis; Steven Raphael University of California—Berkeley; Salim Rashid University of Illinois—Urbana—Champaign; Wendy L. Rayack Wesleyan University; Randall Reback Barnard College, Columbia University; Robert Rebelein Vassar College; James B. Rebitzer Case Western Reserve University; Daniel I. Rees University of Colorado—Denver; Michael Reich University of California—Berkeley; Robert B. Reich University of California—Berkeley; Cordelia Reimers Hunter College and The Graduate Center—City University of New York; Donald Renner Minnesota State University—Mankato; Trudi Renwick Fiscal Policy Institute; Andrew Reschovsky University of Wisconsin—Madison. Lee A. Reynis University of New Mexico; Daniel Richards Tufts University; Bruce Roberts University of Southern Maine; Barbara J. Robles Arizona State University; John Roche St. John Fisher College; Charles P. Rock Rollins College; William M. Rodgers III Rutgers University; Dani Rodrik Harvard University; John E. Roemer Yale University; William O. Rohlf Drury University; Gerard Roland University of California—Berkeley; Frank Roosevelt Sarah Lawrence College; Jaime Ros University of Notre Dame; Nancy E. Rose California State University—San Bernardino; Howard F. Rosen Trade Adjustment Assistance Coalition; Joshua L. Rosenbloom University of Kansas; William W. Ross Fu Associates, Ltd.; Roy J. Rothelm Skidmore College; Jesse Rothstein Princeton University; Geoffrey Rothwell Stanford University; Joydeep Roy Economic Policy Institute; David Runsten Community Alliance with Family Farmers; Lynda Rush California State Polytechnic University—Pomona; Gregory M. Saltzman Albion College and the University of Michigan; Sydney Saltzman Cornell University; Dominick Salvatore Fordham University; Blair Sandler San Francisco, California; Daniel E. Saros Valparaiso University; Michael Sattinger University at Albany; Dawn Saunders Castleton State College; Larry Sawers American University; Max Sawicky Economic Policy Institute; Peter V. Schaeffer West Virginia University; William C. Schauiel University of West Georgia; A. Allan Schmid Michigan State University; Stephen J. Schmidt Union College; John Schmitt Center for Economic and Policy Research; Juliet B. Schor Boston College; C. Heike Schotten

University of Massachusetts—Boston; Eric A. Schutz Rollins College; Elliot Sclar Columbia University; Allen J. Scott University of California—Los Angeles; Bruce R. Scott Harvard Business School; Robert Scott Economic Policy Institute; Stephauie Seguino University of Vermont; Laurence Seidman University of Delaware; Janet Seiz Grinnell College; Willi Semmler The New School; Mina Zeynep Senses Johns Hopkins University; Jean Shackelford Bucknell University; Harry G. Shaffer University of Kansas; Sumitra Shah St. John's University; Robert J. Shapiro Sonecon LLC; Mohammed Sharif University of Rhode Island; Lois B. Shaw Institute for Women's Policy Research; Heidi Shierholz University of Toronto; Deep Shikha College of St. Catherine; Richard L. Shirey Siena College; Steven Shulman Colorado State University; Laurence Shute California State Polytechnic University—Pomona; Stephen J. Silvia American University; Michael E. Simmons North Carolina A&T State University; Margaret C. Simms Joint Center for Political and Economic Studies; Chris Skelley Rollins College; Max J. Skidmore University of Missouri—Kansas City; Peter Skott University of Massachusetts—Amherst; Courtenay M. Slater Arlington, Virginia; Timothy M. Smeeding Syracuse University; Janet Spitz College of Saint Rose; William Spriggs Howard University; James L. Starkey University of Rhode Island; Martha A. Starr American University; Howard Stein University of Michigan—Ann Arbor; Mary Huff Stevenson University of Massachusetts—Boston; James B. Stewart Pennsylvania State University; Jeffrey Stewart Northern Kentucky University. Robert J. Stonebraker Winthrop University; Michael Storper University of California—Los Angeles; Diana Strassmann Rice University; Cornelia J. Strawser Consultant; Frederick R. Strobel New College of Florida; James I. Sturgeon University of Missouri—Kansas City; David M. Sturges Colgate University; William A. Sundstrom Santa Clara University; Jonathan Sunshine Reston, Virginia; Paul Swaim Organisation for Economic Co-operation and Development; Craig Swan University of Minnesota—Twin Cities; Paul A. Swanson William Paterson University; William K. Tabb Queens College; Peter Temin Massachusetts Institute of Technology; Judith Tendler Massachusetts Institute of Technology; David Terkla University of Massachusetts—Boston; Kenneth Thomas University of Missouri—St. Louis; Frank Thompson University of Michigan—Ann Arbor; Ross D. Thomson University of Vermont; Emanuel D. Thorne Brooklyn College—City University of New York; Jill Tiefenthaler Colgate University; Thomas H. Tietenberg Colby College; Chris Tilly University of Massachusetts—Lowell; Renee Toback Empire State College; Mayo C. Toruño California State University—San Bernardino; W. Scott Trees Siena College; A. Dale Tussing Syracuse University; James Tybout Penn State University; Christopher Udry Yale University; Daniel A. Underwood Peninsula College; Lynn Unruh University of Central Florida; Leanne Ussher Queens College, City University of New York; David Vail Bowdoin College; Vivian Grace Valdmanis University of the Sciences in Philadelphia; William Van Lear Belmont Abbey College; Lane Vanderslice Hunger Notes; Lise Vesterlund University of Pittsburgh; Michael G. Vogt Eastern Michigan University; Paula B. Voos Rutgers University; Mark Votruba Case Western Reserve University; Susan Vroman Georgetown University; Howard M. Wachtel American University; Jeffrey Waddoups University of Nevada—Las Vegas; Norman Waitzman University of Utah; Lawrence A. Waldman University of New Mexico; John F. Walker Portland State University; William Waller Hobart and William Smith Colleges; Jennifer Warlick University of Notre Dame; Matthew Warning University of Puget Sound; Bernard Wasow The Century Foundation; Robert W. Wassmer California State University—Sacramento; Sidney Weintraub Center for Strategic and International Studies; Mark Weisbrot Center for Economic and Policy Research; Charles L. Weise Gettysburg College; Thomas E. Weisskopf University of Michigan—Ann Arbor; Christian E. Weller Center for American Progress; Fred M. Westfield Vanderbilt University; Charles J. Whalen Perspectives on Work; Cathleen L. Whiting Williamette University; Howard Wial The Brookings Institution; Linda Wilcox Young Southern Oregon University; Arthur R. Williams Rochester—Minnesota; Robert G. Williams Guilford College; John Willoughby American University; Valerie Rawlston Wilson National Urban League; Jon D. Wisman American University; Barbara L. Wolfe University of Wisconsin—Madison; Edward Wolff New York University; Martin Wolfson University of Notre Dame; Brenda Wyss Wheaton College; Yavuz Yasar University of Denver; Anne Yeagle University of Utah; Erinc Yelden University of Massachusetts—Amherst; Ben E. Young University of Missouri—Kansas City; Edward G. Young University of Wisconsin—Eau Claire; June Zaccone National Jobs for All Coalition and Hofstra University; Ajit Zacharias Levy Economics Institute of Bard College; David A. Zalewski Providence College; Henry W. Zaretsky Henry W. Zaretsky & Associates, Inc.; Jim Zelenski Regis University; Andrew Zimbalist Smith College; and John Zysman University of California—Berkeley.

Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY), a member of the committee and a long-time proponent of increasing the minimum wage and making our economy fairer.

Ms. WOOLSEY. Mr. Speaker, 40 years ago, I was a single mother with three small children; and although I was employed, I was forced to go on welfare. I know what it is like to try to get by on a paycheck that is not enough to meet ends.

Like my experience, today there are many, many Americans who are working so hard who are earning the minimum wage who are still coming up short. And, Mr. Speaker, the majority of these Americans are women and most of them have children. They put in a full 40-hour work week. They still live below the poverty line.

This is absolutely unacceptable, because in a prosperous Nation like ours it should be a violation of a person's civil rights not to provide adequate compensation for their work.

Mr. Speaker, we must ensure that working people earn enough to care for themselves and their families.

I urge my colleagues to support H.R. 2 and support the millions of working Americans who so desperately need a raise in the minimum wage.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia, a member of the Ways and Means Committee, Mr. LINDER.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to oppose this political effort to fix prices. Dr. Milton Friedman spoke on this issue 31 years ago. He noted that the proponents of increasing the minimum wage are well-meaning do-gooders, but they are playing politics with people's futures.

These ideas always have two groups of sponsors, the well-meaning do-gooders and the special interests who are using the do-gooders as front men.

Since there is absolutely no positive objective achieved by a minimum wage other than costing beginning workers their jobs, the real purpose is to reduce competition for unions so that it is easier to maintain the wages of their privileged members higher than the others.

The minimum wage says that employers must discriminate against those with low skills. If you have a job that is worth $5 an hour, you may not employ that person. It is illegal.

So who pays? The 1981 Minimum Wage Study Commission concluded that a 10 percent increase in the minimum wage reduced teenage employment by 1 to 3 percent. From 1981 to 1990, the minimum wage did not rise, and teen unemployment fell from 25 percent to 15 percent. After the 1990 increase, teen unemployment rose to more than 20 percent. The 46 percent rise between 1977 and 1981 cost 644,000 jobs among teens alone.

Who else pays? Small business. A small business with five minimum wage positions would face more than $21,000 in additional wage costs. That does not include increases in payroll and unemployment taxes nor wage demands from other employees looking to stay ahead of the minimum wage. For many businesses, small businesses, a higher minimum wage simply equates to a major tax hike. That is what this is.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Mr. Speaker, I thank the gentleman for yielding me this time.

Members, I rise in support of H.R. 2. I am proud to be a Member of Congress at a time when I can help the nearly 13 million American workers that will benefit from an increase in the minimum wage, including the almost 2.8 million Hispanic workers whose quality of life will be greatly improved by this legislation.

For the past 9 years, America's working families have not received a pay raise. Today, minimum wage employees working 40 hours a week, 52 weeks a year, earn $5,000 below the poverty level for a family of three. How can we allow so many hardworking families to live in poverty?

Increasing the minimum wage to $7.25 an hour will give our working families an additional $4,400 a year. This will help them meet critical needs such as rent, health care, child care, and food. I urge all Members to please support this legislation.

In this 110th Congress, we must reaffirm the American Dream that rewards hard work with good pay and the opportunity to support strong and healthy families. An increase in the minimum wage will help us achieve this goal. I urge all of my colleagues to support this legislation.

Mr. MCCRERY. Mr. Speaker, I include in the RECORD a report from the Congressional Budget Office as to the cost to State, local, and tribal governments and to the private sector of the provisions of the legislation before us; simply about $1 billion to governments and about $16 billion to the private sector, mostly small businesses.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 29, 2006.
Hon. WILLIAM "BILL" M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to respond, in the attachment to this letter, to your questions about the potential effects on government revenues and outlays that could result from enactment of an increase in the federal minimum wage rate from $5.15 to $7.25 per hour.

In addition, at the request of Congressman McKeon, CBO has prepared a cost estimate (dated December 29, 2006) for H.R. 2429, the Fair Minimum Wage Act of 2005, which would raise the minimum wage to $7.25 in three steps over a two-year period. A copy of that estimate is also attached.

If you require additional information about the effects of increases in the minimum wage, CBO will be pleased to provide it. The staff contacts are Paul Cullinan, Ralph Smith, and Mark Booth.

Sincerely,

DONALD B. MARRON,
Acting Director.

Attachments.

CONGRESSIONAL BUDGET OFFICE RESPONSES TO QUESTIONS POSED BY CONGRESSMAN THOMAS ABOUT THE EFFECTS OF INCREASING THE FEDERAL MINIMUM WAGE

Question. How many workers currently earning under or just above $7.25 an hour would be affected? Does CBO believe that a higher minimum wage will result in increased unemployment among this group?

Answer. According to data from the Current Population Survey, in October 2006, there were approximately 8.4 million workers usually paid on an hourly wage basis whose wage rate was between $5.15, the current federal minimum wage rate, and $7.25; two-thirds of them were paid more than $6.00 per hour.

The number of workers at or just above the federal minimum wage rate has been declining and is expected to continue to decline because of market forces and actions taken by many states. As of October 2006, 20 states and the District of Columbia had laws that required employers covered by their legislation to pay wage rates above $5.15 per hour. In 2007, eight more states will fall in that category. Some states, including California and Massachusetts, will have minimum wage rates above $7.25. Thus, the number of people that would be directly affected by an increase in the federal minimum wage rate and the magnitude of the wage adjustments that would be required of employers are expected to diminish over time.

The potential employment and unemployment impacts of raising the federal minimum wage rate to $7.25 per hour are difficult to predict, but are likely to be small. Economists have devoted considerable energy to the task of estimating how employers would respond to such a mandate. Although most economists would agree that an increase in the minimum wage rate would cause firms to employ fewer low-wage workers, there is considerable disagreement about the magnitude of the reduction. The main reason for that disagreement is the difficulty in distinguishing the effects on employment that were attributable to past changes in the minimum wage from those that were attributable to other changes in the labor market.

Moreover, the results of such analyses are difficult to apply to future changes because labor market conditions will be different. Many of the attempts to estimate the employment impacts of increases in the minimum wage were based on data from periods in which the federal minimum wage was much higher, as a percentage of average wages, than it is now or will be when any proposed increases would take effect. Likewise, the number of people paid at the federal minimum wage rate is much smaller now than it was prior to previous increases even though the labor force has grown significantly.

Employers could respond to an increase in the federal minimum wage in many different ways. Some would reduce the number of workers they employed or cut back on the number of hours worked by some of their employees. Because many of the workers in the affected wage range are on part-time schedules, reducing the hours of employment might be easier to do than it would be if all workers were employed on fixed eight-hour schedules.

Other ways that employers might respond to an increase in the federal minimum wage would not involve adjustments in employment levels or hours. Employers might screen job applicants more closely to select employees from whom they would expect higher productivity. Some employers might reduce fringe benefits for their employees. Some employers might attempt to pass along at least a portion of the additional payroll costs to their customers by raising prices. They might be successful in doing so if their competitors were also faced with higher labor costs because of the increase in the minimum wage.

Any reductions in the growth in employment resulting from such an increase in the minimum wage rate would not necessarily result in a corresponding increase in unemployment—that is, the number of people actively seeking work. The impact on the level of unemployment would also depend on how the changes in work opportunities resulting from an increase in the minimum wage rate affected people's decisions about participating in the labor force.

Question. Does CBO expect there to be any increased or decreased spending on work support programs such as the Earned Income Tax Credit, Medicaid, or Food Stamps? Is there an expected increase or decrease in the number of people participating in these antipoverty programs as a result of higher wages resulting from the minimum wage?

Answer. The increases in the minimum wage on the order of magnitude suggested in your letter could affect federal spending, but the Congressional Budget Office (CBO) judges that those effects would be small. Moreover, whether those impacts would be an increase or decrease in spending is uncertain because the result would depend on the income and family characteristics of the affected individuals. Some workers would see their incomes increased, but others might see their work hours and earnings decline (or sometimes eliminated completely) as employers responded to the increase in the minimum wage. CBO expects that, in many cases, those groups of workers would have similar characteristics and therefore similar tendencies to participate in public programs. For those workers newly unemployed, increased participation in assistance programs would generate significant additional costs on a per-case basis, but decreased costs for workers with increased earnings would offset most or all of that effect.

The majority of minimum-wage workers do not receive any benefits under the Earned Income Tax Credit (EITC), Food Stamp program, or Medicaid. Those eligible for EITC payments could receive either higher or lower payments depending on whether or not they were in the "phase-in" or the "phase-out" income ranges. Workers would lose EITC payments if they were in the phase-out range and received higher earnings, and they would gain EITC payments if they were in the phase-in range and received higher earnings, within limits. CBO's analysis suggests that more affected workers are in the phase-out range than in the phase-in range. However, the implicit tax rate for EITC recipients in the phase-out range is generally much lower than the rate of benefit accrual for recipients in the phase-in range. As a result, CBO's preliminary analysis suggests that the phase-in and phase-out effects would virtually offset each other and total EITC payments would be little changed.

Food Stamp benefits would fall for some workers, but could rise for others if they were among those in the labor force who saw their work hours decline. Similarly, some Medicaid recipients would reach income levels that would make them ineligible for that coverage, while others whose work hours were diminished might become eligible.

Question. Will there be significant increases in the amount of payroll or income taxes collected as a result of the increased income from affected workers?

Answer. CBO's estimate of the potential effects of an increase in the minimum wage on federal revenues is similar to that for spending—the impact would be small and of indeterminate direction. The effective tax rates for workers whose income would rise are not likely to be very different from those who might see their hours and earnings decreased. Those effective tax rates reflect payroll taxes (for Social Security, Medicare, and Unemployment Insurance) and income taxes.

Question. What effect will the increased minimum wage have on the unemployment insurance program? Does CBO expect that state unemployment payroll taxes will need to be increased or that unemployment benefit payments will increase as a result of any unemployment resulting from the increase in the minimum wage?

Answer. CBO estimates that increases in the minimum wage would have a negligible effect on the unemployment insurance (UI) program. Unemployment benefits might rise slightly from any increase in unemployment that might ensue, but only a very small share of minimum-wage workers end up qualifying for benefits. Initially, taxes under the program could rise or fall depending on what happened to earnings under the annual cap on taxable wages. Moreover, to the extent that the balances in the state UI accounts deviated from a state's desired position, the state would adjust its tax rates and benefit provisions to offset those deviations, CBO assumes. Thus, CBO expects the net effect on the UI program to be neutral over time.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 2429—Fair Minimum Wage Act of 2005

Summary: H.R. 2429 would amend the Fair Labor Standards Act (FLSA) to increase the federal minimum wage in three steps from $5.15 per hour to $7.25 per hour. The bill also would apply the minimum wage provisions of the FLSA to the Commonwealth of the Northern Mariana Islands (CNMI). The Congressional Budget Office (CBO) estimates that enactment of an identical bill in the next Congress would have no significant effect on the direct spending and revenues of the federal government. Because a very small number of federal employees are paid the federal minimum wage, the bill would have a minor effect on the budgets of federal agencies that are controlled through annual appropriations.

The bill would impose mandates, as defined by the Unfunded Mandates Reform Act (UMRA), on some state and local governments, Indian tribes, and private-sector employers because it would require them to pay higher wages than they are required to pay under current law. The bill also would preempt the minimum wage laws of the CNMI. CBO estimates that the costs to state, local, and tribal governments and to the private sector would exceed the thresholds established by UMRA. (The thresholds in 2007 are $66 million for intergovernmental mandates and $131 million for private-sector mandates, both adjusted annually for inflation.)

For the purposes of this estimate, CBO assumes the legislation will be enacted by March 1, 2007. If so, the minimum wage would rise from $5.15 to $5.85 on May 1, 2007, to $6.55 on May 1, 2008, and to $7.25 on May 1, 2009.

Estimated cost to the Federal Government: CBO estimates that enacting H.R. 2429 would have no significant effects on the federal budget.

Affected workers and their families could experience changes to their incomes that would affect the benefits they receive from federal programs such as the Earned Income Tax Credit (EITC), Food Stamps, and Medicaid. However, CBO judges that in aggregate any such impacts would be small, and could result in either higher or lower spending in those programs. Most workers in the affected wage range do not currently participate in those programs. CBO's analysis of the EITC indicates that those workers who are in the earnings range where the EITC is phased out would receive reduced payments that would virtually offset the additional benefits received by those in the phase-in range. Similarly, those Food Stamp participants whose earnings rose would receive fewer benefits, but workers who could not find work at the higher wages or whose hours were cut back would likely claim higher benefits.

The potential revenue effects are similar—small and of indeterminate direction. CBO expects that the workers with increased earnings would have characteristics similar to those whose incomes fall as a result of unemployment or reduced hours. Consequently, the marginal tax rates for the two groups would be comparable, and the changes in the minimum wage would result in little change in aggregate tax revenues.

Intergovernmental and private-sector impact: The amendment would impose both intergovernmental and private-sector mandates, as defined in UMRA, because it would require employers to pay higher wages than they are required to pay under current law. In addition, it would preempt the minimum wage laws of the CNMI. That preemption also is considered a mandate.

To estimate the direct cost to employers of raising the minimum wage (that is, the cost of the new requirement absent any change in their behavior), CBO used information on the number of workers whose wages would be affected in May 2007 and subsequent months, the wage rates these workers would receive in the absence of the bill, and the number of hours for which they would be compensated. The estimate was made in two steps. First, CBO used data from the Current Population Survey to estimate how much it would have cost employers to comply with the mandate had they been required to do so in late 2006. Second, that estimate was used to project the costs to employers beginning in May 2007, taking into account the expected decline over time in the number of workers in the relevant wage range. Those estimates take into account the fact that some states already have, or will have, minimum wages higher than the current federal minimum wage.

CBO estimates that the costs to state, local, and tribal governments would exceed the threshold established by UMRA for intergovernmental mandates ($66 million in 2007, adjusted annually for inflation) in each year beginning in fiscal year 2008. We also estimate that the costs to the private sector would exceed the annual threshold established in the law for private-sector mandates ($131 million in 2007, adjusted annually for inflation) in each year beginning in fiscal year 2007. The following table summarizes the estimated costs of those mandates.

ESTIMATED COSTS OF MANDATES IN H.R. 2429

	By fiscal year, in billions of dollars—				
	2007	2008	2009	2010	2011
COSTS TO STATE, LOCAL, AND TRIBAL GOVERNMENTS					
Increase the federal minimum wage	*	0.1	0.2	0.3	0.3
DIRECT COST TO THE PRIVATE SECTOR					
Increase the federal minimum wage	0.3	1.5	4.0	5.7	5.0
Apply the minimum wage to the CNMI	*	0.1	0.1	0.2	0.2

Note: * = Less than $50 million.

Estimate prepared by: Federal Costs: Christina Hawley Anthony; Impact on State, Local, and Tribal Governments: Theresa Gullo; Impact on the Private Sector: Ralph Smith.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis and Bruce Vavrichek, Assistant Director for Health and Human Resources.

Mr. Speaker, I yield 2½ minutes to another member of the Ways and Means Committee, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise as a longtime advocate of raising the minimum wage, as someone who supports the McKeon-McCrery alternative because it is balanced and provides incentives for investment and small business and job creation. As someone who worked 10 years ago for the last increase for the minimum wage, working very closely with my then colleague Mr. Quinn of Buffalo, we were able to achieve that.

Today, we have an opportunity to raise the minimum wage, but because of the procedural restrictions we face on the floor some are going to be left behind and that is particularly disappointing.

While H.R. 2 will provide a $2.10 raise for American workers, sadly, it fails to take into account many Americans with disabilities who are in our workforce. These are disabled Americans who receive SSI disability benefits who are active participants in the workforce and maintaining jobs that give them great satisfaction. Unfortunately, they are left behind because, currently, SSI beneficiaries are limited to $900 per month in order to remain eligible to receive benefits. If the wage hike under consideration today goes into law without raising an earnings limit for people on SSI, Americans with disabilities engaged in full-time employment would either potentially lose their benefits or have to cut back on their hours. That is a decision they shouldn't have to make.

Mr. Speaker, this is not only a disincentive to work, it is a woefully shortsighted policy, which hopefully we will be able to correct before this law goes into effect.

I introduced H.R. 290 which would ensure that workers with disabilities would not lose their payments through raising the earnings limitation on SSI. I wasn't able to offer that provision today because no amendments are being allowed. The result, unfortunately, is, having barred Republicans from having offered this change as an amendment, the majority has created as real victims not House Republicans but Americans with disabilities. And that is a shame.

Although an increase in the minimum wage is critical, and I strongly support this bill, I sincerely hope that the new majority will move ultimately to rectify this inequity in this Congress.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman.

Mr. Speaker, we finally are going to raise the minimum wage. No gimmicks, no combination with extraneous legislation, just a straight up or down vote to raise the minimum wage from what has become the lowest purchasing power in half a century.

New Jersey instituted a fair living wage a year or so ago; and, guess what, the increase did not result in layoffs. That indeed has been the experience of every previous increase around the country. With a minimum wage salary of a little over $10,000 a year, health premiums are that much, how do you expect a family to get along? This will benefit 13 million people, millions of children, millions with children to support, millions as head of household.

Now, you have heard about the fairness and the compassion arguments for this increase. We really must emphasize the solid economic arguments that this increase, like all previous increases, will benefit the entire economy. Workers will benefit. Businesses will benefit. Far from lopping off the lowest rung of the ladder, as our colleagues have argued, this will raise the entire ladder. The economics are clear. We have seen it again and again.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from New Jersey talked about the experience in New Jersey of increasing the minimum wage, and he stated that no jobs were lost. He didn't cite any study to that effect. He just stated it. There are studies, though, that show that after the increase in minimum wage in the 1990s, there were, in fact, job losses. 146,000 jobs were cut from restaurant payrolls, and operators of restaurants signaled plans to postpone hiring an additional 106,000 new employees because of the raise of the minimum wage. And, also, the Bureau of Labor Statistics data shows that following the increase in minimum wage, net increase in jobs were significantly reduced around the country. And whether that is a coincidence or not, we don't know, but certainly the evidence is fairly clear that there was an impact.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas, a member of the Ways and Means Committee, Mr. BRADY.

Mr. BRADY of Texas. Mr. Speaker, I think we are missing a historic opportunity to change the paradigm to really help workers get into a living wage for the long term. The fact is, an increase to $7.25 an hour will still leave a single mom with a child at or near poverty. And there is no doubt that a video store owner in Texas or anywhere else with five workers, when faced with a $25,000 increase in payroll and no chance they are going to rent that many more videos, are going to look at whether they can afford all those workers.

Remembering well the minimum wage jobs I held when younger and also having worked hard to make a small business payroll, I think we need new thinking. America's goals should not be to raise the minimum wage; our goals should be to get workers off it and into good-paying jobs that you can raise a family on.

So rather than recycle the same 60-year-old arguments, why don't we help workers break out of the minimum wage trap? Rather than raise the minimum wage, let employers create education debit cards where workers can take those debit cards to the local community college or the trade schools so they can get a real job. Let business and professions, whole industries contribute to those debit cards so we can train workers for the jobs of today which are crying for many American workers. And since Congress is eager to do this pay raise on someone else's dime, let small businesses deduct and receive credit those dollars, receive a tax credit for their education contributions above the current state of minimum wage.

□ 1145

In effect, rather than a jobs bank, create a skills bank for workers in the 21st century. Give workers an opportunity to get out of a struggling job that leads nowhere and give businesses the skilled workers they need to compete and win against international competition. We have done it before with welfare. The Republican Congress and Democrat President worked together. We sent a strong signal we would no longer give up on workers, relegating them to a subsistence living generation after generation. We ought to do it again.

I oppose this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. YARMUTH) on behalf of raising the minimum wage.

Mr. YARMUTH. Mr. Speaker, it is with great pride that I rise for the first time in this body in support of American working families.

Teddy Roosevelt first suggested that all hardworking Americans should earn what he called a living wage. Today, a century later, millions of Americans have been denied his great vision due to baseless fear tactics involving unemployment and a slowed economy. But America's minimum wage was raised regularly for 60 years, and the economy grew, in no small part due to those actions.

Raising the minimum wage never led to unemployment. It always forced higher wages across the board, and it helped to forge a healthy and vibrant economy.

In my district, 30,000 men and women go to work every day working for minimum wage and come home to a life of poverty. It is our responsibility, our moral obligation, indeed, our great opportunity to ensure that all hardworking Americans have the opportunity to provide for themselves and their families. We have the unique opportunity to approach Teddy Roosevelt's vision that, for an American who works hard, a living wage is the absolute minimum.

I urge my colleagues to supports the measure.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to urge my colleagues to support the Working Families Wage and Access to Health Care Act. This vital legislation will benefit employees by increasing the Federal minimum wage from $5.15 per hour to $7.25 per hour, while also helping employers provide affordable, quality health insurance through small business health plans.

During my 6 years serving the people of Central Florida, I have met with literally hundreds of small business owners. Their number one concern has consistently been the skyrocketing cost of health insurance. Of the 45 million Americans without health insurance, 60 percent are small business employees and their families. By allowing small businesses to join together and purchase health insurance through national associations at group rates, it will lower insurance premiums by up to 30 percent.

Small business health plans, or association health plans, as they are also known, are not a new idea. Since first being introduced in the 104th Congress, a variation of small business health plan legislation has passed the full House on six different occasions, including during the 109th Congress when 36 Democrats voted for it.

An increase to the minimum wage does not come without a cost, and that cost is going to be borne by our Nation's small businesses. Therefore, it makes perfect sense to me that Congress should offset the cost of the wage increase with a decrease in the cost of providing health insurance.

Mr. Speaker, I am going to vote "yes" on increasing the minimum wage no matter what. But I am also going to vote "yes" to increase workers' job security by lowering the health insurance costs for small businesses through AHPs, and I urge my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the committee.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I am glad to be able to rise today in support of this increase in the minimum wage. We should all be a bit ashamed of the fact that it has been 10 years since we have had the last increase. Every year low-wage workers are left behind while CEOs get more and more money. This is not some valid exercise of a well-oiled free enterprise system. This is a disgrace, and most Americans are repulsed by that fact.

Some people here are trying to make the case today that there is some benefit of a full-time worker making $10,700 a year, leaving a family of three $6,000 below the poverty level. There can be no benefit, Mr. Speaker, in that condition.

Let us be clear. Raising the minimum wage is going to dramatically improve the lives of millions of Americans, whether Milton Friedman agrees or not. When you make $4,400 more a year than you made in the past year, full-time year-round workers with a family of three can afford a year's worth of groceries. They can afford 1½ years of heat and electricity. They can afford 9 months of rent, and they can afford the full 2-year tuition for a community college degree for a parent or a child. That is how we get Americans on the prosperity ladder. That is how we give them opportunity.

There are those that argue that the increase in the minimum wage is going to hurt the economy. I suggest that that is not true at all and that rhetoric doesn't comport with reality. 650 economists say otherwise; reality says otherwise. The fact of the matter is that the Fiscal Policy Institute reports that States with a higher minimum wage than that have added jobs to the retail industry.

We have to move in the right direction with this bill.

Mr. McCRERY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I rise to oppose this harmful legislation and to oppose the Democrats' plan to interfere with and interject themselves in individuals' personal decisions as to where they are going to work.

I also stand here, actually, in awe of the omniscient view the other side of the aisle has of themselves, this all-knowing, all-seeing view that they know better than families do as to where they are going to work and micromanage their lives. Regardless of whether it is a kid in Iowa after school working on a farm throwing hay or it is a woman in Chicago working at a high-tech plant on an assembly line or it is a man in New York going back as a second career trying to get a job in the finance industry, the other side of the aisle would tell us that each one of those individuals should be paid exactly the same, regardless of their age, regardless of the work, regardless of their experience, regardless of demographics, and regardless of the cost of living in those areas. I tell you, Mr. Speaker, it is unfair.

And, finally, Mr. Speaker, this body, which has been unable to get its finances and house in order for the last 40 years, is in no position to be telling the American public and the families of this country how they should be getting their finances in order.

This is an unfair bill, Mr. Speaker, and I oppose this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. Mr. Speaker, I thank my colleague from California for yielding.

Mr. Speaker, it is with tremendous pride that I rise today to deliver my first formal remarks on the floor of this fine institution on such an important issue. That, of course, is providing a fair and decent wage to our Nation's most economically disadvantaged.

Nine years is far too long for anyone to wait for a wage increase, especially a single mother who works 40 hours a week but still has to face the decision of whether to buy food or medicine for her children. I find it unconscionable that, in a country as rich as ours, anyone working full time should have to make such a decision.

Opponents argue that raising the minimum wage will only stifle economic growth and force employers to lay off workers. I couldn't disagree more. For starters, the logic just doesn't add up. Take, for instance, a small family-owned mom and pop grocery store in Upstate New York, which I represent. Some argue that the owners of that store would have to hang up a going out of business sign on their window because of the costs associated with the wage increase. But that thinking only looks at half the issue. The additional business that they will get as a result of the more disposable income that people have to spend in their store would clearly make up for it.

Mr. Speaker, I am proud to be part of a Congress that will not maintain the status quo, and I urge my colleagues to support this long-overdue wage increase, not because it is the easy thing to do but because it is the right thing to do.

Mr. McCRERY. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Louisiana for yielding.

I find today a lot of questions, a lot of unanswered questions, and a lot of half decent debate going on.

I wonder, first of all, why we didn't bring this bill through committee. Certainly if it is a good idea, it would have been something worth debating and perhaps some amendments. But under the new "open rule" Democrat Party, I understand we can bypass the committee and not have any hearings or amendments.

The next question is, why are so many people who were opposed to the Bush tax cut for the lower income going from 15 percent to 10 percent tax bracket, why are they now so compassionate to the poor?

And I have to ask, also, why are you stopping at $7 an hour? If it is good for the economy and good for the workers, as we keep hearing over and over again, why do we stop at $7 an hour, this arbitrary number? Nobody can make a living at $14,000 a year. Why not go to $8 an hour, $9 an hour, $10, $20 an hour? Heck, if it is good for the economy, let us go to $50 an hour. And if we had a committee hearing, maybe we could have some answers on that.

Question: If it is so good for the economy, why does the Congressional Budget Office rate it as a $5 to $7 billion unfunded mandate on our small businesses, which are the economic engines of the economy? How come the Hoover Institute estimates that it will actually get 20 percent of the minimum wage workers out of work because people will say you are not worth that much money? Those are questions that we don't have answers to.

Another question that I have is we keep hearing that the minimum wage hasn't been increased in 9 years, when, in fact, since 1997, 29 States have increased their minimum wages. We do not hear about that because I guess we are against States' rights in any form around here. That seems to be a taboo kind of thing.

But what is also interesting is that 85 percent of the people who make minimum wage are well above the poverty level. Why? Because 52 percent of the people on minimum wage are teenagers, 30 percent are part time, and 40 percent have never had a job before. In fact, if we want to take a real serious look at poverty, we need to look at the correlation between poverty and hours worked a week. The reality is so many people are working less than 40 hours a week.

The second point, very important, is marriage. If you want to get a lot of the children who are in poverty out of poverty right now, get the mom and dad to marry each other.

Now, that wasn't in the first 100-hour agenda. I understand. We are rolling out the moldy, oldie golden hits of Democrat thought. But let's get into poverty and let's have some real hearings.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 30 seconds.

Essentially, the case that the gentleman from Georgia makes, it just doesn't reflect the reality on the ground. As those States have increased the minimum wage far above the Federal minimum wage, their economies have expanded, job hiring has expanded, business growth has expanded far faster than in those States that thought it was in their interest to keep a lower minimum wage.

And I also find it interesting that in my own State of California the business organizations support an increase in minimum wage to $8 an hour and our economy continues to grow and continues to add those jobs. So the real-world experience is different than data from 20 years ago.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA), a member of the committee.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 2.

I am proud that 110th Congress has made giving America's lowest-paid workers a raise one of its first legislative actions. It is long overdue.

Many families work hard but struggle with low wages. It is unconscionable that in America we have millions of people working full time and year round and still living in poverty. At $5.15 an hour, a full-time minimum wage worker brings home $10,700 a year, nearly $6,000 below the poverty level for a family of three. An average Fortune 500 CEO earns more before lunchtime than a minimum wage worker makes all year.

American families have seen the real income drop by almost $1,300 since 2000, while the costs of gasoline, heating fuel, and health care have soared. For families living on minimum wage, this means a greater struggle to put food on the table and pay the rent. Minimum wage families struggle with the cost of daycare and health care. They struggle to provide a sound education for their children, and for many college is a dream beyond their reach. Today, we are doing something to ease that struggle.

Raising the minimum wage is a first step and a clear signal that we in Congress will do something. Raising the Federal minimum wage from $5.15 to $7.25 an hour will add $4,400 to the income of full-time year-round workers, enough for a low-income family of three to afford a year of groceries.

Mr. Speaker, it has been 10 years since our lowest-paid workers got a raise. In intervening years we in this body have seen many pay raises. Americans in the top income brackets have seen their earnings soar. On top of that, they have been the biggest beneficiaries of generous tax cuts.

I urge all my colleagues to support this legislation.

□ 1200

Mr. McCRERY. Mr. Speaker, at this time I would yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, while I am not sold on the effectiveness of a minimum wage increase, I rise in support of increasing the number of Americans with health insurance.

Too many working Americans have a job but aren't insured because their employers cannot afford to purchase quality health care plans. This is particularly true of small businesses where it is difficult to pool risk, and the regulatory environment is overwhelmingly complicated. Currently, small businesses are denied the ability to purchase health coverage with the benefits large companies and unions have enjoyed for decades.

So today, as part of a comprehensive motion to recommit, the Republicans will offer a proposal to address health care for many small businesses: association health plans. AHPs would increase small businesses' bargaining power with health care providers, give them much-needed freedom from a costly State-mandated benefit package and lower their overhead costs by as much as 30 percent.

By pooling their resources and increasing their bargaining power, AHPs will help small businesses reduce their health insurance coverage costs. As you have heard me say before, if it is good enough for Wall Street, it is good enough for Main Street.

By making health care more affordable, AHPs will expand access to quality health care for people for whom it is currently out of reach: uninsured working families. That is something my friends on both sides of the aisle can agree on.

It is no wonder my AHP bill has had unwavering bipartisan support in the House for nearly a decade now. I look forward to working with my colleagues to make AHPs law this year. Small businesses need help now. Vote "yes" on the motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1¾ minutes to the gentleman from Oregon (Mr. WU), a member of the committee.

Mr. WU. Mr. Speaker, I have a statement which I will submit for the RECORD, but I want to speak for a moment from my personal experience.

I have owned a business. I have met a payroll. But I have also worked for relatively low wages. I have worked in decommissioned ships that were both extremely hot in the hold and also filled with asbestos. I have worked in a dog food factory. But my real minimum wage job was as an assistant dishwasher in a Chinese restaurant owned by friends of my parents. I saw how hard those full-time workers worked.

I was an assistant dishwasher, and I saw how the full-time dishwasher got his fingers burned, how the cooks got their hands cut. And they worked for minimum wage just like me, but I was a teenager. And I came home to my parents' home. I said to my parents, Those people work awfully hard, and they deserve more. We ought to have a union. I never got to go back to work at my parents' friends' restaurant.

There are times when there is unequal bargaining power, when there are market failures, and there is a very legitimate role for the public sector and for joint action.

I ask my friends on the other side of the aisle whether they would roll back the 40-hour work week. I ask my friends if they would roll back worker safety provisions and roll back child labor laws. Your time has passed a century ago. It is long due to pass an increase in the minimum wage.

I rise in strong support of raising the minimum wage.

We tend to assume that employment is the solution to poverty. And in the past we have enacted legislation that reflects our commitment to training and placing individuals into jobs. While I strongly support efforts to increase employment, a job is not the complete answer to poverty. Far too many families who work full time still live below the poverty line. In fact, since the late 1970s, the number of full-time workers who live in poverty has doubled.

The reason for this is our low minimum wage. In 1996, after a 5-year freeze, Congress enacted legislation to raise the minimum wage from $4.25 an hour to $5.15 an hour—still well below the value of the minimum wage at its in peak in 1968 at $8.49 in 2005 dollars. Now, 10 years have passed without an increase in the minimum wage. Meanwhile, the number of Americans who live in poverty has increased by 5.4 million during the Bush administration.

Today, a minimum wage worker working full time earns only half the poverty level for a family of four. A single parent working full time at the current minimum wage cannot support one child above the poverty threshold.

More than one-quarter, 26 percent, of the 13 million workers who would benefit from a minimum wage increase are parents. Sixty percent of these workers are women.

History has shown that a minimum wage increase does not decrease employment or increase inflation. In fact, in the four years after the last minimum wage increase passed, the economy experienced its strongest growth in over three decades. Yet a minimum wage increase does raise the wages of low-income workers in general, even those who earn more than the minimum wage, the "lifting all boats" effect of an increase in the minimum wage. It moves working families out of poverty.

Unfortunately, the Republicans leadership has resisted all efforts to increase the minimum wage.

The Fair Minimum Wage Act, of which I am proud to be an original cosponsor, will raise the minimum wage to $7.25 over a 2-year period.

It is time to raise the minimum wage. No one should work full time jobs, or even work multiple jobs, and still live in poverty.

Mr. McCRERY. Mr. Speaker, just in response to the gentleman from Oregon, no one here is suggesting that government does not have a legitimate role to play in protecting workers' rights. That is not the point of the alternative that we are trying to offer here today.

Our point is that the businesses that will be most directly impacted by the increased mandated burden of costs need to be helped so that we minimize the job loss that we know will come as a result of that.

So I agree with the gentleman: There is a legitimate role, and we are not arguing that. In fact, our alternative does increase the minimum wage and gives help to those businesses that will most directly be impacted.

I don't have time to yield, but I will talk to the gentleman off the floor.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REYNOLDS), another distinguished member of the Ways and Means Committee.

Mr. REYNOLDS. Mr. Speaker, I thank the gentleman for yielding me 2 minutes.

Today's debate is really about missed opportunities. We all know that small businesses are the engines of our Nation's economic growth and that they provide the vast majority of jobs in so many of our local communities across the country.

But today, the new Democratic majority misses an opportunity, an opportunity not only to raise the minimum wage but to provide urgently needed help to those small businesses and to address health care needs of their employees.

Mr. Speaker, our Republican alternative, the Working Families Wage and Access to Health Care Act, addresses these needs. In addition to providing an increase to minimum wage, our approach would be: extending small business expensing through 2010; it would shorten the depreciation period for new restaurant construction through 2007; and it would end an unnecessary surtax that is an extra burden on low-income workers.

Our approach also would be to expand workers' access to affordable health care through small business health plans, an important priority that has long enjoyed broad, bipartisan support.

Mr. Speaker, my colleagues on the other side of the aisle, particularly the newly elected Members of the new majority, should be asking themselves a question this morning: Why is their Democratic leadership forcing them to vote against a commonsense, bipartisan approach that the Democratic leader in the other body has already embraced? In addition to being a missed opportunity to address the real needs of small business, this is just bad politics by this untested majority.

Mr. Speaker, this could have been a much better bill if Democrats had fulfilled their promises to go through the regular committee process. If the new majority had allowed the Ways and Means Committee an opportunity to fully debate the issue, I am confident we could have put together a balanced and bipartisan package and met the needs of workers in small businesses.

I voted for the minimum wage increase some 5 months ago when 158 of my Democratic colleagues voted against it. They missed an opportunity then. They are missing one now. I urge support of the Republican alternative.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I noticed in the Congressional Daily that the Republican ranking member on this committee says he does not expect the health care package to be part of minimum wage. So, once again, we have a mismatch here of hijacking this bill to improve minimum wage for the lowest-wage working people.

Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank the kind gentleman from California for yielding me this time.

Mr. Speaker, I rise in strong support of raising the minimum wage to help our working families. In November, many Americans cast their votes for change because they were tired of the economic injustices working families have suffered over the last decade. Those who went to the polls want action on a clean bill from a Congress that has failed to raise the Federal minimum wage for nearly 10 years.

Voters in Ohio and five other States who believed in our democracy passed minimum wage increases. This is not only about increasing wages, it is about changing the way we treat our working men and women. And it is about traditional American values of fairness and opportunity. It is about paying rent, putting food on the table and paying for our children to go to college.

Mr. Speaker, the voters have given us a mandate. This is part of America's agenda. Today we act mindful of that mandate to help working families across this Nation by raising the minimum wage.

Mr. MCCRERY. Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. REYNOLDS), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. REYNOLDS. Mr. Speaker, I now call upon the distinguished gentleman from Texas, Mr. Pete Sessions, for 2 minutes.

Mr. SESSIONS. Mr. Speaker, I include for the RECORD a press release by the Employment Policies Institute and an op-ed by George Will that was in the Dallas Morning News on this issue.

Mr. Speaker, I rise today opposed to this bill, this bill that did not go through regular order nor through the Rules Committee, not even to be a secret vote in the Rules Committee. And I argue against this bill for the reasons we have not had a chance to vet the bill, to tell the truth that there will be over 1.6 million people that will lose their job directly related to this action by Washington, D.C., The Federalist Society, the Democratic Party in Washington, D.C., who will control not only their jobs but take away from small businesses the opportunity to be competitive in a competitive world.

Mr. Speaker, we are going to cause these 1.6 million people to lose their jobs as a result of their inability to be able to compete in marketplaces and to raise their own wages.

Mr. Speaker, I will tell you that these 1.6 million jobs were important to families and people. It may not be much of a job. It may be in a small rural community, but they were jobs that were important to those people. They are jobs, even if not high-paying jobs, that would provide them the opportunity to get up and find self-worth and go and do their very best, perhaps not just with limited resources but with the very best that community may offer.

These are the types of stories that would be told if we had followed regular order, if the committees had been able to vet this, if we had known more about the ability to hear experts testify about what is actually going to happen.

We hear the words about food on the table. We hear about having people earn more money. That is great. But 1.6 million jobs will be lost from our economy as a result of what the Democrat Party does. I say, shame on us. I will oppose this. I will be for the Republican alternative that encourages better jobs.

Employment Policies Institute: Minimum Wage Hike Threatens Healthy U.S. Economy

WASHINGTON, DC.—Despite the flourishing U.S. economy and record low unemployment level, low-skilled jobs—such as the retail and leisure and hospitality industries—are in decline. These jobs will be further threatened by the prospect of a federal minimum wage hike, warns the Employment Policies Institute (EPI).

Decades of economic research prove that raising the minimum wage reduces job opportunities, particularly for people with few skills. When faced with the increase in labor costs that attend minimum wage hikes, employers often respond by hiring more skilled applicants, automating jobs, or cutting back on customer service.

Contrary to the opinion of proponents of minimum wage hikes, a rising tide doesn't necessarily lift all boats, and an extremely healthy skilled job market often masks an ailing low-skilled job market.

"The unintended consequences of a minimum wage hike will disproportionately affect low-skilled jobs while skilled labor may continue to flourish," said Jill Jenkins, EPI's chief economist. "In other words, if two computer programmer jobs are created and one less grocery store checker is hired, the net job creation is positive, but you're still seeing a decline in entry-level job opportunities."

A study by economists at the Federal Reserve found that every 10% increase in the minimum wage leads to a 2%-3% decrease in employment overall. When you focus on the job loss suffered by low-skilled individuals such as high school drop-outs or minority teens, the increase in unemployment is as high as 8.5% for every 10% increase in the minimum wage, according to research from Cornell and the University of Connecticut.

"Instead of pushing for a minimum wage increase, lawmakers could affect real change by promoting expansion of the Earned Income Tax Credit (EITC)," added Jenkins. "The EITC effectively targets benefits to families in need without jeopardizing jobs."

GEORGE WILL: HERE'S A BETTER PROPOSAL FOR THE MINIMUM WAGE

A federal minimum wage is an idea whose time came in 1938, when public confidence in markets was at a nadir and the federal government's confidence in itself was at an apogee. Today, raising the federal minimum wage is a bad idea whose time has come for two reasons:

The first is that some Democrats have a chronic and evidently incurable disease—New Deal Nostalgia. Second, the president has endorsed raising the hourly minimum from $5.15 to $7.25 by the spring of 2009.

Democrats consider the minimum wage increase a signature issue. Yet consider these statistics:

Most of the working poor earn more than the minimum wage, and most of the 0.6 percent (479,000 in 2005) of America's wage workers earning the minimum are not poor.

Only one in five workers earning the federal minimum lives in a family with a household earning below the poverty line.

Sixty percent work part-time, and their average household income is well over $40,000. (The average and median household incomes are $63,344 and $46,326 respectively.)

The federal minimum wage has not been raised since 1997, so 29 states with 70 percent of the nation's workforce have raised their own minimum wages. The problem is that demand for almost everything is elastic: When the price of something goes up, demand for it goes down.

But suppose those scholars are correct who say that when the minimum wage increased slowly, the impact on employment is negligible.

Still, because of large differences among states' costs of living and the nature of their economies, Sen. Jim DeMint, R-S.C., sensibly suggests that each state should be allowed to set a lower minimum.

It should be the same everywhere: $0. Labor is a commodity; governments make messes when they decree commodities' prices. Washington, which has its hands full delivering the mail and defending the shores, should let the market do well what Washington does poorly. But that is a good idea whose time will never come again.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. GRIJALVA), a member of the committee.

Mr. GRIJALVA. Mr. Speaker, I rise in support of H.R. 2 to give the American people who have to work the hardest for the very least a long overdue raise and increase the minimum wage.

The current minimum wage has effectively knocked off the lowest rungs of the economic ladder of this country and kept millions of our Nation's working families in a paycheck-to-paycheck life of insecurity and struggle.

Today's economy is keeping millions of our fellow Americans from owning homes, achieving stability and prosperity. Low wages are slowly suffocating the American Dream. Today we take a deep breath.

The day has finally come when Congress has a chance to reward work and support families by putting a fair value on the work of our people. Today we can say clearly that family values should not be code for spiteful and divisive politics but a real policy of valuing families and the work of mothers and fathers.

Today is a historic day. I am proud to join with my colleagues in support of H.R. 2 in raising the minimum wage for American workers.

Mr. REYNOLDS. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, the minimum wage has not increased in 9 years. Yet over the past decade, we have experienced vast economic growth, record low unemployment and, in the last 3 years, the creation of 7 million new jobs. Without a doubt, at 4.5 percent, our unemployment rate is so low that some employers seek out illegal foreign workers to fill the jobs that they say a lot of Americans won't take.

If we raise the minimum wage, businesses will have to find a way to offset added labor costs by one of two things, raising prices on goods and services or laying off workers. This is simple economics that many of my colleagues on the other side of the aisle cannot seem to accept or understand. When prices go up, demands go down. In other words, as the minimum wage grows, so does the unemployment rate.

Furthermore, Mr. Speaker, unlike the debate in the Senate, H.R. 2 comes to the floor with no committee hearings, no committee votes, no opportunities for amendment. While our colleagues in the other body work on a compromise with President Bush, Members of the House of Representatives are shut out of any constructive debate.

As a former member of the Rules Committee, I am extremely disappointed in the majority's failure to live up to its promises and allow an open and fair process on such a crucial issue.

☐ 1215

For the benefit of the workforce, I ask my colleagues, vote against the minimum wage increase. Protect our small businesses. Let's sustain this economic growth.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, on November 7, the voice of the American people rang out clearly across this land: Our country is out of balance. The few have prospered while many have languished.

America has become a land of the haves and the have-nots. The disparity of wealth among the richest and poorest in this country is the greatest it has been in nearly 100 years. We have laws which provide every sort of tax break for those who are thriving, while the people who are struggling daily to put food on the table and pay their utility bills have not seen a raise in the minimum wage in nearly 10 years.

Seven dollars and twenty-five cents. Seven dollars and twenty-five cents. Many haves in this country spend that much each day on their Starbucks with a dollop or a twist. Those of us who don't struggle to make ends meet, this is truly the time to walk in our brother's and our sister's shoes, shoes that need soling, not polishing.

This is not just an economic issue, it is a moral issue. Prosperity is not the property of the few, it should also be available to the least of us.

As I left the Memphis airport, a hardworking man for Northwest Airlines said to me, Congressman, will you pass the minimum wage? To him and many others, the thousands in District Nine, I say, yes, we will do that.

This is an opportunity for us to help people who need help. And I say to my fellow so-called "do-gooders" of the world, let us make America more fair, more humane and more just.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS), for his first floor speech as a new Member of the House of Representatives.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding.

I rise today in support of House Resolution 2, the Fair Minimum Wage Act, to increase our Nation's minimum wage. It has been nearly a decade since this standard has been updated. I am pleased that we are here today to give many hardworking men and women a much-needed raise.

I am concerned, however, that the bill in its current form may adversely impact our Nation's small businesses, which are the backbone of our robust economy. I am also disappointed that my Republican colleagues and I will not have an opportunity to strengthen this bill by including provisions to help reduce any potential unintended consequences that raising the minimum wage may have on our employers. For that reason, I intend to support the Republican motion to recommit so that we can put more money in the pockets of hardworking Americans while protecting our small businesses.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time to the gentleman from California (Mr. MCKEON).

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PAYNE), a member of the committee.

Mr. PAYNE. Mr. Speaker, I stand in strong support of the passage of H.R. 2, the Fair Minimum Wage Act of 2007, which would help nearly 13 million American workers and their families by increasing the Federal minimum wage by $2.10 an hour. Let me thank the chairman, GEORGE MILLER, for bringing this very important legislation to the floor.

The intent of the bill is to raise the minimum wage from $5.15 to $7.25 an hour, but let me just say this: When I hear naysayers say that this will eliminate jobs, back in 1994, when New Jersey had the highest minimum wage in the country, we compared the job growth of low-income jobs in New Jersey to those in Pennsylvania. Not only was there no negative impact on low-income jobs in New Jersey, but actually during that period of time, in the middle nineties, the minimum wage jobs in New Jersey grew at a higher rate than they did in Pennsylvania, which proved that the increase in the minimum wage did not run jobs out of the area. That was done by the American Economic Review.

Just recently, a survey was taken that showed that 83 percent of Americans support an increase of $2 or more in the minimum wage, and a survey this week from the Associated Press found that 80 percent of Americans support an increase in the rate. So there has been consistent support from the public in the United States of America. That is why we going in a new direction.

Mr. MCKEON. Mr. Speaker, I am happy to yield 3 minutes to the gentlelady from Oklahoma (Ms. FALLIN), a new Member of this Congress, for her maiden speech on the House floor.

Ms. FALLIN. Mr. Speaker, it is a great pleasure to be here today.

Mr. Speaker, over the past 12 years, I have had the opportunity to serve as Oklahoma's Lieutenant Governor and, more importantly, Oklahoma's official small business advocate. I spent years traveling throughout our State visiting with our small business owners and their employees, and they are truly the economic engine of many of our communities in our State.

In our State, 97 percent of Oklahoma's businesses have 100 or fewer employees and are small businesses, and employers in our State employ over 600,000 workers that are small business workers, which means that 50 percent of our jobs are related to small business.

Mr. Speaker, my concern is that a 41 percent increase in the minimum wage places a real burden on our small businesses. It is a burden that could mean layoffs. It is a burden that could mean bankruptcy for others.

The Federal Government cannot force small businesses to shoulder that burden alone. If the government is to raise our current minimum wage, it must pursue a balanced plan that will provide serious tax relief and regulatory relief to those who will be hit hardest by a minimum wage increase.

A plan without balance will not lift up the American workers. It will actually drag down small business. The Congressional Budget Office has estimated that increasing the minimum wage to $7.25 an hour will cost small businesses somewhere between $5 billion to $7 billion nationwide. And when small businesses fail, minimum wage earners will suffer. The Hoover Institute estimates that fully 1.5 million small business workers nationwide may lose their jobs if an unbalanced minimum wage hike is passed.

So it is clear to me that a minimum wage increase plan without a plan to offset the burden placed upon small business will be harmful to our economy, and this Congress must not sabotage the machine which powers our economy and gives life to so many of our communities, which is small business. We must help our Nation's workers in a responsible fashion and avoid a plan which I believe is well-intentioned but could be devastating to employers and employees alike.

It is for this reason that I strongly encourage my colleagues to reject anything short of a balanced plan to raise the minimum wage unless one has a plan that offsets the burden placed upon small business and has serious and appropriate tax and regulatory relief.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. SHULER).

Mr. SHULER. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, it has been 10 long years since Congress has raised the minimum wage. This is the longest period between raises in the minimum wage since it was enacted in 1938. The American people have spoken very clearly. It is time to raise the wages of our lowest-paid workers.

Our families have been squeezed: an increase at the gas pump, an increase at the grocery store, an increase in health care and an increase in childcare. It is time that we give back. As a part of Congress, we should be an example. We shouldn't always be following our States, as my great State of North Carolina has increased the minimum wage. We should be leading by example.

That is why it gives me great privilege to support this bill. It is our moral commitment to the families of this country, and that is why I strongly support this measure.

Mr. MCKEON. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), a member of the committee.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I rise today in opposition to H.R. 2 and in favor of the alternative. Circumventing market forces to mandate an arbitrary Federal minimum wage increase is bad economic policy. If it is done, however, we must offer protection for America's small businesses. Refusing to do so will ultimately hurt the very workers it intends to help.

We all want employees to make more than the minimum wage; and, through tax cuts, 7.3 million jobs have been created in the past 40 months by workers keeping their own money.

When the minimum wage is increased, unfunded mandated costs on small businesses increase. As a result, business owners must be forced to cut jobs or reduce entry level workers to avoid incurring additional expenses.

Republicans are seeking to provide relief for these businesses by offering alternative health care plans and tax incentives. Unfortunately, House Democratic leadership has shunned the proposal supported by Senate majority leader HARRY REID, President Bush and House Republicans.

I urge my colleagues on both sides of the aisle to support the Republican alternative, which will ensure businesses receive the protections they need and our economy continues to thrive.

In conclusion, God bless our troops. We will never forget September 11.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY), a member of the committee.

Mrs. MCCARTHY of New York. Mr. Speaker, I thank my chairman of education for bringing this important matter to the floor.

Mr. Speaker, I know Congress isn't used to having straight, clean bills. We can do this. Ten years I have been in Congress, and 10 years we have been trying to get the minimum wage raised. We talk about small business. There is not one person on the Democratic side that doesn't support small businesses, but we also support those people that are trying to make a living wage.

By estimates, there are 623,000 single women raising families trying to make a living. I go to the grocery store. I fill up my gas tank. We are very privileged here to make a very nice salary. Yet we are denying those that need our help the most to give them some sort of life. $7.25. Who the heck can live on that, even if you work 60 hours a week? And, by the way, these people that are working these jobs on minimum wage usually have two jobs, sometimes three.

It is time that we do this. It is the moral and right thing.

Mr. MCKEON. Mr. Speaker, I would be happy to yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague from California for yielding this time.

Mr. Speaker, I think there is a critical point that is being overlooked in this debate on the minimum wage. We need to talk about the people that this minimum wage increase will be a barrier to their employment, for example, the physically, emotionally and mentally handicapped in this country.

I have in my district, in Cleveland County, Cleveland Vocational Industries, a community-based organization. What they do is they train workers with disabilities to fulfill certain assembly line packing and labeling projects, what some of us would call menial labor or very simple tasks. But it is a very positive thing. It is a great way to train and employ people that otherwise cannot be trained and employed.

What is going to happen is these are about 8 percent of the total minimum wage earners in this country, those with disabilities. What that is going to do is harm them in their ability to get contracts with businesses.

This is a very nice idea, to raise people's wages, but the impact it is going to have among the least among us will be that they will simply not have a job. I think that is being lost in this debate, and I think that is what we need to be concerned about.

Let's talk about the facts about the minimum wage. That is what is lost here. This is high-minded rhetoric. What the Democrat majority wants to do, Mr. Speaker, is use other people's money to pay other people. Well, that is a very nice thing to do, a nice offer, a very nice thing, to write a check for somebody else.

All right. Let them pay somebody else. That is a nice obligation that we are passing on, this unfunded mandate.

Eighty-five percent of minimum wage earners in this country are teens or adults who live alone or second earners; a married couple, one goes and works part-time. Eighty-five percent of them fall in those categories. So they are talking about making a minimum wage on this and providing for a family of 10, or whatever. It is just empty rhetoric and crazy talk.

So let's talk about affecting and helping people through training and access to health care and support the Republican alternative.

□ 1230

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE), a long-time battler for economic and social justice.

Ms. LEE. Mr. Speaker, I want to thank the gentleman for his bold and consistent leadership to raise the minimum wage. This is an important ethical and moral issue that speaks directly to our values as Americans. It is a shame and disgrace that in the wealthiest and most powerful country in the world, 37 million people live in poverty. Raising the minimum wage is one major step to reduce poverty, and we must do this.

As a former small business owner, I can tell you that small businesses are more profitable when workers are treated fairly. Thirteen million Americans, many of whom are women and people of color, will benefit from this increase.

Let us live up to our moral responsibility and help the least of these who struggle each and every day just to make ends meet. They deserve this increase, and they have earned it. Let us do the right thing and pass H.R. 2 in the memory of Dr. Martin Luther King, Jr., whose birthday we celebrate on Monday, who died, who gave his life seeking justice for sanitation workers.

Mr. McKEON. Mr. Speaker, I am happy now to yield 2 minutes to our new colleague, my neighbor from California (Mr. McCARTHY).

Mr. McCARTHY of California. I thank the gentleman from California for yielding.

Mr. Speaker, I believe Congress is a marketplace of ideas, and at the end of the day, the best ideas should win. Unfortunately, with the process today, that will not happen.

Allowing a vote on an alternative minimum wage approach is in America's best interest. Republicans offer a balanced approach to increase the minimum wage and provide offset tax relief for small businesses to take on the increased labor cost for the minimum wage hike.

The unbalanced approach of the Democratic bill, H.R. 2, to solely increase the minimum wage is irresponsible. Never mind that the basic economic statement setting an artificial price floor like the minimum wage could actually raise unemployment.

The Federal Reserve study states that if H.R. 2 is enacted, a million restaurant workers could lose their jobs.

I can tell you, as a former small business owner, personally, this is a tough decision. I came to Congress to work to increase opportunities for all Americans, not to harm workers and small businesses. I listened to the debate today, and I listened to the other side, as a freshman. If you look at the Republican bill, it is a compromise. It is a common solution. The minimum wage will be increased, but what else will happen? There will be greater healthcare for the workers. There will be tax relief where you can expense off when you are buying business equipment. What happens? The workers of America are more competitive in a global economy for the 21st century.

And I ask my colleagues on the other side; last week on this floor I listened closely to what our Speaker said. Speaker PELOSI said, "Let's work in a spirit of partnership, not partisanship." Well, I will tell you, the Republican bill is just that, it is a partnership that lets the power of the idea win at the end of the day.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1¼ minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in support of H.R. 2 and thank the gentleman from California for being bold enough to carry this important legislation to help the American people.

I rise today to call for a vote to raise the minimum wage. This increase must happen for humanitarian justice. Americans are suffering.

Let's get back to basics. The minimum wage has not increased. The minimum wage was passed 10 years ago, and during the 10 years, people have struggled to put food on the table, gas prices have increased, the cost of public transportation has increased, the cost of clothes has increased, the cost of housing has increased, the cost of buying food has increased, not to mention every other cost of living in America has increased.

This bill is not about continued greed or about outsourcing, but it is about American families and improving their quality of life.

Let's get back to basics: $5.15 an hour is poverty. We need this bill because 40 percent of minimum wage workers are the sole bread winners in their families. Nineteen percent of minimum wage earners are Hispanic Americans, and 15 percent are African Americans.

It is time. It is time to care for working families of America and to give them a wage that is just, a wage that is fair.

Mr. McKEON. Mr. Speaker, I am happy now to yield 1½ minutes to the gentleman from Puerto Rico (Mr. FORTUÑO), a member of the committee.

Mr. FORTUÑO. I thank the gentleman from California.

Mr. Speaker, I stand here today in strong support of a Federal minimum wage increase that is applicable under the same terms and conditions to all 50 States and Puerto Rico. I support a Federal minimum wage increase because it would strengthen the economy as well as provide long overdue benefits to our working, middle-class families who are the backbone of our Nation's economy.

However, I am concerned that the bill under consideration, while seeking a long-awaited increase in the Federal minimum wage, does nothing to offset the impact on small businesses and their workers. This is particularly important for Hispanics in the United States who, according to a recent report released by the U.S. Census Bureau, are opening businesses at a rate that is three times as fast as the national average.

Only one bill, the Working Families Wage and Access to Health Care Act, offers a balanced approach that would provide for a minimum wage increase without threatening the backbone of our economy or penalizing small businesses. Our bill increases the minimum wage in exactly the same increments as the bill before us today but also expands affordable health care to many of the working families benefiting from the increase and includes some important tax protection alternatives for small businesses and their workers. The Working Families and Access to Health Care Act should be carefully considered and, at the very least, deserves to be discussed.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of this extremely important legislation for America's workers. The last 10 years we have seen these tired old Republican arguments against increasing the minimum wage while the huge wealth of the highest paid in our country increases. We have not raised the minimum wage since 1997. When adjusted for inflation, the minimum wage is the lowest it has been in 50 years. That is 10 years of wasted opportunity on this floor that is being corrected today.

A minimum wage worker full-time makes $10,700 a year. That is well below the poverty level. We need to provide a lift for these hardworking Americans. I agree with the late U.S. Senator from Texas, Ralph Yarborough, when he said, "Let's put the jam on the lower shelf for the people."

This increase will provide much needed help to the lowest wage earners in our country. Their needs and dreams are no different from anyone else's. These wage earners want to earn a decent wage to be able to put dinner on the table for their families. It is not too much to ask that we raise the minimum wage after a decade of taking no action on this important part of the American economy.

Passing this bill today is the right step, and I urge my colleagues to support it.

I rise today to support his extremely important legislation for America's workers. The last ten years we have seen these tired old Republican arguments against increasing the minimum wage while the huge wealth increases of the highest paid in our country.

We have not raised the minimum wage since 1997. When adjusted for inflation, the minimum wage is the lowest it's been in 50 years. That's 10 years of wasted opportunity.

A minimum wage earner working full-time makes only $10,700 a year. This is well below the poverty threshold for a family of three.

We need to provide a lift for these hard working Americans. I agree with our late U.S. Senator from Texas Ralph Yarbrough when he said "Let's put the jam on the lower shelf for the people."

This increase will provide much needed help to the lowest wage earners of our country. Their needs and dreams are not different than anyone else's.

These wage-earners want to earn a decent wage and be able to put dinner on the table and provide for their families.

It is not too much to ask that we raise the minimum wage after a decade of taking no action on this important part of the American economy.

Passing this bill today is a step in the right direction and I urge my colleagues to vote in favor of this resolution and put the jam on the lower shelf.

Mr. McKEON. Mr. Speaker, might I inquire as to the remaining time.

The SPEAKER pro tempore. The gentleman from California has 33 minutes, and the gentleman from northern California has 47 minutes.

Mr. McKEON. Mr. Speaker, I am happy now to yield to the gentleman from California, a good friend and colleague, Mr. ROHRABACHER, 4 minutes.

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to this proposal to increase the minimum wage by $2.10 an hour over the next 2 years.

What we are witnessing today, of course, is the quintessential example of political figures offering something for nothing. We can just bestow upon the American people $2.10 an hour, and there is no cost to it. Well, if that is really the case, and there is no downside, why are we such pikers? Why are we not offering a minimum wage hike of $5 an hour? Or $10? Or maybe even $20 an hour more? We know that that is not realistic because there is a downside that can be calculated. In fact, by mandating the pay raises that we are talking about today, economists have estimated that about 1.6 million people, the people at the very bottom rung of our economic ladder, will be put through great hardship. They won't be hired, or they will be fired because their salary now must be allocated in these small businesses which, of course, is where most of the employment takes place, their salaries will now have to be allocated to the other employees. Yes, there is a cost to pay when you mandate someone in their operation gets paid more money, and the burden will be borne by the very lowest level of employees. That is what this proposal is all about.

Now, there is a way to actually help people have higher salaries. I happen to believe in high wages. I am not a pro-management guy. I believe in higher wages for the American people, and there is a way that we can achieve higher wages for the American people, especially those at the lowest income. But those who are advocating that we raise the minimum wage wouldn't think about advocating this solution. And that solution is very easy for the American people to understand: We have an out-of-control flow of illegal immigrants into our country. If we would commit ourselves to solving that problem, to get control of this massive flow of illegals into our country, we would have more than a doubling of this minimum wage. We would have wage earners all up and down the scale, even at the very bottom of the scale, help.

But, no. Why aren't we doing this? Because, yes, there is a price to pay for that as well. Getting control of illegal immigration, making sure that our employers are not hiring illegals, who would pay that price? People who come to this country illegally would pay that price. Their lives would be harder. It would be tougher on them. But we are supposed to be representing the interests of the American people. Yes, we sympathize with people who come here illegally. We sympathize with those people overseas, but if we raise the minimum wage this way, there will be more illegals who will come to this country to get that higher minimum wage, and our own people at the bottom rung of the economic ladder will be put out of a job.

Let's watch out for the interests of the American people. Let's commit ourselves to getting control of the massive flow of illegals into our country, and then we can raise the wages of everyone. Let's not offer people stunts and schemes like this of the minimum wage, of offering them something for nothing. Let's really help them out.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman of the Education and Labor Committee and thank him for his leadership.

Mr. Speaker, there is a biblical story about the children of Israel in the desert seeking the promised land for 40 years. I would like to tell my good friend that there are American workers who are deserving and in need of an increase in the minimum wage, and we know that for 51 years we have had the lowest valued minimum wage in America. It is clear that the minimum wage increase would help reverse the trend of declining real wages for low-wage workers, American workers, and that, between 1979 and 1989, the minimum wage lost 31 percent of its real value, American workers.

What about the waitress who stopped me in a restaurant and said, When are you going to raise the minimum wage? A woman raising children who, with the minimum wage, will be able to have an opportunity to get a car loan to get a car to get her children to school or to the doctor or to be able to do the things that we in America enjoy doing, being with our family, providing them an opportunity?

This is a moral issue. I ask my colleagues to support the increase in the minimum wage for Americans across America.

I thank the gentleman for yielding. Mr. Speaker, I rise in strong support of H.R. 2, the "Fair Minimum Wage Act." With the adoption of this bill, the House of Representatives will take the first step in making good on its commitment to working-class Americans that one of the first concerns of the Congress is the well-being of ordinary Americans who work hard, play by the rules, and are struggling to get by through no fault of their own. We Democrats promised to chart a new direction for America if the voters entrusted us with the majority. They did and with our votes today in support of H.R. 2, we are making good on our promise.

Mr. Speaker, before I discuss the importance of this bill in detail, I wish to commend Chairman MILLER, Speaker PELOSI, Majority Leader HOYER, Majority Whip CLYBURN, and the rest of the Democratic leadership, as well as my colleagues in the Congressional Black Caucus, which was led so ably last Congress by Congressman WATT and is now led Congresswoman KILPATRICK. Because of their resolve and visionary leadership, more than 13 million workers will soon receive a long overdue raise. What difference an election makes!

AMERICANS DESERVE A RAISE

H.R. 2 helps the most deserving American families by raising the minimum wage from $5.15 to $7.25 over three years. Mr. Speaker, did you know that the value of the current minimum wage represents a 51-year low? Today's minimum wage of $5.15 today is the equivalent of only $4.23 in 1995, which is even lower than the $4.25 minimum wage level before the 1996–97 increase. It is scandalous, Mr. Speaker, that a person can work full-time, 40 hours per week, for 52 weeks, earning the minimum wage and would gross just $10,700, which is $5,888 below the $16,000 needed to lift a family of three out of poverty. In 2005, the average CEO was paid 821 times the amount earned yearly by a minimum wage worker.

Mr. Speaker, since 2000 the cost of college tuition has risen 57 percent, which is only slightly less than the increase in the cost of gasoline. Health insurance premiums have skyrocketed by 73 percent and inflation is up 13.4 percent. But during that time, the minimum wage has not increased one cent. That is unconscionable and downright un-American. Happily, the Fair Minimum Wage Act, H.R. 2, will change this sorry state of affairs.

Mr. Speaker, today more than ever America's hard-working families are feeling squeezed, living paycheck to paycheck. I can tell you Mr. Speaker that record prices at the pump, skyrocketing health care costs and the rising cost of college in the face of falling or flat wages, are squeezing hard-working Texans in my Houston-based Congressional District as they struggle to make ends meet.

That is why I support increasing the minimum wage. For Texas workers the basic cost of living is rising; it is only fair that the pay for hard-working Texans does too. Nearly 890,000 hard-working Texans would directly benefit from raising the federal minimum wage to $7.25 an hour, and 1,774,000 more Texans would likely benefit from the raise.

Raising the minimum wage is vital for Texas families. At $5.15 an hour, a full-time minimum wage worker in Texas brings home $10,712 a year—nearly $6,000 below the poverty level for a family of three. An increase of $2.10 an hour would give these families a much needed additional $4,400 a year to meet critical needs such as rent, health care, food and child care. The increase in the minimum wage before us today will not allow workers to live as large as the typical CEO, who now earns 821 times more than a minimum wage worker, but at least it will allow these low-wage workers to make a little better life for themselves and their families.

A minimum wage increase would raise the wages of millions of workers across America:

An estimated 6.6 million workers (5.8 percent of the workforce) would receive an increase in their hourly wage rate if the minimum wage were raised from $5.15 to $7.25 by June 2007.

Due to "spillover effects," the 8.2 million workers (6.5 percent of the workforce) earning up to a dollar above the minimum would also be likely to benefit from an increase.

Raising the minimum wage will benefit working families:

The earnings of minimum wage workers are crucial to their families' well-being. Evidence from the 1996–97 minimum wage increase shows that the average minimum wage worker brings home more than half (54 percent) of his or her family's weekly earnings.

An estimated 760,000 single mothers with children under 18 would benefit from a minimum wage increase to $7.25 by June 2007.

Single mothers would benefit disproportionately from an increase—single mothers are 10.4 percent of workers affected by an increase, but they make up only 5.3 percent of the overall workforce. Approximately 1.8 million parents with children under 18 would benefit.

Contrary to popular myths and urban legends, adults make up the largest share of workers who would benefit from a minimum wage increase:

Eighty percent of workers whose wages would be raised by a minimum wage increase to $7.25 by June 2007 are adults (age 20 or older).

More than half (54 percent) of workers who would benefit from a minimum wage increase work full time and another third (34.5 percent) work between 20 and 34 hours per week.

Minimum wage increases benefit disadvantaged workers and women are the largest group of beneficiaries from a minimum wage increase: 60.6 percent of workers who would benefit from an increase to $7.25 by 2007 are women.

An estimated 7.3 percent of working women would benefit directly from that increase in the minimum wage.

A disproportionate share of minorities would benefit from a minimum wage Increase:

African Americans represent 11.1 percent of the total workforce, but are 15.3 percent of workers affected by an increase.

Similarly, 13.4 percent of the total workforce is Hispanic, but Hispanics are 19.7 percent of workers affected by an increase.

The benefits of the increase disproportionately help those working households at the bottom of the income scale:

Although households in the bottom 20 percent received only 5.1 percent of national income, 38.1 percent of the benefits of a minimum wage increase to $7.25 would go to these workers.

The majority of the benefits (58.5 percent) of an increase would go to families with working, prime-aged adults in the bottom 40 percent of the income distribution.

Among families with children and a low-wage worker affected by a minimum wage increase to $7.25, the affected worker contributes, on average, half of the family's earnings. Thirty-six percent of such workers actually contribute 100 percent of their family's earnings.

A minimum wage increase would help reverse the trend of declining real wages for low-wage workers. Between 1979 and 1989, the minimum wage lost 31 percent of its real value. By contrast, between 1989 and 1997 (the year of the most recent increase), the minimum wage was raised four times and recovered about one-third of the value it lost in the 1980s.

Income inequality has been increasing, in part, because of the declining real value of the minimum wage. Today, the minimum wage is 33 percent of the average hourly wage of American workers, the lowest level since 1949. A minimum wage increase is part of a broad strategy to end poverty. As welfare reform forces more poor families to rely on their earnings from low-paying jobs, a minimum wage increase is likely to have a greater impact on reducing poverty.

Mr. Speaker, the opponents of the minimum wage often claim that increasing the wage will cost jobs and harm the economy. Of course, Mr. Speaker, there is no credible support to such claims. In fact, a 1998 EPI study failed to find any systematic, significant job loss associated with the 1996–97 minimum wage increase. The truth is that following the most recent increase in the minimum wage in 1996–97, the low-wage labor market performed better than it had in decades. And after the minimum wage was increased, the country went on to enjoy the most sustained period of economic prosperity in history. The economy created more than 11 million new jobs and experienced historic low unemployment rates, increased average hourly wages, increased family income, and decreased poverty rates.

Mr. Speaker, studies have shown that the best performing small businesses are located in States with the highest minimum wages. Between 1998 and 2004, the job growth for small businesses in States with a minimum wage higher than the Federal level was 9.4 percent compared to a 6.6 percent growth in States where the Federal level prevailed.

So much for the discredited notion that raising the minimum wage harms the economy. It does not. But raising the minimum wage increases the purchasing power of those who most need the money, which is far more than can be said of the Republicans' devotion to cutting taxes for multimillionaires.

Mr. Speaker, Americans overwhelmingly side with progressive principles of rewarding hard work with a living wage. A post-election Newsweek poll found that 89 percent of Americans favored raising the minimum wage. Last November, voters passed all six State ballot initiatives increasing the statewide minimum wage. The case for raising the minimum wage is so compelling that in the 2004 election, even voters in Florida and Nevada, two States won by President Bush, overwhelmingly approved ballot measures to raise the minimum wage. In Nevada's richest county, Douglas, where President Bush received 63.5 percent of the vote, 61.5 percent of voters supported raising the minimum wage.

Mr. Speaker, in October 2006 the Economic Policy Institute released a statement in support of the minimum wage increase signed by 665 economists, including 5 Nobel Laureates. According to these eminent economists, "a modest increase in the minimum wage would improve the well-being of low-wage workers and would not have the adverse effects that critics have claimed."

Members of Congress have legislated a minimum salary for themselves and have seen fit to raise it nine times since they last raised the minimum wage. It is time we gave the Americans we represent a long overdue pay raise by increasing the minimum wage to $7.25 over 3 years. Even this amount does not keep pace with the cost of living. The minimum wage would have to be increased to $9.05 to equal the purchasing power it had in 1968. And if the minimum wage had increased at the same rate as the salary increase corporate CEOs have received, it would now be $23.03 per hour.

The American people demand that the minimum wage be increased. Low-wage workers, many of whom live in your district and mine, badly need the money. They have waited much too long. I urge all Members to support this necessary and timely legislation. Vote "aye" on H.R. 2, the Fair Minimum Wage Act.

Mr. McKEON. Mr. Speaker, I am happy now to yield 2 minutes to the gentlelady from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. I want to thank the ranking member for yielding me time.

Mr. Speaker, I rise in support of the legislation to raise the Federal minimum wage to $7.25 per hour. It has been 10 years since Congress passed legislation to increase the minimum wage, and I am pleased that we are going to pass such an increase today.

I have supported an increase in the minimum wage since coming to Congress, and I have voted for it both as part of a package including a permanent solution to the death tax. And I will vote for it as a stand-alone bill. The minimum wage in my home State of West Virginia is $5.85 an hour, with recent increases already scheduled to be $6.55 this June and then $7.25 in June 2008. Twenty-eight other States have enacted minimum wages that are higher than the Federal minimum wage, and I am pleased today that we will vote to increase the minimum wage for workers across the country.

I will vote for H.R. 2 because it will improve the quality of life for low-wage workers in my congressional district and across the Nation. This legislation would be much better, however, if it included the elements of the Republican alternative offered by Ranking Member McKEON and Ranking Member McCRERY.

□ 1245

Millions of small business employees across the country lack health insurance. It is probably the largest segment of working Americans who are unable to afford and cannot find health insurance, a vitally important part of leading a good-quality life here in the United States.

We should authorize association health plans, allowing small companies to bind together through trade associations to create the economies of scales necessary to reduce the cost of health care. This is essential. It makes certain that we should act to offer affordable health care coverage for workers at the same time we are increasing the minimum wage.

The Republican substitute, by offering tax relief that would lead to new job creation and by offering affordable health care in addition to increasing the minimum wage, would help millions more Americans than the bill we are considering today, and I regret we are not taking the more comprehensive approach.

Nonetheless, this legislation will help many women and men across the country, and I intend to support it.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1¼ minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of the minimum wage and indicate to you that it is time that we take this measure and make it happen.

Let me thank Chairman MILLER on his efforts and just indicate to you that the State of Texas is the one that has the most to gain. We have over 900,000 such workers that would be impacted by this piece of legislation. And, for those, let me also indicate that in Texas nearly 70 percent of low-wage employees work full time. I will repeat that. Seventy percent of low-wage employees work full time. And, among those, almost 40 percent of the low-wage workers are sole breadwinners. Forty percent are sole breadwinners. So this is something that is critical. This is something that is important, something that needs to happen.

The minimum wage increase improves the economic well-being of our families. It provides for better living conditions and improving the quality of life. And I cannot comprehend why Members of Congress that have been here over 10 years, who have voted on their own increase each time, and yet not allow an opportunity for individuals that are in the lowest part of the wages in this country be able to get a pay increase.

Mr. McKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in respectful opposition to H.R. 2, the Fair Minimum Wage Act of 2007. And I do so understanding that what I do may well be misunderstood by some of my constituents at home and even by some looking on in this debate. But let me say emphatically that a 41 percent increase in the minimum wage that is brought to the well of Congress without providing any relief to small business owners and family farmers is irresponsible and unwise, and it will harm both the wage payer and the wage earner.

An excessive increase in the minimum wage will hurt the working poor, Mr. Speaker, and especially those who are trying to begin the American Dream by entering the workforce at entry level jobs. Minimum wage increases, the unbroken record of our economic history attests, raise unemployment among the young, minorities and part-time workers, the very people that a minimum wage is thought to help. And sadly, for reasons I don't entirely understand, for every increase in the Federal minimum wage, African Americans have been hit the hardest with the advent of jobs that are lost with an increase in the minimum wage.

It would be the late economist Milton Friedman, a Nobel laureate, who said, "The high rate of unemployment among teenagers, and especially black teenagers, is both a scandal and a serious source of social unrest." And then he went on to say, "It is largely a result of minimum wage laws."

I believe the minimum wage and this increase is one of the most anti-minority, anti-poor laws that we could bring into this Congress. It violates fundamental free market economics, and it will cost jobs.

The Heritage Foundation recently reported that for every 10 percent increase in the minimum wage there is a loss of 2 percent of entry level minimum wage jobs. This means, for what we consider today, we literally could see evaporate overnight 8 percent of the entry level jobs in this country.

I recently received an e-mail from a small sub sandwich restaurant owner in Anderson, Indiana, who told me of his frustration about what Congress would consider today, Mr. Speaker; and he begged me to ask for balance and justice for the wage payer as well as the wage earner. He said he had 200 applications on file, but he knew that if Congress passed this irresponsible 41 percent increase in the minimum wage, not only would he not be able to extend opportunity to some, he would have to cancel jobs for others.

Let us serve the wage earner and the wage payer. Let us reject this irresponsible increase in the minimum wage.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. Mr. Speaker, the Fair Minimum Wage Act is an important step toward strengthening America's middle class by providing hardworking Americans with the wages they have earned. I rise in strong support of this legislation.

As the son of a union machinist and a former employee of a clothing factory, I understand the struggles many

Americans face in trying to meet basic needs at minimum wages. Increasing the minimum wage from $5.15 per hour to $7.25 per hour provides a necessary raise to 13 million of America's lowest paid workers.

For too long we have ignored the plight of American working families. Providing a more reasonable wage is not only a commonsense issue but a moral one as well, and I am proud that one of my first few votes in the Congress of the United States will be to extend economic fairness and justice to deserving workers.

Mr. McKEON. Mr. Speaker, might I inquire again the time remaining.

The SPEAKER pro tempore. The gentleman from California has 24½ minutes, and the gentleman from northern California has 44 minutes.

Mr. McKEON. Mr. Speaker, we will reserve and let them take some time to kind of even that out.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, a minimum wage increase is crucial for all Americans, more so for women and minorities.

Es de maxima importancia que este Congreso eleve el salario minimo, especialmente para las mujeres y menorias.

Ten years of neglect, plus inflation, have left workers living below poverty.

Diez anos de olvido, mas la inflacion, han dejado a nuestros trabajadores en pobreza.

1.4 million working women will be main beneficiaries for an increase from $5.15 to eventually $7.25 per hour in 2 years, of which 33 percent are African American and Hispanic female workers.

Mas de uno punto quarto millon de mujeres trabajan -seran las beneficiaries el cual son Hispanas y AfroAmericanas del salario de 5.15 a 7.25 pro hora.

It helps economic social conditions, reduces pay gaps. It helps the economy. More money spent will create more career opportunities through affordability of education.

Ayuda a la economia nacional ya que se gastara mas dinero.

Mujeres encabezadas de su familia podran tener mas dinero para mantener su familia.

Women breadwinners can increase economic and financial independence.

Enough talk. Take action. Have a conscience. Help America. Vote for the minimum wage increase.

The SPEAKER pro tempore. The Chair requests that the gentlewoman from California (Mrs. NAPOLITANO) provide a translation, of her remarks.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH), a member of the committee.

Mr. KUCINICH. Mr. Speaker, I rise today in strong support of the Fair Minimum Wage Act of 2007.

Over the past 9 years, as the price of food has increased and the cost of housing swelled beyond the reach of many workers, the purchasing power of the minimum wage has fallen to its lowest level in 51 years.

Since 1997, the Federal minimum wage has been stalled at $5.15 an hour without an increase or adjustment. This stagnation of the minimum wage has left families with no guarantee that a full-time job will enable their most basic needs to be met.

At the current minimum wage, a worker spending 40 hours a week, 52 weeks a year on the job, earns less than $11,000 a year, leaving them more than $5,000 below the poverty line for a family of three. That is shameful.

The passage of the bill today will directly help those families.

It is estimated that 5.6 million workers will receive an increase in their hourly wage if the minimum wage were raised to just $7.25 an hour. An additional 7.4 million workers earning up to a dollar above the new minimum wage would also benefit. In total, 13 million workers will be aided by this necessary legislation.

The passage of this bill is a first step towards the greater goal of a living wage for every American worker because, even as it goes to $7.25 an hour, there are many families who are still going to find themselves within the circumference of poverty. There are people who are looking forward to the action of this Congress.

But let it be said that the long-term objective, to ensure that workers are able to afford adequate housing and support their families, cannot be forgotten by this Congress.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR. Mr. Speaker, I urge my colleagues to throw a lifeline to the hardworking men and women in America by voting to increase the minimum wage from $5.15 to $7.25. It is no secret that health care costs are rising, along with property insurance, and it takes a lot to pay the rent these days. So, in a country where the average CEO earns more before lunchtime than the average minimum wage worker earns all year, this Congress must take action.

The increase in the minimum wage will help women, in particular, who comprise nearly two-thirds of all minimum wage workers. Many serve in the lowest-paying jobs back in our home towns, backbone jobs like child care, food service and cashiers. Many are women of color struggling to make ends meet for $5.15 an hour.

In my district, according to the United Way of Tampa Bay, over 40 percent of the residents live in poverty. Well, we are going to lift them up. We are going to lift up millions of children by raising the minimum wage. American workers are long overdue for a raise because past Congresses have not increased the minimum wage in 10 years. But we are headed in a new direction now to improve the economic security for hardworking Americans. Step number one, raising the minimum wage.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in support of the Fair Minimum Wage Act. This bill will help nearly 13 million workers and their families by raising the minimum wage.

The value of the minimum wage is lower than it has been in half a century. Instead of providing a living wage to hard-working American families, the minimum wage is a poverty wage. It is nearly $6,000 short of the Federal poverty line for a family of three if a minimum wage worker works full time.

Shouldn't having a job raise you out of poverty, instead of trapping you in it?

The minimum wage has stagnated since 1997, but wages have soared for those highest on the income scale.

The average CEO of a Standard & Poors 500 company made $13.5 million in 2005.

The average CEO makes 821 times as much as a minimum wage worker.

With salaries like these it is clear why an average CEO earns more before lunchtime than a minimum wage worker earns all year.

□ 1300

The average CEO is doing just fine looking out for himself. But America's most vulnerable families need somebody who is looking out for them.

This bill is a good bill, it is an important bill, and it is the right thing to do. I hope all my colleagues will join me in voting "yes" on H.R. 2.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, as the ranking member of the Small Business Committee, I rise in opposition to this legislation as it is being offered to us today because it does not offer our Nation's small businesses the help that they need to pay for what amounts to a tax increase. Small businesses are the backbone of our Nation's economy.

Over the last decade, small businesses have annually created 60 to 80 percent of America's new jobs; 99 percent of all businesses in the U.S. have 500 employees or fewer, and that is what constitutes a small business by definition in this country, 99 percent.

We are a Nation of small businesses. Yet, we are debating a bill today that fails to take into consideration the impact such legislation could have on the bottom line of those small businesses, the most prolific job creators in our economy.

Mr. Speaker, the simple fact of the matter is that this bill increases costs for mom-and-pop businesses, the Congressional Budget Office, CBO, estimates it to be $5 to $7 billion, without providing them the opportunity to grow their business and thus create more jobs. This bill does nothing to help small businesses lower their health care costs through association health plans. It does nothing to eliminate the egregious death tax that forces the sale of so many family businesses and small farms around the country, and it does not provide incentives for small business owners to invest in and grow their businesses and thus create the jobs or the futures for the teenagers and many other people who are coming up in this country.

Mr. Speaker, our Nation's small businesses deserve better, and this House should do better. So vote "no" on H.R. 2.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague.

Mr. Speaker, I rise in strong support of H.R. 2. As cochair of the Congressional Caucus for Women's Issues, I am so proud to stand with many of my colleagues, as we repeat over and over today how vital this legislation is for women across this country. Women lag far behind men in terms of earnings. Nearly two-thirds of all minimum wage workers are women, many raising children.

This bill translates into over 9 million women who will benefit from a long overdue increase in their take-home pay. It is abominable that for the past 10 years we have sat by and watched the cost of everything skyrocket. Health care, child care, food, rent, anything you could think of, except for wages.

Minimum wage earners often are single moms and have been forced into longer hours, more jobs, more time away from their families, which, too often, has its own set of unfortunate consequences.

It is time that we all vote "yes" on H.R. 2. Take a great step forward towards achieving economic equality for women. Indeed, the benefits will be there for all Americans.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, you know, this is such an interesting debate that we come here to have on the minimum wage issues. All of our economic issues debates end up being such interesting debates, and I always love it when I hear the statements made that this is wrong and that is wrong, and our focus becomes, let us go to the government and expect the government to fix it.

Mr. Speaker, you know, we know that just is not so. I have found it so interesting that you would hear from people that it appears that the Republicans never raise the minimum wage. What about 1994? What about 1997?

Then we hear all of this about explosive costs. But what we are not hearing is that per capita disposable income has risen 9.2 percent in real dollars since 2001.

All the millions of jobs that have been created, nearly 7 million since 2003 alone. The reason this happens is because of good economic policy, because of good tax policy, because in leaving more money with the individuals that earn it and not doing things that are going to harm small business, as the gentleman from Ohio said, most of our Nation's jobs are created through small businesses.

We know from the Congressional Budget Office, the CBO, they estimate that a minimum wage increase without considerations for small businesses and their workers would impose a 5 to $7 billion unfunded mandate on small businesses.

Now, I ask my colleagues from across the aisle, are they willing to stand up today and pass an unfunded mandate, a 5 to $7 billion unfunded mandate on our Nation's small businesses? We know, raising the minimum wage will reduce employment, and I encourage my colleagues to oppose the Democratic bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the chairman of the committee for bringing this important bill to the floor.

Mr. Speaker, the minimum wage is a women's working issue, and it is an issue for our children with over 1.4 million working mothers across this country who earn the minimum wage.

I would say to my colleagues on the other side of the aisle, what is it worth to you to have someone lift and bathe your elderly sick relative in a nursing home and empty their bed pans? Is it worth more than $5.15 an hour?

How about cleaning the bathrooms of the Democratic and Republican Conventions? People tend to not pay attention to those workers. How about washing dishes in restaurants across this country? How about caring for dozens and dozens of 3-year-olds in daycare centers across this Nation? How about those women that lift all those heavy trays at those restaurants that you all eat in, bringing food to the people across this Nation? Surely it is worth more than $5.15 an hour.

Even when it is raised to $7.25 an hour, if a woman has children, she is going to live in poverty anyway, so she has to work two jobs, most of them without health insurance. Preserve the value of work in this country. Vote for the increase in the minimum wage. It is the right thing to do.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, it has been an interesting debate today. We have heard on the other side: Today is the day I am going to vote to give the American worker a raise. Would that we all had that kind of power. Unfortunately, with this, we can dictate that. Unfortunately, somebody else has to pay that wage.

It is simply not right to inject ourselves into the free market in that way. Yes, it would be nice if everyone could make a larger wage.

The problem is, the price of everything is elastic. When the price goes up, the demand goes down. Those are the irrefutable laws of the free market. To think that we can simply go in and dictate and change things that way is wrong.

Less than a month ago I was in Cuba. Now, in Cuba, a janitor makes the same as a doctor. Some might say that is a good thing until you realize that they both make about $20 a month. It is not good when government controls the price and wage and controls the economy.

I am not suggesting that we are anywhere close to that, but supposing that we can inject ourselves and have this week wage controls, a little later this week, price controls in the form of negotiating with companies what drugs are going to cost, is simply the wrong direction to go.

I would urge everyone here to reject the notion that we as Members of Congress should inject ourselves into the free market in that manner.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise in strong support of the Fair Minimum Wage Act, H.R. 2. As you know, women and minorities make up a disproportionate number of those earning minimum wage. In fact, they haven't seen a wage increase in 10 years. Too many single head-of-household women struggle to make ends meet, some working two and three jobs every single day to make sure that their children are cared for and the rent is paid for; 61 percent of those are sole bread earners. One-third of those, as you know, are women raising their children. Most don't even have an opportunity to have health care coverage. African American women and Latinas only make up 23 percent of the workforce, but they represent 33 percent of the women only receiving minimum wage.

This fair minimum wage package will allow for 1.4 million working moms to get an increase in pay. Let us not forget those women who are working in the garment industry in the Northern Mariana Islands who only earn $3.05. These women also work up to 20 hours a day in squalor with no health care and no reform in labor.

I stand up for those working women and men, and urge the support of H.R. 2.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, there is a cynic that once said that one of the things that we learn from history is that we learn nothing from history. I don't accept that entirely, but it certainly appears to be that way on the floor of the U.S. Congress today.

You don't have to look in the recent past; you go back to 1640 in England. And they had wage and price controls. They thought it was a compassionate thing to set a price on a loaf of bread, a day's labor and a ton of coal. Then the Black Death came along and killed a whole lot of their workforce, and the price for a day's labor remained the same. England and their economy languished until a guy came along that the Brits don't even like by the name of Oliver Cromwell, and he abolished all of the government wage and price controls, and the economy surged.

The effect of an increase of 40 percent on minimum wage is going to be several things. The first thing it is going to do is: Any job between the current minimum wage and the $7 is going to do one of several things. First, it will be exported overseas. If it is not exported, it will be taken on the black market by, perhaps, some illegal immigrant who is willing to work for less than the minimum wage. Or it will just be passed on to everybody as an increase in cost of living.

Those are the alternatives. It would be very nice if we could, by mandate from this floor, say that everybody is going to make a lot more than that. Why not $20 an hour? The reason is because what happens is we become less competitive, and we ship the jobs overseas.

We are proposing that if we are going to do this, particularly to all of these jobs in small businesses, that we at least give the small businesses some kind of a break to compensate and to try to provide some health care for some of those people. That is the reason why we are opposing just a straight 40 percent increase, because the effect is going to be, yes, some people are going to get more money, but a lot of jobs, it is just like taking the old chain saw out and chopping off another low rung in the ladder.

There are people who will end up in welfare accordingly. Vote "no" on H.R. 2.

The SPEAKER pro tempore. For purposes of the managers being guided, Mr. MILLER of California has 35¾ minutes. Mr. MCKEON of California has 17 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, it is rather interesting that speaker after speaker gets up on the other side of the floor and in spite of the economic evidence of how well those States that have raised their minimum wages are doing compared in terms of job creation and economic growth to those States that kept the minimum wage low; it is rather compelling and overwhelming evidence in terms of higher job growth and higher economic growth, significantly higher even in the retail professions in those States that increased the minimum wage.

It is also rather interesting in light of the fact that the Gallup Poll of small business owners in March of last year said the overwhelming majority of small business owners, 86 percent, say the minimum wage had no impact on them. Nearly half the small business owners, 46 percent, supported the increase in the minimum wage.

It is an interesting dynamic you are talking about, but it is almost 20 years out of date in terms of the economics, what is taking place, as States have continued to raise the minimum wage, and the economic growth that has followed the wage increases that have followed, the growth and retail, which is very difficult in a competitive area, and the job growth that was created in those areas because people had money to put into the economy.

Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. MICHAUD).

□ 1315

Mr. MICHAUD. I thank the gentleman for yielding 1 minute.

Mr. Speaker, I come to this floor as a proud union member after working 28 years at a paper mill in Maine. I come here as cochair of the Labor and Working Families Caucus. I come on behalf of the hardworking men and women of the State of Maine, and I am here to say we need to pass this legislation. The salaries of Members of Congress have increased by $31,600 since 1997, while the minimum wage continues to earn just $10,700 a year. Today, the average CEO earns more before lunchtime the very first day he goes to work than the minimum wage earner earns all year long. What kind of priorities are these?

We sometimes forget the face of the minimum wage worker. They aren't the corporate giants. They aren't the special interests. They are the hardworking men and women of this country, and they deserve a raise.

There is still more that we can do to help our people in this country work their way out of poverty and achieve prosperity, but increasing the minimum wage is a necessary first step.

Mr. MCKEON. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Georgia, a member of the committee, Mr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I thank my chairman for yielding me the 2 minutes' time.

I stand in support of more jobs and in support of all workers, understanding that there are consequences to what we do here and some of those consequences are unintended. When we increase the minimum wage, unless employers receive some sort of benefit, they hire fewer workers. Fewer workers. It discourages businesses from hiring the least-skilled workers who need the most assistance. Losing access to entry level positions deprives many unskilled workers of the opportunity to learn the skills that they need to advance up the career ladder.

Did you know that businesses actually cut the number of unskilled and disadvantaged workers on their payrolls after an increase in the minimum wage and that raising the minimum wage to $7.25 an hour would cost at least 8 percent of affected workers their jobs? Minimum wage jobs are entry level positions that teach career skills that make workers more productive and enable them to earn a raise. Two-thirds of minimum wage earners earn a raise within a year.

And, finally, why are there conflicting reports? How can each side produce numbers in their support? Well, it is because it is difficult if not impossible to count the results. Why? Because regardless of what we do here, regardless of what we make the minimum wage, it is really zero. What we can't count are jobs that are never offered. If we pass this, small businesses don't miraculously get more money to pay workers, so they hold off on hiring, and those jobs that are never offered are never counted.

I urge my colleagues to support a commonsense plan that will increase the minimum wage and increase business resources to provide that wage and save and increase the number of jobs.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the distinguished chairman for allowing me to speak.

My colleagues, I cannot believe some of the rhetoric I am hearing from the Republican side of the aisle. The Republican ploy of combining tax cuts for the rich with the minimum wage increase is just simply mean-spirited and wrong. This bill should be passed cleanly and on its own. It has been close to 9 years since the last increase in the minimum wage, the second longest period without a pay raise since the Federal minimum wage law was first enacted in 1938.

While wages have remained stagnant, basic costs of living have skyrocketed.

America's current minimum wage is simply not a liveable wage, and families are struggling to make ends meet as their living standards decline. An increase in the minimum wage is desperately needed if we are to lift those who are falling further and further behind. Raising the minimum wage is an issue of fairness, and it is time that we treat all working Americans with the fairness and equality they deserve.

I commend the Democratic leadership for including this in the first 100 hours of the 110th Congress. Some 7.3 million people will benefit from a raise in the minimum wage, and we need to do this forthwith. Please vote for the bill.

Mr. McKEON. Mr. Speaker, I yield myself 30 seconds.

My colleague, the chairman of the committee, earlier read a statement from a Member of the other body. I would like to read a couple of them.

Senate Majority Leader HARRY REID said, "If it takes adding small business tax cuts to get a minimum wage increase, we are going to do it."

Senate Finance Committee Chairman MAX BAUCUS said, "This Congress promised to raise the minimum wage, and we will. We also need to pass meaningful small business incentives along with the minimum wage increase. We can do both, and we will."

I commend them. I applaud them, and I am hopeful that when we leave this body, we will join together in a bipartisan, bicameral way.

Mr. Speaker, I yield 2½ minutes to the gentleman from Idaho (Mr. SALI).

Mr. SALI. Mr. Speaker, a number of my colleagues have pointed out the problems with raising the minimum wage; that it is an unfunded mandate on small business, will likely result in the loss of over 1 million jobs for low wage earners, that it will eliminate entry level jobs and actually hurt the poor more than it helps them.

The negative impacts will result naturally from the rules and principles of the free market. In my college courses, I learned that the rules and principles of free markets are the rules and principles that every business and worker are subject to in every transaction, every negotiation and every new idea. That is, those negative effects of this bill are unavoidable with its passage. In spite of the negative effects, this bill does seem destined to pass.

As a freshman Congressman, the likely passage of this measure has taught me a new principle: The force of Congress can be brought to bear and justified to suspend those natural laws which would otherwise control important matters. The well-intentioned desire of Congress to help the poor apparently will not be restrained by the rules and principles of the free market that otherwise do restrain American businesses and workers. Apparently, Congress can change the rules that would otherwise affect the affairs of mankind.

So, Mr. Speaker, I have asked my staff to draft a measure I call the Obesity Reduction and Health Promotion Act. Since Congress will apparently not be restrained by the laws and principles that naturally exist, I propose that the force of gravity by the force of Congress be reduced by 10 percent. Mr. Speaker, that will result in immediate weight loss for every American. It will immediately help reduce obesity problems in America. Weight loss will also help to promote the overall health of Americans as we have been vigilantly advised by our health care.

Mr. Speaker, I thank this body for the education I have received from the passage of this bill. Since the basis for the use of Congress's power is the same with both measures, I would also ask that everyone who is supporting the measure before us consider becoming an original cosponsor of the Obesity Reduction and Health Promotion Act, and I have a copy.

Mr. Speaker, I close by noting that, with the new principles I have learned, it appears to me that with Congress the sky is the limit.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, it has been 10 years since this Congress last approved an increase in the minimum wage. In that time, increasing numbers of families have fallen out of the middle class, victims of economic pressures from rising health care and college tuition costs to gas prices, and an economic policy from an administration that has always seemed to push working families aside.

Raising the Federal minimum wage from $5.15 to $7.25 an hour is so important so the fundamentals of our economy remain strong. But that barely masks the troubles that families face. Household incomes are down nearly $1,300 from 2000, employee compensation at its lowest level in 40 years. This economy is not producing rising living standards for most families. Today we can expect to have the first sustained period of economic growth since World War II that fails to offer a comparable increase in wages for workers.

Raising the minimum wage is not about handouts or making political statements but rather raising the earnings floor for workers in this country. Indeed, today a full-time minimum wage worker still earns only $10,700 a year. My colleagues on the other side of the aisle, we make almost $163,000 a year, and we are opposed to $2 in a raise for working families? My friends, walk in the shoes of people who work every single day for a living. This Congress in the last session barely worked 2 days a week here for $163,000 a year. Take heed. Raising the minimum wage has big consequences.

You know, 4 years after the last minimum wage increase, the American economy experienced its strongest growth in over three decades. Between 1997 and 2003, small business employment grew in States that had a higher minimum wage than those with a Federal minimum wage.

Mr. Speaker, it comes down to priorities. It is long past time here that this Congress recognize that we have an obligation to work to raise the standard of living in America for every single family, not just for the few at the top of the heap. That is what this legislation is about, and I am proud to support it.

Mr. McKEON. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank the distinguished ranking member.

For 12 years I have come to the floor defending our free enterprise system and standing up for market forces in setting prices, costs, and wages. But I have to tell you, 9 years without a minimum wage increase is a problem, especially since, over those 9 years, corporate leadership has let us down in this country time and time again not honoring the traditions of responsibility to their workers and their stockholders. So, last year, I was one of the leaders asking us to increase the minimum wage but putting a very reasonable death tax exemption of $5 million on to the legislation, and it passed this House with a strong support and almost passed the Senate, missing by two votes. That is the best way to raise minimum wage.

The second best way is to add associated health plans, to give benefits for small businesses increasing the minimum wage.

I am going to continue to argue that that is the best way, but let me surprise you and tell you that even if that doesn't pass today on final passage, I am going to vote to raise the minimum wage, because you can't defend not raising it for 9 years if we are going to have a minimum wage. That debate is for another day, whether you should set wages or not. But with a minimum wage, you can't defend not raising it. The President needs to sign and increase the minimum wage.

Let's do it the right way though. But if that fails, we will vote for this and send it to the President, and I will bet he signs it because it is time for workers to have an increase. But we need to recognize the free enterprise system is what everybody values about this country most of all. They are moving towards free markets. Let's not trample on the markets, but let's recognize that 9 years is long enough, and at the end of the day, we will increase the minimum wage and send it to the President.

Now, how is that for bipartisan, Mr. MILLER?

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

We listened to our friends on the other side of the aisle cite averages, but those averages include the incomes of people like Bill Gates. They ignore the realities of 100 million lower-income Americans who are struggling to even approach middle income and who have been suffering a decline in recent years. These are people who pay more for food, for housing, for transportation. They are discriminated against by payday loans and subprime lending. Some are too poor to qualify for the child tax credit because of the perverted tax priorities that the Republicans have had in the last 12 years.

The dire results that have been cited by my friends on the other side of the aisle are simply hogwash. I come from one of the 28 States that increased its minimum wage and has indexed it automatically for inflation. Since we have done that, our economy is stronger, and our business leadership will tell you that what we have done is fair; it is good for all of us, not just the poor.

I hope this is a first step that is followed by increased awareness and sensitivity to 100 million lower-income Americans. Helping 13 million today with their first pay raise in 10 years is a good start.

Mr. MCKEON. Mr. Speaker, might I inquire as to the amount of time remaining.

The SPEAKER pro tempore. The gentleman from southern California has 10½ minutes; the gentleman from northern California has 28 minutes.

□ 1330

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding.

Everybody gets a pay raise, Mr. Speaker, except those who need it most, those who work for thousands of dollars below the poverty level. Small business has gotten the benefit of tax cuts and incentives for years, but the least-paid workers have gotten zero increase. The middle class is screaming about health care costs. Most of these workers don't have any health care. Don't get sick on the minimum wage. And not only the 10 percent of the workforce on the minimum wage will benefit. Other low-wage workers will also get a bump-up as a result.

This should be a matter of conscience. How could we look past these workers for almost 10 years? They serve us at the worst jobs with the lowest pay.

Let me remind us welfare is term limited. These mothers go straight on to minimum wage jobs. Do the family values people really want single mothers to continue to work two jobs just to get food on the table? Believe me, these mothers won't hit the jackpot with this small increase.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is a new day, a new Congress, and a new direction for America.

The previous Congress could have increased the minimum wage, but it didn't. The Congress before that could have, but it didn't.

Every day, over 6 million Americans choose work at $5.15 an hour over welfare. For 10 years, the old Congress chose to do nothing to reward the labor and dedication of those Americans who do some of the hardest work for the lowest pay.

$5.15 an hour, that is less than $900 each month. How much do you pay every month just on your mortgage or your rent, your car payment?

Today, compared to 1997, we pay 25 percent more for a loaf of bread, 77 percent more for college, 97 percent more for health insurance, and 130 percent more for a gallon of gas. But, for those 10 years, the minimum wage has not changed.

Mr. Speaker, every American worker who works hard full time all year should escape the grasp of poverty. The time for excuses expired 10 years ago. It is time to increase the minimum wage for hardworking Americans. This new Congress will deliver for America's workers.

Mr. MCKEON. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the chairman. He has put together legislation that should be commended. It is the right thing, the fair thing to do to vote for this legislation today. The Congress will finally take care of our working class brothers and sisters.

I must say, though, that the gentlewoman from Tennessee and the gentleman from Idaho had better get their economics straight. In their logic, we should reduce the minimum wage so we will produce more jobs. If that makes any sense, you are really off the reservation.

My friends, this is an opportunity for us to put aside politics and get to the heart of the issue. At $5.15 an hour, a full-time minimum wage worker brings home $10,712. How could anyone live on that sum in this day and age? We all know that, since 2000, the costs of health insurance and gasoline and home heating and attending college have skyrocketed to the tune of almost $5,000 annually. Clearly an untenable situation for American workers. And just this week Northeastern University put out this report, an increase of productivity for the American worker of 17 percent and an increase in wages of 1 percent.

The little guy is going to get help from this Congress, and you had better get that straight, to all of the folks on both sides of the aisle. The little guy is not going to be forgotten any longer.

This is an important piece of legislation. Raising the minimum wage today will provide an additional $4,400 a year for a family of three, equaling 15 months of groceries. That is good enough for me.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

The gentleman said that this Congress will remember the little guy. The small businessmen that we are trying to help, for the most part, are little guys.

I remember when I first started in business. It was a small family business. We had two stores. My dad ran one, and I ran one. I couldn't afford any employees. I had to wait until a friend came in and I could ask him to watch the store for a minute so I could use the restroom or maybe grab a sandwich, or I would just eat standing behind the counter if I didn't have any customers in. So I understand the problems that we are facing.

And if we could all focus back on the debate today, the substitute bill that the Republicans wanted to put into play that Mr. MCCRERY and introduced yesterday does exactly the same thing as the Democratic bill on increasing the minimum wage. But it also goes further, to help small businesses to provide health care to the workers, which I think is very important. And we are missing a wonderful opportunity to join together in a bipartisan way to work to help more people.

Mr. Speaker, I am happy now to yield 3 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I thank the gentleman and thank the colleagues across the aisle for this important debate.

I think one of the things that should be brought to our attention is that the debate is not subject to amendment. We are not able to really consider and take action based on our considerations.

We received a communication from Rebecca Dow, who is the founder and executive director of Apple Tree Educational Center, a nonprofit institution serving low-income/at-risk children in Truth or Consequences, New Mexico. She stated that if a Federal or State minimum wage passes, the reimbursement for child care assistance is going to be so low that providers cannot continue providing service for low-income families. For programs like Apple Tree, it will mean closing. There are going to be unintended consequences.

As a small business owner myself, I will tell you that we are not talking about the middle class working for minimum wage. I will tell you that we are not talking about people who are right in the midstream of the employment force. I will tell you that we are talking about giving jobs to people who are not and have not in the past been hirable.

We brought one man in who was 40 years old, tattoos from one end to the other. He told me after working 6 months he had never had a job, a full-time job, in his whole life. Because we could bring him in at a lower level, we did not have to have productivity, he was allowed to learn on-the-job training. That gentleman is still employed at the company which my wife and I sold after we came here because we were able to give him an entry level wage at an entry level job without much demand for performance.

In the last session, the last Congress, I voted to increase the minimum wage when the protections were there for small businesses. It is the small business people who get caught in the middle.

We heard from our colleagues on the other side that many small businesses support minimum wage. If that is so, they have got the instrument to do something about it. They simply increase wages. But it is those small businesses, family owned businesses, where the decisions are made, on the living room sofa and the dining room table. Those are the people that you are going to put up against very hard economic circumstances, people like Rebecca Dow, who is going to have to close her institution that provides child care assistance for low-income families in an area that has no other provider for this sort of service. I think these are the things that we should be talking about and should be making allowances for, rather than rushing this bill to the floor in the manner that it is today.

I appreciate your concern for the working families and for the businesses of the country. There are changes that we need to make.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I rise in support of raising the minimum wage for America's neediest workers, and I am proud that our Speaker, Speaker PELOSI, and Chairman MILLER have chosen this in the first 100 hours to help America's workers who have not been helped for a long, long time. It has been 10 long years, and America's workers need a raise.

I think this debate really does crystallize the differences between our side of the aisle and our Republican colleagues.

I have heard some arguments here this morning that government should not intervene in the market. But I want to remind my Republican colleagues that these workers are completely powerless to improve their situation.

The age of globalization has made these workers less powerful than they were 10 years ago. According to the Economic Policy Institute, of the nearly 7 million workers directly affected by the minimum wage, 80 percent are adults, 54 percent work full time, and 59 percent are women. The reality is that working families are struggling every day to try to make ends meet.

Look at it this way: In 1997, these workers made $206 a week for working 40 hours. In 2007, they are making the same $206. The problem is that while in 1997 it may have got that worker close to the poverty line at the end of the year, now they are $5,000 below the poverty line because the cost of living has gone up 26 percent.

That is why I encourage my colleagues to join us in supporting the Fair Minimum Wage Act.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1¼ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, the last time the real value of the minimum wage was this low, Elvis was singing "Heartbreak Hotel." But these days it is poor working folks, who have the heartbreak when the minimum wage is not even close to being a living wage.

We need to take the minimum for wages and raise it, because there is no maximum for prescription drugs, for tuition, for a visit to the doctor, for filling up a tank of gas. Meanwhile, if the gap between the rich and the poor in this country continues to widen the way it has under the Bush Administration, we will soon have the economic features of a third world country. A CEO earns in two hours what hard-working people earn on the minimum wage in an entire year.

As Dr. Martin Luther King, Jr., told workers in 1968, "It is a crime to live in this rich Nation and receive starvation wages." And it is a great wrong to deny the nearly one in five workers in Texas who will get a raise as a result of this bill.

A rising tide does not raise all boats if some of them are anchored to the floor by Republican ideology. The kind of objections we have heard today is why it has taken so long to do so little.

After ten years of doing nothing for the hardest workers, let's approve at least this modest increase.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1¼ minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I rise today in support of H.R. 2, the Fair Minimum Wage Act of 2007.

I first want to commend Speaker PELOSI, the Democratic leadership, and Mr. GEORGE MILLER for their leadership in making this issue a priority in the first 100 hours of legislation.

As Chair of the Congressional Asian Pacific American Caucus, I stand here with my friends from the Tri-Caucus in support of increasing the minimum wage to $7.25 and urge Congress to support a clean vote to this bill.

It has been 10 years since the last increase in the minimum wage; and, adjusted for inflation, the minimum wage is now at its lowest level since 1955.

Over the past 5 years, the number of Asian and Pacific Islander Americans living in poverty has grown by 243,000. In 2005, more than 1.5 million Asian Pacific Islander Americans, nearly 9 percent of all APIA families in the U.S., were living below the poverty line. Certain ethnic communities, such as Hmong Americans and Cambodian Americans, experience poverty at up to three times that rate. The median household income for APIA families is down $2,157 since 2000.

Now is the time for us to take a step in a new direction and help to improve the quality of life for the estimated 14.9 million workers in this country.

Mr. McKEON. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank Chairman MILLER for yielding, and I want to thank him for bringing this piece of legislation before us.

Mr. Speaker, it is unacceptable that we have waited 10 years to address this problem. Unacceptable. We have waited far too long. Millions of our American citizens, our brothers and sisters, mothers and fathers, are working long hours to receive a minimum wage and are still living in poverty. In 2007, we should be ashamed of ourselves. We can do better. We can do much better as a Nation and as a people.

□ 1345

American workers are suffering. They are struggling to fill their cars with gas, to put good food on the table. They are working hard, and they are still living in poverty. That is not right. It is not fair, and it is not just. All American workers deserve good pay for hard work. This is a matter of fairness. This is a matter of human decency. This is a matter of human dignity.

Nearly 20 States have increased their minimum wage above the Federal level. It is time for us in Congress to do the same.

In my district, the basic cost of living for a family of three is $27,000. Even with the increase we are considering today, it is still $12,000 short.

This is just the first step today, and we must do more for working families in the fight against poverty. President Roosevelt said it best when he said that the test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little.

Today, Mr. Speaker, we must pass the minimum wage. It is time that Congress's actions reflect the will of the American people.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I want to thank the chairman of the committee, Mr. MILLER, for his outstanding work on our behalf.

Mr. Speaker, today is the day that the Lord has made. Let us rejoice and be glad about it.

Today we are here to honor our promise to the American people. They have asked us and we have promised to increase the minimum wage, and we are here to deliver on that promise. I wholeheartedly rise in support of H.R. 2, to increase the minimum wage from $5.15 to $7.25 an hour. The American people deserve better.

Mr. Speaker, raising the national minimum wage is a first step in reducing the poverty rate in America. America's families have seen their real income drop by almost $1,300 since the year 2000 while the cost of health insurance, gasoline, home heating and attending college have increased by almost $5,000 a year.

As you know, the minimum wage has not been raised since 1997, and that is inexcusable and unconscionable. Mr. Speaker, the Bible tells us that our servant is worthy of his hire. Well, the American people are certainly worth more than the current $5.15 minimum wage that they are receiving.

Again, I rise in support of this outstanding legislation, and I thank the committee and thank this chairman for being a stellar, outstanding leader in bringing more income to the American household.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman from California, Chairman MILLER, and I rise in support of H.R. 2, the Fair Minimum Wage Act of 2007.

I am pleased that the Democratic leadership has taken a straightforward, no-holds-barred approach to expediting consideration of this legislation. And frankly, I am ashamed that it has taken so long to increase the minimum wage by so little.

What we do here today is a clear indication of the philosophical difference between Democrats and Republicans. My party, the Democratic Party, has tried to raise the minimum wage for nearly 10 years because we believe in live and let live. We believe that families should be fairly paid for their labor. We believe that wage earners, the true backbone of this Nation, should be able to put food on the table, roofs over their families' heads, clothes on their families' back and to have basic health care.

Mr. Speaker, $5.15 is totally unacceptable. No family can live on $5.15 an hour. Many wage earners are working two and three jobs, both husbands and wives and even their children, trying to make ends meet. Americans deserve better, and Americans expect their representatives to assist them in their quest for a decent quality of life.

Today the story will be written about the difference between those who stood up for the least of these and the those who came to this floor and continued to bring unconscionable arguments to deny low-income wage earners a mere $2.10 increase over their income in a 2-year period.

Many States could not wait for Congress to act, and they have undertaken to increase their wages. In my own State of California, the minimum wage effective January 1 of this year has increased to $7.25.

Mr. Speaker, 6.6 million people will benefit from raising the minimum wage. The economic gap between the rich and poor is growing. Too many people are living at or below the poverty line. When we pass this bill, we will all feel better about ourselves.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of increasing the minimum wage. I want to thank Speaker PELOSI and the Democratic Caucus for deciding that this would be a priority for this Congress.

I come from the State of Illinois where, 2 weeks ago, the Governor signed into law a new bill raising the minimum wage to $7.50 an hour, moving toward a livable wage. So I am so pleased that we are on track to follow the great State of Illinois, and I look forward to the day when we will be talking about a livable wage for every American who works so he and she can earn enough money to take care of the basic needs of their family.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I rise today in support of the Fair Minimum Wage Act of 2007 because Americans desperately need a raise.

Currently, millions of Americans go to work every day but still cannot afford to make ends meet. Sadly, children are at the losing end of this equation. Seven million families cannot afford to adequately provide for their children because they are working for poverty wages. With this bill, we can begin to turn that trend around.

Working families are the true beneficiaries of this legislation. Nearly 80 percent of affected workers are adults, and 46 percent of affected families rely solely on the earnings of minimum wage workers.

Mr. Speaker, nearly 15 million Americans will likely benefit from this bill, millions of them children whose parents are losing quite a bit of money as we speak.

I want to thank Speaker PELOSI, Representative MILLER, and my friend, STENY HOYER, for their tireless work on this issue.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from California, and I want to say this legislation gets an "A" in politics and a "D-minus" in economics; an "A" is politics most people aren't going to notice that the very people who are pushing it are the ones who voted against the Bush tax cuts for the low-income bracket, reducing it from 15 percent to 10 percent.

It is going to be good politics because most people will overlook the fact that the majority of the Democrat Party are going to vote against affordable health care for the working poor.

It is good politics because most people won't notice that the Democrats didn't have a committee meeting which would have given them an opportunity to parade out all of these workers who they have been saying over and over again depend on Congress for their salary and wages because apparently they cannot earn more on their own, only Congress themselves can increase this.

It is going to be good politics for them because most people won't realize that, since 1997, in the last 9 years, that 29 States have increased the minimum wage, and that is a fact that keeps getting overlooked.

And it is going to be good politics because most folks know that union wages are going to be linked into this, and it is going to increase the wage salary for the union workers who support them so dearly.

But it is going to be bad economically. As I said, an "A" in politics and a "D" in economics because the reality is that most minimum-wage earners are part-time, and most are well above the poverty level. Most are teenage workers: 52 percent under 25; 40 percent have never had a job before. It is an entry level job.

If the Democrat Party truly wanted to take on poverty, they would have to say, what is the relationship between marriage and the poverty level, and between hours worked and the poverty level. Because the truth of the matter is if people in poverty, if many of them would marry and many of them would work 40 hours a week, they would be out of poverty. It is not anything I claim to have the franchise on, the knowledge of, all of the information on, but it is an economic fact. I hope that we can have committee hearings on that and discuss that, because if we want to attack poverty, that is where we need to go.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. Corrine Brown).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I have waited a long time for this day. This is a great day. It is a day that the American people have been waiting for a very long time.

Helping the poor is a theme that is stressed throughout the Bible, but it is our responsibility as Members of Congress to help raise the standard.

I am so pleased today that we are going to have an opportunity to have a clean vote on raising the minimum wage for the first time in 10 years.

You know, the sad thing is that a CEO before 12:00 earns more money than a person on minimum wage will earn all year long. In talking to some of the CEOs about it, they mention, maybe we are trying to help students or part-time workers. The truth of the fact is, we are raising the minimum wage. We are providing an additional $4,400 per year for a struggling family to make ends meet and keep up with the rising cost of living.

This bill is not about students and part-time workers. No, it is about the nearly 13 million full-time workers, many with families to care for, who earn the minimum wage. In my State of Florida, the increase would directly benefit over 200,000 workers and have a positive effect on over a half million people.

Today is a great day for America and for the American worker. I urge my colleagues to vote "yes" on this bill. I hope the Senate passes this version as soon as possible so that we can provide immediate relief to our Nation's workers.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Al Green) who has been a long-time advocate of the increase in the minimum wage, both in this Congress and before he came to this Congress.

Mr. AL GREEN of Texas. Mr. Speaker, it has been said, but it bears repeating, that a person working full time, full time at $5.15 an hour, will make $10,700 per year. If that person happens to have a child, that person is living below the poverty line of $13,461.

No one in this, the richest country in the world, should work full time and live below the poverty line. In this country, we want people to work their way out of poverty. What better way to have them do this than have a minimum wage that gives people a job and money that takes them above the poverty line.

□ 1400

Mr. Speaker, it is sinful for us to continue this debate without adding that in this country one out of every 110 persons is a millionaire. People don't want welfare. People want self-care. We want to give people the means by which they can say farewell to welfare. Raising the minimum wage will do this.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by thanking the staff of the Education and Labor Committee, Jody Calemine and Michele Varnhagen, for all of their work on this legislation. They have diligently worked for years to get this day to come before the House of Representatives, and I know they have the appreciation of all of the members of our committee.

I also want to thank our newer staff members, Megan O'Reilly, Brian Kennedy and Michael Gaffin, for their good work today and all of their efforts on behalf of this legislation, preparing it for the floor.

I also want to thank my colleagues on this side of the aisle who argued on behalf of this bill to increase the minimum wage, and I want to thank my colleagues on the other side of the aisle who said that they were going to support this measure. They may not fully agree with it, but they said they would support it.

And I want to thank the cosponsors of this legislation, including I believe seven Republicans who were original cosponsors of this legislation and over 193 Democrats on this side of the aisle.

I was especially taken with the remarks of my colleagues on this side of the aisle who understand that this debate is about more than dollars and cents per hour. This is about the values of this Nation. It is about the value we place on work. It is about the statement that we make to people who go to work every day and work terribly hard in very difficult jobs that most people in this country would prefer not to have. But they go to work every day to do that, to provide for themselves, to provide for their children or to provide for their families.

When you talk to minimum wage workers, whether they are providing for themselves or themselves and a child or a child and a spouse, it is tough. It is tough. As the gentleman said on the front page of The Washington Post today, "When I get all done, I have nothing left for me," because he is also taking care of his parents as he is earning the minimum wage.

So this is a big day. This is a big day because this is the first time in 10 years that the Congress signals that in fact we are going to raise the minimum wage.

It is what our leader, Speaker Pelosi, said she wanted to do in this first 100 hours. In this first 100 hours she wanted to address urgent parts of the national agenda that are of deep concern to the American people. And to over 80 percent of the American people in this country, they understand that the increase in the Federal minimum wage is a matter of morality, it is a matter of their values, it is a matter of the reflection of our Nation. They understand that these people, minimum wage workers in this country, have been working at a wage that is 10 years old. Ten years old. And they understand the unfairness of that, and they understand the difficulty of that.

That is why we brought this bill as a clean bill, because we wanted to highlight and to speak to the Nation about this group of workers who are toiling in spite of the fact that in 28 States they have raised the minimum wage at or above the levels we are talking about. In spite of that fact there are still some 13 million people who are directly impacted by the actions we take here today and the actions we take later on to send this bill to the President of the United States.

There are 13 million people whose economic viability is dependent upon this bill to increase the minimum wage. That is why we have to do this, and that is why I am so terribly proud of the Members who stood up today and argued for this increase in the minimum wage.

Mr. Speaker, I will reserve 5 minutes of my time, yield 1 minute to the gentleman from California (Mr. McKeon) so he may have a similar amount of time, and yield back the balance of my time over the 5 minutes.

The SPEAKER pro tempore. Pursuant to section 508 of House Resolution 6, further proceedings on the bill will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1551

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Hastings of Florida) at 3 o'clock and 51 minutes p.m.

FAIR MINIMUM WAGE ACT OF 2007

The SPEAKER pro tempore. Pursuant to section 508 of House Resolution 6, proceedings will now resume on the bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed earlier today, 10 minutes of debate remained on the bill.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each have 5 minutes remaining.

Who yields time?

Mr. McKEON. Mr. Speaker, I yield myself the balance of time. I appreciate the debate. I appreciate the job that you have done as Speaker.

This debate, Mr. Speaker, has been a good one, one marked by thoughtful dialogue on both sides of the aisle. Unfortunately, that thoughtful dialogue is limited to the last 3 hours, and only the last 3 hours. We didn't have any dialogue in the Committee on Education and Labor, we didn't have any dialogue at the Rules Committee, and because of the unprecedented terms for today's debate, the dialogue that did take place here on the floor certainly won't lead to any improvements in this legislation, at least here in the House. However, I do hold out hope that in the weeks to come, as those on the other side of the Capitol take up this issue, we can build upon this unbalanced legislation and extend proper protections to small businesses and their workers.

Nevertheless, the measure we are poised to vote on in a few minutes is marked more by what is not in the bill than what is in it. Small businesses are the backbone of our economy. They create two-thirds of our Nation's new jobs, and they represent 98 percent of the new businesses in the United States. What protection does this bill provide them? None whatsoever.

The same small employers are looking for a more cost-effective way to offer health care benefits to their employees, just as large corporations and labor unions across our Nation can do because of economies of scale. What protections does this bill offer these same small employers? None whatsoever. They are the ones that are going to be providing these jobs that are going to be paying the higher wages, and they are getting no relief, no help. As a consequence, people, many people, one study says 1.6 million people, will end up losing their jobs as a result of this.

Working families, many of whom would benefit from a minimum wage increase and many of whom depend upon small businesses, are looking to Congress for innovative solutions that would improve their access to affordable health care. What protections does this bill provide them? None whatsoever.

My colleagues, we can do better. In the interest of sending the President a final measure that provides consideration for small businesses and their workers, the very men and women who are responsible for our economy's recent growth and strength, we must do better. And I believe, once Congress completes its work, we will do better. In the meantime, I urge my colleagues to oppose this unbalanced legislation.

As this debate continues in the weeks to come, I am hopeful that all of us will be mindful of the concerns and the sacrifices of small businesses in each and every one of our districts. If we do that and if we provide them the protections they need and deserve, I am confident that the final product we send to the President's desk will be far superior to the unbalanced and scaled-down measure that we are about to vote on.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to begin by commending you for the job you did in the chair today and the manner in which you conducted the debate on this issue; and I appreciate the professionalism with which you handled the gavel.

Mr. Speaker, Members of the House, I want to thank all of our colleagues who participated in the debate today. We have our differences of opinions, but I thought that the debate was well conducted.

We have waited for over 10 years to have this vote on the minimum wage, a clean vote on the minimum wage for the poorest workers in this country who have worked at a wage that is 10 years old.

You know, very often Members of Congress will take the floor and they will harken back to the time in their youth when they worked at the minimum wage and they will talk about the different jobs they had. Well, let me share with you that I, too, share those experiences.

I cleaned out oil tanks; I cleaned out ships; I drove trucks in the pear orchards; I picked fruit; I worked in the canneries; and sometimes I did two of those at the same time. I worked at night in the cannery and in the daytime in the oil refinery. I worked at the minimum wage. I wonder how I would have felt about that minimum wage if it had been 10 years old. If I was working at the minimum wage and my wages were 10 years into the past and everybody else working around me had current wages, I wonder how angry I would have been if I would have had to support a family—at one point I was supporting a family with those minimum wage jobs—I would have been very angry. I would have thought this was a very unfair system, that my wages were stuck 10 years in the past and everybody else's wages were current.

Well, that is what has happened to these workers up until today. Today, we finally release them from being frozen in time, where their wages are from 10 years ago, but when they go to the supermarket, the food prices are higher; when they put gasoline in the car, the gasoline prices are higher; when they pay the utility bills, the utility bills are higher; when their kids get sick, the medical bills are higher. All of those things are higher. They are living in 2007, but in their wages they are living in 1997. There is something terribly, terribly wrong with that picture.

That is why overwhelmingly throughout the country the people support this effort now to raise the minimum wage. Eighty-nine percent of the people believe that we should do this, and they basically believe it as a matter of economic fairness, of economic justice to these people who are working so hard at minimum wage, who, as we say over and over again, but remember what they are, they are the poorest paid workers in America today.

And when they turn on the TV, when they watch it on their lunch break, they see a CEO walk away with $210 million and a golden handshake after that CEO took a good corporation and ran it into the ditch. They see people backdating stock options, they see people defrauding the corporation for extra compensation, and yet their wages are back in time.

This is a question of economic fairness that the American public overwhelmingly responded to in this past election; and it is this issue of economic fairness that our new speaker, NANCY PELOSI, said would be the subject of this hundred hours, that we would begin by trying to make America a fairer place for those who go to work and for those who try to provide for their families. We would make America a fairer place and we would begin by increasing the minimum wage, and that is what we are going to do in the next few minutes, when we receive a strong and a bipartisan vote to increase the minimum wage for these workers.

It is terribly important that we do this. It says something about us as a Nation. When it is questioned all over the world about the economic disparities in American society, the unfairness of it, we get a chance to begin that process to change that dynamic.

☐ 1600

I think this is a wonderful moment for the House of Representatives, no matter what side of the aisle you sit on. We, the people's House, are going to address the needs of the people that we were elected to serve. They grant us, they grant us the authority and the ability and the honor to come to the Congress of the United States; and today, and today we are going to address their needs. Today, we are going to address the needs that have concerned them in their communities.

If I have any time left, I want to thank the new majority leader for his efforts over these 10 years to try to bring this vote to the floor when time and time again he made that effort in the Appropriations Committee.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman.

We will celebrate Martin Luther King's birthday on Monday. I want to quote. He said this: "Equality means dignity, and dignity demands a job and a paycheck that lasts through the week."

That is what this vote is about, and I thank the chairman for his leadership.

Mr. Speaker, today, the United States House of Representatives, the people's House, demonstrated that we are committed to addressing the needs of all of our people—including those who struggle to make ends meet on the Federal minimum wage.

Today, the House will pass legislation, on a bipartisan basis, to increase the Federal minimum wage by $2.10 per hour over the next 3 years.

The minimum wage, of course, has not been increased since September 1, 1997, making this House action long overdue.

Increasing the minimum wage is simply a matter of doing what's right, just and fair.

Eighty-nine percent of the American people support such an increase, according to a Newsweek poll.

President Bush has expressed his support. And a bipartisan majority of the Senate passed a minimum wage increase in June 2006.

Now, we urge our colleagues in the Senate to hold a clean up-or-down vote on this issue as soon as possible.

In the United States of America, the richest nation on earth, workers should not be relegated to poverty if they work hard and play by the rules.

On Monday, we commemorate the life of a great American—Dr. Martin Luther King, Jr.

And Dr. King once said: "Equality means dignity. And dignity demands a job and a paycheck that lasts through the week."

Today, we heed those words.

We must not ignore our citizens who are struggling.

We must get the legislation to the President's desk without delay.

Ms. ROYBAL-ALLARD. Mr. Speaker, today I proudly stand with our new Speaker NANCY PELOSI and my Democratic colleagues as we live up to our promise to honor workers by passing the Fair Minimum Wage Act.

Increasing the minimum wage from $5.15 to $7.25 an hour over 2 years is badly needed and long overdue.

The previous Republican-led Congress passed tax cuts for the wealthiest and ignored the needs of hard working Americans earning the Federal minimum wage.

The result has been that our Nation's Federal minimum wage workers have been forced to support themselves and their families for nine years on a mere $5.15 an hour, while at the same time the cost of living has continued to climb. The severity of a mere $5.15 hourly wage is highlighted by what is happening in my home State of California, where the State minimum wage is $7.50 an hour. This is more than two dollars an hour more than the current Federal minimum wage. Yet many Californians, including many in my own district, continue to live in poverty. How much greater a struggle for survival it must be for those in our country earning only $5.15 an hour.

Who are the workers in our country earning the Federal minimum wage? Most are full time hard-working American adults. Most have not had the educational and career opportunities of higher wage earners. Many of these workers are minorities and nearly all of these workers provide essential services, often in jobs that are dangerous and unreliable, yet essential to our American economy. An hour's pay, $5.15, will not buy a gallon of milk and a loaf of bread. A day's wages will barely fill their car's tank with gasoline. And their monthly income may not be enough to cover their family's average monthly healthcare costs.

It is unforgivable that thousands of hard working Americans in this country live $4,000 below the poverty line and struggle even to provide the basics of food and shelter for their families.

The Fair Minimum Wage Act honors their hard work and significant contribution to our Nation's economy.

Mr. Speaker, our consideration and approval of this bill as one of our first legislative actions is an important testament to this new Congress' commitment to hard-working low-income Americans who strive to provide for themselves and their families. The passage of this bill respects their work and their right to share in the American Dream.

I urge my colleagues to vote for the Fair Minimum Wage Act.

Mr. DINGELL. Mr. Speaker, I rise today in support of H.R. 2, a bipartisan measure to increase the minimum wage from $5.15 to $7.25 an hour over 2 years.

I am proud to say that my home State of Michigan is ahead of the game on this issue. Governor Granholm and the State legislature have already passed legislation to increase the State minimum wage. A total of 28 States and the District of Columbia have a State minimum wage above the current Federal level.

I cannot understand why some of my colleagues are opposed to a measure that will directly benefit 5.7 million workers. Moreover, this measure clearly has the support of the American people. It is our job to represent the American people and I am proud that the new Democratic majority is getting the job done. We will succeed in raising the minimum wage during the first hundred hours of the 110th Congress—an accomplishment that the Republican majority could not—or shall I say cared not to—achieve in 10 years.

It is wrong to have millions of Americans working full-time and year-round and still living in poverty. At $5.15 an hour, a full-time minimum wage worker brings home $10,712 a year—nearly $6,000 below the poverty level for a family of three.

Since 2000, America's families have seen their real income drop by almost $1,300, while the costs of health insurance, gasoline, and attending college have nearly doubled. Passing H.R. 2 would mean an additional $4,400 per year for a full-time worker supporting a family of three—equivalent to 15 months of groceries, or over 2 years of health care—helping them to keep up with rising costs.

Mr. Speaker, this legislation is an important first step in a new direction for working families and I urge my colleagues to support it.

Mr. RYAN of Wisconsin. Mr. Speaker, after careful consideration of H.R. 2, it is with great regret that I announce my opposition to this version of a minimum wage increase.

I believe an increase in the minimum wage should be accompanied by small business relief to offset the burden placed on U.S. employers, so these businesses can absorb the costs of an increase.

Last year, I supported an increase in the minimum wage because it also included tax relief measures for employers to offset the cost of the proposed minimum wage increase. It is unfortunate that House leadership, rather than bring this balanced approach to the floor for a vote, instead introduced what basically amounts to an unfunded mandate on our Nation's small businesses.

According to a 1999 study by the Small Business Administration, approximately 54 percent of our Nation's minimum wage earners are employed by firms who have less than 100 employees. This minimum wage increase will force our Nation's small businesses to make tough cost-cutting decisions in order to stay in business. When coupled with health care cost increases they are already facing, which the National Federation of Independent Businesses estimates at 15–20 percent, many employers will be forced to either increase the costs of their products or lay-off lower skilled workers. Both options would have detrimental effects on the substantial progress our economy is making.

This legislation also hurts job creation. Economists widely agree that an increase in the minimum wage without an offset for small business relief will result in much higher unemployment for workers. This is because an increase in the minimum wage also represents an increase in the costs faced by employers around the Nation. When our Nation's businesses face increases in their total cost per employee, they must often face the tough decision of either cutting jobs or reducing employee benefits such as health care, day care or vacation time as they struggle to pay for the new wage requirements.

In short, it is essential that any increase in the minimum wage be accompanied by tax relief or health care savings for our Nation's small businesses. Because this legislation does not include any provisions that may offset the costs it levies on our Nation's employers, I cannot support it.

Mr. MEEK of Florida. Mr. Speaker, I rise today to express my strong support for H.R. 2, which calls for an increase in the minimum wage to $7.25 per hour.

Thirteen million of our Nation's lowest-paid workers have not had a pay raise for nearly 10 long years. It took the intervention of the voters to kick out the Republican do-nothing Congress, which loaded up past minimum wage legislation with special interest goodies, but today we are finally getting serious about helping this Nation's working people.

The typical American worker earning $5.15 per hour has been forced to bear the brunt of rising costs and stagnant wages; since the last minimum wage increase, the cost of health insurance, gasoline, food, electricity, and education has risen, yet wages have remained frozen.

Minimum wage today in Florida is $6.67 per hour. Yet, according to the Department of Labor in 2005, 117,000 Floridians earn at or below the $5.15 per hour Federal minimum wage. Too many Floridians are stuck in this poverty trap.

I urge the Senate to move on this with the same speed and urgency that we have here in the House.

Mr. CONYERS. Mr. Speaker, I rise today to support H.R. 2, the Fair Minimum Wage Act. After the longest period since the enactment of this law without an increase—over 9 years—America's poorest working families must get the raise they need and deserve. During this period in which Congress has failed to act to raise the wage of America's poorest workers, CEO and top executive pay has soared: the average annual compensation for a CEO at a Standard & Poor's 500 company rose from $3.7 to $9.1 million. Meanwhile, 28 States have seen the light and raised their State minimum wage to a level higher than the current Federal minimum wage of $5.15.

A full-time minimum wage worker in 2006 earns only $10,712 before taxes—nearly $6,000 below the Federal poverty line for a family of three. This situation is unacceptable and immoral, as the wealth of our Nation, the richest in the world, continues to be built on the backs of the working poor. Working families in America are struggling to meet the rising costs of health care, gas, and housing, and $5.15 an hour is simply not enough.

It's time for Congress to stop turning a blind eye to the plight of those workers making minimum wage and to address their needs. That is why I supported increasing the minimum wage in the 109th Congress, and that is why I am an original co-sponsor of the Fair Minimum Wage Act in this the 110th Congress.

H.R. 2 will increase the Federal minimum wage to $7.25 per hour in three steps over 2 years. Sixty days after enactment of this legislation, the wage would rise from the current $5.15 per hour to $5.85 per hour. One year later, it would rise to $6.55. And a year after that, it would finally rise to $7.25 per hour.

The minimum wage needs to be raised not just for the goods and services it enables a person to buy but for the self-esteem and self-worth it affords. Wages must be adequate for workers to provide for themselves and their families with dignity.

Mr. WELDON of Florida. Mr. Speaker, I rise today to express my concerns about the substance of the legislation before us as well as the manner in which it is being considered.

The bill before us will have virtually no impact on those living and working in the state of Florida. Florida voters 3 years ago approved a ballot initiative setting a minimum wage rate higher than the federal rate and indexing it for inflation. Assuming enactment of this bill later this spring, it is important to note that the federal rate is not likely to catch up to Florida's minimum wage until mid-2009 only to once again fall behind in January 2010.

Just six months ago, I joined 230 of my colleagues, including 34 Democrats, in passing a bill that increased the minimum wage to $7.25 per hour while also providing important tax relief to help small businesses transition to the higher wage. Unfortunately, that bill was filibustered by Senate Democrats. This marrying of a minimum wage increase with small business tax relief was modeled on the successful approach we took in 1996 when a bipartisan coalition of 160 Republicans and 193 Democrats, including now Speaker PELOSI. I am pleased that Senate is pursing a bipartisan approach and building on this past success.

Unfortunately, the Democrat leadership in the House has chosen to break with tradition, choosing partisanship over partnership, by bringing to the House floor a minimum wage bill that excludes tax relief to help small businesses transition to the higher wage. Congressional Quarterly lamented on January 8 that "House Democrats have established rules for floor debate . . . that will block Republicans from offering any amendment. . . ." The Congressional Budget Office puts cost of this bill at over $16 billion for small business and nearly $1 billion for the federal government. Once again, Democrats break their opening day promise by excluding this $1 billion from their "pay-go" promises.

What has been absent from today's debate is a discussion about what the real downward pressure is on U.S. workers wages—illegal workers. After the Federal Government cracked down on illegal immigrants working at meat processing plants across the U.S., the company was forced to pay American workers a higher wage. Cracking down on illegal immigration, rather than granting amnesty to over 11 million illegal immigrants will do more to improve the wages of the working poor than a law increasing the minimum wage.

Finally, some have suggested that raising the minimum wage is the best approach to helping those living in poverty. There are much better and more targeted approaches to assisting the working poor, a minimum wage increase is a very blunt tool in doing that. Consider these facts:

The average minimum wage earner lives in a household with income above $50,000/year

Less than 1 in 25 minimum wage earners are single parents who work full-time—very few families rely on minimum wage job to support a family.

Only one in five minimum wage earners lives below the poverty level.

The least skilled and most disadvantaged workers are the first ones to lose jobs when the minimum wage is increased.

68 percent of Americans live in states that have a higher minimum wage.

67 percent of minimum wage earners get a raise within the first year of employment.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in support of H.R. 2, the Fair Minimum Wage Act. Nearly 15 million Americans, almost two-thirds of them women, go to work every day caring for our children and frail old people, cleaning up our messes, serving us food in restaurants, and for their efforts receive $5.15 an hour, the Federal minimum wage. If they work 52 forty-hour weeks, their annual income adds up to $10,712—$4,367 under the poverty level for a family of three.

Other Americans—the CEOs of the Nation's top companies—made on average $10,712 in the first two hours of the first workday of new year. According to a report by Americans United for Change, those CEOs make $5,279 an hour, $10,982,000 a year, or 1,025 times more than their minimum wage employees.

Those CEOs must really be special compared to the woman who changes their mothers' diapers or cleans their toilets. If she is a single mom with two children, she has to work 3 minimum wage jobs to provide for her family, according to Wider Opportunities for Women.

It didn't surprise me that a Newsweek poll found that 68 percent of Americans believed "increasing the minimum wage" should be one of the top priorities for the new Democratic Congress. And it's no wonder that women around the country and in my district are signing petitions, calling, sending e-mails calling on us to raise the minimum wage.

Leta of Chicago wrote that "We need to increase the minimum wage," and Rebecca e-mailed to say that an increase "is shamefully overdue." Jacqueline in Skokie asked me to "Please restore a government which truly responds to the needs of the people."

It's hard to imagine any member of Congress objecting. After all, it's been 10 years, the longest span ever, since the minimum wage was raised. In that time, we members of Congress have received cost-of-living increases that have raised our salaries over $30,000.

Today is the day we stand up for our lowest paid workers. Today is the day we give 15 million Americans a raise. And when we pass this modest increase, we should think of it as a down-payment on our commitment to assure that every hardworking American receives a living wage.

Mr. PORTER. Mr. Speaker, I rise today in opposition of H.R. 2, the Minimum Wage Increase Without Assistance for Small Business.

In Southern Nevada, we are fortunate to experience an extraordinary situation in regard to wage earnings and job growth. Since the tragedy of September 11, 2001, our economy has undergone a massive rebound with unemployment far below the national average and wages far exceeding the current federal minimum wage. The primary engine of this economic growth has been our small business community.

As a representative of a state who mandates a dollar above the federal minimum wage, the small business community in Nevada will feel the effects of this increase stronger than most states. The Republican alternative to H.R. 2 would provide the incentives our small businesses need to absorb the economic impact of a federally mandated increase in wages. Small businesses in my district, like Metro Pizza, operate on the smallest of profit margins. Sam Facchini, who has co-owned the business since 1987, had this to say about an additional increase to the minimum wage; "Our business is still adjusting to the most recent minimum wage increase. Small businesses are the backbone of our economy. We cannot continue to face unprecedented labor costs and be expected to prosper."

To meet an increased federal wage standard small businesses need the kinds of incentives for growth that the Republican alternative to H.R. 2 provides. I would like to remind my colleagues that we can only create new jobs through growth in the private sector. To limit this growth for the sake of a sound bite is tempting, but will have a devastating impact on an economy.

Certainly, our workers deserve the fairest compensation for their valuable labor. In Nevada, the State Constitution mandates that our minimum wage is one dollar above the federally prescribed level. Increases, however, must be carefully balanced with the ability of the business community to pay these increased wages. For these reasons, my voting record has remained clear, on July 29, 2006 I voted in favor of a similar bill that included a minimum wage increase as well as growth incentives for small businesses.

While the vast majority of American workers deserve higher wages, we must ensure that no jobs are lost as a result. I urge my colleagues to oppose H.R. 2, the Minimum Wage Increase Without Assistance for Small Business.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H.R. 2, the Fair Minimum Wage Act of 2007. This bill provides a long-awaited increase to the federal minimum wage by $2.10 over 2 years—from its present level of $5.15 an hour to $7.25 an hour.

WOMEN, FAMILIES AND THE MINIMUM WAGE

I am pleased that, in 2007, my home state of Ohio has joined the 27 states across the nation that have fully enacted a minimum wage above the federal level. Minimum wage female workers account for 60 percent of minimum wage workers in Ohio. Ohio Policy Matters reports that approximately 253,000 Ohio children have a parent who benefits from the states recently enacted increase. Even more will benefit 2 years from this bill's enactment, when the minimum wage is raised to $7.25.

While opponents of increasing the minimum wage often claim that minimum-wage workers are largely middle-class teenagers, recent reports from the U.S. Census demonstrate that among those workers who would benefit from this legislation, nearly half (48 percent) are the household's chief breadwinner. The Economic Policy Institute reports that 1.4 million working mothers would receive a direct raise and three million working mothers could be positively impacted by the Fair Minimum Wage Act. Nearly 4 million parents would benefit from an increase, including an estimated 623,000 single moms who would receive a direct raise under this bill.

According to the Center on Budget Policy Priorities, in 2006, the federal poverty line for a family of four was about $20,000, well below what most Americans would consider a decent standard of living to sustain a family. Currently, a family of four with one minimum-wage earner has a total income, including food stamps and the Earned Income Tax Credit, of only $18,950, $1,550 below the poverty line.

HISTORIC PRECEDENTS

The minimum wage has been frozen at its current level for more than 9 years—the longest period without a minimum wage increase in U.S. history. Since its 1938 inception, there has been only one other period in which the minimum wage has remained unchanged for more than 9 years, from January 1981 until April 1990.

History has proven that past increases in the minimum wage have not had a negative impact on the economy. In the four years after the last minimum wage increase, the economy enjoyed its strongest growth in more than three decades, adding nearly 11 million new jobs. Small business employment grew more in states with higher minimum wage rates than in states with the federal minimum wage states—9.4 percent versus 6.6 percent.

CLOSING REMARKS

I am proud to support this bill. Its immediate consideration in these opening days of the 110th Congress is proof that when the Democrats have sway, working families have their way.

Mr. MARKEY. Mr. Speaker, today Democrats ae fulfilling a pledge to millions of working families who have struggled for too long to make ends meet with a minimum wage that has failed to keep pace with skyrocketing housing, health care, energy and other costs.

President Franklin Roosevelt told us, "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."

The federal minimum wage has remained unchanged for nearly 10 years, and its purchasing power has plummeted to the lowest level in more than half a century. It is unacceptable and immoral that millions of Americans have been working full-time and year-round while still being unable to afford the basic necessities of life.

By increasing the federal minimum wage by $2.10—from $5.15 to $7.25 an hour over 2 years—we are giving a long overdue pay raise to about 13 million Americans, which amounts to an additional $4,400 per year for a family of three. I am proud that my home state of Massachusetts already has taken similar action, increasing the Commonwealth's minimum wage to $7.50 effective January 1, 2007. A total of twenty-eight states along with the District of Columbia have a state minimum wage above the current federal level. It is time for the Federal Government to catch up.

Raising the minimum wage will make an important difference in the lives of hardworking Americans across the country. The Senate should quickly pass similar legislation and President Bush should sign into law this much-needed increase as soon as it reaches his desk.

Mr. LANGEVIN. Mr. Speaker, I rise today as a proud cosponsor of the Fair Minimum Wage Act (H.R. 2). This bill will bring a long-overdue measure of fairness to the paychecks of millions of hardworking Americans.

We have now reached the longest period of time without an increase in the federal minimum wage since its creation in 1938. While the minimum wage remains stagnant, the cost of living for countless Americans continues to skyrocket.

In my home state of Rhode Island, the average two-bedroom apartment costs over $1,147 per month. As a result, many people would need to obtain more than three full-time, minimum wage jobs just to afford a decent home, and that does not take into account other critical living expenses like food and medicine. This is an unacceptable reality that millions of hardworking Americans continue to face.

Raising the minimum wage is a critical first step in Congress's efforts to strengthen the economic security of our Nation's families. The Fair Minimum Wage Act will increase the federal minimum wage from $5.15 to $7.25 incrementally over a 2-year period.

Americans who work hard to make an honest living should not be forced to live in poverty, and by passing the Fair Minimum Wage Act, we will help ensure that all Americans have the ability to provide for their families and prosper. I urge my colleagues to join me in supporting the Fair Minimum Wage Act.

Mr. UDALL of New Mexico. I rise today to state my support for this legislation that would provide a long overdue increase in the minimum wage for millions of workers around the country. As many of my colleagues have stated today, Congress has failed to increase the minimum wage for more than 9 years. This is the longest period in the history of the minimum wage that it has not been increased. This is unacceptable and I am pleased we finally are taking action today to remedy this situation.

America's families have seen their real income drop by almost $1,300 since 2000, while the costs of health insurance, gasoline, home heating, and college attendance have increased by almost $5,000 annually. America's families have been squeezed for far too long. Increasing the minimum wage to $7.25 an hour, which this legislation would do over the period of 2 years, is not a panacea for the hard working men and women who earn the minimum wage in our economy. However, everyone can agree that additional money in the pockets and savings accounts of these 13 million Americans will be of some help.

I strongly support H.R. 2 and urge my colleagues to do the same.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H.R. 2, the Fair Minimum Wage Act. I congratulate Speaker PELOSI, Majority Leader HOYER and Chairman MILLER for their recognition that this is a critical issue to our economy and for their success in making a real difference for families across America.

The Fair Minimum Wage Act will raise the federal minimum wage from $5.15 to $7.25 over 2 years. This pay raise is the first in more than 9 years and will affect 13 million Americans.

This change is long overdue. Currently minimum wage employees working 40 hours a week, 52 weeks a year, earn only $10,700 a year—$6,000 below the poverty line for a family of three. The inflation-adjusted value of the minimum wage is 31 percent lower today than it was in 1979, and in real dollars a $5.15 an hour minimum wage is worth just $4.75. If the wage had just kept pace with inflation since 1968 when it was a $1.60 an hour, minimum wage would have been $8.46 last year.

While in the Majority, Republicans repeatedly blocked this increase with the argument that fairness for our lowest paid workers will hurt small business. However, this summer, 650 economists, including 5 Nobel laureates, announced their support for increasing the minimum wage and their view that these arguments against such an increase are simply not valid.

Mr. Speaker, while denying this needed wage increase, Members of Congress have received pay raises of over $30,000. In addition, a recent study estimated that CEOs of top companies make in 2 hours what a minimum wage worker makes in a year. This inequity is not only an economic issue—it is a moral issue. American full-time, full-year workers should not be forced to raise their families in poverty.

A part of the hope and promise of America is that if you work hard, you will succeed. I am proud that the Democrats today are helping to make that dream a reality for millions of Americans.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in opposition to H.R. 2, and in support of the Republican motion to recommit.

Americans deserve a decent minimum wage, but we cannot simply ignore the fact that somebody has to pay for it. In many cases, small businesses are the ones who must bear these costs.

The Democratic bill we consider today gives absolutely no consideration to small businesses at all. Small businesses are the backbone of our economy, providing two-thirds of new job creation. They cannot, however, simply create money out of thin air. A small business might have been struggling to pay health care premiums for its workers. With this resolution, they may well now be unable to do so.

My Democratic colleagues frequently voice their strong support for small businesses. I don't understand why they cannot then acknowledge that this could be a burden and offer some help in the form of tax incentives.

My vote for this motion to recommit and against the underlying bill is intended to send a message to the other body that a minimum wage increase is only half of the equation. I am confident the other body will work in more of a spirit of compromise and recognize the concerns I mention here today. Indeed, I look forward to considering legislation that does contain common sense provisions that will protect our small businesses' competitiveness.

I urge my colleagues to vote for the motion to recommit to and if necessary against final passage.

Mrs. MALONEY of New York. Mr. Speaker, today, 13 million Ameicans are getting a raise.

Later today, during the first 100 hours of the new Democratic Majority, we will vote to raise the federal minimum wage from $5.15 to $7.25 over the next 2 years.

Nearly two-thirds of all minimum wage workers are women and women account for most of the full-time workers in some of the lowest paying jobs in our Nation.

Including 87 percent of all housekeepers, 93 percent of all child careworkers, 75 percent of all cashiers and 66 percent of all food servers.

Overall, women are twice as likely as men to work at the minimum wage.

Nearly 75 percent of female minimum wage workers are over 20 and 35 percent work full-time.

With this raise in the minimum wage, 7.7 million women will get a raise, including 3.4 million parents and over a million single parents—who are overwhelmingly female.

Raising the minimum wage would provide an additional $4,400/year for a family of three, equaling 15 months of groceries, or over 2 years of health care—helping them to keep up with rising costs.

Raising the minimum wage is supported by 89 percent of the American public in a recent Newsweek poll. Another recent poll showed 72 percent of Republicans support the minimum wage increase.

The minimum wage has not increased in more than 9 years—the longest period in the history of the law. The real value of the minimum wage has plummeted to its lowest level in 51 years.

A minimum wage increase is particularly important at a time when America's families have seen their real income drop by almost $1,300 since 2000, while the costs of health insurance, gasoline, home heating, and attending college have increased by almost $5,000 annually.

It is wrong to have millions of Americans working full-time and year-round and still living in poverty. At $5.15 an hour, a full-time minimum wage worker brings home $10,712 a year—nearly $6,000 below the poverty level for a family of three.

Passing an increase in the minimum wage is the right thing to do and I commend the work of Chairman GEORGE MILLER and Speaker PELOSI for bringing this measure to the floor today.

I urge all of my colleagues to support this vital legislation.

Mr. RUPPERSBERGER. Mr. Speaker, I rise today in support of H.R. 2, the Fair Minimum Wage Act.

This much needed increase in the minimum wage is long overdue. During the last 9 years since the minimum wage was last increased, 28 states and the District of Columbia have come to the aid of their citizens and passed laws implementing a higher minimum wage rate than the federal standard.

Increasing the federal minimum wage is not about giving high school students who work part-time a raise. It is about helping individuals and families meet their daily basic needs. Almost one-third of hourly workers earning less than $7.25 lived in families with incomes of $20,000 or less.

As prices for energy, health care, and daily living expenses including child care and college tuition continue to increase, the minimum wage has remained the same. This increase in the minimum wage is necessary to help families pay for the rising cost of these goods and services.

To understand what minimum wage earners are dealing with, imagine how much income you earned in 1997 and the cost of your daily expenses. For example, in Baltimore in January 1997, a gallon of whole milk was $2.87. In January 2006 a gallon of whole milk was $3.39, an increase of 18 percent.

Imagine now earning what you earned in 1997, but forced to pay at least 18 percent more for your daily living expenses. For many people, an increase of 18 percent over 9 years would not be noticed because typically job salaries would also increase. But for people earning minimum wage, any increase in the price of goods and services is noticed.

For a more dramatic example, consider the cost of a gallon of gasoline. In January 1997 a gallon of gas cost $1.22 and in January 2006, the same gallon cost $2.27, an increase of 94 percent. Increases of this magnitude impact the entire population but those who make the least will be hit the hardest.

How can we expect people earning the current minimum wage to keep up with the increasing costs of everything?

An increase in the minimum wage is essential to helping all Americans achieve economic security and for working adults to be able to meet the basic needs of their families. For this reason, I support H.R. 2 and raising the federal minimum wage.

Mr. SMITH of Texas. Mr. Speaker, the debate on H.R. 2, the "Fair Minimum Wage Act of 2007," would benefit from a discussion of the facts.

For example, increasing the minimum wage would not have a positive impact on all working and non-working Americans.

The number of people who would benefit from raising the minimum wage is not nearly as large as some claim and those individuals who receive the minimum wage are not nearly as poor as some suggest.

According to the Bureau of Labor Statistics, in 2005 only 2.5 percent of all hourly-paid workers earned the minimum wage. More than a quarter of those workers are teenagers and half are under 25.

Those who support a minimum wage increase should be forthright—some Americans will lose their jobs if the minimum wage is increased, especially youth and low-skilled workers. If the minimum wage is raised, businesses will incur additional costs and some will be forced to layoff employees.

Also, most individuals who receive the minimum wage have other sources of income, such as food stamps, government allowances, or earned income tax credits.

Still, we are confronted with the stark reality that over one million families must survive on little more than $1,000 a month. These families need food, clothes, housing, transportation, and hope.

Frankly, any person who engages in honest labor deserves a worthy wage and a dignified life.

Some say there are jobs Americans won't do. That demeans hard-working Americans who do work in every occupation. It especially demeans those who work at back-breaking and dangerous jobs for little pay. If we want more Americans to take those jobs, then let's pay them more.

And today is a good time to start.

Mr. CROWLEY. Mr. Speaker, I rise in support of H.R. 2 to increase the minimum wage for working Americans.

After years of providing tax cuts to the richest people in our country, and raise after raise to Members of Congress, I am pleased to see that in the first 100 hours of Democratic control of Congress, Democrats are giving a raise to the working poor.

I firmly believe that increasing the minimum wage is a necessity to help working people provide for their families. In 6 years of Bushonomics, gas prices have gone out of sight, college tuitions are unaffordable for millions of working families, and the price of homeownership is escaping far too many people.

The lack of a basic wage increase has put an even greater hardship on the lives of many of my constituents—people who are actually working every day and playing by the rules.

Just the other day a constituent of mine from Jackson Heights stated the obvious in support of a minimum wage increase—an honest day's pay for an honest day's work.

I completely agree with him.

In fact, 90 percent of minimum wage workers in New York City are adults, and two-thirds of them work full-time. Over four out of five New York City minimum wage workers are people of color: 41 percent are Hispanic, 25 percent are Black non-Hispanic, and 16 percent are Asian.

Additionally, while women represent 49 percent of New York City workers, they are 59 percent of minimum wage workers. It's clear minimum wage earnings are vital to many low-income households in New York City. In fact, 60 percent of increased minimum wage earnings would go to the lowest-earning 40 percent of New York City households.

Furthermore, with 15.5 percent of my constituents living below poverty, it's long past due to raise the wages of working people.

After raise after raise for Congress and the White House, it is amazing to me that the Republicans do not think that people who actually work 5 days a week do not deserve a raise.

That is why I urge my colleagues to support H.R. 2.

Under the Democrats America really is going in a new direction—and that direction is forward.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of H.R. 2—increasing the minimum wage. This is an important piece of legislation and one that has been over due for many years. The Federal minimum wage has not been increased in 10 years and the buying power of the Federal minimum wage is at its lowest level in 51 years.

I am proud to say that my district, the U.S. Virgin Islands, has been ahead of the game by increasing the minimum wage to $6.15 an hour last year—the second increase in 2 years—affecting more than 14,000 workers in the territory. This increase was supported by private sector leaders, who indicated that they were prepared to take on the wage increase, acknowledging that while the increase does impact business, it was manageable—purporting the true American spirit of prosperity for all.

Minimum wage increase is important to all Americans but impacts women by greater proportions. Two-thirds of workers over age 16 who work at or below the minimum wage are women. Studies of low-wage workers show that the main beneficiaries of this increase would be working women, almost 1 million of who are single mothers. The minimum wage increase would help to reduce the overall pay gap between women and men.

Mr. Speaker, raising the minimum wage will help to raise the income of many low-income families, especially those headed by single mothers. I urge my colleagues to support H.R. 2 and pass this long overdue increase in our national wages.

Mr. KIND. Mr. Speaker, I am proud to stand before you today in support of H.R. 2, the Fair Minimum Wage Act of 2007. It is essential that we ensure that all Americans are able to maintain a decent standard of living, guaranteed in part by real living wages that reflect today's economic realities.

With rising health care, energy, and education costs, America's hardworking families are being forced to do more with less. While Congress has failed to raise the minimum wage over the past 10 years, it hasn't failed to raise its own pay. Since 1997, congressional pay has increased $31,600. This is simply unjustifiable.

America is the most prosperous nation in the world. It is unconscionable that someone can work full-time and still live in poverty. Working full-time, a minimum wage earner will only bring home $10,712 this year. This is $6,000 below the poverty level for a family of three. More than 125,000 Wisconsin workers would directly benefit from this legislation.

While it is vital that we help the most vulnerable in our society, we must also ensure the livelihood of main street America's small businesses. These small businesses form the cornerstone of our economy and are essential to the well-being of our communities. That is why it is important that any increase in the minimum wage be implemented gradually.

I believe H.R. 2 accomplishes that by raising the minimum wage in a manner that will help the least fortunate while simultaneously protecting small business owners from sharp payroll increases. Sixty days after this legislation is enacted, the minimum wage would increase to $5.85 per hour. One year later, it would rise to $6.55 per hour and reach $7.25 a year after that.

The American public supports raising the minimum wage. In November, six States passed minimum wage ballot measures. Currently, 28 States, including Wisconsin, have minimum wages above the Federal level. The time has come for Congress to listen to the States and the public and pass this important and overdue legislation.

I thank you Mr. Speaker, and urge all of my colleagues to do the right thing and give America's minimum wage earners a well-deserved raise.

Mr. KILDEE. Mr. Speaker, I rise today in strong support of H.R. 2, the Fair Minimum Wage Act of 2007.

The minimum wage has not been increased in nearly 10 years and its purchasing power is the lowest it has been in 50 years.

A full-time minimum wage worker earns just $10,700 per year, which is $6,000 below the Federal poverty level for a family of three.

The bill we consider today will benefit nearly 7.4 million workers directly, and another 5.6 million workers indirectly.

America's poorest working families must get the raise they need and deserve.

This bill is especially important given the fact that America's families have seen their real income drop by $1,300 over the past 6 years.

At the same time, the costs of health insurance, gasoline, home heating and attending college have increased enormously.

Increasing the minimum wage demonstrates our commitment to workers everywhere and exemplifies the value we place on a hard day's work.

I urge my colleagues to join me in supporting H.R. 2.

Mr. PAUL. Mr. Speaker, the announced purpose of H.R. 2 is to raise living standards for all Americans. This is certainly an admirable goal, however, to believe that Congress can raise the standard of living for working Americans by simply forcing employers to pay their employees a higher wage is equivalent to claiming that Congress can repeal gravity by passing a law saying humans shall have the ability to fly.

Economic principles dictate that when government imposes a minimum wage rate above the market wage rate, it creates a surplus "wedge" between the supply of labor and the demand for labor, leading to an increase in unemployment. Employers cannot simply begin paying more to workers whose marginal productivity does not meet or exceed the law-imposed wage. The only course of action available to the employer is to mechanize operations or employ a higher-skilled worker whose output meets or exceeds the "minimum wage." This, of course, has the advantage of giving the skilled worker an additional (and government-enforced) advantage over the unskilled worker. For example, where formerly an employer had the option of hiring three unskilled workers at $5 per hour or one skilled worker at $16 per hour, a minimum wage of $6 suddenly leaves the employer only the choice of the skilled worker at an additional cost of $1 per hour. I would ask my colleagues, if the minimum wage is the means to prosperity, why stop at $6.65—why not $50, $75, or $100 per hour?

Those who are denied employment opportunities as a result of the minimum wage are often young people at the lower end of the income scale who are seeking entry-level employment. Their inability to find an entry-level job will limit their employment prospects for years to come. Thus, raising the minimum wage actually lowers the employment opportunities and standard of living of the very people proponents of the minimum wage claim will benefit from government intervention in the economy.

Furthermore, interfering in the voluntary transactions of employers and employees in the name of making things better for low wage earners violates citizens' rights of association and freedom of contract as if to say to citizens "you are incapable of making employment decisions for yourself in the marketplace."

Mr. Speaker, I do not wish my opposition to this bill to be misconstrued as counseling inaction. Quite the contrary, Congress must enact an ambitious program of tax cuts and regulatory reform to remove government-created obstacles to job growth. However, Mr. Speaker, opponents of H.R. 2 should not fool themselves into believing that adding a package of tax cuts to the bill will compensate for the damage inflicted on small businesses and their employees by the minimum wage increase. Saying that an increase in the minimum wage is acceptable if combined with tax cuts assumes that Congress is omnipotent and thus can strike a perfect balance between tax cuts and regulations so that no firm, or worker, in the country is adversely affected by Federal policies. If the 20th Century taught us anything it was that any and all attempts to centrally plan an economy, especially one as large and diverse as America's, are doomed to fail.

In conclusion, I would remind my colleagues that while it may make them feel good to raise the Federal minimum wage, the real life consequences of this bill will be vested upon those who can least afford to be deprived of work opportunities. Therefore, rather than pretend that Congress can repeal the economic principles, I urge my colleagues to reject this legislation and instead embrace a program of tax cuts and regulatory reform to strengthen the greatest producer of jobs and prosperity in human history: the free market.

Mr. MCGOVERN. Mr. Speaker, after a decade of inaction by the Republican majority, we stand to vote today on one of the most critical issues facing working Americans.

For years, the chairman of the Education and Labor Committee, Mr. MILLER, led our efforts to bring the minimum wage more in line with this country's growing cost of living. We pushed for a clean, up or down vote. But instead, as the 109th Congress winded down, we were presented with a muddled package of bills, and once again, the will of the American people was pushed aside to accommodate corporate interests.

So, I must commend Speaker PELOSI and Majority Leader HOYER for including this minimum wage increase in our first 100 hour commitment to working Americans. For the 6.5 million minimum wage earners throughout the country, this bill amounts to an additional $4,400 each year. That alone would cover: 15 months of groceries; over two years of health care; and two and a half years of college tuition at a public, 2 year college.

Ultimately, up to 13 million low-wage workers will be helped by this increase.

Right now the average CEO of a Fortune 500 Company earns $10,712 in 1 hour and 16 minutes. It takes the average minimum wage worker 52 40-hour weeks—an entire year to earn the same $10,712. That's wrong, and we're going to fix it.

And, let's be clear, there is no evidence to support the Republican claim that an increase in minimum wage leads to job loss. For proof, we only need to look at the twenty-eight states and the District of Columbia that have set minimum wages that are higher than the federal minimum wage. In fact, a May 2006 study released by the Center for American Progress and Policy Matters found that employment in small businesses grew more than 9.4 percent in states with higher minimum wage; and inflation-adjusted business payroll growth was over 5 percent stronger in high minimum wage states. A 1998 study by the Economic Policy Institute found that unemployment and poverty rates actually dropped after the last increase in the federal minimum wage in 1997.

Working Americans are the backbone of our nation, and this increase is long overdue. I urge my colleagues on both sides of the aisle to join me in supporting this legislation.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 2, the Fair Minimum Wage Act.

The time is past due for a raise in the Federal minimum wage, which was last increased in 1996. Today, workers making the least should be heartened that this legislation will raise their wages by $2.10 an hour over two years to $7.25.

Some argue that raising the minimum wage increases unemployment and prices. This is true only if the minimum wage is set too high or phased in too quickly. If done properly, there should be little to no impact on employment or prices.

Several economic analyses point to an important dynamic that I believe is at work: When the minimum wage is increased, people have more of an incentive to work, and less of an incentive to collect welfare or remain idle.

It is clear to me that increasing the minimum wage is a vital step toward ensuring work is more attractive than welfare.

Mr. Speaker, I urge the support of this legislation.

Mr. CAMP of Michigan. Mr. Speaker, I rise today in opposition to the bill before us that increases the federal minimum wage without providing tax relief to America's small businesses.

I support a raise in the federal minimum wage. But, raising the minimum wage alone is missed opportunity to help American workers. Minimum wage legislation should include tax benefits for small business owners. The Democrat's bill increases the federal minimum wage from $5.15-per-hour to $7.25-per-hour over 2 years. This increase amounts to a 41 percent increase to employers. The Democrat bill does nothing to help these employers offset this huge increase—forcing employers to either reduce the number of people they employ or pass on the cost to consumers by raising their prices.

According to the most recent data from the Small Business Administration, an estimated 822,000 small businesses operate in my home state of Michigan. Under the Democrat's bill, 822,000 small business owners in Michigan can expect to pay 41 percent more over the next 2 years. In Michigan, where the unemployment rate is tops in the nation, workers and employers cannot afford higher taxes and added layoffs.

Instead of H.R. 2, I support and am a cosponsor of H.R. 324, the Working Families Wage & Access to Health Care Act. This bill, authored by my colleagues Mr. MCKEON and Mr. MCCRERY, offers a balanced mix of provisions that will raise the wage while softening the financial impact on small businesses who hire minimum wage workers.

The Working Families Wage & Access to Health Care Act includes incentives for new restaurant construction, eliminates the 0.2 percent federal unemployment surtax on small business owners, and extends important small business expensing provisions Republicans enacted in 2003. Greater expensing limits mean that business owners will have more capital to expand, employ more workers, and invest more in their communities. The bill will also provide better health care coverage for workers. H.R. 324 establishes Small Business Health Plans that allow small businesses to band together through associations and purchase quality health care for workers and their families at a lower cost.

I urge my colleagues to vote against H.R. 2 and instead support legislation that protects America's workers and promotes continued economic growth.

Mr. REYES. Mr. Speaker, I would like to thank Congressman GEORGE MILLER for introducing this important legislation, and the 213 members who have joined me as original cosponsors.

I rise in strong support of H.R. 2, the Fair Minimum Wage Act of 2007, which would gradually raise the federal minimum wage to $7.25 per hour over two years.

As you know, it has been ten years since we last increased the federal minimum wage, and when adjusted for inflation it is currently at its lowest level in 50 years.

Every single American who commutes to work has felt the financial pinch of the rising cost of gasoline, and none more so than those making minimum wage. According to the U.S. Department of Labor, when Congress last passed legislation raising the minimum wage, the national average price for gasoline was $1.32 per gallon. Today, the average price of gasoline is $2.39 per gallon, and millions of hard-working Americans are struggling to make ends meet at a wage of $5.15 per hour. The majority of these workers are adults over the age of 20 and over 6 million kids are children of workers who will be helped by this bill.

This proposed increase in the minimum wage would directly affect approximately 863,000 employees in Texas and at least 68,000, or more than 30 percent, of the workforce in my district of El Paso.

I know of many exceptional businesses in El Paso that have taken the initiative to pay their employees more than the proposed new minimum wage. I applaud them for their leadership, but we can and should do more by passing legislation to set the standard minimum wage of $7.25 per hour, so we can move closer to ensuring that all workers earn a living wage for themselves and their families.

I ask all my colleagues to join me in supporting our Nation's working families by voting in favor of H.R. 2.

Mr. STARK. Mr. Speaker, I rise today in strong support of H.R. 2, the Fair Minimum Wage Act. For far too long, working class Americans have been struggling to make ends meet at $5.15 an hour, a wage that leaves a family of three more than $6,000 below the poverty line. Today we can make a real difference in the lives of millions of Americans by increasing the minimum wage to $7.25 an hour.

In 1997, the last time the minimum wage was raised, $5.15 went a lot further than it does today. A gallon of gas cost $1.27 and a loaf of bread was only $0.88. It may not seem to most like $2.29 for a gallon of gas or $1.14 for a loaf of bread is too much, but tell that to the minimum wage worker with gross weekly income of only $206. They still have to drive to work and put food on the table, which is nearly impossible at $5.15 an hour without multiple incomes or a second job.

For years, states have responded to the inadequacy of the federal minimum wage by passing higher minimum wages. Those states haven't lost employers or faced higher than normal unemployment because of higher minimum wages. Small businesses in California, for example, haven't gone broke because of the high state minimum wage. The argument that small businesses can't afford to pay the minimum wage is fallacy. Organizations making that argument are probably paying a lot more than $7.25 an hour to their snake oil salesmen.

Some argue that increasing the minimum wage is paramount to the government engaging in class warfare. One of the richest men in the world, Warren Buffet, doesn't see it that way. "There's class warfare, all right," Mr. Buffett said, "but it's my class, the rich class, that's making war, and we're winning." Failure to pass a minimum wage increase would be a huge victory in the class warfare by the wealthy against hard working Americans.

Since 1997, Members of Congress have increased our salaries by 24 percent. We can't look our hard working constituents in the eye and honestly say we deserve big pay raises and they don't. Today we can give a raise to someone other than ourselves for a change and have a positive impact on millions of working poor in this country. I strongly urge all my colleagues to vote yes on H.R. 2.

Mr. Speaker, I'd also ask that the following article from the January 10 edition of the Washington Post be printed in the RECORD.

MINIMUM WAGE, MAXIMUM MYTH

(By Steven Pearlstein)

With Wall Street hot shots and corporate chiefs raking in obscene amounts of money, and with pay in the bottom half of the workforce barely keeping up with inflation, you'd think raising the minimum wage for the first time in a decade would be a political and economic no-brainer for the new Democratic Congress.

But you'd be forgetting about Max Baucus.

Baucus is a Democratic senator from the Republican-leaning state of Montana, which means he is on the political equivalent of the endangered-species list. So you can understand Baucus's need to vote with his constituents on things like sugar subsidies and gun control and grazing fees on public lands.

But while Baucus is surely entitled to his opinions, and entitled to do what is necessary to assure his own political survival, he is not entitled to be chairman of the Senate Finance Committee, which handles such key Democratic issues as health care, trade and tax policy. That position ought to be reserved for a statesman with enough political confidence and backbone that he isn't constantly sacrificing the interests of his party and his country to the narrow interests of his subsidy-addicted constituents.

You'd think Baucus would have learned his lesson in 2001, when he won the enmity of Democrats everywhere by striking the deal that led to passage of the Bush tax cuts, including the phase-out of the estate tax. Apparently not. For on the very day the new Democratic House is set to push through a long-overdue minimum-wage increase, over in the Senate, Baucus has called a hearing on how to offset the "economic hardship" caused by the higher minimum wage with yet another round of business tax breaks.

Consider, for a moment, the economic logic that lies behind Baucus's hearing this morning, when senators will hear from a panel of witnesses that includes Dave Ratner, owner of Dave's Soda & Pet City in Agawam, Mass.

No doubt Ratner and the others will point out that workers making at or near the federal minimum wage are nearly all employed by small businesses. We will hear all the sob stories about how struggling small businesses with thin margins will be forced to cut back on hiring, pull back on expansion plans and, in some instances, close their doors. Moreover, this won't be a tragedy just for small-business owners and employees but for the economy as a whole, since everybody knows that small business creates virtually all new jobs. Only another round of tax breaks can keep the great American jobs machine humming.

And here's the thing: Most of it is nonsense.

To begin, both economic theory and history suggest that small business will, in time, pass on its increased costs to its consumers. Small businesses that pay low wages tend to compete with other small businesses that pay low wages, so they will all face the same cost pressures and respond in similar fashion. The worst that can be said is that a higher minimum wage will add, very modestly, to overall inflation.

There is also general agreement among economists that a higher minimum wage, at the levels we are talking about, will have a minimal impact on adult employment. Slightly higher prices might reduce, slightly, the demand for Wendy's hamburgers, cheap hotel rooms and dog-walking services. But largely offsetting those effects will be the increased demand for goods and services by tens of millions of Americans who will finally be getting a raise. A higher minimum wage doesn't lower economic activity so much as rearrange it slightly.

The biggest lie of all is that small businesses have created most of the new jobs in America. This canard, perpetrated by the small-business lobby and embraced by politicians of both parties, has been used for decades to justify all manner of special subsidies for small business. But as economist Veronique de Rugy of the American Enterprise Institute reported in a paper last year, new jobs have been created by both large and small businesses in roughly the same proportion.

In truth, the bulk of new jobs have always been created by a relatively small number of new firms that grow fast and get quite big—think of companies like Southwest Airlines, Google, CarMax. Most have little in common with the small-business lobby in Washington or fast-food restaurant chains or the members of the Kiwanis Club in Helena, Mont. As a rule, companies like these couldn't care less about the minimum wage or special tax breaks to offset it.

Linking the minimum wage to small-business tax breaks is specious for other reasons, as well.

During the last decade, when inflation-adjusted pay of minimum-wage workers was declining, tax rates for small businesses were also declining, thanks largely to the Bush cuts. If it is now imperative to reduce business taxes when the pay of minimum-wage workers is rising, you have to wonder if there will ever be a time when the small-business lobby thinks it doesn't deserve a tax cut.

It's also worth noting that, according to the Internal Revenue Service, small-business owners, sole proprietors and the self-employed are, as a group, the biggest tax cheats in America, responsible for $153 billion of the estimated $345 billion tax gap in 2001. What these folks deserve are more frequent visits from IRS auditors, not more tax breaks.

Real Democrats know that raising the minimum wage is the right thing to do—economically, politically, morally. The question is why they have chosen a Senate Finance chairman who can't articulate that position without equivocation or apology even before the first vote is cast.

Ms. EDDIE-BERNICE JOHNSON of Texas. Mr. Speaker, I rise today alongside my colleagues from the Women's Caucus to support this increase to the federal minimum wage.

Nearly two-thirds of all minimum wage workers are women.

And it's women that represent the majority of working poor in this country.

The working poor are Americans who work 40 hours or more a week, but can't afford basic necessities.

Each day, the working poor are faced with the decision of having to choose between: food, clothing, shelter, medicine, and utility bills.

No American who works hard for a living should have to make these types of choices.

Mr. Speaker, more than 9 million women will benefit from this proposed increase to the minimum wage.

These aren't just teenagers working part-time either.

Most of these workers are actually hard-working disadvantaged adults. Four million are parents.

This isn't simply an economic issue, it's an ethical and moral issue.

We cannot continue to look away while hard working Americans linger in poverty.

I urge my colleagues to support these hard-working women and men by raising the federal minimum wage.

Mr. ROSS. Mr. Speaker, I rise today to share my strong support for raising the federal minimum wage. Today's legislation would increase the existing minimum wage from $5.15 to $7.25 an hour over two years.

The minimum wage has not increased in more than nine years which is the longest period in the history of the law. The real value of the minimum wage has plummeted to its lowest level in 51 years.

At the current rate of $5.15 an hour, a full-time minimum wage worker brings home $10,712 a year—nearly $6,000 below the poverty level for a family of three. Increasing the minimum wage to $7.25 per hour would benefit up to 13 million Americans who struggle to raise a family.

Last year the state of Arkansas, along with varying other states, realized the need for raising the minimum wage and did so. Now it is time for the Congress to accept this plan and move forward with passage of this important legislation, which can make a real difference in the lives of working families across this country.

Mr. RANGEL. Mr. Speaker, I rise today in support of H.R. 2, an increase in the minimum wage. It has now been a decade (i.e., 1996) since the minimum wage was last adjusted for inflation. The issue absorbed a considerable amount of attention during the 109th Congress—but no new legislation was adopted. Over 25 states (including the District of Columbia) have adopted a minimum wage in excess of the federal rate.

The current Federal minimum wage rate leaves full-time workers in poverty. Thirty-seven million Americans live in poverty today—an increase of 5.4 million since 2001. Many of these individuals are full-time, full-year hard working Americans who are unable to lift themselves out of poverty because of the declining value of the federal minimum wage. Minimum wage earners working 40 hours per week, 52 weeks per year make $10,712—nearly $6,000 below the poverty line for a family of three.

Today, the value of minimum wage as a percentage of poverty has fallen to its lowest level on record—going way back to 1959. Earnings for full-year, full-time minimum wage work now equal less than 70 percent of the poverty level for a family of three.

Increasing the federal minimum wage would also raise the wages of low-income working families in general, not just those who fall below the official poverty line. Many families move in and out of poverty, and near-poor families are also important beneficiaries of minimum wage increases. In addition, raising the minimum wage will have a positive effect on lives of women and other minorities in this country.

Over one-half of workers paid less than $7.25 an hour lived in families with incomes of $40,000 or less. According to CRS estimates of low-wage workers in families with incomes of $40,000 or less were spouses in married-couple families (with or without children). Some 13.4 percent were single parents. Another 11.9 percent were teenagers. Hourly workers who earned less than $7.25 an hour in 2005 were more likely to live in poor families compared to workers paid at least $7.25 an hour (18.1 percent versus 6.0 percent).

Women were overrepresented among low-wage workers in 2005: almost 7 million of the more than 11 million hourly workers who earned under $7.25 an hour were women (60.1 percent); in contrast, women accounted for a smaller share of all hourly workers (50.2 percent). Further, Hispanic women were two times as likely as Hispanic men to earn $5.15 per hour or less.

It also appears that relatively more working women than men might gain from a higher federal minimum wage. An increase in the minimum wage would greatly benefit about 33 percent of African-American or Hispanic women.

Over the last five years, the number of African Americans living in poverty has grown by 1.5 million, and the real median household income of African American families is down $2,676. Increasing the minimum wage to $7.25 an hour would affect more than 2.1 million hardworking African Americans in the minimum wage.

Over the last five years, the number of Hispanic Americans living in poverty has grown by more than 1.6 million and the real median household income of Hispanic American families is down $1,631. Over 2.3 million out of 12.5 million Hispanics employed on an hourly basis—or almost one in five earned less than $7.25 an hour in 2005. Hispanics comprised the largest share of workers paid below $7.25 an hour than they did of all hourly workers in 2005. Raising the minimum wage to $7.25 an hour would have a positive effect on the lives of more than 2.3 million hardworking Hispanic Americans.

Over the last five years, the number of Asian American/Pacific Islanders living in poverty has grown by 243,000 and the real median household income of Asian American/Pacific Islander families is down $2,157. Lifting the minimum wage to $7.25 an hour would have a positive effect on the lives of an estimated 280,000 hardworking Asian American workers.

Over one-half of hourly workers paid below the proposed federal minimum wage were between 16 and 24 years old. A substantial percentage of young workers might be affected directly if the minimum wage increases. Nearly three out of five teenagers paid an hourly wage might see their earnings increase if the federal standard goes to $7.25 per hour.

We must do more to support families living in poverty and those who are vulnerable to falling into poverty. Increasing the wages is an important step toward reducing the high levels of poverty in this Nation.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of H.R. 2, legislation that will fulfill our promise to America's working families by providing a long awaited increase in the federal minimum wage.

Passage of this bill today will increase the minimum wage for the first time in nearly a decade, from $5.15 to $7.25 per hour over 2 years. Inflation and increased demands on the wallets of American families have steadily chipped away at the purchasing power of our Nation's minimum wage earners, and the failure of the previous Congress to take action has left the federal minimum wage at its lowest value in more than half a century.

This legislation is critical at a time when America's families have seen their real income drop by almost $1,300 since 2000, while the costs of health insurance, gasoline, home heating, and attending college have increased by almost $5,000 annually. At the current level, a full-time minimum wage worker will make only $10,712 a year, nearly $6,000 below the poverty level for a family of three. While some States, such as Connecticut, have already taken action to raise their minimum wage, many more States still fall short of providing our hardest working Americans with the income they need to make ends meet.

In a Nation of abundant wealth and prosperity, we simply cannot be indifferent to the challenges faced by those struggling to make ends meet. This vote today sends the clear message that this Congress will be committed to America's working families. Passage of H.R. 2 is a critical step towards ensuring that every American is able to earn a real living wage.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 2, the Fair Minimum Wage Act of 2007, which proposes to increase the national minimum wage by a modest, but significant $2.10 over the course of roughly 2 years. I urge my colleagues to vote in favor of this legislation for three basic and important reasons.

First, an increase in the national minimum wage will help bring a sense of dignity in the lives of the lowest wage earners and their families in our country. American workers deserve to earn fair, decent, and livable wages for their hard and honest labor. They deserve to earn wages that enable them to cope with the costs of the basic necessities in life. National labor statistics reveal that income levels for millions of American workers and their families across every State and territory in the country have not kept pace with rising costs of home ownership, food, health insurance, gasoline, home heating, and college tuition. Setting a national minimum wage that reflects this reality and that will give families an income from which they can afford the basic necessities in life is a national priority that this Congress will act on today. The current national minimum wage of $5.15 does not measure up to the principle of ensuring hardworking Americans receive a livable wage.

Second, an increase in the national minimum wage is overdue. The last increase was over 9 years ago in September 1997. The time that has passed since this last increase represents the longest period in American history in which the national minimum wage has remained stagnant. Passage of this legislation today would be timely in the fact that it would set forth incremental increases over a 26-month period to raise the national minimum wage from $5.15 to $7.25.

Last, raising the national minimum wage not only enjoys broad, bipartisan support in Congress, but also enjoys support from among average Americans. A majority of voters in six States agreed to measures on their ballots in November 2006 that raised the minimum wage in their State, for instance. Also, workers in 28 States and the District of Columbia earn a minimum wage that is above the current minimum wage provided for by Federal law. An effort to raising the minimum wage earned by American workers, moreover, is supported by many labor, religious, and civil rights organizations from across the country. Support for increasing the national minimum wage can also be found in my community on Guam. A resolution was introduced in the 29th Guam Legislature this week, which carries the support of all Democratic members of the Guam Legislature, in support of this legislation.

I am especially encouraged by the fact that the legislation we are considering on the floor today, H.R. 2, does not preempt Guam law for tipped employees as minimum wage increase legislation that was considered on this floor in the last Congress proposed. Current Guam law requires employers to pay their employees the local minimum wage and, on top of that, to allow them to keep the tips they receive from customers. Deferring to local Guam law that sets a standard minimum wage on our island and that applies to all wage earners, whether or not they are working in a traditionally tipped field, is important to our workforce and especially important to the employees of our visitor industry.

On July 18, 2006, local legislation was enacted on Guam to increase the minimum wage from $5.15 per hour to $5.75 per hour by July 1, 2007. The legislation on the floor today would effectively raise this minimum wage by another 10 cents within 60 days after its enactment. Over 1,600 workers would receive an immediate and direct boost in their wages as a result of this increase according to local wage statistics compiled by the Guam Department of Labor. Passage of this legislation will allow our island's workforce, especially those earning the minimum wage, to better meet their families' needs.

One's work is something of which one should be proud. It is also something for which one should be fairly compensated. The effort to raise the federal minimum wage requirement is a strong signal of our support and recognition of those workers who earn the minimum wage and the contributions their work has for our society. Congress is overdue in fulfilling this responsibility to America's workers. I encourage continued bipartisan support for this effort to improve the economic prospects of and livelihoods for America's workforce.

I also encourage continued review and consultation with local government on one particular aspect of this legislation as it is considered in the remaining steps of the legislative process. I note that the legislation on the floor today proposes to apply the national minimum wage, for the first time in its history, to the Commonwealth of the Northern Mariana Islands (CNMI), which neighbors Guam. This is a significant proposal that should be carefully evaluated, especially in terms of its implementation and consequences for the economy in the CNMI and the economy on Guam. The bill proposes to increase the current minimum wage in the CNMI from $3.05 to $7.25 through eight individual incremental increases of fifty cents made over the course of four years.

The economy in the CNMI is interlinked with the economy on Guam. There will be unique challenges associated with implementing the ambitious schedule of increases to the minimum wage in the CNMI. A possible rise in unemployment and subsequent possible enrollment increases for social services and corresponding budgetary impacts for the Government of the CNMI and the Government of Guam as a result of a federally mandated, aggressive rise in the minimum wage in the CNMI are of concern to me and to local officials. I share in the belief that the workers in the CNMI deserve a fair wage. I, however, also believe that more coordination with local officials in the CNMI on specific provision should be undertaken.

The Resident Representative of CNMI, the Honorable Pedro A. Tenorio, and other locally elected officials of the CNMI have asked Congress to consider other options that may include a more realistic schedule of increments or a federal wage review board to determine the timing and levels of incremental increases to the minimum wage in the CNMI. These proposals are designed to take into account the consequences for the economy of the CNMI of increasing the minimum wage. It is important to consider the economic stability that is needed to support jobs and job growth overall in the territory. I support alternatives that would help to mitigate the adverse impact that may occur with the implementation of the federal minimum wage in the CNMI and I hope that this issue could be reviewed in conference on this legislation.

I take this opportunity to note the continued absence of representation in this body for the American citizens of the CNMI, and to call attention to the need for such representation. Legislation to grant the people of the CNMI a representative in this House has been introduced in this body in each of the last six Congresses.

The House considers difficult issues regarding the CNMI, such as presented in the legislation before us today. This is precisely an example of why both this House and the people of the CNMI would benefit greatly from having a representative from the CNMI seated in this body. There are many issues with regard to the CNMI that deserve to be addressed by this Congress, and that inevitably will be taken up in the weeks and months ahead in committee and on the floor of this body. These issues and the need to address them, when taken together, point to the need for a Delegate in Congress from the CNMI to represent the people of the CNMI during these important deliberations.

I strongly believe that Congress should provide the CNMI a seat in this body. Representation should not be contingent upon good behavior by former or current elected officials. Representation also should not be contingent upon the specific policy positions held by former or current elected officials. Rather, representation for Americans in this House has, and should remain, based upon the traditions of American democracy and fairness. Representation in American democracy is an inalienable right for American citizens and not one that is contingent upon a litmus test. Unfortunately, today, this House will vote on this legislation without the people of the CNMI having been afforded the democratic right of representation in this body to represent them and their views.

Inevitably, the challenges associated with these difficult issues and that relate to the applicability of federal law to the CNMI will never be overcome in a fair and equitable manner until such time as the Congress affords the people of the CNMI a voice in the legislative process. I urge this House to adopt H.R. 2, to continue to examine carefully in the legislative process its consequences for the economies of the CNMI and Guam, and to move in the near future to adopt legislation that would allow for a Delegate from the CNMI to be seated in this body.

Mr. MEEHAN. Mr. Speaker, today is a day that is long overdue.

Despite the fact that 4 out of 5 Americans support a minimum wage increase, the last Congress did not bring up a clean minimum wage bill.

For more than 9 years, the minimum wage has been frozen. Its value today is at its lowest level since 1955—when Eisenhower was President.

This Congressional neglect—again, 9 years since the last increase—is the longest since the minimum wage was created. The results have been devastating.

A full-time minimum wage worker earns only $10,712 per year—almost $6,000 under the poverty line for a family of three.

Furthermore, this low wage is often the only wage of the house—nearly half of all minimum wage workers are the sole breadwinner in their households.

Today, we will change that and millions of workers will benefit. This extra money—nearly $4,000 for a full-time minimum wage earner—means that they won't have to choose between buying drugs for their children, and putting food on the family dinner table.

It is unacceptable for a person working a full-time job in the richest country in the world to live in poverty.

Mr. Speaker, it is high time that we pay American workers what they deserve: a fair day's wage for a day's work.

Raising the minimum wage is the right thing to do, and I urge my colleagues to support it.

Mr. Speaker, this week presents Congress the chance to deal with some long overdue business.

It's been more than nine years since the Minimum Wage was increased. It's been nearly six years since the President cut off federal funding for stem cell research. And, it's been nearly two and a half years since the 9/11 Commission released its recommendations.

Its recommendations were a clear road map to what the Government needed to do to reduce the chances of another terrorist attack and prepare if we were to be attacked again. But many of the recommendations went unheeded.

In December 2005, the Commission gave the government a shameful report card—17 D's and F's. An F because our first responders still can't communicate with each other. An F for failing to screen airline passengers. And an F for basing Homeland Security funding on politics instead of risk.

Today, Mr. Speaker, we will turn these F's to A's—from failure to action.

The bill before us is a strong first step for this Congress towards securing our country and preventing another 9/11. I am proud to say that this bill includes a provision to create a director of non-proliferation within the White House to coordinate efforts at the Departments of Defense, Energy and State.

This provision was introduced in the 108th Congress, and again in the 109th Congress, by myself, Mrs. TAUSCHER and Mr. SPRATT, and believe that it is crucial to our efforts to create a comprehensive strategy to deal with the threats of Weapons of Mass Destruction. I was proud to work with both Mrs. TAUSCHER and Mr. SPRATT on this provision and I thank them for their leadership on this issue.

After today, America will be a safer place. 9/11 must never happen again. I strongly encourage members to vote in favor of it.

Mr. TERRY. Mr. Speaker, I rise today to speak in favor of lifting people out of poverty by giving them the means to succeed. I rise today to speak against the Democrat's raise in the minimum wage.

No American wants to see their fellow person live in poverty. There are ways to continue to help Americans have all the means necessary to not only survive, but to thrive. However, the Democrat's bill to raise the minimum wage is nothing more than a Band-Aid on a broken little toe. While their intentions may be good, and I believe they are, their philosophical approach is economically and socially flawed. In reality, this plan will create an economic hardship for the employers who provide millions of Americans the opportunity to participate in our economy.

Some of my colleagues would have you believe that the right thing to do is mandate unto all businesses, small, family-owned, and corporate alike, that the business cannot determine the wage worth of an employee. They would have you believe it is the job of the government to do so. I believe in a market system without an intrusive, dictating government that will likely minimize potential employment opportunities for lower skilled workers.

I and many of my fellow free-market thinking colleagues believe that the correct action to take to help these individuals is two-fold.

First, on the macro-level, we must have a strong, growing economy from which highpaying jobs are available and competition for employees. Facts show that lowering taxes is an economic motivator. In the past 5 years, Congress has passed and or extended the following tax cuts: marriage penalty relief, accelerated the increase in the child credit, accelerated the expansion of the 15 percent rate bracket for married couples, reduction in individual income tax rates, reduction of other regular tax rates, increased the alternative minimum tax exemption, reduce individual capital gains rates, and accelerated depreciation.

These tax cuts have helped grow our economy here in the U.S. to the point where we are now in a time of economic prosperity with Americans enjoying the benefits. Since August 2003, when the 2001 tax extensions were passed, the American economy has added over 7 million new jobs—this is more than all other major industrialized nations combined—and posted job gains for 39 straight months. We have also attained an impressive 4.5 percent unemployment rate. This economy is most conducive to producing higher paying jobs.

Secondly, on the micro-level, these individuals who are making minimum wage most importantly need advancement in skills and education. I have had many conversations with a gentleman named Fernando "Butch" Lecuona III. Butch is the commissioner of Labor for the Nebraska Department of Labor and is the head of the Department of Labor in Nebraska. Butch also adheres to the philosophy and will be the first one to say that education is the key to lifting people from poverty.

In December of 2006, we in the House passed a tax credit for businesses who hired individuals in the Welfare to Work program, which provided a tax credit to employers when they hire individuals who have received public assistance for 18 months or who have exhausted their benefits. In addition to the Welfare to Work program I also supported the Work Opportunity Tax Credit, WOTC, when employers hire individuals from eight "target" groups—such as families receiving public assistance, high-risk youths, ex-felons, qualified veterans, and food stamp recipients under the age of 35. This is an example of the proper roll of government to help individuals succeed.

While doing my research for this vote, I attempted to find the number of people that are the bread-winners for their families working at or below minimum wage. According to the U.S. Department of Labor, Nebraska has roughly 1 million people in our workforce pool. Nearly 60 percent of our workers work for an hourly wage. In the United States, 1.5 percent of hourly workers aged 25 and above make at or below minimum wage; 1.5 percent of our hourly workers in Nebraska equals about 8,000 people. Of the total 17,000 minimum wage workers in Nebraska, more than half of those are aged 16–24. These are not typically the breadwinners of the family.

The best tool to battle poverty is a free market with an educated workforce. We have the tools in this Nation to continue to provide Americans with the opportunities for which we are known. Increasing the minimum wage does nothing to help an individual better themselves, their family, or their community.

This is why I will not be supporting the minimum wage increase and I urge my colleagues to join me.

Mr. TOWNS. Mr. Speaker, I rise today in the name of fairness and justice. American families who rely on the Federal minimum wage are struggling to make ends meet. Over the last decade, our poorest-paid workers have faced rapidly rising costs in health care, energy, and college while the minimum wage has remained the same.

H.R. 2, the Fair Minimum Wage Act of 2007, would increase the Federal minimum to $7.25 an hour. At $5.15 per hour, the current Federal minimum, a person working 40 hours per week makes $10,712 per year, about $5,000 below the poverty line for a family of three. I ask you, can you imagine taking care of your family much less yourself with that? In addition, millions of workers paid just a dollar or two more than the minimum also live in poverty. An increase to $7.25 will have a spillover effect that could raise wages for many of those workers. Ladies and gentlemen, the time for an increase is long overdue.

Critics claim that increasing the minimum wage will have a negative effect on the economy, but after the last minimum wage increase in 1997, the economy enjoyed its strongest growth in more than three decades. This Congress was elected in a large part because our economy has not benefited the working poor as much as those at the high end of the pay scale. H.R. 2 is a first step and I encourage my colleagues to support the bill.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to express my pleasure that the House has passed H.R. 2, the Fair Minimum Wage Act of 2007. Nearly nine out of ten Americans believe that it is time to increase the minimum wage, and I could not agree more.

An increase in the minimum wage is long overdue. The minimum wage has not been increased in almost 10 years. This is the longest Americans have had to wait for an increase in the minimum wage since the original law was enacted in 1938.

While Americans have been waiting for an increase in the minimum wage, the cost of most necessities has risen. The fact is, the real value of the current minimum wage is the lowest it has been in over 50 years. Meanwhile, the costs of health care, gasoline and a college education are rising, and families in my District are finding it harder and harder to make ends meet.

An increase in the minimum wage will have a particularly beneficial impact on women, especially single mothers. The majority of minimum wage earners are women and common sense tells us that a single mother cannot effectively provide for her children on $10,000 a year. Because many of these mothers are forced to work extra hours or a second job to afford food and rent, their children end up spending most of their time without a parent at home to raise them.

If America is indeed the Land of Opportunity, we must reward those who pay their dues. A parent working full-time at the current minimum wage of $5.15 an hour is likely living below the federal poverty level, and is often unable to afford what their children deserve: rent in a safe neighborhood, decent child care, and enough food on the table.

The minimum wage issue is ultimately a question about our fundamental values as Americans. Do we value hard work? Do we believe that people who work full-time should be able to support themselves? To support their families? Isn't it our job to support those who want a hand up, and not a hand out?

I believe the answer to these questions is yes, and I believe that most Americans agree with me.

I am pleased that the House of Representatives, under the leadership of Speaker NANCY PELOSI, brought this bill to the Floor during the first 100 hours of the 110th Congress. The priorities of working Americans are truly the priorities of this House of Representatives.

I am hopeful that the United States Senate will also make a minimum wage hike a priority and pass this bill as soon as possible. I am encouraged by the President's recently expressed willingness to cooperate with Democrats on this issue. The President's signature cannot come soon enough; the bill's initial 70 cent increase does not take place until 60 days after H.R. 2 becomes law. Mr. Speaker, nearly 13 million hard-working Americans have waited long enough.

Ms. SUTTON. Mr. Speaker, one of the greatest measures of our success as elected representatives will be the impact our actions have on the silent majority of working class poor in America.

This Congress, to its shame, has ignored these Americans for over a decade now in favor of an embarrassing collection of legislative excess that favored the connected few.

Today, we put an end to it.

During the course of the campaign that ended just a few months ago, I met a woman whose story I have carried with me all the way to Congress.

She was working at the snack bar at the local bowling alley and she was working her heart out.

As she shared her story with me, it became terribly apparent that despite valiant efforts, she was struggling mightily to make ends meet for her family.

This fine woman you see was a single mother who had a teenage daughter at home, a daughter she worried about because she just had too little time to spend with her because she worked so much.

And this fine woman also had a son who had recently graduated from high school, a son who intended to join the military to serve his country and hopefully find a way to a higher education and a brighter future.

The problem was her son had a medical condition which precluded him from military service. And by the way, as hard as she worked, this fine woman did not have any health insurance.

As this proud woman and mother told me of her struggles to build a future for her family, her exhaustion grew and her strength diminished as she tried to think of a phone number where she could be reached.

You see, this fine woman not only worked at the local bowling alley, she also worked two other jobs where she earned minimum wage.

As she talked, her dilemma was apparent—she worried that her jobs were robbing her of the time her kids needed to spend with her but she knew that she needed to work all three minimum wage jobs just to provide for them.

This is not a choice that any woman or man should have to make and our Congress over the last decade should be ashamed for not helping this fine woman and tens of millions more hard working Americans.

As you can see from this very real and personal story, raising the minimum wage is not about politics, it's about traditional American values, it's about fairness and opportunity, it's about changing the way we treat our working men and women.

It's about paying rent, putting food on the table and paying for our children to go to college.

That is why today's vote to increase the minimum wage is so important, not just for our Nation's working families, not just for that proud woman and mother working at the bowling alley, but for her children, for our future.

Today with Americans supporting us, we start fighting for those who have been for far too long neglected.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 508 of House Resolution 6, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MC KEON

Mr. MCKEON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCKEON. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McKeon moves to recommit the bill (H.R. 2) to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendments:

Strike section 1 and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Working Families Wage and Access to Health Care Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MINIMUM WAGE

Sec. 101. Minimum wage.
Sec. 102. Applicability of minimum wage to the Commonwealth of the Northern Mariana Islands.

TITLE II—ASSOCIATION HEALTH PLANS

Sec. 201. Short title; table of contents.
Sec. 202. Rules governing association health plans.
Sec. 203. Clarification of treatment of single employer arrangements.
Sec. 204. Enforcement provisions relating to association health plans.
Sec. 205. Cooperation between Federal and State authorities.
Sec. 206. Effective date and transitional and other rules.

TITLE III—TAX INCENTIVES FOR SMALL BUSINESS

Sec. 301. Increased expensing for small business.
Sec. 302. Depreciable restaurant property to include new construction.
Sec. 303. Repeal of Federal Unemployment Surtax.

Redesignate sections 2 and 3 as sections 101 and 102, respectively, and insert before such sections the following:

TITLE I—MINIMUM WAGE

At the end of the bill, insert the following:

TITLE II—ASSOCIATION HEALTH PLANS

SEC. 201. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Small Business Health Fairness Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 201. Short title; table of contents.
Sec. 202. Rules governing association health plans.
Sec. 203. Clarification of treatment of single employer arrangements.
Sec. 204. Enforcement provisions relating to association health plans.
Sec. 205. Cooperation between Federal and State authorities.
Sec. 206. Effective date and transitional and other rules.

SEC. 202. RULES GOVERNING ASSOCIATION HEALTH PLANS.

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

"PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

"SEC. 801. ASSOCIATION HEALTH PLANS.

"(a) IN GENERAL.—For purposes of this part, the term 'association health plan' means a group health plan whose sponsor is (or is deemed under this part to be) described in subsection (b).

"(b) SPONSORSHIP.—The sponsor of a group health plan is described in this subsection if such sponsor—

"(1) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, or a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381 of the Internal Revenue Code of 1986)), for substantial purposes other than that of obtaining or providing medical care;

"(2) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership in the sponsor; and

"(3) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation.

Any sponsor consisting of an association of entities which meet the requirements of paragraphs (1), (2), and (3) shall be deemed to be a sponsor described in this subsection.

"SEC. 802. CERTIFICATION OF ASSOCIATION HEALTH PLANS.

"(a) IN GENERAL.—The applicable authority shall prescribe by regulation a procedure under which, subject to subsection (b), the applicable authority shall certify association health plans which apply for certification as meeting the requirements of this part.

"(b) STANDARDS.—Under the procedure prescribed pursuant to subsection (a), in the case of an association health plan that provides at least one benefit option which does not consist of health insurance coverage, the applicable authority shall certify such plan as meeting the requirements of this part only if the applicable authority is satisfied that the applicable requirements of this part are met (or, upon the date on which the plan is to commence operations, will be met) with respect to the plan.

"(c) REQUIREMENTS APPLICABLE TO CERTIFIED PLANS.—An association health plan with respect to which certification under this part is in effect shall meet the applicable requirements of this part, effective on the date of certification (or, if later, on the date on which the plan is to commence operations).

"(d) REQUIREMENTS FOR CONTINUED CERTIFICATION.—The applicable authority may provide by regulation for continued certification of association health plans under this part.

"(e) CLASS CERTIFICATION FOR FULLY INSURED PLANS.—The applicable authority shall establish a class certification procedure for association health plans under which all benefits consist of health insurance coverage. Under such procedure, the applicable authority shall provide for the granting of certification under this part to the plans in each class of such association health plans upon appropriate filing under such procedure in connection with plans in such class and payment of the prescribed fee under section 807(a).

"(f) CERTIFICATION OF SELF-INSURED ASSOCIATION HEALTH PLANS.—An association health plan which offers one or more benefit options which do not consist of health insurance coverage may be certified under this part only if such plan consists of any of the following:

"(1) a plan which offered such coverage on the date of the enactment of the Small Business Health Fairness Act of 2007,

"(2) a plan under which the sponsor does not restrict membership to one or more trades and businesses or industries and whose eligible participating employers represent a broad cross-section of trades and businesses or industries, or

"(3) a plan whose eligible participating employers represent one or more trades or businesses, or one or more industries, consisting of any of the following: agriculture; equipment and automobile dealerships; barbering and cosmetology; certified public accounting practices; child care; construction; dance, theatrical and orchestra productions; disinfecting and pest control; financial services; fishing; food service establishments; hospitals; labor organizations; logging; manufacturing (metals); mining; medical and dental practices; medical laboratories; professional consulting services; sanitary services; transportation (local and freight); warehousing; wholesaling/distributing; or any other trade or business or industry which has been indicated as having average or above-average risk or health claims experience by reason of State rate filings, denials of coverage, proposed premium rate levels, or other means demonstrated by such plan in accordance with regulations.

"SEC. 803. REQUIREMENTS RELATING TO SPONSORS AND BOARDS OF TRUSTEES.

"(a) SPONSOR.—The requirements of this subsection are met with respect to an association health plan if the sponsor has met (or is deemed under this part to have met) the requirements of section 801(b) for a continuous period of not less than 3 years ending with the date of the application for certification under this part.

"(b) BOARD OF TRUSTEES.—The requirements of this subsection are met with respect to an association health plan if the following requirements are met:

“(1) Fiscal control.—The plan is operated, pursuant to a trust agreement, by a board of trustees which has complete fiscal control over the plan and which is responsible for all operations of the plan.

“(2) Rules of operation and financial controls.—The board of trustees has in effect rules of operation and financial controls, based on a 3-year plan of operation, adequate to carry out the terms of the plan and to meet all requirements of this title applicable to the plan.

“(3) Rules governing relationship to participating employers and to contractors.—

“(A) Board membership.—

“(i) In general.—Except as provided in clauses (ii) and (iii), the members of the board of trustees are individuals selected from individuals who are the owners, officers, directors, or employees of the participating employers or who are partners in the participating employers and actively participate in the business.

“(ii) Limitation.—

“(I) General rule.—Except as provided in subclauses (II) and (III), no such member is an owner, officer, director, or employee of, or partner in, a contract administrator or other service provider to the plan.

“(II) Limited exception for providers of services solely on behalf of the sponsor.—Officers or employees of a sponsor which is a service provider (other than a contract administrator) to the plan may be members of the board if they constitute not more than 25 percent of the membership of the board and they do not provide services to the plan other than on behalf of the sponsor.

“(III) Treatment of providers of medical care.—In the case of a sponsor which is an association whose membership consists primarily of providers of medical care, subclause (I) shall not apply in the case of any service provider described in subclause (I) who is a provider of medical care under the plan.

“(iii) Certain plans excluded.—Clause (i) shall not apply to an association health plan which is in existence on the date of the enactment of the Small Business Health Fairness Act of 2007.

“(B) Sole authority.—The board has sole authority under the plan to approve applications for participation in the plan and to contract with a service provider to administer the day-to-day affairs of the plan.

“(c) Treatment of Franchise Networks.—In the case of a group health plan which is established and maintained by a franchiser for a franchise network consisting of its franchisees—

“(1) the requirements of subsection (a) and section 801(a) shall be deemed met if such requirements would otherwise be met if the franchiser were deemed to be the sponsor referred to in section 801(b), such network were deemed to be an association described in section 801(b), and each franchisee were deemed to be a member (of the association and the sponsor) referred to in section 801(b); and

“(2) the requirements of section 804(a)(1) shall be deemed met.

The Secretary may by regulation define for purposes of this subsection the terms ‘franchiser’, ‘franchise network’, and ‘franchisee’.

“SEC. 804. PARTICIPATION AND COVERAGE REQUIREMENTS.

“(a) Covered Employers and Individuals.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan—

“(1) each participating employer must be—

“(A) a member of the sponsor,

“(B) the sponsor, or

“(C) an affiliated member of the sponsor with respect to which the requirements of subsection (b) are met,

except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

“(2) all individuals commencing coverage under the plan after certification under this part must be—

“(A) active or retired owners (including self-employed individuals), officers, directors, or employees of, or partners in, participating employers; or

“(B) the beneficiaries of individuals described in subparagraph (A).

“(b) Coverage of Previously Uninsured Employees.—In the case of an association health plan in existence on the date of the enactment of the Small Business Health Fairness Act of 2007, an affiliated member of the sponsor of the plan may be offered coverage under the plan as a participating employer only if—

“(1) the affiliated member was an affiliated member on the date of certification under this part; or

“(2) during the 12-month period preceding the date of the offering of such coverage, the affiliated member has not maintained or contributed to a group health plan with respect to any of its employees who would otherwise be eligible to participate in such association health plan.

“(c) Individual Market Unaffected.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan which is similar to the coverage contemporaneously provided to employees of the employer under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan.

“(d) Prohibition of Discrimination Against Employers and Employees Eligible to Participate.—The requirements of this subsection are met with respect to an association health plan if—

“(1) under the terms of the plan, all employers meeting the preceding requirements of this section are eligible to qualify as participating employers for all geographically available coverage options, unless, in the case of any such employer, participation or contribution requirements of the type referred to in section 2711 of the Public Health Service Act are not met;

“(2) upon request, any employer eligible to participate is furnished information regarding all coverage options available under the plan; and

“(3) the applicable requirements of sections 701, 702, and 703 are met with respect to the plan.

“SEC. 805. OTHER REQUIREMENTS RELATING TO PLAN DOCUMENTS, CONTRIBUTION RATES, AND BENEFIT OPTIONS.

“(a) In General.—The requirements of this section are met with respect to an association health plan if the following requirements are met:

“(1) Contents of governing instruments.—The instruments governing the plan include a written instrument, meeting the requirements of an instrument required under section 402(a)(1), which—

“(A) provides that the board of trustees serves as the named fiduciary required for plans under section 402(a)(1) and serves in the capacity of a plan administrator (referred to in section 3(16)(A));

“(B) provides that the sponsor of the plan is to serve as plan sponsor (referred to in section 3(16)(B)); and

“(C) incorporates the requirements of section 806.

“(2) Contribution rates must be nondiscriminatory.—

“(A) The contribution rates for any participating small employer do not vary on the basis of any health status-related factor in relation to employees of such employer or their beneficiaries and do not vary on the basis of the type of business or industry in which such employer is engaged.

“(B) Nothing in this title or any other provision of law shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from—

“(i) setting contribution rates based on the claims experience of the plan; or

“(ii) varying contribution rates for small employers in a State to the extent that such rates could vary using the same methodology employed in such State for regulating premium rates in the small group market with respect to health insurance coverage offered in connection with bona fide associations (within the meaning of section 2791(d)(3) of the Public Health Service Act), subject to the requirements of section 702(b) relating to contribution rates.

“(3) Floor for number of covered individuals with respect to certain plans.—If any benefit option under the plan does not consist of health insurance coverage, the plan has as of the beginning of the plan year not fewer than 1,000 participants and beneficiaries.

“(4) Marketing requirements.—

“(A) In general.—If a benefit option which consists of health insurance coverage is offered under the plan, State-licensed insurance agents shall be used to distribute to small employers coverage which does not consist of health insurance coverage in a manner comparable to the manner in which such agents are used to distribute health insurance coverage.

“(B) State-licensed insurance agents.—For purposes of subparagraph (A), the term ‘State-licensed insurance agents’ means one or more agents who are licensed in a State and are subject to the laws of such State relating to licensure, qualification, testing, examination, and continuing education of persons authorized to offer, sell, or solicit health insurance coverage in such State.

“(5) Regulatory requirements.—Such other requirements as the applicable authority determines are necessary to carry out the purposes of this part, which shall be prescribed by the applicable authority by regulation.

“(b) Ability of Association Health Plans to Design Benefit Options.—Subject to section 514(d), nothing in this part or any provision of State law (as defined in section 514(c)(1)) shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from exercising its sole discretion in selecting the specific items and services consisting of medical care to be included as benefits under such plan or coverage, except (subject to section 514) in the case of (1) any law to the extent that it is not preempted under section 731(a)(1) with respect to matters governed by section 711, 712, or 713, or (2) any law of the State with which filing and approval of a policy type offered by the plan was initially obtained to the extent that such law prohibits an exclusion of a specific disease from such coverage.

"SEC. 806. MAINTENANCE OF RESERVES AND PROVISIONS FOR SOLVENCY FOR PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

"(a) In General.—The requirements of this section are met with respect to an association health plan if—

"(1) the benefits under the plan consist solely of health insurance coverage; or

"(2) if the plan provides any additional benefit options which do not consist of health insurance coverage, the plan—

"(A) establishes and maintains reserves with respect to such additional benefit options, in amounts recommended by the qualified actuary, consisting of—

"(I) a reserve sufficient for unearned contributions;

"(ii) a reserve sufficient for benefit liabilities which have been incurred, which have not been satisfied, and for which risk of loss has not yet been transferred, and for expected administrative costs with respect to such benefit liabilities;

"(iii) a reserve sufficient for any other obligations of the plan; and

"(iv) a reserve sufficient for a margin of error and other fluctuations, taking into account the specific circumstances of the plan; and

"(B) establishes and maintains aggregate and specific excess/stop loss insurance and solvency indemnification, with respect to such additional benefit options for which risk of loss has not yet been transferred, as follows:

"(i) The plan shall secure aggregate excess/stop loss insurance for the plan with an attachment point which is not greater than 125 percent of expected gross annual claims. The applicable authority may by regulation provide for upward adjustments in the amount of such percentage in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

"(ii) The plan shall secure specific excess/stop loss insurance for the plan with an attachment point which is at least equal to an amount recommended by the plan's qualified actuary. The applicable authority may by regulation provide for adjustments in the amount of such insurance in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

"(iii) The plan shall secure indemnification insurance for any claims which the plan is unable to satisfy by reason of a plan termination.

Any person issuing to a plan insurance described in clause (i), (ii), or (iii) of subparagraph (B) shall notify the Secretary of any failure of premium payment meriting cancellation of the policy prior to undertaking such a cancellation. Any regulations prescribed by the applicable authority pursuant to clause (i) or (ii) of subparagraph (B) may allow for such adjustments in the required levels of excess/stop loss insurance as the qualified actuary may recommend, taking into account the specific circumstances of the plan.

"(b) Minimum Surplus in Addition to Claims Reserves.—In the case of any association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan establishes and maintains surplus in an amount at least equal to—

"(1) $500,000, or

"(2) such greater amount (but not greater than $2,000,000) as may be set forth in regulations prescribed by the applicable authority, considering the level of aggregate and specific excess/stop loss insurance provided with respect to such plan and other factors related to solvency risk, such as the plan's projected levels of participation or claims, the nature of the plan's liabilities, and the types of assets available to assure that such liabilities are met.

"(c) Additional Requirements.—In the case of any association health plan described in subsection (a)(2), the applicable authority may provide such additional requirements relating to reserves, excess/stop loss insurance, and indemnification insurance as the applicable authority considers appropriate. Such requirements may be provided by regulation with respect to any such plan or any class of such plans.

"(d) Adjustments for Excess/Stop Loss Insurance.—The applicable authority may provide for adjustments to the levels of reserves otherwise required under subsections (a) and (b) with respect to any plan or class of plans to take into account excess/stop loss insurance provided with respect to such plan or plans.

"(e) Alternative Means of Compliance.—The applicable authority may permit an association health plan described in subsection (a)(2) to substitute, for all or part of the requirements of this section (except subsection (a)(2)(B)(iii)), such security, guarantee, hold-harmless arrangement, or other financial arrangement as the applicable authority determines to be adequate to enable the plan to fully meet all its financial obligations on a timely basis and is otherwise no less protective of the interests of participants and beneficiaries than the requirements for which it is substituted. The applicable authority may take into account, for purposes of this subsection, evidence provided by the plan or sponsor which demonstrates an assumption of liability with respect to the plan. Such evidence may be in the form of a contract of indemnification, lien, bonding, insurance, letter of credit, recourse under applicable terms of the plan in the form of assessments of participating employers, security, or other financial arrangement.

"(f) Measures to Ensure Continued Payment of Benefits by Certain Plans in Distress.—

"(1) Payments by certain plans to association health plan fund.—

"(A) In general.—In the case of an association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan makes payments into the Association Health Plan Fund under this subparagraph when they are due. Such payments shall consist of annual payments in the amount of $5,000, and, in addition to such annual payments, such supplemental payments as the Secretary may determine to be necessary under paragraph (2). Payments under this paragraph are payable to the Fund at the time determined by the Secretary. Initial payments are due in advance of certification under this part. Payments shall continue to accrue until a plan's assets are distributed pursuant to a termination procedure.

"(B) Penalties for failure to make payments.—If any payment is not made by a plan when it is due, a late payment charge of not more than 100 percent of the payment which was not timely paid shall be payable by the plan to the Fund.

"(C) Continued duty of the secretary.—The Secretary shall not cease to carry out the provisions of paragraph (2) on account of the failure of a plan to pay any payment when due.

"(2) Payments by secretary to continue excess/stop loss insurance coverage and indemnification insurance coverage for certain plans.—In any case in which the applicable authority determines that there is, or that there is reason to believe that there will be: (A) a failure to take necessary corrective actions under section 809(a) with respect to an association health plan described in subsection (a)(2); or (B) a termination of such a plan under section 809(b) or 810(b)(8) (and, if the applicable authority is not the Secretary, certifies such determination to the Secretary), the Secretary shall determine the amounts necessary to make payments to an insurer (designated by the Secretary) to maintain in force excess/stop loss insurance coverage or indemnification insurance coverage for such plan, if the Secretary determines that there is a reasonable expectation that, without such payments, claims would not be satisfied by reason of termination of such coverage. The Secretary shall, to the extent provided in advance in appropriation Acts, pay such amounts so determined to the insurer designated by the Secretary.

"(3) Association health plan fund.—

"(A) In general.—There is established on the books of the Treasury a fund to be known as the 'Association Health Plan Fund'. The Fund shall be available for making payments pursuant to paragraph (2). The Fund shall be credited with payments received pursuant to paragraph (1)(A), penalties received pursuant to paragraph (1)(B); and earnings on investments of amounts of the Fund under subparagraph (B).

"(B) Investment.—Whenever the Secretary determines that the moneys of the fund are in excess of current needs, the Secretary may request the investment of such amounts as the Secretary determines advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

"(g) Excess/Stop Loss Insurance.—For purposes of this section—

"(1) Aggregate excess/stop loss insurance.—The term 'aggregate excess/stop loss insurance' means, in connection with an association health plan, a contract—

"(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to aggregate claims under the plan in excess of an amount or amounts specified in such contract;

"(B) which is guaranteed renewable; and

"(C) which allows for payment of premiums by any third party on behalf of the insured plan.

"(2) Specific excess/stop loss insurance.—The term 'specific excess/stop loss insurance' means, in connection with an association health plan, a contract—

"(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan in connection with a covered individual in excess of an amount or amounts specified in such contract in connection with such covered individual;

"(B) which is guaranteed renewable; and

"(C) which allows for payment of premiums by any third party on behalf of the insured plan.

"(h) Indemnification Insurance.—For purposes of this section, the term 'indemnification insurance' means, in connection with an association health plan, a contract—

"(1) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan which the plan is unable to satisfy by reason of a termination pursuant to section 809(b) (relating to mandatory termination);

"(2) which is guaranteed renewable and noncancellable for any reason (except as the applicable authority may prescribe by regulation); and

"(3) which allows for payment of premiums by any third party on behalf of the insured plan.

"(i) Reserves.—For purposes of this section, the term 'reserves' means, in connection with an association health plan, plan assets which meet the fiduciary standards under part 4 and such additional requirements regarding liquidity as the applicable authority may prescribe by regulation.

"(j) Solvency Standards Working Group.—

"(1) In general.—Within 90 days after the date of the enactment of the Small Business Health Fairness Act of 2007, the applicable authority shall establish a Solvency Standards Working Group. In prescribing the initial regulations under this section, the applicable authority shall take into account the recommendations of such Working Group.

"(2) Membership.—The Working Group shall consist of not more than 15 members appointed by the applicable authority. The applicable authority shall include among persons invited to membership on the Working Group at least one of each of the following:

"(A) a representative of the National Association of Insurance Commissioners;

"(B) a representative of the American Academy of Actuaries;

"(c) a representative of the State governments, or their interests;

"(D) a representative of existing self-insured arrangements, or their interests;

"(E) a representative of associations of the type referred to in section 801(b)(1), or their interests; and

"(F) a representative of multiemployer plans that are group health plans, or their interests.

"SEC. 807. REQUIREMENTS FOR APPLICATION AND RELATED REQUIREMENTS.

"(a) Filing Fee.—Under the procedure prescribed pursuant to section 802(a), an association health plan shall pay to the applicable authority at the time of filing an application for certification under this part a filing fee in the amount of $5,000, which shall be available in the case of the Secretary, to the extent provided in appropriation Acts, for the sole purpose of administering the certification procedures applicable with respect to association health plans.

"(b) Information to Be Included in Application for Certification.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

"(1) Identifying information.—The names and addresses of—

"(A) the sponsor; and

"(B) the members of the board of trustees of the plan.

"(2) States in which plan intends to do business.—The States in which participants and beneficiaries under the plan are to be located and the number of them expected to be located in each such State.

"(3) Bonding requirements.—Evidence provided by the board of trustees that the bonding requirements of section 412 will be met as of the date of the application or (if later) commencement of operations.

"(4) Plan documents.—A copy of the documents governing the plan (including any bylaws and trust agreements), the summary plan description, and other material describing the benefits that will be provided to participants and beneficiaries under the plan.

"(5) Agreements with service providers.—A copy of any agreements between the plan and contract administrators and other service providers.

"(6) Funding report.—In the case of association health plans providing benefits options in addition to health insurance coverage, a report setting forth information with respect to such additional benefit options determined as of a date within the 120-day period ending with the date of the application, including the following:

"(A) Reserves.—A statement, certified by the board of trustees of the plan, and a statement of actuarial opinion, signed by a qualified actuary, that all applicable requirements of section 806 are or will be met in accordance with regulations which the applicable authority shall prescribe.

"(B) Adequacy of contribution rates.—A statement of actuarial opinion, signed by a qualified actuary, which sets forth a description of the extent to which contribution rates are adequate to provide for the payment of all obligations and the maintenance of required reserves under the plan for the 12-month period beginning with such date within such 120-day period, taking into account the expected coverage and experience of the plan. If the contribution rates are not fully adequate, the statement of actuarial opinion shall indicate the extent to which the rates are inadequate and the changes needed to ensure adequacy.

"(C) Current and projected value of assets and liabilities.—A statement of actuarial opinion signed by a qualified actuary, which sets forth the current value of the assets and liabilities accumulated under the plan and a projection of the assets, liabilities, income, and expenses of the plan for the 12-month period referred to in subparagraph (B). The income statement shall identify separately the plan's administrative expenses and claims.

"(D) Costs of coverage to be charged and other expenses.—A statement of the costs of coverage to be charged, including an itemization of amounts for administration, reserves, and other expenses associated with the operation of the plan.

"(E) Other information.—Any other information as may be determined by the applicable authority, by regulation, as necessary to carry out the purposes of this part.

"(c) Filing Notice of Certification With States.—A certification granted under this part to an association health plan shall not be effective unless written notice of such certification is filed with the applicable State authority of each State in which at least 25 percent of the participants and beneficiaries under the plan are located. For purposes of this subsection, an individual shall be considered to be located in the State in which a known address of such individual is located or in which such individual is employed.

"(d) Notice of Material Changes.—In the case of any association health plan certified under this part, descriptions of material changes in any information which was required to be submitted with the application for the certification under this part shall be filed in such form and manner as shall be prescribed by the applicable authority by regulation. The applicable authority may require by regulation prior notice of material changes with respect to specified matters which might serve as the basis for suspension or revocation of the certification.

"(e) Reporting Requirements for Certain Association Health Plans.—An association health plan certified under this part which provides benefit options in addition to health insurance coverage for such plan year shall meet the requirements of section 103 by filing an annual report under such section which shall include information described in subsection (b)(6) with respect to the plan year and, notwithstanding section 104(a)(1)(A), shall be filed with the applicable authority not later than 90 days after the close of the plan year (or on such later date as may be prescribed by the applicable authority). The applicable authority may require by regulation such interim reports as it considers appropriate.

"(f) Engagement of Qualified Actuary.—The board of trustees of each association health plan which provides benefits options in addition to health insurance coverage and which is applying for certification under this part or is certified under this part shall engage, on behalf of all participants and beneficiaries, a qualified actuary who shall be responsible for the preparation of the materials comprising information necessary to be submitted by a qualified actuary under this part. The qualified actuary shall utilize such assumptions and techniques as are necessary to enable such actuary to form an opinion as to whether the contents of the matters reported under this part—

"(1) are in the aggregate reasonably related to the experience of the plan and to reasonable expectations; and

"(2) represent such actuary's best estimate of anticipated experience under the plan.

The opinion by the qualified actuary shall be made with respect to, and shall be made a part of, the annual report.

"SEC. 808. NOTICE REQUIREMENTS FOR VOLUNTARY TERMINATION.

"Except as provided in section 809(b), an association health plan which is or has been certified under this part may terminate (upon or at any time after cessation of accruals in benefit liabilities) only if the board of trustees, not less than 60 days before the proposed termination date—

"(1) provides to the participants and beneficiaries a written notice of intent to terminate stating that such termination is intended and the proposed termination date;

"(2) develops a plan for winding up the affairs of the plan in connection with such termination in a manner which will result in timely payment of all benefits for which the plan is obligated; and

"(3) submits such plan in writing to the applicable authority.

Actions required under this section shall be taken in such form and manner as may be prescribed by the applicable authority by regulation.

“SEC. 809. CORRECTIVE ACTIONS AND MANDATORY TERMINATION.

“(a) Actions to Avoid Depletion of Reserves.—An association health plan which is certified under this part and which provides benefits other than health insurance coverage shall continue to meet the requirements of section 806, irrespective of whether such certification continues in effect. The board of trustees of such plan shall determine quarterly whether the requirements of section 806 are met. In any case in which the board determines that there is reason to believe that there is or will be a failure to meet such requirements, or the applicable authority makes such a determination and so notifies the board, the board shall immediately notify the qualified actuary engaged by the plan, and such actuary shall, not later than the end of the next following month, make such recommendations to the board for corrective action as the actuary determines necessary to ensure compliance with section 806. Not later than 30 days after receiving from the actuary recommendations for corrective actions, the board shall notify the applicable authority (in such form and manner as the applicable authority may prescribe by regulation) of such recommendations of the actuary for corrective action, together with a description of the actions (if any) that the board has taken or plans to take in response to such recommendations. The board shall thereafter report to the applicable authority, in such form and frequency as the applicable authority may specify to the board, regarding corrective action taken by the board until the requirements of section 806 are met.

“(b) Mandatory Termination.—In any case in which—

“(1) the applicable authority has been notified under subsection (a) (or by an issuer of excess/stop loss insurance or indemnity insurance pursuant to section 806(a)) of a failure of an association health plan which is or has been certified under this part and is described in section 806(a)(2) to meet the requirements of section 806 and has not been notified by the board of trustees of the plan that corrective action has restored compliance with such requirements; and

“(2) the applicable authority determines that there is a reasonable expectation that the plan will continue to fail to meet the requirements of section 806,

the board of trustees of the plan shall, at the direction of the applicable authority, terminate the plan and, in the course of the termination, take such actions as the applicable authority may require, including satisfying any claims referred to in section 806(a)(2)(B)(iii) and recovering for the plan any liability under subsection (a)(2)(B)(iii) or (e) of section 806, as necessary to ensure that the affairs of the plan will be, to the maximum extent possible, wound up in a manner which will result in timely provision of all benefits for which the plan is obligated.

“SEC. 810. TRUSTEESHIP BY THE SECRETARY OF INSOLVENT ASSOCIATION HEALTH PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

“(a) Appointment of Secretary as Trustee for Insolvent Plans.—Whenever the Secretary determines that an association health plan which is or has been certified under this part and which is described in section 806(a)(2) will be unable to provide benefits when due or is otherwise in a financially hazardous condition, as shall be defined by the Secretary by regulation, the Secretary shall, upon notice to the plan, apply to the appropriate United States district court for appointment of the Secretary as trustee to administer the plan for the duration of the insolvency. The plan may appear as a party and other interested persons may intervene in the proceedings at the discretion of the court. The court shall appoint such Secretary trustee if the court determines that the trusteeship is necessary to protect the interests of the participants and beneficiaries or providers of medical care or to avoid any unreasonable deterioration of the financial condition of the plan. The trusteeship of such Secretary shall continue until the conditions described in the first sentence of this subsection are remedied or the plan is terminated.

“(b) Powers as Trustee.—The Secretary, upon appointment as trustee under subsection (a), shall have the power—

“(1) to do any act authorized by the plan, this title, or other applicable provisions of law to be done by the plan administrator or any trustee of the plan;

“(2) to require the transfer of all (or any part) of the assets and records of the plan to the Secretary as trustee;

“(3) to invest any assets of the plan which the Secretary holds in accordance with the provisions of the plan, regulations prescribed by the Secretary, and applicable provisions of law;

“(4) to require the sponsor, the plan administrator, any participating employer, and any employee organization representing plan participants to furnish any information with respect to the plan which the Secretary as trustee may reasonably need in order to administer the plan;

“(5) to collect for the plan any amounts due the plan and to recover reasonable expenses of the trusteeship;

“(6) to commence, prosecute, or defend on behalf of the plan any suit or proceeding involving the plan;

“(7) to issue, publish, or file such notices, statements, and reports as may be required by the Secretary by regulation or required by any order of the court;

“(8) to terminate the plan (or provide for its termination in accordance with section 809(b)) and liquidate the plan assets, to restore the plan to the responsibility of the sponsor, or to continue the trusteeship;

“(9) to provide for the enrollment of plan participants and beneficiaries under appropriate coverage options; and

“(10) to do such other acts as may be necessary to comply with this title or any order of the court and to protect the interests of plan participants and beneficiaries and providers of medical care.

“(c) Notice of Appointment.—As soon as practicable after the Secretary's appointment as trustee, the Secretary shall give notice of such appointment to—

“(1) the sponsor and plan administrator;

“(2) each participant;

“(3) each participating employer; and

“(4) if applicable, each employee organization which, for purposes of collective bargaining, represents plan participants.

“(d) Additional Duties.—Except to the extent inconsistent with the provisions of this title, or as may be otherwise ordered by the court, the Secretary, upon appointment as trustee under this section, shall be subject to the same duties as those of a trustee under section 704 of title 11, United States Code, and shall have the duties of a fiduciary for purposes of this title.

“(e) Other Proceedings.—An application by the Secretary under this subsection may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding, or any proceeding to reorganize, conserve, or liquidate such plan or its property, or any proceeding to enforce a lien against property of the plan.

“(f) Jurisdiction of Court.—

“(1) In general.—Upon the filing of an application for the appointment as trustee or the issuance of a decree under this section, the court to which the application is made shall have exclusive jurisdiction of the plan involved and its property wherever located with the powers, to the extent consistent with the purposes of this section, of a court of the United States having jurisdiction over cases under chapter 11 of title 11, United States Code. Pending an adjudication under this section such court shall stay, and upon appointment by it of the Secretary as trustee, such court shall continue the stay of, any pending mortgage foreclosure, equity receivership, or other proceeding to reorganize, conserve, or liquidate the plan, the sponsor, or property of such plan or sponsor, and any other suit against any receiver, conservator, or trustee of the plan, the sponsor, or property of the plan or sponsor. Pending such adjudication and upon the appointment by it of the Secretary as trustee, the court may stay any proceeding to enforce a lien against property of the plan or the sponsor or any other suit against the plan or the sponsor.

“(2) Venue.—An action under this section may be brought in the judicial district where the sponsor or the plan administrator resides or does business or where any asset of the plan is situated. A district court in which such action is brought may issue process with respect to such action in any other judicial district.

“(g) Personnel.—In accordance with regulations which shall be prescribed by the Secretary, the Secretary shall appoint, retain, and compensate accountants, actuaries, and other professional service personnel as may be necessary in connection with the Secretary's service as trustee under this section.

“SEC. 811. STATE ASSESSMENT AUTHORITY.

“(a) In General.—Notwithstanding section 514, a State may impose by law a contribution tax on an association health plan described in section 806(a)(2), if the plan commenced operations in such State after the date of the enactment of the Small Business Health Fairness Act of 2007.

“(b) Contribution Tax.—For purposes of this section, the term ‘contribution tax’ imposed by a State on an association health plan means any tax imposed by such State if—

“(1) such tax is computed by applying a rate to the amount of premiums or contributions, with respect to individuals covered under the plan who are residents of such State, which are received by the plan from participating employers located in such State or from such individuals;

“(2) the rate of such tax does not exceed the rate of any tax imposed by such State on premiums or contributions received by insurers or health maintenance organizations for health insurance coverage offered in such State in connection with a group health plan;

“(3) such tax is otherwise nondiscriminatory; and

“(4) the amount of any such tax assessed on the plan is reduced by the amount of any tax or assessment otherwise imposed by the State on premiums, contributions, or both received by insurers or health maintenance organizations for health insurance coverage, aggregate excess/stop loss insurance (as defined in section 806(g)(1)), specific excess/stop loss insurance (as defined in section 806(g)(2)), other insurance related to the provision of medical care under the plan, or any combination thereof provided by such insurers or health maintenance organizations in such State in connection with such plan.

"SEC. 812. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—For purposes of this part—

"(1) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided in section 733(a)(1) (after applying subsection (b) of this section).

"(2) MEDICAL CARE.—The term 'medical care' has the meaning provided in section 733(a)(2).

"(3) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning provided in section 733(b)(1).

"(4) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning provided in section 733(b)(2).

"(5) APPLICABLE AUTHORITY.—The term 'applicable authority' means the Secretary, except that, in connection with any exercise of the Secretary's authority regarding which the Secretary is required under section 506(d) to consult with a State, such term means the Secretary, in consultation with such State.

"(6) HEALTH STATUS-RELATED FACTOR.—The term 'health status-related factor' has the meaning provided in section 733(d)(2).

"(7) INDIVIDUAL MARKET.—

"(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"(B) TREATMENT OF VERY SMALL GROUPS.—

"(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

"(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

"(8) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with an association health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

"(9) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

"(10) QUALIFIED ACTUARY.—The term 'qualified actuary' means an individual who is a member of the American Academy of Actuaries.

"(11) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

"(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor,

"(B) in the case of a sponsor with members which consist of associations, a person who is a member of any such association and elects an affiliated status with the sponsor, or

"(C) in the case of an association health plan in existence on the date of the enactment of the Small Business Health Fairness Act of 2007, a person eligible to be a member of the sponsor or one of its member associations.

"(12) LARGE EMPLOYER.—The term 'large employer' means, in connection with a group health plan with respect to a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

"(13) SMALL EMPLOYER.—The term 'small employer' means, in connection with a group health plan with respect to a plan year, an employer who is not a large employer.

"(b) RULES OF CONSTRUCTION.—

"(1) EMPLOYERS AND EMPLOYEES.—For purposes of determining whether a plan, fund, or program is an employee welfare benefit plan which is an association health plan, and for purposes of applying this title in connection with such plan, fund, or program so determined to be such an employee welfare benefit plan—

"(A) in the case of a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

"(B) in the case of a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.

"(2) PLANS, FUNDS, AND PROGRAMS TREATED AS EMPLOYEE WELFARE BENEFIT PLANS.—In the case of any plan, fund, or program which was established or is maintained for the purpose of providing medical care (through the purchase of insurance or otherwise) for employees (or their dependents) covered thereunder and which demonstrates to the Secretary that all requirements for certification under this part would be met with respect to such plan, fund, or program if such plan, fund, or program were a group health plan, such plan, fund, or program shall be treated for purposes of this title as an employee welfare benefit plan on and after the date of such demonstration.".

(b) CONFORMING AMENDMENTS TO PREEMPTION RULES.—

(1) Section 514(b)(6) of such Act (29 U.S.C. 1144(b)(6)) is amended by adding at the end the following new subparagraph:

"(E) The preceding subparagraphs of this paragraph do not apply with respect to any State law in the case of an association health plan which is certified under part 8.".

(2) Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(4), by striking "Subsection (a)" and inserting "Subsections (a) and (d)";

(B) in subsection (b)(5), by striking "subsection (a)" in subparagraph (A) and inserting "subsection (a) of this section and subsections (a)(2)(B) and (b) of section 805", and by striking "subsection (a)" in subparagraph (B) and inserting "subsection (a) of this section or subsection (a)(2)(B) or (b) of section 805";

(C) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(D) by inserting after subsection (c) the following new subsection:

"(d)(1) Except as provided in subsection (b)(4), the provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude, or have the effect of precluding, a health insurance issuer from offering health insurance coverage in connection with an association health plan which is certified under part 8.

"(2) Except as provided in paragraphs (4) and (5) of subsection (b) of this section—

"(A) In any case in which health insurance coverage of any policy type is offered under an association health plan certified under part 8 to a participating employer operating in such State, the provisions of this title shall supersede any and all laws of such State insofar as they may preclude a health insurance issuer from offering health insurance coverage of the same policy type to other employers operating in the State which are eligible for coverage under such association health plan, whether or not such other employers are participating employers in such plan.

"(B) In any case in which health insurance coverage of any policy type is offered in a State under an association health plan certified under part 8 and the filing, with the applicable State authority (as defined in section 812(a)(9)), of the policy form in connection with such policy type is approved by such State authority, the provisions of this title shall supersede any and all laws of any other State in which health insurance coverage of such type is offered, insofar as they may preclude, upon the filing in the same form and manner of such policy form with the applicable State authority in such other State, the approval of the filing in such other State.

"(3) Nothing in subsection (b)(6)(E) or the preceding provisions of this subsection shall be construed, with respect to health insurance issuers or health insurance coverage, to supersede or impair the law of any State—

"(A) providing solvency standards or similar standards regarding the adequacy of insurer capital, surplus, reserves, or contributions, or

"(B) relating to prompt payment of claims.

"(4) For additional provisions relating to association health plans, see subsections (a)(2)(B) and (b) of section 805.

"(5) For purposes of this subsection, the term 'association health plan' has the meaning provided in section 801(a), and the terms 'health insurance coverage', 'participating employer', and 'health insurance issuer' have the meanings provided such terms in section 812, respectively.".

(3) Section 514(b)(6)(A) of such Act (29 U.S.C. 1144(b)(6)(A)) is amended—

(A) in clause (i)(II), by striking "and" at the end;

(B) in clause (ii), by inserting "and which does not provide medical care (within the meaning of section 733(a)(2))," after "arrangement,", and by striking "title." and inserting "title, and"; and

(C) by adding at the end the following new clause:

"(iii) subject to subparagraph (E), in the case of any other employee welfare benefit plan which is a multiple employer welfare arrangement and which provides medical care (within the meaning of section 733(a)(2)), any law of any State which regulates insurance may apply.".

(4) Section 514(e) of such Act (as redesignated by paragraph (2)(C)) is amended—

(A) by striking "Nothing" and inserting "(1) Except as provided in paragraph (2), nothing"; and

(B) by adding at the end the following new paragraph:

"(2) Nothing in any other provision of law enacted on or after the date of the enactment of the Small Business Health Fairness Act of 2007 shall be construed to alter, amend, modify, invalidate, impair, or supersede any provision of this title, except by specific cross-reference to the affected section.".

(c) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: "Such term also includes a person serving as the sponsor of an association health plan under part 8.".

(d) DISCLOSURE OF SOLVENCY PROTECTIONS RELATED TO SELF-INSURED AND FULLY INSURED OPTIONS UNDER ASSOCIATION HEALTH PLANS.—Section 102(b) of such Act (29 U.S.C. 102(b)) is amended by adding at the end the following: "An association health plan shall include in its summary plan description, in connection with each benefit option, a description of the form of solvency or guarantee fund protection secured pursuant to this Act or applicable State law, if any.".

(e) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting "or part 8" after "this part".

(f) REPORT TO THE CONGRESS REGARDING CERTIFICATION OF SELF-INSURED ASSOCIATION HEALTH PLANS.—Not later than January 1, 2012, the Secretary of Labor shall report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the effect association health plans have had, if any, on reducing the number of uninsured individuals.

(g) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

"PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

"801. Association health plans
"802. Certification of association health plans
"803. Requirements relating to sponsors and boards of trustees
"804. Participation and coverage requirements
"805. Other requirements relating to plan documents, contribution rates, and benefit options
"806. Maintenance of reserves and provisions for solvency for plans providing health benefits in addition to health insurance coverage
"807. Requirements for application and related requirements
"808. Notice requirements for voluntary termination
"809. Corrective actions and mandatory termination
"810. Trusteeship by the Secretary of insolvent association health plans providing health benefits in addition to health insurance coverage
"811. State assessment authority
"812. Definitions and rules of construction".

SEC. 203. CLARIFICATION OF TREATMENT OF SINGLE EMPLOYER ARRANGEMENTS.

Section 3(40)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(40)(B)) is amended—

(1) in clause (i), by inserting after "control group," the following: "except that, in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), two or more trades or businesses, whether or not incorporated, shall be deemed a single employer for any plan year of such plan, or any fiscal year of such other arrangement, if such trades or businesses are within the same control group during such year or at any time during the preceding 1-year period,";

(2) in clause (iii), by striking "(iii) the determination" and inserting the following:

"(iii)(I) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), the determination of whether a trade or business is under 'common control' with another trade or business shall be determined under regulations of the Secretary applying principles consistent and coextensive with the principles applied in determining whether employees of two or more trades or businesses are treated as employed by a single employer under section 4001(b), except that, for purposes of this paragraph, an interest of greater than 25 percent may not be required as the minimum interest necessary for common control, or

"(II) in any other case, the determination";

(3) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(4) by inserting after clause (iii) the following new clause:

"(iv) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), in determining, after the application of clause (i), whether benefits are provided to employees of two or more employers, the arrangement shall be treated as having only one participating employer if, after the application of clause (i), the number of individuals who are employees and former employees of any one participating employer and who are covered under the arrangement is greater than 75 percent of the aggregate number of all individuals who are employees or former employees of participating employers and who are covered under the arrangement,".

SEC. 204. ENFORCEMENT PROVISIONS RELATING TO ASSOCIATION HEALTH PLANS.

(a) CRIMINAL PENALTIES FOR CERTAIN WILLFUL MISREPRESENTATIONS.—Section 501 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131) is amended—

(1) by inserting "(a)" after "Sec. 501."; and

(2) by adding at the end the following new subsection:

"(b) Any person who willfully falsely represents, to any employee, any employee's beneficiary, any employer, the Secretary, or any State, a plan or other arrangement established or maintained for the purpose of offering or providing any benefit described in section 3(1) to employees or their beneficiaries as—

"(1) being an association health plan which has been certified under part 8;

"(2) having been established or maintained under or pursuant to one or more collective bargaining agreements which are reached pursuant to collective bargaining described in section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) or paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152, paragraph Fourth) or which are reached pursuant to labor-management negotiations under similar provisions of State public employee relations laws; or

"(3) being a plan or arrangement described in section 3(40)(A)(i),

shall, upon conviction, be imprisoned not more than 5 years, be fined under title 18, United States Code, or both.".

(b) CEASE ACTIVITIES ORDERS.—Section 502 of such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

"(n) ASSOCIATION HEALTH PLAN CEASE AND DESIST ORDERS.—

"(1) IN GENERAL.—Subject to paragraph (2), upon application by the Secretary showing the operation, promotion, or marketing of an association health plan (or similar arrangement providing benefits consisting of medical care (as defined in section 733(a)(2))) that—

"(A) is not certified under part 8, is subject under section 514(b)(6) to the insurance laws of any State in which the plan or arrangement offers or provides benefits, and is not licensed, registered, or otherwise approved under the insurance laws of such State; or

"(B) is an association health plan certified under part 8 and is not operating in accordance with the requirements under part 8 for such certification,

a district court of the United States shall enter an order requiring that the plan or arrangement cease activities.

"(2) EXCEPTION.—Paragraph (1) shall not apply in the case of an association health plan or other arrangement if the plan or arrangement shows that—

"(A) all benefits under it referred to in paragraph (1) consist of health insurance coverage; and

"(B) with respect to each State in which the plan or arrangement offers or provides benefits, the plan or arrangement is operating in accordance with applicable State laws that are not superseded under section 514.

"(3) ADDITIONAL EQUITABLE RELIEF.—The court may grant such additional equitable relief, including any relief available under this title, as it deems necessary to protect the interests of the public and of persons having claims for benefits against the plan.".

(c) RESPONSIBILITY FOR CLAIMS PROCEDURE.—Section 503 of such Act (29 U.S.C. 1133) is amended by inserting "(a) IN GENERAL.—" before "In accordance", and by adding at the end the following new subsection:

"(b) ASSOCIATION HEALTH PLANS.—The terms of each association health plan which is or has been certified under part 8 shall require the board of trustees or the named fiduciary (as applicable) to ensure that the requirements of this section are met in connection with claims filed under the plan.".

SEC. 205. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 506 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by adding at the end the following new subsection:

"(d) CONSULTATION WITH STATES WITH RESPECT TO ASSOCIATION HEALTH PLANS.—

"(1) AGREEMENTS WITH STATES.—The Secretary shall consult with the State recognized under paragraph (2) with respect to an association health plan regarding the exercise of—

"(A) the Secretary's authority under sections 502 and 504 to enforce the requirements for certification under part 8; and

"(B) the Secretary's authority to certify association health plans under part 8 in accordance with regulations of the Secretary applicable to certification under part 8.

"(2) RECOGNITION OF PRIMARY DOMICILE STATE.—In carrying out paragraph (1), the Secretary shall ensure that only one State will be recognized, with respect to any particular association health plan, as the State with which consultation is required. In carrying out this paragraph—

"(A) in the case of a plan which provides health insurance coverage (as defined in section 812(a)(3)), such State shall be the State with which filing and approval of a policy type offered by the plan was initially obtained, and

"(B) in any other case, the Secretary shall take into account the places of residence of the participants and beneficiaries under the plan and the State in which the trust is maintained.".

SEC. 206. EFFECTIVE DATE AND TRANSITIONAL AND OTHER RULES.

(a) EFFECTIVE DATE.—The amendments made by this Act shall take effect 1 year after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this Act within 1 year after the date of the enactment of this Act.

(b) TREATMENT OF CERTAIN EXISTING HEALTH BENEFITS PROGRAMS.—

(1) IN GENERAL.—In any case in which, as of the date of the enactment of this Act, an arrangement is maintained in a State for the purpose of providing benefits consisting of medical care for the employees and beneficiaries of its participating employers, at least 200 participating employers make contributions to such arrangement, such arrangement has been in existence for at least 10 years, and such arrangement is licensed under the laws of one or more States to provide such benefits to its participating employers, upon the filing with the applicable authority (as defined in section 812(a)(5) of the Employee Retirement Income Security Act of 1974 (as amended by this subtitle)) by the arrangement of an application for certification of the arrangement under part 8 of subtitle B of title I of such Act—

(A) such arrangement shall be deemed to be a group health plan for purposes of title I of such Act;

(B) the requirements of sections 801(a) and 803(a) of the Employee Retirement Income Security Act of 1974 shall be deemed met with respect to such arrangement;

(C) the requirements of section 803(b) of such Act shall be deemed met, if the arrangement is operated by a board of directors which—

(i) is elected by the participating employers, with each employer having one vote; and

(ii) has complete fiscal control over the arrangement and which is responsible for all operations of the arrangement;

(D) the requirements of section 804(a) of such Act shall be deemed met with respect to such arrangement; and

(E) the arrangement may be certified by any applicable authority with respect to its operations in any State only if it operates in such State on the date of certification.

The provisions of this subsection shall cease to apply with respect to any such arrangement at such time after the date of the enactment of this Act as the applicable requirements of this subsection are not met with respect to such arrangement.

(2) DEFINITIONS.—For purposes of this subsection, the terms "group health plan", "medical care", and "participating employer" shall have the meanings provided in section 812 of the Employee Retirement Income Security Act of 1974, except that the reference in paragraph (7) of such section to an "association health plan" shall be deemed a reference to an arrangement referred to in this subsection.

TITLE III—TAX INCENTIVES FOR SMALL BUSINESS

SECTION 301. INCREASED EXPENSING FOR SMALL BUSINESS.

Subsections (b)(1), (b)(2), (b)(5), (c)(2), and (d)(1)(A)(ii) of section 179 of the Internal Revenue Code of 1986 (relating to election to expense certain depreciable business assets) are each amended by striking "2010" and inserting "2011".

SEC. 302. DEPRECIABLE RESTAURANT PROPERTY TO INCLUDE NEW CONSTRUCTION.

(a) IN GENERAL.—Paragraph (7) of section 168(e) of the Internal Revenue Code of 1986 (defining qualified restaurant property) is amended to read as follows:

"(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building or an improvement to a building if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 303. REPEAL OF FEDERAL UNEMPLOYMENT SURTAX.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of Federal unemployment tax) is amended by striking "or" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

"(2) in the case of wages paid in calendar year 2007—

"(A) 6.2 percent in the case of wages for any portion of the year ending before April 1, and

"(B) 6.0 percent in the case of wages for any portion of the year beginning after March 31; or".

(b) CONFORMING AMENDMENT.—Section 3301(1) of such Code is amended by striking "2007" and inserting "2006".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2006.

POINT OF ORDER

Mr. GEORGE MILLER of California (during the reading). Mr. Speaker, I want to make a point of order.

The SPEAKER pro tempore. Is there objection to dispensing with further reading of the motion to recommit?

There was no objection.

The SPEAKER pro tempore. The gentleman may proceed with his point of order.

Mr. GEORGE MILLER of California. Mr. Speaker, I make a point of order against the motion to recommit. The motion is not germane. For example, the motion contains tax provisions which are clearly outside the jurisdiction of the bill.

The SPEAKER pro tempore. Does the gentleman from California wish to be heard on the point of order?

Mr. McKEON. Yes, Mr. Speaker, I wish to respond.

Mr. Speaker, my motion should be ruled germane. The bill before us, brought to the floor under unprecedented circumstances, circumstances that have not been "fair, open, and honest" by any means, would raise the minimum wage mandate by 41 percent, with small businesses and their workers left unprotected.

Considering that more than 7 million new jobs have been created in the last 3½ years, and that two-thirds of all new jobs are provided by small businesses, I ask my colleagues, why in the world would we leave them unprotected and endanger this incredible momentum?

My motion provides a fair alternative that increases the minimum wage in exactly the same manner as the Democratic leadership's bill; expands access to affordable health care by establishing small business health plans; and extends important protections for small businesses and their workers.

My motion should be considered not only germane but a proposal far superior to the Democratic leadership's unbalanced minimum wage proposal.

The SPEAKER pro tempore. Does the gentleman wish to be recognized for further argument?

Mr. GEORGE MILLER of California. I would simply press the point that the motion to recommit offered by the minority is not germane, and it contains tax provisions and others that are outside the scope of the jurisdiction of the bill.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from California makes a point of order that the instructions included in the motion to recommit propose an amendment not germane to the bill.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment. Among the central tenets of the germaneness rule are that an amendment may not introduce a new subject matter and that an amendment may not introduce matter within the jurisdiction of committees not represented in the pending measure.

H.R. 2 was referred to the Committee on Education and Labor, and its provisions are confined to the jurisdiction of that committee. The bill addresses the rate of the minimum wage. It also applies certain wage provisions to the Commonwealth of the Northern Mariana Islands.

The instructions contained in the motion to recommit include, among other provisions, an amendment to the Internal Revenue Code of 1986 regarding certain Federal tax provisions.

In the opinion of the Chair, that feature of the motion to recommit is neither properly related to the subject matter of the bill nor within the jurisdiction of the Committee on Education and Labor.

Accordingly, the amendment proposed in the motion to recommit is not germane. The point of order is sustained, and the motion is not in order.

Mr. McKEON. Mr. Speaker, I move to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I move to table the appeal.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McKEON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 197, not voting 6, as follows:

[Roll No. 16]

YEAS—232

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Buyer
Knollenberg
Meek (FL)
Norwood
Reynolds
Whitfield

□ 1631

Mrs. BACHMANN, Mr. LEWIS of California, Mr. PETERSON of Pennsylvania and Mr. GILLMOR changed their vote from "yea" to "nay."

Mr. SPRATT, Ms. MOORE of Wisconsin, Ms. CLARKE and Mr. REYES changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MEEK of Florida. Mr. Speaker, on rollcall No. 16, on the motion to table the Appeal of the Ruling of the Chair, had I been present, I would have voted "yea."

Stated for:

Mr. REYNOLDS. Mr. Speaker, on rollcall No. 16 I was unavoidably detained. Had I been present, I would have voted "nay."

MOTION TO RECOMMIT OFFERED BY MR. MC KEON

Mr. McKEON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. McKEON. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McKeon moves to recommit the bill (H.R. 2) to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendment:

In section 2, redesignate subsection (b) as subsection (c) and insert after subsection (a) the following:

(b) MINIMUM WAGE FOR EMPLOYERS PROVIDING EMPLOYEES CERTAIN HEALTH CARE BENEFITS.—Section 6(a) of the Fair Labor Standards Act of 1938 is further amended in subsection (a), by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively and inserting after paragraph (2) the following new paragraph:

"(2) if an employer provides health care benefits to an employee through an employee welfare benefit plan (as defined under section 3(1) of the Employee Retirement Income Security Act (29 USC 1002(3)), the applicable minimum wage rate paid by such employer to such employee shall be $5.15 an hour;".

Mr. McKEON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in support of his motion.

Mr. McKEON. Mr. Speaker, this motion is straightforward in purpose, but for millions of uninsured Americans, it would be incredibly meaningful in practice. During today's debate, many of us, particularly those on this side of the aisle, have talked about the need to expand access to affordable health care. As I noted earlier, when discussing my comprehensive minimum wage package, I believe this debate presents us a tremendous opportunity, not only to impact wages, but to improve working families' quality of life as well.

Therefore, I offer this motion in the same spirit as that comprehensive measure. It would ensure that if an employer offers health coverage to his or her workers, an incredibly costly yet incredibly important employee benefit, then this employer should not be further burdened with a 41 percent minimum wage mandate imposed by H.R. 2, a mandate thrust upon these employers without any protections at all for small business and their workers.

Mr. Speaker, to speak about the benefits of this proposal, I yield the balance of my time to the gentlewoman from New Mexico (Mrs. WILSON), who has been working this very issue for many years.

Mrs. WILSON of New Mexico. Mr. Speaker, my colleagues, I would like to tell you about one of my constituents. Her name is Mary Padilla, and she runs Roadrunner Transmission in Albuquerque, New Mexico. She has five employees, and she has been in business for 7 years, and she provides health insurance for every one of those five employees. Mary tells me that if we raise the minimum wage, she is going to have a tough time continuing to provide health insurance for her employees, and she may have to make a choice that she doesn't want to make.

Mary is not alone. More than 3 million Americans have gotten new jobs in the last 36 months with small businesses. The toughest thing for a small business person to do is to make the payroll and provide health insurance.

This motion to recommit would add one provision into this bill on the minimum wage. It would say, if you are an employer who is providing health insurance for your employees, that benefit is worth more than the bump up in the minimum wage, and you would not have to comply with these new rules with respect to the minimum wage. It would stay where it is for your small business.

One of the biggest problems we face as a country is the uninsured population. In my State, about one in four people doesn't have health insurance. This provision would encourage more small and medium-sized businesses to provide health insurance for their employees. A paycheck matters, a paycheck that makes it through the whole week, but it also matters if you are a parent who has to worry every night whether the kids are going to get sick when you cannot pay for it, because you don't have insurance with your job.

I would encourage all of you to support the motion to recommit and support small business health insurance for every employee in America.

Mr. MCKEON. Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, and Members of the House, today is a remarkable day, because after 10 years, we are going to have an up-and-down vote on whether the poorest people in our Nation, who are working every day and, at the end of the year, end up poor, deserve a raise. That is what we are going to do today.

For 10 years, we have struggled to have this vote, and now we are finally going to have it. We have had a lot of excuses why we couldn't have it. We have had votes hijacked, and we have had votes pulled off the floor, but we could never have this vote. Today, the beginning of the 100 hours, we are going to have this vote. We are going to have this vote, because this is a major concern. This is a major concern to the American society.

What so many of my colleagues made clear today in the debate is that after you have stalled this vote for 10 years, this goes way beyond the dollars and cents of the minimum wage. It goes to the core values of America and economic justice and social justice and fairness and whether or not every American is going to get to participate in the American economic system and also be able to provide for their children and their families.

But my colleagues didn't disappoint me today on the other side of the aisle. We have one more bump in the road. This last moment, they have offered us a motion to recommit where they say, if you offer your employees a health care plan, you can keep the minimum wage at $5.15. Now it doesn't say that health care plan has to be affordable. It doesn't say what the deductibles are, the copayments, which I am sure if you are a minimum wage worker at $5.15 today, a wage that is 10 years old, I am sure you can pay the copayments and the deductibles and the premiums. That will not be a problem.

What is it you don't understand about being poor? What is it you don't understand? You are stuck at $5.15 in today's world. You can't buy the gasoline to go to work, the bread to put on the table, the milk out of the refrigerator. Your utilities are going up. The rent is going up.

Now you say, by the way, if you can pay for a health care plan, you can stay at the minimum wage, you lucky ducky. I don't think that is what America was talking about when 89 percent of them said they want this Congress to raise the minimum wage, not trade it in, not trade it in.

They didn't ask us to trade in the increase in the minimum wage for some phantom health care proposal. You know what the average premium is for a family? The average premium is $10,880. Okay. That is good plans and bad plans together. Cut it in half. You are at the minimum wage. You have got to pay $5,000? Cut it in half again. You are at the minimum wage. You can pay another $2,000 for your health care? I don't think so. I don't think so. Let us get on with the Nation's business, with the people's business, and with the minimum-wage workers' business. Let us reject this motion and pass this bill now.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCKEON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 144, noes 287, not voting 4, as follows:

[Roll No. 17]

AYES—144

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Forbes
Fortenberry
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
Kirk
Kline (MN)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Mica
Myrick
Neugebauer
Nunes
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—287

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foxx
Frank (MA)
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—4

Buyer
Knollenberg
Miller, Gary
Norwood

□ 1702

Mr. GINGREY changed his vote from "aye" to "no."

Mr. SHAYS changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 315, noes 116, not voting 4, as follows:

[Roll No. 18]

AYES—315

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—116

Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Fallin
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Pickering
Pitts
Porter
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt

Tiberi
Walberg
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)

NOT VOTING—4

Buyer
Knollenberg
Miller, Gary
Norwood

□ 1710

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIRES). Pursuant to clause 8 of rule XX, proceedings on House Resolution 15 will resume tomorrow.

□ 1715

ELECTION OF MEMBERS TO COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. EMANUEL. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 47) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 47

Resolved, That the following named Members and Delegate be and are hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Rahall, Mr. DeFazio, Mr. Costello, Ms. Norton, Mr. Nadler, Ms. Corrine Brown of Florida, Mr. Filner, Ms. Eddie Bernice Johnson of Texas, Mr. Taylor of Mississippi, Ms. Millender-McDonald, Mr. Cummings, Mrs. Tauscher, Mr. Boswell, Mr. Holden, Mr. Baird, Mr. Larsen of Washington, Mr. Capuano, Ms. Carson, Mr. Bishop of New York, Mr. Michaud, Mr. Higgins, Mr. Carnahan, Mr. Salazar, Mrs. Napolitano, Mr. Lipinski, Mr. Lampson, Mr. Space, Ms. Hirono, Mr. Braley of Iowa, Mr. Altmire, Mr. Walz of Minnesota, Mr. Shuler, Mr. Arcuri, Mr. Mitchell, Mr. Carney, Mr. Hall of New York, Mr. Kagen, Mr. Cohen, Mr. McNerney.

Mr. EMANUEL (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMEMBERING ARTHUR "PETE" SINGLETON

(Mr. MCCRERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCRERY. Mr. Speaker, I rise today to inform my colleagues of the passing of Arthur "Pete" Singleton, former chief of staff of the Ways and Means Committee, who died this past Saturday. Pete was a great guy who served this country in a variety of ways, beginning with his Marine service and ending as the staff director of the majority Ways and Means Committee for Chairman Bill Archer.

Pete retired for the second time in 2000. Upon his retirement, Chairman Archer summarized Pete's contributions. He said, "It was he who, in 1977, drafted the minority Social Security proposals, most of which later became law. Most recently, he oversaw the committee's intensive efforts during action on the historic 1997 Balanced Budget Act and Taxpayer Relief Act, as well as legislation to repeal the Social Security earnings limit."

Chairman Archer went on to describe the quality of Pete's service to the committee and to our country: "Pete Singleton is one of the most loyal people I have ever known. His first thought has always been: How does this impact the committee? He is one of the hardest working staff persons I have known and has sacrificed much of his personal life for the committee. He possesses a sharp wit and a quick mind. He is a true gentleman in every sense and a wonderful human being."

It was my privilege to serve on the committee when Pete served as chief of staff. I came to rely on Pete as a steady and trusted leader and often utilized his counsel based on his vast expertise and experience.

On behalf of the current and former members of our committee, we commemorate Pete's outstanding contributions to the committee that he so loved and to our Nation. Our thoughts and prayers remain with his devoted wife, Libby, and all Pete's family, friends and colleagues.

Mr. Speaker, I rise today to inform my colleagues of the passing of Arthur "Pete" Singleton, former Chief of Staff of the Committee on Ways and Means, who died this past Saturday.

Pete began his service to his country as a Marine in World War II. He joined the Republican Committee staff in 1970 as Deputy Staff Director, following two successful careers, one in journalism as a reporter and editor and one for the former U.S. Steel Company.

Pete soon became expert in the complex issue areas of Social Security and international trade. In 1981, Pete was appointed as Republican Staff Director. He served in that position until 1988, when he retired for the first time.

After spending time writing, along with serving on the Social Security Advisory Board, 8 years later Chairman Bill Archer of Texas asked Pete to return to the Committee on Ways and Means to serve as Majority Chief of Staff, a position which he held until his second retirement in October of 2000.

Upon his retirement, Chairman Archer summarized Pete's contributions as follows:

"It was he, who in 1977, drafted the Minority Social Security proposals, most of which later became law. Most recently, he oversaw the Committee's intensive efforts during action on the historic 1997 Balanced Budget Act and Taxpayer Relief Act, as well as legislation to repeal the Social Security earnings limit."

Even more poignant, however, was what Chairman Archer said about the quality of Pete's service to the Committee and our country.

"Pete Singleton is one of the most loyal people I have ever known. His first thought has always been "How does this impact the Committee?" He is one of the hardest working staff persons I have known, and has sacrificed much of his personal life for the Committee. He possesses a sharp wit and a quick mind. He is a true gentleman in every sense, and a wonderful human being."

It was my privilege to serve on the Committee when Pete served as Chief of Staff. I came to rely on Pete as a steady and trusted leader, and often utilized his counsel based on his vast expertise and experience.

On behalf of the current and former members of our committee, we commemorate Pete's outstanding contributions to the Committee that he so loved, and to our Nation. Our thoughts and prayers remain with his devoted wife Libby, and all Pete's family, friends, and colleagues.

NINETEENTH AMENDMENT

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, I rise today to recognize that it was on this day, as pointed out earlier by my freshman colleague, BRUCE BAILEY from Iowa, January 10, 1918, that the House of Representatives first voted to give women the right to vote by approving the 19th amendment to the Constitution of these United States.

The State of Wisconsin became the first State to ratify the amendment. And following Wisconsin's lead, two-thirds of the States approved the amendment which became the law of the land. The 19th amendment gave women their full rights as citizens.

It says, simply, citizens of the United States shall not be denied the right to vote on account of sex. The 19th amendment brought this Nation one step closer to fulfilling the promises enunciated by our Founders.

As the first Chamber of Congress to approve the amendment, we showed the way, and the Senate followed.

This Chamber took another historic step recently in fulfilling the promise of America's freedoms by electing Speaker NANCY PELOSI as the first woman to hold the position of Speaker of the House.

THE KUCINICH PLAN FOR IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the administration is preparing to escalate the conflict. They intend to increase troop numbers to unprecedented levels, without establishing an ending date. It is important for Congress to oppose the troop surge. But that is not enough. We must respond powerfully to take steps to end the occupation, close U.S. bases in Iraq and bring our troops home. These steps are necessary preconditions to the U.S. extricating itself from Iraq through the establishment of an international security and peacekeeping force.

That is what the Kucinich plan which I am presenting Members of Congress today is all about. Congress as a coequal branch of government has an urgent responsibility here. Congress under article I, section 8, has the war-making power. Congress appropriates funds for the war. Congress does not dispense with its obligation to the American people simply by opposing a troop surge in Iraq. It is simply not credible to maintain that one opposes the war and yet continues to fund it. If you oppose the war, then don't vote to fund it.

THE KUCINICH PLAN FOR IRAQ

DEAR COLLEAGUE: In November of 2006, after an October upsurge in violence in Iraq, the American people moved decisively to reject Republican rule, principally because of the conduct of the war. Democratic leaders well understand we regained control of the Congress because of the situation in Iraq. However, two months later, the Congress is still searching for a plan around which it can unite to hasten the end of U.S. involvement in Iraq and the return home of 140,000 U.S. troops.

The Administration is preparing to escalate the conflict. They intend to increase troop numbers to unprecedented levels, without establishing an ending date. It is important for Congress to oppose the troop surge. But that is not enough. We must respond powerfully to take steps to end the occupation, close U.S. bases in Iraq and bring our troops home. These steps are necessary preconditions to the U.S. extricating itself from Iraq through the establishment of an international security and peacekeeping force.

Congress, as a coequal branch of government, has a responsibility here. Congress, under Article 1, Section 8 of the U.S. Constitution has the war-making power. Congress appropriates funds for the war. Congress does not dispense with its obligation to the American people simply by opposing a troop surge in Iraq. It is simply not credible to maintain that one opposes the war and yet continue to fund it. If you oppose the war, do not vote to fund it. If you have money which can be used to bring the troops home do not say you want to bring the troops home while you appropriate money in a supplemental to keep them in Iraq fighting a war that cannot be won militarily. This is why the Administration should be notified now that Congress will not approve of the appropriations request of up to $160 billion in the spring for the purposes of continuing the occupation and the war. Continuing to fund the war is not a plan. It would represent the continuation of disaster.

In addition to halting funding of this war, a parallel political process is needed. I am offering such a comprehensive plan today. I appreciate your consideration.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

THE KUCINICH PLAN FOR IRAQ

1. The US announces it will end the occupation, close military bases and withdraw. The insurgency has been fueled by the occupation and the prospect of a long-term presence as indicated by the building of permanent bases. A U.S. declaration of an intention to withdraw troops and close bases will help dampen the insurgency which has been inspired to resist colonization and fight invaders and those who have supported US policy. Furthermore this will provide an opening where parties within Iraq and in the region can set the stage for negotiations towards peaceful settlement.

2. U.S. announces that it will use existing funds to bring the troops and necessary equipment home. Congress appropriated $70 billion in bridge funds on October 1st for the war. Money from this and other DOD accounts can be used to fund the troops in the field over the next few months, and to pay for the cost of the return of the troops, (which has been estimated at between $5 and $7 billion dollars) while a political settlement is being negotiated and preparations are made for a transition to an international security and peacekeeping force.

3. Order a simultaneous return of all U.S. contractors to the United States and turn over all contracting work to the Iraqi government. The contracting process has been rife with world-class corruption, with contractors stealing from the U.S. Government and cheating the Iraqi people, taking large contracts and giving 5% or so to Iraqi subcontractors. Reconstruction activities must be reorganized and closely monitored in Iraq by the Iraqi government, with the assistance of the international community. The massive corruption as it relates to U.S. contractors, should be investigated by congressional committees and federal grand juries. The lack of tangible benefits, the lack of accountability for billions of dollars, while millions of Iraqis do not have a means of financial support, nor substantive employment, cries out for justice.

It is noteworthy that after the first Gulf War, Iraqis reestablished electricity within three months, despite sanctions. Four years into the U.S. occupation there is no water, nor reliable electricity in Bagdhad, despite massive funding from the U.S. and from the Madrid conference. The greatest mystery involves the activities of private security companies who function as mercenaries. Reports of false flag operations must be investigated by an international tribunal.

4. Convene a regional conference for the purpose of developing a security and stabilization force for Iraq. The focus should be on a process which solves the problems of Iraq. The U.S. has told the international community, "This is our policy and we want you to come and help us implement it." The international community may have an interest in helping Iraq, but has no interest in participating in the implementation of failed U.S. policy. A shift in U.S. policy away from unilateralism and toward cooperation will provide new opportunities for exploring common concerns about the plight of Iraq. The UN is the appropriate place to convene, through the office of the Secretary General, all countries that have interests, concerns and influence, including the five permanent members of the Security Council and the European community, and all Arab nations.

The end of the U.S. occupation and the closing of military bases are necessary preconditions for such a conference. When the U.S. creates a shift of policy and announces it will focus on the concerns of the people of Iraq, it will provide a powerful incentive for nations to participate. It is well known that while some nations may see the instability in Iraq as an opportunity, there is also an ever-present danger that the civil war in Iraq threatens the stability of nations throughout the region. The impending end of the occupation will provide a breakthrough for the cooperation between the U.S. and the UN and the UN and countries of the region. The regional conference must include Iran, Syria, Egypt, Saudi Arabia and Jordan.

5. Prepare an international security and peacekeeping force to move in, replacing U.S. troops who then return home. The UN has an indispensable role to play here, but cannot do it as long as the U.S. is committed to an occupation. The UN is the only international organization with the ability to mobilize and the legitimacy to authorize troops. The UN is the place to develop the process, to build the political consensus, to craft a political agreement, to prepare the ground for the peacekeeping mission, to implement the basis of an agreement that will end the occupation and begin the transition to international peacekeepers. This process will take at least three months from the time the U.S. announces the intention to end the occupation.

The U.S. will necessarily have to fund a peacekeeping mission, which, by definition will not require as many troops. Fifty percent of the peacekeeping troops must come from nations with large Muslim populations. The international security force, under UN direction, will remain in place until the Iraqi government is capable of handling its own security. The UN can field an international security and peacekeeping mission, but such an initiative will not take shape unless there is a peace to keep, and that will be dependent upon a political process which reaches agreement between all the Iraqi parties. Such an agreement means fewer troops will be needed. According to UN sources, the UN peacekeeping mission in the Congo, which is four times larger in area than Iraq, required about twenty thousand troops. Finally the UN does not mobilize quickly because they depend upon governments to supply the troops, and governments are slow. The ambition of the UN is to deploy in less than ninety days. However, without an agreement of parties the UN is not likely to approve a mission to Iraq, because countries will not give them troops.

6. Develop and fund a process of national reconciliation. The process of reconciliation must begin with a national conference, organized with the assistance of the UN and with the participation of parties who can create, participate in and affect the process of reconciliation, defined as an airing of all grievances and the creation of pathways toward open, transparent talks producing truth and resolution of grievances. The Iraqi government has indicated a desire for the process of reconciliation to take place around it, and that those who were opposed to the government should give up and join the government. Reconciliation must not be confused with capitulation, nor with realignments for the purposes of protecting power relationships.

For example, Kurds need to be assured that their own autonomy will be regarded and therefore obviate the need for the Kurds to align with religious Shia for the purposes of self-protection. The problem in Iraq is that every community is living in fear. The Shia, who are the majority, fear they will not be allowed to government even though they are a majority. The Kurds are afraid they will lose the autonomy they have gained. The Sunnis think they will continue to be made to pay for the sins of Saddam.

A reconciliation process which brings people together is the only way to overcome their fears and reconcile their differences. It is essential to create a minimum of understanding and mutual confidence between the Shiites, Sunnis and Kurds.

But how can a reconciliation process be constructed in Iraq when there is such mistrust: Ethnic cleansing is rampant. The police get their money from the U.S. and their ideas from Tehran. They function as religious militia, fighting for supremacy, while the Interior Ministry collaborates. Two or three million people have been displaced. When someone loses a family member, a loved one, a friend, the first response is likely to be that there is no reconciliation.

It is also difficult to move toward reconciliation when one or several parties engaged in the conflict think they can win outright. The Shia, some of whom are out for revenge, think they can win because they have the defacto support of the U.S. The end of the U.S. occupation will enhance the opportunity for the Shia to come to an accommodation with the Sunnis. They have the oil, the weapons, and support from Iran. They have little interest in reconciling with those who are seen as Baathists.

The Sunnis think they have experience, as the former army of Saddam, boasting half a million insurgents. The Sunnis have so much more experience and motivation that as soon as the Americans leave they believe they can defeat the Shia government. Any Sunni revenge impulses can be held in check by international peacekeepers. The only sure path toward reconciliation is through the political process. All factions and all insurgents not with al Qaeda must be brought together in a relentless process which involves Saudis, Turks, Syrians and Iranians.

7. Reconstruction and Jobs. Restart the failed reconstruction program in Iraq. Rebuild roads, bridges, schools, hospitals, and other public facilities, houses, and factories with jobs and job training going to local Iraqis.

8. Reparations. The U.S. and Great Britain have a high moral obligation to enable a peace process by beginning a program of significant reparations to the people of Iraq for the loss of lives, physical and emotional injuries, and damage to property. There should be special programs to rescue the tens of thousands of Iraqi orphans from lives of destitution. This is essential to enable reconciliation.

9. Political Sovereignty. Put an end to suspicions that the U.S. invasion and occupation was influenced by a desire to gain control of Iraq's oil assets by (A) setting aside initiatives to privatize Iraqi oil interests or other national assets, and (B) by abandoning efforts to change Iraqi national law to facilitate privatization.

Any attempt to sell Iraqi oil assets during the U.S. occupation will be a significant stumbling block to peaceful resolution. The current Iraqi constitution gives oil proceeds to the regions and the central government gets nothing. There must be fairness in the distribution of oil resources in Iraq. An Iraqi National Oil Trust should be established to guarantee the oil assets will be used to create a fully functioning infrastructure with financial mechanisms established protect the oil wealth for the use of the people of Iraq.

10. Iraq Economy. Set forth a plan to stabilize Iraq's cost for food and energy, on par to what the prices were before the U.S. invasion and occupation. This would block efforts underway to raise the price of food and energy at a time when most Iraqis do not have the means to meet their own needs.

11. Economic Sovereignty. Work with the world community to restore Iraq's fiscal integrity without structural readjustment measures of the IMF or the World Bank.

12. International Truth and Reconciliation. Establish a policy of truth and reconciliation between the people of the United States and the people of Iraq.

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

BORDER AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, it is said that justice is the one thing you should always find. You have to saddle up the boys, you have to draw a hard line. Justice is the one thing you should always find.

Those lyrics are from a song by Willie Nelson, not quite the legal scholar most of us would think, but a true statement nonetheless.

But justice is the one thing you can't find on the Texas-Mexico border, and recent events show that.

Not too long ago, two of our border agents, Jose Compean and Ignacio Ramos were doing their job on the Texas-Mexico border, on patrol keeping illegals out of the United States.

They come in contact with a drug dealer who sees them and takes off running in his van. His van happened to have 700-plus pounds of marijuana. That is not just for personal use, Mr. Speaker, that is worth $1 million on the market in Texas. He sees the two drug agents. He flees, jumps out of the van and tries to cross the Rio Grande River. The facts are in dispute as to what occurs. There is a fight with the agents. The agents say the drug dealer had a weapon pointed at them. After the smoke cleared, the drug dealer gets shot in the buttocks and runs back to Mexico.

I say: Well done, border agents. Give them a medal. But that is not what our Federal Government decided to do. Our Federal Government decided to go to Mexico, find this drug dealer, a habitual offender that brings drugs into the United States, and give him immunity to testify against the two border agents, bring him back to the United States and let him testify in a so-called trumped up civil rights violation.

But while waiting to testify, he crosses the border again and given immunity, yes, a second time for bringing drugs into the United States.

After the trial was over with, both of these drug agents were prosecuted for enforcing the law, doing the job that they are supposed to. A week from today, these two border agents will be taken to the Federal penitentiary to serve 10 and 11 years respectively.

Mr. Speaker, this ought not to be. Our Federal Government chose the wrong side in this case. They chose the enemy side in this case.

Mr. Speaker, what are our border agents to do when somebody flees, being a drug dealer, and tries to go back to Mexico? What are they supposed to do? Are they supposed to say, "Halt in the name of the law"?

Mr. Speaker, those days are over in this country.

So either they can enforce the law or they can't enforce the law. Enforcing the law on the Texas border is unenforceable. It is a lawless border because our Federal Government always chooses the wrong side.

Today, Jose Compean and his wife, Patty, were here in Washington, DC. Many Members of Congress in this House on both sides talked to them about the facts of this case and their lives and how it has been changed. All Jose Compean ever wanted to do was be a border agent for the United States and protect the dignity of this country, and he is being punished for that.

So our government had a choice, the choice to be on the side of the drug dealer or the border agents; the choice to be on the side of the illegals or the legals; the side of crime or crime fighters. And our government chose poorly, Mr. Speaker. This ought not to be.

My prior career before becoming a Member of Congress was as a judge in Texas. I heard over 25,000 felony cases of all types. And I am here to tell you, based on what I know about this case, a great injustice has occurred not only to our border agents but to our country.

Our Federal Government needs to take a stand for border security, enforce the rule of law and support those that we have put down to the border with few utensils to protect the dignity of this country.

Yes, Mr. Speaker, justice is the one thing we should always find. We had better find it on the Texas-Mexico border, or injustice will rule the day and this country will pay for it by failing to enforce the rule of law in failing to keep illegal drug dealers out of this Nation.

And that's just the way it is.

PRESIDENT BUSH MUST END HIS WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, tonight we will once again listen to President Bush as he describes yet another strategy for the war in Iraq. By all accounts from the media, the President will tell the Nation that he intends to send more U.S. troops to fight and die in Iraq.

This is not "stay the course," Mr. Speaker, this is escalation.

And at a bare minimum, Congress must find the wisdom and the courage to require and vote upon specific new authorization to escalate the number of troops in Iraq.

This is what Senator KENNEDY called for yesterday. He has introduced legislation that prohibits any Federal funds from being used to increase the number of U.S. forces in Iraq without a specific authorization of Congress by law for such an increase.

It is the very minimum we can do, Mr. Speaker, for Congress to finally take some responsibility for this war and exercise some accountability.

What do you do, Mr. Speaker, when a President fails to listen to the military advice of his generals? When he consistently changes generals when their experience and best counsel does not match his own preconceived ideas?

What do you do, Mr. Speaker, when a President ignores the recommendations of the bipartisan Iraq Study Group?

What do you do when a President, whose idea of a exit strategy is to kick the ball down field, is determined to dump this mess on whoever will be the next President of the United States?

Mr. Speaker, this President lost the mid-term elections. He lost because the American people voted against the war, and they want a new direction. This is George Bush's war, and he should end it on his watch. If he is not going to listen to his own generals, the counsel of the Iraq Study Group or the American people, then Congress must confront him and begin to deny him the means and the ability to carry out the next disastrous step of his policy.

□ 1730

It is my view that too many in Washington are consumed with saving face, rather than saving lives. Political expediency, political cover and political posturing must not be the guiding principles on how we proceed in Iraq. Instead, we must be focused on the men and women we put in harm's way.

And everyone in this Chamber should be haunted by the fact that Congress has acquiesced too many times in one of the worst foreign policy blunders in United States history. Over 3,000 American military personnel have been killed in this war. Are we going to stand here next January and talk about the 4,000 or 5,000 who will have died? Well over 22,000 American troops have been wounded, some injured for life, and over tens of thousands of Iraqi men, women and children are dead.

It is long past time for this Congress to accept responsibility for having given this President a blank check and a free pass for nearly 4 years.

It is simply false to argue that placing any restrictions on funding for this disastrous war somehow shortchanges our troops. Redeployment from Iraq does not shortchange our troops. Bringing them home to their families does not shortchange our troops.

I will tell you what shortchanges our troops. Making them serve two, three or possibly even four tours of duty in Iraq, that shortchanges our troops. Failing to provide the veterans of this war with health care, that shortchanges our troops. Increasing by more than five times the backlog on veterans' disability claims so that those injured in Iraq and those suffering from PTSD don't get the help they need when they return home, that shortchanges our troops, Mr. Speaker.

Mr. Speaker, there is no military victory to be had in Iraq. It is time George Bush ended his war and brought our uniformed men and women home. To do that, we must change the dynamic in Iraq. We must end our occupation, let the Iraqi people determine their own destiny and engage the countries of the region and the international community while we withdraw.

We can start by voting not to escalate this war, even if that means conditioning or withholding funds. I, for one, Mr. Speaker, will not vote for any so-called emergency supplemental appropriations bill that escalates the war in Iraq, that fails to offer a clear plan for when our troops will be coming home.

Mr. Speaker, the American people get it. They are far ahead of the politicians in Washington. They want leadership. They want us to do what is right. They want us to end the war.

TRIBUTE TO CORPORAL JASON L. DUNHAM, UNITED STATES MARINE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KUHL) is recognized for 5 minutes.

Mr. KUHL of New York. Mr. Speaker, it is with honor and pleasure that I rise to recognize Corporal Jason L. Dunham, United States Marine Corps. Corporal Dunham will posthumously receive our Nation's highest award for valor tomorrow, on January 11, 2007, from our 43rd President, George W. Bush.

Corporal Dunham grew up in my congressional district in Scio, New York. He was known for his prowess in basketball, baseball and soccer at Scio Central School. He was also well known throughout the entire community, not just for the good-natured pranks that he pulled but for being a young man of enthusiastic yet humble spirit, someone who genuinely cared for others and could always be counted on if someone was in need.

He enlisted in the Marine Corps in July of 2000, because the Marines were known to have the toughest training but also the strongest brotherhood. He also felt a personal challenge to complete basic training and to do it well.

Following his first duty assignment with the Marine Corps security forces in Kings Bay, Georgia, Corporal Dunham was assigned to the Fourth Platoon, K Company, Third Battalion, Regimental Combat Team 7, First Marine Division.

Having quickly proven himself as a capable and concientious leader, Corporal Dunham was assigned as a squad leader and therefore was entrusted with the training, welfare and the lives of nine American sons. He soon earned the reputation for his unwavering commitment to his fellow Marines. He had a caring, a respectful and a humane style of leadership and believed above all in leadership by example.

On April 14, 2004, while conducting a reconnaissance mission in the town of Karabilah in Al Anbar Province, Corporal Dunham and his men heard rocket-propelled grenades and small arms fire erupting two kilometers to the west. Their battalion commander's patrol had been ambushed while en route to visit L Company at Camp Husaybah right on the Syrian border.

Realizing that his unit was in a position to assist, Corporal Dunham ordered the vehicles of his combined anti-armor team to link up with his dismounted squad and advance towards the engagement to provide reinforcement.

Upon reaching the sight of the ambush, they were quickly barraged with enemy fire. Corporal Dunham ordered the vehicles to dismount and led one of his fire teams into the village to neutralize the ambush.

After having moved several blocks south into the village, they discovered seven Iraqi vehicles in a column attempting to depart to the east. Corporal Dunham ordered his Marines to block their movement and check the vehicles for insurgents.

As he approached the second vehicle in the column, an insurgent leaped out and attacked Corporal Dunham. In the ensuing hand-to-hand struggle, Corporal Dunham wrestled the Iraqi insurgent to the ground and immediately noticed that the insurgent was holding a live grenade.

Corporal Dunham alerted his fellow Marines and, aware of the imminent danger but without hesitation, he removed his helmet and covered the grenade, absorbing the brunt of the explosion and shielding the fellow Marines from a blast in a selfless act of bravery that most certainly saved the lives of a minimum of two of his Marines.

By his undaunted courage, intrepid fighting spirit and unwavering devotion to duty in the face of certain death. Corporal Dunham gallantly gave his life for his country, thereby reflecting great credit upon himself and upholding the highest traditions of the Marine Corps and the United States Naval Service.

Corporal Jason L. Dunham epitomizes the selfless devotion to duty that our young men and women have displayed time and time again in Iraq and Afghanistan, Africa and numerous other places around the world. Our Nation is blessed to have a military full of Corporal Dunhams who are serving with great distinction.

My heart certainly goes out to his family, to the townspeople of his hometown, Scio, New York, and the Marines, for they have lost one of America's finest.

NO ESCALATION OF THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, in a few hours the President will address the Nation and talk about his plan to escalate the war in Iraq, to try and salvage the abysmal failures of his administration and the unnecessary war which they sold to the Congress and the American people.

Now, in leading up to this, just last month the President said, "It is important to trust the judgment of the military when they are making military plans. I am a strict adherer to the command structure." President Bush.

Well, I guess he is, because he is the commander-in-chief, and he is ignoring the advice of the uniformed services. The President's chief military advisers oppose this escalation in the war.

General John Abizaid, who was then head of all U.S. forces in the Middle East, testified before the Senate Armed Services Committee November 15, "I met with every divisional commander, General Casey, the corps commander, General Dempsey. We all talked together. And I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no."

But the decider wasn't listening. The reason is because we want the Iraqis to do more. It is easy for the Iraqis to rely on us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

The President didn't like what he had heard, the decider being an adherer to the military chain of command, so General Abizaid is being shown the door. As a Lebanese American who is fluent in Arabic, I think his understanding of the region far exceeds that of any of the advisers that the President may be depending upon to make this misguided proposal to escalate the war.

General Casey has also been removed as commander of U.S. forces in Iraq. It started with General Shinseki, who told the President he would need 500,000 troops to occupy the country and avoid the abyss into which we have fallen, a civil war, insurrection, insurgency. He also was fired because the decider didn't believe his advice.

It is time to change course in Iraq.

And the President is not only continuing a failed policy and sending more U.S. troops to a mission that is very unlikely to succeed, according to the advice of his uniformed commanders, who he is ignoring, he is also going to undermine the effort in Afghanistan.

Things are going bad in Afghanistan. Remember, that is where Osama bin Laden planned 9/11. That is where the Taliban supported and harbored al Qaeda and Osama bin Laden. We, with NATO and the world behind us, decided to take them out. Remember that? Osama bin Laden, dead or alive; dead or alive. You don't hear that from the White House much anymore.

But Osama bin Laden is still planning attacks on the United States, and the one-eyed Omar is coming back to Kandahar. They are planning a spring offensive. They didn't withdraw this winter. The NATO forces are ineffectual. And what is the President's response? He is going to withdraw U.S. troops from that region.

So we have the heart of darkness, Afghanistan, and the President is ignoring that problem to continue his failed policies in Iraq. No escalation of the war in Iraq by the adherer-decider, President Bush.

SUPPORT THE SAFE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY of New York. Mr. Speaker, earlier this week, unfortunately, violence has struck our schools again. Unfortunately, this has been an increasing trend. In the past several years, we have seen countless incidents across the Nation.

School violence is not limited to urban areas. Acts of bullying and other violent crimes occur in schools across the Nation on a daily basis. We must do something to stop this growing trend.

Our current reporting system on school violence is severely flawed. Under current law, school violence stats are collected through surveys and self-reported data. This data is not the most current data available and does not provide an accurate view of the situation.

The FBI has developed a system of reporting that is both comprehensive and up to date. This system is referred to as the NI-BERS System. It collects the data, details of crime incidents, and is a much greater tool to prevent school violence. Accurate data is valuable to addressing this issue. It allows our school administrators to see the true impact of school safety programs and it provides the basis for need-based school funding.

In response to these issues, I have introduced the Safe Schools Against Violence in Education Act. My bill, referred to as the SAFE Act, moves reporting data from surveys to real crime stats in the NI-BERS System. This move will allow schools to accurately address school safety issues.

It will also ensure that funding is allotted to the schools that need it the most. Our schools do not have the resources that they need to combat school violence. President Bush has constantly cut funding for the Safe and Drug Free Schools Program. These cuts have left our already-overburdened schools without the money needed to stop school violence.

The SAFE Act will restore funding for our schools through a need-based grant program. Schools that do not have a safe climate will receive grants from the Department of Education. That money will be used to update school safety programs to curb the needless acts of violence and make our schools safer for our children. If we are serious about school safety, we must not only implement new reporting measures but must fully fund our schools.

The SAFE Act is endorsed by the National Parent and Teachers Association, the American Federation of Teachers and the National School Safety and Security Services.

Congress has sat and watched as schools across the country have attempted to deal with school violence with insufficient data and little to no funding. We tried to correct this in Leave No Child Behind. So as we reauthorize Leave No Child Behind this year, I am hoping we will be able to implement a better program. We have an opportunity to change the way we handle school violence in this country and truly make our schools safe.

We see and hear every day about the violence, when our children are in school and do not feel safe, and I have talked to so many teenagers and middle school students that say that many times they do not feel safe in school. We can do something, but we need a better way of reporting it.

☐ 1745

SECURITY FOR AMERICANS AT HOME AND ABROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, yesterday, the House passed H.R. 1, a bill instituting the 9/11 Commission's recommendations. I am proud that the Speaker made this her first priority. It was an important first step. It was a step to strengthen America's security.

Another step we can take to provide security to Americans at home and abroad is to bring our troops home from Iraq. It is what I have been saying for several years now. In fact, this is my 176th 5-minute special order on Iraq. And it is what the American people demanded on November 7.

From the very beginning, our presence and continued occupation has brought strong opposition and violence to Iraq. The Vice President promised we would be greeted as liberators, that the troops would be hailed with cheers and flowers. Instead, the sad thing is our troops are being greeted with snipers, with rocket-propelled grenades and with roadside bombs.

Tonight, the President will announce an escalation in the occupation. He wants to send over 20,000 more troops to Iraq. In fact, we have learned just today that those troops are already arriving in Baghdad. He wants to put over 20,000 more troops in harm's way. And for what?

Tonight, the President will not announce an exit plan. Tonight, the President will not talk about benchmarks. Tonight, what the President will do is support more of the same. This is just "stay the course." Let's call it what it is: an escalation.

A majority of Americans support bringing the troops home. In fact, a recent poll showed that a majority of men and women in uniform support an end to this occupation. And yet the President wants more troops and refuses to put forth a plan to end our military presence there.

Well, the American people and the Congress have waited long enough, Mr. Speaker, for the Commander in Chief to do his job. So, on Friday, the Progressive Caucus and the Out of Iraq Caucus will host a forum with former Senator George McGovern and Dr. William Polk on one such plan. This is a unique opportunity for Members to discuss available options. I encourage my colleagues to join us at this forum on Friday, day after tomorrow, at 9:30 in the Cannon caucus room.

We know there is no quick solution to put Iraq and the region back together again. But until we start to seriously consider the plans out there, we are stuck with President Bush's escalation and status quo. And you know what? Because I respect the troops and I respect their families so very much, I refuse to "stay the course."

So I tell the President: No, no to escalation. I tell the President: No, no to the status quo. And I say: Yes, yes to strengthening our Nation by protecting those who have already given so very much and bringing them home to their families.

THE IRISH PEACE PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, first let me say how happy I am to see our Speaker, the gentleman from New Jersey, who I would mention to my colleagues was the Speaker of the General Assembly in the State of New Jersey, so he certainly knows what to do in the Speaker's chair. Great to see you up there this evening.

I come to the floor this evening to once again call on Dr. Ian Paisley and the Democratic Unionist Party to support peace and justice in Northern Ireland and not get in the way of creating a truly devolved government. I call on my colleagues to support the "New Beginning" policy envisioned in the Good Friday Agreement and the subsequent Patten Report, even as Northern Ireland tackles the controversial issue of setting up a fair and effective criminal justice system.

British Prime Minister Tony Blair has called Sinn Fein's leadership under President Gerry Adams "remarkable," and I certainly agree. Despite a long history of unfair treatment and attacks by unionist paramilitaries and others, Sinn Fein is moving down the path to devolution by supporting the Police Service of Northern Ireland and working with the criminal justice system.

In order for the citizens of Northern Ireland to have a police force they can respect and cooperate with, they need to be assured that power sharing will be restored and officials will ensure sufficient accountability to prevent the types of abuses that have plagued the Catholic community in the north for so long.

Mr. Speaker, the community of Northern Ireland and all of the political parties must be involved in the process to create a New Beginning to Policing. Since the Patten Commission Report in September 1999, much progress has been made in terms of increased recruiting of Catholic officers, establishment of district policing boards, and increased oversight and accountability of the police service. The St. Andrews Agreement, issued this past year, showed that the path to restoring critical political institutions should include support for and devolution of policing.

Sinn Fein has taken the bold step of moving forward to support the policing institutions, and now Dr. Paisley seems to want to stay in the past instead of recognizing that it is time to move forward with a police service and a government that respects and represents all the people of Northern Ireland.

Mr. Speaker, I again commend Gerry Adams, the leadership of Sinn Fein, Prime Minister Blair, and the Taoiseach, Bertie Ahearn, for all their hard work and courage in moving the peace process forward. It will not be easy to overcome the troubling history of discrimination and distrust between communities in Northern Ireland. I hope, however, that Dr. Paisley and the membership of the Democratic Unionist Party will put aside the politics of the past and become a partner in moving towards a just and lasting peace in Northern Ireland.

THE WAR IN IRAQ, LATINOS AND TROOP ESCALATION PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, good evening to you and to those families that are listening to us tonight.

I believe our Nation needs a policy to secure and stabilize Iraq, one that constructively engages in diplomacy and partners with neighboring countries and the region to create a stable and peaceful Nation in Iraq.

Unfortunately, President Bush missed the opportunity to set the United States on a new course in Iraq. Without a plan to secure the peace and stabilize Iraq, President Bush's plan will do nothing but unnecessarily risk the lives of more U.S. servicemen.

I have here displayed 13 of those service members who represent my district, most of whom, if you can look through each, are under the age of 30 and who left families, parents and children. They went to serve our country with honor, no doubt, but many of them enlisted in the Reserve and the Guard hoping that they would come back to get a college education, to have a better life, to be able to get housing and to get health care for their families. Unfortunately, that dream is not true for many of them.

There are approximately, at this time, 132,000 U.S. troops serving in Iraq. This war, as you know, is having a significant impact on our families and our communities. Last December was the deadliest month of the war in over 2 years. U.S. casualties have exceeded well over 3,000 lives, and more than 22,700 servicemen and women have been permanently injured or disabled. Nearly half of those will not be able to lead a normal life.

While Latinos make up just about 12 percent of the U.S. population, they make up 17 percent of the service men and women in combat in Iraq, and about 11 percent of those have already been killed.

In the District that I represent in California, we have lost these young men. Sadly, Latinos, both citizens and noncitizens, and I mean those that carry green cards, are proudly there to serve our country, but we need to do more for them.

In 2001 to 2005 alone, the number of Latinos in the Army who enlisted rose by 26 percent. There are currently 35,136 green card soldiers proudly serving our country today. An additional 28,000 have become U.S. citizens since 9/11, and 73 have been granted citizenship after death.

This includes one of my very own, who was a fallen soldier early in the war, a young man, Lance Corporal Francisco Martinez, in the Marines, representing the City of Duarte in the San Gabriel Valley. His service to this Nation is countless. He was not even a U.S. citizen. He gave his life and was granted posthumous citizenship. But we need to do more for our soldiers than that.

The plan the President is going to speak to us of tonight ignores the real needs of our troops and the reality of the situation. Three times in the past 2 years President Bush has increased the number of troops in Iraq. Three times the approach has failed. From November 2004 to March 2005, the level of U.S. troops increased from 12,000 to 150,000. The increase did nothing to improve long-term security.

During the constitutional referendum in the fall of 2005, troop levels increased by 22,000 soldiers, for a total of more than a 160,000 American service men and women in Iraq. Again, this increase, while limiting major violence during the referendum, did nothing to improve the long-term security in that particular area.

During Operation Together Forward, the Bush administration sent additional troops to Baghdad. The U.S. military spokesman, General William Caldwell, stated this effort was a failure and had "not met our overall expectations for sustaining a reduction in the level of violence."

Each of these instances has something in common. Each failed to improve the long-term security situation and the violence and death toll, which continues to rise. Even the Commander of U.S. Central Command has testified that top military commanders in Iraq do not believe increasing the number of troops is the right approach. He stated, in fact, more American forces prevent the Iraqis from doing more, from taking more of their own responsibility.

We know the solution is not to send more troops to Iraq without a real plan to secure the peace. Fifty-five percent of Americans do not believe more troops can secure Baghdad, and 59 percent of Americans want redeployment of American forces, this includes two-thirds of the Latino population, who want our troops brought home. A study done by the Pew Hispanic Center found that 75 percent of Latinos now believe that the U.S. made the wrong choice in using military force in Iraq.

Americans, as you know, voted November 7 for a new direction in Iraq, and we must deliver that promise. Our Nation needs a policy to secure and stabilize Iraq, one that constructively engages in diplomacy and partners with our neighbors there. We need a plan that ensures that there are no permanent U.S. military bases in Iraq and a plan to decrease the U.S. presence there. We need a plan which investigates and punishes companies like Halliburton engaged in war profiteering and fraud, like the $1.4 billion in unreasonable and unsupported charges by Halliburton which the Defense Contract Audit Agency identified.

We need a policy and a plan to put welfare of our service men and women first so that they come home, rejoin their families and receive the care that they deserve. This should also include services for all of our veterans, both men and women.

☐ 1800

ESCALATION OF TROOPS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker and Members, I come to the floor of the House this evening in advance of the President's speech that is scheduled for, I think, 9 p.m. this evening, where the President is going to announce his new approach to dealing with the debacle that he has created in Iraq. He has coined it, "New Way Forward." He has referred to it as a surge, but we all know what this is. This is an escalation.

The President of the United States is probably going to announce that the surge has already started. There are reports in the news already that about 90 advanced troops from the 82nd Airborne will arrive in Baghdad today, I believe. And so this so-called surge that the President has begun is one that is taking place without the support of the American people, without the support of many of the Members of Congress on both sides of the aisle.

Americans, and elected officials, in particular, are sick and tired of being misled, of not being told the truth, and trying to explain to our constituents what this war in Iraq is all about. Americans, basically, have come to the conclusion that this war has been mismanaged, that they have not been told the truth, that there were no weapons of destruction.

Oh, there were promises made. We were told by Mr. Rumsfeld that we would be welcomed with open arms; we would be seen as the liberators. The Iraqis see us as occupiers, and they want us out of their country.

We were told that we didn't have to worry about the cost of this war because there would be profits from the oil in Iraq that would not only help pay for the war but it would help to reconstruct the damage that has been done to Iraq by the occupation.

Oh, we were told not only would we have oil resources that would repay or pay for some of this damage, we were told that enough troops were going to be, Iraqi troops were going to be trained and that the numbers were growing and that they would soon be able to take over the security of Iraq.

None of that has happened. As a matter of fact, what we are finding is that our troops are being deserted in times of crisis and confrontation by Iraqi soldiers, that they are being undermined, oftentimes, by Iraqi soldiers, and that our troops don't know a Shiite from a Sunni from a Kurd. And they are very much so in harm's way because they really don't know what they are fighting, why they are fighting and why they are in Iraq.

But this President plans on sending about 24,000 U.S. troops to Iraq. Five brigades of U.S. troops, about 20,000 soldiers will be deployed to Baghdad to suppress sectarian violence. An additional 4,000 troops will be sent to the Anwar Province to pursue insurgents.

Responsibility for security, he says, in all of the country's provinces will be turned over to Iraqi forces by November 2007. Oh, haven't we heard those kinds of promises before.

How can we put any faith in the President of the United States, the Commander in Chief, who first refused to send adequate numbers into the war? They were being told by their commanders and their generals that they needed more troops, but, no, Mr. Rumsfeld convinced, I suppose, this President that we didn't need it, and so we didn't send them. And now, at the 12th hour, we are talking about sending more troops.

It is too late. It is too late to have this escalation. We have lost. We have mismanaged. We have created an untenable situation, and there is a civil war going on in Iraq, and we can't manage it. We cannot undo the harm that we have created, and it does not make good sense to send our troops into harm's way.

Not only is our Commander in Chief sending more troops, the length of Army deployments will be increased from 12 months to 15 months. Marine deployment will be increased to 12 months from 7 months. In addition, the amount of time they spend at home to rest before returning to Iraq will be shortened.

Mr. President, mothers, fathers and families want their children and their relatives home.

THE PRESIDENT'S TROOP SURGE IS TANTAMOUNT TO AN ESCALATION OF THE IRAQ WAR AND WILL NOT MAKE AMERICA OR IRAQ SAFER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank you for your leadership and presence during this important debate and discussion.

I almost don't know where to start. Because when you begin to discuss the issue of Iraq, you must be very cautious.

One, the constitutional premise is that the President is the Commander in Chief. The immediate inquiries of the press of how are you going to translate the vote of the American people into action, you are just the Congress; the Commander in Chief has every right to command the troops. And might I say that this President has commanded the troops. As I visited Afghanistan and Iraq, every one of those soldiers has stood up and said, I was willing to come and follow the orders of my Commander in Chief. I respect them, thank them, thank their families.

That is why I feel a special obligation to begin to renew the energy and the outrage that many of us expressed during the debate of 2002 when we had hoped that we would have secured enough votes to oppose the attack on Iraq.

But I am not here to recapture past failures or successes. What I am here to say is that it is imperative, it is the demand that the American people have made. Not that we follow opinion polls. For if you look at the opinion polls, 57 percent of the American people are dissatisfied with the way Iraq has been handled. Larger numbers than that are not supporting the escalating of the war.

So many might say, as I imagine the Commander in Chief will say tonight, I am not here to follow opinion polls. I do say that any elected person has a right to define their own anchor.

But what we are here to do is do right by the American people. We are here to do right by the 22,000 maimed soldiers who have returned who are in the Nation's hospitals, who we have not seen, with amputated arms and legs, those that I have seen in MASH units with imploded brains because of the IEDs. We are here to do right by the 3,000 plus who have died and the families who are mourning their loss. We are here to do right by the soldiers who have said, send me.

I believe that the plan that the President will offer tonight is a misdirected plan. It is a wrong plan. And let me tell you why. Upping or plussing or surging the troops should have happened 3 years ago. This is a war that has lasted longer than World War II. The idea of more troops without a mission is not effective.

Listen to the generals who have testified before our committees. Listen to the generals who have now been given early retirement, who did not agree with the plussing up. Why is it that the President has often said, I will listen to my generals, and all of a sudden these generals have been deposed?

And then, of course, the question is a realistic question. Twenty thousand troops for the city of Baghdad, now captured by the civil war? Not 20,000 troops to help us in Mosul or Tikrit, but 20,000 troops to go to Baghdad, a city like Mexico City, or a city that is like another, a huge teeming city, 25 million plus. And our soldiers will now be the police officers knocking on doors looking to drag people out of their houses. That is not a military operation.

And then, of course, let me say to you that we did an operation upsurge or plus from June to October 2006. The purpose was to secure Baghdad. But as the Baker Commission has indicated, and I hope the President has read, this is a sectarian civil war. There is a need for diplomacy instead of or in front of a military action.

I passed an amendment that said that the redeployment or the number of times that you have been redeployed should be taken into consideration before you are being called up. None of that will occur.

We don't have 20,000 troops; and our soldiers have been over two times, three times, four times, more than any occurrence in Vietnam. In order to get the 20,000, we must redeploy soldiers who have been on the battlefield, who are battle worn, not individuals who refuse to serve their country but are battle worn and battle torn.

What are we for? I am for the rebuilding of the military. I am for the replenishing of our equipment. I want us to be strong on defense. But I am not for an escalating war that has no mission and no end.

We must have political diplomacy. We must not send our soldiers. We must have a new direction.

Mr. Speaker, I come to the floor today to speak on the most critical issue facing our country, the war in Iraq. This misguided, mismanaged, and costly debacle was preemptively launched by President Bush in March 2003 despite the opposition of me and 125 other Members of the House. To date, the war in Iraq has lasted longer than America's involvement in World War II, the greatest conflict in all of human history.

The Second World War ended in complete and total victory for the United States and its allies. But then again, in that conflict America was led by a great Commander in Chief who had a plan to win the war and secure the peace, listened to his generals, and sent troops in sufficient numbers and sufficiently trained and equipped to do the job.

Mr. Speaker, I say with sadness that we have not that same quality of leadership throughout the conduct of the Iraq war. The results, not surprisingly, have been disastrous. To date, the war in Iraq has claimed the lives of 3,015 brave service, men and women, 115 in December and 13 in the first 9 days of this month. More than 22,000 Americans have been wounded, many suffering the most horrific injuries. American taxpayers have paid nearly $400 billion to sustain this misadventure.

Based on media reports, tonight President Bush will not be offering any new strategy for success in Iraq, just an increase in force levels of 20,000 American troops. This reported plan will not provide lasting security for Iraqis. It is not what the American people have asked for, nor what the American military needs. It will impose excessive and unwarranted burdens on military personnel and their families.

Mr. Speaker, the architects of the fiasco in Iraq would have us believe that "surging" at least 20,000 more soldiers into Baghdad and nearby Anbar province is a change in military strategy that America must embrace or face future terrorist attacks on American soil. Nothing could be further from the truth, as we learned last year when the "surge" idea first surfaced among neoconservatives.

Mr. Speaker, the troop surge the President will announce tonight is not new and, judging from history, will not work. It will only succeed in putting more American troops in harm's way for no good reason and without any strategic advantage. Troop surges have been tried several times in the past. The success of these surges is, to put it charitably, has been underwhelming. Let's briefly review the record:

1. Operation Together Forward, (June–October 2006): In June the Bush administration announced a new plan for securing Baghdad by increasing the presence of Iraqi Security Forces. That plan failed, so in July the White House announced that additional American troops would be sent into Baghdad. By October, a U.S. military spokesman, Gen. William Caldwell, acknowledged that the operation and troop increase was a failure and had "not met our overall expectations of sustaining a reduction in the levels of violence." [CNN, 12/19/06. Washington Post, 7/26/06. Brookings Institution, 12/21/06.]

2. Elections and Constitutional Referendum (September–December 2005): In the fall of 2005 the Bush administration increased troop levels by 22,000, making a total of 160,000 American troops in Iraq around the constitutional referendum and parliamentary elections. While the elections went off without major violence these escalations had little long-term impact on quelling sectarian violence or attacks on American troops. [Brookings Institution, 12/21/06. www.icasualties.org]

3. Constitutional Elections and Fallujah (November 2004–March 2005): As part of an effort to improve counterinsurgency operations after the Fallujah offensive in November 2004 and to increase security before the January 2005 constitutional elections U.S. forces were increased by 12,000 to 150,000. Again there was no long-term security impact. [Brookings Institution, 12/21/06. New York Times, 12/2/04.]

4. Massive Troop Rotations (December 2003–April 2004): As part of a massive rotation of 250,000 troops in the winter and spring of 2004, troop levels in Iraq were raised from 122,000 to 137,000.

Yet, the increase did nothing to prevent Muqtada al-Sadr's Najaf uprising and April of 2004 was the second deadliest month for American forces. [Brookings Institution, 12/21/06. www.icasualties.org. USA Today, 3/4/04]

Mr. Speaker, stemming the chaos in Iraq, however, requires more than opposition to military escalation. It requires us to make hard choices. Our domestic national security, in fact, rests on redeploying our military force from Iraq in order to build a more secure Middle East and continue to fight against global terrorist networks elsewhere in the world. Strategic redeployment of our armed forces in order to rebuild our nation's fighting capabilities and renew our critical fight in Afghanistan against the Taliban and al-Qaeda is not just an alternative strategy. It's a strategic imperative.

Mr. Speaker, it is past time for a new direction that can lead to success in Iraq. We cannot wait any longer. Too many Americans and Iraqis are dying who could otherwise be saved.

I believe the time has come to debate, adopt, and implement the Murtha Plan for strategic redeployment. I am not talking about "immediate withdrawal," "cutting and running," or surrendering to terrorists, as the architects of the failed Administration Iraq policy like to claim. And I certainly am not talking about staying in Iraq forever or the foreseeable future.

I am talking about a strategic redeployment of troops that:

Reduces U.S. troops in Iraq to 60,000 within six months, and to zero by the end of 2007, while redeploying troops to Afghanistan, Kuwait, and the Persian Gulf. Engages in diplomacy to resolve the conflict within Iraq by convening a Geneva Peace Conference modeled on the Dayton Accords. Establishes a Gulf Security initiative to deal with the aftermath of U.S. redeployment from Iraq and the growing nuclear capabilities of Iran. Puts Iraq's reconstruction back on track with targeted international funds. Counters extremist Islamic ideology around the globe through longterm efforts to support the creation of democratic institutions and press freedoms.

As the Center for American Progress documents in its last quarterly report (October 24, 2006), the benefits of strategic redeployment are significant:

Restore the strength of U.S. ground troops. Exercise a strategic shift to meet global threats from Islamic extremists. Prevent U.S. troops from being caught in the middle of a civil war in Iraq. Avert mass sectarian and ethnic cleansing in Iraq. Provide time for Iraq's elected leaders to strike a power-sharing agreement. Empower Iraq's security forces to take control. Get Iraqis fighting to end the occupation to lay down their arms. Motivate the U.N., global, and regional powers to become more involved in Iraq. Give the U.S. the moral, political, and military power to deal with Iran's attempt to develop nuclear weapons. Prevent an outbreak of isolationism in the United States.

Mr. Speaker, rather than surging militarily for the third time in a year, the president should surge diplomatically. A further military escalation would simply mean repeating a failed strategy. A diplomatic surge would involve appointing an individual with the stature of a former secretary of state, such as Colin Powell or Madeleine Albright, as a special envoy. This person would be charged with getting all six of Iraq's neighbors—Iran, Turkey, Syria, Jordan, Saudi Arabia, and Kuwait—involved more constructively in stabilizing Iraq. These countries are already involved in a bilateral, self-interested and disorganized way.

While their interests and ours are not identical, none of these countries wants to live with an Iraq that, after our redeployment, becomes a failed state or a humanitarian catastrophe that could become a haven for terrorists or a hemorrhage of millions more refugees streaming into their countries.

The high-profile envoy would also address the Israeli-Palestinian conflict, the role of Hezbollah and Syria in Lebanon, and Iran's rising influence in the region. The aim would not be necessarily to solve these problems, but to prevent them from getting worse and to show the Arab and Muslim world that we share their concerns about the problems in this region.

Mr. Speaker, the President's plan has not worked. Doing the same thing over and over and expecting a different result is, as we all know, a definition of insanity. It is time to try something new. It is time for change. It is time for a new direction.

TIMES ARE CHANGING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, ladies and gentlemen that were watching or here in the gallery, I am a freshman Congressperson. I am from Tennessee. And last March I came up and I stood in that gallery and I looked down at this body and I wondered if I wanted to be a part of it. The decision was made partially by me by filing for office and waging a campaign. But the decision was eventually made by my voters in the 9th District in Tennessee who elected me. They elected 49 new Congresspeople, 41 of which are Democrats; and we have just completed our first week in office.

I felt like it was appropriate at the finish of this week, Mr. Speaker, to give some type of report to the people of what we have experienced as freshman Congresspeople. I don't come here like Alexander Haig might have and assume control. We have that freshman president, and I am not that freshman president, nor did I seek to be one. It is PAUL HODES from New Hampshire who is a very fine freshman legislator.

But a lot has happened in this week. We all came up here with a lot of interest in seeing America be better. And America is better. In just the one week we have been here, we have been privileged to be a part of this body. We have seen the first lady ever elected Speaker of a legislative body of this nature in the United States elected, NANCY PELOSI. It was a historic moment.

And earlier today one of our freshmen, Congressman BILBRAY, talked about the fact that some years ago on this date the resolution was introduced to give women the right to vote. That resolution passed in my home State of Tennessee in 1920, when Tennessee was the perfect 36, and gave women the right to vote.

It has been a long time, and a change was coming, and a change has happened. And it is great to have a woman, an opportunity seen with the election of NANCY PELOSI.

This week, we have seen changes in the way lobbyists and legislators relate, and that is one of the reasons why I think Congress has one of the worst reputations of any collective group of professionals or government officials in this country and why some of us were elected, to see a change in that culture. And ties were cut between lobbyists and legislators which never should have existed. I was proud to vote for that and see that as part of the 100 hours of change that the Democratic leadership is bringing about.

The PAYGO policy brings some fiscal sanity to what has otherwise been a kind of runaway process where this country is in great economic distress. We have had three different bipartisan groups that we have had orientation sessions with. In each one of those classes we have been told that our economic situation is dire. The same about our foreign policy and the same about our environment and our health care system.

There are difficult times in America. It seems good, but it really isn't. The underpinnings are not there.

This week PAYGO is important. Cutting the ties between legislators and lobbyists was important. And it was also extremely important what we did today. We passed the minimum wage.

And I can't go without quoting President Franklin Roosevelt, one of my heroes, who said, "The test of our progress is not whether we add more to the abundance of those who have too much; it is whether we provide enough for those who have too little." Today we provided for those that have too little and we did right.

And I want to quote Hubert Humphrey, a great American whose bust I looked at outside of the Senate, looked at with reverence. "The moral test of government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the aged; and those who are in the shadows of life, the sick, the needy and the handicapped."

I think in the tradition of some great Americans we have acted today on the minimum wage. We will act on stem cell research and other issues. And we've acted on the 9/11 Commission reports. Most of this was done in a bipartisan manner. Not all of it.

And it has given me the opportunity, which I want to take today, to quote a line which I have read for years and thought about when I thought about these halls, not thinking of myself being a Member of this body, which is a great honor coming to me at a late time in life, after spending 24 years in the Tennessee State Senate.

"Come Senators, Congressmen, please heed the call. Don't stand in the doorway, don't block up the hall."

□ 1815

For he who gets hurt will be he who has stalled. There's a battle outside and it's raging. It'll soon shake your windows and rattle your walls. For the times they are a changin'. Bob Dylan, Robert Zimmerman, was right. The times they are a changin'.

There is a Democratic majority. I am proud to be of it, as are 41 other freshmen. I can testify today that America is in better shape than it was a week ago.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIRES). The gentleman is reminded to refrain from referring to persons in the gallery.

CONGRATULATIONS ANNIE LEE BOGGS LATIMER ON HER 100TH BIRTHDAY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, Annie Lee Boggs Latimer was born in Milton County, now a portion of Fulton County in north Georgia on January 10, 1907, to Elizabeth and Ben Boggs 100 years ago today. She grew up on a farm on Boggs Road with eight siblings, Glenn, Mary, Frank, Frances, Walter A., Nettie, Ruth and Dorothy, off what is now I–85 in Gwinnett County, Georgia.

She attended Duluth High School, Young Harris College and the University of Georgia and went on to become a beloved teacher in Gwinnett and Cobb counties for over 30 years. On June 12, 1937, she married William B. Latimer, and for over 50 years, they lived in what all knew as the "Rock House" in Duluth, Georgia. Anne and Bill were married for a wonderful 61 years until his passing in 1998.

She is the proud mother of Ben W. Latimer and the mother-in-law of Rachel H. Latimer. She is an inspiration for her two grandsons and their wives, Bill and Lynn and Mike and Laura, and adored by her five great grandchildren Brian, Sara, Claire, Gabrielle and Andrew. She is known affectionately by her family as "Mama Anne" and by her friends at church as "Miss Anne."

She has imparted wisdom and positive values to all the many students who were in her classes and benefitted from her teaching. Mama Anne is a guiding light for all her family and always brings love, direction, caring and support.

Mr. Speaker, I know the U.S. House of Representatives joins me in sending our very best on the occasion of her 100th birthday to Anne B. Latimer and recognizing her life as a role model to all for achieving independence, longevity and success, by living the American dream of spirituality, community, hard work, and accomplishment.

I am very privileged, Mr. Speaker, to have had the opportunity to recognize one of America's greatest citizens.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. The gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I am going to shift gears a little bit right now and just recount a bit of this past week. This has been a remarkable week, first week of a new majority.

For the record, the first 100 hours of this new majority, and for the record, Mr. Speaker, you ought to know that the Speaker's Office officially states that we have been in session dealing with the issues of importance to the American people for 12 hours and 28 minutes. That is over 4 days. That turns out to be about 3 hours and 7 minutes a day.

Now, if you count the actual time that we have been in session, which I think is important, because if you are going to promise that you are going to do things in 100 hours, then you doggone well better do it, and actually, we have been in session now at 6:18 p.m., 38 hours and 21 minutes, 38 hours and 21 minutes.

We are keeping track of the right clock. So for all those folks out there, we want you to know that The Official Truth Squad is keeping an eye on the majority party and making certain that they live up to their promises.

We have dealt with some remarkable issues during the first 38 hours that we have been in session. We have dealt with the minimum wage today in a way that left a lot to be desired in terms of bringing about that wonderful bipartisan spirit that has been promised but not seen yet by the majority party. We have dealt with the 9/11 recommendations. As you recall, Mr. Speaker, before the election, the new majority party, the leaders of that party, promised that they would enact every single recommendation of the 9/11 Commission.

Well, that bill has come and gone without any input from the minority party. As you know, you know very, very well what happened was not the enactment of every single 9/11 recommendation, because promises made on the campaign trail don't appear to be promises that will be kept in the majority.

These are important issues. We have got two more issues to go this week. They are extremely important issues to the American people.

The issue of stem cell research, embryonic stem cell research, which is an incredibly important issue, a complex issue, a scientific issue and one, again, that I am very distressed and concerned is not being dealt with in an open and honest way that has been promised, nor is it being dealt with, certainly, in a bipartisan way.

We also have this week the issue of Medicare part D prescription drug program that is in place for Medicare recipients, and that, too, is being dealt with in a way that doesn't allow for any input from the minority party, doesn't allow for any amendments, isn't being heard in committee.

The gentleman before me mentioned that there were a number of freshmen Members of this body, and there are, there are 54 Members of this body who are now here for the very first time, freshmen Members. They haven't dealt with any of these issues.

Mr. Speaker, a majority of this House is not being allowed to deal with the issues that are coming to the floor right now, because they are being done in secret. These bills are being written in secret without input from anybody on the minority side and certainly without any input from any of the new Members of Congress.

So the Official Truth Squad is here to make certain that we hold accountable for the majority party, for the promises that they made and make certain that the American people understand and appreciate what is occurring in Washington under this new martial law rule that we have for bringing issues to the floor.

The Official Truth Squad has one of our favorite quotes, we have a lot of favorite quotes. One of them is from the late Senator Daniel Patrick Moynihan, who had one of the most wonderful and appropriate quotes for this building that I know of, and that is that everyone is entitled to their own opinion but not their own facts.

So what we would like to do this evening, Mr. Speaker, is to talk a little bit about some facts, some facts as they relate to the two issues, Medicare part D prescription drug program and stem cell research, embryonic stem cell research.

Now decisions made regarding Medicare part D and the discussion that we are having, many people will think, well, it is just about a narrow prescription drug program for Medicare. In fact, Mr. Speaker, it is about a whole lot more than that.

If you back up from the specific debate about prescription drugs and you look at what is really being done, what is happening is that we have a difference of opinion, a philosophical difference of opinion about who ought to be making very personal health care decisions for the American people.

On the other side of the aisle, on the majority side of the aisle, we apparently have a majority of those individuals who believe that the government ought to be making those decisions, personal health care decisions. On the minority, on the Republican side of the aisle, we are proud to say that we support health care decisions, medical decisions being made between physicians and patients. That is where those decisions ought to be made.

In fact, when you look at this whole issue right now, it is important to ask exactly what it is that the Democratic majority is attempting to solve.

When you look at this program that has been in place now just a few short years, the costs are down. In fact, the costs are down for the last year, $13 billion, $13 billion. Actual costs of benefits in 2006 are 30 percent or $13 billion less than was projected.

The projected costs over 10 years are down 21.3 percent, which is $197 billion. That is a fact. That is a fact. Premiums are down 40 percent over projections, again a fact. If we would listen to the Democrats on this issue, when the bill was enacted, they attempted to put into law that premiums ought to be for every Medicare recipient, $35 a month. They wanted to make certain that they were $35 a month.

So what are the premiums now? They are about $22, $23 a month on average. If we had listened to them when this was enacted a couple of years ago, every single senior would be paying on average $12 a month more for their prescription medication.

I would suggest that if the past is prologue, that we ought to be very careful about what is coming to the floor this week as it relates to Medicare part D. Beneficiaries, those who are using the plan and benefitting from the plan, over 80 percent of them, are supportive and satisfied with the program. That is with nearly 90 percent of those eligible being supportive.

Again, people are entitled to their own opinion, but they are not entitled to their own facts. The costs are down. Access is expansive. Medications are being covered across the whole spectrum of disease. And seniors are happy.

I ask, Mr. Speaker, what is it that the Democratic majority is attempting to fix? What problem are they trying to solve?

I am pleased to be joined tonight by a number of colleagues to talk about both of these issues. As we talk about Medicare part D, I am pleased to welcome my good friend, Congressman PATRICK MCHENRY, from the great state of North Carolina who has great experience in representing individuals and understanding and appreciating the importance of bringing truth to debate.

I welcome you, Congressman MCHENRY.

Mr. MCHENRY. Thank you, Congressman PRICE, thank you, Dr. PRICE. As an expert on medical subjects and as someone who has treated thousands of patients over his career and saved hundreds of lives as well, a humble doctor would not say that; that is why I must say that for you here tonight, TOM, because you have done a fantastic job of leading our agenda as someone who is very engaged in these medical issues that are so important to all Americans, these large health care issues that affect every American.

Today we have had a lot of debate here on the floor about minimum wage, about raising the minimum wage. But what is omitted from the Democrat's 100-hour agenda and from this debate about raising the minimum wage is a matter of access to health care.

It was a Republican Congress that instituted Medicare part D, and which provided a prescription drug benefit for the first time for seniors. There was a lot of debate before Congressman PRICE and I came to Congress about the structure of that and how it is going to work. We were not a part of that debate because we were not here yet, but we were affected by it as Americans and as policymakers here in Washington, DC.

But looking back at that record, Congressman PRICE brought up a very, very strong point. As they are going through the committee process, now close to 4 years ago, 3 to 4 years ago, the Democrats wanted to guarantee that all Americans would pay $35 per month for their insurance premium to get the Medicare part D prescription plan.

Well, they wanted a guarantee of $35, and they said that the Republican plan was going to be too costly, too expensive. The Republicans said, you know, what if we actually put this out into the free market and provide this plan through market-based forces; in essence saying you can compete between different plans, different companies can offer this prescription drug benefit, and so they go out and they compete for seniors' business? That means a couple of different things.

Instead of waiting in line at the Social Security office for the government, because there is no competition because we are government, waiting for hours, or waiting on hold for hours with a government agency, you have these individual plans. These businesses want to keep the business of seniors so they provide better customer service.

But the additional thing, rather than some government bureaucrat sitting here in Washington, DC, saying you can take Lipitor but not Crestor to reduce your cholesterol numbers.

Well, as a nonmedical expert, I don't know the details of how these medications work, but those are the types of people, without a medical background, making the decisions on who has access to those types of medicine. But the plan we put in place is a little different. The plan we put in place said, we are going to have competition in the marketplace.

These plans say to seniors, we will give you choices, choices. Do you want to pay $35 a month and have a choice of any medication you want, period, or do you want to have a more limited plan with fewer choices but you will pay less per month?

But seniors get to make that choice, not some bureaucrat sitting here in Washington, DC, and not your Congressman. Because, unlike Dr. PRICE, there are very few medical experts here in Congress that can make those decisions.

As my colleague would say, it is not even a good idea for a doctor in the House of Representatives to dictate what an individual patient could receive in a certain part of Georgia or a certain part of North Carolina; much less, it doesn't work. One-size-fits-all doesn't work.

But what the Democrats put out here on the floor or what they are putting out, I should say, later this week, is they want to institute price controls, what they call negotiating for Medicare part D.

☐ 1830

Mr. PRICE of Georgia. I appreciate your earlier comment. And I want to get to what the Democrat plan is, but I want to make certain that people appreciate and, Mr. Speaker, it is important that the Members of Congress appreciate that what we are talking about here is who is making decisions.

And I appreciate you mentioning that not even a physician in the House ought to be making the decisions, because the collective wisdom here isn't as great in the area of health care in all 435 Members of this body than the wisdom that is between a physician and a patient. That collective wisdom is greater than the 435 individuals here. And when you talk about plans offering programs to seniors to have certain medications and there is this big push to have the government negotiate, isn't it true that those plans are negotiating already with pharmaceutical companies and with pharmacists?

Mr. MCHENRY. It is an excellent point. We are talking about negotiating. Who is better at negotiating, somebody sitting at a desk in Washington, DC, employed by the government, or those health care experts employed by the companies offering the plans?

I would submit that the free market will always negotiate better prices than some government bureaucrat can ever do. And the fact is what the Democrats are going to push will raise premiums for individual members or individual constituents.

So, market forces. The Democrats want to say $35 a month, everyone has to pay that for their Medicare part D benefit. Well, you know the market forces have created a premium average which you said that gets lower and lower. The earlier numbers from a few months ago, the average is $24, and here now we are hearing that it is closer to $22 on average nationally.

So we have a couple things, by the way, that free-market conservatives insisted on this plan being written. It says we will have a choice, meaning individuals. Our individual constituents, our individual seniors that we represent will have that choice with their plans and thereby have a choice over the medications that they can access.

The second thing is lower prices, meaning that taxpayers don't have to pay extra money and seniors don't have to pay extra money. It is a wonderful bargain, it is a great idea, and this is something that we need to talk about, not some sham or idea that is a political red herring. We need to talk about the choices that seniors are given and the price savings that they receive.

Mr. PRICE of Georgia. Choice is so very important. And when our colleagues on the other side of the aisle talk about negotiation and the government negotiating, I just almost chuckle. If it weren't that they were serious about doing this, it would be humorous. It really would.

Because if you think about negotiating with the Federal Government, I don't know, Mr. Speaker, how many times you have had an opportunity to negotiate with the Federal Government, but when I think about negotiating with the Federal Government, whether it is the IRS or the Post Office, when you think about negotiating with the Post Office those aren't folks that one would think are going to be warm and fuzzy and interested in your best interests, Mr. Speaker, or the American people's best interests.

Mr. MCHENRY. The fact that you said just strikes me as so funny. Think about negotiating with the Post Office and the IRS. As an average taxpayer, think about the IRS. They say you are going to do this or we are going to send you to jail. Talk about compelling individuals to submit.

Now, here is what I think is interesting about this is like negotiating with the IRS: You will pay the price no matter what, and there is only one consequence, you going to jail or you paying. But with this plan, the market forces will have a ripple effect on long-term cures and long-term medical technologies coming on the market, and I think that is the devastating impact. It is not just a jail sentence. It is actually a sentence for all Americans to have less access, less choice, and less long-term cures and benefits from the wonderful cures that the pharmaceutical industries have created over the last two generations.

Mr. PRICE of Georgia. And when you mention the decrease in quality of care and the decrease in access to care, people say, well, that is just smoke and mirrors. That is just conjecture. But if you look at programs that have had the effect of price fixing, and we can look at programs in our own Nation. You can look at them around the world and give grand examples for how you decrease access and decrease quality of care to individuals in health care, again, those very personal decisions.

But if you want to look at something in this Nation where the government has stepped in and said, okay, we are going to fix prices, all you have to do is look a few short years back to the Vaccine for Children's program, something incredibly important to the American people, something incredibly important to the health of our Nation. In the early 1990s, there were about 30 or so pharmaceutical companies that were making vaccines, and they were aggressive and active in their research and development. The vaccines had a varying price depending on the disease that they were attempting to cover or to prevent, and the government came in and said, oh, those prices are too high. Those prices are too high. In fact, in order to provide vaccines for every single child and individual in this Nation we are only going to allow you to charge this much. That was in 1993 or 1994.

Well, 12, 13 years later, remember, Mr. Speaker, there were about 30 or so pharmaceutical companies making vaccines. Do you know how many there are now? Three. Three.

Mr. Speaker, men and women and children all across this Nation know the difficulties that they have had oftentimes in getting their vaccines, and that is due to a lot of things but not the least of which is the intervention of the Federal Government and price fixing which always, always decreases the quality and decreases the access.

Mr. MCHENRY. I have got a question, Congressman PRICE, from a medical perspective. Could you give an example? Because we are talking about not just price but choice and the opportunity for patients to make a decision with their medical experts, their doctor, their own doctor about what is the best pharmaceutical for them to take. Could you give us some examples?

Mr. PRICE of Georgia. I appreciate that. And it is such an important question, because of the premise of all of this from a policy side. You take away the politics, but from a policy side the premise of all of this presumes that every single patient is just like every single other patient and they are just kind of little blocks that move along, and all you have to do is recognize what disease they have or what problem they have and you just determine exactly by algorithm what they need and so that a bureaucrat can determine that.

In fact, that is not the way health care works. That is not the way medicine works. That is not the way patients work. Mr. Speaker, you know as well as anybody that patients are different. Each and every individual patient is different, and what may work in one patient doesn't necessarily work in another.

I can give you a real-life example from working in the VA, which is touted as being a wonderful program, as an example for what the other side, what the majority party is trying to do to Medicare part D.

When I worked in the VA, and I had an opportunity to do that for a number of years, we were given a list of medications that were available for use in patients. And if you as a treating physician determined that the patient wasn't responding to the medication that was on that list; I am an orthopedic surgeon and treated hundreds of patients if not thousands of patients through the VA, and whether it was a pain medication or whether it was an anti-inflammatory medication or an antibiotic, something that can truly be life and death, and it wasn't working and you needed to use something that wasn't on that list, it was virtually impossible to get the right medication. And that is how you decrease the quality of health care, decrease access to quality of health care for patients, and that is precisely what will happen for 43 million, at least, seniors; and the ripple effect will occur throughout the entire Nation.

Mr. MCHENRY. I have another question. So we are going through this whole process of debate, and let's just hope that this is not an empty promise or empty rhetoric for the campaign, this idea of negotiating price controls, which certain of us have this hunch that maybe it is just empty rhetoric. But to confirm that it is not empty rhetoric, Congressman PRICE, I know you are very much in tune with the fiscal issues of this House and this Nation. Certainly there is going to be some benefit to the taxpayers and to consumers if the Democrats pass their plan. Do you have any facts on that?

Mr. PRICE of Georgia. I appreciate the gentleman bringing that up. Because if you ask the individuals who are objective experts in this area and you go either to CMS, the Center for Medicare and Medicaid Services, or in Congress we go to CBO, Congressional Budget Office, there are some very interesting findings. And these are folks that really don't have a dog in this hunt from a policy side. They are charged with giving us objective information.

And the CMS actuary, the individuals who are charged with determining what a program is going to cost, said, regarding having the government "negotiate" on this, "Price negotiations between plan sponsors and drug manufacturers would achieve comparable or better savings than direct price negotiation. This expectation reflects the strong incentives to obtain low prices and pass on savings to beneficiaries resulting from competition."

And CBO, the Congressional Budget Office, which is charged with providing accurate information, Mr. Speaker, to both Democrats and Republicans, both sides of the aisle, they provide the same kind of information. They attempt to provide objective and accurate information, and what they said was, "We expect that risk-bearing private plans will have strong incentives to negotiate price discounts for such drugs and that the Secretary would not be able to negotiate prices that further reduce Federal spending to a significant degree."

So those are the two main folks that we look at to determine what the costs of this program will be that is being proposed by the other side of the aisle, and in fact what they say is that it will not be as inexpensive as that currently in place.

Mr. McHENRY. The gentleman has a wonderful point, because we had this meeting which I was happy to attend with you just the other day with Secretary Leavitt, who, as those listening and watching tonight, Mr. Speaker, very well know, he is the Secretary of the Health and Human Service Department here in Washington, DC. He would be in charge of negotiating these price controls.

Now, what is interesting is you are talking about giving more power to someone in government. They normally like that. They normally seek that out. As we all well know, it is human nature. And his answer is pretty simple: I know we will not be able to get any benefit out of this and I know that it will have a harmful effect on the program and access to consumers' choices and access to the medical pharmacology that they need.

So he said he does not want this. It is not necessary. And he concurs with the CBO, the Congressional Budget Office, analysis of this; and the fact is that CBO says the government could not negotiate a lower price than what the free market is already doing.

So the facts are out there. And I am led to believe with the facts you just discussed, Dr. Price, that this is pretty much a sham. It is a political issue used by a select few here in Washington, DC, for political purposes.

Look, I know, I know, you know, politics in Washington, oh, what a shock. But the emptiness of this rhetoric from the majority side is quite glaring, and in fact I am led to believe that it is really a red herring. Let's make this the big evil issue. When in fact going back to the Clinton administration they had the very same language on how to get the best price from government purchasing pharmaceuticals. And so they are going to a different direction in order to win a political issue and they are going back on what they advocated just a few years ago in the Clinton administration and even what they supported in committee here in this House just less than 4 years ago.

□ 1845

Mr. PRICE of Georgia. Mr. Speaker, reclaiming my time, politics is replete in the discussions that we have here in this building. There is no doubt about it. And as I mentioned before, it would be humorous if it weren't so serious. This is a remarkably serious issue.

And when you hear the other side of the aisle talk about how they determined that this would be in their first blitz of legislation, again, that it is not open to discussion that could result in any change at all, no amendments being offered, hasn't gone through the committee process, no input from anybody on the minority side, and no input from any one of the freshmen legislators, when questions are asked regarding how did you decide what you would include in this first blitz, the other side of the aisle is proud to say these are issues that 80 percent plus of the American people support.

That is where, Mr. Speaker, it is incredibly important to remember what Senator Daniel Patrick Moynihan said, and that is that everyone is entitled to their own opinions but not their own facts. And it is our responsibility as leaders in this Nation to remember that we enact policies that have consequences, and the consequences of not enacting appropriate policy when it comes to health care is not just that somebody loses a little more money or has to pay a few more taxes or is inconvenienced to a certain degree. The consequences of legislation that relates to health care, when it is the wrong policy, results in decreasing quality of health care and harming individuals and even, Mr. Speaker, resulting in shortening the lives of individuals in this Nation. The consequences of this kind of decision are huge, are significant.

And when the majority party says, well, we are just doing it because 80 percent of the American people think it is the right thing to do, leadership, Mr. Speaker, means that you investigate the situation and you lead. You lead with information that is factual information.

And it distresses me greatly that we find ourselves in this first week of this new 110th Congress with a new majority who is all excited about the prospects of leading and, in fact, what they are doing is putting forward an issue that will result in a lower quality of health care for American citizens and will result in harming, truly harming, many of our constituents.

I am pleased to be joined now by my good friend and physician colleague in Congress, a good friend from Georgia, Dr. GINGREY, Congressman PHIL GINGREY, and I know Congressman GINGREY would like to make a few comments about the part D proposal that has come to the floor.

Mr. GINGREY. Mr. Speaker, I appreciate very much Dr. PRICE's giving me an opportunity to be here once again, once again, with a great team, the Truth Squad, and taking up where they left off in the 109th, Mr. MCHENRY and Ms. FOXX and others, led by Dr. PRICE.

And, of course, there are a couple of pretty darned important issues on the floor in this 100-hour rush to pass with no amendments, as you pointed out, Dr. PRICE, no opportunity to even present amendments to get rejected. And we are talking, of course, about the two bills, one tomorrow, and that is the stem cell issue, and then, on Friday, Medicare part D. I would be glad, happy, thankful for the opportunity to talk a little bit about part D and maybe later in the hour touch on just for a few minutes the issue of the stem cell bill that is coming up.

Medicare part D is working. You have heard that old expression "If it ain't broke, don't try to fix it." I think that applies to this issue, my colleagues, Mr. Speaker, more than any I have seen in a long, long time.

Because I know the majority party particularly loves to look at polls, loves to look at numbers, and I don't blame them. I understand that, too. But this is an 80 percent issue of satisfaction, is it not? And we are talking in 1 year, our seniors, 38 million of them, 80 percent of them are very, very happy with Medicare part D. They have finally gotten it.

We delivered it, we the Republican majority at the time in November of 2003, and we gave them something that they have literally been waiting for not the entire 40 years of Medicare, but I would say certainly for the last 25 years, and that the previous and now new majority could not deliver on.

So I could understand their wanting to get on the bandwagon at this point and take credit for something. But I think, Mr. Speaker, that we are looking at a situation where they are about to gum up something that is working fine, and we need to let it continue to work. And I say that not just because it is an opinion that I hold as a physician or based on what people in my district, the 11th of Georgia, are telling me, but I base it on the fact that originally we predicted that the premium for Medicare part D would be about $37 a month. At that time, the Democratic minority both in the House and the Senate introduced amendments and/or legislation saying, let's fix the premium, the monthly premium, at $35 a month. Let's fix it. Well, if they had prevailed in doing that, Mr. Speaker, then today they would not be enjoying an average monthly premium of $24 a month. So let the market continue to work.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman. I know that you are very familiar with medical issues, being a physician in your former life, and I appreciate your comments as it relates to part D.

And I just want to spend just a few more moments on the prescription drug plan and then move on to another issue and would be happy to yield to my good friend again from North Carolina, Congressman MCHENRY, for some closing remarks about part D that is going to come to the floor later this week.

Mr. MCHENRY. Thank you so much again, Congressman PRICE. Again, it is an honor and a privilege to be on the floor with two physicians who have this hands-on knowledge of how a very complicated government program works in terms of people. And I think that is what we need to be concerned about as policymakers, is the impact that we have on citizens and the choices and options they are able to have, the cost out of their pocket both through tax dollars and through their premium payments every month through the Medicare part D premium.

What we have to do in this House as a minority party now is to make sure that what the Democrat majority does is honest and has integrity, and I believe that this issue is a red herring used for political purposes. It is a sham. It will have little to no effect, and any effect that it does have will be negative for seniors, and it will be negative for our taxpayer dollars, and it will have a long-term negative effect on our pharmaceutical industry in this Nation where we have developed wonderful cures for such complex ailments that have perplexed generations of Americans and citizens in this world.

So what we have to do is make sure that we focus on the price to consumers, the price to taxpayers, and the choice and options that consumers are able to have in the free market. So let us not get off on tangents here. That is what this issue is all about, price and choice. So let us stand on the side that provides our constituents with the best options available, the most options available, at the lowest price possible.

So, Congressman PRICE, I thank you for your leadership with the Official Truth Squad. It is a great, great day when you are able to take the House floor and I am able to watch you in action making the points that need to be articulated to the American people.

Mr. Speaker, it is a privilege to serve in this House and be able to carry out those agenda items that are going to help Americans and also stop the bad things that will hurt Americans that some in this Chamber offer, some more frequently than others.

Thank you, Congressman PRICE, for your leadership not just on the prescription drug benefit issue and medical issues but your overall leadership of holding this majority party, the Democrat majority party, accountable for their words, their rhetoric, and their actions. Thank you, Congressman PRICE.

Mr. PRICE of Georgia. I thank you for your participation.

Let me just close with some final comments about a Medicare prescription drug plan that is on the agenda this week to be dealt with by the majority party.

In the program, the costs are down. The access is expansive to medications. All medications in the panoply or the array of plans that are available are available to patients. Seniors are happy. We are negotiating now. There are negotiations going on now between plans and pharmaceutical companies and plans and pharmacists that have decreased costs much below what was projected.

The big question in the end, Mr. Speaker, is who is going to be making health care decisions? Is it going to be government bureaucrats and majority parties, or is it going to be patients and doctors? That is the real question. And I am hopeful that my colleagues on the other side of the aisle will appreciate the gravity of this issue that they are bringing forward and the importance of making certain that there is input from all Members of Congress as it relates to this issue. And hopefully, hopefully, if we cannot get some sanity in this Chamber, we will get some sanity in the Senate and make sure that we don't do something that would truly harm the health of the American people.

Mr. Speaker, we are going to continue now and talk about another issue that is of incredible importance and incredible gravity to the American people and certainly to some very specific individuals, and that is the issue of stem cell research. It is an extremely complex issue. It is a scientific issue. It is an issue, Mr. Speaker, that demands the highest quality debate and input here in the U.S. House of Representatives. And, once again, what we are seeing from the majority party is not that kind of involvement.

Nobody, nobody on the minority side of the aisle has been involved specifically in bringing forward the legislation, with the exception of the few individuals who are supportive of what the majority party is doing. Nobody who has a contrary view has been involved in the process. There have been no committee hearings this session on this bill. The Republicans by and large have been shut out and certainly all of the freshmen have been shut out of this issue. An issue that truly, Mr. Speaker, you talk about a life-and-death issue. This is a life-and-death issue.

I am so pleased to be joined by many of my colleagues this evening to talk specifically about the issue of embryonic stem cell research and stem cell research in general. I would remind folks again of kind of the hallmark quote of the Official Truth Squad, and that is that everyone is entitled to their own opinion but not their own facts. And if you look at the scientific facts on this issue, Mr. Speaker, you will arrive at the right conclusion.

So I am pleased to ask to join us this evening my good colleague from North Carolina, Congresswoman VIRGINIA FOXX, who has been passionate in her desire to make certain that we as a Nation have an appropriate and correct policy when it relates to embryonic stem cell research.

So I yield to my good friend from North Carolina, Congresswoman VIRGINIA FOXX.

Ms. FOXX. Thank you, Congressman PRICE, for yielding. And, again, thank you for keeping our Truth Squad together and making sure that we are here on a regular basis presenting the facts to people. That is what I think we have to do on this very, very important issue of stem cell research.

The people who are pushing for embryonic stem cell research and the media, I think, have very much misled the American public on this. They have not done a good job of educating people on this issue.

I had a chance last year to speak on this issue for quite a long time on the floor and got a lot of positive feedback from people saying this is the first time I ever had anybody really explain the difference in embryonic stem cell research and stem cell research. So I want to talk a little bit about that tonight, because I think that is one of the critical issues, and then I want to talk about the facts again. It really is important that we understand what the facts are as they relate to the difference between adult stem cell research and embryonic stem cell research, and I am going to probably repeat this several times because I think it is so important.

I have something that is not as good as the charts, but stem cell research treatments, adult stem cell research treatments, if you can see this, it says: "Adult, 72; embryonic, 0." That is the score. There have been 72 efficacious treatments that have come out of the research on adult stem cells, zero out of embryonic stem cells. In fact, all the research that has been done using embryonic stem cells have produced tumors and rejection, and no embryonic stem cell research has been allowed to be done on humans because of the very bad results that have come out of the research using embryonic stem cells.

Now, the other thing that people have been misled on is whether there is any embryonic stem cell research going on. There is embryonic stem cell research going on, but many people, including myself, object to the use of Federal funding when it involves the destruction of human life.

In 2006, NIH spent $38 million on embryonic stem cell research. You will never hear that coming out of the voices of the people who are pushing for embryonic stem cell research. They want the American people to believe that nothing is being done and that people who have debilitating diseases are being denied the opportunity for quick cures.

□ 1900

Nothing could be further from the truth. Approximately $200 million is being spent on human nonembryonic stem cell research: adult stem cells, cord blood, et cetera.

I am proud to be able to say that Wake Forest Baptist Medical Center, Dr. Tony Atala and his team of researchers have been able to show strong results in their work with amniotic fluid stem cells. That has come out this week and I have talked about it on the floor and we are going to continue to talk about it. I spoke to Dr. Atala just before I came over here tonight, and he wanted me to remind people of the real problems with embryonic stem cells and the fact that every time they have been used they create tumors, and they are rejected by the animals into which they are injected.

That does not happen when you are using a person's own cells or when you are using amniotic stem cells. That just is not happening with people.

So we need to make sure that people understand the difference because it is so easy for folks to talk about stem cell research, and they make folks like me look like we are mean and hateful people because we don't want to do this research that kills human life because they are saying that it is worth it to improve the lives of people with diseases.

But pro-life people support stem cell research. There is only one exception, we don't want that research to kill other human life. We don't think that is appropriate. Never in the history of this country have we allowed research to do that. We very strongly control research to make sure that human beings are not damaged by the research that is done.

In a former life I was a social scientist, and so I understand about the ethical way to do research. We have never done that in any other area, and yet it seems so easy for people to talk about doing embryonic stem cell research and destroying the embryos.

The national media and others have really ignored the scientific realities, and they fail to report that embryonic stem cell research is the less promising course of action that, in fact, ends life. This negligence allows people who are suffering from diseases to develop false hope about possible breakthroughs by embryonic stem cell research. Again, just the opposite is true. Nothing positive has come out of embryonic stem cell research. Nothing. Zero.

But out of adult stem cell research, cord blood research, amniotic fluid research, we have, again, 72 good treatments that have come, and we will be expecting more of those. Every day we have breakthroughs in that area, and we will continue to have breakthroughs. But if we get distracted by taking money away from this very promising research and put it into this unethical research that destroys human life and holds very little promise, then that is where the real crime is, I think, that we are trying to take the money away from what is producing good results and put it into something that is not producing good results.

As I said before, no embryonic research has been done in humans because it is too dangerous. When it has been done in laboratory animals, there is no control over what happens. The stem cells develop in ways that can't be controlled. They create tumors. They are rejected, and it is all negative; and yet with the other, it is all positive.

I think when we have the vote on this issue this week, people have to keep this in mind. I hope that the citizens who in the past have not understood the difference in these issues, they have not understood the ethical issues or the scientific issues, will say to your Member of Congress, I now understand this better, and I want you to take the ethical route, the efficacious route, not the route that will create death to the embryos and not positive kinds of results.

I yield back to the gentleman from Georgia (Mr. PRICE) who is the official leader of our Truth Squad and helps us inform the American people at every one of these events.

Mr. PRICE of Georgia. I thank Congresswoman FOXX for participating and for bringing up the incredible importance of the ethical issues that are real. Regardless of where you come down on this issue, there is no doubt, it cannot be denied there are significant ethical challenges and questions surrounding this entire debate. If we ignore those as a Nation in our debate and discussion about it, it will result in a disservice to the entire Nation.

I am pleased to call again on my physician colleague, the gentleman from Georgia (Mr. GINGREY), an obstetrician-gynecologist who practiced for almost 30 years and has incredible knowledge and passion and perspective on this most important issue of stem cell research.

Mr. GINGREY. If we start talking about the number of years we have been in practice, the folks back home and in the Chamber will figure out how old we are, so we better stay away from that. Suffice it to say, we have both been at it for a long time, you in the field of orthopedics and me as an OB-GYN. Again, I appreciate what you are doing with respect to the Truth Squad.

The gentlewoman from North Carolina (Ms. FOXX) made some great points. First, anybody who suggests that this President is not for stem cell research just absolutely is ignoring the facts. The fact is, before 2001, when the President said we could start to use Federal dollars, your dollars, my dollars, our constituents' dollars, to fund stem cell research, indeed embryonic stem cell research on those existing lines that were indeed obtained from embryos from IVF clinics, because that destruction of life had already occurred and these stem cell lines existed, since that time in 2001, Mr. Speaker, we have spent I think the figure is $163 million on stem cell research. Representative FOXX mentioned that. We want that to continue. We want to be able to continue to fund that through the NIH.

But she also addresses the issue of truth in advertising. I know the majority party is thinking this is an issue that polls 80 percent. Sure, if you show a public service announcement with Michael J. Fox, unfortunately, with wild movements all over the screen or you show Christopher Reeve and he is on a respirator and is a quadriplegic, and you say to them: Would you, Mr. and Mrs. America, would you be in favor of embryonic stem cell research that could cure these diseases, you are going to get an answer 80 percent of the time, a resounding "yes."

But on the other hand, if you held up two precious twin toddlers, as I have seen, who are part of the snowflake baby population that were adopted embryos, and said: Would you be in favor of destroying these embryos so these lives never existed in the hopes that we could help Michael J. Fox or Christopher Reeve or your mama or my grand mama, the answer would be a resounding "no." That is where we get into this issue.

I want to remind my colleagues on the other side of the aisle, that is why we want an opportunity, which we are not getting, to go to the Rules Committee with amendments. Maybe they would get rejected. Maybe we would have an opportunity to bring them up on the floor, and talk about alternative ways of getting these stem cells, adult stem cells or embryonic stem cells from this amniotic fluid study that just came forward, or to get embryonic stem cells by biopsying an embryo without destroying it or even harming it, or taking one of these frozen embryos, thawing it out and you can tell microscopically that it has no chance of developing into a life, and taking those embryonic stem cells. That is all we are asking, Mr. Speaker.

I am very appreciative in the limited time that Dr. PRICE has left for allowing me to say a few words, and I want to turn the time back over to him for his concluding remarks.

Mr. PRICE of Georgia. I thank the gentleman for joining us this evening and truly the recognition that this is a life-and-death issue.

As I mentioned, regardless where anybody is, Mr. Speaker, on this issue, whether or not you believe that an embryo is indeed life or not, nobody can deny that there are ethical questions and an ethical dilemma that surrounds all of this.

As a physician, I was trained in what is called the scientific model which means you try to collect as much information as possible and determine from that information what course of action you ought to take, and then step back and evaluate what has occurred in treating a patient or in whatever course of action you might have taken, and then make decisions based upon that information.

The information we have available to us now, the information, specific information, the facts, not opinions but facts, the facts of the situation right now are that, in the area of stem cell research, which all of us support, all of us support stem cell research, in the area of stem cell research, the work that is being done for patients right now is overwhelming in its benefit now from adult and cord stem cell research and stem cell treatments in the area of adult and cord stem cell as opposed to embryonic stem cell.

Mr. Speaker, as you know, there has been no opportunity to amend or bring light in this Congress to that issue.

I know that this won't show up very well, but this is a sheet that has 77 different diseases on it for which there are currently either clinical treatments or clinical trials for patients. Seventy-seven different diseases.

I think it is important for you, Mr. Speaker, and anybody listening, to appreciate that there are individuals who are being cured of diseases right now from the use of adult and cord stem cells, stem cells that are not derived from situations where there is, indeed, this ethical question or challenge.

In fact, there are at least nine patients who have been cured of their sickle cell disease. That is patients who no longer have sickle cell disease utilizing cord stem cells.

Mr. Speaker, that is incredible. It is a wonderful thing that has occurred. It is something that all of us ought to embrace, and that is factual. That is factual.

If you look, however, Mr. Speaker, at the number of diseases for which there are clinical trials or clinical treatments in the area of embryonic stem cells, and those are the ones where there is that ethical dilemma or challenge, this is the answer to that: None. None. Zero.

So you have 77 different diseases that are being either treated in the clinical setting with actual patients, real patients, or there are trials that are going on or there is active study going; 77 with adult and cord stem cells. And then embryonic stem cells, none. Zero, Mr. Speaker.

Now, it is wholly possible that something at some point in the future may result in the ability to use embryonic stem cells for the treatment of disease, but I would suggest to you, Mr. Speaker, and my colleagues here and to anybody who truly is interested in the factual nature of this scientific question, a very complex question, and that is that the scientists are way ahead of the politicians on this.

□ 1915

Congresswoman FOXX mentioned one of the wonderful breakthroughs that was just announced from Wake Forest earlier this week, and that is the use of amniotic fluid to find and recover, capture, if you will, embryonic stem cells that have none of the ethical dilemma of whether or not life is being destroyed in order to advance science. None. None of that ethical dilemma.

So, Mr. Speaker, I would ask my colleagues on both sides of the aisle to recognize that science ought to be listened to in this, and we ought to pay attention to facts. There is no reason to move forward with a bill that will not necessarily result in significant cures for diseases and that will only, only, result in the demagoguing of an issue and hold out a false hope for individuals for whom they believe that if we just pass this bill that their disease will be cured tomorrow.

Mr. Speaker, that simply is not the case. The biggest bang for the buck in terms of utilizing taxpayer money, Federal taxpayer money, which is hard-earned taxpayer money, for appropriate research is in the area of adult and cord stem cells and possibly embryonic stem cells that are recovered in a way that has none of the ethical dilemma or challenge.

Mr. Speaker, I was honored to be with you this evening.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. SIRES). The gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, I am honored to come before the House again.

The 30-Something Working Group, as you know, has been coming to the floor now in the 108th and 109th Congresses and now in the 110th Congress to share with the Members of the House and the American people information about what is happening here under the Capitol dome, and I am very excited to report that there is an awful lot that is happening. More work has been done as it relates to assisting the American people over the last couple of days or the last hours, which is historic in many ways, than happened in the entire 109th Congress. It was talked about, it was promised, but it never happened. So I am glad to come to the floor with my colleagues who will be joining me shortly.

I think it is very important, Mr. Speaker, to not only commend those that have been consistent on message, not only message, but action. I can tell you that hearing my colleagues on the other side of the aisle, you would think that they have been in the minority for the last 14 or 16 years, because they sound like all of a sudden they are ready to do something about the problems that are facing this country.

I can tell you also, Mr. Speaker, that the fact is that we moved in the right direction in securing this country and passing the 9/11 Commission recommendations, and, like we promised, Mr. Speaker, in the 109th Congress, the last Congress, we worked in a bipartisan way. When we passed that piece of legislation, we had not only overwhelming, full support from the Democratic side of the aisle but a high number of Republican Members joined Democratic Members in voting for those recommendations to be placed into law pass this House.

Today is a very historic, very emotional time for those of us that fought on behalf of Americans that punch in and punch out every day to be able to receive a hike in the minimum wage to $7.25. Again, we said we would work in a bipartisan way along with our Republican colleagues, and over 300 individuals voted for, including a number of Republicans, I think 80 or 81 Republicans, joined the entire Democratic Caucus who voted in the affirmative for an increase in the minimum wage to give the American worker a well-overdue raise. That will move on to the Senate and hopefully to the President's desk.

I think it is important, Mr. Speaker, to look at the way we have moved in the right direction on ethics, saying we are willing to hold this House to standards that the American people would like for us to be held to and to also have a committee that will review any question of conduct as it relates to any Member of the House and that will consider that in a bipartisan way and report back to the appropriate overseers of the House here so that people know that we have checks and balances.

Just mentioning those three items, Mr. Speaker, and looking at how Republicans have voted with Democrats because we have taken the lead to bring these issues to the floor, it is a perfect example of what we talked about for 3 years here on this floor. The good thing that I like about what we talk about and then what we do is the fact that we follow through, Mr. Speaker, on what we have shared, not only with the Members on the majority and the minority side, now the Democratic majority side, but what we would do if given the opportunity. I think the Members should pay very close attention, because the American people responded in a very positive way.

It has been said there will be mistakes made, and it will be painful in some instances when we look at PAYGO regulations that we have imposed on ourselves. That is another initiative that passed this floor, that we will not start a program or send money out of the door of the U.S. House of Representatives unless we can show how we can pay for it.

We know there are some war issues there and some other issues, but as it relates to what we call here on the floor, Mr. Speaker, regular order, where a Member files a bill and says I want to do X, Y and Z, and don't worry about it, we will borrow it from a number of the countries I have identified in the past that own a piece of the American apple pie. As we continue to move on, Mr. DELAHUNT, we want to start peeling these numbers off, showing how America is now starting to make itself whole as we start to pass policy.

I think it is also very, very important, Mr. Speaker, to note that there will be a lot of things said on this floor. That has been the case since the beginning of the country. That is a good part of our democracy. Members can come to the floor and say what they wish to say. They are representing their constituents back home, and their constituents every 2 years have an opportunity to vote if they want them to return back.

Mr. DELAHUNT, before I yield to you, I guess I would just like to put a word of caution out there. To those who feel they can come to this floor of the People's House and share information, to make an argument or an action or inaction sound appropriate, now, I know many of my friends on the other side, and I do call them friends, because we all are friends, we see each other, but we weren't elected to come up here and pat each other on the back and say "I am more dedicated to you than I am to the folks back home or the American people." I will say this. We are all in the spirit of doing the right thing.

But I just want to caution, because I think what got the Republican majority in the 109th Congress and the Congresses before that in trouble was the fact that there was more allegiance to the Republican leadership.

When we start talking about these bipartisan bills, Mr. DELAHUNT, which I would like to do, I stood here at this podium, this mike on this floor a similar night several months ago, starting a couple of years ago, and said bipartisanship is only allowed if the majority allows it.

I didn't have a problem with the frontline or the everyday Republican Member of this Congress. I had a problem with the Republican leadership that led their caucus in the direction of special interests and in the direction opposite of what the American people said they wanted.

So what we are doing now is we are moving in the direction the American people wanted. They said they wanted ethics. We voted for it on the floor. We received Republican votes on those issues.

The American people said they wanted to raise the minimum wage. We voted here on this floor, and 80 or 81 Republican Members voted saying that they support it.

We voted to implement all of the 9/11 recommendations. We said that we would do it. Republicans on that side followed suit, many of them, and voted to secure America.

So when we move the embryonic stem cell legislation and prescription drugs, all of these issues are based on leadership. We start talking about a bipartisan spirit, and we will let the record, Mr. RYAN and Mr. DELAHUNT, reflect our intentions and what we want to do.

Yes, we are going to have some partisan votes in this House. But these are major issues. I don't care what anyone, any pundit, says, some Member going back home saying "I voted against that." It is going to be hard for them to say they voted against the person that is making $5.15 an hour. "You voted against that? Oh, you are real tough, Congressman." Goodness gracious. These are people who can't even afford to buy gas.

But we are not going to focus on that, Mr. Speaker. We are going to focus on the 80-plus Republicans and the entire Democratic Caucus that voted to give the American people a raise.

Mr. DELAHUNT, Uncle BILL, we are so happy, sir, that you are a part of the 30-Something Working Group. We are so happy that this is your inaugural night in the 110th Congress, where we are in the majority, your joining us here on this floor.

We talked about your contributions last night. We said that we have a Medicare recipient within our midst. We talked about individuals that are drawing down on one of the pensions that maybe you received in your long career of public service. But we appreciate the fact that you are continuing, and we said we will continue our commitment.

Mr. RYAN of Ohio. Long, long, long years.

Mr. DELAHUNT. Well, again, I am honored to be here. I heard that last evening my name was mentioned here in the House, and I presume that it was mentioned in a way that was kind and generous to a senior citizen, a senior citizen that has the Medicare card to prove that.

Talking about Medicare, we are going to address Medicare in this session of Congress, and we are going to do something about that so-called prescription drug benefit program that was passed over the objections of almost every Democrat and a few courageous Republicans several years ago. Because as you know, Mr. MEEK, and you know, TIM RYAN, there was a provision in that particular legislation that prohibited the Medicare Trust Fund from negotiating with the large pharmaceutical companies for a discount.

In other words, whoever is the director of the Medicare Trust Fund can't go into a room and sit down with the drug companies and say, "Let's discuss a fair price, because we are going to purchase in large quantities prescription drug benefits," for people like myself, "and we are going to effect real savings, like they do in the Veterans Administration."

I have seen estimates of savings that range from 30 to 80 percent on drugs where discounts could be made available and effected, drugs that save the lives of people and enhance the quality of life for those of us who have reached the golden years.

It is extraordinary in terms of helping people who have worked hard all their lives from not having to make those tough choices between food and heat, or air conditioning in the case of Mr. MEEK and the young lady who just became the chair of a very powerful subcommittee here in the House, who is now known as Cardinal WASSERMAN SCHULTZ.

Mr. MEEK of Florida. She is a rabbi.

Mr. DELAHUNT. I guess. I am just using a term that we often use here. But she is certainly dressed like a cardinal this evening.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. DELAHUNT.

Mr. DELAHUNT. But I have to tell you, I am really proud of the work that your generation has done over the course of the 109th Congress to bring home that message to the American people. You did it effectively. You are helping my generation and you have our profound gratitude. Because it was clear the message that the three of you and other colleagues of ours in the Democratic Caucus spoke to over the course of 2 years resonated with the American people.

I am so proud of each and every one of you. Congratulations. I think we can all share great pride in what has been accomplished since we took our oath of office just a week ago. It is extraordinary. There is a new tone.

You know what is particularly gratifying to me is to see so many of our colleagues, our Republican colleagues, our good friends, our dear friends, join with us in really moving forward an agenda that benefits all Americans.

□ 1930

Ms. WASSERMAN SCHULTZ. To the gentleman from Ohio.

Mr. DELAHUNT. I think maybe I should yield to the gentleman from Ohio because he wants to say something.

Mr. RYAN of Ohio. You are the cardinal, Ms. WASSERMAN SCHULTZ.

WASSERMAN SCHULTZ. No, that is okay. I defer to the senior Member.

Mr. DELAHUNT. I think for those watching we have to explain what the term cardinal means, in terms of a new position.

Ms. WASSERMAN SCHULTZ. No, we really don't.

Mr. DELAHUNT. Could you amplify on that, Mr. RYAN?

Mr. RYAN of Ohio. I would be happy to. In the Appropriations Committee, I think we have now maybe 11 or 12 subcommittees, and the chairs of the subcommittees are referred to in the body as cardinals. Well, Ms. WASSERMAN SCHULTZ, as the cardinal and the chair, carries the gavel for the Legislative Appropriations Subcommittee. So we are very, very proud of our 30-Something member.

Mr. MEEK of Florida. Ratified by the Democratic Caucus.

Mr. RYAN of Ohio. Ratified by the Democratic Caucus.

But what I think is interesting about all of this is that when you look at today we passed the minimum wage bill. Historic. Look at what we have been able to do with the 9/11 Commission report; what we were able to do with ethics reform; what we are going to do with negotiating drug prices; what we are going to do with stem cell research. When you look at what will be done in just a few weeks, the light of government and the power of government over the past 10, 12 years has been used really to take and help the top 1 percent of the people in the country, whether it was for tax cuts for millionaires or corporate welfare for oil companies or energy companies, whether it was for corporate welfare for the pharmaceutical industry, but the resources and the energy of this body were being used and the levers of government were being used to help that very small percentile of the American people who had the ability to invest in stocks, who have the ability to move their investments abroad to China and other countries and ship their goods back here and who take advantage of the tax cuts and make money off of corporate welfare. They just benefitted in every single way.

But if you look at what we have done and what we are going to do in the next couple of days, we raised the minimum wage, which will affect millions of Americans, 3½ million women and children, lifting them out of poverty. And you can pull all the stats you want, but the bottom line is that people who make minimum wage are going to make more now in the United States of America. And that is not saying we have done anything tremendous. That should have been done years ago.

When you look at what we are going to do with student loans, cutting the rates for student loans in half for both students and parents, loans that have come out. Cut the interest rate in half. That will save the average person who takes out a loan $5,000 over the course of the loan.

So now you have an increase in the minimum wage, now you have a reduced loan payment because the interest rate has been cut in half and you are going to save money on that, and then, if you are parents or grandparents, like Mr. DELAHUNT, and qualify for Medicare, there is going to be less money out of your pocket to spend on prescription drugs because we are going to use the ability and the power of this program to reduce the cost of drugs for our senior citizens.

I will be happy to yield, but just in those three things, those three areas, Mr. DELAHUNT, average people are going to benefit, and we have only been here 2 weeks.

Mr. DELAHUNT. Right. And I look forward to the proposal that will reduce the interest on student loans, because I know so many families in my district back in the South Shore of Boston and Cape Cod and the islands, where the families and specifically the students themselves take a loan and find themselves graduating from college with a debt, on the average, of approximately $20,000. We know that over time they are catching up for a significant number of years, preventing them from putting that bonus that they receive at the end of the year for a down payment on a home to ensure their future or maybe just putting it into an IRA.

Mr. RYAN of Ohio. And the time will come, as you have proven.

Mr. DELAHUNT. And it comes real quick.

Mr. RYAN of Ohio. What I thought was funny today, or yesterday, in one of the local Capitol Hill newspapers, Roll Call or The Hill, the financial sector, the folks who lend money to the students were squawking, and it was blatant right in the article, because they are going to have reduced profits. Well, I am sorry, we are not here to make sure that you get good profits. We are here to make sure that students in the United States of America can afford to go to college and that they can go out and make good profits. This is not an enterprise here for you to tap into and let the money come shooting out.

And I am happy to yield to my colleague, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you. And I want to go back to the minimum wage for just a second, because this is the second day now that we have had the opportunity to watch Speaker PELOSI preside over our legislation that is passing out of the House of Representatives with the speed that we want, which should demonstrate to the American people that we share their priorities.

Yesterday was H.R. 1. Today was H.R. 2. And one of the things that, combined with the Six in 2006 agenda and our commitment to move this country in a new direction, that she committed to on our behalf was bipartisanship and making sure that this is the most inclusive bipartisan House of Representatives in history. And what I thought was the most emblematic of that and that was really telling of the difference between the way we are running this institution versus the way the Republican leadership ran it is that I looked up on that board with the vote tally at the end, and this is the first opportunity that we have had in the time that I have been here, in 10 years, as the gentleman from California (Mr. MILLER) indicated, the first opportunity we have had to have a straight up-or-down, clean vote on the minimum wage. The first chance.

Before, we had to go through all this rigmarole and shenanigans, and we had to do motions to recommit and use procedural moves in both the Appropriations Committee and on this floor to get remotely close to a vote on the minimum wage. And you know how in the last Congress, in the 109th, when we would come on the floor as the 30-Something Working Group and we would lament the antics of the Republican leadership and the arm-twisting that they did, and even on those procedural motions where we were trying to get a vote even close to the minimum wage, they would wrench the arms of our colleagues on the other side of the aisle behind their backs and make them vote "no."

Well, what was the vote today? That vote on H.R. 2, on the minimum wage, there were 201 Members more that voted "yes" than voted "no". There was a 201 vote difference. Now, we have fewer than a 201 vote margin here. We are in the majority, but our majority is about 30 or 32. It is not 201. So look at what bipartisanship and inclusiveness does. And when you are finally allowed a free vote, a straight up-or-down vote on the American people's priorities, we had a huge bipartisan margin to increase the minimum wage. And that is beautiful. That is what democracy is all about.

Now, without violating rules and directly addressing the Speaker, it is so refreshing to see my good friend from Florida in the Chair tonight, and that is about as close as I will come to naming the gentleman from Florida, but I really was so gratified to watch us begin to go through the Six in 2006 agenda and finally deal with the priorities of the American people.

Lastly, Mr. DELAHUNT, I want to thank you for your kind words. The thing that makes me so humble and proud and excited about the opportunity that I have to chair a subcommittee in appropriations is, if you recall, Speaker PELOSI last week, when she took the gavel from the gentleman from Ohio, she talked about how she was able to bust through the marble ceiling. And the wonderful thing about Speaker PELOSI is that when she did it, like the leader that she is, she took other people with her. She didn't just bust through it for herself. Her busting through the marble ceiling gave so many of us, the diversity of this caucus, an opportunity to be a participant in making the world a better place for the American people.

Mr. DELAHUNT. And hope.

Ms. WASSERMAN SCHULTZ. And hope.

Mr. DELAHUNT. And I believe there is a palpable sense of optimism for the first time. And I think much of it is predicated on that bipartisanship that we are talking about that was reflected in that vote.

Now, partisanship is good in the sense that there is a diversity of ideas, and out of that debate on ideas comes sound public policy.

We have had debate after debate, 10 years' worth of debate on the minimum wage. Workers in this country have been waiting for this moment, even if they make more than the minimum wage, because it sends a message that finally the U.S. Congress is listening to them. And so there is hope.

And it is not just Democrats. As all of you have indicated, there was a significant minority of Republicans who voted for it. So I think, not only should we be proud, but I think the American people should begin to understand that something is happening. Something good is happening, Mr. Speaker, and it is going to take time. It is not going to be all roses. There will be speed bumps. But finally we are turning into a new direction. And I know that every Member on the Democratic side is excited about working with our Republican colleagues to advance the agenda that will truly impact the lives of most American families.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. DELAHUNT. Of course.

Mr. RYAN of Ohio. I think the good part about this whole first 100 hours and what we have been able to do, Mr. Speaker, is that we are making some structural changes. We are not petering around the edges. I think the people out there that wanted us to be bold, they are seeing bold. The minimum wage, now, obviously it hasn't been done in 10 or 12 years, since 1997, so it is bold.

Mr. DELAHUNT. TIM, could we go back? And, again, I promise I won't interrupt. I know sometimes I have a tendency to do that.

Mr. RYAN of Ohio. We like your passion.

Mr. DELAHUNT. But I have to tell you, the fact that one of the first orders of business was to institute the so-called PAYGO rules, which means we recognize that there is a deficit out there that has to be addressed, it is not going to be easy. I know the American people understand that. But again, it goes back to that optimism and that hope that is beginning to emerge.

Yes, it is going to be tough, but we are a resilient people. We are a tough people. And we might have to make some sacrifices, but we are going to get back to the time where the deficit and the national debt was declining dramatically and our national economy was booming and the disparity in this country between those that have and those that don't have was narrowing. Narrowing, Mr. Speaker.

So the issue of inequality of income and wealth will be addressed. It will be addressed, and we can do it. We can do it together. We can do it in a bipartisan fashion because the Members of this Congress, I believe, have heard loud and clear this past November from the American people.

Mr. RYAN of Ohio. I would reclaim my time, but I forgot what I was going to say. So I will yield to my friend from Miami.

Ms. WASSERMAN SCHULTZ. I hate when that happens.

Mr. RYAN of Ohio. Who we haven't heard from in 20 minutes. We are all excited to hear what you have to say.

Mr. DELAHUNT. We are waiting.

Ms. WASSERMAN SCHULTZ. On the edge of our seat.

Mr. MEEK of Florida. Want me to yield back to you, Mr. RYAN? Maybe you can remember. Are you having a senior moment?

Mr. RYAN of Ohio. I am having a senior moment.

Mr. MEEK of Florida. Okay. A 33-year-old senior moment.

I just wanted to mention something real quick that I think is important.

□ 1945

There is going to be a lot of talk tomorrow. We are going to do some good legislation. We have stem cell research that is coming up, and we have negotiating as it relates to prescription drugs is coming up before the weekend. Something that is going to be common now, was uncommon in the 109th Congress, we are actually going to work a 5-day work week or a 4-day work week as it relates to the congressional calendar.

But I just want to mention something. I don't want us to leave this floor tonight unless we have an opportunity to talk about what the President's going to talk about an hour or so from now. I think it is important. I have served, Mr. RYAN and I have served on Armed Services in the last two Congresses; and you, DEBBIE WASSERMAN SCHULTZ, have served here in the last Congress and now this Congress at war.

Mr. DELAHUNT, you were here when this House voted to give the President authority to go or not, what have you. And now we are after the election in November, the American people, everyone thought, Mr. Speaker, that the election was going to be about the economy. They thought it was going to be about health care. They thought it was going to be about whatever the issue may be. But it was about Iraq, and it was about the decisions that were made, and the lack thereof, out of this Congress of asking the questions and oversight.

Now what is going to happen, Members, you are going to have the Armed Services Committee, you are going to have the Defense Appropriations Committee, you are going to have the Government Operations Committee, you are going to have a number of committees that have oversight responsibility on the committee level, providing the oversight for this war.

Now the President is going to come out tonight and he is going to ask, he is going to say, I call it an escalation, he calls it something else, of 20,000 new troops on the ground, boots on the ground. 3,017 men and women are no longer with us tonight; and we appreciate their honor, we appreciate their service to the country. We have several thousand, over 15,000, who have been injured and that are a part of our medical veterans programs throughout this country. Some are learning how to walk now. Many of our injuries come by what we call IEDs, improvised explosive devices.

Many of the troops, as we look at, you look at your local television station, I know you see it in Ohio. I know you see it in Massachusetts. We see it in South Florida. We even see it here in Washington, DC. There was a new reserve unit that just left in Maryland. And I was watching the interview, and I think about when I have to travel as a Congressman, you know, my family's up here, I go back to the District. You know, that is 2 or 3 days I am away from my family. I say, oh, my goodness, I miss the kids. Imagine if I was leaving for 15 months for the second or third time. Just imagine that. How much of, how my kids would be taken away, you know. They won't get what they need from me. Just thinking about it, I can't help but get a little emotional when you think about this kind of thing.

And we know that they are being sent to do what, secure Iraq. So they are on a security mission. They are not there to say, well, you know, we are here to provide technical assistance. No, they are there to armor up.

I have been there twice. Mr. RYAN, we went together. And when they go out the gates of that base in Mosul or Baghdad or Tikrit, they may not come back.

Now we know it is a volunteer force and we know all of that. But I just want to say, Mr. Speaker, this has great gravity tonight, and I am so glad that I am hearing voices out of this Congress saying, we said during the campaign and during the election season, we will not defund the troops that are on the ground.

But no one, including the President, including the Iraq Study Commission, including all of the folks, General Colin Powell, I mean, General Colin Powell said it is a civil war going on, and if we send additional troops into a civil war it is the wrong thing to do. It is right here.

So if the Republicans or the President wants to say when someone is smart or when someone is credible, when they are carrying their message, here is a man that has served, Secretary of State, General, four-star, Joint Chiefs of Staff, well respected in this country, along with a number of other folks that are out there. So I think, Mr. Speaker, it is important that we shed light on this.

I know Mr. DELAHUNT has an hour that he does on a weekly basis on Iraq. But, Ms. WASSERMAN SCHULTZ, I think it is time, no matter what, if you are a Democrat or a Republican, to be able to say, listen, I just came from the election, especially to Members that are new to the Congress, either in the Senate or in the House, and they heard what the American people had to say.

So, the President, I think, and this democracy needs to really speak up and say, hey, listen, we hear what you are saying. We know what the study group has said. But it seems like you are kind of out there by yourself.

Because, one other thing I just want to add and then I am going to be quiet probably for another 20 minutes, like Mr. DELAHUNT identified, is the fact that we see how many troops that have died.

All right, let's look at the U.S. contractors, these mercenaries we have out there, that are playing a role of when these countries are pulling out, Great Britain, they are out. They are coming out this year. A number of the other, quote, unquote, allies are pulling out of Iraq. So before we even get an opportunity to light the bulbs up in the committee room and start asking the questions about what has been going on over at the Department of Defense since everything has been classified and secret and no one has come and testified in front of these committees of jurisdiction, the President now wants to say, let's send 20,000 troops.

These are not new troops. These are individuals that are what we call a back draft. Folks want to leave. We have folks signing checks, giving them $40,000 to stay on. Are you going to go back to wherever you came from where the poverty is? Here is 40 grand. Take it to your family. Sign up for another 3 years. That is what we are talking about here.

And I am seeing these individuals that are hired, that are former military, by these companies, they are dying. When we went to the hospital over in Germany, there were contract fighters that carry out those convoys sitting there without a leg, Mr. Speaker. No one is thinking about these individuals because they are not wearing a U.S. uniform. They are veterans, and they want to work for these private contracting companies. So there is a lot of loss of life going on here, leave alone what could be happening with members of the CIA that we would never know how many of those individuals that have died in this conflict. So we have to bring the oversight management. I am saying that on the side of common sense.

I yield to any Member that wishes to pick up from this point, but it must be addressed.

Mr. DELAHUNT. I appreciate my friend from Florida, and I have, it is getting late for me and I am going to have to excuse myself for the remaining 15 minutes. But I want to pick up on something that you just referenced, and that is the American people have to understand that we are now alone. We are now alone with this issue.

Just this past week there was a report in the British press that the withdrawal of the troops from the United Kingdom would not be slowed. There are no plans on the part of the British, or anyone else, any other nation, state on this planet, to introduce additional troops as part of this escalation. We are alone. There is no more coalition, if there was ever one to begin with, other than in name only.

America is now alone, because the rest of the world has concluded that the invasion of Iraq was a mistake, a mistake for reasons that I think we all know but are not going to list them here today.

But let's remember this, Mr. Speaker. In the past 6 or 7 months, there was a poll that was commissioned by our own Department of State, and the results were painful because this was the conclusion on two questions. The first question was, do you believe it is better for American troops to leave? This was asked in a way that presumably was done in a survey that was accurate. It was commissioned by our own Department of State. And 70 percent of the Iraqi people said, yes, we would be better off if the American troops left.

But what was more disturbing and painful was that in excess of 60 percent of the Iraqi people, according to this poll, said that it was okay to kill a member of the American military.

What are we fighting for now? What are we fighting for? Saddam Hussein is gone. There were no weapons of mass destruction. There were never any links to al-Qaeda.

What have we accomplished? Well, I dare say that what we have done is we have managed to create an even stronger Iran that has a relationship with Iraq, that includes all kinds of agreements, including a military cooperation agreement between the government of Iraq and the government of Iran. Does anyone ever talk about that? Can anyone explain to me what the terms of that agreement are?

What are we fighting for? What are we fighting for?

And, with that, I yield to the gentlewoman and ask to be excused.

Ms. WASSERMAN SCHULTZ. Thank you to my good friend.

Before you are excused, though, I do want to tell you, you were so kind in your words about the three of us and you have been so helpful to us over the last 2 years and joining us here night after night on the floor. But, quite honestly, I really want to commend you on your eloquence and your commitment on this issue in particular. You have been one of the key leaders of the Out of Iraq Caucus. You have kept this caucus focused on those issues that are incredibly important.

As my good friend, the gentleman from Florida, indicated in his remarks earlier, one of the major reasons that we were returned to the majority of this institution is because of how strongly people feel about the situation with the war in Iraq. And so thank you very much for helping with that effort.

With that having been said, one of the things that I think that is going to be important in about an hour from now for the American people to note when the President makes his remarks to the Nation is that what we heard the President say repeatedly, Mr. RYAN, Mr. MEEK, over and over again over the last several years, was that his strategy was going to be tied to the advice from his military leaders; that he was going to listen to the generals; that he was going to take a page from their book, take their lead, use whatever expression is applicable.

But I guess he was just kidding, or maybe he was just saying that he meant that until he wasn't hearing what he wanted to hear. Because at the point that his belief in the direction that we should be going in Iraq departed or parted company with the advice of his military leadership, that is the point that he decided to stop listening to them. We have now shifted the military leadership in Iraq. And I certainly realize that, particularly in a democracy, there is going to be a wide range of opinions even among military leaders. But the current military leadership that President Bush has brought in does support the strategy and the direction that he is planning on taking America tonight and in this war on Iraq. And it is just astonishing that this continues the pattern of this administration, where they ask their questions, or make statements and pursue a goal, an agenda and surround themselves only with people who agree with them.

I just, one of the things that I know we are going to hear from the President tonight is a caution that victory, if we achieve it, won't be similar to other military victories. He will talk about, as opposed to the Mission Accomplished banner that was emblazoned over his head on the deck of a battleship, he will caution us tonight apparently that that is not what victory will look like if we ever achieve it in Iraq.

□ 2000

It will not be perfect, and that the outcome will not be traditional. Well, it sure will not. It is hard to imagine that we are ever going to achieve a semblance of victory. One of the things that we intend on doing as Democrats and aggressively doing is holding this administration accountable. The question has been asked repeatedly by commentators and by our friends on the other side of the aisle.

There has been a question mark about whether or not Democrats will have the nerve to actually address the issue of funding these additional troops. And Speaker PELOSI has talked about how we absolutely are committed and will continue to be supportive with funding and every other measure of support for the troops that are there.

There is no question we would never pull the rug out from under the troops that are there fighting on behalf of America and fighting on behalf of democracy. But we absolutely should question this strategy, which is completely contrary to the goals and desires of the American people, and which is contrary to the advice of the military leadership.

There is no question, I believe there is no question about Democrats' nerve; no question about whether we plan on holding the administration accountable, which hasn't occurred in years. There has been, like you said, no opportunity to question the administration's choices and direction on Iraq; no opportunity to actually cast a vote on whether this new direction would receive and was worthy of funding.

I truly believe that is an opportunity that we will be having and that we should have and that we should accept, because the American people elected us to make bold decisions and make sure that we can move this country in a new direction, domestically and in terms of our foreign and military policy. I look forward to finally being able to reassert this institution, the United States House of Representatives' role in the system of checks and balances, because the unitary philosophy the executive branch in this administration supports is wholly contrary to the Constitution.

Mr. RYAN of Ohio. I appreciate your points. One of the things that we now expressed in the last Congress was having these third-party validators.

Ms. WASSERMAN SCHULTZ. That is right.

Mr. RYAN of Ohio. This is not just Democrats. I have not talked to a Democrat yet who thinks that escalating this war is a good idea, and our new direction is not just continuing down the same war with more troops. But I just want to share a few quotes that I did some research on and pulled out that I think are indicative of what's going on here.

Colin Powell, as my friend from Florida said earlier, quote: I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work. That is Colin Powell, who basically led us into this mess that we are in.

Oliver North said, quote: A surge, or targeted increase in U.S. troop strength, for whatever the politicians want to call dispatching more combat troops to Iraq, isn't the answer. Adding more trainers and helping the Iraqis to help themselves is. Sending more U.S. combat troops is simply sending more targets. That is Oliver North. I found that in Human Events online.

Major General Don Shepherd, United States Air Force retired: I would not even consider increasing troop strength in Iraq. Shepherd, who works as a CNN military analyst, offered this analysis of what should be done next after he was briefed by members of the Iraqi Study Group. He wrote, quote: I would not even consider, again, I would not even consider increasing troop strength.

And I will give you one more, as we are going through this. Michael Vickers, former Special Forces officer, who said the security situation is inextricably linked to politics. If you can solve some of the Iraqi political problems, the security situation becomes manageable.

If you cannot, all the forces in the world aren't going to change that, and I found that on the NewsHour with Jim Lehrer on PBS of December 12 of 2006.

So this is coming from Republicans. This is coming from Democrats. This is coming from people all over the country.

Mr. MEEK of Florida. Mr. RYAN, I just get so excited whenever you do your own research, and you find quotes and all.

But I can tell you what's important here is to make sure that we follow through on what we told the American people. The American people voted for representation, and I am not just talking about proud Democrats, Republicans, independents, some young people that voted for the first time in their lives because they believe that there will be balance in this democracy that we call on.

So many of the issues that we talk about here, and so many issues that are within our first 100 hours that we want to work on, Ms. WASSERMAN SCHULTZ, and that we said we would do in our Six in 2006 plan, the American people said they were for it overwhelmingly.

We have to be able to understand here in this House that we would carry out what we said would do. Now that is a paradigm shift here in this U.S. House. A lot has been said. Very little has been done, but we are moving in that direction.

I was in a meeting earlier today and saying that we need an escalation in the truth and not the troops. We need an escalation in the truth and not the troops.

The truth is that the U.K. is pulling 3,000 troops out by May. The truth is, several other countries that are, quote/unquote, allies in Iraq, they are paying ransom for their troops that are captured by insurgents, because of the lack of security there. The truth very well may be, Ms. WASSERMAN SCHULTZ, Mr. RYAN and Members, the President is trying to say, well, I am going to send this in light of security, what have you.

Security missions to secure Iraq. What does that mean? Troops having to go out on patrol. What does that mean? IEDs, improvised explosive devices that will be on those roads. What does that mean? Fifteen months away from your family once again on the second or third deployment. What does that mean also when you look at the overall two theaters that we have now? Over 1.4 million troops, U.S. troops, have gone into theater over and over again.

What is our situation right now? Two-thirds of our military not ready to move as it relates to readiness if something was to happen. We have one-third that is ready. I am not giving out national secrets. You can read this in the newspaper.

So what's our job is to govern. What's also our job is to make sure that we provide oversight. That is what this U.S. House is all about. We're the People's House. You have to be elected to get here. One person said, in the Constitution, you can appoint a speaker, whatever the case may be, but mainly there is an election if a Member was to say, I no longer want to serve, whatever that reason may be.

Saying all of that, I am glad we touched on the issue. I think it is important because I know there will be a lot of talk tomorrow, because the

President is the Commander in Chief. We committed during the election, when I say we, those of us that are in the majority, that we will not leave, that we will have the troops back, and we will not leave them underfunded, and that we will not pull the funding of the troops that are in Iraq now.

No one, I mean, no one, Ms. WASSERMAN SCHULTZ, no one, I want to say this again, not even the bipartisan study commission, none of them, endorsed what the President is talking about right now.

The President had a meeting with some folks that he has been having a meeting with for the last 6-plus years, having a meeting with the same people, having the same input, the same advisors, and it is a merry-go-round of trust. I don't know if it is, you know, in all due respect to the folks that are making the decisions, I don't know if new people are being put into this circle of trust of saying, well, you know, maybe if I haven't been given good advice in the past, maybe I need to bring some different folks in to give me some input.

No, the only thing that happens in this circle of trust within the Bush administration is that sometimes people get off and they write a book about how bad the circle of trust was. That is what's happening.

Now, Donald Rumsfeld was the last one to jump off the merry-go-round. We don't know what he is going to say, but I think he is going to take it all the way, and he is not going to say anything at all. But there are a lot of bad decisions that have been made, and if you disagree within the circle of trust, you are out.

So I want the American people, I want the Members to pay very close attention, and, I am talking to my Republican friends as well as my Democratic friends, that we have the leader up and represent the American people on this issue as it relates to this escalation in troops. We need an escalation in the truth and not the troops, and that is where it is right now.

Ms. WASSERMAN SCHULTZ. I know our good friend from Rhode Island wants to talk about H.R. 3, which we will be considering tomorrow. But the Iraq Study Group, which you briefly touched on a few minutes ago. It is amazing how that just almost has faded into oblivion; that their recommendations, the number of months they worked, the expertise that was put together, led by former Secretary of State Mr. Baker and Mr. Hamilton, very well respected.

Nowhere in their recommendations, am I right, was there an escalation of troops. Was there any indication in the Iraq Study Group, who arguably is the finest group of experts that could have been put together to make recommendations, nowhere in there was an escalation of troops. At least from what I noticed, and you can correct me if I am wrong, the President essentially just dismissed their recommendation and moved on and went in the direction that he chose to go.

I would like to take this opportunity to yield to my good friend, to our good friend, the gentleman from Rhode Island, because we are dealing with an important piece of legislation tomorrow that has already been put on the President's desk once. And as part of the new direction for our Six in 2006 agenda, we are going to put it on his desk again, because maybe he will get it right a second time.

Mr. LANGEVIN. I want to thank the gentlelady, and before I begin on my comments on H.R. 3, the stem cell research enhancement act, I want to just thank my colleagues for their important comments on Iraq and the direction that the Iraq war has taken and the failed policy that we have seen in Iraq and the strain that it has put on the families of soldiers, the soldiers themselves. Clearly, we need a change in direction in America. That is what the American people expect.

This 100 hours agenda, obviously, is an important topic. I rise in strong support of the 100 hours agenda. As a four-term Member of Congress, it has been exhilarating for me to return to Washington and tackle the issues of the American people which have long been ignored. I am so proud to be a part of this new direction and a Member of this Chamber.

As we prepare for the embryonic stem cell research debate which will take place tomorrow, I am reminded that one of the primary reasons I ran for Congress, which was to make a positive difference in people's lives. The 110th Congress is being ushered in with a tremendous sense of hope and optimism. In the first legislative week, we have taken great strides towards improving the lives of hardworking Americans by increasing the minimum wage and fully implementing the recommendations of the 9/11 Commission.

H.R. 3, the stem cell research enhancement act, is yet another example of this agenda of hope. This legislation will remove the restrictions that current administration has placed on the advancement of medicine and the hopes of millions.

Tomorrow, we will hear from both sides of the stem cell debate about whether the Federal Government should support this type of research. We will hear promises and stories of tremendous scientific advancement.

We will hear the limitations on these advancements, and we will also hear some distortions. But I come before you tonight with confidence; confidence in the science of stem cell research; confidence that the American people overwhelmingly support this legislation; confidence that tomorrow a great majority of my colleagues will once again vote in favor of the stem cell research enhancement act; and confidence that, one day, once all of our Nation's leaders will rally all around all types of stem cell research, and we will see big changes in the field of medicine and in the lives of so many people who are suffering today.

So tonight, I rise, I rise to help spread this message of hope and optimism to our constituents who are watching at home; for the 400,000 Americans who are living with MS; the 60,000 American family whose have faced the fear of a loved one's Parkinson's diagnosis this year; the thousands of Americans who have seen family members come to Alzheimer's disease; the 250,000 Americans who, like me, live with the constant challenges of a spinal cord injury, and so many others. To all of you, I say: Help and hope are on the way.

I want to thank my colleagues for giving me time tonight and being part of this 100 hours agenda debate, particularly, again, what you have done for enlightening the American people on our position of the war on Iraq and the new direction that we need to take in this country.

Thank you very much.

□ 2015

Mr. MEEK of Florida. We look forward to the debate tomorrow. I know Ms. WASSERMAN SCHULTZ is going to give the e-mail address out, and then we are going to close out.

Ms. WASSERMAN SCHULTZ. We want to thank the people in the chamber for listening, and encourage people to come to our Web site www.speaker.gov/30something, and we also look forward to having a graphic so we don't all have to make sure we remember the Web site. Thank you.

Mr. MEEK of Florida. Life is getting better, Mr. Speaker, and we will get the tools necessary, visual aids as we usually have here on the floor. We keep the chart companies in business.

Mr. Speaker, it was good to come to the floor again, 30-Something Working Group. We will be returning back next week with some of our new members that have joined us. Once again, we want to thank the Democratic leadership for allowing us to have this hour.

Mr. Speaker, historic days in the Capitol. Tomorrow will be the same. Friday will be the same. We thank God for the opportunity to be in the majority.

THE DEMOCRATIC AGENDA AND THE PRESIDENT'S AGENDA ON IRAQ

The SPEAKER pro tempore (Mr. MAHONEY of Florida). The gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you and of course all the Members here on this floor of the United States Congress. I would point out here in the beginning that it is about 8:15 here this evening, and the President will be giving his major address on Iraq at about 9:01 and so I intend to be asking for an adjournment just right before 9:00 so there is an opportunity to do that transition and that the President does have an opportunity to use this channel to speak to the American people.

To begin this presentation this evening, and we listened to the members on the other side of the aisle talk about supporting the 100-hour agenda, Mr. Speaker, I point out that this 100-hour agenda was a number just kind of picked out of the air or off the wall and it turned into a promise. And inside of that promise of 100 hours and to accomplish these five or six things within 100 hours are a whole series of other promises, and it appears as though the most important promise of all is we are going to do all this in 100 hours. The 100-hour promise. And not the promise for bipartisanship and not the promise for the most open Congress in history, and probably not the promise for the most ethical Congress in history. The jury is still out on that, Mr. Speaker, but this thing that preempts all, that trumps all is this idea of 100 hours.

Well, 100 hours to the American people might mean at midnight on December 31 when the ball dropped and hit the bottom in Times Square, the clock might start to tick on the 100 hours here in 2007, the new 110th Congress. But I don't take that position necessarily, Mr. Speaker. I take the position that when we gaveled in and went to work here, if you want to count 100 hours, that is fine; if you want to make a promise to get something done in 100 hours, that is also fine. But that 100 hours didn't start for the first week. It didn't start for the first week because we were voting on things other than the six things on the agenda to be accomplished in the 100 hours.

And so then the promise that it was going to be bipartisan and an open process, we found out, I guess after Congress began, this 110th Congress, that this open process couldn't be opened up until the 100 hours were over, or otherwise they couldn't get everything accomplished in the first 100 hours. So bipartisanship went out the window a victim of the 100-hour promise, and so did the open kind of a system. The bills didn't go through subcommittee. They didn't go through committee. They didn't go through rules. No amendments are allowed. And yet that was all decided before the 100-hour clock began.

So we set up a clock, a legitimate clock, one that actually keeps the time here that Congress is in session. From when we gaveled in this 110th Congress, we gavel in the morning, open with a prayer and the pledge, and we gavel out in the evening. That clock has got a tick on that. We are paying people here to work around this Capitol the whole time the 100 hours is moving.

So I set up this clock so the American people can keep track of what the hours are, and I point out this: When we started this morning, we were at 31 hours that ticked away since. And these are just business hours. It is not a stretch; it is not 24 hours a day. It is the hours that this floor is in operation. In fact, yesterday, it was scheduled to be at 10:00, so a lot of people made their plans to be here at 10:00. It didn't work on Monday because of the football game. And I will just reserve my opinion of that tonight, Mr. Speaker. But the 10:00 time to start got moved back to 10:30, got moved back to noon and then got moved back to first votes at 5:30 yesterday afternoon. So some of that is not taken into account here, but as of about now, this 100 hours has clicked up to 42 hours, Mr. Speaker, have ticked away. And there have been a couple of things that have been passed, and some will claim that to be an accomplishment. And I don't intend to take up that issue either tonight, Mr. Speaker. But I would point out to the American people that we are at 42 hours and counting.

If you can't count time, you also can't count dollars or people. And it is important to understand the cost to the United States of America and the taxpayers that fund it. And we will be doing some of these tallies after hours tonight to come back with some better numbers tomorrow, and I will bring this chart then to the floor every day until the 100 hours ticks over, and we can make this 100-hour promise something that goes into the dust bin of history.

But this 100-hour promise has trumped the other promises. It has been more important than an open system of government. It has been more important than allowing anyone to offer a single amendment to any bill that has come forward here, and each one of those bills are going to change the destiny of America. Maybe a little bit, maybe a lot. But each one will change the destiny of America some. And the people I feel sorry for, all of those new freshmen Democrats, the ones that were elected to office having promised that they were going to represent their constituents here, they would have a voice, they would be effective. They bring with them the vitality of America. They bring the new ideas into this Congress, the fresh blood. The best responsiveness to constituents that you ever will see on average comes with the freshmen. We are glad when they come here every new Congress because it adds new vitality.

But that large crop of Democrat freshmen and that smaller crop of Republican freshmen I think have gotten their eyes opened up a little bit. I think they believed they would come here and they would be able to come to a subcommittee and do a markup on a bill and offer an amendment to improve the bill and see it go over to full committee, offer an amendment, improve the bill and bring it to the floor, where amendments would be offered and the bill would be improved and perhaps perfected and passed out of this Chamber, on over the Senate, where we would have negotiations working with them and they would have done the same thing.

The sad news for those freshmen is that they don't have a voice in this process. Not a single freshman had an opportunity to offer amendment to engage in debate in a subcommittee, to engage in debate in a committee; didn't have an opportunity to go before the Rules Committee and make their argument as to why their amendments should be made in order. None of that was allowed to the freshmen. And, in fact, the small little group of people that put together this policy didn't consider the wisdom of Congress; they considered the wisdom of the people within that room, and I guarantee you, Mr. Speaker, that didn't include the freshmen, either the Democrats or the Republicans, who now have to reassess what kind of a system they thought they had gotten elected to.

And I hope this 100 hours ticks away, and I hope it can be put away into the dust bin of history, and I hope those other promises can be rejuvenated and brought back to life, those promises about having an open system, a system that is bipartisan and a system that allows for amendments so that we can improve the legislation that comes.

We are at 42 hours, Mr. Speaker, and the clock will start again. Actually, it will shut off when we adjourn here about 9:00 and it will take up again tomorrow morning when we gavel back in.

But, Mr. Speaker, I come here to talk about a big subject. It is a subject that has been consuming the thoughts and the prayers of the American people since September 11, 2001, and that subject is a subject the President will take up here in a little more than 35 minutes. It is the subject of this global war on terror, and primarily the battleground, the main battleground, which is Iraq, in this global war on terror.

I have certainly been involved in this since the beginning of the operations in Iraq. I have been over there four times. I have traveled into Afghanistan as well. Each time I go over there, I always stop at Landstuhl in Germany and visit our wounded troops there. And the last time I was over was over Thanksgiving, just a little over a month ago, when I ate Thanksgiving dinner with wounded troops in Landstuhl at the hospital in Germany, and that was the most meaningful Thanksgiving I have ever had in my life. I don't expect to ever top that for a moving Thanksgiving where one can really be in awe of true courage, true patriotism and true sacrifice.

And I believe we are going to hear a speech from the President in a few minutes from now that is going to be, I think the tone of it could have been written by those people that have sacrificed the most, our soldiers and Marines and airmen that have perhaps given a limb, perhaps been wounded and crippled for life. I have not yet met a wounded soldier who said to me, "This is a lost cause." They believe in the cause. They want to get back to the fight. They want to get back to the people they feel responsible for, and they want to complete the mission.

The wounded troops will stand with the President in the speech he is about to give and the families of those who have given the ultimate sacrifice, the Gold Star families, the families that have traveled across America and been here in Washington, DC, a number of times and were in my office a week before I went over to Iraq. Some of those Gold Star families, those that have lost a son or a daughter over in Iraq or Afghanistan, some of them have also traveled over to the Middle East, also traveled into Iraq and got to visit the Iraqi people. And one of the fathers who lost his son killed over there in Iraq said to me: "We cannot pull out of there. It is different now. We are committed to that cause. Lives have been lost. The soil in Iraq is now sanctified with American blood. It is not so simple that we could just walk away. We cannot. We must stay. We must prevail. We made the commitment to go there; we are invested in it; we must prevail."

As I looked him in the eye, I know what kind of pain he has been through, that soaked in with me, Mr. Speaker. And so I traveled over there in the aftermath of their trip, and as I went alone this time, I didn't go with a congressional delegation, I just went alone, and I had an opportunity to sit down with General Abizaid and close the door and talk and ask questions and probe a line of reasoning and then take on another line of reasoning. I had the opportunity to do the same thing with General Casey, although staff was in the room for that one. I also sat down with General Corelli and did the same thing. I had two meetings with Ambassador Khalilzad. And then each time I walked into a mess hall, or I would just holler out, "Is anybody here from Iowa?" And invariably there would be Iowans there. And there is an instant connection between you and someone from your State. You know where they are from. You know what they believe in. You have an understanding about their background and where they come from. You know what sports teams they support, or at least you can find out quickly, and we have those little arguments, Mr. Speaker. But when I index the things that I hear from our top officers that are in the field and what I hear from the people on the ground, and as I talk to people through all ranks and travel across Iraq and also Afghanistan in this last trip, put back together a kind of strategy and come to a conclusion as to where we need to go and what we need to do.

And let's look at this thing, Mr. Speaker, from two broad perspectives. One of them is the idea that I am hearing over here on this side of the aisle, and this is not a new idea from the people on that side of the aisle, Mr. Speaker; they slipped language into the Department of Defense appropriations bill that would have by now prohibited all operations in Iraq. And that was Mr. MURTHA's language that went in there that prohibited any basing rights negotiations in Iraq, which would have meant, had that language prevailed that when our agreement on any of our bases in Iraq had expired, we couldn't negotiate a new one. So, over time, we would have had to give up base after base after base until we had to pull our troops completely out of Iraq.

That is not a lot different than the amendment that came out of an appropriations bill on this floor, Mr. Speaker, back in 1975 when a large Democrat majority took over and decided that they would take us out of the operations in Vietnam, and they introduced legislation successfully that forbid a single dollar from being used to support the South Vietnamese military. Not a dollar that can go for a bullet, for food, for a helmet, for a pair of khaki uniforms, no air cover, and nothing could go on offshore in South Vietnam either. So they shut down their operations in South Vietnam. And the South Vietnamese had defended their own country for 3 years, but when their resources dried up, their military collapsed.

□ 2030

Some of those things are being maneuvered right now, and I can hear this come out of the debate on the other side of the aisle.

But here are the scenarios: One scenario is listen to the people over here, Mr. Speaker, who would say, well, let's unfund this operation. Let's bring our troops home now. Let's get out of there because it is sectarian strife and you can't resolve a civil war and it is just brother fighting against brother and why do we want to get involved in a family feud? All of that that substitutes for rationale.

But what they are really looking at is if they get their way, the reality in Iraq is different than their perception, I believe, and I would like to have them pay a little more attention, maybe go over there with a real intention to learn.

But a year ago in Iraq there was violence over most of the entire country scattered around. And the argument I heard from this side of the aisle over here was, well, let's get out of there right now, get the Americans out because, after all, they are the targets and Iraqis just want to have their own country. They object to Americans walking on their soil. So if we would leave, there would be nobody for them to shoot at, and then peace would break out all over Iraq, and the government would take over, and everything would be peaceful and fine. That was their argument then. Well, it was flawed, of course. But there was violence over most of Iraq.

A year later, now, most of the violence is confined to Baghdad. Eighty percent of the violence is in the Baghdad area. So peace has broken out over most of Iraq. And if you talk to the soldiers that have been over there that are running missions and convoys and doing patrols, they will tell you that most of Iraq seems very, very normal, that you go down the street and off on the road and the Iraqi kids come out and wave and the Iraqi people are open and friendly. The men are open and friendly. The women are a little more shy and a little demure. That is their culture. But they travel where they want to go, and the only thing that makes them realize that there is a war is when an IED goes off. So we are getting there, and the Baghdad area is the area that needs to be controlled and pacified. The rest of the country is pretty good.

If we pulled out now or if we pulled out in the near future, the involvement and the interference that comes from Iran would be imposed on the Shiia section of Iraq, which is actually a little more than the southern area of Iraq, which has got most of the oil in it. It would be Baghdad and some of the areas to the north of there and all the way south down to Basra, into the hands of the influence of the Iranian Shiia, who are right now funding and training, equipping and arming terrorists in Iran and sending them into Iraq and supporting some of the militia personnel there like Muqtada al Sadr.

I happen to have his picture here. This fellow has been a nemesis for a long time. And I put the date down here. That was the date that I was sitting in a hotel in Kuwait City watching Al Jazeera TV. Muqtada al Sadr, the head of the Mahdi militia, came on Al Jazeera TV, and as I watched that he said in Arabic with the English crawler underneath: "If we keep attacking Americans, they will leave Iraq the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu." Muqtada al Sadr.

Now here he is being supported by the Iranians, funding his militia, helping to train his militia, and paying some of them to plant IEDs and attack Americans. Iran is conducting a proxy war against the United States from the sanctuary of their sovereign nation of Iran and sending in the munitions and the militia and the insurgents to attack Americans there, and this man is their surrogate, and he must go.

It is more complicated than the people on the other side of the aisle would say. They would argue that it is just Shiia and Sunni that are fighting each other. There are six to eight different factions fighting each other there. Sadr is one. The Badr Brigade is another. Al Qaeda is another. There are Sunni criminal groups that are fighting. There are other groups, the former Baathists, that are fighting.

You can add these pieces up, Mr. Speaker, but in the end it is more complicated than just simple sectarian strife. It is a power struggle, a power to provide security and safety within some areas of the community, the effort on the part of Muqtada al Sadr and others to drive some of the Sunnis out of Sunni sections of Baghdad so that they can have their internal hegemony within the city of Baghdad.

But this all happened because there was somewhat of a vacuum there and we didn't go in and take this man out when we needed to do that. And he has been to some degree protected by Prime Minister Maliki, who this afternoon made a statement that essentially puts Muqtada al Sadr on notice. He tells the Shiite militias to give up.

"Prime Minister al-Maliki has told everyone that there will be no escape from attack," said a senior legislator who is close to Maliki. "The government has told the Sadrists," Muqtada al Sadrists, " 'if we want to build a state, we have no other choice but to attack armed groups,' " this being the armed groups, Mr. Speaker.

So I will say there are two main points that I want to hear the President address tonight, and one of them is militias must be taken on and taken out and they are getting an opportunity to surrender right now because Prime Minister Maliki has put them on notice. They must be taken on and taken out if they don't surrender. This is the lead that has got to go.

The second one is Iran must cease and desist from their proxy war against the United States from the sanctuary of the sovereign nation of Iran by sending in insurgents who are trained, equipped, funded, and armed by the Iranians.

And, by the way, IEDs that are being detonated that are blowing up Americans and killing Americans are being made in Iran and smuggled into Iraq. If we pull out of Iraq now without a successful safe country there, the result will be Iran will control the Shiia section of Iraq. They will control most of the oil in Iraq. They control the Straits of Hormuz now. They would control the outlet, the mouth of the Tigris and Euphrates River, the Umm Qasr ports, the export area for Iraq's oil. They would have a stranglehold on 40 percent of the world's oil, which is a death grip on the world economy.

They would be in a position to continue to enrich themselves, and their money chest would be pouring over. They could then accelerate their nuclear weapons development. They could either build more and build them faster or buy them where they could get them, perhaps from North Korea, and you would see Iran much more quickly become a dominant nuclear power with an ability not just to put a nuclear missile into Tel Aviv but the ability to do so into Western Europe and within just a few years the ability to do so clear into the United States of America with a death grip on the oil and the world, 40 percent of the oil, which controls the market, Mr. Speaker.

That is what we are looking at if we pull out of there. The stakes are too high, and that is why the President rejected, I will say politely ignored, the Iraq Study Group's recommendations.

But we should keep in mind, Mr. Speaker, that there was a million dollar appropriation here that went to the United States Institute for Peace and out of that came the Iraq Study Group. Now, why, if we wanted to figure out how to win a war, would we go to the United States Institute for Peace and ask them to give us some advice? That makes about as much sense as going to the Syrians or going to the Iranians and saying, can you help us solve this problem? Why don't you give us some constructive recommendations?

It is not in their interest to give us constructive recommendations. It is in the interest of the Iranians and the Syrians to undermine our effort there so that they can get us out of the Middle East and they can impose their influence on Iraq, not the other way around. We will not get constructive advice from Iran or from Syria any more than we got advice on how to win a war from the Iraq Study Group because I believe that they thought that their charge was how do we get out of this? Let's figure out how to get out of this. Not how do we win?

But the President, to his credit, went to the Pentagon and said, I don't want to hear from you how we get out of Iraq. I want to see a strategy for victory.

I wish he had done that a couple years ago, but I am glad he did it now. I am looking forward to his speech; and, as I said, I will be sure we adjourn here before the President's speech that will happen right at 9 o'clock.

But, at this moment, I would very much like to yield to my friend from Tennessee, Mr. ZACH WAMP.

Mr. WAMP. Mr. Speaker, I thank the gentleman very much for yielding.

And I just want to open by saying how encouraging it is to see a Member like yourself take such a hands-on interest in the affairs of the Middle East, and I think anyone here tonight or watching these proceedings would understand your perspective and how informed it is. Plus you approach it from the purity of an Iowan. And I am very grateful for your due diligence and for the work that you have done and the way that you understand these threats.

I was reminded, as you were speaking, that just a couple of years ago you and I were in Africa together talking about these threats and how we were concerned that Africa was also at risk with some of the areas like Somalia, which is in the news again this week, where these international terrorist networks are, frankly, looking for another sovereign nation from which to operate, as they had with Afghanistan, and how global this threat really is.

I did not come, Mr. Speaker, to the floor tonight to in any way alienate or accuse anyone here or the other party in this case, because if ever there was a time in my life where we need Democrats and Republicans to come together on an issue of national/international importance, it is this issue. This is where I hope that there are never partisan motives attached to anyone's position on matters of war and peace.

I want to go back to the very time when we voted in the House and the Senate to remove Saddam Hussein by force and remind everyone that over half of the Democrats in the Senate voted to do so and almost half of the Democrats in the House voted to do so. And they can say now, oh, but we didn't have good information or whatever their rationale is for wanting to pull out abruptly now, but the truth is we are where we are and this situation is as it is and we are in it together. And if ever there was a time where Americans need to meet again at the water's edge, it is now.

I don't want to preempt what the President says tonight. The President is in a very difficult place because the war has not gone well. We have made mistakes. We have not implemented certain policies to the best of our ability. And I think it is important for him to recognize those flaws and those shortcomings with the mission to this point because, in my opinion, all great leaders at some point say we are on the wrong road and we need to get to this road or we have made this mistake or that mistake and if you will join me, we can rectify this problem. Because the stakes are enormous, as you said.

The great football coach Vince Lombardi, and football is just meaningless compared to these matters of war and peace and life and death, but he said once that fatigue makes cowards of us all. We need to remember that as a people, as a Nation, because we are all tired of this. I mean, I am weary of attending funerals in my district. I attended one with my wife again Monday, another one of a young soldier who died in Iraq over the holidays. His son was born the day after he died. We are all sickened by this sacrifice and this loss. But I have got to tell you if that collectively causes us to lose our passion for freedom or our will to carry on our way of life, it will be a tragedy in American history, and these are the decisions of the moment.

Now I know that our friends from time to time quote people, but one of the people, ironically to me, that serves as kind of the conscience of some of these international issues is Senator LIEBERMAN of Connecticut, who ran against, with my fellow Tennesseean Al Gore, the President and the Vice President. He just returned from this area and he came back in support of not only continuing our efforts until we can prevail in Iraq but, if necessary, and I am not endorsing increased troops tonight and I think the President is going to make his presentation and he has got a long way to go to convince the country and the Congress that this is necessary, so I am not endorsing that. But I am saying that Senator LIEBERMAN came back and effectively endorsed, in order to control these areas of insecurity particularly within the 30-mile radius of Baghdad, increasing troop strength and he talked about "greatly advancing the cause of moderation and freedom throughout the Middle East and protect our security at home." And I am very concerned that if we retreat into the 1990 style complacency that 9/11s will continue.

One of the problems is that we did not have enough troops on the ground, and one of the expressions I wish hadn't been uttered was "Mission Accomplished" because there were many difficult days ahead of us following that unfortunate time. We didn't have enough troops to secure the area in and around Baghdad, and that is where 80 percent of the violence is taking place.

☐ 2045

Sending more troops to Iraq will not help unless it is coupled with a concrete and feasible plan and a new strategy that requires the active participation of the Iraqi government. And the goal should be clear, an Iraq run by, secured by and governed by the Iraqi people.

Frederick Kagan from the American Enterprise Institute wrote this week that, "The real choice we face is this: Is it better to accept defeat than to endure the pain of trying to succeed."

I will say it again. "The real choice we face is this: Is it better to accept defeat than endure the pain of trying to succeed."

I don't think we can accept defeat. I don't think we can be seen as in retreat, and I want to explain why. For one, all of those troops that have given their lives that I have been with the families of say to me, We must prevail. We must continue on. My son, my husband, my father, believed very much that this was a just cause and the right thing to do, and we must succeed. They have suffered great loss, and they believe that it is the right thing to do.

But I want to say this, this cannot be George W. Bush's war. This must be America's fight. We must see people in a bipartisan way come together around a plan. I don't know if 20,000 troops is the right number, or 5,000 or 100,000; but we need to come back together because we are where we are and it is what it is, and if we are ever going to bring troops home in victory in 18 months or 24 months, we may have to put our foot down in the short run. Senator LIEBERMAN believes so. The President believes so. And I hope that the case is made clearly so that more and more Americans understand this.

Over the last few days, Zawahri, who is now the commander effectively of al Qaeda in the Middle East, has encouraged these terrorists to go to Somalia, as I said earlier, in northern Africa to fight the fight. The truth is this: If we were out of Iraq tomorrow, this threat continues. This threat did not just happen. September 11th was not the beginning of this. It was the culmination of them attacking us and our interests around the world and our sovereign land around the world, at our embassies. The same people, the jihadists, the extremists.

Read the book "Hatred's Kingdom" about wahabism, Qutubi and Azzam. In the 1950s, they began indoctrinating people on this unbelievably radical element in Islam to oppose anyone who did not believe as they believed, and that is the Hezbollah foundation out of Iran, as you say.

When people say these connections were not in place before September 11th, these connections with these terrorist elements have been in place for years. Don't deny that. You are burying your head in the sand. Read "Londonistan" and how they have infiltrated London. Read "While Europe Slept" and how they have infiltrated Europe. Read "America Alone" or "Looming Towers" and understand that these threats are our generation's call to courage, and we cannot grow weary such that we retreat. Too much is at stake.

The President is trying to get us back on the right road. One speech is not going to do it. Tonight is not going to do it. But I am hopeful for our country's sake, not my party's sake, not the Democrat's sake, but for our country's sake so we can find a path forward together. This cannot be the President's war. It has to be our country's fight against the jihadists wherever they go, and Iraq is one theater, and they want to fight us, and we need to defeat them. Let's meet together and send them back to their caves or into eternity so that our way of life is carried forward to the next generation.

This is a generational challenge. We can't deny from time to time in history you have to step up and these brave sons and daughters have done just that, and they have volunteered to serve. We honor their sacrifice, but please, House and Senate and country, come together and find a path forward as one Nation.

Mr. KING of Iowa. I thank the gentleman from Tennessee for his commitment to this country and the passion that he brings to everything he does. I point out, that meeting in Africa, we arrived from different locations and almost by coincidence, by providence, we arrived at the same location to address the things we were concerned about in South Africa at the time. I also note that Mr. WAMP shows up to address these issues spontaneously on occasion. I very much appreciate your leadership, ZACH.

As we sit here tonight, I will review some of the things that Mr. WAMP addressed. He listed a number of books that he recommended that we read. Among them was the book "While Europe Slept" by Bruce Bawer, and that is, I think, one of the most profound reads I have ever gone through. It tells the story how the author has traveled from New York City into Holland to make his life there, and realized he could never become a Dutchman in Holland the same way you can become an American in the United States. So he moved to Norway to become a Norwegian and found out that although he could develop his language skills and understood the culture and history of Norway, he would never be a Norwegian because they don't have a system of assimilation that we have or at least had in the United States.

So he traveled throughout the countries in Europe and gathered anecdotes and data and studies and compiled an understanding of what is happening with the ethnic enclaves that have been created in Europe, those enclaves that are Muslim enclaves.

Our idea has been in this country to promote assimilation. Everybody can become an American. That, we have considered to be multiculturalism. But the multiculturalism in Europe is different. That is, let us create an ethnic enclave here, and look at us. We are no longer this blue-eyed, blond society, or whatever it happens to be in the Scandinavian north or whatever the complexion might be in some of the other areas in Europe. We now have multiculturalism by ethnic enclave, and the ethnic enclaves being primarily Muslim have not integrated into the rest of society, and they have brought more and more from their home country and grown their enclaves to the point where Bruce Bawer's analysis comes down to that skepticism that France will ever be French again within the next generation, and that the takeover that takes place without the assimilation by rejecting the host country's culture and importing the culture of the newly arriving immigrants transforms these countries and explains why you can see second generation British of Pakistani descent setting off bombs in the subways in London.

It explains that, and it shows what is happening to the culture in Europe because they have opened up their borders and not promoted assimilation. When it is done, Bruce Bawer's analysis comes down to the choice for Europe will be either one of two things: total capitulation or mass expulsion. That is what Europe is faced with, and I am not optimistic that Europe will recover and come back to being a partner for the free world again because the people that are in those countries that are slowly by birth rate taking over don't believe in the freedoms that we believe in, Mr. Speaker. They reject them. They reject Western civilization and our Christian culture. The reject the Judeo-Christian belief system. The wahabists that Mr. WAMP talked about, they believe they have an obligation or at least a right to annihilate those who don't believe like they do.

That is the enemy that we are up against. And this geopolitical dynamic needs to be understood by the Members of this Congress, and I am thinking the best way they can understand it is when the American people study it and get their voice into the ears of their representatives, the 435 here in the U.S. States House of Representatives.

But to take on a little more of this, I would point out that a major question needs to be asked and answered, and I hope the President has asked the question and I hope he has answered the question, and that is: Can we live with, here in the United States, a nuclear armed Iran? That is part of this overall equation. It isn't just confined to Iraq.

As I spoke earlier, Iran is conducting a proxy war against the United States in Iraq by training and funding and harboring terrorists and sending them munitions and equipping them and also making IEDs and other munitions that go into Iraq that are being used against Iraqis of all stripes and being used against Americans. That has to stop.

But can we tolerate a nuclear-powered Iran, an irrational nuclear-powered Iran that has Ahmadinejad who is fuming and making allegations about the annihilation of Israel and the annihilation of the United States.

All we have to do is listen to these tyrants and believe what they say. Every action that they make makes it clear that they will develop a nuclear bomb. They will develop more than one. They are developing the means to deliver it now, as they are developing a bomb now. Why would we disbelieve them? Why would we think that we could talk them out of it? When you go into negotiations, you never get something for nothing. You have to have something to offer.

I ask the President, and I hope he will tell us tonight, that he has put the cross hairs on Iran, and directly on their nuclear capability and sent through a back-channel message to Ahmadinejad and the mullahs that run him that Iran's nuclear days are numbered and that there is a decision that has already been made that they will not have a nuclear capability. And if they cease and desist from their proxy war against the United States that they are conducting within Iraq, then they will be allowed, perhaps, enough negotiation time that they can save some face before they dismantle their nuclear endeavor.

Should they proceed, then the decision needs to be made whether to take out Iran's nuclear capability. We saw 4 days ago, there was intelligence or I will say a press leak that came out of Israel that they have a contingency plan to take out Iran's nuclear capability with limited tactical nuclear weapons. If they have to do that, I am afraid there is an all-out conflagration in the Middle East, and all Arab countries will descend upon Israel. If somebody has to do it, it is better if we do it. It is better if Ahmadinejad dismantles his nuclear capability.

That is where I would start: Cross hairs on Ahmadinejad, put the cross hairs on their nuclear capability, and then if they back out of Iraq, then we can have a peaceful Iraq. We still have to remove Muqtada al-Sadr and some other militia leaders. If those two things happen, that shuts off the money, the munitions and the operations of violence that are there. As long as there is money there, somebody is going to set an IED. I can see that. But most is controllable by the Iraqis.

I have watched as thousands of Iraqi troops have been trained, lined up in ranks. I first saw them and reviewed those troops in October 2003. Those troops were trained by General David Petraeus. He headed up the Iraqi military training operations when he was over there during the last deployment, and now he has been appointed to command all military operations within Iraq. He is the most impressive military person I have met in my life. If anyone can run this operation in Iraq successfully, it is David Petraeus. He has the love and respect of many of the Iraqis, the Kurds and Sunnis and Shias. And in Mosul, where the 101st Airborne, which he commanded when they went in to liberate Iraq, there in Mosul, they went in and liberated Mosul in the latter part of March 2003. By the end of May 2003, General Petraeus had held open elections in Mosul in those three provinces there, and elected a governor and a vice governor, and I also recall a business representative at the table in those discussions that we had. That was an impressive means to win the hearts and minds of the people, and also from a military tactical perspective.

But to give you an understanding of how effective General Petraeus has been, there is a sign, and I have a picture of it as a street sign on a broad street in the city of Mosul in Iraq, and it said: 101st Airborne Division. They misspelled "airborne" and "division" so I was pretty sure that it was a sign put up by the Iraqi people in appreciation for the 101st Airborne led then by General Petraeus who will be taking over and commanding all military forces within Iraq.

We can win this. We must win this. We do not have a tactical threat against us. We can and will prevail. The American people need to stand together. Mr. WAMP said that, and I agree with him.

□ 2100

We need to stand with our Commander in Chief. It isn't really up to the President to convince the American people that we should move forward on this, but it is up to us to support our military. And if we are going to support our military, we must support their mission, Mr. Speaker.

So I look forward to the President's speech. It is a pleasure for me to have the honor and privilege to turn over, I will say this network, to the President of the United States as he lays out a plan for victory in the battlefield of Iraq, which will take us on to a final victory in the overall global war on terror.

Mr. Speaker, I yield to the gentleman from California (Mr. HUNTER), who was the distinguished chairman of the Armed Services Committee.

Mr. HUNTER. Mr. Speaker, I want to thank my friend for yielding.

In a few minutes the President will address the Nation about his plans for Baghdad and the fact that he needs reinforcements, some of them to go to Anbar Province, some of them to work on a three-to-one basis with the Iraqi forces, three Iraqi battalions in each one of these sectors in Baghdad for each American battalion standing behind them.

The President has asked for reinforcements, and it would be outrageous if the Democrat leadership in this House denied this country reinforcements for a military operation in a shooting war which continues to this minute.

Mr. KING of Iowa. Mr. Speaker, I thank Mr. HUNTER. I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today after 4 p.m. and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. MCGOVERN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. WELCH of Vermont, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

(The following Members (at the request of Mr. ADERHOLT) to revise and extend their remarks and include extraneous material:)

Mr. KUHL of New York, for 5 minutes, today.

Mr. KELLER of Florida, for 5 minutes, January 11.

Mr. ADERHOLT, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Thursday, January 11, 2007, at 10 a.m.

BIENNIAL REPORT ON THE APPLICABILITY TO THE LEGISLATIVE BRANCH OF FEDERAL LAW RELATING TO TERMS AND CONDITIONS OF EMPLOYMENT AND ACCESS TO PUBLIC SERVICES AND ACCOMMODATIONS

OFFICE OF COMPLIANCE,
Washington, DC, January 4, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Section 102(b)(2) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1302, requires that, "Beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each report to be printed in the Congressional Record and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

The Board of Directors of the Office of Compliance is transmitting herewith the Section 102(b) Report for the 109th Congress. The Board requests that the accompanying Report be published in both the House and Senate versions of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal.

Any inquiries regarding the accompanying Notice should be addressed to Tamara Chrisler, Acting Executive Director of the Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, DC 20540.

Sincerely,

SUSAN S. ROBFOGEL,
Chair of the Board of Directors.

OFFICE OF COMPLIANCE,
Washington, DC, December 21, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR SPEAKER HASTERT: Pursuant to section 102(b) of the Congressional Accountability Act, I am pleased to announce that the Board of Directors of the Office of Compliance has completed its biennial report. Accompanying this letter is a copy of our section 102(b) report for the 109th Congress.

The section 102(b) report and its incorporated recommendations are an integral part of the Congressional Accountability Act. As a principle function of the Board, this report provides insight into the ever-changing climate that exemplifies the working environment of the legislative branch. As such, the Board views the submission of this report as the primary method of keeping the Act alive beyond its inception. With this submission, the Board presents its prior recommendations and specifically makes recommendations concerning the need for additional tools and mechanisms to increase the Office's efforts to ensure continued safety and health of legislative branch employees and visitors; as well as the need for regulations in the legislative branch for veterans entering and returning to the workforce.

With more than ten years of experience living with congressional accountability, the Board and the Office are committed to the recommendations we outline in this report. As the sixth such report to Congress, we are seeking appropriate time for review, consultation, and action in the 110th Congress.

On behalf of the Board of Directors, I submit this important document for your review and attention.

Sincerely,

TAMARA E. CHRISLER,
Acting Executive Director.

OFFICE OF COMPLIANCE SECTION 102(b) REPORT, DECEMBER 2006

This is the sixth biennial report submitted to Congress by the Board of Directors of the Office of Compliance of the U.S. Congress, pursuant to the requirements of section 102(b) of the Congressional Accountability Act (2 U.S.C. 1302 (b)). Section 102(b) of the Act states in relevant part:

Beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree [provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees; and (B) access to public services and accommodations] . . . are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

Bracketed portion from section 102(b)(1).

INTRODUCTION

Prior to the enactment of the Congressional Accountability Act of 1995 (CAA), Congress recognized the need to legislate many aspects of the workplace, and it did so by passing laws to address workplace rights and the employment relationship. These laws, however, were not applicable to Congress. Congress had excluded itself and other instrumentalities of the legislative branch from the requirements of these laws. Passage of the CAA, with nearly unanimous approval, in the opening days of the 104th Congress, reflected a national consensus that Congress must live under the laws it enacts for the rest of society.

The CAA is not meant to be static. The Act intended that there be an ongoing, vigilant review of federal law to ensure that Congress continue to apply to itself—where appropriate—the labor, employment, health, and safety laws it passes. To further this goal, the Board of Directors of the Office of Compliance ("Board") was tasked with the responsibility of reviewing federal laws each Congress to make recommendations on how the CAA could be expanded. Since its creation, the Board has duly submitted biennial Reports to Congress, starting in 1996, detailing the limited and prudent amendments that should be made to the CAA. There was also an Interim Report in 2001, regarding Section 508 of the Rehabilitation Act of 1973. In past reports, the Board has taken a broad approach in presenting its recommendations to amend the Congressional Accountability Act, and has encouraged Congress to consider and act upon those recommendations. By including Appendices A through C in this Report, the Board incorporates these prior recommendations as part of this Report: amendments to the Rehabilitation Act, title II and title III of the Civil Rights Act, record-keeping and notice posting, jury duty, bankruptcy, garnishment, and employee protection provisions of environmental statutes. The Board continues to ask that these prior recommendations be implemented.

Now that Congress has had substantial time to reflect on the contents of the Board's prior reports, it is critical that Congress continue the example set in 1995 with the enactment of the original provisions of the CAA. Without action on the Board's recommendations, the worthy goal of the Congressional Accountability Act gradually may be eroded.

The overwhelming bipartisan support for the CAA's passage in 1995 is a testament to the importance of—and support for—the principles the CAA embodies, both in Congress and in the electorate as a whole. While recognizing the enormous importance of many of the other issues faced today by Congress, the Board is hopeful that issuance of this 2006 Section 102(b) Report will result in legislative action to finally implement these recommendations, so that the CAA remains current with the employment needs of the legislative branch.

EXECUTIVE SUMMARY

In this 2006 Report, the Board is prioritizing its recommendations, without in any way diminishing the importance of the recommendations made in prior Reports. In this current Report, the Board focuses on two areas of vital and immediate concern to the covered community—safety and health, and veterans' rights—and urges Congress to take action on them.

The Office of Compliance Office of the General Counsel ("OGC") is responsible for ensuring safety and health of legislative branch employees through the enforcement of the provisions of the Occupational Safety and Health Act ("OSHA"). This responsibility includes inspection of the covered community, which the Office of the General Counsel performs in collaboration with employing offices. While enormous progress has been achieved by the Office of the Architect of the Capitol ("AOC") and other employing offices in improving health and safety conditions, there remain circumstances where progress will be enhanced if the OGC is provided specific tools to perform: whistle blower and similar retaliation protection, temporary restraining orders, investigatory subpoenas, and recognition by the responsible party for health and safety violations in covered facilities. With these tools, the Office of the General Counsel would be better positioned to ensure that the covered community is a safe and healthy one for its employers and employees, as well as its visitors.

Congress has enacted laws to ensure that soldiers with civilian employment will not be penalized for their time spent away from their employers while serving in the military. Through the enactment of these laws, Congress ensured that military service will not prevent individuals from remaining professionally competitive with their civilian counterparts. The Veterans' Employment Opportunities Act ("VEOA") and the Uniformed Services Employment and Reemployment Act ("USERRA") currently provide protections for military personnel entering and returning to federal and other civilian workforces. Under VEOA, Congress has enacted protections for these soldiers, so that in certain circumstances, they receive a preference for selection to federal employment. Regulations for these laws have been implemented in the executive branch, and the Board encourages Congress to implement corresponding regulations in the legislative branch.

RECOMMENDATIONS

I. Whistle Blower Protection Act application to the CAA

Retaliation protections

Over the years, the Office of Compliance has received numerous inquiries from legislative branch employees about their legal rights following their having reported allegations of employer wrongdoing or mismanagement. Unfortunately, these employees are not currently protected from employment retaliation by any law. The retaliation provisions of the CAA limit protection to employees who, in general, exercise their rights under the statute. Whistle blower protections are intended specifically to prevent employers from taking retaliatory employment action against an employee who discloses information which he or she believes evidences a violation of law, gross mismanagement, or substantial and specific danger to public health or safety.

The Whistle Blower Protection Act ("WPA") prohibits executive branch personnel decision makers from taking any action to:

(3) coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity;

(4) deceive or willfully obstruct any person with respect to such person's right to compete for employment;

(5) influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment;

(6) grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment;

(7) appoint, employ, promote, advance, or advocate for the appointment, promotion, advancement, in or to a civilian position any individual who is a relative (as defined in section 3110(a)(3) of this title) of such employee if such position is in the agency in which the employee is serving as a public official (as defined in section 3110(a)(2) of this title) or over which such employee exercises jurisdiction or control as such an official;

(8) take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of—

(A) any disclosure of information by an employee or applicant for employment because of—

(i) a violation of any law, rule, or regulation, or

(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

(B) any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures of information which the employee or applicant reasonably believes evidences—

(i) a violation of any law, rule, or regulation, or

(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

(9) take or fail to take, or threaten to take or fail to take, any personnel action against any employee or applicant for employment because of—

(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

(B) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (A);

(C) cooperating with or disclosing information to the Inspector General of an agency, or the Special Counsel, in accordance with applicable provisions of law; or

(D) for refusing to obey an order that would require the individual to violate a law;

(10) discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee or applicant of any crime under the laws of any State or the District of Columbia, or of the United States.[1]

Over the years, legislative branch employees have proven essential in informing the General Counsel of the possible existence of serious hazards that may affect the safety and health of employees, management representatives, and members of the public that would otherwise not come to his attention. In order to assure the free flow of this information, it is incumbent upon Congress to protect employees from intimidation and retaliation when they exercise their rights to report and allege violations.

On July 17, 2006, Senator Chuck Grassley introduced a bill[2] to Congress that would amend the Congressional Accountability Act to give legislative branch employees some of the whistle blower protection rights that are available to executive branch employees. In the executive branch, employees can take allegations of employment reprisal based on whistle blowing to the Office of the Special Counsel or can bring an individual action directly before the Merit Systems Protection Board.[3] As the bill is written, legislative branch employees would bring such matters to the Office of Compliance's dispute resolution program. Although this program provides a mechanism for employees to bring a complaint, the employees would have to prosecute these very technical issues themselves, or incur the cost of hiring an attorney to litigate these issues. Employees of the executive branch do not bear such a burden. To assure that whistle blower protection rights are effectively vindicated, it is imperative that the General Counsel be granted the same authority to investigate and prosecute OSHA-type violations of the CAA, as is provided under other remedial labor laws.

Executive agencies that are required to enforce labor and employment rights are often given explicit statutory authority to conduct investigations and litigation respecting charges of employer intimidation and retaliation of employees. For example, the General Counsel of the Federal Labor Relations Authority may investigate discrimination based on the filing of an unfair labor practice.[4] Under the Occupational Safety and Health Act, the Secretary of Labor is given very clear authority to investigate and prosecute reprisals.[5] The Equal Employment Opportunity Commission is granted authority to initiate charges and conduct investigations into claims of discrimination.[6] The National Labor Relations Act also grants to its General Counsel the authority to issue a complaint upon the filing of an employee charge of retaliation.[7]

Covered employees who have sought information from the Office of Compliance respecting their substantive rights under the safety and health provisions of the CAA have expressed concern about their exposure when they come forward to provide evidence in such investigations. They have also indicated reluctance or financial inability to shoulder the litigation burden without the support of the Office of the General Counsel investigative process and enforcement procedures.

The Board of Directors believes that the ability of the General Counsel to investigate and prosecute retaliation in the OSH process would effectively serve to relieve employees of these burdens. It would also preserve confidence in the CAA and empower legislative branch employees to exercise their rights without fear of adverse action in reprisal for their protected activities.

Protection from solicitation of recommendations

The Board believes that the subsection (b)(2) rule of the Whistle Blower Protection Act should be made applicable to all legislative branch employing offices, other than the two houses of Congress and the entities listed in section 220(e)(2)(A)–(E) of the CAA.

The Board urges Congress to discourage "political" recommendations in the filling of covered positions. Specifically, subsection (b)(2) of the Whistle Blower Protection Act provides that anyone with personnel authority may not: "solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—(A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or (B) an evaluation of the character, loyalty, or suitability of such individual . . ."

The Board recommends that Congress apply this restriction to anyone with personnel authority in any legislative branch employing office, other than the two houses of Congress and the entities listed in section 220(e)(2)(A)–(E) of the CAA.

II. Increased safety and health compliance tools

Temporary restraining orders

The Occupational Safety and Health Act is applied, in part, to the legislative branch through Section 215(b) of the Congressional Accountability Act. Under this section, the remedy for a violation of the CAA is a corrective order similar to such an order granted under the remedial section of the OSH Act. Among other things, the OSH Act authorizes the Secretary of Labor to seek a temporary restraining order in district court in the case of imminent danger. Such enforcement authority is necessary for the General Counsel of the Office of Compliance to ensure that safety and health violations are remedied expeditiously. The General Counsel takes the position that although Section 215(b) of the CAA does not expressly provide preliminary injunctive relief as a remedy, such authority is implied by the Act's terms. Certain employing offices, as well as other stakeholders, however, differ with this interpretation, as the language is not stated directly in the Act. Accordingly, the Board seeks to amend the current language of the Act to alleviate all ambiguity and to make clear the General Counsel's authority to seek such relief.

Express authority to seek preliminary injunctive relief is essential to the General Counsel's ability to eliminate promptly all potential workplace hazards. Although a situation has not been presented yet where a court injunction was necessary to resolve a case of imminent danger, the General Counsel can foresee the very likelihood of having to do so. In fiscal year 2006, the General Counsel increased his efforts to remedy two serious violations which posed imminent danger to workers: unabated safety violations which existed in the Capitol Power Plant utility tunnels since before 1999, and the lack of safety shoring for AOC workers in trenches surrounding Library of Congress buildings. Fortunately, the prompt filing of a formal complaint led the AOC to implement immediate interim abatement measures to protect workers in the tunnels from imminent harm. In addition, the filing of a citation for the safety shoring violation prompted the AOC to take immediate steps to install appropriate shoring to protect its employees.

In both of these instances, the need for injunctive relief was obviated due to the prompt and voluntary compliance of the AOC. However, in other situations, employing offices may not so readily accept responsibility for correcting an imminent safety hazard. For example, the increased use of contractors to perform construction and repair work on Capitol Hill creates situations where the responsibility for assuring safe conditions may not be as clear, or as readily accepted, by an employing office. Cases of that nature demonstrate the need for the availability of injunctive relief to ensure the immediate and ongoing safety of employees and members of the public pending resolution of issues of responsibility and cost.

The Board urges Congress to recognize the General Counsel's need to have the authority to seek preliminary injunctive relief. Although implicitly provided in the Act, the current language under Section 215(b) creates ambiguity as to whether such authority has been granted to the General Counsel. The Board recommends that the CAA be amended to clarify that the General Counsel has the standing to seek a temporary restraining order in Federal district court and that the court has jurisdiction to issue the order.

Investigatory subpoenas

The General Counsel of the Office of Compliance is responsible for conducting health and safety inspections in covered offices in the legislative branch. In implementation of this mandate, the General Counsel is granted many, but not all, of the same authorities that are granted to the Secretary of Labor under section 8 of the Occupational Safety and Health Act. One of the significant authorities granted to the Secretary of Labor is that of issuing investigatory subpoenas in aid of inspections. Other federal agencies, such as the National Labor Relations Board and the Federal Labor Relations Authority, likewise are given such authority in implementation of their authority to investigate complaints. However, the Congressional Accountability Act does not grant to the General Counsel the authority to require the attendance of witnesses and the production of evidence in furtherance of his investigations.

While most employing offices do not directly refuse to provide requested information during the General Counsel's investigations, significant delays in providing information are, unfortunately, not unusual. The lack of authority to compel the prompt release of information and witnesses from employing offices hampers the ability of the General Counsel to enforce health and safety regulations. To conduct a thorough workplace inspection, the General Counsel must interview witnesses and examine information that may reside solely within the possession of the employing office, and not otherwise readily available to employees, the public, or the General Counsel. Absent the authority to issue investigatory subpoenas, an employing office may, with impunity, refuse or simply stall in responding to the General Counsel's requests for information. Such actions would hinder investigations and may exacerbate potential health and safety hazards. Recently, an employing office argued that the General Counsel was not entitled to the records of results of testing for hearing damage performed on legislative employees. The General Counsel was without an efficient mechanism to gain access to this information.

Currently, the only means to compel production of documents or testimony when cooperation is not forthcoming is to issue a citation and a complaint, and institute legal proceedings against the employing office. Besides being costly, this process is counterproductive to the General Counsel's efforts to maintain and further a collaborative relationship with employing offices. In addition, the inherent delays of litigation may have the effect of exposing employees and the public to unabated hazard and significant risk of exposure or injury. Prompt production of information or access to witnesses allows the General Counsel to collaborate with employing offices and make an informed decision and assess risks and hazards. This authority will directly enhance the ability of the General Counsel to carry out his statutory duty to maintain a safe and healthy workplace.

The Office of the Architect of the Capitol is responsible for safety and health violations in covered facilities

In its Report on Occupational Safety and Health Inspections for the 108th Congress, the General Counsel raised a concern regarding enforcing compliance with the OSH Act where work is performed by contractors hired by the Architect of the Capitol. In the 108th Biennial Report, three specific incidents were cited wherein AOC contractors created hazardous situations that posed significant risk to property in one instance, and severe bodily injury to employees and the public in the other two. The latter two conditions were corrected by the AOC, even though the AOC asserted it had no obligation to do so. In the other situation, a citation was issued by the General Counsel; however, the AOC has contested this citation, asserting that it has limited, if any, responsibility to monitor or ensure compliance with OSHA regulations and safety standards whenever work is performed by contractors.

OSHA, rather than the Office of Compliance General Counsel, has jurisdiction over AOC private sector contractors. As the AOC increasingly relies on such contractors to perform its construction and repair work, it is foreseeable that safety and health enforcement in the legislative branch could increasingly devolve to OSHA rather than the Office of Compliance General Counsel. Were the AOC to prevail in its contention that it was not responsible for hazards created by its contractors, the ability of the General Counsel to protect legislative branch employees would be severely undermined. Moreover, divided jurisdiction over the elimination of hazardous conditions that affect legislative branch employees would appear to be contrary to the purpose of the CAA.

The General Counsel's jurisdiction to hold an employing office accountable for complying with safety standards does not turn on whether the employing office performs its work directly or through the use of a contractor. Otherwise, the health and safety in much of the legislative branch would depend on the diligence and skill of independent contractors rather than that of the Architect of the Capitol. The Government Accountability Office recently expressed a similar concern that the "AOC had not fully exercised its authority to have the contractors take corrective actions to address recurring safety concerns" in regard to construction at the Capitol Visitor Center.[9]

OSHA has a "Multi-Employer Citation Policy,"[10] under which employers can be considered both a "controlling and exposing employer engaged in construction and repair work." This policy requires that these multi-employers be held accountable and responsible for any safety violations in their facilities. Because the AOC is charged with the responsibility for the supervision and control of all services necessary for the protection and care of the Capitol and the Senate and House Office Buildings, the AOC would be considered a multi-employer, under OSHA's definition, and thereby accountable and responsible for any safety violations in its facilities.[11] The Board of Directors encourages Congress to adopt OSHA's policy to ensure the uniform pattern of enforcement throughout the legislative branch.

The Board urges Congress to take a realistic look at the safety and health concerns in the covered community. Much work has been done, and progress continues to be made, to ensure that Congress provides a safe and healthy environment for its employees and visitors. In order to ensure this continued progress, there are certain mechanisms that must be in place for the General Counsel of the Office of Compliance to ensure that safety and health risks are at a minimum and are thoroughly and expeditiously addressed. The Board encourages Congress to allow the General Counsel to implement these tools to meet this goal.

III. Veterans' rights

Veterans' Employment Opportunities Act

Since the end of the Civil War, the United States Government has granted veterans a certain degree of preference in federal employment, in recognition of their duty to country, sacrifice, and exceptional capabilities and skills. Initially, these preferences were provided through a series of statutes and Executive Orders. In 1944, however, Congress passed the first law that granted our service men and women preference in federal employment: the Veterans' Preference Act of 1944.[12] The Veterans' Preference Act provided that veterans who are disabled or who served in military campaigns during specified time periods are "preference eligible" veterans and would be entitled to preference over non-veterans (and over non-preference-eligible veterans) in decisions involving selections and retention in reductions-in-force.

In 1998, Congress passed the Veterans Employment Opportunities Act ("VEOA"),[13] which "strengthen[s] and broadens"[14] the rights and remedies available to military veterans who are entitled to preferences in federal employment. In particular, Congress clearly stated in the law itself that certain "rights and protections" of veterans' preference law provisions for certain executive branch employees, "shall apply" to certain "covered employees" in the legislative branch.[15]

Initially, the Board published an Advanced Notice of Proposed Rulemaking for VEOA regulations on February 28, 2000, and March 9, 2000. Upon consideration of the comments received, the Board changed its approach and published a Notice of Proposed Rulemaking on December 6, 2001. Since that time, the Board has engaged in extensive discussions with stakeholders to obtain input and suggestions into the drafting of the regulations. The Board is mindful that stakeholder input is critical in ensuring that the proposed regulations capture the particular workings and procedures of the legislative branch. To that end, the Board is committed to investing as much time as is necessary to promulgate and implement the VEOA regulations.

One of the most critical aspects of drafting these regulations has been to acknowledge the longstanding and significant differences between the personnel policies and practices, as well as the history, of the legislative branch and the executive branch. In particular, the executive branch distinguishes between employees in the "competitive service" and the "excepted service," often with differing personnel rules applying to these two services. The legislative branch has no such classification system and hence, no dichotomy.

Although the CAA mandates application to the legislative branch of certain VEOA provisions originally drafted for the executive branch, the Board notes the central distinction made in the underlying statute: certain veterans' preference protections (regarding hiring) applied only to executive branch employees in the "competitive" service, while others (governing reductions in force and transfers) applied both to the "competitive" and "excepted" service. For example, the hiring practice in the executive branch includes a numeric rating and ranking process. Such process includes a point-preference for certain veterans. Because no such rating and ranking process exists in the legislative branch, the application of the point-preference had to be adjusted to properly fit the particular practices of the legislative branch.

The extensive discussions with various stakeholders across Congress and the legislative branch have raised these issues and have provided a forum in which to discuss how best to address these unsuited areas of the regulations. The suggestions made and comments received by stakeholders have allowed the Board to engage in thoughtful deliberation and careful consideration of the particular needs of the legislative branch. Accordingly, the Board has crafted proposed regulations that it believes will fit the practices and procedures of the varying entities in the covered community.

Uniformed Services Employment and Re-employment Rights Act

The Uniformed Services Employment and Re-employment Rights Act ("USERRA") was enacted in December 1994, and the Department of Labor submitted regulations for the executive branch in 2005. USERRA's provisions ensure that entry and re-entry into the civilian workforce are not hindered by participation in non-career military service. USERRA accomplishes that purpose by providing rights in two kinds of cases: discrimination based on military service, and denial of an employment benefit as a result of military service.

Currently, the Board is engaged in drafting proposed regulations for USERRA's application to the legislative branch. During the 110th Congress, the Board will present its proposed regulations to stakeholders and engage in similar consultations as with the proposed VEOA draft regulations. The Board anticipates that this interactive and collaborative approach will allow the Board, as with the VEOA draft regulations, to ascertain the concerns and particular demands of the legislative branch with respect to application of these regulations.

There is a need for both VEOA and USERRA regulations in the legislative branch. Congress has seen fit to provide service men and women certain protections in federal civilian employment, and without adopted regulations, these protections are without legal effect in the legislative branch. The particular procedures and practices in the legislative branch necessitate regulations written especially for the legislative branch. The Board encourages Congress to adopt these regulations, once proposed, so that VEOA and USERRA protections can be provided specifically to employees of the legislative branch with regulations suitable to the needs of the covered community.

CONCLUSION

As the tenth anniversary of the Congressional Accountability Act of 1995 has now passed, it is time for a comprehensive analysis and update of the law to ensure that it continues to reflect the commitment by the lawmakers of this nation to democratic accountability.

With this 102(b) Report, the Board of Directors of the Office of Compliance urges the leadership of both houses of Congress to seriously consider the recommendations included in this report. The Board encourages Congress to look at the recent activities in the covered community to recognize the need for the implementation of these recommendations. In particular, the efforts made by the Office of the General Counsel of the Office of Compliance and the Office of the Architect of the Capitol to eliminate safety and health hazards that exist in the covered community have been successful due to the collaborative nature of the approach to the problem. However, certain safety issues and certain hazards may only be successfully addressed by the use of other mechanisms, such as specific retaliation protections for whistle blowers, preliminary injunctive relief, investigative subpoenas, and the General Counsel's ability to investigate and prosecute OSH claims of retaliation.

A fair workplace consists of fair treatment for its applicants and employees who serve in the military. The legislative branch attracts and employs many men and women who have collateral military responsibility. Congress has enacted laws which ensure that these individuals receive the same treatment as their civilian counterparts. Those service men and women who make application for federal employment in the legislative branch and those individuals returning from active duty must be assured, through appropriate regulation, that their service in the military will not hinder them from serving in their country's legislative branch of government.

The Board also encourages the leadership to increase Congress's compliance with section 102(b)(3) of the CAA. Section 102(b)(3) requires that every House and Senate committee report accompanying a bill or joint resolution that impacts terms and conditions of employment or access to public services or accommodations must "describe the manner in which the provisions of the bill or joint resolution apply to the legislative branch" or "in the case of a provision not applicable to the legislative branch, include a statement of the reasons the provision does not apply." Congress has made efforts to include such language in proposed bills, and the Board encourages its continued effort.

This Board, its executive appointees, and the staff of the Office of Compliance are prepared to work with the leadership, our oversight committees, other interested Members, and instrumentalities in Congress and the legislative branch to make these recommendations part of the Congressional Accountability Act during the 110th Congress.

Respectfully submitted,

Susan S. Robfogel,
Chair.
Barbara L. Camens.
Alan V. Friedman.
Roberta L. Holzwarth.

BARBARA CHILDS WALLACE.

APPENDIX A

Employment and civil rights which still do not apply to Congress or other legislative branch instrumentalities

The statutes below, with the exception of Section 508 of the Rehabilitation Act, were all first identified by the Board in 1996 as not included among the laws which were applied to Congress through the Congressional Accountability Act of 1995. The absence of section 508 of the Rehabilitation Act was first identified in our 2001 Interim Report to Congress. We here repeat the recommendations—made in our Reports of 1996, 1998, 2000, 2002, and 2004, as well as those of the Interim 2001 Report—that these statutes should also be applied to Congress and the legislative branch through the Act.

The 1998 amendments to section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d)

In November 2001, the Board submitted an Interim Section 102(b) Report to Congress regarding the 1998 amendments to the Rehabilitation Act of 1973 in which the Board urged Congress to make those amendments applicable to itself and the legislative branch. The purpose of the 1998 amendments is to: "require each Federal agency to procure, maintain, and use electronic and information technology that allows individuals with disabilities the same access to technology as individuals without disabilities." [Senate Report on S. 1579, March 1998]

As of this time, some five years later, software and other equipment which is "508 compliant" is readily available and in use by some employing offices. The Board encourages consistent use of these technologies so that individuals with impairments may have the same opportunities to access materials as others.

The Board reiterates its recommendation that Congress and the legislative branch, including the General Accounting Office, Government Printing Office, and Library of Congress, be required to comply with the mandates of section 508.

Titles II and III of the Civil Rights Act of 1964 (42 U.S.C. §§2000a to 2000a-6, 2000b to 2000b-3)

These titles prohibit discrimination or segregation on the basis of race, color, religion, or national origin regarding the goods, services, facilities, privileges, advantages, and accommodations of "any place of public accommodation" as defined in the Act. Although the CAA incorporated the protections of titles II and III of the ADA, which prohibit discrimination on the basis of disability with respect to access to public services and accommodations,"[16] it does not extend protection against discrimination based upon race, color, religion, or national origin with respect to access to public services and accommodations. For the reasons set forth in the 1996, 1998 and 2000 Section 102(b) Reports, the Board has determined that the rights and protections afforded by titles II and III of the Civil Rights Act of 1964 against discrimination with respect to places of public accommodation should be applied to employing offices within the legislative branch.

Prohibition against discrimination on the basis of jury duty (28 U.S.C. §1875)

Section 1875 provides that no employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of the United States. This section currently does not cover legislative branch employment. For the reasons set forth in the 1996, 1998, and 2000 Section 102(b) Reports, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Prohibition against discrimination on the basis of bankruptcy (11 U.S.C. §525)

Section 525(a) provides that "a governmental unit" may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person who is or has been a debtor under the bankruptcy statutes. This provision currently does not apply to the legislative branch. For the reasons stated in the 1996, 1998 and 2000 Section 102(b) Reports, the Board recommends that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Prohibition against discharge from employment by reason of garnishment (15 U.S.C. §1674(a))

Section 1674(a) prohibits discharge of any employee because his or her earnings "have been subject to garnishment for anyone indebtedness." This section is limited to private employers, so it currently has no application to the legislative branch. For the reasons set forth in the 1996, 1998 and 2000 Section 102(b) Reports, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

APPENDIX B

Regulatory enforcement provisions for laws which are already applicable to the legislative branch under the act

Record-keeping and notice-posting requirements of the private sector CAA laws

As mentioned in its 1998, 2000, 2002, and 2004 Reports, experience in the administration of the Act leads the Board to recommend that all currently inapplicable record-keeping and notice-posting provisions be made applicable under the CAA. For the reasons set forth in its prior reports of 1998, 2002, and 2004, the Board recommends that the Office be granted the authority to require that records be kept and notices posted in the same manner as required by the agencies that enforce the provisions of law made applicable by the CAA in the private sector.

Other enforcement authorities exercised by the agencies that implement the CAA laws for the private sector

To further the goal of parity, the Board also recommends that Congress grant the Office the remaining enforcement authorities that executive branch agencies utilize to administer and enforce the provisions of law made applicable by the CAA in the private sector. Implementing agencies in the executive branch have investigatory and prosecutorial authorities with respect to all of the private sector CAA laws, except the WARN Act. Based on the experience and expertise of the Office, granting these same enforcement authorities would make the CAA more comprehensive and effective. By taking these steps to live under full agency enforcement authority, the Congress will strengthen the bond that the CAA created between the legislator and the legislated.

APPENDIX C

Employee protection provisions of environmental statutes

Since its 1996 Report, the Board has addressed the inclusion of employee protection provisions of a number of statutory schemes: the Toxic Substances Control Act, Clean Water Act, Safe Drinking Water Act, Energy Reorganization Act, Solid Waste Disposal Act/Resources Conservation Recovery Act, Clean Air Act, and Comprehensive Environmental Response, Compensation and Liability Act. In its 1996 Section 102(b) Report, the Board stated:

"It is unclear to what extent, if any, these provisions apply to entities in the Legislative Branch. Furthermore, even if applicable or partly applicable, it is unclear whether and to what extent the Legislative Branch has the type of employees and employing offices that would be subject to these provisions. Consequently, the Board reserves judgment on whether or not these provisions should be made applicable to the Legislative Branch at this time."

Further, in the 1998 Report the Board concluded that, while it remained unclear whether some or all of the environmental statutes apply to the legislative branch, "[t]he Board recommends that Congress should adopt legislation clarifying that the employee protection provisions in the environmental protection statutes apply to all entities within the Legislative Branch."

In the 2002 and 2004 Reports, the Board explicitly analyzed these protections and recommended that the employee protection provisions of these acts be placed within the CAA and applied to all covered employees, including employees of the Government Accountability Office, Government Printing Office, and Library of Congress. The Board reiterates those recommendations herein, including its recommendation to eliminate the separation of powers conflict inherent in enforcing these statutes, and urges Congress to include such amendments to the Act.

CONTACT INFORMATION

Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, SE, Washington, DC 20540-1999, t/ 202-724-9250, tdd/ 202-426-1912, f/ 202-426-1913. Recorded Information Line/ 202-724-9260. www.compliance.gov.

ENDNOTES

[1] Subsections (b)(11) and (b)(12) refer to "competitive service," merit systems principles, and other specific personnel matters within the . . . .

[2] S. 3676, 109th Cong. (2006).

[3] See 5 U.S.C. 1201 et seq.

[4] See 5 U.S.C. §7118(a)(1).

[5] See 29 U.S.C. §660(c)(2). See also Federal Mine Safety and Health Act, 30 U.S.C. §815 which grants the Secretary of Labor the authority to prosecute a discrimination claim before the Federal Mine Safety and Health Review Commission.

[6] These procedures do not apply to federal sector equal employment opportunity.

[7] 29 U.S.C. §158(a)(4); §160(b).

[8] 29 U.S.C. §657.

[9] See "Testimony of David M. Walker, Comptroller General of the United States Before the Subcommittee on the Legislative Branch, Committee on Appropriations, U.S. Senate" (May 17, 2005), p.9.

[10] OSHA Directive CPL 2-0.124, December 10, 1999.

[11] Id, Sections X(c) and X(e).

[12] Act of June 27, 1944, ch. 287, 58 Stat. 387, amended and codified in various provisions of Title 5 of the United States Code.

[13] Pub. L. 105-339, 112 Stat. 3186 (October 31, 1998).

[14] Sen. Rept. 105-340, 105 Cong., 2d Sess. at 19 (Sept. 21, 1998).

[15] VEOA 4(c)(1) and (5).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

87. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Live Fire Gun Exercise, Lake Erie [CGD09–06–010] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

88. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Live Fire Gun Exercise, Lake Michigan [CGD09–06–011] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

89. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety and Security Zones; LPG/C HAVIS, Casco Bay and Portland Harbor, Sector Northern New England, Captain of the Port Zone [CGD01–06–002] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

90. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; San Francisco Bay and Carquinez Strait, California [COTP San Francisco Bay 06–014] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

91. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Coast Guard Festival Water Ski Show, Grand Haven, Michigan [CGD09–06–131] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

92. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Point O'Woods Fire Company Fireworks, Great South Bay, Point O'Woods, NY [CGD01–06–081] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

93. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Marion Fourth of July Fireworks, Sippican Harbor, Marion, Massachusetts [CGD01–06–038] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

94. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Barnstable Fireworks Display, Lewis Bay, Hyannis, Massachusetts [CGD01–06–046] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

95. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Nantucket Independence Day Celebration, Nantucket Sound in the vicinity of Jetties Beach, Nantucket, Massachusetts [CGD01–06–053] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

96. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Falmouth Independence Day Fireworks, Vineyard Sound, Falmouth, Massachusetts [CGD01–06–044] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

97. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Provincetown Fourth of July Fireworks, Provincetown Harbor, Provincetown, Massachusetts [CGD01–06–043] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

98. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Oyster Harbors Club 4th of July Festival, Tim's Cove, North Bay, Osterville, Massachusetts [CGD01–06–040] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

99. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Salem Celebrates the 4th Fireworks, Salem, MA [CGD01–06–036] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

100. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: City of Lynn Fourth of July Fireworks Display, Nahant Bay, MA [CGD1–06–032] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

101. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Gloucester Fourth of July Fireworks, Glouchester, Massachusetts [CGD01–06–072] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

102. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Town of Weymouth Fourth of July Celebration Fireworks Display, Weymouth, MA [CGD1–06–012] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

103. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Beverly Farms—Prides Crossing Fourth of July Celebration Fireworks, Beverly Farms, Massachusetts [CGD01–06–086] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

104. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Tennessee River, Mile Markers 468.5 to 470.0, Chattanooga, TN [COTP Ohio Valley 06–032] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

105. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Kanawha River Mile 58 to 59.2, Charleston, WV [COTP Ohio Valley 06–030] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

106. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur–13–006] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

107. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulfport Commercial Small Boat Harbor, Gulfport, MS [COTP Mobile–05–042] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

108. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; San Francisco Bay, CA, Alviso Slough [COTP San Francisco Bay 06–011] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

109. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations; Tampa Bay, FL [COTP St. Petersburg 06–033] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

110. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Indian River, Cocoa, FL [COTP Jacksonville 06–031] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

111. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Apra Harbor and Adjacent Waters, GU [COTP Guam 06–006] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

112. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Brooklyn Basin, Oakland, California [COTP San Francisco Bay 06–005] (RIN: 1625–AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

113. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations, Obstuction to Navigation, Harbor Island Reach, Seattle [CGD13-06-005] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

114. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations; Tampa Bay, FL [COTP St. Petersburg 06-024] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

115. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ft. Meyers Beach, FL [COTP St. Petersburg 06-047] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

116. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Cuyahoga River, Cleveland, Ohio. West Third Street Bridge installment process [CGD09-06-014] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

117. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf of Mexico, South of Wiggins Pass, FL [COTP St. Petersburg 06-014] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

118. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ft. Meyers Beach, FL [COTP St. Petersburg 06-017] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

119. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; San Francisco Bay and Carquinez Stait, California [COTP San Francisco Bay 06-004] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

120. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Apra Harbor, GU [COTP Guam 06-001] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

121. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Tampa Bay, FL [COTP St. Petersburg 06-009] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

122. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Tampa Bay, FL [COTP St. Petersburg 06-010] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

123. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Petersburg [COTP St. Petersburg 06-028] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

124. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Petersburg [COTP St. Petersburg 06-013] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

125. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Petersburg [COTP St. Petersburg 06-032] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

126. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Live-Fire Gun Exercise, Lake Superior [CGD09-06-016] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

127. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting the biennial report on the applicability to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations, pursuant to section 102(b)(2) of the Congressional Accountability Act of 1995, pursuant to 2 U.S.C. 1302; jointly to the Committees on House Administration and Education and Labor.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HINOJOSA (for himself, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. REYES, and Mr. CUELLAR):

H.R. 361. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. GORDON (for himself and Mr. HALL of Texas):

H.R. 362. A bill to authorize science scholarships for educating mathematics and science teachers, and for other purposes; to the Committee on Science and Technology.

By Mr. GORDON:

H.R. 363. A bill to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes; to the Committee on Science and Technology.

By Mr. GORDON:

H.R. 364. A bill to provide for the establishment of the Advanced Research Projects Agency-Energy; to the Committee on Science and Technology.

By Mr. GORDON (for himself, Mr. HALL of Texas, Mr. WU, and Mr. CALVERT):

H.R. 365. A bill to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes; to the Committee on Science and Technology.

By Mr. SULLIVAN (for himself, Mr. LUCAS, Mr. COLE of Oklahoma, Ms. FALLIN, and Mr. BOREN):

H.R. 366. A bill to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. REICHERT (for himself and Mr. KIRK):

H.R. 367. A bill to require the Attorney General to develop a national strategy to eliminate the illegal operations of the top three international drug gangs that present the greatest threat to law and order in the United States; to the Committee on the Judiciary.

By Mr. HALL of Texas (for himself, Mr. GILLMOR, Mr. SCHIFF, Mr. PAUL, Mrs. MALONEY of New York, Mr. MCCOTTER, Mr. GORDON, Mrs. BONO, and Mr. WEXLER):

H.R. 368. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. SPRATT, Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. CONYERS, Mr. SNYDER, Mr. COOPER, Mr. WEXLER, Mr. BURTON of Indiana, Mr. BLUMENAUER, Ms. MCCOLLUM of Minnesota, Mr. ETHERIDGE, Mr. MILLER of North Carolina, Mr. FARR, Mr. VAN HOLLEN, Mr. DEFAZIO, Mr. HONDA, Ms. JACKSON-LEE of Texas, and Mr. HOLT):

H.R. 369. A bill to require accountability for personnel performing private security functions under Federal contracts, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself, Mr. RAHALL, Mr. WHITFIELD, Mr. PICKERING, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. LAHOOD, Mr. BOUSTANY, Mrs. CUBIN, Mr. BACHUS, Mr. EVERETT, Mr. ROGERS of Alabama, Mr. BOUCHER, Mr. LINCOLN DAVIS of Tennessee, Mr. SHIMKUS, Mr. CANNON, Mrs. DRAKE, Mr. LEWIS of Kentucky, Mr. REHBERG, Mr. HASTERT, and Mr. YARMUTH):

H.R. 370. A bill to promote coal-to-liquid fuel activities; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Science and Technology, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Mr. CANNON, Mr. PETERSON of Minnesota, Mr. RADANOVICH, Mr. COSTA, Mr. PUTNAM, Mr. BOYD of Florida, Mr. LAHOOD, Mr. THOMPSON of California, Mr. REYNOLDS, Mr. BACA, Mr. WALSH of New York, Ms. SOLIS, Mr. KUHL of New York, Mr. BISHOP of Georgia, Mr. NUNES, Mr. SALAZAR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LARSEN of Washington, Mr. GILCHREST, Mr. FARR, and Mr. MCHUGH):

H.R. 371. A bill to improve agricultural job opportunities, benefits, and security for aliens in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ALTMIRE:

H.R. 372. A bill to direct the Federal Trade Commission to revise the regulations regarding the Do-not-call registry to prohibit politically-oriented recorded message telephone calls to telephone numbers listed on that registry; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. GINGREY, Mr. FLAKE, Mr. AKIN, Mr. GARRETT of New Jersey, Ms. FOXX, Mr. MCHENRY, Mr. FEENEY, Mr. WALBERG, Mr. PEARCE, Mr. CANTOR, Mr. WESTMORELAND, Mr. SALI, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. CHABOT, and Mr. HERGER):

H.R. 373. A bill to make 1 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2007; to the Committee on Appropriations.

By Mrs. BLACKBURN (for herself, Mr. CANTOR, Mr. WESTMORELAND, Mr. SALI, Mr. FLAKE, Mr. AKIN, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. CHABOT, Mr. HERGER, and Ms. FOXX):

H.R. 374. A bill to make 2 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2007; to the Committee on Appropriations.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 375. A bill to declare, under the authority of Congress under Article I, section 8 of the Constitution to "provide and maintain a Navy", a national policy for the naval force structure required in order to "provide for the common defense" of the United States throughout the 21st century; to the Committee on Armed Services.

By Mr. BLUNT:

H.R. 376. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. BURGESS:

H.R. 377. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on employer-provided group term life insurance that can be excluded from the gross income of the employee; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 378. A bill to direct the Secretary of Labor to issue an occupational safety and health standard to reduce injuries to patients, direct-care registered nurses, and other health care providers by establishing a safe patient handling standard; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. CANTOR, Mr. WESTMORELAND, Mr. SALI, Mr. FLAKE, Mr. AKIN, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. CHABOT, Mr. HERGER, and Ms. FOXX):

H.R. 379. A bill to make 5 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2007; to the Committee on Appropriations.

By Mr. EMANUEL (for himself, Mrs. EMERSON, Mr. SIMPSON, Mr. KILDEE, Mr. TAYLOR, Ms. CARSON, Mr. WEINER, Mr. LARSEN of Washington, Mr. BERRY, Ms. DELAURO, Mr. COSTA, Ms. MCCOLLUM of Minnesota, Mr. MARSHALL, Mr. WAMP, Mr. DEFAZIO, Mr. RAMSTAD, Mr. RUPPERSBERGER, Mrs. LOWEY, Mr. ISRAEL, Mr. MCNULTY, Mr. COOPER, Mr. BURTON of Indiana, Mr. COSTELLO, Mr. MURTHA, Mr. GUTIERREZ, Mr. CUMMINGS, Mr. OBERSTAR, Mr. MOORE of Kansas, Mr. GENE GREEN of Texas, Mr. HOEKSTRA, Mr. FRANK of Massachusetts, Mrs. MUSGRAVE, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, Mr. BISHOP of New York, Mr. SHAYS, Mr. KANJORSKI, Mr. TIERNEY, Mr. LATOURETTE, Mr. CARNAHAN, Mr. CLEAVER, Mr. PLATTS, Mr. VAN HOLLEN, Mr. CHANDLER, Mr. WYNN, Mr. HOLDEN, Mr. ACKERMAN, Mr. LIPINSKI, Mr. MCGOVERN, Mr. PASTOR, Mr. HASTINGS of Washington, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 380. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GILLMOR (for himself, Mr. PAUL, and Mr. MCCOTTER):

H.R. 381. A bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes; to the Committee on Education and Labor.

By Mr. GILLMOR:

H.R. 382. A bill to amend the Federal Deposit Insurance Act with respect to municipal deposits; to the Committee on Financial Services.

By Mr. GOODE:

H.R. 383. A bill to amend the Small Business Act to revise the definition of a HUBZone with respect to counties that are highly rural but adjacent to urban areas; to the Committee on Small Business.

By Mr. GOODE:

H.R. 384. A bill to include Nelson County, Virginia, in the Appalachian region for purposes of the programs of the Appalachian Regional Commission; to the Committee on Transportation and Infrastructure.

By Mr. GOODE:

H.R. 385. A bill to amend title II of the Social Security Act to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington:

H.R. 386. A bill to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District; to the Committee on Natural Resources.

By Mr. KANJORSKI:

H.R. 387. A bill to authorize certain States to prohibit the importation of solid waste from other States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KILDEE (for himself and Mr. JONES of North Carolina):

H.R. 388. A bill to prohibit the importation of motor vehicles of the People's Republic of China until the tariff rates that China imposes on motor vehicles of the United States are equal to the rates of duty applicable to motor vehicles of the People's Republic of China under the Harmonized Tariff Schedule of the United States; to the Committee on Ways and Means.

By Mr. KUHL of New York (for himself and Mr. EHLERS):

H.R. 389. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Transportation and Infrastructure.

By Mr. LANTOS (for himself, Mr. CUMMINGS, Mr. TOM DAVIS of Virginia, Mr. FATTAH, Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. BRADY of Pennsylvania, Mr. DAVIS of Alabama, Mr. MORAN of Virginia, Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. COHEN, Mr. CONYERS, Mr. UDALL of Colorado, and Ms. BORDALLO):

H.R. 390. A bill to require the establishment of a national database in the National Archives to preserve records of servitude, emancipation, and post-Civil War reconstruction and to provide grants to State and local entities to establish similar local databases; to the Committee on Oversight and Government Reform.

By Mr. MATHESON (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. FRANK of Massachusetts, Mr. DAVIS of Kentucky, Ms. WATERS, and Mr. GARY G. MILLER of California):

H.R. 391. A bill to authorize the Secretary of Housing and Urban Development to continue to insure, and to enter into commitments to insure, home equity conversion mortgages under section 255 of the National Housing Act; to the Committee on Financial Services.

By Ms. NORTON (for herself, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. FORTUÑO, Mr. FRANK of Massachusetts, Mr. CASTLE, and Mr. GUTIERREZ):

H.R. 392. A bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 393. A bill to require all persons in the United States between the ages of 18 and 42 to perform national service, either as a member of the uniformed services or in civilian service in furtherance of the national defense and homeland security, to authorize the induction of persons in the uniformed services during wartime to meet end-strength requirements of the uniformed services, to amend the Internal Revenue Code of 1986 to make permanent the favorable treatment afforded combat pay under the earned income tax credit, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. SHERMAN, Mr. WILSON of South

Carolina, Mr. CROWLEY, Mr. CHABOT, and Mr. ENGEL):

H.R. 394. A bill to provide for payment of certain claims against the Government of Iran; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR:

H.R. 395. A bill to amend the Clean Air Act to require the Secretary of Energy to provide grants to eligible entities to carry out research, development, and demonstration projects of cellulosic ethanol and construct infrastructure that enables retail gas stations to dispense cellulosic ethanol for vehicle fuel to reduce the consumption of petroleum-based fuel; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 396. A bill to amend the Internal Revenue Code of 1986 to repeal the required beginning date for distributions from individual retirement plans and for distributions of elective deferrals under qualified cash or deferred arrangements; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 397. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Ms. SOLIS:

H.R. 398. A bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi:

H.R. 399. A bill to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. GOODE (for himself and Mr. JONES of North Carolina):

H. Con. Res. 22. Concurrent resolution expressing the sense of Congress that the President should provide notice of withdrawal of the United States from the North American Free Trade Agreement (NAFTA); to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. CUMMINGS, Mr. DEFAZIO, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. SERRANO, Mr. JOHNSON of Georgia, Ms. LEE, Mr. CLAY, Mr. FATTAH, Ms. KILPATRICK, Mr. LYNCH, Mr. HOLT, Ms. CARSON, Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. WU, Mr. CAPUANO, Ms. WATSON, Mr. STARK, Mr. CONYERS, and Mr. GRIJALVA):

H. Con. Res. 23. Concurrent resolution expressing the sense of Congress that the President should not order an escalation in the total number of members of the United States Armed Forces serving in Iraq; to the Committee on Armed Services.

By Mr. RANGEL:

H. Con. Res. 24. Concurrent resolution expressing the sense of the Congress that the President should grant a pardon to Marcus Mosiah Garvey to clear his name and affirm his innocence of crimes for which he was unjustly prosecuted and convicted; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota (for himself, Mr. GOODLATTE, Mr. UDALL of Colorado, Mr. WAMP, Mr. POMEROY, Mr. INSLEE, Mr. MOORE of Kansas, Ms. MATSUI, Mr. CONYERS, Mr. BOSWELL, Mr. GILCHREST, Mr. LATHAM, Mr. FORTENBERRY, Mr. CHANDLER, Ms. MCCOLLUM of Minnesota, Mr. THOMPSON of Mississippi, Mr. LIPINSKI, Mr. BACA, Ms. HERSETH, Mr. MORAN of Kansas, Mr. GRIJALVA, Mrs. MCMORRIS RODGERS, Mr. TERRY, Mr. LAHOOD, and Mr. MARIO DIAZ-BALART of Florida):

H. Con. Res. 25. Concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H. Con. Res. 26. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue a postage stamp commemorating Congressman Adam Clayton Powell, Jr.; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H. Con. Res. 27. Concurrent resolution expressing the sense of the House of Representatives that James Brown, also known as the "God Father of Soul", should be recognized for his contributions to American music as one of the greatest and most influential entertainers of the 1950s, 1960s, and 1970s as an American cultural icon; to the Committee on Education and Labor.

By Mr. SESSIONS:

H. Con. Res. 28. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H. Con. Res. 29. Concurrent resolution calling for the removal of all restrictions from the public, the press, and military families in mourning that would prohibit their presence at the arrival at military installations in the United States or overseas of the remains of the Nation's fallen heroes, the members of the Armed Forces who have died in Iraq or Afghanistan, with the assurance that family requests for privacy will be respected; to the Committee on Armed Services.

By Mr. MCKEON:

H. Res. 45. A resolution electing minority members and the Resident Commissioner to certain committees of the House of Representatives; considered and agreed to.

By Mr. EMANUEL:

H. Res. 46. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. EMANUEL:

H. Res. 47. A resolution electing Members and Delegates to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. DREIER (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HASTINGS of Washington, and Mr. SESSIONS):

H. Res. 48. A resolution amending the Rules of the House of Representatives by requiring transparency of record votes in the Committee on Rules; to the Committee on Rules.

By Mr. CAMP of Michigan:

H. Res. 49. A resolution expressing the sense of the House of Representatives that there should be established a National Letter Carriers Appreciation Day; to the Committee on Oversight and Government Reform.

By Mr. CONAWAY (for himself, Mr. COOPER, Mr. LINCOLN DAVIS of Tennessee, and Mr. RYAN of Wisconsin):

H. Res. 50. A resolution amending the Rules of the House of Representatives to require the reduction of section 302(b) suballocations to reflect floor amendments to general appropriation bills; to the Committee on Rules.

By Mr. LIPINSKI (for himself, Mr. FOSSELLA, Mr. DAVIS of Kentucky, Ms. DELAURO, Ms. BORDALLO, Mr. FRANKS of Arizona, Mr. HOLT, Ms. MCCOLLUM of Minnesota, Mr. EHLERS, Mr. HOLDEN, Mr. CHABOT, Mr. SESSIONS, Mr. DAVIS of Illinois, Mr. BAKER, Mr. MCHENRY, Mr. GINGREY, Mr. MCCOTTER, Mr. MANZULLO, Mr. NEAL of Massachusetts, Mr. ROTHMAN, Mr. CLEAVER, Mr. RYAN of Ohio, Ms. MOORE of Wisconsin, Ms. ESHOO, Mr. SOUDER, Mr. TIBERI, Mr. RADANOVICH, Mr. LEWIS of Kentucky, Mr. RENZI, Mr. HIGGINS, Ms. HIRONO, Mrs. CHRISTENSEN, Mr. LANTOS, Mr. TOWNS, Mr. WILSON of South Carolina, Mr. MELANCON, Mr. WOLF, Mr. PATRICK MURPHY of Pennsylvania, Mr. GONZALEZ, Mr. TIM MURPHY of Pennsylvania, Mr. PASCRELL, Mr. TAYLOR, Mr. PAYNE, Mr. JONES of North Carolina, Mr. DENT, Mr. COURTNEY, Ms. ROS-LEHTINEN, Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, Mr. MCGOVERN, Mr. FERGUSON, Mrs. BIGGERT, Mr. GRIJALVA, Mr. GALLEGLY, Mr. BUYER, Mr. LAHOOD, Mr. AKIN, Mr. TERRY, Mr. SMITH of New Jersey, Mr. CLAY, Ms. ROYBAL-ALLARD, Mr. MARIO DIAZ-BALART of Florida, and Mr. CARNEY):

H. Res. 51. A resolution honoring the contributions of Catholic schools; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of January 9, 2007]

H.R. 1: Mr. ENGEL, Mr. GONZALEZ, Mr. MOLLOHAN, and Mr. SHAYS.

H.R. 2: Mrs. DAVIS of California, Ms. CARSON, Mr. MOLLOHAN, Mr. GONZALEZ, Mr. COSTA, Mr. WELLER, and Mr. NEAL of Massachusetts.

H.R. 3: Mr. CRAMER, Mr. SCOTT of Virginia, Mr. MILLER of North Carolina, Mr. GONZALEZ, Mr. EDWARDS, Ms. CLARKE, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 4: Mrs. LOWEY, Mr. MURPHY of Connecticut, Mr. CRAMER, Mr. TOWNS, Mr. MURTHA, Mr. GONZALEZ, and Mr. ENGEL.

H.R. 22: Mr. SMITH of Texas and Mr. MCINTYRE.

H.R. 25: Mr. MICA.

H.R. 35: Mr. BARTLETT of Maryland.

H.R. 36: Mr. HOLT, Mr. AL GREEN of Texas, Mr. WEXLER, and Mr. HINOJOSA.

H.R. 37: Mr. BARTLETT of Maryland, Mr. HINOJOSA, and Mr. HOLT.

H.R. 38: Mr. GENE GREEN of Texas.

H.R. 49: Mr. LAMBORN, Mr. PERLMUTTER, Mrs. MUSGRAVE, Mr. SALAZAR, Mr. TANCREDO, and Ms. DeGETTE.

H.R. 65: Mrs. BIGGERT, Mr. KUCINICH, Mr. EMANUEL, Mr. KANJORSKI, Mr. CLEAVER, Mr. PAYNE, Mr. MEEKS of New York, Mr. CARDOZA, Mr. DAVIS of Kentucky, Mr. MATHESON, Mr. RUSH, Mr. CUMMINGS, Ms. BORDALLO, Mr. TAYLOR, Mr. MEEHAN, Mrs. TAUSCHER, Ms. LORETTA SANCHEZ of California, Mr. ROSS, Mr. SKELTON, Mr. WU, Mr. CRAMER, Mr. BOYD of Florida, Mr. RANGEL, Mr. MARKEY, Ms. KILPATRICK, Ms. CORRINE BROWN of Florida, Ms. BALDWIN, Mr. FRANK of Massachusetts, Mr. LARSON of Connecticut, Mr. GRIJALVA, Mr. MORAN of Virginia, Mr. DOGGETT, Mr. TIERNEY, Mr. LYNCH, Mr. RYAN of Ohio, Mr. SCOTT of Virginia, and Mr. DAVIS of Illinois.

H.R. 87: Mr. KIRK, Mr. PAUL, Mr. SESSIONS, Mrs. MYRICK, Mr. ENGLISH of Pennsylvania, Mr. PUTNAM, Mrs. BLACKBURN, and Mrs. JO ANN DAVIS of Virginia.

H.R. 91: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 92: Mr. GOODE and Mr. JONES of North Carolina.

H.R. 111: Mr. HERGER, Mr. HOBSON, Mr. WALDEN of Oregon, Mr. BERRY, Mr. ALLEN, Mr. McHUGH, Mr. WOLF, Mr. SCOTT of Georgia, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mrs. MUSGRAVE, Mr. MATHESON, and Mrs. JO ANN DAVIS of Virginia.

H.R. 123: Ms. ROYBAL-ALLARD.

H.R. 133: Mr. BURTON of Indiana.

H.R. 135: Mr. SESSIONS.

H.R. 137: Mr. MURTHA, Mr. EHLERS, Mr. KILDEE, Mr. RYAN of Ohio, Ms. HOOLEY, Mr. BURTON of Indiana, Mrs. BLACKBURN, Mr. PALLONE, Mr. DOYLE, Ms. NORTON, Mr. McNULTY, Mr. CARDOZA, Mr. CUMMINGS, Mr. BOSWELL, Mr. McCOTTER, Mr. NADLER, Mr. DICKS, Mr. WEINER, Ms. CORRINE BROWN of Florida, Mr. SCHIFF, Mr. CROWLEY, Mr. KNOLLENBERG, Mrs. LOWEY, Ms. McCOLLUM of Minnesota, Mr. TOM DAVIS of Virginia, Mr. ACKERMAN, Mr. CLYBURN, Mrs. TAUSCHER, Mrs. MALONEY of New York, Ms. LEE, Ms. MATSUI, Ms. SCHWARTZ, Ms. WASSERMAN SCHULTZ, Mr. DeFAZIO, Mrs. BIGGERT, Mr. POMEROY, Mr. DELAHUNT, Mr. HIGGINS, Mr. VAN HOLLEN, Ms. WOOLSEY, Mr. WILSON of South Carolina, Ms. BERKLEY, Mrs. CAPPS, Mr. ENGEL, Ms. LORETTA SANCHEZ of California, Mr. BECERRA, Mrs. JO ANN DAVIS of Virginia, Mr. BAIRD, Mr. BOOZMAN, Mr. WEXLER, Ms. DeLAURO, and Mr. CLAY.

H.R. 157: Mr. GONZALEZ.

H.R. 171: Mrs. CHRISTENSEN and Mr. KUCINICH.

H.R. 190: Mr. GARRETT of New Jersey.

H.R. 191: Mr. GARRETT of New Jersey.

H.R. 192: Mr. GARRETT of New Jersey.

H.R. 195: Mr. GARRETT of New Jersey.

H.R. 211: Mr. HONDA, Mrs. BONO, Mr. McGOVERN, Mr. WU, Mr. STUPAK, Mr. PATRICK MURPHY of Pennsylvania, Mr. KNOLLENBERG, Mr. GONZALEZ, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. BOUSTANY.

H.R. 223: Mrs. MUSGRAVE.

H.R. 232: Mr. SULLIVAN, Mrs. JO ANN DAVIS of Virginia, Mr. PAUL, Mr. SESSIONS, Ms. FOXX, Mr. EDWARDS, Mr. McCOTTER, Mr. FLAKE, Mr. SENSENBRENNER, Mr. KIRK, Mr. TIAHRT, Mr. NORWOOD, Mr. ROGERS of Michigan, Mr. McHUGH, Mr. WALDEN of Oregon, Mr. PITTS, Mrs. MYRICK, Mr. ENGLISH of Pennsylvania, Mr. GERLACH, and Mr. FORTENBERRY.

H.R. 239: Mr. POE, Mr. TIM MURPHY of Pennsylvania, and Mr. SHAYS.

H.R. 241: Mrs. MUSGRAVE.

H.R. 250: Mr. SAXTON.

H.R. 278: Mr. GONZALEZ, Mr. McGOVERN, Mr. MICHAUD, Mr. McHUGH, and Mr. GORDON.

H.R. 290: Mr. McCOTTER.

H.R. 312: Mr. McCOTTER.

H.R. 315: Mr. MOORE of Kansas and Ms. FOXX.

H.J. Res. 4: Mr. BAIRD and Mr. DELAHUNT.

H. Con. Res. 9: Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mrs. McCARTHY of New York, Mr. DAVIS of Alabama, Mrs. CHRISTENSEN, Mr. SERRANO, Mr. LEWIS of Georgia, and Ms. WATERS.

H. Res. 12: Mr. LINDER and Mr. INGLIS of South Carolina.

H. Res. 24: Mr. MILLER of North Carolina, Mr. SIRES, Mr. DAVIS of Illinois, and Mr. FARR.

H. Res. 29: Mr. CARDOZA, Mr. SHERMAN, Mr. EHLERS, and Ms. ZOE LOFGREN of California.

[Filed on January 10, 2007]

H.R. 2: Mr. BISHOP of Georgia.

H.R. 3: Mr. BISHOP of Georgia.

H.R. 16: Mr. SAXTON and Ms. WOOLSEY.

H.R. 19: Mr. ALEXANDER, Mr. CAMPBELL of California, and Mr. BLUNT.

H.R. 25: Mr. HASTERT.

H.R. 56: Ms. BORDALLO.

H.R. 65: Mr. STUPAK, Mr. DOYLE, Mr. MARSHALL, Mr. DELAHUNT, Mr. GILCHREST, Mr. LINCOLN DAVIS of Tennessee, Mr. WEINER, Mr. UDALL of New Mexico, Mr. PETERSON of Minnesota, Ms. ROYBAL-ALLARD, Mr. NEAL of Massachusetts, Mr. DeFAZIO, Mr. LIPINSKI, Mr. KIND, Mr. MEEK of Florida, Mr. VAN HOLLEN, Mr. LARSEN of Washington, Mr. PALLONE, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHWARTZ, Mr. CAPUANO, Mr. BLUMENAUER, Mr. SNYDER, Mr. BERRY, Mr. AKIN, Mr. COOPER, Mr. SMITH of Washington, Mr. UDALL of Colorado, Mr. NADLER, Mr. COBLE, Mr. ENGLISH of Pennsylvania, Mr. PLATTS, Mr. BAIRD, Mr. GORDON, Mr. MOLLOHAN, Mr. GUTIERREZ, Mrs. MALONEY of New York, Mr. BRADY of Pennsylvania, Mr. WAXMAN, Mr. ALLEN, Mr. THOMPSON of Mississippi, Mr. DAVIS of Alabama, Mr. WYNN, Mr. JACKSON of Illinois, Ms. WATSON, Mr. MOORE of Kansas, Mr. COLE of Oklahoma, Mr. MARIO DIAZ-BALART of Florida, Mr. HOLT, Mrs. McCARTHY of New York, Mr. RODRIGUEZ, Mr. REYES, and Mr. HASTINGS of Florida.

H.R. 92: Mr. TERRY and Mr. PORTER.

H.R. 101: Mr. SMITH of Washington, Mr. MORAN of Virginia, and Mr. VAN HOLLEN.

H.R. 111: Mr. PASCRELL, Mr. YOUNG of Florida, Mr. BISHOP of Georgia, Mr. DICKS, Mr. CRAMER, and Mr. SOUDER.

H.R. 137: Mr. GEORGE MILLER of California, Mr. SOUDER, Mr. CASTLE, Mr. CHABOT, Mr. EVERETT, Mr. HALL of Texas, Mr. HERGER, Mr. KELLER, Mr. MANZULLO, Mr. McHUGH, Mrs. MILLER of Michigan, Mr. REGULA, Mr. WALDEN of Oregon, Mr. FRELINGHUYSEN, Mr. INSLEE, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLDEN, Mr. HONDA, Mr. SHERMAN, Mr. THOMPSON of California, Mr. RUPPERSBERGER, Mr. VISCLOSKY, Mr. REYES, Mr. HINCHEY, Mr. WHITFIELD, Mr. LIPINSKI, Mr. HOLT, Mr. McKEON, Mr. FILNER, Mr. SNYDER, Mr. WAXMAN, Mr. RAMSTAD, Mrs. NAPOLITANO, Mr. INGLIS of South Carolina, Mr. FRANK of Massachusetts, Mr. BACA, Ms. BEAN, Mr. HASTINGS of Florida, Mr. KIND, Mr. GENE GREEN of Texas, Ms. ZOE LOFGREN of California, Mr. WU, Mr. OBERSTAR, Ms. ESHOO, Mrs. EMERSON, Mrs. BONO, Mrs. CUBIN, Mr. GILLMOR, Mr. GINGREY, Mr. HOBSON, Mr. LaTOURETTE, Mr. LEWIS of Kentucky, Mrs. McMORRIS RODGERS, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. ROTHMAN, Mr. GRIJALVA, Mr. LANTOS, Mr. AKIN, Mr. FORBES, Mr. HOEKSTRA, Mr. LoBIONDO, Mr. MICA, Mr. PETERSON of Pennsylvania, Mr. REHBERG, Mr. TANCREDO, Mr. TIAHRT, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. JACKSON of Illinois, Mr. ROGERS of Michigan, Ms. JACKSON-LEE of Texas, Mr. ENGLISH of Pennsylvania, Mr. SMITH of Texas, Mr. PUTNAM, Mr. RENZI, Mr. LATHAM, Mr. PENCE, and Mr. McDERMOTT.

H.R. 211: Mr. SOUDER, Mr. RAMSTAD, Mr. JINDAL, and Ms. BALDWIN.

H.R. 226: Mr. ROGERS of Alabama and Mr. BILBRAY.

H.R. 229: Mr. TERRY.

H.R. 237: Mr. McHUGH.

H.R. 248: Mr. BACHUS.

H.R. 281: Mr. FILNER.

H.R. 294: Mr. JONES of North Carolina.

H.R. 324: Mr. PETRI, Mr. MARCHANT, Mr. JINDAL, Mr. BOUSTANY, Mr. RENZI, and Mr. McCARTHY of California.

H.R. 353: Mr. DeFAZIO, Ms. DeLAURO, Mr. McDERMOTT, and Mr. HINCHEY.

H.J. Res. 1: Mr. BAKER, Mr. BOOZMAN, Mr. CRENSHAW, Mr. GINGREY, Mr. HUNTER, Mr. JINDAL, Mr. McCOTTER, Mr. PUTNAM, Mr. SCOTT of Georgia, and Mr. WALDEN of Oregon.

H. Con. Res. 9: Mr. WAXMAN, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mr. HOLT, Mr. VAN HOLLEN, Mr. MITCHELL, Ms. KAPTUR, Mrs. LOWEY, and Mr. CAPUANO.

H. Res. 15: Mr. COHEN, Mrs. MALONEY of New York, Mr. DANIEL E. LUNGREN of California, Mr. REGULA, Mr. LaTOURETTE, Mr. BERMAN, Mr. LANTOS, Mr. SENSENBRENNER, Mr. HARE, Mr. CANNON, Mr. GALLEGLY, Mr. DUNCAN, Mr. BROWN of South Carolina, Mr. LEWIS of Kentucky, Mr. ROGERS of Kentucky, Mr. BILBRAY, Mr. LEWIS of California, Mr. DREIER, Mr. McKEON, Mr. DOOLITTLE, Mr. WALDEN of Oregon, Mr. TIBERI, Mr. COBLE, Mr. WALSH of New York, Mr. BOOZMAN, Mr. NUNES, Mr. REYNOLDS, Mr. YOUNG of Florida, Mr. PLATTS, Mr. RADANOVICH, Mr. FARR, Mrs. EMERSON, Ms. ROYBAL-ALLARD, Mr. SKELTON, Ms. HARMAN, Ms. LORETTA SANCHEZ of California, Ms. ZOE LOFGREN of California, Mr. ROYCE, and Mr. ISSA.

H. Res. 18: Mr. LINDER, Mr. POE, Mrs. MYRICK, Ms. FOXX, and Mr. CONAWAY.

H. Res. 24: Mr. ENGLISH of Pennsylvania and Mr. CAPUANO.

H. Res. 39: Mr. MACK, Mr. LINCOLN DIAZ-BALART of Florida, and Ms. ROS-LEHTINEN.

H. Res. 41: Mr. INSLEE, Mr. FRANK of Massachusetts, Mr. FATTAH, Ms. LEE, Mr. CONYERS, Mr. MORAN of Virginia, Ms. JACKSON-LEE of Texas, Mr. WU, and Mr. ABERCROMBIE.

H. Res. 44: Ms. WASSERMAN SCHULTZ, Mr. MILLER of Florida, Mr. KELLER, and Mr. BOYD of Florida.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE DISTRICT OF COLUMBIA FAIR AND EQUAL HOUSE VOTING RIGHTS ACT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, today I am re-introducing with my colleague Representative ELEANOR HOLMES NORTON the District of Columbia Fair and Equal House Voting Rights Act. This legislation has now been considered through several Congresses. It is no longer a novel idea. Nevertheless, the need for this legislation is stronger than ever and I call on the Congress to pass it without delay. We can't credibly struggle to make other parts of the world safe for democracy if we continue to deny it to residents of our Nation's Capital.

This bill pairs two injustices in such a way as to create a politically neutral solution for both. The first injustice—that the citizens of the District of Columbia have no direct representation in the House of the United States Congress—has existed since Congress took away representation in 1800. The second injustice—the failure to count all of the residents of Utah in the last Census—is more recent. Historically, it takes just this kind of marriage to create a viable solution.

We had a great deal of success in moving this bipartisan legislation last Congress. In our committee, a strong majority of both parties voted to pass this legislation. Over the last 3 years, it has been gratifying to watch members of my own party consider the problem and accept this solution. We now have the support of conservatives, moderates, and liberals. Unfortunately, we were unable to get the bill to the floor in the rush that ensued last December.

Ironically, it was a rush to pass legislation that created this problem in 1800. In the lame duck session following the election of Thomas Jefferson of Virginia as President and the Whigs to the majority in 1800, Federalists rushed to pass legislation to set up some structure for the District of Columbia. Congress was silent on District voting rights in spite of having granted voting rights to District residents 10 years earlier in the Residence Act that created a Federal district.

Now, over 200 years later, Congress has before it a principled and workable compromise solution. This bill does two simple things. It treats the District of Columbia as a congressional district for the purposes of representation in the House of Representatives, and permanently increases Congress to 437 members.

After 3 years of research, it is clear that Congress does have the authority to grant the District a seat in the House of Representatives. This House, which we refer to as the "People's House," represents the people of the several states. Some scholars have tried to parse the phrase to mean that state residents only are represented.

But when this phrase was drafted there was no Federal District. The "People of the Several States" means all Americans.

Congress has recognized this by allowing Americans living overseas to vote in House elections despite the fact they are no longer residents of any state. Overseas Americans are allowed to vote in their last state of residence even if they never intend to return to that state.

There always seems to be some reason to keep from doing a good thing. In our personal lives we all put off the easy act of common graciousness because we're busy or because we're tired or because someone treated us unfairly. This makes sense at the time, but in the end we are all poorer for missing the opportunity.

The same is true with this legislation. Maybe you don't like the permanent increase in the size of Congress. Maybe you want to protect "states rights" in redistricting. Maybe you wish this addressed the Senate as well. Maybe you just don't know for sure what the Sixth Congress intended when they created this problem.

I would ask every member of this body to look up for a minute and look at the people we live with here in the District. Is there anything really gained by refusing them direct representation in the Federal Government? I say no.

It is time to make a change in the way this District is governed. It is time to tell the 550,000 District citizens that we recognize their inalienable right to participate in the decisions that affect their lives every day.

Let's not—once again—miss the chance to do the good thing. Justice should no longer have to wait.

HONORING THE MEMORY OF MR. PETRO JAMES ROUSSOS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. BONNER. Madam Speaker, Mobile County and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory. Mr. Petro James Roussos, known as "Pete" to his many friends and family, was a devoted family man and dedicated community leader throughout his life.

Although he was originally from Seminole, OK, Pete spent the majority of his life in Mobile. He attended Murphy High School, where he played football and was elected to the All-City Squad. He received about a dozen scholarship offers before choosing to attend Auburn University, where he went on to play football on the 1954 and 1955 teams. He also was a member of the Theta Chi fraternity at Auburn. He finished school in 1958 graduating from Troy State University.

Not long after graduation, Pete began what was eventually to become a long and storied career in the restaurant business. In 1963, he opened Pete Roussos' Bonanza Lounge on U.S. 90 near the Skyline Shopping Center. In 1965, he moved from Mobile to Alexandria, LA, where he opened McDonald's Restaurant franchises in Pineville and Lafayette, LA. After returning to Mobile in 1982, he owned and operated, with his uncle, the popular Pier 4 restaurant on the causeway for a period of time. His other businesses included Crabby Pete's in Gulf Shores and Pete Roussos' Restaurant on Azalea Road.

Pete Roussos was the kind of man who would give you the shirt right off his own back. He spent his lifetime working hard and making a name for himself and his family. It is a name not soon to be forgotten in the First District, much less any other place he ever lived. He had the type of personality that would make any restaurant successful. His aura permeated throughout the room and left customers feeling at home and comfortable whenever he was near.

Besides his love for the restaurant business, Pete was also an avid sportsman. He was affiliated with the Coastal Conservation Association of Alabama and was a big supporter of the Alabama Wildlife Foundation. He was an original member of the Mobile Big Game Fishing Club, a supporter of Ducks Unlimited in Mobile, and a major supporter of the Ducks Unlimited Organization in Alexandria during the late 1970s and early 1980s. He was also a member of the American Kennel Club-Mobile Retriever Club from 1962 to 1980.

Madam Speaker, I rise today and ask my colleagues to join with me in remembering a dedicated community leader and friend to many throughout south Alabama. Pete Roussos loved life and lived it to the fullest, and his passing marks a tremendous loss for all of south Alabama. He will be deeply missed by many, most especially his wife, Sandra Mitchell Roussos; his two sons, Petro James Roussos, Jr., and Nicholas James Roussos; his daughter, Alexa Kyriaki Roussos; as well as countless friends and loyal employees that he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

LET'S REMEMBER OUR CHILDREN'S FUTURE ON THREE KINGS DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. RANGEL. Madam Speaker, I rise today to honor the Three Kings Day holiday, which is traditionally celebrated on January 6.

For millions around the world, especially Latinos, the final curtain on the holiday season doesn't begin to fall until January 6, Three Kings Day. From El Barrio through Mexico and the Carribean all the way down to the tip of South America, communities find their own unique way to celebrate the Biblical journey of Balthasar, Melchior, and Caspar.

Like Christmas, it is a day for kids and family, a time to exchange gifts and celebrate life. Surely, it is also a time to remember that acts of kindness and generosity should extend well into the year. Yet, perhaps more than any other day of the season, it is day to remember the potential that we all have for greatness, especially our children.

Balthasar, Melchior, and Caspar traveled on the wings of hope, believing that a better future lay in the hands of this humble child in the manger. They did not write him off because he was a carpenter's son or because he was poor. They crossed deserts and overcame hurdles because they believed that despite his present conditions, his future was as bright and limitless as the stars that adorned the sky.

Unfortunately, not enough of today's children are at the center of that kind of investment of time and energy. Despite the tireless work of many parents and educators, far too many are falling through the cracks in schools that are ill-equipped to teach them the skills that they need for work and life.

So on this last weekend of the holiday season, let all of us resolve to renew our commitment to our next generation. The private and public sector must work together to arm our children with the necessary tools that they will need to realize their goals and dreams. The future of this great land rests on their shoulders and how many of them have the opportunity to fully shine and reach their full potential.

CONGRATULATING CHRIS BROWNING ON HIS APPOINTMENT TO CHIEF INVESTIGATOR FOR THE ALABAMA ATTORNEY GENERAL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Mr. Chris Browning for his dedicated service as the Fairhope chief of police and to offer congratulations on the occasion of his appointment to chief investigator for the Alabama Attorney General.

Chris has served the city of Fairhope since he was 16 years old when he worked as a pay booth attendant at the city beach. His first position with the Fairhope Police Department was as a dispatcher; upon graduation from the police academy, Chris was promoted to patrol officer and later patrol shift supervisor. In 1999, he was promoted to investigator and quickly rose to chief investigator, earning the rank of sergeant. In 2001, Chris was promoted to lieutenant and became chief of police in 2002.

In the midst of his demanding professional schedule, Chris also finds time to serve on a number of regional, state, and local boards: the Baldwin County Drug Task Force, the Baldwin County Gang Task Force, the United States Custom Service Blue Lightning Strike Force, the Alabama Coalition against Domestic Violence, the Fairhope Rotary Boys and Girls Club "Make a Difference" Committee, the Fairhope "Strengthening Our Communities" Committee, the Beverly Healthcare Community Council, the Baldwin County Court Referral Program Steering Committee, J. Larry Newton School Executive Patron, the Lighthouse Domestic Violence Program Board of Directors, the Alabama Attorney General's Law Enforcement Advisory Committee, and the Baldwin County Emergency Medical Services Advisory Board.

Chris Browning is an outstanding example of the quality of individuals who have devoted their lives to the field of law enforcement. Madam Speaker, I ask my colleagues to join with me in congratulating Chris on his new appointment. I know Chris's colleagues; his wife Renee; his three sons, Scott, Nick and Baxter; his family and many friends join with me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of the citizens of Fairhope and the State of Alabama.

A NEW PATH FOR AMERICA'S IRAQ POLICY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. LIPINSKI. Madam Speaker, President Bush's misadventure in Iraq may be the worst foreign policy disaster the United States has ever been involved in. It is good that Saddam Hussein is out of power, but it has come at an incredibly high price. More than 3,000 of America's soldiers have been killed and thousands more have been wounded, many very seriously. And hundreds of billions of tax dollars have been spent, and in some cases wasted, in Iraq. This has occurred because of the errors in judgment, tactical mistakes, and other major missteps by the Bush administration that have plagued this endeavor since the brave men and women in our military ended the tyrannical reign of Saddam Hussein.

In addition to the high cost in lives and dollars that we have suffered, the reasons for going to war in Iraq in the first place have proven faulty. Furthermore, as the recent report from the Iraq Study Group, ISG, states, the situation in Iraq is "grave and deteriorating," with violence among sectarian groups increasing. Threats to security come from many sources, including the Sunni Arab insurgency, Shiite militias, and al Qaeda, not to mention widespread organized crime. Millions of Iraqis have either fled Iraq or are displaced within their country. Given all of this discouraging information, we need to ask—Why are our soldiers still in Iraq and why should they not come home immediately?

Unfortunately, it is not possible to turn back the clock 4 years and start again. The United States and the rest of the world, not to mention the Iraqi people, have to construct a policy that deals with the current conditions that have created new threats. If Iraq did not occupy such a critical place in the world, it might be the best policy for America to simply pull our troops out as soon as safely possible and leave the Iraqi people to work out a solution. But, Iraq is in one of the most important locations in the world, and although the situation in Iraq is dire, it could get much worse.

First, Iraq sits on the world's second largest oil reserves. While I have been working hard to bring about an energy policy that will wean America and the world off our dependence on this fossil fuel, it will continue to be an extremely valuable commodity for whoever controls it. That is why we must ensure that Iraq's oil does not fall into the hands of radical groups. Oil revenue could be used to fund the spread of radical Islamist revolution to other countries as well as threaten the rest of the world with terrorist attacks. The United States abandoned Afghanistan after the Cold War ended and that country became a haven for terrorists who planned the 9/11 attacks. Iraq would likely become an even worse terrorist training ground.

Second, Iraq is wedged between two countries that have shown themselves to be belligerent, Syria and Iran. Iran is working on building a nuclear weapons capability and has threatened to destroy the state of Israel. Syria has continuously meddled in the affairs of Lebanon and provides ongoing support to terrorists in Palestine. Both of these countries have been active in supporting groups in Iraq who are wreaking havoc and both seek to increase their power by exploiting the situation in Iraq. Leaving Iraq immediately would only embolden these regimes and allow them greater influence throughout the Middle East. Consequently, a stable Iraq is necessary to limit the power of these two dangerous countries.

Third, an immediate withdrawal of U.S. troops would create regional instability that could result in a large-scale war. If Iraq falls into complete chaos, Iran and Syria will likely get more directly involved in the fighting. In addition, Saudi Arabia has said that they may intervene militarily in Iraq if they believe it is necessary to stop a widespread slaughter of Iraqi Sunnis. If chaos in Iraq propels Iraqi Kurds to attempt to break away and form their own country in the north of Iraq, Turkey may feel the need to intervene so as to quell any nationalist uprising of Kurds within their own borders. And these are only a few of the likely scenarios for a larger conflict. Clearly, the prospect of a multi-nation war is even less appealing than the current situation, and the United States must act to try to head-off conditions that may lead to such a catastrophe.

As long as there is still hope that we can serve a positive role in Iraq, the U.S. must not abandon Iraq and leave the situation to deteriorate. However, a new strategy in Iraq is needed now. This new Iraq policy must be based on the understanding that the keys to a solution in Iraq are political and social. Although it is important to recognize that an enforcement capability is necessary for security at any given place and time, peace and stability in Iraq cannot be won and maintained simply through military force. Therefore, the United States should implement a new Iraq policy based on three important components:

(1) Bring the world community together to seek solutions in Iraq, including calling an international conference that will work on putting together a peacekeeping force and setting up an international reconstruction program.

(2) Encourage achievement of important goals in national reconciliation, security, and governance by arranging a peace conference for Iraq's ethnic and religious factions, similar to the conference that led to the Dayton Accords.

(3) Require the administration to give Congress detailed reports on the situation in Iraq so that informed decisions can be made regarding funding Iraq's reconstruction and deciding when American forces can be redeployed.

First, the United States must bring the world community together to seek solutions in Iraq. Iraq's oil reserves, strategic location in the Middle East, and its potential to become a failed-state breeding ground for international terrorism dictate that the entire international community has an interest in Iraq's success. The administration and the State Department must make more of an effort to utilize America's considerable diplomatic resources in order to rally international involvement in Iraq.

In rallying support, the U.S. should start by talking to all of Iraq's neighbors, including Iran and Syria. Iraq's sectarian violence, while rooted in centuries old conflicts, is being at least partially fueled by Iran and Syria. Consequently, the United States must be willing to work with Iran and Syria as well as all other nations in the region and around the world. But talking does not mean ceding to all requests that these countries make. Iran must not become a nuclear power and Syria must not once again move into Lebanon. But the United States should be willing to engage with these and other nations if we are to move forward with international cooperation on Iraq.

As part of bringing the world community together, the U.S. should call an international conference on Iraq. This conference will work on putting together an international peacekeeping force that will replace American and other troops that are currently in Iraq. A second purpose of this conference will be to put together an international reconstruction plan for Iraq. Iraq still suffers from critical shortages in electricity and drinking water, while infrastructure such as oil wells and roads remain in a state of disrepair. Many Iraqis remain unemployed and impoverished, making them easy recruits for sectarian militias and terrorist groups. While Congress must be given more complete information and oversight over U.S. reconstruction aid being sent to Iraq so that American money can be spent more effectively, the international community must also be called upon to provide other aid and plans for Iraq's rebuilding.

Second, the United States should join with other nations to arrange a peace conference—akin to the meetings that led to the Dayton Accords—that will bring together Iraqi leaders to achieve important goals in national reconciliation, security, and governance. Broad-based pressure from a variety of international sources can make a difference in situations like Iraq's, as evidenced by the 1995 Dayton Accords that ended the war in Bosnia. Much like the current conflict in Iraq, the war in Bosnia was fueled by ethnic and religious divisions. However, after intense pressure from the international community, the warring parties came to the negotiating table in Dayton, Ohio and an agreement was reached. With similar international pressure applied to Iraqi leaders, and promises of international peacekeeping forces and increased reconstruction aid, it is my hope that Iraq's warring factions would peacefully come to the negotiating table. Peace discussions could take place in a country seen as a more neutral arbitrator than the U.S. such as El Salvador, which has proven its commitment to Iraqi stability by providing over 300 soldiers for peacekeeping operations. El Salvador would serve as a good location because it is physically far away from Iraq and provides an easily secured environment. In addition, El Salvador has special standing because it has had experience with its own civil war and subsequent aftermath.

Third, the administration must be required to give Congress detailed reports on the situation in Iraq, especially in regard to security and progress on reconstruction. One of the reasons Iraq has reached this point is that the Republican Congress gave the administration free rein on Iraq policy without asking questions. The Democratic Congress must, and will, act differently. The start will be bringing the Secretary of State, the Secretary of Defense, military commanders, the members of the Iraq Study Group, and other leading experts on Iraq to testify before congressional committees. Also, we must require from the administration a written, detailed report on the current security and reconstruction situation in Iraq with mandatory monthly follow-up reports.

Up to this point it appears that decisions regarding Iraq have been made based upon politics and not facts, political calculation instead of national interest. There is no place for partisan politics when it comes to the use of military force. The lives of our brave men and women should not be affected by political whims. That is why Congress must demand information from the administration. When Congress is fully informed we will be able to make intelligent decisions, based on our national interest, about when U.S. forces can be redeployed from Iraq. I believe that with congressional oversight and greater international involvement, U.S. troops will be able to start redeployment from Iraq in 2007, with or without the President's leadership.

Clearly, America needs a new direction in Iraq. President Bush is scheduled to announce his new plan very soon. Since the overthrow of Saddam Hussein, nothing that this administration has done has yet proven to be successful in Iraq. But I will wait to hear the President and I will listen to the congressional hearings before I make a final decision on his proposal. However, if President Bush were to follow the three-point proposal laid out here, we would truly be moving forward in a new direction that will help stabilize Iraq and bring our troops home soon.

HONORING WESLEY AUTREY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 2007

Mr. RANGEL. Madam Speaker, I rise today to call attention to and to honor the recent heroics of Wesley Autrey, the selfless New Yorker who this past week jumped in front of a subway train to save a stranger that had fallen below.

As we begin the difficult task of putting America back on track, we can all draw inspiration from this 50-year-old Harlem father. The construction worker was with his two daughters waiting for the train when he noticed that film student Cameron Hollopeter had suffered a seizure. The Navy veteran and two other strangers immediately rushed to the 20-year-old's aid. Autrey helped stabilize him, sticking a pen in his mouth to prevent him from swallowing his tongue.

Yet, just when it appeared that he was fine, Hollopeter had a relapse and stumbled off the subway platform. With a No. 1 train fast approaching, Autrey made a split second decision to put this young man's life ahead of his own. He jumped down and pinned Hollopeter between the rails, shielding him from harm's way.

In the days since that split second decision, Autrey has been deservingly lavished with tons of media attention and honors. Not surprisingly, the humble Autrey has been caught off guard. He wasn't thinking of the fame or glory. All he could think about, he says, was his girls—6-year-old Shuqui and 4-year-old Syshe. He didn't want them to see a man die before their eyes. He didn't want them to witness their father do nothing to stop the blood and the screams that could follow.

He asked himself, how will I be judged? Will it be said that I had the opportunity to help and just sat there to do nothing. His conscience wouldn't let him be still—and neither should any of us.

We live in a time of great imbalance. In the midst of great prosperity, far too many are struggling to just keep their head above water. Far too many are disconnected from opportunity and hope.

We must follow the example set by Mr. Autrey and not sit on the sidelines while injustice and tragedy unfolds before our eyes. We must ask ourselves: Did we do all that we could to help our fellow brothers and sisters? What did we do to help better the world?

Wesley Autrey has done his duty. Now it's time to do ours.

ANNOUNCEMENT OF THE 2007 CONGRESS-BUNDESTAG/BUNDESRAT EXCHANGE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Ms. PELOSI. Madam Speaker, since 1983, the U.S. Congress and the German Bundestag and Bundesrat have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and interact on issues of mutual interest.

A staff delegation from the U.S. Congress will be selected to visit Germany from April 20 to 29 of this year. During this 2-week exchange, the delegation will attend meetings with Bundestag/Bundesrat members, Bundestag and Bundesrat party staff members, and representatives of numerous political, business, academic, and media agencies. Participants also will be hosted by a Bundestag member during a district visit.

A comparable delegation of German staff members will visit the United States for 2 weeks July 14 to 22. They will attend similar meetings here in Washington and visit the districts of Members of Congress. The U.S. delegation is expected to facilitate these meetings.

The Congress-Bundestag/Bundesrat Exchange is highly regarded in Germany and the United States, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries. This exchange is funded by the U.S. Department of State's Bureau of Educational and Cultural Affairs.

The U.S. delegation should consist of experienced and accomplished Hill staff who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag reciprocates by sending senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern to the United States and Germany such as, but not limited to, trade, security, the environment, economic development, health care, and other social policy issues. This year's delegation should be familiar with transatlantic relations within the context of recent world events.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag/Bundesrat staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two staffers in their Member's district in July, or to arrange for such a visit to another Member's district.

Participants are selected by a committee composed of personnel from the Bureau of Educational and Cultural Affairs of the Department of State and past participants of the exchange.

Members of the House and Senate who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state their qualifications, the contributions they can make to a successful program and some assurances of their ability to participate during the time stated.

Applications may be sent to the Office of Interparliamentary Affairs, HB-28, the Capitol, by 5 p.m. on Wednesday, February 21, 2007.

RECOGNIZING AUSTIN ABARR FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Austin Abarr, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 45, and in earning the most prestigious award of Eagle Scout.

Austin has been very active with his troop, participating in many Scout activities. Over the many years Austin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Austin Abarr for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Austin in the United States House of Representatives.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. NORWOOD. Madam Speaker, on rollcall vote No. 15; On passage (H.R. 1). Had I been present, I would have voted "no."

RECOGNIZING WILLIAM DUNKER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize William Dunker, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

William has been very active with his troop, participating in many Scout activities. Over the many years William has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending William Dunker for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent William in the United States House of Representatives.

HONORING THE BRAVERY AND SACRIFICE OF NATHANIEL AGUIRRE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. MARCHANT. Madam Speaker, it has been said that a hero is someone who understands the degree of responsibility that comes with their freedom. Nathaniel Aguirre, 21 years old, certainly understood that degree of responsibility.

At just 17, Nathaniel enlisted in the United States Army Reserve and attended basic combat training at Fort Knox, Kentucky. After graduating from Creekview High School, he completed additional military training and was deployed to Iraq in December 2005.

On the morning of October 22, 2006, Nathaniel was on combat patrol in a village in western Baghdad. After his detachment encountered enemy fire, they confronted the enemy head on in a fight that would tragically cost Nathaniel his life. On that morning, a hero was not born—a hero was revealed.

Nathaniel leaves behind his parents and treasured younger sister Melissa, who had known her brother as a hero long before it was revealed to the rest of us.

Among the many honors bestowed in memory of his heroic acts, Nathaniel was posthumously awarded the Bronze Star Medal, the Purple Heart, and the Army Good Conduct Medal. While these honors will never bring him back, they serve as markers in our Nation's history, identifying Nathaniel Aguirre as an American who understood his degree of responsibility to our Nation and his fellow Americans.

INTRODUCTION OF H.R. 366 TO DESIGNATE THE DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC IN TULSA, OKLAHOMA, AS THE ERNEST CHILDERS DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. SULLIVAN. Madam Speaker, this evening, I introduced H.R. 366, legislation to designate the Department of Veterans Affairs, VA, Outpatient Clinic in Tulsa, Oklahoma as the Ernest Childers VA Outpatient Clinic to honor one of our Nation's finest military heroes.

Ernest Childers holds the distinction of being the first Native American to receive the Congressional Medal of Honor for his heroic action in 1943 at the battle of Oliveto, Italy, when he charged German machine gun nests against machine gun fire. Although suffering a broken foot in the assault, Childers ordered covering fire and advanced up a hill, single-handedly killing two snipers, silencing two machine gun nests and capturing an enemy mortar observer. His courageous action helped American troops win the battle and save the lives of American soldiers. Childers was also awarded the Purple Heart and the Bronze Star for his actions.

Born in Broken Arrow, Oklahoma, Childers enlisted in the Oklahoma National Guard in 1937 to earn extra money while attending the Chilocco Indian School in north-central Oklahoma. While stationed at Fort Sill in Oklahoma, he was deployed to Africa to fight in World War II. Childers retired from the Army in 1965 as a lieutenant colonel but remained very active in the Tulsa community serving Indian youth, which led to the naming of a middle school in Broken Arrow, Oklahoma, in his honor in 1985.

As a proud Creek Indian, in 1966, Childers was honored by the Tulsa Chapter of the Council of American Indians as "Oklahoma's most outstanding Indian." Of his military service in World War II, Childers once said, "The American Indian has only one country to defend, and when you're picked on, the American Indian never turns his back." A fitting quote from a man who exemplified courage under fire and dedication to defending our Nation.

Until his death on March 17, 2005, Childers was Oklahoma's last Congressional Medal of Honor recipient still living in the State. I am proud to introduce this legislation to honor his life and legacy. We were honored to have him grace us with his model character, defend us with his bravery, and leave us all with a life well-lived.

TRIBUTE TO REVEREND ROBERT W. RAWLS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. KILDEE. Madam Speaker, I rise today to recognize Reverend Robert W. Rawls who is honored by the clergy and congregation of Vernon Chapel African Methodist Episcopal Church on Sunday, January 14 in my hometown of Flint, MI.

Reverend Rawls began his life of Christian service at Vernon Chapel. His parents, Johnny and Corrie Rawls were two of Vernon Chapel's founding members. They instilled in their son love for Our Lord and a desire to serve him. Reverend Rawls began his life of service as a Sunday School teacher, a member of the choir and a member of the Steward Board. He also served as the Superintendent of the Sunday School.

In 1976 he answered God's call to the ministry. Two years later he organized a Mission located at North and Gillespie Streets. He went street by street for 40 blocks talking to people and inviting them to come and worship. The first service was held on June 19, 1978. One person joined his congregation and his wife, Estelle, provided the music.

Continuing to spread the good news of Jesus Christ, the Mission grew and the congregation was able to purchase the building. The Presiding Elder, Martin L. Sims, authorized Reverend Reuben Russell to organize the Mission into a Church in 1980 and Bethel African Methodist Episcopal Church was admitted into the Annual Conference. Reverend Rawls drew on his faith in God to continue working to bring people to Jesus Christ. Year after year, he held nightly street services from July through September. He worked to improve the Church and in 1996 completed the conversion of the former storefront to a Church edifice. For 22 years he served faithfully as a minister and pastor, retiring in 2002.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the life and work of Reverend Robert W. Rawls as his family and friends at Vernon Chapel embrace him. He has devoted his life to doing God's work and the Flint community is a better place because of his compassion, commitment, and actions. I wish him the best as he enjoys his retirement.

RECOGNIZING MICHAEL DUNN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Dunn, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 45, and in earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many Scout activities. Over the many years Michael has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Michael Dunn for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Michael in the United States House of Representatives.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. NORWOOD. Madam Speaker, on rollcall No. 14 on the motion to recommit (H.R. 1). Had I been present, I would have voted "yes."

RECOGNIZING TIM LEININGER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tim Leininger, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Tim has been very active with his troop, participating in many scout activities. Over the many years Tim has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Tim Leininger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Tim in the United States House of Representatives.

HONORING SOUTHLAKE CARROLL HIGH SCHOOL FOR WINNING THE 5A DIVISION I FOOTBALL STATE CHAMPIONSHIP

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. MARCHANT. Madam Speaker, I rise today to extend my congratulations to the 2006 Southlake Carroll High School football team, which on Saturday, December 23, 2006, earned the title of 5A Division I State Champions and finished its season a perfect 16–0.

The Dragons rallied in the second half to deliver a 43–29 come-from-behind victory over Austin Westlake and on that day it was clear to everyone in the Alamodome that the Southlake Carroll Dragons are a genuine Texas high school football dynasty. In seven seasons under Head Coach Todd Dodge, the Dragons have amassed a 98–11 overall record and have gone 79–1 in the past 5 years. The team has won three consecutive national titles, won the last four of five State championships and has tied the Texas high school record with seven state titles. This year, Southlake Carroll is also ranked as the consensus No. 1 team in the country by seven national polls. The Dragons have shown they are simply the best high school football program in decades.

Throughout its historic championship runs, Southlake Carroll has represented the ideal virtues of amateur athletic programs—teamwork, tenacity, competitiveness and dignity—and its immaculate seasons will be recounted for generations to come throughout the state of Texas.

I could not be more proud than to represent Southlake Carroll High School in Congress, and I congratulate the players, coaches, fans and parents who made the 2006 season such a memorable one.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. ORTIZ. Madam Speaker, due to important congressional business, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below: rollcall No. 12: "no"; rollcall No. 13: "yes"; rollcall No. 14: "no"; rollcall No. 15: "yes."

RECOGNIZING SEAN McCALMON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sam McCalmon, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop, participating in many Scout activities. Over the many years Sean has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Sean McCalmon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Sean in the United States House of Representatives.

PERSONAL EXPLANATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. BROWN of South Carolina. Madam Speaker, I am writing to notify you that I was absent for votes on January 4 and 5, 2007. The reason for my absence was that I had a death in my immediate family that required me to remain in South Carolina.

Regarding the votes that I missed please see below for the way that I would have voted had I been present: rollcall vote No. 3—On Ordering the Previous Question—"nay"; rollcall vote No. 4—On Motion to Commit with Instructions—"yea"; rollcall vote No. 5—On Agreeing to the Resolution—"nay"; rollcall vote No. 6—On adoption of Title I of the Resolution—"yea"; rollcall vote No. 7—On adoption of Title 2 of the Resolution—"yea"; rollcall vote No. 8—On adoption of Title 3 of the Resolution—"yea"; rollcall vote No. 9—On adoption of Title 4 of the Resolution—"nay"; rollcall vote No. 10—On Motion to Commit with Instructions—"yea"; rollcall vote No. 11—On adoption of Title 4 of the Resolution—"nay."

TRIBUTE TO PAULA STONITSCH

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to honor beloved teacher Paula Stonitsch of Petaluma, California, who passed away December 13 at the age of 90. Mrs. Stonitsch was that special kind of teacher who, like many wonderful educators across the country, is remembered for a lifetime by the children she inspired.

For over 40 years, Paula taught at Petaluma High School where my four children—and many others—learned to care about their government and to understand how it works. Her own children were also in her classes, where she reminded them that they must earn their grades like everyone else. She also taught night classes at Santa Rosa Junior College, SRJC.

Born in San Francisco in 1916 to German-speaking immigrants who had high ambitions for their children, Paula Girbony went on to attend UC Berkeley, majoring in German and history, graduated from Valparaiso University in Indiana, and earned a teaching credential at UC Berkeley.

In 1941 she married Gottfried Stonitsch of Petaluma, whom she had met through friends of relatives there. She moved to Petaluma to join him and began teaching German and American history at the high school in 1951 and German classes at SRJC in the 1960s. In 1962, Paula Stonitsch won a Fulbright Exchange Teaching Scholarship which enabled her to teach for a year in Germany where she conducted her classes in German. She retired from Petaluma High School in 1990 but continued teaching at the JC until shortly before her death.

As the founder of a group called the Nut Ladies at St. John Lutheran Church in Petaluma, Paula was also known for her energies in supporting the church. Her group picked and sold walnuts, with the proceeds benefiting St. John.

Paula is survived by daughters Elizabeth Ravenscroft, Adrienna Rodgers, and Erika Stonitsch and sister Gisela Krueger.

Madam Speaker, teachers like Paula Stonitsch offer a rare gift to our young people, a gift that truly gives back to our country as these students grow up to become our citizens and our leaders. The generations of Petaluma children who were fortunate enough to study with her will never forget the lessons she taught and the pride they learned.

21ST ANNUAL CHILI BOWL MIDGET NATIONALS TULSA, OKLAHOMA

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. SULLIVAN. Madam Speaker, this weekend marks the 21st Annual Chili Bowl Midget Nationals held in Tulsa, Oklahoma. This great event, which was founded in 1987, is organized by Emmett Hahn and Lanny Edwards, recent inductees into the National Midget Auto Racing Hall of Fame. The Chili Bowl is referred to as midget racing's answer to the Super Bowl.

This annual event draws thousands of people to the Tulsa area from around the country and will bring in an estimated $12 million to Tulsa's economy. The Chili Bowl itself, held in the Tulsa Expo Center, is an exciting four nights of super powered midget vehicles racing on a quarter-mile clay oval track.

The Chili Bowl draws everyone from amateur drivers to NASCAR champions, who view this event as a great way to spend their off season. This year's event will feature Kasey Kahne, who drives for Evernham Motorsports in the NASCAR Nextel Cup Series, and Tony Stewart, who drives for Joe Gibbs Racing in the NASCAR Nextel Cup Series and was the Chili Bowl champion in 2002. In addition, reigning Chili Bowl champion Tim McCreadie will be there to defend his title.

I would like to welcome all the fans and participants to Tulsa and hope that they have a fun, safe event.

TRIBUTE TO KEITH NELSON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor the patriotism and military service of Mr. Keith Nelson of Fleming, Colorado.

Mr. Nelson was born in Sterling, Colorado, and served in the Army in the Pacific theater during World War II from 1944 to 1946. During his military service, he witnessed an incredibly significant moment in history, the end of the Battle of Okinawa. I believe his story is most worthy of being preserved in the CONGRESSIONAL RECORD.

It was close to the end of the fighting in Okinawa, when L Company, 32nd Regiment, 7th Infantry Division had been assigned the task of taking a grove of trees near the southern tip of the island, one of the last pockets of Japanese resistance. Mr. Nelson's platoon was led by a former marine who wanted the glory of reaching the ocean first. As they entered the trees, an American flame throwing tank came up behind them; it had probably been assigned the job of burning the brush and flushing out any concealed Japanese soldiers.

Being the scout of the platoon, Mr. Nelson was assigned the job of stopping the tank. He went warily back, and walked up very close to the tank, and shouted at the soldiers inside. They hadn't seen Nelson, and when they heard him, they threw the flamethrower in his face. He jumped back and began yelling so they would know he wasn't the enemy and, fortunately they calmed down.

When Nelson got back to his company, his platoon leader rushed them through the grove as fast as they could go. If enemy soldiers had been in there, they would all have been dead.

They kept moving until they could see the edge of the cliff bordering the water; their leader had achieved his objective. As platoon scout, Mr. Nelson was the first to look upon that glorious scene, the end of the Battle of Okinawa. And though he didn't know it at the time, that made him the first to see the end of fighting in World War II.

After the war, Keith returned to Colorado and married Wanda Moncrief in 1948. They had four sons, Dennis, Brett, Elon, and Gary. Mr. Nelson currently resides in Fleming, Colorado.

Madam Speaker, I am grateful for Mr. Nelson's selfless service to our Nation. His story should be preserved for posterity. I urge my colleagues to join me in recognizing a man worthy of our honor, Mr. Keith Nelson.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. NORWOOD. Madam Speaker, on rollcall No. 13; On agreeing to the Resolution (H. Res. 35). Had I been present, I would have voted "no."

RECOGNIZING BRAD BAILEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brad Bailey, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

I join with his family and friends in expressing best wishes on his significant achievement. I commend Brad on attaining such a high honor and his superior contributions in his community. In addition, Brad has shown much patriotism by serving me in two of my offices as an intern. I am sure he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Brad Bailey for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Brad in the United States House of Representatives.

CONGRATULATING REBEKAH FRIEND FOR HER APPOINTMENT AS THE NEW EXECUTIVE DIRECTOR OF THE ARIZONA AFL-CIO

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. PASTOR. Madam Speaker, I rise before you today to congratulate Ms. Rebekah Friend for her appointment as the new executive director of the Arizona AFL–CIO. In this capacity she will manage the day-to-day operations of the organization. Through this appointment, Ms. Friend is once again making history in Arizona's labor movement by being the first woman appointed to this position. Previously, she was the first female president of the Arizona AFL–CIO chapter.

Ms. Friend began her labor career in the International Brotherhood of Electrical Workers over 25 years ago. During her time as president of the Arizona AFL–CIO, Ms. Friend led numerous initiatives aimed at advancing the working conditions of Arizona's workers, such as improving unemployment insurance and worker's compensation for union members. Additionally, Ms. Friend has worked arduously to raise awareness of the plight of immigrant workers. During this past election season, she also chaired the Minimum Wage Coalition, which successfully helped pass proposition 202 to increase Arizona's minimum wage.

Apart from her work at the Arizona AFL–CIO, Ms. Friend has also served in official capacities with the Arizona Consumer Council, Arizona Citizen Action, Labor Council for Latin American Advancement, Southern Poverty Law Center, Habitat for Humanity, and Emerge Arizona. She was the YWCA's 2004 Woman of the Year and was presented with a lifetime achievement award by the Arizona Democratic Party in 2002.

Madam Speaker, I am honored to recognize Ms. Rebekah Friend for her recent appointment and to express my gratitude for her determination in fighting for the rights of all of Arizona's workers.

HONORING RALPH MOORE

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. NUNES. Madam Speaker, I would like to pay tribute to Ralph Moore of Visalia, California, who will celebrate his 100th birthday on January 14, 2007.

Mr. Moore has devoted his life as an innovative agriculturist. He founded Sequoia Nursery in Visalia, California in 1937 with $800 and a dream of hybridizing miniature roses. His dream became reality, and it continues to thrive today.

Mr. Moore's achievements go beyond his entrepreneurial accomplishments. He has introduced more than 500 roses onto the market, mainly miniatures. He has received the American Rose Society's "Award of Excellence" for 20 of his miniature rose introductions, as well as being honored with other prestigious national and international awards over the years. In 2004, the City of Visalia honored Mr. Moore with the dedication of the "Ralph Moore Miniature Rose Garden Memorial Park."

Ralph Moore is part of the rich heritage that makes Visalia and the entire Central Valley of California an enjoyable and interesting place to live.

I sincerely wish Ralph Moore a wonderful 100th birthday.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. NORWOOD. Madam Speaker, on rollcall No. 12; on motion to recommit (H. Res. 35). Had I been present, I would have voted "yes."

RECOGNIZING JOEY M. SAUNDERS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joey Saunders, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Joey has been very active with his troop, participating in many scout activities. Over the many years Joey has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. It is with extreme pleasure that I commend the dedication Joey has shown.

Madam Speaker, I proudly ask you to join me in commending Joey for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am proud to represent Joey in the U.S. House of Representatives.

TRIBUTE TO GARY FRONTIERS SERVICE CLUB

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. VISCLOSKY. Madam Speaker, as we celebrate the birth of Dr. Martin Luther King, Jr. and reflect on his life and work, we are reminded of the challenges that democracy poses to us and the delicate nature of liberty. Dr. King's life, and, unfortunately, his untimely death, reminds us that we must continually work to secure and protect our freedoms. Dr. King, in his courage to act, his willingness to meet challenges, and his ability to achieve, embodied all that is good and true in the battle for liberty.

The spirit of Dr. King lives on in the citizens of communities throughout our Nation. It lives on in the people whose actions reflect the spirit of resolve and achievement that will help move our country into the future. In particular, several distinguished individuals from Indiana's First Congressional District will be recognized during the 28th Annual Dr. Martin Luther King, Jr. Memorial Breakfast on Monday, January 15, 2007, at the Genesis Convention Center in Gary, Indiana. The Gary Frontiers Service Club, which was founded in 1952, sponsors this annual breakfast.

This year, the Gary Frontiers Club will pay tribute to several local individuals who have for decades unselfishly contributed to improving the human condition of others in the City of Gary. Those individuals who will be recognized as Dr. Martin Luther King, Jr. Marchers at this year's breakfast include: Barbara Cope, the late Reverend Hezekiah Stewart Malone, Jr., Roy Pratt, and Finis Springer. Additionally, Maurice John Preston, Sr. will be honored with the Dr. Martin Luther King, Jr. Drum Major Award, an award given out annually to an outstanding individual of the Gary community.

Though very different in nature, the achievements of all of these individuals reflect many of the same attributes that Dr. King possessed, as well as the values he advocated. Like Dr. King, these individuals saw challenges and rose to the occasion. Each one of the honored guests' greatness has been found in their willingness to serve with a heart full of grace and a soul generated by love. They set goals and worked to achieve them.

Madam Speaker, I urge you and my other distinguished colleagues to join me in commending the Gary Frontiers Service Club president, Mr. Oliver J. Gilliam, breakfast chairman, Mr. Clorius L. Lay, and all other members of the service club for their initiative, determination, and dedication to making Northwest Indiana a better place for all who live and work there.

FIRST, DO LESS HARM IN MEDICARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. STARK. Madam Speaker, as we vote later this week on negotiating better prices for Part D drugs in Medicare, we must remember that the debate is about much more than prescription drugs. Requiring the Secretary to negotiate for lower drug prices is just one small step in the fight against Medicare privatization and the conservative push to end the Medicare entitlement.

Madam Speaker, I ask that the Paul Krugman Op-Ed from the January 5, 2007, edition of the New York Times be printed in the RECORD.

FIRST, DO LESS HARM

(By Paul Krugman)

Universal health care, much as we need it, won't happen until there's a change of management in the White House. In the meantime, however, Congress can take an important step toward making our health care system less wasteful, by fixing the Medicare Middleman Multiplication Act of 2003.

Officially, of course, it was the Medicare Modernization Act. But as we learned during the debate over Social Security, in Bushspeak "modernize" is a synonym for "privatize." And one of the main features of the legislation was an effort to bring private-sector fragmentation and inefficiency to one of America's most important public programs.

The process actually started in the 1990s, when Medicare began allowing recipients to replace traditional Medicare—in which the government pays doctors and hospitals—with private managed-care plans, in which the government pays a fee to an H.M.O. The magic of the marketplace was supposed to cut Medicare's costs.

The plan backfired. H.M.O.'s received fees reflecting the medical costs of the average Medicare recipient, but to maximize profits they selectively enrolled only healthier seniors, leaving sicker, more expensive people in traditional Medicare. Once Medicare became aware of this cream-skimming and started adjusting payments to reflect beneficiaries' health, the H.M.O.'s began dropping out: their extra layer of bureaucracy meant that they had higher costs than traditional Medicare and couldn't compete on a financially fair basis.

That should have been the end of the story. But for the Bush administration and its Congressional allies, privatization isn't a way to deliver better government services—it's an end in itself. So the 2003 legislation increased payments to Medicare-supported H.M.O.'s, which were renamed Medicare Advantage plans. These plans are now heavily subsidized.

According to the Medicare Payment Advisory Commission, an independent federal body that advises Congress on Medicare issues, Medicare Advantage now costs 11 percent more per beneficiary than traditional Medicare. According to the Commonwealth Fund, which has a similar estimate of the excess cost, the subsidy to private H.M.O.'s cost Medicare $5.4 billion in 2005.

The inability of private middlemen to win a fair competition against traditional Medicare was embarrassing to those who sing the praises of privatization. Maybe that's why the Bush administration made sure that there is no competition at all in Part D, the drug program. There's no traditional Medicare version of Part D, in which the government pays drug costs directly. Instead, the elderly must get coverage from a private insurance company, which then receives a government subsidy.

As a result, Part D is highly confusing. It's also needlessly expensive, for two reasons: the insurance companies add an extra layer of bureaucracy, and they have limited ability to bargain with drug companies for lower prices (and Medicare is prohibited from bargaining on their behalf). One indicator of how much Medicare is overspending is the sharp rise in prices paid by millions of low-income seniors whose drug coverage has been switched from Medicaid, which doesn't rely on middlemen and does bargain over prices, to the new Medicare program.

The costs imposed on Medicare by gratuitous privatization are almost certainly higher than the cost of providing health insurance to the eight million children in the United States who lack coverage. But recent news analyses have suggested that Democrats may not be able to guarantee coverage to all children because this would conflict with their pledge to be fiscally responsible. Isn't it strange how fiscal responsibility is a big concern when Congress is trying to help children, but a nonissue when Congress is subsidizing drug and insurance companies?

What should Congress do? The new Democratic majority is poised to reduce drug prices by allowing—and, probably, requiring—Medicare to negotiate prices on behalf of the private drug plans. But it should go further, and force Medicare to offer direct drug coverage that competes on a financially fair basis with the private plans. And it should end the subsidy to Medicare Advantage, forcing H.M.O.'s to engage in fair competition with traditional Medicare.

Conservatives will fight fiercely against these moves. They say they believe in competition—but they're against competition that might show the public sector doing a better job than the private sector. Progressives should support these moves for the same reason. Ending the subsidies to middlemen, in addition to saving a lot of money, would point the way to broader health care reform.

INTRODUCTION OF THE DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Ms. NORTON. Madam Speaker, for the fourth time, the House has passed a bill to afford five insular areas and the District of Columbia a quarter bearing a design of their choice on the reverse side. Inadvertently, these Americans were excluded from the 50-State bill affording this same right to the States in 1998.

We owe very special thanks to the successive committee and subcommittee chairs and ranking members on the Financial Services Committee. We especially appreciate the new Chairman BARNEY FRANK who reached out to us to put this bill for consideration by the House on the suspension calendar.

Forty States have had their State design on the reverse side of the quarter with four more States to be added before this year is ended. All the coins are minted according to the year each State ratified the Constitution of the United States or were admitted into the Union. Although States have appropriate latitude, there are limitations as to what can be used as a design. According to Public Law 105–124, the Secretary of the Treasury has the final approval of each design. The law gives clear guidance as to what is an acceptable design concept. Suitable design concepts include State landmarks, landscapes, historically significant buildings, symbols of State resources or industries, official State flora and fauna, State icons, and outlines of States. Among the examples of suitable coins already in circulation are, New York's Statue of Liberty, Missouri's depiction of Lewis and Clark as they paddled down the Missouri River with the Gateway Arch in the background and North

Carolina's design depicting the first successful airplane flight. We look forward to the day when the residents of the District of Columbia and of the insular areas can see similar symbols of their jurisdictions and of their American citizenship appear on coins as well.

This bill points out the importance of including all Americans in the symbols of American citizenship. The residents of the District and of the insular areas are full and equal American citizens. To leave them out of mere exercises of citizenship is to seem to deny the citizenship they revere and share with other Americans. The Americans who live in these districts have fought and died in our country's wars and have extraordinary records of service in the Armed Forces in considerably larger numbers than many States. District citizens, in addition, pay Federal income taxes.

We in the Congress all represent proud Americans. There are, of course, significant differences between the States and the jurisdictions covered by this bill. However, qualification to be part of a program of quarter coins to commemorate congressional districts is not one of them. Under the Constitution, all Americans are equal, notwithstanding important differences in form, structure and other significant distinctions. Today, by including all Americans, Congress avoids any appearance of differential or discriminatory treatment and any implication that these areas are colonies, never the intention when the five jurisdictions were not included in the original bill in 1998, as the House has made clear by repeatedly bringing this bill to the floor.

Today, when our country is at war and faces unparalleled dangers, this bill is yet another example of our unity as Americans and our indivisibility in honoring all of our country's citizens. By repeatedly passing this measure, the House has made it abundantly clear that we are one country and that our hope is that the Senate will join us.

RECOGNIZING PETER FEHNER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Peter Fehner, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and in earning the most prestigious award of Eagle Scout.

Peter has been very active with his troop, participating in many scout activities. Over the many years Peter has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Peter Fehner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Peter in the United States House of Representatives.

LET THE BULLET SPEAK

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. POE. Madam Speaker, A bullet tells a story . . . Tells lawmen the gun it belongs to, identifies the outlaw that fired it. In Jefferson County, Texas, it proves an attempted capital murder.

Gang thugs—with disregard to the property of others—robbed a used-car lot in Port Arthur, TX. When the owner appeared, a coward amid the cloak of darkness fired his pistol.

Unaware he was an expert marksman, the wounded owner was able to return fire, striking the hidden gunman.

The bullet, pointing to the triggerman, now lays embedded in the suspect's forehead.

Refusing its removal, search warrants were issued ordering doctors to extract it.

Doctors backed down and have ignored the Judge's order. The excuse by the doctors: the removal would require the suspect to undergo surgery.

These doctors are confused who the real victim is. Not the outlaw with the mark of Cain, but the valiant survivor who took on his would-be assassin.

In direct defiance of a judge's order, citing the criminal's alleged right to deny treatment, these doctors have thumbed their noses, like insolent children, at our Nation's criminal justice system.

Madam Speaker, this ought not to be. Justice must be served . . . the bullet must tell its story.

And that's just the way it is.

RECOGNIZING BRANDON HOCHSTEDLER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brandon Hochstedler, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Brandon has been very active with his troop, participating in many scout activities. Over the many years Brandon has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brandon Hochstedler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Brandon in the United States House of Representatives.

THE LIFE OF DR. MARY T. CHRISTIAN

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. SCOTT of Virginia. Madam Speaker, I rise today to recognize the contributions of a citizen of the City of Hampton, who has dedicated her life to making her city and the Commonwealth of Virginia a better place to live and learn. I would like to pay tribute to the contributions of retired Delegate Dr. Mary T. Christian.

In 1955, Dr. Christian graduated with highest honors from Hampton Institute, now Hampton University, with a B.S. in Elementary Education. From there she received a Master's Degree from Columbia University in 1960, and her Ph.D. from Michigan State University in 1967.

Dr. Christian began her civic service as a teacher at Aberdeen Elementary School in 1960 and held this position for 6 years before moving on to Hampton University. At Hampton, she started as an Instructor in the Education Department before becoming a Professor, then rose to Chair the Education Department in 1970, followed by becoming Dean of the School of Education in 1980, and in 1987 she became Professor Emeritus. Dr. Christian has been appointed to several committees with the Virginia Department of Education throughout her career.

Dr. Christian's educational career alone is worthy of celebration. But outside of the classroom, Dr. Christian was an effective state legislator, representing the 92nd District in the Virginia House of Delegates from 1986–2004. She served ably on the Appropriations, Education, and Rules Standing Committees, and was the Co-chair of the Militia and Police Committee. Dr. Christian was also selected to be a member of various General Assembly Commissions including the Joint Commission on Technology and Science, the Hampton Roads Third Crossing Bridge Tunnel Commission, and the Commission on Access and Diversity. Before I came to Congress, I had the pleasure to serve with Dr. Christian in the General Assembly and I know her to be a skilled public servant who keeps the needs of her constituents paramount in her mind while making decisions in Richmond.

Dr. Christian has received many awards and accolades throughout her career. She has been inducted into the Alpha Kappa Mu, Kappa Delta Pi, and Phi Beta Theta honor societies. She is an Honorary Board Member of the National Patient Advocate Foundation. She has received both the Merit Award for Community Service and the Award for Service to Youth from the NAACP. In 2002, Thomas Nelson Community College named the Mary T. Christian Auditorium after her. Dr. Christian is a member of First Baptist Church of Hampton and its Fellowship Choir, and is also a member of Delta Sigma Theta Sorority, Inc., as well as a life member of the NAACP.

Locally, Dr. Christian was founder and leader of several civic and community organizations: Groups Representing Organizations

United for Progress (GROUP); Leadership Development Caucus (LDC); Coalition for Community Pride and Progress (CCPP); Association for Restoration of Historic Cemeteries (ARHC); and Co-Chair of the Coalition for Preservation of the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton.

On January 14, 2007, the Hampton Roads Community will come together and pay tribute to Dr. Christian for her many years of service. Proceeds from this tribute event will be used to establish the Dr. Mary T. Christian Scholarship Fund at Hampton University. I would like to congratulate Dr. Christian on her distinguished career of service to the citizens of Hampton Roads and the Commonwealth of Virginia and wish her well in her retirement.

IN HONOR OF RICHARD T. STILLWELL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. FARR. Madam Speaker, I rise today to honor Richard Stillwell, who, after spending the past 56 years as a firefighter in Pacific Grove, California, has finally decided to retire at the age of 76.

Richard grew up in Pacific Grove, and upon graduating from high school he submitted his application to the Pacific Grove Volunteer Fire Department. The following year he was promoted to a paid position as Fire Engineer. He worked as a paid firefighter for 11 years. In 1962, he resigned from the paid staff to pursue another career, but remained a vital member of the Volunteer Department. Richard was promoted to Volunteer Assistant Chief in 1995, and will hold the title of Honorary Volunteer Fire Chief upon his retirement. No other person in the history of the town has achieved this honorable rank.

Richard is known around town as "Mr. P.G.," and for good reason. He is involved in many community organizations and sponsors several scholarships for students at his alma mater, Pacific Grove High School. He is especially helpful to the young volunteer firemen and finds their enthusiasm for the service keeps him young. He was recently given the Department's highest honor, the Medal of Valor for his meritorious service. Special recognition must be given to his wife, Bev, and their family, for supporting him throughout his career. Over the years, there is no way to count how many birthday parties, Thanksgiving and Christmas dinners, and nights of sleep Richard missed while serving his town.

Madam Speaker, I would like to honor Richard Stillwell for the many years that he spent serving and protecting Pacific Grove.

CONGRATULATING THE UNIVERSITY OF MICHIGAN CENTER FOR THE STUDY OF HIGHER AND POSTSECONDARY EDUCATION ON ITS 50TH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. DINGELL. Madam Speaker, I rise today to celebrate the Center for the Study of Higher and Postsecondary Education, founded 50 years ago by Dr. Algo Henderson at the University of Michigan with a grant from the Carnegie Foundation. Located in my district, the University of Michigan (UM) is a national leader in higher education and in cutting-edge research, equipping young minds with the best tools to confront the world's problems. Among the best at UM, the Center for the Study of Higher and Postsecondary Education is recognized as an innovator and emulated by higher education institutions across the Nation. Faculty at the Center seek to improve higher and postsecondary education from the perspectives of organizational behavior and management, public policy, academic affairs, student development, assessment, and evaluation. Today, the Center is headed by alumnus Dr. Deborah Faye Carter and staffed by scholars with expertise that spans a wide range of fields in the study.

The Center's faculty members provide valuable leadership to both the graduate students they teach and their colleagues in the field. Thanks to the contributions of the faculty, the Center's research continues to facilitate major initiatives in the field of higher education that respond to the evolving needs of our country.

Graduates of the Center continue into the world providing leadership as administrators and faculty in higher education institutions, as policymakers in governmental and policy agencies, as heads of professional associations, and as researchers in the field.

Current students at the Center are actively engaged in their academic work which is enriched by their many years of experience at liberal arts colleges, State and private universities and community colleges working as admissions directors and professionals in financial aid and faculty and student affairs. Many have served in State and Federal Government agencies and professional higher education associations as institutional researchers, policy analysts and planners. Their experiences at the Center will allow them to contribute to the study of higher education in the same outstanding manner as their faculty and those who have graduated before them.

Madam Speaker, this historic event is a source of pride for the University, the State of Michigan, and the field of higher education study. I ask you and all of my colleagues to rise and congratulate the Center for the Study of Higher and Postsecondary Education on its 50th anniversary and to commend its faculty and students for a job well done.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 11, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 12

9:30 a.m.

Armed Services

To hold hearings to examine the current situation in Iraq; there is a possibility of a closed session in S-407 following the open session.

SH-216

JANUARY 16

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine economic opportunity and security for working families.

SD-430

2 p.m.

Judiciary

To hold hearings to examine the plight of Iraqi refugees.

SD-226

JANUARY 17

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine conservation security program and environmental quality incentives program relating to working land conservation.

SR-328A

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine aviation security, focusing on the recommendations of the 9/11 Commission.

SR-253

Judiciary

To hold hearings to examine paying off generics to prevent competition with brand name drugs.

SD-226

JANUARY 18

9:30 a.m.

Judiciary

To hold an oversight hearing to examine the Department of Justice.

SDG-50

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine Federal efforts for rail and surface transportation security.

SR-253

JANUARY 23

9:30 a.m.
Judiciary
To hold hearings to examine challenges and strategies for securing the U.S. border.
SD–226

JANUARY 24

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the state of the airline industry, focusing on the potential impact of airline mergers and industry consolidation.
SR–253

FEBRUARY 1

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the communications marketplace relating to the FCC.
SR–253

SENATE—*Thursday, January 11, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy God, who calls out to us, help us to listen. May we hear Your voice in the beauties of this Earth and the glories of the skies. Whisper Your messages in the glory of a sunrise and the splendor of a sunset. Remind us of Your sovereignty in the orderly transition of the seasons. Speak, Lord, for we wait to hear Your voice.

Speak to our Senators. Teach them Your plans and priorities. Show them Your paths. Remind them of the power of unfettered faith, hope, and love, as You awaken their sympathy for those who live without joy. Give them grace and courage to follow You.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 11, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Thank you very much, Mr. President.

MEASURE PLACED ON THE CALENDAR—H.R. 2

Mr. REID. Mr. President, it is my understanding that H.R. 2 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, we are going to be in a period of morning business for 90 minutes. The Republicans will control the first 45 minutes, the majority will have the remaining 45 minutes. Following this period of morning business, the Senate will resume the ethics legislation that is pending before this body.

Yesterday, I indicated we would vote this morning on the Stevens second-degree amendment dealing with airplanes. However, Senator STEVENS decided to withdraw the amendment in preparation to file another one. There were some problems with that, as he indicated to me. I am sure he will have a new amendment soon. He is working with somebody on this side of the aisle, I understand, to come up with a second-degree amendment.

Other amendments offered yesterday are still pending, and, again, I hope we can move forward in disposing of these amendments. I think Senator DURBIN will be here soon—as soon as we have the opportunity after we finish morning business—to move to table some of the amendments dealing with appropriations matters.

WELCOMING THE PRESIDING OFFICER

Mr. REID. Mr. President, I would also note that the Presiding Officer today is from the State of Montana. It is the first time the distinguished Senator has presided. We congratulate you. And I recognize the State of Montana is bigger than the State of Nevada.

I remember, with a lot of fondness, the first time I campaigned in the State of Montana. I was struck by how big that State is. We flew most all of 2 days around that State and never got from one end to the other. It is a big State, and we are very grateful they have a big Senator representing it.

ETHICS AND LOBBYING REFORM LEGISLATION

Mr. REID. Mr. President, the matters before the Senate have been here. There are no restrictions on any amendments that have been offered. We disposed of some campaign finance amendments that were offered yesterday. I know the amendments were offered in good faith, in good conscience by the authors of the amendments. I agree with the author of those amendments, that we need to take a look at campaign finance reform, but I think it should be done in the right way and that is to have hearings.

I believe we need extensive hearings on these matters. And both Senator BENNETT and Senator FEINSTEIN have agreed to do that. So if there are other campaign finance matters, we would approach those in the same manner as we did these.

It is very important we finish this legislation. We are going to do the very best we can to do that, and we are going to finish it next week.

Now, I told the Republican leader, late last night, that I am thinking of filing cloture tomorrow or Tuesday on this matter. I think people have had every opportunity to offer amendments, to debate those amendments. I am sure there will be others that will be offered and debated, I hope, today. It is an important piece of legislation. But I hope people would do their best to direct it toward what we are trying to do; that is, ethics and lobbying reform.

IRAQ

Mr. REID. Mr. President, the distinguished Republican leader, with me and a few others, met with the President yesterday. I told the President how much I thought of him, personally. I told him, even though my fondness for him is significant, I disagree with a number of his policies, not the least of which is what is going on in Iraq.

He announced his new plan last night, and it was basically what he told us there at the White House yesterday. The President admitted he had made some mistakes, and I think that is commendable, the right thing to do, because there have been mistakes made in the waging of that war. But by calling for escalation of this conflict, I think he is on the verge of making another mistake.

As I made clear in a letter to the President last Friday, along with Speaker of the House PELOSI, I oppose his new plan because it sends the wrong signal to the Iraqis, to the Americans, and to the rest of the world. President Bush is Commander in Chief, and his proposal deserves serious consideration by this body, and we will give it serious consideration.

In the days ahead, we will give his proposal and the overall situation in Iraq a thorough review. I received a call late last night from one Democratic Senator who has a proposal, early this morning from another Senator, a Democratic Senator, who has some ideas. We heard, yesterday, from Senator COLEMAN. He opposes the surge. Senator BROWNBACK is in Iraq and issued a press release saying he opposed the surge.

But we are going to have hearings. Those hearings are starting today on the war that is raging in Iraq. Tomorrow, there will be further hearings by the Armed Services Committee. In those hearings, experts will be asked about his proposal. And when the process is complete, we will have a vote in the Senate. As to when that will be, under Senate schedules, sometimes it is difficult to determine, but we will have one. I will not prejudice the outcome of the vote on the President's plan, but I will say this: Putting more U.S. combat forces in the middle of an Iraqi civil war is a mistake.

In November, voters all across the country spoke loudly for change in Iraq. That was the issue. In overwhelming numbers, they delivered a vote of no confidence on the President's opened-ended commitment and demanded we begin to bring this war to a close.

Last December, the Baker-Hamilton Commission—a respected panel of foreign policy experts who studied the law, patriots all—echoed the voters' call for change. The Commission, which included both Democrats and Republicans, determined the time has come to transition our forces out of Iraq, while launching a diplomatic and regional strategy to try to hold together this destabilized region.

But last night, the President—in choosing escalation—ignored the will of the people, the advice of the Baker-Hamilton Commission, and a significant number of top generals, two of whom were commanders in the field.

In choosing to escalate the war, the President virtually stands alone.

Mr. President, we have lost more than a score of soldiers from Nevada. The same applies to every State in the Union. From the State of Pennsylvania—I was speaking to the junior Senator from Pennsylvania—they lost more than 140. So many have sacrificed so much. They have done their job, these brave men and women. It is time for a policy, I believe, that honors their service by putting the future of Iraq in the hands of the Iraqis.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

ETHICS AND LOBBYING REFORM

Mr. McCONNELL. Mr. President, let me echo the comments of the majority leader about the underlying bill. The Senate passed, essentially, this bill 90 to 8 last year. Because of difficulties in dealing with the other body, we were not able to complete the job. But the Senate is ready to act. Members on this side of the aisle are ready to act. I share the majority leader's view that we ought to wrap this important lobby and ethics reform bill up sometime next week, and we will be cooperating toward that end.

We made good progress yesterday. There are a number of other amendments to be dealt with. We expect to deal with many of them today and in the morning.

IRAQ

Mr. McCONNELL. Briefly, Mr. President, with regard to the President's remarks last night, I think the American people would like to see us prevail in Iraq, succeed in Iraq. And the definition of "success," obviously, would be a stable government and an ally in the war on terror. What prevents that is violence in Baghdad.

This plan announced last night to clear and hold Baghdad neighborhoods gives the capital city a chance to quiet down, to create the kind of secure environment that will allow this fledgling democracy to begin to function.

I think the President should be given a chance to carry this out. Rather than condemn it before it even starts, it seems to me it would be appropriate to give it a chance to succeed. If it could succeed, it would be an enormous step forward in the war on terror.

Finally, let me say, it is no accident we have not been attacked again here for the last 5 years. I hope no one believes that is a quirk of fate. The reason we have not been attacked again here at home for the last 5 years is because we have been on offense in Afghanistan and Iraq. Many of the terrorists are now dead, many are incarcerated, others are hiding and on the run.

The policy of being on offense has been 100 percent successful in protecting our homeland, and we are grateful for that, that no Americans have been attacked for 5 years.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 90 minutes, with the first half of the time under the control of the minority and the second half of the time under the control of the majority.

The Senator from Iowa.

IRAQ

Mr. GRASSLEY. Mr. President, following the other two speakers in regard to Iraq, I want to say a couple things. No. 1, anybody who criticizes what the President is proposing or anybody else is proposing or what has been done cannot get away with criticizing. There has to be another plan. I want to hear plans from people who think that what the President is doing is wrong. What would they do?

The second thing is that even the Iraq Study Group, which is very bipartisan, said there should not be a precipitous withdrawal from Iraq.

In regard to what my distinguished leader of the Republican caucus had to say, that there has not been any attack on Americans in the 5 years since 9/11, those who are criticizing our efforts on the war against terror would be the first ones, if we had an attack this very day, of criticizing the President of the United States: Why wasn't he on top to prevent some sort of attack? And because America has not been attacked, there tends to be a short memory about the fact that we did lose 3,000 Americans. And we know it can happen again.

We know that terrorists came into O'Hare with the idea of a dirty bomb in America. We know there were people who were going to blow up bridges in New York City who were caught and the plans known. We individual Senators have been told by the CIA and by the FBI about many instances of where terrorist attacks against Americans have been stopped, and American lives have not been lost because of that. But they cannot talk about it because we do not want the terrorists to know what we know about them.

Too much attention on Iraq detracts from the fact that there are terrorists in 60 different countries around the world waiting to kill Americans. Evidence of that was American military people working with the Filipinos over the weekend to kill two terrorists connected with radical religious groups.

We finally were able to get at some of the people who should have been arrested in the previous administration, if a proper relations with Saudi Arabia had brought it about, who thought up the bombing of the embassies in east Africa when 12 Americans were killed and 200 other people were killed. We believe one of those persons was killed in a strike we were making in Somalia over the weekend. So we are involved in more than just Iraq in the war on terror.

People who forget what happened to America on 9/11, and if it happened again, some of the people who are criticizing what the President is doing would be there saying, as they were soon after September 11: Why wasn't the President on top of what happened on September 11 so it wouldn't happen again, when there were five instances of Americans being killed: 1993, 1995, 1997, 1999, before 2001, and this body passed the Iraqi Liberation Act unanimously in 1998 because President Clinton was saying what a threat Saddam Hussein was to the United States or to the world as well and that he had to go.

When you have that bipartisan support at a time when Americans are being attacked and killed—in 1993, 1995, 1997, and 1999, before 9/11 somewhere around the world—you have to stop to think, it isn't just Iraq. It isn't just Afghanistan. It isn't just 9/11. These religious radicals have been out to kill Americans going way back to 250 marines being killed in Lebanon in 1983. And there are individual instances of terrorism before that.

The war on terrorism isn't something new. What is going on in Iraq is not the war on terrorism. What is going on in Afghanistan is not the war on terrorism. The war on terrorism covers many nations, many threats to American people. The life of every one of us in this Chamber right now, if we were to go over to some parts of the world, would be threatened. We expect the President of the United States to protect us because he is Commander in Chief and because the responsibility of the Federal Government under the Constitution, No. 1, is the protection of the American people.

GOVERNMENT NEGOTIATION OF DRUG PRICES

Mr. GRASSLEY. Mr. President, I did not come to the floor to talk about Iraq. I am not on too many of the committees that deal with foreign relations and military issues. I am on the Finance Committee, serving as a team player with the capable chairman of that committee, Senator BAUCUS, to deal with health issues, tax issues, and trade issues.

One of the health issues I have been speaking on for the last several days is the issue of Medicare and prescription drugs. For 3 days you have heard this Senator say why Democratic efforts to ruin the Medicare prescription drug program by doing away with the noninterventlon clause is bad for senior citizens. I will take this fourth day of speaking to quote from other experts because I don't presume that any of the other 99 Senators care what I say. I have said it anyway. But I want to back up what I have said over the last 3 days by quoting from other people whom other Senators may be listening to in the period of time between now and a couple of weeks from now when this issue of prescription drugs is going to come up.

On Monday I spoke about how the benefit uses prescription drug plans and competition to keep costs down and how well that is working. I backed that up statistically. I said it then, and I say it again: If it ain't broke, don't fix it.

I presented findings from the chief actuary at the Center for Medicare Services. And for the benefit of a new Senator chairing, this chief actuary is the one people on his side of the aisle were quoting so extensively, that there was a much higher figure coming out of the administration than what the CBO had, and there was an effort to keep that hidden—what the chief actuary said it would cost—from the Congress so that we would pass a bill that was more expensive than we said it was. And if he could be quoted then, I want people to listen to him now.

I also quoted experts from the Congressional Budget Office, explicitly rejecting opponents' claims that giving the Secretary of Health and Human Services the authority to negotiate with drug companies would produce savings.

Today I will let the words of others from across the political spectrum and from the news media do the talking. I will begin with Secretary Michael Leavitt, head of the Department of Health and Human Services, who said:

> Government negotiation of prices does not work unless you have a program completely run by the government. Federal price negotiations would unravel the whole structure of the Medicare drug benefit, which relies on competing private plans.

Just today, the Secretary wrote an op-ed in the Washington Post that if the Government was required to negotiate—I am quoting the Secretary—"one government official would set more than 4,400 prices for different drugs, making decisions that would be better made by millions of individual consumers."

The Secretary went on to say:

> There are many ways the administration and Congress can work together to make health care more affordable and accessible. But undermining the Medicare prescription drug benefit, which has improved the lives and health of millions of seniors and people with disabilities, is not one of them.

The next person I would like to quote is Dan Mendelson, a former Clinton administration official, who now is president of a health care consulting firm that tracks Medicare prescription drug programs. Mr. Mendelson, a former Clinton administration official, said:

> From a rhetorical perspective, Democrats may feel like they gain a lot with this issue, but there are many substantive hurdles that the government faces in trying to negotiate prices. If you look historically at the government's experience in trying to regulate prices, it's poor.

That was an official from the Clinton administration. As supporting evidence, a Chicago Tribune editorial said the following:

> Richard S. Foster, the chief actuary for the Centers for Medicare and Medicaid Services, studied whether direct government negotiation would yield bigger discounts. His answer: Not likely.

One reason, he said, was Medicare's unreassuring record on price negotiations, even before this new benefit was passed.

I made the point the other day that over the last 40 years, we have seen CMS, HHS, price health care, wasting a lot of taxpayers' dollars, because the Government has overpriced things, overreimbursed things. Mobile wheelchairs is just the most recent example I have used in some of my hearings in my committee while I was chairing it.

Medicare has a history, following on what I said, of paying for some drugs "at rates that, in many instances, were substantially greater than the prevailing price levels. Translation: The feds got fleeced."

That is the chief actuary that people on the other side of the aisle were quoting so liberally 3 years ago. I hope they will take his analysis of what is going on now in Medicare, working well for seniors, into consideration before they screw everything up with an amendment to do away with the noninterference clause.

Now I want to show you a chart. I guess this will be the first chart. I want to start with the Washington Post in November, when they printed a quote from Marilyn Moon, director of the health program at the American Institutes for Research. She is a former trustee of the Social Security and Medicare trust funds, a former senior analyst of the Congressional Budget Office, and the new Senator presiding will find out that the Congressional Budget Office is God here. If they say something is going to cost something, it costs something. If we think it costs less, we go by what they say. If you want to overrule them, it takes a 60-vote supermajority. Marilyn Moon is currently president of the board of the Medicare Rights Center.

She says:

> This is going to be much more of a morass than people think. Negotiating drug prices is a feel good kind of answer, but it's not one that is easy to imagine how you put it into practice.

Dr. Alan Enthoven, professor at Stanford University, now emeritus—we often read his writings because he is such an expert in health care financing—wrote in the Wall Street Journal an opinion piece:

> When the government negotiates its hands are tied because there are few drugs it can exclude without facing political backlash from doctors and the Medicare population, a very influential group.

Quoting further from Dr. Enthoven:

> Congressional Democrats need to be careful in making the logical leap from market share to bargaining power. Empowering the government to negotiate with pharmaceutical companies is not necessarily equivalent to achieving lower drug prices. In fact, neither economic theory nor historical experience suggests that will be the outcome.

An editorial in the Dallas Morning News echoed my statement from Monday that beneficiaries do not want the Government in their medicine cabinet. A quote from the Dallas editorial:

> Giving the feds the power to negotiate drug prices for seniors would effectively cede control of the pharmaceutical industry to Washington. When congressional Democrats press for this change, remember they're pushing for much more than lower prices. They're seeking to move the line where government should stop and the marketplace should start.

But let's talk about who really matters in this case. Who really matters are the beneficiaries, the senior citizens, the disabled people on Social Security, and, of course, the taxpayers ought to be given equal or more consideration. Once again, to emphasize, if it ain't broke, don't fix it.

In 2006, premiums were 38 percent lower than originally anticipated. By "originally anticipated," I mean the work that was done by CMS and the Congressional Budget Office to give us information when we wrote this bill in 2003. We also find out that the net cost to the Federal Government is lower than expected. The 10-year cost of Part D has dropped $189 billion, representing a 30-percent drop in the actual cost compared to the original projections.

I ask: How many times do Government programs come in under cost? Every day we are reading about cost overruns of Government programs, and here is one that is coming in 30 percent under cost, and somebody wants to screw it up by offering amendments to change what has worked, the one lever that has brought about 35-percent lower prices for the 25 drugs most used by senior citizens, and that is on top of the 38-percent lower price for premiums to which I have already referred.

A poll of the Medicare beneficiaries by J.D. Power & Associates, which takes consumer temperatures of all sorts of products, found that 45 percent of the beneficiaries surveyed were "delighted" with the Medicare drug benefit. They gave their own drug plan a 10 on a 10-point scale, and another 35 percent of those surveyed gave their prescription drug plan an 8 or 9 rating on a 10-point scale. And other polls are consistent. So that is 80 percent satisfied.

All of the program's successes have been challenged at various times by this program's opponents, and each time these challenges have been proven wrong.

As the plan continues to return positive results, skeptics are beginning to change their opinion as well. I want to quote Dr. Reischauer, who is former Director of the Congressional Budget Office, and has great respect on the Democratic and Republican sides. He is a nationally known expert on Medicare. Currently, he is president of the Urban Institute and serves as vice chair of the Medicare Payment Advisory Commission.

This is a very candid statement by somebody who had their doubts about this program when it was put in place. He says:

> Initially, people were worried no private plans would participate.

In other words, we were patterning it, as I said, after the Federal Employees Health Benefits Program of 50 years. We wanted to transplant that for the benefit of senior citizens in Medicare. We didn't know if our program would work, even though it worked for Federal employees. As he said, there were doubts.

Continuing to quote:

> Then too many plans came forward.

Parenthetically, a heck of a lot more plans than we anticipated. We even thought at one time there were going to be so few plans, and because we wanted people to have some choice, that we were going to have to have the Federal Government subsidize an extra plan just for people to have choice. But then the complaint was too many plans.

He goes on to another point:

> Then people said it's going to cost a fortune. And the price came in lower than anybody thought. Then people like me—

Meaning Dr. Reischauer—

> said they're low-balling the prices the first year and they'll jack up the rates down the line.

That is what he thought.

> And, lo and behold, the prices fell again. At some point you have to ask: What are we looking for here?

Let me tell you what the press is saying.

First, a Washington Post editorial represented an insightful view, saying:

> A switch to government purchasing of Medicare drugs would choke off this experiment before it had a chance to play out, and it would usher in its own problems. For the moment, the Democrats would do better to invest their health care energy elsewhere.

A USA Today editorial took it a step further, saying:

> A deeper look, however, suggests that the Democrats' proposal was more of a campaign pander than a fully baked plan . . . governing is different than campaigning. The public would be best served if the new Congress conducts indepth oversight to gather the facts, rather than rushing through legislation within 100 hours to fix something that isn't necessarily broken.

In other words, this Senator says, for a third time, if it ain't broke, don't fix it.

Finally, put simply by the National Review, Government negotiation "is a solution in search of a problem and could unnecessarily disrupt a benefit that is working well for seniors."

I am sure the Presiding Officer doesn't want to disappoint people in Montana.

What compounds the problem is the fact that neither I nor anyone else has heard Democrats explain how Government negotiation would work. I spoke a great deal about this yesterday. I am not going to go into the details of it, but I want my colleagues to hear what the New York Times says. How many times do I quote the New York Times? But when it is very useful, I like to do it.

They raise these questions about the Democrats' proposal, H.R. 4, as seen by "many economists and health policy experts . . . as a paradox."

On the one hand, Democrats want the Government to negotiate lower drug prices for Medicare beneficiaries, but, on the other hand, they insist that the Government should not decide which drugs are covered. I made clear yesterday, if you don't have a formulary, as the House bill does not have, you have no lever for the Government to negotiate. That is why the Veterans' Administration put in a formulary.

People say they want to do it like the Veterans' Administration does. Then why does the first bill in the House of Representatives take out the only tool by which the Veterans' Administration leverages lower prices?

Continuing the paradox issue brought up, and I am quoting from the New York Times:

> The bill says the Secretary "shall negotiate" lower prices. On the other hand, the drug benefit would still be delivered by private insurers. Each plan would establish its own list of covered drugs, known as a formulary, and the Secretary could not "establish or require a particular formulary."

In the same New York Times article, James R. Lang, former president of Anthem Prescription Management—a drug benefit manager is what he is—said this:

> For this proposal to work, the Government would have to take over price negotiations. It would have to take over formularies. You can't do one without the other.

But the House bill just introduced says you can. That is a parenthetical on my part.

Continuing to quote:

> Drug manufacturers won't give up something for nothing. They will want a preferred position on the Medicare formulary—some way to increase the market share of their products.

The only comparison I know of is, of course, the Veterans' Administration. I have already referred to that point. So when people come up to me and ask why the Government negotiates for veterans and not for seniors, I tell them what the Medicare system, modeled after the VA, would look like.

Yesterday I spent some time explaining what Government negotiations looked like for the VA and other Federal programs. Again, instead of listening to my words, I want my colleagues to hear what other people have said.

As explained in the Washington Post:

> The veterans program keeps prices down partly by maintaining a sparse network of pharmacies and delivering three-quarters of its prescription by mail . . . Moreover, the program for veterans is in a position to negotiate hard with drugmakers because it can credibly threaten not to buy from them. Its plan excludes new medicines.

Why would any person on the other side of the aisle, or even a Republican who might want to consider doing this, want to deny any drug to a senior citizen? But the VA program excludes 70 percent of the drugs that senior citizens can get under Part D. And why would anybody backing these plans want to follow the Veterans' Administration and deliver three-quarters of the prescription drugs by mail? Do they want to ruin their community pharmacist? I don't think anybody does.

The Los Angeles Times continues the discussion, stating:

> Applying the VA approach to Medicare may prove difficult. For one thing, Medicare is much larger and more diverse. VA officials can negotiate major price discounts because they restrict the number of drugs on their coverage list. Instead of seven or eight drugs for a given medical problem, the VA list may contain three or four. If a drug company fails to offer a hefty discount, its product may not make the cut.

Mr. President, the final thoughts I will leave with you today come from a letter sent by the nonpartisan Congressional Budget Office. I want to make clear to the new Senators that the Congressional Budget Office is "god" around here because when "god" speaks up and says something costs something and you disagree with them, your disagreement doesn't mean anything unless you have 60 votes to override them, a supermajority.

The Congressional Budget Office, after reviewing the Democratic bill in the House of Representatives at the request of Chairman DINGELL, the chairman of the Committee on Energy and Commerce, concluded the following, and here I am quoting again and I have a chart on this quote:

> H.R. 4—

That is the Democratic bill in the House—

> would have negligible effect on federal spending because we anticipate that the Secretary would be unable to negotiate prices across the broad range of covered Part D drugs that are more favorable than those obtained by PDPs under current law.

The letter continues to say:

> . . . [W]ithout the authority to establish a formulary, we believe that the Secretary would not be able to encourage the use of particular drugs by Part D beneficiaries, and as a result would lack the leverage to obtain significant discounts in his negotiations with drug manufacturers.

In conclusion, the CBO's letter to Mr. DINGELL says:

> . . . [T]he PDPs have both the incentives and the tools to negotiate drug prices that the government, under the legislation, would not have.

I think that pretty much sums it up. I can think of nothing more to say than what the CBO says in regard to the Democratic bill in the House of Representatives. But maybe to quantify all this, I have already said that the 25 drugs used by seniors most often—the way we price drugs now through plans negotiating for their members to drive down the price of drugs—the average price of those 25 drugs is down 35 percent. If it ain't broke, don't fix it.

As I said earlier this week, I hope we can put politics aside and focus on some of the real improvements we could be making in the drug benefit. I wrote it. There are items that need to be changed, and I mentioned some of those items on Monday. This is what we should be focusing on instead of trying to fix something that ain't broke. I still hope that reason will prevail around here.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I ask unanimous consent that each side's period of morning business be extended by an additional 15 minutes.

Ms. MIKULSKI. Mr. President, reserving the right to object, in the spirit of comity and accommodation, to clarify with the Senator, how much time does the Senator from Texas and the Republican minority have?

The ACTING PRESIDENT pro tempore. Twelve minutes remain.

Ms. MIKULSKI. Is the Senator saying another 15 minutes after that 12 minutes?

Mr. CORNYN. Mr. President, responding to the distinguished Senator from Maryland, I need 10 minutes, and my colleague from Colorado is asking for some time to speak as in morning business as well. If we can try to work that out——

Ms. MIKULSKI. Mr. President, may I offer an accommodating suggestion, that after the Senator from Texas speaks, I be allowed to speak—I need about 10 minutes—and then the Senator from Colorado can speak. But if you have your 12 and another 15, it really will cause havoc over here.

Mr. ALLARD. Mr. President, can we work out maybe an agreement for 10 minutes for Senator CORNYN, the Senator from Maryland uses her 10, and then I would like to have 15 minutes. I ask unanimous consent for that.

Ms. MIKULSKI. I have no objection to that.

Mr. CORNYN. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. I thank the Senators.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

THREAT OF ISLAMIC RADICALISM

Mr. CORNYN. Mr. President, I come to the Chamber to speak on the preeminent issue facing our country today, and that is the threat of Islamic radicalism, and specifically to respond to the comments of some of our colleagues on the other side of the aisle regarding the President's speech and the plans he has announced for our fighting forces in Iraq last night.

As I have tried to sift through the differences of opinion—and here again, among people of good will who love their country and who are true patriots—I am forced to conclude that the division or faultline falls between those who have simply given up and do not believe the situation in Iraq is salvageable and those who believe the President's plan offers the last best hope for success in Iraq.

I agree with those who say you cannot look at Iraq as if through a soda straw, as if that is the only challenge facing the United States and the Middle East, because, indeed, failure in Iraq, descension into a civil war, creation of a failed state will undoubtedly create a regional-wide conflict that will necessitate the United States and its allies reentering the conflict at some later date were Iraq unable to sustain and defend and govern itself, as the Iraq Study Group said it must.

Indeed, I believe it is incumbent upon those who say the only solution is to draw down our troops in a gradual redeployment to explain what they intend to do when Iraq descends into a failed state, creating another platform, as Afghanistan did once the Soviet Union left that country, which gave rise then to the Taliban and al-Qaida. What is their plan to deal with that consequence if, in fact, that is what occurs, if the United States leaves Iraq before it is able to sustain itself, to govern itself, and defend itself?

I congratulate the members of the new majority, but I must say, with the new majority comes not only the privilege of setting the Nation's agenda in the Congress but also the duty of governing. It is not acceptable to merely criticize, particularly if you are in the majority. We need to know what their alternative plan is for this unacceptable possibility of failure in Iraq if, in fact, we are to cut the legs out from under the Maliki government and simply withdraw before the Iraqis are able to sustain themselves.

Mr. President, I am one of those who have not given up on Iraq and who believe that our fighting forces in Iraq are doing a lot of good. It is true, as the President said, that mistakes have been made, but it is important to recognize that the initial threat in Iraq was of a Saddam Hussein delivering weapons of mass destruction and technology about biological, chemical, and nuclear weapons to terrorists to use against us, as the terrorists did on 9/11. Even a remote possibility that might happen was unacceptable. We voted with a vote of 77 Senators—on a bipartisan basis—to authorize the President to use military force to take out Saddam Hussein.

I don't need to recount the failures of our intelligence community that led us to erroneously believe he actually at that time did have weapons of mass destruction. But there is no question at all that Saddam Hussein sought weapons of mass destruction, much as his neighbor now to the east, Iran, seeks nuclear weapons itself. It is simply unacceptable, in a world where there are those driven by a radical ideology that celebrates the murder of innocent civilians, as al-Qaida and other Islamic radicals do, to allow them to get weapons of mass destruction and then to use them on innocent civilian populations, whether it is in the United States or abroad.

It is true that the President has said that this is a test for the Maliki government. We are putting a lot of reliance, yet pressure, on the Maliki government to perform. When Prime Minister Maliki said he will stand up to the death squads and Shiite militias, like that of al-Sadr, we will hold him to his word.

It is absolutely critical to the success of reconstruction in Iraq, to a peaceful self-determination through a democratic form of government, that the security situation in Iraq be stabilized. The only way that is going to happen is if a lawful government of Iraq obtains a monopoly on the legal use of force in that country. Right now, the people of Iraq don't trust their own Government to provide that sort of security, so they have broken down along sectarian lines and relied upon Shiite militias and other extralegal groups to try to provide that security. But what happened is that we have seen retribution killings between different ethnic groups. But the threat is that sort of sectarian violence is not going to be contained just to Iraq but will spill over into the region. Iran will use the opportunity of Shiite violence to exact ethnic cleansing on Sunni populations in Iraq. Iran will use its ability to expand its influence into Iraq, perhaps to expand its own borders.

That will not go without some response by the Sunni majority nations in the Middle East. Saudi Arabia, for example, has already expressed grave concern that if the Shiite militias and others continue to exact violence upon the Sunni population, they may very well find a necessity to become involved and, indeed, we know that what some people view as if through a soda straw, violence in Iraq will become a regional conflict.

Is there any doubt that if, in fact, we fail in Iraq because we have given up, because we don't believe Iraq and the Middle East is worth this last best chance for success, is there any doubt that the oil and gas reserves in that region of the world will be used as an economic weapon against the United States? So not only will we have a security vulnerability using that platform of a failed state as a launching pad for future terrorist attacks, much as al-Qaida did in Afghanistan following the fall of the Soviet Union in that country, but is there any doubt that in addition to additional terrorist attacks in the United States and among our allies and around the world, that the oil and gas reserves in that region will be used as an economic weapon to wreak a body blow against the rest of the world?

So with winning the election on November 7 and gaining the majority and the mandate of the American people comes responsibility. The responsibility of our Democratic colleagues is to point out what their plans are when Iraq fails if we do not even try, as the President has proposed last night, to salvage the situation there by a change of course, by working with our Iraqi allies, backing them up, stiffening their backbone, to restore the security environment there so that reconstruction and democracy and self-government can flourish. I don't know whether it will work. I don't know whether anyone can ever guarantee in a time of war that one side or the other will be successful. But the consequences of giving up and of failure are simply too horrendous to contemplate, present too great a risk to the American people and civilized people around the world, for us not to try.

That, to me, is the choice we have been given—between trying, using the last best effort we can come up with through this change of course in Iraq, or simply giving up. I would like to hear from our colleagues what their plan is if Iraq does descend into that failed state, if a regional conflict occurs and it then becomes necessary at a future date not to send an additional 20,000 American troops but far more to protect America's national security interests.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maryland is recognized for 10 minutes.

IRAQ

Ms. MIKULSKI. Mr. President, I yield myself 10 minutes of the time controlled by the majority.

Last night, President Bush asked the American people to support a surge of military troops in Iraq. Many are using the term "surge," though the President didn't. Make no mistake, this is a dramatic escalation of our troop presence in Iraq. In the debate leading into the President's speech, the term "surge" was used, which implied something that was limited and temporary. An escalation is where we are heading, which means a long-term commitment with no end in sight.

We are in a hole in Iraq, and the President says the way to dig out of this hole is to dig deeper. Does that make sense? When you are in a hole, do you get out by digging deeper? This is a reckless plan; it is about saving the Bush Presidency, it is not about saving Iraq.

Before Congress can act on this plan—and act we must—there are several questions that need to be answered. I need those answers, you need those answers, the American people need those answers and, more importantly, our troops and their families need those answers. Is this policy achievable? Is it sustainable? What is the President's objective in calling for this escalation of troops? Who is the enemy? Does the Bush administration even know anymore? When our troops are embedded with Iraqi forces, are they going to shoot Sunnis or Shiites? Are we taking sides in a civil war? I don't think we know. What is the Iraqi Government going to do for itself? We suddenly have something called benchmarks. Where have those benchmarks been for the last several years? What is going to be the political solution that only the Iraqis can do to resolve the power sharing with Sunni, Shiite, and Kurds? Where are the oil revenues that were talked about to pay for this war? When is the Iraqi Government going to end the corruption in their own ministries so that they can come to grips with services, security, and power sharing and oil revenue sharing?

Who is going to disarm the militias and insurgents and, more importantly, who is going to keep them disarmed? Are we going to be in those neighborhoods forever? Where are the troops going to come from for this escalation? Our military, our wonderful military is worn thin. Also, how are we going to pay for it? While China builds up its reserves, we build up our debt.

Make no mistake, though. U.S. troops cannot do what the Iraqi Government will not do for itself. Iraq needs a functioning government that produces security and services for its own people. It needs a government of reconciliation that will function on behalf of the Iraqi people. Iraq needs its own security forces up and running. No matter what training we give them, they have to have the will to fight. They need to put an end to the sectarian violence, and they need to end this corruption in their own ministries to get oil production moving and a way to share those oil revenues.

There are those who say: Well, what about supporting our troops? I absolutely do support our troops. And for those troops who are in Iraq, let me say this: Your Congress will not abandon you.

But the best way to support the troops is not to send them on this reckless mission. The best way to support our troops is to bring them home safely and swiftly. That is why I voted against this preemptive war in the first place. In my speech when I was 1 of the 23, I said: We don't know if we will be greeted with flowers or landmines. I said: We shouldn't go to Iraq on our own. We need to go with the world if, in fact, the weapons are there.

Well, from the very beginning, everything the Congress and the American people have been told by this administration has proven not to be so. It has either been an outright lie or dangerously incompetent. The President asked the Congress to vote for a preemptive war because Iraq was supposed to have weapons of mass destruction that posed an imminent danger to the United States. Well, the Congress gave the preemptive authority. However, the weapons of mass destruction were not there.

I say to my colleagues, after all of those troops we sent, weren't you filled with shock and awe to find out there were no weapons?

Then, the administration sent Colin Powell to the United Nations to make the case for war. He is one of the most esteemed Americans in the world, and the Bush administration set him up. Then—CIA Director Tenet said it was going to be a slam dunk. To this day, Colin Powell cries foul about what happened to him at the U.N. How can we trust the data or judgment of an administration that continually gives us this fiasco?

Now, what about President Bush's good friend, Prime Minister Maliki? I listened to my colleague from Texas. He said: Are we giving up on Maliki? The question is, is Maliki giving up on Iraq. Are we cutting the legs out from Maliki? I say no, Maliki's government has no legs. They are not involved in dealing with the corruption, with power sharing. It is the same Maliki who told our U.S. marines they couldn't go into a neighborhood to go after a Shiite cleric called al-Sadr, who bankrolls attacks on American soldiers. Is Maliki an honest broker in Iraq or is he someone who represents the Shiites?

I don't have confidence in what we have been told by this administration, and I have very serious doubts about the will of the administration of Prime Minister Maliki. Make no mistake—and I feel so deeply about this—a great American military cannot be a substitute for a weak Iraqi Government. The stronger we are, the more permission we give the Iraqis to be weak.

We were challenged a few minutes ago to say: Well, what is the alternative? I say let's use the ideas that have come from our commanders, which have now been put aside, the Iraq Study Group, and others within the region. Let's use Baker-Hamilton as a starting point. Let's send in the diplomats before we send in the troops. I don't embrace all of the recommendations of the Iraq Study Group, but it is a bipartisan way of going forward. It was not reckless. Once we send in those troops, it is irrevocable. I think we need a new policy, and I think we need a new direction. I think Baker-Hamilton gave us a good direction to pull us together to go in, and I think that is where we need to go.

Let me conclude by saying this: To our outstanding men and women in uniform who are already in Iraq, you have a tough job, and we are proud of you. Neither the Congress nor the American people will ever abandon you. But to those troops who are waiting to head to Iraq, the best way to support you is to say no to the President's reckless, flawed escalation of this war in Iraq.

Again, let's send in the diplomats, not the troops.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Colorado is recognized for 15 minutes.

EVOLVING DISASTER IN COLORADO

Mr. ALLARD. Mr. President, I rise today to call to the attention of the Members of the Senate an evolving disaster that is occurring in parts of eastern Colorado as well as parts of Nebraska, Oklahoma, New Mexico, and Kansas and to concur with statements made earlier this week by my colleague, Senator ROBERTS from Kansas. On Monday, my friend from Kansas stated that he rose to call attention to what can only be described as a major disaster. I agree with Senator ROBERTS, there can be no doubt that we are dealing with a disaster in the West.

Over the last few weeks Colorado and its neighbors have experienced record-setting blizzards. In some parts of Colorado the storms dropped almost 5 feet of snow which has drifted in some cases to a size of 15 feet. I stand about 6 feet 1 inch, so to get some perspective, 5 feet of snow would leave my neck and shoulders just out above the snow. It is tough to get around in and a nightmare if you have to tend to livestock, but that is what folks in Colorado, and in the neighboring States have done. In fact, so much snow has fallen in Baca County down in southeastern Colorado that weather stations that transmit data including snowfall were unable to send information because they were buried under a number of feet of snow.

Let me reiterate that there was so much snow in Baca County that they were unable to measure it. This has created a horrendous situation for many in the West. Thousands of cattle and other livestock are currently stranded without food or water. Many have died due to the freezing temperatures. I have here a photo of an animal that is caked with several inches of snow. There are ice sickles falling down off of the nose of the animal and off of the underbelly of the animal. This is a hearty animal. Most animals that have suffered this kind of condition would not survive. The reason I point this out to the Members of the Senate is it just shows how ferocious this particular storm was and how serious of an impact it has had on the animals. This doesn't occur unless you have very severe blizzard conditions with lots of snow accompanying it.

The aftermath of these devastating blizzards continues to paralyze many counties in Colorado and the West. Dozens of communities have experienced severe economic damage and loss as a result of these blizzards. These storms have created a dire situation. Thousands of local men and women have banded together and are working to provide relief to their neighbors and to the tens of thousands of livestock facing starvation. In the tradition of the West, local individuals have pulled together and spent much of their holiday season trying to dig each other out and reach stranded livestock.

These storms struck during a time of year when ranchers in Colorado are preparing for the National Western Stock Show, one of the largest stock shows in the world. The stock show is an important opportunity for ranchers to show stock and to make contacts. Now in its 101st year, this year's stock show has seen a marked drop in attendance due to these storms.

A story in the Rocky Mountain News was "No-Show Stock Show." I have received reports that livestock pens are sitting empty at the stock show and that the number of exhibitors is down. This is because the animals that would fill the pens are fighting for their very survival and the ranchers who would typically exhibit simply can't make it because they are trying to save their stock. Folks aren't at the stock show because they are back home trying to help one another deal with the aftermath of these major storms. Locals are trying to do all they can.

I am grateful for the assistance that the National Guard and FEMA have provided. Unfortunately, more help is needed. The vicious combination of blizzards was especially hard on eastern Colorado and the farmers and ranchers who call this part of Colorado home.

The part of Colorado hardest hit by these blizzards is also one of the most important agricultural regions in our Nation and is an epicenter for cattle production. Ranchers in this part of the State are currently racing against time in an attempt to locate cattle that have been stranded without feed or water. Unfortunately, as each day goes by, the death toll increases. I have confirmed reports that the livestock loss has already reached into the thousands, and the tally is steadily growing.

I have a photo that reflects how devastatingly some of the herds have been impacted. We have live cattle back here, and down here dead cattle. This photo reflects how all the cattle bunched together for warmth during the storm, and as a result, we have dead animals clustered together down here in this lower part of the photo that I bring to the Senate. It is a gruesome scene. This loss will have a very severe economic impact on this particular farmer and rancher. Unfortunately farmers and ranchers all over the State of Colorado and our neighbors to the east are facing similar situations.

I grew up on a ranch, and I know all too well when your livestock is threatened, then so is your livelihood. Indications are that a tragic scene is developing in Colorado as cattle succumb to the elements due to a lack of food or a lack of water or from extreme exposure.

Colorado's Governor has declared a state of emergency and has requested help from the Federal Government. I support this request and have transmitted my support for Federal aid to the White House. On Sunday, President Bush made an official emergency declaration for parts of Colorado. I am thankful for the President's attention to this crisis and the time he and his staff put in on this situation, working through the weekend to help Colorado producers. By signing this declaration on Sunday night, the President showed that he is a man familiar with ranching and understands how devastating this situation is for rural Colorado.

The efforts of the President freed up valued aid from FEMA for snow removal for which I am grateful. As you can see from this particular picture, we have a roof that collapsed from the weight of the snow. It is just part of the picture, but I think it again reflects how the utilities and the infrastructure in areas of Colorado have been impacted. These impacts include the closure major highways and one of the country's busiest airports. I am grateful for the aid from FEMA. Local officials have been offering aid from the start and others from their office have swarmed to Colorado to offer assistance. They have a temporary headquarters set up in a Holiday Inn off the highway. Even in these less-than-ideal conditions, they are committed to helping folks in Colorado. This photo depicts the need, it shows a roof that collapsed from the weight of the snow.

Last night I was informed by FEMA officials that upon receipt of appropriate paperwork from Colorado, up to six additional counties could be eligible for assistance. Those counties that could be added to the President's original emergency declaration are Baca, Bent, Crowley, El Paso, Prowers, and Pueblo Counties. In the coming days and weeks, I will continue to work the FEMA officials to see if other Colorado counties will be eligible. We appreciate the assistance FEMA has provided and their continued efforts.

One of the most pressing matters that needs to be addressed is livestock aid. We desperately need aid for livestock rescue and recovery. The need for livestock aid becomes more pressing with each passing minute. I am hopeful that short-term relief will be forthcoming very soon.

To address this need in the long term I have introduced a bill with colleagues from other affected States. The Livestock Assistance Act of 2007 will provide aid to farmers and ranchers for livestock recovery and assistance to help cover the costs of the livestock losses created by these storms. I am hopeful that my colleagues in the Senate can appreciate the vital nature of this bill and act quickly on it. As I stand here today, another storm is on its way to Colorado, bringing Arctic cold and a prediction of up to another foot of snow. We are in a tough spot out West, and I ask that all necessary Federal resources be made available to Colorado and other Western States suffering the devastation brought on by these historic storms.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I yield myself 10 minutes of the time controlled by the majority. I ask unanimous consent that Senator JACK REED be recognized for 10 minutes at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TIME FOR A CHANGE

Mr. CARDIN. Mr. President, on November 7, the voters in Maryland and all around the Nation voted for change. Ten new Senators were elected to this body, six defeating incumbents.

After serving the people of Maryland for 20 years in the House of Representatives, I am honored that they have sent me here, to the other side of the Capitol, where I will continue to fight on their behalf.

The voters in Maryland and across the Nation sent a clear message on November 7: It's time for a change.

Our constituents want things done differently in Washington. They want their interests put before the special interests.

Therefore, it is appropriate that the Senate's first order of business is ethics legislation that will bring greater transparency and fairness to the political process in Washington and help restore the American people's confidence in their Government.

The American people also called for a reordering of our priorities. They want Congress to respond to the needs of families fighting for the American dream.

They want their children to have a better chance at that dream, and they know that achieving it is impossible without stronger communities, access to quality health care, and better educational opportunities. They want to raise their families in an energy-independent Nation with cleaner air and water. They want a country that respects the rights of all, and that celebrates and embraces our diversity.

But the loudest cry in November was the call for a change in our policies in Iraq. Americans overwhelmingly want to see our troops begin to come home and they don't want to see thousands of additional troops go to Iraq.

Iraq is a country today torn by civil war. Victory in Iraq will not be achieved with our military might. It will come only from successfully aiding Iraq in establishing a government that protects the rights and enjoys the confidence of all its people. It must be a government that respects both human rights and democratic principles. The efforts of U.S. soldiers, no matter how heroic, cannot accomplish these objectives for the Iraqis.

For 4 years, our soldiers have helped the Iraqis in ousting Saddam Hussein, providing security to the country and advising and training Iraqi security forces.

Our soldiers have performed their responsibility with bravery and devotion to their country. We honor their service. More than 3,000 soldiers have made the ultimate sacrifice and many more have suffered life-changing injuries.

It is well past time for a change in strategy in Iraq. The circumstances on the ground are worsening. Last June, I laid out a plan for success in Iraq. It started with reducing our combat troop levels and having the Iraqis take greater responsibility for the defense of their own country. It stressed the need for diplomatic and political solutions—with the international community engaged in negotiating a cease fire with the warring militias.

I called on greater support from our allies in helping us to train the Iraqi security forces.

And last June, I spoke about the need for a negotiated government in Iraq that would represent all of its ethnic people—Sunnis, Shia and Kurds.

Last month, the Iraq Study Group came forward with similar recommendations—highlighting the need for the President to start drawing down troops. Many military experts agree, including some of our generals on the ground.

As GEN George Casey recently said:

> It's always been my view that a heavy and sustained American military presence was not going to solve the problems in Iraq over the long term.

On November 7, the American people told us that they too agree that it's time for a change in Iraq.

So when President Bush said several weeks ago that he was reevaluating the situation in Iraq and would announce a new policy shortly after the new year, there was great hope that the President, Congress and the American people could come together with an effective new policy to help the people in Iraq and advance U.S. interests.

Unfortunately, that was not the case. President Bush has decided to ignore the advice of the Iraq Study Group, many of his own military officials and the American people in making his decision to send 20,000 additional American troops to Iraq.

The President's announcement last night represents more of the same, more "staying the course," just now with more American troops in harm's way. An escalation of U.S. troops in Iraq is counterproductive.

Former Secretary of State Collin Powell recently said:

> I am not persuaded that another surge of troops into Baghdad for purposes of suppressing this communitarian violence, this civil war.

We need a surge in U.S. troops coming home, not a surge in those going to war. We need a surge in diplomatic and political efforts to end the civil war. We need a surge in the urgency of the U.S. engagement of the international community to deal with its regional politics and problems in the Middle East.

This Congress has a responsibility to our citizens to evaluate a clear record of the facts in Iraq.

The hearings taking place in the Armed Services and Foreign Relations Committees are vital. But our responsibility goes well beyond the hearings. Individually and collectively, we must act with our voices and our votes, speaking out vigorously and taking action against the continued mismanagement of this war.

The American people deserve an opportunity to hear from military experts and administration officials on the consequences of a surge in troops in Iraq. Congress has a responsibility to scrutinize this plan and offer its own recommendations.

In October 2002, in the other body of Congress, I voted against giving the President the right to use force in Iraq. I am proud of that vote. As a Senator, I have the responsibility to acknowledge where we are today and take action that is, in my view, in the best interest of Maryland and the Nation.

I want the U.S. to succeed in Iraq and in the Middle East. I want our soldiers to return home with the honor that they deserve. I want to work with my colleagues to strengthen our military and to make sure that promises made to our veterans are promises kept.

We can achieve these objectives, but they would be more achievable if the President would act on the overwhelming evidence and work with this Congress to truly set a new direction in Iraq. We must begin by starting to bring our troops home, not by escalating troop levels. We need to engage and energize the international community, including our traditional allies as well as other countries in the Middle East. Our primary focus must be extensive political and diplomatic negotiations directed toward the twin goals of a cease-fire and a lasting and stable Iraqi Government. Let that be our mission.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Under the previous order, the Senator from Rhode Island is recognized for 10 minutes.

A CHANGE IN IRAQ POLICY

Mr. REED. Mr. President, last evening President Bush spoke about Iraq. His speech represented perhaps a change in tone but not a fundamental change in strategy, and the American people were looking for a fundamental change in strategy. They were particularly looking for this change based upon the recommendations of the Iraq Study Group. These are distinguished Americans who have dedicated themselves to public service, bipartisan individuals who thoughtfully and carefully looked at the situation in Iraq and made a series of proposals, most of which the President apparently ignored.

The American people are deeply concerned about the course of our operations in Iraq. They are incredibly supportive, as we all must be, of the soldiers, the marines, the sailors, the airmen and airwomen who are carrying out this policy, but they are deeply concerned. One of the things that has characterized the President's approach to Iraq for so many years has been the discussion of what I would describe as false dichotomy—false choices. You can recall, in the runup to the conflict in Iraq, the President said we have two choices—invade the country, occupy it indefinitely, or do nothing. Of course, those were not all the choices.

We had the ability to interject U.N. inspectors to do the things which we thought were important, which is to identify the true status of weapons of mass destruction—and that was rejected out of hand. We had diplomatic options. We had limited military options. If, as was suggested, there were terrorists lurking in the Kurdish areas, we could have used the same approach as we used a few days ago in Somalia, a preemptive targeted strike, targeted on those whom we had identified as terrorists. All of that was rejected.

Then the President undertook a strategy which I think was deeply flawed, which has led us to a situation now where the emerging threat of Iran is much more serious. Iran has seen its strategic position enhanced by the Bush strategy.

Of course, we know now the incompetence of the occupation of Iraq, the decisions made in Washington about debaathification, about dismantling the Iraqi Army, about spending so many months in denial of the spreading insurgency have led us to this day. After all of that, the American people were looking for something more than a so-called surge.

I say so-called because this is not a surge. This is a gradual increase in troops—20,000 troops approximately in the Baghdad area, and additional Marine forces in Al Anbar Province. It is gradual because our Army and Marine Corps are so stretched that they could not generate an overwhelming force in a short period of time. In fact, due to the policies of this administration, we lack an adequate strategic reserve. Our Army Forces who are not deployed to Iraq are, in so many cases, unready principally because of equipment problems, to rapidly deploy. That I think is a stunning indictment of this administration.

But this gradual escalation is not, I think, going to accomplish the goal and objective that the President talked about. One of the critical aspects of this is that even though 20,000 troops will represent billions of dollars of additional expense and put a huge strain on the Army and Marine Corps, it is probably inadequate to the task of a counterinsurgency operation in a city such as Baghdad, a city of roughly 6 million people. Lieutenant General David Petraeus who has been nominated to take over the operations in Iraq, replacing General Casey, spent the last several months coauthoring a new field manual on counter-insurgency, and one point they make in this field manual is that counterinsurgency operations require a great deal of manpower.

At a minimum, the manual suggests 20 combat troops for every 1,000 inhabitants. That would mean Baghdad, with roughly a population of 6 million people, would require, according to the manual, 120,000 combat troops. The additional 20,000 troops the President is suggesting will hardly make that total of 120,000 combat forces. I know there will be Iraqi forces there, but those forces have proven to date to be less than reliable. They are motivated, not so much by a military agenda but by sectarian agendas. They are often overruled by their political masters in the Iraqi Government.

So as a result, the increase of forces is probably inadequate to accomplish the mission the President wants. That is not according to some subjective view; it is based upon the best thinking of the best minds in the Army and the Marine Corps. For that reason alone, the President, I think, has to ask himself after the speech, Why am I doing it?

The other huge cost is not just in terms of money, in terms of stress on the regular Army and Marine Corps, but inevitably we are going to have to reach out, once again, to our National Guard, those men and women who have served so well, the citizen soldiers we call upon, again. They will receive an additional burden to bear. Again, probably not in sufficient numbers with a 20,000 deployment to achieve and guarantee success.

The other factor here, too, is it will literally take the pressure off Iraqi forces and Iraqi political leaders to do the job that they must do. The issues in Iraq, the issues of counterinsurgency are fundamentally more political than they are military. That is what we are seeing today in Iraq. It requires political will. It requires political competence to succeed. That will and confidence must be the Iraqis' primarily, not that of the United States.

What I think is happening in Iraq today is this Government is essentially a Shia government. They feel they are winning. They are accomplishing the goals they won't articulate but that seem to be obvious from the pattern of their behaviors: to marginalize the Sunnis so they never again will be in a position of dominating Iraq, consolidating Shia power in the south of Iraq, using probably the model of the Kurds in the north. If you go to Iraq, the area which is the most successful, prospering, is the Kurdish area. If you look at it and ask why, they have their own militia, they have their own virtual autonomy, they have access to oil, and they are doing quite well.

Again, that is what the Shia intend for themselves. That, of course, leaves the Sunnis in an area where they face an existential conflict. If things continue as they are today, they will be absolutely and totally marginalized in Iraqi society. The Shia, still harboring fears after years and years of domination and horrific tyranny by Sunni leaders, are unwilling to compromise.

Unless we can forge some type of reasoned compromise, it is very likely the future of Iraq is one of political fragmentation, if not formal disintegration. I think the best and perhaps the only leverage we have as a nation is to suggest to Shia leaders that we are not going to give them an open-ended commitment.

I was pleased last evening to hear for the first time the President say something my colleague CARL LEVIN has been stressing for almost 2 years now, a simple statement by the President to the effect that there is not a blank check to the Iraqi Government. I fear those perhaps are just words because in the same speech he is talking about increasing our military forces there, increasing our support to the Iraqi security forces. That is where we have our leverage. I don't think the President is quite yet willing to use that leverage. More importantly, until we do exert that leverage, the milestones the President talked about—the milestones which were announced months ago by the Iraqis and still are unfulfilled—will remain unfulfilled.

The political issues have not yet been resolved by the President. Without political cooperation and political commitment by the Iraqi Government, the number of forces we have in the country is a secondary matter. What I think the Iraqi political leaders—the Shia government and the Maliki government, with Hakim and the Badr organization and Moqtada al Sadr and Maahdi army, all part of this government—what they would be quite willing to do is to have us conduct operations in Sunni neighborhoods in Anbar Province, but what will be left undone is confronting, in a serious way, the Shia militias which are also part of the problem.

If you go to Iraq, as many of my colleagues have, as I have, and you talk to the Prime Minister or the Minister of the Interior, they recognize there is an insurgency. It is a Sunni insurgency. They would be very happy for us to conduct operations against the Sunnis. But they are very unwilling to take the steps that are necessary to provide a check on Shia militias and Shia operations in that country.

There is another long-term consequence of the President's speech which may be, in the longer term, the most important. Any strategy of the United States—increasing troops, redeploying troops, training Iraqi forces—requires as an essential element, public support of the people of the United States. The people spoke last November and in a very convincing way said they need to see a change in course in Iraq. They continue to speak—not just in the formal polls, but go out to the coffee shops, walk the streets of this country, all across this country, and you will discover the great concern and disquiet the American public has about the President's policy in Iraq.

Nothing changed last evening, fundamentally. In fact, the President actually predicted that this increase in troops is likely to create more chaos in Baghdad, more casualties. That is the nature of committing more troops to intense combat operations in an urban area. The American public will have a very difficult time squaring that with the assertion this is the way forward. I fear they might abandon support for any type of significant commitment to the region.

This is a very dangerous precedent that could be emerging today. The President, in disregarding popular opinion, is running the risk of alienating that opinion in a way in which we cannot conduct serious operations there for limited missions in Iraq and elsewhere.

We have a very difficult situation. We have a situation in which we have to begin to manage the consequences of the administration's failures. This is not a question of winning or losing. This is a situation of managing a situation that is deteriorating rapidly and, some fear, irreversibly. In doing that, we have to adopt a strategy that is consistent with our resources—our military personnel, our diplomatic resources, our economic resources, and the political support of the American people.

That strategy rests in the context of a phased withdrawal of our forces from Iraq, a refocusing of our mission to specific areas which is more consistent with our national interests than trying to arbitrate and settle the sectarian civil war. These missions would be training Iraqi security forces so the country does not collapse because of chaos and anarchy; focusing attention on those small elements of international terrorists who are there, many of whom came after the fall of Saddam—not before; of indicating to the regional powers that we would not tolerate gross violations of the borders of Iraq or gross intervention in the political affairs of Iraq. These are missions that can and should be done, and they don't require an increase of troops. In fact, I would suggest they require a redeployment of our troops.

The real challenge is—and the President alluded to it without indicating to the American public confidently and surely that these milestones are being accomplished—that the Iraqi Government, the Maliki government, must undertake serious reconciliation. I think the temper of that Government at the moment is not to do that because they feel they do not have to.

Second, they have to begin to spend their own money. I was aware of the significant money—upwards of $13 billion that the Iraqi Government is sitting on—they are not spending. I hope the American people were paying attention when the President announced the Iraqis are promising to spend $10 billion for their own benefit. We have been pouring billions of dollars into Iraq for reconstruction and economic revitalization and the Iraqis have been sitting on billions of dollars when their survival and the integrity of the country is at stake. Something is wrong. They have suggested they will spend the money, but only time will tell because so far they have been extremely reluctant to spend resources unless they benefited their own sectarian community. If that continues, this will be another idle promise.

There is one issue, too, that the President did not talk about which is essential to progress in Iraq. It is not democracy and freedom—all the buzzwords—because, frankly, what democracy means in Iraq to the Shia is Shia control. What democracy means to the Sunni is Sunni control. That is one of the reasons they are having sectarian struggle.

What we need now more than democracy and freedom and elections is governmental capacity, ministries that actually can serve the people of Iraq so they feel they have a stake in their Government and the Government can respond to their basic needs. They have ministers in Iraq today who are political operatives. The Minister of Health is a devotee of Moqtada al Sadr and the Maahdi army and will refuse to adequately supply hospitals in Sunni areas. We have repeated examples where the ministries of Iraq are not only nonfunctional but deliberately so. Until they help them, or someone helps them, there won't be a government to rally around for the Iraqi people because the Government provides nothing to them.

This is a long list of items that has to be accomplished. I am not confident, after the President's speech, that any of this will be done by the Iraqi Government, nor am I confident at all that an additional 20,000 troops in Baghdad will make a decisive military difference. I believe the President has to go back to the drawing board to craft a truly changed strategy that will be consistent with our strategic objectives in the region, consistent with our resources, and consistent with the will and desires of the American people. I hope he does that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, at this time I yield back any remaining morning business time.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

Pending:

Reid amendment No. 3, in the nature of a substitute.

Reid amendment No. 4 (to amendment No. 3), to strengthen the gift and travel bans.

DeMint amendment No. 11 (to amendment No. 3), to strengthen the earmark reform.

DeMint amendment No. 12 (to amendment No. 3), to clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope.

DeMint amendment No. 13 (to amendment No. 3), to prevent government shutdowns.

DeMint amendment No. 14 (to amendment No. 3), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

Vitter/Inhofe amendment No. 9 (to amendment No. 3), to place certain restrictions on the ability of the spouses of Members of Congress to lobby Congress.

Vitter amendment No. 10 (to amendment No. 3), to increase the penalty for failure to comply with lobbying disclosure requirements.

Leahy/Pryor amendment No. 2 (to amendment No. 3), to give investigators and prosecutors the tools they need to combat public corruption.

Gregg amendment No. 17 (to amendment No. 3), to establish a legislative line item veto.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 11

Mr. DURBIN. Mr. President, I come to the Chamber to discuss DeMint amendment No. 11 which relates to earmark reform.

First, let me say that I welcome the Senator's efforts to strengthen this bill. We certainly all have a mutual interest in making this process more transparent. Senator DEMINT, in his amendment language, adopts the language passed by the House in several important ways. As we move through the process, we are going to work together to ensure that the earmark provisions are carefully crafted and as strong as possible.

Unfortunately, overall the DeMint language is not ready for this bill. The DeMint amendment defines earmarks to include amounts provided to any entity, including both non-Federal and Federal entities. The Reid-McConnell definition which is before the Senate covers only non-Federal entities. On its face, the DeMint language may sound reasonable. After all, I have no problem announcing to the world when I have secured funding for the Rock Island Arsenal in my State. But the DeMint language is actually unworkable because it is so broad.

What does the Appropriations Committee do? It allocates funds among programs and activities. Every appropriations bill is a long list of funding priorities. In the DeMint amendment, every single appropriation in the bill—and there may be thousands in any given appropriations bill—would be subject to this new disclosure requirement, even though in most cases the money is not being earmarked for any individual entity. How did we reach this point in the debate?

There is a concern expressed by some that there is an abuse of the earmark process. When you read the stories of some people who have been indicted, convicted, imprisoned because of earmarks, it is understandable. There was a corruption of the process. But as a member of the Senate Appropriations Committee, I tell my colleagues that by and large there is a race to the press release. Once you put an earmark in to benefit someone in a bill, you are quick to announce it—at least I am because I have gone through a long process evaluating these requests and come up with what I think are high priorities. So there is transparency and there is disclosure.

The purpose of our debate here is to consider reasonable changes in the rules to expand that disclosure. Senator DEMINT is talking about something that goes way beyond the debate that led to this particular bill. We are not talking in his amendment about money that goes to non-Federal entities—private companies, for example—or States or local units of government. Senator DEMINT now tells us that we have to go through an elaborate process when we decide, say, within the Department of Defense bill that money in an account is going to a specific Federal agency or installation. That is an expansion which goes way beyond any abuse which has been reported that I know of. Frankly, it would make this a very burdensome responsibility.

If I asked the chairman, for example, to devote more funds to the Food and Drug Administration to improve food safety—think of that, food safety, which is one of their responsibilities—that is automatically an earmark under the new DeMint amendment, subject to broad reporting requirements. No one can be shocked by the suggestion that the Food and Drug Administration is responsible for food safety. They share that responsibility, but it is one of theirs under the law. So if I am going to put more money into food safety, why is that being treated as an earmark which has to go through an elaborate process? I think that begs the question. Every request, every program, money for No Child Left Behind, for medical research at the National Cancer Institute, for salaries for soldiers, for combat pay for those serving in Iraq, for veterans health programs, every one of them is now considered at least suspect, if not an odious earmark, under the DeMint amendment. It is not workable. It goes too far.

In other instances, the DeMint amendment does not go far enough. To pass this amendment at this time could, down the road, harm the Senate's efforts to achieve real earmark reform.

Many of us on the Appropriations Committee happen to believe that the provisions in tax bills, changes in the Tax Code, can be just as beneficial to an individual or an individual company as any single earmark in an appropriations bill. If we are going to have transparency in earmark appropriations, I believe—and I hope my colleagues share the belief—that should also apply to tax favors, changes in the Tax Code to benefit an individual company or a handful of companies. The DeMint amendment does not go far enough in terms of covering these targeted tax benefits. The language already in the Reid-McConnell bipartisan bill strengthens the earmark provisions passed by the Senate last year by also covering targeted tax and trade benefits. The Reid-McConnell language on targeted tax benefits is superior to the DeMint amendment. The DeMint amendment, in fact, weakens this whole aspect of targeted tax credits and their disclosure.

Reid-McConnell covers "any revenue provision that has practical effect of providing more favorable tax treatment to a particular taxpayer or a limited group of taxpayers when compared with other similarly situated taxpayers." That is the language from which we are working. Consider what it says: favorable tax treatment to a particular taxpayer or a limited group of taxpayers compared to others similarly situated. That is a pretty broad definition. It means that if you are setting out to give 5, 10, 15, or 20 companies a break and several hundred don't get the break, that is a targeted tax credit which requires more disclosure, more transparency.

The DeMint amendment covers revenue-losing provisions that provide tax credits, deductions, exclusions, or preferences to 10 or fewer beneficiaries or contains eligibility criteria that are not the same for other potential beneficiaries. The Senate should not be writing a number such as 10 into this law or into the Senate rules, creating an incentive for those who want a tax break to find 11 beneficiaries to escape the DeMint amendment.

The Reid-McConnell amendment establishes a definition with flexibility so that facts and circumstances of the particular tax provision can be considered. There may be instances when a tax benefit that helps 100 or even 1,000 beneficiaries should be considered a limited tax benefit. Our bill provides that. The DeMint amendment weakens it and means that more of these targeted tax credits will escape scrutiny.

Second, in the interest of full disclosure, the Reid-McConnell approach requires that the earmark disclosure information be placed on the Internet 48 hours before consideration of the bills or reports that contain earmarks. The DeMint amendment does not have a similar provision. Why would he want to weaken the reporting requirement? That is, in fact, what he does. Under the DeMint amendment, information about earmarks must be posted 48 hours after it is received by the committee, not 48 hours before consideration of the bill. In the case of a fast-moving bill, it is possible that the information could be made public only after the vote has already been taken. So this provision actually weakens reporting requirements.

Finally, it is important that the House and Senate have language that works for both bodies. Technical changes are probably needed in the current language in both bills, changes that may come about during the course of a conference. Adopting the imperfect House language wholesale, as Senator DEMINT suggests, would make it more difficult for us to work out our differences in conference. The better course would be to address the final language in conference and not get locked into any particular words at this moment.

We need strong reforms in the earmarking process. The Reid-McConnell bipartisan amendment does that. Unfortunately, DeMint amendment No. 11 weakens it—first, in exempting more targeted tax credits instead of being more inclusive; second, in weakening reporting requirements already in this amendment; and finally, tying the hands of conferees by adopting House language that has already been enacted by that body.

The Reid-McConnell substitute is an excellent first step. I am afraid the DeMint amendment does not improve on that work product but detracts from it. To adopt this amendment will only take us backward in this process. I urge the Senate to oppose the DeMint amendment No. 11. Let's keep working on this issue together on a bipartisan basis.

AMENDMENT NO. 13

I would also like to discuss DeMint amendment No. 13. This amendment on the surface seems like a harmless amendment. Nobody wants a Government shutdown. But in truth, what amendment No. 13 does is encourage Congress to abdicate its appropriations responsibility and fund the Government on automatic pilot at the lowest levels of the previous year's budget or the House- and Senate-passed levels. That is what we are in the process of doing for this fiscal year. It is painful. But the results could be disastrous if it becomes the policy of our country. Funding the Government by continuing resolutions does not allow Members to adequately work for a consensus to adjust funding for new challenges and changing priorities. The responsibility to appropriate was duly outlined for the legislative branch by our forefathers in our Constitution. It is a duty we should not abandon by handing it over to some automatic process.

The Senator from South Carolina has argued that this amendment is needed so that Congress should not feel the pressure to finish appropriations bills on time. He is plain wrong. If there is anything we need, it is the pressure to finish on time. If we are under that pressure, it is more likely we will respond to it. But if we are going to glide into some automatic pilot CR that absolves us from our responsibility of passing appropriations bills, we will find ourselves in future years facing the same mess we face this year, when many of the most important appropriations bills were not enacted before the last Congress adjourned.

Our constituents look to us to complete our appropriations bills on time, not make it easy to govern by stopgap measures that underfund important priorities such as education, transportation, and health care. Incidentally, the last time Congress completed its appropriations process on time was the 1995 fiscal year. Rather than abdicate our responsibility, we need to focus on fulfilling that duty under the Constitution. I believe this DeMint amendment is not responsible. It signals our willingness to throw in the towel before the fight has even started.

I urge my fellow Senators to oppose this amendment, send a clear message to the American people that we are ready to accept our responsibilities and not avoid them.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I am not quite prepared to make all of my remarks about the amendments, but I did happen to be in the Chamber, and Senator DURBIN was kind enough to open the discussion on two of my amendments, which I greatly appreciate. I am somewhat disappointed, however, that my colleague is not completely informed about these amendments.

I will start with the amendment that attempts to more accurately define what an earmark is. My colleague went to great pains to continuously describe this as the DeMint amendment, the DeMint language. Unfortunately, I am not sure if he knows, but this is the language which the new Speaker of the House, NANCY PELOSI, has put in this lobbying reform bill in order to make it more honest and transparent. I believe she has a very thoughtful approach. She campaigned on this, along with a number of Democrats and Republicans. We do need to disclose and make transparent every favor we do for an entity.

I am beginning to get disappointed in this process because I did believe in a bipartisan way that we were going to come together to try to do things to show the American people that we were going to spend their money in an honest way and that was not wasteful. But as we look back on some of the scandals, the first one that comes to mind, obviously, is the Abramoff scandal—using Indian money to try to buy influence on Capitol Hill.

Yesterday there was a thoughtful amendment by Senator VITTER that would have attempted to get the Indian tribes to play by the same rules everyone else in America plays by, that they have regulated contributions that are disclosed. The reason we had the scandal with Abramoff is the Indian tribes are not regulated by the Federal Election Commission. They can give unlimited amounts, unaccounted for, and it corrupted our process. The amendment yesterday very simply said: Let's just have everyone follow the same rules. Yet that was voted down, primarily by my Democratic colleagues. I hope they will rethink that. We would like to bring that amendment back to the floor and make sure there is adequate discussion because it is hard for me to believe that anyone who wants to clear up the corruption in Washington would overlook that a big part of the corruption was caused by unlimited donations by lobbyists from Indian tribes.

Now we have another problem. We are talking about earmark reform. We use language here many times in the Chamber that I don't think Americans understand. When we talk about earmarks, we are talking usually about lobbyists who come and appeal on behalf of some organization or business or whatever for us to do them a favor with taxpayer money. It may be a municipality that wants a bridge. It may be a defense contractor that wants a big contract from us. And if we put that money in an appropriations bill designated just for them, it is an earmark. That is a Federal earmark. NANCY PELOSI had the wisdom to see that a lot of the problems we have had came from lobbyists asking for favors that went to Federal, as well as State, and other types of earmarks.

What other corruption comes to mind as we think about last year? Duke Cunningham. The corruption there was a Federal earmark. The underlying bill we are discussing today would not have included that. It would not have been disclosed. Senator DURBIN said that should not be disclosed, when most of the problems that we have come from that particular type of earmark.

I think if you look at this in the big picture, we are talking about trying to let the American people know how we are spending their money. When we designate their money as a favor to different people and entities across this country, we want to let them know what we are doing so we can defend it, so they can see it. But what is a dirty little secret in the Senate and in the House is that while we are making this big media display of reforming earmarks and lobbying, 95 out of every 100 earmarks are in the report language of bills that come out of conference which are not included in the current discussion of transparency for earmarks.

So the case my dear friend Senator DURBIN has made today is that we want to disclose these particular favors for 5 out of every 100 earmarks in this Senate. That is not honest transparency. If we are going to do it, let's look at what the new Speaker of the House has asked us to do. If we are going to go through this process and if we are going to change the laws and try to tell the American people that now you can see what we are doing, let's don't try to pull the wool over their eyes. Speaker PELOSI is right. Many in this Chamber know I don't often agree with Speaker PELOSI, but she is the new Speaker. One of her first and highest priorities was to do this ethics reform bill right. At the top of the list is, if we are going to talk about the transparency to the American people, let's be honest and show them the way we are directing the spending of their money. I agree with her. I am here to defend her language on behalf of the Democratic colleagues on the House side that let's not try to pull the wool over the American people's eyes and tell them we are cleaning up these scandals when what we are doing here would not have affected the Abramoff scandal, the Cunningham scandal, or any of the scandals we have talked about in the culture of corruption in this Congress. Let's at least be honest with the reform we are saying is going to clean up this place. We are not being honest now. Speaker PELOSI has the right idea.

Let me mention one other thing, the other amendment my colleague was nice enough to bring up. It is what we call the automatic continuing resolution. I have been in Congress now for 8 years. This is my ninth year. Every year, we get toward the end of the year and we have not gotten all of our appropriations done; it comes down to the last minute and they are saying we have to vote on this and we have to pass it or we are going to shut down the Government. So we create this crisis. Then we don't know what is in all of the bills. They are just coming out of conference and we have to vote on them, and most of us go home in December and find out about all of the earmarks and the favors that were put in the bills. We find it out later because we are not even given time to read them. We create this crisis and force people to vote on bills when they don't know what is in them. We are forced to vote on things that should not be in them so we won't close down the Government.

We need to stop playing this game at the end of the year that forces us to accept what lobbyists and Members and staff have worked out that we don't even know about. If we are serious about decreasing the power of lobbyists in this place, we need to take the pressure off passing bad bills at the end of every year. This is a very simple idea.

You will notice, despite what has been said, we passed a continuing resolution at the end of last year and didn't pass our appropriation bills. Of course, as you look around, you see the country is still operating just fine. The thing we don't have is 10,000 new earmarks. I would make the case we need a system that if we are not able to have ample debate and discussion about appropriations, we don't have all this fanfare about closing down the Government every year and scaring our senior citizens and our veterans that something is not going to come that they need. Let's have a simple provision that if we cannot get our work done and agree on what needs to be done and what should be in these bills, then we will have a continuing resolution until we can work it out. We will fund everything at last year's level, so that there is no crisis, there is just responsibility.

That is what is missing here. When we put things into crisis mode, we cannot see what needs to be seen, or tell America what needs to be told about these bills, and we pass bills and find out later we have done things that embarrass us and diminish the future of our country.

This is a simple amendment. I am very disappointed in my Democratic colleague who wants to help us, I believe sincerely, clean up the way lobbying works in this place by making things more transparent to the American people, but these two amendments—one will disclose all earmarks and the other will take the crisis out of every year and allow us to pass responsible legislation.

Mr. President, I will have more to say later and I am sure other Members will also before these amendments come to a vote. Unfortunately, I have been told that my colleagues don't even want these bills to come to a vote. They want to try to table them so we will limit the debate.

I will reserve the rest of my time and yield the floor right now, and we will discuss more about these amendments after lunch.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I know the Senator from Texas wishes to speak. I will only be a minute.

I ask unanimous consent that at 2 p.m. today the Senate proceed to vote in relation to the DeMint amendment No. 11, to be followed by a vote in relation to amendment No. 13, regardless of the outcome of the vote with respect to amendment No. 11; that there be 2 minutes of debate equally divided before the first vote and between the votes; further, that at 12:30 p.m. today, Senator BYRD be recognized to speak for up to 25 minutes, and that Senator KYL then be recognized for up to 15 minutes; and that no second-degree amendments be in order to either amendment prior to the vote. Senator DEMINT would have up to 45 minutes under his control.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I wish to clarify that the time Senator DEMINT has utilized would be counted against the 45 minutes under his control.

Mrs. FEINSTEIN. That is my understanding.

Mr. BENNETT. Thank you.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENTS NOS. 24 AND 25 EN BLOC

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendments be laid aside, and I send two amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. ENSIGN) proposes amendments numbered 24 and 25, en bloc, to amendment No. 3.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 24

(Purpose: To provide for better transparency and enhanced Congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House)

On page 3, strike line 9 through line 11 and insert the following:

"(a) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House.

(1) For the purpose of this section, "matter not committed to the conferees by either House" shall be limited to any matter which:

(A) in the case of an appropriations Act, is a provision containing subject matter outside the jurisdiction of the Senate Committee on Appropriations;

(B) would, if offered as an amendment on the Senate floor, be considered "general legislation" under Rule XVI of the Standing Rules of the Senate;

(C) would be considered "not germane" under Rule XXII of the Standing Rules of the Senate; or

(D) consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) For the purpose of this section, "matter not committed to the conferees by either House" shall not include any changes to any numbers, dollar amounts, or dates, or to any specific accounts, specific programs, specific projects, or specific activities which were originally provided for in the measure committed to the conferees by either House.

AMENDMENT NO. 25

(Purpose: To ensure full funding for the Department of Defense within the regular appropriations process, to limit the reliance of the Department of Defense on supplemental appropriations bills, and to improve the integrity of the Congressional budget process)

At the appropriate place, insert the following:

SEC. . SENATE FIREWALL FOR DEFENSE SPENDING.

(a) For purposes of Section 301 and 302 of the Congressional Budget Act of 1974, the levels of new budget authority and outlays and the allocations for the Committees on Appropriations shall be further divided and separately enforced under Section 302(f) by—

(1) DEFENSE ALLOCATION.—The amount of discretionary spending assumed in the budget resolution for the defense function (050); and

(2) NONDEFENSE ALLOCATION.—The amount of discretionary spending assumed for all other functions of the budget.

Mr. ENSIGN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENTS NOS. 25 AND 26 EN BLOC

Mr. CORNYN. Mr. President, I send two amendments to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas (Mr. CORNYN) proposes amendments numbered 26 and 27, en bloc, to amendment No. 3.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 26

(Purpose: To require full separate disclosure of any earmarks in any bill, joint resolution, report, conference report or statement of managers)

At the appropriate place, insert the following:

"(a) IN GENERAL.—It shall not be in order to consider a bill, joint resolution, report, conference report, or statement of managers unless the following—

"(a) a list of each earmark, limited tax benefit or tariff benefit in the bill, joint resolution, report, conference report, or statement of managers along with:

"(1) its specific budget, contract or other spending authority or revenue impact;

"(2) an identification of the Member of Members who proposed the earmark, targeted tax benefit, or targeted tariff benefit; and

"(3) an explanation of the essential governmental purpose for the earmark, targeted tax benefit, or targeted tariff benefit, including how the earmark, targeted tax benefit, or targeted tariff benefit advances the 'general Welfare' of the United States of America;

"(b) the total number of earmarks, limited tax benefits or tariff benefits in the bill, joint resolution, report, conference report, or statement of managers; and

"(c) a calculation of the total budget, contract or other spending authority or revenue impact of all the congressional earmarks, limited tax benefits or tariff benefits in the bill, joint resolution, report, conference report, or statement of managers;

is available along with such bill, joint resolution, report, conference report, or statement of managers to all Members and the list is made available to the general public by means of placement on any website within the senate.gov domain, the gpo.gov domain, or through the THOMAS system on the loc.gov domain at least 2 calendar days before the Senate proceeds to it.".

AMENDMENT NO. 27

(Purpose: To require 3 calendar days notice in the Senate before proceeding to any matter)

At the appropriate place, insert the following:

SEC. . NOTICE OF CONSIDERATION.

(a) IN GENERAL.—No legislative matter or measure may be considered in the Senate unless—

(1) a Senator gives notice of his intent to proceed to that matter or measure and such notice and the full text of that matter or measure are printed in the Congressional Record and placed on each Senator's desk at least 3 calendar days in which the Senate is in session prior to proceeding to the matter or measure;

(2) the Senate proceeds to that matter or measure not later than 30 calendar days in which the Senate is in session after having given notice in accordance with paragraph (1); and

(3) the full text of that matter or measure is made available to the general public in searchable format by means of placement on any website within the senate.gov domain, the gpo.gov domain, or through the THOMAS system on the loc.gov domain at least 2 calendar days before the Senate proceeds to that matter or measure.

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled "Notices of Intent to Proceed or Consider". Each section shall include the name of each Senator filing a notice under this section, the title or a description of the legislative measure or matter to which the Senator intends to proceed, and the date the notice was filed.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. CORNYN. Mr. President, I will not debate the amendments at this time. I appreciate the courtesies extended by the managers. I will come back later when it is appropriate to debate these particular amendments.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I understand now might be a convenient time for the Senate to consider some debate on the amendments I have just offered, Nos. 26 and 27.

I think the preeminent value, when we talk about ethics debate, that we ought to be focusing on is transparency. It has been said time and time again that the old saying is "sunlight is perhaps the best disinfectant of all." The fact is, the more Congress does on behalf of the American people that is transparent and can be reported and can be considered by average Americans in how they determine and evaluate our performance here, the better, as far as I am concerned.

I am proud to be a strong advocate for open government and greater transparency. Senator PAT LEAHY, now the chairman of the Senate Judiciary Committee, and I have been cosponsors of significant reform of our open government laws. We only had modest success last Congress. We were able to get a bill voted out of the Judiciary Committee. But it is my hope, given the sort of bipartisan spirit in which we are starting the 110th Congress and given Senator LEAHY's strong commitment to open government, as well as my own, that we will be able to make good progress there.

This amendment No. 27 is all about greater transparency that is healthy for our democracy and essential if we are to govern with accountability and good faith. I offer this amendment with the goal of shining a little bit more light on the legislative process in this body and actually giving all Members of the Senate an ability to do their job better.

Specifically, this amendment would require that before the Senate proceeds to any matter, that each Senator receive a minimum of 3 days' notice and that, more importantly, the full text of what we will consider will be made available to the public before we actually begin our work on it.

What happens now is that in the waning hours of any Congress, we have a procedure—known well to the Members here but unknown to the public, perhaps—known as hotlining bills. In other words, presumably noncontroversial matters can be so-called hotlined, and that is placed on the Senate's calendar and voted out essentially by unanimous consent.

The problem is this mechanism, which is designed to facilitate the Senate's work and move relatively noncontroversial matters, is increasingly the subject of abuse. For example, in the 109th Congress, there were 4,122 bills introduced in the Senate. In the House there were 6,436 bills. Of course, many of these bills run hundreds of pages in length. The problem is, as I alluded to a moment ago, in the final weeks of the 109th Congress, I was told there were 125 matters called up before the Senate for consideration, many of which included costs to the taxpayers of millions of dollars, including an astonishing 64 bills in the final day and into the wee hours of Saturday morning before we adjourned. In fact, as the chart I have here demonstrates, in the last 5 days of the 109th Congress, there was a total of 125 bills hotlined. As I mentioned, some of these are relatively noncontroversial matters, but some of them spent millions of dollars of taxpayers' money.

I would think that at a very minimum Senators would want an opportunity to do due diligence when it comes to looking at the contents of this legislation and determining whether, in fact, it is noncontroversial and in the public interest or whether, on the contrary, someone is literally trying to slip something through in the waning hours of the Congress in a way that avoids the kind of public scrutiny that is important to passing good legislation and making good policy.

Mr. President, I have in my hands a letter in support of this amendment from an organization called ReadtheBill.org, which I ask unanimous consent be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Mr. President, I know this perhaps seems like a small thing, but small things can have dramatic consequences.

Let me give an example. Senator X introduces a bill called the Clean Water Access Act sometime this year. For whatever reason, this bill doesn't get a hearing or the hearing is held perhaps with just a modest number of Members actually attending—in other words, it doesn't get a lot of attention. The bill is one of the thousands of bills introduced. And let's say my staff or your staff, Mr. President, or other Members' staff don't really have this bill on the list of priorities, of things to do; it is not one of the most urgent priorities because it looks as though perhaps there is not a lot of interest in the legislation. The bill never gets a vote in committee or on the floor, so Senator X decides: I have an idea. I will hotline the bill at the end of the year, at the very end of the Congress in the last few hours. What this amendment would do would be to impose a very commonsense requirement—let's give adequate notice that this is legislation which Senator X intends to move—so that the appropriate scrutiny and consideration may be given to the bill.

Of course, a notice goes out under the current rule, and the Senator's staff alerts the Senator to some concern that unless that happens, it passes by default. That is right, this is essentially an opt-out system. If the Senator does not object within an hour or two, the bill goes out by unanimous agreement.

My proposal is that there be simply a modest notice period before the Senate proceeds to a measure for Senators and their staff to review the legislation and so the American people and various groups that may have an interest in it could scrutinize it before we actually consider it and pass it in the waning hours, perhaps, of a Congress. I don't know who could really have a legitimate objection to such a requirement. I look forward to hearing from any of my colleagues who have some concerns about it, and perhaps I can address those concerns and we can work together to pass this important, although simple and straightforward, amendment.

I believe this amendment is certainly common sense and a good government and open government approach, which is conducive to allowing us to do our job better. So I ask my colleagues for their enthusiastic support, and maybe if not their enthusiastic support, at least their vote in support of this amendment at the appropriate time.

AMENDMENT NO. 26

Mr. President, I have also offered Senate amendment No. 26. This is another amendment designed to offer greater sunshine and this time on the earmark process. This is an amendment which I have offered in the spirit that Senator DEMINT, the junior Senator from South Carolina, has offered but with a little bit of additional twist that I would like to explain.

The current bill requires that all future legislation include a list of earmarks and the names of the Senators who requested them. Again, I know we talk in terms of legislative-ese and, of course, an earmark is something not otherwise provided for within the Federal appropriations bills but is specifically requested by a Member of Congress—a Senator or a Congressman—to be included.

Frankly, there are some earmarks that are very positive and very much in the public interest, but there are others that have been the subject of abuse, and I don't need to go into that in any great detail.

It is a fact that the American people have grown very concerned about the abuse of earmarks here, again, primarily because there is not adequate scrutiny, adequate sunshine on this process, causing them grave concerns about the integrity of the entire appropriations process.

My amendment would add a requirement that the budgetary impact for each earmark be included, as well as a requirement that the total number of earmarks and their total budgetary impact be identified and disclosed. The goal is that when we are considering legislation, we will have a summary document that details the number of earmarks, the total cost of those earmarks, and a list of the earmarks, along with their principal sponsor. I believe this will allow us, again, to do our job more diligently and with greater ease.

We will also create a fixed baseline from which we can proceed in the future and will further allow the American public, as well as our own staff, to be able to analyze the impact of these earmarks on the budgeting process.

Consider that the Congressional Research Service studies earmarks each year and identifies earmarks in each appropriations bill. Through that study, one can see both the total number of earmarks and the total dollar value of those earmarks have grown significantly over the last decade. The total number of earmarks, for example, doubled from 1994 to 2005, and the number appears to likely go up in 2006 as well. The problem is that getting this data after voting on the legislation is not particularly helpful after the fact. By requiring that all legislation contain a list of each earmark, the cost of each earmark, and the total number and cost of earmarks in the legislation as a whole, we empower our staffs and, more importantly, the American people, and ourselves to make better decisions.

As I said, this is not a broadside attack against all earmarks. Some earmarks are good government, but not all earmarks are good government. What this would do is give us the information we need to evaluate them, to have some empirical baseline we can use to evaluate how this impacts Federal spending and the integrity of the appropriations process.

There is one other little element of this amendment I would like to highlight. This amendment would also require an explanation of the essential governmental purpose for the earmark or a targeted tax benefit or targeted tax tariff benefit, including how the earmark targeted tax benefit or targeted tariff benefit advances the general welfare of the United States of America. This requirement—again, something I think most people would assume would be part of the analysis and deliberative process Congress would undertake anyway—is an important reform for the Congress, and it is certainly appropriate on the subject of ethics reform.

Take, for example, these situations: In the fiscal year 2004 budget, there was a $725,000 earmark for something called the Please Touch Museum; $200,000 of Federal taxpayers' money was appropriated by an earmark for the Rock and Roll Hall of Fame. Even those who like rock and roll may question the appropriateness of taxpayers' money being spent to subsidize the Rock and Roll Hall of Fame. Mr. President, $100,000 was spent for the International Storytelling Center.

In 2005, $250,000 was spent in an earmark for the Country Music Hall of Fame. I myself am partial to country music. I like country music, but I think many might question whether it is appropriate that Federal taxpayers' dollars be spent by an earmark, here again largely anonymous because it is not required to be disclosed who the Senator is under current law, who has requested it, but a quarter of a million dollars of taxpayers' money has been spent for that purpose.

Another example: $150,000 for the Grammy Foundation and $150,000 for the Coca-Cola Space Science Center.

These are just a couple of quick examples, but I think they help make the point; that is, under the status quo, there is simply not enough information, not enough sunshine shining on the appropriations process and particularly the earmark process which has been the subject of so much controversy, and yes, including some scandal leading up to this last election on November 7. If there is one certain message I think all of us got on November 7, it is that the American people want their Government to work for them and not for special interests.

One of the best things we can do, rather than passing new rules, is to shine more sunlight on the process. With more sunlight comes greater accountability, and I think in many ways it provides a self-correcting mechanism. In other words, people are not going to be doing things they think they can sneak through in secret out in the open. So it has the added benefit of sort of a self-policing or self-correcting mechanism as well.

So I would commend both of these amendments for the Senate's consideration. At the appropriate time, I will ask for a vote, working, of course, with the floor managers on this bill.

Mr. President, I yield the floor.

EXHIBIT 1

READTHEBILL.ORG,
Washington, DC, January 11, 2007.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: ReadtheBill.org Education Fund commends you for your leadership in proposing an amendment to S. 1 that would prohibit floor consideration of legislation and conference reports before senators and the public had more time to read them. If implemented in Senate rules, this Cornyn amendment would be a significant improvement over current Senate rules, and over Senate practice during the 109th Congress.

ReadtheBill.org respects the openness of the sponsors of S. 1 to additional improvements on the floor. As proposed, S. 1 would amend Senate rule XXVIII to prohibit consideration of conference reports before they have been publicly available online for 48 hours. S. 1 would improve on current Senate rules. However, S. 1 would NOT cover legislative measures or matters on their first consideration by the Senate (as opposed to final conference reports). This is a major failing of S. 1. It's crucial to find and fix questionable provisions early in the legislative process. By the time a bill emerges from conference committee in its final form, it can be too late to fix even its worst provisions. Yes, the conference report can be posted online. But a conference report can gather the political momentum of a runaway train. Posting the manifest for each train car may reveal a sinister or illicit cargo. But it's too late to do more than wave an arm before the train is long gone.

That is why it is so important to take time to read bills early in the legislative process, before their first floor consideration by the Senate. The Cornyn amendment would cover ALL measures or matters (but no amendments), prohibiting their consideration until they had been printed in the Congressional Record for three calendar days and posted publicly online for two calendar days. ReadtheBill.org endorses the substance of the Cornyn amendment.

The Cornyn amendment would be a vital step toward ReadtheBill.org's ultimate goal of amending the standing rules of the Senate and House to require legislation and conference reports to be posted online for 72 hours before floor debate. As work on this bill continues, ReadtheBill.org looks forward to working closely with you to craft the most practical, enforceable amendment that moves toward this goal.

Non-partisan and focused only on process, ReadtheBill.org is the leading national organization promoting open floor deliberations in Congress.

Sincerely,

RAFAEL DEGENNARO,
Founder & President.

Mr. THOMAS. Mr. President, I would like to speak in general, so I ask unanimous consent that the current amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I wish to speak in general about the bill, not on the specific amendments, about what I think we are doing and the importance, frankly, of what we are doing. We are talking, of course, about ethics, about how we function within this body, and I hope we can keep that in mind. We are not talking about Federal law. We are not talking about rules and laws dealing with contributions. We are talking about how we operate within this body.

I happen to be a member of the Ethics Committee, and I have been very impressed, frankly, with what we are doing now. That is not to say we can't do some more, and indeed we should, but the fact is we have really gone along fairly well here. We haven't had any real problems particularly. We are reacting largely to some of the problems that have happened on the other side of the Capitol, and they could happen here, so they are appropriate. So I believe we need to evaluate where we are now with the rules and regulations we have with the Ethics Committee, which is designed to enforce them, and try to maintain our focus on those kinds of things.

I think we have gotten into things that become Federal law in terms of, for instance, political contributions. Well, that is really not an ethics issue; that is a Federal issue with relation to what is done there. So it seems to me the real overriding opportunity for us is to increase the transparency of how we function and the accountability and to spend more time with the Members and with the staff in terms of familiarizing ourselves with what the rules are. We have lots of rules. Quite frankly, as I came onto this committee, I was a little impressed with all there is that most of us haven't had much time or opportunity to take a look at.

So really what we need is transparency and accountability, and that is what we are doing. I am pleased that we are, but I want to suggest that we keep in mind the role of what we are doing, the role of ethics, and try to maintain some limits on the kinds of things we do and hold it to what we are doing. As I said, our record has been pretty good. I think the key is transparency and accountability, so I hope we can hold it to that.

I think we need to understand that even though there have been things that have happened in the Capitol that we don't like, the fact is the people who have done most of those things, many of them, are in jail. They have acted against the law. The Jack Abramoff thing, which has brought much of this about, was wrong and bad and has been dealt with and is being dealt with. I think we need to keep that in mind and try to define the difference between ethics and behavior here and legal activities that affect everyone.

So again, I say ethics is something for which each of us is responsible. As representatives of our people, we are responsible for it. So if we have transparency, that is one of the keys. And we should understand that what we are doing is dealing with ethics rules. When this is all over, we ought to be able to take another look at the total of our rules and hold what we are doing here on the floor to that effort. We can do that.

There are a good many reforms in S. 1, and I am pleased we are talking about earmarks, which is one topic of reform. There needs to be more public information. There needs to be more information to Members as to what earmarks are. On the other hand, if I want to represent things that are important to my State or your State or anyone else's State, we need from time to time to have an opportunity to suggest that here is an issue in this budget which needs to be dealt with. Now, it needs to be done early on. It needs to be transparent. Everyone needs to know about it. We need to avoid the idea of putting things in during the conference committee meetings. After all, Members' opportunities have passed. That is wrong. But I think the idea that Members have an opportunity to have some input into the distribution of funding for their States is reasonable. So I think, again, transparency is the real notion, and the conference reports ought to be available on the Internet.

Banning gifts, of course, is good. I think we need to be a little careful about what gifts are and whom they are from.

I just had an opportunity to meet with someone who is a realtor in Wyoming. He came in to talk about problems for realtors. He is not a lobbyist; he is a realtor. Now, am I supposed to be a little careful to talk to somebody from Wyoming? How else am I going to know what the issues are for the various groups? Even though they have an association and he is probably a member of it, he is not a lobbyist. So I think we need to be sure we identify some of the differences that are involved.

We ought to talk about holds. I think there is nothing wrong with having a distribution of what the holds are when we are putting them together in Congress and then putting them in the CONGRESSIONAL RECORD. Again, that is something which should be public.

Travel. I think there is nothing wrong, with major travel, with having some sort of preapproval from the Ethics Committee. That is a reasonable thing to do. We each have different problems with travel. Some States are quite different from others. Charters can be made to different places, so we need to have some flexibility there. Again, I say one of the keys is to have some annual ethics training, some annual ethics information so people know what it is all about. I would venture to say that before this discussion started, if you talked about what is in our ethics rules, most of us wouldn't be able to tell you much about them. We need to do more of that.

There needs to be public disclosure of lobbying, there is no question, and that is a good thing and we need to do that.

The idea of an independent ethics office troubles me a good deal. We are talking about our behavior among ourselves as Members, and the idea of having some non-Member office overseeing our operation just doesn't seem to make sense to me. If any of you have not had the opportunity to see all of the things that our Ethics Committee staff goes through, I wish you would take a look at it. There is a great deal that goes on.

So in sum, I am generally saying that I hope—and I think our leaders on this issue have done this—we stay with what it is we are seeking to do; that is, take a look at our rules and regulations and how we abide by them, how we understand them, how we enforce them, and how we have opportunities to see them, and that there is transparency from them. That is what we are talking about. When we start getting off into so many things that really are much beyond ethics and get into the laws—for instance, as I said, campaign contributions—that is another issue. It is a good issue, but it is not this issue. So I hope we are able to do that.

Those are the points I wanted to make. We are going to be going forward, and I am glad we are. I hope we don't spend too much time on this because I think our real challenge is to focus on what it is we are really seeking to do and not let us spend a lot of time on things that are inappropriately in this bill. Our main goal, it seems to me, is greater transparency, a set of rules we can understand, the opportunity to know what those are, and then, of course, to have an opportunity within our own jurisdiction to enforce them.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Under the previous order, the Senator from West Virginia is recognized for up to 25 minutes.

IRAQ

Mr. BYRD. Mr. President, last night in his address to the Nation, the President called for a "surge" of 20,000 additional U.S. troops to help secure Baghdad against the violence that has consumed it. Unfortunately, such a plan is not the outline of a brave new course, as we were told, but a tragic commitment to an already failed policy; not a bold new strategy but a rededication to a course that has proven to be a colossal blunder on every count.

The President never spoke words more true than when he said, "The situation in Iraq is unacceptable to the American people." But the President, once again, failed to offer a realistic way forward. Instead, he gave us more of his stale and tired "stay the course" prescriptions. The President espoused a strategy of "clear, hold, and build"—a doctrine of counterinsurgency that one of our top commanders, GEN David Petraeus, helped to formulate. Clear, hold, and build involves bringing to bear a large number of troops in an area, clearing it of insurgents, holding it secure for long enough to let reconstruction take place. But what the President did not say last night is that, according to General Petraeus and his own military experts, this strategy of "clear, hold, and build" requires a huge number of troops—a minimum of 20 combat troops for every 1,000 civilians in the area. If we apply that doctrine to Baghdad's 6 million people, it means that at least 120,000 troops will be needed to secure Baghdad alone. Right now, we have about 70,000 combat troops stationed all throughout Iraq. Even if they were all concentrated in the city of Baghdad, along with the 20,000 new troops that the President is calling for, we would still fall well short of what is needed.

But let us assume that the brave men and women of the U.S. military are able to carry out this Herculean task and secure Baghdad against the forces that are spiraling it into violence. What is to keep those forces from regrouping in another town, another province, even another country—strengthening, festering, and waiting until the American soldiers leave to launch their bloody attacks again? It brings to mind the ancient figure of Sisyphus, who was doomed to push a boulder up a mountainside for all of eternity, only to have it roll back down as soon as he reached the top. As soon as he would accomplish his task, it would begin again, and this would go on endlessly. I fear that we are condemning our brave soldiers to a similar fate, hunting down insurgents in one city or one province only to watch them pop up in another. For how long will U.S. troops be asked to shoulder this burden?

Over 3,000 American soldiers have already been killed in Iraq; over 22,000 have been wounded. Staggering. Hear me—staggering. And President Bush now proposes to send 20,000 more Americans into the line of fire beyond the 70,000 already there.

The cost of this war of choice to American taxpayers is now estimated to be over $400 billion. That means $400 for every minute since Jesus Christ was born. That is a lot of money.

Hear me now. Let me say that, again. The cost to American taxpayers of this war of choice is now estimated to be over $400 billion, and the number continues to rise. When I say number, I am talking about your taxpayer dollars. That ain't chicken feed. One wonders how much progress we could have made in improving education or resolving our health care crisis or strengthening our borders or reducing our national debt or any number of pressing issues with that amount of money. Man, we are talking about big dollars. And the President proposes spending more money, sending more money down that drain.

On every count, an escalation of 20,000 troops is a misguided, costly, unwise course of action. I said at the beginning we ought not go into Iraq. I said that, and I was very loud and clear in saying it. I stood with 22 other Senators. I said from the beginning we ought not to go into Iraq. We had no business there. That nation did not attack us, did it? I said from the beginning I am not going down that road and I didn't and I am not going to now. This is not a solution. This is not a march toward "victory."

The President's own military advisers have indicated we do not have enough troops for this tragedy to be successful. It will put more Americans in harm's way than there already are. It will cost more in U.S. taxpayers' money—your money. You, who are looking through those lenses, looking at the Senate Chamber, hear what I have to say. Many commanders have already said that ours is an Army that is at its breaking point. It is a dangerous idea.

Why, then, is the President advocating it? This decision has the cynical smell of politics to me, suggesting that an additional 20,000 troops will alter the balance of this war. It was a mistake to go into Iraq. Now we want to pour 20,000 more of your men and women, your sons and daughters, into this maelstrom, this sausage grinder, this drainer of blood and life.

We won't alter the balance of this war. It is a way for the President to look forceful, a way for the President to appear to be taking bold action. But it is only the appearance of bold action, not the reality, much like the image of a cocky President in a flight suit declaring "mission accomplished" from the deck of a battleship. Remember that?

This is not a new course. It is a continuation of the tragically costly course we have been on for almost 5 years now. Too long. I said in the beginning, I won't go; it is wrong; we should not attack that country which has never invaded us or attacked us. Those persons who attacked this country were not Iraqis, right? Somebody says I am right.

It is simply a policy that buys the President more time, more time to equivocate, more time to continue to resist any suggestion that the President was wrong to enter our country into this war in the first place. This war, in this place, at this time, in this manner, and, importantly, calling for more troops, gives the President more time to hand the Iraq situation off to his successor in the White House. The President apparently believes he can wait this out, that he can continue to make small adjustments here and there to a misguided policy while he maintains the same trajectory until he leaves office and it becomes someone else's problem.

If you are driving in the wrong direction, anyone knows, as you will not get to your destination by going south when you should be going north, what do you do? What should you do? You turn around. I see the Presiding Officer is following me. I saw him use his arm like that. He did just what I did, before I did it. You turn around and get better directions.

This President—I speak respectfully when I speak of the President. I speak respectfully of the President; that is my intention—this President is asking us to step on the gas in Iraq full throttle while he has not clearly articulated where we are going. What is our goal? What is our end game? How much progress will we need to see from the Iraqi Government before our men and women come home? I should think that is what the fathers and mothers of our American troops would want to know. What is our goal? What is our end game? In the first place, why are we there in Iraq? Why are we asking for more troops now? How much progress will we need to see from the Iraqi Government before our men and women come home? How long will American troops be stationed in Iraq, to be maimed and killed in sectarian bloodshed?

The ultimate solution to the situation in Iraq is political and would have to come from the Iraqis themselves. The Iraqi Government will have to address the causes of the insurgency by creating a sustainable power-sharing agreement between and among Sunnis, Shias, and Kurds, and it is far from clear that the Government has the power or the willingness at this point. But as long as American troops are there to bear the brunt of the blame and the fire, the Iraqi Government will not shoulder the responsibility itself. And Iraq's neighbors, especially Iran and Syria, won't commit to helping to stabilize the country as long as they see American troops bogged down and America losing credibility and strength. Keeping the United States Army tied up in a bloody, endless battle in Iraq plays perfectly into Iran's hands and it has little incentive to cease its assistance to the insurgency as long as America is there. America's presence in Iraq is inhibiting a lasting solution, not contributing to one.

Let me say that again. I should repeat that statement. Iraq's neighbors, especially Iran and Syria, won't commit to helping to stabilize the country as long as they see America bogged down and losing credibility and strength. Keeping the United States Army tied up in a bloody, endless battle in Iraq plays perfectly into Iran's hand and it has little incentive to cease its assistance to the insurgency as long as America is there. America's presence in Iraq is inhibiting a lasting solution, not contributing to a lasting solution.

The President has, once again, I say respectfully, gotten it backwards. What I hoped to hear from the President were specific benchmarks of progress that he expects from the Iraqi Government and a plan for the withdrawal of American troops conditioned on those benchmarks. Instead, we were given a vague admonition that the responsibility for security will rest with the Iraqi Government by November, with no suggestion of what that responsibility will mean or how to measure that Government's capacity to handle it.

The President is asking us—you, me, you, you out there, you who look around this Chamber today—asking us once again to trust him while he keeps our troops mired in Iraq. But that trust was long ago squandered. I weep for the waste we have already seen—lives, American lives, Iraqi lives, treasure, time, good will, credibility, opportunity—wasted, wasted. Now the President is calling for us to waste more. I say enough, enough. If he will not provide leadership and statesmanship, if he does not have the strength of vision to recognize a failed policy and to chart a new course, then leadership will have to come from somewhere else. Enough waste, enough lives lost on this misguided venture into Iraq.

I said it was wrongheaded in the beginning and I was right. Enough time and energy spent on a civil war far from our shores while the problems Americans face are ignored. Yes, while the problems that you, the people out there, face—you, the people on the plains and mountains and in the hollows and hills, your problems—we wallow in debt and mortgage our children's future to foreigners. That is what we are doing. We are continuing. We are asking now for more, more, more. Not: Give me more, more, more of your kisses but more, more of your money, more, more of your lives. Enough. It is time to truly change course. Mr. President, it is time to look at the compass, time to change course and start talking about how we can rebalance our foreign policy and bring our sons and daughters home—bring our sons and daughters home.

There are a lot of people making political calculations about the war in Iraq, turning this debate into an exercise of political grandstanding and point scoring. But this is not a political game. This is a game of life and death. This is asking thousands more Americans to make the ultimate sacrifice for a war that we now know, beyond a shadow of a doubt, was a mistake. We had no business going into Iraq. We had no business invading a country that never posed an imminent threat, a serious threat to our own country.

There were those of us who cautioned against the hasty rush to war in Iraq. And I have some credibility on that score. I cautioned against it, yes. And there were others in this Senate Chamber who stood against the hasty rush to war in Iraq. Unfortunately, our cries, like Cassandra's, went unheeded. Like Cassandra, our warnings and our fears proved to be prophetic—proved to be prophetic.

But we are not doomed to repeat our mistakes. We ought to learn from the past. We must understand—and understand it now, and understand it clearly—that more money and more troops—more American troops, more American lives lost in Iraq—are not the answer.

The clock—there is the clock above the Presiding Officer's chair. There it is. There is the clock. There is another one behind me on this wall. These clocks are running, running, running on our misadventure. And I can say that with credibility because I said it was a misadventure in the beginning—our misadventure into Iraq.

Enough time has been wasted, Mr. President. Enough. Enough. Hear me: Enough. Enough time has been wasted.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). My understanding is, under the previous order, the Senator from Arizona is recognized for up to 15 minutes.

IRAQ

Mr. KYL. Mr. President, I suppose it was inevitable, the criticism of the President's announcement last night. But I ask: What happened to all of the promises of last week, the talk of bipartisanship, the talk of trying to work together, especially on the biggest challenge of our time, this challenge to our national security? Where is the unity that we need at this time for this issue more than at any other? I am disappointed by the attacks on President Bush's strategy, particularly because they come primarily from people who have offered no alternative. It seems to me that threatening to cut off funding for our troops, as some have done, while not giving the President's Iraq strategy a chance, is the worst kind of partisan politics.

When dealing with issues of war and peace, and trying to devise a strategy that will result in the least harm to Americans, with the greatest chance of success, it seems to me we should be trying to find common ground.

The critics of the President throughout last year called for a new strategy and interpreted the election results of 2006 as substantially a repudiation of the President's strategy and confirmation that there needed to be a new strategy.

After consulting with Members of Congress, with generals, with retired generals, with other experts, the Baker-Hamilton Commission, and many others, the President has come up with another strategy, and he announced that strategy last night. It seems to me that we at least owe him the opportunity to see whether that strategy can work before immediately attacking it as a policy that is bound to fail, especially, as I said, because I have seen no alternative.

The only alternative is that we withdraw. There are a lot of different ways that we would withdraw, and timetables for withdrawal, but they all come down to withdrawing. That suggests that leaving the Iraqi forces to establish the stability and peace that is required in Iraq is likely to be more successful than the Iraqi troops combined with U.S. troops—a proposition which, it seems to me, is incredible on its face. So where is the alternative strategy for success?

Now, one of our colleagues, earlier this morning, said:

> We are in a hole in Iraq, and the President says the way to dig out of this hole is to dig deeper. Does that make sense, when you are in a hole, you get out by digging deeper? This is a reckless plan. It is about saving the Bush Presidency. It is not about saving Iraq.

Well, let me talk about the two elements of that—first, the analogy, which I think breaks down. I have used it before. It is a good analogy in certain situations. But it is a little bit like saying that when the first wave of our boys hit the Normandy beaches, because many of them were dying, that it made no sense to add more forces, to land the rest of our troops on the beach. And that, of course, was not the case.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. KYL. Mr. President, I will be happy to yield to the distinguished Senator from West Virginia.

Mr. BYRD. Those of us who disagreed with the plan to go into Iraq in the beginning—and now who disagree with the request that we put more troops into Iraq—we are not talking about the Normandy beach. That was an entirely different matter.

What are we fighting for over here in Iraq? Why are the American people sending their boys and girls into Iraq, a country that has not attacked us? Why are we sending our boys and girls to have their blood spilled in that faraway country? For what? For what are we spending these billions of dollars?

I cannot understand it. I say that most respectfully to the distinguished Senator, who is my friend.

Mr. KYL. Mr. President, I would say to the distinguished Senator from West Virginia, the Senator asked that question in his remarks a few minutes ago, and I had written down that is a fair question. I am prepared to answer that question, and I would like to answer that question. If the Senator would allow me just to finish the point I was making earlier, I will answer that question.

Mr. BYRD. Yes. Very well. I thank the Senator.

Mr. KYL. I might say, by the way, that is the central question, and it has not been adequately answered to date. I will concede that to my friend from West Virginia. But there is an answer, I believe, that justifies, that warrants our participation, and I will make that point.

The point I wanted to make before is that simply because you are having a problem achieving something does not mean it is wrong to try to figure out a new strategy to win. And sometimes applying more force can supply that element, that missing element.

Mr. BYRD. Mr. President, will the Senator yield for a question?

Mr. KYL. Yes, of course, I will be happy to.

Mr. BYRD. What is it we are seeking to achieve by putting more troops into Iraq?

Mr. KYL. Mr. President, first of all, I ask unanimous consent that the time used by the Senator from West Virginia not count against the time I was given.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Secondly, since the Senator has remained on the Senate floor and asked that question a second time, I will go ahead and move to answer that question, and then come back to the other points I was going to make a moment ago.

Basically, the Senator asked two questions: Why are we there in the first place; and, secondly, how is this strategy supposed to enable us to achieve the victory we seek to achieve?

Let me answer that second question first, briefly, because the President talked about this last night. The concept that the President outlined was one that he had developed, or our forces in Iraq had developed with the Maliki government. And it was predicated on a commitment that the President received from the Iraqi Government that it would be willing to do some things differently in the future.

Specifically, what? We appreciate until peace and stability come to Iraq, it is not going to be possible for that Iraqi Government to engage in the political and economic reforms that will be necessary for that society to move forward.

How does one achieve peace and stability? For most of the country there is relative peace. But everyone agrees in Baghdad itself there is great conflict and killing. So the President talked last night about a division of the city into nine specific regions, bringing in more troops from the Iraqi Government, twice as many more as the United States would bring in, in order not just to clear those areas of the killers, as the President called them, but to hold the areas, to prevent them from coming back in and then causing harm to the innocent Iraqi civilians.

The Maliki government had talked about doing this in the past. But when we did the clearing, the killers were allowed to come back and continue their bad action right after we left. We established checkpoints and curfews, and the Iraqi Government said they would like for us to eliminate those checkpoints and curfews. We would arrest these killers and put them in jail, but the Iraqi Government would let them back out. In other words, it was doing things that were antithetical to our ability to consolidate the original victory we obtained by clearing those areas of the killers.

The President obtained a commitment from Maliki that this would change, so the strategy now would be with Iraqi troops taking the lead and American troops assisting, to clear the areas and hold them, and hold the killers responsible, keep them from killing again, and go after the militias, especially in Baghdad, that were doing most of this killing.

Now, that would require some additional troops in Baghdad, and the President talked about the number of troops that would be provided for that. He said the other area where troops would be provided would be in Al Anbar Province, to the west, where the al-Qaida terrorists had basically developed a tremendous amount of strength and taken over parts of that area, and some additional troops would be needed there.

There were other elements of the President's speech. There were well over 20, as I counted them, of different parts of this strategy. But the key elements were the ones I just mentioned. So that is the role these additional troops are supposed to play.

Now, to the more fundamental question that the Senator asked, if one only looks at Iraq in a vacuum, I can easily understand why one would come to the conclusion that with the death and destruction there, and the harm to our own troops, it does not make sense for us to be there.

But Iraq is not in a vacuum. Iraq is part of a larger war. And this is one thing that both Osama bin Laden and George Bush agree on, probably the only thing: Both of them have called the battle in Iraq critical to achieving victory in the ultimate—the President calls it the war against terrorists; bin Laden calls it the holy jihad. But, in either case, they understand that the loser in this battle in Iraq is not likely to be able to prevail in the larger global war.

In bin Laden's case, he is talking about the war to establish the califate, and he says that Baghdad will be the capital of the califate. This is the area that will be ruled by Sharia, the strict law of his interpretation of Islam. The U.S. concept of victory is a peaceful, stable Iraq that can maintain its society and borders and be an ally with us in the war against the terrorists.

Our security there is identified in two ways. First, because of the al-Qaida and other terrorists who, as I said, have done a tremendous amount of damage in Al Anbar Province and who initiated a lot of the conflict between the Shiites and the Sunnis, among other things, by bombing one of the most holy of the Shiite mosques; they have initiated a lot of this terrorism. We have to be able to defeat al-Qaida and the other terrorists in Iraq.

Secondly, we cannot lose the momentum we have gained in this war against these terrorists in places such as Jordan and Egypt and Saudi Arabia and Pakistan and Afghanistan and Yemen and other places. From a situation where they were actually helping terrorists, we have gotten to a point where they are actually helping us to find and root out and capture or kill the terrorists. Were we to leave Iraq a failed state, it would not only be a devastating—I will use the word—Holocaust for the people of Iraq, especially anyone who tried to help us or participated with the Iraqi Government, but it would be a horrible blow to our national security because it would reverse the momentum we have gained in the war against the terrorists and cause these other states to begin to hedge their bets in working with us because it is a dangerous neighborhood. It would be evident that we have no stomach to stay there and that the terrorists, therefore, can move back in, can use those as a base of operation and continue, then, to work against the states of Afghanistan, Pakistan, Saudi Arabia, and the like. In fact, Saudi Arabia has already talked about trying to provide funding for Sunnis in Iraq. Iran is providing assistance to Shiites in Iraq. These are the reasons why it is more than a battle for Iraq but, rather, to continue the momentum we have gained in dealing with these radicals all throughout that region.

Mr. BYRD. Will my friend yield?

Mr. KYL. I am happy to yield, again, to my friend.

Mr. BYRD. He used these words: "We have no stomach to stay there." The question is, How long and at what cost? Stay there how long? How long are the American taxpayers and mothers and fathers going to put up with the use of their money? How long are they going to continue to want to—I shouldn't say it that way—how long are they going to continue to put up with this expenditure of blood and money and for what? I thank my friend for yielding. I hope I don't appear to be discourteous in any way.

Mr. KYL. Mr. President, the Senator from West Virginia has, again, asked the most fundamental of all questions. I am going to have to take some time to go into more detail about my answer to the question. But I think I have tried to answer one of the two questions: What is the U.S. security interest in achieving victory in Iraq?

We know that the world in that region would be thrown into absolute chaos, with probably hundreds of thousands of casualties, if not more, if we leave Iraq a failed state. Even more directly to America's interests and to answer the question of how long will Americans support this effort is the danger that our momentum in the war on terror will be set back and will be dealt a tremendous blow if we leave Iraq a failed state and the terrorists are able to then move out from there and again become dominant in places such as Afghanistan and Pakistan, the Wahabis, and Saudi Arabia and so on. That would be a terrible blow to the progress we have made against these terrorists.

Osama bin Laden has a saying about the weak horse and the strong horse. It has always been his view that we are a weak horse because we get out when the going gets tough—in Lebanon, in Vietnam, and in Mogadishu. He believes that just as he thinks he threw the Soviets out of Afghanistan, he can throw the United States out of all of this part of the world because we are the weak horse. If we confirm to the people in that region that he is right, because we will not stay in Iraq because of the difficulties we have confronted, then we will only validate the view that he has propounded and make it much more difficult for us to confront terrorists.

To the question of how long Americans will continue to support this, I suspect that the answer is only so long as they believe there is a prospect for success and only so long as the hidden costs of failure remain hidden. We have not done as good a job as we need to, to say: All right, maybe this new strategy of President Bush won't work. He believes it will. There are new commitments from the Iraqi Government that suggest it will. We are going to be doing things differently. We believe this has a chance to succeed. We know one thing for sure; that is, the alternative, withdrawal, is a guarantee for failure. And what will that failure bring? Who wants the blood on his or her hands of the hundreds of thousands of people who are likely to be killed as a result of our leaving Iraq a failed state? Who wants to then ask the question of why it is that terrorists began to spread their evil ideology throughout that part of the world to be more effective in potentially attacking the United States, when, in fact, we have had them on the run? The evidence of what we did in Somalia is a good illustration. The fact that the London bombing about 6 months ago was thwarted is another good illustration of the fact that when we have good intelligence and when we have the ability to take the fight to the enemy, we make ourselves more secure.

I appreciate the questions of the Senator from West Virginia. They go to the heart of this debate. I would hope that we will have the opportunity soon to expand on these questions and the answers to them and engage in the kind of debate that we haven't had up to now and this country needs in order to be able to make the decision of what kind of support it wants to give to the President or whether it wants to accept other points of view.

I didn't deliver quite the remarks I intended, but I appreciate the comments of the Senator from West Virginia. I would be happy to engage in that discussion in the future.

Mr. BYRD. I thank the Senator for his comments.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent to ask the Senator from Arizona a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. The question I have is, The distinguished Senator from West Virginia asked the question: How long and at what price? But that is a false choice. Because if we leave Iraq and we walk away, we are going to be fighting this battle again. So it is not about how long and at what price; it is, when are we going to have this battle again? I believe that is up for debate. What the American people lack is the understanding that if we walk out now, we are going to put young men and women again at risk, at far greater numbers and at far greater cost in the future, as we empower the terrorists. I wonder if the Senator from Arizona may comment.

Mr. KYL. In response to the Senator from Oklahoma, that is the point I raised at the very end. It is not only a question of whether the President's new strategy has a chance to succeed, as he believes it does, but what is the alternative. If the alternative is leaving Iraq a failed state, I have barely scratched the surface of identifying the horrors that that would represent and the dangers to American national security that it would involve. We need to do a better job of articulating that alternative. As I see it, that is the only alternative that has been put forward to the President's new strategy.

AMENDMENTS NOS. 11 AND 13

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, am I correct in my understanding that I control the time between now and 2 o'clock.

The PRESIDING OFFICER. Under the previous order, that is correct.

Mr. DEMINT. I thank the Chair.

I am here to discuss two amendments that will be voted on at 2 o'clock. I see my colleague, Senator COBURN, is here to speak on one of them. I will make a few comments and then yield some time to him.

This whole debate about lobbying and ethics reform is very important to this Congress. We know from the last election that the American people are concerned about how we spend our money, about corruption. The closer we looked at it as Congressmen and Senators, the clearer it became that the practice we have of earmarking, which is providing some favor with tax dollars to some group or entity around the country, has begun to corrupt the process. The scandals we saw on the House side were mostly related specifically to a lobbyist basically buying an earmark, a favor we consider scandalous in the Senate.

The new Speaker of the House, NANCY PELOSI, in a thoughtful proposal, H.R. 6, provided a clear definition of what these earmarks or favors are, so that when we begin to develop reform of the earmarking process, we can target those things that are the problem.

That is what my amendment is about. The bill that is on the floor of the Senate now defines earmarks in a way that only includes about 5 percent of the total earmarks. It would not have included the type of earmarks that got Congressman Duke Cunningham in trouble. It would not have included the Abramoff type of scandal either. We often disagree, but as we start this new session, there is a new climate of bipartisanship, the need to cooperate, Republicans and Democrats. But it is also important, between the House and the Senate, that when we think the House gets it right, whether it is Republican or Democrat, we should take an honest look at it. In this case, Speaker PELOSI has it right on the earmarks.

I would like to speak more about it. Before I do, I will yield whatever time Senator COBURN would like.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I don't think you can have a discussion on earmarks until you set the predicate for what is really going on. It is not dishonorable to want to help your home State. The vast majority of those things that are considered earmarks are not bad projects. They are not dark. They have a common good that most people would say would be adequate.

The question about earmarks is, What has evolved through the years and what have they become? I believe earmarks have been the gateway drug to the lack of control of the Federal budget. The proof of that is, look at who votes against appropriations bills. I will promise you, there won't be Senators in this body who have an earmark in a bill that will vote against the appropriations bill. What does that say? Does that mean everything in that bill was good; they agree with the bill?

What it means is, they have an earmark in the bill. And if they vote against it, the next time they want an earmark, they won't get it. So you have the coercion of using earmarks to control votes.

Our oath is to do what is in the best long-term interest of our country. No matter what our political philosophy, we are all Americans.

We can all agree about that. And whether we are liberal or conservative, we don't want any money wasted. But as we spend money on things that are earmarks that are not bad but definitely should not be a priority when we are fighting a war and have a gulf catastrophe and a budget deficit of $300 billion we are passing on to our children, we get the priorities all out of whack. Priorities are what the American people said they wanted us back on, and they wanted us back on it together.

The bill that is on the floor, as the Senator from South Carolina said, addresses only 5 percent of that problem—5 percent of the earmarks. The Congressional Research Service looked at that—12,318, of which 534 would fall under the bill that is on the floor—correction, 12,852 is the total and there are 12,318 that this bill would not apply to at all. It would have no application to it at all.

The other problem with earmarks is there has to be sunshine. Fixing the problem to make everybody think we fixed it versus really fixing it is what this bill does. It is a charade, as far as earmarks are concerned. There is nothing wrong with wanting an earmark or for me wanting to bring something to Oklahoma. I have chosen not to do that because I cannot see how Oklahoma can be helped with an earmark when we are borrowing $300 billion from our kids and grandkids. I cannot see how that priority can be greater when it undermines the future standard of living of our children and grandchildren. But to put this bill up without the House version—and even it doesn't go far enough because it doesn't list who the sponsor is until after it is passed. In other words, you don't know who the sponsor is until after the bills come through.

We need to be honest with the American people. The only way we are ever going to get our house in order fiscally is to have complete transparency on what we are doing, so they can see it. Today the President of the Senate and I passed a bill that will, after the fact, create transparency so that everybody will know where all the money went. But it does nothing before the fact. We need the discipline to control the spending and to not use this tool of earmarks as a coercive tool with which we get votes on appropriations bills that are spending more money than we have.

This last year, a subcommittee I chaired in the last Congress had 46 oversight hearings where we identified over $200 billion in discretionary waste, fraud, or duplication. We ought to be taking up those things. We ought to be eliminating that. We can do tremendous work.

The other thing that is important in the earmark discussion is that you don't have an earmark if it is authorized. When it is authorized, that means a committee of the Senate—a group of our peers—looked at it and said this is a priority and something that should be done; therefore, it is no longer an appropriations earmark because it has been approved by the committee of jurisdiction.

The best way to eliminate earmarks is to bring them into the sunlight, get them authorized, and allow Appropriations to fund them. That way, we have 100-percent sunshine and the American people know what we are doing, and we defend that in the public, open arena of committee hearings. We should not be afraid to do what is right, what is open, what is honest, and what is transparent for the American public. They deserve no less than that.

The earmark provision that is in the bill in the Senate that we are debating right now is cleaning the outside of the cup while the inside stays dirty. We should not let that happen. There is no doubt in my mind that Senator DEMINT's amendment is going to lose.

So the question has to come to the American public, are you going to hold the Senate accountable for acting as though they are fixing something when they are not? Anybody who votes for this bill, with the language in it the way it is today, is winking and nodding to the American people and saying we fixed it. But we didn't. Everybody here knows it won't be fixed with the language as it sits today. So it is going to require the American people to have great oversight over us to see who votes for this bill. If you are voting for this bill, you don't want to change the way business is done here; you want to leave it exactly the way it is and leave everything alone. So you want to tell everybody you fixed it when you didn't. That smacks of a lack of integrity in this body that belies its history.

I yield back my time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I thank my colleague for his persistence and hard work on a very commonsense issue. Many times in this Chamber, and in the House, we assume on our side that if the Democrats have an amendment, there is always some trick in it and they are trying to get us to take a vote and make us look bad; we don't trust each other. I wish to make an appeal that on this one amendment—this amendment No. 11 we have talked about—there is no trick. It is the exact language Speaker NANCY PELOSI put in their ethics bill, because everybody there—many Republicans and Democrats—agree that if we are going to at least have a pretense of changing the culture here, we need to be fully transparent and open and honest in what we are talking about.

As Senator COBURN said, many earmarks are good projects; they help people and organizations. The problem we have is that in order to get a few of those things that are good and necessary, we have to vote for thousands and thousands of earmarks that are not Federal priorities, and many of them, once disclosed, become an embarrassment to us. I think it has made the American people jaded about what we do here.

This is an opportunity to at least work together on one thing. The problem we had—and Senator COBURN mentioned this—in 2006 is that in the appropriations bills there were 12,852 earmarks. I am sure there are many that could be defended. But the biggest problem we have as a Congress is that behind these thousands of earmarks are thousands and thousands of lobbyists who have been paid to come up here and influence us in a way that would include a favor for their client in the bill. Again, many of these are legitimate. But what we have done to ourselves and our country—it drives me crazy to see a little town in South Carolina that is paying a lobbyist firm over $100,000 a year because that firm has promised them they can come up here and get a Federal earmark for a million dollars or more. What a great return—pay $100,000 and get a million dollar earmark. We see little colleges, associations, and businesses hiring lobbyists, hoping to get a particular earmark. So we have thousands of lobbyists in this town who are here to try to influence us to do a favor on behalf of their client. Much of this is legitimate, but our oath and our reason for being here is for the good of this country. We cannot do business with thousands and thousands of special interests who are here to influence us, and we have a system that actually makes it difficult for us not to go along with that, as Senator COBURN has pointed out.

This amendment is very simple. It doesn't create any kind of rigorous process for disclosure, which has been claimed here today by the other side. It simply says if we are going to create a transparent, well-disclosed process of the earmarks we are putting into a bill, all of them are disclosed, not just some small definition that includes only 5 out of 100 earmarks. We have already said there were only 534 out of about 12,800, so we cannot pretend to be putting a stop to the corrupting process of money here in the Congress if we try to convince the American people that somehow we have done some good. If we look at the corruption we are trying to get rid of, Duke Cunningham on the House side was influenced by lobbyists to get a Federal earmark from the Department of Defense. That would not have been included in the bill that is here on the Senate side. But it would be in NANCY PELOSI's language. We could stop the corruption before it ever happens.

We have a real opportunity to do something that is significant. If we are going to spend weeks and weeks—which ultimately we are—with ethics and lobbying reform and transparency, if we get to the end of this and we have something that does not appear remotely honest to the American people, I think we will all be ashamed of the process we went through. Unfortunately, yesterday, we voted down an amendment that would bring another bit of honesty to this organization. We had the big scandal we talked about in the last election, Abramoff. The problem there is that Indian tribes in America are allowed to give unregulated amounts of unaccountable money to Congress to buy influence, and that is what happened in that case.

We had an amendment yesterday that would have asked the Indian tribes to play by the same rules every other group in America plays by, but we voted it down. That means that in the future Indian tribes, with all their casinos and money, are going to continue to flood Congress with money and the American people don't know what it is buying, where it is coming from. It is senseless to go through an ethics reform bill and overlook something that obvious.

Today, we have something equally as obvious. We have a proposal to identify and make transparent the earmarks that come through the appropriation bills. It is something the House has agreed on, and Speaker PELOSI has made it a top priority. This is not a partisan trick. This is a commonsense disclosure provision that will be good for this body.

Mr. COBURN. Will the Senator yield for a moment?

Mr. DEMINT. Yes.

Mr. COBURN. Mr. President, I will make a point. There is nobody down here defending the other side.

Mr. DURBIN. I am here.

Mr. COBURN. I would love to have a debate on the basis of why the amendment that is in this substitute should not cover the other 95 percent of the earmarks. I ask the Senator from Illinois, what is the basis for only covering 5 percent of the earmarks in the bill.

Mr. DURBIN. I thank the Senator from Oklahoma.

The PRESIDING OFFICER. Time is controlled by the Senator from South Carolina.

Mr. DEMINT. I yield to Senator DURBIN so he may answer the question.

Mr. DURBIN. Mr. President, there are two problems, at least, with the amendment. First, we try in the bipartisan Reid-McConnell earmark reform to include not only appropriations earmarks but also tax benefits. It is the same deal. You either send a million dollars to a corporation in an appropriations earmark or in a tax benefit. So we include both. The language of Senator DEMINT's amendment, unfortunately, waters that down and weakens it.

Secondly, we have more stringent reporting requirements in the Reid-McConnell amendment than in the DeMint amendment. There is no reason to walk backward here. We are moving forward toward reform of earmarks. I don't know if it was a drafting error or what, but the DeMint amendment makes language on tax earmarks weaker and the reporting requirements weaker as well.

Mr. DEMINT. I thank the Senator. Reclaiming my time, I would be happy to work with the Senator on that. We include earmarks related to special tax treatment and special tariffs. I know there was discussion in the House. Again, Speaker PELOSI and the Democrats decided on this definition because they believe strongly in it. I do, too. We are certainly willing to work on that.

The strategy today to table this amendment that would move from 5 percent of earmarks to 100 percent does not seem to be an open and honest part of the process to get at a better ethics reform bill.

Mr. COBURN. Will the Senator yield?

Mr. DEMINT. Yes.

Mr. COBURN. I make the point, if you got better reporting on 5 percent and no reporting on 95 percent, you have nothing. That is the whole point. Before the Senator from Illinois came down, I said it is not dishonorable to ask for an earmark. Most of them are good projects. I made that point. But to not have 95 percent of the earmarks reported, whether strong or weak, and say we are going to report 5 percent of the earmarks and report them strongly is not cleaning anything up.

Mr. DURBIN. Will one of the Senators yield?

Mr. DEMINT. I yield.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator. As I said, this is getting perilously close to debate in the Senate, which hardly ever happens.

Mr. DEMINT. Mr. President, I thank the Senator for being here.

Mr. DURBIN. I am glad to be here with my colleague. The difference is this: I have had a passion for a long time about the fight for global AIDS. I believe we need to appropriate the funds that the President promised and for which I applauded him to fight the global AIDS epidemic.

Every year I try to plus up and increase the amount of money that goes to fight global AIDS. I have been successful. I am proud of it. I think it is something I have done that has made a difference in the world.

That, under the Senator's definition, is an earmark. It is not an earmark as we have traditionally understood it. The money is not going to a private company, individual or private entity. The money is going to a Federal agency.

To add to this earmark reform language, all the money that goes to Federal agencies may give the Senator some satisfaction, but it is just creating voluminous, unnecessary paperwork.

Can we not focus on where the abuses have occurred, where the earmarks have gone to special interest groups, businesses, and individuals? Let's get that right. The rest of it is what an appropriations bill is all about.

Mr. DEMINT. In the interest of continued debate, I yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from South Carolina yields to the Senator from Oklahoma.

Mr. COBURN. Mr. President, first, that is not an earmark program. It is not an earmark. Everybody knows it is not an earmark. It is the 95 percent that is in the report language that nobody knows about and on which we are not going to report.

The American people deserve transparency. The Senator is good. Senator DURBIN is very good, and I understand debating with him is difficult, but he is not to the point. The point is, that is not an earmark. It is a great move to the side. That is not an earmark. Items authorized are not earmarks. That is the point I made before the Senator from Illinois came to the floor.

All we have to do to get rid of the earmark program is to authorize them in an authorizing committee. Let a group of our peers say they are good. But we don't want to do that. We want to continue to hide this 95 percent that is hidden in the report language that the American public isn't going to know about until an outside group or some Senator raises it to say: Look at this atrocious thing.

Mr. DURBIN. Mr. President, will the Senator yield?

Mr. COBURN. I would like to finish. The point being, let's not send a false message to the American public. This provision that is in this bill is a sham in terms of cleaning up earmarks, and if you are going to defend it, then you are going to have to defend it to the American public.

It will not eliminate 95 percent of the earmarks, it will not make them transparent, and they will never know until after the fact who did it, why, when, and what lobbyist got paid for it.

Mr. DEMINT. Mr. President, reclaiming my time. I am running short. I believe I have until 2 o'clock.

The PRESIDING OFFICER. That is correct. The Senator from Illinois has asked if the Senator from South Carolina will yield for a response.

Mr. DEMINT. I will yield in a moment. I appreciate the Senator from Illinois staying with us because I want to mention another amendment and give him some comment. I do appreciate the opportunity for some debate.

I would like to summarize to make a key point. Nothing in this amendment would limit, in any way, our ability to earmark bills. We could have 12,000 next year, if we want. The main point of this is that if we are going to have 12,800 some-odd earmarks we have a way to show the American people what these earmarks are, where they are going, and who sponsored them so they can see what we are doing.

We know what that would do. It would, first of all, reduce a lot of the earmarks if they were disclosed. It would allow Members to know when we have earmarks. Many times, the 95 percent or so we are voting on are in a conference report, and we haven't seen them. We are not eliminating earmarks, we are disclosing them and making them transparent, which is key to any lobby reform.

Let me mention another amendment we talked about earlier today. It is referred to as an automatic continuing resolution, and I am sure a lot of folks don't know exactly what we are talking about. Every year we go through a process of appropriating money for different Government programs. We have 11 or so different bills, if that is the way we divide it this year. We have to have those done, or supposed to, by the end of our fiscal year in order for the Government to continue operations. But 24 out of the last 25 years, the Congress, under the control of both Republicans and Democrats, has not finished all its appropriations bills before the end of our fiscal year, and we have had to have a continuing resolution to avoid the Government shutting down. We have done that every year I have been in the House and in the Senate.

What that does at the end of every year is create a crisis. We have to vote for the continuing resolution, we have to get it done, and that is when many of these earmarks are slipped in. That is when many times we are told that if we want to keep the Government operating, we need to vote for this resolution, even though we don't know what is in it yet.

Every year we frighten senior citizens, veterans, and other people depending on Government programs that somehow their service is going to be interrupted because the Government is going to close down.

It is completely unnecessary to do this every year. We know, in the last years, it is not unusual for us to pass a continuing resolution in the middle of the night and put it on a jet airplane and fly it to the other part of the world so the President can sign it at the last minute so we won't send all our Federal employees home and cut services around the country. It is a game we play every year that encourages bad legislation, it encourages unnecessary earmarks, and it encourages us to operate with blinders on because we don't know what we are voting on. This is not a partisan trick because the Democrats could be in charge, we could have a Democratic President.

This amendment is, again, very simple. If we have not passed the appropriations bills at the end of the fiscal year that applies to certain agencies of Government, those agencies continue to operate at the budget they had the previous year. At whatever time during the year we pass the appropriations bill that funds them, then that circumvents the automatic CR, and we continue with the new level funding. This would take the crisis out of the end of every year.

What is effective blackmail, where you vote for this or the Government is going to close down, we don't need to do that. What we need is an orderly, transparent process that the American people can see and that we as Members can see.

This amendment would continue the operation of Government until we are able to get our business done, and then we would continue business as usual.

Again, it is simple, commonsense legislation that does not cost the country anything. In fact, I think it will save us millions and millions of dollars when we do our business correctly.

If the Senator from Illinois has some response, I will be glad to yield.

Mr. DURBIN. Mr. President, if the Senator will be kind enough to yield.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I have been speaking with our colleague from Oklahoma. On some of this, I say to the Senator, we may be able to reach an understanding. As I understand it, from the original language of the bill which referred to earmarks as non-Federal spending, that language "non-Federal" is stricken, leading us to conclude that it applies to Federal earmarks as well.

The Senator from Oklahoma says he believes the distinction should be whether the program is authorized. That is not in the language of the amendment of the Senator from South Carolina.

It is important for us, if we are going to change the Senate rules, to explore in some detail the language we use. Although the Senator's intent may be noble, I am opposing it as currently written because I think we need to tighten it and make sure we achieve what we want to achieve.

The final point I will make is, as disappointing as the underlying bill may be to some, to others, I think it is a positive step forward. It is going to result in more required transparency and disclosure than currently exists.

If the Senator feels we should move beyond it, perhaps at another time we can, but let's do it in a manner that achieves exactly what the Senator has described on the floor. I think the language presented to us does not achieve that.

Mr. DEMINT. Mr. President, I appreciate the Senator's transparency. I have been around long enough to know exactly what is going to happen. If we have a transparent provision for 5 percent of earmarks, but if we do them another way, such as in report language, they are not transparent, and this is going to encourage more perversion of the way we do business because what is going to happen is we are going to push more and more of our earmarks into report language in conference bills that we don't know is there and the American people don't know is there.

We know how this place operates, and we are going to choose the path of least resistance. If we don't have to disclose it if it is in report language, but we do if it is in the bill, then we are actually going to do harm to the process.

I will tell the Senator from Illinois this: He mentioned a Senate rule. We are not talking about a Senate rule. We are talking about a statute of law we are passing that will go to conference with the House. The Senator, obviously, as a member of the majority, will have ample opportunity to change this provision, but I think it would be a good signal to America, to the House, to our colleagues in the Senate that if we adopt this amendment today, and if there are ways to improve it in conference, I am certainly open to that. But to table this amendment and to say we don't even want to discuss or vote on an amendment that creates more disclosure and honesty in the process, I think does harm to what we are trying to do today.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. DEMINT. Yes.

Mr. DURBIN. Mr. President, I say to the Senator, having served in the House and Senate on Appropriations Committees and having been fortunate to chair a subcommittee in the House and now in the Senate, I would like to make this point which I think the Senator's amendment misses.

We cannot authorize a program with committee report language—we cannot authorize a program with committee report language. I learned long ago that unless we have bill language, actually creating a law, we are not authorizing the creation of a program. The Senator's language says:

> The term "congressional earmark" means a provision or report language authorizing or recommending a specific amount.

It is not legally possible in a committee report to authorize a program.

Mr. DEMINT. Mr. President, I thank the Senator. The Senator from Illinois is right. We don't authorize, but the Senator also mentioned the word "recommending." Ninety-five percent of the earmarks produced by this Congress are in report language and conference reports that actually do not have the force of law, that are recommended but have been carried out by the executive branch for years just for fear of retribution from the Congress because we talked to the President about this.

There is no reason why these should not be disclosed. There is no reason the American people should not know they are there. We are not limiting the number that can be there. We are not suggesting we change the authorizing process.

Mr. COBURN. Mr. President, will the Senator yield?

Mr. DEMINT. I yield to the Senator from Oklahoma.

Mr. COBURN. I want to put in the RECORD this idea of Federal entity, non-Federal entity. Let me give my colleagues examples of Army Corps of Engineers' earmarks in report language:

Six hundred thousand dollars to study fish passage, Mud Mountain, WA;

Two hundred and seventy-five thousand dollars to remove the sunken vessel State of Pennsylvania from a river in Delaware;

Five hundred thousand dollars for the collection of technical and environmental data to be used to evaluate potential rehabilitation of the St. Mary Storage Unit facilities, Milk River Project, MT;

Five million dollars for rural Idaho environmental infrastructure. Nowhere will you find in that bill what that is for. The American people ought to know what that is for. We ought to know what that is for.

One million and seventy-five thousand dollars for a reformulation study of Fire Island Inlet to Montauk Point, NY;

One hundred and fifty thousand dollars for the Teddy Roosevelt Environmental Education Center;

One million two hundred and fifty thousand dollars for the Sacred Falls demonstration project in Hawaii;

Two million dollars for the Desert Research Institute in Nevada.

None of those are authorized. Nobody will hold anybody accountable for those earmarks. Nobody will know it happened unless we bring it up on the floor, and then we would not have the power to vote because the coercive power of appropriations in this Congress is, if you don't vote for it, you won't get the next earmark you want; you will be excluded from helping your State on a legitimate earmark.

The American people better pay attention to the vote on tabling this amendment because anybody who votes to table this amendment wants to continue the status quo in Washington as far as earmarks.

Mr. LEVIN. Mr. President, I will vote to table the DeMint amendment. This amendment would strike earmark reform language in the Reid-McConnell bipartisan substitute and replace it with provisions which contain, among other things, a definition of earmarked tax benefits which is weaker than the Reid-McConnell language.

The DeMint amendment would define a tax benefit as an earmark only if it benefits 10 or fewer beneficiaries. This leaves open a loophole for earmarks aimed at benefitting very small groups of people, perhaps as few as 11 or 15 or 50 taxpayers. It would be relatively easy to circumvent the DeMint language and the intent of the tax earmark language in the bill.

The bipartisan Reid-McConnell language, on the other hand, defines a tax benefit as an earmark if it "has the practical effect of providing more favorable tax treatment to a limited group of taxpayers when compared with similarly situated taxpayers." This is stronger language—a limited group can be far more than 10.

I am hopeful that this bill will come back from conference committee containing strong and effective earmark reform provisions from both the House and the Senate bills.

Mr. DEMINT. Mr. President, I will give the Senator from Illinois the last word.

The PRESIDING OFFICER. The Senator from Illinois has 2 minutes.

Mr. DURBIN. Mr. President, let me say at the outset that committee report language cannot authorize something that is not legal, no matter what we put in committee report language. This has to be put in bill language.

So referring to a committee report—trust me, after more than 20 years serving on appropriations committees, committee report language is akin to sending a note to your sister—it doesn't mean much. But when it comes to the actual expenditure of money, you want bill language and it is there.

Let me, also, say that the money the Senator is talking about is being transferred, I assume—I don't know those particular projects—to other governmental entities. They could be counties, they could be States, they could be cities. These governmental entities are receiving this money.

What we are talking about, the most egregious cases that have led to the greatest embarrassment on Capitol Hill involves the people who represent private interest groups who come here and receive these earmarked funds. Those people are subject to full disclosure under the underlying bill. That is what this is all about.

The PRESIDING OFFICER. The Senator's time has expired.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided in relation to the DeMint amendment No. 11. Who yields time?

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1 minute.

Mr. DEMINT. Which amendment is this?

The PRESIDING OFFICER. Amendment No. 11.

Mr. DEMINT. Mr. President, this is what we call the Nancy Pelosi amendment; it is in her honor. I appreciate the opportunity for debate. I appreciate my colleague from Illinois joining us in some give and take. I think there is a temptation to make this more than it is. It is not a new set of regulations. It is applying the same transparency we are trying to apply to 5 percent of earmarks to all the earmarks so that we will not only be honest as a body, but we will appear honest to the American people.

I think all of us know if we walk out of here and the media shines a light on what we have done, and if it becomes obvious that most of the earmarks we pass are completely overlooked by our ethics and lobbying reform bill, then it will be seen for the sham that it really is. We are investing too much of our time and too much of the interests of our country in this idea of ethics reform——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DEMINT. I thank the President for his patience.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. DURBIN. Mr. President, I urge my colleagues to vote for a motion to table. We have a good underlying bipartisan bill that will bring about significant reform in the earmark process. The DeMint amendment would weaken the bill in two specific instances.

When it comes to targeted tax benefits, his definition, regardless of the source, is not as strong as the underlying bill, which means the targeted tax benefits that benefit special interest groups will not receive the same full disclosure under DeMint that they will under the underlying bill.

Second, for reasons I don't understand, he removes the requirement of posting these earmarks on the Internet 48 hours in advance. That is a good safeguard. Why he has removed it I don't know, but it weakens the underlying bill.

I urge my colleagues to vote for the motion to table. I will work with my colleagues from South Carolina and Oklahoma in the hopes that we can find some common ground.

Mr. President, I move to table the DeMint amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER (Mrs. LINCOLN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Bunning
Byrd
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Domenici
Dorgan
Durbin
Feinstein
Hatch
Kennedy
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lincoln
Lott
McCaskill
Menendez
Mikulski
Murray
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Voinovich
Whitehouse
Wyden

NAYS—51

Alexander
Allard
Bond
Burr
Cantwell
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Harkin
Hutchison
Inhofe
Isakson
Kerry
Kyl
Landrieu
Lieberman
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Obama
Roberts
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Warner
Webb

NOT VOTING—3

Brownback
Inouye
Johnson

The motion was rejected.

Mr. REID. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 13

The PRESIDING OFFICER. There are 2 minutes of debate actually divided prior to the vote on the DeMint amendment, No. 13.

Who yields time?

Mrs. FEINSTEIN. Madam President, I ask for order.

The PRESIDING OFFICER. There will be order in the Chamber.

The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, it is my understanding I am speaking in defense of amendment No. 13, which we call the automatic continuing resolution.

The PRESIDING OFFICER. That is correct.

Mr. DEMINT. I wish to appeal to my fellow Senators to remember that over the last 25 years, 24 of those years we were not able to complete the appropriations process before the end of the fiscal year. As you know, every year we have a crisis situation here. We are all familiar with the end of the year crisis where we have to vote for a bill or we are going to close down the Government or parts of the Government. We sign a continuing resolution and that night, many times, we are flying to other parts of the world so the President can sign it.

This amendment is a very simple idea. If we are not able to finish an appropriations bill before the end of the fiscal year, it simply continues the Government under last year's funding. That way, we do not have to have a crisis and vote on bills we have not read and that we are embarrassed about 3 weeks later, and we do not have to threaten Federal employees or senior citizens that their services will be cut off.

Please support this amendment. It is simple common sense to continue the operations of Government until we can complete our business.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COCHRAN. Madam President, this amendment essentially provides for an automatic continuing resolution in the event any annual appropriations bill is not enacted prior to the beginning of the fiscal year.

In this fiscal cycle we have passed three continuing resolutions to fund the programs for which appropriations bills have not yet been enacted. Those continuing resolutions have been free of extraneous matter, and have been passed by the House and Senate without particular difficulty.

My desire to enact the regular appropriations bills on time does not stem from fear of our inability to enact a continuing resolution. I do not see that the need to pass continuing resolutions creates a "crisis atmosphere" as some have portrayed.

Rather, the pressure to pass the annual spending bills stems from a sincere desire—at least on this Senator's part—to fulfill Congress's constitutional obligation to exercise the power of the purse. It stems from our desire to make intelligent decisions about programs that deserve more funding than was provided in the prior year, and to reduce or cut off funding for other programs that aren't working, or which are a lower priority within the constraints of the budget resolution.

Mr. President, if Senators feel that biennial budgeting is wise, then let us enact a biennial budget. If Members feel that the amount of discretionary spending should be reduced for certain programs, then let us debate amendments to the appropriations bills or to the budget resolution. But let's not abdicate our responsibilities by putting the whole operation on autopilot.

Finally, I would observe that at the end of the last Congress it was not the continuing resolution that was laden with extraneous items. It was rather the tax bill that contained a host of disparate and costly items, many of which were new to members of the Senate. And what was one of the primary drivers of that tax legislation? The need to extend expiring tax breaks. I wonder how Senators would feel about a formula-driven approach to automatically extend expiring tax provisions?

This isn't a position that I am advocating, but it illustrates the point that a continuing resolution is not a ploy by the Appropriations Committee to pressure Members into supporting appropriations bills.

We don't need an automatic formula of this sort. What we need to do is get to work, debate legislation, move it through in the regular order, and get it done. We should not abdicate our responsibilities and put government on autopilot.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, while this amendment is well intended, I believe it will make the circumstance even worse, because it will put Government on automatic pilot.

Madam President, more seriously, the automatic CR proposed by the Senator guarantees funding levels; therefore, CBO would score the proposal as effectively prefunding the 2008 bills. Thus, if adopted, this amendment will be scored by the Congressional Budget Office with increasing direct spending by hundreds of billions of dollars. The last time CBO scored this bill, this proposal, they put an estimate of $566 billion on this amendment.

The pending amendment deals with matters within the jurisdiction of the Committee on the Budget. I therefore raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

Mr. DEMINT. We get lots of scores around this place. This is not spending. Pursuant to section 904(c)(1) of the Congressional Budget Act, I move to waive the point of order, and I ask for the yeas and nays.

The PRESIDING OFFICER (Ms. CANTWELL). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Kansas (Mr. BROWNBACK).

The yeas and nays resulted—yeas 25, nays 72, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—25

Allard
Bunning
Burr
Chambliss
Coburn
Corker
Cornyn
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Hatch
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Sessions
Stevens
Thune
Vitter

NAYS—72

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Gregg
Hagel
Harkin
Hutchison
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Thomas
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Brownback
Inouye
Johnson

The PRESIDING OFFICER. On this vote, the yeas are 25, the nays are 72. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from South Carolina.

Mr. DEMINT. Madam President, if I could have a brief moment to address the majority.

We had a good debate on my first amendment, amendment No. 11, to expand the definitions of earmarks in a way that the American people could understand and see. I appreciate the Senator from Illinois participating in a good and open debate. The motion was to table that amendment, but, with bipartisan support, we defeated the motion to table. And as a customary way of courtesy, I think, in the Senate, we normally accept a voice vote for amendments that are not tabled.

I ask unanimous consent that amendment be accepted.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I see the managers on the floor at this time. I do not wish to interrupt the flow of the discussion. I would like to speak briefly on another matter, to speak for a very few minutes.

Mr. BENNETT. Madam President, if I could be recognized to take care of a few housekeeping details, we would then listen to the Senator from Massachusetts.

Mr. KENNEDY. Madam President, I yield for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

AMENDMENTS NOS. 19, 28, AND 29 EN BLOC

Mr. BENNETT. Madam President, I ask unanimous consent to set the pending amendment aside and call up amendments Nos. 19, 28, and 29 en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. MCCAIN, proposes an amendment numbered 19 to amendment No. 4.

The Senator from Utah [Mr. BENNETT], for Mr. MCCAIN, for himself, Mr. FEINGOLD, and Mr. GRAHAM, proposes an amendment numbered 28 to amendment No. 3.

The Senator from Utah [Mr. BENNETT], for Mr. MCCAIN, for himself, Mr. FEINGOLD, and Mr. GRAHAM, proposes an amendment numbered 29 to amendment No. 3.

Mr. BENNETT. Madam President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 19

(Purpose: To include a reporting requirement)

On page 8, line 4 of the amendment, strike "expense."." and insert the following: "expense.

"(i) A Member, officer, or employee who travels on an aircraft operated or paid for by a carrier not licenced by the Federal Aviation Administration shall file a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken. The report shall include—

"(1) the date of such flight;

"(2) the destination of such flight;

"(3) the owner or lessee of the aircraft;

"(4) the purpose of such travel;

"(5) the persons on such flight (except for any person flying the aircraft); and

"(6) the charter rate paid for such flight.".

On page 9, line 21 of the amendment, strike "committee pays" and insert the following: "committee—

"(I) pays"

On page 10, line 5 of the amendment, strike "taken." and insert the following: "taken; and

"(II) files a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken, such report shall include—

"(aa) the date of such flight;

"(bb) the destination of such flight;

"(cc) the owner or lessee of the aircraft;

"(dd) the purpose of such travel;

"(ee) the persons on such flight (except for any person flying the aircraft); and

"(ff) the charter rate paid for such flight.".

AMENDMENT NO. 28

(Purpose: To provide congressional transparency)

On page 4, strike line 11 through line 10, page 5, and insert the following:

that portion of the conference report that has not been stricken and any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) ANY MATTER.—In this section, the term "any matter" means any new matter, including general legislation, unauthorized appropriations, and non-germane matter.

SEC. 102A. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

(a) IN GENERAL.—Rule XVI of the Standing Rules of the Senate is amended by adding at the end the following:

"9.(a) On a point of order made by any Senator:

"(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

"(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

"(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

"(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

"(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment; and

"(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment shall be made.

"(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute, then an amendment to the House bill is deemed to have been adopted that—

"(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

"(B) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill;

"(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

"(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained, then—

"(A) the unauthorized appropriation shall be struck from the amendment;

"(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made; and

"(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

"(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained, then—

"(A) an amendment to the House amendment is deemed to have been adopted that—

"(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

"(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment; and

"(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

"(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

"(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

"(g) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a general appropriation bill or an amendment between the Houses on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (f), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

"(h) For purposes of this paragraph:

"(1) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this rule.

"(2)(A) The term 'unauthorized appropriation' means an appropriation—

"(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

"(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

"(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.".

(b) Lobbying on Behalf of Recipients of Federal Funds.—The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

"SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

"(a) In General.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

"(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

"(2) the amount of money paid as described in paragraph (1).

"(b) Definition.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.".

(c) Prohibition on Obligation of Funds for Appropriations Earmarks Included Only in Congressional Reports.—

(1) In general.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(2) Definitions.—For purposes of this subsection:

(A) The term "assistance" includes an award, grant, loan, loan guarantee, contract, or other expenditure.

(B) The term "congressional report" means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(C) The term "earmark" means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(D) The term "entity" includes a State or locality.

(3) Effective date.—This subsection shall apply to appropriation Acts enacted after December 31, 2007.

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

"RULE XLIV

"EARMARKS

"1. In this rule—

"(1) the term 'earmark' means a provision that specifies the identity of an entity (by

AMENDMENT NO. 29

(Purpose: To provide congressional transparency)

On page 4, strike line 11 through line 2, page 5, and insert the following:

that portion of the conference report that has not been stricken and any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) Supermajority Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) Any Matter.—In this section, the term "any matter" means any new matter, including general legislation, unauthorized appropriations, and non-germane matter.

SEC. 102A. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

(a) In General.—Rule XVI of the Standing Rules of the Senate is amended by adding at the end the following:

"9.(a) On a point of order made by any Senator:

"(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

"(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

"(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

"(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

"(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment; and

"(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment shall be made.

"(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute, then an amendment to the House bill is deemed to have been adopted that—

"(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

"(B) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill;

"(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

"(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained, then—

"(A) the unauthorized appropriation shall be struck from the amendment;

"(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made; and

"(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

"(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained, then—

"(A) an amendment to the House amendment is deemed to have been adopted that—

"(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

"(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment; and

"(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

"(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

"(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

"(g) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a general appropriation bill or an amendment between the Houses on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (f), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

"(h) For purposes of this paragraph:

"(1) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this rule.

"(2)(A) The term 'unauthorized appropriation' means an appropriation—

"(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

"(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

"(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.".

(b) LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

"SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

"(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

"(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

"(2) the amount of money paid as described in paragraph (1).

"(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.".

(c) PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.—

(1) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term "assistance" includes an award, grant, loan, loan guarantee, contract, or other expenditure.

(B) The term "congressional report" means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(C) The term "earmark" means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(D) The term "entity" includes a State or locality.

(3) EFFECTIVE DATE.—This subsection shall apply to appropriation Acts enacted after December 31, 2007.

Mr. BENNETT. Senator MCCAIN will have appropriate comments to make on these amendments at some future time.

AMENDMENT NO. 25, AS MODIFIED

Madam President, I, also, ask unanimous consent that amendment No. 25, offered by Senator ENSIGN, be modified in the form I send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. SENATE FIREWALL FOR DEFENSE SPENDING.

For purposes of sections 301 and 302 of the Congressional Budget Act of 1974, the levels of new budget authority and outlays and the allocations for the Committees on Appropriations shall be further divided and separately enforced under section 302(f) of the Congressional Budget Act of 1974 in the following categories:

(1) For the defense allocation, the amount of discretionary spending assumed in the budget resolution for the defense function (050).

(2) For the nondefense allocation, the amount of discretionary spending assumed for all other functions of the budget.

Mr. BENNETT. Thank you, Madam President.

I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I intend to, briefly—if the Senator has a consent request, I will be glad to yield for that purpose.

Mr. VITTER. Madam President, if the Senator would yield, I have a very similar 30-second housekeeping matter.

Mr. KENNEDY. Madam President, I yield for that purpose.

Mr. VITTER. I appreciate it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 9, AS MODIFIED

Mr. VITTER. Madam President, I request to go to the regular order regarding the Vitter amendment No. 9 and send a revision of that amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 51, between lines 12 and 13, insert the following:

SEC. 242. SPOUSE LOBBYING MEMBER.

(a) IN GENERAL.—Section 207(e) of title 18, United States Code, as amended by section 241, is further amended by adding at the end the following:

"(5) SPOUSES.—Any person who is the spouse of a Member of Congress and who was not serving as a registered lobbyist at least 1 year prior to the election of that Member of Congress to office and who, after the election of such Member, knowingly lobbies on behalf of a client for compensation any Member of Congress or is associated with any such lobbying activity by an employer of that spouse shall be punished as provided in section 216 of this title.".

Mr. VITTER. Thank you, Madam President.

I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

IRAQ

Mr. KENNEDY. Madam President, Iraq is the overarching issue of our time. American lives, American values, America's role in the world is at stake.

As the November election made clear, the American people oppose this war, and an even greater number oppose sending more troops to Iraq.

The American people are demanding a change in course in Iraq. Instead, the President is accelerating the same failed course he has pursued for nearly 4 years. He must understand Congress will not endorse this course.

The President's decision to send more American troops into the cauldron of civil war is not an acceptable strategy. It is against the advice of his own generals, the Iraq Study Group, and the wishes of the American people and will only compound our original mistake in going to war in Iraq in the first place.

This morning, the Secretary of State testified that the Iraqi Government "is . . . on borrowed time." In fact, time is already up. The Iraqi Government needs to make the political compromises necessary to end this civil war. The answer is not more troops, it is a political settlement.

The President talked about strengthening relations with Congress. He should begin by seeking authority from Congress for any escalation of the war.

The mission of our Armed Forces today in Iraq no longer bears any resemblance whatsoever to the mission authorized by Congress in 2002. The Iraq war resolution authorized a war against the regime of Saddam Hussein because he was believed to have weapons of mass destruction, an operational relationship with al-Qaida, and was in defiance of the U.N. Security Council resolutions.

Not one Member of Congress—not one—would have voted in favor of the resolution if they thought they were sending American troops into a civil war.

The President owes it to the American people to seek approval for this new mission from Congress. Congress should no longer be a rubberstamp for the President's failed strategy. We should insist on a policy that is worthy of the sacrifice of the brave men and women in uniform who have served so gallantly in Iraq.

President Bush has been making up his mind on Iraq ever since the election. Before he escalates the war, the American people deserve a voice in his decision.

He is the Commander in Chief, but he is still accountable to the people. Our system of checks and balances gives Congress a key role in decisions of war and peace.

We know an escalation of troops into this civil war will not work. We have increased our military presence in the past, and each time the violence has increased and the political problems have persisted.

Despite what the President says, his own generals are on the record opposing a surge in troops.

Last November 15, 2006, General Abizaid was unequivocal that increasing our troop commitment is not the answer.

He said:

> I've met with every divisional commander—General Casey, the corps commander, General Dempsey—we all talked together. And I said, "in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq?" And they all said no.

On December 29, General Casey said:

> The longer we in the U.S. forces continue to bear the main burden of Iraq's security, it lengthens the time that the government of Iraq has to take the hard decisions about reconciliation and dealing with the militias. . . .They can continue to blame us for all of Iraq's problems, which are at base their problems.

Time and again our leaders in Vietnam escalated our military presence, and each new escalation of force led to the next. We escalated the war instead of ending it. And similar to Vietnam, there is no military solution to Iraq, only political. The President is the last person in America to understand that.

We must not only speak against the surge in troops, we must act to prevent it.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

AMENDMENT NO. 30 TO AMENDMENT NO. 3

(Purpose: To establish a Senate Office of Public Integrity.)

Mr. LIEBERMAN. Mr. President, I now ask that amendment No. 30 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Connecticut [Mr. LIEBERMAN], for himself, Ms. COLLINS, Mr. OBAMA, Mr. MCCAIN, Mr. FEINGOLD, Mr. KERRY, and Mr. CARPER, proposes an amendment numbered 30 to amendment No. 3.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LIEBERMAN. Mr. President, I am proud to offer this amendment, along with Senators COLLINS, OBAMA, MCCAIN, and the occupant of the Chair, the distinguished Senator from Delaware, Mr. CARPER.

This amendment would create a Senate Office of Public Integrity. The matter before the Chamber now is to reform the rules by which Senate ethics and the conduct of lobbyists are governed. It is the contention of those of us who sponsor this amendment that reform of the rules is critically necessary and important following the scandals of recent years. But it is also important to reform the enforcement process by which those rules are applied.

If we are about the business of restoring the public's trust in this institution and its Members and the willingness of this great institution to independently and aggressively investigate allegations of misconduct among Members and then to hold those Members accountable, it seems to me we can no longer be comfortable or content with a process that allows us to investigate charges against us and then reach a judgment about what the response should be to us.

The office that would be created by this amendment would investigate allegations of Member or staff violations of Senate rules or other standards of conduct. It would present cases of probable ethics violations to the Select Committee on Ethics of the Senate which would retain the final authority, consistent with tradition and law.

This office of public integrity would make recommendations to the Ethics Committee that it report to appropriate Federal or State authorities any substantial evidence of a violation by a Member or staff of any law applicable to the performance of his or her duties or responsibility.

Finally, the Senate office of public integrity, a new office that would be created by this amendment, would approve or deny approval of privately funded trips for Members or staff, subject to the review of the Ethics Committee.

I called up this amendment to inform our colleagues that this group of cosponsors was going to go forward with the amendment and to urge that our colleagues take a look at it, consider it, ask us questions about it, and that we look forward to a full debate on it next week.

Earlier, I failed to say that Senators FEINGOLD and KERRY are also cosponsors of the amendment.

Having introduced it, called it up, I now ask unanimous consent that this amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I was not sure this would come up. I know it has been an issue that has been discussed. But in view of the vote on this issue when we dealt with S. 1 in the previous Congress, I thought perhaps it would not come up. Because in the previous Congress, this was defeated 67 to 30. While we have had some turnover in the Senate, we haven't had a sufficient turnover to obviate 67 votes. Even if every new Senator who has come would vote with the 30, that would probably take them to 40 and is still not enough to pass.

We had a vigorous debate about this in the previous Congress. I don't need to rehearse too many of the issues that were discussed. Just for the record, the Senate does have a record of dealing with its own Members. Under the Constitution, it is the Senate that is charged with punishing its Members for misconduct. And the Senate has done that historically and sometimes courageously.

Interestingly enough, the majority has dealt with Members of the majority. Senator Packwood, who was a valued Member of this body, chairman of the Senate Finance Committee, one of the most prestigious positions a Senator can hold, the master of his craft—I don't know of many Senators who knew the finances of this country any better than Senator Packwood—engaged in activity which the Ethics Committee unanimously decided was inappropriate. Our current Republican leader, Senator MCCONNELL, was at the time the chairman of the Ethics Committee and recognized that the removal of Senator Packwood would undoubtedly, as it did, result in the shift of a seat from the Republican side to the Democratic side. I don't think you will find any more loyal partisan to the Republicans than Senator MCCONNELL.

In that position, with existing procedures, not requiring any office of public integrity, Senator MCCONNELL, as chairman of the Ethics Committee, led a unanimous vote out of the Ethics Committee against the interests of Senator Packwood, and Senator Packwood resigned. He was, indeed, replaced by Senator WYDEN, a Democrat. The Republicans had a seat which they lost and have never gotten back.

On the other side of the aisle, Senator Torricelli was dealt with by the Ethics Committee in a manner that caused him to resign his nomination and, therefore, any hope he may have had of reelection. We have a history in this body of dealing with our Members who act inappropriately with the existing procedures.

S. 1 is all about transparency. Most of the debate has been about transparency, getting more information out. The more information we get out, the better prepared we are within our existing procedures to deal with those of our Members who may or may not act as they should.

For all of those reasons, the Senate, by a vote of 67 to 30, said: We are capable under the present circumstances, under the present rules, under the present structure, to deal effectively with those Members who act inappropriately. I would expect the vote would be very close to the same this time. There is much more that can be said and that has been said. But given the history of this, that is probably a sufficient statement on my part.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Utah. I was thinking, there is much more that could be said and much that has been said. Undoubtedly next week much more will be said. The vote was 67 to 30 last time. Those of us who support this remain undaunted in our belief that we can improve the process. The process of ethics and ethical adjudications has been, with all respect, more problematic in the other body of the Congress, but we have an opportunity here, as we consider and I believe pass what will be landmark legislation with regard to the attempt of this great legislative body to set the highest standards of conduct for itself and those who interact with us, to also complete the mission while we are doing so by raising the independence of the enforcement process, still leaving the Senate Ethics Committee, composed of Senators, with the final judgment on what should happen in every case.

First, about the vote last year, I suppose the most general response I would offer is that hope springs eternal and the power of reason of our arguments will touch some of our colleagues. Secondly, we do have some new Members who are very focused on this legislation and upgrading the rules by which we govern ourselves and the process by which those rules are enforced.

Finally, a lot of things have been said here about Iraq and the message the people were sending last year about Iraq. It seems to me they were sending at least as strong a message about the way we in Congress do our business. I saw one public opinion survey or exit poll that showed more people said they voted based on what were ethical wrongdoings here in Congress than on any other issue. I begin this debate to indicate to our colleagues that my cosponsors and I intend to go forward with this amendment next week.

I thank my friend from Utah for beginning what I know will be a serious and elevating discussion.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. DEMINT. Madam President, I would just like a few minutes to address the Senate. I have some deep concerns about some things that are going on.

I have been really encouraged since the new majority took over. We have had some great bipartisan meetings, and we have talked about trying to create a new spirit of cooperation here in the Senate and to work together. I think a lot of us have been trying to do that, and it has been going reasonably well.

Today I had the opportunity to offer an amendment, an amendment that will contribute to the transparency of what we call earmarks or the favors that sometimes lobbyists and Members work out where we put money in bills for specific things. We just wanted to make that transparent and to include all earmarks, not just a few.

We had a good debate. I have to admit it was the most fun I have had since I have been in the Senate. I was given 45 minutes of time before the vote at 2 o'clock, and Senator COBURN came down to speak on my behalf. Senator DURBIN asked me to yield, and I gave him all the time he wanted. I even yielded the last 2 minutes and gave him the last word. We had a good debate about it.

The majority had decided to try to table that amendment so we wouldn't have a vote, so the motion was to table the DeMint amendment. We had a good vote. It is always exciting to see how votes come in. When they held up the final sheet, 51 had voted not to table the amendment and 46 had voted to table it. It wasn't a partisan vote. It wasn't party line at all. That is what was kind of unusual.

Again, I think the spirit of what we have been trying to do is not just to look at the party but to look at the issue. I think a lot of folks decided that if we are going to have disclosure of earmarks, let's have disclosure of all of them, and this one happens to take it from 5 percent to 100.

But I would like to thank some of my colleagues, my Democratic colleagues who thought about this amendment, who listened to the debate, including Senator LANDRIEU and Senator KERRY, Senator CANTWELL, Senator WEBB, Senator TESTER, Senator HARKIN, Senator FEINGOLD, Senator OBAMA, and my good friend Senator LIEBERMAN, who took the time to listen to the debate and decided that this shouldn't be tabled, that we should have a vote on it. Normally what happens in the Chamber—in fact, I have never seen it done any other way—is if a motion to table fails, then the majority would accept the amendment as a voice vote because the will of the Senate has spoken and a majority have expressed their support of that amendment.

But something happened on the way to civility and camaraderie here today.

Instead of the normal procedure of the majority conceding that Republicans and Democrats wanted to pass this amendment, they did not agree when I asked that the amendment be accepted. They objected. Now I am told that after a lot of backroom work, they want to bring the amendment back to the floor, and apparently they have convinced some of my colleagues to change their votes. I have to say, I know when I was in the House, I saw my party guilty of that, after a Medicare vote being open 3 hours and arm-twisting and all kinds of carrying on.

I think we all decided after the last election that maybe the American people didn't want us to do business that way. I think the will of the Senate has spoken on this amendment, and I think the issue is bigger than on my particular amendment; it is, if we are going to have ethics reform, let's be ethical about the process of voting on this reform. We had a good, open, and honest debate.

The amendment is simple and clear. It is actually NANCY PELOSI's amendment from the House side which has been vetted and voted on and discussed. I am aware there is some misinformation now going on about the amendment, but I would just encourage my colleagues—I would encourage my Republican colleagues because some of them voted against this—even if they don't like the amendment, let's support the idea of just following normal courtesies here in the Senate.

I have often heard, since I came from the House side, that the Senate is a much different place, that we are civil, we respect each other's rights. I am afraid a lot of that is slipping away here. I would just like to make an appeal today that my colleagues accept this amendment. The will of the Senate has spoken. It obviously can be worked on and improved in conference. The majority will control the conference. I think it will speak well for the Senate that we are willing to shine the light of day onto all of our earmarks so the American people can see it.

So, Madam President, I thank you for the opportunity to speak, and I yield the floor.

Mr. DEMINT. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

Mr. DEMINT. I object.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 2 Leg.]

DeMint
Durbin
Klobuchar
Reid

The PRESIDING OFFICER. A quorum is not present. The majority leader is recognized.

Mr. REID. I move to instruct the Sergeant at Arms to request the attendance of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 6, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—90

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—6

Coburn
DeMint
Ensign
Lott
McCain
Shelby

NOT VOTING—4

Brownback
Dodd
Inouye
Johnson

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The majority leader is recognized.

AMENDMENT NO. 11

Mr. REID. Mr. President, these are the times when some of us who have served in the House yearn for the House procedures. But we are in the Senate. We live by the Senate procedures, and we have to work our way through this.

Everyone keep in mind, the underlying legislation that is bipartisan in nature, sponsored by the Democratic and Republican leaders, is good legislation. It is a significant step forward to anything that has happened in this country since Watergate: ethics reform, lobbying reform, earmark reform—a very sound piece of legislation.

I am going to be patient and listen to what others have to say. I do not know exactly, but I think we have 12 amendments that are pending, maybe 13, and we are going to try to work our way through those.

I have told my friend Senator DEMINT that I know his heart is in the right place. He believes in what he is doing. But this amendment he has offered is going to take a little more time.

Everyone should understand that the DeMint amendment strikes the definition of "earmark" in the underlying Reid-McConnell substitute and replaces it with language that is basically the House-passed definition.

I am happy to see the House doing their 100 hours and moving things along very quickly. I admire and respect that. But having served in that body, I know how quickly they can move things and, frankly, sometimes how much thoughtful consideration goes into matters that are on that House floor.

With this matter Senator DEMINT is trying to change, a lot of time went into this—a lot of time—weeks of staff working so that Senator MCCONNELL and I could agree to offer something in a bipartisan fashion.

The earmark provision is good. It is in the underlying bill. If we have an opportunity to vote on the DeMint amendment, I hope it is rejected because the definition that Reid-McConnell has is very much preferable to what Senator DEMINT is trying to do with the "earmark" definition.

I repeat, the underlying legislation that deals with earmarks was very carefully vetted by—and I repeat—weeks of work by our respective staffs. And it is stronger in various ways than DeMint.

The underlying Senate definition of "earmark" was included in last year's ethics bill. We have refined and defined it a little better now. The relevant committees worked with us on a bipartisan basis. We added language to the underlying section dealing with earmarks that passed 90 to 8 last year.

First, we added language to address the Duke Cunningham situation. Congressman Cunningham wrote his earmarks without actually naming the specific defense contractors he intended to receive Federal contracts. And he never mentioned the defense contractors, but there is only one defense contractor in the world that met his specific definition of that legislation. Under DeMint that would not have to be listed.

Under the new definition in the Reid-McConnell substitute, a Member cannot evade the disclosure requirement by clever drafting. They cannot do that. An earmark is present if the entity to receive Federal support is named or if it is "described in such a manner that only one entity would qualify."

Second, the substitute includes an improved definition of "targeted tax benefit." Under the DeMint definition, a tax benefit would only qualify as an earmark if it benefited "10 or fewer beneficiaries." But that leaves open the possibility of drafting mischief. And what kind of mischief could you draft? For example, someone could easily write a provision for 11 or 15 or 50 beneficiaries to evade the definition.

The Reid-McConnell definition says a tax earmark is anything which "has the practical effect of providing more favorable tax treatment to a limited group of taxpayers when compared with similarly situated taxpayers." This subjective standard will capture more earmarks, by far, than the rigid DeMint definition—this "10 or fewer beneficiaries."

Actually, the Reid-McConnell definition is based on the definition of "targeted tax benefit." Where did we come up with this? Senator JUDD GREGG, in his line-item veto bill. That is where we got that. I do not like the line-item veto bill, but I like his definition of "targeted tax benefit." That is where we got that. I think Senator GREGG has found a sensible definition for this illusive concept.

Third, the Reid-McConnell substitute requires Members to certify they have no personal financial stake in the earmark. This seems to be a commonsense requirement that was not in the underlying bill. We added that to it.

It is important that the Senate rules be amended slowly and with careful bipartisan deliberation. My friend, the distinguished Senator from North Carolina—South Carolina—north, south; they are close together—the distinguished Senator from South Carolina has said this is exactly like the House provision. I say to my friend that is one of the problems I have with it because I, frankly, do not think they spent the time we have on this.

The House can change its rules at will, and they do. We cannot. The Senate is a continuing body. Our rules are permanent. It takes 67 votes to change a Senate rule. So when we write a Senate rule, we write it in concrete.

Earmark disclosure will be a major change in the way the Senate works. We should adopt the Reid-McConnell version rather than the House version in the DeMint amendment.

If we need to revisit the issue later, we can do that. I would appeal to my friend from South Carolina. I repeat: I know you are doing this because you think it is the right thing to do. But take the opportunity to look at what is here. It is better than the House version—so much better.

I have only touched upon why it is better than the House version. And, frankly, as we all know, we are going to have to do some work in conference. If the House version is what we send over there, there is no way in the world to improve this.

So I would say to my friend: Let's take another look at this. Do we need to vote on this? I hope not. This should not be a partisan issue. This bill is not meant to be partisan. That is why we worked so hard. One of the hardest provisions staff had to work on to get McCONNELL and me to agree was this earmark provision. Senator McCONNELL and I are members of the Appropriations Committee—well, I used to be for 20 years. I know the appropriations process very well. I think, with all due respect, the DeMint amendment will weaken the earmark provision. Let's see what we come up with with the underlying amendment that REID and McCONNELL submitted to the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. DEMINT. Thank you, Mr. President.

Mr. President, I see that the majority leader was discussing this bill. While I have a number of Members sitting here, if I could respond to the majority leader. I very much appreciate his consideration. I appreciate what happened today. We had a good debate. Some of you listened. We had a good vote on the motion to table, and we won that vote.

As any of you know, if you have ever been through the process of trying to get an amendment up and trying to develop the support you need, to win a vote like that, it is a good day in the Senate.

I am afraid it is starting to feel a little like the House. I remember when I was in the House when the Medicare bill would not pass, the Medicare Part D, and we kept the vote open for 3 hours twisting arms, changing minds until the Republicans got what they wanted. I had hoped the Senate would be different. Our rules are different. We can't hold the vote open that long. But by using tabling and then bringing it back up, as we are doing now, we are doing exactly the same thing.

I will take exception to the House and NANCY PELOSI not taking the time to work this through. I think anyone who looks at the language will see that the Senate version only deals with 5 out of 100, 5 percent of the earmarks that we pass. We have a chart from last year, when there were 12,800 earmarks. Under the Senate provision, only about 500 would be included. The public is not going to believe that we are disclosing earmarks. So if we are going to disclose earmarks, let's disclose them all.

The House did have the good sense, after seeing what that did to the ethical appearance of the House, when the Medicare bill was held open for 3 hours until the majority got what it wanted, to have in their ethics rules that you cannot—I will just read the rule. It says: Clause 2(a) of rule 20 is amended by inserting after the second sentence the following sentence: A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.

They know what that does to the appearance and the culture of the House. We didn't hold the vote open, but it has been less time than was held open for that Medicare vote, and we are back here revoting something after some arms have been twisted. If that is the culture we want in the Senate, I think we should stop saying that we have a higher culture than the House.

I believe Speaker PELOSI is sincere in wanting to disclose what we are doing so the American people will know how we are spending their money. This is not a careless amendment. It is something that has been done with a lot of thought. We won this vote fair and square. It is going to happen to all of you. If this is how you want fellow Members treated, if any amendment we offer can be tabled and if you win your amendment, the majority can go off and twist some arms and change some minds and we can have another vote, if that is how we are going to do business, then I think it is time the American people know it, and we might as well set this whole ethics bill aside because it is all pretense anyway.

I appreciate the opportunity to have a few people sitting here listening, but I can assure you that this amendment will improve this bill, and it will improve the perception of this Senate if we pass it.

I thank the Chair.

Mrs. HUTCHISON. Will the Senator yield?

Mr. DEMINT. I yield.

Mrs. HUTCHISON. I wanted to ask the Senator from South Carolina, what is the difference in his amendment from the underlying bill, and how does it improve the transparency we are all seeking?

Mr. DEMINT. I thank the Senator. I welcome any input into this amendment. We have adopted the exact language that Speaker PELOSI insisted on just for the definition of "earmarks." The most important part to remember is, in the Senate bill, no matter what we do with transparency, it only applies to 5 percent of the earmarks. It doesn't apply to Federal earmarks, the type of earmarks that got Duke Cunningham in trouble. Those need to be disclosed. It doesn't apply to report language in conference reports which include 95 percent of all the earmarks we do. So there is no way for the media or the public to look in on what we do, regardless of how we try to do transparency on that 5 percent and say that we are doing anything to make this place more transparent. That is the main difference.

We can get into the tax provisions. We used the definition the House did, but we do include tax-based earmarks or tariff-based earmarks. Again, in conference, we have the opportunity to work together and change it. But if we defeat this bill with misinformation right now and it doesn't go to conference as part of the mix, the public is going to know from day one that this idea of being open and transparent is just a scam. If we are going to do it, let's do it to all the earmarks, and then let's discuss what the best way is to do it.

Mrs. HUTCHISON. Would the Senator say that the earmarks that are covered in his amendment would include an earmark to a Federal agency as well as an earmark for a private university or some other private entity? Is that what he is saying, that he wanted to cover all the earmarks whether they are a specific earmark for a particular city and an agency such as the Corps of Engineers, a specific water project in a city? You just want that earmark to be known, who the sponsor is, just as if it were an earmark for funding for health research at a university; is that correct?

Mr. DEMINT. The Senator has it right. We are not saying whether earmarks are good or bad. We are not saying that we have some and not others. All we are saying is that earmarks are designated spending. Whether it be Federal, non-Federal, or report language, it should be disclosed in the same way. This chart shows the number of earmarks in the 2006 budget of 12,852. The Senate bill would apply to only 534 of those. So if we are going to have disclosure of earmarks—and that is up to the Senate to decide—if we are going to say we are going to have disclosure, I think we need to include the 12,318 that we don't want to tell people about. People will not believe we are transparent. I think that is what both sides of the aisle want. That is the only thing this amendment does; it doesn't limit earmarks. It doesn't change anything except it defines them in a way that is open and honest.

Mrs. HUTCHISON. I thank the Senator for the explanation. I think it is an excellent amendment. I thank him for bringing it to the floor.

Mr. REID. I couldn't hear the Senator. I am sorry. What did the Senator say?

Mr. DEMINT. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 38 TO AMENDMENT NO. 3

Mrs. FEINSTEIN. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. Yes, there is.

Mrs. FEINSTEIN. I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I send an amendment to the desk on behalf of the ranking member and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. BENNETT, proposes an amendment numbered 38 to amendment No. 3.

Mrs. FEINSTEIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit attendance of meetings with bona fide constituents)

At the appropriate place, insert the following:

SEC. . FREE ATTENDANCE AT A BONA FIDE CONSTITUENT EVENT.

(a) IN GENERAL.—Paragraph 1(c) of rule XXXV of the Senate Rules is amended by adding at the end the following:

"(24) Subject to the restrictions in subparagraph (a)(2), free attendance at a bona fide constituent event permitted pursuant to subparagraph (h).".

(b) IN GENERAL.—Paragraph 1 of rule XXXV of the Senate Rules is amended by adding at the end the following:

"(h)(1) A Member, officer or, employee may accept an offer of free attendance at a convention, conference, symposium, forum, panel discussion, dinner event, site visit, viewing, reception, or similar event, provided by a sponsor of the event, if—

"(A) the cost of any meal provided does not exceed $50;

"(B)(i) the event is sponsored by bona fide constituents of, or a group that consists primarily of bona fide constituents of, the Member (or the Member by whom the officer or employee is employed); and

"(ii) the event will be attended by a group of at least 5 bona fide constituents or individuals employed by bona fide constituents of the Member (or the Member by whom the officer or employee is employed) provided that an individual registered to lobby under the Federal Lobbying Disclosure Act shall not attend the event; and

"(C)(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) For purposes of this paragraph, the term 'free attendance' has the same meaning as in subparagraph (d).

"(4) The Select Committee on Ethics shall issue guidelines within 60 days after the enactment of this subparagraph on determining the definition of the term 'bona fide constituent'.".

Mrs. FEINSTEIN. Mr. President, this amendment on behalf of Senator BENNETT and myself speaks to a problem that we see with this bill. And that is when you meet with a very small group of people, say, 10 or less, bona fide constituents, no lobbyists present, and you have a sandwich or there is a lunch, somebody puts food in front of you, maybe you eat two bites of it, maybe you don't eat any of it, maybe you eat all of it—we all know we have been through that—you are illegal unless there is some provision that you can accept the lunch.

How many times have I gone to a speaking engagement, got involved, something is put in front of me. I don't touch it or maybe I touch it or maybe something is offered to me, maybe I eat one of it, maybe I eat two of it. It is hard to tell. With respect to these small, bona fide constituent events, one should be able to accept the meal, if one chooses, as long as the value of the meal is under $50. It seems to me that this is a reasonable amendment. The lobbyist is excluded, cannot be present. It is a bona fide constituent event. You can go to them at a Member's home. It can be a coffee. It can be a dinner. They happen all the time. I candidly see nothing wrong with it.

Sometimes you have events where people bring little amounts of food that are shared. To put a pricetag on all of this, to have to decide whether it is de minimis or not, whether it is equal to a baseball cap or a cup of coffee is extraordinarily difficult in the real world where we operate. That is the purpose of this amendment.

I yield to the ranking member.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the chairwoman for her consideration of this. As I pointed out in my opening statement when we got to consideration of this bill, virtually every American has an association with an entity that employs a lobbyist. If you go to the rotary club, there is a lobbyist for the rotary club here in Washington. If you go to the Girl Scouts, the Girl Scouts have a lobbyist in Washington. If you go to the PTA, they have a lobbyist here in Washington. A bill that says you can't accept anything from any institution or corporation or organization that has a lobbyist means that if the Girl Scouts come by and give you some cookies and you eat those cookies in the presence of the Girl Scouts who are there, you have violated the law. You have taken something, taken a gift from someone who is connected to an organization that employs a lobbyist. And the chairman heard what I had to say on this. We worked on it together. We have been working on it for the past couple of days and came up with a commonsense solution that removes the concern about this situation. I salute her and thank her for the way in which she has worked with me. We have something on which we both agree. We understand it is fairly widely accepted throughout the body. I am more than happy to act as a cosponsor to this amendment and hope the Senate will adopt it.

Mrs. FEINSTEIN. Mr. President, I misspoke. The way we have this drafted, it is at least 5—I think I said 10—it is at least 5 constituents. I hope that is not a problem for anyone.

I thank the ranking member. It has been a pleasure to work with him. I think we both feel similarly about this. This issue of what you accept at a meal is a difficult issue, dependent upon where you are and where you are located. I think this is fair, in view of the nature of events covering all States, low cost of living, rural and urban States. So it is at least five bona fide constituents—that is a member of the State, not a professional lobbyist, although a professional lobbyist can also be a constituent. For the purpose of this bill, they are excluded. I hope this will be agreed to. I know there are some Members who want to look at this. It is at the desk. I urge them to come down right away and look at it because we would like to voice vote it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 20 TO AMENDMENT NO. 3

Mr. BENNETT. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 20 be called up and that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 20 to amendment No. 3.

The amendment is as follows:

(Purpose: To strike a provision relating to paid efforts to stimulate grassroots lobbying)

Strike section 220 of the amendment (relating to disclosure of paid efforts to stimulate grassroots lobbying).

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 37 TO AMENDMENT NO. 3

Mr. THUNE. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 37 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 37 to amendment No. 3.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require any recipient of a Federal award to disclose all lobbying and political advocacy)

At the appropriate place, insert the following:

SEC. . DISCLOSURE OF POLITICAL ADVOCACY BY THE RECIPIENT OF ANY FEDERAL AWARD.

The Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282) is amended by adding at the end the following:

"SEC. 5. DISCLOSURE OF POLITICAL ADVOCACY BY THE RECIPIENT OF ANY FEDERAL AWARD.

"(a) IN GENERAL.—Not later than December 31 of each year, an entity that receives any Federal award shall provide to each Federal entity that awarded or administered its grant an annual report for the prior Federal fiscal year, certified by the entity's chief executive officer or equivalent person of authority, and setting forth—

"(1) the entity's name;

"(2) the entity's identification number; and

"(3)(A) a statement that the entity did not engage in political advocacy; or

"(B) a statement that the entity did engage in political advocacy, and setting forth for each award—

"(i) the award identification number;

"(ii) the amount or value of the award (including all administrative and overhead costs awarded);

"(iii) a brief description of the purpose or purposes for which the award was awarded;

"(iv) the identity of each Federal, State, and local government entity awarding or administering the award and program thereunder;

"(v) the name and entity identification number of each individual, entity, or organization to whom the entity made an award; and

"(vi) a brief description of the entity's political advocacy, and a good faith estimate of the entity's expenditures on political advocacy, including a list of any lobbyist registered under the Lobbying Disclosure Act of 1995, foreign agent, or employee of a lobbying firm or foreign agent employed by the entity to conduct such advocacy and amounts paid to each lobbyist or foreign agent.

"(b) OMB COORDINATION.—The Office of Management and Budget shall develop by regulation 1 standardized form for the annual report that shall be accepted by every Federal entity, and a uniform procedure by which each entity is assigned 1 permanent and unique entity identification number.

"(c) WEBSITE.—Any information received under this section shall be available on the website established under section 2(b).

"(d) DEFINITIONS.—In this section:

"(1) POLITICAL ADVOCACY.—The term 'political advocacy' includes—

"(A) carrying on propaganda, or otherwise attempting to influence legislation or agency action, including, but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

"(B) participating or intervening in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office, including but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

"(C) participating in any judicial litigation or agency proceeding (including as an amicus curiae) in which agents or instrumentalities of Federal, State, or local governments are parties, other than litigation in which the entity or award applicant—

"(i) is a defendant appearing in its own behalf;

"(ii) is defending its tax-exempt status; or

"(iii) is challenging a government decision or action directed specifically at the powers, rights, or duties of that entity or award applicant; and

"(D) allocating, disbursing, or contributing any funds or in-kind support to any individual, entity, or organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded 15 percent of its total expenditures for that Federal fiscal year.

"(2) ENTITY AND FEDERAL AWARD.—The terms 'entity' and 'Federal award' shall have the same meaning as in section 2(a).".

Mr. THUNE. Mr. President, I wish to speak briefly to this amendment before asking that it be set aside.

Currently, Federal grant recipients are generally prohibited from using their Federal grant funds to lobby Congress or to influence legislation or appropriations. Current law also generally prohibits 501(c)(4) civic leagues and social welfare organizations from all lobbying activities, even with their own funds, if they receive a Federal grant, loan or award. But these prohibitions do not prevent Federal grant recipients from lobbying or engaging in political advocacy. Most Federal grant recipients are free to use other parts of their budget, beyond their Federal grant, for lobbying or political advocacy. Even 501(c)(4) organizations whose prohibitions are more stringent can simply incorporate an affiliated organization to engage in lobbying activities or political advocacy.

While the appropriateness of Federal grant recipients engaging in any lobbying or political advocacy, even with their own funds, could be debated, the least we should ask these Federal grant recipients is that they disclose their lobbying and political advocacy activities. Federal grant recipients who are engaging in lobbying should register under the current public disclosure requirements for lobbyists. The public should also have a right to know if recipients of Federal grants are engaging in political advocacy and to what extent.

In the wake of last year's transparency legislation, information on Federal grants and their recipients will soon be on a publicly available and searchable database. This amendment builds on that concept by requiring Federal grant recipients to disclose any and all political advocacy activities. The amendment would also require a good-faith estimate of the grantee's expenditures on political advocacy.

This, in my view, is a fairly straightforward amendment that adds to the transparency of organizations that engage in political advocacy and lobbying and I think sheds further light on the whole process of getting involved in Federal issues by organizations that actually are receiving Federal funding. I believe that is something the American people would like to see happen.

The Transparency Act that was passed last year, as I said earlier, will bring about disclosure of those organizations. They will have to now disclose, those who receive Federal funds.

All this amendment does is take that a step further and say that those organizations that receive Federal funds need to disclose if they are engaging in a form of political advocacy and to what extent—in other words, how much money are they spending on those types of activities.

The definition of "political advocacy" in the amendment is pretty straightforward, but it has to do with:

(A) carrying on propaganda, or otherwise attempting to influence legislation or agency action, including, but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

(B) participating or intervening in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office, including but not limited to monetary or in-kind contributions, endorsements, publicity, or similar, activity;

(C) participating in any judicial litigation or agency proceeding (including as an amicus curiae) in which agents or instrumentalities of Federal, State, or local governments are parties, other than litigation in which the entity or award applicant—

(i) is defendant appearing in its own behalf;

(ii) is defending its tax-exempt status; or

iii) is challenging a government decision or action directed specifically at the powers, rights, or duties of that entity or award applicant. . . .

This is a fairly straightforward amendment. I am simply trying to shine additional light on this process. It is in line with the thinking behind this underlying bill; that is, bringing greater transparency, greater accountability to the process of lobbying and the whole exercise that we undertake around here and outside organizations undertake in trying to influence Federal legislation and Federal issues.

Mr. President, I yield the floor, and I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 40 TO AMENDMENT NO. 3

Mr. STEVENS. Mr. President, I ask that the pending amendment be set aside, and I have an amendment to offer.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 40 to amendment No. 3.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. I intend to explain it at a later date. There may be a technical change I have to make to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit a limited flight exception for necessary State travel)

On page 8, line 14, after "entity" insert "or by a Member of Congress, Member's spouse or an immediate family member of either".

On page 10, after line 5, insert the following:

(4) LIMITED FLIGHT EXCEPTION.—Paragraph 1 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(h) For purposes of subparagraph (c)(1) and rule XXXVIII, if there is not more than 1 regularly scheduled flight daily from a point in a Member's State to another point within that Member's State, the Select Committee on Ethics may provide a waiver to the requirements in subparagraph (c)(1) (except in those cases where regular air service is not available between 2 cities) if—

"(1) there is no appearance of or actual conflict of interest; and

"(2) the Member has the trip approved by the committee at a rate determined by the committee.

In determining rates under clause (2), the committee may consider Ethics Committee Interpretive Ruling 412.".

(5) DISCLOSURE.—

(A) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(g) A Member, officer, or employee of the Senate shall—

"(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

"(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.

This subparagraph shall apply to flights approved under paragraph 1(h).".

(B) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(i) by striking "and" at the end of paragraph (7);

(ii) by striking the period at the end of paragraph (8) and inserting "; and"; and

(iii) by adding at the end the following:

"(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

"(A) The date of the flight.

"(B) The destination of the flight.

"(C) The owner or lessee of the aircraft.

"(D) The purpose of the flight.

"(E) The persons on the flight, except for any person flying the aircraft.".

(C) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.".

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I stand to use this opportunity to again focus us on what I think is a very significant issue in this ongoing ethics and lobbyist debate, and that is the unfortunate practice, in my opinion, and the very clear and huge opportunity for abuse that exists when spouses of sitting Members, Senate or House, are lobbyists and act as lobbyists.

Now, the underlying bill and the underlying substitute, as we all know, have a prohibition on this issue, and it simply says in that case the spouse lobbyist can't directly lobby the Member he or she is married to, and that is good. I hope we all agree with that. I hope that is a no-brainer, an absolute minimum we would all agree to.

I have an amendment on which I look forward to voting in the very near future. It is amendment No. 9. That would broaden that in a way that I think is absolutely necessary. That would simply be a broadening to say that a spouse cannot lobby any Member of Congress, House or Senate. I think that is necessary if we are going to get real, if we are going to get serious in this ethics and lobbying debate, and if this bill is going to be a meaningful attempt to right grievous wrongs we have seen, including in the last couple of years.

The Presiding Officer came from the House of Representatives, as did I. Unfortunately, as we know, there have been these abuses. Really, the abuses fall into two categories; there are not just one but two real dangers we are talking about. One is that a lobbyist who is married to a sitting Member clearly has unusual access to other Members of Congress—forget about his or her spouse but to other Members. You can't tell me if a lobbyist is going in to see a Member and he happens to be married, say, to a female Member who is chair of a committee on which that other Member sits, that doesn't cross the other Member's mind. You can't tell me that is not part of the equation; that is not part of the backdrop on that lobbying relationship. Clearly, that spouse lobbyist is going to have extraordinary, unusual access to all Members, or many Members, not simply the Member to whom he or she is married.

Of course, there are all sorts of social occasions where we get together, as we should, as families, with spouses. So there is that very real issue. But there is a second very real issue which, in my opinion, is even more serious and more pernicious and that is the clear opportunity for moneyed interests, special interests, to write checks directly into the family bank account of a Member through the lobbyist spouse.

I wish I could stand here and say that this was a hypothetical. I wish I could stand here and say that this was a solution searching for a problem in the real world. I can't. This has happened. This does happen. There have been cases, including in the House, that have been in the press in the last year or two where this does happen, and spouses are making big salaries from interests that have very important matters before Congress and before the Member to whom that lobbyist spouse is married.

This is not theoretical. This is not a solution looking for a problem. This is real and this is real abuse. It is simply a bribe by another name because it is a conduit to send significant amounts of money to the family bank account—the same family bank account that the Member, of course, lives on and relies on and enjoys.

I think this is a very serious issue. Clearly, if we are bringing up a bill that is about two things, ethics and lobbying, you can't ignore this issue. This issue is right in the middle of it. It is all about lobbying. It is all about ethics. It is all about both of those things, that this whole debate is about.

Let me point out that in my amendment I do include an exception. I think it is a fair exception. I can make an argument to have no exceptions, and I was tempted to do that. I wanted to bend over backwards to be fair and meet any legitimate questions out there. There is an exception if the spouse lobbyist was a lobbyist a year or more before the marriage happened, and/or before the Member's first election to Congress happened. In that situation, I think what it would mean is that this spouse had a real, bona fide career and was doing this and built up that practice, way before the marriage relationship ever happened or the representation relationship—membership in the House or Senate—ever happened. I think that legitimately is a different situation than the others.

Again, I can make the argument for no exceptions. I can certainly understand the sentiment: get rid of that exception. But in an abundance of trying to meet reasonable questions, reasonable objections, I included that exception.

I urge all of my colleagues, Democrat and Republican, to take a hard look and then to vote for the amendment because this goes to the heart of what we are talking about. This has been a real abuse. It is subject to continuing abuse. If we do not address it, this exercise, frankly, is not going to have much credibility in the eyes of the American people. If we do not address it, we are not going to be doing enough to restore the confidence of the American people in this institution and the institution across the Rotunda, the House of Representatives.

This has to be at the center of our debate, and I look forward to continuing the debate. I will be happy to answer any objections or questions and continue that debate in the next day or two and look forward to a vote on this very central amendment. I will specifically talk to the majority leader about a vote. He has not responded yet. Certainly, I cannot imagine a reasonable, fair debate on this question of ethics and lobbying and yet we do not at least vote on this issue of spouses lobbying Congress. Of course, I hope we vote the right way and forbid it.

Mr. President, I look forward to the continuation of this discussion and the vote and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I announce that there will be no more rollcall votes tonight. However, I caution Members, there will be possibly two rollcall votes, certainly one, tomorrow morning. No more rollcall votes tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 38, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I ask that amendment No. 38 be the pending business.

The PRESIDING OFFICER. The amendment is now pending.

Mrs. FEINSTEIN. Mr. President, I have a modification at the desk, and I ask the amendment be modified.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 38), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. FREE ATTENDANCE AT A BONA FIDE CONSTITUENT EVENT.

(a) IN GENERAL.—Paragraph 1(c) of rule XXXV of the Senate Rules is amended by adding at the end the following:

"(24) Subject to the restrictions in subparagraph (a)(2), free attendance at a bona fide constituent event permitted pursuant to subparagraph (h).".

(b) IN GENERAL.—Paragraph 1 of rule XXXV of the Senate Rules is amended by adding at the end the following:

"(h)(1) A Member, officer, or employee may accept an offer of free attendance in the Member's home state at a convention, conference, symposium, forum, panel discussion, dinner event, site visit, viewing, reception, or similar event, provided by a sponsor of the event, if—

"(A) the cost of meals provided the Member officer or employee does not exceed $50;

"(B)(i) the event is sponsored by bona fide constituents of, or a group that consists primarily of bona fide constituents of, the Member (or the Member by whom the officer or employee is employed); and

"(ii) the event will be attended primarily by a group of at least 5 bona fide constituents of the Member (or the Member by whom the officer or employee is employed) provided that an individual registered to lobby under the Federal Lobbying Disclosure Act shall not attend the event; and

"(C)(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) For purposes of this paragraph, the term 'free attendance' has the same meaning as in subparagraph (d)."

Mrs. FEINSTEIN. Mr. President, I believe both sides are in agreement with the modification.

We are prepared to voice vote the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 38), as modified, was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. Mr. President, I wish to clarify that this exception applies only when there are at least five constituents attending the event with a Member and at least half of the group in attendance are constituents.

Thank you very much.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 42 TO AMENDMENT NO. 3

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk on behalf of Senator ROCKEFELLER and Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from California [Mrs. FEINSTEIN], for herself and Mr. ROCKEFELLER, proposes an amendment numbered 42 to amendment No. 3.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark)
>
> On page 7, after line 6, insert the following:
>
> "4. It shall not be in order to consider any bill, resolution, or conference report that contains an earmark included in any classified portion of a report accompanying the measure unless the bill, resolution, or conference report includes, in unclassified language to the greatest extent possible, a general program description, funding level, and the name of the sponsor of that earmark.".

Mrs. FEINSTEIN. Mr. President, a brief explanation, and then I wish to set aside the amendment. But essentially what this amendment does is very simple. It relates to classified earmarks and simply says:

> It shall not be in order to consider any bill, resolution, or conference report that contains an earmark included in any classified portion of a report accompanying.the measure unless the bill, resolution, or conference report includes, in unclassified language, to the greatest extent possible, a general program description, funding level, and the name of the sponsor of that earmark.

Mr. President, I ask unanimous consent that this amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, yesterday evening I voted to table an amendment that would have prohibited authorized committees and leadership PACs from employing the spouse or immediate family members of any candidate or Federal officeholder connected to the committee. I appreciate the concerns raised by Senator VITTER regarding allegations of abuse in this area, and believe action should be taken when the Senate Rules Committee undertakes comprehensive campaign finance reform later this year. I look forward to working with Chairwoman FEINSTEIN and the rest of my colleagues at that time to deal with the concerns raised by Senator VITTER.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

CORPORAL JASON DUNHAM

Mrs. CLINTON. Mr. President, I rise today to recognize the honorable and heroic actions demonstrated by the late Marine Cpl Jason Dunham of Scio, NY.

Today, the President of the United States presented the Medal of Honor, the Nation's highest decoration for combat heroism, to the family of Cpl Jason Dunham during a ceremony in the White House.

Cpl Jason Dunham was 22 years old in mid-April of 2004 and serving in Husaybah, Iraq. An Iraqi terrorist attacked Dunham, and Dunham selflessly acted to shield his squad members from a hand grenade blast. The blast severely wounded Dunham and he was flown to Bethesda Naval Hospital outside of Washington, DC where he died April 22, 2004.

Corporal Dunham is the first marine to earn the Medal of Honor in more than 30 years and one of only two U.S. service members to be awarded the medal since the wars in Afghanistan and Iraq began.

Corporal Dunham's actions in Iraq were truly humbling and worthy of the greatest honor. This medal is a fitting tribute to a true hero who made the ultimate sacrifice on behalf of his Nation and the marines with whom he proudly served.

I was honored to have sponsored the legislation last year to designate the U.S. Postal Service facility located at 4422 West Sciota Street in Scio, NY, as the "Corporal Jason L. Dunham Post Office".

Today, as their son is honored as the incredible hero that he was, I send my thoughts and prayers to Corporal Dunham's family and to all the brave men and women of our Armed Forces.

AGJOBS

Mr. CRAIG. Mr. President, the last Congress worked long and hard to resolve one of the most contentious issues of our time: immigration. As many of our colleagues know, while a number of border enforcement measures were enacted, we did not complete all the critical elements of a comprehensive strategy on immigration reform.

Yesterday, I joined with Senators FEINSTEIN, KENNEDY, MARTINEZ, VOINOVICH, and BOXER in reintroducing legislation to address a very important piece of that unfinished business: the establishment of a workable, secure, effective temporary worker program to match willing foreign workers with jobs that Americans are unwilling or unable to perform.

Our legislation is specific to U.S. agriculture because this economic sector, more than any other, has become dependent for its existence on the labor of immigrants who are here without legal documentation. The only program currently in place to respond to a lack of legal domestic agricultural workers, the H-2A guest worker program, is profoundly broken. Outside of H-2A, farm employers have no effective, reliable assurance that their employees are legal.

The bill we reintroduced is called AgJOBS—the Agricultural Job Opportunity, Benefits, and Security Act. This bill was part of the comprehensive immigration legislation passed last year by the Senate. Today's version incorporates a few language changes that update, but do not substantively amend, that measure.

We are reintroducing AgJOBS to fix the serious flaws that plague our country's current agricultural labor system. Agriculture has unique workforce needs because of the special nature of its products and production, and our bill addresses those needs.

Our bill offers a thoughtful, thorough, two-step solution. On a one-time basis, experienced, trusted workers with a significant work history in American agriculture would be allowed to stay here legally and earn adjustment to legal status. For workers and growers using the H-2A legal guest worker program, that program would be overhauled and made more streamlined, practical, and secure.

This legislation has been tested and examined for years in the Senate and House of Representatives, and it remains the best alternative for resolving urgent problems in our agriculture that require immediate attention. That is why AgJOBS has been endorsed by a historic, broad-based coalition of more than 400 national, State, and local organizations, including farmworkers, growers, the general business community, Latino and immigration issue groups, taxpayer groups, other public interest organizations, State directors of agriculture, and religious groups.

We all want and need a stable, predictable, legal workforce in American agriculture. Willing American workers deserve a system that puts them first in line for available jobs with fair market wages. All workers should receive decent treatment and protection of fundamental legal rights. Consumers deserve a safe, stable, domestic food supply. American citizens and taxpayers deserve secure borders and a government that works.

AgJOBS would serve all these goals. Last year, we saw millions of dollars' worth of produce rot in the fields for lack of workers. We are beginning to hear talk of farms moving out of the country, moving to the foreign workforce. All Americans face the danger of losing more and more of our safe, domestic food supply to imports.

Time is running out for American agriculture, farmworkers, and consumers. What was a problem years ago is a crisis today and will be a catastrophe if we do not act immediately. I urge my colleagues to demonstrate their support for U.S. agriculture by cosponsoring the Agricultural Job Opportunity, Benefits, and Security Act—AgJOBS 2007—and by helping us pass this critical legislation as soon as possible.

RETIREMENT OF COLONEL JYUJI D. HEWITT

Ms. SNOWE. Mr. President, I rise today to honor a Maine native and member of the U.S. Army who has served our country for nearly 30 years with both honor and distinction. On this day of his retirement, COL Jyuji D. Hewitt will leave his post as Chief of Staff of the U.S. Army Joint Munitions Command, where he has worked steadfastly to ensure that our military services maintain the logistics and resources necessary to complete their missions and protect our country from the gravest of threats.

Known by his fellow comrades as a man of candor and respect, Colonel Hewitt has amassed an impressive list of accolades and accomplishments throughout his career, which has taken him all over the world, to Germany, Korea, and Japan. However, his journey began in his home State: at the University of Maine-Orono. Shortly after graduating in 1978 with a bachelor of science in chemistry, Colonel Hewitt earned his commission as an officer through the ROTC Program. He then went on to earn a master's degree in systems management from the Florida Institute of Technology, a master of sciences in physics from the University of New Hampshire, and a master's degree in strategic studies from the U.S. Army College.

Following his education, Colonel Hewitt went on to fully utilize his expansive knowledge of science and military affairs by serving overseas as a nuclear policy officer, as well as program manager of the Defense Special Weapons Agency and Army Material Command liaison officer. Those whom he worked with appreciated his stringent managerial style, which often reflected both his personality and his acute understanding of business management.

Balancing his time as a husband and father of two, Colonel Hewitt returned to the United States where among other leadership assignments, he served as a school instructor and team leader at the U.S. Army Ordnance Missile and Munitions School at Redstone Arsenal, AL. After joining the Joint Munitions Command as a commander of installations in Oklahoma and Iowa, Colonel Hewitt's ascension through the military ranks culminated in September 2005, with his promotion as Chief of Staff, a position of great responsibility to the welfare and security of our country.

Colonel Hewitt's military awards and decorations are numerous, for they include the Defense Meritorious Service Medal, the Army Meritorious Service Medal with three Oak Leaf Clusters, the Joint Service Commendation Medal, the Army Commendation Medal with Oak Leaf Cluster, and the Army Achievement Medal with Oak Leaf Cluster.

Today, as he retires from the armed services, Colonel Hewitt deserves the highest of praise for his endless contributions to the military and the United States of America. His dedication and service is not only an asset to our Nation but serves as an inspiration to all Americans who know the price of freedom. Our Nation owes him a tremendous amount of gratitude, and I extend Colonel Hewitt my personal thank you for his service.

ADDITIONAL STATEMENTS

RECOGNITION OF ANN R. TRZUSKOWSKI

• Mr. BIDEN. Mr. President, today I wish to briefly honor a friend of mine of many years who recently reached a milestone in her golf game that many of us strive a lifetime for without success. Ann F. Trzuskowski celebrated the Thanksgiving weekend by achieving something that neither her husband Fran nor I ever have: a hole in one. The lucky club was a 7 wood, striking the ball the perfect 93 yards into the eighth hole of Ford's Colony Williamsburg's Marsh Hawk Course. Golf is the sort of game that draws you in with promises of grace and then torments you with its difficulty. I congratulate my friend on defying the golf gods with a single shot.•

IN MEMORIAM: NORMAN LIVERMORE, JR.

• Mrs. BOXER. Mr. President, today I offer a few words in observance of the passing of Norman Livermore, Jr., a man who dedicated his life to the preservation of beauty in the natural world and left us a magnificent legacy of protected natural resources throughout the State of California.

I extend my deepest sympathy and most sincere condolences to Mr. Livermore's family, especially his wife, Virginia Livermore, and their five children. My thoughts and prayers go out to them as they struggle with the death of a man they loved dearly.

Norman B. "Ike" Livermore, Jr. was a successful businessman with a profound appreciation for his surroundings and a passion for environmental advocacy. The son of an engineer and an environmental activist, he learned at an early age to infuse a respect for the bottom-line with a deeply held reverence for the sanctity of nature. Throughout his life, Mr. Livermore would use this remarkable ability to form an environmentally conscious vision of the future that appealed to Californians of all ideological persuasions.

As a youth, Mr. Livermore spent countless hours exploring the Sierra Nevada, beginning a love affair with the mountains that would guide him along his path in life. Strong and athletic, at age 15 he rode 200 miles on horseback and climbed the Grand Teton in tennis shoes. Mr. Livermore would continue to display a robust vigor and zeal for life in early adulthood, representing our nation as a baseball player in the 1936 Olympics and serving with great distinction and honor in the U.S. Navy during World War II.

Before and after the war, Mr. Livermore operated an outfitting business that took people into the Sierra. He ran the business for 20 years, during which time he crossed all 50 Sierra passes over 10,000 feet. Mr. Livermore's outstanding business sense and intimate knowledge of the Sierra and the northern woods of California made him a valuable asset to a wide array of groups seeking to shape the future of the state. He was an active member of the Sierra Club starting in the 1930s and later, in the 1950s and 1960s, he served as treasurer of the Pacific Lumber Company.

With self-effacing modesty, he once referred to himself as a living contradiction, but it was evident for everyone to see that all Mr. Livermore's actions were firmly rooted in a commitment to preserving the environment he encountered in his youth. His capacity to understand and engage the concerns of the industrialist and the environmentalist is what enabled him to be one of the most effective conservationists in California history. Recognizing Mr. Livermore's extraordinary ability and the high regard in which he was universally held, Governor Ronald Reagan tapped him to serve as Secretary for Resources in 1967.

While serving on Governor Reagan's Cabinet, Mr. Livermore played an indispensable role preserving the state we know and love today. California is filled with testaments to his incredible achievement. The Redwood National Park is a product of Mr. Livermore's efforts to protect the forest and the jobs of lumberjacks by arranging an exchange of federally owned land for private plots that included the most magnificent old growth trees.

With similar resolve and resourcefulness, Mr. Livermore successfully led the campaign to preserve the Eel River. The Army Corps of Engineers and the state Department of Water Resources were supporting the construction of the Dos Rios Dam on the middle fork of the Eel River in an effort to minimize the risk of flooding to areas downstream. The proposed dam would have flooded the Round Valley, home to the Yuki, a Native American Tribe that had lived in the valley for 9,000 years. Arguing that the dam would have traded "permanent destruction" for "occasional protection", Mr. Livermore fought vigorously against the proposal and arranged a meeting between Governor Reagan and members of the Yuki tribe. The meeting had such a profound impact on the governor that he withdrew his support for the project, saving the Round Valley and preserving the natural state of the middle fork of the Eel River.

Mr. Livermore combined well-reasoned arguments with emotionally compelling appeals to win the hearts and minds of those inside and outside the conservation movement. He recognized that we all care deeply about that which we are familiar and that effective advocacy depends on one's ability to draw connections between experiences. He is known by many as "Reagan's environmental conscience", but his impact on our State is not confined to the policy of one administration. Mr. Livermore's legacy is in the beauty of our state and the joy and inspiration it invokes in 37 million Californians.•

IN RECOGNITION OF THE OUTLAND TROPHY

• Mr. NELSON of Nebraska. Mr. President, today I wish to recognize the Greater Omaha Sports Committee, the Omaha World-Herald, and the Downtown Omaha Rotary, which tonight will continue a long-running tradition in honoring college football's top interior lineman.

The Outland Trophy has been awarded every year since 1946 by the Football Writers Association of America. It is named after John Outland, who was an All-American tackle at the University of Pennsylvania in 1897. Mr. Outland created the award in 1946 because he believed his fellow linemen deserved more recognition for their contributions. Indeed, the game of football is often won in the trenches, with the most physically dominating linemen deciding the game's outcome.

From 1946 to 1989, Outland winners received only a plaque, and there was no public ceremony to honor their remarkable achievements. That has since changed, thanks to the dedication of football supporters in Omaha, NE, who not only prepared an impressive trophy presentation but began an annual banquet and public award ceremony.

It is only fitting that the Outland Trophy is awarded in Nebraska, as the University of Nebraska Cornhuskers lead the Nation with seven Outland Trophy winners, while three other Huskers have been named runners up.

This year, we congratulate Wisconsin offensive tackle Joe Thomas, who at 6 feet, 8 inches, 315 pounds, becomes the first Badger to earn the honor. Mr. Thomas led the Badgers' offense to average 30.3 points per game as the team compiled a 12-to-1 record. Congratulations as well to Bill Fischer, the 1948 Outland Trophy winner at offensive guard for the University of Notre Dame and a member of the national championship-winning Fighting Irish teams of 1946 and 1947. Mr. Fisher will receive an authentic Outland Trophy to replace his plaque in a long-overdue award ceremony.

Tonight the State of Nebraska is honored to welcome these men, together with other past winners, in what is sure to be another prestigious evening for the giants of college football. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

The message also announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. TANNER of Tennessee, Chairman.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2. An act to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 11, 2007, she had presented to the President of the United States the following enrolled bill:

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–257. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Beauveria Bassiana HF23; Exemption from the Requirement of a Tolerance" (FRL No. 8108-4) received on January 10, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–258. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Remove Portions of Los Angeles, San Bernardino, and Santa Clara Counties, CA, From the List of Quarantined Areas" (Docket No. APHIS–2005–0116) received on January 10, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–259. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to agreements made under the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC–260. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a review of the Assembled Chemical Weapons Alternatives Program; to the Committee on Armed Services.

EC–261. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Kenya; to the Committee on Banking, Housing, and Urban Affairs.

EC–262. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to the national emergency declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–263. A communication from the Assistant to the Board, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act" (Docket No. R–1273) received on January 10, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–264. A communication from the Assistant to the Board, Legal Division, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Management Official Interlocks" (Docket No. R–1272) received on January 10, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–265. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Secretary of the Army's recommendation of a flood damage reduction project for the town of Bloomsburg, Columbia County, Pennsylvania; to the Committee on Environment and Public Works.

EC–266. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a report relative to a document on an Agency assessment of coastal health; to the Committee on Environment and Public Works.

EC–267. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Identification of the Northern Virginia PM2.5 Nonattainment Area" (FRL No. 8266–1) received on January 10, 2007; to the Committee on Environment and Public Works.

EC–268. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Plans for Designated Facilities; New Jersey; Delegation of Authority" (FRL No. 8268–9) received on January 10, 2007; to the Committee on Environment and Public Works.

EC–269. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds from Medical Device Manufacturing" (FRL No. 8267–7) received on January 10, 2007; to the Committee on Environment and Public Works.

EC–270. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of the Allen County 8-Hour Ozone Nonattainment Area to Attainment" (FRL No. 8267–9) received on January 10, 2007; to the Committee on Environment and Public Works.

EC–271. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District and Ventura County Air Pollution Control District" (FRL No. 8261–3) received on January 10, 2007; to the Committee on Environment and Public Works.

EC–272. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "January–March 2007 Section 42 Bond Factor Amounts" (Rev. Rul. 2007–5) received on January 10, 2007; to the Committee on Finance.

EC–273. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of the Substantial Assistance Rules" (Notice 2007–13) received on January 10, 2007; to the Committee on Finance.

EC–274. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Amended Returns" ((RIN1545–BD40)(TD 9309)) received on January 10, 2007; to the Committee on Finance.

EC–275. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–502, "Crispus Attucks Park Indemnification Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–276. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–482, "Omnibus Public Safety Amendment Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–277. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–523, "Digital Inclusion Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–278. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–507, "Neighborhood Investment Amendment Temporary Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–279. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–506, "Deed Transfer and Recordation Clarification Temporary Amendment Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–280. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–505, "Uniform Disclaimers of Property Interests Revision Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–281. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–508, "July Local Supplemental Other Type Appropriations Approval Temporary Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–282. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–509, "Anti-Tagging and Anti-Vandalism Amendment Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–283. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–504, "Domestic Violence Amendment Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–284. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–503, "District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–285. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–475, "Technical Amendments Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–286. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–474, "Emerging Technology Opportunity Development Task Force Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–287. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–473, "Targeted Historic Preservation Assistance Amendment Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–288. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–437, "People First Respectful Language Conforming Amendment Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–289. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–492, "Library Procurement Amendment Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–290. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–489, "Metro Bus Funding Requirement Temporary Amendment Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–291. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–488, "Anti-Drunk Driving Clarification Amendment Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–292. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–486, "Health-Care Decisions for Persons with Developmental Disabilities Temporary Amendment Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–293. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–485, "Child and Family Services Grant-making Temporary Amendment Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–294. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–476, "Fiscal Year 2007 Budget Support Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–295. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–496, "Square 2910 Residential Development Stimulus Temporary Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–296. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–495, "Wisconsin Avenue Bridge Project and Noise Control Temporary Amendment Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–297. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–494, "Separation Pay, Term of Office and Voluntary Retirement Modifications for Chief of Police Charles H. Ramsey Amendment Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–298. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–493, "Health Insurance Coverage for Habilitative Services for Children Act of 2006" received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–299. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–300. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period of April 1, 2006 to September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–301. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semiannual Report for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–302. A communication from the Chair of the Board of Directors, Office of Compliance, transmitting, pursuant to law, a report required by Section 102(b)(2) of the Congressional Accountability Act of 1995; referred jointly to the Committees on Rules and Administration and Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. GRAHAM, Mr. BIDEN, and Mr. ALEXANDER):

S. 256. A bill to harmonize rate setting standards for copyright licenses under section 112 and 114 of title 17, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mrs. MURRAY, Mr. WYDEN, and Ms. CANTWELL):

S. 257. A bill to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. 258. A bill to clarify provisions relating to statutory copyright licenses for satellite carriers; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. BYRD, Mr. REID, Mr. STEVENS, Mr. KENNEDY, Mr. COCHRAN, Mr. BIDEN, Mrs. CLINTON, Mr. DOMENICI, Mr. DORGAN, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Ms. MURKOWSKI, Mr. NELSON of Nebraska, Mr. REED, Mr. ROCKEFELLER, Mr. SPECTER, and Mrs. DOLE):

S. 259. A bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 260. A bill to establish the Fort Stanton-Snowy River Cave National Conservation Area; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mr. ENSIGN, Mr. SPECTER, Mr. DURBIN, Mr. ALLARD, Mr. VITTER, Mr. LEVIN, Ms. COLLINS, Mr. KYL, and Mrs. FEINSTEIN):

S. 261. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 262. A bill to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources .

By Mr. SMITH (for himself and Mr. WYDEN):

S. 263. A bill to amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 264. A bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 265. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 266. A bill to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. REID, Mr. FEINGOLD, Mrs. FEINSTEIN, Mrs. BOXER, Mr. BAUCUS, Mrs. MURRAY, and Ms. CANTWELL):

S. 267. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. CRAIG, Mr. WYDEN, and Mrs. MURRAY):

S. 268. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. LOTT, Mr. ISAKSON, Mr. CHAMBLISS, and Ms. COLLINS):

S. 269. A bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses; to the Committee on Finance.

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 270. A bill to permit startup partnerships and S corporations to elect taxable years other than required years; to the Committee on Finance.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mrs. HUTCHISON, and Mr. KERRY):

S. 271. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain improvements to retail space; to the Committee on Finance.

By Mr. COLEMAN:

S. 272. A bill to amend Public Law 87–383 to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetland and other waterfowl habitat essential to the preservation of migratory waterfowl, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S. 273. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for Medicare prescription drugs; to the Committee on Finance.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LEAHY, Mr. VOINOVICH, Mr. CARPER, Mr. DURBIN, Mr. PRYOR, and Mr. LAUTENBERG):

S. 274. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 275. A bill to establish the Prehistoric Trackways National Monument in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 276. A bill to strengthen the consequences of the fraudulent use of United States or foreign passports and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY:

S. Res. 23. A resolution designating the week of February 5 through February 9, 2007, as "National School Counseling Week"; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Ms. COLLINS):.

S. Res. 24. A resolution designating January 2007 as "National Stalking Awareness Month"; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. Res. 25. A resolution congratulating the University of Florida football team for winning the 2006 National Collegiate Athletic Association Division I Football Championship; considered and agreed to.

By Mrs. DOLE (for herself and Mr. BURR):

S. Res. 26. A resolution commending the Appalachian State University football team for winning the 2006 National Collegiate Athletic Association Division I–AA Football Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 3

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

S. 4

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

S. 5

At the request of Mr. BROWN, his name was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 6

At the request of Mr. BROWN, his name was added as a cosponsor of S. 6, a bill to enhance the security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

S. 7

At the request of Mr. BROWN, his name was added as a cosponsor of S. 7, a bill to amend title IV of the Higher Education Act of 1965 and other laws and provisions and urge Congress to make college more affordable through increased Federal Pell Grants and providing more favorable student loans and other benefits, and for other purposes.

S. 8

At the request of Mr. BROWN, his name was added as a cosponsor of S. 8, a bill to restore and enhance the capabilities of the Armed Forces, to enhance the readiness of the Armed Forces, to support the men and women of the Armed Forces, and for other purposes.

S. 10

At the request of Mr. BROWN, his name was added as a cosponsor of S. 10, a bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

At the request of Mr. CONRAD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 10, supra.

S. 21

At the request of Mr. REID, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 119

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 119, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

S. 154

At the request of Mr. BUNNING, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 154, a bill to promote coal-to-liquid fuel activities.

S. 155

At the request of Mr. BUNNING, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 155, a bill to promote coal-to-liquid fuel activities.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 237

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. OBAMA) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 237, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 243

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 243, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 244

At the request of Mr. GREGG, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 244, a bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

AMENDMENT NO. 20

At the request of Mr. KYL, his name was added as a cosponsor of amendment No. 20 proposed to S. 1, a bill to provide greater transparency in the legislative process.

At the request of Mr. BENNETT, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 20 proposed to S. 1, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. GRAHAM, Mr. BIDEN, and Mr. ALEXANDER):

S. 256. A bill to harmonize rate setting standards for copyright licenses under section 112 and 114 of title 17, United States Code, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Platform Equality and Remedies for Rights-holders in Music Act along with Senators GRAHAM, BIDEN, and ALEXANDER.

The need to protect creative works has been an important principle recognized in our country since the time when our Constitution was first drafted.

However, the founding fathers could not have predicted the path innovation would eventually lead us down, nor the amazing new technologies that we now take for granted.

While many of us still enjoy traditional radio, this too is rapidly changing.

Recently, radio stations have begun advertising for a national campaign to switch to High Definition, or HD, radio. This new platform is changing the way music is transmitted and, according to its promoters, "radio has never sounded better."

In addition, we can now have music radio programs provided not just in our cars, or on traditional home stereos, but radio programs have expanded to be available through Internet, cable, and satellite music stations.

And radio services are looking to use the new digital transmissions and new technologies to change how music is delivered so that the audience can not only listen but also record, manipulate, collect and create individual music play lists.

Thus, what was once a passive listening experience has turned into a forum where consumers can create their own personalized music libraries.

As the modes of distribution change and the technologies change, so must our laws change.

The government granted a compulsory license for radio-like services by Internet, cable, and satellite providers in order to encourage competition and the creation of new products.

However, as new innovations alter these services from a performance to a distribution, the law must respond.

In addition, as the changing technology evolves the distinctions between the services become less and less, and the differences in how they are treated under the statutory license make less and less sense.

Therefore, I am introducing a bill that will begin to fix the inequities currently in the statute and open the door to further debate about additional issues that need to be addressed.

First, the bill I am introducing today, the PERFORM Act, would create rate parity. All companies covered by the government license created in section 114 of title 17 would be required to pay a "fair market value" for use of music libraries rather than having different rate standards apply based on what medium is being used to transmit the music.

The bill would also establish content protection. All companies would be required to use reasonably available, technologically feasible, and economically reasonable means to prevent music theft. In addition, a company may not provide a recording device to a customer that would allow him or her to create their own personalized music library that can be manipulated and maintained without paying a reproduction royalty.

This does not mean such devices cannot be made or distributed. It simply means that the business must negotiate the payment for the music outside of the statutory license.

The bill also contains language to make sure that consumers' current recording habits are not inhibited. Therefore, any recording the consumer chooses to do manually will still be allowed.

In addition, if the device allows the consumer to manipulate music by program, channel, or time period that would still be permitted under the statutory license.

For example, if a listener chooses to automatically record a news station every morning at 9:00 a.m.; a jazz station every afternoon at 2:00 p.m., a blues station every Friday at 3:00 p.m., and a talk radio show every Saturday at 4:00 p.m., that would be allowable. In addition, that listener could then use their recording device to move these programs so that each program of the same genre would be back to back.

What a listener cannot do is set a recording device to find all the Frank Sinatra songs being played on the radio-service and only record those songs. By making these distinctions this bill supports new business models and technologies without harming the songwriters and performers in the process.

Unfortunately, this bill was unable to move last Congress primarily because of misinformation about what the bill does and does not do.

However, there were also some questions that were raised, not about problems with the bill, but about ways to expand its reach. For example, currently the bill does not apply to traditional radio distributed by the broadcasters. This legislation only covers businesses that are under the section 114 license: Internet, cable, and satellite. Yet, some of my Republican colleagues argued that the bill should apply the same recording limitations to over-the-air broadcasters as are applied to Internet, cable, and satellite. While this change has not been made in the version of the bill I am introducing today, I believe it is an issue we should look at in the 110th Congress.

Also, the bill as introduced does not address the other conditions applied to Internet, cable, and satellite services in order for them to get the benefit of the statutory license. The one that I am most concerned with is interactivity.

I think there is real confusion about what is and what is not allowed under the current statute: how much personalization and customization may these new services offer?

Currently, licensing rates are higher for interactive services. However, there are clear disagreements as to what constitutes an "interactive" service. I tried to have the parties meet to negotiate a solution to this issue so that we could include new language in this bill; however, the parties were so far apart that a solution could not be reached.

Despite this, I still believe this is an important issue that must be addressed. As introduced, the bill calls for the Copyright Office to make recommendations to Congress, but I am hopeful that through the process of moving this bill through the Senate we can develop a solution sooner rather than rely on a study.

Finally, some have raised concerns that applying content protection to all providers is unfair. They argue that if there is no connection between the distributor of the music and the technology provider that allows for copying and manipulating of performances then they should not be required to protect the music that they broadcast. In general, I do not agree. We know that there are websites out there now that provide so-called stream-ripping services that allow an individual to steal music off an Internet webcast.

It is not enough to turn a blind eye to this type of piracy and do nothing simply because there is no formal connection between the businesses. At the same time, I am sympathetic to the concerns that if the type of technology a company uses is inadequate or ineffective, through no fault of their own, they should not be saddled with huge mandatory penalties.

I am interested in looking at this issue more closely to see if there is some way to address this concern and find a compromise solution.

To be clear, I see this as the beginning of the process. I think this legislation is a good step forward in addressing a real problem that is occurring in the music industry. Changes or additions may be necessary as the bill moves forward, but I believe to wait and do nothing does a disservice to all involved.

Music is an invaluable part of all of our lives. The new technologies and changing delivery systems provide exciting new options for all consumers. As we continue to move forward into new frontiers we must ensure that our laws can stand the test of time.

I look forward to working with my colleagues to pass this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Platform Equality and Remedies for Rights Holders in Music Act of 2007" or the "Perform Act of 2007".

SEC. 2. RATE SETTING STANDARDS.

(a) SECTION 112 LICENSES.—Section 112(e)(4) of title 17, United States Code, is amended in the third sentence by striking "fees that would have been negotiated in the marketplace between a willing buyer and a willing seller" and inserting "the fair market value of the rights licensed under this subsection".

(b) SECTION 114 LICENSES.—Section 114(f) of title 17, United States Code, is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(3) in paragraph (1) (as redesignated under this subsection)—

(A) in subparagraph (A), by striking all after "Proceedings" and inserting "under chapter 8 shall determine reasonable rates and terms of royalty payments for transmissions during 5-year periods beginning on January 1 of the second year following the year in which the proceedings are to be commenced, except where a different transitional period is provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period as the parties may agree.";

(B) in subparagraph (B)—

(i) in the first sentence, by striking "affected by this paragraph" and inserting "under this section";

(ii) in the second sentence, by striking "eligible nonsubscription transmission"; and

(iii) in the third sentence—

(I) by striking "eligible nonsubscription services and new subscription"; and

(II) by striking "rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller" and inserting "the fair market value of the rights licensed under this section";

(iv) in the fourth sentence, by striking "base its" and inserting "base their";

(v) in clause (i), by striking "and" after the semicolon;

(vi) in clause (ii), by striking the period and inserting "; and";

(vii) by inserting after clause (ii) the following:

"(iii) the degree to which reasonable recording affects the potential market for sound recordings, and the additional fees that are required to be paid by services for compensation."; and

(viii) in the matter following clause (ii), by striking "described in subparagraph (A)"; and

(C) by striking subparagraph (C) and inserting the following:

"(C) The procedures under subparagraphs (A) and (B) shall also be initiated pursuant to a petition filed by any copyright owners of sound recordings or any transmitting entity indicating that a new type of service on which sound recordings are performed is or is about to become operational, for the purpose of determining reasonable terms and rates of royalty payments with respect to such new type of service for the period beginning with the inception of such new type of service and ending on the date on which the royalty rates and terms for preexisting subscription digital audio transmission services, eligible nonsubscription services, or new subscription services, as the case may be, most recently determined under subparagraph (A) or (B) and chapter 8 expire, or such other period as the parties may agree.".

(c) CONTENT PROTECTION.—Section 114(d)(2) of title 17, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by striking "and" after the semicolon;

(B) in clause (iii), by adding "and" after the semicolon; and

(C) by adding after clause (iii) the following:

"(iv) the transmitting entity takes no affirmative steps to authorize, enable, cause or induce the making of a copy or phonorecord by or for the transmission recipient and uses technology that is reasonably available, technologically feasible, and economically reasonable to prevent the making of copies or phonorecords embodying the transmission in whole or in part, except for reasonable recording as defined in this subsection;";

(2) in subparagraph (C)—

(A) by striking clause (vi); and

(B) by redesignating clauses (vii) through (ix) as clauses (vi) through (viii), respectively; and

(3) by adding at the end the following:

"For purposes of subparagraph (A)(iv), the mere offering of a transmission and accompanying metadata does not in itself authorize, enable, cause, or induce the making of a phonorecord. Nothing shall preclude or prevent a performing rights society or a mechanical rights organization, or any entity owned in whole or in part by, or acting on behalf of, such organizations or entities, from monitoring public performances or other uses of copyrighted works contained in such transmissions. Any such organization or entity shall be granted a license on either a gratuitous basis or for a de minimus fee to cover only the reasonable costs to the licensor of providing the license, and on reasonable, nondiscriminatory terms, to access and retransmit as necessary any content contained in such transmissions protected by content protection or similar technologies, if such licenses are for purposes of carrying out the activities of such organizations or entities in monitoring the public performance or other uses of copyrighted works, and such organizations or entities employ reasonable methods to protect any such content accessed from further distribution.".

(d) DEFINITION.—Section 114(j) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (10) through (15) as paragraphs (11) through (16), respectively; and

(2) by inserting after paragraph (9) the following:

"(10)(A) A 'reasonable recording' means the making of a phonorecord embodying all or part of a performance licensed under this section for private, noncommercial use where technological measures used by the transmitting entity, and which are incorporated into a recording device—

"(i) permit automated recording or playback based on specific programs, time periods, or channels as selected by or for the user;

"(ii) do not permit automated recording or playback based on specific sound recordings, albums, or artists;

"(iii) do not permit the separation of component segments of the copyrighted material contained in the transmission program which results in the playback of a manipulated sequence; and

"(iv) do not permit the redistribution, retransmission or other exporting of a phonorecord embodying all or part of a performance licensed under this section from the device by digital outputs or removable media, unless the destination device is part of a secure in-home network that also complies with each of the requirements prescribed in this paragraph.

"(B) Nothing in this paragraph shall prevent a consumer from engaging in non-automated manual recording and playback in a manner that is not an infringement of copyright.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 114.—Section 114(f) of title 17, United States Code (as amended by subsection (b) of this section), is further amended—

(A) in paragraph (1)(B), in the first sentence, by striking "paragraph (3)" and inserting "paragraph (2)"; and

(B) in paragraph (4)(C), by striking "under paragraph (4)" and inserting "under paragraph (3)".

(2) SECTION 804.—Section 804(b)(3)(C) of title 17, United States Code, is amended—

(A) in clause (i), by striking "and 114(f)(2)(C)"; and

(B) in clause (iv), by striking "or 114(f)(2)(C), as the case may be".

SEC. 3. REGISTER OF COPYRIGHTS MEETING AND REPORT.

(a) MEETING.—Not later than 90 days after the date of enactment of this Act, the Register of Copyrights shall convene a meeting among affected parties to discuss whether to recommend creating a new category of limited interactive services, including an appropriate premium rate for such services, within the statutory license contained in section 114 of title 17, United States Code.

(b) REPORT.—Not later than 90 days after the convening of the meeting under subsection (a), the Register of Copyrights shall submit a report on the discussions at that meeting to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. BYRD, Mr. REID, Mr. STEVENS, Mr. KENNEDY, Mr. COCHRAN, Mr. BIDEN, Mrs. CLINTON, Mr. DOMENICI, Mr. DORGAN, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Ms. MURKOWSKI, Mr. NELSON of Nebraska, Mr. REED, Mr. ROCKEFELLER, Mr. SPECTER, and Mrs. DOLE):

S. 259. A bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I am introducing with my dear friend, the senior Senator from Hawaii, DAN INOUYE, and several of our colleagues from both sides of the aisle, a bill paying tribute to one of this body's most loyal servants. The Henry Kuualoha Giugni Kupuna Memorial Archives bill honors Henry K. Giugni, our former Sergeant-at-Arms of the U.S. Senate, through the establishment of cultural and historical digital archives. Mr. Giugni would have turned 82 today, if he were still alive. These archives will enable the sharing and perpetuation of the culture, collective memory, and history of peoples Mr. Giugni so dearly loved.

As many of my colleagues are aware, Henry was a man full of life and loyalty who served our country with distinction. He enlisted in the U.S. Army at the age of 16 after the attack on Pearl Harbor. During World War II he served in combat at the battle of Guadalcanal. Following World War II, he continued to serve the State of Hawaii and our Nation by working as a police officer and firefighter. After nearly a decade of service with Senator INOUYE in the Hawaii territorial legislature, he came to Washington, DC, as the senior Senator's senior executive assistant and then chief of staff for more than 20 years. Mr. Giugni was appointed in 1987 to serve as Sergeant-at-Arms of our revered body—a position that each of my colleagues and I know as crucial to the running of the Senate.

Henry also sought to tear down barriers in society. In 1965 it was Mr. Giugni who represented Senator INOUYE's office, and thus the people of Hawaii, in the famous 1965 Selma to Montgomery civil rights march led by Dr. Martin Luther King, Jr. As Senator INOUYE's chief of staff, Mr. Giugni served as a vital link between the Senator's office and minority groups. He was the first person of color and the first Native Hawaiian to be appointed Senate Sergeant-at-Arms. In this influential position, he sought out capable minorities and women for promotion to ensure that our workforce reflects America. He appointed the first minority, an African-American, to lead the Service Department, and was the first to assign women to the Capitol Police plainclothes unit. Because of his concern about people with disabilities, Mr. Giugni enacted a major expansion of the Special Services Office, which now conducts tours of the U.S. Capitol for the blind, deaf, and wheelchair-bound, and publishes Senate maps and documents in Braille.

Further in his capacity as Sergeant-at-Arms, Henry was the chief law enforcement officer of the U.S. Senate and an able manager of a majority of the Senate's support services. He oversaw a budget of nearly $120 million and approximately 2,000 employees. As Sergeant-at-Arms, Mr. Giugni presided over the inauguration of President George H.W. Bush, and escorted numerous dignitaries on their visits to the U.S. Capitol, including Nelson Mandela, Margaret Thatcher, and Vaclav Havel.

Establishing the Henry Kuualoha Giugni Memorial Archives would be a poignant and appropriate way to honor our loyal friend, colleague, and fellow American, as well as his dear wife Lani, who recently followed him to the great beyond. Henry lived a life full of rich experiences, and along the way he accumulated a wealth of wisdom. His memory and spirit live on, but it is essential we perpetuate his wisdom and experiences, and those of others like him, so what was learned and accomplished will not be lost to future generations. This is the primary impetus behind creating these archives. There is a dearth of physical archives, museums, or libraries devoted to preserving and perpetuating the history, culture, achievements and collective narratives of indigenous peoples. As one generation passes, a wealth of traditional knowledge could be lost forever. Establishing these archives to perpetuate the traditional knowledge of indigenous peoples such as Henry will ensure that future generations have access to that widsom and, in a sense, will be able to learn from the original sources themselves.

The development of the Internet in managing knowledge in electronic format has enabled the most pervasive storing and sharing of information the world has ever seen. Electronic, digital archives would facilitate the sharing, preservation and perpetuation of the unique native culture, language, tradition and history. These archives will be a source of enduring knowledge, accessible to all. It will help to ensure that the children of today and tomorrow will not be deprived of the rich culture, history and collective knowledge of indigenous peoples. These archives will help to guarantee that the experiences, wisdom and knowledge of kupuna, or elders such as Henry, will not be lost to future generations.

The first section of the Henry Kuualoha Giugni Memorial Archives bill authorizes a grant awarded to the University of Hawaii's Academy for Creative Media for the establishment, maintenance and update of the archives which are to be located at the University of Hawaii. These funds would be used to enable a statewide archival effort which will include the acquisition of a secure, web-accessible repository that will house significant historical and cultural information. This information may include oral histories, collective narratives, photographs, video files, journals, creative works and documentation of practices and customs such as traditional dance and traditional music that were used to convey historical and cultural knowledge in the absence of written language. The funds will enable this important effort by assisting in the purchasing of equipment, hiring of personnel, and establishment of space for the collection and transfer of media, housing the archives, and creating this in-depth database.

The second section of this bill authorizes the use of these grant funds for several different educational activities, many of which are intended to magnify the resourcefulness of these archives and benefit the student populations who will likely access the archives the most. This includes the development of educational materials from the archives that can be used in teaching indigenous students. Despite their focus, these materials are meant to enhance the education of all students, even students from non-native backgrounds. This also includes developing outreach initiatives to introduce the archives to elementary and secondary schools, and as enabling schools to access the archives through the computer.

Grant funds would also be available to help make a college education possible for students who otherwise could not independently afford such an education through scholarship awards. Additionally, funds can be used to address the problem of cultural incongruence in teaching, an issue that impedes effective learning in our Nation's classrooms. Such a lack of congruence exists in a wide range of situations, from rural and underserved communities in remote areas to well-populated urban centers, from my State of Hawaii to areas on the eastern seaboard. The dynamic I am describing exists along lines of race and ethnicity, socioeconomic strata, age, and many other vectors, which can muddy the effective transmission of knowledge. Many of us, especially those from rural, indigenous, or ethnic minority backgrounds, including Henry Giugni, have experienced barriers to learning as we have worked our way through the education system. This bill seeks to improve student achievement by addressing cultural incongruence between teachers and the student population. This will be accomplished by providing professional development training to teachers, enabling them to better communicate with their students.

Finally, as financial illiteracy is a growing problem, especially among college age youth who are exposed to a variety of financial products, funds can be used to increase the economic and financial literacy of college students. This will be accomplished through the propagation of proven best practices that have resulted in positive behavioral change in regards to improved debt and credit management, and economic decision making. Such activities can help to ensure that students stay in school, graduate in a better financial position, and remain disciplined in effectively managing their finances throughout their working and retirement years.

Henry K. Giugni served among us with distinction and honor. I am very grateful to have known him and his family. I encourage all of my colleagues to perpetuate his memory by supporting the Henry Kuualoha Giugni Memorial Archives bill. These archives are the most fitting way we can honor and remember our friend and dear public servant, Henry Kuualoha Giugni.

I ask unanimous consent that the text of the bill be printed in the RECORD and that support letters from University of Hawaii President David McClain and Academy for Creative Media Director Christopher Lee also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES.

(a) GRANTS AUTHORIZED.—The Secretary of Education is authorized to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

(b) USE OF FUNDS.—The Henry Kuualoha Giugni Kupuna Memorial Archives shall use the grant funds received under this section—

(1) to facilitate the acquisition of a secure web accessible repository of Native Hawaiian historical data rich in ethnic and cultural significance to our Nation for preservation and access by future generations;

(2) to award scholarships to facilitate access to a college education for students who can not independently afford such education;

(3) to support programmatic efforts associated with the web-based media projects of the archives;

(4) to create educational materials, from the contents of the archives, that are applicable to a broad range of indigenous students such as Native Hawaiians, Alaskan Natives, and Native American Indians;

(5) to develop outreach initiatives that introduce the archival collections to elementary schools and secondary schools;

(6) to develop supplemental web-based resources that define terms and cultural practices innate to Native Hawaiians;

(7) to rent, lease, purchase, maintain, or repair educational facilities to house the archival collections;

(8) to rent, lease, purchase, maintain, or repair computer equipment for use by elementary schools and secondary schools in accessing the archival collections;

(9) to provide pre-service and in-service teacher training to develop a core group of kindergarten through grade 12 teachers who are able to provide instruction in a way that is culturally congruent with the learning modalities of the kindergarten, elementary school, or secondary school students the teachers are teaching, particularly indigenous students such as Native Hawaiians, Alaskan Natives, and Native American Indians, in order to—

(A) ameliorate the lack of cultural congruence between the teachers and the students the teachers teach; and

(B) improve student achievement; and

(10) to increase the economic and financial literacy of college students through the proliferation of proven best practices used at other institutions of higher education that result in positive behavioral change toward improved debt and credit management and economic decision making.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2007, $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of the fiscal years 2009 through 2012.

UNIVERSITY OF HAWAI'I,
Honolulu, HI, August 3, 2006.

Hon. DANIEL K. AKAKA,
U.S. Senator, State of Hawai'i, Hart Senate Office Building, Washington DC.

DEAR SENATOR AKAKA: The University of Hawai'i is proud to support the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives as detailed in the Senate Bill reviewed with your staff during my June 2006 visit to Washington, D.C. As you know, Henry Giugni was a great friend of the University of Hawai'i. We were honored to be able to award him an Honorary Doctorate in Humane Letters from the University of Hawai'i in 2003.

Please add the University of Hawai'i to the growing list of many friends and congressional co-sponsors who have joined with you and Senator Inouye to pay appropriate tribute to a great Hawaiian and a worthy advocate for minorities in government—Henry Kuualoha Giugni. Thank you for this opportunity to express our support for one who was so important to our University 'ohana.

With best wishes and Aloha,

DAVID MCCLAIN,
President.

UNIVERSITY OF HAWAI'I,
ACADEMY FOR CREATIVE MEDIA,
Honolulu, HI, August 21, 2006.

Hon. DANIEL K. AKAKA,
U.S. Senator, State of Hawai'i, Hart Senate Office Building Washington, DC.

DEAR SENATOR AKAKA: The Academy for Creative Media at the University of Hawai'i at Manoa is proud to support, and honored to be designated as the primary home for the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives.

As you know, there is an exciting visual history of Hawai'i that has yet to be collected, documented and archived for the benefit of historians, teachers, students, and all people who embrace the Spirit of Aloha. This is a people's history and archive that will tap deeply into the diversity and multiculturalism of our state.

Unfortunately, much of this rich treasure of moving images on film and video tape is deteriorating with age and cries out to be permanently preserved in a digital archive where it can be readily and interactively accessed by all.

The establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives will enable the creation of a plethora of illustrated oral histories of our beloved elders, create educational programs which can be used to bridge intercultural gaps while embracing an ever wider multicultural society, and empower new generations by grounding them in the richness of values, as reflected by Mr. Giugni, that has defined Hawai'i as the Aloha State.

The Academy for Creative Media stands ready to make this Archive a primary educational center and resource, a living tribute to Henry Kuualoha Giugni and the people of Hawai'i.

Sincerely,

CHRISTOPHER LEE,
Director.

Mr. INOUYE. Mr. President, today I join my partner from Hawaii, Senator AKAKA, and other esteemed colleagues, in lending my support to the Henry Kuualoha Giugni Kupuna Memorial Archives Bill. I offer my support today, on this, the eleventh day of January, Henry's birthday, to herald the significant role that the establishment of these archives will play in shaping the future of a new generation of Americans, just as Henry did during his remarkable tenure as the 30th Sergeant-at-Arms of the United States Senate.

In addition to creating a digital archive and preserving the traditions and culture of Native Hawaiians, this bill will support initiatives critical to the development of Web-based media projects and the creation of educational materials that will richly enhance the educational experience for countless students.

It is my hope that the establishment of these archives will inspire greater academic achievement of indigenous students by sharing with them the stories and histories of accomplished individuals with indigenous backgrounds, such as Henry.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 260. A bill to establish the Fort Stanton-Snowy River Cave National Conservation Area; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation to protect a natural wonder in my home State of New Mexico. A passage within the Fort Stanton Cave contains what can only be described as a magnificent white river of calcite. I am pleased to be joined in this effort again this year by my colleague from New Mexico, Senator BINGAMAN.

Many locals are familiar with the Fort Stanton Cave in Lincoln County, NM. Exploration of the cave dates back to at least the 1850s, when troops stationed in the area began visiting the network of caverns. Exploration continued over the years and in 2001 BLM volunteers discovered a two-mile long continuous calcite formation.

We have not found a formation of this size anywhere else in New Mexico or perhaps even in the United States. Because of the beauty and distinct appearance of this discovery, I continue to be excited about the scientific and educational opportunities associated with the find. This large, continuous stretch of calcite may yield valuable research opportunities relating to hydrology, geology, and microbiology. In fact, there may be no limits to what we can learn from this snow white cave passage.

It is not often that we find something so striking and so significant. I believe this find is worthy of study and our most thoughtful management and conservation.

My legislation does the following: (1) creates a Fort Stanton-Snowy River Cave Conservation Area to protect, secure and conserve the natural and unique features of the Snowy River Cave; (2) instructs the BLM to prepare a map and legal description of the Snowy River cave, and to develop a comprehensive, long-term management plan for the cave area; (3) authorizes the conservation of the unique features and environs in the cave for scientific, educational and other public uses deemed safe and appropriate under the management plan; (4) authorizes the BLM to work with State and other institutions and to cooperate with Lincoln County to address the historical involvement of the local community; (5) protects the caves from mineral and mining leasing operations.

As the people of my home State of New Mexico know, we have many natural wonders, and I am proud to play a role in the protection of this recent unique discovery. I hope my colleagues will join with me in approving the Fort Stanton-Snowy River National Cave Conservation Area Act.

I ask unanimous consent that text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Stanton-Snowy River Cave National Conservation Area Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Fort Stanton-Snowy River Cave National Conservation Area established by section 3(a).

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan developed for the Conservation Area under section 4(c).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 3. ESTABLISHMENT OF FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT; PURPOSES.—There is established the Fort Stanton–Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stanton-Snowy River cave system.

(b) AREA INCLUDED.—The Conservation Area shall include the area within the boundaries depicted on the map entitled "Fort Stanton–Snowy River Cave National Conservation Area" and dated November 2005.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) EFFECT.—The map and legal description of the Conservation Area shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 4. MANAGEMENT OF THE CONSERVATION AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 3(a); and

(B) in accordance with—

(i) this Act;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(2) USES.—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(3) REQUIREMENTS.—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs for scientific, educational, and other appropriate public uses of the Conservation Area;

(B) public access, as appropriate, while providing for the protection of the cave resources and for public safety;

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area is established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this Act; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, researchers, and scientists to conduct research and provide educational and interpretive services within the Conservation Area.

(b) WITHDRAWALS.—Subject to valid existing rights, all Federal surface and subsurface land within the Conservation Area and all land and interests in the land that are acquired by the United States after the date of enactment of this Act for inclusion in the Conservation Area, are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the general land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the Conservation Area.

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) ACTIVITIES OUTSIDE CONSERVATION AREA.—The establishment of the Conservation Area shall not—

(1) create a protective perimeter or buffer zone around the Conservation Area; or

(2) preclude uses or activities outside the Conservation Area that are permitted under other applicable laws, even if the uses or activities are prohibited within the Conservation Area.

(e) RESEARCH AND INTERPRETIVE FACILITIES.—

(1) IN GENERAL.—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) COOPERATIVE AGREEMENTS.—The Secretary may, in a manner consistent with this Act, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this Act.

(f) WATER RIGHTS.—Nothing in this Act constitutes an express or implied reservation of any water right.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act. To establish the Fort Stanton-Snowy River Cave National Conservation Area.

By Ms. CANTWELL (for herself, Mr. ENGLISH, Mr. SPECTER, Mr. DURBIN, Mr. ALLARD, Mr. VITTER, Mr. LEVIN, Ms. COLLINS, Mr. KYL, and Mrs. FEINSTEIN):

S. 261. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; to the Committee on the Judiciary.

Ms. CANTWELL. Mr. President, I rise today to join with my colleagues, Senators SPECTER and ENSIGN, in reintroducing the Animal Fighting Prohibition Enforcement Act of 2007. This legislation has won the unanimous approval of the Senate several times, but unfortunately has not yet reached the finish line. I look forward to working with my colleagues to see this important bill finally become the law of the land.

There is no doubt, animal fighting is terribly cruel. Dogs and roosters are drugged to make them hyper-aggressive and forced to keep fighting even after suffering severe injuries such as punctured eyes and pierced lungs.

It's all done for "entertainment" and illegal gambling. Children are sometimes brought to these spectacles, and the fights are frequently accompanied by illegal drug trafficking and acts of human violence. In 2006, nine murders related to animal fighting occurred across the country.

Some dogfighters steal pets to use as bait for training their dogs, while others allow trained fighting dogs to roam neighborhoods and endanger the public.

The Animal Fighting Prohibition Enforcement Act will strengthen current law by making the interstate transport of animals for the purpose of fighting a felony and increase the punishment to three years of jail time. This is necessary because the current misdemeanor penalty has proven ineffective—considered a "cost of doing business" by those in the animal fighting industry which continues unabated nationwide. These enterprises depend on interstate commerce, as I evidenced by the animal fighting magazines that advertise and promote them.

Our bill also makes it a felony to move cockfighting implements in interstate or foreign commerce. These are razor-sharp knives known as "slashers" and ice pick-like gaffs designed exclusively for cockfights and attached to the birds' legs for fighting. Cockfighting magazines I and websites contain hundreds of advertisements for mail-order knives and gaffs, revealing a thriving interstate market for the weapons used in cockfights.

This is long overdue legislation. Both the Senate and House approved felony animal fighting provisions in their Farm Bills in 2001, but they were stripped out in conference. The Senate included felony animal fighting provisions in the 2003 Health Forest Bill, but they were again dropped in conference. In September 2004, the Animal Fighting Prohibition Enforcement Act was approved by the House Judiciary Committee, but did not reach the floor. In April 2005, the Senate passed a bill nearly identical to the one we are introducing today, when it unanimously approved S. 382. In May 2006, the House Crime, Terrorism and Homeland Security Subcommittee held a comprehensive hearing on the House companion bill, H.R. 817, which garnered 324 cosponsors but was not considered on the House floor. The legislative history of this animal fighting felony legislation shows it has broad bipartisan support of more than half the Senate, and it has won unanimous approval on the floor time and time again.

It's time to get this felony animal fighting language enacted. With the bird flu threat looming, we can't afford to wait any longer. The economic consequences are staggering—the World Bank projects worldwide losses of $1.5 to $2 trillion. We must be able to say we did all we could to prevent such a pandemic, and this is an obvious, easy and necessary step.

Interstate and international transport of birds for cockfighting is known to have contributed to the spread of avian influenza in Asia and poses a threat to poultry and public health in the United States. According to the World Health Organization and local news reports, at least nine confirmed human fatalities from avian influenza in Thailand and Vietnam may have been contracted through cockfighting activity since the beginning of 2004. Several children are among those who are reported to have died from avian influenza as a result of exposure through cockfighting, including 4-year-old, 6-year-old, and 18-year-old boys in Thailand and a 6-year-old girl in Vietnam.

There have been many news stories focusing on the connection between bird flu and cockfighting. For example, an MSNBC report headlined, "Cockfights blamed for Thailand bird flu spread." A World Health Organization Asia regional spokesperson interviewed recently on the CBS Evening News described the risk of spreading disease through cockfighting with infected animals as a "total disaster waiting to happen."

Because human handling of fighting roosters is a regular occurrence, the opportunity of disease transmission from fighting birds to people is substantial. Fighting-bird handlers come into frequent, sustained contact with their birds during training and during organized fights. It is common practice for handlers to suck saliva and blood from roosters' beaks to help clear their airways and enable them to keep fighting.

Cockfighters frequently move birds across State and foreign borders, bringing them to fight in different locations and risking the spread of infectious diseases. Communications in national cockfighting magazines and websites have shown that U.S. cockfighters regularly transport their birds to and from other parts of the world, including Asia.

The U.S. Department of Agriculture (USDA), in endorsing the Animal Fighting Prohibition Enforcement Act, noted that strengthening current Federal law on the inhumane practice of animal fighting would enhance the agency's ability to safeguard the health of U.S. poultry against deadly diseases such as avian influenza and exotic Newcastle disease (END). The USDA has stated that cockfighting was implicated in an outbreak of END that spread through California and the Southwest in 2002 and 2003. That outbreak cost U.S. taxpayers nearly $200 million to eradicate and cost the U.S. poultry industry many millions more in lost export markets. The costs of an avian influenza outbreak in this country could be much higher—with the Congressional Budget Office estimating losses between 1.5 and 5 percent of GDP ($185 billion to $618 billion).

The National Chicken Council, which represents 95 percent of all U.S. poultry producers and processors, has also endorsed the Animal Fighting Prohibition Enforcement Act, expressing concern that avian influenza and other diseases can be spread by the movement of game birds and that the commercial chicken industry remains under considerable threat because it operates amidst a national network of game bird operations.

Avian influenza has not yet crossed the species barrier in this country, as it has in Asia. But we must do all we can to minimize this risk. Establishing a more meaningful deterrent to illegal interstate and foreign movement of animals for fighting purposes is an obvious step we can take to reduce this risk.

Besides those associated with the poultry industry, this legislation has been endorsed by a number of other organization including the Humane Society of the United States, the American Veterinary Medical Association, the National Coalition Against Gambling Expansion, the League of United Latin American Citizens, the National Sheriffs' Association, and more than 400 individual sheriffs and police departments covering every State in the country. Those law enforcement agencies recognize that animal fighting often involves the movement of animals across State and foreign borders, so they can't do the job on their own. They need the Federal Government to do its part to help curb this dangerous activity.

Our legislation does not expand the federal government's reach into a new area, but simply aims to make current law more effective. It is explicitly limited to interstate and foreign commerce, so it protects States' rights in the two States where cockfighting is still allowed, and it protects States' rights the other 48 States—and all 50, for dogfighting—where weak Federal law is compromising their ability to keep animal fighting outside their borders.

The bill we introduce today is identical to S. 382, which passed the Senate unanimously in the last Congress, except for one change. The new bill provides for up to three years' jail time, compared to two in S. 382, in order to bring this more in line with penalties for other federal animal cruelty-related felonies. For example, in 1999, Congress authorized imprisonment of up to 5 years for interstate commerce in videos depicting animal cruelty, including animal fighting, P.L. 106-152, and mandatory jail time of up to 10 years for willfully harming or killing a federal police dog or horse (P.L. 106-254).

With every week, there are new reports of animal fighting busts, as local and state law enforcement struggle to rein in this thriving industry. In my own State of Washington, police arrested 5 people on Christmas Day at a cockfight in Brewster, and about 50 people ran off, according to recent news accounts. Three days later, six more were arrested in Okanogan for promoting cockfighting. And nine people were arrested in Tacoma last spring, where investigators seized methamphetamines, marijuana, weapons, thousands of dollars, and fighting roosters.

It's time for Congress to strengthen the federal law so that it can provide as a meaningful deterrent against animal fighting. State and local law enforcement will have a tough law on the books necessary to help them crack down on this interstate industry. I thank my colleagues for their support, and look forward to working with them to finally enacting this common-sense measure into law.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. REID, Mrs. FEINSTEIN, Mrs. BOXER, Mr. BAUCUS, Mrs. MURRAY, and Ms. CANTWELL)

S. 267. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine; to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Native American Methamphetamine Enforcement and Treatment Act of 2007.

Unfortunately, when Congress passed the Combat Methamphetamine Epidemic Act, tribes were unintentionally left out as eligible applicants in some of the newly-authorized grant programs. The bill I am introducing today, along with Senators SMITH, REID, BAUCUS, FEINSTEIN, BOXER, FEINGOLD, CANTWELL, and MURRAY, would simply ensure that tribes are able to apply for these funds and give Native American communities the resources they need to fight scourge of methamphetamine use.

The recently-enacted Combat Methamphetamine Epidemic Act of 2005 authorized new funding for three grant programs. The Act authorized $99 million in new funding for the COPS Hot Spots program, which helps local law enforcement agencies obtain the tools they need to reduce the production, distribution, and use of meth. Funding may also be used to clean up meth labs, support health and environmental agencies, and to purchase equipment and support systems.

The Act also authorized $20 million for a Drug-Endangered Children grant program to provide comprehensive services to assist children who live in a home in which meth has been used, manufactured, or sold. Under this program, law enforcement agencies, prosecutors, child protective services, social services, and health care services, work together to ensure that these children get the help they need.

In addition, the Combat Meth Act authorized grants to be made to address the use of meth among pregnant and parenting women offenders. The Pregnant and Parenting Offenders program is aimed at facilitating collaboration between the criminal justice, child welfare, and State substance abuse systems in order to reduce the use of drugs by pregnant women and those with dependent children.

Although Tribes are eligible applicants under the Pregnant and Parenting Offenders program, they were not included as eligible applicants under either the Hot Spots program or the Drug-Endangered Children program. I see no reason why tribes should not be able to access all of these funds.

Meth use has had a devastating impact in communities throughout the country, and Indian Country is no exception. According to NCAI, Native Americans have the highest meth abuse rate among any ethnic group and 70 percent of law enforcement rate meth as their greatest challenge—indeed, a FBI survey found that an estimated 40 percent of violent crime in Indian Country was related to meth use. And last year there was an article in the Gallup Independent newspaper about a Navajo grandmother, her daughter, and granddaughter, who were all arrested for selling meth. There was also a one-year-old child in the home when police executed the arrest warrant. It is absolutely disheartening to hear about cases such as this, with three generations of a family destroyed by meth.

I strongly believe that we need to do everything we can to assist communities as they struggle to deal with the consequences of meth, and ensuring that Native American communities are able to access these funds is an important first step. I hope my colleagues will join me in supporting this important measure.

By Ms. SNOWE (for herself, Mr. LOTT, Mr. ISAKSON, Mr. CHAMBLISS, and Ms. COLLINS):

S. 269. A bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses; to the Committee on Finance.

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 270. A bill to permit startup partnerships and S corporations to elect taxable years other than required years; to the Committee on Finance.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mrs. HUTCHISON, and Mr. KERRY):

S. 271. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain improvements to retail space; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce a series of proposals that, once enacted, will reduce not only the amount of taxes that small businesses pay, but also the administrative burdens which saddle small companies trying to comply with the tax laws. Small businesses are the engine that drives our Nation's economy and I believe these proposals strengthen their ability to lead the way. I am pleased to be joined by colleagues from both sides of the aisle as we work to move these important initiatives for small businesses from legislation to law.

A top priority I hear from small businesses across Maine is the need for tax relief. Despite the fact that small businesses are the real job-creators for Maine's and our Nation's economy, the current tax system is placing an entirely unreasonable burden on them when trying to satisfy their tax obligations. The current tax code imposes a large, and expensive, burden on all taxpayers in terms of satisfying their reporting and record-keeping obligations. The problem, though, is that small companies are disadvantaged most in terms of the money and time spent in satisfying their tax obligation.

For example, according to the Small Business Administration's Office of Advocacy, small businesses spend an astounding 8 billion hours each year complying with government reports. They also spend more than 80 percent of this time on completing tax forms. What's even more troubling is that companies that employ fewer than 20 employees spend nearly $1,304 per employee in tax compliance costs; an amount that is nearly 67 percent more than larger firms.

For that reason, I am introducing a package of proposals that will provide not only targeted, affordable tax relief to small business owners, but also simpler rules under the tax code. By simplifying the tax code, small business owners will be able to satisfy their tax obligation in a cheaper, more efficient manner, allowing them to be able to devote more time and resources to their business.

I am introducing legislation today in response to the repeated requests from small businesses in Maine and from across the nation to allow them to expense more of their investments, like the purchase of essential new equipment. My bill modifies the Internal Revenue Code by doubling the amount a small business can expense from $100,000 to $200,000, and make the provision permanent as President Bush proposed this change in his fiscal year 2007 tax proposals. With small businesses representing 99 percent of all employers, creating 75 percent new jobs and contributing 51 percent of private-sector output, their size is the only 'small' aspect about them.

By doubling and making permanent the current expensing limit and indexing these amounts for inflation, this bill will achieve two important objectives. First, qualifying businesses will be able to write off more of the equipment purchases today, instead of waiting five, seven or more years to recover their costs through depreciation. That represents substantial savings both in dollars and in the time small businesses would otherwise have to spend complying with complex and confusing depreciation rules. Moreover, new equipment will contribute to continued productivity growth in the business community, which economic experts have repeatedly stressed is essential to the long-term vitality of our economy.

Second, as a result of this bill, more businesses will qualify for this benefit because the phase-out limit will be increased to $800,000 in new assets purchases. At the same time, small business capital investment will be pumping more money into the economy. This is a win-win for small business and the economy as a whole and I am please to have Senators LOTT, ISAKSON, CHAMBLISS, and COLLINS join me as cosponsors of this legislation.

Another proposal that I am introducing with Senator LINCOLN, the Small Business Tax Flexibility Act of 2007, will permit start-up small business owners to use a taxable year other than the calendar year if they generally earn fewer than $5 million during the tax year.

Specifically, the Small Business Tax Flexibility Act of 2007 will permit more taxpayers to use the taxable year most suitable to their business cycle. Until 1986, businesses could elect the taxable year-end that made the most economic sense for the business. In 1986, Congress passed legislation requiring partnerships and S corporations, many of which are small businesses, to adopt a December 31 year-end. The tax code does provide alternatives to the calendar year for small businesses, but the compliance costs and administrative burdens associated with these alternatives prove to be too high for most small businesses to utilize.

Meanwhile, C corporations, as large corporations often are, receive much more flexibility in their choice of taxable year. A C corporation can adopt either a calendar year or any fiscal year for tax purposes, as along as it keeps its books on that basis. This creates the unfair result of allowing larger businesses with greater resources greater flexibility in choosing a taxable year than smaller firms with fewer resources. This simply does not make sense to me. My bill changes these existing rules so that more small businesses will be able to use the taxable year that best suits their business.

To provide relief and equity to our nation's 1.5 million retail establishments, most of which have less than five employees, I am introducing a bill with Senators LINCOLN, HUTCHISON, and KERRY that reduces from 39 to 15 years the depreciable life of improvements that are made to retail stores that are owned by the retailer. Under current law, only retailers that lease their property are allowed this accelerated depreciation, which means it excludes retailers that also own the property in which they operate. My bill simply seeks to provide equal treatment to all retailers.

Specifically, this bill will simply conform the tax codes to the realities that retailers on Main Street face. Studies conducted by the Treasury Department, Congressional Research Service and private economists have all found that the 39-year depreciation life for buildings is too long and that the 39-year depreciation life for building improvements is even worse. Retailers generally remodel their stores every five to seven years to reflect changes in customer base and compete with newer stores. Moreover, many improvements such as interior partitions, ceiling tiles, restroom accessories, and paint, may only last a few years before requiring replacement.

This package of proposals are a tremendous opportunity to help small enterprises succeed by providing an incentive for reinvestment and leaving them more of their earnings to do just that. I urge my colleagues to join me in supporting these proposals.

I ask unanimous consent that the the text of these bills be printed in the RECORD.

There being no objection, the texts of the bills were ordered to be printed in the RECORD, as follows:

S. 269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE AND PERMANENT EXTENSION FOR EXPENSING FOR SMALL BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended by striking "$25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2010)" and inserting "$200,000".

(b) INCREASE IN QUALIFYING INVESTMENT AT WHICH PHASEOUT BEGINS.—Paragraph (2) of section 179(b) of such Code (relating to reduction in limitation) is amended by striking "$200,000 ($400,000 in the case of taxable years beginning after 2002 and before 2010)" and inserting "$800,000".

(c) INFLATION ADJUSTMENTS.—Section 179(b)(5)(A) of such Code (relating to inflation adjustments) is amended—

(1) in the matter preceding clause (i)—

(A) by striking "after 2003 and before 2010" and inserting "after 2007", and

(B) by striking "the $100,000 and $400,000 amounts" and inserting "the $200,000 and $800,000 amounts", and

(2) in clause (ii), by striking "calendar year 2002" and inserting "calendar year 2006".

(d) REVOCATION OF ELECTION.—Section 179(c)(2) of such Code (relating to election irrevocable) is amended to read as follows:

"(2) REVOCABILITY OF ELECTION.—Any election made under this section, and any specification contained in any such election, may be revoked by the taxpayer with respect to any property, and such revocation, once made, shall be irrevocable.".

(e) OFF-THE-SHELF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of such Code (relating to section 179 property) is amended by striking "and before 2010".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

S. 270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Tax Flexibility Act of 2007".

SEC. 2. QUALIFIED SMALL BUSINESSES ELECTION OF TAXABLE YEAR ENDING IN A MONTH FROM APRIL TO NOVEMBER.

(a) IN GENERAL.—Part I of subchapter E of chapter 1 of the Internal Revenue Code of 1986 (relating to accounting periods) is amended by inserting after section 444 the following new section:

"SEC. 444A. QUALIFIED SMALL BUSINESSES ELECTION OF TAXABLE YEAR ENDING IN A MONTH FROM APRIL TO NOVEMBER.

"(a) GENERAL RULE.—A qualified small business may elect to have a taxable year, other than the required taxable year, which ends on the last day of any of the months of April through November (or at the end of an equivalent annual period (varying from 52 to 53 weeks)).

"(b) YEARS FOR WHICH ELECTION EFFECTIVE.—An election under subsection (a)—

"(1) shall be made not later than the due date (including extensions thereof) for filing the return of tax for the first taxable year of the qualified small business, and

"(2) shall be effective for such first taxable year or period and for all succeeding taxable years of such qualified small business until such election is terminated under subsection (c).

"(c) TERMINATION.—

"(1) IN GENERAL.—An election under subsection (a) shall be terminated on the earliest of—

"(A) the first day of the taxable year following the taxable year for which the entity fails to meet the gross receipts test,

"(B) the date on which the entity fails to qualify as an S corporation, or

"(C) the date on which the entity terminates.

"(2) GROSS RECEIPTS TEST.—For purposes of paragraph (1), an entity fails to meet the gross receipts test if the entity fails to meet the gross receipts test of section 448(c).

"(3) EFFECT OF TERMINATION.—An entity with respect to which an election is terminated under this subsection shall determine its taxable year for subsequent taxable years under any other method that would be permitted under subtitle A.

"(4) INCOME INCLUSION AND DEDUCTION RULES FOR PERIOD AFTER TERMINATION.—If the termination of an election under paragraph (1)(A) results in a short taxable year—

"(A) items relating to net profits for the period beginning on the day after its last fiscal year-end and ending on the day before the beginning of the taxable year determined under paragraph (3) shall be includible in income ratably over the 4 taxable years following the year of termination, or (if fewer) the number of taxable years equal to the fiscal years for which the election under this section was in effect, and

"(B) items relating to net losses for such period shall be deductible in the first taxable year after the taxable year with respect to which the election terminated.

"(d) Definitions.—For purposes of this section—

"(1) Qualified small business.—The term 'qualified small business' means an entity—

"(A)(i) for which an election under section 1362(a) is in effect for the first taxable year or period of such entity and for all subsequent years, or

"(ii) which is treated as a partnership for the first taxable year or period of such entity for Federal income tax purposes,

"(B) which conducts an active trade or business or which would qualify for an election to amortize start-up expenditures under section 195, and

"(C) which is a start-up business.

"(2) Start-up business.—For purposes of paragraph (1)(C), an entity shall be treated as a start-up business so long as not more than 75 percent of the entity is owned by any person or persons who previously conducted a similar trade or business at any time within the 1-year period ending on the date on which such entity is formed. For purposes of the preceding sentence, a person and any other person bearing a relationship to such person specified in section 267(b) or 707(b)(1) shall be treated as one person, and sections 267(b) and 707(b)(1) shall be applied as if section 267(c)(4) provided that the family of an individual consists of the individual's spouse and the individual's children under the age of 21.

"(3) Required taxable year.—The term 'required taxable year' has the meaning given to such term by section 444(e).

"(e) Tiered Structures.—The Secretary shall prescribe rules similar to the rules of section 444(d)(3) to eliminate abuse of this section through the use of tiered structures.".

(b) Conforming Amendment.—Section 444(a)(1) of the Internal Revenue Code of 1986 is amended by striking "section," and inserting "section and section 444A".

(c) Clerical Amendment.—The table of sections for part I of subchapter E of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 444 the following new item:

"Sec. 444A. Qualified small businesses election of taxable year ending in a month from April to November.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

S. 271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) 15-Year Recovery Period.—Subparagraph (E) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 15-year property) is amended by striking "and" at the end of clause (vii), by striking the period at the end of clause (viii) and inserting ", and", and by adding at the end the following new clause:

"(ix) any qualified retail improvement property.".

(b) Qualified Retail Improvement Property.—Subsection (e) of section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(8) Qualified retail improvement property.—

"(A) In general.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such portion is open to the general public and is used in the trade or business of selling tangible personal property or services to the general public; and

"(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) Certain improvements not included.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator, or

"(iii) the internal structural framework of the building.".

(c) Requirement to Use Straight Line Method.—Paragraph (3) of section 168(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(I) Qualified retail improvement property described in subsection (e)(8).".

(d) Alternative System.—The table contained in section 168(g)(3)(B) of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

"(E)(ix) .... 39".

(e) Effective Date.—The amendments made by this section shall apply to qualified retail improvement property placed in service after the date of the enactment of this Act.

By Mr. COLEMAN:

S. 272. A bill to amend Public Law 87–383 to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetland and other waterfowl habitat essential to the preservation of migratory waterfowl, and for other purposes; to the Committee on Environment and Public Works.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill I introduce today—to amend Public Law 87–383 to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetland and other waterfowl habitat essential to preservation of migratory waterfowl, and for other purposes—be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF FUNDS FOR CONSERVATION OF MIGRATORY WATERFOWL AND HABITAT.

The first section of Public Law 87–383 (16 U.S.C. 715k–3) is amended—

(1) by striking "That in" and inserting the following:

"SECTION 1. AUTHORIZATION OF FUNDS FOR CONSERVATION OF MIGRATORY WATERFOWL HABITAT.

"(a) In General.—In";

(2) by striking "for the period" and all that follows through the end of the sentence and inserting "$400,000,000 for the period of fiscal years 2008 through 2017."; and

(3) by adding at the end the following:

"(b) Advance to Migratory Bird Conservation Fund.—Funds appropriated pursuant to this Act shall be treated as an advance, without interest, to the Migratory Bird Conservation Fund.

"(c) Repayment to Treasury.—

"(1) In general.—Effective beginning July 1, 2008, funds appropriated pursuant to this Act shall be repaid to the Treasury out of the Migratory Bird Conservation Fund.

"(2) Amounts.—Repayment under this subsection shall be made in annual amounts that are equal to the funds accruing annually to the Migratory Bird Conservation Fund that are attributable to the portion of the price of migratory bird hunting stamps sold that year that is in excess of $15 per stamp.".

SEC. 2. SENSE OF CONGRESS REGARDING THE USE OF CERTAIN FUNDS.

It is the sense of Congress that—

(1) the funds provided pursuant to the amendments made by this Act—

(A) should be used for preserving and increasing waterfowl populations in accordance with the goals and objectives of the North American Waterfowl Management Plan; and

(B) to that end, should be used to supplement and not replace current conservation funding, including funding for other Federal and State habitat conservation programs; and

(2) this Act and the amendments made by this Act should be implemented in a manner that helps private landowners achieve long-term land use objectives in a manner that enhances the conservation of wetland and wildlife habitat.

By Mr. SPECTER:

S. 273. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for Medicare prescription drugs; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Prescription Drug and Health Improvement Act of 2007 to reduce the high prices of prescription drugs for Medicare beneficiaries. I introduced a similar version of this bill in the 108th and the 109th Congress, S. 2766 and S. 813, respectively.

Americans, specifically senior citizens, pay the highest prices in the world for brand-name prescription drugs. With 46.6 million uninsured Americans and many more senior citizens without an adequate prescription drug benefit, filling a doctor's prescription is unaffordable for many people in this country. The United States has the greatest health care system in the world; however, too many seniors are forced to make difficult choices between life-sustaining prescription drugs and daily necessities.

The Centers for Medicare and Medicaid Services report that in 2005, per capita spending on prescription drugs rose approximately 7 percent, with a similar rate of growth expected for this year. Much of the increase in drug spending is due to higher utilization and the shift from older, lower cost drugs to newer, higher cost drugs. However, rapidly increasing drug prices are a critical component.

High drug prices, combined with the surging older population, are also taking a toll on State budgets and private sector health insurance benefits. Medicaid spending on prescription drugs rose by 7.5 percent between 2004 and 2005. Until lower priced drugs are available, pressures will continue to squeeze public programs at both the State and Federal level.

To address these problems, my legislation would reduce the high prices of prescription drugs to seniors by repealing the prohibition against interference by the Secretary of Health and Human Services (HHS) with negotiations between drug manufacturers, pharmacies, and prescription drug plan sponsors and instead authorize the Secretary to negotiate contracts with manufacturers of covered prescription drugs. It will allow the Secretary to use Medicare's large beneficiary population to leverage bargaining power to obtain lower prescription drug prices for Medicare beneficiaries.

Price negotiations between the Secretary of HHS and prescription drug manufacturers would be analogous to the ability of the Secretary of Veterans Affairs to negotiate prescription drug prices with manufacturers. This bargaining power enables veterans to receive prescription drugs at a significant cost savings. According to the National Association of Chain Drug Stores, the average "cash cost" of a prescription in 2005 was $51.89. The average cost in the Veterans Affairs (VA) health care system in fiscal year 2006 was $28.61.

In the 108th Congress, in my capacity as chairman of the Veterans' Affairs Committee, I introduced the Veterans Prescription Drugs Assistance Act, S. 1153, which was reported out of committee, but was not considered before the full Senate. In the 109th Congress, I again introduced the Veterans Prescription Drugs Assistance Act, S. 614, which was not reported out of committee.

This legislation will broaden the ability of veterans to access the Veterans Affairs' Prescription Drug Program. Under my bill, all Medicare-eligible veterans will be able to purchase medications at a tremendous price reduction through the Veterans Affairs' Prescription Drug Program. In many cases, this will save veterans who are Medicare beneficiaries up to 50 percent on the cost of prescribed medications, a significant savings for veterans. Similar savings may be available to America's seniors from the savings achieved using the HHS bargaining power, like the Veterans Affairs bargaining power for the benefit of veterans. These savings may provide America's seniors with fiscal relief from the increasing costs of prescription drugs.

I believe this bill can provide desperately needed access to inexpensive, effective prescription drugs for America's seniors. The time has come for concerted action in this arena. I urge my colleagues to move this legislation forward promptly.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prescription Drug and Health Improvement Act of 2007".

SEC. 2. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

(a) NEGOTIATING FAIR PRICES.—

(1) IN GENERAL.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and by inserting the following:

"(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—In order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans pay the lowest possible price, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act.

(b) HHS REPORTS COMPARING NEGOTIATED PRESCRIPTION DRUG PRICES AND RETAIL PRESCRIPTION DRUG PRICES.—Beginning in 2008, the Secretary of Health and Human Services shall regularly, but in no case less often than quarterly, submit to Congress a report that compares the prices for covered part D drugs (as defined in section 1860D–2(e) of the Social Security Act (42 U.S.C. 1395w–102(e)) negotiated by the Secretary pursuant to section 1860D–11(i) of such Act (42 U.S.C. 1395w–111(i)), as amended by subsection (a), with the average price a retail pharmacy would charge an individual who does not have health insurance coverage for purchasing the same strength, quantity, and dosage form of such covered part D drug.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LEAHY, Mr. VOINOVICH, Mr. CARPER, Mr. DURBIN, Mr. PRYOR, and Mr. LAUTENBERG):

S. 274. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I rise to reintroduce the Federal Employee Protection of Disclosures Act, which will make much needed changes to the Whistleblower Protection Act, WPA. I am pleased once again to be joined in this effort by Senators COLLINS, GRASSLEY, LEVIN, LIEBERMAN, LEAHY, VOINOVICH, CARPER, DURBIN, PRYOR, and LAUTENBERG.

Senator LEVIN and I first introduced this legislation in 2000. In the House, Representatives HENRY WAXMAN and TOM DAVIS, the chairman and ranking member of the House Government Reform Committee, and Representative TODD PLATTS, who has sponsored companion legislation since 2003, have been working to enact strong whistleblower protections.

Over the years, we've worked to educate our colleagues on the need to strengthen the WPA and build consensus for the legislation. I'm especially pleased that last year our bill passed the Senate by unanimous consent as an amendment to the fiscal year 2007 Defense Authorization Act. While the measure was removed with other non-defense specific material in conference, I believe the Senate's action will provide the momentum to make a real difference for Federal whistleblowers in the 110th Congress.

We agree that to ensure the success of any government program there must be appropriate checks in place to weed out mismanagement and wasteful spending. A strong and vibrant WPA is a critical tool in saving taxpayer money and ensuring an open government.

The Federal Employee Protection of Disclosures Act addresses many court decisions that have eroded protections for Federal employees and have ignored congressional intent. Our legislation ensures that Federal whistleblowers are protected from retaliatory action when notifying the public and government leaders of waste, fraud, and abuse. If we fail to protect whistleblowers, then our efforts to improve government management, protect the public, and secure the nation will also fail.

The legislation: clarifies congressional intent that Federal employees are protected for any disclosure of waste, fraud, or abuse—including those made as part of an employee's job duties; provides an independent determination as to whether the loss or denial of a security clearance is retaliation against a whistleblower; and suspends the Federal Circuit Court of Appeals' sole jurisdiction over Federal employee whistleblower cases for 5 years, which would ensure a fuller review of a whistleblower's claim.

Given that the United States will be fighting the war on terror for years to come and that funding such operations requires significant resources, it is imperative that government funds are spent wisely. That is why Federal employees must be confident that they can disclose government waste, fraud, and abuse without fear of retaliation. Restoring credibility to the WPA is no less than a necessity. I look forward to working with my colleagues to pass this critical legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the "Federal Employee Protection of Disclosures Act".

(b) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation"; and

(2) in subparagraph (B)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation (other than a violation of this section)".

(c) COVERED DISCLOSURES.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking "and" at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

"(i) any violation of any law, rule, or regulation; or

"(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.".

(d) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

"This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress, except that an employee or applicant may be disciplined for the disclosure of information described in paragraph (8)(C)(i) to a Member or employee of Congress who is not authorized to receive such information. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.".

(e) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking "and" after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

"(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

"(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

"(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and"

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking "or" at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

"(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling'; or

"(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.".

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

"§ 7702a. Actions relating to security clearances

"(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

"(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

"(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

"(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

"(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regard to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

"(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regard to the security clearance or access determination.

"(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

"(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.".

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

"7702a. Actions relating to security clearances.".

(f) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

"(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

"(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or".

(g) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking "agency involved" and inserting "agency where the prevailing party is employed or has applied for employment".

(h) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

"(3)(A) A final order of the Board may impose—

"(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

"(ii) an assessment of a civil penalty not to exceed $1,000; or

"(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

"(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.".

(i) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 73 and the impact court decisions would have on the enforcement of such provisions of law.

"(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).".

(j) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

"(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

"(B) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).".

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

"(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

"(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.".

(k) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.".

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(l) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: "For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.".

(m) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting ", including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures" after "chapter 12 of this title".

(n) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(o) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 275. A bill to establish the Prehistoric Trackways National Monument in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I'm pleased to reintroduce today with Senator DOMENICI a bill we introduced last Congress. The Prehistoric Trackways National Monument Establishment Act would protect a site of worldwide scientific significance in the Robledo Mountains in my State. The bill would create a national monument to preserve and allow for the continuing scientific investigation of this remarkable "megatracksite" of 280,000,000 year-old fossils. The Energy Committee held a hearing last year where the Bureau of Land Management testified in support; in addition the bill has the support of the local community. I appreciate Senator DOMENICI's support on this measure and hope that with the progress we made last Congress we can look forward to moving the bill quickly through the Senate this year.

The vast tidal mudflats that made up much of modern New Mexico 60 million years before the dinosaurs preserved the marks of some of the earliest life on our planet to make its way out of the ocean. The fossil record of this time is scattered throughout New Mexico but, until this discovery, there were few places where the range of life and their interactions with each other could be studied.

Las Cruces resident Jerry MacDonald first brought the find to light in 1988 when he revealed that there was far more to be found in the Robledos than the occasional fossil that local residents had been seeing for years. The trackways he hauled out on his back, some over 20 feet long, showed that there was a great deal of useful information buried in the rock there. These trackways help complete the puzzle of how these ancient creatures lived in a way that we cannot understand from only studying their fossilized bones.

Senator DOMENICI and Representative Skeen joined me in creating legislation, passed in 1990, to protect the area and study its scientific value. In 1994, scientists from the New Mexico Museum of Natural History and Science, the University of Colorado, and the Smithsonian Institution completed their study and documented the significant scientific value of the find. Particularly owing to the quality of the specimens and the wide range of animals that had left their imprint there the study found that the site was of immense scientific value. The study concluded, in part, "[t]he diversity, abundance and quality of the tracks in the Robledo Mountains is far greater than at any other known tracksite or aggregation of tracksites. Because of this, the Robledo tracks allow a wide range of scientific problems regarding late Paleozoic tracks to be solved that could not be solved before." This bill would take the next logical step to follow up from these efforts and set in place permanent protections and allow for scientific investigation of these remarkable resources.

In addition to permanently protecting the fossils for the scientific community the bill would make it a priority that local residents get the opportunity to see these unique specimens and participate in their curation. This should provide a unique scientific and educational opportunity to Las Cruces and the surrounding community.

I look forward to working with my colleagues to protect these important resources and allow for their continuing contribution to our understanding of life on the ancient earth.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prehistoric Trackways National Monument Establishment Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) MONUMENT.—The term "Monument" means the Prehistoric Trackways National Monument established by section 4(a).

(2) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatrackways was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101-578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing "the most scientifically significant Early Permian tracksites" in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) DESCRIPTION OF LAND.—The Monument shall consist of approximately 5,367 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled "Prehistoric Trackways National Monument" and dated June 1, 2006.

(c) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) CORRECTIONS.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—In the case of a conflict between the map and the legal description, the map shall control.

(4) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) MINOR BOUNDARY ADJUSTMENTS.—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 5. ADMINISTRATION.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 4(a); and

(B) in accordance with—

(i) this Act;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) other applicable laws.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(3) PROTECTION OF RESOURCES AND VALUES.—The Secretary shall manage public land adjacent to the Monument in a manner that is consistent with the protection of the resources and values of the Monument.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) COMPONENTS.—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this Act; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 4(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) AUTHORIZED USES.—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—

(1) IN GENERAL.—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) SPECIAL MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environment concern.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this Act, the more restrictive provision shall control.

(f) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) PERMITTED EVENTS.—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument, including the "Chile Challenge"—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) GRAZING.—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) HUNTING.—

(1) IN GENERAL.—Nothing in this Act diminishes the jurisdiction of the State of New Mexico with respect to fish and wildlife management, including regulation of hunting on public land within the Monument.

(2) REGULATIONS.—The Secretary, after consultation with the New Mexico Department of Game and Fish, may issue regulations designating zones in which and establishing periods during which hunting shall not be allowed for reasons of public safety, administration, or public use and enjoyment.

(j) WATER RIGHTS.—Nothing in this Act constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. DOMENICI. Mr. President, the fossilized trackways near Las Cruces, New Mexico, in Dona Ana County came to my attention in the early 1990's. During the 101st Congress, I cosponsored Senator BINGAMAN's legislation that directed the Bureau of Land Management to study and report on the significance of the prehistoric sites near the Robledo Mountains.

I believe our Federal lands are truly national treasures, and I understand the challenges we face in managing our public lands in a responsible and environmentally sensitive manner. Local leaders, special interest groups, multiple users, New Mexico State University, and the Bureau of Land Management, BLM, have identified many land issues in the Las Cruces area that need to be addressed. The trackways are but one of these issues that can and should be addressed in the context of a broader lands bill. I continue to believe that introduction of comprehensive or omnibus legislation is a preferable approach, rather than the introduction of individual bills to deal with each separate issue.

The trackways are a remarkable resource that need and deserve protection, and I support the intent of this bill. While I am very supportive of the overall goal to protect these prehistoric trackway sites, there are several particulars in this bill that I do not fully embrace and on which I want to continue to work with Senator BINGAMAN, such as ensuring that we authorize all uses in the area that are not inconsistent with the purposes of the bill, and reworking the section regarding BLM authority with respect to hunting activities. As we work through the legislative process, I look forward to working with Senator BINGAMAN to accomplish the objective of protecting the prehistoric trackway sites, while at the same time addressing some of the broader Federal land issues in Dona Ana County.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 276. A bill to strengthen the consequences of the fraudulent use of United States or foreign passports and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, Senator SESSIONS and I are introducing legislation today that will enhance our national security by expanding and strengthening the current passport and visa fraud laws.

The Passport and Visa Security Act bill adds much needed law to punish trafficking in passports and visas and clarifies the current criminal law. It also punishes those who engage in schemes to defraud immigrants based on changes in the immigration law.

This bill is an improved version of a bill Senator SESSIONS and I introduced in the 109th Congress. We both have long been concerned about the need to strengthen our national security by strengthening our document fraud laws.

In fact, we introduced our passport fraud bill well before the comprehensive immigration reform bill was passed in the Senate last Spring.

For that reason, I was pleased that the comprehensive immigration reform bill contained important document fraud provisions. This bill builds on those provisions.

The evidence has shown repeatedly that false immigration documents provide a gateway for organized crime and terrorism. The need to take action against this crime is clear.

For too long, the Federal Government has moved too slowly—or not at all—to enhance our border security. According to the 9/11 National Commission Staff Report on Terrorist Travel, prior to September 11, 2001, no agency of the U.S. government thought of border security as a tool in the counterterrorism arsenal.

Still today, over five years since the tragic attacks on September 11, the Federal Government has failed to devote sufficient time, technology, personnel and resources to make border security a cornerstone of our national security policy.

Last year, Congress passed a law to build a border fence. I believe this law was an important first step, but a fence alone cannot sufficiently protect our vulnerable borders.

In fact, as the 9/11 Commission report demonstrates, individuals with fraudulent documents can pose a far greater threat to our national security than those traveling with no documents at all.

Fraudulent documents give criminals free reign to create a new identity and to plan and carry out attacks in the United States.

We know, for example, that at least two of the 9/11 hijackers used passports that were altered when they entered this country and as many as 15 of the 19 hijackers could have been intercepted by border officials, based in part on their travel documents.

The 9/11 Commission Report detailed the way the terrorist operatives carefully selected the documents they used for travel—most often relying on fraudulent ones.

The terrorists altered passports by substituting photographs, adding false visas, bleaching stamps, and by substituting pages.

The terrorists devoted extensive resources to acquiring and manipulating passports—all to avoid detection of their nefarious activities and objectives.

Today, over five years later, Interpol reports that they have records of more than 12 million stolen and lost travel documents from 113 different countries. These are only the ones we know about.

Interpol estimates that 30 to 40 million travel documents have been stolen worldwide.

We know that over the past few years, passport and visa forgery has become even easier thanks to home computers, digital photography, scanners and color laser printing.

News articles document that passport and visa fraud has become so lucrative that gangs are offering franchises in the multimillion-dollar scam to forgers.

Unfortunately, it's not only foreign passports that can be forged. Forged and fraudulent United States passports can be the most dangerous when in the wrong hands.

With a U.S. passport, criminals can establish American citizenship and have unlimited access to virtually every country in the world.

It's no surprise, then, that passport and visa fraud are often linked to other, very serious crimes in the United States and abroad: narcotics trafficking, organized crimes, money laundering, human trafficking, and identity theft.

For example, this past December, the son of former Liberian President Charles Taylor, Charles McArthur Emmanuel, who headed a violent paramilitary unit in his father's government, was sentenced in Miami for passport fraud.

A day later, a Federal grand jury indicted him on charges of torture and conspiracy involving acts committed in Liberia in 2002.

Emmanuel, also known as Charles "Chuckie" Taylor and Roy Belfast Jr., was on Interpol's Most Wanted list and the United Nations travel watch list.

Nevertheless, he escaped detection by falsifying his passport application, ultimately gaining easy entry and exit from the United States while he perpetrated his crimes.

Despite evidence that these crimes are widespread and that millions of travel documents are on the black market, in 2004, the State Department's Diplomatic Security Service reports that it made about 500 arrests for passport fraud, with only 300 convictions.

For these reasons, Senator SESSIONS and I are introducing a bill today to strengthen current passport and visa laws in a number of key ways.

First, this bill adds two new laws with strong penalties to punish those who traffic in fraudulent travel documents. The current law makes no distinction between those caught with multiple false travel documents—the very worst offenders who are often part of organized crime rings—and those with only one false document. Our bill would change that.

The bill also updates the current travel document fraud laws—using plain language advocated for by the practitioners that passed the Senate as part of the comprehensive immigration reform bill.

Thirdly, the bill adds provisions to the current passport and visa fraud laws to ensure that conspiracies and attempts to commit these crimes are investigated and prosecuted just as vigorously as the completed crime.

Fourth—the bill makes explicit that there is extraterritorial jurisdiction over these offenses, so that individuals who counterfeit travel documents while abroad but are caught trying to enter the United States are still subject to prosecution.

The bill also directs the U.S. Sentencing Guidelines Commissions to reconsider the relatively low sentencing guidelines to reflect the potential seriousness of these crimes.

Currently, offenders who engage in passport or visa fraud generally serve less than a year imprisonment, providing little incentive for U.S. Attorney's Offices to expend scarce resources in prosecuting these crimes.

Finally, the bill creates a law to punish sham attorneys who cheat immigrants out of thousands of dollars by preying on their fears that they could be forced to leave the country. We know that when Congress discusses changing the immigration law, scam artists target and exploit these vulnerable populations. These crimes should not go unpunished.

This bill provides much needed reform. It strengthens the security of documents used to illegally gain entry to this country and empowers the agents and prosecutors who enforce our borders to take swift and strong action against these criminals.

I ask my colleagues to join Senator SESSIONS and me in supporting this legislation.

I ask unanimous consent that a bill summary and the text of this bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

THE PASSPORT AND VISA SECURITY ACT OF 2007

BILL SUMMARY

Adds two new crimes to penalize the trafficking in 10 or more passports or visas and creates a 20 year maximum penalty for violating these provisions. Under current law, there is no specific provision punishing the trafficking of multiple fraudulent documents and each document must be prosecuted individually.

Simplifies the language of the current passport and visa fraud laws, specifically by changing the required criminal intent from "knowingly and wilfully" to "knowingly." The maximum penalty for committing these crimes is amended from 10 years for a first or second offense and 15 years in the case of any other offense to simply 15 years.

Creates a new crime that would penalize those who engage in schemes to defraud aliens in connection with matters authorized by or arising under Federal immigration laws.

Clarifies existing law that the maximum sentence for passport fraud, when used to facilitate a drug trafficking crime, is 20 years; and the maximum sentence for passport fraud, when used to facilitate an act of international terrorism is 25 years. (This change is technical, not substantive, as these are the maximum penalties already in the individual sections of the criminal code.)

Adds language to punish conspiracies and attempts to commit passport fraud and other false document crimes.

Makes explicit that there is extraterritorial jurisdiction over these offenses, so that the United States can prosecute individuals who may have committed a passport fraud crime while abroad (e.g., the law would reach someone who manufactures fake passports in Cameroon and is arrested in the United States).

Adds a definitional section to clarify the terms used in these laws.

Directs the U.S. Sentencing Guidelines Commissions to reconsider the current low sentencing guidelines to reflect the potential seriousness of these crimes and the changes made by this bill.

Creates a rebuttable presumption that a person who commits one of these crimes, or who is found to be unlawfully in the country after having already been ordered deported, is to be detained pending trial.

Adds language directing the Attorney General to create binding regulations to ensure that the prosecution of these crimes is in keeping with current U.S. treaty obligations relating to refugees (which states that refugees carrying false passports should not be prosecuted) without creating a private right of action to enforce this provision.

Clarifies that the Diplomatic Security Service (of the State Department) has authority to investigate these new and revised crimes (using the language found in the 109th Congress Senate passed immigration bill, S. 2611). The Diplomatic Security Service currently investigates passport fraud, this section just clarifies their authority to do so.

Clarifies that the same statute of limitations (10 years) applies to all of the offenses added or modified by this bill—again incorporating language from the 109th Congress Senate passed immigration bill, S. 2611.

S. 276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Passport and Visa Security Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REFORM OF PASSPORT FRAUD OFFENSES

Sec. 101. Trafficking in passports.

Sec. 102. False statement in an application for a passport.
Sec. 103. Forgery and unlawful production of a passport.
Sec. 104. Misuse of a passport.
Sec. 105. Schemes to defraud aliens.
Sec. 106. Immigration and visa fraud.
Sec. 107. Alternative imprisonment maximum for certain offenses.
Sec. 108. Attempts, conspiracies, jurisdiction, and definitions.
Sec. 109. Clerical amendment.
TITLE II—OTHER REFORMS
Sec. 201. Directive to the United States Sentencing Commission.
Sec. 202. Release and detention prior to disposition.
Sec. 203. Protection for legitimate refugees and asylum seekers.
Sec. 204. Diplomatic security service.
Sec. 205. Uniform statute of limitations for certain immigration, passport, and naturalization offenses.

TITLE I—REFORM OF PASSPORT FRAUD OFFENSES

SEC. 101. TRAFFICKING IN PASSPORTS.

Section 1541 of title 18, United States Code, is amended to read as follows:

"§ 1541. Trafficking in passports

"(a) MULTIPLE PASSPORTS.—Any person who, during any period of 3 years or less, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more passports;

"(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

"(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport, knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make a passport, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.".

SEC. 102. FALSE STATEMENT IN AN APPLICATION FOR A PASSPORT.

Section 1542 of title 18, United States Code, is amended to read as follows:

"§ 1542. False statement in an application for a passport

"(a) IN GENERAL.—Whoever knowingly makes any false statement or representation in an application for a United States passport, or mails, prepares, presents, or signs an application for a United States passport knowing the application to contain any false statement or representation, shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) VENUE.—

"(1) IN GENERAL.—An offense under subsection (a) may be prosecuted in any district—

"(A) in which the false statement or representation was made or the application for a United States passport was prepared or signed; or

"(B) in which or to which the application was mailed or presented.

"(2) ACTS OCCURRING OUTSIDE THE UNITED STATES.—An offense under subsection (a) involving an application for a United States passport prepared and adjudicated outside the United States may be prosecuted in the district in which the resultant passport was or would have been produced.

"(c) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the venue otherwise available under sections 3237 and 3238 of this title.".

SEC. 103. FORGERY AND UNLAWFUL PRODUCTION OF A PASSPORT.

Section 1543 of title 18, United States Code, is amended to read as follows:

"§ 1543. Forgery and unlawful production of a passport

"(a) FORGERY.—Any person who knowingly—

"(1) forges, counterfeits, alters, or falsely makes any passport; or

"(2) transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

"(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

"(2) produces, issues, authorizes, or verifies a United States passport for or to any person knowing or in reckless disregard of the fact that such person is not entitled to receive a passport; or

"(3) transfers or furnishes a passport to any person for use by any person other than the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.".

SEC. 104. MISUSE OF A PASSPORT.

Section 1544 of title 18, United States Code, is amended to read as follows:

"§ 1544. Misuse of a passport

"Any person who knowingly—

"(1) uses any passport issued or designed for the use of another;

"(2) uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

"(3) secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.".

SEC. 105. SCHEMES TO DEFRAUD ALIENS.

Section 1545 of title 18, United States Code, is amended to read as follows:

"§ 1545. Schemes to defraud aliens

"(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws or any matter the offender claims or represents is authorized by or arises under Federal immigration laws, to—

"(1) defraud any person; or

"(2) obtain or receive money or anything else of value from any person by means of false or fraudulent pretenses, representations, promises,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) MISREPRESENTATION.—Any person who knowingly and falsely represents that such person is an attorney or an accredited representative (as that term is defined in section 1292.1 of title 8, Code of Federal Regulations (or any successor regulation to such section)) in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.".

SEC. 106. IMMIGRATION AND VISA FRAUD.

Section 1546 of title 18, United States Code, is amended to read as follows:

"§ 1546. Immigration and visa fraud

"(a) IN GENERAL.—Any person who knowingly—

"(1) uses any immigration document issued or designed for the use of another;

"(2) forges, counterfeits, alters, or falsely makes any immigration document;

"(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

"(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

"(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

"(6) transfers or furnishes, without lawful authority, an immigration document to another person for use by a person other than the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) TRAFFICKING.—Any person who, during any period of 3 years or less, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

"(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

"(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make immigration documents, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.

"(d) EMPLOYMENT DOCUMENTS.—Whoever uses—

"(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor;

"(2) an identification document knowing (or having reason to know) that the document is false; or

"(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), shall be fined under this title, imprisoned not more than 5 years, or both.".

SEC. 107. ALTERNATIVE IMPRISONMENT MAXIMUM FOR CERTAIN OFFENSES.

Section 1547 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "(other than an offense under section 1545)";

(2) in paragraph (1), by striking "15" and inserting "20"; and

(3) in paragraph (2), by striking "20" and inserting "25".

SEC. 108. ATTEMPTS, CONSPIRACIES, JURISDICTION, AND DEFINITIONS.

Chapter 75 of title 18, United States Code, is amended by adding after section 1547 the following new sections:

"§1548. Attempts and conspiracies

"Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

"§1549. Additional jurisdiction

"(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

"(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

"(1) the offense involves a United States passport or immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

"(2) the offense is in or affects foreign commerce;

"(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

"(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

"(5) the offender is a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); or

"(6) the offender is a stateless person whose habitual residence is in the United States.

"§1550. Authorized law enforcement activities

"Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (Public Law 91-452; 84 Stat. 933).

"§1551. Definitions

"As used in this chapter:

"(1) The term 'application for a United States passport' includes any document, photograph, or other piece of evidence submitted in support of an application for a United States passport.

"(2) The term 'false statement or representation' includes a personation or an omission.

"(3) The term 'immigration document'—

"(A) means any application, petition, affidavit, declaration, attestation, form, visa, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other official document, arising under or authorized by the immigration laws of the United States; and

"(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document described in subparagraph (A).

"(4) The term 'immigration laws' includes—

"(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

"(B) the laws relating to the issuance and use of passports; and

"(C) the regulations prescribed under the authority of any law described in subparagraph (A) or (B).

"(5) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

"(6) The term 'passport' means—

"(A) a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or

"(B) any instrument purporting to be a document described in subparagraph (A).

"(7) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

"(8) The term 'to present' means to offer or submit for official processing, examination, or adjudication. Any such presentation continues until the official processing, examination, or adjudication is complete.

"(9) The 'use' of a passport or an immigration document referred to in section 1541(a), 1543(b), 1544, 1546(a), and 1546(b) of this chapter includes—

"(A) any officially authorized use;

"(B) use to travel;

"(C) use to demonstrate identity, residence, nationality, citizenship, or immigration status;

"(D) use to seek or maintain employment; or

"(E) use in any matter within the jurisdiction of the Federal government or of a State government.".

SEC. 109. CLERICAL AMENDMENT.

The table of sections for chapter 75 of title 18, United States Code, is amended to read as follows:

"Sec

"1541. Trafficking in passports.

"1542. False statement in an application for a passport.

"1543. Forgery and unlawful production of a passport.

"1544. Misuse of a passport.

"1545. Schemes to defraud aliens.

"1546. Immigration and visa fraud.

"1547. Alternative imprisonment maximum for certain offenses.

"1548. Attempts and conspiracies.

"1549. Additional jurisdiction.

"1550. Authorized law enforcement activities.

"1550. Definitions.".

TITLE II—OTHER REFORMS

SEC. 201. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to the authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate, or amend the sentencing guidelines, policy statements, and official commentaries related to passport fraud offenses, including the offenses described in chapter 75 of title 18, United States Code, as amended by section 2, to reflect the serious nature of such offenses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the United States Sentencing Commission shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this section.

SEC. 202. RELEASE AND DETENTION PRIOR TO DISPOSITION.

(a) DETENTION.—Section 3142(e) of title 18, United States Code, is amended to read as follows:

"(e) DETENTION.—(1) If, after a hearing pursuant to the provisions of subsection (f) of this section, the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

"(2) In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if such judicial officer finds that—

"(A) the person has been convicted of a Federal offense that is described in subsection (f)(1) of this section, or of a State or local offense that would have been an offense described in subsection (f)(1) of this section if a circumstance giving rise to Federal jurisdiction had existed;

"(B) the offense described in subparagraph (A) of this paragraph was committed while the person was on release pending trial for a Federal, State, or local offense; and

"(C) a period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in subparagraph (A) of this paragraph, whichever is later.

"(3) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, an offense under section 924(c), 956(a), or 2332b of this title, or an offense listed in section 2332b(g)(5)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed, or an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title.

"(4) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

"(A) is an alien; and

"(B)(i) has no lawful immigration status in the United States;

"(ii) is the subject of a final order of removal; or "(iii) has committed a felony offense under chapter 75 of this title.".

(b) FACTORS TO BE CONSIDERED.—Section 3142(g)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end; and

(2) by adding at the end the following new subparagraph:

"(C) the person's immigration status; and".

SEC. 203. PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.

(a) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for Federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the United States treaty obligations under Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

(b) NO PRIVATE RIGHT OF ACTION.—The guidelines required by subsection (a), and any internal office procedures adopted pursuant thereto, are intended solely for the guidance of attorneys for the United States. This section, such guidelines, and the process for determining such guidelines are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter

SEC. 204. DIPLOMATIC SECURITY SERVICE.

Section 37(a)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)(1)) is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction defined in paragraph (9) of section 7 of title 18, United States Code;".

SEC. 205. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, PASSPORT, AND NATURALIZATION OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§3291. Immigration, passport, and naturalization offenses

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses) or 75 (relating to passport and visa offenses) of this title, or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information is filed within ten years after the commission of the offense.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, passport, and naturalization offenses".

Mr. SESSIONS. Mr. President, I want to thank my colleague Senator Feinstein for her hard work on document security issues. She currently serves as the Chair of the Judiciary Committee's Terrorism Subcommittee, Senator KYL is Ranking Member, and I am looking forward to working with her on the document security that issues I am sure our subcommittee will address this Congress.

This year will mark the 3rd year Senator FEINSTEIN and I have worked together on legislation aimed at making it easier to prosecute people trying to enter the U.S. with fraudulent documents.

One of the most dangerous document security issues we face is how to keep passports and visas out of the hands of the people we don't want to have them.

As a 2004 U.S. News and World Report article rightly stated, "When it comes to terrorists' most valuable weapons, passports and visas probably rank higher than bullets and bombs." A 2004 study done by the Department of Homeland Security Office of Inspector General titled "A Review of the Use of Stolen Passports From Visa Waiver Countries to Enter the United States," found that "[there are] over 10 million lost or stolen passports that might be in circulation." As background for the report, the Forensics Documents Laboratory informed the Office of the Inspector General that "criminals consider a passport" from a Visa Waiver Country "a very valuable commodity."

To keep out terrorists and others we do not want to allow into the United States, we must be able to identify and effectively prosecute people who lie or give us fraudulent information to obtain a U.S. visa or a passport.

Additionally, we must be able to identify and effectively prosecute people trying to enter the U.S. with a passport or visa that belongs to someone else.

Perhaps most importantly, we must effectively prosecute those possessing multiple passports and visas they intend to distribute to others. We must be able to take these "career" document traffickers, those caught with more than 10 fraudulent passports or visas, off the streets.

Under current law, violators are not being prosecuted effectively because there is no statute that specifically makes trafficking in multiple (10 or more) documents its own crime. This bill will add that new crime—punishable by 20 years in jail—to the passport and visa fraud sections of the criminal code.

In addition to creating a new crime to penalize trafficking in 10 or more fraudulent immigration documents, 20 year maximum sentence, Title I of the bill simplifies the language of several of the current passport fraud provisions of the criminal code and changes the maximum penalties for these offenses from 10 years for the first offense and 15 years for subsequent offenses, to simply 15 years for each offense.

The bill also includes a new protection for immigrants. Anyone who engages in a scheme to defraud them in connection with matters under Federal immigration law, or who pretends to be an immigration lawyer, will be charged under a new crime that carries a maximum penalty of 15 years. Although this provision is not strictly related to passport fraud, it will protect immigrants from sham attorneys and legal "experts" who cheat them out of their money by pretending to offer them immigration benefits or legitimate documents.

Many of the bill's provisions simply clean up sections of the criminal code. For example—one section modifies the alternative sentencing penalties to make sure the penalties for severe passport fraud offenses (such as those used to facilitate a drug trafficking crime or an act of international terrorism) are consistent throughout the code.

Other provisions codify common law principles needed for effective prosecution of document fraud offenses. For example—one section makes needed clarifications on venue. Currently, false statements or documents are often included in the application which is mailed from one location but processed in another location. This section makes clear that the offense is perpetrated both at the location of the mailing and at the location of the adjudication. If the application containing false statements is prepared overseas, this section clarifies that the offense is still punishable in the United States.

In March of 2004, Mark Zuckerman, Assistant U.S. Attorney for New Hampshire, testified before the United States Sentencing Commission. New Hampshire's National Passport Center processed 2 million of the 7 million passports issued in 2003. The National Passport Center also receives nearly all of the applications for passport renewals filed with the State Department. New Hampshire conducted a passport fraud initiative in its U.S. Attorney's Office as part of its anti-terrorism effort. Zuckerman's testimony provides some insight into the problems that arose during the initiative.

Though the passport applications were processed in New Hampshire, cases of passport fraud resulting from those applications were not being handled in New Hampshire. Typically, they were sent back to the district from which they were mailed. Once returned, they were often declined for prosecution by their local U.S. Attorney's office.

One of the reasons frequently given by the regional U.S. Attorney's Offices for declining passport fraud cases was: "The sentencing guidelines do not treat passport fraud as a serious offense for which a period of incarceration is likely."

I would reiterate what Mr. Zuckerman so astutely pointed out in his testimony. Under the current Criminal Code, the most common forms of passport fraud—unless they constitute terrorism or drug trafficking—are just class C felonies. When the defendant has no criminal history, the court is simply required to incarcerate the defendant for 0–6 months. This is the lowest and least consequential sentencing range that can be assigned to any felony under the U.S. Code. (page 5 of Zuckerman's testimony).

The 9/11 Commission also recognized the lack of routine prosecutions for passport fraud offenses. Page 386 of their report noted:

> Fraudulent travel documents, for instance, are usually returned to travelers who are denied entry without further examination for terrorist trademarks, investigation into their source, or legal process.

Importantly, the bill we are introducing today directs the Sentencing Commission to reevaluate the current low sentencing guidelines for passport and visa fraud offenses to reflect the potential seriousness of these crimes and the changes made by our bill.

Additionally, we will require the Sentencing Commission to report back to the Congress on the rationale behind their decision to change (or not change) the sentencing guidelines as a result of this direction.

Majority Leader HARRY REID has repeatedly stated that one of the items at the top of the Democratic agenda early this Congress is the implementation of the recommendations of the 9/11 Commission. In addition to their comments on the lack of prosecutions, the 9/11 Commission had a lot more say about the use of fraudulent and altered passports and visas in the Commission of the 9/11 terrorist attacks.

"[W]e endeavor to dispel the myth that their [the hijackers'] entry into the United States was 'clean and legal'. It was not. . . . two [hijackers] carried passports manipulated in a fraudulent manner. It is likely that several more hijackers carried passports with similar fraudulent manipulation. Two hijackers lied on their visa applications" Preface, 9/11 Commission staff report.

"To avoid detection of their activities and objectives while engaging in travel that necessitates using a passport, terrorists devote extensive resources to acquiring and manipulating passports, entry and exits stamps, and visas. The al Qaeda terrorist organization was no exception. High-level members of Al Qaeda were expert document forgers . . ." Page 1. 9/11 Commission staff report.

"Travel history, however, is still recorded in passports with entry-exit stamps called cachets, which al Qaeda has trained its operatives to forge and use to conceal their terrorist activities". Page 403, 9/11 Commission report.

"[C]ertain al Qaeda members were charged with organizing passport collection schemes to keep the pipelines of fraudulent documents flowing." Page 186., ibid

"For terrorists, travel documents are as important as weapons. They must travel clandestinely to meet, train, plan, case targets, and gain access to attack . . . In their travels, terrorists use evasive measures, such as altered and counterfeit passports and visas . . ." Page 384. ibid.

I hope that Senator REID plans to include the Feinstein/Sessions Passport and Visa Fraud Bill in his 9/11 Commission Recommendations Implementation Package.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 23—DESIGNATING THE WEEK OF FEBRUARY 5 THROUGH FEBRUARY 9, 2007, AS "NATIONAL SCHOOL COUNSELING WEEK"

Mrs. MURRAY submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 23

Whereas the American School Counselor Association has declared the week of February 5 through February 9, 2007, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with the trauma that was inflicted upon them by hurricanes Katrina, Rita, and Wilma;

Whereas students face myriad challenges every day, including peer pressure, depression, and school violence;

Whereas school counselors are among the few professionals in a school building that are trained in both education and mental health;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 478-to-1 is more than double the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 5 through February 9, 2007, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

SENATE RESOLUTION 24—DESIGNATING JANUARY 2007 AS "NATIONAL STALKING AWARENESS MONTH"

Mr. BIDEN (for himself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

Mr. BIDEN. Mr. President, I rise today with my good friend from Maine, Senator COLLINS, to submit a Resolution Marking January as National Stalking Awareness Month. I introduce today's measure because I want to renew our Nation's resolve to fight stalking and to promote public awareness about the newest stalking tool, technology.

Imagine that you are a young wife—estranged from your husband. A court has ordered him to stay away from you, but he shows up everywhere you go. You see him while driving on the road, in the parking lot at work, at a nearby table in restaurants, and at your friends' homes. Although you haven't spoken to him in months, he always knows exactly where you are.

Last year, the Seattle police received such a report from Sherri Peak, whose estranged husband seemed to know her every move. Detectives believed that Robert Peak was stalking his wife, and they brought Sherri's car into the city shop to scan for tracking devices. After several hours of futile searching, one officer popped off the dashboard cover and spotted a global positioning system (GPS) and a cell phone embedded in the car. Then police checked the victim's home computer and found spyware that allowed her husband to hack into her e-mail. Sherri Peak was indeed being stalked—via technology.

The Peak case illustrates a disturbing criminal trend and the dark side of technology. The devices we use to surf the Internet, e-mail one another, download music, and find our way in unfamiliar towns have also equipped stalkers with powerful tools. While "conventional" stalkers follow a victim from home to work or place countless phone calls to their homes, technology-empowered stalkers use GPS to track victims and computer programs to trace every Web site victims visit and every e-mail they send or receive. Stalkers can harass or threaten their victims (or urge others to do so) via e-mail or Web sites set up to harm the victim.

The potential impact of these tactics is staggering. National statistics show that 1 in 12 women and 1 in 45 men will be stalked during their lifetime. The average duration of stalking is 2 years, and more often than not it is accompanied by physical violence. In one study, 3 of 4 women murdered by their intimate partners had been stalked by that partner before they were killed.

Although all 50 States and the Federal Government have stalking laws, many were drafted before the widespread use of e-mail, the Internet, chat rooms, Web sites, social networking sites, GPS, cell phones, and tiny handheld video and digital cameras. Last year Congress tightened the Federal stalking law to take into account these potential stalking tools and techniques. Although some States are following suit, I urge state legislators to continually assess the power of their stalking laws to prohibit and appropriately punish acts of stalking with current or even future technology.

January is National Stalking Awareness Month—the perfect opportunity for parents, lawmakers and community leaders to carefully review State and local laws on stalking and insist that laws keep pace with technology and protect our families. Valuable information on stalking can be found at the Stalking Resource Center (www.ncvc.org/src). We are indebted to the Center's expertise and leadership on this issue. For immediate and confidential assistance, I also urge people to contact the National Crime Victim Helpline at 1–800–FYI–CALL.

I often watch my grandchildren learn with ever more speed to deftly manipulate technology, everything from making digital movies, downloading music, to surfing the Internet. It is clearly a brave, new world. And one that each of us should embrace, learn and celebrate. But with new rights, always come new responsibilities. Through vigilance, both citizens and officials can combat stalking via technology. Just as parents and teens are starting to learn how to protect their privacy while online, we can all learn how to detect high-tech stalking and what to do if it occurs.

Before closing, I would like to thank Senator COLLINS for her commitment to this issue; it is always a pleasure to work with her.

S. RES. 24

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cyber-surveillance the new frontier in stalking;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking; and

Whereas there is a need to enhance the criminal justice system's response to stalking, including through aggressive investigation and prosecution: Now, therefore, be it

Resolved, That—

(1) the Senate designates January 2007 as "National Stalking Awareness Month";

(2) it is the sense of the Senate that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) the people of the United States should applaud the efforts of the many victim service providers, such as police, prosecutors, national and community organizations, and private sector supporters, for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofit organizations, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims; and

(3) the Senate urges national and community organizations, businesses, and the media to promote, through observation of National Stalking Awareness Month, awareness of the crime of stalking.

SENATE RESOLUTION 25—CONGRATULATING THE UNIVERSITY OF FLORIDA FOOTBALL TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I FOOTBALL CHAMPIONSHIP

Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 25

Whereas, on January 8, 2007, before a crowd of nearly 75,000 fans in Glendale, Arizona, the University of Florida football team (referred to in this preamble as the "Florida Gators") defeated the football team of The Ohio State University (referred to in this preamble as the "Buckeyes") by a score of 41–14, to win the 2006 National Collegiate Athletic Association Division I Football Championship;

Whereas that victory marked only the second national football championship victory for the University of Florida in the storied 100-year history of the Florida Gators;

Whereas the Florida Gators captured the Southeastern Conference Championship and compiled an impressive record of 13 wins and 1 loss;

Whereas although many fans viewed the Florida Gators as underdogs, the team—inspired by the leadership of Head Coach Urban Meyer—finished the game with a 41–7 scoring run, and prevented the opponent from scoring a single point during the second half of the game;

Whereas the 4-year starting quarterback of the Florida Gators, Chris Leak, during the final college game of his career, was chosen as the Offensive Most Valuable Player;

Whereas a defensive end of the Florida Gators, Derrick Harvey, was chosen as the Defensive Most Valuable Player;

Whereas the University of Florida is the first university to at the same time hold both the National Collegiate Athletic Association Division I Football Championship and the National Collegiate Athletic Association Division I Basketball Championship;

Whereas each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Florida Gators reached the pinnacle; and

Whereas the families of the players, students, alumni, and faculty of the University of Florida, and all of the supporters of the University of Florida, are to be congratulated for their commitment to, and pride in, the football program at the University of Florida: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Florida football team for winning the 2006 National Collegiate Athletic Association Division I Football Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Florida football team win the 2006 National Collegiate Athletic Association Division I Football Championship, and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the University of Florida for appropriate display;

(B) the President of the University of Florida, Dr. J. Bernard Machen;

(C) the Athletic Director of the University of Florida, Jeremy Foley; and

(D) the head coach of the University of Florida football team, Urban Meyer.

SENATE RESOLUTION 26—COMMENDING THE APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I-AA FOOTBALL CHAMPIONSHIP

Mrs. DOLE (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 26

Whereas, on December 15, 2006, the Appalachian State University football team (referred to in this preamble as the "Mountaineers") defeated the University of Massachusetts football team by a score of 28–17, to win the 2006 National Collegiate Athletic Association (NCAA) Division I–AA Football Championship;

Whereas the Mountaineers were successful due to the leadership of Coach Jerry Moore, and in great part to the spectacular play of Most Valuable Player Kevin Richardson, who scored all 4 touchdowns, and to Corey Lynch, whose fourth quarter interception helped seal the victory;

Whereas the championship victory was the pinnacle of a remarkable season for the Mountaineers, who ended the season with a 14–1 record;

Whereas the Mountaineers' offense was led by Southern Conference Freshman of the Year Armanti Edwards, who rushed for over 1,000 yards and passed for over 2,000 yards, and accounted for 30 touchdowns in his first season;

Whereas the success of the Mountaineers' offense is attributed to Kevin Richardson, who rushed for over 1,000 yards, William Mayfield, who had over 1,000 yards receiving, and the impenetrable offensive line, who made it possible for those amazing statistics to occur;

Whereas the Mountaineers' intimidating defense was led by Marques Murell, Jeremy Wiggins, Monte Smith, and Corey Lynch;

Whereas the Mountaineers were undefeated in conference games and are the champions of the Southern Conference for the second year in a row;

Whereas Appalachian State University affirmed its position as a dominant football program by securing its second consecutive national championship;

Whereas, in 2005, Appalachian State University became the first team from North Carolina to win an NCAA football championship with a 21–16 victory over Northern Iowa;

Whereas the members of the 2006 Appalachian State University football team are excellent representatives of a fine university that is a leader in higher education, producing many fine student-athletes and other leaders;

Whereas the Mountaineers showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of football throughout the 2006 season; and

Whereas residents of the Old North State and Appalachian State University fans everywhere are to be commended for their long-standing support, perseverance, and pride in the team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the champion Appalachian State University football team for their historic win in the 2006 National Collegiate Athletic Association Division I–AA Football Championship;

(2) recognizes the achievements of the players, coaches, students, alumni, and support staff who were instrumental in helping Appalachian State University win the championship; and

(3) directs the Secretary of the Senate to transmit copies of this resolution to Appalachian State University Chancellor Kenneth Peacock and head coach Jerry Moore for appropriate display.

AMENDMENTS SUBMITTED AND PROPOSED

SA 22. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 23. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 24. Mr. ENSIGN proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. Durbin) to the bill S. 1, supra.

SA 25. Mr. ENSIGN proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, AND Mr. DURBIN) to the bill S. 1, supra.

SA 26. Mr. CORNYN proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 27. Mr. CORNYN proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 28. Mr. McCAIN (for himself, Mr. FEINGOLD, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 29. Mr. McCAIN (for himself, Mr. FEINGOLD, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1, supra.

SA 30. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, Mr. McCAIN, Mr. FEINGOLD, Mr. KERRY, and Mr. CARPER) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 31. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 32. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 33. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 34. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 35. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 36. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 37. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 38. Mrs. FEINSTEIN (for herself and Mr. BENNETT) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 39. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 40. Mr. STEVENS proposed an amendment to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 41. Mr. OBAMA (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 42. Mrs. FEINSTEIN (for herself and Mr. ROCKEFELLER) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

TEXT OF AMENDMENTS

SA 22. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 15, strike lines 10 through 18, and insert the following:

(c) PUBLIC AVAILABILITY.—Rule XXXV of the Standing Rules of the Senate is amended—

(1) in paragraph 2, by striking subparagraph (e) and inserting the following new subparagraph (e):

"(e) Not later than 48 hours after the date a disclosure is required to be filed pursuant to subparagraphs (f) and (g), the Secretary of the Senate shall make such disclosures available to the public over the Internet, without fee or other access charge, in a searchable, sortable, and downloadable manner."; and

(2) in paragraph 4, by striking "as soon as possible after they are received" and inserting "not later than 48 hours after the date such information is received, and shall make such information available to the public over the Internet, without fee or other access charge, in a searchable, sortable, and downloadable manner".

At the end of title I, insert the following:

SEC. 120. ELECTRONIC FILING AND SEARCHABLE ONLINE DATABASE OF ALL REPORTS FILED IN THE SENATE.

Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following:

"5 (a). Each report required to be filed under this rule shall be filed and maintained in electronic form.

"(b) Not later than 48 hours after the date a report required under this rule is filed, the Secretary of the Senate shall make such report available to the public over the Internet, without fee or other access charge, in a searchable, sortable, and downloadable manner.".

At the end of subtitle A of title II, insert the following:

SEC. 225. ELECTRONIC FILING OF ELECTION REPORTS OF SENATE CANDIDATES.

(a) IN GENERAL.—Section 304(a)(11)(D) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(D)) is amended to read as follows:

"(D) As used in this paragraph, the terms 'designation', 'statement', or 'report' mean a designation, statement, or report, respectively, which—

"(i) is required by this Act to be filed with the Commission; or

"(ii) is required under section 302(g) to be filed with the Secretary of the Senate and forwarded by the Secretary to the Commission.".

(b) CONFORMING AMENDMENTS.—

(1) Section 302(g)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)(2)) is amended by inserting "or 1 working day in the case of a designation, statement, or report filed electronically" after "2 working days".

(2) Section 304(a)(11)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(B)) is amended by inserting "or filed with the Secretary of the Senate under section 302(g)(1) and forwarded to the Commission" after "Act".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any designation, statement, or report required to be filed after the date of enactment of this Act.

SA 23. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NOTICE OF CONSIDERATION.

(a) IN GENERAL.—No matter or measure may be considered in the Senate unless—

(1) a Senator gives notice of his intent to proceed to that matter or measure and such notice and the full text of that matter or measure are printed in the Congressional Record and placed on each Senator's desk at least 3 calendar days in which the Senate is in session prior to proceeding to the matter or measure;

(2) the Senate proceeds to that matter or measure not later than 30 calendar days in which the Senate is in session after having given notice in accordance with paragraph (1); and

(3) the full text of that matter or measure is made available to the general public in searchable format by means of placement on any website within the senate.gov domain, the gpo.gov domain, or through the THOMAS system on the loc.gov domain at least 2 calendar days before the Senate proceeds to that matter or measure.

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled "Notices of Intent to Proceed or Consider". Each section shall include the name of each Senator filing a notice under this section, the title or a description of the measure or matter to which the Senator intends to proceed or offer, and the date the notice was filed.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 24. Mr. ENSIGN proposed an amendment to amendment SA 3 proposed by Mr. REID for himself, Mr. MCCONNELL, MRS. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 3, strike line 9 through line 11 and insert the following:

"(a) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House.

(1) For the purpose of this section, "matter not committed to the conferees by either House" shall be limited to any matter which:

(A) in the case of an appropriations Act, is a provision containing subject matter outside the jurisdiction of the Senate Committee on Appropriations;

(B) would, if offered as an amendment on the Senate floor, be considered "general legislation" under Rule XVI of the Standing Rules of the Senate;

(C) would be considered "not germane" under Rule XXII of the Standing Rules of the Senate; or

(D) consists specific provision of a containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) For the purpose of this section, "matter not committed to the conferees by either House" shall not include any changes to any numbers, dollar amounts, or dates, or to any specific accounts, specific programs, specific projects, or specific activities which were originally provided for in the measure committed to the conferees by either House.

SA 25. Mr. ENSIGN proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follow:

At the appropriate place, insert the following:

SEC. ___. SENATE FIREWALL FOR DEFENSE SPENDING.

(a) For purposes of Section 301 and 302 of the Congressional Budget Act of 1974, the levels of new budget authority and outlays and the allocations for the Committees on Appropriations shall be further divided and separately enforced under Section 302(f) by—

(1) DEFENSE ALLOCATION.—The amount of discretionary spending assumed in the budget resolution for the defense function (050); and

(2) NONDEFENSE ALLOCATION.—The amount of discretionary spending assumed for all other functions of the budget.

SA 26. Mr. CORNYN proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

"(a) IN GENERAL. It shall not be in order to consider a bill, joint resolution, report, conference report, or statement of managers unless the following—

"(a) a list of each earmark, limited tax benefit or tariff benefit in the bill, joint resolution, report, conference report, or statement of managers along with:

"(1) its specific budget, contract or other spending authority or revenue impact;

"(2) an identification of the Member of Members who proposed the earmark, targeted tax benefit, or targeted tariff benefit; and

"(3) an explanation of the essential governmental purpose for the earmark, targeted tax benefit, or targeted tariff benefit, including how the earmark, targeted tax benefit, or targeted tariff benefit advances the 'General Welfare' of the United States of America;

"(b) the total number of earmarks, limited tax benefits or tariff benefits in the bill, joint resolution, report, conference report, or statement of managers; and

"(c) a calculation of the total budget, contract or other spending authority or revenue impact of all the congressional earmarks, limited tax benefits or tariff benefits in the bill, joint resolution, report, conference report, or statement of managers;

is available along with such bill, joint resolution, report, conference report, or statement of managers to all Members and the list is made available to the general public by means of placement on any website within the senate.gov domain, the gpo.gov domain, or through the THOMAS system on the loc.gov domain at least 2 calendar days before the Senate proceeds to it.".

SA 27. Mr. CORNYN proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ___. NOTICE OF CONSIDERATION.

(a) IN GENERAL.—No legislative matter or measure may be considered in the Senate unless—

(1) a Senator gives notice of his intent to proceed to that matter or measure and such notice and the full text of that matter or measure are printed in the Congressional Record and placed on each Senator's desk at least 3 calendar days in which the Senate is in session prior to proceeding to the matter or measure;

(2) the Senate proceeds to that matter or measure not later than 30 calendar days in which the Senate is in session after having given notice in accordance with paragraph (1); and

(3) the full text of that matter or measure is made available to the general public in searchable format by means of placement on any website within the senate.gov domain, the gpo.gov domain, or through the THOMAS system on the loc.gov domain at least 2 calendar days before the Senate proceeds to that matter or measure.

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled "Notices of Intent to Proceed or Consider". Each section shall include the name of each Senator filing a notice under this section, the title or a description of the legislative measure or matter to which the Senator intends to proceed, and the date the notice was filed.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 28. Mr. McCAIN (for himself, Mr. FEINGOLD, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 4, strike line 11 through line 10, page 5, and insert the following:

that portion of the conference report that has not been stricken and any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) ANY MATTER.—In this section, the term "any matter" means any new matter, including general legislation, unauthorized appropriations, and non-germane matter.

SEC. 102A. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

(a) IN GENERAL.—Rule XVI of the Standing Rules of the Senate is amended by adding at the end the following:

"9. (a) On a point of order made by any Senator:

"(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

"(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

"(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

"(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

"(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment; and

"(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment shall be made.

"(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute, then an amendment to the House bill is deemed to have been adopted that—

"(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

"(B) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill;

"(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

"(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained, then—

"(A) the unauthorized appropriation shall be struck from the amendment;

"(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made; and

"(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

"(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained, then—

"(A) an amendment to the House amendment is deemed to have been adopted that—

"(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

"(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment; and

"(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

"(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

"(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

"(g) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a general appropriation bill or an amendment between the Houses on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (f), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions, on which the Presiding Officer ruled.

"(h) For purposes of this paragraph:

"(1) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this rule.

"(2)(A) The term 'unauthorized appropriation' means an appropriation—

"(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

"(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

"(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.".

(b) LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

"SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

"(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

"(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

"(2) the amount of money paid as described in paragraph (1).

"(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.".

(c) PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.—

(1) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term "assistance" includes an award, grant, loan, loan guarantee, contract, or other expenditure.

(B) The term "congressional report" means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(C) The term "earmark" means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(D) The term "entity" includes a State or locality.

(3) EFFECTIVE DATE.—This subsection shall apply to appropriation Acts enacted after December 31, 2007.

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

"RULE XLIV

"EARMARKS

"1. In this rule—

"(1) the term 'earmark' means a provision that specifies the identity of an entity (by

---

SA 29. Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 4, strike line 11 through line 2, page 5, and insert the following:

that portion of the conference report that has not been stricken and any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) ANY MATTER.—In this section, the term "any matter" means any new matter, including general legislation, unauthorized appropriations, and non-germane matter.

SEC. 102A. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

(a) IN GENERAL.—Rule XVI of the Standing Rules of the Senate is amended by adding at the end the following:

"9.(a) On a point of order made by any Senator:

"(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

"(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

"(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

"(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

"(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment; and

"(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment shall be made.

"(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute, then an amendment to the House bill is deemed to have been adopted that—

"(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

"(B) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill;

"(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

"(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained, then—

"(A) the unauthorized appropriation shall be struck from the amendment;

"(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made; and

"(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

"(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained, then—

"(A) an amendment to the House amendment is deemed to have been adopted that—

"(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

"(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment; and

"(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

"(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

"(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

"(g) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a general appropriation bill or an amendment between the Houses on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (f), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

"(h) For purposes of this paragraph:

"(1) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this rule.

"(2)(A) The term 'unauthorized appropriation' means an appropriation—

"(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

"(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

"(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.".

(b) LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

"SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

"(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

"(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

"(2) the amount of money paid as described in paragraph (1).

"(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.".

(c) PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.—

(1) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term "assistance" includes an award, grant, loan, loan guarantee, contract, or other expenditure.

(B) The term "congressional report" means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(C) The term "earmark" means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(D) The term "entity" includes a State or locality.

(3) EFFECTIVE DATE.—This subsection shall apply to appropriation Acts enacted after December 31, 2007.

SA 30. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, Mr. MCCAIN, Mr. FEINGOLD, Mr. KERRY, Mr. CARPER) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the end of the amendment, add the following:

TITLE III—SENATE OFFICE OF PUBLIC INTEGRITY

SEC. 301. ESTABLISHMENT OF SENATE OFFICE OF PUBLIC INTEGRITY.

There is established, as an office within the Senate, the Senate Office of Public Integrity (referred to in this title as the "Office").

SEC. 302. DIRECTOR.

(a) APPOINTMENT OF DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director who shall be appointed by the President Pro Tempore of the Senate upon the joint recommendation of the majority leader of the Senate and the minority leader of the Senate. The selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office.

(2) QUALIFICATIONS.—The Director shall possess demonstrated integrity, independence, and public credibility and shall have training or experience in law enforcement, the judiciary, civil or criminal litigation, or as a member of a Federal, State, or local ethics enforcement agency.

(b) VACANCY.—A vacancy in the directorship shall be filled in the manner in which the original appointment was made.

(c) TERM OF OFFICE.—The Director shall serve for a term of 5 years and may be reappointed.

(d) REMOVAL.—

(1) AUTHORITY.—The Director may be removed by the President Pro Tempore of the Senate upon the joint recommendation of the Senate majority and minority leaders for—

(A) disability that substantially prevents the Director from carrying out the duties of the Director;

(B) inefficiency;

(C) neglect of duty; or

(D) malfeasance, including a felony or conduct involving moral turpitude.

(2) STATEMENT OF REASONS.—In removing the Director, a statement of the reasons for removal shall be provided in writing to the Director.

(e) COMPENSATION.—The Director shall be compensated at the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 303. DUTIES AND POWERS OF THE OFFICE.

(a) DUTIES.—The Office is authorized—

(1) to investigate any alleged violation by a Member, officer, or employee of the Senate, of any rule or other standard of conduct applicable to the conduct of such Member, officer, or employee under applicable Senate rules in the performance of his duties or the discharge of his responsibilities;

(2) to present a case of probable ethics violations to the Select Committee on Ethics of the Senate;

(3) to make recommendations to the Select Committee on Ethics of the Senate that it report to the appropriate Federal or State authorities any substantial evidence of a violation by a Member, officer, or employee of the Senate of any law applicable to the performance of his duties or the discharge of his responsibilities, which may have been disclosed in an investigation by the Office; and

(4) subject to review by the Select Committee on Ethics to approve, or deny approval, of trips as provided for in paragraph 2(f) of rule XXXV of the Standing Rules of the Senate.

(b) POWERS.—

(1) OBTAINING INFORMATION.—Upon request of the Office, the head of any agency or instrumentality of the Government shall furnish information deemed necessary by the Director to enable the Office to carry out its duties.

(2) REFERRALS TO THE DEPARTMENT OF JUSTICE.—Whenever the Director has reason to believe that a violation of law may have occurred, he shall refer that matter to the Select Committee on Ethics with a recommendation as to whether the matter should be referred to the Department of Justice or other appropriate authority for investigation or other action.

SEC. 304. INVESTIGATIONS AND INTERACTION WITH THE SENATE SELECT COMMITTEE ON ETHICS.

(a) INITIATION OF ENFORCEMENT MATTERS.—

(1) IN GENERAL.—An investigation may be initiated by the filing of a complaint with the Office by a Member of Congress or an outside complainant, or by the Office on its own initiative, based on any information in its possession. The Director shall not accept a complaint concerning a Member of Congress within 60 days of an election involving such Member.

(2) FILED COMPLAINT.—

(A) TIMING.—In the case of a complaint that is filed, the Director shall within 30 days make an initial determination as to whether the complaint should be dismissed or whether there are sufficient grounds to conduct an investigation. The subject of the complaint shall be provided by the Director with an opportunity during the 30-day period to challenge the complaint.

(B) DISMISSAL.—The Director may dismiss a complaint if the Director determines—

(i) the complaint fails to state a violation;

(ii) there is a lack of credible evidence of a violation; or

(iii) the violation is inadvertent, technical, or otherwise of a de minimis nature.

(C) REFERRAL.—In any case where the Director decides to dismiss a complaint, the Director may refer the case to the Select Committee on Ethics of the Senate under paragraph (3) to determine if the complaint is frivolous.

(3) FRIVOLOUS COMPLAINTS.—If the Select Committee on Ethics of the Senate determines that a complaint is frivolous, the committee may notify the Director not to accept any future complaint filed by that same person and the complainant may be required to pay for the costs of the Office resulting from such complaint. The Director may refer the matter to the Department of Justice to collect such costs.

(4) PRELIMINARY DETERMINATION.—For any investigation conducted by the Office at its own initiative, the Director shall make a preliminary determination of whether there are sufficient grounds to conduct an investigation. Before making that determination, the subject of the investigation shall be provided by the Director with an opportunity to submit information to the Director that there are not sufficient grounds to conduct an investigation.

(5) NOTICE TO COMMITTEE.—Whenever the Director determines that there are sufficient grounds to conduct an investigation—

(A) the Director shall notify the Select Committee on Ethics of the Senate of this determination; and

(B) the committee may overrule the determination of the Director if, within 10 legislative days—

(i) the committee by an affirmative, roll-call vote of two-thirds of the full committee votes to overrule the determination of the Director;

(ii) the committee issues a public report on the matter; and

(iii) the vote of each member of the committee on such roll-call vote is included in the report.

(b) CONDUCTING INVESTIGATIONS.—

(1) IN GENERAL.—If the Director determines that there are sufficient grounds to conduct an investigation and his determination is not overruled under subsection (a)(5), the Director shall conduct an investigation to determine if probable cause exists that a violation occurred.

(2) AUTHORITY.—As part of an investigation, the Director may—

(A) administer oaths;

(B) issue subpoenas;

(C) compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony; and

(D) himself, or by delegation to Office staff, take the deposition of witnesses.

(3) REFUSAL TO OBEY.—If a person disobeys or refuses to comply with a subpoena, or if a witness refuses to testify to a matter, he may be held in contempt of Congress.

(4) ENFORCEMENT.—If the Director determines that the Director is limited in the Director's ability to obtain documents, testimony, and other information needed as part of an investigation because of potential constitutional, statutory, or rules restrictions, or due to lack of compliance, the Director may refer the matter to the Select Committee on Ethics of the Senate for consideration and appropriate action by the committee. The committee shall promptly act on a request under this paragraph.

(c) PRESENTATION OF CASE TO SENATE SELECT COMMITTEE ON ETHICS.—

(1) NOTICE TO COMMITTEES.—If the Director determines, upon conclusion of an investigation, that probable cause exists that an ethics violation has occurred, the Director shall notify the Select Committee on Ethics of the Senate of this determination.

(2) COMMITTEE DECISION.—The Select Committee on Ethics may overrule the determination of the Director if, within 30 legislative days—

(A) the committee by an affirmative, roll-call vote of two-thirds of the full committee votes to overrule the determination of the Director;

(B) the committee issues a public report on the matter; and

(C) the vote of each member of the committee on such roll-call vote is included in the report.

(3) DETERMINATION AND RULING.—

(A) REFERRAL.—If the Director determines there is probable cause that an ethics violation has occurred and the Director's determination is not overruled, the Director shall present the case and evidence to the Select Committee on Ethics of the Senate to hear and make a determination pursuant to its rules.

(B) FINAL DECISION.—The Select Committee on Ethics shall vote upon whether the individual who is the subject of the investigation has violated any rules or other standards of conduct applicable to that individual in his official capacity. Such votes shall be a roll-call vote of the full committee, a quorum being present. The committee shall issue a public report which shall include the vote of each member of the committee on such roll-call vote.

(d) SANCTIONS.—Whenever the Select Committee on Ethics of the Senate finds that an ethics violation has occurred, the Director shall recommend appropriate sanctions to the committee and whether a matter should be referred to the Department of Justice for investigation.

SEC. 305. PROCEDURAL RULES.

(a) PROHIBITION OF CERTAIN INVESTIGATIONS.—No investigation shall be undertaken by the Office of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation.

(b) DISCLOSURE.—Information or testimony received, or the contents of a complaint or the fact of its filing, or recommendations made by the Director to the committee, may be publicly disclosed by the Director or by the staff of the Office only if authorized by the Select Committee on Ethics of the Senate.

SEC. 306. SOPI EMPLOYEES UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT.

Section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 3) is amended—

(1) in paragraph (3)—

(A) in subparagraph (H), by striking "or";

(B) in subparagraph (I), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(J) the Office of Public Integrity."; and

(2) in paragraph (9), by striking "and the Office of Technology Assessment" and inserting "the Office of Technology Assessment, and the Senate Office of Public Integrity".

SEC. 307. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b), this title shall take effect on October 1, 2007.

(b) EXCEPTION.—Section 302 shall take effect upon the date of enactment of this Act.

SA 31. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 50, line 25, strike "1995.";" and all that follows through page 51, line 12, and insert the following: "1995.

"(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.".

(3) in paragraph (6)—

(A) by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)";

(B) by striking "(A)";

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) DEFINITION OF LOBBYING ACTIVITY.—Section 207(i) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).".

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

SA 32. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 17, line 15, strike "1 year" and insert "2 years".

On page 50, line 25, strike "1995.";" and all that follows through page 51, line 12, and insert the following: "1995.

"(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.";

(3) in paragraph (6)—

(A) by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)";

(B) by striking "(A)";

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) DEFINITION OF LOBBYING ACTIVITY.—Section 207(i) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).".

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

SA 33. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 10, line 9, strike "Leader."." and insert the following: "Leader.

"3. A former Member of the Senate may not exercise privileges to use Senate or House gym or exercise facilities or member-only parking spaces if such Member is—

(1) a registered lobbyist or agent of a foreign principal; or

(2) in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.".

SA 34. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II insert the following:

SEC. 225. ELECTRONIC FILING OF ELECTION REPORTS OF SENATE CANDIDATES.

(a) IN GENERAL.—Section 304(a)(11)(D) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(D)) is amended to read as follows:

"(D) As used in this paragraph, the terms 'designation', 'statement', or 'report' mean a designation, statement, or report, respectively, which—

"(i) is required by this Act to be filed with the Commission; or

"(ii) is required under section 302(g) to be filed with the Secretary of the Senate and forwarded by the Secretary to the Commission.".

(b) CONFORMING AMENDMENTS.—

(1) Section 302(g)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)(2)) is amended by inserting "or 1 working day in the case of a designation, statement, or report filed electronically" after "2 working days".

(2) Section 304(a)(11)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(B)) is amended by inserting "or filed with the Secretary of the Senate under section 302(g)(1) and forwarded to the Commission" after "Act".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any designation, statement, or report required to be filed after the date of enactment of this Act.

SA 35. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. . STANDARDS FOR ECONOMIC DEVELOPMENT INITIATIVE EARMARKS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following:

"(5) CRITERIA FOR CONGRESSIONAL EARMARKS.—

"(A) IN GENERAL.—No amount of funds provided or made available in an earmark for purposes of funding grants under this subsection may be made available to the Secretary, unless such funds are used for 1 or more of the following purposes related to real property or public or private nonprofit facilities:

"(i) Acquisition.

"(ii) Planning.

"(iii) Design.

"(iv) Purchase of equipment.

"(v) Revitalization, reconstruction, or rehabilitation.

"(vi) Redevelopment.

"(vii) Construction.

"(B) EXPRESS PROHIBITIONS.—In addition to the general prohibition described in subparagraph (A), no amount of funds provided or made available in an earmark for purposes of funding grants under this section may be used by the Secretary for any of the following purposes:

"(i) Reimbursement of expense, including debt services or retirements.

"(ii) Transportation or road projects.

"(iii) Expenses for program operations.

"(iv) Homeland Security or first responder projects.

"(v) Healthcare facilities.

"(C) REPORTS.—

"(i) REQUIRED BEFORE DISBURSAL.—The Secretary may not release any grant funds provided for or made available by an earmark to an eligible public entity or public or private nonprofit organization under this subsection, unless such entity or organization submits to the Secretary a report detailing the economic impact of the earmark.

"(ii) CONTENTS OF REPORT.—

"(I) IN GENERAL.—The report required under clause (i) shall be submitted by the eligible public entity or public or private nonprofit organization to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(II) LIMITATION.—In any report required under clause (i), the Secretary—

"(aa) shall not require the disclosure of any confidential information of the eligible public entity or public or private nonprofit organization, or of any subgrantee employed by such entity or organization; and

"(bb) shall ensure that the requirements of such report are uniform for all grants funded by an earmark within each fiscal year.

"(III) RELEASE OF CHANGE IN REPORTING REQUIREMENTS.—The Secretary shall publish any changes to the reporting requirements under this subparagraph in the Federal Register not later than January 1 of the year preceding the fiscal year in which such changes are to take effect.

"(iii) AVAILABILITY.—The Secretary shall, upon request, provide any member of Congress with a copy of any report filed under this subparagraph.

"(D) SET ASIDE OF BUDGET AUTHORITY.—Not less than 20 percent of the total funds made available for purposes of this section in any appropriations Act shall be made available to the Secretary, free from earmarks, such that the Secretary may award these funds, in the discretion of the Secretary, to eligible public entities or public or private nonprofit organizations under a competitive bidding process.

"(E) DEFINITIONS.—In this subsection:

"(i) EARMARK.—the term 'earmark' means a provision of law, or a directive contained within a joint explanatory statement or report included in a conference report or bill primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

"(ii) NONPROFIT.—The term 'nonprofit' means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

"(iii) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means any private organization (including a State or locally chartered organization) that—

"(I) is incorporated under State or local law;

"(II) is nonprofit in character; and

"(III) complies with standards of financial accountability acceptable to the Secretary.

"(iv) PUBLIC NONPROFIT ORGANIZATION.—The term 'public nonprofit organization' means any public entity that is nonprofit in character.".

SA 36. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS AND MOTIONS TO RECOMMIT.

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended to read as follows:

"1. (a) An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader and shall be read before being debated.

"(b) A motion shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated.".

SA 37. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ___. DISCLOSURE OF POLITICAL ADVOCACY BY THE RECIPIENT OF ANY FEDERAL AWARD.

The Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282) is amended by adding at the end the following:

"SEC. 5. DISCLOSURE OF POLITICAL ADVOCACY BY THE RECIPIENT OF ANY FEDERAL AWARD.

"(a) IN GENERAL.—Not later than December 31 of each year, an entity that receives any Federal award shall provide to each Federal entity that awarded or administered its grant an annual report for the prior Federal fiscal year, certified by the entity's chief executive officer or equivalent person of authority, and setting forth—

"(1) the entity's name;

"(2) the entity's identification number; and

"(3)(A) a statement that the entity did not engage in political advocacy; or

"(B) a statement that the entity did engage in political advocacy, and setting forth for each award—

"(i) the award identification number;

"(ii) the amount or value of the award (including all administrative and overhead costs awarded);

"(iii) a brief description of the purpose or purposes for which the award was awarded;

"(iv) the identity of each Federal, State, and local government entity awarding or administering the award and program thereunder;

"(v) the name and entity identification number of each individual, entity, or organization to whom the entity made an award; and

"(vi) a brief description of the entity's political advocacy, and a good faith estimate of the entity's expenditures on political advocacy, including a list of any lobbyist registered under the Lobbying Disclosure Act of 1995, foreign agent, or employee of a lobbying firm or foreign agent employed by the entity to conduct such advocacy and amounts paid to each lobbyist or foreign agent.

"(b) OMB COORDINATION.—The Office of Management and Budget shall develop by regulation 1 standardized form for the annual report that shall be accepted by every Federal entity, and a uniform procedure by which each entity is assigned 1 permanent and unique entity identification number.

"(c) WEBSITE.—Any information received under this section shall be available on the website established under section 2(b).

"(d) DEFINITIONS.—In this section:

"(1) POLITICAL ADVOCACY.—The term 'political advocacy' includes—

"(A) carrying on propaganda, or otherwise attempting to influence legislation or agency action, including, but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

"(B) participating or intervening in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office, including but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

"(C) participating in any judicial litigation or agency proceeding (including as an amicus curiae) in which agents or instrumentalities of Federal, State, or local governments are parties, other than litigation in which the entity or award applicant—

"(i) is a defendant appearing in its own behalf;

"(ii) is defending its tax-exempt status; or

"(iii) is challenging a government decision or action directed specifically at the powers, rights, or duties of that entity or award applicant; and

"(D) allocating, disbursing, or contributing any funds or in-kind support to any individual, entity, or organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded 15 percent of its total expenditures for that Federal fiscal year.

"(2) ENTITY AND FEDERAL AWARD.—The terms 'entity' and 'Federal award' shall have the same meaning as in section 2(a).".

SA 38. Mrs. FEINSTEIN (for herself and Mr. BENNETT) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. . FREE ATTENDANCE AT A BONA FIDE CONSTITUENT EVENT.

(a) IN GENERAL.—Paragraph 1(c) of rule XXXV of the Senate Rules is amended by adding at the end the following:

"(24) Subject to the restrictions in subparagraph (a)(2), free attendance at a bona fide constituent event permitted pursuant to subparagraph (h).".

(b) IN GENERAL.—Paragraph 1 of rule XXXV of the Senate Rules is amended by adding at the end the following:

"(h)(1) A Member, officer or, employee may accept an offer of free attendance at a convention, conference, symposium, forum, panel discussion, dinner event, site visit, viewing, reception, or similar event, provided by a sponsor of the event, if—

"(A) the cost of any meal provided does not exceed $50;

"(B)(i) the event is sponsored by bona fide constituents of, or a group that consists primarily of bona fide constituents of, the Member (or the Member by whom the officer or employee is employed); and

"(ii) the event will be attended by a group of at least 5 bona fide constituents or individuals employed by bona fide constituents of the Member (or the Member by whom the officer or employee is employed) provided that an individual registered to lobby under the Federal Lobbying Disclosure Act shall not attend the event; and

"(C)(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) For purposes of this paragraph, the term 'free attendance' has the same meaning as in subparagraph (d).

"(4) The Select Committee on Ethics shall issue guidelines within 60 days after the enactment of this subparagraph on determining the definition of the term 'bona fide constituent'.".

SA 39. Mr. COLEMAN sumbitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. . CONGRESSIONAL TRAVEL PUBLIC WEBSITE.

(a) IN GENERAL.—Not later than January 1, 2008, the Secretary of the Senate and the Clerk of the House of Representatives shall each establish a publicly available website that contains information on all officially related congressional travel that is subject to disclosure under the gift rules of the Senate and the House of Representatives, respectively, that includes—

(1) a search engine;

(2) uniform categorization by Member, dates of travel, and any other common categories associated with congressional travel; and

(3) all forms filed in the Senate and the House of Representatives relating to officially-related travel referred to in paragraph (2), including the "Disclosure of Member or Officer's Reimbursed Travel Expenses" form in the Senate.

(b) EXTENSION AUTHORITY.—If the Secretary of the Senate or the Clerk of the House of Representatives is unable to meet the deadline established under subsection (a), the Committee on Rules and Administration of the Senate or the Committee on Rules of the House of Representatives may grant an extension of such date for the Secretary of the Senate or the Clerk of the House of Representatives, respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 40. Mr. STEVENS proposed an amendment to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 8, line 14, after "entity" insert "or by a Member of Congress, or Member's spouse or an immediate family member of either".

On page 10, after line 5, insert the following:

(4) LIMITED FLIGHT EXCEPTION.—Paragraph 1 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(h) For purposes of subparagraph (c)(1) and rule XXXVIII, if there is not more than 1 regularly scheduled flight daily from a point in a Member's State to another point within that Member's State, the Select Committee on Ethics may provide a waiver to the requirements in subparagraph (c)(1) (except in those cases where regular air service is not available between 2 cities) if—

"(1) there is no appearance of or actual conflict of interest; and

"(2) the Member has the trip approved by the committee at a rate determined by the committee.

In determining rates under clause (2), the committee may consider Ethics Committee Interpretive Ruling 412.".

(5) DISCLOSURE.—

(A) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(g) A Member, officer, or employee of the Senate shall—

"(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

"(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.

This subparagraph shall apply to flights approved under paragraph 1(h).".

(B) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(i) by striking "and" at the end of paragraph (7);

(ii) by striking the period at the end of paragraph (8) and inserting "; and"; and

(iii) by adding at the end the following:

"(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

"(A) The date of the flight.

"(B) The destination of the flight.

"(C) The owner or lessee of the aircraft.

"(D) The purpose of the flight.

"(E) The persons on the flight, except for any person flying the aircraft.".

(C) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.".

SA 41. Mr. OBAMA (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike section 212 and insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(d) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

"(1) IN GENERAL.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year, or on the first business day after the 20th if that day is not a business day, each registrant under paragraphs (1) or (2) of section 4(a), and each employee who is listed as a lobbyist on a current registration or report filed under this Act, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(A) the name of the registrant or lobbyist;

"(B) the employer of the lobbyist or the names of all political committees established or administered by the registrant;

"(C) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each contribution made within the quarter;

"(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) raised at such event;

"(E) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom aggregate contributions equal to or exceeding $200 were collected or arranged within the calendar year, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for each recipient;

"(F) the name of each covered legislative branch official or covered executive branch official for whom the lobbyist, the registrant, or a political committee established or administered by the registrant provided, or directed or caused to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(i) an itemization of the payments or reimbursements provided to finance the travel and related expenses, and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(ii) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(iii) whether the registrant or lobbyist traveled on any such travel;

"(iv) the identity of the listed sponsor or sponsors of such travel; and

"(v) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, who directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the lobbyist, the registrant, or a political committee established or administered by the registrant;

"(G) the date, recipient, and amount of funds contributed, disbursed, or arranged (or a good faith estimate thereof) by the lobbyist, the registrant, or a political committee established or administered by the registrant—

"(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

"(ii) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

"(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

"(H) the date, recipient, and amount of any gift (that under the standing rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the lobbyist, the registrant, or a political committee established or administered by the registrant to a covered legislative branch official or covered executive branch official; and

"(I) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each such contribution within the quarter.

"(2) RULES OF CONSTRUCTION.—

"(A) IN GENERAL.—For purposes of this subsection, contributions, donations, or other funds—

"(i) are 'collected' by a lobbyist where funds donated by a person other than the lobbyist are received by the lobbyist for, or forwarded by the lobbyist to, a Federal candidate or other recipient; and

"(ii) are 'arranged' by a lobbyist—

"(I) where there is a formal or informal agreement, understanding, or arrangement between the lobbyist and a Federal candidate or other recipient that such contributions, donations, or other funds will be or have been credited or attributed by the Federal candidate or other recipient in records, designations, or formal or informal recognitions as having been raised, solicited, or directed by the lobbyist; or

"(II) where the lobbyist has actual knowledge that the Federal candidate or other recipient is aware that the contributions, donations, or other funds were solicited, arranged, or directed by the lobbyist.

"(B) CLARIFICATIONS.—For the purposes of this paragraph—

"(i) the term 'lobbyist' shall include a lobbyist, registrant, or political committee established or administered by the registrant; and

"(ii) the term 'Federal candidate or other recipient' shall include a Federal candidate, Federal officeholder, leadership PAC, or political party committee.

"(3) DEFINITIONS.—In this subsection, the following definitions shall apply:

"(A) GIFT.—The term 'gift'—

"(i) means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; and

"(ii) includes, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred—

"(I) gifts of services;

"(II) training;

"(III) transportation; and

"(IV) lodging and meals.

"(B) LEADERSHIP PAC.—The term 'leadership PAC' means with respect to an individual holding Federal office, an unauthorized political committee which is associated with an individual holding Federal office, except that such term shall not apply in the case of a political committee of a political party.".

SA 42. Mrs. FEINSTEIN (for herself and Mr. ROCKEFELLER) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; follows:

On page 7, after line 6, insert the following:

"4. It shall not be in order to consider any bill, resolution, or conference report that contains an earmark included in any classified portion of a report accompanying the measure unless the bill, resolution, or conference report includes, in unclassified language, to the greatest extent possible, a general program description, funding level, and the name of the sponsor of that earmark.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full committee of the Committee on Energy and Natural Resources.

The hearing will take place on January 18, 2007, at 9:30 in SD-106 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on issues relating to oil and gas royalty management at the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC, 20510-6150.

For further information, please contact Patty Beneke at 202-224-5451 or David Marks at (202) 224-8046.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE BUDGET

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Budget be authorized to meet during the session of the Senate on Thursday, January 11, 2007, at 10:30 a.m. to hold hearings to examine the long term budget outlook in SD-608.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, January 11, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Prescription Drug Pricing and Negotiation: An Overview and Economic Perspectives for the Medicare Prescription Drug Benefit."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 11, 2007, at 10 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 11, 2007, at 2 p.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 11, 2007 at 2:30 p.m. to hold an open hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Terry Blankenship, a legislative fellow in my office, be granted privileges of the floor during consideration of S. 1, the ethics reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

CONGRATULATING THE UNIVERSITY OF FLORIDA 2006 NCAA FOOTBALL CHAMPIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 25, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (S. Res. 25) congratulating the University of Florida football team for winning the 2006 National Collegiate Athletic Association Division I Football championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 25) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 25

Whereas, on January 8, 2007, before a crowd of nearly 75,000 fans in Glendale, Arizona, the University of Florida football team (referred to in this preamble as the "Florida Gators") defeated the football team of The Ohio State University (referred to in this preamble as the "Buckeyes") by a score of 41–14, to win the 2006 National Collegiate Athletic Association Division I Football Championship;

Whereas that victory marked only the second national football championship victory for the University of Florida in the storied 100-year history of the Florida Gators;

Whereas the Florida Gators captured the Southeastern Conference Championship and compiled an impressive record of 13 wins and 1 loss;

Whereas although many fans viewed the Florida Gators as underdogs, the team—inspired by the leadership of Head Coach Urban Meyer—finished the game with a 41–7 scoring run, and prevented the opponent from scoring a single point during the second half of the game;

Whereas the 4-year starting quarterback of the Florida Gators, Chris Leak, during the final college game of his career, was chosen as the Offensive Most Valuable Player;

Whereas a defensive end of the Florida Gators, Derrick Harvey, was chosen as the Defensive Most Valuable Player;

Whereas the University of Florida is the first university to at the same time hold both the National Collegiate Athletic Association Division I Football Championship and the National Collegiate Athletic Association Division I Basketball Championship;

Whereas each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Florida Gators reached the pinnacle; and

Whereas the families of the players, students, alumni, and faculty of the University of Florida, and all of the supporters of the University of Florida, are to be congratulated for their commitment to, and pride in, the football program at the University of Florida: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Florida football team for winning the 2006 National Collegiate Athletic Association Division I Football Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Florida football team win the 2006 National Collegiate Athletic Association Division I Football Championship, and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the University of Florida for appropriate display;

(B) the President of the University of Florida, Dr. J. Bernard Machen;

(C) the Athletic Director of the University of Florida, Jeremy Foley; and

(D) the head coach of the University of Florida football team, Urban Meyer.

COMMENDING THE APPALACHIAN STATE UNIVERSITY FOOTBALL 2006 NCAA CHAMPIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 26, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 26) commending the Appalachian State University football team for winning the 2006 National Collegiate Athletic Association Division 1–AA Football Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 26) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 26

Whereas, on December 15, 2006, the Appalachian State University football team (referred to in this preamble as the "Mountaineers") defeated the University of Massachusetts football team by a score of 28–17, to win the 2006 National Collegiate Athletic Association (NCAA) Division I-AA Football Championship;

Whereas the Mountaineers were successful due to the leadership of Coach Jerry Moore, and in great part to the spectacular play of Most Valuable Player Kevin Richardson, who scored all 4 touchdowns, and to Corey Lynch, whose fourth quarter interception helped seal the victory;

Whereas the championship victory was the pinnacle of a remarkable season for the Mountaineers, who ended the season with a 14–1 record;

Whereas the Mountaineers' offense was led by Southern Conference Freshman of the Year Armanti Edwards, who rushed for over 1,000 yards and passed for over 2,000 yards, and accounted for 30 touchdowns in his first season;

Whereas the success of the Mountaineers' offense is attributed to Kevin Richardson, who rushed for over 1,000 yards, William Mayfield, who had over 1,000 yards receiving, and the impenetrable offensive line, who made it possible for those amazing statistics to occur;

Whereas the Mountaineers' intimidating defense was led by Marques Murell, Jeremy Wiggins, Monte Smith, and Corey Lynch;

Whereas the Mountaineers were undefeated in conference games and are the champions of the Southern Conference for the second year in a row;

Whereas Appalachian State University affirmed its position as a dominant football program by securing its second consecutive national championship;

Whereas, in 2005, Appalachian State University became the first team from North Carolina to win an NCAA football championship with a 21–16 victory over Northern Iowa;

Whereas the members of the 2006 Appalachian State University football team are excellent representatives of a fine university that is a leader in higher education, producing many fine student-athletes and other leaders;

Whereas the Mountaineers showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of football throughout the 2006 season; and

Whereas residents of the Old North State and Appalachian State University fans everywhere are to be commended for their long-standing support, perseverance, and pride in the team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the champion Appalachian State University football team for their historic win in the 2006 National Collegiate Athletic Association Division I-AA Football Championship;

(2) recognizes the achievements of the players, coaches, students, alumni, and support staff who were instrumental in helping Appalachian State University win the championship; and

(3) directs the Secretary of the Senate to transmit copies of this resolution to Appalachian State University Chancellor Kenneth Peacock and head coach Jerry Moore for appropriate display.

MEASURE READ THE FIRST TIME—H.R. 3

Mr. BROWN. Mr. President, I understand that H.R. 3 has been received from the House and is at the desk.

I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3) to amend the Public Health Service Act to provide for human embryonic stem cell research.

Mr. BROWN. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

ORDER OF PROCEDURE

Mr. BROWN. Mr. President, I ask unanimous consent that on Friday, January 12, after the reporting of S. 1, the Senate proceed to the consideration en bloc of amendments Nos. 1 and 10; and that the time until 9:50 a.m. run concurrently on both amendments, with the time equally divided and controlled between the two leaders or their designees; that at 9:50 a.m., without further intervening action or debate, the Senate proceed to a vote on or in relation to amendment No. 1, to be followed by a vote on or in relation to amendment No. 10; that no amendments be in order to either amendment, and that there be 2 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I now ask unanimous consent that when the Kerry amendment No. 1 is reported tomorrow, it then be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JANUARY 12, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, January 12; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate then resume consideration of S. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Tomorrow, Mr. President, we will have two rollcall votes beginning at 9:50 a.m. The first vote will be on a Kerry amendment relating to congressional pensions, and the second will be on a Vitter amendment regarding an increase in penalties.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:03 p.m., adjourned until Friday, January 12, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 11, 2007:

DEPARTMENT OF TRANSPORTATION

DAVID JAMES GRIBBIN IV, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION, VICE JEFFREY A. ROSEN.

DEPARTMENT OF JUSTICE

JOHN ROBERTS HACKMAN, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JOHN FRANCIS CLARK.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

EDWARD J. MOSELY, 9449

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

TERESA K. PEACE, 1300

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. EUGENE G. PAYNE, JR., 7528
BRIG. GEN. DOUGLAS M. STONE, 0227

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

LAURA S. BARCHICK, 9252

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PAUL T. CORY, 7027
ROD L. VALENTINE, 6217

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BEATRICE Y. BREWINGTON, 3663
DEIRDRE M. MCCULLOUGH, 8497

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ANTHONY M. DURSO, 2570

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM L. TOMSON, 9567

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEVEN H. HELM, 6990
STEVEN A. JOHNSON, 1945
KURT P. LAMBERT, 7994
MARY ELLEN MCLEAN, 0771
HAL H. RHEA II, 3769
DONALD C. TIGCHELAAR, 4463

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT E. DUNN, 9868
RICHARD M. ERIKSON, 2293
GWENDOLYN S. KING, 4497
WALTER L. SMITH, 9967

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

RICARDO E. ALIVILLAR, 9383
HONG V. BAKER, 9746

To be major

DEBRA L. MCCARTHY, 4173
STEVEN A. REESE, 2349
JACK D. VICK, 6987
MEHDY ZARANDY, 6995

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

ROBERT R. BAPTIST, 3816
HAL R. MOORE, 2394

To be major

JEAN F. CYRIAQUE, 9255
FRANCYS E. DAY, 6415
DARYL S. DICKSON, 6429
FLOYD R. MERRILL III, 2643
CHRISTOPHER H. WILKIN, 4428

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBIN MARK ADAM, 9996
JOHN H. ADAMS, JR., 7659
MARY E. ALDRIAN, 6004
DAVID C. ANDERSON, 3079
JOHN A. ANDERSON, 6418
NORMAN L. ANDERSON, 5125
DALE ANDREWS, 4282
FREDERIC MARC ARRENDALE, 6725
JOHN M. BABCOCK, 1960
ANTHONY RAY BAITY, 3402
THEODORE A. BALE, 7744
ARIEL B. BARREDO, 2719
DENNIS T. BEATTY, 8295
LEE A. T. BENNETT, 6170
HENRY G. BIRKDALE, 7964
BRYAN J. BLY, 2779
JOHN J. BORRIS, 0985
TIMOTHY B. BOUGAN, 4243
BRUCE ANDERSON BOWERS, JR., 7788
JOHN J. BREEDEN, 1125
DAVID J. BREITENBACH, 1540
JAMES P. BROCK, JR., 0794
BARRETT P. BROUSSARD, 9839
JOHN PAUL BRYK, 0790
GERALD A. BUCKMAN, 6611
ROBERT DIXON BURTON, 1792
ROBERT J. CAHALAN, 4181
MELINDA L. CARIGNAN, 9703
DOUGLAS I. CARPENTER, 6797
KEVIN G. CAVANAGH, 7819
BURTON R. CHAPMAN, JR., 1241
DONALD P. CHRISTY, 2562
THOMAS GEOFFREY CLARK, 0908
COURTNEY L. COLLIER, 6199
STACY JEANNE COLLINS, 5260
MARTIN PHILIP CONSIDINE, 3694
KENT R. COOPER, 1756
MATTHEW BRADSHAW COPP, 2291
DAVID E. COWAN, JR., 5469
BRUCE R. COX, 1875
TIMOTHY A. COX, 7545
TIMOTHY L. COX, 0374
DANIEL C. CRAWFORD, 5988
RAYMOND E. CROWNHART, 4422
ROGER L. DAUGHERTY, JR., 4125
HELEN CHRISTINE DAVIS, 2354

TRAVIS E. DAWSON, JR., 7501
THOMAS D. DEAN II, 6378
WILLIAM C. DEAN, 4336
TONY R. DEANGELO, 0204
TROY E. DEVINE, 1261
LEONARD S. DICK, 6950
LOUIS J. DIMODUGNO, 7152
BRIAN D. DOBBERT, 9474
WILLIAM L. DOKEY, 1338
MICHAEL J. DOONAN, 4000
DARYL C. DOWNING, 3939
ROBERT J. DUTTERER, 5484
JAMES G. EANES, 4055
RUFUS L. EDGE, 3996
WILLIAM H. EDWARDS, JR., 9555
JEFFREY WAYNE EGGERS, 3956
MICHEL P. ELLERTBECK, 5929
ANTHONY ESPOSITO, 4202
JUDY C. FEARN, 5804
JOSIE FERNANDEZ, 0467
CHRIS ALAN FINTER, 6996
MICHAEL T. FITZHENRY, 0558
JOHN Y. FIZETTE, 3028
MICHAEL J. FORTANAS, 4666
WILLIAM P. FOSDICK, 1637
ANNETTE N. FOSTER, 5481
THOMAS R. FOSTER, 0723
EDSEL A. FRYE, JR., 3842
CHRISTIAN G. FUNK, 9478
JOHN B. GALLETTE, 3436
JOHN F. GAMACHE, 6180
SCOTT J. GARDNER, 8849
STEPHANIE A. GASS, 7811
STEVEN A. GENN, 4979
ROBERT J. GEORGES, 9461
GREGORY S. GILMOUR, 4362
FRANK GINES, 9883
MICHAEL G. GOETT, 1235
RONALD E. GRAVES, 1086
JAMES A. GRAY, 5516
TOBY D. HAMMER, 5672
CHRISTOPHER P. HANNON, 4887
JOHN F. HART, 9376
KEITH WILLIAM HEIEN, 1849
DANIEL J. HEIRES, 4607
MARY Z. HILL, 4291
STEVEN E. HOFMANN, 5550
JOHN F. HOLLY, 8975
STEWART E. HOLMES, JR., 1329
MICHAEL EUGENE HOWARD, 1747
MARK D. HUSTEDT, 9133
ROBERT A. HUSTON, 0086
JOHN IAFALLO, 4470
SCOTT D. IRONS, 9998
EDWARD L. JENNINGS, 1925
SUZANNE JOHNSON, 9318
KURT D. JONES, 5741
GLEN K. KASHIWABARA, 5572
SEAN E. KAVANAGH, 3937
DAVID W. KAYLOR, 2748
PETER M. KAZAROVICH, 4297
LUKE J. KEALY, 0457
GREGORY Y. KEETCH, 6046
CHRISTOPHER L. KENNY, 1293
FRANK P. KING, 8200
CLAUDE W. KIRKLAND, 6990
JAMES F. KLINE, 0008
DAVID P. KONNEKER, 2265
KEITH D. KRAUSE, 6239
KEVIN L. KREBS, 4120
TIMOTHY J. KREIN, 5617
JEFFREY H. KROESE, 8293
JEFFREY J. LAMERS, 3316
ANDREW R. LARSON, 8190
JOHN D. LARSON, 2319
LINCOLN E. LARSON, 9600
RUTH I. LARSON, 3451
STEVEN G. LAYNE, 4521
MARIA V. LEOS, 5807
NATHAN A. LEPPER, 2910
ALAN H. LERNER, 5966
DANIEL J. LEVEILLE, 3423
CHARLES E. LEWIS, 9238
DONALD R. LINDBERG, 5298
JAMES MICHAEL LINDER, 0208
GUY B. LINDHOLM, 0277
TAYLOR R. LOCKER, 3776
MICHAEL J. LOIDA, 5282
LAURA A. LOPEZ, 0235
JON C. LOVE, 5658
DONALD J. LYONS II, 7715
JAMES D. MACAULAY, 6948
PAUL A. MADSEN, 1876
SAMUEL C. MAHANEY, 1065
VINCENT M. MANCUSO, 2488
BETH A. MANN, 5667
LINDA M. MARSH, 7964
HARRY L. MAY, 2125
MICHAEL J. MCCULLY, 5031
LAWRENCE MCHALE, 1851
TAMMY A. MCKONE, 7221
BRETT JAMES MCMULLEN, 0411
KEVIN MELLETT, 2137
JOHN E. METZ, 1946
JAY CARTER MILKEY, 0791
RONALD B. MILLER, 4891
WALTER T. MILLER III, 1058
DANA C. MOREL, 8680
JOEL M. MORIN, 5805
JOHN L. MORING III, 5188
JOHN M. MORRIS, 6498
KARLA J. MOYER, 4683
LAURENCE B. MUNZ, 9332
ERIC C. NEWHOUSE, 3569
MARK A. NICHOLS, 6548
EDDIE L. NORRIS, 7320
MICHAEL P. ODOM, 0030
TERESA HOHOL ODONNELL, 2431
RANDALL A. OGDEN, 7504
LUCIANO ORTIZ, JR., 8091
JOHN D. PARTAIN, 4087
JOHN M. PAUL, 5678
JEFFERY N. PAULUS, 9425
DENNY A. PEEPLES, 2870
CRAIG S. PETERSEN, 9832
ROBERT E. PETERSON, JR., 5736
FRANK C. PETTEBONE, 0609
DARREN L. PIEDMONTE, 2622
JOHN M. PIRIBEK, 1208
ELISE K. PITTERLE, 4596
MICHAEL J. PLACZEK, 7515
JANET M. POLANECZKY, 6149
GRANT V. POOL, 3852
GREGORY J. POWER, 0546
STEPHEN T. PRIORE, 6929
CLYDE L. PRITCHARD, JR., 9511
NORBERT J. RATTAY, 0878
BRIAN S. RAY, 8906
CAROL A. REECE, 0788
ROBERT D. REIGHARD, 7558
ROBERT J. RICHARD, JR., 8343
SHERRY L. RIDDLE, 9264
TERESA M. RILEY, 9596
MICHAEL J. ROCCHETTI, 1156
JOHN J. ROCCHIO, 7933
SEAN P. ROCHE, 1971
AMY K. ROGERSON, 8593
EDWARD J. ROSADO, JR., 3918
STEVEN R. ROSENMEIER, 7158
ERIC P. ROSS, 2179
CYRIL FRANCIS ROURKE, 9047
LAWRENCE G. RUGGIERO, 7096
CARMIA L. SALCEDO, 4915
DARRYL J. SANCHEZ, 0755
JOAN E. SANDENE, 9062
PATRICIA A. SCANLAN, 0571
PAUL R. SCHUBERT, 8270
KEITH D. SCHULTZ, 8502
DOUGLAS J. SCHWARTZ, 3576
LOUIS MICHAEL SHOGRY III, 0218
CLIFTON D. SHUMAN, 7747
GISELE F. SINGLETON, 0057
JAMES H. SMETZER, 8026
JONATHAN WILLIAM SPARE, 3070
JOSEPH STEPHEN SPECKHART, 7914
PATRICK J. SPIVEY, 2992
MALIA K. SPRANGER, 0951
DOUGLAS H. STANDIFER, 1641
GREGORY C. STEUER, 8864
EUGENE D. STEWMAN, 6151
WILLIAM B. STILSON, 0525
DOUGLAS P. STRAND, 1153
DARREN L. STUDER, 2033
REYNOLD V. TAGORDA, 6037
ALAN C. TEAUSEAU, 7718
JERRY A. THAYER, 4641
BRIAN E. THOMAS, 3434
GARY L. THOMAS, 8201
KELLY A. THOMPSON, 1627
ROBERT C. TROISI, 4428
ROBERT G. VALIN, 7515
MATTHEW A. VANWINKLE III, 9348
JAMES R. VASATKA, 4991
GREGG K. VERSER, 3239
PAUL H. VEZZETTI, 4202
RALPH M. VIETS II, 1917
PAUL J. VINING, 5926
MARK R. WAGNER, 2819
JOLYON R. WALKER, 8447
JIMMY D. WALLACE II, 7230
JAMES P. WALLER, 1865
STEPHEN D. WALTERS, 3518
JON A. WEEKS, 5816
CHRISTOPHER WEIMAR, 4132
PAUL A. WEIMER, 1536
BEN W. WILLIAMS, 5852
LISA J. WITT, 1289
DENIS YAROSH, 8584
LORI A. YOUNG, 9877
RANDALL J. ZAK, 5854

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SHARON A. ANDREWS, 6597
VERONICA R. DIERINGER, 1623
DARLENE M. DIERKES, 4764
MARY B. F. FLEURQUIN, 6967
BRENDA B. GARDNER, 6238
MARGARET L. GIVENS, 8406
MAUREEN P. GLENDON, 2132
JOAN L. GONZALEZ, 1240
SUSAN L. HANSHAW, 8234
DONNA M. HUDSON, 9291
AURORA B. KING, 5413
REBECCA LEIGH LORRAINE, 9922
DEBORAH J. LYTALBRITTON, 1964
LOIS E. MACDONALD, 3937
BETH A. MAHAR, 2289
JUDITH ARLENE MAKEM, 7003
FERN E. MALLOY, 3450
JUDITH W. MARCHETTI, 9623
MARGARET M. MCKELVEY, 5059
ELLEN M. MINDEN, 1336
ALAN E. QUITTENTON, 5470
DELIA G. RAMOS, 1559
WALTON F. REDDISH, 1288
DALE WORONOFF RICE, 7202
RONNIE J. ROBERTS, 6872
MARGARET LEWIS SCHOENEMANN, 3180
SHERRILL J. SMITH, 4515
DARLA K. TOPLEY, 3406
CHARLES R. TUPPER, 6712
MARIE F. WALKER, 1741
NANCY P. WILSON, 9484
DONNA M. F. WOIKE, 3411

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL P. ADLER, 9679
DIEGO X. ALVAREZ, 6459
JOANN LOUISE BASARAN, 2085
LEAH W. BROCKWAY, 9711
RAJIV H. DESAI, 2179
CHRISTOPHER JOSEPH DUNN, 2891
GARY A. FAIRCHILD, 1573
NINA J. GILBERG, 8754
JOHN S. GOLDEN, 4132
SCOTT C. HOWELL, 8622
DARRYL C. HUNTER, 0715
RONALD A. JOHANSON, 1914
CAESAR A. JUNKER, 8578
CHRISTIAN P. LEDET, 8360
CHRISTOPHER W. LENTZ, 6428
PATRICK J. MCGINNIS, 3286
RONALD W. PAULDINE, 1113
AKRAM SADAKA, 7004
BERT A. SILICH, 7912

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARK HUGH ALEXANDER, 2686
SUSAN MARY BIRD, 0915
JOHN ARTHUR CASE, 2487
DONNA M. CLARK, 7553
RONALD M. FEDER, 7605
KIMBERLY A. FERGAN, 6325
RICHARD K. JOHNSON, 6215
WILLIAM R. KRAUS, 1718
NICHOLAS R. LOEHR, 1197
JOSEPH A. ROSA, 8384
RICHARD T. TROWBRIDGE, 6299
MARGARET D. WEATHERMAN, 4751

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LUISA YVETTE CHARBONNEAU, 0811
JONATHAN M. CLYBURN, 9350
MICHAEL J. DANKOSKY, 8717
FERN FITZHENRY, 8367
SUE D. HORNER, 7439
JUDI D. HURLEY, 4949
SHEILA MARCUSEN, 4384
ARTHUR R. NICHOLSON, 3785
JOHN G. RENDZIO, 1303
SEFERINO S. SILVA, JR., 9266

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KATHERINE J. ALGUIRE, 9159
ARTEMUS ARMAS, 4526
LILIAN B. AVIGNONE, 0088
ANDREW W. AYCOCK, 7271
ANNA E. BALSER, 6558
GEORGE A. BARAJAZ, 1444
KERRY A. BARSHINGER, 3836
COLBY J. BENEDICT, 9137
KATHY W. BERGER, 8860
RODNEY A. BERNS, 5146
JACQUELINE E. BERRY, 8655
ROBERT E. BLAND, 3018
STACEY A. BLOTTIAUX, 3056
KATHLEEN M. BRINKER, 3347
MICHELE K. BROWN, 4306
STEVEN C. BROWN, 2173
JEFFREY C. BURGESS, 5472
JOEY M. BURKS, 9631
EDWARD CABALLERO, 9254
CHRISTOPHER L. CAPOZZOLO, 6099
BRENDA S. CASEY, 8876
ENMARIA CHACON, 4022
JAMIE M. CHEN, 8196
DEBORAH J. COCHRAN, 2856
JEFFREY T. COMBALECER, 4262
WILLIAM E. COTTER, 5766
KEVIN J. CREEDON, 6895
KAREN L. CROTEAU, 1622
LORENA C. CROWLEY, 5783
SYLVIA G. CRUZ, 8451
JOHN CURRY, JR., 7807
KAROL J. DAMERON, 9654
ROSHELL L. DEAN, 7689

DAWN M. DEPRIEST, 1542
BRANDON R. DIAMOND, 3668
DOUGLAS E. DILLON, 1087
AARON P. DIMITRAS, 2057
BEATRICE T. DOLIHITE, 5994
TORRE A. DONALDSON, 7404
KAREY M. DUFOUR, 4932
CHRISTOPHER A. EASTBURN, 8133
SHELBY L. FISHER, 5751
TERRI A. FISHER, 3541
RAUL G. FLORES, 8644
DENISE A. FOGH, 6544
INGRID D. FORD, 9260
LORI L. FORTIER, 8177
NICHOLE A. FRITEL, 8722
JOHN H. FUNKE, 6666
JENNIFER J. GALGANO, 4540
SANDRA GALLARDO, 1288
DALIA GARCIA, 4976
WILLIAM D. GILMER, 2342
JENNIFER M. GROFF, 7822
DEBORAH A. HARTMAN, 4925
RACHELLE J. HARTZE, 2275
JENNIFER J. HATZFELD, 7163
NICOLA A. HILL, 8356
KAREN T. HINES, 2668
JUDITH P. HOUK, 9797
BRYAN P. HUTCHESON, 7776
SHELLEY L. JAY, 1749
CHARLIE G. JOHNSON, 2724
NORMA J. KAHOVEC, 5419
NIKI S. KAMBORIS, 6601
STEPHANIE K. KENNEDY, 9215
ROBERT W. KING, 6397
AMY S. KINNON, 3319
BRIAN C. KRAFT, 3028
MARGARET A. LEAVITT, 9085
STEVEN W. LEHR, 6608
LAURA C. LIEN, 3142
JENNIFER A. LOVATO, 4441
PAMELA D. LUDASHER, 3192
TONEKA B. MACHADO, 0268
REBECCA J. MARSHALL, 7642
RODNEY P. MARTENS, 6291
ANGELA J. MASAK, 5766
DEBORAH K. MCCALL, 9568
WILLIAM A. MCCLUNG, 1699
KAREN S. MCCOMB, 3037
REBECCA A. MCCULLERS, 9444
LANCE J. P. MCGINNIS, 5006
MAXINE A. MCINTOSH, 2127
RICHARD M. MERRILL, 8721
KARI A. MILLER, 8589
SHERI L. MOMMERENCY, 0386
MICHELLE L. MONTGOMERY, 5708
REBECCA A. MOORE, 1627
SEAN R. MOORE, 2044
JOANNE E. MURPHY, 4968
CYNTHIA M. MYERS, 6319
MICHELE A. NAGEL, 8983
MARYELLEN OVELLETTE, 9242
KENT M. PALMER, 4146
MARY A. PARKER, 3159
JOHNNA A. PERDUE, 9948
PATTI J. PETERSONBALLIET, 3805
ROBERT R. PHILLIPS, 3462
CAROLINE D. PLAHUTA, 7830
MARVIN E. REDD, 4985
AMY L. ROBERSON, 2679
DENISE J. ROBERTS, 1370
JULIO E. ROBLES, 5214
REBECCA L. ROSA, 3571
RAUL E. RUBIO, 3781
GARY D. RUESCH, 5193
ELIS M. SALAMONE, 9015
STEPHEN E. SAPIERA, 4047
DENISE R. SAVARD, 9990
PAUL D. SCHROTH, 2373
MARY E. SEVERSON, 0469
PAUL B. SIMPSON, 9450
JON A. SINCLAIR, 2812
KRISANDRA K. SMITH, 4727
MARY B. SMITH, 7737
ROBERT D. SMITH, 7683
MICHAEL P. SPARKS, 4132
ERICA L. SPILLANE, 6234
BONNIE E. STEVENSON, 5502
DONNA T. STRAIT, 8973
BETH N. SUMNER, 8979
PAUL V. TALLEY, JR., 3911
OFELIA D. TENNYSON, 1786
MARK E. TERWILLIGER, 4028
MARILYN E. THOMAS, 4711
CHRISTINE M. THRASHER, 5791
RAQUEL TREVINO, 0943
ANDREA S. TROUT, 9831
BEATRICE TURLINGTONWYNN, 6326
KIRSTEN M. VERKAMP, 8556
THERESA A. VERNOSKI, 6240
KIM CHI T. VO, 6743
JEANETTE M. WARD, 0500
JOYCE A. WARRINGTON, 7935
CATHERINE A. WECKWERTH, 8004
GARY A. WELLS II, 5469
CLARISSA H. WILSON, 1910
CONNIE L. WINIK, 3562
CINDEE B. WOLF, 1677
KIMBERLY A. WOOLLEY, 2206
LAURIE A. WORTHY, 5151
REUVEN M. YATROFSKY, 5005
KRISTEN M. ZEBROWSKI, 0163

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RICHARD G. ANDERSON, 0278
JAMES R. ARMSTRONG, 1617
KLEET A. BARCLAY, 7073
EARNEST E. BEEMAN, 1281
ZENON A. BOCHNAK, 5243
PAUL CASTILLO, 5447
TRENT C. DAVIS, 0192
PETER N. FISCHER, 8065
GLENN H. GRESHAM, 3581
RANDALL D. GROVES, 2028
WILLIAM L. HOGGATT, 7818
LINZY R. LAUGHHUNN, 6639
TIMOTHY S. MOERMOND, 2147
BRENDON M. ODOWD, 1637
ANDREW C. PAK, 4418
MARK J. ROBERTS, 2663
KENT W. SCHMIDT, 3642
ROBIN J. STEPHENSONBRATCHER, 9907
SAMMY C. TUCKER, JR., 1557
JOEL K. WARREN, 2497
MITCHELL ZYGADLO, 6304

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MAIYA D. ANDERSON, 8895
TERRI L. ANDERSON, 0714
MONTY T. BAKER, 1648
MARK BALLESTEROS, 8703
CHRISTIE L. BARTON, 5867
MICHAEL A. BLOWERS, 7398
STEPHEN L. BOGLARSKI, 9909
DAVID L. BRAZEAU, 7912
BOBBIE A. BROOKER, 0935
DAVID A. BROWDER, 6528
BELINDA F. BROWN, 0035
ALICIA N. BURKE, 6106
MICHAEL R. BURPEE, 8192
DIANNA O. CALVIN, 5954
JULIAN G. T. CANO, 9014
ANTHONY D. CARUSO, 6989
DANIEL J. CASTIGLIA, 3781
JOSEPH L. CATYB, 1849
CHAD D. CLAAR, 1417
RAMIL C. CODINA, 8840
KATHLEEN A. CRIMMINS, 7979
DEBBIE L. DAMICO, 0905
CATHERINE R. DICKINSON, 0157
MELINDA EATON, 2235
BRIAN J. EDDY, 6787
CLAUDIA M. EID, 2669
MICHAEL J. EISENMAN, 5590
BENITO G. ENRIQUEZ, 5622
BRIAN C. EVERITT, 5712
VALLA C. FAIRLEY, 7532
KEVIN J. FAVERO, 2431
MICHAEL J. FEA, 3934
JERRY M. FLETCHER, 1692
JAMES D. FOLTZ, 4636
ERNEST J. FOX, 6549
THOMAS F. GIBBONS, 7880
DANA L. GILLIGAN, 7771
RYAN T. GIRRBACH, 3196
ANGELA M. GOODWIN, 1170
DAVID W. HAGERTY, 9358
PAUL E. HAIAR, 9970
ACHILLES J. HAMILOTHORIS, 8947
HARVEY D. HUDSON II, 9084
BRIAN S. HUGHES, 1980
DAVID A. INGRAHAM, 9291
ROBIN E. JACKSON, 9685
SCOTT A. JONES, 3276
EVAN E. KELLEY, 3454
DAVID M. KEMPISTY, 4156
PATRICK W. KENNEDY, 9965
JOHN J. KIM, 8286
MARIA R. KOHLER, 6274
GODOFREDO C. LANDEZA, 9661
STEVEN H. LANGE, 1702
AGNES H. LEE, 3944
JASON J. LENNEN, 4884
RACHEL S. LENTZ, 7030
MICHELLE H. LINK, 6082
RAYMOND C. LIST, 3328
ANDRE MACH, 3080
TERESA L. MADDOX, 0961
ROBERT G. MARTIN, 7581
THOMAS V. MASSA, 1789
KEVIN S. MCCAUGHIN, 0487
HOLLY D. MCFARLAND, 6554
AARON P. MIDDLEKAUFF, 9052
MICHAEL P. MORAN, 5821
CHRISTINE L. MURPHY, 9581
MICHAEL L. NEACE, 7848
TONY J. NELSON, 0103
TODD W. NEU, 5095
LAWRENCE B. NOEL, JR., 0555
DENIS J. NOLAN, 2069
DEANNA L. NUTTBROCKALLEN, 4863
MARK A. OLIVER, 4527
MELISSA J. PAMMER, 5265
CONNIE D. M. PARTAIN, 6285
JEFFERY J. PETERSON, 4816
DWAYNE I. PORTER, 6431
CYNTHIA L. POUNCEY, 9752
LEEANN RACZ, 4486
ROBERT W. RAINEY, 2798
JUAN M. RAMIREZ, 3601
TIMOTHY A. RITTER, 0256
RUTH A. ROANAVARRETE, 0479
DANIEL A. ROBERTS, 7425
DARRELL A. ROUSSE, 4847
NESTOR A. RUIZGONZALEZ, 6136
IAN C. RYBCZYNSKI, 4552
ERIC E. SASSI, 9156
JEREMY SKABELUND, 2622
ANGELA C. SPANGLER, 7279
STEVEN M. STRAUB, 1692
MADELAINE SUMERA, 2029
FRANCIS T. TARNER, 1936
LISA A. TAUAI, 5231
JENNIFER A. TAY, 7775
RICHARD D. UVA, 0529
STACEY S. VAN ORDEN, 5618
MICHELE T. VITA, 4323
GARRET A. WADSACK, 9875
MICHELLE L. WAITERS, 3649
JEANNETTE M. WATTERSON, 2452
JAMES L. WEINSTEIN, 9073
JON E. WILSON, 6724
JOVANNA O. WILSON, 5165
ELLEN M. WIRTZ, 0519
JEFFREY L. WISNESKI, 7173

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ROBERT J. AALSETH, 2231
JAMES H. ABBOTT, 1111
JASON K. ABBOTT, 0390
ALEXANDER L. ACKERMAN, 9823
MARK T. ADAMS, 5014
JOSEPH R. ADAMSKI, 4771
SEAN W. ADCOCK, 0091
JOSEPH J. AGUIAR, 5879
EDUARDO D. AGUILAR, 0854
FRANCISCO H. AGUILAR, 5078
RICHARD M. AGUIRRE, 1980
OSCAR J. AHUMADA, 0146
RENE V. ALANIZ, 3236
ALAN P. ALBERT, 6615
DAVID M. ALBERTO, 9510
WILLIAM P. ALCORN, JR., 4513
YAKOV ALEKSEYEV, 7062
MATTHEW W. ALEXANDER, 1666
TRENTON R. ALEXANDER, 3576
WILLIAM F. ALEXANDER, 2474
CARLOS L. ALFORD, 4703
SCOTT M. ALFORD, 0856
BERNIE L. ALLEMEIER, 4594
MARK S. ALLEN, 9122
SKI R. ALLENDER, 1692
STUART L. ALLEY, 1133
KIMANI H. ALSTON, 8849
RICHARD C. ALTOBELLO, 0288
CARLOS X. ALVARADO, 0411
TODD R. ANDEL, 0132
ERIC L. ANDERSON, 3145
ERIN J. ANDERSON, 7727
GAGE A. ANDERSON, 7447
JASON A. ANDERSON, 6945
JOSHUA C. ANDERSON, 1561
KARSTEN J. ANDERSON, 3078
PATRICK J. ANDERSON, 1620
QUINTIN D. ANDERSON, 8587
SCOTT M. ANDERSON, 5141
MARK E. ANDREWS, 2740
JOEY D. ANGELES, 9397
JAVIER I. ANTUNA, 7020
DAVID K. ARAGON, 6655
JOVAN P. ARCHULETA, 0132
JOHN M. ARELLANES, 7413
DOUGLAS A. ARIOLI, 7166
CLINTON J. ARMANI, 0327
MARTY A. ARMENTROUT, 4814
JOSHUA P. ARMEY, 5169
DAVID J. ARMITAGE, 6841
FRANK S. ARNOLD, 5160
JAMES J. ARPASI III, 5902
MICHELLE ARTOLACHIPE, 2397
MATTHEW M. ASHTON, 9705
ROBERT M. ATKINS, 2870
CHRIS D. AUGUSTIN, 0117
BRYAN C. AULNER, 7007
NEIL O. AURELIO, 2971
THOMAS D. AUSHERMAN, 9005
BRANDON J. AVELLA, 6994
RUSSELL J. AYCOCK, 7119
CHRISTOPHER L. AYRE, 2041
SOLOMON R. BAASE, 3144
BRIAN T. BACKMAN, 7725
ANTHONY R. BACZKIEWICZ, 7345
JENNIFER L. BAGOZZI, 9639
KELLY L. BAILEY, 7801
RYAN L. BAILEY, 7726
WENDY L. BAILEY, 8533
RYAN N. BAKAZAN, 0400
DORI M. BAKER, 5882
JESSE M. BAKER, 3817
WILLIAM E. BAKER, JR., 0732
DAVID A. BALDA, 9465
BRENT N. BALDWIN, 7102
ROBIN E. BALDWIN, 5657
JASON T. BALLAH, 3040
LEE E. BALLARD, JR., 5130

MICHAEL P. BALLARD, 0920
BRIAN P. BALLEW, 1139
DAVID M. BANKER, 7550
CHARITY A. BANKS, 1476
JOSEPH A. BANKS, 2537
MATTHEW R. BARFUSS, 9844
CRAIG T. BARHAM, 4742
GARY L. BARKER, 8031
ZACHARY N. BARKER, 0867
CHARLES D. BARKHURST, 6956
RICHARD A. BARKSDALE, JR., 9231
JASON R. BARNES, 0234
JEFFREY A. BARNES, 3948
MICHAEL S. BARNES, 7634
JOHN F. BARRETT III, 0521
WILLIAM A. BARRON, 9863
DANIEL W. BARROWS, 2553
ANTHONY J. BARRY, 4505
MATTHEW J. BARRY, 5321
LANCE D. BARTLETT, 0008
WILLIAM M. BARTLETT, 4604
KARL A. BASHAM, 4927
CLAYTON M. BASKIN, 4695
SHELBY E. BASLER, 7106
ROGER W. BASS, 7915
TONYA M. BATIEWASHINGTON, 0906
JAMIE M. BAUGH, 4930
PATRICK H. BAUM, 4471
STEVEN D. BAUMAN, 4901
DAVID B. BAUMGARTNER, 0483
IAN S. BAUTISTA, 9275
STEVEN M. BEATTIE II, 0311
JOHN R. BEATTY, 5588
SHAWN S. BEAUCHAMP, 4116
BRANDON M. BEAUCHAN, 3618
BRENT E. BEAULIEU, 3590
AVERY B. BEAVER, 8367
GRACE M. BECK, 8247
JEFFREY A. BECKFORD, 6218
CHANDRA M. BECKMAN, 0457
BECKY M. BEERS, 9565
STEVEN G. BEHMER, 0207
MATTHEW W. BEHNKEN, 6609
JENNIFER S. BEHYMER, [illegible]
BRYAN E. BEIGH, 7441
JASON S. BELCHER, 5390
AARON J. BELL, 1448
CHRISTOPHER P. BELL, 0597
JASON B. BELL, 9122
JEFFREY E. BELL, 8127
JOSHUA S. BELL, 4973
SHELBY L. BELL, 0249
TYSON S. BELL, 4372
RONALD B. BELLAMY, 5032
CASIMIRO BENAVIDEZ III, 4281
CHARLES A. BENBOW, 6242
ERIN Z. BENDER, 4702
DAMIAN O. BENIGNO, 1061
RODERICK L. BENNETT, 8115
JOSHUA A. BENSON, 9027
CASSIUS T. BENTLEY III, 6746
ROY A. BENTLEY, 6907
KENNETH A. BENTON, 0365
ROBERT C. BEPKO, 9423
SAMMUEL C. BERENGUER, 4603
BRYAN K. BERG, 2727
DANIEL P. BERG, 7207
ERIC N. BERG, 0570
DAVID J. BERKLAND, 0135
JEFFREY B. BERLAKOVICH, 9245
LENIN A. BERMUDEZROBLES, 6441
CHRISTOPHER D. BERNARD, 5184
MATTHEW J. BERRIDGE, 9361
NATHAN M. BERTMAN, 5372
MATTHEW J. BERTSCH, 2835
BRYAN R. BERUBE, 0366
MICHAEL S. BESS, 0967
STEVEN M. BETSCHART, 6697
JOHN R. BEURER, 7903
DAVID A. BICKERSTAFF, 5346
RYAN D. BICKET, 6196
JOEL K. BIEBERLE, 1669
JOSEPH M. BIEDENBACH, 9210
LISA M. BIEWER, 1410
TRAVIS A. BIGGAR, 2714
PETER J. BIGLEY, 6447
ERIK V. BILSTROM, 2685
DAVIS R. BIRCH, 5491
DENNIS R. BIRCHENOUGH, 0489
PETER J. BIRCHENOUGH, 1799
ANDREW J. BIRO, 1826
MATTHEW J. BISSELL, 1413
ALLISON K. BLACK, 0769
BRETT T. BLACK, 3175
HEIDI E. BLACK, 3834
RICHARD E. BLAGG, JR., 3821
JOSEPH D. BLAHOVEC, JR., 8301
ROBERT B. BLAKE, 1646
RYAN D. BLAKE, 9164
JACK A. BLALOCK, 3038
JAMES S. BLANCHARD, 6880
CHRISTOPHER J. BLANCHETTE, 5572
MATTHEW G. BLAND, 4117
DAVID B. BLAU, 8158
ANTHONY J. BLEVINS, 4849
EMIL L. BLISS, 1261
TERRY M. BLOOM, 5229
AARON R. BLUM, 9094
ELIZIO A. BODDEN, 1805
DANIEL J. BOEH, 9812
WILLIAM P. BOETTCHER, 3501
HEATHER B. BOGSTIE, 4866
RYAN M. BOHNER, 7741
SCOTT A. BOLE, 9816
KEVIN P. BOLLINO, 4842
BRIAN T. BONE, 8392
MELVIN L. BONIFACIO, 1440
STEVEN J. BONNEAU, 2345
JOHN P. BORAH, 8611
DAVID J. BORCHARDT, 9651
DIANA L. BORCHARDT, 7796
MICHAEL J. BORDERS, JR., 7870
MATTHEW R. BORGOS, 2908
CHRIS E. BORING, 5967
JOHN F. BOROWSKI, 8373
JOY E. BOSTON, 1663
ROBERT K. BOSWORTH, 3513
TERRY J. BOUSKA, 4554
DOUGLAS J. BOUTON, 7995
TERRY J. BOWLES, 9415
JOHN C. BOWMAN III, 7412
AARON J. BOYD, 1863
JEREMY R. BOYD, 2777
EDWIN A. BOYETTE, 8433
RYAN C. BOYLE, 8811
TRAVIS J. BRABEC, 5570
DOUGLAS R. BRADER, 1333
DANIEL A. BRADFORD, 3390
MATTHEW S. BRADFORD, 4040
ERIN K. BRADLEY, 8547
HEATHER D. BRAGG, 1105
SEAN S. BRAMMERHOGAN, 9083
MARVIN T. BRANAN, 2872
ANDREW J. BRANCO, 0216
BENJAMIN M. BRANDT, 5514
CHRISTOPHER W. BRANN, 3735
BRIAN S. BRASHER, 4776
JAMISON D. BRAUN, 9294
ARIS Y. BRAXTON, 4130
ROBERT A. BRAXTON, 7388
KEVIN R. BRAY, 3588
SCOTT M. BREECE, 0972
EDWARD J. BRENNAN, 9333
MATTHEW S. BRENNAN, 5027
BRIAN C. BRENNEMAN, 0162
BRADLEY M. BREWINGTON, 6596
WADE M. BRIDGES, 4586
MATTHEW H. BRIGGS, 3656
DEREK T. BRIGHT, 5630
JASON H. BRIGHTMAN, 7925
ANTHONY T. BRIM, 2639
ERIK G. BRINE, 3838
PAUL D. BRISTER, 9360
BRANDY E. BROADBENT, 3656
MARC A. BROCK, 8675
KEITH A. BROECKER, 5594
TONYA J. BRONSON, 4535
COREY M. BROUSSARD, 9853
ANGELIQUE P. BROWN, 6019
CORY L. BROWN, 2250
DOUGLAS A. BROWN, 5799
JAMES E. BROWN, 8760
JAMES H. BROWN, 4887
JERRY R. BROWN, 3193
JOSHUA A. BROWN, 2474
MATTHEW C. BROWN, 3748
MICHAEL L. BROWN, 7387
MICHAEL L. BROWN, 9442
PATRICK L. BROWN, 5129
PHILLIP M. BROWN, 4813
RUSSELL A. BROWN, 2712
SHEROYD L. BROWN, 8085
MICHELE A. BRUEMMER, 8268
JASON K. BRUGMAN, 7167
DAWSON A. BRUMBELOW, 6306
SHANE R. BRUMFIELD, 2236
MICHAEL C. BRUTON, 5701
PAUL W. BRYANT, 9558
REGINAL L. BRYANT, 8142
THOMAS E. BRYANT, 7879
JEFFREY H. BUCKLAND, 3928
GRANT C. BUCKS, 4325
JASON J. BUDNICK, 6850
RODOLFO G. BUENTELLOHERNANDEZ, 2483
CHRISTINA T. BUERGER, 2310
LAWRENCE D. BUERGER, 7655
CORY F. BULRIS, 6160
CHRISTIAN B. BURBACH, 5256
MARK L. BURCH, 2046
JEFFREY A. BURDETTE, 7489
CHAD N. BURDICK, 5130
JONATHAN E. BURDICK, 4726
CORNELL A. BURGESS, 3297
VICTOR L. BURGOS, JR., 1985
BRIAN J. BURKE, 0432
EDWARD A. BURKE, 7541
DAVID M. BURNETT, 7503
JAMES M. BURNUP, 3894
KENNETH R. BURTON, JR., 8913
DEANO A. BUSCH, 9267
DONALD L. BUSH, JR., 4126
SCOTT D. BUSIJA, 2348
KATHLEEN D. BUSS, 9577
SCOTT D. BUSSANMAS, 1703
MATTHEW J. BUTLER, 5786
TRACEY M. BYBEE, 2190
AQUILINO CABAN, 1174
KELLY M. CAHALAN, 6969
ANTHONY P. CALABRESE, 9136
AL J. CALDWELL II, 3583
BYRON J. CALHOUN, 4490
KATHERINE A. CALLAGHAN, 7134
BRYAN T. CALLAHAN, 4622
RUSSELL C. CALLAWAY, 2158
BENJAMIN R. CAMERON, 4055
ELIZABETH A. CAMPBELL, 3566
JENNIFER M. CAMPBELL, 8477
ANDREW M. CAMPION, 7960
KHALID J. CANNON, 7004
KRISTIE Y. CANNON, 8549
MATTHEW S. CANTORE, 1680
SARAH L. CANTRELL, 3122
DANIEL A. CANTU, 1146
JAMES F. CAPLINGER, 2947
SOFIA E. CARABALLOGARCIA, 3384
JEFFREY A. CARBONETTI, 6118
JEFFREY W. CARDER, 3954
BERYL O. CARPENTER, 0618
NICHOLAS A. CARPINO, 4256
TROY D. CARR, 9600
YVONNE C. CARRICO, 8040
DION M. CARRIERI, 3569
BRIAN C. CARROLL, 9073
CLARK W. CARROLL, 7104
ERIC J. CARTAGENA, 5306
CHRISTIAN H. CARTER, 1389
JEREMY S. CARTER, 6325
JONATHAN T. CARTER, 2922
FREDERICK V. CARTWRIGHT, 3307
ANTHONY S. CARVER, 4124
TRACY R. CARVER, 1895
GARY R. CASE, 5756
BRENDAN K. CASEY, 2398
JEFFREY F. CASHION, 1321
VINCENT E. CASQUEJO, 2755
CHRISTOPHER R. CASSEM, 7059
DAVID P. CASSON, 5997
HARTMUT V. CASSON, 3431
TONY CASTILLO, 2296
ROBBY A. CASTLE, 7686
DAVID A. CASTOR, 8780
ALEXANDER CASTRO, 4999
ERICK J. CASTRO, 1838
JUAN M. CASTRO, 9947
RAYMOND E. CASTRO, 2620
CHARLES C. CATES, 8506
JERRY O. CATES, 7121
DAVID C. CAVAZOS, 3431
PAUL J. CENTINARO, 4623
TIMOTHY M. CHABAIL, 6494
RICK A. CHADWICK, 6830
CARRIE E. CHAPPELL, 0736
DAVID R. CHAUVIN, 2766
BRIAN C. CHELLGREN, 2884
CHRISTOPHER R. CHESSER, 8766
CHRISTOPHER L. CHESTNUT, 4276
DOMINIC V. CHIAPUSIO, 8828
MARC A. CHIASSON, 2875
DAMON R. CHIDESTER, 1953
ALLISON R. CHISHOLM, 3424
MATTHEW G. CHO, 7673
BRIAN S. CHOATE, 3132
SHARON A. CHRIST, 3018
SHAWN D. CHRISTIE, 1915
CORY R. CHRISTOFFER, 9256
BRIAN W. CHUNG, 9023
ALLAN D. CHUNN, 5685
CHRISTOPHER S. CHURCH, 3104
CHARLES G. CHURCHVILLE, 3711
MARK M. CIESEL, 6744
RAYMOND J. CILURSO, 9104
JOHN J. CLAGNAZ, 9815
JOSEPH T. CLANCY, 0270
BENJAMIN C. CLARK, 8619
ROBERT P. CLARK, 6101
STEVEN A. CLARK, 8515
LUIS CLAUDIO, 9922
CYNTHIA R. CLEFISCH, 5055
MARC P. CLEMENTE, 2966
WILLIAM C. CLEMENTS, 6480
GEORGE W. CLIFFORD III, 5970
GRETCHEN R. CLOHESSY, 5343
TRAVIS J. CLOVIS, 2266
REBECCA A. COBB, 4715
JOHN J. COCHRANE, 4119
DANIEL J. CODDINGTON, 3962
RYAN M. COLBURN, 5020
MATTHEW W. COLDSNOW, 8612
ANTHONY R. COLE, 0957
KEVIN B. COLEMAN, 5819
MATTHEW F. COLEMAN, 2710
MICHAEL A. COLEMAN, 5401
SHANNON L. COLEMAN, 1566
ROLAND M. COLINA, 0772
PATRICK M. COLLETTE, 1403
BRIAN P. COLLINS, 5947
WILLIAM J. COLLINS, 9976
WILLIAM T. COLLINS, 6793
DANIEL S. COLLISTER, 5706
MICHAEL L. COLSON, 5553
LISA M. COMBS, 4000
BRETT M. COMER, 7061
ERIC T. COMPTON, 5248
JARED A. CONABOY, 7308
KYLE M. CONE, 5659
SHAWN R. CONES, 4984
BRETT P. CONNER, 4790
CARL R. CONWAY, 8009
BENJAMIN C. COOK IV, 4244
JASON J. COOK, 0951
LARRY N. COOK, JR., 4990
WILLIAM C. COOK, 7311
HEATHER D. COOLEY, 3535
JOHN D. COOLEY, JR., 7008
JEREMY C. COONRAD, 7784
CHAD W. COOPER, 9861

FRANCIS S. COOPER, 3681
JAMES C. COOPER, 2738
JASON L. COOPER, 7927
THOMAS L. COOPER, 5413
PHILLIP M. CORBELL, 8760
MARCUS J. CORBETT. 0117
WILLIAM H. CORBETT. 8603
DANIEL J. CORDES, 4108
CHRISTOPHER L. CORN. 1266
PAUL T. CORY. 7027
TODD S. COTSMAN. 8831
KARL K. COWART. 9965
LELAND K. COWIE. 2351
JOSEPH D. COX. 5992
KEVEN P. COYLE. 6893
ROBERT J. CRABLE, JR., 4181
RONALD S. CRABTREE, 2043
DESIREE L. CRAIG, 9166
KEITH B. CRAIG. 4481
MATTHEW S. CRAIG, 3209
JASON S. CRAWFORD, 5509
MARTIN H. CRAWFORD, 7773
RHONDA R. CRAWFORD. 8046
ROLANDIS J. CRAWL, 7703
THOMAS W. CRENSHAW III, 4360
NATHANAEL D. CRIMMINS. 0714
SHANE M. CRIPPEN, 6823
CASHENNA A. CROSS. 4932
LUTHER T. CROSS. 3039
THOMAS A. CROSS, 9907
ERIC W. CROWELL, 6006
JUNE A. CRUSE, 5608
KEVIN D. CRUSON. 7284
BRUCE J. CRUZ, 1336
JEREMIAH J. CRUZ. 0558
JOSEPH H. CRUZ, 9141
VELEZ E. CRUZ, 6223
JOHN T. CUDAR. 9814
JEREMY D. CUKIERMAN. 3932
RICHARD E. CULLIVAN, 0532
TIMOTHY J. CUMMINGS, 8137
GEORGE M. CUNDIFF. JR., 7823
DANIELLE N. CURLEY. 9584
KEVIN S. CURRIE. 0388
FRANCIS E. CURRIER. 1686
MICHAEL D. CURRY. 7896
APRYL L. CYMBAL, 6873
GREGG J. CZUBIK. 5363
VINCENT J. DABROWSKI. 4170
ANTONY C. DACOSTA. 9645
DANIEL L. DAHL, 7631
JENNIFER B. DAINES. 1218
PAUL G. DAMBRAUSKAS, 4064
CHRISTINA X. DANIELS, 6114
KENNETH J. DANIELS, 2394
TIMOTHY S. DANIELSON, 6503
BRIAN S. DANNAKER, 1340
GREGORY N. DASH, 0885
JONATHON M. DAUR, 9978
MICHAEL E. DAVES, 6379
GREGORY A. DAVIS. 9135
LEIGH A. DAVIS, 6753
GEOFFREY D. DAWSON. 9168
RICHARD E. DAWSON. 8644
STEPHEN J. DAWSON. 4042
SELIMON D. DEAN, 2777
DAVID A. DEANGELIS, 9922
DENO W. DEBACCO. 3162
FLORIAN C. DECASTRO, 9781
KENNETH L. DECKER, JR., 6473
JOHN J. DEENEY IV, 9774
DANNY L. DEKINDER, 7906
JOHN F. DELAHANTY. 0616
TRACY N. DELANEY. 1845
DOUGLAS E. DELCAMPO. 4702
CHERYL M. DELOUGHERY, 7185
CHAD A. DELROSSA. 7880
JOSHUA D. DEMOTTS. 2909
JOHNNIE DENNIS, JR., 4104
MARC F. DESHAIES. 2186
MICHAEL J. DEVELLE. 1099
BRENDAN F. DEVINE, 5365
BRIAN J. DEWEY, 7579
CHARLES J. DEWEY. 7205
DANIEL S. DEYOUNG. 8702
JOSE DIAZ DE LEON, 3640
JONATHAN R. DIAZ, 1847
NICOLAS M. DIAZ. 4706
AARON A. DIBBLE. 5384
BRIAN M. DICKENSON. 2693
DRU D. DICKERSON, 1360
JARED W. DICKERSON, 9305
CARL J. DIECKMANN, 3114
JONATHAN M. DIETRICH. 4752
MICHAEL R. DIETRICH. 8935
WADE E. DILLARD. 1934
KENDRA L. DIMICHELE. 9378
MICHAEL E. DINWIDDIE, 5741
ERNESTO M. DIVITTORIO. 3189
DANIEL A. DOBBELS. 0396
BYRON W. DOBBS, 2861
ALAN F. DOCAUER. 6849
BRYAN C. DOCKTER. 1921
JAMES P. DOHERTY. 6412
MEGHAN B. DOHERTY. 5041
MICHAEL S. DOHERTY. 0893
SHAWNA B. DOHERTY, 1670
BENITO M. DOMINGUEZ IV. 0002
JEFFREY J. DONATO. 0039
JAMES L. DONELSON, JR., 6571
JEFFREY A. DONHAUSER, 6846
CAMERON S. DONOUGH, 1486
BRYAN J. DOPPENBERG. 4245
BRENT D. DORSEY. 0677
JASON C. DOSTER. 4390
DREW E. DOUGHERTY, 2270
STEVEN DOUGHERTY. 2186
BRANDON M. DOUGLASS. 5056
JEFFREY J. DOWNS. 5544
HENRY J. DRAKE, 6017
KILE R. DREHER. 2779
BRIAN S. DRENNON. 8279
ANDREW D. DRIES, 0819
DAWN M. DRINKWINE. 3682
STEVEN J. DRINNON, 8224
BRENT A. DROWN, 0787
JOSHUA P. DROZ. 8038
LINDSAY C. DROZ. 4069
KRISTIN N. DUBY. 6075
JERROD W. DUGGAN, 2380
MASON R. DULA. 0981
DENNIS V. DUMALE, 8072
ERIK N. DUNN, 0214
MICHAEL P. DUNYAK, 6255
TREVYR C. DUPONT. 2793
TROY A. DUPONT, 5341
GABRIELLE M. DUPREE, 0020
MICHAEL J. DURBAND, 5828
VINCENT A. DUTTER, 5544
CHAD M. DUTTON. 7345
APRIL D. DWYER, 1553
MICHAEL T. DYE, 0353
TODD R. DYER. 5601
WESLEY B. EAGLE, 9070
TRAVIS EASTBOURNE. 3627
HEATHER E. EASTLACK. 3622
JON A. EBERLAN. 0162
DANIEL A. EBERT. 7321
JON J. ECKERT, 9298
BRYAN D. EDMUNDS, 2026
DIMEATRIUS A. EDWARDS. 3064
JEREMY T. EDWARDS. 1468
MATTHEW R. EDWARDS, 4128
BRIAN D. EGBERT. 1939
JOSEPH J. EGRESITS, 3278
ANTHONY E. EHNES. 9052
KEVIN J. EHRICH, 2319
DAVID A. EHRLICH. 4195
ERIK L. EICHIN, 4597
DAVID C. EIDSMOE, 7353
DAVID J. EIKENBURG. 6410
JENNIFER V. EILERT, 1157
DAVID B. EISENBREY, 0592
KIRK E. EKNES. 3646
BRYAN A. ELDER. 8511
JONATHAN E. ELDRIDGE, 8044
JOSEPH S. ELKINS. 2870
STEVEN J. ELLIOTT, 5532
RYAN A. ELOFSON, 1694
CHRISTOPHER J. EMCH. 9626
DAVID G. EMERY. 5954
SARAH L. EMORY, 4731
PAUL D. EMSLIE. 4058
ROBERT C. ENCK, 3101
ROXANE E. ENGELBRECHT, 8781
JOHN M. ENGESSER, 7899
TONY D. ENGLAND, 8064
ALEX M. ENGLE. 6334
MICHAEL J. ENGLEHARDT, 3990
JASON D. ENGLER. 2529
KEITH E. ENGLIN. 2196
CRAIG G. ENRIQUES, 6733
KIRBY M. ENSSER, 6442
JOEL E. EPPLEY, 4805
CHAD M. ERICKSON, 3976
RAYMOND R. ERICKSON. 0235
RICHARD D. ERKKILA. 2587
MATTHEW A. ERPELDING, 3813
BRADLEY J. ERTMER, 5540
MACK A. ERWIN, 5314
PABLO ESCOBEDO, JR., 6242
ROBERT P. ESKRIDGE, 6029
JASON T. ESQUELL. 4860
QUENTEN M. ESSER, 2481
MARK A. ESSLINGER. 7604
MICHAEL A. EVANCIC, 6874
BRANDON C. EVANS, 9812
CHRISTOPHER B. EVANS. 3402
JACK R. EVANS. 9214
KENNETH M. EVANS. 9418
MICHAEL A. EVANS, 7670
ROBERT W. EVANS. 1749
ROBERT E. EVERT. 8443
JOSEPH R. EWING. 4721
ELIZABETH J. EYCHNER. 7459
STEVEN W. FALL, 7134
MARK D. FALSANI, 0072
EMILY E. FARKAS. 7737
ERICKA S. FARMERHILL. 5352
SCOTT W. FARNHAM. 0247
FRANCIS J. FARRELLY, 9738
ANDREW C. FAULKNER. 2569
MARK J. FAULSTICH, 0625
ELIZABETH R. FEASTER. 1029
JAMES R. FEE, JR., 5774
GARY A. FELAX. 1250
JACK M. FELICI, 8070
JOEL W. FENLASON, 5340
JOSEPH P. FERFOLIA. 1541
JAMES S. FERGUSON, 9205
JEFFREY A. FERGUSON. 1275
MARCUS G. FERGUSON, 5851
JAMES S. FERNANDEZ, 0352
ANDREW P. FETH. 2026
PAUL P. FIDLER, 0333
ERIK J. FIEDERER, 8269
ADAM R. FIEDLER, 9178
PATRICK N. FIEG. 3012
DAMON D. FIGUEROA. 8251
JEFFREY A. FINDLEY. 5822
JONATHAN S. FINDLEY, 2932
DANIEL E. FINKELSTEIN. 3980
SEAN M. FINNAN. 7507
BRADY S. FISCHER. 9244
JEREMY C. FISCHMAN, 3158
GRANT A. FISH, 9496
JEFFREY P. FISHER, 0821
KEVIN D. FISHER, 4168
BARY D. FLACK, 6076
RYAN W. FLEISHAUER, 7851
JASEM R. FLEMING. 2709
LARRY B. FLETCHER. JR., 9124
NATHAN D. FLINT, 4401
DANIEL F. FLORES. 1867
GARRY S. FLOYD. 2397
JACK W. FLYNT, 6762
MICHELLE L. FODREY, 7306
ANDREW M. FOGARTY, 4419
PHILIP M. FORBES, 7338
CHRISTOPHER L. FORD. 3306
JASON M. FORD, 8843
JENNIFER S. FORD, 1561
WILLIAM C. FORD, 9925
CHRISTOPHER D. FORREST, 3613
LESLIE Y. FORRESTER, 0198
ERNEST L. FOSTER II, 9910
JASON P. FOSTER, 2709
RICHARD B. FOSTER. 6165
WILLIAM W. FOSTER, 5851
DEANNA L. FOTY, 1736
DOUGLAS J. FOWLER, 0598
DANIELLE C. FOX. 3837
LANCE E. FRALEY. 6162
JOSEPH B. FRAMPTOM, 3020
JASON E. FRANCE, 3545
KEITH G. FRANCIS. 1262
NICHOLE K. A. FRANCISCO, 1617
JOHN C. FRANCOLINI, 3532
TYLER P. FRANDER. 1560
JOSHUA N. FRANK. 4647
NIKKI R. FRANKINO, 7939
JAMES R. FRANKS, JR., 6708
RYAN P. FRAZIER. 7959
JEFFREY H. FREEDMAN. 4074
CHARLES M. FREEL, 7714
JACOB A. FREEMAN, 5251
MERLISSA N. FREEMAN. 0103
MICHAEL A. FREEMAN. 0766
PAUL B. FREEMAN. 0290
WILLIAM K. FREEMAN, 9510
HUGH J. FREESTROM. 6503
MICHAEL R. FREIMARCK. 9012
MICHAEL H. FREYHOLTZ. 8695
GARY L. FRISARD, 2790
BRIAN S. FRISBEY. 3416
SHAWN J. FRITZ, 9409
CRAIG A. FRONCZEK, 7901
JOHN G. FRUEH. 3611
KEVIN J. FRUHWIRTH, 4749
JENNIFER R. FUGIEL, 6117
JENNIFER D. FUJIMOTO. 2472
BRANDON S. FULLER, 4570
JASON S. FULLER, 8634
NICOLE E. FULLER, 4713
BRAD T. FUNK, 4360
ERIC M. FURMAN, 9856
JEAN J. FUTEY, 2488
JOSEPH D. GADDIS. 0133
LEO L. GAGE, JR., 6309
BRENT J. GAGNARD. 2430
DARIA J. GAILLARD, 9164
ALLISON M. GALFORD, 9710
CHAD A. GALLAGHER. 4411
JEFFREY M. GALLOWAY. 9055
DANIEL A. GALLTON, 4621
BRIAN J. GAMBLE, 7177
KIMBERLY L. L. GARBETT. 2628
CONNIE R. GARCIA, 2601
FRED E. GARCIA, 2211
MARILYN A. GARCIA. 6794
RICARDO R. GARCIA, 2283
MICHAEL L. GARGASZ, 9664
TIMOTHY R. GARLAND, 5083
MICHAEL H. GARNER, 2708
JASON M. GARRISON, 4109
DARIUS V. GARVIDA, 8841
MARC R. GASBARRO, 5050
ERIC R. GAULIN. 9688
JULIE M. GAULIN. 5616
JEREMY D. GEASLIN. 9278
JASON W. GEITGEY, 8183
ROBERT C. GELLNER, 5110
MARA E. GEORGIANA, 3606
MICHELE J. GERACI, 4504
ALGERD A. GERALT, 4345
TREVOR F. GERSTEN, 5509
JOHN F. GETGOOD. 5451
MATTHEW C. GETTY. 7231
JAMES B. GHERDOVICH, 7292
MARK D. GIBSON, 0580
SEAN M. GIBSON. 3022
RONALD E. GILBERT, 9865
JEREMY R. GILBERTSON. 8858
MICHELLE E. GILLASPIE. 5607
JOHN B. GILLIAM. 0312
SHAWN K. GILLILAND, 4007

MIKI K. GILLOON, 5870
SCOTT R. GILLOON, 0469
JASON N. GINGRICH, 1198
ADAM E. GIZELBACH, 0286
ROSS K. GLEASON, 7280
JASON R. GLOVER, 2838
MATTHEW R. GLYNN, 1942
CHRISTOPHER R. GOAD, 8889
PATRICK M. GODFREY, 7180
EDWARD G. GOEBEL, JR., 6765
BRIAN D. GOLDEN, 8061
KYLE H. GOLDSTEIN, 5049
JEFFREY J. GOMES, 9219
LORELEI GOMEZ, 6155
TIMOTHY M. GONYEA, 8181
BIRMANIA M. GONZALEZ, 9358
GERARDO O. GONZALEZ, 2373
JUANITA M. GONZALEZ, 2583
MICHAEL P. GOOD, 8213
DAVID P. GOODE, 3185
VANCE GOODFELLOW, 0950
JOHN T. GOODSON III, 0551
JEREMY S. GORDON, 8153
RANDEL J. GORDON, 8504
MICHAEL S. GORE, 6977
RYAN E. GORECKI, 9898
MARK D. GOULD, 7354
JAMES P. GOVIN, 4131
MARGARET D. GRAFE, 2159
ARTHUR P. GRAFTON IV, 1163
BRENT W. GRAHAM, 6632
DAVID R. GRAHAM, 8282
LAWRENCE C. GRAHAM IV, 6254
SETH W. GRAHAM, 5984
GEORGE R. GRANHOLM, 4378
HOLLY E. GRANT, 3402
JORDAN G. GRANT, 4718
TODD D. GRANT, 0009
NICOLAUS P. GRAUER, 3853
NATHANAEL L. GRAUVOGEL, 0002
CHRISTOPHER P. GRAVES, 1276
BRYAN T. GRAY, 0618
MYERS S. GRAY, 1251
STACEY A. GRAY, 5609
SCOTT A. GREATHOUSE, 5652
JAMIE L. GREEN, 7067
MAYA D. GREEN, 7133
MERRICK J. GREEN, 0118
DONALD R. GREENE, 7215
KARA M. GREENE, 9044
BRIAN J. GRETE, 3136
ROD D. GRICE, 9822
ANDREW J. GRIFFIN, 1774
GILBERT S. GRIFFIN, 6730
MICHELLE L. GRIFFITH, 5670
MICHAEL A. GRIMAUD, 1664
JOSEPH J. GRINDROD, 8563
TODD J. GROCKI, 7525
KIMBERLY L. GROVER, 2590
JOHN A. GRUBER, 7848
EDWARD B. GRUNDEL, 8372
LIZABETH M. GRUPE, 1255
AARON GUILL, 1059
MARK T. GUILLORY, 2186
ERIN R. GULDEN, 8634
EDWARD J. GUSSMAN, 5339
JOHN M. GUSTAFSON, 6137
JUNG H. HA, 6451
CHARLES R. HAAG, 9750
TROY L. HACKER, 5618
GREGORY R. HAFNER, 7902
MICHAEL J. HAGAN, 8533
CHRISTOPHER M. HAGUE, 5794
MARY C. HAGUE, 4456
TYLER N. HAGUE, 9028
CHRISTOPHER M. HAINES, 3762
DAVID L. HALASIKUN, 8501
JASON P. HALE, 0169
FRANCIS G. HALL, 5375
JONATHAN B. HALL, 0944
PRINCE J. HALL, 1167
RUSSELL J. HALL, 5985
SCOTT J. HALL, 7173
NILS E. HALLBERG, JR., 1390
DAN C. HAMAN, 1150
COURTNEY A. HAMILTON, 7386
JAMES R. HAMILTON, 6769
SCOTT D. HAMILTON, 5639
CHRISTOPHER B. HAMMOND, 5121
JEFFREY A. HAMMOND, 4432
YOUNG I. HAN, 2956
CARL E. HANEY, 6872
JAMES R. HANFORD, 8251
JONATHAN G. HANLEY, 0545
MARK L. HANSEN, 9530
ELIZABETH A. HANSON, 0253
BRIAN L. HARD, 8969
DARION L. HARDEN, 1328
ROBERT W. HARDER, 6348
TAMMY A. HARDER, 4492
BENJAMIN A. HARDING, 5253
JAMES M. HARMON, 8783
ARCHIBALD A. HARNER, 9184
GABRIEL T. HARRIS, 9583
JASON C. HARRIS, 5906
JOHN N. HARRIS, 9364
STANLEY B. HARRIS, 3554
BENJAMIN R. HARRISON, 0771
JIM N. HARRISON, 3880
JOSHUA J. HARTIG, 8082
MATTHEW D. HARTMAN, 4614
CRAIG L. HARVEY, 4688
LESLIE F. HAUCK III, 7534
JASON W. HAVEL, 3322
CHARLES H. HAWKINS, 7201
JEFFERSON G. HAWKINS, 4588
CHRISTOPHER G. HAWN, 9175
CHRISTOPHER J. HAWS, 5973
MATTHEW A. HAYDEN, 0388
DAX A. HAYES, 9114
NEAL W. HAYES, 4930
MICHAEL P. HEALY, 4373
DAVID L. HEARN III, 7901
CLINTON M. HEATON, 8539
CHRISTOPHER M. HEBER, 1831
JESSE A. HEDGE, 0321
CHRISTOPHER C. HEIM, 8387
DOUGLAS J. HELLINGER, 7092
CHRISTEL R. HELQUIST, 9655
JASON A. HELTON, 5737
RICHARD C. HEMMINGS, 2444
CLINT A. HENDERSON, 4608
NATHAN C. HENDRICKS, 5986
JOHN E. HENLEY, 9205
JAY C. HENNETTE, 3401
WADE A. HENNING, 8144
PETER R. HENRIKSON, 8686
DAVID M. HENSLEE, 2572
ANDREW M. HENSON, 9221
WILLIAM C. HEPLER, 3049
JARED D. HERBERT, 9695
JAIME I. HERNANDEZ, 3129
WILLIAM R. HERSCH, 0342
CHE S. HESTER, 5941
MARK R. HEUSINKVELD, 3622
JAMES V. HEWITT, 3636
JASON L. HICKS, 5422
STERLING C. HICKSON, 6435
ALAN J. HIETPAS, 7985
SCOTT R. HIGGINBOTHAM, 5995
TIMOTHY J. HIGGINS, 0050
DENNIS F. HIGUERA, 1268
JAMES R. HILBURN, 3390
DAVID J. HILL, 4149
JONATHAN A. HILL, 6342
JUSTIN M. HILL, 7018
VANESSA M. HILLMAN, 3140
GEOFFREY R. HINDMARSH, 5665
HUYNH A. HINSHAW, 1789
JEFFREY A. HIRATA, 6991
GARNER F. HIXSON, JR., 6461
JARRETT M. HLAVATY, 7698
RYAN A. HODGES, 9509
VINCENT E. HODGES, 6598
CALVIN C. HODGSON, 5845
JOANNA E. HOFLE, 1785
ZABRINA Y. HOGGARD, 8302
SEAN P. HOLAHAN, 9985
GREGG J. HOLASUT, 1133
JAMES M. HOLDER, 1075
RICHARD N. HOLIFIELD, JR., 4659
CHRISTOPHER C. HOLLAND, 1425
CORY S. HOLLON, 8044
DAVID M. HOLM, 8048
KEITH W. HOLMES, 0440
PATRICE O. HOLMES, 6235
TAJ L. HOLMES, 2471
CHAD A. HOLT, 8132
JENNIFER A. HOLTHAUS, 8077
BRYAN K. HOLZEMER, 8944
EVAN L. HOOVER, 8941
CHRISTINA L. HOPPER, 0181
RICHARD T. HORNBUCKLE, 5990
KEVIN D. HORNBURG, 8499
RICHMOND A. HORNBY, 5595
THOMAS J. HORNIK, 6451
JASON D. HORTON, 6789
SEAN A. HOSEY, 4118
ANDREW K. HOSLER, 8268
MATTHEW R. HOUSAND, 6227
ROBERT R. HOWARD, 7750
TRAVIS G. HOWELL, 5601
JOHN N. HSU, 2996
KEVIN S. HUBER, 5742
CHARLES P. HUDSON, 1682
EDWARD T. HUDSON, 3242
JEREMY F. HUFFAKER, 2378
JAROD C. HUGHES, 6604
JASON M. HUGHES, 7421
JOSHUA F. HUGHES, 6154
ROGER D. HUGHES, JR., 2910
BRIAN L. HUMPHREY, 1322
STEPHANI D. HUNSINGER, 3065
AMBER N. HUNT, 1315
RUSSELL T. HUNT, 1373
JEFFEREY V. HUNTER, 8035
JAMES G. HUNTLEY, 0476
KURT F. HUNTZINGER, 9686
SHANE M. HUPP, 5844
JASON A. HURST, 0274
MATTHEW J. IMPERIAL, 3177
SCOTT J. INMON, 9554
JEHANGIR N. IRANI, 9027
WILLIAM E. IRVIN, 2973
JEFFREY C. ISGETT, 1178
JASON J. IVES, 8063
DONALD A. JACK, 3197
ABRAHAM L. JACKSON, 4214
CHARLOTTE A. JACKSON, 1577
JACOB T. JACKSON, 5180
JEFFREY W. JACKSON, 0827
MARCUS D. JACKSON, 8662
AARON W. JACOBS, 6410
VINCENT M. JACOBS, 9324
GLENN C. JACOBSON, 5121
MICHAEL W. JACOBSON, 4546
JESSE S. JAHN, 3419
JASON W. JAMES, 8605
KEITH D. JAMES, 5425
MATTHEW B. JAMES, 6280
ROMEL L. JARAMILLO, 3423
GREGORY C. JARMUSZ, JR., 4231
JASON D. JAROS, 8836
CHRISTOPHER C. JARVIS, 8459
MAURICE J. JEFFERSON, 8127
JENNIFER L. JEFFORDS, 6416
HENRY R. JEFFRESS, 9557
WILLIAM H. JELKS, 0893
RON R. JENKINS, 6276
YOLANDA L. JENKINS, 1551
ANDREW B. JENNINGS, 1833
GINA JENNINGS, 0329
JEFFREY T. JENNINGS, 0809
MARTIN T. JENNINGS, 6368
CAROLINE A. JENSEN, 8816
GEOFFREY M. JENSEN, 4795
MATTHEW C. JENSEN, 3138
SHANE C. JENSEN, 5622
TIMOTHY L. JENSEN, 4653
TODD M. JENSEN, 8291
JAYME J. JIMENEZ, 6260
JORGE I. JIMENEZ, 8408
JOSE E. JIMENEZ, JR., 5245
ANTHONY L. JIOVANI, 5953
SAMUEL L. JOBE, 9154
NIDAL M. JODEH, 2510
JUSTIN L. JOFFRION, 6318
SHERMAN E. JOHNS, 3808
DANIEL C. JOHNSEN, 6895
HILARY R. JOHNSONLUTZ, 4863
BRANDON R. JOHNSON, 4870
BRYAN C. JOHNSON, 0393
CHRISTOPHER D. JOHNSON, 3703
JEFFREY B. JOHNSON, 2588
MICHAEL G. JOHNSON, 2964
MONIQUE D. JOHNSON, 1876
NATHANIEL M. K. JOHNSON, 6560
PHILLIP J. JOHNSON, JR., 8459
ROBERT W. JOHNSON, 1343
RUSSELL K. JOHNSON, 8424
SAMUEL R. JOHNSON, 7659
SILINDA A. JOHNSON, 0549
TAMMY JOHNSON, 7256
TREAVOR G. JOHNSON, 5512
BRIAN D. JOHNSTON, JR., 0975
ROSS T. JOHNSTON, 2189
DANIEL P. JOHNSTONE, 8586
RICHARD W. JOKINEN, 3265
GREGORY M. JONES, 9067
JEREMY T. JONES, 5502
MARK S. JONES, 9498
MATTHEW W. JONES, 9162
PAUL R. JONES, 8858
SABRINA A. JONES, 9010
KATHY L. JORDAN, 0454
MELISSA L. JORDAN, 8150
ROBERT P. JORDAN, 1437
GUSTAV J. JORDT, 8311
ERIK D. JORGENSEN, 9107
JONATHAN M. JOSHUA, 4916
THOMAS R. JOST, 4442
JEFFREY A. JOYCE, 2713
AARON A. JUHL, 5201
WILLIAM F. JULIAN, 1270
PAUL J. KAAN, 1550
KELLY F. KAFEYAN, 3711
OLIVER M. KAHLER III, 9529
KENNETH M. KALFAS, 5349
MICHAEL C. KALLAI, 7422
ALISON L. KAMATARIS, 4537
ROBERT J. KAMMERER, 9116
PAUL R. KASTER, JR., 6066
ZOLTAN V. KASZAS, 4149
JEFFREY A. KATZMAN, 3734
CHRIS A. KAUFMAN, 0261
EDWARD M. KAUFMAN, 1866
ROBERT B. KEAS, 7368
ROSS A. KEENER, 5580
JOHN B. KELLEY, 2125
BYRON P. KELLY, 8811
THOMAS F. KELLY, 3290
CHERYL L. KENDALL, 9341
SHAWN R. KENG, 5246
JEFFREY M. KENNEDY, 3725
KEVIN T. KENNEDY, 1398
JARED P. KENNISH, JR., 7147
ADAM W. KERKMAN, 5753
ERICH J. KESSLER, 0272
SHARON K. E. KIBILOSKI, 7184
MAURICE H. KIDNEY, 1877
RICHARD C. KIEFFER, 8933
THOMAS E. KIESLING, 1732
JASON D. KIKER, 3477
JOHN W. KILARESKI, 4210
SHAWNA R. KIMBRELL, 0153
ANTHONY K. KIMBROUGH, 7762
BARRY A. KING II, 0462
JASON M. KING, 4120
MARY L. KINNEY, 9908
JOHN P. KINNISON, 4676
JASON E. KINZER, 9087
CASSANDRA C. KIRK, 7262
STEPHEN H. KIRKLAND, 7056
MICHAEL T. KIRKPATRICK, 1018
SCOTT J. KISSLER, 5468
REBECCA L. KITTS, 9960

JOSEPH R. KLEEMAN, 5914
MICHAEL D. KLEFFMAN, 8141
BRADLEY K. KLEMESRUD, 5187
SCOTT L. KLEMPNER, 7712
TONYA M. KLEMPP, 6188
DARYL S. KLENDA, 7020
JOHN S. KLEVEN, 5577
JEREMIAH O. KLOMP, 0289
RYAN T. KNAPP, 8899
MICHELLE R. KNEUPPER, 8963
KENNETH R. KNIGHT, 9365
PATRICK A. KNOTT, 7808
JASON D. KNOWLES, 9075
AMANDA K. KNUDSON, 1098
DANIEL E. KOBS, 6739
NANCY M. KOCHCASTILLO, 5130
CHEREE S. KOCHEN, 9369
SCOTT D. KOECKRITZ, 3955
DARYL B. KOMULAINEN, 5503
THOMAS R. KOOTSIKAS, 6600
MELVIN R. KORSMO, 9952
CLAY M. KOSCHNICK, 5272
TIMOTHY A. KOSS, 2214
ANDREW J. KOWALCHUK, 0416
BRIAN D. KOZOLA, 8361
DAVID D. KRAMBECK, 3502
KAREN N. KRAYBILL, 2790
ZACHARY J. KRBEC, 0994
BRIAN C. KREITLOW, 3779
JAMES H. KRISCHKE, 1770
ANTHONY J. KUCZYNSKI, 4787
PAUL D. KUDER, 7370
DIANE I. K. KUDERIK, 9767
DEVIN M. KUDLAS, 0737
KENNETH P. KUEBLER, 3760
DOUGLAS F. KUHN, 7336
JASON L. KUHNS, 4996
CHRISTOPHER E. KUREK, 8622
JOHN KURIAN, 4879
SHAD J. LACKTORIN, 3710
ERIC J. LACOUTURE, 1268
KEVIN W. LACROIX, 6851
TODD P. LADD, 5658
KRISTIN A. LAFARR, 3221
MICHELLE M. LAI, 0919
CAMERON K. LAMBERT, 4821
ROSENDO C. LAMIS, JR., 8272
KENNETH R. LANCASTER, JR., 4222
DONALD L. LAND, JR., 8851
RYAN J. LANDMANN, 6319
JOEL L. C. LANE, 5668
NATHAN P. LANG, 5205
KENNETH H. LANGERT, 0002
ROBERT V. LANKFORD, 0133
ARMON E. LANSING, JR., 9880
IAN H. LARIVE, 8214
JAMES H. LARKIN, 7737
JOSHUA A. LARSEN, 6531
AARON R. LATTIG, 9976
IAN B. LAUGHREY, 6633
PATRICK R. LAUNEY, 7544
GARY C. LAVERS, 4744
WILLIAM J. LAYTON, 7719
FRANK W. LAZZARA, 5024
DAVID A. LEACH, 2610
KIM T. LEBA, 6655
ANDRE G. LECOURS, 9698
RONALD A. LECZA, 6690
MATTHEW G. LEDDY, 5653
DAVID M. LEDERER, 0495
DANIEL P. LEE, 5146
JOHN H. LEE, 5937
JORDAN D. LEE, 7968
MARION J. F. LEE, 5485
MAURICE L. LEE, 8358
ROBERT H. LEE, JR., 2491
SEAN E. LEE, 4987
JOSEPH D. LEGRADI, 9332
THOMAS A. LEITH, 4600
JASON L. LEMONS, 5745
ADAM G. LENFESTEY, 9118
JOHN A. LESHO, 8648
ALEC S. LEUNG, 2218
DANIEL C. LEUNG, 6909
ANDREW J. LEVIEN, 5188
CHAD G. LEWIS, 2862
DAVID A. LEWIS, 1452
GRANT H. LEWIS, 8921
JARRETT R. LEWIS, 3269
JUSTIN D. LEWIS, 5433
KATHERINE O. LEWIS, 2305
KYLE S. LEWIS, 4716
TYLER E. LEWIS, 7915
WILLIAM H. LEWIS, 2323
PETER J. LEX, 7424
STEVEN X. LI, 9677
JAMES R. LIDDLE, JR., 5955
BRIAN D. LIEBENOW, 1969
JEFFREY H. LIN, 9637
SCOTT C. LINCK, 5683
WILLIAM E. LINDE, 2784
JOHN P. LINDELL, 4288
DAVID B. LINDLER, 3473
LASHAUNA R. LINDSEY, 4757
ERIC J. LINGLE, 4270
MICHAEL T. LINKOUS, 4213
ANTHONY LINTON, 0512
CHRISTOPHER T. LINTON, 1192
SCOTT C. LISKO, 9692
BARRY E. LITTLE, 8726
NATHAN A. LITZ, 0659
KEITH A. LITZLER, 7865
MARC S. LLACUNA, 9600
RONALD M. LLANTADA, 9625
JOHN A. LOCKETT, 7693
JASON K. LOE, 9415
JERRY J. LOEFFELBEIN, 6027
ANDREW J. LOFTHOUSE, 2339
ALEXANDER J. LOGAN, 6389
ROY A. LOHSE, 3062
DAWN A. M. LOISEL, 9189
CHRISTOPHER S. LONG, 8788
DAVID C. LONGHORN, 3949
NOLAN D. LONGMORE, 8375
ERIC S. LOPEZ, 1081
OSVALDO S. LOPEZTORRES, 0319
JOHN J. LOSINSKI, 3425
PERRY L. LOTT, 2830
EDMUND X. LOUGHRAN II, 4955
CHARLES M. LOYER, 5817
BRANDON M. LUCAS, 7014
JOHN W. LUCAS, 2006
ANNE R. LUECK, 1703
PETER J. LUECK, 6719
BRIAN D. LUKOWSKI, 4973
JONATHAN E. LUMINATI, 3545
CHRIS D. LUNDY, 3522
GEORGE B. LUSH, 1231
LOUIS L. LUSSIER III, 7563
TIMOTHY A. LUTON, 6064
RODNEY D. LYKINS, 0511
NICHOLAS A. LYNCH, 2527
SUSAN A. LYNCH, 7924
COREY W. LYONS, 1714
ROBERT P. LYONS III, 4518
CHRISTOPHER A. MACAULAY, 2139
JANNELL C. MACAULAY, 4209
BRIAN S. MACFARLANE, 9061
DOUGLAS C. MACIVOR, 1444
SCOTT C. MACNEIL, 7789
PATRICK O. MADDOX, 8742
KEVIN M. MADRIGAL, 0814
MICHAEL R. MAEDER, 4559
JEFFREY B. MAGEE, 5615
TRENT M. MAGYAR, 2485
JOHN K. MAH, 1446
JAYANT MAHAJAN, 0829
DANNY P. MAHEUX, 6103
RYAN J. MAHONEY, 5247
THOMAS J. MAHONEY, 4601
SARAH A. MAILE, 3146
BRYAN G. MAJOR, 2028
RICHARD MAJOR, 1278
DANNY K. MAKALENA, 2146
ERIC F. MAKOVSKY, 6887
BETH L. MAKROS, 9212
ROBERT H. MAKROS, 2628
ROBERT M. MAMMENGA, 1003
MICHAEL L. MAMULA III, 4224
EDZEL D. MANGAHAS, 9424
GEOFFREY C. MANN, 7057
BERTON D. MANNING, 7189
MELISSA L. MANNING, 5177
JONATHAN P. MANTERNACH, 0274
KEVIN R. MANTOVANI, 3880
FREDERICK W. MANUEL, 3763
KRISTA G. MARCHAND, 3774
CHAD E. MARCHESSEAULT, 2849
DARA O. MARCY, 9244
EDWIN J. MARKIE, JR., 7401
SCOTT L. MARKLE, 8880
JOSEPH M. MARKUSFELD, 1556
TODD C. MARKWART, 9570
JAMES F. MARLOW, 4984
BRANDON S. MAROON, 0577
PATRICK R. MARSH, 8017
BRYON L. MARTIN, 7051
JOHN K. MARTIN, 8068
PAUL L. MARTIN III, 6391
RICHARD W. MARTIN, JR., 4943
ELI J. MARTINEZ, 6032
CALEB M. MARTINY, 3886
KEVIN T. MASKELL, 0574
STEPHANIE C. MASONI, 5272
MARK A. MASSARO, 2931
RICHARD P. MASTALERZ II, 1131
ERNEST J. MATA, 3968
PATRICK J. MATAK, 4239
ROBERT A. MATLOCK, 7452
TIMOTHY R. MATLOCK, 7101
MATTHEW W. MATOCHA, 3467
JEFFREY S. MATRE, 3727
SCOTT M. MATSON, 9466
KEVIN B. MATTERN, 7873
DANIEL D. MATTIODA, 0226
JOHN C. MATUSZAK, 6347
ANDREA R. MAUGERI, 4583
RYAN A. MAXON, 3755
BRANDIE M. MAXWELL, 0829
JAMES A. MAXWELL, 1043
CHERYL L. MAY, 4419
BRIAN P. MAYER, 4616
JAMAAL E. MAYS, 4914
DANIEL C. MCCANN, 7644
ROBERT F. MCCARTHY, 0368
BRYAN P. MCCARTY, 6362
CRAIG A. G. MCCASKILL, 5439
ROBERT C. MCCASLIN, 0298
DYAN E. MCCLAMMA, 2690
JOHN C. MCCLUNG, 9586
KEITH E. MCCORMACK, 1033
PATRICK J. MCCOY, 8058
CAROL L. MCCRADY, 5729
DANIEL C. MCCRARY, 1423
CATHERINE MCDANIEL, 7299
MATTHEW W. MCDANIEL, 4678
MIKAL G. MCDANIEL, 1075
MICHAEL W. MCDERMOTT, 3147
BOBBY R. MCDONALD, 7336
JUDSON A. MCDOUGAL, 9401
TAMMY L. MCELHANEY, 3365
ANDREA S. P. MCELVAINE, 3769
CHARLES B. MCFARLAND, 9288
JOEL R. MCGEE, 9460
KENNETH C. MCGHEE, 2011
TROY E. MCGILL, 4536
SAMUEL J. MCGLYNN, 5506
JONATHAN W. MCGOWEN, 0380
TROY A. MCGRATH, 1377
JAMES A. MCGREGOR, 2140
REBECCA L. MCKEE, 8191
SCOTT D. MCKEEVER, 2525
ETHAN S. MCKENNA, 6408
BENJAMIN T. MCKENZIE, 8827
DANIEL J. MCKINLEY, 9686
WAYNE W. MCLAUGHLIN, 3351
ROBERT S. MCLEAN, 7025
MICHAEL A. MCMELLON, 5207
JUSTIN P. MCMILLIAN, 1577
JOHN E. MCMULLEN, 0488
GARTH P. MCMURRAY, 8243
DENNIS J. MCNABB, 5456
TODD E. MCNEAL, 5991
JOHN M. MCQUADE, 5641
WILLIAM E. MCTERNAN, 0849
NATHAN A. MEAD, 4038
ROBERT G. MEADOWS II, 4183
TASHA R. MEADOWS, 9681
GREGORY J. MECCA, 2432
THEODORE R. MEEK, 1989
JAMES K. MEIER, 2461
PERRY R. MEIXSEL, 0961
JESS A. MELIN, 3638
JASON B. MELLO, 1130
RUTH M. MELOENY, 8141
RYAN J. MELVILLE, 5870
CHAD M. MEMMEL, 6706
BENJAMIN D. MENGES, 9140
DEREK S. MENTZER, 8233
KENNETH M. MERCIER, 2325
BRIAN J. W. MEREDITH, 1478
JASON G. MERGENOV, 1335
GLENN A. MERKLE, 7949
ANGELA C. MERRY, 1103
CYNTHIA M. MESENBRINK, 2404
LEWIS I. MESSICK, 9256
MICHAEL W. MEYER, 6104
RICHARD A. MEZIERE, 9858
ROMAN T. MIAZGA, 5196
SHAYNA H. MICHAEL, 0426
MATTHEW J. MICHAUD, 8683
BRYAN E. MIDDLEKAUFF, 6407
CHARLES J. MIDDLETON, 5100
JACOB MIDDLETON, JR., 7191
JASON P. MIER, 7546
ALYSON M. MILLER, 3772
BRIAN E. MILLER, 0894
BRIGHTEN R. MILLER, 6628
CHRISTOPHER C. MILLER, 5026
DAVID S. MILLER, 2766
JAMES V. MILLER, 5549
JOSEPH C. MILLER, 5849
JUSTIN J. MILLER, 5763
MATHEW P. MILLER, 9539
NATHANIEL J. MILLER, 9162
PATRICK G. MILLER, 2077
PHILLIP E. MILLER, 4773
SCOTT M. MILLER, 6021
SETH A. MILLER, 2058
JEREMY S. MILLIMAN, 1930
RICHARD E. MILLS, JR., 2925
TED J. MILLS, 9849
RICHARD K. MILTON, 7026
CHAD M. MINER, 0813
JOHN M. MIRTICH, 7211
MONA E. MIRTICH, 4008
JERRY D. MISH, 1806
COLLEEN P. MITCHELL, 7896
JASON M. MITCHELL, 5970
JOY M. MITCHELL, 6644
NATHAN B. MITCHELL, 9479
ROLAND L. MITCHELL, 6757
WILLIAM M. MITCHELL, 7400
DEMETRIUS S. MIZELL, 1877
JASON P. MOBLEY, 6069
CRAIG A. MOCKLER, 3211
CHRISTOPHER A. MOELLER, 3269
FELICIA M. MOHR, 3679
JEFFREY W. MOHR, 2343
JOSEPH M. MONASTRA, 7863
JOSEPH F. MONDELLO, JR., 0651
MICHAEL F. MONFALCONE, 9526
ANTHONY M. MONNAT, 2537
ANTHONY T. MONTELEPRE, 1258
CECILIA I. MONTES DE OCA, 2907
ANN M. K. MONTGOMERY, 0967
JONATHON A. MONTGOMERY, 9599
STEPHEN L. MONTOYA, 2960
BRADLEY R. MOORE, 2292
CHRISTOPHER I. MOORE, 0002
GARY W. MOORE, 3995
TYTONIA S. MOORE, 4171
KARNA P. MORE, 4665
MARC E. MORELAND, 7098
FELIX J. MORET III, 7227
DARRIN D. MORGAN, 8721

LOUIS E. MORGAN, 3036
MICHAEL H. MORGAN, 2920
THOMAS A. MORGAN, 1964
JAMES P. M. P. MORIMOTO, 8600
ANTHONY K. MORRIS, 4229
BRENT J. MORRIS, 9522
SIRENA I. MORRIS, 2894
JASON M. MORRISON, 1065
MATTHEW K. MORRISON, 0787
PHILIP G. MORRISON, 8003
RICHARD S. MORRISON, 8343
TOBY A. MORROW, 1113
TYLER W. MORTON, 5912
ROBERT J. MOSCHELLA, 6941
GREGORY M. MOSELEY, 1639
WAYNE MOSELY, JR., 2968
AARON W. MOSES, 8646
MICHAEL A. MOSLEY, 9429
TARRANCE B. MOSLEY, 8682
MARIA V. MOSS, 5443
TIMOTHY T. MOTLEY, 3263
WENDIE L. MOUNT, 3867
MATTHEW R. MOYE, 1553
BRIAN M. MOYER, 2552
MATTHEW G. MOYNIHAN, 3098
RYAN D. MUELLER, 2233
REBECCA L. MUGGLI, 2017
HALIMA A. MUHAMMADWHITEHEAD, 2845
GEORGE K. MULLANI, 0944
KURT E. MULLER, 3127
DAVID M. MURPHY, 0084
JENNIFER L. MURPHY, 4596
JILL M. MURPHY, 1659
JAMES J. MURRAY, 9482
JAMES J. MUSTIN, 1302
ETHAN A. MYERS, 1657
THOMAS S. MYERS, 8902
MELISSA S. NADEAU, 5665
DAVID C. NANCE, 1686
STEVEN L. NAPIER, 4450
DEBORAH F. NASH, 9529
MARK A. NAVO, 4858
EVALINE M. NAZARIO, 7561
LISA S. NEENER, 6690
ALESANDRA L. NEIMAN, 0899
CHRISTOPHER M. NEIMAN, 6726
JARED C. NELSON, 8100
KATHRYN M. NELSON, 1148
LEE A. NELSON, 7560
NELS C. NELSON, 8042
STEVEN A. NELSON, 7194
WILLIAM W. NELSON, 5256
KRISTEN A. NEMISH, 6579
JONATHAN D. NESS, 8447
BRENT M. NESTOR, 1016
GEOFFREY O. NETTLES, 8428
DAVID T. NEUMAN, 0049
MATTHEW C. NEWMAN, 6986
JOHN M. NEWTON, 1238
VIET T. NGUYEN, 1968
CHAD R. NICHOLS, 6558
SHARON A. NICKELBERRY, 0232
ELIZABETH J. NIEBOER, 2921
RICARDO M. NIEVES, 8671
NICHOLAS A. NOBRIGA, 4161
DOUGLAS A. NOCERA, 8778
GEORGE E. NOEL, 4750
DUANE E. NORDEEN, JR., 5231
RYAN J. NORMAN, 8491
DARIL L. NORRIS, 5694
TRAVIS L. NORTON, 7284
KNEILAN K. NOVAK, 7223
RYAN J. NOVOTNY, 8117
SHANE C. NOYES, 0616
RYAN D. NUDI, 3657
JOHN T. NUGENT, JR., 8480
ERIC A. NYMAN, 8502
BENJAMIN C. OAKES, 4869
JEFFREY L. OBLON, 6343
WILLIAM H. OBRIEN IV, 0003
DANIEL J. OCONNELL, 8591
KIRK N. OCONNOR, 7342
CRAIG R. ODELL, 9736
RYAN G. OESTMANN, 5675
GALEN K. OJALA, 0682
JOHN F. OKANE, 5936
SHAN P. OKEEFFE, 2234
BRIAN J. OLDENBURG, 9697
LAURA M. OLMSTED, 5383
CARL J. OLSEN, 6181
CHRISTOPHER M. OLSEN, 8952
DEE J. OLSEN, 8300
SUSAN R. OLSEN, 8585
TAMMY S. OLSEN, 5849
ANDREW P. OLSON, 0541
JEREMY E. OLSON, 8562
STEPHEN E. OLSON, 7492
MICHAEL C. OLVERA, 2495
CAROL L. ONEIL, 0112
KATHLEEN C. ONEILL, 3683
SHAWN K. ORBAN, 6398
MARK A. OREK, 6438
GIOVANNI E. ORTIZ II, 4512
KEVIN J. OSBORNE, 6835
BRIAN E. OSHEA, 2874
DAVID J. OSTERMAN, 3905
CHRISTOPHER M. OSTRANDER, 3004
VICTOR P. OSWEILER, 6867
CHRISTOPHER S. OTIS, 2171
COREY J. OTIS, 0022
JOSHUA L. OWENS, 7058
KEVIN L. OWENS, 0379
MARY A. OWENS, 4983
KYLE F. OYAMA, 4617
STEVEN E. PACKARD, 7707
KRISTOFER F. PADILLA, 2144
DANIEL P. PAGANO, 3376
SHADICA L. PAGE, 3416
SCOTT D. PALEN, 7013
ADAM A. PALMER, 7611
ALICIA M. PALMER, 1593
MATTHEW B. PALMER, 1277
SAMUEL S. PALMER, 3590
GUSTUF S. PALMQUIST, 6296
MARTIN J. PANTAZE, 8882
THEODORIC D. PANTON, 5860
SEAN W. PAPWORTH, 8113
CHARLES S. PARENT, 8307
ANDREW D. PARKE, 4514
ANDREW B. PARKER, 4190
CARIE A. PARKER, 4399
LINDA K. PARKER, 3592
CHARLES M. PARKS, 1376
JEFFREY C. PARR, 2996
KEVIN V. PARRISH, 1517
SCOTT M. PARTIN, 0794
DAVID J. PASTIKA, 9567
JOHN D. PATRICK, 6835
JASON P. PAX, 9963
BRIAN J. PEARSON, 5209
MAX E. PEARSON, 1023
PAUL M. PECONGA, 9608
MICHAEL J. PEELER, 6348
AMY M. PEKALA, 1255
JOSEPH A. PELOQUIN, 8769
JIAN S. PENA, 8505
KEVIN A. PENDLETON, 9755
SCOTTY A. PENDLEY, 4039
JANELLE A. PERCY, 0226
MARIO PEREZ, 9427
RICARDO J. PEREZCANTU, 8643
ANDREW C. PERRY, 4382
JEFFREY A. PESKE, 3021
BETH A. PETERS, 3563
CHRISTOPHER W. PETERS, 4906
GAYLE E. PETERS, 0849
ERIN D. PETERSON, 7063
JESSE L. PETERSON, 0936
JOSHUA D. PETERSON, 7594
MARGARET R. PETERSON, 4578
SCOTT C. PETTS, 8654
JENNIFER L. PETYKOWSKI, 5224
MALCOLM N. PHARR, 7222
JENNIFER A. PHELPS, 1397
MATTHEW E. PHELPS, 7977
AARON S. PHILLIPS, 4150
AMY B. PHILLIPS, 7596
JAMES D. PHILLIPS, 5222
JULIA A. PHILLIPS, 3681
KENNAN E. PICHIRILO, 4255
VICTOR R. PICKETT, 9521
AARON M. PIERCE, 7617
NATHAN R. PIERPOINT, 5926
DEVIN K. PIETRZAK, 7389
CORY J. PIKE, 9558
WILLIAM C. PIKE, 8568
JOHN C. PINNIX, 3132
CANDICE L. PIPES, 7737
STEPHEN C. PIPES, 1252
THERESA A. PISANO, 1519
JAMES C. PITTMAN, 1217
JEFFREY W. PIXLEY, 3019
SCOTT W. PLAKYDA, 9631
GREGORY S. PLEINIS, 8922
THOMAS J. PODWIKA, 0846
DAVID A. POKRIFCHAK, 9651
RICHARD K. POLHEMUS, 8774
DANIEL E. POLSGROVE, 1440
KELLY L. POLSGROVE, 7886
DOYLE A. POMPA, 7773
MICHAEL E. PONTIFF, 1873
APRIL A. E. PONTZ, 8325
TODD A. POPE, 5986
JAMES H. POPPHAN, 1583
CHRISTOPHER M. PORTELE, 0947
JACOB D. PORTER, 0082
MAYNARD J. PORTER III, 2868
ROBERT J. POULIN, 8558
CALVIN B. POWELL, 4044
ERVIN T. POWERS, 1481
GARRIN W. POWERS, 3989
CONRAD A. PREEDOM, 5086
BRADLEY B. PRESTON, 6833
JOHN M. PRESTON, 6832
THOMAS J. PRESTON, 7369
RODNEY E. PRETLOW, 1027
DEREK D. PRICE, 5289
JOHN G. PRICE, 6894
JOSEPH C. PRICE, 7545
JASON M. PRIDDLE, 5929
WILLIAM D. PRINGLE, 8768
ROBB J. PRITCHARD, 4398
MICHAEL D. PRITCHETT, 8574
MICHAEL C. A. PULLIN, 6570
KYLE J. PUMROY, 2145
ANDREW M. PURATH, 2017
KIMBERLY L. PURDON, 0462
LICHEN L. PURSLEY, 5376
RYAN J. QUAALE, 6195
JAMES W. QUASHNOCK, 7206
KEVIN R. QUATTLEBAUM, 9368
ERIN A. QUIJANO, 5855
KALLECE A. QUINN, 8443
ERICA K. RABE, 1198
NATHAN R. RABE, 6794
RYAN C. RABER, 1781
STEVEN R. RADTKE, 1612
NEIL J. RADULSKI, 6827
CHRISTOPHER R. RAINES, 1975
DAPHNE P. RAKESTRAW, 3605
ALFREDO E. RAMIREZ, 4345
AMY M. RAMMEL, 4215
DEAN D. RAMSETT, 8861
TY A. RANDALL, 5106
MICHAEL L. RANERE, 5982
RYAN L. RANSOM, 1848
DONALD E. RATCLIFF, 3137
KURT J. RATHGEB, 9180
CASEY K. RATLIFF, 0797
LISA D. RAUK, 0526
ALFRED D. RAY, 1782
BRANDEN L. RAY, 4618
CHRISTOPHER T. RAYMOND, 4206
ROBERT T. RAYMOND, 6784
DAVID C. REA, 3436
JOHNNY L. REA, 7937
JAMES D. REAVES, 1155
ROY P. RECKER, 1331
COLIN S. REECE, 5084
AARON J. REED, 5812
DALLAN I. REESE, 1376
JARMICA D. REESE, 3680
JOHN V. REEVES, 0347
JERIME L. REID, 2423
ROBERT L. REINHARD, 1371
RYAN B. REINHARDT, 6263
JASON S. REISS, 8736
JASON P. RENTER, 5908
AVIS M. RESCH, 9395
BENJAMIN D. RETZINGER, 0751
KEVIN A. REYNOLDS, 3635
MATTHEW H. REYNOLDS, 5183
RAY A. REYNOSA, 7564
BRIAN S. RHODES, 9044
JAMIE M. RHONE, 2975
FRANKLIN E. RICH, 3221
ANDREW X. RICHARDSON, 0103
TIMOTHY L. RICHARDSON, 3505
TRACEY M. RICHARDSON, 7430
OLIVER I. RICK, 1879
TODD D. RIDDLE, 5356
CHRISTOPHER A. RIDLON, 3891
JOSH C. RIEDER, 9778
GREGORY A. RIFFEL, 5553
DOUGLAS A. RIGGS, 4257
JASON S. RING, 1290
THOMAS J. RINGLEIN, 8991
NYREE D. RINKEVICH, 1027
MEGHAN M. RIPPLE, 7266
JOEL S. RIVARD, 4368
LESLIE W. ROACH, 4491
BRIAN M. ROBERTS, 5987
JEREMY S. ROBERTS, 8763
KEITH D. ROBERTS, 8875
LEEANN N. ROBERTS, 4994
MARIA C. ROBERTS, 0446
PAUL I. ROBERTS, 8393
RAIMONE A. ROBERTS, 4527
RONALD W. ROBERTS, JR., 5457
WILLIAM F. H. ROBERTS, 3597
JAMES B. ROBERTSON, 1965
KELLY A. ROBERTSON, 6581
JOHN S. ROBIN, 7339
BRETT B. ROBINSON, 2949
GREGORY A. ROBY, 3474
MATTHEW J. ROCHON, 6271
JEFFREY W. ROCK, 2652
REGINA D. ROCKEL, 8762
ANDREW L. RODDAN, 1749
WILLIAM K. RODMAN, 8122
RODOLFO I. RODRIGUEZ, 6925
AUGUST G. ROESENER, 3687
ANDREW M. ROGERS, 5485
DAVID A. ROGERS, 9286
JOSHUA D. ROGERS, 5747
LEA P. ROGERS, 8748
RICHARD W. ROGERS, 2669
H. WARREN ROHLFS, 0302
CHARLES B. ROHRIG, 0006
ERIC E. ROLLMAN, 2165
ANDREW C. ROLPH, 4623
JEFF P. ROPER, 5364
LANCE ROSAMIRANDA, 8691
CHRISTOPHER M. ROSATI, 2989
BRIAN D. ROSCISZEWSKI, 8118
ANDREW W. ROSE, 7989
MICHAEL A. ROSE, 8627
STEVEN M. ROSE, 7219
DAVID J. ROSS, 2960
DORENE B. J. ROSS, 9859
STACIE H. ROSS, 4250
BRANDON T. ROTH, 6796
GARY P. ROUSSEAU, JR., 5042
MICHAEL S. ROWE, 0699
TRAVIS M. ROWLEY, 0703
KEVIN R. ROY, 3487
JOHN P. ROZSNYAI, 1718
CHRISTOPHER T. RUBIANO, 3901
STUART M. RUBIO, 4021
CHRISTOPHER V. RUDD, 2574
WILLIE M. RUDD, JR., 7981
VICTOR F. RUIZ, JR., 0161
EMILIO RUIZSORIANO, 2493
LOUIS J. RUSCETTA, 7997
JASON R. RUSCO, 9199
RAFAL RUSEK, 9626

NATHAN L. RUSIN, 4916
BARRY T. RUSSELL, 1184
JENNIFER M. RUSSELL, 6202
JIMMY D. RUSSELL, 1581
BENJAMIN D. RUSSO, 3448
NILES K. RUTHVEN, 8910
DEREK M. RUTLEDGE, 9483
ERIN T. RYAN, 3567
MITCHELL D. RYAN, 4881
MARK H. SADLER, 1681
ROBERT J. SADLER, 2386
CLINTON R. SAFFO, 4596
GABRIEL G. SALAZAR, 7132
MILTON T. SALDIVAR, 4983
DEREK M. SALMI, 8266
ANTHONY J. SALVATORE, 3812
TOSHIO B. SAMESHIMA, 5089
MICHAEL A. SAMUEL, 7067
DANIEL A. SANABRIA, 4817
DONALD J. SANDBERG, 7551
WYNN S. SANDERS, 2809
JOHN B. SANDIFER, 5750
JAY T. SANDUSKY, 9793
ANGEL A. SANTIAGO, 1446
MATTHEW R. SANTORSOLA, 2151
DAVID E. SARABIA, 4183
DAVID P. SASSER, 6817
ELIOT A. SASSON, 3687
RYAN W. SATTERTHWAITE, 8373
JEREMY C. SAUNDERS, 5094
JOHN E. SAUNDERS, 8704
RYAN T. SAVAGEAU, 9983
TRENA M. SAVAGEAU, 4975
TANYA M. SCALIONE, 0964
MARK E. SCEPANSKY, 5728
ROBIN E. SCHAEFFER, 2616
JARED W. SCHAFER, 9858
TYLER R. SCHAFF, 1395
AARON M. SCHEER, 1257
MARK A. SCHEER, 2487
MATTHEW T. SCHELLING, 5131
RYAN J. SCHENK, 0554
ROBERT A. SCHLESIGER, 8582
DAMIAN SCHLUSSEL, 6458
KARL F. SCHLUTER, 5254
RANDALL L. SCHMEDTHORST, 7773
JASON A. SCHMIDT, 7857
JASON D. SCHMIDT, 5912
R. ERIC SCHMIDT, 8890
WILLIAM T. SCHMIDT, 4128
SCOTT A. SCHMUNK, 7393
CHRISTOPHER T. SCHNEIDER, 6617
GREGORY P. SCHNURRENBERGER, 9200
RONALD D. SCHOCHENMAIER, 2146
JOSEPH F. SCHOLES III, 1683
JOSEPH R. SCHOLTZ, 2770
ERIC P. SCHOMBURG, 1495
TODD E. SCHOPMEYER, 4462
JASON N. SCHRAMM, 4153
ROBERT J. SCHREINER, 4243
BRADFORD D. SCHRUMPF, 4934
STEVEN A. SCHULA, 5730
ERIC N. SCHULZE, 7050
BRETT C. SCHUMER, 0502
CHRISTOPHER J. SCHUMPP, 6159
MICHAEL J. SCHWAN, 8275
CHRISTINE M. SCOLARO, 9123
FRANCIS J. SCOLARO, 8820
BRIAN D. SCOTT, 2135
MICHAEL C. SCOTT, 4859
RICHARD J. SCOTT, 1196
SHAWN H. SCOTT, 6179
THOMAS A. SCOTT, 0930
JEREMY C. SEALS, 0423
TIA A. SEALS, 9264
THOMAS E. SEGARS, JR., 6236
EDWARD W. SEIBERT, 5893
ROBERT A. SEITZ, 3026
BENA E. SELLERS, 5579
HEATHER M. SELLS, 0106
STEPHEN C. SERNIAK, 8151
GREGORY A. SEVENING, 2930
A. RODELL SEVERSON IV, 6452
DAVID M. SHACHTER, 6829
ANTHONY T. SHAFER, JR., 8874
THOMAS A. SHANE, 5925
BRIAN P. SHAWARYN, 5903
DANIEL P. SHEA, 5219
PHILLIP A. SHEA, 7461
STEVEN K. SHEARIN, 3366
ANDREW J. SHEEHAN, 7849
ROBERT W. SHEEHAN, 2589
MELANIE L. SHEPPERD, 4333
NATHAN P. SHERMAN, 9647
RYAN J. SHERMAN, 8783
WALTER D. SHERROD, 1859
STEVEN SHEUMAKER, 8585
FRANKLIN C. SHIFFLETT, 5138
RONALD S. SHIVERS, 6756
DESTIN J. SHOEMAKER, 4543
TRAVIS W. SHOEMAKER, 2063
RALPH R. SHOUKRY, 4584
JOSHUA A. SHOWN, 9497
MICHAEL J. SHREVES, 0559
TODD H. SHUGART, 8976
KATHERINE M. SIEFKIN, 3268
DONALD C. SIEGMUND, 2378
SCOTT M. SIETING, 1990
JOHN E. SILL, 9553
COREY A. SIMMONS, 3681
GHIA P. SIMMONS, 6880
TRAVOLIS A. SIMMONS, 7653
BRIAN M. SIMONIS, 7796
BRENDA S. SIMPSON, 6403
JEROME M. SIMS, 2130
JOHN W. SIMS, JR., 0576
PATRICK A. SIMS, 8813
RODNEY S. SISTARE, 6014
RICHARD SJOGREN, 9176
BRYAN E. SKARDA, 7316
ROBERT E. SKUYA, 9933
REGINALD L. SLADE, 8276
ELTON S. SLEDGE, 4495
BENJAMIN L. SLINKARD, 0613
JOEL A. SLOAN, 5255
RONALD J. SLOMA, 9675
PATRICK R. SMALL, 1725
BEN P. SMALLWOOD, 2132
MARK A. SMEDRA, 3485
DOMENIC SMERAGLIA, 8376
THOMAS A. SMICKLAS, 9649
ADAM R. SMITH, 2667
ALESANDRO V. SMITH, 7559
BERNARD C. SMITH, 9372
BRIAN J. SMITH, 7865
CRAIG A. SMITH, 1770
DANNY C. SMITH, 7563
DARYL E. SMITH, 8464
JASON B. SMITH, 1381
JEFFREY D. SMITH, 6514
JIMMY W. SMITH, 3074
JOSHUA A. SMITH, 0546
KEVIN J. SMITH, 4518
MARIE E. SMITH, 7439
MARK A. SMITH, 2353
NAOMI D. SMITH, 5467
NATHANIEL J. SMITH, 0158
PHILIP D. SMITH, 7759
RODRIC S. SMITH, 2511
SCOTT G. SMITH, 4202
SHANE R. SMITH, 7179
STEVE A. SMITH, 0693
TODD G. SMITH, 9796
VAN S. SMITH, 7105
WILLIAM H. SMITH, 4994
ZACHARY L. SMITH, 8447
ROBERT J. SMOLICH, 9768
TROY A. SNETSINGER, 4947
JOSHUA E. SNOW, 7642
JASON E. SNYDER, 5783
D. MICHAEL SOBERS, JR., 7642
JENNIFER L. SOLES, 9857
MICHAEL G. SOMMERS, 9042
BRITT E. SONNICHSEN, 4513
JAIME SONORA, 0175
AUSTIN L. SORENSEN, 9166
MICHAEL A. SPADA, 6644
BRETT R. SPANGLER, 1231
CLINT H. SPARKMAN, 1413
BRIAN A. SPARKS, 8858
JOSHUA J. SPEAR, 4648
JUSTIN B. SPEARS, 1107
CHRISTOPHER J. SPECHT, 2918
GUY T. SPENCER, 6553
CARLY R. SPERANZA, 0760
SHAUN S. SPERANZA, 2271
WENDY L. SPILLAR, 3465
JOSEPH T. SPOSITO, 7885
TODD C. SPRISTER, 5751
RICHARD T. SQUIRE, 5018
CHRISTOPHER T. STACK, 9860
SCOTT A. STADELMAN, 8366
KRISTA N. STAFF, 9407
ERIN M. STAINEPYNE, 6318
JOHN C. STALLWORTH, 0425
TAIT W. STAMP, 5486
BYRON D. STANCLIFF, 6105
KIPLING D. STANTON, 1468
BETH A. STARGARDT, 4643
ERIC H. STAUB, 9404
THOMAS A. STAYER, 8420
BRADLEY J. STEBBINS, 7491
KRISTIN M. STEINKE, 9109
JENNIE M. STELDT, 3552
EDWARD J. STENGEL II, 7217
NIKOLAS W. STENGLE, 8627
JON A. STERLING, 7748
CHADWICK J. STERR, 6390
BRADLEY R. STEVENS, 6906
PHILIP R. STEVENS, 8252
DANIEL S. STEVENSON, 8678
JAMES W. STEWART, 7459
JEREMY S. STEWART, 9882
JUDSON M. STIGLICH, 5961
DAVID W. STINE, 2095
ANDREW P. STOHLMANN, 6054
MELISSA A. STONE, 6468
BRIAN E. STORCK, 9796
STEVEN K. STORMS, 0185
CHARLES N. STPIERRE III, 3048
STANLEY D. STRAIGHT, 8844
DANY M. STRAKOS, 7550
TODD L. STRAWSER, 8345
CANDICE L. STREFF, 9924
JEREMY P. STRINGER, 8429
DANIEL L. STROMBERG, 0262
CHRISTOPHER W. STRONG, 6607
AARON C. STUCK, 3560
RYAN P. STUGART, 3924
CLIFFORD V. SULHAM, 0999
VINCENT T. SULLIVAN III, 9393
CHAD L. SUMMITT, 6270
BRIAN A. SURDYK, 2153
WENDY A. SWART, 2485
ANDREW J. SWARTZER, 7176
THEODORE I. SWEENEY, 6211
WESLEY W. SWEITZER, 1934
JAMIL D. SYED, 2572
STEVEN D. SYLVESTER, 1069
CHRISTINA G. SZASZ, 8055
ANDRAS J. SZUCS, 3534
ERYNN M. TAIT, 5255
DAVID A. TALAFUSE, 0881
AARON K. TALLMAN, 5821
PAUL T. TAMASHIRO, 5071
RICHARD C. TANNER, 9256
NATHAN W. TARKOWSKI, 5041
CARMILLA E. TATEL, 0044
MERWIN A. TATEL, 7300
BRIAN R. TAVERNIER, 6072
CHAD D. TAYLOR, 1341
DAVID G. TAYLOR, 5326
DAVID M. TAYLOR, 8471
DEREK P. TAYLOR, 4891
JASON G. TAYLOR, 3419
MATTHEW G. TAYLOR, 4901
MATTHEW P. TAYLOR, 6821
MELANIE C. TAYLOR, 2561
MICHELLE M. TETZLAFF, 6380
VAN T. THAI, 2035
DEREK D. THARALDSON, 6611
JARIN R. THAYN, 4709
PAUL A. THERIOT, 0535
JOHN G. THIEN, 7068
DANIEL S. THOMAS, 5481
JOSEPH K. THOMAS IV, 8398
KEVIN S. D. THOMAS, 6736
DOMENIC F. THOMPSON, 0303
JONATHAN E. THOMPSON, 5152
ROBERT T. THOMPSON, 0062
JASON D. THORNBURG, 7476
ERIN R. THORNTON, 7221
DARREN P. THURM, 6987
GRADY A. TIBBOEL, 1691
BRIAN E. TIDBALL, 2713
JERADE W. TIPTON, 8530
JENNIFER A. TITTEL, 1460
NATHAN R. TITUS, 9744
CATHERINE M. TODD, 2444
STEVEN E. TOFTE, 3289
DEVIN G. TOMASESKI, 4774
JUSTIN S. TOMLINSON, 5972
MICHAEL A. TOMM, 7352
EVERARDO TORRES, JR., 3659
JUAN A. TORRES, 3594
JOHN G. TOTTY, 1705
TRAVIS B. TOUGAW, 1709
TIMOTHY M. TOUZEAU, 2430
BRIAN B. TOWELL, 4330
PHUC Q. TRAN, 3489
AARON S. TREHERNE, 6432
MICHAEL W. TRENT, 7432
ERIC D. TRIAS, 7397
WILLIAM L. TRIPLETT, 3598
ERIC T. TROCINSKI, 6852
LAYNE D. TROSPER, 5490
ROBERT Q. TROY, 7592
SASKIA TRUJILLO, 1652
GARRETT A. TRUSKETT, 1924
JONATHAN E. TUCKER, 0659
SAMUEL A. TUCKER, 5081
ADAM C. TUFTS, 8123
RAYMUNDO O. TULIER, 4222
JUSTIN W. TULL, 6601
SEAN F. TUNALEY, 6027
BRADLEY E. TURNER, 2988
MICHELLE L. TURQUETTE, 9368
CHAD P. TUTTLE, 1601
MAJKEN B. TUTTY, 0931
JUSTIN H. TYREE, 8590
CHRISTOPHER J. ULISH, 6595
OLIVER S. ULMER, 5977
GREGORY S. ULRICH, 6403
WILLIAM L. URBAN II, 1836
ATILIO M. USSEGLIO, 7088
PROSPERO A. UYBARRETA, 9343
BRADY J. VAIRA, 6197
ROD L. VALENTINE, 6217
ELISA VALENZUELA, 3063
SHANNON L. VAN VLECK, 0210
MARK D. VANBRUNT, 0108
DOUGLAS W. VANCE, 4522
JAMES C. VANCE, 9842
DAVID D. VANDERBURG, 7971
RYAN E. VANDERVEEN, 9943
CONNIE M. VANHOESEN, 8733
JOSEPH M. VANONI, 4808
VIANESA R. K. VARGAS, 5707
JOHN D. VARILEK, 9120
RICHARD G. VASQUEZ, 4414
JASON F. VATTIONI, 3106
WILLIAM B. VAUGHN, 4319
JUAN VAZQUEZ, 3726
JUANLUIS VELEZ, 7014
MICHAEL L. VENUS, 6736
DAMIAN J. VERELLEN, 1816
SHANE S. VESELY, 3218
STEVEN F. VICSOTKA, 6762
REGINALD C. VICTORIA, 6063
CASEY J. VILE, 0449
WARREN E. VINES, 1482
JOHN R. VIPPERMAN, 3833
JOHN F. VITO, 9185
WILLIAM J. VIVONI, 4122
ALEX M. VLAKANCIC, 5224
BRIAN D. VLAUN, 8710

SARAH A. VOIGT, 3074
BRIAN A. VOLANTE, 3299
WENDY J. VOLKLAND, 3253
TIMOTHY D. VORUZ, 4030
LANCE M. WADDY, 4569
WILLIAM O. WADE, 4349
KURT E. WAGNER, 1054
JOHN C. WAHRMUND, 0153
ERWIN T. WAIBEL, 3861
CASEY W. WAITE, 3009
STEVEN J. WALDEN, 9934
CHRISTOPHER V. WALKER, 8204
DANIEL M. WALKER, 9065
MARC A. WALKER, 8617
MICHAEL J. WALKER, 3578
S. DAVID WALKER, 3223
SHANE F. WALLACE, 3273
JEREMY L. WALLER, 0692
GEORGE T. WALLING, 0692
JOHN D. WALSH, 3383
MIA L. WALSH, 0963
MARK J. WALSKE, 2253
DANIEL T. WALTER, 5312
ZACHARY S. WARAKOMSKI, 9836
CASEY J. WARD, 8565
THOMAS W. WARD, 8087
MATTHEW R. WARNER, 2682
BRITT A. WARREN, 0686
CAMERON L. WARREN, 9148
JOSHUA L. WARREN, 3947
JUSTIN C. WASHINGTON, 0585
KEITHEN A. WASHINGTON, 6263
FRANK W. WATERS, 9246
JASON M. WATSON, 2253
LARRY S. WATSON, 8930
STEVEN L. WATTS II, 7606
RAYMOND S. WAY, 3774
DANIEL B. WEBB, 7624
LONNY W. WEBB, 6526
ERIC S. WEBER, 3895
JAMES M. WECHT, 2617
DAVID L. WEIDE, 7519
RYAN P. WEISIGER, 8919
JEREMY B. WELLMON, 3367
BRETT J. WELLS, 1255
PAUL J. WELLS, 0145
JOSEPH H. WENCKUS, 3416
BENJAMIN J. WENDIKE, 8968
REGINALD D. WESLEY, 3540
SHEILA N. WESLEY, 8812
ANDREW R. WEST, 3074
JAMES L. WEST, 2704
ERIC L. WESTBY, 1018
JASON C. WETZEL, 4152
SUSAN A. WHALEN, 2729
JACK G. WHEELDON III, 1892
RYAN S. WHEELER, 2149
DAVID J. WHEELOCK, 8453
BRADLEY D. WHITE, 3783
BRENDA A. WHITE, 1152
DONNY L. WHITE, 5799
JUSTIN O. WHITE, 4703
MEGAN A. WHITE, 5446
NATHANAEL T. WHITE, 3154
PETER J. WHITE, 0145
BERNABE F. WHITFIELD, 9026
LARRY W. WHITMORE, 0041
JASON A. WHITTLE, 3687
BRYAN C. WIELAND, 4817
JULIE A. WIEMER, 2124
RYAN M. WIERZBANOWSKI, 0932
BENJAMIN D. WILD, 5888
DENNIS C. WILDE, 3312
DAVID D. WILEY, 6033
MONTE A. WILEY, 0606
SAMUEL R. WILHELM, 4357
ALEXANDER L. WILKERSON, 3131
BEAU S. WILKINS, 1051
CHRISTOPHER A. WILKINS, 8290
JOHN P. WILKINS, 6118
DALTON F. WILLIAMS III, 4449
JASON L. WILLIAMS, 2603
KEVIN S. WILLIAMS, 3854
PATRICK C. WILLIAMS, 9242
PHELEMON T. WILLIAMS, 3472
RICHARD A. WILLIAMS, 6985
TREVEN L. WILLIAMS, 3604
STUART A. WILLIAMSON, 5284
CHRISTOPHER H. WILLIS, 4181
MICHAEL A. WILLIS, 5661
TYSON M. WILLIS, 3121
JERIMY L. WILLS, 4530
CLINTON M. WILSON, 3708
CORY R. WILSON, 4633
DAVID L. WILSON II, 5188
JAMES A. WILSON, 0111
KYLE J. WILSON, 7598
MELISSA A. WILSON, 8127
RICHARD J. WILSON, 4141
RYAN J. WILSON, 1758
SAMUEL S. WILSON, 5862
HAROLD L. WILSTEAD, 8922
KENNETH P. WINNINGS, JR., 7088
ERIC A. WINTERBOTTOM, 3734
PHILLIP C. WINTERTON, 9340
GREGORY S. WINTILL, 6728
BERNADETTE D. WISHOM, 4430
OLGIERD P. WOJNAR, 7642
JULIE A. WOKATYKOZMA, 4616
CHESTER E. WOLFE, 9095
THOMAS B. WOLFE, 0108
CHARLES A. WOLFSANDLE, 3378
CRAIG R. S. WONG, 7098
CARL F. WOOD, 2255
DOUGLAS W. WOODARD, 0950
DAVID B. WOODLEY, 2239
WILLIAM E. WOODWARD, 7879
TRAVIS L. WOODWORTH, 4608
JAMES R. WOOSLEY, 6281
EDSEL B. WOOTEN III, 7337
JASON M. WORK, 8986
MATTHEW W. WORLING, 7183
JASON T. WRIGHT, 3327
JENNIFER L. WRIGHT, 6443
JOSEPH C. WRIGHT, 7559
CHIAFEI V. WU, 6345
DANIEL P. WUNDER, 6139
LEE A. WYNNE, 6712
STEPHEN P. WYNNE, 9613
TODD D. YACKLEY, 0580
TONYA D. YARBER, 5539
JENNIFER J. YATES, 2837
SCOTT T. YEATMAN, 6372
MATTHEW R. YEATTER, 7888
SEAN M. YODER, 2011
MICHAEL D. YORK, 7441
MELISSA L. YOUDERIAN, 5717
JAMES E. YOUNG II, 8755
JAMES G. YOUNG, 2413
MATTHEW T. YOUNG, 6361
RYAN J. YOUNGBLOOD, 2480
LONI B. YU, 2078
DANIEL P. YURASEK, 7125
VINCENT C. ZABALA, 8532
DARIA J. ZALEWSKA, 2388
ROBERT C. ZEESE, 8387
MICHAEL D. ZIEMANN, 8993
JOSEPH F. ZINGARO, 8258
JOHN F. ZOHN, JR., 0149
CLINTON R. ZUMBRUNNEN, 2866
MARIO F. ZUNIGA, 7623

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

THOMAS F. KING, 4029

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MARY P. WHITNEY, 8662

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JAMES W. HALIDAY, 7941
BRADLEY D. LOGIE, 1985
STEVEN D. MCCLINTOCK, 7714
DANE ST JOHN, 8942
DIMITRY Y. TSVETOV, 4700

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHRISTINE LYNN BARBER, 9528
NANCY LOUISE BORIACK, 5762
ROBIN POND BURNE, 7759
LAUREL A. M. DINERSTEIN, 5204
J. T. FLOYD, 6292
MARY E. HANSEN, 3781
PETER S. JUMPER, 6112
MICHELE C. PINO, 9020
TIMOTHY J. SHEEHAN, 8255
JAMES W. SMITH, 0463
BRIAN M. SPEARS, 7263
ALLAN D. STOWERS, 7460
MICHELE A. WILLIAMS, 6307
CHUNG H. YEN, 2225

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DONALD S. HUDSON, 6389

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JEFFREY N. SAVILLE, 5785

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

STEVEN M. DEMATTEO, 6102

HOUSE OF REPRESENTATIVES—*Thursday, January 11, 2007*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, our God, source of all life and love, the Members of Congress join with all the people of this Nation as we pray for our military troops deployed in harm's way in Afghanistan, Somalia and elsewhere, but especially in Iraq. Protect them, Lord. Strengthen them and guide them. Be for them a light, a mighty force and a safe refuge. Speak to their families words of consolation and assurance.

May all military efforts bring about security and peace and make this nation grateful and worthy of their sacrifice.

"Lord, be a stronghold for the oppressed, a stronghold in times of distress" both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. BISHOP) come forward and lead the House in the Pledge of Allegiance.

Mr. BISHOP of New York led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

OPPOSING THE PRESIDENT'S PLAN FOR IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, the President's new plan is a plan for more door-to-door fighting, more civil war, more civilian casualties, more troop deaths, more wasted money, more destabilization in the region and more separation from the world community.

Does anyone in this administration have any sense at all? They are sending our troops into the middle of a civil war, setting the stage for a wider war.

The President is blaming Iran for attacks on Americans in Iraq; he is vowing to disrupt Iran. He is adding an aircraft carrier to the shores of Iran. He is promising to give Patriot missiles to our friends and allies. Isn't one war enough for this President?

Congress needs to challenge the position of the President, take necessary steps to bring our troops home. We need to begin talks with Iran and Syria, not blame them for our misguided war in Iraq. Diplomacy is the only way to avoid a widening war. If we follow this President's path of war, we will get more war.

OPPOSING THE PRESIDENT'S PLAN FOR IRAQ

(Mr. KELLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. KELLER of Florida. Mr. Speaker, I rise to discuss the troop surge in Iraq. I believe the motives of President Bush and other prominent leaders, such as Senator JOHN MCCAIN, who are pushing for more troops, are pure and well meaning. I believe they sincerely think this is the best way forward. Three years ago, I would have agreed with them. However, at this late stage, interjecting more young American troops into the crossfire of an Iraqi civil war is simply not the right approach. We are not going to solve an Iraqi political problem with an American military solution.

Regardless of how one feels about the war in Iraq or the proposed surge in troops, as long as our American troops are in harm's way, it is our duty and responsibility to support these troops one hundred percent.

May God bless our troops and our country.

OPPOSING THE PRESIDENT'S PLAN FOR IRAQ

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, after watching last night's Presidential address, I must question whether or not our President actually listens to anyone besides the same neoconservative ideologues who are the architects of the fiasco in Iraq and who have insisted that victory in Iraq is just around the corner.

Clearly the President is not listening to his top generals on the ground who have expressed doubt in the President's call for a surge in troops; nor is he listening to the advice of the bipartisan Iraq Study Group, which has called for a redeployment of troops and additional training for Iraqi security forces; nor is he listening to the Iraqi people, 78 percent of whom say the presence of American troops is adding to, rather than controlling, the violence.

Most importantly, the President isn't listening to the American people, who sent a clear message last November that his policies in Iraq aren't working, and that a change of course is needed.

Mr. Speaker, I am opposed to the President's plan to escalate this war. I believe the solutions to the problems in Iraq are political ones. And I will support my colleagues in using the constitutional authority vested in the Congress to control our future involvement in Iraq.

SUPPORTING THE PRESIDENT'S PLAN FOR IRAQ

(Ms. FOXX asked and was given permission to address the House for 1 minute to revise and extend her remarks.)

Ms. FOXX. Last night, the President addressed the Nation about the war in Iraq. No one is happy that we are at war, but we must remember that we were attacked by the terrorists; that the war in Iraq is critical to the global war on terror, and we must continue to fight and defend against the terrorists there as much as at home.

We must maintain our efforts to provide security and stability for the Iraqi government and its people until they are able to do so themselves. We cannot walk away or we will face increased bloodshed at home and abroad.

I applaud the President for recognizing the need for a new direction in the Iraq war in order to achieve this and presenting tangible alternatives to the problems we currently face there.

I support making sure that the Iraqis take the lead and act aggressively and swiftly against any violence. Prime Minister Maliki has issued a commitment to meet these challenges, and the President must hold him accountable to this pledge. It is my hope the proposals put forth will lead to success in Iraq.

Our troops deserve unwavering support, and this new direction the President has implemented must show progress. Now is the time to unite as Americans and not as partisan politicians.

I look forward to the day when a free and democratic Iraqi government and its people can defend themselves and be a model for others in the Middle East.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ALICE PAUL

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I rise today to honor Alice Paul, a woman who dedicated her life to equality, to give her a Congressional Gold Medal.

Alice Paul was a remarkable person who made America more democratic by fighting for equal rights and creating opportunities for women to participate in politics. Thanks to Alice Paul, NANCY PELOSI was able to become Speaker of the United States House of Representatives. Even after her death, her influence continues to be significant on our society and culture.

Yesterday marked the day that on January 10, 1918, the House of Representatives first voted to give women the right to vote by approving the 19th amendment to the U.S. Constitution. Alice Paul spearheaded the effort to pass the 19th amendment, granting all American women the right to vote.

Because of Alice Paul's legacy, my daughters, Natalie and Jennifer, have the right to participate in the electoral process. My grandchildren and their children will forever have this right.

Alice Paul's contribution to America cannot be understated. Without her, women may not enjoy many of the rights they have today.

Please cosponsor this important legislation.

SOCIAL SECURITY FOR ILLEGALS?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, in the darkness of back rooms and the whisper of secret phone calls, American citizens may have been betrayed. Has our government become the Judas?

For the past 2 years, our Federal Government has secretly negotiated and cooperated with the Mexican government to provide illegals a reward for breaking American law. Not only will illegal entry be forgiven by amnesty but, get this, illegals will be able to apply for and collect American Social Security. The cost of such betrayal is millions of dollars. Hardworking citizens are going to be robbed of Social Security money that they are entitled to. Now many Americans and legal immigrants may not receive Social Security benefits because they will be going to illegals.

Mr. Speaker, illegals are not citizens of this country, and they should not be taking the benefits entitled to law-abiding American citizens and legal immigrants. It is morally wrong to expect Americans to pay money to people that are not even supposed to be on our soil. Illegals should not receive Social Security benefits. The welfare of America is being sold for 30 pieces of silver.

And that's just the way it is.

ESCALATION OF FAILURE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. President Bush has been wrong at every step along the descent into chaos in Iraq, and he is wrong once again. The terrible price for his repeated miscalculations is paid for by the blood of the brave, by hundreds of billions of dollars squandered and by greater insecurity for our families. He has no new plan, just an old delusion. This isn't a surge. It is a costly, long-term escalation that only endangers more young Americans.

Apparently the only troops he will bring home are the many generals who disagree with him. He has rejected the advice of the Iraq Study Group. He has rejected military counsel. He has rejected the voices of the people and their elected representatives. And we must firmly reject his escalation of what can only be called a spend-and-bleed policy.

STEM CELL BILL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today the House will consider H.R. 3, an expansion of taxpayer funding for embryonic stem cell research. And while today's debate is sure to be full of rhetoric about the promise of future cures, let's be clear from the outset about what is working and what is not. Embryonic stem cell research, that is, research that requires the destruction of a living human embryo, is yet to produce a single cure or treatment in humans. Not one. What many say is a false hope.

The good news is that there is an alternative that is not only successfully treating human patients but doesn't require killing little human embryos. In fact, what many consider ethical, adult stem cell research has now provided dozens of laboratory successes, successful treatments of human patients and even a handful of FDA-approved therapies.

Mr. Speaker, tax dollars are not unlimited. They should be directed towards methods that are proven to work and ethical research. H.R. 3 fails to do this.

IN SUPPORT OF EMBRYONIC STEM CELL RESEARCH

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise today, as a physician, a mother and a representative of many who would benefit from H.R. 3, in strong support of H.R. 3 which would expand Federal funding for embryonic stem cell research, increase stem cell lines and impose strict ethical guidelines. These stem cells would otherwise be destroyed. So this is not a faith issue, a theological conundrum or a partisan issue. It is a public health issue and one of maintaining this country's leadership in the world.

This bill is important to minorities and the Congressional Black Caucus because embryonic stem cell research will help reduce and even eliminate the health care disparities that now leave African Americans and other people of color more likely to be disabled or die from the diseases it can cure.

As a physician I have treated individuals with some of these diseases—Parkinson's, sickle cell, ALS and others—and despite using all we had available too often stood helplessly with their families as the conditions took their toll. Today we can change that and we must.

As a mother and a grandmother of three, I ask my colleagues to support H.R. 3 and create a healthier and better country for all of us.

☐ 1015

VOTE "NO" ON MEDICARE PRESCRIPTION DRUG PRICE NEGOTIATION ACT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I rise today in opposition to H.R. 4, the Big Government Prescription Drug Price Negotiation Act. This bill is politically driven, and it will result in a one-size-fits-all program that gives us higher drug prices, less consumer choice, and will certainly not uphold some of the access that has been made available through Medicare part D. And we know that seniors want choice. We hear that from them. They want to preserve the doctor-patient relationship, and they want access to prescriptions in their local communities.

What H.R. 4 does is to open the door for Big Government to decide what medicines patients receive instead of their doctors.

Unfortunately, the Democrats are rushing the bill to the floor to undo the hard work of Medicare part D. We know from survey after survey that over three-fourths of seniors are satisfied with this program.

There have been no discussions, no hearings, no analysis on how this proposal will impact the access of seniors. I urge my colleagues to vote "no."

AUTHORIZING EMBRYONIC STEM CELL RESEARCH

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, today we will fulfill an important promise to the American people by authorizing ethical embryonic stem cell research.

Millions of people across our Nation and around the world will be paying close attention as we affirm our commitment to finding cures for diseases that have touched all of us: Alzheimer's, Parkinson's, diabetes, cancer, heart disease, multiple sclerosis, spinal cord injury, and many more.

I have been truly touched by letters of hope from constituents and from organizations representing those suffering from illnesses that may eventually be cured through stem cell research.

And our Nation's leading scientists are eagerly awaiting the opportunity to make the United States the world leader in this groundbreaking research.

As Members of Congress, we are blessed with the opportunity to take such an important vote that will pave the way to saving lives. I urge all of my colleagues to vote in favor of H.R. 3 today and be part of this monumental effort.

SMALL TOWNS HEART AND SOUL OF AMERICA

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I have the honor of representing one of the largest congressional districts east of the Mississippi, the West Virginia Second District.

Some of the best-kept secrets in West Virginia, and certainly my district, are the wonderful small towns and the sense of community they provide. Treasures like these are worth celebrating every single day.

Last Sunday, the city of Ripley in Jackson County, West Virginia, celebrated its 175th anniversary, and I had the privilege of attending the celebration with the mayor and many fine citizens of Ripley.

I thought it was very fitting to read the city's motto, "Ripley: Proud of our past—Excited about our future."

Much has changed in America since 1832 when Ripley was founded, but the fact is that Ripley remains one of the best small towns in the country.

In fact, when the President was looking for a place to celebrate our Nation's birthday in 2002, he looked no further than Ripley, West Virginia. It was a great decision. Every year, Ripley has the largest Independence Day celebration of any small town in America. We welcomed the President, and he enjoyed his West Virginia visit.

Let us all remember that small towns are truly the heart and soul of America, just as they were in 1832 at Ripley's founding. I am honored to represent them here in Washington.

FAILURES IN IRAQ

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNERNEY. Mr. Speaker, last night President Bush accepted responsibility for the failures in Iraq. Yet he offered no real strategy for winning the war in Iraq or the broader struggle with terrorism.

Many military and foreign policy experts, including the Joint Chiefs of Staff, have acknowledged that the President's proposal to increase troop strength is not a solution to the ongoing instability in Iraq.

I believe that an influx of troops will actually worsen the situation on the ground. Not only that, but redeploying 20,000 additional troops in Iraq will stretch our already fully deployed Armed Forces even further.

I am particularly concerned that deploying additional troops will significantly hinder our ability to effectively combat the global terrorist threat. In fact, the very consideration of redeploying troops in Iraq means that we are distracted from the wider war on terrorism, especially in Afghanistan where additional forces may be necessary to rein in al Qaeda and the Taliban.

DEMOCRATS NEED TO LAY OUT IRAQ PLAN

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, you know, it is time for the Democrat Party to lay out its plan for Iraq. I understand the echo chamber of liberalism is going to be teeing off on the President all week long. I understand that, because that is what has been going on for 6 months and, indeed, in some circles for a year.

There are 65 Members, in fact, of the Get Out of Iraq Now Caucus, and I actually have a lot of respect for them because they have a vision, they have a plan. The plan is: get out of Iraq.

Now there is no answer to the question: What happens then? What happens then when you have an American defeat internationally in the Middle East, when you turn over the third largest oil producing nation in the world to a terrorist state? What happens to the people over there who are pro-America or pro-democracy? They don't answer that question, and I understand that.

But for the other Democrats who are so enthusiastically piling on the President right now, and certainly I want to say as a Republican it has not been going well and we do need a new change in direction, but I would say to the majority party, put your plan on the table.

PASS EMBRYONIC STEM CELL RESEARCH

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, my uncle, Mo Udall, served here in the House of Representatives for 30 years. For the last 10 years, he served with Parkinson's disease, and every day his friends and colleagues saw this crippling disease take a little piece of him. Millions of families are facing the same kind of disabling diseases: Parkinson's, Alzheimer's, lupus and many more.

The bill we will consider today on the House floor gives these millions of American families hope. There is great promise in stem cell research. This bipartisan bill would increase the number of embryonic stem cell lines eligible for Federal research.

I hope that the President will reconsider his ill advised veto and give American families hope.

MIDDLE EAST DISASTER

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, the disaster that we now see unfolding in the Middle East with the war in Iraq was set in motion when this President, against the advice of so many generals and military people, and against the advice of so many Middle East experts, made the decision to invade Iraq.

It was a war of choice, a choice not made by the American people, but a choice made by this President. And he set in motion the disaster that we now see. We understand that this decision that he made has been paid for by the lives and the injuries and the harm done to our men and women in uniform.

Last night he asked for a continuation of that disastrous choice with no new plan to change the outcome, but to simply extend the time in which our military will be engaged in Iraq.

It is foolhardy to believe that we should be sending our troops into Iraq based upon the theory that the Shia majority in Iraq for the first time in 100 years and the growing Shia majority across the Middle East is going to negotiate away their ability to act as a majority. This is a foolhardy trip, and we ought to vote against the President's proposal.

IRAQ NEEDS TO DEFEND ITSELF

(Mr. AL GREEN of Texas asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, it is time for the Iraqis to stand up and defend themselves.

Mr. Speaker, we have freed them from a ruthless dictator. We have lost more than 3,000 lives. We have more than 20,000 wounded. We have helped them to construct a constitution, to reestablish their constabulary. We have helped them hold an election, and we are spending more than $177 million, not per year, not per month, not per week, but per day.

It is time for them to stand up and defend themselves. Do not send 20,000 in; bring 20,000 troops home. It is time for them to stand up and defend themselves.

OPPOSE PRESIDENT ON ESCALATION

(Ms. WATERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker and Members, last night the President of the United States addressed the Nation. He had promised us that he was going to come up with creative solutions because he acknowledged his failures. He has designed what he called "a new way forward." That is another one of his sound bites.

He tried to cloud the escalation by saying sending 20,000 new troops was a surge of some kind. There was nothing new or creative about his message.

Remember, it was the President of the United States who promised us that they were going to get rid of the weapons of mass destruction, only for us to find out there were no weapons of mass destruction.

Remember when he rolled out on the battleship saying "Mission Accomplished"?

Remember when he promised us that we would get the proceeds from the oil in Iraq and that would be used to rehabilitate Iraq?

Remember when they promised us that we would be welcomed with open arms and we were winning the war?

Well, there this is no new real exit strategy. This is no new way forward. As a matter of fact, this is a new way backwards. And then on top of that, he had the audacity to tell us he wants a billion dollars to give to the Iraqis for jobs and employment. Give me some of that money for our cities and our rural communities. We could really use it. We have to oppose the President on this escalation.

DON'T VETO HOPE

(Mr. COOPER asked and was given permission to address the House for 1 minute.)

Mr. COOPER. Mr. Speaker, the American people want us to stop bickering in Washington and to start making progress on the many problems we face.

Well, many millions of American families face dreaded diseases: cancer, diabetes, Parkinson's, Alzheimer's, you name it. And today we have an exciting opportunity to vote for a chance towards curing those diseases.

Last year in the Republican Congress, the vast majority of this body and the Senate voted for embryonic stem cell research. This year, the majorities will be even larger.

I urge the President not to veto this legislation as he did last year. It is the only veto of his entire Presidency. He is the first President since Thomas Jefferson to have vetoed so few bills, but he chose last year to veto hope. I urge the President not to veto hope this year.

FAILED IRAQI POLICY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, the President persists, despite the contrary advice of his most experienced and senior military officers in the field, that escalation is the answer to the chaos, the sectarian strife, in Iraq.

He is not only perpetuating his failed status quo stay-the-course strategy; he actually is going to undermine the U.S. forces and our allies in the most critical conflict.

Remember his phrase, "Fight them there or fight them here"? Well, that is true, but not in Iraq. That is true in Afghanistan.

Remember "Osama bin Ladin: dead or alive"? The Taliban, al Qaeda? Well, they are resurgent and they are going to threaten Kandahar we are told by our commanders in the field in the spring, and they have asked for reinforcements.

And what is the President doing to perpetuate his failed policy in Iraq, an unnecessary war in an area that doesn't threaten the United States of America? He is withdrawing U.S. troops from southern Afghanistan and sending them on a failed mission in Iraq.

He could be the only President to lose two wars at the same time.

□ 1030

SAVING LIVES OF AMERICANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is not often that we have such serious moments in the House to save lives, so I rise today to offer to the President an opportunity to not use the United States military for 9/11 calls, to bring our troops home, and to focus on a political-diplomatic solution of solving the contentious civil disunity between Sunnis and Shiites. I oppose the escalation.

But I rise today to save the lives of those who suffer from Parkinson's disease and Alzheimer's by asking for an outstanding and enthusiastic vote for stem cell research. We must realize that even though amniotic fluid research is going on, it is not a substitute for embryonic stem cell research.

We can do this together. We can save American lives. We can do the right thing and ask the President, do not utilize your veto. Help to save the lives of Americans. Bring our troops home, and support stem cell research.

ALLOW IRAQIS TO CONTROL THEIR FUTURE

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, we must begin to think differently in America, because the path we are on now is morally unacceptable. More than 3,000 brave Americans have perished in Iraq and more than 650,000 Iraqi civilians are dead. President Bush's newest war proposal is not a complete and comprehensive plan, and more importantly, it is not based on realities on the ground and in the region.

The President believes that 20,000 additional U.S. troops will change the outcome in Iraq. He was wrong to invade Iraq, and he is wrong now. Instead of decreasing the violence, last night's proposal will increase the risks to everyone in Iraq and the surrounding region, and it will not bring an end to the Iraqi civil war. Clearly it was bad judgment to have invaded Iraq. It will be even worse judgment to remain.

Simply put, we do not belong in Iraq, and we are still headed in the wrong direction. We all support our troops, but we must not support the administration's policy of more of the same poor judgment. We must begin to withdraw our forces and allow the Iraqis to take control of their own future.

AMERICAN PEOPLE HAVE SPOKEN ON IRAQ

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute.)

Mr. CUMMINGS. Mr. Speaker, I rise today to say to our President that the people have spoken and they have spoken quite loudly. Just the other night I ran into the family of Sergeant Kendall Waters-Bey, who was one of the first military folks who died in the war. He is from my district.

His family just said one thing. "Ask the President what his plan is, his true plan for getting us out of there. Ask why is he being so stubborn. Ask how many have to die, like our relative died, and we still don't fully understand why."

The President presented us with some statements last night, but we have heard them before. The American people have been patient, and they have simply run out of patience. So we must continue to loudly speak into the President's ear that the people do not want this war. They want to get our folks out of Iraq. Three thousand have already been killed, and others are being harmed every day.

FINDING CURES FOR DEBILITATING AND DEVASTATING DISEASES

(Mr. COSTA asked and was given permission to address the House for 1 minute.)

Mr. COSTA. Mr. Speaker, I rise today in support of H.R. 3, a bill that I consider a pivotal step toward the fight against devastating and debilitating diseases.

The narrow view of stem cell research espoused by the administration places unrealistic limitations on the medical research capabilities of this Nation. The administration's position on this critical issue leaves patients across the country without the hope that they can be cured of the effects of medical conditions, including but not limited to Parkinson's and Alzheimer's diseases, as well as spinal cord injuries.

Every person who has had to watch a mother, a brother, a friend, a family member, knows of this terrible, terrible, difficult problem. I know. I have had that experience.

These conditions may be curable through stem cell research, but it will only be possible if Congress asks for full-fledged research to take place. We owe it to the afflicted and their families to put forth the best efforts to find cures for these debilitating medical conditions.

I urge the House to put political posturing aside and give hope to patients and families by passing this important measure today.

IN SUPPORT OF EMBRYONIC STEM CELL RESEARCH

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute.)

Mr. GENE GREEN of Texas. Mr. Speaker, today, we will vote on a bill to provide changes to a merciless Federal stem cell policy, changes that are still relevant and still necessary despite the recent discovery of stem cells derived from amniotic fluid cells.

To be sure, this is an important discovery, but the same scientists championing this research have stressed the amniotic cells are not a substitute for embryonic stem cells. While they hold the great promise of turning into some cell types, only embryonic stem cells can divide indefinitely and evolve into any cell type in the body.

If anything, the recent amniotic stem cell study proves that it is critical to explore all kinds of stem cell research, since advancements in one area of stem cell research could lead to lifesaving discoveries in others. By prohibiting Federal funds of more embryonic stem cell research, the current policy shuts the door on this collaborative research and slams it in the face of millions of Americans suffering from incurable diseases.

We have the opportunity today to advance this promising research that could offer cures for the scourges of our times. To purposefully keep the doors to a cure closed is a patent failure of our responsibility to ease human suffering from scores of incurable diseases.

HELPING KEEP CHILDREN FREE FROM DISEASE

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, I am the parent of two children with asthma, and my husband has asthma also. When my children were young, I spent many hours beside their bed helping them to breathe with machines, giving them medicine that had side effects that were very unpleasant and kept both my children and myself up. We had a great deal of worry in those early years.

It is my great hope that science will find a cure. I ask all of my colleagues to reach out and help my children and the children of America to be free of these diseases.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The Chair announces that the Speaker has delivered to the Clerk a letter dated January 11, 2007, listing Members in the order in which each shall act as Speaker pro tempore under clause 8(b)(3) of rule I.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

Mr. DINGELL. Mr. Speaker, pursuant to section 509 of House Resolution 6 and as the designee of the majority leader, I call up the bill (H.R. 3) to amend the Public Health Service Act to provide for human embryonic stem cell research, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stem Cell Research Enhancement Act of 2007".

SEC. 2. HUMAN EMBRYONIC STEM CELL RESEARCH.

Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498C the following:

"SEC. 498D. HUMAN EMBRYONIC STEM CELL RESEARCH.

"(a) IN GENERAL.—Notwithstanding any other provision of law (including any regulation or guidance), the Secretary shall conduct and support research that utilizes human embryonic stem cells in accordance with this section (regardless of the date on which the stem cells were derived from a human embryo) .

"(b) ETHICAL REQUIREMENTS.—Human embryonic stem cells shall be eligible for use in any research conducted or supported by the Secretary if the cells meet each of the following:

"(1) The stem cells were derived from human embryos that have been donated from in vitro fertilization clinics, were created for the purposes of fertility treatment, and were in excess of the clinical need of the individuals seeking such treatment.

"(2) Prior to the consideration of embryo donation and through consultation with the individuals seeking fertility treatment, it was determined that the embryos would never be implanted in a woman and would otherwise be discarded.

"(3) The individuals seeking fertility treatment donated the embryos with written informed consent and without receiving any financial or other inducements to make the donation.

"(c) GUIDELINES.—Not later than 60 days after the date of the enactment of this section, the Secretary, in consultation with the Director of NIH, shall issue final guidelines to carry out this section.

"(d) REPORTING REQUIREMENTS.—The Secretary shall annually prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the preceding fiscal year, and including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.".

The SPEAKER pro tempore. Pursuant to section 509 of House Resolution 6, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BOEHNER) each will control 90 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material into the RECORD on the pending bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the House passed last year, on May 24, 2005, the Stem Cell Research Enhancement Act of 2005 by a vote of 238–194. On July 18, 2006, the Senate followed suit and passed the bill by a vote of 63-37. The President then vetoed this legislation on July 19, the first and only veto of his 6 years in office.

President Bush's veto came in the face of bipartisan and bicameral Congressional backing for the legislation, as well as strong public support for embryonic stem cell research. The language before us today is identical to the language we passed on May 24. It is identical to the language that passed the Senate on July 18. It is identical, regrettably, to the language vetoed by the President.

By considering the Stem Cell Research Enhancement Act of 2007 today, we are reasserting our commitment and dedication and devotion to the passing of this lifesaving legislation. The time has come for it to be in law and for President Bush to join us in signing this legislation into law.

Stem cells are the foundation cells for every organ, tissue and cell in the body. Embryonic stem cells, unlike adult stem cells, possess a unique ability to develop into any type of cell, and their capacity to do this exceeds any other self which we are aware now.

Embryonic stem cell research holds the potential for developing treatments for many dreaded diseases, including Lou Gehrig's disease, cancer, cystic fibrosis, heart disease, lupus, multiple sclerosis, osteoporosis and pulmonary fibrosis.

The unique properties of embryonic stem cells were not lost on everyone, and I will now quote from an individual who has thought rather considerably on this matter. On August 1, this statement was made:

"Scientists believe further research using stem cells offers great promise that could help improve the lives of those who suffer from many terrible diseases, from juvenile diabetes to Alzheimer's, from Parkinson's to spinal cord injuries. And while scientists admit they are not yet certain, they believe stem cells derived from embryos have unique potential. Most scientists, at least today, believe that research on embryonic stem cells offer the most promise because those cells have the potential to develop in all of the tissues of the body."

The man who said this was our beloved President, Mr. Bush, and I think it is time that the House should listen to his words and disregard his veto.

I urge my colleagues to pass a piece of legislation that the public wants, that the scientific community needs, that will benefit our people and that will move forward scientific research of vast help and importance to our people.

Mr. Speaker, I ask unanimous consent that I be permitted to yield the remainder of my time to the distinguished gentlewoman from Colorado (Ms. DEGETTE), and that she be permitted to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in opposition to H.R. 3, a bill to expand taxpayer funding of human embryonic stem cell research. I support stem cell research with only one exception, research that requires the killing of human life. Taxpayer-funded stem cell research must be carried out in a way that is ethical and in a way that respects the sanctity of human life.

Fortunately, ethical stem cell alternatives continue to flourish in the scientific community. Earlier this week we learned that amniotic non-embryonic stem cells may offer the same research possibility as stem cells obtained through the destruction of human embryos. We have also seen stem cells from noncontroversial sources, like umbilical cord blood, be used to treat humans afflicted with more than 70 afflictions. I think we need to be funding the research that shows the most promise.

I am deeply disappointed today that Democrat leaders have pressed ahead with this vote, rather than having hearings and markups where breakthroughs like amniotic fluid cell research could have been fully examined. This research offers the potential for a new consensus approach to the difficult issue of stem cell research, and I am disappointed that the Democrat majority was not willing to allow time for this new development to be thoroughly examined.

We all know what is going to happen with this bill. This bill is going to move through the House. It will move through the Senate and go to the White House, where it was vetoed last year, and it will be vetoed again.

We have a bill that has been introduced by Mr. BARTLETT from Maryland and Mr. GINGREY from Georgia that says, let's put more funding into amniotic stem cell research. This is a bill that I think the Congress can support, the House, the Senate and the White House, that really will provide new breakthroughs in medical science.

□ 1045

But that isn't going to be allowed today, and it is not going to be on the floor today. Instead, we are going to go through a political exercise that will get us nowhere. And for that, I am deeply disappointed.

Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it has been nearly 2 years since the House of Representatives passed the Stem Cell Research Enhancement Act in an attempt to lift the crippling ban on lifesaving research. During those 2 years, a lot has happened. The Senate overwhelmingly passed the bill, President Bush issued the first veto of his 6-year Presidency to kill it, new elections were held, and a rash of new pro-research Members won, in many cases defeating incumbents who oppose this research.

Public support has surged for stem cells. Over 71 percent of the public now supports this research, a stunning 20 percent increase since the vote in 2005.

There are other developments that have happened in the last 2 years. Great progress in research is being conducted overseas, out of the hands and out of the oversight of our distinguished scientists here at home. Stem cell research is proceeding unfettered and, in some cases, without ethical standards in other countries. And even when these countries have ethical standards, our failures are allowing them to gain the scientific edge over the U.S.

In Japan, scientists have used embryonic stem cell therapies to reduce hepatic failure in mice. In the U.K., the government has now committed to spending $1.3 billion on stem cell research in the next 10 years. Singapore is spending $7.5 billion on biomedical research over the next 5 years and is actively courting American stem cell researchers.

The first embryonic stem cell line may have been created in the United States, but the majority of new lines are being created overseas. We were once on the cutting edge of this groundbreaking research, but we have now effectively handed over the reins to those outside our borders while our own researchers remain tethered by a restrictive 6-year-old policy and we still have no Federal ethical standards over this research.

But there is one thing that has not changed since we last considered this bill. Millions of people in this country and around the world are still stricken by disease, accidents are still leaving people paralyzed, too many people are becoming victims of Alzheimer's, Parkinson's, heart disease, sickle cell anemia, diabetes, and many other debilitating diseases. Cancer hasn't been cured.

Some suggest that it is Congress' role to tell researchers what kinds of cells to use, adult stem cells, cord blood, so-called ANT, amniotic, and others. I suggest we are not the arbiters of research. Instead, we should foster all of these methods, and we should adequately fund and have ethical oversight over all ethical stem cell research. Embryonic stem cell research has shown the most promise of almost any current research today for potentially curing these and hundreds of other diseases and injuries.

The distinguished minority leader is wrong when he says amniotic stem cells are a substitute for embryonic stem cells. The researcher at Wake Forest University in fact says specifically that these cells are not a substitute, and we need to have both types of research, as well as all of the other kinds to have the maximum potential to cure disease.

The minority leader said we need to foster the kind of research that has the most promise. And there is the one place we will agree today, because the most promise, all researchers agree, is held by embryonic stem cell research.

Well, here we are again, and here we are going to come time after time until this bill passes. This bill will become law, and we will not tire in our efforts until it does for the millions of Americans who suffer from diseases.

Mr. President, today, we want to give you another chance to do the right thing. Today, the House will vote to give hope to millions of Americans. I urge my colleagues to vote for life, to vote for hope, to vote "yes" on H.R. 3.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that remarks are to be addressed to the Chair and not to the President.

Mr. BOEHNER. Mr. Speaker, I yield 15 minutes to the gentleman from Texas (Mr. BARTON) and the remainder of my time to the gentleman from Texas (Mr. BURGESS) and I ask unanimous consent that they be allowed to control that time.

The SPEAKER pro tempore. Is the gentleman from Texas (Mr. BARTON) on the floor?

Mr. BOEHNER. Not as yet.

The SPEAKER pro tempore. Does the gentleman wish to yield first to the gentleman from Texas (Mr. BURGESS)?

Mr. BOEHNER. I will.

The SPEAKER pro tempore. The gentleman has yielded the remainder of his time to Mr. BURGESS, and then 15 minutes of Mr. BURGESS' time to Mr. BARTON; is that correct?

Mr. BOEHNER. That is correct.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized as the controller of the time.

There was no objection.

Mr. BURGESS. I thank the distinguished Republican leader for yielding.

Mr. Speaker, here we are back again, not quite two years from when we had this debate the last time, and a good deal has changed in the world of science over that 2-year time interval. Unfortunately, the bill that we have before us has not significantly changed.

We have already heard mention of the amniotic fluid stem cells that are now available to open a broad new area of research. Have we had one hearing in our committee, the Committee on Energy and Commerce, of which the distinguished chairman spoke to us this morning? I think the American people would welcome us having a hearing to understand more about this promising new area of science. As it stands today, we will simply have to debate the bill on the merits of information that is well over 2 years old, and I think that is unfortunate.

Mr. Speaker, regenerative medicine, the words themselves, speaks to great hope among the healer and patient alike that some of the most tragic of human afflictions may one day find relief. This concept is powerful. It is a powerful lure to participants on both sides of this debate. And I would stress, Mr. Speaker, that on both sides of this debate are people of good character and good will. We simply disagree about a single point. As we proceed with today's debate on H.R. 3, I would like to ask my colleagues whether there is any common ground by which the two sides may seek resolution of this conflict.

The recent findings of the pleuripotent epithelial cells, an undifferentiated mesenchymal cell that is present in all amniotic fluid at all stages of fetal development, demonstrates how quickly the world has changed since we last held this debate less than a year ago. Mr. Speaker, we don't know, we don't know what the mesenchymal cell will do if it is extracted at 11 weeks versus 40 weeks. Wouldn't it be nice to have the researcher before our committee and be able to ask those questions so we may make the best possible judgment for the American people?

Well, those individuals, the researchers at the Institute for Regenerative Medicine at Wake Forest, have determined these cells they have extracted from amniotic fluid can adapt and form other types of tissue, such as brain, muscle, and skeletal cells, and remain stable for years and not form tumors into those in whom they are implanted.

That is a pretty powerful piece of information, Mr. Speaker. If I were given the choice of a stem cell that might cure an affliction but one might cause a tumor and the other wouldn't, I think that is information I would like to have before I made that decision.

Clearly, this new technology, as it is further developed, may well prove a way toward that path of regenerative medicine without sacrificing nascent human life and in fact sacrificing human dignity.

For almost a decade, clinicians have used what is called preimplantation genetics, where a single cell is taken from an early gestation, the 8-cell blastocyst, a single cell is taken through micromanipulative techniques without causing harm to the donor embryo. This single cell is then used for genetic studies.

I have had patients in my practice who have undergone preimplantation genetics. But this same procedure could be used to create new embryonic stem cell lines without sacrificing human life and without endangering fundamental human dignity. This technique was proposed by Mr. BARTLETT in the last Congress. It was brought up under suspension, and, unfortunately, did not pass. But I believe this Congress should be considering this again as a means towards achieving that elusive common ground between the two sides.

As we have witnessed, science moves faster than we do here in the United States Congress. At the very least we should strive to defend life and attempt to establish the ethical boundaries of this potentially lifesaving research.

Consider the words spoken by President Kennedy at his inaugural almost half a century ago: "Let both sides seek to invoke the wonders of science instead of its terrors." H.R. 3 does not strike this balance and does not allow us to invoke the wonders of science. Instead, it offers a very vague outline posing as ethical guidelines but is in no such way an ethical guideline; and, unfortunately, as a consequence, human dignity is discarded by the wayside.

We can do better, and we should do better. Instead, we offer false promises to those that suffer from some of the most debilitating chronic conditions and we fail to protect what is human life and erode the concept of humanity.

Mr. Speaker, again, let me express my regret that we are not holding hearings in arguably what is the most powerful committee in this United States Congress, and that is the Committee on Energy and Commerce, so that we may fully evaluate this area of science.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman, for his information, has consumed 5½ minutes. If there is any uncertainty, the Chair wants to clarify it.

Pursuant to the unanimous consent request of the gentleman from Ohio, the gentleman from Texas (Mr. BARTON) will control 15 minutes of the remaining time, and the gentleman from Texas (Mr. BURGESS) will control the rest of that time. So those two gentlemen, pursuant to the request of the gentleman from Ohio, were recognized to control the time on that side; 15 minutes for Mr. BARTON, the remainder of the time is left to Mr. BURGESS.

The Chair recognizes the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Speaker, I am honored now to yield to the distinguished gentleman from Rhode Island (Mr. LANGEVIN) 3 minutes.

Mr. LANGEVIN. Mr. Speaker, I want to thank the gentlewoman for yielding and also in particular thank and recognize the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Delaware (Mr. CASTLE) for their exceptional leadership, and that of many others on the stem cell research bill who have fought so hard to bring us to where we are today. I am proud to be a partner with them in this effort.

Mr. Speaker, America has waited a long time for the Stem Cell Research

Enhancement Act, and I am proud to rise in support of H.R. 3 and be a part of a Congress that has made this a top priority. This legislation has strong bipartisan support in both Chambers of Congress and enjoys the support of up to 70 percent of the American people. Most importantly, it offers hope and the promise of a cure to millions of people who are living with the constant challenges and burdens of chronic disease and disability.

Mr. Speaker, when I was injured in an accidental shooting almost 26 years ago, I was told that I would never walk again. Now, I always held out hope that someday that would change, that through the miracles of science and prayer, someday there would be a cure for spinal cord injuries.

□ 1100

It is only until now that that possibility of a cure has become truly real.

I am the first to admit that my understanding of stem cell research has involved ongoing education, thought and prayer. As a pro-life Member of Congress, I have not taken my decision to support this legislation lightly. But I have come to the conclusion that being pro-life also has to be about caring about those people who are living among us with some of life's most challenging conditions and diseases and caring about the possibility of both extending and improving the quality of life itself. That is what the promise of stem cell research offers.

Over the years, I have had the good fortune to learn about stem cell research from some of America's most renowned scientists as well as pro-life leaders like Senator ORRIN HATCH and a dear friend of mine who is certainly on my mind today, Christopher Reeve.

My education on this issue has filled me with tremendous hope not only that stem cell research might lead one day to a cure for spinal cord injuries, but that one day a child with diabetes will no longer have to endure a lifetime of painful shots and tests. I truly believe that families will no longer one day have to watch in agony as loved ones with Parkinson's or Alzheimer's disease gradually decline. I am thrilled to be able to share this hope with millions of others.

We live in exciting times, truly at the threshold of a new generation in medicine. Today, newly spinal-cord-injured patients, many of them teenagers as I was, are told about developing treatments and scientific progress. They face a world, very much the same challenges that I faced in 1980. But they also face a time with real hope and the real promise of a cure.

I urge my colleagues to support H.R. 3. It is the right thing to do.

Mr. BURGESS. Mr. Speaker, I don't disagree with a word that was just said.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). How much time does the gentleman yield himself?

Mr. BURGESS. Mr. Speaker, may I ask a question? May I yield 2 minutes to the gentleman from Texas (Mr. BARTON) before he begins the 15 minutes?

The SPEAKER pro tempore. You may. Let me explain once again. Pursuant to the request of the gentleman from Ohio, the gentleman from Texas controls, as a matter of right, 15 minutes of the debate time. The gentleman from Texas (Mr. BURGESS) controls the remainder. Either may yield to anyone, including each other. So if the gentleman wishes, at this point, to yield to the gentleman from Texas, he may do that, or the gentleman from Texas (Mr. BARTON) may proceed under his own time. It is the gentleman's choice.

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that we withdraw the unanimous consent request of the gentleman from Ohio.

The SPEAKER pro tempore. Does the gentleman have a new unanimous consent request?

Let me clarify where we stand. Both gentlemen from Texas have a right under the previous request to control time. The gentleman from Texas (Mr. BARTON) has 15 minutes. The gentleman from Texas (Mr. BURGESS) has the remainder of the time. They may be recognized at either time. Whichever one seeks recognition will be granted that recognition.

Mr. BURGESS. Mr. Speaker, I appreciate that patient clarification. In that case, I will reserve my time. And I am going to yield to Mr. BARTON the 15 minutes.

The SPEAKER pro tempore. Well, you needn't do that. He already has 15 minutes. So the gentleman from Texas (Mr. BARTON) is now recognized. And Mr. BURGESS's time will be reserved.

Mr. BARTON of Texas. Mr. Speaker, it is good to see you in the Chair. To have one of our distinguished parliamentarians is a positive on the body.

Mr. Speaker, I yield 3 minutes to the Republican sponsor of the bill, Mr. CASTLE, at this time.

Mr. CASTLE. Mr. Speaker, I rise today in support of H.R. 3, the Stem Cell Research Enhancement Act, legislation I have authored with the distinguished lady from Colorado, Ms. DEGETTE, to ethically expand the current Federal embryonic stem cell research policy.

We have a real opportunity to make history, to pass legislation that will jump start research and may lead to treatments and cures for countless diseases, including diabetes, HIV/AIDS, Parkinson's Disease, Alzheimer's, ALS, multiple sclerosis and cancer. There is overwhelming support for this research, with 70 percent of the American people backing it.

There are also 500 universities, medical societies and advocacy groups backing this research, ranging from the American Medical Association and the Academy of Physicians to universities like the University of California and Harvard University and advocacy groups like the Juvenile Diabetes Research Foundation and the Michael J. Fox Foundation.

This research may also provide a better understanding of the biological origins of certain diseases, as well as an opportunity for pharmaceutical testing.

However, this Nation and, more importantly, our scientists are being held back by a policy that is out of date, short-sighted, arbitrary and, most of all, based on politics and not science.

When the decision was made by President Bush in 2001 to allow Federal funding for stem cell research on lines that had already been created, it seemed that a compromise may have been struck. However, the number of lines has shrunk from 78 to 22, and all of the lines have been compromised.

Since that time, over 150 new and improved stem cell lines have been created in the United States and throughout the world. Despite the fact that these lines are much easier for scientists to use and, in some cases, are disease specific, they are off limits to Federal researchers.

Throughout this debate, you will hear many mistruths, and I think it is important to set the stage early about what this bill does and doesn't do. First, you will hear that this bill expands Federal funding. To the contrary, this bill has nothing to do with funding. It has to do with the source of the embryos and the quality of stem cell lines.

Second, you will hear this bill discourages destruction of human life, or that it uses taxpayer dollars to destroy human life. To the contrary, this bill has nothing to do with destroying lives and everything to do with saving lives.

It is important to understand we are only talking about embryos that are going to be thrown away otherwise as medical waste. We support all options for couples, including embryo adoption, but if the couple decides to discard their embryos as medical waste, we would like them to be available to research.

You will hear this legislation will encourage the creation of embryos for the sake of research. Again, not true. Our bill specifically states that the embryos must have been created for the purpose of fertility treatment, and no money may have exchanged hands.

Even worse, you will hear mistruths spread by a physician hired by the pro-life movement. Specifically, he says cures and treatments have been found using adult stem cells for 65 to 72 diseases. However, if you look at the science and not the hype, you will see a scientific research study published by three leading researchers in the Science Magazine this past summer who found that, in truth, the number is 9, far less than 65.

Mr. Speaker, I would like to enter this study into the Record.

ADULT STEM CELL TREATMENTS FOR DISEASES?

(By Shane Smith, William Neaves, Steven Teitelbaum)

Opponents of research with embryonic stem (ES) cells often claim that adult stem cells provide treatments for 65 human illnesses. The apparent origin of those claims is a list created by David A. Prentice, an employee of the Family Research Council who advises U.S. Senator Sam Brownback (R–KS) and other opponents of ES cell research (1).

Prentice has said, "Adult stem cells have now helped patients with at least 65 different human diseases. It's real help for real patients" (2). On 4 May, Senator Brownback stated, "I ask unanimous consent to have printed in the Record the listing of 69 different human illnesses being treated by adult and cord blood stem cells" (3).

In fact, adult stem cell treatments fully tested in all required phases of clinical trials and approved by the U.S. Food and Drug Administration are available to treat only nine of the conditions on the Prentice list, not 65 [or 72 (4)]. In particular, allogeneic stem cell therapy has proven useful in treating hematological malignancies and in ameliorating the side effects of chemotherapy and radiation. Contrary to what Prentice implies, however, most of his cited treatments remain unproven and await clinical validation. Other claims, such as those for Parkinson's or spinal cord injury, are simply untenable.

The references Prentice cites as the basis for his list include various case reports, a meeting abstract, a newspaper article, and anecdotal testimony before a Congressional committee. A review of those references reveals that Prentice not only misrepresents existing adult stem cell treatments but also frequently distorts the nature and content of the references he cites (5).

For example, to support the inclusion of Parkinson's disease on his list, Prentice cites Congressional testimony by a patient (6) and a physician (7), a meeting abstract by the same physician (8), and two publications that have nothing to do with stem cell therapy for Parkinson's (9, 10). In fact, there is currently no FDA-approved adult stem cell treatment-and no cure of any kind-for Parkinson's disease.

For spinal cord injury, Prentice cites personal opinions expressed in Congressional testimony by one physician and two patients (11). There is currently no FDA-approved adult stem cell treatment or cure for spinal cord injury.

The reference Prentice cites for testicular cancer on his list does not report patient response to adult stem cell therapy (12); it simply evaluates different methods of adult stem cell isolation.

The reference Prentice cites on non-Hodgkin's lymphoma does not assess the treatment value of adult stem cell transplantation (13); rather, it describes culture conditions for the laboratory growth of stem cells from lymphoma patients.

Prentice's listing of Sandhoff disease, a rare disease that affects the central nervous system, is based on a layperson's statement in a newspaper article (14). There is currently no cure of any kind for Sandhoff disease.

By promoting the falsehood that adult stem cell treatments are already in general use for 65 diseases and injuries, Prentice and those who repeat his claims mislead laypeople and cruelly deceive patients.

REFERENCES

1. Posted at the Web site of DoNoHarm, The Coalition of Americans for Research Ethics (accessed 8 May 2006 at http://www.stemcellresearch.org/facts/treatments.htm).
2. D. Prentice, Christianity Today 49 (no. 10), 71 (17 Oct. 2005) (accessed 8 May 2006 at www.christianitytoday.com/ct/2005/010/24.71.html).
3. S. Brownback, "Stem cells," Congressional Record, 4 May 2006 (Senate) (Page S4005–S4006) (accessed 8 May 2006 at http://frwebgate6.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=122359256098+2+2+0&WAI Saction=retrieve).
4. According the latest version of the list, accessed 12 July 2006.
5. See chart compiling and analyzing Prentice's list of 65 diseases allegedly treated by adult stem cells at the supplemental data repository available as Supporting Online Material on Science Online at www.sciencemag.org/cgi/content/full/1129987/DC1.
6. D. Turner, Testimony before Senator Sam Brownback's Science, Technology and Space Subcommittee on 14 July 2004 (accessed 8 May 2006 at http://commerce.senate.gov/hearings/testimony.cfm?id=1268&wit_id=3676).
7. M. Lévesque, Testimony before Senator Sam Brownback's Science, Technology and Space Subcommittee on 14 July 2004 (accessed 8 May 2006 at http://commerce.senate.gov/hearings/testimony.cfm?id=1268&wit id=3670).
8. M. Lévesque, T. Neuman, Abstract #702, Annual Meeting of the American Association of Neurological Surgeons, 8 April 2002.
9. S. Gill et al., Nat. Med. 9, 589 (2003).
10. S. Love et al., Nat. Med. 11, 703 (2005).
11. M. Lévesque, Testimony before Senator Sam Brownback's Science, Technology and Space Subcommittee on 14 July 2004 (accessed 8 May 2006 at http://commerce.senate.gov/hearings/testimony.cfm?id=1268&wit id=3670); L. Dominguez, Testimony before Senator Sam Brownback's Science, Technology and Space Subcommittee on 14 July 2004 (accessed 8 May 2006 at http://commerce.senate.gov/hearings/testimony.cfm?id=1268&wit id=3673); S. Fajt, Testimony before Senator Sam Brownback's Science, Technology and Space Subcommittee on 14 July 2004 (accessed 8 May 2006 at http://commerce.senate.gov/hearings/testimony.cfm?id=1268&wit id=3674).
12. K. Hanazawa et al., Int. J. Urol. 7, 77 (2000).
13. M Yao et al., Bone Marrow Transpl. 26, 497 (2000).
14. K Augé, "Stem cells infuse kin with hope," Denver Post, 24 Aug. 2004.

11 May 2006; accepted 13 July 2006.
Published online 13 July 2006; 10.1126/science.1129987.
Include this information when citing this paper.

The SPEAKER pro tempore. There was a general permission granted under the request of the gentleman from Michigan so that any extraneous material may be entered under a unanimous consent request already granted.

Mr. CASTLE. Mr. Speaker, I would also like to point out that adult stem cells were discovered in 1960, and embryonic stem cells were only isolated in 1998. And since 1998, there have been great advances in animal models in the areas of diabetes, spinal cord injury and macular degeneration.

Finally, you will hear about the research concerning amniotic fluid stem cells conducted by Dr. Atala at Wake Forest University. While exciting, this is nothing new, nor do these stem cells have the same capacity to divide into all cell types in the body, as embryonic stem cells do. Yet you will hear opponents say they do.

Mr. Speaker, I would like to enter the letter in the Record on that as well.

WAKE FOREST INSTITUTE FOR
REGENERATIVE MEDICINE,
Winston-Salem, NC, January 8, 2007.
Hon. DIANA DEGETTE,
Hon. MICHAEL CASTLE,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES DEGETTE AND CASTLE: I am writing in regard to my research that was published in Nature Biotechnology that found that stem celts obtained from amniotic fluid have been able to differendate into several cell types. This research has the potential to open up an important field of inquiry that could be critically important to the development of treatments within the field of regenerative medicine.

I understand that some may be interpreting my research as a substitute for the need to pursue other forms of regenerative medicine therapies, such asthose involving embryonic stem cells. I disagree with that assertion. It is very possible that research involving embryonic stem cells will have critical implications for advancing research into amniotic fluid stem cells. It is essential that National Institute of Health-funded researchers are able to fully pursue embryonic stem cell research as a complement to research into other forms of stem cells.

Your legislation, the Stem Cell Research Enhancement Act of 2007, H.R. 3, would update the current federal embryonic stem cell policy and allow federally funded researchers to conduct research on an expanded set of embryonic stem cells within an ethical framework. I believe this legislation would speed science in the regenerative medicine field, and I support its passage.

Sincerely,

ANTHONY ATALA, MD.

The SPEAKER pro tempore. The Chair just would repeat that under a unanimous consent request from the gentleman from Michigan, Members already have permission to insert extraneous material into the Record.

Mr. BURGESS. Mr. Speaker, if it is appropriate, I would like to yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

The SPEAKER pro tempore. To clarify, the gentleman has 67 minutes, these two would then come out of that, and may at any time rise to be recognized and yield to whomever he wishes.

Mr. MANZULLO. Mr. Speaker, today I rise in opposition to H.R. 3, a bill that compels taxpayers to support the destruction of early human life.

This legislation, which calls for taxpayer funding of embryonic stem cell research, is unnecessary.

First, it is already legal to conduct research on human embryos with private or State funds. It is also legal to conduct research on embryonic stem cell lines that come from human embryos already destroyed prior to August 9 of 2001. Thus, the debate today is not aimed at stopping embryonic stem cell research; it is aimed at prohibiting the Federal funding of it because it is so controversial.

Second, plenty of more successful alternatives of non-embryonic stem cell research already exist and are treating patients every day. Despite a quarter-century's research in mouse embryonic stem cells and 7 years in human variety, embryonic stem cells have yet to yield any successful clinical trials in humans. Adult stem cells, however, have treated patients suffering from 72 different diseases in published clinical applications. Researchers have also achieved similar results with stem cells derived from umbilical cord blood, treating more than 70 different types of diseases.

And just last week, Wake Forest and Harvard University announced breakthrough technology in amniotic fluids.

In May of 2006, a poll conducted by the International Communications Research showed 48 percent of Americans oppose Federal funding of stem cell research that requires the destruction of human embryos, and only 39 percent support such funding.

I believe the most effective way to counter disease in the long run is to support research that will prevent the occurrence of the disease. That is why I strongly supported efforts in 1998 to double the funding for the National Institutes of Health, which we accomplished over a 5-year period of time. We should continue to prioritize that research and continue to work on the stem cell research that does not involve the taking of the human life.

Ms. DEGETTE. Mr. Speaker, I am delighted to yield now 2 minutes to the distinguished new Member from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I thank the gentlelady from Colorado for her efforts on this issue which are so important to America.

Mr. Speaker, when I think of stem cell research, I think of Ronald Reagan slumbering through the twilight of his life with Alzheimer's, and I think of Christopher Reeve, Superman, laid low by paralysis and the host of physical ailments that accompany paralysis. Those are images we all share in our national consciousness.

When I think of my father's struggles with Alzheimer's, I think how science might one day through stem cell research find a way to prevent others from suffering as he did and as my mother did as his caretaker.

Many people like to frame the stem cell debate as pro-life and pro-choice. For Ronald Reagan and Christopher Reeve, the question was a matter that they had no choice in. And for each public face of a political leader or a movie star, there are thousands of ordinary citizens like my father who suffer daily from diseases for which there are no cures.

My hometown, Memphis, Tennessee, is the proud home of St. Jude Children's Research Hospital. St. Jude is the patron saint of forgotten and impossible causes. Saint Jude's Hospital has given hope where no hope existed. It has made possible the impossible. This is because St. Jude is a research hospital focused on medical advancement.

Let us each remember that science is our friend, not our foe, and we must embrace science. The issue of stem cell research should not be a political football tossed about with callous disregard for the very real suffering of people with Parkinson's, Alzheimer's, spinal cord injuries, cancer, stroke, burns, heart disease, diabetes, osteoarthritis and rheumatoid arthritis. We must not tie the hands of scientists and physicians with the bureaucracy and red tape. We must commit ourselves to the health of our citizenry. Like St. Jude, we must remember the forgotten, and we must have the vision to see possibilities in what appears impossible.

I ask all of my Members to join in voting for this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentlelady from Florida, the distinguished Congresswoman GINNY BROWN-WAITE.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in very strong support of H.R. 3, the Stem Cell Research Enhancement Act.

I stand with 500 of America's most respected research groups in support of this bill. The bottom line is that this bill is about saving and improving lives.

As a mother and grandmother, I fear that the untapped potential of stem cell research may be falling by the wayside. Let us remember, only when the embryo is implanted in a uterus to grow can life be sustained.

Unless a couple has an option of donating remaining embryos, a failure to pay storage fees means the embryos will be disposed of as medical waste.

Listen up, America. H.R. 3 gives us a choice. We can use the promise of embryonic stem cell research to save lives, or we can let that promise be thrown away.

Millions of people around the country support this life-affirming and life-enhancing research. People with cancer, Parkinson's and Alzheimer's want this bill to pass. Your friends and neighbors and your constituents back home want this bill to pass because it gives hope where hope doesn't exist now.

It will let the research on stem cells continue under ethical guidelines and will provide millions of Americans suffering from debilitating and terminal diseases the hope that they need and want.

I urge my colleagues to support this bill. And I certainly commend Ms. DEGETTE, as well as Mr. CASTLE, for their leadership on this bill.

□ 1115

Mr. BURGESS. Mr. Speaker, at this point I would like to recognize and yield 3 minutes to a new Member, the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Thank you for yielding.

Mr. Speaker, I am honored to come before you today and join my distinguished colleagues to address an issue close to my heart. My initial entry into politics came as a member of a right-to-life organization, my home county of Lenawee, Michigan. I am proud to say that during my 16 years in the Michigan House of Representatives, I established a 100 percent pro-life voting record.

As I begin my first term in the U.S. House with the same ardent commitment to the sanctity of life, I want to preface my remarks by saying I wholeheartedly support stem cell research in all cases except one, any form of research that requires the eradication of human life.

The legislation this Congress is considering not only destroys human life and could ultimately lead to human cloning, but also is antiquated. Embryonic stem cell research has seen consistently disappointing and with fruitless results, while nearly every month more studies come out showing that ethical, adult stem cell research continues to flourish.

Just this week my wife and I were heartened to learn about stem cells derived from amniotic fluid and placentas. It is time for Congress to catch up with the remarkable and ethical developments taking place in the scientific community.

In truth, this debate isn't really even about the science of stem cell research, but rather how such research will be financed. Taxpayers should not be expected to fund this research, especially when it continues to be illegal in the private sector, though unsuccessful to date.

On behalf of the men and women in my district and across the pro-life districts of the country, I urge my colleagues to cast a vote for both the sanctity of life and fiscal responsibility.

This vote was made even more personal and poignant to me this past Sunday when I read an article talking about a couple who will be giving birth to a child this next week as a result of having an embryo saved 2 weeks after Katrina hit, where literally National Guard troops, the Governor of Louisiana, troops from Illinois as well, moved literally hell and high water to save not only this couple's embryo, but 1,400 other embryos.

The question comes, if we are going to talk about discarded embryos, or those not wanted, which ones of those 1,400 that were saved as a result of moving hell and high water by our government would be the ones that we would discard?

Mr. Speaker, I would ask my colleagues to support life and to support good science and vote against this proposal.

Ms. DEGETTE. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished new Member from Pennsylvania (Mr. ALTMIRE) for his maiden floor speech.

Mr. ALTMIRE. Mr. Speaker, I rise in support of this bill. Having worked for a large academic medical center, I have seen the promise that embryonic stem cell research holds for Americans suffering from chronic disabilities such as Parkinson's, Alzheimer's, diabetes, and spinal cord injuries.

We all know people with these disabilities and a vote for this bill is a vote for them. This bill says specifically that it only applies to embryos that would otherwise be discarded by the fertility clinics. So a vote for this bill is a pro-life vote. We must pass this bill for the millions of Americans that suffer from debilitating medical conditions today and the millions more that will tomorrow.

This is something that is deeply personal to me. I am a pro-life Democrat. The reason I am supporting this bill is because this is a pro-life vote. There is nothing more important that we can do in this Congress than to support life. This is a pro-life vote. I urge my colleagues to pass this bill.

Mr. BURGESS. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. I thank the gentleman from Texas.

Mr. Speaker, I rise today in support of ethical, moral, and effective stem cell research. This debate is not whether embryonic stem cell research is permitted. It already is. This debate is not about whether the Federal Government should fund embryonic stem cell research. It already does. What I do believe is that embryonic stem cell research crosses ethical boundaries, and that is the bigger question today. But given the track record of stem cell research, where should we focus taxpayers' dollars today?

Now, this is bowl season in America, championship season. So we go to the scoreboard to see where we are with stem cell research in this country today, and the score is very clear. Adult stem cell research, there are 72 clinical applications currently available today and more being developed. Where are we with embryonic stem cell research today? We are at zero. So the score today is 72–0.

So you can talk about the ethical and the moral issues, and certainly I stand on the side of life. But when we start talking about one of the other stewardships that this body has, it is what is our responsibility to the taxpayers with the limited amount of dollars that we have for research in this country today. Certainly one of the things that we should be looking at is results, a novel thing for Congress sometimes to look at.

I come from the private sector recently to Congress. We didn't invest our money in things that were losers. One of the things we know today is that currently embryonic stem cell research is not yielding any clinical applications that we can use in an effective way.

So doesn't it make sense that as we sit down and allocate our resources, look at our research patterns as we move forward, we ought to be investing our money where we are getting results? Certainly there are a lot of people who will get up and talk and make emotional appeals. I am not insensitive to that.

There are a lot of people that have huge issues going on today in their lives. One of the things we want to do is make sure that we are applying Federal resources in a way that we can actually benefit from them and not talk about the politics.

So if you want to vote for effective stem cell research in this country today, you are going to want to vote against H.R. 3, the Stem Cell Research Enhancement Act of 2007.

Ms. DEGETTE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we have heard from several speakers on the other side that allegedly adult stem cells have cured a myriad of diseases. Apparently, the scorecard is now up to 72. In fact, as the researchers have shown, Dr. Shane Smith, William Neaves and Steven Teitelbaum, the opponents say that a myriad of diseases have been cured by adult stem cells, but, in fact, adult stem cell treatments fully tested, fully tested in all required phases of clinical trials, have cured nine conditions, not 65 or 72; and all of those conditions were blood-related conditions.

They were not the kinds of conditions that embryonic stem cells have shown promise for and have shown hope for. Embryonic stem cells have only been around for about 8 years, and the President's restrictions have greatly hampered research; but, nonetheless, these cells show great promise.

The researchers conclude: "By promoting the falsehood that adult stem cell treatments are already in general use for 65 or more diseases and injuries, Prentice and those who repeat his claims mislead lay people and cruelly deceive patients."

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I want to thank Congresswoman DEGETTE and Congressman CASTLE for bringing this bill before the House. It is something for me that is personal. I have a child with epilepsy.

Mr. Speaker, quite frankly, this bill holds out promise for millions and millions of people across the country, whether they have Alzheimer's or diabetes or Parkinson's or Huntington's or someone who has epilepsy. It is something that we need to allow science to move forward on. It is this kind of promise, this kind of opportunity, and it is my job, I believe, as a Congressman, and it is this House's job, to improve people's lives. This has been done in so many laboratories, but now is being hampered.

I want to thank Congresswoman DEGETTE and Congressman CASTLE for the way they have managed this particular bill. I want to thank the House for the way it has been civil and respectful of both sides of the aisle on both sides of the issue.

This is one where there are firm convictions on either side. But for someone like me, who has a child with epilepsy, where there is hope, there is promise for her, that she can get better from this disease, this is something we need to pass, we must pass.

This is a pro-life bill, as one of my colleagues said earlier, and I urge the passage of this bill. I ask all of our colleagues to support this bill, and I hope that the President, Mr. Speaker, will take a second look at this and will certify and support this bill and not veto it as he has in the past.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Missouri (Mrs. EMERSON).

Ms. DEGETTE. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, 2 years ago I talked about the process and the people that convinced me to vote for H.R. 810. I discussed what the idea of pro-life means to me. I remembered my late husband, Bill Emerson, to this body and talked about the victims of cancer and paralysis and muscular dystrophy and dementia in my district and throughout the Nation. We talked about something upon which we can all agree: human life is precious.

It is a sad reality, though, that human embryos are discarded in this country every day. They are certified as waste and disposed of in the earliest stages of their prenatal lives.

Defeating this legislation will not change that fact. Embryos that can't live outside the mother's womb will be discarded regardless of what we do today.

Where we have the opportunity to make a difference is to take the pleuripotent stem cells which hold great promise for medical research and the afflictions I mentioned earlier and use them to help other precious lives survive, to defeat diseases for which we know no cures and to give a fulfilling, meaningful existence to millions. Like all medical breakthroughs, it will take a lot of hard work and a little luck.

But I can't stand in this House today and say to a little boy I know with muscular dystrophy named James, to a young man suffering from paralysis in Campbell, Missouri named Cody, to my daughter's friend, Will, I will not say to them, never. I will not stand in the way of their progress. I will not help them extinguish their dreams for themselves and others with their same afflictions. I will not let any of our short lives be shortened unnecessarily so.

This bill is not about hope. This bill is about the pursuit of cures for diseases that afflict us, diseases that take our loved ones and destroy families and freeze us in single moments of time in which we become helpless. This bill is about fighting back and not letting any part of human life, no matter how small, be wasted.

No one I have met who has urged the support of this issue to me would mind going to the grave untreated by the benefits of embryonic stem cell research as long as we are trying, as long as we never say never to them. No one I have ever met who has urged the support of this issue to me, Mr. Speaker, would mind going to the grave untreated by the benefits of embryonic stem cell research as long as we are trying, as long as we never say never to them.

Mr. BURGESS. Mr. Speaker, I yield myself 30 seconds.

I would point out in response to one of the previous speakers that embryonic stem cell research has actually been present on the animal model for over 25 years.

Mr. Speaker, it is now my great pleasure to yield 3 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, in one of my favorite plays of all time, "Inherit the Wind," the attorney Henry Drummond is talking to his client and his client's fiancee about a lesson of life based upon an experience that Drummond had when he was 7 years old, and by his own admission, a self-described expert on rocking horses.

He saw in the store window, Golden Dancer, a rocking horse with a red mane, blue eyes, beautiful gold with purple spots on it, and there would always be a plate glass window between him and Golden Dancer because it would have cost a week of his father's salary. But on his next birthday as he woke, he saw at the foot of his bed, Golden Dancer. His mother had scrimped on groceries, his father had worked nights for a month and they had purchased the very high-priced Golden Dancer.

He jumped out of the bed and jumped on to the rocking horse. As he began to rock, it broke. It busted in half. Golden Dancer was made of rotten wood. Despite all the glitz and glamour around it, it was held together by spit and sealing wax. They had purchased Golden Dancer, but at too high a price.

☐ 1130

Often for us as individuals as well as society, we go after Golden Dancers, and they are purchased at too high a price. Embryonic stem cell research in my opinion is a Golden Dancer, and it would be purchased at too high a price. It is a glitzy golden dream that is out there.

Last year we were discussing this bill, a lot of doctors and genetic researchers on this floor, the overwhelming majority of whom were opposed to this process, because we can do the research without having to go through objectionable processes and procedures to do it, without having to deal with the issue of innocent life.

If embryos are being destroyed, it is not right that taxpayer money should be used to expand that process in what I find to be a morally objectionable way and objectionable process regardless of what that Golden Dancer may or may not be. To me, this is still an issue of ethics: Does the manner in which we spend our tax dollars promote a policy that one form of innocent life at a stage is more important than another innocent life at a different stage? Will we, by our tax policies, condone tax spending, condone a policy that says innocent life can be destroyed for utilitarian purposes? Because if we do that, whatever the reason may be, in my contention that cheapens society and it cheapens us, and it gives us a cavalier attitude of life at the beginning of the process which leads to a cavalier attitude of life at the end of the process and who knows in between.

This is a Golden Dancer that for me is too high a price for what it does to us as a people and as a society.

Ms. DEGETTE. Mr. Speaker, I am now pleased to yield 2 minutes to the distinguished new Member from Ohio (Mr. SPACE).

Mr. SPACE. Mr. Speaker, I rise today to ask you to support Federal funding of embryonic stem cell research. My remarks today are made, Mr. Speaker, both as a legislator and as a father.

My wife, Mary, and I are the proud parents of two beautiful children. My youngest child, my son, Nicholas is 16 years old. He is a great kid, typical in so many ways. He loves football, argues with his sister and struggles with the awkward challenges of adolescence. But Nicholas also suffers from juvenile diabetes.

For the last 10 years, he has waged a battle against this devastating disease, undergoing thousands of injections and blood tests. He has done so without complaint and without self pity as his parents, my wife and I, are extraordinarily proud.

As Nicholas approaches adulthood, Mr. Speaker, our family fears for what the future brings. For as difficult as this disease is to live with on a daily basis, most troubling of all is what potentially awaits someone who suffers from this disease: amputations, blindness, kidney failure, even premature death.

Mr. Speaker, we have before us not simply an opportunity to help my son and the millions of other Americans who depend upon the promise of this science; we have an obligation. This research represents the only meaningful hope for a cure in my son's lifetime.

While this measure is likely to pass, our President is likely to veto it. I am addressing my remarks not to the cameras, not to those who are inclined to vote for this legislation, but to those of you who do not have the will to stand up to a Presidential veto. We as a Congress must be resolute in making life better for our citizens. We are compelled to promote a society where the value of life rules supreme, where compassion prevails and where light overcomes darkness.

The measure before you does not destroy life; it potentially gives life to those who need it, and it affords purpose to embryos that are otherwise destined for destruction. There is no time to wait. For every hour we debate, lives are being lost. This is no Golden Dancer. This is indeed a golden opportunity.

Mr. BURGESS. Mr. Speaker, at this time, I yield 3½ minutes to the gentlewoman from North Carolina.

Ms. FOXX. Mr. Speaker, some of my colleagues who have spoken before me on the side of life have been extremely eloquent, and I am very glad that they have spoken this morning.

I have listened to the debate this morning, and I want to say that many people are very cynical about our government and about Congress in general, and I can understand why this debate would make even more people cynical. To say to the American people that by approving more Federal dollars to do embryonic stem cell research would cure all of these diseases that are brought out and that those of us who oppose spending more Federal dollars on embryonic stem cell research are stopping the advance of science is one of the most cynical things I have ever heard said on this floor and, I think, will tend to make more people think that Members of Congress who are pro-life are cruel and unkind.

As my colleagues have said, the score board is 72–0. Nothing efficacious has come out of embryonic stem cell research in 25 years of research. In fact, a lot of negative things have happened. And to mislead the American public is cruel. It is just absolutely cruel to make people think again that they could be cured.

Thirty years ago, I lost a side of my right eye completely from a detached retina. You can't implant retinas. You can't transplant retinas. The only thing that could possibly help me would be a new retina to be grown.

So I support stem cell research. I support Dr. Atala's work in North Carolina at Wake Forest because they are actually growing organs from people's own stem cells. That research has enormous potential. Adult stem cell research has done good things. Embryonic stem cell research creates tumors and rejection. Dr. Atala would tell you that himself. It is not the way to go.

What we need to be doing is promoting stem cell research and to do all that we can. My husband is diabetic. I am very empathetic to the fact that research could do a lot to help us with diseases, but this is not the route to go. Killing human life does not have to be accomplished to create efficacious treatments for people and diseases.

Again, I am so disappointed in the way this has been presented to the American people. We are doing embryonic stem cell research. Embryonic stem cell research and stem cell research are two different things. My colleagues never use the word embryonic. They always say stem cell research. Pro-lifers support stem cell research; we just don't support the destruction of life to get there.

Ms. DEGETTE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the previous speaker alleged that Dr. Atala, who is doing the embryonic stem cell research, said that it is not the way to go, that embryonic stem cell research is not the way to go.

In fact, in the letter that my distinguished colleague Mr. CASTLE has already submit for the record, Dr. Atala specifically says that amniotic stem cell research is not a substitute for embryonic research. And he further says: It is essential that National Institutes of Health funded researchers are able to fully pursue embryonic stem cell research as a complement to research into other forms of stem cells.

Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished new member from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. I thank the gentlewoman from Colorado.

Mr. Speaker, if I could just tell one story about a small State in the northeast, Connecticut, a place where we made 2 years ago a historic $100 million investment in stem cell research. And there will be others that will speak much more ably about the moral and ethical and scientific rationales for the bill before us; let me talk about the practical rationales from our standpoint in Connecticut.

Our success investing $10 million a year in stem cell research was a bittersweet one, because it was only made necessary by the failure of the Federal Government to act on this question. We responded to the cries of thousands of families throughout Connecticut that wanted us to give them not only hope but tangible support when it came to researching cures and treatments for the diseases that afflicted their family members.

The problem being that, because of the Federal prohibition on the use of Federal funds for scientific research, Connecticut is now having to do back flips to find ways to invest our money. We are having to invest in bricks and mortar, invest in stealing sciences from other of the few remaining States that allow for State funding of stem cell research.

This is a highly inefficient means to spend the State of Connecticut's money, and one of the reasons that I was sent down to this august body was to make stem cell research, to make investment in scientific research, not a 50-State strategy, but to make it a national priority.

We hear from people on the other side of the aisle, I think, a very wise caution that we shouldn't make promises today or throughout the debate that embryonic stem cell research will definitely lead to a cure of this disease or a treatment for that disease. But the point being here is that there are no promises, there are no guarantees, but that what our families wants is a removal of the ceiling that we have placed on scientific research in our States and our Federal institutions so that that hope may become a reality.

From the citizens of Connecticut who have made great strides on this, as the author of that bill in the State of Connecticut, I am very proud, ten times prouder than I was to vote for it in the State of Connecticut, to vote for it today.

Mr. BURGESS. Mr. Speaker, I am now pleased to yield 2 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in opposition to H.R. 3, and urge a "no" vote on this question before the House. I strongly oppose H.R. 3, the Stem Cell Research Enhancement Act. A human embryo is human life.

H.R. 3 would use Federal tax dollars, tax dollars of hardworking Americans to fund the destruction of human life. This research is already permitted. The debate is not about stopping it but about who is going to pay for it.

To my colleagues who support this legislation, I share your concern for finding future medical treatments to improve lives, but disagree with your focus on embryonic stem cell research. There are other promising techniques to produce stem cells, techniques that do not involve the destruction of human life. Moreover, these techniques have actually achieved results. Cord blood has saved the lives of people with leukemia and other blood-related diseases.

This week a series of encouraging research reports reveal the promise of stem cells obtained from amniotic fluid. These share the characteristics of embryonic stem cells, but obtaining them does not damage the embryo. We should focus on funding alternative sources of stem cell research, something we can all support.

H.R. 3 advances the proposition that this body must choose between science and ethics. That is not the case. Let's be aggressive in looking at alternative ways to save human lives through stem cell research, ways that do not compromise our moral values and the lives of the unborn.

I ask my colleagues to vote "no" on this bill and work towards finding and funding methods that do not involve the destruction of human life.

Ms. DEGETTE. Mr. Speaker, I am now delighted to yield 2 minutes to another new Member, the distinguished gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today as an original cosponsor of this legislation and a strong supporter of the medical miracle of embryonic stem cell research.

Mr. Speaker, there is a woman named Shelbie Oppenheimer who is watching today in my district of New Hope, Pennsylvania, who simply wants to see her 8-year-old daughter Isabella go to her senior prom in 10 years.

Shelbie lives with her husband Jeff and their 8-year-old daughter, and over a decade ago, Shelbie was diagnosed with ALS, Lou Gehrig's disease. She was 28 years old. Shelbie vowed to fight the disease and looked at embryonic stem cell research as her best and perhaps only hope to fill her dream of seeing her daughter grow up.

□ 1145

Now confined to a hospital bed in her own living room, Shelbie continues to fight on. Though forced to speak through a respirator, she told me, "PATRICK, my voice is too soft to be heard, so please tell my story."

There are countless stories of heartache and hope across America just like Shelbie's. Mr. Speaker, I know Shelbie is watching us today, and I hope we make her proud.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the Keystone State of Pennsylvania (Mr. DENT).

Ms. DEGETTE. Mr. Speaker, I would be delighted to yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise today in strong support of H.R. 3, the Stem Cell Research Enhancement Act of 2007.

Although the purpose of this legislation is straightforward, the significance cannot be understated. H.R. 3 would expand the limited number of embryonic stem cell lines currently available for federally funded research. Permitting research on additional embryonic stem cell lines will advance a field that scientists agree holds the greatest potential to provide groundbreaking therapies for some of the most vexing diseases of our time.

I believe stem cell research, all forms of stem cell research, adult, cord blood, amniotic, embryonic, should be pursued. This discussion is not about a competition. The promise of stem cell research, to find treatments for the most devastating diseases like Parkinson's, juvenile diabetes, coronary heart diseases, cancer and spinal cord injuries, is too great not to explore every single possibility.

That said, embryonic stem cell research raises serious ethical questions that have been raised by some of my colleagues today. I strongly believe that H.R. 3 is the most responsible way to ensure that we are observing the highest possible standards of ethical and clinical practice by setting meaningful ethical guidelines for embryonic stem cell research that will serve as the benchmark for scientific study throughout the world. H.R. 3 provides these ethical guidelines.

First, in order to be considered for this research, the donated cells must come from an in vitro fertilization clinic, have been created for the purpose of fertility treatment and be in excess of the clinical need of the individuals seeking treatment.

Second, the in vitro facility has to certify that these cells would be otherwise discarded if not donated and that the cells are not destined for implantation.

Third, the donors of these cells have to sign a written consent form providing for such a donation and confirm that they have not received any inducements, financial or otherwise, to make the donation.

We took one important step last year in Congress in addressing these ethical dilemmas that are raised by this emerging field of science. We enacted a law which prohibits the practice of fetal farming where human fetal tissue would be deliberately created for the purpose of scientific research. H.R. 3 will take another step in ensuring that research is adhered to the highest possible principles of scientific inquiry and respects critical ethical boundaries while advancing some of the most critical research of our time.

Mr. BURGESS. Mr. Speaker, at this time I would like to yield 5½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, by now, most of my colleagues know that, on Sunday, a team of scientists from Wake Forest University and Harvard Medical School announced the stunning news that they had discovered a new, readily available source of potentially lifesaving stem cells derived exclusively from amniotic fluid.

For those of us who passionately support extending ethical stem cell research to effectuate cures and mitigate disease, news of this breakthrough was particularly encouraging. News media around the world seemed to appreciate the enormity and the historical significance of the findings. ABC News said, "Stem cells discovered in amniotic fluid: Researchers say stem cells can be taken from amniotic fluid with no harm to mother or fetus." They pointed out that stem cells they drew from the amniotic fluid donated by pregnant women hold much the same promise as embryonic stem cells.

The L.A. Times said, "Stem cells in amniotic fluid show great promise, a study finds they offer key therapeutic benefits but avoid controversy."

Mr. Speaker, for those of us who strongly support taxpayer funding for ethical stem cell research, and I would note parenthetically that the Bush administration spent over $600 million on stem cell research at NIH in 2006 alone, the news of this breakthrough suggests that we can and must do more to finance this kind of ethical research.

And for those of us who oppose taxpayer subsidies to facilitate the destruction of human embryos, this latest breakthrough is yet another vindication and underscores the fact that ethical alternatives to embryo-destroying research are available now, and they are likely to expand.

Let me reiterate one more time, especially for the press, that we on the pro-life side strongly support stem cell research as long as it does not require the killing of human embryos. In that vein, let me remind my colleagues that I was the prime sponsor of the bipartisan Stem Cell Therapeutic Research Act of 2005, a law that authorized $265 million for cord blood and bone marrow stem cell programs, including a new nationwide program to collect, research and help disseminate these vital stem cells.

By way of update, last fall, pursuant to the new law, the Bush administration issued contracts to establish a national inventory of umbilical cord blood. Contracts totaling $12 million were awarded and more contracts are expected this year. The establishing of this national cord blood inventory marks the beginning of the effort to increase the total number of available umbilical cord blood units, making lifesaving cord blood stem cells available to Americans in need of a transplant. I believe that is really good news to patients suffering from a myriad of diseases such as sickle cell anemia and leukemia.

Mr. Speaker, it was just 6 months ago, in July, on this floor that opponents of ROSCOE BARTLETT's alternative pluripotent stem cell legislation belittled and scoffed that adult and cord blood stem cells were capable of pluripotency, the ability of stem cells to grow into any cell in the body. Despite the fact that numerous scientists had published findings of pluripotency in cord blood stem cells and adult stem cells, Ms. DEGETTE dismissed alternative sources for pluripotent stem cells as "fake."

She called it "fake research that doesn't really exist" and that "alternative methods for creating pluripotent stem cells are not a real scientific prospect at this time."

Mr. Speaker, that statement was false then, and it is false now. The scientific evidence clearly refutes it. In 2005, researchers from the University of Minnesota Medical School verified that umbilical cord blood stem cells expressed pluripotency genes and can repair neurological damage.

In like manner, researchers at the University of Pittsburgh demonstrated that placental stem cells express pluripotency genes and potentially form any tissue with no signs of tumor formation. As I think my colleagues know by now, tumor formation is a catastrophic problem with embryonic stem cells.

Recently, researchers in France and Switzerland discovered that they could turn pluripotent bone marrow stem cells into insulin-secreting cells, an important step in curing diabetes, and the list goes on.

And now Wake Forest has come to this same conclusion, this time about amniotic-fluid-derived stem cells. And I will quote from the report. This is their report issued this weekend: "We conclude," the authors say, "that amniotic-fluid-derived stem cells are pluripotent stem cells capable of giving rise to multiple lineages including representatives of all three embryonic germ layers. Newsweek got it, and they also talked about it as well: "A New Era Begins: Stem Cells derived from amiotic fluid show great promise in the lab and may end the divisive ethical debate once and for all."

Let me just finally say, where will this all take us if this bill were to be passed and signed into law? We would see the demise, the destruction over time, if it worked, of millions of embryos. Let me just quote Robert Lanza, medical director of Advanced Cell Technology, an advocate of embryonic stem cell research, who said that because of the likelihood of immune rejection, it may require, his words, "millions" of embryos to be destroyed. Is that the future you want to promote with the DeGette bill? Millions of embryos killed? Let's adopt them, as we are seeing now.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The gentleman may state his parliamentary inquiry.

Mr. BARTON of Texas. What would I need to do to yield the time I am controlling to Mr. CASTLE?

The SPEAKER pro tempore. Make a unanimous consent request to do that.

Mr. BARTON of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Delaware (Mr. CASTLE) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Ms. DEGETTE. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished new Member from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Mr. Speaker, my name is RON KLEIN, and I represent Florida's 22nd Congressional District, which is in Southeast Florida. I am truly honored to be here today and to be part of this incredibly important effort led by Congresswoman DIANA DEGETTE and Congressman MIKE CASTLE, both of whom have been relentless crusaders toward leading this bipartisan effort in Congress to expand the use of embryonic stem cell research.

As a member of the Florida State Senate for the past 10 years, leading efforts to utilize and fund embryonic stem cell research was not just a priority of mine but a passion. We all have our own family stories about why medical cures need to be discovered today, not 10 years from now.

In my district, which includes Ft. Lauderdale, Boca Raton, Pompano Beach and West Palm Beach, we have so many retirees who moved to Florida to live out their golden years. But as they age, as we know with our own families, many of them are afflicted with Alzheimer's, Parkinson's and many other serious ailments. To them, the stem cell battle is critically important, and every day that passes without scientists and researchers having all the tools at their disposal is another day of suffering.

From juvenile diabetes to paralysis, the potential of stem cell research in all of its forms presents one of humanity's greatest leaps toward the ultimate goal of preserving, prolonging and improving the quality of our lives.

Funding stem cell research is also a great investment in our future, not only from a personal health standpoint but also from an economical and cost-efficiency perspective. Finding cures and therapies may reduce the cost of hospitalization and other expensive aspects of our health care system. It will also create careers and jobs in the 21st Century that will lead the world.

I am incredibly proud to be part of this effort to increase stem cell funding resources, and I look forward to casting my vote and doing whatever is necessary to support comprehensive stem cell research and funding in the United States.

Thank you for your attention, your vote, and thank you to the millions of Americans who are watching and waiting.

Mr. BURGESS. Mr. Speaker, at this point I would like to yield 5 minutes to the distinguished gentleman from Georgia, Dr. LINDER.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding.

In January of 2005 University of Florida scientist Michael Atkinson, a gene therapy advocate, said: "Two years ago, the embryonic stem cell field was hype, hype, hype. It is still that way in California, but I think that field has hit a bit of a wall."

Why? Because after 25 years of animal research, embryonic stem cells have produced not one single instance of cure or even a palliative result. Not one.

They have produced some results, though. Their versatility is now believed to be a disadvantage. As explained in a letter to Senator JOHN KERRY, signed by 57 noted scientists in the fields of biology, microbiology, chemistry and medicine, they said: "Embryonic stem cells are difficult to develop into a stable cell line. They spontaneously accumulate genetic abnormalities in culture and are prone to uncontrollable growth and tumor formation when placed in animals."

Why is this such an important issue for politicians? Why don't we pay some attention to what does work?

Multipurpose adult progenitor cells have been or are being assessed in human trials for treatment of spinal cord injury, Parkinson's, stroke, cardiac damage, multiple sclerosis and more. These cells can be taken from the patient so they have no risk of rejection and no ethical problems.

□ 1200

They are showing positive results in 72 different diseases, and I will submit that list for the RECORD.

STEM CELL RESEARCH TREATMENTS—ADULT 72 AND EMBRYONIC 0

[Check the Score: Adult Stem Cells vs. Embryonic Stem Cells Benefits in Human Patients (from Peer-Reviewed Studies).]

Adult Stem Cells	Embryonic Stem Cells
Cancers:	
1. Brain Cancer.	0
2. Retinoblastoma.	
3. Ovarian Cancer.	
4. Skin Cancer: Merkel Cell Carcinoma.	
5. Testicular Cancer.	
6. Tumors Abdominal Organs Lymphoma.	
7. Non-Hodgkin's Lymphoma.	
8. Hodgkin's Lymphoma.	
9. Acute Lymphoblastic Leukemia.	
10. Acute Myelogenous Leukemia.	
11. Chronic Myelogenous Leukemia.	
12. Juvenile Myelomonocytic Leukemia.	
13. Chronic Myelomonocytic Leukemia.	
14. Cancer Of The Lymph Nodes: Angioimmunoblastic Lymphadenopathy.	
15. Multiple Myeloma.	
16. Myelodysplasia.	
17. Breast Cancer.	
18. Neuroblastoma.	
19. Renal Cell Carcinoma.	
20. Soft Tissue Sarcoma.	
21. Various Solid Tumors.	
22. Ewing's Sarcoma.	
23. Waldenstrom's Macroglobulinemia.	
24. Hemophagocytic Lymphohistiocytosis.	
25. Poems Syndrome.	
26. Myelofibrosis.	
Auto-Immune Diseases:	
27. Systemic Lupus.	
28. Sjogren's Syndrome.	
29. Myasthenia.	
30. Autoimmune Cytopenia.	
31. Scleromyxedema.	
32. Scleroderma.	
33. Crohn's Disease.	
34. Behcet's Disease.	
35. Rheumatoid Arthritis.	
36. Juvenile Arthritis.	
37. Multiple Sclerosis.	
38. Polychondritis.	
39. Systemic Vasculitis.	
40. Alopecia Universalis.	
41. Buerger's Disease.	
Cardiovascular:	
42. Acute Heart Damage.	
43. Chronic Coronary Artery Disease.	
Ocular:	
44. Corneal Regeneration.	
Immunodeficiencies:	
45. Severe Combined Immunodeficiency Syndrome.	
46. X-Linked Lymphoproliferative Syndrome.	
47. X-Linked Hyper Immunoglobulin M Syndrome.	
Neural Degenerative Diseases And Injuries:	
48. Parkinson's Disease.	
49. Spinal Cord Injury.	
50. Stroke Damage.	
Anemias And Other Blood Conditions:	
51. Sickle Cell Anemia.	
52. Sideroblastic Anemia.	
53. Aplastic Anemia.	
54. Red Cell Aplasia.	
55. Amegakaryocytic Thrombocytopenia.	
56. Thalassemia.	
57. Primary Amyloidosis.	
58. Diamond Blackfan Anemia.	
59. Fanconi's Anemia.	
60. Chronic Epstein-Barr Infection.	
Wounds And Injuries:	
61. Limb Gangrene.	
62. Surface Wound Healing.	
63. Jawbone Replacement.	
64. Skull Bone Repair.	
Other Metabolic Disorders:	
65. Hurler's Syndrome.	
66. Osteogenesis Imperfecta.	
67. Krabbe Leukodystrophy.	
68. Osteopetrosis.	
69. Cerebral X-Linked Adrenoleukodystrophy.	
Liver Disease:	
70. Chronic Liver Failure.	
71. Liver Cirrhosis.	
Bladder Disease:	
72. End-Stage Bladder Disease.	

The record of embryonic stem cells today is zero. In an animal model of Parkinson's, rats injected with embryonic stem cells showed a slight benefit in about 50 percent of the rats, but one-fifth of them died of brain tumors caused by the embryonic stem cells.

Just recently, we have heard the promise of research using the mother's amniotic fluid. We have been told by some that we are doing this to give people hope. How cruel. They are not looking to the Federal Government for hope. They are looking to scientists for cures, and adult cells show by far the most promise.

One of the cruelest examples of political demagoguery I have ever heard was in the last Presidential campaign when John Edwards said, "If JOHN KERRY were President, Christopher

Reeve would walk." A spokeswoman for the Howard Hughes Medical Institute said, not in response to that, but she said no one in human embryonic stem cells will tell you that therapies are around the corner. Dr. John Edwards seemed not to agree.

We are not here speaking on behalf of the half-therapies that show promise because private capital is flowing into that research. Private investors look for hope, too. They hope to make money, and they invest their dollars where they can do so.

Do you wonder why private investment is not flowing into embryonic stem cell research? Might there be a hidden agenda here? Might there be a hidden agenda at play in this issue? Could it be that the proponents of this bill want to succeed in getting a bill signed into law in which the government approves the ending of a human life? Are we seeking here a way to get the government's imprimatur on ending life that is not useful so that the product of that death can be put to more useful purposes? That is called the Hegelian Principle, that which is not useful can be destroyed for the benefit of useful purposes.

This has been used by governments before. Hitler believed in it. I want to hastily assure everyone on both sides of this issue that I compare no one to Hitler. But he believed that that which was useful was good, and that which was not useful was not good. The first Germans in the gas ovens were not Jews. They were retarded children in Catholic homes cared for by nuns. They were exterminated. The line was then moved slightly, and the next to go were the crippled soldiers from World War I. The line was then moved to include the Jews, and the German people, being desensitized, accepted it. That is what we are doing here today, we are laying down a line between that life which is useful and that which is not. Moving that line in the future will be less of a lift.

In closing, let me point out that if these researchers were taking this embryonic tissue from the just-laid eggs of loggerhead turtles or bald eagles, they would be fined and jailed. Surely we can do as much for humans.

Ms. DEGETTE. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished new Member from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. I thank the gentlewoman from Colorado for yielding.

Mr. Speaker, I rise today in support of this bill, H.R. 3. While I am about to talk to a personal story, the issue of stem cell research is not just personal, it is much more than that.

A year and a half ago, I retired from the U.S. Navy as my then-4-year-old daughter, Alex, was diagnosed with a malignant brain tumor. She is here today thanks to the wonderful medical treatment that she received from our Nation's doctors and nurses including high-dose chemotherapy with stem cell infusion.

The medical coverage I received from our country as a military member allowed my daughter to receive the best care it had to offer, the care every American child should have access to. And that is why I ask to speak to this bill today above all others.

The best of medical care today may not be good enough for tomorrow. Take a case such as my daughter's: there is a chance that brain tissue may be harmed by the very treatments intended to save young lives.

Why would we preclude the medical promise that stem cell research offers for tomorrow's recuperative treatment or cure, not just for my daughter, but for all those Americans whose lives are inflicted by serious disease, or who now pass prematurely from us when they might not?

Embryonic stem cell research may mean that every day 3,000 of our loved ones affected by Alzheimer's, Parkinson's, or diabetes or spinal cord injury might have the quality and the full time of life they would not otherwise have.

I thought about life every day as I lived in the pediatric oncology ward at Children's Hospital, just down the street from here. I always wondered if the children there would have a chance to experience life to its fullest.

I understand debates, and I respect those couched in moral terms; but when the bargain we are offered is the opportunity that a child might live, how can we not strike that bargain?

I would hope that we would not let young or old lives be shortened by the worst of plagues, which is, "what might have been" for them. For the promise of life, its quality, is the congressional tasking we are most charged with to promote the general welfare. I urge all my colleagues to support this bill.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman from Texas for yielding.

Mr. Speaker, over 200 years ago, Thomas Jefferson told us: "I tremble for my country when I reflect that God is just and that His justice cannot sleep forever." Although he was talking about the issues of the day, those words ring true for all of us in this Chamber because all of us want to do the right and the just thing. Our words here for or against embryonic stem cell research will not change what is true and just. We seek knowledge, we pray for wisdom, but our thinking does not make it so in one way or the other.

I believe life begins at conception. Others do not. If we are to err on any side, on what side should we err? There are opinions on each side of this issue about when life begins. There are common opinions that we all must work together to help treat disease. There is confused information regarding what works. Research tells us adult stem cell research works. Amniotic stem cell research has been revealed to have much promise. Embryonic stem cells after 20 years of research tells us it does not.

What is important to know is there is nothing in Federal law that limits academic research. We do not stop the States from pursuing research. We do not limit private companies. Research has not been hampered. And nothing is stopping research from treating disease. What we are all commonly pursuing is ways to treat disease, and our concern is how do we do this in a just and ethical way.

When I would be involved in pursuing medical research studies at the University of Pittsburgh, we had to put forth our study in front of the human subjects review panel. They scrutinized research very carefully to make sure it did no harm to anyone. Sometimes what one researcher considered to be a small and innocuous risk, others said, no, you cannot get involved in that portion of research. Whatever it is, sometimes just evaluating the outcome of some treatment on a child that someone thought, as small as it might be, might be invasive. That was because we were guided by the ethical principle of "first do no harm."

But here we are faced with recent studies that say amniotic stem cell research has tremendous promise, and for some reason we are rushing this week to say we must pass this bill on embryonic stem cell research when perhaps we should really be pursuing further scientific information so this House can do its job with hearings, with gathering information to give us the knowledge we need and pray for the wisdom we seek.

I hope in all of this that we would continue to be guided by the idea of first doing no harm, and I would hope that we would also look at the fundamental basis of this bill that refers to the idea that these children would otherwise be discarded. I don't think that is a road we want to use.

Ms. DEGETTE. Mr. Speaker, I am pleased to now yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentlelady from Colorado for her leadership on this issue over the years, and I thank the former Governor of Delaware, our colleague, Congressman CASTLE, for his leadership on this. This bill in my opinion reflects the best in bipartisan cooperation to try to respond to the American public and their concerns and their needs.

Mr. Speaker, today for the third consecutive day in this 110th Congress, the new Democratic majority in the House is considering very important legislation that will pass on a bipartisan basis. On Tuesday, we passed legislation implementing the 9/11 Commission's recommendations to make America safer. That bill passed 299–128 with 68 Republican votes. Yesterday we passed a long overdue increase in the Federal minimum wage by a vote of 315–116 with 82 Republican votes. That is a positive message to the American public that we can and we want to work together. There will not be unanimity, but today we will pass H.R. 3, the Stem Cell Research Enhancement Act of 2007, legislation offered, again, by the gentlewoman from Colorado and the gentleman from Delaware.

Mr. Speaker, it is not a bold prediction to say that this legislation will pass today, because this House approved identical legislation last May by a vote of 238–194 with 50 Republicans joining 187 Democrats and one Independent. There are, as that vote reflects, bipartisan concerns about this legislation. It is my personal belief that they have been addressed in this legislation carefully drafted to do so. The Senate passed the bill by a vote of 63–37 before the President vetoed it last July.

Mr. Speaker, in short, the DeGette-Castle bill would increase the number of embryonic stem cell lines eligible for federally funded research. Current policy limits, as we all know, the use of Federal funds for research only to those stem cell lines that existed when President Bush issued an executive order on August 9, 2001. This policy severely restricts the potential for life-saving breakthroughs because only 22 of those 78 stem cell lines are available for research and a vast majority of those 22 lines are aged, contaminated or have been developed through obsolete methods.

It cannot be stressed enough, Mr. Speaker, that this legislation only authorizes Federal research funds for stem cell lines generated from embryos that would otherwise be discarded by fertility clinics. That seems to me to be a critical consideration for all who will vote on this legislation.

I believe this legislation does not seek to destroy life. Others disagree. I understand that. It seeks to preserve and protect life. In fact, former Senate majority leader Dr. Bill Frist who formerly opposed this legislation but now supports it has stated: "I strongly believe that embryonic stem cells uniquely hold specific promise for some therapies and potential cures that adult stem cells cannot provide."

I believe, Mr. Speaker, we have a moral obligation to provide our scientific community with the tools it needs to save lives and this legislation in my view accomplishes exactly that. We understand this is a difficult issue to many Americans and that it raises important questions that humanity has yet to adequately answer. That is why this legislation also directs HHS and the National Institutes of Health to issue ethical guidelines that will ensure the highest standards of scientific investigation.

Mr. Speaker, this legislation enjoys the overwhelming support of Members of this Congress and the American people, many of whom are affected by diseases such as ALS, Alzheimer's and Parkinson's and injuries of the spinal cord and nervous system. This legislation represents the hope of millions of Americans who are waiting for us to take action. That is why we have urged action early in this session.

I strongly urge my colleagues to support this bill, as they have before; and I urge the President to reconsider his veto when this bipartisan legislation reaches his desk. Again I congratulate Ms. DEGETTE and Mr. CASTLE for working together assiduously and without flagging on behalf of the American people. This is a good bill for our country and for those who face great challenges of health.

□ 1215

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, the gentlewoman from Colorado and the gentleman from Delaware deserve our thanks for sponsoring the Stem Cell Research Enhancement Act and working with so many families on a bipartisan basis who have been impacted by diseases that may find cures as a result of this vital research. Their work and dedication on this legislation has been tremendous and praiseworthy. I also thank them for giving me the opportunity to cast one of the most important votes I will ever make in Congress.

Almost everyone has lost some family members and friends prematurely. Embryonic stem cell research has the potential to cure disease and save lives, and it is only 8 years old. These are stem cells that come from the inner cells of discarded embryos that were never in a mother's womb, are being destroyed as we speak. Thus, this is not a matter of pro-life versus pro-choice, but rather a matter of humanity and the potential of life versus disease and the certainty of death.

I am grateful the new Democratic leadership is making this legislation a priority in this Congress, just as I was grateful the Republican leadership gave us an opportunity for clean up-or-down vote on legislation in the last Congress.

I pray we pass the Stem Cell Research Enhancement Act of 2007 and that the President reconsiders his position and signs this bill into law. Sometimes ideology can box you in and cause you to make wrong and harmful decisions. I think it is time we recognize the dark ages are over. Galileo and Copernicus have been proven right. The world is in fact round. The Earth does revolve around the sun.

I believe God gave us the intellect to differentiate between imprisoning dogma and sound ethical science, which is what we must do here today. I want history to look back at this Congress and say in the face of the age-old tension between religion and science, the Members here allowed critical scientific research to advance while respecting important ethical questions that surround it.

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentleman.

Mr. Speaker, today I rise in opposition to the taking of human life. The question that is before the House is whether or not the Federal Government should force taxpayers to fund a procedure that requires the destruction of innocent human life.

Congress has always refused to allow this on the issue of abortion, only allowing Federal funding if the pregnancy endangers the life of the mother or is because of rape or incest. There is no reason why this same principle should not apply here. Even President Clinton's bioethics council, the National Bioethics Advisory Commission, wrote in 1999 that most would agree that human embryos deserve respect as a form of human life.

Is it showing respect to kill embryos for research? To allow the seeds of the next generation to be used for the doubtful sake of our own? Furthermore, does it show respect to the consciences of Americans who oppose the research to provide public funding for it?

President Clinton's bioethics council also wrote that the derivation of stem cells from embryos remaining following infertility treatments, the killing of embryos that H.R. 3 would encourage, is justifiable only if no less morally problematic alternatives are available for advancing the research.

Regrettably, the supporters of this bill seem to have forgotten that advice, and their continued support for embryonic stem cell research seems to display ignorance at the recent developments of stem cell science. Far less morally problematic alternatives are exactly what scientists are continuing to find. We have heard this referred to several times.

This was the front page of the Fort Wayne News Sentinel just last weekend: "Stem cell find gives new hope to compromise." In this, in addition to the hearing that we had last year, where we heard multiple scientists receive testify of promising advances in non-embryonic stem cell research, what he points out here is "the fetus is swallowing fluid and breathing in through the nose. Not only does it travel through the respiratory tract, it gets into the gastrointestinal tract, the bladder and the kidney. The stuff is chock full of fetal cells."

They are no longer combined but are separated, and that is why the research is working, and that is why so many scientists don't even believe embryonic stem cells will ever work.

There are two fundamental questions here: What is the science, and, in this case, we have proven research that is working and additional research that shows incredible promise of working; versus embryonic stem cell going on for 25 years, not 8 years, that is, in humans, 25 years with nothing. Not a single animal. Nothing has worked in embryonic stem cell research. Yet we are underfunding the research that actually works. Why?

I would argue the second point, and that is it is political. It has to do with the fundamental question of abortion. We have deep differences in America and in here on the taking of innocent human life at conception, deep differences and honest differences.

But why should I, with my view, be forced, and the many Americans who believe this is the taking of innocent life and killing and murder for that matter, why should we be forced to pay for it? I just do not understand the intensity of trying to drive this down our throats.

Mr. Speaker, I rise today in opposition to the taking of human life.

Mr. Speaker, the question that is today before the House is whether or not the Federal Government should force taxpayers to fund a procedure that requires the destruction of innocent human life. Congress has always proudly refused to allow this on the issue of abortion, only allowing federal funding if the pregnancy endangers the life of the mother or is due to rape or incest. There is no reason why the same principle should not apply here.

Even President Clinton's bioethics council, the National Bioethics Advisory Commission) wrote in 1999 that "[M]ost would agree that human embryos preserve respect as a form of human life." Mr. Speaker, is it showing respect to kill such embryos for research—to allow the seeds of the next generation to be used for the sake of our own? Furthermore, does it show respect to the consciences of Americans who oppose this research to provide public funding for it?

President Clinton's bioethics council also wrote that, "the derivation of stem cells from embryos remaining following infertility treatments"—the killing of embryos that H.R. 3 would encourage—"is justifiable only if no less morally problematic alternatives are available for advancing the research." Regrettably, supporters of H.R. 3 seem to have forgotten this advice, and in their continued support for embryonic stem cell research seems to display ignorance at the recent developments of stem cell science, for less morally problematic alternatives are exactly what scientists are continuing to find.

Mr. Speaker, as scientists have worked to find useful therapies using embryonic stem cells, such research has encountered only problems. Such stem cells have shown to be too unstable and likely to form tumors when transplanted into adult tissues. Indeed, despite more than 80 research projects investigating human embryonic stem cells funded by the National Institutes of Health since 2002, to date there have been no verifiable reports of any human clinical trials being conducted using embryonic, not adult, stem cells—in the U.S. or anywhere else.

Despite these facts, the sponsor of H.R. 3 has stated publicly that embryonic stem cell research could help cure diseases that affect 110 million Americans. Unfortunately, scientists have been complicit in this deceit. For example, to justify this hype, stem cell researcher Ron McKay has said bluntly that people need a fairy tale.

Meanwhile, adult stem cell research continues to show increasing promise. There are currently 72 therapies showing human benefits using adult stem cells. In fact, it seems our whole scientific paradigm of cellular development has been wrong. It now appears that stem cells do not lose their pluripotency as they develop from the embryo to differentiated tissue types, and that adult stem cells are much more elastic than previously thought. This means that embryos are no longer the unique source of pluripotent stem cells we once thought they were. Pluripotency is the real goal; and if that can be found in adult stem cells, embryonic stem cells and the destruction of human life are no longer necessary.

In conclusion, Mr. Speaker, I ask my opponents to consider that they do not need to believe a human embryo is the moral equivalent of a child in order to oppose this bill. Rather, they need merely to consider the drastic step it would be to provide public sanction—through federal funding—for life-destructive research that has, at best, ambiguous potential; when more promising and more ethical alternatives are available. Most importantly, Mr. Speaker, this bill and this research are morally wrong, but also, they are simply unnecessary. I urge my colleagues to oppose H.R. 3.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, July 17, 2006.

EFFORTS TO DISCREDIT ADULT STEM CELL ADVANCES OR "SCIENCE BY FAIRY TALE"

This week's debate on federal funding for embryonic stem cell research is full of disinformation. Among the many pieces of distortion you may come across is a recent letter published in ScienceExpress, written to discredit Dr. David Prentice, a high profile critic of embryonic stem cell research. Dr. Prentice is formerly Professor of Life Sciences at Indiana State University, and Adjunct Professor of Medical and Molecular Genetics for Indiana University School of Medicine. He is now Senior Fellow for Life Sciences, Center for Human Life and Bioethics, at the Family Research Center.

Apparently, in the "open-minded" spirit of scientific inquiry, since Dr. Prentice opposes destructive embryonic stem cell research (as do more Americans, when fully informed about the nature of the research), his credibility is being attacked by "scientists" who have an agenda of research-at-all-costs-including-creation-of-human-embryos-purely-for-destructive-research.

I am attaching Dr. Prentice's useful guide demonstrating the 72 adult stem cell applications for humans. I also want to emphasize, that after twenty- five years of embryo stem cell research, there are zero human applications for using embryonic stem cells in patients.

I am also attaching a response to the distortions printed in ScienceExpress—distortions which I expect will be abused in this week's debate. As this response points out, illuminating the scientific facts about embryonic vs. adult stem cell research:

"It remains absolutely true that adult stem cells have benefited patients suffering from at least 72 diseases and conditions, where patient improvement is documented by peer-reviewed scientific publications."

Pointing out that ClinicalTrials.gov shows 565 currently active FDA-approved clinical trials (and a total of 1170 total trials, including those that no longer need to recruit patients), the response also notes this critical fact about embryonic stem cell research:

"There are no human trials of embryonic stem cells, and there never have been. Nor are there any peer-reviewed references for human treatments with embryonic stem cells, because animal trials have yet to show that embryonic stem cells are safe or effective enough to initiate even Phase I human trials for any condition."

I hope this information is helpful to you.

DO NO HARM, THE COALITION OF
AMERICANS FOR RESEARCH ETHICS,
Washington, DC.

MISLEADING, OR AN INCONVENIENT TRUTH?

Do No Harm is disappointed to see a new low in scientific publishing with Science's June 13 online posting of a Letter to the Editor that is a transparent personal attack on Dr. David Prentice, a founding member of Do No Harm.

The Letter purports to analyze Do No Harm's list of adult stem cell treatments, which lists diseases and conditions in which human patients have benefited from stem cell treatments and provides peer-reviewed references on these trials. Do No Harm clearly states that these are simply cases where adult stem cells have shown "benefits to human patients", have produced "therapeutic benefit to human patients"; Dr. Prentice is quoted here as saying that adult stem cells have "helped patients."

But the authors of the Letter engage in semantic gymnastics, creating a straw man so they can knock it down and then claim they have discredited Do No Harm. They twist our statements into claims that these treatments all currently provide a "cure," are "generally available," or are "fully tested in all required phases of clinical trials and approved by the U.S. Food and Drug Administration." (Such a claim would have been ridiculous, in part because some dramatic advances have occurred in other countries where FDA approval is not a relevant factor.)

Regarding two diseases, the Letter implies that the list cites only one peer-reviewed reference and does so inaccurately. However, the Letter's supplement acknowledges an additional four references showing "improved long-term survival" for patients receiving adult stem cells.

Do No Harm thanks the Letter's authors for pointing out some references that were inadvertently included, as well as some new references to include, so the list could be properly updated. Dr. Prentice is submitting a formal response to Science, and we hope the journal will belatedly give him the courtesy of a published reply. This courtesy is normally accorded by prior notice, and simultaneous publication of the response with an original Letter of this nature.

That the authors of the Letter should bring up the subject of FDA-approved clinical trials is especially odd, because the federal government documents a great number of current trials using adult stem cells at various phases of investigation. A check of ClinicalTrials.gov shows 565 such trials currently active and recruiting patients, and a total of 1170 trials in all (including trials that no longer need to recruit more patients). There are no human trials of embryonic stem cells, and there never have been. Nor are there any peer-reviewed references for human treatments with embryonic stem cells, because animal trials have yet to show that embryonic stem cells are safe or effective enough to initiate even Phase I human trials for any condition.

It remains absolutely true that adult stem cells have benefited patients suffering from at least 72 diseases and conditions, where patient improvement is documented by peer-reviewed scientific publications. There are likely others, undoubtedly more to come, and many more accounts of people who have benefited from such research. That is the real success of adult stem cells: helping human patients. It is a success that no one can claim for embryonic stem cells.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Arizona (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I thank the gentlewoman.

Mr. Speaker, just a few months ago, the American people sent a clear message to Washington: It is time to expand our investment in embryonic stem cell research. I heard that message loud and clear from my constituents in Arizona who believe as I do that the best way we can honor life is to use science and ethical research to discover treatments for the millions of Americans who suffer from diseases such as Alzheimer's, Parkinson's, Lou Gehrig's and Huntington's disease.

The people of my district understand that we have a moral obligation to invest in embryonic stem cell research because it provides the best hope for a cure for these diseases and many others.

Last year, I met a fellow Arizonan who helped me understand just how important this fight for cures is to so many people and so many families. His name is Phil Hardt, and he suffers from Huntington's disease. Huntington's disease results from the genetically programmed degeneration of brain cells that causes uncontrolled movements, loss of intellectual faculties and emotional disturbances. It is a terrible and agonizing disease that has no cure. But with the promise of embryonic stem cell research, there is hope for a cure.

But, Mr. Speaker, today Phil and people like him all over the country need more than hope. They need action. They need action from this Congress, for us to once again pass this important legislation. And they need action from the President.

Mr. Speaker, I am asking you to urge the President that he has in his hands the opportunity to improve the lives of so many people and help so many families. The American people support ethical embryonic stem cell research, and so does a vast bipartisan majority in Congress. When this legislation reaches the President, I hope he does the right thing, to honor life by signing this legislation into law.

Mr. BURGESS. Mr. Speaker, at this time I yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise today in respectful opposition to H.R. 3, the Stem Cell Research Enhancement Act of 2007, a bill, Mr. Speaker, that authorizes the use of Federal tax dollars to fund the destruction of human embryos for scientific research.

The late President Ronald Reagan wrote, "We cannot diminish the value of one category of human life, the unborn, without diminishing the value of all human life."

The supporters argue that this debate today is between science and ideology or dogma; that destroying human embryos for research is necessary to cure a whole host of maladies, from spinal cord injuries to Parkinson's. But the facts suggest otherwise, and physicians on our side have and will continue to make the case for the ethical alternative of adult stem cell research and new breakthroughs, past and present.

But, Mr. Speaker, the debate over the legitimacy or potential of embryonic stem cells, I believe, is actually not the point of our debate today. We are here simply to decide whether Congress should take the taxpayer dollars of millions of pro-life Americans and use them to fund the destruction of human embryos for research.

This debate is not really about whether embryonic stem cell research should be legal. Sadly, embryonic stem cell research is completely legal in this country and has been going on at universities and research facilities for years. But proponents of this legislation apparently don't want to just be able to do embryonic stem cell research, they want me to pay for it. And like more than 40 percent of Americans, I have a problem with that.

You see, I believe that life begins at conception and that a human embryo is human life. And I believe it is morally wrong to create human life to destroy it for research. But I believe it is also morally wrong to take the taxpayer dollars of millions of Americans who believe that life begins at conception and use it to fund research that they find morally offensive.

This debate then, Mr. Speaker, is not about what an embryo is. This debate is about who we are as a nation. Not will we respect the sanctity of human life, but will we respect the deeply held moral beliefs of nearly half of the people of this Nation who find the destruction of human embryos for research to be morally wrong.

Despite what may be uttered in this debate today, I say again, this debate is not about whether we should allow research that involves the destruction of human embryos. This debate is about who pays for it.

Last year here in Congress, I was surrounded by dozens of snowflake babies, Mr. Speaker, children born from frozen embryos. I couldn't help but think of that ancient verse: I have set before you life and blessings and curses. Now choose life, so that you and your children may live.

It is my fervent hope, Mr. Speaker, and my prayer, as we stand at the crossroads of science and the sanctity of life, that we will choose life.

Ms. DEGETTE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from Indiana and several other people have said they don't think taxpayers should fund this research. But, in fact, we have a national consensus in this country in support of taxpayer funding for embryonic stem cell research, 72 percent, to be exact. We fund all other types of this research, so we have this national consensus.

My constituents in the First Congressional District of Colorado, the vast majority, the majority, do not want to fund this war. That doesn't mean, Mr. Speaker, that they don't have to pay their taxpayer dollars.

We should fund this with taxpayer dollars because the NIH and our public institutions are the driving force behind basic research for the private researchers, for the foreign researchers and for all of this wonderful research that is going to, we hope, cure diseases.

Mr. Speaker, I am delighted to yield 2 minutes to the distinguished new Member from Illinois (Mr. HARE).

Mr. HARE. Mr. Speaker, I would like to thank my colleagues, Congresswoman DEGETTE and Congressman CASTLE, for introducing the Stem Cell Research Enhancement Act of 2007 and for their strong leadership on this issue.

Mr. Speaker, last Thursday was a bittersweet day for me. I had the incredible honor of being sworn in as a new Member of the United States Congress in front of my family, friends and constituents. Yet part of me was sad that my friend and mentor, Congressman Lane Evans, wasn't in my place.

Lane served as a distinguished Member of this body for 24 years until Parkinson's disease forced him to retire at the end of the 109th Congress. Lane's battle with Parkinson's is a testament to his incredible spirit that never caused him to ask, Why me, although retiring meant he had to leave Congress when there was still so much he wanted to do, helping veterans, working families and his constituents.

Mr. Speaker, Lane is just one of millions of Americans struggling with chronic illnesses that are curable with the advancement of stem cell research.

Spencer House is the son of my very good friend Doug. He suffers from diabetes and must take four insulin shots each and every day. But Doug is encouraged by the hope that lies in embryonic stem cell research to offer his son a more normal life. And he is not alone. Poll after poll shows that the majority of Americans support ethical embryonic stem cell research as a way towards preventing others from having to live with illnesses like Parkinson's disease, diabetes, cancer, Alzheimer's and spinal cord injuries.

I am an original cosponsor of this commonsense legislation because the science of stem cell research is clear: Embryonic stem cell research has the potential to treat and cure some of our most debilitating injuries and diseases.

Mr. Speaker, today we decide whether to give the American people hope or continue to prolong the suffering of those who struggle with curable chronic diseases. I urge all my colleagues to vote yes on H.R. 3.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank my colleague from Illinois and rise in strong support of Federal funding to accelerate stem cell research.

□ 1230

In the last Congress, I helped craft the bipartisan consensus to back stem cell research here in the House, and our bipartisan coalition is even stronger today.

America is home to more Nobel prizes in medicine than any other nation. Our record of medical achievement led the way to eliminating smallpox and saves half of all people diagnosed with cancer. This legislation will help us save the other half. It offers hope to anyone suffering from diabetes, Alzheimer's, and Parkinson's. It represents the strong will of parents and patients who have banded together with effective voices, like the Juvenile Diabetes Research Foundation, the American Heart Association, and the American Cancer Institute.

This legislation offers a powerful message to both political parties, Republican and Democrat, that one of our American legacies is to lead the world in the freedom of intellectual inquiry, in scientific research, in medical science, and especially in that most quintessential American value, optimism and the expectation of better days for our children.

Mr. Speaker, this legislation directly supports the research of Dr. John Kessler at Northwestern University and his work to treat spinal injuries, Dr. Mary Hindrix at Childrens and her work to prevent metastasis in cancer and Professor Robert Goodman of Northwestern for his research to explore a cure for ALS.

We are going to pass this bipartisan bill with a thunderous bipartisan majority, sending to the Senate as an expression of the American people as pro-research, pro-science pro-American leadership and supporting hope for patients everywhere.

Mr. BURGESS. Mr. Speaker, I reserve my time.

Ms. DEGETTE. Mr. Speaker, I am delighted now to yield 1 minute to the distinguished new Member from New York (Mr. HALL).

Mr. HALL of New York. I thank the gentlewoman. Today, I rise in support of H.R. 3, the Chamber's effort to improve the lives of millions of Americans by once again advancing the Stem Cell Research Enhancement Act.

For many Americans, including relatives and friends of mine who suffer from the effects of Alzheimer's, Parkinson's, paralysis, and other devastating illnesses, embryonic stem cell research provides the hope of a better life or even perhaps a cure.

Last year, Johns Hopkins University released the results of stem cell therapy tests on frogs in the laboratory using frog embryonic stem cells which showed paralyzed frogs recovering the use of their hind quarters. Now, one can't necessarily extrapolate from laboratory experiments to humans; but until we try, we will not know.

There has been a lot of debate about this bill, what it is and what it is not. I would just suggest that by allowing the Federal Government to support research on embryonic stem cells, regardless of when they were derived, this bill will allow science to move forward unimpeded in the quest to cure some of our most crippling diseases.

Mr. Speaker, today I rise to speak in support this chamber's effort to improve the lives of millions of Americans by once again advancing the Stem Cell Research Enhancement Act.

For many Americans suffering from the effects of Alzheimer's, Parkinson's, paralysis, and other devastating illnesses embryonic stem cell research provides the hope of a better life, or even perhaps a cure.

There has been a lot of debate about what this bill is, and what it isn't.

What this bill is an opportunity to expand the resources the federal government can bring to bear in supporting breakthroughs in medical technology.

Under current policy, only stem cell lines derived before August 2001 can be used for research. But according to the National Institutes of Health, of the 78 stem cell lines that were declared eligible for federal funding by the President, less than one third are still available.

To make matters worse, many of the available lines are contaminated with "mouse feeder" cells, making their therapeutic use for humans uncertain.

By allowing the federal government to support research on embryonic stem cells regardless of when they were derived, this bill would allow science to move forward unimpeded in the quest to cure some of our most crippling diseases.

What this bill isn't is an attempt to devalue human life.

Under this bill, stem cells could only be used for research if they would never be used by fertility clinics and be discarded, and only if the donor of the embryo gave full consent.

Instead of being discarded, these embryos could help researchers unlock the cures to Parkinson's, Alzheimer's, MS, cancer, and other conditions. Certainly, advancing these goals is consistent with a reverence for human life.

Last year, Congress overwhelmingly passed this bill on a bipartisan basis, and it's clear that the majority of the American people want this research to go forward.

It is my sincere hope that we will again pass this bill by an overwhelming and bipartisan margin, and send it to the President for his signature.

I would urge the President not to repeat his previous mistake of allowing ideology to trump science by vetoing this bill. Instead of placating his narrow political base, the President should heed the will of the great majority of the American people by signing this bill into law.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I am delighted to yield now to the gentleman and new Member from Kentucky (Mr. YARMUTH) 1 minute.

Mr. YARMUTH. I thank the gentlewoman.

Mr. Speaker, the progress that has been made of late in the area of adult and amniotic fluid stem cell research is astounding. In my own district, the University of Louisville is curing paralysis in lab animals using adult stem cells. But with each new discovery, the scientists say the same thing: none of these areas of research can replace the vast unique and still unchartered potential of embryonic stem cells.

Politics interfering with scientific advancement is nothing new. In Louisville, public controversy was a major obstacle before our pioneering doctors successfully implanted the first artificial heart and performed the first hand transplant. Had the politics of the day prevailed, additional lives would have been lost and incredible progress halted.

Today, again on the cusp of discoveries that could save lives, we find ourselves at a similar crossroads. Will we aid progress or impede it?

And none—not one of the embryos in question could ever grow into a human life. The researchers are speaking exclusively of embryos that would otherwise be discarded.

We can no longer afford to let politics stand in the way of science and allow America to fall behind the rest of the world's medical advances, especially now as the research being conducted with embryonic stem cells holds the unprecedented potential to revolutionize medicine. I urge my colleagues to pass H.R. 3.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair at this point would remind Members to be careful not to pass between the Chair and Members speaking and also to be careful not to have conversations in direct proximity to Members who are addressing the House.

Mr. BURGESS. Mr. Speaker, at this time I would like to recognize the gentleman from Nebraska (Mr. FORTENBERRY) for 2 minutes.

Mr. FORTENBERRY. Mr. Speaker, I thank the gentleman from Texas.

Mr. Speaker, I would like to begin with a story. Several weeks ago, I was reading some of our national publications, and I came across a very small article that reported how Swiss scientists were taking amniotic fluid from preborn children, children who had been diagnosed in the womb with heart disease, and they were taking adult stem cells from that amniotic fluid and beginning the process of growing heart valves that would inevitably be placed in those children because of that heart disease.

Mr. Speaker, my spirits lifted. I had hope again. You see, my daughter Kathryn is 6 years old and she suffers from complete atrial ventricular septal defect, a severe form of heart disease. She has had three open-heart surgeries thus far. We are probably looking at a fourth in the coming months, and in that surgery it is likely she will need a mechanical valve which further complicates her difficulties. This is why this article was so meaningful to me.

You see, adult stem cells from bone marrow sources and umbilical cord sources and now amniotic fluid are showing real therapeutic value in the treatment of 72 diseases currently, and this avoids the ethically divisive issue of the destruction of unborn human life, the destruction of unborn human embryos.

Embryonic stem cell research has shown no therapeutic value to date, is highly controversial, and many taxpayers do not wish to have their money spent here. So, Mr. Speaker, I say, why not? Why not invest our limited resources in adult stem cell research that is showing great promise and giving real hope? This is good public policy. This is the right thing to do.

Ms. DEGETTE. Mr. Speaker, I am now pleased to yield to the distinguished gentlewoman from the Energy and Commerce Committee, my colleague, Ms. ESHOO, 2 minutes.

Ms. ESHOO. Mr. Speaker, I thank my colleagues Congresswoman DEGETTE and Mr. CASTLE for the outstanding work they have done in bringing this bill before the House. I am proud to support it, and I think that this is a very important moment for the Congress. Why? Because this bill really represents hope for the American people.

I often say to my constituents that I am in the business of hope, to give hope to people with what I do and the vote that I cast. There is a reason why this bill is an overwhelmingly bipartisan bill, because 72 percent of the American people support stem cell research.

There is only one type of stem cell research that is not funded by the Federal Government today and that is embryonic stem cell research. There are tax dollars for all the others: for cord blood, for amniotic, and for adult. That is why we have the bill before us today.

We all have constituents, we all have members of our families that have diseases that have befallen them and injuries that have befallen them and where they come to us and say, please, take action on this. So as someone that considers herself in the business of hope, I am especially proud to not only be a part of this effort but also be part of a new Congress that is giving hope to people that a Congress will take action on those things that are really relevant to people in their day-to-day lives: that the American people, the working people of our country, be given a raise in the minimum wage; that people across this country will be given substantial hope that we will take action on this bill; and that, hopefully, the President will continue the line of hope by changing his mind and signing the legislation into law.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again urge Members not to cluster around the floor manager. The Chair understands it is necessary to have conversations, but please respect the Members speaking and to approach the floor manager, when it is necessary, no more than one at a time.

Ms. DEGETTE. Mr. Speaker, I am now very pleased to recognize my friend and colleague from Michigan (Mr. STUPAK) for 3 minutes.

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for yielding.

This debate is really one of the most fundamental, important debates this body can undertake. Let me be clear, Mr. Speaker: I support stem cell research using adult stem cells, cord blood, and amniotic stem cells. I do not, however, support destroying life in the name of research.

H.R. 3 fails to address the most basic essential ethical question of when does life begin and when should life, including human embryos, be open to experimentation and scientific research.

As elected representatives, we have been cloaked with America's legislative responsibility. With this responsibility we are entrusted to determine the ethical and moral bounds of scientific research and to determine what value America places on human life. I believe our work today must reflect America's belief that all life has value, from the human embryo to those in the twilight of their life. We must not legislate shortcuts for one life over another.

Embryonic stem cell research requires the killing of human embryos, which if left to grow would become children. Where do we as a Nation draw the ethical and moral line on scientific research as to when life begins, and at which stage of human life are we willing to sacrifice one life to promote the life of another?

The good intentions of the proponents of H.R. 3 do not answer these questions. The proponents do not allow us, as America's elected representatives, to draw the ethical and moral line for human life. Under H.R. 3, when do embryos become human life? After 40 hours? After 2 days or 14 days?

H.R. 3 leaves the research guidelines to an administration official. As elected leaders, we should not entrust an unnamed individual to set America's guidelines on the value of human life. Mr. Speaker, I believe that human embryos, as life, should be treated and valued with the same respect as you and me.

While the promise of embryonic stem cells is still questionable, adult stem cells are being used today to save lives. Recognizing this, the National Institutes of Health spent $568 million in fiscal year 2006 on adult stem cell research.

Adult stem cells are being used today in clinical trials and in clinical practice to treat 72 diseases and injuries. As science learns more about the building blocks of life, researchers announced this week that stem cells found in the placenta and the amniotic fluid hold the key stem cells for research. These stem cells can be obtained while protecting life. This research offers science the ability to provide hope to those who suffer from disabling injuries and diseases while protecting all human life.

Let me be clear: I am committed to funding ethical scientific research that will unlock the origins of diseases and develop cures that can help my constituents. We cannot, however, let science leapfrog our ethics. I urge Members to protect life at all stages and vote "no" on H.R. 3.

Mr. Speaker, this debate on H.R. 3, the Stem Cell Research Enhancement Act, is really one of the most fundamental, important debates that this body can undertake.

Let me be clear, Mr. Speaker, I support stem cell research using adults stem cells, cord blood, and amniotic stem cells. I do not, however, support destroying life in the name of research.

H.R. 3 fails to address the most basic, essential, ethical question of when does life begin? And when should life, including human embryos, be open to experimentation and scientific research?

As elected representatives of the people, we have been cloaked with America's legislative responsibility. With this responsibility, we are entrusted to determine the ethical and moral boundaries of scientific research and to determine what value America places on human life?

I believe our work today must reflect America's belief that all life has value from the human embryo to those in the twilight of their life. We must not legislate "short cuts" for one life over another, which this legislation does. Embryonic stem cell research which requires the killing of human embryos, which if left to grow would become children.

Where do we, as a nation draw the ethical and moral line on scientific research as to when life begins? And at which stage of human life are we willing to sacrifice one life to promote the life of another?

The good intentions of the proponents of H.R. 3 do not answer these questions. The proponents do not allow us, as America's elected representatives, to draw the ethical and moral line for human life.

Under H.R. 3, when do embryos become human life? After 40 hours? After 2 days? H.R. 3 is silent on when embryos become human life—it doesn't specify how long these embryos are allowed to grow before they are killed—2 days, 5 days, 14 days, or more!

Proponents of H.R. 3 will claim that this legislation will leave the research guidelines to an unelected and unnamed administration official within 60 days. A bureaucrat will set the guidelines, for scientific research and experimentation on human life!

As elected leaders we should not entrust an unnamed individual to set America's guidelines on the value of human life.

Mr. Speaker, I believe that human embryos, as life, should be treated and valued with the same respect, as you and me.

While the promise of embryonic stem cells is still questionable, adult stem cells are being used today to save lives. Recognizing this, the National Institutes of Health spent $568 million in Fiscal Year 2006 on adult stem cell research.

Adult stem cells are being used today in clinical trials and in clinical practice to treat 72 diseases including, Parkinson's disease, spinal cord injury, Juvenile Diabetes, brain cancer, breast cancer, lymphoma, heart damage, rheumatoid arthritis, juvenile arthritis, stroke, and sickle cell anemia.

As science learns more about the building blocks of life, researchers announced this week that stem cells in human amniotic fluid hold the key stem cells for research. These stem cells can be obtained while protecting human life.

These stem cells are found in the placenta and the amniotic fluid of pregnant women. These stem cells hold the same promise as embryonic stem cells, including an ability to grow into brain, bone, muscle and other tissues that could be used to treat a variety of diseases. This research offers science the ability to provide hope for those who suffer from disabling injuries and diseases while protecting all human life.

Let me be clear, I am committed to funding ethical scientific research that will unlock the origins of diseases and develop cures that can help my constituents.

We cannot, however, let science leap-frog our ethics, our morals, and our responsibility to protect human life at every stage of development. I urge Members to protect human life at each stage of development. Vote "No" on H.R. 3.

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding, and I rise in opposition to this bill.

If this bill becomes law, it will establish a new precedent for our government. For the first time, we will be funding researchers who are knowingly destroying human embryos in the course of their research, and that is really what this debate is essentially about.

This Congress enacted legislation over 10 years ago, and President Bill Clinton signed it, specifying that no Federal funds will be used for research that involves the destruction of a human embryo. This piece of legislation takes us down a path that overturns that.

Now, the advocates for this legislation assert that this is necessary because of the great potential of embryonic stem cells, and I rise essentially as a physician and a concerned American to challenge that notion based on my understanding of embryonic stem cells. And by the way, we have heard it said repeatedly that embryonic stem cells have only been studied for 8 years. They have been studied for 25 years in the mouse. Eight years in the human model, but 25 years in the mouse.

All embryonic stem cells form tumors. All of them. Indeed, if you are in the research lab, that is how you determine you actually have an embryonic stem cell. You put it in an animal, and it forms a tumor called a teratoma.

□ 1245

They have never been shown not only to be really good and therapeutic, but they have never been shown to be safe. Before an embryonic stem cell therapy could ever be approved by the FDA, it would have been to be shown to be both effective, which embryonic stem cells have never been shown to be; and as well, safe, and the very nature of embryonic stem cells renders them unsafe.

So why is this such a critical debate? Why is this such an important debate? It is simply because this is not necessary and it is morally wrong. It is morally wrong because it takes us down a path where we will be saying certain forms of human life are expendable and can be discarded. And it is totally unnecessary, because they have never been shown to be therapeutically useful.

Furthermore, we were just amazed to discover that in the amniotic fluid are cells that behave just like these embryonic stem cells, but they don't form tumors. It is not ethically controversial to use them, and they have all the potential that embryonic stem cells have been shown to have in the lab.

So I would encourage all of my colleagues to vote "no" on this legislation. Support the President of the United States, and just remember, just remember, that there are absolutely no restrictions on this research in the private sector. This is all about Federal dollars and how they are going to be used.

Ms. DEGETTE. Mr. Speaker, I yield 3 minutes to the distinguished Member from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, let me, first of all, say that, for the most part, this discussion has gone on without name calling, although it has happened once today, and so I want to start out by saying, I am coming to this floor to make a point, and not an accusation.

It is important for me to say because there are words used here, morality and moral and ethical, and in the last election, in my State, the word religion was used with this discussion because stem cell research was on the ballot.

I want to say very clearly, there is no conflict between religion and science. There was a man by the name of Paul who visited Turkey, and while in a city called Ephesus, he learned the people, went back and wrote a letter to them. And he said, "Now Glory be to God who, by his mighty power at work within us, is able to do far more than we would ever dare to ask or even dream of, infinitely beyond our highest prayers, desires thoughts or hopes."

Science is but another word for hope. And hope stands on tippy toes looking for healing, looking for cures, searching for the ideal.

I will not be a hopeless pessimist. I realize that whenever we are able to use the scientific advancements, that we are not becoming the enemies of faith, but rather it is another way to praise God and his constantly evolving creation.

Now, there was a great Baptist clergyman by the name of Harry Emerson Fosdick, and in his book, "The Modern Use of the Bible," he says, "If there are fresh things to learn concerning the physical universe, let us have them, that we may find deeper meaning when we say 'The heavens declare the glory of God.' "

Now, it is my hope that we will not be as troglodytic as our ancestors who refused to peer through the lens of Galileo's telescope; that we are men and women who will do every single thing we can to bring about whatever we can, within our human powers, to cure the beastly diseases that wreak havoc in the lives of Americans and people all over this country.

Should science succeed in fulfilling the much vaunted optimism expressed by advocates of stem cell therapy, much of the credit should go to the community of faith.

Because I accept the Holy Bible as the inspired and interminable Word of God, I consider myself to be a Christian fundamentalist. I accept, as an inseparable component of my faith, the omnipotence, omnipresence, and omniscience of God. Therefore, I am baffled by my fellow fundamentalists who seem to be utterly opposed to and terror-stricken by the advancement of science, including stem-cell research. The propagation of knowledge and the dismantling of the boundless awe-inspiring mysteries of God's world are viewed by some in our faith as a foreboding foray toward undermining and diminishing the glory of the Creator. However, the opposite is true. When the human intellect makes strides that sets the world agog, it is God, from whom all knowledge stems, who is honored. Let us keep in mind that scientific advancement is not an enemy of faith, but yet another way to praise God and His constantly evolving creation.

Contemporary men and women of faith, as always, stand at the crossroads. In a real sense, religion has always been impelled to wage war in some area or another. The pressing question is shall we march across the battlefields of faith with open arms toward the magnificent revelations of God's great truths, or, do we use our inherent power and influence to signal a retreat from the bright and simmering sunshine of expanding scientific scholarship. The potential life-saving issue of stem cell research is before us. The scepter is in the hands of the enlightened community of believers. Our failure to speak out on the medical need for stem-cell research will allow earnest but erroneous or misguided souls who wish to constrain such study to force us back to a time when the faithful waged its fiery finger of scorn at the irreverence of scientific inquiry. Like the majority of people of faith, I totally reject the notion that today's community of believers are as troglodytic as our ancestors who refused to peer through the lens of Galileo's telescope. Nonetheless, this is a testing time.

Doctor Harry Emerson Fosdick, the legendary Baptist clergyman of the first half of the 20th century, profoundly addresses the issue of flowering faith in his wonderfully inspiring book, The Modern Use of the Bible: "If there are fresh things to learn concerning the physical universe, let us have them, that we may find deeper meaning when we say, 'The heavens declare the glory of God.'"

Should science succeed in fulfilling the much vaunted optimism expressed by advocates of stem-cell therapy, much of the credit should go to the community of faith. Every experiment that leads to greater medical breakthroughs is a discernible display of the earthly presence of God and of the presence of particles of His divinity in us.

Mr. BURGESS. Mr. Speaker, might I inquire as to the time that is left.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The gentleman from Texas (Mr. BURGESS) has 26½ minutes remaining. The gentleman from Delaware (Mr. CASTLE) has 3½ minutes remaining, and the gentlewoman from Colorado (Ms. DEGETTE) has 46 minutes remaining

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Ms. SLAUGHTER), the chairwoman of the Rules Committee.

Ms. SLAUGHTER. Mr. Speaker, I thank both my colleagues, Mr. CASTLE and Ms. DEGETTE, for their tenacity on this bill. Stem cell research has the potential of reaching every man, woman, child on the planet. And without your tenacity, I am not sure we would still be here today. Thank you for that.

Mr. Speaker, I rise today not just as a Member of Congress, but as a microbiologist and a citizen.

During recent years in Washington, politics has often stood in the way of the consensus and conclusions of the scientific community.

One of the victims of that reality has been funding for stem cell research. I hope that today we can put aside our differences and together, achieve something that not just our scientists believe in, but the American people both want and deserve.

New medical technologies are always met with concern, but today many of the technologies are saving lives. Many of you remember the debate about organ transplants, in vitro fertilization, that we should never do that. The same will soon be said about embryonic stem cells, if we want it to be.

While all forms of stem cells should be researched, none offer as much promise as embryonic stem cells. An overwhelming body of international scientific research has shown them to be the only cells capable of becoming any element of the body. They are the key to so many of the cures that we have long sought.

Let me provide just one example of how powerful this research could be. There is growing evidence linking embryonic cell mutations to cancer, including testicular and breast cancer. As a result, future breakthroughs could one day eradicate many forms of cancer at their source.

Because of its potential, 70 percent of Americans support embryonic stem cell research, and we all know someone who has suffered from a disease that embryonic stem cells could one day cure. Why would we choose to deny hope to millions of Americans and people all over the world?

I should add that nations throughout the world have embraced embryonic stem cell research.

I just want to say that, for all my colleagues who have second thoughts about this bill, let me ask you to step back and think about a loved one who could possibly benefit from this research, a neighbor, a friend. We have all got many of them.

Your vote today should be clear. Vote for scientific research to help people.

Mr. Speaker, I rise today not just as a Member of Congress, but also as a microbiologist and a citizen who stands in awe of the life-saving potential we hold in our hands.

During recent years in Washington, politics has often stood in the way of the consensus and conclusions of the scientific community.

One of the victims of that reality has been funding for stem cell research. The opinions of those on both sides of this issue are both heartfelt and sincere. But I hope that today, we can put aside our differences and unite to achieve something that not just our scientists believe in, but that the American people both want and deserve.

New medical technologies have always been met with skepticism and concern. There was a time in America when organ donations were experimental, and blood transfusions were considered too dangerous to consider. And yet today, these procedures are saving lives every hour.

The same will soon be said of embryonic stem cells—if we want it.

We may hear from some today that adult stem cells, cord blood cells, and amniotic fluid cells are just as promising as embryonic stem cells. But while they all show promise and should be researched, none of them offer as much promise as embryonic stem cells.

An overwhelming body of international scientific research has shown embryonic stem cells to be the only type of stem cells capable of becoming any cell type in the body. They are the key to so many of the cures we have long sought after.

Let me provide just one example of how powerful this research could be.

There is growing evidence linking embryonic cell mutations to cancer. At UC San Francisco, scientists have discovered elevated activity of several embryonic stem cell genes in both testicular and breast cancers.

Based on this new finding, scientists are hypothesizing that misregulated embryonic stem cell genes could cause or at least advance cancer.

In fact, recent research is showing that up to 20 percent of all breast tumors are now suspected to originate in stem cells.

Scientists hope to learn more about the functions of genes in the cells that make up tumors. Their examinations could show why stem cells become cancerous and how doctors can treat them.

These breakthroughs could one day eradicate many forms of cancer at their source.

Because of its potential, fully 70 percent of Americans support embryonic stem cell research. And that's not surprising. Nearly everyone has suffered from a disease, or knows someone who has, that embryonic stem cell research could one day cure. Who wouldn't want to end the suffering of their son, sister, father, or friend? Why would we choose to deny this hope to millions of Americans?

Nations throughout the world have embraced embryonic stem cell research. Their scientists are taking great strides forward. In the end, enforcing restrictive federal research policies will only ensure that the United States will continue to lose many of our best and brightest scientists in this field to other countries.

Mr. Speaker, many of history's greatest medical killers now have cures because of scientific research. Tens of millions of lives have been saved as a result. Today, we have the potential to save millions more, and to leave other deadly diseases behind us.

I believe people in wheelchairs will one day walk again. I believe that we can bring about an entirely new form of health care in America—one defined by shorter hospital stays, fewer invasive procedures, and increasing benefits to both our patients and our bottom line.

The bill before us today presents an ethical solution to research that could potentially benefit almost every American. It gives our country hope—hope that one day we won't have to watch our mothers die of breast cancer, our grandparents suffer from Alzheimer's, and our own children endure Type I diabetes.

If we fail to fund embryonic stem cell research, I do not believe that we will be able to look our children and grandchildren, our mothers or fathers, or our grandparents in the eye and tell them we did everything we could to help them live a better, healthier, longer, happier life.

I urge my colleagues who have second thoughts about this bill to step back and think of a loved one who could possibly benefit from this research. Your vote today should be clear.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GENE GREEN), a member of the Energy and Commerce Committee.

Mr. GENE GREEN of Texas. Mr. Speaker, I gave a 1-minute earlier that compared the hope for embryonic research with the new research that is being done on other stem cells. But, in all honesty, we need to be looking at everything to deal with the illnesses that we have.

Embryonic stem cell research is the hope for millions of Americans. Embryonic stem cell research is now supported by educational and religious affiliated institutions, but they need Federal Government help to find the cures for spinal cord injuries, Alzheimer's and many other illnesses.

Let me talk about two personal examples of the imperative need for this Federal assistance to find these cures. I know of a young lady named Monica who had her spinal cord severed in an auto accident. She is young enough to benefit from aggressive research on a cure. We need all the research dollars we can get into embryonic stem cell, adult stem cells and others to be able to deal with this young lady who has the possibility that her spinal cord could be regenerated. It may be next year. It may be 10 years or 20 years. But let's don't take that hope away.

Another example is my mother-in-law. She was diagnosed in 1996 with Alzheimer's. And my wife and I have lived for the last 10 years watching my mother-in-law die. She died the day after Christmas. She hasn't known either of us for over 2 years. She was in a research facility in Houston, at Baylor College of Medicine, that could just monitor her progress on a yearly basis. For the last 2 years, we couldn't take her to the hospital or to the doctor's office. And we watched Alzheimers make that happen.

It is too late for my mother-in-law's generation. But it is not too late to change it for the next generation, Mr. Speaker, and Members. And to stand up here today and say it is a sin to do this research, it is a sin not to do the research. It is not a sin to try and use embryonic cells. It is a sin not to do this research.

Mr. BURGESS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I rise today in favor of the unalienable right to life and in opposition to H.R. 3.

This legislation would require increased Federal support for embryo-destructive research, abrogating, I believe, our responsibility to protect life as declared by our Founders in the Declaration of Independence.

Yet, some in this Chamber, I believe, would inadvertently end life, even in its earliest moments, in order to try to improve the lives of others. And they do so by using research that has shown little promise to develop effective treatments.

Mr. Speaker, there are alternatives. I support ethical stem cell research that does not spend Federal taxpayer dollars to fund studies that so many Americans find morally reprehensible. For example, we know that adult stem cell research has now, to date, led to 72 different treatments and clinical applications in humans. Additionally, we know that umbilical cord blood is already being used successfully against diseases like leukemia, sickle cell anemia and lymphoma.

And just this week, we all know, worldwide we heard the news that a new source of stem cells had been found in amniotic fluid. These cells, which can be retrieved without doing harm to a developing child, and have been described as having all the positive potential of embryonic stem cells but with much greater stability.

But, Mr. Speaker, for those who are committed only to embryonic stem cell research, it is important for all Americans to know there is no current prohibition on this research. Any individual, any university, any medical center is free to use their resources to conduct this type of research. And, indeed, hundreds of millions have already been spent, unfortunately, with little result.

In this body we debate a number of vitally important issues. But is there any issue more important than preserving the sanctity of life? And shouldn't we ask ourselves, how can we preserve liberty if we cannot preserve life? And should there be doubt, we should err on the side of life.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I want to thank the gentlewoman so much for her relentless and effective leadership, and express my gratitude to Congressman CASTLE.

Mr. Speaker, I rise in strong support of H.R. 3. I have been struck and moved by the number of colleagues who have come here and cited their own family members, including their children, as the driving force behind their support. But none of us should be surprised, since 100 million Americans are afflicted with diseases that potentially could be cured by embryonic stem cell research. And I have heard from so many of them from my own district. Why destroy their hope?

And I rise today in the name of our beloved friend and part of our Congressional family, Lane Evans. Lane is one of the million Americans who suffer from Parkinson's Disease, and that has cut his career short. And during his time in Congress, Lane was dedicated to advancing stem cell research because he understands what it is like to struggle with an incapacitating disease. And he understands the hope that embryonic stem cell research holds. Why would we want to destroy that hope?

And I want to thank all of my friends from the Juvenile Diabetes Foundation from my district and their children, who have served as advocates in such an effective way and met with me on a regular basis and educated me about this. And my dear friend, Bonnie Wilson, whose daughter, Jenna, has juvenile diabetes and has lived with that for her whole life. Why would we want to destroy their hope?

☐ 1300

Since I have been in Congress, I have received letters from people like Liz O'Malley, and she describes the daily struggle of her son, Seamus. Seamus has muscular dystrophy. He is only 11 years old. Stem cell treatment may be his only hope. Why would we destroy that hope?

Illinois has already awarded $10 million in grant funding to research institutes and hospitals because Governor Blagojevich recognizes the advances. Now we can do it on a Federal level.

I urge my colleagues to support H.R. 3.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman for yielding and thank her for her strong leadership on this issue. The bill that we are considering today addresses shortcomings in current stem cell policy while maintaining strict ethical standards in stem cell research. Embryonic stem cell research offers promise to millions of Americans suffering from spinal cord injuries and chronic illnesses, including cancer, Parkinson's disease, Lou Gehrig's disease, and diabetes.

Neither Congress nor the administration should prohibit the medical community from pursuing a promising avenue of research that can improve the lives of millions of Americans. Embryonic stem cell research is supported by the majority of my constituents in Maine and has overwhelming bipartisan support across this country. I have heard from hundreds of constituents who support this bill, including Virginia, from Gardiner, Maine, whose mother is stricken with Parkinson's disease.

She describes the conditions of limited mobility her mother faces as horrific. Celia, in Madison, Maine, says her twin sister, Maura, was paralyzed from an auto accident and hopes for a better life.

We need to ensure that our scientists can pursue the promising research of embryonic stem cells to help these people and millions like them. We cannot allow the politics of this issue to undermine groundbreaking research, impede science and place at risk the health and well-being of victims and their families.

I urge my colleagues to vote for H.R. 3.

Mr. BURGESS. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank my colleague for the time.

Mr. Speaker, I rise in strong opposition to H.R. 3, but definitely not in opposition to stem cell research; indeed, not in opposition to embryonic stem cell research. That is the position, my colleagues, of this President and most of the Republicans in this House. It is not an issue of being opposed to research on embryonic stem cells, but it is in opposition to research that results in the destruction of human life.

Certainly if you ask the American public when they look at this picture on television if they would be in favor of embryonic stem cell research, if you could help this man, or, even more compelling, our colleagues in this body, Lane Evans and JAMES LANGEVIN, the answer would be a resounding, yes, 80 percent. I think maybe I would be one of those who would be inclined to so vote.

But on the other hand, Mr. Speaker, if you held up this picture, snowflake babies, and asked them, would you be willing to support embryonic stem cell research if it meant the destruction of these lives, or not giving these lives an opportunity to ever develop, I think the answer, with the statistics, would be completely reversed.

Now, the Members in this body, some are strongly pro-life, some are mostly pro-life, some are slightly pro-life and some are pro-choice, whether we are Republicans or Democrats. But I think most of us would say we are pretty much opposed to abortion, and we wish there would be no need for abortions.

Well, we have an opportunity with H.R. 322, the Bartlett bill, of which I am a very proud original cosponsor, to do it another way, to do research, indeed, to obtain embryonic stem cells without destroying the embryo, either through a biopsy or through using embryos that have no chance to live. We can get viable embryonic stem cells.

The point is, we don't have to divide this body and this Nation. We have lots of things that we can argue about legitimately in a friendly atmosphere, and that is the way it should be in this body.

We have gotten Members, a Republican and a Democrat, Mr. CASTLE and Ms. DEGETTE, who are very popular Members, very persuasive, but are very committed to this issue. We have a better choice. Now with this research from Wake Forest utilizing amniotic cells and the provisions within the Bartlett bill, H.R. 322, let us give that a chance. Let us give life a chance.

Ms. DEGETTE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, my colleague from Georgia holds up a picture of two beautiful little girls and says we would not want to destroy them for research. He absolutely has that right. In fact, Mr. Speaker, I take deep offense at any insinuation that we would kill children for this type of research.

The thing to know, H.R. 3 specifically says the only embryos we will allow for this research is embryos created for IVF clinics which are slated to be thrown away, embryos which are never implanted and will never become babies.

Mr. Speaker, I yield 2 minutes to my distinguished colleague from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Last year, the President vetoed the hope and crushed the dreams of millions of patients and their families. With the stroke of a pen, the President used his very first veto to block this bill, the Stem Cell Research Enhancement Act, and to continue to impose severe restrictions on stem cell research. We are now giving the President a second chance to move beyond his Luddite moment in American scientific history to a new moment of scientific enlightenment and hope. We must let hope triumph over fear and science, triumph over ideology.

Diseases like diabetes, Alzheimer's, and cancer wreak havoc on the lives of millions of Americans. We can free our loved ones from this pain, but only if we free science to find the keys.

Embryonic stem cell research is the flickering candle of medical promise that gives hope for the treatment and cure of these devastating diseases, researchers' medicines' field of dreams from which we can harvest the findings that can give hope to millions of families.

Please do not condemn the afflicted to another generation of darkness. It is past time to take this critical step towards fulfilling our moral obligation to do all we can to reduce pain and suffering around the world and to support ethical, comprehensive stem cell research.

I thank the gentlelady from Colorado, and I thank all Members for their work on this critically important historic litigation.

Mr. CASTLE. Mr. Speaker, at this time I yield to the gentlewoman from Illinois (Mrs. BIGGERT) for a unanimous-consent request.

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 3.

Everyone has a family member or friend who suffers from diabetes, Alzheimer's, Parkinson's or other diseases. Unfortunately, without Federal Government support, scientists won't have access to the stem cells they need to develop treatments and cures for these and a host of other diseases that touch the lives of every American.

We already are using Federal funds to support embryonic stem cell research. But science has advanced rapidly since the President announced his stem cell research policy. These cells were just identified less than ten years ago, and already, the technology is progressing by leaps and bounds. The 22 lines currently available under the President's policy were developed using outdated techniques and have been contaminated, possibly skewing the outcome of experiments.

There are now 125 good, pure cell lines available for use. Because they are more diverse, not only can scientists use them to research more conditions, but they better reflect the genetic diversity of individuals.

I support lifting the ban on Federal funding for embryonic stem cell research, so long as the donors give their consent and the cells made available would otherwise be discarded and destroyed. It is simply tragic that something so valuable would just be thrown away when it has so much potential to alleviate so much suffering.

Given the promise that these stem cells hold, it is time to drop the restrictions and allow researchers to do what they do best. Let's let researchers go where the science leads them, not where politicians dictate. In order to truly explore all the possibilities, scientists must have access to all kinds of stem cells: adult, embryonic and those from umbilical cord blood and amniotic fluid. That is why I plan to vote for H.R. 3.

I am proud to support H.R. 3, and for the sake of the millions suffering from debilitating diseases, I ask my colleagues to do the same.

Mr. BURGESS. Mr. Speaker, at this time I would like to recognize the gentleman from Louisiana, Dr. BOUSTANY, for a unanimous-consent request.

Mr. BOUSTANY. I thank the gentleman for yielding.

Mr. Speaker, I rise to oppose H.R. 3. As a heart and lung surgeon, I've seen the power of hope and the harms caused by those who give misinformation and false hope to patients and families.

Too often, proponents of embryonic stem cell research promise an immediate cure to dying patients and their families.

From a medical standpoint, embryonic stem cells have yet to produce a single human treatment. Embryonic cells also produce tumors and cause transplant rejection.

Such techniques also raise grave ethical problems. The claim that most human embryos in fertility clinics "will be discarded anyway" is disingenuous. Research shows that "the vast majority of stored embryos (88.2 percent) are being held for family building."

Fortunately, science continues to discover more promising lines of stem cell research.

Adult stem cells have already been used to treat a growing number of human diseases.

Scientists at Harvard and Wake Forest University recently reported their success using stem cells in amniotic fluid and the placenta.

They explained that these stem cells "remain stable for years without forming tumors."

All Americans depend on medical breakthroughs. Federal funding for all types of stem cell research rose above $609 million last year.

It's disappointing that the Speaker would not permit a vote today to increase funding for the most productive stem cell research.

Last year, the Bartlett bill passed the Senate unanimously. It would have increased funding for embryonic stem cell research that doesn't destroy an embryo, including embryo biopsy. The current House leadership defeated it to score political points against the President.

It's irresponsible for Congress to spend scarce federal tax dollars on lines of scientific research that have proven least effective.

Evidence proves it's possible to advance stem cell research without paying biomedical firms to destroy human embryos.

Conclusion: For these reasons, I oppose H.R. 3 and urge my colleagues to oppose this bill as well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would repeat that the gentleman from Michigan did get general leave for all Members to insert into the RECORD. All Members have general leave to insert statements in the RECORD and to also include therein extraneous material.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank my friend from Colorado for yielding this time.

Mr. Speaker, I rise in support of federally funded ethical stem cell research. This important legislation would lift the ban on which stem cell lines can be researched using Federal dollars. It provides sound rules and regulations to govern the research of stem cells, rules such as preventing human cloning for embryos or the deliberate destruction of embryos. This legislation will give doctors and scientists the ability to perform more research, to find new cures for degenerative diseases such as Alzheimer's, spinal cord injuries, and diabetes. We as a country excel in so much. Let us push forward on important research rather than regressing.

With embryonic stem cell research, we could potentially save or extend the lives of an estimated 100 million Americans. While this bill has overwhelming support from our country's leading scientists, biomedical researchers, patient advocacy groups and health organizations, along with many religious leaders, and 72 percent of all Americans.

In the past, President Bush has emphatically stated that he will veto this legislation. I hope that this time around the President listens to the overall majority of Americans and approves this important legislation. I support this legislation and stand with my colleagues here in the House.

To President Bush, I ask you to reconsider your stance on stem cell research. Don't make your second veto of your administration as detrimental as your first. Democrats promised America a new direction, and we are delivering a new direction forward.

I thank the gentlelady from Colorado.

Mr. CASTLE. At this time I yield 1½ minutes to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I rise in support, but let me say not support in the traditional sense. There are those of us who are parents who have lost young ones and have watched and had to make the decision of what to do with embryos that they have. I think the sanctity of life works both ways.

One of the sanctity of life concepts is to make sure that if you are going to lose a loved one, you respect the life and try to maximize the benefit from that loss. I think this bill is trying to address that. I would ask both sides not to point fingers, but to try to find that sanctity of life is something that is interpreted in many ways.

One of them is to make sure that if a life is going to be lost, we have a moral obligation to maximize the potential benefit from that loss. That is a respect for sanctity of life that is not discussed enough.

Mr. BURGESS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to address all remarks to the Chair and not to other individuals not present in the body.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, a couple of numbers, there has been a suggestion an overwhelming number of the American people support the approach contained in this bill. In fact, the latest poll that was taken just last spring shows that only 39 percent support Federal funding of the approach found in this bill when they are informed that it requires the destruction of embryos.

The CBS poll taken a year ago shows that only 37 percent of the American people support more Federal funds for more stem cell lines. Another number that is important is 70–0. That is the score of the diseases that have been successfully treated by the use of stem cells from adult and blood cord stem cells, zero of the number that have been treated successfully by embryonic stem cells.

But more importantly, it seems to me as we deal with this issue, we should recall the words of Dr. Nigel Cameron, the founder of the journal called "Ethics and Medicine," when he said in his testimony: "Our membership in the human species is enough to distinguish the human embryo from all other laboratory artifacts."

It is important for us to understand that human dignity is not reserved for adult human beings. And for us to say here at this time that human dignity is contingent upon arbitrary criteria such as size or location is a profound judgment that we make. It is for that reason that President Clinton's National Bioethics Advisory Commission decided not to permit stem cell research using IVF embryos after finding that "the derivation of stem cells from embryos remaining following fertility treatments is justifiable, only," it said, "only if no less problematic alternatives are available for advancing the research."

We have seen the evidence compounding, even since we were here on this floor, just last year, that there are morally appropriate alternatives. Let us not follow in this direction.

Ms. DEGETTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. This bill is about hope. Scientists call them stem cells; but they are really cells of hope, the hope of a life with dignity, the hope of increased mobility, the hope of a time without pain, and the hope of a parent to spare a newborn a life of illness and impairment. With this bill, scientists' hands are freed to find cures for Alzheimer's and ALS, for cancer and MS and Parkinson's and much more.

Blocking this bill will not prevent the destruction of embryos, but it will ensure the destruction of hopes like that of the young 19-year-old Daniel from Austin, who wrote, "Every day that embryonic stem cell research is delayed will be another day of my life confined to a wheelchair."

□ 1315

How cruel to block hope for those suffering from lingering diseases that slowly drain away life and happiness and energy.

Publicly-funded, responsible stem cell research is coming. It is just a question of how many lives are lost first, of how many families will still be suffering before we here in Congress are able to secure the votes to pry open the politically inspired restraints that this administration has imposed on expediting the cures and the treatments long awaited by so many who are afflicted and those who care for them.

Affirm life today by affirming lifesaving science. Vote hope over obstruction.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentlewoman from California, a member of the committee, Mrs. CAPPS.

Mrs. CAPPS. I thank my colleague.

Mr. Speaker, I rise in strong support of the Stem Cell Research Enhancement Act. I have been so proud to be a part of the bipartisan effort to advance federally funded stem cell research and commend the tireless work of the bill's cosponsors DIANA DEGETTE and MIKE CASTLE.

It is evident that we will pass this bill today, but we know that hurdles remain before the measure is signed into law. Along the way, opponents of this legislation have been spreading mistruths about what embryonic stem cell research entails and what its promises are. How many times have we heard here on the floor today the claim that this research involves the creation of life in order to destroy it? So I reiterate again, the bill explicitly states that only embryos created for in vitro fertilization that would otherwise be discarded and are being discarded every day can be used for this type of research and only with the explicit consent, permission given explicitly by the donors; and also that no Federal dollars are used in the extraction process.

It is important above all that we enact this Federal legislation even for a State like mine, California, which does have stem cell research, because we need in this Nation the highest ethical standards which is what the Federal legislation can do.

By allowing research to make use of embryonic stem cells slated to be thrown out, we are in fact giving purpose to this. And of course through this research lives will be saved for millions now suffering from debilitating illnesses.

Today, we have also been hearing the argument that adult or amniotic stem cell research alone will be enough, but this is not the case. The world's leading scientists concur that all stem cell research should be conducted together in order to maximize the benefits.

Our President himself has stated his desire to put the United States at the forefront of science and innovation. Getting him to sign this bill is one way to make that happen. A vote against H.R. 3 would be setting us back even further and would let other countries get much further ahead of us in the effort to cure the world's most chronic and devastating diseases.

So I urge my colleagues to vote enthusiastically in favor of H.R. 3.

Mr. BURGESS. Mr. Speaker, I yield 2¼ minutes to the gentleman from Georgia, JACK KINGSTON.

Mr. KINGSTON. Mr. Speaker, I want to point out that this is a debate which so many of us feel passionately about on both sides. It is such a shame, though, that it was not allowed to go to committee. I hear over and over again how important this bill is and actually to both sides, proponents and opponents, yet no committee, no hearing, no amendments. It is a pity. I certainly hope that the Democrats do go back to their party's promise of last week and start opening things up.

Now, having said that, I wanted to make two points, and then I am going to extend my remarks. But there is no Federal law against embryonic stem cell research right now. Many people seem to think that this will allow something to happen that it doesn't. The debate is more about what types of lines.

Now, as you know, the President has approved research on 78 lines. Twenty-two of them are being used currently in Federal funding, and I have the list of where those 22 are, their locations, which I will submit to the RECORD.

TABLE 1. NATIONAL INSTITUTES OF HEALTH FUNDING

[$ in millions]

Stem cell research	FY03	FY04	FY05	FY06	FY07
Human Embryonic	20	24	40	38	39
Non-Human Embryonic	113	89	97	97	96
Human Non-Embryonic	191	203	199	200	200
Non-Human Non-Embryonic	192	236	273	274	273
Total, Stem Cell Research	517	553	609	609	608

Source: NIH Budget Office, March 10, 2006.

Table 2. NIH LIST OF HUMAN EMBRYONIC STEM CELL LINES ELIGIBLE FOR USE IN FEDERAL RESEARCH

Name [a]	Number of stem cell lines	
	Eligible	Available
BresaGen, Inc., Athens, GA	4	3
Cell & Gene Therapy Institute (Pochon CHA University), Seoul, Korea	2	
Cellartis AB, Goteborg, Sweden	3	2
CyThera, Inc., San Diego, CA	9	0
ES Cell International, Melbourne, Australia	6	6
Geron Corporation, Menlo Park, CA	7	
Goteborg University, Goteborg, Sweden	16	
Karolinska Institute, Stockholm, Sweden	6	0
Maria Biotech Co. Ltd.—Maria Infertility Hospital Medical Institute, Seoul, Korea	3	
MizMedi Hospital—Seoul National University, Seoul, Korea	1	1
National Center for Biological Sciences/Tata Institute of Fundamental Research, Bangalore, India	3	
Reliance Life Sciences, Mumbai, India	7	
Technion University, Haifa, Israel	4	3
University of California, San Francisco, CA	2	2
Wisconsin Alumni Research Foundation, Madison, WI	5	5
Total	78	22

Source: [http://stemcells.nih.gov/research/registry/eligibilityCriteria.asp].

[a] Six table entries do not have stem cell lines available for shipment to U.S. researchers because of a variety of scientific, regulatory and legal reasons. The zeros entered in the "Available" column indicate that "the cells failed to expand into undifferentiated cell cultures."

Mr. Speaker, I also want to say that $200 million is being spent by private foundations and institutions on stem cell research, in addition to $39 million over at the National Institutes of Health; in addition to that $39 million, on nonhuman embryonic stem cell research, $96 million; on human nonembryonic stem cell research, $200 million; on nonhuman nonembryonic stem cell research, $273 million. This is very important.

The other thing that we keep hearing over again is that these are leftover embryos. In fact, of the 400,000 embryos which keep getting referred to, the RAND Corporation, which is nonpartisan, says only 11,000 have been designated for research, and of those they will probably yield 275 stem cell lines.

And why is that important? It is important because eventually you run out and then you start deciding to produce something. And I want to point out, England has already crossed this path. They have already voted on an H.R. 3, and today they are debating the hybrid stem cell creation of an animal-human embryonic stem cell. That is a debate going on in England today. So don't think that this bill will stay within the boundaries of the bill if it is passed.

My colleagues today will try to tell you that all of those against this bill are against science. That is just not the case. You can be pro-life and pro-science; the two are not mutually exclusive. To say we are anti-science is just a complete falsehood.

Stem cells are cells with the unique ability to divide and grow colonies of the specialized cells that make up the tissues and organs of the body.

Adult stem cells: unspecialized cells that can reproduce and mature into the specialized cells of the surrounding tissue. For example: Stem cells found in the heart can divide into more heart tissue cells.

Embryonic stem cells: unspecialized cells found in the early stages of an embryo that can reproduce and mature into the specialized cells of any organ or tissue in the body. For example: Stem cells found in the early stages of an embryo can divide into and create more cells of heart tissue, liver tissue, or any other tissue in the body.

Stem cells have been found in many tissues in the developed human body (adult stem cells), and are found in the largest quantities in the early stages of embryonic development in: the umbilical cord (cord cells), embryos (embryonic stem cells), and just this week, it was announced that stem cells have been discovered in the amniotic fluid (amniotic stem cells) that surrounds an unborn child in the womb.

A "stem cell line" is created by removing a cluster of cells from an embryo in its early stages of development. The embryo is destroyed and the cells are grown in a culture that under the right conditions will yield colonies of stem cells. Once the initial stem cells are isolated they can be manipulated to reproduce over and over again.

While the Democrats will try to make this a vote for or against embryonic stem cell research that is just a falsehood. There is no federal law against embryonic stem cell research. On August 9, 2001, President Bush announced that his administration would allow federal funding for research using the 78 approved lines. Of the 78 original derivations held to meet the August 9, 2001 criteria, there are now twenty-one embryonic stem cell lines available and in use.

This has been the number available for about a year now, up from 17 in 2004 and just 1 in 2002. The 78 eligible lines break down as follows:

Twenty-one available and used.

One in development (which could yet become available, that remains unclear).

One temporarily on hold due to irregularities in its use (this is a South Korean line, NIH investigation continues).

Thirty-one owned by foreign institutions that have not made them available.

Sixteen of these are frozen in an undeveloped state for use when culturing methods are perfected. These are owned by a Swedish institution, they could very well become available when that institution decides techniques for developing them are sufficiently developed (i.e. high efficiency, no animal cells etc.) but we have no control over that and cannot know how many of them will prove viable when they are thawed.

The remaining 15 have never been made available and NIH suspects (reasonably) they are not viable.

Seventeen have proven unviable and cannot be made usable.

Seven are duplicates of some of the 22 available lines, and are being held in reserve to avoid over-development of those lines. These are not being distributed and not counted among the available lines (a common and logical practice in cell biology.)

Since each line can be replicated almost without limit, these 21 lines have made for more than 700 shipments to individual researchers since 2001.

NIH has the capacity to make more than 3,000 more shipments available upon request. There has been no shortage of lines.

Funding for use of the lines has been growing each year.

In FY 05, NIH spent $39 million on human embryonic stem cell work, an increase of 61 percent over FY 04. In total, more than $130 million have been spent.

Now, to me, it seems the Democrat party, who chose to vote against the Alternative Pluripotent Stem Cell Enhancement Act by a vote of 273–154 under suspension, would be the party against science. This bill, which was supported by the President and was voted for unanimously by the Senate, would have directed HHS to research and develop techniques for "the isolation, derivation, production, or testing of stem cells that are capable of producing all or almost all of the cell types of the developing body, but are NOT derived from a human embryo". And on H.R., once again, the Democrats are NOT allowing for an open and transparent process which would allow amendments in the form of the substitute of some of this language.

While any potential treatments from embryonic stem cells are decades away at best (in fact, there have been no therapeutic applications or even human trials at this point) patients being treated today with adult stem cell treatments have been found to benefit 72 different ailments, ranging from cancers, auto-immune diseases to wounds and injuries. (Note that though none of these are cures, peer journals show adult stem cells benefit Leukemia and Parkinson's patients, who have gone into remission, and those who have MS can walk more, etc.) Embryonic stem cells have the capacity to grow and reproduce rapidly, but that same tendency causes them to form tumors.

When cells derived from embryonic stem cells are transplanted into adult animals, their most common fate is to die. This is in striking contrast to the survival of adult cells when transplanted in adult tissue. This failure of embryonic stem-cell derived tissue to survive when transplanted seems to show that science hasn't determined how to generate normal adult tissue from embryonic stem cells.

Embryonic stem cell science relies on the assumption that embryonic stem cells can grow into any type of cell just because they can within the embryo. But in reality, scientists have found that it is hard to control the direction of the cells, and they often grow faster than surrounding tissue, forming tumors.

Proponents of embryo-destructive research claim that there are 400,000 leftover embryos that could be used for research.

It's deeply troubling to describe any human being as "leftover". This is not a matter of religious belief but of biology. A human embryo is a human being, and each of us was once an embryo.

However, according to the non-partisan RAND corporation, the "vast majority of frozen embryos are held for family building" and "only 11,000 have been designated for research, and those 11,000 embryos will likely yield just 275 stem cell lines". This same study found that of the roughly 400,000 human embryos currently frozen in storage; only 2.8 percent have been designated for research.

In Vitro Fertilization clinics are most commonly used by Caucasian Americans—not the diverse population that the scientists claim to need for research purposes.

As of 2006, 110 children have been born through the Nightlight Christian Adoption agency's Snowflake Baby program.

The NIH spent 38 million federal taxpayer dollars for human embryonic stem cell research in 2005 and through 2006, they spent $122 million on human embryonic stem cell research. The Bush policy does not limit the level of NIH funding and NIH determines how many grant proposals to give. Additionally, the Journal of the American Medical Association published an article in September 2005 that found when public funding for research lapses, private funders almost always step in to take up the slack.

The President will stand firm in his stance that it is possible to advance scientific research "without violating ethical principles by enacting appropriate policy safeguards and pursuing appropriate scientific techniques" (statement of Admin. policy).

Proponents of this research will not be satisfied with the 275 stem cell lines they may be able to get from frozen embryos. They will move to the next step, human cloning, and begin to create custom ordered embryos on which to experiment. In fact, DIANA DEGETTE herself has said "therapeutic cloning is the way to take stem cell research and all of its promise from the lab to the patient" (July 31, 2001 floor debate).

Harvard scientists already want to grow disease specific lines of stem cells, which of course you would need cloning to do. According to their website, "To be maximally useful, stem cell science requires using a process in which the nucleus of an egg, which contains its genetic material, is removed and replaced by the genetic material from an adult cell. This egg, with its new nucleus, then grows into a cluster of cells from which investigators can derive stem cells matching the genetic identity of the patient who donated the implanted cells, and which are therefore unlikely to be rejected by the patient's immune system. This technique is called somatic cell nuclear transfer, or therapeutic cloning".

Proponents claim that adult stem cells are no match for embryonic stem cells. I guarantee you that those who vote in favor of this bill today will then say embryonic stem cells are no substitute for cloned cells. It will never be enough.

Democrats will also argue that our current quote restrictions are causing us to fall behind other countries in research in this arena. This is just not the case. Of the number of scientific publications on the matter, 40 percent of those on embryonic stem cells are by researchers in the U.S. and the others are divided by 20 countries.

A paper in the April issue of Nature Biotechnology showed that 85 percent of all human embryonic stem cell publications in the world have used the approved lines, with the great bulk of them appearing between 02 and 05. This is a much higher number than expected.

The same study also showed that American researchers easily lead the world in human ES cell publications, and the number of American publications has been growing each year of this administration (as has the number of foreign publications).

The Stem Cell Therapeutic and Research Act of 2005—which is now public law—made genetically matched cord blood stem cells available to patients who need them.

Cord blood is the blood leftover from the placenta after the birth of a child and has been used for years. In fact, it has been used to treat more than 70 diseases including sickle cell disease, cancer, and genetic disorders. These cells have the ability to change into many different types of cells in the body.

The Act is beginning to be implemented into the National Cord Blood Inventory. HHS has begun developing contracts which are then authorized by the Stem Cell bill to collect and store 150,000 new units of cord blood. Cord blood stem cell research and treatment is a good way to promote cures while still maintaining ethics.

One example of a patient who has benefited: Nathan Salley, who had leukemia at age 11, did not respond to intense chemotherapy sessions. When this treatment didn't work, doctors performed a cord blood transplant which involved killing off Nathan's bone marrow cells, then regrowing new (healthy) ones by injecting healthy umbilical cord blood stem cells. Nine years after his initial diagnosis, Nathan is preparing for his final year of college.

PrimeCell Therapeutics has created the first non-embryonic, adult-derived stem cell showing the ability to transform into any cell type found in the body (pluripotency). They have taken stem cells from one part of the body and turned them into cells from another part of the body, including into beating heart cells as well as brain, bone and cartilage cells.

They are derived from the germ line, which is the most protected and genetically pure cell line in the body, since they normally would develop into eggs and sperm. This is the one line that remains unaffected by the aging process.

They are autologus, meaning they come from you and are transplanted back into you for treatment. Therefore, there is a reduced chance of infection following transplantation and there is no risk of rejection—meaning there will no longer be the worries involving immunosuppressant drugs.

Other successful treatments: Scientists have grown human heart valves using stem cells from amniotic fluid. The new valves are created in the lab while the pregnancy progresses and are then implanted in a baby with heart defects after it is born (AP/Wash Post).

On January 8, 2007, scientists from Wake Forest University reported that these amniotic cells, which are easily retrieved during routine prenatal testing and can be isolated as early as 10 weeks after conception, were "easier to maintain in laboratory dishes than embryonic stem cells" (Wash. Post). They also grow "as fast as embryonic stem cells, show great pluripotentiality, and remain stable for years without forming tumors" (Dr. Anthony Atala, Wash. Post). If the goal of using embryonic stem cells (versus adult stem cells) is pluripotency, we may have an even better and more flexible solution with these amniotic cells without the complications of tumor formation.

Researchers at Northwestern have found that adult stem cells derived from bone marrow gives rise to blood cells, which can then be transformed into a wide variety of tissue types. In fact, they have found like a certain type of bone marrow cell has been transformed into white blood cells that are responsible for fighting infections (medicalnewstoday).

Bone marrow cells have also been shown to be stretched into patterns that could potentially transform them into smooth muscle cells similar to blood vessel tissue (DC-Berkeley experiment, medical news today).

In conclusion, science has shown us that there are several alternative ways to explore stem cell research without destroying an embryo. We need to direct the NIH to fund and research these alternatives and make them a priority. Science is flexible, and researchers need the incentive to pursue the already proven research of adult stem cells—not the questionable and unproven helpfulness of embryonic stem cells.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Colorado (Ms. DEGETTE).

Mr. MCHENRY. Mr. Speaker, would the gentlewoman yield for a question?

Ms. DEGETTE. No. The gentleman can use his own time.

Mr. MCHENRY. I just have a question about——

The SPEAKER pro tempore. The gentlewoman has declined to yield.

Mr. MCHENRY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Well, does the gentlewoman yield for the purpose of a parliamentary inquiry?

Ms. DEGETTE. No. He can use his own time.

The SPEAKER pro tempore. The gentlewoman does not yield.

Mr. MCHENRY. Mr. Speaker, a parliamentary inquiry does not count against anyone's time.

The SPEAKER pro tempore. A parliamentary inquiry may be propounded only if the Member holding the floor yields for that purpose and would, in that event, count against her time.

The gentlewoman from Colorado has been recognized, and she may proceed.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Speaker, special thanks to the leaders on this debate, the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Delaware (Mr. CASTLE). They have been great leaders in a strong bipartisan effort that has brought us here to this floor again.

I stand here today for my constituents in Missouri in strong support of H.R. 3 and its strong ethical standards. Stem cell research holds real promise of cures for many, many diseases we have heard about today.

Expanding the President's artificially restrictive policy will support the hopes of millions of Americans who struggle every day to survive under the burden of a life-altering diagnosis or a life-ending disease. Science, not politics, should determine the future of this vital research.

Last Congress, this House passed this legislation with extraordinary bipartisan effort. It is my sincere hope that we will not have to wait much longer before this bill becomes law. Every day we wait is another day that people suffer needlessly. We stand here with the tools in our hands to ease the pain of so many across this country.

Decades ago, Martin Luther King called Americans to act with fierce urgency of now. Today, it is time to act with fierce urgency on life-saving cures. Let's pass H.R. 3 and the Stem Cell Research Enhancement Act again, and we all urge the President to reconsider his veto.

PARLIAMENTARY INQUIRY

Mr. MCHENRY. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. MCHENRY. Mr. Speaker, inquiry of the contents of this legislation. Would it be appropriate to offer an amendment at this time exempting American Samoa just as it was from the minimum wage bill?

The SPEAKER pro tempore. The gentleman will suspend. Under the rule that was adopted, no amendment is in order at this time.

Mr. MCHENRY. So the gentleman——

The SPEAKER pro tempore. The gentleman has asked the parliamentary inquiry, and he has received the answer.

Mr. MCHENRY. Further parliamentary inquiry. Further parliamentary inquiry.

The SPEAKER pro tempore. Yes. The gentleman may state the inquiry.

Mr. MCHENRY. So the Chair is saying that I may not offer an amendment exempting American Samoa from this legislation.

The SPEAKER pro tempore. The gentleman is making a speech and will suspend.

Mr. MCHENRY. If the Chair will let me finish my question.

The SPEAKER pro tempore. The gentleman will suspend. The Chair has answered the gentleman's question, not by the Chair's own decision but by the rule. The rule does not provide for amendments. That is the answer to the gentleman's question.

Mr. BARTON of Texas. Point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. BARTON of Texas. Mr. Speaker, is the rule that we are operating under coming out of the Rules Committee?

The SPEAKER pro tempore. The gentleman from Texas has not stated a point of order, but rather a parliamentary inquiry. The House has adopted procedures which do not allow amendments. Therefore, Members will now proceed, and the Chair will recognize anyone who wishes to yield time.

Mr. BARTON of Texas. Another point of order.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. BARTON. How many times——

The SPEAKER pro tempore. No. "How many times" could not conceivably be a point of order. It could be a parliamentary inquiry, but it could not conceivably be a point of order.

Mr. MCHENRY. Mr. Speaker, I have one additional parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state it.

Mr. MCHENRY. Is American Samoa exempted from this bill before us on the House floor?

The SPEAKER pro tempore. The Chair will respond to the gentleman: that is not a parliamentary inquiry; that is an inquiry about the substance of a bill. Questions about substance of legislation are not parliamentary inquiries. Parliamentary inquiries pertain to the procedures.

Mr. MCHENRY. Additional inquiry.

The SPEAKER pro tempore. No. The Chair will not recognize the gentleman.

Mr. MCHENRY. So the gentleman will not recognize me for an additional parliamentary inquiry?

The SPEAKER pro tempore. No. The Chair will say that having heard several parliamentary inquiries which were not parliamentary inquiries——

Mr. MCHENRY. Well, the Chair will not answer my question.

The SPEAKER pro tempore. The gentleman will not interrupt. The gentleman asked several, he said, parliamentary inquiries; the Chair answered them. The gentleman has tried to respond by making speeches which are not in order at this point. If the gentleman wishes to get time from the manager of the time to make his remarks——

Mr. MCHENRY. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the nature of the parliamentary inquiry.

Mr. MCHENRY. Is there a way by which I can derive whether or not American Samoa, like the minimum wage bill, is exempted from this legislation?

The SPEAKER pro tempore. While the Chair is presiding, the gentleman will not make speeches in the guise of a parliamentary inquiry. He has asked a legitimate one, can he find out, how does he find out that information?

The answer is as follows: he asks the gentleman on his side who controls debate time to yield him time. He may then with that time under the rule make the question.

The other way I could say the gentleman could find out would be by reading the bill. Read the bill and it will tell you. But the gentleman may get debate time and then may propound any question to the other side that he wishes.

Mr. MCHENRY. Thank you, Mr. Speaker.

Mr. BARTON of Texas. Point of order. My point of order is, the distinguished Speaker when he was in the minority numerous times made points of order that were——

The SPEAKER pro tempore. The gentleman will suspend. Comments on the past behavior of the Speaker might be interesting, but they are not points of order.

Mr. BARTON of Texas. Point of order. Then the distinguished Speaker was out of order in the past.

The SPEAKER pro tempore. The gentleman from Texas will suspend. And the gentleman from Texas (Mr. BURGESS) is recognized to yield time for someone who might actually want to debate the bill. The gentleman is recognized for yielding time.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.R. 3, the Stem Cell Research and Enhancement Act of 2007. We all support advancing science to fight disease, particularly those diseases that may have already affected our loved ones or might affect them sometime in the future.

Like so many other areas within science and technology, discoveries in stem cell research are occurring every day. Just this week, news reports highlighted a significant breakthrough made by researchers from Wake Forest University in the use of amniotic stem cells to treat diseases and other conditions. This discovery, coupled with the advances made in the therapeutic use of cord blood, bone marrow, and other stem cells, demonstrates that effective and ethical research are not mutually exclusive.

In fact, Congress came together last May to support ethical stem cell research. By an overwhelming majority, Congress passed the Stem Cell Therapeutic and Research Act of 2005, which made cord blood units collected by cord blood banks available for stem cell transplantation or peer-reviewed research. Since its passage, cord blood banks from around the country have collected and stored approximately 150,000 new units of cord blood which will allow the pleuripotent stem cells within the cord blood to be used to treat one of a number of diseases and conditions such as heart disease, nerve damage, and certain cancers, as well as to be used for research.

These important advances illustrate that science can and should be advanced in an ethically minded manner. On Tuesday, the distinguished gentleman from Maryland (Mr. BARTLETT) reintroduced H.R. 322, the alternative Pleuripotent Stem Cell Therapeutic Enhancement Act.

□ 1330

I urge my colleagues to support and invest taxpayer dollars in stem cell research that is comprehensive, ethical, and effective. The bill before us today falls short of these goals, and therefore I urge opposition.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield now 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I wish to thank the gentlewoman from Colorado and also Congressman CASTLE for their leadership on this issue.

Today I rise in strong support of H.R. 3.

Stem cell research, as you know, is a promising science that provides hope for millions of our families whose loved ones suffer from Parkinson's disease, cancer, Alzheimer's disease and, even more, diabetes.

And as one who chairs the Hispanic task force on health, I know how very important it is that research be done on diabetes treatment because Latinos have a disproportionate large number in our community that suffer from this illness. Puerto Rican Americans and Mexican Americans are nearly twice as likely to have diabetes. The promising potential of stem cell research for those with diabetes provides a real opportunity to eliminate one of the most blatant health disparities for Latinos and African Americans.

Nearly three out of every four Americans support stem cell research. The American public have clearly stated that stem cell research is important to them and their families and their well-being. Let us make sure that we do the right thing today and we support this very important piece of legislation that went out of this House not too long ago. As a country, we have a moral obligation to support life, especially those who are ill and who need this treatment and cures. With stem cell research we would help to provide assistance to over 100 million Americans suffering from these various diseases. We cannot ignore a valuable research tool that might provide real cures for millions of Americans.

In my congressional district, the City of Hope, a grand research facility, is ready, willing and able to conduct promising cancer research using stem cells. For my constituents and for all Americans, I hope that we can remove this cumbersome limitation on federally funded research.

I urge my colleagues to strongly support H.R. 3.

Mr. CASTLE. Mr. Speaker, at this time I yield myself 1 minute.

Mr. Speaker, I would just like to continue the discussion that the gentlewoman from Colorado had on the IVF process in the clinics. There is a methodology that many people, even perhaps here, have taken advantage of in terms of being able to procreate, and that is going to an in vitro fertilization clinic, and that is done commonly in this country.

Right now, by survey, there are about 400,000 embryos frozen in those clinics around the country. About 2 percent a year are disposed of. That is about 8,000. Why are they disposed of? For a variety of reasons. People may divorce. Perhaps they have children. Who knows what the reasons may be, but they are disposed of. How are they disposed of? How are those 8,000 disposed of? A decision is made by the original creators of that particular embryo and by the physician running the in vitro fertilization clinic that they will be disposed of, and then they are put in as hospital waste; so they are not going to be life. It is only those embryos that would be used in this situation to develop the stem cell lines that we are talking about. It is very important to understand that they are going to be disposed of anyhow as hospital waste or are they going to be used for research.

Mr. BURGESS. Mr. Speaker, it is now my great privilege to yield 4 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, this has been a very difficult issue for me for quite some time and I think for many of my colleagues also. It involves deeply held convictions by conscientious people of good faith, by some of my closest friends, on both sides of this question.

So I would like to begin with some things we can all agree upon. Principles about which there is no real debate today.

First of all, this bill is not about the legality or illegality of embryonic research. Surprisingly, I have had constituents say to me that they weren't asking for Federal funding for embryonic stem cell research, only that it be legal. This represents a misunderstanding of existing law.

So let us be clear at the outset. Embryonic stem cell research is legal today, has always been legal, and few people are suggesting that it be otherwise.

Secondly, there is currently a great deal of embryonic research going on today. Over the past 6 years, under the Bush guidelines, more than $130 million has been devoted to human embryonic stem cell research. Such research is also being conducted by State governments to the tune of $140 million. I happen to believe that this type of research is ethically troubling, but for my colleagues who feel otherwise, let us at least acknowledge that a lot of embryonic research is being done under current law.

Next, I think we can all agree that the Federal Government alone cannot possibly fund all the medical and scientific research we would want. The annual appropriation for the NIH is $28 billion. But even if that figure were to be doubled or even tripled this year, we couldn't afford all the potential research that is out there.

It is our job as Federal legislators to pick and choose. We have to allocate scarce resources, and we can't do it all.

Which brings us to the real philosophical difference in the debate today. For me and many of my fellow Americans, the destruction of a human embryo involves profound ethical and moral questions. This is a matter of conscience for millions of taxpayers who are deeply troubled by the idea of their tax dollars being used to destroy another human life.

We have been told by proponents of this bill that all they want to do is use embryos from fertility clinics which would otherwise be thrown away. I do not believe it will end there. After a period of time with no progress, we will be asked to approve and fund therapeutic human cloning, the creation of a human life for the express purpose of destroying that embryo for research purposes. This is the very real slippery slope upon which we are perched. Indeed, many proponents of this bill have voted against legislation to prohibit human cloning.

So, Mr. Speaker, given the admitted ethical problems involved in destroying human embryos, given the lack of any results so far from embryonic research and the proven cures and accomplishments from adult stem cells, given the great potential of germ cells, cord blood cells and amniotic stem cell research without the ethical drawbacks, and given the limited Federal resources and the fact that we can't fund everything, shouldn't we concentrate Federal dollars on research that does not involve the destruction of human embryos?

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Ohio, Mrs. TUBBS JONES.

Mrs. JONES of Ohio. Mr. Speaker, I would like to compliment my colleague DIANA DEGETTE and my colleague Mr. CASTLE for their leadership in this area.

I rise today on behalf of my 86-year-old father, who carried bags for United Airlines for 40 years, who currently is suffering from dementia and Alzheimer's.

I go visit him, and he knows who I am. But this man used to walk and play 18 holes of golf. He used to talk to me about golf. He used to talk to me about being just a great daughter and how proud he was of me. And now I do get, "I love you," but I would have loved to have been able to see him be more of the Andrew Tubbs that I grew up with.

So I rise in support of my father, and I rise to say to the American public and my colleagues, it is time for us to understand the difference between being able to do research ethically and to get caught up and lost in some conversation about what we should or should not be doing.

In my congressional district, the Center for Stem Cell and Regenerative Medicine, composed of investigators from Case Western Reserve University, University Hospitals, Case Medical Center, the Cleveland Clinic, Athersys, and Ohio State University, is doing fantastic research. The mission of the center is to utilize adult human stem cells and tissue engineering technology to treat human disease. It would be wonderful for them to be able to expand the research they are doing.

I met a young woman who is having a problem walking. Based on the research that was done, they took her tissue, did some research, and I don't know all the details, and now she is able to walk. I met a young man who was having problems with cancer. Based on the research they have done at that center, this young man is fostering and doing well.

I just say, ladies and gentlemen, vote for this legislation. We need the research.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I am pleased now to yield 2½ minutes to the gentleman from New York (Mr. ENGEL), a member of the committee.

Mr. ENGEL. Mr. Speaker, I thank the gentlewoman for yielding, and I thank her for her leadership on this very important issue, as well as Mr. CASTLE.

I am proud to stand here today as an original cosponsor of H.R. 3, the Stem Cell Research Enactment Act.

We all remember that dark day last July when President Bush cast the first veto of his Presidency on legislation approved overwhelmingly by the House and Senate, the Stem Cell Research Enhancement Act. To veto a bill that has the support of 72 percent of the American people and will do such good is simply unconscionable and indefensible as far as I am concerned.

Despite what the critics may say, H.R. 3 doesn't end life. It honors life. As anyone who suffers from diabetes, Parkinson's disease, ALS, or a host of other debilitating health conditions knows, scientists believe that embryonic stem cells provide a real opportunity for devising unique treatments for these serious diseases.

Now, let me be absolutely clear. This is not about abortion. This is not about cloning. This is about the use of embryonic stem cells which would be discarded anyway, as the gentlewoman has pointed out. It has been estimated that there are currently 400,000 frozen embryos created during fertility treatments which would be destroyed if they are not donated for research. I would never condone the donation of embryos to science without the informed written consent of donors and strict regulations prohibiting financial compensation for potential donors. Our Nation's scientific research must adhere to the highest ethical standards, and H.R. 3 protects this.

The National Institutes of Health have admitted that U.S. science has fallen behind Europe and Asia in stem cell research because of President Bush's policy. While the number of States have committed significant funding towards embryonic stem cell research, NIH Director Zerhouni has noted that a patchwork collection of different stem cell policies in States could inhibit critical collaborations. We need a national commitment and a national directive on stem cell research.

Over 200 patient groups, universities and scientific societies have urged President Bush to expand the Federal policy on embryonic stem cell research. We must not allow those standing in the way of health and science to compromise the future well-being of our families and loved ones. Simply put, that would not be ethical. We must honor life by passing H.R. 3 today.

Ms. DEGETTE. Mr. Speaker, I am pleased now to yield 2 minutes to the distinguished new Member from Wisconsin, Dr. KAGEN.

Mr. KAGEN. Mr. Speaker, as a physician for 30 years, I know something about human diseases and the personal suffering of my patients and their families. I support stem cell progress, which is what H.R. 3 represents, because it will fulfill the promise of finding a cure to the many life-altering and painful disorders such as Alzheimer's, juvenile diabetes, heart disease and spinal injuries and more.

Saying "no" to stem cell progress is extremely unkind to patients, patients who will benefit from these potential cures yet to come. If one truly cares about life and believes in improving the quality of life of all of our people that we represent, then one should say "yes" to stem cell progress.

To all my colleagues, be not afraid. Be not afraid to take this important step forward. This Congress should be proud to be in favor of progress and should become pro-cure.

Ms. DEGETTE. Mr. Speaker, I am now very pleased to yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

☐ 1345

Ms. SCHWARTZ. Mr. Speaker, I thank the gentlelady from Colorado for her leadership on this work and bringing this forward again and, of course, the gentleman from Delaware (Mr. CASTLE) as well.

Today, the Democratic majority will advance life-saving medical research. We will give American families hope, not lost opportunity. We will give them medical cures, not politics.

Mr. Speaker, we will give grandparents and parents, children and loved ones the promise of stem cell research. President Bush's policies have let the ideology of a few dictate and degrade matters important to safeguarding the public's health.

That will change. No longer will the promise of stem cell research and sound and ethical medical science be stifled.

Instead, we will expand stem cell research. H.R. 3 will mandate and maintain the United States' stance as a world leader in medical research and scientific advancement. It will advance scientific discovery in an ethical and responsible manner. It will enhance the ability of our medical professionals to care for their patients.

It will use Americans' ingenuity and intelligence for the greater good. And most importantly, it will benefit millions of people who are battling disease and injury.

My own home State, and in particular southeastern Pennsylvania, is in the forefront of science and medicine. Our hospitals, medical schools, biotechnology and pharmaceutical institutions are home to the best and brightest scientists who are working every day to provide new medicines and diagnostics. These scientists deserve access to the tools they need to find the cures for 100 million Americans suffering from diseases like cancer and Parkinson's disease, Alzheimer's, diabetes, spinal cord injuries, and other debilitating diseases and disorders.

Support ethical scientific research. Support hope. Vote "yes" on the Expanding Stem Cell Research Act.

Mr. BURGESS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, you know, I do believe that everybody engaged in this debate today does have the best intentions at heart. And the beauty of this House is that important issues like this that face our country can be debated, and passionately debated, right here on the floor of the House for the public to see.

But this is not a debate about passion, and it is not a debate about style. It is, Mr. Speaker, a debate about substance. And the substance of this debate today is life. Clear and simple, it is life. That is why I rise to support ethical stem cell research and to oppose H.R. 3.

We hear from a lot of proponents of stem cell research that they have suggested that embryonic stem cells would provide potential benefits to all mankind, and some of them insinuate that those of us or anybody who opposes their brand of research doesn't care about the suffering of their fellow man, and that is completely untrue.

There are many of us with family and friends who look for breakthroughs for debilitating diseases. But the presumption that only embryonic stem cells have the most potential for success is inaccurate. The growth of these cells can be erratic and uncontrollable. We have had people speak to that today. And we all know that embryonic stem cell research has not given science any successes in treating diseases.

In my opinion, I think we would be giving away a little part of our humanity and our sense of ethics for mere hope that this form of research would some day at some point yield results that would surpass ongoing research.

So let's focus on the efforts that are proven alternatives, adult stem cell, cord blood research that have made great leaps, significant success. This past week, the researchers from Wake Forest and Harvard, using the latest in technology, made reports showing advances in stem cell research that can be achieved faster and safer with amniotic fluids.

I encourage everyone to vote "no" on H.R. 3 and to support our motion to recommit.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in strong support of H.R. 3.

I was listening to the previous speaker, my colleague on the Republican side, and I have to say all we are really saying with this bill is we should have options and that those options should be allowed to proceed.

I believe strongly, regardless of your ethics or your theology, that the way this bill has been crafted by the gentlewoman from Colorado there is no reason why anyone here should not support it, regardless of how they are thinking of this theologically or from an ethical point of view.

Each day we wait to lift the ban that President Bush has placed on advancing embryonic stem cell research is another day that we waste in discovering new cures for the chronic diseases and medical conditions that so many of our friends and families suffer from.

Instead of embracing the potential embryonic stem cell research holds in developing new life-saving and life-enhancing therapies, the President has chosen to cater to the fringe of his party and has continually blocked this important legislation from becoming law.

This misguided policy has significantly impeded scientific progress over the years and needlessly placed American lives at risk. As a result, States like my own, New Jersey, are moving forward with their own initiatives to advance embryonic stem cell research. The State legislature in New Jersey and the Governor recently signed legislation setting up stem cell research institutes in my town, in my district, New Brunswick, and in two other parts of the State.

But the State should not have to go it alone. We need to leverage Federal, State and private dollars in order to unlock the potential of embryonic stem cells in the quickest fashion possible and bring new life-saving therapies to the patients who need them.

An overwhelming majority of Americans support embryonic stem cell research and their representatives in this Congress should do so as well. The time has come to put an end to these absurd restrictions. There shouldn't be restrictions. Today, let's vote for hope for millions of Americans and pass H.R. 3.

Ms. DEGETTE. Mr. Speaker, I am pleased to now yield 2 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I thank the gentlelady from Colorado for yielding me time, although today I rise in opposition to H.R. 3.

Mr. Speaker, no one likes to see another human suffer or struggle. This bill intends to provide hope. I can personally appreciate hope because I have juvenile diabetes. I take at least four shots a day and draw blood at least five times a day. But the bigger struggle is steering myself through the shoals of high and low blood sugar levels, and the very serious long-term and short-term consequences of both of those.

I want a cure for diabetes and for other diseases that are far more devastating, but I don't believe this bill is the way to get there.

I sit on the Science Committee because I believe a key to our better future is scientific research, especially in medicine. Last year I helped introduce and get signed into law the Stem Cell Therapeutic and Research Act that provides for the collecting and researching of human cord blood stem cells.

This week it was reported that a hospital in my district, Hope Children's Hospital, cured a girl suffering from leukemia using cord blood stem cells.

This year we need to pass the Alternative Pleuripotent Stem Cell Therapies Enhancement Act that recognizes that there are many forms of stem cells that offer great promise. Very recently, we were shown great promise that amniotic stem cells are pleuripotent, and this feature gives them the same advantage as sought in embryonic stem cells. But amniotic cells avoid not only the ethical pitfalls of embryonic cells; they also have been shown to be much better because they do not tend to produce tumors as embryonic stem cells do.

This is all in addition to adult stem cells that are being used today in clinical trials and clinical practice to treat 72 diseases.

Yes, I desperately want to be cured of diabetes, and I want to see the suffering end for so many other people; but science continues to demonstrate we don't have to choose between advancing medical techniques and contentious life issues.

So, today, I urge my colleagues to reconsider this bill and defeat it.

Mr. BURGESS. Mr. Speaker, at this point I am pleased to yield 2½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in opposition to H.R. 3, which has been steamrolled to the House floor without any committee consideration, without even the chance to amend a bill that puts theoretical research, and I have heard the words "a promise" and "hope" and "we hope," "potential," over real cures for real patients.

Supporters of H.R. 3 have offered no solutions to two problems that have plagued embryonic stem cells. Even with 25 years of research with embryonic stem cells in mice and almost a decade in humans, researchers still find that the cells tend to form cancerous tumors and can be subject to immune rejection, with not one successful treatment or therapy for human application using embryonic stem cells.

In fact, Ronald McKay, an NIH researcher who is supportive of embryonic stem cell research, says, "To start with, people need a fairy tale. Maybe that is unfair, but they need a story line that is relatively simple to understand." That was in The Washington Post.

In other words, embryonic stem cell research is a false hope in addition to being destructive and unethical. Patients, many think, will be the last to benefit from H.R. 3. But biotech firms and research universities will reap millions of taxpayer dollars for research that may never help a single patient.

However, Wake Forest University and Harvard Medical Center recently released a study that shows that stem cells taken from amniotic fluid are pleuripotent, adding these cells to the growing list of ethical stem cell treatments that are available to researchers.

Embryonic stem cells have not treated a single human patient and have not been proven effective in good animal models. Conversely, ethical and successful adult and cord blood stem cell therapies are lab tested and are treating dozens of human patients today. In fact, there are several FDA protocols using adult stem cells for treating patients.

The score is zero, not one successful treatment for embryonic stem cell research, to 72 and counting, successful treatments for human patients using adult stem cells. H.R. 3 is an empty promise that uses old science when there are real cures for real people with ethical research today.

I urge a "no" vote on H.R. 3 and support the motion to recommit.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to the distinguish gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, every American has a very personal stake in today's discussion because everyone knows people who would benefit from breakthrough research using stem cells. Indeed, with 100 million Americans at risk from a variety of diseases, ranging from Lou Gehrig's disease to Parkinson's, it is almost impossible not to know somebody impacted. The most profound beneficiaries are our family and friends who have not yet shown any symptoms, but may fall victim to one of these devastating diseases.

The stakes in this debate are both high for potential benefit to the physical condition of all human kind, as well as the establishment of appropriate boundaries between public policy and personal theology. The President failed the latter test when he exercised the only veto in his entire career.

In the last election, the American voter made it clear their families deserve an opportunity for embryonic stem cell research to be conducted in a reasonable, controlled manner, to hasten the day of vital life-saving, life-enriching therapy for all.

Mr. BURGESS. Mr. Speaker, at this time I would like to yield 1 minute to the distinguished Member from Texas, Judge Lou Gohmert.

Mr. GOHMERT. Mr. Speaker, I have a couple of pages here on great stem cell research that has been going on: adult stem cells, amniotic fluid stem cells. But my time is so limited. Let us just clarify. This is not about no research on embryonic stem cells. That is ongoing. That is not illegal.

We have funded tremendous amounts of stem cell research. Frankly, some of us don't need lectures on what it is to watch someone you love suffer and die and diminish and want to help them. Most all of us know that.

This is about prying money from taxpayers' hands who believe it is illegal and immoral and unethical to kill living embryos, and some of us have seen our little embryo mature into a beautiful person. This is about taking taxpayer dollars away from them and funding this research.

We are in a free market society. Pharmaceuticals have been demonized. Gee, they are making a profit. They are out to make a profit. If the money were there, they would be doing this.

Ms. DEGETTE. Mr. Speaker, I would inquire as to the time remaining on each side.

The SPEAKER pro tempore. The gentlewoman from Colorado has 13½ minutes, the gentleman from Texas has 6½, and the gentleman from Delaware has 2.

Ms. DEGETTE. Mr. Speaker, I now recognize the gentleman from New Jersey (Mr. PASCRELL) for 1 minute.

□ 1400

Mr. PASCRELL. Mr. Speaker, I rise in support of H.R. 3.

Mr. Speaker, I strongly support all the efforts to encourage responsible research in this area. Indeed, I think it is a moral imperative for the Congress to pursue all prudent policies for the benefit of our people.

I want to commend both the manager and all of the other managers on both sides of the aisle, because they have not shrunk from addressing the moral issues here, which are very, very important to the whole issue.

I am not afraid of those issues. I want you to know, Mr. Speaker, at all. Even as a Christian, I say this: The principle of double effect is in play here. More good will come out of this, the saving of many lives. I think this is critical. If we are afraid to face the moral issues, then we should not have presented this bill in the first place. That is why I want to commend the sponsors.

This is not inherently wrong. It is not intended to be wrong. The good effort and result may not be a direct casual result. Finally, the good result must be proportionate to the bad result.

Prudence and reflection are critical here, and I want to address this, and the debate should be on a moral plane. There is nothing wrong with that, that we debate this issue. But the moral correctness of this thing isn't all on one side, I want everybody to understand that. Thomas Aquinas laid out the principles of double effect. It is absolutely inherent in this particular issue.

I say support H.R. 3, and, again, I commend the moral fortitude of all the sponsors of this legislation.

Ms. DEGETTE. Mr. Speaker, I yield 1 minute to the gentlelady from Texas (Ms. JACKSON-LEE).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The Chair would caution Members to heed the gavel.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank Mr. CASTLE and Ms. DEGETTE for their outstanding leadership.

Might I just simply call the roll: Parkinson's disease, diabetes, Alzheimer's, ALS, cancer, spinal cord injuries, and the many soldiers that are in the hospitals of America, Walter Reed, Bethesda, who have suffered from spinal cord injuries in the battle of Iraq and Afghanistan. We owe them hope. We owe them hope for the hopeless.

As I listened to my friends talk about the existing research, let it be clear that the NIH approved lines lack the genetic diversity that researchers need in order to develop effective treatment for millions of Americans.

We know that there is amniotic fluid, and there is some suggestion that that is a substitute. But George Daley from Harvard says that these newly discovered cells are not a replacement for embryonic stem cells. On the contrary, research for these is entirely complimentary.

As Michael J. Fox has said, I respect and counsel and thank those who prayerfully disagree with me. I respect their moral standing. But ethicists and others believe this is the right way to go. Let us give hope to the hopeless. Support stem cell research.

Mr. Speaker, I rise today in support of H.R. 3, the "Stem Cell Research Enhancement Act of 2007." Once again we find ourselves in a position to pass a bill that will provide our nation's scientists with the valuable opportunity to save lives. It is our duty as representatives of the people to help Americans who are suffering.

In 1998, the very first stem cells were isolated, leading to the immediate realization of the enormous possibilities this discovery presents. Suddenly treatments, even cures, seemed possible for devastating illnesses like Parkinson's disease, diabetes, Alzheimer's, Amyotrophic Lateral Sclerosis (ALS), cancer, and spinal cord injuries.

Despite restrictions on federal funding imposed by President Bush in 2001, the states of California, New Jersey, Connecticut, Illinois, and Maryland have provided funding for this important research. In 2005 and again last year, we learned that in spite of the President's continued opposition to stem cell research, support for it in Congress transcended party lines.

Unfortunately, the embryonic stem cells currently permitted by law for research are not sufficient for scientists needs. According to the National Institute of Health (NIH), of more than 60 stem cell lines that were declared eligible for federal funding in 2001, only about 22 lines are actually available for study by and distribution to researchers. These NIH-approved lines lack the genetic diversity that researchers need in order to develop effective treatments for millions of Americans. Opponents of this bill repeat statistics on the little progress that has been made with embryonic stem cell research, but I must remind them that the restrictions placed on it have greatly hindered its success.

In spite of recent scientific breakthroughs that suggest alternate means of obtaining stem cells, I must caution my colleagues from thinking that embryonic stem cell research is no longer necessary. I applaud Dr. Anthony Atala and his team at Wake Forest University and Harvard University for their very recent outstanding discoveries. However, I must repeat the caution of Harvard researcher George Daley in saying that these newly discovered cells "are not a replacement for embryonic stem cells"—on the contrary, research for these is entirely complementary. In addition, while we know very little about these new methods, much progress has already been made in the research of embryonic, or pluripotent, stem cells, the most adaptable and unique of all the stem cell varieties. They currently provide scientists with the most possibilities for research and for the discovery of life-saving treatments; as such, we must allow these scientist the opportunity to do so.

It is understandable that many Americans may have moral conflicts with this issue, but this bill is ethical in every respect. First, embryonic stem cells are only clusters of cells, and do not have the capability to develop into a fetus or a human being. Also, not a single embryo will be destroyed in order for this research to be implemented, because there is no need to do so. It is estimated that more than 400,000 excess frozen embryos exist in the United States today and that tens of thousands, and perhaps as many as 100,000, are discarded every year.

Further, H.R. 3 ensures that none of the embryos used in stem cell research is intended for implantation in a woman. All of these embryos would otherwise be discarded. Mr. Speaker, denying people in our nation who suffer from debilitating illnesses the possible medical benefits that could result from embryonic research is not only cruel but a waste of these valuable life-sustaining stem cells.

This is indeed a matter of ethics—we cannot morally argue that it is better to deny suffering people hope for a cure. Let us provide all people in this world with possibilities for a better future by supporting stem cell research. Let us create the potential for miracles in the lives of paralyzed individuals, those with cancer, or those in need of organ transplants.

This bill provides a limited—yet significant—change in current policy that would result in making many more lines of stem cells available for research. If we limit the opportunities and resources our researchers have today, we only postpone the inevitable breakthrough. Our vote today may determine whether that breakthrough is made by Americans, or not.

I urge my colleagues to vote in favor of this bill, to vote in favor of scientific innovation, and to vote in favor of a perfect compromise between the needs of science and the boundary of our principles. Finally, the Texas Medical Center is located in Houston, it is a major research site and in desperate need for being giving the hope of Stem Cell Research—I urge support for H.R. 3—Stem Cell Research.

JANUARY 9, 2007.

Hon. SHEILA JACKSON-LEE,
Rayburn HOB,
Washington, DC.

DEAR REPRESENTATIVE: I am writing today to express my strong support for the Stem Cell Research Enhancement Act.

As you may know, I am pro-research, pro-science and support all forms of stem cell research. Every scientist I've spoken to (and a lot more I haven't) believes that embryonic stem cells may hold the key to better treatments and cures—not only for Parkinson's disease but for cancer, diabetes, spinal cord injuries, heart disease, Alzheimer's and countless other illnesses that cut short or diminish millions of lives every year.

My own Foundation has funded this promising research, giving hope to millions of people worldwide. But under current restrictions, our ability to build on early breakthroughs is deeply compromised.

No matter where you are on the issue of stem cell research, one thing is fundamentally clear: disease is a non-partisan issue that requires a bi-partisan solution.

A majority of the House of Representatives, a majority of the United States Senate, and over two-thirds of Americans support expanded funding for stem cell research. We understand that embryonic stem cell research holds the potential to transform microscopic cells already marked for destruction into life-saving treatments.

I have great respect for those who have concluded, after much thought, reflection, and prayer, that they cannot support embryonic stem cell research.

But the debate today is over the use of embryos discarded by in vitro fertilization clinics. Indeed, this is the ultimate rescue operation. These embryos have the potenital to rescue millions or people from terrible diseases and in doing so they will not be created then discarded in vain.

Personally, I can't think of a greater affirmation of the culture of life than to advance the fight against disease by increasing federal funding for biomedical research. Equally crucial is to remove undue restrictions on important paths forward, including embryonic stem cell research.

The Senate and House of Representatives will soon consider the Stem Cell Research Enhancement Act, a vital piece of legislation that could lift current federal funding prohibitions and improve oversight of embryonic stem cell research.

You can make a difference by co-sponsoring and voting yes on the Stem Cell Research Enhancement Act. I urge you with all my heart to support this bill and deliver hope to every person affected by debilitating disease.

America is about optimism, about promise, about always moving forward. The idea of rejecting one of the most promising areas of research is shortsighted. We have no way of knowing where the next breakthrough will emerge.

I very much appreciate your consideration of this matter and look forward to working with you this year to pass this important legislation and allow the science to move forward.

Thank you,

MICHAEL J. FOX.

Mr. BURGESS. Mr. Speaker, I yield 1 minute to a new Member, the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. Mr. Speaker, I thank the gentleman.

Mr. Speaker, the Founders had it right. We are created with certain inalienable rights, and among these are life, liberty and the pursuits of happiness. It is interesting the order the Founders placed the rights they chose to mention. Can you pursue happiness if you first don't have liberty? Can you ever go after your goals and dreams if you first don't have freedom? And do you ever have true freedom if government doesn't protect your most fundamental right, your right to live?

H.R. 3 devalues human life. It ends human life, and it does so with taxpayer dollars. This is the wrong kind of message to send. It is the wrong thing to do.

On this issue, the science is also clear. The morals are clear, and the ethics are clear. We do not have to end life to protect it. Today, as has been pointed out earlier, American doctors are performing all kinds of positive research without taking human life. Embryonic stem cell research is not producing results, even after 25 years and millions of dollars of taxpayer money.

Like other pro-life Members of this body, I support ethical research that protects life, but embryonic stem cell research does not.

Mr. Speaker, the ethical decision is the smart decision. That is why I oppose this bill, and hope others do as well.

Mr. Speaker, the Founders of our great Nation got it right. We are created with certain inalienable rights, and among those rights are life, liberty and the pursuit of happiness. It is in defense of the first of these rights—the right to life—that I rise today to express my opposition to H.R. 3, the Stem Cell Research Enhancement Act of 2007. Like its cousin, H.R. 810, which failed to pass the legislative process during the last Congress, H.R. 3 would provide new Federal auspices and funding to destroy embryos for use in embryonic stem cell research.

Like the other pro-life members of this House, Mr. Speaker, I enthusiastically support the many forms of ethical stem cell research taking place in our country today—research that has already yielded invaluable treatments for over 70 health conditions. Among these are successful treatments for Brain Cancer, Breast Cancer, various forms of Lymphoma and Leukemia, Multiple Sclerosis, Parkinson's Disease, spinal cord injury, Sickle Cell Anemia and Krabbe Disease.

Research has demonstrated that various forms of adult stem cell materials, umbilical cord blood and, as described in a Washington Times article from January 8th, amniotic fluid are an excellent source of pluripotent stem cells. Such ethical sources have yielded all of these effective treatments and offer hope for Americans suffering the ravages of disease. In many cases, these materials are taken from the patients themselves and so offer a better therapeutic match than materials taken from the embryos of other humans. Furthermore, expansion of the resources designed to gather and store these materials will increase the number and frequency of successful treatments.

Despite these significant facts, many in this House are pressing for Federal funding for embryonic stem cell research, which necessitates destroying human embryos and, thus, human lives. The pre-born are precious human beings from the moment of conception. They deserve our protection and love and no benefit—perceived or otherwise—should persuade us to allow their destruction. All of this added to the fact that embryonic stem cell research has never yielded a successful treatment for any disease, in spite of millions in annual funding (the NIH spent $38 million on human embryonic stem cell research in 2005) and 25 years of animal and human research. In recent years, embryonic stem cell research has also been marred by fraud through the falsified cloning reports of Dr. Hwang Woo Suk.

Some people have argued that pre-existing human embryos now in storage must be used for research because they are destined for destruction anyway. This is not borne out by the fact that the vast majority of human embryos were created for family-building and that families can adopt and have adopted these embryos and had children.

Mr. Speaker, we must not make a morally repugnant choice in the interest of expedience and we must not play God with human lives. We must defend the lives of the pre-born while facilitating ethical forms of stem cell research that have produced concrete results and hold great promise for the future. This is most consistent with a compassionate regard for all life—young and old.

STEM CELL RESEARCH TREATMENTS—ADULT 72 AND EMBRYONIC 0

[Check the Score: Adult Stem Cells vs. Embryonic Stem Cells Benefits in Human Patients (from Peer-Reviewed Studies).]

Adult Stem Cells	Embryonic Stem Cells
Cancers:	
1. Brain Cancer	0
2. Retinoblastoma.	
3. Ovarian Cancer.	
4. Skin Cancer: Merkell Cell Carcinoma.	
5. Testicular Cancer.	
6. Tumors Abdominal Organs Lymphoma.	
7. Non-Hodgkin's Lymphoma.	
8. Hodgkin's Lymphoma.	
9. Acute Lymphoblastic Leukemia.	
10. Acute Myelogenous Leukemia.	
11. Chronic Myelogenous Leukemia.	
12. Juvenile Myelomonocytic Leukemia.	
13. Chronic Myelomonocytic Leukemia.	
14. Cancer Of The Lymph Nodes: Angioimmunoblastic Lymphadenopathy.	
15. Multiple Myeloma.	
16. Myelodysplasia.	
17. Breast Cancer.	
18. Neuroblastoma.	
19. Renal Cell Carcinoma.	
20. Soft Tissue Sarcoma.	
21. Various Solid Tumors.	
22. Ewing's Sarcoma.	
23. Waldenstrom's Macroglobulinemia.	
24. Hemophagocytic Lymphohistiocytosis.	
25. Poems Syndrome.	
26. Myelofibrosis.	
Auto-Immune Diseases:	
27. Systemic Lupus.	
28. Sjogren's Syndrome.	
29. Myasthenia.	
30. Autoimmune Cytopenia.	
31. Scleromyxedema.	
32. Scleroderma.	
33. Crohn's Disease.	
34. Behcet's Disease.	
35. Rheumatoid Arthritis.	
36. Juvenile Arthritis.	
37. Multiple Sclerosis.	
38. Polychondritis.	
39. Systemic Vasculitis.	
40. Alopecia Universalis.	
41. Buerger's Disease.	
Cardiovascular:	
42. Acute Heart Damage.	
43. Chronic Coronary Artery Disease.	
Ocular:	
44. Corneal Regeneration.	
Immunodeficiencies:	
45. Severe Combined Immunodeficiency Syndrome.	
46. X-Linked Lymphoproliferative Syndrome.	
47. X-Linked Hyper Immunoglobulin M Syndrome.	
Neural Degenerative Diseases And Injuries:	
48. Parkinson's Disease.	
49. Spinal Cord Injury.	
50. Stroke Damage.	
Anemias And Other Blood Conditions:	
51. Sickle Cell Anemia.	
52. Sideroblastic Anemia.	
53. Aplastic Anemia.	
54. Red Cell Aplasia.	
55. Amegakaryocytic Thrombocytopenia.	
56. Thalassemia.	
57. Primary Amyloidosis.	
58. Diamond Blackfan Anemia.	
59. Fanconi's Anemia.	
60. Chronic Epstein-Barr Infection.	
Wounds And Injuries:	
61. Limb Gangrene.	
62. Surface Wound Healing.	
63. Jawbone Replacement.	
64. Skull Bone Repair.	
Other Metabolic Disorders:	
65. Hurler's Syndrome.	
66. Osteogenesis Imperfecta.	
67. Krabbe Leukodystrophy.	
68. Osteopetrosis.	
69. Cerebral X-Linked Adrenoleukodystrophy.	

STEM CELL RESEARCH TREATMENTS—ADULT 72 AND EMBRYONIC 0—Continued

[Check the Score: Adult Stem Cells vs. Embryonic Stem Cells Benefits in Human Patients (from Peer-Reviewed Studies).]

Adult Stem Cells	Embryonic Stem Cells
Liver Disease:	
70. Chronic Liver Failure.	
71. Liver Cirrhosis.	
Bladder Disease:	
72. End-Stage Bladder Disease.	

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend first of all Representative DEGETTE and Representative CASTLE for their strong and persistent leadership on this issue, and I rise in strong support of it.

I have five important research institutions in my Congressional district, and it is their position, it is my position, it is the position of a majority of my constituents, that we don't know all of the possibilities or potentialities of stem cell research, but we sure know that we have a responsibility to try and find out. Therefore, on their behalf, I express strong support for passage of this important legislation and look forward to unleashing the potential that it has.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I want to commend my colleague from Colorado (Ms. DEGETTE) as well as Mr. CASTLE, for the bipartisanship that they have shown in bringing forward this important piece of legislation. I do rise in support, because my State is home to one the premier research institutions in the entire world for stem cell research, the University of Wisconsin at Madison. But the point is this: This research is going to go forward. The question is where and under what ethical guidelines it does so.

If we want to remain the most creative and innovative country in the world, at the forefront of medical and scientific discovery, we need to allow this research to occur here and not abroad. We are currently experiencing a serious brain drain in the medical research community of some of our best and brightest going overseas so they can conduct this research in this promising field of study.

I would rather see us, through our watchful guidance and oversight, see this being done here under very strict ethical guidelines, which are laid out in this legislation, as given to us by the National Institutes of Health, guidelines that prohibit human cloning, that prohibit the creation of embryos for the sole purpose of medical research.

This should be here, and I hope today we receive bipartisan support in passing this important legislation.

Mr. Speaker, I rise today in strong support of H.R. 3, the Stem Cell Research Enhancement Act of 2007. This bill would expand the current Federal policy on embryonic stem cell research by allowing federally funded research on stem cell lines derived after August 9, 2001, while implementing strong ethical guidelines to ensure Federal oversight of the research. I am pleased the 110th Congress has taken immediate steps to address this important issue, and it is my hope that members will once again unite in support of this bill.

Most of the scientific community believes for the full potential of embryonic stem cell research to be reached, the number of cell lines readily available to scientists must increase. A number of NIH Directors have testified before the Senate Appropriations Committee that the current policy is restrictive and hinders scientific progress.

We are already at risk of losing our scientific and technological edge because of increasing competition around the world. As a nation of opportunity and innovation, we have a responsibility to embrace policies that create breakthroughs in both medicine and technology for the benefit of our citizens.

Important advances in the science of embryonic stem cell research have been made since the August 2001 policy was set. Recently, researchers at the University of Wisconsin in Madison developed a method to grow human embryonic stem cells without using mouse feeder cells. This is exciting news since mouse feeder cells are thought to be a source of contamination if the cells are ever to be used therapeutically in humans.

From its earliest days, Wisconsin has been at the forefront of embryonic stem cell research. The University of Wisconsin—Madison is one of the leading facilities for stem cell research, and I believe with continued study, the possible medical benefits of stem cell research are limitless; lives affected by diseases, damaged tissue, and faulty organs would be greatly improved. Additionally, this legislation would ensure the important work of our scientists is not unnecessarily sidetracked by politics.

The significance of this legislation extends beyond the potential for advances in science and technology. More importantly, embryonic stem cell research could lead to new treatments and cures for the over 100 million Americans afflicted with life-threatening and debilitating diseases. Scientists believe these cells could be used to treat many diseases, including Alzheimer's, Parkinson's, diabetes, and spinal cord injuries. However, the promise of this research may not be reached if the Federal policy is not expanded.

Mr. Speaker, it has become increasingly clear that the American public supports expanding the Federal stem cell policy. Thus, I strongly urge my colleagues to respond to the interests and needs of our Nation's citizens. Please join me in supporting this important legislation that will reinvigorate embryonic stem cell research in this country and allow science to move forward unimpeded, revolutionize the practice of medicine, and offer hope to the millions of Americans suffering from debilitating diseases.

Mr. BURGESS. Mr. Speaker, I yield 1 minute to a distinguished Member from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, my heart goes out to all those struggling with crippling diseases and disabilities, but I do not believe that destroying a human life or the potential for human life is the answer.

Over the weekend, a study done by Wake Forest and Harvard Universities was released, and it suggests that researchers may be able to use amniotic fluid, further proof that embryonic stem cell research is not the only alternative. In fact, research has shown that stem cells derived from adults and umbilical cords are already used in over 70 successful therapies today and hold the most promise for the future. We do not have to choose between the need to encourage the advancement of science with the need to protect life.

I voted against this bill in the 109th Congress, and as long as I am a United States Congressman, my constituents can count on me to protect human life. That is why I urge my colleagues to join me in voting against H.R. 3.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished Democratic Caucus Chair, the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I rise in strong support of this legislation. The vote we cast today is a vote that can and will have a direct impact on the life and health of those suffering from the most debilitating and painful diseases.

This is not a Democratic issue. This is not a Republican issue. This is an issue that all Americans overwhelmingly support. We owe it to them to stand up and support this research that is groundbreaking in the area of health.

As I listen to the debate, I hear the moral objections of those who oppose, and I acknowledge them. And at the same time, for those who support this, I hear their moral, which I view, come from this from both a public health position as well as a moral position about the responsibility where you can find cures, to lead that way. And I don't see a way of resolving the divide of two moral positions held firmly in conviction.

Sometimes I think of this, half in jest, that the only way to get around this issue is that those who have moral objections to this, that when we find the cures going forward on stem cells, you waive your right to the cure to Parkinson's disease, Alzheimer's, diabetes. I say that not seriously.

But the only way to get past this is in some way allow the research to go, and those that don't agree with it, whatever cures emanate from it, they would waive their right to it. And I don't say that in any seriousness, but I do not see how you resolve those two morally held beliefs on conviction.

I would hope those who object and do it in good conscience understand why those of us who support this, which is why 10 States around the country have approved it, let alone other countries, all the possibility that emerges here to be unlocked to deal with major diseases that not only affect the individual but those families; the potential on Parkinson's, Alzheimer's, ALS, diabetes, and all the other type of money that goes to deal with those at one level, here we can come up finally with a cure. And we know one of the things that is affecting our research is the fact that we do not deal with cures, but only with managing the ailments.

I am pleased that we have this opportunity to vote on this today.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I rise to voice my opposition to the expansion of. Federal funding of embryonic stem cell research that is represented by this bill, H.R. 3.

This bill unnecessarily opens the door to research that sacrifices one life for the potential health of another. I will never believe that this is a fair and equitable trade, especially when there are other avenues of research that are available.

On its own, stem cell research is a worthy pursuit to help solve many of today's medical mysteries, but a line must be drawn when this research destroys human life, as in the case of embryonic stem cell research.

There are ethical stem cell alternatives which no one objects to, and they are flourishing. In fact, as of today, and it has already been noted here on the floor, stem cells from noncontroversial sources, like umbilical cord, have been used to treat humans suffering from more than 70 different afflictions.

In debating this issue, we need to be clear on the facts, and I would urge my colleagues to oppose this bill and respect the sanctity of human life.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, it is never, never, justifiable to deliberately end the life, especially when there are alternative sources of stem cells that do no harm.

Proponents of embryonic stem cells state the greatest advantage is the pluripotency of these cells, cells with the amazing ability to grow into any type of cell in the human body. It is this unique adaptability that they claim makes embryonic stem cells more promising, more promising, than adult stem cell treatment of human diseases.

But my colleagues, the truth, however, is that embryonic stem cells have not, have not, produced a single viable human treatment for any disease, whereas adult stem cells have produced numerous therapies that have been successfully administered. Treatments derived from adult stem cells have been successfully treating patients for years, with measurable improvement in their conditions, and that is the real story.

Mr. Speaker, whether you believe that life begins at conception or not, the mere potential for human life needs to be protected—not destroyed. It is never justifiable to deliberately end a life especially when there are alternative sources of stem cells that do no harm.

Proponents of embryonic stem cells state the greatest advantage is the "pluripotency" of these cells, cells with the amazing ability to grow into any type of cell in the human body. It is this unique adaptability that they claim makes embryonic stem cells more promising than adult stem cells for treatment of human diseases. The truth however, is that embryonic stem cells have not produced a single viable human treatment for any disease—whereas adult stem cells have produced numerous therapies that have been successfully administered.

Treatments derived from adult stem cells have been successfully treating patients for years with measurable improvement in their conditions. Over 600 Americans were treated last year with umbilical cord blood transplants. After transplant these cord blood cells move deeply into the patients' bones and produce new blood and immune cells for the remainder of their lives. These cord cells literally give patients a new lease on life.

For example, researchers at the Burnham Institute and the Rebecca and John Moores Cancer Centers in San Diego found that pancreatic cells could be altered into insulin producing stem cells, foreshadowing a possible cure for both type 1 and 2 diabetes.

Recently, researchers at Wake Forest University and Harvard University reported that stem cells drawn from amniotic fluid donated by pregnant women hold the same promise as embryonic stem cells without causing harm to the mother or the fetus.

These stem cells are able to differentiate into fully grown cells representing the three major kinds of tissue found in the human body. Researchers also discovered that amniotic stem cells do not form tumors, a problem that commonly plagues embryonic stem cells.

The findings contained in this study point to a promising avenue of research that sidesteps the hurdles facing embryonic stem cell research. Moral objections to the destruction of embryos occurring when cells are harvested are avoided because no embryos are destroyed.

The Washington Post recently stated, "The new cells are adding credence to an emerging consensus among experts that the popular distinction between embryonic and adult stem cells is artificial."

With more than 4 million U.S. births a year, it would not take long to collect the estimated 100,000 amniotic donations necessary to provide enough cells of sufficient genetic diversity to provide compatible tissue for virtually everyone in the United States.

I also want to remind my colleagues that the current ban on embryonic research does not prevent private funding for embryonic stem cell research. Microsoft Chairman Bill Gates and Newport Beach bond trader Bill Gross are among several private donors who have provided millions of dollars toward embryonic stem cell research.

In fact the Federal Government has spent over $161 million dollars on existing stem cell lines where the embryo had already been destroyed. The bill before us today advocates the further destruction of new life to expand human embryonic stem cell research. This research on NIH-approved embryonic stem cell lines accounts for 85 percent of all embryonic stem cell publications published.

Adult stem cells have provided human treatments, have a lower rate of immune rejection in patients, and show less likelihood of tumor formation. We should aggressively pursue this avenue of research. In seeking new treatments for the ills of humanity, let us also strive to protect the future of humanity, We too must uphold the first tenet of the Hippocratic oath—"First do no harm."

It is unnecesary and morally offensive to force all taxpayers to pay to expand embryonic stem cell research. I urge my colleagues to vote against this legislation.

Mr. BURGESS. Mr. Speaker, I yield myself 15 seconds to just mention it is my sincere regret after hearing the remarks of the Representative from Illinois who just spoke that we were not allowed the alternative of fully vetting this in a committee hearing.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. BARTLETT).

□ 1415

Mr. BARTLETT of Maryland. Mr. Speaker, in a former life, I received a doctorate in human physiology, I taught medical school, and I had a course in advanced embryology. With this background, my heart just bleeds when these diabetic kids come through my office every year, because I know there are options which have not been discussed on this floor; and I have two charts here which point that out.

The assumption is being made by many people that you need to kill embryos to get embryonic stem cells. That just isn't true, and these slides point that out. Let me go quickly to the slide that is really important here.

These are several different ways of getting embryonic-like stem cells, and I want to go to the embryonic biopsy. This was a procedure that I had suggested to the President before he came out with his executive order. The medical community has now run past us with this, Mr. Speaker. What I suggested was you ought to be able to take a cell from an early embryo without harming an embryo, because I knew that God or nature, whoever you think does it, does that every day. When identical twins are produced, half the cells are taken away, and each half produces a perfectly normal baby.

What the medical community is now doing is what is called preimplantation genetic diagnosis. They take a cell from an early embryo and they do a genetic diagnosis on it. If there is no genetic defect, they implant the remaining cells. It may be six or seven cells. Sometimes they get an extra cell. And more than 2,000 times now we have had perfectly normal babies born.

There are hundreds of clinics in this country doing that. The procedure started in England. All that we need is that second cell that they inadvertently get when they do the biopsy for preimplantation genetic diagnosis. Two professionals have now developed stem cell lines, Verlinski and Lanz have developed stem cell lines from single embryonic cells.

Mr. Speaker, we can have embryonic stem cell research without killing embryos. I think that is the real message.

Every professional I know believes there ought to be more potential medical applications from embryonic stem cells and adult stem cells. Many of my colleagues are opposing embryonic stem cell research needlessly because they believe you have to kill embryos to get embryonic stem cells. You don't have to kill embryos. The medical community is doing this every day by the thousands in preimplantation genetic diagnosis with in vitro fertilization.

Mr. CASTLE. Mr. Speaker, I yield the balance of my time, 2 minutes, to the very distinguished gentleman from Texas (Mr. BARTON).

Ms. DEGETTE. Mr. Speaker, I do not know if now would be the time to yield 2 of my last minutes also to Mr. BARTON.

The SPEAKER pro tempore. Yes, that would be appropriate. The gentleman is now recognized for a total of 4 minutes.

Mr. BARTON of Texas. I thank Mr. CASTLE and Ms. DEGETTE. I also want to compliment the Speaker on his management of time. He has done an excellent job. I will say it is better to have him up there so he can't debate us down here. So I appreciate that.

Mr. Speaker, and Members of the House of Representatives, I have been in the Congress for 22 years. Until the last Congress, my pro-life voting record, over 21 years, was 100 percent. One hundred percent. In the last Congress, I did vote for what was then the Castle-DeGette bill. I also voted to override the President's veto. So coming into this Congress, my pro-life voting record is 100 percent, minus two votes. Now, in anybody's book, that has got to be an A-plus.

I am going to support what is now DeGette-Castle because I am pro-life, and I strongly support the pro-life effort in every way. But having said that, when it comes to research and when it comes to stem cell research, I think Members on both sides and of all various persuasions in which your view is the pro-life or pro-choice issues, unless you think we shouldn't do research at all, and there are certainly Americans who do not believe it is proper to do medical research, or unless you don't think we should do medical research at all in embryos or in stem cells, then it is appropriate to have a debate about this bill.

Now, I hope the amniotic research works. I had a baby son, Jack, 16 months ago. My wife, Terry, and I saved his cord blood. It is stored right now in California, and if he ever needs it, it is there.

I hope that the adult stem cell work that is being done is successful. I am disappointed that so far the embryonic stem cell research has not yielded the results that we hope, but it is that one time that works that we are hoping for.

The Chicago Cubs have not been in the World Series, since when, 1916? But every spring they start out that they are going to get to the World Series this year. We don't know which researcher will find the cure to Parkinson's or the cure to Alzheimer's, and it may be through adult stem cell or amniotic stem cell, or it might be through embryonic.

Now, the bill before us would take the approximately 7,000 to 8,000 embryos a year that are disposed of as medical waste and make it possible for the custodian, the parent, the custodian of those embryos to donate them for medical research purposes that is federally funded. Seven to eight thousand.

To me, as a pro-life Congressman for over 22 years, the choice is: Medical research, medical waste; which is the most pro-life? Medical research that might, might find a cure for my mother's Alzheimer's or my brother's liver cancer that he died of, or medical waste that literally goes in the trash bin? That is what is happening now. Why cannot we make it possible to pursue cord blood, amniotic, adult stem cell, and embryonic stem cell?

So I respectfully, for those Members yet to cast their vote on this issue, please vote "yes."

Mr. Speaker, stem cell legislation has been debated on this floor before, and I welcome the opportunity to again speak in support of legislation to expand embryonic stem cell research.

In August of 2001, the President issued his policy on federally funded stem cell research. President Bush announced that for the first time Federal research dollars would be available for research using existing stem cell lines. Originally it was believed that there were nearly 60 viable stem cell lines, however, for a variety of reasons, that number was reduced to 22. Furthermore, many of those 22 lines cannot practically be used for research. This legislation will help create enough lines of embryonic stem cells to allow for science and medicine to progress.

In order to ensure that these embryonic stem cell lines are ethically derived, the legislation provides strict ethical constructs. The lines must come from embryos that have been donated, that were specifically created for fertilization treatments and would otherwise be discarded. Those donating the embryos must provide written consent and they may not receive financial incentives.

Understandably, this is not a simple vote for anyone on this floor. This is a vote of conscience for all members. In the 109th Congress, identical legislation was agreed to by a vote of 238 to 194 in the House and later passed the Senate by a vote of 63 to 37. However, the House was unable to capture enough votes to override the Presidential veto this past summer, and the legislation never became law.

Throughout my tenure in Congress, I have consistently defended human life and opposed all forms of abortion. I also respect the need for progress in medicine that will help protect and improve existing human lives. My decision to support this legislation puts me one vote short of a perfect, 100 percent pro-life voting record, and it was not reached carelessly. It is the product of much personal contemplation and plenty of prayer. I have lost members of my family to illnesses that stem cell research might have cured. I have concluded that I am just not ready to require that sacrifice from other families, to watch lives slip away that could be saved.

Recently, a study was issued by Wake Forest University in which the ability to reclaim embryonic stem cells from amniotic fluid was demonstrated. This is an important step forward in stem cell research, and I applaud it. However, this important step should not preclude the use of other forms of stem cell research that could one day become a cure for many diseases that too many Americans suffer. The researcher of this very study has restated his support for passage of H.R. 3.

This will be one of the most difficult votes that many of us cast in this Congress. It is literally about life and death. It is about the lives and the deaths of real people, people we know and love. Regardless of our differing positions, this is an issue on which it is impossible to be insincere. I ask that we respect one another during this debate, and that we honor each other's views, especially the ones with which we differ.

Ms. DEGETTE. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I want to thank Ranking Member BARTON for his thoughtful, thoughtful approach and his support of this issue. I also want to thank my friend and compadre, Mr. CASTLE, who has fought hand in hand for this legislation with me for years now. And I also want to thank the many Members who have helped us through this long process and will be helping us long after today.

This is the first time I can remember a bipartisan whip effort in the 10 years I have been in Congress. Ms. BALDWIN, Mrs. BONO, Mr. Bradley, Mrs. CAPPS, Mr. CARNAHAN, Mr. DENT, Mr. KIRK, Mr. LANGEVIN, Mr. PERLMUTTER, and Mr. UPTON. Thank you, thank you, and our work is not completed.

I want to talk for a minute about what H.R. 3 does, because there are a lot of misstatements that have been made today on this floor. H.R. 3 simply expands the number of stem cell lines that can be used for research that is done in an ethical manner.

In 2001, President Bush restricted stem cell research to lines that existed as of that date. In the ensuing years, we have learned there were not 73 lines, as has been asserted today, but somewhere between 19 and 22 lines. We learned that all of those lines are contaminated with mouse feeder cells and are not appropriate for clinical use. We learned that the research is going offshore and into private hands. Perhaps most disturbingly, we learned that the U.S. Government has no ethical control over current private research or State research into embryonic stem cell lines.

For that reason, we drafted a bill that both expands the research and sets forward a rigid code of ethics. Only cells that are created to give life for in vitro fertilization but then are slated to be thrown away as medical waste, thrown away, can be donated for this research, by informed consent. It is very narrow and it is very ethical. That is why 522 patient advocacy groups, health organizations, research universities, scientific societies, religious groups, and other associations have endorsed this bill. It expands research, and it does it in an ethical way.

Embryonic stem cells were first identified from mouse embryos in 1981 and primate embryos in 1995; but until November 1998, animal embryos were the only source for research. In 1998, for the first time, researchers learned that embryonic stem cells could be used in humans, and that is when we found so much potential, potential for diseases that affect 110 million Americans and their families, Americans suffering from diabetes, Parkinson's, nerve damage, and on and on.

The great promise of this research is why people like Nancy Reagan, Michael J. Fox, ORRIN HATCH, Mary Tyler Moore, pro-life and pro-choice, have come together to say, we cannot deny this research. We must not say let's just throw these cells away and discard them. Let's allow people to donate them in order to give life and to give hope.

Now, the opposition tries to obfuscate this issue time and time again, and we simply cannot let that happen. We are not researchers; we are Congress. It is our job to promote all ethical scientific research, not to pick and choose among methods. I can't think of a time when Congress says, oh, scientists, use that method to research cancer cures but not this method. That is not our job. Our job is to say let's support all ethical research, adult stem cells, cord blood, alternative methods, amniotic stem cells, and embryonic stem cell research.

In conclusion, I will say that this is the next step on a long road; and I implore all of you to think not about yourself, not even about your parents, but your grandchildren and your great grandchildren. When we find these cures, we will say we did the right thing today. Vote "yes" on H.R. 3.

Mr. LANTOS. Mr. Speaker, I rise in strong support of H.R. 3, the Stem Cell Research Enhancement Act of 2007. This bill is a result of the tireless efforts of my esteemed colleagues DIANA DEGETTE and MIKE CASTLE. I am proud to count myself among the more than 200 Members of Congress on both sides of the aisle who have cosponsored this legislation. It is a bipartisan, bicameral bill that passed both Houses of Congress last year.

It was one of the very few truly bipartisan bills to leave this building during the previous Congress. Unfortunately, despite all the public support, despite all the bipartisan support, despite all the hope millions of Americans invested in this legislation, the President decided to invoke his first, and only, veto.

This important piece of legislation authorizes the Department of Health and Human Services, HHS, to support research involving embryonic stem cells, regardless of the date on which the stem cells were derived from an embryo. There are stringent ethical guidelines included in this bill. First among them requires that researchers work only with stem cells from embryos that would have otherwise been discarded by fertility clinics. Furthermore, the legislation stipulates that embryos can be used only if the donors give their written consent and receive no money or other inducement in exchange for the embryos.

These strict ethical standards are critical to the advancement of this ground breaking science. The scientific community has the opportunity to ease the suffering of thousands of Americans and their families. A new round of federally funded stem cell research is desperately needed in order to find cures and treatments for diseases such as diabetes, Parkinson's disease, Alzheimer's, ALS, multiple sclerosis, and cancer.

The State of California recognized early on the extraordinary significance of stem cell research. The people of California voted for Proposition 71 to provide $3 billion to unleash the dynamic force of medical research and unlock the promise of life saving scientific research. Researchers in my district are already hard at work and with the enactment of this legislation the scientific community in the bay area will be unshackled. They will lead the way to help those who have been stricken with debilitating diseases.

Mr. Speaker, it is my great hope that this legislation will soon be on the President's desk awaiting his signature. I urge the President to listen to the will of Congress and the pleas of the American people and sign this bill into law.

Mr. WAXMAN. Mr. Speaker, I rise today in strong support of H.R. 3

Since President Bush announced his stem cell funding restrictions, we've learned a number of things that, in my opinion, make the policy even less ethical than it was in 2001.

We learned that the President was wrong about how many stem cell lines would be available to researchers under his ban. The President said there were more than 60 available lines, and soon after it was claimed that there were 78. We learned later that year that only 24 or 25 of those lines were ready for research. In 2003, the administration was conceded that only 11 lines were available to researchers. Today only about 20 lines are available, and all of them were grown on substances that might make them unfit for future use in therapies.

We've also learned that since the President's announcement, the proportion pf stem cell research conducted in the United States has shrunk. There's a recent analysis that looked at all scientific papers on human embryonic stem cell research published over the last several years. The White House has cited this study to point out that almost half of the labs producing papers on the topic from 1998 through 2004 were in the U.S. But in pulling out this overall statistic, the White House seems to have ignored the study's title: "An international gap in human embryonic stem cell research." The authors found that after the restrictions, the U.S. contribution to embryonic stem cell research dropped. In 2001, about one-third of all stem cell research papers were produced here. But by 2004—just three years later—that proportion had dropped to about one-quarter.

The study's authors wrote that the U.S. is "falling behind" in embryonic stem cell research. They wrote that this growing gap could put U.S. patients at a disadvantage if therapies are discovered. In fact, they concluded that "U.S. congressional delays and the Bush administration's resistance to an expansion of Federal funding suggest a real danger for U.S. biomedicine."

Scientists are saying that the administration's ban stymies their research. Many U.S. scientists are getting offers to work overseas because funding is available there and policies are clear. The most discouraging news is that young scientists are reportedly hesitating to even enter this field because it's not being funded in proportion to its potential.

The White House is pushing other distorted interpretations of the issue. In a report released yesterday, the White House pointed out that there are many clinical trials related to adult stem cells, but none related to embryonic stem cells. This is truly an Alice-in-Wonderland style argument. The administration sharply restricts researchers' ability to work with embryonic stem cells and pushes researchers to work with adult stem cells. Then, it turns around several years later and notes, to no one's surprise, that most of the clinical trials are being done with adult stem cells. One can only wonder where we'd be if America's top researchers were free to work with the most powerful tools.

Some of you may have noticed last week's news reports on amniotic stem cells. These cells appear to hold some potential for research because they can develop into multiple cell types. We all want to understand what this research means for this debate. And I think we can probably agree that the lead researcher, Dr. Anthony Atala, is a good interpreter.

What he has said, consistently, is that amniotic stem cells do not substitute for embryonic stem cells. He has said that the cells have different qualities, may have different potentials for growing into different cell types, and may have different applications down the road.

I think we should listen to the scientist behind this study, and not those who want to distort this promising news to suppress other potentially life-saving research.

Dr. Atala's explanation makes one thing very clear. The most important reason amniotic stem cells can't replace embryonic stem cells is that we do not know enough about either type. A growing body of research has made clear that stem cells of all kinds have much to teach us about the human body and disease. Hopefully this knowledge will lead to treatments and cures. But if we're going to get there, we need a serious Federal commitment to funding all promising and ethical stem cell research.

That is what this bill will do. I respect the beliefs of those who are concerned about protecting human life. But it is my opinion—widely shared by most Americans—that the use of cells from embryos that will otherwise be discarded is well within ethical boundaries.

Like many of my colleagues here, what I consider unethical is telling people suffering from diseases like Parkinson's and Alzheimer's that their suffering doesn't justify the strongest possible federal commitment to finding a cure.

What I consider unethical is turning to the generations following us and telling them that we didn't make as much progress, and we won't be passing on as much scientific understanding, as we could have.

We have already squandered valuable time, but it is not too late. It's time to recover lost ground—and reclaim the leadership role our country has earned in biomedical science—by supporting this ethical and important research.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the Stem Cell Research Enhancement Act.

Embryonic stem cell research holds potential for some of the most far-reaching breakthroughs seen in modern medicine. This is a field filled with promise, with the potential to cure the incurable and to heal that which was once thought impossible to mend.

We're bringing this bill up again with the hope that the President will hear the scientists and researchers and hear the voices of the American people that he do the right thing and sign this vital measure into law. We need to take action now so that this crucial research can go forward for the sake of the millions of people dealing with incurable or debilitating diseases—diseases such as juvenile diabetes, Parkinson's, Alzheimer's, multiple sclerosis, and cancer. We can never guarantee the results of scientific research, but without it we guarantee there can be no results.

The President's current stem cell policy is not working. Research is practically at a standstill in this country. Of the 78 existing stem cell lines permitted for use in Federally funded research, only 21 of these lines are currently used for research, and many of the available stem cell lines are contaminated, making their therapeutic use for humans questionable.

The Stem Cell Research Enhancement Act is a well-crafted, bipartisan approach. Let me be clear that the bill only allows the use of stem cell lines generated from embryos that would otherwise be discarded by fertility clinics. The legislation contains strict ethical guidelines, including the requirement that embryos can be used only if the donors give their written consent and receive no money or other inducement in exchange.

There has been recent news regarding ongoing research using non-embryonic stem cells. While I believe it is necessary to support study on all stem cell types, this research alone is in no way a substitute for embryonic stem cell research, whose potential is different from that of other stem cell types.

We need to pass this bill today on a strong, bipartisan vote. I truly hope the President will reconsider and do the right thing and sign this bill into law. This legislation is so important to millions of Americans, and we stand with them as we vote for the Stem Cell Research Enhancement Act today.

I urge all my colleagues to join me in supporting this vital legislation.

Mr. LARSON of Connecticut. Mr. Speaker, today I rise in strong support of H.R. 3, the Stem Cell Research Enhancement Act of 2007, which holds tremendous hope for the 100 million Americans affected by devastating diseases and medical conditions.

In 2001, President George W. Bush announced his final decision on the use of Federal funds for embryonic stem cell research. According to the National Institutes of Health, of the 78 stem cell lines that were declared eligible for Federal funding in the President's executive order of August 2001, only 21 lines are now still available for researchers. The 21 stem cell lines that remain available today are contaminated with "mouse feeder" cells, making their therapeutic use for humans uncertain.

I am proud to be an original cosponsor of the Stem Cell Research Enhancement Act, which increases the number of embryonic stem cell lines eligible to be used for Federally-funded research. The bill also authorizes the Department of Health and Human Services to support research involving embryonic stem cells meeting certain criteria, regardless of the date on which the stem cells were derived from an embryo. This legislation authorizes the use of stem cell lines generated from embryos that would otherwise be discarded by fertility clinics and it has strict ethical guidelines. These guidelines include stipulating that embryos can be used only if the donors give their written consent and receive no money or other inducement in exchange for the embryos.

In the 109th Congress, this bill passed the House by a vote of 238–194 and in the Senate by a vote of 63–37. Unfortunately, the President used his first veto to stop lifesaving stem cell research and set back the hopes of so many who are suffering. Today, we owe it to the millions of Americans with chronic diseases like Parkinson's, Multiple Sclerosis, Alzheimer's, diabetes, and ALS to invest in this promising research and renew the hopes of millions.

Expanding stem cell research has the support of more than 70 percent of Americans. This vote today has the potential to unlock the doors to treatments and cures to numerous debilitating and life-threatening diseases and will send a clear signal that this Congress is committed to improving the lives of millions of patients affected by these diseases. Passage of H.R. 3 is critical and I hope the President listens to the American people by signing this bill that will allow this groundbreaking research to move forward.

Mr. CONYERS. Mr. Speaker, I rise in strong support of H.R. 3, the DeGette-Castle stem cell research bill. Our Nation's top scientists agree that embryonic stem cell research has the potential to unlock the doors to treatments and cures to numerous diseases, including diabetes, Parkinson's disease, Alzheimer's, ALS, multiple sclerosis and cancer. Tens of millions of Americans and their families stand to benefit from this life-saving research.

Current policy allows Federal funds to be used for research only on those stem cell lines that existed when President Bush issued an executive order on August 9, 2001. However, few of the stem cell lines authorized by President Bush are now useful for research. According to the National Institutes of Health, of the 78 stem cell lines that were declared eligible for Federal funding in the President's executive order of August 2001, only about 22 lines are now still available for researchers; and, many of these 22 "available" stem cell lines are contaminated with "mouse feeder" cells, making their therapeutic use for humans uncertain.

H.R. 3 authorizes government support of research involving embryonic stem cells that meet certain criteria, regardless of the date on which the stem cells were derived from an embryo. The bill creates an ethical framework for this research. It prohibits funding for research unless the cell lines were derived from excess embryos that were created for reproductive purposes and would otherwise be discarded. It also requires voluntary informed consent from the couples donating the excess embryos and prohibits any financial inducements.

H.R. 3 represents real hope to the tens of millions Americans suffering from devastating illnesses, and I encourage my colleagues to support it.

Mr. BOSWELL. Mr. Speaker, I would like to thank the gentlewoman from Colorado for yielding me the time. I would also like to thank Mrs. DEGETTE for her leadership on this very important issue. And I rise in support of H.R. 3, the Stem Cell Research Enhancement Act.

Today, I want to talk about a young girl who I have the honor of knowing, Karle Borcherding from Ankeny Iowa. In 2005, at the age of 10, Karle was diagnosed with juvenile or Type I diabetes. Over the course of the past year she has had to give herself 4 to 5 shots a day. A burden no 10 year old should have to deal with. Karle and her mother, Darcy, have been leaders on the finding a cure for Type I diabetes across Iowa, the Midwest, and all the way to Washington, DC, with the Juvenile Diabetes Research Foundation.

Karle is a vibrant young girl who does not let her disease control her life. When asked why Karle wants to find a cure she responds "Not just so I will be cured and can be a normal kid, but because other kids will be cured too." I am hopeful that, for Karle's sake and every child affected by debilitating diseases, we will pass this vital legislation today.

Opponents of this legislation will argue that we should focus our attention to adult stem cell research. And while adult stem cell research can be useful, embryonic stem cell research offers hope to cure diseases. Some of the leading scientists in the country have stated that adult stem cells would not be able to find a cure for disease such as ALS, Parkinson's, Alzheimer's, or Type I diabetes.

I ask my colleagues to join me today and vote on the side of hope and science, and support H.R. 3.

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of H.R. 3 and of the promise that it offers to the literally millions of Americans battling terrible illnesses and the effects of devastating injuries for which we currently have no cures and few effective treatments.

I approach stem cell research with deep respect for the significant ethical concerns that it raises, and I strongly believe we must never lose our diligent focus on ensuring that these research techniques are not abused for immoral ends.

H.R. 3 will guarantee the highest ethical standards will be applied to stem cell research and will allow only embryos that would otherwise be destroyed to be used for research purposes.

Critically, H.R. 3 will also fulfill our duty to recognize the sanctity of human life by supporting the research that may one day yield the cures and treatments that could help so many in our nation who are being robbed of their sacred lives by disease.

I urge the passage of H.R. 3 and strongly urge the President to reconsider his past veto and let this bill of compassion become law.

Mr. PORTER. Mr. Speaker, I rise today in strong support of H.R. 3, Expanding Stem Cell Research.

I believe stem cell research holds enormous promise for easing human suffering for people like my constituents Judy Reich and Jake Page, both of whom suffer from diabetes. Embryonic stem cell research could lead to a cure that could dramatically improve their lives. Federal support is critical to its success which is why I was pleased when President Bush announced his stem cell policy in August 2001.

Scientists have learned a great deal about stem cells in the five and a half years since that announcement. Medical researchers believe that embryonic stem cell research has the potential to change the face of human disease. A number of current treatments already exist, although the majority of them are not commonly used because they tend to be experimental and not very cost-effective. Medical researchers anticipate being able to use technologies derived from stem cell research to treat cancer, Parkinson's disease, spinal cord injuries, and muscle damage, amongst a number of other diseases, impairments and conditions.

Current federal policy on human embryonic stem cell research allows federally funded research be conducted on those stem cells derived before August 9, 2001. Today, only 22 stem cell lines are available to federally funded scientists. The United States Congress has passed legislation which would lift the date restriction and allow federally funded scientists to research a greater number of stem cell lines; however, the President has vetoed this legislation. The legislation would also provide stronger ethical requirements on those stem cell lines eligible for funding including donor consent, certification that embryos donated are in excess of clinical need, and that the embryos would be otherwise discarded.

While I disagree with the creation of human embryos for scientific purposes, I agree that embryos created as a by-product of in vitro fertilization, which would otherwise be destroyed, should be allowed to provide greater insight into the myriad afflictions that can potentially be alleviated through stem cell research.

As with all scientific endeavors, we must ensure that the limitless bounds of science do not infringe on the beliefs that we hold as ethical human beings. For this reason, I categorically oppose the harvesting of embryos for scientific research as well as any attempt to use our scientific knowledge to clone human beings.

I urge my colleagues to support H.R. 3, Expanding Stem Cell Research.

Mrs. MALONEY of New York. Mr. Speaker, a founder and co-chair of the Congressional Working Group on Parkinson's Disease, I rise in strong support of H.R. 3, the Stem Cell Research Enhancement Act.

This bill expands current policy by providing for federal funding of embryonic stem cell research on lines derived after August 9, 2001 while still requiring strong ethical guidelines for research.

I am grateful to the new Democratic Leadership for bringing up this legislation during the first 100 hours after both the House and Senate passed the bill last summer, only to see the President veto it, without regard for the millions of suffering Americans and their families.

An overwhelming 72% of the American people support federal funding for stem cell research because they know that by lifting the arbitrary ban that the President put in place in 2001, research will move forward and millions of Americans will benefit.

Let's be clear: this bill is very simple—it's about saving lives.

It's about preventing devastating diseases from ravaging and ending people's lives.

I urge my colleagues to think about their loved Ones when deciding how to cast their vote. It's literally a matter of life and death.

According to the National Institutes of Health (NIH), of the 78 stem cell lines that were declared eligible for federal funding in the President's executive order of August 2001, only about 22 lines are now still available for researchers.

And many of these 22 "available" stem cell lines are contaminated with "mouse feeder" cells, making their therapeutic use for humans uncertain.

Just this week, a new study was released noting that scientists see potential in Amniotic Stem Cells.

This is extraordinary new finding highlights the importance of continued research in all types of stem cell research and regenerative medicine.

It does not lessen the need to increase the number of embryonic stem cell lines which will ultimately lead to therapy and treatment.

Instead, it demonstrates the relative infancy of this area of research and the need for a significant federal commitment.

Today, we have the opportunity to make a difference in the lives of millions of afflicted people and their families.

Let's each do the right thing. I urge a "yes" vote on H.R. 3.

Mr. TIAHRT. Mr. Speaker, I rise in strong opposition to H.R. 3, the Stem Cell Research Enhancement Act, a bill that is both morally and ethically compromising. H.R. 3, sponsored by Rep. DIANA DEGETTE, would expand federal funding of embryonic stem cell research. Supporters of this legislation are encouraging the destruction of human embryos in the hope of one day treating diseases.

The timing of this bill is especially ironic as we learned on January 7, 2007 that amniotic fluid stem cells were found to have pluripotent properties and grow as fast as embryonic stem cells. This is yet another example of a successful ethical alternative to embryonic stem cell research.

To date, there are 72 diseases and injuries that have been successfully treated with adult stem cells unlike embryonic stem cells which have yet to yield a single successful human treatment. Proponents of embryonic stem cell research would like you to believe there is no ongoing federal research using embryonic stem cell lines approved by the NIH, however, the United States leads the world in embryonic stem cell research.

Embryonic stem cell research received no federal funding through the NIH prior to 2001 when President Bush established a policy to allow for embryonic stem cell research on a line of existing cells. This was the first time the federal government had ever made funding available for embryonic stem cell research. Since then, more than $130 million of federal money has been spent on human embryonic stem cell research and over $3 billion has been spent on all stem cell research. This does not include the billions of dollars raised in the private sector for stem cell research.

While bioethics and science have brought about medical advancements and breakthroughs, our society should promote the protection of human life and dignity in all its forms. We can promote science and technology while applying ethical and moral guidelines that err on the side of life. Science can and should be used to improve the quality of lives, to save lives, cure fatal diseases and bring hope to those who are suffering, yet I cannot support legislation that would require the destruction of human embryos. Adult stem cell research has provided treatments of diseases while applying ethical standards.

I will continue to support legislation that promotes ethical science and produces an uncompromised standard that values all human life. H.R. 3 would only further expand the destruction of human life.

I will vote against this unethical and morally compromising bill, and I urge my colleagues to do the same.

Mr. PAUL. Mr. Speaker, the issue of government funding of embryonic stem cell research is one of the most divisive issues facing the country. While I sympathize with those who see embryonic stem cell research as providing a path to a cure for the dreadful diseases that have stricken so many Americans, I strongly object to forcing those Americans who believe embryonic stem cell research is immoral to subsidize such research with their tax dollars.

The main question that should concern Congress today is does the United States Government have the constitutional authority to fund any form of stem cell research. The clear answer to that question is no. A proper constitutional position would reject federal funding for stem cell research, while allowing the individual states and private citizens to decide whether to permit, ban, or fund this research.

Federal funding of medical research guarantees the politicization of decisions about what types of research for what diseases will be funded. Thus, scarce resources will be allocated according to who has the most effective lobby rather than allocated on the basis of need or even likely success. Federal funding will also cause researchers to neglect potential treatments and cures that do not qualify for federal funds.

In order to promote private medical research, I will introduce the Cures Can Be Found Act. The Cures Can Be Found Act promotes medical research by providing a tax credit for investments and donations to promote adult and umbilical cord blood stem cell research and providing a $2,000 tax credit to new parents for the donation of umbilical cord blood from which to extract stem cells. The Cures Can Be Found Act will ensure greater resources are devoted to this valuable research. The tax credit for donations of umbilical cord blood will ensure that medical science has a continuous supply of stem cells. Thus, this bill will help scientists discover new cures using stem cells and, hopefully, make routine the use of stem cells to treat formerly incurable diseases.

The Cures Can Be Found Act will benefit companies like Prime Cell, which is making great progress in transforming non-embryonic stem cells into any cell type in the body. Prime Cell is already talking to health care practitioners about putting its findings to use to help cure diseases.

Companies like Prime Cell are continuing the great American tradition of private medical research that is responsible for many medical breakthroughs. For example, Jonas Salk, discoverer of the polio vaccine, did not receive one dollar from the federal government for his efforts.

Mr. Speaker, there is no question that forcing taxpayers to subsidize embryonic stem cell research violates basic constitutional principles. Therefore, I urge my colleagues to vote against HR 3, and support the Cures Can Be Found Act.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the Stem Cell Research Enhancement Act of 2007 (H.R. 3).

This bipartisan legislation will provide countless number of Americans hope of finding cures for many life-threatening diseases. I strongly believe stem cell research holds the promise of scientific breakthroughs that could improve the lives of millions of Americans afflicted with a debilitating disease—such as Parkinson's, diabetes, spinal cord injuries, autoimmune diseases, cardiovascular disease, and cancer—for which there is currently no cure. For these patients and their families, stem cell research is the last hope for a cure.

I wholeheartedly believe we should allow the expansion of federally supported research of human embryonic stem cell lines. The Stem Cell Research Enhancement Act of 2007 would provide federal for a wider range of stem cell research while establishing ethical guidelines. In addition, the legislation would provide that embryos that are otherwise likely to be discarded can be used to develop treatments for debilitating diseases and life-saving cures.

I was extremely disappointed that the President exercised his first veto on a piece of legislation that has bipartisan support. A majority ofthe American people support stem cell research. In the last election, Missouri voters approved a ballot measure to allow stem cell research in that state.

It is expected that the Senate will pass H.R. 3. If that is the case, I hope the President will listen to Congress and the American people rather than to the extreme right of his own political party and not wield his veto pen on this promising legislation. We must put the health of the American people over politics.

Mr. Speaker, this is an issue that affects every family in America. I strongly urge my House colleagues to support this bipartisan legislation.

Mr. STARK. Mr. Speaker, this bill to allow federal funding for stem cell research involves a simple question: should we use frozen cells to help millions of Americans with Parkinson's, Alzheimer's, and diabetes, or throw them away and claim moral superiority?

A supermajority of the American people wants to advance medical science. Congress has already passed this same legislation only to be met with President Bush's veto. Because we know that the President never lets the facts get in the way of his decisions, we know he won't change his mind. It is up to a handful of Republicans to say yes to the voters and no to the Christian Right so we can pass this bill by a veto-proof majority.

I urge my colleagues to prove that they heeded the message of the recent election to stop posturing and start passing commonsense legislation.

Ms. WOOLSEY. Mr. Speaker, I'm so pleased to have another opportunity to support this stem cell research bill today. But let me say that we cannot allow this crucial legislation to once again come so close, only to—in the end—be kept so far from those who would benefit from its outcome on a daily basis.

Change does not come easily. This is a big step in providing America's world-class researchers with the resources they need to make a difference in the lives of those with serious illnesses. But let us take a moment to weigh the kind of change in federal policy it would take to provide researchers with access to new embryonic stem cell lines, with the kind of change a person faces when he or she hears the words Parkinson's, or diabetes, or spinal cord injury.

The debilitating symptoms of these diseases can alter the course of a person's life—not to mention their family's—and change their day-to-day lives in ways it is impossible for most of us to even imagine. I ask you to take a moment to think of the changes you would have to make to accommodate a chronic illness in your life.

Our scientists and researchers need new cell lines so they can move beyond the contaminated, and often unusable, lines that were in existence before 2001. Let's transform the way we experience disease in this country and take the first step today by supporting H.R. 3.

Mr. MCGOVERN. Mr. Speaker, time and time again, the American people have spoken on this issue—they overwhelmingly support the expansion of embryonic stem cell research. And today, Congress has the opportunity to take heed and do the bidding of the people by passing H.R. 3.

Recent developments have proven that we are not far off from recognizing the true potential of embryonic stem cell research. In meetings with researchers at ViaCell and New World Laboratories, two small biotech companies in my home state of Massachusetts, I have seen first-hand the notable progress made in their research on spinal cord injuries and tissue regeneration. All around the world, researchers are gaining similar ground. However, our nation's current policy stands to limit such critical advancements.

And that is why I am proud to be an original cosponsor of H.R. 3. It marks the way for an increased number of embryonic stem cell lines while also developing strong ethical guidelines to protect the integrity of this research.

We have the rare opportunity to help spur scientific innovation that could, with the proper research and development, produce better treatments—or even cures—for diseases like diabetes, Parkinson's disease, and cancer. But absent a federal investment in embryonic stem cell research, we will never witness its true potential. I urge my colleagues to join me in supporting this bill.

Mr. GINGREY. Mr. Speaker, I rise today in strong opposition to H.R. 3, the Stem Cell Research Enhancement Act. I do so not because I oppose embryonic stem cell research but because as an OB/GYN physician I oppose federally funded embryonic stem cell research that destroys life. And the truth of the matter is, Mr. Speaker, I am not alone in this belief; in fact I am joined by nearly half of the American public.

Let me say that again, nearly half of the American public opposes using taxpayer dollars to fund embryonic stem cell research when a human embryo is destroyed in the process.

I know that the supporters of this bill claim that an overwhelming majority of Americans whole-heartedly endorse their bill. However, when individuals in our society are asked specifically whether or not they would like the Federal Government to fund research that destroys a human embryo, the survey results are absolutely divided.

And that Mr. Speaker is what we are actually debating on the floor of the House today. We are debating the question of whether or not the American taxpayer should pay for research that encourages the destruction of human embryos.

We are not debating whether or not embryonic stem cell research is legal in this country, because, of course, it is not only completely legal but also well funded in both the private and public sector. In fact, between state governments and the private sector there is nearly $4 billion committed to embryonic stem cell research over the next 10 years.

I also want to dispel the myth that the Federal Government currently does not fund human embryonic stem cell research. In actuality, by the end of 2007, the Federal Government will have spent over $160 million. When President Bush signed the Executive Order in 2001, he made possible the federal funding of embryonic stem research. His executive order merely limited federal funds to support research which utilized already established stem cell lines. This decision removed any backdoor federal incentive and separated the United States government from the business of encouraging the destruction of human embryos.

Mr. Speaker, another policy issue we are unfortunately not debating today, is the use of federal funds to research alternative and ethical ways to extract embryonic-like or pluripotent stem cells. The fact of the matter is the hope held dearly by many individuals of this country with respect to embryonic stem cell research is not grounded solely in the fact that these cells are embryonic. Rather, researchers are interested in embryonic stem cells because they are flexible, that is they can specialize into any type of human tissue. This characteristic is also true of pluripotent stem cells, and the good news is that pluripotent stem cells can be obtained in a variety of ethical and scientifically promising ways.

Mr. Speaker, this point cannot be illustrated anymore clearly than in the study made public this weekend by researchers at Wake Forest and Harvard. This study shows not only the capability of researchers to obtain pluripotent stem cells from amniotic fluid but that these stem cells grow fast and show great flexibility.

This new, cutting edge research has great relevance in the debate we are engaged in today. The fact of the matter is that this study is yet another reminder that science moves faster than the Federal Government. We no longer need to engage in a passionate debate that divides our country in half. We no longer need to contemplate a unilateral decision to spend taxpayer dollars on research methods that nearly 50 percent of the public oppose.

No, Mr. Speaker, let us instead bring to the floor legislation that unites this country and does not divide. Let us examine and debate the multitude of alternative and ethical methods of obtaining pluripotent stem cells, methods similar to the research recently published regarding amniotic stem cells.

Representative BARTLETT and I have introduced such a piece of legislation, it is bill H.R. 322. Today, on the hallowed floor of the House of Representatives, I ask my colleagues on both sides of the aisle to join with us and half of the American public, in supporting a bill that promotes lifesaving medical research that does not sacrifice life in the process.

Mr. SENSENBRENNER. Mr. Speaker, I rise today in opposition of H.R. 3, a bill authorizing taxpayer funding for human embryo-destroying stem cell research. This bill would reverse the reasonable embryonic stem cell policy, set in place by the President in 2001, which allows federal funds to be used for research on existing stem cell lines where the life and death decision has already been made.

There have been exciting and dramatic developments in adult stem-cell research that hold great promise for medical advancements. I strongly support the need to pursue new treatments and cures to the diseases affecting millions of people world wide. However, in this pursuit we must be careful not to compromise our values of respecting human life. Embryonic stem cell research destroys human life at its earliest stage for experimental research purposes.

There are many types of stem cell research that are worthwhile and that do not raise such ethical and moral concerns. Alternative sources such as umbilical cord and adult tissue cells are currently being used to treat people, and successfully. Earlier this week, scientists reported that amniotic non-embryonic stem cells may offer the same research possibilities as stem cells obtained through the destruction of living human embryos. Not only are these cells highly versatile, they are readily available. Such alternatives make clear that we are capable of achieving successful stem cell research without the intentional destruction of human embryos.

The debate today is not about blocking embryonic stem cell research. There are vast financial resources available to fund this controversial research and any company or organization that wants to conduct or fund embryonic stem cell research may do so. And yet, despite extensive private research, there have been no successful therapeutic treatments with embryonic stem-cell research—none. With adult stem cells, physicians have successfully treated patients with diabetes, multiple sclerosis, sickle cell anemia, heart disease, Crohn's disease and rheumatoid arthritis, among many others. These examples are a strong testament to the amazing power of adult stem cells.

By voting against this bill, we can avoid not only the ethical and moral questions that are raised, but we can make sure that taxpayer dollars are invested wisely.

Congress can provide and must help scientists realize the promise of embryonic stem cell research without authorizing the destruction of human life in the process. Once again, I urge my colleagues to support ethical stem cell research and to vote against this bill.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 3, the bipartisan DeGette-Castle bill on stem cell research that is identical to legislation passed by the Republican 109th Congress and vetoed last year by President Bush.

This bill allows federal funding for stem cell research that gives hope to 100 million Americans and their families afflicted by debilitating or life-threatening diseases. This research is critical to find new treatments and possible cures to terrible diseases like diabetes, Parkinson's disease, Alzheimer's, ALS, multiple sclerosis, and cancer.

It is important to note this bill's ethical safeguards, including requirements that forbid financial inducements for donations, mandate informed and written consent for donation, and requires HHS and the National Institutes of Health to produce ethical guidelines. DeGette-Castle promotes the most ethical use of discarded fertility clinic products because rather than flushing them down the drain, ethically-monitored scientists can utilize them to promote life-saving research.

Mr. Speaker, this is important policy matter, but for me, it's personal. My college basketball coach, a friend and mentor for several decades is a victim of Alzheimer's disease. Others I am close to suffer from Lou Gehrig's disease. After prayerful consideration, I have arrived at the strong conclusion that we must allow the ethical advance of research to relieve human suffering.

I urge my colleagues to join me in passing H.R. 3, and I urge the President to sign it into law.

Mr. THOMPSON of California. Mr. Speaker, I rise in support of H.R. 3, legislation to expand Federal research on devastating diseases like Alzheimer's, diabetes, spinal cord injuries, and various cancers.

When President Bush announced in 2001 that Federal funds would be available for research performed using currently existing embryonic stem cell lines, I truly believed we had begun to open the door for life-saving research. Unfortunately for all Americans, less than a quarter of those lines proved suitable for research. As a result, research conducted in the United States has slowed considerably.

Federal restrictions on new lines have dashed the hopes of millions of Americans who are impacted by life-threatening illnesses stem cell research may cure. In addition, America is losing top medical researchers and scientists to other nations without such restrictions.

A handful of States have stepped in where the Federal Government has failed. My home state of California was the first to act, passing a ballot initiative in 2005 that authorized $3 billion in funding for embryonic stem cell research. I strongly supported that ballot initiative, and I would like to acknowledge the other States that have stepped up to the plate in a similar fashion.

Last year, I voted with 237 of my colleagues in the House and 63 Senators to pass Federal legislation to fund stem cell research. Tragically, the President ignored the will of the Congress and the American people by casting the only veto of his administration against this bill.

I am very proud that the Democratic majority has made facilitating this life-saving research a cornerstone of our agenda. Today's vote signifies a Federal commitment to exploring every possible option available for curing these terrible illnesses.

Today, we cast a vote for hope. I urge my colleagues to vote in support of H.R. 3, the Stem Cell Research Enhancement Act.

Mr. TERRY. Mr. Speaker, I rise in strong opposition to H.R. 3, legislation to expand taxpayer funding of human embryonic stem cell research and give a "stamp of approval" from the Federal government for scientists to destroy human embryos to harvest stem cells for medical experiments.

The pain and suffering of citizens afflicted with debilitating diseases concerns me greatly. I served for 7 years on the board of directors for the Great Plains Region of the American Diabetes Association because I am committed to finding a cure for people afflicted with this disease.

I strongly support scientific research to find cures and effective treatments to relieve human suffering. I voted to double the Federal investment in biomedical research from $13.6 billion in fiscal year 1998 to $27.1 billion in fiscal year 2003. The National Institutes of

Health received $28.5 billion from Congress last year to do research on new cures for diseases.

Embryonic stem cell research is not the "silver bullet" for every disease. The potential benefits of this research have been blown out of proportion by eager scientists and some in the news media. The fact is that 25 years of human embryonic stem cell research have not produced even one treatment for suffering Americans.

Adult stem cell research, on the other hand, is producing real and tangible results with no ethical concerns. In fact, adult stem cells have produced treatments for 72 serious diseases and conditions in humans, and shown strong potential for permanent reversal of severe diseases such as diabetes and Parkinson's.

Research has consistently shown that human embryonic stem cells grow tumors once implanted in an animal, became uncontrollable, or form various and wrong types of tissues. Some studies have shown moderate improvement in rats with spinal cord injuries, but some of those rats were not kept alive long enough to see if tumors formed. Many scientists argue this is a new medical field and limitations such as cancerous tendencies can be overcome through additional Federal funding and more time in the lab.

These arguments callously gloss over the fact that embryonic stem cell research requires the destruction of human embryos—and 48 percent of Americans surveyed last year opposed this type of research after being informed of that fact. We have a responsibility as public officials to direct limited Federal dollars toward the most promising and ethical research possible.

The strongest potential for cures at this time is not in embryonic stem cells, but in ethical research using adult stem cells, umbilical cord blood stem cells, and most recently, amniotic fluid stem cells, all of which uphold and support human life. These ethical approaches show promise that rivals the potential of embryonic stem cells without forcing many American taxpayers to fund research that threatens the dignity of human life.

Amid all the scientific jargon in today's debate, let us not forget the fact that each one of us started life as a human embryo. There is no way around that basic fact, no matter how many scientific terms are used to conceal or confuse it. Embryos are the tiniest of human lives, but they are nevertheless human lives, and we must defend the defenseless.

If embryos are not fundamentally human lives, how can you explain the fact that frozen embryos from in vitro fertility clinics grow into children once they are implanted in a woman's womb? Does an embryo somehow become less of a human being if we choose to donate it to a scientist to be experimented upon and ultimately destroyed? Those same human embryonic stem cells lying in a cold Petri dish will undeniably grow into a human child if given a chance at life. We must not allow scientific terminology to desensitize us to the miracle and sanctity of human life.

Here are some published examples of the differences between embryonic stem cell research and adult stem cell research:

Numerous attempts over the last 5 years to use human embryonic stem cells to cure diabetes repeatedly produced tumors or failed to generate insulin to reverse the disease. In the most successful experiment, human embryonic stem cells produced only one-fiftieth the amount of insulin needed to sustain life, and the mice died.

For Parkinson's disease, researchers found that human embryonic stem cells grew uncontrollably in 100 percent of rats with the condition. All the animals showed indications of early tumor formation. These findings were duplicated by scientists in Sweden and Japan.

Adult stem cells, on the other hand, have treated multiple types of cancers, including breast cancer and Leukemia, as well as autoimmune diseases, heart defects, heart disease, osteoporosis and spinal cord injuries, and demonstrated excellent potential to treat diabetes and to reverse Parkinson's.

In 2003, researchers used adult stem cells to help regenerate pancreatic islet cells that produce insulin, permanently reversing diabetes in mice. The lead researcher stated that: "Patients with fully established diabetes possibly could have their diabetes reversed." The FDA has approved a human clinical trial for diabetes based on this successful research. In 2005, a mother donated live stem cells for her diabetic daughter, alleviating the diabetic symptoms. Human umbilical cord blood stem cells can also generate insulin to reverse diabetes.

Just last year, scientists used adult umbilical cord stem cells to treat rats with Parkinson's, and found significant recovery in motion and behavior. In 2002, a Parkinson's patient testified that his symptoms were 80 percent reversed after being treated with his own adult neural stem cells. British researchers in 2003 injected a natural protein into the brains of five Parkinson's patients and found that it stimulated existing adult neural stem cell growth, yielding a 61 percent improvement in motor function. University of Kentucky researchers treated 10 Parkinson's patients with similar results.

And just this week, researchers at Harvard University and Wake Forest University reported a breakthrough discovery that stem cells found in amniotic fluid show incredible promise for cures without concerns for tumor growth or immune system rejection.

Amniotic stem cells can be safely and easily extracted from pregnant women, and are "pluripotent" like human embryonic stem cells, meaning they have the ability to transform into each of the three major types of tissue found in the body. The researchers stated: "We conclude that amniotic fluid stem cells are pluripotent stem cells capable of giving rise to multiple lineages including representatives of all three embryonic germ layers."

Using amniotic stem cells, the research team created nerve cells, liver cells, endothelial cells that line blood vessels, and cells involved in the creation of bone, muscle and fat. In fact, the nerve cells successfully generated a neurotransmitter crucial to forming dopamine, which is lacking in Parkinson's patients. In testing on mice, amniotic stem cells were shown to re-grow and repair damaged areas of the brain.

The incredible promise of such ethical stem cell research is worthy of taxpayer funding. It holds real promise and real hope for citizens needing cures and tangible relief from pain and disease.

This debate today is not about whether we should fund stem cell research with tax dollars. The National Institutes of Health spends about $600 million every year on stem cell research, and almost $40 million of those funds are unfortunately being spent on research involving human embryonic stem cells.

The real debate today is about whether scientists will be able to create more embryonic stem cell lines by destroying more embryos. The next thing these scientists will be asking for is the ability to clone embryos because they cannot get enough stem cells from frozen human embryos at in vitro fertility clinics. This is no "slippery slope," it is the ethical equivalent of jumping off a cliff.

As public officeholders sworn to uphold the United States Constitution, we will have failed in our duty if we fail today to protect the right to life of the youngest homo sapiens—human embryos. We cannot fail in defending the defenseless, and we must keep faith with American taxpayers by funding the most ethical research to relief the suffering of ailing Americans.

I urge my colleagues to join me today in voting against this unethical bill that would exploit human life while preying on the emotions of suffering American citizens.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of H.R. 3, the Stem Cell Research Enhancement Act of 2007.

I am proud to have been an original cosponsor of this legislation in both the 109th and 110th Congresses.

H.R. 3 will increase the number of embryonic stem cell lines that are eligible for use in federally funded research while maintaining strict ethical standards ensuring that only stem cells from embryos that would otherwise be discarded by fertility clinics can be used for research.

My home State of California has taken the lead in stem cell research.

In Orange County, California, the University of California-Irvine's Reeves Center is the home to spectacular research that is utilizing stem cells to work towards finding new treatments for spinal cord injury.

I hope that any Member who has questions about stem cell research will seek out a research center like the Reeves Center to learn about the amazing progress that researchers are making towards finding treatments and cures for spinal injury, diabetes, Parkinson's disease, Alzheimer's, ALS, multiple sclerosis, and cancer among others.

Federal support for this groundbreaking research will help researchers find answers even faster.

I urge my colleagues to support this critical legislation.

Mr. LATHAM. Mr. Speaker, I rise in opposition to H.R. 3 because revising the current Federal policy on stem cell research is completely unnecessary. Sadly, the ethical debate over human embryonic stem cell research has completely overshadowed the fact that the Federal Government is devoting $600 million each year for all types of stem cell research. The current policy does not ban stem cell research in the United States, nor does it ban

Federal funding for embryonic-type stem cell research. It only limits federally funded embryonic stem cell research to stem cell lines existing before August 9, 2001. The National Institutes of Health, through its peer-review selection process, currently directs only about $39 million of the total to human embryonic stem cell research. While some conclude that the stem cell lines approved under the administration's policy are not adequate, 85 percent of all the published research on embryonic stem cells, whether U.S. or foreign, was conducted using these stem cell lines. The fact is, despite these investments, embryonic stem cell research has yielded few and modest results in animals, and no clinical treatments in humans.

In stark contrast, non-embryonic stem cells are showing far more potential to develop treatments. Just this week, it was reported around the country that researchers from Wake Forest University found that stem cells extracted from amniotic fluid have the same growth and differentiation capabilities as embryonic stem cells. These cells are shed by the developing fetus and are easily obtained during prenatal testing without destroying human embryos. Other research using stem cells from non-embryonic sources, such as existing adult cells, umbilical chord blood and human placentas, has resulted in 72 experimental treatments for a number of diseases.

According to a study by the RAND corporation, there are approximately 400,000 frozen embryos at fertility clinics in the U.S., most of which have been set aside for future use. Only approximately 11,000 have been donated for research so far. If there is a breakthrough that provides a treatment using embryonic stem cells, the fact is that fertility clinics could never provide the number of stem cells needed for treatment: 50 to 100 eggs are needed to produce just one petri dish of cells. Donors would have to be solicited, which would put women all over the world at risk for coercion as well as the health complications associated with egg donation.

Finally, Mr. Speaker, I would like to point out that the United States is not alone in the world in addressing this issue; Italy, Austria, Ireland, Norway, and Poland have an outright prohibition on human embryo research. In other countries, such as France and Germany, human embryonic stem cell research is only permitted for stem cell lines created before a certain date, which is similar to the current U.S. policy. Federal resources should continue to be directed toward the most promising medical research. I urge my colleagues to uphold the current policy on stem cell research and vote "no" on H.R. 3.

Mrs. MYRICK. Mr. Speaker, I rise today in opposition to H.R. 3. Like my colleagues, I believe in the transforming and life-saving power of scientific progress. I've seen firsthand how cutting-edge research can impact the lives of Americans who suffer from all sorts of disease, and I understand the inherent value of federally supported research.

As many of my colleagues have stated today, scientists at Wake Forest University and Harvard University reported 4 days ago that they've drawn incredibly promising stem cells from amniotic fluid.

To quote Anthony Atala, the director of Wake Forest's Institute for Regenerative Medicine, "They grow fast, as fast as embryonic stem cells. But they remain stable for years without forming tumors".

This means that if 100,000 women were to donate amniotic cells, scientists could have enough diverse cells to provide compatible tissue for most Americans.

All of this without destroying embryos for research that hasn't proven it can cure a single ailment.

Perhaps we're having the wrong debate today. If we can derive disease treatments from cells without destroying embryos, isn't this the best option for Federal funding?

Embryonic stem cell research is legal in this country. Our debate is about the expansion of Federal funding to cover the destruction, and the eventual creation of embryos for the sole purpose of research.

I ask my colleagues to vote "no" on this bill, particularly in light of new research that could provide an alternative.

Mr. SIRES. Mr. Speaker, I rise in support of H.R. 3 and Federal stem cell research funding.

The Federal Government is behind the times. Many States, including my home State of New Jersey, have already authorized State funding for stem cell research. In fact, just last month I stood next to Governor Corzine as he signed a bill authorizing $270 million for new laboratories and stem cell research facilities throughout New Jersey. The time has come for this Congress and the President to do the same.

On the merits, embryonic stem cell research offers great promise to everyone suffering from a disease or illness. We all know someone or have ourselves been affected by diabetes, Parkinson's disease, Alzheimer's, cancer, or another disease that could be cured or treated with therapies formed from stem cells. Cures and treatments will not be found overnight, but we will never know what could be accomplished if we don't make a real commitment to this research. That is why it is so important that we pass H.R. 3 today.

There are an estimated 100 million Americans waiting for us to take action. They don't believe this is a partisan or political issue. They just want hope for a cure. Let's give them that hope. I urge my colleagues to support H.R. 3.

Mr. KENNEDY. Mr. Speaker, I would like to thank the gentlelady from Colorado and the gentleman from Delaware for their leadership in bringing this bill to the floor for a vote today. I must also extend my thanks to our distinguished Speaker for her commitment to returning the House to the hands of the American people during the first 100 hours of the 110th Congress.

I rise today to join my colleagues in support of the Stem Cell Research Enhancement Act. Each year, dozens of health advocacy groups flood my Washington, D.C., office to discuss the importance of medical research. While all experiences are memorable, the difficulties faced by the children with Type I, or juvenile diabetes, really stay with me.

Last year, a brother and sister, ages four and five, visited my office and shared with me their hatred of needles, and how much they would like to enjoy birthday cake and other foods with their friends. They didn't understand why they were chosen to be sick. They didn't understand why there are people in D.C. blocking bills that would help them get better. These children had one simple request, to pass a law to increase the most promising research tool available that may lead to a cure for their disease.

Advancements in science and technology have put our Nation in the position to make breakthroughs for these children. How did the President respond to their request? He made this bill the first veto of his Presidency. Everyone in this Nation knows someone, or has a friend or family member, who could benefit from stem cell research.

It is time for a new direction for America and it is time for the Stem Cell Research Enhancement Act to become law.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of H.R. 3. We are all aware of the potential embryonic stem cells hold for mankind. It could very well be that these cells prove to be the Rosetta stone of medical research—allowing us to break the code on some of the worst afflictions: Alzheimer's, Parkinson's, juvenile diabetes.

We must acknowledge, however, that there is much we don't know about embryonic stem cells, and we are mistaken if we believe great cures are right around the corner. But we will never know either the true potential—or the dangers of stem cell related treatments if our scientists are overly constrained.

I understand the concerns of those who question the ethics of embryonic stem cell research, and agree that we must not throw caution to the wind at the hint of miraculous cures. Indeed, left unconstrained, this type of research could lead to dangerous outcomes.

That is a key reason why I support the Stem Cell Research Enhancement Act. It provides essential ethical guidelines to which federally funded researchers must adhere. It would be far preferable to have the Federal Government setting standards in this field rather than a hodge-podge of states and private entities. In fact, I believe that the National Institute of Health's rigorous ethical guidelines would prove to be more protective of human life than individual states or private entities. Remember, embryonic stem cell research is not illegal, and individual states have already moved forward on their own. It is crucial that the Federal Government lead the way.

I supported President Bush when he announced his plan to allow federally funded research on 60 pre-existing stem cell lines. But we now know that only 21 stem cell lines are available for research. These 21 have significant shortcomings that make them of dubious value.

Federally funded U.S. researchers are at a technological disadvantage as they lack access to newer stem cell lines. This is causing concern that some of the top stem cell biologists will move into non-federally funded research, or even move overseas. We should not allow this to happen.

There are a great many difficult questions that attend this debate. However, I can not look in the eyes of a couple whose child is suffering from a debilitating disease and tell them that I am doing everything possible to stop their child's suffering without supporting this legislation.

I believe expanded Federal funding of embryonic research is the right course to take—a view shared by increasing numbers in both parties.

I am proud to be an original cosponsor of the Stem Cell Research Enhancement Act of 2007.

I believe this bill is an important step in making the United States a leader in all facets of the stem cell issue—both scientifically and ethically.

Ms. BORDALLO. Mr. Speaker, I rise today in general support of H.R. 3, the Stem Cell Research Enhancement Act of 2007. This bill would authorize the Department of Health and Human Services to support the expansion of research involving stem cells regardless of the date on which the stem cells are derived and under the principal condition that such research conforms to certain ethical standards that would be set forth by the bill.

I have joined over 200 of my colleagues in cosponsoring this legislation to demonstrate my general support for ethically responsible, expanded, federally funded scientific research that stands to yield advances toward discovering treatments and cures for many terminal, debilitating diseases and physical impairments.

It is true that research on the lifesaving qualities of stem cells predominantly remains in preliminary stages. But the potential for easing the suffering of individuals, curtailing illnesses, and protecting the general health and welfare of future generations that is offered by continuing and expanding this research is too great to ignore. Authorizing Federal support for the continuation and expansion of this research under strict ethical guidelines is an investment worth making today. We should pass legislation to enhance the abilities of and authorize funding for the scientific community to attain the most advanced scientific achievements possible that modem technology can bring and that we, as a society, can morally afford.

I believe that this legislation provides for the ethical safeguards needed to ensure that government funding is not used to compromise the integrity and morality of the American people in exchange for supporting research that could lead to cures for many illnesses. I support H.R. 3 because it provides appropriate safeguards while promoting the lifesaving research that will make a profound difference in many lives in the future.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 3, the Stem Cell Research Enhancement Act. Seventy-two percent of Americans and a bi-partisan majority of Congress strongly support embryonic stem cell research. The research could prove to improve the lives and ease the suffering of the over 100 million Americans who have juvenile diabetes, ALS, Alzheimer's, Parkinson's, cancer, heart disease, spinal cord injury, muscular dystrophy, and other diseases.

Parkinson's affects over 1 million people, including my close friend and our colleague, former-Rep. Lane Evans. During his time in Congress, Lane was dedicated to advancing stem cell research because he understands what it is like to struggle with an incapacitating disease, and he understands the hope that embryonic stem cell research held. Why would we want to destroy that hope?

I would like to thank the Juvenile Diabetes Foundation and their young advocates for all the work they have done to raise awareness about the need to pursue embryonic stem cell research. The Juvenile Diabetes Foundation recognizes the need to allow embryonic stem cell research to transcend political lines and partisan fighting so that critical gains can be made in medicine in America and millions of human lives could be saved. I would also like to send a special thanks to my friend, Bonnie Wilson, whose daughter has juvenile diabetes.

Since I have been in Congress, I have received an overwhelming number of calls and letters from my constituents detailing their daily pain and suffering from debilitating diseases. In March 2006, I received a letter from my constituent Liz O'Malley. In her letter, she described the daily struggles of her son, Seamus. Seamus has muscular dystrophy. He is only 11-years old. Stem cell treatment may be his only hope. Why would we want to destroy that hope?

The opponents of this measure wrongly portray the decision on funding for additional stem cell research as a choice between one life or another. In fact, we are choosing between disposing of embryonic stem cells or using those cells to save countless lives and advance life-saving science in previously unrealized ways. Embryonic stem cell research offers the hope of a better life. It is incomprehensible that anyone would allow politics and personal preference to trump hard facts and science. They wrongly portray amniotic fluid stem cells as the only legitimate form of stem cell research. While this method is promising, it should not be the only type of stem cell research conducted. Every type of stem cell is different, every type has a unique ability, and none are a replacement for another. Any strides made in one form of stem cell research may be essential to gains in another area. We must not act to prevent embryonic stem cell research and dash the hopes of so many families who are battling critical illnesses and disorders.

America has always been on the cutting edge of innovation and now we stand on the brink of groundbreaking medical advancements that would dramatically alter the lives of people such as Seamus. We must not prohibit this promising research. States are already moving forward with this research by committing public funds. Illinois has already awarded $10 million in grant funding to research institutes and hospitals because Governor Blagojavich recognizes the advances embryonic stem cell research could make in science and medicine and the great potential it holds. I urge my colleagues vote to "yes" on H.R. 3 and to follow the lead of Illinois and many other states and allow for Federal funding of embryonic stem cell research.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of H.R. 3, providing for embryonic stem cell research.

The majority of Americans are in favor of stem cell research, as am I.

Scientists in this country have been handcuffed by politicians who do not trust them to conduct research in an ethical manner.

My colleagues, you have heard an argument that "adult" stem cells have yielded greater benefits than "embryonic" stem cells in clinical research.

The fact is that adult stem cells receive much more Federal funding, while embryonic stem cells have received little.

It's not right for legislators or the President to be telling scientists how to do their work. Researchers need freedom to pursue science that yields benefits.

A vote for H.R. 3 is a vote for millions suffering from diabetes, Parkinson's, and other diseases.

It is time to say "no" to the ultraconservative lobby that has blockaded stem cell research for so long, and it is time for a change.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today in strong support of H.R. 3, the Stem Cell Research Enhancement Act of 2007, introduced by my esteemed colleagues, Representatives DIANA DEGETTE and MICHAEL CASTLE. As a longtime champion of stem cell research and an original cosponsor of this legislation, I cannot stress enough how important this bill is to the future of medical research and to the health and well-being of Americans and people worldwide. Embryonic stem cell research holds unique promise for the treatment of illnesses such as Alzheimer's disease, Parkinson's disease, muscular dystrophy and many other degenerative conditions. We Members of Congress have the responsibility to ensure that this promise is realized.

The expansion of federally funded embryonic stem cell research is supported by a majority of Americans and by Members of Congress from across the political spectrum. Therefore, I was disheartened by President Bush's decision to use his first and only veto to strike down stem cell legislation passed last year. However, I have fresh hope that we will see the enactment of this legislation this year. I am confident that we will pass this bill overwhelmingly today and that the Senate will do its part to secure final passage. I am also optimistic that President Bush will respect the wishes of the American public and will refrain from vetoing this important legislation yet again.

Countless lives could be saved with the passage of this legislation, and I therefore urge each one of you to vote with foresight, with optimism and with respect for life in favor of the Stem Cell Research and Enhancement Act of 2007.

Mr. PEARCE. Mr. Speaker, let me be clear: I fully support stem cell research and its potential to solve many of the world's most complex medical mysteries.

Many scientists have concluded that certain types of stem cells, called pluripotent stem cells, may one day be used to develop treatments for debilitating diseases.

Some of these types include cells derived from adult stem cells, umbilical cord blood, amniotic fluid and finally, human embryos.

Federal funding of embryonic stem cell research began in 2001 when President Bush announced a policy that allowed researchers to destroy and conduct research on stem cell lines that had come from human embryos already destroyed prior to August 9, 2001.

This policy did not encourage or offer incentives from the government to destroy human life for research.

Yet the newly elected Democratic majority chose to bring a bill to the House floor today that forces taxpayers to encourage and fund the destruction of human life for embryonic stem cell research.

This legislation also has no protections to ensure human embryos can not be cloned by researchers who receive this funding and access to destroyed human embryos.

It is disheartening that the Democratic leadership wants to force all taxpayers to fund the destruction of human embryos for research, regardless of any moral and ethical concerns they may hold.

Stem cell research is currently legal in the United States. In fact, nothing in any past federal legislation or policy would ban privately funded embryonic stem cell research.

Yet private investors are reluctant to fund embryonic stem cell research that destroys human life and many have chosen to look for alternatives that offer better results.

In this world, we are measured by our treatment of the most delicate and weak among us. And in the world of science, there are lines that must be drawn when the destruction of innocent human life is at stake.

Mr. KING of Iowa. Mr. Speaker, it's unethical to end one life in pursuit of helping others.

I am for stem-cell research. I am for scientifically sound, ethical, adult stem-cell research.

The failure of embryonic stem-cell experiments has dried up private research dollars. Consequently, proponents have no alternative but to pressure Congress for funding.

Today, the House of Representatives passed legislation that requires taxpayers to fund science that ends innocent human lives for the questionable potential of improving the lives of others.

This legislation would divert resources from truly promising treatments in favor of controversial research whose benefits remain speculative.

To conduct scientific research of this type, thousands of embryos, persons at the beginning of life, must be killed. The debate is about the inherent value of human life at its earliest stage. Supporters of embryonic stem-cell research will not take a position on when life begins. They know that if they do, they cannot sustain their argument.

Moral arguments aside, it is a fact that other forms of stem-cell research are resulting in treatments for people who suffer from debilitating diseases. Adult stem cells, which are extracted from umbilical-cord blood, placenta, bone marrow, nasal mucosa, hair follicles and fact cells, are today successfully used in treating real people who suffer from at least 72 specific diseases. Successes include, among the 72 diseases, Parkinson's Disease, Crohn's Disease, diabetes, spinal-cord injury, strokes, arthritis and numerous cancers, including breast, brain and leukemia.

Conversely, proponents cannot name a single person with improved health due to embryonic stem-cell research. Embryonic stem cells may never produce a safe and effective treatment for any disease. The political hype declaring them a cure-all today cannot be sustained by the facts. If successful, however, the necessary next step must be to clone the cells. It is logistically impossible to provide enough embryonic stem cells without human cloning.

Another falsehood is the excuse that the embryos would otherwise be thrown away. None of the embryos were created for research. Every embryo was created for the sole purpose of giving parenthood to those who yearn for it. Over 90 percent of frozen embryos are now stored by their parents, who hope to have more children or to provide for embryo adoption to other couples. At least 500,000 couples are on waiting lists to adopt children. For each available embryo, 45 couples wait in line to adopt that child.

So far, more than 80 formerly frozen embryos have been adopted by families. Now these "snowflake babies" are giggle, screaming, playful children. It is a glorious miracle for couples who imagined they would never experience parenthood, much less pregnancy and childbirth. These "snowflakes," some of whom were frozen for 9 years, are as worthy of our protection as every child. They are not medical waste.

Proponents of this research say they cannot look a paraplegic in the eye and say, "We can't experiment on frozen embryos." I ask them, can you hold the "snowflake babies" in your arms and look their moms and dads in the eye and tell them, "I wish we had experimented on your children before they learn to walk, to talk, to love, to laugh and play?"

The American medical community has many times refused the results of critical research because the findings were achieved unethically. International standards for Permissible Medical Experiments are clear. The subject must be a volunteer, there must be no alternative, results of animal experimentation must have been proven successful, they subject must be able to voluntarily end the experiment, there must be no possibility of injury, disability, or death, and the promise must outweigh the risk.

Embryonic stem-cell research violates each of these principles. Principles for Permissible Medical Experiments may be found in the military tribunals under Control Council Law No. 10, October, 1946, Nuremberg.

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD my support for the H.R. 3, Stem Cell Research Enhancement Act of 2007. This bill will enable continuing scientific research on embryonic stem cells that will provide enhanced treatments and potential cures for the millions of Americans afflicted with chronic and debilitating diseases.

The benefits that stem cell research promises can dramatically enhance the quality of life for people suffering from spinal cord injuries, diabetes, heart disease, cancer, stroke, Alzheimer's and Parkinson's disease, among many others. It will allow these Americans and their families the opportunity to enjoy healthier and more fulfilling lives.

Stem cell research has the support of over 100 million people suffering from these diseases, medical professionals, and the American people. With over 200 health organizations, research universities, advocacy groups and scientific societies supporting stem cell research, it is the responsibility of the United States government to listen and actively ensure progress in the field of medicine in saving people's lives.

In the Republican controlled 109th Congress, the Stem Cell Research Enhancement Act of 2005 was passed in the House, later to be vetoed by President Bush. This administration cannot continue to impede the efforts of sound scientific research based on ideological beliefs. In an age of tremendous technological and scientific advances, we must allow the medical community to engage in research that will benefit all Americans.

This legislation provides strict ethical guidelines for the usage of embryonic stem cells to further medical research. The stem cells will be donated from in vitro fertilization clinics that have an excess of stem cells from individuals no longer needing fertility treatment. Individuals that sought fertility treatment were consulted before the donation of stem cells, and it was determined that these stem cells would never be used in future treatment and would thus be discarded. In addition, individuals donating stem cells did so with written informed consent and were not paid any monetary compensation or given any other incentives to do so.

These individuals have offered their support in enhancing further research through their donations, and we ought to follow by ensuring that their contribution to stem cell research help those who suffer.

The medical and science community see the potential of this research to treat people with damage to the spinal cord, heart, brain and skeletal muscles. Those who suffer from genetic diseases, those whose life depends on organ transplants, and those who are ravaged by the affects of degenerative diseases will benefit from the research performed on embryonic stem cells.

It is our responsibility to support legislation that will provide the resources to improve the lives of Americans who suffer everyday. I commend my colleagues for readdressing this issue, and urge you to support this bill.

Mr. GARRETT of New Jersey. Mr. Speaker, I find it no coincidence that as we were preparing to deliberate federal funding for human embryonic stem cell research, a study was released that announced a breakthrough in the form of amniotic-fluid stem cell research. These stem cells do not present any ethical controversy and have already shown more promise than embryonic stem cells.

Federal funding already goes to research and development for embryonic stem cells. The NIH currently spends $40 million for such studies. It spends $600 million on stem cell research in general. In fact, nearly $3 billion has been spent on all stem cell research over the past six years.

Much of this research, like the amniotic fluid stem cell research, is without the ethical dilemma, and has simply proven to be more effective.

Researchers have expended years of time and energy trying to develop a single treatment or cure for any disease from embryonic stem cells to no avail; and actually finding adverse consequences like tumors at the implantation site. But adult stem cells have already provided us with treatment options for 72 diseases. Adult stem cells have shown a real return on the American people's investment.

We have seen results from adult stem cells and should continue to support and subsidize progress in this field. And, as I mentioned a moment ago, there is a new option in the form of amniotic stem cells which has already shown great promise and even more success than embryonic stem cells.

The face of this debate has already changed in the short time since it came before us last summer; and while this latest discovery provides hope, it should also act as a warning. A warning that we cannot make rash decisions which cost not only federal dollars, but also human lives.

Ms. DELAURO. Mr. Speaker, no single action this Congress could take would have a more profound, more life-affirming impact than allocating federal funds for biomedical scientists to conduct research with human embryonic stem cells. Alzheimer's, Parkinson's, brain and spinal cord disorders, diabetes, cancer—at least 58 diseases could potentially be cured through stem cell research. Diseases that touch every family here in America and throughout the world.

And Mr. Speaker, I stand here as someone who understands the promise of biomedical research all too well. Having been diagnosed with ovarian cancer by chance on an unrelated doctor's visit two decades ago, I know first-hand how this research can change lives—it saved mine. It can quite literally mean the difference between life and death. Between hope and despair.

To be clear, I think it is safe to say that every Member of this body is excited about the recent news regarding the scientific potential in amniotic stem cells. One can only imagine the medical breakthroughs this research has in store for us.

But scientists tell us it is no replacement for embryonic research—just as the limited number of stem cell lines President Bush made available in 2001 were not a replacement for full federal funding of this research. Indeed, this finding simply reminds us how critical it is that we pursue any and every kind of research that can contribute to our understanding of these diseases—so long as we can ensure it is performed with the utmost dignity and ethical responsibility. That is what "expanding stem cell research" is all about.

And for sure, this legislation does just that—permitting peer-reviewed federal funds to only be used with public oversight and by only allowing research on embryos that were originally created for fertility treatment purposes and that are in excess of clinical need and will otherwise be destroyed.

I believe the real moral issue here is whether the United States Congress is going to stand in the way of science and preclude the scientists from doing lifesaving, ethical research. We do not live in the Dark Ages—and nor should our public policy. With this vote, this Congress has an opportunity to show the world we are a country that believes science has the power to advance life.

Mr. Speaker, I believe we are such a country. The world has always looked to America as a beacon of hope precisely because of our capacity to use our abundant resources to promote the best ideas in the world. Let's continue that tradition. Let's lead the way—let's support this bill.

Mr. OBERSTAR. Mr. Speaker, the issue of embryonic stem cell research places humanity on the frontier of medical science and at the outer edge of moral theology.

On the side of science there is much hope, even expectation that extraordinarily effective therapies will be developed to treat—and possibly cure—a wide range of maladies such as diabetes, Parkinson's, spinal cord injury and a host of others. Progress has been achieved in the laboratory in animal studies and in human application. Much has yet to be learned, however, about adverse outcomes, which is why scientists proceed cautiously without over promising and with respect for the moral considerations of their research.

The latter gives me the greatest pause. An editorial in America Magazine said it well: "The debate over embryonic stem cell research cannot be fully resolved because it is ignited by irreconcilable views of what reverence for life requires."

Let us recall Louise Brown, the first test tube baby. Her life began in vitro, as a fertilized egg. There are many potential Louise Browns, potential human beings conceived in the laboratory but leftover as cryogenic embryos. Are they to be discarded, or, can they ethically be used for stem cell research? That is the moral theology issue that we must resolve.

The reality is that human life is established in creating an embryo, whether in vitro or in utero. Each of us has to decide the morality of this core element of the embryonic stem cell research issue. It is extraordinary research on the farthest frontier of science, experimenting with the very origins of human life. It is research which raises profound questions, anchored in moral theology, about the intrinsic nature of human life—when it begins, when it is infused with an immortal soul, and when it ends.

The answers to those questions are not crystal clear; they are not subject merely to scientific formulation; the answers may simply lie in conscience between each of us and our God.

For myself, I resolve the uncertainties of this moral dilemma in favor of the most vulnerable: unborn human life, which compels me to vote no on the Stem Cell Research Enhancement Act (H.R. 3).

Mr. HERGER. Mr. Speaker, while I support promoting ethical stem cell research to advance the progress of medicine and cure diseases, I rise in opposition to H.R. 3, the "Stem Cell Research Enhancement Act."

In 2004, my State of California approved a $3 billion bond measure to fund embryonic stem cell research. The referendum was sold to voters as an investment in cures for debilitating diseases, like spinal cord injuries and Alzheimer's. Yet a December 3, 2006, article in the Los Angeles Times, entitled "Reality Check for Stem Cell Optimism," notes that these promises were vastly overstated. In fact, the research institution's draft plan now says it is "unlikely" that any stem cell therapies will be developed for clinical use during the project's 10-year lifespan.

As my good friend the gentleman from Florida, Dr. WELDON, has explained, the latest science demonstrates the enormous potential of non-embryonic stem cells. I urge my colleagues to vote against a bill that authorizes further spending of taxpayer dollars on speculative research about which many Americans have deep moral concerns.

[From the Los Angeles Times, Dec. 3, 2006]

REALITY CHECK FOR STEM CELL OPTIMISM

(By Mary Engel)

The meeting was almost over when Roman Reed steered his wheelchair to the microphone.

On the table before him sat a 149-page book of budget charts and timetables, the first concrete outline of what California's voter-approved stem cell institute plans to accomplish in its 10-year lifespan.

"I want to thank you from the bottom of my heart," Reed said to the institute's staff and 29-member oversight board in October. "I promised my son that one day I would be able to walk, stand next to him and go hold my wife's hand. And seeing this road map to cures, I know that this will come true."

The room at Los Angeles' Luxe Hotel thundered with applause for the Fremont resident, who broke his neck while playing college football in 1994.

Despite the enthusiasm of Reed and his audience, the book offered no promise of a cure for his paralysis.

Two years after California voters authorized $3 billion in bonds to fund stem cell research, the institute created to oversee the enterprise has just begun what experts see as a long and slow scientific journey. Even with the $150-million state loan approved recently to kick-start work stalled by legal challenges, there are no breakthroughs in sight. Gone are the allusions to healing such afflictions as spinal cord injuries and Parkinson's and Alzheimer's diseases that dominated the 2004 campaign for Proposition 71. In fact, scientists say, there is no guarantee of cures—certainly not any time soon—from the measure that was optimistically titled the California Stem Cell Research and Cures Act.

Set for final approval at UC Irvine this week, the draft plan is clear: "It is unlikely that [the California Institute of Regenerative Medicine] will be able to fully develop stem cell therapy for routine clinical use during the 10 years of the plan."

Instead, the top goal is to establish, in principle, that a therapy developed from human embryonic stem cells can "restore function for at least one disease. "

That would be only the first step toward persuading pharmaceutical or biotech companies to fund expanded clinical trials, a process that takes years and millions of dollars. Fewer than 20% of potential therapies that enter trials make it to market.

In addition, the institute hopes to have treatments for two to four more diseases in development within the decade.

"We picked a goal that we thought was realistic, that, with some luck, would be achieved," institute President Zach Hall said. "The field will go on beyond 10 years. We want to have a whole pipeline of things that are in movement."

Jesse Reynolds of the Oakland-based Center for Genetics and Society, a watchdog group that supports stem cell research but advocates better public accountability, called the goals "refreshingly honest."

"The Prop. 71 campaign went beyond the line of responsible political rhetoric," he said. "If there are therapies, they're decades out."

One TV ad, for instance, showed an unidentified young mother beside a child strapped in a wheelchair and breathing through a tube.

"I will vote 'yes' on Prop. 71, definitely," the woman said. "I believe that it's something that can cure spinal cord injuries."

State Senate Health Committee Chairwoman Deborah Ortiz (D-Sacramento), another research backer, was philosophical about the campaign's optimism.

"A campaign requires a message to be driven home," she said. "You can't raise those hopes and then say, 'Oh by the way, it may take us 10 or 15 years.' That's just the nature of campaigns."

California's attempt to cure diseases by referendum is unique. But touting dramatic cures in exchange for research dollars has become "the American way" of doing medical research, said Robert Blendon, professor of health policy and management at the Harvard School of Public Health.

The Nixon-era "war on cancer" suggested that a country that could put a man on the moon—in less than a decade—could surely find a cure within the same time frame. Now, Blendon said, "You can't just talk about investing in research without the equivalent of the trip to the moon."

Such campaigns appeal to an American public that expresses great faith in science but shows little understanding of the plodding nature of most scientific research. Blendon doesn't see downplaying the time frame as dishonest as long as the research truly holds potential.

Proposition 71 came about in response to President Bush's August 2001 mandate restricting federal funding to only a handful of human embryonic stem cell lines, prompted by moral concerns about destruction of embryos during such research. When the measure passed in November 2004, jubilant supporters had predicted that $350 million a year from bond sales would start flowing to scientists by May 2005.

The first reality check came in the form of lawsuits by taxpayer and antiabortion groups.

Today, the bonds remain tied up in litigation, though stem cell institute officials are confident that an appellate court will uphold a favorable ruling from a Superior Court judge. To tide over the institute, Gov. Arnold Schwarzenegger in July promised a $150-million state loan. A state finance committee formally approved the loan Nov. 20, and the institute is gearing up to award its first research grants in January.

Even if researchers hit the ground running, the field is young and progress is likely to be slow. Scientists at the University of Wisconsin derived the first human embryonic stem cells just eight years ago, using donated embryos left over from in vitro fertilization clinics.

Dana Cody, executive director of Life Legal Defense Foundation, which represents two of the groups that sued, said the plan's modest ambitions are a sign that the initiative's promise was overblown.

"I just don't understand the fascination with embryonic stem cell research other than that it's something supported by Hollywood," said Cody, whose organization supports research using adult stem cells. "Even proponents say it's going to be years before any breakthroughs are made, if at all."

Those who support the research—especially those whose lives could depend on it—see the institute's plan through a lens of hope.

The science "is coming along fast, in my opinion," said John Ames, whose son David was diagnosed with amyotrophic lateral sclerosis, or Lou Gehrig's disease, four years ago. "I'm not trying to contradict the position of the strategic plan, but we have hope. We're going to win."

The life expectancy of someone diagnosed with the devastatingly progressive neuromuscular disease is three to five years.

"The thing that drives these individuals and their families is hope," said Christopher Thomas Scott, executive director of the Stanford Program on Stem Cells in Society. "Without that hope, it's very difficult to get yourself going."

Joan Samuelson prefers to call it determination. The Napa Valley attorney founded the Parkinson's Action Network 18 years ago, two years after being diagnosed with early onset Parkinson's disease. She now sits on the institute's oversight board.

"I care deeply about how urgently we pursue the mission of Prop. 71," she said. "I wake up every day with a disorder that gets worse with the passage of time."

To Samuelson, the campaign was about potential. The institute's plan is about day-to-day implementation. They may sound different, she said, but they are steps toward the same goal.

"I read the realism, if you will, as a statement of the fact that this isn't going to be easy," she said. "Nothing great is easy."

What makes embryonic stem cells unique—and so full of potential—is their ability to become any type of cell in the body.

Some researchers envision someday transplanting such cells into patients whose own cells have been damaged by injury or disease, with the hope that the transplanted cells develop into new spinal cord or pancreas cells. But scientists don't yet understand the cues that trigger an undifferentiated embryonic stem cell to become, say, an insulin-secreting pancreas cell.

The plan more accurately reflects what most scientists studying human embryonic stem cells are actually doing, at least in this early stage of the research: not so much curing a disease as studying it.

Scientists, for instance, can introduce the gene for Lou Gehrig's or Parkinson's into a human embryonic stem cell and unravel some of the mysteries of how such diseases develop. They can use such cells to quickly test thousands of drugs.

"What's happening even now is that human embryonic stem cells and their derivatives are being used for models for developing therapies," said Dr. Arnold Kriegstein, who runs the stem cell research program at UC San Francisco. "It allows us for the first time in a petri dish to have a human disease, not an animal disease. It brings us so much closer to coming up with a therapy that really will work."

Who knows? advocates say. Treatments—even cures—sometimes crop up unexpectedly.

Jeff Sheehy, who represents HIV and AIDS patients on the institute's citizen oversight board, tells the story of his friend Jeff Getty, who died in October of complications from AIDS. In 1995, Getty volunteered for a controversial bone marrow transplant from a baboon.

The transplant didn't take, but Getty, who had been near death, experienced a then-amazing remission that lasted more than 10 years. It turned out that the drugs used to prepare him for the transplant anticipated the antiretroviral cocktail that, a year later, would turn AIDS from a death sentence to an often manageable, chronic disease.

Similarly, Sheehy asked, if scientists fail to successfully transplant embryonic stem cells but along the way discover drugs or other treatments that work, wouldn't the research be considered a success?

"My thing is just not to get obsessed with what was presented in the campaign," Sheehy said. "Science is a very complex business. It's full of failure. It's full of opportunity. And failure often equals opportunity."

Mr. FORTENBERRY. Mr. Speaker, please find attached references which conclusively demonstrate the therapeutic benefits experienced by human patients who have undergone a variety of adult stem cell treatments. These references are available at www.stemcellresearch.org. Also, please find attached the text of a Wall Street Journal article on November 16, 2006, citing progress on amniotic stem cell research as referenced in my floor statement during the January 11 debate on H.R. 3.

Peer-Reviewed References Showing Applications of Adult Stem Cells That Produce Therapeutic Benefit for Human Patients

ADULT STEM CELLS—HEMATOPOIETIC REPLACEMENT

CANCERS

Brain Tumors—medulloblastoma and glioma. Dunkel, IJ; "High-dose chemotherapy with autologous stem cell rescue for malignant brain tumors"; Cancer Invest. 18,492–493; 2000.

Ovarian Cancer—Stiff PJ et al.; "High-dose chemotherapy and autologous stem-cell transplantation for ovarian cancer: An autologous blood and marrow transplant registry report"; Ann. Intern. Med. 133, 504–515; Oct. 3, 2000. Schilder, RJ and Shea, TC; "Multiple cycles of high-dose chemotherapy for ovarian cancer"; Semin. Oncol. 25, 349–355; June 1998.

Testicular Cancer—Bhatia S et al.; "High-dose chemotherapy as initial salvage chemotherapy in patients with relapsed testicular cancer"; J. Clin. Oncol. 18, 3346–3351; Oct. 19, 2000.

Lymphoma—Josting, A; "Treatment of Primary Progressive Hodgkin's and Aggressive Non-Hodgkin's Lymphoma: Is There a Chance for Cure?"; J Clin Oncol 18, 332–339; 2000. Koizumi M et al.; "Successful treatment of intravascular malignant lymphomatosis with high-dose chemotherapy and autologous peripheral blood stem cell transplantation"; Bone Marrow Transplant 27, 1101–1103; May 2001.

Acute Lymphoblastic Leukemia—Laughlin MJ et al.; "Hematopoietic engraftment and survival in adult recipients of umbilical-cord blood from unrelated donors", New England Journal of Medicine 344, 1815–1822; June 14, 2001.

Breast Cancer—Damon LE et al.; "High-dose chemotherapy and hematopoietic stem cell rescue for breast cancer: experience in California"; Biol. Blood Marrow Transplant 6, 496–505; 2000.

ADULT STEM CELLS—IMMUNE SYSTEM REPLACEMENT AUTOIMMUNE DISEASES

Systemic Lupus—Burt RK et al., Nonmyeloablative hematopoietic stem cell transplantation for systemic lupus erythematosus, Journal of the American Medical Association 295, 527–535, February 1, 2006.

Crohn's Disease—Burt RK et al., "High-dose immune suppression and autologous hematopoietic stem cell transplantation in refractory Crohn disease," Blood 101, 2064–2066, March 2003.

Juvenile Arthritis—IM de Kleer et al., Autologous stem cell transplantation for refractory juvenile idiopathic arthritis: analysis of clinical effects, mortality, and transplant related morbidity, Ann Rheum Dis 63, 1318–1326, 2004.

Multiple Sclerosis—Saccardi R et al., Autologous HSCT for severe progressive multiple sclerosis in a multicenter trial: impact on disease activity and quality of life, Blood 105, 2601-2607, 15 March 2005.

ANEMIAS AND OTHER BLOOD CONDITIONS

Sickle Cell Anemia—Klein A et al., Hematopoietic stem cell transplantation for severe sickle cell disease, Rev Med Brux. 2005; 26 Spec no: Sp23-5.

Chronic Epstein-Barr Infection—Fujii N et al.; "Allogeneic peripheral blood stem cell transplantation for the treatment of chronic active epstein-barr virus infection"; Bone Marrow Transplant 26, 805-808; Oct. 2000.

ADULT STEM CELLS—REPAIR/REPLACEMENT OF SOLID TISSUES METABOLIC DISORDERS

Osteopetrosis—Tsuji Y et al., Successful nonmyeloablative cord blood transplantation for an infant with malignant infantile osteopetrosis, J Pediatr Hematol Oncol. 27, 495-498, Sept 2005.

OCULAR

Corneal Regeneration—Inatomi T et al., Midterm results on ocular surface reconstruction using cultivated autologous oral mucosal epithelial transplantation, American Journal of Ophthalmology 141, 267-275, February 2006.

WOUNDS & INJURIES

Limb Gangrene—Tateishi-Yuyama E et al., "Therapeutic angiogenesis for patients with limb ischaemia by autologous transplantation of bone-marrow cells: a pilot study and a randomized controlled trial"; Lancet 360, 427-435; 10 August 2002.

HEART DAMAGE

Acute Heart Damage—Joseph J et al., Safety and effectiveness of granulocyte-colony stimulating factor in mobilizing stem cells and improving cytokine profile in advanced chronic heart failure, American Journal of Cardiology 97, 681-684, 1 March 2006.

Chronic Coronary Artery Disease—Strauer BE et al., Regeneration of human infarcted heart muscle by intracoronary autologous bone marrow cell transplantation in chronic coronary artery disease, Journal of the American College of Cardiology 46, 1651-1658, 1 November 2005.

NEURAL DEGENERATIVE DISEASES & INJURIES

Stroke—Shyu W-C et al., Granulocyte colony-stimulating factor for acute ischemic stroke: a randomized controlled trial, Canadian Medical Association Journal 174, 927-933, 28 March 2006.

PARKINSON'S DISEASE

Using Direct Stimulation of Patients' Endogenous Adult Neural Stem Cells—Love S et al., Glial cell line-derived neurotrophic factor induces neuronal sprouting in human brain, Nature Medicine 11, 703-704, July 2005.

Slevin JT et al., Improvement of bilateral motor functions in patients with Parkinson disease through the unilateral intraputaminal infusion of glial cell line-derived neurotrophic factor, Journal of Neurosurgery 102, 216-222, February 2005.

Spinal Cord Injury—Lima C et al., Olfactory mucosa autografts in human spinal cord injury: A pilot clinical study, Journal of Spinal Cord Medicine 29, 191-203, July 2006.

LIVER DISEASE

Liver Cirrhosis—Terai S et al., Improved liver function in liver cirrhosis patients after autologous bone marrow cell fusion therapy, Stem Cells published online 15 June 2006; DOI: 10.1634/stemcells.2005-0542.

BLADDER DISEASE

End-Stage Bladder Disease—Atala A et al., Tissue-engineered autologous bladders for patients needing cytoplasty, The Lancet 367, 1241-1246, 15 April 2006.

Scientists Grow Heart Valves Employing Amniotic Stem Cells

CHICAGO—Scientists for the first time have grown human heart valves using stem cells from the fluid that cushions babies in the womb—offering a revolutionary approach that may be used to repair defective hearts in the future.

The idea is to create new valves in the lab while the pregnancy progresses and have them ready to implant in a baby with heart defects after it is born.

The Swiss experiment follows recent success growing bladders and blood vessels and suggests people may one day be able to grow their own replacement heart parts—in some cases, before they're born.

It's one of several sci-fi tissue engineering advances that could lead to homegrown heart valves for infants and adults that are more durable and effective than artificial or cadaver valves.

"This may open a whole new therapy concept to the treatment of congenital heart defects," said Dr. Simon Hoerstrup, a University of Zurich scientist who led the work, which was presented yesterday at an American Heart Association conference.

Also at the meeting, Japanese researchers said they had grown new heart valves in rabbits using cells from the animals' own tissue. It is the first time replacement heart valves have been created in this manner, said lead author Dr. Kyoko Hayashida.

One percent of all newborns, or more than one million babies born world-wide each year, have heart problems. These kill more babies in the U.S. in the first year of life than any other birth defect, according to the National Institutes of Health.

Heart-valve defects can be detected with ultrasound tests at about 20 weeks of pregnancy. At least one-third of afflicted infants have problems that could be treated with replacement valves, Dr. Hoerstrup said.

Conventional procedures to fix faulty heart valves all have drawbacks. Artificial valves are prone to blood clots and patients must take anticlotting drugs for life. Valves from human cadavers or animals can deteriorate, requiring repeated open-heart surgeries to replace them, Dr. Hijazl said. That's especially true in children, because these valves don't grow along with the body. Valves made from the patient's own cells are living tissue and might be able to grow with the patient, said Dr. Hayashida, a scientist at the National Cardiovascular Center Research Institute in Osaka.

The Swiss procedure has another advantage: using cells the fetus sheds in amniotic fluid avoids controversy because it doesn't involve destroying embryos to get stem cells.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H.R. 3, the Stem Cell Research Enhancement Act.

Through the election, the American people have shown their overwhelming support for the expansion of stem cell research. This legislation will expand lifesaving research and ensures that the Federal Government can implement ethical guidelines. I am proud to be a cosponsor of H.R. 3, and I applaud Speaker PELOSI, Majority Leader HOYER, and Congresswoman DEGETTE for bringing forward this legislation which reflects the priorities and the needs of the American people.

This bill will provide hope and opportunity for millions of Americans suffering from chronic and life threatening health conditions. This legislation will also ensure that the Federal Government can implement ethical guidelines over federally funded research, which will help to set high standards for all research. To be clear, H.R. 3 only allows Federal funding for embryonic stem cell research in cases where the cells were created for fertility treatment and will otherwise be discarded.

The expansion of funding to stem cell research has the power to make a real difference in the lives of Americans. Stem cells offer remarkable potential contributions to medical science and improve the lives of millions of people who suffer from incurable diseases such as juvenile diabetes, Alzheimer's, Parkinson's, AIDS, and spinal cord injuries. It may also help us to understand abnormal cell growth that occurs in cancer, as well as change the way we develop drugs and test them for safety and potential efficacy.

Recent research at Wake Forest University has shown that stem cells obtained from amniotic fluid have been able to differentiate into several cell types. This is an exciting development, but we cannot stop there. According to the study's director, Dr. Anthony Atala, it is essential to expand embryonic stem cell research, which is why he supports H.R. 3. Attached is Dr. Atala's letter in support of this important bill. In addition, I also submit an edited version of patient advocate, Peter Morton's valuable and powerful testimony to the need for this critical research.

It is imperative that we move our health care policy in a new direction and support efforts to improve the quality of life. This research is supported by 72 percent of Americans and the majority of the Congress. H.R. 3 is supported by over 200 patient groups, universities, and scientific societies, and has been endorsed by more than 75 national and local newspapers and eighty Nobel Laureates.

It is time to stop making policies based on ideology. The American people have spoken, and we can no longer delay the implementation of this vital legislation. I urge my colleagues to join me in supporting H.R. 3.

WAKE FOREST INSTITUTE FOR
REGENERATIVE MEDICINE,
Winston-Salem, NC, January 8, 2007.

Hon. DIANA DEGETTE,
Hon. MICHAEL CASTLE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES DEGETTE AND CASTLE: I am writing in regard to my research that was published in Nature Biotechnology that found that stem cells obtained from amniotic fluid have been able to differentiate into several cell types. This research has the potential to open up an important field of inquiry that could be critically important to the development of treatments within the field of regenerative medicine.

I understand that some may be interpreting my research as a substitute for the need to pursue other forms of regenerative medicine therapies, such as those involving embryonic stem cells. I disagree with that assertion. It is very possible that research involving embryonic stem cells will have critical implications for advancing research into amniotic fluid stem cells. It is essential that National Institute of Health-funded researchers are able to fully pursue embryonic stem cell research as a complement to research into other forms of stem cells.

Your legislation, the Stem Cell Research Enhancement Act of 2007, H.R. 3, would update the current federal embryonic stem cell policy and allow federally funded researchers to conduct research on an expanded set of embryonic stem cells within an ethical framework. I believe this legislation would speed science in the regenerative medicine field, and I support its passage.

Sincerely,

ANTHONY ATALA,
Director.

EMBRYONIC STEM CELL RESEARCH TESTIMONIAL

Like more than 250,000 Americans, I am paralyzed from a spinal cord injury.

I've been paralyzed from neck down and ventilator dependent since a bike riding accident in 1995. I wasn't going fast and the trail wasn't difficult. Likely due to some mud on the trail, my front tire slipped, and in an instant I was on the ground with a broken neck, paralyzed and unable to breathe. If not for quick action by my brother, I would not have survived. That day, I lost the lottery. Tomorrow, it could just as easily be you.

When I awoke the next day in the hospital, I couldn't move, I couldn't feel, my head was in traction, and I had tubes in my nose and mouth. All I could do was blink. In an instant I had lost all my cherished independence, having to rely on others for everything from simply a drink of water to all the indignities of one's morning routine.

Most people understand that paralysis means you can't move. What they don't realize is that it also means you can't feel. Further, all the body's systems are affected, causing temperature and blood pressure instability as well as sexual, bowel, and bladder dysfunction. In spite of all this, do you know what the toughest part for me is now? . . . not being able to touch my kids.

Now, more that any other time in history, there is hope. Embryonic stem cells hold the possibility of replacing the cells killed by the injury. Very promising studies are being performed around the world that demonstrate the potential of embryonic stem cells to solve paralysis and many other devastating illnesses. For humanitarian reasons, we simply must pursue this potential.

There is one other point that must be made. I cut my teeth in the business world. When I was injured, I was the CFO of a major brokerage operations company. In addition to their humanitarian benefit, stem cells have the potential to be the next medical industrial revolution. America has always been the leader in medical technology. Minnesota in particular has been called Medical Alley. America and Minnesota need to be leading the way in stem cell research, not sitting on the sidelines, watching the rest of the world pass us by.

In closing, let me offer this: A generation ago, pioneers in medical research developed in vitro fertilization, a technique that has now enabled my wife and me to have two beautiful children. My kids are living examples of the power of medical research.

I do not support slowing down the discoveries this research offers to millions, and allowing other countries to surpass America's leadership in medical tecnology.

That's why I am speaking out now, for the next generation. I don't want my children or anybody else's children to be told one day, "You are paralyzed, and will never move again."

I support those who champion this important research and thank them for helping change the future.

Mr. SCHIFF. Mr. Speaker, I rise in strong support of H.R. 3, the Stem Cell Research Advancement Act of 2007.

In California, we have devoted State funds, nearly $300 million a year, to pursuing research on embryonic stem cells, and it has helped make California a destination for researchers on the cutting edge of biotechnology. But the promise of stem cell therapies will not benefit just the people of California, but all Americans, and indeed the entire world. Shutting the National Institute of Health out of this research is misguided, and turns our back on the many millions who may benefit from the cures it may provide.

More than five years after the Administration instituted restrictions on Federal funding of embryonic stem cell research, the promise of this potential line of treatment is greater than ever.

There are those who suggest that research on adult stem cells is equally promising and has produced new therapies—and I welcome further research in that area. But we, as legislators, should not prejudge which avenues are most promising. We should leave the science to the scientists.

Embryonic stem cells have the potential to transform the way we treat diseases that afflict millions of Americans. There is not a person in America who doesn't know someone who suffers from diabetes or Alzheimer's or cancer or heart disease, and embryonic stem cell research hold tremendous promise for the treatment of each of those, along with many other potential therapies.

Medical and biological ethics are a serious issue and we can have differences of opinion, but I believe that a commitment to lifesaving medical research that holds the potential to cure diseases like diabetes and Alzheimer's is consistent with a commitment to the sanctity of human life.

Last year, I voted to override the President's veto of this important legislation. I hope the President will reconsider his opposition, and it will not be necessary to vote on an override again.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 509 of House Resolution 6, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BURGESS. In its current form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Burgess moves to recommit the bill (H.R. 3) to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Page 4, line 11, strike the close quotation marks and the period at the end and insert the following:

"(e) PREVENTING FEDERAL SUPPORT FOR HUMAN CLONING.—

"(1) PROHIBITION.—In conducting or supporting research described in subsection (a), the Secretary may not award a grant to, enter into a contract with, or provide any other support to any entity (including any public or private entity and any Federal, State, or local agency) for such research, unless the entity provides assurances satisfactory to the Secretary that—

"(A) the entity has not conducted or supported, and will not conduct or support, any activity described in paragraph (2) during any fiscal year for which the grant, contract, or support is provided; and

"(B) any entity that controls, is controlled by, or is under common control with such entity has not conducted or supported, and will not conduct or support, any activity described in paragraph (2) during any fiscal year for which the grant, contract, or support is provided.

"(2) ACTIVITIES.—The activities described in this paragraph are any research utilizing all or part of human embryonic stem cells from any cloned human.

"(f) DEFINITIONS.—In this section:

"(1) The term 'asexual reproduction' means reproduction not initiated by the union of oocyte and sperm.

"(2) The term 'cloned human' means an organism produced by human cloning.

"(3) The term 'human cloning' means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously existing human organism.

"(4) The term 'human embryo or embryos' has the meaning given to that term in section 509(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Pub. L. 109–149; 119 Stat. 2833).

"(5) The term 'human embryonic stem cell' means a cell derived from a human embryo or embryos.

"(6) The term 'somatic cell' means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.".

Mr. BURGESS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes in support of his motion to recommit.

Mr. BURGESS. Mr. Speaker, we have heard a lot of discussion today, and a lot of it good on both sides. I again remain disappointed we were not allowed in our committee to fully investigate and understand some of the new issues that surround this science.

I think it is extremely important to know that nothing that we have done so far would preclude the cloning of human tissue, and that is something that needs to be addressed.

□ 1430

So for that, I have asked Dr. DAVE WELDON to share some of his thoughts with us on this subject.

Mr. WELDON of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this motion to recommit, and I would encourage all of my colleagues to vote for it. Why are we offering this motion to recommit? It is really very, very simple. This institution, the House of Representatives, is previously on multiple occasions on record being in opposition to human cloning, both human cloning for the purpose of creating a baby and human cloning for the purpose of creating embryos for research purposes.

Why do we bring this up? Why do we offer this motion to recommit in its current form? Well, it is very, very simple. Some of the labs that are going to get the money under this bill are currently pursuing an agenda of human cloning. I would encourage you all to go to the Harvard medical school Web site. You can pull this down. I have it right here. I would be very interested to share it with any of my colleagues how they are pursuing, through the process that they refer to as Somatic Cell Nuclear Transfer, which is human cloning, an agenda to create disease-specific cell lines for embryonic stem cells. That is their agenda through the process of cloning.

Now, we are on record wanting to make it illegal, make it criminal, to do human cloning. This motion to recommit doesn't do that. This says something much milder than that, and this is why I think most people in this body should be very, very comfortable with this motion to recommit. It simply says, we don't want to be using Federal dollars in a lab that is engaging in human cloning. If we can't get through the Senate a ban, a total ban on human cloning, at least let's make sure that, as we move forward in this brave new world of using human embryos in research and discarding them, that at least we are not incentivizing cloning.

I commend my colleague from Texas and the staff for developing this motion to recommit, and I would just again remind all of my colleagues, we are out of step with the civilized world. Canada, France, Germany and Italy have all completely banned embryo cloning. All the other G–8 countries have serious restrictions on it. This is a restriction on human cloning, a simple, mild restriction that we won't allow Federal dollars to be going to a lab that is doing cloning.

Mr. BURGESS. I thank the gentleman from Florida. I will yield any time remaining to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman for yielding and appreciate the privilege to address this subject matter.

This motion to recommit is a motion about cloning. Many of the other civilized nations in the world have taken a position against cloning. This Congress has taken a position against cloning, but there isn't a way in the laboratory to move forward with these experiments on embryos without cloning.

We are asking for a moral standard here. The people say, on the one side of this argument, No, we're opposed to human cloning; we think that's abhorrent to us; that that is ethically something that we're opposed to. This motion to recommit allows a Member to take that stand and put that vote up and say, I'm opposed to cloning, whatever you believe about the research that is involved here.

Mr. FEENEY. Will the gentleman yield?

Mr. KING of Iowa. I would yield.

Mr. FEENEY. I would say to my friend, Mr. KING, yesterday in the bill there was a discriminatory provision that favored or discriminated for or against some territories or States as opposed to others in the minimum wage bill. Is there anything that the gentleman is aware of in this bill that would discriminate in terms of Federal funding for human cloning, helping some territories and treating some States and territories different from one another as, unbeknownst to the Members, occurred yesterday in the minimum wage bill?

Mr. KING of Iowa. Yesterday what happened in the minimum wage bill seemed to be discriminatory for some reasons that I think we all know. I am not aware that there is a political subdivision, a geographical area or even a subdivision of some university that might have assisted——

Mr. FEENEY. Is it theoretically possible that people in American Samoa who do not make minimum wage——

The SPEAKER pro tempore. The gentleman from Florida will suspend.

The gentleman from Iowa has the time. If he wants him again to yield, he should ask him to yield, not simply speak.

Mr. FEENEY. Will the gentleman yield?

Mr. KING of Iowa. I would be happy to yield to the gentleman from Florida.

Mr. FEENEY. Is it theoretically conceivable if yesterday's minimum wage exemption for American Samoa becomes law and today's bill passes that people that make less than the minimum wage in American Samoa will be doing with Federal funds embryonic stem cell research?

Mr. KING of Iowa. I would say that I am not aware of a circumstance like that, of whether there happens to be a geographical area or a political subdivision or an interest that might be from a university that could be part of this bill.

Ms. DEGETTE. Mr. Speaker, I rise in opposition to motion to recommit.

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

Ms. DEGETTE. Mr. Speaker, this motion does not ban human cloning. It does not ban reproductive cloning. What it is, is a desperate attempt to derail ethical scientific research on embryonic stem cell research, which is unrelated.

Not a single person in this House supports reproductive cloning. But again, the motion doesn't ban reproductive cloning. What it does is it says, if you are an entity conducting research on Somatic Cell Nuclear Transfer, which is a way to look at these cells, with private dollars, not even with public dollars, you will be prevented from receiving Federal funding for conducting embryonic stem cell research. This will, frankly, tie the hands of some of the preeminent research entities in the world from conducting this life-saving research.

The motion is a thinly veiled attempt to define human life in a manner that can have profound implications beyond the issues raised in H.R. 3. It contains vague terms like "assurances" and undefined terms such as "satisfaction of the Secretary."

What the frank intent of this motion is, is to gut H.R. 3 by strapping it with undefined standards and terms that are extraneous to the bill. The motion is a procedural vote without meaning. It is a ruse, a red herring designed to frighten, to obfuscate and to distract.

We all think that banning reproductive cloning is important, and that is why the chairman of the Energy and Commerce Committee has assured me that he will examine this issue further to see what legislation we can do to protect ourselves.

And I will finally say, I do not know of one research institution which would be eligible for Federal funds through the NIH under H.R. 3 that is conducting any experiments or attempts for human reproductive cloning; it is unethical, and our research institutions are not engaged in these efforts.

Rather than a sincere attempt to legislate on matters of great importance, this motion is partisan, and it should be defeated.

With that, Mr. Speaker, I plan to vote "no" on this motion, I strongly encourage my colleagues to vote "no."

And I yield the balance of my time to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentlewoman from Colorado.

This motion is a poison pill in the greatest way, and it goes a little beyond the normal poison pill. It has basically been designed by those who would oppose the legislation in a way of trying to knock it out because they know very well we have the votes for it on the floor here today. But it goes beyond that; it actually eliminates part of the research which may be essential in the implanting of the embryonic stem cells eventually in a human being called Somatic Cell Nuclear Transfer, which really doesn't relate ultimately to the human reproductive cloning.

I have discussed introducing legislation, I have co-sponsored legislation in the past on banning reproductive cloning. I happen to believe in that, with the gentlewoman from Colorado, we both believe in that very strongly; but the bottom line is that we need to be able to develop the research on embryonic stem cells in every way we possibly can.

Somatic Cell Nuclear Transfer is currently legal. It is just not funded by the Federal Government. This bill does not fund SCNT in any way whatsoever.

The motion to recommit is shortsighted. It is very damaging to any possible future research. It should be opposed by anybody who plans to vote for this legislation. And I would hope that 100 percent of the individuals who are going to vote for our bill are going to oppose the motion to recommit which is being presented here today.

I think in the names of those who are supportive of it, be it Senator HATCH or Nancy Reagan or Michael J. Fox or a lot of other people, but particularly all those people out there who are ill, who have some hope, and that is what it is, it is hope, will make absolutely sure that we do not vote for the motion to recommit, that we defeat it and then, right after that, we go on to pass the legislation which is so important and vital for the future of health of people in America.

Mr. DREIER. Mr. Speaker, I was very interested to hear the remarks of the gentlelady from Colorado (Ms. DEGETTE) when she inferred that the vote on the motion to recommit was not a substantive or amendatory vote. This is simply not the case. The motion to recommit has been held as the opposition's, traditionally the Minority's, last opportunity to perfect the bill prior to its adoption. The motion to recommit was often denied the Republicans when they were in the Minority prior to 1995. When the Republicans took the majority in the 104th Congress we had promised to protect the Minority's right to offer the motion to recommit and we kept our promise by instituting a rules change which prohibited the Rules Committee from denying that motion.

And to simply make the point more clear that a motion to recommit is a substantive amendatory vote, I would like to refer the gentlelady to page H210 of the CONGRESSIONAL RECORD dated January 9, 2007. There she will find a series of parliamentary inquiries directed to the Chair by the gentleman from Texas, Mr. HENSARLING. In one of the inquiries the gentleman from Texas specifically asks the Chair, Does the special order provide for the consideration of any amendments? To which the Speaker replied, "By way of the motion to recommit." So, unless the gentlelady would like to overturn the ruling of the Chair, clearly the motion to recommit is amendatory and therefore highly substantive.

Ms. DEGETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BURGESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage, if ordered; and on the motion to suspend the rules on H. Res. 15.

The vote was taken by electronic device, and there were—yeas 189, nays 238, not voting 8, as follows:

[Roll No. 19]

YEAS—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—238

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Bishop (GA)
Buyer
Davis, Lincoln

Hastert
Miller, Gary
Norwood

Radanovich
Westmoreland

□ 1502

Mr. BISHOP of New York changed his vote from "yea" to "nay."

Messrs. YOUNG of Alaska, REGULA, and ROHRABACHER changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 19, on Motion to Recommit with Instructions (H.R. 3), had I been present, I would have voted "yea."

PARLIAMENTARY INQUIRY

Mr. BURGESS. Parliamentary inquiry.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The gentleman from Texas may state his parliamentary inquiry.

Mr. BURGESS. Mr. Speaker, would it be in order to inquire where we are in the 100 hours time? I see it is 3 o'clock in the afternoon; in Texas, that is 2 o'clock.

The SPEAKER pro tempore. The gentleman from Massachusetts is the Speaker pro tempore, not the timekeeper.

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BARTON of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 174, not voting 8, as follows:

[Roll No. 20]

AYES—253

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)

Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar

Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Frank (MA)
Frelinghuysen

Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe

Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reichert
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard

Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—174

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David

Davis, Jo Ann
Davis, Lincoln
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Duncan
Ehlers
Ellsworth
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson

Hoekstra
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry

McHugh
McIntyre
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe

Price (GA)
Putnam
Rahall
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)

Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (OH)
Wilson (SC)
Wolf

NOT VOTING—8

Bishop (GA)
Buyer
Gilchrest

Hastert
Miller, Gary
Norwood

Radanovich
Westmoreland

□ 1511

Mr. MELANCON changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 20, on passage of H.R. 3, had I been present, I would have voted "no."

MOURNING THE PASSING OF PRESIDENT GERALD RUDOLPH FORD

The SPEAKER pro tempore (Mr. WELCH of Vermont). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 15, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the resolution, H. Res. 15, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 12, as follows:

[Roll No. 21]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow

Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner

Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess

Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Bishop (GA)
Buyer
Hastert
Herger
McCrery
Miller, Gary
Miller, George
Murtha
Norwood
Radanovich
Thornberry
Westmoreland

□ 1522

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 21, on Motion to Suspend the Rules and Agree, as Amended (H. Res. 15), had I been present, I would have voted "yea."

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

EMBRYONIC STEM CELL RESEARCH

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, I am pleased that with the vote recently completed, we will move toward research in embryonic stem cells.

My home State of New Jersey asserted real national leadership on stem cell research. In 2005, New Jersey became the first State in the Nation to award public funds for research on human embryonic stem cells. But one State or another supporting this research is not a substitute for Federal support.

Opponents of this legislation that we passed say that we should pursue alternative avenues for research such as adult stem cells, cord blood cells, amniotic fluid cells, and they are correct. We should investigate each one of these avenues. Yet that is not a compelling reason to block the researchers from pursuing embryonic stem cell research, which experts agree hold the greatest potential because of the truly broad nature of these embryonic stem cells.

APPOINTMENT OF MEMBER TO UNITED STATES GROUP OF THE NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 1928a, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the United States Group of the NATO Parliamentary Assembly:

Mr. TANNER, Tennessee, Chairman.

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRAQ AND THE WAR ON TERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, after 9/11, the House of Representatives voted in unprecedented near unanimity with one dissenting vote to invade Afghanistan and go after the perpetrators of 9/11, Osama bin Laden, al Qaeda, and also their host, the Taliban. The U.S. Forces with real allies quickly accomplished that mission, displacing the Taliban, Osama bin Laden, al Qaeda.

Unfortunately, because of the administration's diverting its attention already toward Iraq and failing to send adequate troops into Afghanistan and overly relying upon untrustworthy Afghan warlords, Osama bin Laden escaped, as did the one-eyed Omar of the Taliban, al-Zawahiri, his deputy.

They are still at large. They are still planning attacks in the United States. In fact, they are resurgent. For the first year since our invasion of Afghanistan, the Taliban didn't shrink back into Pakistan for the winter. They have set up sophisticated forward bases in Southern Afghanistan.

We are hearing a plea for reinforcements from the NATO forces, from U.S. troops on the ground. And what is the President's reaction? Remember the President, "Osama bin Laden, dead or alive; dead or alive, we are going to hunt him to the ends of the Earth"? He does not talk about that anymore, does he? The Taliban, Afghanistan. He is totally focused on his failed policies in Iraq, where there was no al Qaeda, where there were no weapons of mass destruction, where there was no Osama bin Laden.

□ 1530

And now the President, as part of an attempt to paper over his failed strategy yet once again and pretend there is possibly a military solution, he is going to take U.S. troops out of southern Afghanistan and send them to Baghdad, despite the warnings that the one-eyed Omar and the Taliban intend to try and retake Kandahar against the pathetic NATO troops that are defending that region, hobbled by extraordinarily restrictive rules of engagement.

There is a possibility that there will be a new sanctuary and there will be a resurgence in place for the terrorists to go, but it is not Iraq. The President, in his blind obsession with Iraq, is failing to see the real threats against the United States of America. The President should not, and this Congress should not, support an escalation of the war in Iraq, sending 21,500 troops in Iraq, some of whom are vitally needed in Afghanistan who will be displaced as part of that number because we have taxed our military so heavily.

This is wrong policy for Iraq, wrong policy for America, and wrong policy for the much-touted war in Iraq. We must refocus our efforts on Afghanistan, and we must work more broadly for a solution in Iraq, following many of the recommendations of the Hamilton-Baker report rejected by the President in favor of doing the same thing again and again and again.

This is not a change in policy. It is the same failed policies of the past.

PANCHO VILLA RIDES AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I bring you news from the second front: the border war continues.

Ninety years after his example, Pancho Villa would be proud knowing that armed banditos from Mexico continue to invade the United States border to harass U.S. citizens, and the U.S. Government won't do what is necessary to stop this invasion.

The Associated Press reports on January 3 of this year: gun-toting Mexican outlaws encountered U.S. National Guard troops along the U.S.-Mexico border near Sasabe, Arizona. After supposedly bringing drugs into our land, these outlaws were headed back home to Mexico when they overran this Arizona National Guard "outpost."

Make no mistake about it. These criminals were not "undocumented migrant workers" who daily cross the U.S. border illegally, but fierce outlaws armed with AK–47 automatic rifles. They were taking full advantage of our weak border rules of engagement policy, or shall I say non-policy.

According to the National Guard, the gunmen defiantly approached our border troops in what was described as an "aggressive manner." But instead of holding steady against this threatening approach, our Guardsmen fled. That's right, they retreated. Why? Because it is the policy that the National Guard may not fire their weapons unless fired upon or in danger of serious bodily injury and can only fire if no civilians are in close proximity.

In other words, when approached by armed intruders, the National Guard must flee. With these restrictions, the hostility left troops with the only choice they had, follow the retreat when confronted policy.

An ongoing investigation into the January 3 threat is being conducted by the U.S. Border and Customs Patrol. A spokesman for the U.S. Customs and Border Patrol stated, "The exceptional job of these agents and troops is angering drug dealers, and that is probably the reason that they were so bold, and that heightened frustration may be connected" with the incursion on January 3 and overrunning the outpost.

These narcoterrorists act as if America is their country and the National Guard are the intruders. Our government must allow our troops to engage the criminal invaders. If they come onto our land armed, we should fight, not flee from the scene. The war on the border is escalating. Ignoring these attacks only encourages Mexican drug dealers to be more aggressive in their criminal enterprises.

Homeland security begins at home by protecting our borders from these illegal invaders. In the days of Pancho Villa, banditos encroached upon the border on horseback. But U.S. soldiers and Texas Rangers fought back and took control of our border. Now these banditos come across by any means necessary: in Humvees, in the backs of trucks, on foot, and they are saddled with deadly fire power. They traffic drugs, illegal aliens, and they are armed while doing it.

In 1916, our government ordered thousands of National Guardsmen to protect the borders and to protect U.S. citizens. General John J. Pershing did that. He defended our borders, and he chased banditos back to Mexico.

In 2007, the U.S. Government has once again called the National Guard to protect and defend. But the U.S. engagement policy is beneficial only to the intruders by not allowing the National Guard to defend themselves or our sovereignty with their weapons.

How is the National Guard to shield our country from this invasion when they can't capture armed bandits? Or should they be called "undocumented firearm enthusiasts"? If our National Guard is on the border, they should be allowed to protect our country from hostile invaders using any means necessary. After all, they are the National Guard, not national bird watchers. Let's not send our National Guard or border agents to perform a task with a no-detain or no-shoot policy. Otherwise, how can they protect America?

Armed renegades attacking our borders are invaders and should be treated as such. Mexico refuses to crack down on their criminals encroaching on U.S. land. In fact, they encourage this intrusion.

Has our Nation lost the moral will to protect our border? We protect the border of other nations. We protect the Korean border. We protect the Iraqi border. Let us protect our own border. A line must be drawn in the sand ordering these desperados to leave or the U.S. Calvary will deal with them like General Pershing did 100 years ago.

And that's just the way it is.

PRESIDENT HEADED IN WRONG DIRECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last night we heard from a President who plans to continue in the wrong direction, believing that our military can solve a political quagmire; but every day that we are there, our military presence makes the situation worse.

Mr. Speaker, sending more troops will only fuel the insurgency. We don't belong there, and our brave and capable troops need to come home.

I ask you: How can we believe a President who had already sent troops to Baghdad before his speech and he didn't mention it? Unbelievably, he is sending troops, and of course he didn't mention this, that don't have the most advanced armor.

But, Mr. Speaker, while the President was giving his remarks, the U.S. military was attacking the Iran consulate, the consulate in the Kurdish region of Iraq. As yet, their consul has not heard why from the United States. The President didn't tell us about that attack.

It is troubling and it is sad that the President has misrepresented so many facts about Iraq. It seems he can't distinguish between what he wants to believe and what is real. What he is calling sectarian violence is really civil war.

He supports the Iraq Government against the death squads when he knows full well that the death squads are embedded in the Iraqi Government. He claims that he is following the Iraq Study Group's recommendation to get a win when the study group has said there is no way to win and that the only question is how to best leave.

The President wants a win. To that end he is sending 20,000 more Americans into harm's way and spending $100 million a day to get that win. In 3 months, don't kid yourself, he will be asking for more to get a win. This is immoral.

What the President doesn't realize is that America wins when we follow our ideals, which means we fight for freedom when our freedom is at stake and we only ask American troops to lay down their lives when our country is in danger, not to give the President a win.

Again, Mr. Speaker, let me repeat, there is no military solution to this political problem. The United States is not going to determine the fate of Iraq; only the Iraqis will determine their fate.

ESCALATION IS HARDLY THE ANSWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, a military victory in Iraq is unattainable, just as it was in the Vietnam War. At the close of the Vietnam War in 1975, a telling conversation took place between a North Vietnamese colonel named Tu and an American colonel named Harry Summers. Colonel Summers said to Tu, You know, you never beat us on the battlefield. And Tu replied, That may be so, but it is also irrelevant.

It is likewise irrelevant to seek military victory in Iraq. As conditions deteriorate in Iraq, the American people are told more blood must be spilled to achieve just such a military victory. 21,000 additional troops and another $100 billion are needed for a surge, yet the people remain rightfully skeptical.

Though we have been in Iraq for nearly 4 years, the meager goal today simply is to secure Baghdad. This hardly shows that the mission is even partly accomplished.

Astonishingly, American taxpayers now will be forced to finance a multibillion dollar jobs program in Iraq. Suddenly the war is about jobs. We export our manufacturing jobs to Asia, and now we plan to export our welfare jobs to Iraq, all at the expense of the poor and the middle class here at home.

Plans are being made to become more ruthless in achieving stability in Iraq. It appears Muqtada al Sadr will be on the receiving end of our military efforts, despite his overwhelming support among large segments of the Iraqi people.

It is interesting to note that one excuse given for our failure is leveled at the Iraqis themselves: they have not done enough, we are told, and are difficult to train. Yet no one complains that the Mahdi or the Kurdish militias, the Badr Brigade, the real Iraqi Government, not our appointed government, are not well trained. Our problems obviously have nothing to do with training Iraqis to fight, but instead with loyalties and motivations.

We claim to be spreading democracy in Iraq. But al Sadr has far more democratic support with the majority Shiites than our troops enjoy. The problem is not a lack of democratic consensus; it is the antipathy among most Iraqis.

In real estate, the three important considerations are: location, location, location. In Iraq, the three conditions are: occupation, occupation, occupation. Nothing can improve in Iraq until we understand that our occupation is the primary source of the chaos and killing. We are a foreign occupying force strongly resented by the majority of Iraqi citizens.

Our inability to adapt to the tactics of fourth-generation warfare compounds our military failure. Unless we understand this, even doubling our troop strength will not solve the problems created by our occupation.

The talk of a troop surge and jobs program in Iraq only distracts Americans from the very real possibility of an attack on Iran. Our growing naval presence in the region and our harsh rhetoric towards Iran are unsettling. Securing the Horn of Africa and sending Ethiopian troops into Somalia do not bode well for world peace, yet these developments are almost totally ignored by Congress.

Rumors are flying about when, not if, Iran will be bombed by either Israel or the United States, possibly with nuclear weapons. Our CIA says Iran is 10 years away from producing a nuclear bomb and has no delivery system, but this does not impede our plans to keep everything on the table when dealing with Iran.

□ 1545

We should remember that Iran, like Iraq, is a third world nation without a significant military. Nothing in history hints that she is likely to invade a neighboring country, let alone do anything to America or Israel.

I am concerned, however, that a contrived Gulf of Tonkin type incident may well occur to gain popular support for an attack on Iran. Even if such an attack is carried out by Israel over U.S. objections, we will be politically and morally culpable, since we provided the weapons and dollars to make it possible.

Mr. Speaker, let's hope I am wrong about this one.

OIL INDUSTRY MAIN BENEFICIARY OF IRAQ WAR

The SPEAKER pro tempore (Mr. WELCH of Vermont). Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the American people have not received very much information about a major issue in and around the Iraq war, and the oil industry would like to keep it just that way. Fortunately, investigative journalism is still being practiced, and I want to share information uncovered by a reporter for AlterNet, in the United States, and a major Sunday story this week in The Independent, a newspaper in the United Kingdom.

The number one Iraq story for all of 2006 on AlterNet, which is an Internet-based news and opinion site, was a two-part series by a reporter, Joshua Holland, entitled: "Bush's Petro-Cartel Almost Has Iraq's Oil."

Last Sunday, The Independent carried stories with these headlines: "Future of Iraq: The Spoils of War, How the West Will Make a Killing on Iraqi Oil Riches." And "Blood and Oil: How the West Will Profit from Iraq's Most Precious Commodity."

Members of Congress are limited in how much information we can enter into the record at one time, so I will enter into the record The Independent story. I will also encourage every American to seek out and read the complete AlterNet story, which is available online.

These investigative reports paint a disturbing picture and raise troubling questions about big oil's attempting to steal the oil wealth and resources of the Iraqi people. From the beginning of the Iraq invasion, more moderate voices, especially overseas, questioned whether the ulterior motive behind toppling Saddam Hussein was a grab for Iraqi oil. In this scenario, democracy is a by-product of oil production, not the real reason for military action in Iraq.

Gaining access to the oil wealth of Iraq has had oil industries salivating for years. Gaining control of that oil wealth would be a prize beyond compare for the oil industry. Iraq has the third largest oil reserves in the world, and there are many oil geologists who believe that vast additional oil reserves are just waiting to be discovered in Iraq's western desert. They call it the Holy Grail, and some believe the untapped riches could propel Iraq from third to first place in the world's oil reserves.

An estimated 115 billion barrels of oil reserves are under Iraq. Today's price is $53 a barrel, and that is an 18-month low. The American people are still suffering from the oil price shocks and high prices at the pump, and the oil industry is booking record profits in the billions of dollars every quarter, record profits in a world that is addicted to oil.

In 1999, Vice President CHENEY was running Halliburton, and he said in a speech that another 50 million barrels of oil would be needed by the end of the decade, and the key was the Middle East.

This administration and the British prime minister have repeatedly said that the U.S. invasion was not about oil. But these investigative reporters say a new law is quietly working its way through the Iraqi government that would give unprecedented access, control and oil wealth to Western oil companies. It would happen under what is known as a production sharing agreement, a PSA.

Here is how The Independent put it: "PSAs allow a country to retain legal ownership of its oil but gives a share of profits to international companies that invest in infrastructure and operation of the wells, pipelines and refineries."

The news account continues: "Their introduction would be a first for a major Middle Eastern oil producer. Saudi Arabia and Iran, the world's number one and twoexporters, both tightly control their industries through state-owned companies with no appreciable foreign collaboration, as do most members of the Organization of Petroleum Exporting Countries, OPEC."

The PSA's would give big oil in Iraq deals that would last for 30 to 40 years. These deals, the news reports point out, would force Iraq to share its oil wealth with Western outsiders, not their own people. Up to 70 percent of the profits would go to outside producers in the first years, and the news media points out that these deals could be enforced ahead of any social and economic reforms in Iraq and ahead of any social programs. One person quoted called it "colonialism lite."

The President said it is not about oil. The prime minister said it is not about oil. They said Iraqi oil was for Iraqi people. But the legislation working its way through the Iraqi government is about nothing but Western access to the oil and its incredible wealth. The leaked drafts of the legislation show the West in a role with access and control, including a provision in the leaked draft document that would enable Western oil companies to transfer their wealth right out of Iraq. They don't have to leave it in Iraq at all.

Quoting directly from the leaked draft, "A foreign person may repatriate its exports in accordance with foreign exchange regulations in force at the time." In fact, the language is so favorable to companies that they would be able to take every bit out and sell the rest to the world.

A vast amount of Iraq's wealth would be up for sale, by foreigners, to foreigners.

Quoting the leaked draft: "It may freely transfer shares pertaining to any non-Iraqi partners."

The United States has been in Iraq for over 4 years already.

How long will we be there if western oil companies are given free rein to put a vice grip on Iraq's oil?

If western oil companies get a 30-year agreement, we may call Iraq the 30-year war.

The President said Iraq was all about democracy. News reports now give us a picture that say it might have been all about the oil.

Read the news reports and decide for yourself.

I include for the RECORD the article from The Independent.

[From The Independent, Jan. 7, 2007]

BLOOD AND OIL: HOW THE WEST WILL PROFIT FROM IRAQ'S MOST PRECIOUS COMMODITY

So was this what the Iraq war was fought for, after all? As the number of US soldiers killed since the invasion rises past the 3,000 mark, and President George Bush gambles on sending in up to 30,000 more troops, The Independent on Sunday has learnt that the Iraqi government is about to push through a law giving Western oil companies the right to exploit the country's massive oil reserves.

And Iraq's oil reserves, the third largest in the world, with an estimated 115 billion barrels waiting to be extracted, are a prize worth having. As Vice-President Dick Cheney noted in 1999, when he was still running Halliburton, an oil services company, the Middle East is the key to preventing the world running out of oil.

Now, unnoticed by most amid the furore over civil war in Iraq and the hanging of Saddam Hussein, the new oil law has quietly been going through several drafts, and is now on the point of being presented to the cabinet and then the parliament in Baghdad. Its provisions are a radical departure from the norm for developing countries: under a system known as "production-sharing agreements", or PSAs, oil majors such as BP and Shell in Britain, and Exxon and Chevron in the US, would be able to sign deals of up to 30 years to extract Iraq's oil.

PSAs allow a country to retain legal ownership of its oil, but gives a share of profits to the international companies that invest in infrastructure and operation of the wells, pipelines and refineries. Their introduction would be a first for a major Middle Eastern oil producer. Saudi Arabia and Iran, the world's number one and two oil exporters, both tightly control their industries through state-owned companies with no appreciable foreign collaboration, as do most members of the Organisation of Petroleum Exporting Countries, Opec.

Critics fear that given Iraq's weak bargaining position, it could get locked in now to deals on bad terms for decades to come. "Iraq would end up with the worst possible outcome," said Greg Muttitt of Platform, a human rights and environmental group that monitors the oil industry. He said the new legislation was drafted with the assistance of BearingPoint, an American consultancy firm hired by the U.S. government, which had a representative working in the American embassy in Baghdad for several months.

"Three outside groups have had far more opportunity to scrutinise this legislation than most Iraqis," said Mr. Muttitt. "The draft went to the U.S. government and major oil companies in July, and to the International Monetary Fund in September. Last month I met a group of 20 Iraqi MPs in Jordan, and I asked them how many had seen the legislation. Only one had."

Britain and the United States have always hotly denied that the war was fought for oil. On 18 March 2003, with the invasion imminent, Tony Blair proposed the House of Commons motion to back the war. "The oil revenues, which people falsely claim that we want to seize, should be put in a trust fund for the Iraqi people administered through the UN," he said.

"The United Kingdom should seek a new Security Council Resolution that would affirm . . . the use of all oil revenues for the benefit of the Iraqi people."

That suggestion came to nothing. In May 2003, just after President Bush declared major combat operations at an end, under a banner boasting "Mission Accomplished", Britain co-sponsored a resolution in the Security Council which gave the United States and UK control over Iraq's oil revenues. Far from "all oil revenues" being used for the Iraqi people, Resolution 1483 continued to make deductions from Iraq's oil earnings to pay compensation for the invasion of Kuwait in 1990.

That exception aside, however, the often-stated aim of the United States and Britain was that Iraq's oil money would be used to pay for reconstruction. In July 2003, for example, Colin Powell, then Secretary of State, insisted: "We have not taken one drop of Iraqi oil for U.S. purposes, or for coalition purposes. Quite the contrary . . . It cost a great deal of money to prosecute this war. But the oil of the Iraqi people belongs to the Iraqi people; it is their wealth, it will be used for their benefit. So we did not do it for oil."

Paul Wolfowitz, Deputy Defense Secretary at the time of the war and now head of the World Bank, told Congress: "We're dealing with a country that can really finance its own reconstruction, and relatively soon."

But this optimism has proved unjustified. Since the invasion, Iraqi oil production has dropped off dramatically. The country is now producing about two million barrels per day. That is down from a pre-war peak of 3.5 million barrels. Not only is Iraq's whole oil infrastructure creaking under the effects of years of sanctions, insurgents have constantly attacked pipelines, so that the only steady flow of exports is through the Shia-dominated south of the country.

Worsening sectarian violence and gangsterism have driven most of the educated elite out of the country for safety, depriving the oil industry of the Iraqi experts and administrators it desperately needs.

And even the present stunted operation is rife with corruption and smuggling. The Oil Ministry's inspector-general recently reported that a tanker driver who paid $500 in bribes to police patrols to take oil over the western or northern border would still make a profit on the shipment of $8,400.

"In the present state, it would be crazy to pump in more money, just to be stolen," said Greg Muttitt. "It's another reason not to bring in $20bn of foreign money now."

Before the war, Mr. Bush endorsed claims that Iraq's oil would pay for reconstruction. But the shortage of revenues afterwards has silenced him on this point. More recently he has argued that oil should be used as a means to unify the country, "so the people have faith in central government", as he put it last summer.

But in a country more dependent than almost any other on oil—it accounts for 70 per cent of the economy—control of the assets has proved a recipe for endless wrangling. Most of the oil reserves in areas controlled by the Kurds and Shias, heightening the fears of the Sunnis that their loss of power with the fall of Saddam is about to be compounded by economic deprivation.

The Kurds in particular have been eager to press ahead, and even signed some small PSA deals on their own last year, setting off a struggle with Baghdad. These issues now appear to have been resolved, however: a revenue-sharing agreement based on population was reached some months ago, and sources have told the IoS that regional oil companies will be set up to handle the PSA deals envisaged by the new law.

The Independent on Sunday has obtained a copy of an early draft which was circulated to oil companies in July. It is understood there have been no significant changes made in the final draft. The terms outlined to govern future PSAs are generous: according to the draft, they could be fixed for at least 30 years. The revelation will raise Iraqi fears that oil companies will be able to exploit its weak state by securing favourable terms that cannot be changed in future.

Iraq's sovereign right to manage its own natural resources could also be threatened by the provision in the draft that any disputes with a foreign company must ultimately be settled by international, rather than Iraqi, arbitration.

In the July draft obtained by The Independent on Sunday, legislators recognise the controversy over this, annotating the relevant paragraph with the note, "Some countries do not accept arbitration between a commercial enterprise and themselves on the basis of sovereignty of the state. "

It is not clear whether this clause has been retained in the final draft.

Under the chapter entitled "Fiscal Regime", the draft spells out that foreign companies have no restrictions on taking their profits out of the country, and are not subject to any tax when doing this.

"A Foreign Person may repatriate its exports proceeds [in accordance with the foreign exchange regulations in force at the time]." Shares in oil projects can also be sold to other foreign companies: "It may freely transfer shares pertaining to any non-Iraqi partners." The final draft outlines general terms for production sharing agreements, including a standard 12.5 per cent royalty tax for companies.

It is also understood that once companies have recouped their costs from developing the oil field, they are allowed to keep 20 percent of the profits, with the rest going to the government. According to analysts and oil company executives, this is because Iraq is so dangerous, but Dr Muhammad-Ali Zainy, a senior economist at the Centre for Global Energy Studies, said: "Twenty percent of the profits in a production sharing agreement, once all the costs have been recouped, is a large amount." In more stable countries, 10 percent would be the norm.

While the costs are being recovered, companies will be able to recoup 60 to 70 percent of revenue; 40 percent is more usual. David Horgan, managing director of Petrel Resources, an Aim-listed oil company focused on Iraq, said: "They are reasonable rates of return, and take account of the bad security situation in Iraq. The government needs people, technology and capital to develop its oil reserves. It has got to come up with terms which are good enough to attract companies. The major companies tend to be conservative."

Dr. Zainy, an Iraqi who has recently visited the country, said: "It's very dangerous . . . although the security situation is far better in the north." Even taking that into account, however, he believed that "for a company to take 20 percent of the profits in a production-sharing agreement once all the costs have been recouped is large".

He pointed to the example of Total, which agreed terms with Saddam Hussein before the second Iraq war to develop a huge field. Although the contract was never signed, the French company would only have kept 10 percent of the profits once the company had recovered its costs.

And while the company was recovering its costs, it is understood it agreed to take only 40 percent of the profits, the Iraqi government receiving the rest.

Production-sharing agreements of more than 30 years are unusual, and more commonly used for challenging regions like the Amazon where it can take up to a decade to start production. Iraq, in contrast, is one of the cheapest and easiest places in the world to drill for and produce oil. Many fields have already been discovered, and are waiting to be developed.

Analysts estimate that despite the size of Iraq's reserves—the third largest in the world—only 2,300 wells have been drilled in total, fewer than in the North Sea.

Confirmation of the generous terms—widely feared by international nongovernment organisations and Iraqis alike—have prompted some to draw parallels with the production-sharing agreements Russia signed in the 1990s, when it was bankrupt and in chaos.

At the time Shell was able to sign very favourable terms to develop oil and gas reserves off the coast of Sakhalin island in the far east of Russia. But at the end of last year, after months of thinly veiled threats from the environment regulator, the Anglo-Dutch company was forced to give Russian state-owned gas giant Gazprom a share in the project.

Although most other oil experts endorsed the view that PSAs would be needed to kick-start exports from Iraq, Mr. Muttitt disagreed. "The most commonly mentioned target has been for Iraq to increase production to 6 million barrels a day by 2015 or so," he said. "Iraq has estimated that it would need $20bn to $25bn of investment over the next five or six years, roughly $4bn to $5bn a year. But even last year, according to reports, the Oil Ministry had between $3bn and $4bn it couldn't invest. The shortfall is around $1bn a year, and that could easily be made up if the security situation improved.

"PSAs have a cost in sovereignty and future revenues. It is not true at all that this is the only way to do it." Technical services agreements, of the type common in countries which have a state-run oil corporation, would be all that was necessary.

James Paul of Global Policy Forum, another advocacy group, said: "The U.S. and the UK have been pressing hard on this. It's pretty clear that this is one of their main goals in Iraq." The Iraqi authorities, he said, were "a government under occupation, and it is highly influenced by that. The U.S. has a lot of leverage . . . Iraq is in no condition right now to go ahead and do this."

Mr. Paul added: "It is relatively easy to get the oil in Iraq. It is nowhere near as complicated as the North Sea. There are super giant fields that are completely mapped, [and] there is absolutely no exploration cost and no risk. So the argument that these agreements are needed to hedge risk is specious."

One point on which all agree, however, is that only small, maverick oil companies are likely to risk any activity in Iraq in the foreseeable future. "Production over the next year in Iraq is probably going to fall rather than go up," said Kevin Norrish, an oil analyst from Barclays. "The whole thing is held together by a shoestring; it's desperate."

An oil industry executive agreed, saying: "All the majors will be in Iraq, but they won't start work for years. Even Lukoil [of Russia], the Chinese and Total [of France] are not in a rush to endanger themselves. It's now very hard for U.S. and allied companies because of the disastrous war."

Mr. Muttitt echoed warnings that unfavourable deals done now could unravel a few years down the line, just when Iraq might become peaceful enough for development of its oil resources to become attractive. The seeds could be sown for a future struggle over natural resources which has led to decades of suspicion of Western motives in countries such as Iran.

Iraqi trade union leaders who met recently in Jordan suggested that the legislation would cause uproar once its terms became known among ordinary Iraqis.

"The Iraqi people refuse to allow the future of their oil to be decided behind closed doors," their statement said. "The occupier seeks and wishes to secure . . . energy resources at a time when the Iraqi people are seeking to determine their own future, while still under conditions of occupation."

The resentment implied in their words is ominous, and not only for oil company executives in London or Houston. The perception that Iraq's wealth is being carved up among foreigners can only add further fuel to the flames of the insurgency, defeating the purpose of sending more American troops to a country already described in a U.S. intelligence report as a cause célèbre for terrorism.

AMERICA PROTECTS ITS FUEL SUPPLIES—AND CONTRACTS

Despite U.S. and British denials that oil was a war aim, American troops were detailed to secure oil facilities as they fought their way to Baghdad in 2003. And while former defence secretary Donald Rumsfeld shrugged off the orgy of looting after the fall of Saddam's statue in Baghdad, the Oil Ministry—alone of all the seats of power in the Iraqi capital—was under American guard.

Halliburton, the firm that Dick Cheney used to run, was among U.S.-based multinationals that won most of the reconstruction deals—one of its workers is pictured, tackling an oil fire. British firms won some contracts, mainly in security. But constant violence has crippled rebuilding operations. Bechtel, another U.S. giant, has pulled out, saying it could not make a profit on work in Iraq.

IN JUST 40 PAGES, IRAQ IS LOCKED INTO SHARING ITS OIL WITH FOREIGN INVESTORS FOR THE NEXT 30 YEARS

A 40-page document leaked to the 'IoS' sets out the legal framework for the Iraqi government to sign production-sharing agreement contracts with foreign companies to develop its vast oil reserves.

The paper lays the groundwork for profit-sharing partnerships between the Iraqi government and international oil companies. It also lays out the basis for co-operation between Iraq's federal government and its regional authorities to develop oil fields.

The document adds that oil companies will enjoy contracts to extract Iraqi oil for up to 30 years, and stresses that Iraq needs foreign investment for the "quick and substantial funding of reconstruction and modernisation projects".

It concludes that the proposed hydrocarbon law is of "great importance to the whole nation as well as to all investors in the sector" and that the proceeds from foreign investment in Iraq's oilfields would, in the long term, decrease dependence on oil and gas revenues.

THE ROLE OF OIL IN IRAQ'S FORTUNES

Iraq has 115 billion barrels of known oil reserves—10 per cent of the world total. There are 71 discovered oilfields, of which only 24 have been developed. Oil accounts for 70 per cent of Iraq's GDP and 95 per cent of government revenue. Iraq's oil would be recovered under a production-sharing agreement (PSA) with the private sector. These are used in only 12 per cent of world oil reserves and apply in none of the other major Middle Eastern oil-producing countries. In some countries such as Russia, where they were signed at a time of political upheaval, politicians are now regretting them.

THE $50BN BONANZA FOR U.S. COMPANIES PIECING A BROKEN IRAQ TOGETHER

The task of rebuilding a shattered Iraq has gone mainly to U.S. companies.

As well as contractors to restore the infrastructure, such as its water, electricity and gas networks, a huge number of companies have found lucrative work supporting the ongoing coalition military presence in the country. Other companies have won contracts to restore Iraq's media; its schools and hospitals; its financial services industry; and, of course, its oil industry.

In May 2003, the Coalition Provisional Authority (CPA), part of the U.S. Department of Defence, created the Project Management Office in Baghdad to oversee Iraq's reconstruction.

In June 2004 the CPA was dissolved and the Iraqi interim government took power. But the U.S. maintained its grip on allocating contracts to private companies. The management of reconstruction projects was transferred to the Iraq Reconstruction and Management Office, a division of the U.S. Department of State, and the Project and Contracting Office, in the Department of Defence.

The largest beneficiary of reconstruction work in Iraq has been KBR (Kellogg, Brown & Root), a division of U.S. giant Halliburton, which to date has secured contracts in Iraq worth $13bn (£7bn), including an uncontested $7bn contract to rebuild Iraq's oil infrastructure. Other companies benefiting from Iraq contracts include Bechtel, the giant U.S. conglomerate, BearingPoint, the consultant group that advised on the drawing up of Iraq's new oil legislation, and General Electric. According to the U.S.-based Centre for Public Integrity, 150-plus U.S. companies have won contracts in Iraq worth over $50bn.

30,000—Number of Kellogg, Brown and Root employees in Iraq.

36—The number of interrogators employed by Caci, a U.S. company, that have worked in the Abu Ghraib prison since August 2003.

$12.1bn—UN's estimate of the cost of rebuilding Iraq's electricity network.

$2 trillion—Estimated cost of the Iraq war to the U.S., according to the Nobel prize-winning economist Joseph Stiglitz.

COMMENTS ON WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER of Florida. Mr. Speaker, I rise today to discuss the war in Iraq. I oppose the surge. We don't need more American troops caught in the cross-hairs of a civil war. After nearly 4 years, it is high time for the Iraqis to send in their own troops to take out the Shia militias and the Sunni insurgents.

In short, the problem in Iraq is that we are losing nearly 100 American lives every month, and we are spending $2 billion a week. The solution is not to lose even more lives and to spend even more money.

I approach this subject with a great deal of humility, and it is not my intention to micro-manage this war. I am merely a Member of Congress and not a four-star general. But I have listened to what the most well-respected four-star generals.in the United States have to say about this matter, and Generals Abizaid, Casey and Colin Powell have all said that sending another surge of troops into Iraq is not the answer.

I am terribly concerned about interjecting American troops into the middle of civil war violence. Who do they shoot at? The Sunni? The Shia? One thing we know is that 61 percent of Iraqis approve of violent attacks against our own U.S. troops. Does that sound like a grateful country to you?

Thanks to our brave American troops, Saddam Hussein and al-Zarqawi are dead, the Iraqi people have had three Democratic elections and three-fourths of the senior al Qaeda operatives have been killed or captured. And yet 61 percent of Iraqis want to kill American troops, and 79 percent of Iraqis have a mostly negative view of the United States.

The American people have paid the ultimate price for this war, and now is not the time to escalate the tragedy even further. The Iraq war has lasted longer than World War II. It has claimed more American lives than the attacks of 9/11, and it has cost more money than the Vietnam War.

The military action this Congress authorized in 2002 was for a far different purpose than the war we face today. I voted to authorize the use of force because I did not want Saddam Hussein to give weapons of mass destruction to al Qaeda. Now Saddam Hussein is dead, and there are no weapons of mass destruction in Iraq.

Why did we stay in Iraq? Because we wanted the Iraqi people to have a unified and secure government so that Iraq would not become a haven for terrorists, like what happened to Afghanistan after Russia pulled out.

Unfortunately, the Iraqi government has provided neither unity nor security. After nearly 4 years, the Iraqis still have not achieved reconciliation, still have not decided how to share oil revenues and still have not dealt with the militias and the insurgents.

For example, 80 percent of the sectarian violence in Iraq is within a 30-mile radius of Baghdad, yet despite the fact that the Iraqi security forces outnumber the al-Sadr militia by a ratio of 5–1, that is 300,000 versus 60,000, the Maliki government has still not taken action to take out Moqtada al-Sadr and his militia.

In his speech, President Bush tells us that he emphasized the importance of benchmarks with Prime Minister Maliki. Unfortunately, the Iraqi government has a pattern of not fulfilling its promises with regard to benchmarks.

For example, when I was in Iraq in May of last year, the Iraqi government officials told me they would be able to provide security for themselves by December of 2006. Now they are saying they hope to have their own security in place by December of 2007.

Similarly, the U.S. surged the number of troops in Baghdad last summer from 7,500 to 15,000 to take out the insurgents. But the Iraqi government reneged on its promise to provide Iraqi troops, and, as a result, the insurgents came right back after we left.

Mr. Speaker, I believe the motives of President Bush and other prominent leaders, such as John McCain, who are pushing for more troops are pure and well meaning. I believe they sincerely think this is the best way forward. Three years ago, I would have agreed with them. However, at this late stage, interjecting more young American troops into the crossfire of an Iraqi civil war is simply not the right approach. We are not going to solve an Iraqi political problem with an American military solution.

In closing, regardless of how one feels about the war in Iraq or the proposed surge in troops, as long as our American troops are in harm's way, it is our duty and responsibility to support these troops 100 percent.

May God bless our troops and our country.

CONFRONTING REALITY IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, yesterday's decision by President Bush to escalate the U.S. troop commitment in Iraq will not bring stability to Baghdad. It will not ameliorate the growing civil war in Iraq. A troop increase will not result in a more rapid exit for the more than 130,000 American troops serving there, many of them on their third or fourth tour in Iraq. And worst of all, it makes apparent that the President has paid little heed to the bipartisan Iraq Study Group, a multitude of experts, both civilian and military, the Congress and, most importantly, an overwhelming majority of the American people.

For a long time, many of us have been calling for a new way forward in Iraq, and the White House billed last night's speech as a dramatic departure from current policy. But while the rhetoric may have been different, the plan outlined by the President was more of the same, and he clearly intends to stay the course. This is a position that I believe is unwise and that I strongly oppose.

I will support a resolution of disapproval, and I am willing to explore other options to force the President to truly change policy in Iraq.

In his remarks, the President told us that failure in Iraq is unacceptable, but his prosecution of the war has made success in Iraq recede further and further from our reach. The latest escalation is another in a long series of poor decisions by the administration that have cost the lives of so many brave and dedicated troops, cost American taxpayers more than $350 billion and left Iraq in chaos. Shiites and Sunnis who once lived in integrated neighborhoods in Baghdad are slaughtering each other now at a terrifying pace. Iraqis spend 16 of every 24 hours without electricity.

Rather than sending additional troops to combat the insurgency, we should begin to responsibly redeploy our forces in Iraq while redoubling our efforts to train and equip Iraqi forces to provide their own security, an effort which is at the very heart of the Iraq Study Group recommendations for bolstering security in Iraq.

President Bush rightly characterized the most recent pushes to stabilize Baghdad, Operation Together Forward and Operation Together Forward II, as unsuccessful, because there were not enough Iraqi forces to hold areas cleared by American troops. But the President's assertion that we will now be able to rely on 18 Iraqi army and police brigades to shoulder much of the burden in a new offensive in Baghdad is clearly at odds with reality.

□ 1600

The Iraqi Army has not distinguished itself in combat. And four of the six battalions that were deployed to the capital last summer failed to show up at all.

The Iraqi police, which are under the control of the Ministry of the Interior, have been heavily infiltrated by Shiite militias and death squads and cannot be expected to take on Shiite extremists as Prime Minister Malaki has pledged. There is little support for an escalated American military presence in Iraq. American military commanders do not see an increase as improving the security situation on the ground, and the strain of multiple deployments has seriously eroded our capacity to respond to other contingencies should the need arise.

The American people, Democrats and Republicans alike, do not support an increase in the troop strength in Iraq. Perhaps most important of all, the Iraqis do not want more American troops in Iraq. In fact, if there is one thing that unites Iraqis, it is the desire that American forces should not remain indefinitely.

Furthermore, by continuing to bear the brunt of the fighting against insurgents, foreign fighters, and militias, the United States has fostered a dangerous dependence that has slowed efforts to have Iraqis shoulder the burden of defending their own country and government.

Even as we focus our military efforts on training Iraqi security forces, we need to push the Sunnis and Shiites to make the political compromises that are the necessary precondition to any reconciliation process. I have been arguing for more than 2 years that the struggle in Iraq is primarily a political one. The Iraq Study Group and numerous outside experts have also pressed the administration to force the Iraqi Government to make the hard decisions on power sharing, minority rights, and the equitable distribution of oil revenues that could help quell the Sunni insurgency and undermine support for Shiite maximalists like Muktada al Sadr.

I also believe the United States must work to convene a regional conference to support Iraq's bringing together its neighborhoods to find ways to stem the flow of weapons and foreign fighters into Iraq and to pursue common strategies in support of reconstruction and political reconciliation efforts.

There is hard evidence that Iran is facilitating the flow of weapons, trainers, and intelligence to Shiite militias in a bid to assert greater control over its neighbor. At the same time, the long and porous Syrian border has continued to be a transit point for foreign jihadis who have carried out some of the spectacular and devastating attacks on U.S. troops and Iraqi civilians.

Finally, our efforts in Iraq cannot be pursued in a vacuum. We need to do more to engage the Arab and Muslim world, and there must be a renewed effort to start peace negotiations between Israel and the Palestinians. This week's passage of the 9/11 implementation bill included excellent proposals for buttressing our leadership by improving our communication of ideas and communication in the Muslim world and by expanding U.S. scholarship exchange and other programs in Muslim countries.

Mr. Speaker, failure is unacceptable, but so is staying the course. I hope and expect that the debate we are going to have, the first real debate we have had in years, will convince the President to listen to those who are calling for a new way forward and not more of the same.

A TRIBUTE TO ROBERT ADERHOLT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. ADERHOLT) is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Speaker, today I rise to congratulate, pay tribute, and honor a great jurist who has served on the bench for over 40 years in his home State of Alabama.

Born on December 6, 1935, to Ruby and Jesse Clifton, he grew up in Winston County, Alabama, and graduated from Haleyville High School in 1954. He pursued his undergraduate degree at Birmingham-Southern College. Thereafter, he attended the Cumberland School of Law in Lebanon, Tennessee, and obtained his law degree from the University of Alabama School of Law.

As a young attorney, he joined the faculty at the Cumberland School of Law, which by that time had moved from Lebanon, Tennessee, to Birmingham, Alabama, which is known today as Samford University. It was during this time that he authored, along with Professor Sam B. Gilreath, Caruther's "History of a Lawsuit," eighth edition.

In 1958, he married his high school sweetheart, Mary Frances Brown, and they have been married for over 48 years. They have one son, who is married to the former Caroline McDonald and, two grandchildren, Mary Elliott and Robert Hayes.

In 1962, he began serving as judge of the Court of Law and Equity in Winston County and served there until 1973. Then in 1977, he took office as one of two judges serving the 25th Judicial Circuit in the Alabama court system and has remained on the bench for 30 years.

He has served the public for more than 40 years and has presided over each case that has come before him with integrity and with impartiality. He is someone who has a brilliant legal mind; but most important, he has compassion for all individuals, regardless of their background or their social standing.

He is a man of faith, prayer, and integrity, who has a great love for his family, his country and his God. He has taken his job seriously from the first day he stepped up to the bench to preside. In addition to his responsibilities on the bench, he has been a businessman and has pastored Fairview Congregational Church in Hackleburg, Alabama, for over 40 years.

Mr. Speaker, I know all these things to be true about this individual and his character and his reputation because I personally observed him. Many times Members don't always have that kind of perspective when they come to the floor. I can say these things in all truthfulness as I stand here on the floor of the U.S. House of Representatives because this man, the judge I am talking about, Bobby Aderholt, is my dad.

GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise to commend the new Democratic Congress which will finally address high energy prices.

Many Americans have a hard time understanding what often seems like arbitrary reasons for fluctuations in gas prices. As the chairman of the Energy and Commerce Subcommittee on Oversight and Investigations, I look forward to bringing transparency to the oil and gas markets to clarify their effect on gas prices.

A recent example of confusing market behavior was in September and October of 2006, just before the November elections. Gas prices dropped an average of 60 cents per gallon. This 60-cent drop in gas prices occurred despite the fact that there were pipeline disruptions in Alaska and indications that OPEC would cut oil production.

While gas prices dropped 60 cents a gallon in September and October, crude prices only dropped 10 cents. For years, the American Petroleum Institute, API, the oil companies' main lobbying group, spent millions of dollars on public relations campaigns convincing the American people that big oil companies are victims of international crude oil prices and have little to say in the final price of gasoline.

API insists a price of a gallon of gas is directly related to the price of a barrel of crude oil. Yet before the election we have a 60-cent per gallon drop in gas prices and only a 10 percent drop in the price of crude.

Consumer advocates have accused oil companies of purposely reducing gas prices in the months before the election to help Republican candidates. Earlier this month, National Public Radio featured a representative from the Foundation for Taxpayer and Consumer Rights who argued oil companies intentionally reduced the price of gas to influence the November elections.

After the elections, gas prices have increased an average of 15 cents a gallon. Oil companies were able to significantly reduce the price of gas in September-October, then increase the price right after the election, without a corresponding change in the price of crude oil.

This is not the first time oil companies have been accused of manipulating gas prices. Internal memos from several oil companies written in the 1990s have revealed that big oil companies limit refinery capacity in the United States to control the supply, cost, and price of gasoline.

After Hurricane Katrina, the government found that refiners, wholesalers, and retailers charged significantly higher prices that were not the result of either increased costs or market trends. However, because there is no Federal energy price-gouging law in place, the Federal Trade Commission cannot even prosecute this price-gouging practice.

For too long, oil companies have benefited from tax breaks, government subsidies, and lack of oversight. At the same time, oil companies have made record profits at the expense of the American people. Next week, the U.S. House of Representatives will consider legislation to end the tax breaks and special subsidies for Big Oil.

Rather than helping the oil companies' bottom line, these tax breaks and subsidies will be reallocated to promote alternative energy sources to end our Nation's addiction to oil.

Later this year, I look forward to having an open and honest debate on my legislation to create a Federal law against price gouging for gasoline, natural gas, propane, and other fuel. I will continue to work towards greater oversight for oil and gas trading, especially off-market trades, known as OTC trades.

I will be reintroducing my legislation, the Prevent Unfair Manipulation of Prices Act, to improve oversight of oil trades and strengthen penalties for traders who attempt to illegally manipulate these markets.

Under the Republican leadership, the oil companies enjoyed record profits while Americans suffered with record high gas prices, minimal oversight, and price manipulation. The American people have now chosen a new direction, electing Democrat majorities in both the House and the Senate.

I look forward to being able to address high energy prices, to stop price gouging, market manipulation, and to stand up for the American consumer.

SALUTE TO STEELERS' ALL PRO RUNNING BACK AND LEGENDARY COACH DICK HOAK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, I rise today to acknowledge the great contribution Coach Dick Hoak has made to professional athletics, the game of football, the Pittsburgh Steelers, and the people of western Pennsylvania.

Coach Dick Hoak recently announced his retirement from the Steelers' organization on January 1 of this year. As he ends an impressive career, Dick Hoak can look back on his 45 years of history as part of the Steelers' organization. This is an unprecedented run and a shining example of consistency in a business best known for its instability rather than longevity with one team.

The first 10 of Dick Hoak's 45-year tenure with the Steelers were not spent on the sidelines but, instead, on the playing field. Dick Hoak was drafted by the Steelers in 1961, after an impressive high school career in football, basketball, and baseball that included a WPIAL football championship, and a single-game scoring record of 39 points and playing 4 years for Joe Paterno's Penn State Nittany Lions, where he led the team to a Liberty Bowl victory and was named the MVP.

Throughout his playing career with the Steelers, Dick Hoak time and time again showed he was a talented athlete and a dedicated teammate. He led his team in rushing three times and today is the fifth ranked rusher in Steeler history, with 3,965 yards rushing. Dick Hoak also accumulated an impressive 146 receptions, 33 touchdowns, and a Pro Bowl appearance.

For many players, the culmination of such an impressive record would have been enough on which to end a career. However, Dick Hoak, his commitment to Pittsburgh and the Steelers would not end there. Only one year after retiring from the National Football League, Dick Hoak turned down an assistant coaching job at the University of Pittsburgh and rejoined the Steelers' organization, this time as an assistant coach under Hall of Fame Coach Chuck Noll. During this time, Coach Hoak coached the running backs, including the great Franco Harris, through four Super Bowl victories, a championship legacy he would later recapture under Coach Bill Cowher.

Under Dick Hoak's leadership as an assistant coach, the Steelers dominated the league in rushing yardage. Over the 15 seasons Dick Hoak coached for Bill Cowher alone, the Steelers rushed for over 30,000 yards and led the league in rushing three of those 15 seasons. His excellent coaching also added in no small part to the Steelers' Super Bowl win last year. The Super Bowl win not only capped Dick Hoak's career; it made Hoak one of three people in the Steelers' organization, and possibly the only coach in NFL history, to have six Super Bowl appearances and five Super Bowl rings with one NFL team.

Throughout his accomplished career in football, Dick Hoak never let Pennsylvania out of his thoughts. Of course, over his long career, Coach Hoak was offered positions away from his home State. However, his commitment to create a stable environment for his family, and his undying loyalty to his team and the owners of the Steelers, the Rooney family, kept him in Pennsylvania. He never left to accept an offensive coordinator's job with the Tampa Bay Buccaneers; he never left the Rooney family to coach the USFL's Pittsburgh Maulers. Coach Hoak put his family first and remained devoted, loyal, and committed to his team in western Pennsylvania.

Coach Hoak was born in Jeanette, Pennsylvania, and continues to live in nearby Greensburg in a house he has owned since his early days in coaching. His commitment to the Pittsburgh Steelers gave his family stability and western Pennsylvania a steady hand at the helm of a winning offense. Now that his storied career with the Steelers is behind him, Dick Hoak can look forward to another winning team: his family. I know his wife, Lynn, his children Kelly, Katie and Rich, and his seven grandchildren, including my nephews Michael, Jonathan, and Daniel Shuster, are happy to have more time with their Pap-Pap.

Dick Hoak represents the best attributes of sportsmanship, hard work, and commitment. Those are the values that translate from the football field to everyday life, and he embodied them with class. Not only that, Dick Hoak represents the American Dream. He is an American success story who shows if you work hard enough and remain dedicated to your goals, you can succeed beyond what you thought possible, into excellence and legend.

I am happy to say congratulations on a great career, and thank you for being there when we needed you, Coach Hoak.

□ 1615

IN SUPPORT OF EMBRYONIC STEM CELL RESEARCH

The SPEAKER pro tempore (Mr. WELCH of Vermont). Under a previous order of the House, the gentleman from Missouri (Mr. CARNAHAN) is recognized for 5 minutes.

Mr. CARNAHAN. Mr. Speaker, today was a remarkable day in this new 110th Congress. This House in a bipartisan way came together, under the leadership of Congresswoman Diana DeGette of Colorado and Michael Castle of Delaware, to pass a bipartisan measure with a strong vote, 253–174, a bill that would expand the stem cell research in this country and lead to great cures, cures which promise to help people turn around their lives, people that have suffered through debilitating and life-threatening diseases.

Stem cell research holds the promise to help those who suffer from heart disease, various cancers, diabetes, Alzheimer's, kidney disease, liver disease, Parkinson's, to name a few.

Breakthroughs in research are happening every day. But with the bill passed today in this new Congress, even more can be done to provide hope and lifesaving cures to the millions of Americans affected by these diseases.

While there are ethical issued surrounding medical research of any kind, I do not believe that we should unreasonably restrict new medical research and prevent Americans from receiving lifesaving treatments. President Bush's current restrictions are unreasonable and arbitrary.

I believe it is imperative that legislation concerning stem cell research contain strong ethical standards over the conduct of research, and the bill passed today provides such high standards.

Many people have asked me about my best day during my first term in the 109th Congress that just concluded. I can say, without question, the day was May 24, 2005, because it was a day that gave the best hope for lifesaving cures for so many. Those hopes were, unfortunately, dashed when President Bush vetoed the bill, H.R. 810 in the last Congress.

We have come together again, passed this bill with an even stronger bipartisan vote, and I expect it will go to the Senate and pass there again with another strong bipartisan vote. And I would urge the President to reconsider his position. So many people's lives, the quality of lives for their families depend on this research continuing.

This bill, as I said, contained detailed ethical standards on this type of research, and that is an important part of this legislation going forward. This issue has united Americans and actually united this Congress in powerful ways and with a strong voice.

My home State of Missouri has taken a lead in this debate. Expanding stem cell research is supported by 72 percent of Americans from across the political spectrum, and that goes for my home State of Missouri. This past November, Missourians came out to the polls in record numbers in support of stem cell research that holds the potential for lifesaving cures. Our State passed a ballot initiative that ensures Missourians will have access to any stem cell research and cures that are allowed under Federal law and available to other Americans. And it also included strong ethical standards for conducting that research.

Acting in response to the countless Americans who want a new direction in this new Congress, we have begun to respond. Today, the people's House actually acted on behalf of the American people and generations to come. Members from both sides of the aisle came together in support of the pursuit of lifesaving cures and passed H.R. 3, the Stem Cell Research Act.

It is my strong hope that the message of hope sent by both the American people and their Representatives will be heard by President Bush. By signing this vital legislation now into law, the President can provide the hope of potential lifesaving cures to millions of Americans.

WEST VALLEY DEMONSTRATION PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KUHL) is recognized for 5 minutes.

Mr. KUHL of New York. Mr. Speaker, I rise to make the House aware of a serious problem in my Congressional district in upstate New York.

The West Valley Demonstration Project, which is located here, was created by Congress in 1980 to solidify in glass the nuclear waste left over from a variety of sources, including defense atomic waste. This project successfully vitrified all of the high-level waste on the site over the next 2 decades, placing the waste in safe gas containers ready to store in a permanent storage facility.

West Valley is unique in the Department of Energy system in that the site is owned by the State of New York, but the operation is funded 90 percent by the Federal Government and 10 percent by the State of New York. While there is little question that the waste is, in large part, Federal waste, the Federal Government is not owning up to its responsibility to completely clean the site so that it can be returned to the community of West Valley and reused for economic development opportunities.

There is now a grave problem that threatens all of us. Some of the radiation has leaked into the ground water and formed a plume, as shown here on chart 2. The plume continues to grow and threatens streams on the site. These streams feed into larger tributaries which empty into the largest body of fresh water in the world. I repeat that: the largest body of fresh water in the world, the Great Lakes. Lake Erie's shores are only 25 miles away. Better shown on this chart. West Valley Demonstration Project, the creeks to Lake Erie.

It was estimated that the cleanup of this plume would require the removal of 4 million cubic feet of soil just a few years ago. Current estimates suggest 30 million cubic feet of soil would need to be removed to eliminate the threat if done today.

The Federal Government has simply moved the ropes around the affected area. Rather than cleaning it up, a few years ago when the problem was first noticed, the Department of Energy has roped off the area, allowed it to grow and grow and grow.

I will be introducing legislation once again during this term of Congress, Mr. Speaker, to direct the Department of Energy to take immediate possession of the Western New York Nuclear Service Center at West Valley and remediate the entire site, including this dangerous plume. The Department of Energy would be responsible for all costs of the clean up, as New York State neither has the resources nor the ability to do so. This is a Federal problem that requires Federal attention.

The Nuclear Regulatory Commission would be given authority to regulate activities of the Department of Energy at West Valley and consult with the New York State Department of Environmental Conservation in executing the remediation.

The West Valley Remediation Act will replace and supersede the West Valley Demonstration Project Act of 1980, if adopted, but does not reduce any of the act's decontamination or decommissioning provisions.

Appropriations of roughly $95 million per year would be authorized to implement the act, and additional appropriations would also be authorized to benefit the community.

The Department of Energy is then precluded from transporting any additional hazardous or radioactive waste to the site for the purpose of treatment or disposal.

Most importantly, the site would be cleaned and returned to its natural state, and the Great Lakes would no longer be threatened, taking care of a potential international environmental hazard of monumental proportions.

Mr. Speaker, I hope you and my colleagues will work with me and with the Senate to find a solution to this problem.

END THE OCCUPATION IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, yesterday I began to circulate a plan among Members of Congress to establish a path towards the United States exiting Iraq.

As we know, the administration is prepared to escalate the conflict. They intend to increase troop levels to an unprecedented number without establishing an ending date.

It is important for Congress to oppose the troop surge, but that is not enough. We must respond powerfully to take steps to end the occupation, close U.S. bases in Iraq and bring our troops home. These steps are necessary preconditions to the U.S. extricating itself from Iraq through the establishment of an international security and peacekeeping force.

Congress, as a coequal branch of government, has a responsibility here. Congress, under Article I, Section 8 of the United States Constitution, has the war-making power. Congress appropriates funds for the war. Congress does not dispense with its obligation to the American people simply by opposing a troop surge in Iraq.

It is simply not credible to maintain that one opposes the war and yet continues to fund it. And this contradiction runs as a deep fault line through our politics, undermining public trust in the political process and in those elected to represent the people.

If you oppose the war, then don't vote to fund it. If you have money which can be used to bring the troops home or to prosecute the war, do not say you want to bring the troops home while appropriating money to keep them fighting a war in Iraq that cannot be won militarily.

That is why the administration should be notified now that Congress will not approve of the appropriations request of up to $160 billion in the spring for the purposes of continuing the occupation and the war. Continuing to fund the war is not a plan. It would represent a continuation of a disaster.

In addition to halting funding of the war, a parallel process is needed, and I have offered such a comprehensive plan to this Congress. And I am asking Members of Congress for their thoughtful consideration.

I would like to review some of the aspects of that plan. First and foremost, the United States must announce that it will end the occupation, close military bases and withdraw. The insurgency has been fueled by the occupation and the prospect of long-term presence as indicated by the building of permanent bases. A U.S. declaration of an intent to withdraw the troops and close bases will dampen the insurgency which has been inspired to resist colonization and fight invaders and those who help support U.S. policy.

Furthermore, this will provide an opening where parties within Iraq and in the region can set the stage for negotiations towards peaceful settlement.

Now, it is urgent that Congress take a stand now to take a new direction. The President last night articulated a plan for more war. He will have our troops fighting door to door with greater intensity. We will be in Iraq longer.

But there is another thing the President did, and this is another reason why it is urgent for us to act. This President, and I want everyone here to listen very carefully to this: This President is setting the stage for a war against Iran. We all know this. It is not a secret. He is talking about moving an aircraft carrier into the region, giving Patriot missiles to our allies in the region. He has rattled the saber with respect to Iran. He doesn't want to talk to their government; doesn't want to deal with Syria.

This President has only one talent, and that is the talent to make war and an illegal war at that, I might add.

Congress has to assume its power again to defend the American people, to defend the international community.

□ 1630

This administration is on the rampage. That the President, at the delicate condition of things in Iraq, would rattle the saber against Iran shows you the extent to which the administration has no intention of working to achieve peace. That is why Congress has to push now for the administration to end the occupation, close military bases and withdraw.

We have to announce that we are going to use the existing funds to bring the troops home and bring the equipment home. We have to order a simultaneous return of all U.S. contractors to the United States and turn over all contracting work to the Iraqi Government.

When we do that, when we take those steps, then the world community can be inspired that there is a new America that they will cooperate with. But until we do that, we are on our own, and our troops are on our own, caught in the middle of a civil war.

I will continue this in the next hour with Congresswoman WATERS.

AMERICA NEEDS A FOREIGN POLICY THAT DOES NOT PUT THE INTERESTS OF OIL AND OIL DICTATORSHIPS ABOVE THE VALUE OF HUMAN LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, America needs a foreign policy that does not put the interests of oil and oil dictatorships above the interests of human life. It is not surprising that I don't support the escalation of U.S. troop levels in Iraq as asked for by our President last night.

President Bush cannot lead America to military victory in Iraq, absent a viable, political solution that puts Iraq's internal affairs back together and redeploys our soldiers out of the role of being an occupying force. His statement is 3 years too late and hundreds of thousands of soldiers short.

The President refuses to see that his strategy to combat terrorism is transforming Iraq into an Islamic Shi'a state with the relegation of the Sunni and the escape of Christians. Is this lop-sided result really in the interests of regional peace long term? Why should our U.S. forces, the President says he wants to deploy to Baghdad and Anbar Province, be used to do the cleanup work for the new Shi'a-led government. The growing insurgency inside Iraq, and any American sentiment both inside and outside of Iraq, will not be quelled by sending more U.S. troops. It will ripen it.

There is now only one choice: Iraq must take responsibility for its own security as part of a broader political solution that works. But how can that political solution work when minorities in Iraq feel so underrepresented? That is why the international community and Iraq's neighbors must, no matter how difficult, become engaged in diplomatic efforts.

Throughout the Muslim and Persian worlds, the President's policies have emboldened anti-American leaders in Lebanon, in Iran, in Syria, in Bahrain, in the Palestinian Authority, in Saudi Arabia, in Egypt, in Pakistan, even the Horn of Africa now. The Bush doctrine of preemptive war, test marketed in Iraq, succeeded in deposing Saddam Hussein and determining whether or not he possessed weapons of mass destruction.

It is time, therefore, for the President and us to declare victory and transform the operation. As decorated CIA intelligence officer Robert Baer has written: "We are at war in America and throughout the Western world, at war with an enemy with no infrastructure to attack, with no planes to shoot out of the sky, with no boats to sink to the bottom of the seas, and precious few tanks to blow up for the amusement of viewers of CNN."

Baer contends the only way to defeat such a faceless enemy is by substantial increases in human intelligence, and I agree. But that intelligence has been lacking. Even in the U.S. embassy in Baghdad, almost no one speaks Arabic. Dr. Edward Luttwak, a strategic affairs expert at the Center for Strategic and International Studies, observed that the U.S. general who led the operation to apprehend Osama bin Laden neither spoke Arabic nor showed any interest in learning it and depended upon translations of intercepts to detect him.

Importantly, we can ask ourselves, after 5 years, why hasn't the administration filled that human intelligence gap so fundamental to success. Maybe they really don't want to know. So now with the President's proposal to accelerate more forces, those units are going to deploy with too few personnel or with significant numbers of new personnel.

This decreases unit cohesiveness and individual proficiency. Many units are facing three or more deployments, far beyond what was originally anticipated. We know that previous escalation of troops in Iraq have yielded no more success. Without a political solution the President cannot hold the ground by dispatching more U.S. groups or by continuing his escalation of the employment of greater and greater numbers of unaccountable, contracted forces and mercenaries to compensate for the lack of security and rising anti-Americanism.

Our military's time-honored values of duty, honor, and country are being eviscerated by an operation that is depending more and more on hired guns to police the streets, on bounty-seeking contractors to guard important sites such as the oil wells, and foreign nationals to carry out internal security operations in Iraq. I don't call that the freedom the President talked about last night.

Iraqis have proposed dividing Baghdad into nine sectors and policing them with Iraqi troops as American soldiers are redeployed as backups. That might work. But the U.S. most of all needs a broad political strategy that addresses the rising levels of global terrorism the Bush policy is yielding and the growing anti-American sentiment that is brewing in Iraq and the Muslim world beyond.

That strategy demands significant new human intelligence networks, not standing armies. Moreover, we need international diplomacy to engage all nations that border Iraq to seek a resolution to the strife.

Mr. Speaker, America needs a foreign policy that does not put the interests of oil and oil dictatorships above the value of human life. Just as the Bush administration took office, this country is importing an additional 1 billion more barrels of oil per year. Tell me there is no connection between our utter dependence on imported petroleum and the deployment of our precious troops to the Middle East and Central Asia.

STOP MILITARY CASUALTIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, last night the President spoke to the Nation and presented his proposal to the Nation to increase the troop levels an additional 20,000 troops to be sent to Iraq to continue the war in Iraq. What the President didn't do was lay out the plan of how that would be successful, how that would be different than what we are currently doing, and how the results would be different.

The President, with his initial decision to invade Iraq, a decision that was his choice, and this was not a war of necessity, this was not a war to protect the vital interests of the United States, or the integrity of the United States or the safety of our homeland, this was a war where the President chose to go to war.

At the time he was considering going to war, he was advised by many. We all know this history of many saying not to do this and also saying that this would not work in Iraq with its history, with its culture, with its religious differences. But the President chose to go anyway, and we have been there now for 3 years. Over 3,000 young Americans have paid with their lives for this endeavor, and over 20,000 have been wounded, seriously wounded.

I have had the honor to visit with many of those soldiers as they have returned to Walter Reed Hospital with life-changing, life-changing wounds. It is remarkable that they would survive them at all, a great testimony to the medical care that is available to them, but nevertheless, life-changing injuries for these young men and women.

Now the President is suggesting, with his plan for escalation, that we will send another 20,000. The fact of the matter is that American soldiers have done all that they can for the Iraqi people. The Iraqi people, the Iraqi Government, has chosen not to take advantage of having the Americans in the country to resolve their political differences, to resolve their differences of culture and religion. They have chosen to continue to fight.

In fact, we find that our soldiers more and more now are simply the targets within the civil war that is going on in Iraq; and for all intents and purposes there is no reason to suggest that that is going to change. The President has suggested that somehow the current Iraqi Government will have to meet some thresholds.

Those thresholds are absolutely contrary to the interest of that government in terms of their survival. It is asking for a betrayal of that government against its Shi'a base, and it fails to recognize how fundamental, how fundamental the clash is between the Sunnis and the Shi'a, not just in Iraq, but throughout this region. If the President had taken time before the invasion, he might have been able to understand that. But it is a fundamental clash between these two factions in Islam.

Because of the actions of this President, he has unleashed the ability of that clash to present very real rewards and very high stakes for either sides. It is not just the oil in Iraq or the governance in Iraq, but it is really about the ability of the Shi'a to spread their influence beyond Iran, to spread their influence beyond being a majority minority in Iraq, to spread their influence beyond being a minority in Lebanon or in Syria; and these are fundamental, and they go back a long time in the history in the clashes between Sunni and Shi'a and how the Shi'a have been treated in countries where they are a minority whether it is in Jordan or whether it is in Saudi Arabia or other countries in the peninsula.

This is very, very fundamental, and the stakes are very high. At this moment our troops are a pawn in that game, in spite of what the President suggests that this is about the security of the region, this is about the blooming of democracy. It is not about any of that any longer. It may have been in his mind when he signed the order to send these troops to Iraq; but the fact of the matter is, it has been overwhelmed by history, by culture, by the nature of the region, all of which he made worse by this disastrous decision of his to choose to go to war in Iraq.

The idea now that contrary to the overwhelming desire of the American people to disengage from this area, and of this Congress that he would go forward, is arrogance that is so dangerous, so dangerous to our country, our standing in the world, and our troops in the region that immediately action should be taken in this Congress to stop this President from going forward with this very dangerous escalation that will do nothing more than add to the list of casualties by American soldiers in this region.

BRING OUR TROOPS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALL) is recognized for 5 minutes.

Mr. HALL of New York. Mr. Speaker, before being sworn in, I was home in my district for a couple of weeks doing a listening tour traveling around the five counties that I represent, and I had dozens of my constituents come up to me and say, Please bring them home, bring our troops home.

I didn't have one person in my district in New York come up to me and say, Please send more over there.

I am proud and honored and humbled, and I must say saddened at the same time, at the prospect that as a member of the Veterans' Affairs committee of this House that I will be able and be responsible to help returning veterans from this war deal with their physical, psychological, economic, housing and other problems.

It is an honor. It is an important service to provide. But what is a shame is that we are creating so many more veterans that have so much more grievous problems, that this war is producing injuries that in previous wars might not have been survivable.

The good news is that the soldiers, our servicemen and -women, are surviving in greater numbers. The bad news is that when they come home, they have to deal with much longer periods of rehabilitation or much more serious injuries and limitations on their mobility and on their other physical capabilities.

I am reminded, standing here, of the State of the Union address 3 years ago when Ahmed Chalabi was sitting in the Presidential box next to the First Lady. At the time he was the fair-haired boy that we had picked out of Iraq to stake our hopes for creating a government in our image and likeness and our country on. So no longer is it Chalabi; it is Maliki.

□ 1645

The President is telling us we can to take his word and trust that he can produce 18 brigades to spread out across the country and to work side by side with our troops.

I am not so sure that 18 brigades that are reliable and independently-functioning of Iraqi Army and police actually exist. I am also not so sure that in another couple of years it won't be somebody else besides Maliki; that there will be a new Prime Minister that we will be told we should stake our hopes on.

There was a front-page story in the Baltimore Sun yesterday that said that 20,000-some new troops heading to Iraq will have to go with the old, lesser armored vehicles, the flat-bottomed HMMWVs, because the new V-hulled transports that deflect the power of a roadside bomb or a land mine are not available in sufficient numbers because the money has not been available to bring the production lines up to where they need to be to have them ready.

It just bespeaks of the same incompetent planning, the same lack of thorough thinking of the problem through that leaves us with six fluent Arabic-speaking translators in the embassy according to the Baker-Hamilton Report.

If you believe our national intelligence estimate from this past fall that says all 16 of our intelligence agencies in this country report that so far the Iraq war has created more terrorists than it has disposed of, where is the logic in continuing that war? Where is the logic in escalating that war?

I would like to see a surge of interpreters and a surge of religious and historical experts in the region and a surge of trained negotiators, and I would like to see a surge of diplomacy, of us treating other countries as sovereigns and talking to them. There are a couple of examples of that working.

One might remember, for instance, a President from the other side of the aisle from me, President Reagan going to South Africa which at the time was a rogue state that had nuclear weapons, and I was on the side that was saying, Let's sanction them. Let's not talk to them. And let's cut off all interaction. And what he called constructive engagement was sending ballet troupes and sending artists and having as much commercial and cultural exchange as possible to bring them to our way of thinking. It worked in that case, a nuclear power disarmed. And I would like to see that kind of emphasis and diplomacy returned to our country's foreign policy.

ESCALATION OF TROOPS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HONDA) is recognized for 5 minutes.

Mr. HONDA. Mr. Speaker, the Nation brought in the new year by marking a somber milestone: the 3,000th fallen American combatant in Iraq. In response, the President proposes to send even more of a failed and dangerous policy.

How much more heartbreak must American families suffer before the President comes to see what the rest of the Nation has long known: His Iraq policy is an utter failure, one that makes our country less and less secure with each passing day, all at the expense of the flower of our youth. How long before the President realizes that each fallen soldier, sailor, aviator, and marine is a valuable, cherished human being and not just a checkmark on a deployment order? How long will President Bush continue to ignore the demands of American voters who have clearly demanded a new direction?

Mr. President, I have asked before and I will ask again now: Why?

These policies of escalation have been tried in the past in Iraq. The results speak for themselves: 3,000 brave men and women return home in body bags, their families and friends left with nothing but memories; over 22,000 more returning home injured, their lives never the same.

America's credibility around the world and its domestic security have been dangerously eroded. We have plunged Iraq into a civil war, further destabilizing an already precarious region. All this while, at home the civil rights of American citizens are slowly being degraded, often without congressional oversight.

On November 7, 2006, the American people spoke loud and clear. They demanded a new direction.

This escalation is not a new direction. It is a slap in the face to all Americans. And the fact that the President began committing new troops in Iraq before Congress had a chance to respond to his new plan is an insult to this body and an insult to the people who elected us to lead our country in a new direction.

Mr. President, you have claimed that you wanted to start this year off in a spirit of bipartisanship and collegiality. As an equal partner, Congress deserves it, America deserves it and, most importantly, our troops deserve it.

THE WAR IN IRAQ NEEDS TO END, NOT ESCALATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. ROTHMAN) is recognized for 5 minutes.

Mr. ROTHMAN. Mr. Speaker, last night President Bush told the American people that he bore responsibility for the many mistakes made in the prosecution of the war in Iraq. Then he announced that he planned to make another mistake: He planned to escalate and expand the war in Iraq.

Mr. Speaker, the President said he intends to send more than 20,000 U.S. service men and women into Iraq and indefinitely. As has been the case with so many military strategic and diplomatic decisions made by this President regarding Iraq, tragically, this too would be a terrible error. This open-ended commitment of more U.S. troops will result in the death and wounding of thousands more American soldiers, cost U.S. taxpayers tens of billions of dollars more, and do nothing to help the Iraqi people resolve their civil war. In fact, this escalation will turn up the heat on the already boiling anti-American fanaticism in Iraq and in the region.

The President's plan also weakens our severely overstretched and depleted military, and it limits our ability to face the current and future conflicts, future threats to our country.

In summary, President Bush's escalation and expansion of the war in Iraq will hurt America's national security, and I will work with all of my colleagues here to do all that we can to make sure that the President's plan does not get allowed to be funded.

Our country has sacrificed deeply to help the Iraqi people already by removing their murderous dictator Saddam Hussein from power, by training their military, spending billions of our money to rebuild their infrastructure, and by supporting them so that they could develop a democratic government.

If we owed the Iraqi people a moral obligation after we deposed their dictator and started this war, Mr. Speaker, we have long since met that moral obligation.

Mr. Speaker, in conclusion, the United States must now simply, but importantly, remove all of our troops from Iraq without delay. We must rebuild our military and let the world know that we are ready to counter the real threats to our national security, current and future.

Let me add one more thing, Mr. Speaker. I am delighted that my friend and colleague MAXINE WATERS from California will be engaging in a Special Order on Iraq and the necessity for withdrawing our troops from Iraq. I am unable to participate in that Special Order and look forward to participating and working with her under her leadership in the very near future.

THE WAR IN IRAQ

The SPEAKER pro tempore. The gentlewoman from California (Ms. WATERS) is recognized for 60 minutes.

Ms. WATERS. Mr. Speaker, I yield to myself as much time as I may consume.

Mr. Speaker and Members, I am here on the floor this evening along with some of my other colleagues who have been working for almost 4 years to bring to the attention of this House the mistakes, the errors, the misdirection of the President of the United States as relates to the war in Iraq. We have Members on this floor this evening, many of my colleagues, who have not only spoken time and time again about what is going on in Iraq, but they have spoken in their districts and around the country, helping people to understand that there are some of us here in the Congress of the United States who do not support this war.

We support our troops. They are there because they have been told by the President of the United States that they should volunteer to serve because our country was at risk. But we have been trying to help people to understand what is happening, what is not happening.

Last night the President addressed the Nation with a new plan that he called a "new way forward." Now, Mr. Speaker and Members, the President of the United States has come up with a lot of proposals since this debacle in Iraq. What he announced last night has been tried before, and he has failed at almost everything that he has attempted.

Now the President is talking about sending 21,000 troops to Iraq. Where are they going to come from? Whose family is going to have to make the sacrifice? Who are these young people who continue to volunteer and are told that they are going to be serving for a certain period of time only to be stopped from going home when they thought they would be going home? Under the President's plan, troops will have shorter amounts of time between deployments and longer deployments to Iraq. The length of Army deployments will be increased from 12 months to 15 months. Marine deployments will be increased to 12 months from 7 months. So where are these troops going to come from?

The President had announced that the Iraqi Government had committed to a series of benchmarks, including another 8,000 Iraqi troops and policemen in Baghdad. So what if they have committed to a series of benchmarks? So what if they don't meet them? Then what? What do we do? The President did not say if they fail on the first benchmark that we are going to get out of there.

□ 1700

No. He just simply one more time said to the American people: Trust me. And I don't think that many of us are willing to continue to trust that the President of the United States has a vision for where he is going with all of this.

The President also said that they were going to force passage of long delayed legislation to share all revenues among Iraq's sects and ethnic groups. Now, we have heard this oil story before. If you can recall, when the President first went into Iraq, they said they were going to get the revenues from the oil; it would help pay for the cost of the war, and it would pay for the reconstruction of Iraq after we have torn it up. And then, of course, the President asked that the American people support him in getting $10 billion for jobs and reconstruction in Iraq.

Well, now that the oil revenues are not forthcoming, this is a President who has spent, spent, spent, created a deficit. This is a President that refuses to support many of the domestic programs that many of us would like to see. We would like to see more affordable housing. We would like to see better schools. We would like to see comprehensive universal health' care. But we cannot get the support of the President of the United States for these domestic needs. But he tells us, now that he has messed up, led us into war under false pretenses, that we are now to pay for it, and there is no oil revenue there to do it. Well, I think that my friends are going to join me in helping to unfold what has taken place.

At this time I would like to yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to thank and congratulate the gentlewoman from California, Ms. WATERS, and her partner from California for the great work that they have done here.

Ladies and gentlemen, I call your attention in this discussion tonight to what happened on Page 1 of the New York Times. And I read this to you for your consideration:

"Inviting a Battle on Capitol Hill. In making the effort to step up the American military presence in Iraq, President Bush invites an epic clash with the Democrats who run Capitol Hill, whose leader promised to force a vote on his plan. While Congress cannot force a change in the White House plan, Mr. Bush's initiative shows that he is ignoring the results of the November elections, rejecting the central thrust of the bipartisan Iraq Study Group, and flouting some of the advice of his own generals.

"The move is in essence a calculated gamble that no matter how much hue and cry his new strategy may provoke, in the end the American people will give Mr. Bush more time to turn around the war in Iraq."

Well, ladies and gentlemen, my suggestion is that, after last night's performance, he is not going to be given more time by the American people and that, from a popularity rating at an all time low of 26, my prediction is that he will have fallen even lower as a result of last night's performance.

So I think that this is quickly turning into the President's war. There are those on all sides around him, including within the Republican Party, Members that will not go along any further. We have run out of steam. We have run out of illogic. We have looked through the exaggerations. So I conclude my remarks by just letting you hear about the editorial in the New York Times:

"We have argued that the United States has a moral obligation to stay in Iraq as long as there is a chance to mitigate the damage that a quick withdrawal might cause." This is the editorial. "We have called for an effort to secure Baghdad, but as part of the sort of comprehensive political solution utterly lacking in Mr. Bush's speech. This war has reached the point that merely prolonging it could make a bad ending even worse. Without a real plan to bring it to a close, there is no point in talking about jobs programs and military offenses. There is nothing ahead but even greater disaster in Iraq." This is the media talking now.

It is time that the Executive branch recognize that the majority of the American people, most of the Congress, the media itself are all telling him that President Bush's private war is not going to go anywhere, and to deliberately refuse to accept the decision and determination of the American people on November 7 means that he is now stepping beyond the democratic process.

Madam leader, Ms. WATERS, I thank you so much for yielding.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Ohio, Representative KUCINICH.

Mr. KUCINICH. Mr. Speaker, I want to thank Congresswoman WATERS and all of the members of the Out of Iraq Caucus for keeping the awareness in this Congress on the need for America to take a new direction in the world because we are not just speaking about opposition to a war which should be opposed as illegal, but we are talking about the need for America to take a new role in the world, one where our country does not engage in preemption or unilateralism or first strike, one where America cooperates with the world community on matters of international security.

Remember, before 9/11, the felicity that America was held with in so many parts of the world. Remember, right after 9/11, how the world community opened its heart to the United States.

But over at the White House, just off the Oval Office, at a meeting of the National Security Council, Donald Rumsfeld and people in the administration were plotting the attack on Iraq the day after 9/11.

Yesterday the President mentioned 9/11 again. How many times does he have to mention 9/11 when he talks about Iraq? Why does he keep mentioning 9/11 when he talks about Iraq? Iraq had nothing to do with 9/11. This is the big lie. And it is this big lie that the whole policy is based on. The Bible says, that which is crooked cannot be made straight. That becomes prophecy when you are talking about Iraq because everything about what the President is doing in Iraq is crooked.

Let us look at his speech last night. Why did he spend so much time talking about Iran? Let us think about this. We know that in the last year, this administration has taken steps to try to move within the soft circumference of war against Iran. Our Air Force selecting bombing targets, moving in place 24 bunker busters with nuclear tips into the region. Last night talking about moving an aircraft carrier into the region, talking about Patriot missiles into the region, rattling sabers for war. He appears to be setting the stage for a wider war in the region. He has blamed Iran for attacks on America. He is saying that he is going to disrupt Iran. He is going to add this aircraft carrier. Isn't one war enough for this President? Isn't one misguided war enough for this President?

You know, it is time that the media and the Congress, as Mr. CONYERS pointed out, started to pay attention to what this President is saying and to what he does. It is imperative that Congress exercise its constitutional responsibility. And I think we are finally starting to see that. I think we are seeing people on both sides of the aisle realizing that there is a threat to our very democracy here; that our country is in peril by a Commander in Chief who has run amuck; who is without control; who stands by while Lebanon is basically annihilated south of the Litani River and actually, we found out later, was encouraging it; who is letting a civil war grow and fester in Iraq because he is going to send more troops and pour them into it. Or, Members of Congress, is the talk about a 21,000 troop increase in Iraq for the purposes of dealing with problems in Baghdad? Is that just a pretext? Since very few things are on the level with this administration, will some of those troops instead be sent to the border with Iran to provoke a conflict?

These are questions we have to be asking because nothing this administration has said has been the truth. They don't have the capacity to tell a straight story to the American people, and they have spun the people of this country so much that people have become disoriented, but they are finally waking up, and they woke up in November. You want to talk about a surge? There was a surge in November. There was a surge to the voting booth, and that surge accomplished a new Congress. And the issue was Iraq, and our leadership told us that before the election. Three issues, they said, will guide this election: Iraq, Iraq, Iraq. And so was created a new Congress. And so it is imperative that Congress step up to its obligation.

We have to say that we are not going to give this President any more money for the war, but we have to use the money that is in the pipeline right now to bring the troops home and, Mr. Speaker, to set in motion a process, because we understand; we don't want to abandon the people of Iraq. But we know that the only way that we can get our troops out is to establish an international process, and we are not going to establish an international process until such time that we give up the occupation, that we remove our troops and close our bases because that is what is fueling the insurgency. So we can turn this around.

But this President and administration, which has such a talent for war, is determined to wreak chaos throughout the region. That is what they want. More chaos, more war, more control, as America moves towards fascism. Let's call it what it is. We are losing our democracy here. What do we stand for? What are those troops out there for? They believe in this country. They love this country. And if we love this country and the troops, we have to bring them home. But, instead, we have got an administration that is prepared to do something else because, in Iraq, his new plan is a plan for more door-to-door fighting. It is a plan for more war, more civilian casualties, more troop deaths, more wasted money, more destabilization in the region and more separation from the world community. This President wants to send more troops to Baghdad in the middle of a civil war. This President wants to continue a war that everyone knows in Iraq the situation cannot be won militarily.

Does anyone in this administration have any sense at all? Does anyone in this administration have any heart, that we can send our troops into this miasma and cause not only their deaths but the deaths of innocent civilians when the President talks about taking the restrictions off our troops? What does that mean? Is that licensing wholesale slaughter of civilians and then a counter reaction which results in our troops getting slaughtered? This whole thing is wrong. This is not what America should be about. And everyone knows that.

And yet the President last night had the nerve to talk about the Iraqi oil again. He can never talk about Iraq without talking about oil. They want to privatize Iraq's oil. Big surprise. Our troops were sent into Iraq. What was the first thing the administration had them do? Go to the oil ministry. They didn't have them go to protect antiquity, protect children. No. Protect oil. Do you know the Baker Report pointed out that 500,000 barrels of oil are being stolen every day? With 140,000 to 150,000 American troops there, how in the world can we have all that oil being stolen? How can that happen?

□ 1715

Do you know what the market value of that oil is? If you run the numbers, about $62.25 a barrel. That is over $11 billion worth of oil a year stolen. The patrimony of Iraq is just being stolen.

How are we going to have peace if the U.S. is sitting on top of oil, talking about privatizing the oil for the President and all of his buddies in the oil industry? We are going to have peace in that region? Those people are going to step back and let that happen? No way.

That is why we have to get out of Iraq, end the occupation, bring our troops home, close the bases and give the Iraqi people control of their oil once again and begin a process of reconciliation.

We need to create a new context where the international community helps us, because we are on our way out of there. The international community is not going to help the United States as long as we are occupiers.

You know, Mr. Speaker, this President wants to expand the war and the American people should be very concerned because it is not just the sons and daughters who are over there, but it is more who will be sent through an expansion of the war. It is the jeopardy of an escalation.

Have we not learned anything from the experience in Vietnam? Have we not learned that this march of folly we are on has been duplicated in the past? Have we not learned that the attempt to use raw military power is doomed to failure in a world that is interdependent and interconnected? Don't we know that we have a capacity to evolve? Isn't the American Revolution really a series of evolutions of our upward march into something better than we are? Aren't we prepared to take that? I think we are.

I think the American people know it is time for us to take this new direction, to reconnect and reunite with the world community. And we will begin that when this Congress takes a stand and says no more money for war; when this Congress takes a stand and says use the money that is there to bring the troops home; when this Congress takes a stand and says close those bases, don't privatize the oil. When we become actually a co-equal branch of government, which was the intention of our Founders in drawing up the Constitution and in ratifying the Constitution of the United States.

That is what America was always supposed to be about, not about an imperial Presidency. We rejected kings. We rejected autocracy when this country was founded. We didn't come through this long constitutional experience to the administration of George Bush just to turn our back on everything America is about, turn our back on what our real purpose as a Nation is. It is about taking care of our people.

Ms. WATERS. Mr. Speaker, reclaiming my time, I would like to thank the gentleman for all of the hours he has put into this issue.

Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentlelady for yielding. I thank Congresswoman MAXINE WATERS from California for bringing us together here and for her great leadership in the Out of Iraq Caucus. And I also thank Congressman DENNIS KUCINICH of Ohio for his great intellect and great passion. It is a joy to serve with all of you.

I made more formal remarks earlier this evening on the subject of the President's proposal to escalate the number of troops in Iraq. But I wanted to spend a couple of minutes this evening reemphasizing the broader region and how U.S. policy is really impacting a growing anti-Americanism not just inside Iraq, but in many other countries, and how the United States is serving to create destabilization inside nations that is very, very dangerous for those countries, yet we play an immense role in that.

We see what has happened in Iraq. That is kind of the prism that we are looking through now, and we see the Sunni and Shia pitted against each other, and Christians fleeing across the border by the hundreds of thousands, thinking they have no more home inside Iraq. We have done a lot of damage in that country.

And then we look at what is happening inside nations like Bahrain. In recent parliamentary elections, we saw that almost a dozen, 20 parliamentarians were elected from very, very anti-American postures. And, of course, our Fifth Fleet is ported in Bahrain. Were it not ported there, I doubt that the Government of Bahrain would hold.

We look at what is happening in Pakistan and in the provinces of Pakistan. And in every single one of those provinces, the most anti-American candidates are being elected to and rising within the political structure of those countries.

We think about what just happened at the Horn of Africa, and we look at Ethiopia and the arms that the United States is providing and the soldiers that have entered into Somalia and our gunships shelling off of the coast into Somalia itself and the conflict that is brewing between Ethiopia and Somalia.

And you begin looking at what is happening in the general region. It isn't just Iraq. That is kind of a place where we need to keep our eye, but we need to open our eyes to what is happening across the region.

Inside of Lebanon, a country that I remain very close to because of the constituency that I represent, and the struggles we have had during our tenure here in the Congress to try to help Lebanon to be a leader in terms of signing the peace agreement with Israel and remaining a major center for education, for trade, for business, for diplomacy in that part of the world, and the United States standing back and allowing Lebanon to be shelled around its entire perimeter, and a most unfortunate war between Lebanon and Israel, and we saw the Bush administration sit back.

And then we watch these demonstrations in the streets of Beirut. I mean, a million people from Hezbollah demonstrating against the United States. And then of course the Government of Lebanon, Prime Minister Siniora's government trying to hold on, trying to maintain a posture where all sects are able to participate.

But if you look at what is happening across the region in almost every single country, there is this destabilization.

In the Palestinian Authority where we thought during the Clinton administration we were making some progress, of course difficult, of course painstaking. Yet we see Hamas clashing in so many countries. What we have is destabilization rather than a movement toward reconciliation.

The policies of the Bush administration almost seem to result in destabilization in many, many countries in that region of the world.

In Afghanistan, we know that our work is cut out for us. Afghanistan in many ways is a capital without a country, and we are seeing the loss of more life from soldiers from the international community that are attempting to assist us to try to bring some functioning nation-state in place in Afghanistan.

I mention these issues because the President of the United States doesn't. He acts like they are not there. And the rising anti-Americanism that we see across the broader region is very, very dangerous. It is dangerous not perhaps so much for my generation, but for our children and grandchildren that will follow us. There are 1 billion people who subscribe to Islam in this world, and we have to not alienate every single one of them. We have to help them reconcile their internal differences, their tribal tendencies, their tendencies to talk across one another rather than with one another.

I would like to thank my colleague for allowing me a few minutes this evening. I could speak about the oil imperative and my deep, deep concerns about what is happening not just inside Iraq but with the powerful, powerful involvement of global oil companies in letting their power be felt in what happens in this capital and with the likely placements of pipelines across the regions that I am talking about and who are likely to be winners and losers in those efforts. There isn't time to do that tonight.

Without question, the United States, when people ask what can we do at home, what we should be doing here at home is becoming energy independent within a decade. No question. No blinks, no hesitation, no doubts. Not by 2025, within one decade, because that would help free America from the bondage that we are held to from all of the dictatorships from whom we are importing oil. And those dictatorships are extremely important for the American to understand.

If you really look at where terrorism sprouts from, where did the majority of the 9/11 terrorists come from: Saudi Arabia. Why would they hit the United States? What might that have to do with? Where did they come from in Saudi Arabia, and what were they trying to do?

They were trying to get us out of Saudi Arabia. And you know what, they succeeded in doing that. We moved our forces out.

They are about the task of cleansing, in their view, their part of the world from those who control those important oil resources. The United States shouldn't be joined at the hip to oil dictatorships. The American people are beginning to understand who really controls rising oil and gasoline prices in this country, and the importance of us becoming energy independent here at home.

We need to focus the American people on what is happening across a broad region of the world that is extremely dangerous to us long term as the Bush policies are so narrowly focused and really counterproductive long term.

Ms. WATERS. I thank the gentlewoman for all of the good work she does.

I now yield to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, I want to thank Ms. WATERS for her leadership on the Out of Iraq Caucus and for her words here today. I want to thank all of my colleagues for participating in this Special Order this evening.

We are all here because we love this country, and we are all here because we are outraged by the Bush policy in Iraq. We believe our country is much better than what is on display in Iraq today. We want to change the policies of this country to make our country better, to make it reflect what this country really is all about, the finest and the best traditions of the United States of America.

Mr. Speaker, on November 7, George Bush lost the election. The American people made it very clear that they wanted a change in direction in Iraq. That election was about Iraq, and the American people all across this country made it clear that they want a change in direction.

Last night the President of the United States gave a speech, and he made it clear that he doesn't care what the people of this country believe. He is ignoring the message and the statement of the mid-term elections.

You know, I had hoped, notwithstanding all of the media hype leading up to the President's speech last night, I was hoping maybe, just maybe he was going to do the right thing. That instead of announcing tens of thousands of more American troops in Iraq, that he was going to announce that he was going to withdraw tens of thousands of American troops from Iraq and begin the U.S. withdrawal and begin the end of the U.S. occupation of Iraq. He did not do that.

So what do you do, Mr. Speaker? What do you do when you have a President of the United States who ignores the advice of his generals and military leaders who all told him that an escalation of U.S. forces was a bad idea? What do you do, Mr. Speaker, when you have a President of the United States who ignores the work of the bipartisan Iraq Study Group?

The group's report by all accounts says our policy in Iraq has been a failure, and it suggested that we find a way out. What do you do when you have a President of the United States who ignores that? What do you do when you have a President of the United States who ignores the will of the American people, who ignores the election last November 7? What do you, Mr. Speaker?

Well, all of us here have expressed our concern and our outrage over this policy, most of us since before the war again. But what do you do now? We can give more speeches, which we have been doing. We are sending more letters and issuing more press releases.

But, Mr. Speaker, when you have a President of the United States who is behaving as arrogantly as this President is with regard to this war, then Congress must take action. Congress must condition funding. Congress must withhold funding. Congress must cut funding if that is what it takes to end this war.

Now, there are those who say if you do that, you are going to shortchange our troops. I hear that from the Bush administration and from some colleagues here in this Congress. Let me tell you what shortchanges our troops is when we keep them in harm's way in a war that makes no sense, when we have them serve as referees in a civil war, when we put more and more of our troops, when we escalate our involvement in this war. That shortchanges our troops.

The fact of the matter is this administration has been shortchanging our troops for a long, long time, Mr. Speaker. When wounded veterans come back, when people come back from this war with post-traumatic stress syndrome and they can't get the care that they need, that shortchanges our troops.

I don't think it shortchanges our troops to reunite our soldiers with their families and their loved ones back in the safety of this country. That doesn't shortchange our troops. That actually is what our troops deserve.

I think we need to understand that all this rhetoric, the constant invocation of 9/11, the constant admonitions that somehow we are not being true to our troops if we talk about cutting aid, withholding funds, stopping funding for this war because this President won't deal with us, we need to put that rhetoric aside.

□ 1730

This President will not listen to the American people. Put the rhetoric aside. We have to do what is right.

Let me tell you one final thing, Mr. Speaker. All of us who serve in this Congress do not have to wake up in harm's way. We are not on the front lines in Iraq. I would like to have an amendment introduced some day to a bill that says all these people who want to go to war all the time, they should be the ones who lead the charge. Let those who are up here constantly calling for "stay the course" and "let's continue the current policy," let them go and fight.

The time has come to end this war. That is what the American people want, and this Congress has the guts to do it. I thank the gentlewoman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WELCH of Vermont). The Chair would remind Members that remarks in debate must avoid personalities toward the President.

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first let me thank the gentlelady from California (Ms. WATERS), for organizing this special order tonight, but also for her leadership in the Out of Iraq Caucus, which is growing each and every day.

I think most Members now, whether they supported or opposed the authorization to use force, understand now that we must get out of Iraq. So I want to thank Congresswoman WATERS and all of the members for continuing to beat the drum on behalf of the American people.

Last night, President Bush went on prime time television to present to the Nation the results really of what I call his "listening tour" on what to do about Iraq. Four years into this war, the President has suddenly taken an interest in listening, but he is certainly not hearing the American people.

A Washington Post-ABC News poll conducted after the President made his case for escalation found that 61 percent of Americans oppose sending more than 20,000 additional troops to Iraq, with 52 percent saying that they strongly oppose the plan. Just 36 percent said that they backed the President's new proposal, and a majority of Americans said Bush's plan for our troops will make no difference whether the war can be won or lost.

The American people oppose this escalation. Members of Congress oppose this escalation. The President's own military advisers oppose this escalation. But in spite of this opposition, in spite of his claims to have been listening, the President went before the American people last night and basically just asked us to trust him, and said, who cares about what the American people think or believe?

Well, I have a question for the President: Why, after the weapons of mass destruction that never existed; after the connections with al Qaeda that proved to be made up, with Iraq; after declaring "mission accomplished" and turning so many corners that made us, quite frankly, totally dizzy; why, given his track record, would we trust his judgment now?

Last night, the President said, "Where mistakes have been made, the responsibility lies with me." Let me tell you, twisting the intelligence to rush this Nation into an unnecessary war was a mistake whose cost we have not yet begun to measure, not only in terms of lives and treasure but also in terms of our Nation's security.

I agree with the President that the responsibility does indeed lie with him, so he needs to rectify this mistake and bring our troops home and bring them home now.

It is clear that the President, quite frankly, has lost touch with reality. Iraq has become the defining issue of his presidency, and he is more interested in trying to save what remains of this horrible legacy than he is in proposing anything that resembles a solution to the mess that his administration has made in Iraq.

The President has proposed an escalation of the war in Iraq at precisely the time, the exact time, when the American people are calling for us to bring this war to an end. He is like the man who finds himself stuck in a hole and decides the best way out is to keep digging.

The question the Congress and the American people must now ask is, how many people should die so that the President can avoid admitting he has staked his Presidency and legacy on an unnecessary war whose implementation his administration has really botched at every single turn? How many have to die so that the President can save face?

The President talked about increasing funds for job creation in Iraq, which would be a wonderful idea, quite frankly, since we bombed the heck out of that country. However, his administration has a miserable track record. Just look at it on reconstruction and the former Republican Congress's unwillingness to conduct oversight over the waste, fraud and abuse and war profiteering, $10 billion-plus so far that is just being discussed, and we know it is more than $10 billion that has been stolen in the name of rebuilding Iraq.

So without a fix to this broken system, the President's proposed reconstruction funds are really just throwing more good money after bad, and the taxpayers certainly don't deserve this. This is, quite frankly, a cynical idea, with his policies the way they are now.

The President says that pursuing his failed policies in Iraq is critical to fighting global terrorism. But let me ask you, is spending $2 billion a week to referee a civil war in Iraq the best way we can spend our money in fighting global terrorism? Let's not forget, the 9/11 Commission pointed out there was no connection, I mean no connection, between Saddam Hussein and al Qaeda prior to this war. Today, Iraq is a terrorist recruiting ground as a direct result, mind you, a direct result of this unnecessary war, and the longer we stay there, the worse it gets.

How much money should be spent propping up a failed policy in Iraq so that the President can kick the can and hand off responsibilities for his failed policy, quite frankly, this is what I think he is trying to do, to the next occupant of the Oval Office?

Finally, let me just say, in October, the President was asked if he would rule out military bases, permanent military bases, and his refusal to say yes, which he refused to say, really did fuel the mistrust of the Iraqi public and strengthen the insurgency.

So, Madam Chairman, I want to thank you again for your voice and for maintaining the 70-plus members of the Out of Iraq Caucus. This is a civil war. It is an occupation which should end, and the best way that we support our troops is to bring our troops home.

Ms. WATERS. Mr. Speaker, I would like to thank the gentlelady for all of the hard work she does on this issue.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlelady from California for her leadership.

Mr. Speaker, before we can even consider sending more of our young men and women into harm's way, we must first determine what our mission is in Iraq. Only then will it be possible to intelligently discuss the number of troops necessary to meet that mission. But 4 years after going to war in Iraq, the administration has yet to clearly articulate a mission. Without a mission and a strategy with a credible chance of success, we should not even be discussing an increase in troop levels.

Mr. Speaker, before we respond to the President's call for an escalation of the war in Iraq, we must first put his speech in the context of the history of the war in Iraq. We need to begin with a discussion of what the current 130,000 troops are doing in Iraq now before we can discuss what 20,000 additional troops might do.

The original reasons which were provided as the rationale for going to war, Iraq had weapons of mass destruction, Iraqi leaders were connected with the 9/11 attacks, and that Iraq posed an imminent threat to the United States, all turned out not to be true.

We have found no weapons of mass destruction, and we know that Iraqi leaders were not connected with the 9/11 attacks. And we were told before the invasion into Iraq that, in the opinion of the CIA, Iraq posed no imminent terrorist threat to the United States. In fact, a letter from the Director of the CIA to the Chair of the Senate Intelligence Committee, dated October 7, 2002, specifically stated that the CIA believed that Iraq and Saddam Hussein did not pose a terrorist threat to the United States and would not be expected to pose such a threat unless we attacked Iraq.

Last night, the President once again attempted to associate our presence in Iraq with the so-called war on terrorism. The truth is that our presence in Iraq has actually increased our risk to terrorism. Furthermore, the term "war on terrorism" is a rhetorical term without any relationship to reality. "Terrorism" is not an enemy; it is a tactic. The enemy is al Qaeda. We attacked Afghanistan because al Qaeda was there.

But after the initial reasons turned out to be false, we have been subjected to a series of excuses for being in Iraq, such as the need to capture Saddam Hussein, the need to capture al-Zarqawi and the need to establish a democracy.

Well, Saddam Hussein was in jail for almost 2 years before he was recently hanged. Al-Zarqawi was killed over 6 months ago, and Iraq held Democratic elections over a year ago. Yet we remain in Iraq, with no apparent end in sight. And here we are talking about increasing, not decreasing, troop levels.

So what are we doing in Iraq? Why did we go in? What do we expect to accomplish? And what will our strategy be for getting out? After we receive truthful answers to these questions, we can intelligently discuss appropriate troop levels.

Last night, the President said he was laying out a new mission for Iraq, thereby clearly acknowledging that whatever the old mission was, it wasn't working. But there is still no clearly defined end goal and clearly defined explanation of how failure or success can be measured. So we remain where we were before the speech, which is on an unclear, undefined path, while continuing to put more troops in harm's way.

If our mission is to stabilize Baghdad, military experts have already said that an additional 20,000 troops is woefully insufficient, so sending these troops will not accomplish that goal. And what happens if Iraq fails to meet its responsibilities, or Baghdad remains unstable and the price is more American deaths? Will we send even more troops? Or will we just cut and run?

And how will we know the new initiative will work? Before our invasion into Iraq, Defense Secretary Rumsfeld predicted that the war would last, and I quote, "six days, six weeks. I doubt 6 months." It has been almost 4 years, and we are still in Iraq with no end in sight.

At the outset of the war, the administration advised the House Budget Committee that it expected the cost of the war to be so minuscule that it advised the committee not to include the cost of the war in the Federal budget, and the administration official who suggested that the cost of the war might exceed $100 billion was fired.

To date, the cost of the war to the United States is over $375 billion, with no end in sight. Over 3,000 courageous Americans have already lost their lives. How many more will die if this new strategy falls as far from the predicted result as the original time and cost estimates? We need to be honest in clearly stating the likelihood that this initiative might fail.

Furthermore, Mr. Speaker, as far as developing a new mission and strategy, it is imperative that we ask where these additional troops will come from. Many will have to come from the National Guard and Reserve, and the escalation will mean longer and multiple deployments. But our troops already in Iraq have served for above-average deployments, and many have already completed multiple tours. Other troops may be redeployed from other assignments. So we must ask what moving these troops will mean to our global national security. We cannot assess the wisdom of an escalation without first answering these critical questions.

We need to develop a coherent plan for Iraq, and that can only begin with truthfully acknowledging our situation there. Unfortunately, all we have gotten from this administration is essentially "Don't worry, be happy. Success is around the corner. And if you don't believe that, then you are not patriotic."

Last November, the American people sent a powerful message that they wanted a real change in Iraq, not more of the same. This Congress needs to hold substantive hearings on why we entered Iraq in the first place, what the present situation is, what we can now expect to accomplish and what the strategy is to accomplish it, and only then can we intelligently discuss the troop levels necessary to accomplish that goal.

It is absurd to discuss troop levels first before we have answers to these critical questions. The American people and our courageous men and women on the front lines deserve a clear, articulated and sensible approach to ending the war in Iraq. Starting with an escalation of military forces is a step in the wrong direction.

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from California (Ms. Watson).

□ 1745

Ms. WATSON. Thank you so much, Representative Waters, for allowing us this opportunity to express our feelings towards the escalation of the war, the war of choice, in Iraq.

I am adamantly against this expansion. I see it as another provocation. I see Iraq now being the spawning ground that attracts all those who hate America to come and kill Americans.

The President is asking for 21,500 more troops to go on the killing fields. We don't even know who the enemy is. We use the name insurgents. We don't even know the President's definition for victory. How do you measure victory?

I remember the day that a great many Members stood up saluting the fact that Iraq had a democratic election. Apparently, there is no faith in those that were elected to administer the country of Iraq because they are talking about America losing the war.

We were told by Rumsfeld that 368,000 Iraqis had been trained. Where are they? Do they run away in the heat of battle? There is a lot of mystery surrounding this whole debacle called the "war against terrorism" in Iraq.

I thought we were looking for Osama bin Laden. All of a sudden we switched over to a nation of 28 million people, to Saddam Hussein, who didn't like Osama bin Laden.

I really feel that we were misdirected, misguided and, really, bottom line, lied to. And I don't know if you knew this, but while the President was making his presentation last night on a new direction forward, U.S. forces entered the Iranian consulate in Iraq's Kurdish-dominated north and seized computers, documents, and other items. It was also reported that five staff members were taken into custody. This is during the time that the President was making his speech.

Now, what I fear is that when the President said the axis of evil, Iran and North Korea, one down, the second one to come, and the third one very soon.

Mr. Speaker, I wish to end with giving you this piece of information. What does that state? I understand right now that the United States has worked with the Iraqi Government to have a law where they will contract out their oil for the next 30 years and 75 percent of the proceeds will go to the contractors. Seventy-five percent. It is the major rip-off of all time.

Was that the real reason why we invaded without provocation into Iraq?

Ms. WATERS. I thank the gentlewoman from California, and I now yield to the gentlewoman from Ohio, Representative Stephanie Tubbs Jones.

Mrs. JONES of Ohio. Mr. Speaker, I want to compliment the gentlewoman from California for her leadership in overseeing this Out of Iraq task force. Clearly, the work that this task force has done had an impact on the elections of 2006 and continues to have an impact as we go down the line.

I want to be very brief. Last night, I went home and I turned on the President's speech; and as a good American, I wanted him to convince me that there was reason to send 21,000 young men and women back into Iraq. See, as a young Congresswoman, this is my 8th year, I have attended five funerals: a young man 19, another young man 28, another young man 28, another one 40-something, and another one in his 30s.

And I sat there and I looked into the faces of those mothers, fathers, sisters, brothers, aunts, uncles, spouses and children; and it was hard for me to come up with words to explain to them why their family members had died.

We can talk about how they paid the ultimate price; but I wanted to say to them, ladies and gentlemen, I am not going to let their deaths be just another number in this 2,000, 3,000 young men and women we have lost. So I waited last night for President Bush to tell me something, give me an indication, say, Stephanie, this is why we need to send 21,000 more people; and I never got it. I never, ever got it. So it is hard for me to explain to my constituency that we ought to send 21,000 more people.

So I come to the floor once again this evening to say to Ms. Waters and all the rest of my colleagues in the Out of Iraq conference, it is the same old song with a different meaning. Same beat, same old song over and over again. It is time to come out of Iraq.

Ms. WATERS. Thank you very, very much.

I now yield to one of our new Members of Congress, a gentleman who comes with a great background and who has hit the floor running, Representative Keith Ellison from Minnesota.

Mr. ELLISON. I thank the gentlewoman from California for allowing me to participate in the Out of Iraq Caucus. I do formally request membership in such caucus at this moment and anxiously await being a full-fledged member of the Out of Iraq Caucus.

Mr. Speaker and Members, I rise today really in the mindset of this coming weekend, which is Martin Luther King's birthday celebration. Martin Luther King, we all know, was a valiant defender of civil and human rights, also stood up strongly for the poor, but in this day and time must be recognized as one of the clearest voices for peace that this country has ever known.

As I stand before you asking this country to join this Out of Iraq Caucus of the Congress, the whole United States should rise up, one and all, and join the caucus. And I just want to mention that it is important now to remember that those voices of peace, of which Martin Luther King was a key voice, need to be listened to, need our attention.

Today, it is important to point out, as we walk toward the Martin Luther King holiday, that it was he who spoke up for peace, and he didn't do it in a way that was easy. Martin Luther King was arrested over 30 times as he was talking about peace. In 1967, and it is important to remember this, in 1967 he gave a speech in which he said that silence could continue no more. And then on April 4 of 1967, 1 year before his death, he said that we have got to get out of Vietnam.

And he didn't just say that Vietnam was the issue. He said Vietnam was critical, and Vietnam was what he was talking about at that time, but he actually projected a greater vision than just Vietnam. He talked about a worldwide fellowship that lifts neighborly concern beyond one's tribe, race, class, and nation. In fact, what he talked about was a generosity of spirit, a politics of spirit in which we all could live in peace with each other.

We need to say, no escalation, get out of Iraq now, but America needs to adopt as its guiding principle, America needs to say the thing that guides us the most is peace. It is not living in superiority to the nations of the world, but living in brotherhood and sisterhood with the nations of the world. We need to talk about a peace of generosity, a peace of inclusion, and a peace that will allow us to look our constituents in the face and say we will not send your brothers, your sisters, your children, your parents into a war zone to be one of 20,000 more targets.

We are going to stand up with courage, just like Martin Luther King did. We will withstand the criticism of those detractors who just don't get it. We will stand with the people who need peace, which is our constituents, and with the soldiers. Today, my colleagues, we are actually protecting our soldiers, as they protect us, by calling for no escalation. Withdraw from Iraq. Peace now.

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank you very much. I know this is a Special Order that has drawn the interest of Members from vast regions around America.

The important thing is we are Americans, that we want what is best for America, and that is why the Congress created the Baker Commission, not for it to be partisan but for it to be bipartisan, for it to have experts from around the Nation. To my great disappointment, the President stood up, ignored the Congress, the people, the experts, the military experts, and the wisdom that would indicate that it is time now to redeploy our troops.

This is a Martin Luther King moment. His birthday will be celebrated this coming Monday. Martin Luther King was courageous enough, as my colleague from Minnesota just said, to have the courage to go against the Vietnam War, realizing it was better to have peace over war and life over death.

The President laid out last night an Iraqi-dependent policy for America. They have, in essence, called upon the American people to depend upon this failed government to be the source of our strategy in Baghdad. We now will send some 20,000-plus troops to engage in a nine-district process of dragging people out of their homes on the premise of utilizing Iraqi soldiers and security forces. My question to the President is: Why did we not do this before?

Let me say in closing that I want a peaceful solution. I did not vote for the war, but I believe in our military. I believe in America and democracy. Bring the allies to the table in the region, have a political diplomacy, and have our troops backup the Iraqis. We cannot have a foreign policy dependent upon Iraq.

Mr. Speaker, I come to the floor today to speak on the most critical issue facing our country, the war in Iraq. This misguided, mismanaged, and costly debacle was preemptively launched by President Bush in March 2003 despite the opposition of me and 125 other members of the House. To date, the war in Iraq has lasted longer than America's involvement in World War II, the greatest conflict in all of human history.

The Second World War ended in complete and total victory for the United States and its allies. But then again, in that conflict America was led by a great Commander-in-Chief who had a plan to win the war and secure the peace, listened to his generals, and sent troops in sufficient numbers and sufficiently trained and equipped to do the job.

Mr. Speaker, I say with sadness that we have not that same quality of leadership throughout the conduct of the Iraq War. The results, not surprisingly, have been disastrous. To date, the war in Iraq has claimed the lives of 3,015 brave servicemen and women (115 in December and 13 in the first 9 days of this month). More than 22,000 Americans have been wounded, many suffering the most horrific injuries. American taxpayers have paid nearly $400 billion to sustain this misadventure.

Based on media reports, tonight President Bush will not be offering any new strategy for success in Iraq, just an increase in force levels of 20,000 American troops. This reported plan will not provide lasting security for Iraqis. It is not what the American people have asked for, nor what the American military needs. It will impose excessive and unwarranted burdens on military personnel and their families.

Mr. Speaker, the architects of the fiasco in Iraq would have us believe that "surging" at least 20,000 more soldiers into Baghdad and nearby Anbar province is a change in military strategy that America must embrace or face future terrorist attacks on American soil. Nothing could be further from the truth, as we learned last year when the "surge" idea first surfaced among neoconservatives.

Mr. Speaker, the troop surge the President will announce tonight is not new and, judging from history, will not work. It will only succeed in putting more American troops in harm's way for no good reason and without any strategic advantage. The armed forces of the United States are not to be used to respond to 911 calls from governments like Iraq's that have done all they can to take responsibility for the security of their country and safety of their own people. The United States cannot do for Iraq what Iraqis are not willing to do for themselves.

Troop surges have been tried several times in the past. The success of these surges has, to put it charitably, been underwhelming. Let's briefly review the record:

1. OPERATION TOGETHER FORWARD, (JUNE–OCTOBER 2006):

In June the Bush administration announced a new plan for securing Baghdad by increasing the presence of Iraqi Security Forces. That plan failed, so in July the White House announced that additional American troops would be sent into Baghdad. By October, a U.S. military spokesman, Gen. William Caldwell, acknowledged that the operation and troop increase was a failure and had "not met our overall expectations of sustaining a reduction in the levels of violence." [CNN, 12/19/06. Washington Post, 7/26/06. Brookings Institution, 12/21/06.]

2. ELECTIONS AND CONSTITUTIONAL REFERENDUM (SEPTEMBER–DECEMBER 2005):

In the fall of 2005 the Bush administration increased troop levels by 22,000, making a total of 160,000 American troops in Iraq around the constitutional referendum and parliamentary elections. While the elections went off without major violence these escalations had little long-term impact on quelling sectarian violence or attacks on American troops. [Brookings Institution, 12/21/06. www.icasualties.org]

3. CONSTITUTIONAL ELECTIONS AND FALLUJAH (NOVEMBER 2004–MARCH 2005):

As part of an effort to improve counter-insurgency operations after the Fallujah offensive in November 2004 and to increase security before the January 2005 constitutional elections U.S. forces were increased by 12,000 to 150,000. Again there was no long-term security impact. [Brookings Institution, 12/21/06. New York Times, 12/2/04.]

4. MASSIVE TROOP ROTATIONS (DECEMBER 2003–APRIL 2004):

As part of a massive rotation of 250,000 troops in the winter and spring of 2004, troop levels in Iraq were raised from 122,000 to 137,000.

Yet, the increase did nothing to prevent Muqtada al-Sadr's Najaf uprising and April of 2004 was the second deadliest month for American forces.[Brookings Institution, 12/21/06. www.icasualties.org. USA Today, 3/4/04]

Mr. Speaker, stemming the chaos in Iraq, however, requires more than opposition to military escalation. It requires us to make hard choices. Our domestic national security, in fact, rests on redeploying our military forces from Iraq in order to build a more secure Middle East and continue to fight against global terrorist networks elsewhere in the world. Strategic redeployment of our armed forces in order to rebuild our nation's fighting capabilities and renew our critical fight in Afghanistan against the Taliban and al-Qaeda is not just an alternative strategy. It's a strategic imperative.

Mr. Speaker, it is past time for a new direction that can lead to success in Iraq. We cannot wait any longer. Too many Americans and Iraqis are dying who could otherwise be saved.

I believe the time has come to debate, adopt, and implement the Murtha Plan for strategic redeployment. I am not talking about "immediate withdrawal," "cutting and running," or surrendering to terrorists, as the architects of the failed Administration Iraq policy like to claim. And I certainly am not talking about staying in Iraq forever or the foreseeable future.

I am talking about a strategic redeployment of troops that: Reduces U.S. troops in Iraq to 60,000 within six months, and to zero by the end of 2007, while redeploying troops to Afghanistan, Kuwait, and the Persian Gulf. Engages in diplomacy to resolve the conflict within Iraq by convening a Geneva Peace Conference modeled on the Dayton Accords. Establishes a Gulf Security initiative to deal with the aftermath of U.S. redeployment from Iraq and the growing nuclear capabilities of Iran. Puts Iraq's reconstruction back on track with targeted international funds. Counters extremist Islamic ideology around the globe through long-term efforts to support the creation of democratic institutions and press freedoms.

As the Center for American Progress documents in its last quarterly report (October 24, 2006), the benefits of strategic redeployment are significant: Restore the strength of U.S. ground troops. Exercise a strategic shift to meet global threats from Islamic extremists. Prevent U.S. troops from being caught in the middle of a civil war in Iraq. Avert mass sectarian and ethnic cleansing in Iraq. Provide time for Iraq's elected leaders to strike a power-sharing agreement. Empower Iraq's security forces to take control. Get Iraqis fighting to end the occupation to lay down their arms. Motivate the U.N., global, and regional powers to become more involved in Iraq. Give the U.S. the moral, political, and military power to deal with Iran's attempt to develop nuclear weapons. Prevent an outbreak of isolationism in the United States.

Mr. Speaker, rather than surging militarily for the third time in a year, the president should surge diplomatically. A further military escalation would simply mean repeating a failed strategy. A diplomatic surge would involve appointing an individual with the stature of a former secretary of state, such as Colin Powell or Madeleine Albright, as a special envoy. This person would be charged with getting all six of Iraq's neighbors—Iran, Turkey, Syria, Jordan, Saudi Arabia, and Kuwait—involved more constructively in stabilizing Iraq. These countries are already involved in a bilateral, self-interested and disorganized way.

While their interests and ours are not identical, none of these countries wants to live with an Iraq that, after our redeployment, becomes a failed state or a humanitarian catastrophe that could become a haven for terrorists or a hemorrhage of millions more refugees streaming into their countries.

The high-profile envoy would also address the Israeli-Palestinian conflict, the role of Hezbollah and Syria in Lebanon, and Iran's rising influence in the region. The aim would not be necessarily to solve these problems, but to prevent them from getting worse and to show the Arab and Muslim world that we share their concerns about the problems in this region.

Mr. Speaker, the President's plan has not worked. Doing the same thing over and over and expecting a different result is, as we all know, a definition of insanity. It is time to try something new. It is time for change. It is time for a new direction.

OUT OF IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, it is good to see you in the Chair, and I thank the gentleman for allowing me to do this.

I am a proud member of the Out of Iraq Caucus, and my office has been flooded with letters and calls from constituents who want the President to start bringing the troops home from Iraq. According to all the polls, an overwhelming number of Americans are opposed to any escalation.

Instead of a plan to begin redeployment, Americans heard a giant sucking sound from President Bush last night, pulling our troops further into the civil war that has already taken the lives of so many of our brave sons and daughters.

The President is dealing with an Iraq that exists only in his imagination. I challenge the President to answer the questions: Who are our allies? Who are our enemies? What does winning mean? How long will American troops be there? How many lives are you willing to sacrifice?

Escalation presumes a military solution is still possible. The catastrophe facing Iraq is political, and yet there is no evidence of a political process that has any hope of achieving any kind of reconciliation or success.

The President has virtually fired General John Abizaid, our top commander for Iraq in the region, who consulted with all of the divisional commanders and asked them in their professional opinion, if we were to bring in more troops would it add considerably to our ability to achieve success in Iraq. They all said no, but the President has not listened.

The British have announced that rather than escalating their participation in this war, they are going to bring 3,000 troops out of Iraq in May.

□ 1800

We are not receiving support from any allies. So it seems to me, as now a sponsor of the Markey-Kennedy bill, H.R. 353, that Congress has to step in, has to state its belief that this escalation is misguided. And according to the Markey-Kennedy bill, it would prevent the President from spending another taxpayer dollar to increase troop levels in Iraq without the consent of Congress. And after 4 years, it is time for President Bush to wake up and realize that his policy in Iraq has failed. Most of the country has already come to that conclusion.

Now, we must renew our military, work to restore our diplomatic credibility and, above all, begin redeploying our troops out of Iraq.

And I would like to yield the remaining time to my colleague from California, LYNN WOOLSEY.

Ms. WOOLSEY. First, I would like to thank the Congresswoman from California for her leadership tonight with this special order and also her leadership of the Out of Iraq Caucus.

I will echo, to save time, every single word that has come out of the mouths of my colleagues this evening. But there is one thing we have not talked about that, every single time I am interviewed, somebody says: But Congresswoman, what will happen to the Iraqi people if the United States leaves?

My answer is asking them a question right back: Have you not paid attention to what is happening to the Iraqi people right now with our very presence?

It is my opinion, and my belief, and I know that I am right, when the United States Army military leaves Iraq, the insurgency will calm down. The United States then is responsible to work internationally to help Iraq rebuild its country, invest in its infrastructure, invest in its economy, invest in its education and help their people with getting their feet back on the ground.

And I will end by just saying this. The United States is not going to determine the fate of Iraq. Only the Iraqis will determine their fate.

MEDICARE PART D PRESCRIPTION DRUG PROGRAM

The SPEAKER pro tempore (Mr. PERLMUTTER). The gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes.

Mr. GINGREY. Mr. Speaker, this opportunity for the minority party during this hour is dedicated to the subject of what we are going to be dealing with tomorrow, H.R. 5, and that regards the Medicare Part D prescription drug, allowing or, in fact, requiring the Secretary to negotiate prices. And this is a hugely important issue.

But I want to take just a minute to respond to my colleagues on the other side of the aisle that just spent their hour with the Out of Iraq Caucus. In fact, they asked me for permission for an additional 5 minutes because they had some very passionate Members that had not had an opportunity to speak.

I gladly granted them that opportunity. That is what makes this Congress great. That is what makes this country great, the willingness to listen to diverse opinions.

But I want to say, and I want to take just a few minutes before we get into the discussion of Medicare Part D, how diametrically opposed I am to what the Out of Iraq group just had to say during this last hour, and, indeed, Mr. Speaker, hour and 5 minutes.

I don't object to their right to have that opinion. I do certainly take exception, Mr. Speaker, and my colleagues, when folks stand up here, and I am not talking about new Members of this body. In fact, there was one new Member from Illinois, the gentleman from Illinois, who is going to be part of the Out of Iraq Caucus. I am talking about very senior, thoughtful Members. To stand up and suggest that the President lied to the American people, I think, is really not, in fact, even close to being the truth.

The President, I think, is an honest man. And last night, Mr. Speaker, in his presentation to the American people, I thought he did an excellent job of explaining why it is so important for us to try to apply, if not a knock out blow to the insurgence and the terrorism, the sectarian violence that is going on in and around Baghdad, certainly, to strike a blow that would put them on the ropes, would get us off the ropes and put them on the ropes. And yet, we hear from the majority party wanting to tie the President's hands behind his back and our great military.

I think we have got a wonderful opportunity. Mistakes have been made. Absolutely. There is no question about that. I think the President acknowledged that last night in his 20-minute speech to the Nation. But we have an opportunity.

And this is really, I want my colleagues to think about this. This is not about the President's legacy. This is not about the legacy of Donald Rumsfeld, or General Abizaid or even our new Secretary of Defense, Robert Gates, who we just heard from in a 3-hour hearing at the House Armed Services Committee, or our Chairman of the Joint Chiefs of Staff, Peter Pace, or General Petraeus. This is about 23 million Iraqi people. This is about the citizens of the United States of America. This is about the entire Middle East. In fact, this is about 6 billion people on this planet. And we have to, in my opinion, we have to support the plan. If we don't, even if our colleagues in the Out of Iraq Caucus absolutely abhor this President and would like to see his legacy be one of failure, surely, surely, they are with the American people. And I think they are. I think deep down within their heart, they are.

But I am absolutely convinced that they have not thought about the consequences of, all of a sudden, I mean, almost instantaneously pulling our troops out of Iraq, as they say. And I have heard many of them say that, Mr. Speaker, and my colleagues. And the fact that, if that would happen, I think you would, indeed, have another Vietnam. You would, indeed, have a total bedlam and sectarian violence in the country of Iraq. You would have Syria and Iran taking over the Middle East.

And I just wonder how much longer the country of 7 million people in Israel would last. I mean, they have already pledged, Ahmadinejad and others, to drive them into the sea. And what respect, Mr. Speaker, would the world have for the United States of America if we, indeed, cut and run?

I am not suggesting that that is what they are saying. But I think that is a perception that the rest of the world would have. You cannot depend on the United States. And those terrorists would be back after us again.

We haven't had another 9/11 or any kind of a terrorist attack on this soil in 5½ years. But if we follow the recommendation of the Out of Iraq Caucus in this Congress, that is exactly what will happen. It will be far worse than 3,000 lost lives, of innocent people.

Certainly, the gentleman from Illinois, the new Member, I have great respect for all of the new Members, Mr. Speaker. And he talked about Martin Luther King, a man of peace. We need people, like Martin Luther King, that pray for world peace. I pray for world peace every day, and I know all of my colleagues do.

But we also need fighting men and women. We need a strong military when we get attacked, an unprovoked attack, when those prayers are not working so that we can defend this Nation.

So I am glad to give them an extra 5 minutes so it gives me an opportunity to refute most of what was said here in the last hour.

With that, Mr. Speaker, I will turn to the subject of the hour, and that, of course, is what is going to be on this floor tomorrow as part of the new Democratic majority's 100 hours. This will be H.R. 4.

We have had three bills this week. We have had the so-called 9/11, completion of the recommendations of the 9/11 Commission. We had the minimum wage bill and then today of course the stem cell research issue.

And tomorrow what the Democratic majority wants to do is require the Secretary of Health and Human Services to negotiate prescription drug prices. Government price control; put the government in the medicine cabinet of 42 million seniors and disabled folks who are part of the Medicare program and prescription drug Part D. And they want to do that, just as they have done with these other three bills this week, with absolutely no opportunity, no opportunity for the minority party or even members of the majority, maybe the rank and file, as many of us refer to ourselves, to bring amendments, to have an opportunity to go before the Rules Committee and say, you know, I think we can improve on this bill a little bit. There are certain things I have been thinking about it. I am a doctor. I am a nurse. I am a health care worker, and I think we can make this a little bit better.

But, no. No, no. This new Democratic majority that railed for the last 2 years almost every day that their rights were being trampled upon and their amendments were not made in order, and here we are with four bills this week.

We are not talking, Mr. Speaker, about naming Post Offices here. We are talking about hugely important pieces of legislation, legislation that is controversial. This issue today on stem cell research, and we are talking about the destruction of what I feel, as a strong pro-life physician, is a little human life. And the proof of the pudding of course is the snowflake babies, literally thousands of them. And to suggest that those little embryos are just extra and throwaway, and we don't need them, and why waste them? We didn't get an opportunity to offer a single amendment. And this same thing in regard to this Medicare Part D issue which will be debated on the floor tomorrow.

Mr. Speaker, and my colleagues, if there is ever an issue of the old adage, "If it ain't broke, don't try to fix it," it is this one, because this law that was passed in November of 2003 went into effect January 1 of 2005, the bill, the benefit, the optional benefit of prescription drugs under Medicare has only been in place for 1 year. And the success is unbelievable. I mean, it is far beyond anybody's expectations. It has an 80 percent approval when you poll seniors because they are getting their prescriptions, those who are having to pay for them, are getting them at a much lower price. The average savings is $1,100 a year for those who are paying their monthly premium and their deductible and their copay. And for those who, because of their low-income status, are virtually paying nothing but a dollar or maybe $3 to $5 for a brand name drug, if that is covered by the supplement because of low income, then they are saving at least $2,400 a year.

And so, Mr. Speaker, to try to improve upon something that is working so well, I think, is a grave mistake. And I think, as the expression goes, they are going to gum up the works.

Now, let me tell you how setting price controls works and how poorly it works for that matter. When we were debating this bill in 2003 in the committee on the House side, a Democratic Member, I think it was Representative Strickland, now Governor of Ohio, a very good Member of this body, suggested, had an amendment and said look, let's set the monthly premium at $35. Let's require that the monthly premium be $35, I guess, over concern that it could be higher than that.

□ 1815

Let us set it at $35. The same bill was introduced on the Senate side, and I am not sure which Senator, which Democratic Senator, introduced the bill on the Senate side.

But, again, to set that premium. Well, had we done that, then our seniors today would not be enjoying an average monthly premium of $24 a month, $24 a month, because the market, the competition between the multitude of prescription drug plans that are out there competing for business allowed that to happen as they brought down the price of drugs as they compete with one another.

I will give you another example in regard to the Medicaid program. You know, the States each have their own Medicaid program, and they can cover prescription drugs if they want to. They don't have to. Most do, and they set prices. The State governments do that to try to save money. They set prices.

Well, people who are eligible for both Medicaid, because of their low income, and Medicare, because of their age or disability, now these dual eligibles, the prescription drugs are paid for by the Medicare part D program as the first payer. Well, our community pharmacists are so upset because they were getting a higher price for prescription drugs under the Medicaid program than they are under this new Medicare part D program which has forced those prices down. Obviously, the neighborhood druggists, the community pharmacists are making less money, and they are upset. I can understand that.

But this just goes to show you once again, when the government sets the price, it is just as likely, if not more likely, that they set the price too high. The bureaucrats are notorious for that. The marketplace would never let that happen because of competition.

This opportunity to talk about this subject tonight is a very, very important issue at an important time. We will talk about it on the floor tomorrow and try to proffer these same arguments against requiring the Secretary of HHS to set prices. It is the first step down the road toward a national health insurance program, a single-payer program, or, if you like, Hillary Care. I don't think the country liked Hillary Care when it was offered back in 1994, and President Clinton paid a price for that, a dear price.

It is just really surprising to me that the Democratic majority would come back with this type of issue.

I think what is driving it is the success of this program is so resounding, and they, my good friends and colleagues on the other side of the aisle, that resisted this program every step of the way, fought it every step of the way, now I think they kind of want to get on the bandwagon and get a little credit for something.

But I warn them, I warn them, what I frequently hear them and others say, when you are in a ditch, when you are deep in a hole, the first thing you need to do is stop digging. I think they are digging themselves a bigger hole. And, politically, that is good for us. That is good for the Republican minority. That will help us regain the majority. But it is not good for the American people. It is not good for our needy seniors, and that is why I am so opposed to it.

I am very happy to have with me tonight a couple of my Republican colleagues, great Members, not just Republican Members that don't have special knowledge on this issue, but I am talking about a couple of our physician Members.

At this time I would like to yield to the gentleman from Texas (Mr. BURGESS), a fellow OB/GYN physician.

Mr. BURGESS. I thank the Chair for the recognition and I thank the gentleman from Georgia yielding. I do want to thank the gentleman from Georgia for taking an extra minute to talk about the issues that concluded the last hour. I think it was important, and it needed to be done, and the American people do need to hear that debate as well.

In the process of the first 100 hours, and I don't know where we are now, in my count it is about 44 hours into it, but it is a funny kind of timekeeping. We started this Special Order hour at about 6:00 in the evening, that is 5:00 back home in Texas. That means we will conclude the House business for the day in 2 hours; that is 7:00 back in Texas.

That is not really an onerous work schedule that we are under. We have just managed to spread it out, do a little less work and spread it out over more days to look like we are doing more.

But my purpose here this evening is to offer, really, a public service, a little bit of education, a little bit of history. Because many Members in the House are new, they were not here when we went through the Medicare Modernization Act of 2003. In fact, some of this story goes back even before Dr. GINGREY and I started here in 2003.

So let us take a step back to just a little while earlier in the decade and visit with one of the President's press releases when they talked about his vision for a new Medicare prescription drug benefit. It rolled out with a good deal of fanfare one day, that the benefit would be voluntary, accessible to all beneficiaries, designed to provide meaningful protection and bargaining power for seniors, affordable to all beneficiaries for the program and administered using competitive purchasing techniques consistent with broader Medicare reform.

That was the message that the President delivered at that time to the Senate to deal with major Medicare reform to provide a prescription drug benefit.

Let us go over it again, because it is important. Voluntary Medicare beneficiaries who now have dependable, affordable coverage should have the option of keeping that coverage, accessible to all beneficiaries. All seniors and individuals with disabilities, including those in traditional Medicare, should have access to a reliable benefit, designed to give beneficiaries meaningful protection and bargaining power.

A Medicare drug benefit should help seniors and help the disabled with the high cost of their prescription drugs and protect against excessive out-of-pocket costs. It should give beneficiaries bargaining power that they lack today and include a defined benefit, assuring access to medically necessary drugs.

Under the administrative part of the communication to the Senate, it says very specifically, discounts should be achieved through competition, not regulation, not price controls, and private organizations should negotiate prices with drug manufacturers and handle the day-to-day administrative responsibilities of the benefit.

The press release goes on to talk about some other things. The President urges the Congress to act now.

It is instructive that this press release was issued March 9, cherry blossom time here in Washington D.C., March 9, the year 2000. This was a press release issued by then-President William Jefferson Clinton to Senator Tom Daschle with Clinton's instructions as to how he wanted this drug benefit drawn.

Well, I think its instructive to remember the past because there are some inherent dangers with tinkering with the program that is already working well.

But the real central question in front of us is, does ideological purity trump sound public policy? We all know it should not, but unfortunately it appears we are on the threshold of profound changes to the part D program. These changes are not being proposed because of any weakness, because of any defect in the program. The changes are being proposed because a viable program lacks the proper partisan branding.

Since the inception of the part D program, America's seniors have had access to greater coverage, lower cost, than anytime since the inception of Medicare over 40 years ago. Indeed, over the past year, saving lives and saving money has not just been a catchy slogan. It has been a welcome reality for the millions of American seniors and those with disabilities who previously lack prescription drug coverage.

Under the guise of negotiation, their proposals now are to enact draconian price controls on pharmaceutical products. The claim is billions of dollars in savings, but experts in the Congressional Budget Office, as evidenced in

The Washington Post just today, deny that the promised savings will actually materialize.

The reality is competition has brought significant cost savings to the program just as envisioned by President William Jefferson Clinton and enacted by President Bush. Competition has brought significant cost savings to the program and subsequently to the seniors who are actively using the program today.

Consider that the enrollment of the part D program began in January of 2006, just a little over a year ago, and has proven to be a success. CMS reports that approximately 38 million people, 90 percent of all Medicare beneficiaries, are receiving comprehensive coverage, either through part D, an employer-sponsored retiree health plan, or other credible coverage.

Going back to the press release of 2000, there was concern because that credible retiree prescription drug coverage was leaving at a rate of about 10 percent per year. That was arrested with the enactment of the Medicare Modernization Act. Ninety-two percent of Medicare beneficiaries will not enter into the Medicare benefits drug coverage gap because they will not be exposed to the gap, or they have prescription drug coverage from plans outside of Medicare part D, or their plan coverage of the so-called gap, an important point as seniors go for their reenrollment, which they have just come through to make sure that their drugs, in fact, are covered in the coverage gap.

In the State of the Texas, there are five plans that will cover drugs in the so-called coverage gap. Eighty percent of the Medicare drug plan enrollees are satisfied with their coverage, and a similar percentage says that out-of-pocket costs have decreased. Think of it, a Federal program, a program administered by a Federal agency with an 80 percent satisfaction rate, on time, under budget. When have you ever heard of a Federal agency delivering a program that was on time or under budget?

Again, consider, under the cloak of negotiation, the reality is that Federal price controls could have an extremely pernicious effect on the price, on the availability of current pharmaceuticals and those products that may be available to treat future patients. It is ideological branding so critical that it trumps providing basic coverage to our senior citizens.

Thus the challenge, would it not be better to continue a program that empowers the individual rather than create a new scheme which seeks to reward the supremacy of the State?

I see we have several speakers lined up, and I don't want to monopolize too much more time, but let me just go on with one other point. The American health care system in general, the Federal Medicaid program in particular, there is no shortage of critics both at home here and abroad. But remember it is the American system that stands at the forefront of new innovation and technology, precisely the types of system-wide changes that are going to be necessary to efficiently and effectively provide care for America's seniors in the future.

I don't normally read The New York Times, but someone brought this article to my attention, published October 5, 2006 by Tyler Cowan, who writes from The New York Times: "When it comes to medical innovation, the United States is the world leader. In the past 10 years, for instance, 12 Nobel Prizes in medicine have gone to American-born scientists working in the United States. Three have gone to foreign-born scientists working in the United States, and just seven have gone to researchers outside the country."

That is American exceptionalism. Mr. Cowan goes on to point out that five of the six most important medical innovations of the past 25 years have been developed within and because of the American system. Comparisons with other Federal programs such as the VA system are frequently mentioned.

It must be pointed out that a restrictive formulary such as employed by the VA system would likely meet significant public resistance because of the near-universal access of the most commonly prescribed medications under the current Medicare prescription drug plan. Some studies have estimated that nearly one-quarter of the medications available under the current Medicare plan would disappear under that restrictive formulary system.

The fact is the United States is not Europe; we shouldn't try to pretend we are Europe. In fact, most of us don't want to be Europe. American patients are accustomed to wide choices when it comes to hospitals. They are accustomed to wide choices in physicians and to wide choices in their pharmaceuticals. Because our experience is unique and different from that of other countries, this difference should be acknowledged when reforming either the public or the private health insurance programs.

The irony of the situation is that after 40 years, many Congresses, many Presidents have tried to add a prescription drug benefit. When Medicare was first rolled out, it was kind of an inconvenience if they didn't cover prescription drugs. But they only had penicillin and cortizone, and those were interchangeable, so it didn't really matter.

□ 1830

But over the years, as American medicine advanced, it became a critical, a glaring lack of having the prescription drug benefit covered. That is why it is ironic that a Republican president working with a Republican Congress, Republican House, Republican Senate passed meaningful and needed Medicare reform that included the prescription drug benefit, and it happened on the floor of this House at 5:30 in the morning, November 22, 2003. Dr. GINGREY and I were here and very proud to have been part of that.

One last thing I need to mention, and it is a public service, it is a safety tip from someone who has been here only a short time. But I want to remind my colleagues that recently The Third Way, a leading progressive policy think tank has circulated a memo warning those seeking to make changes in how Medicare pays for prescription drugs provided under part D of the program do so with an abundance of caution.

I might remind my colleagues, back in 1988, when the then chairman of the Ways and Means Committee, Dan Rostenkowski, enacted a significant long-term care benefit that cost seniors a great deal of money. He was met with concern and consternation and in fact could not drive his car away from the town hall meeting that he convened shortly after costing seniors so much money with that benefit.

The important thing, and I want to speak specifically to the new Members who are here on the other side of the aisle, don't let this happen to you. Don't try to improve on a Medicare program that is popular with the seniors and meeting their health needs. Seniors will resent having fewer choices that cost more under Medicare part D merely to score political points with your new Speaker by repealing Medicare's noninterference clause.

Mr. GINGREY. Dr. BURGESS, thank you very much for that most enlightening discussion.

We have two other speakers, and again I mentioned at the outset Dr. CHARLES BOUSTANY from the great State of Louisiana, a cardiovascular surgeon. And Dr. BOUSTANY, we thank you for being with us tonight, and we want to turn it over to you at this time.

Mr. BOUSTANY. Mr. Speaker, I thank my colleague from Georgia for organizing this hour and for all the work he has done on this issue.

Let me start by saying that, as a heart and lung surgeon, I have often seen patients whose illness did not respond to a particular drug, and I have seen the frustration and the anxiety among family members and among patients when a government bureaucrat or an HMO tried to save money by denying access to a more effective medication. In fact, Mr. Speaker, I once operated on a Vietnam veteran; I performed heart surgery on this gentleman, and afterwards he needed several very important medications to maintain his condition, but the VA program was going to make him wait between 2 and 3 weeks before he could get his medication. That is just simply unacceptable. This poor man had no choice but to pay out of pocket hundreds of dollars to get medication. This is something that we don't want to do for our seniors.

Now, Secretary Leavitt has warned that H.R. 4 will result clearly in fewer choices and less consumer satisfaction. And we all know that we have had a tremendous success with this program in just 1 year, 80 percent satisfaction, premium prices dropping from $37 down to $22. Let's face it, government rationing harms patients, and calling it negotiation won't make it any less dangerous.

The American people did not give Congress a mandate to force HHS to make unspecified cuts to Medicare.

I also know that the idea of government negotiation is a joke. In fact, according to a Democratic polling group, 8 in 10 voters agree that government negotiation would limit access to prescription drugs and to life-saving medications.

Let's face it, aggressive negotiation through the marketplace is already working, and it is driving down the prices of premiums as I mentioned earlier.

Let me just say this. If the market is good enough for Members of Congress, why would we take that away from our seniors? I find it to be a profound irony that supporters of this bill, the Democratic leadership in the House, they are pushing for this government negotiation, this so-called government negotiation, but they won't allow that for their own medicine cabinets. There is a profound irony in this.

Why doesn't a proposal that would limit the medical care of tens of millions of seniors deserve a fair hearing? I say it is reckless on the part of the Democratic leadership of the House to force the Federal Government to cut Medicare without specifying, where are we going to achieve those additional savings? How is this so-called negotiation going to take place? And before rushing into this bill, I think Speaker PELOSI has an ethical obligation to detail how the Federal Government would achieve additional savings without limiting seniors' access to medicines, hurting community pharmacies and increasing prices for our veterans.

We know what the outcome of a recent CBO study showed, that the Secretary will be unable to negotiate prices that are more favorable than those under the current law. In fact, a Senate hearing was held on this. The Senate Finance Committee held a hearing, and the Democratic chairman of the Senate Finance Committee is questioning whether there are savings to be achieved by direct negotiation.

Furthermore, I have letters that I have received from community pharmacists throughout my district. I want to read from one of these. It is addressed to me and says, "There will be a vote in Congress on Friday, January 12, which could dismantle the very important Medicare part D program. I am joining former U.S. Senator John Breaux," a Democrat, a former prominent Democrat on the Senate Finance Committee and a member of the Senate who worked on this Medicare part D program when it was put into law. He says, "I am joining former Senator John Breaux and the Louisiana Medicare Prescription Access Network and more than 700 supporting member organizations in our State in asking you to vote against H.R. 4 on Friday, January 12."

Price controls are not in the interest of our seniors. This is not something that we want to do. If we are going to reform our entitlement programs where costs are burgeoning, we need to introduce market forces; and lo and behold, in one year of operation we have a program where we introduced market forces to drive down premiums for our seniors, and it is working.

It is too premature to change this. It is wrong to change this, and I urge all of my colleagues to listen to this and do what is right for seniors. And I will end by just asking one question: Why would the Democratic leadership in the House want to hurt our seniors? I think the American public and our seniors deserve an answer to that question.

Mr. GINGREY. Mr. Speaker, I want to thank the gentleman from Louisiana, the cardiothoracic surgeon who is doing such a great job now in his second term.

At this point, I want to turn the program over to my colleague from Georgia. Not only do we represent part of the same county, but we are both physician Members, and Dr. PRICE is an outstanding orthopedic surgeon, an outstanding Member of this Congress. In fact, I was at a very important press conference earlier this afternoon on this issue, and I heard Dr. Price, he may want to say it again; I don't mean to preempt him. But I heard Dr. Price say this looks like a solution in desperate search of a problem. And that kind of goes along with what I said earlier: If it ain't broke, don't fix it. And if the Democrats find themselves in a hole, they need to stop digging. So with that, I will turn it over to Dr. PRICE.

Mr. PRICE of Georgia. I thank you so much, Dr. GINGREY. It is a great pleasure to share the floor with you once again and talk about an issue that is so very, very important, not just to seniors but to all Americans. And I appreciate, as has been said, your leadership on this issue. It has been wonderful and greatly appreciated. You are serving extremely well in this area, and I appreciate that.

I also want to point out to the Speaker, as I know he knows, and to other Members of Congress that I think it is instructive to note that the individuals who have come to the floor tonight to talk about this issue are physicians or at least were physicians in their former lives. And I think that is helpful to think about, because the individuals who are charged with caring for the health of this Nation, the physicians all across this Nation understand and appreciate that the consequences of government decisions can oftentimes be huge in their effect on the ability to provide quality care for the patients of this Nation.

So we come down here tonight and talk about an issue that is of just most importance to American people and to all seniors who participate in the Medicare program, and we do so because we have been on the other side, the other end of these decisions. And when decisions are made in Washington that provide for greater control of health care by Washington, I would suggest, Mr. Speaker, that always, always, by and large, results in a decrease in the quality of care that is able to be provided.

I would also wish to point out, Mr. Speaker, that I think this is an issue that really is part of a bigger question. And the bigger question is, who is it that ought to be making fundamental personal health care decisions? And it appears that we in this body have a philosophical difference about who that ought to be. My colleagues on the Republican side of the aisle tend to believe that the decisionmaking authority in those personal health care decisions ought to rest with patients and with physicians, that that is where those decisions ought to be. And I know that my colleagues who are here this evening would concur with that, because we know how difficult it is when somebody else, especially a nonmedical person, is making those kinds of decisions and it most often adversely affects the health care of that patient. So we believe as a matter of principle that patients and physicians ought to be making health care decisions, including which medication to utilize, because patients and physicians are the ones that know best which medication that ought to be utilized.

Our good friends on the other side of the aisle it appears believe as a matter of principle that government ought to be making those decisions, that government bureaucrats, Washington bureaucrats who may or may not have any fundamental knowledge about, in this instance, personal health care issues, that government ought to be making those decisions.

So I think it is important for people to appreciate, Mr. Speaker, that that really is one of the fundamental principles that we are talking about here: Who ought to be making health care decisions? Should it be patients and physicians, or should it be the government?

My good friend mentioned that this was a solution in search of a problem, as I had said before, and it really is. And so when you have an issue like that, I think it is also important, Mr. Speaker, to look at why is it that the Democrat majority is even attempting to solve this problem that I would suggest doesn't exist? And I would use as rationale for the fact that there is no problem to solve so many issues that have been brought up here on the floor already and in this debate.

The cost of the benefit to seniors all across this Nation in 2006 are 30 percent lower, 30 percent lower, $13 billion lower in 2006 than were projected. The projected costs over 10 years are down over 21 percent which equals $197 billion. The premiums are down over 40 percent over that that was projected. And in fact, if you think about the last time that the majority party, the now majority party tried to effect this program, one of their proposals was to mandate, was to dictate, was to make certain, was to guarantee that the premium per month for each and every senior would be $35, $35 a month. They wanted to make certain that it would be absolutely that amount and not a penny less. And in fact, what we have seen is that the current premium per month is about $22 or $23.

□ 1845

So if the other side had had its ways 2 years ago, 3 years ago, when this was adopted, seniors all across this Nation would be paying $12 to $13 a month more, more on top of the premium that they are already paying, if the other side had had their way. So I think it is important to think about and to appreciate what they have had in mind all along. Why they want to do that is beyond me, but I would suggest to you that it has something to do with whom they want to be in control of these health care decisions.

And finally, Mr. Speaker, I would tell you, looking at this issue, that it really is a solution in search of a problem. The Medicare beneficiaries all across this Nation, over 80 percent of them are pleased with this program, are happy with the program, believe that it helps them greatly in caring for their health. And that is in a program that has over 90 percent of those who are eligible to participate involved. So 80 percent of those participating are pleased with it. So you have got to ask, why? What kind of problem are we trying to solve?

It is also important, I think, Mr. Speaker and colleagues, to ask the question, if the program is working so well, why is it working so well? And as has already been mentioned, there is this big kind of proposal that is being put forward now that would say that the government ought to be able to negotiate, that nobody is negotiating drug prices. Well, in fact, as you well know, Mr. Speaker, the plans themselves right now are negotiating and negotiating extremely well. Otherwise, you wouldn't see the kind of savings that we have already seen in just a year's history of the program. Plans are negotiating with both pharmaceutical companies and with pharmacists, and, in fact, that is what is resulting in the decrease in premiums that seniors all across this Nation are seeing. So the system is truly working extremely well in spite of all the naysayers on the other side.

I want to bring up again what happens when the government gets involved, and my good friend has a poster down there about government-negotiated prices on certain drugs and the actual cost. And the numbers are striking. They truly are. And the reason that it is important to look at what happens when the government gets involved with a negotiation is to remember what negotiators have to be able to do. The individual doing the negotiating has to, in this instance, be able to say to the drug company: If you won't meet my price, then I am not going to put your drug on the formulary, on the list of drugs that are available for patients. However, when the government is doing all the negotiating, what will happen is that they will say: If you don't meet my price, you won't be able to have your drug on this formulary, and the consequence of that is that your drug will not be available to seniors or physicians who are trying to make those personal health care decisions. What that means, Mr. Speaker, is that there will be fewer drugs available. Fewer drugs available. That is what happens when the government gets involved in the process. So the price may be lower for a period of time. I do not believe that is the case, as we have had good examples and quotes from very learned individuals in the economic system that will tell you that the government cannot dictate a lower price in this instance, but what certainly will happen is that there will be fewer drugs available.

Somebody may say that is just conjecture; that is just somebody dreaming about what might happen. But if we look at a program that the government did affect relatively recently and see what happened, we can see exactly by example what happens when the government gets involved. And the program I would cite is a program called the Vaccine for Children's program, and, Mr. Speaker, folks all across this Nation may remember that there was a very robust vaccine industry in our country not too long ago, in fact, about 12 or 13 years ago, and then the government got a bright idea and said, oh, but the price for those vaccines is a little too high. In some instances they believed it was a lot too high. So instead of working on how to assist individuals who didn't have the resources with which to purchase those vaccines, what the government did was come in and say, all right, you can only charge this amount of money for that vaccine. And what happened was that we saw a huge decrease in the number of companies that now provide vaccines. In fact, it went from about 30 companies that made and did research and development on vaccines, and now in this Nation, Mr. Speaker, we only have three, three, in about 12 years. That is what happens when the government gets involved in a program. Price fixing occurs and a decrease in the quality of health care that is provided occurs, and certainly a decrease in the number of medications available. Everybody across this Nation knows that that is what happened with the vaccine program. Fewer innovations, fewer new vaccines, shortages of vaccines, and less access to vaccines.

So, Mr. Speaker, I just want to close and finally talk about, just to reiterate, the issue of who is making health care decisions. When I go home and I talk to my constituents at home, and I know that is true for Congressman GINGREY and Congressman BOUSTANY and certainly when we see our former patients in the post office or at a restaurant or a church, I know that what they tell me is, please, please don't let the government get more involved in health care. And so I would suggest to you, Mr. Speaker, that where health care decisions are made between the physician and the patient is something that is extremely important to men and women and children all across this Nation. And this issue is one of those issues that will strike a cord among people all across this Nation if the government gets involved and says, no, you may not have that drug, you may not have that medication because the price is too much.

So, Mr. Speaker and my colleagues, I will tell you that if what is on the floor tomorrow is adopted, we will see a lower quality of health care, a decrease in access to health care, and I believe strongly that we will see patients across this Nation harmed. I know that is not what my colleagues on the other side of the aisle want to do. At least I hope that is not what they want to do. But I will tell you that that will be the consequence of this bill if it passes tomorrow.

So I am very hopeful that our friends on the other side of the aisle will recognize the consequences of decisions that they are about to make and will appreciate that, indeed, what they must do, if they truly believe in looking out for the best interest of their constituents and our former patients, is to make certain that health care decisions remain in the hands of physicians and patients.

And with that, I thank my friend and colleague from Georgia once again for his leadership on this issue and for the opportunity to participate in this message tonight.

Mr. GINGREY. Mr. Speaker, I thank Dr. Price and Dr. Boustany for their very informative contribution to this hour.

Mr. Speaker, in the few minutes that we have remaining and as we move toward wrapping up this hour, I want to just read a couple of quotes to my colleagues from former President Bill Clinton, who remains their rock star and who certainly tried to do some things on health care, unfortunately for him, unsuccessfully. But will listen to what President Clinton said in 1999 on his idea of a Medicare modernization proposal, which, as I say, was not passed: "Under this proposal Medicare would not set prices for drugs. Prices would be determined through negotiations between the private benefit administrators and the drug manufacturers. Thus, the proposal differs from the Medicaid program in that a rebate would not be required and from the Veterans' Administration program in that no fee schedule for drugs will be developed. Instead, the competitive bidding process would be used to yield the best possible drug prices and coverage, just as it is used by large private employers and the Federal Employees Health Benefit Plan today." That was July 5, 1999.

And the then Secretary of Health and Human Services, Donna Shalala, Secretary Shalala, on this same Clinton proposal said: "Private pharmacy benefit management firms will administer prescription drug coverage for beneficiaries in original fee-for-service Medicare. These firms will bid competitively for regional contracts to provide the service. They, not the government, will continue to negotiate discounted rates with drug manufacturers, and beneficiaries will receive these discounted rates even after they exhaust the Medicare benefit coverage."

You know, Mr. Speaker, again, I said at the outset of the hour, why are the Democrats doing this? I know that when this bill was first passed, like anything, there was concern. Well, you know, is this going to work? Is it going to be successful? And, of course, they all opposed it. I think there were just maybe a handful of Democrats that ultimately voted for Medicare modernization, the prescription drug act of 2003. And they were asking their constituents and seniors to tear up their AARP card. Some of them symbolically did that from the lectern here in this Chamber. They were just outraged that a senior organization could support a Republican proposal, which, of course, they did. And when it passed and then over the last year of the program, it has been so successful that they want to get in on it, even though that was such a bad idea, as Bill Clinton and as the Congressional Budget Office have said, in response to Dr. Frist's request back in 2004, that allowing the Secretary of Health and Human Services to negotiate prices would not save any money. The program is working so well.

Every one of these bills that have been brought up this week under this special rule of no rule, no opportunity to meet in the Rules Committee and no amendments,. all these issues, minimum wage and completing the recommendations of the 9/11 Commission and stem cell expansion, poll really high. Yet this particular issue is just the reverse of the information they have got. It is an 80 percent positive issue for us. So I can only presume that they still want a little skin in the game. They want to get on the bandwagon.

Well, I am going to tell you, what is going to happen is our seniors are going to get skinned because they are about to ruin a good program. A program that is working well, that 80 percent of our seniors are in favor of. It has brought down prices of prescription drugs. It has come in now at $22 a month average monthly premium and this is great satisfaction. And they want to try to improve on that by letting the government negotiate prices. It is going to be a disaster for them. And I hope some of their Members, if they are smart, from these districts that they won from our Members in these elections in November, in these marginal districts, they had better talk to their folks back home before they follow the lead of their leadership and vote for this atrocious piece of legislation.

I railed at the outset, Mr. Speaker, about the fact that the new minority has been given no opportunity for amendments on any of these first four bills that are brought up during their 100 hours, and I do think it is an atrocity. But they may be doing us a favor inadvertently by not allowing us to amend this piece of legislation, which can't be amended. It needs to be killed. We need to kill this sucker dead. And I think every Member on our side of the aisle will vote against it, and the smart ones on their side of the aisle will vote against it.

□ 1900

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order today.

The SPEAKER pro tempore (Mr. PERLMUTTER). Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

VOTING RIGHTS FOR DISTRICT OF COLUMBIA

The SPEAKER pro tempore. The gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes.

Ms. NORTON. Mr. Speaker, I have initiated this Special Order on behalf of the people of the District of Columbia who are second per capita in the Federal taxes they pay to support our Federal Government; yes, including this House and Senate and all the Armed Forces and our exquisite government throughout the United States, and who have fought and died in every war since the establishment of the Republic. In their name, I come forward.

I came forward Tuesday in a 5-minute Special Order simply to inform the House that I had just filed my vote, my bill, that is to say, refiled the bill that Representative TOM DAVIS and I had filed and hoped to pass in the 109th Congress, the Fair and Equal D.C. House Voting Rights Act. I came in gratitude to my own party. I came also in some frustration. It is impossible to hide that frustration.

I represent people who have been frustrated for 200 years and don't want one single moment more of frustration by having a second-class Member of the House of Representatives while paying first-class taxes and dying and fighting in every war that our country has ever fought, including this war where lives continue to be lost in such large numbers and for what cause. They do not ask, they simply fight like other Americans.

I had hoped to be able to vote on the very bills that have been in discussion here this week, particularly the bills on which Democrats ran and perhaps were responsible for our capture of the House. And my deepest regret was that my Committee of the Whole vote that was taken from me when the Democrats came to power was not automatically put back into the rules.

To his great credit, the majority leader indicates that he intends to introduce a provision to that effect. And I know I speak for myself and all of the delegates when I thank him about thinking about us and about how deeply we feel about that vote. For myself, I have come to the floor to say that I have had to pass that vote. I won't get to vote on the six items. I have been pleased to be able to speak on them as usual.

I am at this point moving forward to where I have been instructed by the people of the United States. They don't even want the Committee of the Whole vote confused with what they are entitled to, and that is the full House vote.

Mr. Speaker, before I go further, I have a number of people I must thank. The bill I introduced today was not a bill that I authored. It was originated by my good friend who also lives in the region, Representative TOM DAVIS of

Virginia, who has grown up in the region and has seen the District of Columbia without a vote and believed that at least a vote on the House floor was virtually mandated by any Congress controlled by either party. He was in the majority and he initiated this idea because it came to his attention that the most Republican State in the Union had missed getting full voting rights, were chafing at that because they believed they were entitled and they had gone all the way to the Supreme Court to get them, and believed that this provided out what turns out to be the case, probably the only opportunity the District of Columbia will have to get its full voting rights in a very long time.

I want to thank the majority leader who lives in the region who has been one of the most steadfast proponents of D.C. voting rights and never gives up and who always stands with us and to whom we will be eternally grateful.

I have special thanks to HENRY WAXMAN, the Chair of the Government Reform Committee, who has been the Democratic leader of the bill that I bring forward today for all 4 years which we have worked on it. He is always a strong supporter of District home rule and for District of Columbia voting rights. He was here years before I came to Congress, and I am second only to him in supporting these issues. He is one of the great problem-solvers of the Congress, and he has been instrumental in bringing this bill forward. It is impossible to believe it could have happened without HENRY WAXMAN.

I want to thank the Democratic and Republican members of the Government Reform Committee, who in the 109th Congress literally gave us virtually a tie vote of Republicans and Democrats favoring this bill: 15 Democrats, 14 Republicans.

I want to thank Representative JOHN CONYERS, a founder of the Congressional Black Caucus, the dean of the caucus, who has carried this idea again long before I ever thought of coming to Congress.

At the same time, I want to thank my colleagues in the Congressional Black Caucus who since the founding days of the caucus have given D.C. voting rights a priority, who believe with me that it is an issue of discrimination based on race, and for that matter on location. I say that and will explain it later because of the origins of our voteless condition.

I want to thank Senator JOE LIEBERMAN, who with many other Democratic Senators in the Congress have carried my bill for full voting rights for the residents of the District of Columbia, the No Taxation Without Representation Act. We have reluctantly but with great realism embraced the House-only act because we understand the spirit of the Congress, that it has virtually never acted all at once to do what it is supposed to do. So we know that we have to proceed in an incremental fashion.

I must thank my good colleagues from the State of Utah who have worked hand in glove with me every step of the way: JIM MATHESON, the only Democrat in that delegation; ROB BISHOP and CHRIS CANNON who have thrown aside party lines and thrust themselves into this bill from the beginning.

I want to thank the two Senators from Utah, ORRIN HATCH and BOB BENNETT, who sent word to their leadership that they were prepared to have this bill come to the floor at the end of the 109th Congress for unanimous passage.

That would have happened, in my view, because the traditions of the Senate are that if a bill affects only one State, as a matter of Senatorial courtesy, the Senate defers to those Senators. It is heartbreaking that the 109th Congress punted the bill and robbed us of the opportunity to have that Senate vote in December.

I have to thank the Governor of Utah, who came here to testify for the bill and has worked valiantly with the Democratic minority in Utah as well as with his own party.

I do want to read from the letter that the Senators sent asking for the bill to be considered right away because, you see, the bipartisanship we must preserve in this bill. They said in their letter to their leaders, Leader Frist and Leader Reid, a letter signed by Senator BENNETT, Senator HATCH and Senator LIEBERMAN: "It is urgent that Congress fulfill its obligation to provide the voting representation that Utah is entitled to as a result of changes to its population. Likewise, we recognize that the 600,000-plus Americans who live in the District of Columbia are without a voting Member of Congress. No doubt the citizens of Utah and the District face different challenges in greatly differing parts of the country and with greatly differing lifestyles, but they share a commonality: the right to be represented in our country's legislature."

If ever there was a win/win piece of legislation, I think most Members would agree this is it. Certainly the American people agree: 82 percent of Americans support equal voting rights for the District of Columbia in Congress. That is 82 percent, up 10 percentage points in just 5 years.

This professional poll shows some astounding results because then you want to look and see, is this piled up all on one side of the country or one grouping or one race, and you see the same thing throughout. Once people realize you pay Federal income taxes, and if you go to war the way we do, if the blood of the United States runs in your veins, you give up on the question of whether there should be voting representation in the Congress of the United States.

All of the figures are in the high seventies or eighties. Northeast, Midwest. The South is the highest, 84 percent. Or if you look, at have a member of the military, they are 82 percent. These are people who believe in voting rights for the District of Columbia. Regularly attend religious services, 82 percent.

Ages 55-plus, 82 percent; 18 to 34, 87 percent ages. We can find no variation in these figures, and I don't think you will find any variation anywhere in the world.

This is the only country in the world where the residents of the capital do not have the right to vote in their national legislature. You can imagine why there is such great impatience in the District of Columbia. Imagine not having voting rights. Putting aside the taxes for a moment, when in the Vietnam War you had more casualties than 10 States, when in World War II you had more casualties than four States, and in World War I you had more casualties than three States, and in the Korean War you had more casualties than eight States.

Let me finally say a word about the bill, and I am so pleased to see other Members of Congress come to join me in this Special Order.

My thanks again to the originator, the author of this bill. As it turns out, he has given us the only chance we will ever have. The Congress of the United States in House and Senate has never increased its number except on a nonpartisan basis. Democrats have never got it by themselves, Republicans have never gotten it by themselves.

Everybody remembers Alaska and Hawaii. You want to know how deep this goes, slave States couldn't get in unless a free State could. That is the history of our country. I regret that there has to be that kind of equivalence, but I want everybody to know: Utah somehow disjoined from this bill kills it. So I thank Utah for giving us the only chance we will ever have, particularly since I am not sure that we will have another State ever that missed it by the skin of their teeth and would be willing to take this risk with us.

This bill was 4 years in the making after Mr. DAVIS introduced it. My thanks to him will be eternal because he was gracious in working with me when I wanted matters added to the bill. For example, I said to him, I could not even sponsor the bill unless it also went to the Committee on the Judiciary because that is the committee of jurisdiction. And it was Mr. DAVIS who convinced Mr. SENSENBRENNER to allow us a markup.

I said that there had to be an increase of two seats so no Member would think that they would lose a seat because we were gaining a seat. And I asked for something that was purely symbolic but important to the residents of the District of Columbia: I asked Mr. DAVIS who was then chairman of the committee if there could be a vote on my bill, the No Taxation Without Representation Act, so my people will know that I will never give up until they have full citizenship even if Congress requires us to do it step by step.

But that is how we got home rule. Indeed, now we have the atrocious situation where my budget and laws have to sit here before we can spend our own money. So everything happens in this House incrementally.

Mr. Speaker, Members on the floor who have been particularly gracious to me, always with me when I needed help, and I have needed help a lot as a Member from the District of Columbia with no delegation and no Senators, and some of them have come down in order to indicate their concern about our denial of voting rights and to say their piece. I could not be more grateful to them.

I am told that the first to arrive was the gentlelady from the Virgin Islands, who is in perhaps not a comparable position because I am sure that the people of the Virgin Islands are glad not to have to pay taxes to the Government of the United States, but who indeed represents American citizens as free and full as any others in the House; and I am pleased she has come down this evening, Mrs. CHRISTENSEN of the Virgin Islands.

□ 1915

Mrs. CHRISTENSEN. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I rise to support my colleague and friend, ELEANOR HOLMES NORTON, in her hard and long-fought efforts to secure full voting rights in this body for herself and her constituents, and I applaud her strong and persistent advocacy and leadership on this issue that is so important to the people of the District of Columbia.

Democrats have long been committed to providing full voting rights to the residents of the District, and I am proud to stand here as a Democrat speaking out for this right as well. But there has also been, as you have heard, support across the aisle.

When he was the chairman of the Government Reform Committee, Representative TOM DAVIS worked with Congresswoman NORTON to get bipartisan agreement on legislation to give one voting representative to the mainly Democratic District of Columbia, and another to the largely Republican State of Utah.

This effort led to the introduction of the District of Columbia Fair and Equal House Voting Rights Act, 2006, last year, and this week, ranking member Davis kept his promise and joined Congresswoman NORTON in reintroducing this bill into the 110th Congress.

Mr. Speaker, as a Delegate in the House also without a vote, I would be remiss if I didn't acknowledge also the fact that my constituents, and indeed the constituents of our colleagues from Guam, America Samoa and Puerto Rico, also would want their representative to have a full vote in the House as well. We recognize, however, that our time for this has not yet come. But certainly the time of our brothers and sisters in the District of Columbia has come and is very long overdue.

The residents of the District have been laboring under this undemocratic status for more than 200 years. That is 200 years of justice delayed and justice denied.

Presidents as far back as Andrew Jackson have advocated for full representation in Congress for the District, and much later, President Richard Nixon in a special message to the Congress on the District of Columbia in 1969 said, "It should offend the democratic sense of the Nation that the 850,000 residents of its capital, comprising a population larger than 11 of its States, have no voice in Congress."

Mr. Speaker, I look forward to the day when all citizens under the American flag will enjoy the democratic right of full representation in their national assembly as well as vote for our President and Commander-in-Chief. Until that day comes, I look forward to witnessing soon the day when residents of the District of Columbia, residents of the capital of our Nation, finally receive fair and equal voting rights in the House, the day that they will finally have justice.

I urge my colleagues to support the District of Columbia Equal House Voting Rights Act and end taxation without representation for our fellow citizens in the District of Columbia.

Ms. NORTON. Mr. Speaker, I thank the gentlelady for coming forward.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. BUTTERFIELD) who represents the district where my own mother was born and raised.

Mr. BUTTERFIELD. Mr. Speaker, first let me thank the delegate from the District of Columbia for giving me this time this evening to speak on this most important subject. I have watched ELEANOR HOLMES NORTON since I have been in the Congress, and she has worked so tirelessly on behalf of the people of the District of Columbia to get full voting rights, and I want to thank her for her passion and thank her for her work in this body.

Mr. Speaker, many people who now call the District of Columbia home have established themselves here by way of my home State of North Carolina and by way of our neighboring State of South Carolina. As the delegate said a few minutes ago, even her family originated in Halifax County, North Carolina, which is in my Congressional District.

Many DC residents are my schoolmates from eastern North Carolina. In coming to Washington, DC, they left parents, and they left grandparents behind who had endured blatant discrimination in public accommodations and discrimination at the ballot box. Many of them could not vote because of the literacy test, and others refused to register to vote because of voter intimidation.

Now, Mr. Speaker, the descendants of these individuals living in Washington, DC, are again denied the right to vote and the right to have voting representation in Congress.

What a disgrace. Voting is one of our most fundamental rights, but it is one that has been systematically denied for as long as it has been assured. Until 1919, women did not have the right to vote. African Americans gained the right to vote for the first time in 1868, and then lost that right in 1900. It was the Voting Rights Act that restored the effective right to vote in 1965.

Mr. Speaker, each time the right to vote has been oppressed, good people, good people, have stood up and stood strong to ensure that right, because it forms the foundation of our ideals of governance.

Today, we again have the opportunity to expand the right to vote and to ensure that the people being governed in the District of Columbia, who pay taxes and who fight in our wars, have a voice in their government.

Rarely does an issue come before this body which goes right to the heart of our values as Americans. The right to vote is a simple and straightforward idea that embodies some of our most beloved founding principles, the idea that all men, all people, are created equal, and that we establish our government by the consent of the governed. When we fail to address inequalities such as these, we fail ourselves as a people and as a nation and we fail to honor the sacrifices of the many people before us who wanted to ensure basic rights to all Americans.

As the Delegate so ably said a few moments ago, this is not a Democratic issue nor a Republican issue. This is an American problem that must be resolved and resolved in this session of the Congress.

The strength of our great Nation lies within its citizens, and the power of its citizens relies upon the equal access to the franchise. These opportunities include our many freedoms, especially the right to have a strong and clear voice in choosing elected leaders. As the Constitution commands, we must extend the rights of citizenship to every, every, citizen of this land, including the citizens of Washington, DC.

Mr. Speaker, I urge my colleagues to support the legislation that has been introduced by the Delegate, and I urge its passage.

Ms. NORTON. Mr. Speaker, I want to thank Mr. BUTTERFIELD, the gentleman from North Carolina, in memory of my mother, Vela Lynch Holmes, who came to the District of Columbia and died at 90 here, while her daughter was still trying, in the name of my father's side of the family, the native Washingtonians, to make us all first class citizens, the way finally you are in North Carolina. Thank you, sir.

I would like to yield now to my good friend who came in my class with me, the gentlelady from California, who 16 years ago came. I think we tripled or quadrupled the number of African American women in the Congress then. I know that the gentlewoman from California won't let this House have any peace until there is justice for the District of Columbia.

Ms. WATERS. Mr. Speaker and Members, I wanted very much to be on this floor this evening with ELEANOR HOLMES NORTON first because I want to show my strong support for her, her work, her love for the District of Columbia and for the way she has used every bit of her time and efforts to fight for voting rights for Washington, DC.

I admire her spirit, I admire her commitment and I admire the way she has educated the entire Congress of the United States on this issue and forged a relationship with people on the other side of the aisle to get us to the point where we are.

I know that it is disappointing sometimes to feel you have come so close, and it still hasn't happened, but I am convinced it will happen, because of you, ELEANOR HOLMES NORTON. It will happen because you will not allow it not to happen.

So I wanted to be here this evening more than to simply talk about the unfairness of not having voting rights. We all know that. I wanted to be here tonight to say to you, sister, I am with you. I have marched, and I will march again. I have sat in, and I will sit in again.

I started on this issue when I was in the California State legislature, and sometimes I feel a little guilty because I don't think I demonstrated long enough and hard enough to show how much I care about this.

I come from a time and place in St. Louis, MO, where I was educated in an elementary school called the James Weldon Johnson elementary school, with strong teachers who taught us the Constitution. We learned the Declaration of Independence. We learned what happened with the British and about the Boston Tea Party, and we learned about Patrick Henry, who declared, "Give me liberty or give me death."

So, whether or not it was intended, it was instilled in us that in this America, despite the fact that we had witnessed discrimination, we had been marginalized, that we have a right in this democracy to participate fully.

I really believed that, and if it was not intended, then they shouldn't have taught it to us, because we didn't think they were talking about somebody else. We truly believed they were talking about all of us.

Mr. Speaker, there is not a day that passes as I look around this Capitol that I am not reminded of the slaves that happened to build these marvelous buildings. I am reminded on a daily basis of the people who work right here in the Capitol, in these buildings, who live in the District of Columbia, who hear us wax eloquently day in and day out about democracy and participation and the Voting Rights Act.

These are the people who serve us day in and day out, and serve us well. You come into this Capitol late in the evening and you see who is working and how hard they work and what they do for all of us. And yet we walk past them every day, and we don't stop to say, "I'm so sorry. You should have the right to have the representation in the Congress of the United States that you deserve and we thought would have been guaranteed by the Constitution of the United States."

So, ELEANOR HOLMES NORTON, thank you. Thank you for the love that you have for the District. I know that your constituents know this. You don't have to prove anything to anybody, because your daily work proves who you are and what your values are and what you care about.

I want you to know, November 7th gave us a new opportunity here. The people have voted, and the people have said to us they want to see change. The people are angry about what happened with Katrina. They are angry about Iraq. They are angry basically about injustice. And even those folks who oftentimes have been silent on the issue, they know injustice when they see it and feel it very deeply.

So I am hopeful that we will be able to use this time that we have to provide the leadership, to give you the support, to make sure we do justice by the District of Columbia and ensure that you get your voting rights.

Ms. NORTON. Mr. Speaker, this was classic MAXINE WATERS. The gentlelady is as gracious as she has always been militant in the pursuit of justice. Ms. WATERS one session was on the floor with me for 10 hours on the DC Appropriations as people came forward to try to attach things to our appropriation. So she has been a stalwart friend that has been by my side when I most needed her. I particularly appreciate those remarks from a classmate who came with me to the Congress.

The next to arrive was my good friend from Illinois, Mr. DAVIS, a very good friend who serves with me on the Government Reform Committee, who I believe is going to chair the subcommittee on which I serve. He certainly has been a leader on issues on that committee and one of the greatly admired Members of the House, the gentleman from Illinois, Mr. DAVIS.

Mr. DAVIS of Illinois. Mr. Speaker, I first of all want to thank the gentlewoman from the District of Columbia for not only organizing this special order, but for her tremendous devotion over the years.

Many of us, long before we came to Washington, DC, long before we became Members of the House of Representatives, knew of the work of ELEANOR HOLMES NORTON. As a matter of fact, I was talking to a gentleman the other day, ELEANOR, who suggested that he went to elementary school with you, and that you were the smartest person in the class, and that he was always intimidated when he came to class because he knew that you were there.

☐ 1930

And I don't know whether you intended to intimidate him or not, but I do know that the passion, the intellect, the energy that you display is something for all of America to be proud of; and I know that the people in the District of Columbia are indeed proud of the representation that you have given them.

The issue that we deal with, I take the position, is one of the most fundamental of all rights, one of the most fundamental of all desires, and that is the desire that people have to be represented; the notion that their thoughts, ideas, hopes, and aspirations will get the same consideration as those of anybody else. So when we look at voting rights in this country historically, it has been a privilege that people have had to fight and struggle to get.

Initially, of course, the only people who could vote were landowners, who were white in America. Those were the only individuals who had the right to vote. Then we went through this long period of time, and ultimately a Civil War, where thousands of people actually lost their lives, and finally African Americans, who had been slaves, were granted at least the right, although in many instances denied the opportunity, to vote. Women, who had to wage their own war, their own struggles, ultimately won their right to vote.

Only after the Voting Rights Act of 1965 did hundreds of thousands of citizens all over the country, especially African Americans and Latinos, actually have the right to vote. Yet now we still have thousands of people who are denied the right to vote because they live in States where if you have a felony conviction you can never, ever vote, unless you can obtain a waiver. So, yes, one can imagine how people in the District of Columbia have felt as we talk about expanding democracy, as we talk about guaranteeing democracy for people in Iraq, guaranteeing democracy there; and yet the people who live in our own District of Columbia have not been able to have that experience.

So, ELEANOR, I know that we are going to make sure this happens before this session of Congress ends as a tribute to you and a tribute to the longstanding work that you have done. One of my pleasures is to serve with you on the Committee on Government Reform and to listen and to learn and to be motivated, to be inspired, and to see the kind of wisdom that you express on a regular and ongoing basis.

So I thank you for the opportunity to join you, I thank you for organizing this Special Order, and we will be standing right here with you when enough "yeas" are said that the people in the District of Columbia will have their right to vote.

Mr. Speaker, I want to extend a thank you to Congresswoman ELEANOR HOLMES NORTON for this special order and her hard work and dedication to get the District of Columbia the right to vote with full representation. It is strange to me where our government by money and blood sought to assist Iraq to become a democratic state where each person will have one vote under their newly formed constitution to determine their nation's destiny. However, the residents in the District of Columbia for over 200 years have been denied by the United States government the right to vote with full representation. Moreover, DC presidents also are denied the right to full self-government—a fundamental right that should be possessed by all Americans.

In 1950 with just under a million, the District of Columbia had more residents than New Hampshire, Vermont, Rhode Island, North Dakota, South Dakota, Delaware, Montana, Idaho, Wyoming, New Mexico, Arizona, Utah, Nevada, Alaska and Hawaii, respectively. All of these states from the beginning had U.S. Senators and U.S. Representatives representing their interests in Congress. Today, the District of Columbia has a duly elected Delegate that is not allowed to vote for legislative measures on the house floor. This is "taxation without representation."

The government has a history of denying its citizens the right to vote. We have seen it before the Voting Rights Act of 1965. Since its passage and signing into law by President Johnson it gave way to an enormous and positive impact to our Nation. The importance and necessity of the Voting Rights Act cannot be overemphasized. We have learned through experience what a difference the vote makes to us.

The right to vote is the most basic constitutive act of citizenship. The right to vote should not be abridged by the United States or any State on account of race, color, gender, or previous condition of servitude. Fundamental fairness requires that all members of society who have reached voting age, including rehabilitated ex-felons, be given a right to the ballot in State and Federal elections.

The lack of a nationwide uniform standard regarding ex-felons and eligibility to vote has led to a crazy quilt of laws, where in some States ex-felons are barred from voting for life. Currently, it is estimated that 3.9 million United States citizens are disenfranchised, including over one million who have completed their sentences. State disenfranchisement laws have had an adverse affect on African Americans. Thirteen percent of African American men, or 1.4 million, are currently disenfranchised because of such laws. We need to expand the right to vote to all citizens.

Mr. Speaker, I urge all my colleagues to support the District of Columbia Fair and Equal Housing Voting Rights Act of 2007.

Ms. NORTON. I just want to thank the gentleman for the kindness and graciousness of his remarks. This is his signature in this House. Every time he opens his mouth, he takes command of an issue and captures our attention. That he has given his attention to us in the District of Columbia is a matter for which we are deeply grateful.

I would like to yield now to the gentlewoman from Houston, Texas, whose energy and intelligence and zeal for justice is known by every Member of this House. I am pleased now to yield to the gentlewoman from Texas, Representative SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, many might wonder why we come to the floor of the House and begin to either cite the Bible or begin to associate Congresswoman NORTON with the angels flying above, but I love the statistics that she cited, because she mentioned the statistics of churchgoing people in Washington, D.C. So I begin by saying the prayers of the righteous avail us much. Not only has she been praying but she has been working.

I would cast the reintroduction of H.R. 328 as the morality of Sojourner Truth that ELEANOR HOLMES NORTON exhibits, and the integrity of Harriet Tubman, for this has been a long journey. But I believe in this new Congress, with this new direction, this simple bill, this premise of equality and justice can finally say our time has come.

And if you don't mind, allow me to emulate your eloquence in the simplicity of this bill. H.R. 328 couldn't be more fair. You made it very clear that this is a bill that could not move without bipartisan support. You made the historical pronouncement that when we began to admit States during the era of slavery we admitted a free State and a slave State.

Now, we know that there are Democrats and Republicans all across America, but we might imagine that under this bill, H.R. 328, that the State of Utah might elect someone from a different party than myself. Then we might just envision that Washington, D.C. would select and elect someone of my party. How fair could you be?

We know that the delegate, who I call Congresswoman, appropriately titled, certainly is valued in the Democratic Party, but this legislation will be fair and balanced because it draws disparate populations that have been denied their birthright from the far ranges of the east coast of America to the far ranges of the western United States.

Let me just briefly speak to the issue of birthright. We have spoken so much about citizenship. We have had such outrageous debates on the question of immigration; yet we have left out, for more than 200 years or more, citizens who have shed their blood through the Civil War, the Spanish-American War, World War I, World War II, the Korean War, and conflicts in between, the Vietnam War, and the present conflict that we now have. What do you say to parents and relatives, husbands and wives, sisters and brothers of a fallen soldier who happen to have an address in the District of Columbia, someone who offered themselves to stand up for this Nation's flag? I pledge allegiance to the concept of freedom and justice for all.

So as we prepare to leave this weekend, Congresswoman, let me thank you for allowing us just a moment to come to the floor as we go into the weekend commemorating the birthday of Dr. Martin Luther King, who had the opportunity to be called by President Lyndon Baines Johnson to come to the Oval Office to witness the signing of the 1965 Voting Rights Act. I know full well that Dr. King would have wanted to have an amended initiative. I know Dr. King, if living, would be standing by your side and applauding you.

Lastly, let me tell you an anecdotal story that I was going to try to ask you to remember, because I could not, but I really thought I was a champion of civil rights when your predecessor, Walter Fauntroy, who as you know would sing us all into marching wherever he wanted us to go, but he told us there was a man called McFarland that was chairman of the District of Columbia, wasn't it?

Ms. NORTON. McMillan.

Ms. JACKSON-LEE of Texas. McMillan, thank you. That's why I should have whispered to you before I came down.

He would tell us that we needed to get on a bus and go to South Carolina to defeat, and I can say this on the floor, I know Mr. McMillan has gone on and is resting in peace, because this gentleman was an obstacle to the freedom, the dignity, and respect. All I knew was to get on this bus and go down to, I would like to say Florence, South Carolina, and go to a place where I was truly unwanted. We all were. In fact, the campaign office, they drove by in a pickup truck and shot at. But I had a sense of purpose and joy for the people of this great District, these patriots. These Americans deserved the equality of a vote.

I will go to my seat by simply saying, out of their commitment comes Ms. ELEANOR HOLMES NORTON, who I hope will claim the victory of the passage of H.R. 328, and that we will together, with you and your leadership, do the right thing for the patriots of this District.

I thank Delegate NORTON for organizing this special order on the "District of Columbia Fair and Equal House Voting Rights Act," bipartisan legislation that she and Congressman TOM DAVIS of Virginia have reintroduced as H.R. 328 in the 110th Congress. The reintroduction of this legislation provides a second chance for Congress to complete one of the great unfinished tasks of the Civil Rights Movement. This is an opportunity that we should not squander.

As Section 2 of H.R. 328 finds, over half a million people living in the District of Columbia lack direct voting representation in the House of Representatives and Senate. Residents of the District of Columbia serve in the military, pay billions of dollars in federal taxes each year, and assume other responsibilities of U.S. citizenship. For over 200 years, the District has been denied voting representation in Congress—the entity that has ultimate authority over all aspects of the city's legislative, executive, and judicial functions.

H.R. 328 would permanently expand the U.S. House of Representatives from 435 to 437 seats, providing a vote to the District of Columbia and a new, at-large seat to Utah. Based on the 2000 Census, Utah is the state next in line to enlarge its Congressional delegation. This bill does not give the District statehood, nor does it give the District representation in the Senate. Rather, H.R. 328 treats the District as a Congressional district for the purposes of granting full House representation.

Previous Congressional efforts to secure voting representation for the District of Columbia include a proposed 1978 Constitutional amendment, a 1993 statehood bill, and a 2002 voting representation bill. On August 22, 1978, a two-thirds majority in each Chamber of Congress passed the DC Voting Rights Constitutional Amendment, which would have provided District residents voting representation in the House and Senate. The required 38 states did not ratify the amendment within the seven-year time limit. On November 21, 1993, the New Columbia Admission Act, H.R. 51, a statehood bill for the District of Columbia, was defeated in the House by a vote of 277–153.

Most recently, on October 9, 2002, then Senate Governmental Affairs Committee Chairman, JOSEPH LIEBERMAN, marked-up his legislation providing Senate and House representation for the District. The Committee reported the bill favorably with a vote of 9–0. However, the Senate did not take up this legislation.

Mr. Speaker, the key provision of H.R. 328 is section 4, which permanently increases the Membership of the House of Representatives from 435 to 437. One seat would be designated for the District of Columbia and the other seat would go to Utah, the state next in line under the 2000 Census apportionment formula. Section 4 also provides that the new seat established in Utah shall be an at-large seat. This at-large seat shall exist until all congressional seats are reapportioned for the 2012 election.

Mr. Speaker, passage of the DC Fair and Equal House Voting Rights Act and would be a simple act of justice. After all, the legislation is vote-neutral in that it does not advantage any political party over another; the bill commands wide bipartisan support; and most important, the bill is constitutional.

THE BILL IS VOTE-NEUTRAL

The DC Voting Rights Act provides Americans living in our nation's capital with voting representation in the House of Representatives for the first time ever. The DC VRA balances a seat for DC with an additional seat for Utah. Utah missed getting a fourth vote in the House by less than 1,000 people following the 2000 U.S. Census.

Utah is a historically Republican state. The District of Columbia has traditionally voted Democratic. Thus, the bill is viewed as vote-neutral, not favoring one political party over another. This balance has led to a nonpartisan consensus, which is critical to enacting this bill.

THE BILL IS BIPARTISAN

Throughout history, Democrats and Republicans have gone on record in strong support of DC voting rights. Presidents, presidential candidates, senators, members of Congress and prominent legal experts from both sides of the aisle have declared support for granting the residents of Washington, DC, a vote in Congress. From Supreme Court Justice William Rehnquist and Senator Bob Dole to President Jimmy Carter and Senator EDWARD KENNEDY, political leaders are on record for democracy in DC.

In 2006, Representative TOM DAVIS and Delegate ELEANOR HOLMES NORTON were joined by now House Speaker NANCY PELOSI and Representatives CHRIS CANNON, JOHN CONYERS, HENRY WAXMAN, DAN BURTON, ROB BISHOP and others in support of the DC Voting Rights Act. Off the Hill, former elected officials Jack Kemp, John Breaux, J.C. Watts and others support the bill.

Secretary Kemp put it well at the Martin Luther King Memorial groundbreaking when he said: "Dr. King like Mr. Lincoln believed that 'democracy is the ultimate destiny of all mankind'. Thus it becomes strikingly ironic and indeed actually hypocritical for our nation to send young men and women to fight in foreign wars in the cause of freedom and democracy but continue to deny the people of this great city the opportunity to vote for their representative in the U.S. Congress."

THE BILL IS CONSTITUTIONAL

In a letter to the House Judiciary Committee this summer, the American Bar Association stated: "Enactment of the proposed [bill] would be an exercise of this constitutional authority conferred by the 'District Clause.'"

Former federal appeals court judge and Solicitor General, Judge Kenneth Starr, during congressional testimony in 2004, stated that Congress clearly has the constitutional power under the Constitution's District Clause (Art. I, Sec. 8, Clause 17) to confer voting representation: "The use of the word 'state' [in the Constitution) cannot bar Congress from exercising its plenary authority [under the District Clause) to extend the franchise to District residents."

Other constitutional law experts, including Professor Viet Dinh and Judge Patricia M. Wald, formerly of the D.C. Circuit, agree that Congress has the constitutional authority to grant congressional voting representation to the residents of the District of Columbia.

Mr. Speaker, Americans living in our nation's capital pay taxes, serve on juries, and defend our nation during times of war, but do not have voting representation in either chamber of Congress. The United States is the only democratic country in the world that denies voting representation to citizen of the nation's capital. A national poll conducted in January 2005 showed that 82 percent of Americans believe that Washingtonians deserve voting representation in the House and Senate. While we are attempting to export democracy abroad, it is time we provide American rights for people living in America's capital.

In conclusion, let me express my thanks again to the Delegate from the District of Columbia for organizing this special order. I look forward to working with her and my colleagues on the Judiciary Committee and in the House to win passage of this important legislation, which will treat the hundreds of thousands of citizens in the District of Columbia fairly and equally when it comes to voting representation in the House of Representatives.

Ms. NORTON. I want to thank the gentlewoman. The selfless spirit of her remarks, the intelligence of her remarks is nothing new in this body. Indeed, it reminds me of the same spirit she has shown when our own citizens from New Orleans came in huge numbers to her great city and they took them in, because they were Americans.

I also want to thank her for citing and reminding us that Martin Luther King's birthday is coming up and we are all going to be somewhere celebrating. Well, Martin Luther King would be here saying to this House, particularly to the Democratic majority who has spearheaded this issue for decades now, that now is the moment. Do it now. That is what he said when he was on the Mall. Do it now. Freedom now.

Indeed, the new Mayor of the District of Columbia, Adrian Fenty, who has been particularly active on voting rights, has indicated to me that he will be dedicating January 15 here in the District to DC voting rights and kicking off a campaign on January 15 that he calls Give DC The Vote Now Day in memory of Martin Luther King, who would not want his day used in such trivialities as simple ceremonies.

I also want to thank the gentlewoman for her reference to Mr. McMillan. Because the fact is the reason the District hadn't gotten home rule had to do with race and only with race. Mr. McMillan was a Southern Democrat who stood in the way, because beginning in the late 1950s the majority population of the District of Columbia was African Americans. So race has always stood in the way of our full empowerment. Today, it is as likely to be party. That is why we are grateful to the State of Utah for stepping forward.

I don't mean to say that race is gone from this issue. Residents of the District of Columbia, two-thirds of them African American, see this issue as an up-and-down civil rights issue. They are the only African Americans in the United States that don't have their full civic rights, and they know it, and they treat this issue this way.

I treat race as a simple proxy for party, because we are a big city, recognizing as I do that I know full well what second-class citizenship means. And you have to understand that the reason this is important for the District is not only was it a majority black city beginning in the late 1950s, but it was a segregated city for most of its existence. The schools were segregated. Even when I went to the schools in the District of Columbia. Downtown was segregated. And that was all at a time when Democrats in particular ran this House.

That is why this issue knows no party and why it has huge racial connotations in our country and in the District, and that is why this is a major issue and has been for decades for the NAACP, the Leadership Conference on Civil Rights, and civil rights organizations across the United States.

□ 1945

They indicate that voting rights for the District of Columbia is second only on their agenda to what this House and Senate achieved on a bipartisan basis last year, and that is the reauthorization of the 1965 Voting Rights Act.

I want to say that, just by point of clarity, I introduced the same bill, essentially, that I had introduced before. That bill had a map in it that had been approved by Democrats and Republicans because Mr. SENSENBRENNER, then the Chair of the Judiciary Committee, at the last minute said that he would not accept a compromise that we had all fashioned, that Utah, that our leadership, on both sides agreed to, and that was that there be an at-large seat so there would be no redistricting. The redistricting issue had been a very thorny issue because there is only one Democrat in Utah. He has been the target of gerrymandering. Nobody wanted that on the table any longer. And therefore, we came forward with a compromise of an at-large seat. Mr. SENSENBRENNER insisted upon redistricting.

Let me say, the people of the District of Columbia don't care one way or the other, whether it is at-large or redistricting the at-large. The redistricted seat there apparently is perfectly satisfactory to both sides. Whatever is easy, whatever gets me to sit in this seat as something other than the way I sit today, as a second class citizen, is acceptable to us. What we want is the vote, and we want our voting rights in the 110th Congress.

I do want to say that we haven't given up on full citizenship, and we never intend to. But we recognize the way in which the House has always operated, and that is incrementally.

It was not until 1967 that we incrementally began to give this, move this District toward having self government, would you believe. It had no mayor. It had no city council because it had been governed since the 19th century by three commissioners appointed by the President of the United States; 800,000 people then living as a straight out colony in their own Nation's Capital.

Lyndon Johnson abolished the commission and appointed a council. Then, in 1968, they gave the District the right to vote for their own board of education. Then, in 1970, the District got the right to vote for a delegate. And my good predecessor, a man who fought valiantly for our full rights, Walter Fauntroy, became the first Delegate. And then, finally, in 1973, the Home Rule Act itself was enacted, and the District got the right to elect its own city council and its own mayor. And notice, that is 32 years ago only that your Capital has even had the right to self government.

All of this is a real scar on our democracy. The scar has to be taken off of this House and can be this year; and we ask that that be exactly what the House does.

We remind the House that change for the District of Columbia only came at the Civil War, a true indication of the way race has decided matters in the District of Columbia.

My own people came to this city through my great grandfather, a runaway slave. He was in Washington in 1862 when Congress abolished slavery here.

But it is very interesting to note, when you see where the parties stand, that in 1848, when this House was controlled by the Democrats, the Democrats did give the District some home rule. But it gave it the right to have its own Board of Assessors, this is like a council, and voting rights to all white male voters.

It took the radical Republicans, the abolitionist Republicans, to grant black males the right to vote, and that was in 1867. That was the proud history of the Republican Party. And we will never forget the roots of that party, Abraham Lincoln, the first Republican President, the President that abolished slavery, first in the District of Columbia, then of course, led our country to the abolition of slavery nationwide.

It was in 1878 that this notion of government, not by this self government that had been set up for white males by the Democrats, that the Republicans had converted so that everybody who could vote in the United States could then vote.

By the way, you notice women were not given the right to vote then, but they didn't have the right to vote anywhere.

But what happened in 1878, when Reconstruction came forward, when the reaction to the Civil War came forward, then we had the Congress, obviously, in the hands of Democrats again, providing that the District of Columbia be governed, not by a self government, as had been allowed, but by these Presidentially appointed commissioners who were, in fact, the government of the District of Columbia until 1974.

Mr. Speaker, occasionally you will hear some opposition to our bill based on the Constitution. Every other day somebody raises a constitutional issue about some bill that comes to the floor. And we concede that there is some division of opinion on whether or not Congress can give the District the right to vote through the Constitution, or whether it would take a constitutional amendment, as has been tried in the past, but the requisite number of States did not also ratify.

On the basis of very respectable constitutional opinion, and we are certain that the bill is constitutional under Article I, Section 8 of the Constitution, Congress has full plenary power over all matters relating to the District of Columbia. We are certain that Congress can have the right because we are certain that that is what the framers intended.

When the Constitution was ratified in 1789, it clearly contemplated that the vote would, in fact, be enjoyed by the people of the District of Columbia. Everybody lived in a state then, including the people of the District of Columbia. But notably, the citizens living on the land designated by the Constitution, in the Constitution itself, as the District, continued to have voting rights until 1801, because that land had been given to the Federal Government by Maryland and Virginia.

When 1801 occurred, and the land came under the total control of the Congress, only Congress could step forward and say, now that you are under our jurisdiction, we just want to assure that you still, you have not lost your voting rights by becoming the Nation's Capital. And the people of the District of Columbia so petitioned, and Congress failed to act. Therein lies the fatal flaw. Congress did not act. But you certainly can't blame that on the Framers.

Imagine, would Maryland and Virginia have conceded the land to create the District of Columbia if they thought they were disenfranchising their own citizens? Impossible. And the Framers themselves indicated that everybody in the United States would have their rights. So we are quite confident that the bill is constitutional, although you will hear words to the contrary from time to time.

We are also confident that if we were to decide to use the at-large seat, as opposed to the map that is agreeable now, that that would be constitutional because every voter in the State of Utah, only for a very short time, because it then could revert, as the State desires, to the present system from an at-large system; but every voter in Utah would have the same equal right with no dilution of that right to elect this at-large member for such period as the State chose to have it.

These issues have been thoroughly vetted, and we have constitutional authority that I think the House would find persuasive. And I ask to be able to enter into the RECORD the testimony of Kenneth Starr, who testified to the constitutionality of the bill. This constitutional lawyer, respected by all for his constitutional background, even as he is regarded as controversial, perhaps that controversial side of his career helps to explain that this bill must be constitutional. And I thank Mr. Starr, and will submit that for the RECORD.

[From the Washington Post, Sept. 17, 2006]

CONGRESS HAS THE AUTHORITY TO DO RIGHT BY D.C.

(By Kenneth Starr and Patricia M. Wald)

More than 40 years ago, the Supreme Court declared that "no right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live." And yet, for more than 200 years the citizens of the District have been denied this right because they have no voting representation in Congress. To its credit, Congress is taking steps to begin correcting this longstanding injustice.

Specifically, the House Government Reform Committee has approved, and the House Judiciary Committee is considering, a bill that would give D.C. residents the right to full voting representation in the House. While conferring this right is surely the right thing to do, a legitimate question has been raised concerning Congress's authority to confer the right by simple legislation, rather than through constitutional amendment. We have carefully considered this question and believe for three reasons the bill is within Congress's authority: It is consistent with fundamental constitutional principles; it is consistent with the language of Congress's constitutional power; and it is consistent with the governing legal precedents.

First, interpretation of Congress's Article I legislative authority should always be guided by the fundamental principles upon which the nation and the Constitution were founded. Those principles include a commitment to a republican form of government and to the proposition that the laws enacted by the legislature should be based on the consent of the governed. There is nothing in our Constitution's history or its fundamental principles suggesting that the Framers intended to deny the precious right to vote to those who live in the capital of the great democracy they founded.

Second, Congress's specific power over the District of Columbia is one of the broadest of all its powers. In the words of the Constitution, "Congress shall have power . . . to exercise exclusive legislation in all cases whatsoever" over the District. In a 1984 case decided by the U.S. Court of Appeals for the D.C. Circuit, on which we both sat, Judge Abner Mikva noted that through this constitutional provision, the Framers gave Congress "a unique and sovereign power" over the District. In that same case, Judge (now Justice) Antonin Scalia wrote that the broad language of the power gave Congress "extraordinary and plenary" power over our nation's capital. And in another case, that same court held that this broad power gave Congress authority to "provide for the general welfare of citizens within the District of Columbia by any and every act of legislation which it may deem conducive to that end." It is hard to imagine a broader, more comprehensive congressional power than this; and it is also hard to imagine that the power could not be used to advance a fundamental principle of our Constitution—that the right to vote should be extended to all citizens.

Finally, and equally important, the most analogous legal precedent addressing Congress's authority over the District confirms that Congress can act now to give the vote to D.C. residents. That precedent concerned the fact that Article III of the Constitution confers on federal courts jurisdiction to hear suits brought by citizens of different states against each other. But the Constitution did not give any such express jurisdiction over suits brought by or against citizens of the District of Columbia. As a result, Congress, relying on its broad Article I power over the District of Columbia, remedied that unfairness through legislation that extended the right to District residents. In a 1949 case called *National Mutual Insurance Co. v. Tidewater*, the Supreme Court upheld that extension and also said that Congress was entitled to great deference in its determination that it had power to address this inequity. The logic of this case applies here, and supports Congress's determination to give the right to vote for a representative to citizens of the District of Columbia, even though the Constitution itself gives that right only to citizens of states.

It is not a surprise that our Constitution, ratified in 1789, contemplated that the right to vote would be enjoyed only by "the people of the several states." After all, in 1789, all U.S. citizens lived in a state. It was not until 1801, when the process Congress authorized by statute in 1791 to create the District out of lands ceded by Virginia and Maryland was completed, that District residents lost their federal voting rights. There is no reason to believe the Framers intended for this to happen. And in any case they gave Congress power to address the problem. Congress has initiated a process to do so, and we urge it to quickly complete the task. As George Washington said in his first inaugural address, the American people are entrusted with "the preservation of the sacred fire of liberty and the destiny of the republican model of government." It is time to extend that model to the citizens of the nation's capital.

Ms. NORTON. There might be some opposition based on the notion that Utah gets one more electoral vote if they get a vote. Now, mind you, Utah is going to get that at some point anyway, probably in the near future. But there is some concern that Utah might get that vote now. And we have the kind of situation that people most fear ever since the 2000 election, that there would be some kind of tie or some kind of dispute; we would have no longer a tied number of electors from Democratic and Republican States; and then you would have Utah with one more vote.

Well, this is an issue that we asked a nonpartisan group about that doesn't think, that has a different view of how the present system operates in any case. The nonpartisan group is called Fair Vote, the Center For Voting and Democracy. It is not affiliated with the District of Columbia or with any party.

Apparently, it believes that the national popular vote plan for President is how we should proceed. So they certainly are not making a case for us in any particular way.

But it is important to note what they say about our bill and whether our bill could, in fact, result in a crisis based on the fact that Utah got one new electoral vote. And I am quoting: "Our estimation of the odds of the District of Columbia Fair and Equal Voting Rights Act directly contributing to a Republican victory in the 2008 Presidential race is," they say the odds are, "approximately 400–1," or, in other words, one chance in 1,600 presidential elections.

I want the Member to stand up who would, on this scintilla of a chance, prefer to see us go without the only chance we have to get a vote now or in the foreseeable future.

I want to thank the House for affording me this time, and the time of the Members who have been gracious enough to come and speak on this issue this evening. It is time that, for us, has been invaluable, simply to let the Members of the House know how deeply we feel that the time is on overtime to grant the people of the District of Columbia their House vote now, in this Congress, the 110th Congress.

Mr. JONES of Ohio. Mr. Speaker, I rise today in support of the Fair and Equal House Voting Rights Act of 2007, bipartisan compromise legislation to finally allow the District of Columbia voting representation in the U.S. House of Representatives. This balanced legislation, introduced by my honorable colleague from the District of Columbia, would give her constituents a vote in this chamber while adding a House seat for the state of Utah.

Among the capitals of democratic nations around the world, the U.S. is the only country where its capital district citizens cannot vote in the national legislature. Washington, DC, while serving as the Nation's capital, also has many of the functions of a county or state. DC operates its own police force, school system, legal code, occupational licensure and vehicle inspections.

Today, the District of Columbia is home to 120 neighborhoods and a population of 572,000. According to the 2000 U.S. Census, the population of Washington, DC is greater than that of the state of Wyoming (494,000) and is comparable to the states of Vermont (609,000), Alaska (627,000), and North Dakota (642,000).

Proximity no longer means influence in the District of Columbia. The Bureau of Labor Statistics reports its unemployment rate is 6 percent, above the national average of 4.5 percent. DC's poverty rate is 17.5 percent, five points above the national average.

According to DC Vote, DC citizens pay higher per capita federal income taxes than any other state. DC citizens are subject to all our laws, serve on juries, fight our wars and pay taxes, yet have no voting representation in the U.S. Congress.

Not only does DC have no say in the governance of our Nation, they have diminished voices in the governance of their own city. The very Congress which holds the power of the purse regarding DC's budget, also has the power to repeal any DC law enacted by its city council.

It's time for fairness for the citizens of Washington, DC. As the representative of another great city, I am proud to support voting rights for the great city of Washington, DC, am proud to support the Fair and Equal House Voting Rights Act of 2007 and call for its swift passage.

□ 2000

THE DEMOCRATIC AGENDA

The SPEAKER pro tempore. The gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, it is always a profound honor to come to the floor of the people's House and vent what is on my mind. I would point out that your organization and timing is impeccable. I thank the gentlelady from the District for ending exactly on the hour, so it is easy to keep track of the time as we unfold the next 60 minutes.

I also appreciate her remarks with regard to Abraham Lincoln. He is a hero for America, for all people of all kinds, of all colors, of all places, and a man that demonstrated profound and tremendous leadership. As I listened to the gentlelady speak about Abraham Lincoln's leadership, I reflect upon a great example of leadership that I would like to share here this evening to start out this discussion.

I will say that I have been assured that this is a matter of historical fact by a Washington D.C. historian, and that is as far as I verified it, but I liked the story so much, that I would just as soon not know if it shouldn't happen to be true. But I believe it to be true, and at least its consistent with the leadership in the spirit of Abraham Lincoln.

That is, in 1863, as Abraham Lincoln was considering whether to sign the Emancipation Proclamation, it was not an issue that was totally in favor with the Republican Party at the time. But as he deliberated on this issue, he called his Cabinet in, and said, I want to hear from each of you on this Emancipation Proclamation that is here, and that I am considering signing.

So he started his Cabinet on his left, and all around the table, and they were all men at that time, as we know, and the ones that had the right to vote back then. The first one, the Cabinet member said, Mr. President, my advice to you is, no, don't sign the Emancipation Proclamation, because after all, the blacks that are north of the Mason-Dixon line are free today, and it doesn't help them.

So the next Cabinet member chimed in, and he said, Those south of the Mason-Dixon line, you can't free them because they are in the Confederacy, so your jurisdiction doesn't reach there today. It is a gesture and a gesture only.

The third Cabinet Member said, But it is, it is an empty gesture, because on the north side of the line and on the south side of line there isn't anybody that you can free with the Emancipation Proclamation. It is simply a symbolic act. As this went around the table, around the Cabinet room table, and each Cabinet member said to President Lincoln, Mr. President, my advice to you is, no, don't sign it, because among other things, you will alienate some of the people in the north that are pro-slavery that are still fighting under the blue uniform, or the Union.

There was reason after reason why President Lincoln shouldn't sign the Emancipation Proclamation and not a single reason given by any member of the Cabinet as to why he should sign the Emancipation Proclamation. So it was nay, nay, nay, nay, Mr. President, all the way around that table, his best advisors.

President Lincoln took ahold of his lapels, and he said, Well, gentleman, the aye has it. That story is a story of leadership, and it is a story that I hope goes down in history for a long time. So I appreciate the remarks of the gentlelady from the District and the spirit with which you deliver them. I appreciate you being here tonight.

I would like to take up the issue that we had a discussion on yesterday, and that would be the discussion of the minimum wage.

Now, on January 11, which was yesterday, the House passed H.R. 2, the Fair Minimum Wage Act of 2007, Mr. Speaker. This bill would raise the Federal minimum wage from $5.15 an hour to $7.25 an hour, over about two or three increments in a period of 2 years and would arrive at $7.25 an hour. This bill specifically applies the minimum wage rate and hike to the Commonwealth of the Northern Mariana Islands.

I bring this to the floor, because as I spoke here earlier on the embryonic stem cell research mandate that was passed out of this Congress this afternoon, there was a question and an inquiry, I was asked to yield by the gentleman from Florida, who asked if I knew if there were any geographical carveouts or any special political subdivision carveouts or any, perhaps, university or laboratory carveouts that would show preference that we should shine some sunlight on before the vote rather than after the vote.

Of course, I know of none, asking out there if there are any, and we will be looking through the bill to see more closely, now that we have had a chance to scrutinize it, if there are any carveouts of that nature. But what prompted the gentleman from Florida's inquiry was, as I went back and dug in to find out, was that there is a carveout in the minimum wage legislation that was passed yesterday.

So one of the things that is specific is the application of the minimum wage to the Commonwealth of the Northern Mariana Islands, happens to be some islands that my father set foot on when he spent his 2½ years in the South Pacific during World War II. So I paid a little bit of attention to that because that was part of the family lore as I grew up.

But the bill does nothing to foresee American Samoa to submit to the Federal minimum wage or this new hike. In fact, it specifically exempts the American Samoans from minimum wage. Now why would that be? The vote on this bill was 315–116, all Democrats voting "aye" and 116 Republicans voting "no."

But as reported in the Washington Times today that although the legislation specifically extends for the first time the Federal minimum wage to the U.S. territory of the Northern Mariana Islands, it exempts American Samoa, which is another Pacific island territory that would become, the only U.S. territory not subjected to the Federal minimum wage laws. The only territory, the only location in the jurisdiction of the United States of America exempted from Federal minimum wage law would be American Samoans.

This loophole pleases the tuna corporations that employ thousands of Samoans in canneries at a rate of $3.26 an hour. It is an industry-specific rate that is set by the U.S. Department of Labor.

But the tuna industry has lobbied Congress for years arguing that imposing the Federal minimum wage on Samoa would cripple the economy by driving the canneries to poor countries that don't require a minimum wage.

Then one of the biggest opponents, though, of the U.S. minimum wage there is StarKist tuna, which owns one of the two packing plants that together employ more than 5,000 Samoans. Yet StarKist is about 75 percent of that, about 3,750 employees perhaps at StarKist. Chicken of the Sea would be the other 1,250 employees, totaling the 5,000. Chicken of the Sea is also California based.

But what is interesting, and I think what inspired the gentleman's inquiry this afternoon, was that StarKist's parent company, this company that has now an exemption from minimum wage law, their parent company is Del Monte Corporation, Del Monte Corporation, headquartered in San Francisco, which is the hometown, of course, of our new Speaker.

Now, a spokeswoman for the Speaker said yesterday that the Speaker had not been lobbied in any way by StarKist or Del Monte. That is interesting. I don't know that I could say that about any single company in my district, small company, large company. Trade associations represent multiple interests that might come into that. I am lobbied by individuals, I am lobbied by trade associations, I am lobbied by individual companies over and over again, hundreds and thousands of voices coming into my office.

I welcome them all, but I could not take an oath that there is a single company in my district that has not lobbied me in any way, or, let me expand that, even if that were true, there is no way I could take the oath that not a single company has lobbied any of my staff. There are decisions made by my staff that I take responsibility for. That reflects upon me.

So one could impute from this statement that the Speaker has not been lobbied in any way by StarKist or Del Monte. One can impute to that that also includes the Speaker's staff. I couldn't make that statement about a single company in my district, but this large company, larger than any company in my district, and domiciled in and headquartered in San Francisco, has had no contact with the Speaker's office or staff over any period of time, over, not just within the last week, but over the last 2 years, 4 years, 6 years or more? I think that deserves a little bit of scrutiny.

But as reported in The Washington Post on January 9, aides to the chairman of the Education and Labor Committee, the gentleman from California, and the sponsor of the bill said, and I quote, "The Samoan economy does not have the diversity and vibrancy to handle the mainland's minimum wage, nor does the island have anything like the labor rights abuses that the chairman found in the Marianas."

That is also interesting. It works good for a smokescreen for a short period of time, but here are the facts. In June of 2005, a U.S. court in Hawaii sentenced the owner of a sweatshop factory in American Samoa to 40 years in prison for what prosecutors called the biggest case ever of modern-day slavery. That isn't a small statement, and that is not a short sentence to prison, 40 years in prison for the biggest case ever of modern-day slavery in American Samoa.

The chairman, who has been tracking this research on the labor problems within the Marianas and presumably American Samoa, contends that he didn't find anything going on in American Samoa that would be comparable to the labor rights abuses found in the Marianas.

What would be worse than the biggest case ever of modern-day slavery of labor rights abuses? I don't know how you would define that. I will challenge the chairman, come up with those cases, explain to us how this one that was worthy of 40 years in prison, the biggest case ever of modern-day slavery, somehow or another pales in comparison to the transgressions of the Marianas, of which I don't have a single case before me.

That is the argument made to the chairman and why he wrote into the bill the exemption for American Samoa where they are paid $3.26 an hour, but in the Marianas, of course, they want to include them.

Well the difference is they have Republicans in the Marianas, and they have Democrats in American Samoa. But the individual in American Samoa, the labor right's abuser's name is Lee Soo-Kil, he held more than 300 victims as forced laborers in involuntary servitude at his garment factory in American Samoa.

He is accused of using arrests, forced deportations and brutal physical beatings to keep workers under control. The court was told, this is in the record of the court, that he ordered a worker to gouge the eye of another worker who dared to complain about her living and working conditions in the garment factory. That abuse would not be sufficient, apparently, in the judgment of the chairman to consider that it was something that should be brought underneath the minimum wage law and under some more scrutiny in American Samoa.

It is certainly an act that would exempt you from the minimum wage. Democrats said that their reign in the House would usher in a new era of transparency. Yet with the second bill they bring to the floor, eyebrows are raised at the thought of a lucrative carveout from a company with a parent company headquartered in the hometown of our new Speaker.

It didn't take very long for these things to start to pop up. Over and over again Democrats claim that the minimum wage needed to be raised as a matter of fairness and human decency. Yet, yet, apparently workers in American Samoa don't count in the Democrats' view.

Mr. FALEOMAVAEGA, who is a representative of American Samoa, has said he doesn't believe his island's economy could handle the Federal minimum wage because of competition in the tuna industry from South America and Asian canning interests, a place where they are paying as low as $.66 to $.67 cents an hour.

We are going to cater to and let competition be affected by that kind of sweatshop labor that is taking place in South America and Asian canneries. But apparently the Democrats are under the impression that the laws of economic competition are only applicable to American Samoa and have no bearing on the goods and the countless business manufacturers elsewhere in the United States, and that also includes the Marianas, which are geographically close, similarly situated, but not specifically exempted like American Samoa.

The United States needs to be competitive and be able to sell abroad. But while the small businesses in my district, who often pay more than the federally mandated minimum page, I would say almost always pay more, they provide employment to countless hardworking Americans, and some of them struggle each month to make their payrolls.

Democrats have allowed employers in American Samoa to avoid this burdensome Federal mandate, but not those in the Marianas, not those anywhere else in the American territories, not anywhere under the jurisdiction of the United States of America, except American Samoa, where you have two large tuna companies, and one of them's parent company is domiciled in San Francisco.

I don't understand how Democrats see their economic principles make the minimum wage a bad idea for American Samoa, but not a bad thing for Main Street in small town USA. They pledge to bring transparency to the legislative process, and yet they refuse to submit their 100-hours legislation to the regular committee process. I may take that issue up a little bit later.

What I would very much like to do at this point in this conversation with you and the American people would be to yield to my friend, the gentleman from North Carolina, Mr. McHENRY, for his remarks on whatever issue he might have come to the floor to address.

□ 2015

Mr. McHENRY. I thank my colleague from Iowa for his leadership, and I wanted to echo what you were speaking of earlier. And it is interesting what we are experiencing right now in Congress, an interesting time.

The new Speaker comes to office with a new Democrat majority, and what the Speaker pledges is "respect for every voice," and another quote, "working for all of America." Well, all of America except American Samoa, a small island in the South Pacific where they have been exempted from the Federal minimum wage.

Now, NANCY PELOSI during the campaign, then-Minority Leader PELOSI said, "The Fair Minimum Wage Act of 2007 will increase the Federal minimum wage from $5.15 to $7.25 over the next 2 years, providing families with additional funds to cover the increasing costs of health insurance, gasoline, and home heating and attending college."

There actually was a press release just a few days ago when the Speaker of the House issued this press statement. That is good. That is a high honor which the new Speaker had of increasing the Federal minimum wage, and it is a high honor for some politicians in Washington, D.C. to use other people's money to increase other people's wages. It is not coming from the pockets of D.C. politicians; it is coming from small business owners across the America who are going to be impacted and perhaps lose jobs over this.

But the bad item in this is the Washington Times report from just today that "the Democrats' minimum wage legislation exempts American Samoa, another Pacific Islands territory, that would become the only U.S. territory not subject to the Federal minimum wage." That is from the report from the Washington Times today.

Now, it is peculiar. Why, I ask, would American Samoa be exempt from the Federal minimum wage? It seems an oddity, does it not, Congressman KING? It seems an oddity that a small island of all of our territories in this great Nation, of all the States in the Nation, that an island is exempt. One island. Why, I ask, would that island be exempt? It just seems perplexing to me. I mean, it seems like good news that the new Democrat majority and the new Speaker want to raise the Federal minimum wage to help people, to help families with their health insurance, gasoline, home heating, as well as attending college.

If it is not good for American Samoa, how could it be good for the United States to have an increase in the Federal minimum wage? And if it is good for the United States, if it is good for America, why is not American Samoa given the same benefits? It is America, too. Well, perhaps the new Democrat Speaker doesn't think so.

The question I raise, Congressman KING, is why could that be? We are just simply asking the question here tonight, why could that be the new Democrat Speaker would want to exempt a single island from a large piece of legislation? In fact, it is one of their six items in their 100-hour program. It is an amazing question to me, Congressman KING. It is an amazing question with perhaps a simple answer.

Well, going back to the Washington Times article, if I may quote from there: "The loopholes please the tuna corporations that employ thousands of Samoans in canneries there at $3.26 an hour. One of the biggest opponents of the U.S. minimum wage is StarKist Tuna, which owns one of the two packing plants that together employ more than 5,000 Samoans or nearly 75 percent of the island's workforce. StarKist's parent company, Del Monte Corp., is headquartered in San Francisco, which is represented by—." Well, we will fill in the blank, that is, for someone else to fill in the blank.

But certainly something is fishy. Something is indeed fishy when the Federal minimum wage is good for all Americans as espoused by the Democrat majority, yet we exempt a small, in many terms economically struggling, island.

Now, I submit, Mr. Speaker, if it is good for us in this Chamber to vote to raise the Federal minimum wage, is it not good for all Americans, even in the territories? Is it not a matter of fairness to extend that to all the territories? It is an amazing happening, Congressman KING, in these opening hours that I would ask you, why could this be? I mean, if we are going to work for all America as the new Speaker said, why not all of America, even the territories?

Congressman KING, there are many questions here, but I raise the question, how could this be in the most ethical Congress in history?

Mr. KING of Iowa. As I am listening to this dialogue that we have going on here and I start to think about, you know, a lot of us see this broader economy, we see this multi-trillion GDP that we have, and we see the components of small businesses, large businesses, family farms, and these operations that are going on, the interrelationships of them. Some families run more than one business. And I have taken the position, and many of us have, that whenever you raise the minimum wage, ultimately you will lose jobs. We understand this, and we have made this argument and this debate, and we will continue to make this argument and this debate.

But I am going to say the people who voted for this minimum wage, at least the people who supported the idea of exempting American Samoa from the minimum wage, can only understand this law of supply and demand and this argument that is a fundamental, basic economic principle that when you mandate an increase in wages, the employer will have to make a decision as to whether to keep those employees or not or to lay them off and maybe move their operations elsewhere, or bring some machinery in to replace the labor. The inevitable result of raising a minimum wage is the loss of jobs.

But I am going to speculate this, Mr. McHENRY. I am going to speculate that when it is addressed within the microcosm of a single business on a single island, then the chairman of the committee actually understood that equation and decided that he would draft in an exemption for American Samoa for that fishy business that you addressed. Because when it is a microcosm of a single island and a single company, maybe it was comprehensible the impact of a minimum wage there.

Mr. McHENRY. It is also interesting that the parent company that employs 75 percent of Samoans, American Samoans, is headquartered in San Francisco. It is an interesting oddity in press reports that this is raised. And, like I said, Congressman KING, I believe it is just fishy. It is very fishy that this would happen in the opening week of a new Congress that espouses really high ethical standards which we all hope for and we strive for as individuals and as a collective body. It is a very strange happening in the Democrats' 100-hour provisions that they even go back on their campaign pledge to have the Federal minimum wage across America, not exempting certain areas or certain islands or certain peoples, but actually have a uniform standard. It is very fishy that these things happen just at the beginning.

Mr. KING of Iowa. I pose a question back, and that is a statement has been released by a spokeswoman for the Speaker with regard to this, because this has been something that has been published across the country. And it says that the Speaker has not been lobbied in any way by StarKist or Del Monte.

Now, not lobbied in any way. That is a broad statement that a lawyer probably couldn't write it any more broadly than that. It may well have been a lawyer who said it. And I reflected moments ago about, I couldn't make that statement about a single company no matter how small in my district, because they either talk to me or my staff or maybe sent me a letter or called on the phone or sent me an e-mail, or maybe called in on a telephone while I was doing a talk radio show and I didn't know who they were. How could one make a statement that she hadn't been lobbied in any way? Could you make that statement about a single business in your district?

Mr. McHENRY. I thank my colleague from Iowa for asking that question. It's an overly broad answer, it seems. Yet the other interesting avenue here on exempting a certain area of America with a certain business interest that is represented by a certain individual, well, it is interesting to me because in many ways what the Democrats promised was an end to earmarks. Earmarks, the American people know very well that earmarks are simply pork-barrel spending. Well, I will tell you something, this may be tuna, but it smells like pork. And this special provision, I would submit to you, should fall under this earmark reform that the new Democrat majority wants to pass on this House floor.

I think it is a high goal for us to have, that is, to have fundamental earmark reform so we eliminate pork-barrel spending programs. But this bill in the first full week of the Democrat majority has an earmark.

And my colleague from New Jersey has joined us, and Congressman GARRETT is very involved in the fiscal conservative agenda, as my fellow colleague from Iowa is, Congressman KING. Now, would you define this as an earmark, Congressman GARRETT?

Mr. GARRETT of New Jersey. I would definitely define it as an earmark. And I rise now to ask either one of the gentlemen to elaborate on the comment the gentleman from Iowa is making, and as the gentleman also raised, that this has already pressed accounts as to where this exemption is drafted for. But as the gentleman from Iowa said, there was no explanation as to why it came about. That is to say, the press accounts from the Speaker's office, I believe the gentleman from Iowa said that they have not been lobbied at all by the industry from their district. Is that correct? They were not lobbied at all by that particular industry from their district is what the press accounts say from the Speaker's office on this issue?

Mr. KING of Iowa. I would ask the gentleman if he could repeat his question.

Mr. GARRETT of New Jersey. I believe I am quoting you correctly that the press accounts from the Speaker's office on this is they have not been lobbied whatsoever from the respective industry in their State on this topic. And if that is the case, and it is hard to believe for the reason the gentleman from Iowa states that something that is so fundamentally important to that particular industry, you would think that the Speaker, if she is going to be responsive to their industry, would be hearing from them on these matters.

My question is, and perhaps you know the answer, why then does either the chairman or the Speaker say that they put this provision into the particular bill if not to protect those industries?

Mr. KING of Iowa. In response to the gentleman from New Jersey, I would have to say that there is no other way I can analyze that.

There are actually only two arguments. One of them is the argument that is put forth by the representative from American Samoa who says that the tuna industry can't withstand the competition if they have to pay a minimum wage. So something more than $3.26 an hour would take those tuna companies out of business, and they would apparently leave the island. And they couldn't go to the Marianas because there is a minimum wage imposed there, so presumably they would go to South America or maybe Asia.

The other argument of course is this exemption will let those tuna companies that are there continue to make a lot of money off of cheap labor that is imposed there in American Samoa where it is exempted from, the only location in all of American territories and jurisdictions that is exempted from Federal law. That is what is in this legislation that is before us.

Mr. GARRETT of New Jersey. I appreciate that the gentleman is trying to conjecture what the potential answer is as to why this absurd language was put in the original bill. Neither one of them obviously stands on their own foot. The first one being that we are going to create such an exemption because we realize how dangerous imposing minimum wage on any particular industry can be. Well, if it is going to be dangerous for that particular industry, then the other side of the aisle should realize it can be harmful to others and they should broaden the exemption to others. That was the first explanation.

The second explanation you conjectured was because they were doing it as an earmark specifically for one industry, to protect that industry. And in this area of ethics, I am sure that could not be the reason.

So as we stand on the floor tonight, I am sure that while we are here to speak on this matter, the Members on the other side of the aisle are back at their offices listening to this debate, the Speaker is probably back in her office right now, the sponsor of the bill is back in their office right now.

☐ 2030

I would extend an invitation to any or all of them to come and join us to give us a logical explanation. Was it the first reason that they were just creating one exemption because they realized how harmful minimum wage can be, or was it that they were crafting something specifically as an earmark to protect one of their own industries outside of all others?

Mr. McHENRY. Mr. Speaker, if the gentleman will yield, I thank Congressman GARRETT for proffering that. I think it is a wonderful thing because we know that our colleagues perhaps, Mr. Speaker, would be watching this debate and perhaps they could join us and answer some of these questions that we are trying to wrestle with on this important piece of legislation that the House took up just yesterday and passed under a closed rule, under martial law, not allowing any dissenting voices to offer any amendments to perfect it, perhaps extending the Federal minimum wage to even American Samoans or, in fact, change the bill so that it helps small businesses transition with this increase in the Federal minimum wage.

We have many questions, and I would love for our colleagues to join us here on the floor to answer these questions because we need the answers from the Democrat majority who control this place. And I would dare say, if the Madam Speaker would like to come before us here tonight, we would be happy to yield plenty of time for her to explain these actions of this new Democrat majority. We would love to have some input from our other colleagues on the other side of the aisle. In an air of bipartisanship, let's share our time, Congressman KING, during this leadership hour and make sure that we have an open dialogue and we answer questions.

Mr. GARRETT of New Jersey. Will the gentleman from Iowa yield?

Mr. KING of Iowa. I yield to the gentleman.

Mr. GARRETT of New Jersey. I just wish to take this moment to commend you, Mr. McHENRY, on this issue because just as the other side of the aisle has said that they want to have input from the other side of the aisle, and as you know, we have been precluded from giving that input in the form of amendments on this and just about every other bill that has come before us, I commend you for taking the time now to open up the floor to the other side of the aisle and give to them what they will not give to us. You were giving to them the opportunity to give input to our side of the aisle.

And when I say, our side of the aisle, this is not just a partisan issue. This is not just something just for us here in this room or Republicans or what have you. We are really extending a hand to the other side. We are offering them to give input to the American public to explain themselves. Was it an issue of them trying to carve out something for one particular industry in their home State, or was this something even less nefarious than that, simply that they realized that raising the minimum wage can have the harmful impacts that it does?

Mr. KING of Iowa. Reclaiming my time, I would take a stab at that and submit off of Mr. McHENRY's remarks as well that when you have a closed process and in fact it is not necessarily a closed process; it is a no process, no process for hearings, no process for subcommittee, no process for full committee, no process for Rules Committee and no process on the floor that allows for any amendments, then there is no way to go back and really identify who is going to get the credit for this brilliant exemption that has been drafted into the minimum wage bill. So we can only then rely on the open press, the press accounts, and I am grateful that we do have a first amendment because they have gone back and reported and have publicly not been refuted remarks made by the chairman of the committee, who has gone to the Pacific and examined the labor circumstances there and found that the labor circumstances in American Samoa justify exemptions, but those in the Marianas do not justify exemptions, just to draw a real close comparison there, even though the worst example of a sweat shop that prosecutors had ever seen was the perpetrator that was sentenced to 40 years for abusing 300 employees in American Samoa. And so the exemption, then, is admitted publicly by the chairman of the committee as being drafted into the bill under his advice and his request, and that is the closest thing we have, but there is no opportunity to amend it in or out or to add to or detract from.

And the people I feel the most sorry for are not Mr. GARRETT from New Jersey or Mr. McHENRY from North Carolina. My sympathy lies with the large number of freshmen Democrats who have arrived here in this Congress under the belief and having committed to their constituents that they are going to add to this cause, that they are going to add to this process, that their voice will be heard, that they will be bring representation from their district to Washington, D.C., where a lot of them allege they did not have representation, and they are the ones shut out of the process without a voice, without an opinion, without a forum, without an amendment, without any opportunity for amendment, after having made all those promises, shut out of this. All that wisdom shut out. A handful of people, maybe not even a handful of people, makes a decision like this. It is a closed process, and this is what you get with a closed process is an earmark, as Mr. MCHENRY said.

And if the gentleman from New Jersey has more to say, I would be happy to yield.

Mr. GARRETT of New Jersey. I appreciate the gentleman's yielding. I would like to just step back for just a moment from this overall issue that we are narrowly focussing on, this exemption, perhaps nefarious, that was in the legislation, and commend the gentleman from Iowa for your comments just yesterday when the overall bill of minimum wage was being discussed and you waxed eloquent as to the problems that the legislation that the other side of the aisle presented as far as what a raise in the minimum wage can do to the people that they suggest that they are going to help. And I commend the gentleman for the comments that you make on that.

And if I could just maybe elaborate and give one other example. Perhaps the most difficult part of understanding from whence they come on this issue of raising the minimum wage in the manner that they did is that they, in fact, hurt the very same people that they claim they are going to try to help by raising the minimum wage. That is, they are going to hurt the very people who are low skilled and lack experience because, generally speaking, it is the low skilled and the people lacking experience who are entering into the entry level type jobs out there. And it does a disservice to them for them to report a bill such as we had yesterday of raising the minimum wage, which we know statistically will shut out so many people who are seeking to enter the workforce.

Just as we did a moment ago where we asked others to take a look at this issue that we were speaking about a moment ago and come down here to explain themselves, perhaps, if they are not going to come down here, the constituents at home can call the Members and ask, can they explain themselves on the exemption of the bill? But also maybe people listening to this program at home right now can also call the Members on the other side of the aisle who purported to support this raise in the minimum wage and ask this: Have any of them on the other side of the aisle ever while a Member of Congress had people working for them right down here on Capitol Hill, working for them in a legislative capacity basically, alongside other members of their staff, and not paid them the full minimum wage? That would be a curious question.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the Members to direct their remarks to the Chair and not to the television audience.

Mr. GARRETT of New Jersey. Sure. I appreciate that. Have any of them had anyone working on their staffs and not paid the full current minimum wage? That is an interesting question. I bet the answer to that question would be yes. And we know those people in those offices are entry level people, many of them in college right now, who come to Washington to try to get their first job.

Now, the Members on the other side of the aisle will say, wait a minute, the reason we are not paying them the full minimum wage right now and we have done so for the last several years despite the Federal minimum wage is because these are entry level people. They are young people. They don't have a full education yet. They don't have all the experience they need as other people on the staff. And yet the people sitting right next to them on the staff are being paid the minimum wage, and you have to ask them, why are they doing that? The other reason they would give to you, and they do it in perhaps a dismissive sort of way, is to say these people whom we are not paying minimum wage to are interns.

Wait a minute now. This young person sitting over here doing the exact same thing as this person sitting over here, the exact same sort of job; this person is being paid a full salary, and this one is not getting a full minimum wage salary doing the exact same thing. Is it right that they do not meet that level? And yet they were the ones who sponsored this legislation to raise the overall standard of pay for everyone else in this country. So I think it is important that we ask them why, on the one hand, they speak out of the mouth of raising the standards for everyone, but at the same time, in their own offices, they have people working for them who are not making the full minimum wage.

Mr. KING of Iowa. I thank the gentleman from New Jersey. And it occurs to me that perhaps one's own house is not in order before the presentation of the legislation that seeks to put everyone else's house in order, and I am confident this will not be the last time that these circumstances are created here nor that they will exist when one finds themselves in a position of conflict of judgment. And these are the kinds of things that can be debated and discussed and deliberated if we have an open process.

But I would point out to the gentleman from New Jersey that we are closing in perhaps, perhaps, on an open process. When we gaveled in here this morning, this 100 hours pledge was that this legislation, about six pieces of legislation, was to be passed in the first 100 hours, and that became the promise that trumped all other promises. The promises of an open system, bipartisanship, dialogue, the most open and the most ethical Congress in history, all of these things, many of them have been compromised already because you can't have an open Congress and get these things done, apparently, in the first 100 hours. So the 100-hour promise is the one that is sacrosanct, and the rest of their promises are being broken in an attempt to try to pass this legislation in the first 100 hours.

Well, my report tonight, Mr. Speaker, is to bring everyone up to date on how far we are. And we have tried objectively to produce a legitimate 100-hour clock. And I know there is from, the other side of the aisle, a stopwatch put on that. Well, we don't want to count, after we gavel in for the 110th Congress, the time that it takes to swear in because that is not really legislative time, and we don't want to count the time it takes to vote for the Speaker, Mr. Speaker, because that takes also away from our legislative time. We really only want to start this 100-hour clock when it is convenient to do so, and we are going to count time in our own way, and the 100 hours is not going to be up until we get this legislation that we promised we would do in the 100 hours. That is the measure. So keep changing the definition on what the 100 hours is until you get things accomplished. Then you say, yes, we did. We kept our promise.

Well, this was a promise that was purely a political promise. The American people have waited for this legislation for over 200 years. To hurry up and rush it through and set aside an open dialogue, set aside the amendment process, shut down and not allow subcommittee, committee or Rules Committee or floor amendments, do all of that so you can keep a 100-hours promise. So, anyway, the least we can do is have a legitimate clock on the 100 hours. I produced this legitimate clock, Mr. Speaker, and this morning when we gaveled in with an opening prayer and a pledge, when we did so this morning, we were sitting at 42 real hours. This is the hours here on the floor from the time we gavel in until the time we gavel out. How could anyone argue that that is not legitimate? We are not counting 24 hours a day. We are counting the real time that there is someone sitting in the Speaker's chair and the clock is ticking.

So to bring you up to date, we are now at 52 hours when this began. It will be 53 hours here in about 18 minutes. Now we are halfway. We have been further than we have to go, and my recommendation would be just throw this idea away. Suspend this idea of 100 hours because it is what is usurping the open dialogue, the appropriate process, the most ethical Congress in history, the most sunlight on everything we are doing.

As I listened to the news over the weekend, the gentleman from Tennessee, when asked the question, Mr. Speaker, about the 100 hours, he said: Well, no, we really can't comply with the open bipartisanship. Just give us a little break on that. Let us get our 100 hours done, and when the 100 hours is over, I believe we are going to go to this open process, this bipartisanship, and actually use the committees and the expertise of the Members here, hopefully the freshmen, especially the Democrat freshmen, giving them a chance, Mr. Speaker. So that was his plea. Give us a break and let us go ahead, and we will go, not in regular order, but we will go in a special order so that we can get done in the first 100 hours.

Well, I do not agree with that. I think we ought to set this argument aside. But at least we can suspend, then, this suspension of open dialogue when the 100 hours is up. We are at 52. We will soon be at 53. It also says the cost to the country. Well, I have not done very well, Mr. Speaker, because I do not have a staff that can keep up with the cost to the country or maybe I do not have an adding machine that allows for that. And as I look at the legislation that has passed through piece after piece, some of it just can't be calculated. I didn't have a symbol on the word processor to go to infinity, so we just kind of stuck a bunch of dollar signs in here because the cost to the country is impossible to calculate.

It is impossible to calculate when you pass legislation, for example, to inspect every piece of cargo that comes into our ports and the authorization becomes, and I quote from the legislation, "such sums as may be necessary." Well, when we are doing legislation with authorization of "such sums as may be necessary," that is more money than we can calculate. We can't put a dollar figure on that. That goes on piece after piece. How much does it cost to raise the minimum wage? How many jobs are lost? How much of our production goes oversees? What is the real effect on the American economy when and if that happens, when and if the Senate takes it up? It can't be calculated, but it is a lot of money. We will soon be at 53 hours and counting. That will take us down to 47. We have been further than we have to go. We are over the top. We are going to narrow this thing down. And when we get to the 100 hours, the real 100 hours, I am hopeful that this Congress will then wake up and say, we have another promise we want to keep rather than one we want to break, and that is going to be to bring the freshmen into this process.

☐ 2045

We will give the freshmen an opportunity to go to a subcommittee and sit down at a hearing and begin to get informed so they can make informed decisions on behalf of their constituents. We need that kind of process. The Constitution envisions that kind of process. In fact, it requires it.

I am for an open system, and I am for sunlight on all of this. I am for sunlight even on StarKist, and even on Chicken of the Sea and even on San Francisco and even on American Samoa. And I am for sunlight on the Marianas as well. I am for sunlight on everything that we can provide, and I am for real-time reporting.

Every American has access to the Internet today. Whether they own a computer at home or go to the library, they can sit down to a computer. And I believe all of the records, the records of the lobbyists' contributions to Members of Congress, maybe contributions that came from Del Monte or StarKist or Chicken of the Sea, we can look where those contributions went and be able to track that.

If we had an open system here, if those Federal election campaign dollars were real-time reported and available on the Internet so that they were downloadable in a searchable and sortable format, we would have somebody right now sitting at home in America who would have flicked those keys and zeroed in on that and they would have by now probably e-mailed my office a summary of, a detailed list of all those campaign contributions. Probably the bloggers out there would have sleuthed out why it is that American Samoa is exempted from this minimum wage law. We know if you track the money, you can find a pretty good motivation.

I didn't hear from Mr. McHENRY that he could name a business in his district that had not lobbied him during his time here. I know that Mr. GARRETT has been here a good 4 years and starting on the fifth year. I didn't ask that specific question, but I would ask you to respond.

Mr. GARRETT, is there a single business in your district that you could swear an oath had not lobbied you or your staff in any way, any form of communication that might have influenced your judgment or decision?

Mr. GARRETT of New Jersey. I would say no. I would say we are a responsive office, as is your office, to the constituents' needs in our district. So, no. That is why the statement released by the Speaker on this is difficult to comprehend.

Mr. KING of Iowa. I thank the gentleman from New Jersey.

I wanted to make a few remarks about the minimum wage itself and just to go on record. We need to understand something. This is a free enterprise economy. What has made America great is because if you go back 150 years, we had a dream called manifest destiny. We had a continent that needed to be settled and developed. Individual personal capital was invested. Banks grew because they could make money off loaning, and entrepreneurs could borrow money.

They were going into an environment within the continent, within the borders of the United States, in a low-tax and sometimes a no-tax environment and often no regulation, but certainly a low-regulation environment. So they invested their money.

This country was settled and developed in lightning speed by historical standards because we had a very positive environment here for economic growth.

Then as this society began to get a little older and began to develop, they began to take protection. So the older we get, someone would decide that they needed to have some influence and so they would want to advocate in Congress and in the State legislatures for taxes and more taxes and regulation and more regulations. That is how this has grown into this situation. But a prosperous, dynamic economy has got to be one with the least amount of regulations possible and the lowest amount of taxation necessary to keep a government functioning to provide the necessary services.

Mr. GARRETT of New Jersey. Mr. Speaker, one other point that the gentleman from Iowa did not raise but I think would concur with is what is the underpinning of this Nation. The other side of the aisle would probably agree with this if we were speaking on another topic, that led to the great formation of the wealth and the value of this Nation, from our moral upbringing as well as the development of this Nation, is in fact the diversity of this Nation. The fact that living in New England is different demographically than living in the far west. That living in New Jersey where I come from is different from where the gentleman from Iowa lives. Whether we are talking about the weather or the price of housing or the energy costs that we may have in New England and New Jersey as far as heating versus the energy costs in the southern portions of the country, and the transportation costs, and the educational level.

New Jersey is proud of the fact that we are a highly educated State, and for that reason we have a number of biotech firms and pharmaceutical firms in our area. Other portions of the country may have more farming. Or in the New York area where it is the financial services mecca for this country. Or western portions where it is high tech on the West Coast. That is where we are today, but that is also where we came from. We were a diverse Nation. It was because of that diversity and the freedoms and liberties that we had at that time that this Nation was able to grow economically, as the gentleman said.

The problem with the legislation that we passed yesterday, however, it does not realize nor appreciate nor value that diversity of this Nation that we have. What that legislation says is that we are going to treat everyone alike uniformly. When you do that, you treat certain people unfairly.

How does that come about? In the examples I gave yesterday, you can come up with a list of these things. If you treat an individual who is a teenager who is in school right now and trying to get a job after school and make some money, maybe he wants to work in the fields bringing in hay in the Midwest, we are going to treat him the same as we might treat the parent of some children who has some experience in the tech field and has an entry-level position in the Northeast where they have high-tech industry. We are going to treat that person the same as perhaps a second-career individual, perhaps in the financial service markets just over the river, the Hudson River in New York City.

Perhaps we are going to treat them the same as someone in Florida in the citrus crop industry. So whether it is the fields of Iowa or Florida, the high-tech industries on the west coast or the financial industry on the east coast, the legislation we had yesterday setting a uniform minimum wage says they are all going to be treated exactly the right, regardless of the person's age, experience, regardless of the person's skills, regardless of their attributes that they bring to that employer who is looking for somebody to add to the value of the product that they are producing, and regardless of the demography of the particular area, traveling costs, housing costs, or the cost of living.

Coming down to Washington, D.C., we realize this is an extremely expensive place to live versus other places in the country where you can buy a house for maybe $100,000. Regardless of all those variables, they are going to mandate and say we are going to treat everybody in all of these situations the same. That is unfair because the demographics and the situations differ.

The result is this: those individual in these other high-cost areas are going to be put at a greater disadvantage in certain circumstances. In other circumstances, that individual in Iowa trying to get a job after school, they are going to be put at a disadvantage because the employer is not going to see the value added to the product exactly the same. And so some of those individuals who may need those jobs will not be able to get the jobs that they actually have to have to support their family.

Mr. KING of Iowa. I thank the gentleman.

As I listened to that discussion, it brings to mind some of my history. I recall I started back working for 75 cents an hour helping a farmer in the neighborhood. I think he would have paid me a dollar, but I didn't think I was worth more than 75 cents an hour. If you were to ask him today, he would probably say that would be right, you were not, STEVE.

I did that and I learned about machinery and the work that we were doing that was different from my home. After that I went to work in a grocery store, and there the wage was $1.20. And I stocked shelves and carried out groceries and learned about the grocery trade. So I worked there when school was out, and then it was summertime. I realized that the butcher was making pretty good money. That was before we had the kind of packing plants that we have today. So there was more demand for people who could cut meat.

I thought I might as well learn a trade. First I talked to the butcher, and he said he would take me on. And then I went to the manager and asked the manager. The manager said, yes, you can work in the meat department but that is not where I need you, so I can't pay you. Well, I want to learn a trade. Fine, you can go back there and work. And so I agreed to work in the meat department for nothing. So I would work 40 hours a week in the grocery store, and then I would work 20 to 40 hours a week in the meat department with no pay.

It would have been in violation of this minimum wage law, but I did it for no pay because I wanted to learn a trade. And I did learn a trade. It is not one I have ever been paid a dollar to do. In fact, it puts me into the business sometimes of being the one who does cut up the meat at whatever family gathering we have.

But that is the kind of thing that used to happen on a regular basis. I am not an odd thing. I am not an anomaly when it comes to that.

But it is a subject that each time the government interferes, whenever the government passes some of these child labor laws that say that, well, if you are 17 years and 364 days old and you would like to work in the gas station, you can run the cash register, but you cannot cut the grass on the riding lawn mower until you are 18. That is an example of a child labor law.

Another example is you cannot wash the pizza dough maker or you can't make french fries. All of these things you can do at home, a lot of these things we allow younger people to do at home, a 17-year-364-day-old person cannot because of our child labor laws.

You couple that with minimum wage laws and ask the question is there any place in your community where, let's just say an older lady who doesn't get around very well can pull her car into the gas station and be confident that the windshield will be washed and the oil will be checked and her gas tank will be filled, and somebody will bring her credit card in and out and make sure that all she has to do is sit there and wait for that service. Where does that happen in America? Some places, not many. And the biggest reasons are minimum wage laws and child labor laws.

So instead, we give them the keys to a car that goes 140 miles an hour and they can drive on the highway. It is safe enough for them to drive a car at 16, 14 with an adult with them, but not safe enough for them to ride a riding lawn mower around a gas station.

This is what happens when decisions don't get opened up to public scrutiny, and not opened up for debate and opportunity for amendments to be offered.

So here we are with this fishy thing going on in American Samoa where they are the only territory in all of the territories of the United States of America by this legislation that has passed the House that would be exempted from minimum wage laws. And I have to believe that is not for the people of American Samoa; it is for the people making profit off the sweat of their brows.

And if it is good enough for the goose for the rest of America, it is good enough for the gander in American Samoa.

I yield to the gentleman.

Mr. GARRETT of New Jersey. First of all, I commend the gentleman for coming to the floor to raise this important issue.

As we conclude this hour worth of discussion and debate on this very important topic, I would just remind the gentleman that it has been an hour that we have been debating and discussing this issue. We have extended our hand to the other side of the aisle. We have extended our hand to the Speaker and to the sponsor of the legislation to come forward and to engage with us here on the floor and with the American public, as well, to explain whether there is a nefarious reason behind this inexplicable reason for treating certain people in the country different than other people in the country.

We will welcome an opportunity in future times for them to join us to explain themselves.

Mr. KING of Iowa. As I conclude here, Mr. Speaker, no one has come to the floor to defend a position like that. It was not part of the dialogue, the debate and the discussion.

While we have taken the floor here an hour ago, there were 52 hours used up of the 110th Congress of the 100. Now 53 hours. So 47 hours are left, Mr. Speaker.

And when that time comes, it will be time to open up so that we don't have these kinds of circumstances. It needs to be open to the public.

I appreciate the privilege to address you tonight, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTERT (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. CARNAHAN, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. PATRICK J. MURPHY of Pennsylvania, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. McCARTHY of New York, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. TAYLOR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. ADERHOLT, for 5 minutes, today and January 16.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. KUHL of New York, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, January 16 and 17.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HALL of New York, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Mr. ROTHMAN, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 12, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

128. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-482, "Omnibus Public Safety Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

129. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-437, "People First Respectful Language Conforming Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

130. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-473, "Targeted Historic Preservation Assistance Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

131. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-474, "Emerging Technology Opportunity Development Task Force Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

132. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-475, "Technical Amendments Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

133. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-476, "Fiscal Year 2007 Budget Support Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

134. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-485, "Child and Family Services Grant-making Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

135. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-486, "Health-Care Decisions for Persons with Developmental Disabilities Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

136. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-489, "Metro Bus Funding Requirement Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

137. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-493, "Health Insurance Coverage for Habilitative Services for Children Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

138. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-494, "Separation Pay, Term of Office and Voluntary Retirement Modifications for Chief of Police Charles H. Ramsey Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

139. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-495, "Wisconsin Avenue Bridge Project and Noise Control Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

140. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-496, "Square 2910 Residential Development Stimulus Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

141. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-502, "Crispus Attucks Park Indemnification Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

142. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-503, "District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

143. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-504, "Domestic Violence Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

144. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-505, "Uniform Disclaimers of Property Interests Revision Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

145. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-507, "Neighborhood Investment Amendment Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

146. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-508, "July Local Supplemental Other Type Appropriations Approval Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

147. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-506, "Deed Transfer and Recordation Clarification Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

148. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. ACT 16-492, "Library Procurement Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

149. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-523, "Digital Inclusion Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

150. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-509, "Anti-Tagging and Anti-Vandalism Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

151. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-488, "Anti-Drunk Driving Clarification Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

152. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Michigan Aerospace Challenge Sport Rocket Launch, Muskego Lake, Michigan, MI [CGD09-06-021] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

153. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Point Montara, California [COTP San Francisco Bay 06-015] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

154. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Parker, AZ [COTP San Diego 05-011] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

155. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; — Lake Havasu, California [COTP San Diego 05-007] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

156. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; — Lake Havasu, California [COTP San Diego 06-007] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

157. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Lake Moovalya, Colorado River, Parker, AZ [COTP San Diego 04-008] (RIN: 2115-AA97) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

158. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 05-051] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

159. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Oceanside Harbor, California [COTP San Diego 05-014] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

160. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, CA [COTP San Diego 05-027] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

161. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, FL [COTP St. Petersburg 06-046] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

162. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Lake Erie [CGD09-06-008] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

163. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Lake Huron [CGD09-06-003] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

164. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Lake Huron [CGD09-06-006] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

165. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Augustine Independence Day Celebration Fireworks Display, St. Johns River, St. Augustine, FL [COTP Jacksonville 06-129] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

166. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charleston [COTP Charleston 06-023] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

167. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM158, Orange Beach, Alabama [COTP Mobile-05-048] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

168. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coast Guard Live Fire Exercise, Bradenton, FL [COTP St. Petersburg 06-106] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

169. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Camp Rilea Offshore Small Arms Firing Range; Warrenton, Oregon [CGD 13-06-041] (RIN: 1625-AA11) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

170. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sanford July 4th Celebration Fireworks Display — Lake Monroe, Sanford, FL [COTP Jacksonville 06-094] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

171. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Kissimmee July 4th Celebration Fireworks Display — West Lake Tohopekaliga, Kissimmee, FL [COTP Jacksonville 06-119] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ABERCROMBIE:

H.R. 400. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes; to the Committee on the Judiciary.

By Mr. TOM DAVIS of Virginia (for himself, Mr. HOYER, Mr. WOLF, Ms. NORTON, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. WYNN, and Mr. SARBANES):

H.R. 401. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. KNOLLENBERG:

H.R. 402. A bill to amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans; to the Committee on Veterans' Affairs.

By Ms. CARSON (for herself, Mr. ISRAEL, Mr. CLAY, Ms. CORRINE BROWN of Florida, Mrs. MALONEY of New York, Mr. FILNER, Ms. LEE, Mr. HARE, and Mr. GUTIERREZ):

H.R. 403. A bill to amend section 12(c) of the United States Housing Act of 1937 to exempt residents of public housing who are determined by the Veterans Administration to be permanently and totally disabled from the requirement to perform community service; to the Committee on Financial Services.

By Mr. CUELLAR:

H.R. 404. A bill to require the establishment of customer service standards for Federal agencies; to the Committee on Oversight and Government Reform.

By Mrs. CUBIN (for herself, Ms. HOOLEY, Mr. RAMSTAD, Mr. SOUDER, Ms. BORDALLO, and Mr. REHBERG):

H.R. 405. A bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BACA (for himself, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BOSWELL, Ms. BORDALLO, Mrs. BOYDA of Kansas, Ms. CARSON, Mr. COSTA, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. KIRK, Mr. KUCINICH, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. NADLER, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. ROTHMAN, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. WEXLER, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 406. A bill to posthumously award a Congressional Gold Medal to Alice Paul in recognition of her role in the women's suffrage movement and in advancing equal rights for women; to the Committee on Financial Services.

By Mr. BAIRD (for himself and Mr. WU):

H.R. 407. A bill to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes; to the Committee on Natural Resources.

By Mrs. CAPITO:

H.R. 408. A bill to amend title 23, United States Code, to permit the State of West Virginia to allow the operation of certain vehicles for the hauling of coal and coal by-products on Interstate Route 77 in Kanawha County, West Virginia; to the Committee on Transportation and Infrastructure.

By Mr. CAPUANO (for himself, Mr. LYNCH, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. MARKEY, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. OLVER, and Mr. TIERNEY):

H.R. 409. A bill to amend title 23, United States Code, to inspect highway tunnels; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS (for himself, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, and Mr. JACKSON of Illinois):

H.R. 410. A bill to amend the Public Health Service Act to increase the number of primary care physicians serving health professional shortage areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 411. A bill to amend the Internal Revenue Code of 1986 to make permanent certain temporary provisions applicable to individuals, including the sales tax deduction, the child credit, the repeal of the estate tax, and the deduction for higher education expenses; to the Committee on Ways and Means.

By Mr. EHLERS:

H.R. 412. A bill to require an independent evaluation of distance education programs; to the Committee on Education and Labor.

By Mr. FARR:

H.R. 413. A bill to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243) and to require the withdrawal of United States Armed Forces from Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTUÑO:

H.R. 414. A bill to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. FRANK of Massachusetts (for himself and Mr. MCGOVERN):

H.R. 415. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Mr. GALLEGLY:

H.R. 416. A bill to amend the Higher Education Act of 1965 to prohibit assistance to institutions of higher education located in States that provide in-State tuition or other forms of student financial assistance to illegal aliens; to the Committee on Education and Labor.

By Mr. JONES of North Carolina:

H.R. 417. A bill to amend title 10, United States Code, to change the eligibility requirements for appointment as Secretary of Defense; to the Committee on Armed Services.

By Mr. JONES of North Carolina:

H.R. 418. A bill to amend the Internal Revenue Code of 1986 to permit military death gratuities to be contributed to certain tax-favored accounts; to the Committee on Ways and Means.

By Mr. LUCAS:

H.R. 419. A bill to provide assistance to agricultural producers for crop and livestock losses in 2005, 2006, or 2007 as a result of natural disasters, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN (for himself, Mr. SHAYS, and Mr. CASTLE):

H.R. 420. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on House Administration.

By Mr. MEEHAN (for himself and Mr. SHAYS):

H.R. 421. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on House Administration.

By Mr. MEEHAN (for himself, Mr. SHAYS, and Mrs. WILSON of New Mexico):

H.R. 422. A bill to establish the Office of Public Integrity as an independent office within the legislative branch of the Government, to reduce the duties of the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 423. A bill to authorize the Attorney General to provide grants for organizations to find missing adults; to the Committee on the Judiciary.

By Mr. PAUL (for himself and Ms. BALDWIN):

H.R. 424. A bill to repeal the Military Selective Service Act; to the Committee on Armed Services.

By Mr. TOWNS:

H.R. 425. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Education and Labor.

By Mr. TOWNS:

H.R. 426. A bill to amend title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity; to the Committee on Energy and Commerce.

By Mr. TOWNS:

H.R. 427. A bill to amend title XIX of the Social Security Act to assure coverage for legal immigrant children and pregnant women under the Medicaid Program and the State Children's Health Insurance Program (SCHIP); to the Committee on Energy and Commerce.

By Mr. TOWNS:

H.R. 428. A bill to require the Consumer Product Safety Commission to ban toys which in size, shape, or overall appearance resemble real handguns; to the Committee on Energy and Commerce.

By Mr. TOWNS:

H.R. 429. A bill to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Hugh L. Carey United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H.R. 430. A bill to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East, Brooklyn, New York, as the "Conrad Duberstein United States Bankruptcy Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H.R. 431. A bill to amend the Internal Revenue Code of 1986 to make residents of Puerto Rico eligible for the refundable portion of the child tax credit; to the Committee on Ways and Means.

By Mr. MURTHA:

H.J. Res. 12. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. MURTHA:

H.J. Res. 13. A joint resolution proposing an amendment to the Constitution of the United States relating to school prayer; to the Committee on the Judiciary.

By Mr. POE (for himself, Mr. COSTA, Mr. CHABOT, Mr. ORTIZ, and Mr. MOORE of Kansas):

H. Con. Res. 30. Concurrent resolution raising awareness and encouraging prevention of stalking by establishing January 2007 as "National Stalking Awareness Month"; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. LANTOS, Mr. CANNON, Mr. BERMAN, Mr. LATOURETTE, Mr. DELAHUNT, Ms. WATSON, Mr. CARNAHAN, Mr. MCDERMOTT, Mr. OLVER, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr. HOLT, Mr. LANGEVIN, Mr. KENNEDY, Mr. CAPUANO, Mr. NEAL of Massachusetts, Mr. TIERNEY, Mr. LYNCH, Mr. MARKEY, Mr. MEEHAN, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. SLAUGHTER, Mr. CANTOR, Mr. COURTNEY, and Mr. ACKERMAN):

H. Res. 52. A resolution paying tribute to Reverend Waitstill Sharp and Martha Sharp for their recognition by the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority as Righteous Among the Nations for their heroic efforts to save Jews during the Holocaust; to the Committee on Foreign Affairs.

By Mr. CLEAVER:

H. Res. 53. A resolution recognizing the life of Lamar Hunt and his outstanding contributions to the Kansas City Chiefs, the National Football League, and the United States; to the Committee on Oversight and Government Reform.

By Mr. FOSSELLA (for himself, Mr. TOWNS, Mr. ACKERMAN, Mrs. CHRISTENSEN, Mr. MCCOTTER, and Mr. CASTLE):

H. Res. 54. A resolution honoring Alexander Hamilton on the 250th anniversary of his birth; to the Committee on Oversight and Government Reform.

By Ms. LEE (for herself and Mr. LEWIS of Georgia):

H. Res. 55. A resolution expressing the sense of the House of Representatives regarding modern-day slavery; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. BISHOP of Georgia and Mr. SHERMAN.

H.R. 16: Mr. ETHERIDGE.

H.R. 25: Mr. WALBERG, Mr. KING of Iowa, Mr. BROWN of South Carolina, and Mr. BONNER.

H.R. 35: Mr. CUELLAR and Mr. HOLT.

H.R. 36: Mr. CUELLAR, Mr. HARE, and Mr. UPTON.

H.R. 37: Mr. HARE, Mr. MANZULLO, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 47: Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. FATTAH, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. MOORE of Wisconsin, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mrs. JONES of Ohio, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WYNN, Ms. KAPTUR, and Mrs. MALONEY of New York.

H.R. 60: Mr. MACK, Mr. CARTER, Mr. BUCHANAN, Mr. CULBERSON, Mr. BURGESS, Mrs. BLACKBURN, Mr. SESSIONS, Mr. STEARNS, Mr. GORDON, Mr. MCCAUL of Texas, Mr. CONAWAY, Ms. BERKLEY, Mr. POE, Mr. PORTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DUNCAN, Mr. HELLER, Mr. EDWARDS, Mr. SAM JOHNSON of Texas, Mr. FEENEY, Ms. GRANGER, Mr. MARCHANT, Mr. COHEN, MS. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. ORTIZ, Mr. GONZALEZ, Ms. JACKSON-LEE of Texas, Mr. PUTNAM, Mr. PAUL, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. HERSETH.

H.R. 65: Mr. MCNULTY, Mr. ABERCROMBIE, Mr. ORTIZ, Mr. ANDREWS, Mr. LANGEVIN, Mr. BECERRA, Mrs. CAPITO, Mr. EDWARDS, Mr. BRADY of Texas, Ms. SLAUGHTER, Mr. MCGOVERN, Mr. LEWIS of Georgia, Ms. BERKLEY, and Mr. CUELLAR.

H.R. 89: Mr. DEFAZIO.

H.R. 91: Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, and Mr. BILIRAKIS.

H.R. 119: Mr. DAVIS of Kentucky.

H.R. 137: Ms. HERSETH, Mr. COSTA, Mr. MEEHAN, Mr. ETHERIDGE, Mr. REICHERT, Mr. UDALL of Colorado, Ms. MILLENDER-MCDONALD, Mr. OLVER, Mr. PASCRELL, Mr. RAHALL, Mr. KUCINICH, Ms. KAPTUR, Mr. MILLER of Florida, Mr. PITTS, Mr. FERGUSON, Mr. LAHOOD, Mrs. CAPITO, Mr. TOWNS, Mr. WYNN, Mrs. DAVIS of California, Mr. PLATTS, Mr. SMITH of Washington, Mr. HULSHOF, Mr. KENNEDY, Mr. RUSH, Mr. ABERCROMBIE, Mr. BISHOP of Utah, Mr. RYAN of Wisconsin, Mr. LEWIS of Georgia, Ms. GINNY BROWN-WAITE of Florida, Mr. GERLACH, Mr. PETRI, Mr. CAMP of Michigan, Mr. ISRAEL, Mr. PORTER, Ms. WATERS, Mr. BISHOP of New York, Mr. CARNAHAN, Ms. CARSON, Mrs. MCCARTHY of New York, Mr. SCOTT of Georgia, Mr. KUHL of New York, Mr. SHUSTER, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. LEVIN, Mr. TIBERI, Mrs. SCHMIDT, Mr. MCHENRY, Mr. BILIRAKIS, Mr. MILLER of North Carolina, Mr. DAVIS of Kentucky, Mr. NEAL of Massachusetts, Mr. BUYER, Mr. BROWN of South Carolina, Mr. MOORE of Kansas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DOOLITTLE, Mr. TIERNEY, Mr. RANGEL, Mr. MEEKS of New York, and Mr. PAYNE.

H.R. 157: Mrs. TAUSCHER.

H.R. 180: Ms. SCHWARTZ, Mr. MCNULTY, Mr. JEFFERSON, Mr. CONYERS, Mr. DEFAZIO, Mr. CLEAVER, Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, Mr. MEEHAN, Mrs. TAUSCHER, Mr. KIRK, Mr. SERRANO, Ms. DELAURO, Mr. ROTHMAN, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. WAXMAN, Mr. CAPUANO, and Ms. KILPATRICK.

H.R. 196: Mr. SHIMKUS.

H.R. 199: Mr. GRIJALVA and Mr. FRANKS of Arizona.

H.R. 211: Mr. SCHIFF, Mr. BONNER, and Mr. KUCINICH.

H.R. 237: Mr. REHBERG.

H.R. 241: Mr. GARRETT of New Jersey.

H.R. 251: Mr. INSLEE, Mr. TOWNS, Mr. BURTON of Indiana, Mr. BOUCHER, Mr. ENGLISH of Pennsylvania, Mr. MCHUGH, Mrs. MCMORRIS RODGERS, and Ms. JACKSON-LEE of Texas.

H.R. 278: Ms. BALDWIN, Mr. REHBERG and Mr. LATHAM.

H.R. 303: Mr. DEFAZIO and Mr. CUELLAR.

H.R. 322: Mr. BOOZMAN, Mr. BAKER, Mr. CONAWAY, Mr. BOUSTANY, Mr. KUHL of New York, Mr. PETRI, Mr. KINGSTON, Mr. MARSHALL, Mr. TAYLOR, Mr. DAVID DAVIS of Tennessee, Mr. LAMBORN, Mr. FORTUÑO, Mr. LINDER, Mr. SHULER, Mr. BARTON of Texas and Mr. ELLSWORTH.

H.R. 325: Mr. LIPINSKI.

H.R. 346: Ms. FOXX, Mr. TIM MURPHY of Pennsylvania and Mr. FOSSELLA.

H.R. 353: Mr. TIERNEY, Ms. SCHAKOWSKY and Mrs. MALONEY of New York.

H.R. 369: Mr. DAVIS of Illinois and Mr. GONZALEZ.

H.R. 390: Mr. CAPUANO, Mr. KUCINICH, Ms. CORRINE BROWN of Florida, Mr. PAYNE and Mrs. CHRISTENSEN.

H.J. Res. 1: Mr. RYAN of Wisconsin.

H. Con. Res. 7: Ms. SCHWARTZ and Mr. WAXMAN.

H. Con. Res. 9: Mr. CLEAVER, Mr. HARE, and Mr. BRADY of Pennsylvania.

H. Con. Res. 19: Mr. CUMMINGS, Mr. SERRANO, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. MEEKS of New York, Mr. PAYNE, Mr. TOWNS, Mr. WYNN, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Ms. WOOLSEY and Mr. LANTOS.

H. Con. Res. 21: Mr. SOUDER, Mr. ETHERIDGE, and Mr. HARE.

H. Con. Res. 23: Mr. ROTHMAN, Ms. HIRANO, Mr. DOYLE, Mr. PAYNE, and Mr. NADLER.

H. Res. 15: Mr. HERGER, Mr. CARDOZA, Mr. MCCARTHY of California, Mr. SCHIFF, Mr. WAXMAN, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. GARY G. MILLER of California, Mr. CALVERT, Mrs. BONO, Mr. CAMPBELL of California, Mr. HUNTER, Mrs. DAVIS of California, Mr. HONDA, Mrs. TAUSCHER, Mr. ROHRABACHER, and Mr. FILNER.

H. Res. 23: Ms. WATERS.

H. Res. 24: Mr. ENGEL.

H. Res. 40: Mr. MARCHANT.

H. Res. 41: Mr. HINCHEY, Ms. HIRANO, and Mr. ROTHMAN.

EXTENSIONS OF REMARKS

IN MEMORY OF JOE LACEY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Ms. PELOSI. Madam Speaker, I rise to pay tribute to a longtime San Francisco community leader and friend, Joe Lacey, who died on December 30, 2006.

Joseph Patrick Lacey's family moved to San Francisco in 1921. As a scholar athlete, Joe attended St. Ignatius High School and the University of Santa Clara on a football scholarship, playing in two Sugar Bowls. In 1940, Joe won the Pacific Coast Heavyweight Boxing Championship. In 1941, Joe played on an All Star Football team in Hawaii where he met his beloved wife of 55 years, Katharine Faye Dooling.

He served our Nation with distinction in the Navy on the USS *Yarnall* DD 541 in World War II participating in several Pacific battles, including Tarawa, Saipan, Guam, Iwo Jima and Okinawa, and again in the Korean War, serving on the USS *Walker*.

After the war, Joe began the next chapter of his life, starting a successful homebuilding company whose work includes thousands of homes in the San Francisco and Sacramento areas. Later in life, he taught special education in the Watsonville, Newark and San Francisco County school districts.

Joe was a life-long volunteer, dedicated to children and our city's most vulnerable residents. He was active in youth sports and a champion of San Francisco's homeless and elderly populations. He served on the boards of several non-profit organizations in San Francisco for more than 25 years, including Old St. Mary's Housing Committee, Catholic Charities, Senior Action Network, Planning for Elders and TURN.

Joe was well known in the halls of San Francisco city government buildings, representing nonprofit organizations. Mayor Willie Brown appointed Joe as a commissioner on the San Francisco Commission on Aging, where he proudly served until his death.

With great appreciation for his extraordinary work and service to our city and our Nation, I extend my deepest sympathy to his large and loving family. He will long be remembered by countless individuals whose lives he touched. He was a great friend to the people of San Francisco, and we are diminished by his passing.

IN HONOR OF FREDERICK JOHNSEN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. FARR. Madam Speaker, I rise today to honor the memory of a true national servant. Frederick Johnsen, a 9-year volunteer and contributor to Hospice of the Central Coast, passed away peacefully on Thursday, November 16, 2006. He was 71 years young.

Mr. Johnsen was born in Newark, New Jersey and attended primary schools in Union, New Jersey, and University of Omaha from where he graduated with a B.S. in 1963. Fred retired from the Army in 1980 after 22 years of service with the rank of Major. His outstanding military service earned him the Bronze Star Medal with two Oak Leaf Clusters twice, the Meritorious Service Medal, the Army Commendation Medal, the Good Conduct Medal, the National Defense Service Medal, and the Armed Forces Expeditionary Medal (Dominican Republic). Upon his retirement, Fred and his wife Edith, settled in Marina, California, adjacent to his last duty station at Fort Ord.

During his early years of retirement he enjoyed teaching sailing at the Naval Postgraduate School. He was a founding member of Sun Street Center, and SeaRina Community Recovery Center Advisory Board. He loved growing roses and was a member and president of the Monterey Bay Rose Society and served as a Consulting Rosarian. Most recently he was known for his supportive role as husband and confidante to my good friend Edith Johnsen, former Mayor of Marina and Supervisor for the Fourth District of Monterey. He took great pleasure in gourmet cooking, sports—especially NASCAR racing—and his relationships in the community.

Fred is survived by Edith Vallo Johnsen, his wife of 48 years; his sons, Christopher of Portland and Kenneth of Miami; his brother, Robert Johnsen and his mother, Margaret Salerno Johnsen of Union, New Jersey; along with numerous beloved family members.

Madam Speaker, on behalf of the House, I would like to extend our Nation's deep gratitude for Fred's service to the United States and his own local community. I know I speak for every Member of Congress in offering our condolences to Edith and the whole Johnsen family for the loss of their beloved husband, father, son, and brother.

PAYING TRIBUTE TO STEPHEN E. EWING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 10, 2007

Mr. DINGELL. Madam Speaker, I rise today to honor and pay tribute to Stephen E. Ewing, who served the Michigan business community for over 35 years.

Steve retired at the end of 2006 as the Vice Chairman of DTE Energy. He has been an industrious and dedicated leader in Michigan for over 35 years. Steve's career in natural gas began at Michigan Consolidated Gas Company, MichCon, where he held several executive positions and was responsible for corporate planning, personnel, administration and customer service from 1971 to 1985. He became the chief operating officer in 1985 and later the chief executive officer in 1992. Through his leadership, Steve helped MichCon become a founding member of the Heat and Warmth Fund, THAW, an organization that provides energy assistance to low-income families, and the National Fuel Fund Network, NFFN, an organization that promotes privately funded energy assistance.

When MCN Energy Group and DTE Energy merged in 2001, MichCon became a subsidiary and Steve became the head of the DTE Energy Gas Unit. At DTE Energy, Steve worked on creating new business opportunities in natural gas and managed the company's external gas-related business relationships. Steve has been recognized for directing environmentally responsible natural gas exploration and production activities in Northern Michigan, earning DTE Energy praise and trust from northern Michigan's environmental community.

Steve has also devoted his time and knowledge to the energy sector by serving as chairman of American Gas Association and member of the AAA Auto Group Club. He remains deeply involved in the Michigan community by serving on the boards of several economic, education, cultural, and health and human services organizations and businesses; as well as on the executive board of the Boy Scouts of America's Detroit Area Council and the National Petroleum Council. Throughout his career, Steve has been a mentor to his employees, instilling in them the successful leadership qualities that he employed in his executive capacities. Steve is a true pioneer in energy matters and the State of Michigan is grateful for his 35 years of service.

Madam Speaker, I ask that my colleagues join me in extending the appreciation of the U.S. House of Representatives to Stephen E. Ewing for his lifelong work in the energy sector, and in wishing him an enjoyable and adventurous retirement.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A VERY FINE LADY—INDEED—A TRIBUTE TO THE LIFE OF DR. RACHEL HANNAH CELESTINE BOONE KEITH

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. CONYERS. Madam Speaker, tonight I rise to pay tribute to a champion of humanity. Dr. Rachel Hannah Celestine Boone Keith lived an exemplary life, one filled with kindness and caring towards others. She was an exceptional woman who genuinely cared about those around her and was always quick to lend a helping hand. I have known Dr. Keith for over 40 years. She was the wife of my dear friend, Judge Damon Keith. Judge Keith and I have been great friends for a very long time. I initially met Judge Keith when he was the law partner of my brother, Nathan Conyers. It is with a heavy heart that I make this tribute to Dr. Keith who gave so generously in life; she was a wonderful person and physician, she acted on behalf of those who could not help themselves, and she advocated vociferously for the health care rights of the community at large, she will truly be missed.

Rachel Hannah Celestine Boone was born on May 24, 1924, in Monrovia, Liberia. Her father and mother were Baptist medical missionaries who founded a church, ran a school, and provided medical services. She returned to the United States at the age of three, relocating with her family to Richmond, Virginia. She graduated from high school at the age of 13 and was the class valedictorian. Tragically, her mother died that same year. This loss is what prompted her to decide to become a doctor. After her mother's death, she relocated to Boston to live with her aunt, Dr. Bessie B. Tharps. Following in her aunt's footsteps, she attended the Boston University School of Medicine, where she attained the highest score ever recorded on a medical school exam.

In 1951, she relocated to Detroit to become only the second African-American female doctor to serve as a resident physician at the Detroit Receiving Hospital. It was soon after beginning her residency that she met Judge Keith, who was a young lawyer at the time. They were soon married and remained married for 53 years. My friend Damon has said of his wife, "She was the sweetest woman in the world. Her life was a by-product of how she was raised. She was very religious. She was not pushy or demanding. She saw her life as one of service." Judge Keith and Dr. Keith had three wonderful daughters, Cecile, Debbie, and Gilda. She was a devoted wife, mother, and grandmother who taught her children that they were raised to live a simple life.

Professionally, Dr. Keith gave tirelessly to her patients. She was a trained internist who was in private practice over 40 years. During that long tenure, she never turned any patient away based on their inability to pay.

Though she was a strong supporter of her husband and gentle in demeanor, Dr. Keith was exceptionally effective as a leader in developing community unity, and in developing and establishing new ways to deliver health care. She was an early health care activist and far ahead of her time in understanding the importance of health care being universal to all.

In addition to being a strong medical presence in the community, she was heavily involved in civic and social matters. She served on the board of over 20 medical organizations and 18 non-profit groups. She was also honored with numerous awards and honorary degrees. Madam Speaker, the world is a better place because Dr. Keith was here; she will be deeply missed, but her spirit and love that she shared with others will live on indefinitely. Madam Speaker, I ask unanimous consent to enter the homegoing celebration program of Dr. Rachel Hannah Celestine Boone Keith into the CONGRESSIONAL RECORD.

DR. RACHEL HANNAH CELESTINE BOONE KEITH

Rachel Keith was born Rachel Hannah Celestine Boone on May 30, 1924, in Monrovia, Liberia. Her parents, Reverends Clinton C. Boone and Rachel Tharps Boone, were Baptist medical missionaries. Her grandfather, Reverend Lemuel Washington Boone, was a founding trustee of Shaw University. Rachel came to the United States at age three and began her schooling at Paul Laurence Dunbar Elementary School in Richmond, Virginia. She graduated from Armstrong High School in 1938 at the age of 13 as valedictorian of her class. That same year, she lost her mother and moved with her aunt, Dr. Bessie B. Tharps, to Rhode Island. In 1943, as the only African-American student at Houghton College in upstate New York, Rachel graduated magna cum laude and second in her class. Thereafter, she completed postgraduate studies in biology at Brown University in Providence, Rhode Island. Rachel attained her medical degree from Boston University's School of Medicine in 1949.

Also in 1949, Dr. Rachel Boone was featured in a Look Magazine story about Boston University's home medical service and in The Boston Globe for scoring the highest ever on a national board test. After completing her internship at Harlem Hospital, she served at Brooklyn's Coney Island Hospital before moving to Detroit in 1951. In 1953, she married attorney Damon J. Keith. Dr. Keith completed a 2-year residency in Internal Medicine at Detroit Receiving Hospital in 1953. In 1954, she joined the staff at Detroit Memorial Hospital and entered private practice. During her half century of medical practice, Dr. Keith was also affiliated with Burton Mercy, Detroit Riverview, Detroit Receiving, Harper, Hutzel, and Sinai hospitals.

A member of Tabernacle Missionary Baptist Church for 53 years, Rachel Keith was a deeply religious woman who lived her faith. She served her family, her patients and her community with dedication and tenacity. As a physician, she gave every patient her full attention and complete care. She was a loving and nurturing mother to her daughters, Cecile, Debbie and Gilda and an exemplary role model who taught them to give back and help others. Her devotion and love for her husband of 53 years, Judge Damon J. Keith, was steadfast. As a member of the Detroit community, she as an active participant in numerous civic and social organizations, always with the intent of making life better for others. She was a true pioneer in the medical community, a civil rights activist, a compassionate mentor and a strong advocate for her patients, the poor and uninsured.

In addition to her immediate family, Rachel Boone Keith is survived by her brother, Rev. Clinton C. Boone, II, her granddaughters, Nia and Camara Brown, in whom she took great pride, her son-in-law, Daryle Brown, her niece and nephew, Rane Boone Franklin and Rev. Clinton C. Boone III, and a host of loving relatives and friends.

Opening Hymn, "Blessed Assurance", Tabernacle Combined Choirs.

Scriptures: Matthew 25: 34-36, II Timothy 4:6-8, Reverend Nicholas Hood, Sr., Pastor Emeritus, Plymouth United Church of Christ.

Prayer, Reverend Dr. Oscar R. Carter, Inkster Springhill Baptist Church.

Musical Selection, "The Lord Is My Light", Walter McLean.

Remarks, The Honorable Jennifer M. Granholm, Governor, State of Michigan, The Honorable Kwame M. Kilpatrick, Mayor, City of Detroit, Dr. James Brown, Longtime Medical Partner.

Family Tribute, Cecile Keith Brown, Daughter.

Silent Reading Of The Obituary, Musical Selection, "I Really Love The Lord".

Musical Selection, "His Eye Is On The Sparrow", Virginia Winters.

Eulogy, Reverend Dr. Charles G. Adams, Senior Pastor, Hartford Memorial Baptist Church.

Hymn, "Great Is Thy Faithfulness", Congregation.

Closing Prayer, Reverend Nathan Johnson, Senior Pastor, Tabernacle Missionary Baptist Church.

Recessional, "God Be With You Till We Meet Again", Tabernacle Combined Choirs.

Dr. Keith's medical affiliations included: American Medical Association; Beaumont Hospital; Blue Care Network; Blue Preferred; Comprehensive Cancer Center of Metropolitan Detroit; Detroit Department of Health; Detroit Gastroenterological Society; Detroit Medical Center; Detroit Medical Society; DMC Care; Eastwood Clinic Chemical Dependency Unit; Michigan Board of Medicine; Michigan State Medical Society; National Medical Association; Omnicare; Professional Plaza Health Care Center P.C.; University of Michigan Hospitals, Public Advisory Board; Wayne County Medical Society; Wayne State University College of Nursing; and Wayne State University School of Medicine.

Dr. Keith's civic and cultural affiliations included: African American Association of Liberia; African Development Fund; American Leprosy Mission; Coleman A. Young Foundation; Community Foundation of Southeast Michigan; Detroit Community Music School; Detroit Institute of Arts; Detroit Science Center; Detroit Symphony Orchestra; Governor's Commission on the Future of Higher Education; Links, Inc.—Great Lakes Chapter; Mayor's Committee for the Cultural Center; Mayor's Emergency Relief Committee; Metropolitan Area Service Organization; NAACP—Lifetime Member; National Council of Negro Women, Inc.; Top Ladies of Distinction; and World Energy Conference.

She received numerous awards including: Boston University, Rebecca Lee Award; Boston University, Honorary Degree, Doctor of Humane Letters; Central Michigan University, Honorary Degree, Doctor of Public Service; Mary McLeod Bethune Award; Sinai Hospital Recognition Award; and Zeta Phi Beta Woman of the Year.

Honorary Pallbearers: Robert and Maggie Allesee, Herman Anderson, Dr. William Anderson, Hon. Dennis W. Archer, Hon. Trudy Archer, Leon Atchison, Edward Bailey, Anita Baker, Don and Bella Barden, Dr. and Mrs. Hiram Bell.

Mr. and Mrs. Werten Bellamy, Sr., Dr. Lerone Bennett, Dave Bing, Black Judges Association of Michigan, Alberta Blackburn, Catherine Carter Blackwell, Raymond H. Boone, Charles Boyce, Joe Brown, Dr. Waldo Cain.

Dr. Benjamin A. Carson, Marvel Cheeks, Hon. Carolyn Cheeks-Kilpatrick, Dr. Aram V. Chobanian, Dr. June Christmas, Hon. Erie L. Clay, Senator Hillary Rodham Clinton, Pres. William Jefferson Clinton, Hon. R. Guy Cole, Jr., Prof. James Coleman, William Coleman, Jr.

Pres. Mary Sue Coleman, Dr. Julius V. Combs, Congressman John Conyers, Nathan Conyers, Leon Cooper, Dr. Wendell Cox, Peter D. Cummings and Julie Fisher Cummings, David DiChiera, Congressman John and Debbie Dingell.

Walter E. Douglas, Eugene and Elaine Driker, Prof. Michael Eric Dyson, Esther Gordy Edwards, Bishop Charles H. Ellis, III, Douglas Ellman, Myrlie Evers Williams, Hon. Edward Ewell, Jr., Hon. John Feikens, Oscar Feldman, Dr. Otis Ferguson.

Howard Fitts, Sylvia Flanagan, Rev. Kenneth Flowers, Edsel and Cynthia Ford, Mr. and Mrs. William Clay Ford, Jr., W. Frank Fountain, Aretha Franklin, Dr. John Hope Franklin, Roderick G. Gillum, Dr. Holly S. Gilmer-Hill.

Tom and Carol Goss, Thomas A. Gottschalk, Gov. Jennifer M. Granholm and Daniel Mulhern, The Greater Detroit Links, Forrest Green, Dr. Rosalind Griffin, Prof. Lani Guinier, Elliott Hall, Ronald E. Hall, Sr.

Mr. and Mrs. Steven H. Hamp, Carmen Harlan, Al and Kathy Harrison, Hon. Erma Henderson, Prof. Evelyn Brooks Higginbotham, Oliver W. Hill, Jimmy Hoffa, Jr., Dr. Melvin L. Hollowell, Sr., Melvin "Butch" Hollowell, Jr., Dr. Benjamin Hooks.

Willie Horton, Charles Hamilton Houston, III, Corrine Houston, Joseph and Jean Hudson, Dr. Ann Marie Ice, Mike and Marian Ilitch, Dr. Lonnie Joe, Dr. Arthur L. and Chacona Johnson, E. Christopher Johnson, Hon. Sterling Johnson.

Hon. Nathaniel R. Jones, Vernon E. and Ann Jordan, Eleanor Josaitis, Dr. Darnell and Shirley Kaigler, Peter and Danialle Karmanos, Emory King, Joe W. Laymon, Otis K. Lee, Senator Carl Levin, David Baker Lewis.

Diana Lewis, Dr. Ronald Little, Samuel Logan, Hon. Conrad L. Mallett, Jr., Richard and Jane Manoogian, Mrs. Thurgood Marshall, Hon. and Mrs. William McClain, Mrs. Wade McCree, Jr., Aubrey McCutcheon, Jr., Rodney O'Neal.

Genna Rae McNeil, Jesse Jai McNeil, James Nicholson, Steve Palackdharry, Nancy Parson, Dr. Robert E.L. Perkins, Dr. William F. Pickard, Vivian Rogers Pickard, Sharon Madison Polk, Gen. Colin and Alma Powell, Waltraud E. Prechter.

Dr. Irvin D. Reid, Roy S. and Maureen Roberts, Dr. Alma Rose, Dean Kurt L. Schmoke, Alan E. and Marianne Schwartz, The Shaya Family, Roger Short, Tavis Smiley, Senator Debbie Stabenow, Elaine Eason Steele.

Marc Stepp, Emanuel Steward, Chuck Stokes, Herbert Strather, Pres. H. Patrick Swygert, Frank Taylor, Dr. Natalia Tanner, A. Alfred Taubman, Dr. Lorna Thomas, Reginald M. Turner, Jr.

Abe Venable, Richard Wade, Irene Walt, Hon. JoAnn Watson, Rev. Lance Watson, Dr. Charles Whitten, Gov. Douglas Wilder, Hon. Ann Claire Williams, Lt. Kenneth Williams, Mrs. Stanley Winkelman, Robert Hughes Wright, Dean Frank Wu, David N. Zack.

Pallbearers: Luther Alton Keith, Gregory Sims, Reverend Clinton C. Boone, III, Terrence Keith, Martinzey Sims, Alex Parrish.

Flower Bearers: Great Lakes Chapter of the Links, Inc. and friends.

Final Arrangements Entrusted to: Swanson Funeral Home, Inc., 14751 W. McNichols Road, Detroit, Michigan, (313) 272-9000.

Interment: Roseland Park Cemetery, Berkley, Michigan.

Fellowship and Repast: Tabernacle Missionary Baptist Church (Following the Interment).

Acknowledgment: The family of Dr. Rachel Boone Keith, deeply appreciates your expressions of sympathy and acts of kindness. Your love and support have been a great comfort.

Contributions can be made to: The Dr. Rachel Boone Keith Prize Fund at the School of Medicine. Checks should be made payable to: "Trustees of Boston University" Note: Rachel Boone Keith Fund Address: BU School of Medicine, 75 Albany Street, L219, Boston, MA 02118. The Rachel Boone Keith Prize Fund is a permanently endowed fund established as a tribute by her family to provide annual awards to one or more forth year African-American female students who demonstrate excellence in performance at the Boston University School of Medicine.

THE STANDARDS TO PROVIDE EDUCATIONAL ACHIEVEMENT FOR ALL KIDS (SPEAK) ACT (H.R. 325)

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. EHLERS. Madam Speaker, I rise in support of the Standards to Provide Educational Achievement for All Kids (SPEAK) Act, H.R. 325.

It has been no secret that I strongly believe that we need to improve our nation's math and science education. High quality math and science education at the K–12 levels is extremely important to ensure that our future workforce is ready to compete in the global economy. We are sacrificing our future and our children's, if we are not investing in today's children.

I have been so concerned about the quality of math and science education in this country, and the limited number of young people who are pursuing math and science-related degrees, that I founded the House STEM Education Caucus with my Democratic colleague Mark Udall of Colorado in 2004. As you probably know, STEM stands for "Science, Technology, Engineering, and Mathematics."

A resounding bipartisan chorus of business leaders, educators, Nobel laureates and other luminaries has called for improvements in our nation's math and science education, as evidenced by the Business Roundtable's Tapping America's Potential and the National Academies' Rising Above the Gathering Storm reports, as well as President Bush's American Competitiveness Initiative.

While the last Congress was unable to pass comprehensive legislation to improve math and science education, we now have a new opportunity to work in a bipartisan and bicameral fashion: the No Child Left Behind Act of 2001 is up for reauthorization this year.

NCLB has made important strides toward strengthening standards-based education and holding states and schools accountable for ensuring that our students are learning. However, with more than 50 different sets of academic standards, state assessments and definitions of proficiency, there is tremendous variability across our nation in the subject matter our students are learning.

I might add that there also is considerable variation across states and even school districts in the sequencing of math and science courses, which is problematic for our increasingly mobile student population. Our students could lack instruction in certain basic science or math concepts if they transfer between schools with completely different sequences of courses.

Despite NCLB and all of our other efforts, the condition of our state standards is not well. In 2006, the Fordham Foundation reported that two-thirds of U.S. kids attend school in states with academic standards in the C, D, and F range. My own state of Michigan was given a C in math and a D in science despite the fact that Michigan was one of the pioneers in the standards movement. (Michigan adopted science guidelines in 1991). Recently, Michigan adopted the Michigan Merit Curriculum, which describes what students should know at each grade level, and is linked to tougher statewide graduation requirements that, for the first time, mandate 3 years of high school science.

States like Michigan are making substantial improvements, but our Nation as a whole needs to redouble its efforts to ensure that we have all students prepared for the jobs of the future, and must improve the quality of our educational standards from the current average or failing grades to excellent or A plus grades.

The SPEAK Act creates, adopts and recommends rigorous voluntary American education content standards in math and science in grades K–12. The bill tasks the National Assessment Governing Board, in consultation with relevant organizations, to review existing standards and to review the issue of course sequencing as it relates to student achievement.

The SPEAK Act authorizes the American Standards Incentive Fund to incentivize states to adopt excellent math and science standards. It offers an "If You Build It, They Will Come Approach." Let me emphasize that this bill does not establish a national curriculum or national standards. Participation by states is strictly voluntary. I have always felt that the "carrot" is more effective than the "stick" in leading reform. It is my hope that all states will feel the overwhelming responsibility to bolster their state standards in science and math and will step up to the plate.

I am very pleased that 38 organizations listed below have endorsed the SPEAK Act, including national organizations such as the National Education Association, National Council of Teachers of Mathematics, and the National Science Teachers Association. In addition, organizations in my congressional district and elsewhere in Michigan have endorsed the SPEAK Act, including the Grand Rapids Area Chamber of Commerce; the University of Michigan; Michigan State University; the Regional Math and Science Center at Grand Valley State University; Steelcase, Inc; RoMan

Manufacturing, Inc.; Cascade Engineering; and the Michigan Science Teachers Association.

I look forward to working with Senator DODD, other Members and the education and business community in a bipartisan and bicameral fashion to pass the SPEAK Act into law. It will greatly improve our Nation's math and science education. New America Foundation, Thomas B. Fordham Institute, National Education Association, Alliance for Excellent Education, Council of the Great City Schools, American Association of Colleges for Teacher Education, National Council of Teachers of Mathematics, National Science Teachers Association, International Reading Association, American Association for the Advancement of Science, The American Chemical Society, Healthcare Leadership Council, SAE International, Math for America, Education Industry Association, National Education Knowledge Industry Association (NEKIA), Eli Broad, Philanthropist/Businessman, The Campaign for Educational Equity, Teachers College, Columbia University, Chicago Science Group, Jacob Ludes, III, Executive Director/CEO, New England Association of Schools and Colleges (NEASC), National Center for Technological Literacy, Project Lead the Way, Museum of Science, Boston, Junior Engineering Technical Society (JETS), National Society of Black Engineers, International Technology Education Association, ASME Center for Public Awareness, Building Engineering and Science Talent, San Diego, CA.

Connecticut-Based Organizations: The University of Connecticut, Connecticut Conference of Independent Colleges, Connecticut Federation of School Administrators, Connecticut Principals' Center, Connecticut Association of Schools.

Michigan-Based Organizations: Grand Rapids, MI, Area Chamber of Commerce, Michigan Science Teachers Association, Michigan State University, Cascade Engineering, MI, RoMan Manufacturing, Inc., MI, Regional Math and Science Center, Grand Valley State University, MI Steelcase, Inc.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. NORWOOD. Madam Speaker, on rollcall No. 18, on passage—H.R. 2, had I been present, I would have voted "no."

TRIBUTE TO ROBBIE & JIM HEINTZMAN

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. McKEON. Madam Speaker, I rise today to say farewell to two very special people, Robbie & Jim Heintzman. Robbie began working as a caseworker for me when I started my first term of office and her husband, Jim, was a helicopter pilot for many years with the Los Angeles Police Department. Now, they have decided to retire and will soon move to Prescott, Arizona to begin a new chapter in their new lives.

Robbie has been a true asset to me and I value her loyalty, dedication and expertise. Her compassionate and cheerful presence will be sorely missed in my office, and I know the loss of Jim's expertise and dedicated service will create a void at the police department as well.

Robbie's very interesting life prepared her well for the job in my office. She was born in Japan and was the only child of an Air Force dad and a mom who was the Administrative Assistant to the Chief Justice of the Japanese War Crimes Trial. Living in many places throughout the world, Robbie has always loved traveling and hopes that retirement will afford her the opportunity to finally satisfy her wanderlust.

Over the years, Robbie has held many different jobs including bartender, cocktail waitress, newspaper/radio advertising consultant, secretary, saleslady and mother to sons, Sean and Colin Donohue. The three major careers in her life have been as a singer, sailor and as solver of problems for my constituents. She also found time to be a travel coordinator/consultant and now is looking forward to having the time to lead tours to exotic locales.

Robbie's singing career started in Hawaii in 1974. In 1975, she went to Tokyo to sing as the house vocalist for Club El Morocco, which at the time was rated the premier nightclub in Japan. After returning to the United States, she formed "Just Us," her own Country-Pop group, in Kingman, Arizona and sang professionally until 1983.

While cruising the waters around Hawaii on the *S.S. Independence* and *S.S. Constitution* from 1983–1985, and on the waters around Tahiti on the *S.S. Liberte* in 1986, Robbie held the positions of Bartender, Junior Assistant Purser, Cashier, Yeoman and Senior Purser. She served the last four positions as a commissioned Staff Officer in the U.S. Merchant Marine. In February 1986, she was promoted to Cruise Hostess and resumed singing with the orchestra as part of her duties.

Eventually leaving Tahiti for the United States, she started her career as a Staff Assistant/Caseworker with California Senator Ed Davis in 1989 and after I was elected to Congress, Robbie began working for me in January of 1993. Always kind, attentive and sympathetic, she delighted in solving constituent problems and loved helping to make a difference in their lives.

About the time that Robbie began her singing career, Jim started his law enforcement career in his hometown of Bloomington-Normal, Illinois. However, sunny California soon beckoned and he moved west to pursue a career with the Los Angeles Police Department.

Jim entered the LAPD Academy on January 22, 1973 and after six grueling months of training, he graduated second in his class. Jim's first assignment was the Hollywood Patrol where he walked the Hollywood Boulevard Foot Beat for 2½ years. He went on to serve in Hollywood Vice, Metro Division and SWAT. He was promoted to Sergeant in 1982 and continued his career at Pacific Division. In August 1983, Jim joined the elite Air Support Division and received his Command Pilot wings in January, 1984. He was promoted to Sgt. II in 1992. Air Support Division has been his home for the past 23 years and he has over 5,000 flight hours under his belt. Some of Jim's more interesting adventures included Pope Paul's visit to Los Angeles, the Los Angeles Summer Olympics, the 1992 Riots, the 1994 Northridge earthquake and the 2000 Democratic National Convention. Jim is most proud though, of his day-to-day patrol over the streets of LA and his ability to be the ground officers' "eye in the sky" which greatly enhanced their safety.

Robbie and Jim are active volunteers in the Santa Clarita Valley and participate in many organizations. Although California's loss will be Arizona's gain, they plan to quickly resume volunteer activities in their new community. In addition, Jim hopes to continue his flying career in some capacity. Very soon, there will be more time for golf, visiting and other leisure activities. But more importantly, there will be enough time to pursue Robbie's passion for travel because there is more of the world to see and many new people to meet.

As Robbie and Jim begin those pleasant, well-deserved years of retirement, I would like to thank them for their many years of dedicated service. I ask my colleagues to join me and extend our best wishes to the Heintzmans for a healthy and happy future filled with success.

RECOGNIZING JARRETT LOWE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jarrett Lowe, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Jarrett has been very active with his troop, participating in many Scout activities. Over the many years Jarrett has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jarrett Lowe for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Jarrett in the United States House of Representatives.

HIGHEST SIKH RELIGIOUS AUTHORITY SEEMS TO BE UNDER HINDUTVA CONTROL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. TOWNS. Madam Speaker, the Council of Khalistan recently sent a letter to Joginder Singh Vedanti, the Jathedar of the Akal Takht, who has been promoting a piece of flim-flam known as the Dasam Granth, in which several writers took a snippet of the writing of the last Sikh guru, Guru Gobind Singh, and added other items, some pornographic, trying to pass it off as the genuine work of Guru Gobind Singh in order to damage the Sikh religion. Jathedar Vedanti's endorsement of the Dasam Granth makes him a participant in this effort to undermine the Sikh culture and religion.

The Council of Khalistan urged the Jathedar to stop diverting the attention of the Sikhs to this severely altered book and instead to focus on the issue of freedom for Khalistan. He noted that on the two occasions last year when Sikh leaders were arrested for making speeches in support of Khalistan and raising a Khalistani flag, there was no protest from Jathedar Vedanti.

It is time for as to support the legitimate aspirations of the Sikhs and all the minorities of India who are seeking their freedom by stopping our aid to India, suspending our trade with that country and by supporting the right to self-determination for all the minority nations of the subcontinent. Self-determination is the essence of democracy. Why can't "the world's largest democracy" hold a simple vote on this fundamental question?

Madam Speaker, I would like to insert the Council of Khalistan's letter to Jathedar Vedanti into the RECORD at this time for the information of the American people.

COUNCIL OF KHALISTAN,
Washington, DC, January 9, 2007.

S. JOGINDER SINGH VEDANTI,
Jathedar of the Akal Takht, Golden Temple, Amritsar, Punjab, India

DEAR JATHEDAR VEDANTI: I am writing to you about the Dasam Granth, which you have been promoting as the genuine writing of Guru Gobind Singh. The issue of its authorship was settled long ago. As you know, the authors of the Dasam Granth identify themselves within the text and only a small part is written by Guru Gobind Singh. The rest was appended by Hindu writers looking to harm the Sikh religion. Much of it is pornographic. For a jathedar of the Akal Takht to promote it as genuine Sikh scripture, especially since Guru Gobind Singh left the Guruship in the Guru Granth Sahib, is harmful to the Sikh religion and the Sikh Nation. Sikhs should bow only to the Guru Granth Sahib, nothing else.

The Dasam Granth is not the real issue. Do not get sidetracked, and do not sidetrack the Sikh Nation from the real issue, freedom and sovereignty for Khalistan. Do not let this controversy divert and waste the resources of the Sikh Nation from the preservation of our religion and culture.

It is vitally important that the Akal Takht Jathedar, the spiritual leader of the Sikh religion, be committed to the well-being of the Sikh Nation. Preserving its history, religion, culture, and scripture is essential to that well-being, especially when it is under assault from Hindus who are trying to subsume the Sikh religion and culture into those of the Hindus as part of Hindutva. Remember that a former Cabinet minister said that everyone who lives in India must either be a Hindu or be subservient to Hindus. But also remember the words of your predecessor, Professor Darshan Singh, who said, "If a Sikh is not a Khalistani, he is not a Sikh."

Jathedar Vedanti, the duty of the Jathedar of the Akal Takht is to protect, promote, and disseminate the Sikh religion. How can we do that within the framework of India when India is working to destroy the Sikh religion? The experience of the Jewish people shows that when a nation has sovereignty, it flourishes, but when it does not it perishes.

The only way to preserve, promote, and disseminate the Sikh religion and culture is in a free and sovereign Khalistan. Yet when Sikh leaders in Punjab were arrested last year simply for making speeches and raising the Khalistani flag, we did not hear a word of protest from the Akal Takht. Nor did we hear a protest of the actions of the Badal government in Punjab, the most corrupt in Punjab's history. The Badal government even sold jobs—they called it "fee for service" and Mrs. Badal was able to tell how much money was in a bag just by picking it up.

Please do not let your energy be diverted to issues like the Dasam Granth, which has long become known to be altered. We need every Sikh to help bring freedom, dignity, prosperity, and security is in a free, sovereign, independent Khalistan. Discussion of issues like the Dasam Granth merely diverts the Khalsa Panth from freedom and sets back the cause of protecting the Khalsa Panth.

Panth Da Sewadar,
DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

IN RESPONSE TO PRESIDENT BUSH'S IRAQ "SURGE" SPEECH

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. CONYERS. Madam Speaker, last night, the president announced that he will escalate the war in Iraq. Still in his cloud of denial, Mr. Bush seems to believe that he can achieve some ill-defined "victory" by perpetuating America's involvement in a bloody civil war halfway around the world. It is unclear what such a victory would look like, let alone how it might be achieved. Mr. Bush's "troop surge" is not a strategy; it is a desperate, last-ditch effort to allow the president to avoid admitting that his war of choice has been a failure.

Generals and foreign policy experts alike agree that adding 21,500 more troops to the quagmire in Iraq will have little effect on either our chances for "victory" or the safety and stability of the Iraqi nation. Indeed, President Bush chose this course of action against the unanimous opposition of the Joint Chiefs of Staff and most of the commanders on the ground in Iraq. Everyone except the president seems to realize that the essential problem in Iraq requires a political solution, not a military one. The American people understand it, as they demonstrated overwhelmingly last November. Yet the president wants to put even more American troops in harm's way for no strategic advantage. He persists in his foolhardy escalation, apparently more concerned with preserving his legacy as "the president who didn't lose Iraq" than with the well-being of either our brave troops or the Iraqi people.

An escalation in Iraq will do nothing to improve America's security; on the contrary, it will undermine it. Our military is already stretched to the breaking point, and Mr. Bush's "surge" will cause additional damage that will take billions of dollars and many years to fix. Exactly none of the military's active duty or reserve brigades is considered "combat ready." Only thirty percent of equipment considered "essential" to homeland security is on-hand here at home. Should disaster strike here at home or elsewhere in the world, we will be left virtually defenseless while our troops and equipment are bogged down in an unwinnable war that threatens to drag on for years, if not decades.

While Mr. Bush claims to have been "listening" to the advice of military and foreign policy experts over the last months, he seems to have emerged as stubbornly committed to his failed policy as ever. It is up to the Congress to put an end to this madness. I particularly want to call on my friends on the other side of the aisle to listen to the voices of their constituents, the everyday Americans who understand what we have at stake in this war in a way that the president has proven himself incapable of doing. We cannot throw away more American lives. We cannot mortgage our children's futures to further enrich war profiteers. We cannot continue to contribute to the devastation of Iraq.

The president seems unable to comprehend that American military might is not the answer to all the world's problems. But the American people do understand. They know that there is only one way forward in Iraq. We must begin the phased withdrawal of American troops in the next four to six months. We must change our mission from combat to training and logistical assistance for Iraq forces. We must provide the economic assistance the Iraqis need to repair their devastated society and give whatever help they require in moving their political process forward. This is the only way to achieve any sort of victory in Iraq.

THE INDEPENDENT STUDY OF DISTANCE EDUCATION ACT OF 2007

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. EHLERS. Madam Speaker, I rise in support of the Independent Study of Distance Education Act of 2007. This bill requires that the National Academy of Sciences (NAS) conduct a scientifically correct, statistically valid study of the quality of distance education programs as compared to campus-based programs.

Allow me to provide some background on congressional actions related to distance education. During the 1992 reauthorization of the

Higher Education Act, Congress passed a rule to counter fraud and abuse perpetuated by diploma mills and some correspondence programs in the 1980s. This rule, known as the "50-percent rule", prevents any college or university that enrolls more than 50 percent of its students in distance education or provides more than half of its courses via distance education from participating in federal financial aid programs.

During the 1998 reauthorization, Congress recognized that, with changes in technology, schools are increasingly offering courses via distance education. The Distance Education Demonstration Program was established to examine the quality and viability of expanding distance education programs. This demo program allowed 24 colleges and universities to waive several program requirements for participating in the federal financial aid programs, including the 50-percent rule, in exchange for participating in studies by the Secretary of Education.

The Secretary provided Congress with three studies of the Distance Education Demonstration Program. The Secretary found that the "mode of distance education delivery does not appear to be a salient factor in student outcomes." However, in 2004, the Office of the Inspector General found that the Secretary's conclusions about the impact of distance education methods on student learning was unsupported, fostering uncertainty about the quality of distance education programs as compared to the quality of campus-based programs.

As a scientist, I strive to base my policy decisions and voting on reliable studies and data. Unfortunately, when it comes to the Higher Education Act and distance education, there is no scientifically correct, statistically valid study of the quality of distance education programs as compared to campus-based programs.

You may think that this has halted congressional action related to distance education programs. Certainly, it would be prudent to know whether distance education is effective before allowing for the rapid proliferation of federal financial aid funds going to students in such programs.

However, in 2005, as part of the Deficit Reduction Act, Congress repealed the "50-percent rule", which could potentially result in rapid expansion of distance education programs. While the House-version of this bill included an amendment I offered to have the National Academy of Sciences conduct a study, this provision was stripped out during conference because of the arcane "Byrd rule," which prohibits provisions without a fiscal impact in budget reconciliation bills.

Please know that I am not against distance education. In fact, as a K–12 student, I completed correspondence courses by distance. But, before we spend more federal dollars on this, we need to know more about the quality of distance education programs, as compared to campus-based programs. Simply put, the Independent Study of Distance Education Act will provide scientifically correct, statistically valid information on which to base future votes and policy decisions related to distance education programs.

I urge all Members to support this important legislation.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. NORWOOD. Madam Speaker, on rollcall No. 17; On Motion to Recommit with Instructions (H.R. 2). Had I been present, I would have voted "yes."

IN RECOGNITION OF JOHN A. McGINNESS, FOR MORE THAN 40 YEARS OF SERVICE TO LOCAL 12 OF THE UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPE FITTING INDUSTRY OF THE UNITED STATES AND CANADA

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. LYNCH. Madam Speaker, I rise today in honor of a man whose professional life has been dedicated to improving the lives of working men and women in Massachusetts, across our nation and beyond our borders. Jack McGinness is a remarkable labor leader with a long and illustrious career in the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

Brother Jack McGinness, the youngest of six children, was born in Cambridge, Massachusetts to William and Anne McGinness. He grew up in the City of Cambridge and graduated from Cambridge High and Latin School. After graduation, Jack honorably served our country by enlisting in the United States Marine Corps.

Jack was initiated into the Plumbers Apprenticeship Program on September 28, 1964. In his first year, Jack worked for the George Murphy Company in Cambridge, Massachusetts. Following the completion of his five year apprentice training program, Jack worked as a plumber and foreman for U.A. Contractors within the jurisdiction of Local 12 but also other U.A. contractors on the road in the U.S. and Canada.

During his tenure, brother McGinness served as a member of Plumbers Local 12, as an officer on Local 12's Joint Conference Board, Executive Board, the Apprentice Committee as well as served as Trustee for the Local 12 Health and Welfare Fund, delegate to the United Association's National Convention in 1991, 1996, 2001 and 2006. Brother McGinness served on the Sergeant of Arms Committee from 2001 until 2006. He was elected Business Agent in 1994.

Jack's dedication to the men and women of the Building Trades has been regularly acknowledged by his peers. He was elected by his brothers and sisters of labor to serve as President of the Framingham-Newton Building Trades Council as well as to serve on the State Building Trades Executive Board as a Delegate to the National Building Trades Convention in 2001 and 2005.

Anyone who has had the privilege to work along side Jack knows that he is a dedicated and thoughtful individual, concerned primarily for the safety and welfare of his union brothers and sisters and their families.

Beyond his professional commitment, Jack devoted much of his time to developing Local 12's annual participation in Dads' Day and Toys for Tots as well as the Local 12 Golf Committee and the Local 12 Social Committee.

Madam Speaker, it is my distinct honor to take the Floor of the House today to join with Jack McGinness' family, friends and brothers and sisters of labor to thank him for more than forty years of remarkable service to the American Labor Movement. I hope my Colleagues will join me in celebrating Jack's distinguished career and wishing him good health and God's blessing in all his future endeavors.

BOBBY GOLD REMEMBERED

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to honor the memory of Bobby L. Gold, a man who dedicated his life's work to the concerns of poor, elderly and minority residents of Evansville, Indiana. Mr. Gold passed away on Thursday, January 4 at the age 61.

He began his advocacy in the 1960s, fighting for civil rights and against poverty in Evansville. His work in public service included the Community Action Program of Evansville and the AARP Senior Community Service Employment Program.

During his life, Mr. Gold sought to improve opportunities for the children of Evansville, especially those from low income backgrounds. While serving as a youth counselor for the Community Action Program of Evansville, he worked for the creation of a school breakfast program. He also recruited high school and college students to tutor local elementary school students in math and reading.

In his last years of his life, Mr. Gold devoted his time to the Evansville Housing Authority. His activism for public housing was enhanced by passion and understanding that being a resident of that system provided. He pushed for a zero tolerance policy for illegal drugs on the property of the housing authority to promote safety and security for residents. Even as his health deteriorated near the end of his life, Mr. Gold remained interested and involved in the work of the Housing Authority.

For his hard work, Mr. Gold was bestowed with the Indiana State Human Rights Award in 1999, and in September 2005 Evansville Mayor Jonathan Weinzapfel presented him with a Celebration of Diversity Award.

Throughout his life, Mr. Gold was a strong voice for those in the Evansville community who needed it most. The people of Evansville have lost a dear friend and outspoken advocate. Bobby Gold will be missed, but his spirit of public service will live on. I'm proud to call him my friend.

INTRODUCTION OF LEGISLATION TO REPEAL THE SELECTIVE SERVICE ACT AND RELATED PARTS OF THE UNITED STATES CODE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. PAUL. Madam Speaker, I am today introducing legislation to repeal the Selective Service Act and related parts of the United States Code. The Department of Defense, in response to calls to reinstate the draft, has confirmed that conscription serves no military need.

In his December confirmation hearings, Secretary of Defense Robert Gates stated his opposition to a military draft. Secretary Gates' immediate predecessor, Donald Rumsfield, also publicly opposed reinstating the draft. The opposition of the two most recent Defense Secretaries is only the most recent confirmation that the draft serves no military purpose.

Obviously, if there is no military need for the draft, then there is no need for Selective Service registration. Furthermore, Mr. Speaker, Selective Service registration is an outdated and outmoded system, which has been made obsolete by technological advances.

In fact, in 1993, the Department of Defense issued a report stating that registration could be stopped "with no effect on military mobilization and no measurable effect on the time it would take to I mobilize, and no measurable effect on military recruitment." Yet the American taxpayer has been forced to spend over $500 million dollars on an outdated system "with no measurable effect on military mobilization"!

Shutting down Selective Service will give taxpayers a break without adversely affecting military efforts. Shutting down Selective Service will also end a program that violates the very principals of individual liberty our Nation was founded upon. The moral case against the draft was eloquently expressed by former President Ronald Regan in the publication Human Events in 1979: ". . . it [conscription] rests on the assumption that your kids belong to the state. If we buy that assumption then it is for the state—not for parents, the community, the religious institutions or teachers—to decide who shall have what values and who shall do what work, when, where and how in our society. That assumption isn't a new one. The Nazis thought it was a great idea."

I hope all my colleagues join me in working to shut down this un-American relic of a bygone era and help realize the financial savings land the gains to individual liberties that can be achieved by ending Selective Service registration.

LEE'S SUMMIT JOURNAL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the Lee's Summit Journal in Lee's Summit, Missouri. This newspaper will be celebrating its 125th anniversary of publication this month. Over the past 125 years, this newspaper has provided valuable services to its readers in their local communities.

As a staple of the community for all these years, the newspaper went through growth and expansion along with the community it serves. From its humble beginnings of being a 4-page paper, to its current publication schedule of twice a week, this newspaper has been and continues to be a stabilizing force within the community.

Since its inception in 1887, the Lee's Summit Journal provided quality news coverage for its reading community. Even through tough times, such as a fire which destroyed the newspaper office, the Lee's Summit Journal continued to deliver quality and reliable news service to the community.

Madam Speaker, I proudly ask you to join me in recognizing the Lee's Summit Journal. The services the outstanding staff of the Lee's Summit Journal have provided over these 125 years have been an essential part of the community.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. NORWOOD. Madam Speaker, on rollcall No. 16, on Motion to Table the Appeal of the Ruling of the Chair (H.R. 2), had I been present, I would have voted "no."

INTRODUCTION OF THE PRESERVATION OF RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. LANTOS. Madam Speaker, I am delighted to reintroduce H.R. 390, the Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act. This important legislation, which passed the Government Reform Committee unanimously last year, will ensure that African-Americans who want to trace their family's history in our country are not prevented from doing so because of inadequate preservation and access to the records.

Madam Speaker, as you are aware, for most Americans, researching their genealogical history involves searching through municipal birth, death, and marriage records—almost all of which have been properly archived as public historical documents. However, African-Americans in the United States face a unique challenge when conducting genealogical research due to our Nation's history of slavery and discrimination. Instead of looking up wills, land deeds, birth and death certificates, or other traditional genealogical research documents, African-Americans must often try to identify the name of former slave owners, hoping that the owners kept records of pertinent information, such as births and deaths.

To compound this difficulty, African-American genealogists find that most current records of servitude, emancipation, and post-Civil War reconstruction are frequently inaccessible, poorly catalogued, and inadequately preserved from decay. While some states and localities have undertaken efforts to collect these documents with varying degrees of success, there has not been any national effort to preserve these pieces of public and personal history to make them readily and easily accessible to all Americans.

Madam Speaker, in 2000, both the House and Senate unanimously passed the Freedmen's Bureau Records Preservation Act, which became Public Law 106–444, and required the Archivist of the United States to create a searchable indexing system to catalogue the genealogical records from the post-Civil War Reconstruction period. This law was the first step towards ensuring that many of these valuable and important records are appropriately accessible to genealogists and historians, and based on its success we now recognize the need to expand the scope of the original law or risk losing other critically important historic documents.

Madam Speaker, H.R. 390, the Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act, tackles the problems of poorly catalogued and inadequately preserved records in two ways. First, it will make sure that records of servitude, emancipation, and post-Civil War reconstruction currently being stored within the various agencies of the federal government will be properly preserved. This will protect a vast amount of genealogical information, including records from the Southern Claims Commission Records, the Records of the Freedmen's Bank, the Slave Impressments Records, and even Slave Payroll Records and Slave Manifests. By providing the Archivist of the United States with the resources necessary to preserve, maintain and electronically catalogue these important records we can eliminate many of the barriers that African-Americans encounter when trying to engage in a proper genealogy search. However, since many of these records are disbursed around the country in non-federal depositories, this legislation would also authorize the National Archives to distribute grants to the States, academic institutions, and genealogical associations in order to preserve and establish online databases of these important local records of servitude, emancipation, and post-Civil War reconstruction. These grants will ensure that families doing research in my home State of California or anywhere in the country will access to these treasure troves of genealogical information without having to leave the comforts of their computer chair.

Madam Speaker, I am delighted to be joined by colleagues from both sides of the aisle who are original cosponsors of my legislation and particularly appreciate the support of my good friends and colleagues, TOM DAVIS, and ELIJAH CUMMINGS, whose assistance in drafting this bill has been monumental. I would urge the rest of our colleagues to support this legislation and hope that we will be voting on this bill soon.

RECOGNIZING DOUGLAS McLAIN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Douglas McLain, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Douglas has been very active with his troop, participating in many scout activities. Over the many years Douglas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Douglas McLain for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Douglas in the United States House of Representatives.

INTRODUCTION OF THE VETERANS DISABILITY COMPENSATION AUTOMATIC COLA ACT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. KNOLLENBERG. Madam Speaker, today I am introducing an important piece of legislation that speaks to our commitment to our Nation's veterans.

In the 109th Congress, I introduced the Veterans Disability Compensation Automatic COLA Act. This legislation would automatically increase disability benefits for veterans, each year, by the Consumer Price Index. Today I am re-introducing this important legislation.

Currently, it takes a yearly act by Congress to ensure disabled veterans receive a cost-of-living adjustment (COLA). While we have done this every year for the past three decades we cannot guarantee that future Congresses will act as responsibly. Taking a chance on disabled veterans' benefits is a chance I am not willing to take.

My legislation would simply make the COLA for veterans with disability benefits automatic each year. Furthermore, this important legislation also has no budgetary impact. In fact, both Congress and the President assume the increase in their budgets.

Madam Speaker, Social Security and Medicare beneficiaries receive an automatic COLA and our disabled veterans deserve the same. Thank you.

RECOGNIZING TYLER SANDOVAL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tyler Sandoval, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many Scout activities. Over the many years Tyler has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Tyler Sandoval for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Tyler in the United States House of Representatives.

IN HONOR OF MRS. PHYLLIS MILLER

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. NADLER. Madam Speaker, I rise today to congratulate Mrs. Phyllis Miller upon receiving the Zella Butler Bronfman Award, presented by the UJA-Federation's Task Force on People With Disabilities and the J.E. and Z.B. Butler Foundation.

Throughout her 25-year career, Phyllis Miller has worked tirelessly on behalf of people with developmental disabilities. She taught Judaic studies and Hebrew language to both special and regular education elementary school students, beginning in 1973 at the Armed Forces Center for English as a Second Language in Fort Knox, Kentucky. She later taught at Temple Beth El Hebrew School in Springfield, Massachusetts; Hillel Academy in Passaic, New Jersey; and Yeshiva of North Jersey in River Edge, New Jersey

In 1997, Mrs. Miller took a position as a Family and Child Advocate at the Board of Jewish Education of Greater New York, which she represents on the UJA Task Force on Disabilities. In this capacity, she assists people with special needs and their families in finding the programs and schools that best serve them. She also coordinates the Association of Jewish Special Educators and the Jewish Parent Advocate Coalition, through which she arranges in-service workshops for teachers and an annual Parent Empowerment Conference and Resource Fair for parents and social service providers. She also acts as the liaison to social service agencies and to families searching for special needs services.

A graduate of Stern College at Yeshiva University with a degree in Psychology and Judaic Studies, Mrs. Miller has five wonderful children, one of whom is currently studying at the Hebrew University in Jerusalem. Phyllis and her husband, Michael, have done tremendous work in forging relationships within Jewish communities both here and in Israel.

I am pleased to honor Mrs. Phyllis Miller for her many years of outstanding service, and to thank her for her extraordinary dedication to the developmentally disabled.

RECOGNIZING JACOB KLINGENSMITH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jacob Klingensmith, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 100, and in earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many Scout activities. Over the many years Jacob has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jacob Klingensmith for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Jacob in the United States House of Representatives.

IN RESPONSE TO THE PRESIDENT'S ANNOUNCEMENT OF THE DEPLOYMENT OF 20,000 NEW TROOPS TO IRAQ

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, last night the President announced to the Nation his intention to deploy another 20,000 troops to Iraq.

Madam Speaker, troop surges in Iraq are not new and, judging from history, the one announced last night by the President will not work. It will only succeed in putting more American troops in harm's way for no good reason and without any strategic advantage. The armed forces of the United States are not to be used to respond to 911 calls from governments like Iraq's that have done all they can to take responsibility for the security of their country and safety of their own people. The United States cannot do for Iraq what Iraqis are not willing to do for themselves.

Troop surges have been tried several times in the past. The success of these surges has, to put it charitably, been underwhelming. Let's briefly review the record:

1. Operation Together Forward, (June–October 2006): In June the Bush administration announced a new plan for securing Baghdad by

increasing the presence of Iraqi Security Forces. That plan failed, so in July the White House announced that additional American troops would be sent into Baghdad. By October, a U.S. military spokesman, Gen. William Caldwell, acknowledged that the operation and troop increase was a failure and had "not met our overall expectations of sustaining a reduction in the levels of violence." [CNN, 12/19/06. Washington Post, 7/26/06. Brookings Institution, 12/21/06.]

2. Elections and Constitutional Referendum (September–December 2005): In the fall of 2005 the Bush administration increased troop levels by 22,000, making a total of 160,000 American troops in Iraq around the constitutional referendum and parliamentary elections. While the elections went off without major violence these escalations had little long-term impact on quelling sectarian violence or attacks on American troops. [Brookings Institution, 12/21/06. www.icasualties.org]

3. Constitutional Elections and Fallujah (November 2004–March 2005): As part of an effort to improve counterinsurgency operations after the Fallujah offensive in November 2004 and to increase security before the January 2005 constitutional elections U.S. forces were increased by 12,000 to 150,000. Again there was no long-term security impact. [Brookings Institution, 12/21/06. New York Times, 12/2/04.]

4. Massive Troop Rotations (December 2003–April 2004): As part of a massive rotation of 250,000 troops in the winter and spring of 2004, troop levels in Iraq were raised from 122,000 to 137,000. Yet, the increase did nothing to prevent Muqtada al-Sadr's Najaf uprising and April of 2004 was the second deadliest month for American forces. [Brookings Institution, 12/21/06. www.icasualties.org. USA Today, 3/4/04]

Madam Speaker, rather than surging militarily for the third time in a year, the president should surge diplomatically. A further military escalation would simply mean repeating a failed strategy. A diplomatic surge would involve appointing an individual with the stature of a former secretary of state, such as Colin Powell or Madeleine Albright, as a special envoy. This person would be charged with getting all six of Iraq's neighbors—Iran, Turkey, Syria, Jordan, Saudi Arabia, and Kuwait—involved more constructively in stabilizing Iraq. These countries are already involved in a bilateral, self-interested and disorganized way.

While their interests and ours are not identical, none of these countries wants to live with an Iraq that, after our redeployment, becomes a failed state or a humanitarian catastrophe that could become a haven for terrorists or a hemorrhage of millions more refugees streaming into their countries.

The high-profile envoy would also address the Israeli-Palestinian conflict, the role of Hezbollah and Syria in Lebanon, and Iran's rising influence in the region. The aim would not be necessarily to solve these problems, but to prevent them from getting worse and to show the Arab and Muslim world that we share their concerns about the problems in this region.

Madam Speaker, the President's plan has not worked. Doing the same thing over and over and expecting a different result is, as we all know, a definition of insanity. It is time to try something new. It is time for change. It is time for a new direction.

TRIBUTE TO GENERAL JAMES L. JONES

HON. IKE SKELTON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 11, 2007

Mr. SKELTON. Madam Speaker, let me take this opportunity to recognize the long and distinguish career of GEN James L. Jones. General Jones just completed his assignment as Supreme Allied Commander, Europe and Commander, U.S. European Command.

General Jones received a bachelor of science degree from the Georgetown University School of Foreign Service in 1966. He also attended the Basic School, the Amphibious Warfare School, and the National War College in Washington, DC.

General Jones was commissioned a Second Lieutenant in the Marine Corps where he was ordered to the Republic of Vietnam in January 1967. After serving as a Platoon and Company Commander he was promoted to First Lieutenant. He returned to the United States in December 1968 where he served as a Company Commander at Camp Pendelton, CA. From May 1970 to July 1973, General Jones served at Marine Barracks, Washington, DC, as a Company Commander. Remaining in Washington, General Jones served in the Officer Assignments Section at Headquarters Marine Corps where he was later appointed to Major and soon after served as the Marine Corps Liaison Officer to the United States Senate.

After being promoted to Lieutenant Colonel, General Jones was assigned to Camp Pendleton, CA, and in August 1987, returned to Headquarters Marine Corps where he served as Senior Aide to the Commandant of the Marine Corps. He was promoted to Colonel in April 1988, where later General Jones would become Military Secretary to the Commandant.

General Jones was assigned as the Commanding Officer, 24th Marine Expeditionary Unit at Camp Lejeune, NC, where he participated in Operation Provide Comfort in Northern Iraq and Turkey. He was advanced to Brigadier General and was assigned to duties as Deputy Director, J–3, U.S. European Command, Stuggart, Germany. During this tour of duty he was reassigned as Chief of Staff, Joint Task Force Provide Promise for operations in Bosnia-Herzegovina and Macedonia.

General Jones was advanced to the rank of Major General in July 1994, and was then assigned as Commanding General, 2d Marine Division, Marine Forces Atlantic, Camp Lejeune, NC. After serving as Director, Expeditionary Warfare Division (N85), Office of the Chief of Naval Operations, and then as the Deputy Chief of Staff for Plans, Policies, and Operations, Headquarters Marine Corps, General Jones was advanced to Lieutenant General.

General Jones served as the Military Assistant to the Secretary of Defense, and on July 1, 1999 became the 32nd Commandant of the United States Marine Corps. He assumed his duties as the Commander of U.S. European Command on January 16, 2003, and Supreme Allied Commander Europe on January 17, 2003.

General Jones' has been awarded the Defense Distinguished Service Medal with two oak leaf clusters, Silver Star Medal, Legion of Merit with four gold stars, Bronze Star Medal with Combat "V", and the Combat Action Ribbon.

Madam Speaker, I know the Members of the House will join me in paying tribute to GEN James L. Jones for his commitment to the United States Marine Corps and the safety and security of America.

PERSONAL EXPLANATION

HON. JOE KNOLLENBERG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 11, 2007

Mr. KNOLLENBERG. Madam Speaker, on January 9 and 10, 2007, I was absent and missed rollcall votes 12–18. For the record, had I been present on January 9th, I would have voted: rollcall vote 12—"yea"; rollcall vote 13—"no"; rollcall vote 14—"yea"; and rollcall vote 15—"yea."

Further, had I been present on January 10th, I would have voted: rollcall vote 16—"no"; rollcall vote 17—"no"; and rollcall vote 18—"yea."

I support an increase in the minimum wage. The last time the minimum wage was increased was ten years ago and workers deserve to have the minimum wage increased to $7.25.

I am pleased the House of Representatives passed the initial version of H.R. 2 and look forward to voting on its final passage in the coming weeks.

RECOGNIZING DAVID LEININGER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES
OF MISSOUR
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 11, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize David Leininger, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many Scout activities. Over the many years David has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending David Leininger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent David in the United States House of Representatives.

EXTENDING CONGRATULATIONS TO THE RETIRING DIRECTOR OF THE JOHN F. KENNEDY SPACE CENTER, JAMES W. KENNEDY

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. WELDON of Florida. Madam Speaker, I rise to extend congratulations to the retiring Director of the John F. Kennedy Space Center, James W. Kennedy, for his vast contributions to our Nation's space program. Jim's long and successful career has ensured that America's leadership in space exploration will continue well into the future.

Jim Kennedy was raised in my congressional district, on the Space Coast of Florida. In fact, he was in the first graduating class at Cocoa Beach High School. After graduation, he began his distinguished career with NASA in 1968 in the Aerospace Engineering Cooperative Education Program at Kennedy Space Center. He joined Marshall Space Flight Center in 1980 as an engineer in the Shuttle Projects Office, and in 1987, was named manager of the Shuttle Program Planning and Management Systems Office. Following that, he served as the manager of the Solid Rocket Booster Project Office.

Jim served as the Deputy Director of Marshall's Science and Engineering Directorate and was later named Director of the center's Engineering Directorate. In 2001, he was selected to serve as Deputy Director of the Marshall Space Flight Center, and just two years later, he returned to Florida and was named the Deputy Director of the Kennedy Space Center. In 2003, he became the eighth Director of the Kennedy Space Center.

Jim has received numerous awards during his illustrious career in our Nation's Space Program, including the National Space Club's Astronautics Engineer of the Year Award, the Marshall Space Flight Center Leadership Award, the Astronaut's own Silver Snoopy Award, NASA's Distinguished Service Medal, the Presidential Rank Meritorious and Distinguished Service Awards, and the NASA Outstanding Leadership Medal. Most recently, he received the Dr. Kurt H. Debus Award from the National Space Club's Florida Committee.

Jim oversaw the critical job of ensuring a safe "Return to Flight" of the Shuttle Program as well as the resumption of International Space Station construction. I watched with pride last July 4th as Jim's team at Kennedy Space Center performed a successful launch of Space Shuttle *Discovery*. This particular launch was a fitting tribute to Kennedy Space Center and a wonderful cap to Jim Kennedy's career, as it proved that both our nation's Space Shuttle Program and the International Space Station Program were once again on firm footing. Jim Kennedy's leadership, and the fine professionals at KSC, gave our country renewed confidence that the goals of our Space Program would be realized. Because of the leadership and hard work of Jim Kennedy, America's premier space launch center proved that it is up to the task. Jim Kennedy's leadership has helped ensure our Space Program is on track for completion of the remaining Shuttle missions and continue the Manned Space Program which will include the return of Americans to the surface of the Moon, then Mars and beyond.

I should also mention that, as with most successful leaders, Jim Kennedy was supported in his NASA career by a devoted family that includes his wife, Bernadette, as well as his two grown children, Jeff and Jamie. I would like to extend our country's appreciation for the sacrifices they made during Jim's years with our Nation's space program.

Much of Jim Kennedy's career was devoted to launching mankind's most sophisticated and complex inventions. The Space Shuttles are truly the jewels of American technological prowess. Each successful launch overseen by Jim Kennedy lifted the spirits of all Americans and underlined our identity as the world's leading space faring Nation. As a representative from the Space Coast, I share deeply in this sense of pride in the promise of Kennedy Space Center and NASA and in Jim Kennedy's devoted service to our Nation.

IN HONOR OF JACK KAKIS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. FARR. Madam Speaker, I rise today to honor the memory of Jack Kakis, a war hero who immigrated to the United States from his native Greece and created his American Dream.

Jack was born in Thessalonica in Greece in 1920. When his country was occupied by Italian and German troops during World War II, he served with the U.S. Office of Strategic Services, a precursor to the Central Intelligence Agency. Trained by British commandos in guerrilla operations, he was commissioned as an officer and led his men on horseback through Greece harassing the occupying armies. He received the Medal for Bravery Under Duress from his government, the National Medal of Greek Resistance, and was inducted into the Military Order of the World Wars.

After the war, he studied agriculture in Greece, working in that field until he was recalled to active duty because of the Greek Civil War, during which he attained the rank of major. In 1951, following that conflict he and his wife, Mirka, immigrated to the United States.

Jack arrived in this country with no English skills. He drove a flower delivery truck in New York City while attending night school. Eventually he earned a master's degree in horticulture from the University of Connecticut, also mastering English, French, Spanish, Portuguese, Italian, and German. He arrived in Monterey County, California to work for Basic American Foods Company, where his language skills took him all over the world. On leaving Basic he set up his own business, Monterey Agricultural Products, which specialized in garlic. Jack was given the title "Garlic King" by the agricultural industry because of his expertise with that crop, and he was the first president of the Order of the Stinking Rose, an association of garlic growers and processors.

Jack continued to be active in agriculture even in retirement. He worked with Volunteers in Overseas Cooperative Assistance, helping Central American Indians become more self-sufficient by growing and selling crops. One of his favorite charities was the American Farm School at the Thessalonica Agricultural and Industrial Institute in Greece, which has provided free education to Greek children since 1904, and where he was a trustee.

Madam Speaker, I honor the life of Jack Kakis, a man who worked hard and diligently to make a place for himself and his family in his adopted country, but who never forgot his homeland and worked for the betterment of people in need all over the world.

TRIBUTE TO ELISE FIGUEROA

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to the accomplishments of one of my constituents, Elise Figueroa, a teacher at P.S. 44 in Bronx, New York. I wish to recognize Ms. Figueroa for being named a National Board Certified Teacher by the National Board for Professional Teaching Standards. This program was created in 1987 in order to honor teachers who meet high standards of excellence and professionalism. This award also aims to identify and integrate highly competent and certified teachers into current educational reform efforts.

We must recognize that education is critical to building a society founded upon respect and acceptance and credit our teachers with producing our responsible leaders and citizens. They deserve to be honored for their commitment and contributions to this crucial foundation which touches the lives of all our children.

Madam Speaker, I join to wish Ms. Figueroa best wishes and good fortune in her future projects.

GRANTING MILLIONS HOPE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. MEEHAN. Madam Speaker, in the United States this year alone we will see more than 500,000 people die from cancer, 200,000 people die from diabetes, 75,000 people go blind and 50,000 people will be added to the scores who already suffer from Parkinson's or Alzheimer's.

These are 825,000 reasons why my colleagues must vote today in support of Stem Cell research. As one researcher at Harvard Medical School wrote in the New England Journal of Medicine: "the science of human embryonic stem cells is in its infancy." Restricting stem cell research now, he said: "threaten[s] to starve the field at a critical stage." But that's exactly what President Bush has done.

In August 2001, the President ruled that federal funding couldn't be used to research new stem cell lines. In effect, he gave our scientists—the best in the world—only 19 stem cell lines, many of which were contaminated and unusable.

Today we can right this terrible wrong. With more stem cells available, our scientific community will have a better chance of making incredible discoveries—like curing cancer and diabetes, and saving kidneys and livers. Some opponents of this bill argue that there is no need for embryonic stem cell research. This is a false choice. We don't have to stop embryonic stem cell research and only focus on amniotic stem cells, or adult stem cells, or cord blood stem cells.

We can, we should, and we must research all areas of stem cells—because anyone area could produce the miracle cure. This bill is as ethical as it is common sense. There are millions of reasons to say yes, and no good reason to say no.

TRIBUTE TO THE MIDWAY HIGH SCHOOL'S 1937 BASKETBALL TEAM ON THE 70TH ANNIVERSARY OF THEIR STATE CHAMPIONSHIP

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. CHANDLER. Madam Speaker, today I would like to commemorate the 70th anniversary of Midway High School's 1937 Kentucky State basketball championship. Under the guidance and leadership of Coach G.L. "Bobby" Burns, the Midway Blue Jays reinvented the game of basketball for years to come. The Blue Jays rejuvenated Kentucky basketball and made it a truly exciting spectator sport with their up tempo "run and gun" style of play.

Coach Burns and his squad of: Jack Penn, Ernest Jefferson, Armon Portwood, Carl Thomas, Raymond and Harold Sanderson, James Murphy, Sherman and Quentin Columbia, and Karl Jefferson used their natural abilities and athleticism to play against their taller competition. They averaged only 5'8", the smallest team to ever win the State tournament. Yet they persevered, as Coach Burns believed that natural instincts and physical stamina, combined with fundamental basketball, were keys to success. Coach Burns was right.

To celebrate this historic occasion, on January 12, 2007, the Woodford County Yellow Jackets will honor the "Boys of '37" by dressing in the blue and white uniforms of Midway High School during their regular season game against Madison Central High. Additionally, during the halftime ceremony, a giant banner will be raised and installed in the Woodford County Gym to honor the Midway Blue Jays' tournament win. In March, the members of the '37 squad will be honored in a ceremony at the halftime of the 2007 state championship game.

Madam Speaker, it is with great honor to have this momentous occasion celebrated in my home district. The "Boys of '37" truly represent Kentucky's passion and dedication to the game of basketball. This group of individuals will always be remembered as Kentucky's finest and we will continue to celebrate their accomplishments for years to come.

IN HONOR OF JOYCE SMITH STEVENS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. FARR. Madam Speaker, I rise today to honor one of my district's most colorful characters, Joyce Smith Stevens. Joyce is known for her outspoken devotion to local environmental issues, and for her wonderful sense of humor.

Joyce was born in Seattle, WA, in 1927. She graduated from the University of Washington in 1954 with a degree in architecture. Encountering gender discrimination in this "man's field," and looking at the experiences of female civilians working for the government, she decided that she would be happier in that environment. As a single mother, she moved to Carmel, CA, in 1962 and took a job as Post Engineer at Fort Ord, working there until her retirement more than 20 years later.

One of Joyce's proudest achievements was designing the Post Chapel at Fort Hunter Liggett. It is located near the Hacienda, which was designed by another female California architect, Julia Morgan. She also convinced, pestered, actually, the Army into protecting some rare native plant habitat at Fort Ord. Because of her persistence she had the satisfaction of seeing Fort Ord receive ecology awards.

Joyce's commitment to the community is unparalleled. She appointed herself full-time activist to save everything we all love about the Monterey Peninsula. As chair of the Ventana Chapter of the Sierra Club, she was devoted to protecting our local natural setting. She served on the Board of Trustees of Big Sur Land Trust, which is dedicated to preserving the wild lands of Big Sur. Joyce joined Pine Watch to educate people about the significance of our native Monterey Pine Forest, with the goal of creating a Monterey Pine State Park.

For over 20 years Joyce served on the Carmel Area Wastewater District. She became known as the "Sewer Queen" for her work to save the Carmel River by encouraging the increased use of treated wastewater and thus reduce pumping from the river. She formed the Dunes Coalition to save the Monterey Bay shores from development. Eventually this concept grew into the Monterey Bay State Shore. She also created the Hatton Canyon Coalition to preserve the scenic beauty of Carmel and the canyon.

Joyce was very active in the local chapter of the American Institute of Architects and was one of the founders of AIA's Carmel Sand Castle Contest—a great Carmel tradition. It is generally suspected that she volunteered to serve as a judge in order to solicit bribes. However it started, it has become part of the fun of the event for judges to offer to accept bribes from the various competitors, champagne being a favorite.

In all of these activities, she never hesitates to roll up her sleeves and do the actual work, whether it is getting up at 5 a.m. to pull weeds, or working on dune planting during winter storms. She uses her graphics skills to convince the public that they don't want to see resorts on the beaches, freeways in the canyons, and mega-mansions all over our native forest habitat. Joyce is a gem among gems, and we are indebted to her for her fierce devotion to the importance and the beauty of our natural resources.

TRIBUTE TO ERIC PLAKS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to the accomplishments of one of my constituents, Eric Plaks, a teacher at Bronx Charter School for Arts in Bronx, NY. I wish to recognize Mr. Plaks for being named a National Board Certified Teacher by the National Board for Professional Teaching Standards. This program was created in 1987 in order to honor teachers who meet high standards of excellence and professionalism. This award also aims to identify and integrate highly competent and certified teachers into current educational reform efforts.

We must recognize that education is critical to building a society founded upon respect and acceptance and credit our teachers with producing our responsible leaders and citizens. They deserve to be honored for their commitment and contributions to this crucial foundation which touches the lives of all our children.

Madam Speaker, I join to wish Mr. Plaks best wishes and good fortune in his future projects.

SENATE—*Friday, January 12, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of constant newness, in You all renewal abides and all hope originates. Help us to honor You with both our words and deeds. Give us the courage to help the less fortunate and to address the needs of those on life's margins. Make us unafraid to confront prejudice and pride, as You attune our spirits to Your truth and light.

Bless our Senators. Energize them until their presence radiates a light that no darkness can overcome. Give them wisdom and courage, vision and discipline for the right living of these days. Empower them to be kind to one another, forgiving and affirming each other.

We pray this in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RUSSELL D. FEINGOLD led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 12, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FEINGOLD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. OBAMA). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, as soon as we resume S. 1 in a few minutes, there will be a limited period of debate on two amendments—the Kerry amendment No. 1 relating to congressional pensions and the Vitter amendment No. 10 regarding civil penalties. These two amendments will be debated concurrently until 9:50 a.m.

The first rollcall vote will start at 9:50. We will have two rollcall votes this morning. If Members are interested in offering amendments today, I would suggest they talk to the bill managers during these votes, or Senator MCCONNELL.

I remind everyone Monday is a holiday. We will have our first vote Tuesday at 5:30. It appears at this time there will be a series of votes at 5:30. So I hope we can move on down the road on this matter this morning. I am going to have some consultations with the Republican leader in a few minutes to see if we can figure out a way to end this matter as quickly as possible.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

ETHICS AND LOBBYING REFORM

Mr. MCCONNELL. Mr. President, let me say, I echo the comments of the majority leader. We look forward to wrapping up this bill next week and passing it with a large bipartisan majority.

I yield the floor.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1) to provide greater transparency in the legislative process.

Pending:

Reid amendment No. 3, in the nature of a substitute.

Reid amendment No. 4 (to amendment No. 3), to strengthen the gift and travel bans.

DeMint amendment No. 11 (to amendment No. 3), to strengthen the earmark reform. (By 46 yeas to 51 nays (Vote No. 5), Senate earlier failed to table the amendment.)

DeMint amendment No. 12 (to amendment No. 3), to clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope.

DeMint amendment No. 14 (to amendment No. 3), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

Vitter/Inhofe modified amendment No. 9 (to amendment No. 3), to place certain restrictions on the ability of the spouses of Members of Congress to lobby Congress.

Vitter amendment No. 10 (to amendment No. 3), to increase the penalty for failure to comply with lobbying disclosure requirements.

Leahy/Pryor amendment No. 2 (to amendment No. 3), to give investigators and prosecutors the tools they need to combat public corruption.

Gregg amendment No. 17 (to amendment No. 3), to establish a legislative line item veto.

Ensign amendment No. 24 (to amendment No. 3), to provide for better transparency and enhanced Congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House.

Ensign modified amendment No. 25 (to amendment No. 3), to ensure full funding for the Department of Defense within the regular appropriations process, to limit the reliance of the Department of Defense on supplemental appropriations bills, and to improve the integrity of the Congressional budget process.

Cornyn amendment No. 26 (to amendment No. 3), to require full separate disclosure of any earmarks in any bill, joint resolution, report, conference report or statement of managers.

Cornyn amendment No. 27 (to amendment No. 3), to require 3 calendar days' notice in the Senate before proceeding to any matter.

Bennett (for McCain) amendment No. 19 (to amendment No. 4), to include a reporting requirement.

Bennett (for McCain) amendment No. 28 (to amendment No. 3), to provide congressional transparency.

Bennett (for McCain) amendment No. 29, to provide congressional transparency.

Lieberman amendment No. 30 (to amendment No. 3), to establish a Senate Office of Public Integrity.

Bennett/McConnell amendment No. 20 (to amendment No. 3), to strike a provision relating to paid efforts to stimulate grassroots lobbying.

Thune amendment No. 37 (to amendment No. 3), to require any recipient of a Federal award to disclose all lobbying and political advocacy.

Stevens amendment No. 40 (to amendment No. 4), to permit a limited flight exception for necessary State travel.

Feinstein/Rockefeller amendment No. 42 (to amendment No. 3), to prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AMENDMENTS NOS. 1 AND 10

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration en bloc of amendment No. 1 and amendment No. 10, and the time until 9:50 a.m. shall run concurrently on both amendments, with the time equally divided between the two leaders or their designees.

Who yields time?

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the quorum call be put in place with the time charged equally against each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1, AS MODIFIED, TO AMENDMENT NO. 3

Mr. KERRY. Mr. President, I call up amendment No. 1, please.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. SALAZAR, Mr. NELSON of Nebraska, and Mr. PRYOR, proposes an amendment numbered 1, as modified, to amendment No. 3.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, and for other purposes)

At the end, add the following:

TITLE—CONGRESSIONAL PENSION ACCOUNTABILITY

SEC. ___1. SHORT TITLE.

This title may be cited as the "Congressional Pension Accountability Act".

SEC. ___2. DENIAL OF RETIREMENT BENEFITS.

(a) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; or", and by inserting after paragraph (2) the following:

"(3) was convicted of an offense described in subsection (d), to the extent provided by that subsection."; and

(2) by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by inserting after subparagraph (B) the following:

"(C) with respect to the offenses described in subsection (d), to the period after the date of conviction.".

(b) OFFENSES DESCRIBED.—Section 8312 of such title 5 is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

"(d) The offenses to which subsection (a)(3) applies are the following:

"(1) An offense within the purview of—

"(A) section 201 of title 18 (bribery of public officials and witnesses); or

"(B) section 371 of title 18 (conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes an offense within the purview of such section 201.

"(2) Perjury committed under the statutes of the United States or the District of Columbia in falsely denying the commission of any act which constitutes an offense within the purview of a statute named by paragraph (1), but only in the case of the statute named by subparagraph (B) of paragraph (1).

"(3) Subornation of perjury committed in connection with the false denial or false testimony of another individual as specified by paragraph (2).

An offense shall not be considered to be an offense described in this subsection except if or to the extent that it is committed by a Member of Congress (as defined by section 2106, including a Delegate to Congress).".

(c) ABSENCE FROM UNITED STATES TO AVOID PROSECUTION.—Section 8313(a)(1) of such title 5 is amended by striking "or" at the end of subparagraph (A), by striking "and" at the end of subparagraph (B) and inserting "or", and by adding at the end the following:

"(C) for an offense described under subsection (d) of section 8312; and".

(d) NONACCRUAL OF INTEREST ON REFUNDS.—Section 8316(b) of such title 5 is amended by striking "or" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; or", and by adding at the end the following:

"(3) if the individual was convicted of an offense described in section 8312(d), for the period after the conviction.".

SEC. 3. CONSTITUTIONAL AUTHORITY.

The Constitutional authority for this title is the power of Congress to make all laws which shall be necessary and proper as enumerated in Article I, Section 8 of the United States Constitution, and the power to ascertain compensation for Congressional service under Article I, Section 6 of the United States Constitution.

SEC. 4. EFFECTIVE DATE.

This title, including the amendments made by this title, shall take effect on January 1, 2009 and shall apply with respect to convictions for offenses committed on or after the date of enactment of this Act.

Mr. KERRY. Mr. President, parliamentary inquiry: How much time is divided up now?

The PRESIDING OFFICER. There is 7 minutes on the Senator's side.

Mr. KERRY. I thank the Chair.

Mr. President, my amendment is cosponsored by Senator SALAZAR, Senator BEN NELSON, and Senator PRYOR, and it is based on a bill Senator SALAZAR and I introduced that we hope will go some further distance in this effort we are engaged in now with ethics reform to reestablish the trust of the American people in their Government in Washington.

We do this by an effort to prevent Members of Congress who betray that trust from receiving their pensions. This is plain deterrence. It is an effort to try to make it clear there are serious consequences to betraying that trust.

In a sense, the trust is larger than perhaps the day-to-day relationship of most citizens in this country to the law. We take a special oath of office to uphold the Constitution of the United States. But, more importantly, when people elect you to high Federal office, or any office, they are putting a special kind of trust in you to represent their lives, their interests, their values—indeed, the highest level of aspiration of values that we all share in this country.

So this is done because there is something that grates in the notion that you can put the public's trust and the public's business up for sale and then walk away and have the people whom you betrayed turn around and pay for you to be able to have for the rest of your life a fat pension because of the level of service you had reached at their trust.

Let me be very specific about this. A few years ago, Congressmen Randy "Duke" Cunningham sat down at a cozy meeting with some lobbyists and he proceeded to betray the public trust. He used his official congressional stationary to draft a series of quid pro quo deals.

Let me show you this blowup of the stationary itself: Here is the congressional seal. Here is Randy "Duke" Cunningham's name. Here is a list of the amounts of millions of dollars: $16 million; "BT"—that is "boat"—"140"—that was $140,000—$17 million; an additional $50,000; $18 million, $50,000. Once they paid about $340,000. The price of this service went down, and he charged only $25,000 for each million dollars of contract that he would award.

He was convicted of collecting approximately $2.4 million in homes, yachts, antique furnishings, and other bribes—including a Rolls Royce—from defense contractors. This disgraceful conduct—which is beyond the comprehension of any Member of this institution—earned him 8 years and 4 months in a Federal prison, and it has required him to also pay the Government $1.8 million in penalties but also some back taxes.

But under today's rules, the American taxpayer is going to continue to pay a Federal pension that is out of the reach of any American taxpayer, and that is disgraceful. Right now, only a conviction for a crime against the United States, such as treason or espionage, would cost a Member of Congress their pension. So we set a standard for the pension being held accountable, but it is only for two things. Surely we ought to put this moral bar higher than that.

Most Americans do not get a $40,000 a year pension. Those who abuse the public trust should not be allowed to exploit the Federal system at taxpayers' expense. The American people cannot afford to spend millions on pensions for politicians who steal from them. More importantly, Congress cannot afford to have a standard where it is willing to forgive and forget and betray that trust.

I have shown what the "bribe menu" was, which is a pretty extraordinary menu. Unfortunately, Congressman Cunningham was not alone. Last November, Representative Bob Ney resigned from the House of Representatives after pleading guilty to conspiracy and making false statements. In a plea agreement, former Representative Ney acknowledged taking trips, tickets, meals, and campaign donations from Mr. Abramoff in return for taking official actions on behalf of Abramoff clients.

In March 2002, Representative Ney inserted an amendment in the Help America Vote Act to lift an existing Federal ban against commercial gaming by a Texas Native American tribal client of Abramoff. In return, Representative Ney received all-expenses-paid and reduced-price trips to Scotland to play golf, a trip to New Orleans to gamble, and a vacation in Lake George—all courtesy of Mr. Abramoff.

Another former Congressman, Jim Traficant, currently enjoys a lavish taxpayer-funded lifetime pension worth an estimated $1.2 million, despite being thrown out of Congress and sent to jail.

So these examples are just three of at least 20 former lawmakers who were convicted of serious crimes and are still receiving a taxpayer-funded pension, some as high as $125,000 a year.

As I said earlier, we should hold ourselves to the highest standards. The principle is a simple one: Public servants who abuse the public trust and are convicted of ethics crimes should not collect taxpayer-financed pensions. This should serve, hopefully, as a bold deterrent that when any Member comes in here, they know they are putting their lives at greater risk than just the penalty they might pay on a short-term basis for their particular transgression.

This amendment denies Federal pensions—as soon as is legally possible—to Members of Congress who are convicted of white-collar crimes, such as bribery of public officials and witnesses, conspiracy to defraud the United States, perjury in falsely denying the commission of bribery or conspiracy, and subornation of perjury committed in connection with the false denial or false testimony of another individual.

It is my understanding there is some concern among a couple of Members about how this legislation might affect innocent spouses and children of Members of Congress who lose their pensions as a result of this legislation. Obviously, we are trying to set up an adequate deterrent to prevent people from that in the first place.

Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. But after the legislation is enacted, the Member will still receive a refund of all of their personal contributions—those will not be taken away—into either the Federal Employees Retirement System or the Civil Service Retirement System, and they will retain all the benefits from the Thrift Savings Plan.

Also, the payment of spousal benefits is permitted in forfeiture cases when the Attorney General determines that the spouse cooperated with Federal authorities in the conduct of a criminal investigation.

This can significantly improve our Government by the way business is done. I hope my colleagues will join overwhelmingly in voting to prohibit sending pension checks to criminals. This amendment is a step in the right direction.

Mr. NELSON of Nebraska. Mr. President, I rise today as a cosponsor of the amendment introduced by Mr. KERRY and Mr. SALAZAR. I strongly encourage my colleagues to support this amendment.

When the ethics reform process began last year, I was quick to point out that, for the most part, our laws had worked the way we intended. Today, Jack Abramoff, Bob Ney, and Duke Cunningham have all been found guilty of the crimes they committed and have been punished accordingly. Last year, when we held our hearing in the Rules Committee, I remarked that Capitol Hill must be the only place in the world where, if someone breaks the law, we rush to change the law.

Well in this case, we have an opportunity to add to the law to correct a significant shortcoming. We take away the retirement benefits of those Members of Congress who violate the public trust by committing crimes while in office.

It is often said, "If you do the crime, you do the time." Well, it seems that if you are a former Congressman or Senator, you do the crime, do the time, and continue to collect Federal retirement benefits paid for by the American taxpayer. That just doesn't seem right to me.

This amendment, the Congressional Pension Accountability Act, will bar Members of Congress from receiving taxpayer-funded retirement benefits after they have been convicted of bribery, conspiracy, perjury, or other serious ethics offenses. If we are serious about cleaning up Congress, we should approve this amendment and put our money where our mouth is—by saying that the public, who are the primary victims of crimes committed by elected officials, should not be required to pay benefits for those who are convicted of a breach of the public's trust.

I strongly believe that all Members of Congress must be held to the highest ethical standards and those who violate the public trust must be held accountable for their actions. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senate from California.

Mrs. FEINSTEIN. Mr. President, I commend the Senator from Massachusetts. I think this is an excellent amendment. I think it is long overdue. I am very hopeful it will pass the Senate this morning.

I yield the floor.

The PRESIDING OFFICER. The time of the majority has expired.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I can call up four amendments to the pending substitute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 31, 32, 33, AND 34

Mr. FEINGOLD. Mr. President, the four amendments—Nos. 31, 32, 33, and 34—are at the desk and I call them up at this time.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes amendments, en bloc, numbered 31, 32, 33, and 34 to amendment No. 3.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, en bloc, are as follows:

AMENDMENT NO. 31

(Purpose: To prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period)

On page 50, line 25, strike "1995.";" and all that follows through page 51, line 12, and insert the following: "1995.

"(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.".

(3) in paragraph (6)—

(A) by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)";

(B) by striking "(A)";

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) DEFINITION OF LOBBYING ACTIVITY.—Section 207(i) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).".

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

AMENDMENT NO. 32

(Purpose: To increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period)

On page 17, line 15, strike "1 year" and insert "2 years".

On page 50, line 25, strike "1995.";" and all that follows through page 51, line 12, and insert the following: "1995.

"(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.";

(3) in paragraph (6)—

(A) by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)";

(B) by striking "(A)";

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) DEFINITION OF LOBBYING ACTIVITY.—Section 207(i) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).".

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

AMENDMENT NO. 33

(Purpose: To prohibit former members who are lobbyists from using gym and parking privileges made available to Members and former Members)

On page 10, line 9, strike "Leader."." and insert the following: "Leader.

"3. A former Member of the Senate may not exercise privileges to use Senate or House gym or exercise facilities or member-only parking spaces if such Member is—

(1) a registered lobbyist or agent of a foreign principal; or

(2) in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.".

AMENDMENT NO. 34

(Purpose: To require Senate campaigns to file their FEC reports electronically)

At the end of subtitle A of title II insert the following:

SEC. 225. ELECTRONIC FILING OF ELECTION REPORTS OF SENATE CANDIDATES.

(a) IN GENERAL.—Section 304(a)(11)(D) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(D)) is amended to read as follows:

"(D) As used in this paragraph, the terms 'designation', 'statement', or 'report' mean a designation, statement, or report, respectively, which—

"(i) is required by this Act to be filed with the Commission; or

"(ii) is required under section 302(g) to be filed with the Secretary of the Senate and forwarded by the Secretary to the Commission.".

(b) CONFORMING AMENDMENTS.—

(1) Section 302(g)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)(2)) is amended by inserting "or 1 working day in the case of a designation, statement, or report filed electronically" after "2 working days".

(2) Section 304(a)(11)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(B)) is amended by inserting "or filed with the Secretary of the Senate under section 302(g)(1) and forwarded to the Commission" after "Act".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any designation, statement, or report required to be filed after the date of enactment of this Act.

Mr. FEINGOLD. Mr. President, I want to very briefly discuss the amendments I have offered. I will be happy to debate them more fully at the appropriate time if necessary. All of these amendments are drawn from the bill I introduced this week with Senators OBAMA, LIEBERMAN, and TESTER, S. 230. I believe that several of the amendments have the support of the majority leader, but for a variety of reasons, they were not included in the substitute that is now before the body. I again thank him for his support of strong lobbying and ethics reform, and I look forward to the Senate's consideration of these amendments.

My first amendment, amendment 31, changes the universe of activities that former Members of Congress can engage in during their cooling off period after they serve in this body. Currently, they cannot personally lobby their former colleagues. This amendment states in addition they may not engage in lobbying activities, which is a defined term in the Lobbying Disclosure Act. They must refrain from running the show behind the scenes. They won't be able to strategize with and coordinate the lobbying activities of others who are trying to influence the Congress. Members who have just left Congress should not be capitalizing on the clout, access, and experience they gained here to lobby their colleagues, whether they are doing the lobbying themselves or instructing others.

My next amendment, amendment 32, is the same as the revolving-door amendment that I just described but also extends the "cooling-off period" for senior staff from one to two years. Under the bill, the "cooling off period" for Members of Congress is increased from 1 to 2 years. I believe that just as one year is not an adequate "cooling off period" for Senators, and the bill reflects that, it is not adequate for senior staff. Staff, of course, can lobby the other body after they leave, and my amendment would not subject them to the same lobbying activities prohibition that it seeks to apply to former Members. It simply will make them wait 2 years to lobby this body after they leave the Senate.

My next amendment, No. 33, ends Senate gym and parking privileges for former Members of Congress who are lobbyists. The underlying bill terminates floor privileges for Members turned lobbyists, and we should finish the job by making sure that other special privileges aren't available to these lobbyists just because they used to serve here.

My next amendment, No. 34, will finally bring Senate campaigns into the 21st century by requiring Senate candidates to file their FEC disclosure reports electronically. This amendment mirrors a bill that I, along with Senators COCHRAN, MCCAIN, and 20 of our colleagues from both sides of the aisle, introduced on Tuesday.

These amendments, along with amendments that have been offered by my partners on S. 230, Senators LIEBERMAN and OBAMA, and another to be offered by the junior Senator from Pennsylvania, will get us closer to completing the job of improving this bill and making it a product that we can be proud of. More importantly, we can make this a product that the American people will accept as real change. We are headed in the right direction on this bill, with the substitute and the Reid amendment on gifts, travel, and corporate jets. But we need to keep pressing for the best reform possible. These amendments are offered for that purpose, and I urge the Senate to adopt them.

The PRESIDING OFFICER. Who yields time?

The majority leader.

AMENDMENT NO. 1, AS MODIFIED

Mr. REID. Mr. President, the hour of 9:50 having arrived, I ask unanimous consent that voting commence.

The PRESIDING OFFICER. Is there objection to yielding back the time?

Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to amendment

No. 1, as modified, offered by the Senator from Massachusetts.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH) and the Senator from New York (Mrs. CLINTON) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), and the Senator from Iowa (Mr. HARKIN) would each vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Nebraska (Mr. HAGEL).

Further, if present and voting, the Senator from Colorado (Mr. ALLARD) and the Senator from Minnesota (Mr. COLEMAN) would have voted "aye."

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 0, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—87

Akaka
Alexander
Baucus
Bennett
Bingaman
Bond
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—13

Allard
Bayh
Biden
Boxer
Brownback
Clinton
Coleman
Dodd
Domenici
Hagel
Harkin
Inouye
Johnson

The amendment (No. 1), as modified, was agreed to.

AMENDMENT NO. 10

Mr. REID. Madam President, we yield back our time.

The PRESIDING OFFICER. The Senator from Louisiana has 1 minute.

Mr. VITTER. Madam President, this amendment is very simple and straightforward. It simply raises penalties with regard to lobbyists not following the lobbyist disclosure law. The maximum penalty would be $200,000. No. 1, that is the maximum. No. 2, they have an opportunity to cure the problem, so that would only be achieved in very serious, very egregious cases. No. 3, we raise the penalties on public officials. I think it is very appropriate that we set these new penalties, particularly considering the money made in lobbying. I commend it to your attention. Thank you.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that an amendment by myself and the distinguished Senator from Arkansas, Mr. PRYOR, No. 2, be called up and passed by voice vote at this time. There will be no speeches.

I call up amendment No. 2.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. Reserving the right to object, and I shall not object, but there is a Senator who wants to check in on this amendment, and so I am protecting his rights. I ask that we voice vote this amendment after the next vote.

Mr. LEAHY. Madam President, that is fine with the Senator from Vermont.

Mr. BENNETT. I do not object, but there is a Senator who wants to take a look at this amendment and has asked that I preserve his rights.

Mr. LEAHY. Madam President, I ask for the regular order.

Mr. BENNETT. It is the pending amendment after this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana, amendment No. 10.

Mr. LOTT. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH) and the Senator from New York (Mrs. CLINTON) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), and the Senator from Iowa (Mr. HARKIN) would each vote "yea."

Mr. LOTT. The following Senators are necessarily absent. The Senator from Colorado (Mr. ALLARD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Nebraska (Mr. HAGEL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 6, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—81

Akaka
Alexander
Baucus
Bennett
Bingaman
Bond
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—6

Coburn
Hatch
Hutchison
Inhofe
Lott
Roberts

NOT VOTING—13

Allard
Bayh
Biden
Boxer
Brownback
Clinton
Coleman
Dodd
Domenici
Hagel
Harkin
Inouye
Johnson

The amendment (No. 10) was agreed to.

Mr. REID. Madam President.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I call for the regular order with respect to amendment No. 4.

The PRESIDING OFFICER. The amendment is pending.

AMENDMENT NO. 4, AS MODIFIED

Mr. REID. I send the amendment to the desk for a modification, incorporating the language of the McCain amendment No. 19.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 4), as modified, is as follows:

Strike sections 108 and 109 and insert the following:

SEC. 108. BAN ON GIFTS FROM LOBBYISTS AND ENTITIES THAT HIRE LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting "(A)" after "(2)"; and

(2) adding at the end the following:

"(B) A Member, officer, or employee may not knowingly accept a gift from a registered lobbyist, an agent of a foreign principal, or a private entity that retains or employs a registered lobbyist or an agent of a foreign principal, except as provided in subparagraph (c).".

SEC. 109. RESTRICTIONS ON LOBBYIST PARTICIPATION IN TRAVEL AND DISCLOSURE.

(a) Prohibition.—Paragraph 2 of rule XXXV is amended—

(1) in subparagraph (a)(1), by—

(A) adding after "foreign principal" the following: "or a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal";

(B) striking the dash and inserting "complies with the requirements of this paragraph."; and

(C) striking clauses (A) and (B);

(2) by redesignating subparagraph (a)(2) as subparagraph (a)(3) and adding after subparagraph (a)(1) the following:

"(2) Notwithstanding clause (1), a reimbursement (including payment in kind) to a Member, officer, or employee of the Senate from an individual other than a registered lobbyist or agent of a foreign principal that is a private entity that retains or employs one or more registered lobbyists or agents of a foreign principal for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee shall be deemed to be a reimbursement to the Senate under clause (1) if it is, under regulations prescribed by the Select Committee on Ethics to implement this clause, provided only for attendance at or participation for 1-day at an event (exclusive of travel time and an overnight stay) described in clause (1). Regulations to implement this clause, and the committee on a case-by-case basis, may permit a 2-night stay when determined by the committee to be practically required to participate in the event.";

(3) in subparagraph (a)(3), as redesignated, by striking "clause (1)" and inserting "clauses (1) and (2)";

(4) in subparagraph (b), by inserting before "Each" the following: "Before an employee may accept reimbursement pursuant to subparagraph (a), the employee shall receive advance authorization from the Member or officer under whose direct supervision the employee works to accept reimbursement.";

(5) in subparagraph (c)—

(A) by inserting before "Each" the following: "Each Member, officer, or employee that receives reimbursement under this paragraph shall disclose the expenses reimbursed or to be reimbursed and authorization (for an employee) to the Secretary of the Senate not later than 30 days after the travel is completed.";

(B) by striking "subparagraph (a)(1)" and inserting "this subparagraph";

(C) in clause (5), by striking "and" after the semicolon;

(D) by redesignating clause (6) as clause (7); and

(E) by inserting after clause (5) the following:

"(6) a description of meetings and events attended; and";

(6) by redesignating subparagraphs (d) and (e) as subparagraphs (f) and (g), respectively;

(7) by adding after subparagraph (c) the following:

"(d) A Member, officer, or employee of the Senate may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under subparagraph (a) for a trip that was planned, organized, or arranged by or at the request of a registered lobbyist or agent of a foreign principal, or on which a lobbyist accompanies the Member, officer, or employee on any segment of the trip. The Select Committee on Ethics shall issue regulations identifying de minimis activities by lobbyists or foreign agents that would not violate this subparagraph.

"(e) A Member, officer, or employee shall, before accepting travel otherwise permissible under this paragraph from any person—

"(1) provide to the Select Committee on Ethics a written certification from such person that—

"(A) the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

"(B) the source either—

"(i) does not retain or employ registered lobbyists or agents of a foreign principal and is not itself a registered lobbyist or agent of a foreign principal; or

"(ii) certifies that the trip meets the requirements specified in rules prescribed by the Select Committee on Ethics to implement subparagraph (a)(2);

"(C) the source will not accept from any source funds earmarked directly or indirectly for the purpose of financing the specific trip; and

"(D) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal and that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal, except as permitted by regulations issued under subparagraph (d), and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal; and

"(2) after the Select Committee on Ethics has promulgated regulations mandated in subparagraph (h), obtain the prior approval of the committee for such reimbursement.";

(8) by striking subparagraph (g), as redesignated, and inserting the following:

"(g) The Secretary of the Senate shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received."; and

(9) by adding at the end the following:

"(h)(1) Not later than 45 days after the date of adoption of this subparagraph and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary—

"(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish—

"(i) a connection between a trip and official duties;

"(ii) the reasonableness of an amount spent by a sponsor;

"(iii) a relationship between an event and an officially connected purpose; and

"(iv) a direct and immediate relationship between a source of funding and an event; and

"(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by this clause, including any required certifications.

"(2) In developing and revising guidelines under clause (1)(A), the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.

"(3) For purposes of this subparagraph, travel on an aircraft operated or paid for by a carrier not licenced by the Federal Aviation Administration to operate for compensation shall not be considered a reasonable expense.

"(i) A Member, officer, or employee who travels on an aircraft operated or paid for by a carrier not licenced by the Federal Aviation Administration shall file a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken. The report shall include—

"(1) the date of such flight;

"(2) the destination of such flight;

"(3) the owner or lessee of the aircraft;

"(4) the purpose of such travel;

"(5) the persons on such flight (except for any person flying the aircraft); and

"(6) the charter rate paid for such flight.".

(b) Reimbursement for Noncommercial Air Travel.—

(1) Charter rates.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following: "Fair market value for a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding an aircraft owned or leased by a governmental entity or by a Member of Congress or a Member's spouse (including an aircraft owned by an entity that is not a public corporation in which the Member or Member's spouse has an ownership interest, provided that the Member does not use the aircraft anymore than the Member's or spouse's proportionate share of ownership allows), shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such cost by the number of members, officers, or employees of the Congress on the flight).".

(2) Unofficial office accounts.—Paragraph 1 of rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

"(c) For purposes of reimbursement under this rule, fair market value of a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such cost by the number of members, officers, or employees of the Congress on the flight).".

(3) Candidates.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (42 U.S.C. 431(8)(B)) is amended by—

(A) in clause (xiii), striking "and" at the end;

(B) in clause (xiv), striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(xv) any travel expense for a flight on an aircraft that is operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, but only if the candidate, the candidate's authorized committee, or other political committee pays—

"(I) to the owner, lessee, or other person who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number of candidates on the flight) by not later than 7 days after the date on which the flight is taken; and

"(II) files a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken, such report shall include—

"(aa) the date of such flight;

"(bb) the destination of such flight;

"(cc) the owner or lessee of the aircraft;

"(dd) the purpose of such travel;

"(ee) the persons on such flight (except for any person flying the aircraft); and

"(ff) the charter rate paid for such flight.".

(4) RULES COMMITTEE REVIEW OF TRAVEL ALLOWANCES.—Not later than 90 days after the enactment of this Act, the Senate Committee on Appropriations, Subcommittee on the Legislative Branch, in consultation with the Committee on Rules and Administration of the Senate, shall consider and propose, as necessary in the discretion of the subcommittee, any adjustment to the Senator's Official Personnel and Office Expense Account needed in light of the revised standards for reimbursement for private air travel required by this subsection, and any modifications of Federal statutes or appropriations measures needed to accomplish such adjustments.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

Mr. REID. Madam President, I think I have just revised my amendment to the substitute in a number of significant ways. This bill started bipartisanly by introduction. The minority leader and I jointly offered a substitute amendment as well. I want to keep this process bipartisan, so I am adopting a number of changes that reflect input and ideas from the Republicans and Democrats, and that is what is in this modification.

First, I have adopted an idea from the Senator from Oklahoma, Mr. INHOFE, to make sure it is clear that the new rules on private jets do not apply to Members who fly their own planes. Senator INHOFE has flown a one-engine plane all around the world, literally, and he flies back and forth to Oklahoma on a frequent basis. I think this is an important amendment and a fair amendment.

Second, I have adopted an idea from the Senator from Arizona, the senior Senator from Arizona, Mr. MCCAIN, to add a reporting requirement when Senators fly on private jets. Now, when people pay the charter rate, they will have to file that. I think that was the law before, but it really doesn't matter. It is something that I think will make things more clear.

Third, I have adopted an idea from a bipartisan amendment suggested by Senator FEINGOLD that instructs the Legislative Branch Appropriations Subcommittee to review the impact on the new rule on private jets on Members' travel spending. I think that is extremely important because the subcommittee is going to have to take a look at how this impacts States differently. If you are from the State of Rhode Island or Delaware, you don't have much of a problem flying around because you can drive around. But if you are from the State of Alaska, the State of Montana, the State of Nevada, Colorado, some of these very large area Western States, it is a problem. So I commend Senator FEINGOLD for being thoughtful in this regard.

Madam President, on another issue, I also want to say that I have spoken to Senator DEMINT on his earmarking proposal. We had a number of good conversations. I have spoken to the Republican leader. We prepared—and I have given a copy of the amendment to Senator DEMINT—a second-degree amendment which would strengthen the DeMint amendment that we talked about on the Senate floor yesterday. What our second degree would do would strengthen the definition of targeted tax benefits. Certainly, we want to make it one that is understandable, not rigid and narrow, and I have talked to the Senator from South Carolina about this.

Also, on the same piece of paper I gave the Senator from South Carolina, I have explained to my friend, Senator DEMINT, that we want to make sure the Duke Cunningham exception is in place. What Congressman Cunningham did is, he had earmarks in that bill, but he never mentioned the entity that got the money. What we would do is, in this amendment, you can't write your way around it. We think our suggestion to Senator DEMINT to strengthen his amendment is certainly something we need to do. You can't write your way around giving money to corporation X. If it limits that, it has to be listed.

Also, importantly, we have added a strengthening provision in the proposed second-degree amendment to list earmarks on the Internet 48 hours before. Now, I have told Senator DEMINT if he wants to make this part of his amendment, fine. If he wants us to offer the second degree, we will do that. I told him if he has any suggestions that he feels would improve what we are trying to do, we are agreeable to take a look at that. He has suggested that he wants a vote on that. We also want a recorded vote. I think that is important. So I hope we can work something out.

What I would like to do is have a number of votes set for Tuesday evening. After these agreed-upon votes on amendments, then we would move to invoke cloture on the airplane amendment and then, after that, on the substitute. I hope we can work on a bipartisan basis in the next hour or so to set up some votes that would occur before cloture on those matters about which I have spoken.

Yesterday was a rather difficult day, as some days are. There was a lot of confusion as to what people were trying to accomplish. I think that perhaps we should have given a little more time for explanations. We tend to get in a hurry sometimes when we shouldn't be. We tend to spend a lot of time doing things that accomplish nothing, and a lot of times limit time on things that do matter. So, personally, for the majority, we probably could have done a little better job of giving opportunities for people to speak. No one came forward wanting to speak, so that is a pretty good sign that people are ready to vote. But I think realistically maybe they were not.

But regardless of that, we are where we are, and we are going to try to move forward in a reasonable manner in the next 2 hours and complete this bill some time next week, we hope.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MCCONNELL are printed in today's RECORD under "Morning Business.")

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, I ask for the regular order with regard to a Vitter amendment, amendment No. 9. I send a modification to the desk.

The PRESIDING OFFICER. It is not possible to call for the regular order for that amendment at this time because under the regular order the majority leader has called for the regular order for another amendment.

Mr. VITTER. I ask unanimous consent to go to regular order for amendment No. 9 for the exclusive purpose of sending a modification to the desk.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, reserving the right to object, I will not object, but I ask unanimous consent that after the Senator finishes his amendment, I be given unanimous consent to return to amendment No. 11.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving the right to object, and I will not, I will simply slightly expand my unanimous consent request to ask for up to 5 minutes to speak, and I offer that unanimous consent request. I certainly have no objection to the other business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 9 TO AMENDMENT NO 3, AS FURTHER MODIFIED

Mr. VITTER. Madam President, I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 9), as further modified, is as follows:

On page 19, line 19, strike "(b) In this" and insert the following:

"(b) Members and employees on the staff of a Member (including staff in personal, committee, and leadership offices) shall be prohibited from having any official contact with any spouse of a Member who is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist.

"(c) The prohibition in subparagraph (a) shall not apply to the spouse of a Member who was serving as a registered lobbyist at least 1 year prior to the election of that Member to office or at least 1 year prior to their marriage to that member.

"(d) In this".

Mr. VITTER. I want to spend a few minutes regarding this general debate to say I hope that we have, in the rest of this debate, an adequate opportunity to debate and address and vote on some of the key issues that are and should be at the center of this discussion. I think there is now a rush to cloture, quite frankly—specifically to cut off the opportunity to vote on some amendments. I hope we do not do that.

I commend the majority leader for the suggestion that we are going to have votes on many significant amendments on Tuesday. I ask him that that list be very inclusive, to include all significant amendments in which either side of the aisle is interested. I specifically highlight three.

One is the DeMint amendment, and I appreciate the words of the majority leader regarding working with Senator DEMINT on that amendment. I fully support that amendment. Much more importantly, that amendment has proved to have majority support on the floor of this body. There was a motion to table, and it lost. So that amendment has majority support, and clearly we need to vote and pass that amendment. It has already been proven that it has majority support.

The second amendment I would highlight is a Judd Gregg amendment with regard to spending and earmarks and waste. Again, that is very much at the heart of this discussion. Earmarks—earmark abuse, what that does to spending, how it inflates it—have been part of the abuses, unfortunately, that have come to light in the last several years. So that is absolutely at the heart of this debate. A lot of Members of the Senate are interested in that amendment, so we need a debate and a vote on that amendment.

Third, I would highlight my own amendment which I just modified, and that has to do with spouses of Members of the Senate lobbying. Again, this debate, this bill, is about two things: ethics and lobbying. I don't know how you come up with any argument that the issue of spouses lobbying, gaining unusual access, having the opportunity of being a conduit for large amounts of money to be deposited in the family bank account of Members from special interests, isn't at the heart of that debate. That is at the heart of the lobbying issue. That is at the heart of the ethics issue. It is foursquare in the center of this debate, and certainly we need an adequate debate and a vote on that idea.

I urge all Senators to support a full and open debate and a full and open airing and voting on important amendments, including but not limited to those three. I very much look forward to that next week. I certainly hope cloture is not invoked in an attempt, as many of us fear, frankly, to cut off certain significant and relevant amendments.

Mr. DURBIN. Will the Senator yield for a question?

Mr. VITTER. Certainly.

Mr. DURBIN. I am not finding fault with the Senator from Louisiana, but the fact is, we do not have a copy of the modification. The reason I raise that is later I am going to suggest a change in the Senate rules so that when you file an amendment or modification, copies will be given to both the ranking member and the Chair on the floor, as is the custom and rule of the House. That is a good way to make sure there is knowledge of what is being considered and debated as promptly as possible.

Going to the substance of the matter, does the Senator's modification change the original language in his amendment which makes this provision on spousal lobbying retroactive, not prospective? In other words, if there is some Member on either side of the aisle today who has a spouse lobbying at the Federal level, it is my understanding that the Senator would prohibit that in his original amendment unless that spouse was lobbying a year before the marriage or a year before the first election of Congress. Does the modification change that in any respect?

Mr. VITTER. No, it doesn't. I will tell you exactly what it does. First of all, I appreciate the question. Certainly I am eager to give the Senator and all Members a copy of it, which I will do immediately, and that will be well before any full debate and vote. But let me use the opportunity to explain what the modification does.

The modification is very simple. It moves the provision to the Senate rules, and it makes it apply to lobbying Members of the Senate only. I did the modification for one reason and one reason only—not because I think that limitation excluding activity on the House side is better but because it makes it germane to the bill and therefore guarantees me a vote.

So, to go to the question, the provision—it is only about lobbying the Senate. But in that context, there is an exclusion if the spouse lobbyist was an active lobbyist a year or more before the marriage or the first election. But there is no grandfathering clause other than that. I hope that answers the question of the Senator.

Mr. DURBIN. It does. I would like to ask the Senator from Louisiana, in the spirit of your amendment, would you consider an amendment which would make the 2-year prohibition on lobbying also retroactive, so that Senators who have not lobbied previously would be prohibited from lobbying for 2 years and it would be retroactive as well?

Mr. VITTER. I will be happy to consider that idea. I am not going to change my amendment to include that because I think it would lose votes from our amendment and I want first of all to pass my amendment, but I am completely open to that discussion and that idea. Without making a final decision, I am completely open to supporting that on the floor of the Senate if somebody were to bring it forward.

Mr. DURBIN. I thank the Senator.

Mr. VITTER. Madam President, I yield the floor.

The PRESIDING OFFICER. The amendment has been so modified.

The Senator from Illinois.

AMENDMENT NO. 44 TO AMENDMENT NO. 11

Mr. DURBIN. Madam President, pursuant to the unanimous consent request, it is my understanding that we now return to the DeMint amendment No. 11.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Madam President, I rise to offer a second-degree amendment to the DeMint amendment No. 11 which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 44 to DeMint amendment No. 11.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strengthen earmark reform)

In lieu of the matter proposed to be inserted insert the following:

SEC. 103. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

RULE XLIV

EARMARKS

"1. It shall not be in order to consider—

"(a) a bill or joint resolution reported by a committee unless the report includes a list, which shall be made available on the Internet to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

"(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list, which shall be made available on the Internet to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

"(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list, which shall be made available on the Internet to the general public for at least 48 hours before consideration of the conference report, of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"2. For the purpose of this rule—

"(a) the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(b) the term 'limited tax benefit' means—

"(1) any revenue provision that—

"(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

"(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

"(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

"(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

"3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

"4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

"(1) the name of the Member;

"(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

"(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

"(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

"(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

"(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee's or subcommittee's website not later than 48 hours after receipt on such information.".

Mr. DURBIN. Madam President, yesterday there was a debate about the disclosure of earmarks. It was an interesting debate, and Senator DEMINT and Senator COBURN of Oklahoma offered an amendment.

I felt that amendment had several flaws in it. The purpose of my second-degree amendment is to address those flaws. It does not go to the heart of their argument about expanding the number of earmarks that would be subject to disclosure. In fact, if anything, it expands the number of earmarks subject to disclosure.

My amendment would strengthen the DeMint amendment in three ways: It retains the Reid-McConnell bipartisan language in the underlying bill. The DeMint amendment No. 11 now pending does not go far enough in terms of covering so-called targeted tax benefits. A lot of attention has been given to Duke Cunningham, the former Congressman from California, who was steering Department of Defense funds to certain contractors and benefiting from it personally. He paid dearly for this transgression and is currently in prison. That is an example of an egregious abuse of the appropriations process.

We understand, as well, there are decisions made by Congress outside of the appropriations process which can be just as beneficial, if not more profitable, to individuals and businesses. One of the categories would be in the area of targeted tax credits. However, it could be others, as well.

Even though my amendment does not go to this issue, consider the fact that the asbestos legislation pending before Congress 2 years ago would have benefited one of the corporations from Illinois to the tune of $1 billion had it passed. That figure was arrived at not by myself or anyone in Congress but, rather, by those who filed the annual report for that corporation. So you can understand that decisions made in the Senate and the House of Representatives can have a direct positive financial impact on businesses and individuals.

As we go after earmarks and try to change those because of the Duke Cunningham scandal and others, we should also be mindful of the fact that other decisions made by Congress can be just as beneficial, if not more so. They cry for transparency, too. Unfortunately, the underlying DeMint amendment has a restrictive view of targeted tax credits.

The Senator from South Carolina has said he has agreed to language considered by the House. In all honesty, as good as they are in the House of Representatives, what I am offering may be an improvement. Senator DEMINT's amendment covers revenue-losing provisions only that provide tax benefits to 10 or fewer beneficiaries or contain eligibility criteria that are not the same for other potential beneficiaries. This unnecessarily limits the definition of revenue-losing provisions instead of all revenue provisions. My amendment corrects this.

The DeMint amendment also allows for a loophole. Someone could easily write a provision that affects 11, 15, or 50 beneficiaries and be exempt from the disclosure requirements of the DeMint amendment. The Reid-McConnell definition, which I include in my second-degree amendment, says a tax earmark is anything which has the practical effect of providing more favorable tax treatment to a "limited group" of taxpayers when compared with similarly situated taxpayers. We do not come up with a number—10 beneficiaries, 20 beneficiaries—but, rather, keep it in the category of a tax benefit that is clearly designed to help a limited group of taxpayers of a certain number compared with others. This is a more flexible and more realistic standard to be applied than the language currently in the DeMint bill.

Moreover, the Reid-McConnell language is for the language that they, in fact, created. It is language that Senator JUDD GREGG, former chairman of the Senate Committee on the Budget, included in his line-item veto bill. Senator GREGG has found what I think is a sensible definition we ought to use and adopt as part of our reform and ethics changes we are currently debating. My amendment retains the concept of Reid-McConnell language, amends the DeMint provision to remove the limitation of "10 or fewer beneficiaries" and would cover "any revenue provision that provides a Federal tax deduction, credit, exclusion, or preference, to a particular beneficiary or a limited group of beneficiaries."

Finally, under the DeMint amendment, information about earmarks must be posted 48 hours after it is received by the committee. In the case of a fast-moving bill, it is possible that the information would be made public only after a vote on the relevant bill containing the earmarks. So there is a weakness in the DeMint language when it comes to this public disclosure. On the other hand, in the interest of full disclosure, the Reid-McConnell language requires the earmark disclosure information be placed on the Internet, available to the public 48 hours before consideration of the bills or reports that contain the earmarks. Senator DEMINT's amendment does not have a similar provision. My amendment retains the stronger Reid-McConnell earmark disclosure language.

These are three important changes necessary to improve the DeMint amendment. As I noted yesterday, there are some positive elements of the DeMint amendment. In some instances it does not go far enough. I question the whole notion that committee report language should be treated the same as bill language. Those who have gone through the basics of legislation understand that bill language can be a law. Committee report language is never going to be a law. It is only a recommendation. Having said that, though, I don't address that issue in any way at all.

I urge my colleagues to support my secondary amendment to the underlying DeMint amendment. I believe it strengthens the DeMint amendment. I urge the DeMint amendment, with these changes, be agreed to, as well.

AMENDMENT NO. 36 TO AMENDMENT NO. 3

At this point I ask unanimous consent to set aside this pending amendment and call up amendment No. 36 which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 36.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that amendments and motions to recommit with instructions be copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader before being debated)

At the appropriate place, insert the following:

SEC. . AMENDMENTS AND MOTIONS TO RECOMMIT.

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended to read as follows:

"1. (a) An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader and shall be read before being debated.

"(b) A motion shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated.".

Mr. DURBIN. Madam President, I welcome you to the Senate. I am glad you are presiding. I will describe one of the procedures in the Senate I discovered when I came over from the House that I did not understand. It is the fact that an amendment filed at the desk by a Member is then taken to the corridor, to a copy machine, copies are made and then brought back to the floor. Sometimes these amendments are large. Sometimes it takes a while to get copied. In the meantime, the debate is underway. So for those who want to engage in a real deliberation and debate, there is a mystery quality here for minutes, sometimes longer. You wait until you get a copy of the amendment.

There has to be a better way. The better way is obvious. Members who bring modifications to the floor should bring three copies, at least—one copy for the clerk, one copy for the Republican side, and one copy for the Democratic side—so that as they are filed, each side has the language in front of them. As the Senator who is moving the amendment is making the argument, those who want to follow the amendment have at least one copy on each side of the aisle to look at. That is the only way to have a meaningful debate.

There is a way to change this which is clumsy and awkward. As you probably heard me suggest earlier, I asked unanimous consent to suspend the reading of the amendment. I could have allowed them to read the amendment and hear it firsthand. But I think it is more valuable to have it in writing and have it in front of you.

I have suggested this change in the Senate rules since I arrived 10 years ago. It turns out to be one of the biggest challenges I have faced in the Senate, to have two additional copies of the amendment come to the Senate floor. This is a venerable institution. It prides itself on deliberation, but we operate in Senate years, as opposed to real years, or dog years, and sometimes things take a lot longer than they should, so I am offering this amendment.

I have already spoken to the ranking member, Senator BENNETT, about it. I have not spoken to Senator FEINSTEIN, the chairman of the Rules Committee. I hope it is the kind of noncontroversial amendment that makes life easier here, but, more importantly, will lead to a debate which, in fact, would be more meaningful.

I am going to, at some point, ask this be agreed to. I hope my colleagues will consider supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have been in the Senate a little bit longer than the Senator from Illinois but long enough to discover that the Senate and its rules are superbly constructed to deal with the problems of the 19th century. I think perhaps we should recognize that we have moved beyond the 19th century into the 21st.

I cannot speak for any member of my caucus, but I will be happy to support this particular rule change. I think of all of the things that have been proposed, this is perhaps the most benign.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Thank you, Mr. President.

IRAQ

Mr. President, I want to briefly address the ethics bill before this Congress, but before I do that, I want to discuss an issue of paramount importance to my State, in light of the President's recent address, and that is the war in Iraq.

Sending more American troops is not the change of course the people of Minnesota and the American people called for in this past election, and it is not the change of course our military forces deserve.

We learned this week that 3,000 of the 22,000 troops added for the escalation are from Minnesota's National Guard. These Minnesota soldiers have already served honorably and well. They and their families were told they would be coming home in March. And I just talked to General Shellito, who heads up the National Guard in Minnesota. He said the hardest thing for them is they have been hanging on—in his words: "hanging on"—through March. And now they are extended well into the summer.

These brave soldiers will be thrust even more deeply into the midst of Iraq's civil war. Haven't we asked our soldiers and their families to sacrifice enough?

The great burden on Minnesota and the rest of the country should remind us that what is needed is a surge in diplomacy and not a surge in troops.

With that, Mr. President, I would like to turn to the issue of ethics reform. I thank Senator REID and the other Senators for their leadership and for making ethics reform a real priority for this Congress.

When I arrived in Washington last week, we pulled up in our family Saturn, loaded with my husband's college dishes and a shower curtain I found in the basement from 1980. But we brought a little more than dishes and a shower curtain. We, also, brought a commitment for change, something the people of our State—Democrats, Independents, and Republicans, from Worthington to Moorhead to Duluth to Rochester—called for very clearly and loudly in November.

We also brought a Minnesota moral compass, grounded in a simple notion of Minnesota fairness—a notion that all people should be on equal footing in the Halls of Congress. But they cannot be on equal footing when their elected representatives are selling their votes for trips to Scotland or stashing away cash in the freezer. They cannot be on equal footing unless this new Congress delivers real, meaningful ethics reform.

Ethics reform is an issue of great importance to the people of my State. Wherever I went, Minnesotans told me this was the kind of change that they wanted to see in Washington.

It is not an abstract political science issue. It affects real people in the real world. And today it comes out of the political science classrooms and into the Halls of Congress.

Ethics is woven into the very fabric of how our Government does business. Ethics reform goes to the very heart of our democracy, to the public trust and respect that is essential to the health of our constitutional system.

Recent scandals have cast a shadow over the legitimacy of the laws and policies that come out of Washington. The American public's receding faith in the integrity of our legislative process means that ethics reform is now central to every public issue that we will consider whether it is energy policy, health care reform, fiscal reform, or even homeland security.

The ability of Congress to deal credibly and forthrightly with these other issues depends on reforming our own ethical rules.

The long-term challenges that we face in this country are enormous. They include high energy prices and a growing dependency on foreign oil, health care costs that have spiraled out of control, global warming that threatens the future of our environment and our economy, a mounting national debt, and a growing middle-class squeeze.

I believe that there are solutions to these challenges. While not always immediate, these solutions are within our grasp. We can achieve energy independence by investing smartly and having some guts to take on the oil companies. We can get this country back on the right fiscal track and move forward to more affordable health care. We can deliver much needed and long overdue relief to the middle class. These are the things the people of Minnesota sent me to Washington to fight for. They sent me here because they have not yet seen the bold change of direction that we need to make these solutions happen. Instead, they have seen a Washington that too often serves big special interests at the expense of the middle class.

As a prosecutor, I learned firsthand how the well-connected and powerful do not face the same challenges as middle-class families. Every day, I would go into our courthouse in Minnesota with a mission to treat people the same no matter where they came from. When we prosecuted a wealthy, well-connected person for a white-collar crime, the courtroom was packed with his friends. I would get all kinds of calls. One of my favorites was, "I know he stole $400,000 from a mentally disabled woman, but he is such a good guy; he shouldn't go to prison."

But when we prosecuted someone who was poor or middle class, they were lucky if their mom could take the day off from work to stand behind them in the courtroom. My job was to even the playing field and to treat people the same no matter where they came from and who they knew.

That is still my job, and it is the job of this Congress. With that in mind, we need to change business as usual. Business as usual has created a playing field tilted toward special interests and against the middle class.

When our energy policy is drafted in secret meetings with the oil companies, we all end up paying more at the pump because they have failed to invest in renewable energy. When our health care legislation is written by the drug companies, we pay more because they have banned negotiation on prices. The people of this country know corruption when they see it. They saw this last November who was benefiting and who was getting hurt.

Business as usual doesn't only generate bad policy and wasteful spending, it also erodes public trust in the integrity of our Government institutions, our elected leaders, and the law-making process itself.

We the American people know what we want from Washington. It is this: a Government that is focused on doing what is best for our Nation and on securing a better and more prosperous future for the people.

There are so many people of good faith on both sides of the aisle who want to see this happen. Like me, they want to solve the great challenges of our day and to restore public faith in our Government. They know, as I do, that General Omar Bradley was right back in 1948 when he said that "we need to start steering our ships by the stars, instead of the lights of each passing ship."

The new leadership that took the helm last week has already begun that change in course. They have introduced the ethics reform package at issue today as the very first bill to be considered by the new Senate.

It has been an honor to work with Senator REID and with colleagues such as Senators FEINGOLD and OBAMA, and with a great class of freshmen that includes the Presiding Officer, as well as Senator TESTER who is here with me today, who share a passion for ethics reform. I am also pleased by the bipartisan support for this bill.

The proposals being offered will strengthen the original S. 1 in a number of important areas, including stricter travel rules, enhanced lobbying disclosure requirements, tougher restrictions on the revolving door between Capitol Hill and lobbying firms, and additional earmarking reform.

It is also my understanding that the Senate will thoughtfully address methods to improve ethics enforcement in debates and hearings over the next few months. Speaking as a former prosecutor, I have expressed to a number of Senators the great value of strong, sensible enforcement.

I am particularly gratified to see Senator REID's amendment No. 4 contain improvements to the Senate gift and meal rules. Under current law, anyone, including a lobbyist, is permitted to buy a gift or a meal for a Senator or a staff member up to a certain dollar amount. We need to make sensible changes to current law.

A decade ago, the Minnesota Legislature passed a strong, clear rule in this area. Lobbyists and those who employ them cannot give gifts or meals to State or local officials, subject to very limited exceptions that were meant to be just that—limited exceptions. For more than 10 years, our State officials have abided by these rules, which are rooted in Minnesota values. I followed them as county prosecutor, and the results have been greater fairness in our democratic process and greater faith in our Government.

A rule banning gifts and meals from both lobbyists and those who hire lobbyists worked in Minnesota, and it can work in Washington, DC.

I want to make clear that my support for this rule is no reflection on my colleagues who have humbled me with their good faith, honor, and integrity since I arrived in Washington. Instead, I support it because the urgency of our need to restore public faith in Government has convinced me that clear, bright line rules are best. Such rules don't impose unreasonable constraints and do not adversely affect citizens' rights to petition their Government. But it does send a strong, clear message and an important signal to the American people that we are focused solely on representing their interests.

Last week at my swearing in a number of people and Senators from both sides of the aisle came up to me remembering the great Senators who have come to Washington from the State of Minnesota. It is humbling to follow in the footsteps of people such as Hubert Humphrey and Walter Mondale and Paul Wellstone. I was reminded many times this past week of the great things they did and said.

On Humphrey's gravestone, there is an inscription, a quote from Humphrey himself. It says:

> I have enjoyed my life, its disappointments outweighed by its pleasures. I have loved my country in a way that some people consider sentimental and out of style. I still do. And I remain an optimist with joy, without apology about this country and about the American experiment in democracy.

Like Humphrey, Mr. President, I, too, remain an optimist about this grand experiment in democracy. I remain an optimist because the people in my State and across the country have spoken up for change. I remain an optimist because the people in this Chamber are devoted to getting things done, and getting them done the right way. I remain an optimist because this American experiment in democracy has worked best when we, the American people, without apology, have demanded accountability.

This past November was one of those times. The American people spoke out for change. We need to answer them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENTS NOS. 45 AND 46 TO AMENDMENT NO. 2

Mr. CORNYN. Mr. President, I send two amendments to the desk and ask unanimous consent that the pending amendment be set aside.

Mr. President, if I may clarify this, one of the amendments is a second degree to the Leahy amendment currently pending. The other is a separate, freestanding first-degree amendment.

The PRESIDING OFFICER. The clerk will report the amendments.

The assistant legislative clerk read as follows:

> The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 45.
>
> The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 46 to amendment No. 2.

The amendments are as follows:

AMENDMENT NO. 45

(Purpose: To require 72 hour public availability of legislative matters before consideration)

On page 7, line 13, strike "conference report unless such report" and insert "legislative matter unless such matter".

On page 7, line 16, strike "48" and insert "72."

AMENDMENT NO. 46

(Purpose: To deter public corruption)

On page 4, after line 5, add the following:

(e) DETERRING PUBLIC CORRUPTION.—

(1) APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.—Sections 1341 and 1343 of title 18, United States Code, are each amended by striking "money or property" and inserting "money, property, or any other thing of value".

(2) VENUE FOR FEDERAL OFFENSES.—

(A) VENUE INCLUDES ANY DISTRICT IN WHICH CONDUCT IN FURTHERANCE OF AN OFFENSE TAKES PLACE.—Subsection (a) of section 3237 of title 18, United States Code, is amended to read as follows:

"(a) Except as otherwise provided by law, an offense against the United States may be inquired of and prosecuted in any district in which any conduct required for, or any conduct in furtherance of, the offense took place, or in which the offense was completed.".

(B) CONFORMING AMENDMENTS.—

(i) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

"§3237. Offense taking place in more than one district".

(ii) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

"3237. Offense taking place in more than one district.".

(3) THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.—Section 666(a) of title 18, United States Code, is amended—

(A) in paragraph (1)(B), by striking "of $5,000 or more" and inserting "of $1,000 or more";

(B) in paragraph (2), by striking "of $5,000 or more" and inserting "of $1,000 or more"; and

(C) in the matter following paragraph (2), by striking "ten years" and inserting "20 years".

(4) PENALTY FOR SECTION 641 VIOLATIONS.—Section 641 of title 18, United States Code, is amended by striking "ten years" and inserting "20 years".

(5) BRIBERY AND GRAFT.—Section 201 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking "fifteen years" and inserting "30 years"; and

(ii) by adding at the end the following: "If the official act involved national security, the term of imprisonment under this subsection shall be not less than 3 years."; and

(B) in subsection (c), by striking "two years" and inserting "10 years".

(6) MAKING RICO MAXIMUM CONFORM TO BRIBERY MAXIMUM.—Section 1963(a) of title 18, United States Code, is amended by striking "20 years" and inserting "30 years".

(7) INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.—

(A) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a) of title 18, United States Code, is amended by striking "3 years" and inserting "10 years".

(B) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking "one year" and inserting "10 years".

(C) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking "one year" and inserting "10 years".

(D) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(E) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking "3 years" and inserting "10 years".

(F) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(8) ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF PUBLIC MONEY OFFENSE.—Section 641 of title 18, United States Code, is amended by inserting "the District of Columbia or" before "the United States" each place that term appears.

(9) ADDITIONAL RICO PREDICATES.—Section 1961(1) of title 18, United States Code, is amended—

(A) by inserting "section 641 (relating to embezzlement or theft of public money, property, or records," after "473 (relating to counterfeiting),"; and

(10) ADDITIONAL WIRETAP PREDICATES.—Section 2516(1) of title 18, United States Code, is amended—

(A) in paragraph (c), by inserting "section 641 (relating to embezzlement or theft of public money, property, or records," after "section 224 (relating to bribery in sporting contests),";

(B) in paragraph (r), by striking "or" at the end;

(C) by redesignating paragraph (s) as paragraph (t); and

(D) by inserting after paragraph (r) the following:

"(s) a violation of section 309(d)(1)(A)(i) or 319 of the Federal Election Campaign Act of 1971; or".

(11) CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.—Subparagraphs (A) and (B) of section 201(c)(1) of title 18, United States Code, are each amended by inserting "the official position of that official or person or" before "any official act".

(12) AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.—

(A) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, 666, and 1962 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by guidelines and policy statements.

(B) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

(i) ensure that the sentencing guidelines and policy statements reflect Congress' intent that the guidelines and policy statements reflect the serious nature of the offenses described in subparagraph (A), the growing incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(ii) consider the extent to which the guidelines may or may not appropriately account for—

(I) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(II) the level of sophistication and planning involved in the offense;

(III) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(IV) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(V) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(VI) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(iii) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(iv) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(v) make any necessary conforming changes to the sentencing guidelines; and

(vi) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(13) CLARIFICATION OF DEFINITION OF OFFICIAL ACT.—Section 201(a)(3) of title 18, United States Code, is amended by striking "any decision" and all that follows through "profit" and inserting "any decision or action within the range of official duty of a public official".

Mr. CORNYN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, will the Senator yield for a moment before he speaks?

Mr. ENSIGN. Yes.

AMENDMENT NO. 40 WITHDRAWN

Mr. STEVENS. Mr. President, I have tried to work out a problem dealing with our State regarding aircraft. It is my understanding that the agreed to amendment has been modified. Apparently, the decision of the majority is that we should use more taxpayer money to meet our needs. I am not going to persist in my attempt to work out our problems in this manner.

It is my understanding that somebody talked about my jet amendment. It had nothing to do with jets until I modified it to accommodate some of the problems of majority members. I withdraw amendment No. 40.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

HONORING CHAMPIONS OF EQUALITY

Mr. ENSIGN. Mr. President, on January 15 we honor the legacy of a man who gave his life in the struggle for equality. Dr. Martin Luther King read the words to our Nation's Declaration of Independence and worked to ensure that they were lived that way:

> All men are created equal, that they are endowed by their Creator with certain unalienable rights . . .

Throughout history we have been fortunate to have leaders of unbelievable character and vision, such as Dr. King, who rose in power and worked to change the course of history. Today I want to talk about the legacy of Dr. King and another champion of human rights, William Wilberforce.

In 1790, the transatlantic slave trade was thriving. The economic development of Europe was fueled by the trading in enslaved Africans, an incredibly profitable business at that time. Conditions for slaves were horrific—from being kidnaped by foreigners speaking an unknown language, being chained up and forced into unfathomable conditions for the torturous trip from Africa, to finally being sold into a lifetime of slavery—if they survived—in a strange land.

Witnesses to and survivors of these atrocities shared their stories with the small, but dedicated, bands of abolitionists who worked tirelessly to rid the world of this shameful slave trade.

In the late 1700s, they found their voice in William Wilberforce, a member of the British Parliament. In 1789, Wilberforce laid out the case against slavery with eye witness and survivor accounts of the brutality inflicted on slaves. He told his fellow legislators:

> Having heard all of this, you may choose to look away, but you can never say again that you did not know.

For two decades, William Wilberforce fought with every fiber of his being to abolish the slave trade. It was not easy going up against those who made a fortune off of this trade. Many felt the economy and England would crumble without the slaves. Vilified and ridiculed, Wilberforce refused to give up the fight against the fierce proslavery forces. Wilberforce introduced motions to abolish slavery in every single session of Parliament. In 1807, his legislation to abolish the slave trade finally passed. Wilberforce continued his fight until his health could no longer take it. In 1833, a bill passed giving all slaves in the British Empire their freedom. William Wilberforce passed away 3 days later.

More than a century later, across the Atlantic, a young Black pastor from Atlanta, Georgia, was sharing his dream for a united, multiracial America. It was Dr. King's eloquence, intense spirit, and vision that lifted him to lead our civil rights movement at a pivotal time. He said that "Life's most persistent and nagging question is, what are you doing for others?" and he challenged citizens to make the answer count.

While his life was cut tragically short, Dr. King's work to bring equality for all has become part of the fabric of our maturing Nation.

William Wilberforce and Dr. Martin Luther King are two men who rose to extraordinary levels of public service by embracing their faiths and working to correct a great abuse of human rights. They each served mankind in a way that very few others have. Yet, the lesson we learn from their life stories is that we all have that spark of greatness. It is our choice whether we stand on the sidelines while others light the way or step forward and ignite our own passion to make a difference in this world.

The path to righting an injustice is full of obstacles and risks. Dr. King lost his life and left behind a widow and four young children on his mission to leave them a better world. William Wilberforce faced defeat after defeat with his unpopular legislation to abolish slavery. In fact, his abolition bill was defeated 30 times over the course of 20 years, but he continued the fight, and his eventual victory has been called one of the turning events in world history.

I chose to talk about Dr. King and William Wilberforce today because they are truly remarkable people whose stories I believe inspire others to action.

Neither Dr. King nor William Wilberforce embarked on their careers knowing that they would become giants of history. They sought to make a difference in whatever capacity they could. It is a lesson from which we should all learn.

After all, while Dr. King and William Wilberforce made tremendous progress in eliminating slavery and empowering equality, there is still much work to be done. Racial division and the violence that Dr. King preached against have not disappeared from our country, and slavery worldwide is a bigger problem today than it was in 1790. There are actually more slaves today than there were seized from Africa in four centuries of the transatlantic slave trade.

It is appalling, but it gives us the opportunity to ask that question Dr. King and William Wilberforce would have easily been able to answer: What are you doing for others?

I was able to recently watch the screening of a movie about William Wilberforce called "Amazing Grace." I had actually started learning about and admiring William Wilberforce several years ago, so I was thrilled that his life and impact would be documented and shared this way. The movie shows that while William Wilberforce was the voice and face behind the effort to abolish the slave trade, there were many people who inspired him to take action in the first place.

There was John Newton who was William Wilberforce's childhood pastor.

Newton was at one time a slave trader. It was from a sea voyage during which he nearly died that he went on to write the hymn "Amazing Grace." Newton convinced William Wilberforce to stay in politics in order to make a difference, and he provided his confession as a slave trader for Wilberforce to use in his appeals for abolition.

There was also his friend William Pitt who went on to become the youngest Prime Minister of England. Pitt pushed Wilberforce to continue as a public servant and encouraged him to lead the abolition movement.

There were many other characters who played a role in William Wilberforce's involvement and eventual success in abolishing slavery. While they may not be the names we often read about in history books, their impact was tremendous.

Former Chaplain of the Senate Lloyd John Ogilvie once said:

> You may only be able to make a small difference, but that does not relieve you of the responsibility to make that difference.

When he says "You may only make a small difference," I think he was encouraging people to try to make any difference, whatever difference they were called to make. They may think that it would only be a small difference, but in reality, it is history that will make that determination.

I talked earlier about how shameful it is that there are more slaves around the world today in 2007 than there were during the 400-year period of the transatlantic slavery movement. I applaud a campaign called The Amazing Change. They highlight the work of groups continuing William Wilberforce's work to abolish slavery and make a better world.

The campaign is motivating young people across the country to get involved and to make a difference, and there are many causes such as this that need advocates and supporters. Whether it is volunteering in your own community to help abused children or working to help cure cancer, spreading the word about the atrocities in Darfur, find your passion and use it to leave this world a better place.

Ultimately, this is the message of Dr. King and William Wilberforce: Do something for others.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LAMAR HUNT

Mr. BOND. Mr. President, first, I rise today to pay tribute to a much loved sportsman, businessman, civic leader, and family man, Lamar Hunt, best known as founder and owner of the Kansas City Chiefs, who, regrettably, passed away on December 13 of complications related to prostate cancer. Some might be surprised to learn that Kansas City was Lamar Hunt's adopted town, not his hometown. Born in Arkansas and raised in Texas, Lamar began his journey to Kansas City in 1959, when the National Football League unwisely turned down his request for a new franchise in Dallas. If you can't join 'em, beat 'em, to turn a cliche on its head.

Shut out of the NFL, Lamar Hunt decided to create another football league. He found seven other men as passionate about football as he was, and together they created the American Football League, the AFL. At the time, theirs was considered a risky venture. They called themselves "the foolish club" and located their teams in Midwestern and Southern cities, places without a history of professional football.

It has been said that leaders are visionaries with a poorly developed sense of fear and no concept of the odds against them. Lamar was such a leader and he fit that description.

He was certainly visionary. His leadership in creating and expanding the American Football League helped professional football gain a nationwide following before merging to become today's NFL.

I think he did understand the odds against him. He did not let them get in the way. He stuck with his plan for a new football league and succeeded. He first located his franchise in Dallas. In 1963, he moved the Dallas Texans to Kansas City, where they became the Chiefs.

Lamar Hunt coined the term "Super Bowl" and was on hand to see the Chiefs win Super Bowl IV. Unfortunately, our Chiefs have not won a Super Bowl since, but Lamar never gave up on his team and neither will we, the fans.

Lamar Hunt was a true entrepreneur, willing to take calculated risk on investments that would benefit the larger community. Since the 1960s, the Hunt family has been instrumental in the growth and development of Kansas City from a frontier town to a world-class city.

The Hunts have contributed to the Kansas City economy through Hunt Midwest Enterprises, which, among other ventures, developed Worlds of Fun and Oceans of Fun, two recreational theme parks that draw hundreds of thousands of visitors each year.

While he is best known for his love for professional football, Lamar Hunt was deeply involved in other sports. He was a part owner of the Chicago Bulls, he founded World Championship Tennis in 1969, and he spearheaded the development of soccer as a professional sport in the United States. He owned two Major League Soccer teams.

While successful, Hunt remained modest. He never thought of himself as the Chief's owner. He preferred the term "founder."

As he told Joe Posnanski of the Kansas City Star:

> To me, every Chief's fan has ownership in the team. They are just as invested emotionally as I am. I was able to bring the team to Kansas City, but it is Kansas City's team.

In fact, since Mr. Hunt's death, the Star has run several stories, including examples of his love for players, coaches, and fans as individuals. Hall of Fame linebacker Bobby Bell remembered him, saying:

> He's a guy who never valet parked his car unless they absolutely made him.

Chief's tight end Fred Arbanas recalled that Hunt, himself, served the team food and drinks and picked up trash on the plane to road games. He is said to have given the widow of an employee killed in a construction accident a book of blank checks bearing his signature.

Despite struggling with cancer for 8 years, Lamar kept a strenuous schedule right until the very end. The last time I saw him was in November, during the Governor's Cup game, where the Chiefs played against the St. Louis Rams in St. Louis. The Chief's pulled out a 31-to-7 win. At that game, his illness had necessitated a car for transportation, but it had not affected his good nature, his friendliness or his optimism for his beloved Chiefs.

In an era of rapid change and turnover in the sports world, Lamar Hunt stood apart. He remained owner of the Chiefs, or founder of the Chiefs, for more than 40 years, from 1963 until his death. He invested in the lives of people in his adopted town, and the benefits of those investments will be felt for generations to come.

More than 1,000 fans have signed the Kansas City Star's online guestbook for Lamar Hunt, praising him for his honesty and sincerity, his class and his countless contributions to the Chiefs, to football, and to Kansas City.

While his family and friends will miss Lamar very much, they can take heart in the tremendous legacy he left. I know his son Clark will continue to lead the Chiefs with the same love for the game and business sense his father had. We will always remember fondly Lamar Hunt.

IRAQ

Mr. President, my colleagues and our staffs, people need to know about the worldwide threat hearing we had at an open session of the Intelligence Committee yesterday. In that hearing, we asked the Director of National Intelligence, the Director of the CIA, the general in charge of the Defense Intelligence Agency, Mr. Fort of the State Department's INR, and Director Bob

Mueller of the FBI what their assessment was of the situation in Iraq.

Very simply, they said that, while it is not certain by any means, they believe the leadership of Iraq has bought into the concept announced by the President as a result of his telephone call from Prime Minister Malaki that Iraq is going to take over the responsibility for quelling the insurgency, the sectarian violence, and they will devote their own resources, heavily, into Baghdad, with district units headed by generals, brigades in each area supported by American troops on a 3-to-1 ratio, Iraqi to American.

While this by no means is sure to work, and recent actions do not suggest it is a very strong bet, they believe it has apparently the best chance to succeed.

In addition, since there was another idea on the table, I asked what would happen if we withdrew immediately, or within a very short timetable of 2 to 3 months, and the Director of National Intelligence and the Director of the CIA, first, said a precipitous withdrawal would bring about a collapse of the Government; that al-Qaida would establish a beachhead and a sanctuary in Iraq for the purpose of promoting the worldwide caliphate that it supports. That was the Director of National Intelligence, who, also, was joined by the Director of the CIA, General Hayden, who said if we withdraw, it would empower the jihadists to gain a safe haven, which would have a tremendous impact on the region. There would be a tremendous impact because they could be in control of the oil-rich Iraqi resources, and it would further empower Iran.

In summary, he said three things very unfortunate would be likely to occur.

No. 1, more innocent Iraqi civilians would die in sectarian violence.

No. 2, there would be a safe haven for al-Qaida and its cooperating entities—a goal that has been stated by the leader of al-Qaida, Osama bin Laden, and his second in command, Ayman al-Zawahiri.

And third, this would very likely bring about regionwide conflicts because with the Shia in control in Iraq in the current Government, with the numbers they have, Iran has shown a very great interest and has been too actively involved in Iraqi matters already. Iran and its Shias, if they came in and heaped great losses on the Sunnis, could expect that Sunni neighbors in the region would respond to the threats of the Iraqi Shia, as the Iranians, and the danger of a tremendous conflict throughout that region would occur.

So I appreciate the opportunity to address the Senate on these matters. I think all Senators need to know the seriousness of this issue, the reasons why I believe the President's option that he announced the night before last is the best option.

AMENDMENTS NOS. 48, 49, 50, AND 51, EN BLOC, TO AMENDMENT NO. 3

Now, Mr. President, on behalf of Senator Coburn, I ask unanimous consent that the pending amendment be temporarily set aside in order to call up amendments Nos. 48 through 51 en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. Bond], for Mr. Coburn, proposes amendments, en bloc, numbered 48, 49, 50, and 51 to amendment No. 3.

The amendments, en bloc, are as follows:

AMENDMENT NO. 48

(Purpose: To require all recipients of Federal earmarks, grants, subgrants, and contracts to disclose amounts spent on lobbying and a description of all lobbying activities)

On page 38, between lines 5 and 6, insert the following:

SEC. 223. LOBBYING DISCLOSURE AND PUBLIC AVAILABILITY OF FORMS FILED BY RECIPIENTS OF FEDERAL FUNDS AND CONTRACTS.

(a) Lobbying Disclosure.—Section 1352(b)(2) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking "and" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) an itemization of any funds spent by the person for lobbying on a calendar year basis.".

(b) Public Availability.—Section 1352(b) of title 31, United States Code, is amended by adding at the end the following:

"(7) Declarations required to be filed by paragraph (1) shall be made available by the Office of Management and Budget on a public, fully searchable website that shall be updated quarterly.".

(c) Effective Date.—The amendments made by this section shall take effect 6 months after the date of enactment of this Act.

AMENDMENT NO. 49

(Purpose: To require all congressional earmarks requests to be submitted to the appropriate Senate committee on a standardized form)

At the end of subtitle A of title II, insert the following:

SEC. 225. SUBMISSION OF EARMARKS ON A UNIFORM FORM.

(a) In General.—Each Member of the Senate shall submit any request for—

(1) an appropriations earmark to the Committee on Appropriations of the Senate;

(2) a tax benefit earmark to the Committee on Finance of the Senate; and

(3) any other earmark to the appropriate committee of jurisdiction.

(b) Uniform Form.—

(1) In general.—Each request for an earmark under subsection (a) shall be submitted on a standardized form.

(2) Rules committee.—The form described in paragraph (1) shall be developed by the Committee on Rules and Administration of the Senate.

(3) Required content.—The form described in paragraph (1), shall at a minimum, include the following:

(A) The name of the Member requesting the earmark.

(B) The name of each entity that would be the recipient of the earmark, including the name of the parent entity of such recipient, if such recipient is owned by another entity. If there is no specifically intended recipient, then the form shall require the Member to identify the intended location or activity that will benefit from the earmark. In the case of an earmark that contains a limited tax or tariff benefit, the Member shall identify the individual or entity reasonably anticipated to benefit from the earmark (to the extent known by the Member).

(C) The amount requested in the earmark.

(D) The Department or agency from which the amounts requested in the earmark are expected to be provided (if known by the Member).

(E) The appropriations bill from which the amounts requested in the earmark are expected to be provided (if known by the Member).

(F) A description of the earmark, including its purpose, goals, and expected outcomes.

(G) The location and address of each entity that would be the recipient of the earmark and the primary location of the activities funded by the earmark, including the State, city, congressional district, and country of such activities.

(H) Whether the earmark is funding an ongoing or a new activity or initiative and the expected duration of such activity or initiative.

(I) The source and amount of any other funding for the activity or initiative funded by the earmark, including any other Federal, State, local, or private funding for such activity or initiative.

(J) Contact information for the entity that would be the recipient of the earmark, including the name, phone number, postal mailing address, and email for such entity.

(K) If the activity or initiative funded by the earmark is authorized by Federal law. If so, the Member shall provide the public law number and United States Code citation for such authorization.

(L) The budget outline for such activity or initiative funded by the earmark, including—

(i) the amount needed to complete the activity or initiative; and

(ii) whether or not the Member, the spouse of the Member, an immediate family member of the Member, a member of the Member's staff, or an immediate family member of a member of the Member's Senator's staff has a financial interest in the earmark.

(4) Public accountability.—

(A) In general.—Not later than 7 days after the date that a request for an earmark is submitted under this section, the Committee on Appropriations of the Senate shall make the request available to the public on the Internet website of such committee, without fee or other access charge, in a searchable, sortable, and downloadable manner.

(B) Recordkeeping.—The Committee on Appropriations of the Senate shall maintain records of all requests made available under subparagraph (A) for a period of not less than 6 years.

(c) Definitions.—In this section:

(1) Earmark.—The term "earmark" means—

(A) a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(B) any revenue-losing provision that—

(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

(C) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

(D) any provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(2) IMMEDIATE FAMILY MEMBER.—The term "immediate family member" means the son, daughter; stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a person.

AMENDMENT NO. 50

(Purpose: To provide disclosure of lobbyist gifts and travel instead of banning them as the Reid/McConnell substitute proposes)

Strike section 108 and insert the following:

SEC. 108. DISCLOSURE FOR GIFTS FROM LOBBYISTS.

Paragraph 1(a) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in clause (2), by striking the last sentence and inserting "Formal record keeping is required by this paragraph as set out in clause (3)."; and

(2) by adding at the end the following:

"(3)(A) Not later than 48 hours after a gift has been accepted, each Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

"(i) The nature of the gift received.

"(ii) The value of the gift received.

"(iii) The name of the person or entity providing the gift.

"(iv) The city and State where the person or entity resides.

"(v) Whether that person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is providing the gift and the city and State where the client resides.

"(B) Not later than 30 days after the adoption of this clause, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in subclause (A) shall be established.".

Strike section 109 and insert the following:

SEC. 109. DISCLOSURE OF TRAVEL.

Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(h)(1) Not later than 48 hours after a Member, officer, or employee has accepted transportation or lodging otherwise permissible by the rules from any other person, other than a governmental entity, such Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

"(A) The nature and purpose of the transportation or lodging.

"(B) The fair market value of the transportation or lodging.

"(C) The name of the person or entity sponsoring the transportation or lodging.

"(D) The city and State where the person or entity sponsoring the transportation or lodging resides.

"(E) Whether that sponsoring person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is sponsoring the transportation or lodging and the city and State where the client resides.

"(2) This subparagraph shall also apply to all noncommercial air travel otherwise permissible by the rules.

"(3) Not later than 30 days after the adoption of this subparagraph, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in clauses (1) and (2) shall be established.".

AMENDMENT NO. 51

(Purpose: To prohibit Members from requesting earmarks that may financially benefit that Member or immediate family member of that Member, and for other purposes)

On page 18, between lines 3 and 4, insert the following:

SEC. 116. PROHIBITION ON FINANCIAL GAIN FROM EARMARKS BY MEMBERS, IMMEDIATE FAMILY OF MEMBERS, STAFF OF MEMBERS, OR IMMEDIATE FAMILY OF STAFF OF MEMBERS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"15. (a) No Member shall use his official position to introduce, request, or otherwise aid the progress or passage of a congressional earmark that will financially benefit or otherwise further the pecuniary interest of such Member, the spouse of such Member, the immediate family member of such Member, any employee on the staff of such Member, the spouse of an employee on the staff of such Member, or immediate family member of an employee on the staff of such Member.

"(b) For purposes of this paragraph—

"(1) the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a Member or any employee on the staff (including staff in personal, committee and leadership offices) of a Member; and

"(2) the term 'congressional earmark' means—

"(A) a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(B) any revenue-losing provision that—

"(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

"(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

"(C) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

"(D) any provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.".

Mr. DORGAN. I voted to table the Vitter amendment, No. 6, to S. 1, the ethics bill, because it should properly be offered to the campaign finance bill when it comes to the floor of the Senate. The majority leader has said he will bring a campaign finance bill through the committee and to the floor later this year.

Because there have been some abuses in this area, I support a change in the rules related to political committees employing family members, and I expect to be supportive of these types of reforms when campaign finance reform is voted on this year. At that time, the relevant committee on this matter will have had the opportunity to consider this issue and recommend the best way to correct these abuses.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 47 TO AMENDMENT NO. 3

Mr. NELSON of Nebraska. Mr. President, I rise today to offer an amendment to further increase transparency and ensure accountability with respect to earmarks. I call up amendment No. 47 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 47 to amendment No. 3.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To help encourage fiscal responsibility in the ear-marking process)

At the appropriate place, insert the following:

SEC. . ENCOURAGING FISCAL RESPONSIBILITY IN THE EARMARKING PROCESS.

(a) IN GENERAL.—If an entity is properly awarded an earmark as defined in section 103, the entire amount of the earmark shall be transferred to the entity to be expended for the essential governmental purpose of the earmark.

(b) AGENCY PROHIBITION.—Earmarked funds shall not be spent by the authorizing department or agency (unless specifically authorized in the section of the appropriations bill or report containing the earmark) and shall instead be returned to the Treasury for the purposes of deficit reduction.

Mr. NELSON of Nebraska. Mr. President, I am concerned about the abuse of the earmark process, and I applaud the bipartisan efforts of the majority and minority leaders in crafting the earmark reforms in the underlying bill. I strongly support improving transparency and accountability in the appropriations process. I believe Members should certainly be required to disclose and justify their earmarks. My amendment takes this notion one step beyond by ensuring that earmarked funds are spent only for the stated purpose for which they are approved by the Senate.

The amendment simply states:

> If an entity is properly awarded an earmark, the entire amount of the earmark shall be transferred to the entity to be expended for the essential government purpose of the earmark.

If the entity doesn't spend the entire amount of the earmark, my amendment requires the excess funds to be returned to the Treasury for the purposes of deficit reduction. That is all this does.

Some Senators may ask, Why is such an amendment necessary? I think many of my colleagues in the Senate would be quite surprised to learn that all too often, after going through the process of earmarking funds for the benefit of their constituents, the earmarked funds are, on some occasions, spent by someone else once the bill leaves the Senate. The earmarked funds are going to be spent as the Senate intended. In reality, however, a portion of earmarked funds may sometimes be reallocated to other purposes by the agency tasked with delivering the funds to the intended recipient. Unfortunately, I have discovered this practice of "skimming," as I call it, where the agency simply skims a portion off the top of the earmarks. It is fairly common, and in many cases it simply is not authorized by law.

Last year, with the help of the Congressional Research Service, I asked the 15 Cabinet-level departments to help me understand how this process works, what happens with the funding once Congress approves an earmark. Only 12 departments responded, and the responses varied widely. Some said they do not skim from the earmarks at all; however, some said they skim 2 to 3 percent off the top of the earmark without authority by law. In some instances, the agencies did cite a statutory authority for the skimming, but in others it looks as if the skimming was done without express authority to do so. Alarmingly, one agency replied only with this statement:

> The magnitude of your request outstrips our ability to provide you with the extensive amount of data that you desire.

I found not only skimming in some cases, but there was stiffing when you asked for information as well.

The Constitution gives Congress the power of the purse. Yet sometimes the executive branch sees fit to spend congressionally approved earmark funds for their own purposes. That is simply wrong under any set of circumstances. From a constitutional standpoint, from a fiscal responsibility standpoint, and from a practical standpoint, the executive branch should not be able to redirect earmarked funds unless specifically authorized to do so in that earmark. There shouldn't be an ongoing authority to do that with every earmark without the authority established by Congress. And if that authority has been established by law, I believe we ought to reconsider it because it should be on an earmark-by-earmark basis. If they want their budget to include a certain amount of money above where they are at the moment, let them come to the budgeting process and make their request just like everyone else has to for the budgeting process here in Congress.

The earmark reforms in this bill are important, and we shouldn't allow the executive branch to undermine them. We owe it to our constituents to make sure earmarks are carried out as intended by this body in accordance with our earmarks disclosure rules.

To conclude, this amendment simply reinforces the earmark reforms in a very straightforward way. It will ensure that earmarks are only spent for the stated purpose for which they were approved. It will put an end to unaccountable skimming of earmarks and require that any unspent earmarked funds will be used for deficit reduction.

This amendment protects our constituents and the American taxpayer. It strengthens the underlying bill by providing a guarantee that earmarks will be spent only as the Senate intends, for the purpose for which they were approved, in accordance with the earmark reforms. I believe the underlying bill is incomplete without my amendment, and I urge my colleagues to adopt it.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there objection?

Without objection, it is so ordered.

JOINT LEADERSHIP AGREEMENT ON COMMITTEE FUNDING

Mr. McCONNELL. Mr. President, before we proceed to the resolutions appointing our committee membership, I want to thank the majority leader for his assistance in working on this joint leadership agreement. As was agreed to in the 108th Congress, we have included language which keeps the current minority staff salary baseline from going below the allocation in the 109th if those funds are available. Given the possibility of a continuing resolution, the majority leader and the chairman of the Rules Committee have agreed to provide each ranking member, if requested, an allocation equal to 49 percent of the 10 percent that was available to the chairman in the 109th Congress. I would further say that this money is available out of existing funds and is not considered as supplemental funds above the current funding levels.

Mr. REID. Mr. President, I concur with the remarks of the Republican leader. The baseline was not reduced for Democratic staff in the 108th Congress. This agreement allows for that same accommodation for the Republican side in the 110th, if that money is available. Further, since additional funds may not be available, we have agreed that each ranking member will be allocated the amount mentioned above, if they so request, and those funds will be made available from existing funds provided by the Rules Committee.

Mr. President, I ask unanimous consent that a letter signed by the two leaders be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT LEADERSHIP LETTER

We mutually commit to the following for the 110th Congress:

The budgets of the Committees of the Senate, including Joint and Special Committees, and all other subgroups, shall be apportioned to reflect the ratio of the Senate as of, and effective on this date, with up to an additional ten percent (10%), to be allocated to the Chairmen for administrative expenses, to be determined by the Rules Committee, with the total administrative expenses allocation for all Committees not to exceed historic levels. The additional administrative expenses described above shall be available to be expended by a Committee Chairman, after consultation with the Ranking Member of the Committee. Funds for committee expenses shall be available to Chairmen consistent with the Senate rules and practices of the 109th Congress. No committee budget shall be allocated to reduce the Republican staff salary baseline below that of fiscal year 2006 if that money is available. The Chairman and Ranking Member of any committee may, by mutual agreement, modify the apportionment of Committee funding, including the additional ten percent (10%) allocated for administrative expenses, referenced in this letter. The division of Committee office space shall be commensurate with this funding agreement.

CONSTITUTING THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED TENTH CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 27, which is at the desk; that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 27) was agreed to, as follows:

S. RES. 27

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Tenth Congress, or until their successors are chosen:

COMMITTEE on AGRICULTURE, NUTRITION, and FORESTRY: Mr. Harkin (Chairman), Mr. Leahy, Mr. Conrad, Mr. Baucus, Mrs. Lincoln, Ms. Stabenow, Mr. Nelson (Nebraska), Mr. Salazar, Mr. Brown, Mr. Casey, and Ms. Klobuchar.

COMMITTEE ON APPROPRIATIONS: Mr. Byrd (Chairman), Mr. Inouye, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, and Mr. Nelson (Nebraska).

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mrs. Clinton, Mr. Pryor, Mr. Webb, and Mrs. McCaskill.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Dodd (Chairman), Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Carper, Mr. Menendez, Mr. Akaka, Mr. Brown, Mr. Casey, and Mr. Tester.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Inouye (Chairman), Mr. Rockefeller, Mr. Kerry, Mr. Dorgan, Mrs. Boxer, Mr. Nelson (Florida), Ms. Cantwell, Mr. Lautenberg, Mr. Pryor, Mr. Carper, Mrs. McCaskill, and Ms. Klobuchar.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Chairman), Mr. Akaka, Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Ms. Cantwell, Mr. Salazar, Mr. Menendez, Mrs. Lincoln, Mr. Sanders, and Mr. Tester.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Lieberman, Mr. Carper, Mrs. Clinton, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Ms. Klobuchar, and Mr. Whitehouse.

COMMITTEE ON FINANCE: Mr. Baucus (Chairman), Mr. Rockefeller, Mr. Conrad, Mr. Bingaman, Mr. Kerry, Mrs. Lincoln, Mr. Wyden, Mr. Schumer, Ms. Stabenow, Ms. Cantwell, and Mr. Salazar.

COMMITTEE ON FOREIGN RELATIONS: Mr. Biden (Chairman), Mr. Dodd, Mr. Kerry, Mr. Feingold, Mrs. Boxer, Mr. Nelson (Florida), Mr. Obama, Mr. Menendez, Mr. Cardin, Mr. Casey, and Mr. Webb.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Kennedy (Chairman), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mrs. Clinton, Mr. Obama, Mr. Sanders, and Mr. Brown.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mr. Obama, Mrs. McCaskill, and Mr. Tester.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, and Mr. Whitehouse.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Rockefeller, Mrs. Feinstein, Mr. Wyden, Mr. Bayh, Ms. Mikulski, Mr. Feingold, Mr. Nelson (Florida), Mr. Whitehouse, and Mr. Levin (ex officio).

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr: Byrd, Mr. Nelson (Florida), Ms. Stabenow, Mr. Menendez, Mr. Cardin, Mr. Lautenberg, Mr. Sanders, and Mr. Whitehouse.

COMMITTEE ON RULES AND ADMINISTRATION: Mrs. Feinstein (Chairman), Mr. Dodd, Mr. Byrd, Mr. Inouye, Mr. Schumer, Mr. Durbin, Mr. Nelson (Nebraska), Mr. Reid, Mrs. Murray, and Mr. Pryor.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Kerry (Chairman), Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Landrieu, Ms. Cantwell, Mr. Bayh, Mr. Pryor, Mr. Cardin, and Mr. Tester.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Chairman), Mr. Rockefeller, Mrs. Murray, Mr. Obama, Mr. Sanders, Mr. Brown, Mr. Webb, and Mr. Tester.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Chairman), Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Carper, Mr. Nelson (Florida), Mrs. Clinton, Mr. Salazar, Mr. Casey, Mrs. McCaskill, and Mr. Whitehouse.

JOINT ECONOMIC COMMITTEE: Mr. Schumer (Chairman), Mr. Kennedy, Mr. Bingaman, Ms. Klobuchar, Mr. Casey, and Mr. Webb.

SELECT COMMITTEE ON ETHICS: Mr. Johnson (Chairman), Mrs. Boxer (Chairman in Johnson's absence), Mr. Pryor, and Mr. Salazar.

Senator Johnson is Chair of the Select Committee on Ethics, and during his absence for all purposes under Senate Rules, Committee Rules, and relevant statutes, Senator Boxer shall act as Chair of the Select Committee on Ethics, except for purposes of the designation under 2 U.S.C. §72a–lf.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, Ms. Cantwell, Mrs. McCaskill, and Mr. Tester.

DESIGNATING SENATOR JAY ROCKEFELLER AS CHAIRMAN OF THE SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, in accordance with the provisions of S. Res. 445 of the 108th Congress, I designate Senator JAY ROCKEFELLER as chairman of the Select Committee on Intelligence.

Mr. REID. Mr. President, we have done this very quickly, but it is extremely important that we have been able to accomplish this. There has been a lot of cooperation on both sides. It puts us on the path to get some things done with the committees. I think the chairman and ranking members are happy, as we have learned today.

CONSTITUTING THE MINORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE 110TH CONGRESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 28, that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The resolution (S. Res. 28) was agreed to, as follows:

S. RES. 28

Resolved, That the following shall constitute the minority party's membership on the following committees for the One Hundred Tenth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Graham, Mr. Coleman, Mr. Crapo, Mr. Thune, and Mr. Grassley.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. Stevens, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. McConnell, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Craig, Mrs. Hutchison, Mr. Brownback, Mr. Allard, and Mr. Alexander.

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Warner, Mr. Inhofe, Mr. Sessions, Ms. Collins, Mr. Ensign, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune, and Mr. Martinez.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Bunning, Mr. Crapo, Mr. Sununu, Mrs. Dole, and Mr. Martinez.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Stevens, Mr. McCain, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Sununu, Mr. DeMint, Mr. Vitter, and Mr. Thune.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Domenici, Mr. Craig, Mr. Thomas, Ms. Murkowski, Mr. Burr, Mr. DeMint, Mr. Corker, Mr. Sessions, Mr. Smith, Mr. Bunning, and Mr. Martinez.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Warner, Mr. Voinovich, Mr. Isakson, Mr. Vitter, Mr. Craig, Mr. Alexander, Mr. Thomas, and Mr. Bond.

COMMITTEE ON FINANCE: Mr. Grassley, Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Thomas, Mr. Smith, Mr. Bunning, Mr. Crapo, and Mr. Roberts.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Mr. Hagel, Mr. Coleman, Mr. Corker, Mr. Sununu, Mr. Voinovich, Ms. Murkowski, Mr. DeMint, Mr. Isakson, and Mr. Vitter.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi, Mr. Gregg, Mr. Alexander, Mr. Burr, Mr. Isakson, Ms. Murkowski, Mr. Hatch, Mr. Roberts, Mr. Allard, and Mr. Coburn.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Stevens, Mr. Voinovich, Mr. Coleman, Mr. Coburn, Mr. Domenici, Mr. Warner, and Mr. Sununu.

COMMITTEE ON THE JUDICIARY: Mr. Specter, Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Brownback, and Mr. Coburn.

COMMITTEE ON THE BUDGET: Mr. Gregg, Mr. Domenici, Mr. Grassley, Mr. Allard, Mr. Enzi, Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, and Mr. Graham.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Bennett, Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Lott, Mr. Chambliss, Mrs. Hutchison, Mr. Hagel, and Mr. Alexander.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe, Mr. Bond, Mr. Coleman, Mr. Vitter, Mrs. Dole, Mr. Thune, Mr. Corker, Mr. Enzi, and Mr. Isakson.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Craig, Mr. Specter, Mr. Burr, Mr.

Isakson, Mr. Graham, Mrs. Hutchison, and Mr. Ensign.

SPECIAL COMMITTEE ON AGING: Mr. Smith, Mr. Shelby, Ms. Collins, Mr. Martinez, Mr. Craig, Mrs. Dole, Mr. Coleman, Mr. Vitter, Mr. Corker, and Mr. Specter.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Bond, Mr. Warner, Mr. Hagel, Mr. Chambliss, Mr. Hatch, Ms. Snowe, and Mr. Burr.

JOINT ECONOMIC COMMITTEE: Mr. Brownback, Mr. Sununu, Mr. DeMint, and Mr. Bennett.

SELECT COMMITTEE ON ETHICS: Mr. Cornyn, Mr. Roberts, and Mr. Thomas.

COMMITTEE ON INDIAN AFFAIRS: Mr. Thomas, Mr. McCain, Ms. Murkowski, Mr. Coburn, Mr. Domenici, Mr. Smith, and Mr. Burr.

DESIGNATING SENATOR CHRISTOPHER BOND AS VICE CHAIR OF THE INTELLIGENCE COMMITTEE

Mr. McCONNELL. Mr. President, pursuant to the provisions of S. Res. 445 of the 108th Congress, I select Senator BOND of Missouri as Vice Chair of the Intelligence Committee.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007—Continued

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, January 16, at 5:30 p.m., the Senate proceed to a vote on or in relation to the Durbin amendment No. 44, to be followed by a vote on or in relation to the DeMint amendment No. 11, as amended, if amended, and then without further intervening action or debate, the Senate proceed to a vote on the motion to invoke cloture on amendment No. 14; that if the Durbin amendment is not modified to Senator DEMINT's satisfaction, then the agreement with respect to a vote with respect to the two amendments be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would like to spread on the record the fact that we have had long conversations with Senator DEMINT and Senator DURBIN. I have spoken personally with Senator DEMINT on several occasions. We appreciate his cooperation. I believe what we have done here preserves what he wanted to do and more. So this should make everyone happy on Tuesday. We hope this will be an overwhelmingly positive vote.

I also note that staff, during this evening and during Tuesday, is also going to continue to work on other matters to see if there are other items on which we can vote.

AMENDMENT NO. 4

Mr. REID. Mr. President, I ask unanimous consent that my amendment No. 4 be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk with respect to this amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid amendment No. 4 to Calendar No. 1, S. 1 Transparency in the Legislative Process.

Harry Reid, Dianne Feinstein, Joseph Lieberman, Tom Carper, Ken Salazar, Robert Menendez, Patty Murray, Jon Tester, Jack Reed, Joe Biden, Debbie Stabenow, Daniel K. Akaka, Barbara Mikulski, Benjamin L. Cardin, Dick Durbin, Ted Kennedy.

CLOTURE MOTION

Mr. REID. Mr. President, I now send to the desk a cloture motion on the substitute amendment, amendment No. 3.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Reid substitute amendment No. 3 to Calendar No. 1, S. 1 Transparency in the Legislative Process.

Harry Reid, Dianne Feinstein, Joseph Lieberman, Tom Carper, Ken Salazar, Robert Menendez, Patty Murray, Jon Tester, Jack Reed, Joe Biden, Debbie Stabenow, Daniel K. Akaka, Barbara Mikulski, Benjamin L. Cardin, Dick Durbin, Ted Kennedy.

CLOTURE MOTION

Mr. REID. Mr. President, finally, I send to the desk a cloture motion on the bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on S. 1 Transparency in the Legislative Process, as amended.

Harry Reid, Dianne Feinstein, Joseph Lieberman, Tom Carper, Ken Salazar, Robert Menendez, Patty Murray, Jon Tester, Jack Reed, Joe Biden, Debbie Stabenow, Daniel K. Akaka, Benjamin L. Cardin, Dick Durbin, Ted Kennedy, Evan Bayh.

Mr. REID. Mr. President, I ask unanimous consent that the live quorum with respect to each cloture motion be waived and that Monday, January 15, count as the intervening day with respect to the cloture motion on amendment No. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 54, 43, AND 56 TO AMENDMENT NO. 3, EN BLOC

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I ask that it be in order to call up amendments on behalf of other Senators en bloc, and that after reporting they be laid aside:

Amendment No. 54 to amendment No. 3 for Senator FEINGOLD; amendment No. 43 to amendment No. 3 for Senator LIEBERMAN; and amendment No. 56 to amendment No. 3 for Mr. CASEY.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. FEINGOLD, proposes an amendment numbered 54.

The Senator from Nevada [Mr. REID], for Mr. LIEBERMAN, proposes an amendment numbered 43.

The Senator from Nevada [Mr. REID], for Mr. CASEY, proposes an amendment numbered 56.

The amendments are as follows:

AMENDMENT NO. 54

(Purpose: To prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions)

On page 11, line 2, strike "Paragraph" and insert "(a) IN GENERAL.—Paragraph".

On page 11, between lines 8 and 9, insert the following:

(b) NATIONAL PARTY CONVENTIONS.—Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"5. A Member may not participate in an event honoring that Member at a national party convention if such event is paid for by any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act of 1995, or any individual or entity identified as a lobbyist or a client in any current registration or report filed under such Act.".

AMENDMENT NO. 43

(Purpose: To require disclosure of earmark lobbying by lobbyists)

At the appropriate place, insert the following:

SEC. ____. DISCLOSURE OF LOBBYING ON EARMARKS.

(a) REPORTS.—Section 4(b)(5)(B) of the Act (2 U.S.C. 1603(b)(5)(B)) is amended by adding immediately following "activities" the following: ", including earmarks, targeted tax benefits, and targeted tariff benefits as defined in section 103 of the Legislative Transparency and Accountability Act of 2007, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known.".

(b) DISCLOSURES.—Section 5(b)(2)(A) of the Act (2 U.S.C. 1604(b)(2)(A)) is amended to read—

"(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including—

"(i) to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions; and

"(ii) each earmark, limited tax benefit, or targeted tariff benefit as defined in section 103 of the Legislative Transparency and Accountability Act of 2007 for which the registrant engaged in lobbying activities, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known;".

AMENDMENT NO. 56

(Purpose: To eliminate the K Street Project by prohibiting the wrongful influencing of a private entity's employment decisions or practices in exchange for political access or favors)

At the appropriate place, insert the following:

SEC. . WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"§ 226. Wrongfully influencing a private entity's employment decisions by a Member of Congress

"Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

"(2) influences, or offers or threatens to influence, the official act of another;

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.".

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.".

MEASURE PLACED ON THE CALENDAR—H.R. 3

Mr. REID. I understand that H.R. 3 is at the desk and ready for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3) to amend the Public Health Service Act to provide for human embryonic stem cell research.

Mr. REID. I object to any further proceedings at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 287

Mr. REID. I understand S. 287, introduced earlier today by Senator KENNEDY and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (S. 287) to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

Mr. REID. I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 44, AS MODIFIED

Mr. WEBB. Mr. President, I ask unanimous consent that the Durbin amendment numbered 44 be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 44), as modified, is as follows:

In lieu of the matter proposed to be inserted insert the following:

SEC. 103. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

RULE XLIV

EARMARKS

"1. It shall not be in order to consider—

"(a) a bill or joint resolution reported by a committee unless the report includes a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

"(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

"(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the conference report, of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"2. For the purposes of this rule—

"(a) the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(b) the term 'limited tax benefit' means—

"(1) any revenue provision that—

"(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary limited group of beneficiaries under the Internal Revenue Code of 1986; and

"(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

"(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

"(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

"3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

"4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

"(1) the name of the Member;

"(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

"(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

"(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

"(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

"(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee's or subcommittee's website not later than 48 hours after receipt on such information.".

MORNING BUSINESS

Mr. WEBB. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARTIN LUTHER KING DAY

Mr. McCONNELL. Madam President, this Monday we will celebrate the life and legacy of one of America's greatest heroes, the Reverend Martin Luther King, Jr.

Dr. King dreamt of an America where, as he so profoundly put it, all of America's children would be judged not by the color of their skin, but by the content of their character. By sharing his dream with the rest of us, Dr. King literally awoke a nation.

I remind my colleagues this also will be the first observance of Martin Luther King Day when his lovely wife, Coretta Scott King, is no longer with us. She kept the dream alive after Dr. King's tragic assassination in 1968. With her passing last year, we lost the first lady of America's civil rights movement.

I remember all too well the days before Dr. King and the civil rights movement lit a fire across this country. Many parts of America were split into two separate nations, and they were certainly not equal. As a child growing up in Alabama and later in Kentucky, I remember segregated lunch counters. I remember separate water fountains.

I am proud to say that as a young man I was present for not just one but two significant events in the life of Dr. King. On August 28, 1963—a Wednesday, without a cloud in the sky—more than 200,000 people gathered on the Mall here in Washington to protest racial inequality and to hear Dr. King give what would be his most remembered speech.

I was an intern at the time for Congressman Gene Snyder of Kentucky, and so I went outside and stood on the Capitol steps.

I could see up the length of the entire Mall, and see the crowd that had gathered there. I supported Dr. King and his cause, and wanted to witness what I knew would be a pivotal point in history.

What none of us knew at the time, Mr. President, is that history was almost denied hearing Dr. King say, "I have a dream." His scripted remarks for that day did not include the stirring conclusion to his speech.

But when he was about to conclude his remarks and sit down, the gospel singer Mahalia Jackson cried out, "Tell them about your dream, Martin! Tell them about the dream!"

So Dr. King drew from his past speeches and sermons, and in the shadow of the Lincoln Memorial, he issued the greatest declaration of freedom since Lincoln signed the Emancipation Proclamation a century earlier.

Dr. King's words moved a nation. And the next summer I returned to Washington to intern for the great Kentucky Senator John Sherman Cooper. That year, Senator Cooper worked hard to pass the Civil Rights Act of 1964.

After my internship, I went on to the University of Kentucky School of Law, and returned to Washington in August of 1965 to pay my old boss and mentor a visit. It is thanks to him that I had my second encounter—not exactly close up, but my second encounter with Dr. King.

All that summer, Senator Cooper had been a key proponent of the 1965 Voting Rights Act, and on August 4 it passed the Senate and was sent to President Johnson for his signature.

As I sat waiting for the Senator, he suddenly emerged from his office and motioned for me to follow him. He led me to the Capitol Rotunda, where President Johnson was about to sign the Voting Rights Act.

I'll never forget the President's sheer physical presence in that room. The room was packed with people, but LBJ was bigger than anyone in there. Every good history book describes him as a larger-than-life, imposing man, and they are all correct. His commanding figure almost filled the rotunda.

But there was another figure there, not as large but just as significant.

Here in this Capitol, Dr. King stood by the President and witnessed the signing of the Voting Rights Act—an act that would not have gained America's support without his efforts.

With its enactment, the promise of the 14th amendment, extending the franchise to newly freed slaves, was finally realized. Sadly, it was a hundred years too late.

I do not believe this country's march towards liberty and equality, and away from racial injustice and division, would have been possible without Dr. King.

It would not have been possible without his leadership of the Montgomery bus boycott, which first began to ignite what he called "a certain kind of fire that no water could put out."

It would not have been possible without his plea to America in front of the Lincoln Memorial, when he said:

> I have a dream that one day this nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident, that all men are created equal.

It would not have been possible without his enlisting all of us, Black and White, in the cause of freedom when he said, "Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men."

Dr. King's faith and courage continue to inspire America. Like Moses, he led his people from the dark night of bondage to the promised land.

Through courage, Dr. King persevered even in the face of death. Constant threats were made on his life. Many times his travel plans were interrupted by bomb threats.

No one would have blamed Dr. King if, fearing for his life, he had retreated from public view. But he refused to.

In 1958 in Harlem, a woman stabbed him in the chest with a letter opener, and the blade came so close to his heart that doctors told the reverend that if he had even sneezed, he would have died.

Dr. King recalled that attack 10 years later in Memphis, in what would be his final speech. "I am so glad that I didn't sneeze," he told a crowd of 2,000. "I'm just happy that God has allowed me to live in this period to see what is unfolding."

Dr. King would die in hours, not from a letter opener, but from an assassin's bullet. As he spoke, it seemed he knew his fate was preordained, and he was at peace with it.

"I've seen the promised land," Dr. King continued. "I may not get there with you. But I want you to know tonight that we, as a people, will get to the promised land. And I'm happy tonight."

America has traveled far since the civil rights movement, to reach that promised land. It's been a difficult journey, and the journey is not yet over.

Dr. King said:

> I am convinced that the universe is under the control of a loving purpose, and that in the struggle for righteousness, man has cosmic companionship. Behind the harsh appearance of the world there is a benign power.

Those words serve to remind us that no matter the difficulty or the distance of our journey, our destination is clear, thanks to the foundation laid by Dr. King. That destination is liberty and justice for all.

I yield the floor.

Mr. LEAHY. Mr. President, on Monday, our Nation honors the life and legacy of the late Dr. Martin Luther King, Jr., a national hero and man whose words and deeds brought hope and healing to America.

We commemorate the timeless values he taught us through his example—the values of courage, truth, justice, compassion, dignity, humility and service that so radiantly defined Dr. King's character and revolutionary spirit. Dr. King's belief in the strength of nonviolence was not merely aspirational—though surely it spoke to our aspirations as a nation—but it gave his leadership a unique power that resonates to this day.

I am grateful for this holiday because it is a reminder to listen again to Dr. King's inspiring words and to let the children and grandchildren of those who remember Dr. King hear his voice that filled a great void in our Nation and answered our collective longing to become a country that truly lived by its noblest principles.

A few months ago, we broke ground on a memorial to honor Dr. King. At first glance, it may seem a bit out of place that Dr. King's memorial will be located on our National Mall—a place adorned with memorials to America's greatest Presidents and wartime heroes. Dr. King was neither a President of the United States nor a hero in a foreign war. He never even held public office. Yet he deserves his place in the pantheon of great American leaders because lead a Nation he did. Through words, he gave voice to the voiceless. Through deeds, he gave courage to the faint of heart. Through his bravery and courage, he endured tremendous hardships—he was beaten and jailed 29 times, his family was threatened, his home was fire bombed, and he was placed under surveillance by the FBI—yet he overcame these hurdles and ignited a movement that would lead to historic reforms.

In his famous "I Have a Dream" speech, Dr. King noted that "[w]hen the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir." And it was thanks to the work of great civil rights leaders like Dr. King and his wife Coretta Scott King, whom we lost a year ago and whom we honored in reauthorizing the Voting Rights Act, that Jim Crow segregation was uprooted, and legal barriers to the full participation of racial minorities in the political life of the Nation were removed.

Yet, as I was reminded last year during our many hearings on the reauthorization of the Voting Rights Act and again by accounts of voter suppression during the recent midterm elections, the work of the Voting Rights Act is not yet complete and the dream of Dr. King has not yet been fully realized. And so we must not only honor Dr. King's vision by remembering him this week, but we must also continue our work to make his dream a reality.

Dr. King's own words remind us that this holiday is not merely a celebration of a particular time in American history but also a living legacy to the value of service. Dr. King once said that we all have to decide whether we "will walk in the light of creative altruism or the darkness of destructive selfishness. Life's most persistent and nagging question, he said, is 'what are you doing for others?'"

On this day, we must urge our children and grandchildren to abide by Dr. King's message that if they serve our country and strive for what is just, they can remake a nation and transform a world.

JUDICIAL NOMINEES

Mr. KYL. Mr. President, I rise today to express my regret that nominations to the U.S. Courts of Appeals will not be resubmitted for William G. Myers, Judge Terrence Boyle, William J. Haynes, and Michael B. Wallace. All four of these nominees were eminently qualified to serve on the U.S. Court of Appeals and no reasonable question has been raised as to their integrity. Each of them very likely would have been confirmed had they been afforded to the courtesy of a vote by the U.S. Senate. It is generally understood that the Senate did not vote on these nominations because of Democratic threats of obstruction and filibuster, and that the President chose not to resubmit these nominations as a result of a hard political calculation that the new Democratic majority in the Senate would not allow a vote on these nominations during the remainder of his Presidency. These nominees were not treated fairly by this institution. This week's action reflects poorly on the Senate.

Much could be said about each of these nominees, their qualifications, and the way that they were treated throughout the judicial nominations process. I would like today to simply submit for the RECORD a column published by Edward Whelan in National Review Online. Mr. Whelan's column raises some disturbing questions about the American Bar Association's actions with regard to Michael B. Wallace, whom the President had nominated to the U.S. Court of Appeals for the Fifth Circuit. Mr. Wallace is a graduate of Harvard University and received his law degree from the University of Virginia, where he served on the law review and was elected to the Order of the Coif. He clerked for Justice William Rehnquist on the United States Supreme Court. He became an associate and later a partner at a major law firm in his home state of Mississippi. His over twenty years of legal practice focused on complex commercial and constitutional litigation and afforded him substantial appellate experience. Mr. Wallace even argued and won a case before the United States Supreme Court. These are obviously superb qualifications to serve on the U.S. Court of Appeals.

It is generally understood that the ultimate reason why Mr.' Wallace's nomination has not been resubmitted is that he was rated "not qualified" by the ABA. on account of his "temperament." Mr. Whelan's column paints a disturbing picture of the process by which the ABA. came to rate Mr. Wallace. Mr. Whelan presents persuasive evidence that the ABA not only allowed its evaluations process to be corrupted by individuals who used it to carry out personal and political vendettas against Mr. Wallace, but that the chairwoman of the ABA's judicial evaluations committee perjured herself in her testimony before the Senate Judiciary Committee.

To Mr. Whelan's column, I would simply add that I found the ABA's written justification for its rating of Mr. Wallace to be stunningly unpersuasive. The grounds cited in the ABA's written testimony, to the extent that they provided any verifiable basis at all for the ABA's rating of Mr. Wallace, do not stand up to even the most cursory scrutiny. To cite just one example: the ABA found that Mr. Wallace lacked the "temperament" to be a judge in part because "positions taken by Mr. Wallace related to the Voting Rights Act" in the course of the Jordan v. Winter litigation were "not well-founded and [were] contrary . . . to existing interpretations of the Voting Rights Act." Mr. Wallace had argued in the Jordan case that the 1982 amendments to the Voting Rights Act did not invalidate a State's redistricting plan absent some evidence that the plan was the product of racial discrimination. At the time that Mr. Wallace made this argument, the 1982 amendments were less than a year old. Moreover, when the very case that Mr. Wallace litigated went to the Supreme Court, two Justices of that Court filed an opinion that substantially agreed with Mr. Wallace's litigating position. These two Justices also noted that "the language used in the amended statute is, to say the least, rather unclear." Mississippi Republican Executive Committee v. Brooks, 469 U.S. 1002, 1010, Rehnquist, J., dissenting. See also id. at 1012, "we have a statute whose meaning is by no means easy to determine."

Thus the ABA has rated Mr. Wallace as "not qualified" on the basis that he argued for a particular interpretation of a statute when the statute was new and was not yet subject to an authoritative interpretation, when Mr. Wallace's position was later adopted by two members of the U.S. Supreme Court, and when those same Supreme Court Justices characterized the statute as "unclear." I find the ABA's analysis to be wholly unreasonable. It is a lawyer's duty to make good-faith arguments on behalf of his client. Yet in the case of Mr. Wallace, the ABA has effectively taken the position that if a lawyer argues for an interpretation of a statute that is ultimately rejected by the courts, then even if the statute is new and unclear and the lawyer's interpretation is even endorsed by some members of the U.S. Supreme Court, the lawyer's litigating position shows that he lacks a "judicial temperament" and that he is "not qualified" to serve as a Federal judge. This is a frivolous argument. It is an argument that the ABA should be embarrassed and ashamed to have made to the Senate Judiciary Committee.

I ask unanimous consent that the following column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Review Online, Jan. 10, 2007]

NOT CREDIBLE "WHATSOEVER"

(By Edward Whelan)

Among the many challenges that new White House counsel Fred Fielding will face on judicial nominations is ensuring that the American Bar Association's ideologically stacked judicial evaluations committee behaves responsibly. Now that Mississippi attorney Michael B. Wallace has requested that President Bush not renominate him to serve on the U.S. Court of Appeals for the Fifth Circuit, it is instructive to complete an accounting of the ABA's thoroughly scandalous "not qualified" rating of Wallace.

Although it determined that Wallace "has the highest professional competence" and "possesses the integrity to serve on the bench," the ABA judicial-evaluations committee found him lacking on the highly malleable element of "judicial temperament." As I have previously documented, bias, a glaring conflict of interest, incompetence, a stacked committee, violation of its own procedures, and cheap gamesmanship marked the ABA's evaluation of Wallace. Those internal defects were compounded at Wallace's September 2006 hearing by the incredible testimony given under oath—flat-out perjury, in my judgment—by the new chair of the ABA committee, Philadelphia lawyer Roberta Liebenberg. Liebenberg's testimony merits careful scrutiny as an illustration of the depths to which the ABA will descend to defend its internal failings.

First, some background: One of the several scandals surrounding the ABA's evaluation of Wallace relates to the fact that the chair of the ABA committee at the time of the evaluation, Stephen Tober, had had a major run-in with Wallace in 1987 when Wallace served on the board of the Legal Services Corporation (a federal agency that funds legal services for the poor and that was the focus of contentious reform efforts). In the course of strikingly intemperate and buffoonish testimony before an LSC committee headed by Wallace, Tober twice accused him of a "hidden agenda." (The ABA president at the time of the ABA's evaluation of Wallace, Michael Greco, and another ABA committee member, Marna Tucker, had likewise attacked Wallace over contentious LSC matters.) On the Wallace evaluation, Tober played the customary role that the ABA committee chair plays (and that is set forth in the ABA's so-called Backgrounder): He assigned Fifth Circuit member Kim Askew—whose own biases and conflict of interest concerning Wallace are an even greater scandal—to conduct the investigation. He reviewed her draft report with her. In light of her proposed "not qualified" rating, he assigned a second person, Thomas Hayward, to conduct a second evaluation of Wallace. He reviewed Hayward's draft report with him. He determined that he was satisfied with the "quality and thoroughness" of Askew's investigation, and made the same determination regarding Hayward's investigation. He then directed his committee colleagues to read Askew's report and Hayward's report in tandem.

Without any deliberation among the committee members (so Liebenberg has informed me), Tober then received and tallied the votes of the other committee members. Under the ABA committee's procedures, the chair votes only in the event of a tie, so Tober did not cast a vote. Tober then reported the committee's unanimous "not qualified" rating to the Senate Judiciary Committee.

Beyond the fact that Tober plainly should have recused himself from the Wallace evaluation, many of the facts that I recite about Tober's role are in themselves of little interest. What ought to be of considerable interest, however, to anyone who cares about the integrity of the manner in which the ABA committee carries out the privileged role in the judicial-confirmation process that the Senate Judiciary Committee accords it, are Liebenberg's sworn statements about Tober's role in the Wallace evaluation.

Time after time, in emphatic, categorical declarations, Liebenberg testified that it was immaterial that Tober had not recused himself because, she claimed, he simply had no role at all in the ABA committee's evaluation of Wallace:

"This is not a process where Mr. Tober had any role whatsoever in the evaluation or the vote." (Transcript, p. 134 (emphasis added))

"it is important to emphasize that Mr. Tober did not participate in any way in the rating" of Wallace (Transcript, p. 126 (emphasis added))

Tober "did not participate in either the evaluation or the rating" (Transcript, p. 126)

"neither Mr. Tober, nor Mr. Greco participated in the evaluation or the rating of Mr. Wallace" (Transcript, p. 128)

"I would just, again, add that Mr. Tober did not participate in the evaluation" (Transcript, p. 131)

Tober, as chair of the committee, "does not oversee the evaluations" (Transcript, p. 131)

I have the same reaction to these sworn statements that I had when I first heard them in Liebenberg's live testimony: These statements are patently false, and Liebenberg, as an ABA committee member during the Wallace evaluation and as chair at the time of her testimony, had ample reason to know that they were false. Indeed, in her prepared testimony, Liebenberg stated, "The evaluation of Mr. Wallace was conducted in accordance with the normal practices and procedures" of the ABA committee, and she referred senators to the ABA's Backgrounder for a "more detailed description of these procedures."

In recent weeks, I have, through an intermediary friendly to Liebenberg, afforded her the opportunity to dispute or clarify my understanding of the facts that render her testimony false. She has availed herself of the opportunity, and the exchange, in my judgment, has clearly confirmed my understanding. (See the appendix below.)

In sum, Liebenberg's sworn testimony that "This is not a process where Mr. Tober had any role whatsoever in the evaluation or the vote," and her other categorical statements to the same effect, are truthful only if "whatsoever" is not given anything close to its ordinary meaning but is instead a secret code that means, at a minimum, "except that he assigned the first investigator, reviewed her draft report with her, assigned the second investigator, reviewed his draft report with him, determined that he was satisfied with the quality and thoroughness of both investigations, directed his committee colleagues to read the investigators' reports in tandem, received and tallied the votes, and reported the ABA's rating to the Senate Judiciary Committee."

In her exchange with me, Liebenberg now maintains that Tober "did not play a substantive role in the evaluation or rating of Mr. Wallace." (Emphasis added.) That modifier "substantive" is conspicuously absent from her Senate testimony. Indeed, her categorical denial that Tober had "any role whatsoever in the evaluation" and her assertion that he "did not participate in any way" do not permit reading in that modifier. Moreover, I think it plain that Tober did play a "substantive" role—among various respects, in selecting the two investigators and in determining that he was satisfied with the "quality and thoroughness" of the investigations.

It is also worth noting that Liebenberg's effort to obscure Tober's actual role stands in striking contrast to the ABA's effort to justify its re-rating of D.C. Circuit nominee (and now judge) Brett Kavanaugh. In that case, the shenanigans of the circuit investigator, Mama Tucker, deserved scrutiny. But Tober, who played essentially the same role as chair there as he did on Wallace's nomination, gave Tucker cover by presenting the entire testimony for the ABA committee. He never remotely suggested the absurd notion that he had played no role in the evaluation or rating and was therefore not competent to testify.

I have no reason to doubt that Liebenberg is a fine lawyer and, by the standards of the legal profession, generally an honorable person. The interesting question is how such a person could ever have made the statements that she did, let alone under oath. The answer, I would suggest, is that the ideological partisanship, intellectual mediocrity, and institutionalized mendacity of the ABA—the ABA's culture, so to speak—tend to degrade those who rise within its ranks.

I don't know Wallace, and I leave open the theoretical possibility that, notwithstanding what his many supporters say, he lacks the necessary judicial temperament. The thoroughly scandalous process by which the ABA reached that judgment, however, provides no basis for confidence in its assessment. Nor, given the "go along to get along" collective posterior-covering ethos of the ABA, is there any reason to credit the more recent supplemental evaluations of Wallace. This is especially so because assessments of judicial temperament are so subjective and manipulable. Indeed, it is striking to contrast the extrapolations made about Wallace's judicial temperament from his experience as a litigator with the ABA's unanimous conclusion a dozen years ago that federal district judge Lee Sarokin was "well qualified" to be elevated to the Third Circuit. Despite the fact that the Third Circuit had lambasted Sarokin for "judicial usurpation of power," for ignoring "fundamental concepts of due process," for destroying the appearance of judicial impartiality, and for "superimpos[ing his] own view of what the law should be in the face of the Supreme Court's contrary precedent," the ABA had no concerns about his judicial temperament. But, of course, Sarokin was a nominee of President Clinton and was a self-described "flaming liberal" as a judge.

Can the ABA possibly sink any lower? Let's see what these next two years bring.

APPENDIX

On November 27, 2006, I sent to an intermediary who is friendly to Roberta Liebenberg the twelve propositions set forth below and invited her to let me know whether she agreed or disagreed with the propositions and to provide any amplification (or any reference to other material) that she saw fit to provide. On December 1, 2006, that intermediary responded, stating that he had reviewed the propositions with Liebenberg and providing her responses (which "she has confirmed with Mr. Tober"). I set forth in full below those responses and my brief replies.

Proposition 1: Tober assigned Askew to conduct the investigation of Wallace.

Liebenberg response: "Consistent with the standard practice of the Standing Committee, which generally provides for an evaluation to be conducted by the Committee member from the circuit to which the nomination has been made, Ms. Askew was assigned by Mr. Tober to conduct the Wallace evaluation because she served as the Fifth Circuit representative on the Committee."

My reply: Liebenberg concedes Tober's role. As Tober testified, the investigation is "ordinarily assigned" to the circuit member, "although it may be conducted by another member or former member." Whether or not to apply the default rule, and what sort of preliminary inquiry ought to be undertaken, requires a decision-indeed, a substantive judgment (or a failure to exercise judgment)—on the part of the chair. Tober decided to have Askew perform the review despite her ideological bias against Wallace. Further, when Tober became aware (or should have become aware) of facts demonstrating that Askew had an actual conflict of interest, he continued to let her perform the review.

Proposition 2: Tober reviewed Askew's draft report with her.

Liebenberg response: "Mr. Tober did not review Ms. Askew's draft report with her, nor did he perform a substantive review of that report. Instead, his review was solely procedural in nature. He utilized a procedural checklist to ensure that, among other things, all disciplinary agencies had been contacted, the requisite number of interviews had been conducted, and a sufficient number of writing samples had been submitted and reviewed. Mr. Tober did not edit, delete, modify, or add anything to the report. He did not tell Ms. Askew whom to interview or what to ask during her interviews. Nor did he ask Ms. Askew to take any further actions with respect to the report or her evaluation before she circulated her report to the rest of the Standing Committee."

My reply: (a) The first clause of Liebenberg's response contradicts her testimony that the Backgrounder's procedures were followed. The Backgrounder states (on page 7): "The Chair reviews the informal report with the circuit member." (b) Liebenberg' s response contradicts itself. The first sentence states that Tober did not review Askew's draft report, but the second sentence concedes that he did review it. (c) Liebenberg's response contrives an unsustainable distinction between "substantive" and "procedural" review. Tober himself had authority to determine the substantive content of his checklist.

Proposition 3: Tober assigned Hayward to conduct a supplemental investigation of Mr. Wallace.

Liebenberg response: "Mr. Tober assigned Mr. Hayward to perform a second evaluation of Mr. Wallace. Mr. Hayward, who is a former Chair of the Standing Committee, had participated in the ratings of over 500 nominees during his tenure on the Committee. Incidentally, Mr. Hayward is a Republican who has made contributions to a number of Republican political candidates."

My reply: Liebenberg concedes Tober's role. (Incidentally, Hayward did not re-interview any of the individuals interviewed by Askew but instead accepted, and relied on, her interview summaries. So much for an independent check.)

Proposition 4: Tober reviewed Hayward's draft report with him.

Liebenberg's response: "Mr. Tober did not review Mr. Hayward's draft report with him, nor did he perform a substantive review of that report. Instead, his review was solely procedural in nature, and entailed the same process set forth above in No. 2. As was true with Ms. Askew's report, Mr. Tober did not edit, delete, modify, or add anything to Mr. Hayward's report. He did not tell Mr. Hayward whom to interview or what to ask during his interviews. Nor did he ask Mr. Hayward to take any further actions with respect to the report or his evaluation before Mr. Hayward circulated his report to the rest of the Standing Committee."

My reply: My reply on Proposition 2 applies fully here.

Propositions 5 and 6: Tober determined that he was satisfied with the quality and thoroughness of Askew's investigation. Tober determined that he was satisfied with the quality and thoroughness of Hayward's investigation.

Liebenberg's response: "Mr. Tober's review of the draft reports by Ms. Askew and Mr. Hayward for 'quality and thoroughness' did not entail any substantive input on his part. Instead, his review was procedural in nature, as set forth above in Nos. 2 and 4."

My reply: The Backgrounder (which Liebenberg testified was followed) makes clear that the chair must be "satisfied with the quality and thoroughness of the investigation." This standard plainly requires a decision by the chair. Again, Liebenberg's posited distinction between procedure and substance is incoherent. Further, she conflates the issue whether Tober provided "any substantive input" with the distinct question whether he performed a substantive review. (Incidentally, the fact that Tober evidently performed his substantive role in such a perfunctory fashion undermines the integrity of the ABA process. One reason to have a chair, rather than simply a checklist, is to harmonize the approaches taken by investigators so that ratings are consistent and don't turn unduly on the assignment of the investigator.)

Proposition 7: Tober directed his committee colleagues to read Askew's report and Mr. Hayward's report "in tandem".

Liebenberg's response: "Consistent with the practice of the Committee, Ms. Askew circulated her report directly to the Standing Committee members. In her transmittal letter accompanying the report she advised the members that they would separately receive Mr. Hayward's report at or about the same time. She also advised the Committee members to review all of the evaluation materials, including the documents pertaining to the Standing Committee's 1992 evaluations of Mr. Wallace, before voting on Mr. Wallace's rating. It should be noted that Ms. Askew advised Committee members that she was the person who should be called if they had any questions about her report or the accompanying materials.

"Subsequently, Mr. Tober similarly advised Committee members to review the reports by Ms. Askew and Mr. Hayward in tandem. He did not direct Committee members to ascribe more significance to one report than another; did not suggest how Committee members should vote; and did not discuss with Ms. Askew, Mr. Hayward, or any members of the Committee his own views of the professional qualifications of Mr. Wallace."

My reply: Liebenberg concedes Tober's role.

Proposition 8: Whether in person, by telephone, by e-mail, or in some other fashion, Tober was party to the ABA committee's deliberations on Wallace.

Liebenberg's response: "There were no 'deliberations' among Standing Committee members with respect to the rating of Mr. Wallace. Each Committee member independently reviewed the evaluation materials and voted on a rating to be given to Mr. Wallace. Mr. Tober and the rest of the Standing Committee did not have an in-person meeting, conference call, or e-mail discussion regarding Mr. Wallace's qualifications or the rating to be given to him."

My reply: For present purposes, I assume the correctness of Liebenberg's account. (If there were no deliberations on a "not qualified" recommendation—and on Askew's badly flawed report—that would seem yet another damning indictment of the ABA's processes.)

Propositions 9 and 10: Tober received and tallied the votes from other committee members. Tober reported the ABA committee's rating to the Senate Judiciary Committee.

Liebenberg's response: "The 14 voting members of the Committee conveyed their votes to Mr. Tober, who in turn reported the Committee's unanimous 'Not Qualified' rating of Mr. Wallace to the Senate Judiciary Committee."

My reply: Liebenberg concedes Tober's role.

Proposition 11: At the Judiciary Committee hearing, Senator Sessions asked Mr. Hayward, "Are you aware that other members of the [ABA] committee probably were aware that the chair of the committee [i.e., Mr. Tober] had had a personal run-in with the nominee, Mr. Wallace?" Mr. Hayward replied, "I said I was aware. If you read the record, you are aware." (Transcript, pp. 142–143) I understand this exchange to indicate that the confidential ABA committee report on Mr. Wallace included a discussion of Mr. Tober's experience with, and views of, Mr. Wallace.

Liebenberg's response: "Neither the report by Ms. Askew nor the report by Mr. Hayward included a discussion of Mr. Tober's experience with, and views of, Mr. Wallace. The evaluation materials did not include a discussion of any 'run-in' between Mr. Tober and Mr. Wallace in 1987, or any other interactions between them. Mr. Tober was not interviewed by Ms. Askew or Mr. Hayward about Mr. Wallace, they did not solicit his views regarding the nominee, and he did not volunteer to them his views."

My reply: For present purposes, I assume the correctness of Liebenberg's account.

Proposition 12: Liebenberg testified at the Judiciary Committee hearing that "it is important to emphasize that Mr. Tober did not participate in any way in the rating" of Wallace (Transcript, p. 126); that Tober "did not participate in either the evaluation or the rating" (Transcript, p. 126); that "neither Mr. Tober, nor Mr. Greco participated in the evaluation or the rating of Mr. Wallace" (Transcript, p. 128); that "I would just, again, add that Mr. Tober did not participate in the evaluation" (Transcript, p. 131); that Tober, as chair of the committee, "does not oversee the evaluations" (Transcript, p. 131); and that "This is not a process where Mr. Tober had any role whatsoever in the evaluation or the vote" (Transcript, p. 134).

Liebenberg's response (presented in the third person): "When Ms. Liebenberg testified that Mr. Tober did not 'participate' in the evaluation or rating of Mr. Wallace, her testimony was based on the fact that Mr. Tober did not conduct any of the evaluation interviews; was not interviewed by Ms. Askew or Mr. Hayward; did not prepare the evaluation reports or make any revisions to them; did not vote on Mr. Wallace's rating; and did not express his own opinion of Mr. Wallace's professional qualifications or what Mr. Wallace's rating should be to Ms. Askew, Mr. Hayward, or anyone else on the Committee. Thus, Mr. Tober did not play a substantive role in the evaluation or rating of Mr. Wallace. Ms. Liebenberg explained to the Senate Judiciary Committee that the evaluations were the sole responsibility of Ms. Askew and Mr. Hayward, and that each of the 14 voting members of the Committee independently voted on the rating, with no influence being exercised over their votes by Mr. Tober. (transcript pp. 116, 121)"

My reply: Propositions 1–7, 9 and 10 establish that Liebenberg's testimony was false. The transcript pages cited in her response do not put a different gloss on Liebenberg's testimony. Indeed, they consist entirely of (unrelated) testimony by Askew, not Liebenberg.

THE PASSING OF JUDGE JANE BOLIN

Mr. LEAHY. Mr. President, this week we lost Judge Jane Bolin, the Nation's first African-American female judge, whose career marks a shining example of a person knocking down barriers and leaving a footprint for others to follow.

Stirred by a strong sense of justice and a forceful determination to contribute, Judge Bolin overcame the indignity of signs saying "no women should apply" and "no blacks allowed," and rose to have a career defined by "firsts," the first African-American woman to graduate from Yale Law School, the first to join the New York City Bar Association, the first to work in the office of the New York City corporation counsel, and the first to serve on the judicial bench. Her legacy will live on, not only through her accomplishments on the bench of ending the placement of children in childcare agencies on the basis of ethnic background and ending the assignment of probation officers on the basis of race but also through the example of her lifelong struggle to show "a broad sympathy for human suffering" which will continue to inspire generations to come.

I salute her life and hope that our Nation will continue its march towards a more representative judiciary.

MESSAGE FROM THE HOUSE

At 3:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4. An act to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries.

The message also announced that pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2007, the Speaker appoints the following named Member of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. HASTINGS of Florida, Chairman.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4. An act to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 287. A bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMAS (for himself and Mr. ENZI):

S. 277. A bill to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMAS:

S. 278. A bill to establish a program and criteria for National Heritage Areas in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 279. A bill to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. LINCOLN, Ms. SNOWE, Mr. OBAMA, Ms. COLLINS, and Mr. DURBIN):

S. 280. A bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. VITTER:

S. 281. A bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 282. A bill to amend the Higher Education Act of 1965 to reduce over a 5-year period the interest rate on certain undergraduate student loans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 283. A bill to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself, Mr. HAGEL, Mr. SALAZAR, Mr. NELSON of Nebraska, Mr. THUNE, Mr. DORGAN, Ms. KLOBUCHAR, Mr. COLEMAN, Mr. BAUCUS, Mr. TESTER, Mr. INOUYE, Ms. LANDRIEU, and Ms. CANTWELL):

S. 284. A bill to provide emergency agricultural disaster assistance; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HAGEL (for himself and Mr. ISAKSON):

S. 285. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain concentrated animal feeding operations for the cost of complying with environmental protection regulations; to the Committee on Finance.

By Mr. HAGEL:

S. 286. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income interest received on loans secured by agricultural real property; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. SANDERS, Mrs. BOXER, Mr. KERRY, Mr. HARKIN, Mr. MENENDEZ, and Mr. BROWN):

S. 287. A bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007; read the first time.

By Mr. KERRY:

S. 288. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. WEBB, Mr. CASEY, and Mr. ROCKEFELLER):

S. 289. A bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 290. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to rural primary health providers; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. KERRY):

S. 291. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself, Ms. LANDRIEU, Mr. LOTT, Mr. VITTER, and Mr. COCHRAN):

S. 292. A bill to establish a bipartisan commission on insurance reform; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU:

S. 293. A bill to extend the period in which States may spend funds from the additional allotments provided to States under the Social Services Block Grant program for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes in the Gulf of Mexico; to the Committee on Finance.

By Mr. VITTER:

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 27. A resolution to constitute the majority party's membership on certain committees of the One Hundred Tenth Congress, or until their successors are chosen; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 28. A resolution to constitute the minority party's membership on certain committees for the One Hundred Tenth Congress, or until their successors are chosen; considered and agreed to.

By Ms. STABENOW (for herself, Mr. DURBIN, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. LEAHY, Mr. KERRY, Mr. MENENDEZ, Mr. BAUCUS, Mr. SCHUMER, Mr. SANDERS, Mr. KOHL, Mr. CARDIN, Mr. LAUTENBERG, Mr. OBAMA, Mr. WEBB, Ms. MIKULSKI, Mr. LEVIN, Mr. DODD, Mr. KENNEDY, Mr. SALAZAR, Mrs. CLINTON, Ms. CANTWELL, Mr. TESTER, Mr. BINGAMAN, Mr. BYRD, Mr. BROWN, Mr. BIDEN, Mr. WYDEN, Mr. NELSON of Florida, Mrs. FEINSTEIN, Mr. BAYH, Mr. REED, Mrs. BOXER, Mr. WHITEHOUSE, Mr. PRYOR, Mr. FEINGOLD, Mr. REID, and Mr. SPECTER):

S. Res. 29. A resolution expressing the sense of the Senate regarding Martin Luther King, Jr. Day and the many lessons still to be learned from Dr. King's example of nonviolence, courage, compassion, dignity, and public service; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 138

At the request of Mr. SCHUMER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 138, a bill to amend the Internal Revenue Code of 1986 to apply the joint return limitation for capital gains exclusion to certain post-marriage sales of principal residences by surviving spouses.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 215

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 215, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 233

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 233, a bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

S. 234

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 234, a bill to require the FCC to issue a final order regarding television white spaces.

S. 259

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 259, a bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

AMENDMENT NO. 1

At the request of Mr. KERRY, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 20

At the request of Mr. BENNETT, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Mr. VITTER) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 20 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 37

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 37 proposed to S. 1, a bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 279. A bill to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 283. A bill to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am joined by my colleague, and the Ranking Member of the Committee on Energy and Natural Resources, PETE DOMENICI, on the introduction of two bills regarding the insular areas affiliated with the United States. The text of both of these bills is identical to the text of bills that passed the Senate by unanimous consent on September 29, 2006.

The first bill, "To Repeal Certain Sections of the Act of May 26, 1936 Pertaining to the Virgin Islands," would repeal sections of a 1936 law governing local U.S. Virgin Islands tax policy that were thought to have been effectively repealed in 1952. That year, Congress enacted the Virgin Islands Organic Act to establish local self-government and to delegate certain local functions, including the development and administration of local property taxes, to a newly established local government. Notwithstanding this intent, in 2004, a Federal court ruled that these sections of the Act of 1936 are still in effect.

The text of the bill introduced today is identical to S. 1829, as passed by the Senate four months ago. A hearing was held on that bill on October 25, 2005, and it was reported from the Committee on April 20, 2006. Details on the background, purpose, and need for this legislation is available in Senate Hearing 109-291, and in Senate Report 109-236.

The second bill being introduced today, "To Amend the Compact of Free Association Amendments Act of 2003, and For Other Purposes," would make several relatively minor, clarifying, and technical changes to Public Law 108-188 which approved the Compact of Free Association between the U.S. and the Marshall Islands, and the Compact between the U.S. and Micronesia. The text of this bill is identical to S. 1830, as passed by the Senate four months ago. A hearing was held on that bill on October 25, 2005, and it was reported from the Committee on April 20, 2006. Details on the background, purpose, and need for this legislation is available in Senate Hearing 109–291, and in Senate Report 109–237.

Although relatively small and remote, the U.S.-affiliated insular areas are the home for many U.S. citizens, or for communities with which our Nation has special historical and political relationships. Maintaining and strengthening these relationships is a particular concern of the Committee on Energy and Natural Resources because of its jurisdiction over matters relating to the territories and freely associated states. It is unfortunate that, last year, Senate passage of these bills was delayed leaving insufficient time for enactment. I look forward to working with members of the Committee and the Senate on their prompt consideration this session, and to their enactment as soon as possible.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the texts of the bills were ordered to be printed in the RECORD, as follows:

S. 279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF CERTAIN LAWS PERTAINING TO THE VIRGIN ISLANDS.

(a) REPEAL.—Sections 1 through 6 of the Act of May 26, 1936 (48 U.S.C. 1401 et seq.), are repealed.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on July 22, 1954.

S. 283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Compacts of Free Association Amendments Act of 2007"

SEC. 2. APPROVAL OF AGREEMENTS.

Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof"; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof".

SEC. 3. CONFORMING AMENDMENT.

Section 105(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)) is amended by striking subparagraph (A) and inserting the following:

"(A) EMERGENCY AND DISASTER ASSISTANCE.—

"(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.–FSM Compact and section 221(a)(5) of the U.S.–RMI Compact shall each be construed and applied in accordance with the 2 Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively.

"(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.".

SEC. 4. CLARIFICATIONS REGARDING PALAU.

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking "and its territories" and inserting ", its territories, and the Republic of Palau";

(2) in clause (iii)(II), by striking ", or the Republic of the Marshall Islands" and inserting ", the Republic of the Marshall Islands, or the Republic of Palau"; and

(3) in clause (ix)—

(A) by striking "Republic" both places it appears and inserting "government, institutions, and people";

(B) by striking "2007" and inserting "2009"; and

(C) by striking "was" and inserting "were".

SEC. 5. AVAILABILITY OF LEGAL SERVICES.

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: ", which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)".

SEC. 6. TECHNICAL AMENDMENTS.

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking "section 177" and inserting "Section 177".

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting "the" before "U.S.–RMI Compact,";

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8), by striking "to include" and inserting "and include";

(ii) in paragraph (9)(A), by inserting a comma after "may"; and

(iii) in paragraph (10), by striking "related to service" and inserting "related to such services"; and

(C) in the first sentence of subsection (j), by inserting "the" before "Interior".

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking "Trust Fund" and inserting "Trust Funds".

(b) TITLE II.—

(1) U.S.–FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking "courts" and inserting "court"; and

(ii) in subsection (b)(2), by striking "the" before "November";

(B) in section 177(a), by striking ", or Palau" and inserting "(or Palau)";

(C) in section 179(b), strike "amended Compact" and inserting "Compact, as amended,";

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

(ii) in the fifth sentence of subsection (a), by striking "Trust Fund Agreement," and inserting "Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),";

(iii) in subsection (b)—

(I) in the first sentence, by striking "Government of the" before "Federated"; and

(II) in the second sentence, by striking "Sections 321 and 323 of the Compact of Free Association, as Amended" and inserting "Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,"; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: "and the Federal Programs and Services Agreement referred to in section 231";

(E) in the first sentence of section 215(b), by striking "subsection(a)" and inserting "subsection (a)";

(F) in section 221—

(i) in subsection (a)(6), by inserting "(Federal Emergency Management Agency)" after "Homeland Security"; and

(ii) in the first sentence of subsection (c), by striking "agreements" and inserting "agreement";

(G) in the second sentence of section 222, by inserting "in" after "referred to";

(H) in the second sentence of section 232, by striking "sections 102 (c)" and all that follows through "January 14, 1986)" and inserting "section 102(b) of Public Law 108–188, 117 Stat. 2726, December 17, 2003";

(I) in the second sentence of section 252, by inserting ", as amended," after "Compact";

(J) in the first sentence of the first undesignated paragraph of section 341, by striking "Section 141" and inserting "section 141";

(K) in section 342—

(i) in subsection (a), by striking "14 U.S.C. 195" and inserting "section 195 of title 14, United States Code"; and

(ii) in subsection (b)—

(I) by striking "46 U.S.C. 1295(b)(6)" and inserting "section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))"; and

(II) by striking "46 U.S.C. 1295b(b)(6)(C)" and inserting "section 1303(b)(6)(C) of that Act";

(L) in the third sentence of section 354(a), by striking "section 442 and 452" and inserting "sections 442 and 452";

(M) in section 461(h), by striking "Telecommunications" and inserting "Telecommunication";

(N) in section 462(b)(4), by striking "of Free Association" the second place it appears; and

(O) in section 463(b), by striking "Articles IV" and inserting "Article IV".

(2) U.S.-RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking "court" and inserting "courts";

(B) in section 177(a), by striking the comma before "(or Palau)";

(C) in section 179(b), by striking "amended Compact," and inserting "Compact, as amended,";

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

(ii) in the first sentence of subsection (b), by striking "Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Miliary Use and Operating Rights" and inserting "Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)"; and

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: "and the Federal Programs and Services Agreement referred to in section 231";

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking "Section 231" and inserting "section 231"; and

(ii) in paragraph (5), by inserting "(Federal Emergency Management Agency)" after "Homeland Security";

(F) in the second sentence of section 232, by striking "sections 103(m)" and all that follows through "(January 14, 1986)" and inserting "section 103(k) of Public Law 108–188, 117 Stat. 2734, December 17, 2003";

(G) in the first sentence of section 341, by striking "Section 141" and inserting "section 141";

(H) in section 342—

(i) in subsection (a), by striking "14 U.S.C. 195" and inserting "section 195 of title 14, United States Code"; and

(ii) in subsection (b)—

(I) by striking "46 U.S.C. 1295(b)(6)" and inserting "section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))"; and

(II) by striking "46 U.S.C. 1295b(b)(6)(C)" and inserting "section 1303(b)(6)(C) of that Act";

(I) in the third sentence of section 354(a), by striking "section 442 and 452" and inserting "sections 442 and 452";

(J) in the first sentence of section 443, by inserting ", as amended." after "the Compact";

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking "1978" and inserting "1998"; and

(ii) by striking "Telecommunications" and inserting "Telecommunication Union"; and

(L) in section 463(b), by striking "Article" and inserting "Articles".

SEC. 7. TRANSMISSION OF VIDEOTAPE PROGRAMMING.

Section 111(e)(2) of title 17, United States Code, is amended by striking "or the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands".

SEC. 8. PALAU ROAD MAINTENANCE.

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101–219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

SEC. 9. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.

In the U.S.-RMI Compact, the U.S.-FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term "State" means "State, territory, or the District of Columbia".

By Mr. LIEBERMAN (for himself, Mr. McCain, Mrs. Lincoln, Ms. Snowe, Mr. Obama, and Mr. Durbin):

S. 280. A bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, on October 4 of last year, the Hadley Centre for Climate Prediction and Research, which houses Great Britain's leading climate scientists, projected that in the absence of prompt action to curb global warming, extreme drought will spread across one third of the Earth's land surface by the end of this century.

On October 30, the head of the United Kingdom's Government Economic Service forecasted that unchecked global warming will cost the world between five and twenty percent of gross domestic product each year.

On December 4, the director of the U.S. Center for Disease Control's National Center for Environmental Health cited global warming as "the largest looming public health challenge we face." Insect-borne diseases such as malaria are expected to spike as tropical ecosystems expand; hotter air will exacerbate the air pollutants that send our children to the hospital with asthma attacks; food insecurity from shifting agricultural zones will spark border wars; and storms and coastal flooding from sea-level rise will cause mortality and dislocation.

On December 14, in fact, the journal Science published a peer-reviewed study projecting that unchecked global warming could cause sea levels to rise between a half meter and one-and-a-half meters above 1990 levels by the end of this century. A sealevel rise in the middle of that range would submerge every city on the East Coast of the United States, from Miami to Boston.

And on December 27, the Interior Department proposed to list the polar bear as threatened with extinction due to Arctic ice melt from global warming.

When even erstwhile skeptics cite melting habitat as the reason polar bears are now threatened, I say the global warming debate is over. The American people want action, and they want it now.

As you know, Senator McCain and I have brought our legislation to solve global warming to a vote in this chamber twice already, first in 2003 and then again in 2005. On the same day that the Senate failed for a second time to pass our bill, in June 2005, this body fortunately did pass Senator Bingaman's resolution that the Congress should enact "a comprehensive and effective national program of mandatory, market-based limits on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions."

Today I am reintroducing an improved version of my and Senator McCain's Climate Stewardship and Innovation Act. As the last version of the Act did, the version I introduce today carries the co-sponsorship of Senators Obama and Snowe. I am proud to say that improvements to the bill have now attracted the additional co-sponsorship of Senators Lincoln and Collins. Very shortly, I understand, Representatives Olver and Gilchrest will reintroduce this bill's companion in the House.

The 2005 version of the Climate Stewardship and Innovation Act would have capped U.S. greenhouse gas emissions at year 2000 levels without mandating further reductions. The new bill will gradually lower the emissions cap, such that it reaches approximately one third of 2000 levels by 2050. Those long-term reductions will forestall catastrophic, manmade climate change, provided the world's other major economies follow suit within the next decade. Like the 2005 version, the reintroduced bill will control compliance costs by allowing companies to trade, save, and borrow emissions credits, and by allowing them to generate "offset" credits by inducing noncovered businesses, farms, and others to reduce their emissions or capture and store greenhouse gases. The reintroduced bill, however, will increase the availability of borrowing and offsets in order to control costs further.

This bill will be referred to the Environment and Public Works Committee, where I will chair a subcommittee on climate change. Colleagues of mine on that committee, including our esteemed chairwoman and my good friend, Senator BOXER, will have their own strong proposals for curbing global warming. I look forward to working with them to get comprehensive legislation reported favorably to the floor in a bipartisan manner. Senator BINGAMAN, the chairman of the Energy and Natural Resources Committee, has invested a great deal of work and expertise in a comprehensive climate bill of his own. I believe Senator BINGAMAN will be highly influential in this process, and I look forward to working with him closely to solve this problem.

With American know-how we can and will solve this problem. We will use the power of the free market to promote the rapid and widespread deployment of advanced technologies and practices for reducing greenhouse gas emissions. And we will do so without weakening the economic position of the United States or otherwise imposing hardship on its citizens.

I would like to close by extending my heartfelt thanks to the distinguished majority leader, Senator REID, for placing legislation to curb global warming among his top ten priorities for this Congress, and for memorializing that commitment with the introduction, as S. 6, of the National Energy and Environmental Security Act, a bill that I was proud to co-sponsor.

Mr. McCAIN. Mr. President, I am pleased to join Senator LIEBERMAN today, along with our co-sponsors, Senators SNOWE, OBAMA, COLLINS, and LINCOLN, in introducing the Climate Stewardship and Innovation Act of 2007. This legislation is designed to significantly reduce the Nation's greenhouse gas emissions to prevent the dangerous impacts of climate change, enhance our national security and maintain the strength to our economy. It would be accomplished through a combination of trading markets and the deployment of advanced technologies.

As I have stated on previous occasions, the design of this legislation is an evolving process. The legislation we are introducing today represents yet another step in that effort. Since our last vote on this legislation, Senator LIEBERMAN and I have continued work on this proposal with the goal of producing the most innovative, meaningful, and economically feasible measure that can be embraced by the Senate. We believe the changes which we have made since we first introduced climate change legislation in the 108th Congress puts us on the path to achieving this goal, and we intend to make further improvements to this comprehensive legislation in the days ahead.

We have continually worked with scientists, industry, environmentalists, as well as the faith-based community, to ensure that we are fully addressing the serious problem of global warming. We continue to learn more about the science and the impacts of climate change on a daily basis. We continue to work with economists and industry experts to ensure that our emissions goals do not hamstring our economic objectives. In particular, we continue to learn more about the power of the markets to control costs as emission credit trading continues in Europe and here in the U.S. I am confident that given the will, the Federal Government can be a lead advocate for ensuring that America is doing its part to reduce global warming, and join in the global effort that is needed to address this world-wide environmental issue.

I want to mention the efforts of States like California, which has already enacted legislation requiring mandatory reduction of greenhouse gas emissions, and the Northeast States of Connecticut, Delaware, Maine, New Hampshire, New Jersey, New York, and Vermont, which are also seeking to limit emissions from power plants. Over 300 U.S. mayors have signed an agreement to reduce emissions in their cities.

As these State plans and legislation are implemented, they will offer Congress and the Administration unique opportunities to review and incorporate lessons learned from these efforts into Federal legislation. Despite the improvements we have made in this version of our bill to be environmentally responsible and to minimize economic costs, we will continue to pursue new and innovative ideas that will further these objectives, and we will modify our bill accordingly.

The legislation we submit today is designed to protect our environment from the impacts of the climate change resulting from the buildup of greenhouse gases in the atmosphere, improve our national security by reducing reliance on fossil fuels that often carry with them geopolitical costs, and position our economy to become a world leader in the expanding markets for development and deployment of new energy efficient technologies and renewable energy sources. It proposes the utilization of the "cap and trade" approach and promotes the commercialization of technologies that can significantly reduce greenhouse gas emissions, mitigate the impacts of climate change, and increase the nation's energy independence. And it will help to keep America at the cutting edge of innovation where the jobs and trade opportunities of the new economy are to be found. It will also serve to protect our country and the world from the security threat posed by populations whose health, livelihood, and variability are potentially threatened by global rising temperatures and altered environments.

In fact, the cap and trade provisions and the technology title are complementary parts of a comprehensive program that will allow us to usher in a new energy era, an era of responsible and innovative energy production and use that will yield enormous environmental, economic, and diplomatic benefits. The cap and trade portion provides the economic driver for existing and new technologies capable of supplying reliable and clean energy and making the best use of America's available energy resources. Because of the multiple benefits promised by this comprehensive program, we expect that the new bill will attract additional support for the vital purposes of the Climate Stewardship and Innovation Act. We simply need the political will to match the public's concern about climate change, desire for national security, the economic interests of business and consumers, and American technological ingenuity and expertise.

As I mentioned, we continue to learn more about the science of climate change and the dangerous precedence of not addressing this environmental problem. The science tells us that urgent and significant action is needed. Our National Academies of Sciences, along with the national academies from the other G8 nations, China, India, and Brazil, has said in a joint statement that "there is now strong evidence that significant global warming is occurring." and "[t]he scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action."

We recognize that many fear the costs of taking action. But there are costs to delay as well. Failure to implement significant reductions in net greenhouse gas emissions in the near term will yield only more climate change and a much harder job in the future. Our comprehensive legislation is one approach to a productive, secure, and clean energy future. But it is only one approach and we welcome other proposals—let a thousand flowers bloom.

Significant reductions in greenhouse gases—well beyond those required by this bill—are feasible over the next 15-20 years using technologies available today. Also, the most important technological deployment opportunities to reduce emissions over the next two decades lie with energy efficient technologies and renewable energy sources, including nuclear, solar, wind, and biofuels. For example, in the electric power sector, which accounts for one-third of U.S. emissions, major pollution reductions can be achieved by improving the efficiency of existing fossil fuel plants, adding new reactors designs for nuclear power, expanding use of renewable power sources, and significantly reducing electricity demand with the use of energy-saving technologies currently available to residential and commercial consumers. These clean technologies need to be promoted and that is what spurs our action today.

Let me take a moment to address a section of our legislation that has been the target of some concerns by environmentalists and others—concerns that I believe are entirely unwarranted. The provisions in our bill to promote nuclear energy are an important part of the comprehensive technology package.

I know that some of our friends here in the Senate and in the environmental community maintain strong objections to nuclear energy, even though today it supplies nearly 20 percent of the electricity generated in the U.S. and much higher proportions in places such as France, Belgium, Sweden and Switzerland—countries that are not exactly known for their environmental disregard. The fact is, nuclear energy is CLEAN. It produces ZERO emissions, while the burning of fossil fuels to generate electricity produces approximately 33 percent of the greenhouse gases accumulating in the atmosphere, and is a major contributor to air pollution affecting our communities.

The idea that nuclear power should play no role in our future energy mix is an unsustainable position, particularly given the urgency and magnitude of the threat posed by global warming which most regard as the greatest environmental threat to the planet.

The International Energy Agency estimates that the world's energy consumption is expected to rise over 65 percent within the next fifteen years. If the demand for electricity is met using traditional coal-fired power plants, not only will we fail to reduce carbon emissions as necessary, but the level of carbon in the atmosphere will skyrocket and intensify the greenhouse effect and the global warming it produces.

As nuclear plants are decommissioned, the percentage of U.S. electricity produced by this zero-emission technology will actually decline. Therefore, at a minimum, we must make efforts to maintain nuclear energy's level of contribution, so that this capacity is not replaced with higher-emitting alternatives.

No doubt, some people will object to the idea of the Federal Government playing any role in helping demonstrate and commercialize new and beneficial energy technologies, and particularly nuclear designs. We understand the power of markets to spur innovation and our proposals is built on this fundamental lesson. But the fact remains that the market playing field has been highly uneven—fossil fuels have been subsidized for many decades at levels that can scarcely be calculated. The enormous economic costs of damage caused by air pollution and greenhouse gas emissions to the environment and human health are not factored into the price of power produced by fossil-fueled technologies. Yet, it's a cost that we all bear, too often in terms of ill-health and diminished quality of life. That is simply a matter of fact.

It is also inescapable that the ability to avoid internalizing these costs placed produces at a great advantage over clean competitors. Based on that fact, and in light of the enormous environmental and economic risk posed by global warming, I believe that providing zero and low emission technologies such as nuclear a boost into the market place so that these clean technologies can be utilized as soon as possible is responsible public policy, and a matter of simple public necessity, particularly, as we work to promote America's energy independence.

The Navy has operated nuclear powered submarines for more than 50 years and has an impressive safety and performance record. The Naval Reactors program has demonstrated that nuclear power can be done safely. One of the underpinning of its safety record is the approach used in its reactor designs, which is to learn and built upon previous designs. Unfortunately for the commercial nuclear industry, they have not had the opportunity to use such an approach since the industry has not been able to build a reactor in over the past 25 years. This lapse in construction has led us to where we are today with the industry's aging infrastructure. As we have learned from other industries, this in itself represents a great risk to public safety.

As Senator LIEBERMAN and I have continued working for passage of legislation to address climate change in a meaningful way, it has become clear to us that any responsible climate change measure must contain five essential components:

First, it must have rational, mandatory emission reduction targets and timetables. It must be goal oriented, and has both environmental and economic integrity. We need policy that will produce necessary outcomes, not merely check political boxes. The goal must be feasible and based on sound science, and this is what we have tried to do in this bill.

Second, it must utilize a market-based cap and trade system. It must limit greenhouse gas emissions and allows the trading of emission credits to drive enterprise, innovation and efficiency. This is the central component of our legislation. Voluntary efforts will not change the status quo, taxes are counterproductive, and markets are more dependable than regulators in effecting sustainable change.

Third, it must include mechanisms to minimize costs and work effectively with other markets. The "trade" part of "cap and trade" is such a mechanism, but it's clear it must be bolstered by other assurances that costs will be minimized. I am as concerned as anyone about the economic impacts associated with any climate change legislation. I know that many economists are developing increasingly sophisticated ways to project future costs of compliance. Lately, we have seen the increased interest in this area of research. As we learn more from these models about additional action items to further reduce costs, we intend to incorporate them. Already, based upon earlier economic analysis, we have added "offsets" provisions in this bill in an effort to minimize costs and to provide for the creation of new markets. And, I assure my colleagues, we will continue to seek new and innovative ways to further minimize costs.

Fourth, it must spur the development and deployment of advanced technology. Nuclear, solar, and other alternative energy must be part of the equation and we need a dedicated national commitment to develop and bring to market the technologies of the future as a matter of good environmental and economic policy. There will be a growing global market for these technologies and the U.S. will benefit greatly from being competitive and capturing its share of these markets. This legislation includes a detailed technology title that would go a long way toward meeting this goal. Unlike the Energy bill, it would be funded using the proceeds from the auctioning of allowable emission credits, rather than from the use of taxpayers' funds or appropriations that will never materialize.

And fifth, it must facilitate international efforts to solve the problem. Global warming is an international problem requiring an international effort. The United States has an obligation to lead. Our leadership cannot replace the need for action by countries such as India and China. We must spur and facilitate it. We have added provisions that would allow U.S. companies to enter into partnerships in developing countries for the purpose of conducting projects to achieve certified emission reductions, which may be traded on the international market.

These five components represent a serious challenge that will require a great deal of effort, the concentration of substantial intellectual power, and the continued efforts of our colleagues and those in the environmental, industry, economic, and national security communities. We look forward to collaborating in this effort as we continue to shape our legislation to its most effective form.

The status quo is a strong and stubborn force. People and institutions are averse to change, even when that change is critical for their own well-being, and that of their children and grandchildren. If the scientists are right and temperatures continue to rise, we could face environmental, economic, and national security consequences far beyond our ability to imagine. If they are wrong and the Earth finds a way to compensate for the unprecedented levels of greenhouse gases in the atmosphere, what will we have accomplished? Cleaner air; greater energy efficiency, a more diverse and secure energy mix, and U.S. leadership in the technologies of the future. There is no doubt; failure to act is the far greater risk.

Ms. SNOWE. Mr. President, I rise today to offer, with my colleagues Senators LIEBERMAN, MCCAIN, OBAMA, LINCOLN, and COLLINS, S. 280, the bipartisan Climate Stewardship and Innovation Act that requires the United States to take actions to reduce manmade greenhouse gas emissions for the protection of both our environment and our economy. This legislation takes concrete steps by using a fair, market-based system to once and for all demonstrate leadership on climate change and reduce emissions in the United States. Furthermore, it will do so without weakening the economic position of the United States or otherwise imposing hardship on its citizens.

Ongoing peer-reviewed scientific and economic research demonstrates that climate change is one of the most significant environmental and economical issues of the 21st century, impacting the planet's weather patterns, resulting in more severe, sustained storm systems, floods, heat waves, and droughts. Yet, I have grave concerns that the lack of domestic climate change policy is akin to Nero's approach, fiddling as the planet warms.

With overwhelming scientific evidence that global warming is adversely impacting the health of our planet, the time has come for the Congress to step up and take action. Anthropogenic greenhouse gas emissions that enter the atmosphere today from all sectors of our society will last for generations to come threatening our oceans, our environment and the economic well-being of our country and the world. It is beyond dispute that we cannot afford the price of inaction.

The urgency is clear as climate change is no longer an abstract concept. Sea levels are rising, polar ice caps are melting. Indeed, earlier this month the Bush administration listed the polar bear a threatened species. Department of Interior Secretary Dirk Kempthorne stated, "Polar bears are one of nature's ultimate survivors. They're able to live and thrive in one of the world's harshest environments, but there's concern that their habitat may literally be melting away." The listing document says that the polar bear's ice habitat that is used as platforms for hunting, mating and resting could vanish within half a century.

The majestic polar bear of the Arctic may well be the symbol of climate change just as the bald eagle was when Rachel Carson published her stunning book "Silent Spring" in 1962 that linked the DDT pesticide to the fate of our national symbol—and created an environmental conscious for the country.

It is obvious that new and longer term ideas for securing both domestic and international cooperation are necessary as we cannot get to the heart of this global problem without the world's major economies taking domestic actions. Clearly, as the causes of climate change are global and the atmosphere knows no boundaries, the challenge can only be met with all the countries of the world working together.

That is why when asked by three major independent think tanks—the Center for American Progress in the U.S., the Institute for Public Policy Research in the U.K. and the Australia Institute—I accepted the co-chairmanship of the high-level International Climate Change Taskforce—the ICCT—to chart a way forward on climate change on a parallel track with the Kyoto Protocol process. The report from this Taskforce, Meeting the Climate Challenge, recommends ways to involve the world's largest economies in the effort, including the U.S. and major developing nations, focusing on creating new agreements to achieve the deployment of clean energy technologies, and a new global policy framework that is both inclusive and fair.

The Taskforce, along with Co-chair, the Rt. Honorable Stephen Byers of the U.K., includes an international, cross-party, cross-sector collaboration of leaders from public service, science, business and civil society from both developed and developing countries. We set out a pathway to solve climate change issues in tandem—collaboratively finding common ground through recommendations that are both ambitious and realistic to engage all countries, and, critically, including those not bound by the Kyoto Protocol and major developing countries. We hope our proposals will be a prelude to the international dialogue and, ultimately, set the score for lasting change.

The Report calls for the establishment of a long-term objective of preventing global average temperature from rising more than 3.6 degree Fahrenheit, 2 degrees Centigrade, above the pre-industrial level by the end of the century.

The Taskforce arrived at the 2 degrees Centigrade—or 3.6 degree Fahrenheit—temperature increase goal on the basis of an extensive review of the relevant scientific literature that shows that, as the ICCT Report states, "Beyond the 2 degree Centigrade level, the risks to human societies and ecosystems grow significantly. It is likely, for example, that average temperature increases larger than this will entail substantial agricultural losses, greatly increases numbers of people at risk of water shortages, and widespread adverse health impacts."

Our Report goes on to say that, "Climate science is not yet able to specify the trajectory of atmospheric concentrations of greenhouse gases that corresponds precisely to any particular global temperature rise. Based on current knowledge, however, it appears that achieving a high probability of limiting global average temperature rise to 2 degrees C will require that the increase in greenhouse-gas concentrations as well as all the other warming and cooling influences on global climate in the year 2100, as compared with 1750, should add up to a net warming no greater than what would be associated with a CO_2 concentration of about 400 parts per million (ppm)".

This goal of the ICCT comports well with the Climate Stewardship and Innovation Act we are introducing today because the legislation creates a domestic market-based cap-and-trade system to reduce manmade carbon dioxide emissions with specific targets to meet specific dates. The bill will also make the U.S. a partner in the vast community of developed countries who have adopted national mandatory cap-and-trade systems for carbon emissions. I believe it will also bring emerging economies to the international negotiating table, such as China, who is predicted to surpass the U.S. as the largest emitter of greenhouse gases by 2010—China who is putting on line one carbon-spewing coal-fired power plant each week.

Achieving success for climate change legislation that calls for realistic reductions of greenhouse gases by setting certain targets means disabusing skeptics and opponents alike of cherished mythologies that environmental protection and economic growth are mutually exclusive. The irony is both are actually increasingly interdependent and will only become more so as the 21st century progresses. Robust companies dedicated to reducing emissions are proof-positive "going-green" represents a burgeoning sector of our economy, not the drain and hindrance we've been led to believe for so many years. This bill accommodates for the early actions these companies have taken to reduce emissions.

And to their credit—the most progressive U.S. companies have reduced emissions even further than required in the Climate Stewardship and Innovation Act. In an act of economic acumen, they are hedging their bets by adopting internal targets. And, these companies are saving money by reducing their energy consumption and positioning themselves to compete in the growing global market for climate-friendly technologies. Any cost-conscious CFO—or forward-thinking CEO for that matter—should admit that to prevent pollution now will most certainly cost less than cleaning it up later.

The economics of prevention and stewardship resonate more when you consider property that erodes because of rising sea levels, farm land that fails to yield crops and becomes barren and arid, and revenue opportunities squandered because of dwindling fishing stocks caused by hotter temperatures. These represent real costs to the bottom line—not to mention irreparable damage to our health and quality of life. We procrastinate on these policy imperatives at the peril of both our country and our planet. Congress is quite facile at deferring costs to the future, often with enormous consequences. No one was more aware of this tendency than Abraham Lincoln, who—in his Message to Congress in 1862—offered this challenge to the legislative branch, "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew."

We have a choice between an ever more treacherous path of greater environmental damage and economic harm, or an upward path to a better future for our planet, and enhanced competitiveness for our industries. I urge my colleagues to join with those of us who believe we should move forward by taking appropriate actions now for global warming reductions so that we may leave behind a better environment that was bestowed to us.

Mr. OBAMA. Mr. President, more than 18 months ago I stood in this Chamber to express my support for a previous version of the Climate Stewardship and Innovation Act, and to urge the support of my colleagues. On that day, I said that there are moments when we have the chance to take a new course that will leave our children a better world. However, in the interim, Congress has chosen not to act. In the interim, our Nation, and others around the world, continued to release greenhouse gases into the atmosphere at increasing rates.

With each passing year, as we choose not to act, the air we breathe contains ever more carbon dioxide, resulting from our use of fossil fuels. If we continue on our present course, human endeavors could cause a rise in temperature equivalent to the change between the last ice age and today. The decisions we make now on greenhouse gas emissions will have effects in the second half of this century, and into the next. The consequences of our inaction will be devastating for our children and grandchildren, and will be even worse for the poorest global populations.

Climate change is not reflected just in the fact that last year was the warmest year on record in the United States, or in the recent proposal that polar bears be listed as an endangered species because Arctic ice is melting. Those are just symptoms. The bigger problem is that global climate change will, in this century and the next, have effects on human health, on access to water, and on production of food.

Our inaction may reflect a misunderstanding of scientific evidence, even though such evidence accumulates, year by year, showing that climate change is a global threat resulting from human activity. Perhaps our inaction betrays an uncertainty about our ability to address this problem. Or perhaps our inaction is simply a result of inertia, a lack of political will in facing a difficult problem.

Whatever the basis of our inaction, I am convinced that we must now act. Every delay makes a solution more distant, and more difficult. I am also convinced that the best solution takes the form of the Climate Stewardship Act, which addresses the real costs and consequences of our current patterns of energy use, establishing a framework for a market-based solution which relies on American will, ingenuity, and technological expertise to mitigate climate change.

This bill establishes limits for greenhouse gas emissions well into the 21st century. To remain below these limits, the bill encourages the market to determine how best to reduce greenhouse gas emissions, rewarding cost-effective approaches using a system of tradeable allowances.

Revenues generated from this program will be used to help the industries and individuals most affected by the limits. These revenues will also fund research and development of efficient energy technologies, such as green buildings, high-power batteries for hybrid cars, safer nuclear plants to generate electricity, large scale biofuels facilities, renewable sources, and advanced coal power plants that capture the carbon dioxide they generate. This program will spur American innovation, creating business opportunities as new markets are created in low-carbon technologies and services.

I am proud to join Senators LIEBERMAN and MCCAIN in introducing this legislation, and I urge others to join this effort. I also look forward to the support of the American people as we move together to confront the very real threat to future generations of global climate change.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 282. A bill to amend the Higher Education Act of 1965 to reduce over a 5-year period the interest rate on certain undergraduate student loans; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to urge my colleagues to support the "College Student Relief Act." In 1958, spurred on by the launch of the Russian satellite, Sputnik, Congress passed the National Defense Education Act in order to ensure that through education, the United States would stay ahead of the Soviet Union in the space race. Because of the low interest loans offered through the National Defense Education Act, countless students were able to obtain a college education and help move America forward. I could never have attended Georgetown University and law school were it not for the government loans.

It is unquestionable that higher education plays a critical role in the future of our children. Over the course of a lifetime, a college graduate will earn over $1 million more than those without college degrees. In addition to the individual benefits of a college education, investing in and producing more college-educated Americans is vital to our Nation's growth. Economists estimate that the increase in the education level of the United States labor force between 1915 and 1999 directly resulted in at least 23 percent of the overall growth in U.S. productivity. To keep America at the economic forefront in the 21st Century, we must recognize the value of investing in higher education and provide students with the assistance they need so that they can compete in the global economy.

As college costs continue to skyrocket, attaining a college education is becoming an even bigger hurdle for many American students. Millions of eligible students never even make it to college because of financial barriers. Over the last five years, tuition, fees, room and board at four-year public colleges and universities increased by 42 percent. More than two-thirds of four-year college students now borrow to pay for school, and their average debt more than doubled between 1993 and 2004. According to the Congressional Advisory Committee on Student Financial Assistance, financial barriers will prevent 4.4 million high school graduates from attending a four-year public college over the next decade, and prevent another two million eligible students from attending college at all.

Last year, Republicans missed an opportunity to prevent higher student loan interest rates from going into effect. On July 1, 2006, student loan interest rates went from a 5.3 percent variable rate to a 6.8 percent fixed rate for student borrowers. We can address this situation and take the first step towards helping millions of college students across the Nation realize the American dream—achieving a college education.

That's why I'm introducing the College Student Relief Act of 2007. The bill cuts interest rates on subsidized student loans in half and will help lower the interest rates for 5.5 million college students. The bill phases in interest rate cuts over five years, from a 6.8 percent fixed rate to a 3.4 percent fixed rate for undergraduate borrowers of new subsidized student loans. Once fully implemented, these cuts will save the typical borrower—with $13,800 in need-based loan debt—approximately $4,400 in interest costs over the life of his or her loan.

Smart, hard-working kids deserve a chance to go as far as their talents will take them; however, large education debt changes the future in ways that cannot be quantified. Career plans are changed. Lifestyles are restricted. Home and auto purchases are put on hold. Family plans may be delayed to accommodate debt payments.

Let me share a few stories with you that illustrate the effects of carrying large education debt. When Stacie Odhner-Sibley and her husband made the decision ten years ago that she would go back to school and obtain her Bachelor's degree in order to provide a better future for their family, she was the first in her family to go to college. Fast forward to today. Stacie now has her Bachelor's degree and a Master's degree in School Guidance and Counseling. While this is the happy part of Stacie's story, the sad part is that Stacie and her husband are considering uprooting their three children and selling their home because they can't afford both student loans and a mortgage. The saddest part of Stacie's story is that the money her family would realize from the sale of their home won't even pay off the student loans. It will only be enough to take off some of the financial pressure they otherwise would be feeling.

Katie Miller is a student at Southern Illinois University at Edwardsville. Katie's story is not uncommon. She works part-time and her parents are unable to provide her with any financial assistance. She is extremely grateful for the financial aid she receives and recognizes that without it, she would not be able to go to school even though she is struggling to pay for food, insurance and other basic necessities.

Summer Boyd is an elementary teacher in Decatur, IL. She graduated from Millikin University in 2003 with $65,000 in student loans. As with Katie, Summer's parents could not afford to help pay for her college education. So, for the next 25 years, Summer will be paying over $500 each month toward her student loans. She doesn't mind paying for her education; however, the heavy burden of her student loan debt is already affecting her future plans. She and her husband want to have children, but for the time being, they must continue to scrape by each month and can only hope to someday be able to afford children.

Young people like Stacie, Katie and Summer should not face such high penalties because they had the desire and determination to pursue higher education.

An investment in our children's education is an investment in our Nation's future. We must do what we can today to ensure that America remains a global leader in the future. Our Nation will be richer—not just economically, but also culturally and socially—for having given a higher priority to making college affordable.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Student Relief Act of 2007".

SEC. 2. APPLICABLE INTEREST RATES.

Section 427A(l) of the Higher Education Act of 1965 (20 U.S.C. 1077a(l)) is amended—

(1) in paragraph (1), by inserting "and subject to paragraph (4)" after "Notwithstanding subsection (h)"; and

(2) by adding at the end the following:

"(4) SPECIAL RULE FOR SUBSIDIZED UNDERGRADUATE LOANS.—Notwithstanding subsection (h), with respect to any loan made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B, 428C, or 428H) to or for an undergraduate student for which the first disbursement is made on or after—

"(A) July 1, 2007, the applicable rate of interest shall be 6.12 percent on the unpaid principal balance of the loan;

"(B) July 1, 2008, the applicable rate of interest shall be 5.44 percent on such balance;

"(C) July 1, 2009, the applicable rate of interest shall be 4.76 percent on such balance;

"(D) July 1, 2010, the applicable rate of interest shall be 4.08 percent on such balance; and

"(E) July 1, 2011, the applicable rate of interest shall be 3.40 percent on such balance.".

By Mr. KERRY:

S. 288. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, this week Cpl Jason Dunham was posthumously recognized for his bravery in Iraq with the Congressional Medal of Honor. Corporal Dunham exemplified the valor and selflessness of an American service member. As a leader of his Marine Corps rifle squad Corporal Dunham encountered an Iraqi insurgent along the Iraq/Syria border. Corporal Dunham wrestled the insurgent to the ground when he become aware that he was about to throw a grenade he had been hiding. Without a moment's hesitation, Corporal Dunham sacrificed himself and threw himself on the grenade, using his body as a shield for the rest of his unit. He died from the wounds he sustained from the blast—but his act of heroism saved two Marine lives.

Today I reintroduce a bill that would ensure that this Nation more appropriately honors our veterans and soldiers like Corporal Dunham. This bill requires the use of 90 percent gold in the Congressional Medal of Honor instead of gold-plated brass, as is currently used.

The Medal of Honor is the highest award our country bestows for valor in action against an enemy force. These are ordinary soldiers who performed extraordinary deeds in battle, often giving what President Lincoln termed "the final full measure" in doing so.

Corporal Dunham in receiving this honor joins many other noble service members. This is the medal won by Marine Corps pilot, CPT Joe Foss, who in less than 30 days of combat over Guadalcanal, shot down 23 enemy planes, three in one engagement, and is credited with turning-back an entire Japanese bombing mission before it could drop a single bomb.

This is the medal won by Army PVT Edward Moskala who set aside his personal safety one night on the island of Okinawa to assault two machine gun nests, provide cover for his unit as it withdrew, and rescue fallen comrades amidst a hail of enemy fire before finally suffering a mortal wound.

This is the medal won by PMFC Francis Pierce, Jr., who on the island of Iwo Jima exposed himself repeatedly to enemy fire to save the lives of Marines he accompanied, traversing open terrain to rescue comrades and assaulting enemy positions that endangered his wounded comrades.

This is the medal won by Air Force CPT Hilliard A. Wilbanks who made repeated strafing runs over an advancing enemy element near Dalat, Republic of Vietnam on February 24, 1967. Captain Wilbanks' aircraft, it should be noted, was neither armed nor armored. He made the assaults by sticking his rifle out the window and flying low over the enemy. His action saved the lives of friendly forces, but it cost him his own.

Corporal Dunham has now been added to this esteemed group of heroes. Their brave acts are more than just inspirational stories, they are sacrifices made by real men and women that serve their country with pride.

This is a time in history when we are asking more and more from our men and women in uniform. They answer this call every time with honor and sacrifice. We should make the medals we award them for these acts commensurate with their dedication.

Regrettably, the medal itself, though gold in color, is actually brass plated with gold. It costs only about $30 to craft the award itself. As a veteran I recognize the value of the Medal does not lie in its composition but the sacrifices and service that merited it. However, this is a small way that we can express our gratitude to these heroes by giving them a medal that shows the depth of our appreciation.

Compared with other medals, the Congressional Medal of Honor, which is meant to be one of the country's highest honors, falls woefully short. Congress awards foreign dignitaries, famous singers, and other civilians, with medals that cost up to $30,000. For our veterans that give so much of themselves to this country you will agree that we can do better.

Put simply, this legislation will forge a medal more worthy of the esteem with which the nation holds those few who have earned the Congressional Medal of Honor through valor and heroism beyond compare.

By Mr. WARNER (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. WEBB, Mr. CASEY, and Mr. ROCKEFELLER):

S. 289. A bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, I rise today to introduce the Journey Through Hallowed Ground National Heritage Area Act, S. 289, a piece of legislation that seeks to designate some of Virginia's, indeed America's, most historic and beautiful lands as a national heritage area.

As I am sure my colleagues are aware, national heritage areas are intended to encourage residents, government agencies, nonprofit groups, and private partners to collaboratively plan and implement programs and projects to recognize, preserve, and celebrate many of America's defining landscapes. Today, there are 37 national heritage areas spread out across the United States.

In Virginia, we are lucky enough to have a landscape that is worthy of the recognition and celebration that a national heritage area designation would afford it. Stretching through four states, and generally following the path of the Old Carolina Road, today's Route 15, the Journey Through Hallowed Ground is home to some of our Nation's greatest historic, cultural, and natural treasures. The region's riches read like a star-studded list of American History: Monticello, Montpelier, Manassas, Gettysburg. The list goes on. In all, there are eight presidential homes, 15 National Historic Landmarks, 47 historic districts, and the largest collection of Revolutionary and Civil War battlefields in the country. It is an area, literally, where America happened.

With the help and tutelage of the National Park Service, this proposed heritage area would be managed by the Journey Through Hallowed Ground Partnership, a nonprofit entity whose sole purpose is to trumpet the magnificence of the hallowed ground's offerings. I am confident that the Partnership will be tremendous promoters and wonderful stewards of the resources within the Route 15 corridor. Already, the partnership has spent years heralding the Region's spectacular natural and historical resources, and they have worked hard to get this area the designation and recognition it deserves.

Mr. President, no area in America could possibly be more deserving of the national heritage area designation than the region affectionately known as the Journey Through Hallowed Ground. Therefore, I urge my colleagues to join me in support of this legislation, and I thank you for this opportunity to speak on behalf of the Journey Through Hallowed Ground National Heritage Area Act.

Mr. WEBB. Mr. President, I am proud to support the Journey Through Hallowed Ground National Heritage Area Act. Today, that bill is being introduced by my esteemed colleague, Senator WARNER, along with myself and other Members of the Senate. A bipartisan group also has introduced this bill in the House of Representatives.

This bill will designate the corridor that runs between Gettysburg, PA, and Charlottesville, VA, as a National Heritage Area. Within this proposed area, there are numerous sites of historic importance, including eight Presidential homes. This hallowed ground is a geographic area of immense beauty, history, and cultural significance, which will be protected under the terms of this bill.

For me, this hallowed ground has special personal significance, drawing me back to thoughts of my ancestors who settled and worked much of this land centuries before. I cannot visit this part of the country without harkening back to the tough, resilient women on buckboard wagons, hard men with rifles walking alongside, and kids tending cattle as they made their way down the mud trail called the Wilderness Road.

As I wrote in my book "Born Fighting," my ancestors—the Scots-Irish—were a proud, adventurous people who left their native lands for the early American colonies in the 18th century. The majority of these courageous pioneers settled along the Appalachian Mountains from Pennsylvania southward into Virginia and beyond. Ultimately, they migrated westward, in the process helping to shape America's independent, individualistic, unbridled culture.

This bill will help preserve the legacy of these early settlers for future generations. Moreover, this bill is a truly patriotic piece of legislation—one that will help us capture the rich diversity and historic experiences of our American forefathers and mothers.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 290. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to rural primary health providers; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, today I rise to introduce the "Rural Physicians' Relief Act of 2007." This important legislation will bring needed assistance to physicians who provide primary health services to rural America.

Physicians who provide health care in the most rural locations in America face challenges unlike their more urban counterparts. Often great distances, remote locations, limited transportation, and harsh climate—combine to make health care delivery extremely difficult to say the very least. Patient populations are small and spread out across extremely remote areas. As a result, many of these areas tend to be the most medically underserved areas in the Nation.

In my State of Alaska, a State that is larger than the States of California, Texas and Montana combined, nearly one-quarter of the State's population live in communities and villages that are only reachable by boat or aircraft. In fact, Alaska has fewer roads than any other State—even fewer roads than Rhode Island. And, unlike Rhode Island where over 90 percent of the roads are paved, less than 20 percent of the roads are paved in Alaska.

This means that approximately 75 percent of Alaskan communities are not connected by road to another community with a hospital. This means that all medical supplies, patients and providers must travel by air.

These remote populations tend to be among the poorest in the State. Air travel equates to excessively high health care costs—generally 70 percent higher than costs in the Lower 48 States. In short, "rural" takes on a new definition in Alaska.

In Alaska, patient access to health care is exacerbated because our State also faces a chilling crisis—we have 25 percent to 30 percent fewer physicians than our population needs. In fact, Alaska has one of the smallest numbers of physicians per capita in the country. We need a minimum of 500 more doctors just to be at the national average of physicians per capita. An American Medical News article recently declared Alaska's precarious situation: "Alaska has long ranked among the worst states in terms of physician supply."

Our physician shortage crisis will only worsen. There is an expected retirement of at least 118 physicians in Anchorage alone in the next 10 years. In the 1990s, there were 130 new doctors each year. Now that figure has dropped to only 31 new physicians since 2001. Outside of Anchorage, one in every eight physician positions is vacant.

Additionally, many physicians are forced out of the Medicare and Medicaid programs because reimbursement rates simply do not cover the cost to treat those patients. With Alaska's growing population, especially of our elderly, this shortage will lead to the severe health care access crisis for all Alaskans.

On top of harsh physical challenges, Alaska's rural population also faces significant human challenges. These rural patient populations are often in the greatest need for primary health care services. Heart disease, stroke and other cardiovascular diseases are the leading causes of death in Alaska. Women in our state have higher death rates from stroke than do women nationally; and mortality among Native Alaskan women is dramatically on the rise, whereas, it is actually declining among Caucasian women in the Lower 48. The prevalence of chronic disease such as diabetes and even tuberculosis is increasing faster in Alaska than any other state. Each of these health concerns is magnified because access to health care—especially in rural Alaska—remains our greatest challenge.

The legislation that I introduce today with Senator STEVENS seeks to lessen this problem. It will both assist physicians who currently practice in rural America and will provide an incentive to encourage physicians to practice in these remote and underserved areas. Specifically, it would give a physician who is a primary health services provider a $1,000 tax credit for each month that he/she provides services in a designated "frontier" area. Furthermore, physicians who treat a high percentage of patients from frontier areas would also be eligible for the tax credit.

My hope is to encourage physicians to practice medicine in rural Alaska and throughout rural America. Creating incentives that offset the high cost of providing care in the most remote areas of nation will go far in recruiting physicians to the areas that are most in need of their services.

By Mr. NELSON of Florida (for himself, Ms. LANDRIEU, Mr. LOTT, Mr. VITTER, and Mr. COCHRAN):

S. 292. A bill to establish a bipartisan commission on insurance reform; to the Committee on Banking, Housing, and Urban Affairs.

Mr. NELSON of Florida. Mr. President, I am pleased to be joined by my colleagues and cosponsors Senators MARY LANDRIEU, TRENT LOTT, DAVID VITTER, and THAD COCHRAN as we introduce the Commission on Catastrophic Disaster Risk and Insurance Act of 2007.

As we know all too well, the last few years have brought a devastating cycle of natural catastrophes in the United States. In 2004 and 2005, we witnessed a series of powerful hurricanes that caused unthinkable human tragedy and property loss. In my own home State of Florida, eight catastrophic storms in 15 months caused more than $31 billion in insured damages. Now Florida is witnessing skyrocketing insurance rates, insurance companies are canceling hundreds of thousands of policies, and the State's catastrophe fund is depleted.

The inability of the private insurance markets to fully handle the fallout from these natural disasters has made our Nation's property and casualty insurance marketplace unstable. This instability has forced the Federal Government to absorb billions of dollars in uninsured losses, at a huge cost to all American taxpayers.

Let me be clear—these issues will not just affect Florida or the coastal States. Natural catastrophes can strike anywhere in our country. In the few decades, major disasters have been declared in almost every State. Congress has struggled with these issues time and time again, but nothing much has gotten accomplished. It's time for a comprehensive approach to solving our Nation's property and casualty insurance issues.

This bill would create a Federal commission—made up of a group of the best experts in the Nation—to quickly recommend to Congress the best approach to addressing catastrophic risk insurance. In the 1990s, when I was Insurance Commissioner for the State of Florida, I created a similar commission, and within months, the commission acted, and many of its key recommendations became State law.

We need a comprehensive approach that will make sure the United States is truly prepared for the financial fallout from natural disasters. I know this complicated process won't be easy for us—but let's roll up our shirtsleeves and get it done.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on Catastrophic Disaster Risk and Insurance Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused over $200 billion in total economic losses, including insured and uninsured losses.

(2) Although private sector insurance is currently available to spread some catastrophe-related losses throughout the Nation and internationally, most experts believe there will be significant insurance and reinsurance shortages, resulting in dramatic rate increases for consumers and businesses, and the unavailability of catastrophe insurance.

(3) The Federal Government has provided and will continue to provide billions of dollars and resources to pay for losses from catastrophes, including hurricanes, volcanic eruptions, tsunamis, tornados, and other disasters, at huge costs to American taxpayers.

(4) The Federal Government has a critical interest in ensuring appropriate and fiscally responsible risk management of catastrophes. Mortgages require reliable property insurance, and the unavailability of reliable property insurance would make most real estate transactions impossible. In addition, the public health, safety, and welfare demand that structures damaged or destroyed in a catastrophe be reconstructed as soon as possible. Therefore, the inability of the private sector insurance and reinsurance markets to maintain sufficient capacity to enable Americans to obtain property insurance coverage in the private sector endangers the national economy and the public health, safety, and welfare.

(5) Multiple proposals have been introduced in the United States Congress over the past decade to address catastrophic risk insurance, including the creation of a national catastrophic reinsurance fund and the revision of the Federal tax code to allow insurers to use tax-deferred catastrophe funds, yet Congress has failed to act on any of these proposals.

(6) To the extent the United States faces high risks from catastrophe exposure, essential technical information on financial structures and innovations in the catastrophe insurance market is needed.

(7) The most efficient and effective approach to assessing the catastrophe insurance problem in the public policy context is to establish a bipartisan commission of experts to study the management of catastrophic disaster risk, and to require such commission to timely report its recommendations to Congress so that Congress can quickly craft a solution to protect the American people.

SEC. 3. ESTABLISHMENT.

There is established a bipartisan Commission on Catastrophic Disaster Risk and Insurance (in this Act referred to as the "Commission").

SEC. 4. MEMBERSHIP.

(a) MEMBERS.—The Commission shall be composed of the following:

(1) The Director of the Federal Emergency Management Agency or a designee of the Director.

(2) The Administrator of the National Oceanic and Atmospheric Administration or a designee of the Administrator.

(3) 12 additional members or their designees of whom one shall be—

(A) a representative of a consumer group;

(B) a representative of a primary insurance company;

(C) a representative of a reinsurance company;

(D) an independent insurance agent with experience in writing property and casualty insurance policies;

(E) a State insurance regulator;

(F) a State emergency operations official;

(G) a scientist;

(H) a faculty member of an accredited university with experience in risk management;

(I) a member of nationally recognized think tank with experience in risk management;

(J) a homebuilder with experience in structural engineering;

(K) a mortgage lender; and

(L) a nationally recognized expert in antitrust law.

(b) MANNER OF APPOINTMENT.—

(1) IN GENERAL.—Any member of the Commission described under subsection (a)(3) shall be appointed only upon unanimous agreement of—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(2) Consultation.—In making any appointment under paragraph (1), each individual described in paragraph (1) shall consult with the President.

(c) Eligibility Limitation.—Except as provided in subsection (a), no member or officer of the Congress, or other member or officer of the Executive Branch of the United States Government or any State government may be appointed to be a member of the Commission.

(d) Period of Appointment.—

(1) In general.—Each member of the Commission shall be appointed for the life of the Commission.

(2) Vacancies.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(e) Quorum.—

(1) Majority.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) Approval actions.—All recommendations and reports of the Commission required by this Act shall be approved only by a majority vote of a quorum of the Commission.

(f) Chairperson.—The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall jointly select 1 member appointed pursuant to subsection (a) to serve as the Chairperson of the Commission.

(g) Meetings.—The Council shall meet at the call of its Chairperson or a majority of its members at any time.

SEC. 5. DUTIES OF THE COMMISSION.

The Commission shall—

(1) assess—

(A) the condition of the property and casualty insurance and reinsurance markets in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004; and

(B) the ongoing exposure of the United States to earthquakes, volcanic eruptions, tsunamis, and floods; and

(2) recommend and report, as required under section 6, any necessary legislative and regulatory changes that will—

(A) improve the domestic and international financial health and competitiveness of such markets; and

(B) assure consumers of the—

(i) availability of adequate insurance coverage when an insured event occurs; and

(ii) best possible range of insurance products at competitive prices.

SEC. 6. REPORT.

(a) In General.—Not later than 90 days after the appointment of Commission members under section 4, the Commission shall submit to the President and the Congress a final report containing a detailed statement of its findings, together with any recommendations for legislation or administrative action that the Commission considers appropriate, in accordance with the requirements of section 5.

(b) Considerations.—In developing any recommendations under subsection (a), the Commission shall consider—

(1) the catastrophic insurance and reinsurance market structures and the relevant commercial practices in such insurance industries in providing insurance protection to different sectors of the American population;

(2) the constraints and opportunities in implementing a catastrophic insurance system that can resolve key obstacles currently impeding broader implementation of catastrophe risk management and financing with insurance;

(3) methods to improve risk underwriting practices, including—

(A) analysis of modalities of risk transfer for potential financial losses;

(B) assessment of private securitization of insurances risks;

(C) private-public partnerships to increase insurance capacity in constrained markets; and

(D) the financial feasibility and sustainability of a national catastrophe pool or regional catastrophe pools designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers;

(4) approaches for implementing a public insurance scheme for low-income communities, in order to promote risk reduction and explicit insurance coverage in such communities;

(5) methods to strengthen insurance regulatory requirements and supervision of such requirements, including solvency for catastrophic risk reserves;

(6) methods to promote public insurance policies linked to programs for loss reduction in the uninsured sectors of the American population;

(7) methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(8) the appropriate role for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets, with an analysis—

(A) of options such as—

(i) a reinsurance mechanism;

(ii) the modernization of Federal taxation policies; and

(iii) an "insurance of last resort" mechanism; and

(B) how to fund such options; and

(9) the merits of 3 principle legislative proposals introduced in the 109th Congress, namely:

(A) The creation of a Federal catastrophe fund to act as a backup to State catastrophe funds (S. 3117);

(B) Tax-deferred catastrophe accounts for insurers (S. 3115); and

(C) Tax-free catastrophe accounts for policyholders (S. 3116).

SEC. 7. POWERS OF THE COMMISSION.

(a) Hearings.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths or affirmations as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) Issuance and Enforcement of Subpoenas.—

(1) Issuance.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) Enforcement.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) Confidentiality.—

(A) In general.—Information obtained under a subpoena issued under subsection (a) which is deemed confidential, or with reference to which a request for confidential treatment is made by the person furnishing such information—

(i) shall be exempt from disclosure under section 552 of title 5, United States Code; and

(ii) shall not be published or disclosed unless the Commission determines that the withholding of such information is contrary to the interest of the United States.

(B) Exception.—The requirements of subparagraph (A) shall not apply to the publication or disclosure of any data aggregated in a manner that ensures protection of the identity of the person furnishing such data.

(c) Authority of Members or Agents of the Commission.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this Act.

(d) Obtaining Official Data.—

(1) Authority.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out the purposes of this Act.

(2) Procedure.—Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish the information requested to the Commission.

(e) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) Administrative Support Services.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(g) Gifts.—

(1) In general.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(2) Regulations.—The Commission shall adopt internal regulations governing the receipt of gifts or donations of services or property similar to those described in part 2601 of title 5, Code of Federal Regulations.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) SUBCOMMITTEES.—The Commission may establish subcommittees and appoint persons to such subcommittees as the Commission considers appropriate.

(d) STAFF.—Subject to such policies as the Commission may prescribe, the Chairperson of the Commission may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission.

(e) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Subcommittee members and staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay prescribed for GS–18 of the General Schedule under section 5332 of that title.

(f) EXPERTS AND CONSULTANTS.—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS–18 of the General Schedule under section 5332 of that title.

(g) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairperson of the Commission, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

(1) on a reimbursable basis; and

(2) such detail shall be without interruption or loss of civil service status or privilege.

SEC. 9. TERMINATION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 6.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 to carry out the purposes of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 27—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES OF THE ONE HUNDRED TENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 27

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Tenth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Harkin (Chairman), Mr. Leahy, Mr. Conrad, Mr. Baucus, Mrs. Lincoln, Ms. Stabenow, Mr. Nelson (Nebraska), Mr. Salazar, Mr. Brown, Mr. Casey, and Ms. Klobuchar.

COMMITTEE ON APPROPRIATIONS: Mr. Byrd (Chairman), Mr. Inouye, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, and Mr. Nelson (Nebraska).

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mrs. Clinton, Mr. Pryor, Mr. Webb, and Mrs. McCaskill.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Dodd (Chairman), Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Carper, Mr. Menendez, Mr. Akaka, Mr. Brown, Mr. Casey, and Mr. Tester.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Inouye (Chairman), Mr. Rockefeller, Mr. Kerry, Mr. Dorgan, Mrs. Boxer, Mr. Nelson (Florida), Ms. Cantwell, Mr. Lautenberg, Mr. Pryor, Mr. Carper, Mrs. McCaskill, and Ms. Klobuchar.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Chairman), Mr. Akaka, Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Ms. Cantwell, Mr. Salazar, Mr. Menendez, Mrs. Lincoln, Mr. Sanders, and Mr. Tester.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Lieberman, Mr. Carper, Mrs. Clinton, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Ms. Klobuchar, and Mr. Whitehouse.

COMMITTEE ON FINANCE: Mr. Baucus (Chairman), Mr. Rockefeller, Mr. Conrad, Mr. Bingaman, Mr. Kerry, Mrs. Lincoln, Mr. Wyden, Mr. Schumer, Ms. Stabenow, Ms. Cantwell, and Mr. Salazar.

COMMITTEE ON FOREIGN RELATIONS: Mr. Biden (Chairman), Mr. Dodd, Mr. Kerry, Mr. Feingold, Mrs. Boxer, Mr. Nelson (Florida), Mr. Obama, Mr. Menendez, Mr. Cardin, Mr. Casey, and Mr. Webb.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Kennedy (Chairman), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mrs. Clinton, Mr. Obama, Mr. Sanders and Mr. Brown.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mr. Obama, Mrs. McCaskill, and Mr. Tester.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, and Mr. Whitehouse.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Rockefeller, Mrs. Feinstein, Mr. Wyden, Mr. Bayh, Ms. Mikulski, Mr. Feingold, Mr. Nelson (Florida), Mr. Whitehouse, and Mr. Levin (ex officio).

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Byrd, Mr. Nelson (Florida), Ms. Stabenow, Mr. Menendez, Mr. Cardin, Mr. Lautenberg, Mr. Sanders, and Mr. Whitehouse.

COMMITTEE ON RULES AND ADMINISTRATION: Mrs. Feinstein (Chairman), Mr. Dodd, Mr. Byrd, Mr. Inouye, Mr. Schumer, Mr. Durbin, Mr. Nelson (Nebraska), Mr. Reid, Mrs. Murray, and Mr. Pryor.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Kerry (Chairman), Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Landrieu, Ms. Cantwell, Mr. Bayh, Mr. Pryor, Mr. Cardin, and Mr. Tester.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Chairman), Mr. Rockefeller, Mrs. Murray, Mr. Obama, Mr. Sanders, Mr. Brown, Mr. Webb, and Mr. Tester.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Chairman), Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Carper, Mr. Nelson (Florida), Mrs. Clinton, Mr. Salazar, Mr. Casey, Mrs. McCaskill, and Mr. Whitehouse.

JOINT ECONOMIC COMMITTEE: Mr. Schumer (Chairman), Mr. Kennedy, Mr. Bingaman, Ms. Klobuchar, Mr. Casey, and Mr. Webb.

SELECT COMMITTEE ON ETHICS: Mr. Johnson (Chairman), Mrs. Boxer (Chairman in Johnson's absence), Mr. Pryor, and Mr. Salazar.

Senator JOHNSON is Chair of the Select Committee on Ethics, and during his absence for all purposes under Senate Rules, Committee Rules, and relevant statutes, Senator BOXER shall act as Chair of the Select Committee on Ethics, except for purposes of the designation under 2 U.S.C. §72a–1f.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, Ms. Cantwell, Mrs. McCaskill, and Mr. Tester.

SENATE RESOLUTION 28—TO CONSTITUTE THE MINORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED TENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 28

Resolved, That the following shall constitute the minority party's membership on the following committees for the One Hundred Tenth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Graham, Mr. Coleman, Mr. Crapo, Mr. Thune, and Mr. Grassley.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. Stevens, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. McConnell, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Craig, Mrs. Hutchison, Mr. Brownback, Mr. Allard, and Mr. Alexander.

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Warner, Mr. Inhofe, Mr. Sessions, Ms. Collins, Mr. Ensign, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune, and Mr. Martinez.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Bunning, Mr. Crapo, Mr. Sununu, Mrs. Dole, and Mr. Martinez.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Stevens, Mr. McCain, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Sununu, Mr. DeMint, Mr. Vitter, and Mr. Thune.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Domenici, Mr. Craig, Mr. Thomas, Ms. Murkowski, Mr. Burr, Mr. DeMint, Mr. Corker, Mr. Sessions, Mr. Smith, Mr. Bunning, and Mr. Martinez.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Warner, Mr. Voinovich, Mr. Isakson, Mr. Vitter, Mr. Craig, Mr. Alexander, Mr. Thomas, and Mr. Bond.

COMMITTEE ON FINANCE: Mr. Grassley, Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Thomas, Mr. Smith, Mr. Bunning, Mr. Crapo, and Mr. Roberts.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Mr. Hagel, Mr. Coleman, Mr. Corker, Mr. Sununu, Mr. Voinovich, Ms. Murkowski, Mr. DeMint, Mr. Isakson, and Mr. Vitter.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi, Mr. Gregg, Mr. Alexander, Mr. Burr, Mr. Isakson, Ms. Murkowski, Mr. Hatch, Mr. Roberts, Mr. Allard, and Mr. Coburn.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Stevens, Mr. Voinovich, Mr. Coleman, Mr. Coburn, Mr. Domenici, Mr. Warner, and Mr. Sununu.

COMMITTEE ON THE JUDICIARY: Mr. Specter, Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Brownback, and Mr. Coburn.

COMMITTEE ON THE BUDGET: Mr. Gregg, Mr. Domenici, Mr. Grassley, Mr. Allard, Mr. Enzi, Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, and Mr. Graham.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Bennett, Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Lott, Mr. Chambliss, Mrs. Hutchison, Mr. Hagel, and Mr. Alexander.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snow, Mr. Bond, Mr. Coleman, Mr. Vitter, Mrs. Dole, Mr. Thune, Mr. Corker, Mr. Enzi, and Mr. Isakson.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Craig, Mr. Specter, Mr. Burr, Mr. Isakson, Mr. Graham, Mrs. Hutchison, and Mr. Ensign.

SPECIAL COMMITTEE ON AGING: Mr. Smith, Mr. Shelby, Ms. Collins, Mr. Martinez, Mr. Craig, Mrs. Dole, Mr. Coleman, Mr. Vitter, Mr. Corker, and Mr. Specter.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Bond, Mr. Warner, Mr. Hagel, Mr. Chambliss, Mr. Hatch, Ms. Snowe, and Mr. Burr.

JOINT ECONOMIC COMMITTEE: Mr. Brownback, Mr. Sununu, Mr. DeMint, and Mr. Bennett.

SELECT COMMITTEE ON ETHICS: Mr. Cornyn, Mr. Roberts, and Mr. Thomas.

COMMITTEE ON INDIAN AFFAIRS: Mr. Thomas, Mr. McCain, Ms. Murkowski, Mr. Coburn, Mr. Domenici, Mr. Smith, and Mr. Burr.

SENATE RESOLUTION 29—EXPRESSING THE SENSE OF THE SENATE REGARDING MARTIN LUTHER KING, JR. DAY AND THE MANY LESSONS STILL TO BE LEARNED FROM DR. KING'S EXAMPLE OF NONVIOLENCE, COURAGE, COMPASSION, DIGNITY, AND PUBLIC SERVICE

Ms. STABENOW (for herself, Mr. Durbin, Mr. Lieberman, Mr. Rockefeller, Mr. Leahy, Mr. Kerry, Mr. Menendez, Mr. Baucus, Mr. Schumer, Mr. Sanders, Mr. Kohl, Mr. Cardin, Mr. Lautenberg, Mr. Obama, Mr. Webb, Ms. Mikulski, Mr. Levin, Mr. Dodd, Mr. Kennedy, Mr. Salazar, Mrs. Clinton, Ms. Cantwell, Mr. Tester, Mr. Bingaman, Mr. Byrd, Mr. Brown, Mr. Biden, Mr. Wyden, Mr. Nelson of Florida, Mrs. Feinstein, Mr. Bayh, Mr. Reed, Mrs. Boxer, Mr. Whitehouse, Mr. Pryor, Mr. Feingold, Mr. Reid, and Mr. Specter) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. Res. 29

Whereas Reverend Doctor Martin Luther King, Jr. dedicated his life to securing the Nation's fundamental principles of liberty and justice for all citizens;

Whereas Dr. King was the leading civil rights advocate of his time, spearheading the civil rights movement in the United States during the 1950s and 1960s, and earned worldwide recognition as an eloquent and articulate spokesperson for equality;

Whereas in the face of hatred and violence, Dr. King preached a doctrine of nonviolence and civil disobedience to combat segregation, discrimination, and racial injustice, and believed that each person has the moral capacity to care for other people;

Whereas Dr. King awakened the conscience and consciousness of the Nation and used his message of hope to bring people together to build the Beloved Community—a community of justice, at peace with itself;

Whereas Dr. King was born on January 15, 1929, and attended segregated public schools in Georgia;

Whereas Dr. King began attending Morehouse College in Atlanta, Georgia at the age of 15, and received a B.A. degree in 1948 from Morehouse College, following in the footsteps of both his father and grandfather;

Whereas Dr. King received his B.D. in 1951 from Crozer Theological Seminary in Pennsylvania and his Ph.D. in theology in 1955 from Boston University;

Whereas in Boston Dr. King met Coretta Scott, his life partner and fellow civil rights activist, and they married on June 18, 1953, and had 2 sons and 2 daughters;

Whereas Dr. King was ordained in the Christian ministry in February 1948 at the age of 19 at Ebenezer Baptist Church, in Atlanta, Georgia, and became Assistant Pastor of Ebenezer Baptist Church;

Whereas, in 1954, Dr. King accepted the call of Dexter Avenue Baptist Church in Montgomery, Alabama, and was pastor there until November 1959, when he resigned to move back to Atlanta to lead the Southern Christian Leadership Conference;

Whereas from 1960 until his death in 1968, Dr. King was again a pastor at Ebenezer Baptist Church, along with his father;

Whereas between 1957 and 1968, Dr. King traveled over 6,000,000 miles, spoke over 2,500 times, and wrote 5 books and numerous articles, supporting efforts around the Nation to end injustice and bring about social change and desegregation;

Whereas Dr. King led the Montgomery bus boycott for 381 days to protest the arrest of Mrs. Rosa Parks and the segregation of the bus system of Montgomery, Alabama, in the first great nonviolent civil rights demonstration of contemporary times in the United States;

Whereas during the boycott, Dr. King was arrested and his home was bombed, yet he responded with nonviolence and courage in the face of hatred;

Whereas, on November 13, 1956, the Supreme Court of the United States declared the laws requiring segregation in Montgomery's bus system to be unconstitutional, leading to the end of the bus boycott on December 21, 1956;

Whereas Dr. King led the March on Washington, D.C. on August 28, 1963, the largest rally of the civil rights movement;

Whereas during that march, Dr. King delivered his famous "I Have A Dream" speech from the steps of the Lincoln Memorial and before a crowd of over 200,000 people;

Whereas Dr. King's "I Have A Dream" speech is one of the classic orations in United States history;

Whereas Dr. King was a champion of nonviolence, fervently advocating nonviolent resistance as the strategy to end segregation and racial discrimination in the United States;

Whereas Dr. King was awarded the 1964 Nobel Peace Prize in recognition for his efforts, and, at the age of 35, was the youngest man to receive the Nobel Peace Prize;

Whereas through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas the work of Dr. King created a basis of understanding and respect and helped communities, and the Nation as a whole, to act cooperatively and courageously to achieve tolerance, justice, and equality between people;

Whereas, on the evening of April 4, 1968, Dr. King was assassinated while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead sanitation workers in protest against low wages and intolerable working conditions;

Whereas in 1968 Representative John Conyers first introduced legislation to establish a national holiday honoring Dr. King;

Whereas Coretta Scott King led a massive campaign to establish Dr. King's birthday as a national holiday;

Whereas in 1983 Congress passed and President Ronald Reagan signed legislation establishing Martin Luther King, Jr. Day;

Whereas in 2007 Martin Luther King, Jr. Day is celebrated in more than 100 countries;

Whereas in remembering Dr. King we also honor his wife and indispensable partner, Coretta Scott King, a woman of quiet courage and great dignity who marched alongside her husband and became an international advocate for peace and human rights;

Whereas Mrs. King, who had been actively engaged in the civil rights movement as a politically and socially conscious young woman, continued after her husband's death to lead the Nation toward greater justice and equality for all, traveling the world advocating for racial and economic justice, peace and nonviolence, women's and children's rights, gay rights, religious freedom, full employment, health care, and education until her death on January 30, 2006;

Whereas the values of faith, compassion, courage, truth, justice, and nonviolence that guided Dr. and Mrs. King's dream for the United States will be celebrated and preserved by the Martin Luther King, Jr. National Memorial on the National Mall near the Jefferson Memorial and in the new National Museum of African American History and Culture that will be located near the Lincoln Memorial;

Whereas Dr. King's actions and leadership made the United States a better place and the people of the United States a better people;

Whereas the people of the United States should commemorate the legacy of Dr. King, so "that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal' "; and

Whereas Dr. King's voice is silenced today, but on the national holiday honoring Dr. King and throughout the year, the people of the United States should remember his message, recommit to his goal of a free and just nation, and consider each person's responsibility to other people: Now, therefore, be it

Resolved by the Senate, That the Senate—

(1) observes and celebrates the national holiday honoring Reverend Doctor Martin Luther King, Jr.;

(2) honors Dr. King's example of nonviolence, courage, compassion, dignity, and public service;

(3) pledges to advance the legacy of the Dr. King; and

(4) encourages the people of the United States to celebrate—

(A) the national holiday honoring Dr. King; and

(B) the life and legacy of Dr. King.

AMENDMENTS SUBMITTED & PROPOSED

SA 43. Mr. LIEBERMAN (for himself, Mr. Obama, Mr. Feingold, and Mr. McCain) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, to provide greater transparency in the legislative process.

SA 44. Mr. DURBIN proposed an amendment to amendment SA 11 proposed by Mr. DeMint (for himself and Mr. Cornyn) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra.

SA 45. Mr. CORNYN proposed an amendment to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra.

SA 46. Mr. CORNYN proposed an amendment to amendment SA 2 proposed by Mr. Leahy (for himself and Mr. Pryor) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra.

SA 47. Mr. NELSON, of Nebraska proposed an amendment to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra.

SA 48. Mr. BOND (for Mr. Coburn) proposed an amendment to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra.

SA 49. Mr. BOND (for Mr. Coburn) proposed an amendment to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra.

SA 50. Mr. BOND (for Mr. Coburn) proposed an amendment to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra.

SA 51. Mr. BOND (for Mr. Coburn) proposed an amendment to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra.

SA 52. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 53. Mr. MARTINEZ submitted an amendment intended to be proposed to the language proposed to be stricken by amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 54. Mr. FEINGOLD (for himself and Mr. Obama) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra.

SA 55. Mr. OBAMA (for himself and Mr. Feingold) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 56. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra.

SA 57. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 58. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 43. Mr. LIEBERMAN (for himself, Mr. Obama, Mr. Feingold, and Mr. McCain) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. . DISCLOSURE OF LOBBYING ON EARMARKS.

(a) Reports.—Section 4(b)(5)(B) of the Act (2 U.S.C. 1603(b)(5)(B)) is amended by adding immediately following "activities" the following: ", including earmarks, targeted tax benefits, and targeted tariff benefits as defined in section 103 of the Legislative Transparency and Accountability Act of 2007, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known.".

(b) Disclosures.—Section 5(b)(2)(A) of the Act (2 U.S.C. 1604(b)(2)(A)) is amended to read—

"(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including—

"(i) to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions; and

"(ii) each earmark, limited tax benefit, or targeted tariff benefit as defined in section 103 of the Legislative Transparency and Accountability Act of 2007 for which the registrant engaged in lobbying activities, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known;".

SA 44. Mr. DURBIN proposed an amendment to amendment SA 11 proposed by Mr. DeMint (for himself, Mr. Cornyn) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

In lieu of the matter proposed to be inserted insert the following:

SEC. 103. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

RULE XLIV

EARMARKS

"1. It shall not be in order to consider—

"(a) a bill or joint resolution reported by a committee unless the report includes a list, which shall be made available on the Internet to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

"(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list, which shall be made available on the Internet to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

"(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list, which shall be made available on the Internet to the general public for at least 48 hours before consideration of the conference report, of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"2. For the purpose of this rule—

"(a) the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(b) the term 'limited tax benefit' means—

"(1) any revenue provision that—

"(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

"(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

"(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

"(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

"3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

"4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

"(1) the name of the Member;

"(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

"(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

"(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

"(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

"(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee's or subcommittee's website not later than 48 hours after receipt on such information.".

SA 45. Mr. CORNYN proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 7, line 13, strike "conference report unless such report" and insert "legislative matter unless such matter"

On page 7, line 16, strike "48" and insert "72."

SA 46. Mr. CORNYN proposed an amendment to amendment SA 2 proposed by Mr. LEAHY (for himself and Mr. PRYOR) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 4, after line 5, add the following:

(e) DETERRING PUBLIC CORRUPTION.—

(1) APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.—Sections 1341 and 1343 of title 18, United States Code, are each amended by striking "money or property" and inserting "money, property, or any other thing of value".

(2) VENUE FOR FEDERAL OFFENSES.—

(A) VENUE INCLUDES ANY DISTRICT IN WHICH CONDUCT IN FURTHERANCE OF AN OFFENSE TAKES PLACE.—Subsection (a) of section 3237 of title 18, United States Code, is amended to read as follows:

"(a) Except as otherwise provided by law, an offense against the United States may be inquired of and prosecuted in any district in which any conduct required for, or any conduct in furtherance of, the offense took place, or in which the offense was completed.".

(B) CONFORMING AMENDMENTS.—

(i) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

"§3237. Offense taking place in more than one district".

(ii) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

"3237. Offense taking place in more than one district.".

(3) THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.—Section 666(a) of title 18, United States Code, is amended—

(A) in paragraph (1)(B), by striking "of $5,000 or more" and inserting "of $1,000 or more";

(B) in paragraph (2), by striking "of $5,000 or more" and inserting "of $1,000 or more"; and

(C) in the matter following paragraph (2), by striking "ten years" and inserting "20 years".

(4) PENALTY FOR SECTION 641 VIOLATIONS.—Section 641 of title 18, United States Code, is amended by striking "ten years" and inserting "20 years".

(5) BRIBERY AND GRAFT.—Section 201 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking "fifteen years" and inserting "30 years"; and

(ii) by adding at the end the following: "If the official act involved national security, the term of imprisonment under this subsection shall be not less than 3 years."; and

(B) in subsection (c), by striking "two years" and inserting "10 years".

(6) MAKING RICO MAXIMUM CONFORM TO BRIBERY MAXIMUM.—Section 1963(a) of title 18, United States Code, is amended by striking "20 years" and inserting "30 years".

(7) INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.—

(A) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a) of title 18, United States Code, is amended by striking "3 years" and inserting "10 years".

(B) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking "one year" and inserting "10 years".

(C) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking "one year" and inserting "10 years".

(D) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(E) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking "3 years" and inserting "10 years".

(F) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(8) ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF PUBLIC MONEY OFFENSE.—Section 641 of title 18, United States Code, is amended by inserting "the District of Columbia or" before "the United States" each place that term appears.

(9) ADDITIONAL RICO PREDICATES.—Section 1961(1) of title 18, United States Code, is amended—

(A) by inserting "section 641 (relating to embezzlement or theft of public money, property, or records," after "473 (relating to counterfeiting),"; and

(10) ADDITIONAL WIRETAP PREDICATES.—Section 2516(1) of title 18, United States Code, is amended—

(A) in paragraph (c), by inserting "section 641 (relating to embezzlement or theft of public money, property, or records," after "section 224 (relating to bribery in sporting contests),";

(B) in paragraph (r), by striking "or" at the end;

(C) by redesignating paragraph (s) as paragraph (t); and

(D) by inserting after paragraph (r) the following:

"(s) a violation of section 309(d)(1)(A)(i) or 319 of the Federal Election Campaign Act of 1971; or".

(11) CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.—Subparagraphs (A) and (B) of section 201(c)(1) of title 18, United States

Code, are each amended by inserting "the official position of that official or person or" before "any official act".

(12) AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.—

(A) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, 666, and 1962 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by guidelines and policy statements.

(B) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

(i) ensure that the sentencing guidelines and policy statements reflect Congress' intent that the guidelines and policy statements reflect the serious nature of the offenses described in subparagraph (A), the growing incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(ii) consider the extent to which the guidelines may or may not appropriately account for—

(I) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(II) the level of sophistication and planning involved in the offense;

(III) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(IV) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(V) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(VI) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(iii) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(iv) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(v) make any necessary conforming changes to the sentencing guidelines; and

(vi) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(13) CLARIFICATION OF DEFINITION OF OFFICIAL ACT.—Section 201(a)(3) of title 18, United States Code, is amended by striking "any decision" and all that follows through "profit" and inserting "any decision or action within the range of official duty of a public official".

SA 47. Mr. NELSON of Nebraska proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ___. ENCOURAGING FISCAL RESPONSIBILITY IN THE EARMARKING PROCESS.

(a) IN GENERAL.—If an entity is properly awarded an earmark as defined in section 103, the entire amount of the earmark shall be transferred to the entity to be expended for the essential governmental purpose of the earmark.

(b) AGENCY PROHIBITION.—Earmarked funds shall not be spent by the authorizing department or agency (unless specifically authorized in the section of the appropriations bill or report containing the earmark) and shall instead be returned to the Treasury for the purposes of deficit reduction.

SA 48. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 38, between lines 5 and 6, insert the following:

SEC. 223. LOBBYING DISCLOSURE AND PUBLIC AVAILABILITY OF FORMS FILED BY RECIPIENTS OF FEDERAL FUNDS AND CONTRACTS.

(a) LOBBYING DISCLOSURE.—Section 1352(b)(2) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking "and" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) an itemization of any funds spent by the person for lobbying on a calendar year basis.".

(b) PUBLIC AVAILABILITY.—Section 1352(b) of title 31, United States Code, is amended by adding at the end the following:

"(7) Declarations required to be filed by paragraph (1) shall be made available by the Office of Management and Budget on a public, fully searchable website that shall be updated quarterly.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 6 months after the date of enactment of this Act.

SA 49. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the end of subtitle A of title II, insert the following:

SEC. 225. SUBMISSION OF EARMARKS ON A UNIFORM FORM.

(a) IN GENERAL.—Each Member of the Senate shall submit any request for—

(1) an appropriations earmark to the Committee on Appropriations of the Senate;

(2) a tax benefit earmark to the Committee on Finance of the Senate; and

(3) any other earmark to the appropriate committee of jurisdiction.

(b) UNIFORM FORM.—

(1) IN GENERAL.—Each request for an earmark under subsection (a) shall be submitted on a standardized form.

(2) RULES COMMITTEE.—The form described in paragraph (1) shall be developed by the Committee on Rules and Administration of the Senate.

(3) REQUIRED CONTENT.—The form described in paragraph (1), shall at a minimum, include the following:

(A) The name of the Member requesting the earmark.

(B) The name of each entity that would be the recipient of the earmark, including the name of the parent entity of such recipient, if such recipient is owned by another entity. If there is no specifically intended recipient, then the form shall require the Member to identify the intended location or activity that will benefit from the earmark. In the case of an earmark that contains a limited tax or tariff benefit, the Member shall identify the individual or entity reasonably anticipated to benefit from the earmark (to the extent known by the Member).

(C) The amount requested in the earmark.

(D) The Department or agency from which the amounts requested in the earmark are expected to be provided (if known by the Member).

(E) The appropriations bill from which the amounts requested in the earmark are expected to be provided (if known by the Member).

(F) A description of the earmark, including its purpose, goals, and expected outcomes.

(G) The location and address of each entity that would be the recipient of the earmark and the primary location of the activities funded by the earmark, including the State, city, congressional district, and country of such activities.

(H) Whether the earmark is funding an ongoing or a new activity or initiative and the expected duration of such activity or initiative.

(I) The source and amount of any other funding for the activity or initiative funded by the earmark, including any other Federal, State, local, or private funding for such activity or initiative.

(J) Contact information for the entity that would be the recipient of the earmark, including the name, phone number, postal mailing address, and email for such entity.

(K) If the activity or initiative funded by the earmark is authorized by Federal law. If so, the Member shall provide the public law number and United States Code citation for such authorization.

(L) The budget outline for such activity or initiative funded by the earmark, including—

(i) the amount needed to complete the activity or initiative; and

(ii) whether or not the Member, the spouse of the Member, an immediate family member of the Member, a member of the Member's staff, or an immediate family member of a member of the Member's Senator's staff has a financial interest in the earmark.

(4) PUBLIC ACCOUNTABILITY.—

(A) IN GENERAL.—Not later than 7 days after the date that a request for an earmark is submitted under this section, the Committee on Appropriations of the Senate shall make the request available to the public on the Internet website of such committee, without fee or other access charge, in a searchable, sortable, and downloadable manner.

(B) RECORDKEEPING.—The Committee on Appropriations of the Senate shall maintain records of all requests made available under subparagraph (A) for a period of not less than 6 years.

(c) DEFINITIONS.—In this section:

(1) EARMARK.—The term "earmark" means—

(A) a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(B) any revenue-losing provision that—

(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

(C) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

(D) any provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(2) IMMEDIATE FAMILY MEMBER.—The term "immediate family member" means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a person.

SA 50. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike section 108 and insert the following:

SEC. 108. DISCLOSURE FOR GIFTS FROM LOBBYISTS.

Paragraph 1(a) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in clause (2), by striking the last sentence and inserting "Formal record keeping is required by this paragraph as set out in clause (3)."; and

(2) by adding at the end the following:

"(3)(A) Not later than 48 hours after a gift has been accepted, each Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

"(i) The nature of the gift received.

"(ii) The value of the gift received.

"(iii) The name of the person or entity providing the gift.

"(iv) The city and State where the person or entity resides.

"(v) Whether that person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is providing the gift and the city and State where the client resides.

"(B) Not later than 30 days after the adoption of this clause, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in subclause (A) shall be established.".

Strike section 109 and insert the following:

SEC. 109. DISCLOSURE OF TRAVEL.

Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(h)(1) Not later than 48 hours after a Member, officer, or employee has accepted transportation or lodging otherwise permissible by the rules from any other person, other than a governmental entity, such Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

"(A) The nature and purpose of the transportation or lodging.

"(B) The fair market value of the transportation or lodging.

"(C) The name of the person or entity sponsoring the transportation or lodging.

"(D) The city and State where the person or entity sponsoring the transportation or lodging resides.

"(E) Whether that sponsoring person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is sponsoring the transportation or lodging and the city and State where the client resides.

"(2) This subparagraph shall also apply to all noncommercial air travel otherwise permissible by the rules.

"(3) Not later than 30 days after the adoption of this subparagraph, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in clauses (1) and (2) shall be established.".

SA 51. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 18, between lines 3 and 4, insert the following:

SEC. 116. PROHIBITION ON FINANCIAL GAIN FROM EARMARKS BY MEMBERS, IMMEDIATE FAMILY OF MEMBERS, STAFF OF MEMBERS, OR IMMEDIATE FAMILY OF STAFF OF MEMBERS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"15. (a) No Member shall use his official position to introduce, request, or otherwise aid the progress or passage of a congressional earmark that will financially benefit or otherwise further the pecuniary interest of such Member, the spouse of such Member, the immediate family member of such Member, any employee on the staff of such Member, the spouse of an employee on the staff of such Member, or immediate family member of an employee on the staff of such Member.

"(b) For purposes of this paragraph—

"(1) the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a Member or any employee on the staff (including staff in personal, committee and leadership offices) of a Member; and

"(2) the term 'congressional earmark' means—

"(A) a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(B) any revenue-losing provision that—

"(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

"(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

"(C) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

"(D) any provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.".

SA 52. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STANDARDS FOR ECONOMIC DEVELOPMENT INITIATIVE EARMARKS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following:

"(5) CRITERIA FOR CONGRESSIONAL EARMARKS.—

"(A) IN GENERAL.—No amount of funds provided or made available in an earmark for purposes of funding grants under this subsection may be made available to the Secretary, unless such funds are used for 1 or more of the following purposes related to real property or public or private nonprofit facilities:

"(i) Acquisition.

"(ii) Planning.

"(iii) Design.

"(iv) Purchase of equipment.

"(v) Revitalization, reconstruction, or rehabilitation.

"(vi) Redevelopment.

"(vii) Construction.

"(B) REPORTS.—

"(i) REQUIRED BEFORE DISBURSAL.—The Secretary may not release any grant funds provided for or made available by an earmark to an eligible public entity or public or private nonprofit organization under this subsection, unless such entity or organization submits to the Secretary a report detailing the economic impact of the earmark.

"(ii) CONTENTS OF REPORT.—

"(I) IN GENERAL.—The report required under clause (i) shall be submitted by the eligible public entity or public or private nonprofit organization to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(II) LIMITATION.—In any report required under clause (i), the Secretary—

"(aa) shall not require the disclosure of any confidential information of the eligible public entity or public or private nonprofit organization, or of any subgrantee employed by such entity or organization; and "(bb) shall ensure that the requirements of such report are uniform for all grants funded by an earmark within each fiscal year.

"(III) RELEASE OF CHANGE IN REPORTING REQUIREMENTS.—The Secretary shall publish any changes to the reporting requirements under this subparagraph in the Federal Register not later than January 1 of the year preceding the fiscal year in which such changes are to take effect.

"(iii) AVAILABILITY.—The Secretary shall, upon request, provide any member of Congress with a copy of any report filed under this subparagraph.

"(C) SET ASIDE OF BUDGET AUTHORITY.—Not less than 20 percent of the total funds made available for purposes of this section in any appropriations Act shall be made available to the Secretary, free from earmarks, such that the Secretary may award these funds, in the discretion of the Secretary, to eligible public entities or public or private nonprofit organizations under a competitive bidding process.

"(D) DEFINITIONS.—In this subsection:

"(i) EARMARK.—The term 'earmark' means a provision of law, or a directive contained within a joint explanatory statement or report included in a conference report or bill primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

"(ii) NONPROFIT.—The term 'nonprofit' means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

"(iii) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means any private organization (including a State or locally chartered organization) that—

"(I) is incorporated under State or local law;

"(II) is nonprofit in character; and

"(III) complies with standards of financial accountability acceptable to the Secretary.

"(iv) PUBLIC NONPROFIT ORGANIZATION.—The term 'public nonprofit organization' means any public entity that is nonprofit in character.".

SA 53. Mr. MARTINEZ submitted an amendment intended to be proposed to the language proposed to be stricken by amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . STANDARDS FOR ECONOMIC DEVELOPMENT INITIATIVE EARMARKS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following:

"(5) CRITERIA FOR CONGRESSIONAL EARMARKS.—

"(A) IN GENERAL.—No amount of funds provided or made available in an earmark for purposes of funding grants under this subsection may be made available to the Secretary, unless such funds are used for 1 or more of the following purposes related to real property or public or private nonprofit facilities:

"(i) Acquisition.

"(ii) Planning.

"(iii) Design.

"(iv) Purchase of equipment.

"(v) Revitalization, reconstruction, or rehabilitation.

"(vi) Redevelopment.

"(vii) Construction.

"(B) REPORTS.—

"(i) REQUIRED BEFORE DISBURSAL.—The Secretary may not release any grant funds provided for or made available by an earmark to an eligible public entity or public or private nonprofit organization under this subsection, unless such entity or organization submits to the Secretary a report detailing the economic impact of the earmark.

"(ii) CONTENTS OF REPORT.—

"(I) IN GENERAL.—The report required under clause (i) shall be submitted by the eligible public entity or public or private nonprofit organization to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(II) LIMITATION.—In any report required under clause (i), the Secretary—

"(aa) shall not require the disclosure of any confidential information of the eligible public entity or public or private nonprofit organization, or of any subgrantee employed by such entity or organization; and

"(bb) shall ensure that the requirements of such report are uniform for all grants funded by an earmark within each fiscal year.

"(III) RELEASE OF CHANGE IN REPORTING REQUIREMENTS.—The Secretary shall publish any changes to the reporting requirements under this subparagraph in the Federal Register not later than January 1 of the year preceding the fiscal year in which such changes are to take effect.

"(iii) AVAILABILITY.—The Secretary shall, upon request, provide any member of Congress with a copy of any report filed under this subparagraph.

"(C) SET ASIDE OF BUDGET AUTHORITY.—Not less than 20 percent of the total funds made available for purposes of this section in any appropriations Act shall be made available to the Secretary, free from earmarks, such that the Secretary may award these funds, in the discretion of the Secretary, to eligible public entities or public or private nonprofit organizations under a competitive bidding process.

"(D) DEFINITIONS.—In this subsection:

"(i) EARMARK.—The term 'earmark' means a provision of law, or a directive contained within a joint explanatory statement or report included in a conference report or bill primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

"(ii) NONPROFIT.—The term 'nonprofit' means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

"(iii) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means any private organization (including a State or locally chartered organization) that—

"(I) is incorporated under State or local law;

"(II) is nonprofit in character; and

"(III) complies with standards of financial accountability acceptable to the Secretary.

"(iv) PUBLIC NONPROFIT ORGANIZATION.—The term 'public nonprofit organization' means any public entity that is nonprofit in character.".

SA 54. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 11, line 2, strike "Paragraph" and insert "(a) IN GENERAL.—Paragraph".

On page 11, between lines 8 and 9, insert the following:

(b) NATIONAL PARTY CONVENTIONS.—Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"5. A Member may not participate in an event honoring that Member at a national party convention if such event is paid for by any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act of 1995, or any individual or entity identified as a lobbyist or a client in any current registration or report filed under such Act.".

SA 55. Mr. OBAMA (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike section 212 and insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(d) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

"(1) IN GENERAL.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year, or on the first business day after the 20th if that day is not a business day, each registrant under paragraphs (1) or (2) of section 4(a), and each employee who is listed as a lobbyist on a current registration or report filed under this Act, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(A) the name of the registrant or lobbyist;

"(B) the employer of the lobbyist or the names of all political committees established or administered by the registrant;

"(C) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each contribution made within the quarter;

"(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) raised at such event;

"(E) the name of each covered legislative branch official or covered executive branch official for whom the lobbyist, the registrant, or a political committee established or administered by the registrant provided, or directed or caused to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(i) an itemization of the payments or reimbursements provided to finance the travel and related expenses, and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(ii) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(iii) whether the registrant or lobbyist traveled on any such travel;

"(iv) the identity of the listed sponsor or sponsors of such travel; and

"(v) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, who directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the lobbyist, the registrant, or a political committee established or administered by the registrant;

"(F) the date, recipient, and amount of funds contributed, disbursed, or arranged (or a good faith estimate thereof) by the lobbyist, the registrant, or a political committee established or administered by the registrant—

"(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

"(ii) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

"(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

"(G) the date, recipient, and amount of any gift (that under the standing rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the lobbyist, the registrant, or a political committee established or administered by the registrant to a covered legislative branch official or covered executive branch official; and

"(H) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each such contribution within the quarter.

"(2) RULE OF CONSTRUCTION.—

"(A) IN GENERAL.—Contribution, donations, or other funds are 'arranged' by a lobbyist—

"(i) where there is a formal or informal agreement, understanding, or arrangement between the lobbyist and a Federal candidate or other recipient that such contributions, donations, or other funds will be or have been credited or attributed by the Federal candidate or other recipient in records, designations, or formal or informal recognitions as having been raised, solicited, or directed by the lobbyist; or

"(ii) where the lobbyist has actual knowledge that the Federal candidate or other recipient is aware that the contributions, donations, or other funds were solicited, arranged, or directed by the lobbyist.

"(B) CLARIFICATIONS.—For the purposes of this paragraph—

"(i) the term 'lobbyist' shall include a lobbyist, registrant, or political committee established or administered by the registrant; and

"(ii) the term 'Federal candidate or other recipient' shall include a Federal candidate, Federal officeholder, leadership PAC, or political party committee.

"(3) DEFINITIONS.—In this subsection, the following definitions shall apply:

"(A) GIFT.—The term 'gift'—

"(i) means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; and

"(ii) includes, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred—

"(I) gifts of services;

"(II) training;

"(III) transportation; and

"(IV) lodging and meals.

"(B) LEADERSHIP PAC.—The term 'leadership PAC' means with respect to an individual holding Federal office, an unauthorized political committee which is associated with an individual holding Federal office, except that such term shall not apply in the case of a political committee of a political party.".

SA 56. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ____. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"§ 226. Wrongfully influencing a private entity's employment decisions by a Member of Congress

"Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

"(2) influences, or offers or threatens to influence, the official act of another;

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.".

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.".

SA 57. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 60, between lines 22 and 23, insert the following:

(b) REPORT REGARDING POLITICAL CONTRIBUTIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to Congress detailing the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives during the 30-month period beginning on the date that is 24 months before the date of enactment of the Acts identified in paragraph (2) by the corresponding organizations identified in paragraph (2).

(2) ORGANIZATIONS AND ACTS.—The report submitted under paragraph (1) shall detail the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives as follows:

(A) For the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2066), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a pharmaceutical company; or

(ii) a trade association for pharmaceutical companies.

(B) For the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109–8; 119 Stat. 23), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a bank or financial services company;

(ii) a company in the credit card industry; or

(iii) a trade association for any such companies.

(C) For the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 594), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a company in the oil, natural gas, nuclear, or coal industry; or

(ii) a trade association for any such companies.

(D) For the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109-53; 119 Stat. 462), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) the United States Chamber of Commerce, the National Association of Manufacturers, the Business Roundtable, the National Federation of Independent Business, the Emergency Committee for American Trade, or any member company of such entities; or

(ii) any other free trade organization funded primarily by corporate entities.

(3) AGGREGATE REPORTING.—The report submitted under paragraph (1)—

(A) shall not list the particular Member of the Senate or House of Representative that received a contribution; and

(B) shall report the aggregate amount of contributions given by each entity identified in paragraph (2) to—

(i) Members of the Senate during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2); and

(ii) Members of the House of Representatives during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2).

(4) DEFINITIONS.—In this subsection—

(A) the terms "authorized committee", "candidate", "contribution", "political committee", and "political party" have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431); and

(B) the term "political action committee" means any political committee that is not—

(i) a political committee of a political party; or

(ii) an authorized committee of a candidate.

SA 58. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING IMPROVING THE ETHICS ENFORCEMENT PROCESS IN THE SENATE.

It is the Sense of the Senate that—

(1) the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate should—

(A) study mechanisms to improve the ethics enforcement process in the Senate and report any legislation to the full Senate not later than March 31, 2007;

(B) in studying mechanisms under subparagraph (A), consider whether, to improve the ethics enforcement process, an independent bicameral office, separate offices for the Senate and House of Representatives, or an independent bipartisan commission should be established to investigate complaints of violation of the ethics rules of the Senate or House of Representatives and present matters to the Select Committee on Ethics of the Senate; and

(C) in studying mechanisms under subparagraph (A), consult with the Select Committee on Ethics of the Senate; and

(2) the full Senate should consider any legislation reported under paragraph (1).

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, January 12, 2007, at 9:30 a.m., to receive testimony on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106-398, and upon the recommendation of the majority leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: Mr. Peter Videnieks of Virginia, for a term beginning January 1, 2007 and expiring December 31, 2008, vice Patrick A. Mulloy.

ORDERS FOR TUESDAY, JANUARY 16, 2007

Mr. WEBB. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Tuesday, January 16; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour controlled by Senator WYDEN, the second hour controlled by the Republicans, and the final hour equally divided and controlled between the two leaders or their designees; that at 1 p.m., the Senate resume S. 1.

I further ask unanimous consent that Members have until 10:30 a.m. to file first-degree amendments to S. 1 and until 4:30 p.m. to file second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WEBB. Mr. President, we now have 32 amendments pending to the ethics bill. I understand the Parliamentarians have been reviewing amendments to determine whether they are germane to the legislation. A lot of work remains to be done with respect to this bill, and we will finish next week. So Members should be ready to be here for long days and sessions into the evening. The first vote of next week will be at 5:30 p.m., Tuesday, and other votes will follow that evening.

ADJOURNMENT UNTIL TUESDAY, JANUARY 16, 2007, AT 10 A.M.

Mr. WEBB. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 3:46 p.m., adjourned until Tuesday, January 16, 2007, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Friday, January 12, 2007*

VOL. 153, PT. 1

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Creator and Author of the Sabbath, bless the approaching weekend.

Lord, fill our airways, our newspapers, our conversations, and the minds of our children with the stories, the dreams, and the words of the Reverend Martin Luther King, Jr.

Fifty years ago he said: "I am convinced that love is the most desirable power in the world. It is not an expression of impractical idealism, but of practical realism. Far from being the pious injunction of a utopian dreamer, love is an absolute necessity for the survival of civilization.

"To return hate for hate does nothing but intensify the existence of evil in the universe. Someone must have sense enough and religion enough to cut off the chain of hate and evil, and this can be done through love."

May these words, Lord, live on in the minds and hearts of America now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Virginia (Mrs. DRAKE) come forward and lead the House in the Pledge of Allegiance.

Mrs. DRAKE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 one-minutes on each side.

IN SUPPORT OF H.R. 4

(Mr. SARBANES asked and was given permission to address the House for 1 minute.)

Mr. SARBANES. Madam Speaker, it matters what government does. Every day the policies we enact can make life easier or harder for ordinary citizens. It starts at 5 or 6 or 7 o'clock in the morning, when millions of senior citizens in this country begin their day by taking prescription drug medicine. That should be an experience that makes them feel like someone is looking out for them. Instead, the current part D program has left our seniors feeling anxious and confused. What they cannot understand, Madam Speaker, what no one can understand, because there is no rational explanation for it, is why the Medicare program has been prohibited from negotiating for lower drug prices. Of course there is an explanation: a deal was struck to benefit the insurance and pharmaceutical industries at the expense of our seniors.

Madam Speaker, the legislation before us today will repeal this prohibition and empower the Secretary to negotiate for lower prescription drug prices on behalf of Medicare beneficiaries.

H.R. 4 makes common sense, and it does right by our seniors. I look forward to bipartisan passage of this important legislation.

DOMESTIC VIOLENCE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Carlos Granados had a bad temper and a bad attitude toward women. This violent predator that had assaulted at least two prior girlfriends moved in with Katherine Jiminez and her 3-year-old son, Anthony, in 1998.

He continued his demonic trait of abuse and began beating her up. She ordered him to leave. Carlos exploded. He attacked her, stabbing her over 30 times, slit her throat, and killed the baby she was pregnant with. The last words Katherine heard her 3-year-old son, Anthony, scream in horror were, "Don't kill me. I don't want to die. Don't kill me." Carlos stabbed Anthony in the heart. Katherine lay helplessly in a pool of her own blood for over a day until she was rescued, but she survived.

On Wednesday, the State of Texas put Carlos Granados in the ground. He was executed for his crimes against women and children.

Katherine's story is not a rare occurrence in the United States. One in four women will become victims of domestic violence in their lifetimes; their children will be likely victims as well.

Love never comes with black eyes, bruises and battery. My grandmother used to tell me, "You never hurt someone you claim to love." Wise words then, and the law now.

And that's just the way it is.

PRESCRIPTION DRUGS

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, today I strongly support the prescription drug bill that will be coming up today for a vote. I commend the leadership for bringing this legislation to the floor as a central part of the first 100 hours.

When the Medicare drug bill was being assembled, the pharmaceutical lobby convinced its authors to write rules into the bill that would forbid ever negotiating for lower-cost prescription drugs. These drug companies charged American consumers far more than anyone else in the world.

This bill today would allow the Secretary to negotiate for lower-cost prescription drugs. This is a commonsense solution that could have enormous cost savings for seniors and the government. The VA Administration already does this effectively; so does every other industrialized country in the world.

My own State of Maine has led the way in implementing this approach at the State level. I have introduced my America Rx bill based on Maine's approach in the past Congresses. I am so pleased that this bill today does that same thing, and I urge my colleagues to support this bill.

THE THREAT OF IRAN AND SYRIA

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to address the growing threat of Iran and Syria and their involvement in the current war in Iraq.

As President Bush pointed out in his speech Wednesday night, we live in difficult times and are facing types of enemies never seen before. These terrorists are bent on the destruction of Western Civilization. I am pleased the President acknowledged the threat of Iran and Syria and included monitoring the borders of Iraq as an essential part of the solution to the Iraq conflict.

Seventy percent of American casualties in Iraq come from IEDs provided by Iran. This must be dealt with divisively or we will continue to lose the brave men and women who are fighting a noble cause in the global war on terror.

In addition, intelligence estimates show that at least 32,000 people are being paid by Iran to interfere with American efforts in Iraq. It is clear we cannot win in Iraq without dealing with Iran. They are determined to dominate the Arabian peninsula with their radical and twisted version of Islam, and to defeat and humiliate the United States in our efforts to help Iraq build a strong and stable democracy to serve as a model in the Middle East

BRING OUR TROOPS HOME

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRIJALVA. Mr. Speaker, I believe this Congress has a mandate from the voters to start bringing our troops home from Iraq. This is not an option that we can pursue at our leisure. This is a solemn obligation of absolute urgency.

As we speak, preparations are being made to send more of our Nation's sons and daughters to Iraq, with or without our consent, and some are already there.

A recent headline in the Financial Times states our predicament: "Congress is helpless only out of choice." The Constitution gives this House, gives this body, if it chooses to exercise it, the power of the Federal purse. No signing statement or political calculation can erase this hard fact. And if we choose to deny that we do have this power, we do a disservice to our Constitution, our constituents, and this body.

The escalation in Iraq, as announced by the President the other night, will only deepen our involvement in this debacle.

Mr. Speaker, this war is a financial, strategic and moral disaster for this Nation. We need to bring this sad misadventure to an end and start bringing our troops home now.

The American people have clearly expressed their view on Iraq in the last election that policy has to be changed by this Congress.

VOTE "NO" ON H.R. 4

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, I once operated on a Vietnam veteran who then needed lifesaving drugs. But the VA program was going to make him wait for 2 weeks. He had no choice but to pay out of pocket hundreds of dollars. This is completely unacceptable. And we certainly do not want the same thing for our seniors.

I urge my colleagues to support seniors and vote "no" on H.R. 4 because this legislation prevents patients from getting the medication they need. When you scratch the surface, it becomes very clear that this legislation will lead to price controls and rationing. Furthermore, the idea of government negotiation is a joke.

Mr. Speaker, this limits seniors' choices, it's not going to reduce cost, and once again it's the heavy hand of government telling people what is best for them. So I urge my colleagues to support seniors and vote "no" on this legislation.

MIKE SHAMPINE

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Michael Shampine, U.S. Air Force veteran, city councilman, labor union activist, and my good friend and constituent sadly passed away last Saturday.

Mike and I became close friends throughout the past years. His outstanding commitment to labor, his sincere friendship and great sense of humor will be the attributes I will remember the most about him. I do not know anyone who was more committed to his community and his union brothers and sisters than Mike, which was exemplified in the positions he held as president of the Decatur Trades and Labor Assembly and as the business agent/financial secretary of Roofers Local 92.

The community of Decatur has greatly benefited from Mike's exceptional years of service, especially in the ways he successfully brought together labor, business and community leaders to solve the city's problems. His efforts and contributions served as an inspiration to all of us.

To Mike's family and close friends, I extend to you my sincere condolences and hope the pain and loss you feel will become less with each passing day.

God bless you, Mike.

VOTE AGAINST H.R. 4

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I rise today to voice my opposition to H.R. 4, the Medicare Prescription Drug Price Negotiation Act. We could even call it the Big Government Medicare Prescription Drug Price Negotiation Act. You know, I represent about 70,000 Medicare part D beneficiaries in my district and they deserve low-cost prescription drugs and the option to choose the plans that best suit their needs.

Part D plans have produced greater than expected savings and our Medicare beneficiaries appreciate this. They are saving an average of $1,200 annually on their drug costs. Program costs are going to be about $200 billion lower than expected over the next 10 years. And repealing part D noninterference will create drug therapy restrictions found in the Department of Veterans Affairs programs.

There is a lot of talk about the Veterans Affairs and comparing that to Medicare. That is like comparing apples and oranges, because the VA is a direct provider of medical services, where Medicare part D is an insurance program for our seniors that allows them to choose to access and to control their health care.

Vote "no."

□ 0915

SUPPORT H.R. 4

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007.

Now you can imagine how Democrats felt when the Republicans hijacked the whole idea of putting benefits into Medicare for prescription drugs. Not only did they do a bad job with the regular program with the doughnut hole and higher prices, but on top of that, they added two additional things.

One, they made criminals of people who would go to Canada or Mexico to get the same drugs for lower prices because, of course, our pharmaceutical companies charge the highest price for drugs right here in the United States.

Secondly, they prohibited the United States Government from doing what all other health plans do: negotiate the price of prescription drugs for the people who are in their health care program.

Well, guess what? Today we will right that. Today we will allow the Secretary of Health and Human Services to negotiate on behalf of Americans.

HEALTH CARE DECISIONS SHOULD BE MADE BY DOCTORS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, today we will take up the Medicare prescription drug program, a program where costs were $13 billion lower than projected in 2006; needed life-saving drugs are available; and 80 percent of the beneficiaries are supportive and satisfied with the program.

So what problems are the Democrats trying to solve? Theirs is really a solution in search of a problem. The Democrats think that Washington can make better decisions than the American people about very personal medical matters. And what happens when the government gets more involved? Things become more bureaucratic and more expensive.

As a physician, I know how difficult it is to take care of patients, oftentimes because so many non-medical people are making medical decisions.

If H.R. 4 is adopted and becomes law, Washington bureaucrats will decide which drugs will be available for patients, not from a scientific or safety standpoint but purely based upon money.

That is not the way we ought to be making health care decisions. Those decisions ought to be made by patients and doctors.

SPECIAL INTEREST OVER PUBLIC INTERESTS

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH of Vermont. Mr. Speaker, a special interest over the public interest, there is no more vivid example of special interests trumping the public interest than the Medicare Part D legislation that we must reform today.

Extending a drug benefit to our seniors on Medicare is the right thing to do. Even in its current form, it has helped thousands of Vermonters and hundreds of thousands of Americans.

But when this Medicare drug benefit was first passed, a worthy extension of this good program went terribly wrong because of the wrong-headed prohibition on the Federal Government's ability to do the obvious: negotiate fair prices for the taxpayer. This program fails on its most fundamental level, cost. Failing on cost, it impedes access.

The lobbyists who had such an influence in writing this bill bewildered our seniors and ripped off our taxpayers.

The public interest, the interest of our seniors and taxpayers are who we represent today and who we can help today with the passage of this bill.

FULLY FUND SAFE TEA-LU

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to fully support SAFE TEA-LU funding at its authorized level for fiscal year 2007.

If, as expected, the House passes a joint resolution extending funding for government programs through October 1, it is important that we allow the highway funds to increase from the 2006 level to the authorized 2007 level.

Federal highway funding is very important to all States, and my State of West Virginia is no exception. Significant progress is being made on construction of a new four-lane U.S. 35 and on Corridor H, and transportation improvements are needed across everyone's district.

Keeping highway funding steady at the 2006 level would stop a scheduled $3.4 billion increase that State highway departments, workers and motorists have planned on and expected for this year.

The President's fiscal year 2007 budget, the House-passed transportation appropriation bill and the Senate appropriation bill called for $39.1 billion for highway construction. Failing to allow an increase would cost West Virginia $57.7 million, and 2,740 construction jobs.

NEW DIRECTION FOR AMERICA

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, my mother was an extraordinary woman. There is no doubt that Medicare helped her live the last of her 94 years with dignity and mostly independence. However, despite having one son as a doctor, one as a pharmaceutical executive and one as a Member of Congress, our family still struggled to meet her needs. As a Member of this body, I felt helpless and almost ashamed to know that there are millions more like her forced to decide between food and medicine each month.

I am proud now to be a part of this inspired and honest effort to make a difference in the lives America's elderly and disabled.

Although mother is gone now, I can still make a difference for her sister, my 91-year-old Aunt Mary. She fell into the part D doughnut hole and paid thousands of dollars a month for her medications. It is an outrage that my aunt and millions of Americans are paying record prices while drug companies are reporting record profits.

Giving Medicare the ability to negotiate drug prices is a monumental first step. I hope it is just the beginning of expanding every American's access to quality and affordable health care.

I urge you all to think of your mothers and aunts when you cast your vote for H.R. 4. Do this for every one of your constituents who has to decide between meals and medicine and show America that we are all dedicated to a new direction.

VOTE "NO" ON H.R. 4

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, I rise today in opposition to H.R. 4, the Medicare Prescription Drug Price Negotiation Act.

The Medicare prescription drug insurance program continues to exceed expectations. The current private sector approach has resulted in more choices available to Medicare beneficiaries while simultaneously keeping costs below previous projections.

The majority of seniors are satisfied with the program and are saving on average $1,200 a year. Seniors are able to choose a prescription drug plan that meets their needs.

The Congressional Budget Office has stated that requiring the Federal Government to negotiate drug prices with the manufacturer will not result in any savings to the Federal Treasury or the taxpayer. When asked, seniors support lower drug prices; but when told that means less choice of available drug or pharmacy, they disagree.

Seniors across America want their doctors, not the Federal Government, to choose the most effective drugs.

SENIORS AT MERCY OF CONFUSING DRUG RULES

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, for over a year now, senior citizens in my State of Minnesota have been subject to a sink hole that the administration calls Medicare part D, the prescription drug program.

It was really never meant for our seniors. It was written for and by the pharmaceutical companies and the insurance companies at the expense of our senior citizens and paid for by the American taxpayer.

In 2006, companies like Pfizer, Eli Lilly, Merck and Novartis made record profits. Meanwhile, Minnesota seniors are at the mercy of complex and confusing drug company rules, matched by the rising cost of drugs, costs that make gas prices seem stable.

Prescription drugs have increased at twice the rate of inflation. Medicare folks pay as much as 10 times more than vets do through the Department of Veterans Affairs.

Mr. Speaker, that is no way to treat the greatest generation. We can and must do right by them. We must end the drug company charade and enact real prescription drug reform. It is time to let HHS negotiate just like the VA.

Today, the House will pass the Medicare Prescription Drug Price Negotiation Act. Let us end the scam and give the greatest generation the dignity they so deserve. Vote "yes" on H.R. 4.

CHAVEZ BEGINS THIRD TERM IN VENEZUELA

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, yesterday the Venezuelan president invoked Fidel Castro as the premier socialist model which, in his theory, is the economic model for not only Venezuela but the entire world.

Mr. Speaker, my observation about his speech is that it represents a defining illustration of the dichotomous philosophies of ownership and freedom that free markets versus state-owned markets present. For example, Chavez demonstrates this with his continued move to nationalize electrical and telecommunications companies.

Here in Congress with the new majority, they are starting to hammer with this heavy hand of the Federal Government down on small businesses, pharmaceutical companies, energy companies, health insurance and telecommunications industries. I hope that we will carefully examine the consequences of these decisions before repeating the mistakes of socialism. State-owned enterprises are never the solution

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 56) and ask for its immediate consideration.

The Clerk read the resolution, as follows

H. RES. 56

Resolved, That the following named Members and Delegate be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON RULES.—Mr. McGovern, Mr. Hastings of Florida, Ms. Matsui, Mr. Cardoza, Mr. Welch of Vermont, Ms. Castor, Ms. Sutton.

(2) COMMITTEE ON FINANCIAL SERVICES.—Mr. Frank, Chairman; Mr. Kanjorski, Ms. Waters, Ms. Maloney of New York, Mr. Gutierrez, Ms. Velazquez, Mr. Watt, Mr. Ackerman, Ms. Carson, Mr. Sherman, Mr. Meeks of New York, Mr. Moore of Kansas, Mr. Capuano, Mr. Hinojosa, Mr. Clay, Ms. McCarthy of New York, Mr. Baca, Mr. Lynch, Mr. Miller of North Carolina, Mr. Scott of Georgia, Mr. Al Green of Texas, Mr. Cleaver, Ms. Bean, Ms. Moore of Wisconsin, Mr. Davis of Tennessee, Mr. Sires, Mr. Hodes, Mr. Ellison, Mr. Klein of Florida, Mr. Mahoney, Mr. Wilson of Ohio, Mr. Perlmutter, Mr. Murphy of Connecticut, Mr. Donnelly, Mr. Marshall of Georgia.

(3) COMMITTEE ON AGRICULTURE.—Mr. Peterson, Chairman; Mr. Holden, Mr. McIntyre, Mr. Etheridge, Mr. Boswell, Mr. Baca, Mr. Cardoza, Mr. Scott of Georgia, Mr. Marshall of Georgia, Ms. Herseth, Mr. Cuellar, Mr. Costa, Mr. Salazar, Mr. Ellsworth, Ms. Boyda, Mr. Space, Mr. Walz, Ms. Gillibrand, Mr. Kagen, Mr. Pomeroy, Mr. Davis of Tennessee, Mr. Barrow, Mr. Lampson, Mr. Donnelly, Mr. Mahoney of Florida.

(4) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Lantos, Chairman; Mr. Berman, Mr. Ackerman, Mr. Faleomavaega, Mr. Payne, Mr. Sherman, Mr. Wexler, Mr. Engel, Mr. Delahunt, Mr. Meeks, Ms. Watson, Mr. Smith of Washington, Mr. Carnahan, Mr. Tanner, Ms. Woolsey, Ms. Jackson Lee, Mr. Hinojosa, Mr. Wu, Mr. Miller of North Carolina, Ms. Linda Sanchez of California, Mr. Scott of Georgia, Mr. Costa, Mr. Sires, Ms. Giffords, Mr. Klein of Florida.

(5) COMMITTEE ON HOMELAND SECURITY.—Mr. Thompson of Mississippi, Chairman; Ms. Loretta Sanchez of California, Mr. Markey, Mr. Dicks of Washington, Ms. Harmon, Mr. DeFazio, Ms. Lowey, Ms. Norton, Ms. Lofgren, Ms. Jackson-Lee, Ms. Christensen, Mr. Etheridge, Mr. Langevin, Mr. Cuellar, Mr. Carney of Pennsylvania, Ms. Clarke, Mr. Al Green of Texas, Mr. Perlmutter.

(6) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.— Mr. Waxman, Chairman; Mr. Lantos, Mr. Towns, Mr. Kanjorski, Ms. Maloney of New York, Mr. Cummings, Mr. Kucinich, Mr. Davis of Illinois, Mr. Tierney, Mr. Clay, Ms. Watson, Mr. Lynch, Mr. Higgins, Mr. Yarmuth, Mr. Braley, Ms. Norton, Ms. McCollum, Mr. Cooper of Tennessee, Mr. Van Hollen, Mr. Hodes, Mr. Murphy of Connecticut, Mr. Sarbanes, Mr. Welch of Vermont.

(7) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Filner, Chairman; Ms. Brown of Florida, Mr. Snyder, Mr. Michaud, Ms. Herseth, Mr. Mitchell of Arizona, Mr. Hall of New York, Mr. Hare, Mr. Doyle, Mr. Salazar, Mr. Rodriguez, Mr. Donnelly, Mr. McNerney, Mr. Space.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 0930

MEDICARE PRESCRIPTION DRUG PRICE NEGOTIATION ACT OF 2007

Mr. DINGELL. Mr. Speaker, pursuant to section 510 of House Resolution 6 and as the designee of the majority leader, I call up the bill (H.R. 4) to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries.

The Clerk read the title of the bill.

The text of the bill is as follows

H.R. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Prescription Drug Price Negotiation Act of 2007".

SEC. 2. NEGOTIATION OF LOWER COVERED PART D DRUG PRICES ON BEHALF OF MEDICARE BENEFICIARIES.

(a) NEGOTIATION BY HHS.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and inserting the following:

"(i) NEGOTIATION OF LOWER DRUG PRICES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall negotiate with pharmaceutical manufacturers the prices (including discounts, rebates, and other price concessions) that may be charged to PDP sponsors and MA organizations for covered part D drugs for part D eligible individuals who are enrolled under a prescription drug plan or under an MA–PD plan.

"(2) NO CHANGE IN RULES FOR FORMULARIES.—

"(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to authorize the Secretary to establish or require a particular formulary.

"(B) CONSTRUCTION.—Subparagraph (A) shall not be construed as affecting the Secretary's authority to ensure appropriate and adequate access to covered part D drugs under prescription drug plans and under MA–PD plans, including compliance of such plans with formulary requirements under section 1860D–4(b)(3).

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing the sponsor of a prescription drug plan, or an organization offering an MA–PD plan, from obtaining a discount or reduction of the price for a covered part D drug below the price negotiated under paragraph (1).

"(4) SEMI-ANNUAL REPORTS TO CONGRESS.—Not later than June 1, 2007, and every six months thereafter, the Secretary shall submit to the Committees on Ways and Means, Energy and Commerce, and Oversight and Government Reform of the House of Representatives and the Committee on Finance of the Senate a report on negotiations conducted by the Secretary to achieve lower prices for Medicare beneficiaries, and the prices and price discounts achieved by the Secretary as a result of such negotiations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall first apply to negotiations and prices for plan years beginning on January 1, 2008.

The SPEAKER pro tempore (Mr. MARSHALL). Pursuant to section 510 of House Resolution 6, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BURGESS) each will control 90 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include therein extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to yield 40 minutes to the distinguished gentleman from New York (Mr. RANGEL) and 10 minutes to the gentlewoman from Missouri (Mrs. EMERSON), and that they each be permitted to control their own time in their own way.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. This legislation is bipartisan. It is an overdue step to improve part D drug benefits for the millions who depend on that section.

The bill is simple and straightforward. It removes the prohibition that prevents the Secretary of Health and Human Services from negotiating discounts with pharmaceutical manufacturers, and ensures that our friends in the executive branch take this opportunity seriously. It requires the Secretary to negotiate.

This legislation is simple and common sense. It will deliver lower premiums to the seniors, lower prices at the pharmacy and savings for all taxpayers. The American public subsidizes more than three-quarters of the part D benefit, paying the bulk of premiums and 80 percent of catastrophic costs. They also pay for most or all of part D medicines used by the lowest-income Medicare beneficiaries. These savings add up.

It is equally important to understand that this legislation does not do certain things. H.R. 4 does not preclude private plans from offering drug coverage under Medicare from getting better or additional discounts on medicines they offer seniors and people with disabilities. H.R. 4 does not interfere with the ability of doctors to prescribe a particular drug for their patients by establishing a national formulary. In fact, page 2 of the legislation reads: "Nothing in paragraph (1) shall be construed to authorize the Secretary to establish or require a particular formulary." I do not think that there is any clearer way to state these matters than in that fashion.

I have confidence that Secretary Leavitt can cut a good deal with the bargaining power of 43 million beneficiaries of Medicare behind him without restricting access to needed medicine.

H.R. 4 does not require price controls. Quite the contrary, the bill gives the Secretary an additional power and makes him an additional player with whom drug companies must negotiate. And I say with some sympathy for the drug companies that they have been doing so well that I can understand their opposition to this matter.

H.R. 4 does not hamstring research and development by pharmaceutical houses. The most recent Securities and Exchange Commission filings by the seven largest drug manufacturers based in the U.S. show that, on average, these companies spend more on marketing, advertising and administration than they do on research and development; and those who insist that the sky is falling if the drug companies negotiate lower prescription prices are arguing that those drug companies should continue to skin a fat hog at the expense of the taxpayers and the beneficiaries.

I further note that H.R. 4 does not require HHS's Secretary to use Department of Veterans Affairs' price schedule or to adopt a VA-like system. In fact, you will not find the words "veterans" and "affairs" in this legislation.

Independent studies confirm that Medicare overpays drug companies in purchasing medicines. I will repeat that: Medicare overpays drug companies in purchasing medicines. One study has found that half of the top 20 drugs used by senior citizens fall into that category. Medicare drug plans paid at least 58 percent more than the prescription program of the Department of Veterans Affairs. Even if the Secretary does not get those same discounts, it is clear that Medicare can do better, and we must see that they do so.

Senior citizens and people with disabilities deserve better, and after the past 6 years of pillaging the Treasury of the United States, our taxpayers deserve better.

While this legislation is an important step forward, H.R. 4 does not address other problems with part D. I anticipate we will be doing so at an early time. The list of wrongs that need righting in connection with this legislation is long, and, as I said, we will introduce legislation and deal with these matters in other ways.

I urge my colleagues to vote for H.R. 4, the Medicare Prescription Drug Price Negotiation Act. Let the Secretary of Health and Human Services use the power of 43 million beneficiaries to get a better deal for their prescription medicines, for them, and for the taxpayers

[From the New York Times, Jan. 12, 2007]

NEGOTIATING LOWER DRUG PRICES

From all the ruckus raised by the administration and its patrons in the pharmaceutical industry, you would think that Congressional Democrats were out to destroy the free market system when they call for the government to negotiate the prices of prescription drugs for Medicare beneficiaries. Yet a bill scheduled for a vote in the House of Representatives today is sufficiently flexible to allow older Americans to benefit from the best efforts of both the government and the private drug plans.

The secretary of health and human services should be able to exert his bargaining power with drug companies in those cases in which the private plans have failed to rein in unduly high prices—leaving the rest to the drug plans. The result could be lower costs for consumers and savings for the taxpayers who support Medicare.

Under current law, written to appease the pharmaceutical industry, the government is explicitly forbidden from using its huge purchasing power to negotiate lower drug prices for Medicare beneficiaries. That job is left to the private health plans that provide drug coverage under Medicare and compete for customers in part on the basis of cost.

The Democrats' bill would end the prohibition and require—not just authorize—the secretary of health and human services to negotiate prices with the manufacturers. That language is important since the current secretary, Michael Leavitt, has said he does not want the power to negotiate.

No data is publicly available to indicate what prices the private health plans actually pay the manufacturers. But judging from what they charge their beneficiaries, it looks like they pay significantly more for many drugs than do the Department of Veterans Affairs—which by law gets big discounts—the Medicaid programs for the poor, or foreign countries.

The administration argues, correctly, that the private plans have held costs down and that there is no guarantee the government will do any better. The bill, for example, prohibits the secretary from limiting which drugs are covered by Medicare, thus depriving him of a tool used by private plans and the V.A. to win big discounts from companies eager to get their drugs on the list. The secretary does have the bully pulpit, which he can use to try to bring down the cost of overpriced drugs.

The bill also does not require the secretary to negotiate prices for all 4,400 drugs used by beneficiaries. A smart secretary could simply determine which prices paid by the plans seemed most out of line with the prices paid by other purchasers and then negotiate only on those drugs. The private plans are explicitly allowed to negotiate even lower prices if they can. This sort of flexibility should pose no threat to the free market. It is time for the Medicare drug program to work harder for its beneficiaries without worrying so much about the pharmaceutical companies.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that the time on my side be divided, with 40 minutes going to the distinguished gentleman from Louisiana (Mr. McCRERY), the ranking member on the Ways and Means Committee; and 50 minutes reserved for the Committee on Energy and Commerce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

I might ask, does ideological purity trump sound public policy? Of course, it shouldn't, but, unfortunately, it appears we are on the threshold of profound changes in the Medicare part D prescription drug program, a program that is working well, a program that has arrived on time and under budget.

Think of that, Mr. Speaker. Here is a Federal agency that delivered on a promise that we made here in Congress, daybreak, November 22, 2003, and it arrived on time and under budget. When have you known a Federal agency to behave in such a way?

The changes are not being proposed because of any weakness or defect in the program, despite the comments of my distinguished chairman. The changes are being proposed because a viable program lacks the proper partisan label.

Since the inception of the part D program, America's seniors have had access to greater coverage at a lower cost than at any time since the inception of Medicare, well over 40 years ago. Indeed, over the past year, saving money has not just been a catchy slogan; it has been a welcome reality for the millions of American seniors who previously lacked prescription drug coverage.

Under the guise of negotiation, the Democrats propose to enact draconian price controls on pharmaceutical products. The claim is billions of dollars of savings. But the experts in the Congressional Budget Office yesterday denied that the promised savings will actually materialize. The reality is competition has brought significant cost savings to the program and, subsequently, to the seniors who depend upon this program every day.

Consider that the enrollment in the part D program began just a little over a year ago and has proven to be a success. CMS reports that approximately 38 million people, 90 percent of all Medicare beneficiaries, are receiving comprehensive coverage, either through part D, an employer-sponsored retiree health plan, or other credible coverage, including the VA.

But consider this: retiree health coverage was disappearing at a rate of 10 percent a year prior to the enactment of the Medicare Modernization Act 4 years ago. Further, the cost of the program for 2006 was $13 billion below budget estimates. Half of that amount of savings was attributed to competition. The projected average premium was originally $37 a month. That is what the HHS figured out was going to be the basic premium. That is the best their actuaries could do.

□ 0945

We will get that premium down to $37 a month. But the beneficiaries are actually paying an average premium of less than $24 a month.

Ninety-two percent of all Medicare beneficiaries will not enter the Medicare's cost coverage gap because they will not be exposed to the gap or they have prescription drug coverage from plans outside of part B, or their plan covers in the so-called gap. Eighty percent of the Medicare drug enrollees are satisfied with their coverage, and a similar percentage say that out-of-pocket costs have decreased.

With all that is going right about the program, it seems unwise and unkind to jeopardize its success. Specifically, just a month ago, the Wall Street Journal reported that negotiating prescription drug prices may actually lead to higher prices for consumers. Further, the Manhattan Institute For Policy Research advised that Federal price limitations will result in decreased investment and research and development on less new medicines and ultimately an overall negative impact on available pharmaceuticals. Available to whom? Available to the American people, Mr. Speaker.

Again, consider: Under the cloak of negotiation, the reality is that Federal price controls could have an extremely pernicious effect on the price and the availability of current pharmaceuticals and those products that may be available in the future to treat future patients. Is ideological branding so critical it trumps providing basic coverage to senior citizens?

Mr. Speaker, in a former life I used to study medical irony a lot. In the past 4 years, I have come to study political irony. The irony of this situation is that, for 40 years, various Presidents and Congresses tried to provide this benefit to the American people, to the American seniors, and it couldn't be done. It took a Republican President, a Republican House and a Republican Senate to provide this benefit. And therein is the problem. It lacks the proper partisan branding.

Mr. Speaker, while crafting policy that ultimately became the Medicare Modernization Act of 2003, the concept of protecting the inclusion of market forces in the legislation was a critical aspect of the ultimate bill; and keeping in mind that the central tenet of providing recipients of the large Federal program access to Federal drugs with the emphasis being on taking care of those who were least well off and those who had the greatest health problems.

The Republican policy trusted the marketplace. They trusted the marketplace, with some guidance, to be the most efficient arbiter of distribution to achieve the above goals. We had no shortage of individuals who were concerned about the overall concept and scope of the program on the Republican side during the debate. But it is useful to compare the proposals that were proffered by the other side of the aisle during this time.

Specifically, there would have been limits on access to medicine to seniors, limits on pharmacies, and right from the beginning, there was a tacit acknowledgment that the program would cost considerably more money over time.

Mr. Speaker, I reserve the balance of my time.

Mrs. EMERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I welcome this debate today as we discuss an idea with merit to apply the savings of bulk negotiation to the prescription drugs taxpayers purchase through the Medicare program.

This debate rests on a single question: Where would we be if the taxpayer dollar was used to buy ammunition for our soldiers one bullet at a time? What would happen if the Department of Transportation purchased concrete mix one bag at a time? Would we instruct the IRS to purchase paper one sheet at a time? Why then do we bar the Secretary of Health and Human Services from acting on the taxpayers' behalf and, instead, expect Medicare to buy drugs one plan at a time, one pill at a time?

This bill corrects that inequity, and I look forward to our debates today.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield to my distinguished colleague and friend, the gentleman from California, for a unanimous consent request.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of H.R. 4, and I want to thank the committee for bringing this bill to the floor and look forward to its passage.

In 2003, I opposed the President's prescription drug plan because it was clear that it would not help America's elderly and America's sick.

Instead, the bill guaranteed high prices to drug makers, by prohibiting the Federal Government from negotiating lower drug prices on behalf of seniors.

Today we have an opportunity to correct one of the wrongs instituted by that bill. The bill before us today is part of our ambitious agenda for the first 100 hours in this new Congress, and will start to put the interests of seniors before those of drug companies.

The states, the V.A., Fortune 500 companies, and large pharmacy chains all use their bargaining clout to obtain lower drug prices for their patients. Medicare beneficiaries deserve the same opportunity.

Giving HHS drug price negotiating authority for Medicare has overwhelming bipartisan support across the country; along with support from organizations like AARP, Consumers Union, and AFL–CIO.

Negotiating for lower prescription drug prices will be the first step towards fixing this highly flawed system and helping our seniors.

Mr. DINGELL. Mr. Speaker, I yield now to the distinguished gentleman from New Jersey, the chairman of the Health Subcommittee, Mr. PALLONE, for 3 minutes.

Mr. PALLONE. Mr. Speaker, a principal goal of this new Democratic majority is to make health care more affordable for all Americans, and that is the reason I rise in strong support of H.R. 4. This legislation will help lower prescription drug costs for our Nation's seniors and the disabled by simply repealing the provision inserted by the Republican majority into the 2003 law that prohibits the Secretary of Health and Human Services from negotiating lower drug prices.

Now, Mr. Speaker, it is a national embarrassment, in my opinion, that we have the tools to lower drug prices for America's seniors and the disabled and yet we do not utilize them. It is simply time for a new direction. This provision that we are repealing never made any sense, except to the pharmaceutical industry.

My colleague who is controlling the bill on the other side talked about reality and talked about irony. The reality is that this provision was inserted by the pharmaceutical industry, a special interest, because of their alliance essentially with the Republican majority. And the irony is that that gentleman continues to talk about saving money when in reality we would save a tremendous amount of money by having this provision repealed. That savings, as Mrs. EMERSON said, could actually be used to increase the quality of the program, perhaps by filling up the donut hole or doing other things that would make it possible for seniors to have even more access to prescription drugs at a lower cost.

Now, my Republican friends point to the fact that seniors may be receiving lower prices thanks to negotiations between private drug plans and drug manufacturers. But I will argue that significantly more savings could be achieved, and a majority of Americans, both Democrats and Republicans, agree that the government should be given the choice to further lower drug costs through negotiations.

This is a no-brainer. Let us try it. It makes sense. Common sense alone tells us that the collective purchasing power of 43 million seniors will undoubtedly be a powerful bargaining tool in lowering drug costs. In their opposition to this legislation, Republicans and their special interest friends are using two arguments that are contradictory. First, they say price negotiations will have little impact in reducing drug costs; then they turn around and say we are killing innovation.

How can we kill innovation if our legislation has no chance of lowering drug costs? Both of these statements can't be true. In fact, both are false. The truth is these are the same worn-out scare tactics our Republican friends in Congress and the administration have used against us before. These scare tactics will no longer work in this House where the Democrats have the majority, and this new Democratic majority is moving forward with our promise to make health care more affordable and more accessible.

Vote "yes" on H.R. 4. I know we have some Republicans joining us on this because it is simply common sense.

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that I be allowed to yield to the distinguished ranking member of the full committee, Mr. BARTON of Texas, and that he may control the time and yield as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

First, I want to apologize to the body. I thought that we went in at 10 o'clock this morning. When I left last evening, that is what it said. My staff did call me last night and tell me I needed to be on the floor by 9:30, but I thought they were gaming me, trying to get me here by 10 and telling me I had to be here by 9:30. Obviously, we did convene at 9, and I showed up at about 10 till. I thought I was 10 minutes early. So I apologize to my brethren for not being here.

There is an old saying that an apple a day keeps the doctor away, and a lot of us try to live by that. But in spite of our best efforts, sometimes we need prescription drugs. I am living proof of that. About a year ago, a year and a month ago, I was in a conference here in this Capitol with my friends in the other body, negotiating budget reconciliation instructions, and I had a heart attack.

Until that day, I had seldom had to take prescription drugs. Since that day, I take five or six. I take a drug to lower my blood pressure. I take a drug to thin my blood. I take all kinds of drugs so that I don't have a repeat of the heart attack that I had 13 months ago.

Now, I am not 65, so I am not covered by Medicare. I am in the standard Federal health benefit plan, Blue Cross/Blue Shield. And it does have a prescription drug benefit that partially pays for those drugs. But if I were to be over 65, which we have some Members of this body that are, I would have to be a part of Medicare and I would have an option under the current law to participate in Medicare part D, the prescription drug benefit program.

Now, when my friends on the other side were in the majority for 40 years, from 1954 to 1994, many of them sincerely, consciously wanted prescription drug benefits for Medicare. For whatever reason, it never quite happened. When the Republicans became the majority in 1994 and took over in 1995, it took us a while, we didn't get it done right away, but 3 years ago, we did pass a prescription drug benefit for part D, and it kicked in in the last Congress.

It is voluntary. Seniors that don't want to participate don't have to. Approximately 90 percent of the seniors that are eligible, we are led to believe, have chosen some plan for a prescription drug benefit.

Now, there are various plans. There are approximately 100 plans. These plans, some of them are very comprehensive. Some are very specific. Some are national, and some are regional. The long and the short of it is that every senior citizen in this country that wants a prescription drug benefit that is covered by Medicare can get one, and about 90 percent have chosen some plan; and of that, somewhere between 75 and 80 percent seem very, very satisfied.

The average cost in monthly premium is $22 a month. Twenty-two dollars a month. There are some plans, I am told, that have zero premiums; you don't have to pay to participate. Within those plans, over 4,400 drugs are covered. In some of these plans, generic drugs are free. In some of these plans, the donut hole does not exist.

So through diversity and market competition, we have created a prescription drug benefit for senior citizens in America that seems to be working very, very well.

Now, my friends on the Democrat side, the new majority, have come in, and they have got this bill up today. They want the government to negotiate prescription drug prices. On the surface, that may seem like a good idea. In reality, it would be a terrible idea. Who is going to do better than market forces with thousands and thousands of people and hundreds of plans and millions of people choosing whether to participate in this plan or that plan? What government bureaucrat, even somebody as smart and distinguished as the current Secretary of HHS, Secretary Leavitt, who is going to do better than that?

Now, this concept that the government can negotiate a better price is simply not true. The CBO has come out and said it is not true, various think tanks have come out and said it is not true. But if you think it might be true, think of the products for which the government is the only purchaser and ask yourself, do we get the absolute best price?

There are not many products that the government is the only purchaser, but there are some. Aircraft carriers. There is not much demand for an aircraft carrier in the private market, so the U.S. Government is the only purchaser of aircraft carriers. An average cost of an aircraft carrier right now, I think, is about $5 billion. Now, we get a very quality product. The USS *Reagan* is the epitome of an aircraft carrier. But I don't believe we could say that we buy it at the absolute rock bottom price.

Now, we may not want to when it comes to some of our military equipment. We may not want to get the absolute best price. We may want to get the absolute best product, and so we are willing to pay a premium for that.

☐ 1000

But there is really no way that a person in the Federal Government, or a group of people in the Federal Government, is going to replicate the thousands and thousands of market forces that are in play today.

So of all the ideas that my friends in the new majority have brought forward in their first 100 hours, I would respectfully say this has got to be the worst one. And I don't mean that in a mean way.

We have a program, Medicare part D prescription drug benefit, that is working. The people that can participate are choosing wisely. The premiums are coming down. The cost is coming down. It covers over 4,400 drugs. It is working.

As they say in many parts of our country, if it ain't broke, don't fix it. So I would respectfully urge the body later today to defeat this program.

Mr. Speaker, I rise in opposition to H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. This bill reduces access to drugs, creates a massive new pricing bureaucracy, slows access to drugs, and disrupts a program that works. Let me restate—this program works. Beneficiary premiums are 42 percent lower than expected, overall costs are 30 percent lower than anticipated, and more importantly, seniors like what they are getting. Beneficiary satisfaction with their drug benefit is 80 percent or higher. So if it works, why break it?

Upon reading H.R. 4 there are some things that I know, some things that I don't know, and some things that I fear to be the case. Here's what I know. I know that there's a prescription drug benefit available in this country for 43 million Medicare beneficiaries. Of those folks, 90 percent now have some form of drug coverage.

I know that premiums are now down to around $22 per month for those that choose to enroll in this new benefit. And that's lower than last year because competition continues to drive the premiums down.

I know that beneficiaries like their new drug benefit. I know that beneficiaries are getting the drugs of their choice at the pharmacies of their choice, all at low costs. And I'm told, sometimes at zero cost for some drugs if they choose generics. Should I say that again? That's zero costs for some drugs. Here's a question—how does the government negotiate a lower price than zero?

H.R. 4 will not produce any savings. Why do I say that? The Congressional Budget Office has stated multiple times the federal government can not get lower prices than those currently achieved through competition. CBO must also know, what I know, and that is competition works.

Here's what else I know—H.R. 4 requires the government to negotiate prices that may be charged for drugs. But what else does H.R. 4 do? That's hard to tell because H.R. 4 doesn't say much more. Is the bill just poorly drafted or is it intentionally silent about the multitude of beneficiary and pharmacy protections in the current drug program that could be eliminated?

Upon reading H.R. 4, I do not know if plans will be able to offer the same wide array of drug choices as under the current program. I do not know if our seniors are protected from being stripped down to just one or two drugs offered from the many they may now choose from to best suit their health needs. I do not know if there are protections in place to assure access to robust pharmacy networks, and I do not know if pharmacy reimbursement associated with dispensing drugs could be limited, eliminated, or otherwise restricted.

What I fear is that H.R. 4's silence on these very important questions means that such beneficiary and pharmacy protections have not been considered. What I fear is the effect H.R. 4 may have on beneficiary access to drugs and pharmacies. Unfortunately, there have been no hearings or mark-ups to discuss and debate these important issues.

And even with knowing that H.R. 4 produces no savings, that beneficiaries overwhelmingly like this benefit, that the benefit works, that pharmacies are participating, and that premiums and overall costs are down, Democrats—led by Speaker PELOSI—feel compelled to blindly undermine this program with no legislative record to back up their claims. I am saddened. I am sad today for America's seniors because H.R. 4 serves no purpose other than a political one. We should not be playing politics with our seniors' access to drugs and pharmacies. We should be encouraging more seniors to enroll in this benefit, not tear it apart. Sadly, that is not what the Democrats have chosen to do in their first 100 hours of power.

And for what? We know from the experiences in other countries that government mandated drug formularies and interference in drug pricing leads to substantially less drug innovation and rationing of access to the new medicines that do come to market. Under the current program, a senior can choose a plan that will provide access to new drugs that slow heart disease, ease pain, keep families together longer, cure disease, and provide a longer and higher quality of life. In other countries with government run prescription drug plans citizens must wait years for new therapies. That's if the government chooses to provide the drug at all, just ask the cancer patients in the United Kingdom who waited years for the new breakthrough drug Herceptin to be covered.

How big and slow will this Big Government Pricing bureaucracy be? It's hard to tell with no hearings. With over 4,000 drugs, different economic conditions every year, new drugs entering the market all the time, and incredibly complicated questions about how this would work, the Pelosi plan will create a bureaucratic nightmare, but more importantly will endanger access to life improving and lifesaving medications and therapies. If you are as frustrated as I am about the unfairness of how the government pays physicians under Medicare, be prepared for more frustration on getting this political pricing scheme to work.

What about the effect of H.R. 4 on taxpayers receiving health coverage through private insurance or other federal purchasers? The non-partisan Government Accountability Office (GAO) said in a 2000 report entitled Expanding Access to Federal Prices Could Cause Other Price Changes that this type of system could raise drug prices for non-governmental purchasers. So according to the GAO, government negotiation in Medicare could lead to higher insurance costs for people with an employer sponsored health plan, a labor union plan, or even an individual insurance policy. Yet the Democrats have not held one hearing on this bill.

I ask what we are doing here today. Research firm after research firm has shown that large majorities of beneficiaries have a positive view of the prescription drug benefit. That is probably what is galling the Democrat leadership. A Republican Congress and President has passed and worked hard to administer a very popular program.

Within 100 hours the Democrat leadership has reneged on its campaign statement of bipartisanship, reneged on their campaign statement of open and considered legislative process, flip-flopped from a position of non-interference that they held in numerous bills, made hollow their statement of supporting an innovation agenda, and again shown their penchant for favoring Big Government mediocrity over choice, competition and accountability.

I was here for Contract with America. Those bills we passed with the Contract had hearings with many witnesses, Committee mark-ups and amendments, and opportunities for amendments on the floor. Who is hurt by lack of process on H.R. 4? Beneficiaries. Taxpayers. Pharmacists. Everyone. Without hearings on H.R. 4, without opportunity to develop solutions to concerns and understand the consequences of our actions, everyone loses. Particularly seniors.

In Speaker PELOSI's district there are over 81,000 Medicare beneficiaries and 103 pharmacies. How many hearings have there been to consider whether there are any beneficiary and pharmacy protections under H.R. 4? Zero.

Let's build that out a little more. The total number of Medicare beneficiaries represented by Members of the Energy and Commerce Committee is 5.4 million and there are 6800 pharmacies.

The total number of Medicare beneficiaries represented by Congress is close to 43 million. There are over 53,000 pharmacies. The consequences of this legislation are potentially grave and yet there has been absolutely no process given to determine how it would affect these important constituencies.

I don't mind an open discussion on the new Medicare drug benefit. We have had hearings on the benefit when I was the Chairman of the Energy and Commerce Committee. I like the fact that the Energy and Commerce Committee plans to hold more hearings this year. It gives me an opportunity to tout the program's successes. Seniors are seeing real savings and the cost of the program continues to decrease thanks to choice and competition. What I don't like is the purely political exercise we are being put through today that will jeopardize the access to needed drugs that the 63,000 beneficiaries in my district currently enjoy. I urge all members to oppose this process and oppose this ill conceived piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, it is with great pleasure that I yield to the distinguished gentlewoman from Florida, a very able Member of this body, 1 minute to our distinguished friend and colleague from Florida, KATHY CASTOR.

Ms. CASTOR. Mr. Speaker, I urge my colleagues to act today to require the Bush administration to negotiate prescription drug prices under Medicare part D so that we can achieve savings for our seniors and for all Americans.

In my district in the Tampa Bay area, one in seven residents is dependent upon Medicare for their health care needs. And over the past year, assisted seniors were struggling with the complicated and confusing part D. They do not like being forced into HMOs. Many were frustrated in Florida from having to choose from 43 different HMO plans. And then they did not receive straightforward assistance from the Bush administration.

I thank the chairman for his pledge to fight for greater reforms, but today is our first step.

It is unfair that HMOs and drug companies are making huge profits off the backs of our seniors. In the last Congress, part D was crafted to benefit the HMOs and insurance companies and not our seniors. But the Democrats know how to fix this.

A recent Family USA study found that for the most prescribed drugs, VA prices are much lower than the prices charged by insurers.

So let's act today and prove to our older neighbors and all taxpayers that we heard their pleas for help.

Mrs. EMERSON. Mr. Speaker, at this time I yield 2 minutes to the distinguished colleague of ours from Farmville, North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act, a bipartisan bill to allow the Federal Government to negotiate the best price on prescription drugs for our seniors.

The current Medicare prescription drug law prohibits the Federal Government from negotiating the best prescription drug prices for Medicare's 43 million beneficiaries.

Mr. Speaker, let me share with the House a practical example of how severe the problem of rising prescription drug prices is for our seniors. A woman from my district in eastern North Carolina saw her monthly prescription bill go from $6 per month to almost $60 a month. She spoke to a local TV station and said she would not have money for food if she had to pay that much each month. From $6 to $60 a month.

Mr. Speaker, the American people want us to pass this legislation. In a recent poll, 92 percent of Americans voiced their support for this bill. Ninety-two percent of the American people.

I have read reports that the President has pledged to veto this legislation. Sadly, yet again, the President is not listening to the American people.

Mr. Speaker, this is a bipartisan bill with support from both sides of the aisle and the support of the American people.

Mr. Speaker, it is time that this House listens to the American people, and it is time that this administration listens to the American people. And it is time for this House and the President to listen to this woman who represents millions of people across this Nation whose bill is going to go from $6 to $60 a month.

Mr. Speaker, I hope that the House will pass this legislation, and I hope that we will have the number of votes to override the President's veto.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the distinguished member of the full committee, Mr. UPTON of Michigan.

Mr. UPTON. Mr. Speaker, I have to believe that we all support ensuring that Medicare beneficiaries are getting the very best deal possible on their prescription drugs and that they want that, that they have access to drugs that their doctors believe will work best for them, and that they will continue to get their prescriptions filled at their local pharmacist. And in many rural communities, and in urban ones too in Michigan and across the country, the local pharmacist, in fact, is on the front line of health care: H.R. 4 doesn't get us there.

As many have mentioned and will mention today, the CBO estimates that having the government negotiate drug prices would, in fact, have a negligible effect on prescription drug prices. The current program which relies on the experience and expertise of the private sector drug plans and on strong market-based initiatives, incentives, is producing significant savings today for our seniors.

Here's a real example: one of my staffers reported that her mom signed up for a Medicare prescription drug plan. It took a bit of doing to sort through the many options available, but she is very glad that she did. She was paying before $106 for her Glucovance diabetes prescription. Now she is paying $5. She was paying $202 for Actos, another diabetes medication that she needs. She is now paying $30. And she was paying almost $29 for Coumadin. Now she is paying $5.

While failing to produce savings like these, many are concerned that H.R. 4, as currently written, would undermine access to medically necessary drugs for persons with HIV/AIDS, serious mental illnesses, ALS, epilepsy and other diseases and conditions. And let me quote from a letter I received this morning from the President of the Michigan Brain Injury Association: "Let me exhort you to take the time to have adequate committee deliberations on H.R. 4 prior to its passage on behalf of our constituents and all persons with disabilities. Significant modifications are necessary to protect patients' access to prescription drugs as currently provided under Medicare part D."

Needless to say, we have not had a minute of committee negotiations since we were sworn in.

Finally, while the current program includes requirements that beneficiaries have ready access to prescriptions through their local pharmacies, real concerns have been raised that H.R. 4 could seriously undermine that local access. That is why we need to vote for the motion to recommit which addresses those concerns.

Mr. Speaker, the bottom line is this: we do, everyone here does, want folks with Medicare to get all of the prescription drugs at the very best price. And I believe that consumer choice and the private sector competition can better drive lower cost and more availability than forcing the government to negotiate prices which may, indeed, lead to the withdrawal of drugs from the program altogether.

As Secretary Leavitt wrote earlier this week: "There is a proper role for government in setting standards and monitoring those who provide the benefit. But government should not be in the business of setting drug prices or controlling access to drugs."

Mr. DINGELL. Mr. Speaker, I am delighted at this time to yield to the distinguished chairman of the Oversight and Investigation Subcommittee, my distinguished colleague from Michigan (Mr. STUPAK) 2 minutes.

Mr. STUPAK. Mr. Speaker, today Democrats are keeping another promise to the American people as we bring H.R. 4, the Bipartisan Prescription Drug Negotiation authority to the floor.

While Members may not agree on how best to address the health care needs of America, one thing is certain: the United States has the highest drug prices in the world, and those prices keep going up. Today's legislation is a first good step to help lower the costs of prescription drugs for Americans. We can, and Democrats will, do more to lower the cost of prescription drugs in this country.

In America, everyone pays something different for their prescription drugs. If you have private insurance, your health plan negotiates lower drug prices for you. If you are covered by Medicaid, each State Medicaid program determines its own drug acquisition costs, and your State may negotiate additional rebates or discounts from drug manufacturers to further lower the price. If you are a veteran receiving health care at the VA, the Federal Government negotiates drug prices for you.

According to a recent Families USA study, the lowest price charged by the largest part D Medicare insurers for prescription drugs is at least 58 percent higher than the price under the system used by the Veterans' Administration.

It makes no sense for one Federal program to use its purchasing power to leverage lower prices, while another Federal program, Medicare, is forbidden by law, Republican law, from acting on behalf of its beneficiaries. The result is windfall profits to the drug companies.

The current Medicare prescription drug law prohibits the Secretary of Health and Human Services from conducting low cost-reducing negotiations. Today the House will repeal that provision.

I urge the Members to vote "yes" on H.R. 4, as it is a good step, the first step in lowering the cost of prescription drugs for seniors and all Americans.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the distinguished ranking member of the Health Subcommittee, Mr. DEAL of Georgia.

Mr. DEAL of Georgia. Mr. Speaker, as a member of the Energy and Commerce Committee, which spent hundreds of hours passing and dealing with hearings relating to this prescription drug benefit under Medicare part D, I rise in opposition to H.R. 4. I think it is hastily considered legislation that has been brought without the opportunity to evaluate several important ingredients, one being its impact on our local community pharmacists and their ability to provide access to citizens in our community.

One aspect of the current prohibition against the government negotiating is that it also prohibits the government from negotiating pharmacist fees. This reimbursement that they receive often comes in the form of dispensing fees which they use to help pay for their services in filling the prescriptions, of course. And I believe they are vital to the operation of local pharmacies because they help cover all of their costs associated with performing their duties.

Yet, this legislation provides no protection for the nearly 2,000 pharmacies in my State, or over 50,000 across the country.

The independent actuaries at CMS have already indicated that the Secretary will have limited ability to negotiate drug prices without the authority to establish formularies, an authority which is explicitly prohibited in this bill. Therefore, as the government seeks to fulfill the mandate of H.R. 4, to negotiate lower prices on drugs, I believe they will be forced to save in other areas, specifically cutting dispensing fees to pharmacists.

Without guaranteed dispensing fees for the pharmacists, many local pharmacists are going to have to leave the Medicare drug program, or the government's negotiations may lead to seniors being forced to fill some of their prescriptions by mail order and being unable to use their local pharmacist. At the least, these pharmacists will feel an unnecessary squeeze from this Democratic meddling into a successful program that has saved seniors millions of dollars and with which most of them are overwhelmingly happy.

I recognize that there are certain pharmacy groups that have supported this measure, but I believe that their letters of support do not address the real basic concern, and that is, the fact that dispensing fees may be the part that is in jeopardy.

For example, if the government has negotiated a set price for all programs, how is program A going to differentiate itself in premium from the program of company B?

I believe that it is going to squeeze the dispensing fee, and the pharmacist is the only one left in the middle to be squeezed. I would say, for the sake of our seniors and their access to their local pharmacists and for those pharmacists who want to stay in business and be a part of this program, I would urge support of the Republican motion to recommit which takes steps to protect the local pharmacist and receive a fair dispensing fee.

□ 1015

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentleman from Rhode Island (Mr. KENNEDY) for 1 minute.

Mr. KENNEDY. Mr. Speaker, I am thrilled to join my colleagues in support of H.R. 4, legislation that will give the Secretary of Health and Human Services the power to negotiate with drug companies for lower prices for Medicare beneficiaries. I would like to thank the gentleman from Michigan and my good friend, the Chairman of the Energy and Commerce Committee for his good work on this legislation in bringing it to the floor.

Mr. Speaker, this is an important day, because this is a day where we take this Congress back from the special interests. We take it back from the drug companies and the HMOs, and we give it back to the people of this country and to the taxpayers. We take it from the drug companies who are charging excessive costs for profits for these prescription drugs to the detriment of our senior citizens who are paying exponentially high drug costs in the donut hole, and our taxpayers, who are paying 80 percent higher for these costs, and now we are going to be able to save those taxpayers and those consumers dollars by negotiating lower drug costs.

The taxpayers and the consumers are winners under H.R. 4. I urge its passage.

I am thrilled to join my colleagues in support of H.R. 4, legislation that will give the Secretary of Health and Human Services (HHS) power to negotiate with drug companies for lower prices for Medicare beneficiaries.

I would like to thank the gentleman from Michigan, and my good friend and Chairman of the Energy and Commerce Committee for his work to bring this issue to the floor today.

I hear my friends on the other side of aisle singing praises for Medicare Part D, the new prescription drug plan.

But I wonder if the constituents I speak with receive the same benefit that these members are describing.

When I meet with seniors back home in Rhode Island, I hear about confusing formularies and crippling costs in the so-called "donut hole."

I hear about nursing home patients who are no longer able to afford their new co-pays.

And then I hear a statistic stating that drug prices under Part D are more than 80 percent higher than prices negotiated by other agencies in the federal government.

When the Medicare Part D law was written, the drug companies had the loudest voice at the table.

Today, we are here to bring the voice of our seniors back to the bargaining table, and back to the floor of the U.S. House of Representatives.

I urge my colleagues to vote in support of H.R. 4 and to put the needs of the American people before those of special interests.

Mr. BARTON of Texas. Mr. Speaker, I am going to yield 2 minutes to one of our most distinguished Members, Dr. PRICE, for 2 minutes.

Mr. PRICE of Georgia. Mr. Speaker, this is a solution truly in search of a problem. We have heard of the success of the current program. We have heard a lot about special interests. Well, I rise to tell you that the patients of this Nation are my special interests. As a physician, I have seen and know that increased governmental involvement will decrease the drugs available and will harm patients. Some say, well, the VA system works just fine, and the government negotiates prices there; why not use that same system?

Well, there is no way to compare those two systems, Mr. Speaker. They are absolutely apples and oranges. VA is a closed system. Medicare is an open system that offers choice that patients want. VA has no retail pharmacy benefits, none. Medicare provides access to community pharmacists, where many seniors receive great information and support.

I have worked in the VA. I know what it means when they offer you, when they give the physicians a list of drugs that they are able to provide the recipients in a VA system. It doesn't work. It is a decreased formulary. There are those who think that they are going to get the pharmaceutical companies by adopting this bill.

Mr. Speaker, all they will do is hurt patients. We will ultimately see higher costs, fewer drugs available, less quality health care and patients harmed. Those supporting H.R. 4 think that they know what is best for patients. We simply believe that as a matter of principle it is patients and doctors who should be making personal health care decisions, including the medications used.

Mrs. EMERSON. Mr. Speaker, I yield myself such time as I may consume.

I simply want to respond to an issue that was raised by our colleague from Georgia with regard to the impact on community pharmacists. I would submit for the RECORD this letter, statement by the Association of Community Pharmacists in support of H.R. 4 saying H.R. 4 does no harm to community pharmacists. We cannot find any provision in H.R. 4 that would either improve or diminish the situation that they are currently faced with regard to the pharmacy benefit managers who are negotiating with them as well as taking profit from the pharmacies. This is what is happening because of Medicare part D today.

THE ASSOCIATION OF COMMUNITY PHARMACISTS STATEMENT ON H.R. 4 AND RESPONSE TO ASSERTIONS THAT H.R. 4 IS HARMFUL TO COMMUNITY PHARMACISTS

H.R. 4 does no harm to community pharmacists. The real harm done to community pharmacists occurred when Congress passed, and the President signed into law, the original Medicare Modernization Act (MMA) in 2003. Direct negotiation as contained in H.R.

4 will not directly impact pharmacies because pharmacies are currently being reimbursed at a loss regardless. If this legislation succeeds in bring drug prices down, it will only reduce the top line sales figure—but will have no effect on the gross margin of pharmacies or the ability of pharmacies to continue to operate.

The MMA allowed for Pharmacy Benefit Managers (PBMs) to mandate ridiculously low dispending fees with no minimum to protect pharmacies. ACP cannot find any provision in H.R. 4 that would either improve or diminish this situation.

The real problem in Medicare Part D is that PBM profits have increased at the expense and detriment of beneficiaries and community pharmacies. Beneficiaries and community pharmacies will not have any true relief until Congress stops the PBMs from taking a vast and disproportionate share of the money out of the system.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to the distinguished gentlewoman from California, valuable member of the committee, Ms. ESHOO, 2½ minutes.

Ms. ESHOO. I thank our distinguished chairman and am proud as an original cosponsor to support the bill that is before us.

Mr. Speaker, when the Medicare part D legislation was brought to the floor of the House of Representatives in 2003, I voted against it. I think it is worth recalling that evening. I think it is worth recalling that evening. The 15-minute vote on the clock was left open for almost 3 hours, where arms were broken and twisted in order to secure passage of the bill.

One of the most troubling aspects of the legislation to the American people, and we have all heard it from our constituents, was that the legislation said that the Secretary of Health and Human Services was prohibited, prohibited, from securing the best price to purchase pharmaceutical drugs. That is a bad rub with the American people.

They saw through it, and we are here today to correct that provision. Drug prices under the current Medicare prescription drug plan are more than 80 percent higher than prices negotiated by other agencies in the Federal Government.

They are more than 60 percent higher than prices in Canada. This year alone, many beneficiaries and private drug plans will see their premiums increase by an average of 10 percent, while some premiums will rise to more than six times their current costs to beneficiaries. So this effort today is a very full and clear and purposefully directed one, and that is to get better prices for prescription drugs.

Whether you are covered by insurance or not, some here are in Medicare, some not, as Members of Congress, but you know, that when you go to buy, when you go to purchase, that we are paying high prices. We all support the innovation of the pharmaceutical industry.

We know how important the innovation of the pharmaceutical industry is. This is not a vote or a bill to harm that or to damage it, but we want to be fair to the American people. We made a pledge that we would do this. This correction is more than in order.

I ask my colleagues to support this bipartisan legislation. I want to congratulate Mrs. EMERSON for the courage that she has demonstrated on this issue over the years.

Mr. Speaker, as an original cosponsor, I rise in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007 which will repeal a provision of the 2003 Medicare law which prohibits the Secretary of HHS from negotiating lower drug prices for Medicare's 43 million beneficiaries. The bill not only permits the Secretary to negotiate, it requires him to.

Mr. Speaker, I opposed the Medicare Part D prescription drug plan passed by the House in 2003, and in the nearly three years since its passage it has been demonstrated conclusively that it does not contain drug price inflation, nor does it offer our nation's seniors the best prices for their prescription drugs. A recent Families USA study shows that under the current policy, prices charged by Medicare drug plans are in fact rising at more than twice the rate of inflation.

Drug prices under the current Medicare prescription drug plan are more than 80 percent higher than prices negotiated by other agencies in the federal government and they are more than 60 percent higher than prices in Canada. This year alone, many beneficiaries in private drug plans will see their premiums increase by an average of 10 percent, while some premiums will rise to more than six-times their current cost to beneficiaries.

This week the University of Michigan Medical School released a study which found that people who live in different states but take the same drugs, pay dramatically different prices for their prescription drugs, at times differing by thousands of dollars. The authors of the study found the extreme disparities were due to the fact that individual drug plans negotiate with pharmaceutical companies to devise their own drug lists, premiums and co-pays.

Under the legislation before us, the Secretary of Health and Human Services will not only be required to conduct important cost-saving negotiations, but individual drug plans will still be permitted to obtain further discounts or prices lower than the price negotiated by HHS for covered prescription drugs. This will encourage increased competition in the marketplace, which will help guarantee America's seniors the lowest price possible on their prescription drugs.

In an additional effort to encourage lower drug prices, the bill also expressly prohibits the Secretary from limiting seniors' access to certain medications, or from favoring one drug over another through restrictive formularies.

The House Committee on Oversight and Government Reform estimates H.R. 4 will reduce overall drug costs by 25 percent. Over a 10-year period, the total savings for Medicare beneficiaries would reach an estimated $61 billion. These savings would be reflected in lower premiums, I reduced co-pays, and lower out-of-pocket costs for beneficiaries in the "doughnut hole."

Mr. Speaker, America's seniors deserve better than the current Medicare drug plan, and the American people know it.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 2 minutes to the distinguished Congresswoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise today to let Florida's seniors and all of America's seniors know the scary truth about H.R. 4, the legislation to, quote, negotiate prescription drug prices in Medicare. While the rhetoric would lead you to believe that H.R. 4 is the same legislation from the past that I actually supported, kind of like GM said, it is not your father's Oldsmobile. This is not the same bill as last year.

Last year's legislation, I believe, was based on sound policy. Unfortunately, the bill before us today was crafted kind of like in the middle of the night, with no real input from the other side, and it could be described as a bait-and-switch game foisted on America's seniors.

As I said at the outset, I believe that this bill will actually harm America's seniors. Supporters of the bill talk about negotiation. The government doesn't really negotiate.

Let me give you an example. Here is the example of the Medicare part D, actually, the AARP plan, where over 100 great drugs are covered.

However, if you look at when government does negotiate, it excludes some very important drugs to seniors, such as Crestor, Detrol, Evista, Flomax, Lipitor, Prevacid and Vytorin. How many seniors are on medicines such as Lipitor? A large number. It is absolutely necessary for lowering cholesterol. But when you start to negotiate, that array of drugs that are available is suddenly shrunk.

Prescription drug access is not a partisan issue. My constituents know that I am not afraid to cross party lines to get things done. Throughout this entire 2-week period, I voted for legislation, but I don't support this bill because it is a bait-and-switch.

I do not stand alone in this belief. Veterans' organizations, mental health organizations and even CBO say it is a bad bill.

Mr. Speaker, I rise today to let Florida's seniors know the scary truth about H.R. 4, legislation to negotiate prescription drug prices in Medicare.

While the rhetoric from the other side would lead you to believe that H.R. 4 is the same legislation debated in the past, I rise to tell you that H.R. 4 is not your father's Oldsmobile.

In the 109th Congress, I supported bipartisan legislation introduced by Representative JO ANN EMERSON that would have allowed HHS to negotiate prescription drug prices for Medicare.

Mrs. EMERSON's legislation was based on sound policy, and would have been open to amendment on the House floor.

Unfortunately, the bill before the House today was crafted by Democrats in the middle of the night, and with no Republican input. It is nothing but a dangerous bait and switch game foisted on American seniors.

Even more damning to the Democrat's commitment to open government, this bill is being debated under a martial law rule, with no possibility to offer amendments or make improvements.

As I said at the outset, this bill will harm American seniors.

Supporters of H.R. 4 hold up the Department of Veterans Affairs as a resounding prescription drug success. And I agree this is a great program.

However, these misinformed Members are comparing apples to oranges.

The VA does not haggle over prices with pharmaceutical companies; rather, it follows certain formulas set in federal law.

Medicare has 4,300+ drugs approved; the VA only has 1,300 drugs approved.

Medicare supports the newest and most widely used drugs; the VA relies on older and less effective drugs. Lipitor, for example, which helps lower cholesterol and prevents heart attacks, could be eliminated. The VA does not offer it!

These three examples make it clear that if the Democrats follow the VA model, seniors will have fewer choices and older, out-of-date drugs.

In fact, groups like the Military Order of the Purple Heart and the American Legion believe that Medicare drug negotiation will actually increase drug prices and cost American veterans even more each month!

You know, all of us fill our shopping cart at the grocery store each week. The consequence of H.R. 4 will be to force your grocery store to offer fewer items and limit your shopping choices. Here's just one example.

Eighteen months ago, I met a World War II veteran who told me that he and his wife were paying $2,000 a month out of pocket for a breakthrough medication that her doctor prescribed (Glevac).

This was a severe financial burden, just to purchase the medicine to keep her alive.

Today, with the Medicare Prescription Drug plan, this couple not only gets Glevac medication, but has had their costs cut to almost nothing.

If H.R. 4 were to become law, it is likely that anti-cancer drugs like this one would be taken off the Medicare list and replaced with older and less effective ones.

Let me be clear to everyone watching on C–SPAN.

Prescription drug access is not a partisan issue.

My constituents know that I am not afraid to cross party lines to get things done.

Just yesterday I voted to support stem cell research. The day before that I voted to raise the minimum wage.

And, I do support allowing HHS to negotiate prescription drug prices.

But this bill is a bait and switch tactic.

The Democrats have crafted a seriously flawed plan, one that I believe will cause irreparable harm to millions of seniors.

And I do not stand alone in this belief. Veteran's organizations, mental health organizations, and others all have come out in opposition to H.R. 4. The non-partisan CBO says it will not save money.

Listen up America—let's be cautious on this issue. The last thing Congress needs to do is to take steps that unwittingly hurt our seniors.

I urge my colleagues to oppose this bill.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to our able colleague and dear friend, Mr. GENE GREEN of Texas.

Mr. GENE GREEN of Texas. I thank the chairman of my committee for yielding to me.

Mr. Speaker, when Congress created the Medicare prescription drug benefit over 3 years ago, it failed to put seniors first. Our committee, the Energy and Commerce Committee, sat through the all-night markup in our own committee to see this bill come out of committee.

The whole House sat in this Chamber, an all-night vote, to pass that bill by such a narrow margin after the vote was held open. Today is the day we get a chance to correct the problems that were created 3 years ago.

This bill, the law, put the pharmaceutical industry ahead of our seniors. It put the health insurance industry ahead of our seniors. The bill will correct those mistakes. Opponents of this bill raise the charges of big government saying, let the market work. That is exactly what this bill will do. It will leverage the buying power of 42 million American seniors that negotiate costs of prescription drugs under Medicare.

Negotiation of drug prices is alive and well in every sector of the health care industry. States negotiate for lower prices on their Medicare programs. Pharmacy chains do the same thing for the drugs they purchase. They don't have formularies. They purchase drugs for their customers, so pharmacy chains can do the same thing.

All this bill does is allow the Medicare program to use a tool for free market bargaining best prices for its beneficiaries. Rarely will you see overwhelming support for an issue like we have seen on this one. Ninety-two percent of Americans agree that we should take off the handcuffs that have been restraining the Medicare program and give it a chance to achieve greater discounts.

The alternative is increasing drug costs and increasing premiums that make the benefit harder for our seniors to afford. The numbers don't lie. Under the current structure, 77 percent of seniors saw their premium part D increase in 2006 and 2007, and more than one-quarter of them saw their premiums rise more than 25 percent.

Drug prices under part D are increasing too with costs for the top 20 drugs increasing 3.7 percent in the last 6 months.

When Congress created the Medicare prescription drug benefit over three years ago, it failed to put our seniors first. It put the pharmaceutical industry ahead of our seniors. And it put the health insurance industry ahead of our seniors. This bill will correct those mistakes.

Opponents of this bill raise charges of big government, saying to let the market work. That's exactly what this bill does by leveraging the buying power of 42 million American seniors to negotiate the cost of prescription drugs under Medicare.

Negotiation for drug prices is alive and well in every other sector of the health care industry. States negotiate for lower prices under their Medicaid programs. Pharmacy chains do the same for the drugs they purchase.

All this bill does is allow the Medicare program to use a tool of the free market—bargaining—to obtain the best prices for its beneficiaries. Rarely do we see overwhelming support for an issue like we've seen for this one. 92 percent of Americans agree that we should take off the handcuffs that have restrained the Medicare program and give it a chance to achieve greater discounts.

The alternative is increasing drug costs and increasing premiums that make the benefit harder for seniors to afford. The numbers don't lie. Under the current structure, 77 percent of seniors saw their Part D premiums increase from 2006–2007. And more than one-quarter of them saw their premiums rise more than 25 percent.

Drug prices under Part D are increasing too, with costs for the top 20 drugs increasing 3.7 percent over six months. That's 7.4 percent over a year—an increase twice the rate of inflation and one that will cause our seniors to hit the doughnut hole even sooner.

We have a chance today to do better by our seniors. It's about time we put our seniors first and let Medicare work for them.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield to the distinguished gentleman from Nebraska, a member of the committee, Mr. TERRY, for 2 minutes.

Mr. TERRY. Mr. Speaker, I rise today in opposition of this bill. I am committed to reducing drug prices for seniors, but this bill does not do it. I have worked as hard as anyone in this Chamber to help seniors enroll in prescription part D.

It has been in place for a little over a year now. I think it is time that we kind of look at how effective it is in ways that we can ensure that we are getting the lowest prices for our seniors. Now, let us look at how we do this.

I want to stress one difference. We have been tagged as somehow part of a big conspiracy because of barring government from price setting.

By the way, if you look at this week and its agenda, it is the week of wage and price controls by big government. That is what this is about. It is a philosophical battle of whether you trust the private sector to use their power of bulk purchases to receive the lowest prices, or you put government at the table to quote-unquote, negotiate.

Every time I say that in quotations, I really mean that in a satirical way because government doesn't really negotiate; they price set. That is the heavy hand of big government at work today.

Frankly, even using that heavy hand of government, the CBO reports that any negotiation, in quotations, by big government for lower drug prices would be negligible, because it would at least, in its best day, equate what the market has already done.

There has been no ban on negotiations; it has just simply been who does it, private sector or government? I am a private sector guy. I trust the private sector. Part of the problem here is that the government lacks the leverage in any type of negotiations. That is why they can only use the heavy hand as the leverage in negotiations, for example, ultimately price setting. That is why I voted to ban the government from setting prices, and I will not start down that slippery slope today.

Mr. Speaker, I rise today in opposition to H.R. 4. I am committed to reducing drug prices for seniors, but this bill does not do it.

I have worked as hard as anyone on this floor on behalf of seniors in the implementation of Part D. Now that we have had the program in place for over 1 year, opportunity to evaluate the effect of the program on seniors' drug prices.

Much to the dismay of the members of the majority who have done nothing to assist seniors with this program, the program is working well. Costs are down and seniors are satisfied. Requiring the government to negotiate drug prices is not going to save the program any money, according to both CBO and CMS actuaries. CBO states that, "H.R. 4 would have a negligible effect on federal spending." And the claims by the majority that savings would close the so-called donut hole are simply untrue. The size of the donut hole is estimated at almost $500 billion. Even if this provision created major savings, it wouldn't come close to closing the donut hole.

Dr. Mark McClellan, the former CMS Administrator, has said that competition among private companies and their negotiations with drug companies have lowered the estimated cost of the program over the next 10 years by nearly 20 percent and may reduce it by another 10 percent next year. The average premium, originally estimated to be $37 per month, has fallen to an average of $22 per month. I am encouraged that competition in the private sector has done what the free market does best—lower costs.

The key here is leverage. Negotiation means nothing if you don't have something to leverage. Part D private plans already have natural leverage built in. As CBO has stated, the private plans have a huge financial stake and formulary limitations which give them the ability to negotiate drug prices.

The requirement for the Secretary of Health and Human Services to enter into pricing negotiations as contained in H.R. 4 simply cannot work. The bill prohibits a single national formulary from being established. If the government is not allowed to limit or restrict the number of drugs covered, it will have absolutely no leverage to negotiate with drug manufacturers. Such a mandate, I believe, would be extremely unattractive to our Nation's seniors. They would not have the flexibility to choose a plan that best meets their drug needs, as is the case right now.

I do not support H.R. 4 because I oppose turning a program over to the government that is working efficiently and effectively in the private sector. Congress created the Part D program to allow market forces to drive costs down and that is exactly what is happening. It would be disastrous to our seniors to make such a draconian change when the cost savings have been so great.

When the private sector can perform more efficiently and achieve better results than the Federal Government, the private sector should do so. Adoption of this bill will put us on the way to socialized healthcare, a result I don't believe any American really wants. Vote "no" on H.R. 4.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to the distinguished gentleman from Wisconsin (Mr. KAGEN) 1 minute.

□ 1030

Mr. KAGEN. Mr. Speaker, health care costs in this country are impossible for everyone. For small businesses, for local, State and Federal governments, the uninsured, for working families, and most especially for our senior citizens.

As a physician, I see and feel this crisis every single day. Today in America the real price of a pill is whatever they can get. My patients and my constituents want to know the price of a pill before they swallow it, and they would prefer to pay less rather than more.

H.R. 4 will allow our government, "We, the People," to negotiate more affordable prices for the necessary prescription drugs our seniors require. Our health care crisis that we all are facing blurs the lines between Republicans and Democrats.

Allow me, please, to share with you the comments of one of my constituents, a Republican, Dorey Hoffman from Appleton, when she says: "When I went to receive cancer treatment, I saw this at the reception's desk at the cancer center. I thought of you being the voice for all of us and of course all the cancer patients. We all need someone to help us in our everyday lives."

Please join with me in support of H.R. 4 and help Dorey and millions of other senior citizens.

Mr. BARTON of Texas. Mr. Speaker, I wish to recognize the distinguished gentleman from New Jersey (Mr. FERGUSON) for 2 minutes.

Mr. FERGUSON. Thank you, Mr. Chairman.

Mr. Speaker, unfortunately today we are hearing a lot from the proponents of H.R. 4. We are hearing a lot of misinformation and lot of rhetoric, and I think some of these things need to be corrected for the record.

The biggest misconception is that the buying power of Medicare patients is currently unused, and that somehow this new plan is the only way to leverage lower prices for prescription drugs. In fact, prescription drug plans under Medicare part D right now are aggressively negotiating discounts; they have been before part D, and they continue to do so very well since the program's inception and they are going to continue to look to negotiate lower prices. They have been negotiating and giving beneficiaries choices and access to the newest breakthrough therapies.

Through Medicare part D, in its current form, beneficiaries have access to over 4,000 prescription medications at a much lower cost than previously estimated when we passed this legislation a few years ago. CMS has indicated that beneficiaries are saving an average of $1,200 annually on their drug costs.

Program costs are an estimated 30 percent less in 2006 and 21 percent less over the next 10 years due in large part to competition and negotiating of lower drug costs.

Currently, Medicare prescription plans have the discretion to use cost-containment tools. They can use formularies, and many of them do. Unlike Medicaid and the VA, Medicare beneficiaries actually have the power to choose which plan they want. If they see a plan with a formulary they like or don't like, they can choose or not choose that based on their own discretion; but if Medicare or the government, as prescribed under this bill, under H.R. 4 and its required mandatory negotiations, it will have to impose a uniform restriction on medicines, patients will lose their choices, and they will be stuck in a one-size-fits-all plan. They will be stuck with a restrictive national formulary and no choices whatsoever.

You have to be hiding under a rock recently if you have missed the numerous experts that are telling us that this brand of negotiation will limit choice and will not save money. I urge a "no" vote on H.R. 4.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to the distinguished gentlewoman from California (Mrs. CAPPS) 2 minutes.

Mrs. CAPPS. Thank you, Chairman DINGELL.

Mr. Speaker, I believe that today in the House of Representatives there is no one here who would dispute the fact that the large pharmaceutical companies have raked in record profits under the Medicare prescription drug plan we are currently seeking to improve.

Today, in this vote before us we are facing a clear choice. We can continue to reward these companies, or we can consider our constituents, our frail seniors, those with disabilities, many of whom are still struggling to make heads or tails out of Medicare part D that we seek to improve.

Common sense tells me that the big drug and insurance companies wouldn't be so adamantly opposed to this bill if they didn't fear that it would result in actual price reductions. Common sense also tells me we should take every possible step to lower the cost of prescription drugs, and this bill can achieve that.

There is precedent for the Federal Government obtaining good discounts for prescription drugs; our seniors know that, and they believe it. Don't be fooled into believing that this bill might somehow leave seniors losing access to important medications. The bill explicitly prohibits the government from establishing formularies.

It is going to also address one of the biggest challenges still facing our seniors, the fact that they have to decide every December which plan they will choose, hoping that it will offer the cheapest price for drugs that they are going to take for a whole year. The problem is that not everyone takes the same prescriptions from one January to the next; and reducing prices across the board will ensure that when a beneficiary's doctor changes their prescription halfway through the year, their new medication will also be available at a lower cost.

I urge all of my colleagues to think about our seniors, think about those with disabilities. Vote "yes" on H.R. 4. Fulfill a promise to serve the best interests of the constituents, not the best interest of profit-hungry big business.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes to put into the RECORD the Democrat vote on the motion to recommit to H.R. 4680, rollcall 356 back in 2000. This was a Democrat motion to recommit to the Republican drug benefit that later went to the Senate and was not acted upon. 205, and I assume that was the total number of Democrats in the House, all 205 Democrats voted for it, including Mr. DINGELL, Ms. PELOSI, Mr. RANGEL, and every member of the Energy and Commerce Committee who is currently serving who was in the body at that time. This was a recommit motion by Mr. STARK of California, and I am going to read what it says:

"Noninterference by the Secretary. In administering the prescription medicine benefit program established under this part, the Secretary may not:

One, require a particular formulary, institute a price structure for benefits or in any way ration benefits;

Two, interfere in any way with negotiations between benefit administrators and medicine manufacturers or wholesalers; or

Three, otherwise interfere with the competitive nature of providing a prescription medicine benefit using private benefit administrators, except as is required to guarantee coverage of the defined benefit."

This is exactly the opposite to the bill that is currently before us, exactly the opposite.

Back in 2000, every Democrat currently in the House at that time, I think, or at least 205, voted for it, including all of our senior members who are leading the fight 180 degrees opposite this today.

DEMOCRATS THAT VOTED IN FAVOR OF REPRESENTATIVE STARK'S "NON-INTERFERENCE" PROVISION IN 2000

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Bagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OR)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer

Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

Representative Stark included this language in his motion to recommit on H.R. 4680 (roll call vote 356):

SECTION 1860(B)—NONINTERFERENCE BY THE SECRETARY

In administering the prescription medicine benefit program established under this part, the Secretary may not B (1) require a particular formulary, institute a price structure for benefits, or in any way ration benefits; (2) interfere in any way with negotiations between benefit administrators and medicine manufacturers, or wholesalers; or (3) otherwise interfere with the competitive nature of providing a prescription medicine benefit using private benefit administrators, except as is required to guarantee coverage of the defined benefit.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentleman from Maine (Mr. ALLEN) 2 minutes.

Mr. ALLEN. Mr. Speaker, this day has been a long time coming for many of us.

Back in 1998, I was hearing from my constituents in Maine about the high price of prescription drugs, and I introduced a bill to tie drug prices for Medicare beneficiaries to the negotiated prices that the VA gets. The Congress didn't act, but in Maine we enacted Maine Rx. We negotiated lower prices, and we got them for so many people in Maine who were really desperate for lower-priced prescription drugs.

The Congress, under Republican leadership in the House and Senate, delayed and delayed. Eventually, it got to be too hot to handle and we passed Medicare part D.

Today, the defenders of Medicare part D are saying, Well, it is doing well because it doesn't cost as much as we thought it would cost. In truth, the real winners are on Wall Street.

Last November, in reviewing pharmaceutical profits, the New York Times said: "For big drug companies, the new Medicare prescription drug benefit is proving to be a financial windfall, larger than even the most optimistic Wall Street analysts had predicted." Well, if it is a financial windfall for PhRMA, it is a lousy deal for the American taxpayer. Market forces, some say, will yield the lowest prices, but the VA gets lower prices, Medicaid gets lower prices, other countries get lower prices than the Medicare D plans.

It is very clear that negotiation will drive down prices, particularly if the Secretary negotiates especially strongly on those highest priced drugs, those drugs that are most out of line.

Secondly, the advocates are arguing that PhRMA and its allies are saying that negotiated prices will reduce revenue so much they will have to cut R&D. We have heard that for over 20 years; it has never happened.

This bill, finally, will be a good deal for taxpayers and a good deal for our seniors.

"For big drug companies, the new Medicare prescription drug benefit is proving to be a financial windfall larger than even the most optimistic Wall Street analysts had predicted. . . . Wall Street analysts say they have little doubt that the benefit program . . . has helped several big drug makers report record profits."*(NYT, 11/6/06)*

Mrs. EMERSON. Mr. Speaker, at this time I yield 1 minute to my friend and neighbor from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act. All of us know that the Medicare prescription drug law expressly prohibits the Secretary of Health and Human Services from negotiating with drug companies on behalf of Medicare beneficiaries, 43 million in this country, for lower prices. Because of this, these beneficiaries in America are a one-person buying group and you have no leverage when you are a one-person buying group. The Veterans Administration has been very successful in working a good benefit for the veterans in this country, 34 million American veterans in this country, and getting a good drug benefit there.

While private plans have been successful in negotiating some discounts for seniors under the program, a recent study released by Families USA shows that seniors still pay as much as 10 times more for some of the commonly prescribed drugs under Medicare than veterans do.

Secretary Thompson when he left office said, "I would like to have had the opportunity to negotiate." And he said to me in a conversation that if he had had the ability to negotiate like a bill that I filed with the gentlewoman from Missouri, we could drive down prices.

As you all know, the Medicare Prescription Drug law expressly prohibits the Secretary of Health and Human Services from negotiating with drug companies on behalf of Medicare beneficiaries for lower prices. Because of this, each of the 43 million Medicare beneficiaries in America is a one-person buying group, giving our seniors no leverage to negotiate for better prices.

The Veterans Administration which has had the authority to negotiate prices since 1992, does so for 34 million American veterans, as do large companies on behalf of their employees. Medicare should have the authority to negotiate a group discount for our seniors.

While private plans have been successful in negotiating some discounts for seniors under the program, a recent study released by Families USA shows that seniors still pay as much as 10 times more for some of the most commonly prescribed drugs under Medicare than veterans do under their federal drug benefit.

When Health and Human Services Secretary Tommy Thompson announced his resignation in December 2004, he spoke out against the provisions in the new Medicare law barring him from negotiating with drug companies for lower consumer prices saying, "I would like to have had the opportunity to negotiate."

Secretary Thompson based his support on his previous success in negotiating drugs on behalf of the government.

Following the anthrax attacks in 2001, the government negotiated the purchase of 100 million tablets of Cipro, achieving significant savings. Then in 2003, during a flu vaccine shortage, former Secretary Thompson was very successful in negotiating reductions in the price of the FluMist vaccine from $46 per dose to $20 per dose, saving over 55 percent.

It has been one of my main priorities in Congress to allow seniors enrolled in Medicare this same ability to utilize their market power to benefit from lower prices.

In January of 2004, just weeks after the new Medicare Prescription Drug Plan became law, I introduced the Medicare's Equitable Drugs for Seniors Act, the MEDs Act, with my friend Representative JO ANN EMERSON. This legislation, which gained 175 bipartisan cosponsors in the 108th Congress, would have given the Secretary of HHS explicit authority to negotiate lower pharmaceutical drug prices on behalf of Medicare beneficiaries.

In the 109th Congress, we reintroduced this legislation and we were once again able to form a large bipartisan coalition in support of the legislation.

Despite our success in forming this coalition, we have been unable to bring this issue to a vote until today. I am very pleased that the leadership has chosen to include this as a priority for the House during the first 100 hours of the new Congress and I urge my colleagues to support H.R. 4, which, if enacted into law, will help reduce the cost of prescription drugs for all American seniors.

Mr. BARTON of Texas. Mr. Speaker, could I inquire as to the balance of the time amongst the many people on the floor today.

The SPEAKER pro tempore. The gentleman from Texas has 22 minutes, the gentlewoman from Missouri has 5 minutes, and the gentleman from Michigan has 18½ minutes.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to a distinguished member of the Energy and Commerce Committee and also a member of the Veterans Committee, Mr. STEARNS of Florida.

Mr. STEARNS. I thank the distinguished chairman for yielding.

Mr. Speaker, the chairman of the Energy and Commerce Committee, Mr. DINGELL, has been here in Congress the longest, he is the dean of the House of Representatives, and I am sure that he remembers under the Clinton administration when they attempted to expand the discounts for a segment of the population using this same approach you are doing with H.R. 4. In fact, this occurred in 2000 in a hearing on the Veterans Administration. I would like to take you through this, Mr. DINGELL, and perhaps even be willing to let you reply to some of the questions I have for you. Because if you think you can repeal the law of economics, you can't, because in 1990, Congress gave Medicaid access to the low prices that are achieved by the Veterans Administration and the results were not good for our veterans.

The drug manufacturers in turn reacted. What did they do? It ended up that the deep discounts that the veterans were getting were not provided. In some cases the VA saw the prices for the drugs for our veterans go up by 300 percent. That is why the American Legion has come out against this bill, H.R. 4. They feel it is going to impact veterans so significantly that the prices will go up, like they did in 1990, 300 percent.

Advocates of this bill claim that negotiations will lower drug prices for Medicare part D beneficiaries. When I look at my congressional district, almost 80 percent of the seniors on Medicare are covered with drug coverage from Part D and they are all satusfield. So I again can't understand in light of the fact it is going to perhaps see cost-shifting to the veterans in this country like the American Legion thinks, why would you want to change something that is working so fabulously after all the extensive work that the seniors have done to comply and get involved?

Various times during the Clinton administration, not the Bush administration, the Clinton administration, proposals were made to expand the discount veterans enjoy to a wider population, just like you want to do today.

☐ 1045

One was a simple demonstration to add some Federal Employee Health Benefit Plan, FEHBP, participants to the Federal Supply Schedule (FSS) Drug Pricing Program and later to extend the FSS to the Medicare population. Does this sound familiar to my colleagues? So back in 2000, July, the Clinton administration wanted to do precisely what we are doing today. The veterans had a hearing on this. Testimony was offered by the Clinton administration. The Clinton administration officials came out, and let me give you one of their quotes:

This is from the honorable Edward Powell, Jr., Assistant Secretary for Financial Management, Department of Veterans Affairs. He said: "VA is concerned about any significant cost impact to its program resulting from this pilot . . ."

I would just conclude that, Mr. DINGELL, this has already been tried. It doesn't work.

VETERANS' DRUG PRICES GO UP WITH H.R. 4 PASSAGE

Advocates of H.R. 4 claim that negotiation will lower drug prices for Medicare Part D beneficiaries. This is bad legislation for several reasons. Of special concern to me is the harm it would do to veterans who rely on Department of Veterans Affairs (VA) health care for affordable medications.

Various times during the Clinton administration, proposals were made to expand the discounts veterans enjoy to wider populations. One was a demonstration to add some Federal Employee Health Benefits Plan (FEHBP) participants to the Federal Supply Schedule (FSS) Drug Pricing Program, and later, to extend the FSS to the Medicare population (sound familiar?). On the former, I chaired a hearing July 25, 2000. Testimony, and later analysis, revealed that expanding the discounts veterans get to OPM would have increased drug costs to veterans. Ultimately, the SAMBA demonstration was not carried through because of this objection.

Here is some testimony from that hearing: ". . . VA is concerned about any significant cost impact to its program resulting from the pilot . . ." The Honorable Edward A. Powell, Jr., Assistant Secretary For Financial Management, Department Of Veterans Affairs.

"We are concerned that this pilot will increase the cost of pharmaceuticals purchased by the VA and will result in diminished health care for sick and disabled veterans." Richard A. Wannemacher, Jr., Assistant National Legislative Director For Medical Affairs, Disabled American Veterans.

"Perhaps it should go without saying, but I must call your attention to the fact that Congress already has spoken on the issue of expanded access to FSS pricing on several previous occasions. In fact, I am aware of at least four separate laws over the past 10 years enacted purely to correct the unintended adverse consequences on VA of changes in federal pharmaceutical pricing laws. In each of these cases. the unintended consequences were the result of a law passed by Congress to achieve some other purpose, and VA was an injured bystander." Robert B. Betz, Ph.D., Executive Director, Department of Veterans' Affairs Pharmaceutical Procurement initiative Adding Federal Employee Health Benefit Plan Participants to the Federal Supply Schedule Drug Pricing Program.

Following my hearing, an August 2000 GAO report, Prescription Drugs: Expanding Access to Federal Prices Could Cause Other Changes, stated, "Drug manufacturers could respond to a mandate that they extend federal prices to a larger share of purchasers by adjusting their prices to others."

Still further, former VA Acting Secretary during the Clinton Administration, Hershel W. Gober, wrote in the Sept-Oct 2004 issue of DAV Magazine "Similarly, in 1999, when attempts were made to extend the FSS pricing schedule to the Medicare population we estimated that extending discounted government prices for pharmaceuticals to the Medicare population would increase the VA's annual pharmaceutical costs by $500-600 million. Now, years later, the impact will be even greater on the already constrained VA budget if FSS special discount drug prices are extended to the Medicare population and states."

Why are Democrats proposing this harm to veterans again, when Medicare Part D is working?

Medicare beneficiaries are already receiving substantial drug discounts, through plan negotiation that works just as FEHBP works for federal and legislative employees, including Members of Congress. Do not increase costs for your veterans. Oppose H.R. 4. H.R. 4 will endanger the health, lives and budgets of veterans.

Mr. DINGELL. Mr. Speaker, I am delighted to yield 1 minute to a distinguished Member of this body, our colleague from New York (Mr. HALL).

Mr. HALL of New York. Mr. Speaker, I thank the chairman for yielding.

Rising drug prices have created an escalating crisis for seniors in my home in the 19th District of New York in the Hudson Valley and the rest of the country. This passage of H.R. 4 will represent another promise kept in our 100 hours with which we begin the 110th Congress.

When the House passed the bill creating the Medicare drug benefit in the dead of night, it took the audacious step of prohibiting Medicare from negotiating for the best price. It is unconscionable that a government agency serving 43 million seniors was not given the same consumer rights as other agencies and private companies. The drug companies have reaped record profits, the taxpayers have been shortchanged, and seniors have been forced to break the bank to pay for drugs.

Today we are moving to change that. Most importantly, we will make sure that our seniors, not the drug companies, get the best deal.

Rising drug prices have created an escalating crisis for seniors in my home in the Hudson Valley and the rest of the country. This passage of H.R. 4 will represent another promise kept.

When the House passed the bill creating the Medicare drug benefit in the dead of night, it took the audacious step of prohibiting Medicare from negotiating for the best price. It's unconscionable that a government agency serving 43 million seniors wasn't given the same consumer rights as other agencies and private companies.

In 2005, a Families USA study found that the median drug price under Part D was 48 percent higher than the price negotiated by the VA. More recently, the same group found the price spread had grown to 58 percent.

When there was a crisis created by the anthrax attacks in 2001, HHS negotiated for lower prices for Cipro. There's an ongoing crisis now for seniors trying to cope with skyrocketing drug prices, and HHS should use its negotiating skill to come to their aid.

The drug companies have reaped record profits, the taxpayers have been shortchanged, and seniors have been forced to break the bank to pay for drugs. Today, we're moving to change that.

Directing HHS to negotiate for lower prices will make it easier for Medicare beneficiaries to afford the life-saving and life-improving drugs they need. It will save billions of taxpayer dollars. And most importantly, it will make sure that seniors, not the drug companies, get the best deal.

The Medicare drug benefit was supposed to offer seniors the promise of affordable drugs that would help them enter their golden years with fewer worries. For too many seniors it turned into a dire financial predicament. I'm proud to be a supporter of legislation that will help us finally keep our original promise.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 2 minutes to a distinguished member of the committee, the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I thank the chairman for yielding.

CBO said this will not save money.

Something interesting happened. You had the chance, my friends on the other side of the aisle, in committee in the negotiation of this bill, had the chance to set prices, what this bill would do. And when you went out to set prices, you said we cannot do it. The private sector cannot do it for any cheaper than $35; so let's protect the American people, and we are going to put an amendment into this bill that sets those premiums at $35.

Let me read just from the amendment that was offered by my friends on the other side of the aisle and, thankfully, didn't pass. It is to set the premium at $35 including, as it says here, for months in the subsequent year, and some legal hyperbole here, and then in the previous year increase by the annual percentage. So every year you were going to increase the prices because the government set the price at $35.

If we had believed that price-setting was the answer in providing prescription drugs to families who needed it, who were making the decisions between food and prescription drugs, we would have increased their cost in my State by 100 percent.

It doesn't work. You are empowering the same bureaucrats who came up with the $500 hammer, and you are asking them to go out and get into America's medicine cabinet. As a matter of fact, the ones that do it now, they are even telling you that you can't have certain drugs because it is too big for them. There are 4,300 different drugs, 55,000 different pharmacies; and when the Secretary right after 9/11 knew that they had to purchase Cipro, it took them over a month to negotiate the price because government isn't designed to be in the business of negotiating prices. They set prices, and it doesn't work very well.

Why would we take away all of the savings that all of these seniors are enjoying today? And that is what you will do, just by your example.

I would strongly encourage this body to reject price-setting and raising the cost of prescription drugs to our seniors around the country.

Mrs. EMERSON. Mr. Speaker, at this time I am privileged to yield 3 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentlewoman for yielding.

My first wife died about 5 years ago of breast cancer. And when she was going through her chemotherapy, we were sitting in a room with about five women that were getting their chemotherapy. And there was this one lady who was kind of complaining and actually had a few tears in her eyes, and she said that she had to pay $350 a month for Tamoxifen, which was the drug of choice. And a lady about three seats away from her said, Well, I get mine from Canada for $50. And I thought, my gosh, that doesn't sound right.

So we checked into it, and we found that the price of Tamoxifen was seven times higher here in the United States than it was in Canada. And I thought, well, that just doesn't seem right.

So I started checking into a lot of other pharmaceutical products. Today Tamoxifen in Munich, Germany is $60, and it is $360 here in the United States.

The point I am trying to make is the prices charged around the world are much less for the very same product, pharmaceutical product, than it is here in the United States. And Americans, I think, should get the same benefit as anybody else in the world. We are not second-class citizens.

Now, we get to the negotiation problem, and I heard the White House say, well, we shouldn't negotiate, shouldn't interfere with the free enterprise system.

I want you to know that we negotiate on just about everything right now. Let me just give you a few examples.

We negotiate on some of the aircrafts that we buy. As my colleague just said, we negotiated on the Cipro not too long ago. We negotiated on all kinds of military equipment. And for us to say that we can't negotiate on pharmaceuticals is just crazy.

When we passed the Medicare prescription drug in the dead of the night after 3 hours of keeping this machine open so they could drag up at least one vote for victory, we found out that it said in there that the government of the United States cannot, is prohibited, from negotiating with the pharmaceutical companies for prices. That means that they can set whatever price that they want and we have to pay it. There is no negotiation. And we hear from the White House and from others that we don't negotiate or shouldn't interfere in the private sector. We do it all the time. In fact, in the Veterans Administration they negotiate for drug prices right now. And many, many of the pharmaceutical products the people get in the military hospitals today are much, much less than they are buying through the Medicare system.

All I can say is that there ought to be negotiation. I am a Republican. My Democrat colleagues are pushing this bill, but it should be a bipartisan bill. The people of the United States should get a fair price for their drugs, and we should be able to have the Government of the United States negotiate for the benefit of the taxpayers to get the best price for the products that we are selling to our consumers.

H.R. 4 is a bipartisan bill aimed at cutting prescription drug prices for millions of seniors and individuals with disabilities.

The current Medicare prescription drug law explicitly prohibits the Department of Health and Human Services from using the strength of Medicare's 43 million beneficiaries to negotiate prescription drug price discounts.

Providing HHS with negotiating authority has bipartisan support in Congress and across America. In a recent poll, 92 percent of Americans stated they supported the proposal.

The bill requires the HHS Secretary to conduct such negotiations with drug companies on behalf of Medicare beneficiaries but provides the Secretary broad discretion on how to best implement the negotiating authority and achieve the greatest price discounts for Medicare beneficiaries.

The bill continues to prohibit the HHS Secretary from requiring a particular formulary (i.e., a list of covered drugs) to be used by Medicare prescription drug plans or limiting access to any prescription medication.

The federal government is well equipped with the skills needed to negotiate price discounts. It is done when we purchase airplanes for the military, when we purchase furniture for government buildings—and it is done in the health arena for programs in the Public Health Service, VA, and Medicaid.

We have seen that, even without establishing formularies, CMS can use its purchasing power to reduce costs. In times of dire need—Cipro for the anthrax attack on the Capitol in 2001 and with flu vaccines in 2004—CMS has been able to obtain lower prices.

The bill also clarifies that Medicare Part D drug plans are permitted to obtain discounts or lower prices for covered prescription drugs below the price negotiated by the HHS Secretary.

The purpose of this bill is to ensure that all avenues of achieving price discounts are being used to benefit the seniors and individuals with disabilities in the Medicare program.

While recent projections do indicate that the Medicare Part D program is costing less than originally expected, cost projections alone are simply not a strong indicator of the program's success. In the real world seniors are still experiencing—complications, confusion and increasing premiums in 2007.

Requiring Medicare to negotiate for lower prices may not save the federal government huge sums of money but it will help save seniors money by reducing premiums and out-of-pocket costs.

Whether this bill saves the Federal government money is really a function of whether the Secretary uses his authority effectively.

Congressional Budget Office (CBO) cost estimates are historically very cautious and CBO has indicated they will reexamine this estimated cost savings of this bill when they have more information from the 2006 plan year.

Today's law bars the Secretary from negotiating with drug manufacturers solely because the drug industry insisted on the prohibition.

We need to put the interests of America's seniors and people with disabilities ahead of the pharmaceutical and HMO industry.

This bill has bipartisan support and we should move forward to improve this vitally needed drug program for seniors and people with disabilities.

Mr. DINGELL. Mr. Speaker, I am delighted to yield at this time 2½ minutes to the distinguished chairman of the Government Reform Committee, a member of the Committee on Energy and Commerce, my friend from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, my friend and colleague, Representative DAN BURTON, who just spoke, I think captured the essence of this issue.

The question is whether the U.S. Government can get a better price negotiating with the drug companies using the millions of seniors as leverage or whether individuals can get a better price if they could negotiate on their own or whether drug plans can get a better price if they can negotiate on their own. Medicare and government overall negotiates, and when the Medicare negotiates for physician fees, they negotiate what the fee will be and then they say this is the fee we will pay. That should be the same for the Medicare drug benefit. We can save billions of dollars.

Now, I know that we hear about the drug companies saying this won't work and, in fact, the market is working. Well, the market is not working. There is no market there. But it is not working. People can go to Canada right now and get a lower price for their drugs than they can in the Medicare drug plan as it exists today. People can go to Costco and get a better price. They can search around and get a better price. But when government negotiates, we get the best price. And we have seen it when the government negotiates the prices for the veterans, and we saw it when the government negotiated the prices for the Medicaid population. They used that buying clout and got deep discounts.

The drug companies raise all sorts of scare tactics. They say if we have the government negotiating prices, people will be denied drugs because there will be a formulary. And then the bill prohibits that from happening. Then they turn around and say, well, to confuse the issue, if there isn't a formulary, there won't be savings. Most of the opposition to this is coming from the drug companies, and whose interests are they looking after? Not the seniors and not the taxpayers.

I urge support for the legislation.

Mr. BARTON of Texas. Mr. Speaker, I want to yield myself 1 minute just to reply to Mr. WAXMAN.

The Congressional Budget Office, as far as I know, is not in the pocket of the drug companies. They say there are going to be no savings to this. The Heritage Foundation, which is admittedly conservative, but I don't think they are in the pocket of the drug companies, says there are going to be no savings. The Veterans Affairs Administration, which is the executive branch part of the Federal Government that is currently operated by President Bush, is opposed to this. They don't think there are going to be any savings. You can go to Wal-Mart right now, whether you are in Medicare or not, and get any number of generic drugs for, I think, a fee of $3 a month. Some of the plans that are out there in the marketplace give generic drugs away. Some of the plans that seniors can choose from have zero premiums. The average premium is $22.

I just think it is flat wrong to think that the Federal Government is going to negotiate a lower price than a competitive marketplace.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Speaker, I spent 25 years in the retail car business, so I have done my share of negotiating. There is a golden rule of negotiating to buy something that if you want to get the best price, you have to be willing to say, No, I won't buy it.

So if the government negotiates and says, No, I won't buy it, when they say no, which they will say a lot or have to say a lot to get a good price, then that means that seniors will be denied various drugs, and that is what has happened in the VA.

If they take the other course and decide they are not going to say no, then they are not negotiating; they are price setting. And when they set prices, they will either be too low and people won't get what they need, or they will be too high and we will be wasting money.

Mr. Speaker, this is a solution that won't work to a problem that does not exist.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY) 2 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, it is a delight to see you in the chair.

I rise in strong support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act, to require Medicare negotiation for lower drug prices, and I thank Chairman DINGELL for his leadership.

In 2003 the pharmaceutical industry spent over $100 million to lobby Congress, hiring the equivalent of a lobbyist for every Member to protect their interests in the new drug benefit. And they got what they wanted.

As the New York Times reported this past November: "For big drug companies, the new Medicare prescription benefit is proving to be a financial windfall, larger than even the most optimistic Wall Street analysts had predicted."

One of the main reasons for the drug company windfall is the so-called "noninterference" clause, the provision written into the law at the behest of the drug companies prohibiting Medicare from using its bargaining power to negotiate for drug discounts.

□ 1100

Just think about it for a minute: Medicare is involved in making sure that prices are reasonable and affordable for every other benefit, from wheelchairs to hospital charges to hospice care. But it is prohibited from doing so for prescription drugs.

Other large purchasers, from the VA to State governments to large employers, use their bargaining clout to get affordable prices. But Medicare is prohibited from doing so on behalf of the 40 million seniors and persons with disabilities and the taxpayers who help pay for benefit.

This week, Families USA released a study showing that part D prices for the top 20 drugs used by seniors are on average 58 percent higher than prices at the VA. Other studies show that some part D drug prices are as much as 10 times the VA prices, and even higher than the prices available at Costco.com or Drugstore.com.

AARP, which operates a part D plan and supported the original bill, wrote to support this bill saying "plans are not always able to exercise the kind of negotiating leverage that could result from secretarial negotiation."

In the first 6 months of part D's implementation, drug company profits increased $8 billion. It is time to protect the interests of the American people, not the profits of the drug companies. It is time to pass H.R. 4.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 1 minute to a distinguished congressman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I thank the congressman from Texas for yielding.

Mr. Speaker, the Congress wields the power of the purse. It can declare war, it can create new laws, but it has no power to alter the laws of economics. No endeavor in the history of mankind has provided more consumer choice, more innovation and more advances than the invisible hand of market forces.

As the country song says, everybody wants to drink the free bubble-up and eat the rainbow stew, but in the real world, economics determines how we divvy up finite resources.

Under the current prescription drug plan, market forces have worked. Seniors get a choice of the drugs they need while at the same time the cost to taxpayers has come in billions below original estimates. Without doubt, government regulation of prices will limit prices, just as it does under the system used by the Veterans Administration. That is why more than a million veterans have signed up for a Medicare plan.

H.R. 4 is another example of Democrats saying the government can make better decisions for the American people than the American people can for themselves. We offer choice; they offer smoke and mirrors and empty rhetoric.

Mr. Speaker, I ask that my colleagues vote "no" on H.R. 4.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, on behalf of 70,000 eligible Medicare beneficiaries in the 32nd Congressional District of California, I rise to strongly support this legislation to reduce the cost of prescription drugs through negotiated pricing.

As a result of the Medicare Modernization Act, millions of low-income and minority seniors pay higher prices for their prescriptions. A recent report by Families USA revealed that the lowest Medicare part D plan drugs are still 58 percent higher than the lowest prices offered by those with the authority to negotiate, like the Department of Veterans Affairs.

Negotiated pricing is the difference between receiving needed medicine and putting food on the table. This is a reality for one in five Latinos above the age of 65 who live in poverty. Latinos are the fastest growing sector of the senior population. As chair of the Congressional Hispanic Caucus Task Force on Health, I am concerned that without negotiated drug prices, Latino seniors will be unable to afford their medication and continue to suffer needlessly from chronic health diseases.

The overwhelming majority of Americans favor allowing the government to negotiate prescription drug prices for the Medicare program.

Organizations such as the National Council of La Raza, the Nation's largest Hispanic civil rights organization, and the National Hispanic Medical Association, which represents licensed Hispanic physicians in the U.S., support this legislation because they agree it will make a difference in the lives of Latino seniors.

I am proud that today we are considering this legislation that will make a real difference to the health and welfare of all of our seniors.

I hope my colleagues on the other side of the aisle will help to make prescription drugs affordable for all of our constituents for seniors across the country.

I urge my colleagues to support H.R. 4.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from West Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, from the rhetoric we have heard in this House today, it is clear that somebody is going to be negotiating on behalf of Medicare.

For my money, I will trust the private enterprise employee who works for that prescription drug plan who is negotiating with the drug companies to get the lowest price in order to be able to lower premiums to the Medicare beneficiary that is going to be paying those premiums. That system is working. That is one side of the negotiation.

If H.R. 4 passes today, we will substitute for that free market negotiator a career bureaucrat who keeps their job no matter what happens with respect to the price of drugs.

H.R. 4 is a flawed solution to a problem that doesn't exist. I urge my colleagues to vote against it.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to the distinguished gentlewoman from Oregon, a member of the committee, Ms. HOOLEY, 2 minutes.

Ms. HOOLEY. Mr. Speaker, last year I held over a dozen town hall meetings throughout Oregon about the new Medicare prescription drug program. And what I heard is it is overly complex and too expensive. But it doesn't need to be.

Lifting the ban that prevents the Department of Health and Human Services from negotiating lower drug prices on behalf of Medicare beneficiaries is one simple fix that would make medicine a whole lot more reasonable for seniors and taxpayers.

Almost every store in the Nation will offer you savings if you buy in bulk; but the Medicare program, one of the largest purchasers of prescription drugs in the Nation, is currently prevented from negotiating a bulk discount.

What is the cost of this inefficiency? Zocor helps lower cholesterol and is one of the most common drugs prescribed to seniors. At the VA where they can negotiate, you can get a year's supply for $130. Under Medicare, it will cost $1,200, a 900 percent price difference. No reasonable person would pay $23 for a gallon of milk when you can buy it at Safeway for $2.65.

The State of Oregon has bulk purchasing power to negotiate for lower prescription drug prices from pharmaceutical companies for thousands of low-income and uninsured Oregonians. We know the practice works, allowing more people to be covered, enhancing lives and using taxpayer dollars wisely.

In the last Congress, I started a petition that would force the House leadership to consider giving Medicare the ability to negotiate for lower prices because we knew if we could get the issue on the floor, it would pass.

Well, we have a new Congress, a new majority. We will finally overturn that ban on negotiations and defeat the forces that have prevented fiscal responsibility. I ask my colleagues to join me in supporting H.R. 4, commonsense cost-saving legislation.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. Mr. Speaker, I thank the gentleman for yielding.

As a congressman from Florida, the State with the largest percentage of seniors, I very much want low cost for prescription drugs. The nonpartisan Congressional Budget Office says this proposal will not lower prescription drug costs at all. Seniors are already getting volume discounts through pharmacy benefit managers and private sector competition.

Now the Democrats say: It works at the VA, it will work here. So I looked into that. I happen to take Lipitor for lower cholesterol. It is the number one selling drug in the world. Even Lipitor is not available on the VA formulary. That is because the VA only have a limited number of drugs, and that is why it is cheaper there. It is also why more than 1 million veterans are already getting their drug coverage through Medicare part D.

Mr. Speaker, 80 percent of the seniors in this country are happy with their drug plans under Medicare part D, and 75 percent of the seniors in central Florida have signed up for it and like it. If it ain't broke, why are we fixing it?

Let us give seniors both choices and low prices. Vote "no" on H.R. 4.

Mrs. EMERSON. Mr. Speaker, I yield myself 15 seconds to respond.

Number one, I would like to submit for the RECORD the list of the 12 different anti-cholesterol drugs on the VA formulary that exist today.

And second, I would quote from the Institute of Medicine Committee, part of the National Academy of Sciences. They concluded that the "VA national formulary is not overly restrictive. In some respects it is more; but in many respects, it is less restrictive than other public or private formularies." I also will submit that for the RECORD.

CHOLESTEROL LOWERING MEDICATIONS VA CLASS CV350

VISN Generic name Non-formulary	Synonym	Local non-formulary
Atorvastatin Calcium, 10mg tab N/F V–N/F	Lipitor	
Atorvastatin Calcium, 20mg tab N/F V–N/F	Lipitor	
Atorvastatin Calcium, 40mg tab N/F V–N/F	Lipitor	
Atorvastatin Calcium, 80mg tab N/F V–N/F	Lipitor	
Cholestyramine, 4gm/5gm (Light)	Questran Light Prevalite	
Cholestyramine, 4gm/5gm (Light)	Questran Light	
Cholestyramine, 4gm/9gm Oral PW	Questran	
Cholestyramine, 4gm/9gm Oral PW	Questran	
Colesevelam HCL, 625mg tab N/F V–N/F	Welchol	
Colestipol Granules	Colestid	
Colestipol HCL, 1gm tab	Colestid	
Colestipol HCL, 5gm/PKT GRNL	Colestid	
Ezetimibe, 10mg tab N/F V–N/F	Zetia	
Ezetimibe, 10mg/Simvastatin, 10M V–N/F	Vytorin	N/F
Ezetimibe, 10mg/Simvastatin, 20M N/F V–N/F	Vytorin	
Ezetimibe, 10mg/Simvastatin, 40M N/F V–N/F	Vytorin	
Ezetimibe, 10mg/Simvastatin, 80M N/F V–N/F	Vytorin	
Fenofibrate, 145mg Tab N/F V–N/F	Tricor	
Fenofibrate, 160mg Tab V–N/F	Tricor	N/F
Fenofibrate, 48mg Tab N/F V–N/F	Tricor NFE	
Fenofibrate, 67mg Cap V–N/F	Tricor	N/F
Fluvastatin NA, 20mg Cap	Lescol	
Fluvastatin NA, 40mg Cap	Lescol	
Fluvastatin NA, 80mg SA Tab	Lescol XL	
Gemfibrozil, 600mg Tab	Lopid	
Lovastatin, 10mg Tab	Mevacor	
Lovastatin, 20mg Tab	Mevacor	
Lovastatin, 40mg Tab	Mevacor	
Omega-3-Acid Ethyl Esters 1000 V–N/F	Omacor	N/F
Pravastatin NA, 10mg Tab N/F V–N/F	Pravachol	
Pravastatin NA, 20mg Tab N/F V–N/F	Pravachol	
Pravastatin NA, 40mg Tab N/F V–N/F	Pravachol	
Pravastatin NA, 80mg Tab N/F V–N/F	Pravachol	
Rosuvastatin CA, 10mg Tab N/F V–N/F	Crestor	
Rosuvastatin CA, 20mg Tab N/F V–N/F	Crestor	
Rosuvastatin CA, 40mg Tab N/F V–N/F	Crestor	
Rosuvastatin CA, 5mg Tab N/F V–N/F	Crestor	
Simvastatin, 10mg Tab	Zocor	
Simvastatin, 20mg Tab	Zocor	
Simvastatin, 40mg Tab	Zocor	
Simvastatin, 5mg Tab	Zocor	
Simvastatin, 80mg Tab	Zocor	

JANUARY 10, 2007.

OFFICE of THE SPEAKER,
House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: the National Community Pharmacists Association (NCPA) represents the owners of more than 24,000 independent pharmacies with over 300,000 employees dispensing some 42 percent of the nation's prescription medicines.

As trusted health care providers, we have always championed affordable medicines for our patients. Our pharmacists are motivated to help our patients find the medication that is most effective for both their health and their pocketbook.

Your efforts to lower prescription drug prices, especially for seniors, are commendable. NCPA endorses these efforts as contained in H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007 introduced by Chairman John Dingell.

The noninterference clause of the Medicare Modernization Act (MMA) has directly disadvantaged independent community pharmacies throughout the implementation of Part D. NCPA has requested intervention from the Center for Medicare and Medicaid Services (CMS) to affect prompt payment of claims, fully clarify rules on misleading advertising practices, and establish guidelines for adequate reimbursements. In each instance, CMS has not taken action, apparently because of the noninterference clause of MMA.

As you are aware, there are other issues with regard to the Part D benefit, Medicaid and the pharmacy marketplace that also must be addressed to ensure community pharmacy can continue to play our critical role in patient care; such as prompt payment of claims, Pharmacy Benefit Manager (PBM) transparency, and the encouragement of the use of more affordable generic medications in the Medicaid program. We look forward to working with you on legislation to address these issues.

Your assistance on the issues critical to community pharmacy will help enhance our ability to continue to deliver affordable, quality prescription care to our patients. We thank you for your efforts on behalf of independent pharmacists and the patients we serve.

Sincerely,

CHARLES B. SEWELL,
Senior Vice President, Government Affairs.

Mr. DINGELL. Mr. Speaker, I am delighted to yield to Dr. Christensen, the distinguished representative of the Virgin Islands, a leader in health care, 1 minute.

Mrs. CHRISTENSEN. Mr. Speaker, I thank my chairman for yielding.

Mr. Speaker, I rise today in support of H.R. 4 on behalf of the Medicare beneficiaries in the U.S. Virgin Islands and all of the 43 million who need this bill.

We have heard that H.R. 4 would only have a negligible effect on Federal Medicare spending. I doubt that. A recent report by Families USA showed that in several commonly used drugs, the lowest part D cost was still anywhere from 58 to 1,000 percent higher than the negotiated VA cost. That is why 90 percent of AARP members support H.R. 4.

As a physician who took care of many elderly and disabled patients and as chair of the Health Braintrust of the Congressional Black Caucus, I know why we need H.R. 4. By lowering the price of prescription drugs as H.R. 4 will do, we will not only reduce Federal spending but also improve access to medication for millions of Americans with acute and chronic diseases, a disproportionate number of whom are racial and ethnic minorities.

But we must also make sure that all medications including those like Bidil that is proven effective in African Americans are covered.

This is yet another promise made by Democrats and must be another promise kept. I urge my colleagues to vote "yes" on H.R. 4.

Mr. BARTON of Texas. Mr. Speaker, I yield 2½ minutes to the distinguish gentleman from Arizona, a former chairman of the Republican Policy Committee and a member of the Energy and Commerce Committee, Mr. SHADEGG.

Mr. SHADEGG. Mr. Speaker, I think this debate comes down simply to: Do you trust bureaucrats, or do you trust the forces of competition which have already delivered a drug benefit under budget?

To me, the answer is simple. But don't take my word for it. Last November, The Washington Post, not exactly a right wing newspaper, indeed one of most liberal newspapers in America, editorialized against precisely what this bill does. The Washington Post, not JOHN SHADEGG, said that the drug benefit in the current bill has turned out to be cheaper than projected.

The Washington Post, not JOHN SHADEGG, said that most beneficiaries are satisfied with the current program.

My colleagues on the other side of the aisle, Mr. DINGELL and others, over and over and over and over again in this debate have cited the veterans program and said it is much better because they negotiate drug prices.

But The Washington Post, not JOHN SHADEGG, said, and I quote, "that is not a fair comparison." The Washington Post says that the Veterans Administration keeps prices down by maintaining a sparse network of pharmacies and a restricted formulary. Indeed, delivering three-fourths of its prescription drugs by mail. That's not JOHN SHADEGG; that's The Washington Post.

Indeed, the Post points out that more than one-third of the veterans in America eligible to sign up for the veterans program instead take the Medicare prescription drug program. Why? Because Americans don't want to say goodbye to their local pharmacy, which is what my colleagues on the other side will make them do.

If the program is so much better under the veterans, then why do a third of America's veterans prefer the current Medicare program? The answer for that is, it is a better program.

The Washington Post answers that by saying, in their words, the veterans' programs restricted choice of drugs and restricted list of pharmacies is less attractive.

Let me conclude the way the Post concluded. They said, "A switch to government purchasing of Medicare drugs would choke off this experiment before it had a chance to play out and would usher in its own problems." I urge my colleagues to consider those problems.

They went on to say, "For the moment, the Democrats would do better to invest their health care energy elsewhere."

I urge my colleagues who read The Washington Post regularly to follow its advice. This is a bad bill and bad for America's seniors.

Mr. DINGELL. Mr. Speaker, I yield at this time 2 minutes to the distinguished gentleman from New York (Mr. ENGEL).

□ 1115

Mr. ENGEL. I thank my friend, the chairman; and I rise today in strong support of this bill.

We have an opportunity today to right one of the most troublesome provisions of the Medicare Modernization Act, the provision which prohibits the Secretary of HHS from using the bargaining power of 40 million American senior citizens and disabled Americans who are enrolled in the Medicare to negotiate more affordable drug prices.

It is simply common sense. We know that our senior citizens continue to struggle on fixed incomes to be able to purchase their prescription drugs in addition to essential basic living necessities, like food, electricity and rent. We know costs in the Medicare program continue to skyrocket. By negotiating prices, we may be able to achieve record drug savings for seniors while also shoring up the fiscal health of the Medicare program, thereby protecting U.S. taxpayer dollars.

I am troubled by the repeated false assertions on the other side of the aisle that this legislation would mandate price controls and limit seniors' access to drugs. Nothing can be further from the truth.

H.R. 4 continues to prohibit the Secretary of HHS from requiring a particular formulary, and it simply says we should give the government the best shot at trying to negotiate lower drug prices. No price controls. Even Tommy Thompson, who said he considers this bill one of his finest accomplishments, stated that he regretted the clause in the bill prohibiting HHS from negotiating drug prices. As Secretary Thompson notes firsthand, he was able to use HHS to negotiate key savings for Cipro during the anthrax attacks of 2003. So there is room for improvement.

I respect the research and development that the pharmaceutical companies conduct. Frankly, we should not bash the pharmaceutical companies. They do good work. I have a plant in my district that has created and manufactured terrific prescription drugs. I would never support a bill that I believe would stifle innovation at the expense of the American people. But I believe that we can and should promote policies which put more good options on the table. This bill does that, and I urge its passage.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to a distinguished member of the committee who is currently on leave from the committee, the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas, because this is such an important debate for us and for our constituents.

I have about 70,000 Medicare part D beneficiaries in my district, the Seventh District of Tennessee, and they do deserve low-cost prescription drugs, and they deserve the option to choose their plans. The way Medicare part D is constructed, that is what we have, the opportunity to make those choices, to have that control, to actually have a private insurance.

Mr. Speaker, we have had a lot of conversation about the VA and veterans. I would like to point out that comparing Medicare part D and the VA drug program is like comparing apples to oranges, because the VA program is a direct provider of those medical services and part D is an insurance program that is run through private plans, so that our seniors have the options and the ability to choose, to have control over their health care.

About 40 percent of Medicare-eligible veterans enrolled in the VA health care are choosing to benefit from the Medicare drug benefit.

It's critical that we protect what seniors value most—access to quality care in their own community; affordability; and choice of their prescription drug plan and pharmacy.

I urge my colleagues to vote against H.R. 4.

Mr. DINGELL. Mr. Speaker, I am delighted at this time to yield 1½ minutes to our distinguished colleague, the gentleman from Utah (Mr. MATHESON), a member of the committee.

Mr. MATHESON. Mr. Speaker, I thank the chairman.

Mr. Speaker, I rise in support of H.R. 4. I think it is important America's seniors have access to the medicines that they need. Quite frankly, that is why I voted for the Medicare Modernization Act when it passed the House in 2003. I believed then, as I do now, that the Medicare Modernization Act would give patients access to medicines. I also believe that the Medicare Modernization Act has made progress. There are more people who have prescription drug coverage as a result of the legislation.

Today, I support H.R. 4, as I believe it is an additional measure that will likely provide more affordable medicines to those who need them. However, I have some concerns I would like to mention for the record.

While it makes sense for efforts to be made toward negotiating better prices, I would hope the House would not interpret today's support of H.R. 4 as support for government price controls. I have long been a supporter of free and open markets. There is no better marketplace for consumers than one in which competition dictates the going rate for products and consumers are free to choose the products they prefer.

I would encourage my colleagues to support free and open markets and oppose future efforts that would involve the government in actually setting price controls, and I encourage support today for H.R. 4.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to another distinguished member of the Energy and Commerce Committee, the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise in strong opposition to H.R. 4, legislation that effectively places the Federal Government in charge of the prescription drug program seniors participate in and jeopardizes seniors' ability to choose the Medicare plan that best fits their needs.

The Medicare Modernization Act wisely provides Medicare prescription drug plans with powerful free market tools that drive deep discounts in prescription drug plans. Seniors deserve low drug prices, and that is what they are getting with Medicare part D.

American taxpayers are also benefiting under Medicare part D. In fact, since 2003, taxpayers have saved $96 billion through competition among health plans. We are already seeing competition drive down prices and provide lower costs to Medicare beneficiaries. Competition is the reason why. Premiums have dropped from $37 to $22 per month, and the average monthly bill seniors spend on prescription drugs has fallen 54 percent, saving seniors an average of $1,200 a year. Ninety percent of all Medicare beneficiaries and more than 90 percent of seniors in Oklahoma are seeing real discounts on their prescription drugs.

If the government is allowed to set costs and control prices with Medicare part D, it will limit access to drugs, and seniors may lose the right to choose plans. This problem already exists in the Veterans Administration. A quarter of our Nation's veterans who receive VA health care benefits are also enrolled in Medicare part D.

This bill shows a clear difference between Democrats and Republicans. We want free market choice for our seniors instead of one-size-fits-all bureaucratic programs that will deny seniors the opportunity to choose drug plans that serve them best.

Let's not jeopardize a good benefit that 80 percent of our seniors are satisfied with and is providing real savings to taxpayers and seniors alike. I urge a "no" vote on this measure.

Mr. DINGELL. Mr. Speaker, at this time I reserve the balance of my time on behalf of the Energy and Commerce Committee.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the chairman.

Mr. Speaker, I rise in strong opposition to H.R. 4. It is unbelievable, in fact, that the Democrats would bring this bill to the floor. They were not part of the solution when we passed the prescription drug act, that they failed to pass for 25 years. I can understand them wanting to get on to a rising stock, but, Mr. Speaker, I will tell you this: they are betting on the last 10 percent.

Hanging this albatross around Medicare part D that has been so successful is going to drag it to the bottom, and it is going to hurt our seniors. It is going to hurt my mom. Seniors are saving an average of $1,100 per month because of competition in the marketplace.

You know, Mr. Speaker, this week, the Democratic majority has trampled on the rights of the minority with these four bills, allowing us no opportunity for amendment. But, do you know what? I think on this particular bill, they have done us a favor. The way they have done us a favor is they have not allowed us to bring forth an amendment, trying to put lipstick on this legislative pig, and that is a favor to us. That is a political win for the Republican Party, but unfortunately, Mr. Speaker, it is a loss for our seniors.

We need to kill this sucker dead.

Mr. Speaker, I rise today in strong opposition to H.R. 4, the Medicare Prescription Drug Price Negotiation Act. Last year, the new prescription drug plan, Medicare Part D, was implemented and seniors in our country had access to drug coverage for the first time.

In its first year, the Part D program enjoyed lowered than expected cost, high enrollment numbers and an overwhelming vote of satisfaction from America's seniors. To me, Mr. Speaker, that is the definition of success.

Let me underscore the specific statistics that back up these statements, because in the course of the debate proponents of this government price control bill have misconstrued and misrepresented the realities of the Part D program.

First of all, in 2006 Part D cost $26 billion less than expected and over the next 10 years it is projected to cost 21 percent less than earlier forecasts. Mr. Speaker that represents a savings of over $200 billion to the American taxpayer—a savings Mr. Speaker, in a government program! Which leads to another important aspect of the Part D program, competition.

When Congress created this new prescription drug benefit, it was designed to use the power of competition to deliver low prices to America's seniors. For instance, Medicare beneficiaries were expected to pay an average monthly premium of $37. However in 2006, because of the fierce competition among plan providers to provide this benefit to our seniors, the average monthly premium shrunk to $24.

Seniors are overwhelmingly satisfied with their Part D plan. In a Kaiser Family Foundation survey, 81 percent of enrolled seniors are satisfied with their Medicare drug plan and only 4 percent are dissatisfied. In fact, a recent J.D. Power and Associates survey found seniors are more satisfied with their Medicare drug plan than with their auto insurance, home mortgage and cable service.

So, Mr. Speaker, that leads us to a very obvious question. Why are we debating a major change to this successful and popular program? The answer is quite obvious, but extremely disappointing. It is politics.

My colleagues on the other side of the aisle spent a lot of time over the past few years throwing bricks at the "Republican Part D Plan." And they didn't stop last year when the surveys and statistics were pouring in at how much this program was saving our seniors. And, Mr. Speaker, when it became obvious that the program was both successful and popular, the Democrats started touting the sound bite that Medicare needed the power of government negotiations to deliver even more savings to seniors. It seemed they wanted to capitalize on the very popularity they were undermining just a few months earlier.

Unfortunately, for my colleagues on the other side of the aisle, that political rhetoric has proven difficult to turn into sound policy. The reason is very simple. The Part D program is successful because the government has remained out of the negotiation process and private companies have fought hard to earn the right to service America's seniors.

Mr. Speaker, the Congressional Budget Office affirmed this in a letter to Senator Frist in 2004, and again this week to Chairman RANGEL. CBO states and I quote, "We estimate that striking. that provision (the non-interference provision) would have a negligible effect on federal spending because CBO estimates that substantial savings will be obtained by the private plans and that the Secretary would not be able to negotiate prices that further reduce federal spending to a significant degree."

If my Democratic friends are only using this debate to score a few cheap political points, they should be ashamed of themselves, considering the only people that will pay for this maneuver are our struggling seniors.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, when a government program is not working, we have an obligation to fix it. This is not the case, however, with the Medicare prescription part D. In fact, part D is working well.

Just yesterday, the Medicare Prescription Education Network released a study showing that 80 percent of seniors enrolled in Medicare part D are satisfied with their coverage, and an 80 percent satisfaction rate is unprecedented for such an important and positive program. I am particularly pleased that a Blue Cross/Blue Shield call center assisting recipients with part D enrollment has been operating in the district I represent.

Moreover, government involvement would likely limit access to medications and restrict the development of new treatments. As USA Today recently editorialized: "The public would be best served if the new Congress conducts an in-depth oversight to gather facts, rather than rushing through legislation within 100 hours to fix something that isn't necessarily broken."

I urge my colleagues to protect part D and vote against H.R. 4.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan (Mr. CAMP) be allowed to control the minority time for the Ways and Means Committee, which I believe is 40 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to H.R. 4. It is a flawed piece of legislation. If there was ever a bill that should have gone through regular order in the committee process, it is this one, because we find as we look at it more carefully that there is much more to it than might appear at first glance.

First and foremost, we should recognize that Medicare part D is working. Ninety percent of seniors are covered. Thirty-eight million seniors now have prescription drug coverage.

Additionally, due to private competition, the cost of this program is continuing to fall. Estimates from the Center for Medicare and Medicaid Services have predicted that this program will cost $373 billion less over the next 10 years than was expected in 2005. Seniors are saving an average of $1,200 dollars a year because of those declines.

Market-driven reforms in the 2003 Medicare Modernization Act are working to provide more choices and lower prices.

☐ 1130

Rather than establishing a one-size-fits-all government benefits package, the part D program allows beneficiaries to choose from a range of plans that meet their unique needs and circumstances.

It is also important to note that the current private sector negotiating power of part D is greater than a government-run Medicare program. We have heard much from the other side about a government-run program having a bargaining power, but in fact, the four top pharmacy benefit managers cover over 200 million individuals. So they not only negotiate on behalf of the seniors in part D but also on behalf of all the other beneficiaries in their programs throughout the United States, including most Members of Congress in the Federal Employees Health Benefit Plan. So this is over 10 times the number of Medicare beneficiaries than the Secretary would negotiate on behalf of.

Despite these facts, Democrats are continuing to push a bill that could significantly disrupt and dismantle the successful and popular Medicare prescription drug program. They want to remove private competition forces from this successful equation and, instead, have the Secretary of Health and Human Services interfere in and implement a price control system.

Medicare part D is successful because seniors are able to choose plans that cover their drugs and best meet their health needs. Government bureaucrats, instead, would be replaced and would choose what drugs seniors would get, and these bureaucrats would be allowed to set prices for Medicare covered drugs.

The government should not be responsible for making decisions that should be left to seniors. Currently, seniors are able to choose plans. I think we should continue to allow seniors to make their own choices and keep bureaucrats out of seniors' medicine cabinets. The Medicare prescription drug program is working, and we would be wise to resist the Democrats' plan to fix what is not broken.

We can continue to improve prescription drug programs, but we must closely examine these changes so Congress does not do more harm than good by enacting new policies. I encourage my colleagues to vote "no" on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I would like to say that I wish that we had had more time to have gone into the details of this proposal, but I want to point out that we have an opportunity to allow the administration to decide how we can best reduce the price of drugs for all people and to give him the discretion to use every tool that we have in the Congress. Now, some people on the other side have indicated that this is price control and the free marketplace should work its will. It appears to me that common sense and judgment would say that the Secretary should have every available tool that he or she thinks is necessary in order to reach this common goal that we want to reach.

Just saying that the power to negotiate prices, which you have to admit sounds like it makes good sense, would be restricted and prohibited by the person responsible for reaching the goal of lower prices makes no sense at all. If indeed some of the objections that have been raised by those who don't have the responsibility that the Secretary has, if they truly believe this is an impediment to reach that goal, then I think that all of us in the Congress have the responsibility to change the law and to do whatever is necessary in order to reach that goal.

To say that someone is prohibited from participating in the reduction of that price, the price of the drugs when they can buy in quantity defies common sense and reason. This is especially so since we would like to assume that the pharmaceutical industry would be partners with us in getting the maximum amount of medicine necessary to those who need it. And even if we had no knowledge of the facts at all as to what works and doesn't work, the protest that is coming from the pharmaceutical industry should indicate that there is something wrong with the system if they do not trust the Federal Government to negotiate fairly.

So for all of those reasons, I hope that those who have a problem with the bill would recognize that this is just the beginning of a process to improve upon what we already have and that if there are any problems, that we will be coming back to the committee to try to make those adjustments that would be necessary.

Mr. Speaker, I would like to ask unanimous consent to yield the balance of my time for purposes of controlling the time on this bill to Mr. STARK, who is the chairman of the Subcommittee on Health and who spent a tremendous amount of time on this.

And, believe me, there is no politics involved in it. We all want to achieve a common goal, and I think this just removes the restriction on the Secretary so that together we can be of assistance.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CAMP of Michigan. Mr. Speaker, I yield for purposes of controlling time to the ranking member of the full Ways and Means Committee, the distinguished gentleman from Louisiana (Mr. McCRERY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

I want to begin my remarks by saying that we are hearing today a lot of claims from colleagues on the other side of this issue. They quote various studies that they say prove this will help reduce prices to seniors and help reduce costs to the government. And as everybody in Washington knows, you can generally find a study to say just about whatever you want it to say. But if you listen carefully, you will notice that no one today, and no one will later today, dispute one fact: The nonpartisan official budget scorekeeper for Congress, the analysts that Congress is required by law to follow, the Congressional Budget Office, says that this bill before us will not save one dime. The bill will not save seniors money; it will not save taxpayers money; and it will not save the government money.

Now, in case you are thinking, oh, yeah, yeah, but that is old news. That is the old Congressional Budget Office when Republicans controlled it. Well, that is what the old Congressional Budget Office said when Republicans controlled it. But, guess what? In a letter dated just a couple of days ago from the new Congressional Budget Office that Democrats control, it says the same thing exactly.

Now, why won't this bill save any money? Simply because the private sector is doing an excellent job already negotiating lower prices for our seniors. And without tools that some have said today they do not want the Secretary to have, and even the language of the bill states the Secretary shall not provide formularies for part D, but without those tools, the CBO says, you can't save any money.

So you can't have it both ways. You can't say, oh, we want lower drug prices for seniors; but then at the same time say, yeah, but we don't want those formularies. We don't want to restrict access to any drugs, like Lipitor, which is not on the VA formulary.

The Secretary of Health and Human Services cannot do a better job of negotiating than the private sector is already doing. The Secretary says so. CMS says so, and CBO says so. The only way the Secretary will be able to further reduce it is by weakening the drug benefit by restricting access.

So why is the Democratic leadership trying to rush this major legislation through the House without a single congressional hearing, without input from the committees of jurisdiction? I fear this is an example of bumper sticker politics. I am afraid they are looking for a good sound bite, not good policy.

While H.R. 4 won't produce savings, it certainly has the potential to disrupt or even destroy one of the most popular programs in our history. Today, roughly 90 percent of America's seniors and people with disabilities have prescription drug coverage. Four out of every five seniors enrolled in a Medicare drug plan say they are satisfied with the new drug coverage and would recommend it to their friends.

Medicare drug plans are negotiating significantly lower prices for our seniors. The average senior last year saved $1,200. Initial estimates indicate that Medicare prescription drug plans saved seniors last year a total of about $30 billion. Competition has resulted in a program that is expected to cost $373 billion less over the next 10 years than was projected just 1½ years ago.

Clearly, the current drug benefit, which allows for competition rather than government price controls, is working. H.R. 4 could bring this success to a screeching halt. If the Secretary of HHS is forced to find the savings suggested by the proponents of this poorly drafted legislation, it seems certain that some seniors will lose access to the prescription drugs they need.

Currently, Medicare beneficiaries enrolled in a drug plan have access to drugs to treat cancer, mental illness, HIV/AIDS, Lou Gehrig's disease and Alzheimer's, to name a few. They are guaranteed that. H.R. 4 does not guarantee that.

Here is what patient groups have to say about the bill that is before us today. The association representing patients afflicted with Lou Gehrig's disease says, "This shortsighted and inappropriately cost-driven bill will have particularly cruel consequences for people with ALS. If Congress makes this change, they will undo what the Medicare Modernization Act sought to ensure: access to needed prescription drugs." The National Alliance on Mental Illness says much the same thing; the Kidney Cancer Association much the same thing.

The Republican motion to recommit, which we will soon offer, ensures that access to these important drugs continues.

H.R. 4 will also hurt our community pharmacies, denying seniors access to those local pharmacists that they depend on. Seniors like to go to the drugstore to talk to their pharmacists to get advice. If, to hear some of the proponents, we go to something like the VA, for example, they won't have that opportunity because the VA is a closed system, and 80 percent of drugs delivered under the VA are delivered by mail order, not local pharmacies.

Now, let us talk about veterans for just a minute. The American Legion, representing our veterans, says H.R. 4 is "not in the best interest of America's veterans and their families. The American Legion, which represents nearly 3 million members, strongly urges Congress to seriously consider the collateral damage that would result from H.R. 4 because 'each time the Federal Government has enacted pharmaceutical price control legislation, the VA has experienced significant increases in its pharmaceutical costs.'"

H.R. 4 will not save money. It is opposed by groups representing victims of disease and opposed by our veterans. H.R. 4 will likely restrict seniors' access to the drugs they need and to the pharmacies they depend upon. H.R. 4 will certainly disrupt a popular program that, despite being just 1 year old, has done a remarkable job.

That is why we all ought to vote against H.R. 4, but first, vote for the Republican motion to recommit.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

I will be submitting for the RECORD an editorial from today's New York Times which concludes by suggesting that the bill, H.R. 4, does not require the Secretary to negotiate prices for all 4,400 drugs used. A smart Secretary could simply determine which prices paid by the plan seem most out of line with prices paid by other purchasers and then negotiate only on those drugs. The private plans are exclusively allowed to negotiate even lower prices, if they can. This sort of flexibility would pose no threat to the free market.

□ 1145

It is time for the Medicare drug program to work harder for its beneficiaries, without worrying so much about the pharmaceutical companies.

Then, I would also like to respond to what I am sure was not, by one of the previous speakers, an intentional fabrication or misstatement, just probably a remark due to the inability to read a bill and understand what it means. And it is quite correct that in 2000 our motion to recommit had some wording that limited interference by the Secretary. But it is also important to note that it was a completely different bill; and as such, the motion to recommit had no relationship to this bill. And to suggest otherwise is an outright lie. And I will let it stand with that. If anybody would like to see the previous bill, we have information that will cover it.

I rise in support of H.R. 4. It is a simple, straightforward bill that should pass by unanimous consent if the Members of Congress want to help senior citizens, rather than the special pharmaceutical interests.

The bill rights a wrong included in the prescription drug act passed in 2003. And it takes away the special interest protection that prohibits the Secretary from negotiating to get better prices for Medicare beneficiaries.

The present law includes a flat out prohibition against using the negotiating ability and clout of 43 million Medicare beneficiaries to get better prices. That is wrong. We don't prohibit the government from negotiating prices for airplanes, even for oil royalties in the gulf, for highway construction or for anything else the government purchases.

Our bill today eliminates that prohibition and goes one step further. It requires the Secretary to use the market strength of Medicare's 43 million beneficiaries to negotiate better prices for seniors and people with disabilities. We had to go further than simply eliminating the prohibition because the current administration has been so vocal in their opposition to using this tool, even if given the authority. Indeed, they have threatened to veto.

Countless studies show that Medicare beneficiaries are not getting very good deals on their prescription drug prices. The Bush administration has shown their ability to negotiate discounts on other drugs. Secretary Thompson did this twice, once when we had the anthrax attacks and then again when we faced the flu vaccine shortage.

This change shouldn't be controversial at all. It is a change that is supported by over 90 percent of the American public, and it is a change that should lower taxpayers' and seniors' expenses. It is a change supported by advocates for Medicare beneficiaries, the physicians who care for them, and the community pharmacists who fill their prescriptions.

It is a change that is even supported by AARP, which I continue to contend wrongly endorsed the Republican bill in the first place. But even they agree that the government should be empowered to negotiate better drug prices.

The only interests standing up against that legislation are the same interests who got the prohibition on negotiation included in the first place, the pharmaceutical drug lobby and those whose campaigns they funded.

Those days are over. Congress is no longer about special interests. It is about the interests of the American people, and that is why we brought this bill up as part of the first 100-hour agenda. We urge the President to reconsider his opposition to it, and to work with us to get Medicare beneficiaries a better deal on their prescription drug prices, and to get a better deal for the American taxpayers.

It is an important first step in our goal to improve the Medicare prescription drug program for seniors and people with disabilities. I look forward to working with my colleagues and with the administration to improve the Medicare program.

[From the New York Times, Jan. 12, 2007]

NEGOTIATING LOWER DRUG PRICES

From all the ruckus raised by the administration and its patrons in the pharmaceutical industry, you would think that Congressional Democrats were out to destroy the free market system when they call for the government to negotiate the prices of prescription drugs for Medicare beneficiaries. Yet a bill scheduled for a vote in the House of Representatives today is sufficiently flexible to allow older Americans to benefit from the best efforts of both the government and the private drug plans.

The secretary of health and human services should be able to exert his bargaining power with drug companies in those cases in which the private plans have failed to rein in unduly high prices—leaving the rest to the drug plans. The result could be lower costs for consumers and savings for the taxpayers who support Medicare.

Under current law, written to appease the pharmaceutical industry, the government is explicitly forbidden from using its huge purchasing power to negotiate lower drug prices for Medicare beneficiaries. That job is left to the private health plans that provide drug coverage under Medicare and compete for customers in part on the basis of cost. The Democrats' bill would end the prohibition and require—not just authorize—the secretary of health and human services to negotiate prices with the manufacturers. That language is important since the current secretary, Michael Leavitt, has said he does not want the power to negotiate.

No data is publicly available to indicate what prices the private health plans actually pay the manufacturers. But judging from what they charge their beneficiaries, it looks like they pay significantly more for many drugs than do the Department of Veterans Affairs—which by law gets big discounts—the Medicaid programs for the poor, or foreign countries. The administration argues, correctly, that the private plans have held costs down and that there is no guarantee the government will do any better. The bill, for example, prohibits the secretary from limiting which drugs are covered by Medicare, thus depriving him of a tool used by private plans and the V.A. to win big discounts from companies eager to get their drugs on the list. The secretary does have the bully pulpit, which he can use to try to bring down the cost of overpriced drugs.

The bill also does not require the secretary to negotiate prices for all 4,400 drugs used by beneficiaries. A smart secretary could simply determine which prices paid by the plans seemed most out of line with the prices paid by other purchasers and then negotiate only on those drugs. The private plans are explicitly allowed to negotiate even lower prices if they can. This sort of flexibility should pose no threat to the free market. It is time for the Medicare drug program to work harder for its beneficiaries without worrying so much about the pharmaceutical companies.

Mr. Speaker, I reserve the balance of my time.

Mr. McCRERY. Mr. Speaker, before I yield to my colleague from Missouri, I just want to challenge anybody on the other side of this issue today, anybody that is in support of H.R. 4, to explain to this House how the Secretary, using the authority under the bill before us, is going to get prices lower. What are the tools that he is going to have to negotiate if he doesn't have the power to assure pharmaceutical manufacturers market share in the program, if he can't use formularies to do the negotiating? I don't think they can do that.

Mr. Speaker, at this time I would yield 4 minutes to my colleague from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I rise today in opposition to H.R. 4, but more than that, in support of prescription drug access that works for seniors. This has been a long, hard fight in this Congress to get this program to where it is today, and it is working for seniors. They think it is working for them, and I think it is working for them.

The cornerstone of the Medicare prescription drug program is choice and satisfaction driven by competition. Competition is a good thing. And once again, today we are talking about whether or not we have competition in this system.

Instead of a one-size-fits-all model, the prescription drug benefit provides choices for seniors so they can find the best plan for them. This competitive model works, and it is doing exactly what Congress intended: it is driving costs down and providing more options for seniors.

The current system, as my friend from Louisiana has already said, the current system costs less than was anticipated, has more options for seniors than was expected, and has a tremendous level of user approval.

With the competitive Medicare drug program, individual drug plans can decide not to sign a contract with a drug company if they can't reach a price that they can agree on. Then seniors analyzed what all of these competitors out there were able to do. They take the drugs they take to the plans available and find out which company was able to negotiate the best deal, not for all drugs, but for their drugs. That is why this plan has worked in a way that surprised so many people, including the seniors that now benefit from this plan.

What are we really talking about today? Our friends on the other side seem to think that we need government to negotiate prices for seniors. Well, what does that really mean?

When the government negotiates for you, it means you are cut out of the decision-making process. Government is almost never the best negotiator and wouldn't be the best negotiator here.

Some of my colleagues claim that the change they are proposing today is merely minor. But I believe the change we are debating today is the major debate about the future of health care in the coming decades. Do we believe that government should make the decisions about your health care? Or do we believe that these decisions are so fundamentally personal that they can only best be made by the individual? Are Americans better served by a competitive model or by a government mandate that has less access and more cost?

Opponents of adding prescription drugs to Medicare and the way we did it last January have never believed that competitive options for seniors were the way to go. They have said so many times. That is the reason that I think they are so determined today to take away these choices that seniors have.

When the government negotiates prices, it fixes prices. This means a government bureaucrat will be empowered to determine what kind of drugs our seniors will have access to. If the government couldn't reach a deal with the drug company, seniors wouldn't have access to those drugs. That is what happens in the VA system that we are talking about.

Actually, today, we ought to be talking about how we can provide more choices for veterans instead of fewer choices for other seniors. It is Economics 101. And if seniors only cared about price, the lowest plan available would be the plan all seniors were choosing. They are not choosing that plan. They are choosing the best plan for them.

H.R. 4 will open the door to price fixing and health care rationing by the government. It is as simple as that.

During the campaign, Democrats argued that this bill is needed to protect our seniors. But if any senior can point to anywhere in this bill where it points out that all the drugs available to seniors today would be available in the future, I would suggest not only is it not there, but one negotiator couldn't make that deal.

I urge my colleagues to reject this change, to reject rationing, to keep choice out there for seniors, and to believe in competition.

Mr. STARK. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Connecticut (Mr. LARSON) who, like the National Committee to Preserve Social Security and Medicare, knows that H.R. 4 would be an important step to improve part D.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation. Look, as we all know, as the cliche goes, the road to hell is paved with good intentions. And while our colleagues on the other side are heralding the program that they produced, through what I believe to be their good intentions, they are terribly misguided.

But it does draw strong philosophical differences between the two parties and our approach. Yes, you would like to privatize Social Security. Yes, you would like to privatize Medicare. And this bill, essentially, is the privatization of Medicare masquerading as prescription drug relief and forbids explicitly the Secretary of Health and Human Services from negotiating directly for lower price while the VA commissioner does.

But then you say you introduce competition. Wow. Everybody is for competition. So how do all these plans, why were they enticed into it? The government pays and incentivizes the private sector to get involved in this? That is interesting competition. They incentivize the private sector to compete against the government program. They fund them the money.

Oh, and by the way, there is no penalty and no risk if they pull out. The only penalty and risk are on the elderlies' backs, because they can cancel the formulary, they can pull out with no risk and no penalty. It is only the people that fall into the doughnut hole and only the people that have to pay the extra prices that understand why it is so important that government step up and level the playing field for its citizens.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the distinguished Member from California, a member of the Ways and Means Committee (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in strong opposition to H.R. 4. The fundamental question in today's debate is what produces better results, the free market or the Federal Government? Medicare part D was founded on a belief that free markets get results. It is a system in which private companies compete with each other to meet the needs of our senior citizens. These private companies negotiate with drug manufacturers to get lower prices, and the results have been impressive.

When the Congress created part D, we expected the average premium to be around $35 a month. Yet, thanks to the power of competition, Medicare beneficiaries actually paid an average of $24 per month, and that number is going down to $22 in 2007.

Mr. Speaker, I hope we can stop and think about what that means. In every other area of health care, costs are rising far faster than inflation. Where else have we seen an actual decrease in health care cost?

At the same time, we can also see the results of a system in which the government imposes price controls or as today's legislation basically proposes.

□ 1200

In Canada, a government-run health care system has resulted in long waiting lists for medical care and a massive exodus of talented physicians. In our own country, our brief experiment with price controls in the 1970s ended with disastrous gasoline shortages.

Mr. Speaker, I hope this Congress will consider the results and vote for the system that gets proven results.

I urge my colleagues to soundly reject this legislation.

Mr. STARK. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from California, who agrees with AARP that the Secretary can achieve additional savings for beneficiaries under H.R. 4.

Mr. THOMPSON of California. Mr. Speaker, I rise today in support of H.R. 4, and I am not here to claim that it will instantly bring seniors huge discounts on their drugs, but this legislation is an important first step, because it gives the Secretary one more tool to maximize savings for seniors and value for taxpayers.

It is important for another reason, lowering drug prices means that it will take seniors longer to hit the coverage gap, the donut hole, the period during which time they have to pay 100 percent of their drug costs.

Less than 25 percent of the drug plans in my district offer any sort of coverage during this donut hole period, and most of them have premiums of upwards of $100 a month. A lot of northern California seniors can't afford that. When they hit the coverage gap, they foot the entire bill, or they go without their medicine.

Allowing the Secretary to negotiate prices will complement, not replace, the negotiations being conducted by the private plans. It is one more tool that can be used to lower costs and prolong the amount of time it takes before seniors hit their donut hole.

This legislation does not create price controls, which I oppose, and it explicitly prevents the Secretary from setting a national formulary. Our Medicare program offers seniors choice and allows seniors access to the medicines that they need. This legislation will maintain that choice and access, and it is a good first step to bring about lower prices.

I support H.R. 4, and I encourage all of my colleagues to do the same.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to another distinguished member of the Ways and Means Committee, the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to voice my opposition for H.R. 4 and to encourage my colleagues to vote against this bill.

Ronald Reagan once said the nine most terrifying words in the English language are, I am from the government, and I am here to help you. Our seniors should say, thanks, but no thanks.

H.R. 4 is certainly a solution in search of a problem. The Medicare drug benefit is a quantitative success. Millions of seniors now have prescription drug coverage through Medicare part D and over 86,000 beneficiaries in my district alone are saving money while enjoying greater access to the prescription drugs they need.

Competition has reduced monthly premiums and empowered seniors to make their own choices about drug plans. On average, seniors saved $1,200 off the cost of their prescription drugs last year. In fact, 80 percent of recipients nationwide report high satisfaction with the new program.

Actuaries for the Congressional Budget Office, the ultimate scorekeeper in Congressional spending, as well as the Centers for Medicare and Medicaid Services, both predict that H.R. 4 will produce no savings. At the same time, strong competition has lowered drug plans, the bids, by 10 percent, for 2007. Overall, analysts estimate that part D will cost $373 billion less over the next 10 years than initially expected.

Mr. Speaker, if passed, this bill would allow the Federal Government to get into the medicine cabinets of millions of Medicare beneficiaries across the country. Part D is working. The changes proposed in this bill would create tremendous uncertainty among seniors who are benefitting from this successful program. This bill is nothing but a veiled attempt at national health care that could end up driving up costs, reducing seniors' access to much-needed prescription drugs and serving as a downfall of community pharmacies.

I urge my colleagues to vote "no" on this bill.

Mr. STARK. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Washington (Mr. McDERMOTT), who agrees with AIDS Action that an effort to ensure the Secretary of Health and Human Services has authority to negotiate drug prices is important to the continuing success of part D.

Mr. McDERMOTT. Mr. Speaker, as I listen to my colleagues on the other side today, it seems like I am back in medical school in 1963 when the American Medical Association president told us, if we get that Medicare, that will be the end of health care in this country; there is no way we will have any kind of good health care in this country.

Well, the fact is we would never have had it if we waited for you to do it. During the 12 years you were in control, you proposed not one single way to deal with the 46 million Americans who have no health insurance.

Now with respect to senior citizens, they are isolated in a blizzard of confusing programs and options which cost more than a 250 percent difference in the same zip code. I live in 98119. You can spent 250 percent different depending on which program.

People don't know that. My mother is 97, and you expect them to pick this up. They ought to get a lower cost, and we are going to get it for them by getting the Secretary to negotiate them, as he should. That creates a huge national pool that the companies cannot ignore, and they are going to have to work toward the common good.

Now, it is time we worked for the common good in here, not for the pharmaceutical industry or the insurance industry or anybody else but the seniors who have to deal with the prices of their drugs. That is what they are asking for us. It is the same proposal we have used in the VA.

You would think we would be doing that to the veterans if it was bad? Come on. This is good for the veterans, it is good for the seniors, and it is finally working toward the common good in this House.

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to another distinguished Member of the Ways and Means committee, the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. I appreciate the gentleman yielding.

Mr. Speaker, my colleague from the State of Washington mentioned medical school. Let me recount an old axiom that with learned in law school. We were told: If the facts are against you, argue the law. If the law is against you, argue the facts. If the facts and the law are against you, pound the podium.

Ladies and gentlemen, there has been a lot of podium pounding on the other side of the aisle today. The question is this, shall the government interfere with or intervene in a prescription drug plan that is working?

Now, the majority seeks through H.R. 4 to strike this nonintervention clause. First of all, is anyone having a flashback to 1993 and 1994 talking about government taking over health care?

But, more importantly, my colleague from the State of California, the incoming chairman of the Health Subcommittee, and 203 of his colleagues are about to do an abrupt, en masse, about face. Because in the CONGRESSIONAL RECORD of June 28 of 2000, you had this nonintervention clause, and

204 Democrats said, we don't want to give the Secretary the ability to negotiate in roll call 356.

Now, what could possibly explain this inconsistency? Could politics be at play?

The gentleman from Washington talked about some history. Let us go back over the committee history, because my colleagues from Ways and Means are here.

First of all, during committee action we were chided there would be no plans available under the Republican plan.

Then, of course, when we saw the plethora of plans, we heard the complaints from your side, there are too many confusing choices that seniors have across the country. Then you wagged your finger at us and said, well, we need to legislate the premium at $35, and then the total cost of the program is going to explode the deficit. Remember hearing that?

Yet, on the other hand, as has been discussed, the average premium is $22. In the State of Missouri, you could even have a premium for under $15 if you choose it. Of course, we have seen how those program costs have come down.

We heard from your side that the drug companies were going to do a bait-and-switch, that we were going to have low ball that first year and then we would see those prices being jacked up. Lord help us, what's happened? Drug prices have gone down. Imagine premiums and prices coming down in health care.

Then my colleague from the State of California said to his colleagues, it is okay, once the seniors hit the donut hole, they will be angry, and they will be outraged. Then we have seen, of course, that every senior at least has had the opportunity to have full coverage, including coverage for the donut hole. You just can't find it within yourself to say we got one right.

Just like welfare reform, surely, Mr. Leader, once every 10 years, you can say the Republicans got it right. We are witnessing cost containment and competition by incorporating private sector market principles within the public sector programs provision of drug coverage. Let us lighten up on the podium pounding, say no to government interference and no to H.R. 4.

Mr. Speaker, I rise in opposition to H.R. 4, and I would like to divide my remarks into two main thoughts: first, "if it ain't broke, don't fix it," and second, the laws of intended and unintended consequences.

Mr. Speaker, the Medicare Part D Benefit ain't broke.

But Medicare was broken before there was a drug benefit. When I came to Congress, one of the issues I heard about most often from my constituents was the need for prescription drug coverage for seniors. In 1965, when Medicare was created to ensure that seniors had some access to health care, prescription drugs were not a primary mode of treatment, and thus not covered.

But as medical science advanced, and miraculous treatments became available via prescription drugs, Medicare still languished without a drug benefit, and many seniors were faced with the brutal decision between buying their medicine or paying for food, clothes, housing, and other necessities.

Seniors do not have to make that brutal decision anymore.

Under the law, millions of seniors who previously could not afford prescription drugs are now receiving the medicines they need.

More than 40,000 volunteers in communities across the country worked during the enrollment period, counseling beneficiaries and sponsoring events to help people with Medicare. I would like to commend these volunteers, volunteers like Debbie Catlett from the Hannibal Nutrition Center, who lovingly helped her friends and neighbors sign up for drug coverage.

The system the Republican Congress set-up has been remarkably successful: The average premium in 2006, originally projected to be $37 per month, was only $23; and rather than increasing to the projected $40 per month in 2007 it lowered to $22 for this year. In Missouri, we have even less expensive options available, the lowest costing only $14.90 per month. Imagine that, health care premiums going down!

Seniors are saving, on average, $1,200 a year on prescription drugs. At the same time, Part D recipients saw a 13 percent increase in the number of medications available. According to polls, about 80 percent of America's seniors are satisfied with their prescription drug plans.

All that is on the micro level, what individual seniors are enjoying and saving; but let's look at the macro level. Over 90 percent of seniors now have drug coverage—if these seniors are paying less, the government must be paying more to pick up the slack, right?

Wrong.

The Medicare drug benefit cost nearly $13 billion less than expected in its first year, 30 percent below the $43 billion that had been budgeted.

Long-term savings are even greater. HHS Secretary Leavitt just announced that the independent CMS actuaries are lowering their estimate of the cost of the benefit over the next decade by another 10 percent, with almost all of the new savings resulting from competition. The actuaries' new estimates show that total net Medicare costs are 30 percent lower, or $189 billion less, for the same budget window (2004–2013) than the actuaries originally anticipated before the Medicare drug benefit was implemented.

The long and the short of it is, Medicare Part D is a big, fat success.

Look, the majority is upset that the Republican Congress enacted a successful, popular program, and the "let Medicare negotiate low prices like the VA" polled well for them (I've seen the polling numbers). But a bumper sticker phrase aimed at coopting that success isn't good policy.

I've discussed how the program isn't broken and doesn't need fixing, now onto the intended and unintended consequences of this bumper sticker bill.

Best case scenario if this Democrat attention grabber of a bill becomes law is that Medicare proves unable to negotiate lower prices than the marketplace currently does—and two non-partisan entities, the Congressional Budget Office and the CMS Office of the Actuary have said the Democrat plan yields no savings for this reason—and no harm is done. But worst case scenario is overactive bureaucrats or the next President take this negotiating authority and use it to force price controls, ration drugs, and deny doctor and patient choice of what medicines are allowed for seniors.

So friends, pick your poison: On the one hand an impotent outcome as CBO and the CMS Actuary have foretold, on the other, Medicare setting prices and rationing seniors their medicine. I will remain agnostic as to which is the intended and which the unintended consequence.

The reason the two economic models I've mentioned concluded no savings via H.R. 4 is that, fundamentally, the government cannot negotiate any better than the thousands of prescription drug plan managers in the private market. Under current law the millions of Medicare beneficiaries, via their prescription drug plans, are coupled with the 200 million other health insured Americans. Caremark negotiates for 70 million lives, Medco for 54 million, and Express-Scripts for 51 million. Medicare Part D allows our Medicare beneficiaries to piggyback on that huge buying power with professional negotiators. And the other side would rather untrained government bureaucrats negotiate for my constituents? No thank you.

So let's look at the worst case scenario under this bill, where Medicare commands and controls seniors' medicine.

Yes, H.R. 4 seems to disallow formularies, but in law school they taught me to look closely at the law. Page 3, line 20: "nothing . . . shall be construed to authorize the Secretary to establish or require a particular formulary."

But banning a national formulary does not protect beneficiaries from other government access controls to prescription drugs. For instance, the Medicaid program has no national formulary, however, it employs various strategies such as a "preferred drugs list" to limit access of medications. If beneficiaries want to receive a medication that is not on the preferred drug list, they must go through a lengthy and confusing authorization.

If the authors of H.R. 4 didn't have this in mind, why did they strike the underlying MMA language that would seem to protect against this, that said "The Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs"?

The Ways and Means Chairman was thoughtful enough to hold a forum on this matter yesterday for our committee members, and both his and Mr. MCCRERY's invited witnesses agreed that to get VA prices, you have to set a formulary, and a strict one at that.

Again, the Democrats' bumper sticker slogan is fraught with bad consequences—intended or unintended.

Most importantly, the plan offered by Democrats would limit choice. Veterans have access to less than one third the drugs Medicare beneficiaries do—the VA formulary covers 1,300 drugs while the Medicare drug benefit covers 4,300 drugs. Drugs like Lipitor, Celebrex, Flomax, and Prevacid are unavailable in the VA plan. In fact, 20 of the top 33 most commonly prescribed drugs for seniors are excluded in the VA plan.

Pharmacy access is another pitfall of the Democrats' slogan. In reality, the VA distributes 80 percent of its medications by mail. Medicare uses mail for less than 2 percent of its medications. Seniors appreciate the opportunity to talk to their local pharmacist and ask questions about their prescriptions, and we have 1,077 pharmacies in Missouri where they can do just that. The VA has 6 pharmacies in the entire state of Missouri (and only 332 nationwide); the Democrat bumper sticker slogan loses a lot of its luster when looked at through that lens.

Simply put—seniors would find many of their favorite drugs unavailable and that's unacceptable.

The price control plan offered by the Democrat majority does not guarantee that seniors have access to "all or substantially all" drugs to treat cancer, mental illness, HIV/AIDS, and Lou Gehrig's disease. These important protections are in place in the current drug benefit and our motion to commit will offer the majority a chance to continue to protect drugs for these vulnerable populations.

While the plan being debated may be labeled "price negotiation," it is more accurate to call it "price fixing." Every time price fixing has been tried in other countries, it has failed. It has resulted in limited therapies and reduced innovation. And if the government saves the money from price fixing, the economic models show the cost will be shifted to the higher prices for the over 250 million non-Medicare Americans. In fact, the Democrat witness at yesterday's forum stated "if Medicare gets a better price, some people will have to pay more."

It's an easy campaign slogan to say "let Medicare negotiate low prices like the VA." But, to get there, you have to make that deal with the devil and allow Medicare to set prices and force strict formularies.

In conclusion, in attempting to fix an unbroken system, H.R. 4 faces the unintended consequence of either being lamely impotent at negotiating lower prices, or dangerously controlling by price fixing and restricting seniors access to drugs. Bad outcomes, whether intended or not; therefore, I urge a "no" vote.

Mr. STARK. Mr. Speaker, prior to recognizing the distinguished majority leader for 1 minute, I would just like to remind my friend from Missouri that at least in California we require law students to be able to read well enough to understand that bills they wave in the air are different from the bill we are considering today.

I wouldn't call it a lie to suggest that what we passed in 2000 is different from what we have today, but I would consider it close to shysterism in terms of at least dealing with law.

Mr. Speaker, I am pleased at this point to recognize the distinguished majority leader for 1 minute.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, let me say to my friend, we don't have to say you did it perfectly, and that is what we are talking about, making it better. That is what this is about, improving. We can argue in debate about what is, but what we cannot argue about, I think, is it is not perfect, and we can make it better. We are going to have a bipartisan vote on this. We are going to have a lot of people on your side of the aisle say, yes, we can make it better. That is what this is about, making it better.

By the way, I will tell my friend, 92 percent of the American public responds in polls they think this is what we ought to do. That is not pounding on the table; it is pounding on democracy.

Mr. Speaker, I want to, before I further discuss this particular bill, discuss the legislation H.R. 4. I would like to take a moment to congratulate the Members of the people's House, all of us, on the very productive week we have had. This week we worked to make America safer, passing bipartisan legislation that implements the 9/11 Commission recommendations.

We worked to make our economy fairer, passing bipartisan legislation that raises the Federal minimum wage, and we worked to improve the health care for all Americans, passing bipartisan legislation that promotes embryonic stem cell research. We are keeping our pledge to the American people to lead, govern effectively, and get results.

Today we consider H.R. 4, the Medicare prescription drug price negotiation act. Bipartisan legislation aimed at cutting prescription drug prices for millions of seniors and individuals with disabilities.

I can't believe there is anybody opposed to that objective. Yes, there is an issue of how do you do it best.

Many believe that this is one way to do it, not the only way to do it. This legislation repeals, in my opinion, a misguided provision in current law that explicitly prohibits the Secretary of Health and Human Services from entering into negotiations with drug companies to lower the cost of prescription drugs for the 43 million beneficiaries of Medicare.

I tell my friend in the private sector that if the drug manufacturers believe there is an alternative, that will go into the price structure, I guarantee it. By that, I mean, even if it is not exercised, we require it to be exercised, but even if it were not, if that alternative were present, it is going to affect the psychology of pricing.

H.R. 4 requires the Secretary to conduct such negotiation but gives the Secretary broad discretion in how to most effectively implement negotiating authority to achieve the greatest discounts. We want him to take steps to be effective in accomplishing the objective of bringing drug prices down for seniors.

The bill also permits Medicare part D drug plans to obtain discounts or lower prices below those negotiated by the Secretary.

As The New York Times observes today in an editorial, the bill is, and I quote, sufficiently flexible to allow older Americans to benefit from the best efforts of both government and private drug plans.

□ 1215

Mr. Speaker, this legislation has the overwhelming support of the American people, many of whom have experienced firsthand the rising costs of prescription drugs. In fact, as I just quoted, a recent Newsweek poll indicated that 92 percent, more than nine of every ten Americans, believe this is a policy that ought to be supported.

The people's House is going to reflect that sentiment today. In my view, this legislation is a commonsense effort to do right by the 43 million Americans enrolled in Medicare. It removes an unnecessary prohibition on prescription drug negotiations that should not have been enacted in the first place and allows the Secretary to do what he was hired to do, to put the interests of the American people first.

As Chairman DINGELL and Chairman RANGEL have observed, this bill is a very important first step in making prescription drugs more affordable. In this 110th Congress, we also must commit ourselves to addressing the affordability of an accessibility of health care generally.

I urge my colleagues to support this very important, bipartisanship, commonsense step forward in bringing the prices of drugs down for all of our seniors and our people. I thank the gentleman for yielding the time.

Mr. McCRERY. Madam Speaker, having heard from the distinguished majority leader, the House is now fortunate to be able to hear both sides of this from the minority leader. I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, I thank my colleague from Louisiana for yielding and thank my colleague from Maryland for his comments.

I rise today in opposition to the plan being put forward that I think would bring government cost controls to a program that is widely popular and is working. We all know that, about 4 years ago, Congress passed a prescription drug benefit for seniors. In that bill, we make it clear that this benefit is to be provided by the private sector, and some 40 plans across the country are out there competing with different types of plans for seniors with different needs. And so the number of choices out there is overwhelming, but the fact is that the number of plans out there are also bringing competition; competition for better quality drugs, more access to drugs, bringing down the cost of this program by 30 percent. The program costs 30 percent less than what we thought it would cost when Congress passed it.

More importantly, some 80 percent of seniors appreciate their plan. They have a choice of their doctor; the doctor has the choice of prescriptions that they can offer to their beneficiary, to their patient; and the patient can go to their local pharmacy, they can talk to their local pharmacist, which all those choices are probably why we have an 80 percent approval rating for this program.

So what do we have here today? We have here today that says the government must go out and negotiate directly with drug companies. The fact is these 40 different plans that are operating around the country have been negotiating with drug plans over these last several years. Why do we think the cost has come down? It is that competition in the marketplace.

And I appreciate my colleagues on the other side for their ideas that the government ought to go out and directly negotiate this. It is one of those big dividing issues that we have between Members here in Congress. Some believe strongly that government ought to do it. Government ought to do it. We ought to order government to do it. While many of us believe that competition, competition and using free market principles will in the long run produce better results, lower costs, higher quality and more satisfaction among seniors. And that is exactly what we have seen with this plan.

Many people believe that the plan here would begin to look something like the plan that we have over at the Veterans' Administration where they do in fact negotiate with drug companies, although veterans that are taking those benefits have one-third the choice of drugs available to them that Medicare recipients have. I don't think there is anything we want to do today that would limit the ability of doctors to prescribe the correct drugs for their patients.

Secondly, the veterans' program in many cases requires the prescription to be delivered by mail order. Now, this is a growing move in the marketplace, but a lot of seniors want to go talk to their pharmacists, and I and many believe that the passage of this bill could lead to less choices for our seniors when it comes to where they get their drugs.

And so Republicans will offer a motion to recommit that simply says that we should not reduce the choices available to seniors, they ought to have those choices, and they should not be reduced at all; and secondly, that they should also have a choice in terms of where they get their drugs. Those are the two issues in the motion to recommit.

And so I would urge my colleagues to reject the idea of big government price controls and to support the motion to recommit that will in fact preserve choices for our seniors who rely on this very important program.

Mr. STARK. Mr. Speaker, I would like to recognize the gentleman from California (Mr. COSTA) for a unanimous-consent request.

Mr. COSTA. Mr. Speaker, I ask my colleagues to vote for H.R. 4 to fix the flaws of this program for our seniors and to save our taxpayers dollars.

For many years, I was the principle caregiver for my late mother.

Through her experience and my own, it became clear to me that the prescription drug bill passed by the 108th Congress was seriously flawed from the standpoint of being overly complex and not providing cost-savings for seniors.

It's time we make the necessary changes.

I've heard those opposed to this bill repeatedly claim it is contrary to free market principles.

But I ask you, what could be more apple pie to free market than being able to negotiate over pricing?

Those opposed to this bill also talk about the CBO's evaluation of the bill.

But what they won't mention is that, in 2003 the 10-year cost estimate for this bill was $395 billion.

Do you know what they say now?

Part D spending will cost the government nearly double the original estimates.

As a Member of this House it is time we support our free market and protect our taxpayer dollars.

Let's correct this injustice for those living on fixed incomes and put an end to this prescription drug rip-off.

This bill is an improvement. We should and can do better.

Vote for H.R. 4.

Mr. STARK. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from California (Mr. BECERRA), who agrees with the Reliance for Retired Americans that, by harnessing the bargaining power of 40 million Medicare beneficiaries, H.R. 4 will bring relief to older and disabled Americans.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, from the sound of it from our colleagues on the other side of the aisle, you would think that prescription drug prices were a great deal. They say it is working; the system ain't broke, so no need to do anything.

Well, I did a little bit of research. And it is my own research, so I took a look at a couple of very popular drugs: Clarinex, which is for allergies; Lipitor, which is for cholesterol. I figured out the average prices out there at any pharmacy for those drugs per gram, and that turns out to be about $733 per gram for Clarinex and about $279 per gram for Lipitor. And I said, wait a minute. These are good deals. Right?

So let's find out what an illicit drug on the street costs today. And, again, this is all my research. I couldn't tell you that I know for a fact what cocaine costs on the street or heroin, but I did some research. The U.N. Report of 2006 on Drugs and Crime says that cocaine has a street value of about $112 per gram, heroin about $95 per gram.

So if you take a look at what is going on today, it is a great price that you pay four or five times more for a drug to help save a senior's life than you have to pay for a drug that you abuse on the streets today in America.

Our drug prices are not okay. The system is broken. We do need to change it. And all we are saying is let's try to reduce the price. It doesn't hurt to try.

Anyone here bought a house, bought a car, a truck? Did you pay sticker price, or did you try to negotiate the price down? You may not have been able to; it may have been a very popular model car or truck, or home. But that is what we are saying, let's try to negotiate the price down.

It is like telling a football team you get one down to get to the goal, and if you don't, you have got to punt. Or telling the batter, you go to the batter's box and you get one strike. Let's give America four downs, let's give America three strikes to try to reduce the price of these drugs. We should do it. Pass this bill.

Mr. McCRERY. Mr. Speaker, I yield the remainder of my time to the distinguished ranking member of the Health Subcommittee of the Ways and Means Committee, Mr. CAMP, and ask unanimous consent that he control the remaining time.

The SPEAKER pro tempore (Mr. BOSWELL). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding.

We have heard all this talk about the vote that 203 Democrats took in H.R. 4680, motion to recommit; it is apples to oranges; it doesn't compare. Let me read the language so it is black and white and not a lie:

Noninterference by the Secretary. In administering the prescription medicine benefit program established under this part, the Secretary may not require a particular formulary, institute a price structure for benefits or in any way ration benefits, interfere in any way with the negotiations between benefit administrators and medicine manufacturers or wholesalers, or otherwise interfere with the competitive nature of providing a prescription medicine benefit using private benefit administrators except as is required to guarantee coverage of the defined benefit.

Mr. BECERRA voted for it. Mr. STARK wrote it; 203 Democrats voted for it. Now it is the wrong thing to do.

Let's be really clear. This is a bumper sticker bill that doesn't work. The policy idea here that 92 percent of Americans want to see happen is that we do it just like the Veterans' Administration does. I wonder if those 92 percent Americans were told; at the VA you can't choose your doctor, you can't choose your pharmacy. Two thirds of the top named brand drugs that seniors use aren't even offered by the VA. You can't get them. Do you think 92 percent of Americans want that to happen for Medicare? Medicare beneficiaries ought to be able to choose their doctor; they should be able to go to their neighborhood pharmacy.

So why are we doing this? CBO, HHS, they all tell us this will do nothing to lower prices. This will do nothing to save the government money.

What has the current program done? It lowered the premium 40 percent in one year. It lowered the prices so much beyond our expectations that this new law which came into law in 2003 is $189 billion less than we expected it to be. That is real savings.

The next argument we hear is, well, we want the Secretary to use the negotiating power of Medicare, get the bulk of negotiations going. How many people would he conceivably be able to negotiate on behalf of? All the people in the PDP, 16.5 million.

Well, what are the prescription drug plans doing right now? You see, they don't just negotiate on behalf of Medicare; they negotiate on behalf of everybody they cover. Caremark, 70 million people they are negotiating on behalf of, including Medicare. Medco, 54 million people they are negotiating on behalf of, including Medicare. Express Scripts, 51 million. Wellpoint, 36 million. These plans have more negotiating power and leverage and strength than Medicare could possibly have. That is why they are getting better discounts.

With that, Mr. Speaker, I urge a "no" vote.

Mr. STARK. Mr. Speaker, I remind my good friend from Wisconsin that he is quite right about the motion to recommit, but it was to a different bill. It was to H.R. 4770, which has no relationship to the bill that we are discussing today.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, today's bill is a genuine prescription for lower prices for our seniors that should have been adopted a long time ago. Too often, our seniors hit the donut hole paying higher premiums with no drug coverage while the big drug companies run off with all the dough.

During my service on the Ways and Means Committee, at every opportunity, I have offered an amendment for the same purpose as the bill we have today, to negotiate to protect our seniors and our taxpayers. But due to the power of the mighty pharmaceutical lobby and some late night shenanigans that happened right here on this floor and kept the Congress up all night to serve the interests of the pharmaceutical interests under the old Republican Congress, for the first time in this unique situation, we tell seniors and individuals with disabilities the government won't help.

Indeed, I asked the Congressional Research Service to look at every statute on the federal books, and, boy, that is a lot of them. And they looked, and they were unable to find any language anywhere in any federal law like this that says to the government, you can't negotiate better prices for taxpayers and for seniors.

So, today we should repeal that unreasonable one-of-a-kind limitation. For these Republicans to come out here who passed legislation to deny the choice of the government to negotiate to help seniors and today declare themselves to be "pro-choice" takes great audacity. To harm our community pharmacists the way their bill has harmed community pharmacists and now come and claim they are on the side of the neighborhoods takes real audacity. But audacity is something that is never in short supply from these folks.

They ought not to be afraid to do something to help our seniors and disabled just because Big Pharma says "no." Put seniors and taxpayers first. Break the stranglehold of the pharmaceutical lobby and enact this legislation.

Mr. CAMP of Michigan. At this time, Mr. Speaker, we reserve our time.

Mr. STARK. Mr. Speaker, could I inquire of the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from California has 22 minutes remaining. The gentleman from Michigan has 15 minutes.

Mr. STARK. Mr. Speaker, I am delighted to yield 1½ minutes to the distinguished gentleman from Georgia (Mr. LEWIS) who, like the Medicare Rights Center, knows if this bill becomes law, lower prescription drug prices will help millions of Medicare beneficiaries.

☐ 1230

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the chairman of the Health Subcommittee of the Ways and Means Committee for yielding.

Mr. Speaker, our seniors are still paying too much for lifesaving prescription drugs, and today we must ease that burden.

Seniors should not have to choose between paying for their medicines and paying to heat their homes or putting food on their table, and that is still a decision that too many of our seniors have to make. Seniors saw their premiums go up and their drug prices go up. People living on fixed incomes cannot afford these increases.

The big drug companies are the big winners under the prescription drug plan. They are getting a great deal, but the seniors are getting a bad deal, a raw deal. The drug companies' profits increased over $8 billion in the first 6 months of the prescription drug plan, $8 billion, while our seniors and taxpayers pay the bill. It is wrong and it is unnecessary; and today it is our duty, our obligation and a mandate to change that and bring down drug prices.

It is common sense to negotiate with drug companies to get lower drug prices. It is very simple. It is not that difficult. The VA does it and HHS has already done it too.

It is our duty to our seniors and to the taxpayers to lower drug prices. To do anything less is unfair to our seniors and a waste of money and a gift to the drug companies.

Mr. CAMP of Michigan. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I rise in strong opposition to H.R. 4.

Mr. Speaker, I rise in strong opposition to H.R. 4, a misguided policy that threatens to destroy the positive benefits provided to seniors through Medicare Part D. Arguments in support of this bill completely ignore the fact that under Medicare Part D, drug plans currently negotiate with drug companies to offer lower prices and better benefits for seniors. Due to strong competition among drug plans, the average Part D premium is now 42 percent less than originally projected. CMS actuaries recently announced that in 2008, Part D will cost taxpayers 10 percent less than it did this year. That will be 30 percent less than originally anticipated. In addition, most beneficiaries are satisfied with Part D. National surveys place beneficiary satisfaction at approximately 80 percent or higher.

According to the Congressional Budget Office, there are no projected cost savings associated with H.R. 4. This is because the only way to squeeze any more savings out of the current system is to limit formularies and steer patients to certain preferred drugs on a nationwide basis, as the VA does. With H.R. 4 in place, this would be a fairly easy step to take in the future. However, the VA model is not one we should follow. While 38 percent of the drugs approved by the FDA during the 1990s are on the VA formulary, it includes only 19 percent of drugs approved since 2000. One million of the 3.8 million Medicare age veterans in the VA health system have signed up for the Medicare Part D benefit because VA coverage is not adequate.

In the U.S., 43 million Medicare recipients account for 40 percent of all drug spending. With this kind of market share, Federal Government "negotiation" is in reality price setting. In the past, Democrats as well as Republicans have rejected federal price setting for Medicare drugs.

Noninterference clauses were included in past Democrat sponsored drug benefit legislation, including President Clinton's 1999 Medicare reform proposal, and two prescription drug bills offered by House Democrats in 2000.

It is important to point out the Federal Employees Health Benefits Program, routinely cited as a model for its quality and efficiency, relies on private health plans to negotiate drug prices on behalf of federal employees and Members of Congress. If federal price setting is not good for us, then it is not good for Medicare beneficiaries.

Mr. Speaker, the bottom line here is that having competing drug plans negotiate drug prices—rather than the federal bureaucracy—is the best way to administer the Medicare drug benefit. The current system has been extremely successful in keeping costs low. Diverse formularies and cost sharing arrangements allow seniors to choose the plan that meets their needs at the lowest possible cost.

I urge my colleagues to reject the ill-advised and misguided policy proposed by House Democrats and vote "no" on H.R. 4.

Mr. CAMP of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, at this time I am happy to yield 1½ minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

The Medicare prescription drug program was controversial from the start in part because of the notorious way it was strong armed through the House in the middle of the night after holding the voting machines opened for hours. Our new rules will prevent that.

Part of the controversy was the huge cost of a new unfunded entitlement with generous, probably unnecessary, subsidies and a prohibition on bargaining for a better price.

This better price is important because total drug costs for seniors, premiums and drugs, are going up. A review of drug company balance sheets where advertising and profit dwarfs basic research shows room to lower prices without undue stress on their research budget or their profit.

Competition and bargaining power combined with the Secretary's bully pulpit can probably save billions of dollars for seniors, hundreds, perhaps thousands, for individuals because these costs, remember, for most seniors are still going up.

Our action today is just a first step, a signal and a tool. The program is not set in stone. We are committed to the best treatment for our seniors and all taxpayers. This is a tool for the administration that, if they will use it, can save money and improve the program. It is a start on a longer and critical process to provide cost-effective quality health care for our seniors and ultimately for all Americans.

Mr. STARK. Mr. Speaker, at this time I am delighted to yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I am astonished today. It is only government interference when the little guy gets some help from the government. It is not government interference when corporations get subsidies and royalties from taxpayers. That is a different story. Well, it is a different story after November 7.

This legislation will require the Secretary of Health and Human Services to negotiate lower drug prices on behalf of those who enroll in the Medicare prescription drug plans. The current Medicare prescription drug law explicitly prohibits the Secretary from using the market power. The former Secretary wished he had it, under the Bush administration, this power for the 43 million beneficiaries. This power is splintered now among numerous private plans, and we have headed down the slippery slope of privatization of what were guaranteed benefits at one time.

The prices charged by Medicare plans are rising more than twice the rate of overall inflation, and many beneficiaries are seeing substantial premium increases, some as much as sixfold.

During the first 6 months of the program, the price for brand-name drugs rose 6.3 percent. For an average senior who relies on four drugs a day, this translates into an increase of 30 percent in prescription drug therapy for 1 year.

The simple fact is that part D is doing nothing to truly control the high cost of prescription drugs. In the past year, the average price of 20 top-selling prescription drugs rose 3.8 percent. Following suit, the average private plan price increased 3.7 percent. That means even with part D, Medicare beneficiaries still foot the entire bill for escalating drug prices.

Mr. STARK. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY), who agrees with the American Nurses Association that the direct negotiation authority in this bill is a commonsense means of improving access to needed prescription medications.

Ms. BERKLEY. Mr. Speaker, I represent the fastest growing senior population in the United States. Many of the seniors that I represent have no other income than their Social Security check. Many need multiple medications. Many cannot afford the medications that they need.

It never made any sense to me that we had a Medicare system that enabled seniors to go to a doctor but, when the doctor prescribed the medication that they needed, many seniors were unable to afford the medication that the doctor prescribed. So I was a great advocate for a prescription medication benefit for older Americans.

The Republicans' prescription medication so-called benefit that was passed at 6 o'clock in the morning as we sat here or stood here watching in horror as arms were twisted and threats were made on the other side of the aisle in order to garner enough votes to pass this dog of a piece of legislation, it has never benefited enough seniors that were in desperate need of affordable medication. So if it didn't benefit our seniors, whom did this legislation benefit? It benefited the pharmaceutical industry.

The bill that was passed was so bad that it is hard to point out the worst part of it. But if I were a betting woman, and coming from Vegas I am a betting woman, I would say that the worst, the absolute worst, section was the one that prohibits our government from negotiating with drug companies for lower drug prices for our seniors. It doesn't take a genius to know that allowing the government to negotiate drug prices will lower the cost. It is common sense. The VA has been negotiating for years, and it saves our veterans millions of dollars.

We should be encouraging our government to negotiate lower prices instead of allowing our drug companies to increase the costs.

Mr. CAMP of Michigan. Mr. Speaker, at this time I yield 2 minutes to a distinguished member of the Ways and Means Committee and the Health Subcommittee, the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, for all the efforts of the proponents of H.R. 4 to confuse this issue, it truly is a simple one, basically a choice between hot-air promises and real-life facts.

Today, some people are claiming we need government negotiation in order to increase the pool of Medicare beneficiaries trying to buy affordable drugs. Well, unfortunately, that math just doesn't add up. The pharmacy benefit managers negotiating drug prices on behalf of seniors enrolled in part D are the very same PBMs going to bat for tens of millions of the under-65 population, including those of us enrolled in the Federal Employee Health Benefit Plan. So if we took the Medicare population out from under that huge umbrella, they actually lose bargaining power, not gain it.

Another claim that is being made is that the Secretary will not have to limit the formulary in order to achieve promised savings. Mr. Speaker, if you believe that, I have got some oceanfront property in Arizona I would like to sell you.

Let us take a look at the VA plan as an example since it is being touted as a stellar illustration of government negotiating. The VA formulary has 1,300 drugs compared to more than 4,000 for Medicare.

And all the Medicare plans protect drugs for the most vulnerable, including drugs that treat cancer, AIDS, and mental illness. That is why H.R. 4 is opposed by the National Alliance on Mental Illness, the ALS Association, and others.

Finally, some are saying this bill will provide outstanding savings. Not to let the facts get in the way of a good story, but our own Congressional Budget Office says the effects of this bill will not save money.

Drug prices have fallen every year of part D's existence because of one thing: competition. And it is working great. As we say in Texas, "If it ain't broke, don't fix it."

This debate boils down to a choice between government promises and free market results. I urge Members to vote against H.R. 4.

Mrs. EMERSON. Mr. Speaker, I yield myself 15 seconds.

I would simply say that it is important for my colleagues to know that the same pharmacy benefit managers whom we have entrusted to negotiate the price of our own seniors' drugs are now being investigated in over 25 States for questionable business practices.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I am happy to yield 1½ minutes to the distinguished gentleman from Wisconsin (Mr. KIND), who agrees with the National Senior Citizens Law Center that H.R. 4 is an important step toward making the prescription drug benefit simpler, more affordable, and reliable.

Mr. KIND. Mr. Speaker, I thank my good friend and colleague for yielding to me and commend him on his leadership on this issue.

Mr. Speaker, let us be clear on what we are trying to do here today. We are trying to help you. We are trying to help find some cost savings on what was the largest expansion of entitlement spending in the last 40 years that was passed under your rule, with no ability to pay for it, all deficit financing, no cost-containment measures.

All we are saying here today with H.R. 4 is let us give the Secretary of Health and Human Services the ability to go out and negotiate a better deal for the American taxpayer. And I, for the life of me, don't understand why any Secretary, with all due respect to Secretary Leavitt's article in the papers yesterday, would not want to have this negotiating authority in their arsenal. In fact, the last outgoing Secretary of Health and Human Services, Tommy Thompson, during a moment of unguarded candor, said after his resignation that the one thing that he regretted while serving as Secretary of Health and Human Services was "I would have liked to have had the opportunity to negotiate." And he based that on his success in negotiating better prices for Cipro and FluMist.

The VA system is already negotiating better prices. It is working well. No one in this Congress is proposing any change or repeal with the VA system. And except for the administration's penchant for no-bid contracts, there is no other product or service in this country where we specifically prohibit the Federal Government from going out and negotiating a better price for the American taxpayer. We can change that today with passage of H.R. 4.

Let's give it a shot. Let us give the Secretary of Health and Human Services the discretion to negotiate better prices for our consumers.

In Wisconsin, there currently exist several programs that allow the state to negotiate with pharmaceutical companies for lower drug costs. For instance, Badger Rx Gold is a public-private sector partnership between the State and Navitus Health Solution that on average saves participants 23 percent on prescriptions. SeniorCare is another program that has successfully negotiated lower drug costs for seniors in Wisconsin. Since enrollment in Medicare Part D began in May of 2006, there has been an increase in the number of participants in SeniorCare from 85,000 to over 110,000.

According to an analysis by AARP Wisconsin, more than 94 percent of SeniorCare participants are better off under SeniorCare than they would be under Medicare Part D because the co-payments are lower and the coverage is more comprehensive. Therefore, it is critical that the Secretary of Health and Human Services also have the authority to negotiate for lower drug costs so all seniors in our country can benefit.

Mr. Speaker, having clearly seen the success of negotiating lower drug costs at both the state and federal level, I enthusiastically support the legislation before us today, and I urge my colleagues to support H.R. 4.

Mr. CAMP of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I am delighted to yield at this point 1½ minutes to one of the authors of the bill, the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I thank the gentleman from California for yielding.

I am a proud sponsor of this bill. My interest in this bill is both professional and personal. I have worked in senior centers for years and watched seniors struggle with insurance companies and pharmaceutical companies. And then I watched my father struggle, through three major illnesses, with insurance companies and pharmaceutical companies. My father would have been delighted to have somebody come from the Federal Government and say, I am here to help you, because my father needed that help, and so do all the other seniors in this country. And do not believe for a moment that things are better now, because my mother also receives prescription drugs and struggles with the cost and worries about what is happening to the money that she has left.

□ 1245

I urge my colleagues to please support this bill. It is a beginning. It is the voice of the people, the voice of the taxpayers.

Who sits at the table right now with the insurance companies and the pharmaceutical companies while they negotiate? We don't. The taxpayer cannot sit at the table. But if my colleagues pass this bill, the American taxpayer, the seniors and all those who require these drugs will finally be represented.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, the distinguished member of the Ways and Means Committee, Mr. BRADY.

Mr. BRADY of Texas. Mr. Speaker, I am a member of the Ways and Means Committee, proud to have helped create the Medicare prescription plan; it is really helping a lot of our seniors in Texas, especially those who are very poor and have some of the most expensive illnesses.

I think we can do more to improve the Medicare prescription drug plan, we ought to work better together; but I oppose directing the Federal Government to interfere with the successful Medicare prescription drug plan.

If you look closely, this is a senior scam. I am warning my mom, who is on Medicare, that this is just another senior scam. It sounds fantastic, but when you read the fine print, you realize the only savings you get is, if you just restrict the drugs that she can get, you limit where she can go to get them, and every expert says this won't save a dime. Sure, I can save everyone in this room costs on their medicines. I am just going to, like the VA does, I will tell you, you can't have those medicines and you can't get them where you need them.

Our seniors, my mom has a choice of 4,000 drugs, if she was in the VA, she would get a choice of a thousand, most of them generics. Now she has 55,000 pharmacies, hopefully she won't go to all of them; with VA, she would get to go to 300 of them. If she tried to find the drugs she needs, a one out of four chance she would find the one she really needs.

The truth of the matter is that we ought to be working together to help improve Medicare. We ought not be trying to score political points. We ought to be helping seniors lower their drug costs.

This is a scam; and I predict it will not ever become law because this scores political points rather than helping seniors with their medicines. Let's find a way we really can work together for our seniors.

Mr. STARK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Connecticut (Mr. MURPHY), who concurs with Consumers

Union that government-priced negotiations on behalf of consumers could cut pharmaceutical drug prices roughly in half.

Mr. MURPHY of Connecticut. I thank my good friend from California.

Mr. Speaker, I rise today in support of H.R. 4.

The average guy out there doesn't ordinarily pay much attention to the minute details of Federal prescription drug law. You have to screw up pretty bad to create a grassroots movement centered around a one-line sentence buried deep in the depths of the Medicare Act, but that is exactly what happened here.

For those of us who are coming here anew, we have spent the last 2 years talking to our seniors and our taxpayers about the horrors of this bill. As the cost of this program skyrocketed, as premiums increased, as the donut hole expanded, seniors suffered and drug companies prospered.

And guess what? The American people started to notice that little sentence buried deep in that Medicare Act that seemed so out of place and so unnecessary.

My presence here today is a living example of this popular discontent which those on the other side of the aisle seem so eager to ignore. And even if this bill doesn't fix that Medicare drug program overnight, it is an unmistakable signal to the people that I represent back home that this House is no longer a place where industry can profit off of a desperately needed social program; it is a place now where common sense comes first.

Mr. STARK. Mr. Speaker, I am delighted to yield 1 minute to the distinguished gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, it is with great honor that I stand as a co-sponsor of this bill that is sponsored by Chairman DINGELL, Chairman RANGEL and others.

One of the major issues I heard during my campaign from seniors was how much it cost them to buy drugs and how it is essential for their life and well being.

This weekend we will be celebrating, on Monday, the birthday of Dr. Martin Luther King, observing his birthday. Dr. King knew there was economic and social justice, both. Dr. King said equality means dignity, and dignity means that you can afford some health care, and you don't have to spend every penny on the utility bill and on drug prices and you run out of money.

WWMLK, what would Martin Luther King do today? He would vote for this bill. I ask everybody else to do it in honor of Dr. King.

Mr. STARK. Mr. Speaker, I am delighted to yield 1½ minutes to the distinguished member of our Ways and Means committee, the gentleman from New York (Mr. CROWLEY), who agrees with Families USA, the national voice of health care consumers, that H.R. 4 is an important first step in improving part D.

Mr. CROWLEY. I thank my friend from California for yielding such time.

Mr. Speaker, I rise in strong support of H.R. 4, bipartisan legislation that will correct a glaring flaw in the prescription drug law.

This commonsense bill will require the Federal Government to negotiate for lower drug prices for American seniors and people with disabilities in the Medicare program.

It sounds like common sense, right? But the Republicans actually wrote into law language explicitly prohibiting the government from negotiating for lower prices for American seniors. Instead of using the bully pulpit of the Secretary of Health and Human Services to lower costs, they put a muzzle on him, banning any negotiations.

There has never been legislation passed in law prior to that that strictly prohibits any agency from negotiating. From war planes to medical equipment, the Federal Government has always been able to negotiate.

Furthermore, 85 percent of respondents in a recent Kaiser Family poll support legislation to allow the government to negotiate lower drug prices.

The ability to require the Secretary of Health and Human Services to negotiate the cost of prescription drugs purchased through the Medicare program has the potential to constitute a tremendous savings for recipients, and therefore for all taxpayers.

I am pleased that within the first 100 hours of Democratic control of Congress, we are moving to help alleviate the high price of prescription drugs on our seniors.

America is going in a new direction, and that direction is forward.

Mr. CAMP of Michigan. Mr. Speaker, I would like to place into the RECORD four letters, from the American Legion, the Lou Gehrig's Association, the National Alliance on Mental Illness and the American Autoimmune Association, all opposed to H.R. 4, concerned about its effect on the prescription drug benefit for seniors.

THE AMERICAN LEGION,
Washington, DC, January 11, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: The American Legion urges you and your colleagues to re-evaluate the "noninterference" provision of Chairman Dingell's proposed legislation, H.R. 4, The Medicare Prescription Drug Price Negotiation Act of 2007. It would amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries.

Each time the Federal government has enacted pharmaceutical price control legislation, the Department of Veterans Affairs (VA) has experienced significant increases in its pharmaceutical costs as an unintended consequence. A fundamental principle in the price negotiation process so that the "lowest price" establishes the baseline. By simply raising the baseline, it sustains or possibly increases the corporate bottom line based on the projected increased volume in sales. An increased baseline minimizes the margin in future price negotiations.

The American Legion strongly urges you and your colleagues to seriously consider the collateral damage that would result from listing the current "noninterference" provision in section 2 of H.R. 4 on VA's formulary and the Federal Supply Schedule. This "noninterference" provision is not in the best interest of America's veterans and their families. VA is a health care provider, whereas Medicare is a health insurer. Any possible Medicare savings would likely result in a reciprocal cost to VA.

Sincerely,

PAUL A. MORIN,
National Commander.

THE AMYOTROPHIC
LATERAL SCLEROSIS ASSOCIATION,
Washington, DC, January 4, 2007.

DEAR MEMBER OF CONGRESS: I am writing on behalf of The ALS Association to express our strong opposition to legislation that would eliminate the noninterference provision of the Medicare Modernization Act (MMA). Legislation that authorizes the federal government to negotiate Medicare prescription drug prices will significantly limit the ability of people with ALS to access the drugs they need and will seriously jeopardize the future development of treatments for the disease—a disease that is always fatal and for which there currently are no effective treatment options.

The ALS Association is the only national voluntary health organization dedicated solely to finding a treatment and cure for amyotrophic lateral sclerosis (ALS). More commonly known as Lou Gehrig's disease, ALS is a progressive neurodegenerative disease that erodes a person's ability to control muscle movement. As the disease advances, people lose the ability to walk, move their arms, talk and even breathe, yet their minds remain sharp; aware of the limitations ALS has imposed on their lives, but powerless to do anything about it. They become trapped inside a body they no longer can control.

There is no cure for ALS. In fact, it is fatal within an average of two to five years from the time of diagnosis. Moreover, there currently is only one drug available to treat the disease. Unfortunately, that drug, Rilutek, originally approved by the FDA in 1995 has shown only limited effects, prolonging life in some patients by just a few months.

The hopes of people with ALS—those living today and those yet to be diagnosed—are that medical science will develop and make available new treatments for the disease; treatments that will improve and save their lives.

However, The ALS Association is deeply concerned that the elimination of the MMA's noninterference provision will dampen these hopes and will result in unintended consequences for the thousands of Americans fighting this horrific disease. The potential impacts are significant and include:

LIMITS ON INNOVATION

While reducing the cost of prescription drugs is an important goal, it should not be done at the expense of innovation. Unfortunately, eliminating the MMA's noninterference provision will limit the resources available to develop new breakthrough medicines. This is especially troubling for a disease like ALS, for the development of new drugs offers patients their best, and likely only, hope for an effective treatment.

Additionally, by establishing price controls, Congress will undermine the incentives it has established to encourage drug development in orphan diseases, like ALS. As resources available for research and development become more scarce, there will be even less incentive to invest in orphan drug development.

LIMITS ON ACCESS

The elimination of the noninterference provision will have particularly cruel consequences for people with ALS. It means that even if a new drug is developed to treat ALS, many patients likely will not have access to it. That's because price controls can limit access to the latest technologies. Proponents of government negotiated prices cite the Department of Veterans Affairs as a model for how the government should negotiate prices for Medicare prescription drugs. Yet under that system, patients do not have access to many of the latest breakthrough treatments. For example, two of the most recently developed drugs to treat Parkinson's and Multiple Sclerosis, neurological diseases like ALS, are not covered by the VA due to the government negotiated price. Ironically, those drugs currently are covered by Medicare Part D.

Given this scenario, we are deeply concerned that any new drug that is developed for ALS will not be available to the vast majority of patients who need it. Instead they either will be forced to forgo treatment, or only will have access to less effective treatment options—ones that may add a few months to their lives, but not ones that will add years or even save their lives.

PEOPLE WITH ALS RELY ON MEDICARE

A significant percentage of people with ALS rely on Medicare, and the newly established prescription drug benefit, to obtain their health and prescription coverage. In fact Congress recognized the importance of Medicare coverage for people with ALS by passing legislation to eliminate the 24-month Medicare waiting period for people disabled with the disease. This law helps to ensure patients have timely access to the health care they need. With the establishment of the Part D benefit, Congress also has now helped to ensure that people with ALS have access to coverage for vital prescription drugs.

Yet this improved access is threatened by short-sighted and inappropriately cost driven efforts to remove the noninterference provision. If Congress makes this change, they will undo what the MMA sought to ensure: access to needed prescription drugs.

While the ALS Association appreciates attempts to improve access to affordable prescription drugs, we believe that Congress must consider the implications of its actions on coverage, access and the advancement of medical science. We fear that in an effort to control costs, Congress may limit treatment options, discourage innovation, and extinguish the hopes of thousands of Americans whose lives have been touched by ALS and who are fighting to find a treatment and cure. On behalf of your constituents living with Lou Gehrig's disease, we urge you to oppose legislation to eliminate the noninterference provisions of the Medicare Modernization Act.

Sincerely,

STEVE GIBSON,
Vice President,
Government Relations and Public Affairs.

NATIONAL ALLIANCE ON
MENTAL ILLNESS,
Arlington, VA, January 9, 2007.

Hon. NANCY PELOSI
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: On behalf of the 210,000 members and 1,200 affiliates of the National Alliance on Mental Illness (NAMI), I am writing to express concerns regarding H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. As the nation's largest organization representing individuals with severe mental illnesses and their families, NAMI is concerned about the potential impact of H.R. 4, and repeal of the so-called "non-interference" provision in the Medicare drug benefit, on critical access protections for the most vulnerable Medicare beneficiaries living with severe mental illness.

As you know, the "non-interference" protection was a part of numerous legislative proposals for extending a prescription drug benefit in Medicare going back nearly a decade. Legislative proposals that were put forward by members of Congress on both sides of the aisle, and by both the Clinton and Bush Administrations, included this restriction on the Secretary negotiating a single price and formulary structure given the diverse treatment needs of the Medicare population. In NAMI's view, this restriction is an important part of ensuring that beneficiaries can work with their doctors to access the treatment that works best for them. While NAMI strongly supports the shared goal of making prescription drug coverage affordable for all Medicare beneficiaries, we also want to ensure that this is properly balanced against the need to ensure broad access to all covered Part D drugs—especially for the most vulnerable beneficiaries.

NAMI would like to offer the following concerns regarding H.R. 4 and its potential impact on the Medicare Part D benefit for individuals living with severe mental illness.

(1) H.R. 4 and its Mandated Negotiation Requirement Jeopardize the CMS Formulary Guidance Allowing for Broad Coverage of Psychiatric Medications in Medicare

For the 2006 and 2007 plan years, CMS has put in place guidance to all Part D Prescription Drug Plans (PDPs) and Medicare Advantage (MA) plans requiring coverage of "all or substantially all" of the medications in 6 protected classes: anti-neoplastics, immunosupressants, antiretrovirals, anti-convulsants, anti-depressants and anti-psychotics. Of these 6 protected classes, 3 are essential to effective treatments for mental illness: anti-convulsants (commonly prescribed as mood stabilizers for bipolar disorder), anti-depressants (commonly prescribed to treat major depression) and anti-psychotics (prescribed for both schizophrenia and bipolar disorder).

CMS put this "all or substantially all" coverage requirement in place on top of the basic statutory provision in the MMA for 2 drugs per class. The separation of these 6 drug classes is based on the reality that the medications in these categories are not clinically interchangeable and that a limit in formularies of only 2 drugs would pose a dangerous risk to the most vulnerable and medically fragile Medicare beneficiaries.

It is important to note that this requirement for "all or substantially all" coverage is NOT delineated in Section 1860D4(b)(3), the statutory requirements for formularies. As a result, this guidance is not part of the Part D regulations. Instead, it is "sub-regulatory" guidance given annually to PDPs and MA plans and must be renewed each year. As such, its existence is subject to the discretion of the Secretary and would certainly be displaced by any mandate imposed by Congress to negotiate directly with manufacturers on price.

Further, it is almost certain that the Secretary's ability to demand "discounts, rebates or price concessions" as required in H.R. 4 would be undermined by maintaining this guidance (i.e., the Secretary would have little or no leverage to demand discounts or rebates). NAMI is extremely concerned that placing this new legal mandate on the Secretary would directly result in loss of the "all or substantially all" guidance in the 6 protected classes, and therefore poses a significant risk to Medicare beneficiaries with mental illness.

(2) The Formulary Protections in H.R. 4 are Vague and Could Allow Imposition of a Single Preferred Drug List (PDL) for all Part D Plans as in Medicaid.

Currently under Medicaid, most states include their pharmacy benefit a requirement for physicians to prescribe off a limited PDL. This PDL is typically distinct from a larger formulary that includes a broader list of available medications. Medications on this preferred list are typically chosen on the basis of manufacturers who are willing to pay higher supplemental rebates (deeper discounts) to the state—NOT on the basis of clinical superiority. For years, NAMI has been concerned about the proliferation of such policies in Medicaid and we fought to create and maintain exemptions from these PDLs for medications to treat mental illness.

NAMI is extremely concerned that the language in H.R. 4 that is intended to prevent a single national formulary in Part D (page 2, lines 19–22) would still allow the Secretary to establish a national PDL for all Part D plans. The rule of construction in the bill speaks only to "a particular formulary," not a PDL. Further, the second rule of construction (page 2, line 23) appears to merely restate the existing formulary standards in Section 1860D4(b)(3). If mandatory price negotiation by the Secretary were to follow the pattern established in Medicaid, use of a national PDL is likely a tool that HHS would be forced to employ—and the language in H.R. 4 would not prevent it.

(3) The Experience of the VA and Medicaid Raise Concerns About Direct Government Negotiation and its Impact on Access.

Advocates for repeal of the "non-interference" protection cite both the Department of Veterans' Affairs and Medicaid as examples of how the government has used negotiation to deliver deep discounts from manufacturers. At the same time, both Medicaid and the VA have also placed significant restrictions on access for individuals with mental illness. For example, as noted above PDLs are prevalent across state Medicaid agencies—any of which limit the choice of available anti-psychotics to as few as 2 medications.

Further, in recent years, Medicaid programs have been increasingly relying on step therapy and "fail first" requirements. Likewise, the VA's single national formulary completely excludes a number of anti-depressants that now included in all Part D formularies. Finally, the VA imposes a policy that permits individual VISN clinical directors to require a veteran with a mental illness prescribed an anti-psychotic to first go on one of the older 1st generation "typical" agents before being able to access a second generation "atypical" agent. NAMI is certainly troubled by references to both

Medicaid and VA as viable alternative models to the current Part D program.

Conclusion.

NAMI understands that H.R. 4 is being brought to the full House without the benefit of hearings in the Energy & Commerce and Ways & Means Committees where the impact of repeal of the "noninterference" protection on access to medications for the most vulnerable Medicare beneficiaries could be explored in greater detail. Likewise, repeal of the "non-interference" clause was never voted on by the House in the 109th Congress. NAMI will certainly press the issues related to patient access when H.R. 4 reaches the Senate.

NAMI shares the goal of all House members to ensure that the Part D program reaches its full potential of meaningful and comprehensive prescription drug coverage. There are a range of legislative changes to Part D that are needed to make the program work better for beneficiaries living with mental illness including codifying the status of the 6 protected therapeutic classes, allowing coverage of benzodiazepines, exempting certain non-institutionalized dual eligibles from cost sharing, repealing the asset test for the Low-Income Subsidy (LIS) and permitting private prescription assistance programs to provide free medications in the "doughnut hole" coverage gap. NAMI looks forward to working with you and your colleagues to move these needed reforms forward in 2007.

Sincerely,

MICHAEL J. FITZPATRICK,
Executive Director.

AMERICAN AUTOIMMUNE
RELATED DISEASES ASSOCIATION, INC.,
East Detroit, MI, January 9, 2007.

Hon. JOHN D. DINGELL,
House of Representatives
Washington, DC.

DEAR CHAIRMAN DINGELL: My letter to you today is to urge you to support the Medicare/Medicaid prescription drug benefit as established by the Medicare Modernization Act of 2003 (MMS) and to oppose efforts to repeal the non-interference provision. All of our feedback from patients is that the current program is working well and that they are satisfied. I am deeply concerned that efforts to give the government responsibility for negotiating drug prices will ultimately lead to a loss of choice and access for patients with serious, disabling autoimmune diseases.

The American Autoimmune Related Diseases Association (AARDA) is the only national organization dedicated to addressing the problem of autoimmunity—the major cause of chronic illness. AARDA is dedicated to the eradication of autoimmune diseases and the alleviation of suffering and the socioeconomic impact of autoimmunity through fostering and facilitating collaboration in the areas of education, research, and patient services in an effective, ethical and efficient manner.

As a group, Medicare/Medicaid beneficiaries are particularly vulnerable to the devastating personal and financial effects of autoimmune diseases. Disabling autoimmune diseases can significantly diminish the quality of life and it can entail thousands and thousands of dollars in treatment costs over the course of the illness. For most autoimmune disease sufferers, prescription drugs are the chief and best source of treatment, particularly as newer medications, such as monoclonal antibodies, have been developed that not only work better, but can inhibit the progression of diseases such as rheumatoid arthritis.

The Medicare/Medicaid prescription drug benefit has been a godsend for thousands of disabled persons struggling with autoimmune-related chronic illnesses. For the first time, they are able to achieve substantial savings on their treatment costs. Even with the so-called "doughnut hole," beneficiaries are saving an average of $1,200 per year.

Of even greater concern than the costs involved, however, is the likelihood that turning negotiations over to the government will reduce patient access to a wide variety of medications, particularly the newest and most effective medications. Autoimmune disease patients who were with the Veterans' Plan have opted-out because of the difficulties in obtaining the drugs they need.

The program currently provides Medicare/Medicaid beneficiaries with a choice of plans, enabling them to select the coverage that best meets their needs. For someone with a chronic autoimmune disease, access not just to medication, but to the right medication, is critical. Just as the same autoimmune disease will afflict each individual in a unique way, the same medication will have varying degrees of effectiveness for each patient. Two people with rheumatoid arthritis, multiple sclerosis, or lupus, for example, can take the same medication and have completely different experiences. That is one key reason the element of choice is such a crucial component of the Medicare/Medicaid prescription drug program: Beneficiaries are better assured they can select a plan that will cover medication they and their physician have determined is best for them—rather than being limited to the medications the government may decide to cover. Congress should not do anything that would undermine the success of the program and its benefits for seniors and disabled persons. I believe that repealing the noninterference provision would do just that.

I have seen firsthand the dramatic difference the Medicare/Medicaid prescription drug benefit is making in the lives of people with autoimmune diseases. This program is a bright example of a government effort that works, and works well. I again urge you to support, protect, and expand it, and oppose any measures (particularly government interference in price negotiations) that would limit its potential to help Medicare beneficiaries and improve their lives.

Thank you for taking the time to consider the concerns of AARDA and its members. I look forward to hearing from you regarding this issue.

Sincerely,

VIRGINIA T. LADD,
President and Executive Director.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER), a distinguished member of the Ways and Means Committee.

Mr. WELLER of Illinois. I thank the gentleman from Michigan for yielding me time.

Mr. Speaker, I rise today in opposition to H.R. 4. Clearly this legislation is a solution in search of a problem, an example of politics prevailing over good policy, and frankly one of my disappointments as a member of the Ways and Means Committee is it was a bill rushed to the floor without hearings and without action in the Ways and Means Committee. I believe that is a bipartisan concern for all of us today.

If you look at the record, the system set up in the Medicare Modernization Act used the power of competition, and it has been successful. Competition is working. Today, a senior's average monthly premium for their prescription drug plan is only $22 a month, down from $23 this past year. My own parents were expecting a $35 a month premium. Today they are enjoying that $22 a month premium and seeing real savings. I note that seniors across the board are seeing real savings. There are 23 drug plans in the district I represent that have a zero premium for low-income seniors. There are 34 drug plans in the district I represent with zero deductible. And on average, in the 11th Congressional District of Illinois, seniors are saving an average of $1,200 over their previous medicine expenses because of Medicare part D. It is working. At the same time, seniors have more choices. We have seen a 13 percent increase in the number of medications they have available, again because of Medicare part D. That is why 80 percent of seniors say they like Medicare part D. They like the plan they have. That is why so many are concerned about those who want to have the government interfere in the health of our seniors, who want to get the government into our medicine cabinets.

My Democrat friends claim that this legislation will repeat practices used by the Department of Veterans Affairs, but if you look at the record, not only is that approach harmful to Medicare beneficiaries, it has been harmful to our veterans. Every time Congress has enacted pharmaceutical price control legislation, the Veterans' Administration has experienced significant increases in its pharmaceutical costs. That is why groups like the Military Order of the Purple Heart and the American Legion have said H.R. 4 is not in the best interest of America's veterans and their families. That's right. Let's join our veterans' organization and vote "no" on H.R. 4.

Mr. STARK. Mr. Speaker, before recognizing the next speaker, I would like to concur with the remarks of the gentleman from Illinois. Many of us on this side of the aisle shared his concern with the rapidity with which we had to bring this to the floor. I want to commend both the ranking member and the chairman of the Ways and Means Committee as well as the ranking member of the Health Subcommittee for attempting to have as much time as we could for Members on both sides of the aisle to work on this bill before its coming to the floor today, but I do concur with his statement.

Having said that, I would like to recognize the gentleman from Connecticut (Mr. COURTNEY) for 1 minute.

Mr. COURTNEY. Mr. Speaker, in 1991, as chairman of the Connecticut House Human Services Committee, I brought out to the floor of the Connecticut Assembly legislation which created a manufacturer's rebate for the

State's Medicaid and Connpace prescription drug programs that provide coverage to seniors. The rebate gave the State an 11 percent discount off the average wholesale price of medications purchased by Connecticut. At the time we heard all the same arguments in opposition that are being used today, that rebates were price controls, they stifle R&D, that the State would be left with a restrictive formulary denying needed medications for the elderly. We went ahead and passed that bill, and I can say with pride today that this measure has saved Connecticut taxpayers tens of millions of dollars yearly and resulted in no, I repeat no, harm to Connecticut's seniors or the State's pharmaceutical industry.

I point this history out not to pat myself on the back, although I am proud of that legislation, but rather to confirm that H.R. 4's plan for price negotiations is not just a theory but, rather, legislation that is grounded in real life, empirical, successful experience.

For those of us who have fought this battle at the State level, this debate is like Yogi Berra's "deja vu all over again." For the fiscal health of Medicare and for the physical health of our seniors, let's vote for H.R. 4.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong opposition to this legislation which I would suggest is simply a politically motivated attempt by some to punish a vital, particularly American industry.

I come from a State that celebrates thousands of discoveries by pharmaceutical researchers for treatments and cures for debilitating illnesses such as heart disease, juvenile and adult diabetes, Alzheimer's, Parkinson's and HIV that really affects the lives of millions of men, women and children. I am very supportive of an industry that directly employs over 70,000 of our State's residents and nearly half a million Americans nationwide. They don't need to be punished nor have their lives, their livelihoods controlled by Big Brother.

This proposal will drive jobs out of my State and our Nation to Europe, the Pacific Rim, to China and India. Instead of protecting American ingenuity, this proposal will stifle innovation and be a death knell for profound medical research advances that were unthinkable a decade ago and which we now stand on the threshold of achieving.

Mr. Speaker, what is more important, the Medicare drug benefit is working. The best way to foster innovation, keep prices low and, most importantly, ensure seniors have access and choices for their medicines is through competition. Competition works.

Mr. Speaker, I rise in strong opposition to this legislation, which I would suggest, is simply a politically motivated effort by the Some to punish a vital, particularly American industry.

Coming from a State that celebrates thousands of discoveries by pharmaceutical researchers for treatments and cures for debilitating illnesses such as heart disease, juvenile and adult diabetes, Alzheimer's, Parkinson's, and HIV that really affect the lives of millions of men, women, and children, I am very supportive of an industry that directly employs over 70,000 of our State's residents and nearly half a million Americans nationwide.

This legislation makes not only drug manufacturers, but also may I add, our local pharmacists and their drug dispensing fees, subject to government price controls, endangering the very research and development that makes my State the "Medicine Chest" of the world.

This proposal will drive jobs out of my State and our Nation to Europe, the Pacific Rim to India and China. Instead of protecting American ingenuity, this proposal will stifle innovation and be a death knell for profound medical research advances that were unthinkable a decade ago and which we now stand on threshold of achieving.

And, what is far more important, my colleagues, the Medicare Drug benefit is working. Nearly 20 million seniors who previously had no coverage at all now have access to comprehensive prescription drug coverage. The average senior is saving $1,200 a year on their prescriptions and 9 milion low-income seniors pay nothing for drug coverage. Half a million seniors who never had coverage in New Jersey now have it.

For the past year, we have heard politically inspired promises from my Democratic colleagues that they would introduce legislation to close the Medicare "donut hole" for the few seniors who fall into it. To achieve this goal I have heard over and over again from my colleagues on the other side that the Veterans Administration system should serve as a national model for lowering prices. However, as most know, the VA decides which drugs patients receive. Patients do not have a choice and neither do their physicians.

I would then ask my colleagues to point to the provision in this legislation that sets aside funds to fill the donut hole for those seniors. However, no one can show me this provision because no such provision exists. Filling the donut hole carries a price tag of at least $450 billion and this bill will not produce anywhere close to that kind of savings.

Actuarial experts from both the Congressional Budget Office and outside, independent groups have stated that there is no ability to negotiate lower prices without the government approving and rejecting which drugs a physician can prescribe a patient.

Like Hugo Chavez in Venezuela, the new majority heads in the direction of nationalizing drug companies, establishing price controls, devaluing patents, and disemboweling critical research and development.

Mr. Speaker, the best way to foster innovation, keep prices low and ensure seniors have access and choices for their medicines is through competition. Competition works.

Mr. Speaker, I urge a "no" vote on this bill.

Mr. STARK. Mr. Speaker, I am delighted to recognize the distinguished gentleman from Illinois (Mr. HARE) for 1 minute and comment that, before joining us, he served for 24 years as Mr. Lane Evans' district director, a man who is known on both sides of the aisle for his support for veterans' issues.

Mr. HARE. I thank the gentleman for yielding.

Mr. Speaker, recently I was at a pharmacy in my district. A man in his late seventies went to the counter to pay for his prescription and found that he had hit the donut hole. The prescription was $350. The people that were there with him passed the hat, and we collected $350. It was enough to pay for 5 days of medication for this man. For him and for the countless other seniors in my district, I rise today in strong support of H.R. 4, the Medicare Prescription Drug Negotiation Act. H.R. 4 would require the Department of Health and Human Services to negotiate with pharmaceutical companies for lower drug prices for Medicare beneficiaries.

☐ 1300

Estimates indicate that drug prices would go down by 35 percent by the year 2025, and lower prices would prevent millions of seniors from paying out of pocket for their medications.

Fighting for affordable health care is the reason that I ran for Congress, and I start that fight today by voting for H.R. 4.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.R. 4, which would provide less choice and no savings. I think my friends on the other side of the aisle failed to mention some of the negative aspects of the veterans drug plan, which they are now highlighting as a model for government negotiation.

I know they haven't highlighted the fact that many widely used drugs, including Lipitor, the most widely used drug in America, isn't even available through the VA plan. I wonder if my friends on the other side of the aisle are prepared to tell their seniors why they can't get Lipitor.

Are they prepared to tell them they can't go to their local pharmacy, but have to go to a VA pharmacy, which could be hundreds of miles away, or they have to order their drugs through the mail? I wonder why one-third of the veterans have already moved to the part D plan.

Personally, I know my seniors would want to be able to choose a drug plan that gets them the best deal for the drugs they use. They don't want to be locked into a one-size-fits-all plan that doesn't cover their drugs, especially since the CBO says it won't save them any money.

Mr. Speaker, I urge opposition to this bill.

Mr. Speaker, I rise in opposition to H.R. 4, which would provide less choice and no savings.

This morning, as I reviewed all of the letters of support and opposition on this bill, I was struck by the lack of patient group support for this legislation. I could not find a single letter from the American Cancer Society, any diabetes group, or the American Heart Association supporting government negotiation under Medicare Part D.

What I did find was a letter from the Alliance for the Mentally Ill of Greater Chicago, in opposition to the bill, which I think represents the views of all these groups.

It states, and I quote, "To date, government interventions in prescription medication pricing, at the federal and state levels, have resulted in policies restricting access to medications."

Mr. Speaker, I ask unanimous consent that the full text of this letter be included in the RECORD.

In addition, I think my friends on the other side of the aisle have failed to mention some of the negative aspects of the Veterans Drug Plan they are now highlighting as the model from government negotiation. I know they haven't highlighted the fact that many widely used drugs—including lipitor, the most used drug in America—aren't even available through the VA Plan. I wonder if my friends on the other side of the aisle are prepared to tell their seniors why they can't get their lipitor or why they need to fail on a less costly drug first. Are they prepared to tell them that they can't go to their local pharmacy or that they need to order their drugs through the mail?

Personally, I know my seniors want to be able to choose a drug plan that gets them the best deal on the drugs they use. They don't want to be locked into a one-size-fits-all plan that doesn't cover their drugs.

And then there is the other issue nobody on the other side of the aisle wants to talk about. According to the Congressional Budget Office, the legislation we are considering today won't save seniors any money and won't save the government any money. So why should seniors give up their drug coverage if it won't even save them money?

Mr. Speaker, I oppose this legislation because it threatens to limit the drug choices of America's seniors without saving them or the government any money. Currently, there are 54,575 seniors in my district that utilize the Medicare Part D program, and they save on average $1,200 a year. Costs to seniors are already less than originally projected and they are expected to fall further. Let's let the program continue to work.

Mr. STARK. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for the purpose of a unanimous consent request.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 4, the "Medicare Prescription Drug Negotiation Act of 2007," a bill that will require the government to negotiate for lower drug prices for Medicare beneficiaries and people with disabilities in the Medicare program.

Mr. Speaker, I would like to pay special tribute to my good friend, Chairman JOHN DINGELL, for his lifetime of devoted service to the cause of affordable health care for all Americans. I also thank the Democratic leadership, led by Speaker PELOSI, making affordable prescription drugs for Medicare beneficiaries a central issue in the last election, which saw the voters return the Democrats to the majority in this chamber for the first time in twelve years. Democrats promised to chart a new direction for America if given the chance to lead. Today, we take another giant step toward fulfilling that promise.

Mr. Speaker, under the current law, which was passed in the dead of night with little time for members of Congress to review the hundreds of pages of text involved in such a complex proposal and was written largely by and for the pharmaceutical industry, Medicare is explicitly prohibited from negotiating lower prices. It is past time for Congress to repeal this provision and put the needs of the American people before those of special interests.

Allowing the government to negotiate for lower prescription drug prices puts the interests and well-being of ordinary Americans first by making health care more affordable for Medicare beneficiaries, who include millions of our country's most vulnerable citizens, seniors and individuals with disabilities. Our seniors and individuals with disabilities should not be forced to choose between buying medications and paying for rent or food. Lower prescription drug prices could go a long way to eliminate this Hobbesian choice.

The ability to negotiate the cost of prescription drugs purchased through the Medicare program also will generate tremendous savings to the taxpayers. We have a duty to the taxpayers to get the best return on their hard-earned money, especially on costly pharmaceuticals for which the federal government facilitates purchases in such large quantities.

Drug prices under the Medicare prescription drug plan are more than 80 percent higher than prices negotiated by other agencies in the federal government and more than 60 percent higher than prices in Canada. In 2007, many beneficiaries in private drug plans will see their premiums increase by an average of ten percent, and some premiums will rise more than six-fold if they stay in the same plan.

We cannot afford to stay with the same faulty plan but must change direction to reflect the will of the American people. The American people overwhelmingly support having the Secretary of HHS negotiate for lower prescription drug prices on behalf of Medicare. The bill also has the support of a number of organizations including the AARP, the National Committee to Preserve Social Security and Medicare, the Consumer's Union, the AFL–CIO, and Families USA.

We have heard the voice of the American people and we must not ignore our duty to act in their best interests. Allowing the federal government to negotiate for lower drug prices for Medicare beneficiaries is merely a start to our fulfilling that duty.

Mr. Speaker, the Medicare Prescription Drug Negotiation Act of 2007, represents a win-win situation. Medicare beneficiaries will be able to obtain needed prescription drugs at prices they can afford and the taxpayers will get a greater return on their dollars by taking advantage of economies of scale. I urge all members to vote for H.R. 4, which will enable the federal government to negotiate for lower drug prices for Medicare beneficiaries.

Mr. STARK. Mr. Speaker, I am delighted to yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE), one of the cosponsors and coauthors of the bill.

Mr. ALTMIRE. Mr. Speaker, I rise today in strong support of this bill, which gives the HHS Secretary the ability to negotiate group discounts with drug companies.

I have to admit that I am amazed that we are even having this debate. How could anyone possibly oppose negotiating group discounts to reduce the cost of prescription drugs for Medicare beneficiaries? We already do it in the VA, and it has worked. Why not allow Medicare beneficiaries the same savings? I can't believe anyone would oppose such a measure. I find it absurd that Congress would prevent a Federal agency from exploring ways to reduce costs for seniors and save the American taxpayers money.

The truth is, Mr. Speaker, that this bill would lower the cost of prescription drugs for seniors and save money for the American taxpayers. I urge my colleagues to side with our Nation's Medicare beneficiaries and support this bill.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I rise with great concern. I rise with great concern about H.R. 4, which actually removes the negotiating process from the private sector and places it in the public sector. I rise with concern because H.R. 4 will not reduce prices. It will reduce choice. I also rise with concern because our current premiums are actually 42 percent lower than expected.

Mr. Speaker, the private sector is doing well in this, and I don't think we should tamper with that. Should one have to forfeit their personal choices to the lowest bidder?

As a representative of the great State of Nebraska, I rise in concern over H.R. 4. There are 208,040 Medicare prescription drug beneficiaries in the third district which I represent. Everyone wants to make sure that seniors get the prescription drugs they need at the lowest possible price. But, H.R. 4 will not reduce their prices, it will reduce their choices. The government should not be choosing one drug over others.

According to estimates by actuaries in the Congressional Budget Office and the Department of Health and Human Services, H.R. 4 would not provide substantial savings to the government or Medicare beneficiaries. The reality is that with market based principals governing Medicare Part D, premiums are actually 42 percent lower than expected levels.

I disagree with H.R. 4 in a fundamental philosophical way. H.R. 4 would have the government making decisions for consumers. The government would end up picking one drug over others.

I believe that doctors and patients should consult with each other on what medications will best address patients' needs.

I urge my colleagues to vote against H.R. 4. Constituents of Nebraska's Third District and throughout the United States deserve to have their doctor's choices of prescription medication protected. Should one have to forfeit their personal choices to the lowest bidder?

Mr. STARK. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE) for the purpose of a unanimous consent request.

Mr. ETHERIDGE. I thank the gentleman, Mr. Speaker, and I rise in support of H.R. 4.

Mr. Speaker, nearly 4 years ago, I voted against the legislation that created Medicare Part D when the then-Republican Majority passed it in the dead of night.

I rise today in support of H.R. 4 to correct one of its most fundamental flaws. H.R. 4 would simply remove the provision of law that prohibits the U.S. Secretary of Health and Human Services from negotiating the price of prescription drugs to lower costs for Medicare beneficiaries. I have never supported price fixing or rationing, and I am confident that this legislation is a good first step toward more comprehensive Medicare reform.

Mr. Speaker, many of my constituents work at America's pharmaceutical manufacturing companies, and I think it is important to take note of the many contributions these employers make to the betterment of our communities. Indeed, many of the biotechnology firms in North Carolina are among our best corporate citizens, providing employment opportunities, investing in America's health and wellbeing, growing the local tax base, providing essential services to our neediest constituents and giving back to our communities.

For example, GlaxoSmithKline offers the free GSK Orange Card savings program to help more than 175,000 low-income seniors to save 20 percent to 40 percent off the usual price for outpatient GSK medicines. A coalition of eight companies offers the free Together Rx Card to poor and uninsured Americans, which has helped more than 1.4 million seniors to save more than $600 million on their medicines. In addition, U.S. pharmaceutical companies annually invest billions of dollars in biotechnology research to develop medicines to treat and cure terrible diseases and relieve human suffering.

Mr. Speaker, I rise in support of H.R. 4 and call on this Congress to work with the private sector as we move forward to reform Medicare to lower prices for beneficiaries while providing vital health care products and services.

Mr. STARK. Mr. Speaker, I am honored to yield 1 minute to the gentlelady from Hawaii (Ms. HIRONO), a lady for whom I serve as an honorary district representative on the island of Lanai.

Ms. HIRONO. Mr. Speaker, I thank the gentleman for yielding this time.

Mr. Speaker, I rise today in strong support of H.R. 4. Talk about an all-American concept, using our purchasing power to lower our costs, something big companies do all the time. This is why I am so pleased that one of the first pieces of legislation before us will help our seniors, our kapuna, as we say in Hawaii, lower their prescription drug costs. I am proud to say that in 2002 Hawaii enacted a law creating a similar program to allow negotiating for lower prescription drug costs.

Thousands of American families spent countless hours studying the Medicare part D process. My family was one of those. I sat with my 82-year-old mother as we worked our way through the confusing plans. Unfortunately, many of the families' efforts were not rewarded with the desired outcome, affordable prescription drugs.

America can do better for our seniors. By giving Medicare negotiating authority, we will take an important step in the right direction. Mahalo.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, this is a hugely important issue. I know all Members are listening intently, and I hope the American public is listening. I want to remind them what a few of my colleagues on the other side of the aisle had to say.

One of their Members earlier in the debate basically said there was a philosophic, fundamental difference between them and us. They believe that government should control health care; we believe that the private sector should do it. Amen. The private sector should do it.

Another of their Members stood up and said he couldn't believe that the current Secretary of HHS doesn't want to have the requirement of negotiated price controls. Well, I will tell you why he doesn't, because he is not a typical bureaucrat. He believes, as Ronald Reagan believed, that you need to step out of the way; government needs to get out of our lives and not be in our medicine cabinet.

Finally, the gentlelady from Nevada said if she were a betting woman, she would bet that these price negotiations would lower the price even further. Well, I want to say to her that she is betting on the last 10 percent, Mr. Speaker. This is a wonderful program, it is working well, and she is about to hang an albatross around the neck of the program and hurt our needy seniors, including my mom.

Vote "no" on this piece of bad legislation.

Mr. STARK. Mr. Speaker, at this time I am delighted to yield 1 minute to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, there is something wrong when we have our seniors paying record high drug prices and drug companies reporting record profits. Our seniors deserve nothing less than access to affordable medicine, which they have earned through a lifetime of hard work. This legislation helps us achieve this by opening the door for the Secretary of the Department of Health and Human Services to negotiate lower drug prices.

Twenty-two million Americans would benefit from this proposal. Ninety-two percent of Americans support us providing this negotiating authority.

Mr. Speaker, let's be clear: This proposal is intricately linked to ethics reform. Last week we enacted historic changes, and now we are putting our seniors first and removing special interests from the picture.

The minority had a chance when they were in the majority to put forth a drug bill that helped seniors with the high cost of medicine. Instead, with backroom meetings, they choose to help the drug companies increase profits.

I am pleased as a cosponsor of this bill that we act today to help our seniors and keep our commitment to put their interests first.

Mr. CAMP of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I rise in opposition to H.R. 4, the Medicare part D Government Interference Plan, which is what the Democrats have today.

Mr. Speaker, our colleagues on the other side have made it very clear: They believe that price controls will beat what the marketplace has done, and yet the Congressional Budget Office has clearly said that is not true, there would be no savings.

What would their plan do, Mr. Speaker? They talk about the important part of what the VA does. Of over 3.8 million Medicare eligible beneficiaries enrolled in the VA, over 1 million have opted to participate in part D because it provides more flexibility and choice for the drugs that they want and they need.

Only 38 percent of the drugs that were approved by the FDA in the 1990s and only 19 percent since 2000 are available on the VA formulary. The Democrats want this for our seniors.

Mr. Speaker, I believe that doctors and patients should control the medicines that are available, and I think they should be available to every single senior. We want to make sure that continues. I oppose this bill.

Mr. STARK. Mr. Speaker, I am delighted to yield 1 minute to the gentleman from California (Mr. BACA), who agrees with the National Community Pharmacists that the non-interference clause has directly disadvantaged independent pharmacies throughout the implementation of part D.

Mr. BACA. Mr. Speaker, the rising cost of prescription drugs has become a serious problem for millions of our national seniors. Forty-three million are enrolled in Medicare. In fact, more than 20 percent of seniors in Medicare are minorities: 3.9 million are African Americans, 3.1 million are Latinos, and 1.7 million are other racial and ethnic minorities. Many of them are already on fixed income. Many of these high prices are forcing them to choose between medicine and paying for their rent or doing without something else.

What Republicans pushed through in the Medicare drug program promised to bring the drug prices down. Yet they have gone up. Yet they plan to protect the rich drug companies' profits and do not go far enough to lower these expenses that are affecting a lot of our minorities. I know firsthand because I have experienced that.

It is clear that this legislation has failed to bring down the drug prices. Giving the Secretary the authority to bargain with the drug manufacturers will result in lower costs for 22 million Medicare enrollees in part D. I ask that we support H.R. 4. This is commonsense legislation.

Mr. CAMP of Michigan. Mr. Speaker, I would include in the RECORD a letter from the Congressional Budget Office saying that CBO estimates H.R. 4 would have a negligible effect on Federal spending.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC; January 10, 2007.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: At the request of your staff, the Congressional Budget Office has reviewed H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007, as introduced on January 5, 2007. The bill would revise section 1860D–11(i) of the Social Security Act, which is commonly known as the "noninterference provision" because it prohibits the Secretary of Health and Human Services from participating in the negotiations between drug manufacturers, pharmacies, and sponsors of prescription drug plans (PDPs) involved in Part D of Medicare, or from requiring a particular formulary or price structure for covered Part D drugs.

H.R. 4 would require the Secretary to negotiate with drug manufacturers the prices that could be charged to PDPs for covered drugs. However, the bill would prohibit the Secretary from requiring a particular formulary and would allow PDPs to negotiate prices that are lower than those obtained by the Secretary. The bill would also require the Secretary to report to the Congress every six months on the results of his negotiations with drug manufacturers.

CBO estimates that H.R. 4 would have a negligible effect on federal spending because we anticipate that the Secretary would be unable to negotiate prices across the broad range of covered Part D drugs that are more favorable than those obtained by PDPs under current law. Since the legislation specifically directs the Secretary to negotiate only about the prices that could be charged to PDPs, and explicitly indicates that the Secretary would not have authority to negotiate about some other factors that may influence the prescription drug market, we assume that the negotiations would be limited solely to a discussion about the prices to be charged to PDPs. In that context, the Secretary's ability to influence the outcome of those negotiations would be limited. For example, without the authority to establish formulary, we believe that the Secretary would not be able to encourage the use of particular drugs by Part D beneficiaries, and as a result would lack the leverage to obtain significant discounts in his negotiations with drug manufacturers.

Instead, prices for covered Part D drugs would continue to be determined through negotiations between drug manufacturers and PDPs. Under current law, PDPs are allowed to establish formularies—subject to certain limits—and thus have some ability to direct demand to drugs produced by one manufacturer rather than another. The PDPs also bear substantial financial risk and therefore have strong incentives to negotiate price discounts in order to control their costs and offer coverage that attracts enrollees through features such as low premiums and cost-sharing requirements. Therefore, the PDPs have both the incentives and the tools to negotiate drug prices that the government, under the legislation, would not have. H.R. 4 would not alter that essential dynamic.

I hope this information is helpful to you. The CBO staff contacts for further information are Eric Rollins and Shinobu Suzuki.

Sincerely,

DONALD B. MARRON,
Acting Director.

Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, is the question to negotiate or not negotiate? Is that the question? No, that is not the question. The question is, will the government do the negotiating, or will the private companies do it. And what will the result be?

Well, we already know. We don't have to speculate. In Alabama, we have 17 companies that have negotiated and provide over 2,000 drugs to Alabamians under the present plan. Under the VA, they negotiate and they provide less than 1,300 drugs. We have all heard about Lipitor. Look at the drugs in Alabama that VA seniors cannot get. They are the most modern drugs, they are the cutting-edge drugs, they are the drugs that most seniors want.

CBO says it won't bring down the cost, but it might inhibit the delivery of new drugs. You need to read that before you vote.

The question is not about cost; the question is about choice. And I can tell you in Alabama, with the VA, the veterans don't have the choices our seniors have.

Mr. STARK. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I rise in support of H.R. 4, to give seniors someone to negotiate on their behalf for lower-price drug prices.

We all know how in 2003, in the middle of the night, after twisting arms and making threats, Congress passed a flawed Medicare prescription drug bill. By actually forbidding the Medicare program to negotiate directly with drug companies to get the best price for seniors' prescriptions and save money, the Republican Congress simply put profits for the drug companies ahead of Medicare beneficiaries.

The medicare drug benefit actually is designed to ensure that pharmaceutical and insurance companies maximize their profits.

By prohibiting Medicare from directly negotiating drug prices with the pharmaceutical industry like the VA does, many drugs within Medicare are more than twice as high as the prices paid by the VA.

Since the industry is already making a profit at the price for which it sells drugs to the VA, the higher price paid in Medicare is pure profit for the drug industry.

That's why I encourage my colleagues to join me in supporting the Medicare Prescription Drug Price Negotiation Act.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentlelady from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise in support of H.R. 4.

Three years ago, during the debate on the Medicare Modernization Act, I stood on this floor and told my colleagues that we can do better, that we can do better with a bill for our seniors; and today's vote will bring us one step closer to providing seniors with affordable and reliable prescription drug coverage by allowing the Health Secretary to negotiate drug prices.

As we move forward with H.R. 4, we can and we will safeguard future innovation and support lifesaving therapies befitting the 21st century.

□ 1315

Representing a district with a vibrant biotech community, I applaud the leadership's effort to ensure that our seniors have choices. This summer, one of my constituents named Judy wrote me, and I quote, "I have reached the doughnut hole and must now come up with the money for my high blood pressure, diabetes, thyroid, and cholesterol medications." The question she asked is, "which one will I stop taking? I cannot afford all of them."

We can do better for seniors like Judy, and today, Mr. Speaker, we will.

Mr. CAMP of Michigan. Mr. Speaker, at this time I yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, once again, the Democrats are telling us that somehow bureaucrats in Washington can do more to lower the cost of prescription drugs than free market competition. To paraphrase President Reagan, "There they go again."

The Congressional Budget Office has already opined that the Secretary of HHS would not be able to negotiate prices lower than those that are already negotiated by prescription drug plans under current law.

Let us be very clear: Price negotiations are already taking place on behalf of seniors. And for 200 years, it has been market competition, not government edict, that has given us the goods that we want at the lowest possible price.

Now, our colleagues on this side of the aisle continue to hold up the VA as the model, the model where you cannot choose your doctor, cannot choose your pharmacist, and they only cover a third of the drugs that Medicare does. They do not cover Lipitor, Crestor or Nexium.

So, Mr. Speaker, I would like to personally invite Speaker PELOSI to come to Athens, Texas, and tell one of my constituents, 80-year-old Hazel Heard, why she is going to take her Lipitor away. Hazel will not be happy. And I am told she has a big dog.

Mr. STARK. Mr. Speaker, I am pleased to recognize the distinguished gentlewoman from Connecticut (Ms. DELAURO), who agrees with the Center for Medicare Advocacy Assessment that H.R. 4 will keep drug prices from skyrocketing. And I yield to the gentlewoman for 1 minute.

Ms. DELAURO. Every family in America, every business struggles in some way with the rising cost of health care. The key to driving those health care costs down is getting control of skyrocketing prescription drug prices. It starts with negotiating better prices on behalf of Medicare beneficiaries, something the previous majority expressly and senselessly prohibited when the Medicare prescription drug law was passed in 2003.

Now, this legislation is not about establishing formularies, setting price controls, or picking and choosing on behalf of seniors. It is about empowering the government to act on behalf of consumers and seniors. And, yes, that is a proper role for government, particularly when we have drug companies reporting double-digit profit increases while raising prices on top-selling medicines.

We can get our health care crisis under control. Allow government to negotiate drug prices as private insurance plans do for their customers and the VA does so successfully for our Nation's veterans.

Support this bill. Let us for a change do something for the public interest rather than continually doing something for the special interests.

Mr. CAMP of Michigan. Mr. Speaker, at this time I yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I thank the gentleman for recognizing me.

Today, I rise in opposition to H.R. 4. When I first ran for Congress, this was one of the largest issues, prescription drug plans, for seniors. Sixty percent of the senior women in America are on Medicare right now, and they have available to them a prescription drug plan that they have never had in the past. Congress delivered this plan, and people in my district are pleased. Over 80 percent of the seniors on part D are pleased with this plan, and 91 percent of West Virginia seniors are now participating.

The prescription drug plan is one of the rare government programs that is actually costing less than anticipated, both for the government and for the seniors. One reason is that seniors have access to the drugs and pharmacy of their choice. Yet, today, my colleagues on the other side appear to be willing to sacrifice that access to their drugs and their pharmacies.

Yesterday, the Director of the West Virginia Chapter of the American Diabetes Association wrote and asked that I personally oppose this legislation because of its potential to decrease access to important medications for such diseases as diabetes, one of the most deadly and far-reaching diseases in this country.

I oppose this. I think it will result in higher prices for our seniors.

Mr. STARK. Mr. Speaker, I am delighted to yield our remaining 1 minute to the gentlewoman from Ohio (Mrs. JONES) to close for our side. She recognizes that the Center for Diabetes is a front group for PhRMA.

Mrs. JONES of Ohio. Mr. Speaker, I am pleased to stand on behalf of the Democratic majority in the House of Representatives this afternoon to say we are going to pass a prescription drug change in the benefit given to seniors last year. And it is not going to take us 3 hours and any arm twisting, because this is our opportunity to say to seniors across this country that you ought to have your Secretary of Health and Human Services be able to negotiate the lowest price.

Right now it is going great, but we need to put in place in the law an opportunity for the Secretary to make a change when the winds of time change, because they will change. It is important that our seniors understand that they do have a benefit, but the benefit can be improved.

It is always interesting to me that they dump on the Veterans' Administration when they want to tout it all the time as not a good health care plan. If it ain't a good health care plan for the veterans, change it. Make it better for the veterans. They are over there fighting and losing their lives.

A prescription drug benefit is such a significant opportunity for our seniors, and so I am glad to stand on behalf of all the Democrats and those good-thinking Republicans in the House of Representatives. Pass H.R. 4.

Mr. Speaker, I rise today in strong support of H.R. 4, which will require the Secretary of Health and Human Services to negotiate for lower drug prices for people enrolled in Medicare prescription drug plans.

As drug prices soar, this issue is becoming more important for Medicare recipients and their families.

According to a recent AARP study, between 2002 and 2005, prices for the most widely used brand-name prescription drugs increased an average of 6.6 percent per year.

That is more than twice the 2.5 percent average inflation rate for that same period of time.

It is not fair to expect American families to keep paying such price increases for their prescription drugs.

In my home state of Ohio, we have about 1.8 million Medicare beneficiaries who stand to benefit from the lower prices that could result if the Secretary of HHS is given the power to negotiate.

Of those 1.8 million Ohioans, 625,000 are already enrolled in Part D and would immediately see the benefits of lower drug prices.

Congress should no longer stand in the way.

We need to require the HHS Secretary to negotiate for lower drug prices and soften the health and economic burden that millions of American families currently experience.

This would not be anything new.

Right now, government-funded health programs, such as Medicaid and the Department of Veterans Affairs, are able to negotiate with drug companies and reach agreements that offer their participants low drug prices while still rewarding drug companies for the valuable research they conduct.

According to the Government Accountability Office, the VA achieves savings of between 30 and 50 percent for their patients through negotiation.

This same level of saving can also be achieved for Medicare beneficiaries.

Moreover, the result of not allowing the HHS Secretary to negotiate lower drug prices puts a disproportionate burden on senior citizens and retirees, who are those that need affordable drugs the most.

Drug companies deserve applause for the advances they have made for the good of all people, but we also owe it to the American people to ensure they receive the medication they need at a fair price.

With rising health care, housing, and energy costs, a decrease in drug prices would go a long way to helping middle class Americans meet their needs.

Support H.R. 4.

Mr. CAMP of Michigan. Mr. Speaker, for the purposes of a unanimous consent request, I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Speaker, as we conclude debate this afternoon on H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007, I want to include for the benefit of my colleagues today's editorial from my hometown newspaper The St. Petersburg Times that warns the House to be careful with the passage of this legislation.

In Rx: dose of reality, the editors say "that Democrats should walk away from this fight. House Democrats may think they can heal the Medicare drug program in one easy congressional dose, but their Senate counterparts are wise to take more time. Seniors have had enough of empty political promises already. They deserve affordable coverage."

Indeed, I support making prescription drugs more affordable for all Americans, and in particular older Americans who are enrolled in the Medicare Part D program. If this legislation did that, I would be the first to support it. But as the editorial I have cited as well as the nonpartisan Congressional Budget Office has found in analyzing H.R. 4, this bill will result in no meaningful savings to consumers or to taxpayers.

Following my remarks, I will include a letter from the Congressional Budget Office dated January 10, 2007 which says that H.R. 4 would have a "negligible effect" on federal spending and drug prices because the federal government would not have the authority required to negotiate lower drug prices. The primary reason the Congressional Budget Office found is that "without the authority to establish a formulary, we believe that the Secretary would not be able to encourage the use of particular drugs by Part D beneficiaries, and as a result would lack the leverage to obtain significant discounts in his negotiations with drug manufacturers."

If, in fact, this legislation had given the Secretary of Health and Human Services the authority to limit the availability of certain prescription drugs or even broad classes of prescription drugs, I also would have opposed it. Doctors should determine the best medicine for their patients, not Congress or the Secretary of Health and Human Services.

Mr. Speaker, there may have been a way to amend this legislation to solve some of these problems so we could have achieved the goal of lower drug prices while at the same time not limiting the range of covered drugs. However, under the procedures we consider this legislation today, there is no opportunity to amend this bill. We only have the option of voting yes or no. Given that option, I believe the best vote today is against H.R. 4 with the hope that we can reject this bill and send it back to the committee with the goal of fixing some of the flaws identified by The St. Petersburg Times and the Congressional Budget Office.

[From the St. Petersburg Times, Jan. 12. 2007]

Rx: Dose of Reality

Democrats who thing they've found a simple fix for the nation's costly, convoluted Medicare prescription plan need to be careful. They are entering a pharmaceutical quagmire full of restrictive formularies, big-ticket coverage gaps and institutional resistance.

The fight is a worthy one, and the precipitous veto threat by President Bush only underscores the stakes. But Democrats won't win with campaign rhetoric. The bill set to move through the U.S. House today provides little more than an edict that the secretary of health and human services "shall negotiate" lower drug prices, as though the government itself is the one buying. Unfortunately, drugs are bought and dispensed under the 2003 Medicare law by a maze of some 1,875 private drug plans.

The Democratic plan is, at best, incomplete. The current law does, absurdly, outlaw any negotiation of drug prices, which has the principal effect of fattening pharmaceutical bank accounts. But the kind of savings the Department of Veterans Affairs has been able to negotiate for its prescription drugs is not merely the result of its collective bargaining power. The VA, which filled some 120-million prescriptions last year, also restricts the kinds of medicines that are available to patients.

As James R. Lang, former president of Anthem Prescription Management, told the New York Times: "For this proposal to work, the government would have to take over price negotiations. It would have to take over formularies. You cannot do one without the other. There's no leverage."

Democrats are not being honest about the tradeoffs, and the possible need for some restrictive formularies to help reduce costs. They are also offering a misleading pledge to eliminate the so-called "doughnut hole." To save money, Republicans created a peculiar gap in coverage that nabbed as many as 4-million seniors last year. Under the coverage gap, Medicare recipients pay 100 percent of drug costs each year after the total has reached $2,400 until they pay an additional $3,850 out of pocket.

During the midterm elections, House Speaker Nancy Pelosi was among the prominent Democrats promising that the savings from lower drug prices would be plowed back into the program. "We will use that money to fill the doughnut hole," she said at one campaign stop, "so that seniors will have affordability, they will have reliability, and will not be caught in this trap of the doughnut hole."

The Congressional Budget Office has projected, however, that eliminating the coverage gap would cost roughly $450-billion over 10 years. Few, if any, Democrats are now claiming those new costs can be offset purely by savings from price negotiation. An estimate of drug price reductions prepared by Rep. Henry A. Waxman, D-Calif., pegged the 10-year savings at roughly $96-billion.

The point here isn't that Democrats should walk away from this fight. The current Medicare prescription plan is indeed incomplete, needlessly complex and indefensibly profitable to the pharmaceutical industry. But the plan is also in effect and generally well-received by many seniors. Problems of this magnitude won't be fixed just by ordering a Bush administration bureaucrat to negotiate.

House Democrats may think they can heal the Medicare drug plan in one easy congressional dose, but their Senate counterparts are wise to take more time. Seniors have had enough empty political promises already. They deserve affordable coverage.

Hon. John D. Dingell,
Chairman,
Committee on Energy and Commerce,
U.S. House of Representatives,
Washington, DC

Dear Mr. Chairman: At the request of your staff, the Congressional Budget Office has reviewed H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007, as introduced on January 5, 2007. The bill would revise section 1860D–11(i) of the Social Security Act, which is commonly known as the "noninterference provision" because it prohibits the Secretary of Health and Human Services from participating in the negotiations between drug manufacturers, pharmacies, and sponsors of prescription drug plans (PDPs) involved in Part D of Medicare, or from requiring a particular formulary or price structure for covered Part D drugs.

H.R. 4 would require the Secretary to negotiate with drug manufacturers the prices that could be charged to PDPs for covered drugs. However, the bill would prohibit the Secretary from requiring a particular formulary and would allow PDPs to negotiate prices that are lower than those obtained by the Secretary. The bill would also require the Secretary to report to the Congress every six months on the results of his negotiations with drug manufacturers.

CBO estimates that H.R. 4 would have a negligible effect on federal spending because we anticipate that the Secretary would be unable to negotiate prices across the broad range of covered Part D drugs that are more favorable than those obtained by PDPs under current law. Since the legislation specifically directs the Secretary to negotiate only about the prices that could be charged to PDPs, and explicitly indicates that the Secretary would not have authority to negotiate about some other factors that may influence the prescription drug market, we assume that the negotiations would be limited solely to a discussion about the prices to be charged to PDPs. In that context, the Secretary's ability to influence the outcome of those negotiations would be limited. For example, without the authority to establish a formulary, we believe that the Secretary would not be able to encourage the use of particular drugs by Part D beneficiaries, and as a result would lack the leverage to obtain significant discounts in his negotiations with drug manufacturers.

Instead, prices for covered Part D drugs would continue to be determined through negotiations between drug manufacturers and PDPs. Under current law, PDPs are allowed to establish formularies—subject to certain limits—and thus have some ability to direct demand to drugs produced by one manufacturer rather than another. The PDPs also bear substantial financial risk and therefore have strong incentives to negotiate price discounts in order to control their costs and offer coverage that attracts enrollees through features such as low premiums and cost-sharing requirements. Therefore, the PDPs have both the incentives and the tools to negotiate drug prices that the government, under the legislation, would not have. H.R. 4 would not alter that essential dynamic.

I hope this information is helpful to you. The CBO staff contacts for further information are Eric Rollins and Shinobu Suzuki.

Sincerely,

Donald B. Marron,
Acting Director.

Mr. CAMP of Michigan. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. Price).

Mr. PRICE of Georgia. Mr. Speaker, you know, negotiation sounds good, but what happens when the government negotiates? It doesn't mean negotiate; it means price-fixing, the setting of prices decided by the government. That is the only thing that will be allowed. This will, by its very design, decrease the number of medications available to seniors and ultimately to all Americans.

This isn't just about Medicare's prescription drug program. This is a philosophical question about who ought to be making medical decisions, government bureaucrats or patients and physicians. We believe, as a matter of principle, it ought to be patients and physicians.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this noninterference language that we have been talking about, that has been in legislative proposals for both Democrats and Republicans for the last decade, actually stops the Secretary of Health and Human Services from negotiating drug prices. And the reason that this has been part of bipartisan legislation for so long and was actually a part of the motion to recommit in 2000 that more than 200 Democrats voted for is because it was important to structure a plan that allowed beneficiaries to work with their doctors, not with the government, to determine the best access to treatment and the best treatment that worked for them. That is why you have seen so many coalitions come out against this proposal, particularly those that work with the most vulnerable of the Medicare beneficiaries.

I would urge a "no" vote on H.R. 4.

Mrs. EMERSON. Mr. Speaker, 80 million baby boomers are getting ready to retire, and yesterday the General Accountability Office's comptroller David Walker said, "If there is one thing that is going to bankrupt America, it is health care." Adding that the Medicare prescription drug benefit alone has added $8 trillion, $8 trillion in government obligations, more than all of Social Security over the past 6 years.

I would like to remind my friends that this is government obligation because Medicare is a government-run program. It is not a private-sector program.

But H.R. 4, Mr. Speaker, won't create price controls, it will not limit choice, and it will not force pharmacies out of business, which is why the National Community Pharmacists Association endorses H.R. 4. It could add more competition, more opportunity to lower drug costs for our seniors, keeping them out of the doughnut hole just a little while longer.

Let us not solely entrust the negotiations of drug prices, Mr. Speaker, to the very companies who profit from the sales of these drugs. The American public has entrusted us with their hardearned tax dollars. Let us show them that we honor that trust and use every tool possible to lower the costs of the Medicare prescription drug program.

Each of us was elected, Mr. Speaker, to represent our constituents, not big PhRMA, not the pharmacy benefit managers who prey on our community pharmacists. Support H.R. 4 and bring more competition to this position.

The SPEAKER pro tempore. The Chair would advise that at this time all time has expired for the previous managers. We are now back to the gentleman from Michigan (Mr. DINGELL) with 5 minutes remaining and the gentleman from Texas (Mr. BARTON) has 4 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, may I inquire as to who has the right to close?

The SPEAKER pro tempore. The gentleman from Michigan will have the right to close.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume to close for the minority side.

Mr. Speaker, I am not sure where the Majority Leader's clock is, whether we are at the end of the 100-hour period or the beginning or the middle. I do know that I have been very confused by this process.

I understand the effort to bring the minimum wage bill back to the floor. Our new majority, for whatever purpose, didn't feel like they got a fair shake on that issue in the last several Congresses. So I can understand that.

The stem cell bill we voted on yesterday is the identical bill from the last Congress, with the exception of the change in the dates and the reversal of the names from Castle-DeGette to DeGette-Castle. I understand that. I even voted with the new majority on that one.

But on this one I am puzzled. We have a program that is working. We have a program that has 75 percent approval of the group we are trying to help, which is higher than most of our approvals in our congressional districts and certainly higher than most of our reelection rates. We have a program that the new majority even admits isn't going to really save any money. We certainly have an issue that there have been no hearings on and there have been no amendments made in order.

In fact, we don't even have a Rules Committee yet established. If my good friend Mr. DINGELL said, Mr. BARTON, I will support you on that amendment, there is no place to amend it. We are operating under martial law, and maybe they did it this way in the war between the States; I don't know. I can tell you that in the 12 years that I was in the majority, we always had a Rules Committee you could go to. Now, maybe you didn't get your amendment made in order, but at least you could go to it. So this one is a puzzlement to me.

Now, we know that the President has promised to veto this if it should somehow get through the Senate in its current form and come to his desk.

□ 1330

In all likelihood it will never come out of the Senate, so this as far as it is going to get. So maybe that is what this is all about is just a political exercise. And I know, and everybody in this Chamber knows, when it comes to the vote, the new majority is going to win. They should win. They won an election. They have a right to bring issues and they have a right to win some. But that doesn't mean it is right and that it is going to be a win for the American people.

I hope that once we get this foolishness out of the way, that Mr. RANGEL and Mr. DINGELL and myself and Mr. MCCRERY can work together as the leaders of the Energy and Commerce Committee and the Ways and Means Committee on a bipartisan basis, actually hold some hearings. If there is really something wrong with the current Medicare part D prescription drug benefit program, let's work together to fix it. But if there is really not anything wrong with it, and it ain't broke, there will be no need to fix it.

So I hope that we vote this down today. I am not myopic, though. I can count how many Democrat votes there are and how many Republican votes. So it will probably pass, and it will probably go to the Senate and it will probably die there, which will be a nice benign death. And then we can get back to being responsible.

So, Mr. Speaker, I hope that the bill fails today and that the Democrat 100-hour political program fizzles, and then in the next 2 weeks we get down to the serious, bipartisan business of working together for the American people.

Mr. Speaker, I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself the balance of our time over here.

Mr. Speaker, I can understand how my Republican colleagues are distressed about this legislation. But I would remind them, first of all, that we are simply taking steps to correct earlier abuses of the most outrageous sort.

This legislation part D was crafted in the dark of night, and it was done by Republican Members and by lobbyists for the insurance companies and the pharmaceutical houses. That is why it is here. And now I can understand why my Republican colleagues are so distressed, because we are going to take all of those wonderful goodies away, or some of them, from the drug houses that so carefully saw that they got them without a single Democratic Member appointed by our then-Republican Speaker to appear here in the Capitol to address the question of what went into that.

Now, we have been getting a lot of excuses from our Republican colleagues. They tell us the bill is working well. Simple fact of the matter is it is not. One Federal program pays 60 percent more than other Federal programs for procurement of prescription pharmaceuticals, that is, part D pays more than the VA pays for the same prescription pharmaceuticals. But the reason is no one is able to negotiate on behalf of the citizens. You have got a bunch of good-hearted or cold-hearted prescription pharmaceutical people who have written this legislation and who are fixing the prices that are paid by senior citizens.

This says that the Secretary of HHS, a servant of the American people, will negotiate prices on prescription pharmaceuticals so that the senior citizens can get something other than excuses from our dear Republican friends and the insurance companies about why we ought to disregard what our common sense tells us, and that is that 43 million people can have the purchasing power to perhaps encourage these drug houses to give the government and the American retirees a better price.

Now, let's take a look at that. That is a chance to do real good for the people. I would tell you that we are tired of the excuses on these matters. Consumers, and particularly those who are living on disabled or fixed or limited incomes, watch their pennies. They have to. We should watch them too because we owe that to the people.

Now, the Secretary says it isn't going to save money. CBO says it isn't going to save money. But the reason is because they know full well that this Secretary probably won't negotiate on their behalf.

But I will tell you one thing. On this side, we will see that this Secretary does negotiate for better prices for our people. We will have him up before the committees, and we will give him and the others in the administration the oversight which they have lacked for 6 years.

Now, who is in favor of this legislation?

Before I say that, the people opposed are the Republicans, the administration, the drug houses and the insurance companies, certainly a logical collection of opponents to a proposal of this kind.

Who favors it? AARP, the National Committee to Preserve Social Security and Medicare, Medicare Rights Center, the Alliance for Retired Americans. It is also supported by organizations representing people with disabilities. The National Council on Independent Living, AIDS Action, Breast Cancer Action.

Consumer groups support it. Consumers Union, Families USA, U.S. PIRG. No insurance companies support it, but that is no surprise.

Provider organizations support it. The National Community Pharmacists Association, people who work with the recipients of this. The American Nurses Association, the American Medical Association. The doctors say this is the thing that we should be doing. The Association of Community Pharmacists.

And, of course, organizations representing tens of millions of hard-working Americans. The American Federation of Teachers, the National Education Association, SEIU, United Steelworkers, the AFL–CIO, and the UAW.

Some say part D is working well. And for a few lucky folks, that is true. The insurance companies are cutting the fat hog on this. And the pharmaceutical houses are able to do just what they want on their pricing.

It is time that we correct this. Let's pass this legislation and do what we should have done before to protect our senior citizens.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. Currently, the federal government is prohibited from directly negotiating with pharmaceutical companies for lower prescription drug prices for individuals enrolled in the Medicare program. This legislation will repeal this prohibition. In doing so, it will require that the Secretary of Health and Human Services negotiate for lower prescription drug prices for the millions of senior citizens who are Medicare beneficiaries.

Today, senior citizens enrolled in Medicare Part D are paying higher prices for prescription drugs that are negotiated solely by market forces and pharmaceutical companies. Many senior citizens are also left without Medicare assistance once their annual prescription drug costs reach the threshold amount placing them in the coverage gap known as the "doughnut hole." The Secretary of Health and Human Services has the leverage and the bargaining power of millions of Medicare beneficiaries with which to negotiate prescription drug price discounts. We should agree to H.R. 4 in order to empower the Secretary to use this leverage and bargaining strength for the benefit of Medicare beneficiaries.

I fully support the innovated research and development conducted by the pharmaceutical industry. Advancements made as a result of these research and development processes have eradicated diseases and alleviated suffering for countless individuals around the world. The decreased revenue from the lower drug prices should not necessarily nor directly lead to a decrease in investment toward research and development by pharmaceutical companies. I acknowledge the many contributions made by the pharmaceutical industry toward developing medicines that have improved the lives of so many. In no way do I believe that this legislation will impede the industry's ability to continue to provide great medical advancements for the American people and others.

I represent the territory of Guam. Three prescription drug plans from a single insurance company are offered today to Guam's Medicare beneficiaries who are enrolled in Medicare Part D. Opponents of H.R. 4 argue that the private sector can and will adequately negotiate for lower prescription drug prices for Medicare beneficiaries lest the seniors transfer to a different, less expensive plan. Unfortunately, in my district, where only one insurance company currently provides plans under Medicare Part D, there is no private competition and limited choice among plans. Medicare beneficiaries deserve to have access to the lowest prescription drug prices possible. I therefore urge my colleagues to vote in favor of H.R. 4 and in favor of providing affordable prescription drugs for our senior citizens.

Ms. WATERS. Mr. Speaker, I rise in strong support of H.R. 4, which requires the Secretary of Health and Human Services to negotiate with drug companies for lower drug prices for Medicare beneficiaries.

American seniors are not getting the best possible prices for the drugs that keep them alive and in good health. A study by Families USA shows that the median drug prices among Medicare plans for the top 20 drugs prescribed for seniors is increasing at a rate of 7.4 percent per year. That's more than twice the rate of inflation. These price increases are passed on to seniors in the form of higher premiums and out-of-pocket expenses.

Clearly, the Medicare prescription drug program has not resulted in the lowest possible prices for seniors. But it has resulted in record profits for drug companies. In November, the New York Times reported that the Medicare prescription drug program has proven to be a bigger financial windfall for big drug companies than even the most optimistic of Wall Street predictions.

The Veterans' Administration already negotiates with drug companies for lower drug prices for American veterans. In the Families USA study, the lowest price charged by Medicare prescription drug plans for all 20 of the top drugs was always higher than the lowest price obtained by the Veterans' Administration.

I am a great defender of our Nation's veterans. They have served our country with honor, and they deserve the lowest possible prices for their drugs. But so do our Nation's seniors. There is no reason why the U.S. Government should negotiate lower drug prices for veterans and not for seniors.

I urge my colleagues to support this bill, and I urge the Secretary of Health and Human Services to negotiate in good faith for lower prescription drug prices for American seniors.

Ms. BEAN. Mr. Speaker, I rise today to speak in support H.R. 4, The Medicare Prescription Drug Price Negotiation Act.

I strongly believe Medicare should ensure seniors have access to the drugs and treatments that they need. In response to that need, Congress passed H.R. 1, The Medicare Modernization Act, in 2003. Today, H.R. 4 will take a step further by allowing the Secretary of Health and Human Services the ability to negotiate with pharmaceutical manufactures for drugs covered under Medicare Part D. By removing the noninterference provision of the Medicare Modernization Act, we are providing another tool to help lower drug prices and make medicine more affordable for seniors.

This bill would require the HHS Secretary to submit a report on the negotiations this June, and every six months thereafter. It does not call for a national formulary, stifle competition, or limit consumer choice.

When members of the 108th Congress wrote The Medicare Modernization Act, they did so with the intention of using market competition to contain drug prices. In fact, in its first year, Medicare Part D has witnessed bids that are ten percent lower in 2007 than 2006.

The market is working, and we should not remove competition that helps lower drug prices and reduces consumer options. Innovation and R&D into future medications, vaccines, and treatments require profitable, healthy drug companies that are able to navigate through the arduous approval process. So we must balance cost savings with continuing to encourage the creation of innovative new drugs.

Therefore, I encourage my colleagues to support H.R. 4 but to avoid additional proposals that could be unduly harmful to future, life-saving discoveries.

Mr. CLAY. Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. I commend Congress for doing everything possible to make prescription drugs more affordable and accessible to Medicare beneficiaries. I wish to congratulate my dear friend and colleague from Missouri, Congresswoman JO ANN EMERSON, for working tirelessly in a truly bi-partisan fashion to enable the Secretary of the Department of Health and Human Services to negotiate lower drug prices for seniors.

My support for this bill is unwavering and it is my sincere hope that the conference report assures patient's access to all life saving medicines. My constituents deserve nothing less than the best coverage available at the lowest price. I am dedicated to improving the Medicare prescription drug program and will continue working to advance the critical goal of decreasing out of pocket costs for seniors.

Mr. Speaker, I commend you along with my colleagues Representatives RANGEL and DINGELL for your leadership in helping seniors gain access to affordable medicines.

Mrs. KAPTUR. Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007.

Although the bill before us today does not go as far as it needs to go, it is an incremental step towards a long-overdue solution, a solution that continues to be blocked by moneyed pharmaceutical interests that are more interested in the profits their medications can bring than in the good their medications can do. The American people deserve better, and that is why I continue to say that if we are to achieve real reform in this institution, we need to start with campaign finance reform.

In my view, Medicare represents a covenant between the U.S. government and its citizens. During my tenure in the House of Representatives, I have always supported Medicare and Social Security as important lifelines for seniors in our country.

As part of these efforts, I have advocated fair, affordable, easy-to-use prescription drug coverage for seniors under Medicare. Unfortunately, the Medicare Modernization Act falls far short of these goals. Ever since its inception, the MMA has been a nightmare both for legislators and, more importantly, for the seniors who must try to navigate it.

Under this law, the government is prohibited from using its buying power to negotiate lower prices for America's 30 million seniors. I object strongly to this provision because I believe firmly that something must be done to bring down the cost of prescription drugs in America.

In fact, when the MMA was first being developed and passed through the House, I attempted to offer an amendment that would have allowed the Secretary of Health and Human Services to negotiate drug prices under the auspices of the Medicare program.

Unfortunately, after being kept waiting until the wee hours of the morning, while the Rules Committee met far from the watchful eye of the American public and even most Members of Congress, I was not allowed even to offer my amendment for consideration.

Therefore, I am glad that today we are debating a bill that will accomplish my goal, and under a system that has already worked to save our veterans money under the VA's healthcare system. H.R. 4 will begin to save money for beneficiaries both through lower drug costs at the pharmacy counter and lower plan premiums.

Lower prices will also slow entry into the donut hole, when beneficiaries must pay the full price of their medicines. And since taxpayers fund more than three-quarters of the cost of the drug benefit, we will be saving them money, too..

This bill does not, however, prevent the prescription drug plans from getting deeper discounts. And the bill does not allow the HHS Secretary to establish a national formulary or otherwise restrict access to medicines.

Mr. Speaker, our nation's seniors, members of the "greatest generation," deserve better than having to choose between buying food or buying life-sustaining and often, life-saving medications.

I am pleased today to support this legislation which represents a first step in eliminating that cruel choice and helping to ensure that seniors can live their lives in good health and with dignity.

Mr. INSLEE. Mr. Speaker, I rise today to express my support for H.R. 4, the Medicare Prescription Drug Price Negotiation Act.

I strongly believe Medicare should ensure seniors have access to the drugs and biologics they need. In the past, my reluctance to support this kind of legislation has stemmed from the hope that we might find an alternative solution to the fact that our citizens, including our seniors, are subsidizing the research and development for drugs and biologics for the rest of the developed world, which has traditionally not paid its fair share of these costs. It is with the recognition that such a remedy is not forthcoming that I cast my vote today in favor of H.R. 4.

I applaud the Democratic Leadership's desire to ensure that this legislation continues to prohibit the HHS Secretary from requiring a particular formulary or list of covered drugs to be used by Medicare prescription drug plans or limiting access to any prescription medication. As a Member that represents a district with a strong biotechnology sector, I believe that America's continuing leadership and innovation in developing new treatments would make this particularly inappropriate.

Small, emerging biotech companies are researching and developing cures for cancer, Alzheimer's, multiple sclerosis and other devastating diseases. The overwhelming majority of biotech companies are small companies without approved products, highly reliant on the public and private capital markets. It is important that as we seek to ensure that our seniors are receiving the best care possible under Medicare, we must not take action that hinders this important research, which is estimated to cost $1.2 billion and can take over 10 years. Research and development that is the lifeblood of the biotechnology industry, and we must guard against taking action that would result in fewer breakthrough therapies.

Mr. KILDEE. Mr. Speaker, I rise today in strong support of H.R. 4, The Medicare Prescription Drug Price Negotiation Act of 2007.

This legislation fixes a serious flaw in the Medicare prescription drug program that currently prohibits Medicare from negotiating drug prices with pharmaceutical manufacturers.

The Department of Veterans Affairs and state Medicaid-programs are already able to use their buying power to negotiate lower prices on prescription drugs and this has greatly lowered their prescription drug costs.

Medicare prices for the top 20 drugs prescribed to seniors are 58 percent higher than those available through the VA. The Government Reform Committee found that Medicare negotiating drug prices just 25 percent lower would save more than $60 billion over the next decade.

Seniors need a prescription drug benefit under Medicare that is affordable, comprehensive, guaranteed and does not harm those retirees that are currently covered under private insurance plans.

This is an important first step in improving Medicare Part D prescription drug coverage and I urge my colleagues to support H.R. 4.

Mr. PAUL. Mr. Speaker, H.R. 4 gives the Secretary of Health and Human Services the authority to engage in direct negotiations with pharmaceutical companies regarding the prices the companies will charge Medicare when the companies provide drugs through the Part D program. Contrary to the claims of its opponents, this bill does not interfere with a free market by giving the government new power to impose price controls. Before condemning this bill for creating "price controls" or moving toward "socialized medicine," my colleagues should keep in mind that there is not, and cannot be, a free market price for a government-subsidized good.

Members concerned about preserving a free market in pharmaceuticals should have opposed the legislation creating Part D in 2003. It is odd to hear champions of the largest, and most expensive, federal entitlement program since the Great Society pose as defenders of the free market.

The result of subsidizing the demand for prescription drugs through Part D was to raise prices above what they would be in a free market. This was easily foreseeable to anyone who understands basic economics. Direct negotiation is a means of ensuring that the increase in demand does not unduly burden taxpayers and that, pharmaceutical companies, while adequately compensated, they do not obtain an excessive amount of Medicare funds.

The argument that direct negotiations will restrict Medicare beneficiaries' access to the prescription drugs of their choice assumes that the current Part D system gives seniors control over what pharmaceuticals they can use. However, under Part D, seniors must enroll in HMO-like entities that decide for them what drugs they can and cannot obtain. My district office staff has heard from numerous seniors who are unable to obtain their drugs of choice from their Part D providers. Mr. Speaker, I favor reforming Medicare to give seniors more control and choice in their health care, and, if H.R. 4 were a threat to this objective, I would oppose it.

Federal spending on Part D is expected to grow by $100 billion in 2007. It would be fiscally irresponsible for this Congress not to act to address those costs. I recognize that giving the Department of Health and Human Services the authority to engage in direct negotiations neither fixes the long-term problems with

Medicare nor does empowers senior to control their own health care. However, we are not being given the opportunity to vote for a true pro-freedom, pro-senior alternative today. Instead, we are asked to choose between two flawed proposals—keeping Part D as it is or allowing the Department of Health and Human Services to negotiate prescription drug prices for the Part D program. Since I believe that direct negotiations will benefit taxpayers and Medicare beneficiaries by reducing the costs of prescription drugs, I intend to vote for this bill.

Mr. CRAMER. Mr. Speaker, I rise in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. I applaud our leadership's efforts to lower the price of drugs for seniors and other Medicare Part D beneficiaries.

In addition to achieving the lowest possible costs for drugs, I strongly believe Medicare should ensure seniors have access to the drugs they need. Therefore, it is critical that price negotiations by the Secretary of the Department of Health and Human Services not lead to government price controls, or any restrictive formularies that could limit seniors' access to critical medicines.

Further, we must not take action that hinders medical research and development by the biotechnical and pharmaceutical industries. Government price controls could potentially lead to fewer breakthrough treatments for diseases such as cancer, Alzheimer's, multiple sclerosis, amyotrophic lateral sclerosis, ALS, and other devastating diseases.

Ms. ROYBAL-ALLARD. Mr. Speaker, on behalf of the millions of seniors and individuals with disabilities, I rise in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. And I thank our Speaker NANCY PELOSI for making this issue one of the first priorities of the 110th Congress.

The Medicare Prescription Drug benefit that passed in the 108th Congress was supposed to help control the rising costs of prescription drugs. But it has failed. According to a Families USA study, during the first 6 months of 2006, the median price for the top 20 drugs prescribed for seniors among Medicare drug plans actually rose by 3.7 percent.

What that means is that over the course of the full year, drug prices increased by as much as 7.4 percent, more than twice the rate of inflation. The Medicare Prescription Drug benefit that was passed in 2003 is simply not controlling the escalating prices of life saving medications for our seniors and those with disabilities.

An even more tragic consequence of the current drug benefit is that last year millions of Americans reached what is known as the "donut hole gap" in coverage. Many are from my own district in Los Angeles.

This gap means that in addition to having to continue to pay their premiums without the benefit of their coverage, they are required to spend almost $3,000 out of their own pocket for their medications before their benefits are restored.

The result has been that many of our Medicare beneficiaries have been forced to choose between paying for the multiple medications they need to keep them healthy and alive or paying their rent or other necessary household expenses.

The fact is, Mr. Speaker, that the 108th Congress did a grave injustice to our seniors and those with disabilities when it passed the Medicare prescription drug bill.

Instead of helping this vulnerable population, the current law simply replicates the same private market practices that have resulted in exploding prescription drug costs. Sadly, these costs are increasingly borne by patients.

Pharmaceutical companies, like other industries, grant discounts in exchange for volume and market share. It stands to reason, then, that our federal government should be given the power to negotiate the best price possible for the 22 million people whose medications it now purchases.

However, this is not possible because the structure of the Medicare prescription drug program expressly forbids our government from doing so.

Instead of relying on the administrative efficiency of a single large purchaser, the current Medicare Prescription Drug plan relies on thousands of stand-alone plans to separately negotiate with each drug manufacturer.

The benefit of our government being able to negotiate directly with drug manufacturers is best exemplified by the U.S. Department of Veteran Affairs. The VA uses the volume of its purchasing needs to negotiate up to 47 percent lower costs on frequently prescribed drugs for the thousands of veterans in its care. By contrast Medicare, the single largest prescription drug purchaser in the United States, has no power to lower high or unfair drug costs. This is not only bad business practice; it is also an unconscionable waste of taxpayers money which results in undue hardship for those it is intended to help.

Recent polls by the Kaiser Family Foundation and Newsweek have shown overwhelming bipartisan support among Americans for allowing our government to negotiate prescription drug prices for the Medicare program. Negotiating drug prices is also favored by the AARP, the Consumers Union, and the AFL–CIO.

Mr. Speaker, I urge my colleagues to join with me today in ending the prohibition for Medicare negotiation authority for prescription drugs. Let us make one of the first acts of this 110th Congress a Medicare Prescription Drug program that truly works for those most in need, our seniors and those with disabilities.

Mr. ORTIZ. Mr. Speaker, it was a dark day when this House strong-armed and bribed members into passing a prescription drug benefit for Medicare that served the pharmaceutical industry—rather than serving the seniors unable to afford prescription drugs.

Finding the way to fix the entire program will take us a while longer . . . but I am proud that today we are attacking one of the most egregious parts of that law, the portion that was designed as payback for the pharmaceutical industry. Paying the full cost of the prescription drugs makes the cost for this program astronomical; and the fact the law prohibits the government from negotiating for lower prices was particularly galling.

Now, in the first 100 legislative hours of the 110th Congress, we are passing this bill to cut the cost of health care and improve access to medicines by requiring HHS to negotiate with drug companies or lower drug prices for Medicare beneficiaries. This bill we consider today will certainly save millions of dollars taxpayers now pay to have a prescription drug benefit

Mr. Speaker, I am incredibly proud to stand today with you, with our colleagues, and with millions of seniors and U.S. taxpayers as we ensure that Medicare's drug component serves senior citizens, not the pharmaceutical lobby.

Mr. KIRK. Mr. Speaker, I am voting for H.R. 4 because I believe that the Medicare prescription drug program can be improved. And one improvement is allowing the Secretary an opportunity to negotiate lower drug prices.

At the same time, my support for H.R. 4 is contingent upon the principle that this legislation will not allow restrictions imposed by the Federal Government on patients' access to medicines. I firmly believe that every patient must have access to the medicines their doctors prescribe, without government intervention. I interpret this legislation to mean Medicare beneficiaries are protected against all types of government-imposed restrictions on patients' access to the medicines they need, and that no such restrictions will be allowed under the Medicare Modernization Act as amended by H.R. 4.

Seniors should pay less for prescription drugs, and Medicare should have more tools to achieve savings for our Nation's elderly. But these savings should not come at the expense of seniors ability to discuss with their doctors which drugs are best for their health and to have access to these drugs in the Medicare Part D program. I am disappointed that H.R. 4 was rushed to the floor today without any hearings or amendments allowed. I hope the Senate will take a more thoughtful approach when considering Medicare Part D reform to add more protections for our seniors.

Mr. CONYERS. Mr. Speaker, I rise in strong support of H.R. 4, which would allow the government to negotiate prescription drug prices on behalf of our senior and disabled citizens.

Aside from the bipartisan group of Members, an overwhelming majority of Americans favor allowing the government to negotiate prescription drug prices for the Medicare program. Eight-five percent of the 1,867 adults polled in a survey conducted by the Kaiser Family Foundation this past week, revealed they were in favor of such negotiations, including majorities of Republicans, Democrats, and independents.

I along with many of my Democratic colleagues promised to repeal this provision in the 2003 Medicare drug benefit law that prevents the government from engaging in drug price negotiations. Our time has come to do so.

The administration refused to take action on behalf our citizens desperately in need of affordable health care, offering them little hope for quality health care. Requiring the government to negotiate drug prices on behalf of our citizens requires some more details which can easily be sorted out through the experts at HHS.

Under the current Medicare Part D Prescription Drug Program, which enrolled 22.5 million people this year, dozens of private insurers offer Medicare drug plans in every state, competing on monthly premiums, choice of drugs and access to pharmacies. This has placed tremendous financial pressure on insurers, through their pharmacy benefit managers, to negotiate the best prices they can with drug companies and pharmacies, a fact confirmed by experts within the system.

There is no reason why the government cannot sort out difficulties, to mimic the few programs that are providing affordable drugs through pre-negotiated drug prices, such as the Department of Veterans Affairs. This department by law receives a mandatory discount on drugs, and also negotiates effectively to secure better prices for the 4.4 million veterans who use its drug benefit. With as many as 43 million beneficiaries, Medicare will have the ability to do the same.

Therefore I strongly support H.R. 4.

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of the Bipartisan Medicare Prescription Drug Price Negotiation Act of 2007, H.R. 4.

H.R. 4, despite the protestations to the opposite, does not require price controls, does not hamper research and development, does not require the Secretary of HHS to adopt the pricing structure of the Veterans Affairs system and does not require a national formulary.

What H.R 4 does require is for the Secretary of HHS to leverage the power of our 43 million Medicare beneficiaries to negotiate with pharmaceutical companies to get the best possible drug prices for our seniors and disabled under Medicare Part D.

There are still some of my colleagues who say this legislation is not necessary, but the facts indicate otherwise. Manufacturer prices for brand-name drugs rose 6.3 percent in the 12 months ending June 2006, more than one and one-half times the 3.8 percent rate of general inflation over the same period. In 2006 alone, this increase translated to an additional $283 for the typical American senior—an increase many can ill-afford.

We know that these prices are only likely to further increase and we need to repeal this prohibition now to help our seniors and disabled.

I urge my colleagues to support this critical legislation.

Mr. PORTER. Mr. Speaker, I rise today in opposition of H.R. 4, the Democrat Drug Price Control.

Simply put, this measure will limit choice and access to prescription drugs for seniors in Medicare. H.R. 4 changes the new Medicare prescription drug benefit program by requiring government employees to directly negotiate drug prices with manufacturers, instead of retaining the current system that gives seniors wide choices and uses multiple competing health plans and drug benefit managers to deliver benefits. This is not what is best for our seniors.

Though Democrats are promising lower drug prices, the potential trade offs for Medicare beneficiaries are too risky to gamble. By stripping the Medicare Modernization Act of the non-interference language, we would put the current choice and access that seniors deserve and enjoy in jeopardy. Instead, this bill opens the door to government bureaucrats picking and choosing what drugs and which pharmacies seniors could use.

Because of the new Medicare prescription drug benefit, thousands of seniors currently don't have to choose between groceries and the life saving medicine they need. In my district alone, roughly 87,000 seniors have enrolled and are saving an estimated $1,100 per year according to the Centers for Medicare and Medicaid.

The Veterans' Administration, VA, which relies on direct government negotiation, currently excludes nearly 30 of the top 100 drugs used by seniors from its one national formulary. By comparison, the most popular Medicare Part D and Federal Employee Health Benefits Program plans provide coverage for more than 99 percent of the most widely used drugs. Similarly, Medicare and FEHBP enable patients to obtain prescriptions at nearly all private pharmacies while the VA requires patients to either go to VA facilities to get their drugs or obtain them through mail order. Currently, more than 75 percent of VA prescriptions are fulfilled via mail.

Additionally, in 1990, the Democratic 1991 budget reconciliation measure which passed Congress gave the Medicaid program access to the low prices achieved by VA. Drug manufacturers, faced with mandated discounts to Medicaid, 15 percent of the market, decided to end deep discounts to VA, 1 percent of the market. In some cases the VA saw 300 percent price increases. Congress had to pass legislation to correct this problem in 1992. Let's not make the same mistake twice.

I urge my colleagues to oppose H.R. 4, Democrat drug price control.

Mr. LAMBORN. Mr. Speaker, I rise in strong opposition to H.R. 4 which was hastily drafted without proper committee consideration or any by the minority party.

Democrats are fond of citing the Department of Veterans Affairs as evidence that Medicare officials could squeeze lower prices out of drug makers if the government merely used its negotiating clout.

However, what they don't tell you is this program from the early 90s resulted in a stark increase in VA prices for drug purchases.

Additionally, independent experts at the Congressional Budget Office have said that government involvement in price negotiation will not lead to lower costs for seniors and could lead to significant restrictions in access to necessary drugs.

Our seniors can not afford either price increases or restrictions on the drugs they need to stay healthy, both of which are likely if this measure becomes law.

That is something I cannot support and I urge opposition to H.R. 4 today.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of H.R. 4, the Prescription Drug Price Negotiation Act of 2007.

This is the perfect capstone to an extremely productive week.

I came to Congress to help our seniors gain access to benefits they need and deserve, so I thank Chairman DINGELL and the new Democratic leadership of the House for bringing this vitally important bill to a vote during the first 100 hours.

In 2003, I voted against the prescription drug bill because, among other things, it did not provide adequate benefits to our seniors and did nothing to contain the rising costs of drug prices.

Current law states that the Secretary of Health and Human Services, unlike the Veterans' Administration, is expressly prohibited from negotiating the best drug prices on behalf of the 43 million seniors and others in Medicare who desperately need the lowest price available.

Price data show that Part D plans are not delivering on the promise that competition would bring prices down and that the use of market power has not resulted in drug prices that are comparable to the low prices negotiated by the VA.

H.R. 4 cuts the cost of healthcare and improves access to medicines by requiring HHS to negotiate with drug companies for lower drug prices for Medicare beneficiaries and greater savings for our taxpayers.

It's commonsense, it's good business sense, and it makes sense for our seniors.

Negotiations that lower prescription drug prices will help many consumers avoid the doughnut hole by preventing them from ever hitting the coverage gap where they have to pay thousands of dollars of out-of-pocket expenses for medications while still paying their monthly insurance premiums.

H.R. 4 does not dictate to the HHS Secretary how to negotiate but instead provides the Secretary with broad discretion on how to best implement the negotiating authority and achieve the greatest price discounts for Medicare beneficiaries.

The bill also ensures that Congress is able to closely monitor the administration's progress by requiring HHS to report to Congress every 6 months on drug price negotiation.

Under the current system, the pharmaceutical companies are the ones who benefit at the expense of our seniors, many of whom are forced to choose between paying for their prescription drugs and putting food on the table.

H.R. 4 seeks to help those who need it most. Older Americans are watching us today, waiting to see if we will act to make their prescription drugs more affordable and more accessible.

I am proud to cast a vote in support of America's seniors and urge my colleagues to do the same.

Vote "yes" on H.R. 4.

Mr. KING of Iowa. Mr. Speaker, I oppose this legislation, because I believe it will make seniors pay higher prices for their drugs and will restrict their access to the drugs they need.

Earlier this week, I met with Dr. Mark McClellan, the former administrator for CMS. Dr. McClellan pointed out to me, while no program is perfect, Part D has proven to be very successful. Premiums seniors pay for the basic drug benefit have fallen over 40 percent from the expected premiums. CMS reports that, on average, beneficiaries are saving nearly $1,100 a year on their drug costs, with many seniors and their doctors having more drugs to choose from under Part D than they did before. Also, Part D cost nearly $13 billion less than expected in 2006, and 10-year costs have been lowered by approximately $180 billion.

In order to make drugs cheaper, the Secretary will have to refuse coverage for a number of drugs that are regularly prescribed to seniors. When Medicare's list of covered drugs is shortened, either doctors will be forced to choose cheap drugs which could hurt the welfare of their patients, or seniors will be forced to pay out-of-pocket for many of the important, life-saving medications they need.

I urge a "no" vote on this harmful legislation.

Mr. YARMUTH. Mr. Speaker, I used to spend weekends at my father's used car lot and among other things, I saw a lot of haggling. There was a sticker price, but that was just a starting point for negotiation. If you wanted to drive the price down really low, your family would buy two cars at once. Three cars would really sweetened the deal. If the neighborhood had been really smart, they would've all come in at once and bought up the whole lot.

I tell you this, Mr. Speaker, because Medicare Part D is buying up the whole lot of prescription drugs and still paying sticker price.

Last year, this institution offered a plan intended to save seniors from paying the exorbitant cost of prescription drugs. Now most of them feel cheated by an overly complicated system, many of them aren't saving any money, and a good number of them are actually paying higher prices than they were before. And because we aren't negotiating on their behalf, we can't even tell our struggling Americans that we're doing the best we can.

Medicare part D was written for drug companies, by drug companies, and it should be no surprise, it's benefiting drug companies. This policy has yielded windfall profits for big pharmaceuticals, at the expense of our older Americans.

We can do better. America expects better. And our seniors deserve better.

I urge my colleagues to pass this common sense measure.

Mr. BOYD of Florida. Mr. Speaker, I rise today to express my support for H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. I commend the Leadership's efforts to curb prescription drug costs for the neediest in our country. As a Representative from the state of Florida, I represent a large number of seniors who rely on Medicare to help with medical costs, I am proud to be a supporter of this bill.

In 2003, when Congress passed the Medicare Part D Prescription Drug Bill Act, I was one of the few Democrats who voted for it. Many of us who supported the bill also supported giving the Secretary of Health and Human Services the power to negotiate drug prices. I believe that by allowing the Secretary to negotiate drug prices with biotech and pharmaceutical companies, we will lower prices for seniors who find themselves in the gap between stages of coverage when they have to pay the full price for the medications they need.

Not only do seniors need help coping with rising healthcare costs, but they greatly benefit from the development of treatments, from research and development, and from biologics. It is my intention as the Representative of the people of North Florida to see that people get the medical treatment they need, while also ensuring that this change in the Medicare Part D program is not the first step toward government price controls, stifling innovation, or corrupting the core design of our free market system.

We need to ensure that Congress is striking a balance between providing the aid that seniors need, and providing an environment where a healthy market can flourish. Madam Speaker, thank you again for allowing me to speak on this issue, and for making our nation's senior citizens a priority in this first week of the new leadership.

Mr. WEXLER. Mr. Speaker, I rise in strong support of H.R. 4, which mandates the Secretary of Health and Human Services to negotiate lower drug prices for seniors. America's seniors deserve the best possible health care that this government can offer. Unfortunately, we have failed to live up to this expectation under the new Medicare Part D program.

It is unconscionable that the Republicans who drafted the Medicare drug bill actually prohibited the Secretary from obtaining lower prices for seniors. In fact, under Medicare Part D, seniors are paying as much as 10 times more for the most commonly prescribed drugs than patients being treated by the Veterans Administration, and drug prices have consistently risen since the bill's enactment. Community pharmacists, who have witnessed first hand the difficulties seniors face with ever increasing drug prices, endorse this important legislation.

Today, Congress has the opportunity to empower the Secretary to act in the best interest of America's seniors. I strongly urge my colleagues to vote in favor of this bill.

Ms. WOOLSEY. Mr. Speaker, one learns the useful lesson of "strength in numbers" from an early age, but it seems some of us could use a refresher. The more people you have on your side, the better the chances of success.

Well, there are approximately 43 million Medicare beneficiaries in this country—more than enough, I'm sure, to throw some considerable weight behind the drug price negotiations we're debating today.

Now let's make one thing clear. The only real beneficiaries of the Medicare modernization act were the insurance companies and the drug companies whose profits continue to soar.

Meanwhile, seniors who have worked a lifetime to earn the peace of mind our drug program should be have been sacrificed for handouts to these industries. Furthermore, they remain responsible for paying a majority of their often astronomical prescription drug costs.

Well today the tides are turning. I'm proud to join my colleagues in support of this long-awaited, urgently needed measure that will finally bring seniors savings on their prescription drugs.

On behalf of beneficiaries in Marin and Sonoma counties, I urge you to support the seniors in your districts, by voting for H.R. 4.

Mr. UDALL of Colorado. Mr. Speaker, I am going to vote for H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. I support making changes to the Medicare Part D plan to make it more accessible, affordable and easier to understand.

H.R. 4 repeals the part of the current law that prohibits the Secretary of Health and Human Services from negotiating with drug companies for lower prices for those enrolled in Medicare drug plans. The bill would instead require the Secretary to conduct cost-saving negotiations, and in conducting these negotiations, the Secretary may not restrict access to certain medicines in Medicare, for example by requiring a formulary to be used by Medicare Advantage plans. Finally, the bill would require the Secretary to submit to Congress a report on the negotiations conducted no later than June 1, 2007, and every six months thereafter.

I am voting for this legislation because I hear from seniors in my district about how they are struggling to pay for the medicines their doctors tell them they need to take. No senior should be faced with the decision of cutting their pills in half, or pay their drug bill or their electric bill.

However, I have some doubts that this negotiation will actually result in lower prices than what private plans are already achieving for seniors enrolled in Medicare Advantage plans. The nonpartisan Congressional Research Service issued a report on January 5, 2007, titled "Federal Drug Price Negotiation: Implications for Medicare Part D," which says that the bill "may not necessarily lead to lower costs for beneficiaries." The report also says the bill could affect the number and types of drugs that would be available to seniors and the amount of research and development and innovation by pharmaceutical companies. Nonetheless, H.R. 4 gives the Secretary of HHS great latitude in how negotiations will be conducted, and it is my hope that the Secretary will enter into these negotiations in a way that won't harm seniors' access to medicines or negatively impact new drug research and discoveries. Large employers, states and large pharmacy chains all use their bargaining clout to obtain lower prices for their consumers; Medicare should have the same opportunity to bargain for lower prices for America's seniors.

Mr. Speaker, I think we need to try different approaches to make lifesaving medicines available to our nation's seniors so I'll vote for this bill. I will continue to work on a prescription drug program that meets the needs of our nation's seniors.

Ms. CORRINE BROWN of Florida. Mr. Speaker, last August I held six (6) Town Hall Meetings throughout my district on the new Medicare Part D Prescription Drug program, and I would encourage my colleagues to do the same. Not only did it give my constituents a chance to get help and get their questions answered, it gave me an opportunity to really find out how the new program is working.

I've been an elected official for 25 years, and I have never seen a program that penalizes somebody for the rest of their life if they didn't sign up right away.

This current Medicare Part D bill was written by and for the Insurance and Pharmaceutical industry without the needs of our seniors in mind.

This bill allows the private drug plans to take drugs off their approved list, and even charge more for drugs throughout the year, while seniors are locked in and cannot change plans until the next year.

Incredibly, the Republican Leadership wrote a bill that specifically prevents the Secretary of Health and Human Services from negotiating the price of drugs. Even though both the Secretary of Veterans Affairs and the Secretary of

DoD are negotiating their drug prices right now.

Could you imagine if we told Wal-Mart that they couldn't get a reduced price by buying in bulk? Every member of the Republican Party would be on this floor screaming bloody murder, but when it's needed drugs for our senior citizens, there is deafening silence.

This is another perfect example of the Republicans talking out of both sides of their mouth. They stand on the floor every day demanding that we save the taxpayers money, but when we try to do that with the companies that fill their campaign coffers, they say we are hurting business. But the real truth is that the drug companies are making record profits while seniors and taxpayers are paying higher drug prices.

And one of the most troubling aspects of this bill and one that most people don't know about is the "donuthole" where no coverage is provided after you spend $2,250 until your costs reach $5,100. That's $3000 in out of pocket costs that few if any of our seniors can afford.

I encourage my colleagues to do the right thing for our parents and grandparents and allow the secretary to negotiate bulk prices for these needed drugs.

Mr. KUCINICH. Mr. Speaker, on one hand we hear from the opposition that this bill will not save seniors money. But then we hear that Medicare's negotiation of prices is tantamount to price controls. To make that argument, one has to assume money will be saved. Which is it? Will it save money or won't it? The answer is that of course it will save money.

It's particularly interesting that Pharma's response is to threaten to reduce innovative new drug research by withholding research funding. Pharma will not reduce their lobbying army that outnumbers Members of Congress. They will not reduce their profits which average almost $5 billion dollars among the top 8 Pharma companies in 2006 alone. They will not reduce their army of salespeople dedicated to influencing the prescribing habits of doctors. They will not stop paying scientists to influence clinical trial data that is supposed to be the basis for impartial judgment of a drug's efficacy and safety. No, they are threatening to cut research funds, which they claim will affect innovation. But they will not tell you that the number of truly innovative drugs they are producing has been declining since 1999 according to the Government Accountability Office. Why? Because they are instead spending their money on making minor changes to existing drugs in order to extend their highly profitable patent life. And by asking us to reject negotiation of prices for Medicare, they are asking us to fund not only their sub-par research agenda but their entire influence industry. I'm not buying it.

Mr. CROWLEY. Mr. Speaker, I rise in support of the H.R. 4 to allow the Secretary of Health and Human Services to negotiate the price of drugs for our nation's seniors.

This legislation would require the Secretary of Health and Human Services to negotiate with pharmaceutical companies, and would also require the Secretary to report back to Congress on his negotiations, effectively giving us the right of oversight.

But I support this legislation because it has the ability to save our nation's seniors millions of dollars in drugs they use every day.

There is evidence to show that this bill could potentially save our seniors significant savings on their prescription drugs. According to Families USA, the average senior could potentially save 58 percent on their drugs.

Additionally, according a Kaiser Family Foundation poll, eighty-five percent of respondents feel that the government should be given the ability to negotiate lower prices for senior citizens.

However, this bill, while a step in the right direction is by no means the end to this debate. Congress should hold hearings, and briefings to further discuss how to lower prices for medication without eliminating access to vital medications for our nation's seniors.

In order to accomplish more access to medications, and an over all improvement in the healthcare system, the answer does not lie in pointing fingers at each other, but rather the un-obstructed dialogue between constituents, elected officials on both sides of the aisle, and all interested parties.

I know that I am willing to work with all parties in this debate if it helps my constituents obtain much needed medicine, and access to doctors.

Let's stop blaming each other, and prohibiting each other from trying something new. Instead, let's attempt something that could possibly be revolutionary. Former President Franklin Delano Roosevelt once said "It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something."

I agree with him, prevail or not, at least we can say we tried to make a difference in the lives of millions of Americans.

I urge all my colleagues to work together to get this legislation passed, both in Congress and out.

Mr. TANNER. Mr. Speaker, I join my colleagues in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act.

We all share the goal of adequate access and reasonable prices for prescription drugs for our nation's seniors. I believe that the Medicare prescription drug program can be improved and one improvement will be to allow the Secretary an opportunity to try to negotiate for lower prices.

While I do support this legislation, I want to make it clear that I do not support any government-imposed restrictions on patients' access to their medicines. Nor do I support government price controls on prescription drugs. Each patient must have access to their doctor prescribed medicines without a government bureaucrat blocking that access. I also do not support the imposition of government price controls that might restrict access to medicines and the development of new medicines needed by those with conditions like Alzheimers, ALS and cancer.

I believe that provisions in H.R. 4 that protect against government imposed formularies is the right policy. In supporting H.R. 4 today, I am saying Yes to negotiation, No to government-imposed restrictions on patient access to the drugs prescribed by their doctors and No to government price controls.

Mr. SHAYS. Mr. Speaker, I am opposed to H.R. 4. Despite the rhetoric we're hearing on this issue, the fact is seniors are already realizing significant savings from negotiated prices. With plenty of competition between Medicare prescription drug plans driving prices lower, the free market is working. Why fix something when it's working?

Seniors should understand the government isn't in charge of negotiating prices because the government doesn't administer the benefit. Private plans do. The negotiation takes place through private carriers who provide this service already for prescription drug beneficiaries like the United Automobile Workers of America.

Most prescription drug plans use pharmacy benefit managers, or PBMs, to negotiate drug prices for them. These PBMs already negotiate drug prices for private insurers, and now, with the added market power of Medicare beneficiaries, PBMs are getting lower prices not only for Medicare beneficiaries, but for everyone on whose behalf they are negotiating.

I noted with interest the Congressional Budget Office report on this legislation, which stated that the federal government lacks the leverage to achieve savings over what private plans are already negotiating. Furthermore, the CBO report notes because Medicare prescription drug plans bear substantial financial risk, they already have strong incentives to negotiate deep discounts on prescription drugs.

I think it is unfortunate on an issue of this importance, we haven't had a single committee hearing or considered a single amendment to this legislation, despite significant evidence the legislation will not do what its proponents claim it will.

I share the bill's proponents support for lowering drug prices, but H.R. 4 is the wrong solution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have serious reservations about H.R. 4. I am not convinced this provision will do anything to really help lower the price of prescription drugs. I will reluctantly vote for H.R. 4 because it is a priority for the Speaker.

I would like to submit an article into the RECORD published yesterday morning in the Washington Post.

The article points out the faulty approach in comparing the Veterans Administration with Medicare Part D, when it comes to drug price negotiations.

While the V.A. is able to offer significant savings in drug prices, it offers a limited formulary. Also, the VA—by law—receives an automatic 24 percent discount from the average price that wholesalers pay.

Comparing Medicare Prescription Drugs to the V.A. system is apples to oranges. I have not seen convincing evidence that the proposal will be effective.

Mr. Speaker, we must do better. We must do more.

In my opinion, this bill (H.R. 4) leads the seniors to believe that we are doing something for them. If we are serious, we would address the "donut hole."

Again, I urge my colleagues to review this article, that helps to make my point, and I submit it for the RECORD.

[From the Washington Post, Jan. 11, 2007]

Experts Fault House Bill On Medicare Drug Prices

(By Christopher Lee)

Democrats are fond of citing the Department of Veterans Affairs as evidence that Medicare officials could squeeze lower prices out of drugmakers if the government merely used its negotiating clout. But that comparison ignores important differences between the two systems, experts say.

Unlike Medicare, VA by law receives an automatic 24 percent discount from the average price that wholesalers pay. Its prices are also low because VA, which prescribes medications for 4.4 million veterans annually, has a relatively narrow formulary, or list of approved drugs. The agency secures big discounts from the manufacturers of a few drugs in each class by promising not to offer competing drugs. The Centers for Medicare an Medicaid Services (CMS) is prohibited by law from adopting such a list for the year-old Medicare drug benefit, in part because seniors enrolled in what is known as Part D want to have a wide range of drug choices.

The legislation that House Democrats hope to pass tomorrow to require the Bush administration to negotiate drug prices for Medicare would neither permit a formulary nor require an automatic discount. It would simply require the secretary of health and human services to pursue negotiations and report back to Congress in six months.

That is part of the reason that many experts do not expect the measure to deliver significant savings even if it overcomes opposition in Congress and escapes a possible presidential veto.

In fact, the nonpartisan Congressional Budget Office said yesterday that the House bill would have a "negligible effect" on federal Medicare spending because without a formulary the HHS secretary probably could not obtain better drug prices than those negotiated by the many private insurers who offer Medicare drug plans.

"The federal government can get lower prices, but only if it's willing to exclude a certain number of drugs from the formulary," said Robert Laszewski, a nonpartisan health policy consultant in Washington. "And that's a huge political leap that I would be very surprised if this Congress took. I don't think they are going to give CMS any teeth."

"The VA is really a different animal than Medicare Part D," said Robert B. Helms of the American Enterprise Institute, who was an assistant secretary of health and human services in the Reagan administration.

But Democrats and their allies say that the gulf between drug prices under the VA system and those under Medicare is too large to ignore, and that requiring the government to negotiate prices for Medicare would help narrow the gap significantly.

On average, prices are 58 percent higher in Medicare than in the VA system for the 20 drugs most commonly prescribed for seniors, according to a study released Tuesday by the nonprofit advocacy group Families USA. The lowest price for a year's supply of 20-milligram pills of the cholesterol-lowering drug Lipitor, for instance, was $1,120 in Medicare and $782 in the VA system, the report said.

"These high prices are devastating seniors," said Ron Pollack, the group's executive director.

Rep. Frank Pallone Jr. (D-N.J.), chairman of the House Energy and Commerce subcommittee on health, called eliminating the current prohibition on government negotiations a "no-brainer."

"It makes absolutely no sense to say that the administration should not be able to negotiate prices for all these seniors," Pallone said. "There's no way it's not going to save a significant amount of money."

Pallone said Medicare could obtain prices similar to the VA system's even without a formulary. "I have every reason to believe that there is enough persuasion power, with different things that could be implemented by the secretary, that could get down to those levels," he said. He added that Democrats will consider further changes down the road.

Energy and Commerce Committee Chairman John D. Dingell (D-Mich.), lead sponsor of the House bill, discounted the importance of the CBO analysis. "Common sense tells you that negotiating with the purchasing power of 43 million Medicare beneficiaries behind you would result in lower drug prices," he said.

Critics of the VA comparison note that some of VA's costs are buried in overhead. The department employs the doctors and nurses who write the prescriptions, and it operates the mostly mail-order pharmacies through which 76 percent of veterans' prescriptions are distributed. Medicare does not have that kind of infrastructure, and seniors have demonstrated a preference for retail pharmacies, CMS officials say.

CMS officials also note that about a quarter of the 3.8 million Medicare beneficiaries who get VA health-care benefits are also enrolled in Part D, in which the choice of drugs is broader.

"It's apples to oranges," former CMS administrator Mark B. McClellan said of the comparison. "The VA is a closed health-care system relying on mail order and a tighter formulary than Medicare beneficiaries have shown they prefer."

Mr. WELDON of Florida. Mr. Speaker, the legislation before us today is very different from the campaign promises that were made just a few short months ago by the Democrats. Counter to the arguments made today by Democrats in support of their bill, experts in the field, including the Democrats' own past and present budget directors, say that this bill will not save seniors or the government money. The bottom line is that this bill is more about politics and partisanship than it is about partnership and lowering prices for prescription drugs.

Rather than the "Medicare Prescription Drug Price Negotiation Act," a more appropriate name for this bill might be, "The Government Price Control and Limited Access to Drugs Act." Price controls, which supporters of this bill advocate, lead to shortages and denial of access to many drugs.

Robert Reischauer, appointed by Democrats as the Director of the Congressional Budget Office (CBO) from 1989 through 1995, had this to say recently about the Medicare Prescription Drug plan and the Democrats' proposed legislation (H.R. 4):

> People said it's going to cost a fortune. And the price came in lower than anybody thought. Then people like me said they're low-balling the prices the first year and they'll jack up the rates down the line. And, lo and behold, the prices fell again. And the reaction was, "We've got to have the government negotiate lower prices." At some point you have to ask: What are we looking for here?

In other words, Mr. Reischauer, who now works for the liberal-leaning Urban Institute, says that we have already achieved in the current plan what the Democrats say they want to achieve with H.R. 4.

Further undermining the Democrats' claim is the January 10, 2007, cost estimate and analysis of their bill by the CBO concluding that H.R. 4 would not save seniors or the government money. The Democrats had hoped to use any savings for additional government spending. The problem is CBO says there will be no savings. Quoting from that analysis:

> . . . the Secretary would be unable to negotiate prices across the broad range of covered Part D drugs that are more favorable than those obtained by PDPs under current law. [PDPs are the current private plans available to seniors under Part D.] [T]he Secretary . . . would lack the leverage to obtain significant discounts in his negotiations with drug manufacturers. . . . [P]rices for covered Part D drugs would continue to be determined through negotiations between drug manufacturers and PDPs. . . . PDPs have both the incentives and the tools to negotiate drug prices that the government, under the legislation, would not have.

CBO, economists and Republicans understand basic economics: When you have no tools at your disposal at the negotiating table, you have no leverage and no ability to achieve your goals. The Democrats removed from their bill the most important tool in lowering prices. This is the very tool that PDPs have used very effectively—their ability to establish a formulary for their plan that includes some drugs while excluding others. Absent the ability to exclude some drugs from their prescription drug plan, the government has no leverage to achieve lower prices. When seniors were told that the Democrats were planning to establish a plan that excluded some drugs, 89 percent of seniors said they would object to such a plan. It was this strong reaction from seniors that led Democrats to drop this plan.

It is this ability to exclude hundreds of drugs that enables the Dept. of Veterans Affairs (VA), Dept. of Defense (DOD) and Medicaid to negotiate prices with manufacturers. The VA also saves money by requiring that over 80 percent of VA prescriptions be filled by mail order and by limiting access to local pharmacies. The VA approved drug list includes less than 40 percent of drugs approved by the FDA since 1990, and less than 20 percent of drugs approved by the VA since 2000. VA drug prices also do not include the costs of administering the program or paying for pharmacy services. The tradeoff for those in these programs is that they have access to far fewer than the 4,300 drugs currently available to seniors across the Medicare drug plans. Eighty-nine percent of seniors do not want the government to apply such restrictions to Medicare.

The good news for seniors is that currently there is negotiation for drug prices by those who have the leverage and tools at their disposal to secure better prices for seniors and the government. The various Medicare Part D [PDP] plans do negotiate with drug manufacturers for drug prices and they do so in a vigorously competitive environment. Each of these plans has a drug formulary (list of drugs available to enrollees in that plan) and manufacturers know that if they do not provide Part D plan with a reasonable price, their drug will not be offered in that plan resulting in the loss of drug sales for their drugs. These Part D private plans have the ability to leave the negotiating table and exclude drugs from their plan and this has lowered drug costs significantly. Medicare recently released a study showing that estimated costs of the Part D program have fallen by over $100 billion, primarily due to the ability of plans to negotiate savings.

Under the current program, once these plans have completed their negotiations, seniors are able to review the plans to see which plan best meets their needs in terms of drugs, including copayments, deductibles, and other factors. My constituents in Florida District 15 have dozens of different plans from which to choose.

There is a saying that, "You don't fix what ain't broken." Given that over 80 percent of seniors are satisfied with their current plan, it is safe to assume that it isn't broken. Unfortunately, for Part D beneficiaries, the Democrats' bill amounts to choosing partisanship over partnership. Now-Speaker PELOSI said of the Republican Medicare Drug Plan back in 2003: "The Republican plan is a plan to end Medicare. I urge my colleagues to reject this raw deal for America's seniors." Contrary to her dire prediction, it has turned out to be a very good plan for seniors as the average senior is saving hundreds of dollars per year.

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I support H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007, and its goal of reducing prescription drug prices for both the Medicare program and its beneficiaries.

Just like any new program, the current Part D benefit has its flaws. Make no mistake, however, the current Medicare prescription drug benefit has gone a long way in providing desperately needed assistance to seniors in Tennessee and across America in paying for their prescription drugs. Though far from perfect, the original bill passed in 2003 represented a breakthrough and an important milestone in the Nation's commitment to strengthen and expand health security for current beneficiaries and future generations. As a representative of an extremely rural district, the provisions that directly impacted my rural constituency were too good to vote against. Had I voted against the legislation, I would have essentially voted against my constituents, and I was elected to protect them.

Tennessee's Fourth District has a little over 27,000 elderly individuals with incomes less than 150 percent of the federal poverty level. The current benefit has directly assisted them in scaling down the cost of medicine and, as a result, has provided much needed assistance for low-income individuals. In fact, as of November, over 50,000 Tennesseans had been deemed eligible for the low-income subsidies provided by the original legislation.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 has directly impacted each of the 435 congressional districts in a unique way. While there is room for improvement, no one can deny that Part D has made great strides in helping our seniors to afford prescription medications. I applaud the program, but like my colleagues, I am committed to strengthening the benefit.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support for the Medicare Prescription Drug Price Negotiation Act of 2007, H.R. 4.

This legislation is long overdue. Quite simply, H.R. 4 repeals the provision in current law that prohibits the Secretary of Health and Human Services (HHS) from negotiating with drug companies for lower prices for those enrolled in Medicare prescription drug plans and instead requires the Secretary to conduct such negotiations. As it stands right now, Medicare is the only entity in this country that cannot bargain for lower drug prices. The states, Fortune 500 companies, large pharmacy chains, and the Veterans' Administration (VA) all use their bargaining clout to obtain lower drug prices for the populations they serve.

It is quite astonishing that the current law prohibits Medicare from negotiating for lower prices while the VA is able to negotiate for lower prices for veterans. By not allowing Medicare to negotiate for lower drug prices, the responsibility for moderating drug prices is in the hands of the private drug plans that participate in Medicare. With the failure of private plans to deliver lower drug prices, Medicare beneficiaries end up paying higher out-of-pocket expenses. This failure is also a burden on taxpayers, as they pay approximately three-fourths of the costs of the Part D program.

We simply cannot rely solely on private market competition to secure lower drug prices for Medicare beneficiaries. In fact, a recent report conducted by Families USA found that Medicare Part D drug prices are much higher than those obtained by the VA. This comprehensive study determined that for half of the top 20 drugs prescribed to Medicare Part D beneficiaries, the lowest price charged by Part D insurers is at least 58 percent higher than the same drugs provided to veterans by the VA. It is obvious that the pharmaceutical companies participating in Medicare Part D have failed to achieve what former CMS Administrator Mark McClellan claimed, "the best discounts on drugs." We can, and must, do better in lowering drug prices in the Medicare Part D program.

We must stand up for seniors and people with disabilities and give Medicare the ability to get the lowest possible prices for its beneficiaries. America's seniors and taxpayers will benefit from this legislation. I urge my colleagues to support the Medicare Prescription Drug Price Negotiation Act of 2007.

Mr. SIRES. Mr. Speaker, I rise in support of H.R. 4, the Medicare Prescription Drug Negotiation Act of 2007. A bidding process exists for contracts and other goods and services at every level of government. As a former Mayor, my experience tells me that bidding and negotiations almost always leads to lower prices, which in turn saves the government and, ultimately, the taxpayers money.

Today we have the opportunity to allow the government to negotiate and follow a purchasing process that is similar to the ones used by local and state governments as well as the Federal Government. Having already allowed Veterans Affairs this type of negotiation authority, there is no reason why Medicare should not have the same authorization.

I do not believe this authority is going to limit the choices for Medicare beneficiaries as some of my colleagues on the other side of the aisle have suggested. This legislation will not force the Secretary of Health and Human Services to restrict formularies and will not alter any of the current prescription drug plans. Rather H.R. 4 will help seniors get lower prices on prescription medications under Medicare and that is why I will vote for this bill today.

Mr. Speaker, I urge all of my colleagues to support H.R. 4.

Mr. MARKEY. Mr. Speaker, I rise today in support of H.R. 4, The Medicare Prescription Drug Price Negotiation Act.

We've heard about how Wal-Mart reduces costs through the purchasing power of their "Sam's Clubs."

Well today we are establishing "Uncle Sam's Club", a smart way of pooling the enormous purchasing power of the Medicare program and enabling the Secretary to drive down the cost of prescription drugs through negotiation.

Fortune 500 companies and large pharmacy chains all across the country negotiate for better drug prices on behalf of their patients.

It is now time for the Secretary of HHS to do the same on behalf of millions of seniors in the Medicare program.

When the Republicans passed their prescription drug bill, they explicitly prohibited the Secretary of HHS from negotiating with the pharmaceutical industry to get better drug prices for seniors.

They seem to have forgotten that the government is supposed to work for the public interest, not the special interests. Unfortunately, it has become necessary to remove that giveaway to the special interests and remind the Secretary of his public interest obligations. In this bill we require the Secretary to work on behalf of seniors and people with disabilities to make sure they get the best possible deal on prescription drugs.

The Republican's prescription drug bill has failed to get the cost of prescription drugs under control. Last year drug prices rose at twice the rate of inflation.

The Medicare Prescription Drug Act was supposed to help seniors pay for their prescription drugs, but instead it became a means to keep drug prices and company profits at record high levels.

It is long past time for the Secretary to use his negotiating power to help seniors avoid choosing between buying the drugs they need and paying for their rent or food.

Vote for your constituents for a change. It is good medicine. Vote for H.R. 4.

Mr. HASTERT. Mr. Speaker, in 2003, for the first time in history, this Congress was able to pass historic legislation providing comprehensive prescription drug coverage under the Medicare program. When we debated this legislation we heard from our Democrat colleagues on how it won't work. It will be too complicated, confusing, frustrating for seniors and they will pay high premiums and deductibles for minimal benefits.

Then Part D went into effect. Again we only heard from the other side of the aisle with tales of unsatisfied seniors who had no help to guide them through the process.

Now just a little over a year after Medicare Part D was implemented we find ourselves talking about this program again. So let's talk about Part D Mr. Speaker. Let's talk about the 22.5 million seniors who just over a year ago had no prescription drug coverage. Let's talk about recent polls that show 80 percent of those covered say they are in fact satisfied with the program and the benefits they are receiving. And we know they are satisfied because they are spending far less money out of pocket. On average, seniors are paying less than half of what they were just a year earlier when they had no drug coverage at all, many are saving even more.

In fact Mr. Speaker, I recently received an email from a constituent of mine in Elgin, Illinois, Mr. Ted Whittington. Ted just wanted to thank the Congress for their leadership in providing the prescription drug plan because of what it meant for his family. See Ted's mother takes medication that cost them nearly $700 a month placing a great deal of financial strain on the family. When they enrolled her in Part D it immediately reduced those monthly costs to $170—cutting costs 70 percent. This is just one of the many success stories I have had the pleasure of hearing about from my constituents back home in Illinois.

Before us today is a bill that will take Medicare Part D in the wrong direction by removing the free-market tools which are keeping prices low. H.R. 4 would replace the free market with price controls. Price controls didn't work with gasoline in the 70s and isn't the answer for Part D. It won't help seniors. It won't help taxpayers.

In fact, CBO confirms price control mechanisms aren't practical for Part D. Just this week they reported to Congress once again that giving power of price control to the Secretary would have a negligible effect on lowering prices. Our Democrat colleagues know this, standing before this House time after time voting against the very price controls they seek to pave the way for today. They did so for one simple reason—price controls do not work.

In nearly every way, H.R. 4 undermines the thriving Medicare Part D program that is helping millions of seniors. A price control system will limit the amount of drugs available to seniors while keeping them from being able to get their prescription filled when and where they want. And these changes would be far-reaching, increasing drug costs for veterans, slowing the course of new drugs available on the market, and diminishing the health and well being of those it seeks to help.

Mr. Speaker, my Democratic colleagues refuse to admit the truth to the American people—Medicare Part D is working. For seniors, Part D simply means affordability and access to their prescription drugs. From community pharmacies to mail order, seniors around the country get the prescriptions they need at prices they can afford. Instead of giving credit for a job well done and reaching across the aisle to build off the successes of this Republican-led program, the new House leadership would rather play politics and dismantle the Medicare Part D program.

Mr. Speaker I urge my colleagues to vote "no" on H.R. 4 and let us get to work on solving problems—not creating new ones for the American people.

Mrs. TAUSCHER. Mr. Speaker, I rise today to speak on behalf of America's senior citizens.

We in the Congress have a duty to provide the Secretary of Health and Human Services with all the tools necessary to grant seniors continuous access to affordable prescription drugs.

This legislation, which I support, helps move in that direction.

However, we must be careful that our actions do not restrict seniors' access to medicines prescribed to them by their doctors.

And we must be careful to ensure that any changes to Part D do not diminish the ability of life sciences and biotechnology companies to continue innovation—innovation on the drugs that are extending and improving the quality of life for countless people around the globe, and innovation on future research that holds limitless promise.

I also firmly believe that limiting formularies is not the way to go because it has a direct impact on limiting choice to seniors.

We also need to address the donut hole created by the Republican-authored Medicare bill.

It is wrong that we provide seniors help with their drugs, and then suddenly—that help stops. Coverage needs to be continuous.

I look forward to working with my colleagues to rectify this problem. Our seniors deserve it.

Mr. HONDA. Mr. Speaker, I rise today in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007. I commend Speaker PELOSI and Representative DINGELL for bringing this important legislation to the floor for consideration.

I strongly believe that Medicare should ensure that seniors have access to the drugs and biologics they need. I applaud the leadership's effort to avoid the use of government price controls and restrictive formularies, while broadening the effort to make medication more affordable for our seniors.

It is critical that the Secretary structure the negotiation process so that the result does not limit seniors' access to both proven and new therapies.

Small, emerging biotechnology companies are researching and developing cures for cancer, Alzheimer's, multiple sclerosis and other devastating diseases. The majority of these companies are small companies without approved products, which are highly reliant on the public and private capital markets.

As Medicare negotiates prices, we must be careful to protect this important research, which is costly and takes a long time to come to fruition but has added much to our quality of life.

I believe that this legislation is an important first step in achieving important cost savings for our seniors and urge my colleagues to support it.

Mr. PEARCE. Mr. Speaker, over 90% of people with Medicare, that's 38 million Americans, get their prescription drugs through Medicare Part D. These seniors are satisfied with their coverage and are finally receiving the drugs they need at costs they can afford.

Consistently, 80% of beneficiaries report they are satisfied with their current coverage and drug plans. Those include seniors known as dual-eligibles, the poorest seniors eligible for both Medicare and Medicaid, because they are seeing more choices and paying less money for quality care.

My constituent, Nancy Santheson of Roswell, New Mexico, was spending almost $800/month on one drug to treat osteoporosis. She had zero coverage the first year her doctor prescribed it. Once she signed up for her Medicare Part D plan, it went down to only $60/month. This drug is not listed on the Veterans' Administration's national formulary. Had Nancy been dependent on the price negotiations the VA administers and the Democrats have proposed, she would not have had coverage of this drug, a new treatment that has shown great promise in reversing bone loss.

Democrats say they will fill in the donut-hole, a cost estimated to be $450 billion over 10 years, with the savings they claim will incur through government interference in price negotiations. Yet the non-partisan Congressional Budget Office and Centers for Medicare and Medicaid Services have stated that they predict government involvement in price negotiations will not lead to lower costs for taxpayers or seniors.

Seniors want choice, not government controlled access to their vital prescriptions. The leverage needed to negotiate low prices is volume buying and the ability to walk away from a deal the government decides is too expensive. This means the government will have to walk away from a deal with a drug company, and seniors would not have access to those drugs. Negotiating low prices will take priority over getting the most quality, effective drugs in our seniors' medicine cabinets.

But seniors are already getting negotiated discounts. Private insurance plans already have a strong incentive to negotiate low prices for seniors: they want to control their own costs and compete for new enrollees to choose their plan. Premiums for the drug basic benefit are offered at an average of $22/month for seniors in 2007, down from $23 in 2006. This is $15 less than the $37/month coverage premiums were originally projected to cost. In fact, Democrats wanted to set premiums on seniors at a static $35/month, $13 more than average beneficiaries will pay next year. This proves that competition is working and our seniors are receiving benefits cheaper than ever imagined.

Democrats point to the Veterans' Administration as a model for this government price controlled plan. But the latest information from the Centers for Medicare and Medicaid Services suggests that almost 40 percent of veterans eligible for both VA and Medicare benefits choose to get their prescriptions through Medicare Part D, the plan with more choices.

Time and again, veterans in my district have been frustrated that in order to receive the best benefits, they must get their drugs through an impersonal mail order program. In fact, 76 percent of veterans' prescriptions are distributed through mail order. And year after year efforts are made to encourage more veterans to get their prescriptions through mail order. Why put seniors in this position when we do not have to? Our seniors will face threats to their ability to purchase drugs from local pharmacies, just as veterans face, and may have to retrieve their drugs through an impersonal mail-order program, not their trusted pharmacist.

Mr. Speaker, our seniors deserve to have access to the drugs they need at the lowest costs possible. They are getting both now, and Democrats want to take that away. We must continue to fight for our seniors and I encourage my colleagues to vote "no" on H.R. 4.

Mr. ANDREWS. Mr. Speaker, as the Representative of the First Congressional District of New Jersey, I take this opportunity to enter into the RECORD my position on the Medicare Prescription Drug Price Negotiation Act of 2007, H.R. 4. First, I would like to congratulate Speaker PELOSI on her outstanding performance over these last few weeks in bringing the real priorities of the American people to the forefront of the 110th Congress's agenda. Reforming the House of Representatives ethics standards, increasing the minimum wage, authorizing Federal research of embryonic stem cells and providing the Secretary of Health and Human Services, HHS, the authority to negotiate drug prices with the pharmaceutical industry are all essential measures for the American people.

On January 12, 2007, I voted in favor of H.R. 4; however, I have some concerns for seniors in my home State of New Jersey. Although I believe Congress should authorize the Secretary of HHS to negotiate drug prices, I believe his authority should be limited so to not disrupt areas in which the Pharmacy Benefit Managers, PBM, are obtaining the best deal for seniors. If our goal is to ensure that all avenues of achieving price discounts are being used to benefit the seniors and individuals with disabilities in the Medicare program, then Congress should allow drug companies and PBMs, who are successfully negotiating affordable drug prices for seniors, to continue to do so without interference from HHS and focus the Secretary's attention on those areas where competition is stymied and prices are artificially inflated by drug companies.

Furthermore, I am concerned about how H.R. 4 will affect various States' prescription drug assistance programs. For example, New Jersey provides drug coverage to over 200,000 low-income seniors through two programs known as the Pharmaceutical Assistance to the Aged and Disabled program or PAAD and Senior Gold. After passage of the Medicare Prescription Drug bill, the State of New Jersey made a decision to make beneficiaries whole by providing a "wrap around" benefit to Medicare Part D. Therefore, PAAD beneficiaries continue to pay only a $5 co-pay per prescription with no deductible, regardless of the terms of their particular Part D plan. Secondly, because PAAD maintains an open formulary for its beneficiaries, medications not covered under Part D, are covered by PAAD. It has been argued that if the language of H.R. 4 places a restriction on medications Part D will cover, the cost of the PAAD and the Senior Gold program will increase as the burden to provide even more medications not covered by Medicare falls onto the State. As we move toward conference of the two Chambers, I want to make sure H.R. 4 does not lead to restrictions on access to new medications and gives seniors the best possible price for their medications.

Again, I commend Speaker PELOSI for a job well done and for making affordable prescription drugs for seniors a top priority in the 110th Congress.

Mr. DINGELL. Mr. Speaker, I submit the following for the RECORD for H.R. 4.

AMERICAN DIABETES ASSOCIATION,
Alexandria, VA, Jan 12, 2007.

Hon. SHELLEY MOORE CAPITO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CAPITO: On behalf of the 20.8 million adults and children living with diabetes in the United States, we write to let you know that the American Diabetes Association remains neutral on the issue of requiring the Department of Health and Human Services to negotiate for lower drug prices.

We understand that leading up to the debate on the Medicare Prescription Drug Price Negotiation Act of 2007 (H.R. 4) your office received a letter from one of the Association's local offices asking that you vote against H.R. 4. While we respect your right to have read the letter you received on the floor of the U.S. House of Representatives on January 12, 2007, we must retract the opposition offered in that letter. The structure of our Association is one in which all policy positions come out of the National Office and the letter you received was crafted in error. With regard to H.R. 4, the Association took no formal position.

Please know that the availability and cost of medications is of great importance to the Association. However, we have historically not been involved to the level of supporting or opposing specific strategies through which to lower prices or make medications available. When Part D was proposed and debated, for example, we remained neutral on the actual market-based construct of the program.

Thank you for your understanding of this situation. And, again please accept our apologies for the confusion. If you have any questions or would like to further discuss our position, please have your staff contact Andrea LaVeccia, Associate Manager of Government Affairs and Advocacy at (703) 253-2323.

Sincerely,

JAMES SCHLICHT,
Executive Vice President,
Government Affairs & Advocacy.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 4 and urge my colleagues to support the passage of this legislation that will, I believe, provide lower drug prices for millions of Medicare beneficiaries.

We all know that the costs of prescriptions are a huge burden on Americans throughout the country. That is why during past sessions of Congress I have cosponsored legislation to grant the HHS Secretary the authority to negotiate prescription drug prices. Never before, however, have we been this close to making the negotiating authority a reality. No one could be happier about this than the American people. In a recent poll 92 percent stated that they support the proposal to grant HHS negotiating authority.

Mr. Speaker, there is good reason for this overwhelming support of negotiating authority. Pharmaceutical companies continue to rake in millions while consumers are forced to face the high prices of their product. I urge my colleagues to join me in supporting this important legislation and take an important step towards providing price relief for millions of Medicare beneficiaries.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act. I am proud to be a cosponsor of H.R. 4, and I congratulate Speaker PELOSI and Majority Leader HOYER for keeping their promise to the American people by taking this important step to place access to quality care for America's seniors and fiscal responsibility for taxpayers over increasing corporate profits.

The Republican Medicare Modernization Act of 2003 included an unprecedented provision outright prohibiting the Federal Government from negotiating for lower prescription drug prices. The result was predictable. Drug company profits soared, while drug prices increased for seniors and persons with disabilities. A July 2006 New York Times article reported that pharmaceutical companies may have received a more than $2 billion windfall last year as a result of the transfer of low-income Medicaid recipients into the Medicare Part D program. Profiting from the sale of medications for our most vulnerable citizens is unacceptable.

H.R. 4 will require the Department of Health and Human Services, HHS, to negotiate for lower drug prices on behalf of Medicare beneficiaries. This legislation does not say how the negotiating authority should be implemented, but instead allows the Secretary of Health and Human Services to determine the best way to negotiate for the lowest prices.

I have held several town halls in my district about Medicare Part D, and each time my constituents have clearly stated that a ban on negotiating for lower prescription drug costs makes no sense. H.R. 4 is supported by community pharmacists, AARP, consumer rights' groups, and dozens of other organizations. Additionally, negotiating for lower prescription drug costs is not a new idea. States, corporations, the Department of Veterans Affairs, and large pharmacy chains all negotiate to receive price discounts on prescription drugs. In fact, HHS already has experience negotiating for lower prescription drug costs. In 2001, the agency successfully negotiated for lower prices for Cipro, the medication used in response to the anthrax attacks. It is time for HHS to use this expertise to benefit America's seniors and persons with disabilities.

Clearly, there is still much more work to be done to correct the many inadequacies of Medicare Part D, but H.R. 4 is an important first step, and one which will result in lower drug costs and real savings for millions of seniors and people with disabilities.

I urge my colleagues to join me in supporting H.R. 4.

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H.R. 4, the Medicare Prescription Drug Negotiation Act. This legislation corrects a grave mistake of the past by striking a provision in the Medicare Modernization Act of 2003 which prohibited the Secretary of Health and Human Services from directly negotiating with pharmaceutical companies. In addition, H.R. 4 explicitly requires the Secretary of Health and Human Services to directly negotiate with the pharmaceutical industry for lower prescription drug prices.

This legislation is necessary because Medicare drug plans have failed to obtain significant price discounts for seniors. In fact, the drug plans' prices are over 60 percent higher than prices for identical drugs in Canada. Requiring the Secretary to negotiate with the drug companies will bring much needed relief to millions of Medicare beneficiaries.

More than 90 percent of Americans agree that the Secretary should be directly negotiating with the pharmaceutical industry.

Unfortunately, the current Secretary has said he does not support the underlying legislation. His predecessor, though, has demonstrated the authority for and efficacy of the HHS Secretary negotiating with the pharmaceutical industry for lower prices. In 2001, former HHS Secretary Tommy Thompson successfully negotiated a reduced price for Cipro. In fact, the Secretary negotiated the price down from $4.67 to $1.77 per dose—a reduction of nearly 500 percent. Additionally, when Secretary Thompson resigned his position at HHS, he explicitly stated he wished Congress had given him the power to negotiate with drug manufacturers to secure lower prices for Medicare beneficiaries.

The Medicare Prescription Drug Negotiation Act will save seniors money both at the pharmacy counter and in the form of lower premiums.

Mr. Speaker, I am proud that helping seniors obtain prescription drugs at prices they can afford is part of the Democratic 100 hours plan. I thank the gentlemen from California and Michigan, and the gentlewoman from Missouri for their leadership on this issue, and I urge my colleagues to join me in voting for H.R. 4, the Medicare Prescription Drug Negotiation Act.

Mrs. LOWEY. Mr. Speaker, I rise in support of this critical legislation.

The Part D prescription drug plan has caused mass confusion and, unfortunately, provided more in profits to drug companies than savings to seniors.

Private corporations, large pharmacy chains, and individual states all use their bargaining power to secure lower drug prices for the patients they represent. It simply makes no sense that the Department of Health and Human Services is prohibited from negotiating on behalf of millions more seniors.

In fact, a recent study by Families USA found that Medicare beneficiaries pay an average of 58 percent more for the same prescription drugs sold to patients who receive their drugs from the Veterans Department, which can negotiate cheaper prices.

Using the bargaining power of 42 million Medicare enrollees to secure the best drug prices for our seniors could save billions, according to some estimates.

These savings could then be used to begin to close the infamous "doughnut hole" or gaps in coverage that millions of seniors experienced last year and are expected to experience again in 2007.

Allowing the Secretary of Health and Human Services to negotiate prices won't solve all of the problems associated with the drug benefit but it will set us on the right course toward providing our seniors with the comprehensive, affordable drug coverage they deserve.

I urge my colleagues to vote "yes" on this important bill.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of this bipartisan bill, H.R. 4, the Medicare Prescription Drug Negotiation Act of 2007. This quality, sound bill enjoys support not only from Members from both side of the aisle, but also from the National Committee to Preserve Social Security and Medicare, the Consumer's Union, the AFL–CIO and Families USA. Most important, the majority of Americans are in favor of the principles set forth in this bill.

For generations, among Democrats' top priorities has been to make healthcare more affordable for all Americans. I stand here today, as an exceedingly proud cosponsor of this bill that will take steps toward accomplishing just this. H.R. 4 fights for what is fair and right for our Nation's seniors, and fixes the Medicare prescription drug program as we know it today.

The current prescription drug plan has kept costs high and created needless confusion for the 22.5 million seniors who chose to enroll in Medicare Part D. This number doesn't even begin to contemplate the millions who did not enroll, perhaps because of the complexity of the benefit.

The present Medicare Part D forbids the government from negotiating affordable drug prices at the expense and well being of our seniors. So, while big companies like WalMart receive deals on prescription drugs, the American people can not. According to findings from Families USA, the law's current ban on bargaining for lower drug prices had caused seniors on Medicare to pay significantly more for their drugs.

The history behind the current defective drug plan, introduced by Republicans in 2003, was one of the most corruptive abuses of the legislative process in all of our lifetimes. In the middle of the night, while most Americans were sleeping, Republicans snuck this bill in, loaded with giveaways for the drug and insurance companies. And using their signature scare tactics, the Republican leadership bullied the rest of their party to pass this bill after holding a 15 minute vote open for 3 hours!

Mr. Speaker, such an abuse of legislative power is immoral and wrong. I am pleased to say that such abuse ended when Democrats took up the gavel.

With Democrats in the driver's seat, seniors across America will be a part of new drug plan. A drug plan that will be tailored to America's seniors—and not the big drug companies who are now reporting record profits.

The current Medicare Prescription drug program is not the best we can do for our seniors. Improvement clearly needed to be made to Medicare Part D, to make it more affordable and fair for its beneficiaries.

The comprehensive and affordable plan being passed today is an important step forward toward alleviating seniors' prescription drug price concerns. The bill repeals the provision that bans the Secretary of Health and Human Services (HRS) from negotiating with drug companies for lower prices, and instead requires the Secretary to develop a workable negotiation process to secure affordable drug prices. Now, for instance, where private plans have failed to rein in outrageous drug prices, the Secretary will be allowed to use his bargaining power with the drug companies.

Contrary to Republicans' claim that this bill would destroy the free market system, today's New York Times editorial page notes that, the bill "is sufficiently flexible to allow older Americans to benefit from the best efforts of both the government and the private drug plans."

Moreover, by requiring Medicare to negotiate rates with drug companies, the leftover funds can be used to fill in beneficiaries' coverage gap. Reducing the gap, known as the doughnut hole, would lower those beneficiaries' out of pocket costs.

But this bill, while imperative and necessary, is only the first step towards improving the Medicare system.

Our seniors deserve a real comprehensive prescription drug plan; one that will be simpler, cheaper, more reliable, and with less "holes" than the former devastating plan.

My fellow Democrats don't merely have a 100-hour plan to fix the rising costs of prescription drugs. We have a long-term agenda on how to fix our Nation's heath care system. And we are ready to work with the President and Republicans in Congress to provide true relief and real choices for all Americans.

Mr. ROTHMAN. Mr. Speaker, I rise in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007, because we owe our seniors a drug benefit program that is accessible and affordable. I believe that this legislation brings us one step closer.

My fellow Democrats and I were outraged that the current Medicare Part D drug benefit forces many elderly beneficiaries to choose between their medication and basic needs, such as food and utilities. The health concerns of our elderly Medicare beneficiaries are urgent, and I am proud that we have now passed legislation that will arm the Secretary of the Department of Health and Human Services with an additional tool to address these needs.

The intent of H.R. 4 is to open a path of negotiation of drug prices to remove the burden of affordability from the shoulders of our elderly. This bill should neither tie the hands of private drug plans, nor create unnecessary hurdles for the pharmaceutical companies that develop life-saving medicine. Rather, the intent is to give the Secretary of the Department of Health and Human Services the needed authority to effectively and efficiently offer affordable prices to seniors.

We need Medicare Part D to be a benefit, and not a burden, to our friends and neighbors who use it. The fact that these individuals could get prescription drugs cheaper through Canada, Drugstore.com, or Costco is not only a disservice to Americans who trust Medicare for the healthcare they need-it is not good public policy. Every year, premiums and drug prices rise, and seniors are forced to bear more and more of the cost of their healthcare.

However, we cannot let this bill and its provisions become the tool that kills the goose that lays the golden eggs. The United States is the international leader of pharmaceutical and medical innovation. Every year, we achieve numerous historical breakthroughs in medicine and treatment that improve the quality of life of millions of Americans, due to the research and dedication of our pharmaceutical companies and their tens of thousands of employees. It is because of American innovation that an HIV/AIDS or cancer diagnosis is no longer a death sentence; that an athlete and an amputee can be the same person; and that a child with asthma does not have to stay in after school.

Research and development are costly. Inherent in each pursuit is a great amount of risk. On average, only one out of every 10,000 possible medications successfully makes it through development and Food and Drug Administration approval. It can take more than 15 years and $800 million to develop just one drug. Congress should not allow any public policy to move forward that would indirectly hinder innovation or advances in medicine. As we make needed improvements in the Medicare Part D plan, we must ensure that scientific advances continue. Therefore, we must balance our encouragement of competition and innovation in the private market with public health.

I believe that with H.R. 4 we are one step closer to answering the needs of our elderly. We have a real chance to provide a more accessible, affordable, and effective drug benefit to our seniors. Americans are living longer, healthier lives than ever before, and it is our duty to ensure that this trend continues.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support for our Nation's seniors. In 2003 this body passed historic legislation that provided America's senior citizens with a true prescription drug benefit under Medicare Part D. I was pleased to vote for this bill. Since enactment, this program has been extremely successful. More than 38 million Medicare beneficiaries now have drug coverage, either through Medicare or another source. This represents about 90 percent of all Medicare beneficiaries.

We have been able to provide seniors with low cost, life saving medicines. In fact, the program has been so successful in encouraging private sectors to compete for enrollment, that the cost to seniors is much lower than anticipated. In fact, seniors are saving, on average, $1,200 a year on prescription drugs. And the Centers for Medicare and Medicaid (CMS) reports that prices are continuing to decrease, due to this competition in the private sector. The 'bids' by the prescription drug plans are 10 percent lower, on average, in 2007 than 2006. At the same time, Part D recipients saw a 13 percent increase in the number of medications available.

I strongly support the Republican motion to recommit which will ensure that the progress of the past several years continues. I will vote for the proposal to assure continued access to covered Part D drugs and pharmacy networks, and to protect against increasing drug prices for veterans.

I cannot support H.R. 4 for one important reason: it will limit access to prescription drugs for senior citizens. The Washington Post shares these concerns, "A switch to government purchasing of Medicare drugs would choke off this experiment before it had a chance to play out, and it would usher in its own problems."

The Democrats want you to believe that this legislation will not limit the number of drugs available on a Medicare Prescription Drug Plan's formulary. They point to programs like the Veterans Administration and Medicaid to assure the public that access to drugs won't be limited. But the truth is that both the VA and Medicaid programs restrict patients' choice of drugs. Veterans have access to less than one-third of the prescription drugs available under Medicare Part D plans. State Medicaid programs also routinely limit the number and types of drugs that patients can receive.

In addition, and of particular concern to my constituents, the VA distributes 70 percent of its medications by mail. Seniors deserve the right to speak to their local pharmacist about their prescriptions, and not having that opportunity is a potential health risk. In contrast, the current Part D plan uses mail for less than 2 percent of its medications. We should not alter this important program.

As Leslie Norwalk, the Acting Administrator for CMS said, "The bottom line from the news today is that beneficiaries are paying less in premiums and taxpayers are seeing billions of dollars in lower costs, without the need for government to interfere and reduce access or convenience for beneficiaries." As in many areas, the best thing the government can do is to step back and allow the current trend to work. Government interference would risk the value of this important benefit to our seniors. I encourage my colleagues to join me in standing up for low cost and full access to prescription drugs for senior citizens and vote against H.R. 4.

Mr. WYNN. Mr. Speaker, today, the House will take up, H.R. 4, the Medicare Prescription Drug Price Negotiations Act of 2007. H.R. 4 will require the government to negotiate with pharmaceutical companies in order to obtain reduced drug prices for seniors enrolled in the Medicare Prescription Drug Program. The bill prohibits, that in conducting these negotiations, the government may not restrict access to certain drugs by requiring a particular list of covered drugs, otherwise known as a formulary. Under the Republican majority, the government was prohibited from engaging in any negotiations to utilize its buying power to reduce costs to consumers.

I have been assured by my colleagues that H.R. 4 will not involve or allow restrictions on patients' access to medicines during the negotiation process. Specifically, I have been assured that H.R. 4's prohibition against government mandated formularies is intended to protect against all forms of government imposed restrictions on patients' access to needed medicines, and that no such restrictions will be allowed under the Medicare Modernization Act as amended by H.R. 4. In casting my vote for H.R. 4, I am relying on these assurances because I firmly believe that all patients must have unrestricted access to doctor prescribed medications.

Overall, I am optimistic about this bill. While the government should have the ability to negotiate on behalf of the 43 million seniors on Medicare, we must be careful that negotiations do not result in reduced access to prescriptions. We must strike a delicate balance to ensure that lower prices do not cause drug companies to withdraw vital drugs from the Medicare Prescription Drug Program. As H.R. 4 moves forward to conference, I ask that the conferees affirmatively strengthen and clarify the rules against government imposed restrictions. If implemented properly, this bill has the potential to cut the cost of health care and improve access to medicines for millions of seniors on Medicare.

According to Families USA, while providing some relief, the current Medicare Prescription drug law has failed to slow the rapid growth in drug prices. As a cosponsor of H.R. 4 and a member of the Energy and Commerce Committee, I will be exploring additional legislative measures designed to reduce costs for seniors, without reducing access to life saving drugs.

Mr. GARY G. MILLER of California. Mr. Speaker, I was not able to vote on H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007 because I had to travel back to California due to a death in the family. I would like the record to reflect that had I been here, I would have voted "no" on H.R. 4 and "aye" on the Motion to Commit. H.R. 4 will not, as some claim, save Medicare beneficiaries money on their prescription drugs. All that this ill-conceived bill will do is to restrict beneficiary access to necessary drugs, stifle medical advancements, and limit the pharmacies that seniors can utilize.

In the last year, seniors have been able to enjoy outpatient prescription drug coverage under Medicare for the first time in the program's history. Every Medicare-eligible senior now has access to a voluntary, affordable prescription drug benefit, with extra help available for low income seniors. Consumers in my state of California can choose from over fifty national, state and regional plans, which cover brand name and generic drugs. The hallmark of this program is choice. Under the current system, covered seniors can continue to visit their neighborhood pharmacies and have access to the medications that have been prescribed to them by their doctors.

Recent data indicates that the current system of incorporating private sector principles into the prescription drug plan is working to control costs, while providing prescription drug coverage to millions of seniors who did not have it previously. Independent estimates for the Medicare Part D prescription drug benefit for Fiscal Year 2008 show that net costs are thirty percent less than were originally predicted when the benefit was created four years ago. In addition, based on strong, competitive bids by health care plans for 2007, average monthly premiums will be approximately $22 for beneficiaries, a drop from last year's average premium and well below initial premium estimates.

The bottom line is that consumer choice is working. There are currently many different drug plans available to seniors. These plans compete with each other and negotiate prices with the pharmaceutical companies. As we have seen, this competition has resulted in lower costs for the program than originally expected. Such cost savings have been achieved while preserving the ability of seniors to obtain the drugs their doctor has prescribed from a local pharmacist of choice.

The misguided proposal before us today to put the government in charge of negotiating prescription drug prices does not serve the interests of seniors. Government controls will lead to restrictive formularies, denying seniors coverage for the drugs their doctors prescribe. While seniors will have fewer prescriptions to choose from, they will not realize savings from this reduction in prescription options. The nonpartisan Congressional Budget Office (CBO) affirmed that government negotiation will only yield savings if access to medicines is restricted.

H.R. 4 will limit seniors' choice of plans and access to necessary treatments; what's more, it will stifle innovation. In examining ways to control the costs of prescription drugs, we must not forget that innovations by pharmaceutical companies lead to the development of newer and better treatments. Price controls create barriers to pharmaceutical innovation that can hurt patients and slow the potential for innovative therapy discovery. Some estimates find that almost 200 new drugs would go undiscovered over the next two decades as an indirect result of federal price negotiations.

We all want to ensure our seniors can get the prescriptions they need at the lowest cost. The debate before us today is about who we think is most effective in negotiating with the drug companies to achieve this low cost. We do not need to speculate on the answer to this question. The current program of senior choice and market competition has already lowered costs by forty percent in one year. In contrast, the CBO has said that the proposal to move toward socialized medicine will not save seniors any money unless access to needed medications is limited. I cannot support limiting access and choice for the 66,000 Medicare Part D beneficiaries in my district and as such strongly oppose H.R. 4.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to Section 510 of House Resolution 6, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARTON of Texas. I very certainly am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Barton of Texas moves to recommit the bill H.R. 4 to the Committees on Ways and Means and Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

In subsection (i) inserted in section 1860D-11 of the Social Security Act (42 U.S.C. 1395ww-111) by section 2(a) of the bill, redesignate paragraphs (3) and (4) as paragraphs (5) and (6), respectively, and insert after paragraph (2) the following:

"(3) ASSURING CONTINUED ACCESS TO COVERED PART D DRUGS AND PHARMACY NETWORKS.—In carrying out paragraph (1), the Secretary shall not (directly or indirectly) restrict or otherwise limit any of the following:

"(A) ACCESS OF BENEFICIARIES TO COVERED PART D DRUGS.—The access of part D eligible individuals enrolled under prescription drug plans or MA–PD plans to any covered part D drug, such as any oral cancer drug, any antiretroviral therapy for individuals with the human immunodeficiency virus or acquired immune deficiency syndrome (HIV/AIDS), any drug for a mental health illness, any drug to treat a neurological disorder (such as Alzheimer's disease or Amyotrophic Lateral Sclerosis), or any immunosuppressant drug to safeguard organ transplants.

"(B) ACCESS OF BENEFICIARIES TO NETWORKS OF CHAIN AND COMMUNITY PHARMACIES.—The access of such individuals enrolled under such plans to networks of chain and community pharmacies that provide convenient and timely delivery of covered part D drugs, whether or not such restriction or limitation is in the form of restricting delivery of such drugs to mail order, imposing increased cost-sharing, restricting the quantities of such drugs to be dispensed, or lowering the dispensing fees paid to such pharmacies.

"(4) PROTECTION AGAINST INCREASING DRUG PRICES FOR VETERANS.—In carrying out paragraph (1), the Secretary shall not thereby increase prices for prescription drugs for any identifiable group of citizens of the United States.".

Mr. ROSS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. BARTON of Texas. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read the motion to recommit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion to recommit.

Mr. BARTON of Texas. Mr. Speaker, I want to apologize to Mr. ROSS if he thought I was being rude to him. I wasn't.

We only have 5 minutes on motions to recommit, and I wanted the Members to hear the motion and hopefully others that may be following the proceedings, because it is very short and it is also very simple.

We have already heard from the Congressional Budget Office, which is nonpartisan, that the bill before us is not going to save any money in its current form. Having said that, since it is not going to save money, it could still do irreparable harm, if in these negotiations, if they were ever to occur, the Secretary, in trying to save money, would have to look at the following areas:

First, he would have to look at some of the very expensive drugs that serve small segments of our population like the HIV drugs and some of those type of drugs. We don't want that to happen, so we explicitly preclude that.

He would also have to look at access. The VA program that has been touted as an alternative to Medicare part D, in spite of the fact that over a third of the veterans choose Medicare part D, it achieves many of its savings, number one, by restricting the formulary; and, number two, requiring that most of the drugs be delivered via mail order. In other words, you don't have that local pharmacy point of access. So this motion to recommit explicitly says you have to maintain that access.

It also says you can't impact groups like the veterans or any recognizable group that may have a group plan, because we don't want to squeeze, if you start trying to save money somewhere else, you may squeeze them and raise their prices.

So this is a very straightforward motion to recommit. We simply say if you are going to give the Secretary of HHS all this negotiating authority, let's be careful that, in doing that, we don't hurt all these other segments of our population.

Mr. Speaker, we have heard a lot of political rhetoric today. That is not surprising because the Democrats have made this a political debate and not a debate on substance. That is unfortunate because this issue is too important to too many Americans.

There has been a lot of discussion about what this bill does and does not do; the truth of the matter is we don't really know. This bill has been the subject of no hearings; we have heard from no witnesses; we have had no subcommittee or full committee markups; we have had no opportunity to debate or even offer amendments. In fact, the Energy and Commerce Committee didn't even have its first meeting until 2 days ago.

Mr. Speaker we do know something about the successes of Medicare part D. We know that tens of millions of our seniors have access to prescription drug coverage for the first time; we know that tens of millions more are saving money when they buy prescription drugs. We also know that seniors can choose from competing plans, have access to the approximately 4300 prescription drugs available, filled at pharmacies of their choice.

Proponents of H.R. 4 claim that it will have no impact on beneficiaries' access to pharmacies or to the range of drugs they may take. If that is true then they should all vote in favor of the Motion to Recommit.

The motion is simple but critically necessary. The motion guarantees seniors access to all drugs that are available under the current program; the motion ensures that seniors suffering from cancer, ALS, Alzheimer's, and other debilitating diseases get the drugs they need. The motion guarantees that our seniors have access to new and innovative treatments as they become available.

The motion ensures that the government cannot limit or restrict beneficiary's access to their local pharmacies; seniors should be able to get their prescriptions filled at pharmacies of their choice.

Finally, the motion ensures that the legislation will not end up increasing the cost of drugs for veterans or any other group of Americans.

I urge all Members to vote in favor of preserving access to drugs and local pharmacies. Vote in favor of the Motion to Recommit.

Mr. Speaker, I would like to yield to the distinguished ranking member of the Ways and Means Committee (Mr. MCCRERY) for 2 minutes.

Mr. MCCRERY. Mr. Speaker, I don't believe, based on the evidence, that the

Democrats' plan can reduce prescription drug prices without reducing seniors' prescription drug choices, or without devastating local pharmacies, or without raising drug prices for our veterans.

Now, they claim that won't happen. They claim they can reduce prices without doing all those things. Well, the motion to recommit gives them a chance to put their vote where their mouth is.

One of the things we should be most proud about in the part D program is that it mandates that drugs for certain terrible illnesses be available. Our motion is simple. It would require that whatever government-negotiated plan emerges from this Democratic legislation must also ensure continued access to medications for those illnesses.

The Republican motion says that for cancer, HIV/AIDS, mental illness, Alzheimer's, ALS, or Lou Gehrig's disease, you have got to have those drugs in those plans. You can't restrict them.

The second part of our motion deals with community pharmacies. In the VA system, 80 percent of prescriptions are filled by mail, and the rest of them are gotten at VA centers, veterans hospitals and the like. How many people in this Chamber are willing to ask seniors to give up talking to their pharmacists?

□ 1345

If you aren't, and I suspect most of you aren't, then vote for the Republican motion to recommit. We guarantee that they will be able to talk to their local pharmacists.

Third part of our motion seeks to protect America's veterans. This motion would ensure that requiring the HHS Secretary to negotiate Medicare prescription drug prices would not directly result in increasing drug prices for veterans, because as we have seen in the past, when the government gets involved in setting prices in other areas, prices to veterans go up. This motion to recommit won't allow that to happen with prescription drug prices for veterans.

So if those things are what you believe, and what you want, just vote for the Republican motion to recommit, and you will ensure that those guarantees are in the legislation.

Mr. BARTON of Texas. Mr. Speaker, may I inquire, do I have any additional time?

The SPEAKER pro tempore (Mr. BOSWELL). The gentleman has 30 seconds.

Mr. BARTON of Texas. Mr. Speaker, I would yield that to Mr. STEARNS of Florida, 30 seconds.

Mr. STEARNS. I thank the chairman.

Mr. Speaker, the motion to recommit will mean that under section 4, the Secretary's actions shall not result in drug price increases paid by veterans. This means, my colleagues, includes the Department of Veterans' Affairs or veterans themselves.

Certainly what both distinguished chairmen have mentioned is clear. I think that all Members should understand that. I support the motion to recommit.

H.R. 4 will most certainly increase VA drug prices. (1) This happened in 1990, Congress gave Medicaid access to VA, shooting up some VA drug prices 300 percent. (2) Next, when the Clinton Administration's Office of Personnel Management tried to expand VA's discounts to a group within FEHBP in 2000, Clinton's own VA balked, as did a witness from Disabled American Veterans. (3) Just recently former Clinton Administration VA Acting Secretary Hershel W. Gober, wrote in a 2004 issue of DAV Magazine that VA estimated in 1999 "extending discounted government prices to Medicare would increase VA's annual drug costs by $500–$600 million".

Please don't turn your back on the brave men and women who defend our Nation. Support this motion to recommit in order to ensure that H.R. 4 will not adversely affect drug prices for veterans.

Mr. ROSS. Mr. Speaker, I rise in opposition to this motion to recommit.

The SPEAKER pro tempore. The gentleman from Arkansas is recognized for 5 minutes.

Mr. ROSS. Mr. Speaker, I don't really know where to begin. My wife is a pharmacist. We own a family pharmacy back home in Prescott, Arkansas. Just minutes ago she shared with me by telephone that she had to turn her television set off because she has heard so many untruths and misinformation coming from the Republican side of the aisle during this debate here today.

But let me be clear about this: A "yes" vote for the motion to recommit is a vote for the big drug manufacturers, and a "no" vote on the motion to recommit is a vote for America's seniors. Now, today we are trying to correct a wrong that occurred back in 2003. Let us reflect back for a moment.

We passed the so-called Medicare part D prescription drug benefit back in 2003, some 500 pages, gave us less than a day to read it and somewhere around 50 or 60, they actually, the Republican leadership actually put language in the bill that says the Federal Government shall be prohibited from negotiating with the big drug manufacturers to bring down the high cost to medicine for America's seniors.

That is in the bill, and that is what today we are fixing, and then, to be sure the big drug manufacturers would not have to lower their prices, the Republican leadership back in 2003, they decided that they would spread all 43 million Medicare beneficiaries, over 30 companies, offering more than 1,200 private plans, so no plan and no company would be able to negotiate on behalf of very many seniors. That is what they did.

Now we know, Mr. Speaker, now we know why back in 2003 the vote on this occurred at 3:00 in the morning. Now we know why the vote took 3 hours for passage.

Today, Mr. Speaker, we are letting the sun shine on our seniors, and on the way we conduct business in this Chamber as we hold the big drug manufacturers accountable and bring down the high cost of medicine for America's seniors.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY) for 2 minutes.

Mr. BERRY. I thank the gentleman, my colleague and friend.

Mr. Speaker, as I have listened to this debate, and I am the only registered pharmacist in the 110th Congress. I can tell you one thing for certain, my distinguished colleagues across the aisle, while well meaning, absolutely don't know turnip greens from butter beans about what they are talking about.

They have claimed to be concerned about our seniors. They have claimed to be concerned about our neighborhood pharmacies. Their bill, passed in 2003, assaulted our seniors and our neighborhood pharmacies.

I assure you, that bill has done more to threaten those small businesses and the health care and well being of our senior citizens more than anything that is ever been done by this United States Congress, and they should be ashamed of themselves. They should be running to punch the green light as we come to the conclusion of this debate.

It was their party that held the vote open for 3 hours just for the opportunity to perform this assault on our seniors and on our neighborhood drugstores.

If they were concerned, they would not have passed that bill. They would not have made it possible for the PBMs to rob our neighborhood pharmacies and our senior citizens.

I can tell you this, our pharmacists provided millions of dollars in medicine out of the goodness of their hearts and a moral obligation to see that the senior citizens of this country were taken care of when this plan was implemented.

They did some wonderful humanitarian work. They deserved to be treated better than what this Medicare modernization act did. They are the victims, along with our seniors. The Republican motion to recommit is nothing more than charade intended to prevent Medicare from providing lower drug prices to our senior citizens.

I urge everyone in this House and everyone that cares about our senior citizens and the cost of prescription drugs to vote "no" on the motion to recommit and to vote "yes" on H.R. 4.

Mr. ROSS. Mr. Speaker, I would inquire, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman has 30 seconds remaining.

Mr. ROSS. Mr. Speaker, reclaiming my time, I now yield the remainder of my time to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, let me take this opportunity first of all on the charges that were made on the other side indicating that the prices for the veterans would rise is false and not correct. H.R. 4 does not require that the manufacturers extend the VA prices to Medicare.

Why we are here today is to make sure that our seniors are well taken care of, to make sure that they are having the same opportunities that our veterans would have. What's wrong with allowing our taxpayers to have a better rate? What's wrong with allowing our seniors to have better rates? Those are the most vulnerable of our communities. I ask you to vote "aye" on this bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 196, nays 229, not voting 10, as follows:

[Roll No. 22]

YEAS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOT VOTING—10

Buyer
Gillmor
Hastert
Levin
Loebsack
McHugh
Miller, Gary
Norwood
Radanovich
Wu

☐ 1414

Mr. EDWARDS, Mr. ABERCROMBIE, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Georgia, Ms. HOOLEY, and Mr. FATTAH changed their vote from "yea" to "nay."

Mr. BURTON of Indiana changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 22, on Motion To Recommit with Instructions (H.R. 4), had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. BOSWELL). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BLUNT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 255, noes 170, not voting 10, as follows:

[Roll No. 23]

AYES—255

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene

Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—170

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (MI)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—10

Buyer
Gillmor
Hastert
Kirk
Levin
Loebsack
McHugh
Miller, Gary
Norwood
Radanovich

□ 1422

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KIRK. Madam Speaker, on rollcall No. 23 I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Mr. NORWOOD. Madam Speaker, on rollcall No. 23, on passage of H.R. 4, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. LOEBSACK. Madam Speaker, due to a death in the family I missed two votes on Friday, January 12, 2007. Please note in the appropriate place in the CONGRESSIONAL RECORD that had I been present, I would have voted as noted below.

Rollcall Vote 22: "nay."
Rollcall Vote 23: "aye."

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. EMANUEL. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 60) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 60

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Cummings (to rank immediately after Ms. Giffords).

(2) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Ms. Matsui (to rank immediately after Mr. Lipinski).

Mr. EMANUEL (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. KLEIN of Florida). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to the majority leader, Mr. HOYER, for a discussion of next week's schedule.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

On Monday, Mr. Speaker, the House will not be in session so that Members can join with their communities in observance of the birthday of Martin Luther King, Jr.

On Tuesday, the House will meet at 12:30 p.m. for morning hour debate and at 2 p.m. for legislative business. We will consider several bills under suspension of the rules. You will be getting notice of those, hopefully, by the end of the day. We will consider several bills under suspension. There will be no votes before 6:30 p.m., as has been our practice.

On Wednesday and the balance of the week, the House will meet at 10 a.m., although let me say to my friend that I may well be requesting again, as I did for today, unanimous consent that we meet at 9 on Friday. It has historically been the practice to wait until about May, the middle of May, when we get into heavy legislative business, to meet at 10 on Fridays if we were in on Fridays. My view is, however, and I want to say to all the Members, that it will be my intent to make every effort possible to have us adjourn on Fridays prior to or no later than 2 p.m. in consideration of Members' need to get back to their districts where they have events that are going on where they need to be. I want to tell my friend that we will, therefore, quite possibly ask for unanimous consent to come in at 9 rather than 10 next Friday.

In addition to other Suspension Calendar business, and all suspension bills, as I said, will be announced later today, the House will consider H.R. 5, a bill to cut in half the interest rates on student loans; and H.R. 6, a renewable energy bill.

In addition to that, I want to give notice to the House, and I have discussed this with Mr. BLUNT and have discussed it with the leader, Mr. BOEHNER, that NANCY BOYDA of Kansas is introducing a bill which will provide that Members who commit felonies while Members of Congress and in the course of their duties will be precluded from receiving pensions.

□ 1430

If they are receiving pensions, they will have those pensions discontinued.

That is obviously legislation which I think is appropriate. We have passed similar legislation that the majority proposed in the past. I believe this will pass with bipartisan support.

Mr. BOEHNER and I and Mr. BLUNT all agree we need to look at this carefully, even though it has already passed, and so we have talked to Ms. SLAUGHTER from the Rules Committee, and we will speak to Mr. DREIER and give him notice. I have not personally spoken with Mr. DREIER. But they will be considering this legislation on Wednesday, and we expect to have this bill on the floor next Friday.

In addition, it is quite possible again the House Administration Committee, and I am perhaps anticipating Mr. BLUNT's question, has jurisdiction over the Page Board, we will also have, we hope, on the floor on Friday legislation that will deal with the Page Board, oversight of the page system, and the various procedures we can put in place to make sure that our pages are protected and treated with the respect and care that they deserve and that their parents expect.

I tell my friend, that is the anticipated schedule for next week. As I said, we will make every effort and it will be my very strong commitment to the Members that every effort will be made to adjourn on Friday no later than 2 p.m.

Mr. BLUNT. I thank my friend for the information he has provided. It does raise a number of questions, and I will try to keep them in mind as you answer them a few at a time.

One, I think it is only fair to say that while we did discuss these two issues, the last two bills you mentioned, it was only in moments before the colloquy, and I think our leader only received notice these things were coming up within a few minutes of coming to the floor.

So more notice, as the former minority whip would know, more notice is always a good thing. Particularly, my good friend, on these issues, issues that affect Members and their families, notice, appropriate hearings, and we did pass similar legislation on the issue of the access to pensions for people who had committed a felony, we passed that in the last session. It did go to committee. It had a chance to be amended. We debated it on the floor, but this is a new Congress with many Members who were not part of that process.

In the case of the last Congress, I believe that issue went to both House Administration and the Rules Committee and possibly the Committee on Government Reform before it came to the floor. I think you are telling me next week you anticipate only the Rules Committee would see and have a chance to look at this legislation before the floor, and even the Rules Committee ranking Republican is getting that notice as we are talking right now, that that important issue is coming up next week?

Mr. HOYER. If the gentleman would yield, it is an important issue; you are correct. I believe a number of committees have already considered this legislation carefully. The issue is not new. What we want to ensure, Mr. Whip, is that the legislation is properly drawn and drafted because obviously it is an important piece of legislation with serious consequences, and we want to make sure that it is done properly.

The Rules Committee, in answer to your second question, we do believe that the Rules Committee can consider this and will consider the work that has been done by other committees because again this subject matter is something we have already considered. We believe it is important to move this matter early in the session so the public has confidence that there are consequences. There are not only consequences in terms of criminal convictions which we have seen, but also consequences in terms of the pensions that are earned during the performance of your duties, and that the American taxpayer is not happy with pensions being paid to those who have abused their oath of office and their responsibilities to the American public.

But the gentleman is correct, we have just given notice; but we do have Saturday, Sunday, Monday, Tuesday and Wednesday. Wednesday we will consider that, and then you will have another 48 hours or thereabouts before it comes to the floor.

I am hopeful that we will work together on this. I think we share the view that this is not a partisan issue. This is an issue about making sure that Members comport themselves properly; and if they do not, that there are consequences. And I think then we can assure the taxpayer that they will not be subsidizing, through pensions, wrongdoers who fail to meet their duties under the Constitution.

Mr. BLUNT. I appreciate that information. I share your sense this is an important issue. We dealt with it on our side of the building in what I expect will be a highly similar way in the last Congress. I say that not to defend the idea that it is not going through committees this time but to suggest it is not a new idea. It is something that we have dealt with. I expect there to be a significantly bipartisan debate here, depending on what the legislation says.

I would say, however, to my friend that while we haven't been really passive about these first six bills that haven't had a chance to have amendments, haven't had a chance to have debate in committee, they were six things, some of which we had dealt with, but the six things that the majority talked about in the last election, and at some point the suggesting that this is such an important issue that we need to move forward without the regular progress begins to wear pretty thin on our side of the building and I think on the public generally. I would hope that we don't have many more of those instances.

Apparently the House Administration Committee will not have a chance in this Congress to look at the intricacies of the pension issue.

I know this week we brought a bill to the floor dealing with minimum wage and then find out that while this is supposed to be an expansive minimum wage proposal that includes everybody, whether they were ever included before or not, that American Samoa is somehow left out. I have a feeling that if that would have gone to committee, there is a great chance that would have been pointed out. I don't know if the majority intends to go back and put American Samoa in the minimum wage package or not.

My friend who has been here longer than I have loves this institution and knows better than anybody the benefit of regular order. I hope we are nearing the end of us being asked to accept the fact that we can't do regular order on this issue for some extraordinary reason. Both the Page Board issue and any misconduct by Members are critically important issues, but so is the opportunity for every Member of the 110th Congress to be involved at their committee level and every other level.

I might ask about that American Samoa question. Do we expect to see that oversight taken care of in upcoming legislation?

Mr. HOYER. If the gentleman would yield, let me say with respect to the specific question on American Samoa, as the gentleman undoubtedly knows, the minimum wage in American Samoa, unlike the Marianas or Guam, is set by the Department of Labor and Industry Committee so that it is determined in a different way than the others, including our States.

So it was not an oversight to that extent; it has historically been not treated. Having said that, I can tell the gentleman, I have talked to Mr. MILLER, the chairman of the committee that dealt with the minimum wage bill, and he is going to look at that to make sure that American Samoa is consistent with, and that does not mean exactly the same wage scale, but consistent with our concerns that were incorporated in the minimum wage bill, which received, as you know, 82 votes on your side and all of the votes on our side; a very bipartisan bill.

But American Samoa has been treated in a way different in the past. So it was not an oversight. But the question has been raised by people on your side and our side, and so Mr. MILLER and the people on his committee will be looking at that. So the answer to your question is, yes.

Mr. BLUNT. Reclaiming my time, I just make the point that if the committees had looked at this in advance, that oversight might have been eliminated. There is a reason for the committee process, which leads to my other question which is, what time does the majority believe that we will be organizing the committees in a way that the work of the committees of the Congress can get started?

Mr. HOYER. Many of the committees are already organized, as the gentleman probably knows. I don't have a list which committees have completed their organizational structuring, but many have and are ready to do their business.

I am confident that all committees will be organized, and they may not have every member because there are still some Members that have not been finally assigned to committees, but by the middle of next week, we are confident that all committees will be organized to do business.

I would like to comment on the second part of your question. I want you to know that although we believe that the two bills that I have discussed that may well be on the floor on Friday, I want Members to have notice of that, are dealing with ethics and the safety of our pages, both issues are of substantial concern, and I would suggest immediacy. While they will be considered, I want you to know on both sides of the aisle, there is a desire for and a commitment to regular order. The points the gentleman makes with respect to considered judgment being given are well taken, and I agree with him, and we hope to proceed in that manner.

Mr. BLUNT. I thank the gentleman for that commitment to begin to move forward as quickly as possible. I look forward to the time when there is actually legislation on the floor that has gone through a committee and had a chance to be amended and discussed before it got here.

I believe fewer than a handful of committees are actually organized at this point. None of the committees that had work on the floor this week have yet been organized to the point they have had a meeting. I would like to point that out.

The other thing, in waiving points of order, another issue of the regular order of the House, on every bill that came to the floor this week, the majority waived points of order on anything that was in the bill but maintained points of order on the one chance we had to say anything at all about the bill in an official way which was the motion to recommit.

Again, I hope we are getting to the point where the things that the majority has talked so much about, and PAYGO would be an example of that, won't continue to be waived in every rule waiving points of order on the bills that do come to the floor.

I yield to my friend to respond.

Mr. HOYER. I thank the gentleman for his comment.

Let me say that none of the bills that we adopted this week violated the PAYGO rule, as I think the gentleman is aware. The 9/11 bill was an authorization subject to appropriation. Those programs will be paid for within the budget, we believe. We are committed to doing that.

The student loan bill will comply with the PAYGO rule. And the energy bill will raise revenues. That clearly complies with the PAYGO rule.

But the gentleman's point that they did not go to committee is accurate. When we adopted the rule, that was debated fully. The rule was adopted. We had a commitment as you know on our side to do those. We had a commitment to do those in the first 100 hours. That is what we are doing. We believe that they are overwhelmingly supported by the American public, and we are very pleased there was substantial bipartisan support for these bills as well.

Mr. BLUNT. I would say on the significant portions of those bills that we voted on in the last Congress and passed, virtually every Member of the majority then, the minority now, voted for 39 of the 41 9/11 provisions. We voted for increasing the minimum wage, though we thought with a more helpful balance, and we hope to continue to work for that balance so that the wage producer is not affected, the job creator, doesn't stop creating these important entry level jobs into the workforce.

I would also say, on the PAYGO issue, I believe in the 9/11 bill and perhaps in the other bills, but in the 9/11 bill, I think the authorization was more often than not such sums as necessary. I don't know how that doesn't trigger some thought about cost in the future. I do know we were told it would be at least 3 weeks before we could get a score on what the bill would cost. So whether it violated a PAYGO provision or not, we are 2 weeks and 5 days from knowing the answer to that question.

But I am expressing some of my concerns as we move forward. I do sympathize with the leader's job of having a schedule that works for Members, not only their events at home but their families at home.

□ 1445

As the year progresses, I suspect the challenge of that will progress.

I yield to the gentleman to make a response.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman yielding to me one additional time.

I am constrained to say with all the charity in my heart that, of course, you didn't violate the PAYGO rule, you eliminated the PAYGO rule. So it was not an issue on your side.

We have reinstated the PAYGO rule, which was adopted, as the gentleman knows, in a bipartisan way, and supported again in 1997, overwhelmingly adopted by the bipartisan Republicans and Democrats in this House and in the Senate. We hope that the PAYGO rule will lead us back from the abyss of what we believe to be a fiscally dire situation to a point that we were in 2001, where we had the President of the United States, President Bush, projecting a $5.6 trillion surplus. We are now, for various reasons, in part because we did not comply with and didn't have a PAYGO rule, confronted by a deficit in excess of $3 trillion.

So I say to my friend, I share his view that we need to comply with the PAYGO rule. We adopted a PAYGO rule, we intend to comply with it, and we intend to move towards restoring the fiscal discipline that we had. I think, working together, we can do that.

Mr. BLUNT. Mr. Speaker, I thank my friend for the information he has provided. I would just again say this is not the place, I suppose, to have the debate on PAYGO for taxes or the PAYGO for spending or all the PAYGOs, but you do have the PAYGO rule.

Maybe I was inarticulate suggesting not to debate the merits of the rule, but if you are going to have the rule, my view is you should apply the rule. Waiving the points of order on that rule as a routine of rules for the last week hopefully does not become any kind of routine item in this Congress. I am sure that is not the gentleman's intention; particularly, though, when the rules are waived, the points of order are waived for the majority, but on the one small attempt that the minority has to improve a piece of legislation, we have every point of order still against us. The balance of that seems even more out of balance.

If you want to have PAYGO that is in our rules now, we need to have PAYGO, we need to have enough time to know what we are paying for, so we can really have that debate on the floor.

ADJOURNMENT TO TUESDAY, JANUARY 16, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday next for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

APPOINTMENT OF MEMBER TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Commission on Security and Cooperation in Europe:

Mr. HASTINGS, Florida, Chairman.

TRIBUTE IN MEMORY OF DARRELL NORMAN FOR HIS HONORABLE SERVICE TO THE HOUSE

(Ms. NORTON asked and was given permission to address the House for 1 minute.)

Ms. NORTON. Mr. Speaker, yesterday the House lost one of its own. It is with great sadness and heavy heart that I rise today to honor the memory of Darrell Norman and his service to the House of Representatives.

Mr. Norman collapsed on these premises and died yesterday. Darrell Norman lived in the District of Columbia and served the institution with distinction and excellence as a senior technical support representative for more than 20 years. His colleagues tell us that they will miss his infectious smile and spirit. His daughter, Monea, actually interned in my office for part of 2004.

Kindhearted, professional, and dedicated are words used by Darrell's colleagues to describe him. He is known throughout the House as a person you can rely on to do whatever it takes to get the job done. He has earned the reputation as a person with calm demeanor, steady work ethic, and respect for everyone.

Darrell's kindheartedness and drive to serve others was reflected in his work and set a tone for collegial comradery with customers and colleagues.

His service to the House is respected by the Members, chairmen, officers, and staff that have benefited from his unwavering disposition and willingness to serve in any role needed.

Darrell was always willing to volunteer his time to assist others. His participation on the House emergency preparedness and response teams as a critical staff member was above and beyond his daily responsibilities.

Energy and enthusiasm were his trademark characteristics and earned him recognition as a "CAO All Star" for his "can do" attitude and living his philosophy to never say no. You could always count on Darrell.

Admired by the people who knew him and appreciated by those he served, Darrell was an exceptional role model. He received the CAO award for distinguished service in acknowledgement of his consistent and selfless service to the U.S. House of Representatives.

Keeping the House an important part of his life did not eclipse Darrell's pride in his children. His eyes would light up and his chest expanded every time he spoke of his daughter and son. Darrell is survived by his mother, Mary Norman, his younger sister Dorita Norman Smith, his younger brother Jeffrey Norman, his daughter Monea Hendricks and his son Darrell Norman, Jr.

It is a privilege to pay respects to a man who lived the spirit of unconditional service. On behalf of the entire House community, we extend our condolences to Darrell's family, friends and colleagues in mourning the loss of a special man.

CONGRATULATING ANNIE WORK FOR HER RETIREMENT FROM KWCH–TV IN WICHITA, KANSAS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute.)

Mr. TIAHRT. Mr. Speaker, I rise today to congratulate Annie Work for her retirement from KWCH–TV in Wichita, Kansas. She has been a loyal employee since her first day in April 1986.

In this fast-paced media world where people are rushed and feel rushed, one could always count on walking into Channel 12 and being greeted by Annie's warm and friendly face. I knew that every time I entered the station, I would be greeted with a hearty welcome and then fall easily into conversation with her.

One of our favorite topics was golf. Her enjoyment of the sport and excitement she brings into the conversation about it is contagious.

Although I know she enjoys her job as the welcoming face for Channel 12, I am sure that Annie would say her proudest accomplishment is being the mother of five daughters. Every parent enjoys watching their family expand, and Annie has had the pleasure of welcoming into the world several grandchildren.

While Annie will be leaving the television station, I hope she will continue to publish the Urban News. This monthly newsletter founded by, published, edited and circulated by Annie helps the community keep aware of events occurring around them.

Again, I congratulate Annie Work on her invaluable contribution to KWCH, our community, and the Fourth District of Kansas. I know she will be missed by the rest of the Channel 12 staff, and I will miss having the opportunity to speak with her during my visits to the station.

I wish her all of the best in her retirement and all of her future endeavors.

TOUGH, PRACTICAL, EFFECTIVE COMPREHENSIVE IMMIGRATION REFORM PACKAGE NEEDED

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Mr. Speaker, I rise today to speak for the very first time in this distinguished Chamber representing the Eighth District of Arizona.

Mr. Speaker, we have made some major accomplishments this week, but one area that particularly pertains to my district and to the State of Arizona has not been addressed, and that is the crisis in illegal immigration.

For too long, Congress and Washington have failed to act. We must secure the border now. My district and the State of Arizona have paid a heavy price for this burden. We know it in our schools, our hospitals and our law enforcement agencies.

We must move this year with a sense of urgency to pass a comprehensive immigration reform package that is tough, effective, and practical. We need to increase border security using modern-era technology, radar, drones, electronic surveillance. There must be more Border Patrol agents and more support for those Border Patrol agents.

We also need tough employer sanctions for those employers who are knowingly hiring people illegally, and a guest worker program, so that people can come in and work legally, safely, and return back to their home countries.

Working to pass such measures will be my priority in this 110th Congress, and I look forward to working with Members on both sides of the aisle on this important issue.

TUNAGATE

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Mr. Speaker, there is something fishy going on here. The Washington Times reported yesterday that "the Democrats' minimum wage legislation exempts American Samoa, a Pacific island territory, that would be the only U.S. territory not subject to the Federal minimum wage."

The article goes on to say: "The loophole pleases StarKist Tuna, one of the two packaging plants that employ over 5,000 Samoans, or nearly 75 percent of the island's workforce.

"StarKist's parent company, Del Monte, is headquartered in San Francisco."

Now, after these press reports came out, the Democrats want to include American Samoa in this legislation, 2 days after it passed this House. Why? Because the American public found out about this special interest scheme.

This is a clear abuse of power for a hometown company. Indeed, Mr. Speaker, Madam Speaker, indeed, this is an abuse of power, and there is something definitely fishy going on here.

STANDING UP FOR SENIORS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the body that we stand in is the people's House. It is our obligation to address the grievances of the people who petition us. Thank goodness today, by reforming the prescription drug benefit part D, H.R. 4 addressed the grievances of millions and millions of seniors and small pharmaceutical companies or pharmacies.

Seventy-five percent of the drug program is paid by taxpayers. Thank goodness that we worked today on behalf of seniors who have suffered for years facing that terrible doughnut hole. Thank goodness we are negotiating a cheaper price. Thank goodness we are doing like the veterans hospitals are doing for veterans. Thank goodness we have corrected that 6-hour open vote of sheer despair, of pressuring all of the Members of Congress to vote the way our Republican friends wanted them to do, which is vote the worst prescription drug benefit program we have ever had in America. We did a disservice to Medicare. Today we fixed it.

I am glad for seniors we stood up so they could be heard.

LEARNING ABOUT PROMISES

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, my mother taught for most of her adult life, and she used to say, One of the things I like about you, Louie, is that you are teachable. And I am learning, Mr. Speaker.

I have learned that you can make a promise for years and years: We are going to have the most open government; we know that legislation is better if there is opportunity to amend it and debate it, because 100 percent right doesn't lie in one person, so we are going to do that.

Whoops, we have a shot in being in the majority. What can we do? Oh, I know, we can make a different promise. Well, we are people of our word, so we promise we are not going to do any of that stuff for the first 100 hours.

Well, that is 4 days and 4 hours. Whoops, we want to keep violating our first promise, so, well, we are promising that 100 hours means the clock only runs when we have the ball.

Mr. Speaker, I am learning.

☐ 1500

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON RULES, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker, in accordance with Clause 2 of Rule XI of the Rules of the House, I respectfully submit the rules of the Committee on Rules for printing in the Congressional Record. On January 12, 2007 the Committee on Rules adopted by voice vote, a quorum being present the following attached rules:

RULES OF THE COMMITTEE ON RULES

RULE 1—GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

(d) The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE 2—REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

Regular meetings

(a)(1) The Committee shall regularly meet at 10 a.m. on Tuesday of each week when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair.

Notice for regular meetings

(b) The Chair shall notify in electronic or written form each member of the Committee of the agenda of each regular meeting of the Committee at least 48 hours before the time of the meeting and shall provide to each member of the Committee, at least 24 hours before the time of each regular meeting.

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of—

(A) the bill or resolution;

(B) any committee reports thereon; and

(C) any letter requesting a rule for the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda a copy of—

(A) the bill, resolution, report, or materials relating to the other matter in question; and

(B) any report on the bill, resolution, report, or any other matter made by any subcommittee of the Committee.

Emergency meetings

(c)(1) The Chair may call an emergency meeting of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the ranking minority member, or, in such member's absence, the next ranking minority party member of the Committee.

(2) As soon as possible after calling an emergency meeting of the Committee, the Chair shall notify each member of the Committee of the time and location of the meeting.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting was a regular meeting.

Special meetings

(d) Special meetings shall be called and convened as provided in clause 2(c)(2) of rule XI of the Rules of the House.

RULE 3—MEETING AND HEARING PROCEDURES

In general

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 4 of rule XI of the rules of the House (which are incorporated by reference as part of these rules).

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

Quorum

(b)(1) For the purpose of hearing testimony on requests for rules, five members of the Committee shall constitute a quorum.

(2) For the purpose of taking testimony and receiving evidence on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B), or of taking any other action.

Voting

(c)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of any member.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) A record of the vote of each Member of the Committee on each record vote on any

matter before the Committee shall be available for public inspection at the offices of the Committee, and with respect to any record vote on any motion to amend or report, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

Hearing procedures

(d)(1) With regard to hearings on matters of original jurisdiction, to the greatest extent practicable:

(A) each witness who is to appear before the Committee shall file with the committee at least 24 hours in advance of the appearance a statement of proposed testimony in written and electronic form and shall limit the oral presentation to the Committee to a brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the statement of proposed testimony provided in written and electronic form a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or sub grant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(2) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.

(3) The provisions of clause 2(k) of rule XI of the rules of the House shall apply to any hearing conducted by the committee.

Subpoenas and oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

RULE 4—GENERAL OVERSIGHT RESPONSIBILITIES

(a) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts flaws, the subject matter of which is within its jurisdiction.

(b) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform, in accordance with the provisions of clause 2(d) of House rule x.

RULE 5—SUBCOMMITTEES

Establishment and responsibilities of subcommittees

(a)(1) There shall be two subcommittees of the Committee as follows:

(A) Subcommittee on Legislative and Budget Process, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.

(B) Subcommittee on Rules and Organization of the House, which shall have general responsibility for measures or matters related to process and procedures of the House, relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of measures and matters to subcommittees

(b)(1) In view of the unique procedural responsibilities of the Committee, no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee.

(2) The Chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(3) All other measures or matters of original jurisdiction shall be subject to consideration by the full Committee.

(4) In referring any measure or matter of original jurisdiction to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(5) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of subcommittees

(c) The size and ratio of each subcommittee shall be determined by the Committee and members shall be elected to each subcommittee, and to the positions of chairman and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the full committee shall designate a member of the majority party on each subcommittee as its vice chairman.

Subcommittee meetings and hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

Quorum

(e)(1) For the purpose of taking testimony, two members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the members of a subcommittee.

Effect of a vacancy

(f) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

Records

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee necessary for the Committee to comply with all rules and regulations of the House.

RULE 6—STAFF

In general

(a)(1) Except as provided in paragraphs (2) and (3), the professional and other staff of the Committee shall be appointed, by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional, and other staff provided to the minority party members of the Committee shall be appointed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 9 of rule X of the Rules of the House.

Associate staff

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the ranking minority member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Administration under clause 9 of rule X of the rules of the House.

Subcommittee staff

(c) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the rules of the House, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the ranking minority member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

Compensation of staff

(d) The Chair shall fix the compensation of all professional and other staff of the Committee, after consultation with the ranking minority member regarding any minority party staff.

Certification of staff

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the direct supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the member of the Committee with respect to the month in question met the requirements of clause 9 of rule X of the rules of the House.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made—

(A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and

(B) on his own responsibility to the extent the staff is under the Chair's direct supervision and direction.

RULE 7—BUDGET, TRAVEL, PAY OF WITNESSES

Budget

(a) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

Pay of witnesses

(c) Witnesses may be paid from funds made available to the Committee in its expense resolution subject to the provisions of clause 5 of rule XI of the rules of the House.

RULE 8—COMMITTEE ADMINISTRATION

Reporting

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or acting Chair shall report it to the House or designate a member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

Records

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the Members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the rules of the House. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee publications on the internet

(c) To the maximum extent feasible, the Committee shall makes its publications available in electronic form.

Calendars

(d)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each member of the Committee with a list of all bills or resolutions (A) reported from the Committee but not yet considered by the House, and (B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which has reported a bill or resolution (or a member of such committee authorized to act on the Chairman's behalf):

(A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and

(B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

Other procedures

(e) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees in a manner consistent with these rules.

RULE 9—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed, in the same manner and method as prescribed for the adoption of committee rules in clause 2 of rule XI of the Rules of the House, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after their approval.

NATION'S LOOMING FINANCIAL CRISIS NEEDS A BIPARTISAN SOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, last spring I took a trip to Antietam National Battlefield. As I walked along Bloody Lane, the site of one of the most vicious battles of the Civil War, I was struck by how many individuals made the ultimate sacrifice.

September 18, 1862, was the bloodiest day in American history. There were more than 23,000 casualties, nine times as many Americans killed or wounded in World War II's D-day on June 6, 1944. More soldiers were killed and wounded at the Battle of Antietam than the deaths of all Americans in the Revolutionary War, the War of 1812, the Mexican War and the Spanish-American war combined.

I also visited the site of the George Washington's crossing of the Delaware in anticipation of the Battle of Trenton. Washington was down to only 3,000 soldiers and the war was almost lost. Yet with great courage and sacrifice, Washington and his forces were successful in changing the direction of the American Revolution.

I also think of the tremendous sacrifice being made by thousands of men and women serving today not only in Iraq and Afghanistan but around the globe. Their families at home are also making great sacrifices.

After those visits and the lessons in history they brought, I began reading about the looming financial crisis on the Nation's horizon with the impending retirement of the baby boom generation. That information was chilling.

In less than a year, the baby boom generation will begin trickling into retirement. A few years later, that trickle will become a flood. And within 5 more years, it will become a tsunami that will begin to wreak havoc on the Social Security and Medicare systems.

Medicare, Medicaid and Social Security consume 40 percent of the budget in 2006, but will consume 51 percent in 2016, which is just the tip of the Democratic iceberg.

There is near unanimous consent by all who have looked at this issue. Social Security and Medicare are amassing huge deficits, and we are ill prepared for the coming flood of new baby boom retirees. When our retirement security programs like Social Security and Medicare were established, the ratio of workers supporting each retiree was more than 10 times the number supporting retirees today. In 1945, there were 42 workers for each retiree. Last year, the ratio dropped to three workers for each retiree and is expected to drop to just two workers for each retiree in 2030.

In reading about the coming financial emergency, my mind kept going back to Antietam and Washington's crossing and all the substantive examples of sacrifice for country by Americans. I asked myself, what kind of financial security as a Nation are we passing on to those who are coming after us?

While there never is a convenient time to make hard decisions, the longer we wait, the more dramatic the remedy will be that is required.

According to the Government Accountability Office, balancing the budget in 2040 necessitates one of two alternatives: Cutting total Federal spending by 60 percent, and this place will never do that; or raising Federal taxes by two-and-a-half times today's level. Either of these options would devastate our economy.

But if we can summon the resolve to begin these difficult conversations now, and make hard choices on the front end, we can change the current course. Abraham Lincoln, one of our greatest Presidents, said "you cannot escape the responsibility of tomorrow by evading it today," yet that is precisely what we are doing in avoiding our responsibility to future generations by passing on a broken system in the form of unfunded Social Security, Medicare and Medicaid.

That is why next week Senator GEORGE VOINOVICH in the Senate and I in the House will join to introduce identical legislation to establish a national commission that will put everything, everything, entitlement benefits and all other Federal programs, as well as our tax policies, on the table and to require, require Congress to vote up or down on its recommendations in their entirety, similar to the base realignment and base closure commission, BRAC.

This commission would be called the SAFE Commission, to secure America's future economy. We first introduced the SAFE Commission last summer. Since that time, the proposal has received strong support from across the political spectrum, including the Heritage Foundation, the Concord Coalition, former Members of Congress on both sides of the aisle, and former Congressional Budget Office directors. It is being endorsed by major newspapers across the country, including the Dallas Morning News, the Orlando Sentinel and syndicated columnist David Broder.

It is in the hope of building a consensus on this very difficult issue that we will again offer this legislation. One of the most critical responsibilities of the Commission will be explaining the crisis we face and listening to the American people about how to get the country back on sound financial footing.

It will also develop a strategic plan for the future. It will look beyond the beltway for solutions, holding at least 12 hearings, one in each Federal Reserve district, over the span of 12 months in order to hear directly from the American people.

After its 12-month listening tour, the commission will present to Congress a report describing the long-term fiscal problems, public suggestions and views expressed during the town meetings and policy options available to ensure Federal programs and entitlements are available for future generations.

With a bipartisan three-fourths majority vote, the commission will send to Congress a legislative package to implement the commission recommendations no later than 60 days after the interim report. The administration and Congress will have 90 additional days to develop actuarially equivalent proposals to achieve the same cost savings.

Essentially, no later than 16 months from the organization of the commission, Congress would be required to vote—up or down—on each proposal.

We have put in the legislation procedures for expedited consideration of the commission's legislation to ensure that the Congress acts. I do not want this to simply be another blue-ribbon commission whose findings end up on a bookshelf somewhere only to collect dust and never be acted upon.

The SAFE Commission will be comprised of 16 voting members, four appointed by the Senate Majority Leader, three by the Senate Minority Leader, four by the Speaker of the House, and three by the House Minority Leader.

Four of the 14 Congressional appointments must be sitting Members of Congress. Additionally, the Director of the Office of Management and Budget as well as the Secretary of the Treasury will serve as voting ex-officio members.

The Congressional Budget Office and the Comptroller General of the United States will be appointed as non-voting ex-officio members of the commission to lend their expertise. The President will have the ability to appoint bipartisan co-chairs from among the 10 voting members appointed by Congress.

As a father of five and grandfather of 12, the challenge posed by the pending retirement of baby boomers strikes me as much more than a routine policy discussion. Without action, just what kind of future are we leaving to our children and grandchildren?

I also deeply believe there is a moral component to this issue that goes to the heart of who we are as Americans. By that I mean, I wonder if we have lost the national will to make tough decisions that may require sacrifice?

Moreover, have we lost the political courage to reject the partisan and special interest demands and do what is best for our country?

If we remember the legacy we have inherited—the sacrifices of Washington's crossing and Antietam and so many other examples from the over two centuries of our Nation's history—and the debt we owe to previous generations—our grandparents and our parents and the sacrifices they made to make our country what it is today—I believe we all will be moved to do our duty.

I have heard criticism that such weighty decisions on the Nation's financial future are the responsibility of Congress. I couldn't agree more. The SAFE Commission has two provisions to protect congressional prerogatives. First, of the 14 members appointed to the commission, four must be sitting Members of Congress. Second, if Congress enacts significant legislation aimed at addressing this looming crisis, the SAFE Commission would terminate and cease to exist.

The SAFE Commission should be embraced by both sides of the aisle. This is a national issue; not a Republican issue or a Democrat issue. I am open to suggestions about the legislation from members of both parties. We also welcome a forthright national dialogue.

Only by working together in a truly bipartisan manner will we be able to secure America's future economy. I believe most Americans will welcome it as well, especially considering we all want what is best for our children and grandchildren.

We must heed the cautionary words of George Washington's 1796 farewell address: "We should avoid ungenerously throwing upon posterity the burden of which we ourselves ought to bear."

I look forward to working with my colleagues to enact this legislation.

SOLVING THE INSURANCE CRISIS FACED BY KATRINA VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, on behalf of the people of South Mississippi, I want to thank my fellow Americans for the incredible generosity they have shown the people of south Mississippi in the wake of Hurricane Katrina. Literally within hours of that storm, fellow Americans who were National Guardsmen, who were Coast Guardsmen, in the Armed Forces, the Army, the Navy, the Air Force and Marines. They were there helping the people of south Mississippi recover.

Since that time, the people of America dug into their pockets as taxpayers. They dug into their pockets as individuals. They sent Christmas presents, and they donated their time. From school kids to senior citizens, they all came to south Mississippi to help.

It seems like for a while everyone was trying to help south Mississippi, and then the harsh reality was that not everyone really was going to help; that there was actually an element in corporate America that thought they could use this storm as a way to make a lot of money. I am referring to the property and casualty business that insured many of the people in south Mississippi.

Mr. Speaker, almost as soon as the roads were cleared of trees and power lines and dead animals and all the things, we found, unfortunately, in the wake of Katrina, representatives of property and casualty companies were showing up on people's lots, what was left of their homes, and telling them that they had found a reason in the fine print of their policies not to pay.

Even before I made my way back to Congress, and it took about 2 weeks after the storm for me to get here, they were already working the lobbies, buying steak dinners, buying lobster dinners, buying champagne and telling my colleagues, well, you are going to hear from those people in Mississippi; and, you know, yeah, we denied them, but they are not very smart. They didn't have enough insurance. They built their houses too close to the ground, and they flood all the time, and that is why we had to tell them no.

So, Mr. Speaker, we need to change that. But before I tell you why we need to change it, before I need to tell you what we need to do, I want to give you a couple of examples.

Remember they said they are not very smart? This was the home of John and Molly Hadden. John has a Master's in business from Tulane University. They said their home was too close to the ground. As you can see, it was about 11 feet off the ground, or 22 feet above sea level. They said they were underinsured. If you had gone down Beach Boulevard in Bay St. Louis, Mississippi, a week before Katrina, this is what you would have seen. A beautiful home, less than 10 years old, and built to all the current standards. If you would have gone down that same road, when you could go down that road, a couple weeks after the storm, this is what you would have seen.

John Hadden, being an MBA, a pretty good businessman, knew that to replace this, should something bad happen, would cost a lot of money. He had a $650,000 insurance policy, to which the folks from State Farm, 16 months later, have given him nothing.

If you had gone a little farther down that street before the storm you would have seen approximately a 130-year-old house owned by Joe and Betty Benvenutti. Joe is himself in the insurance business. This house had been there and survived no telling how many hurricanes, five in my lifetime, and many more prior to that. Joe, being in the insurance industry, knew the importance of being properly covered. So for this beautiful classic historic home, Joe and Betty had $586,000 worth of insurance. Yet 16 months later, their carrier, State Farm Insurance Company, has paid them nothing, and this is what they found after the storm, by the way: a couple of their kids' trophies, a couple of bricks, maybe a toy or two laying around where the foundation used to be.

Next door to the Benvenuttis we have Mike and Eileen Chapoton. Mike is the head of the trust department of the Whitney Bank, a very, very large regional bank, a job of incredible responsibility. Again, a good businessman who thought he had done all the things you are supposed to do with all the people you are supposed to do it with to protect his home in case something bad should happen. Mike purchased $236,000 worth of insurance through State Farm, and 16 months after the storm, he has been paid nothing.

Mr. Speaker, what State Farm says is, well, you weren't there when it happened, so we don't know how it happened. So unless you can prove to me that it wasn't a flood, we are not going to give you a dime.

Now, this leads to a couple of things. Why should a person have to stay in their home during a hurricane to get some fairness. I thought we put satellites in the sky. I thought we put buoys at sea, I thought we had the hurricane hunters fly planes into hurricanes to give us the warning to get the heck out of there. To encourage people to stay behind is only to encourage people to die. And yet the only people in south Mississippi who really got fairness from the insurance companies were the ones who stayed behind and miraculously lived, because they were an eye witness.

So we need all-perils insurance throughout our country.

The second thing. The insurance industry that told the Chapotons and the Haddens and the Benvenuttis now have the privilege of calling each other up; State Farm could call Nationwide, and say, you know what, I am not going to pay; don't you pay. And it is perfectly legal because they are exempt from the antitrust laws. That needs to change.

Lastly, because there is zero Federal regulation of the insurance industry, at this time there is absolutely nothing that I or any other Member of Congress can do about this. It is my hope that in the coming weeks we will fix all three of those problems.

MEDICARE PRESCRIPTION DRUG BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, I first want to congratulate the Speaker for the opportunity he has to preside today. Congratulations.

Mr. Speaker, 3 years ago, Congress passed a Medicare bill that for the first time created an opportunity for many seniors to have access to strong, valuable and persistent prescription drug coverage. Although the legislation was a compromise, and in places an imperfect one, this program has proven to be a success, working for seniors with a range of circumstances and particularly valuable resource for seniors of the most limited means, many of whom are in my district.

It falls on us in this Congress to consider ways that we can further strengthen this benefit. Unfortunately, the legislation that we have debated today, H.R. 4, is a huge and real step back and is less of a policy than a bumper sticker.

As a member of the Ways and Means Health Subcommittee, which has jurisdiction over this program, I am deeply disappointed that we had no hearings, no discussion and no opportunity for amendments to produce a real pricing reform bill with teeth and with nuance. While part D is not perfect and can be improved, it is our fundamental responsibility to put in place a policy that might build on the successes of the program, and they are substantial.

Independent estimates for the Medicare part D prescription drug benefit for the fiscal year 2008 budget cycle show that net Medicare costs are 30 percent less, about $190 billion lower than were originally predicted when the benefit was created in 2003.

□ 1515

In addition, based on strong competitive bidding by health care plans for 2007, average monthly premiums will be approximately $22 for beneficiaries, down from $23 in 2006 if enrollees remain in their current plans. The initial estimate for 2006 premiums was $37. CMS has indicated that beneficiaries are saving on the average of $1,200 annually on their drugs, and these are achievements that must be preserved.

Many people in my district like the idea of the legislation which the House Democrats put forward today. I understand how they feel. I have long felt that we could improve on the existing policy and the existing process. But what I found was that the Democrats' plan is more of a political stunt than a solution. And it isn't at all a prescription for real reform, and it is, at best, a placebo, but one that could actually reduce the benefits and the coverage for many individual seniors. To understand why, we need to recognize how much this proposal has been criticized. Even leading liberals like Urban Institute president Robert Reischauer and Brookings Institution senior fellow Alice Rivlin have expressed real qualms about an initiative that limits choices for seniors by putting government bureaucrats in charge of setting prices for prescription drugs. Reischauer recently said to The Washington Post: "People were worried no private plans would participate. Then, too many plans came forward. Then people said it's going to cost a fortune and the price came in lower than anyone thought. Then people like me said that they are low-balling the prices the first year. They will jack up the rates down the line. And lo and behold, the prices fell again. And the reaction was, we have got to have the government negotiate lower prices. At some point you have to ask, what are we looking for here?"

Rivlin stated: "It's not clear that a government, particularly this government, would get a better deal from the drug companies by direct negotiations than the drug plans can get on their own, and it might have some negative consequences."

We also want to recognize that the new majority has claimed that their proposal will provide significant savings, when, in fact, the CBO, nonpartisan, has announced that H.R. 4 would in their view have no budget savings and a negligible effect on Federal spending.

The reasons why I felt, as an advocate and caretaker for this program, obliged to oppose H.R. 4 are clear: one, this measure is not going to generate savings for the consumer; two, government price-setting will only drive drugs out of the program and reduce seniors' access to critical drugs that may be central to their treatment as individuals.

This plan could potentially, three, limit seniors' access to their community pharmacies. For many seniors, advice from their pharmacist is a critical service that they need to have access to to coordinate their drug uses and find the best coverage.

And, four, finally, this plan could lead to increased drug prices for America's vets.

Mr. Speaker, I believe we could improve on this legislation, and I will speak next week about some further ideas. I believe that there is a significant difference between the plan we have and the VA plan; and if we don't recognize those differences, we are going to shortchange seniors, and this bill that we voted on today will generate no savings. And I hope when it comes back from the Senate, that there will be an opportunity to substantially correct it, put teeth into it and create a real nuanced policy that will add to the successes of our part D program.

OPPOSITION TO THE RENOMINATION OF ROBERT HOGLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to express my concern this afternoon and my opposition, indeed, to the renomination of Robert Hogland by the Bush administration as U.S. Ambassador to Armenia. And I also want to take this opportunity to thank my colleague from New Jersey, Senator MENENDEZ, for his continued opposition to the nomination.

This makes no sense, Mr. Speaker. The Senate Foreign Relations Committee reviewed the nomination of Mr. Hogland, had hearings, asked extensive written questions as followup in the last session of Congress, and it was clear that Mr. Hogland's nomination could not pass the Senate. In fact, could not even pass the Senate Foreign Relations Committee. It was essentially sent back to the administration at the end of the lame duck session. And I am, frankly, surprised that the President has renominated Mr. Hogland under the circumstances.

The problem continues to be, on the one hand, that the administration has not offered any meaningful explanation of the reasons for firing the last U.S. ambassador to Armenia, John Evans. We all know the reason why Mr. Evans was terminated. It is because he articulated the fact that the Armenia genocide occurred. Historically. The U.S. policy has been to, basically, announce and accept the fact that the tragic events of the Armenian genocide occurred. But when anyone within the administration actually calls it genocide, immediately they are seen as a bad actor, and consequences follow from that.

And Ambassador Evans came to the United States. He was out in California. He was involved one afternoon or evening in a discussion about the tragic events that occurred between 1915 and afterwards, and he used the term "genocide." It may sound like no big deal to anybody else, a historical fact that almost every government in the world recognizes, that the U.S. has historically acknowledged. But the very fact that he used that term incurred tremendous opposition from the Turkish Government. And from that day on, his days were numbered as the ambassador to Armenia, and eventually he was terminated and Mr. Hogland was nominated in his place.

Now, last session, the Senate Foreign Relations Committee considered Mr. Hogland's nomination. Mr. Hogland failed to adequately respond to the questions asked by the Senators and, I would add, this is on a bipartisan basis. This isn't a Democrat or Republican issue. This is on a bipartisan basis. The members of the Senate Foreign Relations Committee asked him a number of questions and Mr. Hogland would not clarify the U.S. policies denial of the Armenian genocide. In many instances he did not respond to specific Senators' questions, and he diverted his answers by responding with what seemed like prepared talking points and went to extreme lengths to avoid using the term "genocide."

Additionally, in response to a written inquiry from Senator JOHN KERRY concerning Turkey's criminal prosecution of journalists for writing about the Armenian genocide, Mr. Hogland referred to these writings as allegations.

Now, let me say, the U.S. has historically taken a leadership role in preventing genocide and human rights. But the Bush administration continues to play word games by not calling evil by its proper name in this case. Instead, they refer to the mass killings of 1.5 million Armenians as tragic events. That term, Mr. Speaker, should not be substituted for genocide. The two words are simply not synonymous. There are historical documents that show that the genocide cannot be refuted. But somehow the Bush administration continues to ignore the truth in fear of offending the Turkish Government.

Now, again, I don't think that our Nation's response to genocide should be denigrated to a level acceptable to the Turkish Government. And it is about time that this administration started dictating a policy for Americans, not for a foreign government like Turkey. This lack of honesty, in my opinion, by the Bush administration is simply not acceptable. The American people and this Congress deserve a full and truthful account of the role of the Turkish Government in denying the Armenian genocide.

Now, let me just say one more thing before I conclude this afternoon, Mr. Speaker. There is no way, in my opinion, that Mr. Hogland is going to be confirmed because of his policy, because of the fact that he continues to articulate a policy of denial. And I fear, myself, that it would make no sense to send an ambassador from this country to Armenia who cannot articulate the genocide. So I simply ask that this nomination be opposed again in the Senate, and the Bush administration realize that it can't submit it, and that they simply withdraw the nomination.

PASSAGE OF H.R. 4

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, I believe we have an obligation to ensure that our Nation's seniors have access to the world-class prescription drugs which have been developed to improve their quality of life and, in some cases, to save those lives. That is why I thought that the previous Congress did a disservice to our Nation's seniors when the flawed prescription drug benefit was created.

I want Medicare part D to work as well as possible for America's seniors, and that is why Congress needs to address the gap of drug coverage that occurs when a senior enters the so-called doughnut hole and does not get financial help.

I want Medicare part D to work as well as traditional Medicare, which does work well. I will soon reintroduce legislation to help those who have experienced the predicament of being stuck in the doughnut hole by increasing the types of expenses that are counted toward their total out-of-pocket costs. This will help seniors get through the doughnut hole.

Now, today, the House passed legislation to give seniors access to affordable medicines. I supported this legislation because I think we need to act to improve the drug benefit and ensure that our Nation's seniors are properly taken care of.

I am pleased that the legislation maintains the prohibition on formularies contained in the original 2003 drug benefit legislation. It seems to me that national formularies, to limit available medicines, would do more to undermine patient health than to lower costs and, therefore, should not be imposed.

I remain concerned that there is no such language concerning price controls. I don't think the government can effectively establish prices. The marketplace is the best place to set prices that will help ensure the continuing pipeline of lifesaving and life-improving drugs. Historically, price controls have proved to be an awkward, clumsy way to allocate goods and services under ordinary circumstances.

But I want to talk for a moment about the great research that is being done at a number of different pharmaceutical companies in my district, in my State and across America. Research and development is the lifeblood of America's economic growth. Let me repeat: research and development is the lifeblood of America's economic growth.

I am proud to be the founder and cochair with the gentlelady from Illinois (Mrs. BIGGERT) of the Congressional Research Service and Development Caucus.

Now, every time this House acts, we should make sure that we protect the vibrant, path-breaking research that is occurring in the United States.

Now, there is a reason that we had a debate today on the prescription drug bill. We had the debate and the vote on this because the pharmaceutical research has been extraordinarily effective. Pharmaceutical companies have produced medicines that are not only very good for keeping people alive, improving their lives and reducing suffering, but medicines that were even inconceivable a decade or two ago. These medicines are truly a matter of life and death, and we would not be having this debate, but for the success of the pharmaceutical companies.

I don't want today's debate to leave anyone with the impression that this body wants to demonize the industry and make them stop doing their lifesaving work. None of the drugs we hear about were created overnight. They took years of effort by thousands of talented researchers and scientists. Starting with maybe half a million chemical compounds after years of basic research, a company might end up with, say, 10 safe and effective compounds. The best one, after 8 more years of clinical trials, might receive FDA approval. And then, and only then can they begin to bring this medication to market.

This research is costly, but vitally important. At every step along the process the research might prove to be noneffective, and the process would have to start over again. It is not easy; it is not cheap. These companies spend more money on research and development than any other industry.

I often point out that we in the United States fail to invest sufficiently for research and development in every sector of our economy, with the possible exception of pharmaceuticals.

□ 1530

Let us not punish these companies for their very success and research that will be to the possible benefit of nearly every person in America.

While we must ensure that all Americans get the full benefit of that research, and that is part of what today's legislation was about, it is essential that we do everything in Congress we can to ensure that America maintains its innovative edge and continues to grow as a leader in research and development.

HONORING DR. MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. AL GREEN) is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, I would like to thank the Speaker of the House, Speaker NANCY PELOSI; our leader, STENY HOYER; our whip, JIM CLYBURN; our chair, RAHM EMANUEL; and our vice chair, JOHN LARSON, for allowing us this time to commemorate the life of Dr. Martin Luther King.

Mr. Speaker, like Dr. King, I love America. I love the ideals expressed in the Declaration of Independence, all persons are created equal; and the Pledge of Allegiance, liberty and justice for all; and the Constitution, government of the people, by the people, for the people.

So today, Mr. Speaker, I stand here in the well of the United States House of Representatives as a proud American, and I pay tribute to a great and noble American, Dr. Martin Luther King.

Dr. King was born in Atlanta, Georgia, in 1929, at a time when some Americans could buy a hat but they couldn't try it on; at a time when some Americans had to step off the sidewalk so that other Americans might pass; at a time when of the people, by the people, for the people did not include all of the people; at a time when liberty and justice for all did not include all; at a time when all persons are created equal, but some people were more equal than others.

So I thank God for Dr. Martin Luther King, because he refused to use the back door. He refused to sit in the balcony. He refused to drink from a colored water fountain. He refused to allow his name to be "Boy." He was a man among men.

He stood up for the least, the last and the lost. He stood for the least, those who were born into a legacy of poverty; the last, those who were the last hired and the first fired; the lost, those who were lost in poverty in a land of plenty.

I owe a debt of gratitude to Dr. King and the many others who made it possible for me to be here. Because, you see, they fought for and secured the Voting Rights Act. Before the passage of the Voting Rights Act, we had five African Americans in Congress. This includes the House and the Senate. Now we have 43. We had four Hispanic Members of Congress. Now we have 30. We had three Asian Americans in Congress. Now we have nine.

Because of Dr. King and others, Congressman CHARLIE RANGEL has Ways and Means; he is the Chair of Ways and Means. Because of Dr. King and so many other countless faces, Homeland Security is securely in the hands of Congressman BENNIE THOMPSON. Because of Dr. King and those who fought for civil rights, Intelligence is intelligently chaired by Congressman SILVESTRE REYES, and the Judiciary Committee is in the hands of Congressman JOHN CONYERS.

Because of Dr. King and the great sacrifices that were made by the civil rights workers, women have made great strides, because the House is not only a woman's place, it is a place where a woman can be speaker. Congresswoman NANCY PELOSI is the Speaker of the United States House of Representatives.

So I thank God for Dr. King. I thank God that he was born, and I understand that had he been born in Europe, he could have been Pope. Had he been born Muslim in the Middle East, he could have been a prophet. In another time, he could have been President. I thank God that he was born when he was, however, because had he not been born when he was, I would not be in the United States House of Representatives.

Thank God for Dr. Martin Luther King.

THE DEMOCRATIC AGENDA

The SPEAKER pro tempore. The gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes.

Mrs. BLACKBURN. Mr. Speaker, I appreciate the time, and I appreciate the leadership, our House Republican leadership designating the time for us to be able to use today. We want to continue our discussion with the American people and put the emphasis on what has happened since we gaveled in for the 110th session of Congress.

It is going to be such an interesting Congress, we know that. There is a lot of work to do, and our constituents are depending on us to get the job done for them. We all look forward to that. We are excited about representing our constituents.

What we are not real excited about are some of the things that the majority has pushed forward and the way in which they have gone about it this week. What was to be openness, what was to be transparency, has devolved into a Rules Committee not being put into place, our regular order not being recognized, bills not going to committees, opportunities to amend those bills not being given, and it has made for quite an interesting 54 hours and 48 minutes as of this morning.

I am joined by a couple of my colleagues, and they are going to give some of their thoughts. I would like to recognize first, Mr. DAVIS from Tennessee, who is new to the House this year. He is a Member of the freshman class. He served in the Tennessee General Assembly, and we are so delighted that he did.

When I was in the State Senate in Tennessee, he served in the State House, and he has given to the process of open government, and to government reform and was a leader on those issues in this State.

At this time I yield to the gentleman from Tennessee (Mr. DAVID DAVIS), for some comments.

Mr. DAVID DAVIS of Tennessee. Thank you, Congresswoman BLACKBURN, thank you for your leadership, your friendship through down through the years. You have been a great friend of mine in the State General Assembly, and it is an honor to be on this distinguished floor with you tonight.

Mrs. BLACKBURN. Good to share the floor with you.

Mr. DAVID DAVIS of Tennessee. It is a great opportunity. As we get ready to conclude this second week of the 110th Congress, I look back over this time, and I think of the elections. We look back at the elections that took place, and I think the American people voted for change. I think there has been a change, as the majority changed, but I am not sure it is the change that the American people voted for.

I tell you what I heard back in my district about change: Government had gotten too big. I think the American people voted for change to make sure that we brought some responsibility to the government.

If I look back over what has taken place in the last 2 weeks, we are not going towards the change the American people voted for; we are going just the opposite. I don't think the American people are going to be happy with that type of change.

One of my roles in life as a Tennessee State representative was to work with the Democratic majority in Nashville to open up government. When I first went in to the Tennessee legislature, I went in and I found out that you could go on to the House floor, in the committee system, the subcommittees, and take votes, and those votes were not even counted. That is just wrong.

I thought it is going to be nice and refreshing to go to Washington, where we have an open process, and we have a party that has just taken over the majority, and they tell us, it is going to be even better than it was.

When I look back at Tennessee, you could cast a vote in committee or subcommittee, and you could tell the speaker, Mr. Speaker, don't worry about me, I am with you. Then you could go back to your home district and say, don't worry about me, I am with you, and be talking about two different things.

I was hoping it was going to be different as I came to Washington. It was, until last week.

Last week, one of our first votes on the House floor was to close the House of Representatives and the Rules Committee to the American people. That is not openness. That is not transparency. That is just wrong. That is exactly where we have come to in this House of Representatives. We have come to a situation where Rules Committee Members can go in and decide on the American people's business and not have their votes counted. That is not right.

Then we look at some of the other things we have voted for on the House floor. Again, as we recall, the American people voted for change, and in my district, the first district, the beautiful mountains of east Tennessee, I think they were telling me, and I think as we saw change coming across the United States, they wanted the government to be more responsible.

What I found the first week we are here, we actually removed the rule that took a three-fifths majority to increase taxes, and we lowered that threshold in the majority rule down to a simple majority.

Now, Mrs. BLACKBURN, I don't know about you, but I certainly believe it will be much easier to raise taxes. I don't believe that rule would have been changed had they not have foreseen a tax increase coming down the road.

That is not what the people of Tennessee want, I can tell you that. I think what it leads to is bigger government, bigger bureaucracies, somebody has to pay. Money comes from the people, and it comes from small business owners. It comes from people that are willing to work hard.

Another vote we have taken in the first two weeks, well, I don't know exactly where the first 100 hours starts or when it stops, but in the first 2 weeks, we passed a bill on this floor, without my vote, that threatens the life of the unborn.

I think we have done it under some deception, because if you look at embryonic stem cells, they have been researched for a number of years; it was not illegal. The bill that was passed on this House floor did not change that law. It was about taxpayer funding of destruction of human life. I don't think that is what the people of the First Congressional District wanted. I don't think that is the change the American people wanted.

Another bill we dealt with was a bill that would put our national security under control of the United Nations. I certainly don't believe that is what the people of the First Congressional District or the people of America wanted. We are a sovereign Nation, we should be able to protect ourselves without the approval of the U.N.

In my opinion, bigger government is not always the answer. At times, oftentimes, it is the problem.

What I find as I talk to real people back in my district and what I believe deeply in my soul is that the answers to American problems come from our families; they come from our State legislatures, our local governments, our business owners. Big government in Washington is not always the answer. Oftentimes it is the problem.

With that, I yield back and welcome your comments.

Mrs. BLACKBURN. I thank the gentleman from Tennessee. I welcome his comments. He is on target, Mr. Speaker, and just as he always has been in the General Assembly of Tennessee. Government is not the solution to many problems. Government many times itself causes the problem.

We all know that when you have a situation out there that if you put government into that mix to solve that problem, you don't get a private sector or a not-for-profit solution to that problem. You get a taxpayer-funded bureaucracy that is guaranteed to grow, guaranteed to grow, because they never go back to dollar one to build that budget. They go back to what is called baseline budgeting. Baseline budgeting says you take what you had last year and you build on it.

I tell you what, one of my constituents the other day, they were talking about this, compounding, and compounding interest in order to build a retirement nest egg, and what a wonderful concept compounding interest is.

It came to mind, as he said, you know, that is what the liberals have been doing with that Federal budget. It is compounded spending, because every year you take what you had and you add to it, and you grow it a little more and spending always grows.

☐ 1545

As the gentleman from Tennessee said, in their PAYGO rules, what they have done is make it easier to raise taxes without you knowing about it, without the American people knowing about it.

So the 110th Congress is going to be the hang-on-to-your-wallet Congress, because it is coming at you. They are after your wallet, and they are going to take more and more of your wallet, your money that you have earned, and they are going to give it to the government, to the bureaucrats, to solve your problems in a way you don't want. So hang on, it is coming.

But in order to get some help, we have got some great Members here on our side of the aisle who are going to be fighting for the American people every single step of the way. One of those great Members is the former lieutenant governor from the State of Oklahoma, and she joins us this year as a member of the freshman class. She has been such a stalwart for conservative ideas and for helping Oklahoma set its course toward a State that is dynamic, even developed some pretty good football players along the way, and we are absolutely delighted to have the gentlewoman from Oklahoma join us and share her thoughts on her first couple of weeks here in Washington.

I yield to the gentlewoman.

Ms. FALLIN. Mr. Speaker, I appreciate that very kind introduction. It is a pleasure to be here with you today.

As a newly elected Member of Congress, I am very humbled by the opportunity to be able to serve in this esteemed body and to represent the people of Oklahoma. I have had the great opportunity to serve as a member of the Oklahoma legislature and, as the gentlewoman mentioned, as the lieutenant governor of Oklahoma for the past 12 years until I took this position. I have had the opportunity to work in a bipartisan manner with both sides of the aisle. In fact, when I was in the legislature and as lieutenant governor, there were many times that my Democrat colleagues helped me on various piece of legislation, even served as the author of some of the reform efforts that I led in our State. And I believe that many of those that ran for office this year ran on a platform of coming to Washington, coming to Congress and solving problems and making things happen and working on issues that we could find consensus on and doing good things for the people of America. And we also campaigned on platforms of transparency and openness and letting the people of our States' voices be heard here in Washington, DC.

I have to tell you that I think this past week, in the very short time that I have been a Member of this body, that we have missed some real opportunities here in Congress, and that is to let all the Members' voices be heard, all the voices of the people that we each represent, and to let the many talents and the knowledge and the expertise and life experiences that are shared among this body be allowed to participate in the process.

I have to be honest that after having the opportunity to be sworn in this past week and also participating in a historic moment of seeing our first woman speaker selected and elected as the leader of this body, I have been disappointed. I have been disappointed that many of our Republican Members have been excluded. Well, I guess you could say all of them have been excluded from many of the processes of this House and their voices were not heard.

I heard a debate or discussion a moment ago between our two leaders about our committee meetings and organizational meetings and that there have been a few organizational meetings held so far; yet, I ask if there had been any Members who had attended on our party's side any organizational meetings and couldn't find anyone yet who has been invited to attend one. And I know, as a freshman member, I haven't been invited to attend any of our organizational meetings yet.

Yet, I also heard the leader of the other side say that they are hopeful that we can all work together. I guess I just have a hard time understanding how you can work together when you don't allow amendments, discussion, when you don't allow the minority party's voice to be heard during a crucial time at the beginning of an opening session of Congress, especially when there are so many critical issues that are important to the American people being discussed. And, frankly, I think my years of experience in Oklahoma, 16 years in office, and along with the expertise of all the other Members represented in this body have a lot to contribute. And I felt like I was slighted of that opportunity, to not be able to contribute like the minority party should have been.

So I guess I just say that the public has asked us to have transparency, to have openness in government. I know I heard Speaker PELOSI say in her opening statements that she wanted three things: accountability, openness, and honesty. And I hope that as we move forward next week that all Members of this body will be allowed to have those things; that we will be allowed to have openness in our discussion, that we can get back to a routine, a process to where voices are heard in committees, where legislation is discussed, where amendments can be made to, where we will be honest with the American people about what is really transpiring in this body and how we are going to administer this body, and that we will be fair and respectful and professional in how we operate in this Congress.

Mrs. BLACKBURN. I thank the gentlewoman from Oklahoma, and I thank her for the contribution and the insight that she is bringing.

One of the things that we have to realize with legislation that we pass is it is a partnership effort, whether it is the local, the State, and the Federal levels working together. And her expertise, with 16 years of State government, as a legislator, as a lieutenant governor, helping the State chart a new way forward into the 21st century, that is so vital to the work that we do to be certain that we don't gather in the power and keep it here in Washington; that we send it to the States.

And the gentlewoman speaks so eloquently of missed opportunities, of wanting to bring that expertise to bear, not only for the benefit of her constituents, but for the benefit of all Americans, to be certain that we respect this Nation, we respect this House, and that we respect the sovereignty which each and every one of us hold so very, very dear.

You know, my colleagues have mentioned some of the things that have taken place this week. And as I said at the outset, the Democrats brought forward what would be their 100-hour agenda, and they have talked about the things that they had wanted to pass. And we have heard some in the 5-minute and 1-minute presentations and the speeches on the floor that we have got some creative clock keeping going on around these parts. But, Mr. Speaker, I will tell you, when I was in school in the 1950s and 1960s, they weren't teaching new math, so I just know how to do it the old way. And going by the old clock, it is 54 hours, 48 minutes, as of the time we gaveled in this morning, that had passed off the clock.

Now, the American people may be interested to know some of the things that have transpired in this 54 hours, 48 minutes. As I said, this is kind of the hang-on-to-your-wallet Congress, because it is expensive. And what we are seeing that they are doing in the first half of this 100 hours is passing legislation that our small businesses have told us, that the associations that work with many of these small businesses, the chambers, the independent business organizations have said would be crippling to businesses that create three out of every four new jobs in this country.

Now, you know, somebody may say, well, that doesn't sound that bad. You know what? When you go back to 2003 and you look at the fact that we have had nearly 7 million new jobs created since 2003, that is a lot of jobs. When you look at the fact that personal wages have increased over 9 percent in the past couple of years, that is a lot of money in the take-home paycheck. Then you see it makes a difference. Creating jobs, creating better jobs, creating 21st century jobs is so vitally important to have a robust economy that is going to work. And the body, the majority chose to pass a minimum wage bill that was an unfunded mandate on small business.

Now, I didn't come up with the total of what this is going to cost small business. I went to the Congressional Budget Office. The Congressional Budget Office says it is going to be $5 billion to $7 billion in unfunded mandates on small businesses to meet this one piece of legislation alone.

Now, I tell you, my constituents in Tennessee's Seventh District aren't willing to fork over another $5 billion to $7 billion out of their paychecks. They want first right of refusal on their paychecks. They don't want the Federal Government getting first right of refusal on their paychecks. The Federal Government takes too much as it is. And we all know government doesn't have a revenue problem. Goodness gracious, government has brought in more revenue than ever before in the past couple of years, and it happened because of tax reductions. Government has a spending problem, and it has a spending problem because of programs that have been put in place from the new deal, put in place from the Lyndon Johnson years, programs that have grown and grown and grown and have never been reduced. That is why we have a spending problem. And I have said many years, the bureaucracy in this town is a monument to the Democrats. They are the ones that built it through the 1940s, through the 1950s, through the 1960s, and it is like that plant in Little Shop of Horrors: Feed me, Seymour. Give me more money. It is what it is going to take to keep it going. So it is an expensive, expensive 54 hours, 48 minutes.

My colleague from Tennessee mentioned a little bit about the tax and spending, and I pulled an article out of the Wall Street Journal. There again, not the opinion of me, but the opinion of some of those that are watching this process. And he spoke a little bit about making it easier to raise taxes and the provision that was adjusted in the rules package. And I think this is so important for our constituents to know.

We have had a rule went into place in 1994 with Speaker Gingrich that provided that a three-fifths majority of the House was required to raise taxes. Well, our friends, our colleagues across the aisle have decided to put a loophole that you could drop that or waive that rule with a simple majority. That is very unfortunate. Very unfortunate. And it is disappointing.

The way we are going to reduce the size of government is to reduce the size of spending. And as my colleagues have said, that is what the American people want. Government is too big, too bureaucratic, too arrogant and too unresponsive. We saw it in Katrina. We see it any time we try to get through to a Federal agency and dial a number and get put on hold and told to punch another number and then told to select a language we want to hear it in. Those are the problems that frustrate every single one of us, and the way we address it is to reduce what government has to spend. As I said, crippling small businesses with the legislation that they have passed, making it easier to raise taxes.

Also the majority party refused to acknowledge morally sound proven life-saving stem cell treatments that are going to spend your tax dollars. They are going to spend your tax dollars. American people, I hope you hear this one. They are going to spend your tax dollars on ethically controversial research that has never produced results. That is in our stem cell legislation. And then today we have had a vote on the Medicare part D. They are voting to revamp a very successful, highly popular Medicare part D, has over a 75 percent approval rating, and they have voted to revamp that.

And in the midst of all of this, we have Tunagate. And the Speaker had I understand has retracted her comments or has said that she is going to have this provision addressed. But we had the Del Monte Corporation that owns StarKist Tuna involved in this, and it seems that American Samoa is where they have their plant. And, Mr. Speaker, it was brought to our attention that they were exempted from the minimum wage law.

☐ 1600

We do hope that that is addressed. But I have pulled a sheet, again, not my thoughts but this is coming out of Congress Daily, and I just wanted to read a comment that was in the article discussing this employer from the Speaker's district with the work that they do over in American Samoa with tuna. And they are talking about the competitiveness of the tuna industry and why they don't need a raise in the minimum wage.

And it was so very interesting to me because this company and this delegate is saying, well, we don't want the minimum wage raised because it would hurt our competitiveness. Now, I guess, Mr. Speaker that it is fine for Del Monte Corporation or for American Samoa to say that but it is not fine for my small business owners in the Seventh District of Tennessee to say that. It is not fine for small business owners around the country to say that. But I guess the majority thinks it is fine to vote for $5 billion to $7 billion, with a "b," worth of unfunded mandates on small businesses.

Now, these were the comments from the delegate from American Samoa today regarding the minimum wage, and I am quoting from Congress Daily: "The truth is the global tuna industry is so competitive that it is no longer possible for the Federal Government to demand mainland minimum wage rates for American Samoa without causing the collapse of our economy and making us welfare wards of the Federal Government."

Mr. Speaker, every single business we have in this country is subject to global competition. It does not matter if we are in hardwoods or if we are in softwoods. If we are in hardwoods and producing furniture, we have got global competition. If we are in softwoods and we are producing pulp, we have got global competition. If we are in California growing tomatoes, we have got global competition. If we are a citrus producer and farmer in Florida, we have got global competition. If we are a shrimp farmer in Mississippi, we have got global competition.

Mr. Speaker, if it is good for American Samoa not to have a minimum wage, maybe we need to think about what we are doing to other small businesses and small business manufacturers. Do we really, really, really want to pass $5 billion to $7 billion worth of unfunded mandates on the producers of our Nation's jobs, three out of every four jobs, 7 million new jobs in the past couple of years? Mr. Speaker, I would submit to you that that is a failed policy. It is a failed policy.

What we need to be doing is continuing to do what the Republicans as a majority did in this House, which was looking after the American taxpayers' pocket and making certain that they kept more of that paycheck at the end of the month; making certain that small businesses enjoyed tax relief, increased expensing, increased opportunities for depreciation; making certain that they had the ability to grow those small businesses and invest in those small businesses because that, Mr. Speaker, is how you grow an economy and that is how you grow jobs.

And as I said earlier, we have seen it play out, that when you reduce those taxes, when you leave that money with the taxpayer, they reinvest it, they grow those jobs, and guess what. The Federal Government ends up with more revenues. We had record years in 2005 and 2006 in Federal Government revenues, and it happened because of good tax policy that left more money with the taxpayer.

I mentioned also that the Democrats had refused to acknowledge morally sound, proven, lifesaving stem cell treatments and they are wanting to use your tax dollars on controversial treatments.

At this time I would like to yield to Dr. WELDON, the gentleman from Florida, who is, indeed, one of our foremost authorities on this issue. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentlewoman for yielding, and I commend her for calling this Special Order.

We have concluded now the first complete week under the Democrat majority rule, and I think it is worth talking about what their accomplishments have been. And I am very glad you brought up the issue of stem cells.

I am a physician, as you pointed out. I practiced medicine for 15 years before coming to the House. Indeed, I still see patients. Internal medicine. Many of my patients had Alzheimer's disease and Parkinson's disease, the diseases that these folks claim they are going to cure with embryonic stem cells.

And to me I think it is really very unfortunate what they have been doing. It is really creating what I feel is false hope. Indeed, it is a deception to tell people that embryonic stem cells have that kind of potential.

And the reason I say that is embryonic stem cells have never been shown to be safe in animal studies. They have never really been studied in humans, whereas adult stem cells and umbilical cord blood stem cells have not only been shown to be safe in clinical therapeutics, but they have also been tested not only in animals and shown to be safe, but they have been given to human beings and shown to be effective and to work; whereas embryonic stem cells have a chronic problem, you might say. They form tumors, a specific type of tumor called the teratoma, in every animal study in which they have been used. And before embryonic stem cells could ever be used in any clinical application whatsoever, they have to first be shown to be safe. And for them to be shown to be safe, somebody has to turn off this property that they have to form tumors. And yet we saw person after person parading down to the floor saying these embryonic stem cells are going to cure this and cure this and cure that. And lo and behold, it is quite possible they will cure absolutely nothing.

Indeed, what is very, very interesting, and this just came out this past week, the week that the Democrats, in my opinion, are putting this deception forward on the American people, is it has been shown that amniotic fluid is filled with stem cells that have all of the properties of embryonic stem cells. They can do all the things and they behave just like embryonic stem cells, but they do not form tumors. And, of course, these cells are plentiful. They are noncontroversial. You don't have to kill a human embryo, which is what you have to do to get embryonic stem cells. You have to kill a human life. You have to kill a human embryo at its earliest stages to get those stem cells out, whereas amniotic fluid-derived stem cells behave just like the embryonic stem cells. They do all the things the embryonic stem cells do, but they don't form tumors. So they have tremendous potential application in clinical therapeutics.

So to me it was unfortunate, the deceptive messaging that went out from this body. And, indeed, it seemed to me like the bulk of the American press corps buys it hook, line, and sinker that these cures are around the corner. But in reality science is moving to a place where embryonic stem cells are not going to be used.

And the other thing is they have been studied for 25 years. There were many people who came to the floor and said this research is just beginning. The Journal of Science had a cover story about 6 months ago on embryonic stem cells. "Twenty-Five Years of Study" was the cover. It was not 8 years. It is not a new field of study. It is actually an old field of study, and it is a field of study that, in my opinion, may yield knowledge and you may be able to write a Ph.D. thesis based on the material that you discover or learn from embryonic stem cells.

And, of course, we are funding it. We are funding it through the NIH right now. We are increasing funding each year, embryonic stem cell research, on the cell lines that exist at the NIH. And really all this study did was just to prove the destruction of more embryos, and that is really what the bill is all about. And this is a critical line in the sand, you might say, that our Nation's research establishment is moving across. We are now going to say that it is okay to take these forms of human life and exploit them in the lab, destroy them for therapeutic purposes, and we have never gone down that path before.

And that is not where it will end. They are saying now it is the "excess embryos" from the fertility clinics. They will come back next and say, well, there really wasn't that many available in those clinics and we really need to create human embryos for research purposes and we need to specifically create them through a process called cloning. They want to do human cloning. That is creating human life through the process of cloning for their "research," and this is what they always do in all the arguments, saying what it will cure.

So before I yield back, I just want to say they were deceptive not just in their stem cell arguments. You were talking about taxes when I came to the floor. To me it was so ironic, or deceptive, almost like a culture of deception, in my opinion. They passed PAYGO and said no more are we going to pay for things if we don't have the funds to do it, and then the next day they waived PAYGO on their homeland security bill. I mean they get up and they say they are going to do all these things, and the very next day they waived that rule requirement in their homeland security bill. Furthermore, they had absolutely no explanation of how we were going to fund the provisions in their bill.

The Washington Post, a liberal Democrat newspaper, speculated that the cargo-screening requirements that they put in that bill, which the industry says is unnecessary, could end up costing our economy hundreds of billions of dollars. That is the Washington Post. An anti-Republican newspaper said that. They put that in there, and they have no explanation of how they are going to pay for it.

And, of course, I guess the ultimate irony was all the talk about doing away with earmarks and then they pass a minimum wage bill through the House that has a special earmark that was placed in there by somebody that benefited a company in Speaker PELOSI's congressional district, which, to me, is absolutely unbelievable.

But, anyway, I have covered a lot of territory. I really came to talk about stem cells, and I thank the gentlewoman for yielding.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman.

And if you will yield for a question, I want to be certain that I understood a couple of the comments that you made pertaining to stem cells and pertaining to the research because you have been such a leader on this. And I think we both would commend Dr. BURGESS, the gentleman from Texas, who crafted our motion to recommit yesterday and worked diligently on that to be certain that cloning could not possibly take place.

But I want to be certain that we are clear on this and my constituents are clear on what you were saying because finding answers to some of the debilitating illnesses that many of our family members and friends have is important to each and every one of us and it is something that we are committed to.

And the gentleman has practiced medicine for so many years. I have spent many volunteer hours working on different boards, not for profits, for health care associations, whether it is the Arthritis Foundation or the Lung Association or the Cancer Society, and all of them are interested in this issue.

But I want to be certain that I understood you correctly, that according to the Journal of Science, they have documented 25 years' worth of research that has been done on different types of stem cell research and stem cell therapies and that much of this is taking place at the NIH and that we are, indeed, funding much of that research at the NIH. And I think that is important for people to understand.

And I will yield to the gentleman.

Mr. WELDON of Florida. Well, you are absolutely right. Adult stem cell research in humans has been funded for about 25, maybe even 30 years. Embryonic stem cell research in the mouse began about 25 years ago.

□ 1615

In the mid-1990s, the House and Senate passed and President Clinton signed into law a provision that said no Federal funds would go to any research that involved the destruction of a human embryo.

Shortly after that a doctor by the name of Jamie Thompson, I think it is, at the University of Wisconsin was successful in extracting embryonic stem cells from a human embryo. People had been doing that in the mouse, but I guess nobody had either the technique or the hutzpah, as my Jewish friends like to say, to actually destroy a human embryo in his lab. But he did that. He successfully isolated the human embryonic stem cell. And then researchers wanted to get Federal funding. This has always been about Federal funding.

We don't have a law restricting embryo research. People can do it. I think a lot of it is unethical, but there is no law barring it. This is all about getting the government to fund it.

Under the Clinton policy, because we had a law in place saying you can't get funding if you are destroying an embryo, what the Clinton people did is they destroyed the embryos in an outside lab, and then sent the embryonic stem cells over to the NIH and they funded the research. I and several other Members wrote the Clinton administration a letter saying you may not be violating the letter of the law, but you are certainly violating the spirit of the law. That is what President Bush inherited in 2000 when he became President of the United States.

What President Bush said, which I think is a reasonable thing, all of these embryos have been destroyed and all of these cell lines are being studied at the NIH. We don't want to throw them away. The embryos have been destroyed, but we don't want to keep destroying embryos, so we will continue to fund research on these embryos, we just won't destroy any more embryos. That is really what this debate has been about. The people on the other side of the debate have been saying this has so much incredible promise so we have to fund it. Even though, by the way, the biotech industry won't fund it; venture capitalists won't fund it. We want Uncle Sam and taxpayers to fund it, 50 percent of whom are pro-life and are opposed to this kind of research, because it "has so much promise," quote/unquote, is what they have been arguing.

When you actually look at the data, it really doesn't bear up to scrutiny. That is the fundamental point of my argument. If you look at the science, the science shows a lot of potential with adult stem cells, cord blood stem cells, and now these new amniotic fluid derived stem cells. The embryonic stem cells form tumors. Their potential application to therapeutics, I think, is very small, remote, unlikely. You have to turn off their ability to form tumors before they can be used.

Mrs. BLACKBURN. I appreciate the gentleman's comments. This is something that has been funded here. There is funding that is there for the adult stem cell lines, the cord blood lines, and the amniotic fluid lines with the research that was presented last week from the scientists and researchers from Wake Forest and Harvard that are all proven. They are proven with results.

I thank the gentleman for the clarification on that and for the excellent work that he does for this body in making certain that the deception is peeled away and people realize where the commitment of the Republicans, the minority in Congress, lie in being certain that we protect the American taxpayers and we protect the morals and values on which our Nation stands. I thank the gentleman.

Now I want to talk about the Medicare vote that took place today. There is a saying when I was growing up, Mr. Speaker, if it ain't broke, don't fix it.

This is a program our seniors will tell us over 75 percent are fine with this. If any of my colleagues were to say I get 75 percent of the vote when I go to the polls, that would be a landslide of monumental, monumental proportions.

But they want to take this program and change it for the sake of changing it. They have been asked by the American Legion not to do this, by the ALS Association not to do this. Epilepsy, don't change this, it is working. It is working.

The thing that I thought was so unfortunate was with our veterans and changing the pricing and price controls going into place, we have to realize the VA system is very different from the Medicare system. The VA system, it is comparing apples and oranges. The VA system is a direct provision of those health care services. Medicare Part D is an insurance plan, and we know that the prices come down on that. Some States have plans that are under $20 a month. The plan is about $200 billion less than was estimated when it first went into place.

So it is so interesting that the Democrats decided they wanted to change this plan. Let me just read some of the quotes from some of the groups that oppose the price controls that were put in place today. Groups that oppose, and I have heard estimates as high as $750 million extra that it is going to cost VA on this plan. Let me read the comments from some of these groups.

The American Legion, a group everybody knows, it is a veterans service organization, has nearly 3 million members and yesterday they sent out a letter opposing H.R. 4 asking for a "no" vote saying, "It is not in the best interest of America's veterans and their families."

Again quoting, "Every time the Federal Government has enacted pharmaceutical price control legislation, the Department of Veterans Affairs experiences significant increases in its pharmaceutical cost as an unintended consequence."

Mr. Speaker, those are not my words, those are the words of the American Legion on behalf of the 3 million veterans they represent asking that this not be done.

So in addition to passing $5 to $7 billion of unfunded mandates on to the Nation's small businesses, in addition to passing hundreds of billions of dollars worth of extra cost to our shippers because of the homeland security provisions, you also are going to put nearly three-quarters of a billion of extra cost onto the Veterans Administration health services.

I tell you what, as I said, Mr. Speaker, this is hang-onto-your-wallet Congress because in the first 54 hours and 48 minutes that is where we have gotten. It is a lot of money, and the tote board just seems to be adding right on up.

The ALS Association, Lou Gehrig's disease, voiced strong opposition to H.R. 4 saying, "Legislation that authorizes the Federal Government to negotiate Medicare prescription drug prices will significantly limit the ability of people with ALS to access the drugs they need, and will seriously jeopardize the future development of treatments for the disease." Those are not my words, that is the ALS Association in their opposition to the legislation that this body passed.

Epilepsy Foundation, and I am quoting from their letter, "Access to the right medications for epilepsy can make the difference between living in the community, being employed, and leading a healthy and productive life. The consequences of denying the appropriate medication for an individual with epilepsy can be life threatening and can include injury, emergency room visits, hospitalization or other types of costly medical interventions."

Mr. Speaker, that is the Epilepsy Foundation asking that the bill the majority passed today, H.R. 4, not pass because of the implications for those who suffer with epilepsy in securing the medications that they need.

Now here is the National Alliance for Mental Illness. They have had reservations and concerns about this legislation. I am quoting from their letter, "NAMI is extremely concerned that placing this new legal mandate on the secretary would directly result in loss of the all or substantially-all guidance in the six protected classes and therefore poses a significant risk to Medicare beneficiaries with mental illness."

Mr. Speaker, these again are not my words. They are concerns that have been expressed. They have been expressed by individuals that were concerned about what they saw happening in the first 100 hours in this administration.

What people thought they were going to see was transparency. They thought they were going to see openness. They thought they were going to see a willingness to step towards bipartisanship.

Mr. Speaker, it is unfortunate that what we have seen is missed opportunities. We have seen a closed process. The Rules Committee has not functioned. Legislation has gone straight to the floor. No debate in committee. No open process, and that has been unfortunate for the people of this Nation.

As I close, I will once again say that one of the things that does concern us is the impact on the American taxpayer and figuring out who is going to pay for this. Mr. Speaker, it does appear, it absolutely does appear that it is going to be the American taxpayer that is going to see government grow, government expand and government is going to continue to expand in the 110th Congress.

THE AMERICAN DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am always delighted to have the opportunity to follow my distinguished colleague from Tennessee. She has a breadth of assessment that provides insight, but I respectfully disagree with much of the commentary that has been spoken to in the last hour.

That challenge that the American people gave to us on November 7, 2006, was to go in a new direction. It was to fix the broken and improve the conditions of livelihood and life for the American public.

So I thank Speaker PELOSI and Majority Leader HOYER, Majority Whip CLYBURN and Chairman EMANUEL and Vice Chairman Larson for recognizing that for almost 4 years large populations of individuals, your parents, your grandparents, have languished in the confusion of Medicare Part D, when they have fallen, sunken into a hole, and the enormous cost has overtaken them.

The veterans know that we have stood fast on their behalf. Therefore, any disparity, disparate treatment to our veterans will be immediately fixed.

I know that it was the Democrats who fought consistently to ensure that veterans hospitals were not closed by promoting, if you will, the veterans health care bill that was passed in order to give the veterans' hospitals more money.

So I am grateful of this democracy. And I came to the floor to cite the leadership of a giant of an American whom we will honor on Monday. This Congress in a Special Order that I will lead will honor him again on Tuesday evening, January 16, for Members to join us in commemorating and celebrating the life and legacy of Dr. Martin Luther King.

□ 1630

I raise his name in the context of my good friend from Tennessee, because his whole legacy, although not admired during the time he was working, was to try and help America, to promote America's conscience.

I am reminded of his letter from a Birmingham jail, and I encourage my colleagues to join us in the third hour on Tuesday, the 16th, when he was in essence thrown into jail for his work of advocacy in Birmingham. Bull Connor ruled, dogs and hoses were used to attack human beings, and the clergy of America wrote and asked why this pastor had gone to Birmingham to be disruptive.

This is both eloquent, but biblically grounded, but really secularly teaching words that he said. He said, "I am taking the time to write this letter to you because I knew it was important. Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly. Never again can we afford, never again can we afford, to live with the narrow, provisional, outside agitator idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds." And lastly he said, "Like Paul, I must constantly respond to the Macedonian call for aid."

Dr. King was arrested repeatedly. But he left America the direction and the instruction of rendering aid, and as Members of the United States Congress, it is our challenge to render aid to America and to all of her citizens, to ensure that we provide them with the life and the dignity and the justice and the freedom promised by our Constitution.

I look forward to joining with my fellow Members as I lead a special order on Tuesday, January 16th, to truly account for his life. But I also am grateful this week for the minimum wage and prescription drug benefit reform and 9/11 reforms and a number of other issues we are looking forward to, will in fact honor the legacy of Dr. Martin Luther King.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. ALTMIRE). The gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House, and I will concur with my colleague, Ms. SHEILA JACKSON-LEE, in honoring the legacy and memory of Dr. Martin Luther King and his contributions, and I must add Ms. Coretta Scott King and the entire King family and the King Institute in Atlanta, Georgia. This country will be forever grateful for the contributions of the King family and those who carry their memory.

Many of us know that Ms. JACKSON-LEE is going to have a special order on Tuesday. Many of us know that service is the way the King family wanted us to address this upcoming Monday, being able to carry out not only public service, which is random acts of goodwill throughout the country and your community where you live, but especially the day that we recognize his birthday. For his birthday to have birth here on this House floor and in this Congress is recognized as a Federal holiday, is something that this Congress should always hold on to.

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me compliment the gentleman for beginning his special order with the reference to Dr. King. Might I just add how excited I am that Members are going home to their districts to be able to commemorate this holiday.

Might I just cite, for the first time in Houston, Council Member Ada Edwards and many other elected officials and myself will be walking silently. We love parades, and we will be commemorating that, but we will be walking silently. I want to pay tribute to that.

The AFL–CIO will be in Houston, its national officers and representatives, the Reverend Al Sharpton, commemorating.

Finally, we will have what we call the Frontiersmen breakfast, an annual event, for corporate Houston. I only cite that not to highlight Houston, but to say all over America, different representations, different communities, will be celebrating and commemorating his holiday, which shows the broadness of his legacy.

I thank you for allowing me to speak and I thank the King family as well.

Mr. MEEK of Florida. Thank you so much, Ms. JACKSON-LEE. I know that many Members of Congress hopefully on both sides of the aisle will be joining you during your special order in recognition of the contributions of Dr. King and the entire King family, including Ms. Coretta Scott King.

Mr. Speaker, I want to take an opportunity to come down, and I have already given comments on the memory and legacy of Dr. King and the entire family for the record, and I know that that will be entered. I wanted to come to the floor just to sum up this week.

As you know, those of us in the 30-Something Working Group, we work to not only let the Members know what the Congress is doing and what we are leading in the direction of that the American people would like for us to go in in all areas, need it be defense, need it be standing up on behalf of our most vulnerable members of our society, our children and our elderly, those that have put forth opportunities so that we would have a better America.

When we think about and reflect just on the last few hours here in the House and we reflect on what happened last week and the beginning of this week, I can't help but what we say in the Baptist Church, since I am Baptist, testify for a moment.

I have been in Congress now two terms. I believe we have done more in the last week and one or two days than we have done in a very long time as it relates to the 109th and 110th Congress.

I come today to report, because I know that some would say that while everything is happening and everything is going in reverse and people are not being included and goodness gracious, why didn't we have 10,000 hours of committee work, well, I would just say for everything that has passed, it seems like the American people are happier and pleased with the way this Congress is moving with its work.

I just want to make sure, because you can't say it enough, because it is important that the record is correct. When Members come to the floor, it is important that Members reflect on what they say before they come to the floor.

This is America. You are elected from your district. You can come and voice your opinion, not only of your constituents, but of all Americans, but I think it is important when we look at the CONGRESSIONAL RECORD that we are as accurate as possible.

Historians will look back at this time and say, let me see what took place during that time in this country's history. I think it is important that the American people know that even though we represent individual districts, like I represent Miami Dade County and Broward County in Florida, I have to make sure that I carry not only the will of the people from that district, but also the American people. That is the reason why we have to make sure that the Members are informed of what actually took place, in case some forgot, and that the American people know what is going on. I say all of that to lay the facts out, and the facts are the facts.

The fact is that in the last Congress, the 109th Congress and the Congress before that one, the American people were very disappointed in what was not taking place, Mr. Speaker. It so great we have a 30-Something Working Group in this U.S. House of Representatives. I think I said the last time we were on the House floor, I believe just the night before last, we said we didn't create this 30-Something Working Group just to get in the majority. We didn't create the 30-Something Working Group, thanks to the Speaker, who then was minority leader at that time. We wanted to make sure the American people and the Members of this Congress knew that we wanted to work in a bipartisan way towards tackling the issues that the American people wanted us to tackle and represent them and not the special interests.

Now, there are some folk that are still on the other side of the aisle that are disappointed that the American people are getting what they have been asking for, need it be polling or what have you. I can tell you, some of my friends on the other side, a lot of my friends on the other side agree with us, and when I say "us," I am saying the Members on the Democratic side, on issues that are bipartisan.

Mr. Speaker, I think it is important for us to reflect on the fact that there are some Members on the majority side that have been asking for that all along. A majority of the Members on the minority side have been asking for bipartisanship. Now we have it.

Now you have the minority party, or the minority leadership, I must add, on the Republican side, they are so concerned that so many of their Members are working in a bipartisan way. It is not because they like the Democratic Members on the majority side. It is because they are voting on behalf of their constituents.

Well, what is wrong with that? I came down to the floor because, you know, I was with my daughter and we are in the office, it is the end of the week, we are about to get some things together, and I said, you know, I want to continue to have the minority spirit that I had in the 108th and the 109th Congress, to say that this is historic in recent times, and working in a bipartisan manner.

Now, if I wasn't serious about bipartisanship and if the Democratic leadership wasn't serious about bipartisanship, I wouldn't be here. We are serious about this. We have got work to do. We don't have time to sit around here and say, I come here with a donkey hat on and say I am a Democrat and hail to the Democrats, whatever, you know. Bow down, what have you. We are in charge, and, you know, walking around here and looking important and not saying "hello" when I walk by people in the hall. That is not what this is about.

This is about working in a bipartisan way on behalf of the American people. I am so glad the Democratic leadership has embraced that. I am so glad that all Democrats here on this floor have embraced that.

I am also very pleased and glad that many of the Republicans have embraced that. Maybe not their leadership, because as far as I am concerned, on many of the issues that we passed on this floor a good number of Republicans have voted for it in this past week, Mr. Speaker and Members, but the Republican leadership are not voting for it.

Why? They want to show the difference between us and them. Well, we are not in the business of us and them anymore. And I think it is important that the American people and the Members understand that there is a public out there that is paying attention. There is a public out there. We have an escalation of troops out there now.

Well, we are going to separate the Members of Congress from the followers. Members are going to have to have a choice in what they want to be. We have to stand up on behalf of the people that have elected us and federalized us to serve in this U.S. House of Representatives on their behalf.

Mr. Speaker, case in point. I will just make my point with this, and I would move on to other things. I think it is important that we understand in adopting the rules of the 110th Congress, there were many carrying on and saying, well, why do we have to do that? We have a new set of rules and we want to be better than you, when the Republican leadership had an opportunity to set those rules.

Mr. Speaker, I hold in my hand four pages of how under Republican control on more than 14 or 15 or even 20 examples, as a matter of fact, it is not four pages, it is six pages, of how Democrats were blocked, how Democrats weren't even allowed to offer amendments. House votes were held open for 3 hours, making U.S. history on behalf of special interests while they twisted arms. That is the past.

I got it right here. If any Member wants to come down on the floor and debate me on this, we can get a time and talk about this, because, you know something, we are right on this one. The people are right.

So, if you want to talk, these are the facts. The CONGRESSIONAL RECORD, you can go and cite it, because we in the 30-Something Working Group on this side of the aisle, we don't talk fiction, we talk fact, because that is the only thing that will hold up; not only the test here on this floor but the test of the American people, that challenge.

I want to commend some of the Republicans and all of my caucus for voting for some of the good things. The rules of the House, like I was mentioning, 232 Democrats with one Democrat not voting because they weren't here on the rules of the House.

Forty-eight Republicans joined us on PAYGO, which brought about the kind of accountability that we needed in this House to be able to stop the out-of-control spending that the Republican Congress has built up. That was this chart. There are so many people that are familiar with this. The record, $1.05 trillion that was spent under Bush and the Republican Congress in just 4 years, that trumped 42 presidents and 224 years of history. $1.01 trillion.

☐ 1645

That vote started moving this in reverse, Mr. Speaker, saying that we would no longer spend, and I wouldn't even say the Federal tax dollars because we borrow from all of these countries to carry out that out-of-control spending, which we put together this chart to show all of the countries that we owe because of reckless spending and not living under PAYGO rules, pay-as-we-go rules. And so I think that is important for the Members to know and reflect upon. So if it was so bad, Mr. Speaker, why did 48 Republicans vote for it?

Now, I can tell you right now, I am pretty sure there are Members on the other side saying I am not voting with Democrats just to vote with Democrats. They are voting because that is what their constituents want. And if we are to work in a bipartisan way, I think it is important for them to continue to join us on great ideas. There will be times when there will be partisan votes on this floor, but they should be few, especially when it comes down to issues of the Federal Treasury.

Mr. Speaker, on implementing the recommendations of the 9/11 Commission, we were here on this floor talking time and time again about following the bipartisan commission report on making America safer. What is wrong with screening containers coming into this country before making it to U.S. ports? What is wrong with making sure we carry out all of the 9/11 recommendations? This was 9/11. We went to the war in Afghanistan, running after al-Qaeda and doing away with the Taliban because of 9/11.

Now, 9/11 Commission members and the American people, Democrats, Republicans and independents, are happy that we voted on this. Again, all the Democrats voted for it, with 68 Republicans voting for it. Mr. Speaker, that is the reason why we have some Members on the other side of the aisle running to the floor complaining. They are not complaining because they happen to be upset with us, and when I say us, I mean the Democrat majority, they are complaining because their Members are voting for their constituents.

I am sure there are Republican Members that are saying, I am a member of the Republican Caucus, I am not trying to caucus with the Democrats, but they are trying to represent their constituents. So let them. And so for the 68 Republicans who voted on behalf of the 9/11 recommendations, why not? It is protecting their constituents in America. Good for you.

So much work has been done, very little talk but so much work, on the minimum wage. Mr. Speaker, I cannot say enough about this. We have the charts from the 109th Congress, because I think it is important that Members don't get amnesia. We have a lot of new Members trying to figure out how to get around the office buildings here in Washington, D.C. I have been here now going on my third term, and I am still trying to figure out a few things myself, but I think it is important when it comes down to the business of the House, and you want to stay in the House and you want to have this honor to represent not only the people in your district but the American people, and you want to do right on behalf of the American people, then it is important, Mr. Speaker, that we share this good information not only with the new Members but the present Members that have been here, because the American people have spoken.

Let me share these figures. These are the pay increases of Members of Congress. In 1998, $3,100; in 2000, $4,600; 2001, $3,800; 2002, $4,900; 2003, $4,700; 2004, $3,400; 2005, $4,000; and 2006, $3,100.

Now, here is the point that is very, very important, Mr. Speaker and Members. I am not here to say that, well, you know, this is not justified. Just as a Member who is financially challenged, like myself, I will tell you there are some Members here, this cost-of-living adjustment, whatever the case may be, maintaining two households, I don't want to make an argument there. But if Members felt it was important to give themselves a raise and at the point when you start getting in the back years, the Democrat leadership made the decision that we will not give ourselves a pay raise unless the American people get it because we are tired of fighting for a pay raise for them, yet when it comes to Members of Congress, please join us in making sure we get a cost-of-living adjustment.

We put our foot down. And now, this week, Mr. Speaker, we were able to give the American people a pay raise. Not because Republicans said we should do it. It is because we have a Democratic controlled Congress. And that is the problem that some Members on the minority side have with progress on behalf of the American people.

It is going to be $7.25 that people are going to be making now. Believe it or not, we are going to get it passed in the Senate and the President will hopefully sign it. We had 82 Republicans that joined, and all the Democrats on this side of the aisle, in voting to increase the minimum wage. What we called the fair Minimum Wage Act. But, Mr. Speaker, the Republican leadership voted against it.

How do you jump on top of the head of somebody making $5.15 an hour? How do you stand on top of their head and say, well, you know, we can't do it because it is gonna hurt somebody. CEOs are making, oh, boy, they are making more than the minimum wage worker would make in their entire lifetime, Mr. Speaker. In some instances, in a month. Yet we have Members here standing on top of the head of folks making $5.25 an hour and still carrying on about the vote.

If it is so bad, Mr. Speaker, why did 82 Republicans join Democrats in voting for what was right? Why? Because they were representing their constituents. So I commend all my Democratic colleagues that have been waiting for an opportunity to vote on the floor on the minimum wage, and I commend the chairman, Mr. GEORGE MILLER. I am glad he lived long enough to see this happen there in the Education and Labor Committee.

But 82 Republicans joined Democrats in that. And that is good and that is bipartisan and it was the right thing to do, and I am glad they did it. But I want to make sure, Mr. Speaker, while we are here setting the record straight, not only talking about the vision of the Democratic leadership and caucus but also talking about bipartisanship, because that is the reason why I came to the floor today, to talk about bipartisanship. That is the record.

I don't care what anyone else says. And I say again, these Republicans voted for this Democratic movement to raise the minimum wage because it was a part of our six in 2006 plan. Now, some may say, well, let's have a committee meeting. Well, goodness, let me just show you this, six pages, six pages where we did not have committee meetings. In the 108th Congress I saw with my own eyes a bill filed in the morning, went to the Rules Committee, and was on the floor and passed by 2 p.m., and then passed in the Senate and went to the White House the next day. For one person I watched it happen.

So don't come to the floor, especially when it comes down to something like the Federal minimum wage that will help workers throughout this country and start raising a "yeah, but." It is progress. I think the people like it. I think that is why they elected us to come to Congress, to get something done.

Here is another point. The Medicare Prescription Drug Price Negotiation Act. Why is the Republican minority so scared of this? I can't understand it. Well, I look at companies, and I look at HMOs, and I look at other folks that have price negotiating opportunities and they are trying to drive down the price with their little group that they are dealing with. And now we are saying, the Federal Government, let's get the Secretary to try to see if he or she can make this happen. What is the problem? I can tell you what the problem is, it is that 24 Republicans voted with all Democrats to make that happen. What is wrong with that?

While I talk about the fact that my Republican colleagues are joining us in bipartisanship, you have to commend the Democratic leadership on this side of the aisle for having the gumption to do what they said they would do. Now, that may seem like something very small in American households throughout the country, because usually when you say you are going to do something, you do it. You know, I tell my mother, I tell a family member that I am going to do something, I try my best to do it. But when I make a promise, I have got to do it.

We made a promise, and it is not a secret, that the minimum wage would be raised in the first 100 hours. We made a promise we would pass a package on ethics. We made a promise that we would make sure that we have price negotiations for prescription drugs. We made a promise, Mr. Speaker, that we would reverse royalties and other tax breaks to large oil companies and make sure that we have innovation in alternative fuels. We made a promise, Mr. Speaker, that we would reduce the student loan package; making sure that we reduce what the Republican Congress did, taking money to give to the super wealthy in this country a tax break.

We promised we would do these things. We promised, Mr. Speaker, that we would do this in the first 100 hours. Everyone knew it. It wasn't a secret. We promised that we would make sure we wouldn't de-fund the troops when they are in harm's way. The troops. Then all of a sudden you get this escalation in troops.

What is about to happen, Mr. Speaker, and I think the administration knows, and I think the minority party knows that we are about to have some committee meeting in a few minutes. We have just organized this Congress and we are going to start asking some of the tough questions. Where did this money go? Why was this company over here able to abuse this contract and nothing was said? Why are they still receiving Federal dollars? Why are these eight brigades of Army reservists going back to Iraq for a fifth term? Why don't we have other coalition partners joining us? Why won't we take the training wheels off the Iraqi government? All of these questions have to be answered.

I like the bipartisan spirit that is going through the floor as a Congress now, or in the halls of Congress. I think it is important that we continue to encourage that, Mr. Speaker and Members. And I think it is important that Members realize that, especially when they come to the floor to start talking about issues that are facing the American people. During the 109th Congress, one of the most partisan Congresses, which passed no bipartisan votes, this week we passed bills with 60, 70, 80 Republicans joining us on these votes.

So I think it is important, Mr. Speaker, that, again, we let the facts roll out. Again, I challenge my colleagues. And the reason why I can stand here with great confidence, Mr. Speaker, and the reason why I can even challenge some of my Republican colleagues or those outside of this great institution of ours, the House of Representatives, the people's house, is that I speak of the truth. If I wasn't speaking the truth, and if I wasn't citing the CONGRESSIONAL RECORD, you know, this notebook is just not a page on the top and newspaper in the middle. These are facts.

So as we move forth in this 110th Congress in a bipartisan way, and making America stronger and better for our children and grandchildren, let that happen. The Republican leadership can say whatever they want. We are in the majority. But you know something, we still have a minority spirit. The minority spirit is making sure that we fight on behalf of those who need representation in this House. Not the special interests.

The special interests have their representation, or they had it here in this House. And those that continue to carry the water on behalf of the special interests that are totally against or versus the American people, Mr. Speaker, because it is right, they will lose. And that is just where it is.

So when we start talking about the integrity of the U.S. House of Representatives, we start talking about the things we would like to do on behalf of the American people, then we are serious about it. Now, if folks want to be serious about coming and representing special interests against the will of the American people, have at it, because there are Members of this Congress, or former Members of this Congress, who did that. And guess what? They are reading what the Congress is doing in the newspaper when it is dropped on their front door.

I am not going to be a part of that group. I am here to make sure we represent the folk that sent us up here to represent them.

□ 1700

I think it is important that we remember that. Have faith in the American will. If every Member was to carry themselves in the way the night that they were elected or the day that they were elected, of all the things they said they wanted to do before they got here, then this would be a better country. I think it is important, Mr. Speaker, that while we have that spirit, bipartisanship, let's continue it. Let's continue the spirit. It's not about being in the majority and we just want as a strategy to keep you in the minority, no, it's not a strategy to keep the Republicans in the minority. It's just representing the American people. They have had their opportunity to do it. They had the last 12 years to do it. They can't come here and say, we balanced the budget. All they can say is that we have deficits as far as the eye can see.

What did we do? First order of business, Mr. Speaker, not only passing a new rules package that cut out a lot of the stuff that went on in the 109th Congress, the 108th Congress, the 107th Congress, but we also passed the pay-as-you-go rule to make sure that we say we're going to spend it, we show how we're going to pay for it.

I can tell you right now, that is a paradigm shift coming from this side of the aisle that we have the only record in Congress in balancing the budget. We on this side of the aisle are the only party that can say that without one Republican vote that took place. When that happens again, Mr. Speaker, as we work through trying to dig out of the ditch that the Republican leadership put the American people in, we want to do it in a bipartisan way. We don't want history to repeat itself without one Republican vote we balanced the budget. We don't want that to happen.

When we deal with Social Security again, we want it to happen just like when Tip O'Neill was sitting in that seat, Mr. Speaker, and Ronald Reagan was in the White House. They got together in a bipartisan way and said, let's save Social Security together. We don't need to run around here with a flag that says Democrat and says, we did it and they didn't. Let's work together. Let's work together in making that happen. That is why it is very, very important, Mr. Speaker, that we work in this bipartisan spirit as we move forward.

Mr. Speaker, as we reflect on the past, I just wanted to come down to the floor and make sure that we set the record straight that there are a lot of things that happened and did not happen in the 109th and 108th Congress. I am only speaking for the Congresses that I have been here for. My mother before me served in the five Congresses before that, so there was a lot of dining room table talk about what was going on here in Congress or what wasn't going on here in Congress. But I can tell you as it relates to the Democratic side of the aisle and even the Republican side of the aisle, Members voting common sense, Members voting on behalf of their constituents back home, I like what I see. The American people like what they see. If we didn't like the bipartisanship, Mr. Speaker, there would be no reason to come to the floor and share ideas and plans with the Republican Members of the House because we said, well, we just want all the credit for what's happening right now. No, we share that in a bipartisan spirit and we stand on the mountain of bipartisanship in this new 110th Congress.

The Republican leadership is trying not to stand on that mountain of bipartisanship. They want to stand on the mountain of us against them. Well, this is the U.S. Congress. This is us. It's not us against them. That is a debate for somewhere else. But these major, major, major, major issues that I outlined here in the last 30 minutes, Mr. Speaker, are bipartisan issues that we should be able to join elbow to elbow and lock in together and work together on these issues. I look forward to dealing with this, working with not only the American people on these issues but also Members of Congress on dealing with this issue of doing away with this issue of partisanship on major issues.

I wanted to let my Democratic colleagues and leadership know that we are on the right track. We are on the right track and the reason why we are here in the U.S. Congress. We are on the right track in working on behalf of the American people, all of us. If someone tries to pull you away from voting otherwise, against your constituents, you need to share with them that you love being a Member of the U.S. Congress, want to continue being a Member of the U.S. Congress, because those who voted against the will of their constituents are no longer Members of Congress. That's something to take into consideration.

As we have talked about the minimum wage, Mr. Speaker, I am so glad to be joined by my colleague who represents the American Samoa islands. I want to thank him for being here. We have worked together over the last two Congresses. Before that he worked with my mother who was here. They are good friends. I am so glad you came down to the floor to join me.

Mr. FALEOMAVAEGA. I thank my colleague and dear friend for allowing me to intervene in this special order and I really appreciate the courtesy extended to me to discuss the issue of H.R. 2 which was recently passed by this body yesterday. As you know, one of the specific provisions of the bill provides for the application of the Federal Labor Standards Act to the Northern Marianas territories. I do want to say that in a response to recent comments made by our colleague, the gentleman from North Carolina (Mr. MCHENRY), saying to the effect that something is fishy about this proposed legislation, I would suggest that before he starts spouting off his mouth, perhaps he should get the facts first before expressing an opinion to this issue.

The fact of the matter is the Fair Labor Standards Act does apply to American Samoa, my district, since 1938. So this whole idea that American Samoa has received a special exemption and the Fair Labor Standards Act not being applicable to my district is totally wrong and erroneous. The fact of the matter is since 1956, the Congress amended the Fair Labor Standards Act requiring at that time most of the territories, who are very difficult in terms of economic development and in the process the other territories went on their own ways and the Federal minimum wage law became applicable, except for my district.

The fact of the matter is under the Fair Labor Standards Act, the U.S. Department of Labor every 2 years would constitute a committee composed of those who were members of the labor union, someone representing management, someone representing the local government officials and for a whole week we would conduct hearings in trying to determine what is the economic status of the territory relative to its ability to provide what is considered fair and equitable salaries and wages for both government workers as well as the private industry workers.

It so happens that rather than being called a banana republic, I am a tuna republic because that is our main industry. I happen to have the two largest tuna canning facilities in the world. We export almost $500 million of canned tuna to the United States and provides 5,000 workers employment opportunities. I have in my district Starkist Corporation that was owned by Heinz Corporation, is now owned by Del Monte, whose headquarters are based in San Francisco, and Chicken of the Sea's headquarters is based in San Diego.

The fact of the matter is I wanted to note for my colleagues, the gentleman from North Carolina (Mr. MCHENRY) and also the gentlewoman from Tennessee (Mrs. BLACKBURN), that the reason why this provision is to include Northern Marianas is because the Northern Marianas is not included in the Fair Labor Standards Act.

I might also want to note the fact that our colleague, GEORGE MILLER, for years has been very concerned about the garment industry that developed out of the Northern Mariana islands. And who were the best patrons of the problems that we have in the Northern Marianas? A fellow by the name of Jack Abramoff and former Congressman Tom DeLay. And every time we talk about sweat shops, the way that expatriates were being hired, cheap labor and the real serious problems that we have had in the Northern Marianas, the Republican Congress did not take any action on the matter.

The fact of the matter is there is a fellow by the name of Willie Tan who was closely associated with Mr. Abramoff. After finding out that he had violated how many Federal labor laws, he paid up front $9 million, not even questioning whether or not that the investigators that went there to find out if there were violations of labor laws, he went and he paid off on this.

What has happened is that the garment industry in the Northern Marianas has gone down. And where is Mr. Willie Tan now operating his garment factories? In China. I think it would be important for our Republican colleagues first to understand, we are not exempted under the standards of the Fair Labor Standards Act. I want to make that point clear and I really, really appreciate the gentleman allowing me to correct these sweeping statements made by our colleagues from the other side suggesting that our Speaker has made this special provision just to exempt one of her corporate constituency which happens to be Del Monte. This is not true. This is absolutely not true.

Mr. MEEK of Florida. There is so much going on right now that is working on behalf of the American people. There are some Members of the minority party that feel that they need to come to the floor and raise objection to that, with the blessings of the Republican leadership. Because when you come to the floor, you have to have the okay of the leadership of your side of the aisle. I went through earlier this afternoon about Republicans joining Democrats in these votes. This bipartisan spirit, that is the only way I can figure this out because the misinformation that is coming to the floor and that is being given out to the American people, Mr. Speaker, you represent the area that they are so concerned about and they don't even bother to pick up the phone and say, is this true or that true or even doing the research. You can look in the law.

Mr. FALEOMAVAEGA. Not even the courtesy, to my colleague from Florida, to make such statements and to say that the honorable Speaker from San Francisco is being hypocritical in saying that one of her constituent companies is being let off the hook in this exception for American Samoa because we have the presence of Del Monte through the Starkist Company that does the packing of canned fish in my district. It is right there. I wanted to be very plain and clear on this and wanted to note, also, that Mr. GEORGE MILLER for the last 15 years as the senior member of the House Education and Labor Committee has brought this to the attention of the Republican Congress how many times, to say something is going on that is wrong with the sweat shops that were developed out of some of these business people only to take advantage of the cheap labor.

I say that, yes, the beginning salaries of the workers that we have there is below Federal minimum wage. But there is a reason for it and that is the reason why the Federal Government through an act passed by the Congress since 1956, we followed that religiously for the last 2 years. I have disagreements also at times with the two major corporate companies that do business in my district, but that is part of the process and I have always advocated that we should get better, higher salaries for our workers. But in the process, the point that I wanted to make to our colleagues and friends in letting them know is that, yes, the Fair Labor Standards Act, the Federal law relating to Federal labor standards does apply to the territory of American Samoa. However, in the Northern Marianas there is nothing.

There is a real interesting question. Because the Northern Marianas came into this unique political relationship with the United States which is called a covenant relationship, there may be some provisions in there that are going to be questioned. It is my intention that I am going to call Chairman RAHALL as well as Mr. MILLER. We hope to have an oversight hearing on this issue as soon as we can at the earliest possibility, maybe sometime next month. We want to find out exactly the whole thing.

But for them to say that there is a double standard that our side of the aisle have taken is utterly not true. I want to make that firmly established in the RECORD. I will elaborate on this issue more specifically sometime next week when I take a special order, but I do want to thank my good friend and colleague from Florida for giving me this opportunity to clarify this, I wouldn't call it a misunderstanding but a misaccusation, I suppose, is a better word for saying it. But I do want to thank my good friend for allowing me to say this.

□ 1715

Mr. Speaker, I would like to submit some documentation to be made part of the RECORD.

WASHINGTON, DC,
January 10, 2007.

FALEOMAVAEGA COMMENTS ON MINIMUM WAGE BILL NOW BEFORE CONGRESS

Congressman Faleomavaega announced today that in response to articles by the Washington Post and inquiries by the Washington Times he is speaking out about the minimum wage bill recently introduced by the House leadership.

"Despite recent claims made by the Washington Post which suggest that American Samoa is exempt from the federal minimum wage process, I wish to set the record straight," Faleomavaega said.

"The Fair Labor Standards Act has applied to American Samoa since 1938. After enactment, Industry Committees were established to phase low-wage industries in to the minimum statutory wage making American Samoa, as well as all other U.S. Territories, exempt from mainland minimums but bound by minimums determined by Special Industry Committees. At the time, Congress believed that application of mainland wages to territorial island industries would 'cause serious dislocation in some insular industries and curtail employment opportunities.'

"For this reason, since 1956, and in accordance with Sections 5, 6, and 8 of the Fair Labor Standards Act (29 U.S.C. Sections 205, 206, 208), the Wage and Hour Division of the US Department of Labor continues to conduct Special Industry Committees every two years in American Samoa to determine minimum wage increases.

"While these Industry Committees have been phased out in other US Territories due to their more diversified economies, American Samoa continues to be a single industry economy. In fact, more than 80 percent of our private sector economy is dependent either directly, or indirectly, on two U.S. tuna processors, Chicken of the Sea and StarKist.

"As has been repeatedly stated at our Special Industry Committees, a decrease in production or departure of one or both of the two canneries in American Samoa could devastate the local economy resulting in massive layoffs and insurmountable, financial difficulties.

"For this very reason, I do not support efforts to apply mainland minimums to American Samoa at this time. The truth is the global tuna industry is so competitive that it is no longer possible for the federal government to demand mainland wages for American Samoa without causing the collapse of our economy and making us welfare wards of the federal government.

"However, I continue to believe it is a crying shame that for years StarKist's parent company, Heinz, paid its corporate executives over $30 million per year in salary and stock options and bonuses while workers in American Samoa have not been paid decent wages on scale with our local economy. This is why I have fought year after year for increased wages for our tuna cannery workers and I will continue to make my views known before Special Industry Committees which have been established by federal law.

"CNMI should follow suit and support Special Industry Committees which are in place to protect workers from labor rights abuses. Ten years ago, I suggested to CNMI leaders that they should come under the umbrella of federal law and support Special Industry Committees but CNMI failed to take action. In other words, unlike American Samoa, CNMI is operating outside of the scope and intent of the Fair Labor Standards Act and this has led to well-documented worker abuse. For this reason, my colleagues have taken a stand and said enough is enough and I support Chairman George Miller's actions.

"Finally, I am aware that some may point a finger at American Samoa as a result of labor violations at the Daewoosa garment factory. But, in response, let me say that I personally called for a federal investigation into the reported abuses and the federal government took immediate action. Consequently, the owner of the factory, Kil Soo Lee, was prosecuted in federal court and the factory was subsequently shut down. Since this time, American Samoa has had no further labor violations.

"While I understand that for partisan purposes some might like to compare American Samoa and CNMI in terms of the federal minimum wage debate, I conclude by emphatically stating that CNMI and American Samoa are not alike in terms of our political relationships with the United States. CNMI is under a 'covenant' relationship and American Samoa is an 'unincorporated' and 'unorganized' territory. Our situations involving minimum wage are entirely different. American Samoa complies with the provisions of the Fair Labor Standards Act as determined by Special Industry Committees.

"By terms of its covenant, CNMI is exempt from compliance. However, with the minimum wage bill now before Congress, there is some question as to whether or not CNMI should be brought under the purview of federal labor laws.

"Whatever Congress decides for CNMI, I am hopeful that Members of Congress will recognize that American Samoa is different and that what Congress has established for our Territory is necessary for economic stability," Faleomavaega concluded.

[From the Saipan Tribune, Jan. 11, 2007]

WHY IS AMERICAN SAMOA EXEMPTED FROM WAGE HIKE?

WASHINGTON.—Republican leadership aides are accusing the Democrats of using a double standard by imposing the higher minimum wage on the Northern Mariana Islands—considered a Republican protectorate-while continuing to exempt a Democratic territory, American Samoa.

Under a Democrat-backed legislation that is now before the House of Representatives, employers on the Northern Mariana Islands would have to pay workers the federal minimum wage. American Samoa and the tuna industry that dominates its economy would, on the other hand, remain free to pay wages less than half the bill's new mandatory minimum.

Democrats have long tried to pull the Northern Marianas under the umbrella of U.S. labor law, accusing the island's government and its industry leaders of coddling sweatshops and turning a blind eye to forced abortions and indentured servitude.

Samoa has escaped such notoriety, and its low-wage canneries have a protector of a different political stripe, Democratic delegate Eni F.H. Faleomavaega, whose campaign coffers have been well stocked by the tuna industry that virtually runs his island's economy.

Faleomavaega has long made it clear he did not believe his island's economy could handle the federal minimum wage, issuing statements of sympathy for a Samoan tuna industry competing with South American and Asian canneries paying workers about 67 cents an hour.

The message got through to House Education and Labor Committee Chairman George Miller, D-Calif., the author of the minimum wage bill who included the Marianas but not Samoa, according to committee aides. The aides said the Samoan economy does not have the diversity and vibrance to handle the mainland's minimum wage, nor does the island have anything like the labor rights abuses Miller claims of the Marianas.

The wage bill coming to a vote this Wednesday (Thursday on Saipan) would raise the federal minimum from $5.15 an hour to $7.25 over two years, the first such increase since 1997. The 10-year stretch between wage increases is the longest since the mandatory minimum was created, and passage is expected to be overwhelming.

By including the Northern Marianas, Democrats say they hope to put an end to abusive sweatshops, especially in the garment industry. "I have been trying to fix the deplorable situation in the Northern Marianas since I first held hearings on the issue in 1992, 15 years ago," Miller said. "But under Republican control, the House never even held a hearing."

American Samoa has had a smattering of its own negative publicity, and an Education and Labor Committee aide said Monday that Miller probably will seek a review of the island's labor relations.

Last month, the U.S. District Court for the District of Hawaii upheld the conviction of a Korean sweatshop owner, who held 17 workers in involuntary servitude in American Samoa, imprisoning them in his garment factory compound.

But in American Samoa the tuna industry rules the roost. Canneries employ nearly 5,000 workers on the island, or 40 percent of the work force, paying on average $3.60 an hour, compared to $7.99 an hour for Samoan government employees. Samoan minimum wage rates are set by federal industry committees, which visit the island every two years.

Faleomavaega's aides said Monday that the delegate was in American Samoa for the opening session of the island's government and would not comment.

> When StarKist lobbied in the past to prevent small minimum wage hikes, Faleomavaega denounced the efforts.
>
> "StarKist is a billion dollar a year company," he said after a 2003 meeting with StarKist and Del Monte executives. "It is not fair to pay a corporate executive $65 million a year while a cannery worker only makes $3.60 per hour."
>
> But after the same meeting, Faleomavaega said he understood that the Samoan canneries were facing severe wage competition from South American and Asian competitors.
>
> Department of Interior testimony last year before the Senate noted that canneries in Thailand and the Philippines were paying their workers about 67 cents an hour. If the canneries left American Samoa en masse, the impact would be devastating, leaving Samoans wards of the federal welfare state, warned David Cohen, deputy assistant secretary of the interior for insular affairs.

Mr. MEEK of Florida. Thank you so very much. I am glad you came to the floor to share that. There is nothing like a representative of the American people that the Republican minority seems to be so concerned about all of a sudden, sharing misinformation, that the representative of the people comes to the floor to set the record straight.

The good thing about it is that we are in the majority right now, Mr. Speaker, and knowing that the issue will continue to receive the kind of attention it deserves, but making sure that mistruths are ironed out here in the CONGRESSIONAL RECORD, so that when we reflect on the facts, as I speak so fondly of, that we are on the right side of those facts.

I would also like to share with the Members, since we try to provide information to the Members, mainly, and hopefully we will get to the American people, we want to make sure that Americans stay tuned on behalf of the rest of this 100-hour agenda that we are carrying out right now, with the Student Loan Relief Act, which is on Wednesday; and repealing big oil subsidies, that will be coming up; and also investing in renewable fuels, that will be coming up.

All of this along these lines are going to make us a stronger America, a better America. These are issues, or issues that have been presented before Congress before, some of them passed on a committee level. Even some of them have passed in some amendatory form in a bigger package of legislation this House of Representatives, out of this House of Representatives. It should not be a surprise or a shock.

As I mention it here now, well before next week, I am pretty sure we will have some Members on the other side of the aisle who will come up and say, you know, I was walking down the hall and someone told me we were taking tax breaks away from the big oil companies. What happened to the hearing?

Well, I can tell you not only prior to the election, I know for sure I said it here on the floor in the last Congress, the 109th Congress, in the last Congress. If they did not know, if they did not know that this was going to take place, prior to the election, then I suggest you pick up a newspaper.

We notice that some people don't read the newspaper here in Washington D.C., but that is another commentary. But I am excited about the fact that we are getting some of these issues done.

We always encourage the Members to log onto www.speaker.gov. You can get any information that is coming up, if you want to learn more about the 100-hour agenda, but I would say if you want to e-mail the 30–Something Working Group, www.speaker.gov/30something, and you can send us information on things that you are concerned about or questions that you may have.

With that, Mr. Speaker, I wanted to thank the Democratic leadership for allowing me to come down to the floor. The 30–Something Working Group will be back on floor next week. We want to not only ask Members but also staff and all Americans to celebrate the memory and the legacy of Dr. King and his entire family along with Mrs. Coretta Scott King for their contributions, not only to this country but to the world.

As we carry out this day of service that the King Center for the Advancement of Nonviolence calls for every year, try to create some sort of public service project within your family of something that you can do for somebody else, because that is what his philosophy was all about.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEVIN (at the request of Mr. HOYER) for today.

Mr. McHUGH (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOLT) to revise and extend their remarks and include extraneous material:)

Mr. DeFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. TAYLOR, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, January 18.

Mr. WOLF, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, January 16, 17, 18, and 19.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Tuesday, January 16, 2007, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

172. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cocoa Beach July 4th Fireworks Display — Atlantic Ocean, Cocoa Beach, FL [COTP Jacksonville 06-120] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

173. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Orange Park Independence Day Celebration Fireworks Display — St. Johns River, Orange Park, FL [COTP Jacksonville 06-128] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

174. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Freedom, Fanfare and Fireworks Display — St. Johns River, Jacksonville, FL [COTP Jacksonville 06-101] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

175. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patrick Air Force Base 4th of July Fireworks Display, Banana River, Patrick Air Force Base, FL [COTP Jacksonville 06-118] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

176. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Liberty Fest Fireworks Display, Atlantic Ocean, Jacksonville Beach, FL [COTP Jacksonville 06-098] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to

the Committee on Transportation and Infrastructure.

177. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Florida Yacht Club and Timuquana Country Club Annual Fireworks Display — St. Johns River, Jacksonville, FL [COTP Jacksonville 06-100] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

178. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Celebration Fireworks Display, Atlantic Ocean, Flagler Beach, FL [COTP Jacksonville 06-096] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

179. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Celebration Fireworks Display — Halifax River, Ormond Beach, FL [COTP Jacksonville 06-095] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

180. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Palatka Independence Day Celebration Fireworks Display, St. Johns River, Palatka, FL [COTP Jacksonville 06-143] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

181. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Edgewater Fire Rescue Association Fireworks Display — Indian River, Edgewater, FL [COTP Jacksonville 06-099] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

182. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Intracoastal Waterway Mile Markers 284 — 285, Port Arthur, TX [COTP Port Arthur-06-017] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

183. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 322.1 to 323.1, Ashland, KY [COTP Ohio Valley 06-044] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

184. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River, Mile Markers 128.0 to 129.0, Clarksville, TN [COTP Ohio Valley 06-043] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

185. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Parker, AZ [COTP San Diego 06-086] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

186. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Crazy Horse Campground, Lake Havasu, Arizona [COTP San Diego 06-017] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

187. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Perot, 250 yard radius from a point North 29 degress, 40 minutes, 59 seconds by West 90 degrees, 10 minutes, 58 seconds [COTP Morgan City-06-005] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

188. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Miles 791.5 to 792.5, Evansville, Indiana [COTP Ohio Valley-06-027] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

189. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-11-006] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

190. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Port Neches, Texas [COTP Port Arthur-06-010] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

191. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Vermillion River, from Lights 2 and 4 at the confluence of the Gulf Intracoastal Waterway to a point North 29 degrees, 47 minutes, 53 seconds by West 92 degrees, 8 minutes, 18 seconds, bank to bank [COTP Morgan City-06-002] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

192. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-06-009] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

193. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP St. Petersburg 06-127] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

194. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ft. Myers Beach, FL [COTP St. Petersburg 06-123] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

195. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tom Graves Memorial Fireworks, Port Bay, Wolcott, NY [CGD09-06-079] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

196. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Independence Day Fireworks, Manistee, Michigan [CGD09-06-077] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

197. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 265 to 266, and Kanawha River Mile 0 to 0.5, Point Pleasant, WV [COTP Ohio Valley 06-028] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

198. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Miles 171.3 to 172.6, Marietta, OH [COTP Ohio Valley 06-031] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

199. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Veterans Celebration Fireworks Display — Indian River, New Smyrna Beach, FL [COTP Jacksonville 06-090] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

200. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercises; Bodega Bay, CA [COTP San Francisco Bay 06-007] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

201. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fourth of July Fireworks, Calibogue Sound, Hilton Head, SC [COTP Charleston 06-134] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

202. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Fall River 4th of July Fireworks, Taunton River, Fall River, Massachusetts [CGD01-06-074] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

203. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fireworks Display, Morehead City Harbor, Morehead City, NC [CGD05-05-016] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

204. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 06-052] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

205. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Town of Manchester Fourth of July Fireworks Display, Manchester, Massachusetts [CGD01-06-085] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

206. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Town of Nahant Fourth of July Fireworks Display, Nahant, Massachusetts [CGD01-06-088] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

207. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cocos Lagoon, GU [COTP Guam 06-009] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Town of Hingham Fourth of July Fireworks, Hingham, Massachusetts [CGD01-06-035] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Boston Pops Fireworks — Boston, Massachusetts [CGD01-06-055] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Town of Marblehead Fourth of July Fireworks Display, Marblehead Harbor, Massachusetts [CGD1-06-001] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

211. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Independence Day Celebration, Ipswich, Massachusetts [CGD01-06-062] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself, Mr. COURTNEY, Mr. KILDEE, Mr. PAYNE, Mr. ANDREWS, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KUCINICH, Mr. WU, Mr. HOLT, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. BISHOP of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. ALTMIRE, Ms. CLARKE, Mr. HARE, Ms. HIRONO, Mr. LOEBSACK, Mr. SARBANES, Mr. SESTAK, Ms. SHEA-PORTER, Mr. YARMUTH, Mr. ACKERMAN, Mr. ALLEN, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Ms. BEAN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOREN, Mr. BOSWELL, Mr. BOUCHER, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNAHAN, Mr. CARNEY, Ms. CARSON, Ms. CASTOR, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COOPER, Mr. COSTA, Mr. COSTELLO, Mr. CRAMER, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. LINCOLN DAVIS of Tennessee, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DONNELLY, Mr. DOYLE, Mr. ELLISON, Mr. ELLSWORTH, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. GIFFORDS, Mrs. GILLIBRAND, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of New York, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HILL, Mr. HINCHEY, Mr. HODES, Mr. HOLDEN, Mr. HONDA, Ms. HOOLEY, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mrs. JONES of Ohio, Mr. KAGEN, Ms. KAPTUR, Mr. KENNEDY, Ms. KILPATRICK, Mr. KIND, Mr. KLEIN of Florida, Mr. LANGEVIN, Mr. LANTOS, Mr. LAMPSON, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. MAHONEY of Florida, Mrs. MALONEY of New York, Mr. MARKEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNERNEY, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. ORTIZ, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PERLMUTTER, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SALAZAR, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHERMAN, Mr. SHULER, Mr. SIRES, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. SPACE, Mr. SPRATT, Mr. STARK, Mr. STUPAK, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WELCH of Vermont, Mr. WEXLER, Mr. WILSON of Ohio, and Mr. WYNN):

H.R. 5. A bill to amend the Higher Education Act of 1965 to reduce interest rates for student borrowers; to the Committee on Education and Labor.

By Mr. RAHALL (for himself, Mr. RANGEL, Mr. MCNERNEY, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. TANNER, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mr. ACKERMAN, Mr. ALLEN, Mr. ALTMIRE, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of New York, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. BOSWELL, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNAHAN, Mr. CARNEY, Ms. CARSON, Ms. CASTOR, Mr. CHANDLER, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COOPER, Mr. COURTNEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. LINCOLN DAVIS of Tennessee, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. ELLISON, Mr. ELLSWORTH, Ms. ESHOO, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. GIFFORDS, Mrs. GILLIBRAND, Mr. GONZALEZ, Mr. GORDON, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HIGGINS, Mr. HILL, Mr. HINCHEY, Ms. HIRONO, Mr. HODES, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KAGEN, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Ms. LEE, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. MAHONEY of Florida, Mrs. MALONEY of New York, Mr. MARKEY, Ms. MATSUI, Mrs. MCCARTHY of New

York, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MEEHAN, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. REYES, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. SPACE, Mr. SPRATT, Mr. STUPAK, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WELCH of Vermont, Mr. WEXLER, Mr. WILSON of Ohio, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. YARMUTH):

H.R. 6. A bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYNOLDS (for himself, Mr. WELLER, Mr. MCCOTTER, Mr. SAXTON, Mr. BARTLETT of Maryland, Mr. LINCOLN DIAZ-BALART of Florida, and Mrs. MUSGRAVE):

H.R. 432. A bill to allow seniors to file their Federal income tax on a new Form 1040S; to the Committee on Ways and Means.

By Mr. SNYDER (for himself, Mr. BOOZMAN, Mr. BERRY, Mr. ROSS, and Mr. DAVIS of Illinois):

H.R. 433. A bill to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the "Scipio A. Jones Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CHABOT (for himself and Ms. VELÁZQUEZ):

H.R. 434. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 31, 2007, and for other purposes; to the Committee on Small Business.

By Mrs. MALONEY of New York (for herself, Mr. HINCHEY, and Mr. GRIJALVA):

H.R. 435. A bill to provide for a study by the National Academy of Engineering regarding improving the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of Federal lands and Indian lands, and for other purposes; to the Committee on Natural Resources.

By Mrs. BONO (for herself and Mr. RADANOVICH):

H.R. 436. A bill to restrict any State from imposing a new discriminatory tax on cell phone services; to the Committee on the Judiciary.

By Mr. CUELLAR:

H.R. 437. A bill to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez, Jr. Post Office"; to the Committee on Oversight and Government Reform.

By Mr. JACKSON of Illinois (for himself and Ms. LEE):

H.R. 438. A bill to prohibit an escalation in the number of members of the United States Armed Forces deployed in Iraq; to the Committee on Armed Services.

By Mr. CUMMINGS (for himself, Mr. GRIJALVA, Mr. GONZALEZ, Mr. WYNN, Mr. RUPPERSBERGER, Mr. WATT, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 439. A bill to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Oversight and Government Reform.

By Mr. BACA (for himself, Mr. CARNEY, Mr. TAYLOR, Mrs. MALONEY of New York, Ms. BORDALLO, Mr. MEEK of Florida, Mr. FRANKS of Arizona, Mr. ROGERS of Alabama, Mrs. NAPOLITANO, Mrs. MCMORRIS RODGERS, Mr. BOSWELL, Mr. MCGOVERN, Mr. SHULER, Mr. MORAN of Virginia, Mr. JONES of North Carolina, Mr. LYNCH, Mr. SIRES, Mr. FILNER, and Mr. ROSS):

H.R. 440. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Armed Services.

By Mr. BECERRA:

H.R. 441. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to coordinate the threshold requirement for coverage of domestic employees under Social Security with the amount required for a quarter of coverage; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 442. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. BERRY:

H.R. 443. A bill to suspend the antidumping duty orders on imports of solid urea from Russia and Ukraine; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 444. A bill to suspend temporarily the duty on certain plasma flat panel displays; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 445. A bill to terminate the limitations on imports of ammonium nitrate from the Russian Federation; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 446. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY:

H.R. 447. A bill to amend title 38, United States Code, to provide that World War II merchant mariners who were awarded the Mariners Medal shall be provided eligibility for Department of Veterans Affairs health care on the same basis as veterans who have been awarded the Purple Heart; to the Committee on Veterans' Affairs.

By Mr. GALLEGLY:

H.R. 448. A bill to prohibit a Federal agency from accepting a form of individual identification issued by a foreign government, except a passport that is accepted on the date of enactment; to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, House Administration, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE:

H.R. 449. A bill to designate Campbell County, Virginia, as a qualified nonmetropolitan county for purposes of the HUBZone programs of the Small Business Administration; to the Committee on Small Business.

By Mr. HASTINGS of Washington (for himself, Mr. INSLEE, Mrs MCMORRIS RODGERS, Mr. BLUMENAUER, Mr. SIMPSON, Mr. WU, Ms. HOOLEY, Mr. WALDEN of Oregon, and Mr. DEFAZIO):

H.R. 450. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. HINOJOSA (for himself, Mr. GUTIERREZ, Mr. HOLT, Mr. GRIJALVA, Mr. ORTIZ, Mr. FORTUÑO, Mr. SCHIFF, Mr. SCOTT of Virginia, Mrs. DAVIS of California, Mr. HARE, Mr. CUELLAR, Mr. REYES, Mr. GONZALEZ, Mr. DAVIS of Illinois, Mr. SERRANO, Mr. PASTOR, Mrs. CAPPS, Mrs. NAPOLITANO, Mr. BACA, Mr. SIRES, Mr. COSTA, Ms. LINDA T. SÁNCHEZ of California, Mr. BECERRA, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mr. CARDOZA, Ms. VELÁZQUEZ, Mr. RODRIGUEZ, and Ms. LORETTA SANCHEZ of California):

H.R. 451. A bill to expand and enhance post-baccalaureate opportunities at Hispanic-Serving Institutions, and for other purposes; to the Committee on Education and Labor.

By Ms. MATSUI (for herself, Mr. DANIEL E. LUNGREN of California, and Mr. THOMPSON of California):

H.R. 452. A bill to direct the Secretary of the Interior to exclude and defer from the pooled reimbursable costs of the Central Valley Project the reimbursable capital costs of the unused capacity of the Folsom South Canal, Auburn-Folsom South Unit, Central Valley Project, and for other purposes; to the Committee on Natural Resources.

By Mr. MCDERMOTT:

H.R. 453. A bill to amend the Internal Revenue Code of 1986 to provide that oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Mr.

MARIO DIAZ-BALART of Florida, Mr. FATTAH, Mr. LYNCH, and Mr. KUCINICH):

H.R. 454. A bill to amend the Haitian Refugee Immigration Fairness Act of 1998; to the Committee on the Judiciary.

By Mr. NADLER (for himself and Mr. HINCHEY):

H.R. 455. A bill to provide for the protection of members of the United States Armed Forces and for their withdrawal from Iraq by December 31, 2007; to the Committee on Armed Services.

By Mr. NEUGEBAUER:

H.R. 456. A bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Oversight and Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 457. A bill to amend the Internal Revenue Code of 1986 to provide credits against income tax for qualified stem cell research, the storage of qualified stem cells, and the donation of umbilical cord blood; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 458. A bill to repeal the requirements under the United States Housing Act of 1937 for residents of public housing to engage in community service and to complete economic self-sufficiency programs; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 459. A bill to amend the Internal Revenue Code of 1986 to deny the foreign tax credit and the benefits of deferral to companies doing business directly or through subsidiaries in Sudan until the Government of Sudan takes demonstrable steps to end genocide in Sudan; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 460. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate certain mandatory minimum penalties relating to crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG:

H.R. 461. A bill to ensure general aviation aircraft access to Federal land and to the airspace over Federal land; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS:

H.R. 462. A bill to request a study by the Federal Communications Commission on the interference caused by broadband internet transmission over power lines; to the Committee on Energy and Commerce.

By Mr. ROTHMAN (for himself, Mr. ALEXANDER, Mr. VAN HOLLEN, Mr. DEFAZIO, Mrs. MCCARTHY of New York, Ms. KAPTUR, Ms. WOOLSEY, Mr. BARTLETT of Maryland, Mr. BOUSTANY, Mrs. LOWEY, Ms. CORRINE BROWN of Florida, Mr. ALLEN, Mr. GRIJALVA, Mr. PATRICK MURPHY of Pennsylvania, Ms. MCCOLLUM of Minnesota, Mr. KUCINICH, Mr. WAXMAN, Mr. MOORE of Kansas, Mr. SCHIFF, Mr. WEXLER, Mr. BERMAN, Mr. HARE, Mr. DAVIS of Illinois, Ms. MATSUI, Ms. SCHWARTZ, Mr. DELAHUNT, Ms. SCHAKOWSKY, and Mr. CLEAVER):

H.R. 463. A bill to amend title 38, United States Code, to terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as "Priority 8"); to the Committee on Veterans' Affairs.

By Mr. ROTHMAN (for himself, Mrs. BIGGERT, Mr. VAN HOLLEN, Mrs. TAUSCHER, Mr. MCDERMOTT, Mr. DINGELL, Mr. ENGEL, Mr. DICKS, Mr. MOORE of Kansas, Mr. KIRK, Mr. KENNEDY, Mr. STARK, Mrs. CHRISTENSEN, Mr. FARR, Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Mr. WEINER, Ms. MCCOLLUM of Minnesota, Ms. LEE, Mr. ALLEN, Mr. SHAYS, Mr. PATRICK MURPHY of Pennsylvania, Mr. GRIJALVA, Mrs. DAVIS of California, Mr. MCHUGH, Mr. SCHIFF, Ms. HIRONO, Mr. CROWLEY, Ms. ZOE LOFGREN of California, Mr. BOUCHER, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. ISRAEL, Mr. BOSWELL, Mr. TIERNEY, Ms. DELAURO, Mr. INSLEE, Mr. OLVER, Ms. BERKLEY, Mr. DEFAZIO, Mr. MILLER of North Carolina, Mr. CUMMINGS, Mr. BERMAN, Mr. MORAN of Virginia, Mr. NADLER, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. CASTLE, Mr. WAXMAN, Mr. LARSEN of Washington, Mrs. MALONEY of New York, Mr. WYNN, Mr. HASTINGS of Florida, Mrs. CAPPS, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLT, Mr. LANTOS, Mr. SIRES, Ms. HARMAN, Mr. WEXLER, and Ms. MATSUI):

H.R. 464. A bill to provide for the provision by hospitals receiving Federal funds through the Medicare Program or Medicaid Program of emergency contraceptives to women who are survivors of sexual assault; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 465. A bill to reauthorize the Asian Elephant Conservation Act of 1997; to the Committee on Natural Resources.

By Mr. SHADEGG (for himself, Mr. GARRETT of New Jersey, Mr. FLAKE, Mr. HOEKSTRA, Mr. SOUDER, Mr. RYAN of Wisconsin, Mr. PITTS, and Mrs. WILSON of New Mexico):

H.R. 466. A bill to amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON:

H.R. 467. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; to the Committee on Natural Resources.

By Ms. SOLIS:

H.R. 468. A bill to make grants to carry out activities to prevent teen pregnancy in racial or ethnic minority or immigrant communities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 469. A bill to enable the Great Lakes Fishery Commission to investigate effects of migratory birds on sustained productivity of stocks of fish of common concern in the Great Lakes; to the Committee on Natural Resources.

By Mrs. WILSON of New Mexico:

H.R. 470. A bill to amend titles XVIII and XIX of the Social Security Act to provide for continuity of Medicare prescription drug coverage for full-benefit dual eligible individuals, for Medicare prescription drug coverage of benzodiazepines and off-label uses of certain prescription drugs and biological products, for optional Medicaid coverage of Medicare prescription drug cost-sharing for full-benefit dual eligible individuals, and for authorization to the Secretary of Health and Human Services to waive certain determinations denying Medicare prescription drug coverage; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina (for himself, Mr. HAYES, Mr. SENSENBRENNER, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. SOUDER, Mr. BARTLETT of Maryland, Mr. FORTUÑO, Mr. GARY G. MILLER of California, Mr. AKIN, Mr. PITTS, Mr. PAUL, Mr. HOEKSTRA, Mr. SNYDER, Mr. WAMP, Mr. KLINE of Minnesota, Mr. GILLMOR, Mr. HALL of Texas, Mr. CRENSHAW, Mr. ROGERS of Michigan, Mr. GORDON, Mr. UDALL of Colorado, Mr. RANGEL, Mr. ISSA, Mr. GINGREY, Mr. TIAHRT, Mr. CASTLE, Mr. KING of New York, Mrs. MUSGRAVE, Mr. WOLF, Mr. MILLER of Florida, Mr. TERRY, and Mr. FORBES):

H.R. 471. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mr. JONES of North Carolina:

H.J. Res. 14. A joint resolution concerning the use of military force by the United States against Iran; to the Committee on Foreign Affairs.

By Mr. GEORGE MILLER of California:

H. Con. Res. 31. Concurrent resolution honoring the Mare Island Original 21ers for their efforts to remedy racial discrimination in employment at Mare Island Naval Shipyard; to the Committee on Education and Labor.

By Mr. MILLER of Florida:

H. Con. Res. 32. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia; to the Committee on Armed Services.

By Mr. LARSON of Connecticut:

H. Res. 56. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. WELLER (for himself, Mr. JOHNSON of Illinois, Mr. LIPINSKI, Mr.

Costello, Mr. Kirk, Mr. Hastert, Mr. LaHood, Mr. Hare, Mr. Gutierrez, Mr. Manzullo, Mr. Roskam, Ms. Schakowsky, Mrs. Biggert, Mr. Jackson of Illinois, Mr. Rush, Mr. Shimkus, Mr. Davis of Illinois, Mr. Emanuel, and Ms. Bean):

H. Res. 57. A resolution congratulating Illinois State University as it celebrates its sesquicentennial; to the Committee on Education and Labor.

By Ms. CARSON (for herself, Mr. Yarmuth, Mr. Conyers, Mr. Cummings, Mr. Grijalva, Mr. Cohen, Mr. Towns, Ms. Eddie Bernice Johnson of Texas, Ms. Roybal-Allard, Mr. Clay, Mr. Butterfield, Mrs. Lowey, Ms. Jackson-Lee of Texas, Mrs. Christensen, Mr. Lewis of Georgia, Ms. Schakowsky, Mr. Cleaver, Mr. Davis of Illinois, Ms. Corrine Brown of Florida, Mr. Serrano, Ms. Lee, Mr. Johnson of Georgia, Mr. Al Green of Texas, Mr. McGovern, Mr. Thompson of Mississippi, Mr. Watt, Mr. Upton, Mr. Payne, Mr. Jefferson, Mr. Bishop of Georgia, Mr. Ellison, Ms. Hirono, Mr. Chandler, Mr. Clyburn, Mr. Davis of Alabama, Mr. Fattah, Mr. Hastings of Florida, Mr. Jackson of Illinois, Mr. Meeks of New York, Mr. Wynn, Ms. Clarke, Mr. Bishop of New York, Mr. Meek of Florida, Ms. Kilpatrick, Mr. Shays, Mr. Scott of Virginia, Ms. Watson, Ms. Waters, Ms. Moore of Wisconsin, Ms. Norton, Mr. Rush, Mrs. Jones of Ohio, and Mrs. Myrick):

H. Res. 58. A resolution to honor Muhammad Ali, global humanitarian, on the occasion of his 65th birthday and to extend best wishes to him and his family; to the Committee on Oversight and Government Reform.

By Mr. LIPINSKI (for himself, Mr. Inglis of South Carolina, Ms. Jackson-Lee of Texas, Mr. Cleaver, Mr. McCotter, Ms. Matsui, Mr. Hinojosa, Mr. Holt, Mr. Franks of Arizona, Mr. Ehlers, Mr. Petri, Mrs. McMorris Rodgers, Mr. Manzullo, Mr. Neal of Massachusetts, Mr. Carnahan, Mr. Gordon, Mr. Honda, Ms. Eddie Bernice Johnson of Texas, Mr. Pickering, Mr. McGovern, Mr. Costello, and Mr. Calvert):

H. Res. 59. A resolution supporting the goals and ideals of National Engineeers Week, and for other purposes; to the Committee on Science and Technology.

By Mr. EMANUEL:

H. Res. 60. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. LEWIS of Georgia (for himself, Ms. Pelosi, Mr. Hoyer, Mr. Clyburn, Mr. Blunt, Mr. Emanuel, Ms. Kilpatrick, Mr. McDermott, Mr. Brady of Pennsylvania, Mr. McGovern, Mr. Johnson of Georgia, Ms. Watson, Ms. Carson, Mr. Holt, Mr. George Miller of California, Mr. Hare, Mr. Nadler, Ms. Schakowsky, Ms. DeGette, Mr. Moore of Kansas, Mr. Doyle, Mr. Meek of Florida, Mr. Scott of Georgia, Mr. Gene Green of Texas, Mr. Jackson of Illinois, Mr. Lynch, Mr. Serrano, Ms. McCollum of Minnesota, Mr. Clay, Ms. Moore of Wisconsin, Mr. Lantos, Ms. Eddie Bernice Johnson of Texas, Mr. Crowley, Mrs. Davis of California, Mr. Fattah, Ms. Woolsey, Mr. Rodriguez, Mr. Van Hollen, Mrs. McCarthy of New York, Mr. Smith of Washington, Mr. Grijalva, Ms. Matsui, Mr. Cleaver, Mr. Marshall, Mr. Waxman, Mr. Michaud, Mr. Ryan of Ohio, Mr. Murtha, Ms. Corrine Brown of Florida, Mr. Pascrell, Mr. Ruppersberger, Mr. Baca, Mr. Kucinich, Ms. Castor, Mr. Lipinski, Mr. Schiff, Mrs. Napolitano, Mr. Neal of Massachusetts, Mr. Dingell, Mr. Blumenauer, Mr. Moran of Virginia, Mr. Sestak, Mr. Davis of Alabama, Mr. Gutierrez, Mr. Markey, Mr. Hinojosa, Mr. Snyder, Mrs. Capps, Mr. Doggett, Mr. McIntyre, Mr. Davis of Illinois, Ms. Harman, Mr. Al Green of Texas, Mr. Farr, Mr. Patrick Murphy of Pennsylvania, Mr. Honda, Ms. Linda T. Sánchez of California, Mr. Scott of Virginia, Mrs. Maloney of New York, Mr. Etheridge, Mr. Capuano, Ms. Millender-McDonald, Ms. Bordallo, Mr. Becerra, Mr. Levin, Mr. Cuellar, and Mr. Ackerman):

H. Res. 61. A resolution observing the Birthday of Martin Luther King, Jr., and encouraging the people of the United States to observe the Birthday of Martin Luther King, Jr., and the life and legacy of Dr. Martin Luther King, Jr., and for other purposes; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself and Mr. Ehlers):

H. Res. 62. A resolution congratulating the Grand Valley State University Lakers for winning the 2006 NCAA Division II Football National Championship; to the Committee on Education and Labor.

By Mr. PAUL (for himself and Mr. Bartlett of Maryland):

H. Res. 63. A resolution amending the Rules of the House of Representatives to ensure that Members have a reasonable amount of time to read legislation that will be voted upon; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Ms. Harman and Ms. Matsui.

H.R. 14: Mr. Paul.

H.R. 16: Mr. Gerlach.

H.R. 17: Mr. Ross, Mr. Marshall, Mr. Larsen of Washington, Mr. Bishop of Georgia, Mr. Salazar, Mr. Butterfield, Mrs. Capito, Ms. Waters, Mr. Chandler, Mr. Inslee, Mr. McCotter, Mr. Etheridge, Mr. Brady of Texas, Mr. Hare, Mr. Hayes, Mr. Boswell, Mr. Thompson of Mississippi, Mr. Hinojosa, Mr. Farr, Mr. Taylor, Mr. McDermott, Mr. Honda, and Mr. Goodlatte.

H.R. 22: Mr. McHugh and Mr. Hall of Texas.

H.R. 36: Ms. Eddie Bernice Johnson of Texas.

H.R. 37: Ms. Eddie Bernice Johnson of Texas.

H.R. 43: Ms. Lee, Mr. Cummings, Mr. Serrano, Ms. Jackson-Lee of Texas, and Mr. Fattah.

H.R. 44: Ms. Lee.

H.R. 45: Mr. Pastor, Mr. McNulty, and Ms. Jackson-Lee of Texas.

H.R. 60: Mrs. Cubin and Mr. Gene Green of Texas.

H.R. 65: Mr. Gene Green of Texas, Ms. Eddie Bernice Johnson of Texas, Ms. Kaptur, Ms. Norton, Ms. Harman, Mr. Lincoln Diaz-Balart of Florida, Mr. Crowley, Mr. Young of Alaska, Mr. Peterson of Pennsylvania, Mr. LaTourette, Mr. Kline of Minnesota, Mr. Tancredo, Mr. Lantos, Mr. Linder, Mr. Franks of Arizona, Mr. Chabot, Mr. Berman, Mr. Thompson of California, Mr. Wilson of South Carolina, Mr. Schiff, Mr. Murtha, and Mrs. Capps.

H.R. 82: Mr. Cantor, Mr. Capuano, Mr. Costello, Mr. Courtney, Mr. Davis of Kentucky, Mr. Lincoln Diaz-Balart of Florida, Mrs. Drake, Mr. Ferguson, Mr. Filner, Mr. Gallegly, Mr. Goode, Mr. Goodlatte, Mr. Gordon, Mr. Gutierrez, Ms. Harman, Mr. Holt, Mr. LaHood, Mr. Larson of Connecticut, Mr. LoBiondo, Ms. Zoe Lofgren of California, Mr. Marshall, Ms. Matsui, Mr. Melancon, Mr. Payne, Mr. Platts, Mr. Poe, Mr. Price of North Carolina, Mr. Ross, Mr. Rothman, Mr. Salazar, Mr. Scott of Georgia, Mr. Shimkus, Mr. Souder, Mr. Udall of New Mexico, Mr. Weller, Mr. Wexler, and Mr. Wilson of South Carolina.

H.R. 86: Mr. LoBiondo.

H.R. 111: Mr. DeFazio, Mr. Sessions, Ms. Woolsey, Ms. Herseth, Mrs. Jones of Ohio, Mr. Marchant, Mr. Payne, Mr. Bilbray, Mr. Poe, and Mrs. Cubin.

H.R. 119: Mr. Frank of Massachusetts, Mr. Wolf, Mr. Larsen of Washington, and Mr. McNulty.

H.R. 137: Mr. Cleaver, Mr. Cohen, Mr. Emanuel, Mr. Kanjorski, Mr. Price of Georgia, Mr. Daniel E. Lungren of California, Mr. Terry, Ms. Schakowsky, Mr. Lynch, Mr. Gutierrez, Mr. Carney, Mr. Stark, Mr. Davis of Illinois, Mr. McIntyre, Mr. Tim Murphy of Pennsylvania, Mr. Sires, Mr. Young of Florida, Mr. Kline of Minnesota, Ms. Solis, Ms. Slaughter, Mr. Dent, and Mr. Allen.

H.R. 161: Ms. Jackson-Lee of Texas, Ms. Bordallo, Mr. Fortuño, Ms. Hirono, and Mr. Baird.

H.R. 185: Mr. Conaway.

H.R. 196: Ms. Herseth, Mr. Moore of Kansas, and Mr. Ross.

H.R. 197: Mr. McDermott and Mr. Blumenauer.

H.R. 211: Mr. Cohen and Mr. Price of North Carolina.

H.R. 232: Mr. Souder, Mr. Mario Diaz-Balart of Florida, Mr. Garrett of New Jersey, and Mr. Burton of Indiana.

H.R. 241: Mr. Rehberg.

H.R. 248: Mr. Souder and Mr. Shuler.

H.R. 251: Mr. Sensenbrenner, Mrs. Schmidt, Mr. Reichert, Mr. Fossella, Mr. Davis of Kentucky, and Mr. Calvert.

H.R. 323: Mr. Castle, Mr. Gary G. Miller of California, and Mr. Davis of Alabama.

H.R. 327: Mr. Frank of Massachusetts, Mr. Renzi, Mrs. Tauscher, Mr. Grijalva, Ms. Linda T. Sánchez of California, Mr. Waxman, Mr. Tierney, Mr. Capuano, Ms. Berkley, Mr. Allen, Mr. Hare, Mr. Perlmutter, Mr. Price of North Carolina, and Mr. Kucinich.

H.R. 328: Ms. Waters, Mr. Abercrombie, Ms. Eshoo, and Mrs. Christensen.

H.R. 344: Mr. Keller.

H.R. 353: Mr. Thompson of California and Mr. Olver.

H.R. 359: Mr. Hinojosa, Mr. Ortiz, Mr. Sires, Mr. Baca, and Mr. Grijalva.

H.R. 369: Mr. Fattah.

H.R. 370: Mr. English of Pennsylvania and Mr. Costello.

H.R. 391: Mrs. Biggert.

H.R. 402: Mr. Ehlers and Mrs. Miller of Michigan.

H.R. 410: Ms. Corrine Brown of Florida, Mr. Clyburn, Mr. Cummings, Mr. Grijalva, Mr. Hastings of Florida, Mr. Hinchey, Ms. Eddie Bernice Johnson of Texas, Mr. Kucinich, Ms. Lee, Mr. Lewis of Georgia, Mr. McDermott, Mr. McNulty, Mr. Moran of

Virginia, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Mr. SCOTT of Georgia, Ms. SOLIS, Mr. THOMPSON of Mississippi, and Mr. WYNN.

H. Con. Res. 21: Mr. NORWOOD, Mr. CONYERS, Mrs. TAUSCHER, and Mr. JOHNSON of Georgia.

H. Con. Res. 23: Ms. SOLIS.

H. Con. Res. 25: Mr. VISCLOSKY, Mrs. MUSGRAVE, Mr. ROSS, Mr. MARSHALL, Mr. CUELLAR, and Mr. KUHL of New York.

H. Res. 18: Mr. KINGSTON, Mr. BACHUS, Mr. NORWOOD, and Mrs. MILLER of Michigan.

H. Res. 24: Mr. PUTNAM.

H. Res. 27: Mr. HILL.

H. Res. 29: Mr. RAMSTAD, Mr. MCDERMOTT, Mr. OBERSTAR, Mr. ROGERS of Michigan, Mr. KUCINICH, Mr. ISRAEL, and Mr. HINCHEY.

H. Res. 41: Mr. MCGOVERN, Mr. SMITH of Washington, Ms. KAPTUR, Mr. CAPUANO, Mr. OLVER, and Mr. NEAL of Massachusetts.

H. Res. 54: Mr. JOHNSON of Georgia, Mrs. MALONEY of New York, Mr. CROWLEY, Mr. HINCHEY, Mr. LAHOOD, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Mr. KING of New York, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. WALSH of New York.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

H.R. 5, the College Student Relief Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House Rule XXI.

OFFERED BY MR. CHARLES B. RANGEL

H.R. 6, the Creating Long-term Energy Alternatives for the Nation (CLEAN) Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. JOHN M. SPRATT, JR.

H.R. 6, the Creating Long-term Energy Alternatives for the Nation (CLEAN) Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY MS. LOUISE M. SLAUGHTER

H.R. 6, the Creating Long-term Energy Alternatives for the Nation (CLEAN) Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY MR. NICK J. RAHALL II

H.R. 6, the Creating Long-term Energy Alternatives for the Nation (CLEAN) Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

EXTENSIONS OF REMARKS

HONORING THE CITY OF ELYRIA DR. MARTIN LUTHER KING, JR. DAY OF SERVICE

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. SUTTON. Madam Speaker, I rise today to pay tribute to the Elyria Dr. Martin Luther King, Jr. Day of Service celebrated annually for the past 21 years. The city of Elyria, located in beautiful Lorain County, OH, has presented an award to the individual or group who best exemplified Dr. King's ideals of freedom, justice and opportunity.

Heman Ely founded Elyria, situated at the forks of the Black River, in 1817. The name Elyria came partially from Ely's own name and from his deep interest in the Austrian province of Illyria, which he visited in 1809 after its conquest by Napoleon. Elyria has enjoyed an illustrious history and has been home to a wide range of former residents.

In 1907, Elyria resident and businessperson Edgar Allen began raising money for a new local hospital in response to the tragic loss of his son in a streetcar accident. Allen was appalled at the lack of adequate services for special needs children so he sold his business and began raising money for a new local hospital. This fundraising culminated in the creation of Easter Seals organization in 1919. Other notable Elyria residents include current NFL quarterback Tim Rattay and the authors Sherwood Anderson and Robert Erwin Lee. With a wide-ranging history such as this, it is only natural for Elyria to celebrate the ideals of Dr. King.

All Americans know of Dr. Martin Luther King, Jr.'s stature as a national hero. From his celebrated "Letter from Birmingham Jail" to his organization of the Montgomery Bus Boycott, Dr. King demonstrated that eloquent words followed with significant action could affect social change without resorting to violence. His "I Have a Dream" speech movingly spelled out his dream of racial equality and propelled the issue to the forefront of national consciousness.

In closing, I commend the City of Elyria and all the organizations that have spent countless hours organizing this celebration honoring Dr. King's birthday. These awards are given annually to recognize service and achievement of persons who live or work in the City of Elyria in areas consistent with the teachings and example of Dr. King. His dedication to racial, social and economic justice is a model that the world should emulate now more than ever and this is why I enthusiastically support this award.

TRIBUTE TO DR. WILLIAM ANDERSON

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Dr. William Anderson, for his lifetime commitment to social change and the civil rights movement.

Dr. Anderson was born on December 12, 1927 and is a native of Americus, GA. He graduated from Alabama State College, the University of Osteopathic and Health Sciences and is certified in general surgery.

Throughout his career, as a doctor of osteopathic medicine, Dr. Anderson has contributed to the medical community, in Albany where he began his career as well as in Detroit, MI, and Kirksville, MO.

However, in the segregationist South of the 1950s and early 1960s, Dr. Anderson's medical career became intertwined with the civil rights movement. At that time, there were no black hospitals in Albany. In white hospitals, Dr. Anderson was denied privileges such as admitting patients and using equipment—making it virtually impossible to practice medicine. So, Dr. Anderson improvised, servicing his patients by setting up his practice in a private office.

In 1961, Dr. Martin Luther King, Jr., who Dr. Anderson had met a few years before, brought his movement to Albany. Soon, Dr. Anderson assumed the role of President of the Albany Movement. Over the next few months, hundreds of protestors were jailed for staging sit-ins at local bus terminals, including Dr. King and Reverend Ralph Abernathy. History tells us that the Albany movement, amid the hostile environment of southwest Georgia, was a struggle whose efforts were consistently thwarted by a determined sector of the white population.

However, history also tells us that the Albany Movement in which Dr. Anderson played an integral role has become viewed as a milestone in the greater civil rights movement. A year after the Albany movement began, hundreds of voters were registered and the city commission removed all segregation statutes from the books.

Madam Speaker, none of this could have been achieved without the efforts of Dr. Anderson. He is an inspiration for young men and women, and I stand here today to commend him for his service to his community.

IN RECOGNITION OF NKEIRU OKOYE

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. FATTAH. Madam Speaker, I rise today to recognize renowned composer Nkeiru Okoye. On Monday, in honor of Dr. Martin Luther King's birthday, Ms. Okoye's composition, "Voices Shouting Out" will be performed by the esteemed Philadelphia Orchestra. This concert is, in fact, the 25th performance of her masterpiece. She deserves recognition for her musical accomplishments and her many efforts to bring a symphony of harmony to a world filled with discord.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mrs. MALONEY of New York. Madam Speaker, on January 4, 2007, I was unavoidably detained and missed rollcall vote numbered 6, on adoption of Title I of the Resolution.

Had I been present, I would have voted "yea" on rollcall vote numbered 6.

INTRODUCING THE SUNLIGHT RULE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. PAUL. Madam Speaker, Supreme Court Justice Louis Brandeis famously said, "Sunlight is the best disinfectant." In order to shine sunlight on the practices of the House of Representatives, and thus restore public trust and integrity to this institution, I am introducing the sunlight rule, which amends House rules to ensure that members have adequate time to study a bill before being asked to vote on it. One of the chief causes of increasing public cynicism regarding Congress is the way major pieces of legislation are brought to the floor without members having an opportunity to read the bills. For example, concerns have been raised that in the opening days of the 110th Congress, legislation dealing with important topics such as national security are being brought to the floor before members have had an opportunity to adequately study the legislation.

In past Congresses, it was all-too-common to see large Appropriations bills rushed to the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

floor of the House in late-night sessions at the end of the year. For example, the House voted on the Fiscal Year 2006 Defense Appropriations Conference Report at approximately 4 a.m.—just four hours after the report was filed. Yet, the report contained language dealing with avian flu, including controversial language regarding immunity liability for vaccine manufacturers, that was added in the House-Senate conference on the bill. Considering legislation on important issues in this manner is a dereliction of our duty as the people's elected representatives.

My proposed rule requires that no piece of legislation, including conference reports, can be brought before the House of Representatives unless it has been available to members and staff in both print and electronic version for at least ten days. My bill also requires that a manager's amendment that makes substantive changes to a bill be available in both printed and electronic forms at least 72 hours before voted on. While manager's amendments are usually reserved for technical changes, oftentimes manager's amendments contain substantive additions to, or subtractions from, bills. Members should be made aware of such changes before being asked to vote on a bill.

The sunlight rule provides the people the opportunity to be involved in enforcing the rule by allowing a citizen to move for censure of any House Member who votes for a bill brought to the floor in violation of this act. The sunlight rule can never be waived by the Committee on Rules or House leadership. If an attempt is made to bring a bill to the floor in violation of this rule, any member could raise a point of order requiring the bill to be immediately pulled from the House calendar until it can be brought to the floor in a manner consistent with this rule.

Madam Speaker, the practice of rushing bills to the floor before individual members have had a chance to study the bills is one of the major factors contributing to public distrust of Congress. Voting on bills before members have had time to study them makes a mockery of representative government and cheats the voters who sent us here to make informed decisions on public policy. Adopting the sunlight rule is one of, if not the, most important changes to the House rules this Congress could make to restore public trust in, and help preserve the integrity of, this institution. I hope my colleagues will support this change to the House rules.

REINTRODUCTION OF THE SAFE COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. WOLF. Madam Speaker, few are willing to admit—much less discuss—the looming financial crisis facing our country, but there is less than 1 year until the first baby boomer is eligible to retire.

On Wednesday, January 10, the Washington Post included an op-ed by Robert Samuelson which paints a poignant picture of the generational conflict approaching on the horizon. He makes a compelling case for why it is critical that Congress take action now to address the financial emergency facing the Nation with the retirement of the baby boomers.

That is why on Tuesday, Senator GEORGE VOINOVICH and I will reintroduce identical legislation to establish a national bipartisan commission that will put everything—entitlement benefits and all other Federal programs as well as our tax policies—on the table and require Congress to vote up or down on its recommendations in their entirety, similar to the Base Realignment and Closure Commission (BRAC) first created by former Rep. Dick Armey in 1988. This commission would be called the SAFE Commission, to secure America's future economy.

I first introduced the idea of the SAFE Commission last summer. Since that time, the proposal has received strong support from across the political spectrum including the Heritage Foundation; the Concord Coalition; former congressional members from both sides of the aisle; and former Congressional Budget Office directors. It has been favorably endorsed by newspapers across the country, including the Dallas Morning News, the Orlando Sentinel and syndicated columnist David Broder.

There is near universal agreement that the longer we wait to deal with this problem, the tougher the medicine will be to swallow. As a father of five and grandfather of 12, the challenge posed by the pending retirement of baby boomers strikes me as much more than a routine policy discussion. Without action, just what kind of future are we leaving to our children and grandchildren?

My youngest grandchild is just 10 months old. By the time she is 15 years old, 29 cents out of every dollar paid in income taxes will be required to cover the needs of Social Security and Medicare to pay for my retirement. That's not including payroll taxes of almost 15 percent.

By the time she completes her undergraduate degree, more than 45 cents out of every dollar of income taxes then will be needed to cover the shortfall of Social Security and Medicare, rising to 62 cents out of every dollar if she decides to get her doctorate 10 years later. Again, this is on top of payroll taxes.

Sadly, before she retires—and looks into the eyes of her own grandchildren—retired baby boomers will be consuming 88 percent of every income tax dollar. With the baby boomers consuming so much, there will be little money left to meet the needs and challenges of her generation. Not only is this unacceptable, it raises serious moral questions. Is it right for one generation to live very well knowing that its debts will be left to be paid for by their children and grandchildren?

Abraham Lincoln, one of our Nation's greatest presidents, once said, "You cannot escape the responsibility of tomorrow by evading it today." Yet that is precisely what we have been doing—avoiding our responsibility to future generations of Americans by passing on a broken system in the form of unfunded Social Security, Medicare and Medicaid obligations.

I deeply believe there is a moral component to this issue that goes to the heart of who we are as Americans. By that I mean, I wonder if we have lost the national will to make tough decisions that may require sacrifice? Moreover, have we lost the political courage to reject the partisan and special interest demands and do what is best for our country?

If we remember the legacy we have inherited, the debt we owe to previous generations—our grandparents and our parents and the sacrifices they made to make our country what it is today—we all will be moved to do our duty. The SAFE Commission should be embraced by both sides of the aisle. I am open to suggestions about the legislation from members of both parties. This is a national issue; not a Republican issue or a Democrat issue.

Last spring I took a trip to Antietam National Battlefield. As I walked along "Bloody Lane," the site of one of the most vicious battles of the Civil War, I was struck by how many individuals made the ultimate sacrifice.

September 18, 1862, was the bloodiest single day in American history. There were more than 23,000 casualties, nine times as many Americans killed or wounded in World War II's D-Day on June 6, 1944. More soldiers were killed and wounded at the Battle of Antietam than the deaths of all Americans in the Revolutionary War, the War of 1812, the Mexican War and Spanish-American War combined.

I also visited the site of George Washington's crossing of the Delaware River in anticipation of the Battle of Trenton. Washington was down to only 3,000 soldiers and the war was almost lost. Yet, with great courage—and sacrifice—Washington and his forces were successful in changing the direction of the American Revolution.

I often think of the tremendous sacrifice being made by the thousands of men and women serving today not only in Iraq and Afghanistan, but around the globe. Their families here at home are also making great sacrifices. These examples of sacrifice for country are what led me to ask just what are we passing on to those who are coming after us?

In less than a year, the baby boom generation will begin trickling into retirement. A few years later, that trickle will become a flood that within five more years will become a tsunami that will begin to wreak havoc on our Social Security and Medicare systems. Medicare, Medicaid and Social Security consume 40 percent of the budget in 2006, but will consume 51 percent by 2016—and that is just the tip of the demographic iceberg.

As we tragically learned the lesson of Katrina in New Orleans, the best time to deal with a damaged flood wall is before the rains begin. Make no mistake; the levies that are our country's entitlement systems can only be plugged for so long. Without major repair and a long-term fix, we are facing a financial perfect storm like never before.

There is near unanimous agreement by all who have looked at this issue: Social Security and Medicare are amassing huge deficits and are ill-prepared for the coming flood of new baby boom retirees. When our retirement security programs like Social Security and Medicare were established, the ratio of workers supporting each retiree was more than 10 times the number supporting retirees today. In 1945, there were 42 workers for each retiree. Last year, the ratio dropped to three workers for each retiree and is expected to drop to just two workers for each retiree by 2030.

Perhaps even more troubling than the Social Security projections are those for Medicare. By 2010, the trust fund expenditures are projected to exceed annual income from all sources and the reserves will be depleted by 2018, 11 short years from now. According to the trustees, "Medicare's financial outlook has deteriorated dramatically over the past five years and is now much worse than Social Security's."

This coming crisis demands our immediate attention. While there is never a convenient time to make hard decisions, the longer we wait, the more dramatic the required remedy will be. According to the Government Accountability Office (GAO), balancing the budget in 2040 necessitates one of two alternatives: cutting total federal spending by 60 percent or raising federal taxes by two and a half times today's level. Either of these options would devastate our economy. But if we can summon the resolve to begin these difficult conversations now—and make some hard choices on the front end—we can change our current course.

Basic economics underscore the dangers inherent in our current national trends. America is living on borrowed dollars and borrowed time. U.S. spending is outpacing income growth and personal savings rates have dropped to negative 1.3 percent in the first quarter, meaning that U.S. consumers are spending more than 100 percent of their monthly after-tax income.

In spite of this, our economy has remained strong, in large part because other countries have been willing to buy our debt. But borrowing hundreds of billions of dollars from countries like China, Saudi Arabia, Japan, South Korea, and others puts not only our future economy, but also our national security, at risk. More than $2.6 billion a day is needed to fund our savings shortfall, which has left us with nearly 40 percent of our domestic economy in foreign hands.

As our fiscal deficit balloons, our current account deficit is projected to hit historically unprecedented highs, and our country's net investment position abroad is eroding rapidly. While the Asian Central Banks and petrodollar countries like those in the Middle East have no doubt contributed to our country's growth (the housing boom and the ability of U.S. consumers to spend), the purchase of U.S. securities by foreigners has, at the same time, enabled us to live way beyond our means.

This makes our country—and our children and grandchildren—much more vulnerable in the future. Will a geopolitical dispute with a major oil exporter cause it to stop funding our deficit, resulting in a sharp drop in the dollar, a spike in interest rates and a market meltdown?

If foreigners lose faith in the U.S. and our ability to put our own fiscal house in order, their investment decisions could send shock waves through our financial markets and even result in a collapse of U.S. real estate prices. If we don't address this issue, higher interest rates and inflation are inevitable. It would be only a matter of when and how high. If we don't change our current unsustainable path, our future economic growth, standard of living, and even our national security may be at risk.

Our children and grandchildren deserve a future that will allow them to respond to the challenges of their generation. Who could have predicted, even 10 years ago, that today our Nation would be engaged in a global war on terror. Each generation faces its own international threats, and we have an obligation to ensure that future generations have the flexibility to respond to the challenges of their time.

If current policies are left unchanged, in as few as 33 years and in no more than 40 years, there would be no discretionary money left for defense spending. All federal revenue would have to go to only four sources: Medicare, Medicaid, Social Security and interest on past debt.

In addition to international considerations there are domestic factors. Getting our financial house in order will allow us to prioritize spending in areas such as cutting edge medical research for cancer, Alzheimer's and autism, and for education, particularly in mathematics and science, which are critically important to America's remaining the world's leader in innovation and technology.

It is with the hope of building consensus on this very difficult issue that I am offering legislation to set up a bipartisan commission charged with evaluating the scope of our fiscal problem and recommending tangible solutions. One of the most critical responsibilities of this panel will be explaining the crisis we face and listening to the American people about how to get the country back on sound financial footing. It will also develop a strategic plan for the future. It will look beyond the Beltway for solutions, holding at least 12 town meetings—one in each of the Nation's Federal Reserve districts—over the span of 12 months in order to hear directly from the American people.

The SAFE Commission will be truly bipartisan—comprised of 16 voting members, four appointed by the Senate Majority Leader, three by the Senate Minority Leader, four by the Speaker of the House, and three by the House Minority Leader. Four of the 14 congressional appointments must be sitting members of Congress. Additionally, the director of the Office of Management and Budget as well as the secretary of the Treasury will serve as voting ex-officio members. The Congressional Budget Office and the Comptroller General of the United States will be appointed as nonvoting ex-officio members of the commission to lend their expertise. The president will appoint bipartisan co-chairs from among the 14 voting members appointed by Congress.

I have heard criticism that such weighty decisions on the Nation's financial future are the responsibility of Congress. I couldn't agree more. The SAFE Commission has two provisions to protect congressional prerogatives. First, of the 14 members appointed to the commission, four must be sitting members of Congress. Second, if Congress takes on the task and enacts significant legislation aimed at addressing this looming crisis, the SAFE Commission would terminate and cease to exist.

The group will comprehensively review entitlement benefits, patterns in savings and insurance for retirement, tax policies and the long-term implications of increasing foreign ownership of the U.S. Treasury. But given the enormity of the challenge, the commission needs to be able to look at every component of our fiscal policy to fairly assess where we stand and how we can best move toward a sound fiscal future. Everything must be on the table. As a fiscal conservative, I believe that the economy grows when people keep more of their hard-earned money, and my voting record reflects this belief.

The SAFE Commission is tasked with addressing tax issues as well as spending policies because current law puts us on a track to sharply higher taxes as well as spending. If the current tax cuts are sunset, then beginning in 2011, taxes as a percent of GDP will jump and then rise each and every year to nearly 20 percent of GDP in 2016, less than 10 years from now. After that they will keep on growing to record levels, hitting over 23 percent in 2046. This happens because rising incomes push Americans into both higher brackets and into the alternative minimum tax (AMT). Yet even extending the tax cuts will shave only one percentage point off these rising numbers.

Americans need to understand all the numbers to avoid the grim default of a rising burden of taxes and spending that will damage our economy. I believe that having revenues as part of the discussion, as one of the areas of reform for the SAFE Commission, will help us paint the full picture and help us confront the tax increases that the country faces in the coming years under current law.

In looking at revenues, I believe reform of the tax code must help simplify the system and stimulate increased economic growth and thereby tax revenue. The late William Simon, who served as Treasury secretary under presidents Nixon and Ford, believed "the United States should have a tax system, which looks like someone designed it on purpose."

The IRS estimates Americans spend 6.6 billion hours per year filling out tax forms including 1.6 billion hours on the 1040 form alone and nearly $200 billion on tax compliance. That amounts to 20 cents of compliance cost for every dollar collected by the tax system.

Shouldn't we have a system that people understand? One that encourages faster growth in business formation, jobs, family income and tax revenue? A simplified tax code also could help increase the personal savings rate, which went negative for the first time since the Great Depression earlier this year.

The SAFE Commission legislation provides an opportunity to simultaneously address the likely tax increases that middle class Americans are projected to face and the explosion in entitlement programs. It does this by focusing on reform. The legislation provides an opportunity to reform the tax code in ways that generate more rapid growth. We know from the recent revenue figures that tax policies that spur growth also bring in needed revenue. And the legislation also tasks the commission with exploring entitlement reforms that protect safety net programs while reining in total costs.

After spending 12 months conducting town meetings around the country to determine the scope of the problem and consider solutions, the commission will present to Congress a report describing the long-term fiscal problems, public suggestions and views expressed during the town meetings and policy options available to ensure federal programs and entitlements are available for future generations.

With a bipartisan three-fourths majority vote, the commission will send to Congress a legislative package to implement the commission recommendations no later than 60 days after the interim report. The administration and Congress will have 90 additional days to develop actuarially equivalent proposals to achieve the same cost savings. Essentially, no later than 16 months from the organization of the commission, Congress would be required to vote—up or down—on each proposal.

For example, if the commission's report is delivered on January 1, 2008, then the commission's legislative package would be due by March 1, 2008, and any alternative developed by Congress or the Administration would have to be presented by June 1, 2008.

All proposals must include a 50-year CBO score in addition to disclosing any impact on future federal liabilities. If more than one proposal receives a majority, the one garnering the greatest number of votes would prevail.

I have put in the legislation procedures for expedited consideration of the commission's legislation to ensure that the Congress acts. I do not want this to simply be another blue-ribbon commission whose findings end up on a bookshelf somewhere only to collect dust and never be acted upon.

I look forward to working with my colleagues to enact this legislation. I also welcome a forthright national dialogue. Only by working together in a truly bipartisan manner will we be able to secure America's future economy. I believe most Americans will welcome it as well, especially considering we all want what is best for our children and grandchildren.

I will close with the cautionary words of George Washington's 1796 farewell address: "We should avoid ungenerously throwing upon posterity the burden of which we ourselves ought to bear."

REMEMBERING CALVIN WILLIAM VERITY, JR.

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. WILSON of South Carolina. Madam Speaker, former Secretary of Commerce Calvin William Verity Jr., 89, of Beaufort, South Carolina, died Wednesday, January 3, 2007, at the Beaufort Memorial Hospital. He was born January 26, 1917, in Middletown, Ohio, the son of Calvin William Verity, Sr. and Elizabeth (O'Brien) Verity. .

Secretary Verity was a graduate of the Phillips Exeter Academy and Yale University. He served as a Lieutenant in the U.S. Navy from 1942–1946. Mr. Verity worked for Armco Steel from 1946 until his retirement in 1982 as CEO and Chairman of the Board. He was named Secretary of Commerce by President Ronald Reagan in 1987 and served two years in that position. During the 1970s and 80s he served as Chairman of the U.S. Chamber of Commerce and as Chairman of the U.S.-Soviet Trade and Economic Council. He was also the Chairman of the Presidents Task force on Private Sector Initiatives under President Reagan.

Secretary Verity is survived by his daughter and son-in-law, Peggy "Happy" Verity Power and J.P. Power of Edwards, Colorado; two sons and daughters-in-law, Jonathan George Verity and Victoria Verity of Beaufort, South Carolina, and William Wymond Verity and Paula Verity of Beaufort, South Carolina; seven grandchildren, William Verity Power (Kate), Jonathan Warfield Power (Jody), Jonathan Edward Verity, Victoria Heye Verity Nellen (Bill), Elizabeth Wymond Verity, George Murray Verity, and Hannah Bakewell Verity; four great grandchildren, James Matthew Power, John Gray Power, Thomas George Power, and Brooks Verity Power; and two sisters, Betsy Verity Blakey of Columbus, Ohio and Jean Verity Woodhull of Dayton, Ohio.

On January 5, Sandra Walsh of the Beaufort Gazette penned the below tribute to Mr. Verity:

FORMER SECRETARY OF COMMERCE DIES IN BEAUFORT

Serving as President Ronald Reagan's Secretary of Commerce, Calvin William Verity Jr., shared the stage with political giants.

But in Beaufort, where Verity shared his Spanish Point home with his beloved wife, he is remembered by friends as a 'giant of a man.'

Verity died Wednesday, Jan. 3, 2007, in Beaufort Memorial Hospital. He was 89.

Verity, who suffered from asthma, had been hospitalized for four days and died from complications of pneumonia, his oldest son John Verity said Thursday.

"I think the key to his success over the years was his ability to work with people," John Verity said.

"His leadership was based on building consensus and creating an environment where people would work together."

Verity was sworn in as President Ronald Reagan's Secretary of Commerce Oct. 19, 1987, after secretary Malcolm Baldrige was killed in a rodeo accident. He served until the end of Reagan's term in January 1989.

As U.S. Secretary of Commerce, Verity established the Malcolm Baldrige Award, which "in the 1990s helped businesses improve the quality of their work," John Verity said.

He then retired and moved to Beaufort's Spanish Point neighborhood in the early '90s with his wife, Peggy, who died in 1999.

"He was a giant of a man," Verity's next door neighbor and friend of 21 years, Guy McSweeney, said Thursday. "He was one of the most remarkable men I have ever known; everyone that knew him loved him."

Between 1970 and the 1980s, Verity served as chairman of the U.S. Chamber of Commerce and as chairman of the U.S.-Soviet Trade and Economic Council.

Reagan also appointed him as the chairman of the President's Task Force on Private Sector Initiatives.

Verity worked for Armco Steel from 1946 until he retired in 1982 as chairman of the board of the company now known as AK Steel Corp. He is the grandson of George M. Verity, who founded the firm.

Verity was a lieutenant in the U.S. Navy from 1942 to 1946.

McSweeney said Verity maintained a lifelong interest in the Navy.

About 10 years ago, McSweeney said he and Verity rode aboard what was originally a Soviet training ship, the Druzhba, from the Bahamas to Maryland alongside 200 U.S. Navy and Russian cadets.

"He was always coming up with something fun to do," McSweeney said. "From duck hunting or riding on a jet to California, he was always into something."

Neighbor Polly Swenson recalled a time when former U.S. Supreme Court Justice Sandra Day O'Connor visited Verity at his Spanish Point home and caught a speckled bass from his dock.

Swenson said even in his later years, when Verity used a motorized scooter, he would sit on a bluff behind his home nearly every day and look out to the water.

"He would always say, 'Isn't this the most beautiful place on Earth?' Swenson said. "Beaufort was very much a part of him."

Verity and his wife played active roles in Beaufort's community and were responsible for raising money for several organizations, including a Verity scholarship fund through the Technical College of the Lowcountry and an education fund for the Boys and Girls Clubs of the Lowcountry.

"He just loved people," longtime friend Helen Harvey said. "He loved to help people; he did so much for so many people through his connections."

St. Helena Island resident and freelance editor Cheryl Lopanik helped Verity organize information for his biography, "59 Years with the Right Woman," a recollection of Verity's life with a focus on his wife, self-published in 2003.

"He was devastated in losing her, but he wanted to put this book together because he knew it would have made her happy," Lopanik said. "He had wonderful stories and memories that were very exact . . . He had a very good perspective on his life."

Verity was born Jan. 26, 1917, in Middletown, Ohio, a son of Elizabeth O'Brien and Calvin William Verity Sr.

He was a graduate of the Phillips Exeter Academy and Yale University.

Verity was a member of the boards of directors of Mead Corp., Chase Manhattan Bank, Eli Lilly, Taft Broadcasting, the First National Bank in Middletown and The Chairman of the Ford's Theatre in Washington, DC.

Survivors include a daughter, Peggy "Happy" Verity Power of Edwards, Colo.; two sons, Jonathan George Verity and William Wymond Verity of Beaufort; two sisters, Betsy Verity Blakey of Columbus, Ohio, and Jean Verity Woodhull of Dayton, Ohio; seven grandchildren; and four great-grandchildren.

Services will be at 11 a.m. Saturday at The First Presbyterian Church, Beaufort. The family will receive friends after services at 120 Spanish Point Drive, Beaufort.

Burial will be at the Woodside Cemetery in Middletown.

Memorials may be made to the Bill and Peggy Verity Career Education Fund for the Boys and Girls Clubs of the Lowcountry, 17B Marshellen Drive, Beaufort, SC 29902.

IN MEMORY OF OFFICER DWAYNE FREETO

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BURGESS. Madam Speaker, I rise today to share the collective grief of the people of North Texas in the death of Fort Worth Officer Dwayne Freeto, who died in a car crash while stopping to assist a young woman with a flat tire.

The young woman, Adriana Delgadillo, refers to Officer Dwayne Freeto as "a guardian angel." As a dedicated servant of the community as well as a loving father and husband, Mr. Freeto was not going to leave Miss Delgadillo until he knew she was safe. His amiable character and devotion to others are few among many qualities that contributed to his heroic nature. The grief from his loss is not only shared by his family and fellow police brethren but also by the greater Tarrant County area.

Mr. Dwayne Freeto was a wonderful father to his two daughters, Jordin and Jenna, and treasured spending time with them. He also loved his wife, Karen Freeto, dearly, and despite the unusual hours he was assigned to patrol, he always ate meals with his wife and daughters before work. Officer Dwayne Freeto's personality and selflessness made him a trusted friend, devoted husband and father, and a grateful son.

As a patrol officer, Mr. Freeto's courage and loyalty brought hope of a safer community—my community. He will be remembered as a husband and father, a hero, and a friend. I extend my deepest sympathies to his family and friends; he was a true gift to this world.

RECOGNIZING CENTENARIAN WINONAH GREENE OF HERNANDO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Winonah Greene of Hernando County, Florida. Winonah has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday.

Born January 13, 1906 in Petersburg, Virginia, Winonah graduated from high school with honors and received a four-year scholarship to college. Her fondest childhood memories are of the times she spent in school and church and her involvement in many community programs and services.

Hired as a schoolteacher, Winonah taught at different schools in Virginia and Pennsylvania for twenty years. She then began working as a government clerk at the Veterans Administration's offices in Pennsylvania, where she worked for another twenty years. An active member of the Alpha Kappa Alpha Sorority for 80 years, she has been a member of the Omega Omega Chapter since 1946, which recently celebrated its 80th year.

During her years as a teacher, Winonah proudly took part in the civil rights movement and attended an event where Dr. Martin Luther King Jr. Was a speaker. She spoke of this personal experience as a part of America's history in her classroom teachings.

Winonah married Ervie Greene in 1942 and was blessed with one daughter. Following her husband's death in 1983, Winonah lived alone in Pennsylvania until she moved to Hernando County in January of 2006 to be closer to her family.

Winonah now spends time with her two grandchildren and three great-grandchildren. She says the advantage of being close to so many businesses and the friendliness of the community is what she likes best about Hernando County. Winonah says the proudest moment in her life was a surprise celebration of her 100th birthday!

Her advice to young people today is, "Work hard, stay in school, select a dream and work towards its success. You can do it if you try!" Madam Speaker, I ask that you join me in honoring Winonah Greene for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

HONORING THE CITY OF AKRON DR. MARTIN LUTHER KING JR. DAY OF SERVICE

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. SUTTON. Madam Speaker, I rise today to honor the City of Akron and the 22nd Annual Martin Luther King Jr. Lecture which will be held at the Akron-Summit County Main Library. The lecture is co-sponsored by the Akron-Summit County Public Library and the Eta Tau Lambda Chapter of Alpha Phi Alpha Inc.

Ozell Sutton will deliver the annual lecture. Civil rights and human rights are Sutton's passions. He served as an escort for the Little Rock Nine when they entered Central High School in Arizona in 1957. He marched with Dr. Martin Luther King Jr. in Washington in 1963 and in Selma, Alabama, in 1965. He was in Memphis when King was killed in 1968. Mr. Sutton has been cited four times by Ebony magazine as one of the "100 Most Influential African-American Leaders."

All Americans know of Dr. Martin Luther King, Jr.'s stature as a national hero and we all look up to Dr. King's ideals of freedom, justice and opportunity. From his celebrated "Letter from Birmingham Jail" to his organization of the Montgomery Bus Boycott, Dr. King demonstrated that eloquent words followed with significant action could affect social change without resorting to violence. His "I Have a Dream" speech movingly spelled out his dream of racial equality and propelled the issue to the forefront of national consciousness.

The City of Akron, which has a very rich history, is the seat of Summit County in the State of Ohio. The city is located between Cleveland to the north and Canton to the south. It was founded in 1825 near the Ohio & Erie Canal and became a manufacturing center owing to its location at a staircase of locks. The locks were needed due to the higher elevation of the area, which gave rise to the name Summit County as well as Akron, which is a rough translation of "summit" into Greek.

The city is home to the University of Akron, the Akron Aeros "AA" affiliate of the Cleveland Indians, and the Firestone Country Club, at which the PGA Tour's Bridgestone Invitational is annually played. Akron is often referred to as "The Rubber City," being the home of both Goodyear and Firestone. The city is also home to the All-American Soap Box Derby which has been held at Akron's Derby Downs race track since 1935.

In closing, I once again pay tribute to the City of Akron and the 22nd Annual Martin Luther King Jr. Lecture.

TRIBUTE TO AMBASSADOR ANDREW YOUNG

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Ambassador Andrew Young, a man who has given his life to the Civil Rights movement and other important social causes. Truly, he is a man who consistently puts the interests of others above himself.

Ambassador Young, who was born in New Orleans, Louisiana in 1932 to a dentist father and schoolteacher mother, grew up in the segregated South. After beginning his college education at Dillard University in New Orleans, he transferred to Howard University in Washington, DC.

In 1951 Ambassador Young graduated from Howard with a degree in pre-medicine. Instead of medical school, however, he heeded a call to the ministry and began his studies in theology at Hartford Seminary in Connecticut.

Graduating in 1955, Ambassador Young became the pastor at several small churches in the South, including one in Thomasville, Ga., in my own district. He also served as pastor at a church in Marion, Alabama. As part of his work there, while encouraging young people to vote, he first came in contact with Dr. Martin Luther King, Jr.

The relationship would last for the rest of Ambassador Young's life, carrying over into civil rights activities all over the South, including the Albany Movement in 1961–62. At that time, the small town of 56,000 people had gained a reputation as not just resistant to social activists, but impenetrable to change. White leadership in the town refused to have conversations with local leaders seeking to implement the decision of Boynton v. Virginia, which mandated the integration of bus and rail terminals.

Albany, as it turned out, was also one of the first places Ambassador Young made a difference. In late 1961, Dr. King, Reverend Ralph Abernathy and some 2,000 other demonstrators had already been jailed for their integration efforts. Nevertheless, Ambassador Young saw fit to go to Albany to help recruit and train people for citizen education workshops, with the aim of keeping the fire burning in Albany. The environment was dangerous, tenuous, and hostile, but Ambassador Young found a way to inspire and contribute.

Forty-five years later, we not only honor him, but also reflect on how the courage exhibited by him then led to the great accomplishments he is known for today: Georgia's first African American Congressman since Reconstruction, U.N. Ambassador, Mayor of Atlanta, among others. Ambassador Young has led a full and meaningful life, exhibiting a sense of public service and commitment to community the whole time.

Today, we thank and honor Ambassador Young for his contributions and the example he set for others.

IN SUPPORT OF MEANINGFUL, AFFORDABLE AND STRAIGHTFORWARD PRESCRIPTION DRUG COVERAGE

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. FATTAH. Madam Speaker, I rise today in support of prescription drug coverage for our nation's seniors. While I believe that the Medicare Modernization Act of 2003 was flawed in many ways, I am glad that we have recognized the need for prescription drug coverage for Medicare recipients. Too many families have been unable to afford life sustaining medications, and it is encouraging that the Congress has seen fit to begin to address this grave problem.

While there have been many legitimate concerns about the implementation of the MMA, I am encouraged that in this Congress, we will have the opportunity to improve on that original legislation. It is extremely important that seniors receive affordable prescription coverage. In addition to problems of affordability, we have heard many seniors report that the enrollment process is needlessly difficult to navigate. Along with the problems negotiating the paperwork, many seniors are faced with penalties for failing to meet specified deadlines. We must work to ensure that this process is as "user friendly" as possible, and that all eligible seniors are receiving the coverage they need.

Madam Speaker, I call for the enrollment process to be streamlined so that it is easier for beneficiaries to enroll without the confusion seniors experienced in 2006. The Bush Administration should do a better job informing seniors in clear terms about which plans are available to which enrollees.

I urge my colleagues to eliminate the current penalty for not signing up for a Part D plan the first time a person is eligible. Due to the confusion during the 2006 sign up process, some seniors were not able to enroll in a Part D plan and now will face this penalty.

Pharmaceutical companies such as GlaxoSmithKline dedicate extensive resources to discovering lifesaving cures for devastating illnesses. I look forward to work with them, patient advocacy organizations, healthcare professionals and my fellow Members of Congress to ensure that every senior has access to the medications they need to stay healthy. It is my hope that my colleagues on both sides of the aisle will work with me to make changes to Part D that improve and strengthen it for our seniors and help forge a prescription drug benefit that is meaningful, affordable and straightforward. The new leadership in Congress cares a great deal about our seniors, and it is time that we fulfill our promise to ensure that Part D serves seniors in the best way possible.

IRAQ ESCALATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mrs. MALONEY of New York. Madam Speaker, President Bush—after using false information to sell a war to the American people and Congress, after invading Iraq without a plan to win the peace, after time and time again maintaining a failed "stay the course" policy—is now trying to sell an escalation of the war in Iraq as "a new way forward." I am not buying it.

As the sister of a Vietnam veteran, I still remember vividly our escalation of that failed war and the thousands of additional lives that it cost. I remember vividly the worry I had for my brother and the feeling that our troops would be better served if they were returned home rather than fighting in another country's civil war. Those are the same feelings I have today about our troops who are serving bravely in today's failed war, the Iraq War.

I have long stated my desire for the President to begin a withdrawal of our troops from Iraq. I am a member of the Out of Iraq Caucus, and I have strongly supported my colleague JOHN MURTHA's plan to redeploy our troops from Iraq. The American people made it crystal clear at the ballot box in November that staying the course in Iraq is not an option. Yet, President Bush has once again turned his back on calls to end the war, he has turned his back on the will of the electorate, and he is going in the opposite direction with a plan for escalation.

I applaud the Democratic leadership in the House and Senate and its plan for a phased redeployment of American troops beginning in months and for more intense diplomatic outreach. This plan is more sensible and would prove ultimately more successful that digging ourselves deeper in the quicksand that Iraq has become.

Furthermore, I will support any proposal that comes before Congress that would block funding for the implementation of escalation. I will support the effort by Senator KENNEDY and my colleague ED MARKEY to require the authorization of Congress before the President escalates this war.

As the daughter of a soldier and the sister of a soldier, I will always support our troops. It has become clear to just about everyone but the President that the best way now to support the troops is not to send more into the Iraqi Civil War—the best way to support them is to bring them home.

A TRIBUTE TO THE BROOKLYN ALUMNAE CHAPTER OF DELTA SIGMA THETA SORORITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. TOWNS. Madam, Speaker, I rise today to pay tribute to the Brooklyn Alumnae Chapter of the Delta Sigma Theta Sorority as they host the New York Metropolitan Area Founders Day Celebration on January 13, 2007. The Brooklyn Alumnae Chapter has been outstanding in its service of the Brooklyn community for over 50 years and I am privileged to have such a dedicated group of individuals in my district.

Delta Sigma Theta Sorority was founded on January 13, 1913 by 22 collegiate women at Howard University. These students wanted to use their collective strength to promote academic excellence and to provide assistance to persons in need. The first public act performed by the Delta Founders was in 1913 at the Women's Suffrage March in Washington DC.

Delta Sigma Theta Sorority, Inc. is a private, non-profit organization whose goal is to provide assistance and support through established programs in local communities throughout the world. A sisterhood of more than 200,000 predominately Black college educated women, the Sorority currently has over 900 chapters located in the United States, England, Japan (Tokyo and Okinawa), Germany, the Virgin Islands, Bermuda, the Bahamas and the Republic of Korea. The major programs of the sorority are based upon the organization's Five Point Thrust of: Economic Development, Educational Development, International Awareness and Involvement, Physical and Mental Health and Political Awareness and Involvement.

The theme of this special event is "Keeping our History: Past, Present and Future." This is particularly appropriate as we celebrate the life and achievements of Rev. Dr. Martin Luther King Jr. this coming week.

Madam Speaker, I would also like to recognize the impressive achievements of Bernadette Walker, President of the Brooklyn Alumnae Chapter as well as the co-chairs of Founders Day, Valerie White and Natalia S. Young, for their commitment to the Brooklyn community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful group of Americans and the great things they stand for.

INTRODUCTION OF THE CURES CAN BE FOUND ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Cures Can Be Found Act. This legislation promotes medical research by providing a tax credit for investments and donations to promote adult and umbilical cord blood stem cell research, and provides a $2,000 tax credit to new parents for the donation of umbilical cord blood that can be used to extract stem cells.

Madam Speaker, stem cell research has the potential to revolutionize medicine. Stem cells could hold the keys to curing many diseases afflicting millions of Americans, such as diabetes and Alzheimer's. Umbilical cord blood stem cells have already been used to treat 67 diseases, including sickle cell disease, leukemia, and osteoporosis. Umbilical cord blood stem cells have also proven useful in treating spinal cord injuries and certain neurological disorders. Adult stem cells have shown promise in treating a wide variety of diseases ranging from brain, breast, testicular, and other types of cancers to multiple sclerosis, Parkinson's, heart damage, and rheumatoid arthritis. Just this week, the Washington Post and the Los Angeles Times ran major stories on the progress made in obtaining stem cells from amniotic fluid, which is easily obtainable from a pregnant woman during routine pre-natal tests.

By providing tax incentives for adult and umbilical cord blood stem cell research, the Cures Can Be Found Act will ensure greater resources are devoted to this valuable research. The tax credit for donations of umbilical cord blood will ensure that medical science has a continuous supply of stem cells. Thus, this bill will help scientists discover new cures using stem cells and, hopefully, make routine the use of stem cells to treat formally incurable diseases.

By encouraging private medical research, the Cures Can Be Found Act enhances a tradition of private medical research that is responsible for many medical breakthroughs. For example, Jonas Salk, discoverer of the polio vaccine, did not receive one dollar from the federal government for his efforts. I urge my colleagues to help the American people support the efforts of future Jonas Salks by cosponsoring the Cures Can Be Found Act.

SUPPORT FOR THE SAFE COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. WOLF. Madam Speaker, I am planning to reintroduced legislation in the House of Representatives aimed at addressing the looming financial crisis facing the Nation, the Securing America's Future Economy, SAFE, Commission Act. The bill would establish a national bipartisan commission that will put everything—entitlement spending as well as all other Federal programs and our Nation's tax policies—on the table and require Congress to vote up or down on its recommendations in their entirety, similar to the process set in 1988 to close military bases. Mandating congressional action on the panel's recommendations is what differentiates this commission from previous ones.

Support for the bill is coming from both sides of the aisle. I submit for the record an analysis by the Heritage Foundation and a letter of support from the Concord Coalition.

This legislation will be good for the future of America.

THE HERITAGE FOUNDATION,
Washington, DC, July 14, 2006.

THE WOLF SAFE COMMISSION ACT: A CHANCE TO GET THE BUDGET BACK ON TRACK

(By Stuart Butler)

The recent Mid-Session Review by the Office of Management and Budget underscores the facts that sensible tax reform stimulates the economy and that faster growth swells revenue to the government as a byproduct of new jobs and extra income for Americans. The review also confirms the overall, disturbing long-term budget picture indicated in the Congressional Budget Office's (CBO) long-term forecast. Under current law, both taxes and spending will rise rapidly during future decades towards European levels, with an ever-growing government taking a larger and larger proportion of the nation's income and threatening America's future economic growth. Decisive action is needed.

But faced with this threat, Washington is paralyzed. Rather than seriously tackling the tsunami of entitlement spending that will hit the budget after the baby boomers begin to retire, Congress actually made the situation far worse by enacting the huge Medicare prescription drug benefit. And while the Bush tax reforms have significantly helped in the short term, even if made permanent they would shave only about one percentage point from the future growth in taxes. Absent any additional reforms, the CBO forecasts that, with the Bush tax cuts extended, federal taxes will top 20 percent of GDP by about 2025 and approach 23 percent of GDP by 2045. The historical average, and today's level, is just over 18 percent of GDP

With Congress polarized and paralyzed, some Members of Congress, along with President Bush, are exploring the idea of a bipartisan commission as a way to break away from the path of rapidly rising spending and taxes. President Bush pressed for an entitlements commission in his State of the Union address. Senator Judd Gregg (R–NH) has sponsored legislation (S. 3521) that includes a commission to review the long-term solvency of Social Security and Medicare. Meanwhile, Representative Frank Wolf (R–VA) has crafted a commission bill ("The SAFE Commission Act," H.R. 5552) specifically intended to win bipartisan support for bold action to secure the country's fiscal and economic future. Senator George Voinovich (R–OH) has introduced that bill in the Senate (S. 3491).

Commissions can help break a political logjam. They can also become vehicles for action that achieves a short-term political fix and yet does little in the long term or even makes things worse. So the political dynamics and mandate of a commission are critical. Fortunately, the Wolf commission bill recognizes these facts of political life and offers real hope for sensible action. A reason for this is that in its instructions to the commission, the bill wisely combines reform with fiscal changes in a manner that could achieve a breakthrough.

The core of the fiscal problem is the sharp projected rise in future entitlement spending, especially spending on programs for middle-class retirees. Contrary to many people's perception, taxes are not falling—as noted, taxes are projected to rise steadily to record levels under current law, in real terms and as a percentage of GDP. Still, in today's political deadlock many lawmakers maintain that tax revenue must be part of the equation if they are to have the political "cover" to accept curbs on popular entitlements.

But for good reasons, conservatives strongly resist the idea of raising taxes. For one thing, taxes are not the problem—spending is. Moreover, raising tax rates or instituting new taxes would threaten economic growth, compounding the economic harm associated with government spending. Further, raising taxes likely would reduce the pressure on Congress to curb spending or, worse still, encourage lawmakers to increase their spending promises.

The Wolf bill seeks a solution to this political equation. It creates a bipartisan commission intended to address the unsustainable imbalance between federal commitments and revenues while increasing national savings and making the budget process give greater emphasis to long-term fiscal issues. While the commission could consider a range of approaches, the bill places emphasis on two: reforms that would limit the growth of entitlements while strengthening the safety net and tax reforms that would make the tax system more economically efficient and improve economic growth. The commission would hold public hearings around the country to discuss the long-term fiscal problem, and its recommendations would receive fast-track consideration by Congress.

By combining a slowdown in entitlement spending with reforms to strengthen assistance to the needy, a commission proposal could win support of liberals and others who worry that surging middle-class retiree spending in the future will crowd out safety net spending. And by placing an emphasis on pro-growth tax reform, a commission proposal could also lead to some additional revenues not by raising taxes but thanks instead to faster economic growth—just as the Bush tax reforms produced the recent sharp increase in federal revenues. Combining these features in a commission proposal could lead to a package that conservatives, liberals, and moderates all believe would advance their agendas—a necessary result for an economically sound agreement to succeed in a polarized Congress.

Some might argue that appointing a commission to address the long-term fiscal situation is an abrogation of responsibility by Congress. In an obvious sense, it is. But the Wolf bill also shows that lawmakers recognize that America's budgeting system is broken and in the current environment cannot lead to a responsible long-term federal budget. Representative Wolf's commission proposal seeks to alter those destructive dynamics in order to secure a sound economy for future generations.

THE CONCORDE COALITION,
Arlington, VA, June 28, 2006.

Hon. FRANK WOLF,
House of Representatives,
Washington, DC.

DEAR MR. WOLF: On behalf of The Concord Coalition, I am writing to express our deep appreciation for your leadership in sponsoring the Securing America's Future Economy, SAFE, Act, which would establish a bipartisan commission to recommend legislation addressing our Nation's unsustainable long-term fiscal outlook.

We strongly agree with you that the need for serious action is not just an economic imperative but a moral one as well. We also share your view that partisan divisions in Washington have become so wide that a commission may now be the only way forward on this issue. By establishing a fiscal policy commission with a broad mandate, meaningful public engagement, and the ability to consider all policy options, your legislation represents a very constructive step toward bringing about consensus solutions.

The demographic and fiscal challenges facing the budget in the years ahead are well known. Analysts of diverse ideological perspectives and nonpartisan officials at the Congressional Budget Office (CBO) and the Government Accountability Office (GAO) have all warned that current fiscal policy is unsustainable over the long-term.

What is needed now is a clear commitment to address these issues in a straightforward, generationally equitable and bipartisan manner. Achieving consensus around the hard choices that must eventually be made will require open minds and bipartisan cooperation. Your legislation would establish a process to do just that.

Recently, The Concord Coalition organized a forum with experts from across the political spectrum to discuss the possibility of establishing a bipartisan commission to deal with our longterm fiscal outlook. Three conclusions from the forum stand out:

The commission must have meaningful participation and input from a broad range of views. Bipartisan support is essential to enacting and maintaining policies that will put the budget on a fiscally sustainable course.

The commission should have a broad mandate with no limitations on what policy options the commission can consider or preconditions on what must be included—or not included—in a proposal. Everything must be on the table, including revenues as well as entitlements and other spending.

The commission should engage the public in a dialogue about the long-term fiscal challenges and the tradeoffs that will be necessary to bring about a more secure and sustainable economic future.

The Concord Coalition commends your proposal because it recognizes each of these conclusions. The SAFE Act would establish a bipartisan commission of experts and legislators appointed by the President and Congressional leaders of both parties. The Commission would be directed to hold hearings across the country and incorporate the input from the public in its report. This is a very welcome provision. The public should be treated as if it were, in effect, a member of the commission. Doing so will enhance the commission's credibility and help build acceptance for its recommendations. Our experience hosting meetings around the nation on this issue has demonstrated that when the American people are armed with the facts and given the opportunity for honest dialogue, they are willing to set priorities and make the hard choices that often are not made in Washington.

Most importantly, the Commission would be allowed to consider all policy options to address the imbalance between long-term spending commitments and projected revenues, including reforms of entitlement programs and tax laws. In our view, this is an essential prerequisite for attracting well-respected individuals to serve on the commission and for finding solutions that are both substantive and politically viable.

We particularly commend you for your willingness to consider constructive suggestions for changes to achieve broader bipartisan support and increase the prospect that the commission will produce a balanced proposal that can be enacted into law. In that regard, we would suggest a few changes that we believe would strengthen the bill and help ensure the commission receives the bipartisan support essential to its success.

We believe the commission would have greater credibility if the appointees were more evenly divided between parties, potentially with some commission members appointed jointly or as a result of bipartisan consultation. Further, we would suggest that the commission have bipartisan co-chairs. We would also encourage you to consider a more expansive legislative process, which would allow for greater debate of policy tradeoffs by allowing the consideration of budget neutral amendments. Those who oppose the priorities and tradeoffs recommended by the commission should be challenged to say what they would do instead and given the opportunity to put forward alternative policies to address the problem.

A commission isn't a silver bullet that will solve our fiscal problems by itself. It will still take action by Members of Congress and the administration to adopt the tough choices. But a commission with credibility and bipartisan support could provide the leadership necessary to ensure that these issues receive the attention and serious consideration they deserve.

You deserve great credit for your willingness to undertake the difficult but absolutely essential task of focusing attention on the tough choices our nation faces. The Concord Coalition stands ready to assist in any way that we can.

Sincerely,

ROBERT L. BIXBY,
Executive Director.

DEFEATING THE TERRORISTS ABROAD—NOT AT HOME

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. WILSON of South Carolina. Madam Speaker, yesterday afternoon as I was reading *The Examiner*, a Washington daily, I came across an editorial that summed up my view of our current conflict in Iraq and the overall global war on terrorism. I applaud *The Examiner's* editorial staff for declaring what is largely an unpopular view among the mainstream media.

The editorial follows.

[Jan. 11, 2007]

DO WE DEFEAT THE TERRORISTS IN IRAQ NOW OR FIGHT THEM HERE TOMORROW?

WASHINGTON.—President Bush could not have been more frank or honest with the American people than he was last night. That said, the central issue remains today what it has been since the first plane crashed into the World Trade Center on Sept. 11, 2001: Are we as a nation willing to do whatever is required to win the war on terrorism?

Iraq is today the central front in that war, and the president is doing all within his power to defeat the terrorists there now so that we don't have to fight them here in the future.

The president believes the war in Iraq can be won by increasing American troop strength for a period as the Iraqis themselves assume greater responsibilities for securing their country and by increasing U.S. economic aid to rebuild infrastructure and provide jobs.

Calling this troop movement a "surge" was unfortunate because it conveyed the idea of something that isn't going to happen—putting more U.S. soldiers on the ground than we have had heretofore. In fact, as The Examiner's Bill Sammon reported yesterday, even with the "surge" announced last night, we will still be a few thousand short of the high water mark of 160,000 U.S. troops a year ago.

More important than the raw numbers is how those troops are deployed.

The president acknowledged last night that mistakes were made in the days leading up to the U.S. action in Iraq and the first phases of building the post-Saddam Hussein Iraq. Working with increased Iraqi military and police forces, our strengthened forces will now be able to rectify the biggest of those mistakes: failing to eradicate the insurgents completely and not disarming private militias like that of Moqtada al-Sadr's Mahdi Army. Special attention is to be devoted to Baghdad and Anbar province, with Iraqi army units in the lead.

There will be more U.S. casualties in coming months. But the only way to affirm the sacrifice of American blood and material resources in Iraq is persevering and winning. Iraq is not Vietnam unless congressional Democrats heed extremists like Sen. Ted Kennedy, D-MA, and withdraw funding for the American war effort in Iraq as they did in 1974, which led directly to the fall of Saigon in 1975.

The killing fields followed throughout Southeast Asia as the victors took revenge upon those who looked to America for protection and freedom. The killing fields will come again if America fails now because Iraq will dissolve into chaos and then a jihadist totalitarianism.

Many Rubicons are being crossed on Iraq. There will be no crossing back if we heed the ignoble call to retreat.

IN MEMORY OF DARRENT WILLIAMS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BURGESS. Madam Speaker, I rise today to remember Darrent Williams, the Denver Bronco professional football player from Fort Worth, Texas, who passed away at 24 years of age on January 1, 2007.

Darrent Williams will forever be remembered as a talented and compassionate young man who not only loved his family and friends but also proved to be dedicated to his teammates and his adopted city of Denver.

Raised as an only child by his mother Rosalind Williams, Darrent grew up in Fort Worth where he attended O.D. Wyatt High School located in my congressional district. Excelling at three different sports, Mr. Williams received scholarship opportunities from multiple universities. Wanting to stay close to his home in north Texas, Mr. Williams decided to play football at Oklahoma State University. While at Oklahoma State, he was one of only four college players since 1996 to record double-figure interceptions while scoring at least five touchdowns. He was also a Jim Thorpe Award semifinalist, and in 2003 tied at 13th in the Nation with six interceptions. Due to his incredible performance at Oklahoma State, in 2005 Mr. Williams became the Denver Broncos' second-round draft pick and would soon be a starter.

Mr. Williams became known as the "Denver Bronco Kid," a nickname that would spread across the Nation as others recognized his energy, enthusiasm, and talent. As a young professional football player, he not only excelled at the game but also brought strength and cooperation to the team. He was a special person with unbelievable character, and he will continue to be admired by many across the country.

Throughout his life, Darrent Williams portrayed qualities that warmed the hearts of those around him. It was these traits that won the hearts of many. I extend my sympathies to his family and friends, and may this young man be an inspiration to us all.

RECOGNIZING CENTENARIAN VERA WENTWORTH OF HERNANDO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Vera Wentworth of Hernando County, FL. Vera has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday. Born December 19, 1906 in Hartland, ME, Vera received her degree in the 1920s from a college in Farmington, ME. One of the early teachers who worked in a one-room schoolhouse, Vera kept a pot-belly stove filled with wood to keep the children warm. As a testament to the hardiness of Maine residents, Vera taught at different schools throughout Maine for 49 years. Her fondest childhood memory was the day her father bought her a new car while she was in college.

Married to Neal Felker in the early 1920s, Vera was blessed with three children, two boys and one girl. While her husband sadly passed away in the late 1940s, Vera remarried Harold Wentworth in 1954. She also raised Harold's 2-year old son, and she now has a combination of seven grandchildren and seven great-grandchildren.

Vera gets the most pleasure these days from being with her family. Although she lived alone surviving cold winters in Maine till she was 97 years old, she moved to Hernando County in 2002 to be closer to her daughter and her son-in-law. Vera's daughter says the proudest moments in her mother's life was the ability to teach for 49 years, and that she would have taught longer if they didn't require her to retire.

Vera's advice to young people today is, "go to church, respect your parents and get an education." Madam Speaker, I ask that you join me in honoring Vera Wentworth for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

HONORING THE CITY OF BARBERTON DR. MARTIN LUTHER KING, JR. DAY OF SERVICE

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. SUTTON. Madam Speaker, I rise today to pay tribute to the Barberton Dr. Martin Luther King, Jr. Day of Service. The City of Barberton located in beautiful Summit County, Ohio has played host to this meaningful event. Dr. King's ideals of freedom, justice and opportunity need to be celebrated now more than ever.

Barberton originally started out as a collective of small farms owned by various individuals. In January of 1890, the Barberton Land Development Company purchased 600 acres of land that would eventually become Barberton. Over the next 2 years, William A. Johnson plotted and surveyed the land leaving an indelible mark on the city. In this short time, the population of Barberton grew at such leaps and bounds that a reporter from the Beacon Journal remarked that the city had grown by "magic." This moniker stuck and to this day, the city is nicknamed "Magic City." The population boom of Barberton exemplifies Dr. King's dream of opportunity.

All Americans know of Dr. Martin Luther King, Jr.'s stature as a national hero. From his celebrated "Letter from Birmingham Jail" to his organization of the Montgomery Bus Boycott, Dr. King demonstrated that eloquent words followed with significant action could affect social change without resorting to violence. His "I Have a Dream" speech movingly spelled out his dream of racial equality and propelled the issue to the forefront of national consciousness.

In closing, I commend the City of Barberton and all the organizations that have spent countless hours organizing this celebration honoring Dr. King's birthday. Dr. King's dedication to racial, social and economic justice is a model that the world should emulate now more than ever.

CHRISTIANS CONTINUE TO SUFFER IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. TOWNS. Madam Speaker, just before the new Congress convened, many of us celebrated Christmas with families and friends. I hope that every one of my colleagues, old and new, had a very happy Christmas and holiday season. But Christmas is another anniversary also for the Christians of India. Since Christmas 1998, 8 years now, India has been focusing its persecution in large measure on Christians.

In September, the convent and school of Loreto were violently attacked by the violent Hindu organization the Bharatiya Janata Yuva, a youth arm of the BJP, which is the political arm of the RSS, a Fascist organization that published a book on how to get minorities, including Christians, falsely implicated in criminal cases. A BJP spokesman demanded a high-level inquiry into the school, according to the Tribune newspaper of Chandigarh, saying it engaged in "irrational behavior." As I noted at the time of the attack, apparently, being a Catholic is irrational behavior and "unscientific activity" in the world of Hindu militants.

Over 300,000 Christians in Nagaland have been murdered in India. Nuns have been raped, priests have been murdered, Christian schools and prayer halls have been attacked. Laws have been passed requiring the permission of the Hindu regime before one may be baptized. Christians have faced jail time, as well as threats and physical violence, just for sharing their faith.

Missionary Graham Staines was sleeping in his jeep with his two young sons when they were surrounded by a mob chanting "Victory to Hannuman," a Hindu god. The mob then burned Staines and his sons to death. Missionary Joseph Cooper of Pennsylvania was beaten so severely that he had to spend a week in an Indian hospital. Then the Indian government threw him out of the country. Police gunfire broke up a Christian religious festival on the theme "Jesus is the answer." Is this the secularism that India is so proud of?

It would be bad enough if Christians were the only ones suffering. But they are not. Sikhs, Muslims, Dalits, and others have also felt the lash of Indian repression. The time has come for freedom in the subcontinent. The time has come for the persecution to end.

Madam Speaker, there is a way to help bring freedom and secularism to the people of south Asia. We should end all U.S. aid and trade with India until everyone within its jurisdiction enjoys full human rights there. And now that we have a new Congress, we should go on record in support of freedom everywhere in South Asia. There is no better time than now. If we can help to stop the persecution we have a duty to do so.

I would like to place an article from the website of the Bible League into the RECORD at this time, Madame Speaker. It has further details about the persecution of Christians.

"HE HEARD OUR FEARS AND PRAYERS"

Nearly two years after the establishment of anti-conversion laws, Indian Christians are celebrating the effects of their repeal. Only time will tell the long-term blessings of this legal change, but several resulting miracles have already taken place. In the first month alone, a group of 50 Indian church planters reports having baptized over 1,200 new Christians!

Christians throughout India were stunned when the pro-Hindu government was overturned in the Spring 2004 national election, and several state governments annulled local anti-conversion laws.

Said one local Bible League-trained Christian, "I praise God for enabling us to spread the Gospel in our country. He heard our fears and prayers regarding the election. God gave us an extra bonus when He made our state government remove the anti-conversion law which was in force until now. Hallelujah!"

UNDETERRED BY FEAR

Indian Christians have faced many hardships in sharing the Gospel. Bible League-trained Christians in India report that they or fellow believers have faced threats, physical attacks, and jail time for sharing their faith.

Baptisms, in particular, became a significant challenge for local churches. Under the anti-conversion laws, anyone who chose to become baptized was legally obligated to seek permission from the government, as well as provide them with the name of the person performing the baptism. Fearing repercussions, many new Christians did not make this outward profession of faith until after the laws were repealed.

Still, thousands of Indians were undeterred in their faith. A local Bible League-trained Christian, while under the anti-conversion law, wrote, "We continue to encourage Christians through the Word of God. We remind them of the promises (Matthew 28:20) and the testimonies of the great martyrs. We are encouraged to fulfill the Great Commission of Christ, regardless of what happens to us. We are prepared for imprisonment, punishment, and even death for the sake of Christ."

RELYING ON GOD'S FAITHFULNESS

Continue to pray for the Church in India. The repeal of state anti-conversion laws has been a tremendous miracle—but challenges still remain. One state continues to uphold anti-conversion laws, and persecution persists throughout the country.

Yet God has been faithful to His children in India, and they are recognizing Him as their Savior by the thousands. Praise God for increasing opportunities to share His Word with the lost.

THE GREAT COMMISSION—MATTHEW 28:19–20

19 Therefore go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, 20 and teaching them to obey everything I have commanded you. And surely I am with you always, to the very end of the age.

HONORING SERGEANT MAJOR WAYNE R. BELL FOR HIS 30 YEARS OF SERVICE TO OUR NATION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. ISSA. Madam Speaker, Sergeant Major Bell was born in Washington, DC, on 17 January 1957. He enlisted in the Marine Corps on 28 February 1977 in Boston, MA. Upon completion of recruit training at MCRD Parris Island, SC, he was assigned to AA V School at 2nd Assault Amphibian Battalion Camp Lejeune, NC. Upon completion of school he reported to Company D for duty as an AAV crewman.

In February 1978, Sergeant Major Bell was ordered to Company D, 3rd Assault Amphibian Battalion, 1st Marine Brigade, Kaneohe Bay, HI for three years. In November 1978 he was meritoriously promoted to Corporal and deployed with Battalion Landing Team 2/3 on West PAC 79 as a crew chief. In October 1980, he was promoted to Sergeant.

In April 1981, Sergeant Major Bell was transferred to School's Battalion, Assault Amphibian School, Marine Corps Base, Camp Pendleton, CA where he served as a crew chief and classroom Instructor. During this tour of duty he helped implement a new course of instruction for the LVTP7A1 family of vehicles. In March 1984, he was promoted to Staff Sergeant and attended the Staff Noncommissioned Officers Academy in Quantico, VA.

In June 1984, Sergeant Major Bell was transferred to the 3d Marine Division for duty with 1st Track Vehicle Battalion, Okinawa, Japan. He served with both Companies A and B and deployed to Thailand, Korea and the Philippines.

In May 1985, Sergeant Major Bell returned to CONUS and was assigned to the 1st Marine Division, Camp Pendleton, CA, for duty with 3d Assault Amphibian Battalion. He served in a variety of billets from section leader to Company Gunnery Sergeant. Promoted to Gunnery Sergeant in January 1990, he was transferred to Marine Corps Security Forces Battalion, Diego Garcia and assumed the duties as Guard Chief and Training Staff Noncommissioned Officer in Charge. In March 1993, he was assigned to Company A, 3d Assault Amphibian Battalion and deployed with 13th MEU (SOC), Battalion Landing Team 1/9, West PAC 93–94, as the AAV Detachment Platoon Sergeant.

Selected to First Sergeant in April 1994, Sergeant Major Bell's assignments as a First Sergeant included: Company C and H&S Company, 1st Combat Engineer Battalion, 1st Marine Division (April 1994–March 1996); United States Naval Academy Company, Marine Barracks 8th and I, Washington D.C. (April 1996–May 1997) where he was subsequently selected for promotion to Sergeant Major. He was assigned to the Assault Amphibian School Battalion, Marine Corps Base, Camp Pendleton, CA, as the Battalion Sergeant Major from June 1997–March 1999. In April 1999, he was reassigned as the Squadron Sergeant Major for HMM 268, MAG 39, 3d MAW, MCAS Camp Pendleton, CA, where he deployed with the 11th MEU as the Air Combat Element Sergeant Major.

In April 2002 Sergeant Major Bell was reassigned to the 11th Marine Regiment where he deployed to Kuwait and Iraq in support of Operation Iraqi Freedom. In July 2003, he was assigned as the Sergeant Major of 1st Marine Division and deployed to Iraq in support of Operation Iraqi Freedom II from Feb 2004–Mar 2005. He was assigned to his current billet as Marine Corps Installations West Sergeant Major on 24 February 2006.

Sergeant Major Bell's personal decorations include the Legion of Merit, Bronze Star, Purple Heart, Meritorious Service Medal w/2 Gold Stars, Navy and Marine Corps Commendation Medal w/2 Gold Stars, the Navy and Marine Corps Achievement Medal, and the Combat Action Ribbon.

Sergeant Major Bell is married to the former Ms. Crystal Nadine Bynoe of Boston, MA. They have three sons, Sherman (31), Shannon (29), and Wayne Jr. (22), and five grandchildren Temarah (9), Julius (8), Micah (4), Jayden (2), Nia (1).

On behalf of the people of the United States whom Master Sergeant Bell spent a career serving, I thank him for his service and commitment to the defense of our Nation.

TRIBUTE TO DAVID GONZALEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor David Gonzalez on his retirement from the Rural Development Agency of the United States Department of Agriculture (USDA) on January 3rd, 2007.

David Gonzalez began his career with the USDA Rural Development Agency, which was previously known as Farmers Home Administration, on May 26, 1971 as a student trainee in San Diego, Texas. He received a Bachelor of Science in Agriculture from Texas A&M University at Kingsville in 1972 and returned back to work with the Farmers Home Administration in San Benito, Texas, as an assistant county supervisor. Five years later, he was promoted to county supervisor for Willacy County and then transferred to Edinburg in Hidalgo County.

Mr. Gonzalez's commitment to his service with the agency was recognized with his next promotion to assistant district director in Rio Grande City in 1980 and then to area director for the Rio Grande Valley in 1991. He served with distinction and honor for 16 years in the Rio Grande Valley, and helped to provide crucial funding to the communities in the area. Mr. Gonzalez has given back so much to the community in the Rio Grande Valley in his tenure with the Rural Development Agency. After working tirelessly for nearly two decades, he will enjoy his retirement with his wife, Edna, and his five grandchildren, Daniel David, Jorge Alberto, Zenon David, Dayna Dalinda, and Dennis David.

Madam Speaker, I am honored to have had this time to recognize the dedication of David Gonzalez to the Rio Grande Valley community.

THE INTRODUCTION OF THE ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. SAXTON. Madam Speaker, since coming to Congress in 1984, I have consistently supported efforts to protect and conserve many wildlife species. I am an enthusiastic defender of the Endangered Species Act and have voted in favor of the African Elephant Conservation Act of 1988, the Rhinoceros and Tiger Conservation Act of 1994, the Neotropical Migratory Bird Conservation Act of 2000, the Great Ape Conservation Act of 2000 and the Marine Turtle Conservation Act of 2004.

In fact, several of these laws were reauthorized or initially enacted during my 6-year tenure as Chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans. During this period, I conducted numerous oversight hearings on these conservation programs and I became intimately aware of the plight of Asian elephants. Frankly, I was startled to learn that in the early 1990s there were less than 40,000 Asian elephants living throughout the world in the wild. These wild populations were located in 13 south and southeastern Asian countries. In addition, there were only 14 populations of 1,000 or more individual elephants in a contiguous area which greatly reduced the long-term viability of this species.

In response to this international wildlife crisis, I introduced the Asian Elephant Conservation Act of 1997. After hearings, markups and floor debate, I was honored that President Bill Clinton signed this important legislation into law on November 7, 1997. The fundamental goal of Public Law 105–96 was to create the Asian Elephant Conservation Fund.

During the past decade, the Secretary of the Interior has carefully reviewed nearly 300 conservation grant proposals to assist beleaguered Asian elephants. I am pleased to report that 171 grants have been awarded to various governmental and non-governmental entities. These grants have received $7.8 million in Federal funds and in excess of $10 million in private matching money.

The types of approved projects funded include emergency elephant conservation support for those countries adversely affected by the tsunami disaster in Indonesia; erecting fences in Sri Lanka; establishing an elephant conservation working group in Thailand; promoting eco-tourism of elephants; increase the capacity of wildlife rangers in India; assess the habitat needs of elephants in Malaysia and implement a program for monitoring the illegal killing of elephants. Among the recipients of these grants were the Conservation International, Sri Lanka Wildlife Conservation Society, Wildlife Conservation Society, Wild Fund for Nature and Wildlife Trust of India.

Madam Speaker, these conservation funds have had a profound impact on protecting these irreplaceable species and in the long run I am convinced they will help to ensure that they will not disappear in the future. By allowing a small amount of Federal funds, our Government has been able to finance worthwhile projects to stop the extinction of Asian elephants.

The legislation I am proposing today, the Asian Elephant Conservation Reauthorization Act, will extend this vital law at existing authorization levels until September 30, 2012. This will allow the Secretary of the Interior to approve additional meritious projects in the future.

Ten years ago, during the initial hearing on my bill, H.R. 1787, a representative of the U.S. Fish and Wildlife Service testified that: "the Asian Elephant Conservation Act would . . . send a strong message to the world that the people of the United States care deeply about Asian elephants and that the U.S. Government is committed to helping preserve this keystone species."

There is no question that we need to reauthorize this important law and I urge my colleagues to work with me to make this a reality. As President Theodore Roosevelt once noted, "the nation behaves well if it treats its natural resources as assets which it must turn over to the next generation, increased and not impaired in value." The road to extinction is a one-way street and we must work to ensure that the Asian elephant does not make that journey.

HONORING ARMY PFC EMILY S. PETTIGREW

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor the service and commitment of Emily S. Pettigrew, an honorable soldier who has shown dedication and professionalism in her efforts to free and secure Iraq.

Army PFC Emily S. Pettigrew has been awarded the Army Commendation Medal for her continuing support of Operation Iraqi Freedom. This Medal of Honor is awarded to those in the Army who have distinguished themselves through exemplary service and meritorious achievement. Important objectives of the mission include, but are not limited to, peacekeeping, security, support, force protection and acquiescence throughout the strenuous transition process of the Iraqi Government.

Emily Pettigrew is the daughter of Richard and Dottie Pettigrew, residents of Country Hill, Keller, Texas, in the heart of my congressional district. As a soldier in Iraq, Army PFC Emily S. Pettigrew serves as a member of the Fires Brigade, 4th Infantry Division stationed at Camp Liberty. While in Iraq, the 4th Infantry Division from Fort Hood advances operating bases and performs duties at numerous camps. Combat missions assigned to the Fires Brigade have been completed successfully on account of the soldiers' devotion, altruism, and commitment to our country.

It is with great honor that I stand here today to recognize Army PFC Emily S. Pettigrew as a truly generous and outstanding individual, not only in the eyes of her family and friends in Keller, Texas, but also in the heart of this nation. I am proud to represent her and her family.

RECOGNIZING CENTENARIAN JOSEPH MENNELLA OF HERNANDO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Joseph Mennella of Hernando County, Florida. Joseph has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate his 100th birthday.

Born September 2, 1906 in the "Little Italy" section of New York City, New York, Joseph lived and worked there for many years before moving to Florida in 1991. Joseph has fond memories of attending school as a child, although he readily admits that not everyone else agrees with him on that issue.

When he was young, Joseph was very ill and taken to the hospital. While recuperating, he was cared for by an Italian immigrant nurse named Mother Cabrini. Mother Cabrini later was canonized as the well-known St. Cabrini of today. In 1918, Joseph and his mother came down with the Spanish influenza, which killed 53 million people throughout the world, including approximately five thousand in New York. Joseph gives credit for his long life to those tough experiences as a child growing up in New York City.

Completing his formal education at the sixth grade level, Joseph went to work as a plaster contractor, and eventually opened a wheels and rims business that he ran for more than fifty years. Given his background, Joseph's advice to young people is to, "get an education." Following his marriage to Josephine in 1929, the happy couple was blessed with two healthy sons and two grandchildren.

In 1991, at the age of eighty-five, Joseph moved to Hernando County and built his own home that he still lives in today. He says he loves Hernando County because of the warm weather and sunshine. His goal now is to live to be 110, and says that "if he doesn't make it, then sue me."

Asked about the proudest moment in his life, Joseph recounts that reaching 100 years old and having the St. Petersburg Times do a front-page story on him was his best experience. Joseph enjoys reading the newspaper, and says that he would not change a thing if he had the chance to do his life over.

Madam Speaker, I ask that you join me in honoring Joseph Mennella for reaching his 100th birthday. I hope we all have the good fortune to live as long as him.

IN MEMORY OF REV. DR. MARTIN LUTHER KING, JR.

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. MEEK of Florida. Madam Speaker, Dr. King brought the civil rights movement to every living room in this country. He marched for freedom in the face of unspeakable racial prejudice, yet preached a message of non-violence, civility and tolerance. It took Dr. King's forceful movement and powerful words to bring about real and lasting change to this country.

This will be the first Martin Luther King, Jr. Day since the passing of Dr. King's wife, Mrs. Coretta Scott King, a legendary civil rights advocate who's memory we honored at a community wide march last year in Miami. During a time of national grief and unrest following Dr. King's assassination, she became a symbol of her husband's struggle for peace and unity. On this day, we also honor this wonderful matriarchal figure, a role model who helped lead the struggle for equality.

Minority communities face obstacles every day—poverty, unemployment, lack of healthcare, and access to housing. It is a tragic waste that 1 in 5 children live in poverty, including more than one-third of African American children.

Dr. King paved the way for so many people, including me, to assume roles of influence in this country. And for all this work, he created a more just society and made this country an even better place to live. On this day, let us work even harder toward fulfilling Dr. King's legacy of public service.

IN RECOGNITION OF DOLORES "DEE" BENSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the life and accomplishments of Dee Benson, whose fierce dedication to family, friends, faith and community serves as a model for all who have been blessed by her presence.

Born in Altoona, Pennsylvania to Edward and Maggie Heintel, Dee demonstrated her strength and determination from an early age. When she was only a year old, Dee wandered on to a scorching floor grate that severely burned her feet; pneumonia set in during her bed rest. With the support of friends, family and many faiths, Dee recovered and went about dedicating her life to the forces that helped her preserve it.

In 1945, fate introduced Dee to Private Bud Benson, and a year and a half courtship culminated in their 1947 marriage. Dee and Bud moved to Cleveland, Ohio to put down roots and start a family, giving birth to Robert, Patrick, Jacqueline, Mary, Elizabeth, Denise and Christine. Dee never wavered from her family, in fact she redoubled her efforts in the most trying times. During Bud's battle with health problems, she never left his side; when her granddaughter needed open-heart surgery, Dee kept vigil by her side.

Dee's generosity of spirit extended to her friends and the larger community as well. Dee has never passed up an opportunity to help a friend or even a complete stranger. All the while, Dee has sustained herself with the abiding commitment to faith that delivered her from her early challenges. When her sons served in Vietnam, prayer supported her; when she herself battled health problems later in life, faith carried her through. She even helped found Saint Anthony of Padua Parish.

Moreover, Dee has committed herself to civic engagement and community empowerment, embodying the ethic that "all politics is local." Dee has served as precinct committeewoman and has held numerous leadership positions in Democratic institutions throughout Northeast Ohio.

Madam Speaker and colleagues, please join me in honoring Dee Benson, whose generosity, kindness and vitality have and will continue to inspire all who cross paths with her.

HONORING THE LIFE OF TROOPER CALVIN W. JENKS

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, earlier this week Tennessee lost one of its bright, honorable young men in a senseless tragedy. I rise today to honor the name and spirit of Tennessee Highway Patrol Trooper Calvin W. Jenks. Mr. Jenks of Culleoka, Tennessee was taken from his family, friends, and the countless Tennesseans he swore to protect during a traffic stop in West Tennessee. I don't want to dwell on the tragic event; instead I want to honor the life of a man who loved serving the public.

Trooper Jenks, a native of Lansing, Michigan, moved to the Culleoka Community in Maury County, south of Nashville, in 1989. A 2000 graduate of Culleoka High School, he excelled in baseball as a four year starter for the Culleoka Warriors baseball team.

A member of the Tennessee Highway Patrol for two years, his duties began in the 7th District of the Tennessee Highway Patrol, headquartered in Lawrenceburg. In July 2006 he transferred to the 4th District in Memphis.

Many friends and family members say Jenks, a newlywed, was a man of values and with the skills to guide him through the ranks of the Tennessee Highway Patrol. As a testament to this young man's character over 1,110 people attended his funeral service.

Through this senseless tragedy, I hope the people of Tennessee will reflect on how much we actually owe the law enforcement officers who risk everything for the sake of protecting us. I will continue praying for their safety and that of their loved ones.

At this difficult time I doubt many words will comfort his wife, mother, father, brothers, sister and extended family during this time of profound loss. They should know that the State of Tennessee is deeply saddened by their loss and will forever appreciate Trooper Jenks's service. As Horatio said in Shakespeare's Hamlet, "Now cracks a noble heart. Good night, sweet prince and flights of angels sing thee to thy rest."

CELEBRATING THE LIFE OF MIRIAM AYLLON

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. HONDA. Madam Speaker, today I rise, along with Congresswoman ZOE LOFGREN, to honor the life and contributions of Mrs. Miriam Ayllon, who recently passed away. Miriam is survived by her son, Huascar Castro, and her loving husband, Marvin Castro. She will be sorely missed by her friends and by the people she helped. Today, I honor her energy, her determination, and her lifelong service to many communities here in the United States and in Bolivia.

Miriam Ayllon was born in La Paz, Bolivia, on June 14, 1959. At the age of 13, she began volunteering at a nursing home across the street from her school reading to elderly patients. Miriam grew up wanting to make a difference in the lives of the poor and the underserved.

Miriam moved to the United States in 1977 to live with relatives. She attended both Foothill and De Anza Colleges in California. Later, she moved to Houston, where she studied economics at the University of Houston. Soon after graduation, she moved to New York where she met her husband, Marvin Castro. In New York, she helped start an English as a Second Language school.

In 1988, Ms. Ayllon and her husband relocated to San Jose, California, where they later had their son, Huascar. In San Jose, she joined the Mexican American Community Service Agency (MACSA), where she helped senior citizens find affordable housing and worked to build a youth center. Later, she worked at the Santa Clara Valley Transportation Authority (SCVTA). At SCVTA, she helped coordinate transportation for the poor, especially those in East San Jose. She also managed to earn a Masters of Science degree in Transportation Management from San Jose State University.

Ms. Ayllon also served her community through personal volunteerism and community projects. Miriam's community advocacy included empowering others to advocate for themselves. She co-founded the Latina Coalition of Silicon Valley and served on its board, as well as the School Site Council of Noble Elementary School, and the Board of MACSA.

Though the United States was her home, Miriam never forgot her Bolivian roots. In 2001, she founded an orphanage for homeless girls in Cochabamba, Bolivia, called Casa de la Alegria ("House of Joy"). The girls are provided with room, board, health care, clothing, and education until they graduate from high school.

Ms. Ayllon had the vision to address broader issues, yet she remained grounded enough to respond to the needs of those immediately around her. When an SCVTA co-worker's home burned down, Miriam immediately dedicated her time and effort to raising money and collecting necessary supplies for the family that had lost so much.

Miriam always made time for family and friends. Despite her important work in so many different professional and community arenas, her most important role was being a mother to her 15-year-old son. She loved to go dancing with friends and set up family dinners on Sundays.

Miriam was a gentle and loving soul, committed to justice for all. Her involvement in so many projects, which focused on access for the underserved, was a reflection of that commitment. Miriam's compassion was equaled only by her strength. She left a lasting impression on anyone she came across and was a strong champion of women's leadership development.

Miriam Ayllon died at the young age of 47 in a tragic accident while vacationing in Bolivia. When she passed away, the San Francisco Bay area lost one of its most dynamic leaders. Miriam was an advocate for women and the underserved from San Jose to South America. She will truly be missed by all those who had the opportunity to benefit from her generous service and those of us who were inspired by her commitment to community.

INTRODUCTION OF THE COLLEGE STUDENT RELIEF ACT OF 2007

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. GEORGE MILLER of California. Madam Speaker, I rise to introduce the College Student Relief Act of 2007, a bill that will deliver much needed relief for students and families.

The College Student Relief Act of 2007 cuts interest rates in half phased in over 5 years starting July 1, 2007.

This proposal will provide debt relief for over five million students and families by cutting interest rates in half for undergraduate borrowers of subsidized loans.

In keeping with our promise to be fiscally responsible, this bill provides offsets in full compliance with our newly passed PAYGO rules.

Madam speaker, as you know college affordability is one of the most important issues facing students and families. With the significant increases in tuition over the last five years our nation's students and families will finally get some much needed help with their student loans.

Millions of college students and parents of college students are struggling to come up with the financial resources to pay for college.

And many would-be students—as many as 200,000 per year—are choosing to delay or forgo attending college altogether because they can't afford it.

This debt problem affects all of us. Public service professions like teaching are suffering, because graduates cannot manage their college debt on public service salaries. Nearly a quarter of recent college graduates have too much debt to manage on a starting teacher's salary.

This poses a serious threat not just to students and families, but to our Nation's economy and to the future of our workforce.

Today, we are finally taking our Nation's students and families in a New Direction by making college affordability a top priority.

Once fully phased in, these cuts will save the typical borrower with $13,800 in needbased federal loan debt roughly $4,400 over the life of their loan.

In my home State of California, this bill will save the typical borrower $4,830 over the life of their loan.

This will be an important first step towards making college more affordable and accessible for millions of low-income and middle class students.

As Chairman of the Education and Labor Committee, one of our top priorities will be to continue to lower college costs for all qualified students.

I look forward to seeing this bill pass through the House with overwhelming support and bringing help to our students and families.

WISE WORDS ON THE ECONOMY FROM THE PRESIDENT OF THE NEW YORK FED

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. FRANK of Massachusetts. Madam Speaker, Tim Geithner, President of the Federal Reserve Bank of New York, combined economic and political wisdom in a recent speech to the Council on Foreign Relations in which, according to the report of the speech in the Financial Times, he told that influential audience "that the 'political challenge' of sustaining support for integrating global economic integration 'may be the most important economic challenge of our time.'"

Mr. Geithner came to his current position with significant experience in the Treasury Department during the Clinton Administration, which makes him very well-positioned to understand how economic and political forces interact, and even more important, how they should interact if we are to achieve what is our national goal economically—significant growth that is widely shared.

I very much appreciate Mr. Geithner's thoughtful words, and I hope that people concerned about economic growth will accept the validity of his point so that we can all act together accordingly.

[From the Financial Times]

WAGES GAP 'UNDERMINES SUPPORT FOR FREE TRADE'

(By Krishna Guha in Washington)

The widening gap between the rich and middle-class Americans is undermining political support for free trade in the US, the president of the Federal Reserve Bank of New York, warned yesterday.

Tim Geithner told the Council on Foreign Relations that the "political challenge" of sustaining support for further global economic integration "may be the most important economic challenge of our time."

The New York Fed chief also warned that the inflow of surplus savings from abroad could be distorting US asset prices and keeping risk premiums artificially low across financial markets.

His comments were made amid growing concern in US political and business circles over the risk of a populist backlash against free trade caused by rising inequality and a protracted period of stagnation in median wages—the wages earned by the average US worker.

While recent data show real wage growth has at last picked up, many economists fear this could be short-lived.

Mr. Geithner said maintaining support for open markets would be made more difficult "because of what has happened to the distribution of income and economic insecurity".

He cited as big political problems the "long-term increase in income inequality", the "slow pace of growth in real wages for the middle quintiles of the population", increased volatility in income and the greater exposure of families to risks involved in financing retirement and healthcare.

Echoing views expressed by Larry Summers, his former boss as Treasury secretary in the Clinton administration, Mr. Geithner said it was "not enough to explain that globalisation is inevitable" and protectionist policies were self-defeating.

Better education and an improved safety net were a "necessary part of the solution to this challenge". But, he warned, "these reforms will have a long fuse and they may not yield the hoped-for increase in support".

Mr. Geithner cautioned that the low level of risk premiums across asset markets was "unusual" and might not prove lasting.

He said there were many sound reasons why risk premiums might be low, including better monetary policy, strong underlying productivity growth and better risk-sharing across more globally integrated financial markets.

But he warned that the inflow of surplus savings from abroad—including "very substantial official accumulation of dollar reserves" by countries seeking to maintain fixed exchange rates—could be distorting asset prices, sending the wrong signals to savers and investors.

Mr. Geithner said these forces were "surely transitory" but could "mask or dampen the effect on risk premiums in financial markets that we might otherwise expect", given the huge US trade deficit and its long-term fiscal challenges.

IN HONOR OF SCOTT HASKINS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. FARR. Madam Speaker, I rise to commend Scott Haskins on successfully swimming the English Channel. It is considered one of the most challenging swims in the world. This has been accomplished by fewer than 850 swimmers. Scott, a California native, became the first in the Haskins family to swim the English Channel.

Scott Haskins was born on July 3, 1964. His father Sam Haskins, my first cousin, and mother Judy Chapman Haskins live in the San Francisco Bay area. Scott has a sister Eliza and brother John, and is married to wife Elizabeth "Timmie" Friend.

Scott learned to swim at the age of 4 in a swimming pool and began swimming in the ocean at the age of 5. Scott swam butterfly and freestyle events competitively from age 11 to 20. He first began swimming open water events in 1990—mostly one and two mile swims in the San Francisco Bay Area. Scott swam his first long distance open water swim in 1994.

In 1995, Scott achieved the level of All American Long Distance Swimmer with the U.S. Masters Swimming in 1995 and 1996. On August 3, 1996, Scott swam around the island of Manhattan, a distance of 28.5 miles.

In 2006, Scott trained for 6 months at the Dolphin Club in San Francisco, California. His training included daily swimming as well as a 6-hour swim, an 8-hour swim, and a 10-hour swim in preparation to swim the English Channel.

On August 16th, with brother John on board the boat *Galivant*, Scott began to swim across the English Channel toward France. Scott finished with an official time of 10 hours and 25 minutes. Scott's time is in the top 18 percent of the fastest Channel swims.

To celebrate his great accomplishment, Scott with his family at his side, went to a tavern in Dover, England that is frequented by swimmers and a place where many have "signed in" on the walls and ceiling after completing their Channel swims. Scott also "signed in" on the ceiling next to the other Channel swimmers from San Francisco's Dolphin Club.

Madam Speaker, I take this opportunity to congratulate Scott Haskins on successfully swimming the English Channel and to recognize him for this outstanding achievement.

PERSONAL EXPLANATION

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. GILCHREST. Madam Speaker, please let the record show that had I been present for rollcall vote No. 20, I would have voted "aye."

INTRODUCTION OF "SEARCH ACT OF 2007"

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. CUMMINGS. Madam Speaker, I rise today to reintroduce the "Servitude and Emancipation Archival Research Clearing House, SEARCH, Act of 2007," a companion to Senator MARY LANDRIEU's bill of the same name, which would establish a national database of historic records of servitude and emancipation in the United States to assist African Americans in researching their genealogy.

Madam Speaker, for most Americans, researching their genealogical history involves searching through municipal birth, death, and marriage records—most of which have been properly archived as public historical documents. However, African Americans in the United States face a unique challenge when conducting genealogical research.

Due to slavery and discrimination, African Americans were denied many of the benefits of citizenship that produce traceable documentation such as voter registration, property ownership, business ownership, and school attendance. As a result, instead of looking up wills, land deeds, birth and death certificates, and other traditional genealogical research documents, African Americans must often try to identify the names of former slave owners, hoping that the owners kept records of pertinent information, such as births and deaths. Unfortunately, current records of emancipation and slavery are frequently inaccessible, poorly catalogued, and inadequately preserved from decay.

Although some States and localities have undertaken efforts to collect these documents with varying degrees of success, there is no national effort to preserve these important pieces of public and personal history or to make them readily and easily accessible to all Americans. While entities such as Howard University and the Schomburg Center for Research in Black Culture Library have extensive African American archives, the SEARCH Act would create a centralized database of these historic records. This database would be administered by the Archivist of the United States as part of the National Archives.

The SEARCH Act would also authorize $5 million for the National Historical Publications and Records Commission to establish the national database, as well as $5 million in grants for States and academic institutions to preserve local records of servitude and emancipation.

I believe that this legislation will be a vital step in resurrecting the rich history of African Americans and the vital role that they played in building America. This legislation is not only a means by which African Americans can trace their lineage, but also a means by which our Nation can preserve historically comprehensive and accurate information for generations yet unborn.

Author Maya Angelou once said that "No man can know where he is going unless he knows exactly where he has been and exactly how he arrived at his present place." Let there be no mistake, Madam Speaker, the SEARCH Act will provide African Americans an opportunity to forge a crucial nexus between the past and the present. Just as important, it will give our Nation an opportunity to continue to correct the unintended consequences of the past.

This Monday marks the anniversary of the Rev. Dr. Martin Luther King, Jr.'s birthday, and the day that we as a nation celebrate his legacy. In honor of Dr. King and the contributions he has made, and on behalf of the many African Americans throughout the United States, I urge my colleagues to cosponsor the SEARCH Act.

Join me in ending the horrible legacies of slavery and discrimination by giving African Americans a real chance to understand who they are and from whence they came.

IN MEMORY OF JUDGE JOHN HAROLD WHITTINGTON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor Judge John Harold Whittington of Dallas County, who passed away over the holidays in Irving, Texas due to natural causes.

Mr. John Whittington lived a respectable, accomplished life, and continues to be a political inspiration to many Republican officeholders. When he was elected County Judge in November 1975, he was one of the first Republicans elected to countywide office in Dallas County since Reconstruction. As a Judge, Mr. Whittington was not only dedicated to following the law, but also ensured fairness in that each person's position was heard; those who worked for Judge Whittington had the utmost respect for him. He also had a dry sense of humor that seemed to reduce any tension in the courtroom. Mr. John Whittington was an inspiration as well as a political mentor for many young Republican officeholders.

Born in Bloomington, Indiana, Mr. John Whittington moved with his family to Dallas, Texas as a young child. Growing up, he served as an altar boy at Christ the King Catholic Church and was active in sports at North Dallas High School. He received his Bachelor's degree from Southern Methodist University and his law degree from the University of Texas at Austin. He later enlisted in the Navy, where he served as a gunnery officer and was a boxing champion. Mr. Whittington then served in the Navy Reserve, retiring as a captain. After moving back to Dallas, he was continuously active in the community by working for the Veterans Administration's legal department, the City Council, as mayor (pro tem), and for the Dallas County Commissioners Court, after which he served as County Judge. Having a full career, Judge Whittington leaves an exceptional legacy.

John Harold Whittington is survived by his wife, Margaret Whittington, son, Mark Whittington, three daughters, Lynne Whittington, Jeanne Ann Whittington, and Maria Malcolm, and four grandchildren, Stephen Whittington, Patrick Whittington, Liza Jane Malcolm, and Evan Malcolm. In addition to his role as a devoted and respected Judge, he will forever be remembered as a loving husband and father, loyal colleague and friend, and a dignified citizen of this country. I extend my sincerest sympathies to his family and friends. Mr. John Whittington will be deeply missed and his service to our community will always be greatly appreciated.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, January 11, on very urgent business, having joined President Bush in his visit to Ft. Benning, which, as you know is located in my district. Had I been present for the three votes which occurred yesterday afternoon, I would have voted "aye" on H. Res. 15, rollcall vote No. 21; I would have voted "aye" on H.R. 3, rollcall vote No. 20; I would have voted "no" on H.R. 3, rollcall vote No. 19.

IRAQ AND EMBASSY

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today regarding the President's folly in Iraq.

Folly is not the right word. Better words would be disaster, catastrophe, tragedy. The folly is the new embassy the United States is building in Baghdad.

The embassy complex—21 buildings on 104 acres, is the size of Vatican City and will be the largest in the world. It will employ over 5500 people.

Currently, there are 1,000 people who work in the U.S. Embassy in Iraq.

However, only 33 are Arabic speakers and Only six speak the language fluently.

The Iraq Study Group said that "our efforts in Iraq, military and civilian, are handicapped by Americans' lack of knowledge of language and cultural understanding."

"In a conflict that demands effective and efficient communication with Iraqis, we are often at a disadvantage."

The U.S. government should give "the highest possible priority to professional language proficiency and cultural training" for officials headed to Iraq.

Who do we send?

Over twenty thousand new military personnel.

The embassy's 104 acres is six times larger than the United Nations compound in New York and two-thirds the acreage of Washington' s National Mall.

The embassy will cost over 1 billion, One billion, dollars.

It will be self-sufficient, designed to function in the midst of Baghdad power outages, water shortages and continuing turmoil.

It will have its own water wells, electricity plant and wastewater treatment facility, "systems to allow 100 percent independence from city utilities."

It includes two major diplomatic office buildings, homes for the ambassador and his deputy, and six apartment buildings for staff.

The compound will also offer a swimming pool, gym, commissary, food court and American Club, all housed in a recreation building.

Security, overseen by U.S. Marines, will be extraordinary: setbacks and perimeter no-go areas that will be especially deep, structures reinforced to 2.5-times the standard, and five high-security entrances, plus an emergency entrance-exit.

The extraordinary security designed into this embassy shows how insecure our personnel are considered to be by the government.

The President's Iraq policy has made us less safe and must be changed.

Get our troops out now.

HONORING THE MEMORY OF MR. BENJAMIN MORGAN RADCLIFF, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. BONNER. Madam Speaker, Mobile County and, indeed, the entire state of Alabama, recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. Benjamin Morgan Radcliff, Sr. was an outstanding American, a devoted family man, and a dedicated community leader throughout his life.

He was a veteran of the United States Army and spent much of his own life making sure generations to follow would be safe. He represented loyalty and dedication in his everyday life, and I salute him, at this difficult time for his family and friends, for his upstanding morals and his outstanding character.

Mr. Radcliff was a native and lifelong resident of Mobile. He spent his entire life working to make Mobile and south Alabama a better place to live and work.

As founder and chairman of the board of Ben M. Radcliff Contractor Inc., a multi-million dollar company he built from the ground up, Mr. Radcliff literally helped to build Mobile from a small, sleepy southern city to a major port of commerce in the heart of the central Gulf Coast. His outgoing nature coupled with his hard work, strong work ethic, and determination are just some of the reasons why he accomplished so much during his life.

Madam Speaker, I ask my colleagues to join with me in remembering a dedicated community leader and friend to many throughout south Alabama.

"Mr. Ben," as he was affectionately known around town, loved life and lived it to the fullest. It is safe to say that when spring turkey season rolls around this year, there will be a giant void in the piney woods and gently rolling hills of south Alabama. Suffice it to say, his passing marks a tremendous loss for all of us.

"Mr. Ben," will be deeply missed by many but most especially his beloved wife, Jean Faulk Radcliff; his three daughters, Carolyn Akers, Elizabeth Latham, and Julia Menge; his son, Benjamin Morgan Radcliff, Jr.; 12 grandchildren; and the countless friends that he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

TRIBUTE TO SHERIFF CRAIG WEBRE

HON. BOBBY JINDAL

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. JINDAL. Madam Speaker, I am pleased to introduce a resolution honoring and recognizing the achievements of Sheriff Craig Webre of Lafourche Parish, Louisiana.

Elected as Sheriff of Lafourche Parish on July 1, 1992, Sheriff Webre ushered in a new era of accountable, responsible and professional law enforcement in Lafourche Parish. In the past 15 years, Sheriff Webre enhanced first responder morale, equipment, and communication capability, and initiated or improved over 40 public service programs including Crimestoppers, Crisis Management Unit Team, and Police Social Services, a one-of-a-kind comprehensive victim assistance program that serves approximately 1,400 crime victims per year.

Under Sheriff Webre's leadership, the Lafourche Parish Sheriff's Office became the second Sheriff's office in Louisiana history to become nationally accredited, placing the Sheriff's office in the top four percent of all the law enforcement agencies in the United States.

Sheriff Webre played an instrumental role in coordinating distribution of personnel, material and supplies to storm damaged parishes during and after Hurricanes Katrina and Rita, and worked to provide access for outside agencies to come to the aid of neighboring parishes in Louisiana.

Widely respected by his peers, Sheriff Craig Webre was elected as First Vice President of the National Sheriffs Association in 2006, and is in line to become National President in 2007.

I call on my colleagues in the U.S. House of Representatives to join me in honoring and recognizing the achievements made by Craig Webre, who exemplifies the willingness, dedication, and sacrifice to ensure the security and safety of the citizens of Lafourche Parish.

PERSONAL EXPLANATION

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. MARCHANT. Madam Speaker, because of a family medical emergency, I missed 2 recorded votes on January 9. Had I been present, I would have voted in the following manner.

H. Res. 35—"no"; H.R. 1—"no."

HONORING JOHN HINDMAN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay public tribute to John Hindman, a public servant, businessman and citizen from my congressional district. John is retiring this month as vice president of Public Affairs and Communications for UPS Airlines, ending a 32-year career with the company.

A native of Ottumwa, Iowa, John earned his bachelor's degree in education from Iowa State University. John first joined UPS in 1974, advancing through various positions in package operations. Over the next 20 years, he managed the Des Moines facility and spent tenures in the West Region's Marketing, Industrial Engineering, Human Resources, Employee Relations and Public Affairs departments.

Before serving in his current position, John spent six years as Air Group Public Affairs manager, monitoring government activity and promoting legislative objectives in Frankfort and Washington, D.C. Since being named vice president of Public Affairs and Communications, John has demonstrably strengthened the reputation of UPS among the public and employees.

Through his work, John has secured millions of dollars in incentives to support UPS projects and corporate social responsibility. I would especially note his stewardship of Metro College, a program that provides kids an opportunity to go to college while working for UPS.

John has distinguished himself as a community leader, serving on the board of directors for the Kentucky Chamber of Commerce, the Louisville Medical Center Development Corp., and the Boy Scouts of America. He formerly served on boards for the YMCA, Kentucky Forward, Associated Industries of Kentucky and the Louisville Zoo Foundation.

John's vast business knowledge and strong work ethic has earned the attention of several Kentucky Governor's including Governor Ernie Fletcher who appointed John to the Louisville Arena Task Force in 2006 and Governor Paul Patton who appointed him to the Southern Governors Association's Transportation Task Force in 1999. John was awarded the 2006 Governor's Economic Development Leadership Award.

It is my great privilege to recognize John Hindman today before the entire U.S. House of Representatives for his leadership and service. His unique achievements make him an outstanding American worthy of our collective honor and appreciation.

IN RECOGNITION OF RENA BITTER, RECIPIENT OF THE 2006 THOMAS JEFFERSON AWARD

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. SESSIONS. Madam Speaker, it is my pleasure to recognize Rena Bitter, a Dallas native and a Foreign Service officer currently serving as Consular Chief at the U.S. Embassy in Amman, Jordan, for winning the 2006 Thomas Jefferson Award presented by American Citizens Abroad (ACA).

This honor is extended to State Department employees who have displayed exemplary service to the American community overseas. ACA founded this award to commemorate the 250th anniversary of the birth of Thomas Jefferson, America's first Secretary of State and third President. They described Jefferson as "the quintessential Overseas American" who lived outside the new republic for many years while helping to secure its independence and promote its political, economic and national security interests. In a similar manner, Rena serves our country today as Jefferson once served.

Rena entered the Foreign Service in 1994 having previously served in Mexico City, Mexico; Bogota, Colombia; and London, England. After spending a year with the British Foreign Office, Rena served as Chief of the Nonimmigrant Visa Unit at the American Embassy in London. During an assignment in Washington, DC, Rena served as a Special Assistant to former Secretary of State Colin Powell. Rena received additional leadership awards while serving both at the American Embassy in London and the office of the Secretary of State.

Currently in Amman, Rena has a wide range of responsibilities. She not only assists American citizens living and working in Jordan, but supports David Abell (co-winner of this award) and his co-workers at the U.S. Embassy in Iraq. Rena's dedicated efforts provide for the needs of our fellow citizens in very difficult times. As a testimony of her dedication to Americans overseas, one of her supervisors once wrote that "If my grandkids were to find themselves in trouble, I would hope it would be Rena, or someone like her, who would be available" to help them.

I wish Rena Bitter all the best, and I thank her for her dedicated service to the American citizens overseas.

* * *

HONORING ATHALIE RANGE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. ROS-LEHTINEN. Madam Speaker, on Monday, January 15th, Americans in my Congressional district of South Florida and across the nation will gather to celebrate the birth, the life, and most importantly, the dream of civil rights pioneer Dr. Martin Luther King, Jr. While Dr. Kings' dream has yet to be fully realized, he reminds us that "Human progress is neither automatic nor inevitable . . . Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals."

In reflecting upon the words of Martin Luther King Jr., I am reminded of the many members of the South Florida African-American community who led the struggle for equal rights, most notably the late Athalie Range—a civil rights advocate and dedicated civil servant.

As the president of the Liberty City Elementary PTA in 1953, Athalie Range launched an unprecedented fight against the dismal conditions and lack of resources available to students attending local segregated schools. Steadfast in her conviction, Athalie went before the all-white school board, demanded immediate improvements—and got them.

In 1966, Athalie became the first African-American to serve in the Miami Commission, where she fought to improve her community's local infrastructure, reduce crime and poverty, and expand local government services for minorities. In the 1970's Athalie continued to break ethnic barriers when she served as the head of the Florida Department of Community Affairs, and then appointed by President Jimmy Carter to serve on the National Railroad Passenger Corp.

Athalie also guided the careers of many prominent members of the South Florida African-American community including former Congresswoman Carrie Meek, with whom I had the pleasuring of serving with in the House of Representatives.

Athalie's passing this November was a tremendous loss to our community, a community she loved so much.

During her decades-long career, Athalie brought about tremendous and positive change, while opening doors for our community, and leading an example for others throughout the Nation.

As Americans and citizens of humanity, we owe a debt of gratitude for leaders such as Athalie Range and Dr. Martin Luther King Jr. for their invaluable contributions to democracy, equality, and freedom.

* * *

INTRODUCTION OF THE "STUDY OF WAYS TO IMPROVE THE ACCURACY OF THE COLLECTION OF FEDERAL OIL, CONDENSATE, AND NATURAL GAS ROYALTIES ACT OF 2007"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mrs. MALONEY of New York. Madam Speaker, today I am re-introducing the "Study of Ways To Improve the Accuracy of the Collection of Federal Oil, Condensate, and Natural Gas Royalties Act," which was H.R. 6368 in the 109th Congress." I am pleased to be joined by Representatives HINCHEY (D–NY) and GRIJALVA (D–AZ) in introducing this legislation. On May 7, 2006, the Washington Post reported allegations that American taxpayers are being shortchanged by oil and gas companies in the royalties that they are paying to the Federal Government ("Firms Harvesting Energy from Public Lands May Owe U.S."). Jack Grynberg, a plaintiff in a false claims action against seventy-three energy and pipeline companies, was featured in the article. Based on his expertise, the legislation I am introducing asks the National Academy of Engineering to conduct a study regarding improving the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of both onshore and offshore Federal lands and onshore Indian lands.

These valuable resources are owned by the American people, who should be fairly and accurately compensated. I believe that this study would prove invaluable in accomplishing this important goal and will tell us if there is a problem, including the extent of the problem, with the collection of royalties from Federal lands and Indian lands.

* * *

TRIBUTE TO ROBERT WOODY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. SKELTON. Madam Speaker, it has come to my attention that a long and distinguished career has come to an end. Robert Woody retired as Fire Chief of Fort Leonard Wood, Missouri, on January 3, 2007, after 32 years of service.

Robert Woody earned a Bachelor of Science degree in business from Southwest Missouri State University and a Bachelor of Science degree in Fire Science from Drury College. Mr. Woody began his career as a firefighter in 1975 and after 4 years of service was promoted to driver. On February 20, 1983, he was promoted to crew chief where he served as a positive role model to many young firefighters. In 1999, after serving 8 years as assistant fire chief, he was promoted to fire chief where his leadership is to be commended. Under Mr. Woody, the Fort Leonard Wood Fire Department received the "Fire Department of the Year: Northwest Region" .

Mr. Woody was a member of the Missouri Association of Fire Chiefs, Firefighter's Association of Missouri, Professional Fire and Fraud Investigation Association, and the Pulaski County Fire Chief's Association. He was honored with a Superior Performance Award in 1980, a Commander Award for Civilian Service in 1988 and 1999, a Special Act of Service Award in 1991, the Superior Civilian Service Award in 1992, and a Meritorious Civilian Service Award in 1996.

Madam Speaker, Robert Woody is a valuable member of his community and his leadership will be greatly missed. Mr. Woody plans to travel with his companion, continuing farming, teaching Fire Science and Safety with Missouri's Division of Fire Safety, and spending time with his two sons, Andy and Adam. As he begins the next phase of his life, I know the Members of the House will join me in thanking Robert Woody for his service to the Fort Leonard Wood Fire Department and wish him well as he begins his retirement.

HONORING TONY GWYNN'S ELECTION TO BASEBALL HALL OF FAME

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. CARSON. Madam Speaker, I rise today to recognize my good friend Tony Gwynn and congratulate him on his election to the Baseball Hall of Fame. This high honor caps a career of great accomplishment, respect for the game, the fans and his team the San Diego Padres.

Tony is an all around athlete having been drafted by both the Padres and Clippers before focusing on his baseball career. He is a member of the exclusive 3,000 hit club, a five-time gold glove winner at right field and an eight-time National League Batting Champion. These numbers are amazing enough but adding to that the Roberto Clemente award for dedication to community and 15 trips to the All-Star Game at the request of baseball fans worldwide shows the love and respect fans of baseball showed to him as well.

Congratulations on your election today to the Baseball Hall of Fame. I am proud of you Tony, you deserve it and the best of luck in retirement.

TRIBUTE TO ARMY PFC PAUL BALINT, JR.

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of a young hero from my district. On December 15, 2006, Army Private First Class Paul Balint, Jr. (B Company, 1st Battalion, 26th Infantry Regiment, 1st Infantry Division) died in Al Ramadi, Iraq, in support of Operation Iraqi Freedom. Private Balint had served in the Army for over a year and in Iraq for three months, before sustaing fatal injuries during an attack on his battalion.

Balint was known as a loyal friend and soldier. His parents remember him as a compassionate man and a mediator, always thinking about others and wanting to make sure everyone was having a good time. He also had a love for hip-hop music and was going to add music to the home videos he filmed while in Iraq.

His parents had no doubts about what their son wanted to do with his life. He was going to be a soldier. Balint used to recite the "The Soldiers Creed" at the kitchen table while his mother cooked. When his father asked him what he wanted to do, he said he "wanted to be in the infantry." When his father then asked him about the issue of Iraq, Balint responded that he wanted to go "fight that stuff."

Balint enlisted in the armed forces in Willow Park, Texas, with his brother, mother and father at his side.

After completing basic training, Balint had the Soldiers Creed branded into memory, and into his heart.

Madam Speaker, in honor of Private Balint, I would like to read aloud the Soldiers Creed.

THE SOLDIERS CREED

I am an American Soldier.
I am a Warrior and a member of a team.
I serve the people of the United States and live the Army Values.
I will always place the mission first.
I will never accept defeat.
I will never quit.
I will never leave a fallen comrade.
I am disciplined, physically and mentally tough, trained and proficient in my warrior tasks and drills.
I always maintain my arms, my equipment and myself.
I am an expert and I am a professional.
I stand ready to deploy, engage, and destroy the enemies of the United States of America in close combat.
I am a guardian of freedom and the American way of life.
I am an American Soldier.

Private Balint is gone, but he will never be forgotten. God Speed to his family and to the United States of America.

HONORING MRS. AGNES FLAWS HUSAK ON THE CELEBRATION OF HER 100TH BIRTHDAY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor Mrs. Agnes Flaws Husak on her 100th birthday. Mrs. Husak is an outstanding resident of the Third Congressional District of Illinois and has dedicated her life to public service.

Mrs. Husak was born January 12, 1917, on Union Street, in Chicago, IL. There, her family was at the technological forefront of the era—having the first house on the street with electricity, as well as a telephone. Mrs. Husak continued the family's innovative tradition while working for the GSA in 1940, utilizing revolutionary card punching equipment—the predecessor to the modern computer.

At the GSA, Mrs. Husak rose through the ranks and ultimately became head of her department. In retirement, Mrs. Husak has been an active member of the National Active and Retired Federal Employees Association and continues to play an integral role in this organization today.

When asked the secret of living a long life, Mrs. Husak once responded, "Where's your calendar? Show me your calendar." She believes it is important to stay active and certainly does this herself—attending the Good Shepherd Presbyterian Church, tending to her rose bushes, and playing Scrabble with her son. It is my honor to recognize Mrs. Agnes Flaws Husak on the celebration of her 100th birthday, an exceptional lady and an inspiration to all generations.

SPINA BIFIDA CAUCUS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. STUPAK. Madam Speaker, I rise today to recognize January as Birth Defects Prevention and the week of January 8th through January 14th as Folic Acid Awareness Week. As the co-chair of the Congressional Spina Bifida Caucus, I have a long-standing commitment to reducing and preventing suffering from Spina Bifida, the nation's most common, permanently disabling birth defect, and helping to reduce future cases of Spina Bifida through increasing awareness of the need for women of child-bearing age to consume folic acid. More than 70,000 individuals in the United States are affected by Spina Bifida—a serious and life-long condition which occurs when the spinal cord fails to close properly during the early stages of pregnancy. Spina Bifida affects virtually all organ systems and results in myriad health, developmental, psychosocial, educational, and vocational challenges and complications.

Research indicates that consumption of the B vitamin, folic acid, before and during early pregnancy can lower the rate of Spina Bifida and other neural tube defects by up to 70 percent. The U.S. Public Health Service recommends 400 micrograms of folic acid daily for all women of childbearing age. Most over-the-counter daily multi-vitamins have this amount of folic acid. It is recommended that women take multivitamins and consume fortified grains as part of a healthy diet.

Despite this startling impact of folic acid on public health, the Centers for Disease Control and Prevention (CDC) reports that too many women of child-bearing age still do not consume adequate levels of folic acid. Of particular concern is that statistics show higher prevalence of Latinas in the United States delivering babies with Spina Bifida and other neural tube defects, serious birth defects of the brain and the spine, than non-Hispanic white women. CDC reports that Latinos in the United States consume the least amount of folic acid and have the least knowledge about folic acid among racial or ethnic groups in this country. More must be done to increase consumption of folic acid among all women, particularly Latino populations, so we can continue to decrease the number of pregnancies affected by Spina Bifida and other neural tube defects.

The National Spina Bifida Program at the CDC provides information and initiatives to empower individuals, families, and health care providers with the resources they need to boost folic acid consumption and prevent secondary effects and complications of Spina Bifida. I commend the CDC for its important work and encourage the agency to expand its Spina Bifida quality of life initiatives and its folic acid awareness campaigns. While much has been accomplished by the National Spina Bifida Program thus far, there remains an unmet need due to limited resources. Increased funding would help ensure that the program has the resources necessary to support and expand folic acid education and awareness and quality-of-life efforts. I thank my colleagues for their support of the National Spina Bifida Program in past years and look forward to continuing to support this program so it can sustain and expand its scope of work.

Also, through my co-chairmanship, it has brought to my attention that not all corn products in the United States are enriched with folic acid. Public health officials believe that much of the Hispanic/Latino Spina Bifida health disparity is due to the fact that a significant proportion of the food consumed by Hispanic/Latino women of child-bearing age is imported corn-based products that are not enriched with folic acid. As such, I encourage all producers of corn products to enrich their foods with folic acid.

I encourage all women of child-bearing age to follow the CDC recommendations and take a daily multi-vitamin with at least 400 micrograms of folic acid. The message of folic acid consumption must be disseminated not only this week and this month—but throughout the year—so that our goal of reducing and preventing suffering from Spina Bifida can be achieved.

I also would like to take this opportunity to commend the Spina Bifida Association for its work to support individuals and families affected by Spina Bifida and to increase awareness of the importance of folic acid consumption.

Finally, Madam Speaker, I encourage all of our colleagues to help spread the word about the importance of folic acid consumption, and I would be happy to provide any interested Members with information to share with their constituents. Also, I ask that my fellow colleagues join me and my co-chair, Congressman CHRIS SMITH, in the Congressional Spina Bifida Caucus. I thank my colleagues for their attention to this important public health issue and again am pleased to recognize January as Birth Defects Prevention Month and this week, January 8th through January 14th, as Folic Acid Awareness Week.

SENATE—*Tuesday, January 16, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JAMES WEBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, on yesterday, we remembered the life and legacy of Dr. Martin Luther King, Jr. This morning, we invite You to enter the gates of our hearts. Lord, come into our lives and remove all false pride and disunity, replacing them with humility and harmony.

Reside with the Members of this legislative body. Create within them a hunger for holiness. May they dedicate their labors as a gift of love to You, consecrating even their thoughts for Your honor. Generate in their minds a spirit of expectancy that the best is yet to be. Increase their joy and peace as they experience the power of Your presence.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 16, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will begin a period of morning business until 1 p.m., with the first hour under the control of the Senator from Oregon, Mr. WYDEN, the second hour under the control of the Republicans, and the final hour equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

At 1 p.m., we will resume consideration of the ethics legislation. Cloture was filed on amendment No. 4, the so-called corporate jets amendment. Cloture was also filed on the substitute amendment and the bill. First-degree amendments need to be filed at the desk by 10:30 this morning, and any second-degree amendments should be filed by 4:30 p.m. today. There will be three votes starting at 5:30 today: the Durbin second-degree amendment regarding earmarks; the DeMint first-degree amendment regarding earmarks, as amended, if amended; and then the cloture vote on Reid amendment No. 4. Members should plan their schedules accordingly and remember that rollcall votes are 15 minutes, with a 5-minute grace period.

We are going to finish this legislation this week. If we finish it Thursday, we will be through Thursday. If the Republican leader agrees, we will finish it Thursday; otherwise, we will push on until we finish this legislation. I hope we can do it Thursday or Friday, but if we have to be here over the weekend, we are going to do it. We are going to finish this legislation. If cloture is not invoked, we will make a decision at that time as to what we will do with the legislation. We have made a lot of progress. There are still a lot of amendments out there floating around, and we will have to see what the body wants to do with those. That will be determined tonight with the cloture votes.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

COMPLETING ACTION ON S. 1

Mr. McCONNELL. Mr. President, I say to my good friend, the majority leader, I share his view that we ought to wrap up this legislation this week. We intend to cooperate toward that end. There are some additional amendments over here on which we would hope we could get votes. But I, too, share the view that this legislation should be completed later this week. I will be talking with the majority leader about how to move toward that end.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each and with the first hour under the control of the Senator from Oregon, Mr. WYDEN, the second hour under the control of the minority, and the final hour equally divided and controlled by the two leaders or their designees.

The Senator from Oregon.

HEALTH CARE

Mr. WYDEN. Mr. President, for almost 13 years, it has been considered politically dangerous to come to the floor of the Senate and describe a fresh approach to fixing health care in America. I am going to do that this morning because I do not believe it is morally right for the Senate to duck on health care any longer.

During the Senate's long absence, the skyrocketing costs of health care have hit American communities like a wrecking ball. PricewaterhouseCoopers estimates that health care premiums will rise 11 percent this year, several times the rate of inflation. In America, with the world's best doctors, nurses, hospitals, and other providers, many with health coverage believe they are just one more rate hike away from losing the coverage they have, and more than 40 million Americans have little or no coverage at all.

Just about all of us are baffled about how to purchase the health care that is best for us. In fact, it is easier to get information about the cost and quality of washing machines than it is to get information about health care that can mean life or death. I believe the combination of cost hikes, increases in chronic illness, our aging society, and the disadvantage American employers face in global markets, where their competitors spend little or nothing for health, means our current health system cannot be sustained.

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

Since health care has been poked and prodded for so many years, I believe it is time for diagnosis and treatment. As usual, it makes sense to start with a look at the financial bottom line. Go there, and it sure looks as if we Americans are spending enough money on medical care. Last year, according to the Center for Medicare and Medicaid Services, Americans spent $2.2 trillion on health care. There are about 300 million of us. You divide 300 million into $2.2 trillion, and it would be possible to send every man, woman, and child in America a check for more than $7,000. Here is another way to look at it: For the money Americans spent on health care last year, we could have hired a group of skilled physicians, paid each one of them $200,000 to care for seven families, and all Americans would have quality, affordable health care. Whenever I mention those figures to a physicians group, it takes about 30 seconds before a doctor stands up and says: Ron, where do I go to get my seven families?

My conclusion, after reviewing the numbers and expenditures for health care: America is spending enough money on medical services; it is just not spending the money in the right places.

While the Senate has taken a pass on fixing health care and redirecting misspent health dollars, several State leaders have stepped forward. In my view, Arnold Schwarzenegger and Mitt Romney deserve substantial credit just for trying to lead on health care. I will discuss in a minute why I do not agree with their decision to continue the link between health insurance and employment, but Governors Schwarzenegger and Romney deserve America's thanks for making it clear that they will not sit quietly by while Washington, DC, slow-walks health care.

As a member of the Senate Finance Committee, I intend to help State officials obtain the special waivers in Federal health programs they need to make Federal dollars in their States stretch further for health care. Having already stated that I believe enough money is being spent on medical services, I am especially interested in helping the States make better use of their existing funds. As a result of the new initiatives in California, Massachusetts, and other States, some in the Congress believe the next few years should be spent watching how the States fare in their efforts. Meaning well, these Congress people believe our role in the Congress should primarily be to ship more Federal money to the States for their reforms and then pretty much call it a day. Respectfully, I disagree. I believe there is no possible way the States can fix health care because the States did not create the major problems in American health care. Who did? The Federal Government, the big spender of health dollars in America, the architect of the policies now driving American health care toward implosion.

Here is how it happened. More than 60 years ago, with wage and price controls in effect, our employers found that they could get good workers by giving them health care benefits. Employer-based health coverage was born and generously greased by the adoption of Federal tax policies that make employer-based health coverage a deductible expense for employers and a tax-free benefit for workers. Soon most workers came to get their health coverage through their employer. It became the norm for talented workers to quickly ask prospective employers: Say, tell me about your health package.

Today, these Federal tax breaks total more than $200 billion annually. The cost, however, involves more than dollars. These tax breaks go disproportionately to the wealthiest in America and subsidize inefficiency to boot. A high-flying CEO at a major corporation can write off the cost of Cadillac health coverage or even getting a designer smile for his face, while the folks at the corner hardware store lack company health coverage and get nothing. With employer-sponsored health coverage, an individual worker is largely in the dark about whether they have been overcharged for health care, and the Tax Code allows for a writeoff for wasteful spending. These Federal tax policies that reward regressive practices and inefficient health spending are taking a large and growing toll.

For example, an increasing number of the uninsured work at small businesses, like the hardware store that fares so poorly under the Federal Tax Code. Because these small businesses cannot afford health care for their workers, these workers often ignore their illnesses until they can bear it no longer. Their next stop—the hospital emergency room, where the medical bills generated by the uninsured are often passed on to the insured and to taxpayers.

My next picture shows where we are headed with the employer-based health coverage. In an era where such cost shifting is widespread and some companies spend almost as much on health care as they make in profit, employer-based health coverage is melting away similar to this popsicle on the summer sidewalk in August.

If PricewaterhouseCoopers is right and health premiums rise another 11 percent this year, those with employer-based coverage will face another round of big copayments for their health care, more deductibles, and additional benefit reduction this year. Their choice is likely to be worse coverage or no coverage.

Recently, a woman in her fifties came to one of my town hall meetings in Oregon and said:

> I just hope my employer can keep offering health benefits and I can hang in there until I get Medicare.

I believe this Senate ought to act when hard-working Americans go to bed at night worried about the prospect of losing their health coverage when they get up in the morning. Now, you could argue that 60 years ago employer-based health coverage made sense. That was before U.S. employers faced determined global competition, U.S. workers changed jobs seven or eight times by the age of 35, and American society became more mobile. It surely doesn't make sense today.

I believe you cannot fix American health care without changing our system of employer-based health coverage and the Federal tax breaks that lubricate it. I believe you cannot fix American health care without changing the incentives that drive our choices and our behavior. Not a State in the Union has the power to bring this about. We in the Senate do.

In a few days, after some additional consultation with colleagues, I will introduce legislation that offers a fresh and different approach to fixing health care in America. I call the legislation the Healthy Americans Act, and it is based on four judgments about health care I have made.

First, Democrats have been correct in saying that to fix health care everybody must be covered. This concept, of course, is known as universal coverage. Republicans, in my view, have been correct in saying there must be more personal responsibility and personal involvement in making health care choices than there is today.

Second, there is a model for fixing health care that every single Senator—every Member of Congress—knows something about. It is the system that serves Members of Congress and their families, offering the Members of this body high-quality, affordable, private health coverage with lots of choice.

Third, America doesn't have health care at all; it has sick care. For example, Medicare Part A will write checks for thousands of dollars so that a senior can be treated in the hospital after they have had a heart attack or a stroke. Medicare Part B—the part of the program that covers outpatient services—provides no incentives for changing the behavior that led to the chronic illness and landed the senior citizen in the hospital. Certainly, it is clear that preventing disease, not just treating disease, must be a bigger part of America's health care future.

Fourth, in my view, you cannot fix American health care if you hurt the middle class who have coverage in order to help those who do not. To fix American health care, you must prove that all Americans have the opportunity to get ahead, starting with their first paycheck under a new health care plan—the Healthy Americans Act that

I have drafted and has been posed at my Web site at wyden.senate.gov. Included at this site is a written evaluation of the legislation, done by the Lewin Group. The Lewin Group has been called the gold standard of health care actuarial data.

Their evaluation is clear. Under the Healthy Americans Act, all Americans can be guaranteed a lifetime of private health coverage, at least as good as their Member of Congress receives, for no more than our country spends on health care today. In addition, fixing American health care can be done more quickly than imagined—within 2 years after a reform law is passed—and produce more than $4 billion in savings in the first year, while expanding coverage.

The next chart is especially important because it shows that the Healthy Americans Act will slow the rate of growth in health care spending by almost $1.5 trillion over the next 10 years. The distinguished Presiding Officer is an expert in foreign affairs and our policy with Iraq. I am sure that as he looks at the chart, he can see that, according to the Lewin Group, the amount of money that would be saved in slowing the rate of growth in health care spending is several times—threefold—the amount of money our country has spent on the war in Iraq.

Mr. President, it doesn't take long to explain how the Healthy Americans Act works. It starts by going where Arnold Schwarzenegger and Mitt Romney would not. It cuts the link between health insurance and employment altogether. Under the Healthy Americans Act, businesses paying for employee health premiums are required to increase their workers' paychecks by the amount they spent last year on their health coverage. Federal tax law is changed to hold the worker harmless for the extra compensation, and the worker is required to purchase private coverage through an exchange in their State that forces insurance companies to offer simplified, standardized coverage, and prohibits them from engaging in price discrimination.

Now, requiring employers to cash out their health premiums, as I propose in the Healthy Americans Act, is good for both employers and workers. With health premiums going up 11 percent this year, employers are going to be glad to be exempt from these increases. With the extra money in their paycheck, workers have a new incentive to shop for their health care and hold down their cost. If a worker in Virginia can save a few hundred dollars on their health care purchase, they can use that money so that one of the constituents of the Presiding Officer can be on their way to Oregon to get in some sensational fishing.

In addition, the Healthy Americans Act is easy to administer and guarantees lifetime health security. Once you have signed up with a plan through an exchange in the State in which you live, that is it; you have completed the administrative process. Even if you lose your job or you go bankrupt, you can never have your coverage taken away. Sign up, and the premium you pay for the plan and all of the administrative activities are handled through the tax system. For those who cannot afford private coverage, the Healthy Americans Act subsidizes their purchases.

Businesses that have not been able to afford health coverage for their workers, under the new approach, will pay a fee—one that is tiered to their size and revenue, with some paying as little as 2 percent of the national average premium amount per worker for that basic benefit package. Mike Roach, the owner of the 8-person Paloma clothing firm in Portland, OR, is a 30-year member of the National Federation of Independent Businesses, and he was instrumental in ensuring that this legislation was small business friendly every step of the way.

Mr. President, that is pretty much it, in terms of how the Healthy Americans Act actually works. It will be easy to administer, locally controlled, with guaranteed coverage as good as your Member of Congress gets; and on top of it, there is a model for delivering it that the distinguished Presiding Officer and everybody else in this body knows about. Page 12 of the Lewin report on my Web site shows how the Healthy Americans Act expands coverage for millions of people, guaranteeing health benefits as good as their Member of Congress gets, while saving $4.5 billion in health spending in the first year. Money is saved by reducing the administrative costs of insurance, reducing cost shifting, and preventing those needless hospital emergency room visits. Also, there are substantial incentives that come about because insurance companies would have to compete for the business of consumers, who would have a new incentive to hold down health costs, which I have already described as the Virginian's opportunity to go fishing in Oregon.

There are other parts of the Healthy Americans Act I wish to describe briefly.

As the name of the legislation suggests, I believe strongly that fixing American health care requires a new ethic of health care prevention, a sharp new focus in keeping our citizens well, and trying to keep them from falling victim to skyrocketing rates of increase in diabetes, heart attack, and strokes.

Spending on these chronic illnesses is soaring, and it is especially sad to see so many children and seniors fall victim to these diseases. Yet, many Government programs and private insurance devote most of their attention to treating Americans after they are ill and give short shrift to wellness.

Under the Healthy Americans Act, there will be for the first time significant new incentives for all Americans to stay healthy. They are voluntary incentives, but ones that I think will make a real difference in building a national new ethic of wellness and health care prevention.

Parents who enroll children in wellness programs will be eligible for discounts in their own premiums. Instead of mandating that parents take youngsters to various health programs—and maybe they do and maybe they don't—the Healthy Americans Act says when a parent takes a child to one of those wellness programs, the parent would be eligible to get a discount on the parent's health premiums.

Under the Healthy Americans Act, employers who financially support health care prevention for their workers get incentives for doing that as well. Medicare is authorized to reduce outpatient Part B premiums so as to reward seniors trying to reduce their cholesterol, lose weight, or decrease the risk of stroke. It has never been done before. For example, Part B of Medicare, the outpatient part, doesn't offer any incentives for older Americans to change their behavior. Everybody pays the same Medicare Part B premium right now. The Healthy Americans Act proposes we change that and ensures that if a senior from Virginia or Oregon or elsewhere is involved in a wellness program, in health care prevention efforts, like smoking cessation, they could get a lower Part B premium for doing that.

The preventive health efforts I have described are promoted through new voluntary incentives under the Healthy Americans Act, not heavy-handed mandates. Under the Healthy Americans Act, there is no national nanny established under the legislation to watch who is hitting the snack food bowl.

What this legislation says is—let's make it more attractive for people to stay healthy, to change their behaviors, to promote the kind of wellness practices we all know about but somehow don't seem to find time to actually get done in our hectic schedules.

Finally, and most importantly, the Healthy Americans Act does not harm those who have coverage in order to help those who do nothing. The legislation makes clear that all Americans retain the right to purchase as much health care coverage as they want. All Americans will enjoy true health security with the Healthy Americans Act, a lifetime guarantee of coverage at least as good as their Member of Congress receives.

Most American families will obtain this coverage with either their premiums reduced from what they pay today or for less than a dollar a day more. That can all be seen in the Lewin chart as No. 10 at my Web site. In addition, all Americans benefit from the reduced administrative costs the legislation produces, the insurance reforms, and, of course, the new focus on prevention.

I am now going to explain briefly how care for the poor is handled under the Healthy Americans Act and why this is good for both low-income people and taxpayers. This is especially important in light of a recent article in the health policy journal, "Health Affairs."

This article points out that more than half of the Nation's uninsured are ineligible for public programs such as Medicaid, but do not have the money to purchase coverage for themselves.

At present, for most poor people to receive health benefits, they have to go out and try to squeeze themselves into one of the categories that entitles them to care. So what we have, Mr. President, in Virginia, in Oregon, and elsewhere, is citizens trying to crunch themselves into one of these boxes, one of these categories that might make them eligible for health care in Virginia or Oregon.

As former Oregon Gov. John Kitzhaber has noted, there are more than 20 different categories of Medicaid. Administrating all of this takes funds, in my view, that ought to be spent caring for poor folks in America.

Under the Healthy Americans Act, low-income people will receive private health coverage, coverage that is as good as a Member of Congress gets, automatically. Like everyone else, they will sign up through the exchange in their State. When they are working, the premiums they owe are withheld from their paycheck. If they lose their job, there is an automatic adjustment in their withholding.

In addition, under the Healthy Americans Act, it will be more attractive for doctors and other health care providers to care for the poor. Those who are now in underfunded programs, such as Medicaid, are going to be able to have private insurance that pays doctors and other providers commercial rates which are traditionally higher than Medicaid reimbursement rates.

Because low-income children and the disabled are so vulnerable, if Medicaid provides benefits that are not included in the kind of package Members of Congress get, then those low-income folks would be entitled to get the additional benefits from the Medicaid program in their State.

I am now going to explain how Medicare is strengthened by the Healthy Americans Act.

As the largest Federal health program, Medicare's financial status is far more fragile than Social Security. Two-thirds of Medicare spending is now devoted to about 5 percent of the elderly population. Those are the seniors with chronic illness and the seniors who need compassionate end-of-life health care. The Healthy Americans Act strengthens Medicare for both seniors and taxpayers in both of these areas.

In addition to reducing Medicare's outpatient premiums for seniors who adopt healthy lifestyles and reduce the prospect of chronic illness, primary care reimbursements for doctors and other providers get a boost under the Healthy Americans Act. Good primary care for seniors also reduces the likelihood of chronic illness that goes unmanaged. This reimbursement boost is sure to increase access to care for seniors—and I see them all over, in Oregon and elsewhere—who are having difficulty finding doctors who will treat them.

To better meet the needs of seniors suffering from multiple chronic illnesses, the Healthy Americans Act promotes better coordination of their care by allowing a special management fee to providers who better assist seniors with these especially important services.

Hospice law is changed so that seniors who are terminally ill do not have to give up care that allows them to treat their illness in order to get hospice. In addition, the Healthy Americans Act empowers all our citizens wishing to make their own end-of-life care decisions.

The legislation requires hospitals and other facilities to give patients the choice of stating in writing how they would want their doctor and other health care providers to handle various end-of-life care decisions.

The tragic case of the late Terri Schiavo came before the Senate before the distinguished Presiding Officer of the Senate had joined this body, but I was particularly struck during that debate and afterwards how strongly the American people feel about making sure that the patient and not Government gets to drive all of the decisions surrounding their end-of-life care. Under the Healthy Americans Act, that would be the norm rather than the exception.

In writing this legislation, I spent a lot of time looking back—looking back literally over 60 years—since Harry Truman tried to fix health care in the 81st Congress in 1945. I tried to make sure, particularly, that the lessons of 1994 were ones the Senate would pick up on and make sure that the same mistakes were not committed again.

For example, in 1994, the last time this Senate considered fixing health care, the principal piece of legislation before the Senate was 1,369 pages long. The Healthy Americans Act posted at my Web site saves a lot of Oregon trees by coming in about 1,200 pages shorter.

In 1994, getting to universal coverage was, in effect, put before securing the savings to responsibly finance an expansion of coverage. The Healthy Americans Act, as noted in the Lewin report, generates billions of dollars in savings in the first year as the legislation is implemented.

In 1994, the principal method of financing universal coverage was an employer mandate. The Healthy Americans Act requires no such employer mandate, provides financial relief for employers competing in tough global markets, and still ensures that every business takes some measure for financing health care in a way that is going to allow those businesses to be competitive in tough global markets. In 1994, there was never a coalition of employers, union leaders, and patient advocates behind a specific piece of legislation. Now, Andy Stern, president of the 1.8 million-worker Service Employees International Union; Steve Burd, CEO of Safeway with more than 200,000 workers, patient advocates representing various points of view, and employers of all sizes have joined behind the Healthy Americans Act.

There is also a moral question I would like the Senate to consider. Given what I have just outlined, how can this Senate justify denying all Americans health care coverage as good as Members of Congress receive? The Lewin report proves it can be done—proves it can be done without spending more money than the country spends now and, in fact, can be done saving more than $4 billion in the very first year.

There is a model for putting reforms in place: the system enjoyed by all the Senators serving in this body today. Fixing health care under the Healthy Americans Act will reduce administrative hassle and expense and allow all our citizens finally—finally—to go to bed at night without fear of losing essential medical care.

I want 2007 to be the year when the Senate, as well as the various State governments, step up on health care. The States deserve our support, but they cannot possibly remedy the health problems created by Federal leaders in this city more than 60 years ago. The Senate can provide this remedy. Here on this floor, the Senate can acknowledge that the employer-based system of health coverage that worked back in 1945 no longer makes sense for 2007. We can acknowledge, as I have done today, that I think Democrats are right about making sure that everybody gets covered and Republicans are right about promoting personal responsibility and more personal involvement in making health care choices. We can end 13 years of ducking on health care, 13 years of slapping Band-Aids on health care, and roll up our sleeves and go to work. A lot of it—and I know the distinguished President of the Senate has been to many community meetings in his home State of Virginia—simply means following up on what constituents say at home.

Every time health care comes up when I have community meetings somebody usually says, "Well, I guess we ought to go to what is called a single payer system. You know, one where the Government essentially runs it and you don't have these private insurance companies."

After somebody at a town meeting says we ought to have a single payer system, somebody else says, "No, we already voted on that." In fact, Oregonians did. They voted against a single payer system by more than 3 to 1 just a few years ago.

But the other speakers say, "We don't want all that Government. We don't want the Government to make all the decisions."

So after a bit, somebody raises their hand at one of my townhall meetings and says, "Ron, what we want is what you Members of Congress have. We want health care coverage like you have."

Then everybody in the room shakes their head in agreement.

So much of what I propose in the Healthy Americans Act comes from those townhall meetings that I hold in all of Oregon's 36 counties. I have an approach that guarantees benefits like Members of Congress have; that is delivered in the same way; and that can actually be implemented with the very first paycheck that a worker gets under the new system.

Part of the reason I have written this legislation as I have has been to ensure that the Congress and the Federal Government could pick up some lost credibility on health care. My sense is that after the debate of 1994 on health care in America a lot of Americans said: The United States Congress can't figure out how to put together a two-car parade let alone a reform that involves one-seventh of the American economy.

That is why I have written this legislation so it can be understood and the effects can be seen from the time the very first paychecks go out under the legislation. The legislation works in a way that will be attractive to both workers and employers.

So I have spent a lot of time listening to my constituents as I brought together the various principles that are contained in the Healthy Americans Act. I know colleagues in this body have other ideas.

I would like to wrap up by simply saying I think health care has been studied enough. It has been commissioned. It has been blue-ribboned. It has been the subject of white papers, blue papers, pink papers, papers of every possible description. It is time for the Senate to act. The Senate has ducked on health care for almost 13 years. Health care and Iraq are the driving issues that our citizens care about most. It is time to fix health care, and I think with the Healthy Americans Act, this body can get the job done.

Mr. President, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. WYDEN. Mr. President, I ask unanimous consent that the time today from 4:30 to 5:30 be equally divided and controlled between the two leaders or their designees, and that 10 minutes of the majority's time be allocated to Senator FEINGOLD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that the majority leader be recognized at 12:30 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. GRASSLEY. Mr. President, I am going to proceed in morning business, but I want to welcome the new Senator from Virginia to the Senate. I look forward to serving with him. I am sorry that maybe the Senator's first time being in the chair he has to listen to my speech, but I am very glad to have the opportunity to speak to you and Members of the body and the people of the United States about a very important issue that is going to be coming before us. This is an issue that I have been speaking about for the last several days on the floor. In fact, I think 4 days last week I did. I talked about the Medicare prescription drug benefit and the so-called prohibition on Government negotiation with drugmakers for low prices. I spent time doing that because people need to understand that some proposals could have drastic consequences, not only for Medicare and the beneficiaries of Medicare but also for anyone else who buys prescription medicine.

I want to make this very clear because when you are talking about seniors and the disabled on Medicare, and on prescription drugs, you might get the impression that we make a decision here, and the only people it is going to affect are those on Medicare. But I hope I made it very clear last week, and I am going to go over this again today.

In other words, if we change Medicare in this instance dealing with the prices of prescription drugs, it will increase prices of prescription drugs for everybody. It is not going to impact just those on Medicare, the decisions we make. I have said it before, and I say it again: Having the Government negotiate drug prices for Medicare might be a good sound bite, but it is not sound policy if it is going to increase the price of prescription drugs for everybody regardless of age in the United States.

I think the House bill, which is numbered H.R. 4 and passed the House last week, very definitely falls into that category. It may be a good sound bite. It may be very politically beneficial. But a good sound bite is not good policy. It will be bad for Medicare beneficiaries and other consumers of prescription drugs.

That outcome was voiced by witnesses just last week when they appeared before the Senate Finance Committee, chaired by the Senator from Montana, Senator BAUCUS.

At that hearing, one of the witnesses, Dr. Fiona Scott Morton, a professor of economics at Yale University, made a key point about the size of the Medicare market and when you deal with the price that Medicare recipients pay for drugs, the fact that it has negative consequences for everybody else in America.

She pointed out that of course we all want to obtain discounts for drugs for seniors. But she said:

> With close to half of all spending being generated by those seniors, whatever price they pay will tend to be the average price in the market.

Her point is, if you are half of the market, the math makes it virtually impossible for your prices to be below average. Dr. Scott Morton said that because Medicare is so large, if drugmakers had to give it the lowest price they give any customer, they would have a strong incentive to increase their prices for everybody else.

Professor Scott Morton also stated:

> This approach to controlling prices harms all other consumers of pharmaceuticals in the United States and is bad policy.

I pointed out how Part D has already given seniors, on the 25 drugs most used by seniors, 35-percent lower prices than we anticipated when we wrote the bill. While it is great to be doing things for seniors, there is no free lunch. Everybody, regardless of age, will pay more for prescription drugs. Do you want that to happen? Do you want those unintended consequences to happen?

Then we had another witness at the hearing held by Senator BAUCUS before the Senate Finance Committee last week. It was a representative of the Government Accountability Office who talked about its Year 2000 report on this very issue, and echoed Professor Scott Morton's view. Remember, in 2000 the General Accounting Office concluded:

> Mandating that federal prices for outpatient prescription drugs be extended to a large group of purchasers such as Medicare beneficiaries could lower the prices they pay, but raise prices for others.

That is from a nonpartisan Government agency working for the Congress of the United States called the Government Accountability Office.

One thing we keep hearing is that Medicare should not pay more than the Veterans' Administration pays. We had another witness, Professor Richard Frank of Harvard University, who said that if Medicare got the same prices the Veterans' Administration gets for drug prices—if that happened—it would likely raise Veterans' Administration prices for our veterans for all drugs. Do you want to hurt veterans with these unintended consequences of some of these ideas that are floating around this new Congress?

Then we had other panelists. As they listened to Dr. Frank's response, other panelists nodded in agreement. Talk about unintended consequences, do you know who else agrees with these professors who have been testifying before our committee? I point to the Military Order of the Purple Heart. In a letter to Members of Congress, the Military Order of the Purple Heart expressed its concern about the impact that extending Veterans' Administration prices to Medicare could have on veterans. In fact, they stated that several veterans organizations passed formal resolutions opposing legislation to extend the Veterans' Administration prices to Medicare because it would threaten Veterans' Administration's current discounts.

What is the end result? Higher drug prices for those who get their drugs from the Veterans' Administration.

Another key point made at last week's hearing before the Senate Finance Committee was that it is not simply about the number of people for whom you are buying drugs. In response to a question I asked Professor Scott Morton, the professor said it doesn't matter whether you negotiate on behalf of 1 million people or 43 million people—which is the number of senior citizens in this country. What matters is what leverage you have and how you use that leverage. And if you don't have a fundamental tool, and that would be the formulary, you have no leverage over drugmakers. A formulary is a list of drugs that a plan will cover.

Here is what Professor Scott Morton said would happen if someone negotiating drug prices couldn't have a formulary:

> Each manufacturer would know that, fundamentally, Medicare must purchase all products. The Medicare "negotiator" would have no bargaining leverage, and therefore, simply allowing bargaining on its own would not lead to substantially lower prices.

That is the end of the quote from Professor Scott Morton.

Then we had a Mr. Edmund Haislmaier, a :fellow at the Heritage Foundation, talk about the limits of bulk purchasing power alone. In his written testimony he said:

> . . . volume purchasing encourages manufacturer discounting, it is not, in and of itself, sufficient to extract large discounts. Manufacturers will only offer substantial discounts if the buyer combines the "carrot" of volume with the "stick" of being able to substitute one supplier's goods with those of another.

In drug negotiation, that stick he is talking about—Mr. Haislmaier is talking about—is the formulary.

Here is what is wrong with the House bill that just passed. It prohibits the Secretary of Health and Human Services from using a formulary. Thus the stick that is necessary, that the Veterans' Administration uses to drive down the price of drugs, is not even in the bill that passed the House that is supposed to guarantee senior citizens lower drug prices.

For all of their talk about getting savings from Government negotiations, the House Democrats took away a key tool to get lower prices. That was a key lesson we also learned from last week's Finance Committee hearing that Senator BAUCUS chaired.

Here is what the Congressional Budget Office said about H.R. 4. Here I have a chart. The bottom line of it is that it would have negligible effect on Federal spending. To emphasize that, I want to read it all. For the benefit of new Members, I point out we will soon find out that when you refer to the Congressional Budget Office, it is like God on Capitol Hill. When the Congressional Budget Office says something costs something—and you might have intellectually honest, good reasons for disagreeing with it—the Congressional Budget Office is always right. If there is a point of order against it, then you get 60 votes. The 60-vote requirement around here almost makes anything or anybody or any agency a god, because it is difficult to get 60 votes. So CBO generally stands. Sometimes they are overridden but not very often. So this god of CBO:

> CBO estimates that H.R. 4—

I want to emphasize, that is the bill that just passed the House last week, a Democratic bill—

> would have negligible effect on Federal spending because we anticipate that the Secretary—

meaning the Secretary of HHS—

> would be unable to negotiate prices across a broad range of covered Part D drugs that are more effective than those obtained by PDPs under current law.

You heard it during the campaign. You heard it a long time before the campaign. If we do away with this noninterference clause, we are going to get drugs cheaper for the citizens. This is supposedly on top of the 35 percent of the average reduction in the price of the 25 drugs most often used by senior citizens, and the god of Capitol Hill says there is not going to be the savings. That is not only for the people who pay out of their pockets some portion for drugs, but also saving the taxpayers money.

I am going to quote another thing from the Congressional Budget Office that gets back to this carrot and stick, the stick being the formulary that is used by the Veterans' Administration to get the low prices they get—the same pattern that proponents of doing away with the noninterference clause want to follow, to get lower prices for senior citizens, and that is the formulary. The Veterans' Administration has a formulary, but the House bill passed last week does not have a national formulary, so you do not have a stick to accomplish the goals.

> Without the authority to establish a formulary, we believe the Secretary would not be able to encourage the use of particular drugs by Part D beneficiaries, and as a result would lack the leverage to obtain significant discounts in his negotiations with drug manufacturers.

It is pretty clear that what we are being told you are going to get as a result of the House-passed bill is not happening. So I would quote another independent actuary—maybe not quite the god that CBO is, but the actuaries at the Center for Medicare Services, the agency that oversees the Medicare drug benefit. They said about the same thing about H.R. 4 not having a formulary.

> Although the bill would require the Secretary to negotiate with drug manufacturers regarding drug prices, the inability to drive market share via the establishment of a formulary or development of a preferred tier significantly undermines the effectiveness of negotiations.

Whether you are CBO, responsible to the Congress of the United States, working for the Congress of the United States, or whether you are the actuaries downtown at the Center for Medicare Services working for the President of the United States—and maybe actuaries are fairly independent—but the point being they came to the same conclusion, that the tool that is necessary to accomplish what Democrats say they want to accomplish by doing away with the noninterference clause to negotiate prices with drug companies isn't going to be effective because the tool to be effective is not in their legislation.

Let me point out the key downside of having the Secretary establish a national formulary in my next chart.

Fewer drugs would be covered. I have made a point about keeping the Government bureaucrat out of the medicine cabinet, not to be the person between the doctor and the patient. We set up, as a principle in the Medicare bill, to do it differently than the Veterans' Administration because the Veterans' Administration did not allow every therapy to be available to a veteran. A bureaucrat makes a decision that a veteran can have this, but a veteran cannot have that, the Government will not buy this. We did not want the senior citizens to be treated that way, so every therapy has to be available.

This chart shows only 30 percent of the drugs covered by Medicare will be available to seniors if done the way the Veterans' Administration does it. Do you want to get the complaints from the seniors of America, as I sometimes get from veterans? They come to my town meetings saying: My doctor says I should not take this pill because there are side effects, I should take this one. Why won't the Veterans' Administration let me buy this pill? The doctor said I ought to have it.

I can go to the Veterans' Administration and advocate for this veteran, but it is not a sure thing. We do not have to worry about that with seniors.

Let me sum up two important points from the Senate Committee on Finance hearing we had last week and from the experts from the Congressional Budget Office and the chief actuary of Medicare.

First, giving Medicare the lowest price a drugmaker gives any purchaser, whether that is a private plan or the Veterans' Administration, will increase prices of prescription drugs for everyone else in America. That means higher prices for working Americans and for small businesses. Second, in summary, the ability to use a formulary to negotiate means you have to be able to tell a drugmaker: If you do not give me a good price, I will pick another drug to put in my formulary. If you do not believe all the experts, if you do not believe all of the people that have studied this over a long period of time, whom are you going to believe?

I remind everyone from where the prohibition on negotiations came. We have 10 new Members of the Senate, and a lot of them will not be familiar with the genesis of the noninterference clause. The opponents of the drug benefits seem to conveniently forget their own bills had the same language and that they supported a benefit run by private plans. My next chart demonstrates this better.

The prohibition of Government negotiation—what is referred to as a noninterference clause—first appeared in Democratic bills; in total, seven bills introduced and supported by 34 Senate Democrats and more than 100 House Democrats had the prohibition in these legislation. On top of that, many of the Members who are now twisting that language cosponsored that very legislation.

I will not emphasize every Democratic Congressman or Senator who introduced these seven bills, but I will emphasize President Clinton, in 1999, when he proposed from the White House a plan for prescription drugs for seniors. The plan proposed by President Clinton took the same approach. President Clinton said so many good things that I didn't have to think up new things, just repeat what President Clinton said about saving money and the ability of plans to negotiate and save money, and to make sure there was a wide range of drugs available for our seniors.

We have a good basis for including in our bipartisan bill that passed in 2003 things that Democrats had in their bills before we passed our bill. I don't see any of them embarrassed about that fact even while they go on talking about how bad the provision is now that it's in a bipartisan bill. Plans are negotiating for seniors, and those negotiations are reducing the cost of the 25 most often used drugs by seniors on an average of 35 percent. President Clinton said so many good things that I don't have to say them. I wish Members would read some of the things President Clinton said about this.

Continuing to summarize, the Secretary does not need the authority to negotiate and a national formulary is a bad idea. Competition among these plans that seniors are now joining—91 percent of the seniors have prescription drug coverage; the Medicare prescription drug benefit is a voluntary program; they do not have to get in it if they don't want to—had led to lower drug prices for beneficiaries and, more importantly, lower costs for taxpayers and the States. This is saving taxpayers $189 billion. I will cover that in a minute.

Premiums are lower than they were estimated to be. I talked of lower drug prices, but now I am talking about the premiums to join the plans. Before 2006, the Medicare chief actuary estimated the average monthly premium would be $37. In fact, we struggled to make sure, when we wrote the Medicare bill, that the premium would be between $35 and $40 a month because we felt above that there would be resistance to joining, and we would not have 91 percent of the people in. We planned on $35 to $40. The chief actuary said $37. But because of competition, it ended up being only $23 in 2006. In the year 2007, premiums are going to average $22. Competition is working.

The net cost to the Federal Government is also lower than expected. This is that $189 billion. Last week, the official Medicare actuary announced the net 10-year cost has dropped by $189 over the original budget window used when the Medicare Modernization Act was enacted. That is a 30-percent drop in the actual costs compared to what was projected. Competition is working.

I ask any Member how often a Federal program comes in under cost. We always speak of overruns. Every Federal program is costing more than we anticipate when we pass it. Overruns do not seem to be the sin they ought to be. We have a program $189. billion under what we thought it would cost, so we have an underrun. We never hear of that. We could not get the lower prices and lower costs unless the prescription drug plans are, in fact, what we anticipate they would be—strong negotiators with the drugmakers. Competition is working.

I know the opponents of the drug benefit will likely keep up their attacks on the program. They have pandered through the last election and they have to deliver. What are they delivering? They are delivering a pig in a poke. They may be delivering something very negative for the seniors of America. I have been working hard this week to give people important facts that have been left out of the debate on negotiation of drug prices.

The plain and simple fact is that competition among the plans is working. The Medicare plans are delivering the benefits to Medicare beneficiaries. These private sector plans have the experience in negotiating better drug prices. As I pointed out last week, for 50 years, Federal employees, under the Federal Employee Health Benefit Program, have been doing it this way. It has successfully worked. That is why we adopted it for seniors.

These Medicare negotiators have proven their ability to get lower drug prices. The Medicare plans are negotiating with drug companies using drug formularies within the rules set by law. These plans have to be approved by the Centers for Medicare & Medicaid Services. Medicare beneficiaries have access to the drugs they need and 70 percent of the drugs that are out there under the Medicare prescription drug benefit are not offered by the Veterans' Administration to veterans.

I have an example from the ALS Association, better known as the association dealing with Lou Gehrig's disease. Here is what they said about repealing the noninterference clause in a January 4 letter to Members of Congress:

> The elimination of the noninterference provision will have particularly cruel consequences for people with ALS. It means that even if a new drug is developed to treat ALS, many patients likely will not have access to it. That's because price controls can limit access to the latest technologies.

The letter continues to say that individuals with ALS:

> . . . will either be forced to forego treatment, or only have access to less effective treatment options—ones that may add a few months to their lives but not ones that will add years to their lives.

Just for the record, drugs to treat ALS are covered under the Medicare drug benefit right now.

I end with a statement I have so often used in the last week: If it ain't broke, don't fix it.

I ask unanimous consent to have these letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMYOTROPHIC LATERAL
SCLEROSIS ASSOCIATION,
Washington, DC, January 4, 2007.

DEAR MEMBER OF CONGRESS: I am writing on behalf of the ALS Association to express our strong opposition to legislation that would eliminate the noninterference provision of the Medicare Modernization Act (MMA). Legislation that authorizes the federal government to negotiate Medicare prescription drug prices will significantly limit the ability of people with ALS to access the drugs they need and will seriously jeopardize the future development of treatments for the disease—a disease that is always fatal and for which there currently are no effective treatment options.

The ALS Association is the only national voluntary health organization dedicated solely to finding a treatment and cure for amyotrophic lateral sclerosis (ALS). More commonly known as Lou Gehrig's disease, ALS is a progressive neurodegenerative disease that erodes a person's ability to control muscle movement. As the disease advances, people lose the ability to walk, move their arms, talk and even breathe, yet their minds remain sharp; aware of the limitations ALS has imposed on their lives, but powerless to do anything about it. They become trapped inside a body they no longer can control.

There is no cure for ALS. In fact, it is fatal within an average of two to five years from the time of diagnosis. Moreover, there currently is only one drug available to treat the disease. Unfortunately, that drug, Rilutek, originally approved by the FDA in 1995 has shown only limited effects, prolonging life in some patients by just a few months.

The hopes of people with ALS—those living today and those yet to be diagnosed—are that medical science will develop and make available new treatments for the disease; treatments that will improve and save their lives.

However, The ALS Association is deeply concerned that the elimination of the MMA's noninterference provision will dampen these hopes and will result in unintended consequences for the thousands of Americans fighting this horrific disease. The potential impacts are significant and include:

LIMITS ON INNOVATION

While reducing the cost of prescription drugs is an important goal, it should not be done at the expense of innovation. Unfortunately, eliminating the MMA's noninterference provision will limit the resources available to develop new breakthrough medicines. This is especially troubling for a disease like ALS, for the development of new drugs offers patients their best, and likely only, hope for an effective treatment.

Additionally, by establishing price controls, Congress will undermine the incentives it has established to encourage drug development in orphan diseases, like ALS. As resources available for research and development become more scarce, there will be even less incentive to invest in orphan drug development.

LIMITS ON ACCESS

The elimination of the noninterference provision will have particularly cruel consequences for people with ALS. It means that even if a new drug is developed to treat ALS, many patients likely will not have access to it. That's because price controls can limit access to the latest technologies. Proponents of government negotiated prices cite the Department of Veterans Affairs as a model for how the government should negotiate prices for Medicare prescription drugs. Yet under that system, patients do not have access to many of the latest breakthrough treatments. For example, two of the most recently developed drugs to treat Parkinson's and Multiple Sclerosis, neurological diseases like ALS, are not covered by the VA due to the government negotiated price. Ironically, those drugs currently are covered by Medicare Part D.

Given this scenario, we are deeply concerned that any new drug that is developed for ALS will not be available to the vast majority of patients who need it. Instead they either will be forced to forgo treatment, or only will have access to less effective treatment options ones that may add a few months to their lives, but not ones that will add years or even save their lives.

PEOPLE WITH ALS RELY ON MEDICARE

A significant percentage of people with ALS rely on Medicare, and the newly established prescription drug benefit, to obtain their health and prescription coverage. In fact Congress recognized the importance of Medicare coverage for people with ALS by passing legislation to eliminate the 24-month Medicare waiting period for people disabled with the disease. This law helps to ensure patients have timely access to the health care they need. With the establishment of the Part D benefit, Congress also has now, helped to ensure that people with ALS have access to coverage for vital prescription drugs.

Yet this improved access is threatened by short-sighted and inappropriately cost driven efforts to remove the noninterference provision. If Congress makes this change, they will undo what the MMA sought to ensure: access to needed prescription drugs.

While The ALS Association appreciates attempts to improve access to affordable prescription drugs, we believe that Congress must consider the implications of its actions on coverage, access and the advancement of medical science. We fear that in an effort to control costs, Congress may limit treatment options, discourage innovation, and extinguish the hopes of thousands of Americans whose lives have been touched by ALS and who are fighting to find a treatment and cure. On behalf of your constituents living with Lou Gehrig's disease, we urge you to oppose legislation to eliminate the noninterference provisions of the Medicare Modernization Act.

Sincerely,

STEVE GIBSON,
Vice President, Government Relations and Public Affairs.

MILITARY ORDER OF THE PURPLE HEART,
Springfield, VA, January 10, 2007.

Speaker NANCY PELOSI
Washington, DC.

DEAR MADAM SPEAKER: In the coming days the House will take up legislation that, if enacted will repeal the noninterference clause of the Medicare Prescription Drug, Improvement and Modernization Act of 2003. The Medicare Prescription Drug Price Negotiation Act of 2007, H.R. 4, will require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries. While there is no specific mention of the Department of Veterans Affairs (VA) and the favorable pricing they receive on pharmaceutical products through the Federal Supply Schedule (FSS), I would like to share with you the concerns of The Military Order of the Purple Heart (MOPH) as you consider H.R. 4.

As you know, Federal law currently enables the Department of Veterans Affairs (VA) to purchase pharmaceutical products for veterans through the Federal Supply Schedule (FSS). Because of the Veterans Health Care Act of 1992, the prices the VA pays through the FSS are substantially discounted from the prices private sector purchasers pay. Extending access to the FSS pharmaceutical discounts to larger groups would cause FSS prices to rise and would dramatically increase the VA's pharmaceutical costs. The Government Accounting Office and the VA have documented the magnitude of this effect in 1995, 1997 and 2000 in response to previous proposals to extend FSS prices to other entities. The studies estimate that the VA would incur many hundreds of millions of dollars in additional expenses.

Our concerns about such proposals were expressed in The Independent Budget of 2006 sent to every Member of Congress. Sixty-two veteran and allied organizations endorse The Independent Budget. Additionally, several veteran organizations have passed formal Resolutions opposing legislation extending FSS prices to Medicare or other programs because it would threaten discounts the VA currently receives.

MOPH is on record as supporting lower prescription drug prices for all Americans, but not at the expense of those veterans enrolled in the VA health care system and the favorable pricing that the VA receives through the FSS.

Respectfully,

THOMAS A. POULTER,
National Commander.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECENT TRIP TO INDIA, SYRIA, AND ISRAEL

Mr. SPECTER. Mr. President, I have sought recognition to report on the recent trip I made from December 13 to December 30 to India, Syria, and Israel.

The trip to India was a revelation to me—to see the vast economic progress that this gigantic nation of 1.1 billion people has made. For a long time, the nation of India resisted foreign investment, perhaps as a result of the colonialization by the British. But for most of the past two decades, India has been open for investment and trade. During the course of my travels there, which are detailed in a lengthy statement that I will include for the RECORD at the conclusion of my extemporaneous remarks, I have detailed the many U.S. plants we visited, such as GE and IBM, all showing a remarkable aptitude for the technology of the 21st century.

I recall, several years ago, being surprised when I sought a number from information and found out that the answering person was in India. I have since learned that this is a common practice because, whereas, it used to cost about $3.50 for a minute conversation between the United States and India, it now costs about 7 cents.

The Indians are very highly educated. They are able to take on jobs, so-called outsourcing, at a much lower rate of compensation. They have physician groups who are available to read, through the miracles of modern technology, x rays. They have a 10½-hour time difference, so they are prepared to do it on pretty much on an around-the-clock basis. While, obviously, there is a loss of jobs with outsourcing, I think our long-range benefits in trade with India—a major trading partner—and the strengthening of this democracy in Asia will provide a tremendous source of strength and assistance to the goals of the United States. I think it is especially important to see the Nation of India develop with its 1.1 billion people as a counterbalance, so to speak, to China with 1.3 billion people. We have in India a democracy, contrasted with the authoritarian government which prevails in China and, in the long run, the incentives and the productivity of free people in a democracy should be quite a counterbalance, if not a nation which will exceed the tremendous strides which China has seen.

A major topic of conversation on my trip to India was the recent agreement between the United States and India, where we will make nuclear technology available to the nation of India. When I first learned of that proposal, I had very substantial misgivings because India was not a party to the Nuclear Non-Proliferation Treaty. But on examining the issues further and seeing that India had not joined that treaty as a matter of principle, feeling it was discriminatory, since the only people who were part of the so-called nuclear club, or were recognized to be part of the so-called nuclear club, were the five major powers. I think if the U.N. Charter were being written today, India would be included as one of the five major powers of the world. At any rate, that was a major topic of conversation.

The nuclear technology that the United States will make available to India will strengthen India's economy and will be a good bridge in cementing relations between the United States and India.

I had the privilege of meeting with Prime Minister Manmohan Singh of India to discuss a wide range of issues. He expressed great pleasure at his relations with President Bush and with the signing of the nuclear agreement, and he made a comment that India did not want another nuclear power in the region and specifically said he was opposed to seeing Iran gain nuclear weapons. I thanked Prime Minister Singh in India for the vote which they cast in support of the U.S. position in the United Nations on the Iranian issue, and I think the agreement will be very helpful in promoting good relations between the United States and India.

I then traveled to Syria, which was my 16th visit to that nation, starting in 1984. During the course of those visits—I have had the opportunity to meet with former President Hafez al-Assad, on nine occasions, and with his successor, his son, President Bashar al-Assad, on four occasions. I recollect that the first meeting I had with Hafez al-Assad was in January of 1988, and it lasted 4 hours 38 minutes, discussing a wide range of issues on the Iran-Iraq war, which had just been concluded, and then on Syrian-Israeli relations and then on U.S.-U.S.S.R. relations, and I found President al-Assad at that time to be a very engaging interlocutor. I suggested, on a number of occasions, that I had taken a sufficient amount of his time, and he generously extended the time until we had discussed a very wide range of issues. I found those discussions with President Hafez al-Assad to be productive.

In 1996, when Prime Minister Netanyahu took office, he made a public announcement that he would hold Syria responsible for the Hezbollah attacks on northern Israel. Syria then realigned their troops. I was in Jerusalem, and Prime Minister Netanyahu asked me to carry a message to President Hafiz al-Assad that he wanted peace, and I did. Later, now Foreign Minister Walid al-Mouallem said that that comment helped to defuse the situation.

For many years, President Hafez al-Assad refused to negotiate with Israel unless all five of the major superpowers sponsored the international conference. Israel's Prime Minister Shamir was opposed on the grounds that he would attend the conference sponsored by the United States and the U.S.S.R. but not when the odds were stacked 4 to 1 against Israel. I discussed that matter on a number of occasions with President Hafez al-Assad, whether my urging him had any effect. The effect is that President Hafez al-Assad agreed to go to Madrid in 1981 to a conference sponsored by the United States and the Soviet Union. I had urged President Hafez al-Assad to allow the Syrian Jews to leave. I made a point to him in the early to mid-1990s that the Jewish women in Syria had no one of their own faith to marry. He made an interesting suggestion. He said that if anyone will come and claim a Syrian Jewish bride, she could leave the country. I translated that offer to the large Syrian-Jewish community in New York and, regrettably, there were no takers. But after a time, President Hafez al-Assad let the Jews go on his own, which was a constructive move.

I first met President Bashar al-Assad at the funeral of his father. I was the only Member of Congress to attend the funeral. It was a 33-hour trip—15 hours over, 3 hours on the ground, and 15 hours back. I made the trip to pay my respects and to meet the new President. On this occasion, I met extensively for more than an hour with Foreign Minister Walid al-Mouallem and the next day for a little over an hour with President Bashar al-Assad. President Assad said that he was interested in undertaking peace negotiations with Israel. He said he was obviously looking for a return of the Golan but that he had a good measure of quid pro quo to offer Israel and assistance on the fragile truce which Israel now has with Hezbollah and also assistance with Hamas. In my formal statement, I go into greater detail on that subject.

I pressed President Bashar al-Assad on the obligations Syria had to abide by U.N. Resolution 1701 to not to support Hezbollah, and he said Syria would honor that requirement, that obligation. I, also, pressed him on allowing the U.S. investigation into the assassination of Lebanese Prime Minister Hariri, and again I received assurances on that subject. It is always difficult to know the validity of the assurances, but I think the dialog and the conversation and pressing the point is very worthwhile.

With respect to Iraq, President Bashar al-Assad said that Syria would be interested in hosting an international conference attended by the warring factions in Iraq and that Syria had already gained the concurrence of Turkey to participate and Syria would invite other Arab countries to such a discussion. I realize that there is some disagreement with the issue of dialog with Syria, but it is my view, developed over many years of foreign travel, that dialog and talk is a very important and worthwhile undertaking.

My trip there followed visits by Senators BILL NELSON, CHRIS DODD, and JOHN KERRY. I think all came away with the same conclusion that the dialog was very much worthwhile. I then traveled to Israel, where I had an opportunity to meet with Israeli Prime Minister Olmert. I relayed to him the interest that Bashar al-Assad had in dialog. Prime Minister Olmert had been reportedly cool to any such discussions subsequent to my visit. Some more positive statements were coming from Israeli officials about possible negotiation also with Israel, but Prime Minister Olmert insisted on having some display of good faith on the part of Syria before even considering undertaking such discussions.

We also met with Foreign Minister Livni and former Prime Minister

Netanyahu and our conversations are detailed in my written statement.

We then traveled to Ramallah to talk to Salam Fayyad and Hannan Ashrawi, members of the so-called Third Way, a very small Palestinian party but a very able people and very stalwart advocates for peace. Those comments are contained in my written statement.

I ask unanimous consent that the full text of my prepared statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT ON FOREIGN TRAVEL

Mr. President, I have sought recognition to report on foreign travel, as is my custom, from December 13 to December 30, 2006.

I traveled to India, Syria, and Israel with overnight travel stops in the United Kingdom, Qatar, and Italy. I was joined by my wife Joan, my aide Scott Boos, Colonel Gregg Olson, United States Marine Corps, and Dr. Matthew Needleman, United States Navy.

UNITED KINGDOM

On December 13, we departed Dulles International Airport outside Washington, DC. Our first stop was in London, England where we landed at Heathrow International Airport after a flight of just over 7 hours. Upon arriving in London, we were greeted by Mr. James Sindle of the American Embassy in London. After a brief overnight stay, we headed back to the airport and departed for Mumbai, India, the next morning.

INDIA

Upon arriving in Mumbai in the early morning hours of December 15, we were greeted by Mr. Wilson Ruark, from the U.S. Consulate General in Mumbai. Mr. Ruark, a Vice Consul at the Consulate, was assigned to be our Control Officer. Being that it was 2 a.m. local time, we quickly headed to our hotel for some much-needed rest after two full days of air travel.

Among other issues, our meetings throughout India focused on the U.S./India Nuclear Deal, business outsourcing, and India's relationship with the U.S. and its neighbors, including Pakistan.

On the afternoon of December 15, we received a Country Team Briefing with the Consul General, Mr. Michael S. Owen, and his staff: Mr. Wilson Ruark, Vice Consul; Mr. Matthew B. Sweeney, a special agent of the Diplomatic Security Service; Mr. Glen C. Keiser, Consular Chief; Mr. Bill Klein, Consul; and Ms. Elizabeth Kaufmann, Public Diplomacy Chief.

I was pleased to hear that U.S. relations with India are at an "all-time high," much in part to the U.S./India Nuclear agreement, part of a new "global partnership" entered into on July 18, 2005, by President Bush and Indian Prime Minister Manmohan Singh. Completion of the final terms of the deal will allow the U.S. to engage in peaceful nuclear cooperation with the world's largest democracy, one that commands respect in an important part of the world. When the United Nations was created in 1945, the 5 permanent members of the Security Council were the United States, Britain, France, China, and Russia. If that decision were made today, there is no doubt in my mind that India would be among the world powers considered for membership. With a population of 1.1 billion, an educated young workforce, and an ever-expanding economy, India provides an important counter-balance to China in its region of the world.

On the U.S./India Nuclear deal, the President characterized the agreement as "hugely important" for our strategic relationship with India, and I agree. By way of background, U.S. nuclear energy cooperation with India goes back to the mid-1950's when the U.S. assisted in the building of nuclear reactors in Tarapur, India, and allowed Indian scientists to study in the U.S. During negotiations of the 1968 Nuclear Nonproliferation Treaty (NPT), India refused to join the NPT on grounds that it was discriminatory and only recognized 5 nations with the right to possess nuclear weapons. All other signatories are required to dismantle their nuclear weapons operations. I heard this same sentiment expressed with many of the people I met with in India. However, after India tested a nuclear device in 1974, the U.S. and other nations tightened export controls leaving India in a difficult position without sufficient access to supplies for its civilian nuclear program. An additional test by India in 1998, and a subsequent counter-test by Pakistan, certainly did not advance their ability to obtain fuel and equipment from world suppliers.

On August 26, 1995, on travel with Colorado Senator Hank Brown, I met with India's Prime Minister Narasimha Rao. He stated his interest in negotiations which would lead to the elimination of any nuclear weapons on the Indian subcontinent within ten or fifteen years. Two days later, I raised the issue with Pakistan's Prime Minister Benazir Bhutto. She expressed genuine surprise over the content of my discussion with Prime Minister Rao. She stated that this was the first time that she had heard any such commitment from India and she asked if we had it in writing. I suggested to Prime Minister Bhutto that the U.S. serve as an intermediary to facilitate dialogue. I wrote a letter to President Clinton summarizing the meetings and suggested that it would be very productive for the U.S. to initiate and broker discussions between India and Pakistan. Unfortunately, he did not share my interest in the issue, perhaps because his attention was focused on the election. After the election, I raised the issue again with the President, but again he did not show interest.

Despite being a non-signatory to the Nuclear Nonproliferation Treaty (NPT), India has complied with most of its main tenets. It should be noted that India, unlike its neighbor Pakistan, has not shared its technology or weapons with outside nations. They have been a responsible nuclear weapon state, though not recognized under the NPT like the 5 acknowledged nuclear weapon states: U.S., Russia, France, Britain, and China.

For India, a deal with the U.S. will provide India much-needed credibility and the potential for energy security with access to equipment, fuel, and other assistance for its civil nuclear power program. The international community is likely to follow the lead of the U.S. In return, India, which does not currently have International Atomic Energy Agency safeguards on all nuclear material in peaceful nuclear activities, agrees to open its civil nuclear power reactors to inspection.

Congress recently approved authorizing legislation, with some controversial modifications regarding Iran which I will discuss in more detail later in this report, setting the stage for a final cooperation agreement. The legislation retains the prerogative of Congress to vote on the actual cooperation before it takes effect.

U.S. business ties with India are also on the rise, and have been for some time. India recently hosted 240 American businessmen and women, representing 190 companies—the largest delegation of its kind ever. New Delhi appears to be taking additional steps to embrace trade and has loosened various trade restrictions in recent years.

The Consulate explained that several societal and political functions appear to be restricting the advancement of the country. The risk of "political paralysis" has become an issue among competing political factions in the 543-seat Lok Sabha (People's House). No single political party has come close to a parliamentary majority in recent times and coalitions have become necessary to wield greater influence over national affairs. Currently, the National Congress Party occupies more parliamentary seats (145) than any other party, and through alliances with powerful regional parties, leads India's government under the United Progressive Alliance coalition. Congress party chief Sonia Gandhi, the daughter-in-law of assassinated former Prime Minister Indira Gandhi and widow of assassinated former Prime Minister Rajiv Gandhi, has considerable power over the ruling coalition's policy-making process. The Bharitiya Janata Party (BJP), associated with Hindu nationalism, is the country's largest opposition party and controls eight state governments. Meanwhile, the government is led by Manmohan Singh, a Sikh and India's first-ever non-Hindu prime minister.

We discussed India's history and the arrival of the British, who brought rule of law to India despite flagrant disobedience which exists today. Politically controlled by the British East India Company from the early 18th century and directly administered by Great Britain starting the mid-19th century, India became a modern nation-state in 1947 after a struggle for independence marked by widespread use of nonviolent resistance as a means of social protest.

I was surprised to see that the Indians would have built a "Gateway of India" monument to celebrate the arrival of King George V and Queen Mary in 1911. Completed in 1924, the massive structure sits atop the port of Mumbai on the Arabian Sea. It did not make sense that the Indians would have built such a structure to celebrate those who were there to exploit their interests, and I was right. As it turns out, the British built the Gateway of India.

While Muslims represent just 15 percent of India's population, the 140 million Muslims places India behind only Indonesia and Pakistan among countries with large Muslim populations. Eighty percent are Hindu, but they represent a diverse mixture of regional characteristics with numerous languages. Three percent of Indians are Sikh; around one percent are Christian. The Jewish population has declined as a result of emigration to Israel since 1948. Currently, 5,000 Jews live in Mumbai and another 4,000 live elsewhere in India.

The Consulate explained the numerous challenges to India's desire to expand its economic base. India has not spent enough money on roads, rail, ports, power, and water infrastructure. The weight of 1.1 billion people has strained India's physical infrastructure, clearly evident driving to meetings throughout Mumbai and along the route to the airport. While India has numerous world-class schools, the Consular staff explained that access to education in rural areas has been getting worse. India recently surpassed South Africa as the country with the most individuals living with HIV and AIDS, registering at over 5 million persons.

Immigration is a highly emotional subject, with some objecting to Indians taking jobs from U.S. workers. However, it is worth noting that these are very bright people and that we are a nation of immigrants. There is a desire to see the U.S. lift its cap on H1B visas, highly sought by Indians in the Information Technology (IT) industry. The current cap is at 65,000 and some are expressing a desire to see that number lifted to 125,000. Overall, the Consulate in Mumbai issued 120,000 visas last year, 15,000 to highly skilled workers. They expect steady and double-digit annual increases in demand.

Finally, we discussed India's relations with Pakistan and the threat of terrorism that exists in India. Continuing violence in Kashmir remains a major source of interstate tension. Both India and Pakistan have built large defense establishments—including nuclear weapons and ballistic missile programs—at the cost of economic and social development. Little substantive progress has been made toward resolving the Kashmir issue, and New Delhi continues to complain about what it views as insufficient Pakistani efforts to end Islamic militancy that affects India.

On July 11, 2006, a series of explosions on seven crowded commuter trains in Mumbai left more than 200 dead and at least 800 injured. On December 1, 2006 Indian police filed formal charges against 28 suspected members of the connected to the Pakistan-based Lashkar-e-Taiba (LeT), a Sunni militant group fighting in Kashmir and designated as a terrorist organization by the U.S. Police also have alleged that Pakistan's Directorate of Inter-Services Intelligence was behind the bombings. Pakistan has denied the accusation. Thirteen of the accused are in police custody, and the rest are at large.

Later in the afternoon on December 15, I met with several impressive Indian business executives for a roundtable discussion on outsourcing—a word which has picked up a negative connotation resulting from lost jobs in the U.S. which have been shipped to India. These men were very knowledgeable and I was amazed at their rise to such important positions at such young ages—the four men ranged in age from 38 to 42. Anish Tripathi of KPMG, heads the knowledge function in India and reports directly to the Director and CEO. He explained his firm's role in advising U.S. firms on whether, and how, to outsource their operations to India and elsewhere in search of a lower-cost operations base. Saurabh Sonawala, the head of business processing outsourcing for HindiTron, a travel software producer and outsourcing advisor to over 20 major airlines, explained, "It's not always about cost. India can do a better job." Manish Modi, Managing Director of Datamatrix Technologies Ltd., described the process of outsourcing certain accounting functions for the auto industry. While the actual invoice must be handled and mailed in the U.S., a scanned copy on a computer screen in Mumbai allows an Indian worker to perform related accounting tasks. Satish Ambe of KALE Associates also was present in the meeting.

They explained that 80 per cent of outsourcing consists of so-called "call centers," where English-speaking Indians perform various functions from India. I asked how it would make sense to pay the cost of a phone call to India and still achieve cost-efficiency. They explained that 12 years ago, the cost of a phone call was $3.50 per minute. Today it is only 7 cents per minute. The cost of a data connection has also become much cheaper. Ten years ago a 64K line would have cost $10,000 per month. Today it is only $50 to $100 per month.

Other factors contribute to the desirability of using India as a base for operations. The time zone difference allows companies to employ low-cost labor instead of paying the "graveyard shift" in the U.S. At a management level, labor costs only 30–40 percent of that in the U.S. At an entry-level, labor in India costs only 10 percent of that in the U.S. The gentlemen I met with claimed that India's workforce is better skilled and better educated. In the U.S. it is difficult to find someone with an accounting degree to man a phone line. However, in India, a degree has become a prerequisite due to the heavy competition for employment. In addition, India has a very large labor pool of young workers. The average age in India is 25, compared to an average age of 35 in China. Finally, workers in India speak English, a characteristic not often found in low-cost labor markets.

Our discussion extended beyond outsourcing to India's economy in general. It was represented that 200 years ago, India's economy accounted for 26 percent of the world's GDP. Today it is only 2 percent, leaving room for expansion. I question the ability to gauge such a statistic, but it still shows the power of the East India Trading Company.

We discussed the similarities and differences between India and China. They explained that perhaps a totalitarian government is most effective in propelling a nation of over 1.3 billion people. Regardless, China's economic expansion began about 10 years before India's and India is likely to eventually surpass China, due in large part to its large population of young workers. However, they explained that the "aspiration level" is easily understood—of workers in India is relatively low. Indians who really "aspire" move to the U.S. The men agreed that the impending U.S./India Nuclear deal was an important symbolic event which will solidify the relationship between our nations.

On December 16, I met with Julio Ribeiro, Head of Enforcement for the Indian Music Industry (IMI), to discuss issues related to copyright infringement, copyright enforcement and to discuss the IMI's experience in anti-piracy efforts. Mr. Ribeiro was a very impressive man with a long resume of achievement. He joined the Indian Police Service in 1953 and served as Mumbai's police commissioner in the 1980s, commanding a force of 35,000 officers. From 1989 to 1992, he served as Indian Ambassador to Romania. IMI members include major record companies including Saregama India Ltd., Universal Music, Sony BMG Music Entertainment, and Virgin Records. Mr. Ribeiro explained that the copyright laws in India are good, but are not well understood. "Education is key to enforcement," according to Mr. Ribeiro. Corruption in India is a huge obstacle and without proper supervision enforcement of copyright laws becomes a low priority. When I asked who was being bribed, Mr. Ribeiro replied, "You tell me who is not being bribed."

That same afternoon, we sat down for a lengthy meeting and lunch with the Director (Projects) of the state-owned Nuclear Power Corporation of India (NPCIL), Mr. S.K. Agrawal to discuss the nuclear power industry in India, its growth prospects, its role in upholding India's non-proliferation regime (outside of the NPT), and the commercial prospects for U.S. companies should the U.S./India civil nuclear agreement become reality. I also pressed Mr. Agrawal on some of the more politically sensitive issues surrounding the agreement, particularly with respect to Iran and its nuclear intentions. Overall, Mr. Agrawal said that his company is "euphoric" over the U.S./India Nuclear deal.

The NCPIL has ambitious expansion plans, and hopes to procure more technology and hardware abroad once the U.S./India Nuclear deal is complete. Mr. Agrawal explained that with India's massive population and thirst for energy in an expanding economy, it will need 700GW of electricity capacity by 2032. India's 16 nuclear power reactors currently cover only 2 percent of India's electricity demand, but their goal is to reach 10 percent by 2031 and 30 percent by 2050. The NCPIL has a capacity of about 3.9GW and, if its current construction and future plans for additional reactors come to fruition, it will reach 60GW by 2031. Over 20 foreign reactors will be necessary to achieve this goal. Thermal (coal and gas) currently provides over 80GW of electricity, but India's reserves of fossil fuels are going down. Hydro-electricity provides another 33GW and renewables provide only 6GW.

Mr. Agrawal claims that India already has sufficient know-how to build additional plants, but because India is not a signatory to the Nuclear Nonproliferation Agreement (NPT), foreign countries will not sell reactors. He explained that the leverage of the U.S. trusting India and making a deal will send a strong signal to other countries who will also be interested in exporting its reactors. Mr. Agrawal explained that there is enough business for everyone and that India "can accommodate France, Russia, and the U.S." He also assured me that imported uranium would be used "only for civilian purposes and not for any para-military" purpose and that the reactors will be open for IAEA inspection.

I raised the issue of Iran with Mr. Agrawal. The Senate version of the U.S./India Nuclear deal included a requirement that the President determine that India is fully and actively supporting U.S. and international efforts to dissuade, sanction, and contain Iran's nuclear program. Due to heavy pressure from New Delhi, the Conference Report included a watered-down version which only requires an annual report to Congress on India's efforts in this regard. Regardless, this provision has raised opposition and debate over the deal in India. When I asked Mr. Agrawal for his feelings on the matter, he initially claimed that it was not his place to comment, that he was "just a utility company." However, when I pursued the issue, he said that India does not support nuclear proliferation in Iran. He explained that "India has a uniform policy" and that it doesn't "pick and choose" when, and for whom, to oppose proliferation. I responded that it's appropriate to pick and choose when a country threatens to wipe another country off the face of the Earth, as Iran's President has done towards Israel. During Senate consideration, I supported an even more stringent amendment which would have required Presidential certification that India has agreed to suspend military-to-military cooperation with Iran, including training exercises, until such time as Iran is no longer designated as a state sponsor of terrorism. Regardless, I told Mr. Agrawal that I know that India is a responsible nation and that we wouldn't solve the problem over lunch. I was pleased to see Mr. Agrawal be candid with his views, and those of his country, on this, and a number of related issues.

Mr. Agrawal explained that no final approval would be necessary from the parliament in India, but that a two-day debate would take place on December 18–19. He said that we would see the two sides of public opinion, those who support the deal, and those who question India limiting its ability to freely act on its own foreign policy. Mainly, the discussion will try to answer the question, "Did the U.S come through with the July agreement" between Prime Minister Singh and President Bush, or "did Congress change it too much," referring to the Iran report requirement. An article appeared in the Times of India newspaper on the day of our meeting written by ex-scientists claiming that the deal denies India the opportunity for full cooperation in civil nuclear energy. Unlike the U.S., India wants to reprocess its spent nuclear fuel for new experimental reactors for which technology will be ready for development in 15–20 years. However, the Congress included language in the legislation to prohibit such a practice. The legislation passed by Congress also includes a termination clause should India export nuclear-related mater, equipment, or technology—though a Presidential waiver is available. Also, while India hasn't said whether or not it will conduct a nuclear test again, the deal would terminate should a test occur. Despite the article, Mr. Agrawal assured us that the scientists did not represent the majority opinion of Indians.

When I asked why India won't become a signatory to the NPT, he explained that it is a discriminatory arrangement whereby only the 5 acknowledged nuclear weapon states are permitted to possess nuclear weapons. Meanwhile, its neighbor Pakistan, also not a signatory, has been an irresponsible nuclear weapon state and, according to Mr. Agrawal, India is "not ready to eliminate its weapons" because it needs them as a deterrent to offset those possessed by its neighbor. In order for India to join the NPT and enjoy the benefits of civil nuclear cooperation, it would be required to draw down its arsenal. Unlike Pakistan, India has shown its global aspirations. India paid a price for supporting the U.S. already when Iran was referred to the Security Council. A pending deal to build a much-needed natural gas pipeline through Pakistan was put on hold. The deal shows that India needs to be recognized in a realistic way as a nuclear weapon state, because they do in fact possess them. I said I am pleased to see the U.S./India Nuclear deal moving forward. Once complete, India's massive population will be able to enjoy the benefits of peaceful civil nuclear cooperation.

During lunch, Mr. Agrawal explained that the NCPIL would be creating a new university for nuclear training in Mumbai. A state department official who joined me in the meeting expressed interest in possible cooperation with U.S. universities.

On December 17, we departed Mumbai for Cochin, located in the southern state of Kerala. Upon arrival, we were greeted by Mr. Fred Kaplan, Ms. Kelly Buenrostro, and Mr. Finny Jacob of the U.S. Consulate General in Chennai. They provided excellent support and arranged good meetings through my travel in south India.

We departed the airport and drove into Cochin for tea and a tour of the Mattancherry Synagogue with Samuel Hallegua, the leader of the Jewish community. Mr. Hallegua is a former businessman who came from a wealthy Jewish family whose ancestors had migrated to Kerala in 1692 from Spain, by way of Aleppo, Iran, and held large areas of land in Cochin. He explained that his ancestors in Kerala were in the rope trade business and cultivated coconuts and rice on their estate until land reform in 1917 when they were forced to give up land. Once a vibrant community of 2,500 Jews, Cochin now has only a very small Jewish population—32 individuals in the city and another 20 in the suburbs. Entire families and congregations departed for Israel upon its statehood in 1948. I was pleased to hear Mr. Hallegua say that Jews in Cochin have enjoyed "total religious freedom." I asked, "If it's so good here, why did everyone leave for Israel?" He explained that they were "observant Orthodox Jews" and that they "felt they could be more observant" in Israel.

After tea in Mr. Hallegua's 200-year old ancestral home, he walked us through the neighborhood to the Mattancherry Synagogue. Built in 1568, it is one of the great historic places of interest in Cochin. Mr. Hallegua showed us scrolls of Jewish scriptures, copper plates in which the privileges granted by the Cochin Maharajas to the Kerala Jewish community are recorded, and the building's antique chandeliers and Chinese hand painted tiles. As I signed my name into the guest book, I noted that Queen Elizabeth of Britain visited the synagogue in 1997 and signed the same book. I was later told that Mr. Hallegua drew a curious look from the Queen when he told his wife "Queenie" to "hurry up, Queenie."

That evening I attended a dinner with 12 member of the Indo-American Chamber of Commerce (IACC) in Kerala, including Mr. C.P. Sebastian, CEO of Excel Globe and current President of the Chamber. Founded in 1968, the IACC serves as a link between the businesses in India and the United States and seeks to promote bilateral trade, investment and technology transfer, and other joint ventures. The Kerala branch of the IACC was established in 1992 and has over 60 members. We discussed a number of issues related to the process of outsourcing American jobs to India at a lower cost. They explained that while jobs may be lost in America, India provides a benefit to the American consumer with lower costs for products and services. Our conversation extended into other areas including the U.S./India Nuclear deal. We discussed their views on the Nuclear Nonproliferation Treaty as discriminatory and how it confers second-rate status on Indians, the crisis in the Middle East and the problems in Iraq, relations with China, and intellectual property rights. We toasted the good relations between our nations, and I extended an invitation for the executives to visit the U.S.

On the morning of December 17, we departed our hotel for a boat tour of the Cochin area. Along the way, we saw Chinese fishing nets. Cochin is the only place in the world outside of China where these nets are in use. We also toured areas affected by the tsunami. I was curious to know that the tsunami hit the west coast of India. In Cochin, water was sucked away from land for 45 minutes and then the water rushed back to land killing 80 people and destroying many houses.

I joined 8 area business executives who are members of the Cochin Chamber of Commerce for a working lunch. The Chamber President Mr. Jose Dominic, Managing Director of the CGH Earth Hotels, told me that the Chamber is celebrating its 150th anniversary. Commerce in the region began with English traders in the Cochin area. Today, the region specializes in shipping, agriculture, and tourism. The locals refer to the area as "God's own country." Kerala's economy grew by 9.2 percent last year, largely in part to a growth rate of 13.8 percent in the services sector. Due to the lack of industrial investments, Kerala has a major unemployment problem with over 4 million people out-of-work. Again, we discussed a mixture of business related issues and other issues of international importance. Almost all of the executives had visited the U.S. and many had children in our universities. They remarked that it is "amazing" that our 2 big democracies haven't been closer sooner. We discussed the effect of the ruling Communist government and how it restricts the flow of trade. They explained that state funds going into investment are not providing an adequate return. However, the schools and healthcare are exceptional. "If you were a poor person, Kerala would be a good place to live," one man said.

Later that afternoon, I met with Chief Justice V.K. Bali and 4 senior judges of the Kerala High Court in Cochin, the highest court in the state. In India, one cannot be a Chief Justice in their native state to avoid any allegations of impartial rulings influenced by area relationships. To become a judge at the High Court, lawyers who practice at the court are chosen by the Chief Justice based on their daily performance. The Chief Justice explained that 45 is a good starting age and that judges are bound to retire at age 62–65 for the national Supreme Court. I told them that in the U.S., Oliver Wendel Holmes served on the federal bench until he was 91. They explained that in India, everything is open to judicial review, including actions taken by the Prime Minister. In the U.S., President Bush campaigned in 2004 on nominating judges that would not legislate from the bench. When I asked if judges in India legislate from the bench, they explained that sometimes it is necessary to "fill in the gaps," and they do so despite the criticism. They gave me an example where a public smoking ban was put into effect by the High Court based on a provision in their constitution providing a "right to life."

On December 19, I met with the Editorial Board of the Malayala Manorama, one of the largest circulated newspapers in India with 1.4 million copies sold daily. We discussed the good relations between the U.S. and India bolstered recently by the nuclear deal. They also asked questions about how the deal relates to their relations with Pakistan, Iran, and India's ability to decide foreign policy without foreign influence. We also discussed the Middle East and my view that we should be willing to talk to our adversaries if we intend to solve the problems at hand. I was asked questions about religious freedom, personal privacy in the U.S. since 9/11, the 2008 Presidential election, trade policy with India, relations with Pakistan, and my views on India as an investment destination. I was very surprised by the newspaper's account of my interview, as published on December 20. The board of editors grossly mischaracterized my statements on the war in Iraq, the war's relationship with the Muslim community, treatment of detainees at Guantanamo Bay, and my view of India in the world. I would certainly rethink granting another interview with the Malayala Manorama newspaper on any future visit to Kerala. I wrote the Managing Editor, Mr. Philip Mathew, and explained the misrepresentations in their reporting. I ask consent that a copy of my December 22, 2006, letter be included at the end of these remarks.

Later that day, we drove into the backwaters area of Kerala for a boat tour of the region.

On December 20, we departed Kerala for Bangalore, India, a city of nearly 10 million people. The state of Karnakata has around 60 million people and all of south India has nearly 250 million people. Again, we were accompanied by the very able officers of the U.S. Consulate in Chennai. Also joining us from the State Department on this leg of the trip was Mr. George Mathew who provided helpful information on the local issues.

Upon our arrival, I hosted a lunch with former Chief Justice Malimath of both the Karnakata and Kerala High Courts, the Indian equivalent of a state supreme court in the U.S. However, the Chief Justice earned his distinct reputation for his leadership of a judicial reform committee focused on criminal procedures which recently published a report bearing his name. Among the recommendations to reduce the backlog of criminal court cases and bring order to the system was the introduction of plea bargaining, which was absent in the Indian Criminal Procedure Code. That recommendation has been adopted. He explained that police interrogation techniques in India often involve torture because police are not aware of proper methods. When a detainee dies in custody, suicide is usually given as the reason for death. Reforms to the system now require police to report any instance of death with reasons and must perform a video-recorded postmortem. Another recommendation pending approval is the creation of a witness protection program. The Chief Justice explained that in India only 7 percent of serious offenses end up in conviction because witnesses are afraid to testify. The Chief Justice also headed a comprehensive study of child trafficking in India for the National Human Rights Commission. Its recommendations have been enacted into a government program to disrupt such networks.

We also discussed procedures for confessions, double jeopardy, and the lack of a right to a trial by jury. I was interested to learn that the Chief Justice has a daughter living in Pittsburgh, Pennsylvania.

We then visited the IBM Global Operations Center in Bangalore, located in a massive commercial office park with many other U.S. based corporations. The operations center enables IMB to use the high quality workforce at a low cost of labor to remotely troubleshoot and maintain computer networks for clients at locations around the world. For example, during Hurricane Katrina, their monitoring system identified server outages throughout the Gulf Coast. They explained the challenges that come with working in India, including poor infrastructure of roads, ports, and power supply, exemplified by the lights going out during the presentation. Delayed decision-making of coalition politics and labor laws limiting work hours also are not well suited to the information technology (IT) industry. Still, the Chairman and CEO of IBM, Sam Palmisano, recently announced that over the next 3 years, IBM will triple its investment to $6 billion in India.

Later that afternoon, we visited the General Electric (GE) Jack Welch Technology Center, where over 3,000 scientists and support personnel conduct various research and development operations. The center holds 30 patents. One such innovation breakthrough is the development of a digital railway system where wireless information technology (IT) logistics can be used to monitor operations. The center is also responsible for the development of a diagnostic imaging device where the bone can be taken away from a CT scan. I received a demonstration of the machine and saw very advanced 3 dimensional digital scan a human brain.

On December 21, we departed Bangalore and traveled south to Thiruvananthapuram, India, better known as Trivandrum. We were joined on this leg of the trip by David Hopper, the Consul General of the U.S. Consulate General in Chennai.

Our first meeting was a working lunch at U.S. Technologies, a 100 percent U.S. owned, California-based information technology (IT) firm, specializing in IT consulting and development services for healthcare, retail, financial services, manufacturing, utilities, transportation, and logistics clients. We were greeted at the door by 2 elephants and an indigenous music arrangement consisting of horns and drums. Established in 1999, U.S. Technologies' goal is to become a $1 billion company with a workforce of 30,000 employees by 2010. Already the largest employer in Kerala, they explained that they have a 99.24 percent defect-free process and strive for quality and happy employees. One of their major clients is Blue Cross Blue Shield, based in Philadelphia, Pennsylvania.

Later that afternoon, we met V.S. Achuthanandan, the 83-year old Chief Minister of Kerala, India. A Chief Minister in India is equivalent to a governor in the U.S. The Chief Minister assumed the position in May 2006 and is a prominent leader, and true believer, of the Communist Party of India-Marxist (CPI–M). He had been a Communist party worker for 66 years and the party's politburo member for 10 years. In India, the CPI–M politburo is a policy making committee which advises the government on how to rule. The CPI–M has a history of anti-U.S. rhetoric, especially when it is the opposition party. After the death of his father, the Chief Minister left school after just 7 years to assist in his brother's business. Our conversation covered a number of topics including Communist thought and dialect materialism, the policies of President Bush, China, and Cuba.

In between events, we stopped briefly at Trivandrum's Napier Museum where we saw a vast collection of antique, cultural, and artistic artifacts.

Early that evening, I visited his Highness Marthanda Varma Maharaja, the head of the Royal family of Travancore, and other members of the Royal Family for high tea at the Kowdiar Palace. The Royal Family used matrilineal succession. Marthanda Varma's elder sister, Lakshmi Bayi, uses the palace as her residence along with her two daughters Gouri Parvathi Bayi and Gouri Lakshmi Bayi, and their children. Marthanda Varma's brother Bala Rama Varma was the last member to hold power. When Lakshmi Bayi's uncle died, he became King as a small boy in 1941. After his death in 1991, his Highness Marthanda Varma assumed the role as head of the family. Next in line would be her son, a 50 year old doctor in Bangalore. Travancore was a princely state which covered most of central and southern Kerala during the British period. . After independence, the Royal Family lost political power and the princely state merged with other Malayalam language-speaking areas in south India to form Kerala. We discussed the challenges of holding power and how it is different from the current democratic government structure.

On December 22, we departed the southern areas of India for the eastern city of Bhubaneswar, located in the state of Orissa. I was greeted by Mr. Doug Kelly, Public Affairs Officer at the U.S. Consulate General in Calcutta.

Our first meeting was a working lunch with Mr. Vishambhar Saran, Chairman of VISA Steel, and numerous Orissa government officials, at the home of Mr. Saran's son, also an executive at VISA Steel. The lunch provided an opportunity to interact with senior businessmen and state officials and get their insights on Orissa's current economic, political, and social issues. Mr. Saran was a educated to be a mining engineer, served as Director of Raw Materials for TATA Steel, and has over 37 years experience in the mining and steel industry. He explained that the demand for steel in India is growing at a rate of 10 percent and India faces competition from China and the Ukraine. Power is an important issue for their mining and steel-making operations. He told me that India has 300–400 years of coal remaining, but that the quality is not as good as the coal in Pennsylvania. Mr. Saran explained that India is currently producing 42 million tons of steel. By 2012, it will produce 80 tons and by 2020, it will reach 110 tons or more. During lunch we also discussed the situation in Iraq and India's relations with Iraq. Mr. Saran told me that he has been to Pittsburgh several times to visit family.

After lunch, we visited Infosys where I was briefed on company operations by Mr. Ardhendu Das. He also led me on a tour of the Infosys campus which includes cafeterias and recreational areas for employees. Infosys provides clients with business management consulting, information technology (IT) consulting, reengineering and maintenance support, and outsourcing and offshoring services. The company was created in 1981 with 7 employees and $250. Today, it operates in 18 countries and 50 major cities, employing over 66,000 workers with 476 clients. The Infosys CEO was recently named Forbes Asia Businessman of 2006. We discussed India's well-educated labor pool and business comparisons with China.

I met with Orissa Chief Minister Naveen Patnaik to discuss the state of affairs in Orissa and elsewhere in the world. The Chief Minister, head of the Biju Janata Dal (BJD)-Bharatiya Janata Party (BJP) coalition, was first sworn in on March 2000 and then again in March 2004. He began his political career in 1997 after the death of his father. He also served in Prime Minister Vajpayee's Cabinet as Minister in charge of Steel and Mines. Prior to his political career, Mr. Patnaik was a writer. We discussed the U.S./India Nuclear deal, the growing information technology (IT) industry, steel and mining, tourism, the difference between elections in India and the lengthy process in the U.S., and global issues including the war in Iraq.

Later that evening, my wife and I attended a dinner hosted by Baijayant ("Jay") Panda, a Member of Rajya Sabha, India's parliament. We discussed world affairs with some 20 prominent citizens of Bhubaneshwar and toasted the successful relationship of our two countries. Born in 1964 and educated in the U.S., Mr. Panda has a very bright future ahead and is one of New Delhi's prominent young parliamentarians. His wife Jaggi runs a cable television network in Bhubaneshwar.

On December 23, I departed Bhubaneshwar for the capitol city of India, New Delhi, where I was greeted at the airport by Mr. Geoffrey Pyatt, Deputy Chief of Mission, and Ms. Karen Schinnerer, consular officer and our control officer.

After some difficulty landing in New Delhi due to fog, I immediately drove to the residence of India's Prime Minister where I was joined by the U.S. Ambassador to India David C. Mulford for a meeting with Prime Minister Manmohan Singh. My meeting was the first U.S. visit with the Prime Minister since President Bush signed legislation earlier that week allowing the U.S. and India to move forward with civil nuclear cooperation. The Ambassador told me that 600 million people watched the ceremony on 11 stations, attesting to the interest in the expanding relations between our nations. In between the signing and our meeting, harsh skepticism was voiced in parliament against the U.S./India Nuclear deal. I urged the Prime Minister to move forward quickly with the remaining technical terms of the agreement, which I am told should not be too difficult. The U.S. Congress must still give final approval of the technical terms of the deal. We also discussed the Presidential signing statement and my belief that Congress should be able to sue if the legislation is changed by a statement.

We discussed the strong relationship between India and the U.S. and the good relationship with President Bush. We also discussed the diversity of India, a country with the world's second largest Muslim population. He spoke of his commitment to the rule of law including freedom and human kindness. On the issue of India's relations with Pakistan, I asked the Prime Minister if U.S. involvement could be helpful in mediating the differences between the countries. I explained that I had tried to have President Clinton invite the heads of state of India and Pakistan to the Oval Office in 1995, but without success. The Prime Minister explained that he has had several meetings with Pakistan's President Pervez Musharraf and there has been talk of normalizing relations.

I expressed my appreciation for India's vote on Iran in the U.N. on nuclear proliferation. The Prime Minister expressed that India is not in favor of another nuclear state in the region and would oppose Iran having nuclear weapons. We also discussed, more broadly, the difficult situation in the Middle East including the war in Iraq, the struggles in Israel, and Hezbollah in Lebanon.

We also discussed relations with China, Afghanistan, and Israel, the future direction of economic cooperation between the U.S. and India, and Indian students in the U.S. We also exchanged stories about our children and grandchildren. One of the Prime Minister's daughters graduated Yale Law School and now works on civil rights in New York City. I previously met with the Prime Minister in 2001 when he served as the opposition leader in parliament.

Following my meeting with the Prime Minister, I joined the Ambassador at his home for a country team briefing with his staff. We discussed the nuclear proliferation agenda of Iran and North Korea and its relation to India, which has stopped a cargo ship from North Korea to Pakistan with equipment for nuclear weapons.

We discussed in more detail the U.S./India Nuclear deal and the political fallout the Prime Minister is facing due to language in the bill passed by Congress requiring a Presidential report on India's efforts to keep Iran from becoming a nuclear power. We also discussed economic ties with India, outsourcing of American jobs, and China's practice of currency manipulation. He explained that in the coming years, the U.S., China, and India will continue to emerge as the world's largest economic powers.

QATAR

On December 24, I departed India for Al Udeid Air Base near Doha, Qatar, as a stopover on the way to Damascus, Syria. Upon arrival I was greeted by U.S. Ambassador Chase Untermeyer and Michael Ratney, Deputy Chief of Mission, who briefed me on overall relations between the U.S. and Qatar and the importance of our air base there. While at Al Udeid, I had an opportunity to visit with Pennsylvania troops stationed there. We exchanged stories, took photographs, and I wished them a happy holiday.

SYRIA

On December 25, I arrived in Damascus, Syria. My 16th visit included my 4th meeting with President Bashar al-Assad. I had previously met his father, President Hafez al-Assad, on nine occasions and attended his funeral in 2000. During the course of my previous visits, I have found the dialogue with the Syrian officials to be very helpful and have carried messages to other foreign leaders, including Israeli prime ministers, and back to the President of the United States. These visits have contributed to the discussion of many issues with my colleagues in the United States Congress.

Upon arrival I was greeted by the Chargé d'Affaires, Mr. William Roebuck, and our State Department Control Officer, Mr. Hilary Dauer. Our first meeting was a Country Team Briefing at the U.S. Embassy in Damascus with Mr. Roebuck, Mr. Dauer, and the rest of the State Department staff: Maria Olson, Acting Political/Economics Chief; Allen Kepchar, Acting Consul General; Adrienne Nutzman, Acting Public Diplomacy Chief; David Hughes, Political Section; John J. Finnegan, Jr., Management Counselor; Michael Mack, Regional Security Officer; and Mike McCallum, Acting Defense Attaché.

We discussed the difficulties associated with controlling a large border between Syria and Iraq and a recent Memorandum of Understanding (MoU) between the nations to control the traffic of foreign fighters from Yemen, Algeria, Kuwait, Saudi Arabia, and elsewhere seeking to fight the U.S. forces in Iraq. They explained that the Syrians have increased troops on the border and have built new guard positions, but that serious difficulties still remain.

We discussed the public stance taken by Syria on their willingness to negotiate "without preconditions" with Israel. The State Department officials explained that in reality, the Syrians are interested in starting any negotiations from where they previously left off. This includes a return of the Golan Heights, occupied by Israel, as a "basis" for negotiations to resume. They explained that since Prime Minister Sharon took office, negotiations have been "frozen" with little interest on the Israeli side. We discussed many issues including the Golan and Syrian interests in Lebanon.

We discussed the perceived power of Bashar al-Assad as compared with the influence of his father. The State Department officials feel that he is not as strong as his father was and does not rule with the same "iron fist." However, they explained that there is not much opposition to President Assad within Syria. I asked if he is, or was, concerned with a U.S. attempt at regime change. They felt that he is less concerned now than when U.S. troops first entered Iraq. Ongoing U.S. problems in Iraq and Afghanistan have eased fears that the U.S. would turn next to Syria.

We discussed Syria's role in Lebanon, its influence over Hezbollah, and its cooperation with U.N. Resolution 1701 regarding the flow of arms to Hezbollah in south Lebanon. They explained that Syria is a "corridor window" for Iran to Hezbollah with strong support through Damascus, and that high level political contacts play a role in the tensions in Lebanon through street protests and other actions. They explained that President Assad has taken various positions on his influence in Lebanon in his recent visits with Senator Bill Nelson, and then with Senators Christopher Dodd and John Kerry.

We discussed the February 2005 assassination of former Lebanese Prime Minister Rafik Hariri and the ongoing U.N. investigation into the matter. The State Department staff described second-hand accounts of threatening conversations between President Assad and Hariri. They explained that the Syrians are experts at removing the command structure from the evidence, making it difficult to establish facts to back up allegations. The first two reports U.N. reports by Detlev Mehlis described Syrian interference in the investigation. However, the most recent reports by Serge Brammertz have described Syrian cooperation with the investigation.

Later that evening, I sat down with Syrian Foreign Minister Walid al-Moualem. He had not accepted my offer for a meeting until I called him on the phone that afternoon. We discussed a variety of issues including the U.S. presence in Iraq, Syria's influence with Hezbollah, peace negotiations with Israel, the Hariri assassination, Syrian relations with Iraq, and Iran's influence in the region. We also discussed the peace process between Israel and the Palestinians, and the complications of a government led by Hamas. We recounted our previous visits and agreed that only through dialogue can we achieve a common ground on the difficult issues at hand.

The Foreign Minister told me that it is time to rethink U.S. policy towards Syria. He told me that isolating Syria was not working and that we are isolating ourselves at the same time. He blamed much of the instability in the Mideast to the Bush Administration. He explained that in Syria, the number one priority is peace in the region, including an end to the Arab/Israeli conflict. When I asked why a peace agreement has not been completed with Israel, he told me that there is a "lack of political will" in Israel since Yitzhak Rabin's assassination in 1995. He told me that Syria is willing to negotiate with Israel without preconditions, but not without the "basis" of "land for peace."

I asked if the problems with Hezbollah could be solved through a peace agreement between Syria and Israel. He answered, "Without a doubt," but then explained the need to resolve the issue of the Golan Heights and, in particular, Shebaa Farms, a small area of disputed ownership located at the junction of Israel, Syria, and Lebanon controlled by Israel since 1967. When I asked if U.N. Resolution 1701 would be observed in the absence of an Israel/Syria peace agreement, the Foreign Minister told me that in history, no ceasefire can stand without a political solution. Thus, he said, it cannot stand forever. When I explained the distrust in the U.S. with Syria's position that they do not supply arms to Hezbollah, Mouallem asked me to present proof to the contrary. He told me that Syria would respond quickly with corrective action if the allegation could be founded with documentation.

On the issue of the assassination of former Lebanese Prime Minister Rafik Hariri, Mouallem explained that Hariri was a friend to Syria and denied involvement in his murder. "No wise man can shoot his own finger," he said. He told me that Syria is cooperating fully with the investigation and he expressed suspicion of political motives in the initial

U.N. Mehlis investigative reports, which said Syria was not fully cooperating.

We discussed then-Secretary Colin Powell's 2003 visit when, according to Mouallem, Powell arrived with six "take it or leave it" demands of Syria, including closing the borders, ending support for Hezbollah, ending support for Hamas in Damascus, and ending its chemical program. He explained his preference to seek solutions through dialogue, not through demands and a threat of U.S. troops in Iraq next turning to Syria. He explained that after their meeting, Powell held a press conference at a nearby hotel explaining that Syria was not willing to work with the U.S.

Despite this history, Mouallem told me that he is "ready to turn this page" and seek constructive dialogue with the U.S. with the objective of peace.

We discussed Syrian relations with Iraq and the recent establishment of an embassy in Baghdad. According to Mouallem, Syria has taken in one million refugees from Iraq and took another 300,000 Lebanese during the conflict with Israel this past summer. Regional stability is sought by the Syrians, he explained. He discussed the recent Memorandum of Understanding (MoU) for border and security cooperation between Iraq and Syria focusing on information exchange and improved presence and training on the borders. In our meeting, the Foreign Minister declined my request to have a copy of the MoU. He suggested I get a copy from the Iraqis.

The Foreign Minister pointed to U.S. mistakes in Iraq including our being unwilling to open dialogue with all factions of Iraqis including the Saddam-loyalists. If we don't attract the ex-officers, he said they will simply train the resistance. "They need to eat," he said. He said that the Maliki Government needs to be strong and decisive in dismantling militias and that constitutional modifications are needed to assure unity in Iraq. On the issue of a U.S. timetable for withdrawal, he said that it would be immoral for the U.S. to leave now and leave Iraq in the hands of terrorists. He said that Syria, too, wants real leadership in Iraq. He said that a timetable would oblige them to take over and not leave a vacuum.

On the influence of Iran in the region, the Foreign Minister was careful not to speak for Iran, but noted that the U.S. may have missed opportunities to deal with more moderate leadership in the past. We discussed Iran's efforts to achieve a nuclear weapon and he said there is a double-standard when we allow Israel to possess a nuclear weapon. I responded by telling him that unlike India which has recently been recognized by the U.S., Iran is not a responsible country and has threatened to wipe Israel off the face of the Earth.

On the following morning, I met with Syrian President Bashar al-Assad at his Presidential palace in Damascus. Despite the Administration's policy of isolating Syria, I believe dialogue is important. My meeting with President Assad in Damascus is part of increased Congressional oversight in fulfilling our constitutional responsibilities in foreign affairs as a reaction to unprecedented turmoil in the Mideast.

We discussed ways that Syria could help provide stability in Iraq by controlling the border and the flow of fighters into, and out of, Iraq. Assad said that both sides must make an effort, but Iraq is currently unable to fully enforce its border. However, a recently signed Memorandum of Understanding (MoU) between the two nations, which I had also discussed with the Foreign Minister, might help the situation. President Assad agreed to provide a copy of the MoU.

President Assad explained that Syria has an interest in a stable Iraq, but that U.S. policies have created instability by ignoring political issues and instead focusing on security issues. He attributed much of the sectarian violence in Iraq to the Iraqi Constitution, as it is currently written. He discussed a national conference which could be held in Damascus that would bring all relevant groups in Iraq together in an attempt to stop the violence. He explained that U.S. involvement would be important, but that the conference could not be seen as having been organized by the Americans because of our poor image with many Iraqi factions. He told me that the Prime Minister of Turkey has already agreed, in principle, to participate. President Assad expressed the importance of Iran's participation in the national conference. Iran, he said, is a nation which also does not want complete chaos in Iraq.

We discussed the possibility of resuming peace talks with Israel, continuing my discussion from the night before with the Foreign Minister. President Assad explained that negotiations without preconditions means that any further negotiations must start from the foundation of the Madrid peace conference in 1991 and on where negotiations with former Israeli Prime Minister Rabin left off. When I asked what Israel would get in exchange for the Golan Heights, President Assad said that Israel would get normal relations and peace with both Syria and Lebanon, and that issues related to Hezbollah would be "solved simply." He acknowledged the importance of the U.S. in the peace process, but said that there is currently "no vision for peace."

We discussed Syria's role in Lebanon and allegations that it was involved in the assassination of former Lebanese Prime Minister Rafik Hariri. President Assad told me that despite the conflicting reports in the Melhis and Bremmertz investigations of the Hariri assassination, Syria will continue to give its full support to the U.N.'s investigation. President Assad denied any threatening conversation in which he threatened to break Lebanon over the head of Hariri, as was recounted by various second-hand witnesses in the U.N. reports. He described some concerns with a U.N. tribunal on the Hariri assassination and stressed that it should follow the Lebanese constitution.

On the issue of Syria allowing arms shipments to Hezbollah, President Assad said that such allegations should be backed up with evidence. He said that missiles could not be smuggled discretely "like drugs on the back of a donkey," but could only be transported by truck. On a related note, President Assad warned that a decreased presence of Hezbollah in Lebanon would mean an increased presence of al-Qaeda, which is already active in northern Lebanon. Overall, he told me that Syria still has considerable influence in Lebanon, but that Syria's "happiest day" was when his army left Lebanon.

We discussed issues relating to Hamas in the peace process between the Palestinians and Israelis. While unity would be needed among the Palestinians, he noted that Hamas is now talking about the so-called "line of 1967" as part of future negotiations, a softening of position. He said that without a comprehensive peace agreement including everyone in the region, we would have a "time bomb" waiting to happen.

I asked President Assad about the two Israeli soldiers captured at the beginning of the conflict between Israel and Hezbollah on Israel's northern border this past summer. He said that they are ready to negotiate a release in exchange for some 20 individuals captured by Israel, but that a mediator was needed. I also asked President Assad about an Israeli soldier, Guy Hever, who went missing in the Golan Heights in 1997 and is suspected to be in a Syrian prison. He said that perhaps the soldier was lost in the high mountains during the winter.

I asked President Assad about the Iranian President Mahmoud Ahmadinejad and his comments about wiping Israel off the face of the earth. President Assad said that he is not as radical as we think and that we should talk to him. He said that his denial that the Holocaust occurred is his own opinion. President Assad expressed his opposition to nuclear weapons in Iran, or any other country in the region, including Israel.

I raised the issue of the security of the U.S. Embassy in Damascus. He explained that his own office is very close to the U.S. Embassy and that the entire area is well protected. Closing the street, he said, would not improve security as it would still be vulnerable to missile attack. Instead, he suggested that the Embassy move to a new area outside Damascus and a pledge of timely approvals and availability of land was made.

President Assad told me that he wanted to travel to the U.N. General Assembly meeting in New York in 2005, but the U.S. government would not issue a visa.

Before leaving Syria on December 26, I held a press conference at the airport to discuss my meetings.

ISRAEL

On December 26, we departed Damascus for Israel. Our travel required a technical stop in Amman, Jordan. Upon our arrival in Israel, we were met by Peter Vrooman of the U.S. Embassy in Tel Aviv who briefed me on the current issues while on the long car ride to Jerusalem. Along the way, we stopped at my father's gravesite in Holon, Israel.

On the morning of December 27th, I met with the U.S. Ambassador to Israel, Richard H. Jones. I briefed the Ambassador on my meetings with the Syrian Foreign Minister and President in Damascus. We discussed the details of the land issues related to the Golan Heights and Shebaa Farms, the fragile ceasefire created under U.N. Resolution 1701 and the need for a political solution, the perception that the U.S. would seek regime change in Syria following the 2003 invasion of Iraq, and the U.S. policy of pressuring Syria through isolation. We discussed the threat posed to Israel by Iran and discussed the positive impact of Saddam Hussein's removal for Israel.

Later that morning, the Ambassador and I met with former Israeli Prime Minister Benjamin Netanyahu. I told him about my trip and my meetings with Syrian President Assad. We discussed the Syrian President's interest in resuming peace negotiations from where they last left off, with the obvious inclusion of the Golan Heights in any discussion. Netanyahu explained that peace is based on deterrence and that once you give Syria the Golan Heights, one must ask themselves what remains to keeps President Assad to his word of providing normal relations and peace. He told me about his 1998 discussions with Hafez al-Asad which abruptly ended in disagreement over the Golan Heights. The former Prime Minister told me that, unlike the statements of Syria, he does have preconditions to talking with Syria, namely that they stop waging war against Israel. "They are killing my countrymen," he said.

We also discussed the Iranian President's comments regarding the Holocaust never happening and his desire to see Israel wiped off the earth. I related Iran's nuclear ambitions to those of India, a country which can be trusted. He told me that President Bush is doing a good job of pressuring Iran, but said that the "noose must remain tight."

On the afternoon of December 27th, we met with Israel's Foreign Minister Tzipi Livni. We discussed President Assad's interest in negotiating a peace agreement with Israel. She suggested that while President Assad may be sending signals for negotiations, in reality he may just want to ease the international pressure that currently exists on Syria due to the Hariri investigation and allegations of arms transfers to Hezbollah. She said that Syria's intentions must be clearly understood before engaging in talks. I told her that President Assad said a mediator was needed to allow for the release of the two captured Israeli soldiers. She said that Kofi Annan had already tried, but little progress is actually being made.

Overall, she said little progress is being made right now on either the Israel/Syria front or between Israel and the Palestinians. "Only headlines," she said. She said there is a desire to negotiate with Palestinian moderates towards a two-state solution and said she "smelled signs" of progress, as evidenced by a recent December 23rd meeting between Prime Minister Olmert and Palestinian President Mahmoud Abbas. When I noted that we live in a changing world where terrorist groups want to participate in politics, she suggested that rules should be established to prevent such practices.

We discussed Israel's decision-making process and its practice of consultation with the U.S. before taking action. Foreign Minister Livni explained that the U.S. and Israel share many of the same values and interests in the region and it does not benefit either country to surprise the other without first consulting on an issue. I agreed. I urged Israel to be independent and to follow its own interests.

On the issue of Iran, Foreign Minister Livni said that the world cannot afford to allow Iran to possess nuclear weapons. She expressed her fear that a "domino effect" could occur where others in the Mideast will either appease Iran in the interest of safety, or they will seek nuclear weapons of their own for deterrence. She cited the need for stronger, "real" sanctions against Iran.

That evening the Ambassador and I met with Israeli Prime Minister Ehud Olmert at his offices in Jerusalem. I briefed the Prime Minister on my meeting with Syrian President Bashar al-Assad. I told him that President Assad says he wants to negotiate with Israel and that he says he can be helpful in dealing with Hamas and Helzbollah. The Prime Minister said he was "more than interested" to hear this message, but also said, "I don't want to fool myself and my friends." He cited Syrian support for terrorist groups including Hamas, a group whose leader Khaled Mashal "sits in Damascus." He said Israel would need a "credible sign" that Assad is sincere before giving him legitimacy that he currently doesn't deserve.

The Prime Minister described resolving the conflict with the Palestinians as his top priority. The Prime Minister told me about his meeting on December 23rd with President Mahmoud Abbas. He described it as an important bilateral step without the assistance of the U.S., or anyone else. He characterized the meeting as "very difficult, but very significant." As a result of that meeting, he said $100 million would be unfrozen for humanitarian and security purposes.

On the issue of U.S. involvement in Iraq, he said he was glad that Saddam Hussein is gone. He would not give his opinion on whether the U.S. should draw back its forces. He did note that pulling out prematurely "would encourage radical countries."

On the issue of Iran, the Prime Minister described Ahmadinejad as a "madman" in control of a nation of over 70 million people. He suggested that economic measures should also be taken outside of the U.N. Security Council to pressure Iran, particularly from European Union member countries.

Despite the regional difficulties, the Prime Minister told me that the economic situation in Israel is better than ever. Over the last year, Israel has seen a positive balance of trade with overall growth of 4.8 percent and low inflation. Before the conflict in south Lebanon, growth was projected at only one percent.

On the morning of December 28th, I held a press conference at the David Citadel Hotel in Jerusalem to discuss my foreign travel, particularly my meetings in Syria and in Israel.

Following my press conference, I was joined by Michael Schreuder of the U.S. Consulate in Jerusalem, and by Jake Walles, Consul General and Chief of Mission in Jerusalem. We traveled into the West Bank for several meetings in Ramallah.

Our first meeting in Ramallah was with Salam Fayyad, a Palestinian in the Third Way party who was the Finance Minister of the Palestinian National Authority in the Fatah government in 2002. He holds a Ph.D. in economics from the University of Texas at Austin and has lived in the U.S. for over 10 years. He explained his interests in decency and fundamental human values, qualities which will help the Palestinian people be better neighbors to Israel.

We discussed his successful reforms in his three and a half years as Finance Minister. He explained that many of those reforms are not being carried out by the current government.

He explained that despite the undesirable outcome of the January 2006 elections, he and other like-minded people are still trying to make progress with Israel and are focusing on providing security. He noted that Hamas is having many problems because of their lack of governmental experience, but still found it difficult to see how elections could be held in the near future. Hamas, he said, is a real problem, because they do not recognize Israel and they judge right and wrong based on ideology and fixed notions of the world. He acknowledged that Hamas will always be part of the system, but he hoped it would not continue to be a majority.

We discussed the recent meeting between President Abbas and Prime Minister Olmert. We also discussed the threat posed to Israel by Iran and Syria's behavior in Lebanon, which he characterized as "disgusting." Fayyad said he has a harder time believing President Bashar al-Assad than he did his father.

We then joined Hannan Ashrawi, also a member of the Third Way party, for lunch in Ramallah. She explained that under the Hamas government, the "republic has become polarized," alternatives have not been permitted to rise, and people have lost their sense of volunteerism. According to Ashrawi, there is currently no process for peace and there hasn't been since 2000. However, she explained that some options exist for President Abbas to negotiate, even though the powers of the President were reduced in 2002 when the position of Prime Minister was created.

We discussed the Palestinian distaste for Israeli occupation within the West Bank. She said that Israeli occupation includes control over the airspace, borders, and checkpoints. She described the difficulties of carrying out even the most mundane tasks as a Palestinian, such as going to the airport. She described the checkpoints as being there "to humiliate." We discussed the technicalities of what appears to be a new settlement in the West Bank, which Israel claims is only an expansion inside an existing area and not in violation of its commitment to the U.S. of no new settlements.

We discussed my meeting with Syrian President Assad, the potential for future talks with Israel, the difficult situation of a Hamas majority in government, the possibilities for new elections, and the need to engage in dialogue with Iran.

Early that evening back in Jerusalem, I met with the mother of an Israeli soldier, Guy Hever, who is believed to be a prisoner in a Syrian jail. Mr. Hever disappeared on the Golan Heights near the Syrian border on August 17, 1997. I previously met his mother on November 6, 2002, and wrote President Assad asking for an inquiry into Mr. Hever's whereabouts. I raised the issue in person with the Syrian President on January 3, 2003, and again in my most recent meeting on December 26, 2006.

That evening in Jerusalem, I met with Saeb Erakat, Head of the Negotiations Affairs Department for the Palestine Liberation Organization. We discussed my visit to Syria and its stability under the rule of President Bashar al-Assad. He told me that Hafez al-Assad used to "play Iran as a card, but now Ahmadinejad plays Assad as a card."

On the situation with Hamas, he said there is no alternative but to seek elections. However, he said that Fatah needs to change in a short period of time. It was beaten by a "party without a program." If Hamas sees that Fatah remains weak and does not come up with a plan, it may call for elections again and take more power in government.

We discussed the December 23rd meeting between President Abbas and Prime Minister Olmert, a meeting Mr. Erakat attended. He explained that many Palestinians did not want to see the meeting occur and it fell into place at the very last minute. He praised the courage and leadership of President Abbas for "sticking his neck out" to start something. Permanent solutions were not on the table. Rather, four committees focusing on security, economy, prisoners, and sustaining the ceasefire were created to attempt to answer the question of "where do we go from here." He explained that a third party in negotiations is helpful, but that the "real work" must be done on a bilateral basis. He expressed his optimism that future negotiations can succeed despite interference and violence spurred by Hamas.

Mr. Erakat requested that the U.S. Congress ease limitations on aid to Palestinians, citing the need to show that President Abbas can deliver for his people.

We also discussed Iran's emerging influence in the region and its impact on the Palestinian people. Mr. Erakat suggested adding another nation to the maps instead of Ahmadinejad's suggestion that Israel be wiped off the map.

ITALY

On the morning of December 29th, we departed Israel for a stopover in Rome, Italy, on the way back to the U.S. Upon our arrival, we were greeted by our State Department Control Officer Mikael McCowan. We drove to the U.S. Embassy and discussed a variety of issues during a Country Team Briefing with the embassy staff headed by Ms. Anna M. Borg, Deputy Chief of Mission. Ambassador Ronald P. Spogli was not in Italy during my visit.

We discussed U.S. relations with the new "left of center" government which has withdrawn Italy's 3,000 troops from Iraq. We discussed other forms of military cooperation between the U.S. and Italy, including ties with American businesses selling arms to Italy. Elsewhere, Italy has some 8,400 troops stationed around the world. Following on the summer conflict in Lebanon between Hezbollah and Israel, Italy has played a major role in the peacekeeping operation by providing 2,400 troops, the largest contingent of any country. They are also playing an important role in Afghanistan with some 2,000 troops. Italy also has some 3,500 troops stationed in the Balkans.

We also discussed the judicial structure in Italy where there are three independent levels of jurisdiction, the latest developments on the reported Italian cooperation with CIA renditions, Italy's economy, and its relations with Iran. They explained that Italy, which has a sizeable amount of trade with Iran, has been put in a difficult situation by having to support sanctions against Iran for its nuclear proliferation efforts.

On December 30, 2006, we departed Rome, Italy, and returned to the United States.

I ask unanimous consent that the following be included in the CONGRESSIONAL RECORD as if read on the Senate floor:

1. My letter to Philip Mathew, Managing Editor of the Malayala Manorama in Kerala, India, dated December 22, 2006
2. An article from the Jerusalem Post headlined "Arlen Specter 'would meet' Ahmadinejad" dated December 28, 2006
3. An article I wrote for the Philadelphia Inquirer for January 5, 2007 publication
4. My letter to President Bashar al-Assad dated January 5, 2007

U.S. SENATE,
Washington, DC, December 22, 2006.

Philip Mathew,
Managing Editor, Malayala Manorama,
Kerala, India

DEAR MR. MATHEW: I was very surprised by your newspaper's account of my interview with your board of editors on December 19, 2006 in Kerala, India.

Contrary to your report, as to the war in Iraq, I said only that had the U.S. known Saddam didn't have weapons of mass destruction we would not have gone to war. Once there, we could not precipitously withdraw and leave the country destabilized.

I did not say that the U.S. war was widely characterized as being against the Muslim community.

The U.S. has already explained that faulty intelligence led to the conclusion that Saddam had weapons of mass destruction. Beyond faulty intelligence, I did not say that U.S. policy required more thoughtful consideration.

As to Guantanamo Bay, I said that the U.S. should allow habeas Corpus to determine if detainees are properly treated.

As to a permanent seat for India on the U.N. Security Counsel, I said that if the U.N. was being organized today India would be considered as one of the World's five greatest Powers.

Your reporting would certainly make me rethink granting another interview to your editorial board on any future trip to Kerala, India.

Sincerely,

ARLEN SPECTER.

[From the Jerusalem Post, Dec. 28, 2006]

ARLEN SPECTER "WOULD MEET" AHMADINEJAD

(By Herb Keinon)

Senator Arlen Specter, a Republican from Pennsylvania who broke ranks with the Bush Administration and met Syrian President Bashar Assad earlier this week, said Thursday in Jerusalem that he would now like to sit down and talk with Iranian President Mahmoud Ahmadinejad.

Asked by The Jerusalem Post if he would like to meet the Iranian President, Specter—in Jerusalem for a series of meetings as part of a regional tour—replied, "You bet I would like to, and give him a piece of my mind."

The present US policy is not to engage in high-level dialogue with either Syria or Iran, even though the recently published Baker-Hamilton report advocated actively engaging those two countries. Bush has said he would not change his policy regarding those two countries; Specter thinks he should.

"I disagree with the policy of not dealing with Iran," he said.

"When he [Ahmadinejad] says he wants to wipe Israel off the face of the earth, I'd like to tell him how unacceptable that is," Specter said, explaining what he would tell Ahmadinejad.

"When he says there was no Holocaust, I'd like to tell him about the Holocaust survivors I've talked to, and about how much evidence there is about the Holocaust. Yes I'd like to see the president of Iran, he could use some information," he said.

Specter brushed aside the criticism of his trip to Damascus that was voiced by some in the Bush Administration who argued that his visit, as well as recent visits by three democratic senators, granted legitimacy to the Syrian government. Specter said that as a member of the powerful Senate appropriations committee that sends billions of dollars each year to the Middle East, he was dutybound to see first hand what was happening in the region.

Specter said that while he acquiesced to the Bush Administration's request not to visit Damascus on previous tours to the region last December and August, "this year in coming it seemed to me that the Administration's program is not working."

Regarding what he hoped to achieve by going to Damascus, Specter said, "I believe that all the wisdom doesn't lie with the Administration, there are others of us who have studied the matters in detail, have made contributions in the past, and have something to add here."

The senior Pennsylvania senator said that while he had a great deal of respect and admiration for US President George W. Bush, there were issues with which he did not agree with the president, and that it was his responsibility "to speak up, and do so in an independent way."

Specter said he did not believe that his visit "alters the issue of legitimacy" regarding Syria, and pointed out that the US talked to the leaders of the Soviet Union even though there was a Cold War for decades, and that the US talked with the Chinese despite disagreements over slave labor.

Specter reiterated what he said in Damascus earlier this week, that the Syrians were interested in entering into negotiations with Israel without preconditions, and that Syrian President Bashar Assad had told him that in return Syria could be helpful in dealing both with Hamas and Hizbullah.

Specter said that Assad denied that arms were being smuggled into Lebanon through Syria.

Asked whether he believed Assad, Specter, who has met with him five times and with his father Hafez Assad nine times, said, "I don't know, I can not make the judgment on that, the Israelis will have to do that."

Specter, who has served in the senate for 26 years, said that the situation in the Middle East is more problematic now than at any time since he was first elected.

"I do not see anyway out except through dialogue," he said. "I do not think there are any assurances that dialogue will succeed, but I think there are assurances that without dialogue there will be failure."

[From the Philadelphia Inquirer, Jan. 5, 2007]

WHY CONGRESS CAN AND MUST ASSERT ITSELF IN FOREIGN POLICY

(By Sen. Arlen Specter)

My recent meeting with Syrian President Bashar al-Assad in Damascus is part of increased congressional oversight in fulfilling our constitutional responsibilities in foreign affairs as a reaction to unprecedented turmoil in the Middle East. As I mentioned in an extensive Senate speech in the July 16, 2006, Congressional Record, and also in an article in the current issue of the Washington Quarterly, significant results have flowed from my meetings with foreign leaders (some of whom have been unsavory), over the last two decades.

The starting point is a senator's constitutional duty to participate, make judgments, and vote on foreign affairs. In 26 years in the Senate, I chaired the Intelligence Committee in the 104th Congress and have served on the appropriations subcommittees on defense and foreign operations. Senators vote on ratification of treaties, on the confirmation of cabinet offices including the Departments of State and Defense, and on appropriations of $8 billion a month for Iraq and Afghanistan and more than $500 billion annually for military and homeland defense. Under the constitutional doctrine of separation of powers, senators are purposefully independent of the executive branch to provide checks and balances. Accordingly, Congress has a vital role in the formation and execution of foreign policy.

My foreign travels have included 16 visits to Damascus since 1984 involving nine meetings with President Hafiz al-Assad and four with his son, President Bashar al-Assad. When the administration asked me not to go to Syria when I was in the region in December 2005 and August 2006, I deferred to that judgment. But now—with the Middle East embroiled in a civil war in Iraq, a fragile cease-fire between Hezbollah and Israel, and warfare between Fattah and Hamas undercutting any potential peace process between Israel and the Palestinians—I decided it was time for Congress to assert its role in foreign policy. My decision was influenced by the 2006 election, which rejected U.S. policies in Iraq, and by the Baker-Hamilton Group report on Iraq, urging direct dialogue with foreign adversaries including Syria.

My talks with Assad, following his meetings with Sens. Bill Nelson (D., Fla.), Chris Dodd (D., Conn.), and John Kerry (D., Mass.), produced his commitment to tighten the Iraqi-Syrian border to impede terrorists and insurgents from infiltrating Iraq. In my meeting, Assad made a new offer for Syria to host an international conference with all factions in the Iraqi conflict and other regional powers to try to find a formula for peace. I carried a strong State Department message to Assad concerning Syria's obligations under U.N. Resolution 1701 not to arm

Hezbollah, and Syria's obligations to cooperate with the U.N. investigation into the assassination of Lebanese Prime Minister Hariri.

Israeli Prime Minister Ehud Olmert was interested in the nuances of my conversation with Assad on Syria's potential assistance with Hezbollah and Hamas as part of an Israeli-Syrian peace treaty involving the Golan Heights. When I met with Olmert, he appeared to be moderating his prior opposition to Israeli-Syrian peace talks, perhaps as a result of many voices, including mine, urging him to do so.

In previous trips to Damascus, especially in the 1990s, I relayed messages between then-President Hafiz al-Assad of Syria—who initially refused to participate in an International Conference with Israel unless sponsored by all five permanent members of the Security Council—and then-Prime Minister Itzhak Shamir of Israel. Shamir would attend such a conference only if it were organized by the United States and the Soviet Union. Shamir did not want to deal with four adversaries and only one friend. Whether my efforts to persuade Assad to accede to Shamir's terms had any effect is speculative, but it is a fact that Syria went to the Madrid Conference in 1991 sponsored by the United States and the Soviet Union.

Shortly after becoming Israeli prime minister in 1996, Benjamin Netanyahu announced that Israel would hold Syria responsible for Hezbollah's attacks on Israel. Syria then realigned its troops near the border with Israel, creating considerable tension in the region. Netanyahu asked me to carry a message to Assad that Israel wanted peace, which I did. I was later credited by Syrian Foreign Minister Walid al-Moualem with aiding in relieving the tension.

In many visits to Damascus, I urged Assad to let Syrian Jews emigrate. Assad at first refused, saying it would be a brain drain. It is hard to say whether my appeals influenced Assad's later decision to let the Syrian Jews go. These and other results from my many trips to Damascus are cited in contemporaneous Senate floor statements reporting on those visits.

More, rather than less, congressional attention is needed on U.S. foreign policy generally and on the Middle East in particular. While we can't be sure that dialogue will succeed, we can be sure that without dialogue there will be failure.

U.S. SENATE,
Washington, DC, January 5, 2007.

His Excellency BASHAR AL-ASSAD,
President, Syrian Arab Republic,
Damascus, Syria.

DEAR PRESIDENT ASSAD: I am writing to thank you for your hospitality during my recent visit to your country. I found our discussion to be very insightful and believe it will prove useful as I continue to advocate for a renewed dialogue between our governments. I would also like to renew a request for your assistance in determining the fate of Mr. Guy Hever, an Israeli soldier who disappeared from the Golan Heights on August 17, 2006. I have raised this matter with you on several occasions, most recently during our meeting on December 26, 2006.

According to information provided to my office, at the time of Mr. Hever's disappearance, he was dressed in army fatigues, wore a military disk numbered 5210447, and carried a key chain and identification papers (Geneva Convention Card). Despite a thorough search, no trace of the missing soldier has ever been found. Some have suggested that Mr. Hever may have illegally crossed the Israeli-Syrian border, leading to his detention in a Syrian jail.

I have twice met with Mr. Hever's mother, most recently on December 28, 2006. The long interval of time which has passed since Mr. Hever's disappearance has caused his family great pain. Given that your personal intervention could potentially end the Hever's family's search for answers, I respectfully request that you order an inquiry to determine if any Syrian authority could assist in resolving Mr. Hever's whereabouts and well being.

Thank you once again for your hospitality and your consideration of this request.

Sincerely,

ARLEN SPECTER.

PRO BONO REPRESENTATION FOR GUANTANAMO DETAINEES

Mr. SPECTER. Mr. President, I note another Senator in the Chamber waiting to speak, so I will be relatively brief in comments on one other subject.

I note that an official in the Department of Justice has challenged the attorneys who have been doing pro bono work for detainees at Guantanamo, raising an issue as to whether that representation is proper and raising the suggestions that their corporate employers might be interested in reconsidering their employment based on their representation of the detainees at Guantanamo.

It is a little hard to understand how anyone in 2007 would raise a question about pro bono work being done by lawyers who may be undertaking or who are undertaking unpopular causes. That has been the long tradition of the legal profession.

The first noteworthy example was Andrew Hamilton, a famous Philadelphia lawyer who represented Peter Zenger at the time when there were hostilities between the United States and Great Britain. Andrew Hamilton took on an unpopular cause and set the standard for lawyers to do just that.

I recollect the trials under the Smith Act of the Communists where lawyers of the highest repute undertook the representation of the defendants in those cases, a highly unpopular matter. And in the Philadelphia prosecution of the Smith Act, some of the most distinguished lawyers of the city, again, undertook that representation.

A lawyer's duty is to undertake the representation of a client, and it is up to the court to make a decision on whether the attorney is right or the attorney is wrong.

This challenge by a Department of Defense official is in line with the recent position of the Department of Justice in seeking to limit the right to counsel for corporate officials who are being investigated, with the Department of Justice under the so-called Thompson memorandum taking the position that charges might be increased if the firm and the individual did not waive the attorney-client privilege. Then the Department of Justice objected to the firm paying the legal fees.

A Federal judge in the Southern District of New York has already declared it unconstitutional to challenge the payment of the legal fees.

I have introduced legislation which would revise the Department of Justice policy even further than the revision by Deputy Attorney General McNaulty in the so-called McNaulty memorandum.

But when lawyers undertake the representation of individuals in unpopular causes, they are entitled to praise and not criticism.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Missouri.

TRIBUTE TO LARRY STEWART, SECRET SANTA

Mrs. MCCASKILL. Mr. President, this afternoon I will have the glorious opportunity to travel to the White House to celebrate the 2006 World Champion St. Louis Cardinals, and the echoes of the cheers of St. Louis I will hear.

But today there are even stronger cheers coming from the angels in Heaven because today the angels in Heaven are cheering for a lifetime of kindness and compassion that belonged to the Missouri legend, Larry Stewart.

Larry was known by many names—dad, son, husband, friend—but his favorite name was Secret Santa. This was a title that was given him by hundreds and thousands of anonymous people he had helped over the 26 years that he had a very special way of celebrating our Christmas holiday.

Larry Stewart knew something of the life of those he had helped, but like any legendary, larger-than-life superhero, he remained mysteriously anonymous until the closing days of his life. He grew up poor in Mississippi, later telling stories about how he resorted to sleeping in his car early on just to get by. He, in fact, was homeless.

He told a story of how in 1971 he was eating in a diner, and when the time came to pay for his meal, he realized he didn't have the money. He saw a $20 bill had been dropped next to him on the counter, and he got the attention of the man he had seen drop the $20 bill. The man turned out to be the owner, and the $20 bill had been dropped on purpose. It was a subtle gift trying to not make Larry Stewart feel uncomfortable about not having the money to pay for his meal. Larry Stewart would never forget that moment.

Years later in 1979, well into his career as a businessman, he faced his second Christmas season unemployed. Worried about how he was going to take care of his young family and receiving the news that he had just lost another job, he saw a carhop working outside in the cold with very little to keep her warm. Faced with the situation that his problems were not as serious as hers, he gave the woman a $20 tip, and the joy that $20 tip gave him began a tradition that lasted the next 26 years of his life.

I was lucky enough to be in his very wide circle of friends in Kansas City. I was even more fortunate because there was a time when he turned to me and said: Claire, would you like to go on a sleigh ride?

I said of course, welcoming the opportunity to see Larry Stewart do what really no one else realized he was doing.

The sleigh ride went something like this: We met at Larry's home early in the morning near Christmas. He wore always white overalls—he was a big man—white overalls with a bright red flannel shirt. We would sit in his kitchen drinking coffee. He would be exuberant with excitement as to what was going to happen that day. He would stuff his pockets with mountains of cash. His dear friend, Tom Phillips—then a sheriff's deputy, now the sheriff of Jackson County—would accompany us to make sure that our journey was safe, and off we would go in a large Suburban with another few fortunate friends to watch Santa do his work.

He had a method. I asked him one time: Larry, how do you decide where you go to spread this money?

He said: I try to go places where people are doing their best to get by.

So we would travel to autopart stores where people at the Christmas season were trying to buy that battery to make that car work. We would travel to bus stops where he would love to find people dressed in fast-food uniforms trying to catch a bus to work.

The Suburban would slow down, and Larry would hop out. We would all get out. Quickly he would approach the people and stuff $100 bills in their hands and say: Merry Christmas.

Astonished, these people would look up suspiciously, thinking that maybe something was wrong. Then they realized: It was just a wonderful, kind man spreading Christmas cheer.

We would go into laundromats. We would go into 7-Elevens. We would go anywhere that Larry thought he would find people who were doing their best and having a difficult time making ends meet during the holiday season. I watched Larry Stewart hand out thousands and thousands of dollars to people who were astonished at his generosity, strangers he had never seen before and would never see again. Every Christmas, year after year, this was his tradition.

Those sleigh rides I took with Larry Stewart are some of the most memorable days of my life. I will never forget the feelings that washed over me as I watched the true spirit of Christmas in operation.

On every sleigh ride he would always find some special recipients. This was research he did ahead of time, trying to find families who were really in need. The stories that I have to tell of those special moments I can literally cry thinking of what I witnessed.

I remember one instance where we drove to the suburbs of Kansas City and pulled up in front of a very modest home. I asked Larry what he was doing. He explained to me that there was a woman who lived in this house who had to get dialysis three times a week. She lived with her daughter. Her daughter was a single mom with three kids. They had a broken down van, and her daughter would have to arrange her three jobs she worked to try to take her mother into Kansas City for dialysis, and invariably the van would break down.

Larry heard about this situation, and this was going to be one of his special Christmas gifts. He had a van outfitted with a handicap ramp for her wheelchair, a brandnew van, and he had it fixed up with a giant red bow. He had someone driving it who had a remote-controlled walkie-talkie.

Up we go to the front door of this house. Larry pounds on the door in his white overalls and red flannel shirt, and peeking through the door is the very suspicious daughter. I am standing over to the side watching all this.

Larry says to this woman: Merry Christmas. I hear that you are having a hard time getting your mom to dialysis.

You can hear her mother in the background saying: Who is it? Who is it? Who is it? Her mother, with difficulty, comes to the door and is standing just behind her daughter.

This daughter says: Yes.

You can see the broken down van in the driveway.

Larry says: I want to try to help to see if we can't get your mom to dialysis with a little more reliability, and with that he talks into the walkie-talkie and says:

Bring it around. And around the corner comes the new van with a big red ribbon on it. It pulls into the driveway, and with that, Larry hands the daughter an envelope with $10,000 in cash in it and says: Merry Christmas.

He walks away and says: The title is in the van.

Of course, you can imagine the reaction of these women—shocked, surprised, joy. And, of course, I am balling like a baby standing there, as all of us were. There were about four of us who watched this event.

That is just one story I can tell, but imagine having the privilege of seeing that kind of scene played over and over several years in a row when I was fortunate enough to be on the sleigh ride. This was an extraordinary man.

During the time he was playing Secret Santa in Kansas City and across our country, he gave out $1.3 million in cash. Kansas City was lucky enough to receive most of his gifts, but he also landed his sleigh frequently in his home State of Mississippi, Florida after the hurricanes, New Orleans after Katrina, New York after 9/11, and this past Christmas, his last, knowing that it was probably his last, he traveled to Chicago to spread cheer around his dear friend Buck O'Neil's neighborhood where Buck O'Neil grew up poor. Buck O'Neil was one of his best friends and, of course, another Kansas City legend we lost last year.

He told the public about his role as Secret Santa last Christmas, so the world knew who Secret Santa finally was. Thousands of people who received his generous spirit contacted him in the closing days of his life. He called me on Christmas Eve to say this was the most special Christmas of all because of the outpouring of love he had felt from all of the people he had helped over the years. What Mr. Stewart, who had built a fortune from nothing, may have seen as a small holiday gift was actually a gesture of compassion so few experience or ever understand due to the frenetic pace of our lives.

Known by his family and friends and colleagues for a soul born of kindness and warmth and a personality as unassuming as his generosity was great, Larry kept his identity under wraps until this year. He was diagnosed with esophageal cancer and in his last months his identity was revealed. When word spread, he was flooded with national media attention about which he could care less. Frankly, he didn't even want to handle it. But he was excited because he realized he had an opportunity to spread what he had done to others and hopefully have it catch on. He loved hearing the stories, but he continually said to all of us this was not about him. It was God's work. He was merely a servant of his Lord.

I ask the Senate to join me in honoring and celebrating the life of Larry Stewart, Missouri's own Secret Santa. I ask that this distinguished body join me in extending our greatest sympathies to his family: Paulette, Joe, John, Kim, and Mark, and the thousands who, like me, were fortunate enough to call him a dear friend.

Mr. Stewart's gifts of hope touched many recipients. However, the compassion that drove his generosity was contagious to all who knew him and that was even a greater gift. As we honor Larry today, let us rejoice in his life, remember his kindness, his sense of humor, and revel in his generosity. He was Santa. He was real, right down to the twinkle in his eye. He loved others as the good Lord intended. May his legacy of kindness always be a reminder to us all to spread hope and compassion to one another.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ETHICS AND LOBBYING REFORM

Mr. REID. Mr. President, there has been good progress made on ethics and lobbying reform. We have had a good debate. It is time to move to passage of this meritorious legislation.

We will have three votes beginning at 5:30 this afternoon. First we will vote on the Durbin amendment to strengthen the definition of "targeted tax benefit" and other aspects of Senator DEMINT's earmark disclosure proposal. I appreciate Senator DEMINT working with Senator DURBIN and others to strengthen his amendment.

Second, we will vote on the underlying DeMint amendment on earmark disclosure.

Finally, we will vote to invoke cloture on an amendment that I offered strengthening the rules on gifts and travel, including travel on private airplanes. Once cloture is invoked on that key amendment, we can move forward to finishing the bill this week. As I announced this morning, we are going to finish the bill this week. If we finish it Thursday at 10 o'clock, we will be finished with votes for the week. If we finish it Saturday at 10 o'clock, we will be finished with votes for the week. But we will finish this legislation.

This ethics reform bill is vitally important to Congress and the American people. Over the past few years, the media has been filled with stories of elected officials who have violated the public trust often in their dealings with lobbyists. Each episode of public corruption contributes to the public's growing cynicism about Congress and other institutions of Government.

First, let me say, lobbyists are not a class who should be denigrated in any way. They render a vital service to their constituents and to Congress. So I want everyone to know we are not trying to berate lobbyists. What we are saying with this legislation is we need to know more about what lobbyists are doing. I think it is going to help them, it will help us, and it will certainly give the American people more confidence in Government.

Think what this country has gone through. For the first time in 131 years, a person working in the White House is indicted. That trial is starting today. In addition to that, a person the President appointed to handle Government contracts involving billions of dollars, Mr. Safavian, was led away from his office in handcuffs and has been convicted.

Two former Members of the House of Representatives are now in prison for selling legislative favors—in prison. A third Member of the House of Representatives, one who has served as the second highest official in the House of Representatives, was forced to resign from Congress because he was indicted. There are other investigations going on as we speak. If there were ever a time when Congress and the executive branch needed to take dramatic action to show the American people we are serious about restoring public trust in Government, this is the time. That is what we have tried to do.

That is what I tried to do with this legislation. In order to send a message about the importance of ethics reform, I designated the bill as S. 1 and brought it to the floor on the first day of legislative activity, meaning that it is an extremely important piece of legislation in the minds of the country, the Congress, the Democrats, and the Republicans. I say the Republicans because I asked the minority leader to cosponsor S. 1 with me, something that hadn't been done for more than 30 years. I did this because I wanted to show this issue transcends partisan politics.

The bill I introduced with Senator MCCONNELL on the first day of the 110th Congress is a very strong piece of legislation. It is based on the text of the bill that passed the Senate last year.

What does it do? It prohibits lobbyists from giving gifts to lawmakers and their staffs. It prohibits lobbyists from paying for trips or taking part in privately funded congressional travel. It requires public disclosure of earmarks. It slows the revolving door by extending to 2 years the ban on lobbying by former Members of Congress.

It makes pay-to-play schemes such as the "K Street project" a violation of Senate rules.

It makes lobbying more transparent by doubling the frequency of reporting and requiring a searchable electronic database.

The K Street project. What was that all about? What it was all about is that lobbyists met with Members of Congress—initially they even met here in the Capitol, and then they moved the meetings downtown at a later time. They would discuss what job openings there were and, of course, the only people who were eligible for hire were Republicans and, in fact, companies actually got in trouble with the K Street project, members of the Majority party at the time, for hiring Democrats. That is what part of this legislation is going to prevent.

This bill we have introduced, S. 1, would require for the first time the disclosure of shadowy business coalitions that engage in the so-called "astroturf" lobbying campaigns. What does this mean? It means these grassroots campaigns will be able to continue, but there will have to be disclosure of paid campaigns that are, in effect, financing these so-called grassroots campaigns. The American people should know why, suddenly showing up here in Washington or the State capital or one of the other States, these groups are trying to affect legislation, and they wonder why they are trying to do it. The fact is it is because we have lobbyists representing different organizations paying for all this. This would be prevented.

Even though S. 1 is an extremely sound, strong piece of legislation, I wanted to show that we heard the electorate loudly and clearly. So the minority leader and I offered a substitute amendment to make the bill even stronger. Not only did Senator MCCONNELL and I, for the first time in three decades, cosponsor legislation which is the first bill to come before the Senate, but we moved even farther to include new protections to prevent dead-of-night additions to conference reports, to add new rules to say that Members may not engage in job negotiations with industries they regulate, to require fuller disclosure by lobbyists, to ensure proper valuation of tickets to sporting events, to make sure that the Senate gift and travel rules are enforceable against lobbyists, and we toughened criminal penalties for corrupt violations of the Lobbying Disclosure Act.

Senator MCCONNELL and I offered the substitute amendment at the start of the debate, and it remains pending. Since then, we have had a debate in the Senate that strengthened the bill even more. The Senate has adopted other amendments on a bipartisan basis, including Senator KERRY's amendment to strip pensions from Members convicted of corruption, Senator SALAZAR's amendment to ensure public access to committee proceedings, and two amendments by Senator VITTER to strengthen enforcement of ethics rules.

Soon we will adopt the Durbin and DeMint amendments to require full and timely disclosure of all earmarks. The Durbin amendment is a necessary addition to the DeMint proposal because it strengthens the definition of tax earmarks and because it requires public disclosure of earmarks before floor debate. In effect, we have combined the best ideas from both sides of the aisle, Democrat and Republican, to establish the strongest possible disclosures rules in this regard. Once we are done, the Senate earmark rules will be even stronger than those recently adopted by the House. That is why I said we need to look at what we are doing. Senator DURBIN's amendment gives the DeMint amendment structure that was lacking last week in the original amendment. That is why it didn't pass.

Taxes need to be included in detail and now will be when the Durbin amendment passes. So the work done by Senator DEMINT and Senator DURBIN is noteworthy and very good.

After we vote on the Durbin and DeMint amendments later today, we will vote on whether to invoke cloture on an amendment to strengthen the ban on gift and travel bans in the underlying measure. I recognize Senators FEINGOLD, OBAMA, and MCCAIN have contributed to this and I appreciate their work for a number of years in regard to airplane travel in this country and other issues. This amendment will profoundly change the rules, banning not only lobbyists but entities that hire lobbyists from providing gifts and travel. Most notably, it will require that when Senators travel on airplanes, they must pay the full charter rate. Last week I modified the amendment to include additional ideas from Senator INHOFE, FEINGOLD and MCCAIN.

Let me say a word about corporate jets. The State of Nevada is very large areawise. The cities of Las Vegas and Reno are separated by about 450 miles. There is good travel between those two cities. But to get around the rest of the State is not easy. When you travel from Las Vegas to Reno, I again say it is easy. But then let's say you want to go to Elko. By Nevada standards, it is a pretty large city. Going on a commercial airplane, it is very, very, very difficult, and to go to Ely is next to impossible. These two cities, both important in their own right, have required on a number of occasions calling upon people you know who have an airplane to take us up there. Under the old rules, you could pay first-class travel. An example of that is Senator ENSIGN and I, last August, had to go to Ely. It was extremely important. We were working on a piece of legislation that has since passed. We wanted to sit down in person and talk to the people in Ely about what we were doing.

For us to get there was very difficult. The time factor was significant. To drive up and back is 2 days, 1 day up, 1 day back. It was complicated by the fact that Senator ENSIGN had a longstanding engagement in Reno. To go from Ely to Reno—it is hard to get there. If you drive very fast, you can make it in 6 hours. So I called a friend of mine, Mike Ensign, Senator ENSIGN's father. This good man has done very well in the business world. He is a man with limited education but a great mind. He started out working in somewhat menial jobs in the gaming industry. He worked his way up. He became a dealer, a pit boss, a shift boss, and then Mike Ensign moved into the corporate world and became an executive and then ultimately started buying hotel properties himself and has done very well. He is the principal officer and owner of Mandalay Bay, a huge company. It is the second largest hotel-casino operator in the country. I called him and I said: Mike, with one of your airplanes, can you fly me and your son to Ely?

He is a wonderful man, just the greatest guy. He said: Sure, I will be happy to do that. And he did that. He is an example of the type of people we have called upon for these airplanes.

I tell this story. I have used these airplanes a lot because I live in Nevada and because of other duties I have here. The reason I tell the Mike Ensign story is because Mike Ensign doesn't want anything from me. There isn't a thing in the world I can give this man. He is famous, he is rich, he has a wonderful family. I can't do anything to help Mike Ensign. He did this because he is my friend.

Most every—I should not say most. For every airplane I fly on, of course I don't have the relationship with them that I have with Mike Ensign, but I want everyone who has allowed me to use their airplanes to know I am not in any way denigrating them. They have done this out of the goodness of their heart. I have never had anyone say: I will give you an airplane ride if you give me something, or, I have a piece of legislation pending, will you help me with that? That has never happened. I want all these people to know that I am certainly not in any way disparaging these good people who have allowed me and others to fly on their airplanes.

What I am saying, though, is that in this world in which we live, because of all the corruption that has taken place in the last few years here in America, that you not only have to do away with what is wrong but what appears to be wrong. I am confident I have never been influenced by anyone who provided me with the courtesy of a private airplane, but I have come to the realization that this practice presents a major perception problem. It is a major perception problem because the American people have the right to insist that we do what seems right as well as what is right. Does it appear it is OK? For us to fly around in these airplanes doesn't appear to be the right thing, no matter how good-hearted these people are, just like Mike Ensign. So because a perception isn't right, this amendment is pending, and it means Senators should pay the full fare when they fly on someone's private airplane. This is an important amendment. Any Senator who is serious about ethics reform will vote to invoke cloture so this amendment can be included in the final bill.

In the course of this debate on this bill, the Senate has properly focused on ethics and lobbying reform, not on other matters, such as campaign reform. The Senate has wisely tabled matters dealing primarily with campaign finance issues, but Senator FEINSTEIN has assured the Senate and me that campaign finance reform will be addressed separately and comprehensively in her committee, the Rules Committee.

I have some concern about campaign finance rules. I think we need to have serious public hearings on these issues. We have problems dealing with so-called 527s, their foundations—they are basic campaign finance problems we need to look at, and we need to look at them in detail. Senator FEINSTEIN has said she will do that, and I am grateful to her for doing that.

There will also be separate consideration of the proposal to establish an independent ethics enforcement agency. We debated that proposal last year, and it was defeated resoundingly after a bipartisan group of Senators on and off the Ethics Committee questioned the wisdom of such a proposal. Again, the Rules Committee has said they will take this matter up and look at it very seriously.

Senators VOINOVICH and JOHNSON served as chair and vice chair of the Ethics Committee in the last Congress. They both spoke vigorously against a new ethics agency. Senator JOHNSON, as we know, is recovering from an illness. As a matter of fact, I spoke to his family not long before coming here. He is doing very well. Here is what he said last year, though. I quote Senator JOHNSON, who is the chair of the Ethics Committee, who said this last year:

> The two-tiered ethics process that would be created by this amendment would undoubtedly slow consideration of ethics complaints, create more doubt about the process, and make our colleagues and the public less confident in our ability to address these issues. . . .[The proposal would leave] open the possibility that Members will be forced to live under the cloud of an investigation as a result of every accusation brought before the Office of Public Integrity, regardless of its merit—regardless of its merit. Such a situation would only interject more partisanship into the ethics procession and create a blunt tool for extreme partisan groups to make politically based attacks.

Despite the defeat of the proposal last year, it makes sense for the Rules Committee and the Governmental Affairs Committee to hold hearings on ways to strengthen enforcement of the ethics rules. I can assure my colleagues that worthwhile proposals which emerge from these two committees will receive meaningful consideration by the full Senate. I have spoken about this in detail, in fact, in my last conversation with Senator LIEBERMAN this morning.

There are other pending amendments that have nothing to do with ethics and lobbying reform. The line-item veto is a good example. It has no place in this bill. I have great respect for Senator JUDD GREGG from New Hampshire. He is a wonderful man and a great Senator. But on this bill is not the place to bring this up. No matter how strongly you feel on this, you should not bring up line-item veto. Should we be debating what is going on in Iraq on this bill? We should not, even though some people believe strongly that we should. But the line-item veto is no different from debating Iraq in this bill. They have no place in this bill, just as there is no place for campaign finance reform in this bill. We are trying to do serious, sound ethics and lobbying earmark reform, and that is what we are doing.

Workable mechanisms for fiscal discipline are certainly important. I hope Senators CONRAD and GREGG take a look at this line-item veto issue, which I personally don't support. But whether I support it or not, it should not be a part of this bill, and I hope they would take this up in the budgeting process along with the pay-go rules which I think are so important. This bill is about ethics and lobbying reform, not budgeting.

Let's focus on what we need to do to move forward on the ethics and lobbying reform. We need to adopt the Durbin and DeMint amendments on earmark disclosure. We need to invoke cloture on my gift and travel amendment and then adopt that amendment. Then we need to invoke cloture on the substitute and debate the various germane amendments that will be pending during the 30-hour postcloture period.

This is a glidepath to finishing the ethics bill this week so we can move to other vital matters: the minimum wage, the President's new Iraq proposal, funding the Government, fixing the Medicare prescription drug plan, expending opportunities for lifesaving stem cell research, pay-go rules, and other important issues.

Ethics reform is the first step in convincing the American people that we, Democrats and Republicans, are hard at work on their behalf. It seems so important that we complete this legislation and move on to the other matters that are so important. But this is something we need to do to help the American people feel better about their Congress.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I know the time has come to speak on the bill, but I would like, since there is only one Senator on the floor, to ask the body's indulgence and ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF UNITED STATES ATTORNEYS

Mrs. FEINSTEIN. Mr. President, I have introduced an amendment on this bill which has to do with the appointment of U.S. attorneys. This is also the subject of the Judiciary Committee's jurisdiction, and since the Attorney General himself will be before that committee on Thursday, and I will be asking him some questions, I speak today in morning business on what I know so much about this situation.

Recently, it came to my attention that the Department of Justice has asked several U.S. attorneys from around the country to resign their positions—some by the end of this month—prior to the end of their terms not based on any allegation of misconduct. In other words, they are forced resignations.

I have also heard that the Attorney General plans to appoint interim replacements and potentially avoid Senate confirmation by leaving an interim U.S. attorney in place for the remainder of the Bush administration.

How does this happen? The Department sought and essentially was given new authority under a little known provision in the PATRIOT Act Reauthorization to appoint interim appointments who are not subject to Senate confirmation and who could remain in place for the remainder of the Bush administration.

To date, I know of at least seven U.S. attorneys forced to resign without cause, without any allegations of misconduct. These include two from my home State, San Diego and San Francisco, as well as U.S. attorneys from New Mexico, Nevada, Arkansas, Texas, Washington and Arizona.

In California, press reports indicate that Carol Lam, U.S. attorney for San Diego, has been asked to leave her position, as has Kevin Ryan of San Francisco. The public response has been shock. Peter Nunez, who served as the San Diego U.S. attorney from 1982 to 1988, has said:

> [This] is like nothing I've ever seen in my 35-plus years.

He went on to say that while the President has the authority to fire a U.S. attorney for any reason, it is "extremely rare" unless there is an allegation of misconduct.

To my knowledge, there are no allegations of misconduct having to do with Carol Lam. She is a distinguished former judge. Rather, the only explanation I have seen are concerns that were expressed about prioritizing public corruption cases over smuggling and gun cases.

The most well-known case involves a U.S. attorney in Arkansas. Senators PRYOR and LINCOLN have raised significant concerns about how "Bud" Cummins was asked to resign and in his place the administration appointed their top lawyer in charge of political opposition research, Tim Griffin. I have been told Mr. Griffin is quite young, 37, and Senators PRYOR and LINCOLN have expressed concerns about press reports that have indicated Mr. Griffin has been a political operative for the RNC.

While the administration has confirmed that 5 to 10 U.S. attorneys have been asked to leave, I have not been given specific details about why these individuals were asked to leave. Around the country, though, U.S. attorneys are bringing many of the most important and complex cases being prosecuted. They are responsible for taking the lead on public corruption cases and many of the antiterrorist efforts in the country. As a matter of fact, we just had the head of the FBI, Bob Mueller, come before the Judiciary Committee at our oversight hearing and tell us how they have dropped the priority of violent crime prosecution and, instead, are taking up public corruption cases; ergo, it only follows that the U.S. attorneys would be prosecuting public corruption cases.

As a matter of fact, the rumor has it—and this is only rumor—that U.S. Attorney Lam, who carried out the prosecution of the Duke Cunningham case, has other cases pending whereby, rumor has it, Members of Congress have been subpoenaed. I have also been told that this interrupts the flow of the prosecution of these cases, to have the present U.S. attorney be forced to resign by the end of this month.

Now, U.S. attorneys play a vital role in combating traditional crimes such as narcotics trafficking, bank robbery, guns, violence, environmental crimes, civil rights, and fraud, as well as taking the lead on prosecuting computer hacking, Internet fraud, and intellectual property theft, accounting and securities fraud, and computer chip theft.

How did all of this happen? This is an interesting story. Apparently, when Congress reauthorized the PATRIOT Act last year, a provision was included that modified the statute that determines how long interim appointments are made. The PATRIOT Act Reauthorization changed the law to allow interim appointments to serve indefinitely rather than for a limited 120 days. Prior to the PATRIOT Act Reauthorization and the 1986 law, when a vacancy arose, the court nominated an interim U.S. attorney until the Senate confirmed a Presidential nominee. The PATRIOT Act Reauthorization in 2006 removed the 120-day limit on that appointment, so now the Attorney General can nominate someone who goes in without any confirmation hearing by this Senate and serve as U.S. attorney for the remainder of the President's term in office. This is a way, simply stated, of avoiding a Senate confirmation of a U.S. attorney.

The rationale to give the authority to the court has been that since district court judges are also subject to Senate confirmation and are not political positions, there is greater likelihood that their choice of who should serve as an interim U.S. attorney would be chosen based on merit and not manipulated for political reasons. To me, this makes good sense.

Finally, by having the district court make the appointments, and not the Attorney General, the process provides an incentive for the administration to move quickly to appoint a replacement and to work in cooperation with the Senate to get the best qualified candidate confirmed.

I strongly believe we should return this power to district courts to appoint interim U.S. attorneys. That is why last week, Senator LEAHY, the incoming Chairman of the Judiciary Committee, the Senator from Arkansas, Senator PRYOR, and I filed a bill that would do just that. Our bill simply restores the statute to what it once was and gives the authority to appoint interim U.S. attorneys back to the district court where the vacancy arises.

I could press this issue on this bill. However, I do not want to do so because I have been saying I want to keep this bill as clean as possible, that it is restricted to the items that are the purpose of the bill, not elections or any other such things. I ought to stick to my own statement.

Clearly, the President has the authority to choose who he wants working in his administration and to choose who should replace an individual when there is a vacancy. But the U.S. attorneys' job is too important for there to be unnecessary disruptions, or, worse, any appearance of undue influence. At a time when we are talking about toughening the consequences for public corruption, we should change the law to ensure that our top prosecutors who are taking on these cases are free from interference or the appearance of impropriety. This is an important change to the law. Again, I will question the Attorney General Thursday about it when he is before the Judiciary Committee for an oversight hearing.

I am particularly concerned because of the inference in all of this that is drawn to manipulation in the lineup of cases to be prosecuted by a U.S. attorney. In the San Diego case, at the very least, we have people from the FBI indicating that Carol Lam has not only been a straight shooter but a very good prosecutor. Therefore, it is surprising to me to see that she would be, in effect, forced out, without cause. This would go for any other U.S. attorney among the seven who are on that list.

We have something we need to look into, that we need to exercise our oversight on, and I believe very strongly we should change the law back to where a Federal judge makes this appointment on an interim basis subject to regular order, whereby the President nominates and the Senate confirms a replacement.

I yield the floor.

ORDER OF PROCEDURE

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that after the bill is reported, Senator CORNYN be recognized to speak with respect to the bill for up to 10 minutes and that Senator SANDERS then be recognized to call up amendment No. 57.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to provide greater transparency to the legislative process.

Pending:

Reid amendment No. 3, in the nature of a substitute.

Reid modified amendment No. 4 (to amendment No. 3), to strengthen the gift and travel bans.

DeMint amendment No. 11 (to amendment No. 3), to strengthen the earmark reform.

DeMint amendment No. 12 (to amendment No. 3), to clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope.

DeMint amendment No. 14 (to amendment No. 3), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

Vitter/Inhofe further modified amendment No. 9 (to amendment No. 3), to prohibit Members from having official contact with any spouse of a Member who is a registered lobbyist.

Leahy/Pryor amendment No. 2 (to amendment No. 3), to give investigators and prosecutors the tools they need to combat public corruption.

Gregg amendment No. 17 (to amendment No. 3), to establish a legislative line item veto.

Ensign amendment No. 24 (to amendment No. 3), to provide for better transparency and enhanced Congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House.

Ensign modified amendment No. 25 (to amendment No. 3), to ensure full funding for the Department of Defense within the regular appropriations process, to limit the reliance of the Department of Defense on supplemental appropriations bills, and to improve the integrity of the Congressional budget process.

Cornyn amendment No. 26 (to amendment No. 3), to require full separate disclosure of any earmarks in any bill, joint resolution, report, conference report or statement of managers.

Cornyn amendment No. 27 (to amendment No. 3), to require 3 calendar days notice in the Senate before proceeding to any matter.

Bennett (for McCain) amendment No. 28 (to amendment No. 3), to provide congressional transparency.

Bennett (for McCain) amendment No. 29 (to amendment No. 3), to provide congressional transparency.

Lieberman amendment No. 30 (to amendment No. 3), to establish a Senate Office of Public Integrity.

Bennett/McConnell amendment No. 20 (to amendment No. 3), to strike a provision relating to paid efforts to stimulate grassroots lobbying.

Thune amendment No. 37 (to amendment No. 3), to require any recipient of a Federal award to disclose all lobbying and political advocacy.

Feinstein/Rockefeller amendment No. 42 (to amendment No. 3), to prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark.

Feingold amendment No. 31 (to amendment No. 3), to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 32 (to amendment No. 3), to increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 33 (to amendment No. 3), to prohibit former Members who are lobbyists from using gym and parking privileges made available to Members and former Members.

Feingold amendment No. 34 (to amendment No. 3), to require Senate campaigns to file their FEC reports electronically.

Durbin modified amendment No. 44 (to amendment No. 11), to strengthen earmark reform.

Durbin amendment No. 36 (to amendment No. 3), to require that amendments and motions to recommit with instructions be copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader before being debated.

Cornyn amendment No. 45 (to amendment No. 3), to require 72-hour public availability of legislative matters before consideration.

Cornyn amendment No. 46 (to amendment No. 2), to deter public corruption.

Bond (for Coburn) amendment No. 48 (to amendment No. 3), to require all recipients of Federal earmarks, grants, subgrants, and contracts to disclose amounts spent on lobbying and a description of all lobbying activities.

Bond (for Coburn) amendment No. 49 (to amendment No. 3), to require all congressional earmark requests to be submitted to the appropriate Senate committee on a standardized form.

Bond (for Coburn) amendment No. 50 (to amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed.

Bond (for Coburn) amendment No. 51 (to amendment No. 3), to prohibit Members from requesting earmarks that may financially benefit that Member or immediate family member of that Member.

Nelson (NE) amendment No. 47 (to amendment No. 3), to help encourage fiscal responsibility in the earmarking process.

Reid (for Feingold/Obama) amendment No. 54 (to amendment No. 3), to prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions.

Reid (for Lieberman) amendment No. 43 (to amendment No. 3), to require disclosure of earmark lobbying by lobbyists.

Reid (for Casey) amendment No. 56 (to amendment No. 3), to eliminate the K Street Project by prohibiting the wrongful influencing of a private entity's employment decisions or practices in exchange for political access or favors.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I was proud to join my friend and colleague from South Carolina, Senator DEMINT, in offering an amendment that would simply place in the Senate bill the very sensible language regarding earmarks that the House of Representatives has already included. Speaker PELOSI and her colleagues are rightly proud of the very clear definition of earmarks they have included in that legislation that will help to identify spending measures and highlight them so we can have the kind of debate and sort of public scrutiny we should expect and, indeed, welcome, into the appropriations and legislative process.

I was a little bit surprised, however, to find the resistance that was voiced last week, but I understand now that has all been worked out and that a second-degree amendment will be offered by Senator DURBIN as a collaborative effort and a demonstration of bipartisan cooperation on something where there ought to be bipartisan cooperation, certainly on the matter of ethics, that will provide for greater transparency and increases public availability of earmark-related information.

This is good news for all who wish to see greater fiscal responsibility and accountability. Increased transparency for earmarks is something we ought to embrace and it ought to create in us the ability to discern much better than we have been what kind of spending is in the general welfare of the American people and why that kind of spending is absolutely necessary.

Of course, there are those—and I am one of them—who think the Federal Government spends way too much taxpayer money. Our Government was founded as a limited Government with delegated powers. But over the last 220 or so years of our Nation's history, it has been a history of the Federal Government gradually "filling the field" to the detriment of State and local government and of the individual freedom by taxpayers, voters, and citizens.

While I applaud amendment No. 26, I think we need to do even more. We can add greater sunshine and clarity on the earmark process by adopting an amendment which I offered last week as well. The current bill requires that all future legislation include a list of earmarks as well as the names of the Senators who have requested them. My amendment would add what may seem like a minor addition but one that would require that the budgetary impact for each earmark also be included, as well as a requirement that the total number of earmarks and their total budgetary impact be identified and disclosed.

What happens now is that it takes some time for the staff of this body to compile the information contained in bills, and literally we are passing appropriations bills chock-full of earmarks, and we do not have a clue, because we will not have had a chance to read it and consider it in advance, what the total sum of those earmarks is and how they impact the budget. Perhaps the top line itself is disclosed but not how that money is actually broken down and spent.

Oftentimes, bills are hundreds of pages long, with earmarks buried in them. It is not uncommon for appropriations, particularly Omnibus appropriations bills, to go into the thousands-of-pages or more in number. Of course, often this is at the end of a legislative period, and there are hours, maybe, or even only minutes to review them.

The goal of my amendment is that when we consider legislation, we have a summary document showing the details, including the costs, of earmarks in legislation—and this is the novelty—before we consider the legislation, before we actually vote on it, not after we have already voted and it is too late to do anything about it but before. It serves the very important purpose of added transparency and, indeed, the accountability that goes along with it.

I would assume those who have asked for earmarks to be included are proud of them. They feel like they are meritorious. They feel like they can be defended. Well, unfortunately, the very process by which those earmarks are added defeats that kind of transparency and accountability, which is why I believe we need this additional step.

Furthermore, if we create, by adoption of this amendment, a fixed baseline from which we can proceed in the future to allow the American public, as well as our staff, to analyze more thoroughly these earmarks, I think we would have created at least a knowledge base that will allow us to make better decisions going forward.

Consider that the Congressional Research Service each year conducts a study to identify the earmarks in each bill. Through that study, one can see that both the total number of earmarks and the total dollar value of those earmarks—surprise, surprise—have grown significantly over the last decade.

For example, the total number of earmarks increased almost fourfold from 1994 to 2005. Furthermore, the total cost of those earmarks increased by a factor of 100 percent. And the numbers appear to be even higher for 2006.

Let me list some of the earmarks that have been included. And we will start with 2007, to give you a flavor of what I am talking about, and the reason why there ought to be greater transparency.

Now, I am not suggesting we limit earmarks. I am considering we ought to make them transparent and obvious. And then I think the benefits of open Government and the kind of scrutiny that will follow will have the beneficial impact I think we would all hope for and certainly my constituents would hope for, when they worry that we are spending money for inappropriate purposes and in too large amounts, to their detriment.

For example, in January 2007—excuse me. This must have been in last year's appropriations bill—an earmark for $725,000 for the Please Touch Museum. I am not sure what the Please Touch Museum is, but I think it would be beneficial for the sponsor of that earmark to be identified, and it would be beneficial for it to be described how that promotes the general welfare of the American people and why it is justified, taking that $725,000 out of the pockets of taxpayers and putting it in the treasury of the Please Touch Museum.

Then there is the $250,000 appropriations for the Country Music Hall of Fame. I happen to be a country music fan, but even I would wonder how that promotes the general welfare, to take money out of the taxpayer's pocket and put it in the treasury of the Country Music Hall of Fame. I think it bears some scrutiny, some explanation. Maybe there is an explanation, but I have to be honest, I cannot think of one now that would justify transferring the money from the taxpayer's pocket and justifying a Federal appropriation for the Country Music Hall of Fame.

And just so the Rock & Roll Hall of Fame is not left out, there is a $200,000 earmark for that; then the Aviation Hall of Fame, $200,000; the Grammy Foundation, $150,000; the Coca-Cola Space Science Center for $150,000; $150,000 for a single traffic light in Briarcliff Manor, NY. I am not sure why that is a Federal responsibility. In fact, I would think by its description it is not; it is a local responsibility. That cost ought to be borne by the local taxpayer, not the Federal taxpayer through the earmark process—here again, something that cries out for greater accountability through greater transparency.

Then there is the $100,000 earmark for the International Storytelling Center. I am not sure why the Federal taxpayer should have to pay for that. It may be a meritorious expenditure, but maybe through private charity. Maybe corporations would like to contribute some money to support this worthwhile local initiative. Maybe local taxpayers could justify the expenditure, maybe State taxpayers, but why should the Federal taxpayer, why should my constituents in Texas have to pay a $100,000 earmark for the International Storytelling Center in some other State?

Then there is $500,000 for the Montana Sheep Institute.

Madam President, I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I will not belabor the point. But I think you get my flavor. I am not going to even talk much about the $50 million for an indoor rain forest that was the subject of a Federal earmark. And then again, there are examples anybody can find on the Internet, published by Citizens Against Government Waste, examples from what they call the "Congressional Pig Book." I do not have to tell you why they call it that.

But the point is, things have gotten terribly out of whack here in Washington when we, as elected representatives of our constituents, of the American people, take it upon ourselves to spend their money on inappropriate subjects, or maybe you say there is some justification for these topics. But I think it is easy to see why it is inappropriate that we spend the Federal taxpayer dollar on some of these topics.

Here again, my amendment does not limit these earmarks because I believe there will be a self-corrective mechanism through greater transparency and the accountability that comes with it. That is why I so strongly support the efforts that have been undertaken here on a bipartisan basis to bring greater transparency to the earmark process, because I think it is a problem that can literally fix itself. When people begin to ask the kinds of questions I am asking, when the public begins to shine the bright light of day on some of these special interest earmarks, which have been literally hidden from Members of the Congress until after they have voted on them and published only later by the Congressional Research Service, after they have done a survey of the burgeoning number of earmarks for these kinds of interests, I think this is a problem that can correct itself.

So, Madam President, I appreciate the courtesy of the bill managers and the opportunity to speak once again on this important topic. I think getting this information to Members of Congress early before we vote would be very helpful and provide a baseline of the number of earmarks that can be analyzed so we can go forward and explain why that number should go up if, in fact, we think it should go up, or if you are like me, if you think the number should go down, establish what the facts are so we have a baseline of information with which to explain our position.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 57 TO AMENDMENT NO. 3

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 57.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 57 to amendment No. 3.

Mr. SANDERS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report by the Commission to Strengthen Confidence in Congress regarding political contributions before and after the enactment of certain laws)

On page 60, between lines 22 and 23, insert the following:

(b) REPORT REGARDING POLITICAL CONTRIBUTIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to Congress detailing the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives during the 30-month period beginning on the date that is 24 months before the date of enactment of the Acts identified in paragraph (2) by the corresponding organizations identified in paragraph (2).

(2) ORGANIZATIONS AND ACTS.—The report submitted under paragraph (1) shall detail the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives as follows:

(A) For the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2066), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a pharmaceutical company; or

(ii) a trade association for pharmaceutical companies.

(B) For the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109–8; 119 Stat. 23), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a bank or financial services company;

(ii) a company in the credit card industry; or

(iii) a trade association for any such companies.

(C) For the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a company in the oil, natural gas, nuclear, or coal industry; or

(ii) a trade association for any such companies.

(D) For the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53; 119 Stat. 462), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) the United States Chamber of Commerce, the National Association of Manufacturers, the Business Roundtable, the National Federation of Independent Business, the Emergency Committee for American Trade, or any member company of such entities; or

(ii) any other free trade organization funded primarily by corporate entities.

(3) AGGREGATE REPORTING.—The report submitted under paragraph (1)—

(A) shall not list the particular Member of the Senate or House of Representative that received a contribution; and

(B) shall report the aggregate amount of contributions given by each entity identified in paragraph (2) to—

(i) Members of the Senate during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2); and

(ii) Members of the House of Representatives during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2).

(4) DEFINITIONS.—In this subsection—

(A) the terms "authorized committee", "candidate", "contribution", "political committee", and "political party" have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431); and

(B) the term "political action committee" means any political committee that is not—

(i) a political committee of a political party; or

(ii) an authorized committee of a candidate.

Mr. SANDERS. Madam President, let me begin by applauding Senator REID, Senator McCONNELL, and all of those who are responsible for advancing this important ethics reform bill. There is no question but that the confidence of the American people in the Congress is now at an almost alltime low. There is no question there have been ethical abuses in Congress in recent years. And there is no question but that we should support the strongest ethics reform possible.

Members of Congress do not need free lunches from lobbyists. Members of Congress do not need free tickets to ball games. And they do not need huge discounts for flights on corporate jets. Congress does need transparency in earmarks and holds, and we do need a new policy regarding the revolving door by which a Member one year is writing a piece of legislation and the next year finds himself or herself working for the company that benefited from the legislation he or she wrote. In other words, we need to pass the strongest ethics reform bill possible. But in passing this legislation, we need to understand this is not the end of our work but, rather, it is just the beginning, and much more needs to be done.

Today in the United States of America, the middle class is shrinking, poverty is increasing, and the gap between the rich and the poor is growing wider. In fact, the people at the top, the very wealthiest people in our country, have never, ever had it so good since the 1920s. The sad truth is that Congress, especially over the last 6 years, has not only failed to respond to this crisis, to the decline of the middle class, but in many ways Congress has made the situation even worse.

Time and time again, this Congress has chosen to ignore the needs of ordinary Americans and, instead, has acted on behalf of the interests of the wealthiest and most powerful people in our country. In fact, much of the legislation that has come to the floor of the House and the Senate in recent years has clearly come at the behest of multimillion-dollar corporate interests. This has included a Medicare part D prescription drug bill that, while costing the taxpayers of this country a huge amount of money, in fact provides a relatively weak benefit for our seniors.

Included in this bill, as I think seniors all over this country are beginning to understand, is a very large doughnut hole in which they are going to have to pay 100 percent of the cost of their prescription drugs.

Also, included in that bill is language which prevents the Government from negotiating with the drug companies for lower prices for the American people. We pay today the highest prices in the world for prescription drugs, and yet the Government is prevented from negotiating for lower prices. Meanwhile, despite strong majority support in the House and the Senate, Congress has failed to pass legislation widely supported by the American people that would allow for the reimportation of safe, affordable prescription drugs from well-regulated countries such as Canada and from Europe that would provide huge discounts to Americans of all ages.

At the same time, while there is more and more concern in our country and throughout the world about the danger of global warming and what it will mean for our planet and for our children and our grandchildren, Congress has failed to adequately fund energy efficiency and sustainable energy. But somehow Congress did manage to fund an energy bill that includes billions and billions of dollars in tax giveaways and subsidies to the largest oil companies in America, companies that are enjoying recordbreaking profits, as well as tax breaks and subsidies to other big-energy interests.

Most American workers now know that our current trade policies have failed and that they have failed miserably. During the last 5 years we have lost some 3 million good-paying manufacturing jobs, and we are now on the cusp of losing millions of good-paying, white-collar information technology jobs. In my own State of Vermont, not a major manufacturing center, we have lost 20 percent of our manufacturing jobs in the last 5 years alone, and we just learned the other day that another 175 jobs in Middlebury, VT, are going to be lost because of global competition. Yet despite a $700 billion trade deficit and the loss of millions of good-paying jobs, Congress refuses to fundamentally change our trade policies, a change that is desperately needed.

I know some people like to talk about "special interests," but the truth is that special interests, as I understand them, in fact, are corporate and monied interests. What do we mean when we talk about special interests? Are we talking about millions of American working families who are struggling to keep their heads above water economically? Are they a "special interest"? I don't think they are. Are we talking about the children of America, 18 percent of whom are living in poverty? Are they a "special interest"? Not to my mind. Are we talking about millions of seniors who want nothing more than to live out their retirement years with some form of economic security and dignity? Are they "special interests"? I don't believe they are.

The challenge we face is to rein in the influence and the power that lobbyists and their large corporate clients have over the Congress. The problem is not that the children of America have too much power. It is not that working people have too much power. The problem is that big-money interests, to a very significant degree, dominate what goes on in Washington, DC.

The lobbying reform legislation that we are considering is a very important step forward in addressing that issue. I thank Senators REID, FEINSTEIN, LIEBERMAN, FEINGOLD, OBAMA, and all of those on both sides of the aisle who have worked hard on this issue for their leadership on lobbying reform so that we can begin to restore the confidence of the American people in Congress. But we must keep in mind that while we are eliminating the $20 lunches and the club-level tickets to local sporting events, this bill does not address what is an even more pressing issue; namely, the $10,000 campaign contributions that come from corporate PACs. We have a fundamental problem which literally threatens our democratic form of government, and that is that Senators and Members of the House and their challengers are forced to raise millions and millions and millions of dollars in order to run a winning campaign.

In terms of campaign contributions, let's be very clear. Despite what anyone may have heard, corporate interests are king. They run the show. From 1998 to 2005, for example, drug companies spent more on lobbying than any other industry—$900 million, according to the nonpartisan Center for Responsive Politics. They donated a total of $89.9 million in the same period to Federal candidates and party committees.

We hear a lot about "labor money" and about "big labor." But, in fact, corporate interests give more than 10 times as much to candidates than do labor unions. In the 2006 cycle, according to the Center for Responsive Politics, labor gave less than $50 million. That is a lot of money, $50 million. But corporate interests gave well over $525 million—$50 million/$525 million, 10 times as much. That disparity may well explain why the needs of working Americans all too often take a back seat to corporate interests in the Congress. But, more importantly, it tells us why we need real campaign finance reform so that the needs of all Americans are heard rather than just those who can afford to make huge campaign contributions.

To strengthen our democracy we need reforms on a number of fronts. We certainly need to pass this lobbying reform bill, but we also need very strong campaign finance reform. My own view is that we need to move toward public funding of elections. We also need media reform to stem the growing concentration of ownership among television, radio, and newspaper companies with the result that what Americans see, hear, and read is increasingly controlled by fewer and fewer media conglomerates. Most importantly, in my view, if we are going to change the balance of power, if ordinary Americans are going to get their day in Washington, DC, we need a revival of a grassroots democratic movement from one end of this country to the other, where ordinary people begin to stand up and say: Washington, DC, pay attention to my needs rather than just the needs of large corporate interests.

I understand that the legislation before us today relates only to issues around lobbying reform and that many of the other critical issues I have laid out will be considered at a later time. That is why I have offered the amendment we have before us today. The amendment will provide this body with some of the information it will need when we address campaign finance reform at a later date.

Specifically, this amendment requires the Commission to Strengthen Confidence in Congress, created by the underlying legislation, to report on the aggregate amount of campaign contributions given by certain identified corporate interests 24 months prior to and within 6 months after the passage of four specified pieces of legislation. These four pieces of legislation are the Medicare Part D Program, the bankruptcy reform bill, the Energy bill, and the Central American Free Trade Agreement.

The goal of this report is to begin to throw some light on the volume of corporate contributions that are showered on Congress when legislation important to multinationals comes before the Congress. As a result, this report will focus on the amounts given and the identity of the givers.

It is our obligation to return control of the Congress to the American people. I look forward to helping make that happen with the ethics reform bill we are now considering and the many other equally critical reforms that voters across this great Nation told us they wanted this past November.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENTS NOS. 59 AND 39 TO AMENDMENT NO. 3 EN BLOC

Mr. BENNETT. Madam President, I ask unanimous consent to lay the pending amendment aside and call up two amendments, one on behalf of Senator COBURN, No. 59, and one on behalf of Senator COLEMAN, No. 39, and then have them laid aside as well.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. COBURN, proposes an amendment numbered 59.

The Senator from Utah [Mr. BENNETT], for Mr. COLEMAN, proposes an amendment numbered 39.

The amendments are as follows:

AMENDMENT NO. 59

(Purpose: To provide disclosure of lobbyist gifts and travel instead of banning them as the Reid/McConnell substitute proposes)

Strike sections 108 and 109 and insert the following:

SEC. 108. DISCLOSURE FOR GIFTS FROM LOBBYISTS.

Paragraph 1(a) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in clause (2), by striking the last sentence and inserting "Formal record keeping is required by this paragraph as set out in clause (3)."; and

(2) by adding at the end the following:

"(3)(A) Not later than 48 hours after a gift has been accepted, each Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

"(i) The nature of the gift received.

"(ii) The value of the gift received.

"(iii) The name of the person or entity providing the gift.

"(iv) The city and State where the person or entity resides.

"(v) Whether that person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is providing the gift and the city and State where the client resides.

"(B) Not later than 30 days after the adoption of this clause, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in subclause (A) shall be established.".

SEC. 109. DISCLOSURE OF TRAVEL.

Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(h)(1) Not later than 48 hours after a Member, officer, or employee has accepted transportation or lodging otherwise permissible by the rules from any other person, other than a governmental entity, such Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

"(A) The nature and purpose of the transportation or lodging.

"(B) The fair market value of the transportation or lodging.

"(C) The name of the person or entity sponsoring the transportation or lodging.

"(D) The city and State where the person or entity sponsoring the transportation or lodging resides.

"(E) Whether that sponsoring person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is sponsoring the transportation or lodging and the city and State where the client resides.

"(2) This subparagraph shall also apply to all noncommercial air travel otherwise permissible by the rules.

"(3) Not later than 30 days after the adoption of this subparagraph, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in clauses (1) and (2) shall be established.".

AMENDMENT NO. 39

(Purpose: To require that a publicly available website be established in Congress to allow the public access to records of reported congressional official travel)

At the appropriate place, insert the following:

SEC. ___. CONGRESSIONAL TRAVEL PUBLIC WEBSITE.

(a) IN GENERAL.—Not later than January 1, 2008, the Secretary of the Senate and the Clerk of the House of Representatives shall each establish a publicly available website that contains information on all officially related congressional travel that is subject to disclosure under the gift rules of the Senate and the House of Representatives, respectively, that includes—

(1) a search engine;

(2) uniform categorization by Member, dates of travel, and any other common categories associated with congressional travel; and

(3) all forms filed in the Senate and the House of Representatives relating to officially-related travel referred to in paragraph (2), including the "Disclosure of Member or Officer's Reimbursed Travel Expenses" form in the Senate.

(b) EXTENSION AUTHORITY.—If the Secretary of the Senate or the Clerk of the House of Representatives is unable to meet the deadline established under subsection (a), the Committee on Rules and Administration of the Senate or the Committee on Rules of the House of Representatives may grant an extension of such date for the Secretary of the Senate or the Clerk of the House of Representatives, respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Mr. BENNETT. I ask unanimous consent that these amendments now be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Madam President, I have listened with interest to the Senator from Vermont. I have a few quick reactions. As we get closer to his amendment, I will perhaps be more specific about some of them. Comments about the revolving door situation, I must confess I am a little less than overwhelmed by the arguments about the revolving door because I have been there. I served in the executive branch in the 1960s, left on New Year's Eve of 1969, and took up my new duties as a lobbyist on January 1, 1970. In those days there were no restrictions with respect to a revolving door, and I was immediately called by people who wanted my services with respect to the agency I had just left. They paid well. I accepted their contracts, and I went back to see my old friends back in the Department of Transportation.

It came as somewhat of a shock to me that no one wanted to talk to me. Now that I was no longer a member of the Secretary's Office, now that I no longer had direct access to the Secretary to discuss things important to the administration, now that I was an outsider, my friends were happy to see me for lunch, they were happy to talk about my family, but I could no longer do them any good within the Department. I was no longer a power within the Department. I was an outsider, and they were happy to get me out of their offices as quickly as they could.

I discovered firsthand that the idea of the revolving door is vastly overrated. I was like any other lobbyist. I had to make my points on the basis of the validity of the arguments I was making and not because at one time I had been in the Department with them. We get carried away with this because the media talks about how terrible is the revolving door. I am willing to let a reasonable period of time pass, but I think many of these arguments go beyond what reality has been to me.

I heard the Senator from Vermont talk about publicly funded campaigns. I will make this observation: We have the largest poll taken in the United States every year on April 15. Every year, every American taxpayer is given the opportunity to set aside just $3 of taxes he already owes—this is not additional money; this is $3 of the money he already owes—to be placed in the Presidential fund to fund Presidential campaigns.

Ninety percent of the taxpayers who have the opportunity to put $3 into a Federal fund for education vote no. That is not by accident. You have to check the box one way or the other. Ninety percent vote, no, they don't want to do that. I am not sure we should be talking about that as a great idea.

Finally, the business that is in the amendment of the Senator from Vermont that says we must disclose corporate contributions 24 months prior to and 6 months after the passage of certain pieces of legislation neglects the fact that corporate contributions are illegal, and they have been since 1902 in the days of Franklin Roosevelt. What the press calls "corporate contributions"—the press misunderstands—are PAC contributions. I was around Washington when we had the

Watergate situation and I remember the rhetoric in these halls when the creation of political action committees was hailed as the basic reform that would clean up campaign contributions, because people make contributions to PACs; corporations do not. Individuals make the money available to PACs; corporations do not.

Corporate contributions are illegal. These are individual contributions put together by a political action committee and then given in the name of the political action committee from the private funds of private individuals. This was hailed as a reform. This was hailed as the way to clean things up. Because the media doesn't understand that, because the people in the media don't realize that a corporate name attached to a political action committee does not mean these are corporate funds, most of my constituents now think, as the Senator from Vermont has suggested, that this is corporate money. I have to patiently explain to them once again this is not corporate money. I could give you an example from one of my colleagues here. He has in his State a very large processing plant that produces products that are sold under the label of Kraft Foods. He is very popular in the town where this big plant is. Employees in that particular town come to him and say: We would like to make campaign contributions to you; how do we do it? He tells them: One way is you give me the money yourself. Another way is you can direct your contribution to the PAC at the plant that produces Kraft Foods to go to me. So the people who run the PAC at Kraft Foods come to this Senator and say here are the contributions that are directed to come to you and we are happy to transfer them through to you. The media gets hold of it and discovers that Kraft Foods is owned by a tobacco company, and the next thing you know, this Senator is being attacked in the press for taking campaign money from tobacco companies. He says: Wait a minute, these are individual contributions from my constituents funneled through the place where they work that has nothing whatever to do with tobacco.

Try explaining that to the New York Times. No, the editorials roll down that he is taking tobacco money, that he is in the pocket of special interests. Finally, the Senator said: I told them don't give me anymore money. It is too much trouble to try to explain the truth in this situation with the overwhelming amount of media publicity about corporations corrupting politicians.

I made the comment before and I will make it again: I have discovered in my 14 years here that there is no such thing as repetition in the Senate. You say the same thing over and over again as if it is brandnew. You cannot corrupt the Senator unless the Senator himself is corrupt. And if the Senator himself is corrupt, he or she will find a way around the rules no matter how we write them.

I am strongly for this bill. I think the transparency part of it, the disclosure part, is exactly what we need. But after 40 years of being involved with Washington, and living through the Watergate experience, living through the scandals, whether it is Abramoff or Duke Cunningham, or the other Members of the House who went to jail in years gone by, whose names I don't remember but whose circumstances I still recall, or whether it is the Congressman with whom I worked as a lobbyist who went to jail because one of my fellow lobbyists gave him a $100,000 bribe, the fundamental fact remains that you cannot corrupt a Senator or a Congressman unless that Senator or Congressman is himself or herself basically corrupt.

We can write all of the rules we want, but if a Member of this body has the instincts of corruption in his soul, he will find a way around the rules. We should not kid ourselves that we are doing something that is going to clean up everything, because if we get a corrupt Member, the corrupt Member will still act in a corrupt way and you will have another Duke Cunningham-type scandal 5 or 10 years from now and, unfortunately, the reaction here is, hey, that proves we need to change the rules.

As I have said, this is the only place I know where, when somebody breaks the rules, the first instinct is to change the rules instead of continuing to enforce them, recognizing that even without what we are talking about here, even without the legislation that is proposed, Duke Cunningham is in jail, and recognizing that even without the kinds of strict changes we are talking about, Jack Abramoff is in jail. These were corrupt individuals who found their way around existing legislation, and trying to solve that problem by additional legislation may very well turn out to be an ineffective effort.

With that, I see my friend from South Carolina on his feet seeking recognition.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I want to speak in favor of the Durbin amendment No. 44, which is a slightly modified version of my amendment No. 11 that was endorsed by a majority of Senators last Thursday on a 51-to-46 vote.

I ask unanimous consent that my name be added as a cosponsor of amendment No. 44 offered by the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. The Durbin amendment is a product of a bipartisan agreement that I reached last week with the majority leader and the Senator from Illinois. The Durbin amendment contains bipartisan language that would require disclosure for all earmarks, including those directed toward Federal projects and those contained in report language. It also strengthens Internet disclosure so that bills shall not be in order unless their reports include a list of earmarks, limited tax benefits, and limited tariff benefits, which are posted on the Internet in a searchable format at least 48 hours before consideration.

In addition, it is our understanding that if a spending bill is reported long before its consideration, the list of earmarks will accompany any committee reports for those bills.

The Durbin amendment slightly modifies the definition of a limited tax benefit to "any revenue provision" that provides a benefit to "a particular beneficiary or limited group of beneficiaries." This is similar to the definition used in the legislative line-item veto amendment.

I thank the majority leader and the Senator from Illinois for working with me on this important issue. The purpose of the bill before us is to address the culture of corruption in Washington, and it cannot be a serious proposal unless we are completely transparent with the way we spend American tax dollars.

This bipartisan agreement helps achieve that goal. We will be voting today at 5:30 on the Durbin amendment and I encourage all of my colleagues, Republicans and Democrats, to support it. Following that vote, we will vote on my amendment as modified by the Durbin amendment. I encourage my colleagues to support it as well.

I yield the floor.

AMENDMENT NO. 70

Mrs. FEINSTEIN. Madam President, I call up amendment No. 70.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. ROCKEFELLER, proposes an amendment numbered 70.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark)

On page 7, after line 6, insert the following:

"4. It shall not be in order to consider any bill, resolution, or conference report that contains an earmark included in any classified portion of a report accompanying the measure unless the bill, resolution, or conference report includes to the greatest extent practicable, consistent with the need to protect national security (including intelligence sources and methods), in unclassified language, a general program description, funding level, and the name of the sponsor of that earmark.".

Mrs. FEINSTEIN. Madam President, this amendment is presented by myself and Senator ROCKEFELLER, chairman of the Intelligence Committee. It aims to bring the same goals of accountability and transparency of earmark reform to the most opaque of earmarks, and those are classified ones. The amendment prohibits any bill authorization or appropriation from containing an earmark in the classified portion of that bill or accompanying a report, unless there is unclassified language that describes in general terms the nature of the earmark. The amount of the earmark is disclosed and the sponsor of the earmark is identified.

We have cleared this with Senator ROCKEFELLER and also, I believe, with Senator BOND, who requested a change that we have made.

This amendment would provide the public with the assurance that the classified parts of the defense and intelligence budgets—which are indeed large—are subjected to the same scrutiny and openness as everything else. The need for the amendment was made clear by the actions of former Congressman Duke Cunningham. According to a report by the House Intelligence Committee, Cunningham was able to enact a staggering $70 million to $80 million in classified earmarks over a 5-year period. These earmarks benefited his business partners and were not known to most Members of the Congress or the public.

The Washington Post, in a November 2006 editorial, pointed out:

> Until the last decade or so, earmarks weren't permitted to intelligence bills because of the absence of public scrutiny.

The Post also notes that Cunningham's earmarks could be the tip of the iceberg in terms of classified pork and corruption.

Under this amendment, the public can be assured that this cannot happen. In saying these words, I say them as a member of the Senate Select Committee on Intelligence; I say them with the knowledge that these earmarks can be very large; I say them with the knowledge that this budget, which is known as a "black budget" and is considered by the Defense Subcommittee of Appropriations to be very difficult to get at, even by those of us who serve on both intelligence and defense appropriations. Senator BOND and I are in the process of suggesting a procedure to the chairman of the Defense Appropriations Committee, as well as the leadership, that might bring greater intelligence staff work to bear on the classified part that relates to intelligence of the defense bill.

This amendment is a very simple amendment. It simply says make as clear as possible, without jeopardizing national security, what the earmark is and provide transparency as to who is requesting the earmark. I don't think that is too much to ask. I do not believe it is going to in any way, shape, or form disrupt or change anything other than bring the light of day to classified earmarks.

I am prepared to ask for the yeas and nays. I ask the ranking member if he has looked at this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I have looked at this amendment, and I have no particular problem with it. I would think we could pass it by voice vote, but as a courtesy to Senator BOND and the Intelligence Committee, we have asked them to confirm that the understanding which the Senator from California has is, indeed, correct. I have no reason to doubt her word on this matter, but the earlier comment to us was we want to be sure that the fix has been made. She assures us it has been. But as a courtesy to them, I have asked my staff to check with them. When that word comes back, which I expect to be positive, I will be willing to move ahead with a voice vote.

Mrs. FEINSTEIN. Madam President, I have no problem with trust but verify. I am happy to cease and desist at this time and wait and see. I thank the ranking member. I thank the Chair.

Mr. BENNETT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I urge—and I think this is my fourth urgent importuning of my colleagues—to please come to the floor with their amendments. The floor is open now. At 5:30 p.m. we will have a vote on two amendments and a cloture vote on a third amendment. I ask them to please come to the floor and press their cause now because the week is going on. It is Tuesday. We all heard the majority leader saying this morning that we could finish this bill as early as Wednesday evening or as late as Saturday. I know we would all want to see it done on the former date.

Hopefully, Members will come to the floor. It is my understanding there are some 60 amendments in the line. If a Senator does not want his or her amendment to proceed further, please so advise us so we can eliminate it from the list.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I have heard from the minority on the Intelligence Committee, and they verify what Senator FEINSTEIN has said; that is, that the corrections which they suggested which she has accepted are, in fact, in the bill. I am prepared to go to a vote on the bill at this point, and I will support it.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the ranking member. I call up amendment No. 70.

The PRESIDING OFFICER. The amendment is pending.

Is there further debate? If not, the question is on agreeing to amendment No. 70.

The amendment (No. 70) was agreed to.

Mr. BENNETT. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the pending amendment be set aside so I can call up three amendments at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 63, 64, AND 76 EN BLOC

Mr. FEINGOLD. Mr. President, I call up amendments Nos. 63, 64, and 76. They are at the desk, and I ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin [Mr. FEINGOLD] proposes amendments numbered 63, 64, and 76 en bloc.

Mr. FEINGOLD. I ask unanimous consent the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 63, 64, and 76) en bloc are as follows:

AMENDMENT NO. 63

(Purpose: To increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period)

On page 50, strike line 1 and all that follows through page 51, line 12, and insert the following:

"(2) CONGRESSIONAL STAFF.—

"(A) PROHIBITION.—Any person who is an employee of a House of Congress and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) CONTACT PERSONS COVERED.—Persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.

"(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.";

(3) in paragraph (6)—

(A) by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)";

(B) by striking "(A)";

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) DEFINITION OF LOBBYING ACTIVITY.—Section 207(i) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).".

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

AMENDMENT NO. 64

(Purpose: To prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions)

At the appropriate place, insert the following:

Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"5. A Member may not participate in an event honoring that Member at a national party convention if such event is paid for by any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act of 1995, or any individual or entity identified as a lobbyist or a client in any current registration or report filed under such Act.".

AMENDMENT NO. 76

(Purpose: To clarify certain aspects of the lobbyist contribution reporting provision)

Strike section 212 and insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(d) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

"(1) IN GENERAL.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year, or on the first business day after the 20th if that day is not a business day, each registrant under paragraphs (1) or (2) of section 4(a), and each employee who is listed as a lobbyist on a current registration or report filed under this Act, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(A) the name of the registrant or lobbyist;

"(B) the employer of the lobbyist or the names of all political committees established or administered by the registrant;

"(C) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each contribution made within the quarter;

"(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) raised at such event;

"(E) the name of each covered legislative branch official or covered executive branch official for whom the lobbyist, the registrant, or a political committee established or administered by the registrant provided, or directed or caused to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(i) an itemization of the payments or reimbursements provided to finance the travel and related expenses, and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(ii) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(iii) whether the registrant or lobbyist traveled on any such travel;

"(iv) the identity of the listed sponsor or sponsors of such travel; and

"(v) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, who directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the lobbyist, the registrant, or a political committee established or administered by the registrant;

"(F) the date, recipient, and amount of funds contributed, disbursed, or arranged (or a good faith estimate thereof) by the lobbyist, the registrant, or a political committee established or administered by the registrant—

"(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

"(ii) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

"(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials; except that this paragraph shall not apply to any funds required to be reported under section 304 of the Federal Election Campaign Act of 1974 (2 U.S.C. 434);

"(G) the date, recipient, and amount of any gift (that under the standing rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the lobbyist, the registrant, or a political committee established or administered by the registrant to a covered legislative branch official or covered executive branch official; and

"(H) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each such contribution within the quarter.

"(2) RULE OF CONSTRUCTION.—For the purposes of this paragraph—

"(i) the term 'lobbyist' shall include a lobbyist, registrant, or political committee established or administered by the registrant; and

"(ii) the term 'Federal candidate or other recipient' shall include a Federal candidate, Federal officeholder, leadership PAC, or political party committee.

"(3) DEFINITIONS.—In this subsection, the following definitions shall apply:

"(A) GIFT.—The term 'gift'—

"(i) means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; and

"(ii) includes, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred—

"(I) gifts of services;

"(II) training;

"(III) transportation; and

"(IV) lodging and meals.

"(B) LEADERSHIP PAC.—The term 'leadership PAC' means with respect to an individual holding Federal office, an unauthorized political committee which is associated with an individual holding Federal office, except that such term shall not apply in the case of a political committee of a political party.".

AMENDMENTS NOS. 32 AND 54 WITHDRAWN

Mr. FEINGOLD. I ask that the pending amendments Nos. 32 and 54 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Those were items replaced by what we did prior to that.

AMENDMENT NO. 65 TO AMENDMENT NO. 4

Mr. President, I call up amendment No. 65, a second-degree amendment to Reid amendment No. 4, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 65 to amendment No. 4.

Mr. FEINGOLD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions)

On page 2, between lines 2 and 3, insert the following:

SEC. 108A. NATIONAL PARTY CONVENTIONS.

Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"5. A Member may not participate in an event honoring that Member at a national party convention if such event is paid for by any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act of 1995, or any individual or entity identified as a lobbyist or a client in any current registration or report filed under such Act.".

Mr. FEINGOLD. Mr. President, I withhold further discussion of these particular amendments until a later time.

Now I will move on to talking about a very major vote coming up in the Senate later today.

This evening the Senate will cast a very important vote. The result will go a long way toward deciding whether the gift rule changes before us meet the high standards for reform set by the American people in the most recent elections in November. I am referring to the motion to invoke cloture on Reid amendment No. 4, which contains very important provisions imposing and strengthening restrictions on gifts, travel, and corporate jets.

I take a few minutes to explain why I believe the Reid amendment is so crucial.

In 1995, after another watershed election, the Senate adopted major rule changes, which came to be known as "the gift ban." Prior to that time, there were virtually no limits on the gifts or trips that Senators could accept. Scandalous tabloid TV exposes showed some of the most egregious vacation extravaganzas that some Senators enjoyed at the expense of others, and after an election in which numerous incumbents were defeated and majority control of both Houses shifted, the Senate finally, in 1995, took action.

People forget because the 1995 rules were a major departure from what had gone before, but they contained exceptions and loopholes that, while they might have seemed reasonable at the time, began to cause problems in the years that followed. For example, as I said, before 1995, there were virtually no limits on the gifts that Senators could accept. I was astonished when I came here as a new senator in 1995 to see the things that were being offered to Senators. I could not quite believe some of the things being offered. The 1995 gift ban was actually not a ban at all; instead, we just put a limit on gifts—$50 per gift, and $100 per year from a single source.

Similarly, the 1995 rules prohibited the worst excesses under the previous anything goes attitude about privately funded travel—golf and ski vacations paid for and attended by lobbyists, what were called "purely recreational trips." But it still allowed factfinding and officially connected trips of up to 4 days in length, or 7 days to a foreign destination.

Not surprisingly, and consistent with the new rules, after 1995, as before, much of the gifts and travel offered to Senators and staff came from lobbyists and groups that lobby. Sure, constituents offer us T-shirts or baseball caps or home State products, and the rules allow that. But not too many constituents making a trip to Washington with their kids are offering to take a Senator or staffer out to a $49 dinner or to buy tickets for them to the Kennedy Center or a Wizards game.

Although there are exceptions, most of the invitations to go to conferences or on factfinding trips also come from lobbying organizations, groups with a point of view that they want to share with a Senator or staffer in comfortable, relaxed surroundings, with ample food and drink provided.

The American people, and many of my colleagues as well, have come to view these gifts and trips from those who want to influence us, which are now perfectly legal under our rules, as unseemly. And of course, there have been people who have played fast and loose with the rules. The $100 annual limit is hardly ever discussed. Tickets to skyboxes are sometimes valued at $49.99. A different person picks up the tab at regular lunches or a "personal friendship" is developed where one friend always seems to pay. And factfinding trips to Scotland have turned out to be golf adventures.

Now last year the Senate made a half-hearted effort in the direction of cleaning up this problem, but it fell short. It passed a lobbyist gift ban but didn't cover groups that retain or employ lobbyists. It passed new disclosure and Ethics Committee approval requirements for privately funded trips but did nothing to change the underlying standard of what kinds of trips can be taken. On these two key issues, the Senate failed the test of real reform. And in any event, no changes to the rules went into effect because the bill died after it left the Senate.

The public showed its displeasure with these practices and the excesses and lawbreaking in the November elections. Watershed elections occurred. Many new Members and new leaders arrived early this month. To their credit, Speaker PELOSI in the House and Majority Leader REID made ethics reform a top priority for the new Congress—and the first priority in the Senate. But they did something even more important. They put the power of their offices behind tough and comprehensive reform, a strong brew of gift and travel changes, not the weak tea that was before us last year.

Let me be very clear. While the underlying Reid-McConnell substitute includes some important provisions to improve the flawed bill the Senate passed last year, it doesn't make the necessary changes to the gift and travel rules. Only if Reid amendment No. 4 is adopted will that job be complete. Senator REID follows the lead of the House to really ban gifts from lobbyists, instead of letting groups that lobby continue to buy gifts. And he imposes new restrictions on lobbyist funded travel that should reduce, if not eliminate, the excesses that have become commonplace under the 1995 rules.

Senator REID took a bold step as well by agreeing to include in his amendment changes to the reimbursement rules that apply when Senators fly on corporate jets. I am very pleased that this change in particular has been included because it was brought to the attention of the Senate in an ethics reform bill I introduced in July 2005. It will rid us of one of the most obvious ethical fictions in the current rules, and in the campaign laws—that flying on a corporate jet is just worth the cost of a first class ticket on a commercial airline.

To his credit, Senator REID has been flexible in crafting the final version of these new corporate jet rules. He included important disclosure requirements that the Senator from Arizona and I have been seeking for some time. He made clear at the request of the Senator from Oklahoma, that Members who fly their own planes are not affected by these new rules. And he included a provision I suggested to address the concern raised by the Senator from Alaska and others that their official travel budgets might need to be supplemented because of the particularly complicated logistics of travel in their large and rural States.

My colleagues, the vote on Reid amendment No. 4 will tell the American people if we are serious about reform or just trying to get away with doing the least we can. The changes in Senator REID's amendment are absolutely critical to sending the message that the days of lobbyist access and influence based on the perks and privileges they offer us, the meals they buy, the tickets they provide, the trips they arrange and their clients finance, are over.

Lobbyists play an important, and indeed a constitutionally protected, role in the legislative process. But the Constitution protects the rights of our citizens to petition their government, it does not guarantee that lobbyists hired by those citizens can try to influence elected representatives by taking them out to dinner. All this amendment is saying is that if you want to meet with a lobbyist over dinner, go right ahead—but pay your own way. And if you do not want to pay, then have the meeting in your office. That is the rule the Wisconsin legislature has had for decades. That is the rule my staff and I have followed since I came to the Senate in 1993. That is the rule the U.S. Senate should support today. I urge my colleagues to vote in favor of cloture on Reid amendment No. 4.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 78 AND 79 EN BLOC

Mr. BENNETT. Mr. President, on behalf of Senator LOTT, I ask unanimous consent to lay aside the pending amendment and call up amendments No. 78 and No. 79.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. LOTT, proposes amendments numbered 78 and 79 en bloc.

The amendments are as follows:

AMENDMENT NO. 78

(Purpose: To only allow official and officially related travel to be paid for by appropriated funds)

At the appropriate place, insert the following:

SEC. . OFFICIAL TRAVEL.

Rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

"3. Any payment or reimbursement for travel in connection with the official duties of the Member (except in the case of third party sponsored travel approved by the Select Committee on Ethics under rule XXXV) shall be paid for exclusively with appropriated funds and may not be supplemented by any other funds, including funds of the Member or from a political committee as defined in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), or a gift.".

AMENDMENT NO. 79

(Purpose: To only allow official and officially related travel to be paid for by appropriated funds)

At the appropriate place, insert the following:

SEC. ____. OFFICIAL TRAVEL.

Rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

"3. Any payment or reimbursement for travel in connection with the official duties of the Member (except in the case of third party sponsored travel approved by the Select Committee on Ethics under rule XXXV) shall be paid for exclusively with appropriated funds or funds from a political committee as defined in section 301(4)) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) and may not be supplemented by any other funds, including funds of the Member or a gift.".

Mr. BENNETT. I ask unanimous consent these two amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 81 TO AMENDMENT NO. 4

Mr. BENNETT. Mr. President, I call up amendment No. 81.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. BENNETT. Mr. President, I am advised——

The PRESIDING OFFICER. And this is a second-degree amendment to amendment No. 4?

Mr. BENNETT. That is correct, Mr. President.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 81 to amendment No. 4.

The amendment is as follows:

(Purpose: To permit travel hosted by preapproved 501(c)(3) organizations)

On page 3, line 8, after "clause (1)" insert "sponsored by a 501(c)(3) organization that has been pre-approved by the Select Committee on Ethics. When deciding whether to pre-approve a 501(c)(3) organization, the Select Committee on Ethics shall consider the stated mission of the organization, the organization's prior history of sponsoring congressional trips, other educational activities performed by the organization besides sponsoring congressional trips, whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics and any other factor deemed relevant by the Select Committee on Ethics".

AMENDMENT NO. 81, AS MODIFIED

Mr. BENNETT. Mr. President, I am advised there was a drafting error in this amendment and we cannot modify it, because cloture has been filed, except by unanimous consent. For that reason, I ask unanimous consent that I be allowed to modify the amendment by adding the word "or" at the appropriate place.

The PRESIDING OFFICER (Mr. CARDIN). Is there objection?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, if I might respond to the ranking member's comment, I know there are no more second-degree amendments in order. However, I have looked at this modification. It is minor, and I would certainly agree to it.

Mr. BENNETT. Mr. President, I thank the chairman of the committee for her courtesy, and send a copy of the modified amendment to the desk.

The PRESIDING OFFICER. Without objection, the modification is permitted.

The amendment, as modified, is as follows:

On page 3, line 8, after "clause (1)" insert "or sponsored by a 501(c)(3) organization that has been pre-approved by the Select Committee on Ethics. When deciding whether to pre-approve a 501(c)(3) organization, the Select Committee on Ethics shall consider the stated mission of the organization, the organization's prior history of sponsoring congressional trips, other educational activities performed by the organization besides sponsoring congressional trips, whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics and any other factor deemed relevant by the Select Committee on Ethics".

Mr. BENNETT. With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. NELSON of Florida are printed in today's RECORD under "Morning Business.")

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 56

Mr. CASEY. Mr. President, I ask that amendment No. 56 now be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, this amendment prohibits the wrongful influencing of a private entity's employment decisions and/or practices in exchange for political access or favors.

As we all know from the recent activity in this body, Reid-McConnell, S. 1, is an ethics reform bill, I think a critically important bill for this body and for the country. One of the things we want to make sure happens in that bill is that we provide all the protections possible to give confidence to the American people that what is happening in Washington speaks to some of their concerns. This amendment speaks to that by providing criminal penalties punishable, in this case, by a fine or imprisonment for up to 15 years for anyone who would engage in the practice of wrongfully influencing a private entity's employment decisions and/or practices, as I said before, in exchange for political access or favors.

Also, one of the penalties that is contemplated in this amendment is to disqualify an individual from holding public office—any office—if they engage in that activity. What we are talking about is activity that has gone under the umbrella of the name of the K Street Project which has been written about extensively in the public press for several years now, and what we are talking about there, in particular, I believe, is an effort to have a corrupting influence, in my judgment, on a couple of important areas of activity in Washington—first, a corrupting influence on hiring decisions in the private sector in Washington, a corrupting influence on political fundraising which we know has all of the challenges that those of us in Washington who care about doing it the right way have concerns about, and certainly the activities of the K Street Project or any other similar effort, any other similar practice in Washington also has a corrupt influence on the priorities of the Government of the United States. That is why this amendment is so important.

It is long overdue. It is high time to end this corruption, to end this practice which for too long has been a part of the culture of corruption in Washington. I believe this amendment will strengthen S. 1, it will strengthen any effort to provide, as the main bill contemplates, both transparency and accountability, and I do believe this amendment will speak directly to that issue. There is broad bipartisan support for this amendment, as there is for the Reid-McConnell bill.

I also appreciate the fact that as a new Member—and, Mr. President, I include you in this as well as someone who cares very deeply, as you do, about the question of ethics and ethics reform—the bill we are talking about in the Senate was arrived at through a bipartisan effort, and I think it is important this amendment, which deals with the K Street Project or any other similar effort in Washington, also be a bipartisan effort by people in both parties, on both sides of the aisle to make sure we can once and for all tear out by the roots the corrupt practices that, unfortunately, became known as the K Street Project.

I appreciate this opportunity to speak. I yield the floor and suggest the absence of a quorum.

Mrs. FEINSTEIN. Mr. President, before the Senator does that——

The PRESIDING OFFICER. Will the Senator withhold his suggestion?

Mr. CASEY. Yes.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I indicate to the distinguished Senator from Pennsylvania that I strongly support his amendment. My hope is we will be able to accept it without a vote. I have spoken with the ranking member, and I believe he is vetting it and hopefully we will be able to do that shortly.

I thank the Senator very much. I yield the floor.

Mr. CASEY. I thank the Senator. I yield the floor.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 30

Ms. COLLINS. Mr. President, last week, I was very pleased to join with the Senator from Connecticut, Mr. LIEBERMAN, in offering an amendment to this bill to create an Office of Public Integrity. The American people view the way we enforce ethics requirements as an inherently conflicted process. We are our own advisers, our own investigators, our own prosecutors, our own judges, our own juries, and even though some of our finest Members serve on our Ethics Committee, they cannot escape that perception, they cannot escape the process, nor can they convince the public that the process works to ensure an independent, impartial investigation of allegations brought against Members of Congress.

Last March, Senator LIEBERMAN, Senator MCCAIN, and myself offered an amendment designed to restore the public's confidence in our ethics process by creating a new Senate Office of Public Integrity. Although that amendment failed, I hope our colleagues will take another look at the rationale for this office. I hope our colleagues have looked at the election results in which the public clearly stated its concern over allegations of corruption. The adoption of our amendment is the single most important step we could take to help restore the public's confidence in the integrity of the decisions we make.

I am not saying the amendment the Senator from Connecticut and the Senator from Arizona and I have proposed is perfect. We are very open to working with our colleagues on both sides of the aisle who have suggestions for how to improve our amendment. We incorporated a lot of those suggestions into the proposal we brought before the full Senate last March.

I wanted to point out some basic information about this office. First, it would be headed by a Director jointly appointed by the majority and the minority leaders of the Senate. So those who fear that somehow this Director and this office would be partisan should look at that provision that requires a joint appointment by the Democratic and the Republican leaders. We preserve a very important and strong role for the Ethics Committee, and I believe that, combined, these two entities can help restore public confidence in the independence and impartiality of ethics oversight and enforcement.

I want to take a moment to underline this point about the role of the Ethics Committee. It would be the Ethics Committee that decides if a complaint were frivolous, the Ethics Committee that would decide whether to enforce a subpoena, the Ethics Committee that would determine when and whether investigatory materials are made public. I think there is a lot of misunderstanding that somehow this office would operate completely divorced from the Ethics Committee and on automatic pilot. It would be the Ethics Committee that would continue to provide advice, both informally and through advisory opinions. It would be the Ethics Committee, not the Director of the Senate Office of Public Integrity, who would have sole discretion on what is reported publicly if the committee overrules a decision of the office.

At bottom, our amendment creates an independent, transparent process for initiating and conducting investigations of possible ethical and other violations. I think this is important. We haven't had the problems on this side of the Congress that have troubled our colleagues on the House side, but I think we still need to act to put into place a process that would guarantee to the public an impartial and independent investigation of allegations—not of the final judgment, not of the remedies or punishment that is found by the Ethics Committee to be appropriate but the investigative stage. I suggest that not only would this help restore public confidence in the process, but it would also be helpful to

Members because if an independent office concludes there is no merit to allegations lodged against Members of Congress, the public is much more likely to accept that conclusion than if it is made by other Members of the same body who serve with us each day.

I know some of our colleagues are not comfortable generally with the concept of an independent office with any investigatory powers. But I don't believe we are creating some sort of monster, some sort of out-of-control special prosecutor because we impose on the process the discipline and the authority, the ultimate authority of the Ethics Committee. But I do believe we would be creating a process that would help restore the badly tarnished view the public has of our ability to investigate ourselves.

I respect and I honor the constitutional role that says we sit in judgment of our peers, our colleagues, in both bodies. I am not talking about disturbing that role in any way. Instead, what I am saying is it would help restore public confidence, when serious allegations are lodged against a Member of Congress, if we were to create this independent investigative office. There are many safeguards and checks and balances we have carefully built into the amendment that the Senator from Connecticut and I have brought before this body. I urge our colleagues to actually read the amendment and to take a look at it closely. If there are particular concerns, I ask that they work with us to improve our amendment. But what is not acceptable to me is for this amendment not to receive a vote by this body. The Members are familiar with it. I believe it is time for us to go on the record.

I don't think that shoveling off this amendment in the hope that it will come up at some future date is the way to proceed. I think our amendment is well crafted and well balanced. I believe it would make a major difference in the process and help to restore the public's confidence in the whole ethics system. I believe it is carefully crafted so that it does not diminish the very important role of our Ethics Committee, a role I respect and honor, but this amendment would help accomplish the goal of building the public's trust.

Why is this so important? Because if the public does not trust our ethics system, it will not trust the decisions we are making on vital issues—the issues that shape the future of this country. The American people deserve to know that our decisions are not tainted by outside undue influence. They deserve to know we are putting the interests of the American people and our constituents above any other interests.

I have often said, and I will repeat it, that I respect the important role lobbyists play in the process. They provide us with useful information, whether they are representing a children's advocacy group, the business community, a labor organization, or a public interest association. That input is important to us as long as it aids but does not dictate our decisions. It is important that the process be transparent.

There is much in this bill, which we worked very hard on in the Homeland Security and Governmental Affairs Committee last year, that improves the transparency of the process, but we need to add the enforcement piece. We need to make sure not only that we ban inappropriate practices, not only that we have full and more accessible disclosure, but we need the enforcement piece as well. That is what my distinguished colleague from Connecticut as well as the Senators from Arizona and Illinois have proposed, and I believe it is the missing piece that will make already good legislation an excellent bill.

Most of all, it is important that we go on record, that we have an opportunity for a vote because, after all, that is part of the process, too: ensuring that Members express their views and that it is done in a forthright manner. I hope very much we will have an opportunity to have a rollcall vote on this important amendment.

It has been a great pleasure to work with the new chairman of the Homeland Security and Governmental Affairs Committee on this issue, as on every issue on which I have worked with the Senator from Connecticut.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I would like to particularly thank the Senator from Maine, the previous chairman of the Homeland Security and Governmental Affairs Committee, under whose leadership this bill was fashioned, along with myself, Senator MCCAIN, and Senator OBAMA, who has now joined us as an original cosponsor. We have continued this battle. We lost last year, but we think this is an important provision, and sometimes you have to fight for something you think is right until you can convince a majority to join with you.

Senator COLLINS has stated the case very well. The underlying bill here, S. 1, and some of the amendments that have been filed to it represent a significant step forward in the way we in Congress will regulate our own ethics and provide for disclosure and oversight of the behavior of those who lobby us.

This underlying bill is not a perfect bill, but it is a very strong bill. Ultimately the test of it will be its credibility. This is comparable to other laws that we pass—for example Federal criminal law. We pass some good laws, but ultimately we depend on the independence of the investigative and prosecutorial system and the independence of the judges who adjudicate the cases brought before them not only so justice is done, but also that the system of justice we have created enjoys the respect and trust of the people of this country.

Here is the situation in this case. We have a tough, underlying bill with substantial reforms to congressional ethics and lobbying, but there is no change in the enforcement mechanism for implementing the broader reforms that would be adopted under the underlying bill. That is what we propose to do with this amendment number 30, establish an Office of Public Integrity. I will get to it in a moment, but I would also like to echo an appeal that the Senator from Maine made.

Unfortunately, I saw respectfully, in the wisdom of the Parliamentarian, the ruling has come down that this amendment would not be germane post-cloture. We have tried to convince the Parliamentarian otherwise. We have not succeeded. That is a given. We respect it. There is a process that sometimes reaches a conclusion in judgment with which we don't agree, but the process is so independent and reliable that we accept it nonetheless. What that means, obviously, is that unless we are able to bring this amendment, to create an Office of Public Integrity, to a vote prior to a cloture vote on the overall bill—which we presume will be tomorrow—we will not have a chance to bring it to a vote.

We have been told that unanimous consent—which is necessary to set aside the pending amendment and bring this up—will not be granted to this amendment. I urge our leaders and others to please reconsider that. We know—Senator COLLINS, Senator OBAMA, Senator MCCAIN, and I,—that we are still fighting upstream to get the necessary votes we need to agree to this. But I think it is important that we have the debate, that we have the vote, that we build support.

There are many new Members, and I don't presume to know how they would vote, and I know the new Members have gone through the process at home and they know the extent to which our constituents—Democratic, Republican, Independent—are unhappy with a lot of the way we do business. They believe there is too much partisanship and, of course, their views were affected by the scandals of the last few years.

When you think about it, it has been a difficult time for Congress. Of course, obviously, almost all Members of Congress conduct themselves in an ethical way, but we all suffer, and the institution suffers, when some Members do not conduct themselves in an ethical way. Look back over the last 4 or 5 years. In 2002, the majority leader in the House was indicted for conspiring to illegally funnel corporate money into State campaigns, a violation of

State campaign laws. Another Member of Congress went to jail for exchanging earmarks for bribes. The FBI raided the office of a third Member in a probe of possible illicit activity. Lobbyist Jack Abramoff pleaded guilty and went to jail for wire fraud and conspiracy, and the investigations into his activities revealed what can only be characterized as the most sleazy, unethical, ultimately illegal behavior by Mr. Abramoff, his associates, and individuals in both the legislative and executive branches of Government.

One Member pleaded guilty to conspiracy and making false statements regarding political favors given to Abramoff in exchange for gifts. A former Deputy Chief of Staff for a Congressman pleaded guilty to conspiracy and corruption charges. A former official at the General Services Administration in the Office of Management and Budget was convicted of lying to various officials at GSA in an attempt to cover up favorable treatment he gave to Mr. Abramoff.

And just as the news of many of these scandals was winding down, the Nation was shaken again last fall by the news of Congressman Foley's improper behavior. So who can blame the American people for having lost a lot of their confidence in Congress? As we left town last October for the election break, Congress's public approval ratings were hovering in the teens. To put any doubts to rest, I think the American people sent a message on election day that they wanted a change in Washington. Some of the exit polls were stunning because they showed that more voters identified corruption in Washington as influencing their votes in last fall's election than any other issue, including, much to my surprise, the war in Iraq.

America voted for us to clean up our act. That is what the underlying bill, S. 1, will do. But it will not do it as well as it should if we do not also reform the system by which these rules and laws are enforced. That is exactly what this bill does.

The legislation before us pledges to the American people that we are going to put the public interest above our own self-interest. We are saying no to gifts and travel from lobbyists. We are demanding greater disclosure from lobbyists about their activities. We are going to slow the revolving door between Congress and the lobbying firms of K Street. The bill before us is one of the strongest reform measures I have seen in the Senate. I am proud to support it. But, again, it needs an equally strong enforcement mechanism.

Last month, before the ink was dry on the House Ethics Committee report on the allegations of a coverup of Congressman Foley's behavior, the press and a lot of the people dismissed it as a half-hearted job, a kind of "inside the Congress" going-easy report. I do not accept that conclusion, but the fact is, when you have Members judging Members along the whole way of the process, that is where a lot of the people are going to inevitably end up.

I know many of my colleagues in the Senate will say the House has a problem, not the Senate. I would say a couple of things to that. First, we all suffer when any Member of Congress acts unethically and Congress seems not to be responding independently and aggressively. Who is to say the process we have for judging our own ethical problems will not someday soon also be seen by the public as having a problem. The public does not care whether the scandal occurred in the House or the Senate. To the public, Congress is Congress. We all swim together or we all sink together.

The fact is, under the status quo of enforcement in the Senate, the Ethics Committee, composed of Members of the Senate, investigate, recommend, and decide on judgment. We need to break that and create an independent part of the process, which is exactly what our amendment would do, to conduct the investigation and recommend an action.

There has been a lot of concern among Members about this amendment. I urge them to take a look at the details. I spoke with one Member earlier today who said he was concerned that an irresponsible ethical complaint would be filed with the independent Office of Public Integrity in the middle of a campaign or before—but particularly during the middle of a campaign—would be used in a 30-second commercial against an incumbent.

Of course, that can happen now if somebody files a complaint with the Ethics Committee. But, in fact, I think the proposal we have made is aimed at an independent investigation but protecting against exactly that kind of abuse.

Let me go through the process, briefly, to reassure Members. A complaint may be filed with the Public Integrity Office by a Member of Congress, an outside complainant or the Office itself at its own initiative. No complaint may be accepted against a Member within 60 days of an election involving that Member. So we are trying to separate this from a campaign caper.

Within 30 days of filing, the director must make an initial determination as to whether to dismiss the case or whether there are sufficient grounds for conducting an investigation. During that time, the Member who is the subject of the complaint may challenge the complaint. The director may dismiss a complaint that fails to state a violation, lacks credible evidence of a violation or relates to a violation that is inadvertent, technical or otherwise of a de minimis nature.

I urge my colleagues to particularly listen to this.

> The Director may refer a case that has been dismissed to the Ethics Committee for the Ethics Committee to determine if the complaint is frivolous. If the Ethics Committee determines that a complaint is frivolous, the committee may notify the Director not to accept any future complaint filed by that same person and the complainant may be required to pay for the costs of the office resulting from the complaint.

This is meant to be independent, but it is also meant to be fair and to protect Members from the political abuse of the process we are creating. There is not publicity on this until some judgment is made, so that the prospects for misuse in a political context, in my opinion, are actually less under this proposal of ours than they are in the current system.

This Office of Public Integrity assures the American people that each ethics case is examined by this independent entity. But the Ethics Committee would in no way lose its authority to be the ultimate judge of whether a violation has occurred because that is the authority it has, pursuant to the Constitutional provision that Members of each Chamber shall regulate their own behavior.

It is an interesting fact that the Ethics Committee itself has occasionally retained independent counsel to investigate ethics complaints that come before it. This, in part, I know, is a reflection of the committee's concern that it doesn't have sufficient staff to handle all the investigations that come before it. But I think it is also a reflection of a judgment that motivates this amendment—that there are times when a charge is made against a Senator before a committee of his peers or her peers, Senators, and to establish real credibility for the investigation the Ethics Committee itself has brought in an independent investigator. We are saying that makes good sense, and that is exactly what our amendment would do on an ongoing basis.

Finally, I wish to note that at the suggestion of our friend and colleague from Arizona, Senator McCain, we are assigning, under this amendment, to this Office of Public Integrity, the role of recommending to the Ethics Committee the approval or disapproval of privately funded travel by Members and staff. The underlying bill restricts privately funded travel that may be accepted by Members of Congress and contains a new pre-approval process for privately funded travel. Giving this responsibility to this Office of Public Integrity, independent as it is, I think will help assure the American people that travel requests by Members of the Senate will be scrutinized independently by this independent office.

I will conclude, noting that the time is coming to go to the discussion of the three pending amendments. This proposal for an Office of Public Integrity is entirely consistent with the Constitution's mandate that each House of

Congress determines its own rules and sanctions its own members. It is a proposal consistent with the practice of the Ethics Committee of bringing in outside counsel on occasion to assist in its work. It is 100 percent consistent with the message the American people sent in November: for Congress to conduct itself with honor and dignity, in a fashion that earns their trust.

This is a sensible, strong effort to assure the people who are good enough to send us to Washington that we are not only adopting reforms in our lobbying regulations and laws and our ethics regulations and laws, but we are taking strong action to make sure those reforms are well enforced, as they should and must be if we are to restore the public's confidence in our work. This is an important amendment. It deserves a vote. I appeal to my colleagues and leaders to give it that.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time between 4:30 and 5:30 shall be evenly divided between and controlled by the two leaders or their designees.

Mr. CHAMBLISS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent the previous quorum call and remaining quorum calls before the vote at 5:30 be equally divided against the time on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, at 5:30 the Senate will be voting on my second-degree amendment to an amendment offered by the Senator from South Carolina, Mr. DEMINT. I thank the Senator from South Carolina for working with Senator REID and myself to craft a strong provision to deal with earmark reform.

One of the concerns many had about the underlying DeMint earmark reform was that we did not think the language was strong enough when it came to tax provisions. There were provisions in appropriations bills which direct money to entities. They can be private entities or public entities, they could be State governments, local governments, any number of different types of governmental units, as well as private entities.

For example, I have directed money in the Defense appropriations bill to two firms in Illinois that are doing breakthrough research on a variety of things of importance to the Department of Defense, so the actual firms were named. That is the nature of an appropriations earmark. I, in my practice in the office, have been as transparent as possible. There is a race to put out a press release as soon as it is done because I take great pride in what we support.

What we are trying to do is to put into the rules of the Senate and the control of legislation in the Senate more transparency, more accountability, so there is no question, so we avoid any abuse such as led to some of the more embarrassing episodes in the last Congress resulting in corruption charges against lobbyists and Members of Congress.

The initial intent of Senator DEMINT in his amendment was positive, to move toward more appropriations earmarks disclosure, but we felt that his language, when it came to tax provisions, needed to be strengthened.

Of course, one can benefit a company by sending money for research. One can also benefit a company by giving them a break in the Tax Code. Both are of value to the company. They should be treated the same when it comes to disclosure, transparency, and accountability.

The purpose of my second-degree amendment was to strengthen the language of the earmark disclosure when it comes to that. We broadened the definition of what is known as a limited tax benefit. If we were to provide a cut in the tax rate for all Americans in certain income categories, that does not have a particular impact on an individual or a company. That is a general tax benefit. When we deal with limited tax benefits, they can be written in a way when they benefit one specific entity, one specific company, or a few, a handful, we want those tax earmarks to be treated with the same disclosure requirements as the earmarks in appropriations.

The DeMint amendment defined a limited tax benefit as a revenue-losing provision that provides tax benefits to 10 or fewer beneficiaries or contains eligibility criteria that are not the same for other potential beneficiaries. That is his original language.

I have thought that the number 10 was the problematic element in his approach. I don't know where the number 10 came from. I think it might have been in an earlier House version, but I think the language we replace it with makes more sense.

We define "limited tax benefit" as any revenue provision that provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries. Our definition is more expansive, would cover more tax earmarks, would require more disclosure, more transparency, more accountability. I think that was the goal of Senator DEMINT's amendment.

It is my understanding that he is going to accept my second-degree amendment which is going to tighten this language when it comes to tax earmarks.

Second, the Durbin amendment requires the earmark disclosure information be placed on the Internet in a searchable format for at least 48 hours before consideration of the bills, resolutions, or reports that contain the earmarks. The DeMint amendment did not have a similar provision. In the world of the Internet, we know that posting this information 48 hours before the bill can be considered so that the earmarks are known to all who care to look is the best way to make sure there is transparency. So we have added this 48-hour disclosure provision before the consideration of a bill, resolution, or report that contains either an appropriations or a tax earmark. In that way, we have expanded the availability of information for those who follow the proceedings of the Senate.

There is more to be done. Senator HARKIN of Iowa is not in the Senate now, but he pointed out an element of the underlying bill that is problematic when it comes to language on this tax benefit provision. Senator HARKIN is right. Paragraph B in this bill is subject to misinterpretation. He has suggested at some point—before the vote or after—we have a colloquy to make it clear what our intent would be. I am going to join him in that. I am hoping we can either clean up this paragraph B by way of amendment in the Senate, if not in conference. We do not want any ambiguity when it comes to the applicability of this provision as it relates to limited tax benefits.

I have discussed this with Senator DEMINT, and we will see if we can get this done in the Senate. If not, I hope we can address it in the conference committee. We will be working with the Committee on Finance, which is our Senate committee responsible for tax provisions, to make sure they understand what our intention will be and take any advice they have to offer that will help us come up with better language.

I am pleased with this bipartisan solution to the concerns that several Senators had with the original DeMint earmark amendment. If the second-degree amendment is agreed to, we will have a positive vote in passing this amendment. I believe it reflects the intent of all on both sides of the aisle to make sure there is more disclosure.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, may I ask the distinguished Senator from Illinois if there is any additional time I might utilize?

Mr. DURBIN. Mr. President, it is my understanding that the time has been equally divided prior to voting at 5:30. I have used a portion of it here, and I ask the Parliamentarian how much time is remaining?

The PRESIDING OFFICER. The majority has 14 minutes remaining.

Mr. DURBIN. Mr. President, I, of course, yield all that time to the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator for his characteristic courtesy.

James Madison reminds us, in Federalist No. 37, that:

> The genius of republican liberty seems to demand . . . not only that all power should be derived from the people, but that those intrusted with it should be kept in dependence on the people. . . .

Let me say that again. James Madison says, in Federalist No. 37, that "The genius of republican liberty seems to demand . . . not only that all power should be derived from the people, but that those intrusted with it"—meaning that power—"should be kept in dependence on the people. . . ."

To ensure that this quotation I have just stated by James Madison is so, it is the representatives of the people in Congress—including ROBERT C. BYRD and all other Senators here—who are entrusted with the power of the purse.

Now, listen to that. To ensure that this is so, it is the representatives of the people in Congress who are entrusted with the power of the purse.

"This power," Madison writes, in Federalist No. 58, "may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure."

We are Senators, the people's representatives. We are here to look after the interests of the people of our States. In many cases, they are not well-to-do people. They cannot just pick up a phone and call the White House. And, too often, the Federal bureaucracy is an inaccessible morass. In time of need—in drought or flood, when a bridge is near collapse, when safe drinking water is not available, when health care services are endangered, when a community is struggling, when worker safety is threatened—the people call on their representatives in Congress.

Many times, we are the only ones who are willing to listen. Get that. Many times, we are the only ones who are willing to listen, and the only ones—hear me, again—who are willing to help. We, the people's representatives, are armed by the Constitution with the power of the purse to ensure that the Federal Government is responsive to their—the people's—needs.

And so when I speak about congressional earmarks, I speak about a subject that broaches the most serious of constitutional questions: Who—hear me—who shall control expenditures from the public treasuries, the unaccountable bureaucrats in the executive branch downtown—I do not speak ill of them; they are responsible people—but I say, the unaccountable bureaucrats in the executive branch or the representatives of the people?

Let me say that again. We, here in the Senate, are armed by the Constitution with the power of the purse—in this body and the other body—to ensure that the Federal Government is responsive to their—the people's—needs.

And so when I speak about congressional earmarks, I speak about a subject that broaches the most serious of constitutional questions: Who shall control expenditures from the public treasuries, the unaccountable bureaucrats in the executive branch or the elected representatives of the people in the legislative branch?

Earmarks are arguably the most criticized and the least understood of congressional practices. I know it is easy to attack these congressional practices. Many of the most vocal critics do not understand the purpose of the earmarks they criticize, nor do they have any appreciation of their uses or benefits in the communities that receive them.

Let me say that again. Earmarks—hear me, everybody; those from the States, I know they are always listening—earmarks are arguably the most criticized and the least understood of congressional practices. Many of the most vocal critics do not understand the purpose of the earmarks they criticize, nor do they have any appreciation of their uses, meaning the uses of earmarks, or benefits in the communities that receive these earmarks.

Many people do not know that earmarks are not specific to appropriations bills. For instance, earmarks can be found in revenue bills as tax benefits for narrowly defined constituencies. Earmarks can be found in authorization bills that are wholly separate from the appropriations process. Hear me now. Earmarks can be found—yes; where?—in the President's budget requests. How about that? Earmarks can be found in the President's budget requests, and sometimes as part of the budget reconciliation process.

There is no law, no rule, no universal standard that even defines what an earmark is. And so I leave the determination about the propriety and need for an earmark, not with the political pundits or the so-called watchdog groups or the news media or the unelected bureaucrats downtown, but where that determination rightfully belongs, where it rightfully belongs under the Constitution, with the people, with the people of the United States.

So hear me—hear me, everyone East, West, South, and North—when I say there is nothing inherently wrong with an earmark. It is an explicit direction from the Congress—the people's elected representatives; the Congress—about how the Federal Government should spend the people's money—your money out there in the hills and mountains and prairies and the plains and valleys of this country. I say again, it is an explicit direction—talking about earmarks—from the Congress about how the Federal Government should spend your money, the people's money.

It is absolutely consistent with the Framers' intentions. Dispute me, if you like. Challenge me, if you like, and challenge the Constitution of the United States. It is codified in Article I of the Constitution, giving the power of the purse to the representatives of the people.

We, the representatives of the people, have an obligation to be good stewards of the public treasury and to prevent imprudent expenditures. That is our duty. We have an obligation to guard against the corruption of any public officials who would sell their soul and the trust of their constituency in order to profit from an official act. That also is our duty, and one not to be taken lightly. But let no person suggest that the Congress errs in using an earmark to designate how the people's money should be spent.

Let me say that again. Let no person suggest that the Congress errs in using an earmark to designate how the people's money—your money out there, your money; hear me, the people's money—should be spent. That is equally our constitutional duty. It does not belong to the President. It does not belong to the unelected bureaucrats in the executive branch. It belongs to the people through their elected representatives here in Congress.

Well intentioned though they may be, the civil servants making budget decisions in the executive agencies and offices of the Federal Government do not understand the communities that we—you and I, Mr. President, all of us here—represent.

They do not meet with the constituencies. They do not know our States. They do not know our people. They do not see what we see.

How much time do I have, Mr. President?

The PRESIDING OFFICER (Mr. MENENDEZ). The majority's time has expired.

Mr. BYRD. I ask unanimous consent to proceed as long as I require, and it won't be too long.

Mr. CHAMBLISS. Mr. President, I would say to the distinguished Senator from West Virginia through the Chair that we have 30 minutes on our side, and I have two speakers. I know Senator MCCAIN and Senator DEMINT wish to speak. I am not sure how long that will take. Does the Senator have an idea how much longer he will need, 5 minutes, 10 minutes?

Mr. BYRD. I will try to finish in 10 minutes.

Mr. CHAMBLISS. I am happy to yield for an additional 10 minutes to the other side.

Mr. BYRD. Mr. President, I thank my generous and considerate friend.

The process may not be flawless, but if public monies are spent unwisely or wastefully, at least the people have the means to know about it. Both the House and Senate in open session must agree on an earmark, and the president has an opportunity to veto the measure that carries it. There is a record of debate, and a record of how each Member of Congress votes. A controversial item is available for all to see and judge if not before, then certainly after it is enacted. Ultimately, Senators will have to defend their votes on the floor of the Senate, or respond to the inquiries of the media, or stand before the electorate and their constituency. The representatives of the people in Congress are held accountable.

If the Congress does not specify how funds are to be spent, then the decision falls to the executive branch—the so-called "experts" at bureaucratic agencies to determine the priorities of this Nation. In such cases, the American people may never know who is responsible for a spending decision. The American people never know how a spending decision is made. They may never hear anything about it. In the executive bureaucracy, there is far less accountability to the people.

We ought to prefer that spending decisions be made in an open and public forum of debate, rather than ensconced within the hidden and unaccountable agencies of the executive branch. The fact that controversial earmarks are being openly debated, and that several controversial earmarks were put before the voters last November, suggests that the system works. Those entrusted with power are being held accountable to the people.

So I say to Senators that we are treading some dangerous constitutional grounds with this bombast against earmarks. I support, as I always have, making the budget and appropriations process more transparent, but let their be no mistake that the misguided cries to do away with earmarks has constitutional ramifications about who controls the power of the purse. The White House recognizes this. The President is asking the Congress to reduce congressional earmarks, leaving more spending decisions to the White House and executive branch. The President is asking for fewer limitations and more flexibility in how the executive branch spends the people's money. The President is even taking advantage of the current political environment to ask for a line-item veto—God help us—a wholly unconstitutional grant of power invalidated once before by the Supreme Court. If so-called earmark reforms happen too quickly and with too little thought to the constitutional ramifications, it could mark the beginnings of a dangerous aggrandizement of the executive in the legislative process, and I am not for that. I am not willing to go along with it.

In this rush to label earmarks as the source of our budgetary woes, and calls to expand the budgetary authorities of the President, we—Members of the Senate—should remember why deficits have soared to unprecedented levels. Senators will recall that the president has not exercised his current constitutional authorities. He has not vetoed a single spending or revenue bill. He has not submitted a single rescission proposal under the Budget Act.

What has wrought these ominous budget deficits are the administration's grossly flawed and impossible budget assumptions. In 2001, the President inherited a $5.6 trillion, 10-year surplus. After 1 year operating under his fiscal policies, that surplus disappeared. We went from a surplus in the fiscal year 2001 of $128 billion to a deficit in the fiscal year 2002 of $158 billion, followed by the three largest deficits in our Nation's history in the fiscal years 2003, 2004, and 2005. The administration's excessive tax cuts added $3 trillion in budget deficits. The war in Iraq, which I voted against, has required the Congress to appropriate $379 billion, and another $100 billion request will arrive from the President next month. Rather than dealing with these fiscal failures, too many would rather propagate the specious argument that enlarging the president's role in the budget process and doing away with congressional earmarks will magically reduce these foreboding and menacing deficits. It absolutely will not.

Often, critics of congressional earmarks assert that earmarks, by definition, are wasteful spending. In the 1969 Agriculture Appropriations bill, Congress earmarked funds for a new program to provide critical nutrition to low-income women, infants and children. This program, which is now known as the WIC program, has since provided nutritional assistance to over 150 million women, infants and children, a critical contribution to the health of the nation. Is that wasteful spending? Is that wasteful spending?

In the 1969 and 1970, Congress earmarked $25 million for a children's hospital in Washington, DC, even overcoming a Presidential veto. That funding resulted in the construction of what is known as the Children's National Medical Center. The hospital has become a national and international leader in neonatal and pediatric care. Since the hospital opened, over 5 million children have received health care. Last year, Children's Hospital treated over 340,000 young patients, and performed over 10,000 surgeries, saving and improving the lives of thousands of young children. Is that wasteful spending?

In 1983, Congress earmarked funds for a new emergency food and shelter program. In 2005 alone, the program served 35 million meals and provided 1.3 million nights of lodging to the homeless. Is that wasteful spending?

In 1987, Congress earmarked funds for the mapping of the human gene. This project became known as the Human Genome Project. This research has lead to completely new strategies for disease prevention and treatment. The Human Genome Project has led to discoveries of dramatic new methods of identifying and treating breast, ovarian, and colon cancers, saving many, many lives. Is this wasteful spending?

In 1988 and 1995, Congress earmarked funds for the development of unmanned aerial vehicles. These efforts produced the Predator and the Global Hawk, two of the most effective assets that have been used in the global war on terror. Is this wasteful spending?

No. Each of these earmarks was initiated by Congress and produced lasting gains for the American people.

There is no question that the earmarking process has grown to excessive levels in recent years. From 1994 to 2006, the funding that has been earmarked has nearly tripled. That is why I have joined with House Appropriations Committee Chairman OBEY in calling for a 1-year moratorium on earmarks in the fiscal year 2007 joint funding resolution that will be before the Senate next month. That moratorium will give the Congress the time it needs to approve legislation that adds transparency to the process of earmarking funds.

I support transparency and debate in the congressional budget and appropriations process. I support the provisions included in the ethics bill now pending before the Senate that would provide a more accountable, aboveboard, and transparent process by requiring earmarks for non-Federal entities in all of their legislative forms—as authorizing measures, as appropriations measures, as revenue measures—to be disclosed—yes, let's have it out in the open—along with their sponsors and essential government purpose, prior to their consideration by the Senate. If the sponsor is ROBERT C. BYRD, let him show himself. Taxpayers, of West Virginia and the Nation ought to know how and why spending decisions are made. That is why it is essential to ensure that these spending decisions remain in the Congress.

In past years, the Congress routinely failed to consider the annual appropriations bills in a timely manner. When they were considered, they too often took the form of massive omnibus bills that were forced upon the Senate without the opportunity to amend—take it or leave it. Such practices encouraged the kinds of earmarking practices that have been criticized in recent months. As chairman of the Senate Appropriations Committee, I, ROBERT C. BYRD, will endeavor to do all that I can to have the annual appropriations bills considered in a timely manner. When the fiscal year 2008 spending bills are brought to the floor, I will do all that I can to allow the Senate to work its will, and to open the spending decisions of the Congress to the American people.

Senators take an oath to preserve and protect the Constitution. Eliminating waste and abuse in the Federal budget process is important, but protecting the character and design of the Constitution is absolutely essential. Let's not lose our heads and subsequently the safeguards of our rights and liberties as American citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah controls the remainder of the time.

Mr. BENNETT. Mr. President, I understand the Senator from Illinois has an action he wishes to take. I yield to him at this point.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 41

Mr. OBAMA. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may call up amendment No. 41 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA] proposes an amendment numbered 41.

Mr. OBAMA. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require lobbyists to disclose the candidates, leadership PACs, or political parties for whom they collect or arrange contributions, and the aggregate amount of the contributions collected or arranged)

Strike section 212 and insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(d) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

"(1) IN GENERAL.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year, or on the first business day after the 20th if that day is not a business day, each registrant under paragraphs (1) or (2) of section 4(a), and each employee who is listed as a lobbyist on a current registration or report filed under this Act, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(A) the name of the registrant or lobbyist;

"(B) the employer of the lobbyist or the names of all political committees established or administered by the registrant;

"(C) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each contribution made within the quarter;

"(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) raised at such event;

"(E) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom aggregate contributions equal to or exceeding $200 were collected or arranged within the calendar year, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for each recipient;

"(F) the name of each covered legislative branch official or covered executive branch official for whom the lobbyist, the registrant, or a political committee established or administered by the registrant provided, or directed or caused to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(i) an itemization of the payments or reimbursements provided to finance the travel and related expenses, and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(ii) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(iii) whether the registrant or lobbyist traveled on any such travel;

"(iv) the identity of the listed sponsor or sponsors of such travel; and

"(v) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, who directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the lobbyist, the registrant, or a political committee established or administered by the registrant;

"(G) the date, recipient, and amount of funds contributed, disbursed, or arranged (or a good faith estimate thereof) by the lobbyist, the registrant, or a political committee established or administered by the registrant—

"(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

"(ii) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

"(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

"(H) the date, recipient, and amount of any gift (that under the standing rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the lobbyist, the registrant, or a political committee established or administered by the registrant to a covered legislative branch official or covered executive branch official; and

"(I) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each such contribution within the quarter.

"(2) RULES OF CONSTRUCTION.—

"(A) IN GENERAL.—For purposes of this subsection, contributions, donations, or other funds—

"(i) are 'collected' by a lobbyist where funds donated by a person other than the lobbyist are received by the lobbyist for, or forwarded by the lobbyist to, a Federal candidate or other recipient; and

"(ii) are 'arranged' by a lobbyist—

"(I) where there is a formal or informal agreement, understanding, or arrangement between the lobbyist and a Federal candidate or other recipient that such contributions, donations, or other funds will be or have been credited or attributed by the Federal candidate or other recipient in records, designations, or formal or informal recognitions as having been raised, solicited, or directed by the lobbyist; or

"(II) where the lobbyist has actual knowledge that the Federal candidate or other recipient is aware that the contributions, donations, or other funds were solicited, arranged, or directed by the lobbyist.

"(B) CLARIFICATIONS.—For the purposes of this paragraph—

"(i) the term 'lobbyist' shall include a lobbyist, registrant, or political committee established or administered by the registrant; and

"(ii) the term 'Federal candidate or other recipient' shall include a Federal candidate, Federal officeholder, leadership PAC, or political party committee.

"(3) DEFINITIONS.—In this subsection, the following definitions shall apply:

"(A) GIFT.—The term 'gift'—

"(i) means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; and

"(ii) includes, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred—

"(I) gifts of services;

"(II) training;

"(III) transportation; and

"(IV) lodging and meals.

"(B) LEADERSHIP PAC.—The term 'leadership PAC' means with respect to an individual holding Federal office, an unauthorized political committee which is associated with an individual holding Federal office, except that such term shall not apply in the case of a political committee of a political party.".

Mr. OBAMA. Mr. President, this is a supplement to what I already think is an excellent bill that has been presented by the two leaders to try to improve our processes and provide more transparency and accountability in how lobbyists interact and how we conduct ourselves in an ethical fashion.

To make it very plain, this amendment simply says that all registered Federal lobbyists would have to disclose not only the contributions they make but also the contributions they have solicited and bundled. It applies only to registered lobbyists. It has strong support on a bipartisan and bicameral basis. I hope we can have this amendment agreed to. I think it will make a strong bill that much stronger.

With that, I appreciate the time given to me by the Senator from Utah. I look forward to the vote.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 71

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that I may call up my amendment No. 71.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself and Mr. SALAZAR, proposes an amendment numbered 71.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the laws and rules passed in this bill to the executive and judicial branches of government)

At the appropriate place, insert the following:

SEC. . EQUAL APPLICATION OF ETHICS RULES TO EXECUTIVE AND JUDICIARY.

(a) GIFT AND TRAVEL BANS.—

(1) IN GENERAL.—The gift and travel bans that become the rules of the Senate and law upon enactment of this Act, shall be the minimum standards employed for any person described in paragraph (2).

(2) APPLICABILITY.—A person described in this paragraph is the following:

(A) SENIOR EXECUTIVE PERSONNEL.—A person—

(i) employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5, United States Code;

(ii) employed in a position which is not referred to in clause (i) and for which that person is paid at a rate of basic pay which is equal to or greater than 86.5 percent of the rate of basic pay for level II of the Executive Schedule, or, for a period of 2 years following the enactment of the National Defense Authorization Act for Fiscal Year 2004, a person who, on the day prior to the enactment of that Act, was employed in a position which is not referred to in clause (i) and for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5304 or section 5304a of title 5, United States Code, was equal to or greater than the rate of basic pay payable for level 5 of the Senior Executive Service on the day prior to the enactment of that Act;

(iii) appointed by the President to a position under section 105(a)(2)(B) of title 3, United States Code or by the Vice President to a position under section 106(a)(1)(B) of title 3, United States Code; or

(iv) employed in a position which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37, United States Code) is pay grade O-7 or above.

(B) VERY SENIOR EXECUTIVE PERSONNEL.—A person described in section 207(d)(1) of title 18, United States Code.

(C) SENIOR MEMBERS OF JUDICIAL BRANCH.—A senior member of the judicial branch, as defined by the Judicial Conference of the United States.

(b) STAFF LOBBYING.—

(1) IN GENERAL.—Section 207(c)(2)(A) of title 18, United States Code, is amended by striking clauses (i) through (v) and inserting the following:

"(i) employed by any department or agency of the executive branch; or

"(ii) assigned from a private sector organization to an agency under chapter 37 of title 5.".

(2) CONFORMING AMENDMENT.—Section 207(c)(2)(C) of title 18, United States Code, is amended—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(B) by inserting "(i)" before "At the request";

(C) by striking "referred to in clause (ii) or (iv) of subparagraph (A)" and inserting "described in clause (ii)"; and

(D) by adding at the end the following:

"(ii) A position described in this clause is any position—

"(I) where—

"(aa) the person is not employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5; and

"(bb) for which that person is paid at a rate of basic pay which is equal to or greater than 86.5 percent of the rate of basic pay for level II of the Executive Schedule, or, for a period of 2 years following the enactment of the National Defense Authorization Act for Fiscal Year 2004, a person who, on the day prior to the enactment of that Act, was employed in a position which is not referred to in clause (i) and for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5304 or section 5304a of title 5, was equal to or greater than the rate of basic pay payable for level 5 of the Senior Executive Service on the day prior to the enactment of that Act; or

"(II) which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37) is pay grade O-7 or above.".

(c) SENIOR EXECUTIVE STAFF EMPLOYMENT NEGOTIATIONS.—Senior and very senior Executive personnel shall not directly negotiate or have any arrangement concerning prospective private employment while employed in that position unless that employee files a signed statement with the Office of Government Ethics for public disclosure regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced.

Mr. NELSON of Nebraska. Mr. President, last year, Washington was rocked by the Abramoff scandal and other misdeeds. With the underlying bill, Congress has shown it is taking seriously its responsibility to the American people its responsibility to set rules for behavior by Members and staff that aren't just words on a page in a dusty ethics manual.

I applaud the effort that has gone into ethics reform. It has been a good debate. There is one point that I discussed last year— as early as the Rules Committee markup— that I feel needs to again be part of the debate this year. Last year I offered a sense-of-the-Senate amendment to make many of the reforms we have considered throughout this ethics debate apply to all branches of government. I am pleased that this sense of the Senate was accepted and is included in the underlying bill.

Today I have filed and proposed amendment No. 71, which builds on the principle behind this sense of the Senate that the standards employed in this bill should be the minimum standards that guide the other branches of Government. The revolving door isn't just on the front of the U.S. Capitol. It spins freely in the executive branch—in every Federal agency in Washington.

My amendment has three parts:

The first provision says the gift and travel bans of this bill should be the minimum standards employed by the executive and judicial branches. The second provision extends the Senate's 1-year ban on lobbying by former staff to the executive branch. The third provision extends the Senate's negotiating of future employment provisions to the executive branch as well.

I believe in disclosure, transparency and restoring integrity to our government. The question here isn't whether reforms are needed, they are. But we need to make sure we are implementing the right reforms. Any reforms need to apply to all branches of government if we are to begin the process of rebuilding trust between the government and the people.

Mr. President, I think the underlying bill is incomplete without my amendment, and I urge my colleagues to adopt it.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I would like to make a few comments about a couple of amendments on which we are getting ready to vote. One is mine, and one is an amendment to my amendment by Senator DURBIN.

The PRESIDING OFFICER. Is the Senator seeking unanimous consent to speak? There is an order presently to vote at this time. Is the Senator seeking unanimous consent?

Mr. DEMINT. Yes. I ask unanimous consent to speak. I apologize, Mr. President. I am getting ahead of myself today. I thank the Parliamentarian. Am I free to speak at this point?

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENTS NOS. 44, AS MODIFIED AND 11

Mr. DEMINT. Mr. President, we are getting ready to vote on a couple of amendments. One is Senator DURBIN's which I believe improves the underlying amendment, which is my amendment No. 11. I thank Senator REID and Senator DURBIN and a number of Members on the Democratic side who worked with us to perfect this amendment in a way that will be good for the country and will be much more transparent in how we do business. I have asked to be a cosponsor of Senator DURBIN's amendment, which will come up before mine. I again encourage all my Republican and Democratic colleagues to support Senator DURBIN's amendment, as well as the underlying amendment.

I remind my colleagues, I think these two amendments focus on the most egregious problem with this whole idea of ethics and lobbying reform. It makes all of the earmarks, all of the designated spending—some folks refer to this as specific favors for interest groups—everything we do to designate funds in a particular direction, it just requires us to disclose these, to disclose them in a way that the American people can see, can find them on the Internet, and can determine for themselves if this is a good way to spend their taxpayers' dollars. We believe, as I think the American people do, that if it is clear what we are doing while we are doing it and who is doing it, it will, first of all, limit unnecessary earmarks and unnecessary Federal spending, but it will also create a lot more accountability for this designated spending which we do attach to bills.

I thank my Democratic colleagues for working constructively with us. We made progress and created a better bill. I encourage all of my colleagues to vote for both of the amendments tonight.

I yield the floor.

LIMITED TAX BENEFITS

Mr. HARKIN. Mr. President, I am concerned about a possible misunderstanding of the intent of the language in the proposed Senate rule XLIV concerning earmarks. My specific concern goes to the definition in the proposal concerning "limited tax benefits." The definition contains two parts. The first is a two-part test that provides that limited tax benefit is one that "provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986, and (B) contain eligibility criteria that are uniform in application with respect to potential beneficiaries of such provision". The key here is the word "and" after 1986. The second part simply provides that if this test is not met, that only a tax that benefits a single entity is a "limited tax benefit."

I am told that there are some who might define "potential beneficiaries" to only include a variation in the treatment of the class covered by the amendment. This would not be logical. My perception, prior to our voting, is that the intent of those two words "potential beneficiaries" means a category or class of taxpayers impacted by the tax provision. In other words, if the Senate was considering the modification of the alternative minimum tax to not include a specific tax provision in the code as counting as income under the AMT, that would not be considered a limited tax benefit, because it would impact all of the potential beneficiaries equally. On the other hand, if one was considering a provision that went into the code and said that we should not count that class of income as AMT income as applied to X or Y, that would not be treating everyone in the class the same. In the latter case, we would be triggering subsection "B," because there was not uniform treatment of all potential beneficiaries of the break. And accordingly, if the number impacted in the second case was a "limited group of beneficiaries," it would be considered a limited tax benefit.

Mr. DURBIN. Mr. President, I believe that the Senator from Iowa has raised an important point. we need to clarify how the amendment applies to targeted tax benefits. We would like the language of the amendment to capture a wide variety of situations where a small number of taxpayers receive special treatment. I hope that we can work with Senator DEMINT, the Senate Finance Committee, and any other interested Senators to make appropriate changes to this amendment during conference, if not sooner, so that the language is clear and the outcome increases transparency and accountability.

Mr. LEVIN. Mr. President, I will vote in favor of the DeMint amendment as amended by the Durbin amendment.

Last week, I voted to table the original DeMint amendment because it would have stricken earmark reform language in the Reid-McConnell bipartisan substitute and replaced it with provisions which contain, among other things, a definition of earmarked tax benefits which is weaker than the Reid-McConnell language.

The DeMint amendment would have defined a tax benefit as an earmark only if it benefits 10 or fewer beneficiaries. This would have left open a loophole for earmarks which were aimed at benefiting very small groups of people, even as few as 11. It would have been relatively easy to circumvent the DeMint language and the intent of the tax earmark language in the bill.

The Durbin second-degree amendment which has been adopted removes the limitation of "10 or fewer beneficiaries" from the DeMint amendment and defines a "limited tax benefit" as "any revenue provision that provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries". This is stronger language—a limited group can be far more than 10.

The Durbin second-degree amendment also requires that the earmark disclosure information be placed on the internet in searchable format for at least 48 hours before consideration of the bills containing earmarks. The DeMint amendment did not previously have a similar provision.

In summary, the Durbin language has improved this amendment which will now increase the transparency of earmarks contained in conference report language, as well as include disclosure of tax provisions that benefit limited groups of beneficiaries.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 p.m. having arrived, the Senate will proceed to a vote on or in relation to amendment No. 44, as modified, offered by the Senator from Illinois, Mr. DURBIN.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 44, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—98

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye

Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—2

Conrad
Johnson

The amendment (No. 44), as modified, was agreed to.

Mr. WYDEN. I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 11, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 11, as amended.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—98

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—2

Conrad
Johnson

The amendment (No. 11), as amended, was agreed to.

Mr. MENENDEZ. I move to reconsider the vote.

Mr. NELSON of Florida. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. SALAZAR). Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid amendment No. 4 to Calendar No. 1, S. 1 Transparency in the Legislative Process.

Harry Reid, Dianne Feinstein, Joseph Lieberman, Tom Carper, Ken Salazar, Robert Menendez, Patty Murray, Jon Tester, Jack Reed, Joe Biden, Debbie Stabenow, Daniel K. Akaka, Barbara Mikulski, Benjamin L. Cardin, Dick Durbin, Ted Kennedy.

The PRESIDING OFFICER. The mandatory quorum has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4, offered by the Senator from Nevada, Mr. REID, be brought to a close? The yeas and nays are mandatory under rule XXII.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from South Carolina (Mr. DEMINT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 95, nays 2, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—95

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—2

Coburn
Nelson (NE)

NOT VOTING—3

Conrad
DeMint
Johnson

The PRESIDING OFFICER. On this vote, the yeas are 95, the nays are 2. Two-thirds of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. INHOFE. Mr. President, I am pleased to cosponsor Senate amendment No. 37 that has been offered by the Senator from South Dakota to the legislative and lobbying transparency legislation, S. 1.

The Federal Funding Accountability and Transparency Act of 2006, which became law this past September 26, 2006, requires that the Office of Management and Budget develop a single, searchable, public Web site that provides information on all types of Federal awards including Federal grants, sub grants, loans, contracts, cooperative agreements, and other forms of financial awards that entities, including nonprofit organizations, receive from the Federal Government. This Web site is to be accessible to the public at no cost and contains information such as the entity receiving the award, the amount, and the purpose.

Senate amendment No. 37, that has been offered by the Senator from South Dakota, Senator THUNE, builds upon the Federal Funding Accountability and Transparency Act by requiring entities that receive Federal funding to publicly disclose those funds, disclose that entity's political advocacy, and the amount spent on its political advocacy. Under this amendment, political advocacy includes influencing legislation, involvement in political campaigns, litigation with the Federal Government, and supporting other entities that engage in these types of political advocacy. In his remarks upon offering Senate amendment No. 37, the Senator from South Dakota stated that his amendment will shed further light on organizations that receive Federal funding that are at the same time also involved in advocacy on Federal issues. I could not agree more that the transparency required in this amendment is necessary and that this is something the American people would like to see happen.

For the past two Congresses, I have been the chairman of the U.S. Senate Environment and Public Works Committee. In that role, I designated grants management at the Environmental Protection Agency, EPA, as one of the priority oversight areas of the committee. I began this oversight by conducting a committee hearing where representatives from the EPA, EPA inspector general, the Government Accountability Office, and a private organization called Taxpayers for Common Sense testified to severe deficiencies in grants management at EPA for at least the past 10 years and regardless of Presidential administration. In fact, the EPA inspector general's testimony at that hearing focused on a nonprofit Federal grant recipient that had received close to $5 million over 5 years in violation of the Lobbying Disclosure Act. The EPA has had a particularly bad habit of awarding large grants to special interest and partisan groups and, in many cases, with little oversight. However, this is a problem that can plague all Federal agencies and departments.

Since the beginning of this oversight, EPA has taken a number of positive steps, and I would like to focus on one of those positive developments. I suggested in May 2004 that to increase transparency in grant awards, the EPA should develop a publicly accessible, no-cost Web site with information on EPA's grants and recipients. I suggested this Web site cover future grant recipients as well as grants awarded over the past 10 years. I also provided some examples of useful information to include on the Web site such as the grant recipient's name, agency grant number, Catalog of Federal Domestic Assistance number, the type of recipient—governmental entity, nonprofit, eductional institution, foreign recipient, etc.—the grant project location, beginning and ending project dates of grants, the amount of the grant, the total cost of the project or cumulative amount of grants for the particular project, the grant description or purpose, the grant's expected outcome, the approving office or program within the agency, and the agency project officer and awarding officers' contact information.

Since that time, EPA has created this new Web site with the most publicly available information ever provided on EPA grants and recipients. The EPA's grant awards database may be easily found on the EPA's Web site and has been available since 2004.

I believe that placing this information on the World Wide Web for anyone to access has greatly increased the transparency of the grants process within the EPA and has required EPA to be more accountable for the types of grants, recipients, and oversight of the grants awarded. Likewise, I believe that placing information on the World Wide Web concerning the political, lobbying, and litigation activity of regular recipients of Federal funds provides needed transparency that I believe the American people may be surprised to see and may provide a tool for appropriate Federal agencies to use to ensure that Federal dollars are not being misused for political purposes.

In many cases, when the Federal Government awards a grant to a private organization, it is a nonprofit, tax-exempt organization. The Internal Revenue Service has classified these organizations as section 501(c)(3) charitable organizations after that section of the Internal Revenue Code. However, I have delivered remarks concerning the political activities of recipients of Federal funds or their closely affiliated organizations. Some of these 501(c)(3) organizations that regularly receive Federal funds are often closely affiliated with corresponding section 501(c)(4) and 527 organizations and political action committees all highly involved in lobbying and political activities every year and in each election cycle. Although this article is dated, one of the best articles that describes this tangled web of political financing and advocacy was a Washington Post article from September 27, 2004, which I will request to have printed in its entirety at the conclusion of my remarks. This article contains a quote from a former Federal Election Commission official stating:

> In the wake of the ban on party-raised soft money, evidence is mounting that money is slithering through on other routes as organizations maintain various accounts, tripping over each other, shifting money between 501(c)(3)'s, (c)(4)'s, and 527's. . . . It's big money, and the pendulum has swung too far in their direction.

While I understand that Senate amendment No. 37 does not reach into this tangled web of political and lobbying financing to separate Federal funding from private dollars, this amendment does make publicly available on a single Web site information on recipients of Federal awards and a description of the political and lobbying activities in which those organizations have been involved. This kind of disclosure has begun the process of applying transparency and reform to grants management at the EPA and I believe will also direct needed public attention on the political and lobbying activities of organizations that regularly receive taxpayer funding.

Mr. President, I ask unanimous consent that the article to which I referred be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 27, 2004]

New Routes for Money To Sway Voters—501c Groups Escape Disclosure Rules

(By Thomas B. Edsall and James V. Grimaldi)

In recent months, ads mocking Democratic presidential nominee John F. Kerry have been surfacing in battleground states and on national cable channels, paid for by a group called Citizens United.

In one television commercial playing off the MasterCard "Priceless" ads, the announcer describes Kerry's $75 haircuts, $250 designer shirts and $30 million worth of summer and winter homes. As a picture of Kerry and Sen. Edward M. Kennedy (D-Mass.) appears on screen, the announcer concludes: "Another rich, liberal elitist from Massachusetts who claims he's a man of the people. Priceless."

The spot, more hard-edged than the ads run by the official Bush-Cheney '04 campaign, is in the same provocative vein as the controversial Swift Boat Veterans for Truth ads that have dominated much of the campaign since late August. There is one major difference, however: The Swift Boat group must disclose who is paying for its ads; Citizens United does not have to tell anybody where it got its money or how it is spent.

Neither does Project Vote, a group run by former Ohio Democratic Party chairman David J. Leland that hopes to register 1.15 million new voters in black, Hispanic and poor white communities. Nor do two major voter registration and turnout projects called "I Vote Values" and "The Battle for Marriage," backed by some of the largest organizations on the religious right that are coordinating a drive to register millions of evangelical Christians.

Unlike the campaigns of President Bush and Kerry, the two major parties, political action committees and the Swift Boat Veterans—one of the "527" advocacy groups that have become part of the 2004 campaign lexicon—Citizens United and Project Vote operate under the radar of regulation and public disclosure in what campaign finance expert Anthony Corrado of the Brookings Institution and Colby College described as "a real black hole."

Known as 501c groups, for a statute in the tax code, these tax-exempt advocacy and charitable organizations are conduits for a steady stream of secretive cash flowing into the election, in many respects unaffected by the McCain-Feingold legislation enacted in 2002. Unlike other political groups, 501c organizations are not governed by the Federal Election Commission but by the Internal Revenue Service, which in a complex set of regulations delineates a range of allowable activities that are subject to minimal disclosure long after Election Day.

A 501c (3) group can register voters, and donations to it are tax deductible, but it is prohibited from engaging in partisan or electioneering work. A 501c (4), (5) or (6) group can be involved in elections, but the cost of doing so must be less than one-half the group's total budget. Public Citizen, in a report last week titled "The New Stealth PACs," contended that many of the politically active 501c (4) groups regularly spend more than half their budgets on political activities in violation of IRS rules.

IRS rules also stipulate that electioneering by 501c (4), (5) and (6) groups cannot be "express advocacy"—that is, telling people to vote for or against specific candidates. But such groups can run ads that address public issues such as immigration or taxes and that refer to the stands of candidates in ways that help or hurt them.

In the 2004 campaign, these legal distinctions have translated into two specific roles for these groups. One is to mobilize voters for Election Day. The other is to articulate criticism and orchestrate attacks that candidates and their parties may not want to launch themselves. That is the role assumed by Citizens United, whose president, David N. Bossie, is no stranger to hardball conservative politics.

Asked whether he would provide the names of his donors, Bossie said, "No, we follow the rules that are in place for 501c groups."

The rapid emergence of 501c and 527 groups in this election cycle is a direct consequence of the changes in political spending brought about by McCain-Feingold. The groups have essentially emerged to do what the law prevents parties from doing: They raise and spend unlimited contributions of "soft money" from corporations, unions and wealthy donors to influence federal elections.

Kent Cooper, who has watched the intricate ways money gets into the political system, first as chief of public records at the FEC and now as co-founder of PoliticalMoneyLine, said there is a growing need for more stringent regulation of 501c groups.

In the wake of the ban on party-raised soft money, Cooper said, evidence is mounting that money "is slithering through on other routes," as organizations "maintain various accounts, tripping over each other, shifting money between 501c (3)s, c (4)s and 527s. . . . It's big money, and the pendulum has swung too far in their direction."

Until 2000, neither 527s nor 501c organizations were required to list donors or account for expenditures. Sen. John McCain (R-Ariz.), angered at smears aimed at his presidential campaign by a 527 group, succeeded that year in passing legislation requiring the IRS to report the spending activities of 527s throughout the election cycle. That left the 501c organizations as the only groups with virtually no disclosure requirements.

To arrive at a total expenditure figure for 501c groups is impossible, given their nondisclosure requirements. But, based on interviews and an examination of available records, it seems likely their total spending will be from $70 million to $100 million this election cycle, with expenditures by pro-Republican and pro-Democratic groups roughly equal.

There are huge unknowns, however. For example, the U.S. Chamber of Commerce's Institute for Legal Reform, a 501c (6) business organization, has an annual budget of more than $40 million. The National Rifle Association, a 501c (4), has a budget of more than $200 million, which the group's chief executive, Wayne LaPierre Jr., can tap to increase voter turnout among not only its 4 million members but also the 14 percent of the electorate that has a "very favorable" view of the NRA.

Equally difficult to track is the burst of money going to the network of hundreds of generally liberal and pro-Democratic turnout operations, including Project Vote, the NAACP Voter Education Fund and USAction, none of which discloses its contributors.

Some board members, consultants, lawyers and staff members of many of these nonpartisan 501c organizations are, in fact, active partisans, separately working for campaigns, political parties and groups.

Perhaps no one better illustrates the host of interlocking roles than Carl Pope, one of the most influential operatives on the Democratic side in the 2004 election. As executive director of the Sierra Club, a major 501c (4) environmental lobby, Pope also controls the Sierra Club Voter Education Fund, a 527. The Voter Education Fund 527 has raised $3.4 million this election cycle, with $2.4 million of that amount coming from the Sierra Club. A third group, the Sierra Club PAC, has since 1980 given $3.9 million to Democratic candidates and $173,602 to GOP candidates.

These activities just touch the surface of Pope's political involvement. In 2002–03, Pope helped found two major 527 groups: America Votes, which has raised $1.9 million to coordinate the election activities of 32 liberal groups, and America Coming Together (ACT), which has a goal of raising more than $100 million to mobilize voters to cast ballots against Bush. Finally, Pope is treasurer of a new 501c (3) foundation, America's Families United, which reportedly has $15 million to distribute to voter mobilization groups.

"I am in this as deeply as I am," Pope said, "because I think this country is in real peril."

Although the McCain-Feingold law was generally a boon for 501c groups, one provision has tightened restrictions on the way they spend their money. The law's ban on the use of corporate and union funds to finance issue ads in the final 60 days before the general election has prompted such conservative groups as Americans for Job Security and the 60 Plus Association to move away from radio and television advertising and toward voter mobilization and nonbroadcast advocacy, primarily through direct mail, newspaper ads and the Internet.

Although corporate-backed tax-exempt groups are struggling to comply with McCain-Feingold, liberal, pro-Democratic charitable and tax-exempt organizations are concentrating much of their time, money and effort on voter registration and turnout. These activities do not fall under the 60-day broadcasting ban and can be structured as nonpartisan work eligible for tax-deductible support.

For many groups doing voter mobilization, it is crucial to have a 501c (3) group to tap into what has become a multimillion-dollar commitment by a host of liberal foundations and wealthy individuals to increase turnout among minorities and poor people.

Among the foundations investing substantially in voter registration and turnout programs likely to benefit Democrats are the Proteus Fund, which, in addition to direct grants, set up the Voter Engagement Donor Network in 2003 as an information service to 130 other foundations and individual donors; the Pew Charitable Trusts; and America's Families United, which was created in 2003 to channel about $15 million to voter registration and turnout groups. Most of these foundations voluntarily identify the groups to which they make grants on their Web sites.

One of the best-funded organizations is Project Vote, a 501c (3) group that has an $18 million fundraising goal and had raised, as of early September, $13.2 million in tax-deductible contributions. Similar work in registering and turning out urban voters, especially minorities, is being conducted by USAction Education Fund, the 501c (3) arm of USAction. Board members for America's Families United include not only Pope, but also Dennis Rivera, president of New York Local 1199 of the Service Employees International Union and a major figure in Democratic politics, and William Lynch Jr., who served as board secretary until he recently became deputy manager of the Kerry campaign.

The close connection between partisan activists and 501c groups is equally clear among conservative groups. Benjamin L. Ginsberg has been a lawyer for the Bush campaign, the Republican National Committee, Progress for America and the Swift Boat Veterans (both 527s) and Americans for Job Security, a 501c (4). Ginsberg was forced to resign as chief outside counsel to the Bush campaign during a controversy over his simultaneous involvement with the Swift Boat group. But he is one of the few activists whose involvement in multiple groups has come under scrutiny.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

MORNING BUSINESS

MR. SALAZAR. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING THOMAS G. LYONS

Mr. DURBIN. Mr. President, it is fortuitous for the Presiding Officer to be presiding because I know of his background, and I am speaking today of a man who just passed away in Illinois who is a great friend of mine. His name is Tom Lyons, a former State senator and chairman of the Democratic Party of Cook County. If you have ever attended an Irish wake—and I bet you have—there is a passionate combination of sadness and celebration.

In Chicago, such a wake is being held for a good and courageous man.

Thomas G. Lyons died last Friday at the age of 75 after a months-long struggle against serious illness.

Mr. Lyons served for the last 17 years as chairman of the Cook County Democratic Party. That was only one small chapter in an otherwise long, interesting and amazing life story.

As a young man, he served as an Army Ranger and a Chicago police officer.

In 1957, he earned a law degree and spent the next several years working first in the Cook County assessor's office, and then in the Illinois Attorneys General office.

In 1964, a time of great change, Tom Lyons was elected to represent northwest Chicago in the Illinois General Assembly.

The following year, he was tapped to serve in the leadership of a State commission studying the need for a new Illinois State constitution. He later served as vice president of the convention that drafted Illinois's current State constitution.

The preamble to that document lays out a series of high and noble aims of government. It reads, and I quote:

> We, the people of the state of Illinois—grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking his blessings upon our endeavors—in order to provide for the health, safety and welfare of the people;

> maintain a representative and orderly government; eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual; insure domestic tranquility; provide for the common defense; and secure the blessings of freedom and liberty for ourselves and our posterity—do ordain and establish this constitution for the state of Illinois.

Those same high and noble goals—"to provide for the health, safety and welfare of the people; . . . eliminate poverty and inequality; . . . assure legal, social and economic justice; . . . and secure the blessings of freedom and liberty for ourselves and our posterity"—were the standards to which Tom Lyons held himself in his public service.

A story in Sunday's Chicago Sun Times last Sunday says a lot about the kind of man he was.

In the 1950s, Tom Lyons was a young soldier on his way to Fort Benning, GA. It was his first trip to the South.

As he walked through a bus station, he was shocked to see one restroom for Whites and another for Blacks. His family said he decided to take a stand—and used the "colored" bathroom.

His son Frank said:

> He got into it with the local law enforcement. But he wanted to make a statement. It's who he was as a person.

His family and friends say it was that willingness to stand up for everyone—no matter their race, class or status—that best embodies Mr. Lyons' legacy.

It was also that willingness to treat everyone equally, with dignity, which nearly cost Tom Lyons his political career four decades ago.

In 1963, the year before Tom Lyons was elected to the Illinois State Senate, the Chicago City Council passed an ordinance banning restrictive covenants and other discriminatory real estate practices that were used to maintain racial segregation in Chicago. But the ordinance was routinely ignored.

In January 1966, Dr. Martin Luther King, Jr. moved to what he called a "slum apartment" on the West Side of Chicago. That summer, he held a series of "open housing" marches in all-White neighborhoods in the city and suburbs. The demonstrations produced a furor and focused national and international attention on the problem of housing discrimination, not just in Chicago, but in America.

By fall, the issue of housing discrimination became the most volatile issue of the campaign. It helped defeat one of the most courageous men who ever served in this Senate, a man Dr. King called "the greatest of all senators," my mentor, Paul Douglas.

Family and friends warned Tom Lyons that his support for a State fair housing law that year could cost him his seat in the General Assembly. But he voted for the bill anyway—and lost his re-election bid.

Having lost, he didn't give up. He won his seat back 4 years later.

Chicago politics is famously rough and tumble, but Tom Lyons was famous for trying to calm tempers and soothe old wounds by gathering people around the piano to sing great old songs and World War II ballads. He loved politics, not because of what it could do for him but what it allowed him to do for others. That is why his wake this evening will be filled with sadness and with celebration and why Tom Lyons will also be missed in Chicago and throughout our State.

As a young attorney serving in the Illinois State Legislature as parliamentarian for 14 years, I came to know a lot of State senators. There remain many fine men and women who serve in that body. I was learning my earliest chapters of Illinois politics as I watched them in action.

I remember Tom Lyons, a good legislator, conscientious man, a man of principle, with a great sense of humor, who would put an arm around your shoulder and say: Let's go have a beer and sing a song. He was just that kind of guy. His life was a good life, a life of public service and a life of giving to many others. I was lucky to be one of his friends and lucky to be one of the beneficiaries of his good will.

I ask the Members of the Senate to join me in extending our condolences to Tom's wife Ruth; their sons, Thomas and Frank; their daughters, Alexandra and Rachel; and Tom's eight grandchildren.

INTERDICTION OF DRUG SUPPLY

Mr. NELSON of Florida. Mr. President, I just returned from a trip to Haiti and to the Bahamas. I met with the governments of each of those nations on a variety of topics, not the least of which was the interdiction of the drugs. We increasingly see drugs coming out of Colombia, going into Venezuela and being transported by air out of Venezuela—including from remote parts of southern Venezuela as well as northern Venezuela. They then fly to destinations where the cocaine is dropped and repackaged into smaller packages to be shipped, destined for Europe and the United States.

The increase in the number of flights from 2003 to 2006 is incredible. A map showing lines that indicate the number of flights—they are solid going from Venezuela to the Dominican Republic and to Haiti. The flights have increased enormously, while at the same time the number of drugs transported by sea has diminished. Our Coast Guard is out there. I was with the Coast Guard. They have been fairly successful in interdicting at sea. So as a result, the drug smugglers are using small airplanes flying from Venezuela to the island of Hispaniola, Haiti and the Dominican Republic, where they are sending the drugs to be shipped on to additional destinations.

I spoke at length with President Preval, the President of Haiti, about this problem. President Preval made reference to a 1998 agreement in which the Government of Haiti and the United States pledged to cooperate and, indeed, that cooperation has occurred. And it has occurred on those shipments coming by sea.

But the Government of the United States cannot interdict an airplane unless we shoot them down, and we are not going to do that. So when these flights come into Haiti or the Dominican Republic they either land or drop their cargo of cocaine. That is where the local government, the local authorities, have to be able and willing to make the arrest. Of course this is difficult, in a country such as Haiti that can hardly keep its head above water, as it is trying to with a new government. I must say, that certainly has my support and I believe that President Preval is doing a good job, and is making some progress.

In addition, I spoke at length with the Prime Minister and with the director general of the Haitian National Police. I am very impressed with Director General Andresol. He is an impressive fellow. He has set out a plan to vet all 7,000 members of the Haitian National Police, and he started the vetting process with the top person—himself. He has started the vetting of the police, and he is going to continue to try to get out the graft and corruption. If he is successful, then I believe you will see that the Haitian National Police have the ability to make the arrest when drugs are dropped or transshipped through Haiti. I hope the same thing is going to be done in the Dominican Republic.

Now, in the midst of all this, further to the north, as you get into the Bahamas and the Turks and Caicos, we have been enormously successful since the late 1980s in the interdiction of the drugs. The DEA, working with other law enforcement agencies, working with the Coast Guard, working with the Defense Department, and working with the governments of the countries—and the one that I particularly concentrated on this time after Haiti was the Bahamas—they have been very successful. They have helicopters stationed in the area, the Coast Guard at Andros Island in the Bahamas. The Army stationed helicopters at Greater Exuma Island, next to the town of Georgetown in the middle of the Bahamas, and at the southern end of the Bahamas where a the Coast Guard has another station with helicopters.

Well, the Army, being strapped for helicopters, announced the plan that it was going to remove the helicopters. So we went to work. Our Ambassador to the Bahamas, John Rood, brought it to my attention. Several other Members of Congress got involved, and as a result of this an interagency meeting occurred in which it was agreed that although the Army would pull the helicopters out probably by this October, they would still pay for the station for the next 5 years. And we worked it out to get new helicopters that would be transferred to DEA—the Drug Enforcement Administration. Therefore all of that area of the Bahamas in the middle, between Andros to the north and to the west, the island of Exuma in the middle, and further south the to the Coast Guard helicopters—all of that area in the middle would not be blind.

On Sunday I went out there and flew with both the Army and the Coast Guard to see their operation and to be briefed on the details. I was briefed on a live chase that occurred at the time, as well as visiting some of our troops. And I will just tell you what patriotic Americans these are. They are down there for 4 months without their families. They had just gotten home after a year's deployment in Iraq. They are going to be able to go back home in another month and be at home for 2, 3 months, and then they are going back to Iraq. This is the kind of dedication that we have in our Armed Forces.

Well, fortunately, it looks as if we are going to be able to retain new helicopters for this operation so that we will not be blind. But it is going to mean the continued cooperation between the Government of the Bahamas and the United States, building on a history of considerable cooperation. It also means that we need continued, increased progress with President Preval of Haiti and President Fernandez of the Dominican Republic.

Haiti has so many needs. Haiti has desperate needs in health care, desperate needs in infrastructure, desperate needs in education. One little thing we did in a step in the right direction—and many Senators here cosponsored the bill—I along with them—is called the HOPE legislation. It will allow textiles from outside to be brought into Haiti, where then value is added by making them into garments. It is estimated that 30,000 jobs will be provided. That is out of hundreds of thousands of people who do not have jobs. But it is a step in the right direction.

I want to give credit to former Senator Mike DeWine of Ohio, who was the sponsor of a bill called HERO and also the sponsor of the legislation that passed called HOPE. He has a heart for Haiti and has been there many times. So the fruits of his long labors and the fruits of the labors of others of us in this Chamber have finally come to fruition to give them another ray of hope.

I am impressed with President Preval. I do believe that he is honest and on the right course. I am also a realist and recognize that there is corruption all around him in his Government. That is one of the main chores that he has in rooting out corruption, so that he can get that Government on the right path, so that they can start restoring some of the services to a people in desperate need. The Haitian people are remarkable. They are so ingenious and industrious and entrepreneurial, with a positive, optimistic outlook. They have just been shackled under years of exceptional poverty.

So, finally, the United States stepped forward with the HOPE legislation. Finally, the United States is getting increased cooperation from the now Government of Haiti, and it is exceptionally important in the future that cooperation continues. It is so important not only because of Haiti, but it is important because it is our children who are on the receiving end of all of the drugs coming out of South America.

MARTIN LUTHER KING, JR.

Ms. CANTWELL. Mr. President, on Martin Luther King Day, we celebrated a man and honored his legacy. It is an opportunity to recognize the movement he inspired and carry it forward with renewed energy. I consider his work and his words, striving to give them both new life.

"The arc of the moral universe is long," King said, "but it bends towards justice." As a national community, we must never rest in the pursuit of that justice. We must always demand that our community leaders and elected officials pursue their work with compassion and integrity. This year, as we commemorate Dr. King's bold vision and great spirit, our Nation stands at a critical point along that arc.

The American people called for a new direction and a new tone in Washington, DC. They put the politics of polarization aside and asked their representatives in Washington to focus instead on the issues that matter most. Too many hard-working Americans are struggling just to get by today. It is time to expand opportunity for all and ensure everyone has a real shot at the American dream.

The best guarantee of a good, secure job in today's increasingly competitive world is a quality education. But not everyone has that opportunity. I know what it is like to have a tough time affording college: With the help of Federal Pell grants, I was the first in my family to graduate from college. Today, a college education costs a small fortune, yet it is harder than ever to find help.

Since 2001, tuition has increased by over 30 percent at the average 4-year public school. Over the same period, family incomes have increased less than 6 percent. As the cost of college continues to rise and family incomes stagnate, more and more students are qualifying for Pell grants and other Federal student aid programs. We can't let a college education become a privilege just for the wealthy. We must ensure that families and students can afford college, regardless of their financial resources.

That is why in the Senate, I am fighting to increase the maximum Pell grant to $5,100—an amount that actually keeps pace with costs. That is also why, on the first day of the 110th session of Congress earlier this month, I introduced legislation to permanently increase the amount that families can save annually for college and take as a tax deduction.

On the same day, in that same spirit, I introduced other legislation to encourage employees to set aside money for their education costs and to encourage employers to provide matching funds through lifelong learning accounts. It is about investing in a more competitive America, a growing economy, and our common future. We are creating a better world for our businesses, our State, and most importantly our workers.

The policies we choose to support reflect our priorities as a nation. When the middle-class gets squeezed from every side, it may be easiest to relent, accept the status quo, or give in to frustration. But we have a responsibility to fight back and to fight for something better. That is what Martin Luther King may have called infinite hope. We can honor King by coming together and making that promise a reality.

TRIBUTE TO CRAIG C. MELLO, PH.D.

Mr. KENNEDY. Mr. President, on December 10, in Stockholm, Sweden, the Nobel Prize in Medicine for 2006 was awarded to Dr. Craig C. Mello of the University of Massachusetts Medical School for his revolutionary discovery of the gene-silencing process called RNA interference.

RNAi, as it is called, is a fundamental mechanism for controlling the flow of genetic information. Dr. Mello's discovery is universally considered to be one of the most significant biomedical discoveries of the past decade, and it has opened up extraordinary opportunities for the development of new therapies for cancer, heart disease, illnesses, and many other conditions.

Dr. Mello is a Howard Hughes Medical Institute Investigator and the Blais University Chair in Molecular Medicine at UMass Medical School. His research and its international recognition by the Nobel Committee have brought great honor and pride to our city, Commonwealth, and Nation.

Dr. Mello received his B.S. from Brown University in 1982 and his Ph.D. from Harvard University in 1990. He served as a postdoctoral fellow at the Fred Hutchinson Cancer Research Center in Seattle, WA, and joined the faculty of UMass in 1994.

I join Dr. Mello's many friends and colleagues in congratulating him for his landmark discovery, and I wish him well in the years to come.

TRIBUTE TO WILLIAM K. PHILLIPS

Mr. GREGG. Mr. President, I rise today to recognize William K. Phillips, the longtime Director for the Small Business Administration's New Hampshire district office. Since 1981, Bill has led the agency through economic booms and slumps while demonstrating a sharp commitment to the business community in this state. On March 2 of this year, Bill will be retiring. His leadership will be missed, and I want to offer him my deepest thanks for not only the advice he has given me throughout the years but for everything he has done to make this State a better place to live.

Because of his unique professional resume, there are few people in the region who better understand the critical role small businesses play in a healthy economy and who know what entrepreneurs need to expand and thrive. Bill founded Benchmark Industries, a leader in resistance welding technology. He worked as senior vice-president of the Bank of New Hampshire, was the president of the former Londonderry Bank and Trust, and served on the board of directors of First NH Banks, which is now Citizens Bank of New Hampshire.

For the past two and half decades, Bill has been directing the SBA's operations in New Hampshire. It was in this role he made his name as a champion for small businesses. His dedication was most obvious during the banking and real estate crisis our State experienced during the early 1990s. Fortunately, Bill and his team at the SBA were here to meet this difficult challenge. Using their expertise and resources, the New Hampshire SBA under Bill Phillips relieved much of the anxiety business and homeowners were feeling and helped the State recover. New Hampshire today is a great place to work and start a company, and Bill can certainly feel proud of his role in strengthening our state's excellent reputation.

The definition of a vibrant economy goes beyond just a bunch of numbers and figures on a graph. What it really means is that people are working, improving the communities in which they live, building wealth, providing a better quality of life for their families and, in some cases, realizing life long dreams. Bill has been successful because he knows this and has always remembered that people, not statistics, are what matter. His experience and insights have served him well in the position of district director but, more importantly, they have benefitted New Hampshire. There are many businesses here, both small and large, which can be described as success stories because Bill took an interest in their future. Thank you, Bill. You have earned a long and healthy retirement. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 287. A bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–303. A communication from the Chairman and CEO, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Disclosure and Reporting" (RIN3052–AC11) received on January 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–304. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fees for Rice Inspection Services" (RIN0580–AA92) received on January 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–305. A communication from the Under Secretary of Agriculture (Food, Nutrition, and Consumer Services), transmitting, pursuant to law, the report of a rule entitled "Senior Farmers' Market Nutrition Program" (RIN0584–AD35) received on January 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–306. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Department's 2006 Commercial Activities Report; to the Committee on Armed Services.

EC–307. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–308. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 70904) received on January 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–309. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (71 FR 70885) received on January 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–310. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 70894) received on January 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–311. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Procedures for Corporate Debt Collection" (RIN3064–AD12) received on January 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–312. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2007 Final Specifications for the Summer Flounder, Scup, Black Sea Bass Fisheries" (RIN0648–AT60) received on January 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–313. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rules; Inseason Retention Limit Adjustment" (ID No. 121206B) received on January 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–314. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rules; Closure (Total Allowable Catch Harvested for Management Area 1B)" (RIN0648–AT21) received on January 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–315. A communication from the Assistant Administrator of Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule and Temporary Rule for Emergency Action to Implement 2007 First Season Atlantic Shark Commercial Management Measures" (ID No. 091106B) received on January 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–316. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Rhode Island Commercial Bluefish Fishery)" (ID No. 120406C–X) received on January 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–317. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–318. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Abandoned Mine Lands Reclamation Plan" (WV–111–FOR) received on January 11, 2007; to the Committee on Energy and Natural Resources.

EC–319. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Financial Accounting, Reporting and Records Retention Requirements Under the Public Utility Holding Company Act of 2005" (FERC Docket No. RM06–11–000) received on January 11, 2007; to the Committee on Energy and Natural Resources.

EC–320. A communication from the Assistant Secretary of the Interior (Policy, Management and Budget), transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2006; to the Committee on Energy and Natural Resources.

EC–321. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Exception to the HIPAA Nondiscrimination Requirements for Certain Grandfathered Church Plans" ((RIN1545–AY33)(TD 9299)) received on December 21, 2006; to the Committee on Finance.

EC–322. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2007–12) received on January 11, 2007; to the Committee on Finance.

EC–323. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—November 2006" (Rev. Rul. 2007–12) received on January 11, 2007; to the Committee on Finance.

EC–324. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Physician Group Practice Demonstration: First Evaluation Report"; to the Committee on Finance.

EC–325. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to their study on barriers to participation of farmworkers in health programs; to the Committee on Finance.

EC–326. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Impact of Change in Medicare Payments for Part B Drugs"; to the Committee on Finance.

EC–327. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2006–281—2006–303); to the Committee on Foreign Relations.

EC–328. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary of State for Administration, received on January 11, 2007; to the Committee on Foreign Relations.

EC–329. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to a program that will be initiated for Colombia under the Agency's Bureau of Democracy; to the Committee on Foreign Relations.

EC–330. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to extending and amending certain Memorandums of Understanding; to the Committee on Foreign Relations.

EC–331. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, reports relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC–332. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling: Nutrition Labeling of Dietary Supplements on a 'Per Day' Basis" (Docket No. 1998P–0043) received on January 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–333. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, two reports entitled "The National Healthcare Quality Report 2006" and "The National Healthcare Disparities Report 2006"; to the Committee on Health, Education, Labor, and Pensions.

EC–334. A communication from the Chair, Jacob K. Javits Fellowship Program Board, Department of Education, transmitting, pursuant to law, a report relative to the Jacob K. Javits Program; to the Committee on Health, Education, Labor, and Pensions.

EC–335. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, the withdrawal of a nomination for the position of Assistant Secretary for Postsecondary Education, received on January 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–336. A communication from the Director, Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, a report relative to the extension of locality-based comparability payments to categories of positions that are in more than one executive agency; to the Committee on Homeland Security and Governmental Affairs.

EC–337. A communication from the President, James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the Foundation's annual report; to the Committee on Homeland Security and Governmental Affairs.

EC–338. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report on Audit Follow-up for the period of April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–339. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005–15" (FAC 2005–15) received on January 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–340. A communication from the Federal Co-Chair, Denali Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–341. A communication from the Special Counsel, U.S. Office of Special Counsel, transmitting, a proposed bill to extend the authorization of appropriations for the Office for fiscal years 2008 through 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–342. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's progress and status of compliance with certain privatization requirements; to the Committee on the Judiciary.

EC–343. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Arizona Advisory Committee; to the Committee on the Judiciary.

EC–344. A communication from the Clerk, Circuit and County Courts, transmitting, responses to the Minority Appointment Reporting Form for 2005; to the Committee on Rules and Administration.

EC–345. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Extension of the Presumptive Period for Compensation for Gulf War Veterans" (RIN2900–AM47) received on January 11, 2007; to the Committee on Veterans' Affairs.

EC–346. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Poultry Improvement Plan and Auxiliary Provisions" (Docket No. APHIS–2006–0008) received on January 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–347. A communication from the Administrator, Housing and Community Facilities Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Direct Single Family Housing Loans and Grants" (RIN0575–AC54) received on January 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–348. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations (including 5 regulations beginning with CGD13–06–052)" (RIN1625–AA00) received on January 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC–349. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone (including 5 regulations beginning with COTP Honolulu 06–008)" (RIN1625–AA87) received on January 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC–350. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Annual Gasparilla Marine Parade, Hillsborough Bay, Tampa, FL" ((RIN1625-AA08) (CGD07-05-156)) received on January 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC-351. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations (including 2 regulations beginning with CGD08-06-026)" (RIN1625-AA01) received on January 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC-352. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 4 regulations beginning with CGD08-06-005)" (RIN1625-AA09) received on January 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC-353. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York" ((RIN1625-AA11) (CGD01-06-142)) received on January 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC-354. A communication from the Assistant Secretary (Fish, Wildlife and Parks), Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Laguna Mountains Skipper (Pyrgus ruralis lagunae)" (RIN1018-AU50) received on January 12, 2007; to the Committee on Environment and Public Works.

EC-355. A communication from the Assistant Secretary (Fish, Wildlife and Parks), Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Astragalus ampullarioides (Shivwits Milk vetch) and Astragalus holmgreniorum (Holmgren Milk vetch)" (RIN1018-AU45) received on January 12, 2007; to the Committee on Environment and Public Works.

EC-356. A communication from the Assistant Secretary (Fish, Wildlife and Parks), Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Monardella linoides ssp. viminea (Willowy Monardella)" (RIN1018-AT92) received on January 12, 2007; to the Committee on Environment and Public Works.

EC-357. A communication from the Assistant Secretary (Fish, Wildlife and Parks), Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Canada Lynx" (RIN1018-AU52) received on January 12, 2007; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-6. A resolution adopted by the Aurora Township Board of Trustees approving the election canvass results from a recent referendum; to the Committee on Armed Services.

POM-7. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to increasing funding to dredge Michigan's deep-draft Great Lakes ports and waterways; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 288

Whereas, Michigan is home to 40 deep-draft commercial ports on the Great Lakes, more than the other seven Great Lakes states combined; and

Whereas, in a typical year, these ports will handle in excess of 90 million tons of cargo, representing more than 50 percent of all the cargo moving on the Lakes, and the equivalent of 10 tons for each Michigan resident. The ports of Calcite, Cedarville, Drummond Island, Port Inland, and Presque Isle typically ship nearly 70 percent of the limestone moving on the Great Lakes. The ports of Marquette and Escanaba account for more than 20 percent of the Lakes' iron ore trade. The ports of Alpena and Charlevoix are the primary source of cement carried on the Great Lakes; and

Whereas, this waterborne commerce generates tens of thousands of family-sustaining jobs in Michigan and supports the state economy. For example, Michigan's steel and construction industries depend on Great Lakes shipping to deliver efficiently millions of tons of raw materials they need each year; and

Whereas, the U.S. Department of Transportation is promoting Short Sea Shipping—commercial waterborne transportation along the inland and coastal waterways—as a means of easing congestion on the nation's crowded highways and railbeds; and

Whereas, compared to other transportation modes, waterborne commerce provides environmental benefits, including fuel savings and fewer emissions. In addition, the efficiencies of waterborne commerce enable Michigan utilities to use cleaner-burning low-sulfur coal loaded in Wisconsin and shipped on the Great Lakes; and

Whereas, Michigan's deep-draft Great Lakes ports and waterways are long overdue for needed dredging to deepen them. For example, while currently under way, it had been 23 years since the Saginaw River turning basin was last dredged; and

Whereas, Michigan's economy is not reaping the full benefits of Great Lakes shipping due to the lack of necessary dredging. Ships cannot carry full loads and offer customers the best freight rates. The largest vessels delivering low-sulfur coal to Michigan are leaving behind as much as 4,500 tons each trip. Shortfalls in deliveries of iron ore, limestone, cement, and other cargos hamper Michigan employers' ability to compete; and

Whereas, The U.S. Army Corps of Engineers' budget for dredging Great Lakes ports and waterways has been inadequate for decades. This is true even though cargo is assessed a federal tax to fund dredging and the Harbor Maintenance Trust Fund has a surplus of nearly $2 billion; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to increase federal funding for dredging Michigan's Great Lakes deep-draft ports and waterways, using surplus monies from the Harbor Maintenance Trust Fund; and be it further

Resolved, That we urge Congress to direct the U.S. Army Corps of Engineers to clear the backlog of dredging projects at Michigan's ports and waterways and to then maintain those harbors and channels to project depth in the future; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the U.S. Army Corps of Engineers.

POM-8. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to federal funding for the barriers designed to protect the Great Lakes from Asian carp; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 313

Whereas, Two species of Asian carp are on the verge of invading the Great Lakes. Silver carp and bighead carp have advanced up the Mississippi River since they escaped from Arkansas fish farms in the early 1980s, and now have been identified as close as 50 miles to Lake Michigan in the Illinois River near Chicago; and

Whereas, Asian carp pose a significant risk to the ecology and economy of the Great Lakes region. Asian carp can grow as large as 100 pounds and are voracious feeders. They would compete with native fish and could become a dominant species in the Great Lakes, threatening the Great Lakes' $4 billion commercial and recreational fishery. In addition, silver carp can jump up to 10 feet out of the water when disturbed, posing a risk to recreational boaters. In several states, leaping carp have injured boaters; and

Whereas, Asian carp are the latest in a long line of exotic species to threaten the Great Lakes. Past invasions of the Great Lakes by exotic species like zebra and quagga mussels and sea lampreys have severely affected the Great Lakes. It is estimated that over $40 million per year is spent to control these two exotic species. Scientists project that Asian carp could have a similar impact on the Great Lakes; and

Whereas, The United States Army Corps of Engineers operates a temporary demonstration barrier in the Chicago Sanitary and Ship Canal to prevent the movement of Asian carp into the Great Lakes. In addition, the Army Corps and the state of Illinois are constructing a permanent electrical barrier to replace the temporary barrier; and

Whereas, Over $12 million has been spent to date on construction and operation of the electrical barriers. To help match federal funding, the state of Michigan has contributed nearly $70,000 toward the completion of the permanent electrical barrier; and

Whereas, Current funding is insufficient to complete construction of the permanent barrier and only covers operation of the temporary barrier through the first half of fiscal year 2007. In addition, there is no funding to renovate the temporary barrier as a permanent backup to the new barrier; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to approve full federal funding to complete construction and ensure permanent operation and maintenance of both electrical barriers in the Chicago Sanitary and Ship Canal to protect the Great Lakes from Asian carp; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan Congressional delegation.

Adopted by the House of Representatives, December 12, 2006.

POM-9. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to refraining from taxing rebuilding grants from the state's Road Home program; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 20

Whereas, Louisiana taxpayers have spent countless hours coping with paperwork and bureaucracy that has inconvenienced them since Hurricanes Katrina and Rita devastated southern Louisiana last year; and

Whereas, the grants themselves are not taxable, but the Internal Revenue Service says grant recipients who claimed a storm-related casualty loss would have to consider all or part of the grant as income; and

Whereas, the average Road Home grant is sixty-five thousand dollars; therefore, some recipients would find themselves bumped up to higher tax brackets and would likely have a higher federal income tax liability; and

Whereas, the Louisiana Department of Revenue has determined that grants would not constitute income for state purposes: Now, therefore, be it

Resolved that the Legislature of Louisiana does hereby memorialize the United States Congress and the Internal Revenue Service to take such actions as are necessary to refrain from taxing rebuilding grants from the state's Road Home program; and be it further

Resolved that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, to the Commissioner of the Internal Revenue Service, and to each member of the Louisiana congressional delegation.

POM-10. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to enacting legislation to amend the definition of "physician" in the Medicaid Program to include podiatric physicians; to the Committee on Finance.

HOUSE RESOLUTION NO. 248

Whereas, The Medicare system has long recognized doctors of podiatric medicine as physicians in federal law. However, the provisions of Title XIX that establish the country's Medicaid program do not include podiatric physicians in the definition of "physician"; and

Whereas, There is legislation pending in the Congress, H.R. 699 and S. 440, to require that podiatry services are covered by Medicaid. Enactment of this measure would guarantee access to quality foot and ankle care for Medicaid patients; and

Whereas, Podiatric physicians play an important role in the recognition of systemic diseases, such as diabetes, as well as recognition and treatment of peripheral neuropathy, a frequent cause of diabetic foot wounds that can lead to amputations if left untreated; and

Whereas, Under the current provisions, Medicaid patients may be prevented from seeking care from a podiatric physician because these services are not covered as "physician services." This policy puts many people at risk, especially diabetic patients; and

Whereas, Quality foot care increases mobility, prevents amputations, improves quality of life, and avoids numerous unnecessary costs. Clearly, including podiatric services under the Medicaid program is a prudent step to take; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to amend the definition of "physician" in the Medicaid program to include podiatric physicians; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-11. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to enacting the Hearing Aid Assistance Tax Credit Act; to the Committee on Finance.

HOUSE RESOLUTION NO. 266

Whereas, hearing is clearly one of our most essential senses. It is often taken for granted, unfortunately, until the time one begins to experience hearing loss. At this point it is too late to reverese the damage. Hearing aids are the ready solution to the problems associated with hearing loss, but the costs associated with good quality equipment is expensive, is not always covered by one's insurance or Medicaid, and is too often foregone for more immediate needs. A federal tax credit would provide immediate and necessary relief for tens of thousands; and

Whereas, indeed, it has been estimated that hearing aids would help ninety-five percent of those suffering from hearing loss. Only twenty-two percent of the population, however, currently uses a hearing device, because the average out-of-pocket costs associated with hearing aids is over $2,800. Thousands upon thousands of individuals and family members are impacted by these soaring costs. It is estimated that close to 2 million people are affected by untreated hearing loss; and

Whereas, in Michigan, legislation was enacted in 1978 to exempt hearing aids from the state sales tax. This initiative was a clear recognition of the importance of cost savings to those in need of hearing aids. The Congress should follow this stellar example and enact similar tax incentives in the U.S. Tax Code; now, therefore, be it

Resolved by the House of Representatives, That we hereby memoralize the Congress of the United States to enact the Hearing Aid Assistance Tax Credit Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-12. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the adoption of the Constitution Restoration Act of 2005; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 33

Whereas, on Monday, June 27, 2005, the United States Supreme Court in two razor-thin majorities of 5-4 in Van Orden v. Perry (Texas) and ACLU v. McCreary County (Kentucky), concluded that it is consistent with the First Amendment to display the Ten Commandments in an outdoor public square in Texas, but not on the courthouse walls of two counties in Kentucky; and

Whereas, American citizens are concerned that the court has produced two opposite results involving the same Ten Commandments, leading to the conclusion that, based on the Kentucky decision, the Ten Commandments may be displayed in a county courthouse provided it is not backed by a belief in God; and

Whereas, Supreme Justice Scalia emphasized the importance of the Ten Commandments when he stated in the Kentucky case, "The three most popular religions in the United States, Christianity, Judaism, and Islam, which combined account for 97.7% of all believers, are monotheistic. All of them, moreover, believe that the Ten Commandments were given by God to Moses and are divine prescriptions for a virtuous life"; and

Whereas, Chief Justice Rehnquist in the Texas case referred to the duplicity of the United States Supreme Court in telling local governments in America that they may not display the Ten Commandments in public buildings in their communities while at the same time allowing these same Ten Commandments to be presented on these specific places on the building housing the United States Supreme Court stating, "Since 1935, Moses has stood holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the courtroom as well as the doors leading into the courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets"; and

Whereas, a recent poll by the First Amendment Center revealed that seventy percent of Americans would have no objection to posting the Ten Commandments in government buildings, and eighty-five percent would approve if the Ten Commandments were included as one document among many historical documents when displayed in public buildings; and

Whereas, the First Amendment of the United States Constitution, which provides in part that "Congress shall make no law respecting an establishment of religion", is a specific and unequivocal instruction to only the United States Congress, and the United States Constitution makes no restriction on the ability of states to acknowledge God, the Supreme Ruler of the Universe; and

Whereas, the United States District Court Southern District of Indiana on November 30, 2005, entered a final judgment and permanent injunction ordering the speaker of the Indiana House of Representatives not to permit sectarian prayers as part of the official proceedings of the House; and

Whereas, the federal judiciary has violated one of the most sacred provisions of the United States Constitution providing for three branches of government and the separation of powers of those branches by overstepping its authority and dictating the activities of the inner workings of the legislative branch of government; and

Whereas, the federal judiciary has overstepped its constitutional boundaries and ruled against the acknowledgment of God as the sovereign source of law, liberty, and government by local and state officers and other state institutions, including state schools; and

Whereas, there is concern that recent decisions of the court will be used by litigants in an effort to remove God from the public square in America, including public buildings and public parks; and

Whereas, there is concern that the federal judiciary will continue to attempt to micromanage the internal workings of the legislative as well as executive branches of government; and

Whereas, there is pending before the 1st Session of the 109th Congress the Constitution Restoration Act of 2005, which will limit the jurisdiction of the federal courts and preserve the right to acknowledge God to the states and to the people and resolve the issue of improper judicial intervention in matters relating to the acknowledgment of God: Now, therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to adopt S520 and HR 1070, the Constitution Restoration Act of 2005 and, in doing so, protecting the ability of the people of Louisiana to display the Ten Commandments in public places, to express their faith in public, to retain God in the Pledge of Allegiance, and to retain "In God We Trust" as our national motto, and to use Article III, Section 2.2 of the United States Constitution to except these areas from the jurisdiction of the United States Supreme Court; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the administrator of the General Services, Washington, D.C., to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress and presiding officer of each house of each state legislature in the United States.

POM–13. A resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to certain Committees continuing their investigation and oversight efforts regarding the Federal Emergency Management Agency; to the Committee on Homeland Security and Governmental Affairs.

HOUSE RESOLUTION NO. 11

Whereas, in House Concurrent Resolution No. 72 of the 2005 First Extraordinary Session of the Louisiana Legislature, the legislature expressed serious concerns regarding the $3.7 billion that Louisiana was expected to pay to the Federal Emergency Management Agency (FEMA) as the state's share of hurricane recovery costs; and

Whereas, these concerns stemmed from initial reports of inefficiencies and accounting errors on the part of FEMA, which had resulted in an artificially high spending for disaster recovery; and

Whereas, in light of its concerns, the Legislature of Louisiana memorialized the United States Congress to task the Government Accountability Office (GAO) with a complete audit of FEMA's expenditures, and the appropriateness and reasonableness thereof, on Katrina and Rita recovery efforts in Louisiana; and

Whereas, to date the Forensic Audits and Special Investigations Unit of the GAO has delivered four reports to the United States Senate Committee on Homeland Security and Governmental Affairs regarding its investigation of fraud, waste, and abuse in FEMA's response to Hurricanes Katrina and Rita; and

Whereas, the titles of these reports alone indicate that the Louisiana Legislature was right to be suspicious of and to request inquiry into the amount FEMA was claiming it spent on recovery: Expedited Assistance for Victims of Hurricanes Katrina and Rita: FEMA's Control Weaknesses Exposed the Government to Significant Fraud and Abuse; Hurricanes Katrina and Rita Disaster Relief: Improper and Potentially Fraudulent Individual Assistance Payments Estimated to be Between $600 Million and $1.4 Billion, and Purchase Cards: Control Weaknesses Leave DHS Highly Vulnerable to Fraudulent, Improper, and Abusive Activity; and

Whereas, on December 6, 2006, the GAO delivered its most recent report to a meeting of the senate committee; and

Whereas, this last report, Hurricanes Katrina and Rita Disaster Relief: Continued Findings of Fraud, Waste, and Abuse, includes the following findings: nearly $17 million in potentially improper or fraudulent rental assistance payments to individuals while they were living in trailers also paid for by FEMA; FEMA provided potentially improper or fraudulent rental assistance payments to individuals living in FEMA-paid apartments; nearly $20 million in potentially improper or fraudulent payments went to individuals who registered for both Hurricanes Katrina and Rita assistance using the same property; and millions of dollars of improper and potentially fraudulent payments went to nonqualified aliens, including foreign students and temporary workers; and

Whereas, it is reasonable to expect at this time that additional inquiry by the GAO will continue to reveal further problems with the FEMA expenditures; and

Whereas, in her opening statement to the committee when this report was delivered, committee chairman, Senator Susan M. Collins, said: "No flaw has been more persistent and more damaging to effective relief for disaster victims and to public confidence in their government than the rampant fraud, waste, and abuse that have plagued federal relief and recovery programs"; and

Whereas, in his statement to the committee at that meeting, ranking minority member Senator Joe Lieberman said "GAO's investigations over the past year as well as FEMA's own data on overpayments show that the agency squandered hundreds of millions of dollars in gross improper payments to individuals and households that the government may never recover"; and

Whereas, the United States Congress has already responded to some of the GAO findings by including a FEMA reform package as part of the 2007 Appropriations Act for the Department of Homeland Security; and

Whereas, though it has now been approximately fifteen months since Hurricanes Katrina and Rita struck Louisiana, the GAO investigations and FEMA's own admissions confirm suspicions of waste, the $3.7 billion that FEMA originally billed to Louisiana is now expected to be closer to $500 million, and the congress has taken actions to prevent some of the abuse from occurring in the future, the Legislature of Louisiana is hopeful that the United States Senate Committee and the Forensic Audits and Special Investigations Unit of the GAO will not forget about this issue; and

Whereas, Louisiana is prepared to pay its share of reasonable costs of recovery, but a definitive appraisal of reasonable costs has not yet been determined; and

Whereas, incoming United States Senate Majority Leader Harry Reid has announced tentative committee assignments for the 110th United States Congress, which include Senator Joe Lieberman assuming the position of committee chairman and Senator Mary Landrieu being made a member of the committee; and

Whereas, with Senator Lieberman in a position to continue the important work of the committee and Senator Landrieu in a position to represent the interests of her state in this work, and with the excellent work of the GAO in evidence, the Legislature of Louisiana is hopeful that an accurate appraisal of the state's obligation in the area of recovery costs will be determined soon: Now, Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby express its gratitude to the United States Senate Committee on Homeland Security and Governmental Affairs and to the Forensic Audits and Special Investigations Unit of the GAO for the work they have already done in identifying fraud and waste in FEMA's hurricane recovery spending in Louisiana; and be it further

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby urge and request the committee and the GAO to continue their investigation and oversight efforts and to provide guidance to FEMA and to the state of Louisiana as to what the state's share of legitimate recovery expenses is; and be it further

Resolved, That a copy of this Resolution be transmitted to the president and the secretary of the United States Senate, the Louisiana congressional delegation, Senator Susan Collins, Senator Joe Lieberman, the managing director of the Forensic Audits and Special Investigations Unit of the Government Accountability Office, the Louisiana commissioner of administration, and the Louisiana legislative auditor.

POM–14. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to certain Committees continuing their investigation and oversight efforts regarding the Federal Emergency Management Agency; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 27

Whereas, in House Concurrent Resolution No. 72 of the 2005 First Extraordinary Session of the Louisiana Legislature, the legislature expressed serious concerns regarding the $3.7 billion that Louisiana was expected to pay to the Federal Emergency Management Agency (FEMA) as the state's share of hurricane recovery costs; and

Whereas, these concerns stemmed from initial reports of inefficiencies and accounting errors on the part of FEMA, which had resulted in an artificially high spending for disaster recovery; and

Whereas, in light of its concerns, the Legislature of Louisiana memorialized the United States Congress to task the Government Accountability Office (GAO) with a complete audit of FEMA's expenditures, and the appropriateness and reasonableness thereof, on Katrina and Rita recovery efforts in Louisiana; and

Whereas, to date the Forensic Audits and Special Investigations Unit of the GAO has delivered four reports to the United States Senate Committee on Homeland Security and Governmental Affairs regarding its investigation of fraud, waste, and abuse in FEMA's response to Hurricanes Katrina and Rita; and

Whereas, the titles of these reports alone indicate that the Louisiana Legislature was right to be suspicious of and to request inquiry into the amount FEMA was claiming it spent on recovery: Expedited Assistance for Victims of Hurricanes Katrina and Rita: FEMA's Control Weaknesses Exposed the Government to Significant Fraud and Abuse; Hurricanes Katrina and Rita Disaster Relief: Improper and Potentially Fraudulent Individual Assistance Payments Estimated to be Between $600 Million and $1.4 Billion, and Purchase Cards: Control Weaknesses Leave DHS Highly Vulnerable to Fraudulent, Improper, and Abusive Activity; and

Whereas, on December 6, 2006, the GAO delivered its most recent report to a meeting of the Senate Committee; and

Whereas, this last report, Hurricanes Katrina and Rita Disaster Relief Continued Findings of Fraud, Waste, and Abuse, includes the following findings: nearly $17 million in potentially improper or fraudulent rental assistance payments to individuals while they were living in trailers also paid for by FEMA; FEMA provided potentially improper or fraudulent rental assistance payments to individuals living in FEMA-paid apartments; nearly $20 million in potentially improper or fraudulent payments went to individuals who registered for both Hurricanes Katrina and Rita assistance using the same property; and millions of dollars of improper and potentially fraudulent payments went to nonqualified aliens, including foreign students and temporary workers; and

Whereas, it is reasonable to expect at this time that additional inquiry by the GAO will continue to reveal further problems with the FEMA expenditures; and

Whereas, in her opening statement to the committee when this report was delivered, Committee Chairman Senator Susan M. Collins said: "No flaw has been more persistent and more damaging to effective relief for disaster victims and to public confidence in their government than the rampant fraud, waste, and abuse that have plagued federal relief and recovery programs"; and

Whereas, in his statement to the committee at that meeting, ranking minority member Senator Joe Lieberman said "GAO's investigations over the past year as well as FEMA's own data on overpayments show that the agency squandered hundreds of millions of dollars in gross improper payments to individuals and households that the government may never recover"; and

Whereas, the United States Congress has already responded to some of the GAO findings by including a FEMA reform package as part of the 2007 Appropriations Act for the Department of Homeland Security; and

Whereas, though it has now been approximately fifteen months since Hurricanes Katrina and Rita struck Louisiana, the GAO investigations and FEMA's own admissions confirm suspicions of waste, the $3.7 billion that FEMA originally billed to Louisiana is now expected to be closer to $500 million, and Congress has taken actions to prevent some of the abuse from occurring in the future, the Legislature of Louisiana is hopeful that the United States Senate Committee and the Forensic Audits and Special Investigations Unit of the GAO will not forget about this issue; and

Whereas, Louisiana is prepared to pay its share of reasonable costs of recovery, but a definitive appraisal of reasonable costs has not yet been determined; and

Whereas, incoming United States Senate Majority Leader Harry Reid has announced tentative committee assignments for the 110th Congress, which include Senator Joe Lieberman assuming the position of committee chairman and Senator Mary Landrieu being made a member of the committee; and

Whereas, with Senator Lieberman in a position to continue the important work of the committee and Senator Landrieu in a position to represent the interests of her state in this work, and with the excellent work of the GAO in evidence, the Legislature of Louisiana is hopeful that an accurate appraisal of the state's obligation in the area of recovery costs will be determined soon: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby express its gratitude to the United States Senate Committee on Homeland Security and Governmental Affairs and to the Forensic Audits and Special Investigations Unit of the GAO for the work they have already done in identifying fraud and waste in FEMA's hurricane recovery spending in Louisiana; and be it further

Resolved, That the Legislature of Louisiana does hereby urge and request the committee and the GAO to continue their investigation and oversight efforts and to provide guidance to FEMA and to the state of Louisiana as to what the state's share of legitimate recovery expenses is; and be it further

Resolved, That a copy of this Resolution be transmitted to the President and the Secretary of the United States Senate, the Louisiana congressional delegation, Senator Susan Collins, Senator Joe Lieberman, the managing director of the Forensic Audits and Special Investigations Unit of the Government Accountability Office, the Louisiana commissioner of administration, and the Louisiana legislative auditor.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mr. Lott, Mr. Inouye, Mr. Stevens, Mr. Specter, Mr. Carper, Mrs. Hutchison, Mrs. Boxer, Ms. Snowe, Mr. Dorgan, Mr. Burr, Mrs. Clinton, Mr. Durbin, Mr. Biden, Mr. Menendez, Mr. Kerry, Mr. Kennedy, Mr. Schumer, Mr. Pryor, and Mr. Cardin):

S. 294. A bill to reauthorize Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU (for herself, Mr. Cochran, Mr. Levin, Mr. Voinovich, Mr. Durbin, and Mr. Schumer):

S. 295. A bill to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BOND (for himself and Ms. Snowe):

S. 296. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the cash method of accounting for small businesses, and for other purposes; to the Committee on Finance.

By Mr. SALAZAR:

S. 297. A bill to amend the Internal Revenue Code of 1986 to provide 15-year straight-line cost recovery for certain improvements to retail space and for qualified new restaurant improvements and to expand the eligibility for the work opportunity tax credit to all disabled veterans; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. Stevens):

S. 298. A bill to provide incentives for renewable energy production, to increase fuel economy standards for automobiles, and to provide tax incentives for renewable energy production; to the Committee on Finance.

By Mr. COLEMAN:

S. 299. A bill to amend the Internal Revenue Code of 1986 to extend increased expensing for small businesses; to the Committee on Finance.

By Mr. KYL (for himself, Mr. Ensign, Mr. Reid, and Mrs. Feinstein):

S. 300. A bill to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself, Mr. Durbin, Ms. Mikulski, and Mr. Lieberman):

S. 301. A bill to provide higher education assistance for nontraditional students, and for other purposes; to the Committee on Finance.

By Mr. VITTER:

S. 302. A bill to establish a procedure to safeguard the Social Security Trust Funds; to the Committee on Finance.

By Mr. VITTER:

S. 303. A bill to designate the facility of the United States Postal Service located at 324 Main Street in Grambling, Louisiana, shall be known and designated as the "Coach Eddie Robinson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VOINOVICH:

S. 304. A bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and to ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget.

By Mr. GRASSLEY (for himself, Mr. Dorgan, Mr. Enzi, and Mr. Harkin):

S. 305. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 306. A bill to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. Tester):

S. 307. A bill to establish a minimum rate of release for water from the Yellowtail Dam, Montana; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 308. A bill to prohibit an escalation in United States military forces in Iraq without prior authorization by Congress; to the Committee on Foreign Relations.

By Mr. SANDERS (for himself, Mrs. Boxer, Mr. Kennedy, Mr. Menendez, Mr. Lautenberg, Mr. Leahy, Mr. Reed, Mr. Akaka, Mr. Inouye, Mr. Feingold, and Mr. Whitehouse):

S. 309. A bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself and Mr. Lugar):

S. Res. 30. A resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. Reid, the name of the Senator from Hawaii (Mr.

AKAKA) was added as a cosponsor of S. 6, a bill to enhance the security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

S. 55

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 55, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 183

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 183, a bill to require the establishment of a corporate average fuel economy standard for passenger automobiles of 40 miles per gallon by 2017, and for other purposes.

S. 193

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 193, a bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes.

S. 200

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 200, a bill to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 250

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 250, a bill to reduce the costs of prescription drugs for Medicare beneficiaries and to guarantee access to comprehensive prescription drug coverage under part D of the Medicare program, and for other purposes.

S. 261

At the request of Ms. CANTWELL, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. RES. 22

At the request of Ms. COLLINS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 22, a resolution reaffirming the constitutional and statutory protections accorded sealed domestic mail, and for other purposes.

S. RES. 29

At the request of Ms. STABENOW, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 29, a resolution expressing the sense of the Senate regarding Martin Luther King, Jr. Day and the many lessons still to be learned from Dr. King's example of nonviolence, courage, compassion, dignity, and public service.

AMENDMENT NO. 17

At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 17 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 20

At the request of Mr. BENNETT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 20 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 44

At the request of Mr. DEMINT, his name was added as a cosponsor of amendment No. 44 proposed to S. 1, a bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. LOTT, Mr. INOUYE, Mr. STEVENS, Mr. SPECTER, Mr. CARPER, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Mr. DORGAN, Mr. BURR, Mrs. CLINTON, Mr. DURBIN, Mr. BIDEN, Mr. MENENDEZ, Mr. KERRY, Mr. KENNEDY, Mr. SCHUMER, Mr. PRYOR, and Mr. CARDIN):

S. 294. A bill to reauthorize Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, together with my good friend—the new Minority Whip—Senator TRENT LOTT I rise to introduce S. 294, the Passenger Rail Investment and Improvement Act of 2007.

After several gloomy years, the future of America's passenger railroad is bright. This legislation will provide the necessary resources to bring Amtrak up to speed as a real alternative to taking a plane or driving a car.

As we did in the past, we have joined forces to strengthen Amtrak and intercity passenger rail services for all Americans. But today, we introduce an updated version of last Congress's Amtrak reauthorization and passenger rail expansion bill. S. 1516, the Passenger Rail Investment and Improvement (PRIIA) Act of 2005.

I co-authored this legislation with Senator LOTT, then Chairman of the Commerce Committee's Surface Transportation and Merchant Marine Subcommittee, so that we could finally provide Amtrak with the funding and support it needs to thrive. The Commerce Committee favorably reported this bill, and Senator LOTT and I added it to last Congress's Budget Reconciliation package, where it was adopted by an overwhelming vote of 93 to 6. Despite the bipartisan support, the House failed to act, so Amtrak was left without a necessary reauthorization.

Now, in the new Congress, I am the chair of the Commerce Committee's Surface Transportation and Merchant Marine Subcommittee. Working with Senator LOTT, and our bipartisan group of cosponsors, we are going to get our Amtrak bill through the Senate. This time, I believe the House will be ready, willing, and able to match our efforts, so that we can send a bill to the President for his signature.

Every year, Amtrak is forced to fight for Federal funding—funding that has been insufficient at best. But as air and highway congestion continue to worsen, and concerns over our dependence on foreign oil remain, we must expand the capacity and improve the quality of our passenger rail system.

One needs only to look to Europe and Asia to see the benefits that a modern passenger rail system can bring to a nation. Germany, which invested nine billion dollars in its rail system 2003 alone, has a modern, high-speed rail system that reduces pollution, eases congestion and improves mobility for all of its citizens. The benefits of their world class system are obvious to anyone who travels there. We need the same world class system in our country.

The era of the free and easy interstate and quick, hassle-free flights has come and gone, and time for us to make real investments in our passenger rail system has come. If we do not invest in Amtrak now, I fear for our country's economy and quality of life over the coming years. We simply cannot afford to rely solely on air travel or automobiles if we are going to keep this country moving.

The terror and tragedy we experienced on 9/11 taught us that we cannot rely solely on our aviation system. Last fall, Hurricane Katrina highlighted the role that passenger rail could play in evacuating residents who do not own automobiles. Hurricane Rita demonstrated the limits of our highway system, as evacuees' vehicles crawled to a stop in bumper-to-bumper traffic. Each one of these disasters reminded us that our Nation needs Amtrak and better train service to provide options for the traveling public—in good times and in bad.

The bill we introduce today is the most comprehensive reauthorization of Amtrak ever attempted by this body. We have worked with Amtrak, freight railroads, the States and rail labor to draft strong and comprehensive legislation.

Our bill authorizes nearly $12 billion in Federal support to expand partnerships for passenger rail with the States, improve the Northeast Corridor and provide real rail security for the Nation. Additionally, Senator Lott and I filed an amendment today to this bill which would add $7.8 billion in bonding authority for States and Amtrak to develop rail infrastructure. This bonding authority would augment the appropriated funds authorized by this bill and provide Amtrak and the States with a reliable, multi-year source of capital for major projects. We look forward to working with the Finance Committee to consider this proposal.

Our bill also requires significant reforms of Amtrak: The system's supporters and detractors alike agree that it is time to reauthorize the Corporation so that Amtrak has congressional guidance on how to proceed with important reform initiatives needed to improve service, grow revenues, and cut costs.

People in New Jersey rely on Amtrak and want to be sure that the system will be there for them in the future. With this plan, it will.

Last year, 93 Senators voted for this plan. I ask that my colleagues, once again, join Senator Lott and myself in supporting this important bill that will bring America's passenger rail system into the 21st Century.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Passenger Rail Investment and Improvement Act of 2007".

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

Title I—Authorizations

Sec. 101. Authorization for Amtrak capital and operating expenses and State capital grants.
Sec. 102. Authorization for the Federal Railroad Administration.
Sec. 103. Repayment of long-term debt and capital leases.
Sec. 104. Excess railroad retirement.
Sec. 105. Other authorizations.

Title II—Amtrak Reform and Operational Improvements

Sec. 201. National railroad passenger transportation system defined.
Sec. 202. Amtrak Board of Directors.
Sec. 203. Establishment of improved financial accounting system.
Sec. 204. Development of 5-year financial plan.
Sec. 205. Establishment of grant process.
Sec. 206. State-supported routes.
Sec. 207. Independent auditor to establish methodologies for Amtrak route and service planning decisions.
Sec. 208. Metrics and standards.
Sec. 209. Passenger train performance.
Sec. 210. Long distance routes.
Sec. 211. Alternate passenger rail service program.
Sec. 212. Employee transition assistance.
Sec. 213. Northeast Corridor state-of-good-repair plan.
Sec. 214. Northeast Corridor infrastructure and operations improvements.
Sec. 215. Restructuring long-term debt and capital leases.
Sec. 216. Study of compliance requirements at existing intercity rail stations.
Sec. 217. Incentive pay.
Sec. 218. Access to Amtrak equipment and services.
Sec. 219. General Amtrak provisions.
Sec. 220. Private sector funding of passenger trains.
Sec. 221. On-board service improvements.
Sec. 222. Management accountability.

Title III—Intercity Passenger Rail Policy

Sec. 301. Capital assistance for intercity passenger rail service.
Sec. 302. State rail plans.
Sec. 303. Next generation corridor train equipment pool.
Sec. 304. Federal rail policy.
Sec. 305. Rail cooperative research program.

Title IV—Passenger Rail Security and Safety

Sec. 400. Short title.
Sec. 401. Rail transportation security risk assessment.
Sec. 402. Systemwide Amtrak security upgrades.
Sec. 403. Fire and life-safety improvements.
Sec. 404. Freight and passenger rail security upgrades.
Sec. 405. Rail security research and development.
Sec. 406. Oversight and grant procedures.
Sec. 407. Amtrak plan to assist families of passengers involved in rail passenger accidents.
Sec. 408. Northern border rail passenger report.
Sec. 409. Rail worker security training program.
Sec. 410. Whistleblower protection program.
Sec. 411. High hazard material security threat mitigation plans.
Sec. 412. Memorandum of agreement.
Sec. 413. Rail security enhancements.
Sec. 414. Public awareness.
Sec. 415. Railroad high hazard material tracking.
Sec. 416. Authorization of appropriations.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) Operating Grants.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2007, $580,000,000.
(2) For fiscal year 2008, $590,000,000.
(3) For fiscal year 2009, $600,000,000.
(4) For fiscal year 2010, $575,000,000.
(5) For fiscal year 2011, $535,000,000.
(6) For fiscal year 2012, $455,000,000.

(b) Capital Grants.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for capital projects (as defined in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code) to bring the Northeast Corridor (as defined in section 24102(a)) to a state-of-good-repair, for capital expenses of the national railroad passenger transportation system, and for purposes of making capital grants under section 24402 of that title to States, the following amounts:

(1) For fiscal year 2007, $813,000,000.
(2) For fiscal year 2008, $910,000,000.
(3) For fiscal year 2009, $1,071,000,000.
(4) For fiscal year 2010, $1,096,000,000.
(5) For fiscal year 2011, $1,191,000,000.
(6) For fiscal year 2012, $1,231,000,000.

(c) Amounts for State Grants.—Out of the amounts authorized under subsection (b), the following percentage shall be available each fiscal year for capital grants to States under section 24402 of title 49, United States Code, to be administered by the Secretary of Transportation:

(1) 3 percent for fiscal year 2007.
(2) 11 percent for fiscal year 2008.
(3) 23 percent for fiscal year 2009.
(4) 25 percent for fiscal year 2010.
(5) 31 percent for fiscal year 2011.
(6) 33 percent for fiscal year 2012.

(d) Project Management Oversight.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (b) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION.

There are authorized to be appropriated to the Secretary of Transportation for the use of the Federal Railroad Administration such sums as necessary to implement the provisions required under this Act for fiscal years 2007 through 2012.

SEC. 103. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) Amtrak Principal and Interest Payments.—

(1) Principal on debt service.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, not more than the following amounts:

(A) For fiscal year 2007, $153,900,000.
(B) For fiscal year 2008, $153,400,000.
(C) For fiscal year 2009, $180,600,000.
(D) For fiscal year 2010, $182,800,000.
(E) For fiscal year 2011, $189,400,000.
(F) For fiscal year 2012, $202,600,000.

(2) Interest on debt.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the

payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2007, $139,600,000.

(B) For fiscal year 2008, $131,300,000.

(C) For fiscal year 2009, $121,700,000.

(D) For fiscal year 2010, $111,900,000.

(E) For fiscal year 2011, $101,900,000.

(F) For fiscal year 2012, $90,200,000.

(3) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(4) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(B) change the private nature of Amtrak's or its successors' liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

SEC. 104. EXCESS RAILROAD RETIREMENT.

There are authorized to be appropriated to the Secretary of Transportation, beginning with fiscal year 2007, such sums as may be necessary to pay to the Railroad Retirement Account an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in such fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries. For each fiscal year in which the Secretary makes such a payment, the amounts authorized by section 101(a) shall be reduced by an amount equal to such payment.

SEC. 105. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2007 through 2012 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;

(2) $5,000,000 for fiscal year 2008, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and

(3) $2,000,000 for fiscal year 2008, for the use of Amtrak in conducting the evaluation required by section 216 of this Act.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

"(5) 'national rail passenger transportation system' means—

"(A) the segment of the Northeast Corridor between Boston, Massachusetts and Washington, D.C.;

"(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been improved to permit operation of high-speed service;

"(C) long distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2007; and

"(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

"(i) Amtrak; or

"(ii) another rail carrier that receives funds under chapter 244.".

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

"24702. Transportation requested by States, authorities, and other persons

"(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

"(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

"24702. Transportation requested by States, authorities, and other persons".

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this Act is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

"(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).".

SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

"§ 24302. Board of directors

"(a) COMPOSITION AND TERMS.—

"(1) The Board of Directors of Amtrak is composed of the following 10 directors, each of whom must be a citizen of the United States:

"(A) The Secretary of Transportation.

"(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

"(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

"(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

"(3) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

"(4) The Board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

"(5) The Secretary may be represented at board meetings by the Secretary's designee.

"(6) The voting privileges of the President can be changed by a unanimous decision of the Board.

"(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing Board duties. Each Director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

"(c) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

"(d) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

"(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.".

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect on October 1, 2007. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) IN GENERAL.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices; and

(2) shall implement a modern financial accounting and reporting system that will produce accurate and timely financial information in sufficient detail—

(A) to enable Amtrak to assign revenues and expenses appropriately to each of its lines of business and to each major activity within each line of business activity, including train operations, equipment maintenance, ticketing, and reservations;

(B) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations;

(C) to allow the analysis of ticketing and reservation information on a real-time basis;

(D) to provide Amtrak cost accounting data; and

(E) to allow financial analysis by route and service.

(b) Verification of System; Report.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) Development of 5-Year Financial Plan.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) Contents of 5-Year Financial Plan.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as the ability of the Federal government to fund capital and operating requirements adequately, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principal and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in Amtrak's ability to operate with reduced Federal operating assistance; and

(12) capital and operating expenditures for anticipated security needs.

(c) Standards To Promote Financial Stability.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this Act.

(d) Assessment by DOT Inspector General.—

(1) In general.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) Assessment to be furnished to the congress.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) Grant Requests.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this Act, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a) and (b), 103, and 105.

(b) Procedures for Grant Requests.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. As part of those requirements, the Secretary shall require, at a minimum, that Amtrak deposit grant funds, consistent with the appropriated amounts for each area of expenditure in a given fiscal year, in the following 3 accounts:

(1) The Amtrak Operating account.

(2) The Amtrak General Capital account.

(3) The Northeast Corridor Improvement funds account.

Amtrak may not transfer such funds to another account or expend such funds for any purpose other than the purposes covered by the account in which the funds are deposited without approval by the Secretary.

(c) Review and Approval.—

(1) 30-day approval process.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-day modification period.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) Revised requests.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

SEC. 206. STATE-SUPPORTED ROUTES.

(a) In General.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) Review.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) Use of Chapter 244 Funds.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

SEC. 207. INDEPENDENT AUDITOR TO ESTABLISH METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) Methodology Development.—The Federal Railroad Administration shall obtain the services of an independent auditor or consultant to develop and recommend objective methodologies for determining intercity passenger routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing such methodologies, the auditor or consultant shall consider—

(1) the current or expected performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

(2) connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well

served by other forms of public transportation;

(4) Amtrak's and other major intercity passenger rail service providers in other countries' methodologies for determining intercity passenger rail routes and services; and

(5) the views of the States and other interested parties.

(b) SUBMITTAL TO CONGRESS.—The auditor or consultant shall submit recommendations developed under subsection (a) to Amtrak, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation.

(c) CONSIDERATION OF RECOMMENDATIONS.—Within 90 days after receiving the recommendations developed under subsection (a) by the independent auditor or consultant, the Amtrak Board shall consider the adoption of those recommendations. The Board shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining its action in adopting or failing to adopt any of the recommendations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Secretary of Transportation, out of any amounts authorized by this Act to be appropriated for the benefit of Amtrak and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

(e) PIONEER ROUTE.—Within 2 years after the date of enactment of this Act, Amtrak shall conduct a 1-time evaluation of the Pioneer Route formerly operated by Amtrak to determine, using methodologies adopted under subsection (c), whether a level of passenger demand exists that would warrant consideration of reinstating the entire Pioneer Route service or segments of that service.

SEC. 208. METRICS AND STANDARDS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, and groups representing Amtrak passengers, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including Amtrak's cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACT WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

(d) ARBITRATION.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

SEC. 209. PASSENGER TRAIN PERFORMANCE.

(a) IN GENERAL.—Section 24308 is amended by adding at the end the following:

"(f) PASSENGER TRAIN PERFORMANCE AND OTHER STANDARDS.—

"(1) INVESTIGATION OF SUBSTANDARD PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity passenger train operations for which minimum standards are established under section 208 of the Passenger Rail Investment and Improvement Act of 2007 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board may initiate an investigation, or upon the filing of a complaint by Amtrak, an intercity passenger rail operator, or an entity for which Amtrak operates intercity passenger rail service, the Board shall initiate an investigation to determine whether, and to what extent, delays or failure to achieve minimum standards are due to causes that could reasonably be addressed by a rail carrier over tracks of which the intercity passenger train operates or reasonably addressed by Amtrak or other intercity passenger rail operator. In making its determination or carrying out such an investigation, the Board shall obtain information from all parties involved and identify reasonable measures and make recommendations to improve the service, quality, and on-time performance of the train.

"(2) PROBLEMS CAUSED BY HOST RAIL CARRIER.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation as required under subsection (c), the Board may award damages against the host rail carrier, including prescribing such other relief to Amtrak as it determines to be reasonable and appropriate pursuant to paragraph (3) of this subsection.

"(3) DAMAGES AND RELIEF.—In awarding damages and prescribing other relief under this subsection the Board shall consider such factors as—

"(A) the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

"(B) what reasonable measures would adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak on the route involved.

"(4) USE OF DAMAGES.—The Board shall, as it deems appropriate, remit the damages awarded under this subsection to Amtrak or to an entity for which Amtrak operates intercity passenger rail service. Such damages shall be used for capital or operating expenditures on the routes over which delays or failures to achieve minimum standards were the result of a rail carrier's failure to provide preference to Amtrak over freight transportation as determined in accordance with paragraph (2).".

(b) CHANGE OF REFERENCE.—Section 24308 is amended—.

(1) by striking "Interstate Commerce Commission" in subsection (a)(2)(A) and inserting "Surface Transportation Board";

(2) by striking "Commission" each place it appears and inserting "Board";

(3) by striking "Secretary of Transportation" in subsection (c) and inserting "Board"; and

(4) by striking "Secretary" the last 3 places it appears in subsection (c) and each place it appears in subsections (d) and (e) and inserting "Board".

SEC. 210. LONG DISTANCE ROUTES.

(a) IN GENERAL.—Chapter 247 is amended by adding at the end thereof the following:

"§ 24710. Long distance routes

"(a) ANNUAL EVALUATION.—Using the financial and performance metrics developed under section 208 of the Passenger Rail Investment and Improvement Act of 2007, Amtrak shall—

"(1) evaluate annually the financial and operating performance of each long distance passenger rail route operated by Amtrak; and

"(2) rank the overall performance of such routes for 2006 and identify each long distance passenger rail route operated by Amtrak in 2006 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

"(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop and publish a performance improvement plan for its long distance passenger rail routes to achieve financial and operating improvements based on the data collected through the application of the financial and performance metrics developed under section 208 of that Act. The plan shall address—

"(1) on-time performance;

"(2) scheduling, frequency, routes, and stops;

"(3) the feasibility of restructuring service into connected corridor service;

"(4) performance-related equipment changes and capital improvements;

"(5) on-board amenities and service, including food, first class, and sleeping car service;

"(6) State or other non-Federal financial contributions;

"(7) improving financial performance; and

"(8) other aspects of Amtrak's long distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak's long distance passenger rail routes.

"(c) IMPLEMENTATION.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

"(1) beginning in fiscal year 2008 for those routes identified as being in the worst performing third under subsection (a)(2);

"(2) beginning in fiscal year 2009 for those routes identified as being in the second best performing third under subsection (a)(2); and

"(3) beginning in fiscal year 2010 for those routes identified as being in the best performing third under subsection (a)(2).

"(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If, for any year, it determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or in achieving the expected outcome of the plan for any calendar year, the Federal Railroad Administration—

"(1) shall notify Amtrak, the Inspector General of the Department of Transportation, and appropriate Congressional committees of its determination under this subsection;

"(2) shall provide an opportunity for a hearing with respect to that determination; and

"(3) may withhold any appropriated funds otherwise available to Amtrak for the operation of a route or routes on which it is not making progress, other than funds made available for passenger safety or security measures.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

"24710. Long distance routes".

SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

(a) IN GENERAL.—Chapter 247, as amended by section 209, is amended by adding at the end thereof the following:

"§ 24711. Alternate passenger rail service program

"(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, the Federal Railroad Administration shall initiate a rulemaking proceeding to develop a program under which—

"(1) a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 of title 49, United States Code may petition the Federal Railroad Administration to be considered as a passenger rail service provider over that route in lieu of Amtrak;

"(2) the Administration would notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the petitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

"(3) each bid would describe how the bidder would operate the route, what Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would use, including any State subsidy, among other things;

"(4) the Administration would make a decision and execute a contract within a specified, limited time after that deadline awarding to the winning bidder—

"(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 208 of this Act; and

"(B) an operating subsidy—

"(i) for the first year at a level not in excess of the level in effect during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation;

"(ii) for any subsequent years at such level, adjusted for inflation; and

"(5) each bid would contain a staffing plan describing the number of employees needed to operate the service, the job assignments and requirements, and the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan would be made available by the winning bidder to the public after the bid award.

"(b) IMPLEMENTATION.—

"(1) INITIAL PETITIONS.—Pursuant to any rules or regulations promulgated under subsection (A), the Administration shall establish a deadline for the submission of a petition under subsection (a)—

"(A) during fiscal year 2008 for operations commencing in fiscal year 2009; and

"(B) during the immediately preceding fiscal year for operations commencing in subsequent fiscal years.

"(2) ROUTE LIMITATIONS.—The Administration may not make the program available with respect to more than 1 Amtrak passenger rail route for operations beginning in fiscal year 2009 nor to more than 2 such routes for operations beginning in fiscal year 2011 and subsequent fiscal years.

"(c) PERFORMANCE STANDARDS; ACCESS TO FACILITIES; EMPLOYEES.—If the Administration awards the right and obligation to provide passenger rail service over a route under the program to a rail carrier or rail carriers—

"(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route that conditions the operating and subsidy rights upon—

"(A) the service provider continuing to provide passenger rail service on the route that is no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

"(B) the service provider's compliance with the minimum standards established under section 208 of the Passenger Rail Investment and Improvement Act of 2007 and such additional performance standards as the Administration may establish;

"(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 218 of that Act, necessary to carry out the purposes of this section;

"(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this section shall be considered an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak, including provisions under section 121 of the Amtrak Reform and Accountability Act of 1997 relating to employees that provide food and beverage service; and

"(4) the winning bidder shall provide preference in hiring to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder.

"(d) CESSATION OF SERVICE.—If a rail carrier or rail carriers awarded a route under this section cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the installment of an interim service provider and re-bidding the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in section 24711(a)(1).

"(e) ADEQUATE RESOURCES.—Before taking any action allowed under this section, the Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247, as amended by section 209, is amended by inserting after the item relating to section 24710 the following:

"24711. Alternate passenger rail service program".

SEC. 212. EMPLOYEE TRANSITION ASSISTANCE.

(a) PROVISION OF FINANCIAL INCENTIVES.—For Amtrak employees who are adversely affected by the cessation of the operation of a long distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary shall develop a program under which the Secretary may, in the Secretary's discretion, provide grants for financial incentives to be provided to employees of the National Railroad Passenger Corporation who voluntarily terminate their employment with the Corporation and relinquish any legal rights to receive termination-related payments under any contractual agreement with the Corporation.

(b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a condition for receiving financial assistance grants under this section, the Corporation must certify that—

(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, or by the elimination of any route, to other positions within the Corporation in accordance with any contractual agreements;

(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than $50,000 per employee.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to the National Railroad Passenger Corporation to provide financial incentives under subsection (a).

(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to the National Railroad Passenger Corporation from funds authorized by section 102 of this Act for termination-related payments to employees under existing contractual agreements.

SEC. 213. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the Northeast Corridor to a state of good repair by the end of fiscal year 2012, consistent with the funding levels authorized in this Act and shall submit the plan to the Secretary.

(b) APPROVAL BY THE SECRETARY.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this Act.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(b) for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(d), the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

SEC. 214. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

"§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety and Security Committee.

"(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

"(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the 'Commission') to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

"(A) members representing the National Railroad Passenger Corporation;

"(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

"(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

"(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

"(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission's memberships.

"(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

"(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(6) The Chairman of the Commission shall be elected by the members.

"(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

"(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

"(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

"(10) The commission shall consult with other entities as appropriate.

"(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning Northeast Corridor rail infrastructure and operations including proposals addressing, as appropriate—

"(1) short-term and long term capital investment needs beyond the state-of-good-repair under section 213;

"(2) future funding requirements for capital improvements and maintenance;

"(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

"(4) opportunities for additional non-rail uses of the Northeast Corridor;

"(5) scheduling and dispatching;

"(6) safety and security enhancements;

"(7) equipment design;

"(8) marketing of rail services; and

"(9) future capacity requirements.

"(c) ACCESS COSTS.—

"(1) DEVELOPMENT OF FORMULA.—Within 1 year after verification of Amtrak's new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2007, the Commission shall—

"(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

"(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation; and

"(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service;

"(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

"(C) transmit the proposed timetable to the Surface Transportation Board; and

"(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

"(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

"(d) TRANSMISSION OF RECOMMENDATIONS.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

"(e) NORTHEAST CORRIDOR SAFETY AND SECURITY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety and Security Committee composed of members appointed by the Secretary. The members shall be representatives of—

"(A) the Secretary;

"(B) Amtrak;

"(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

"(D) commuter agencies;

"(E) rail passengers;

"(F) rail labor;

"(G) the Transportation Security Administration; and

"(H) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

"(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least once every 2 years to consider safety matters on the main line.

"(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to Congress on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations.".

(b) CONFORMING AMENDMENTS.—Section 24904(c)(2) is amended by—

(1) inserting "commuter rail passenger" after "between"; and

(2) striking "freight" in the second sentence.

(c) RIDOT ACCESS AGREEMENT.—

(1) IN GENERAL.—Not later than December 15, 2007, Amtrak and the Rhode Island Department of Transportation shall enter into an agreement governing access fees and other costs or charges related to the operation of the South County commuter rail service on the Northeast Corridor between Providence and Wickford Junction, Rhode Island.

(2) FAILURE TO REACH AGREEMENT.—If Amtrak and the Rhode Island Department of Transportation fail to reach the agreement specified under paragraph (1), the Administrator of the Federal Railroad Administration shall, after consultation with both parties, resolve any outstanding disagreements between the parties, including setting access fees and other costs or charges related to the operation of the South County commuter rail service that do not allow for the cross-

subsidization of intercity rail passenger and commuter rail passenger service, not later than January 30, 2008.

(3) INTERIM AGREEMENT.—Any agreement between Amtrak and the Rhode Island Department of Transportation relating to access costs made under this subsection shall be superseded by any access cost formula developed by the Northeast Corridor Infrastructure and Operations Advisory Commission under section 24905(c)(1) of title 49, United States Code, as amended by section 214(a) of this Act.

SEC. 215. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires on October 1, 2008.

(b) DEBT RESTRUCTURING.—The Secretary of Treasury, in consultation with the Secretary of the Transportation and Amtrak, shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.

(c) CRITERIA.—In restructuring Amtrak's indebtedness, the Secretary and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of Treasury may assume or repay the restructured debt, as appropriate.

(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(1) for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) INTEREST ON DEBT.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(2) for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 103(a)(1) or (2) shall be reduced accordingly.

(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations by November 1, 2008—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

SEC. 216. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners, shall evaluate the improvements necessary to make all existing stations it serves readily accessible to and usable by individuals with disabilities, as required by section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)). The evaluation shall include the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. Amtrak shall submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability by September 30, 2008, along with recommendations for funding the necessary improvements.

SEC. 217. INCENTIVE PAY.

The Amtrak Board of Directors is encouraged to develop an incentive pay program for Amtrak management employees.

SEC. 218. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accord with the methodology established pursuant to section 206 of this Act.

SEC. 219. GENERAL AMTRAK PROVISIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) TITLE 49 AMENDMENTS.—Chapter 241 is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2007 through 2012.

SEC. 220. PRIVATE SECTOR FUNDING OF PASSENGER TRAINS.

Amtrak is encouraged to increase its operation of trains funded by the private sector in order to minimize its need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains.

SEC. 221. ON-BOARD SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Within 1 year after metrics and standards are established under section 208 of this Act, Amtrak shall develop and implement a plan to improve on-board service pursuant to the metrics and standards for such service developed under that section.

(b) REPORT.—Amtrak shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the on-board service improvements proscribed in the plan and the timeline for implementing such improvements.

SEC. 222. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) IN GENERAL.—Chapter 243 is amended by inserting after section 24309 the following:

"§ 24310. Management accountability

"(a) IN GENERAL.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, and two years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

"(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

"(1) effectiveness improving annual financial planning;

"(2) effectiveness in implementing improved financial accounting;

"(3) efforts to implement minimum train performance standards;

"(4) progress maximizing revenues and minimizing Federal subsidies; and

"(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

"24310. Management accountability".

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE; STATE RAIL PLANS.

(a) IN GENERAL.—Part C of subtitle V is amended by inserting the following after chapter 243:

"CHAPTER 244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

"Sec.
"24401. Definitions.
"24402. Capital investment grants to support intercity passenger rail service.
"24403. Project management oversight
"24404. Use of capital grants to finance first-dollar liability of grant project.
"24405. Grant conditions.

"§ 24401. Definitions

"In this subchapter:

"(1) APPLICANT.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

"(2) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for—

"(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, security, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

"(C) costs associated with developing State rail plans; and

"(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

"(3) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of title 49, United States Code.

"§ 24402. Capital investment grants to support intercity passenger rail service.

"(a) GENERAL AUTHORITY.—

"(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities and equipment necessary to provide or improve intercity passenger rail transportation.

"(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007.

"(b) PROJECT AS PART OF STATE RAIL PLAN.—

"(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 203 of the Passenger Rail Investment and Improvement Act of 2007, and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

"(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

"(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

"(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

"(1) require that each proposed project meet all safety and security requirements that are applicable to the project under law;

"(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 208 of the Passenger Rail Investment and Improvement Act of 2007;

"(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

"(4) ensure that each project is compatible with, and is operated in conformance with—

"(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

"(B) the national rail plan (if it is available); and

"(5) favor the following kinds of projects:

"(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

"(B) Projects that also improve freight or commuter rail operations.

"(C) Projects that have significant environmental benefits.

"(D) Projects that are—

"(i) at a stage of preparation that all precommencement compliance with environmental protection requirements has already been completed; and

"(ii) ready to be commenced.

"(E) Projects with positive economic and employment impacts.

"(F) Projects that encourage the use of positive train control technologies.

"(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

"(H) Projects that involve donated property interests or services.

"(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

"(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title.

"(e) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

"(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

"(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

"(C) An obligation or administrative commitment may be made only when amounts are appropriated.

"(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

"(i) establish the terms of participation by the United States Government in a project under this section;

"(ii) establish the maximum amount of Government financial assistance for the project;

"(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

"(iv) make timely and efficient management of the project easier according to the law of the United States.

"(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

"(i) a full funding grant agreement for the project will be made; and

"(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

"(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

"(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(c) of Passenger Rail Investment and Improvement Act of 2007, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

"(f) FEDERAL SHARE OF NET PROJECT COST.—

"(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

"(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

"(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

"(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

"(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service in fiscal years 2004, 2005, and 2006 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

"(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a fiscal year beginning in 2007 for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average of expenditures made for such service in fiscal years 2004, 2005, and 2006 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

"(g) UNDERTAKING PROJECTS IN ADVANCE.—

"(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

"(A) the applicant applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

"(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

"(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

"(h) 2-YEAR AVAILABILITY.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

"(i) PUBLIC-PRIVATE PARTNERSHIPS.—

"(1) IN GENERAL.—A metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded with a grant under this title.

"(2) FORMS OF PARTICIPATION.—Participation by an entity under paragraph (1) may consist of—

"(A) ownership or operation of any land, facility, locomotive, rail car, vehicle, or other physical asset associated with the project;

"(B) cost-sharing of any project expense;

"(C) carrying out administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

"(D) any other form of participation approved by the Secretary.

"(3) SUB-ALLOCATION.—A State may allocate funds under this section to any entity described in paragraph (1).

"(j) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

"(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

"(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

"(k) SMALL CAPITAL PROJECTS.—The Secretary shall make available $10,000,000 annually from the amounts authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2007 beginning in fiscal year 2008 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may wave requirements of this section, including state rail plan requirements, as appropriate.

"§ 24403. Project management oversight

"(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this subchapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

"(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

"(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

"(3) a construction schedule for the project;

"(4) a document control procedure and recordkeeping system;

"(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

"(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

"(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

"(8) material testing policies and procedures;

"(9) internal plan implementation and reporting requirements;

"(10) criteria and procedures to be used for testing the operational system or its major components;

"(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

"(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

"(b) SECRETARIAL OVERSIGHT.—

"(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this subchapter to enter into contracts to oversee the construction of such projects.

"(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

"(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

"(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this subchapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

"§ 24404. Use of capital grants to finance first-dollar liability of grant project

"Notwithstanding the requirements of section 24402 of this subchapter, the Secretary of Transportation may approve the use of capital assistance under this subchapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

"§ 24405. Grant conditions

"(a) DOMESTIC BUYING PREFERENCE.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

"(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

"(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

"(B) DE MINIMIS AMOUNT.—Subparagraph (1) applies only to a purchase in an total amount that is not less than $1,000,000.

"(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

"(A) such requirements are inconsistent with the public interest;

"(B) the cost of imposing the requirements is unreasonable; or

"(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

"(3) UNITED STATES DEFINED.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia.

"(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts the that definition or in which that definition applies, including—

"(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.); and

"(2) the Railway Labor Act (43 U.S.C. 151 et seq.).

"(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

"(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

"(A) any compensation for such use;

"(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; and

"(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor;

"(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

"(2) the applicant agrees to comply with—

"(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

"(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this subchapter.

"(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

"(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

"(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

"(B) establishes a procedure for notifying such an employee of such positions;

"(C) establishes a procedure for such an employee to apply for such positions; and

"(D) establishes rates of pay, rules, and working conditions.

"(2) IMMEDIATE REPLACEMENT SERVICE.—

"(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

"(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

"(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

"(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

"(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.— Nothing in this section applies to—

"(1) commuter rail passenger transportation (as defined in section 24102(4) of this title) operations of a State or local government authority (as those terms are defined in section 5302(11) and (6), respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

"(2) the Alaska Railroad or its contractors; or

"(3) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.".

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 243:

"244. Intercity passenger rail service capital assistance..............................24401".

(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

"244. Intercity passenger rail service capital assistance..............................24401".

SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

"CHAPTER 225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

"Sec.
"22501. Definitions
"22502. Authority
"22503. Purposes
"22504. Transparency; coordination; review
"22505. Content
"22506. Review

"§ 22501. Definitions

"In this subchapter:

"(1) PRIVATE BENEFIT.—

"(A) IN GENERAL.—The term 'private benefit'—

"(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

"(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

"(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

"(2) PUBLIC BENEFIT.—

"(A) IN GENERAL.—The term 'public benefit'—

"(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

"(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

"(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

"(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia.

"(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term 'State rail transportation authority' means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.".

"§ 22502. Authority

"(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this subchapter.

"(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

"(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

"(2) establish or designate a State rail plan approval authority to approve the plan;

"(3) submit the State's approved plan to the Secretary of Transportation for review; and

"(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

"§ 22503. Purposes

"(a) PURPOSES.—The purposes of a State rail plan are as follows:

"(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

"(2) To establish the period covered by the State rail plan.

"(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

"(4) To serve as the basis for Federal and State rail investments within the State.

"(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation's role within the State transportation system.

"§ 22504. Transparency; coordination; review

"(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

"(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

"§ 22505. Content

"(a) IN GENERAL.—Each State rail plan shall contain the following:

"(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

"(2) A review of all rail lines within the State, including proposed high speed rail corridors and significant rail line segments not currently in service.

"(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

"(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts.

"(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

"(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

"(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stake holders.

"(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

"(9) A review of publicly funded projects within the State to improve rail transportation safety and security, including all major projects funded under section 130 of title 23.

"(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

"(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this subchapter, and a plan for funding any recommended development of such corridors in the State.

"(12) A statement that the State is in compliance with the requirements of section 22102.

"(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

"(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

"(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

"(B) A detailed funding plan for those projects.

"(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

"(A) a description of the anticipated public and private benefits of each such project; and

"(B) a statement of the correlation between—

"(i) public funding contributions for the projects; and

"(ii) the public benefits.

"(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

"(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

"(B) Rail capacity and congestion effects.

"(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

"(D) Regional balance.

"(E) Environmental impact.

"(F) Economic and employment impacts.

"(G) Projected ridership and other service measures for passenger rail projects.

"§ 22506. Review

The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2007 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter".

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 223:

"225. State rail plans ....22501".

(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

"225. State rail plans ....24401".

SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorization provided in section 105 of this Act, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

SEC. 304. FEDERAL RAIL POLICY.

Section 103 is amended—

(1) by inserting "IN GENERAL.—" before "The Federal" in subsection (a);

(2) by striking the second and third sentences of subsection (a);

(3) by inserting "ADMINISTRATOR.—" before "The head" in subsection (b);

(4) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively and by inserting after subsection (b) the following:

"(c) SAFETY.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.";

(5) by inserting "POWERS AND DUTIES.—" before "The" in subsection (d), as redesignated;

(6) by striking "and" after the semicolon in paragraph (1) of subsection (d), as redesignated;

(7) by redesignating paragraph (2) of subsection (d), as redesignated, as paragraph (3) and inserting after paragraph (1) the following:

"(2) the duties and powers related to railroad policy and development under subsection (e); and";

(8) by inserting "TRANSFERS OF DUTY.—" before "A duty" in subsection (e), as redesignated;

(9) by inserting "CONTRACTS, GRANTS, LEASES, COOPERATIVE AGREEMENTS, AND SIMILAR TRANSACTIONS.—" before "Subject" in subsection (f), as redesignated;

(10) by striking the last sentence in subsection (f), as redesignated; and

(11) by adding at the end the following:

"(g) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

"(1) provide assistance to States in developing State rail plans prepared under chapter 225 and review all State rail plans submitted under that section;

"(2) develop a long range national rail plan that is consistent with approved State rail plans and the rail needs of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of goods and people;

"(3) develop a preliminary national rail plan within a year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007;

"(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

"(5) support rail intermodal development and high-speed rail development, including high speed rail planning;

"(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and

"(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and States in passenger-freight service integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.

"(h) PERFORMANCE GOALS AND REPORTS.—

"(1) PERFORMANCE GOALS.—In conjunction with the objectives established and activities undertaken under section 103(e) of this title, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

"(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each goal and the additional duties required under section 103(e).

"(3) SUBMISSION WITH PRESIDENT'S BUDGET.—Beginning with fiscal year 2009 and each fiscal year thereafter, the Secretary shall submit to Congress, at the same time as the President's budget submission, the Administration's performance goals and schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.".

SEC. 305. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

"§ 24910. Rail cooperative research program

"(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

"(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems and rail security;

"(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

"(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

"(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

"(b) CONTENT.—The program to be carried out under this section shall include research designed—

"(1) to identify the unique aspects and attributes of rail passenger and freight service;

"(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

"(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

"(4) to recommend priorities for technology demonstration and development;

"(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

"(6) to explore improvements in management, financing, and institutional structures;

"(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

"(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

"(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

"(10) to review the impact of equipment and operational safety standards on the further development of high speed passenger rail operations connected to or integrated with non-high speed freight or passenger rail operations; and

"(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high speed freight or passenger rail operations.

"(c) ADVISORY BOARD.—

"(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

"(2) MEMBERSHIP.—The advisory board shall include—

"(A) representatives of State transportation agencies;

"(B) transportation and environmental economists, scientists, and engineers; and

"(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

"(d) National Academy of Sciences.— The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.".

(b) Clerical Amendment.—The chapter analysis for chapter 249 is amended by adding at the end the following:

"24910. Rail cooperative research program".

TITLE IV—PASSENGER RAIL SECURITY AND SAFETY

SEC. 400. SHORT TITLE.

This title may be cited as the "Surface Transportation and Rail Security Act of 2007".

SEC. 401. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) In General.—

(1) Vulnerability and risk assessment.—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities describe in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of vulnerabilities and risks to those assets and infrastructures;

(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) Recommendations.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) Plans.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) Consultation; Use of Existing Resources.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) Report.—

(1) Contents.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) Format.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) Annual Updates.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) Funding.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2008.

SEC. 402. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) In General.—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) Conditions.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) Equitable Geographic Allocation.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 401, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) Availability of Funds.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(1) $63,500,000 for fiscal year 2008;

(2) $30,000,000 for fiscal year 2009; and

(3) $30,000,000 for fiscal year 2010.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 403. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) Life-Safety Needs.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) Authorization of Appropriations.—Out of funds appropriated pursuant to section 416(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2008;

(B) $100,000,000 for fiscal year 2009;

(C) $100,000,000 for fiscal year 2010; and

(D) $100,000,000 for fiscal year 2011.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2008;

(B) $10,000,000 for fiscal year 2009;

(C) $10,000,000 for fiscal year 2010; and

(D) $10,000,000 for fiscal year 2011.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2008;

(B) $8,000,000 for fiscal year 2009;

(C) $8,000,000 for fiscal year 2010; and

(D) $8,000,000 for fiscal year 2011.

(c) Infrastructure Upgrades.—Out of funds appropriated pursuant to section 416(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2008 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) Availability of Appropriated Funds.—Amounts made available pursuant to this section shall remain available until expended.

(e) Plans Required.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) Review of Plans.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) Financial Contribution From Other Tunnel Users.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 404. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) Security Improvement Grants.—The Secretary of Homeland Security, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section 401, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 401, including infrastructure, facilities, and equipment upgrades.

(b) Accountability.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(c) Allocation.—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section 401, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) Conditions.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 402(b) of this title.

(e) Allocation Between Railroads and Others.—Unless as a result of the assessment required by section 401 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of $45,000,000 to Amtrak; or

(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) Authorization of Appropriations.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title,, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $100,000,000 for fiscal year 2008;

(2) $100,000,000 for fiscal year 2009; and

(3) $100,000,000 for fiscal year 2010.

Amounts made available pursuant to this subsection shall remain available until expended.

(g) High Hazard Materials Defined.—In this section, the term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. 405. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) Establishment of Research and Development Program.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 404(g) of this title); and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section 401.

(b) Coordination With Other Research Initiatives.—The Secretary of Homeland Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) Grants and Accountability.—To carry out the research and development program, the Secretary may award grants to the entities described in section 404(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) Authorization of Appropriations.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title,, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $33,000,000 for fiscal year 2008;

(2) $33,000,000 for fiscal year 2009; and

(3) $33,000,000 for fiscal year 2010.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 406. OVERSIGHT AND GRANT PROCEDURES.

(a) Secretarial Oversight.—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under this title to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) Use of Funds.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(c) Procedures for Grant Award.—The Secretary shall, within 90 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. 407. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) Submission of Plan.—Not later than 6 months after the date of the enactment of the Surface Transportation and Rail Security Act of 2007 Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) Contents of Plans.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) Use of Information.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) Limitation on Liability.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) Limitation on Statutory Construction.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) Funding.—Out of funds appropriated pursuant to section 416(b) of the Surface Transportation and Rail Security Act of 2007, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.".

(b) Conforming Amendment.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24316. Plan to assist families of passengers involved in rail passenger accidents.".

SEC. 408. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 409. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) Program Elements.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) Railroad Carrier Programs.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) Training.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) Updates.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) Front-Line Workers Defined.—In this section, the term "front-line workers" means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) Other Employees.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 410. WHISTLEBLOWER PROTECTION PROGRAM.

(a) In General.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

"§ 20118. Whistleblower protection for rail security matters

"(a) Discrimination Against Employee.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) Dispute Resolution.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) Procedural Requirements.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this subtitle, including the burdens of proof, applies to any complaint brought under this section.

"(d) Election of Remedies.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) Disclosure of Identity.—

"(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.".

(b) Conforming Amendment.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

"20118. Whistleblower protection for rail security matters.".

SEC. 411. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) In General.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section 404(g) of this title to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) Implementation.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) Completion and Review of Plans.—

(1) Plans required.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) Review and updates.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) Definitions.—In this section:

(1) The term "high-consequence target" means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 412. MEMORANDUM OF AGREEMENT.

(a) Memorandum of Agreement.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) Rail Safety Regulations.—Section 20103(a) of title 49, United States Code, is amended by striking "safety" the first place it appears, and inserting "safety, including security,".

SEC. 413. RAIL SECURITY ENHANCEMENTS.

(a) Rail Police Officers.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting "(a) In General.—" before "Under"; and

(2) by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(b) Review of Rail Regulations.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. 414. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. 415. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) Wireless Communications.—

(1) In general.—In conjunction with the research and development program established under section 405 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 404(g) of this title) with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) Coordination.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) Funding.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title, there shall be made available to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

(a) Transportation Security Administration Authorization.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

"(u) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

"(1) $205,000,000 for fiscal year 2008;

"(2) $166,000,000 for fiscal year 2009; and

"(3) $166,000,000 for fiscal year 2010.".

(b) Department of Transportation.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

(1) $121,000,000 for fiscal year 2008;

(2) $118,000,000 for fiscal year 2009;

(3) $118,000,000 for fiscal year 2010; and

(4) $118,000,000 for fiscal year 2011.

Mr. LOTT. Mr. President, I just want to take a few moments to talk about Amtrak and inter-city passenger rail.

In the last Congress, I worked with Senators STEVENS, INOUYE, and LAUTENBERG—and other members of the Commerce Committee—to develop S. 1516, the Passenger Rail Investment and Improvement Act.

Last year during the Senate's consideration of the reconciliation bill I offered an amendment to add the text of S. 1516. The amendment passed by a vote of 93 to 6. So I know there is widespread support for this legislation.

Today we are introducing the same bipartisan legislation in hopes of gaining the same level of support as we did in the last Congress.

The bill was developed with input from the Administration, the Department of Transportation's Inspector General, States, Amtrak Board members, and many others.

The bill makes a number of important reforms to Amtrak, and has three major themes: Amtrak Reform and Accountability; cost cutting; and, creating funding options for States.

By increasing executive branch oversight over Amtrak, this bill ensures that the taxpayers' money is used more effectively. Under its past President, David Gunn, Amtrak has made some improvements in its management. However, much remains to be done. Amtrak must be run more like a business. This bill requires Amtrak to develop better financial systems and to evaluate its operations objectively. It forces Amtrak to improve the efficiency of long distance train service. The bill reduces Amtrak's operating subsidy by 40 percent by 2011 by requiring Amtrak to use its funding more effectively,

The bill promotes a greater role for the private sector by allowing private companies to bid on operating Amtrak routes.

The bill also creates a new rail capital grant program that States can use to start new inter-city passenger rail service. This will be the first time that States will have a Federal program they can use for passenger rail, putting intercity passenger rail on a similar footing to highways, transit, and airports, all of which have Federal assistance programs for infrastructure. States won't have to rely only on Amtrak for intercity passenger rail service.

I look forward to working with my colleagues on both sides of the aisle to get this bipartisan legislation signed into law this year

---

By Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. LEVIN, Mr. VOINOVICH, Mr. DURBIN, and Mr. SCHUMER):

S. 295. A bill to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Homeland Security and Governmental Affairs.

Ms. LANDRIEU. Mr. President, I rise today to reintroduce the Servitude and Emancipation Archival Research Clearing House, SEARCH, Act of 2007, a bill that will establish a national database consisting of historic records of servitude and emancipation in the United States to assist African Americans in researching their genealogy. Additionally, Congressman ELIJAH CUMMINGS is reintroducing a companion to this bill on the House side because we both believe in its importance.

It is a very human instinct for people to want to understand who they are from the lenses of who are their ancestors and where are they from. This is the very reason I stand before you today to reintroduce this piece of very important legislation. Unfortunately, African Americans who attempt to trace their genealogy encounter huge hurdles in reclaiming the usual documentary history that allows most Americans to piece together their heritage. W.E.B. Dubois once said that, "There is in this world no such force as the force of a person determined to rise, for the human soul cannot be permanently chained." The Servitude and Emancipation Archival Research ClearingHouse, SEARCH, Act of 2007 gives African Americans the tools they need to rise above the unique challenges and hardships they face in order to trace their genealogy. The SEARCH Act establishes a national database within the National Archives and Records Administration, NARA, housing various documents that would assist those in search of a history that, because of slavery, is almost impossible to find in the most ordinary registers and census records.

Traditionally, someone researching their genealogy would try looking up wills and land deeds; however, enslaved African Americans were prohibited from owning property. In fact, African Americans, must frequently rely on the records of slave owners—most of which are in private hands—in hope that they had kept records containing birth and death information. Even if records do exist, many African Americans in the past did not have formal last names, thus compounding the difficulty of tracing their lives. The omission of surnames also precludes use of the most popular and major source of genealogical research, the United States Census. Furthermore, letters, diaries, and other first-person records used by most genealogical researchers are scarcely available for slaves, owing to the fact that they could not legally learn to read or write.

Even after the Emancipation Proclamation was given in 1865, we would think that African Americans could begin using traditional genealogical records like voter registrations and school records. However, African Americans did not immediately begin to participate in many of the privileges of citizenship, including voting and attending school. Discrimination meant that African Americans were barred from sitting on juries or owning businesses. Segregation meant segregated neighborhoods, schools, churches, clubs, and fraternal organizations, and thus segregated societies maintained segregated records. For example, some telephone directories in South Carolina did not include African Americans in the regular alphabetical listing, but rather at the end of the book. An African American must maneuver these distinctive nuances in order to conduct proper genealogical research. In my own State of Louisiana, descendants of the 9th Cavalry Regiment and 25th Infantry Regiment, known as the Buffalo Soldiers, would have to know to look in the index of United States Colored Troops since there is no mention of them in the index of State Military Regiments.

Abraham Lincoln said, "a man who cares nothing about his past can care little about his future." By providing $5 million for the National Historical Publications and Records Commission to establish and maintain a national database, the SEARCH Act has the potential to significantly reduce the time and painstaking efforts of those African Americans who truly care about their American past to contribute to the American future. This bill also seeks to authorize $5 million for States, colleges, and universities to preserve, catalogue, and index records locally.

In a democracy, records matter. The mission of NARA is to ensure that anyone can have access to the records that matter to them. The SEARCH Act of 2007 seeks to fulfill that mission by helping African Americans navigate genealogical research sources and negotiate the unique challenges that confront them in this process. No longer should any American have to wait to learn information, which in itself can offer such freedom.

I don't believe there is a more appropriate time than now to pass this piece of legislation, on the day before we honor the legacy of a man who spent his life as an advocate of freedom, Dr. Martin Luther King, Jr. Dr. King once said, "Our lives begin to end the day we become silent about things that matter." Mr. President, this piece of legislation does matter and I ask my colleagues to join me in passing the SEARCH Act of 2007.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 298. A bill to provide incentives for renewable energy production, to increase fuel economy standards for automobiles, and to provide tax incentives for renewable energy production; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise today to introduce a significant bill to improve energy efficiency in this Nation and reduce greenhouse gas emissions.

The bill I am introducing will promote the development of additional forms of renewable energy and also pave the way for improved fuel consumption by vehicles. I rise to introduce the Renewable Energy, Fuel Reduction, and Economic Stabilization and Enhancement Act of 2007, or the REFRESH Act, for short.

I consider this a balanced measure, a companion to a bill introduced recently by Alaska's Senior Senator TED STEVENS who proposed to raise the fuel efficiency of automobiles to 40 miles per gallon within a decade, a bill I am proud to be a cosponsor of. This bill will promote alternative energy by providing grants and tax credits to promote development of geothermal power, all forms of ocean energy and small hydro electric development.

The bill also seeks to reduce American fossil fuel consumption by nearly 5 million barrels of oil a day by 2025 by not only supporting an increase in the Corporate Average Fuel Efficiency Standard, CAFE, for automobiles, as proposed by Senator STEVENS, but by also requiring a study of whether to mandate that a CAFE standard to be imposed on commercial trucks. The bill also requires an improvement in the efficiency of replacement tires for all passenger cars, provides grants to States and local communities to encourage a reduction in traffic congestion by helping States to set up telecommuting and flexible-work programs to keep motorists off roadways during rush hours, and extends and removes a cap on tax credits to encourage the purchase of hybrid and advanced fuel efficient lean-burn vehicles. The bill also authorizes $100 million in additional research assistance for plug-in hybrid and battery storage technology development.

The bill also includes a truth in advertising provision requiring that the CAFE standards for vehicles be based on the actual fuel economy that the vehicles will achieve under real-world driving conditions, where acceleration, the use of air conditioning and stop and go driving is considered rather than on a three-decades old testing formula.

The bill will reduce carbon dioxide emissions from fossil fuel usage by about 530 million metric tons in the United States by 2025—a 7 percent cut over what emissions otherwise are predicted to be that year. Coming from Alaska where there is no question but that warming temperatures have been in place in recent years, it only makes sense that we take common sense steps now to improve fuel efficiency, to promote the development of a wider range of alternative energy technologies and to encourage Americans to buy more fuel efficient vehicles, as long as their ability to drive safe and affordable vehicles of their own choosing is protected.

This bill is a careful balance of steps we can take to reduce fuel usage and thus greenhouse gas emissions, but also of provisions that are economic for Americans to undertake, and will pay for themselves in reduced fuel costs, sometimes in very short order. It will be good insurance for the environment, but also good for the pocketbooks of Americans.

Americans understand that we are in a current warming trend. Just this week, our government reported that 2006 was the warmest year worldwide in over a century. There are dozens of examples of the effects on the environment that the warming climate of the past three decades has caused. While I believe the ultimate cause of the climate change we are seeing is not yet certain, it is our responsibility to take affordable steps now to reduce fuel consumption, increase the use of alternative, non-fossil-fuel technologies, and to reduce carbon dioxide and other greenhouse gas emissions.

This bill, paired with previous legislation by my colleague Senator TED STEVENS that specifically raises the CAFE standard by 2017, S. 183, will require automobile makers, if it is technologically feasible, to improve fuel efficiency. I am proud to be a supporter of that measure. The two bills will have a host of policy and economic advantages. They will make us less dependent on imported oil, improving our national security and reducing the money we spend overseas to buy imported crude oil. And they will produce more jobs in America through the development of new alternative-fuel industries.

The bill I introduce today, for example, will require all tire manufacturers to make and sell only low, rolling, resistance tires for replacement tire purposes within five years—the same tires found on new cars today. The tires, while they will add on average $20 to the cost of a set of two replacement tires, will improve fuel efficiency by 1.5

to 4.5 percent. Thus if the price of gasoline is only $2 a gallon, drivers will save from $87 to $260 a year in fuel costs per year, the change saving the typical driver money within the first year, according to estimates by the National Commission on Energy Policy that recommended the change in a 2005 report.

The bill also will require the National Highway Traffic Safety Administration (NHTSA) to study the savings that would result and the costs of imposing a CAFE standard on commercial trucks, a key requirement before Congress can actually impose such a standard. Commercial trucks consume between 1.5 and 2 million barrels of oil a day in fuel. According to estimates by the Department of Energy's 21st Century Truck Program and by Argonne National Laboratory, fuel economy for tractor-trailers should be able to improve by 30 to 60 percent by 2015 through use of a CAFE standard. While such improvements might increase the cost of a tractor-trailer by $7,000 at time of purchase, it would save some $11,000 in fuel costs over the life of the vehicle, achieving payback for the typical truck owner in less than three years. Imposing such a CAFE on trucks was proposed by the Energy Security Leadership Council in a report just last month.

The $50 million in grants to reduce traffic congestion could pay for themselves nearly immediately, since the National Commission on Energy Policy estimated that American motorists consume between 65,000 and 260,000 barrels of oil a day in wasted fuel because of urban traffic congestion, costing the Nation up to $13 million a day at current fuel prices.

And the tax credit provisions, making all forms of ocean energy: wave, current, tidal and thermal, and small hydro electric power qualified to receive the Federal Production Tax Credit that currently reduces the cost of wind, solar and biomass energy by 1.9 cents per kilowatt hour generated, would help to increase renewable energy production nationwide. Geothermal energy is already covered by the PTC, as are wind, solar and biomass projects.

Congress two years ago in the Energy Policy Act of 2005, which I helped formulate, provided both grant and the tax assistance to encourage the development of wind, solar and biomass energy. But when you consider that large portions of the country, including 70 percent of Alaska, may contain geothermal resources, that there are thousands of lakes and small rivers and creeks that can power small-scale hydro electric development without requiring dams or affecting fisheries or the environment in the least, and that thousands of miles of U.S. coastlines and river systems can generate electricity from emerging ocean energy systems, it only makes sense to expand the scope of Federal assistance to encourage wider development and use of these other renewable technologies.

The Electric Power Research Institute has estimated that wave energy off U.S. coasts alone could conservatively generate 252 million megawatt hours of electricity, 6.5 percent of all energy now produced in America. Alaska has nearly 80 coastal and river communities that could benefit greatly by development of ocean energy systems. To facilitate ocean and geothermal development, the bill authorizes $100 million in Federal research and development grant assistance to both types of development.

This bill is not a cure all for all of our energy woes. I recently co-sponsored legislation by Senators JIM BUNNING and BARACK OBAMA that will provide additional incentives to develop fuel from coal and that will encourage the sequestration of carbon from coal processed in fuel-to-liquid plants. I will support additional assistance to promote wind, solar and biomass alternative energy development. I have supported and will continue to support development of the next generation of nuclear power that can produce energy without any greenhouse gas emissions. And I will continue to support research and development of biofuels, such as ethanol, especially celluosic ethanol, and of development of hydrogen-fueled vehicles and fuel distribution systems for the new fuels.

I also will support production of more domestic energy from conventional sources, whether it be more oil and natural gas from the ground onshore and from under some of our seas offshore where it can be done in an environmentally friendly way, or more novel forms of fossil fuels, be they from oil shales, oil sands, coal or from gas hydrate deposits. In my view we need to do everything we can to find economic forms of the energy we will need during the remainder of the 21st Century.

This bill only represents one piece of a balanced plan to improve this Nation's energy outlook. But it is an important piece. This bill has the ability to restore and refresh our environment by reducing greenhouse gas emissions. It will encourage development of more renewable energy, We can't afford not to find the funds to pay for its provisions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewable Energy, Fuel Reduction, and Economic Stabilization and EnHancement Act of 2007" or the "REFRESH Act".

TITLE I—RENEWABLE ENERGY INCENTIVES

SEC. 101. GEOTHERMAL POWER.

(a) IN GENERAL.—The Secretary of Energy, acting through the Office of Energy Efficiency and Renewable Energy (referred to in this title as the "Secretary"), shall make grants to eligible entities (as determined by the Secretary) to promote geothermal power development, including high- and low-temperature geothermal power development.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000.

SEC. 102. OCEAN ENERGY.

(a) IN GENERAL.—The Secretary shall make grants to eligible entities (as determined by the Secretary) to develop all forms of ocean energy (including wave, current, tidal, and thermal energy).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000.

SEC. 103. PLUG-IN HYBRID ELECTRIC-COMBUSTION ENGINE VEHICLES.

(a) IN GENERAL.—The Secretary shall make grants to eligible entities (as determined by the Secretary) to assist in the development of new technology (including storage batteries or other forms of technology) to assist automobile manufactures in the production of plug-in hybrid electric-combustion engine vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000.

TITLE II—FUEL EFFICIENCY STANDARDS

SEC. 201. TRUTH IN TESTING OF CAFE STANDARDS.

(a) TESTING AND CALCULATION PROCEDURES.—

(1) IN GENERAL.—Section 32904(c) of title 49, United States Code, is amended by striking "However, except under section 32908 of this title, the Administrator shall use the same procedures for passenger automobiles the Administrator used for model year 1975 (weighted 55 percent urban cycle and 45 percent highway cycle)," and insert "In measuring fuel economy under this subsection, the Administrator shall use the procedures described in the final rule relating to fuel economy labeling published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; to be codified at 40 C.F.R. parts 86 and 600)".

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 5 years after the date of the enactment of this Act and shall apply to passenger automobiles manufactured after such date.

(b) STUDY AND REPORT.—

(1) STUDY.—The Administrator of the National Highway Traffic Safety Administration shall conduct a study of the anticipated economic impacts and fuel saving benefits that would result from a requirement that all vehicles manufactured for sale in the United States with a gross vehicle weight of not less than 10,000 pounds meet specific average fuel economy standards.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit a report to Congress that includes—

(A) the results of the study conducted under paragraph (1); and

(B) a recommendation on whether the vehicles described in paragraph (1) should be subject to average fuel economy standards.

SEC. 202. TIRE RESISTANCE STANDARDS.

Section 30123 of title 49, United States Code, is amended by adding at the end the following:

"(d) LOW ROLLING RESISTANCE TIRES.—Not later than 5 years after the date of the enactment of this subsection, all passenger automobile tires sold in the United States shall meet the low rolling resistance standards prescribed by the Administrator of the National Highway Traffic Safety Administration.".

SEC. 203. TRAFFIC REDUCTION GRANTS.

(a) IN GENERAL.—The Secretary of Transportation may award grants to States to develop telecommuting and flexible work scheduling incentives that will reduce traffic congestion in urban areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for fiscal year 2008 to carry out the grant program established under this section. Any sums appropriated pursuant to this subsection shall remain available until expended.

TITLE III—TAX CREDITS

SEC. 301. EXPANSION OF CREDIT FOR PRODUCTION OF ENERGY FROM CERTAIN RENEWABLE RESOURCES.

(a) EXPANSION OF RESOURCES TO WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.—

(1) IN GENERAL.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) wave, current, tidal, and ocean thermal energy."

(2) DEFINITION OF RESOURCES.—Section 45(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(10) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.—The term 'wave, current, tidal, and ocean thermal energy' means electricity produced from any of the following:

"(A) Free flowing ocean water derived from tidal currents, ocean currents, waves, or estuary currents.

"(B) Ocean thermal energy.

"(C) Free flowing water in rivers, lakes, man made channels, or streams."

(3) FACILITIES.—Section 45(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(11) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL FACILITY.—In the case of a facility using resources described in clause (i), (ii), or (iii) of subsection (c)(10)(A) to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2009, but such term shall not include a facility which includes impoundment structures or a small irrigation power facility."

(b) EXPANSION OF SMALL IRRIGATION POWER.—Paragraph (5) of section 45(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(5) SMALL IRRIGATION POWER.—The term 'small irrigation power' means power—

"(A) generated without any dam or impoundment of water through—

"(i) through an irrigation system canal or ditch, or

"(ii) utilizing lake taps, perched alpine lakes, or run-of-river with diversion, and

"(B) the nameplate capacity rating of which is less than 15 megawatts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced in taxable years ending after the date of the enactment of this Act.

SEC. 302. EXTENSION AND MODIFICATION OF NEW QUALIFIED HYBRID MOTOR VEHICLE CREDIT FOR PLUG-IN HYBRIDS.

(a) EXTENSION.—

(1) NEW QUALIFIED HYBRID PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—Paragraph (2) of section 30B(j) of the Internal Revenue Code of 1986 is amended by inserting "(December 31, 2012, in the case of a new qualified hybrid motor vehicle which is recharged by means of an off board device)" after "December 31, 2010".

(2) OTHER QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (3) of section 30B(j) of the Internal Revenue Code of 1986 is amended by inserting "(December 31, 2012, in the case of a new qualified hybrid motor vehicle which is recharged by means of an off board device)" after "December 31, 2009".

(b) ELIMINATION OF LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR FULL ALTERNATIVE MOTOR VEHICLE TAX CREDIT.—

(1) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsections (g) through (j), as amended by subsection (a), as subsections (f) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (4) and (6) of section 30B(g) of such Code, as redesignated by paragraph (1)(B), are each amended by striking "(determined without regard to subsection (g))" and inserting "(determined without regard to subsection (f))".

(B) Section 38(b)(25) of such Code is amended by striking "section 30B(g)(1)" and inserting "section 30B(f)(1)".

(C) Section 55(c)(2) of such Code is amended by striking "section 30B(g)(2)" and inserting "section 30B(f)(2)".

(D) Section 1016(a)(36) of such Code is amended by striking "section 30B(h)(4)" and inserting "section 30B(g)(4)".

(E) Section 6501(m) of such Code is amended by striking "section 30B(h)(9)" and inserting "section 30B(g)(9)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

By Mr. COLEMAN:

S. 299. A bill to amend the Internal Revenue Code of 1986 to extend increased expensing for small businesses; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of my legislation to extend increased expensing for small businesses be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

(a) EXTENSION.—Section 179 of the Internal Revenue Code of 1986 (relating to election to expense certain depreciable business assets) is amended by striking "2010" each place it appears and inserting "2011".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

By Mr. KYL (for himself, Mr. ENSIGN, Mr. REID, and Mrs. FEINSTEIN):

S. 300. A bill to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, today I am pleased to join with Senators ENSIGN, FEINSTEIN and REID to introduce the Lower Colorado River Multi-Species Conservation Program Act. This bipartisan legislation is designed to protect and maintain wildlife habitat on the lower Colorado River and to provide assurances to the affected water and power agencies of Arizona, California, and Nevada that their river operations may continue upon compliance with the underlying program. This bill is nearly identical to legislation I introduced late last year with Senators ENSIGN, FEINSTEIN, and REID.

The Lower Colorado River Multi-Species Conservation Program, otherwise known as the MSCP, is a comprehensive, cooperative effort among 50 Federal and non-Federal entities in Arizona, California, and Nevada whose purposes are to 1. protect the lower Colorado River environment while ensuring the certainty of existing river water and power operations; 2. protect threatened endangered wildlife under the Endangered Species Act; and 3. prevent the listing of additional species on the lower Colorado River.

To accomplish these goals, the MSCP will create more than 8,100 acres of riparian, marsh, and backwater habitat and implement additional measures to protect 26 endangered, threatened and sensitive species. The program covers approximately 400 miles, including the full-pool elevations of Lake Mead to the United States-Mexico Southerly International Boundary.

The program costs will be spread over 50 years, and split 50-50 between the Federal Government and the non-Federal entities covered by MSCP. Arizona and Nevada will each bear 25 percent of the non-Federal costs and California will bear 50 percent of the non-federal costs.

Although implementation of the program began in April 2005 under the U.S. Department of the Interior's existing authority, legislation is needed to protect the substantial financial commitments that the non-Federal parties are making to species protection . To that end, the bill 1. expressly authorizes appropriations to cover the Federal share of the program costs; 2. directs the Secretary of the Interior to manage and implement the MSCP in accordance with the underlying program documents; and 3. provides a waiver of sovereign immunity to allow the non-Federal parties to enforce, if necessary, the underlying program documents. The waiver, however, does not allow an action to be brought against the United States for money damages.

Late in 2006, the House Committee on Resources, Subcommittee on Water and Power held a comprehensive field hearing in Arizona on the MSCP Act. The hearing highlighted the significance of the program to Colorado River users in Arizona, California, and Nevada and demonstrated the strong support for the legislation. Unfortunately, Congress adjourned before it could take action on the bill. We hope for its swift passage in the 110th Congress.

By Mrs. CLINTON (for herself, Mr. DURBIN, Ms. MIKULSKI, and Mr. LIEBERMAN):

S. 301. A bill to provide higher education assistance for nontraditional students, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation to meet the needs of non-traditional college students. If enacted, The Non-Traditional Student Success Act would expand services that promote retention and graduation for non-traditional students.

The number of non-traditional students has been increasing dramatically on college campuses all across America. These students face unique challenges to completing their degree that include affording their education, balancing work, school, and family responsibilities, overcoming inadequate academic preparation, and navigating the college environment. Unfortunately, many of our current higher education policies make it harder, not easier for these students to complete their degree.

In fact, among students seeking a bachelor's degree, nearly half of non-traditional students leave college within the first 3 years before completing their studies, compared with 12 percent of traditional students. Similarly, among those seeking an associate's degree, 62 percent of non-traditional students left without any degree, compared with 19 percent of traditional students. This trend has a disproportionate impact on minority communities especially when considering over 80 percent of both black and Hispanic undergraduate students are non-traditional in some way. This trend must end if we are to ensure that all students are awarded an equal opportunity to compete for jobs in today's marketplace.

We must take a step forward with a positive agenda in the 110th Congress to ensure that all students are able to successfully acquire a college education as doing so is essential to our economic prosperity. That is why I have introduced the Non-Traditional Student Success Act.

The Non-Traditional Student Success Act will tear down the financial barriers many non-traditional students face when financing their college education. By allowing students access to their Federal Pell grants year-round while increasing the maximum Pell grant award to $12,600 over the next 5 years, this bill will not only help students pay for college but also allow them the opportunity to complete programs more quickly. This legislation also creates a pilot program to provide more financial aid—grants and loans—to students enrolled in a degree program less than half-time.

This legislation will also expand services that promote retention and graduation for non-traditional students. The Non-Traditional Student Success Act will increase funding for Student Support Service programs, GEAR-UP, mentoring, tutoring and other services to help non-traditional students succeed. While spending for remediation among U.S. colleges and universities approaches the $1 billion mark, this bill create incentives for institutions to customize their courses to help students more successfully complete remedial work and graduate into academic programs.

I am happy to report that two of the provisions from the previously introduced Nontraditional Student Success Act were enacted into law through the Deficit Reduction Act of 2005. These provisions, expanding the use of Pell grants for less than half-time students and a provision to reduce the work penalty for independent students, will provide more options to non-traditional students in financing their college education.

The fact is, three out of four undergraduate students—75 percent—are non-traditional in some way. My bill will increase access to a higher education and improve the graduate rates for the millions of non-traditional students.

The start of a new Congress brings an opportunity to provide critical changes in higher education and offer assistance to non-traditional students. This proposal is endorsed by the Commission on Independent Colleges and Universities, The Center for Law and Social Policy, Career Colleges Association, and the American Association of Community Colleges.

I am hopeful that my Senate colleagues from both sides of the aisle will join in support of this bill and move this legislation to the floor without delay.

By Mr. VOINOVICH:

S. 304. A bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and to ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget.

Mr. VOINOVICH. Mr. President, a fiscal crisis looms on the horizon. As the Nation's demographic tide begins to shift, a fiscal tidal wave threatens to overwhelm our economy if we do not act now. Our irresponsible fiscal policies have created a grave situation that more and more people—Republicans and Democrats—are coming to recognize. We can no longer sit back and hope things will work themselves out. A potential national disaster threatens to devastate our way of life, and we have a moral responsibility to do something about it.

In the simplest of terms, the Federal Government continues to spend more than it brings in. But, running the credit card for today's needs and leaving the bill for future generations should not be the policy of this Congress.

An historical perspective helps to highlight the gravity of our current situation.

The Fiscal Year 2006 budget deficit was $248 billion—the seventh largest deficit in our Nation's history. However, if we don't include the money we're borrowing from the Social Security Trust Fund, the Fiscal Year 2006 budget deficit was $434 billion.

I arrived in Washington in 1999, and in the 8 short years since, our national debt has increased by over 50 percent from $5.6 trillion to a staggering $8.6 trillion. It represents 67 percent of the GDP—the worst number in 50 years. This means that each man, woman, and child in the United States owes $29,000 of the Federal Government's debt.

And yet, these numbers pale in comparison with the budget problems looming in our future as the Baby Boom generation begins to retire less than a year from now, on January 1, 2008. Our long-term fiscal imbalance is $50 trillion. That's hard to even grasp, but it translates into $440,000 of future government debt for every American household—up from a mere $175,000 per household just 6 years ago.

If we do not sharply curb entitlement spending, the continual growth of these programs—especially in healthcare—will crowd out all our other spending obligations and collide with historic, long-term level of taxes. To put it in perspective, balancing the budget without reforming entitlement programs will require raising taxes to European levels. And, that would cripple our ingenuity and economy.

So, what must be done?

Congress must view our tax code, entitlement programs, and budget process as the three components—or pillars—of the nation's fiscal foundation, and not as separate entities. Each is intricately linked to the other two pillars. We must reform all three areas to raise the necessary revenue to ensure effective and responsible behavior by Congress and federal agencies, to keep our obligations to future generations, and to keep our nation strong.

First, we need fundamental tax reform to help make the tax code simple, fair, transparent, and economically efficient. According to the President's tax panel and the Mack-Breaux report, only 13 percent of taxpayers file without the help of either a tax preparer or computer software program—a function of the complexity of the system. Since enacting the Tax Reform Act of 1986—legislation intended to simplify the filing process for taxpayers—15,000 additions have been made to the Internal Revenue Code.

We cannot consider tax reform, however, without reforming our growing entitlement programs. Our already massive debt will spike yet higher as entitlements such as Social Security, Medicare, and Medicaid witness a surge of beneficiaries in the form of retiring Baby Boomers. This mounting debt will soon become a burden our children cannot bear, dragging down our standard of living and our standing in the world.

Finally, we must restore the third pillar of our fiscal foundation—the budget process. Together we can streamline the system to help lock in long term tax and entitlement reforms. In the past, every major deficit reduction package has included a series of budget process reforms and enforcement mechanisms designed to prevent Congress from undoing tough choices in future years. By transforming the budget process, we can fight back against the all-too-common practice of gaming the system.

While some of our colleagues claim we need tax reform, others claim we need entitlement reform. The bill I am introducing today, however, is the only bill that does it all—because you can't reform one without the other, or it's doomed to fail.

The Securing America's Future Economy Commission Act establishes a national, bipartisan commission to examine these broken systems and to present solutions to place the nation on a fiscally sustainable course and ensure the solvency of entitlement programs for future generations.

The Commission will be comprised of 16 voting members—an equal number of members from each party, with some seats reserved for sitting members of Congress. The Treasury Secretary and the OMB Director will be members, and the other 14 will be appointed by congressional leaders.

The Commission will hold town hall meetings throughout the country to determine the scope of the problem and consider possible policy options. The Commission will present a report—and, if a three-fourths majority of the Commission agrees, they will present actual legislation to Congress.

The administration and Congress will each have 90 days to review the proposal and develop an alternative package of reforms if they believe it's necessary. The most important point is that this legislation uses a fast-track procedure to guarantee a vote in Congress on the Commission's legislation and the congressional and presidential alternatives.

Outside groups across the political spectrum have shown support for our efforts, as have business executives—who view our efforts as an economic necessity—and religious leaders—who view our efforts as a moral necessity. And, when you look at the numbers, it is clear why. We have a moral obligation to improve the fiscal health of our Nation. Otherwise, our children and grandchildren are going to celebrate America's past and the good old days, rather than the future and the good new days.

Restoring our Nation's fiscal health will require hard, bipartisan work and tough decisions. That work, however, must begin immediately. We cannot afford to put it off any longer.

By Mr. GRASSLEY (for himself, Mr. DORGAN, Mr. ENZI, and Mr. HARKIN):

S. 305. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, Congress will be working on a rewrite of the current farm bill during the 110th Congress and I will be looking for ways to improve the economic condition of America's farmers. However, one of the many shortcomings of the 2002 farm bill is that it failed to protect family farmers and independent livestock producers from vertical integration in the livestock industry. This is one reason why I voted against the final conference report.

Over the years, family farmers from across Iowa have contacted me to express their fears about the threat they feel from concentration in the livestock industry. They fear that if the trend toward increased concentration continues, they may be unable to compete effectively and will not be able to get a fair price for their livestock in the marketplace.

The bill I am introducing would prevent meat packers from assuming complete control of the meat supply by preventing packers from owning livestock.

This bill would make it unlawful for a packer to own or feed livestock intended for slaughter. Single pack entities and packs too small to participate in the Mandatory Price Reporting program would be excluded from the limitation. In addition, farmer cooperatives in which the members own, feed, or control the livestock themselves would be exempt under this new bill.

This is a similar version I successfully offered on the floor during the debate on the 2002 farm bill.

It's important for our colleagues to remember that family farmers ultimately derive their income from the agricultural marketplace, not the farm bill. Family farmers have unfortunately been in a position of weakness in selling their product to large processors and in buying their inputs from large suppliers.

Today, the position of the family farmer has become weaker as consolidation in agribusiness has reached all time highs. Farmers have fewer buyers and suppliers than ever before. The result is an increasing loss of family farms and the smallest farm share of the consumer dollar in history.

One hundred years ago, this Nation reacted appropriately to citizen concerns about large, powerful companies by establishing rules constraining such businesses when they achieved a level of market power that harmed, or risked harming, the public interest, trade and commerce. The United States Congress enacted the first competition laws in the world to make commerce more free and fair. These competition laws include the Sherman Act, Clayton Act, Federal Trade Commission Act and Packers & Stockyards Act.

Since that time, many countries in the world have followed this U.S. example to constrain undue market power in their domestic economies.

Unfortunately, competition policy has been severely weakened in this country, especially in agriculture, due to Federal case law, underfunded enforcement, and unfounded reliance on efficiency claims. The result has been a significant degradation of the domestic agricultural market infrastructure. The current situation reflects a tremendous mis-allocation of resources across the food chain. Congress must strengthen competition policy within the farm sector to reclaim a properly operating marketplace.

While this legislation does not accomplish all that we need to do in this area, it's an important first step toward remedying the biggest problem facing farmers today, the problem of concentration.

Thank you Mr. President; I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) Own or feed livestock directly, through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, to such an extent that the producer is no longer materially participating in the management of the operation with respect to the production of the livestock, except that this subsection shall not apply to—

"(1) an arrangement entered into within 7 days (excluding any Saturday or Sunday) before slaughter of the livestock by a packer, a person acting through the packer, or a person that directly or indirectly controls, or is controlled by or under common control with, the packer;

"(2) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

"(A) own, feed, or control livestock; and

"(B) provide the livestock to the cooperative for slaughter;

"(3) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

"(4) a packer that owns 1 livestock processing plant; or".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

By Mr. DODD:

S. 308. A bill to prohibit an escalation in United States military forces in Iraq without prior authorization by Congress; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, last week President Bush announced a plan to escalate U.S. military involvement in Iraq, the continuation of his failed policy in Iraq. I am strongly opposed to this course.

That is why I have introduced legislation today that will prohibit the number of troops in Iraq from exceeding the current force levels without an explicit authorization from Congress. As of January 16, 2007, United States Central Command reports 130,500 American service-members operating within the borders of Iraq.

It is my hope that Congress can begin debate on my proposal and others that may be forthcoming before the week is out. It is imperative that we in Congress act swiftly on this crucial issue.

Let's be very clear, my bill does not prohibit additional funding for American troops who are currently in harms way. I will continue to do everything that I can to support our troops so long as they are stationed in Iraq. My bill would prohibit President Bush from increasing the number of U.S. service-members in Iraq without prior authorization from Congress.

The President's decision to escalate U.S. military involvement is a true disservice to American troops who have shown nothing but professionalism and courage, and who should not be asked to risk their lives to become cannon fodder in a civil war rife with ethnic cleansing.

Moreover, I do not believe that the authorization provided by Congress in 2002 gives the President unlimited authority to send additional troops to Iraq for a mission which is completely different from the one the President himself articulated in March 2002, shortly after committing U.S. forces to Iraq. On March 22, 2002, the President of the United States said that our goal in invading Iraq was "to disarm Iraq of weapons of mass destruction, to end Saddam Hussein's support for terrorism, and to free the Iraqi people."

We all now know that there were no weapons of mass destruction in Iraq to be disarmed. So we can no longer justify an additional troop presence on the grounds of WMDs. Saddam Hussein is no longer in a position to support terrorism, or anything else for that matter. As for freeing the Iraqi people—Iraq's dictator is dead and the Iraqi people have duly elected their own leaders to govern them.

Nothing in the 2002 resolution, or in the President's articulation of his goals for Iraq prior to that resolution suggested that the United States would, could, or should be engaged in trying to referee a civil war.

So Congress is confronted with two choices—do nothing; or respond decisively in opposition to staying the course—a course that is sure to produce an even more violent, less stable political and security climate in Iraq.

To me, that choice is clear. Leadership demands that those of us who think the President is on the wrong track, not simply stand up and say so, but act to stop this escalation from going forward.

I know that enacting legislation to stop the President from the course he has chosen will not be easy. But that doesn't mean that the Congress shouldn't debate it and vote on it—that is exactly what the American people sent us to Congress to do.

We have arrived at a moment of choice. The President and this Administration have chosen escalation—more bloodshed, more chaos, and more violence. If the President wants to escalate our military commitment to Iraq, and if the President wants to send more troops into the center of a civil war, then the President must make that case to the United States Congress and let the full Congress vote on the merits of such a plan.

The President has stated that he believes that as Commander-in-Chief he has the authority to order troops to Iraq in the face of Congressional opposition. We are a Nation of laws. The President is not above those laws. If Congress passes legislation to limit the deployment of troops to Iraq, the President will no longer have the luxury of ignoring the views of the Congress, a co-equal branch of government. And the time for a blank check is over.

By Mr. SANDERS (for himself, Mrs. BOXER, Mr. KENNEDY, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Mr. AKAKA, Mr. INOUYE, Mr. FEINGOLD, and Mr. WHITEHOUSE):

S. 309. A bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes; to the Committee on Environment and Public Works.

Mr. SANDERS. Mr. President, today I am introducing the Global Warming Pollution Reduction Act of 2007. There are many critically important issues that we face, including education, health care, the growing and inexcusable economic inequality in this country, and the situation in Iraq. Among these issues has to be the threat faced by the earth itself due to global warming and that is why this legislation is the first bill that I am introducing as a U.S. Senator.

The Global Warming Pollution Reduction Act, the full text of which I ask be included in the RECORD following my remarks, was initially introduced last year by the Senator whose seat I currently hold, Senator Jim Jeffords. Jim's leadership in offering a forwardthinking global warming bill is known by all in this chamber and I am honored to continue his efforts by introducing this tremendously-important legislation today.

This bill, is being cosponsored by many of my esteemed colleagues and I would like to recognize them this morning: Senator BOXER, chairman of the Environment and Public Works Committee; the Senior Senator from the great state of Vermont, Mr. LEAHY; both Senators from New Jersey, Mr. LAUTENBERG and Mr. MENENDEZ; Senators REED and WHITEHOUSE, both from Rhode Island; the Senate delegation from the State of Hawaii, Senators INOUYE and AKAKA; and Senator FEINGOLD of Wisconsin and Senator KENNEDY of Massachusetts. I appreciate the support of these colleagues in focusing attention on the most important environmental issue of our time and urge my other colleagues to join in this effort.

I am also proud that the Global Warming Pollution Reduction Act has the support of numerous national groups, including the Earth Day Network, Earthjustice, Environmental Defense, Environmental & Energy Study Institute, Friends of the Earth, Greenpeace, League of Conservation Voters, National Audubon Society, National Environmental Trust, National Wildlife Federation, Natural Resources Defense Council, Physicians for Social Responsibility, Public Citizen, Sierra Club, Union of Concerned Scientists, and US PIRG.

The Global Warming Pollution Reduction Act is based on the scientific evidence and consensus that global warming poses a significant threat to the United States and the world. In fact, with our national security, our economy, our public health and welfare, and our global environment at stake, we must do nothing short of taking bold action. To that end, I am proud that last week the Vermont state legislature began 3 weeks of hearings on global warming. Like Americans across the country, they want action to fight global warming and they wish their Federal Government would step up and provide leadership commensurate with the magnitude of the threat. Well, Mr President this bill answers those pleas for leadership.

Grassroots support for action on global warming is clear. Over 300 mayors have committed their cities to meeting the standards described in the Kyoto Protocol. In fact, with over 54 million citizens represented, the U.S. Mayors Climate Protection Agreement provides clear evidence that everyday citizens—unlike some large corporations who have continually misrepresented the science of global warming—want to see movement on this issue. Additionally, a group of northeast States, including Maine, Connecticut, Delaware, New Hampshire, New Jersey, New York, and Vermont, have already implemented a regional effort to reduce greenhouse gas emissions and other northeastern States, such as Maryland and Massachusetts, are likely to join this group soon. And, we all know that the State of California has recognized the need to act on global warming and is moving forward with a tremendous program.

Despite the increasing calls for action, for years, the Bush administration has turned a deaf ear as the scientific community warned us of the problem of global warming and the disastrous impact it will have on our planet. Sadly, many of these predictions are now becoming a reality.

Global concentrations of greenhouse gases are incredibly high. In fact, the atmospheric concentration of greenhouse gases has risen to 378 parts per million—a level unseen during anytime over the past 400,000 years. Additionally, on a global scale, 8 of the 10 years between 1996 and the end of 2005 are among the warmest 10 years on record and experts at the National Oceanic and Atmospheric Administration have just logged 2006 as the hottest year on record for the U.S. Also, the National Center for Atmospheric Research suggests that the majority of the ice caps of the Arctic Ocean will melt by the summer of 2040—decades earlier than previously expected. And, the situation has become so dramatic that the Department of the Interior recently suggested listing polar bears on the endangered species list because their habitat is quite literally disappearing. We are also told to expect changes in agriculture and water systems, new threats to our health, and more extreme weather patterns including more intense hurricanes. All of this is due to global warming caused by the carbon dioxide and other greenhouse gases that are released into our atmosphere when we burn fossil fuels.

The good news is that we know how to stop continued global warming—we simply need the political will to make it happen. The time is now for bold action that will move our country away from fossil fuels such as coal, gas, and oil towards efficient, sustainable energy sources like wind, solar, bio-mass and hydrogen. The bill I introduce today recognizes the urgency of our circumstances and sets targets for reduction of U.S. emissions to help stabilize global atmospheric concentrations of greenhouse gases below 450 parts per million, a critical level as recognized by leading climate scientists. More specifically, this legislation calls for an 80 percent decrease—compared to 1990 levels—in global warming pollutants by 2050 by enacting a combination of mandatory reduction targets and incentives that will help develop clean alternative energies.

The concept is simple. By putting our minds to it, we can usher in a new era of nonpolluting, renewable energy sources. And, what makes this proposal even more exciting is its potential to reshape our economy and make the United States a leader in clean and efficient energy technologies—creating millions of good paying jobs in the process.

In fact, it is a lack of bold vision that will financially cost us. In October of 2006, Sir Nicholas Stern, a former chief economist of the World Bank, turned the old economic arguments against taking action on climate change on their head. In a report to the British government, he writes that bold action to combat the threat of global warming will in fact save industrial nations money and that inaction could cost between 5 to 20 percent of global gross domestic product. Speaking to the issue in no uncertain terms, the report states, "If no action is taken we will be faced with the kind of downturn that has not been seen since the great depression and the two world wars."

To be quite frank, the time for talk is over. It is time for action and introduction of this bill signals my commitment to pushing for such action.

While I ask unanimous consent that Senator Jeffords' full statement from last year on this important bill be included following my remarks, I want to read two excerpts from those remarks:

> Global warming is real and it is already happening. Its effects are being felt across the globe and the longer we delay, the more severe these effects will be.

He went on to say,

> In my final year in the Senate, I have often asked myself, "What lasting actions can I take to make the world a better place?" I hope that by proposing real action on climate change, and passing the torch to a new generation of those committed to protecting the environment, that I can help make a difference for us all.

I couldn't be more honored to carry on Senator Jeffords' vision on behalf of Vermonters and all Americans.

In closing, a country that represents only 6 percent of the world's population but produces 25 percent of its greenhouse gas emissions, the United States has a moral obligation to lead the way toward reducing these emissions. For the sake of our children and grandchildren, we must meet that obligation. This legislation will put us on the right path to do so.

I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JEFFORDS, JULY 20, 2006

Mr. President, I rise to introduce the Global Warming Pollution Reduction Act of 2006.

One of the most important issues facing mankind is the problem of global warming. Global warming is real and it is already happening. Its effects are being felt across the globe and the longer we delay, the more severe these effects will be. The broad consensus within the scientific community is that global warming has begun, is largely the result of human activity, and is accelerating. Atmospheric greenhouse gas concentrations have risen to 378 parts per million, nearly one third above pre-industrial levels and higher than at any time during the past 400,000 years. Projections indicate that stabilizing concentrations at 450 parts per million would still mean a temperature increase of two to four degrees Fahrenheit. Such warming will result in more extreme weather, increased flooding and drought, disruption of agricultural and water systems, threats to human health and loss of sensitive species and ecosystems.

In order to prevent and minimize these effects, we must take global actions to address this issue as soon as possible. We owe that to ourselves and to future generations.

The overwhelming majority of Americans support taking some form of action on climate change. I am today introducing the Global Warming Pollution Reduction Act, which I believe responds to that call. I believe this is the most far reaching and forward thinking climate change bill ever introduced. It sets a goal of an 80% reduction in global warming pollutants by 2050. It provides a roadmap for actions that we will need to take over the next few decades to combat global warming. I believe that if this bill were passed, it would put us on the path to potentially solving the global warming problem. If it were passed, we would reshape our economy to become more energy independent, cleaner and more economically competitive. If it were passed, we would have a chance of avoiding some of the worst and most dangerous effects of global warming. If it were passed, we would be in a position to negotiate with other countries as part of the global solution.

Some will say that this bill imposes requirements that ask too much of industry. Some will say that this bill contains requirements that we cannot easily meet. I say first of all that the costs of inaction vastly outweigh the costs of action, and that we have a responsibility to future generations not to leave the earth far worse off than when we found it—with a fundamentally altered climate system. Temperature changes, sea level rise, hurricanes, floods and droughts can affect food production, national security, the spread of disease and the survival of endangered species. These are not things to trifle with on the basis of industry cost estimates, which have frequently been overstated.

But perhaps more importantly, we can act to reduce global warming. We can reduce emissions to 1990 levels between now and 2020 through a reduction of just 2 percent per year. Energy efficiency alone could play a major part in reaching reductions and new technologies can help as well. Moreover, additional deployment of existing renewable energy sources, including bio-fuels, can also help substantially. If we were to take the actions suggested in this bill, we would find that we would enhance our energy independence, and we would become a world leader in clean energy technologies. American innovation can position us as the world leader in clean technologies.

In my final year in the Senate, I have often asked myself "What lasting actions can I take to make the world a better place?" I hope that by proposing real action on climate change, and passing the torch to a new generation of those committed to protecting the environment, that I can help make a difference for us all. Global warming is upon us now. The question is, can we take action now, before it is too late?

We know what we need to do, we know how much we must reduce, and we have the technology to do so. The question for this body is, do we have the political will? Can we overcome our fears and insecurity and act decisively to combat global warming? That is the opportunity and challenge of the coming years, which my bill on global warming seeks to address. I urge my colleagues to join me in the quest for a better, safer world that is free of the enormous threat posed by dangerous global warming. I urge my colleagues to support this important piece of legislation.

S. 309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Warming Pollution Reduction Act".

SEC. 2. GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

"TITLE VII—COMPREHENSIVE GLOBAL WARMING POLLUTION REDUCTIONS

"Sec. 701. Findings.
"Sec. 702. Purposes.
"Sec. 703. Definitions.
"Sec. 704. Global warming pollution emission reductions.
"Sec. 705. Conditions for accelerated global warming pollution emission reduction.
"Sec. 706. Use of allowances for transition assistance and other purposes.
"Sec. 707. Vehicle emission standards.
"Sec. 708. Emission standards for electric generation units.
"Sec. 709. Low-carbon generation requirement.
"Sec. 710. Geological disposal of global warming pollutants.
"Sec. 711. Research and development.
"Sec. 712. Energy efficiency performance standard.
"Sec. 713. Renewable portfolio standard.
"Sec. 714. Standards to account for biological sequestration of carbon.
"Sec. 715. Global warming pollution reporting.
"Sec. 716. Clean energy technology deployment in developing countries.
"Sec. 717. Paramount interest waiver.
"Sec. 718. Effect on other law.

"SEC. 701. FINDINGS.

"Congress finds that—

"(1) global warming poses a significant threat to the national security and economy of the United States, public health and welfare, and the global environment;

"(2) due largely to an increased use of energy from fossil fuels, human activities are primarily responsible for the release of carbon dioxide and other heat-trapping global warming pollutants that are accumulating in the atmosphere and causing surface air and subsurface ocean temperatures to rise;

"(3) as of the date of enactment of this title, atmospheric concentrations of carbon dioxide are 35 percent higher than those concentrations were 150 years ago, at 378 parts per million compared to 280 parts per million;

"(4) the United States emits more global warming pollutants than any other country, and United States carbon dioxide emissions have increased by an average of 1.3 percent annually since 1990;

"(5)(A) during the past 100 years, global temperatures have risen by 1.44 degrees Fahrenheit; and

"(B) from 1970 to the present, those temperatures have risen by almost 1 degree Fahrenheit;

"(6) 8 years during the 10-year period beginning January 1, 1996, and ending December 31, 2005, were among the 10 warmest years on record;

"(7) average temperatures in the Arctic have increased by 4 to 7 degrees Fahrenheit during the past 50 years;

"(8) global warming has caused—

"(A) ocean temperatures to increase, resulting in rising sea levels, extensive bleaching of coral reefs worldwide, and an increase in the intensity of tropical storms;

"(B) the retreat of Arctic sea ice by an average of 9 percent per decade since 1978;

"(C) the widespread thawing of permafrost in polar, subpolar, and mountainous regions;

"(D) the redistribution and loss of species; and

"(E) the rapid shrinking of glaciers;

"(9) the United States must adopt a comprehensive and effective national program of mandatory limits and incentives to reduce global warming pollution emissions into the atmosphere;

"(10) at the current rate of emission, global warming pollution concentrations in the atmosphere could reach more than 600 parts per million in carbon dioxide equivalent, and global average mean temperature could rise an additional 2.7 to 11 degrees Fahrenheit, by the end of the century;

"(11) although an understanding of all details of the Earth system is not yet complete, present knowledge indicates that potential future temperature increases could result in—

"(A) the further or complete melting of the Antarctic and Greenland ice sheets;

"(B) the disruption of the North-Atlantic Thermohaline Circulation (commonly known as the 'Gulf Stream');

"(C) the extinction of species; and

"(D) large-scale disruptions of the natural systems that support life;

"(12) there exists an array of technological options for use in reducing global warming pollution emissions, and significant reductions can be attained using a portfolio of options that will not adversely impact the economy;

"(13) the ingenuity of the people of the United States will allow the Nation to become a leader in solving global warming; and

"(14) it should be a goal of the United States to achieve a reduction in global warming pollution emissions in the United States—

"(A) to ensure that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

"(B) to facilitate the achievement of an average global atmospheric concentration of global warming pollutants that does not exceed 450 parts per million in carbon dioxide equivalent.

"SEC. 702. PURPOSES.

"The purposes of this title are—

"(1) to achieve a reduction in global warming pollution emissions compatible with ensuring that—

"(A) the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average; and

"(B) total average global atmospheric concentrations of global warming pollutants do not exceed 450 parts per million in carbon dioxide equivalent;

"(2) to reduce by calendar year 2050 the aggregate net level of global warming pollution emissions of the United States to a level that is 80 percent below the aggregate net level of global warming pollution emissions for calendar year 1990;

"(3) to allow for an acceleration of reductions in global warming pollution emissions to prevent—

"(A) average global temperature from increasing by more than 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average; or

"(B) global atmospheric concentrations of global warming pollutants from exceeding 450 parts per million;

"(4) to establish a motor vehicle global warming pollution emission requirement;

"(5) to require electric generation units to meet a global warming pollution emission standard;

"(6) to establish rules for the safe geological sequestration of carbon dioxide;

"(7) to encourage energy efficiency and the use of renewable energy by establishing a renewable portfolio standard and an energy efficiency portfolio standard;

"(8) to provide for research relating to, and development of, the technologies to control global warming pollution emissions;

"(9) to position the United States as the world leader in reducing the risk of the potentially devastating, wide-ranging impacts associated with global warming; and

"(10) to promote, through leadership by the United States, accelerated reductions in global warming pollution from other countries with significant global warming pollution emissions.

"SEC. 703. DEFINITIONS.

"In this title:

"(1) ACADEMY.—The term 'Academy' means the National Academy of Sciences.

"(2) CARBON DIOXIDE EQUIVALENT.—The term 'carbon dioxide equivalent' means, for each global warming pollutant, the quantity of the global warming pollutant that makes the same contribution to global warming as 1 metric ton of carbon dioxide, as determined by the Administrator, taking into account the study and report described in section 705(a).

"(3) FACILITY.—The term 'facility' means all buildings, structures, or installations that are—

"(A) located on 1 or more contiguous or adjacent properties under common control of the same persons; and

"(B) located in the United States.

"(4) GLOBAL WARMING POLLUTANT.—The term 'global warming pollutant' means—

"(A) carbon dioxide;

"(B) methane;

"(C) nitrous oxide;

"(D) hydrofluorocarbons;

"(E) perfluorocarbons;

"(F) sulfur hexafluoride; and

"(G) any other anthropogenically-emitted gas that the Administrator, after notice and comment, determines to contribute to global warming.

"(5) GLOBAL WARMING POLLUTION.—The term 'global warming pollution' means any combination of 1 or more global warming pollutants emitted into the ambient air or atmosphere.

"(6) MARKET-BASED PROGRAM.—The term 'market-based program' means a program that places an absolute limit on the aggregate net global warming pollution emissions of 1 or more sectors of the economy of the United States, while allowing the transfer or sale of global warming pollution emission allowances.

"(7) NAS REPORT.—The term 'NAS report' means a report completed by the Academy under subsection (a) or (b) of section 705.

"SEC. 704. GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.

"(a) EMISSION REDUCTION GOAL.—Congress declares that—

"(1) it shall be the goal of the United States, acting in concert with other countries that emit global warming pollutants, to achieve a reduction in global warming pollution emissions—

"(A) to ensure that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

"(B) to facilitate the achievement of an average global atmospheric concentration of global warming pollutants that does not exceed 450 parts per million in carbon dioxide equivalent; and

"(2) in order to achieve the goal described in paragraph (1), the United States shall reduce the global warming pollution emissions of the United States by a quantity that is proportional to the share of the United States of the reductions that are necessary—

"(A) to ensure that the average global temperature does not increase more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

"(B) to stabilize average global warming pollution concentrations globally at or below 450 parts per million in carbon dioxide equivalent.

"(b) EMISSION REDUCTION MILESTONES FOR 2020.—

"(1) IN GENERAL.—To achieve the goal described in subsection (a)(1), not later than 2 years after the date of enactment of this title, after an opportunity for public notice and comment, the Administrator shall promulgate any rules that are necessary to reduce, by not later than January 1, 2020, the aggregate net levels of global warming pollution emissions of the United States to the aggregate net level of those global warming pollution emissions during calendar year 1990.

"(2) ACHIEVEMENT OF MILESTONES.—To the maximum extent practicable, the reductions described in paragraph (1) shall be achieved through an annual reduction in the aggregate net level of global warming pollution emissions of the United States of approximately 2 percent for each of calendar years 2010 through 2020.

"(c) EMISSION REDUCTION MILESTONES FOR 2030, 2040, AND 2050.—Except as described in subsection (d), not later than January 1, 2018, after an opportunity for public notice and comment, the Administrator shall promulgate any rules that are necessary to reduce the aggregate net levels of global warming pollution emissions of the United States—

"(1) by calendar year 2030, by ⅓ of 80 percent of the aggregate net level of global warming pollution emissions of the United States during calendar year 1990;

"(2) by calendar year 2040, by ⅔ of 80 percent of the aggregate net level of the global warming pollution emissions of the United States during calendar year 1990; and

"(3) by calendar year 2050, by 80 percent of the aggregate net level of global warming pollution emissions of the United States during calendar year 1990.

"(d) ACCELERATED EMISSION REDUCTION MILESTONES.—If an NAS report determines that any of the events described in section 705(a)(2) have occurred, or are more likely than not to occur in the foreseeable future, not later than 2 years after the date of completion of the NAS report, the Administrator, after an opportunity for public notice and comment and taking into account the new information reported in the NAS report, may adjust the milestones under this section and promulgate any rules that are necessary—

"(1) to reduce the aggregate net levels of global warming pollution emissions from the United States on an accelerated schedule; and

"(2) to minimize the effects of rapid climate change and achieve the goals of this title.

"(e) REPORT ON ACHIEVEMENT OF MILESTONES.—If an NAS report determines that a milestone under paragraph (1) or (2) of subsection (c) cannot be achieved because of technological infeasibility, the Administrator shall submit to Congress a notification of that determination.

"(f) EMISSION REDUCTION POLICIES.—

"(1) IN GENERAL.—In implementing subsections (a) through (e), the Administrator may establish 1 or more market-based programs.

"(2) MARKET-BASED PROGRAM POLICIES.—

"(A) IN GENERAL.—In implementing any market-based program, the Administrator shall allocate to households, communities, and other entities described in section 706(a) any global warming pollution emission allowances that are not allocated to entities covered under the emission limitation.

"(B) RECOGNITION OF EMISSION REDUCTIONS MADE IN COMPLIANCE WITH STATE AND LOCAL LAWS.—A market-based program may recognize reductions of global warming pollution emissions made before the effective date of the market-based program if the Administrator determines that—

"(i)(I) the reductions were made in accordance with a State or local law;

"(II) the State or local law is at least as stringent as the rules established for the market-based program under paragraph (1); and

"(III) the reductions are at least as verifiable as reductions made in accordance with those rules; or

"(ii) for any given entity subject to the market-based program, the entity demonstrates that the entity has made entity-wide reductions of global warming pollution emissions before the effective date of the market-based program, but not earlier than calendar year 1992, that are at least as verifiable as reductions made in accordance with the rules established for the market-based program under paragraph (1).

"(C) PUBLICATION.—If the Administrator determines that it is necessary to establish a market-based program, the Administrator shall publish notice of the determination in the Federal Register.

"(D) LIMITATIONS ON MARKET-BASED PROGRAMS.—

"(i) DEFINITIONS.—In this subparagraph:

"(I) ANNUAL ALLOWANCE PRICE.—The term 'annual allowance price' means the average market price of global warming pollution emission allowances for a calendar year.

"(II) DECLINING EMISSIONS CAP WITH A TECHNOLOGY-INDEXED STOP PRICE.—The term 'declining emissions cap with a technology-indexed stop price' means a feature of a market-based program for an industrial sector, or on an economy-wide basis, under which the emissions cap declines by a fixed percentage each calendar year or, during any year in which the annual allowance price exceeds the technology-indexed stop price, the emissions cap remains the same until the occurrence of the earlier of—

"(aa) the date on which the annual allowance price no longer exceeds the technology-indexed stop price; or

"(bb) the date on which a period of 3 years has elapsed during which the emissions cap has remained unchanged.

"(III) EMISSIONS CAP.—The term 'emissions cap' means the total number of global warming pollution emission allowances issued for a calendar year.

"(IV) TECHNOLOGY-INDEXED STOP PRICE.—The term 'technology-indexed stop price' means a price per ton of global warming pollution emissions determined annually by the Administrator that is not less than the technology-specific average cost of preventing the emission of 1 ton of global warming pollutants through commercial deployment of any available zero-carbon or low-carbon technologies. With respect to the electricity sector, those technologies shall consist of—

"(aa) wind-generated electricity;

"(bb) photovoltaic-generated electricity;

"(cc) geothermal energy;

"(dd) solar thermally-generated energy;

"(ee) wave-based forms of energy;

"(ff) any fossil fuel-based electric generating technology emitting less than 250 pounds per megawatt hour; and

"(gg) any zero-carbon-emitting electric generating technology that does not generate radioactive waste.

"(ii) IMPLEMENTATION.—In implementing any market-based program under this Act, for the period prior to January 1, 2020, the Administrator shall consider the impact on the economy of the United States of implementing the program with a declining emissions cap through the use of a technology-indexed stop price.

"(iii) OTHER EMITTING SECTORS.—The Administrator may consider the use of a declining emissions cap with a technology-indexed stop price, or similar approaches, for other emitting sectors based on low-carbon or zero-carbon technologies, including—

"(I) biofuels;

"(II) hydrogen power; and

"(III) other sources of energy and transportation fuel.

"(g) COST-EFFECTIVENESS.—In promulgating regulations under this section, the Administrator shall select the most cost-effective options for global warming pollution control and emission reduction strategies.

"SEC. 705. CONDITIONS FOR ACCELERATED GLOBAL WARMING POLLUTION EMISSION REDUCTION.

"(a) REPORT ON GLOBAL CHANGE EVENTS BY THE ACADEMY.—

"(1) IN GENERAL.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title, and every 3 years thereafter, shall submit to Congress and the Administrator a report that describes whether any of the events described in paragraph (2)—

"(A) have occurred or are more likely than not to occur in the foreseeable future; and

"(B) in the judgment of the Academy, are the result of anthropogenic climate change.

"(2) EVENTS.—The events referred to in paragraph (1) are—

"(A) the exceedance of an atmospheric concentration of global warming pollutants of 450 parts per million in carbon dioxide equivalent; and

"(B) an increase of global average temperatures in excess of 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average.

"(b) TECHNOLOGY REPORTS.—

"(1) DEFINITION OF TECHNOLOGICALLY INFEASIBLE.—In this subsection, the term 'technologically infeasible', with respect to a technology, means that the technology—

"(A) will not be demonstrated beyond laboratory-scale conditions;

"(B) would be unsafe;

"(C) would not reliably reduce global warming pollution emissions; or

"(D) would prevent the activity to which the technology applies from meeting or performing its primary purpose (such as generating electricity or transporting goods or individuals).

"(2) REPORTS.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title and every 3 years thereafter, shall submit to Congress and the Administrator a report that describes or analyzes—

"(A) the status of current global warming pollution emission reduction technologies, including—

"(i) technologies for capture and disposal of global warming pollutants;

"(ii) efficiency improvement technologies;

"(iii) zero-global-warming-pollution-emitting energy technologies; and

"(iv) above- and below-ground biological sequestration technologies;

"(B) whether any of the requirements under this title (including regulations promulgated under this title) mandate a level of emission control or reduction that, based on available or expected technology, will be technologically infeasible at the time at which the requirements become effective;

"(C) the projected date on which any technology determined to be technologically infeasible will become technologically feasible;

"(D) whether any technology determined to be technologically infeasible cannot reasonably be expected to become technologically feasible prior to calendar year 2050; and

"(E) the costs of available alternative global warming pollution emission reduction strategies that could be used or pursued in lieu of any technologies that are determined to be technologically infeasible.

"(3) REPORT EVALUATING 2050 MILESTONE.—Not later than December 31, 2037, the Administrator shall offer to enter into a contract with the Academy under which, not later than December 31, 2039, the Academy shall prepare and submit to Congress and the Administrator a report on the appropriateness of the milestone described in section 704(c)(3), taking into consideration—

"(A) information that was not available as of the date of enactment of this title; and

"(B) events that have occurred since that date relating to—

"(i) climate change;

"(ii) climate change technologies; and

"(iii) national and international climate change commitments.

"(c) ADDITIONAL ITEMS IN NAS REPORT.—In addition to the information described in subsection (a)(1) that is required to be included in the NAS report, the Academy shall include in the NAS report—

"(1) an analysis of the trends in annual global warming pollution emissions by the United States and the other countries that collectively account for more than 90 percent of global warming pollution emissions (including country-specific inventories of global warming pollution emissions and facility-specific inventories of global warming pollution emissions in the United States);

"(2) an analysis of the trends in global warming pollution concentrations (including observed atmospheric concentrations of global warming pollutants);

"(3) a description of actual and projected global change impacts that may be caused by anthropogenic global warming pollution emissions, in addition to the events described in subsection (a)(2); and

"(4) such other information as the Academy determines to be appropriate.

"SEC. 706. USE OF ALLOWANCES FOR TRANSITION ASSISTANCE AND OTHER PURPOSES.

"(a) REGULATIONS GOVERNING ALLOCATION OF ALLOWANCES FOR TRANSITION ASSISTANCE TO INDIVIDUALS AND ENTITIES.—

"(1) IN GENERAL.—In implementing any market-based program, the Administrator may promulgate regulations providing for the allocation of global warming pollution emission allowances to the individuals and entities, or for the purposes, specified in subsection (b).

"(2) REQUIREMENTS.—Regulations promulgated under paragraph (1) may, as the Administrator determines to be necessary, provide for the appointment of 1 or more trustees—

"(A) to receive emission allowances for the benefit of households, communities, and other entities described in paragraph (1);

"(B) to sell the emission allowances at fair market value; and

"(C) to distribute the proceeds of any sale of emission allowances to the appropriate beneficiaries.

"(b) ALLOCATION FOR TRANSITION ASSISTANCE.—The Administrator may allocate emission allowances, in accordance with regulations promulgated under subsection (a), to—

"(1) communities, individuals, and companies that have experienced disproportionate adverse impacts as a result of—

"(A) the transition to a lower carbon-emitting economy; or

"(B) global warming;

"(2) owners and operators of highly energy-efficient buildings, including—

"(A) residential users;

"(B) producers of highly energy-efficient products; and

"(C) entities that carry out energy-efficiency improvement projects pursuant to section 712 that result in consumer-side reductions in electricity use;

"(3) entities that will use the allowances for the purpose of carrying out geological sequestration of carbon dioxide produced by an anthropogenic global warming pollution emission source in accordance with requirements established by the Administrator;

"(4) such individuals and entities as the Administrator determines to be appropriate, for use in carrying out projects to reduce net carbon dioxide emissions through above-ground and below-ground biological carbon dioxide sequestration (including sequestration in forests, forest soils, agricultural soils, rangeland, or grassland in the United States);

"(5) such individuals and entities (including fish and wildlife agencies) as the Administrator determines to be appropriate, for use in carrying out projects to protect and restore ecosystems (including fish and wildlife) affected by climate change; and

"(6) manufacturers producing consumer products that result in substantially reduced global warming pollution emissions, for use in funding rebates for purchasers of those products.

"SEC. 707. VEHICLE EMISSION STANDARDS.

"(a) VEHICLES UNDER 10,000 POUNDS.—

"(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations requiring each fleet of automobiles sold by a manufacturer in the United States beginning in model year 2016 to meet the standards for global warming pollution emissions described in paragraph (2).

"(2) EMISSION STANDARDS.—The average global warming pollution emissions of a vehicle fleet described in paragraph (1) shall not exceed—

"(A) 205 carbon dioxide equivalent grams per mile for automobiles with—

"(i) a gross vehicle weight of not more than 8,500 pounds; and

"(ii) a loaded vehicle weight of not more than 3,750 pounds;

"(B) 332 carbon dioxide equivalent grams per mile for—

"(i) automobiles with—

"(I) a gross vehicle weight of not more than 8,500 pounds; and

"(II) a loaded vehicle weight of more than 3,750 pounds; and

"(ii) medium-duty passenger vehicles; and

"(C) 405 carbon dioxide equivalent grams per mile for vehicles—

"(i) with a gross vehicle weight of between 8,501 pounds and 10,000 pounds; and

"(ii) that are not medium-duty passenger vehicles.

"(3) HEIGHTENED STANDARDS.—After model year 2016, the Administrator may promulgate regulations that increase the stringency of emission standards described in paragraph

(2) as necessary to meet the emission reduction goal described in section 704(e)(3).

"(b) HIGHWAY VEHICLES OVER 10,000 POUNDS.—

"(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations requiring each fleet of highway vehicles over 10,000 pounds sold by a manufacturer in the United States beginning in model year 2020 to meet the standards for global warming pollution emissions described in paragraph (2).

"(2) EMISSION STANDARDS.—The average global warming pollution emissions of a vehicle fleet described in paragraph (1) shall not exceed—

"(A) 850 carbon dioxide equivalent grams per mile for highway vehicles with a gross vehicle weight rating between 10,001 pounds and 26,000 pounds; and

"(B) 1,050 carbon dioxide equivalent grams per mile for highway vehicles with a gross vehicle weight rating of more than 26,000 pounds.

"(3) HEIGHTENED STANDARDS.—After model year 2020, the Administrator may promulgate regulations that increase the stringency of emission standards described in paragraph (2) as necessary to meet the emission reduction goal described in section 704(a)(1).

"(c) ADJUSTMENT OF REQUIREMENTS.—Taking into account appropriate lead times for vehicle manufacturers, if the Academy determines, pursuant to an NAS report, that a vehicle emission standard under this section is or will be technologically infeasible as of the effective date of the standard, the Administrator may, by regulation, modify the requirement to take into account the determination of the Academy.

"(d) STUDY.—

"(1) IN GENERAL.—Not later than January 1, 2008, the Administrator shall enter into a contract with the Academy under which the Academy shall conduct a study of, and submit to the Administrator a report on, the potential contribution of the non-highway portion of the transportation sector toward meeting the emission reduction goal described in section 704(a)(1).

"(2) REQUIREMENTS.—The study shall analyze—

"(A) the technological feasibility and cost-effectiveness of global warming pollution reductions from the non-highway sector; and

"(B) the overall potential contribution of that sector in terms of emissions, in meeting the emission reduction goal described in section 704(a)(1).

"SEC. 708. EMISSION STANDARDS FOR ELECTRIC GENERATION UNITS.

"(a) INITIAL STANDARD.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall, by regulation, require each unit that is designed and intended to provide electricity at a unit capacity factor of at least 60 percent and that begins operation after December 31, 2011, to meet the standard described in paragraph (2).

"(2) STANDARD.—Beginning on December 31, 2015, a unit described in paragraph (1) shall meet a global warming pollution emission standard that is not higher than the emission rate of a new combined cycle natural gas generating unit.

"(3) MORE STRINGENT REQUIREMENTS.—For the period beginning on January 1 of the calendar year following the effective date of the regulation described in paragraph (1) and ending on December 31, 2029, the Administrator may increase the stringency of the global warming pollution emission standard described in paragraph (1) with respect to electric generation units described in that paragraph.

"(b) FINAL STANDARD.—Not later than December 31, 2030, the Administrator shall require each electric generation unit, regardless of when the unit began to operate, to meet the applicable emission standard under subsection (a).

"(c) ADJUSTMENT OF REQUIREMENTS.—If the Academy determines, pursuant to section 705, that a requirement of this section is or will be technologically infeasible at the time at which the requirement becomes effective, the Administrator, may, by regulation, adjust or delay the effective date of the requirement as is necessary to take into consideration the determination of the Academy.

"SEC. 709. LOW-CARBON GENERATION REQUIREMENT.

"(a) DEFINITIONS.—In this section:

"(1) BASE QUANTITY OF ELECTRICITY.—The term 'base quantity of electricity' means the total quantity of electricity produced for sale by a covered generator during the calendar year immediately preceding a compliance year from coal, petroleum coke, lignite, or any combination of those fuels.

"(2) COVERED GENERATOR.—The term 'covered generator' means an electric generating unit that—

"(A) has a rated capacity of 25 megawatts or more; and

"(B) has an annual fuel input at least 50 percent of which is provided by coal, petroleum coke, lignite, or any combination of those fuels.

"(3) LOW-CARBON GENERATION.—The term 'low-carbon generation' means electric energy generated from an electric generating unit at least 50 percent of the annual fuel input of which, in any year—

"(A) is provided by coal, petroleum coke, lignite, biomass, or any combination of those fuels; and

"(B) results in an emission rate into the atmosphere of not more than 250 pounds of carbon dioxide per megawatt-hour (after adjustment for carbon dioxide from the electric generating unit that is geologically sequestered in a geological repository approved by the Administrator pursuant to subsection (e)).

"(4) PROGRAM.—The term 'program' means the low-carbon generation credit trading program established under subsection (d)(1).

"(b) REQUIREMENT.—

"(1) CALENDAR YEARS 2015 THROUGH 2020.—Of the base quantity of electricity produced for sale by a covered generator for a calendar year, the covered generator shall provide a minimum percentage of that base quantity of electricity for the calendar year from low-carbon generation, as specified in the following table:

"Calendar year:	**Minimum annual percentage:**
2015	0.5
2016	1.0
2017	2.0
2018	3.0
2019	4.0
2020	5.0

"(2) CALENDAR YEARS 2021 THROUGH 2025.—For each of calendar years 2021 through 2025, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by up to 2 percentage points from the previous year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 704(a)(1).

"(3) CALENDAR YEARS 2026 THROUGH 2030.—For each of calendar years 2026 through 2030, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by up to 3 percentage points from the previous year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 704(a)(1).

"(c) MEANS OF COMPLIANCE.—An owner or operator of a covered generator shall comply with subsection (b) by—

"(1) generating electric energy using low-carbon generation;

"(2) purchasing electric energy generated by low-carbon generation;

"(3) purchasing low-carbon generation credits issued under the program; or

"(4) undertaking a combination of the actions described in paragraphs (1) through (3).

"(d) LOW-CARBON GENERATION CREDIT TRADING PROGRAM.—

"(1) IN GENERAL.—Not later than January 1, 2008, the Administrator shall establish, by regulation after notice and opportunity for comment, a low-carbon generation trading program to permit an owner or operator of a covered generator that does not generate or purchase enough electric energy from low-carbon generation to comply with subsection (b) to achieve that compliance by purchasing sufficient low-carbon generation credits.

"(2) REQUIREMENTS.—As part of the program, the Administrator shall—

"(A) issue to producers of low-carbon generation, on a quarterly basis, a single low-carbon generation credit for each kilowatt hour of low-carbon generation sold during the preceding quarter; and

"(B) ensure that a kilowatt hour, including the associated low-carbon generation credit, shall be used only once for purposes of compliance with subsection (b).

"(e) ENFORCEMENT.—An owner or operator of a covered generator that fails to comply with subsection (b) shall be subject to a civil penalty in an amount equal to the product obtained by multiplying—

"(1) the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b); and

"(2) the greater of—

"(A) 2.5 cents (as adjusted under subsection (g)); or

"(B) 200 percent of the average market value of those low-carbon generation credits during the year in which the violation occurred.

"(f) EXEMPTION.—This section shall not apply for any calendar year to an owner or operator of a covered generator that sold less than 40,000 megawatt-hours of electric energy produced from covered generators during the preceding calendar year.

"(g) INFLATION ADJUSTMENT.—Not later than December 31, 2008, and annually thereafter, the Administrator shall adjust the amount of the civil penalty for each kilowatt-hour calculated under subsection (e)(2) to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(h) TECHNOLOGICAL INFEASIBILITY.—If the Academy determines, pursuant to section 705, that the schedule for compliance described in subsection (b) is or will be technologically infeasible for covered generators to meet, the Administrator may, by regulation, adjust the schedule as the Administrator determines to be necessary to take into account the consideration of the determination of the Academy.

"(i) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate on December 31, 2030.

"SEC. 710. GEOLOGICAL DISPOSAL OF GLOBAL WARMING POLLUTANTS.

"(a) GEOLOGICAL CARBON DIOXIDE DISPOSAL DEPLOYMENT PROJECTS.—

"(1) IN GENERAL.—The Administrator shall establish a competitive grant program to provide grants to 5 entities for the deployment of projects to geologically dispose of carbon dioxide (referred to in this subsection as 'geological disposal deployment projects').

"(2) LOCATION.—Each geological disposal deployment project shall be conducted in a geologically distinct location in order to demonstrate the suitability of a variety of geological structures for carbon dioxide disposal.

"(3) COMPONENTS.—Each geological disposal deployment project shall include an analysis of—

"(A) mechanisms for trapping the carbon dioxide to be geologically disposed;

"(B) techniques for monitoring the geologically disposed carbon dioxide;

"(C) public response to the geological disposal deployment project; and

"(D) the permanency of carbon dioxide storage in geological reservoirs.

"(4) REQUIREMENTS.—

"(A) IN GENERAL.—The Administrator shall establish—

"(i) appropriate conditions for environmental protection with respect to geological disposal deployment projects to protect public health and the environment; and

"(ii) requirements relating to applications for grants under this subsection.

"(B) RULEMAKING.—The establishment of requirements under subparagraph (A) shall not require a rulemaking.

"(C) MINIMUM REQUIREMENTS.—At a minimum, each application for a grant under this subsection shall include—

"(i) a description of the geological disposal deployment project proposed in the application;

"(ii) an estimate of the quantity of carbon dioxide to be geologically disposed over the life of the geological disposal deployment project; and

"(iii) a plan to collect and disseminate data relating to each geological disposal deployment project to be funded by the grant.

"(5) PARTNERS.—An applicant for a grant under this subsection may carry out a geological disposal deployment project under a pilot program in partnership with 1 or more public or private entities.

"(6) SELECTION CRITERIA.—In evaluating applications under this subsection, the Administrator shall—

"(A) consider the previous experience of each applicant with similar projects; and

"(B) give priority consideration to applications for geological disposal deployment projects that—

"(i) offer the greatest geological diversity from other projects that have previously been approved;

"(ii) are located in closest proximity to a source of carbon dioxide;

"(iii) make use of the most affordable source of carbon dioxide;

"(iv) are expected to geologically dispose of the largest quantity of carbon dioxide;

"(v) are combined with demonstrations of advanced coal electricity generation technologies;

"(vi) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed demonstration project and the greatest likelihood that the demonstration project will be maintained or expanded after Federal assistance under this subsection is completed; and

"(vii) minimize any adverse environmental effects from the project.

"(7) PERIOD OF GRANTS.—

"(A) IN GENERAL.—A geological disposal deployment project funded by a grant under this subsection shall begin construction not later than 3 years after the date on which the grant is provided.

"(B) TERM.—The Administrator shall not provide grant funds to any applicant under this subsection for a period of more than 5 years.

"(8) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Administrator shall establish mechanisms to ensure that the information and knowledge gained by participants in the program under this subsection are published and disseminated, including to other applicants that submitted applications for a grant under this subsection.

"(9) SCHEDULE.—

"(A) PUBLICATION.—Not later than 180 days after the date of enactment of this title, the Administrator shall publish in the Federal Register, and elsewhere as appropriate, a request for applications to carry out geological disposal deployment projects.

"(B) DATE FOR APPLICATIONS.—An application for a grant under this subsection shall be submitted not later than 180 days after the date of publication of the request under subparagraph (A).

"(C) SELECTION.—After the date by which applications for grants are required to be submitted under subparagraph (B), the Administrator, in a timely manner, shall select, after peer review and based on the criteria under paragraph (6), those geological disposal deployment projects to be provided a grant under this subsection.

"(b) INTERIM STANDARDS.—Not later than 3 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of Energy, shall, by regulation, establish interim geological carbon dioxide disposal standards that address—

"(1) site selection;

"(2) permitting processes;

"(3) monitoring requirements;

"(4) public participation; and

"(5) such other issues as the Administrator and the Secretary of Energy determine to be appropriate.

"(c) FINAL STANDARDS.—Not later than 6 years after the date of enactment of this title, taking into account the results of geological disposal deployment projects carried out under subsection (a), the Administrator shall, by regulation, establish final geological carbon dioxide disposal standards.

"(d) CONSIDERATIONS.—In developing standards under subsections (b) and (c), the Administrator shall consider the experience in the United States in regulating—

"(1) underground injection of waste;

"(2) enhanced oil recovery;

"(3) short-term storage of natural gas; and

"(4) long-term waste storage.

"(e) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate on December 31, 2030.

"SEC. 711. RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Administrator shall carry out a program to perform and support research on global climate change standards and processes, with the goals of—

"(1) providing scientific and technical knowledge applicable to the reduction of global warming pollutants; and

"(2) facilitating implementation of section 704.

"(b) RESEARCH PROGRAM.—

"(1) IN GENERAL.—The Administrator shall carry out, directly or through the use of contracts or grants, a global climate change standards and processes research program.

"(2) RESEARCH.—

"(A) CONTENTS AND PRIORITIES.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including—

"(i) the National Oceanic and Atmospheric Administration;

"(ii) the National Aeronautics and Space Administration; and

"(iii) the Department of Energy.

"(B) TYPES OF RESEARCH.—The research program shall include the conduct of basic and applied research—

"(i) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards necessary to enable the monitoring of global warming pollution;

"(ii) to assist in establishing a baseline reference point for future trading in global warming pollutants (including the measurement of progress in emission reductions);

"(iii) for international exchange as scientific or technical information for the stated purpose of developing mutually-recognized measurements, standards, and procedures for reducing global warming pollution; and

"(iv) to assist in developing improved industrial processes designed to reduce or eliminate global warming pollution.

"(3) ABRUPT CLIMATE CHANGE RESEARCH.—

"(A) DEFINITION OF ABRUPT CLIMATE CHANGE.—In this paragraph, the term 'abrupt climate change' means a change in climate that occurs so rapidly or unexpectedly that humans or natural systems may have difficulty adapting to the change.

"(B) RESEARCH.—The Administrator shall carry out a program of scientific research on potential abrupt climate change that is designed—

"(i) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to identify and describe past instances of abrupt climate change;

"(ii) to improve understanding of thresholds and nonlinearities in geophysical systems relating to the mechanisms of abrupt climate change;

"(iii) to incorporate those mechanisms into advanced geophysical models of climate change; and

"(iv) to test the output of those models against an improved global array of records of past abrupt climate changes.

"(c) SENSE OF THE SENATE.—It is the sense of the Senate that Federal funds for clean, low-carbon energy research, development, and deployment should be increased by at least 100 percent for each year during the 10-year period beginning on the date of enactment of this title.

"SEC. 712. ENERGY EFFICIENCY PERFORMANCE STANDARD.

"(a) DEFINITIONS.—In this section:

"(1) ELECTRICITY SAVINGS.—

"(A) IN GENERAL.—The term 'electricity savings' means reductions in end-use electricity consumption relative to consumption by the same customer or at the same new or existing facility in a given year, as defined in regulations promulgated by the Administrator under subsection (e).

"(B) INCLUSIONS.—The term 'savings' includes savings achieved as a result of—

"(i) installation of energy-saving technologies and devices; and

"(ii) the use of combined heat and power systems, fuel cells, or any other technology identified by the Administrator that recaptures or generates energy solely for onsite customer use.

"(C) Exclusion.—The term 'savings' does not include savings from measures that would likely be adopted in the absence of energy-efficiency programs, as determined by the Administrator.

"(2) Retail electricity sales.—The term 'retail electricity sales' means the total quantity of electric energy sold by a retail electricity supplier to retail customers during the most recent calendar year for which that information is available.

"(3) Retail electricity supplier.—The term 'retail electricity supplier' means a distribution or integrated utility, or an independent company or entity, that sells electric energy to consumers.

"(b) Energy Efficiency Performance Standard.—Each retail electricity supplier shall implement programs and measures to achieve improvements in energy efficiency and peak load reduction, as verified by the Administrator.

"(c) Targets.—For calendar year 2008 and each calendar year thereafter, the Administrator shall ensure that retail electric suppliers annually achieve electricity savings and reduce peak power demand and electricity use by retail customers by a percentage that is not less than the applicable target percentage specified in the following table:

Calendar year	Reduction in peak demand (in percent)	Reduction in electricity use (in percent)
2008	.25	.25
2009	.75	.75
2010	1.75	1.5
2011	2.75	2.25
2012	3.75	3.0
2013	4.75	3.75
2014	5.75	4.5
2015	6.75	5.25
2016	7.75	6.0
2017	8.75	6.75
2018	9.75	7.5
2019	10.75	8.25
2020 and each calendar year thereafter	11.75	9.0

"(d) Beginning Date.—For the purpose of meeting the targets established under subsection (c), electricity savings shall be calculated based on the sum of—

"(1) savings realized as a result of actions taken by the retail electric supplier during the specified calendar year; and

"(2) cumulative savings realized as a result of electricity savings achieved in all previous calendar years (beginning with calendar year 2006).

"(e) Implementing Regulations.—

"(1) In general.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to implement the targets established under subsection (c).

"(2) Requirements.—The regulations shall establish—

"(A) a national credit system permitting credits to be awarded, bought, sold, or traded by and among retail electricity suppliers;

"(B) a fee equivalent to not less than 4 cents per kilowatt hour for retail energy suppliers that do not meet the targets established under subsection (c); and

"(C) standards for monitoring and verification of electricity use and demand savings reported by the retail electricity suppliers.

"(3) Consideration of transmission and distribution efficiency.—In developing regulations under this subsection, the Administrator shall consider whether savings, in whole or part, achieved by retail electricity suppliers by improving the efficiency of electric distribution and use should be eligible for credits established under this section.

"(f) Compliance With State Law.—Nothing in this section shall supersede or otherwise affect any State or local law requiring or otherwise relating to reductions in total annual electricity consumption, or peak power consumption, by electric consumers to the extent that the State or local law requires more stringent reductions than those required under this section.

"(g) Voluntary Participation.—The Administrator may—

"(1) pursuant to the regulations promulgated under subsection (e)(1), issue a credit to any entity that is not a retail electric supplier if the entity implements electricity savings; and

"(2) in a case in which an entity described in paragraph (1) is a nonprofit or educational organization, provide to the entity 1 or more grants in lieu of a credit.

"SEC. 713. RENEWABLE PORTFOLIO STANDARD.

"(a) Renewable Energy.—

"(1) In general.—The Administrator, in consultation with the Secretary of Energy, shall promulgate regulations defining the types and sources of renewable energy generation that may be carried out in accordance with this section.

"(2) Inclusions.—In promulgating regulations under paragraph (1), the Administrator shall include of all types of renewable energy (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))) other than energy generated from—

"(A) municipal solid waste;

"(B) wood contaminated with plastics or metals; or

"(C) tires.

"(b) Renewable Energy Requirement.—Of the base quantity of electricity sold by each retail electric supplier to electric consumers during a calendar year, the quantity generated by renewable energy sources shall be not less than the following percentages:

"Calendar year:	**Minimum annual percentage:**
2008 through 2009	5
2010 through 2014	10
2015 through 2019	15
2020 and subsequent years	20

"(c) Renewable Energy Credit Program.—Not later than 1 year after the date of enactment of this title, the Administrator shall establish—

"(1) a program to issue, establish the value of, monitor the sale or exchange of, and track renewable energy credits; and

"(2) penalties for any retail electric supplier that does not comply with this section.

"(d) Prohibition on Double Counting.—A renewable energy credit issued under subsection (c)—

"(1) may be counted toward meeting the requirements of subsection (b) only once; and

"(2) shall vest with the owner of the system or facility that generates the renewable energy that is covered by the renewable energy credit, unless the owner explicitly transfers the renewable energy credit.

"(e) Sale Under PURPA Contract.—If the Administrator, after consultation with the Secretary of Energy, determines that a renewable energy generator is selling electricity to comply with this section to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a-3), the retail electric supplier shall be treated as the generator of the electric energy for the purposes of this title for the duration of the contract.

"(f) State Programs.—Nothing in this section precludes any State from requiring additional renewable energy generation under any State renewable energy program.

"(g) Voluntary Participation.—The Administrator may issue a renewable energy credit pursuant to subsection (c) to any entity that is not subject to this section only if the entity applying for the renewable energy credit meets the terms and conditions of this section to the same extent as retail electric suppliers subject to this section.

"SEC. 714. STANDARDS TO ACCOUNT FOR BIOLOGICAL SEQUESTRATION OF CARBON.

"(a) In General.—Not later than 2 years after the date of enactment of title, the Secretary of Agriculture, with the concurrence of the Administrator, shall establish standards for accrediting certified reductions in the emission of carbon dioxide through above-ground and below-ground biological sequestration activities.

"(b) Requirements.—The standards shall include—

"(1) a national biological carbon storage baseline or inventory; and

"(2) measurement, monitoring, and verification guidelines based on—

"(A) measurement of increases in carbon storage in excess of the carbon storage that would have occurred in the absence of a new management practice designed to achieve biological sequestration of carbon;

"(B) comprehensive carbon accounting that—

"(i) reflects sustained net increases in carbon reservoirs; and "(ii) takes into account any carbon emissions resulting from disturbance of carbon reservoirs in existence as of the date of commencement of any new management practice designed to achieve biological sequestration of carbon;

"(C) adjustments to account for—

"(i) emissions of carbon that may result at other locations as a result of the impact of the new biological sequestration management practice on timber supplies; or

"(ii) potential displacement of carbon emissions to other land owned by the entity that carries out the new biological sequestration management practice; and

"(D) adjustments to reflect the expected carbon storage over various time periods, taking into account the likely duration of the storage of carbon in a biological reservoir.

"(c) Updating of Standards.—Not later than 3 years after the date of establishment of the standards under subsection (a), and every 3 years thereafter, the Secretary of Agriculture shall update the standards to take into account the most recent scientific information.

"SEC. 715. GLOBAL WARMING POLLUTION REPORTING.

"(a) In General.—Not later than 2 years after the date of enactment of this title, and annually thereafter, any entity considered to be a major stationary source (as defined in section 169A(g)) shall submit to the Administrator a report describing the emissions of global warming pollutants from the entity for the preceding calendar year.

"(b) Voluntary Reporting.—An entity that is not described in subsection (a) may voluntarily report the emissions of global warming pollutants from the entity to the Administrator.

"(c) Requirements for Reports.—

"(1) Expression of measurements.—Each global warming pollution report submitted under this section shall express global warming pollution emissions in—

"(A) metric tons of each global warming pollutant; and

"(B) metric tons of the carbon dioxide equivalent of each global warming pollutant.

"(2) Electronic format.—The information contained in a report submitted under this section shall be reported electronically to the Administrator in such form and to such extent as may be required by the Administrator.

"(3) De minimis exemption.—The Administrator may specify the level of global warming pollution emissions from a source within a facility that shall be considered to be a de minimis exemption from the requirement to comply with this section.

"(d) Public Availability of Information.—Not later than March 1 of the year after which the Administrator receives a report under this subsection from an entity, and annually thereafter, the Administrator shall make the information reported under this section available to the public through the Internet.

"(e) Protocols and Methods.—The Administrator shall, by regulation, establish protocols and methods to ensure completeness, consistency, transparency, and accuracy of data on global warming pollution emissions submitted under this section.

"(f) Enforcement.—Regulations promulgated under this section may be enforced pursuant to section 113 with respect to any person that—

"(1) fails to submit a report under this section; or

"(2) otherwise fails to comply with those regulations.

"SEC. 716. CLEAN ENERGY TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES.

"(a) Definitions.—In this section:

"(1) Clean energy technology.—The term 'clean energy technology' means an energy supply or end-use technology that, over the lifecycle of the technology and compared to a similar technology already in commercial use in any developing country—

"(A) is reliable; and

"(B) results in reduced emissions of global warming pollutants.

"(2) Developing country.—

"(A) In general.—The term 'developing country' means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

"(B) Inclusion.—The term 'developing country' may include a country with an economy in transition, as determined by the Secretary.

"(3) Task force.—The term 'Task Force' means the Task Force on International Clean, Low-Carbon Energy Cooperation established under subsection (b)(1).

"(b) Task Force.—

"(1) Establishment.—Not later than 90 days after the date of enactment of this title, the President shall establish a task force to be known as the 'Task Force on International Clean, Low Carbon Energy Cooperation'.

"(2) Composition.—The Task Force shall be composed of—

"(A) the Administrator and the Secretary of State, who shall serve jointly as Co-Chairpersons; and

"(B) representatives, appointed by the head of the respective Federal agency, of—

"(i) the Department of Commerce;

"(ii) the Department of the Treasury;

"(iii) the United States Agency for International Development;

"(iv) the Export-Import Bank;

"(v) the Overseas Private Investment Corporation;

"(vi) the Office of United States Trade Representative; and

"(vii) such other Federal agencies as are determined to be appropriate by the President.

"(c) Duties.—

"(1) Initial strategy.—

"(A) In general.—Not later than 1 year after the date of enactment of this title, the Task Force shall develop and submit to the President an initial strategy—

"(i) to support the development and implementation of programs and policies in developing countries to promote the adoption of clean, low-carbon energy technologies and energy-efficiency technologies and strategies, with an emphasis on those developing countries that are expected to experience the most significant growth in global warming pollution emissions over the 20-year period beginning on the date of enactment of this title; and

"(ii)(I) open and expand clean, low-carbon energy technology markets; and

"(II) facilitate the export of that technology to developing countries.

"(B) Submission to congress.—On receipt of the initial strategy from the Task Force under subparagraph (A), the President shall submit the initial strategy to Congress.

"(2) Final strategy.—Not later than 2 years after the date of submission of the initial strategy under paragraph (1), and every 2 years thereafter—

"(A) the Task Force shall—

"(i) review and update the initial strategy; and

"(ii) report the results of the review and update to the President; and

"(B) the President shall submit to Congress a final strategy.

"(3) Performance criteria.—The Task Force shall develop and submit to the Administrator performance criteria for use in the provision of assistance under this section.

"(d) Provision of Assistance.—The Administrator may—

"(1) provide assistance to developing countries for use in carrying out activities that are consistent with the priorities established in the final strategy; and

"(2) establish a pilot program that provides financial assistance for qualifying projects (as determined by the Administrator) in accordance with—

"(A) the final strategy submitted under subsection (c)(2)(B); and

"(B) any performance criteria developed by the Task Force under subsection (c)(3).

"SEC. 717. PARAMOUNT INTEREST WAIVER.

"(a) In General.—If the President determines that a national security emergency exists and, in light of information that was not available as of the date of enactment of this title, that it is in the paramount interest of the United States to modify any requirement under this title to minimize the effects of the emergency, the President may, after opportunity for public notice and comment, temporarily adjust, suspend, or waive any regulations promulgated pursuant to this title to achieve that minimization.

"(b) Consultation.—In making an emergency determination under subsection (a), the President shall, to the maximum extent practicable, consult with and take into account any advice received from—

"(1) the Academy;

"(2) the Secretary of Energy; and

"(3) the Administrator.

"(c) Judicial Review.—An emergency determination under subsection (a) shall be subject to judicial review under section 307.

"SEC. 718. EFFECT ON OTHER LAW.

"Nothing in this title—

"(1) affects the ability of a State to take State actions to further limit climate change (except that section 209 shall apply to standards for vehicles); and

"(2) except as expressly provided in this title—

"(A) modifies or otherwise affects any requirement of this Act in effect on the day before the date of enactment of this title; or

"(B) relieves any person of the responsibility to comply with this Act.".

SEC. 3. RENEWABLE CONTENT OF GASOLINE.

Section 211(o) of the Clean Air Act (as amended by section 1501 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (E); and

(B) by inserting after subparagraph (A) the following:

"(B) Low-carbon renewable fuel.—The term 'low-carbon renewable fuel' means renewable fuel the use of which, on a full fuel cycle, per-mile basis, and as compared with the use of gasoline, achieves a reduction in global warming pollution emissions of 75 percent or more."; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by inserting "and low-carbon renewable fuel" after "renewable fuel"; and

(B) in subparagraph (B)—

(i) in clause (iv), by striking "(iv) MINIMUM APPLICABLE VOLUME.—For the purpose of subparagraph (A), the applicable volume" and inserting the following:

"(iv) MINIMUM APPLICABLE VOLUME OF RENEWABLE FUEL.—For the purpose of subparagraph (A), the minimum applicable volume of renewable fuel"; and

(ii) by adding at the end the following:

"(v) MINIMUM APPLICABLE VOLUME OF LOW-CARBON RENEWABLE FUEL.—For the purpose of subparagraph (A), the minimum applicable volume of low-carbon renewable fuel for calendar year 2015 and each calendar year thereafter shall be 5,000,000,000 gallons.".

SEC. 4. ENFORCEMENT AND JUDICIAL REVIEW.

(a) FEDERAL ENFORCEMENT.—Section 113 of the Clean Air Act (42 U.S.C. 7413) is amended—

(1) in subsection (a)(3), by striking "or title VI," and inserting "title VI, or title VII,";

(2) in subsection (b)(2), by striking "or title VI," and inserting "title VI, or title VII,";

(3) in subsection (c)—

(A) in the first sentence of paragraph (1), by striking "or title VI (relating to stratospheric ozone control)," and inserting "title VI (relating to stratospheric ozone control), or title VII (relating to global warming pollution emission reductions),"; and

(B) in the first sentence of paragraph (3), by striking "or VI" and inserting "VI, or VII";

(4) in subsection (d)(1)(B), by striking "or VI" and inserting "VI, or VII"; and

(5) in the first sentence of subsection (f), by striking "or VI" and inserting "VI, or VII".

(b) ESTABLISHMENT OF STANDARDS.—Section 202 of the Clean Air Act (42 U.S.C. 7521) is amended—

(1) by redesignating the second subsection (f) (as added by section 207(b) of Public Law 101–549 (104 Stat. 2482)) as subsection (n); and

(2) by inserting after subsection (n) (as redesignated by paragraph (1)) the following:

"(o) GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.—

"(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations in accordance with subsection (a) and section 707 to require manufacturers of motor vehicles to meet the vehicle emission standards established under subsections (a) and (b) of section 707.

"(2) EFFECTIVE DATE.—The regulations promulgated under paragraph (1) shall take effect with respect to motor vehicles sold by a manufacturer beginning in model year 2016.".

(c) ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW.—Section 307 of the Clean Air Act (42 U.S.C. 7607) is amended—

(1) in subsection (b)(1)—

(A) in the first sentence—

(i) by striking "section 111,," and inserting "section 111,"; and

(ii) by inserting "any emission standard or requirement issued pursuant to title VII," after "under section 120,"; and

(B) in the second sentence, by striking "section 112,," and inserting "section 112,"; and

(2) in subsection (d)(1)—

(A) in subparagraph (T), by striking ", and" at the end;

(B) in subparagraph (U), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(V) the promulgation or revision of any regulation under title VII (relating to global warming pollution).".

SEC. 5. FEDERAL FLEET FUEL ECONOMY.

Section 32917 of title 49, United States Code, is amended by adding at the end the following:

"(3) NEW VEHICLES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each passenger vehicle purchased, or leased for a period of at least 60 consecutive days, by an Executive agency after the date of enactment of this paragraph shall be as fuel-efficient as practicable.

"(B) WAIVER.—In an emergency situation, an Executive agency may submit to Congress a written request for a waiver of the requirement under paragraph (1).".

SEC. 6. INTERNATIONAL NEGOTIATIONS AND TRADE RESTRICTIONS.

It is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change, and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and leading efforts in other international forums, with the objective of securing participation of the United States in agreements that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of global warming pollution, in accordance with the principle of "common but differentiated responsibilities";

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global warming pollution emissions; and

(2) establishing a bipartisan Senate observation group, the members of which should be designated by the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate, and which should include the Chairman and Ranking Member of the Committee on Environment and Public Works of the Senate—

(A) to monitor any international negotiations on climate change; and

(B) to ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SEC. 7. REPORT ON TRADE AND INNOVATION EFFECTS.

Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce, in consultation with the United States Trade Representative, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency (referred to in this section as the "Secretary"), shall prepare and submit to Congress a report on the trade, economic, and technology innovation effects of the failure of the United States to adopt measures that require or result in a reduction in total global warming pollution emissions in the United States, in accordance with the goals for the United States under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

SEC. 8. CLIMATE CHANGE IN ENVIRONMENTAL IMPACT STATEMENTS.

In any case in which a Federal agency prepares an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Federal agency shall consider and evaluate—

(1) the impact that the Federal action or project necessitating the statement or analysis would have in terms of net changes in global warming pollution emissions; and

(2) the ways in which climate changes may affect the action or project in the short term and the long term.

SEC. 9. CORPORATE ENVIRONMENTAL DISCLOSURE OF CLIMATE CHANGE RISKS.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Securities and Exchange Commission (referred to in this section as the "Commission") shall promulgate regulations in accordance with section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) directing each issuer of securities under that Act to inform securities investors of the risks relating to—

(1) the financial exposure of the issuer because of the net global warming pollution emissions of the issuer; and

(2) the potential economic impacts of global warming on the interests of the issuer.

(b) UNIFORM FORMAT FOR DISCLOSURE.—In carrying out subsection (a), the Commission shall enter into an agreement with the Financial Accounting Standards Board, or another appropriate organization that establishes voluntary standards, to develop a uniform format for disclosing to securities investors information on the risks described in subsection (a).

(c) INTERIM INTERPRETIVE RELEASE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commission shall issue an interpretive release clarifying that under items 101 and 303 of Regulation S-K of the Commission under part 229 of title 17, Code of Federal Regulations (as in effect on the date of enactment of this Act)—

(A) the commitments of the United States to reduce emissions of global warming pollution under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, are considered to be a material effect; and

(B) global warming constitutes a known trend.

(2) PERIOD OF EFFECTIVENESS.—The interpretive release issued under paragraph (1) shall remain in effect until the effective date of the final regulations promulgated under subsection (a).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 30—EXPRESSING THE SENSE OF THE SENATE REGARDING THE NEED FOR THE UNITED STATES TO ADDRESS GLOBAL CLIMATE CHANGE THROUGH THE NEGOTIATION OF FAIR AND EFFECTIVE INTERNATIONAL COMMITMENTS

Mr. BIDEN (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 30

Whereas there is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate;

Whereas there are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations;

Whereas the potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States;

Whereas the United States has the largest economy in the world and is also the largest emitter of greenhouse gases;

Whereas the greenhouse gas emissions of the United States are projected to continue to rise;

Whereas the greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries;

Whereas reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases;

Whereas the development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States;

Whereas climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure;

Whereas other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies;

Whereas efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change;

Whereas the United States Climate Change Science Program launched by President George W. Bush concluded in April 2006 that there is no longer a discrepancy between the rates of global average temperature increase observed at the Earth's surface and in the atmosphere, strengthening the scientific evidence that human activity contributes significantly to global temperature increases;

Whereas President Bush, in the State of the Union Address given in January 2006, called on the United States to reduce its "addiction" to oil and focus its attention on developing cleaner, renewable, and sustainable energy sources;

Whereas President Bush has launched the Asia-Pacific Partnership on Clean Development and Climate to cooperatively develop new and cleaner energy technologies and promote their use in fast-developing nations like India and China;

Whereas the national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources toward solving the problem of the overreliance of the United States and the world on high-carbon energy;

Whereas the United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994 (hereinafter referred to as the "Convention");

Whereas, at the December 2005 United Nations Climate Change Conference in Montreal, Canada, parties to the Convention, with the concurrence of the United States, initiated a new dialogue on long-term cooperative action to address climate change;

Whereas the Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

Whereas the Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilizing greenhouse gas concentrations;

Whereas an effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among the developed and developing countries may require that such commitments and action vary; and

Whereas the United States has the capability to lead the effort to counter global climate change: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) establishing a bipartisan Senate observer group, the members of which shall be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

Mr. BIDEN. President, the climate has changed. It has changed outside these walls: the year just concluded was the warmest on record in the United States. And the climate has changed in the halls of the Senate, where the causes and consequences of global warming—and how we should respond—will be a major concern of this new Congress.

Outside, the concentration of greenhouse gases in our atmosphere has grown from 280 parts per million before the Industrial Revolution to 430 parts per million today. We are on a path that could double the pre-industrial levels of greenhouse gases, threatening an increase of as much as 10 degrees in the next century.

The physical consequences of global warming are right before our eyes: the shrinking polar ice cap, retreating glaciers, stronger storms driven by warmer ocean waters, changing growing seasons, animal migration, and rainfall patterns. Future consequences if we continue business as usual will include rising sea levels, the spread of diseases, abrupt climate shifts that could shut down the Atlantic cycle that warms Europe, or shrink the Amazon rainforest, which provides twenty percent of the oxygen we breathe.

These changes will profoundly alter the assumptions on which the economic, political, and security arrangements of our world have been constructed. Our national borders, our cities, our cultures, are all built around patterns of rainfall, arable land, and coastlines that will be redrawn as global warming proceeds. By one estimate, 200 million people, in the coastal cities of New York, Tokyo, Cairo, and London, in low-lying countries such as Bangladesh, in the islands of the Pacific and Caribbean, could be permanently displaced by climate shifts.

Throughout human history, massive population shifts, frustrated expectations, and the collapse of economies, have all led to conflict. Even the richest nations, source of the emissions behind global warming, will face huge costs coping with those catastrophes. The poorest nations, whose economies have contributed little or nothing to the greenhouse gases in our atmosphere, will be hit the worst, and will have the fewest resources with which to respond. This is a recipe for global resource wars, and even greater resentment of our wealth by those less fortunate—a new world disorder.

Weare failing in our responsibility to steward the riches we have inherited. We are bequeathing our children not just a ruined landscape, but a world of conflict as well.

This is a classic tragedy of the commons. We have treated our atmosphere as a costless dump for the waste gases that are the byproduct of our great wealth. There was a time when we could plead ignorance. That day is past. The science is now clear. There was a time when we might have claimed the cost of changing our ways was too great. That day is past. We now know the costs of inaction are unacceptably high. There was a time when we could claim that our actions, in isolation, would be ineffective. That day is past. It is now clear that our inaction reduces the effectiveness of international efforts to address climate change, and provides an excuse for China, India, Mexico, Brazil, and the other leading emitters of the future to stay with us on the sidelines.

Today, I am joining with my friend Senator DICK LUGAR to submit this resolution, to put the Senate on record in support of a return of the United States to a leadership role in the international search for solutions to the problem of global warming.

Our resolution calls for United States participation in negotiations under the United Nations Framework Convention on Climate Change—signed by the first President Bush—that will protect the economic and security interests of the United States, and that will commit all nations—developed and developing—that are major emitters of greenhouse gases to achieve significant long-term reductions in those emissions. The resolution also calls for a bipartisan Senate observer group to monitor talks and ensure that our negotiators bring back agreements that all Americans can support.

With the glaring exception of the United States, the major industrial nations of the world are proceeding with their commitments, under the Kyoto Protocol to the Framework Convention, to reduce their greenhouse gas emissions an average of seven percent below 1990 levels. The period from 2008 through 2012 will test their ability to meet those commitments, which were first negotiated in 1997. It is past time for us to begin the discussions that can lead to the next steps, beyond the Kyoto date of 2012. Those next steps must not only include the United States, the leading historical source of greenhouse gases. They must include those nations who will soon overtake us in that role, those who will be the leading emitters in 2012.

The Biden-Lugar Resolution states that the evidence of the human role in global warming is clear, that the environmental, economic, and security effects will be costly, and that the response must be international. The resolution recognizes that there are real economic benefits from both reducing the waste and inefficiencies inherent in greenhouse gas emissions, and from the markets for new, climate-friendly technologies. Most importantly it puts the Senate on record, calling for the United States to resume its role as leader in the international effort to address this global threat.

I personally believe that the single most important step we can take to resume a leadership role in international climate change efforts would be to make real progress toward a domestic emissions reduction regime. For too long we have abdicated the responsibility to reduce our own emissions, the largest single source of the problem we face today. We have the world's largest economy, with the highest per capita emissions. Rather than leading by example, we have retreated from international negotiations.

In this Congress we will see renewed efforts to pass legislation to create that regime, to reduce our domestic emissions, and to open our many responsible American businesses to both international emissions trading and the new markets for clean technologies in the developing world. Moving toward that goal will be crucial to the effectiveness and credibility of our international efforts.

We are all on this planet together. We cannot protect ourselves from the effects of climate change by acting alone—this is a global problem that will require a global solution. To undertake meaningful reductions, countries will need to know that their actions will not be undercut by "free riders" who continue business as usual while they commit to change. To build that trust will require commitments by all of the key players, and the institutions to coordinate the actions of independent nations.

With this resolution, Senator LUGAR and I want to put the Senate on record in support of a new effort to build that trust, to make those commitments, to participate in a coordinated international effort to confront the real threat of climate change.

AMENDMENTS SUBMITTED AND PROPOSED

SA 59. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process.

SA 60. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 61. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 62. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 63. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 64. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs . FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 65. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 66. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 67. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 68. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 69. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 70. Mrs. FEINSTEIN (for herself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 71. Mr. NELSON, of Nebraska (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 72. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 73. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 74. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 75. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 76. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 77. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 78. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 79. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 80. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 81. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. Reid (for himself, Mr. Durbin, Mr. Salazar, and Mr. Obama) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra.

SA 82. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. Reid (for himself, Mr. Durbin, Mr. Salazar, and Mr. Obama) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 83. Mr. GREGG (for himself, Mr. DeMint, Mrs. Dole, Mr. Burr, Mr. Chambliss, Mr. Thomas, Mr. McConnell, Mr. Lott, Mr. Kyl, Mrs. Hutchison, Mr. Cornyn, Mr. Allard, Mr. Crapo, Mr. Bunning, Mr. Vitter, Mr. Brownback, Mr. Alexander, Mr. Craig, Mr. McCain, Mr. Sununu, Mr. Enzi, Mr. Martinez, Mr. Coleman, Mr. Graham, Mr. Voinovich, Mr. Isakson, Mr. Coburn, Mr. Ensign, Mr. Thune, and Mr. Sessions) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 84. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 49 proposed by Mr. Bond (for Mr. Coburn) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 85. Mr. REID submitted an amendment intended to be proposed to amendment SA 31 proposed by Mr. Feingold (for himself and Mr. Obama) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 86. Mr. REID submitted an amendment intended to be proposed to amendment SA 63 submitted by Mr. Feingold to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 87. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 88. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 89. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 90. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. Obama (for himself and Mr. Feingold) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 91. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. Obama (for himself and Mr. Feingold) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 92. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. Obama (for himself and Mr. Feingold) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 93. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. Obama (for himself and Mr. Feingold) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 94. Mr. REID submitted an amendment intended to be proposed to amendment SA 76 submitted by Mr. Feingold (for himself and Mr. Obama) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 95. Mr. REID submitted an amendment intended to be proposed to amendment SA 76 submitted by Mr. Feingold (for himself and Mr. Obama) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 96. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, supra; which was ordered to lie on the table.

SA 97. Mr. LAUTENBERG (for himself and Mr. Lott) submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation.

TEXT OF AMENDMENTS

SA 59. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike sections 108 and 109 and insert the following:

SEC. 108. DISCLOSURE FOR GIFTS FROM LOBBYISTS.

Paragraph 1(a) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in clause (2), by striking the last sentence and inserting "Formal record keeping is required by this paragraph as set out in clause (3)."; and

(2) by adding at the end the following:

"(3)(A) Not later than 48 hours after a gift has been accepted, each Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

"(i) The nature of the gift received.

"(ii) The value of the gift received.

"(iii) The name of the person or entity providing the gift.

"(iv) The city and State where the person or entity resides.

"(v) Whether that person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is providing the gift and the city and State where the client resides.

"(B) Not later than 30 days after the adoption of this clause, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in subclause (A) shall be established.".

SEC. 109. DISCLOSURE OF TRAVEL.

Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(h)(1) Not later than 48 hours after a Member, officer, or employee has accepted transportation or lodging otherwise permissible by the rules from any other person, other than a governmental entity, such Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

"(A) The nature and purpose of the transportation or lodging.

"(B) The fair market value of the transportation or lodging.

"(C) The name of the person or entity sponsoring the transportation or lodging.

"(D) The city and State where the person or entity sponsoring the transportation or lodging resides.

"(E) Whether that sponsoring person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is sponsoring the transportation or lodging and the city and State where the client resides.

"(2) This subparagraph shall also apply to all noncommercial air travel otherwise permissible by the rules.

"(3) Not later than 30 days after the adoption of this subparagraph, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in clauses (1) and (2) shall be established.".

SA 60. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 61, after line 20, add the following:

SEC. 271. VACANCIES.

Section 546 of title 28, United States Code, is amended to read as follows:

"§ 546. Vacancies

"The United States district court for a district in which the office of the United States attorney is vacant may appoint a United States attorney to serve until that vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.".

SA 61. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process;

which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—BUDGET ENFORCEMENT LEGISLATIVE TOOLS ACT OF 2007

SEC. 301. SHORT TITLE.

This title may be cited as the "Budget Enforcement Legislative Tools Act of 2007".

SEC. 302. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1013. (a) PROPOSED RESCISSION OF DISCRETIONARY BUDGET AUTHORITY AND TARGETED TAX BENEFITS.—In addition to the method of rescinding discretionary budget authority specified in section 1012, the President may propose, at the time and in the manner provided in subsection (b), the rescission of any discretionary budget authority provided in an appropriations Act or a targeted tax benefit provided in a revenue Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) Not later than 3 days after the date of enactment of an appropriations Act or revenue Act subject to rescission under this section, the President may transmit to Congress a special message proposing to rescind amounts of discretionary budget authority provided in that Act or cancel the targeted tax benefit and include with that special message a draft bill or joint resolution that, if enacted, would only rescind that discretionary budget authority or cancel the targeted tax benefit.

"(2) In the case of an Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind discretionary budget authority or cancel a targeted tax benefit under this section shall send a separate special message and accompanying draft bill or joint resolution for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the discretionary budget authority proposed to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a).

"(c) LIMITATION ON AMOUNTS SUBJECT TO RESCISSION.—

"(1) The amount of discretionary budget authority which the President may propose to rescind in a special message under this section for a particular program, project, or activity for a fiscal year may not exceed 25 percent of the amount appropriated for that program, project, or activity in that Act.

"(2) The limitation contained in paragraph (1) shall only apply to a program, project, or activity that is authorized by law.

"(d) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second day of continuous session of the applicable House after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Congress in which the Act involved originated shall introduce (by request) the draft bill or joint resolution accompanying that special message. If the bill or joint resolution is not introduced as provided in the preceding sentence, then, on the third day of continuous session of that House after the date of receipt of that special message, any Member of that House may introduce the bill or joint resolution.

"(B) The bill or joint resolution shall be referred to the Committee on Appropriations of that House or the Committee on Finance of the Senate and the Committee on Ways and Means of the House, as appropriate. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after the date of receipt of that special message. If the committee fails to report the bill or joint resolution within that period, that committee shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

"(C) A vote on final passage of the bill or joint resolution shall be taken in that House on or before the close of the 10th calendar day of continuous session of that House after the date of the introduction of the bill or joint resolution in that House. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of Congress on the same calendar day on which the bill or joint resolution is agreed to.

"(2)(A) A bill or joint resolution transmitted to the House of Representatives or the Senate pursuant to paragraph (1)(C) shall be referred to the Committee on Appropriations of that House or the Committee on Finance of the Senate and the Committee on Ways and Means of the House, as appropriate. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after it receives the bill or joint resolution. A committee failing to report the bill or joint resolution within such period shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed upon the appropriate calendar.

"(B) A vote on final passage of a bill or joint resolution transmitted to that House shall be taken on or before the close of the 10th calendar day of continuous session of that House after the date on which the bill or joint resolution is transmitted. If the bill or joint resolution is agreed to in that House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated.

"(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill or joint resolution under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to recommit a bill or joint resolution under this section is not in order.

"(e) AMENDMENTS PROHIBITED.—No amendment to a bill or joint resolution considered under this section shall be in order in either the House of Representatives or the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(f) REQUIREMENT TO MAKE AVAILABLE OR EFFECTIVE DATE.—

"(1) OBLIGATION OF BUDGET AUTHORITY.—Any amount of discretionary budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House defeats the bill or joint resolution transmitted with that special message.

"(2) TARGETED TAX BENEFIT.—A targeted tax benefit proposed to be cancelled in a special message transmitted to Congress under subsection (b) shall take effect on the day after the date on which either House defeats the bill or joint resolution transmitted with that special message or on the effective date of that targeted tax benefit, whichever date is later.

"(g) DEFINITIONS.—For purposes of this section—

"(1) continuity of a session of either House of Congress shall be considered as broken only by an adjournment of that House sine die, and the days on which that House is not in session because of an adjournment of more than 3 days to a date certain shall be excluded in the computation of any period;

"(2) the term 'discretionary budget authority' means the dollar amount of discretionary budget authority and obligation limitations—

"(A) specified in an appropriation law, or the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

"(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

"(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which budget authority or an obligation limitation is provided in an appropriation law;

"(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

"(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law; and

"(3) the term 'targeted tax benefit' means only those provisions having the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of such Act (2 U.S.C. 621 note) is amended—

(1) by striking "and 1017" in subsection (a) and inserting "1013, and 1018"; and

(2) by striking "section 1017" in subsection (d) and inserting "sections 1013 and 1018"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of such Act (2 U.S.C. 682(5)) is amended—

(A) in paragraph (4), by striking "1013" and inserting "1014"; and

(B) in paragraph (5)—

(i) by striking "1016" and inserting "1017"; and

(ii) by striking "1017(b)(1)" and inserting "1018(b)(1)".

(2) Section 1015 of such Act (2 U.S.C. 685) (as redesignated by section 2(a)) is amended—

(A) by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014";

(B) in subsection (b)(1), by striking "1012" and inserting "1012 or 1013";

(C) in subsection (b)(2), by striking "1013" and inserting "1014"; and

(D) in subsection (e)(2)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by striking "1013" in subparagraph (C) (as so redesignated) and inserting "1014"; and

(iv) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and".

(3) Section 1016 of such Act (2 U.S.C. 686) (as redesignated by section 2(a)) is amended by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014".

(d) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of such Act is amended—

(1) by redesignating the items relating to sections 1013 through 1017 as items relating to sections 1014 through 1018; and

(2) by inserting after the item relating to section 1012 the following new item:

"Sec. 1013. Expedited consideration of certain proposed rescissions".

(e) APPLICATION.—Section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by subsection (c)) shall apply to amounts of discretionary budget authority provided by appropriation Acts (as defined in subsection (g)(2) of such section) and targeted tax benefits in revenue Acts that are enacted after the date of the enactment of this Act.

SEC. 303. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—For purposes of Senate enforcement, it shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the 4 applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time periods" means any 1 of the 4 following periods:

(A) The current year.

(B) The budget year.

(C) The period of the 5 fiscal years following the current year.

(D) The period of the 5 fiscal years following the 5 fiscal years referred to in subparagraph (C).

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2012.

SEC. 304. TERMINATION.

The authority provided by section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall terminate effective on the date in 2010 on which the Congress adjourns sine die.

SA 62. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENIOR CONGRESSIONAL SERVICE.

(a) STUDY AND REPORT.—The General Accountability Office, in consultation with the Congressional Management Foundation, shall conduct a study and prepare a report relating to—

(1) the need for establishing a Senior Congressional Service, similar to the Senior Executive Service in the executive branch, in order to promote the recruitment and retention of highly competent senior congressional staff;

(2) the design of a Senior Congressional Service, including—

(A) criteria for identifying the types of personnel or positions which would be appropriate for inclusion;

(B) appropriate levels or ranges of basic pay; and

(C) any special allowances, opportunities for professional development, and other conditions of employment which would be appropriate;

(3) any other recommendations, including proposed legislation, necessary for the establishment of a Senior Congressional Service; and

(4) any other measure which would increase retention rates for highly qualified congressional staff and diminish revolving door patterns of employment between Congress and lobbying firms.

(b) Submission of Report.—Not later than 180 days after the date of enactment of this Act, the General Accountability Office shall submit the report under this section to each House of Congress.

SA 63. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 50, strike line 1 and all that follows through page 51, line 12, and insert the following:

"(2) Congressional staff.—

"(A) Prohibition.—Any person who is an employee of a House of Congress and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) Contact persons covered.—Persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.

"(3) Members of congress and elected officers.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.";

(3) in paragraph (6)—

(A) by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)";

(B) by striking "(A)";

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) Definition of Lobbying Activity.—Section 207(i) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).".

(d) Effective Date.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

SA 64. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"5. A Member may not participate in an event honoring that Member at a national party convention if such event is paid for by any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act of 1995, or any individual or entity identified as a lobbyist or a client in any current registration or report filed under such Act.".

SA 65. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. Reid (for himself, Mr. Durbin, Mr. Salazar, and Mr. Obama) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 2, between lines 2 and 3, insert the following:

SEC. 108A. NATIONAL PARTY CONVENTIONS.

Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"5. A Member may not participate in an event honoring that Member at a national party convention if such event is paid for by any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act of 1995, or any individual or entity identified as a lobbyist or a client in any current registration or report filed under such Act.".

SA 66. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FULL DISCLOSURE OF EXECUTIVE CONTACTS BY LOBBYIST.

Section 5(b)(2)(B) of the Act (2 U.S.C. 1604(b)(2)(B)) is amended by inserting after "Federal agencies" the following: "(including specifically which office or component of the agency)".

SA 67. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING IMPROVING CAMPAIGN FINANCE LAWS.

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should—

(1) study proposals to improve federal campaign finance laws and report any legislation to the full Senate in a timely manner.

SA 68. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING IMPROVING THE ETHICS ENFORCEMENT PROCESS IN THE SENATE.

It is the Sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate should—

(1) study mechanisms to improve the ethics enforcement process in the Senate and report any legislation to the full Senate in a timely manner;

(2) in studying mechanisms under paragraph (1), consider whether or not it would be constitutional and wise to establish an independent bicameral office, separate offices for the Senate and House of Representatives, or an independent bipartisan commission to investigate complaints of violation of the ethics rules of the Senate or House of Representatives and present matters to the Select Committee on Ethics of the Senate; and

(3) in studying mechanisms under paragraph (1), consult with the Select Committee on Ethics of the Senate.

SA 69. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING IMPROVING CAMPAIGN FINANCE LAWS.

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should—

(1) study proposals to improve federal campaign finance laws, including: laws related to the bundling of contributions, and report any legislation to the full Senate in a timely manner.

SA 70. Mrs. FEINSTEIN (for herself and Mr. Rockefeller) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 7, after line 6, insert the following:

"4. It shall not be in order to consider any bill, resolution, or conference report that contains an earmark included in any classified portion of a report accompanying the measure unless the bill, resolution, or conference report includes to the greatest extent practicable, consistent with the need to protect national security (including intelligence sources and methods), in unclassified language, a general program description, funding level, and the name of the sponsor of that earmark.".

SA 71. Mr. NELSON OF Nebraska (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ___. EQUAL APPLICATION OF ETHICS RULES TO EXECUTIVE AND JUDICIARY.

(a) GIFT AND TRAVEL BANS.—

(1) IN GENERAL.—The gift and travel bans that become the rules of the Senate and law upon enactment of this Act, shall be the minimum standards employed for any person described in paragraph (2).

(2) APPLICABILITY.—A person described in this paragraph is the following:

(A) SENIOR EXECUTIVE PERSONNEL.—A person—

(i) employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5, United States Code;

(ii) employed in a position which is not referred to in clause (i) and for which that person is paid at a rate of basic pay which is equal to or greater than 86.5 percent of the rate of basic pay for level II of the Executive Schedule, or, for a period of 2 years following the enactment of the National Defense Authorization Act for Fiscal Year 2004, a person who, on the day prior to the enactment of that Act, was employed in a position which is not referred to in clause (i) and for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5304 or section 5304a of title 5, United States Code, was equal to or greater than the rate of basic pay payable for level 5 of the Senior Executive Service on the day prior to the enactment of that Act;

(iii) appointed by the President to a position under section 105(a)(2)(B) of title 3, United States Code or by the Vice President to a position under section 106(a)(1)(B) of title 3, United States Code; or

(iv) employed in a position which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37, United States Code) is pay grade O-7 or above.

(B) VERY SENIOR EXECUTIVE PERSONNEL.—A person described in section 207(d)(1) of title 18, United States Code.

(C) SENIOR MEMBERS OF JUDICIAL BRANCH.—A senior member of the judicial branch, as defined by the Judicial Conference of the United States.

(b) STAFF LOBBYING.—

(1) IN GENERAL.—Section 207(c)(2)(A) of title 18, United States Code, is amended by striking clauses (i) through (v) and inserting the following:

"(i) employed by any department or agency of the executive branch; or

"(ii) assigned from a private sector organization to an agency under chapter 37 of title 5.".

(2) CONFORMING AMENDMENT.—Section 207(c)(2)(C) of title 18, United States Code, is amended—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(B) by inserting "(i)" before "At the request";

(C) by striking "referred to in clause (ii) or (iv) of subparagraph (A)" and inserting "described in clause (ii)"; and

(D) by adding at the end the following:

"(ii) A position described in this clause is any position—

"(I) where—

"(aa) the person is not employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5; and

"(bb) for which that person is paid at a rate of basic pay which is equal to or greater than 86.5 percent of the rate of basic pay for level II of the Executive Schedule, or, for a period of 2 years following the enactment of the National Defense Authorization Act for Fiscal Year 2004, a person who, on the day prior to the enactment of that Act, was employed in a position which is not referred to in clause (i) and for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5304 or section 5304a of title 5, was equal to or greater than the rate of basic pay payable for level 5 of the Senior Executive Service on the day prior to the enactment of that Act; or

"(II) which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37) is pay grade O-7 or above.".

(c) SENIOR EXECUTIVE STAFF EMPLOYMENT NEGOTIATIONS.—Senior and very senior Executive personnel shall not directly negotiate or have any arrangement concerning prospective private employment while employed in that position unless that employee files a signed statement with the Office of Government Ethics for public disclosure regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced.

SA 72. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of title 1, insert the following:

SEC. 120. DEFINITIONS.

Notwithstanding any other provision of this Act, for purposes of rule XLIV of the Standing Rules of the Senate—

(1) the term "limited tax benefit" means—any provision that provides a federal tax deduction, credit, exclusion or preference to a particular beneficiary or limited group of beneficiaries.

SA 73. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. 120. DEFINITIONS.

Notwithstanding any other provision of this Act, for purposes of rule XLIV of the Standing Rules of the Senate—

(1) the term "limited tax benefit" means—

(A) any provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries under the Internal Revenue Code of 1986;

SA 74. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 44, after line 23, insert the following:

"(9) a certification that no employee listed as a lobbyist under section 4(b)(6) or 5(b)(2)(C) serves as a Treasurer or other official on the campaign committee for a Federal candidate or officeholder or for a leadership PAC.".

SA 75. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 31, after line 6, insert the following:

"(9) in the case of a covered lobbyist, the name of each Federal candidate or officeholder or leadership PAC on which the covered lobbyist serves as a Treasurer or other official.".

SA 76. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike section 212 and insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(d) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

"(1) IN GENERAL.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year, or on the first business day after the 20th if that day is not a business day, each registrant under paragraphs (1) or (2) of section 4(a), and each employee who is listed as a lobbyist on a current registration or report filed under this Act, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(A) the name of the registrant or lobbyist;

"(B) the employer of the lobbyist or the names of all political committees established or administered by the registrant;

"(C) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each contribution made within the quarter;

"(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) raised at such event;

"(E) the name of each covered legislative branch official or covered executive branch official for whom the lobbyist, the registrant, or a political committee established or administered by the registrant provided, or directed or caused to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(i) an itemization of the payments or reimbursements provided to finance the travel and related expenses, and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(ii) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(iii) whether the registrant or lobbyist traveled on any such travel;

"(iv) the identity of the listed sponsor or sponsors of such travel; and

"(v) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, who directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the lobbyist, the registrant, or a political committee established or administered by the registrant;

"(F) the date, recipient, and amount of funds contributed, disbursed, or arranged (or a good faith estimate thereof) by the lobbyist, the registrant, or a political committee established or administered by the registrant—

"(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

"(ii) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

"(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials; except that this paragraph shall not apply to any funds required to be reported under section 304 of the Federal Election Campaign Act of 1974 (2 U.S.C. 434)

"(G) the date, recipient, and amount of any gift (that under the standing rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the lobbyist, the registrant, or a political committee established or administered by the registrant to a covered legislative branch official or covered executive branch official; and

"(H) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each such contribution within the quarter.

"(2) RULE OF CONSTRUCTION.—

For the purposes of this paragraph—

"(i) the term 'lobbyist' shall include a lobbyist, registrant, or political committee established or administered by the registrant; and

"(ii) the term 'Federal candidate or other recipient' shall include a Federal candidate, Federal officeholder, leadership PAC, or political party committee.

"(3) DEFINITIONS.—In this subsection, the following definitions shall apply:

"(A) GIFT.—The term 'gift'—

"(i) means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; and

"(ii) includes, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred—

"(I) gifts of services;

"(II) training;

"(III) transportation; and

"(IV) lodging and meals.

"(B) LEADERSHIP PAC.—The term 'leadership PAC' means with respect to an individual holding Federal office, an unauthorized political committee which is associated with an individual holding Federal office, except that such term shall not apply in the case of a political committee of a political party.".

SA 77. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. . AMENDMENTS AND MOTIONS TO RECOMMITT.

Paragraph 1 of Rule XV of the Standing Rules of the Senate is amended to read as follows:

"1. (a) An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and read and identical copies shall be provided by the Senator offering the amendment or instruction to the desks of the Majority Leader and the Minority leader before being debated.

"(b) A motion shall be reduced to writing, if desired by the Presiding officer or by any Senator, and shall be read before being debated.".

SA 78. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and MR. DURBIN) to the bill S. 1 to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. . OFFICIAL TRAVEL.

Rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

"3. Any payment or reimbursement for travel in connection with the official duties of the Member (except in the case of third party sponsored travel approved by the Select Committee on Ethics under rule XXXV) shall be paid for exclusively with appropriated funds and may not be supplemented by any other funds, including funds of the Member or from a political committee as defined in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), or a gift.".

SA 79. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1 to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. _____. OFFICIAL TRAVEL.

Rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

"3. Any payment or reimbursement for travel in connection with the official duties of the Member (except in the case of third party sponsored travel approved by the Select Committee on Ethics under rule XXXV) shall be paid for exclusively with appropriated funds or funds from a political committee as defined in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431C4) and may not be supplemented by any other funds, including funds of the Member, or a gift.".

SA 80. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert,

(a) It shall not be in order to consider any bill, joint resolution, conference report or amendment to a bill, joint resolution or conference report that contains a congressional initiative unless the language of such specifically requires competitive procedures be in place for selection of earmark funds recipients.

a. Competitive procedures defined—competitive procedures means those procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

b. Bid requirement—The language of a bill, joint resolution, conference report or amendment must prohibit any contract or grant from being awarded unless more than one bid or application is received for each grant or contract.

SA 81. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 3, line 8, after "clause (1)" insert "sponsored by a 501(c)(3) organization that has been pre-approved by the Select Committee on Ethics. When deciding whether to pre-approve a 501(c)(3) organization, the Select Committee on Ethics shall consider the stated mission of the organization, the organization's prior history of sponsoring congressional trips, other educational activities performed by the organization besides sponsoring congressional trips, whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics and any other factor deemed relevant by the Select Committee on Ethics.''.

SA 82. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA,, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike section 109 and insert the following:

SEC. 109. TRAVEL RESTRICTIONS AND DISCLOSURE.

(a) IN GENERAL.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall—

"(A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

"(i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent;

"(ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;

"(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent; and

"(iv) registered lobbyists will not participate in or attend the trip;

"(B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing—

"(i) a detailed itinerary of the trip; and

"(ii) a determination that the trip—

"(I) is primarily educational (either for the invited person or for the organization sponsoring the trip);

"(II) is consistent with the official duties of the Member, officer, or employee;

"(III) does not create an appearance of use of public office for private gain; and

"(iii) has a minimal or no recreational component; and

"(C) obtain written approval of the trip from the Select Committee on Ethics.

"(2) Not later than 30 days after completion of travel, approved under this subparagraph, the Member, officer, or employee shall file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied the Member, officer, or employee during the travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee is employed to jeopardize the safety of an individual or adversely affect national security. Such information shall also be posted on the Member's official website not later than 30 days after the completion of the travel, except when disclosure of such information is deemed by the Member to jeopardize the safety of an individual or adversely affect national security.''.

(b) DISCLOSURE OF NONCOMMERCIAL AIR TRAVEL.—

(1) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

"(g) A Member, officer, or employee of the Senate shall—

"(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

"(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.''.

(2) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) by striking "and" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; and"; and

(C) by adding at the end the following:

"(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

"(A) The date of the flight.

"(B) The destination of the flight.

"(C) The owner or lessee of the aircraft.

"(D) The purpose of the flight.

"(E) The persons on the flight, except for any person flying the aircraft.''.

(c) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.''.

SA 83. Mr. GREGG (for himself, Mr. DEMINT, Mrs. DOLE, Mr. BURR, Mr. CHAMBLISS, Mr. THOMAS, Mr. MCCONNELL, Mr. LOTT, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. ALLARD, Mr. CRAPO, Mr. BUNNING, Mr. VITTER, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAIG, Mr. MCCAIN, Mr. SUNUNU, Mr. ENZI, Mr. MARTINEZ, Mr. COLEMAN, Mr. GRAHAM, Mr. VOINOVICH, Mr. ISAKSON, Mr. COBURN, Mr. ENSIGN, Mr. THUNE, and Mr. SESSIONS) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE III—SECOND LOOK AT WASTEFUL SPENDING ACT OF 2007

SEC. 301. SHORT TITLE.

This title may be cited as the "Second Look at Wasteful Spending Act of 2007''.

SEC. 302. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking part C and inserting the following:

"PART C—LEGISLATIVE LINE ITEM VETO

"SEC. 1021. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

"(a) PROPOSED RESCISSIONS.—The President may send a special message, at the time and in the manner provided in subsection (b), that proposes to rescind dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—

"(i) FOUR MESSAGES.—The President may transmit to Congress not to exceed 4 special messages per calendar year, proposing to rescind dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits.

"(ii) TIMING.—Special messages may be transmitted under clause (i)—

"(I) with the President's budget submitted pursuant to section 1105 of title 31, United States Code; and

"(II) 3 other times as determined by the President.

"(iii) LIMITATIONS.—

"(I) IN GENERAL.—Special messages shall be submitted within 1 calendar year of the date of enactment of any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit the President proposes to rescind pursuant to this Act.

"(II) RESUBMITTAL REJECTED.—If Congress rejects a bill introduced under this part, the President may not resubmit any of the dollar amounts of discretionary budget authority, items of direct spending, or targeted tax benefits in that bill under this part, or part B with respect to dollar amounts of discretionary budget authority.

"(III) RESUBMITAL AFTER SINE DIE.—If Congress does not complete action on a bill introduced under this part because Congress adjourns sine die, the President may resubmit some or all of the dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits in that bill in not more than 1 subsequent special message under this part, or part B with respect to dollar amounts of discretionary budget authority.

"(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit proposed to be rescinded—

"(i) the dollar amount of discretionary budget authority available and proposed for rescission from accounts, departments, or establishments of the government and the dollar amount of the reduction in outlays that would result from the enactment of such rescission of discretionary budget authority for the time periods set forth in clause (iii);

"(ii) the specific items of direct spending and targeted tax benefits proposed for rescission and the dollar amounts of the reductions in budget authority and outlays or increases in receipts that would result from enactment of such rescission for the time periods set forth in clause (iii);

"(iii) the budgetary effects of proposals for rescission, estimated as of the date the

President submits the special message, relative to the most recent levels calculated consistent with the methodology described in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, for the time periods of—

"(I) the fiscal year in which the proposal is submitted; and

"(II) each of the 10 following fiscal years beginning with the fiscal year after the fiscal year in which the proposal is submitted;

"(iv) any account, department, or establishment of the Government to which such dollar amount of discretionary budget authority or item of direct spending is available for obligation, and the specific project or governmental functions involved;

"(v) the reasons why such dollar amount of discretionary budget authority or item of direct spending or targeted tax benefit should be rescinded;

"(vi) the estimated fiscal and economic impacts, of the proposed rescission;

"(vii) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority or items of direct spending or targeted tax benefits are provided; and

"(viii) a draft bill that, if enacted, would rescind the budget authority, items of direct spending and targeted tax benefits proposed to be rescinded in that special message.

"(2) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE AND JOINT COMMITTEE ON TAXATION.—

"(A) IN GENERAL.—Upon the receipt of a special message under this part proposing to rescind dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits—

"(i) the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed rescission and shall include in its estimate, an analysis prepared by the Joint Committee on Taxation related to targeted tax benefits; and

"(ii) the Director of the Joint Committee on Taxation shall prepare an estimate and forward such estimate to the Congressional Budget Office, of the savings from repeal of targeted tax benefits.

"(B) METHODOLOGY.—The estimates required by subparagraph (A) shall be made relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmitted to the chairmen of the Committees on the Budget of the House of Representatives and Senate.

"(3) ENACTMENT OF RESCISSION BILL.—

"(A) DEFICIT REDUCTION.—Amounts of budget authority or items of direct spending or targeted tax benefit that are rescinded pursuant to enactment of a bill as provided under this part shall be dedicated only to deficit reduction and shall not be used as an offset for other spending increases or revenue reductions.

"(B) ADJUSTMENT OF BUDGET TARGETS.—Not later than 5 days after the date of enactment of a rescission bill as provided under this part, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise spending and revenue levels under section 311(a) of the Congressional Budget Act of 1974 and adjust the committee allocations under section 302(a) of the Congressional Budget Act of 1974 or any other adjustments as may be appropriate to reflect the rescission. The adjustments shall reflect the budgetary effects of such rescissions as estimated by the President pursuant to paragraph (1)(B)(iii). The appropriate committees shall report revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974. Notwithstanding any other provision of law, the revised allocations and aggregates shall be considered to have been made under a concurrent resolution on the budget agreed to under the Congressional Budget Act of 1974 and shall be enforced under the procedures of that Act.

"(C) ADJUSTMENTS TO CAPS.—After enactment of a rescission bill as provided under this part, the President shall revise applicable limits under the Second Look at Wasteful Spending Act of 2007, as appropriate.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—

"(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader of each House, for himself, or minority leader of each House, for himself, or a Member of that House designated by that majority leader or minority leader shall introduce (by request) the President's draft bill to rescind the amounts of budget authority or items of direct spending or targeted tax benefits, as specified in the special message and the President's draft bill. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) REFERRAL AND REPORTING.—

"(i) ONE COMMITTEE.—The bill shall be referred by the presiding officer to the appropriate committee. The committee shall report the bill without any revision and with a favorable, an unfavorable, or without recommendation, not later than the fifth day of session of that House after the date of introduction of the bill in that House. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(ii) MULTIPLE COMMITTEES.—

"(I) REFERRALS.—If a bill contains provisions in the jurisdiction of more than 1 committee, the bill shall be jointly referred to the committees of jurisdiction and the Committee on the Budget.

"(II) VIEWS OF COMMITTEE.—Any committee, other than the Committee on the Budget, to which a bill is referred under this clause may submit a favorable, an unfavorable recommendation, without recommendation with respect to the bill to the Committee on the Budget prior to the reporting or discharge of the bill.

"(III) REPORTING.—The Committee on the Budget shall report the bill not later than the fifth day of session of that House after the date of introduction of the bill in that House, without any revision and with a favorable or unfavorable recommendation, or with no recommendation, together with the recommendations of any committee to which the bill has been referred.

"(IV) DISCHARGE.—If the Committee on the Budget fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House.

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) APPEALS.—Appeals from decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this part shall be decided without debate.

"(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this part, consideration of a bill under this part shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this part under a suspension of the rules or under a special rule.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. A motion to proceed to consideration of the bill may be made even though a previous motion to the same effect has been disagreed to. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith, shall not exceed a total of 10 hours, equally divided and controlled in the usual form.

"(C) DEBATABLE MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour from the time allotted for debate, to be equally divided and controlled in the usual form.

"(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(F) CONSIDERATION OF THE HOUSE BILL.—

"(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (I)(C), then the Senate shall consider, and the vote under paragraph (I)(C) shall occur on, the House companion bill.

"(ii) Procedure after vote on senate bill.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, the Senate bill shall be held pending receipt of the House message on the bill. Upon receipt of the House companion bill, the House bill shall be deemed to be considered, read for the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

"(d)—Amendments and Divisions Prohibited.—

"(1) In general.—No amendment to a bill considered under this part shall be in order in either the Senate or the House of Representatives.

"(2) No division.—It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole).

"(3) No suspension.—No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in either the House of Representatives or the Senate to suspend the application of this subsection by unanimous consent.

"(e) Temporary Presidential Authority To Withhold.—

"(1) Availability.—The President may not withhold any dollar amount of discretionary budget authority until the President transmits and Congress receives a special message pursuant to subsection (b). Upon receipt by Congress of a special message pursuant to subsection (b), the President may direct that any dollar amount of discretionary budget authority proposed to be rescinded in that special message shall be withheld from obligation for a period not to exceed 45 calendar days from the date of receipt by Congress.

"(2) Early availability.—The President may make any dollar amount of discretionary budget authority withheld from obligation pursuant to paragraph (1) available at an earlier time if the President determines that continued withholding would not further the purposes of this Act.

"(f) Temporary Presidential Authority Suspend.—

"(1) Suspend.—

"(A) In general.—The President may not suspend the execution of any item of direct spending or targeted tax benefit until the President transmits and Congress receives a special message pursuant to subsection (b). Upon receipt by Congress of a special message, the President may suspend the execution of any item of direct spending or targeted tax benefit proposed to be rescinded in that message for a period not to exceed 45 calendar days from the date of receipt by Congress.

"(B) Limitation on 45-day period.—The 45-day period described in subparagraph (A) shall be reduced by the number of days contained in the period beginning on the effective date of the item of direct spending or targeted tax benefit; and ending on the date that is the later of—

"(i) the effective date of the item of direct spending or targeted benefit; or

"(ii) the date that Congress receives the special message.

"(C) Clarification.—Notwithstanding subparagraph (B), in the case of an item of direct spending or targeted tax benefit with an effective date within 45 days after the date of enactment, the beginning date of the period calculated under subparagraph (B) shall be the date that is 45 days after the date of enactment and the ending date shall be the date that is the later of—

"(i) the date that is 45 days after enactment; or

"(ii) the date that Congress receives the special message.

"(2) Early availability.—The President may terminate the suspension of any item of direct spending or targeted tax benefit suspended pursuant to paragraph (1) at an earlier time if the President determines that continuation of the suspension would not further the purposes of this Act.

"(g) Definitions.—In this part:

"(1) Appropriation law.—The term 'appropriation law' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

"(2) Calendar day.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

"(3) Days of session.—The term 'days of session' means only those days on which both Houses of Congress are in session.

"(4) Dollar amount of discretionary budget authority.—The term 'dollar amount of discretionary budget authority' means the dollar amount of budget authority and obligation limitations—

"(A) specified in an appropriation law, or the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

"(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

"(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which budget authority or an obligation limitation is provided in an appropriation law;

"(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

"(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law.

"(5) Rescind or rescission.—The term 'rescind' or 'rescission' means—

"(A) in the case of a dollar amount of discretionary budget authority, to reduce or repeal a provision of law to prevent that budget authority or obligation limitation from having legal force or effect; and

"(B) in the case of direct spending or targeted tax benefit, to repeal a provision of law in order to prevent the specific legal obligation of the United States from having legal force or effect.

"(6) Direct spending.—The term 'direct spending' means budget authority provided by law (other than an appropriation law), mandatory spending provided in appropriation Acts, and entitlement authority.

"(7) Item of direct spending.—The term 'item of direct spending' means any specific provision of law enacted after the effective date of the Second Look at Wasteful Spending Act of 2007 that is estimated to result in an increase in budget authority or outlays for direct spending relative to the most recent levels calculated consistent with the methodology described in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and, with respect to estimates made after that budget submission that are not included with it, estimates consistent with the economic and technical assumptions underlying the most recently submitted President's budget.

"(8) Suspend the execution.—The term 'suspend the execution' means, with respect to an item of direct spending or a targeted tax benefit, to stop the carrying into effect of the specific provision of law that provides such benefit.

"(9) Targeted tax benefit.—The term 'targeted tax benefit' means—

"(A) any revenue provision that has the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers; or

"(B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.".

(b) Exercise of Rulemaking Powers.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1017, and 1021"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1017 and 1021".

(c) Clerical Amendments.—

(1) Short title.—Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(A) striking "Parts A and B" before "title X" and inserting "Parts A, B, and C"; and

(B) striking the last sentence and inserting at the end the following new sentence: "Part C of title X also may be cited as the 'Second Look at Wasteful Spending Act of 2007'."

(2) Table of contents.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for part C of title X and inserting the following:

"Part C—Legislative Line Item Veto

"Sec. 1021. Expedited consideration of certain proposed rescissions.".

(d) Severability.—If any provision of this Act or the amendments made by it is held to be unconstitutional, the remainder of this Act and the amendments made by it shall not be affected by the holding.

(e) Effective Date and Expiration.—

(1) Effective date.—The amendments made by this Act shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this title.

(2) Expiration.—The amendments made by this Act shall expire on December 31, 2010.

SA 84. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 49 proposed by Mr. Bond (for Mr. Coburn) to the amendment SA 3 proposed by Mr. Reid (for himself, Mr. McConnell, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Obama, Mr. Salazar, and Mr. Durbin) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. . PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, all contracts awarded through congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—No contract may be awarded through a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of law, no funds may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. No such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the head of each executive agency shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the executive agency.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL INITIATIVE.—The term "congressional initiative" means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007.

SA 85. Mr. REID submitted an amendment intended to be proposed to amendment SA 31 proposed by Mr. FEINGOLD (for himself and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 1, strike line 4 and all that follows and insert the following:

"(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying contacts, or directs another individual to engage in lobbying contacts as a surrogate for that person, in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.".

(3) in paragraph (6)—

(A) by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)";

(B) by striking "(A)";

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

SA 86. Mr. REID submitted an amendment intended to be proposed to amendment SA 63 submitted by Mr. FEINGOLD to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 2, strike line 19 and all that follows and insert the following:

"(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying contacts, or directs another individual to engage in lobbying contacts as a surrogate for that person, in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.".

(3) in paragraph (6)—

(A) by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)";

(B) by striking "(A)";

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

SA 87. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, all contracts awarded through congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—No contract may be awarded through a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of law, no funds may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. No such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the head of each executive agency shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the executive agency.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL INITIATIVE.—The term "congressional initiative" means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007.

SA 88. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LOBBYING DISCLOSURE.

Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)), as amended by this Act, is amended by adding at the end the following:

"(9) a certification that no employee listed as a lobbyist under section 4(b)(6) or 5(b)(2)(C) serves as a treasurer or other official on the campaign committee for a Federal candidate or officeholder or for a leadership PAC.".

SA 89. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LOBBYIST DISCLOSURE.

Section 5(d) of the Act (2 U.S.C. 1604), as amended by this Act, is amended by adding after paragraph (8) the following:

"(9) in the case of a covered lobbyist, the name of each Federal candidate or officeholder or leadership PAC on which the covered lobbyist serves as a treasurer or other official.".

SA 90. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. OBAMA (for himself and Mr. FEINGOLD) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end of the following:

"(d) QUARTERLY REPORTS ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th if that day is not a business day, each registrant under section 4(a)(1) or (2), and each employee who is listed as a lobbyist under a current filing under section 4 or 5, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(1) the name of the registrant or covered lobbyist;

"(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

"(3) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date of each contribution made within the quarter;

"(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date and location of such event;

"(5) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom aggregate contributions equal to or exceeding $200 were collected and delivered directly to the candidate within the calendar year, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for each recipient;

"(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

"(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

"(B) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered legislative branch official, or an entity designated by such official; or

"(D) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

"(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.".

SA 91. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. OBAMA (for himself and Mr. FEINGOLD) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end of the following:

"(d) QUARTERLY REPORTS ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th if that day is not a business day, each registrant under section 4(a)(1) or (2), and each employee who is listed as a lobbyist under a current filing under section 4 or 5, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(1) the name of the registrant or covered lobbyist;

"(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

"(3) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each contribution made within the quarter;

"(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) known by the registrant or employeee filing under this subsection to have been raised at such event;

"(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant or covered lobbyist provided, or directed or arranged to be provided, within the past quarter, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(A) an itemization of the payments or reimbursements provided to finance the travel and related expenses and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(B) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(C) whether the registrant or lobbyist traveled on any such travel;

"(D) the identity of the listed sponsor or sponsors of such travel; and

"(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the lobbyist;

"(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

"(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

"(B) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered legislative branch official, or an entity designated by such official; or

"(D) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

"(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.".

SA 92. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. OBAMA (for himself and Mr. FEINGOLD) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end of the following:

"(d) QUARTERLY REPORTS ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th if that day is not a business day, each registrant under section 4(a)(1) or (2), and each employee who is listed as a lobbyist under a current filing under section 4 or 5, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(1) the name of the registrant or covered lobbyist;

"(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

"(3) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date of each contribution made within the quarter;

"(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date and location of such event;

"(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant or covered lobbyist provided, or directed or arranged to be provided, within the past quarter, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(A) an itemization of the payments or reimbursements provided to finance the travel and related expenses and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(B) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(C) whether the registrant or lobbyist traveled on any such travel;

"(D) the identity of the listed sponsor or sponsors of such travel; and

"(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the lobbyist;

"(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

"(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

"(B) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered legislative branch official, or an entity designated by such official; or

"(D) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

"(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.".

SA 93. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. OBAMA (for himself and Mr. FEINGOLD) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end of the following:

"(d) QUARTERLY REPORTS ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th if that day is not a business day, each registrant under section 4(a)(1) or (2), and each employee who is listed as a lobbyist under a current filing under section 4 or 5, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(1) the name of the registrant or covered lobbyist;

"(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

"(3) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each contribution made within the quarter;

"(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) known by the registrant or employee filing under this subsection to have been raised at such event;

"(5) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom aggregate contributions equal to or exceeding $200 were collected and delivered directly to the candidate within the calendar year, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for each recipient;

"(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

"(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

"(B) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered legislative branch official, or an entity designated by such official; or

"(D) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

"(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.".

SA 94. Mr. REID submitted an amendment intended to be proposed to amendment SA 76 submitted by Mr. FEINGOLD (for himself and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end of the following:

"(d) QUARTERLY REPORTS ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th if that day is not a business day, each registrant under section 4(a)(1) or (2), and each employee who is listed as a lobbyist under a current filing under section 4 or 5, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(1) the name of the registrant or covered lobbyist;

"(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

"(3) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each contribution made within the quarter;

"(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) known by the registrant or employeee filing under this subsection to have been raised at such event;

"(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant or covered lobbyist provided, or directed or arranged to be provided, within the past quarter, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(A) an itemization of the payments or reimbursements provided to finance the travel and related expenses and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(B) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(C) whether the registrant or lobbyist traveled on any such travel;

"(D) the identity of the listed sponsor or sponsors of such travel; and

"(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the lobbyist;

"(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

"(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

"(B) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered legislative branch official, or an entity designated by such official; or

"(D) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

"(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.".

SA 95. Mr. REID submitted an amendment intended to be proposed to amendment SA 76 submitted by Mr. FEINGOLD (for himself and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end of the following:

"(d) QUARTERLY REPORTS ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th if that day is not a business day, each registrant under section 4(a)(1) or (2), and each employee who is listed as a lobbyist under a current filing under section 4 or 5, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(1) the name of the registrant or covered lobbyist;

"(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

"(3) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date of each contribution made within the quarter;

"(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date and location of such event;

"(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant or covered lobbyist provided, or directed or arranged to be provided, within the past quarter, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(A) an itemization of the payments or reimbursements provided to finance the travel and related expenses and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(B) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(C) whether the registrant or lobbyist traveled on any such travel;

"(D) the identity of the listed sponsor or sponsors of such travel; and

"(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the lobbyist;

"(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

"(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

"(B) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered legislative branch official, or an entity designated by such official; or

"(D) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

"(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.".

SA 96. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENIOR CONGRESSIONAL SERVICE.

(a) STUDY AND REPORT.—The General Accountability Office, in consultation with the Congressional Management Foundation, shall conduct a study and prepare a report relating to—

(1) the need for establishing a Senior Congressional Service, similar to the Senior Executive Service in the executive branch, in order to promote the recruitment and retention of highly competent senior congressional staff;

(2) the design of a Senior Congressional Service, including—

(A) criteria for identifying the types of personnel or positions which would be appropriate for inclusion;

(B) appropriate levels or ranges of basic pay; and

(C) any special allowances, opportunities for professional development, and other conditions of employment which would be appropriate;

(3) any other recommendations, including proposed legislation, necessary for the establishment of a Senior Congressional Service; and

(4) any other measure which would increase retention rates for highly qualified congressional staff and diminish revolving door patterns of employment between Congress and lobbying firms.

(b) SUBMISSION OF REPORT.—Not later than 180 days after the date of enactment of this Act, the General Accountability Office shall submit the report under this section to each House of Congress.

SA 97. Mr. LAUTENBERG (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

On page 3, before line 1, after the item relating to section 416, insert the following:

TITLE V—RAIL BOND AUTHORITY

Sec. 501. Intercity rail facility bonds.

TITLE VI—RAIL INFRASTRUCTURE BONDS

Sec. 601. Short title.

Sec. 602. Tax credit to holders of qualified rail infrastructure bonds.

At the end of the bill, add the following:

TITLE V—RAIL BOND AUTHORITY

SEC. 501. INTERCITY RAIL FACILITY BONDS.

(a) IN GENERAL.—Chapter 261 is amended by adding at the end the following:

"§ 26106. Rail infrastructure bonds

"(a) DESIGNATION.—The Secretary may designate bonds for purposes of section 54A of the Internal Revenue Code of 1986 if—

"(1) the bonds are to be issued by—

"(A) a State, if the entire railroad passenger transportation corridor containing the infrastructure project to be financed is within the State;

"(B) 1 or more of the States that have entered into an agreement or an interstate compact consented to by Congress under section 410(a) of Public Law 105–134 (49 U.S.C. 24101 note);

"(C) an agreement or an interstate compact described in subparagraph (B); or

"(D) Amtrak, for capital projects under its 5-year plan;

"(2) the bonds are for the purpose of financing projects that make a substantial contribution to providing the infrastructure and equipment required to complete or improve a rail transportation corridor (including projects for the acquisition, financing, or refinancing of equipment and other capital improvements, including the introduction of new high-speed technologies such as magnetic levitation systems, track or signal improvements, the elimination of grade crossings, development of intermodal facilities, improvement of train speeds or safety, or both, and station rehabilitation or construction), but only if the Secretary determines that the projects are part of a viable and comprehensive rail transportation corridor design for intercity passenger service included in a State rail plan under chapter 225 (except for bonds issued under paragraph (1)(D)); and

"(3) for a railroad passenger transportation corridor not operated by Amtrak that includes the use of rights-of-way owned by a freight railroad, a written agreement exists between the applicant and the freight railroad regarding such use and ownership, including compensation for such use and assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations, and including an assurance by the freight railroad that collective bargaining agreements with the freight railroad's employees (including terms regulating the contracting of work) shall remain in full force and effect according to their terms for work performed by the freight railroad on such railroad passenger transportation corridor.

"(b) BOND AMOUNT LIMITATION.—

"(1) IN GENERAL.—The amount of bonds designated under this section may not exceed in the case of section 54A bonds, $1,300,000,000 for each of the fiscal years 2007 through 2012.

"(2) CARRYOVER OF UNUSED LIMITATION.—If for any fiscal year the limitation amount under paragraph (1) exceeds the amount of section 54A bonds issued during such year, the limitation amount under paragraph (1) for the following fiscal year (through fiscal year 2019) shall be increased by the amount of such excess.

"(c) PROJECT SELECTION CRITERIA.—The Secretary shall give preference to the designation under this section of bonds for projects selected using the criteria in chapter 244.

"(d) TIMELY DISPOSITION OF APPLICATION.—The Secretary shall grant or deny a requested designation within 9 months after receipt of an application.

"(e) REFINANCING RULES.—Bonds designated by the Secretary under subsection (a) may be issued for refinancing projects only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by the issuer—

"(1) after the date of the enactment of this section;

"(2) for a term of not more than 3 years;

"(3) to finance projects described in subsection (a)(2); and

"(4) in anticipation of being refinanced with proceeds of a bond designated under subsection (a).

"(f) APPLICATION OF CONDITIONS.—Any entity providing railroad transportation (within the meaning of section 20102) that begins operations after the date of the enactment of this section and that uses property acquired pursuant to this section (except as provided in subsection (a)(2)(B)), shall be subject to the conditions under section 24405.

"(g) ISSUANCE OF REGULATIONS.—Not later than 6 months after the date of the enactment of the Passenger Rail Investment and Improvement Act of 2007, the Secretary shall issue regulations for carrying out this section.

"(h) SECTION 54A DEFINED.—In this section, the term 'section 54A bond' means a bond designated by the Secretary under subsection (a) for purposes of section 54A of the Internal Revenue Code of 1986 (relating to credit to holders of qualified rail infrastructure bonds).".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 261 is amended by adding after the item relating to section 26105 the following new item:

"26106. Rail infrastructure bonds.".

TITLE VI—RAIL INFRASTRUCTURE BONDS

SEC. 601. SHORT TITLE.

This title may be cited as the "Passenger Rail Investment and Improvement Financing Act of 2007".

SEC. 602. TAX CREDIT TO HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart H—Nonrefundable Credit for Holders of Qualified Rail Infrastructure Bonds

"Sec. 54A. Credit to holders of qualified rail infrastructure bonds.

"SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.

"(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified rail infrastructure bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified rail infrastructure bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified rail infrastructure bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined under regulations prescribed by the Secretary).

"(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term includes the last day on which the bond is outstanding.

"(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(e) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

"(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified rail infrastructure bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified rail infrastructure bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"(f) QUALIFIED RAIL INFRASTRUCTURE BOND.—For purposes of this part, the term 'qualified rail infrastructure bond' means any bond issued as part of an issue if—

"(1) the issuer certifies that the Secretary of Transportation has designated the bond for purposes of this section under section 26106(a) of title 49, United States Code, as in effect on the date of the enactment of this section,

"(2) 95 percent or more of the proceeds from the sale of such issue are to be used for expenditures incurred after the date of the enactment of this section for any project described in section 26106(a)(2) of title 49, United States Code,

"(3) the term of each bond which is part of such issue does not exceed 20 years,

"(4) the payment of principal with respect to such bond is the obligation solely of the issuer, and

"(5) the issue meets the requirements of subsection (f) (relating to arbitrage).

"(g) SPECIAL RULES RELATING TO ARBITRAGE.—

"(1) IN GENERAL.—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the issuer reasonably expects—

"(A) to spend at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on such date,

"(B) to incur a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue, or to commence construction, with respect to such projects within the 6-month period beginning on such date, and

"(C) to proceed with due diligence to complete such projects and to spend the proceeds from the sale of the issue.

"(2) RULES REGARDING CONTINUING COMPLIANCE AFTER 3-YEAR DETERMINATION.—If at least 95 percent of the proceeds from the sale of the issue is not expended for 1 or more qualified projects within the 3-year period beginning on the date of issuance, but the requirements of paragraph (1) are otherwise met, an issue shall be treated as continuing to meet the requirements of this subsection if either—

"(A) the issuer uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of such 3-year period, or

"(B) the following requirements are met:

"(i) The issuer spends at least 75 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on the date of issuance.

"(ii) Either—

"(I) the issuer spends at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 4-year period beginning on the date of issuance, or

"(II) the issuer pays to the Federal Government any earnings on the proceeds from the sale of the issue that accrue after the end of the 3-year period beginning on the date of issuance and uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of the 4-year period beginning on the date of issuance.

"(h) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

"(1) IN GENERAL.—If any bond which when issued purported to be a qualified rail infrastructure bond ceases to be such a qualified bond, the issuer shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

"(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection (c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

"(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

"(2) Failure to pay.—If the issuer fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

"(3) Special rules.—

"(A) Tax benefit rule.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards under subsection (c) shall be appropriately adjusted.

"(B) No credits against tax.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining—

"(i) the amount of any credit allowable under this part, or

"(ii) the amount of the tax imposed by section 55.

"(i) Other Definitions and Special Rules.—For purposes of this section—

"(1) Bond.—The term 'bond' includes any obligation.

"(2) Qualified project.—The term 'qualified project' means any project described in section 26106(a)(2) of title 49, United States Code.

"(3) Treatment of changes in use.—For purposes of subsection (e)(2), the proceeds from the sale of an issue shall not be treated as used for a qualified project to the extent that the issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a qualified rail infrastructure bond.

"(4) Partnership; S corporation; and other pass-thru entities.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

"(5) Bonds held by regulated investment companies.—If any qualified rail infrastructure bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(6) Reporting.—Issuers of qualified rail infrastructure bonds shall submit reports similar to the reports required under section 149(e).".

(b) Amendments to Other Code Sections.—

(1) Reporting.—Subsection (d) of section 6049 of the Internal Revenue Code of 1986 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) Reporting of credit on qualified rail infrastructure bonds.—

"(A) In general.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A(d) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

"(B) Reporting to corporations, etc.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

"(C) Regulatory authority.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(2) Treatment for estimated tax purposes.—

(A) Individual.—Section 6654 of such Code (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Special Rule for Holders of Qualified Rail Infrastructure Bonds.—For purposes of this section, the credit allowed by section 54A to a taxpayer by reason of holding a qualified rail infrastructure bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.".

(B) Corporate.—Section 6655 of such Code (relating to failure by corporation to pay estimated income tax) is amended by adding at the end of subsection (g) the following new paragraph:

"(5) Special rule for holders of qualified rail infrastructure bonds.—For purposes of this section, the credit allowed by section 54A to a taxpayer by reason of holding a qualified rail infrastructure bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.".

(c) Clerical Amendments.—

(1) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"SUBPART H. NONREFUNDABLE CREDIT FOR HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS".

(2) Section 6401(b)(1) is amended by striking "and G" and inserting "G, and H".

(d) Issuance of Regulations.—Not later than 6 months after the date of the enactment of this section, the Secretary of the Treasury shall issue regulations for carrying out this section and the amendments made by this section.

(e) Intercity Rail Facilities.—Section 142(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(4) Additional requirements.—A bond issued as part of an issue described in subsection (a)(11) shall not be considered an exempt facility bond unless the requirements of paragraphs (1) through (4) of section 26106(a) of title 49, United States Code, are met.".

(f) Effective Date.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform the Members of the Committee that the Committee will hold an organizational meeting on Thursday, January 18, 2007 at 9 a.m. in Russell 428A.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, January 24, 2007 at 9:45 a.m. in room SD–366 of the Dirksen Building.

The purpose of this hearing is to receive testimony on analysis recently completed by the Energy Information Administration, Energy Market and Economic Impacts of a Proposal to Reduce Greenhouse Gas Intensity with a Cap and Trade System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Jonathan Black (202) 224–6722 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, January 30, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the status of Federal land management agencies' efforts to contain the costs of their wildfire suppression activities and to consider recent independent reviews of and recommendations for those efforts.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Scott Miller at 202–224–5488 or Amanda Kelly at 202–224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, February 8, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on issues relating to labor, immigration, law enforcement, and economic conditions in the Commonwealth of the Northern Mariana islands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Al Stayman (202) 224–7865 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Tuesday, January 16, 2007 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "The Plight of Iraqi Refugees" on Tuesday, January 16, 2007 at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Ellen Sauerbrey, Assistant Secretary of State Population, Refugees and Migration, U.S. Department of State, Washington, D.C.

Panel II: Sam:**, Former Translator for the U.S. Military, PA; John**, Former Truck Driver, subcontractor, for the U.S. Military, CA; Captain Zachary J. Iscol, Foreign Military Training Unit, Marine Forces Special Operations Command, Camp Lejeune, NC, Lisa Ramaci-Vincent, Executive Director, Steven Vincent Foundation, New York City, NY, and Ken Bacon, President, Refugees International, Washington, DC.

Panel III: Michel Gabaudan, Regional Representative for the U.S. and Caribbean, Office of the United National High Commissioner for Refugees, Washington, DC.

**Name has been changed to protect witness identity.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2006 fourth quarter mass mailings is Thursday, January 25, 2007. If your office did no mass mailing during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9:00 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224–0322.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, pursuant to Public Law 85–874, as amended, appoints the following individual to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: The Honorable DIANNE FEINSTEIN of California.

MEASURE PLACED ON CALENDAR—S. 287

Mr. SALAZAR. Mr. President, I understand that S. 287 is at the desk and due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 287) to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

Mr. SALAZAR. Mr. President, I object to any further proceedings with respect to the bill.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

ORDERS FOR WEDNESDAY, JANUARY 17, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Wednesday, January 17; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half under the control of the Republicans and the second half under the control of the majority; that at the close of morning business, the Senate resume consideration of S. 1; that all time during the adjournment count postcloture; that the Senate recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences and that time count postcloture also.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SALAZAR. Mr. President, the Senate has voted on two amendments relating to earmarks that were approved unanimously by a vote of 98 to 0. Plus, the Senate voted to invoke cloture on the Reid amendment regarding travel and corporate jets. I understand there are several second-degree amendments that were filed, and we hope to address any germane second-degree amendments prior to disposing of the travel amendment. Once we dispose of the travel amendment, then we will have a cloture vote on the substitute amendment.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SALAZAR. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until 10 a.m., Wednesday, January 17, 2007.

NOMINATIONS

Executive nominations received by the Senate January 16, 2007:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTIONS 3033 AND 601:

To be general

GEN. GEORGE W. CASEY, JR., 1204

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DAVID H. PETRAEUS, 1960

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES M. DUBIK, 1344

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KARL W. EIKENBERRY, 5197

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. WILLIAM J. FALLON, 0304

THE JUDICIARY

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE THOMAS G. NELSON, RETIRED.

DEPARTMENT OF JUSTICE

ROSA EMILIA RODRIGUEZ-VELEZ, OF PUERTO RICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF PUERTO RICO FOR THE TERM OF FOUR YEARS, VICE HUMBERTO S. GARCIA, RESIGNED.

JOHN WOOD, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR

THE TERM OF FOUR YEARS. VICE TODD PETERSON GRAVES, RESIGNED.

MICHAEL DAVID CREDO, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE THEOPHILE ALCESTE DURONCELET, RESIGNED.

ROBERT GIDEON HOWARD, JR., OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE RAY ELMER CARNAHAN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GEORGE J. SMITH, 7542

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL DAVID H. BERGER, 6017
COLONEL WILLIAM D. BEYDLER, 9312
COLONEL MARK A. BRILAKIS, 6167
COLONEL MARK A. CLARK, 7557
COLONEL DAVID C. GARZA, 1156
COLONEL CHARLES L. HUDSON, 9985
COLONEL RONALD J. JOHNSON, 9335
COLONEL THOMAS M. MURRAY, 1276
COLONEL LAWRENCE D. NICHOLSON, 1342
COLONEL ANDREW W. O'DONNELL, JR., 5504
COLONEL ROBERT R. RUARK, 2417

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES D. BARICH, 8082
IVAN GLASCO, 9929
WILLIAM J. HARKIN II, 2615
SEAN M. HEERY, 0325
LISA J. HYNES, 2459
JOSEPH T. KRUMM, 2622
MARCUS J. MESSINA, 5970
GORDON B. OVERY, JR., 7986

WITHDRAWAL

Executive message transmitted by the President to the Senate on January 16, 2007, withdrawing from further Senate consideration the following nomination:

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE STEPHEN S. TROTT, RETIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

HOUSE OF REPRESENTATIVES—*Tuesday, January 16, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. RUPPERSBERGER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 16, 2007.

I hereby appoint the Honorable C.A. DUTCH RUPPERSBERGER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE) for 5 minutes.

AFGHANISTAN AND THE WAR ON TERROR

Mr. PALLONE. Mr. Speaker, I did not support the resolution authorizing the Iraq war, and I continue to believe it was a mistake, and that we should redeploy our armed forces out of Iraq as quickly as possible. Needless to say, I adamantly oppose the President's latest proposal to escalate the war, the so-called "surge."

Now, part of my concern over the Iraq war is that it continues to distract U.S. policy, both foreign and domestic, from more important concerns. The threat of international terrorism is real, and it came home to us vividly after 9/11, but the focal point of our war against terrorism should be Afghanistan, not Iraq.

While our soldiers continue to die in Baghdad and we spend hundreds of billions of dollars in Iraq, we are neglecting the situation in Afghanistan and its environs, particularly Pakistan, where bin Laden, al Qaeda and the Taliban grow stronger every day.

Mr. Speaker, last Saturday the New York Times did a front page story on the NATO struggle in Afghanistan, which stressed how the Taliban were coming back. The likelihood is there will be a new spring offensive by the Taliban as early as February, next month. The article went on to say that corrupt and ineffective leadership have turned people against the central government and its U.S. allies, and that U.S. reconstruction efforts are a failure.

Mr. Speaker, if there is any place where the United States should be stepping up its efforts, both in terms of resources and manpower, and where we would have international support, again, in terms of other countries' troops as well as other countries' resources and money, it would certainly be Afghanistan. The U.S. was directly attacked from there by bin Laden and al Qaeda operatives, and they were of course harbored by the Taliban.

So you might ask, Mr. Speaker, why does President Bush get on national TV last week and stress the need for a surge in Baghdad and reconstruction dollars for Iraq, and not prioritize Afghanistan instead?

In addition, President Bush continues to appease the military dictatorship in Pakistan, which effectively encourages and provides safe harbor in its frontier territories to the Taliban.

President Bush talks about democracy in Iraq, but what about democracy in Pakistan, which is much more likely to achieve democracy if the U.S. did not prop up the Musharraf dictatorship.

The media, Mr. Speaker, has reported many times that al Qaeda and the Taliban operate freely out of Pakistan where they maintain training camps and receive the support of Pakistan's ISI, the equivalent of the American CIA.

Last fall, the Pakistan government entered into an agreement with the Taliban. In return for not conducting raids into Afghanistan, they were guaranteed effective control of certain frontier regions of Pakistan. However, the incursions by the Taliban into Afghanistan continue while the Musharraf government left the Taliban alone in these areas of Pakistan.

Mr. Speaker, I believe that the U.S. has the opportunity for nation-building in Afghanistan that will continue to elude us in Iraq. Afghanistan's economy is increasingly dependent on drugs; in other words, the opium crop which has expanded while the normal economy falters. Afghanistan needs a major infusion of resources from the United States and its allies to prevent a Taliban resurgence.

I simply ask, Mr. Speaker, as we debate President Bush's surge in Baghdad over the next few weeks, think about the alternative in Afghanistan. Let's not forget where the real U.S. and global threat of terrorism both started and continues this day.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. SOLIS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty God and Father of all, yesterday this Nation and the world quickened the living legacy of a great American and citizen of the world, the Reverend Dr. Martin Luther King, Jr.

May the Members of Congress and all Americans rededicate ourselves to his clarion call to work toward the Beloved Community he envisioned both at home and abroad.

Help us, precious Lord, to dissolve all prejudicial thinking and take practical steps to build peace rooted in equal justice.

At this hour of uncertainty, Lord, fashion leaders whose actions spring from the inherent counsel of Dr. King's living legacy. In charting the course for the national stability of Iraq, let Dr. King's dream of little black children walking hand and hand with little white children come true for little Shi'a, Sunni, Kurdish, Christian and Jewish children. From the southern plains around Basra to the northern plateaus of Ninnevah, someday soon let them sing: "Free at last. Thank God Almighty. We are free at last." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. BUTTERFIELD) come forward and lead the House in the Pledge of Allegiance.

Mr. BUTTERFIELD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPEALS FOR REDRESS FROM ARMED SERVICES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, today I received a petition, an appeal for redress from over 1,000 active duty members of the armed services. Many of these honorable soldiers, sailors, airmen, and marines have served in Iraq. They did not challenge their orders, they did not challenge their duty to serve, they do assert their constitutional rights and their military code rights to speak with Members of Congress.

Article 3.5.7, Department of Defense directive 1325.6 provides the right of servicemembers to request redress and grievances against the actions of their commanders. The action taken and presented to me by individual servicemembers is an appeal for redress to end the war in Iraq.

Troops are risking their careers to present this message to Congress. They have all individually signed the following statement:

As a patriotic American proud to serve the Nation in uniform, I respectfully urge my political leaders in Congress to support the prompt withdrawal of all American military forces and bases from Iraq. Staying in Iraq will not work and is not worth the price. It is time for U.S. troops to come home.

SALUTING THE 218TH INFANTRY BRIGADE OF THE SOUTH CAROLINA ARMY NATIONAL GUARD

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, on Saturday, January 7, South Carolina's adjutant general, Stan Spears, hosted the departure ceremony for the 218th Enhanced Separate Infantry Brigade. The event was attended by 10,000 appreciative family members and supporters.

The 218th Brigade is commanded by Brigadier General Robert Livingston. General Livingston and his wife Barbara's daughters, Rachel, Rebekah and Roxanne, led the national anthem at the ceremony. The brigade consists of 1,800 soldiers and will be in Afghanistan for approximately 1 year. Its primary mission will be to train Afghan national army and national police. This is the largest single deployment of South Carolina Army National Guard since World War II.

As a grateful 25-year veteran of the 218th and father of four sons in the military, I have the deepest respect and admiration for the men and women who put their lives at risk to protect American families. My thoughts and prayers are with them and their families. Our office is available at all times for servicemembers and families toll free at 1–888–381–1442.

In conclusion, God bless our troops, and we will never forget September 11.

DEMOCRATS ACCOMPLISH MUCH DURING FIRST 2 WEEKS OF 110TH CONGRESSIONAL SESSION

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, as we begin the third week of this new Congress, it is important that the American people know what we have accomplished so far on their behalf.

During our first week in session, we changed the rules on how this institution works, cutting ties between lobbyists and lawmakers, and reinstituting commonsense pay-as-you-go budget rules.

Last week we began our 100-hour agenda, passing four pieces of legislation that will help the American people live better and healthier lives. We increased the minimum wage for the first time in 9 years. We passed legislation giving the government the ability to fund promising stem cell research. We passed a bill that allows the government to negotiate better prescription drug prices for American seniors. We passed long overdue legislation instituting the recommendations of the 9/11 Commission that should make our Nation safer. And we are not finished yet.

This week we will make college more affordable by cutting interest rates in half on student loans and investing in biofuels by repealing unnecessary tax breaks to Big Oil.

Democrats are delivering on the promises we made to the American people.

TRANSIT FLEXIBILITY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise today to highlight an issue of importance to many of our Nation's small- and medium-sized public transportation systems. Outdated population limits established in law in the seventies have caused many of these transit agencies to lose flexibility in the way they spend Federal funds. As a result, many of these systems, approximately 110 to be exact, will be forced to dramatically scale back their operations, and that means not having a ride to work for thousands of riders.

In the coming days, I plan to reintroduce the Transit System Flexibility Act. This bill will allow local officials flexibility in the way they spend their Federal funds and save them from having to shut down important bus routes. And it will not cost any additional taxpayer money.

Madam Speaker, local officials know their own needs best. This is a sensible solution to an urgent problem, and I hope my colleagues who represent one of these 110 small transit systems will cosponsor the bill.

DEMOCRAT PRESCRIPTION DRUG BILL IS BAD MEDICINE

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, it seems that the Democrats have a one-size-fits-all solution for all the issues facing our country: Big Government. According to the Democrats, the best thing for the American people is to involve the government in every aspect of our lives instead of letting citizens decide for themselves what is right for them.

An example of this is their current proposal to let the government, quote unquote, negotiate drug prices for prescription drugs covered by Medicare. No one will argue with lower drug prices, but that is not what this bill will accomplish. What the Democrats don't tell you is that this bill will lead to fewer choices of prescription drugs for our Nation's seniors and will hurt community pharmacies, as it will increase mail order prescriptions.

In short, Madam Speaker, this bill is bad medicine, as is the notion of Big Government that the Democrats are pushing on the American people.

JUDGES HALL OF SHAME

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, judges have the public duty to protect children from sexual deviants, including those from Vermont.

Mark Hulett molested a 6-year-old girl for 4 years. Reports indicate he even had a history of abusing women. But when he went to court for the child molesting charge, Judge Edward "Cushy" Cashman of Vermont put the molester in jail for only 60 days and ordered some "Kum-Ba-Yah" type of treatment.

The crime against this little girl is a human rights violation. The judge condoned the violation by not punishing the criminal. Has the judge made Vermont a safe sanctuary State for child molesters?

Almost everyone in America knows, except Judge Cushy, that you cannot cure child rapists. You keep them away from kids. You lock them up in jail. Why do you think we build those prisons? Judge Cushy should be held accountable and removed from the bench, then given sensitivity training on the effects of being raped as a child.

Justice will only be served when judges are as concerned about the molested as they are about the molesters, but for now the Judges Hall of Shame has a brand new member.

And that's just the way it is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

OBSERVING THE BIRTHDAY OF MARTIN LUTHER KING, JR.

Mr. CONYERS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 61) observing the Birthday of Martin Luther King, Jr., and encouraging the people of the United States to observe the Birthday of Martin Luther King, Jr., and the life and legacy of Dr. Martin Luther King, Jr., and for other purposes.

The Clerk read as follows:

H. RES. 61

Whereas Reverend Doctor Martin Luther King, Junior, was born January 15, 1929;

Whereas Dr. King attended segregated public schools in Georgia, and began attending Morehouse College in Atlanta, Georgia, at the age of 15;

Whereas in February of 1948, Dr. King was ordained in the Christian ministry at the age of 19 at Ebenezer Baptist Church, in Atlanta, Georgia, and became Assistant Pastor of Ebenezer Baptist Church;

Whereas Dr. King was awarded a Bachelor of Arts degree in 1948 from Morehouse College, a Bachelor of Divinity degree in 1951 from Crozer Theological Seminary in Pennsylvania, and a Doctor of Philosophy degree in theology in 1955 from Boston University;

Whereas in Boston, Massachusetts, Dr. King met Coretta Scott, his life partner and fellow civil rights activist;

Whereas on June 18, 1953, Dr. King and Coretta Scott were married and later had two sons and two daughters;

Whereas in 1954, Dr. King accepted the call of Dexter Avenue Baptist Church in Montgomery, Alabama, and was pastor from September 1954 to November 1959, when he resigned to move back to Atlanta to lead the Southern Christian Leadership Conference;

Whereas Dr. King led the Montgomery, Alabama, bus boycott for 381 days to protest the arrest of Rosa Parks and the segregation of the bus system of Montgomery, during which time Dr. King was arrested and the home of Dr. King was bombed;

Whereas Dr. King responded to arrests and violence with non-violence and courage in the face of hatred;

Whereas the Montgomery bus boycott was the first great nonviolent civil rights demonstration of contemporary times in the United States;

Whereas on December 21, 1956, the Supreme Court declared laws requiring segregation on buses unconstitutional;

Whereas between 1957 and 1968, Dr. King traveled more than 6,000,000 miles, spoke more than 2,500 times, and wrote five books and numerous articles supporting efforts around the country to end injustice and bring about social change and desegregation;

Whereas from 1960 until his death in 1968, Dr. King was co-pastor with his father at Ebenezer Baptist Church;

Whereas on August 28, 1963, Dr. King led the March on Washington, D.C., the largest rally of the civil rights movement, during which, from the steps of the Lincoln Memorial and before a crowd of more than 200,000 people, Dr. King delivered his famous "I Have A Dream" speech, one of the classic orations in American history;

Whereas Dr. King was a champion of nonviolence, fervently advocated nonviolent resistance as the strategy to end segregation and racial discrimination in America, and in 1964, at age 35, became the youngest man to be awarded the Nobel Peace Prize in recognition for his efforts;

Whereas through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas the work of Dr. King created a basis of understanding and respect and helped communities, and the United States as a whole, to act cooperatively and courageously to restore tolerance, justice, and equality between people;

Whereas on the evening of April 4, 1968, Dr. King was assassinated while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead sanitation workers in protest against low wages and intolerable working conditions;

Whereas Dr. King dedicated his life to securing the fundamental principles of the United States of liberty and justice for all United States citizens;

Whereas Dr. King was the leading civil rights advocate of his time, spearheading the civil rights movement in the United States during the 1950's and 1960's and earning world-wide recognition as an eloquent and articulate spokesperson for equality;

Whereas in the face of hatred and violence, Dr. King preached a doctrine of nonviolence and civil disobedience to combat segregation, discrimination, and racial injustice, and believed that people have the moral capacity to care for other people;

Whereas Dr. King awakened the conscience and consciousness of the United States and used his message of hope to bring people together to build the "Beloved Community", a community of justice, at peace with itself;

Whereas in 1968, Representative John Conyers introduced legislation to establish the Birthday of Martin Luther King, Jr. as a Federal holiday;

Whereas Coretta Scott King led the massive campaign to establish Dr. King's birthday as a Federal holiday;

Whereas in 1983, Congress passed and President Ronald Reagan signed legislation creating the Birthday of Martin Luther King, Jr. holiday, which is now observed in more than 100 countries;

Whereas Dr. King's wife and indispensable partner, Coretta Scott King, was a woman of quiet courage and great dignity who marched alongside her husband and became an international advocate for peace and human rights;

Whereas Coretta Scott King, who had been actively engaged in the civil rights movement as a politically and socially conscious young woman, continued after her husband's death to lead the United States toward greater justice and equality, traveling the world on behalf of racial and economic justice, peace and non-violence, women's and children's rights, gay rights, religious freedom, full employment, health care, and education until her death on January 30, 2006;

Whereas the values of faith, compassion, courage, truth, justice, and non-violence that guided Dr. and Mrs. King's dream for America will be celebrated and preserved by the Martin Luther King, Jr., National Memorial on the National Mall between the Lincoln Memorial and the Jefferson Memorial and in the new National Museum of African American History and Culture that will be located in the shadow of the Washington Monument; and

Whereas Dr. King's actions and leadership made the United States a better place and the American people a better people: Now, therefore, be it

Resolved, That the House of Representatives—

(1) observes the Birthday of Martin Luther King, Jr.;

(2) pledges to advance the legacy of Dr. Martin Luther King, Jr.; and

(3) encourages the people of the United States to—

(A) observe the Birthday of Martin Luther King, Jr., and the life of Dr. King;

(B) commemorate the legacy of Dr. King, so that, as Dr. King hoped, "one day this Nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal;' "; and

(C) remember the message of Dr. King and rededicate themselves to Dr. King's goal of a free and just United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker and ladies and gentlemen of the House, I ask unanimous consent that all Members have 5 legislative days in which to insert additional material concerning House Resolution 61 into the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I also want everyone to know that the gentleman from Georgia's resolution, JOHN LEWIS, Members will be able to join on it up until the time that we have a recorded vote in case there are Members coming back that may not be aware of this.

Today we have joined so many others in the Nation in honoring, in my judgment, our greatest American, Martin Luther King, Jr.

□ 1415

As the original author of the bill 4 days after his assassination, and one who worked on it for 15 years until it was passed in 1983, I am delighted to support and endorse the resolution of another supporter and one who worked closely with Dr. King, the gentleman from Georgia, JOHN LEWIS.

It was an interesting time for me yesterday. Not only did City Year, a national service movement that has young people pledging to work in schools, parks, and neighborhoods full-time for 10 months, headed by their president, Penny Bailey, in which I delivered my remarks about Dr. King, but I was also at Central Methodist Church in downtown Detroit, where Dr. King frequently came for his Easter or the Friday before Easter addresses, and where I was honored on his last visit to be supported by his actual endorsement.

And so I come here doubly proud of the fact that I was able to work with Dr. King as a young lawyer, but also to enjoy his support. Much of it came, of course, from Rosa Parks, who left Alabama and came to Detroit when she couldn't get work anymore. And she was a seamstress. And I was very happy to welcome her to my congressional office, where she worked for more than two decades. And her and Dr. King's fame and recognition kept growing and growing as she was called around the world to receive tributes.

And I remember Dr. King's very important receiving of the Nobel Prize. And it was about the question of peace. And it was not just racial discrimination. Dr. King was not a one-note person. He was a visionary. Jobs, justice, economic justice, political justice, and peace.

And we find ourselves wrapped up in these same considerations even today as we begin the third week of the 110th Congress. We need voter integrity. We need protection for those who seek the ballot. But more than anything else, I am reminded of the fact that we need to find a way out of the war in Iraq, an unnecessary, sad occasion in our history.

And you keep thinking, what would King have said? And I remember that one thing he said is that those who fail to talk about what is important really miss their chance in history to do something that is significant.

Madam Speaker, because we have so many speakers, I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, I rise in strong support of House Resolution 61, which observes and celebrates the birthday of Dr. Martin Luther King, Jr., and invites all Americans to join in this commemoration.

Dr. King's pursuit of social change and making this country worthy of its heritage was evident in all of his work. He was a member of the Executive Committee of the National Association for the Advancement of Colored People, the NAACP. He became the leader of the Montgomery Improvement Association which, of course, was the organization responsible for one of the most important nonviolent demonstrations of modern times in the United States, the 382-day bus boycott.

In 1957, Dr. King was elected President of the Southern Christian Leadership Conference. Between 1957 and 1968, Dr. King appeared wherever he saw injustice. The injustice he saw took him many miles, and the speeches that he made are still taught in schools. They were taught yesterday. They are taught all over the country. They are things which we really do need to listen to and learn from and still have many things to learn from the things that Dr. King said.

Dr. King led a massive protest in Birmingham, Alabama, that drew the attention of the world, sparking what he called a "coalition of conscience."

Dr. King later directed a peaceful march here in Washington, DC, a march that a quarter of a million people attended, where he delivered his now famous "I Have a Dream" speech.

At the age of 35, Dr. Martin Luther King, Jr., was the youngest man to receive the Nobel Peace Prize. When notified of his selection, he announced that he would turn over all of the prize money to further the civil rights movement.

On the evening of April 4, 1968, while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead a protest march in sympathy with striking sanitation workers in that city, he was gunned down.

Dr. King's name is synonymous with the civil rights movement. His life was devoted to changing the conscience of this Nation. His experiences shaped his character, and through them, one of the greatest nonviolent leaders of our country has ever known was created.

Today, we honor the Reverend Dr. Martin Luther King for his service and strength and devotion to the principle that all Americans are entitled to equal treatment under the law in this great Nation. We are a greater Nation because Dr. King lived.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield now to the one person in the House and the United States Senate who now presently knows and knew Dr. King and his family, and the civil rights movement more than any other person among us, and that is, of course, the Honorable JOHN LEWIS from Georgia, and I recognize him for 3 minutes.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank my friend, my colleague, the chairman, for yielding.

Madam Speaker, it is only fitting and appropriate that we salute and commemorate Dr. Martin Luther King, Jr., as we celebrate his 78th birthday.

Martin Luther King, Jr., was a man of peace, a man of love, a man of nonviolence. He must be considered one of the founding fathers of the new America.

Because of his dedication to the cause of injustice and his fight for human dignity, he wrestled with the very soul of this Nation and pushed it to reach for its greater destiny.

Dr. King had the ability to produce light in dark places; the ability to bring the dirt and the filth out from under the American rug, out of the cracks and the corner into the open light in order for us to deal with it.

He injected a new meaning into the very veins of our society and gave his life to make our democracy real. What he did and what he said and what he sacrificed inspired an entire generation and his power still rings today throughout the Nation and around the world.

We are a different country. We are a better people today. Martin Luther King, Jr., believed in the power of love over hate, the power of nonviolence over violence, the power of peace over war. He liberated all of us, black and white, Hispanic, Asian American and Native American.

If Dr. King could speak to us today, right now, he would say we must stop the madness of the war and bring our young people home. He would say that war is an ineffective tool of our foreign policy.

We must struggle against injustice and stand up for our goals. If peace is our goal, then peaceful ends must take peaceful means.

Dr. King would say, means and ends are inseparable. He would say we must find a way to live together as brothers and sisters or we will perish as fools.

Thirty-nine years later, we must rededicate ourselves to the struggle that was his struggle, and continue to see the goals that were his goals.

We know that his dream has not been fulfilled. It must be our task, our obligation, our mission, our mandate to renew our commitment to his dream.

Mr. CHABOT. Madam Speaker, I yield such time as he might consume to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise in support of this resolution and in support of the honoring of the birthday of Dr. Martin Luther King, Jr.

I can recall, two decades ago, being on this floor with the gentleman from Michigan (Mr. CONYERS), and fighting to make sure that we established this holiday. Some may have forgotten that it took more than one time for this to occur. The resolution was defeated on two previous occasions. And I recall that some of us on our side of the aisle voted against it for fiscal reasons at that time.

And I also recall, after having that vote, going home and talking with my wife and saying, you know, I think I did the wrong thing; and her giving me the great advice that she gave me, she said, well, if you did, you'd better do something about it.

And at that time I had the opportunity to approach Congressman Jack Kemp, who had voted against it as well for "fiscal reasons," and working with Ed Bethune and Newt Gingrich and others, attempting to garner enough support from some on our side of the aisle to ensure that the vote would go forward and that we would honor Dr. Martin Luther King.

And the argument that was made at that time that I think was successful was that we have many different points of view, as we do today on the war, as we did at that time in how we appropriately deal with the then existing threat of the Soviet Union, many different issues that divided us in terms of our approach. But it seemed important for us to come together from all these different points of view to recognize Dr. Martin Luther King's contribution to this country where he brought people who had differences of opinion together in a united effort that reminded us very vividly that we are one people dedicated to the proposition that all men and women are created equal. And it was cutting through the differences that we had at that time on a number of different issues that allowed us to come together.

And I can recall going to visit Mr. CONYERS in his office and asking him whether it would be of any benefit for those of us who had initially opposed the resolution to come forward in support of it. And I can recall the gentleman from Michigan's statement at that time, suggesting that we all ought to come together.

So today, as we are again in a period of time in which there are sincere, passionate differences of opinion on issues such as the war and how we approach it, when we have some differences on how we deal with certain economic matters, when we have differences of opinion with respect to the extent and the definition of certain applications of affirmative action, isn't it good for us to at least step back and recognize that there is a commonality of purpose, a commonality of dedication, a commonality of the essence of America; that we recognize that we will never be perfect, but as we are moving to make real the promise of the Constitution, the Declaration of Independence, that we actually have more that joins us together than breaks us apart. Because had we not had that belief, and had we not had that as our base decision some two decades ago, we would not now have, as a recognition of the life of Dr. Martin Luther King, the national holiday.

It is not an African American holiday. It is not a Hispanic holiday, it is not an Irish American holiday. It is an American holiday that recognizes that Dr. King spoke to the essence of America.

□ 1430

There could be nothing greater in the annals of American history, in my judgment, than his magnificent statement contained in the letter from the Birmingham jail, where he said that we, as the people, understand the difference between a just and an unjust law. He didn't say let us look at this legal book and tell us where it is. He said an unjust law is a law which violates God's law; an unjust law is that which we know is wrong. I can also remember his great words in there when people said, Well, aren't you a radical? He said, What was Jesus but a radical for love.

He asked that we come together and look in our hearts, as much as our heads, and remember that as imperfect as we are, we do all share in this tremendous legacy of America, and we honor America by trying to be more true to that promise.

I thank the gentleman for this resolution. I thank the manager of this bill for his work today and other days, and I thank the gentleman from Ohio for giving me this time.

Mr. CONYERS. I thank the previous speaker, who is one of the few here on the floor that was around back then when these debates and this long 15-year period took place. I thank him for his contribution.

Madam Speaker, I now turn to the able gentlelady from the District of Columbia (Ms. NORTON), and I recognize her for 2½ minutes.

Ms. NORTON. I thank the gentleman for yielding to me. I particularly thank him for his remarks, because what I am going to talk about, the link I am going to try to make, he knows very well. I appreciate his linking Dr. King to the broad swath of issues for which he stood. How can you honor King without, in fact, talking about his issues.

Madam Speaker, recall the poor people's campaign on the Mall, and the gap between the rich and the poor that is greater today than when King lived, and recall the Vietnam war when his opposition was at high risk. Here we have a President attempting to escalate yet another war. But King's signature issue, my friends, was civil rights.

The House of Representatives must confront a civil rights issue that is 200 years old, the failure of the Congress of the United States for 200 years to grant equal rights to the citizens of the District of Columbia. Most recently, this has been a Republican failure. But Democrats are just as responsible. I would say more responsible in some ways, historically, than Republicans, because race was at the center of the denial. It was Democrats who stood in the way of home rule and a delegate for the District of Columbia. It was Democrats, however, who faced their racial failings 40 years ago, and, to their credit, became leaders in the fight for civil rights.

Yet, the majority African American District of Columbia remains without a vote despite Democratic Party platforms and countless statements, especially on this floor. Now is the time for Democrats to act to deliver. It is the last hope for years to come, a DC-Utah bill that delivers party parity, with great credit to my Republican cosponsor, who tried to deliver, great credit to my cosponsor, no partisan advantage.

Nonpartisan research reveals that a possible advantage occasionally raised is so de minimis that no credible argument can be made for further delay in failing to correct one of the most odious injustices in American history, 200,000 men and women in the District of Columbia sent to America's war since the creation of the Republic, second per capita of taxation without representation.

Dr. King held public officials on both sides of the aisle accountable. The only risk to Democratics on this issue is paying only lip service to his principles.

Mr. CHABOT. Madam Speaker, I reserve the balance of my time.

We have no further speakers at this time. However, I would note in the spirit of bipartisan cooperation, the gentleman from Michigan indicated he may have more speakers than he has time for. I would be happy to yield time to accommodate him if it comes to that.

Mr. CONYERS. I thank the gentleman.

Madam Speaker, I yield to the distinguished gentleman from North Carolina (Mr. BUTTERFIELD) 2¼ minutes.

Mr. BUTTERFIELD. I want to thank the gentleman from Georgia, my friend, JOHN LEWIS, for introducing this resolution. I thank the gentleman from Michigan (Mr. CONYERS) for allowing time for me to speak today.

Madam Speaker, Dr. King was a visionary leader. He understood that America could never be a moral leader in the world when citizens within its own borders were treated legally as second-class citizens. I recall so vividly attending a standing-room only speech that Dr. King gave at the Booker T.

Washington High School gymnasium in Rocky Mountain, North Carolina, on November 27, 1962.

Dr. King's speech included the "I Have a Dream" passage that he used in the historic march-on-Washington speech the following year. After the passage of the Voting Rights Act of 1965, we were having difficulty in the south persuading black voters that it was really uncomplicated to register the vote. The act had removed the literacy test, and the process was easier. But black citizens were reluctant to step forward to register to vote for fear of intimidation and reprisal. At the urging of local leaders in my community, Dr. King accepted our invitation to lead a voter registration march on April 4, 1968.

But as fate would have it, he canceled his promised trip to our community so that he could go to Memphis to assist the garbage workers of that city, and we know the rest. Despite the absence of Dr. King from the registration march, we launched a massive voter registration drive and later filed and won a voting rights lawsuit in my district resulting in electoral opportunities.

Now, Madam Speaker, we have 301 elected black officials in my congressional district. In addition to having an African American Member of this body in the first district, African Americans hold the following office: 48 county commissioners, 7 sheriffs, 20 mayors, 129 municipal officials, 5 at our General Assembly, 6 superior court judges, 9 district court judges, 69 on boards of education, 4 registrars of deeds and 3 clerks of court.

Madam Speaker, much of this electoral progress that we have made in the South can be directly attributable to the life and work of Martin Luther King, Jr.

Mr. CONYERS. Madam Speaker, I would like now to call upon DAVID SCOTT of Georgia and to yield to him 2 minutes.

Mr. SCOTT of Georgia. Thank you to the gentleman from Michigan. It is a pleasure to be on the floor with you.

Madam Speaker, more than anything else, Dr. King was a man of God. You know, when I think of Dr. King, I think of three people. The first one was the great prophet Isaiah. As you recall, Isaiah cried out in the year that King Uzziah died, was the year that I also saw the Lord. He went on to say that there was a voice that came to him that said, who will go for us, and whom shall we send?

Like the prophet Isaiah, in 1956, as a young 26-year-old person down in Alabama, it was Martin Luther King, Jr., who said, Here am I, Lord, send me. Just like the prophet Isaiah. The second person is David the shepherd boy, who climbed up to go see about his brethren, and there was Goliath, issuing all kinds of threats.

They told him to go back, much as they did with Martin Luther King, Jr., but he didn't go back. Instead, he stood there and Martin Luther King, Jr., like David said, Is there not a cause. There is a cause for me, and there is a cause for you, and that is to beat down the Goliaths of racism, of prejudice and discrimination.

The third one is Jesus Christ, for when the Pharisees asked Jesus Christ what was the greatest commandment of all, Jesus said to love thy neighbor as thyself. At the bottom of it all, Dr. King's essence was love. As Jesus said, There is no greater love than that you would give your life for another. Dr. King paid that price and gave his life, love.

As the song writer said: Them's that got shall get and them's that not shall not lose cause the Bible says, and it still is news. Your mama may have and your poppa may have, but God bless this child. Martin Luther King, more than anything else, was a child of God, and we thank God for sending Martin Luther King, Jr., our way.

Mr. CONYERS. Madam Speaker, I am now pleased to yield to my good friend, DENNIS KUCINICH of Ohio, 2 minutes.

Mr. KUCINICH. Thank you, Mr. CONYERS, Mr. LEWIS and all Members of Congress.

Madam Speaker, as we honor Dr. King's legacy, let's remember it is a living legacy. We are not talking about cold prose and someone who is so distant from this moment. His ideas are so alive today and so needed today; that is why a month from now, I will be introducing legislation to create a Cabinet level Department of Peace, which takes Dr. King's vision of an America which organizes around principles of nonviolence and brings it to life in addressing the issues of domestic violence, spousal abuse, child abuse, violence in the schools, racial violence, violence against gays, police, community relations conflicts, and provides the resources so that we can deal with these as a living testimony to the love that we are showing today for Dr. King.

But he also was a visionary on the matter of war. He spoke many times warning this country about the danger of what happened in Vietnam. He spoke about the price that was being paid for the people of two nations in a speech at Riverside Church nearly 40 years ago. At Ebenezer Baptist Church he spoke about the interrelationship of all people, but how all people are one. It was that understanding of oneness that drove him to take a stand for peace.

Let us celebrate not only his life, but let the principles of his life continue to guide us as Americans. This is the moment to take a stand as we grapple with the question of Iraq.

I met with representatives of over 1,000 soldiers today who say it is time to get out of Iraq. Let us protect Dr. King's memory by standing for peace.

Madam Speaker, I would like to put into the RECORD Dr. King's speech from Ebenezer Baptist Church and part of his speech from Riverside Church, which need to be read today. I would also like to put in the RECORD a speech that I gave recently called "Out of Iraq and Back to the American City," which shows that only when we take a stand for peace are we able to get the resources that we need to provide jobs and health care and education and retirement security and housing for the American people.

Make Dr. King's legacy a living legacy.

A CHRISTMAS SERMON ON PEACE

Dr. King first delivered this sermon at Ebenezer Baptist Church, where he served as copastor. On Christmas Eve, 1967, the Canadian Broadcasting Corporation aired this sermon as part of the seventh annual Massey Lectures.

Peace on Earth. . . .

This Christmas season finds us a rather bewildered human race. We have neither peace within nor peace without. Everywhere paralyzing fears harrow people by day and haunt them by night. Our world is sick with war; everywhere we turn we see its ominous possibilities. And yet, my friends, the Christmas hope for peace and good will toward all men can no longer be dismissed as a kind of pious dream of some utopian. If we don't have good will toward men in this world, we will destroy ourselves by the misuse of our own instruments and our own power. Wisdom born of experience should tell us that war is obsolete. There may have been a time when war served as a negative good by preventing the spread and growth of an evil force, but the very destructive power of modern weapons of warfare eliminates even the possibility that war may any longer serve as a negative good. And so, if we assume that life is worth living, if we assume that mankind has a right to survive, then we must find an alternative to war—and so let us this morning explore the conditions for peace. Let us this morning think anew on the meaning of that Christmas hope: "Peace on Earth, Good Will toward Men." And as we explore these conditions, I would like to suggest that modern man really go all out to study the meaning of nonviolence, its philosophy and its strategy.

We have experimented with the meaning of nonviolence in our struggle for racial justice in the United States, but now the time has come for man to experiment with nonviolence in all areas of human conflict, and that means nonviolence on an international scale.

Now let me suggest first that if we are to have peace on earth, our loyalties must become ecumenical rather than sectional. Our loyalties must transcend our race, our tribe, our class, and our nation; and this means we must develop a world perspective. No individual can live alone; no nation can live alone, and as long as we try, the more we are going to have war in this world. Now the judgment of God is upon us, and we must either learn to live together as brothers or we are all going to perish together as fools.

Yes, as nations and individuals, we are interdependent. I have spoken to you before of our visit to India some years ago. It was a marvelous experience; but I say to you this morning that there were those depressing moments. How can one avoid being depressed when one sees with one's own eyes evidences of millions of people going to bed hungry at night? How can one avoid being depressed when one sees with one's own eyes thousands of people sleeping on the sidewalks at night? More than a million people sleep on the sidewalks of Bombay every night; more than half a million sleep on the sidewalks of Calcutta every night. They have no houses to go into. They have no beds to sleep in. As I beheld these conditions, something within me cried out: "Can we in America stand idly by and not be concerned?" And an answer came: "Oh, no!" And I started thinking about the fact that right here in our country we spend millions of dollars every day to store surplus food; and I said to myself: "I know where we can store that food free of charge—in the wrinkled stomachs of the millions of God's children in Asia, Africa, Latin America, and even in our own nation, who go to bed hungry at night."

It really boils down to this: that all life is interrelated. We are all caught in an inescapable network of mutuality, tied into a single garment of destiny. Whatever affects one directly, affects all indirectly. We are made to live together because of the interrelated structure of reality. Did you ever stop to think that you can't leave for your job in the morning without being dependent on most of the world? You get up in the morning and go to the bathroom and reach over for the sponge, and that's handed to you by a Pacific islander. You reach for a bar of soap, and that's given to you at the hands of a Frenchman. And then you go into the kitchen to drink your coffee for the morning, and that's poured into your cup by a South American. And maybe you want tea: That's poured into your cup by a Chinese. Or maybe you're desirous of having cocoa for breakfast, and that's poured into your cup by a West African. And then you reach over for your toast, and that's given to you at the hands of an English-speaking farmer, not to mention the baker. And before you finish eating breakfast in the morning, you've depended on more than half of the world. This is the way our universe is structured, this is its interrelated quality. We aren't going to have peace on earth until we recognize this basic fact of the interrelated structure of all reality.

Now let me say, secondly, that if we are to have peace in the world, men and nations must embrace the nonviolent affirmation that ends and means must cohere. One of the great philosophical debates of history has been over the whole question of means and ends. And there have always been those who argued that the end justifies the means, that the means really aren't important. The important thing is to get to the end, you see.

So, if you're seeking to develop a just society, they say, the important thing is to get there, and the means are really unimportant; any means will do so long as they get you there—they may be violent, they may be untruthful means; they may even be unjust means to a just end. There have been those who have argued this throughout history. But we will never have peace in the world until men everywhere recognize that ends are not cut off from means, because the means represent the ideal in the making, and the end in process, and ultimately you can't reach good ends through evil means, because the means represent the seed and the end represents the tree.

It's one of the strangest things that all the great military geniuses of the world have talked about peace. The conquerors of old who came killing in pursuit of peace, Alexander, Julius Caesar, Charlemagne, and Napoleon, were akin in seeking a peaceful world order. If you will read Mein Kampf closely enough, you will discover that Hitler contended that everything he did in Germany was for peace. And the leaders of the world today talk eloquently about peace. Every time we drop our bombs in North Vietnam, President Johnson talks eloquently about peace. What is the problem? They are talking about peace as a distant goal, as an end we seek, but one day we must come to see that peace is not merely a distant goal we seek, but that it is a means by which we arrive at that goal. We must pursue peaceful ends through peaceful means. All of this is saying that, in the final analysis, means and ends must cohere because the end is preexistent in the means, and ultimately destructive means cannot bring about constructive ends.

Now let me say that the next thing we must be concerned about if we are to have peace on earth and good will toward men is the nonviolent affirmation of the sacredness of all human life. Every man is somebody because he is a child of God. And so when we say "Thou shalt not kill," we're really saying that human life is too sacred to be taken on the battlefields of the world. Man is more than a tiny vagary of whirling electrons or a wisp of smoke from a limitless smoldering. Man is a child of God, made in His image, and therefore must be respected as such. Until men see this everywhere, until nations see this everywhere, we will be fighting wars. One day somebody should remind us that, even though there may be political and ideological differences between us, the Vietnamese are our brothers, the Russians are our brothers, the Chinese are our brothers; and one day we've got to sit down together at the table of brotherhood. But in Christ there is neither Jew nor Gentile. In Christ there is neither male nor female. In Christ there is neither Communist nor capitalist. In Christ, somehow, there is neither bound nor free. We are all one in Christ Jesus. And when we truly believe in the sacredness of human personality, we won't exploit people, we won't trample over people with the iron feet of oppression, we won't kill anybody.

There are three words for "love" in the Greek New Testament; one is the word "eros." Eros is a sort of esthetic, romantic love. Plato used to talk about it a great deal in his dialogues, the yearning of the soul for the realm of the divine. And there is and can always be something beautiful about eros, even in its expressions of romance. Some of the most beautiful love in all of the world has been expressed this way.

Then the Greek language talks about "philia," which is another word for love, and philia is a kind of intimate love between personal friends. This is the kind of love you have for those people that you get along with well, and those whom you like on this level you love because you are loved.

Then the Greek language has another word for love, and that is the word "agape." Agape is more than romantic love, it is more than friendship. Agape is understanding, creative, redemptive good will toward all men. Agape is an overflowing love which seeks nothing in return. Theologians would say that it is the love of God operating in the human heart. When you rise to love on this level, you love all men not because you like them, not because their ways appeal to you, but you love them because God loves them. This is what Jesus meant when he said, "Love your enemies." And I'm happy that he didn't say, "Like your enemies," because there are some people that I find it pretty difficult to like. Liking is an affectionate emotion, and. I can't like anybody who would bomb my home. I can't like anybody who would exploit me. I can't like anybody who would trample over me with injustices. I can't like them. I can't like anybody who threatens to kill me day in and day out. But Jesus reminds us that love is greater than liking. Love is understanding, creative, redemptive good will toward all men. And I think this is where we are, as a people, in our struggle for racial justice. We can't ever give up. We must work passionately and unrelentingly for first-class citizenship. We must never let up in our determination to remove every vestige of segregation and discrimination from our nation, but we shall not in the process relinquish our privilege to love.

I've seen too much hate to want to hate, myself, and I've seen hate on the faces of too many sheriffs, too many white citizens' councilors, and too many Klansmen of the South to want to hate, myself; and every time I see it, I say to myself, hate is too great a burden to bear. Somehow we must be able to stand up before our most bitter opponents and say: "We shall match your capacity to inflict suffering by our capacity to endure suffering. We will meet your physical force with soul force. Do to us what you will and we will still love you. We cannot in all good conscience obey your unjust laws and abide by the unjust system, because noncooperation with evil is as much a moral obligation as is cooperation with good, and so throw us in jail and we will still love you. Bomb our homes and threaten our children, and, as difficult as it is, we will still love you. Send your hooded perpetrators of violence into our communities at the midnight hour and drag us out on some wayside road and leave us half-dead as you beat us, and we will still love you. Send your propaganda agents around the country, and make it appear that we are not fit, culturally and otherwise, for integration, and we'll still love you. But be assured that we'll wear you down by our capacity to suffer, and one day we will win our freedom. We will not only win freedom for ourselves; we will so appeal to your heart and conscience that we will win you in the process, and our victory will be a double victory."

If there is to be peace on earth and good will toward men, we must finally believe in the ultimate morality of the universe, and believe that all reality hinges on moral foundations. Something must remind us of this as we once again stand in the Christmas season and think of the Easter season simultaneously, for the two somehow go together. Christ came to show us the way. Men love darkness rather than the light, and they crucified him, and there on Good Friday on the cross it was still dark, but then Easter came, and Easter is an eternal reminder of the fact that the truth-crushed earth will rise again. Easter justifies Carlyle in saying, "No lie can live forever." And so this is our faith, as we continue to hope for peace on earth and good will toward men: let us know that in the process we have cosmic companionship.

In 1963, on a sweltering August afternoon, we stood in Washington, D.C., and talked to the nation about many things. Toward the end of that afternoon, I tried to talk to the nation about a dream that I had had, and I must confess to you today that not long after talking about that dream I started seeing it turn into a nightmare. I remember the first time I saw that dream turn into a nightmare, just a few weeks after I had talked about it. It was when four beautiful, unoffending, innocent Negro girls were murdered in a church in Birmingham, Alabama.

I watched that dream turn into a nightmare as I moved through the ghettos of the nation and saw my black brothers and sisters perishing on a lonely island of poverty in the midst of a vast ocean of material prosperity, and saw the nation doing nothing to grapple with the Negroes' problem of poverty. I saw that dream turn into a nightmare as I watched my black brothers and sisters in the midst of anger and understandable outrage, in the midst of their hurt, in the midst of their disappointment, turn to misguided riots to try to solve that problem. I saw that dream turn into a nightmare as I watched the war in Vietnam escalating, and as I saw so-called military advisors, sixteen thousand strong, turn into fighting soldiers until today over five hundred thousand American boys are fighting on Asian soil. Yes, I am personally the victim of deferred dreams, of blasted hopes, but in spite of that I close today by saying I still have a dream, because, you know, you can't give up in life. If you lose hope, somehow you lose that vitality that keeps life moving, you lose that courage to be, that quality that helps you go on in spite of all. And so today I still have a dream.

I have a dream that one day men will rise up and come to see that they are made to live together as brothers. I still have a dream this morning that one day every Negro in this country, every colored person in the world, will be judged on the basis of the content of his character rather than the color of his skin, and every man will respect the dignity and worth of human personality. I still have a dream that one day the idle industries of Appalachia will be revitalized, and the empty stomachs of Mississippi will be filled, and brotherhood will be more than a few words at the end of a prayer, but rather the first order of business on every legislative agenda. I still have a dream today that one day justice will roll down like water, and righteousness like a mighty stream. I still have a dream today that in all of our state houses and city halls men will be elected to go there who will do justly and love mercy and walk humbly with their God. I still have a dream today that one day war will come to an end, that men will beat their swords into plowshares and their spears into pruning hooks, that nations will no longer rise up against nations, neither will they study war any more. I still have a dream today that one day the lamb and the lion will lie down together and every man will sit under his own vine and fig tree and none shall be afraid. I still have a dream today that one day every valley shall be exalted and every mountain and hill will be made low, the rough places will be made smooth and the crooked places straight, and the glory of the Lord shall be revealed, and all flesh shall see it together. I still have a dream that with this faith we will be able to adjourn the councils of despair and bring new light into the dark chambers of pessimism. With this faith we will be able to speed up the day when there will be peace on earth and good will toward men. It will be a glorious day, the morning stars will sing together, and the sons of God will shout for joy.

MARTIN LUTHER KING: BEYOND VIETNAM—A TIME TO BREAK SILENCE

I come to this magnificent house of worship tonight because my conscience leaves me no other choice. I join you in this meeting because I am in deepest agreement with the aims and work of the organization which has brought us together: Clergy and Laymen Concerned about Vietnam. The recent statements of your executive committee are the sentiments of my own heart, and I found myself in full accord when I read its opening lines: "A time comes when silence is betrayal." And that time has come for us in relation to Vietnam.

The truth of these words is beyond doubt, but the mission to which they call us is a most difficult one. Even when pressed by the demands of inner truth, men do not easily assume the task of opposing their government's policy, especially in time of war. Nor does the human spirit move without great difficulty against all the apathy of conformist thought within one's own bosom and in the surrounding world. Moreover, when the issues at hand seem as perplexed as they often do in the case of this dreadful conflict, we are always on the verge of being mesmerized by uncertainty; but we must move on.

And some of us who have already begun to break the silence of the night have found that the calling to speak is often a vocation of agony, but we must speak. We must speak with all the humility that is appropriate to our limited vision, but we must speak. And we must rejoice as well, for surely this is the first time in our nation's history that a significant number of its religious leaders have chosen to move beyond the prophesying of smooth patriotism to the high grounds of a firm dissent based upon the mandates of conscience and the reading of history. Perhaps a new spirit is rising among us. If it is, let us trace its movements and pray that our own inner being may be sensitive to its guidance, for we are deeply in need of a new way beyond the darkness that seems so close around us.

Now let us begin. Now let us rededicate ourselves to the long and bitter, but beautiful, struggle for a new world. This is the calling of the sons of God, and our brothers wait eagerly for our response. Shall we say the odds are too great? Shall we tell them the struggle is too hard? Will our message be that the forces of American life militate against their arrival as full men, and we send our deepest regrets? Or will there be another message—of longing, of hope, of solidarity with their yearnings, of commitment to their cause, whatever the cost? The choice is ours, and though we might prefer it otherwise, we must choose in this crucial moment of human history.

As that noble bard of yesterday, James Russell Lowell, eloquently stated:

Once to every man and nation comes a moment to decide,
In the strife of Truth and Falsehood, for the good or evil side;
Some great cause, God's new Messiah offering each the bloom or blight,
And the choice goes by forever 'twixt that darkness and that light.
Though the cause of evil prosper, yet 'tis truth alone is strong
Though her portions be the scaffold, and upon the throne be wrong
Yet that scaffold sways the future, and behind the dim unknown
Standeth God within the shadow, keeping watch above his own.

And if we will only make the right choice, we will be able to transform this pending cosmic elegy into a creative psalm of peace.

If we will make the right choice, we will be able to transform the jangling discords of our world into a beautiful symphony of brotherhood.

If we will but make the right choice, we will be able to speed up the day, all over America and all over the world, when justice will roll down like waters, and righteousness like a mighty stream.

OUT OF IRAQ AND BACK TO THE AMERICAN CITY

(By Dennis Kucinich)

We are losing our nation to a philosophy of war and destruction. It is time for policies of peace and construction. It is time for the philosophy of peace, nonviolence and economic justice. This was the philosophy of Dr. King, Gandhi, Jesus, Fredrick Douglas, A. Philip Randolph, Bayard Rustin, Fannie Lou Hamer, Sojourner Truth, Cesar Chavez, and Jesse Jackson.

We are all united with the philosophy which birthed the New Deal, the New Frontier, the Great Society, the dreams of social and economic justice which could be called forth by those who were ready to stand up, to speak out, to march, to demand, to testify about the good news:

The world is interconnected. The world is interdependent. We are not just our brother and sisters keeper, on a deeper spiritual level we are our brothers and sisters. This is the meaning of the Golden Rule, Do unto others as you would have them do unto you. This is the meaning of Love Thy neighbor as thy self. This is why policies of unilateralism, first strike, and preemption are dead ends. This is why nuclear proliferation is a threat to every person on the planet. This is why the very idea that war should be an instrument of policy needs to be challenged. War is not inevitable. Peace is inevitable if we are prepared to work for it.

Dr. King understood this. In his speech "Beyond Vietnam: A time to break silence" in New York City nearly forty years ago, he created a synthesis of peace and civil rights. "Somehow this madness must cease," Dr. King told those assembled at Riverside Church about the annihilation of the Vietnamese people and their nation. "I speak as a child of God and brother to the suffering poor of Vietnam. I speak for those whose land is being laid waste, whose homes are destroyed, whose culture is being subverted. . . . I speak as a citizen of the world, for the world, as it stands aghast at the path we have taken. I speak as one who loves America, to the leaders of our nation: The great initiative in this war is ours. The initiative to stop it must be ours too."

That is why tomorrow I will present Congress with a plan to get out of Iraq. We must end the occupation, close the bases, and use the money that is there now to bring the troops home while we prepare Iraq for an international security force. I led the effort in the House of Representatives challenging the Bush Administration's march toward war in Iraq. I organized 126 Democrats to vote against the war.

There were no weapons of mass destruction in Iraq. But there are plenty of weapons of mass destruction here in the United States which need to be removed. Poverty is a weapon of mass destruction, homelessness is a weapon of mass destruction, joblessness is a weapon of mass destruction, poor health care is a weapon of mass destruction, theft of pensions, a weapon of mass destruction, hopelessness is a weapon of mass destruction.

Let's deal with the WMD's in our cities. It is time to get out of Iraq, which did not have weapons of mass destruction and into our American cities, which are loaded with weapons of mass destruction.

This then is a call for a politics of unity where human unity becomes an imperative. This is a call for a politics of economic justice, where wealth creation is available to everyone, where the government becomes an engine to create wealth for all, where it functions to equitably redistribute the wealth.

We know the challenges. The war in Iraq is the product of the same type of thinking which underlies racism. Us vs. them. The minute there is a they or a them it creates separation. Separation is the basis for discrimination. Separation is the basis for subjugation. Separation is the basis for insularity. Separation is the basis for conflict. Separation is the basis for war. Separation is the basis for the destruction of our environment. Separation is the basis for the destruction of the planet.

We are at a moment where our survival instinct causes us to declare the imperative of human unity. A unity of states is a superficial unity if it does not embrace policies which promote human unity, human equality, human striving, the practical aspirations of people.

There has been a massive redistribution of wealth in our society. Government has been turned into an engine to redistribute the wealth upwards. Our whole monetary system is based on debt creation for the masses and wealth creation for the few. War has become an engine of wealth for military contractors. Health care has become an engine of wealth for the pharmaceutical companies and the insurance companies. The tax system is used to accelerate wealth to the top. Our banking and credit systems accelerate wealth to the top. Our electric utilities, our gas companies, our oil companies accelerate wealth to the top. Our energy systems accelerate wealth to the top. Our transportation systems accelerate wealth to the top. Our information systems accelerate wealth to the top.

The concentration of wealth in our society has jeopardized our democracy. It has created a two class society. And in doing so jeopardizes the very institutions of wealth creation. Franklin Roosevelt recognized this in the creation of the New Deal which saved not only economic opportunities for the masses, but also saved capitalism itself.

There is an unlimited amount of wealth that can be created in our society. We need to teach our children wealth creation. But we need to challenge the fundamental assumptions that guide our society, assumptions such as "a certain amount of unemployment is necessary to the functioning of the economy." or "let the market decide access to health care." We need to perfect our union. This then is the perfect opportunity for us to perfect our union, to perfect the purpose of government, to perfect our mutual pledge to each other. It is time for a declaration of human economic rights of citizens of an urban society, and tie that declaration to legislation and use that legislation to create wealth and harmony and peace.

Langston Hughes wrote: "Life for me ain't been no crystal stair." We know that experience, we also know that we can teach people to create wealth if we can help them find a way to get access to wealth.

I am a product of the city. My parents never owned a home. I grew up in 21 different places by the time I was 17, including a few cars. I've learned about opportunities. I've learned that if you believe it you can conceive it. I've learned about pulling oneself up by bootstraps. I've also seen the cynicism which comes when you tell people to pull themselves up by their bootstraps and then you steal their shoes. I've seen people dreaming the dreams and stuck singing Sixteen Tons.

We are not going back to the days of Sixteen Tons.

So let it be said here:

We have a right to a job.

We have a right to a living wage.

We have a right to an education.

We have a right to health care.

We have a right to decent and affordable housing.

We have a right to a secure pension.

We have a right to air fit to breathe.

We have a right to water fit to drink.

We have a right to be free of the paralyzing fear of crime.

We have a right to be free of a government tapping our phones, opening our mail, checking out our library reading lists, snooping into our medical records, and our credit records.

We have a right to fair, open, and verifiable elections where every vote counts and every vote is counted.

We have a right to peace.

We have a right to prosperity.

This means ending the war in Iraq.

This means bringing the money home to our cities.

This means a full employment economy.

This means good paying jobs.

This means a living wage.

This means a federal infrastructure bill to put millions to work rebuilding our schools, our bridges, our libraries, our universities our hospitals, our city halls, our recreation centers, our sidewalks, our street lights, our parks, our water systems, our sewer systems, our neighborhoods.

This means a more perfect union.

This means every child goes to a prekindergarten and every young person goes to a junior or a four year college.

This means universal health care.

This means a new housing initiative where everyone has access to affordable housing.

This means full protection of social security and no privatization.

This means protection of private pension funds.

This means giving workers access to the power of their pension funds to invest in job creation.

This means cleaner energy, greener energy.

This means programs for safer neighborhoods.

This means initiatives which bring people out of prison and into the mainstream of society.

This means a Department of Peace and nonviolence.

I don't just talk the talk. I walk the walk.

The universal health care bill is called Conyers-Kucinich. It calls for a universal single payer not-for-profit health care system to lift everyone up. To give everyone access to health care.

I wrote the federal infrastructure bill.

I wrote the universal pre-kindergarten bill.

I wrote the bill for a Department of Peace and non-violence to make Dr. King's dream of non-violence a reality. That bill will deal with the realities of violence in our society and take a path towards more peaceful relationships. It will help families who suffer from domestic violence, spousal abuse, child abuse; it will meet the challenge of violence in the schools, racial violence, violence against gays, police community conflicts, using the principles for which Dr. King lived. And it will create a context where a peaceful America can help to create a peaceful world. Imagine. Peace as an organizing principle. Prosperity as an organizing principle.

And when I am elected President of the United States, in my first day in office I will be ready to push. I will send to the Congress a bill for universal single payer not-for-profit health care.

I will send to the Congress legislation for creating millions of jobs through rebuilding America's infrastructure, I will send congress legislation to create a summer jobs program.

I will send Congress legislation to create affordable housing.

I will send congress a bill to establish a cabinet level Department of Peace and Non Violence.

I can do this because I have already written many of these bills. They are ready and so am I. I will move to restore the Constitution, restore habeas corpus, and repeal the Patriot Act. If you are ready, I am ready for a new America. And I am ready to unite this country in the cause of peace, justice and prosperity.

Our unity extends to all people everywhere. The Bible tells us to make peace with our brother because we are all one. We are told whatever we do for the least of our brothers and sisters, we do for the Lord, because we are all one in spirit. We are told that we have an obligation to feed the hungry, shelter the homeless, clothe the naked not simply because we are our brother and sisters keeper, not just because there but for the grace of God go I, but because wherever there is a hungry person, there I am. Wherever there is someone who is homeless, there I am.

Wherever someone is walking the streets looking for a job. That person is my brother and that person is me. Wherever a child goes to bed hungry, I am there. We connect with each other in our profound, human experience. We connect with each other through the imperative to love one another. We bind to each other in all of our hopes, in all of our dreams, and in all of our sufferings. The awareness which bids us to pursue a more perfect union make us aware of the perfectibility of our social systems, our economic systems and our own lives. We are meant for higher things. We are meant for better things. We are meant for peace, for prosperity, for enlightenment, for health, for love, for a more perfect union with ourselves, with each other, with our nation and with the world. Human unity is the great path that we all can walk upon. The world is interconnected. The world is interdependent.

I know that we are on the threshold of greatness because the people are great and we just need to call forth that awareness, call forth that ability, give people the resources, show people the money, show them their power, show them their beauty, show them that we can all be more than we are, better than we are. It's about reaching up and reaching out. It's about Push. It's about the Rainbow Coalition. It's about Human Unity. It's about a new America. It's about a new world. Let us begin.

Mr. CONYERS. Madam Speaker, I am pleased now to yield to my old friend, the delegate from American Samoa (Mr. FALEOMAVAEGA) 2 minutes.

Mr. FALEOMAVAEGA. Madam Speaker, I am honored to be here this morning and certainly want to thank my good friends, the gentleman from Michigan and the gentleman from Georgia, for allowing me to participate in this proposed legislation to honor the memory and legacy of one of the great spiritual giants, not only as a native son of our Nation, but certainly of the world, that of Dr. Martin Luther King, Jr.

Dr. King was not a political leader, nor was he a military leader, nor was he a noted writer or author. Nor was he a philosopher. He was a Christian minister who understood thoroughly the real spiritual and the moral force of the principles taught by the Savior some 20 centuries ago, that of loving our neighbors as ourselves, showing tolerance and respect for our fellow human beings.

Dr. King was well aware of the social, economic and political inequalities that existed in our Nation, that his own people, the African Americans for some 200 years, have been treated as second-class citizens despite the hundreds of thousands of their sons and daughters who fought and bled and died defending our Nation against its enemies.

□ 1445

Dr. King's statement and speeches are well noted throughout the world. One of the statements that I like best is, "At the end, we will not remember the words of our enemies, but the silence of our friends." And, yes, we all remember one of his most memorable speeches in that August during the summer of 1963 at the Lincoln Memorial, where he spoke before some 250,000 people and hundreds of millions more around the world, when he echoed the words, "I have a dream, that my four children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character."

Madam Speaker, this is what America is all about, and I thank Dr. Martin Luther King, Jr., for reminding us what our Nation should stand for, the real meaning of freedom under the provisions of our national Constitution.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have heard a number of very moving tributes to Dr. Martin Luther King and I think it is important that we continue to remember what he said. I think what Mr. FALEOMAVAEGA quoted sums it up better than anything else, and that is that a person should be judged by the content of their character and not by the color of their skin. I think that is something we should always strive for in this Nation.

Madam Speaker, I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the Members that have participated in this activity. We will have 5 days to continue to introduce our comments into the CONGRESSIONAL RECORD, and I also remind those that would like to join in the cosponsorship of Congressman LEWIS' resolution, they still have an opportunity to do so.

Madam Speaker, I will introduce into the RECORD five articles dealing with Dr. King. One is from the Washington Post entitled, "From Dr. King, a reminder on Iraq." Another from the same source, "The quest to keep King's legacy alive." Another, "Walking just like King did." Another, "Democrats hail civil rights leader King." Finally, the last one, "Martin Luther King papers go on display."

Madam Speaker, what I would conclude with is the pleasure that I have in seeing this holiday increasingly observed from year-to-year. Martin Luther King's birthday is not a shopping day. It is not a day off. It is not a day that you worry about getting some things done around the house. There are untold thousands of celebrations, some large, some small, some in churches, some signified by marches. There are so many different ways that he is being observed.

I was so pleased yesterday to be at the church that Dr. Martin Luther King had the privilege of addressing on numerous occasions. Then earlier I was with some very young people who were just learning about Dr. King, and they were taking a day on instead of a day off. They are working with schools and other youngsters in parks and recreation, in the City Year agency led by Penny Bailey.

So, Madam Speaker, I am pleased that the Congress under the leadership of the gentleman from Georgia would have this resolution brought to the floor today.

[From the Washington Post, Jan. 13, 2007]

The Quest To Keep King's Legacy Alive

(By Hamil R. Harris)

On Monday, the country honors the Rev. Martin Luther King Jr., who would have been 78 years old. The civil rights leader, who was assassinated in 1968 at the age of 39, launched many of his efforts from the pulpit. To mark his birthday, religious leaders were asked: Is King's legacy of social activism still alive in the faith community today?

The Rev. Jesse Jackson, founder of the Rainbow/Push Coalition: "The activist black churches are still the conscience of our nation. . . . I was with Dr. King on his last birthday. We must remember that a lot of churches didn't support King then. He was expelled from the National Baptist Convention. Our mission today is to green line a red-lined America. It is good to talk about raising the minimum wage in Congress, but for those who don't have jobs, the issue doesn't touch them. We need to continue to work on an urban agenda."

Rabbi Marla J. Feldman, director of the Commission on Social Action of Reform Judaism: "Dr. King's legacy is very much still alive and his legacy continues to inspire the faith community across the country. I know that . . . reformed congregations around the country will do something special for the King holiday to honor his legacy. . . . There will be congregations all over the country involved in social activist enterprises, including in the Washington, D.C., area. All of the rabbis that I know will be preaching about Dr. King and the issues that we are wrestling with today, such as economic justice and the war in Iraq."

The Rev. Artie L. Polk, assistant pastor of Mount Gilead Baptist Church in the District and founder of the Martin Luther King memorial breakfast celebration in Prince George's County: "It is a real challenge to keep the King legacy alive, especially in light of this new prosperity gospel where preachers are talking about name it and claim it. Too many people are focused today on themselves instead of keeping alive King's legacy of service and commitment to the least of.these."

Mohammed Shameem, a broadcast engineer from Bowie who volunteers at the Prince George's Muslim Association in Lanham: "More so than ever before, people of the faith community should adhere to Dr. King's principles in terms of equality and unity in the community because our civil rights are being eroded today, and the civil rights of Muslims are being trampled upon. Social activism calls for pointing out injustice. Hardworking and innocent Muslims are being profiled just because of their faith. A group of imams were stopped in the airport because they were being profiled."

Bishop Adam Jefferson Richardson, prelate of the 2nd Episcopal District of the African Methodist Episcopal Church: "The movement is still regarded as effective for that time, but that style has changed. The frightful part is that in the old days, there was a theological mandate to do social activism, now among Generation Next, there is an emphasis on acquisition and materialism, much to the exclusion as to what is good for the whole community. There is nothing wrong with a prosperity message, but you have to guide people to understand the whole gospel, which also includes helping others; it can't be selfcentered, it has to be others-oriented."

Rabbi Douglas Heifetz of the Oseh Shalom Congregation in Laurel: "Yes! King's legacy is alive today. It needs to be spread far and near. For example, the Jewish community has been extremely active in working with a coalition of other groups to call for an end to the genocide in Darfur because this is massive human rights abuse on a wide scale. We are called to follow King's legacy because the Hebrew Bible calls for ongoing social transformation to affect the lives of people, paying special attention to the lives of those who are most in need."

Auxiliary Bishop Martin D. Holley of the Archdiocese of Washington: "King's dream is very much alive today. It is very prophetic, especially his letter from the Birmingham jail. Here was a man who believed so much in the dignity of the human person that he was willing to go to jail for it He led by example. He went beyond making statements. He paid a heavy price. He gave his life for all people."

Cain Hope Felder, professor at the Howard University School of Divinity and founder of the Biblical Institute for Social Change: "I am sick and tired of hearing Dr. King's 'I Have a Dream' speech when the daily reality is that for an increasing number of Americans, and the African American poor in particular, living is a nightmare. Dr. King's legacy is barely alive today. There needs to be a vigorous effort for religious leaders to be far more proactive than they have been in the past two decades of co-optation."

[From the Washington Post, Jan. 13, 2007]

From Dr. King, A Reminder on Iraq

(By Colbert I. King)

Forty years ago, Dr. Martin Luther King Jr., whom the nation will honor on Monday, took to the pulpit of Riverside Church in New York City at a meeting organized by Clergy and Laymen Concerned About Vietnam. The date was April 4, 1967, one year before his assassination in Memphis.

King said he was in New York because his conscience had left him no choice. In his speech, "Beyond Vietnam: A Time to Break Silence," King declared: "That time has come for us in relation to Vietnam."

King acknowledged the reluctance of some people to speak out on Vietnam—the same hesitation some Americans may have today over voicing their concerns about Iraq. People, he explained, "do not easily assume the task of opposing their government's policy, especially in time of war."

But King concluded that too much was at stake. He and the other religious and lay leaders were moved by what the conflict in Vietnam was doing to the United States. Vietnam, King said, was consuming American troops and money like "some demonic, destructive suction tube" even as that war was laying waste to the Vietnamese people and to America's standing in the world.

And on this Martin Luther King Jr. Day, in 2007.

More than 3,000 Americans have been killed in Iraq, while 22,000 others have been wounded. Billions of dollars that could have been invested here at home have been spent there, a lot of it wasted, some of it stolen, plenty of it unaccounted for. And Iraqis in Baghdad, who cowered for decades under a brutal dictator, have been living in the midst of violence almost continuously since Saddam Hussein was deposed.

"We are creating enemies faster than we can kill them" read a bumper sticker in Washington this week.

Now enter George W. Bush—the president who got America into this debacle through a series of misjudgments that would make Alfred E. Neuman look brilliant. This week Bush announced plans to plop down thousands of additional troops in the middle of a sectarian war and to shell out billions of additional dollars to pacify a war-weary Iraqi population that, truth be told, wants America gone.

Why trust this administration?

Contrary to what Bush and his allies said:

There were no weapons of mass destruction poised to strike America and her allies.

A quick defeat of Hussein did not lead to chocolates and flowers in the streets of Baghdad.

An American invasion did not produce a unified, nonsectarian and Western-oriented Iraq or spark a desire for U.S.-style governance throughout the Arab world.

De-Baathification and the imposition of a market economy at gunpoint did not usher in a period of tranquility or the flowering of capitalism.

The Bush administration struck first because it had the power to strike and the arrogance to think, foolishly, that it could win and dominate the conquered on the cheap.

King spoke in '67 about "the Western arrogance of feeling that it has everything to teach others and nothing to learn from them." Witness the Bush team in Iraq.

Today they have a bloodbath on their hands to show for their labors, and Iran is on the verge of getting an Iraqi neighbor beyond its wildest dreams.

Yet even now, neoconservatives inside and outside of government are counseling Bush to remain in Iraq for years to prevent the Shiite-dominated regime from collapsing. They also are encouraging him to prepare for battle with Iran and Syria if those countries start meddling in Iraq—as if they aren't now. With what exactly and for how long we are supposed to do battle with Tehran and Damascus, the militaristic neocon noncombatants in Washington don't say. But then again, they have a tolerance for risk and cost that exceeds that of those who actually do the fighting and dying.

Forty years ago at Riverside Church, people of conscience declared that "a time comes when silence is betrayal." They went beyond using their voices and votes when they agreed to break their silence. They responded, as King had urged, by matching their words with actions. "We are at the moment when our lives must be placed on the line if our nation is to survive its own folly. Every man of humane convictions must decide on the protest that best suits his convictions, but we must all protest," King preached that day.

Yes, this is a different time and a different world. Global terrorism is a sobering reality. And America is on the right side in that war. To not fight back is tantamount to indulging a death wish.

But the first blow in Iraq, which was not a battleground for terrorism, was struck by Bush. He now, stubbornly and in the face of legitimate opposition, proposes to make matters worse.

Remember King and the words: "A time comes when silence is betrayal."

[From the Washington Post, Jan. 15, 2007]

MARTIN LUTHER KING PAPERS GO ON DISPLAY

(By Errin Haines)

ATLANTA.—The legacy of Coretta Scott King loomed large Monday over the first observance of Martin Luther King Jr. Day since her death, with tributes at the church where her husband preached and visits to the tomb where both civil rights activists are now buried.

"It is in her memory and her honor that we must carry this program on," said her sister-in-law, Christine King Farris, at the historic Ebenezer Baptist Church. "This is as she would have it."

Mayor Shirley Franklin urged the congregation not to pay tribute to King's message of peace and justice on his birthday and then contradict it the next.

"Millions can't find jobs, have no health insurance and struggle to make ends meet, working minimum-wage jobs. What's going on?" Franklin said, repeating a refrain from soul singer Marvin Gaye.

As King condemned the war in Vietnam 40 years ago, Ebenezer's senior pastor, the Rev. Raphael G. Warnock, denounced the war in Iraq.

"The real danger is not that America may lose the war," Warnock said. "The real danger is that America may well lose its soul."

Not far from the church, visitors also paid homage to the Kings at their tomb.

"They're together at last," said Daphne Johnson, who was baptized by King at Ebenezer.

Coretta Scott King died last year on Jan. 31 at age 78. An activist in her own right, she also fought to shape and preserve her husband's legacy after his death, and founded what would become the Martin Luther King Jr. Center for Nonviolent Social Change.

Crowds lined up early at the Atlanta History Center to see the first exhibition of King's collected papers since they were returned to his hometown. The papers brought back difficult memories for some.

"I remember a lot that I don't care to say," said Bertis Post, 70, of Atlanta, who marched with King in Alabama and Atlanta. "I always wanted to see the papers in person—just to be here and be around what you believe."

The exhibit includes King's letter from the Birmingham jail, an early draft of his famous "I Have a Dream" speech, his acceptance speech for the Nobel Prize and more than 600 other personal documents.

In California, Stanford University released some of King's earliest sermons and other writings Monday, a decade after the documents were discovered in a moldy cardboard box in an Atlanta basement.

The texts include sermons written when King was a 19-year-old seminary student in 1948 until 1963.

In a 1949 sermon, King asked God to "help us work with renewed vigor for a warless world, a better distribution of wealth and a brotherhood that transcends race or color."

Elsewhere, thousands observed the holiday by volunteering. Organizers expected about 50,000 people to participate in about 600 projects, said Todd Bernstein of the group MLK Day of Service.

President Bush, in an unannounced stop at a high school near the White House, said people should honor King by finding ways to give back to their communities. Classes were not in session but volunteers were sprucing up the school.

"I encourage people all around the country to seize any opportunity they can to help somebody in need," Bush said. "And by helping somebody in need you're honoring the legacy of Martin Luther King."

A historical marker was unveiled commemorating the site in Rocky Mount, N.C., where Martin Luther King Jr. delivered one of the earliest versions of his "I Have A Dream" speech. Hundreds of people attended a ceremony and march held near the high school where King spoke in November 1962.

Several hundred people gathered in West Columbia, S.C., for a breakfast prayer service, where the Rev. Brenda Kneece said King set the standard for sacrifice and vision.

King's "vision became even more powerful because he understood the risks he was taking," said Kneece, executive minister of the South Carolina Christian Action Council. "It's very important for our children to know that his sacrifice didn't win the war. We still have to keep at it"

At Michigan State University, officials presented a one-day civil rights exhibit that displayed slave shackles, a document from King's voting rights march in Alabama and a fingerprint card for Rosa Parks made after her 1955 arrest for refusing to give up her bus seat to a white man.

Marchers commemorating King Day in Troy, Ohio, were heckled by a group of seven neo-Nazi protesters shouting white power slogans and carrying signs, police said. There were no arrests.

And in North Carolina, 400 workers walked off the job or refused to show up at a huge Smithfield Foods Inc. hog slaughtering plant in Tar Heel after managers refused to grant the King holiday as a paid day off.

The company said a union request last week for the day off came too late for a change of work plans.

King, who would have turned 78 this year, was assassinated April 4, 1968, while standing on the balcony of a hotel in Memphis, Tenn. His confessed killer, James Earl Ray, was arrested two months later in London.

[From the Washington Post, Jan. 16, 2007]

WALKING JUST LIKE KING DID

(By Michael E. Ruane and Hamil R. Harris)

The opening song was No. 540 in the hymnal, but most people at the Covenant Baptist Church tribute to the Rev. Martin Luther King Jr. yesterday already knew the words well.

Lift ev'ry voice and sing, Til earth and heaven ring. . . . Stony the road we trod,
Bitter the chast'ning rod. . . .

Inside the venerable Washington church, which was the destination for hundreds participating in the city's Martin Luther King Peace Walk, the throng sang the verses to James Weldon Johnson's civil rights anthem with gusto.

> Yet with a steady beat, Have not our weary feet come to the place for which our fathers sighed?

It seemed a fitting climax to the 18-block walk honoring King's birthday, which was led by DC Mayor Adrian M. Fenty and wound along Martin Luther King Jr. Avenue SE to the church on South Capitol Street.

It was one of numerous tributes across the region to the slain civil rights leader, who would have turned 78 yesterday. King was assassinated in Memphis on April 4, 1968.

The peace walk began about 10 a.m. at V Street SE in Anacostia after speeches by the mayor and other officials, clergy members and civic leaders. Crowding the sidewalk for blocks, the marchers enjoyed balmy January weather as they strode south on the avenue, chanting slogans and carrying banners.

"Today we're blessed. The weather is not a problem," said Denise Rolark Barnes, one of the walk's organizers. Over the years, King birthday commemorations have been affected by harsh winter weather, she noted.

While an official King Day parade in the District is scheduled for April 7, Barnes said many people believed King's birthday needed to be observed, too. "Many of us who work and live along the avenue just felt as though there was something that we should do. . . . We said, 'Rain, snow, sleet or hail, we would be out here,' and fortunately it doesn't look like we're going to get any of that."

Fenty (D) said the walk would be a simple statement "We're going to just go out and put one foot in front of the other, and tell people that, although we made a lot of progress, we've got a long way to go."

He said it could be especially instructive for the children participating.

"It won't be hard to explain to the kids how Martin Luther King was able to make so much progress just by walking when they're going to do it themselves," Fenty said. "I think they'll appreciate the hours and hours and months and months [spent walking] in the South to get civil rights advancements if we do a little bit of walking here ourselves."

Residents watched from front porches and windows as the march proceeded and a recording of one of King's speeches drifted from a passing car, along with the thump of pop music from another.

Past the avenue's multitude of churches the marchers went, past the nail salons and convenience stores. One house on the route was adorned with the images of King and fellow civil rights champion Malcolm X arrayed on its front steps. There were black marchers and white marchers, people in sneakers and others wearing cuff links.

One marcher, Keith Day, 45, who works at a drug addiction prevention agency, said: "I came down here to keep the legacy of Dr. King alive. If it wasn't for him, none of this would be happening. It took a man like him to stand up for peace."

Elsewhere yesterday, more than 300 people gathered at the La Fontaine Bleu banquet facility in Lanham for the 13th Annual Martin Luther King memorial breakfast sponsored by the Ebony Scholarship Society. There, Bishop Adam Jefferson Richardson Jr. of the Second Episcopal District of the African Methodist Episcopal Church challenged those gathered to go beyond just remembering King.

"From memorial to movement, let the movement begin anew," Richardson said. "It is right for us to be told Dr. King's words, to hear what the words mean in the context of 2007. At a time when we are waging war like swatting flies, it would be refreshing to hear King's words that violence is a poor teacher."

Maryland Del. Carolyn J.B. Howard (D–Prince George's), who attended the event, said that although such programs have become common since King's death, "we still need to remember what he did."

"It is easy to stay away, but we need to come out," she said. "There needs to be a new sense of activism today."

[From the Associated Press, Jan. 16, 2007]

DEMOCRATS HAIL CIVIL RIGHTS LEADER KING

(By Jim Davenport)

COLUMBIA, S.C.—Democratic presidential hopeful Joseph Biden said Monday he thinks the Confederate flag should be kept off South Carolina's Statehouse grounds.

The comments by the U.S. senator from Delaware on a day of events celebrating Dr. Martin Luther King Jr.'s legacy came as a potential Democratic presidential candidate, Sen. Barack Obama, evoked the memory of the slain civil rights leader.

"As I recall, Dr. King wasn't hanging out in Manhattan, Dr. King wasn't hanging out in Beverly Hills," Obama, D-Ill., told a King remembrance service in an economically depressed south Chicago suburb.

Introducing Obama, the Rev. Jesse Jackson told a crowd at the annual King scholarship breakfast, "it's a long, nonstop line between the march in Selma in 1965 and the inauguration in Washington in 2009."

Screaming admirers managed to get Obama's autograph after he advocated removing troops from Iraq, rebuilding struggling areas such as the suburb of Harvey where he was speaking and increasing civic activism and calling on people, especially fathers, to be better parents.

In San Francisco, House Speaker Nancy Pelosi reminded more than 1,000 people attending a union-sponsored breakfast honoring King that the slain civil rights leader spoke out against the Vietnam War because he saw domestic and national security issues as inexorably intertwined.

Pelosi, D-Calif., said Democrats would counter President Bush's proposal to send more troops to Iraq with a plan changing the U.S. mission there "from combat to training, to fighting terrorism, to protecting our forces.

"The nation is spending "two billion a week in Iraq—think of what we could do a week, a month, a day with that money," Pelosi said, adding that the nation also has paid too great a cost in casualties, its international reputation and military readiness at home.

In Columbia, S.C., more than six years after the Confederate flag was taken down from the Capitol dome, its location in front of the Statehouse remains an issue.

"If I were a state legislator, I'd vote for it to move off the grounds—out of the state," Biden said at an NAACP march and rally at the Statehouse.

Jim Hanks stood across from the South Carolina Statehouse with about 35 Confederate flag supporters. "We love this flag. We love our heritage," said Hanks, of Lexington.

Some carried signs saying, "South Carolina does not want Chris Dodd," referring to the Connecticut senator who, along with Biden, attended the National Association for the Advancement of Colored People rally at the Statehouse.

On Sunday, Dodd told The Associated Press at a King remembrance service in Greenville that the Confederate flag belongs in a museum.

"I don't think it belongs on the Capitol grounds," Dodd said.

In 2000, as the NAACP began a South Carolina tourism boycott, the flag was flying on the Capitol dome and in House and Senate chambers. Legislators agreed to take the flag down that year, but raised the banner outside the Statehouse beside a Confederate soldiers monument.

Biden expects legislators here will eventually move the flag. Pointing to his heart, he said, "as people become more and more aware of what it means to African-Americans here, this is only a matter of time."

[From the Washington Post, Jan. 15, 2007]

MARTIN LUTHER KING, JR. DAY

On April 4, 1968, the day of the Rev. Martin Luther King Jr.'s assassination, the doctor who examined his body estimated that, after years of sit-ins, marches, long nights and inspiring speeches, Dr. King, 39, had the heart of a 60-year-old. On Martin Luther King Jr. Day, America honors not only Dr. King's accomplishments, though they are profound; his oration, though it is lyrical; and his dream, though it lives on; but also the tireless devotion with which he pursued them.

For too many Americans, however, the holiday has become little more than an excuse to skip work and sleep in.

Enter the Corporation for National and Community Service, the government agency that administers the AmeriCorps program. It wants to make the King holiday a time of service rather than sloth, and it is organizing community projects and events across the country to do it The agency is particularly eager to make the Washington area a model of civic participation and service on Dr. King's birthday. Its spokesmen boast that it has assembled an event schedule including a kickoff at Howard University and 80 community service projects around the District. Organizers from the Corporation for National and Community Service expect 10,000 volunteers to contribute time and effort across the region today.

We hope even more show up. We can think of little more fitting than celebrating the values of service and self-sacrifice on Martin Luther King Jr. Day. Though ground has been broken on a long-awaited memorial to Dr. King on the Mall, words etched in stone, however grand, cannot honor his legacy as emulating his example can. Visit http://www.mlkday.gov. find a project in your area, and paint a school or clean up a sidewalk today.

Mr. BACA. Madam Speaker, I ask for unanimous consent to revise and extend my remarks.

All of us here, representing Congress have the distinct honor and privilege of working in the one place where America's history meets the law of our land, the one place that displays the many historic monuments, memorials, and permanent images of our Nation.

One of the most powerful images in Washington for me is the image of Dr. Martin Luther King, Jr., conveying his dream during his 1963 "March on Washington" on the steps of the Lincoln Memorial. Dr. King dedicated his life to achieving equal rights for all Americans and had a clear vision on that day in 1963 for what America should look like today.

Dr. King understood government has a fundamental responsibility to meet the needs of all Americans regardless of race or economic class. His vision was for true equal economic opportunity for all. In his "I Have a Dream" speech, Dr. King spoke of the "fierce urgency of now." He said, "This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism." Those words were true in 1963 and continue to remain true today.

My Democratic colleagues and I are working hard to ensure that Congress fulfills its responsibility to realizing Dr. King's dream. Within these first 100 hours of this Congress, we have already passed legislation to make the American people safer, make our Congress more honest and open, make life better for our seniors, and to give a living wage to all Americans.

As our Nation celebrates Martin Luther King Day, we remember him as a beacon of change. Dr. King helped change America by leading the civil rights movement. He gave people the faith and courage to work peacefully for change to stop racial discrimination, and promote equality and opportunity across America. So on this day, and everyday, let us recommit to changing and working to bring about opportunity for all Americans.

Madam Speaker, as we celebrate Dr. King's birthday, let us carry out his vision for social justice, equality, and peace. Let us continue to work together for the common cause, in the effort of humanity and brotherhood, so all people may enjoy a better way of life and a higher dignity.

Mr. HOLT. Madam Speaker, I rise today to recognize and honor the extraordinary life of Dr. Martin Luther King, Jr. Few individuals have left such an indelible mark on society through their selfless and tireless actions to improve the lives of those around them. Dr. King was a powerful voice for justice and equality, and we must remember his legacy, not simply by reading aloud his works, but by heeding his call for action.

After receiving his doctorate from Boston University, Dr. King worked to confront the civil rights abuses that targeted the Black residents of Montgomery, Alabama. After the Montgomery bus boycott earned him national attention, Dr. King used his platform to highlight other forms of racial segregation in the South. His actions, including nonviolent civil disobedience, laid the foundation for passage of both the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Despite his myriad accomplishments, Dr. King continued to work day and night until his death, often delivering rousing speeches even when physically and mentally exhausted.

These later speeches included powerful denunciations of the Vietnam war, and calls for a more just and peaceful society. Dr. King recognized that resources that could have been used to fight racial and economic inequalities at home were being squandered on an unnecessary war half a world away. Dr. King demanded that people sacrifice their energy to fight for causes larger than themselves. I am glad to see that the Corporation for National and Community Service has asked Americans to honor that call by volunteering their time on Martin Luther King, Jr., Day. We must all actively work to achieve peace, both in our communities and abroad, and I am proud to stand before this body today to celebrate the life of Dr. King.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, today we are here to recognize Dr. King's legacy and the millions of men and women who have fought for freedom and justice for all Americans.

It is rare that one person can change the fate of our Nation; however Dr. King was able to do just that. Dr. King relied on his relationship with God and his faith in justice to articulate his vision for America in a way that touched the hearts and minds of the American public.

Dr. King called on all of us to no longer stand alone in silence, but to stand up together as a voice against injustice. He inspired us to fight for change through nonviolent means, and paved the road for us to continue that fight even after his death.

Dr. King once said "All progress is precarious, and the solution of one problem brings us face to face with another problem." This statement was not meant to be a deterrent, but rather to remind us that we need to remain diligent, and prepare for the long road ahead. If we become apathetic we will regress. We have not, and must not forget the fight is not over.

This is the first year that we'll recognize Martin Luther King Day since the death of Mrs. Coretta Scott King. Mrs. King and I were friends and confidants for many years. She was an incredible woman—graceful and dignified—who showed strength in the face of indignation and tragedy.

Following Dr. King's assassination, she continued his legacy promoting social and economic justice for all. Mrs. King was determined to make his dream a reality. And we would not be celebrating the legacy of Dr. King today without her contributions.

There are many young people who may not have experienced Dr. King's battle towards equality. That is why it is so important to familiarize them with our history and struggles. It is imperative we recognize the history of our nation, because we cannot look towards the future without applying the lessons we have learned from the past.

Today's Martin Luther King Day is as much about the past as it is about the future. Dr. King's dream is truly timeless, and I hope that all the young people will find inspiration in his faith and vision.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of H. Res. 61, and thank my friend from Georgia, JOHN LEWIS, for authoring this important resolution.

Madam Speaker, yesterday the Nation observed for the 21st time the Martin Luther King, Jr., holiday. Each year this day is set aside for Americans to celebrate the life and legacy of a man who brought hope and healing to America. The Martin Luther King holiday reminds us that nothing is impossible when we are guided by the better angels of our nature.

Dr. King's inspiring words filled a great void in our Nation, and answered our collective longing to become a country that truly lived by its noblest principles. Yet, Dr. King knew that it wasn't enough just to talk the talk; he knew he had to walk the walk for his words to be credible. And so we commemorate on this holiday the man of action, who put his life on the line for freedom and justice every day.

We honor the courage of a man who endured harassment, threats and beatings, and even bombings. We commemorate the man who went to jail 29 times to achieve freedom for others, and who knew he would pay the ultimate price for his leadership, but kept on marching and protesting and organizing anyway.

Dr. King once said that we all have to decide whether we "will walk in the light of creative altruism or the darkness of destructive selfishness. Life's most persistent and nagging question, he said, is 'what are you doing for others?'"

And when Martin talked about the end of his mortal life in one of his last sermons, on February 4, 1968, in the pulpit of Ebenezer Baptist Church, even then he lifted up the value of service as the hallmark of a full life. "I'd like somebody to mention on that day Martin Luther King, Jr. tried to give his life serving others," he said. "I want you to say on that day, that I did try in my life . . . to love and serve humanity.

Madam Speaker, during these difficult days when the United States is bogged down in a misguided and mismanaged war in Iraq, which has claimed the lives of too many of our brave young service men and women, we should also remember that the Rev. Dr. Martin Luther King, Jr., was, above all, a person who was always willing to speak truth to power. There is perhaps no better example of Dr. King's moral integrity and consistency than his criticism of the Vietnam war being waged by the Johnson administration, an administration that was otherwise a friend and champion of civil and human rights.

Speaking at the historic Riverside Church in New York City on April 4, 1967, Dr. King stated:

> I am as deeply concerned about our own troops there as anything else. For it occurs to me that what we are submitting them to in Vietnam is not simply the brutalizing process that goes on in any war where armies face each other and seek to destroy. We are adding cynicism to the process of death, for they must know after a short period there that none of the things we claim to be fighting for are really involved. Before long they must know that their government has sent them into a struggle among Vietnamese, and the more sophisticated surely realize that we are on the side of the wealthy, and the secure, while we create a hell for the poor.
>
> Somehow this madness must cease. We must stop now. I speak as a child of God and brother to the suffering poor of Vietnam. . . . I speak as a citizen of the world, for the world as it stands aghast at the path we have taken. I speak as one who loves America, to the leaders of our own nation: The great initiative in this war is ours; the initiative to stop it must be ours.

Madam Speaker, these words were spoken by Dr. King 1 year to the day before his death. Thus it is that nearly 40 years after his death, Dr. King continues to teach us all.

Madam Speaker, the death of the Rev. Dr. Martin Luther King, Jr., will never overshadow his life. He was both a dreamer and a man of action. He leaves a legacy of hope, tempered with peace. It is a legacy not quite yet fulfilled.

Madam Speaker, Dr. King's dream of equality under the law will never die so long as there are those like us in the Congress, and millions of people in this country and around the world, who are willing to continue the fight to make it real for all persons.

Mr. MEEK of Florida. Madam Speaker, Dr. King brought the civil rights movement to every living room in this country. He marched for freedom in the face of unspeakable racial prejudice, yet preached a message of nonviolence, civility, and tolerance. It took Dr. King's forceful movement and powerful words to bring about real and lasting change to this country.

This will be the first Martin Luther King, Jr. Day since the passing of Dr. King's wife, Mrs. Coretta Scott King, a legendary civil rights advocate whose memory we honored at a community-wide march last year in Miami. During a time of national grief and unrest following Dr. King's assassination, she became a symbol of her husband's struggle for peace and unity. On this day, we also honor this wonderful matriarchal figure, a role model who helped lead the struggle for equality.

Minority communities face obstacles every day—poverty, unemployment, lack of healthcare, and access to housing. It is a tragic waste that 1 in 5 children live in poverty, including more than one-third of African American children.

Dr. King paved the way for so many people, including me, to assume roles of influence in this country. And for all this work, he created a more just society and made this country an even better place to live. On this day of remembrance, let us work even harder toward fulfilling Dr. King's legacy of public service.

Ms. WOOLSEY. Madam Speaker, the fabric of our lives and the lives of all Americans has been shaped indelibly by the work of Dr. Martin Luther King, Jr. Dr. King had just 39 years to teach our country the way to achieve racial and economic justice through peace and nonviolence. Although his life was short, his legacy—the rich vision of social justice he inspired—is alive and well 40 years after his death. It is with great pride that I take part in this celebration today, to pay homage to his memory.

Dr. King was a leader who focused his efforts on improving the lives of the disadvantaged in our society. He knew that we must be forever attentive to the least privileged, for they are the measure—the only measure that matters—of the depth of our compassion and the strength of our laws.

We still have much to learn from Dr. King, as the dreams he envisioned for our grandchildren still resonate in today's America: equal opportunity, freedom from oppression, justice for all. The eloquent cadences of his "I Have A Dream" speech left a lasting impression on America, and we cannot afford to forget his words. For Dr. King's dream, his concrete vision for the future, has yet to be realized. I look forward to working with my colleagues in this Congress to further the realization of his goals and his strong vision.

Mr. MARKEY. Madam Speaker I rise in strong support of House Resolution 61, a resolution which honors the great Dr. Martin Luther King, Jr., for his outstanding contributions to our country in the past and the continuing impact of his life and legacy.

Born on January 15, 1929, Martin Luther King, Jr., was destined to follow in his grandfather's and father's footsteps as a Baptist minister, but no one could have known he would play such an important role in this history of our Nation. After graduating from high school at the age of 15, Martin Luther King, Jr., attended Morehouse College in Atlanta, GA., just as his grandfather and father had done before. He became a pastor in Ebenezer Baptist Church, and quickly rose to become the leader of the Civil Rights movement of the 1950s and 1960s, inspiring first the Montgomery bus boycott in 1955, and subsequently a nationwide battle to bring an end to racial discrimination in our Nation's laws and public accommodations, and to ensure full voting rights for African Americans. Though bus boycotts had been attempted before, none lasted as long, drew as much attention or were as successful. The Montgomery Bus boycott lasted for almost an entire year and had a profound effect on the businesses in Montgomery.

In recognition of his great leadership, Reverend King was the youngest person ever to win a Nobel Peace Prize at the age of 35. He donated all of the prize money to the Civil Rights Movement.

Dr. Martin Luther King, Jr., was a spiritual giant who possessed a keen intellect and remarkable insights on the human condition. In Massachusetts, we feel a sense of privilege knowing that this extraordinary historic figure lived and learned among us during his lifetime. In 1955, he received a Doctorate of Philosophy in Systematic Theology from Boston University. He also studied at Harvard University. But most important, it was in Boston that he met Coretta Scott, who became his wife, the mother of his four children, and his indispensable partner in a destiny of struggle, transformation and remarkable achievement.

Many of the words of Dr. King speak greatly to the adversities that we still face today. As we work to change the direction of our country, those of us in government must repeatedly seek out those with whom we may sometimes disagree to accomplish those great things that are most worth doing. "Like an unchecked cancer," said Dr. King, "hate corrodes the personality and eats away its vital unity. Hate destroys a man's sense of values and his objectivity. It causes him to describe the beautiful as ugly and the ugly as beautiful, and to confuse the true with the false and the false with the true."

As Dr. King so eloquently put it, "In the end, we will remember not the words of our enemies, but the silence of our friends."

I urge adoption of the resolution.

Mr. HOYER. Mr. Speaker, I join my colleagues today in honoring the legacy of Dr. Martin Luther King, Jr.—a man who answered humanity's highest calling and profoundly transformed the world in which we live.

Yesterday, like many of our colleagues here, I had the privilege of joining with my constituents in rejoicing, remembering and giving thanks to God for the wisdom that Dr. King imparted and the enduring spirit he shared with all mankind.

And at an event at St. Mary's College in southern Maryland, I encountered a man who told me that the third Monday of every January isn't just a national holiday—it's a national holy day—and he was exactly right.

The commemoration of Dr. King's birthday and the ideals for which he stood represent a sacred trust—an opportunity to take note of the heights we have reached as a Nation and celebrate the hard-earned triumphs of African Americans, while also demonstrating the courage to accept that we are sill far from perfect and much good work remains undone.

Coretta Scott King, who provided a shining example of strength and determination in her own right, once said, "Struggle is a never ending process and freedom is never really won. You earn it and win it in every generation."

I would take that statement a step further and say that it is up to us to win it and earn it in every day, hour, minute and second of our lives.

If we take nothing else from the life and work of Dr. King, it should be that each of us shares the responsibility of preserving the legacies of peace, equality and understanding that were left in our hands.

And if we take nothing else from yesterday's commemoration, it should be that our work is never done, and our mission is never completed.

In his letter from a Birmingham City Jail in April of 1963, Dr. King reminds us all that, "Human progress never rolls on the wheels of inevitability—it comes through the tireless efforts of men willing to be co-workers with God."

One of those co-workers is a distinguished Member of this body, an inspiration to all of those who continue to fight for social justice and equality, and the sponsor of this legislation. I, of course, am referring to our colleague and my very good friend, Congressman LEWIS of Georgia, who I regard as nothing less than a national hero for demonstrating the courage to confront centuries of prejudice and racism and helping to move us toward a day where men and women are judged by the content of their character not the color of their skin.

As we continue to be co-workers with both the American people and the divine spirit that guides them, we should never forget Dr. King's immortal words from that Birmingham jail or the lessons he taught.

We are indebted to men and women like Dr. King and Coretta Scott King and JOHN LEWIS. Through their courage and their fortitude, we are a better Nation today.

While this important day is indeed a day of remembrance, it also is a day of reaffirmation—reaffirmation of the principles that guided Dr. King's life.

Mr. SMITH of Texas. Madam Speaker, I strongly support H. Res. 61, which observes and celebrates the birthday of Martin Luther King, Jr., and encourages the people of the United States to celebrate his life and legacy.

We should all thank Dr. King not only for his role in helping to end discrimination, but also for his role in helping to remove a stain on American history that had lingered far too long.

Dr. King's commitment to nonviolent change never wavered. Between the time he assumed leadership of the Montgomery, AL, bus boycott in 1955, until his tragic assassination years later, Dr. King faced hundreds of death threats and a firebombing of his home with his wife and children inside. Still, he remained an unblinking beacon to all those who sought peaceful change. He grew from a person taught in segregated schools to a world leader who was awarded the Nobel Prize.

Dr. King delivered his now famous speech entitled "I Have a Dream" following a march of 250,000 people in Washington, DC. Twenty years ago, the City of San Antonio's Martin Luther King, Jr., Commission began honoring Dr. King with a march that furthers his legacy and serves to educate local citizens regarding his deep, rich legacy. That march has become one of the largest in the country and this march marked its own 20th anniversary yesterday, the day Dr. King would have turned 78.

Despite near freezing temperatures, the San Antonio march attracted thousands of people of diverse backgrounds, which in the past has featured Rosa Parks, the woman who sparked the modern civil rights movement by refusing to sit at the back of the bus. Those in the march knew that no matter what the weather, it paled in comparison to the slings and arrows—the death threats and beatings, and the repeated arrests—Dr. King faced during his too-short but immensely inspiring life.

Such peaceful marches are possible today in large part because of Dr. King's abiding courage. The San Antonio march serves as a powerful reminder that if one person finds the strength to keep walking forward, determined to reach what Dr. King called the "Promised Land," he or she can leave in their wake a lasting legacy of marches—stretching from generation to generation—that celebrate and encourage changes in both laws and attitudes that will continue to make America a better place.

Mr. REYES. Madam Speaker, I rise today in support of H. Res. 61, a resolution observing and celebrating the birthday of Martin Luther King, Jr., and encouraging the people of the United States to celebrate the birthday of Martin Luther King, Jr., and his life and legacy.

When Martin Luther King, Jr., articulated his dream on the steps of the Lincoln Memorial before 200,000 people in the tumultuous August of 1963, I was living and working on my father's farm in Canutillo, Texas, not yet a high school graduate. Though instilled with the values of hard work and education by my parents and grandparents, I first encountered Dr. King's hopeful and empowering words with an unfortunate understanding, one borne from the prejudice of the times. As a Mexican-American, I knew, I would be limited in my pursuit of the celebrated American dream. Dr. King's dream contradicted that understanding.

Although Dr. King's "I Have a Dream" speech addressed the plight of the African American, his commitment to civil rights, equality, and empowerment through education lifted all people. With Dr. King's leadership, through the sheer force of his will and the strength of his arguments, men and women of my generation, Black, White, and Brown, were able to rise and prosper in society on the basis of our hard work and God-given talents.

Dr. King's work and influence on society opened doors for me that, as a teenager, I thought would always be closed. I had a long and successful career in the U.S. Border Patrol, rising from agent to be the agency's first Hispanic sector chief. In 1996, I ran for Congress and became the first Latino to represent El Paso, a city that is 80 percent Hispanic. And just this past year, I was selected as chairman of this body's Permanent Select Committee on Intelligence, completing a journey from the farm in Canutillo that I would never have been able to imagine during that August of 1963.

I thank my colleagues and urge adoption of the resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, this Monday the Nation observed for the 21st time the Martin Luther King, Jr., holiday On Monday, we celebrated the life and legacy of a man who brought hope and healing to America. The Martin Luther King holiday reminds us that nothing is impossible when we are guided by the better angels of our nature.

Dr. King's inspiring words filled a great void in our Nation, and answered our collective longing to become a country that truly lived by its noblest principles. Yet, Dr. King knew that it wasn't enough just to talk the talk, that he had to walk the walk for his words to be credible. And so we commemorate on this holiday the man of action, who put his life on the line for freedom and justice every day.

We honor the courage of a man who endured harassment, threats and beatings, and even bombings. We commemorate the man who went to jail 29 times to achieve freedom for others, and who knew he would pay the ultimate price for his leadership, but kept on marching and protesting and organizing anyway.

Dr. King once said that we all have to decide whether we "will walk in the light of creative altruism or the darkness of destructive selfishness. Life's most persistent and nagging question," he said, is "what are you doing for others?"

And when Martin talked about the end of his mortal life in one of his last sermons, on February 4, 1968, in the pulpit of Ebenezer Baptist Church, even then he lifted up the value of service as the hallmark of a full life. "I'd like somebody to mention on that day Martin Luther King, Jr. tried to give his life serving others," he said. "I want you to say on that day, that I did try in my life . . . to love and serve humanity."

Madam Speaker, during these difficult days when the United States is bogged down in a misguided and mismanaged war in Iraq, which has claimed the lives of too many of our brave young service men and women, we should also remember that the Rev. Dr. Martin Luther King, Jr., was, above all, a person who was always willing to speak truth to power. There is perhaps no better example of Dr. King's moral integrity and consistency than his criticism of the Vietnam War being waged by the Johnson Administration, an administration that was otherwise a friend and champion of civil and human rights.

Speaking at the historic Riverside Church in New York City on April 4, 1967, Dr. King stated:

> I am as deeply concerned about our own troops there as anything else. For it occurs to me that what we are submitting them to in Vietnam is not simply the brutalizing process that goes on in any war where armies face each other and seek to destroy. We are adding cynicism to the process of death, for they must know after a short period there that none of the things we claim to be fighting for are really involved. Before long they must know that their government has sent them into a struggle among Vietnamese, and the more sophisticated surely realize that we are on the side of the wealthy, and the secure, while we create a hell for the poor.
>
> Somehow this madness must cease. We must stop now. I speak as a child of God and brother to the suffering poor of Vietnam. I speak for those whose land is being laid waste, whose homes are being destroyed, whose culture is being subverted. I speak for the poor of America who are paying the double price of smashed hopes at home, and death and corruption in Vietnam. I speak as a citizen of the world, for the world as it stands aghast at the path we have taken. I speak as one who loves America, to the leaders of our own nation: The great initiative in this war is ours; the initiative to stop it must be ours.

Madam Speaker, these words were spoken by Dr. King 1 year to the day before his death. Thus it is that nearly 40 years after his death, Dr. King continues to teach us all.

THE LIFE OF THE REV. DR. MARTIN LUTHER KING, JR.

Martin Luther King, Jr. was born in Atlanta, Georgia, on January 15, 1929.

Martin's youth was spent in our country's Deep South, then run by Jim Crow and the Klu Klux Klan. For a young African-American, it was an environment even more dangerous than the one they face today.

A young Martin managed to find a dream, one that he pieced together from his readings—in the Bible, and literature, and just about any other book he could get his hands on. And not only did those books help him educate himself, but they also allowed him to work through the destructive and traumatic experiences of blatant discrimination, and the discriminatory abuse inflicted on himself, his family, and his people.

The Rev. Dr. Martin Luther King, Jr., that we celebrate here today could have turned out to be just another African American who would have had to learn to be happy with what he had, and what he was allowed. But he learned to use his imagination and his dreams to see right through those "White Only" signs—to see the reality that all men, and women, regardless of their place of origin, their gender, or their creed, are created equal.

Through his studies, Dr. King learned that training his mind and broadening his intellect effectively shielded him from the demoralizing effects of segregation and discrimination.

Dr. Martin Luther King, Jr., was a dreamer. His dreams were a tool through which he was able to lift his mind beyond the reality of his segregated society, and into a realm where it was possible that white and black, red and brown, and all others live and work alongside each other and prosper.

But Martin Luther King, Jr., was not just an idle daydreamer. He shared his visions through speeches that motivated others to join in his nonviolent effort to lift themselves from poverty and isolation by creating a new America where equal justice and institutions were facts of life.

In the Declaration of Independence in 1776, Thomas Jefferson wrote, "We hold these truths to be self evident, that all Men are Created Equal." At that time and for centuries to come, African Americans were historically, culturally, and legally excluded from inclusion in that declaration.

Reverend Dr. Martin Luther King's "I Have a Dream" Speech, delivered on August 28, 1963, was a clarion call to each citizen of this great Nation that we still hear today. His request was simply and eloquently conveyed—he asked America to allow of its citizens to live out the words written in its Declaration of Independence and to have a place in this Nation's Bill of Rights.

The sixties were a time of great crisis and conflict. The dreams of the people of this country were filled with troubling images that arose like lava from the nightmares of violence and the dissension that they had to face, both domestically and internationally.

It was the decade of the Cuban missile crisis, the Vietnam war, and the assassinations of President John Fitzgerald Kennedy, Malcolm X, Presidential Candidate Robert Kennedy, and the man we honor here today.

Dr. Martin Luther King's dream helped us turn the corner on civil rights. It started with a peaceful march for suffrage that started in Selma, Alabama, on March 7, 1965—a march that ended with violence at the hands of law enforcement officers as the marchers crossed the Edmund Pettus Bridge. But the dream did not die there.

Dr. King led the Montgomery bus boycott, often with Rosa Parks. The boycott lasted for 381 days, as an end result, the United States Supreme Court outlawed racial segregation on all public transportation. Dr. King used several nonviolent tactics to protest against Jim Crow laws in the South. Furthermore, he organized and led demonstrations for desegregation, labor and voting rights.

On April 4, 1967, at Riverside Church in New York City, he spoke out against the Vietnam War, when he saw the devastation that his nation was causing abroad and the effect that it had on the American men and women sent overseas. I quote:

> . . . it became clear to me that the war was doing far more than devastating the hopes of the poor at home. It was sending their sons and their brothers and their husbands to fight and to die in extraordinarily high proportions relative to the rest of the population. We were taking the black young men who had been crippled by our society and sending them eight thousand miles away to guarantee liberties in Southeast Asia which they had not found in southwest Georgia and East Harlem.

When the life of Dr. Martin Luther King, Jr., was stolen from us, he was a very young 39 years old. People remember that Dr. King died in Memphis, but few can remember why he was there.

On that fateful day in 1968 Dr. King came to Memphis to support a strike by the city's sanitation workers. The garbage men there had recently formed a chapter of the American Federation of State, County and Municipal Employees to demand better wages and working conditions. But the city refused to recognize their union, and when the 1,300 employees walked off their jobs the police broke up the rally with mace and billy clubs. It was then that union leaders invited Dr. King to Memphis. Despite the danger he might face entering such a volatile situation, it was an invitation he could not refuse. Not because he longed for danger, but because the labor movement was intertwined with the civil rights movement for which he had given up so many years of his life.

The death of the Rev. Dr. Martin Luther King, Jr., will never overshadow his life. That is his legacy as a dreamer and a man of action. It is a legacy of hope, tempered with peace. It is a legacy not quite yet fulfilled.

I hope that Dr. King's vision of equality under the law is never lost to us, who in the present, toil in times of unevenness in our equality. For without that vision—without that dream—we can never continue to improve on the human condition.

For those who have already forgotten, or whose vision is already clouded with the fog of complacency, I would like to recite the words of the good Rev. Dr. Martin Luther King, Jr., himself:

> I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former shareholders will be able to sit down together at the table of brotherhood.
>
> I have a dream that one day even the State of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice. I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but for the content of their character. I have a dream today.
>
> I have a dream that one day down in Alabama with its vicious racists, with its Governor having his lips dripping with words of interposition and nullification—one day right there in Alabama, little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.
>
> I have a dream today.
>
> I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough place will be made plain and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.

Dr. King's dream did not stop at racial equality, his ultimate dream was one of human equality. There is no doubt that Dr. King supported freedom and justice for every individual in America. We continue that fight today and forever, in the great spirit that inspired the Rev. Dr. Martin Luther King, Jr.

Madam Speaker, I thank all my colleagues for being here and remembering Dr. King's dream and for all that has been done to keep his dream alive.

Mr. EMANUEL. Madam Speaker, I rise today to honor the life and memory of the Reverend Dr. Martin Luther King, Jr. Today we celebrate Martin Luther King, Jr. Day to remember a great American and civil rights leader, a man committed to uniting people and healing the wounds inflicted by injustice and segregation.

Dr. King embodied the spirit of the civil rights movement of the 1950s and 60s. As a teacher, a preacher, and a leader, he tuned his membership of the board of directors of the National Association for the Advancement of Colored People and his role with the Southern Christian Leadership Conference (SCLC) to help shape the nonviolent philosophy of the movement.

The 1956 Supreme Court decision declaring Alabama's segregation laws unconstitutional was one early victory in his fight for equality and justice. This victory had a tremendous personal cost for Dr. King, as he was arrested, threatened, and his house was bombed. Throughout these arduous times, Dr. King remained strong.

In 1957, Dr. King helped found and became the leader of the Southern Christian Leadership Conference. This organization was formed to provide new leadership to the growing civil rights movement. Like Dr. King, the SCLC was committed to achieving its goals through nonviolent means.

He further refined his philosophy of nonviolence during a journey to India in 1959. He saw nonviolent protest as the key to achieving his goals of racial equality and social justice in the face of a sometimes violent opposition.

Despite the obstacles, Dr. King continued his struggle and spoke at the 1963 March on Washington for Jobs and Freedom. It was during this event that he delivered his famous "I Have A Dream" speech at the Lincoln Memorial, proclaiming: "I have a dream, that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal.'"

The following year, Dr. King saw his hard work come to fruition with passage of the Civil Rights Act of 1964. That same year, Dr. King was awarded the Nobel Peace Prize, becoming the youngest person awarded the Peace Prize at that time. He chose to donate the prize money he received to further the cause of the civil rights movement.

Tragically, Dr. King's life was cut short on April 4, 1968 by a sniper's bullet. His stirring words from his speech at the Lincoln Memorial still echo today and provide us with a goal we all share, that our "children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character."

Madam Speaker, I urge everyone to remember and reflect on his words as we commemorate Dr. King's birthday and honor his tireless work in making America a country where the rights of all people are respected and protected.

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD my strong support for H.R. 61, in observation and celebration of the birthday, life and legacy of Dr. Martin Luther King, Jr.; his life of service in promoting peace and justice for all people of every nation, and the preservation of his legacy in our continued efforts to ensure peace and justice to every man, woman, and child.

In celebrating the birthday of Dr. King, we are reminded of his sacrifice and leadership in ensuring that this great nation live up to its highest potential by acknowledging and practicing the self-evident truth "that all men are created equal, that they are endowed, by their Creator, with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

As we are engaged in a war that has taken the lives of thousands of American soldiers and hundreds of thousands of Iraqi lives, we must revisit Dr. King's stance of nonviolence and his opposition to the Vietnam war; a war that oppressed the poor and voiceless, a war that obstructed the rights of life, liberty, and the pursuit of happiness.

Dr. King would have us on the frontlines of the anti-war movement, questioning whether our actions in Iraq and around the world are doing more than just creating more chaos and violence. He would ask us to attack the root causes of poverty, building bridges between the private sector and non-profits to provide educational and work opportunities to everyone. He would challenge us to put the fate of our brothers and sisters ahead of property and profit, to invest in people and ideas, not guns and violence.

On April 4, 1967, a year to the date of his death, Dr. King addressed the Clergy and Laity Concerned at Riverside Church in New York City, condemning the Vietnam war and urging his fellow citizens to break their silence. His message echoes the plight that we face today in Iraq; his words, etched in history, serve as a guide that we must heed.

Dr. King stated that ". . . Somehow this madness must cease. We must stop now. I speak as a child of God and brother to the suffering poor of Vietnam. I speak for those whose land is being laid waste, whose homes are being destroyed, whose culture is being subverted. I speak for the poor of America who are paying the double price of smashed hopes at home and death and corruption in Vietnam. I speak as a citizen of the world, for the world as it stands aghast at the path we have taken. I speak as an American to the leaders of my own nation. The great initiative in this war is ours. The initiative to stop it must be ours."

One need only substitute the word Vietnam with Iraq to recognize the analogous gravity that our Nation is engaged in. We must embrace Dr. King's legacy to achieve equality for the poor and to promote peace.

The invasion of Iraq has led the poor in our country to bear the brunt of military responsibility, while the children of government officials and the wealthy make no sacrifice. Dr. King's remarks serve as a mirror to this country's unwillingness for all to make a sacrifice in engaging in war. He said "perhaps the more tragic recognition of reality took place when it became clear to me that the war was doing far more than devastating the hopes of the poor at home. It was sending their sons and their brothers and their husbands to fight and to die in extraordinarily high proportions relative to the rest of the population. We were taking the black young men who had been crippled by our society and sending them eight thousand miles away to guarantee liberties in Southeast Asia which they had not found in southwest Georgia and East Harlem."

We must take this day to get our national priorities back in order. We must recognize our obligation to the citizens of this country, and our responsibility to promote peace around the world.

Now is the time to grab a comfortable pair of shoes for a new journey of activism. If we truly want to honor our king, we must renew our commitment to the world congregation that he loved. To follow footsteps as large as his is definitely difficult, but not beyond our hearts and minds. The task may well prove to be easier if more of us can take them together.

I want to especially thank the Baptist Ministers Conference, the National Action Network, and the 16th Council District's Annual MLK Memorial for allowing me to honor the life of Dr. King with them, and to follow in his footsteps.

Mr. CLYBURN. Madam Speaker, every year at this time I read the "Letter from Birmingham Jail," written by Dr. Martin Luther King, Jr. and after these many decades, it still brings new inspiration and insight with every read.

As I consider the challenges we face nationally and internationally, I am struck by Dr. King's words, "More and more I feel that the people of ill will have used time much more effectively than have the people of good will. We will have to repent in this generation not merely for the hateful words and actions of the bad people but for the appalling silence of the good people."

Let us break our silence in Congress and across this country on the issues of poverty, education, health care, and Iraq among other things. The people of good will must join together to provide for the common good.

I would like to submit a truncated version of Dr. Martin Luther King's "Letter from a Birmingham Jail" to the RECORD in the hopes that we can all move forward with the social consciousness Dr. King preached of.

Excerpts From Letter From Birmingham Jail*

April 16, 1963

My Dear Fellow Clergymen: While confined here in the Birmingham city jail, I came across your recent statement calling my present activities "unwise and untimely." Seldom do I pause to answer criticism of my work and ideas. If I sought to answer all the criticisms that cross my desk, my secretaries would have little time for anything other than such correspondence in the course of the day, and I would have no time for constructive work. But since I feel that you are men of genuine good will and that your criticisms are sincerely set forth, I want to try to answer your statements in what I hope will be patient and reasonable terms . . .

Author's Note: This response to a published statement by eight fellow clergymen from Alabama (Bishop C. C. J. Carpenter, Bishop Joseph A. Durick, Rabbi Hilton L. Grafman, Bishop Paul Hardin, Bishop Holan B. Harmon, the Reverend George M. Murray, the Reverend Edward V. Ramage and the Reverend Earl Stallings) was composed under somewhat constricting circumstance. Begun on the margins of the newspaper in which the statement appeared while I was in jail, the letter was continued on scraps of writing paper supplied by a friendly Negro trusty, and concluded on a pad my attorneys were eventually permitted to leave me. Although the text remains in substance unaltered, I have indulged in the author's prerogative of polishing it for publication.

But more basically, I am in Birmingham because injustice is here. Just as the prophets of the eighth century B.C. left their villages and carried their "thus saith the Lord" far beyond the boundaries of their home towns, and just as the Apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco-Roman world, so am I compelled to carry the gospel of freedom beyond my own home town. Like Paul, I must constantly respond to the Macedonian call for aid . . .

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds . . .

You deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails to express a similar concern for the conditions that brought about the demonstrations. I am sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community with no alternative . . .

As in so many past experiences, our hopes had been blasted, and the shadow of deep disappointment settled upon us. We had no alternative except to prepare for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and the national community. Mindful of the difficulties involved, we decided to undertake a process of self-purification. We began a series of workshops on nonviolence, and we repeatedly asked ourselves: "Are you able to accept blows without retaliating?" "Are you able to endure the ordeal of jail?" We decided to schedule our direct-action program for the Easter season, realizing that except for Christmas, this is the main shopping period of the year. Knowing that a strong economic with withdrawl program would be the by-product of direct action, we felt that this would be the best time to bring pressure to bear on the merchants for the needed change . . .

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have yet to engage in a direct-action campaign that was "well timed" in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "Wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has almost always meant 'Never.'" We must come to see, with one of our distinguished jurists, that "justice too long delayed is justice denied . . .

We have waited for more than 340 years for our constitutional and God-given rights. The nations of Asia and Africa are moving with jetlike speed toward gaining political independence, but we still creep at horse-and-buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging dark of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five-year-old son who is asking: "Daddy, why do white people treat colored people so mean?"; when you take a cross-country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" and "colored"; when your first name becomes "nigger," your middle name becomes "boy" (however old you are) and your last name becomes "John," and your wife and mother are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you know forever fighting a degenerating sense of "nobodiness".then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience . . .

I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the past few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Councilor or the Ku Klux Klanner, but the white moderate, who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: "I agree with you in the goal you seek, but I cannot agree with your methods of direct action"; who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a "more convenient season." Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection . . .

Oppressed people cannot remain oppressed forever. The yearning for freedom eventually manifests itself, and that is what has happened to the American Negro. Something within has reminded him of his birthright of freedom, and something without has reminded him that it can be gained. Consciously or unconsciously, he has been caught up by the Zeitgeist, and with his black brothers of Africa and his brown and yellow brothers of Asia, South America and the Caribbean, the United States Negro is moving with a sense of great urgency toward the promised land of racial justice. If one recognizes this vital urge that has engulfed the Negro community, one should readily understand why public demonstrations are taking place. The Negro has many pent-up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides—and try to understand why he must do so. If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history. So I have not said to my people: "Get rid of your discontent." Rather, I have tried to say that this normal and healthy discontent can be channeled into the creative outlet of nonviolent direct action. And now this approach is being termed extremist . . .

But though I was initially disappointed at being categorized as an extremist, as I continued to think about the matter I gradually gained a measure of satisfaction from the label. Was not Jesus an extremist for love: "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you." Was not Amos an extremist for justice: "Let justice roll down like waters and righteousness like an ever-flowing stream." Was not Paul an extremist for the Christian gospel: "I bear in my body the marks of the Lord Jesus." Was not Martin Luther an extremist: "Here I stand; I cannot do otherwise, so help me God." And John Bunyan: "I will stay in jail to the end of my days before I make a butchery of my conscience." And Abraham Lincoln: "This nation cannot survive half slave and half free." And Thomas Jefferson: "We hold these truths to be self-evident, that all men are created equal . . ." So the question is not whether we will be extremists, but what kind of extremists we will be.

We be extremists for hate or for love? Will we be extremist for the preservation of injustice or for the extension of justice? In that dramatic scene on Calvary's hill three men were crucified. We must never forget that all three were crucified for the same crime—the crime of extremism. Two were extremists for immorality, and thus fell below their environment. The other, Jeans Christ, was an extremist for love, truth and goodness, and thereby rose above his environment. Perhaps the South, the nation and the world are in dire need of creative extremists . . .

But the judgment of God is upon the church as never before. If today's church does not recapture the sacrificial spirit of the early church, it vi lose its authenticity, forfeit the loyalty of millions, and be dismissed as an irrelevant social club with no meaning for the twentieth century. Every day I meet young people whose disappointment with the church has turned into outright disgust . . .

I wish you had commended the Negro sit-inners and demonstrators of Birmingham for their sublime courage, their willingness to suffer and their amazing discipline in the midst of great provocation. One day the South will recognize its real heroes. They will be the James Merediths, with the noble sense of purpose that enables them to face Jeering, and hostile mobs, and with the agonizing loneliness that characterizes the life of the pioneer. They will be old, oppressed, battered Negro women, symbolized in a seventy-two-year-old woman in Montgomery, Alabama, who rose up with a sense of dignity and with her people decided not to ride segregated buses, and who responded with ungrammatical profundity to one who inquired about her weariness: "My fleets is tired, but my soul is at rest." They be the young high school and college students, the young ministers of the gospel and a host of their elders, courageously and nonviolently sitting in at lunch counters and willingly going to jail for conscience' sake. One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for what is best in the American dream and for the most sacred values in our Judaeo-Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence . . .

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or a civil rights leader but as a fellow clergyman and a Christian brother. Let us. all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities, and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty . . .

Yours for the cause of Peace and Brotherhood,

MARTIN LUTHER KING, Jr.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. SOLIS). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 61.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. CONYERS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PROVIDING NEW EFFECTIVE DATE FOR APPLICABILITY OF CERTAIN PROVISIONS OF LAW

Mr. SCOTT of Georgia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 188) to provide a new effective date for the applicability of certain provisions of law to Public Law 105-331.

The Clerk read as follows:

H.R. 188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, for the purposes of Public Law 105-331, the end of the 2-year period specified in subparagraph (B) of section 5134(f)(1) of title 31, United States Code, shall be July 1, 2007. This section shall apply on and after December 31, 2006, as if the section had been enacted on such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge today that the House pass H.R. 188, which was introduced by the distinguished gentleman from New Jersey, Representative PALLONE.

This bill has the simple purpose of addressing a glitch in the distribution of surcharges on the sale of commemorative coins that honor America's great inventor, Thomas Edison.

In 1988, legislation authorizing the production of the coin was enacted and the U.S. Mint minted and issued the coin in 2004. But as a result of some unclear language in the documents provided both the Mint and to recipient organizations, it was unclear that the matching funds required by law in the order for recipient organizations to receive the coin's proceeds must be raised entirely from private sources and that no other government funds could be used for this purpose.

This bill extends for a period of 6 months the amount of time in which the recipients of surcharges on the sales of the Thomas Edison commemorative coin are allowed to raise matching funds.

While the House passed the bill to remedy this problem by voice vote under suspension of rules last November, the Senate failed to act on this in a timely manner, so I would urge the House to consider the bill and immediately adopt the underlying text.

Madam Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 188, introduced by the gentleman from New Jersey (Mr. PALLONE). This bill will provide a new effective date for certain provisions in Public Law 105-331. It is a simple bill and it is simple to describe.

Passage will allow the Edison Tower Museum in Edison, New Jersey, an extension until the end of June to raise private funds. These funds will match the roughly $380,000 in surcharges due from the sale of coins as part of the Thomas Alva Edison Commemorative Coin Act of 2004.

As a result of some miscommunications and, frankly, a lack of clarity in materials, the United States Mint provided the Edison Memorial Tower Corporation regarding statutory requirements, this brief extension is necessary. It will allow the corporation time to raise private sector matching funds and thus claim the surcharges from the sale of the coins.

The situation is now cleared up and the Mint has corrected the documentation and all concerned agree that a brief extension of the statutory 2-year timeline is both reasonable and a practical and fair way to deal with the situation.

The matching fund requirements were part of sensible reforms to the commemorative coin program enacted in the 104th Congress at the behest of the gentleman from Delaware (Mr. CASTLE). They are an important safeguard against misuse of the commemorative coin program. This modest extension creates no precedent for future surcharge recipients who fail to raise the required funds in a timely fashion, and is merely a brief pause to allow satisfaction of the statute.

This is a good bill, one that passed the House in November of 2006 by voice vote but was not acted upon by the other body. I urge its immediate passage.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE), someone who is truly a leader in this Congress and the sponsor of this bill.

Mr. PALLONE. Madam Speaker, I want to thank my colleague from Georgia for those very kind words.

Madam Speaker, I rise in support of this bill, which already passed the House by voice vote last November and was well on its way to becoming law until it was held up in the other body.

I have reintroduced the bill with Mr. FRANK of Massachusetts, who is, of course, the chairman of the Financial Services Committee, and my colleague from New Jersey (Mr. SIRES) who is also here to speak on the bill, and also Mr. FRELINGHUYSEN. It is a very simple bill, designed to provide the Edison Memorial Tower Corporation additional time to raise funds to match a Federal grant.

The Edison Memorial Tower is a 131-foot tower built in 1937 on the exact spot where Thomas Edison's original Menlo Park laboratory was located in New Jersey. It was built to commemorate Edison's work and is connected to a museum displaying many of the inventor's creations.

Unfortunately, the tower has suffered more than $3 million worth of water damage. The Edison Memorial Tower Corporation, which oversees the tower, was designated as a recipient of Federal funds under the Thomas Alva Edison Commemorative Coin Act, which we passed in 1998.

That funding became available at the beginning of last year but required a non-Federal match. After reading a document published by the Mint, the Tower Corporation originally thought that they could use State funds to pay for the match. Unfortunately, they were informed recently by the U.S. Mint that they could only use funds raised from private sources.

Once they realized this, the Tower Corporation approached me for help since they were faced with the need to raise more than $300,000 by the end of 2006 to reach the statutory deadline for applying for the Federal funding. That is why I introduced the legislation to extend that deadline by 6 months, to give them adequate time to raise private funds.

I would point out that the board of the Tower Corporation has assured me and the Committee on Financial Services that they will be able to raise the necessary funds in 6 months and that they would not request another extension.

We all know that Thomas Edison's contributions to our society are too numerous to count, but by creating the modern light bulb at this location he is one of America's most recognized thinkers and inventors. The Memorial Tower helps celebrate his achievements and salutes the spirit of innovation that he fostered. We need to pass this to ensure that the Memorial Tower can be repaired and serve not only as a memorial to a great man, but also as a symbol of America's potential for technological innovation and achievement.

Lastly, Madam Speaker, I just would like to thank sincerely my colleagues, first of all Chairman FRANK, and, of course, Ranking Member BACHUS, for their willingness to move this bill, and the leadership on both sides of the aisle for putting it on the suspension calendar so early in this new Congress.

☐ 1500

I want to thank, again, first of all, Eric Gordon, my staff person sitting to my left, who worked so hard on this, and also the hard work of Jamie Lizarraga on the Democratic staff of the Financial Services Committee which has been critical to moving the legislation. Joe Pinder of the Republican committee staff has also been quite helpful, and I thank him as well.

I thank my two colleagues, both the gentleman from Georgia and my Republican colleague, for the statements they made today.

This bill will go a long way towards ensuring that we can preserve an important landmark saluting a great American, and I ask my colleagues for their support.

Mr. SCOTT of Georgia. Madam Speaker, it is now my pleasure to yield 1 minute to one of our distinguished newer Members from New Jersey (Mr. SIRES).

Mr. SIRES. Madam Speaker, I want to first thank senior Congressman PALLONE for allowing me to be part of this bill.

Madam Speaker, this bill gives the Edison Memorial Tower Corporation an extension to raise private matching funds. This would allow the corporation to receive Federal funding from the minting of the Thomas Alva Edison Commemorative Coin.

The corporation is a group of local residents from Edison, New Jersey, who oversee and manage the Edison Memorial Tower. The tower, built as a memorial to Thomas Edison in 1937, has suffered damage over the years and is in need of about 3 to $4 million worth of repairs.

A misunderstanding between the mint and the corporation left the corporation short of matching funds. This bill simply extends the amount of time the corporation has to raise nongovernmental funds from December 31, 2006, to July 1, 2007. It rectifies a misunderstanding between the mint and a group of concerned citizens in my home State of New Jersey.

I urge all my colleagues to support H.R. 188 and thank you very much for the time.

Mr. SCOTT of Georgia. Madam Speaker, I yield myself such time as I may consume.

I want to also extend my deep courtesies to Mrs. BIGGERT. It is always a pleasure to be on the floor with her, and I appreciate her kindness and consideration and the work she has put into this bill and the Republicans on the other side.

Madam Speaker, Thomas Edison is truly an American hero, and this bill will go a long way to helping to fix just a minor problem and give just a little bit more time for the people to do a fitting commemorative to him.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. BIGGERT. Madam Speaker, I thank the gentleman from Georgia for his kind words.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 188, which extends the effective date for the applicability of certain provisions of law to Public Law 105–331 to July 1, 2007. Public Law 105–331 revises the nonfederal matching requirements conditioning payment to a designated recipient organization of certain proceeds from any surcharges on the sale of Thomas Alva Edison Commemorative Coins.

H.R.188 will establish July 1, 2007, as the end of the 2-year period after which there must be deposited in the Treasury as miscellaneous receipts any amounts deriving from such surcharge proceeds which have not been paid to a designated recipient organization solely because of the organization's failure to submit an audited financial statement demonstrating that all matching requirements have been met.

This extension will allow many organizations to receive the funds provided to them under the bill, and thus carry out the original intent of this body to celebrate the legacy of Thomas A. Edison, one of this country's greatest inventors.

The 2004 Thomas Alva Edison Commemorative Coin Act, Public Law 105–331, authorizes the production of up to 500,000 silver dollar coins. This coin commemorates the 125th anniversary of Thomas Edison's invention of the light bulb.

Thomas Edison made immeasurable contributions to this country. His inventions include the invention of a complete system of electric light and power and the launching of the modern electric utility industry. The Pearl Street station, which opened in lower Manhattan in September 1882, featured safe and reliable central power generation, efficient distribution, and a successful end use (i.e., the long-lasting incandescent light bulb and electric motors. In the 1890s, Edison began working on motion picture technology, and in the process created a third industry. Edison began commercial production of short movies in 1893, often filming in the famous "Black Maria," the first motion picture studio. Like the electric light and phonograph before it, Edison developed a complete system that encompassed everything needed to both film and show motion pictures.

We must continue to acknowledge and honor Thomas Edison for his irreplaceable contributions, many of which we cannot imagine living without. Some of the organizations that will receive funds to help honor the many great contributions of Thomas A. Edison include:

Museum of Arts and History—Up to one-eighth to the Museum of Arts and History, in the city of Port Huron, Michigan, for the endowment and construction of a special museum on the life of Thomas A. Edison in Port Huron;

Edison Birthplace Association—Up to one-eighth to the Edison Birthplace Association, Inc. in Milan, Ohio, to assist in the efforts of the association to raise an endowment as a permanent source of support for the repair and maintenance of the Thomas A. Edison birthplace, a national historic landmark;

National Park Service—Up to one-eighth to the National Park Service, for use in protecting, restoring and cataloguing historic documents and objects at the "Invention Factory" of Thomas A. Edison, in West Orange, New Jersey;

Edison Plaza Museum—Up to one-eighth to the Edison Plaza Museum in Beaumont, Texas, for expanding educational programs on Thomas A. Edison and for the repair and maintenance of the museum;

Edison Winter Home and Museum—Up to one-eighth to the Edison Winter Home and Museum in Fort Myers, Florida, for historic preservation, restoration, and maintenance of the historic home and chemical laboratory of Thomas A. Edison;

Edison Institute—Up to one-eighth to the Edison Institute, otherwise known as "Greenfield Village" in Dearborn, Michigan, for use in maintaining and expanding displays and educational programs associated with Thomas A. Edison; and

Edison Memorial Tower—Up to one-eighth to the Edison Memorial Tower in Edison, New Jersey, for the preservation, restoration, and expansion of the tower and museum.

It is important that we allow these organizations that were selected to receive proceeds from the sale of the commemorative coins to receive the funds that will financially support their efforts to honor the legacy of Thomas A. Edison.

I urge my colleagues to support H.R. 188 to provide a new effective date for the applicability of certain provisions of law to Public Law 105–331.

Mr. BACHUS. Madam Speaker, I am happy to rise today in strong support of H.R. 188, legislation "to provide a new effective date for certain provisions of law in Public Law 105–331," introduced by the gentleman from New Jersey, Mr. PALLONE.

Enacted in 1998, Public Law 105–331 provided for the issuance in 2004 of the Thomas Alva Edison Commemorative Coin, commemorating the 125th anniversary of Edison's invention of the light bulb.

In the years between the passage of that legislation and now, leadership of the group that operates the Edison Memorial Tower in Edison, New Jersey made plans to comply with statutory requirements to raise funds to match one-eighth of the surcharges raised from the sales of the coins—about $380,000—and thus claim the surcharge funds. Unfortunately, through a series of miscommunications, it was not made clear to the board that these must be non-governmental funds.

When the error was discovered, the group moved quickly, seeking an extension of the 2-year time limit to raise those funds. Madam Speaker, on November 16 of last year, the House passed legislation similar to that which we are considering today that would have permitted an extension until the end of June. Unfortunately, during the wrap-up of the 109th Congress, the other body did not consider the legislation. However, I am confident that when the House sends this version of the bill to the Senate, it will quickly pass.

It is for these reasons, and because the invention of the light bulb is as good a thing to commemorate as I can imagine, that I urge immediate passage of this legislation.

Mrs. BIGGERT. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 188.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORITY TO CONTINUE TO INSURE HOME EQUITY CONVERSION MORTGAGES

Mr. SCOTT of Georgia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 391) to authorize the Secretary of Housing and Urban Development to continue to insure, and to enter into commitments to insure, home equity conversion mortgages under section 255 of the National Housing Act.

The Clerk read as follows:

H.R. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO INSURE HOME EQUITY CONVERSION MORTGAGES.

The Secretary of Housing and Urban Development may, until the date specified in section 106(3) of the Continuing Appropriations

Resolution, 2007 (Division B of Public Law 109–289; 120 Stat. 1313), insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z–20), without regard to the limitation in the first sentence of such section 255(g), as amended by section 131 of the Continuing Appropriations Resolution, 2007 (120 Stat. 1316).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. SCOTT of Georgia. Madam Speaker, I yield myself such time as I may need.

First of all, H.R. 391 is a bill sponsored by my good friend and colleague from Utah (Mr. MATHESON). H.R. 391 would prevent any shutdown of the Federal Housing Administration, FHA, reverse mortgage program. This program is also known as the Home Equity Conversion Mortgage program, or the HECM program.

As we are all aware, the Federal Government is currently operating with temporary funding authority that expires on February 15, 2007. The FHA can insure no more than 275,000 FHA reverse mortgages cumulatively nationwide under this authority.

A reverse mortgage is a unique loan that enables senior homeowners to remain in their homes and remain financially independent by converting part of their home equity into income without having to sell their home, give up title, or take on a new monthly mortgage payment.

Reverse mortgage is an apt name because the payment stream is reversed. Instead of making monthly payments to the lender, as with a regular mortgage, the lender makes payments to the homeowner. Payments to the borrower come in the form of a lump sum, monthly payments, a line of credit, or a combination thereof. Thus, the funds can be adapted to the financial needs of the senior taking out that particular loan.

Mr. MATHESON's bill is necessary because surging FHA reverse mortgage loan volume could result in this current national volume cap of FHA reverse mortgage loans being reached before February 15.

The FHA HECM program is the oldest and most popular reverse mortgage product, accounting for 90 percent of the total market. It has been available since 1989 to homeowners aged 62 or older. HECM loans are insured by the Federal Government through the Federal Housing Administration at the Department of Housing and Urban Development, HUD.

The HECM program was created to serve our seniors who are cash poor but equity rich. The majority of loan recipients are elderly widows. The funds from a reverse mortgage can be used for anything: daily living expenses; home repairs or modifications; health care expenses, including prescription drugs or in-home care; existing debts; and other needs. This is extraordinarily important and timely legislation for our seniors.

The HUD HECM program has proven to be a growing success, serving its mission, while actually making money for the Federal Government. Its rapid pace of growth created a near crisis in 2005 when the number of FHA reverse mortgage loans began to near a statutory volume cap on the number of reverse mortgages that FHA could insure, leaving the program on the edge of suspension.

However, emergency appropriations legislation for fiscal year 2005 raised the volume cap from 150,000 to 250,000. Last fall, in the face of a similar concern, the limit was increased a little further to 275,000. However, current projections show a very real risk that the cap will be met before February 15.

In 2006, the House passed a bill that included a provision eliminating the FHA reverse mortgage volume cap, but unfortunately, the Senate did not act on this bill. As a result, in the short term, the statutory cap needs to be kept above the actual number of loans, or HUD will be required under law to suspend the program. That is why we need this very important piece of legislation passed.

Madam Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 391, legislation that would temporarily remove the cap on the number of home equity conversion mortgages that may be insured by the Department of Housing and Urban Development's FHA program. I would like to thank my colleagues, Congressman JIM MATHESON, and Congresswoman GINNY BROWN-WAITE, for introducing this important bill.

This legislation is similar to H.R. 2892, the Reverse Mortgages to Help America's Seniors Act, which was approved by the House by voice vote in the previous Congress.

Madam Speaker, this legislation would enable senior homeowners to continue to tap into an important source of cash, the equity in their own homes. Nicknamed "reverse mortgages," these HECMs allow Americans age 62 and older to maintain financial independence while staying in their own homes.

The reverse mortgage is a unique loan that allows seniors who are homeowners to convert part of the equity in their homes into tax-free income without having to sell their home, give up title, or take on new mortgage payments.

The funds collected from a reverse mortgage can be used for whatever needs a senior may have, including home repairs, health care costs, debts or simple daily living expenses.

Instead of making monthly payments to the lender, as with a regular or forward mortgage, the senior can receive payments or a payment from the lender. Under the reverse mortgage, senior homeowners can receive a lump sum, fixed monthly payments, a line of credit or a combination of the three, depending on their individual situations.

The program ensures that the reverse mortgage is paid back when they move or when they pass away, and the homeowner will never owe more than the house is worth.

With a reverse mortgage, senior homeowners who are house rich but cash poor can access cash for their needs while keeping their homes.

When the Home Equity Conversion Mortgage program was initially made permanent, the number of such loans that the FHA program could handle at any given time was capped so that HUD and Congress could determine the safety and soundness of the program.

Nearly 10 years later, we now know the program is successful. In my home State of Illinois alone, the number of FHA-insured reverse mortgages has nearly doubled since 2004 to just short of 2,000 in 2006.

With the removal of the cap, more seniors will be able to put the equity in their homes to work for them.

Under this bill, the cap only will be removed through February 15, as was noted. It is my hope that by temporarily removing this cap, which currently limits the number of outstanding loans to 275,000, another measure that we will consider later could expand the removal further, eventually leading to a permanent fix.

According to the AARP, a leading supporter of this bill, only the complete removal of the volume cap will prevent the possibility of detrimental program disruptions in the future.

Living in the home that may have seen the raising of children and the joy of grandchildren should be an option for seniors well into retirement. I urge my colleagues to join me in supporting this important bill that will protect the ability of seniors to stay in their homes and provide them with economic security.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Utah (Mr. MATHESON), who has provided sterling leadership on this issue and is an outstanding leader in the Financial Services Committee.

Mr. MATHESON. Madam Speaker, I really would like to first thank Chairman FRANK and Ranking Member BACHUS for their help in moving ahead with this bill. I am pleased to have worked with the Financial Services

Committee on this legislation, and I appreciate leadership's prompt scheduling of this bill today for consideration.

I would also like to thank some of the Financial Services Committee members who have worked with me on this legislation, including Congresswoman GINNY BROWN-WAITE of Florida who introduced the bill with me. It is a good, bipartisan bill.

There are many members of the committee who have cosponsored the bill, including Chairman FRANK, Ranking Member BACHUS, Chairwoman WATERS and Ranking Member BIGGERT, members GEOFF DAVIS and GARY MILLER.

I want to thank the staff of the Financial Services Committee as well. They have been very helpful in moving this legislation along.

You have heard a description of this. It is quite frankly a rather simple bill. It will temporarily lift the statutory limitation, or cap, on the number of home equity conversion mortgages that the FHA may insure. As you have heard, the current limit right now is at 275,000 HECM mortgages, and it is important we are considering this legislation right now because we are approaching that limit. In fact, as I understand it, right now the portfolio stands at over 260,000 today, and there are many more loans in the pipeline waiting for HUD endorsement for insurance. So this is a timely bill.

My bill would lift the cap in order to prevent FHA lending to shut down this very popular and necessary program, and my bill would suspend the cap through the time covered under the current continuing resolution.

This bill is a good step to take today, but it is just one step. We are going to need to go further. Along with many of my colleagues who are on the floor with me today, I plan to introduce a separate bill that will permanently eliminate the cap.

Now, this program, you have heard the description from both Mr. SCOTT and Mrs. BIGGERT, it helps so many seniors who really have a need.

□ 1515

It is such an important program, and it is great that we have an opportunity right now to eliminate what would be an unnecessary impediment to having seniors take advantage of this opportunity.

We should provide stability to this program, and we should avoid any disruption and uncertainty in the marketplace by passing this bill today and moving ahead on the broader legislation in the near future.

So I encourage my colleagues to join me in supporting H.R. 391 and providing seniors with the assurance that they can utilize this important program and not face an arbitrary deadline by hitting the cap. I urge passage of this bill.

Mr. SCOTT of Georgia. Madam Speaker, I have no further speakers at this time.

Let me just say in concluding, this is vitally important, this is vitally important to all Americans, but it most certainly is extraordinarily important to our seniors, and especially those that are widowed, so that we can lift this cap to save this program. It is a very, very important program.

Again, I commend Mrs. BIGGERT and all of those on the House Financial Services, and Mr. MATHESON for the brilliant leadership he has provided us with, and the fact that we all stand ready to assist Mr. MATHESON when he brings the other bill back so that we can permanently solve this problem.

GENERAL LEAVE

Mr. SCOTT of Georgia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore (Ms. SOLIS). Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Madam Speaker, I yield back the balance of my time.

Mrs. BIGGERT. Madam Speaker, in closing let me just say that the number of elderly people in America continues to rise, and with advances in health care and technology seniors will continue to represent a larger percentage of the population. It is important that these citizens have as many economic resources as possible to support them in the future.

Further, studies show that given the chance seniors overwhelmingly desire to live out their lives in their own homes. The reverse mortgage is an important tool that can help in addressing the needs of seniors today and in the years to come.

I thank the gentleman from Utah for introducing this bill, and I thank the gentleman from Georgia for managing the bill. I urge support of this legislation.

Mr. BACHUS. Madam Speaker, I rise today in support of H.R. 391, sponsored by my colleagues Congresswoman GINNY BROWN-WAITE and Congressman JIM MATHESON, which would temporarily remove the cap on the number of reverse mortgages that may be insured by the Federal Housing Administration (FHA).

The FHA reverse mortgage program, known as HUD's Home Equity Conversion Mortgage Program, or "HECM," is the oldest and most popular reverse mortgage program in the country, accounting for 90 percent of the total market. It has been available since 1989 to homeowners age 62 and older and is an important tool providing seniors with much-needed cash flow.

By 2010, the number of elderly Americans is expected to top 40 million. Over the next 35 years, the expected number of older seniors—those age 85 and older—will quadruple from 3.5 million to 14 million. Besides finding safe and affordable housing, seniors face the challenge of paying for daily expenditures and rising healthcare costs. These growing financial responsibilities are coupled with a diminishing income and cash flow.

The reverse mortgage product fills in this gap by enabling senior homeowners to remain in their homes and maintain financial independence. Through this program, seniors convert part of the equity in their homes into tax-free income without having to sell the home, give up title, or take on a new monthly mortgage payment. Previously, the only way for a homeowner to extract cash from their home was to sell it, or to borrow against it and begin making monthly payments.

The HECM program was created to serve our seniors who are "cash poor" but "equity rich," and the majority of loan recipients are elderly widows. The funds from a reverse mortgage can be used for anything: daily living expenses; home repairs or modifications; health care expenses, including prescription drugs or in-home care; existing debts; prevention of foreclosure; and other needs.

For example, a 75-year-old with a home worth $100,000 could receive a reverse mortgage loan that could payout $500 per month for almost 12 years. This loan is then repaid when the borrower dies or the home is sold.

Not only do seniors face a shortage of affordable housing, but surveys show that most seniors prefer to live out their lives in the own homes. According to a study by AARP, over 80 percent of respondents indicated that they wanted to stay in their current residence as long as possible. Further, according to the National Council on the Aging, of the over 27 million households in the U.S. over 62 years of age, 82 percent live in homes that they own and over 74 percent own those homes free and clear.

In 1998, Congress adopted legislation making the HECM program permanent, but set a cap of 150,000 loans that could be outstanding at any one time. Because production of HECM loans began to bump up against that cap, Congress first increased the authorization cap to 250,000 in 2005 and then to 275,000 in late 2006. However, there are indications that this increase may not be sufficient, and that this cap will stifle the ability of seniors to tap into this important equity as a way of addressing everyday needs. According to the Wall Street Journal, in Fiscal Year 2006, homeowners took out a record 76,351 reverse mortgages, which represents an increase of 77 percent over the previous year.

This legislation will remove the cap on the number of reverse mortgages that can be insured by the HECM program through February 15, the date on which the current Continuing Resolution expires. This measure is similar to H.R. 2892, the "Reverse Mortgages to Help America's Seniors Act," which was passed by the House by voice vote in the last Congress. While only a temporary fix, today's bill will pave the way for removal of the cap through the end of 2007.

For most seniors, and most Americans, a home represents more than just a place to live. It holds treasured memories and provides economic security to support increasingly longer lives. I urge Members to unanimously support this bill so that seniors can maintain their independence and stay in their homes.

Mrs. BIGGERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 391.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

STUDENT LOANS

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, this week Democrats will continue to meet the needs of the American people by introducing the legislation to cut student loans interest rates in half.

The cost of attending college continues to skyrocket, putting college out of reach for more and more students. Tuition and fees at public universities have increased by 41 percent after inflation since the 2000–2001 academic year, and fees at private universities have jumped 17 percent after inflation. Today, the typical student borrower graduates from college with $17,500 in debt. According to the Department of Education, the rising cost of higher education will prevent 4.4 million high school graduates from attending a 4-year college over the next decade.

Madam Speaker, more than ever the health of our economy rests on having a highly skilled and educated workforce. College access is key to America's future, and cutting student loan interest rates is key to making college more affordable to millions of Americans.

HONORING THE MARE ISLAND ORIGINAL 21ERS

Mr. GEORGE MILLER of California. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 31) honoring the Mare Island Original 21ers for their efforts to remedy racial discrimination in employment at Mare Island Naval Shipyard.

The Clerk read as follows:

H. CON. RES. 31

Whereas over 45 years ago African-American workers employed by the Mare Island Naval Shipyard in Vallejo, California, despite having work experiences and qualifications comparable to their counterparts, experienced racial discrimination resulting in the denial of opportunities in employment, training, and apprenticeship positions, supervisory positions, promotions, and awards;

Whereas in March 1961 President John F. Kennedy issued Executive Order 10925 establishing the President's Committee on Equal Employment Opportunity and reaffirming the prohibition of discrimination against any employee of, or applicant for employment by, the Federal Government because of race, color, religion, or national origin;

Whereas Executive Order 10925 laid the foundation for title VII of the Civil Rights Act of 1964;

Whereas on November 17, 1961, 21 African-American shipyard workers at Mare Island Naval Shipyard filed a racial discrimination complaint with the Committee on Equal Employment Opportunity;

Whereas the complaint outlined nine allegations of racial discrimination in employment at Mare Island Naval Shipyard and requested that the Committee investigate and correct the deplorable conditions at Mare Island Naval Shipyard;

Whereas the filing of this complaint along with other similar complaints of racial discrimination led to an acknowledgment by then Defense Secretary Robert McNamara in 1963 that there was employment discrimination based on race in the military;

Whereas on November 8, 1963, the Original 21ers Club was officially recognized with the purpose of elevating qualified minorities in every phase of Mare Island employment, creating a better relationship between management and employees and better acquainting their membership with the working conditions of every occupation;

Whereas the actions and persistence of the Original 21ers provided the means for overturning racial discrimination in employment at Mare Island Naval Shipyard and resulted in new employment opportunities for African-American workers at Mare Island Naval Shipyard;

Whereas the Original 21ers went on to organize for equal employment opportunities in other local military facilities in the San Francisco Bay Area of California; and

Whereas the heroic deeds of the Original 21ers have remained heretofore unacknowledged: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

(1) that the Congress recognizes the historic accomplishments of the Mare Island Original 21ers in combating racial discrimination in employment as envisioned in title VII of the Civil Rights Act of 1964 and providing equal employment opportunities for African-American shipyard workers;

(2) that the Congress recognizes the importance of the Committee on Equal Employment Opportunity as a forerunner to the Equal Employment Opportunity Commission which continues the fight in resolving complaints of racial discrimination in employment; and

(3) that the Congress recognizes the importance of title VII of the Civil Rights Act of 1964 as a powerful and ongoing tool for eliminating racial discrimination in employment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, yesterday on the occasion of his birthday people across this country took time to honor and celebrate the life of Dr. Martin Luther King. Many of us participated in acts of community service and community rallies or took time out to listen to the words of Martin Luther King and his speeches. We were reminded that the words and works of this great civil rights leader are still timely today.

In his writings Dr. King often cited examples of how the simple but courageous acts of one or two people to fight racial discrimination had far reaching implications for the future of this country. He talked about the persistence, the relentless persistence of average individuals to fight against discrimination, to fight against injustice, and to fight against inequalities. In his cell from the Birmingham jail, he writes of James Meredith and Rosa Parks, and how the simple but selfless acts of just one person helped change the course of this country. As he saw it, these acts and the destiny of African Americans were tied up with the destiny of America.

The resolution I bring forward today honors a group of men, the Mare Island 21ers, whose destiny was tied up when they bravely took action to end racial discrimination in naval shipyards in the San Francisco Bay Area in the early 1960s.

The Mare Island 21ers were a group of 21 African American shipyard workers employed at Mare Island Naval Shipyard in Vallejo, California. At that time minorities were mostly working in unskilled positions at Mare Island, as sandblasters, laborers and cleaners, with efforts to keep them out of certain positions. The discrimination was not restricted to withholding promotions and unfair hiring practices, according to one of the workers; they faced discrimination at every turn.

Long time denied opportunity for advancement, these workers decided to organize. Under the leadership of Willie Long, a journeyman pipefitter from Shop 56 who was also a World War II veteran and a Pearl Harbor survivor, the group met in complete secrecy to protect their safety and their jobs.

Not long after the group began to meet, President Kennedy issued his executive order establishing the President's Committee on Equal Employment Opportunities and reaffirming the prohibition against discrimination against any employee of or application for employment by the Federal Government because of race, color, religion, or national origin. The order issued in March of 1961 also created a discrimination complaint process for Federal workers.

Learning of the President's executive order, the 21ers decided to file a complaint with the committee. The complaint covered deplorable conditions for African American workers at the shipyard, including the denial of promotions and access to the apprenticeship program, and general unfair treatment.

In their report they cited that there was an established unwritten practice at the Mare Island Shipyard not to upgrade third step mechanics no matter what the qualifications of the employee are at any given time. As a result, there are Negro employees with 15 or 20 years of experience still in this category while white workers with much less experience and time have moved rapidly up the ladder of promotion. They also said that Negro employees are systemically barred from supervisorial positions although many are entitled to such positions by reason of seniority and experience. There are two Negro lead men and sandblasters and one Negro leading man laborer out of a force of hundreds of supervisors, and the statistics proved this discrimination. He also said that Negroes who take examinations for advancement for the most part are flunked out on later oral interviews even though they passed the previous examination. The board is made up of the top three supervisors within the shop; and so long as this situation exists, Negroes will never be able to advance through examination. Young Negro men are refused the opportunity of apprenticeship training for the most part in Shop 56. No Negro apprentices have been hired in at least 3 years. In over 20 years at Mare Island, no Negro mechanic has ever received a superior accomplishment award, to our knowledge, which included cash bonuses for those who got it. Then, in fact when the time came for apprenticeship programs, they were not given credit for the training related to their jobs and they take on their own orders in advance of themselves. In fact, Negroes are discouraged from taking any training. And, of course, when the fleet started to change in this country and we went to atomic submarines, there were no Negroes who had been selected for the training of this program.

This was the kind of discrimination that this brave group of men who had to meet in secret, who had to be very careful that anybody at the workplace would not know that they were discussing this with their fellow workers when they met at home, they said, with all of the shades drawn, this is the discrimination that they were living under in the Naval Shipyard at that time and this is the discrimination that they cited to President Kennedy's employment board. It was a complaint among many that were received by the Committee on Equal Employment in the early days of its existence. Finally, the Navy was forced to pay attention to the long history of discrimination felt by the workers at Mare Island. In August of 1963, almost 2 years after the initial complaint was filed, the Navy put policies in place to affirmatively take action on behalf of minority workers. These heroic men included Willie Long, Boston Banks, Jr., Matthew Barnes, Louis Greer, Jake Sloan, Charles Fluker, Clarence Williams, James Davis, Thomas King, Robert E. Borden, James O. Hall, Matthew Luke, Herman Moore, Jimmy James, John L. McGhee, James J. Colbert, Virgil N. Herndon, Eddie Brady, Brodie Taylor, W.J. Price, Levi Jones, Herbert H. Lane, Kermit Day, and Charles Scales.

The actions of the Mare Island 21ers resulted in new employment opportunities for African Americans at other naval bases all across the Nation.

Despite these pioneering steps, their early civil rights efforts remained in obscurity until recently. The group's surviving members still talk about the movement, but the full story was buried in the 1960s and only recently came to light as a result of a series in the newspaper articles by the Vallejo Times Herald reporter Matthias Gafni.

Mr. Speaker, in tribute to these men and their fight to end racial discrimination in the workplace, it is proper for Congress to formally recognize the Mare Island Original 21ers and thank them for their heroic actions and their gift to this Nation to end discrimination in the naval shipyards.

Madam Speaker, I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Con. Res 31.

First, I would like to thank the gentleman from California, my friend and our committee's new chairman, for bringing this important legislation to the floor of the House.

Madam Speaker, the British political philosopher and statesman Edmund Burke famously observed many years ago that, "The only thing necessary for the triumph of evil is for good men to do nothing."

Forty-five years ago, at the Mare Island Naval Shipyard, there was such a group of good men who chose not to do nothing, but instead to do something. These men whom today we know as the Mare Island Original 21ers took a brave step by coming forward and raising complaints about how they felt they were being treated and about the discrimination they faced based on their race.

Madam Speaker, we lived in a different time then. The year was 1961, and there was no Civil Rights Act protecting Americans from discrimination in the workplace based on race or color. The Equal Employment Opportunity Commission, which today works to ensure that our workplaces are free of discrimination, did not yet exist. Indeed, then-President Kennedy had only just established the Committee on Equal Employment Opportunity and the things we take for granted in our society today. That the color of one's skin, whether in a boardroom or a boiler room, simply does not matter was not yet ingrained in our national consciousness.

Now, the Original 21ers' complaint did not immediately serve to address all of the issues they faced. As with all struggles, they faced backlash and challenge. In the end, though, they prevailed.

Today, I can state with authority from firsthand experience as a former United States Marine that our Armed Forces are a model of integration and nondiscrimination, that in today's military it truly is one's skills, talents, ability, and merit that allows men and women of any color, race, or creed to advance to the highest levels of leadership. That is exactly how it should be.

I would also echo the gentleman from California's comments with respect to the importance of title VII of the Civil Rights Act of 1964, the continued good work done by the Equal Employment Opportunity Commission and the hundreds and thousands of employers and businesses in this country who have worked to ensure that the workplace of 2007 is free from discrimination on any racial or any other grounds.

Today, as our military looks forward and continues to prepare itself for the challenge of the 21st century and beyond, we pause for a moment to look back and remember some of those who took brave first steps. The Mare Island Original 21ers are among those courageous men, and it is proper that Congress today should pause to commemorate their efforts.

□ 1530

I thank the gentleman from California for his leadership and initiative on this issue.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I thank the gentleman from Minnesota for his comments and appreciate his support for this resolution.

Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE), a member of the committee.

Mr. PAYNE. Mr. Speaker, let me commend the gentleman from California, chairman of the Education and Labor Committee, for bringing forth this very important resolution dealing with the equal employment opportunities in the military.

I think that it is great that we are finally recognizing these 21 brave men who had the courage to stand up and say that enough is enough. In many instances, workers are intimidated by the surroundings, by worrying about their positions, worrying about having action taken against them; and so it is always great when people decide it is time to step forward and do the right thing.

Dr. King said, in his march on Washington that there was a promissory note that was sent out by America to the, at that time, the Negroes, and that the check came back, the promissory note, marked "insufficient funds." And this was a part of the insufficient funds, people willing to work, but being denied. As a matter of fact, when World War II began, that infamous December 7 surprise attack on Pearl Harbor, our country was caught off guard; we did not have the build-up, the military wherewithal, we did not have the weapons, we did not have the ships, we did not have the tanks.

And there then became a move to try to catch up to the enemy because they were preparing for war and we were not. However, blacks were not allowed to work in the factories that were producing or tried to catch up. It actually took President Roosevelt at that time to encourage U.S. businesses, even though they were short of manpower because the draft had come in, they would not hire blacks, even though it meant that we could not prepare and produce the equipment that we needed. And so sometimes racial discrimination really makes no sense at all.

I agree with the gentlemen from California and from Minnesota who said that there have been big changes, things are different now. I would like to once again thank the gentleman from California for bringing forth this resolution.

Mr. GEORGE MILLER of California. I thank the gentleman from New Jersey for his support of this.

This naval shipyard, it has been closed and it is going through the reused process, and it is a very, very exciting economic development plan for the city of Vallejo. It is in my district. And just down the way, down the river to San Francisco Bay is the Rosie the Riveter historic site. And at Rosie the Riveter, they talk about the various sites where we assembled the great American armada to carry supplies and troops to the Pacific during the Second World War.

In the town in which I was born, in Richmond, California, the Second World War and the Kaiser shipyards being located there overnight completed integrating the city. And of course we all know the story of women who went to work, women of all races went to work in those Kaiser shipyards; blacks went to work alongside white shipyard workers. Then they moved on, the shipyard, in peacetime at Mare Island, and that is where this discrimination took place.

Because of the actions of President Kennedy, because of the actions of people like the Mare Island 21ers and a lot of other brave people, today we look back at this as part of history in terms of workplace discrimination, certainly the Federal Government, one of the integrated workforces in the country. It is because of these kinds of actions that we can now speak of this, for the most part, as part of our historical past, but never losing sight of the sacrifice and the courage of ordinary people to move the dial toward integration from discrimination.

It wasn't easy in these communities; it wasn't easy in these workplaces. So when we see actions like this taken, I think it is quite fitting that the Congress would recognize this by passing this resolution commending the actions of courage of these 21 African American workers in the shipyard.

I thank my colleagues for support of this resolution. I thank the gentleman from Minnesota for his words in support of this resolution. I would hope that the House would adopt it unanimously.

Madam Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Con. Res. 31, which honors the 21 African-American workers at Mare Island Naval Shipyard who filed a complaint of racial discrimination in 1961. This courageous decision to speak out led then Defense Secretary Robert McNamara to acknowledge the presence of military employment discrimination based on race in 1963. These 21 workers went on to establish the "Original 21ers Club" for the purpose of elevating qualified minorities in every phase of Mare Island employment. Their efforts have led to increased equal opportunity employment in the region and in military facilities throughout the rest of the Nation, and it is for this great impact on our society that we honor them today.

I thank my friend, the distinguished gentleman from California, Chairman GEORGE MILLER, for introducing this bill acknowledging the efforts of these hardworking men. It is especially fitting that we pass this legislation today, the first legislative day after the observance of the national holiday honoring the Rev. Dr. Martin Luther King, Jr.

Madam Speaker, this legislation highlights President John F. Kennedy's establishment of the Committee of Equal Employment Opportunity in 1961, which allowed the 21 workers proper recognition of their complaint. This committee was an essential forerunner to the Equal Employment Opportunity Commission in existence today.

I urge my colleagues to vote in favor of this bill to honor these young men and their efforts toward equal opportunity employment for all Americans.

Mr. KLINE of Minnesota. Madam Speaker, I urge all of our colleagues to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 31.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

COMMENDING THE FLORIDA GATORS FOR WINNING THE NATIONAL COLLEGE FOOTBALL CHAMPIONSHIP

Mr. PAYNE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 39) commending the University of Florida Gators for their victory in the 2006 Bowl Championship Series (BCS) and for winning the national college football championship, as amended.

The Clerk read as follows:

H. RES. 39

Whereas, on January 8, 2007, the University of Florida Gators won the 2006 Bowl Championship Series national title with a stunning 41–14 defeat over the Ohio State University Buckeyes;

Whereas the University of Florida is one of the premier academic institutions in the State of Florida;

Whereas the University of Florida football program celebrated its 100th Anniversary this season;

Whereas the University of Florida Gators captured the South Eastern Conference (SEC) Championship title on December 2, 2006;

Whereas the University of Florida won the NCAA Championship title in basketball in April 2006;

Whereas the University of Florida is the first Division I school to hold the national championship title in both football and men's basketball concurrently;

Whereas Florida football Head Coach Urban Meyer is only the 7th coach to win a national championship in his first two seasons as a Division I college football coach;

Whereas senior quarterback Chris Leak was the Most Valuable Player of the BCS national championship game;

Whereas the Florida defense held Ohio State to only 82 yards of offense, the lowest ever for a BCS game;

Whereas the University of Florida student athletes are among the most talented in the Nation;

Whereas University of Florida fans worldwide supported and encouraged the Gators throughout the football season;

Whereas J. Bernard Machen, President of the University of Florida, and Athletic Director Jeremy N. Foley have shown great leadership in bringing success and glory to the University of Florida; and

Whereas the University of Florida students, faculty, alumni, and all Gator fans are deeply committed to bringing pride to the University of Florida and the entire State of Florida: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Florida Gators for their victory in the 2006 Bowl Championship Series and for winning the national college football championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the University of Florida Gators win the championship; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Florida President J. Bernard Machen, football Head Coach Urban Meyer, and Athletic Director Jeremy N. Foley for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PAYNE. Madam Speaker, I yield myself as much time as I may consume.

Let me begin by thanking my colleague, Congresswoman WASSERMAN SCHULTZ, for introducing this resolution, and also to congratulate her and her fellow alumni for the Gators' win last week in the 2006 Bowl Championship Series.

A week ago Monday marked the University of Florida's second national football championship when they defeated Ohio State University Buckeyes. College football fans, student athletes and the general public were treated to an exciting national championship game, an end to the college football season.

I want to extend my congratulations to head coach Urban Meyer, athletic director Jeremy N. Foley, University of Florida president J. Bernard Machen, and Florida's student athletes for attaining the unprecedented achievement of holding concurrent Division I national championships in football and men's basketball.

I also want to extend my congratulations to the Ohio State University Buckeyes and their student athletes for a great season. Ohio State won all of their games during the regular season and produced the 2006 Heisman trophy winner, Troy Smith. Winning concurrent championships has brought national acclaim to the University of Florida, and I know the fans of the university will remember this very special moment for many years to come.

It takes a great deal to assemble a world-class football team. It takes dedication of the young men who are playing on the team. It takes support from the alumni. It takes patient and accomplished coaching. It takes support from the community. A winning football team can bring an entire community together. It brings pride to the individuals on the team, but it brings joint pride to the community in general.

And so although many people say why is so much emphasis put on sports, I think that it is one of the tools that brings us together that has the esprit de corps that makes America great. As a former, simply, high school coach, I know the hard work and the time and effort and the sacrifice, really, that it takes for the players, that it takes for the coaches being away from their families, their children, away on weekends. It is a real sacrifice. And so I once again commend the university and once again say, to have the number one football and number one basketball team in the country in the same year is a great achievement.

Madam Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution 39, recognizing the achievements of the University of Florida Gators. Last week, the University of Florida won the Division I-A college football national championship with a decisive 41–14 victory over the Ohio State Buckeyes.

As a Floridian, I am very honored to be recognizing the Gators' accomplishments, and I would be remiss if I did not offer my condolences to our distinguished minority leader, Mr. BOEHNER, and to my former colleague on the Education Committee, the gentleman from Ohio (Mr. TIBERI).

The University of Florida's victory in the BCS championship game capped a remarkable 13–1 season and win of the Southeastern Conference Championship. This national championship is the Gators' second, with their first occurring a decade ago in 1996. The University of Florida also won the 2006 NCAA Division I men's college basketball national championship. Florida is the first university to hold both of these titles at the same time.

I hold up the cover of Sports Illustrated this week showing our MVP, Chris Leak, quarterback of the Florida Gators with the title "Gator Raid." It points out that there was history in Gainesville with the first simultaneously men's basketball and football titles in 1 year. There is a lot of pride all of us have from the State of Florida, understandably.

In addition to these athletic achievements, the University of Florida is consistently recognized as one of the country's best public universities. I would like to extend recognition to Dr. Bernard Machen, president of the University of Florida; Mr. Jeremy Foley, the athletic director; head football coach Urban Meyer; and the many other members of the university community that contribute to the institution's academic and athletic excellence.

I also extend my congratulations to the University of Florida, in particular its football team, for this latest national championship, and also to the University of Florida fans worldwide who have supported the Gators, the good times and bad.

I thank my colleague from Florida (Ms. WASSERMAN SCHULTZ) for bringing this resolution forward. I also want to thank the gentleman from Florida (Mr. STEARNS), who represents the University of Florida.

I urge all of my colleagues to join us in recognizing this achievement and supporting House Resolution 39.

Madam Speaker, I reserve the balance of my time.

Mr. PAYNE. I appreciate the gentleman's support for this resolution.

Madam Speaker, as we indicated, the unique victory in that very important game tied in with the fact that their men's basketball team exceeded themselves in the Final Four and won the championship game of the NCAA college men's basketball, combined with this outstanding effort for the football team shows that the University of Florida, in addition to having great academic programs, preparing young Americans for the future, dealing with the current challenges to keep America strong, to keep America on the cutting edge, to keep America ahead for technology and for other technological advances, we really are very pleased that this university stands head and shoulders.

Madam Speaker, I reserve the balance of my time.

□ 1545

Mr. KELLER of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), who represents the University of Florida.

Mr. STEARNS. I thank my distinguished colleague from Florida. My colleagues, I also rise to praise the University of Florida, the Gators, for not only winning their second football national title but on their many off-the-field accomplishments as well.

With their 41–14 victory over the Ohio State Buckeyes, as mentioned earlier, the Gators became the first Division I school to hold a national championship in men's basketball and football at the same time.

Coming into this game, many of the experts did not give the Gators any chance of defeating the previously undefeated Buckeyes. However, once they took the field, the Gators were not intimidated. In fact, the Gators held their own and held Ohio State to only 82 yards of total offense, the fewest number of yards in BCS history.

Notwithstanding this event, as my colleague on the other side mentioned, Ohio State had a very great season; and I congratulate and commend this wonderful football team and its coach and all its players for a very successful season.

My colleagues, the Florida Gators are excellent representatives of both the university and I believe the great State of Florida in their tenacity, spirit, and their willingness to try to succeed. I take great pride in representing the University of Florida and congratulate Coach Urban Meyer and the entire university on this great accomplishment.

The university's accomplishments extend beyond the field or on the courts in the sports arena. UF boasts a 91 percent graduation rate among its athletes, including all of its sports, making it only one of four programs in the National All-Sports Top 10 to achieve a graduation success rates that is above 90 percent. Furthermore, in 2002–2003, UF placed a record 193 student athletes on the SEC academic honor roll, marking six consecutive years UF placed 100 or more UF student athletes on the SEC Honor Roll.

The University of Florida's accomplishments go well beyond athletics. It is ranked fifth among Kiplinger's Top 100 Public Colleges. UF's faculty are among the best and most decorated in the world, winning awards such as the Fields Medal, two Pulitzer Prizes, NASA's top award for research, and the Smithsonian Institution's conservation award.

University of Florida is also the first university in the world to be designated a Certified Audubon Cooperative Sanctuary for its agriculture faculty's commitment to environmental and wildlife management.

Enrolling almost 50,000 students annually, UF is home to 16 colleges and more than 150 research centers and institutes. During the 2005–2006 school year, UF was awarded $519 million in sponsored research. This research includes diverse areas such as health care and citrus production, including the world's largest citrus research center.

My colleagues, one example of this innovative research is veterinarian Julie Levy, who is one of the worldwide leaders of research into a revolutionary, humane drug option for spaying and neutering cats and dogs. As it is now, the only way to permanently sterilize these animals is surgically. What if this process were as simple as a vaccine? Dr. Levy, at the University of Florida, is working on this research project today.

On both the field and in the classroom, the students, faculty, and administration of the University of Florida are champions. I am honored that this world-class university is in my congressional district and I look forward to many great things in the future.

As they say at the university, Go Gators!

Mr. KELLER of Florida. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Speaker, I rise today in support of House Resolution 39, to congratulate the University of Florida football team on winning the 2006 national championship.

As a University of Florida graduate born in Gator country, that is Gainesville, Florida, I could not be happier with the outcome of the championship game.

Very few people believed the Gators deserved to beat Ohio State or to get in the championship game, let alone beating Ohio State, a great team. But the SEC did beat the Big 10. They certainly proved the critics wrong.

I also would like to congratulate the University of Florida for becoming the first institution in Division I history to hold both the NCAA men's basketball championship and the football championship simultaneously. And, who knows, there may be another basketball championship in the waning. Right now we are number one.

This achievement, of course, is very historic. Madam Speaker, I hope my colleagues will join me in congratulating a great coach, Urban Meyer, and the fine young men from the University of Florida. And congratulations to Gators everywhere. It is great to be a Florida Gator. Go Gators!

Mr. KELLER of Florida. Madam Speaker, I yield myself such time as I may consume, and I will close by saying that after the winning the national championship in football and basketball, the baseball team has to be feeling some pressure right now down in Gainesville.

Madam Speaker, I yield back the balance of my time, and I urge my colleagues to vote "yes" on H. Res. 39.

Mr. PAYNE. Madam Speaker, I would thank all of the speakers who participated. I think it is really a great achievement, and I want to commend the sponsor of this resolution, Representative WASSERMAN SCHULTZ, for her outstanding leadership and how much she has done to support that great athletic institution. I would wish the Gators success in the future as they have done in the past.

GENERAL LEAVE

Mr. PAYNE. Madam Speaker, I ask unanimous consent that Members have 5 legislative days to insert materials relevant to H. Res. 39, and the previous bill, H. Con. Res. 31.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 39, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. PAYNE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

COMMENDING THE BOISE STATE UNIVERSITY BRONCOS FOR WINNING THE 2007 FIESTA BOWL AND COMPLETING AN UNDEFEATED SEASON

Mr. PAYNE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 43) commending the Boise State University Broncos football team for winning the 2007 Fiesta Bowl and completing an undefeated season.

The Clerk read as follows

H. RES. 43

Whereas the Boise State University Broncos football team won the 2007 Tostitos Fiesta Bowl, defeating the University of Oklahoma Sooners by a score of 43–42 at the University of Phoenix Stadium in Glendale, Arizona, on January 1, 2007;

Whereas the Broncos have won the last 5 consecutive Western Athletic Conference football championships;

Whereas the Broncos are the Nation's top scoring Division 1–A collegiate football team for the last 7 seasons, with an average of over 42 points per game;

Whereas the Broncos are the Nation's 4th winningest Division 1–A collegiate football team for the last 7 seasons, with a record of 75–13 and winning percentage of over .850.

Whereas the 2007 Fiesta Bowl is widely considered one of the best games in the history of college football;

Whereas the Broncos are the only Division 1–A collegiate football team to complete the 2006–2007 season undefeated;

Whereas Broncos head coach Chris Peterson called some of the most creative and courageous offensive plays in bowl-game history, including the game-saving "hook-and-lateral", game-extending "tailback pass", and game-winning "Statue of Liberty";

Whereas the Broncos are 5–2 in Division 1–A collegiate post-season games;

Whereas Broncos quarterback Jared Zabransky was named the Offensive Most Valuable Player of the Fiesta Bowl;

Whereas Jared Zabransky threw for 3 touchdowns and 262 yards in the Fiesta Bowl and completed his college career with a record of 33–5 as a starting quarterback;

Whereas Broncos defensive back Marty Tadman was named the Defensive Most Valuable Player of the Fiesta Bowl;

Whereas Marty Tadman intercepted 2 Sooner passes, including one returned for a touchdown, and had 5 tackles in the Fiesta Bowl;

Whereas Broncos running back Ian Johnson, one of the Nation's most exciting running backs, gained 101 rushing yards, scored 1 touchdown, and scored the game-winning 2-point conversion in overtime of the Fiesta Bowl;

Whereas the entire Broncos team should be commended for its determination, work ethic, attitude, and heart;

Whereas the Broncos are deserving of an opportunity to play for the National Championship;

Whereas the Broncos are building an impressive legacy of excellence in its football program; and

Whereas the Broncos have brought great honor to themselves, their university, the city of Boise, and the State of Idaho: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Boise State University Broncos football team for winning the 2007 Fiesta Bowl; and

(2) congratulates the team for completing an undefeated, 13–0 season.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Madam Speaker, I ask unanimous consent for 5 legislative days during which Members may insert into the RECORD any material relevant to H. Res. 43.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to commend the Boise State University Broncos' victory over the mighty Oklahoma Sooners in the 2007 Fiesta Bowl.

For all of you who watched the game, you know it was an exciting game from start to finish, and anyone who was not a fan of the Sooners had no choice but to cheer for the underdog Boise State as the game progressed into the second half and overtime.

Every player for the Broncos should be commended for their effort throughout the game, and head coach, Chris Peterson, should be commended for making risky calls and preparing his team, a decided underdog, for success and for victory.

Since the Bowl Championship Series began in the 1998–1999 college football season, only two teams from non-BCS conferences have been invited to BCS games. Following the 2004 season, the Utah Utes from the Mountain West Conference defeated the Pittsburgh Panthers in the 2005 Fiesta Bowl, and now the Boise State Broncos from the Western Athletic Conference have become the second non-BCS team to win a BCS game, winning one of the most exciting games ever played.

Boise State's success should not be a shock to anyone who has followed this team over the past 5 years. Their victory in the Fiesta Bowl completes an undefeated season and their second 13-win season in the past 4 years.

Over the past 5 years, they have an astounding 58 wins and only seven losses. There are very few teams during that span of time to have experienced a modicum of success that this State University in Idaho has experienced.

I also want to congratulate the Oklahoma Sooners for battling their way back in this very exciting ball game. They fell behind by 18 early in the second half, but showed tremendous poise and character by coming back in the game and even taking the lead very late in the game.

However, after it was all said and done, the Broncos, led by quarterback Jared Zabransky, executed a tremendous hook and ladder for a touchdown to send the game in overtime. In overtime, Boise State, down one, went for a two-point conversion, and called the patriotic Statue of Liberty play, run by Ivan Johnson, to complete the 43–42 victory.

I congratulate Boise State University's president, Dr. Bob Kustra, Coach Chris Peterson, and the Boise State University's football team for a wonderful season and for being the only undefeated major division college football team in the Nation.

Madam Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 43. This resolution recognizes the stellar undefeated season of the Boise State Broncos, as well as their dazzling 43–42 win over the University of Oklahoma Sooners at the 2007 Bowl Championship Series' Fiesta Bowl.

Boise State was wisely considered the underdog going into the game and walked away with an impressive victory. Many considered it to be the best college football game ever played. I urge my colleagues to support this resolution.

Madam Speaker, I yield the balance of my time to the gentleman from Idaho (Mr. SIMPSON), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Without objection, the gentleman from Idaho is recognized.

There was no objection.

Mr. SIMPSON. Thank you for giving me the opportunity to congratulate the Boise State University Broncos football team on an exceptional football season and a great victory in the 2007 Fiesta Bowl.

I listened with interest to the last resolution congratulating Florida and the Florida Gators and their national championship game. They truly deserved it. The Florida Gators went into the game against Ohio State as significant underdogs in the minds of most of the media, and so did the Boise State Broncos against the Oklahoma Sooners enter that game as significant underdogs. Nobody really gave them a chance.

□ 1600

But when the Broncos defeated the University of Oklahoma in the 2007 Fiesta Bowl on New Year's Day, they completed the only, and I will repeat, the only undefeated season of any Division I-A collegiate football team in the 2006–2007 season. More than that, they showed the country what thousands of Boise State fans, known as the Bronco Nation, already know; the Boise State Broncos can play with the best.

Some have suggested that maybe Boise State doesn't have as tough a schedule as some other teams. I will tell you that on their schedule this year I think they played six teams that were in bowl games in post season. They had a pretty tough schedule, and they beat them all.

The 2007 Fiesta Bowl will go down in the books as one of the best and most exciting games in the history of college football. Both teams played with talents and heart, unwilling to let mistakes or shifts in momentum force their hands. And when, with only moments left in regulation, it looked like it was all over, the Broncos knew otherwise and turned to the back of their playbook.

Plays like the "hook-and-lateral" and the now famous "Statue of Liberty" required creativity, skill and guts. The talented Broncos executed them perfectly, winning the game in the heart-stopping last seconds of overtime. Head Coach Chris Peterson and his players should be commended for their courage, resolve and ability.

Last week Coach Peterson was awarded the Paul "Bear" Bryant Award and was named 2006 National Coach of the Year. He and his talented coaching staff will continue striving to make a winning program even better.

The BSU Bronco football program has taken gifted, big-hearted young men and created an impressive legacy in the making. The Broncos have won the last five consecutive Western Athletic Conference football championships and, with the Nation's top scoring Division I-A football team for the last seven seasons.

Their roster includes such talents as quarterback Jared Zabransky, the game's Offensive Most Valuable Player, who completed his college football career with a 33–5 record as starting quarterback; Marty Tadman, Defensive MVP of the game; and Ian Johnson, one of the Nation's most exciting running backs, who scored the game-winning two-point conversion in overtime, and after the game proposed to his fiancee, now a Boise State cheerleader. I don't know if I would have had that much courage, quite frankly, to propose to someone on national television. But it just shows the heart and courage of this team.

These stars are just a few examples of the determination, talent and heart that make up the whole Bronco football team. The entire team should be commended for both its success on the field and the character displayed by each individual.

The Boise State Broncos football team has made us proud; has made the State of Idaho, the City of Boise proud, and I am glad that we have this chance to recognize them today.

And in case anybody wonders if this is just about football, I will tell you, in talking to the President of the University, he said that after the Bronco season, the number of applications for the postgraduate program has skyrocketed. So this is more than just about football. It is about national recognition for a team and a school, and the outstanding character of that school and the educational opportunities it provides to people from all over this country.

Madam Speaker, I thank you for allowing me to speak on this and for bringing this to the floor today. This Saturday they have a parade and a day of recognition for the Boise State team, and I am sure that they will be very honored to have this.

Mr. PAYNE. Madam Speaker, let me thank the gentleman from Idaho (Mr. SIMPSON). And there is no question that he has every right to be very proud of the Boise State Broncos.

As a matter of fact, I think that because it is a small school, because it is a school that is not the perennial schools that finish up top, say, the last 50 years, for the last 8 or 10 years Boise State has had a difficult time trying to prove its worth. Even though they beat top contenders, they will say it was a fluke; it was some mistake, it was just by luck. And I think that by their continuing winning, by them moving up and winning the national championship, I believe that they will finally have the naysayers saying that this is really an outstanding team.

We found the same situation in the great State of New Jersey, where Rutgers University, a State university that has had a terrible football program for years and years and years, although it played one of the first football games in the country in 1897 against Princeton, when Princeton and Rutgers played. They have now, finally, been able to, after last year wasn't a fluke, this year losing only two games and going to a major bowl.

Athletes from New Jersey now are staying in New Jersey, and that is what made the difference. New Jersey athletes have made other States' teams great, and now that they are staying in the State, we will certainly expect to see Rutgers University, perhaps, play Boise State next year for the national championship.

So with that, Madam Speaker, I, again, congratulate the Boise State Broncos.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. SOLIS). The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 43.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. PAYNE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

COMMENDING THE UNIVERSITY OF FLORIDA GATORS FOR THEIR 2006 BOWL CHAMPIONSHIP SERIES VICTORY

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute.)

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise in support of H. Res. 39, the Wasserman Schultz-Stearns resolution commending the University of Florida Fighting Gators for their victory in the 2006 Bowl Championship Series and for winning the national college football title.

Madam Speaker, after a hard-fought football season, the Florida Gators proved victorious on January 8 with a dazzling 41–14 triumph over the Ohio State University Buckeyes.

While many critics expressed doubt about the Gators' chances for victory, Florida's Congressional Delegation and all of the students, alumni and friends in the Gator Nation stood by the Orange and Blue.

Led by senior quarterback Chris Leak, the MVP of the game, and Florida's impenetrable defense, Florida Gators dominated the game when the stakes were the highest.

This season, as Florida's football program celebrated its 100th anniversary, the University of Florida made history by winning national titles in both men's basketball and football in the same season.

Congressman STEARNS and I would like to extend special congratulations to Florida's head coach, Urban Meyer, who trained this football team to be the best in the country.

The Florida players, coaches, faculty, students and alumni all pulled together with hard work and dedication to help the team win. All of the student athletes are shining stars for the University, and deserve our highest praise.

The Gator Nation's academic reputation is stellar, our sports teams are number one, and our fans are like none other.

Madam Speaker, it is great to be a Florida Gator.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 7 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THOMPSON of California) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 61, by the yeas and nays;

H. Res. 39, by the yeas and nays;

H. Res. 43, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

OBSERVING THE BIRTHDAY OF MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 61.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 61, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 17, as follows:

[Roll No. 24]

YEAS—418

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett

Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Aderholt
Burton (IN)
Buyer
Calvert
Davis (AL)
Deal (GA)
Gallegly
Hinojosa
Johnson, Sam
McCaul (TX)
Norwood
Pryce (OH)
Radanovich
Shimkus
Sullivan
Waters
Wexler

□ 1855

Messrs. REICHERT, BARTON of Texas, and SESTAK changed their votes from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING THE FLORIDA GATORS FOR WINNING THE NATIONAL COLLEGE FOOTBALL CHAMPIONSHIP

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 39, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 39, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 1, answered "present" 3, not voting 17, as follows:

[Roll No. 25]

YEAS—414

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder

Space
Spratt
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Kingston

ANSWERED "PRESENT"—3

Barrow
Linder
Stark

NOT VOTING—17

Aderholt
Burton (IN)
Buyer
Calvert
Davis (AL)
Deal (GA)
Gallegly
Hinojosa
Johnson, Sam
McCaul (TX)
Norwood
Pryce (OH)
Radanovich
Ryan (OH)
Shimkus
Sullivan
Wexler

☐ 1905

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING THE BOISE STATE UNIVERSITY BRONCOS FOR WINNING THE 2007 FIESTA BOWL AND COMPLETING AN UNDEFEATED SEASON

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 43.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 43, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, answered "present" 2, not voting 18, as follows:

[Roll No. 26]

YEAS—415

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Linder
Stark

NOT VOTING—18

Aderholt
Burton (IN)
Buyer
Calvert
Davis (AL)
Deal (GA)
Diaz-Balart, L.
Gallegly
Hinojosa
Johnson, Sam
McCaul (TX)
Norwood
Pryce (OH)
Radanovich
Ryan (OH)
Shimkus
Sullivan
Wexler

☐ 1914

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Madam Speaker, I was absent from votes today, January 16, 2007, due to a memorial service in Ohio. As a result, I was not recorded for a series of votes. Had I been present, I would have voted "aye" on rollcalls 24, 25, and 26.

PERSONAL EXPLANATION

Mr. CALVERT. Madam Speaker, pursuant to my leave of absence, I am submitting for the RECORD how I would have voted if I had been present earlier today.

I would have voted "aye" on all suspension measures put to the House for a rollcall vote which are as follows:

Rollcall No. 24 "aye"—H. Res. 61—observing and celebrating the birthday of Martin Luther King, Jr. Rollcall No. 25 "aye"—H. Res 39—Commending the University of Florida Gators for their victory in the 2006 BCS. Rollcall No. 26 "aye"—H. Res. 43—Commending the Boise State University Broncos football team for winning the 2007 Fiesta Bowl and Completing an undefeated season

STATE OF EMERGENCY IN OKLAHOMA

(Mr. BOREN asked and was given permission to address the House for 1 minute.)

Mr. BOREN. Mr. Speaker, I bring some bad news from my home State of Oklahoma. We are facing a terrible ice storm in the eastern portion of our State, the Second Congressional District. We have had many homes without power. We have had trees fall over. We have had individuals lose their life.

So I would like the record to reflect that I am not going to be here tomorrow because I think it is more important that I be with my constituents. The Governor of the State of Oklahoma, Brad Henry, is also going to be touring the damage with me. And I would like the record to reflect that if I were here in this Chamber, I would have voted "aye" in regards to the cost savings for our college students here in the Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that I be removed as cosponsor of H.R. 6. My name was listed inadvertently as a cosponsor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee Mr. JOHN TANNER's name be removed as a cosponsor of H.R. 6.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

INVESTING IN AMERICA'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, we will invest in America's future tomorrow by making college more affordable and accessible for over 5 million Americans. We are going to cut the interest rate in half over the next 5 years for undergraduates with subsidized student loans. Interest on those loans will drop from 6.8 percent to 3.4 percent over the next 4 years.

Investing in America's future is long overdue. Now, the question is: Who benefits? Ordinary Americans, that is who. This legislation will help low- and middle-income Americans who rely on subsidized loans to make college a reality. It gives them a real shot at the American Dream.

We know that an undergraduate college degree is a minimum education requirement for participating in the hope and opportunity of the 21st century. We also know that our sons and daughters have been forced to take on significant debt in recent years to pursue that college degree. In the last 5 years, undergraduate students and their families have seen tuition and fees rise over 40 percent at public universities after inflation. At the same time, the cost of borrowing money has gone up by 2 percent.

It is a debt load that is forcing talented young Americans to pass up a college education and America cannot afford to let that happen. Americans with an undergraduate degree earn much more on average than Americans without one. In 2005, the average earnings of someone with a college degree was 60 percent more than someone with only a high school degree. In today's dollars, we are talking about $37,000 versus $67,000 for a college graduate.

And there is every reason to believe this income gap will widen in coming years. Making college more affordable and accessible gives more of our children and grandchildren access to a better life, and those economic benefits ripple through the entire economy.

I represent Seattle, a city where technological innovation is a daily ingredient of our local economy, from Boeing to Microsoft, through a thousand start-ups. These companies need an educated workforce to succeed. Like it or not, we are competing in a global economy, and Americans deserve every fair advantage.

A college education is one of the best advantages, and it isn't just about making money. With a college degree, students have more careers to choose from. In other words, a college degree is a key that can unlock your own personal happiness. Imagine working at something you want to do every day instead of something you have to do.

Today, too many promising young Americans are not going to college because it costs too much, not because they do not have the ability to succeed. And we know there are racial and gender disparities that make it imperative for us as a Nation to make college more affordable, accessible, and available.

For those who do go to college, the typical student graduates over $17,000 in debt. So we are making a downpayment in this bill on America's future by cutting the interest rate on subsidized student loans, and we would be wise as a Nation to do more.

Today, the United States accounts for 14 percent of the world's college graduates. That is just half of the percentage we accounted for 30 years ago. In other words, knowledge is power, and other nations have dramatically stepped up their efforts.

A few months ago, the nonpartisan National Center for Public Policy and Higher Education released a new report that ranks the United States 16 among the 27 industrialized nations in the world for the number of students who complete a college education or advanced certificate degree. The data in the report also suggests there is a shortage of college-educated young Americans ready to take over as the college-trained baby boomers retire. We could be as much as 15 million college graduates short in just over a decade. That would be completely unacceptable in the United States of America.

Cutting interest rates in half on subsidized student loans is a start, but it is just that. It is just a beginning. We need to find other ways to invest in America's future by investing in America's future generation. We say it over and over again, that children are our future. This is an opportunity to put in law the fact that we mean business. The 21st century will require nothing less.

SPECIALIST RYAN BERG—TEXAS SOLDIER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, last Wednesday, January 10, 2007, the flag flew at half mast in the small coastal town of Sabine Pass, Texas. The neighbors had learned of the sacrifice of their hometown son, Specialist Ryan Berg, who was 19. He was fighting the war in the land of Iraq.

Army Specialist Ryan Berg was an American soldier. When others his age were talking about going to college or working in the nearby refineries, Ryan went to the local Army recruiter's office on his 18th birthday and joined the United States Army, knowing America was at war in Iraq and Afghanistan.

He was proud to be an American, and Ryan chose to serve his Nation. He wanted to make a difference by being an American soldier. Ryan Berg had spent his entire life in Sabine Pass, Texas, and he knew everybody in town. Ryan always planned on returning to his home to live and raise a family after he finished his duty with the United States Army and for America.

Like his mother and his father, Ryan attended and graduated from Sabine Pass School. The Sabine Pass School has all the grades in just one building. Ryan played football, basketball, and golf. Childhood friends of Ryan knew him as an outgoing and friendly guy. One of his friends said, "There wasn't anything or anyone he didn't like, and everybody liked him." He was a gentleman who always helped others who needed it in Sabine Pass.

Ryan knew his calling after high school was to join the United States Army. He simply wanted to protect his country, like he had protected those he knew and loved all his life. He was stationed in Fort Hood, Texas. Ryan met his wife, Katie, in September of 2006, just a few months ago. The young newly wed couple soon received the news that Ryan, like so many others before him, would be sent to the desert sands of Iraq.

He was deployed to Iraq on October 4, 2006, and he was assigned to the 1st Battalion, 12th Calvary Regiment, 3rd Brigade, Alpha Section, 3rd Platoon.

Ryan called home weekly, but the thunder of battle sometimes forced him to quickly end those phone calls. As the 2006 Christmas season approached, Ryan was given last-minute leave to spend the holidays at home in Texas with his family and his neighbors in Sabine Pass.

During Christmas, Scottie, Ryan's mother, held her son tightly and told him that she was not going to let him go back to Iraq. Ryan replied, Mr. Speaker, "I've got to go back over there. I've got to make it safe for my wife, my mom, my dad, and all those I love."

Mr. Speaker, amazing people, these Americans who go to war. On January 4, 2007 with nearly a year to go in Iraq, the teenager returned to the battlefront to fight against these insurgents and their terror against the people of Iraq. Ryan was only in Iraq for 5 days when he was shot by a hidden enemy sniper. The wound was fatal.

Last week, 19-year-old U.S. Army Specialist Ryan Berg became the first son of Sabine Pass, Texas, to be killed defending freedom in that land far, far away, of Iraq. For his courage during combat, Ryan was awarded the Purple Heart and the Bronze Star.

The news of his death at the hands of the anarchists stunned the Berg family and the people of Sabine Pass. Through their tears, Ryan's mother and father, Scottie and Travis; his brother Brad, his sister Marissa, and his new wife, Katie, and countless other relatives and friends have, in their anguish, honored the American warrior.

Ryan's loved ones expressed their pride of his service to America and the bravery their soldier exhibited throughout his career. They also asked for the community to pray not only for Ryan but for those soldiers still amid the dusty trenches fighting for freedom and securing liberty.

Those who knew Ryan, and I have a photograph of him, Mr. Speaker, those who knew him, remember his loyalty to his family and to his friends, but not only as a man who never knew a stranger, but Ryan devoted his life to guarding them from danger, those especially who could not stand up for themselves.

This Nation owes its gratitude, its liberties, its freedom, to people like Specialist Ryan Berg and to brave soldiers who have walked the path of sacrifice for the rest of us.

So God bless Sabine Pass, Texas and God bless the Berg family and God Bless Ryan Berg.

It has been said that when the Roving Legions went into battle one of their generals once told his men, "How you yet live will echo throughout eternity."

Ryan, your deeds will always speak the example of the spirit of the American soldier.

And that's just the way it is.

□ 1930

BRING THE TROOPS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, tomorrow, along with Congresswoman BARBARA LEE and Congresswoman MAXINE WATERS, I will be introducing the Bring the Troops Home and Iraqi Sovereignty Restoration Act.

This bill fulfills the voters' November 7 mandate to the Congress. It ends the occupation of Iraq and, at the same time, it strengthens the Iraqi government, and it also meets the needs of our returning troops.

It will, one, bring our troops home; two, it will expedite the training of Iraqi security forces; and three, if invited by the Iraqis, work with the international community to rebuild Iraq's infrastructure, while four, fully funding the commitment we have made to our returning soldiers for full health care benefits, physical and mental.

The situation in Iraq, Mr. Speaker, gets worse every day, and it is clear that we cannot provide security to Iraqis in the middle of a civil war. We need to bring our brave and capable men and women home to safety and to their families, and we need to help the Iraqi people regain their sovereignty.

President Bush does not have a plan to bring our troops home. In fact, if anything, he is escalating this occupation with absolutely no end in sight. Our standing in the region and our standing around the world is at an all time low, and this administration has all but given up on diplomacy.

We can no longer wait for the Commander-in-Chief to come up with a plan. We are in the fourth year of this occupation. We have waited long enough. That is why I will introduce the Bring the Troops Home and Iraqi Sovereignty Restoration Act tomorrow.

Whether my colleagues voted to support the invasion of Iraq or not, they can now unite behind a comprehensive plan, a plan to bring peace and stability to the region.

One of the most important elements of this bill is to live up to the promises made to those who have put their lives on the line for this President's fiasco in Iraq.

Our most solemn obligation is to the men and women who have been placed in harm's way. To fulfill our obligation, we must bring them home to their families, while, at the same time, guaranteeing physical and mental health care for all U.S. veterans of military operations in Iraq and other conflicts around the world. It is the least we can do. It is the least we can do to show the gratitude of a grateful Nation.

I urge my colleagues to stand up for our troops, stand up for Iraqi sovereignty. Cosponsor the Bring the Troops Home and Iraqi Sovereignty Restoration Act.

12-POINT PLAN FOR IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, Members of the House of Representatives, last week the President of the United States gave a speech to this Nation that he intends to escalate the war against Iraq. Compounding his speech was the point-by-point recitation of his intention to continue to escalate tensions between the United States and the sovereign nation of Iran.

At this moment, when this Congress has honored the memory of Dr. King, it bears reflection as to whether or not we in this Nation have the capacity to begin to pursue a path of nonviolence in our relations with other countries.

Our President is intent on escalating a war against Iraq. He is intent on precipitating a war against Iran. Whatever happened to the science of human relations? Whatever happened to using our head in dealing with people so that war is not an acceptable option, but that peace becomes inevitable because we pursue talking to one another?

If we had taken the case for Iraq to the U.N., we would not have gotten approval for an attack against Iraq. How much better it would have been if this Nation had not decided to attack Iraq, because Iraq had no weapons of mass destruction, did not have the intention or capability of attacking the United States, was not trying to get uranium from Niger, did not, in effect, constitute a threat to the United States of America.

And yet, we attacked a nation which did not attack us, at tremendous consequence, the death of over 3,000 American men and women who served this country valiantly, the deaths of over 650,000 innocent Iraqis, according to the Lancet Report, during the conduct of the war; complete annihilation of so much of the cities of Iraq.

What are we doing? What do we stand for as a nation? Does this really represent what America is all about? Or does America have a higher destiny? Is it our destiny to rule the world with our military might? Or is it our destiny to hold up our values of peace and justice, and to live them in our own Nation, and to nourish them abroad through following international law?

It is a critical moment for America, Mr. Speaker. This Congress must stand up. We must not just set aside the escalation, we must set aside the occupation. We must not simply challenge this President and his buildup to war in Iran. We must let this President know that any action he takes against Iran will have constitutional consequences.

We are at a moment when we need to defend our Constitution. We need to stand up for the American way, which is not the way of war. It is not the way of aggressive war. It is not the way of preemption, unilateralism and first strike.

Mr. Speaker, it is really time for America to take a new direction in the world, and that direction is to work with the nations of the world.

I put forth a 12-point plan for Iraq. It called for America to announce the end of the occupation, the closing of the bases, withdrawal of our troops. But we cannot do that unless, simultaneously, we let the nations of the world know that we are going to take a new direction in world affairs. We need to ask the world community to help us, to mobilize a peacekeeping and security force that will move in as our troops move out so that the people of Iraq can be secure. When we do that we can build a basis for a reconciliation in Iraq between the Kurds, the Shiites, the Sunnis. When we do that we can have a legitimate program for reconstruction and reparations for the Iraqi people. We can help safeguard their oil wealth for the people of Iraq, not for private American oil companies.

Iraq should be a turning point for this Nation. It should be a turning point away from war as an instrument of policy. It should be a turning point where we address the needs of the people of the United States, the real human needs, for health care, education and jobs. And that is what my 12-point program leads to.

CELEBRATING THE BIRTHDAY AND PUBLIC HOLIDAY FOR MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I am so pleased that I got an opportunity to listen to the statement from the gentleman from Ohio (Mr. KUCINICH), who just made what I would consider to be one of the most common sense, passionate and eloquent statements about where America ought to be and what its position should be vis-a-vis the rest of the world. And so I want to thank you so much, Mr. KUCINICH, for having had the opportunity to just hear the statement that you have just made.

Mr. Speaker, like many others, I spent much of the weekend talking about the contributions of Dr. Martin Luther King and what he meant to America. And earlier today, we had a resolution, bill on the floor, celebrating the birthday and public holiday for Martin Luther King, Jr.

One of the young staffers in Government Reform and Oversight had written a statement that I was supposed to have read at that time because I was supposed to have managed that bill, but I was not here. But I was so impressed by the statement that this young person had written that I decided that I would come and share it with the rest of America anyway.

And so he wrote, Mr. Speaker, yesterday the Nation celebrated the life of Dr. Martin Luther King, Jr. and the impact he made on our society. His nonviolent struggle for freedom, dignity and equality of all races broke down longstanding barriers which denied equal opportunity to all Americans. Although we still have a long march ahead toward Dr. King's dream of peace and impartiality, his work inspired many to work for a world that respects and celebrates diversity.

Born January 15, 1929, in Atlanta, Georgia, Dr. King stood out as a student and entered into the Christian ministry. There he responded to racial prejudices and injustices that surrounded him when Rosa Parks refused to relinquish her seat on a Montgomery, Alabama bus. Dr. King was elected to the Montgomery Improvement Association and led the bus boycott that ensued. Later, King would organize the Southern Christian Leadership Conference, which provided him a platform to become a more influential leader in the civil rights movement.

He continued to advocate civil disobedience, despite the fact that fire hoses and attack dogs were turned on him and fellow protesters in Birmingham. He spearheaded the March on Washington for Jobs and Freedom in 1963. The March on Washington brought more than 200,000 people to the steps of the Lincoln Memorial and demanded the elimination of racial segregation in public schools, protection for demonstrators against police brutality and self-government for the District of Columbia. This march also included Dr. King's now famous, "I Have a Dream" speech, which became a profound turning point in the American conscience.

In 1964, he was awarded the Nobel Peace Prize, and continued to lead the civil rights movement. His interests broadened from civil rights to include criticism of the Vietnam war and the plight of the impoverished.

☐ 1945

His plan for another march to Washington meant for underprivileged Americans was cut short when he was shot and killed on April 4, 1968. As we commemorate his life and work, we should apply the lessons he demonstrated in the context of current world events. His nonviolent approach to constructive change and his firm stance of fairness are leadership qualities that Washington and the world must remember and emulate.

As we face issues of national importance day in and out in this Chamber, we must bear in mind the example that Dr. King set in the hope that one day, as he said, the leaders of the world will sit down at the conference table and realize that unless mankind puts an end to war, war would put an end to all of us.

I think that is exactly what Mr. KUCINICH was saying a moment ago.

Mr. Speaker, I thank you again for the opportunity to have addressed the House this evening, and I thank my young colleague for having written such an eloquent statement.

IN REMEMBRANCE OF LIEUTENANT GENERAL MILTON H. MEDENBACH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, I rise today because I wish to honor a proud American and because it is my sad duty to announce the loss of Lieutenant General Milton H. Medenbach, superintendent emeritus of Valley Forge Academy in Wayne, Pennsylvania, who died this morning, January 16, 2007.

Lieutenant General Medenbach turned 99 on December 31, 2006, and had been a member of the Valley Forge Military Academy & College faculty and staff since the fall of 1932. General Medenbach is a 1929 graduate of the Johns Hopkins University, where he was commissioned a secretary lieutenant, infantry (TANKS).

He also attended the University of Marburg in Germany and was a student of military government at the University of Virginia and Yale University during his active military service. He held a doctorate from Gettysburg College.

Upon the completion of his fellowship at the School of Diplomatic Service of the Austrian Foreign Office in Vienna, Austria, in 1932, he came home and joined the Valley Forge faculty as an instructor in the Foreign Language Department and as a tactical officer in the Commandant of Cadets Department.

On leave from Valley Forge during World War II, General Medenbach served as Secretary of the General staff of the Army Air Corps Tactical Training Command and the Air Corps Training Command and later, in North Africa, Italy, France, Germany and Austria as a military government planner and officer under Field Marshal Alexander and General Eisenhower.

Following active duty, General Medenbach returned to Valley Forge and served in the Pennsylvania National Guard. His many decorations included the Legion of Merit, the European Service Ribbon with two battle stars, the American Defense Ribbon, the Meritorious Service Unit Award, and the Pennsylvania State Guard Reserve Distinguished Service Ribbon. He was also listed in Who's Who in America.

During his Valley Forge service, General Medenbach served in or assisted in the establishment of practically every department of the institution as an associate of the founder, Lieutenant General Milton G. Baker. He held the post of adjutant and chief of staff, as well as deputy superintendent, and served for more than 30 years as the commandant of cadets.

He became the president on the retirement of General Baker and retired as superintendent emeritus in 1971. More recently, he served the school as volunteer historian and archivist and as the vice president and secretary of the Chapel Foundation Board of Directors.

During the many years of his long service, General Medenbach was the driving force in establishing the high standards of character, personal discipline, drill, ceremonies, and individual fitness that have been the hallmarks of military excellence at Valley Forge.

It is with great sadness that we mourn his passing, and our thoughts and prayers go out to his family at this time, as we thank him for his service.

THE BLUE DOG COALITION

The SPEAKER pro tempore. The gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes.

Mr. ROSS. Mr. Speaker, this evening, on behalf of the 44 member strong fiscally conservative Democratic Blue Dog coalition, I rise to spend an hour this evening talking with you and Members of this body about the Blue Dog Coalition's desire to restore fiscal discipline and common sense to our national government.

Over the next hour, we plan as members of the fiscally conservative Democratic Blue Dog coalition to talk on this floor about the Blue Dog Coalition's 12-point plan for budget reform. We plan to discuss our accountability measures, because we believe it is time to restore accountability, fiscal discipline, and common sense to our national government.

Before I begin the formal presentation this evening, and will be joined by other members of the Blue Dog Coalition, I would like to take a moment to recognize Sergeant Marcus Wilson. Sergeant Wilson grew up in Dermott, Arkansas, in southeast Arkansas, in our congressional district back home.

This afternoon I had the honor to go to Walter Reed Army Hospital where I was able to sit down and visit with Sergeant Wilson and his wife and his son and thank him for his service to our country. He is there because of injuries suffered in Iraq.

Before that he served in Afghanistan. All of us have different ideas about what we should be doing with this postwar Iraq policy. But one of the things that I believe is absolutely critical and important is that as Members of this Congress, and as American citizens, that we remain united in support of our men and women in uniform. This evening I pay tribute to Sergeant Marcus Wilson of Dermott, Arkansas, and thank him for his service to our country and pray for him as he recovers from injuries he suffered in Iraq.

Mr. Speaker, I wish you could have been with me there this afternoon in conversations with Sergeant Wilson because he makes all Americans proud with his attitude, his attitude of perseverance, his attitude of service to our country as a soldier in the United States Marines. Again, I pay tribute and salute Sergeant Wilson.

Mr. Speaker, on this day my brother-in-law leaves to go to Kyrgyzstan, which is the entry point for Afghanistan, much like Kuwait is the entry point for Iraq, for his second mission there. I hope that all of us will keep him and all our troops in Iraq and Afghanistan and elsewhere across this globe in our hearts and in our prayers.

Mr. Speaker, the underlying purpose of the fiscally conservative Blue Dog Coalition is to demand a balanced budget in this country. Mr. Speaker, it was not too long ago from 1998 through 2001 that we had a President named Bill Clinton, from my native State, from my home State, who gave us a balanced budget.

One of the ways he did that was with PAYGO rules in place on the floor of the U.S. House of Representatives, rules that the Republican leadership threw out after they took control of the House and Senate and the White House in 2001, the beginning of the 107th Congress.

What we have witnessed over the past 6 years has been absolutely staggering, if not startling. We have seen the largest deficit year after year after year until we have accumulated the largest debt ever in our Nation's history.

As members of the fiscally conservative Democratic Blue Dog Coalition, we are committed through our 12-point plan for budget reform and through our accountability package to restore fiscal discipline to our Nation's government.

As we begin this evening, today the U.S. national debt is $8,701,316,295,722.43. We ran out of room. For every man, woman and child in America, their share, your share of the national debt, $29,035.60, what we refer to as the debt tax, d-e-b-t, which is one tax that cannot be repealed, cannot be cut until we go away and get our Nation's fiscal house in order.

If this is not startling enough, what's even more alarming is the fact that our Nation is borrowing about $1 billion a day. On top of that, we are spending about half a billion every day paying interest on the debt we have already got before it increases by another $1 billion a day. It is important that we get our fiscal house in order, that we return to the days of a balanced budget, that we restore fiscal discipline to our national government, because it is about priorities.

Many of America's priorities, honoring our soldiers, giving them the resources they need to get the job done, honoring our veterans and providing them the services that they were promised and so desperately need, especially with this new generation of veterans coming back from Iraq and Afghanistan and other parts of the world, the priorities in education, and so many other areas that are going unmet, half a billion dollars a day is not going to those priorities, they are going to simply pay interest on the debt we already got before it increases another $1 billion just about every single day.

We want to do something about this. We want to effect change. We are sick and tired of all of the partisan bickering that goes on in our Nation's capital. As members of the Blue Dog Coalition we don't care whether it is a Democrat or Republican idea. We ask ourselves if it is a commonsense idea and does it make sense to the people who sent us here to be their voice.

We have pushed, for 6 years we have asked the Republican leadership to reinstitute the PAYGO rules on the floor of this House, and for 6 years they turned a deaf ear to us. We are really proud that this new leadership, the Democratic leadership, has listened to the Blue Dog Coalition. In the first 24 hours of the 110th session of Congress, we saw the new Democratic leadership on this floor institute rules that reinstated PAYGO, which is the first step in returning to a balanced budget and putting an end to deficit spending.

This evening, Mr. Speaker, I am honored to be joined by a former cochair of the Blue Dog coalition, a real leader within our group from the State of California (Mr. CARDOZA). At this time

I yield to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I would like to thank the gentleman from Arkansas for his leadership on the Blue Dog Coalition. I know you are talking tonight about the Blue Dog 12-point plan for fiscal responsibility. I am just so grateful to the gentleman from Arkansas for all his work on this.

I want to report to the House and to the country and to all of my colleagues in the Blue Dog Coalition that today in the Rules Committee for the first time we dealt with some issues. Actually, the PAYGO discussion came up, since our Speaker and the House reinstated PAYGO and the Democrats took over the Congress. In fact, today, we are going to be in just a few minutes having a reportable rule that will talk about the reduction and the interest rates that Americans will be soon paying on student loans.

In that discussion, it was ironic, because in the opening session where we debated the PAYGO rules, the Republican Members of Congress, or a number of them, criticized the Democrats saying we were not doing real PAYGO. Today in the Rules Committee, when the PAYGO rules in fact capped some of what we would like to do, we will not be able to do everything we want to do for student loans right out of the chute, but we will do a significant amount; but we did it under the PAYGO rules and we are doing what we can do under the PAYGO rules.

There was criticism that we weren't doing enough, that we should have done more, and we really didn't need to pay for it. We live by the spirit and the letter of the law of the PAYGO rules that we put in place on day one. In fact, we will have a good bill tomorrow that will limit the PAYGO rules. So it is ironic on day one they were criticizing us that we were not going to do real PAYGO. Then we live by the spirit and the letter of the law and they criticize us that we should have done more and not pay for it.

□ 2000

So, Mr. Speaker, I just came down here to point out that irony; to talk about how effective the PAYGO rules are that are already being put in place and how I think it is a tremendous testament to the work of all the Blue Dogs in the coalition that we have made this impact on the Congress, and we will continue to do so.

I yield back to my colleague from Arkansas, and thank him again for his work.

Mr. ROSS. Mr. Speaker, I thank the gentleman from California for joining us this evening as a member of the fiscally conservative Blue Dog Coalition to talk about the need to restore common sense and fiscal discipline and accountability to our Nation's government.

On the accountability front, Mr. Speaker, under the United States Constitution Congress has an obligation to provide Congressional oversight of the executive branch. Congressional oversight prevents waste and fraud, it ensures executive compliance with the law and evaluates executive performance.

What we saw, Mr. Speaker, for the last 6 years is a Congress that failed to uphold its constitutional duty to provide oversight of the administration. Rather, what we saw was a Congress that provided a rubber stamp.

The 110th Congress will be different. We will uphold the Constitution of the United States of America and we will provide oversight of the executive branch, as the founders of this country wrote into our Constitution. The reason we are doing that is because when Congress does not do that, it abandons its responsibility by failing to conduct meaningful investigations of allegations of serious waste, fraud, abuse and mismanagement of taxpayer dollars.

Mr. Speaker, it is time for this Congress to hold this administration and the Pentagon accountable for how your tax money is being spent in Iraq. Let me be clear about it: As long as we have soldiers in harm's way, we will support our men and women in uniform. As I mentioned earlier, my brother-in-law is in the U.S. Air Force, and today is headed from Fairchild Air Force Base in Spokane, Washington, to Kurdistan, where he will be serving for the next few months, if not the first year. My first cousin is in the U.S. Army. His wife gave birth to their first child while he was in Iraq.

This war has impacted all of us across this country in one way or another. I have had 3,000 National Guard soldiers, brave soldiers from Arkansas, spend more than a year in Iraq. I e-mailed today with a soldier from my district in Iraq. Make no mistake about it, as long as we have men and women in uniform in harm's way, we will support them and ensure that they receive the resources they need to get the job done.

But that should never be confused with holding the administration, the Pentagon and the Department of Defense, accountable for how this money is being spent. We are sending some $9 billion a month, with a B, of your tax money to Iraq. The last report I got, it was some $57 million a day to Afghanistan. It is time that this Congress held this administration and the Department of Defense accountable for how it is spending your tax money in Iraq, Afghanistan and other parts of the world.

Additionally, Mr. Speaker, it is time that we hold this new Iraqi government accountable. They must be accountable for their actions. If we are going to put soldiers in harm's way, if we are going to have soldiers dying and becoming injured and returning home without arms and legs and with other injuries that forever change their life, it is time we hold this new Iraqi government accountable for what they are doing or not doing in Iraq.

Finally, Mr. Speaker, it is important, it is absolutely critical, that we stop this nonsense of passing supplemental after supplemental in funding for the Iraq war when we know that this is a long-term deal. It is time for the President to quit playing games with the American people, to stop this nonsense of passing supplements. It is my understanding he is going to ask for billions more in a supplemental just days, if not weeks, before the budget comes out for fiscal year 2008. It is time to make the cost of Iraq and Afghanistan clear to the American people, provide a level of transparency, and include it in the budget.

This is what we are talking about when we are talking about restoring accountability to our national government. Once we demand accountability we will see these deficits begin to disappear.

When I was a small child growing up, I always heard it was the Democrats that tax and spend, and yet I come to Congress and we have got for 6 years a Congress that is controlled by Republicans in the House, the Senate and the White House, a country controlled by the Republicans, and what do they give us? They gave us the largest deficit ever in our Nation's history, year after year after year, in fact, the largest deficit ever. $413 billion in hot checks occurred in 2004; in 2003, it was $378 billion in hot checks; in 2005, $318 billion; in 2006, $296 billion in hot checks.

It is time to restore fiscal discipline to our Nation's government. It is time for this government to have a balanced budget once again, because where is this money coming from? It is not only coming from taxpayers, but we are spending more than we are taking in. It is coming from foreign central banks and foreign investors. In fact, this administration has borrowed more money in 6 years from foreigners than the previous 42 Presidents combined.

Mr. Speaker, I am pleased to be joined this evening for this discussion by the cochair of the fiscally conservative Democratic Blue Dog Coalition, the gentleman from Florida, Mr. BOYD.

Mr. BOYD of Florida. Mr. Speaker, I want to thank my friend Mr. ROSS from Arkansas for leading this discussion.

Mr. Speaker, for 10 years now I have been in the Congress, and for all of those years, and specifically the last 6 years, the Blue Dogs have been taking to this very floor almost on a weekly basis to discuss this issue of deficit spending. For those last 6 years, the Blue Dogs, as Democrats, have been in the minority party and able to do little about the deficit spending in terms of the final legislation that was passed.

But things have changed now, Mr. Speaker, and I am not sure that the country realizes how tough this job is going to be.

We have created a horrible fiscal mess over the last 6 years, which has been described by my friend from Arkansas, Mr. ROSS, with the deficit spending. Many of the decisions that have been made on this House floor and in the Senate in the last 6 years it seems like were without regard to the long-term economic health of the country and deficit spending.

So I think the task before us is a task that is going to be very, very difficult, and it is going to affect all aspects of what we do here in the next few months as we begin to try to develop a budget and then a spending plan, an appropriations plan, for how this country will organize itself and perform the functions that should be performed as a government.

We know what those are: National security, transportation, education, environmental protection. We have a farm bill coming up that has to be reauthorized this coming year. All of those items are going to run right head on into the red ink that has been displayed here and talked about by Mr. ROSS.

There are going to have to be some very, very tough decisions made. It is not going to be easy. There is going to be a lot of sacrifice on the part of the American people, just like we did in the nineties when we found ourselves in a similar situation. So, I just want to tell the American people, viewers, our listeners tonight, that it is going to be tough and it is not going to be easy.

The first thing we need to do, obviously, as Mr. ROSS talked about, is make sure that the dollars that we take from the American people to fund the programs that we need are spent wisely and they are accounted for and they are not wasted. He has talked a lot about that, particularly in terms of the Iraq war situation.

We have to put in place accountability standards. But we also have to put in place some tools that we can use to get us into balance in the long run. It is not going to be easy. Many of the things that we want to do, that we are interested in, such as the farm bill, such as education spending, such as environmental protection, that we have neglected over the last 3 to 4 years and that we need to deal with are going to run directly into conflict with these issues.

So I think it behooves us to remind the American people that it is going to be a tough, tough task, but it is one that in terms of the long-term health of this country is extremely critical. It is critical that we don't spend more than we take in.

I remember when I first came here I attended a press conference with some folks who were advocating a balanced budget amendment to the Constitution. A Member of this House showed up who I wouldn't have expected would have been at such a press conference, because he was what we might consider a little bit on the left side of the political spectrum. When I asked him later on why he was there, he said, "Listen, Allen; unless we get our spending, our deficit spending under control, we don't have money to spend on the priorities that I want to spend them on, education, environmental protection, health care and those issues that make America such a great country."

So I think that is important to remember and remind our listeners that we are spending a huge percentage, maybe in excess of 15 percent, of every dollar, every tax dollar that we take in, on interest to service the Federal debt that we are carrying, a debt that is approaching, as we have been shown here tonight, $9 trillion. We have to get that number under control. We have to stop the increase in that number.

That is the first step, stop digging, stop making that number bigger. Let's figure out how to balance an annual budget. We know we can't do that in one or two years. It may take a 5-year plan, a 3-year plan or maybe even a 7-year plan. If we get our heads together and work across the aisle in a bipartisan way, and we have a divided government now, we can do that. We can work together, just like we did in 1997 when we stopped the bleeding, so-to-speak.

So, I am here to support my friend from Arkansas, Mr. ROSS, in his leading of this discussion, and thank him for his leadership on this issue, and remind my constituents back home and the American people that this is not going to be easy. This is going to come in conflict with many of the things that we feel like we need to do as a country. But it is critically important for the long-term economic health of this country that we do stop this deficit spending, and I am proud to be a part of the Blue Dog Coalition, which has advocated this for so long.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Florida, a real leader in the fiscally conservative movement, cochair for administration in the Blue Dog Coalition, for his insight this evening.

Mr. Speaker, if you have any comments, questions or concerns for us, you can e-mail us at bluedog@mail.house.gov. That is bluedog@mail.house.gov.

Mr. Speaker, we are often asked how we got the name Blue Dog Coalition if we are just simply a group of fiscally conservative to moderate Democrats. Quite frankly, Mr. Speaker, ironically, after the Republicans took control of Congress in 1994, we were a group, which I wasn't yet a part of, I came here in 2000, but the conservative-moderate movement in this Congress was a group of Democrats that, you have heard the phrase "yellow dog Democrat," well, the Democrats to our left were choking us blue and the Republicans to our right were choking us blue, and we found ourselves in the middle, which is where we believe America is and where we are trying to bring our country, or at least our Congress as we try to restore fiscal discipline to our national government.

But on this accountability measure, if you think with me, Mr. Speaker, no business in our country could succeed financially if it failed to fully report to its shareholders on how it is spending its money. However, that is exactly how our Federal Government has been operating for the past 6 years. This administration is not telling its shareholders, the American taxpayers, how it spends the money coming into our Nation's capital.

In 2004, $25 billion of Federal Government spending went absolutely unaccounted for, according to the Treasury Department.

□ 2015

The Bush administration was unable to determine where the money had gone, how it was spent or what the American people got for their tax money. Even worse, the Republican-controlled Congress at the time failed to hold the executive branch accountable for this omission. Again, a rubber-stamp Congress year after year. The 107th Congress, a rubber-stamp Congress; the 108th Congress, a rubber-stamp Congress; the 109th Congress, a rubber-stamp Congress; the 110th Congress, no more rubber-stamp Congress.

You are going to see a Congress that upholds its constitutional duty given to it in the Constitution of the United States of America to provide oversight. That does not mean go on witch hunts. It means do our job that we have been elected to do in providing oversight and accountability on how the American people's tax money is spent.

In fact, in 2005, the General Accountability Office reported that 18 of 24 major Federal agencies had such bad financial systems that they do not even know the true cost of running some of their programs. Yet the Republican-controlled Congress at the time did not force these agencies to fully account for how money was being spent before doling out billions more of your tax money, Mr. Speaker, to the same programs.

Clearly, Congress year after year has failed to ask the serious questions about the Bush administration's fiscal irresponsibility and record-high deficits 4 years in a row and have now pushed the Federal debt to nearly $9 trillion.

The time has come to hold this administration accountable for its reckless behavior here at home, as well as in Iraq, Afghanistan, and other parts of the world. You are going to see this 110th Congress do that under the leadership of the fiscally conservative Democratic Blue Dog Coalition.

I believe Congress must act now to renew its constitutional responsibility to serve as a check and balance for overspending, waste, fraud and financial abuse within the executive branch. Wasteful government spending has forced the national debt to its current record level; and future generations, our children and grandchildren, have to pay that bill. Future generations will have to pay back with interest the money the Federal Government is borrowing from other countries due to this administration's fiscal recklessness.

The time has come to restore commonsense and fiscal discipline to our Nation's government. As members of the Blue Dog Coalition, we have a plan to restore accountability to our government and we have a 12-point plan for budget reform.

At this time, Mr. Speaker, I yield to a new Blue Puppy, if you will, a new member of the Blue Dog Coalition from Ohio (Mr. WILSON).

Mr. WILSON of Ohio. Mr. Speaker, I rise to point out some of the issues why I believe I was elected by the people in Ohio to come to Congress to help with the deficit spending and the problems that we have.

How we have gone from a surplus in 6 years to a record deficit under this administration, I believe that is why we had the turnout at the polls that we had this year.

Mr. Speaker, I believe the American people are concerned. They are worried about the amount of money that is being spent on interest, on the money we owe on this deficit. They are concerned about the money that is being taken away from the education of our children. They are concerned about the money that is taken away from the health care of our families because of the interest that is paid on this debt.

It is just irresponsible; and at this point, Mr. Speaker, every man, woman, and child in this country owes $29,000 in this deficit budget that we have, or lack of budget that we have.

There has to be a change, and I truly believe that is what the people in America said all across America when they changed the face of Congress. It is now that we need to be responsible for what is going on.

I believe that by being a member of the Blue Dogs that I have the honor of being one of the frontrunners in asking for fiscal responsibility and demanding that we know what we are buying before we go forward and we know what we are paying for and that we use PAYGO in such a way that we do not start buying new things until we figure out how we are going to pay for them.

I believe that is one of the pledges that I and many of the new Congressmen that have come to this body made to the people that we dealt with on the campaign trail on a regular basis. We are concerned about what is going on.

It concerns me, Mr. Speaker, that people in this administration have said there is nothing to be concerned about with the deficit, that what has been spent, it will take care of itself. I believe that all of us know that that is not really how it works.

I know myself, as a small businessman, I have to be concerned that my spending does not overcome my income, and I realize the government has to live within those same means. We have to be sure that what we are doing is the right thing for the people in America, and even though it has been reckless and we find ourselves in a difficult situation, it starts with this 110th Congress, that we move forward to try to do responsible things for the people in America.

I believe that starts with thinking about what money could be directed to the education of our children. I cannot stress enough the fact of the money that is being taken away from programs that will improve people's lives in America because of the debt we have. For that reason, we feel that fiscal responsibility is a major thrust of this 110th Congress, and we believe that the Blue Dog Coalition is one of the leaders in what is going to happen in the future.

This is the difference, Mr. Speaker, that we make sure that new bills are going to fit the budget of what we have. We are not going to just be radical in spending money and not caring about what is in the future and what we need to do.

I am happy, Mr. Speaker, to be part of this Blue Dog Coalition and to be a new Member of Congress to try to bring about fiscal responsibility, and I look forward to working with the other 43 members of the Blue Dog Coalition to bring about this result.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Ohio, and we welcome him to the fiscally conservative Blue Dog Coalition and appreciate his commitment to restoring accountability, commonsense, and fiscal discipline to our national government.

A lot of times when people think of conservative Democrats, they think of the South; and you will find with the Blue Dog Coalition that we come from every region of the country, Arkansas, Ohio, Long Island, Burbank, Florida, California, and everywhere in between, and we share a common value, and that is, to be responsible stewards of the tax money that is sent to this capital and to ensure that we leave this country just a little bit better than we found it for our children and grandchildren.

Mr. Speaker, what brings us here this evening is, as this poster demonstrates, the national debt, $8,701,316,295,722 and some change. Again, you divide that number by every man, woman and child in America, everyone's share of the national debt is $29,035. A lot of money, a number we need to pay down by going back to the days of a balanced budget, as we had in this country from 1998 through 2001.

Mr. Speaker, as you walk the Halls of Congress, it is easy to detect when you are walking by the office of a Blue Dog member because you will see this poster as a welcome mat by their door to constantly remind Members of Congress and the American people of the national debt. This number, unfortunately, not only changes daily but will go up some $40 million during the hour that we are on the floor this evening discussing this crisis.

Mr. BOYD of Florida. Mr. Speaker, would the gentleman yield?

Mr. ROSS. I would yield to the gentleman from Florida.

Mr. BOYD of Florida. Mr. Speaker, would the gentleman tell our viewers what that number was 6 years ago when the administration changed, when the new administration came in in 2001.

Mr. ROSS. Mr. Speaker, I guess a good way of putting that was the total national debt, not just 6 years ago, but the total national debt from 1789 to 2000 was $5.67 trillion. Today, it is approaching $9 trillion; and by 2010, it is estimated to total more than 10 and approaching $11 trillion. Put it another way, it is doubling, a doubling of the 211-year debt in the past 6 years.

The reason the debt should matter, Mr. Speaker, is because interest payments on this debt are one of the fastest growing parts of the Federal budget, which means less money for education, less money for veterans benefits, less money for health care, less money for roads, and on and on and on.

So deficits do matter. Deficits reduce economic growth. They burden our children and grandchildren with liabilities. They increase our reliance on foreign lenders who now own a sobering 40 percent of our debt.

I yield to the gentleman from Florida.

Mr. BOYD of Florida. Mr. Speaker, I thank the gentleman for yielding, and that is the point. Over the last 6 years, we have increased that national debt by over $3 trillion. That is the tune of about a half a trillion dollars, $500 billion per year. That is after we include all of the surpluses that we might collect in the Social Security trust fund or any other Federal employee retirement trust fund, such as our military retirees.

So we have a very serious problem that we have got to deal with. I mean, most of us who have been in business understand that you cannot continually deficit-spend year after year after year without damaging your businesses. Eventually, your banker pulls the plug on you.

The gentleman made reference to the fact that we are borrowing this money in some nontraditional places, if you will. The bulk of this money is coming from foreign countries such as China and Japan. The bulk of that money has been borrowed from those countries over the last several years, and we think that creates a long-term national security issue.

Mr. ROSS. The gentleman makes an excellent point. In fact, I have a list here. I guess it is like David Letterman's top 10 list. It is the top 10 current lenders. These are the countries that the United States of America are borrowing money from, and for the past 6 years, we have literally gone out and borrowed money from foreign central banks, foreign investors to give folks in this country earning over $400,000 a year a tax cut and leaving our children and grandchildren to foot the bill to pay back these foreigners, if you will.

But the top 10 current lenders are Japan, $640 billion; China, $321.4 billion; United Kingdom, $179.5 billion; OPEC, imagine that one, $98 billion. The United States of America has borrowed from OPEC to run our government. It is time we learned to live within our means again. Korea, $72.4 billion; Taiwan, $68.9 billion; Caribbean banking centers, $61.7 billion; Hong Kong, $46.6 billion; Germany, $46.5 billion. And are you ready for this? Mexico. Mexico, our Nation has borrowed $40.1 billion from Mexico to fund this reckless spending that we have seen in this Chamber and in this government in the past 6 years.

Mr. Speaker, I can assure you, this is every bit as critical to our national security as anything else we have got facing us today because it is a threat to our Nation. It is a threat to our Nation for us to owe this kind of money to so many foreign countries and their central banks and their investors.

I yield to the gentleman from Florida.

Mr. BOYD of Florida. Mr. Speaker, I thank the gentleman for yielding, and I think the point is not lost on many of us that we are the greatest Nation on the face of the Earth. We have the greatest economy on the face of the Earth. This is a country that, with 5 percent of the world's population, Mr. Speaker, that is one out of every 20 people that exist on the Earth live in the U.S., we control 25 percent of the world's wealth.

So when we have to go borrow money, certainly the countries that may have surpluses, they want to lend it to us, but when they see a country that deficit-spends year after year after year, and I suppose we have been spending in the red now for six consecutive years, at some point in time, they as lenders will begin to question the long-term health of our economy.

I am not a pessimist, Mr. Speaker. I believe that we have the greatest economic model in the world in this country, and I think the American people will make the adjustments as time goes on.

□ 2030

I think the first adjustment was made back on November 7 in which the American people said we want a divided government, we want a more accountable government. We think the way we can have that is to have both parties working side by side in Washington with equal power.

So the gentleman with his charts, I hope that the viewers will study those and understand them because they are very important charts. And if you were on the board of directors running a business whose management brought you a chart like this, it would be somewhat scary and you would know that there would have to be corrective action taken, and taken quickly.

Mr. ROSS. I thank the gentleman from Florida. As you can see, in 2000 we had a surplus, in 2001 we had a surplus, and then in 2002 you can see what happened. And the purple demonstrates that we have been in the red, deficit spending year after year after year, record deficit after record deficit.

I think it is important to note that what we are trying to do here is set the stage, explain the mess we are in, and we are not here to simply criticize the Republican leadership of the past 6 years; we are here to offer up commonsense solutions to fix this mess. I think the American people want us to fix it.

As members of the Blue Dog Coalition we have tried to spend the last half hour framing how we have gotten to where we are, because a lot of people remember when we did have a balanced budget in this country. We want to get back to those days, and the way we believe we can do it is through the Blue Dog Coalition's 12-point plan for budget reform.

Point number one is require a balanced budget. Blue Dogs support a constitutional amendment to require a balanced budget every year except in times of war or national emergency. We believe a balanced budget amendment is the only way to ensure fiscal discipline in Congress. Forty-nine States require a balanced budget. Holly Ross requires a balanced budget. And I don't believe it is asking too much and I believe the American people expect it from us to provide them a balanced budget with their tax money and how we run our government here in these United States of America.

Mr. BOYD of Florida. If the gentleman would yield. When you said 49 States require that, many of them constitutionally, I was in the State legislature in Florida and under the constitution you could not deficit spend. And I think that is the point that my friend Mr. ROSS from Arkansas is making, is that we don't seem to have the will to get a balanced budget without putting in place a constitutional amendment, and that is why many of us have supported that. As a matter of fact, I know when I first came to the House after the 1996 election, we had many votes on a balanced budget amendment that we took, but those votes stopped after January 2001.

We really need to consider a balanced budget amendment, and I think it is something that you obviously have to understand that if you get a national emergency situation you have triggers to override it that can be done. But all that can be worked out constitutionally if you are willing to abide by fiscal responsibility.

There are 12 points to this plan that the Blue Dogs have adopted and advanced to the Congress for its consideration. The second item after the balanced budget requirement is don't let Congress buy on credit. Don't let Congress buy on credit. In other words, if we are going to have a new spending program, then you have got to find a place to pay for it. And the good news is that we have made great strides in the last 2 weeks since Congress reconvened after the election and put in place a PAYGO rule in the House rules package, and we have a promise from the leadership of this House of Representatives that they will consider and put up for a vote a PAYGO statute. That would be a critical part to putting us back on the road to fiscal responsibility.

Mr. ROSS. If the gentleman would yield. When we talk about PAYGO rules, that is an acronym used on the floor of Congress; but to a lot of the folks of America they probably ask, what is this PAYGO business? It means pay-as-you-go. It was the policy that was in place in this Chamber when we saw the first balanced budget in 40 years, and it went out the window with the Republican leadership of 2001 and we have seen record deficit after record deficit since then. And for 6 years we begged the Republican leadership to listen to us conservative Democrats and work with us to reinstitute this PAYGO rule, and for 6 years it fell on deaf ears. And I am very pleased that one of these 12 points for budget reform, in fact a couple of them, have now been implemented as a policy in the rules of this House under the new Democratic leadership, and I want to thank them for not only listening to us but heeding our call and doing it in the first 24 hours of the 110th Session of Congress under the Democratic leadership, which demonstrates that our message is getting out. People are identifying with our message of restoring fiscal discipline to our national government.

But many folks on the Republican side still don't get it, Mr. Speaker. I will never forget when we were down here debating the PAYGO rule, and

PAYGO means pay-as-you-go; it means if you have got some new idea for a new program, you have got to show us. And I watched Member after Member on the Republican side get up and say that it is nothing more than a disguise for a tax increase, because if you are going to have new spending, you have got to have more money. They don't get it. They are the party that used to believe in cutting spending, and now they think the only way to pay for a program is raising taxes. Not so, Mr. Speaker. We are talking about paying for programs, paying for ideas that are good for the American people by cutting other programs, cutting the waste out of government.

People say, well, there is really waste in the government? Yes, sir, Mr. Speaker. I have got $400 million worth of waste sitting in a cow pasture at the Hope Airport in Hope, AR, in some 8,000 brand-new, fully furnished, manufactured homes that FEMA ordered for Hurricane Katrina victims that never got to those victims. They still are sitting there in a hay meadow at the airport in Hope, AR. That is just one of many examples of waste. That is a $400 million example. It is a symbol of what is wrong with FEMA and what is wrong with this administration.

I yield to the gentleman from Ohio (Mr. WILSON).

Mr. WILSON of Ohio. I thank the gentleman for yielding.

Mr. Speaker, I would like to respond also to some of the things that both of these gentlemen have been saying, and that is in regard to putting a lid on the spending that is going on in our country today.

In 2001 through 2003, our spending just soared. And from that point the Blue Dogs have been saying that we need some spending caps, we need to be able to evaluate what we are spending on various programs.

The Blue Dogs feel that the purpose of holding the line on discretionary spending is where we need to go with fiscal responsibility. We feel, Mr. Speaker, that our budget needs to be held in place. And as was said earlier, 49 of our 50 States have budgets that they operate by. And I can only tell you from the State of Ohio, that we had a budget, and we even had a budget surplus, which was a savings account that we could use when there was a special need that came up in our State.

And that is the kind of plan I would like to see us do in Congress as well, is to not only stop the runaway spending, put the lids on spending, but then also create a mechanism where we would have a safety valve if a special need came up that we needed to be able to do for the people by having a type of savings account that we could use, and that would be something that I think would be very much in order.

Also, if I may, Mr. Speaker, I would like to mention about the auditing of the various programs that we have in the government. It just makes good sense to know how they are doing, and if they are not doing well we need to hold people responsible for that. That is part of the Blue Dog Coalition approach, is to how we can audit and test where we are doing well and where we are not, and certainly to limit our spending where we are not doing well. This is all part of the future and part of the fiscal responsibility that we need to be doing.

Mr. ROSS. The gentleman from Ohio is exactly right. In fact, that is point number 4 in the Blue Dog's 12-point plan for budget reform: Require agencies to put their fiscal houses in order. Number 3 was put a lid on spending. Number 5: Make Congress tell taxpayers how much they are spending.

Mr. BOYD of Florida. I think the gentleman has ripped off the first four, and actually number 5 is have Congress tell taxpayers how much they are spending. That seems like a novel idea, that we would let the public know how much of their taxpayer dollars we are spending and when a bill comes to the floor how much it is going to cost, and that is a pretty simple thing to do. Many are the times in the years I have been here that a few bills have come sliding through the process without any debate and without any disclosure about how much they might cost, and Members are forced to vote up or down on that bill. So we think that transparency is a great tool. We think that if the sunshine can shine on something, that is the greatest purifier to have people understand what really is going on.

The sixth point of the 12-point plan by the Blue Dogs is one that Mr. WILSON already alluded to, and that is a rainy day fund, a contingency fund. Most businesses and most homes have a rainy day fund set aside so if there is some emergency like we have in this country on a regular basis, hurricanes, floods, earthquakes, anything that is maybe unexpected that we might have to respond to as a nation, there should be a rainy day fund there to draw from. So that concludes the first six.

Mr. ROSS. I want to thank the gentleman from Florida for helping me go through the first 6 of our 12 points for budget reform that we believe can go a long way toward cleaning up this mess here in Washington. And next week, Mr. Speaker, we will be going through the other six points for budget reform. And the gentleman is right, a rainy day fund makes so much sense. No more of these supplementals, which is another word for skirting the budget and skirting the normal appropriations process. We are kidding ourselves if we don't believe there is going to be some kind of disaster or need for a rainy day fund in America every year. These are 6 of the 12 points that we believe can lay a foundation to return to the days of a balanced budget to restore fiscal discipline and accountability to our government.

A lot of people, Mr. Speaker, want to know, what is this Blue Dog Coalition? We are 44 members strong. But what exactly is the Blue Dog Coalition and what exactly do they stand for? And Mr. Speaker, if you have got any comments or concerns for us, you can e-mail us at BlueDog@mail.house.gov.

I am pleased to be joined this evening by a real leader of the Blue Dog Coalition from the State of Tennessee, Mr. LINCOLN DAVIS, who in these closing few minutes is going to tell us exactly what the Blue Dog Coalition is all about and what we as fiscally conservative Democrats stand for.

I yield to the gentleman from Tennessee.

Mr. LINCOLN DAVIS of Tennessee. When we talk about different coalitions, obviously there are many in this particular Congress, probably some several hundred different caucuses that deal with health care, deal with many different issues. But the one caucus in this House that deals with fiscal responsibility and a strong national defense basically is the Blue Dog Coalition. And when the Blue Dogs were established, here is basically what they said:

We are dedicated to the financial stability and national security of the country, notwithstanding partisan political positions and personal fortunes and do hereby agree to organize a Coalition to serve the interests of our country;

That government has an important and constructive role to play in defining an equal opportunity society built upon principles of individual rights and freedom and dedicated to creating conditions that serve the general welfare and prosperity of the people;

That the people have entrusted the representatives of our country to transcend politics, personal careers and fortunes in order to pursue the common good;

That a government too large and intrusive stands in the way of an opportunity society;

That government must live within its allotted resources;

That the burden of the American taxpayer should be reduced whenever possible;

That government agencies are created to serve rather than to restrict, regulate, and punish the American people;

That government should encourage work over idleness, personal independence over government dependence, and a free market which is not controlled, dominated, and excessively regulated by the government;

□ 2045

That the American Tax Code should be simply structured and designed to create incentives for income earning, saving, and investments in jobs and in expanding opportunities;

That personal responsibility is essential to the preservation of freedom and that government must strictly hold accountable those who are victims of criminal and irresponsible behavior;

That government should be a force that affirms traditional American values and stands against the forces that threaten them;

That government should always be aware that it is a creature of the American public, that it answers to the public for its failures and successes and should never be so arrogant as to use its powers to diminish personal rights and freedoms guaranteed in the Constitution.

Sounds pretty ambitious, doesn't it? But in fact we hear those who serve in this House Chamber. We hear those of different party persuasions talk about these particular ideas and how they have enacted those.

Let's talk about fiscal responsibility. I went back and did a little research. In the early 1990s, government was taking about 22.1 percent of gross domestic product in 1992 of the American worker's paycheck, of business paycheck. That is 22 percent-plus. For the next 8 years under the Clinton administration, we saw government reduce itself, or be reduced not by itself, let me correct that quickly. I have never seen government reduce itself, but we saw those in government, Democrats and Republicans, working together to reduce the spending in government to 18.5 percent of gross domestic product as of the 2001 budget area, in that 8-year period of time.

It has now climbed back up to where it is 20.8 percent, and that is gross domestic product. There has been more increase in spending in the last 6 years in the budgets of the United States than in any time in history other than the Great Society years of the Johnson administration.

The principles I just read are ashamed of that, and those of us who serve here who are Blue Dogs are ashamed to say that the code that we have established for those of us who serve as Members of Congress of the Blue Dog Coalition are ashamed of what has happened in the last 5 to 6 years. Deficits have skyrocketed. We have gone from $5.8 trillion in national debt to where it is a little over $8 trillion of national debt.

A lot of that has been because the 12 principles that we have and hopefully will be putting in place in this U.S. Congress in the next 2 years, had they been implemented and been in place, we would not have seen this outlandish spending, nor would we have seen the American taxpayer be obligated to the debt they have.

My chief of staff just had a newborn baby who he says cries a lot. I said, Beecher, have you explained to him, little Willis, that he just inherited $29,035? That debt is going to be his to pay.

Mr. ROSS. I thank the gentleman from Tennessee for joining us for this Special Order as we talk about the fiscally conservative Blue Dog Coalition's 12-point plan for meaningful budget reform, what we believe can lay a foundation to return us to the days of a balanced budget, to put an end to this reckless spending, to put an end to this deficit spending, and as we discuss our plan for accountability.

We are here to offer up commonsense solutions to many of the challenges facing this country today, Mr. Speaker. As I conclude, I would just remind you that the national debt as of today is $8,701,316,295,722. And that debt during the past hour while we have been on the floor of this House has gone up by an estimated $40 million. It is time to restore fiscal discipline to our national government.

TAX INCREASES PROJECTED UNDER DEMOCRATS

The SPEAKER pro tempore (Mr. WILSON of Ohio). The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes.

Mr. SHUSTER. Mr. Speaker, I rise tonight to talk about and make the American people aware that we have 1,446 days counting down to the tax increase to the American people which will occur on January 1, 2011, if the new majority, the Democrats in Congress, don't act to extend the tax cuts that the Republicans put in place in 2001 and 2003.

So in 1,446 days, we will see that tax increase. The Democrats don't have to act, all they have to do is run out the clock. Run out the clock, and we will see a $200 billion tax increase. It will be money taken out of American people's pockets between now and January 1, 2011, if they don't act.

Those tax cuts as I said were enacted in 2001 and 2003. And what we have seen is an expansion in our economy, a great expansion that continues to this day that has created over the last 4 years 7.2 million jobs. Just in the month of December, 167,000 jobs were created in this country. The unemployment rate is down to 4.6 percent. It is the lowest average we have seen in 4 decades, and that is directly attributable to the tax cuts that we passed in this Congress in 2001 and 2003.

Again, if we don't extend them, which I believe is the responsible thing to do so we see this economy continue to grow, we are going to take money right out of the pockets of the American taxpayers.

Mr. Speaker, we will be debating tomorrow a tax increase. It has not taken longer than 20 days for the new Democratic majority to increase taxes. There will be a great debate here, and there are many in this country who think we should increase taxes on our oil companies. But it is the reduction in the tax on our oil companies that has allowed them to go out and look for new oil reserves to decrease our dependency. Yet the Democrats are, as I said, in less than 20 days, are going to put a bill on the floor that is going to increase taxes already on a segment of our economy. We will talk more about that later this evening.

If we don't extend those tax cuts that we put in place in 2001 and 2003, you are going to take money right out of the American taxpayers' pocket, anywhere from $2,000 to $4,000, right in that middle income of America. That is money that they can save to put away for their children's college. They can save to put a downpayment on a car, or buy a new washer and dryer. But the most important thing is if we take that money out of the American taxpayers' pockets, it will be some bureaucrat deciding how to spend that money, and not an American family.

We removed 10.6 million low-income Americans from paying taxes in this country all together. We need to make sure that those people stay in that position, that they are not paying taxes when they are low income. We lowered the tax rates on small businesses and employers, the critical employers in our Nation that create the jobs.

I hope that those on the other side of the aisle, the Democrats, will take a lesson from history from one of their own. Jack Kennedy, President Kennedy decreased taxes in the 1960s. What happened, there was increased revenue to the Federal Government. President Kennedy in the 1960s did the right thing. As I said, the revenues to the United States Government increased.

Ronald Reagan did that in the 1980s, and revenue increased to the Federal Government. Once again, history repeats itself. In 2001 and 2003, we cut taxes and what has happened is the levels of revenue the government has received are at greater levels than ever before in our history. That is what happens when you cut taxes.

By raising taxes, all we will do is stifle economic growth in this country. We will take money out of our small businesses; we will take money away from the American taxpayer. Once again, this economy will stop growing. It will stop creating the jobs it has created over the last several years.

I know I am joined here tonight by one of my colleagues who is a former small business owner and a former Army Ranger.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, we both had the opportunities to pursue the American Dream, to start our own businesses and create jobs. I look back on the last time there was a large increase was in the administration that came in in 1993 that passed one of the largest tax increases in American history. What that meant to our business was less jobs, money that could have been reinvested and employed more people. The one thing we need to understand is that people know how to spend their money better than government does, to keep it in their local communities, to stimulate that local economy. And the tremendous increases in taxes just went to further Federal spending.

I think the thing that we have seen by policies that allowed people to keep more of their own money is we don't raise taxes, we create more taxpayers. One of the things that is lost in much of the political noise that has gone on over the course of the last year is that revenues from income taxes have been at the highest point in American history because the most jobs have been created by allowing people to keep more of their own money.

But in the aftermath of the last election, what most folks don't realize is that the average working-class family making between $30,000 and $50,000 a year has voted themselves a tax increase of over $2,000 that will take place in 1,446 days unless Congress acts as a majority.

I invite members of the Blue Dog Coalition, those that are fiscal conservatives, to join together with us to ensure that those tax cuts stay in place.

I have my son, Geoffrey, sitting behind me tonight who is 8 years old. I ask myself what kind of a country will he have. Will he have the opportunity to pursue that American Dream, to create jobs, to create a future and pursue his desire? That is what this is all about ultimately, providing personal freedom and discretion with their income to make a difference.

We cut taxes in every walk of life. We encouraged families by eliminating the marriage penalty and we doubled the child tax credit so families with a large number of children would not be penalized, but made sure that they could make an investment in their children. We lowered tax rates for all Americans. We removed 10.6 million low-income earners from the tax rolls. To say that these tax cuts were simply for the rich was a myth because the person who benefited was the working family and small business owner who could put their dollars to work in their community to build a nest egg for themselves and ultimately to build a future.

And what did it do on average? It returned $1,670 to the average taxpayer who took that money and spent it on personal needs or invested it, building a future for their children and their children's children.

One thing that I found interesting when the resolution on tomorrow's energy vote came in, and I think we come from areas that are strong in manufacturing in Pennsylvania, Ohio, Kentucky, and Illinois. Energy security is one of the most important things that we are facing in the future of this Nation. We talk about it and we talk about initiatives that are going to create jobs coming from folks who have been in business. At the end of the day, what are we seeing, not only a tax increase in 1,446 days, but a tax increase on the American energy consumer that is coming by taxing domestic energy producers and pushing more business to Middle Eastern oil producers.

I have some comments on some legislation that we have been working on, but I yield back for your comments on this.

Mr. SHUSTER. I thank the gentleman. It is interesting to note, as we heard, that they are going to increase taxes in less than 20 days being in the majority. So it is going to be very interesting to see how many of our colleagues vote. I was interested to hear one of our new colleagues, Mr. WILSON, talk about change in America.

□ 2100

I don't disagree that the American people voted for change, but I don't believe that I heard anybody in my district that voted for me or against me, and I would be willing to wager that in Mr. WILSON's district in Ohio, a Southern conservative Ohio, that anybody there voted for a change to see our taxes go up.

I cannot wait to join with the Blue Dogs when I see what kind of budget they get an opportunity, if they get an opportunity to introduce a budget in this Congress. I know over the past 6 years that I have been in Congress the Blue Dogs have been able to introduce a budget. I voted for the Republican budget, but I think, and I hope we get an opportunity to vote for the Blue Dogs budget. If they get a chance in this new majority to offer one, I think their budget will be much more reasonable, much more fiscally responsible than the Democratic majority's budget. But once again, I don't believe the American people, at least any American I have spoken to, wants to see their taxes go up.

So once again, I would point out to those Americans that may be joining us here tonight, there are 1,446 days before there will be a $200 billion tax increase imposed on the American people. And all that has to happen is that the Democrats have to run out the clock, and we will see many of those tax increases that my friend from Kentucky mentioned tonight, the child tax credit and those types of tax cuts we put in place that really will affect middle-class America if we don't act.

I would yield to the gentleman from Kentucky if he has a further comment.

Mr. DAVIS of Kentucky. Well, I think we need to put in real terms what is going to happen in 1,446 days, and that is a $2,096 tax increase for every working family in America.

What does that translate into? For me, that translates into one semester of college tuition for my 21-year-old, who started student teaching this week. She is in her third year at Northern Kentucky University. And what does it hold for my son's future? What kind of opportunity is he going to have by restricting that annuity that could grow and remain strong in the future?

If we look at it in the bigger sense and talk about energy security in this tax that is coming, that is going to hit people in their bottom line, in the pocketbook and at the pump, one of the things we got to experience working together on the Armed Services Committee, we see much of the money that America sends to foreign oil producers is sent to unstable parts of the world. It is sent to areas like the Arabian Gulf that are a hotbed of extremism and instability.

We see what is happening in Venezuela right now, with a socialist dictator who has risen to power and threatening to nationalize the oil reserves and fundamentally to cut off America's gasoline supply. Fifteen percent of our gasoline comes from that part of the world.

The one thing that I want to comment on, from that standpoint, is we need to reduce our dependency on foreign oil, to keep more of our dollars here. And there are tremendous initiatives and opportunities that we have today that we could do to address this issue in many ways.

One of the things we have done in the Ohio Valley is to take advantage of the coal-to-liquid technology. It is a proven technology. South Africa produces 25 percent of their transportation fuel from coal. That is why we have introduced the Coal to Liquids Fuel Promotion Act of 2006. It is a bipartisan bill that I introduced with NICK RAHALL. He and I share the largest inland port in the United States, where the majority of America's coal is transited outward. Pennsylvania produces a tremendous amount of coal.

Think what we could do by decentralizing energy production, creating jobs here, and literally, as our floor leader, the majority leader in the Kentucky statehouse says, we could have another industrial revolution in the heartland of this country, creating millions of jobs, converting coal to liquids in an environmentally friendly manner, reducing our foreign oil dependency, stimulating jobs here, and giving our youth a future. And replicate that also with biomass, biodiesel, ethanol, and many other types of products.

And I yield to the gentleman from Pennsylvania to follow on.

Mr. SHUSTER. Well, that is absolutely as you mentioned. In Pennsylvania, in its coal fields, we need to unleash our companies in America, whether they are coal companies or companies developing biodiesel or ethanol or wind. And even our oil companies, we have to encourage them to go out there and to continue to look for new oil fields.

Tonight was a bit of a surprise, but very appropriate that we heard that the Rules Committee has put out a rule we will debate tomorrow for our very first tax increase under the new Democratic majority.

We are joined here tonight by Mr. CONAWAY, another colleague of ours, who happens to be not most importantly a CPA, which I think is important because he understands the language of business, understands the balance sheets and income statements which many people in this body I do not think understand, but also he comes from the gas and oil business in Texas.

So with that I would like to yield to Mr. CONAWAY.

Mr. CONAWAY. Well, I thank the gentleman from Pennsylvania for letting me join tonight's conversation, and I wanted to speak directly to that tax rate increase vote that will happen on Thursday as a part of what I believe to be a very misguided attempt to punish a segment of our economy that quite frankly is doing a job that all of us want.

It would be curious if I could ask all of our colleagues collectively in this House how many of them walked to Washington, D.C. from their home district; actually physically walked, or rode a bicycle from their district here, or horseback, maybe came on horseback or a horse-drawn carriage. Could we get anybody to raise their hand? Even the folks who live right across the river. Ms. NORTON, I guess, could say she walks in. But I would say that every single one of our colleagues comes to Washington, D.C. and leaves and goes back to their home districts in a car or an airplane or a train, or some mode of transportation that uses at its core fossil fuels to get us back and forth.

The bill on Thursday directly penalizes the folks who provide that resource that we all use every single day. It is hypocritical and two-faced of us to on the one hand say that, yes, we need to be independent of foreign crude oil and foreign natural gas, as our good colleague from Kentucky said, we are sending billions of dollars into the hands of countries and nations that in all likelihood are using some of that money to hurt us, to talk about getting away from that and at the same time, on the other hand, wanting to directly penalize those small producers and large producers in this country that provide the domestic crude oil and natural gas supplies.

I have seen some data which shows that the small independent producers in this country in 2005 reinvested 617 percent of their profits back in the ground. Now, think about that: Not 50 percent of what they made, not 70 or 80, but 600-plus percent of what they made back in the ground. So what this legislation will do is take dollars away from them and bring them to Washington, D.C., and albeit they are going to try to sequester those dollars to be used somewhere else, I would argue every dollar we suck out of these producers is a dollar that doesn't go back in the ground or produce domestic crude now, which we need.

I don't think anybody argues that we have a short-term problem and we have a long-term problem. The long-term problem with coal gasification and other things, nuclear, whatever they might be, those are long-term solutions. Nobody expects us to be able to put a very big dent in our energy needs in this country in the near term from anything but fossil fuels.

And for goodness sakes, why would we begin on Thursday to lay in place the groundwork to penalize those very people who are producing domestic crude oil and domestic natural gas? It is wrongheaded. Now, it makes great drama to be able to beat up on the oil companies.

In all fairness, I come from an oil and gas producing province, west Texas. I am very proud of the oil heritage and I am very proud of the supplies of oil and natural gas that those hardworking, risk-taking individuals have provided you and I in this country since Spindletop in Pennsylvania.

So it is wrong headed by our Democrat colleagues to want to tax those individuals differently than we tax other manufacturers. The specific codes section, 199, that we are going to snatch the oil and gas producers out of and in effect increase their tax rates, was put in place in 2003 by a Congress that said we need to incent manufacturers in this country, jobs that stay in America. And we are going to do that by a combination of wages paid within the manufacturing environments in this country to affect the tax rate.

The idea was to take the corporate rate from 35 percent down to between 32 and 33 percent on manufacturing activities in the United States. And the definition was written intentionally by the Congress to include oil and gas exploration as manufacturing. It also includes timber and other kinds of things that don't normally come to mind when you talk about manufacturing.

But the incentives for 199 weren't put in place just for the oil companies. They were put in place for all manufacturers to incent people to produce in America, to produce jobs, to produce products that we can sell and export or use within this country.

And now, on Thursday, we are going to have an opportunity to flush out where everybody stands. A lot of rhetoric in October about who is going to do what to whom and all those kinds of things, but Thursday will be our first chance for all of us to decide whether we are tax increasers, or we are against domestic oil and gas production in the near term and in the long term with this specific vote on the bill, H.R. 6, that will be up on Thursday.

So I appreciate being able to pitch in on that subject, and I have some other thoughts later on in the evening, but I would yield back to either of my colleagues.

Mr. SHUSTER. I yield to the gentleman from Kentucky.

Mr. DAVIS of Kentucky. I just think one thing the gentleman from Texas brought up is very important for us to realize, and that is manufacturing jobs are the best benefit providing jobs we have for working families in this Nation. Eighty-four percent of manufacturing jobs provide full benefits, health care, retirement, opportunity for the future, and that sense of security.

What this tax increase is going to do by addressing domestic oil producers is not simply a strike at a mythological big oil company. The international oil producers are not going to be affected by this. They simply have to step back and let the law of supply and demand take over. Who is going to be affected? The local oil producers, the wildcatters, those small investors in Kentucky, West Virginia, Texas, Pennsylvania, Illinois, and other States throughout the heartland that create jobs.

In addition to that, dollars for research and development are going to be disincented. With a tax credit is the opportunity to reinvest that, to find new sources of oil, and more importantly develop new technologies that can bring it forward in a low-cost way and create more jobs.

But it is not just the small producers. It will be the distribution chain. Those small refiners, like our Catlettsburg Refinery, which creates hundreds of jobs in northeast Kentucky and affects thousands of jobs in the local economy, will be adversely affected by this. It will impair their ability to grow and it will hurt the future for people there. Down the supply chain, the distributors of gasoline and petroleum products.

And, again, it is not Big Oil. It is the local convenience store owner, the person who drives that replenishment truck going to the gas stations. It is the lawn care business that might be in somebody's neighborhood or the individual who is taking parts to the manufacturing company. It is going to be the person who distributes milk and food products. It will put a cost burden on every single consumer in this country.

Not only will there be a tax increase, but there will be inflation as a direct result of this. Ultimately, it comes down to our consumers. Because if our farmers and manufacturers are all going to be burdened with this, ultimately it will pass to us. And what sounds good in reality is a big, big mistake, because it is taking money out of the economy, and it will send it elsewhere and will keep it away from incentives that will create jobs.

We need to make investments in energy, in natural gas, and in oil. Natural gas is critical for our manufacturing economy. But the Democrats in Congress overwhelmingly voted repeatedly in the 109th Congress. Congressmen CONAWAY and SHUSTER and I saw this, where in fact one Member was chased down into our Cloakroom to change his vote after Hurricane Katrina against expansion of refinery capacity.

We need to make sure that we have natural gas on the Outer Continental Shelf and we use the resources that we have here, like the Alaska National Wildlife Refuge, in an environmental friendly way to make sure that our economy, our future, is put first, so that children like the young man sitting behind me here can have a job and a future when they grow up.

But what we see is this tax increase now and the tax increase in 1,446 days, and I yield back.

Mr. SHUSTER. Well, I appreciate the gentleman's yielding back, and I don't think anybody should be surprised at what we are seeing. I put a quote up here by Representative RANGEL from New York, who is now the chairman of the Ways and Means Committee. Before the election he vowed to put all of President Bush's 2001 and 2003 tax cuts on the chopping block.

Here we go, 20 days into it and this is the start of it. This is the start of what we will see over the next 2 years, which is an increase in taxes. And some of them they won't even have to enact. They will just expire.

☐ 2115

But I wanted to ask a question to the gentleman from Texas who knows the oil and gas business much better than I do. But, you know, basic economics, if you take away, if you actually disincentivize, put a disincentive to a company to go out and explore for oil, when we see that, the oil companies and the wildcatters and the small business entrepreneurs who are in the oil and gas business, not going out there and finding new sources of oil and gas, when we see the supplies go down that is going to cause prices to increase. And I wonder if the gentleman from Texas would comment on that.

Mr. CONAWAY. Let me just comment on that. Let me make one clarifying point. You said, we are 20 days into this issue. The 18th will be our 14th day. And the first tax increase will come within the first 2 weeks, on the 14th day.

Mr. SHUSTER. It is good to have a CPA on board.

Mr. CONAWAY. I only bring that up because of the emphasis on the first 100 hours. There seems to be some magic about those first 100 legislative hours. And I want to make sure that the record is straight on these numbers.

Mr. DAVIS of Kentucky. If the gentleman would yield.

One thing I would like to point out, just having come from an entrepreneurial business background like you. The idea of working 100 hours would normally translate into about 3 days or 4 days worth of work, possibly 5 if you had really to get something done, if the product had to get out the door at the end of the month, if the system had to be implemented, if the equipment had been to be rigged and installed. And I think what we have here was somewhat misleading to the American people who expected 100 hours in the last Congress would have been accomplished in a very short period of time. But I think we are taking a more comfortable pace, doing 100 hours 2 hours at a time. Instead of having votes ending at midnight or 1 in the morning we are getting done at 3 in the afternoon now.

Mr. SHUSTER. Somebody mentioned to me that we were cramming in 2 days of work into 5 days. So if people really, if Lou Dobbs is watching tonight then he ought to be talking about our work schedule here, what we are really doing, not just the fact that he was ranting and raving about us not working on Monday because of the national championship game. Let him come down here and see what we are really doing.

Mr. CONAWAY. Let me comment on what happens, or the mechanics of the exploration business in the domestic arena. I have got some statistics here that just are almost incomprehensible in their scope. E&P is an acronym or initials for exploration and production companies. Those are the folks that take the risk. They start by trying to find rock, underground, sometimes 2 and 3 miles deep, that has the potential for bearing oil and gas. And they do this through a variety of means, through seismic and geology, and sometimes just flat out guessing. But they do their best science at the project to try to determine where oil and gas might occur. Now it doesn't occur everywhere, unfortunately. But it does occur in certain spots. And it starts off with a geologist or a geophysicist or somebody who has an idea that this particular province or this particular area may produce oil and gas. So they spend some up front money trying to decide whether or not there is the potential for oil and gas being in place. They then will send out a land man to acquire the rights to drill in the acreage that they think is prospective. And this land man will go to the land owners and the mineral interest owners and others and he will try to lease this property, lease the mineral rights, lease the ability to drill for oil and gas from each and every one of those. And that can take a great deal of time. Again, more money invested, salaries and travel and other kinds of things trying to put the prospect together.

Once they have got the right to drill in the area, then the operator, the person putting this thing together in all likelihood generally does not have the money to risk 100 percent of the well. As an example, we have got some, Barnett Shale Wells in Texas, that it is 4 to $6 million for dry hole costs, meaning you are going to risk 4 to $6 million before you know whether or not there is any oil and gas in that particular horizon. A lot of money at risk.

So this operator will go to, let's keep this simple. He will go to three friends in the business and he will say I want you to take a quarter of this deal and I will take a quarter, you take a quarter and a good colleague Mr. SHUSTER will take a quarter, and let's go find somebody else to take that fourth of it. And together we will share this risk of drilling this prospect. So you put up a million and my good colleague from Kentucky takes petty cash for his million, and I squeeze my cookie jar for my kids, and I get my million together, and we go drill this well.

Now, the drilling of the well involves hiring a drilling contractor, because the operator is not going to own any drilling equipment, so he goes out to a drilling contractor to hire the rig on a day rate basis or a footage basis or a turnkey basis, all these kinds of special terms, to actually drill the hole into the ground. And you have got all kinds of service companies that go along with it, pipe and mud and logging and all kinds of equipment and services go into trying to decide whether or not there is oil and natural gas in this rock.

And then if there is you do the appropriate test, then you run pipe and you incur additional costs. The completion costs in our example, let's say that is another 2 million. So we have put up our 4 million. Now I have got to come back to you for the other $500,000 each in order to be able to complete the well and begin the process of producing that oil. And right now, all of this is sunk cost. There is no way to recover much of this cost. You can get a little bit of the pipe out of the ground, but most everything else is sunk. And so if we don't produce oil and gas from that well our investment is worthless. I mean, it is just flat out worthless.

Mr. SHUSTER. $4 million gone.

Mr. CONAWAY. Gone. And much of the $2 million we spent completing the well will also be gone and there is no way to recover that. So the folks in this business are big time risk takers.

Now, let me show you how big time they are. In the 5 years in between 1999 and 2005, I guess that will be 6 years, the smallest U.S. E&P companies reinvested 898 percent of their profits back in the ground. Now what that means is they took their profits, as well as borrowed a lot of money against the reserves that they found in the ground to reinvest in the oil business. All the way up to the super E&P companies, those are the large publicly traded companies that are in the exploration and production business. They have reinvested 247 percent of their profits back in the ground to find additional oil and natural gas reserves.

The integrated, U.S. integrated oil companies, the very largest in our country, ExxonMobil, Chevron, Phillips, all these guys, 174 percent of their profits back in the ground.

So, as we take dollars, whether in this tax increase that we are going to, however they come out of it, those are dollars that will not go back into the ground to find additional supply of domestic oil and natural gas. And each time we do that, it reduces the investment, it reduces all of the activities that are associated with that. And the bottom line is that we have a shortage of supply of crude oil and natural gas. And the law of supply and demand generally works in most businesses. It clearly works in this business. And if we have a shortage of, as we saw, as Katrina, shortages as a result of natural disasters and other things, you get a spike in prices.

Well, we have got a systemic problem with crude oil and natural gas worldwide because, in addition to the supply not going up nearly as fast as the demand is going up, with China becoming an industrialized country and India becoming an industrialized country, the demand for crude oil worldwide has outstripped our ability to produce and increase the production in crude oil.

That could be temporarily offset if we could drill in places like Iraq and Iran, where they have let their oil and gas industry languish for lack of investment and upgrading. But even then that would only be a short-term fix.

So the impact that this tax rate increase will have on Thursday, if it turns out to be a law, is that there will be less searching for domestic crude oil and natural gas. And it seems counterproductive to me to talk, on the one hand, about reducing our reliance on foreign crude oil and natural gas, and then turn around and penalize and rein in the people who are trying to provide domestic crude oil and natural gas.

Mr. SHUSTER. And we are seeing right now, I think the latest thing I read was the price of a barrel of oil was down to $51 a barrel of oil. Average gas prices going down. And some of that is a direct response to the supply people out there finding oil. It is also in response to some of the demand has cooled off. People are trying to use less.

Mr. CONAWAY. If the gentleman would yield. One of the things that it was a bit counterintuitive in west Texas, there was no bumper sticker. The old business has gone through a series of booms and busts that, I suspect are typical in most businesses, but they are pretty dramatic in the oil business. In 1986 there was a bust. In the early 1990s there was a bust. Late 1990s there was a bust. In the early 1990s, when the price of crude oil dropped, there was this bumper sticker that said Dear Lord, give us one more boom and we promise not to screw it up.

And then we had the real dramatic bust in 1998–1999 where the price of crude went to 10 bucks a barrel for sweet crude, and even less than that for sour crude. Things were really grim. Thousands and thousands of jobs pushed out of the oil business.

And so when the prices began to rise, in the early 2000s, and when they began to push past 40 and 50 bucks a barrel and into those ranges there was a real lag in the up tick in activity. Most folks would have said, what do you think the drilling, the number of drilling rigs working in the United States would be if the price of crude oil was 45 bucks a barrel? And when it was at that point, 2002 and 2003 and 2004, most folks would have said, the number of drilling rigs operating in the United States would have been much, much higher than it really was. And the reason for that was there was a real cautiousness on the part of these exploration and production companies as to whether or not that price would really hold, were they going to get a drop in price. So there was a real cautious reinvestment in the business that was going on during that time frame because, quite frankly, the pros in the oil business weren't sure it was going to last.

Now, we have been in these prices for a lengthy time now and you are seeing the kinds of drilling rig rates and activities in the domestic production that ought to be happening when you have got prices at this level. So it is a wonderful industry. It provides great jobs. Those jobs provide benefits, and it is a wonderful experience. Most of those jobs are "living wages," is that phrase that is bandied around from time to time. And to penalize them directly on Thursday is wrongheaded and extreme.

Mr. SHUSTER. And I think we mentioned earlier, Mr. DAVIS mentioned about pushing it off to other countries in the world. We are going to penalize our own domestic production, and those folks around the world that aren't necessarily our friends, Iran being one of them, they can bring up that crude out of Iran. And it is a scary situation what has happened. I know that the President of Iran was down in Venezuela. Iran has no refining capacity or not much to speak of, and Venezuela is one of the largest refiners. So what we are going to see, I believe, is Iran making a deal with Venezuela, that they will pump the crude in Iran, and another one of our enemies, Venezuela, will refine it for them. So this is a national security issue. It is not just about taxes. It is about making sure that our domestic producers are out there looking for oil and keeping our reliance, lowering our reliance on foreign oil sources.

Mr. DAVIS of Kentucky. I think you bring up a good point when you talk about the national security implications before we come back to some of the domestic impact of this. Looking at the news today, we see threats. In particular, we are dealing with some very complicated situations in Iran. They are committed to developing nuclear weapons, possibly as a deterrent, possibly for an offensive capability. Sometimes they think about, people want to look with a simplistic view on what Iran might do to the world energy market by closing the Straits of Hormuz. But the Iranians are good businessmen, too. And the one thing they understand is they don't have to have a military solution to impact world oil markets. By reducing their production by 10 percent would cause a devastating disruption in Europe and Western oil commodity prices. It would ripple through all prices in America, and they would still make the same amount of money on the gross margin that they made with a greater amount of production by the impact on the market.

This tax is simply irrational that the Democratic majority is bringing forth this week for a vote. It is anti-jobs. It is anti-health care, and it is anti-education. It is anti-jobs because dollars that would be invested in job creating technologies are going to be removed. And who gets affected by this?

The view in the TV commercials supporting these types of things is the wealthy super executive on the big corporate jet. But what they forget about is the welder who depends on that, the small welding shop that does fabrication work in Ponka City, Oklahoma. They forget the seismic vibration technology manufacturer that makes the big heavy trucks with the seismic vibrators that go out and read the ground working with seismic engineers to help find where those oil reserves are.

And as my colleague from Texas pointed out, there is a tremendous amount of risk. It is not a science. Purely there is an art to this, to find those resources and then once they are found to see how they can be pulled out of the ground economically.

In my own district we have Newport Steel, a tube and casing manufacturer that almost exclusively supports domestic oil exploration and production. They are going to be hurt by that. Those are jobs in a troubled industry right now that is fighting to compete internationally.

□ 2130

We talk about concerns over foreign competition, concerns over competition with China. Guess what the Chinese are doing? Last week or week before last, the executive vice foreign minister, the incoming foreign minister in China announced, that they are making heavy investments in alternative fuel technology to create transportation fuels, coal-to-liquid technologies, biomass. They are investing in other technologies to offset those demands that they see the rest of the world growing from demands in Middle Eastern oil.

In addition to that, let us think about the working families who needs this. There is a reason that the International Brotherhood of Boilermakers supports investing in these alternative technologies, in coal-to-liquids and biomass and ethanol to build these plants, to decentralize our energy supply and localize it so a storm like Katrina will not hurt it.

But guess what, if we raise these tax that this bill purports to do this week, the investment capital that would create those jobs, that would take those risks instead of the private citizens spending their money would be gone. Who is going to get hurt by that? The very people they say they are going to help, because not only will it eliminate jobs, those manufacturing jobs, 84 percent of which have health care benefits provided for their employees, they are going to be affected.

It is anti-education. How? The one thing that we talk about, and I talk about with teachers and educators throughout my district is the need for money, for investment in learning, to keep up, building schools, providing books, training teachers, continuing professional education for our teachers.

I have a daughter who has begun her student teaching now looking at a career in education. Where will the dollars come to pay for her future or my son's future? That comes out of the property tax; it comes out of income taxes. That means that you have to have taxpayers to do that.

The government cannot magically wave a wand and create money. It is going to be people investing in labor, adding value and creating a profit. When we see that the last refinery that was built domestically was in 1976, we have a very serious issue, considering our population has increased by over one-third since then.

I would be curious of your experience looking at manufacturing in the energy industry in Pennsylvania and your comments from that perspective.

Mr. SHUSTER. You are absolutely right. This tax increase that is going to occur is going to have a ripple effect throughout the economy. There are those on the other side that think they are going to punish the oil companies. They are not. Plain and simple, it is going to punish manufacturing, it is going to punish people that are employed in this country, people that are paying taxes in this country.

But once again, we should not be surprised. Nobody in America should be surprised when we see, I was corrected, 14 days into this Democratic majority, when you have the new chairman of the Ways and Means, Mr. RANGEL from New York, who said back in an interview before the election, back last spring, actually, that the tax cuts that President Bush put in place were beyond irresponsible, and he also said he cannot think of one of those tax cuts in the first term of President Bush that deserves merit.

Does that mean the R&D tax credit, which I think we successfully extended, does that mean that they will repeal that and repeal some of those R&D tax credits for alternative fuels? When you think, I see Geoffrey here, you told me he is 8 years old. If a family of four has their taxes increased, that is going to be about $2,100 a month.

Well, if you had that $2,100 a month, which you do today, and you took the $2,100 and invested it every year in the banks, so that Geoffrey, 8 years old, 10 years from now to go to college, he would have $30,000 in the bank. That's a great nest egg for your children to help put them through school so when they get out of school they don't have debt. You know, we talk about all these government programs, when, in reality, let the American people keep more of their hard-earned dollars so they can save that money for 8-year-old kids like Geoffrey so that he can go to college in the future.

Mr. CONAWAY. Looking at the tax cuts for 2001 and 2003, it might be helpful to get into the RECORD what one of the impacts has been from those, from that tax policy being in place. I may be the only guy in Congress who drags this out once a month, but once a month the Treasury Department publishes a statement of the cash receipts and cash disbursements for the United States Government.

It makes for some interesting reading. For the first quarter of fiscal 2007, which was last year's, October, November, December of 2006, the Federal Government's deficit for those 3 months was $119 billion. That is a lot of money.

For the equivalent period this year, for the first 3 months, fiscal year 2007, which we have just finished in December, the deficit is $80 billion, so a $40 billion improvement over last year. Why is that?

Mostly because tax receipts and government receipts are significantly higher again this year for that quarter than they were last year. Last year was a double-digit increase. The year before that was a double-digit increase in tax receipts.

This year we have collected year-to-date from income taxes from individuals, $251 billion, versus $230 billion last year. This year, corporate income taxes are up the first quarter, almost $99 billion versus $81 billion. That has happened because this economy continues to grow.

More people are working now than have ever worked. When those folks worked, they paid taxes. That doesn't count the Social Security taxes and all the other excise taxes that come into this Federal Government, but the truth of the matter is this economy is working and working well.

Let me brag real quickly on taxes, which might surprise you that I would brag on taxes. In 2003 when our legislature, which meets every other year, came into session, they were facing a $10 billion deficit. The comptroller was projecting the State revenues over the next 2 years, 2003–2004, would be $10 billion short of what the spending was going to be. The Texas legislature dealt with that and that legislature, the senate and the house and the Governor did a great job with it. The legislature that went into session a week ago today in Texas, for this year's biennial, is facing a $15 billion surplus, pretty dramatic turnaround in 4 years.

The reason for that is this economy is continuing to jet along and to boom, no matter what the naysayers are talking about. All the angst that is in the American public, when you look at facts, every criterion you look at, this economy is better that it used to be, better than it was this time last year. So the change that was talked about that happened on November 7, I don't think the change, as you said earlier, was to change this economy, to drive people out of work, to reduce homeownership, to increase tax rates on those who do have jobs.

I didn't sense anybody campaigning for that. I certainly didn't have any folks in my district come up to me and tell me that is what they wanted to have happen as a result of this change on November 7. I appreciate the gentleman letting me get those facts into the record.

Mr. SHUSTER. I agree with you the American people didn't vote for a change of this economy. They didn't vote for a change to increase taxes. We are in deficit not because we tax too much; it is because we spend too much.

You know, our colleagues from the Blue Dog Democrats side, they are right when they talk about fiscal responsibility. They are right about controlling spending. I think their number one of their 12 points is to have a balanced budget except in time of war or in a time of recession. Well, that is what we had in early 2001, 2002. We are still at war. We are not in recession any more. But the way to solve this problem is to control spending.

As I said earlier, I am eager to see what the leadership of the Democrats allows the Blue Dogs to propose. I know that over the last 12 years, I think the Blue Dogs, every year, produced a budget that was voted on here on the House floor.

Once again, I am eager to see what the Democratic leadership allows the Blue Dogs to do, because I think they will propose a responsible budget more so than I think the Democratic leadership will. Again, we are going to wait and see what happens.

Once again, I don't believe that the American people want to see us increase taxes. If we don't act, if the Democrats don't act in the next 4 years, we are going to see a slow expiration and an increase in the taxes the American people pay to the tune of $200 billion by the first of 2011.

Mr. CONAWAY. If you look at those numbers, we have had tax receipt increases here, but they have come in the right way. They have come in the way where you have had more people paying and all those kinds of things. I am hopeful that the budget that does come forward understands that we have got a spending problem and not a revenue problem.

If you are in business, as you did in the car business, and my good friend did in his small businesses, and you are looking at deficits, you rarely have the option of raising revenues when you are in business. Yes, you have got to put more emphasis in sales; you have to do all those kinds of things. But the way you are most assured of being able to deal with your deficit is to cut your expenditures.

That is where most responsible businessmen go at first when they are in circumstances where they need to eliminate a deficit. There is more emphasis on the cutting of spending and trimming back on expenditures and then try to do what you can with revenues. It is only in this arena where revenues can magically appear by the signing of a pen without a great deal of hard work to go in and do that.

Mr. SHUSTER. It is the equivalent, it is one thing if you own a business to have more sales; but what we do, you raise the price, and when you are in business and in trouble and in deficit, you can't just go out and say, oh, I am going to raise the price of the car, raise the cost of the washer or dryer. That usually doesn't work. Usually what happens when you raise the price, the market, the demand is not great enough, it will drive down your revenues.

What we are doing here is raising the price. It will drive down revenues, as it always does. As we said earlier, whether it is President Kennedy in 1960 or Ronald Reagan in 1980 or President Bush in the early 2000s, when you cut taxes it spurs the economy, and it creates more revenues.

Mr. CONAWAY. One thing that does happen to you, when you raise the prices of your goods, your competitor across the street, who may not be in the same financial circumstances, keeps his or her price the same. Wouldn't it be interesting if we had some alternative to government, where the folks said, which one of you folks can do the government the best and raising prices in that arena would be much more difficult than we have today, where all it takes is 218 of us on this side and 51 on the other side to make that happen as opposed to hard work and sweat and labor that is usually required for folks to make money in the private sector.

Mr. DAVIS of Kentucky. I think the gentleman from Texas brings up a good point. I come back to what made this country great, and it was entrepreneurial spirit where an individual could take a small amount of assets, invest it, start a small business.

In the smallest vein, these policies, my son, who was running around here a moment ago, and his brother, Daniel, and sister, Miriam, decided they were going to start a lemonade stand because they wanted to create economic opportunity for themselves. They pooled their allowances, they went to the store, they bought their resources, and they began to sell it.

Mr. CONAWAY. Did they pay rent on the front steps of the shop?

Mr. DAVIS of Kentucky. I did a long-term note for them for room and board. We will work that out with the family tax man over time.

But the good news is, I think all young people, when you see kids in this country have that natural desire to create opportunity, and what do we do with Big Government? Big Government stifles that opportunity.

We stifle it by creating excessive regulations. We stifle it by tax. What might sound good, again, I come back to the politics of class warfare where they say, oh, we have got to just stop these profits from going to companies. It is not fair for somebody who is working 100 hours a week in reality to be more successful than you. But it is those people who are creating the jobs for others. They are fueling the economy for research. They are fueling the education and research and development programs in our universities.

I look at another time in history where there was a government attempt to control energy prices, when OPEC began to assert itself in 1973 and 1974. There was an attempt to control prices. What did we end up with? I remember when I was in high school.

Mr. CONAWAY. That is your Gas Policy Act in 1978 under Carter is what you ended up with.

Mr. DAVIS of Kentucky. There you go, what did we have? We had rationing; we had gas prices skyrocketing.

Mr. SHUSTER. We had lines.

Mr. DAVIS of Kentucky. The next aspect of this was the markets for investment to create jobs in the private sector began to drop. When I graduated from college, I was glad I enlisted in the Army because there were no manufacturing jobs left in western Pennsylvania when I was 17 years old.

The next thing that we saw was inflation at the highest rate it had been in anybody's memory. When I graduated from college, I think the prime rate was under 17 or 18 percent. It was impossible for a working family to afford a mortgage or to buy a house. It was driving the very people these Big Government tax solutions were designed to help, actually were hurting more than anything else, which concerns me with this vote 14 days into the new Congress. We are going to raise taxes on the fundamental bedrock economy that drives the entire economy, the energy that fuels it all, literally, and in 1,446 days every working family in this country, unless we stop that, will have a $2,096 tax increase.

□ 2145

Mr. SHUSTER. Does the gentleman have closing remarks?

Mr. CONAWAY. Mr. Speaker, I appreciate the gentleman sponsoring this hour again tonight. We tend to spend a lot of time trying to scare each other into actions one way or another. I am as guilty as everybody else. It is almost as if whoever of us can scare us the most wins the argument.

The truth of the matter is, the policies in place now are helping the economy. We don't have this great economy because of the policy; we have this great economy because we have great men and women throughout the country willing to take risks and work hard, get up every morning to go to work and provide for their families and build this country. That is why it is there.

What these policies have done is make their job less difficult. It is not easy. It is hard to make money. In the real world, it is a very difficult prospect to make money. So low tax rates and a consistent tax policy that people can count on help pave the way for that. It makes it less difficult for the hard-working men and women of this country to do what is being done, and that is to grow this economy, and by growing the economy, the tax receipts into this government have increased double digits for the last 2 years, and in all likelihood we may have a double digit increase again this year for a record collection. So that is doing it the right way.

As this Congress begins to try to lead toward a different direction, toward a different policy that says bigger government, higher tax rates on these folks, it is my opinion that it will make it much more difficult for the entrepreneurs in this country to continue to do what they do.

They will continue to do it in the face of an insurmountable odds, that is just their nature, but by this 1,446 days away, if that does happen the way we think it will, then the tasks of growing this economy, continuing to provide greater opportunities for most Americans, will be much, much more difficult than currently today.

Mr. SHUSTER. Mr. Speaker, I thank both of you gentleman for joining me, Mr. DAVIS and Mr. CONAWAY, for your thoughts tonight. You pointed out rightfully so that the government doesn't create jobs, the government doesn't create wealth, it is people out in America, working hard, day in and day out, saving their money, investing their money, sweating at a job, and it is just wrong for us here in Congress to take more of their money than we should.

I put up 1,446 days to remind the American people that they are going to receive a tax increase unless we act, and that is a little less than 4 years. I am so grateful that the gentleman from Texas is a CPA and got my numbers right, that it is not 20 days into this new Congress, it is only 14 days, and we are already starting to hear about the first tax increase that the American people will see coming out of this Congress.

Mr. CONAWAY. This is on top of the unfunded mandate on small businesses that the minimum wage increase that was done last week will be.

Mr. SHUSTER. Absolutely. Except for the Marianas Islands.

Mr. CONAWAY. American Samoa, which the average rate there is $3.15 an hour. So apparently StarKist wants tuna that pack cheaply instead of good taste.

Mr. SHUSTER. I thank both of you gentleman for joining me tonight.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5, COLLEGE STUDENT RELIEF ACT OF 2007

Mr. CARDOZA (during the Special Order of Mr. SHUSTER), from the Committee on Rules, submitted a privileged report (Rept. No. 110–1) on the resolution (H. Res. 65) providing for consideration of the bill (H.R. 5) to amend the Higher Education Act of 1965 to reduce interest rates for student borrowers, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6, CLEAN ENERGY ACT OF 2007

Mr. CARDOZA (during the Special Order of Mr. SHUSTER), from the Committee on Rules, submitted a privileged report (Rept. No. 110–2) on the resolution (H. Res. 66) providing for consideration of the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy alternatives, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CELEBRATING AND COMMEMORATING THE LIFE AND LEGACY OF DR. MARTIN LUTHER KING

The SPEAKER pro tempore (Mr. WILSON of Ohio). The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes.

Ms. JACKSON-LEE of Texas. I thank the Speaker very much. Might I say I thank the Speaker for his leadership and certainly his patience this evening.

We have spent the last 4 days in many of our Congressional districts celebrating and commemorating the life and legacy of Dr. Martin Luther King, and as many of us have participated for almost 3 days as we went home for the weekend, these commemorations have become more than celebrations and the kinds of actions that take place when a holiday allows one to commemorate.

As I listened to my good friends across the aisle, one would wonder if I am now going to again recount the great legacy of Dr. King, as my good friend and colleague, JOHN LEWIS, who has an enormous history with the movement and is certainly our conscience, passed a suspension bill on the floor today, one that he authored, in tribute to Dr. King and in recognition of his 78th birthday.

But in this time, I wish to suggest that Dr. King's legacy is really a living document and a living legacy, so I want to weave the message that Dr. King left for America and the world throughout the changes that I believe are key to where we are today.

As I listened to my friends speak about the advancing bill that will deal with energy reform, let me just say that coming from Houston, I happen to be the Congressperson that represents one of the largest areas, we call it the energy capital of the world. I practiced oil and gas law for 15-plus years before coming to the United States Congress, and I have in many instances supported and will continue to support the growth, the positive growth and the continued development of a very important industry in this country.

In fact, it should be known that as I got elected to Congress one of the first acts that I worked on with former President Clinton was to assess the issue of royalty relief for the industry, at that time of course suffering from low development, low prices, and which needed an economic engine, if you will. So rather than look at the next step that the Democratic leadership wants us to take as undermining the industry, we should look at it as an opportunity for expanding on the term "energy."

One would say, how does this weave into the life and legacy of Martin King? Martin King was a dreamer and also an activist, and he wanted for Americans, all of us, of all races, of all religions, of all beliefs, a better quality of life. So I believe that tomorrow and Thursday when we have an opportunity to present this bill on the floor of the House, it will be an opportunity to look at alternative fuels, renewable fuels, new ideas, but at the same time it will give many of us an opportunity to plant seeds of friendship and relationships with this energy industry that all of us want to become an independent industry and an independent America.

So, I look forward to the debate on the floor of the House in the tradition of Dr. King, who dreams for a better quality of life. Let us look at a new direction as we look to the opportunities for energy investment in the Gulf, which many of us supported in the last Congress. Let us give this initiative a chance of reforming or looking to an investment in alternatives and renewables. Might I say to my friends who are in the regions of oil and gas exploration, believe me, there is much room for your technology and expertise in renewables and alternatives.

I wanted to just comment on my good friends, as I begin to discuss where we are in Martin Luther King's dream. We all need dreamers. In fact, I would consider President John F. Kennedy the main Camelot of America. I would consider Americans wanting his dream to come true, his dream of a new and vibrant America, his dream of a youthful America, his dream of going to space, his dream of a peaceful America. So there are many dreamers.

But the question is, do we take the dreams and the message that those dreamers give us and now provide the activism that would cause America to have a better quality of life?

I think of our Constitution. In essence, as the Founding Fathers begin to deliberate on what kind of nation they wanted America to be, they were dreamers, because in fact they didn't know an America of the 21st century. They didn't know America as richly diverse as we have today.

But when they organized in the Constitutional Convention this document that now provides a very effective road map of democracy, they started out as follows: "We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

This is the very Constitution that Dr. King vested himself in, the 13th and 14th and 15th amendments. So he answered the call of Rosa Parks in the mid-1950s, because he had an idea that our Constitution was not working. Was there actually equality or due process as the 14th amendment would suggest? Were we as colored people, Negroes, truly free, as the 13th amendment might suggest?

I think Dr. King in his theological wisdom and his intellect probably recognized that this was not a free nation. So he accepted the call of Rosa Parks to question why free people could not sit anywhere they wanted in public modes of transportation. Many people consider the Montgomery bus boycott, and they used the terminology "bus" because it was a bus. But it was symbolic of the dividing line of color in America.

So Dr. King was very eloquent in his words, that he wanted to make sure that the dream of freedom, the more perfect union, was one that we could accept as a reality.

I want to acknowledge the King family. His children, Yolanda, and Martin, III, Dexter, Bernice; his wonderful, wonderful wife, of which I had the privilege of having a beautiful friendship, relationship, as she befriended women across America. This strong, regal woman, who after the death of her husband, a widow with four children, she was not going to let his dream die, and then organized the Martin Luther King Center in Atlanta, the memorial, the tribute to his works. The King family, Dr. King's family, Daddy King, and his mother. And the Ebenezer Baptist Church that still stands and has the legacy of the King family, and the tragic loss of his mother, doing what she loves best, playing in the church.

No one pays attention to the comprehensiveness of the life of the King family and their commitment to public service and the tragedies that have befallen them, but this weekend and this past day, in remembering what they stood for, should catapult us, propel America, into doing better.

That is why I am so proud that Democrats have weaved into their message of a new direction the understanding of the values of Martin King, Thomas Jefferson, John Quincy Adams, Benjamin Franklin, individuals who would not have known where we would be in this 21st century, but would have hoped for a wonderful and valiant America.

Alexander Hamilton, for example, charged us with the responsibility of not letting our democracy age as the paper upon which it was written, but he reminded us in 1775 that "the sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature by the hand of divinity itself, and can never be erased or obscured by mortal power."

As I talk about Dr. King, I must reflect on Guantanamo Bay or Abu Ghraib or where we are today in the Iraq war. You see, we are not isolated to view Dr. King simply as a holiday, a Federal holiday, or "that civil rights leader," or the man who had this wonderful oratory and spoke eloquently in August of 1963, in the March on Washington. That is not all that his legacy should leave us. In fact, he too has provided a road map of which I am most saddened that we seemingly have left its pathway.

As I started to say, I am grateful in this new election when America spoke volumes of what changes they wanted to see. We have the kind of leadership that is not turning a deaf ear to the voice of America. And Americans, if I might speak that you might hear, do not count your vote as your final word and say. You, too, are America.

□ 2200

As we proceed in this very new and exciting time of listening to you, so much so that we committed ourselves to the first 100 hours, and in that 100 hours, you can now look to see that we have reformed the lobbying debacle that we experienced in the last couple of Congresses, we now realize that we must reform ourselves. We passed that legislation limiting the intrusion of lobbyists and recognizing that there should be restraints that close the door to special interests but open the doors to America. That was the dream of Martin King.

Then, of course, we moved on to ensure that as we all fell to our knees during 9/11, as we saw the throngs of so many die, and made a commitment as we sang "God Bless America" on the very steps of this United States Capitol, Democrats and Republicans, we made a commitment to the fallen. We made a commitment to those mourning families. We made a commitment after the 9/11 Commission had finished its work to finish the job on homeland security.

But for Congress after Congress, we could not pass simple tasks such as inspections of airline cargo and a number of other funding needs for our first responders, our firefighters and our police persons, and we are still working on interoperability and looking to do better things with rail security and highway security.

We could not get it done; but in this new Congress, that took the dream of a dream of a better quality of life of Dr. King, we made his message a reality, passing the 9/11 Commission report.

We moved on to something that in all actuality, Mr. Speaker, really brought tears to my eyes. I have been here 12 years, and I have never served in the majority, frustration of the Medicare prescription drug benefit vote, and the vote on the war, and the vote on over and over again of rejecting hate crime legislation. Nothing extraordinary, Mr. Speaker, just legislation that would indicate that simply we would not tolerate hateful acts against people because of their difference. I sat in painful hearings listening to people denigrate hate crimes legislation, just a simple addition, having come from the State that saw a man decapitated just a few years ago in Jasper, Texas, because of the color of his skin.

I felt that pain of not getting legislation passed, and yet I believe it was last Wednesday we cast a vote for the minimum wage, an overwhelming vote, and I applaud my colleagues from both sides of the aisle.

Tears came to my eyes because I have to go back to a restaurant where a waitress stopped me. Well, sometimes we do not give America much credit for all the knowledge that they have. I enjoy being out listening to my constituents. They are so instructive, and this waitress just stopped me while she was putting the food there on the steam table. Those of you know we get good Southern food at the steam table. And so she stopped me and said are we going to get an increase in the minimum wage. That vote last week, reflective of the message of Dr. King, acting on his dream, gave us that opportunity.

We moved on, of course, to cast a number of other votes that would see improvement in the lives of Americans.

This week we have the opportunity as well to address the piercing interest rates on our college students. We have always prided ourselves on believing in equality of education. It was an equalizer for immigrants in the early 1900s, as it is today, certainly for minorities, women, African Americans who started off as second-class citizens. You always had their parents telling you, get an education, but yet these spiraling interest rates, and we are getting ready to cut it in half. What an inspiration to be able to focus on that.

So I want to acknowledge our vice-chair, JOHN LARSON, who many people do not know is a lover of history but also a protector of history and helped to introduce the Amistad slave ship to the rest of America. These are the new direction leaders.

RAHM EMANUEL who economically is one who helped guide the Clinton administration but helped to frame our debate on Medicare, and we know his sensitivity to these issues.

JIM CLYBURN, who always provides a steady compass of morality, who recognizes we were a divided America, and now is in a position to be a healer with his words and his actions.

Of course, our majority leader who has an early history in civil rights and is certainly someone who is grounded in the leadership direction that we should be taking in this Congress.

And of course, our Speaker, NANCY PELOSI, symbolically and in reality exudes Dr. King's dream for I know that he would be comforted in his 78th year that maybe America has listened.

This is the leadership team that I think will carry forth this dream, and as I participated in events over the weekend, the silent march organized by councilmember Ada Edwards that saw almost 5,000 people marching silently, the mayor of Houston and others who were there, an overwhelming experience, and then, of course, to commemorate and celebrate with our working men and women. The AFL-CIO national organization was in Houston celebrating the weekend with many, many union heads, including Richard Trumka and Richard Womack and Clayola Brown, locally John Bland and Richard Shaw and Claude Cummings and many others, along with President Little of the Transit Workers Union, and they were out and about serving, commemorating Dr. King's dreams, serving. We worshipped together with Reverend Sharpton on Sunday morning, and then we reflected in a breakfast on Monday morning, reflections of the past and dreams of the future by the North Houston Frontiers Club.

I am sure these kinds of events were in our communities all over. And why did we have them? Why do people do this? Why is that it on that day we try to find people that do not look like us and embrace them? Why is it a day that we speak of love and unity and harmony? What is it about this man called King?

Certainly during his lifetime he agitated quite a few, so much so that we can find him in any number of compromising positions. I hold this up. We can see law enforcement, with his hands shackled behind his back, and of course, again, being taken off to jail. This is the predicament that Dr. King would find himself in quite often. He even got sent to jail and wanted to insist that no one let him out, but they would bond him out anonymously so they could get him out of town; but Dr. King knew that if he did not suffer with those who likewise displayed a nonviolent protest, his message could not prevail.

Dr. King saw the likes of dogs and hoses going after American citizens who simply wanted to have a sense of equality.

He was found in many places, and I think that is why people stop on that day, and even as we sing over and over again, we shall overcome, tears come to the eyes of white clergy, young Hispanic men and women, Muslims, Protestants, those of the Jewish faith who were very much part of this ongoing movement, the labor movement, African Americans, religious beliefs of all kinds. They stopped for a moment, those who are sincere and believe in this great message.

So this picture that reflects the marchers who would not stop going past the sign that reads "Citizens Council, States Rights, Racial Integrity," which was a sign of a racial purity group of those who believed that there was inequality, in fact, superiority of one group over another.

□ 2210

That is not the New Direction Congress, and so frankly I believe that more than ever Dr. King's dream brings about a reality.

Now, let me tell you why I think we can use some of his writings for where we need to go next. As we all know, we are continuing the 100 hours with a cut in the student interest rates. Just last week, as I indicated, we did a number of reform measures, including fixing the Medicare Prescription part D. And, Mr. Speaker, you haven't lived until you live through a 6-hour vote when the clock stays open for 6 hours, not during the day but starting from 12 a.m. until 6 in the morning. You haven't lived until you are sort of circling this august place trying to talk, if you will, sense in Members about who will you be hurting if you deny us the right to negotiate a lower price, who will you be hurting if you put a doughnut hole? Just the concept of it. You are going along and everybody knows these, if you will, holes in the streets, whether they are cavities that fall in because the street is not built right or either these utility areas here, everybody has had or not had, but imagine the unpleasant experience of your car going down a sink hole. You usually can't get out on your own. It is usually unexpected. To think that in that Medicare part D vote we voted not to negotiate cheaper prices and to allow our seniors to go into a sink hole. But with Dr. King's message and the New Direction Congress, we voted on Friday to reform that, at least to allow the negotiating of lower prices. And, of course, there were all kinds of naysayers; the veterans would suffer and others. And, Mr. Speaker, you know we know better. We know how strong we have been on veterans, and, frankly, we know that we will have vehicles in which that we will make sure that it is a fair and balanced initiative.

Let me tell you why I think that we have utilized the map that Dr. King left, and I take first of all to cite that point is his letter from a Birmingham jail. And I want everyone who has thought for a moment, "I can't press the envelope on this." It may be that you are in a place of employment, that you have got a better way to do something and you just can't move to get to the boss' door, you are just a little intimidated. Or your fellow workers are saying, "You know, you had better not go there. You know how they are." It takes a sense of courage to go against the tide when you know that some ill can befall you. So to America, we need some Dr. Kings. We need people who are willing nonviolently or with a word or pen to go against the grain. America needs that kind of inspiration again.

And I just want to remind you, it is hard when you are a man of the cloth. Your friends are the clergy. They are rabbis, they are priests, they are Protestant ministers, they are deacons and deaconesses. These are your contemporaries and your friends. Dr. King got into the Birmingham jail. And it is lonely enough in jail. I can certainly tell you and know that people who have protested nonviolently and wind up in jail, it is a lonely place. You may have an idea that you are going to get out, but you begin to think of all kinds of loneliness, and are you sure they are going to let you out? Are you sure they are going to come and get you? Dr. King found himself in a Birmingham jail at the hands of Bull Connor; but, more importantly, the clergy of America thought it was important to just address him, or I would say dress him down. They thought it was important to tell him that, you know, you are a clergy and we are a little sensitive that you are getting out of hand. You are an outside agitator. You are disrupting things. The business community in Birmingham, they don't want you here. There is nothing more devastating or impacting than your colleagues, your clergy, those you hang out with giving no comfort to what you are doing or telling you to just go away. And that is what they did with a signed letter in the New York Times and in the papers across America, that you are really being a trouble maker.

And you know how we are with our human emotions. The normal response would have been a harsh letter and more to come: How dare you write to me sitting in a jail in Birmingham that was probably one of the longer stays that Dr. King had?

But he took time to introduce himself to America by saying: You may not know, but I am President of the Southern Christian Leadership Conference in the letter that he wrote. You may not be aware that we have 85 affiliated organizations across the South, and one of them is the Alabama Christian Movement for Human Rights. And, by the way, they invited me here to Alabama.

He mentioned that he came because his staff asked him to come. But then he got into the source of his inspiration, and he used it from a biblical perspective. So allow me just to say these words from his letter. He answered the clergy with their own scriptures. How many times do we do that? We are more apt to be able to write that insulting letter. It is hard for us to write an educating letter, a letter that is calming and peaceful. And Dr. King said:

But, more basically, I am in Birmingham because injustice is here.

Just as the prophets of the eighth century B.C. left their villages and carried their thus saith the Lord far beyond the boundaries of their hometowns, and just as Apostle Paul left the village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco-Roman world, so am I compelled to carry the gospel of freedom beyond my own hometown. Like Paul, I must constantly respond to the Macedonian call for aid.

Now, I am not reading a Christian interpretation for those who may be Muslim or other faiths or agnostic. What I am reading is a secular usage of his response to the clergy who said you need get out of there. You are an outside agitator. What he said is, is that I have got to go and help to bring freedom where there is a need for me to bring help.

So my challenge to my colleagues as Dr. King's birthday passes on for another year and we go on about our normal duties, are we going to be the kind of Congress that renders aid and solves problems as we move into the formulation and the reform of Leave No Child Behind? I don't believe there is one Member who cannot recount a story where their schools are crying for relief, whether it is to give teachers more freedom in teaching, whether it is to give low performing schools the right kind of funding. We couldn't do that in the last Congress. We passed Leave No Child Behind. We had good intentions. But there were no dollars going to the schools to help them be fixed. So, for example, in Houston, TX our school boards felt obligated to close schools. And I hope that we will put school boards in a position that they will choose courageously to render aid to schools.

There are many school districts who can be proud of their records. I believe that we have a number of proud moments in the Houston independent school districts at All Dean Klein, Cyprus Springs, North Forest Independent School District. Of course we have proud moments. But there are moments when we should be ashamed of what we are doing to our children; poor equipment, boxing them in so their educational desires are stifled, overtesting them.

So I hope that this Congress will answer the Macedonian call, listen to our teachers. I hope we will bring them in in throngs. Let us listen to school children, let us listen to parents, the PTOs, the PTAs, how do we get a better educational system in America that balances out the excellence that we believe we derive from charter schools and private schools? Because I believe a Nation that dooms its public schools dooms its heritage and its legacy.

□ 2220

Dr. King asked us to render aid, and that is important as we look to the many needs that we have.

If we are to do a better job, then it is clear that we must develop a country that provides employment for all Americans, and weave into that, we have to address the question of keeping jobs here in America. Let me remind you that Dr. King lost his life in Memphis, Tennessee on April 4, 1968. And if your history is a little rusty, he wasn't there for providing opportunities to sit in the front of the bus or sleep in a hotel, he was there about jobs. He was there about the dignity of jobs. He was there because a labor union was organizing the garage workers, and they were not sanitation workers, they were garbage workers, treated like garbage. He went there for full employment so working people could have the dignity of their work.

We as Members of Congress must invest in America, whether it be her technology, science, math, so that we can be at the cutting edge of job creation in this century. What does that mean? Some would say, Did Dr. King speak about research and innovativeness? Well, I think he laid out a road map. Remember, I said he was a dreamer.

We have to start putting more dollars into basic science and research and math. We need to be developing in our Nation more mathematicians and inventors. Where is the massive investment we failed to get out of this administration into research and science? Where are our Ph.D.s, our physicists, our chemists, our biologists? Where are the quality laboratories in our universities? Where are the partnerships between universities and the Federal Government?

Let us be reminded that it is well known that the Defense Department was probably at the cutting edge of the Internet 30 or so years ago. And so what are we doing by draining this Nation of all of its resources and not putting back into it so that 10–20 years from now, we can look to the new physicists to challenge the creativities of the last century, the Alexander Bells and others, who put us on the then-technological map with the telephone.

Dr. King dreamed of an equal and free and just America, but he wanted to make sure that as we created that opportunity, the creative juices of America would certainly run free. Dr. King cannot be isolated in a box of civil rights. We as Members of Congress can use that dream to implement a better quality of life; and in basic research and science and technology, we have failed. We are flat-leveled. We have got to do a better job of finding those young mathematicians.

That's why I hope in the reform of Leave No Child Behind, you can have a mathematical genius, they score high on the math test, but that little one may have trouble spelling. It is just the way we are. We are all different. We have to find a way to reform the educational system that has the opportunity for that young mathematician to block and work with the spelling so they are not held back. We have to address the question of 10th graders and 11th graders failing tests or having grades of Bs or C-minuses so they can graduate, but that last test, as a senior they leave and they don't come back so they don't get even a GED.

We have to find a way to make an educational system that is accountable, but it must be as Martin's dream has offered to us and as Martin's words on April 3, 1968 offered to us, he had seen the promised land and he really believed America had the ability to get to the promised land for all Americans. So when we look at the reform or the reauthorization of Leave No Child Behind, let us be reminded that Dr. King gave us a road map. He gave us the "I Have a Dream" speech, and I always like to remind everyone of that thrilling experience, 250,000, the largest march ever in our history at that time in Washington, D.C., and what I found most thrilling as a little girl was the array of diversity. We talk about diversity now. That is our new lingo. But 1963. And the pride of the people who were there. I am from California, I am from Illinois, I am from Texas, I'm from Georgia. Everybody had on their State hats or State insignia. Young people, people in wheelchairs, veterans. What an experience. What an experience.

And then to be between the Lincoln Monument, the Washington Monument, to be able to be on the steps of the Lincoln Monument, what a magnificent statement to America that we should never forget.

I don't want to sound unrealistic. I know how holidays are given to us and they are one day. But I thought I would come to the floor tonight so that if anyone gleaned anything from what I am saying, it is that holidays are given for purposes, for lives, for reason. We commemorate President's Day because we are grateful to George Washington and Abraham Lincoln for the historic role that they played in America. George Washington, who guided us through the Revolutionary War and said we will stand. And Abraham Lincoln, for whatever his reasons as we have analyzed and critiqued about whether he was freeing the slaves or unifying the Union, he understood the death of soldiers and brother against brother. So we honor him because whatever happened, we stayed unified as a Union. That's why we have these holidays, so we can live again and again the value of our history.

That's why we advocated and pushed and JOHN CONYERS offered the legislation on Martin Luther King Holiday, not for the fact that he was good then but so people could recycle what he stood for.

I think now we have really, Mr. Speaker, lost our way. We have clearly not been able to capture all of the dream of Dr. King. So I would like to bring us almost full circle in terms of where we are today in the 21st century.

This war in Iraq goes against all that Dr. King tried to convince us of in his commitment to nonviolence. Of course when I begin to speak of this issue of nonviolence, I know what I will get from most Americans and many of my colleagues, and certainly my friends on the other side of the aisle, particularly as I try to segue into this discussion on Iraq. They will tell me this is a post-9/11 world. Mr. Speaker, I understand that. You can be assured that every single American understands that, and they want us to secure America. I don't reject that responsibility.

But what I do say is we can take some of the teachings of Dr. King and maybe we would be better off as we look for a new direction to craft a legislative response, a courageous legislative response, that would begin to redeploy our troops and to find a better way. Remember now, we are not isolated in our leadership. We are viewed as the most powerful Nation in the world. What does that mean? Conflicts around the world will look to us for relief: Sudan, South and North Korea, the changes in South America. They will look to this Nation for its guidance, and a Nation that is bogged down in an unceasing conflict where any one of us could account for you that we have had measuring sticks of success.

I did not vote for the war, but I am not going to take away from that that, one, we invaded Iraq. Saddam is not there. We can debate that question. I would be happy to debate it. There was a democratic election. I will not take away from those benchmarks.

□ 2230

But what I will say, as I would expect my good friend and colleague in the Senate, the other body, who served in the Reagan administration and who understands these issues, as many of my colleagues do firsthand, Senator WEBB, I know that we are not denigrating things that have occurred. We won't deny that. But what we are saying is, is there not a better way? Is there not now time to turn the corner?

Are we advancing any progress for Iraq or this Nation or the world with the mounting death, now 3,000-plus Americans, moving up from 25,000 maimed? And might I say, Mr. Speaker, we have returning Iraqi vets that don't have jobs who are in our communities and asking what happened to the work.

By the way, I hope we will quickly pass the new GI Bill of Rights. I have had these people stop me in my community; and as mothers typically do, which I am, though I certainly act congressional, but tears well up in me that I have to have a veteran ask me what about a job or what about going to college. We are not prepared for these veterans. We say we are. We are making more of them, many of them maimed and needing to be retrained, and we are saying we are not ready. We are saying some of our hospitals don't have enough beds.

Dr. King, in his Birmingham speech, again, talked to the clergy about why you may well ask why direct action. Because, as you well know, there was protest and petitions. Why sit-ins, marches and so forth? Isn't negotiation a better path? You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such attention that a community which has constantly refused to negotiate is forced to confront the issue it seeks so to dramatize the issue that it can no longer be ignored.

Now, why am I citing this? Because of course I would imagine you would not think I am talking about direct action in Iraq, but what I am saying is that there are many ways to get factions to the table other than the bloody violence and the presence of our soldiers on the soil of Iraq, at least as they are now being used. Is this misdirected, Mr. Speaker? We are not bringing anyone to the table of negotiation, not with the constant violence, the constant maiming of our soldiers, and the constant fueling the fire of sectarian violence.

Now, Mr. Speaker, I need tell no one of the enormous tragedy that we experienced today. I can't cite for you the numbers, but the U.N. now says that 34,000 Iraqis have died. The headline: "Suicide Bombings Go on as U.N. Says 2006 Dead in Iraq Top 34,000." The United Nations said 34,452 Iraqi civilians had been killed in sectarian violence in 2006.

This is not insurgents or al Qaeda coming across the border. These are Iraqi civilians caught up in sectarian violence. We have not been able to stop it. This is a terrible day today. We have over 100 today that have died. Over 100.

So when we begin to try and resolve this question of Iraq, can we not put in place serious diplomatic negotiations? Can we not work in a bipartisan manner? Can we not suggest that we have done enough to warrant the Prime Minister at the table along with Sunni leaders? Can we ask the Prime Minister not to be so singular in his viewpoints? Do you expect, with his relationship with the cleric, that he would in any way provide the kind of necessary commitment that we have been told by this administration will be required for the Baghdad policy to work, dividing Baghdad into nine districts, forcing our soldiers, 20,000-plus, into neighborhoods, dragging people out of their neighborhoods when the bombing that occurred today occurred at the end of al Sadr, the city? The largest and one of the most egregious horrific bombings and we are to expect that our soldiers will be able to be in the midst?

Oh, yes, I have the greatest faith in our young men and women. And I do believe they are well trained. I take nothing away from them, and I thank them for being willing warriors. They are called and they go, and we should never diminish them. They are our defenders. And when the Commander in Chief calls them, they respond.

And, yes, Mr. Speaker, in the times I have gone every year since we invaded Iraq, I have gone along to Afghanistan, I have been in Mazul and Tikrit, and I have spoken to soldiers, and I probably left some behind who lost their lives. And every one of them would give you a stiff upper lip. They are there. As I got to go more recently, unfortunately I would see those who are there on their second and third redeployment, and those who will go back will be on the second and third redeployment.

So Dr. King's dream is being extinguished in the bloodiness, in the misdirectedness of an ongoing war, longer than World War II, with no solution. We leave Dr. King's dream of nonviolence, of ways of using nonviolence, extinguished and stomped under our feet.

So I say to the American people, Dr. King's birthday is past, it was yesterday, and we had a weekend of activities, I'm sure, in many, many cities. You won't remember it again until next year this time, but I believe we are commanded by icons like Dr. King and our own Founding Fathers who indicated first that we organize this Nation to form a more perfect Union. It is right here in the Constitution, the very document that provides for us the right kind of way to declare war, which we never did.

Then, of course, Alexander Hamilton wanted to make sure we didn't leave our democracy, our freedom, our ability to speak just on some parchment paper they had written on. He said it has to be living, and we are not living the dream or living freedom here in America today. And, America, is what I am saying to my colleagues, you voted in November, I know, but it is time to break the silence. That is what Martin King said on April 4, 1967, a year before his death. Beyond Vietnam, a time to break the silence.

That was a stepping away from Dr. King's whole legacy at that time. And, believe me, he received enormous criticism. But he said a time comes when silence is betrayal, and that time has come for us in relation to Vietnam. He even went on to say, when pressed by the demands of inner truth, men do not easily assume the task of opposing their government's policy, especially in times of war. Nor does the human spirit move without great difficulty against all the apathy of conforming thought within one's own bosom and in the surrounding world.

He said, again, it is time to break the silence. Tonight, as he spoke to the congregation in this speech, he said: However, I wish not to speak with Hanoi and the National Liberation Front, then of course our proposed enemies during Vietnam, but rather to my fellow Americans, who with me bear the greatest responsibility in ending a conflict that has exacted a heavy price on both continents.

So this is what I leave with my friends. It is the responsibility of America. It is our responsibility to end the conflict that has exacted a heavy price on both continents.

□ 2240

And so I ask Americans to push forward. Let us hear from you on the cutting off of funds because, as we have heard over the weekend, the administration refuses to listen to the voices of the American people. And I was told the Vice President indicated that we have enough money, and so the Congress is not needed.

But I remain committed and inspired by Martin King's dream. And he had a wonderful dream for a better America. He wanted to see all of us of all hues and religion, little black boys and girls and white boys and girls and brown boys and girls, and all races and creeds of his era, now translated to today sitting down at the table of peace and harmony.

It may sound dated, but it is relevant today, and the New Direction Congress has grabbed hold, if you will, of the idea of making America great.

Mr. Speaker, we cannot make America great unless, of course, we bring, in dignity, the end to the Iraq conflict. 34,000 dead. And America must speak against the funding and the continued funding of this horrific, misdirected conflict.

Might I say, it has nothing to do with cutting off the resources of our valued soldiers on the battlefield, for, as we have heard, there are monies there. But unless our voice is heard, nonviolently, and comprehensively, we have a failed policy and a failed direction continued by the executive.

I close, Mr. Speaker, by citing in the Constitution the recognition that there are three branches of government, the executive, the judiciary, and the legislature. The Founding Fathers made sure, not knowing of Dr. King's dream, that they were equal and balanced.

And I respect the President as a Commander-in-Chief, but it is time now for America to breathe life into this Constitution, and to ensure, as we breathe life into this constitution, we, the people who are here to form a more perfect union, demand in debate and demand in action that we redeploy and bring our soldiers home.

And we can be successful because America has always lifted her voice of reason and brought people to the table in negotiation. And all the violence in Iraq, all of the violence in Iraq has not brought the parties together. All of the warring, all of the militia and our soldiers on the ground has not brought the parties together. That is where the administration fails in its duty to heal America and to make a solution that recognizes sectarian violence is going to require those sects to sit down and find a valid peace.

Martin King left us with good words, answer the Macedonian call to render aid, and we, as Americans, would get to the promised land some day. He might not be with us, but we have the opportunity, still, to continue our greatness and be part of the promised land.

I thank you, Mr. Speaker, and thank you again for your patience this evening and having given us an opportunity to remind Americans that our history is not one that is passed, but it is living. Dr. King's dream must live within us.

THREE AMERICAN HEROES

The SPEAKER pro tempore (Mr. WILSON of Ohio). The gentleman from California (Mr. HUNTER) is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, tomorrow morning, at 7:24 a.m., the first rays of the morning sun will illuminate the markers, the crosses and Stars of David at Arlington Cemetery. And about a half hour later they will move across the oak ridges of the Blue Ridge Mountains and down to the slow waters of the Shenandoah River and across the Midwest of this country.

And, Mr. Speaker, they will arrive, about an hour later, that great American sunrise, at the small towns in Texas, the hometowns of Audie Murphy, who fought with such great heroism in World War II, Sergeant Roy Benevides, who was a hero of the Vietnam War, and the hometown of Corporal Jason Dunham, who was given, a few days ago, the Medal of Honor by the President of the United States for his extreme valor in Iraq.

Mr. Speaker, these three American heroes are tied by a common thread to each other and to the American people and to our national purpose, in that they all fought for the expansion of freedom.

Now, Audie Murphy fought in a war, World War II, which was a war that, once we had gotten into it and got past that first vote for a draft, which I think passed by one vote in this body, and realized that it was make or break time for the United States, that it was a war that would involve the full commitment of our entire country and all of our energies, a war in which there was unanimous support, that it was a war in which Audie Murphy fought with such great heroism.

The war in which Roy Benevides fought was a war that didn't support, or didn't involve that unanimous support by the American people, but, nonetheless, involved a noble cause, the cause of spreading freedom in Vietnam.

And the war that Corporal Jason Dunham gave his life in to protect his buddies in the 1st Marine Division, was a war, similarly, in which the United States has entered a long established blueprint for establishing freedom around the world, that is standing up a free government, standing up a military to protect that free government. And he was involved in the dangerous conflict in Anbar Province and gave his life for his colleagues in that struggle. So all three of these heroes were involved in the greatest American purpose, which is to spread freedom.

Mr. Speaker, we have an interest in spreading freedom, not just a humanitarian interest, but a national interest. After World War II, we stood up the free government in Japan, and we stood up a military apparatus that could protect it. And who would quarrel with the idea that we have an enormous interest in having Japan, a free nation, with considerable economic and military capability, on that end of the Pacific Ocean?

We also maintained free Germany, that is, West Germany, with the Berlin airlift, which was carried out with lots of American expenses and involvement and sacrifice. But we did that and, ultimately, that resulted in the reuniting of East and West Germany, and after the wall came down, the freeing of hundreds of millions of people as a result of America's triumph in the Cold War. And nobody would quarrel with the idea that having a free Germany in that strategic location was important to the United States.

In our own hemisphere, we maintained a shield around that fragile democracy in El Salvador as we stood up that free government and allowed them to have their first elections. And nobody would quarrel with the idea that El Salvador, which now is an ally of the United States in the operation in Iraq, is an important asset for the United States in our own hemisphere, an important ally, an important partner; and that that is much preferable to the Marxist state which was where it was headed when the United States intervened.

□ 2250

Having free nations around the world in strategic locations especially is important to America. I think we all agree with that now, we have got a chance, if we succeed in Iraq, and having a country that is a friend, not an enemy of the United States, a country that will not be a state sponsor of terrorism in the future for the next 5, 10, 15, 20 years, and a country which has a modicum of freedom for its people.

Now, you know in spreading freedom around the world, incidentally, there are lots of naysayers. There are a lot of people who criticize and have criticized the American efforts.

After all, we only saved half of the Korean peninsula and none of Vietnam for freedom. People can point to the cliffs of Normandy in France and point out that the country that hosts those American gravesides for the soldiers who gave their lives for the liberation of France, that country is less than enthusiastic in supporting the United States in our efforts to expand freedom around the world.

You could probably say the same thing about the Government of Germany, seeming to have forgotten the ordeal of the Berlin airlift that the Americans endured to maintain freedom in West Germany and ultimately bring freedom to all the German people. There can be lots of criticism about the American plan. But, you know, the American plan, the idea of freedom has worked.

I want to talk just a little bit about the Baghdad plan, the plan that the President and the joint chiefs and our war fighting leadership in Iraq have put together. Now, somebody along this great tradition of critics who like to imply that somehow the road that we didn't take was a smooth road, there is lots of criticism of this plan.

This plan is not guaranteed to work because a lot of it relies on a factor that the United States doesn't control, and that is willingness, the willingness of the Iraqi military to show up with all of its units, to stand and fight, to be willing to engage in battle, and to be willing to take the burden of security that presently is carried mainly by the Americans.

But let us talk about this Baghdad plan, because the Baghdad plan could be a pattern for the handoff of the security responsibilities from the United States to the Iraqi Government.

In each of the nine sectors in Baghdad that the plan envisions, there will be an Iraqi brigade. Now, usually an Iraqi brigade will consist of two or three maneuvered battalions. A battalion can be anything from 500 to 800 people, so it consists of two or three maneuvered battalions who will be out in front. They will have some embedded American advisors and people who can do things like call in medivacs and direct precision fire and do other things that we call combat enablers, so they will have American embedded teams helping them.

Beyond that, standing as a backup to these two or three Iraqi battalions will be an American battalion, helping to shore them up, helping to give them advice, standing behind them while the Iraqis move through the neighborhoods and through the communities in the areas that are violent in Baghdad.

Now, my recommendation has been that we take some of the 27 Iraqi battalions that have been trained and equipped that are in the quiet areas of Iraq, and nine of the 18 provinces are quiet areas. They are areas that involve less than one attack a day. That means that the 27 battalions that we have trained and equipped that are in those areas aren't undertaking substantial military operations right now.

We make sure that the Iraqi Ministry of Defense saddles up those battalions and moves them into the fight, rotates them into the battle, principally in the Baghdad area, but they could do the same thing in other areas in the Sunni triangle and even out in the al Anbar province. That does a couple of things. First, it helps get the job done. It moves trained and equipped fighting personnel into a theater of battle, and it provides people and equipment to make the necessary military operations to settle down Baghdad.

But the second thing it does is train up the Iraqi Army, because the best way to train any army is to put them in military operations. Let us put them in military operations.

Now my understanding that it is, in fact, from those nine quiet provinces we are going to have some three brigades that will involve six to nine battalions moving from the north and south, from quiet areas in Iraq, into Baghdad. We will be moving Iraqi battalions into Baghdad. Those have been committed by the Iraqi Government.

Now, there is no guarantees that all Iraqi forces are going to show up. They are going to have to prove that. In the past, they haven't always shown up. Although they have battalions that have performed very, very well in combat, they have got others that haven't performed well.

Now, we could take this pattern of having two or three Iraqi battalions with an American backup battalion, and we could use that to get combat experience and operational experience for every single Iraqi unit. Presently, there are 114 Iraqi battalions extant. That means that we have trained and equipped 114 battalions.

I am sure that they are at varying levels of end strength, that is, personnel, and probably varying levels of equipage. But you only need some basic equipment for this urban fighting. You need to have weapons, you need to have ammunition, you need to have communications gear, and you need to have transportation, and you need to have soldiers who are willing, willing to obey the chain of command. You need to have leaders who are willing and able to lead, and you need to have a plan.

This Baghdad plan, this idea of dividing it into nine sectors, saddle up Iraqi units that heretofore have not been operating in Baghdad, moving them in, putting them out front, in front of the Americans, the Americans are backup, using that basic pattern to run through all of the 114 Iraqi battalions and give them combat experience is a good way for us to start this handoff in which we hand off the full security burden to the Iraqi forces.

Now, there is no guarantee that this can be done. There is no guarantee because one element of this plan is the commitment of Iraqi political leadership and the military leadership to carry out what they say they are going to do.

This plan can be a blueprint for the handoff of the security burden. I would hope that Members understand that the troops that we are sending to Iraq right now are, indeed, reenforcements. Some of them are already arriving. They are the reinforcements that are necessary to execute this plan. Some 4,000 of them are going to al Anbar province where the Marines have requested them, and the balance are going to the Baghdad operation and other operations, presumably in the Sunni Triangle.

This is a deployment of reinforcements, and the idea that this body or any other body would attempt to cut off American reinforcements to a military which is already engaged in combat is unacceptable. I think it is unprecedented. We have already made a vote to get into this operation. Right now we have got troops engaged in combat.

When reinforcements are required, and you have troops engaged in combat, it is incumbent upon us to make sure that our policy, and our policy is directed by the Commander in Chief, it is not directed by 435 Secretaries of State, that is all the Members of Congress becoming Secretaries of State in the House and another 100 in the other body, it is not directed by 535 self-appointed Secretaries of Defense. It is directed by the Commander in Chief who was elected by all the people to lead the militaries of this country. In consultation with our military leadership, he has done that. The troops are now moving. We need to get behind them.

That leads me to another issue, and that is I talked a little bit about that American sunrise and how it shines first on these stars of David and crosses at Arlington Cemetery, and then it moves across this country, takes about 3 hours to get to my hometown in San Diego and Fort Rosecrans Cemetery there on the edge of the Pacific Ocean.

□ 2300

Mr. Speaker, in the Midwest it flows over lots and lots of old factories and plants that used to represent what we called the "arsenal of democracy."

When we got into World War II, our allies and our adversaries realized very quickly that America had an arsenal of democracy. We had a great industrial base. We had an industrial base in which our major auto makers were able to turn immediately to making tanks and personnel carriers and all the other equipment of war.

I know that in my own hometown in San Diego, we had an old facility you can still see if you drive down by the harbor that used to turn out a bomber aircraft every 60 minutes. That means they could have built the entire B-2 force in one day and had three hours left over.

Everywhere across this land, because we had a strong industrial base, which were able to transform that industrial base into a wartime footing, and it was with the support of that industrial base that the armies of the United States moved across Europe, that the Marine Corps and the armies moved across the Pacific, and that we brought this war to a conclusion that favored the United States of America. An arsenal of democracy is pretty important to democracies.

Today, if you want to look at a big part of the arsenal of democracy, you may have to go to some other countries. One country you may have to go to is China, because China is cheating on trade and China is acquiring hundreds of billions of American dollars, more than we are acquiring from them, and as the money piles up in China, they are using those billions of American trade dollars to buy military equipment.

That is why they are able to have some 17 submarines under production today while we have a fraction of that. That is why they are able to buy and build medium-range ballistic missiles. I predict at some point, Mr. Speaker, those ballistic missiles will have an anti-ship capability that will present a major threat to the American fleet. That is why they are able to start developing a new industrial base for the development of a modern tactical aircraft program.

So, Mr. Speaker, we see this one-way street on trade beginning to move the arsenal of democracy offshore. I can tell you in the past year on the Armed Services Committee I have looked at certain critical components of the arsenal of democracy, and I note that we only have one carbon fiber manufacturer left in the United States, and we only have, according to our research, one rocket fuel manufacturer left in the United States.

As we look at more and more of the industries that are critical to national security, we realize that in many of them we only have one or two or three businesses or companies that are left that are capable of making particular components that are critical to America's military strength.

Mr. Speaker, it is time to change and reverse this one-way street trade policy that we have acquiesced to and restore the arsenal of democracy.

It is kind of funny. When China enters a trade deal with the United States or competes against an American company, since we are all talking football at this time of the year, they start with 74 points on the scoreboard before the opening kickoff.

They give a 17 percent refund of their VAT tax, basically a 17 percent subsidy to this exporter who is sending out products to the United States. When our products arrive at China's shores, they give us a 17 percent penalty. That is now a 34 point spread. And then, just to make sure that we don't throw a Hail Mary and come from behind and win that particular competition on that particular product, they devalue their currency by 40 percent, and they increase the spread in points to 74 points.

That means that before the opening kickoff in this competition that we call world trade between the Chinese corporation and the American business and American workers, China has 74 points on the scoreboard. Then if we lose the competition, they say, what's the matter? Can't you play football?

China is cheating on trade, Mr. Speaker, and the Chairman of the Federal Reserve Board made that clear in his preliminary speech which called this manipulation of currency an illegal subsidy. That word "subsidy" was subsequently removed from the speech before it was given to the Chinese leadership, but I can tell you, Mr. Speaker, that that illegal subsidy and that 17 percent penalty that is given to American trade goods and the 17 percent subsidy that they give to their trade goods as they are moved for export to the United States, that 74 points on the scoreboard hurts American businesses, it hurts American workers and it erodes the arsenal of democracy.

Mr. Speaker, we are going to need the arsenal of democracy at some point in the future, and we need to have a trade policy and new trade laws that say this: We are not going to live with the 74-point disparity anymore, and you can do it the easy way or the hard way. We can all start with zero points on the scoreboard, or we will put the same taxes on your goods that you put on ours, and we will both start with 74 points on the scoreboard. But we are not going to start anymore with the score being America zero, China 74.

So, Mr. Speaker, I hope this is a year in which we pass a bill that calls the currency manipulation and devaluation by the central government of China what it is, which is an illegal subsidy.

Let me move on to another issue, Mr. Speaker, because as that American sunrise that lit up the Arlington Cemetery at 7:24 a.m. this morning moves across the United States, about 2 hours after that, it reaches the Southwest border of America. It shines on what I call the thin green line. That is the few thousand American Border Patrol men and women who defend the borders of the United States. They have got a 2,000-mile border to defend, Mr. Speaker, all the way from San Diego, California, to Brownsville, Texas, and we owe it to them to use the best of our technology and the best of our resources to make sure that that border is defendable.

Now, we asked one of our great think tanks, the Sandia Laboratory, in fact, that is one of the laboratories that is full of scientists who design our nuclear weapons, design the warheads, we asked them once to solve a problem for us. We said, what is a good way for us to stop drugs from coming across the border from the south?

They thought about it for a while and came back and gave us a report, and the report said we are going to show you something that is not too complicated. How about a fence? In fact, how about a triple fence, which will slow down the smugglers enough so that your Border Patrolmen can catch them, which gives you a fighting chance to halt people that would come across illegally?

Now, this fence, in fact we call it the Sandia Fence because the Sandia National Laboratory designed it, is pretty simple. It consists of a steel fence. It is right on the border. Then you have a Border Patrol road that is about 50-foot wide, and then you have about a 15-foot high fence with an overhang, and then another Border Patrol fence, and then another fence that is a shorter fence. Three fences.

We built that when Republicans took control of this body in 1994 in San Diego. I can remember, because I drafted that language that went into the immigration bill that provided for that fence.

Mr. Speaker, when we built that fence, and we said it had to be built, the Clinton administration did not want to build it, and President Clinton's own INS representatives fought the fence. But they had to build it, because it was the law.

They said, do we have to build all three layers of fence? We sat down with them and said, well, we will tell you what; we will keep the three layers in the law, but let's build the first two, and if we don't need the third layer, we won't make you build it.

Mr. Speaker, we haven't needed the third layer, because that fence, the 14-mile fence in the San Diego sector, once we built the first big piece of that, we knocked down the smuggling of people and narcotics by more than 90 percent. We eliminated the drive-through drug trucks, we eliminated the 10 murders a year that were occurring on the border by the border gangs, and we eliminated the border gangs, because the border gangs needed to be able to move back and forth, north and south. If they were pursued from the north, they would go south, if they were pursued from the south, they would go north. We took away their mobility by building that fence.

Mr. Speaker, that fence works. And the new law that President Bush signed a couple of months ago mandates the extension of that fence, the San Diego fence, 854 miles across the deserts of Arizona, New Mexico and Texas.

Mr. Speaker, I drafted that bill, that fence provision that was in the bill that was offered by Homeland Security, and the first big section that I put in was the section between Calexico, California, and Douglas, Arizona. That is about 392 miles. That is the number one smugglers' corridor, now that we have closed the San Diego-Tijuana corridor by fencing it.

That 392-mile section is a section through which massive amounts of people and narcotics are being smuggled. The Department of Homeland Security has a mandate. In fact, when we wrote that law, I put in the word "shall." "Shall" means that this is not an option, it is not a goal, it is not something that would be nice to have if you could do it. It is a mandate to the Federal Government to build that fence.

There is available now appropriated and ready to go in the bank, so-to-speak, $1.2 billion. That may not build the entire 854 miles of fence, but it gives you an awfully good big piece of it.

Something we found out about the San Diego fence was after we had built even a third of the San Diego fence, because we channelized the smugglers, especially the drug trucks and they had fewer places to go, we were able to concentrate our border agents in those channelized openings that were still unfenced and we caught lots of them, and our interdiction rate went way up, even before we completed the fence.

So, Mr. Speaker, there is nothing so compelling in this country as an idea that the people support which has been passed by both Houses of Congress and signed by the President and represents a law that came right from the heartland of this great country and which needs to be executed.

The Department of Homeland Security has the obligation of executing this law, and I look forward to working with my colleagues, Democrat and Republican, over the next several months and making sure that this fence gets started. We can start it concurrently in separate sections. You can have one contractor build it from mile 1 to mile 5, the next guy go from mile 5 to mile 10 and so on. We can immediately see a reduction in the amount of people and narcotics that are smuggled across this border.

Let me tell you why we have to build this border fence, Mr. Speaker: Since 9/11, it has become clear that border security is no longer primarily an immigration issue. It is a national security issue. We have to know, very simply, who is coming into our country and what they are bringing with them.

You know something else? We have got 250,000 criminal aliens right now in our Federal penitentiaries and our State and local prisons and jails, a quarter of a million criminal aliens. They cost us as much as $50,000 apiece to incarcerate for a year. That means that each year we spend around $3 billion in cash money out of our Treasury to incarcerate the people that come across this unfenced section of the southern border of the United States. We would save enough money in one year on incarceration a loan to build the entire fence. Let's build it, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ADERHOLT (at the request of Mr. BOEHNER) for today and January 17 on account of a death in the family.

Mr. BUYER (at the request of Mr. BOEHNER) for today and the balance of the week on account of medical reasons.

Mr. CALVERT (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

Ms. PRYCE of Ohio (at the request of Mr. BOEHNER) for today on account of attending a funeral in her district.

Mr. SULLIVAN (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today, January 17, 18, and 19.

Mrs. BACHMANN, for 5 minutes, January 18.

Mr. PAUL, for 5 minutes, today, January 17, and 18.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KUCINICH, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 17, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

212. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-539, "Child Abuse and Neglect Investigation Record Access Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

213. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-540, "Department of Small and Local Business Development Subcontracting Clarification Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

214. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-541, "Office and Commission on African Affairs Clarification Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

215. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-542, "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

216. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-543, "Commercial Exception Clarification Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

217. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-544, "Mayor and Chairman of the Council Transition Revised Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

218. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-545, "Comprehensive Psychiatric Emergency Program Long-Term Ground Lease Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

219. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-537, "General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2007-2012 Authorization Act of 2006," pursuant to D.C. Code section 1-

233(c)(1); to the Committee on Oversight and Government Reform.

220. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-536, "Organ and Bone Marrow Donor Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

221. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-546, "Good Samaritan Use of Automated External Defibrillators Clarification Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

222. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-559, "Closing of Public Alleys in Square 701, S.O. 06-9889, Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

223. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-557, "Surgical Assistant Licensure Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

224. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-551, "Licensed Health Professional Criminal Background Check Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

225. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-550, "Physical Therapy Practice Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

226. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-549, "Physical Therapy Assistant Licensure Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

227. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-548, "Audiology and Speech-Language Pathology Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

228. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-547, "Consumer Education on Video and Computer Games for Minors Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

229. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-558, "Closing of Public Alleys in Square 776, S.O. 06-9227, Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

230. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-552, "Metropolitan Police Department Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

231. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-553, "Personal Mobility Device Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

232. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-554, "District Department of Transportation DC Circulator Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

233. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-555, "Square 2910 Residential Development Stimulus Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

234. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-556, "Wisconsin Avenue Bridge Project and Noise Control Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

235. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display Over Water; Barrets Point, Williamsburg, VA [CGD05-06-026] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

236. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Cavalier 4th of July Fireworks Display, Broad Bay, Virginia Beach, VA [CGD05-06-019] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

237. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Yorktown July Fourth Fireworks Celebration, York River, Yorktown, VA [CGD05-06-030] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

238. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fireworks on the Bay Celebration, Chesapeake Bay, Virginia Beach, VA [CGD05-06-054] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

239. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Shore Thing & Independence Day Fireworks Display, Chesapeake Bay, Norfolk, VA [CGD05-06-027] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

240. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Stars in the Sky Fireworks Celebration, James River, Newport News, VA [CGD05-06-048] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

241. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Elberta Solstice Festival Fireworks, Betsie Bay, Lake Michigan, Elberta, Michigan [CGD09-06-066] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

242. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Great Lakes Wind Fest, Lake Michigan, Grand Haven, Michigan [CGD09-06-065] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

243. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coronado Bridge, San Diego Bay, CA [COTP San Diego 06-074] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

244. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ardent Sentry 2006, Casco Bay & Portland Harbor, Northern New England, Captain of the Port Zone [CGD01-06-049] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

245. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-024] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

246. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway Mile Marker 243, Hackberry, LA [COTP Port Arthur-06-014] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

247. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Alpena Fireworks Display, Thunder Bay, Alpena, MI [CGD09-04-064] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

248. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River, Mile Markers 255.5 to 256.5, Florence, AL [COTP Ohio Valley-06-034] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

249. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Port Arthur, TX [COTP Port Arthur-06-005] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

250. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine

River, Orange, TX [COTP Port Arthur-06-004] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

251. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Port Arthur, TX [COTP Port Arthur-06-003] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

252. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois River Mile Marker 157.7 to Mile Marker 163.0, Peoria, IL [COTP St. Louis-06-004] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

253. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Sabine-Neches Canal, Port Arthur, TX [COTP Port Arthur-06-008] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

254. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanawha River Miles 59.5 tp 62.0, Charleston, West Virginia [MSU Huntington-06-002] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

255. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile Marker 194.0 to Mile Marker 196.0, St. Louis, MO [COTP St. Louis-06-003] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

256. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Muskingum River Miles 0.5 to 1.5, Marietta, OH [MSU Huntington-06-001] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

257. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cocoa 4th of July Fireworks Display — Indian River, Cocoa, FL [COTP Jacksonville 06-091] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

258. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fernandina 4th of July Fireworks Display — Amelia River, Fernandina Beach, FL [COTP Jacksonville 06-093] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

259. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River, Mile Marker 464.0 to 466.0, Chattanooga, TN [COTP Ohio Valley-06-042] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

260. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River, Mile Markers 101.5 to 102.5, Cumberland City, TN [COTP Ohio Valley-06-036] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

261. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fort McHenry Channel, Port of Baltimore, MD [CGD05-06-084] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

262. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sail Port Huron Tall Ships, St. Clair River, Port Huron, MI [CGD09-06-152] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

263. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Beaver Inlet, Wide Bay, Unalaska Island, AK [COTP Western Alaska-06-003] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

264. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-06-088] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

265. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Olympia Harbor Days Tugboat Race, Budd Inlet, Olympia, Washington [CGD13-06-043] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

266. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Captain of the Port Jacksonville Tropical Cyclone Safety Zone [COTP Jacksonville 06-180] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

267. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM158, Orange Beach, Alabama [COTP Mobile-05-048] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

268. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-023] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

269. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Polishfest Fireworks, Milwaukee Harbor, Wisconsin [CGD09-06-073] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

270. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Greater North Michigan Avenue Association's Gardens of the Magnificent Mile Fireworks Display, Chicago River, Chicago, IL [CGD09-06-069] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

271. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Lake Ontario [CGD09-06-130] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

272. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Camp Rilea Offshore Small Arms Firing Range; Warrenton, Oregon [CGD 13-06-046] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

273. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Camp Rilea Offshore Small Arms Firing Range; Warrenton, Oregon [CGD 13-06-049] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

274. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine Pass Channel and Port Arthur Ship Canal; Port Arthur, TX [COTP Port Arthur-05-021] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. MATSUI: Committee on Rules. House Resolution 65. Resolution providing for consideration of the bill (H.R. 5) to amend the Higher Education Act of 1965 to reduce interest rates for student borrowers (Rept. 110-1). Referred to the House Calendar.

Mr. McGOVERN: Committee on Rules. House Resolution 66. Resolution providing for consideration of the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy alternatives, developing greater efficiency, and creating a Strategic

Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes (Rept. 110-2). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCKEON (for himself, Mr. KELLER, Mr. CASTLE, and Mr. BAKER):

H.R. 472. A bill to amend the Higher Education Act of 1965 to address the issues of college affordability and transparency; to the Committee on Education and Labor.

By Mr. WOLF (for himself, Mr. TIBERI, Mr. COBLE, Mrs. MYRICK, and Mr. CULBERSON):

H.R. 473. A bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself, Mr. UDALL of New Mexico, and Mr. PEARCE):

H.R. 474. A bill to designate the Department of Veterans Affairs Medical Center in Albuquerque, New Mexico, as the "Raymond G. Murphy Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. KILDEE (for himself and Mrs. CAPITO):

H.R. 475. A bill to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages, and for other purposes; to the Committee on House Administration.

By Mrs. BOYDA of Kansas:

H.R. 476. A bill to amend title 5, United States Code, to make noncreditable for Federal retirement purposes any Member service performed by an individual who is convicted of any of certain offenses committed by that individual while serving as a Member of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself and Mr. PICKERING):

H.R. 477. A bill to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CHANDLER (for himself and Mr. ROGERS of Kentucky):

H.R. 478. A bill to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. DOOLITTLE:

H.R. 479. A bill to direct the Federal Trade Commission to revise the do-not-call telemarketing rules to permit individuals to opt out of receiving certain politically-oriented telephone calls; to the Committee on Energy and Commerce.

By Mr. DOOLITTLE:

H.R. 480. A bill to amend the Truth in Lending Act to prohibit issuance of residential mortgages to any individual who lacks a Social Security account number; to the Committee on Financial Services.

By Mr. DOOLITTLE:

H.R. 481. A bill to amend the Help America Vote Act of 2002 to require each individual who desires to vote in an election for Federal office to provide the appropriate election official with a government-issued photo identification, and for other purposes; to the Committee on House Administration.

By Mr. DOOLITTLE:

H.R. 482. A bill to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes; to the Committee on Natural Resources.

By Mr. DOOLITTLE:

H.R. 483. A bill to authorize the Secretary of Agriculture to carry out certain land exchanges involving small parcels of National Forest System land in the Tahoe National Forest in the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. DOOLITTLE:

H.R. 484. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 485. A bill to amend the Small Tracts Act to facilitate the exchange of small tracts of land, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY:

H.R. 486. A bill to amend the Federal Election Campaign Act of 1971 to place restrictions on the disposition of funds by leadership PACs; to the Committee on House Administration.

By Ms. HERSETH:

H.R. 487. A bill to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes; to the Committee on Natural Resources.

By Mr. HOLT:

H.R. 488. A bill to amend title VI of the National Security Act of 1947 to require reports to be submitted to the Attorney General and the congressional intelligence committees regarding requests for information about an officer, employee, or agent of an element of the intelligence community and to amend the definition of covert agent to include agents that have served outside the United States at any time; to the Committee on Intelligence (Permanent Select).

By Mr. MCHENRY:

H.R. 489. A bill to establish a commission to develop legislation designed to reform entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNULTY:

H.R. 490. A bill to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MOORE of Kansas (for himself and Mr. MORAN of Kansas):

H.R. 491. A bill to provide for the mandatory revocation of passports of individuals who are more than $5,000 in arrears in child support payments; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.R. 492. A bill to restore the Federal electoral rights of the residents of the District of Columbia, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mrs. BIGGERT, Ms. ESHOO, Mr. WALDEN of Oregon, Mr. GEORGE MILLER of California, Mr. DINGELL, Mr. RANGEL, Mr. ACKERMAN, Mr. ALEXANDER, Mr. ALLEN, Mr. BACHUS, Mr. BAKER, Ms. BALDWIN, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BLUMENAUER, Mrs. BONO, Mr. BOUSTANY, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. CALVERT, Mrs. CAPITO, Mrs. CAPPS, Mr. CAPUANO, Mr. CASTLE, Mr. CHABOT, Mr. CHANDLER, Mr. COLE of Oklahoma, Mr. CONAWAY, Mr. CONYERS, Mrs. DAVIS of California, Mr. TOM DAVIS of Virginia, Mr. DAVIS of Kentucky, Ms. DEGETTE, Mr. DICKS, Mr. DOGGETT, Mrs. DRAKE, Mr. DUNCAN, Mr. EHLERS, Mr. EMANUEL, Mrs. EMERSON, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Mr. FARR, Mr. FERGUSON, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GERLACH, Mr. GILCHREST, Mr. GILLMOR, Mr. GOHMERT, Ms. GRANGER, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HALL of Texas, Mr. HASTINGS of Washington, Mr. HERGER, Ms. HERSETH, Mr. HINOJOSA, Ms. HIRONO, Mr. HOBSON, Mr. HOEKSTRA, Ms. HOOLEY, Mr. HUNTER, Mr. ISRAEL, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mr. KANJORSKI, Mr. KENNEDY, Mr. KILDEE, Mr. KING of New York, Mr. KIRK, Mr. KUCINICH, Mr. KUHL of New York, Mr. LAHOOD, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LIPINSKI, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mr. LUCAS, Mrs. MALONEY of New York, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCAUL of Texas, Ms. MCCOLLUM of Minnesota, Mr. MCCOTTER, Mr. MCHUGH, Mr. MCNULTY, Mr. MICA, Mr. MORAN of Virginia, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NORWOOD, Mr. OLVER, Mr. PEARCE, Mr. PITTS, Mr. PLATTS, Mr. PORTER, Mr. PRICE of North Carolina, Ms. PRYCE of Ohio, Mr. PUTNAM, Mr. RAMSTAD, Mr. REGULA, Mr. REICHERT, Mr. REYNOLDS, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SESSIONS, Mr. SHAYS, Mr. SIMPSON, Ms. SOLIS, Mr. SOUDER, Mr. STARK, Mr. THOMPSON of California, Mr. TIBERI, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. UPTON, Mr. VAN HOLLEN, Mr. WALSH of New York, Mr. WAMP, Ms. WATSON, Mr. WAXMAN, Mr. WELLER, Mr. WEXLER, Mr. WHITFIELD, Mr. WICKER, Mr. WILSON of South Carolina, Mr. WOLF, Ms. WOOLSEY, Mr. YARMUTH, Mr. YOUNG of Florida, Mr. CROWLEY, Mr. HOLT, Mr. JINDAL, Mr. LATOURETTE, and Mr. TANCREDO):

H.R. 493. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON:

H.R. 494. A bill to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan; to the Committee on Transportation and Infrastructure.

By Mr. WALDEN of Oregon:

H.R. 495. A bill to update the management of Oregon water resources, and for other purposes; to the Committee on Natural Resources.

By Mr. WALDEN of Oregon:

H.R. 496. A bill to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; to the Committee on Natural Resources.

By Mr. WILSON of South Carolina (for himself, Mr. BROWN of South Carolina, Mr. CLYBURN, Mr. INGLIS of South Carolina, Mr. SPRATT, and Mr. BARRETT of South Carolina):

H.R. 497. A bill to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion; to the Committee on Natural Resources.

By Mr. WYNN:

H.R. 498. A bill to amend the Internal Revenue Code of 1986 to repeal the oil and gas tax subsidies enacted in the Energy Policy Act of 2005, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Science and Technology, Oversight and Government Reform, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. NORWOOD, Mr. GINGREY, Mr. PAUL, and Mr. BARTLETT of Maryland):

H.R. 500. A bill to provide that pay for Members of Congress be reduced following any fiscal year in which there is a Federal deficit; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX (for herself, Ms. HOOLEY, Mr. MCHENRY, Mrs. MYRICK, Mr. COBLE, Mr. MCCOTTER, Mr. SHUSTER, Mr. PETERSON of Pennsylvania, Mr. PETRI, Mrs. MCMORRIS RODGERS, Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. JONES of North Carolina):

H.J. Res. 15. A joint resolution recognizing the contributions of the Christmas tree industry to the United States economy; to the Committee on Agriculture.

By Mr. DEFAZIO (for himself, Mr. HOLT, Mr. PAYNE, Mr. ROTHMAN, Mr. CUMMINGS, Mr. FARR, Ms. WOOLSEY, Mr. DOGGETT, Ms. LEE, Mr. CONYERS, Mr. STARK, Mr. KUCINICH, Ms. CORRINE BROWN of Florida, Ms. MCCOLLUM of Minnesota, Ms. HOOLEY, Mr. MCGOVERN, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. CAPUANO, and Mr. MURTHA):

H. Con. Res. 33. Concurrent resolution expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress; to the Committee on Foreign Affairs.

By Mr. KIRK (for himself, Mrs. LOWEY, Mr. SHAYS, Mr. FRANKS of Arizona, Mr. WEINER, Ms. SCHWARTZ, Mr. WAXMAN, Mr. GONZALEZ, and Ms. JACKSON-LEE of Texas):

H. Res. 64. A resolution expressing the sense of the House of Representatives that the Government of Bangladesh should immediately drop all pending charges against Bangladeshi journalist Salah Uddin Shoaib Choudhury; to the Committee on Foreign Affairs.

By Mr. DOOLITTLE:

H. Res. 67. A resolution expressing the sense of the House of Representatives with respect to the designation of a National Shaken Baby Syndrome Awareness Week, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Mr. FARR, Mr. KUCINICH, Mr. GRIJALVA, Ms. SCHAKOWSKY, and Mr. STARK):

H. Res. 68. A resolution recognizing the dangers posed by nuclear weapons and calling on the President to engage in nonproliferation strategies designed to eliminate these weapons of mass destruction from United States and worldwide arsenals; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HUNTER:

H.R. 499. A bill for the relief of Fouad Yousef Hakim Mansour and Saheir Gamil Shaker Mansour; to the Committee on the Judiciary.

By Mr. INSLEE:

H.R. 501. A bill for the relief of Valerie Plame Wilson; to the Committee on Intelligence (Permanent Select).

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. BISHOP of Georgia and Mr. JOHNSON of Illinois.

H.R. 14: Mr. DAVIS of Kentucky, Mr. MCCOTTER, Mr. MARIO DIAZ-BALART of Florida, and Mr. MCCAUL of Texas.

H.R. 16: Mr. GRIJALVA.

H.R. 65: Mr. WELDON of Florida, Mr. TANNER, Mr. COSTA, Mr. MELANCON, Mr. ACKERMAN, Mr. LEVIN, Mr. DICKS, Mrs. LOWEY, Ms. LEE, Ms. CARSON, Ms. ESHOO, Ms. MCCOLLUM of Minnesota, Mr. FILNER, Mr. GONZALEZ, Mr. HONDA, and Mr. MICHAUD.

H.R. 87: Mr. GERLACH, Mrs. DRAKE, Mr. DENT, Mr. PEARCE, Mr. KUHL of New York, Mrs. MCMORRIS RODGERS, Mr. FOSSELLA, and Mr. MANZULLO.

H.R. 92: Mr. KUHL of New York.

H.R. 132: Mr. MCCOTTER.

H.R. 137: Mr. HARE, Mr. SALAZAR, and Ms. BALDWIN.

H.R. 157: Mr. MORAN of Virginia.

H.R. 159: Mr. COHEN and Ms. WOOLSEY.

H.R. 171: Mr. RANGEL.

H.R. 180: Mr. PAYNE, Ms. CARSON, Mrs. DAVIS of California, Mr. STARK, Ms. SCHAKOWSKY, Ms. LINDA T. SÁNCHEZ of California, Mrs. MALONEY of New York, Mr. BLUMENAUER, and Mr. RANGEL.

H.R. 211: Mr. LEWIS of Georgia.

H.R. 278: Mr. ROGERS of Kentucky, Mr. PRICE of North Carolina, and Mr. JOHNSON of Illinois.

H.R. 312: Mr. BRADY of Texas, Mr. CARTER, Mr. WESTMORELAND, Mr. SHADEGG, Mr. LAMBORN, Mr. RYAN of Wisconsin, Mr. FORTUÑO, Mr. AKIN, Mrs. BACHMANN, Mr. DANIEL E. LUNGREN of California, Mr. WELDON of Florida, Mr. KINGSTON, Ms. FOXX, Mr. CUMMINGS, Mr. COHEN, Ms. JACKSON-LEE of Texas, and Mrs. MYRICK.

H.R. 319: Mr. BOUCHER, Mr. HASTINGS of Florida, Mr. WYNN, Mr. SAXTON, Mr. SOUDER, and Mr. POE.

H.R. 322: Mr. HERGER.

H.R. 330: Mr. BILIRAKIS.

H.R. 346: Mrs. MYRICK and Mr. NEUGEBAUER.

H.R. 352: Ms. CARSON, Mr. AL GREEN of Texas, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. WYNN, Mr. SERRANO, Mr. BUTTERFIELD, Mr. RUSH, Mr. MEEKS of New York, Ms. WATSON, Mr. CONYERS, and Mr. TOWNS.

H.R. 353: Mr. CONYERS.

H.R. 369: Mr. KUCINICH.

H.R. 373: Mr. LAMBORN.

H.R. 374: Mr. LAMBORN.

H.R. 379: Mr. LAMBORN.

H.R. 381: Mr. GALLEGLY and Ms. BERKLEY.

H.R. 390: Ms. WOOLSEY, Mr. WOLF, and Mr. CLAY.

H.R. 464: Mr. MCNULTY, Mr. CLAY, Mr. FILNER, and Mr. SCOTT of Georgia.

H.J. Res. 14: Mr. MURTHA, Mr. PAUL, Mr. ABERCROMBIE, Mr. TAYLOR, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. LARSON of Connecticut, Mr. GILCHREST, Mr. DEFAZIO, Mr. KUCINICH, and Mr. DUNCAN.

H. Con. Res. 5: Mr. CUMMINGS, Ms. BORDALLO, Mr. SNYDER, Mr. JOHNSON of Georgia, and Ms. WOOLSEY.

H. Con. Res. 7: Mrs. TAUSCHER, Mr. STARK, and Ms. SCHAKOWSKY.

H. Con. Res. 9: Ms. KILPATRICK, Mrs. GILLIBRAND, and Ms. DELAURO.

H. Con. Res. 19: Ms. CARSON.

H. Con. Res. 23: Ms. SCHAKOWSKY, Mr. COHEN, and Mr. HONDA.

H. Con. Res. 28: Mr. LANGEVIN.

H. Res. 24: Ms. MCCOLLUM of Minnesota.

H. Res. 39: Mr. KLEIN of Florida, Mr. MILLER of Florida, Mr. KELLER, Mr. CRENSHAW, Mr. FEENEY, and Mr. WELDON of Florida.

H. Res. 40: Mr. MILLER of Florida.

H. Res. 41: Ms. HARMAN, Ms. WATSON, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Ms. SOLIS, and Mr. LYNCH.

H. Res. 52: Mr. BURTON of Indiana, Mr. ANDREWS, and Mr. SHERMAN.

H. Res. 61: Mr. BOEHNER, Mr. WEXLER, Mr. BERMAN, Ms. HIRONO, Mr. CONYERS, Ms. NORTON, Mr. PALLONE, Mrs. TAUSCHER, and Mr. COHEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as followes:

H.R. 6: Mr. TANNER and Mr. GONZALEZ.

EXTENSIONS OF REMARKS

RECOGNIZING THE GREATER READING 16TH ANNUAL DR. MARTIN LUTHER KING, JR. CELEBRATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. GERLACH. Madam Speaker, I rise today to honor the organizers of The Greater Reading Annual Dr. Martin Luther King, Jr. Celebration, a fantastic community event celebrating its 16th year on January 12, 2007.

This event is one part of a holiday weekend devoted to celebrating the contributions to history and the legacy of a man who was so important to our nation—Dr. Martin Luther King, Jr. Through non-violent protest and peaceful demonstration, Dr. King taught us lessons of equality, tolerance and understanding by drawing attention to the social injustice and racial discrimination experienced by so many of our fellow Americans for far too long.

During this year's celebration, community leaders like Mr. Albert Boscov, Ms. Barbara Marshall, Captain Bill Jimenez and Pennsylvania Governor Ed Rendell will receive the 2006 Dr. Martin Luther King Jr. Image Award. This award, given annually during the celebration, is bestowed on those community leaders who exemplify the spirit of Dr. King's life-mission and who strive to make our society a better place for all to live.

Fellowship, friendship and family will fill the air as my constituents from the greater Reading area join together to celebrate Dr. King and honor his memory.

So I ask, Madam Speaker, that my colleagues join me today in recognizing all the hard work and effort that is sure to make the Greater Reading 16th Annual Dr. Martin Luther King Jr. Celebration an event most benefiting of the community and of Dr. King's legacy to us all.

TRIBUTE TO QUINTANNA WILSON HALL ALLINIECE

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. AL GREEN of Texas. Madam Speaker, today I would like to honor the memory of Quintanna Wilson Hall Alliniece. Mrs. Alliniece lived a life dedicated to her strong faith and to the education of multiple generations of Houston students.

Mrs. Alliniece was born in Brazoria County, Texas and moved to Houston to attend high school. She obtained a Bachelor of Arts degree in English from the Houston College for Negroes in 1942 and a Masters degree in Education from Texas Southern University.

A leader in her community, Mrs. Alliniece taught English and Mathematics for over forty years in the Sweeny and Houston Independent School Districts. She held leadership roles in numerous organizations including the Houston League of Business and Professional Women, Inc., Zeta Phi Beta Sorority, Inc., Interfaith Ministries Food Pantry, and the YWCA. Mrs. Alliniece was also a life-long member of the Greater Zion Missionary Baptist Church where she served as Mission II President for over 35 years.

Finally, Madam Speaker, Quintanna Wilson Hall Alliniece will be missed dearly by her son and my close friend Anthony Hall Jr. He is a well-respected member of the Houston community and Chief Administrative Officer of the City of Houston. She will also be missed by her daughter-in law Carolyn, grandchildren, sisters and numerous nieces, nephews, cousins, and friends. She will be remembered in the City of Houston as a dedicated educator and valued community leader. May she rest in the peace she has richly earned.

IN OPPOSITION TO ESCALATION OF THE WAR IN IRAQ

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. STARK. Madam Speaker, this week, President Bush confirmed what I have known for some time: He is delusional. Twenty-thousand more troops in Iraq? No one supports this escalation: not the Joint Chiefs of Staff, not the Iraq Study Group and certainly not the American people.

This administration has made mistake after mistake in an unnecessary war of its choosing. Now the President insists on sacrificing more lives, more money, and more goodwill on an increasingly lost cause.

If God really does talk to this President, I wish God would tell the President to "Bring the troops home now!" This is what the Iraqis need and it's what the American people overwhelmingly declared they wanted in November.

President Bush is incapable of managing the debacle in Iraq. Congress must therefore take matters into its own hands, blocking funding for the "surge" in particular and stopping all funding for the war in Iraq in general. Let's bring our troops home.

RECOGNIZING THE CONTRIBUTIONS OF KOREAN AMERICANS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. BORDALLO. Madam Speaker, I rise today to commemorate the 104th anniversary of the arrival of the first Korean immigrants to the United States, which is this Saturday, January 13, 2007. This date also marks the annual celebration of Korean American Day as designated by the Centennial Committees of Korean Immigration and Korean Americans.

Korean Americans have thrived in the United States since their arrival in the Hawaiian Islands in 1903. The contributions of Korean Americans to our society are found in nearly every community across our country and span the fields of arts and entertainment, economics, medicine, science and religion, among many others. Many Korean immigrants have established successful new businesses, have risen to assume important civic leadership roles within their communities, and have developed pioneering, lifesaving medical procedures.

In the early 1950s, thousands of Koreans, fleeing from war, poverty and desolation, came to the United States. The trend of Koreans immigrating to the United States continued in the years to come. In the 1960s, President John F. Kennedy lifted the United States security clearance requirement which restricted travel to and from Guam. The lifting of this security clearance requirement enabled immigration to and international investment on Guam from Korea and other countries in Asia.

Koreans began to establish residence on Guam as early as the 1970s, and in the 1980s many new Korean families arrived on island to establish a new beginning in America. Today, Korean Americans are an integral part of our island family. On this day, we celebrate the richness of their culture, their traditions, their achievements, and their contributions to our community. To that end, I also want to recognize the Korean Association of Guam. The Association serves as an important support group for new immigrants from Korea, and through its efforts, the professional and civic interests of the Korean American community on Guam are preserved and advanced.

The contributions of Korean Americans are found not only in Guam, but also in every community across the United States. Korean Americans are key contributors in the economic, medical, academic and religious fields. Notably, at least 4,000 Korean Americans serve in the United States Armed Forces. Many of these servicemembers have completed tours of duty in the Global War on Terrorism or are deployed in Iraq. Whether they are serving as leaders in their communities or fighting alongside their fellow Americans in defense of our country, Korean Americans have

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

demonstrated their significant presence in and contributions to the United States.

I wish to express my heartfelt support for the greater Korean American community on the occasion of the 104th anniversary of the arrival of the first Korean immigrants to the United States. In doing so, I also take the opportunity to recognize the growth and contributions of the Korean Association of Guam, which was established to advance the professional and civic interests of Korean Americans in our community. Today, the Korean Association of Guam serves as an important welcoming support group for new immigrants from Korea. Through the continued efforts and contributions of Korean Americans, the ties of United States with Korea will be strengthened in the years to come.

IRAQ INSIGHTS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. EDWARDS. Madam Speaker, distinguished colleagues, as we address the complex challenges in Iraq, I think it is important that we hear all points of view. For that reason, I am submitting for the CONGRESSIONAL RECORD the firsthand observations of a young Army officer who has recently served in Iraq:

IRAQ: A SOLDIER'S PERSPECTIVE

You asked me to put together some thoughts on my experience in Iraq. First, Iraq is a very complex nation with huge differences between regions and locations. The experience of one battalion can be completely different from the experience of another next to it. Every area is different. My views reflect my very narrow vantage point after less than 12 months in a tiny corner of a very large country.

Bottom line up front—I do not believe that we are winning in Iraq. This is not because we screwed up or because we lack the will, the leadership, or the resources to win. I think we have thousands of smart, brave, and talented people who are giving everything they have to make us successful. I think the American people have given us their very best sons and daughters and more than enough money and equipment to achieve our goals. Despite this, it is clear that our current strategy is not likely to produce a secure, stable, and democratic state in the Middle East. I don't know who is to blame for this and I don't really think it matters. Since we are spending the blood and treasure of the American people at an unprecedented rate, we owe it to our nation to figure out a strategy that has some hope of success or to find an alternative end state that protects our long term interest. I don't know what that strategy is, but I can offer some insights from my limited experience. This may help those smarter than me to sort out what might work from what won't work.

Political Warfare: The hardest thing for us to adjust to once we hit the ground and really tried our hand at this counter-insurgency thing was the importance of personal relationships. They can have a decisive impact on the conflict and it really doesn't matter what scale you are dealing with. Whether it is the relationship between a local shop owner and a squad leader or the relationship between the Brigade Commander and the Provincial Governor, our day to day dealings with the Iraqis and the friendships that we developed with local opinion makers from the village to the national level were the most important contribution that we made to the campaign.

The Army has a method for designing a good military campaign. You study your enemy, define the source of his strength (his 'center of gravity' in military language), figure out the most vulnerable place to attack that strength, and then design a series of missions to achieve your goal. The focus is on defeating the enemy by attacking the source of his strength. We figured out pretty quickly that this kind of strategy would not work. We could have easily expended all of our resources trying to chase down the guys on our 'most wanted' list. What we found though is that every time we killed a terrorist (and we killed a lot of terrorists) we created ten more because now his brother, cousin, and uncle all had to seek revenge against us. It just seemed so counter-productive.

Our real goal was to persuade our Iraqi friends and allies to actively and publicly support us. We wanted them to help us tip the balance of public opinion in our favor. To influence these key individuals, we gave them funding and allowed them to take credit for civil works projects. We provided security when needed and gave them prestige by showing publicly that our commander listened to their advice. We discovered that we were not fighting a military campaign, but a political campaign—not too different from what a small town mayor might do to win reelection back in the U.S.

I don't want to give the impression that we never had to fight. There was plenty of violence and plenty of people who needed to be killed or captured. But fighting was not our goal and winning a fight did very little to achieve our long-term purpose. Our goals were political in nature. Fighting terrorists was only something we did when needed, because it interfered with our political objectives. If we could ignore the terrorists, we were winning. If we had to stop our economic and political activities in order to fight terrorists, they were winning.

This may seem like a minor difference in viewpoint, but I think it is extremely important. Every region is different, but if a unit goes into Iraq with a focus on killing bad guys, they will find more than enough bad guys to kill. After a year, their region will be as bad as or worse than it was when they arrived. On the other hand, if they focus on waging a political campaign that builds relationships with key opinion makers, and tips public opinion in their favor, they will start to see real, permanent change. Sitting down and eating goat with a prominent and respected sheik can be more valuable than a hundred midnight raids.

The U.S. Army has done a better job training its combat formations than any army in history. However, we have much to learn as an Army about how to best teach and train this style of counter-insurgency warfare. It is easier to run a rifle range than train a squad leader how to negotiate with an Arab sheik. The Army should accept that counter-insurgency will be a prominent part of our future. We will need to educate and train our future leaders to deal with the inherent unpredictability of human behavior that is so critical in this type of warfare.

The Army is planning to invest billions of dollars in a new suite of military vehicles that will 'eliminate uncertainty' by internetting every weapon on the battlefield to provide near-perfect situational awareness. I'm sure this will have its advantages in the future, but I think this investment is misguided. In a year in Iraq that had no shortage of enemy contact, I never needed to see down the barrel of a tank or Bradley. We had smart, well-trained soldiers who knew when and who to shoot. If leaders started getting involved in that decision, we almost always screwed it up. The guy on the ground knows the situation better than anyone. The more that technology enables his leader to see what he sees, the less his judgment and instinct will be used.

Iraq has taught us that uncertainty will always be a major factor in warfare. War is a distinctly human phenomenon and man is notoriously unpredictable. Trying to lift the fog of war with information technology is a hopeless task and a waste of resources. We should invest those dollars revamping our officer and NCO education systems to teach young leaders how to handle Iraqi farmers, Afghan mullahs, and Sudanese warlords. A squad leader with a thorough understanding of Shia Islam and the history of Iraq is a lot more valuable than a squad leader with a camera on the end of his rifle. War always has been and always will be about people. If we want to revolutionize our Army we should invest in educating and training our people.

Enemy Motivation: During the course of the year, I had the chance to talk to a few leaders from the Mahdi militia and a few jihadists from the Sunni side. What amazed me about these guys is the total lack of any collective, long-term vision about why they are fighting us. There is no practical end state that they are trying to achieve. The radicals from both camps are absolutely convinced that they are under obligation from Allah to kill non-Muslims who occupy Arab lands regardless of the long-term consequences for their country. There is no amount of practical reasoning that will change this viewpoint. We have invested millions of dollars in public works projects in some towns to improve the lives of the people only to see citizens from those same towns attack and, in some cases, kill our soldiers. This is not rational behavior.

I believe that the majority of the insurgents fight us because they want the prestige and respect that other Muslims in their history and in neighboring countries have obtained by fighting foreign occupation. This reality should impact our national policy and our expectations. We have to accept the inconvenient fact that there will always be a significant level of insurgency in Iraq so long as non-Muslim troops occupy the country. No amount of political settlement or economic development will change that. This is something that our Congress and our Administration have to come to terms with. Unfortunately, I don't have any brilliant ideas on how to deal with this, but I am convinced that the insurgency in Iraq will not end one day before the last American soldier leaves the country. This is a reality that we must accept and must plan for.

Iraqi Security Forces: The Iraqi security forces (Army and Police) that I worked with ranged from superb to completely incompetent. Like any organization, the character of the unit was largely determined by the character of the commanding officer. Many were excellent (the best officers, in my experience, came from Saddam's old Army). Most officers did a great job when facing Sunni-based insurgents. In fact, we had to keep a close eye on most units to make sure they were not too heavy-handed against the

Sunnis. When we dealt with the Shia, especially the Mahdi militia, things got a lot more complicated. Many officers were reluctant to fight the Shia militias because they had a well-justified fear for the security of their family. I have seen senior Iraqi officers flat refuse to follow American soldiers in pursuit of Shia insurgents—even when those insurgents just killed their own soldiers.

An Iraqi officer in either the police or the Army has to walk a very fine line. If he does not cooperate with the Americans, he risks losing the money, equipment, and prestige that come from American support. If he cooperates completely, especially in the pursuit of Shia targets, he is labeled a traitor, and his family and career can be in great danger. I have seen members of the National Assembly and Provincial Governors place tremendous pressure on police and Army commanders to get them to look the other way when it came to Shia militia activity. The few ISF commanders who are truly 'independent' are constantly under threat of being fired or worse. Most commanders manage to survive by establishing a delicate truce with the Shia radicals. They openly profess support for the Americans and talk about fighting the militia in public. In private, they pass information about our operations and provide early warning to the militias the minute we leave the front gate of our camp. This is not speculation—my unit witnessed this many times.

I will never understand why the Coalition forfeited control of the hiring and firing of Iraqi Army and Police commanders over to a government that was so deeply divided in its loyalty. The resulting divided loyalty within the leadership of the ISF is probably the greatest threat to Coalition interests today. I doubt we can reverse this, but I can assure you that as long as the Iraqi government decides who commands and who doesn't in the ISF, they will be unable to deal with the Shia militias in any meaningful way. The Coalition, through our advisory teams should exert a greater degree of influence over the selection of Iraqi battlefield commanders. This will have a bigger impact on the quality of the Iraqi security forces than anything else we can do.

Key-Man Strategy: To find an honest, courageous, and liberal-minded Iraqi within the security forces is absolute pure gold. To have one as the police chief or military commander for your area is every US commander's dream. If these guys are so important to our strategy, then their selection, promotion, and protection should be a central component of our campaign plan. I think the Coalition has, in a good faith attempt to bolster the Iraqi ministries, stayed too aloof and uninvolved from these vital appointments. The Mahdi militia and Badr Corps, who do not share our sense of fair play, have filled the void and are aggressively filling the senior ranks of the ISF with their most loyal supporters.

I would suggest that the Coalition embark on a "Key Man Strategy" where great attention is devoted to the character and trustworthiness of all Security Force commanders down to the battalion and district police chief level. Engagement reports should be collected and assessments done so that the highest levels of the Coalition and Iraqi government have a fair and independent assessment of all the key battlefield commanders in the ISF.

Because of the convoluted and duplicitous nature of Arab politics, senior Iraqi leaders have great difficulty getting accurate information on the quality of their leadership at the tactical level. Because of this information vacuum, it is often difficult for a minister to say no when a group of 'concerned citizens' from the Mahdi militia approach and ask him to replace a particularly effective police chief. If the Coalition leaders who regularly work with the ministries had a more detailed assessment of these key men and their capabilities and limitations, then they could better advise the Iraqi leaders who are making the tough calls. We can also exert pressure to prevent attempts to fire independent leaders and replace them with militia supporters.

Entire provinces can be won or lost in the selection of Iraqi brigade commanders and Provincial police chiefs. The Coalition will probably never regain the exclusive right to select and remove these men, but we must devote enough attention to this process in order to influence it.

Militias: We will never reach any kind of acceptable political settlement as long as the Coalition and the Iraqi Government allow legitimate political parties to hold seats in the National Assembly while they finance and maintain military auxiliary wings that attack and kill Iraqi and American soldiers. These parties have enough clout in PM Maliki's administration to effectively block any major military operation against the militias. This is an impossible situation.

I don't have the expertise to comment on whether or not a temporary 'troop surge' is necessary. I can say, however, that a troop surge is pointless if we cannot set the political conditions beforehand that allow us to act freely against the militia. The Administration should seriously consider the legal implications of declaring the Jaysh al-Mahdi (Mahdi militia) a designated hostile force. This declaration gives local commanders much greater latitude to deal with this threat and will eventually force the organization to go completely underground. I am not a military lawyer so I don't know all the implications of such a move but I think it bears a hard look. We should also look for ways to continue to publicly expose the connections between the legitimate political activities of parties like the OMS (Office to the Martyr Sadr) and the brutal acts carried out by the Mahdi militia. This technique has shown some success in counter-insurgencies in the past because it drives a wedge between the political and military wings of the organization.

Because both militias are so tightly associated with the police and army, they receive a lot of their funding and weapons from these sources. The American taxpayer remains the greatest funding source for the Mahdi militia. We have fought militia members in police uniforms carrying weapons that were issued from U.S. warehouses. We will not be able to cut that funding source until the Iraqi government purges its senior ranks of militia loyalists.

The second biggest source of funding, in my experience, is Iraq's foreign neighbors. Iraqis tend to be very nationalistic so the idea of foreign neighbors providing weapons and money to the militia is very distasteful to most. I don't understand why we have not exploited this weakness. Foreign funding and training of the militias remains an open secret within the Coalition. Why isn't this front page news in the Arab world? A public exposure of extensive militia cooperation with Iraq's neighbors could mortally wound the militias by making them appear to be a tool of would-be foreign occupiers.

The Talent Drain: Every few years, someone makes a big deal about all the junior officers leaving the Army. In most cases, this is a natural part of the process and something that the Army can easily compensate for. We need fewer Majors than we do Captains. From my limited perspective, however, I am very concerned this time around. The Army is enduring a brutal deployment cycle (12 months on, 12 months off for many soldiers) with no end in sight. Because of this, we are bleeding talent at an unprecedented rate. Of the hundred or so junior officers in my brigade, I know of only a handful that intend to stay in long enough to command a company. In most cases, it is the most talented officers who are the first to go. I hope that our unit is not typical of the rest of the Army.

It is difficult to overstate the importance of good company commanders to the health of an Army- especially an Army fighting counter-insurgency. Company commanders are the ones who decide every day what risks are worth taking and what are not. They lead most of our most important negotiations with local leaders. They chose who the squad leaders and platoon sergeants will be who lead America's young men in battle. Our company commanders in Iraq made life and death decisions every day. We have to have top-notched junior officers to fill these positions or the Army and our expedition in Iraq are both in great peril.

This is not just a long-term problem. This could have serious short-term consequences in Iraq. If we don't have our best talent commanding our combat company formations on the ground in Iraq, any strategy that we try to implement over the next few years will be doomed to failure.

Super-FOBs: When we first arrived in Iraq, I was surprised at the size of some of the larger American bases like Balad and Camp Victory in Baghdad. They are small American cities filled with thousands of soldiers who have never left the wire or met an Iraqi. They are guarded by an entire combat battalion because of their size.

Logistics bases are necessary and there is a certain economy that comes with consolidating camps but I think we have lost our balance somewhere. I would estimate that between 10 to 20 percent of the soldiers serving in Iraq actively engage the Iraqi people, aid in reconstruction, or provide security for Iraqi neighborhoods. The rest are involved in logistics, camp management, and staff functions.

Someone, of course, has to deliver the mail and the American Army in Iraq is a logistical marvel that few armies in the world could replicate. However, the next time you hear that we have 150,000 'boots on the ground', I think it is important to recognize that probably somewhere less than 30,000 soldiers actually carry on their mission outside of these huge sanctuaries that we have constructed. When you compare this with an Iraqi population of around 27 million, you can see how daunting this task is.

I am not suggesting that we should send all the mail clerks on patrol. Some units have tried this and found that both their logistics and operations have suffered for it. I do believe that consolidation of bases into large super-FOBs leads to a certain isolationism that causes one to forget why we are all there in the first place. We have division and Corps staffs that approach 1,000 soldiers in size. These large organizations consume a great deal of talent. Some of our best warfighters, men with extensive combat experience, spend their year in Iraq planning the construction of the new camp dining facility. Somehow, we have lost our balance.

This same tendency toward consolidation has affected our advisory teams for the Iraqi Army. The unit advisory teams that work with the Iraqi Army are our main effort and our best hope for a successful outcome to this fight. Very few of the advisory teams, however, actually live with their Iraqi battalion or brigade. Most teams live on the nearest large American camp and commute to work when conditions permit. I know of one team that had a two-hour commute on very dangerous road from their camp to their Iraqi unit. After they lost a soldier to an IED on that road, they practically stopped visiting the unit all together. By the time we redeployed, that Iraqi unit was all but an auxiliary wing of the Mahdi militia. I am not sure if the advisory team could have stopped this, but their absence certainly helped to accelerate it.

There is no replacement for boots on the ground. The more we consolidate troops into large base camps and allocate our best talent to internal maintenance and support functions instead of winning the fight, the harder it is for us to influence the population and, when necessary, impose our will.

As a final point, I think it is important to step back and look at this from a historical perspective. Despite all our warts, the American Army is doing something pretty amazing in Iraq. For three years, American soldiers, many still in their teens, all volunteers, have faced an enemy that refuses to accept any moral limits on warfare. We have seen the enemy dress in women's clothing, use Iraqi children as human shields, hide weapons in their mosques, and torture the innocent and defenseless. In spite of all this, our young soldiers have shown enormous restraint and even greater compassion. I have heard Iraqi interpreters marvel that a squad of soldiers would capture a man who, only minutes before, tried to kill them, and bring him unharmed to the detention facility on our camp. This kind of mercy is unheard of in the Arab culture.

Unfortunately, this story will not make the headlines back home. But this is the story of the American soldier in Iraq. It is a story of unprecedented courage, restraint, and compassion for a foreign people. It is a story of the strong trying, against all odds, to protect the weak and defenseless from a dark and hopeless future. I have no idea how the American expedition in Iraq will end. I doubt it will end well. But I do hope that the courage and civility of the American soldiers who fought there will not be forgotten both here and in Iraq.

IN MEMORY OF VETERAN CARL GENE YOUNG, SR.

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor Vietnam Veteran Carl Gene Young, Sr., who passed away Wednesday, January 10, at Denton Regional Medical Center due to a myocardial infarction.

A native of Denton, Texas, Mr. Young served as a city council member for 6 years before retiring in 2001. He was an outspoken, honest spokesman for southeast Denton, and was known as an advocate of affordable housing and diversity in city government. Mr. Young was devoted to those he represented and was genuinely concerned with any issues affecting them. Friends and former colleagues will always remember him for his dedication and loyalty to his community.

Before joining the city council, Mr.Young served in the First Air Cavalry in the Vietnam War. He later organized an annual Easter egg hunt to honor 16 soldiers that were killed on Easter Day 1968. Veteran Carl Young, Sr., was a true patriot and was proud to serve our country.

I worked alongside Mr. Young on the Denton County health executive director selection committee. The committee assignment was one that would affect every citizen in Denton County, and Mr. Young was thoughtful and thorough in his duties. I remember him as insightful and truly caring.

In addition to his role as a politician and soldier, Mr. Young was also a loving husband and father. He deeply cared for his family and friends, and was a strong pillar in our community. I extend my dearest sympathies to his family and friends. Veteran Carl Gene Young, Sr., will be deeply missed and his service to our community will always be greatly appreciated.

CONGRATULATIONS TO THE MART PANTHERS, STATE 2A DIVISION II CHAMPIONS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. EDWARDS. Madam Speaker, I rise today with great pride to congratulate Coach Rusty Nail and the Mart High School Panthers on their 2006 2A Division II State football championship. Their victory is the culmination of years of hard work, dedication and sacrifice and inspires all of us who have followed their progress with great interest. The team and coaching staff have demonstrated outstanding talent and commitment to achieving their goals.

Mart High School has an outstanding history of representing their community and Central Texas with integrity and I am proud to represent such exceptional educators, coaches, and students in Congress.

Winning this State championship is an extraordinary accomplishment that holds lessons that will serve them well throughout their lives. Chief among them is the confidence that comes with knowing that success can be achieved in life when you are willing to set goals and work hard to achieve them.

The Mart Panthers have made history and honored not only their school, but their community, fans and Central Texas by bringing home a State football championship. The Panthers victory brought the State championship trophy home to Mart for the fourth time with an impressive record of 15–1.

Congratulations again to the Mart Panthers on their 2006 2A Division II State football championship. Go Panthers.

IN RECOGNITION OF CHIEF OF POLICE STEVE McFADDEN'S OUTSTANDING SERVICE AND DEDICATION TO THE CITY OF LEWISVILLE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. BURGESS. Madam Speaker, I rise today in recognition of Lewisville Chief of Police Steve McFadden. After more than 38 years in municipal service, 34 years of which were served as Chief of Police, Mr. Steve McFadden will retire in February 2007.

Mr. Steve McFadden grew up in a small town outside of Paris, Texas. After graduation from East Lamar High School, he served in the U.S. Army for three years where he discovered his calling into law enforcement. He later received a Bachelor of Science degree from East Texas State University. Due to Mr. McFadden's strong leadership abilities and thorough education, he was promoted to Police Chief within five years of serving as a police officer.

In November of 1977, Mr. McFadden became Chief of Police in Lewisville, Texas. At that time there were only 27 sworn officers, a force that has grown drastically to include 136 officers today. The crime rates in Lewisville have been kept low due largely to the strong cooperation of the police department. Chief McFadden believed that one of the most integral aspects that contributed to their department success was honesty and trust. He believed that his job as police chief was not any more important than those jobs of the officers and dispatchers. Mr. McFadden inspired a sense of pride and integrity in his staff. He was one of the most experienced and respected police chiefs in Texas, and his retirement is viewed as a great loss to the department and to the community.

The decision to retire was not an easy one for Mr. McFadden, as he will truly miss his colleagues and serving our community as Lewisville Chief of Police. He does, however, look forward to spending more time with his wife, Judy McFadden, his two daughters, his son, and his granddaughter.

It is with great honor that I recognize Mr. Steve McFadden for decades of hard work and selfless dedication given to the citizens of Lewisville, Texas. I am proud to represent him in Washington, and his service will be set as a standard of devotion and true leadership, one that will never be forgotten.

ACKNOWLEDGING THE 2007 "NUESTRO ORGULLO LATINO" CELEBRATION AND ITS HONOREES

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to an event, the "Nuestro Orgullo Latino" celebration, Our Latin Pride, which honors Hispanics in the western New York area that have achieved professional success in the passing year.

This year the event will recognize 16 individuals that have achieved various accomplishments. The honorees include an international author, legal professionals, educators, municipal employees and private business owners.

This year's honorees are: Cesar Cabrera, Tamara Pozantides, Lorraine Clemente, David Rodriguez, Nestor Hernandez, Eugenio Russi, Lourdes T. Iglesias, Melissa Sanchez, Olga Karman, Denise Gonez-Santos, Elizabeth Martinez-Fildes, Betty Calvo Torres, David Mauricio, Maria Cruz Torres, Doris Carbonell-Medina, and Roddy Torres.

This event is presented by Hispanics United of Buffalo, an organization that provides services to thousands a year in Buffalo's west side. The event is also organized by the Hispanic Alliance of Western New York, a civic association that is committed to community affairs for Buffalo's Latino community.

Madam Speaker, it is with great pleasure and gratitude that I stand here today joining many others in commending the honorees of this year's event for their accomplishments and wishing them a continually prosperous and successful future.

MESSAGE OF APPRECIATION TO THE MEMBERS OF HITRON

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. CRENSHAW. Madam Speaker, I would like to congratulate the Joint Interagency Task Force, the Navy and the Coast Guard drug interdiction forces for their role in seizing more than 43,420 pounds of cocaine during operations over the last several months in the Pacific. In particular, I would like to commend the Jacksonville based Coast Guard Helicopter Tactical Interdiction Squadron, HITRON, for their critical role in missions which intercepted 8,850 pounds of cocaine that was headed for our Nation's shores. These actions represent a crucial victory in keeping drugs off our streets, out of our schools, and away from our children.

HITRON is the Coast Guard's premier airborne law enforcement unit trained and authorized to employ Airborne Use of Force. With an historic record of success, HITRON consists of eight leased AgustaWestland MH–68A StingRay helicopters. These helicopters are extremely fast and maneuverable, and they are armed and cutter-deployable. They have proven very effective at intercepting the go-fast boats favored by drug runners on both coasts.

Prior to HITRON, drug runners would simply ignore our orders to cease and desist.

HITRON now has the ability to shoot out the engines of these drug boats, preventing them from reaching our shores. During a House Appropriations Subcommittee on Homeland Security hearing the Commandant of the Coast Guard told me that HITRON is batting a thousand—every time the HITRON aircraft went after a go-fast drug boat it had stopped the drug runners cold.

America is continuing to fight the war on drugs, and these are the kinds of successes we need to win. For their contributions the HITRON unit has a lot to be proud of, and our Nation owes them a great debt of gratitude.

IN RECOGNITION OF MASSACHUSETTS STATE REPRESENTIVE KATHLEEN M. TEAHAN FOR FOUR DECADES OF PUBLIC SERVICE TO THE MEN, WOMEN, AND CHILDREN OF MASSACHUSETTS

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. LYNCH. Madam Speaker, I rise today in honor of a woman who has dedicated both her personal and professional life to the men, women, and children she has so thoughtfully served. Massachusetts State Representative Kathleen M. Teahan has served the citizens of Abington, East Bridgewater and Whitman for the last ten years. The impact of her work has been felt not only throughout the great Commonwealth of Massachusetts, but throughout this great Nation as a whole.

Known to be an always positive leader in both the classroom and legislature, Representative Teahan began her public service as a teacher after graduating from Bridgewater State College in 1969. Over the next three decades, she taught at Whitman-Hanson Regional High School and Gordon W. Mitchell Middle School in East Bridgewater. Yet her passion to help others and invest in the community was not limited to just the classroom. Representative Teahan's commitment to Habitat for Humanity, the Whitman Democratic Town Committee, and the Whitman Library are just a few examples of her devotion to the citizens of Massachusetts.

Encouraged and supported by her late husband Robert, Representative Teahan decided to expand her efforts to help others and was elected to the Massachusetts House of Representatives in November 1996. Since that time, she has not only made an impact on the citizens within the 7th District but has been a national leader and role model through her involvement with issues involving health care, education, employment, and the environment, especially finding passion in the areas of children's health and adoption.

During her time in elected office, Representative Teahan served on the House Personnel and Administration, Joint Elder Affairs, and Joint Public Health Committees and served as the House chairman of the Caucus of Women Legislators. As a sign of her strong leadership and efforts to bring about positive change, Representative Teahan was nominated by her colleagues in 2001 to participate in the Flemming Fellows Institute at the Center for Policy Alternatives. She has also participated as a Massachusetts Team Leader for the Veterans Oral History Project at the Library of Congress since 2003.

A place where her dedication and work is most evident is on the issue of oral health care. Representative Teahan served as a member of the Special Committee on Oral Health, who presented its report to the Massachusetts Legislature on March 2, 2000. Five years later, Representative Teahan became part of history when she became cochair of the Massachusetts Caucus on Oral Health, which is the first caucus on oral health in the Nation.

Those who come in contact with Representative Teahan know all too well that she will fight for the health and well being of any child, whether they are in District 7 or in another country. In 2002, she accompanied a humanitarian delegation to bring medical supplies, books, Braille texts, toys, and toothbrushes to Cuba. Representative Teahan has been honored for her legislative efforts by the Congressional Coalition Adoption Institute, Health Care for All, and the Tufts University School of Dental Medicine, and the Special Olympics.

It has always been clear that Representative Teahan's most cherished asset is her family, and she values the time she will now have to spend with her four children Anne, Jean, Robert, John, and her granddaughter Jill. Even though Representative Teahan's tenure as a State Representative has ended, her passion for changing lives will not cease. She will continue to inspire the next generation to get involved in their local communities, continuing her role as educator by teaching American Government at Bridgewater State College.

Madam Speaker, it is my distinct honor to take the floor of the House today to join with State Representative Kathy Teahan's family, friends, and fellow citizens of Massachusetts to thank her for a decade of service in the Massachusetts House of Representatives and her lifetime of service in educating all within her reach. I hope my colleagues will join me in celebrating Representative Teahan's distinguished career, as we wish her good health and God's blessing in all of her future endeavors.

HONORING E. DAVID FOREMAN, JR., IN RETIREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor E. David Foreman, Jr., who is retiring after a life of dedicated service in both the private advocacy sector and to the Republican Party.

David has had a long history of service to both the Republican Party of Virginia and the Republican National Committee. This record is well documented and has come full circle from his initial role as chairman of the Fairfax County Republican Party from 1970 to 1976 through his most recent role as the party's senior consultant.

During his political career, David also served on numerous exploratory, steering, advisory and finance committees for countless Republican candidates for local, State, and national office. Most notably, David was chairman of Americans for Bush in 1990 as well as chairman of the Credentials Committee at the 1996 Republican National Convention.

It was easy for "those in the know" to recognize that Mr. Foreman was a true player in local and national politics. David has been featured in the Who's Who in American Politics, Who's Who in Washington, Who's Who in Virginia Politics, as well as Who's Who in Politics in the South and Southwest.

David's love for politics complimented his knack for policy. This was demonstrated through his extensive work as a congressional and administration lobbyist for numerous American corporations. Through his role as founder and president of Foreman & Associates, David was able to effectively represent his clients in their interactions with State, local, and Federal officials as well as all Federal agencies.

While compiling this impressive legacy of private and political service, David was a loving and dedicated husband to his wife Rosemary Foreman, and father to his two children, Sheryl Olecheck and E. David Foreman III.

Madam Speaker, in closing, I ask my colleagues to join me in applauding E. David Foreman, Jr., and congratulating him on his deserved retirement after a distinguished career of service.

IN MEMORY OF BOBBY GENE HICKS

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to pay tribute to Bobby Hicks, a resident of the First Congressional District of Tennessee, who passed away January 7, 2006 after an extended illness.

Bobby Hicks lived his entire life in the beautiful hills of East Tennessee and spent his adult life in a career of entrepreneurship and public service for the area he called home. A graduate of Sulphur Springs High School, Bobby worked on the farm at an early age, learning to appreciate the value of hard work. He served in the Army Reserve and worked for the Tennessee Eastman Company until choosing to begin his own business, the Hicks Construction Company, in 1970.

His career in construction was distinguished, where he served on the Johnson City Area Home Builders Association. He was president of the association in 1983 and 1984. He also served as president of the Home Builders Association of Tennessee in 1990. On two separate occasions, he was named Builder of the Year, winning the prestigious honor in 1988 and 1994. In 2002, he was inducted into the Building Industry of Tennessee Hall of Fame and continued to be actively involved in business into his final days.

Bobby also served our area with distinction, serving 12 years as a county commissioner for Washington County. He was a member of the Washington County/Johnson City Chamber of Commerce and the Economic Development Board serving the same region.

From 1994 to 1998, Bobby was elected to serve the constituents of the Sixth House District of Tennessee as their State representative. He was a relentless advocate of promoting the interests of Upper East Tennessee during his time in the legislature, and I was privileged to be his successor to that seat.

Bobby's service to the community has been noted and appreciated. The library in Gray, TN, and the local Emergency Medical Service buildings have been named in his honor. In addition, one of the major State highways in our area, Highway 75, has been named as the Bobby Hicks Highway by the Tennessee General Assembly, as a result of his tireless efforts to gain the approval for necessary upgrades to this well-traveled road.

Madam Speaker, I ask that the House join me this evening in offering our sympathies to the family and friends of Bobby Hicks. He was a good businessman, a fine public servant, and a decent and kind person. His service is greatly appreciated, and he will be deeply missed.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION AMENDMENTS ACT OF 2007

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Ms. HERSETH. Madam Speaker, today I am proud to introduce the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007.

The act will help to right a historic wrong that occurred during the construction of the Oahe Dam and Reservoir which inundated over 100,000 acres of the Cheyenne River Sioux Tribe's best lands. For many years, the tribe was not provided adequate compensation.

Recognizing this wrong, Congress moved to compensate the tribe in 2000 by establishing a trust fund. While these actions were commendable, they left one important group behind—tribal members that lost privately owned lands. This act would correct that omission and give the tribe the discretion to distribute funds to individuals who are currently prohibited from receiving them.

I introduced similar legislation in the 109th Congress and was pleased to see it considered by the then-House Resources Committee's Subcommittee on Water and Power. Examination of the bill at a subcommittee hearing generated a number of constructive suggestions and, after additional consultation with the Cheyenne River Sioux Tribe, committee staff, and administration officials, we were able to make a number of positive changes to the bill.

Though a revised version of the bill failed to pass the House last year, its companion passed the Senate in the last moments of the 109th Congress. Today, I rise to introduce a version of the Cheyenne River Sioux Equitable Compensation Amendments Act that reflects the positive collaboration from last year and has already enjoyed the approval of the Senate. It is my sincere hope that the House will recognize that work by approving this legislation as soon as possible.

The Cheyenne River Sioux Tribe Equitable Compensation Amendments Act would finally provide just compensation for the taking of lands over 50 years ago. I urge its swift consideration and passage.

CONGRATULATIONS TO JIM HOLMAN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. MORAN of Virginia. Madam Speaker, I want to note for the record that a constituent of mine, Jim Holman of McLean, VA, was installed as an Eagle Scout at a ceremony on January 13, 2007. Jim is an outstanding young man who will graduate from Langley High School this June.

As many of my colleagues know, it is not easy making Eagle Scout. It takes a great deal of time, effort and determination, all of which Jim has in abundance. Jim's accomplishment is in a long tradition of scouting in the Holman family. Jim's two older brothers, Luke and Tim, were both Eagle Scouts, and his parents, John and Kay Holman, have played a significant role over the years in scouting.

Again, I want to extend my congratulations to Jim on his wonderful accomplishment.

IN MEMORIAM OF SENIOR AIRMAN DANIEL MILLER, JR. OF GALESBURG, IL

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. HARE. Madam Speaker, last week western Illinois lost one of its sons in the war in Iraq. SrA Daniel B. Miller, Jr. was proudly serving in the 447th Expeditionary Civil Engineer Squadron's Explosive Ordnance Division when a roadside bomb exploded south of Baghdad. Senior Airman Miller made the ultimate sacrifice for his country and I would like to take this opportunity to acknowledge his bravery, recognize his contributions to this Nation, and extend my condolences to his family, friends, and loved ones.

Senior Airman Miller, 24 years old, was born to Daniel Miller, Sr. of Galesburg and Robin Mahnesmith of Wataga, IL. He was an active member in his church's youth activities, enjoyed fishing and hunting with his friends, and excelled as a student-athlete. He graduated from ROWVA High School in Oneida, IL, in 2001 where he also played varsity football.

In 2004 Senior Airman Miller enlisted in the United States Air Force and completed basic training in San Antonio. He was then stationed at Hill Air Force Base in Utah, working with the explosive ordnance division. Airman Miller's experience disarming explosives in the military made him interested in joining the bomb squad of a local police department once his military commitment was completed. Often the target of enemy fire as a member of the 447th Expeditionary Civil Engineer Squadron, Airman Miller served with bravery and courage as he scoured Iraq for explosives, ensuring the safety of our ground troops.

As the oldest of five siblings, Senior Airman Miller had an extremely strong bond with his family. According to ROWVA Principal Andy Richmond, Airman Miller often visited the school after he graduated to ask former teachers how his brothers and sisters were doing. From what I've heard from his family and friends, "Dan" was loved by everyone and never asked for praise or recognition. "Dan was everybody's friend. He cared about everybody and was just a fun-loving young man," his father said.

On behalf of the communities in western and central Illinois, I would like to extend my thoughts and sincere prayers to the Miller and Mahnesmith families at this difficult time. Senior Airman Miller's courage in serving his country will not soon be forgotten and a grateful Nation stands humbled.

My heart also goes out to the families and friends of TSgt Timothy Weiner of Florida, and SrA Elizabeth A-Loncki of Delaware, who were also fatally injured in the same roadside bomb attack.

INTRODUCTION OF RESOLUTION URGING BANGLADESHI GOVERNMENT TO DROP JOURNALIST'S SEDITION CHARGES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. KIRK. Madam Speaker, today, I am reintroducing a resolution with Congresswoman NITA LOWEY (D–NY) calling on the Government of Bangladesh to drop sedition charges pending against Bangladeshi journalist Salah Uddin Shoaib Choudhury. Mr. Choudhury faces these charges because of his belief in an interfaith dialogue between Jews and Muslims and articles he published critical of Islamic extremism. Under Bangladeshi law, sedition is a crime punishable by death.

Mr. Choudhury is a journalist in Bangladesh known for his views on expanding dialogue between Muslims and Jews, developing ties with Israel, and criticizing the rise of Islamist parties in Bangladesh. Mr. Choudhury was detained in November 2003 at Zia International Airport in Dhaka, Bangladesh, on his way to board a flight bound for Tel Aviv, Israel, to participate in the annual Hebrew Writers Conference. Mr. Choudhury's passport was seized, along with considerable sums of money and several personal items. On that same day, police raided his home and newspaper, seizing files, computers, and other valuables.

Since Bangladeshi law prohibits travel to Israel, Mr. Choudhury was first cited for a minor passport violation. He subsequently was charged with sedition, accused of espionage as an Israeli spy, and incarcerated for 17 months. He was subjected to harsh interrogation techniques, and received no treatment for a debilitating case of glaucoma.

Despite public pledges from senior Bangladeshi Government officials that all pending legal action against Mr. Choudhury would be dropped, the government pressed forward on its prosecution of Choudhury for sedition. Mr. Choudhury won PEN USA's "Freedom to Write Award," and was presented with the American Jewish Committee's prestigious "Moral Courage Award" in absentia in Washington, DC. Mr. Choudhury's newspaper offices were bombed by Islamic extremists in July, and he was attacked by a mob in his office on October 5. Then a judge with alleged ties to an Islamic extremist group ruled that Mr. Choudhury must stand trial for sedition.

For his message of moderation and interfaith dialogue, Shoaib Choudhury is facing unjust criminal charges in an effort to silence him. Congress must send a clear message: we cannot allow moderate voices in the Muslim world to be silenced.

The resolution I introduce today calls on the Government of Bangladesh to drop all charges against Shoaib Choudhury, return his passport and possessions, and end his harassment. I want to thank Congresswoman NITA LOWEY for being the lead cosponsor of this legislation. I look forward to working with her and my other colleagues on this important human rights initiative.

IN RECOGNITION OF LORAINE KEHL ON HER RETIREMENT FROM THE U.S. HOUSE OF REPRESENTATIVES

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. EHLERS. Madam Speaker, I rise today to pay tribute to my longtime executive assistant and scheduler, Loraine Kehl, who is retiring on February 6 after 22 years of service to this House of Representatives and the citizens of the Third Congressional District of Michigan, which I represent.

Loraine was an original staff member dating back to when I took office on Dec. 7, 1993. Prior to working for me, she served in her same capacities for my predecessor, the late Paul Henry, throughout most of his tenure in the House, dating back to 1985. Prior to working for Congressman Henry, she also worked briefly for the House Budget Committee. In her time with me, she has been my indispensable, right-hand person. She keeps me on schedule, makes sure all the bills are paid and the trains run on time. Though it should go without saying, she will be greatly and deeply missed.

Given her 22 years of service to our district, it is no surprise that she is well known and beloved among the people of Grand Rapids and West Michigan and the many other people who have done business with our office. She has been a fixture in our front office, greeting old friends and newcomers alike, offering assistance in getting White House tours and providing advice for visitors to Washington. She is deeply appreciated by my constituents for her helpful assistance, her impeccable memory for names and faces and her consistent concern for the needs of those who call or visit. In a very real way, she has been the public face for our Washington office for more than the past two decades.

Madam Speaker, I hope that you and the rest of our colleagues will join me in wishing Loraine Kehl a very happy and fulfilling retirement.

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. LEVIN. Madam Speaker, last Friday, I was unavoidably absent during rollcalls 22 and 23. Had I been present, I would have voted "nay" on rollcall 22, the motion to recommit H.R. 4 with instructions. I would have voted "yea" on rollcall 23, final passage of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007.

SUPPORT FOR THE SAFE COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. WOLF. Madam Speaker, today I reintroduced legislation in the House of Representatives aimed at addressing the looming financial crisis facing the Nation, the Securing America's Future Economy (SAFE) Commission Act. The bill would establish a national bipartisan commission that will put everything—entitlement spending as well as all other Federal programs and our Nation's tax policies—on the table and require Congress to vote up or down on its recommendations in their entirety, similar to the process set in 1988 to close military bases. Mandating congressional action on the panel's recommendations is what differentiates this commission from previous ones.

Support for the bill is coming from both sides of the aisle. I submit for the RECORD an op-ed by former Senators Bob Kerrey and Warren Rudman that ran in the Washington Post, an op-ed by former Congressman Tim Penny that ran in the Washington Times, columns by David Broder and Robert Samuelson, and editorials from the Dallas Morning News, and the Orlando Sentinel on the topic of entitlement reform.

This legislation will be good for the future of America.

[From the Washington Post, Aug. 28, 2006]

SECURING FUTURE FISCAL HEALTH

[By Bob Kerrey and Warren B. Rudman]

The economic and moral case for long-term reform of fiscal policy is clear. Yet politicians refuse to act. If this stalemate persists, it could end in catastrophe.

Over the next 30 years, spending on federal programs is on track to go up by 50 percent as a share of the economy. If revenues remain at their historical level, the resulting deficits will approach 20 percent of gross domestic product by 2036—almost 10 times the current size. The debt will surge to 200 percent of GDP—twice what it was at the end of World War II.

Political realities explain why nothing has been done about this. Changing course would require substantial spending cuts from projected levels or equivalent tax increases. Neither party wants to be the first to propose these tough choices out of fear that the other side would attack it. Similarly, neither side wants to discuss possible compromises of its own priorities, out of fear that the other side will take the concessions and run. Unfortunately, these fears are justified.

Since the regular legislative process seems incapable of dealing with the impending crisis, some alternative has to be found. President Bush has suggested a commission. Having served on many commissions, we understand their potential value. We also understand how they can go wrong. In our view, a new commission could be very useful, but only if it recognizes fiscal and political realities. It needs five elements to succeed.

First, it has to be truly bipartisan. Any perception that the commission's purpose is to facilitate swift enactment of a partisan agenda would doom it to failure. It must have bipartisan co-chairs and equal representation. Doing otherwise in the current partisan environment would be a waste of time and money.

Second, it must have a broad mandate. While it is critical to control the growth of entitlements, particularly Medicare and Social Security, the commission should examine all aspects of fiscal policy.

Third, all options must be on the table. If either side sets conditions, the other won't participate. Republicans cannot take tax increases off the table, and Democrats cannot take benefit reductions off the table.

Fourth, the commission needs to engage the public in a genuine dialogue about the trade-offs inherent in realistic solutions. When people are armed with the facts and given the opportunity for honest dialogue, they are willing to set priorities and make hard choices.

Fifth, the commission's recommendations should be given an up-or-down vote in Congress, allowing for amendments that would not reduce the total savings. Absent that, the report would likely join many others on a shelf.

Rep. Frank Wolf (R-Va.) and Sen. George Voinovich (R-Ohio) have put forward a proposal that satisfies most of these elements. They would create a bipartisan commission with a broad mandate to examine long-term fiscal challenges. All policy options would be on the table. The commission would solicit input from the public and develop legislation that Congress and the president would be required to act on. Its work would address four key concerns: the unsustainable gap between projected spending and revenue, the need to increase national savings, the implications of foreign ownership of U.S. government debt and the lack of emphasis on long-term planning in the budget process.

A commission with these attributes could give all parties the political cover they need to tackle the tough choices and develop a bipartisan consensus for solutions. This would be invaluable regardless of who controls Congress or the White House.

In the end, of course, elected representatives, not a commission, will have to make the hard decisions. But a commission that produced solutions with meaningful bipartisan support would provide a catalyst for action. If Congress were required to vote on the commission's recommendations, opponents would be challenged to produce solutions of their own.

Advocates of extending tax cuts would be challenged to say how they would restrain spending enough to avoid cascading debt once the baby boomers begin to retire in large numbers. Those who oppose reductions in current entitlement promises would be challenged to say how they would fund those promises without squeezing out other priorities or raising taxes to unacceptable levels that could damage the economy.

The Wolf-Voinovich proposal has been greeted with silence or outright hostility. It deserves better. This is a serious proposal by two leaders who regard the debt burden and draconian policy options we are leaving to future generations as a moral stain on our nation's character.

To be sure, their proposal has shortcomings that must be corrected. Two improvements that are critical to the success of a commission are providing for bipartisan co-chairs and dividing the membership more evenly between parties than the current 9-6 split in favor of Republican appointments. These problems are not minor technicalities, but they could be fixed in negotiations with potential Democratic co-sponsors.

Time is running out to enact reforms. Wolf and Voinovich have come up with a credible way to get the process started. Any takers?

[From the Washington Times, Sept. 4, 2006]

TAXES AND SPENDING—SUPPORT WOLF'S BILL ON ENTITLEMENTS

(By Timothy J. Penny)

Every American is familiar with the story of the "Boston Tea Party." In 1773 the British parliament passed the Tea Act, which then inflamed the colonial issue of "taxation without representation." In response to the "tea tax" dozens of courageous colonists who called themselves the "Sons of Liberty"—boarded three British ships and dumped 45 tons of tea into the Boston Harbor.

I have come to believe that we need a modern day equivalent of the Boston Tea Party. Here is why I have arrived at this conclusion: Our nation's current fiscal policies are creating a mountain of debt that our grandchildren will be forced to repay through higher taxes. The unfunded promises we have made to recipients of Social Security and Medicare and other entitlement programs will almost certainly lead to higher taxes on today's children and those yet to be born. In my view, that amounts to "taxation without representation."

The British parliament paid no heed to the American colonists because the Americans had no vote or voice in the halls of government. Similarly, today's Congress seldom considers the long-term consequences of its budget decisions because kids don't vote.

Part of the problem lies with the current congressional budget process. On Capitol Hill the bulk of time and attention each year is devoted to the annual appropriations bills. While these bills—which fund defense and domestic programs—are important, they constitute only about one-third of all the money spent by the federal government. The other two thirds of spending goes to so-called "mandatory" programs: interest on the debt and entitlement programs, such as Social Security, Medicare and Medicaid. Though representing the vast majority of dollars spent every year, these "mandatory" spending programs receive little—if any—debate on Capitol Hill The expenditures are essentially automatic. That is not right.

Why shouldn't every dollar of expenditure come under close review every year? More attention must be paid to these mandatory programs because of their long-range costs. Before long, Social Security and Medicare alone will consume virtually all the taxes paid by working Americans. It is not fair to the next generation to saddle them with enormous costs for entitlement programs and leave them no alternative except to reduce spending for other priorities or to pay ever higher taxes.

Unlike our patriot forbears, we do not have to resort to extreme measures. But we do need an uprising of the American public demanding that our elected representatives do their jobs. By e-mail, letters, phone calls or speaking out at town meetings, we must make our voices heard. We must speak out for those who are too young to speak for themselves.

When we speak out, we can specifically ask legislators to join their colleague, Rep. Frank Wolf, Virginia Republican, in sponsoring legislation to create a bipartisan entitlement commission. Mr. Wolf is a member of the appropriations committee, and understands that entitlement spending deserves closer scrutiny than is provided in the current budget process. He realizes that the difficult decisions required—if entitlement spending is to be brought under control—can only be achieved through a bipartisan effort. He also believes that all options must be on the table. Finally, and most importantly, he sees that as a matter of morality and fairness to future generations.

So, during the coming weeks as legislators wrap up their work in Washington and return home to campaign, speak out for your children and grandchildren. If, after hearing from us, our elected officials refuse to endorse Mr. Wolf's reasonable approach, then, like the Boston Tea Party, we should throw them overboard this November.

[From the Washington Post, May 21, 2006]

BAILING THE FUTURE OUT OF DEBT

(By David S. Broder)

Almost forgotten in the rush events these past four months is the proposal President Bush offered in the State of the Union address for a bipartisan commission to examine the future of Medicare, Medicaid, Social Security and other entitlement programs.

But that idea is due for a rebirth next month—in the form of legislation to create such a commission. Its sponsor, Rep. Frank Wolf, a veteran Republican from Virginia, is well aware of the hazards facing any such enterprise. But unlike the president, he is explicitly prepared to remove one giant roadblock by signaling that everything—including taxes—would be on the table.

The need for such a bipartisan approach is evident. As Charles Blahous, the White House aide who has been pursuing the commission idea, told a Concord Coalition forum last week, Medicare and Medicaid are growing far faster than inflation and will consume an ever-larger share of the budget as the baby boomers reach retirement age, starting in just a couple of years. Social Security and veterans' pensions are moving in the same direction.

"We cannot wait until 2040," when those programs could crater, Blahous said. "And we can't just do incremental reform."

Bush took his first stab at fixing Social Security last year with a proposal to create private accounts, but it ran into a buzz saw of opposition led by AARP and congressional Democrats and never came to a vote.

The commission, idea seemed a safe fallback when Bush floated it in January, but his overtures to Democrats were not accepted.

House Minority Leader Nancy Pelosi publicly ridiculed the idea, and former Treasury secretary Robert Rubin, approached personally by the president, said that the mandate of the commission would have to be broad enough to include revenue before he would consider participating.

Months later, the White House insists it is still seeking partners for the project, and a spokesman told me that, "there is no litmus test" for participants.

But I have talked with many of the backstage players in this drama, and their sense is that Bush will not allow his tax cuts to be weighed along with any savings on the benefits side—at least not before this November's midterm election.

Enter Frank Wolf, known as "the conscience of the House," because of his involvement in humanitarian causes here and overseas. "The issue is not just economic, it's moral," he told me. "We have 11 grandchildren, and I cannot square my generation laying off our debt on them."

"I supported all the president's tax cuts," Wolf said, "but I look down the road and I see just a very bleak situation."

Wolf will propose a bipartisan commission that would hold hearings around the country and report back in six to nine months on steps to deal with the long-term budget crisis. His legislation, modeled on the procedure now used for closing surplus military bases, would require the House and Senate to hold a vote on the commission proposal—but allow each body and the president to submit an alternative that achieves at least as good a result.

Wolf's hope is that the commission would attract such figures as former representatives John Kasich, an Ohio Republican, and Charles Stenholmm a Texas democrat, or former Treasury secretaries Rubin and James A. Baker III.

His proposal meets most of the criteria set forth at last week's panel by David Walker, the head of the Government Accountability Office, as critical to a successful commission. But Walker said presidential support and leadership are also vital to success.

Wolf told me, "You'd hope the commission members wouldn't look at taxes first, but they have to look at everything." That was emphatically the view of everyone on the concord Coalition panel, including Walker, Stenholm, and two rather liberal economists, Isabel Sawhill and Maya MacGuineas, as well as Joseph Minarik of the business-backed committee for Economic Development.

The most conservative panelist, Stuart Butler of the Heritage Foundation, said that he accepted the idea that revenue would have to be open to discussion for the Democrats to "buy in."

But he proposed that conservatives could be mollified if the commission's mandate included an instruction that any changes in the tax code must help simplify the system and increase economic growth. "That way, it's win-win," he said.

The White House had scheduled a meeting for the president with some of the experts on the Concord Coalition panel to walk through the plans for such a commission. That session was postponed, and it has not been rescheduled.

But if the president is interested—and if he is willing to put "everything on the table"—the Wolf initiative could become his action-forcing device.

[From the Washington Post, Jan. 10, 2007]

ENTITLED SELFISHNESS—BOOMER GENERATION IS IN A STATE OF DENIAL

(By Robert J. Samuelson)

As someone born in late 1945, I say this to the 76 million or so subsequent baby boomers and particularly to Bill Clinton and George W. Bush, our generation's leading politicians: Shame on us. We are trying to rob our children and grandchildren, putting the country's future at risk in the process. On one of the great issues of our time, the social and economic costs of our retirement, we have adopted a policy of selfish silence.

As Congress reconvenes, pledges of "fiscal responsibility" abound. Let me boldly predict: On retirement spending, this Congress will do nothing, just as previous Congresses have done nothing. Nancy Pelosi promises to "build a better future for all of America's children." If she were serious, she would back cuts in Social Security and Medicare. President Bush calls "entitlement spending" the central budget problem. If he were serious, he, too, would propose cuts in Social Security and Medicare.

They are not serious, because few Americans—particularly prospective baby-boom retirees—want them to be. There is a consensus against candor, because there is no constituency for candor. It's no secret that the 65-and-over population will double by 2030 (to almost 72 million, or 20 percent of the total population), but hardly anyone wants to face the implications:

By comparison, other budget issues, including the notorious earmarks, are trivial. In 2005, Social Security, Medicare and Medicaid (the main programs for the elderly) cost $1.034 trillion, twice the amount of defense spending and more than two-fifths of the total federal budget. These programs are projected to equal about three.quarters of the budget by 2030, if it remains constant as a share of national income.

Preserving present retirement benefits automatically imposes huge costs on the young—costs that are economically unsound and socially unjust. The tax increases required by 2030 could hit 50 percent, if other spending is maintained as a share of national income. Or much of the rest of government (from defense to national parks) would have to be shut down or crippled. Or budget deficits would balloon to quadruple today's level.

Social Security and Medicare benefits must be cut to keep down overall costs. Yes, some taxes will be raised and some other spending cut. But much of the adjustment should come from increasing eligibility ages (ultimately to 70) and curbing payments to wealthier retirees. Americans live longer and are healthier. They can work longer and save more for retirement.

Because I've written all this before, I can anticipate some of the furious responses from prospective retirees. First will be the "social compact" argument: We paid to support today's retirees; tomorrow's workers must pay to support us. Well, of course they will pay; the question is how much. The alleged compact is entirely artificial, acknowledged only by those who benefit from it. My three children (ages 16 to 21) didn't endorse it. Judging from the e-mail I receive, neither did many 20- or 30-somethings.

Next I'll hear that the Social Security and Medicare trust funds, intended to cover future benefits, have been "plundered." Blame Congress and the White House—not us. This is pure fiction.

Social Security, Medicare and Medicaid are pay-as-you-go programs. Present taxes pay present benefits. In 2005, 86 percent of Social Security payroll taxes went to pay current retiree benefits. True, excess taxes had created a "surplus" in the Social Security trust fund (it hasn't been "plundered") of $1.66 trillion in 2005; but that equaled less than four years' worth of present benefits. More important, Medicare and Medicaid represent three-quarters of the projected spending increase for retirees by 2030.

All the misinformation bespeaks political evasion. With his rhetorical skills, Clinton might have raised public understanding. Instead, he lowered it by falsely denouncing the Republicans for attempting to "destroy" Medicare. The first refuge of good Democrats is to accuse the Republicans of conspiring against old folks by trying to dismantle Social Security and Medicare. And Bush's credibility is shot, because he made the problem worse. His Medicare drug benefit increases spending, and though it could have been justified as part of a grand bargain that reduced other benefits, its isolated enactment was a political giveaway.

The failure to communicate also implicates many pundits and think tanks, liberal and conservative. Pundits usually speak in bland generalities. They support "fiscal responsibility" and "entitlement reform" and oppose big budget deficits. Less often do they say plainly that people need to work longer and that retirees need to lose some benefits. Think tanks endlessly publish technical reports on Social Security and Medicare, but most avoid the big issues. Are present benefits justified? How big can government become before the resulting taxes or deficits harm the economy?

Opportunities for gradual change have been squandered. These public failings are also mirrored privately. I know many bright, politically engaged boomers who can summon vast concern or outrage about global warming, corporate corruption, foreign policy, budget deficits and much more—but somehow, their own Social Security and Medicare benefits rarely come up for discussion or criticism. Older boomers (say, those born by 1955) are the most cynical, hoping their benefits will be grandfathered in when inevitable cuts occur in the future.

Our children will not be so blind to this hypocrisy. We have managed to take successful programs—Social Security and Medicare—and turn them into huge problems by our self-centered inattention. Baby boomers seem eager to "reinvent retirement" in all ways except those that might threaten their pocketbooks.

[From The Dallas Morning News, June 8, 2006]

DEEP IN THE BUDGET HOLE—BIPARTISAN PANEL COULD HELP COUNTRY DIG OUT

When you're almost $10 trillion in the hole, you've got to call somebody, right?

Fortunately, GOP Rep. Frank Wolf has a suggestion to deliver us from the gates of budget hell. The Virginia legislator introduced legislation yesterday that would establish a bipartisan commission charged with presenting the choices required to balance the budget.

The panel would function like the commission that former Texas GOP Rep. Dick Armey launched to close down unnecessary military bases. An independent group would give Congress a budget package, which legislators would vote up or down on unless the House and Senate come up with better solutions.

President Bush proposed a version of this approach earlier this year when he called for a bipartisan commission to recommend how Washington can control runaway spending on Social Security, Medicare and other big guaranteed programs.

But Mr. Wolf understands that the budget challenges are not all about spending. They also involve taxes and how much revenue the Treasury needs to pay for the services Americans demand.

In an encouraging sign, White House economic adviser Allen Hubbard recently acknowledged that any bipartisan panel probably would look at taxes.

He wasn't saying the White House is backing off its fondness for tax cuts, but it was a Washington way of saying, "Let's look at the whole range of choices."

We encourage North Texas representatives to line up as sponsors of Mr. Wolf's legislation and help get it through the House this summer. (The delegation's chief deficit fighter, GOP Rep. Jeb Hensarling of Dallas, told us last week that he wants to look at the proposal.)

It's time Washington reaches out for help.

By the numbers: $9.6 trillion: The amount of debt Congress recently authorized the Treasury to borrow (the limit was $6.4 trillion four summers ago); $2.8 trillion: The likely 2007 federal budget; $399 billion: Next year's interest expense on the federal debt; $27,000: What every man, woman and child would owe to eliminate the federal debt; 37.4 percent: How much of the gross domestic product the federal debt consumes.

[From the Orlando Sentinel, June 12, 2006]

GET ON WITH IT

Our position: A panel on Medicare and other issues would get needed talks started.

Finally, someone in Congress has taken up President Bush's call for a bipartisan commission on the looming financial crisis if no changes are made to Medicare, Medicaid and Social Security.

Unchecked growth in the cost of these programs in coming decades will devastate the economy by forcing some combination of huge tax increases, drastic spending cuts or massive borrowing.

This past week, Republican Rep. Frank Wolf of Virginia proposed a panel aptly named SAFE, to secure America's future economy. Its bipartisan experts would deliver a package of recommendations to Congress for an up-or-down vote.

Mr. Wolf says he is open to suggestions on his proposal. Members unwilling to support it have a moral obligation to come forward with something they deem better.

INTRODUCTION OF THE VALERIE PLAME WILSON COMPENSATION ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. INSLEE. Madam Speaker, I rise today to bring to the attention of Congress one of the human impacts caused by the indiscretion of government officials regarding the covert identity of Central Intelligence Agency operative Valerie Plame Wilson.

As nearly every American knows, and as most of the world has heard, the covert CIA identity of Valerie Plame Wilson was exposed to the public as part of an Administration response to a critical op-ed published in the New York Times by Mrs. Plame Wilson's husband, Joe Wilson.

The national security ramifications for this act have been discussed thoroughly on this floor, in the news media, and I am quite certain behind CIA's closed doors. Today I intend to call my colleagues' attention to the human toll that this "outing" has had on one, often overlooked, individual. That person is Valerie Plame Wilson.

While the media, Congress, and the judiciary have gone to great lengths to discuss the impact of this unfortunate act on politicians, bureaucrats, agents in the field, and the suspected perpetrators of the outing, few have looked at the impact that the outing has had on Mrs. Plame Wilson and her family.

On July 14, 2003, Mrs. Plame Wilson's professional life was forever altered, and her CIA career irrevocably ruined by the syndicated publication of a column, which revealed Mrs. Plame Wilson's identity as a covert CIA officer. Since this time, numerous reports on Mrs. Plame Wilson's personal history have surfaced in the press, official government documents, and by government officials.

Following the initial outing in the media, Mrs. Plame Wilson's future as a covert CIA operative ceased to exist and her career of two decades was destroyed. On January 9, 2006, Mrs. Plame Wilson resigned from the CIA, recognizing that any future with the Agency would not include any work for which she had been highly trained. For these reasons, and under these distressing conditions, Mrs. Plame Wilson voluntarily resigned from the Agency.

Despite Mrs. Plame Wilson's 20 years of federal service, she does not meet the minimum age requirement to receive her retirement annuity. She has been left without a career.

I am introducing legislation to allow Mrs. Plame Wilson to qualify for her annuity, as one who has served her country for two decades, and waive the age requirement for collecting it. To best demonstrate the annuity for which Mrs. Plame Wilson may qualify if this legislation were to pass, I am submitting for the record a document sent to Mrs. Plame Wilson by the CIA. It outlines her deferred annuity and testifies to 20 years of service. The document bears no indications of classified material as required by CIA procedures, and was sent via regular postal mail after Mrs. Plame Wilson was no longer in the employ of the CIA. Legal experts have assured me that this is not a classified document.

I believe that this is one small measure to help send a message that we must stand up for public service officers, such as Mrs. Plame Wilson, who have been treated wrongly despite their loyalty and sacrifice to country. For those who have been, for all practicable purposes, pushed out of public service for reasons unrelated to performance, but instead seeded in politics, we should not turn our backs.

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, February 10, 2006.

Mrs. VALERIE WILSON

DEAR MRS. WILSON, This letter is in response to your recent telephone conversation with regarding when you would be eligible to receive your deferred annuity. Per federal statute, employees participating under the Federal Employees Retirement System (FERS) Special Category, who have acquired a minimum of 20 years of service, are eligible to receive their deferred annuity at their Minimum Retirement Age (MRA). Your MRA is age 56, at which time you'll be eligible to receive a deferred annuity.

Your deferred annuity will be based on the regular FERS computation rate, one percent for every year of service vice the FERS Special rate of 1.7% for every year of service. You will receive 1.7% for each year of overseas service, prorated on a monthly basis, after January 1, 1987 in the calculation of your annuity. Our records show that since January 1, 1987, you have acquired 6 years, 1 month and 29 days of overseas service.

Following is a list of your federal service: Dates of Service: CIA, CIA (LWOP), CIA (P/T 40), from 11/9/1985 to 1/9/2006—total 20 years, 7 days.

Based on the above service and your resignation on January 9, 2006, your estimated deferred annuity is $21,541.00 per year, or $1795 per month, beginning at age 56.

The above figures are estimates for your planning purposes. The Office of Personnel Management, as the final adjudicator of creditable service and annuity computations, determines final annuity amounts. Please let me know if I can be of any further assistance.

Sincerely,

——.

TRIBUTE TO THE REVEREND JAMES D. PETERS

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Ms. DEGETTE. Madam Speaker, I rise to honor the extraordinary life and exceptional accomplishments of the Reverend James D. Peters, Pastor of New Hope Baptist Church. This remarkable gentleman merits both our recognition and esteem as his spiritual leadership, service and lifelong devotion to civil rights have done much to advance the lives of our people.

While many have made notable contributions to our community, few have left a legacy of progress as has Reverend Peters. He is a powerful champion of social justice and has led with those who fought for civil liberty and whose deeds changed the very fabric of our nation. Reverend Peters has touched countless lives and he has built a ministry that joins faith with equality. He is a dynamic pastor whose teaching and counsel is infused with a spiritual fervor that constantly edifies us and moves us to do what is right.

Reverend Peters' journey began in Washington D.C., the son of a baseball player. He grew up poor but he grew up in church. He was a gifted student and grew to recite Longfellow, Keats and Kipling. He worked full time at the Navy Annex near the Pentagon and struggled to get an education, attending night school for ten years. Reverend Peters recently noted that "I couldn't eat in restaurants, I couldn't sleep at a hotel or go to the movies. I could never go to school with white children. All the way through high school, I never sat in a classroom with white people, not until I went to college." Many of us in this country forget how far we've come. Although civil liberties have deep roots in our republic, there was a time when fundamental decency and equality for all people were not a part of our shared experience. The courage and the work of Reverend Peters during the dark days of the Civil

Rights Movement helped make fairness and equal rights part of our shared values. Reverend Peters was at the founding meeting of the Southern Christian Leadership Conference and he worked directly with Dr. Martin Luther King, Jr. He faced guns and dogs during the marches and civil rights demonstrations in Albany, Georgia, in Selma and in Birmingham, Alabama. He was part of the March on Washington that led to the steps of the Lincoln Memorial where Dr. King gave his unparalleled "I Have a Dream" speech.

Reverend Peters' work ethic and his service to the Civil Rights Movement molded a life of enduring accomplishment and a vocation that included ministering to congregations in Connecticut and Virginia. He became pastor of Denver's New Hope Baptist Church in February of 1979 and during his twenty-eight year tenure, he led his congregation through construction of a new church home and the expansion of services for an ever growing congregation. As a spiritual leader, he has burnished a reputation as a powerful advocate for inclusion and expanding opportunity for all people. He served as a volunteer member of the Denver Housing Advisory Board for approximately ten years assisting the twenty-two thousand public housing residents in changing the quality and image of public housing.

He served as a member of the Colorado Civil Rights Commission for nine years, serving as its Chairman from 1987 to 1989, during which time he traveled throughout Colorado and held countless civil rights hearings to secure justice and equality for all citizens,

Reverend Peters has received service recognitions from numerous organizations including the Southern Christian Leadership Conference, Martin Luther King, Jr., the Anti-Defamation League, the Denver Post and the NAACP, He is also the recipient of the Carle Whitehead Award, the highest award given by the American Civil Liberties Union.

Reverend James Peters is an unrelenting advocate for the causes that elevate the human condition and his immeasurable contributions to the spiritual life of our community merit our gratitude. He has led in the struggle for freedom, justice and equality for all people. But Reverend Peters' leadership goes to the heart of what he means to be a leader. "Nathalia Young, a pastor at New Hope Baptist Church . . . remembers how he helped homeless people himself, not delegating it to a deacon. (He) would get into his own car, and use his own money to get someone a hotel room. And then there was a Christmas season one year, when a woman and her children were suddenly homeless. 'He didn't just get her connected with housing but also supplied her with gifts and food.'" Reverend Peters leads by example.

In a recent Denver Post article, Reverend Peters expressed "concern that young people don't understand what it was like before the Civil Rights Act and that some believe King's message is now irrelevant." At some level, I think we all share his concern. But I would submit that Reverend Peters' legacy provides a powerful example that not only affirms Dr. King's undertaking, but inspires all of us to remember the struggle and keep faith with those who have gone before.

Reverend Peters' tenure as pastor of New Hope Baptist Church is quickly drawing to a close. His leadership has been exemplary and his contributions are rich in consequence. On behalf of the citizens of the 1st Congressional District of Colorado, I wish to express our gratitude and look forward to his continued involvement in the life of our community.

Please join me in paying tribute to Reverend James D. Peters, a distinguished spiritual and civic leader. The values, leadership and commitment he exhibits set the mark and compel us to continue the work that distinguishes us as Americans.

OPPORTUNITY KNOCKS IN TURKMENISTAN: IS ANYONE LISTENING?

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Ms. SCHAKOWSKY. Madam Speaker, the Administration's crusade to spread democracy to the Middle East has been a major disappointment, but opportunity is knocking nearby in Central Asia and we should be taking advantage of it. But there isn't much time.

The opportunity for positive change was created by the death late last month of Turkmenistan's despotic dictator, President Saparmurat Niyazov, whose role model was Josef Stalin. The urgency for the United States to act is created by those who want to follow in his footsteps.

The Turkmen people deserve the right to elect their leaders in free and fair elections. That seems highly unlikely because of the junta that has tried to consolidate power in the aftermath of Niyazov's sudden demise. Consisting of the remaining holdouts from Niyazov's government and controlled by his former bodyguards, the junta leaders have pledged to continue the "dear leader's" style of "democracy," ordering yet another statue of him to be built.

The constitution has been re-written to allow the junta's candidate to run in the presidential elections—scheduled for February 11—virtually unchallenged. The regime's most competent opponents—the exiled community of business leaders and intellectuals—have effectively been prevented from contesting the elections.

For too long the United States has ignored Niyazov's abuses and we continue to fail to articulate our official position regarding relations with the "interim government." I call on the Secretary of State to condemn the junta's unconstitutional actions and demand that it allow its opponents to participate in the February 11 election. Until that happens, the United States must refuse to recognize the government in Ashgabat as legitimate, and order federal agencies, including Treasury, State and Justice, to block all of its banking activities.

Nurmuhammet Hanamov, the founding chairman of the Republican Party of Turkmenistan who was his country's former ambassador to Turkey and Israel, has written an incisive article in the Washington Post calling on the West to take advantage of Niyazov's passing to help lead his country toward Democracy. A leader of the prodemocracy movement, Mr. Hanamov was forced into exile and his two sons were assassinated in 2005 in retaliation for his outspoken opposition to the regime. I ask that his article be included in the CONGRESSIONAL RECORD so that all may read the heartfelt plea of this courageous individual.

[From the Washington Post, Jan. 3, 2007]

A NEW BEGINNING FOR TURKMENISTAN

(By Nurmuhammet Hanamov)

Last week Turkmenistan buried its brutal dictator, Saparmurad Niyazov. His ruthless reign spanned two decades, during which time his policies became increasingly irrational and unpredictable. The long list of Niyazov's crimes against our people includes: banning all political parties except his own and jailing his opponents; preventing thousands of "disloyal" citizens from traveling abroad; persecuting religious and ethnic minorities; outlawing opera; and shutting down regional hospitals, firing thousands of doctors and nurses. Under Niyazov, Turkmenistan became a corridor for heroin trafficking from Afghanistan to the West and gained for itself one of the highest heroin addiction rates in the world.

Above all, Niyazov was a selfish and kleptocratic despot, stashing billions in proceeds from the sale of the country's enormous natural gas resources in personal accounts in Western banks. He used this money to fuel his outlandish personality cult, building opulent palaces and golden statues of himself even as his people were deprived of basic necessities and suffer one of the world's lowest life expectancy rates. The West's indifference was striking compared with the relentless criticism by the United States and the European Union against the more benign regime of Alexander Lukashenko, president of gas-poor Belarus.

With Niyazov gone, the West has a historic second chance to help our country make a peaceful transition to democracy. Turkmenistan's interim rulers have unfortunately pledged to continue Niyazov's policies (even ordering new statues of him), and their efforts to grab power amount to a coup d'état. The former health minister—under the de facto control of Niyazov's Presidential Guard—has arrested the speaker of Parliament, who constitutionally is next in the line of succession. He has sealed the country's borders and, using other unconstitutional measures, has set the stage for his own unchallenged victory in presidential elections scheduled for Feb. 11.

The United States must send a clear message to Niyazov's holdouts in the "interim government" in Ashgabat: that they will not have its support unless they agree to hold free and fair elections—ones that allow all citizens of Turkmenistan, including exiled opposition leaders and political prisoners, to take part.

We know that the United States has tried to help the people of Turkmenistan in recent years, and thanks to American educational exchange programs, there is a thriving community of bright Turkmen students and intellectuals who are living in Western countries and are ready to return and help rebuild their country. This community is largely held together by the efforts of Khudaiberdy Orazov, a former chairman of the National Bank and an accomplished and energetic leader who was forced into exile several years ago. He was unanimously nominated to be a candidate in the February presidential elections by a broad coalition of opposition groups inside and outside of Turkmenistan. According to a recent poll, Orazov's candidacy would have the support of a majority of Turkmen voters. Until Orazov and other opposition candidates are allowed to contest the February elections, the United States and the European Union must refrain from recognizing the junta in Ashgabat and freeze all personal accounts of Niyazov and his cronies abroad. We hope that members of Congress and other government officials will visit Turkmenistan soon to personally deliver that message.

We must rebuild our country, and with the help of our friends and neighbors we can do it in an open and transparent way. Priorities for a democratically elected government during the initial post-Niyazov reconstruction must be to release all political prisoners, conduct open tenders and allow Western companies to bid for a stake in developing Turkmenistan's oil and gas fields; to consider new ways of getting our gas and oil to Western markets; to restore private property that Niyazov confiscated from Turkmen citizens; and to create a reconstruction fund using Niyazov's personal bank accounts and proceeds from the sale of oil and gas to revive the health-care and education systems.

The United States is spending billions of dollars trying to turn Afghanistan and Iraq—both deep in the throes of civil war—into democratic nations while all but abandoning their peaceful post-Soviet neighbors to the north. Turkmenistan is ready for a new beginning, and the West must finally step up to the plate. To do otherwise would waste a historic opportunity and allow yet another case of popular discontent with an illegitimate government to become an anti-Western lost cause.

THE GENETIC INFORMATION NONDISCRIMINATION ACT

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Ms. SLAUGHTER. Madam Speaker, it is with great pride today that I reintroduce the Genetic Information Nondiscrimination Act. I have championed this bill for nearly 12 years, and I am hopeful that this will be the year that it is finally enacted into law.

We all watched with excitement when the first phase of the Human Genome project was successfully completed in April 2003, as scientists finished sequencing the human genome. As a result of this breakthrough, scientists have now identified genetic markers for a variety of chronic health conditions, thereby increasing the potential for early treatment and prevention of numerous diseases.

Genetic issues are insinuating themselves into not only health care decisions, but into many other facets of Americans' lives. For example, under a program called Dor Yeshorim, Hasidic youth take a battery of genetic tests to determine whether they are carriers for any of 10 serious genetic disorders. Young men and women who are both carriers for a given disorder are discouraged from courting each other, based on the fact that there would be a 25 percent chance that their children would be born with a genetic disorder.

Today, there are over 15,500 recognized genetic disorders, affecting 13 million Americans. Yet, each of us possesses some potentially lethal genes. And despite the scientific advances that are helping people prevent these diseases or diagnose them early, those who partake of this innovative technology become potential victims of genetic discrimination. This legislation works to eliminate that potential.

In the past, some have called this legislation "a solution in search of a problem" and suggest that genetic discrimination is rare, if it even happens at all. Unfortunately this is not the case. Despite the fact that these tests are potentially life-saving, many Americans have not taken advantage of this technology because they fear discrimination by insurance companies and their employers.

And these fears are not unfounded. Throughout the 1970s, many African Americans were denied jobs, educational opportunities, and insurance based on their carrier status for sickle cell anemia, despite the fact that a carrier lacked the two copies of a mutation necessary to get sick. In 1998, Lawrence Livermore Laboratories in Berkeley was found to have been performing tests for syphilis, pregnancy, and sickle cell on employees without their knowledge or consent for years. In 2000, the Burlington Northern Santa Fe Railroad performed genetic tests on employees without their knowledge or consent.

These abuses have only fed the public fear of genetic discrimination. Much to the detriment of America's public health and the future benefits of scientific research, this fear has led many individuals to decide against having genetic tests or participating in genetic research.

A study conducted from 2001 to 2003, surveyed 86,859 adults about their willingness to undergo genetic testing. The results, published in June 2005, revealed that 40 percent of participants surveyed felt genetic testing was not a good idea for fear that health insurance companies might deny or drop them from their insurance plan.

The Genetics and Public Policy Center at Johns Hopkins University conducted similar surveys. In 2002, 85 percent of those surveyed did not want employers to have access to their genetic information. By 2004, that number had risen to 92 percent. In 2002, 68 percent of those surveyed said their genetic information should be kept private from health insurers; by 2004, it had increased to 80 percent.

Fears about privacy do not just resonate with the public. Health care professionals are also hesitant to make their genetic information available. In one survey of genetic counselors, 108 out of 159 indicated that they would not submit charges for a genetic test to their insurance companies primarily because of the fear of discrimination. Twenty-five percent responded that they would use an alias to obtain a genetic test so as to reduce the risk of discrimination and maximize confidentiality. And, 60 percent indicated they would not share the information with a colleague, because of the need for privacy and fear of job discrimination.

Clearly, fear of discrimination plays a significant role in a person's decisions about whether to take a genetic test; whether to do it under one's own name; paying out of pocket versus seeking insurance reimbursement; and with whom the information would be shared, including health care providers, coworkers, and family members. The American people desperately want protections against genetic discrimination guaranteed under federal law and the Genetic Information Nondiscrimination Act provides these protections.

This bill has broad support from the health community. The Coalition for Genetic Fairness which consists of 141 organizations has been outspoken in their support for GINA. Here in the House, along with my colleagues Ms. BIGGERT, Ms. ESHOO, and Mr. WALDEN, we are joined by over 135 original cosponsors. The Senate has passed it twice, and even the White House has come out in support of this bill.

GINA provides the protections from genetic discrimination that Americans want and would allow genetic research to move forward in this country so we can all live healthier lives.

I urge its quick passage.

SENATE—*Wednesday, January 17, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God who rules the raging of the sea, You have created us for Your glory. Today help us to see You more clearly, love You more dearly, and follow You more nearly.

Bless our Senators in their labors. Unite them in their efforts to find common ground and to work for the good of the Nation. May they seek creative ways of living a life of service that honors You. Guard them from danger and keep them from sin. As You work out Your plan for humanity, inspire our lawmakers with a joy that makes all difficulties seem worthwhile. Spare them from desiring success that focuses on things that pass away and ignores the things that last eternally. Let Your praise fill their hearts today and always.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 17, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for 1 hour, the first half controlled by the Republicans, the second half under the majority's control. Following morning business, the Senate will resume consideration of the ethics bill, S. 1. Last night, the Senate invoked cloture on an amendment strengthening the gift and travel restrictions. I understand that several second-degree amendments to the amendment are now pending. It is my understanding there are four. I anticipate that we will be in a position to dispose of any germane second-degree amendments later today and then we will dispose of the underlying amendment. Once the Senate has concluded action on the gift travel amendment and any amendments in relation thereto, there will be a cloture vote on the substitute amendment on which cloture was filed last Friday.

I said yesterday, and I say today, we are going to work through this bill as quickly as we can. We were able to get through the first part of the ethics legislation in good fashion. It is my understanding, once we move to the substitute, if cloture is invoked on that, there are about 24 amendments that are germane as of last night. There were a few other amendments filed. I don't know if they are germane. I have been told by staff that 30, 40 percent of those amendments Senators BENNETT and FEINSTEIN will agree to accept. The others we will take a look at and see if they are campaign finance related and try to work through them the best we can. I am also in contact with my distinguished colleague, the Republican leader, to see if he feels that there are other amendments we need to vote on, and we are working on that. Even if they are not germane, if the distinguished minority leader and I have some belief that they will help movement of this bill, I would be happy to work with him in that regard.

We are going to be in recess today for our respective party conferences from 12:30 to 2:15 p.m. If we need to use the whole 30 hours, it would be about 10:30 tonight before we could dispose of the amendment—something like that.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

AMENDMENTS POSTCLOTURE

Mr. McCONNELL. Mr. President, I will be consulting with my colleagues on the Republican side throughout the morning and at lunch on the issues raised by the majority leader with regard to the disposition of the pending amendments. As he indicated, some of them will be germane postcloture. I will be able to inform the majority leader after lunch what other amendments we would hope to have an opportunity to vote on. I share his view that we ought to wrap this bill up as soon as reasonably possible. We will be working toward that end throughout the day.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the minority and the second half of the time under the control of the majority.

The Senator from Kansas.

IRAQ

Mr. BROWNBACK. Mr. President, I thank the leaders for the time this morning.

I recently returned from a trip looking into what is taking place in the war on terrorism. I was in Afghanistan in Kabul and also went to the Afghanistan-Pakistan border, had a brief meeting in Pakistan with our Ambassador and military leadership in Pakistan and also in Kuwait. I then went from there to Iraq. I was in Baghdad for a period of 24 hours plus. I went to Irbil in northern Iraq in the Kurdish region, met with Barzani, head of the Kurdish region, and traveled to Ethiopia to the current front, the expanded front in the war on terrorism, saw what the Ethiopians are doing in Somalia. I met with the Prime Minister of Ethiopia, Meles Zenawi, about what he is doing in Somalia. I had a very good meeting with him and also with our military commanders in that region, with the recent strikes we have done against terrorism in southern Somalia and work we have done with the Ethiopians.

All of this was very informative. There is a mixture of news to report as to what is taking place in the war on terrorism. There are some very positive things happening, particularly the recent events in Somalia, what the Ethiopians are pushing for, and some very positive things happening in Afghanistan, some difficulties we are still having with Pakistani leadership going after some of the threats on the Pakistan-Afghanistan border.

Northern Iraq is booming, the Kurdish area. Investment is flowing. There are cranes and people are building. Baghdad is in great difficulty.

I, also, wish to talk about my suggestions for the route forward. I think the President, in his address, was saying he is proposing a route forward, and if others might oppose or have a different view, all I ask is that you put forward a proposal yourself. That is fair. That is what we ought to do. We are all in this, and we need to see the route forward.

There is good news in Iraq, certainly. We have 140,000 of America's best and brightest working hard every day. I flew on troop transport planes in and out of various places with the troops and met and visited with them along the way. They are impressive. Their dedication and courage and commitment is impressive to feel. It is inspiring. It is inspiring to see. I have a niece and nephew who have signed up to join the Marines. So they are going into this as well. I am proud of them, as is the whole family.

The irrepressible spirit of our soldiers—from new recruits to veterans of multiple—is inspiring. I even saw a father-son team from Kansas in Kuwait. They are enthusiastic, determined, and we depend on them for the success we will achieve in Iraq. I know firsthand it is not just a good sound bite to say we have the best Armed Forces in the world. There is simply no other place in the world that can boast of so many courageous, committed, and talented volunteers so willing to make sacrifices, whenever the country calls upon them. They continue to deserve our great respect and admiration for performing so ably under such difficult circumstances. And the circumstances are that.

Baghdad still feels similar to an occupation zone. I was physically present in Baghdad for about 24 hours. It is hard to say that I saw the city. I left with an enduring image of concrete barriers and convoys of SUVs. I last visited Baghdad in March 2005. The environment is no better than it was at that period of time. Three mortar rounds exploded in the green zone while I was there meeting with the Iraqi Vice President. No one was harmed. They were launched from somewhere way out, but still they hit. It shows how insecure the city remains.

We all wish the situation would get better, but I am particularly disappointed. I have had a long-term interest in Iraq. When I first came to the Senate in 1996, I served on the Foreign Relations Committee and chaired the Middle East Subcommittee that held some of the first hearings on what to do about Saddam Hussein's regime. I carried the Iraq Liberation Act on the floor of the Senate that was signed into law by President Bill Clinton. I helped get the initial $100 million for the Iraqi National Congress. I, also, attended the first INC meeting with Senator Bob Kerrey of Nebraska. We both went to New York City to meet with the opposition about what to do about Saddam Hussein. I, also, attended the first Iraqi National Congress meeting in London. I have been committed to a free, safe, and secure Iraq from the very beginning.

During my meetings last week, I found less reason for optimism. Sunni leaders blame everything on the Shia, and the Shia leaders likewise blame everything on the Sunnis. The Kurdish leadership pointed out that the Sunnis and Shia only meet when the Kurds call the meeting. All of this suggests that, at the present time, the United States seems to care more about a peaceful Iraq than the Iraqis do. If that is the case, it is difficult to understand why more U.S. troops would make a difference.

One other bright spot was my visit to the northern part of the country, the Kurdish region. The security situation is stable and business is booming, as some number of people moving out of Iraq are moving into northern Iraq into the Kurdish region. The Kurds are demonstrating what is possible for the rest of Iraq when violence recedes. The Kurds are pragmatic. They are worried about committing Kurdish forces to Baghdad. I asked Brazani, would he commit Kurdish forces for the peace in Baghdad? He declined to do so. They don't want to get caught in the middle of a sectarian fight. If Iraqi Kurds feel this way, why should we feel any differently? Simply put, the Iraqis have to resolve these sectarian differences. We cannot do it for them.

This does not mean we should pull out of Iraq and leave behind a security vacuum or safe haven for terrorists. I do not support that alternative. It does mean that there must be a bipartisan agreement on our military commitment to Iraq. We cannot fight a war with the support of only one political party, and it does mean that the parties in Iraq—Sunni, Shia, and Kurds—must get to a political equilibrium. I think most people agree that a cut-and-run strategy does not serve our interests, nor those of the world, nor those of the region, nor those of the Iraqi people.

So I invite my colleagues all around, particularly on the other side of the aisle, to indicate what level of commitment they can support. We need to come together in Congress, and as a nation, on a strategy that will make real progress in Iraq and gain as much support as possible from the American people. Only a broadly supported, bipartisan strategy will allow us to remain in Iraq for the length of time necessary to ensure regional stability and to defeat the terrorists. That is our objective. Make no mistake, we may need to be in Iraq for some period of time, as we are in Bosnia, as we were in Europe, as we still remain in Korea. Iraqis should patrol their own streets, but we must continue to hunt down the terrorists. We must balance the aggressive moves by Iran, operating inside of Iraq, which seeks to exploit Iraq for its own gain.

These missions will take time to achieve on our part. It is vital we get a bipartisan way forward on Iraq as soon as possible. I invite people on the other side of the aisle to put forward their proposals. As we refine our military posture, we should also enlist the support of Iraq's neighbors, through a diplomatic initiative similar to the recommendations of the Baker-Hamilton Commission. Although I don't support all of those initiatives, I thought they had some good ideas, particularly engaging Iraq's neighbors. Each of Iraq's neighbors can benefit from a peaceful Iraq, and they can assist us in reaching a political equilibrium among Iraq's various groups. These include Iran and Syria, which are clearly meddling in Iraq but whose cooperation will be necessary for any political solution in Iraq to be relevant for the long term.

To be successful, such a diplomatic initiative will require a great amount of attention and hard work. Thus, I recommend Secretary Rice and Vice President CHENEY go to Iraq and practice shuttle diplomacy. They should lay the groundwork for a meeting of leaders from all three major Iraqi groups to take place outside of Iraq. This kind of a meeting could be similar to the Dayton Accords that helped resolve the conflict in Bosnia. It would allow for intense, sustained discussions aimed at a durable, long-term political settlement amongst the Iraqis. One potential political settlement could involve a three-State, one-country formula. Each of Iraq's major groups would have its own autonomous region with Baghdad as a federal city.

Each group can manage its own affairs while preserving Iraq's territorial integrity. This is something the Iraqi Constitution allows, that the Kurdish people are practicing, and that the Iraqi leaders, I believe, should pursue to get to a political equilibrium. We have made our share of mistakes in Iraq. Still, we have invested the lives of more than 3,000 of our best and brightest for our Nation's future.

The mission for which they died is not yet complete. We still need political equilibrium if we are to achieve a stable, united Iraq that can be an ally in the war on terrorism. We must win in Iraq, and we will. We must win for the future of the region and for the future of the world and for the future of Iraq. We must win for the future of America. That victory will require more than bullets; it will require political arrangements inside Iraq and around Iraq to end the sectarian violence and move toward a peaceful future for the Iraqi people and stability for the region. We are in a tough time, but I believe we have solutions that can work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

THE INTELLIGENCE COMMUNITY'S PERSPECTIVE ON IRAQ

Mr. BOND. Mr. President, I thank my colleague from Kansas, who made the point well that we cannot afford to lose in Iraq. I thought my colleagues, and maybe those who may be interested—if anybody is paying attention and watching the floor—may be interested to hear what the intelligence community said in public. It is rare we have public hearings in the Intelligence Committee, but once a year at least we have the worldwide threat hearing.

Last Thursday, we had that hearing and we spent about 5½ hours. It was very informative and mostly dealt with Iraq. Present were the Director of National Intelligence, Ambassador Negroponte; Director Hayden of the CIA; Director of the DIA General Maples; Mr. Foote from the State Department INR; and FBI Director Robert Mueller. Much of the questioning was about what is going on in Iraq. I think the consensus of the intelligence community was that while things have not gone well, the new commitment by Prime Minister Maliki and the rest of his Government—not just the Shia Prime Minister but the Kurds and the Sunnis—was to take over and take ownership of ending the insurgency in Iraq. That gave us the best hope of achieving a peaceful solution that would leave Iraq a stable country—not perfect by any means, with no guarantee of success, but this was the opportunity to get the three major elements in Iraq—the Shia, Sunnis, and the Kurds—to come together on what we believe will be and should be a long-term solution.

Frankly, one of the real problems we have had has been the reluctance of the Iraqi Government to let us go in and eliminate Shia militia, such as the Moqtada al-Sadr Mahdi army. This has been a serious problem. The American forces have been held back. Now it is our understanding—and the intelligence community believes what they have told the policymakers in the executive branch—that this is now the best chance, because they realize time is running out, that while our commitment was strong to Iraq, it is not an unending one, infinite.

They are going to have to take control if they don't want to see their country descend into chaos. So there was a lot of talk about the pros and cons of the policy the President announced to turn over the responsibility to the Iraqi military, for ending the insurgency in Baghdad, and to send our troops into the Al Anbar province to deal with radical Islamists, such as al-Qaida, who continue to stir up problems and who we believe were responsible for the bombing of the Golden Mosque in Samara, which escalated the insurgency.

So I asked another question and the answers, I thought, were very telling. They were not covered in the media. I asked what if we decided now or within 2 or 3 months to withdraw and turn it over to the Iraqi Government, and the consensus was uniform and frightening.

Admiral Negroponte said:

> And I think the view pretty much across the community is that a precipitous withdrawal could lead to a collapse of the government of that country, and a collapse of their security forces, because we simply don't think that they are ready to take over, to assume full control of their security responsibilities.
>
> We think that that is a goal that can be achieved on a gradual basis and on a well-planned basis. But to simply withdraw now, I think, could have catastrophic effects. And I think that's a quite widely held view inside of Iraq itself.

Later, I went back and asked what it would mean in terms of the worldwide terrorist threat of al-Qaida. Director Negroponte responded:

> I think in terms of al-Qaida's own planning, if you look at the letter that Zawahiri wrote to Zarqawi last year about establishing in Iraq a sort of beachhead for the expansion of al-Qaida's ideology throughout the Islamic world, establishing the caliphate, it would be the very sanctuary for international terrorism that we are seeking to avoid.

In other words, the No. 2 man under Osama bin Laden, Zawahiri, wrote to the notorious, infamous butcher Zarqawi, who had beheaded Americans and others on television, to tell him to cool it; we are trying to establish a basis for al-Qaida to operate out of Iraq. This would be, in Zawahiri's and bin Laden's own words, establishing the range of the caliphate. What they mean by that is to establish a Taliban style of government, such as we saw in Afghanistan, on a regionwide and ultimately a global basis.

I asked General Maples about the impact of withdrawal, precipitous or immediate, or politically, a timetable withdrawal, determined by what we want in Washington, rather than what is available on the ground. He said:

> . . . I believe that a failure in Iraq would empower the jihadist movement. It would give that base of operations from which the jihadist movement would expand. And it's consistent with the goals of al-Qaida in Iraq to establish that Islamic state, and then to expand it into the caliphate.

He went on to say there would be regional impacts and that there would be a tremendous economic impact. He cited hydrocarbons and, obviously, we know Iraq is very rich in oil reserves, and it would make oil reserves available to fund the activities of al-Qaida and the international radical Islamist terrorist movements. He also said it would have an impact on the world market on oil, driving up the power of oil. He concluded by saying it would give Iran the power to expand its evil empire, which President Ahmadi-Nejad is urgently trying to expand not only in the Middle East but throughout Latin America.

I think probably the best summary of the intelligence community estimates of the impact of the choices—and we are talking about choices—is there is nothing good in terms of choices. One option has been put forward by President Bush. I happen to believe it is the best available option to support the Iraqis who have committed to end the insurgency, to bring the Sunnis into a government that would share in the oil revenues and take responsibility for ending the insurgency, while our troops go after the external forces, the terrorists coming in from other countries and joining the al-Qaida movement.

I asked General Hayden to give me a concise statement of his view and the view of the intelligence community on the second option, which would be to withdraw now, or to set a short timetable deadline in 2 or 3 months. I will read what he said:

> Yes, sir, Senator. When I went before the Iraq Study Group, I prefaced my remarks by saying I think I'll give a rather—I'm going to be giving a rather somber assessment of the situation in Iraq. But before I do that, I said, let me tell you. If we leave under the current circumstances, everything gets worse.

At that point, I commended him for being a master of understatement. He went on to say:

> Three quick areas. More Iraqis die from the disorder inside Iraq. Iraq becomes a safe haven, perhaps more dangerous than the one al-Qaida had in Afghanistan. And finally, the conflict in Iraq bleeds over into the neighborhood and threatens serious regional instability.

I said, well, what would be the threat to the U.S. homeland? How does that affect us in Washington, in Rhode Island, Missouri, Kansas, New York, Los Angeles, and elsewhere? He said:

> The immediate threat comes from providing al-Qaida that which they are attempting to seek in several locations right now, be it Somalia, the tribal area of Pakistan or Anbar province—a safe haven to rival that which they had in Afghanistan.

I have my views on this. This is the overwhelming consensus of the intelligence community. There are no great options, but the best option, they believe, is to provide American troops to support what the Government of Iraq has pledged to do, and that is to end the insurgency, to stop the Shia death squads, to cut the Sunnis in on a fair share of the Government, and take responsibility not only for clearing but for controlling the areas in Baghdad that have been the problem. So I think as we talk about the options available, it is vitally important that we listen to the intelligence community and their best assessments of what happens if we follow the President's plan or if we choose a course of continuing to do what we have been doing, without assisting the Iraqis to take control of their Government, or if we cut and run.

I ask unanimous consent that the transcripts which I cited be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SSCI OPEN HEARING: CURRENT AND PROJECTED NATIONAL SECURITY THREATS

JANUARY 11, 2007

NEGROPONTE (responding to a question from Sen. Bond): And I think the view pretty much across the community is that a precipitous withdrawal could lead to a collapse of the government of that country, and a collapse of their security forces, because we simply don't think that they are ready to take over, to assume full control of their security responsibilities.

We think that that is a goal that can be achieved on a gradual basis and on a well planned basis. But to simply withdraw now, I think could have catastrophic effects. And I think that's a quite widely held view inside of Iraq itself.

* * * * *

NEGROPONTE: I think, in terms of Al Qaida's own planning, if you look at the letter that Zawahiri wrote to Zarqawi last year about establishing in Iraq a sort of a beachhead for the expansion of Al Qaida's ideology throughout the Islamic world, establishing the caliphate, it would be the very sanctuary for international terrorism that we are seeking to avoid,

BOND: General Maples?

MAPLES: Sir, I'd follow up on that statement by the ambassador, because I truly believe that a failure in Iraq would empower the jihadist movement. It would give that base of operations from which the jihadist movement would expand. And it's consistent with the goals of Al Qaida in Iraq to establish that Islamic state, and then to expand it into the caliphate.

I also think that there, of course, will be very significant regional impacts, both in terms of stability to other countries in the region.

There will be economic impacts with respect to, in particular, hydrocarbons and the effect that that could have, particularly if those resources were in the hands of jihadists. And . . .

BOND: In other words, they could get the profit off of the high price of oil.

MAPLES: Absolutely. And then I would follow with one last, and that is the empowerment—further empowerment—of Iran within the region.

BOND: General Hayden?

GEN. HAYDEN: Yes, sir, Senator. When I went before the Iraq Study Group, I prefaced my remarks by saying I think I'll give a rather—I'm going to be giving a rather somber assessment of the situation in Iraq. But before I do that, I said, let me tell you. If we leave under the current circumstances, everything gets worse. And . . .

BOND: You have a masterful way of understating it.

HAYDEN: Three very quick areas. More Iraqis die from the disorder inside Iraq. Iraq becomes a safe haven, perhaps more dangerous than the one Al Qaida had in Afghanistan. And finally, the conflict in Iraq bleeds over into the neighborhood and threatens serious regional instability.

BOND: Any threat do you see—what threat to the United States homeland?

HAYDEN: The immediate threat comes from providing Al Qaida that which they are attempting to seek in several locations right now, be it Somalia, the tribal area of Pakistan or Anbar province—a safe haven to rival that which they had in Afghanistan.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 310 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. AKAKA. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. DURBIN. Madam President, the issue that is paramount in the minds of many Americans is the war in Iraq. It is a consuming issue for us because we know that as we stand in the safety of the Senate Chamber or in our homes across America, at the same moment in time, 144,000 American soldiers are risking their lives. Sadly, some are giving their lives almost on a daily basis. Many are injured and come home to face a different life than they ever imagined.

The cost of this war, of course, starts with the human accounting. Over 3,013 American soldiers have died as of today, 23,000 have returned injured, 6,600 seriously injured, with double amputations, blindness, or traumatic brain injury of a serious nature.

This morning's Wall Street Journal, in an article by David Rogers, talks about the real cost of this war in dollar terms. Many of us have used the numbers of $380 billion, $400 billion, and some have come to the conclusion that the number is really much higher and that when you account for our obligations to our veterans and rebuilding the military after this war, it will range in the hundreds of billions of dollars more. This will affect our Nation. It will affect the quality of our life. It will affect our spending on basics, whether it is the education of our children, the health of our citizens, building the infrastructure so our economy can expand, or creating higher education opportunities so that the 21st century can be an American century, as the 20th century was.

This war has taken its toll. It isn't the first war that has been controversial in our history. Some of us are old enough to remember another war not that long ago. It was October 19, 1966, on the floor of the U.S. Senate, across the aisle, when a Senator from the State of Vermont, George Aiken, rose to speak. George Aiken gave a speech about the war in Vietnam. It is one that has been quoted many times since. He said a lot about the war at that moment. Some of the things he said are interesting in a historical context.

Senator Aiken said, in October of 1966, about the Vietnam war:

> The greater the U.S. military commitment in south Vietnam, however, the less possibility that any south Vietnamese government will be capable of asserting its own authority on its own home ground or abroad. The size of the U.S. commitment already clearly is suffocating any serious possibility of self-determination in south Vietnam for the simple reason that the whole defense of that country is now totally dependent on the U.S. armed presence.

Of course, Senator Aiken went on to say that we should declare victory and start bringing our troops home. He said:

> Such a declaration should be accompanied not by announcement of a phased withdrawal, but by the gradual redeployment of U.S. military forces around strategic centers and the substitution of intensive reconnaissance for bombing.
>
> This unilateral declaration—

Senator Aiken said—

> —of military victory would herald the resumption of political warfare as the dominant theme in Vietnam.

He closed by saying:

> Until such a declaration is made, there is no real prospect for political negotiations.

When Senator Aiken took the floor and gave that speech in October of 1966, we began that year with fewer casualties in Vietnam than we have already incurred in Iraq. Around 2,800 American lives had been lost in Vietnam at the beginning of 1966. But 1966 was a bloody year in Vietnam, and by the end of that year, we had lost 8,400 soldiers as Senator Aiken gave his speech. Had we followed his advice, what a difference it might have made. By the end of that Vietnam war, we hadn't lost 8,000, we had lost 58,193 troops.

The President's call for increasing the number of American soldiers who will be serving and fighting in Iraq is a grim reminder of the cost of escalation. Instead of assessing where we are today in honest terms, the President is continuing a strategy which has failed. He has conceded that point. The President no longer says we are winning the war in Iraq. He concedes we have made serious mistakes—mistakes which all of us know have cost us dearly in human life and in the cost of this war.

Now we face the reality of our politics in this town. In 2 weeks, things have changed pretty dramatically here in Washington. If you haven't noticed, with the hearings on Capitol Hill with the Democratic Congress, there is a different tenor, there is a different approach. Before, over the last 6 years, the President has had a compliant and supine Congress, afraid to ask hard questions about this war. That has changed. And the encouraging thing is that the hearings before the Foreign Affairs Committee last week showed that not only is the Democratic majority speaking out with important and relevant questions, but now our Republican colleagues are joining us in what should be a national and bipartisan chorus. This is a moment of accountability when this President and the administration will have to answer for policy decisions. It was a Republican Senator last week who made a statement in that Foreign Affairs Committee, which sadly I have to agree with, when he said that our invasion of Iraq was the greatest strategic foreign policy blunder in recent memory. I think it may be one of the worst mistakes in the history of our country, one we will pay for in years to come.

Now I watch carefully for the reaction in Iraq as we are preparing to send more soldiers, and I am waiting for signs and signals and statements from the al-Maliki government that they understand this is a new day, and I am still waiting. Until they are prepared to eliminate the militias, whether they are going to disband them or destroy them, there can be no security on the ground in Iraq. I read the statements by our soldiers and the media where they say the Iraq Army and the Iraq police force is a dead horse and we are not going to get anywhere by kicking it. If that is a fact, then 21,000 American soldiers' lives won't make a difference. That is the reality of what we face.

In the coming days ahead, very soon after we finish this debate on ethics legislation, we are going to move into a more serious and open debate on the war in Iraq. Initially, there will likely be a markup in one of the committees on a resolution. It will come to the floor, and we will consider it. I sincerely hope that, like the Foreign Affairs Committee meeting of last week, it is a bipartisan resolution because I will tell you, the sentiment about this war is strongly bipartisan or nonpartisan across this country.

First and foremost, there are some basics we should make clear. No. 1, how much we respect and admire and will stand behind our troops. These men and women in uniform, the best and bravest, have done everything we have asked them to do—in fact, many times with displays of heroism—and they have done more than we could ever expect from any human being. They have been there. They have unflinchingly responded to the call to arms and have served us so well. Their families stay home with worry and prayer, hoping they will come back safely. For those soldiers and their families, the first thing said is thank you, thank you from a grateful nation for all you have given to this country and continue to give.

Secondly, we won't turn our backs on these soldiers. Whether it is a matter of the equipment they need now to be safe in Iraq and to come home to their families with their missions completed or, if they come home with a need, whether it is through the Veterans' Administration or for college education or for some help in their lives, we need to be there. They were there for us; we need to be there for them. That almost goes without saying.

But I wish to make it clear from the Democratic side, and I am sure I speak for my colleagues on the other side of the aisle, we will never shortchange our troops. We will never shortchange their safety. For those who suggest any disagreement with foreign policy of this administration somehow is going to be at the expense of our troops, they are just plain wrong. In the final analysis, we will keep our word to our soldiers.

The other point I would like to make, though, is if we expect this to end and end well, it can only end with a political solution in Iraq driven by Iraqi leadership. We cannot superimpose a democracy on Iraq. They have to come to this clear understanding that their future is in their own hands. We can help them aspire to this goal, but ultimately they have to take the difficult, painful steps moving toward it. That means, of course, putting an end to the sectarian violence.

For 14 centuries now, the people of the Islamic faith have had a disagreement about who were the rightful heirs to their great Prophet Muhammad. We cannot resolve 14 centuries of this sectarian debate and violence in one little country with more American soldiers. This is something which will have to be resolved if Iraq decides their future will be a democracy. They have to treat all Iraqis in a fair and honest way instead of favoring one sect over another. They have to bring an end to violence, whether it is inspired by Sunnis or Shias or others. Whatever the inspiration, it has to come to an end.

The militias that now control parts of Baghdad and parts of Iraq have to come to an end as well. You can't have private armies in a country and expect the national army to have the strength to control the situation. We need to see the police forces in Baghdad and other places really emerge as professionals. When I was there in October, the reports were very disappointing. It was said that if you went to a police station, you could decide right off the bat whether it was going to be a Sunni or Shia police station and then decide how they would react to crime committed by their own. That has to end. We can't change that by sending American soldiers into battle. We can't change that with American lives and American injuries. Only the Iraqis can change that.

As Senator Aiken said 40 years ago now:

> The unilateral declaration of military victory would really herald the resumption of political warfare in south Vietnam.

We need to move this to a political level, and that is where I think the President's recommendations last week are so wanting. He still is in the mindset to believe that enough American soldiers can somehow change the politics of Iraq. That is never going to happen. It has to come from the Iraqi people.

So we face a challenge—a challenge which we accept—to have an honest, nonpartisan, productive, and positive debate on our foreign policy in Iraq. Those of us who disagree with the President really stand in an awkward position in this regard. I sincerely hope the President is right. I hope 21,000 American soldiers change the whole contour of the debate and the future of Iraq. I don't believe they will, but I want this to end and end well, and I don't care who takes credit for it. But I believe—sincerely believe—that the only way to convince the Iraqis of their responsibility is for us to start bringing American troops home, as Senator Aiken called for in Vietnam in 1966 with 8,000 American lives lost, and that we start the phased redeployment of our troops. Had America, had Congress, had the President in 1966 followed the suggestions of the Senator from Vermont, 50,000 American lives might have been spared. By the end of the Vietnam war, almost 3,000 Illinoisans had given their lives in Vietnam. Some were my buddies in high school, my friends with whom I had grown up. I still remember to this day and wonder, if the Senate at that moment in time had made the right decision, a decision

Senator Aiken had called for, whether they might be alive today. That is the reality of war, and it is the reality of these foreign policy decisions.

ETHICS REFORM

Our business before the Senate now is the Senate ethics reform bill. We have a big task ahead of us. The leadership has made it clear to Senators on both sides of the aisle that we are going to finish this bill this week. It could mean long sessions, as Senator REID said earlier today. It could mean we are in late in the night, perhaps even on the weekend, but we want to get this important part of our business behind us. The culture of corruption, the climate of corruption which has been on Capitol Hill over the last several years has to come to an end.

There will always be Members of the House and Senate who can think of another way to improve the way we do business. Each of us has our own ideas. I was fortunate, as I said before on the floor of the Senate, to start my Senate and public career with two extraordinary men, Senators Paul Douglas and Paul Simon of Illinois, who tried to set new standards of ethical conduct in national service. Back when I was fresh out of law school and penniless, I went to work for Lieutenant Governor Paul Simon, who insisted that every member of his staff make a complete income disclosure every year and a complete net worth disclosure.

My first disclosure brought real embarrassment to me and my wife because we had nothing and with student debts would have qualified for bankruptcy under most circumstances. We didn't file bankruptcy, but those annual disclosures were embarrassing until we finally passed a point where we had a few meager possessions and were on the positive side of the ledger.

I have continued to do that every year. I make the most detailed disclosure I can in my financial statement, not categories of wealth or income but actual dollar amounts. I have done it every single year. I know it serves up to my critics a ready menu of things on which to attack me. That's OK. I want to make it clear that in the time I have been in public service, the decisions I have made—good, bad, whether you agree with them or not—have not been driven by any desire to come away from this experience wealthy.

I have not imposed that on my colleagues here, or suggested it by way of amendment, that they do a detailed income disclosure, put their income tax returns with that disclosure, and a net worth statement each year. But I feel comfortable doing it. I am glad I got started. Now that my family is beyond the embarrassment of those early disclosures when we had nothing, they have come to accept it every year as just a routine. It is a small thing, but it is voluntary on my part, and I hope that others, if they see the need, will accept voluntary changes in the way they approach this to demonstrate their commitment to ethics in public service.

The amendment before us by Senator REID, Senator HARRY REID, our majority leader, is one that deals with the use of corporate airplanes. That has been a source of some embarrassment and question before. I believe that Senators REID and MCCONNELL have shown real leadership in moving this amendment forward. We will consider some changes to it during the course of our debate but, once again, it is a step in the right direction.

Finishing this, we will move to the minimum wage bill and then to a debate on Iraq and then probably to the stem cell issue, so we have quite an agenda before us. Our friends in the House are benefited by something known as the House Rules Committee, which can expedite the process. The Senate doesn't work that way. We have a unanimous consent process which is slow, ponderous, deliberate, and, for Members of the House, absolutely maddening. It will take us longer.

At the end of the day, though, I hope we end up with a good work product for the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

Pending:

Reid amendment No. 3, in the nature of a substitute.

Reid modified amendment No. 4 (to amendment No. 3), to strengthen the gift and travel bans.

DeMint amendment No. 12 (to amendment No. 3), to clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope.

DeMint amendment No. 14 (to amendment No. 3), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

Vitter/Inhofe further modified amendment No. 9 (to amendment No. 3), to prohibit Members from having official contact with any spouse of a Member who is a registered lobbyist.

Leahy/Pryor amendment No. 2 (to amendment No. 3), to give investigators and prosecutors the tools they need to combat public corruption.

Gregg amendment No. 17 (to amendment No. 3), to establish a legislative line item veto.

Ensign amendment No. 24 (to amendment No. 3), to provide for better transparency and enhanced congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House.

Ensign modified amendment No. 25 (to amendment No. 3), to ensure full funding for the Department of Defense within the regular appropriations process, to limit the reliance of the Department of Defense on supplemental appropriations bills, and to improve the integrity of the congressional budget process.

Cornyn amendment No. 26 (to amendment No. 3), to require full separate disclosure of any earmarks in any bill, joint resolution, report, conference report or statement of managers.

Cornyn amendment No. 27 (to amendment No. 3), to require 3 calendar days' notice in the Senate before proceeding to any matter.

Bennett (for McCain) amendment No. 28 (to amendment No. 3), to provide congressional transparency.

Bennett (for McCain) amendment No. 29 (to amendment No. 3), to provide congressional transparency.

Lieberman amendment No. 30 (to amendment No. 3), to establish a Senate Office of Public Integrity.

Bennett/McConnell amendment No. 20 (to amendment No. 3), to strike a provision relating to paid efforts to stimulate grassroots lobbying.

Thune amendment No. 37 (to amendment No. 3), to require any recipient of a Federal award to disclose all lobbying and political advocacy.

Feinstein/Rockefeller amendment No. 42 (to amendment No. 3), to prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark.

Feingold amendment No. 31 (to amendment No. 3), to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 33 (to amendment No. 3), to prohibit former Members who are lobbyists from using gym and parking privileges made available to Members and former Members.

Feingold amendment No. 34 (to amendment No. 3), to require Senate campaigns to file their FEC reports electronically.

Durbin amendment No. 36 (to amendment No. 3), to require that amendments and motions to recommit with instructions be copied and provided by the clerk to the desks of the majority leader and the minority leader before being debated.

Cornyn amendment No. 45 (to amendment No. 3), to require 72-hour public availability of legislative matters before consideration.

Cornyn amendment No. 46 (to amendment No. 2), to deter public corruption.

Bond (for Coburn) amendment No. 48 (to amendment No. 3), to require all recipients of Federal earmarks, grants, subgrants, and contracts to disclose amounts spent on lobbying and a description of all lobbying activities.

Bond (for Coburn) amendment No. 49 (to amendment No. 3), to require all congressional earmark requests to be submitted to the appropriate Senate committee on a standardized form.

Bond (for Coburn) amendment No. 50 (to amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed.

Bond (for Coburn) amendment No. 51 (to amendment No. 3), to prohibit Members from requesting earmarks that may financially benefit that Member or immediate family member of that Member.

Nelson (NE) amendment No. 47 (to amendment No. 3), to help encourage fiscal responsibility in the earmarking process.

Reid (for Lieberman) amendment No. 43 (to amendment No. 3), to require disclosure of earmark lobbying by lobbyists.

Reid (for Casey) amendment No. 56 (to amendment No. 3), to eliminate the K Street Project by prohibiting the wrongful influencing of a private entity's employment decisions or practices in exchange for political access or favors.

Sanders amendment No. 57 (to amendment No. 3), to require a report by the Commission to Strengthen Confidence in Congress regarding political contributions before and after the enactment of certain laws.

Bennett (for Coburn) amendment No. 59 (to amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed.

Bennett (for Coleman) amendment No. 39 (to amendment No. 3), to require that a publicly available Web site be established in Congress to allow the public access to records of reported congressional official travel.

Feingold amendment No. 63 (to amendment No. 3), to increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 64 (to amendment No. 3), to prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions.

Feingold/Obama amendment No. 76 (to amendment No. 3), to clarify certain aspects of the lobbyist contribution reporting provision.

Feingold amendment No. 65 (to amendment No. 4), to prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions.

Bennett (for Lott) amendment No. 78 (to amendment No. 4), to only allow official and officially related travel to be paid for by appropriated funds.

Bennett (for Lott) amendment No. 79 (to amendment No. 4), to only allow official and officially related travel to be paid for by appropriated funds.

Bennett modified amendment No. 81 (to amendment No. 4), to permit travel hosted by preapproved 501(c)(3) organizations.

Obama/Feingold amendment No. 41 (to amendment No. 3), to require lobbyists to disclose the candidates, leadership PACs, or political parties for whom they collect or arrange contributions, and the aggregate amount of the contributions collected or arranged.

Nelson (NE)/Salazar amendment No. 71 (to amendment No. 3), to extend the laws and rules passed in this bill to the executive and judicial branches of government.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, we, as Members of Congress, owe it to the American people to conduct ourselves in a way that reinforces, rather than diminishes, the public's faith and confidence in Congress. An informed citizenry is essential to a thriving democracy. And, a democratic Government operates best in the disinfecting light of the public eye. With this bill, we have an opportunity to balance the right of the public to know with its right to petition Government; the ability of lobbyists to advocate their clients' causes with the need for truthful public discourse; and the ability of Members to legislate with the imperative that our Government must be free from corrupting influences, both real and perceived. We must act now to ensure that the erosion we see today in the public's confidence in Congress does not become a collapse of confidence.

I am pleased with the progress we have been making on this bill. We have been having a good debate on a range of proposals to further improve this bill, including requirements to reign in wasteful spending such as by more fully disclosing earmarks and granting the President's enhanced recision authority. We have recognized the need for increased disclosure and more timely reporting of lobbyists' activities. And, I am pleased that we are considering an amendment—one that I fully support—to require Members of Congress who use corporate aircraft to reimburse the full charter rate for a flight, instead of simply paying the cost of a first-class ticket, as required under the current rules. These are all solid proposals, but we need to do more.

Madam President, on this issue of the first-class airfare, I don't think there is a more dramatic example of the difference between we Members of Congress and the average American citizen. No American citizen can today call up a corporation and say: Please let me use your airplane, and, by the way, I am only going to pay first-class airfare. Nothing is more egregious. There are worse abuses that go on around here, but there is no more egregious an example than the ability of a Member of Congress, who many times has oversight of the corporation that provides the aircraft, taking advantage of a situation where they only have to pay first-class airfare, with a difference of sometimes tens of thousands of dollars. It is remarkable.

We need to reform earmarking beyond mere disclosure requirements. We need to curtail this practice, which cost American taxpayers $64 billion in FY 2006, and I have offered an amendment to help do that. Above all, we need to ensure the enactment and enforcement of comprehensive lobbyist, ethics and earmark reforms. That is why we need to establish an Office of Public Integrity to help provide enforcement measures for the reforms that we are advocating. We can pass all the rules changes we want but unless we back them up with a tough enforcement mechanism, they are useless.

On the issue of earmarks, Madam President—and I obviously have a long record of being opposed to these egregious examples of porkbarreling—I think that it is important for us to recognize that there are two ways we can address earmarking. One is to eliminate them and the other is to watch them grow. Over the previous 20 years, I have watched them grow and grow and grow and grow.

I was intrigued by getting a call from an administration official who said the President is for cutting them in half. That is like saying we want to cut half of the drug dealers in America. There is an addiction in Congress to porkbarreling, and we have to cure the addiction or it will continue to grow.

It is because of this need that I am pleased to again join my colleagues, Senators LIEBERMAN and COLLINS, in cosponsoring an amendment to create an Office of Public Intergrity to investigate complaints of ethical violations by Senators, staff, or officers of this Chamber. Headed by a Director appointed by the President pro tem of the Senate upon the joint recommendation of the majority and minority leaders, the Office of Public Integrity would investigate complaints of rules violations filed with or initiated by the office. To ensure swift action, within 30 days of receiving a complaint, the office would be required to make an initial determination whether to dismiss or investigate it. Although a determination by the office to investigate may be overridden by the Select Committee on Ethics, the amendment stipulates that this can occur only if the Ethics Committee overrides the decision by a two-thirds vote and makes this vote public.

To assist it in its investigation, the Office of Public Integrity would be empowered to issue subpoenas, take statements, and compel the attendance of witnesses. If, after investigation, the Director of the office determines that there is probable cause that a violation occurred, he or she must inform the Ethics Committee, which again, can decide not to proceed on a complaint, but only upon a two-thirds vote that must be made public. If the Ethics Committee does not overrule the office's determination of probable cause, the office shall present the case to the Ethics Committee which shall vote on whether the subject of the investigation violated any rules or other standards. Again, this vote must be made public. If the Ethics Committee finds there was a violation, the Director of the Office of Public Integrity shall recommend appropriate sanctions and whether the matter should be referred to the Department of Justice for investigation.

For 2 years, the Committee on Indian Affairs which I chaired at the time, investigated the actions of Jack Abramoff and Michael Scanlon, and brought to light their efforts to manipulate the political process. If there is a silver lining to the Abramoff affair, it is that it helped to compel Congress to reassess the rules that govern our dealings with lobbyists and others who seek to influence us, and to do so through the eyes of the public, not through our own jaundiced perspectives. Frankly, I also believe the American public sent a clear message that business as usual in an unacceptable proposition. That is what drives our amendment today.

Again, I point out that we investigated in the Senate Committee on Indian Affairs Mr. Abramoff and his connection, frankly, with both sides of the Capitol. There was never an Ethics Committee investigation. It was the Justice Department that finally had to take action. There was ample evidence of misbehavior in violation of the rules of both Houses, and here we are with people in jail and, as far as I know, the Ethics Committee never ruled on their behavior. So when I hear people say the Office of Public Integrity would somehow cause us embarrassment, are we not embarrassed by what already happened? Are we not embarrassed that Members of Congress violated their oath of office to the degree that they are in jail and the investigation continued on the part of the Justice Department?

I say to the opponents of this amendment, in a perfect world, maybe you are right. In the world that we live in today, you are not right. We owe the American public a better system than the one that has been in place for the past several years.

While strengthening the Senate rules regarding disclosure, gifts, meals, travel and post-employment lobbying is necessary and overdue, it is also of little importance if the rules are not enforced. Instances of apparent violations of congressional rules by Members and staff who were the beneficiaries of Mr. Abramoff's largesse were widely reported. Press accounts of luxury trips, high-priced tickets to sporting events, meals at expensive restaurants, and other gifts suggest that there had been flagrant, if not widespread, violations of our rules, and that these violations had been occurring for some time.

As the columnist and scholar Norman Ornstein has observed, Congress has "regularly struggled with its constitutional responsibility to police itself, sometimes verging on partisan vendettas—what we called in the 1980s and 1990s 'the criminalization of partisan differences'—but more often erring on the side of doing nothing, or as little as humanly possible, to deal with ethical violations."

At a time when the public is demanding change, the Senate needs to more aggressively enforce its own rules. We should do this not just by making more public the work that the Senate Ethics Committee currently undertakes, but by addressing the conflict that is inherent in any body that regulates itself. By creating, as this amendment would do, a new office with the capacity to conduct and initiate investigations, and a perspective uncolored by partisan concerns or collegial relationships, I believe we can address this long-standing structural problem.

This amendment strikes a good balance by keeping with the Select Committee on Ethics the final decisions on whether to conduct an investigation, whether a violation has occurred, and whether to refer the matter to the Department of Justice, while adding an independent voice to the process to ensure that the reputation of the institution is not sacrificed for the understandable concern for the reputation of one's friends and colleagues.

The Office of Public Integrity would not only assist in performing existing investigative functions, but would also be charged with the new function of approving or denying requests for travel by Members and staff. The purpose of this pre-clearance is to ensure that the trips serve a legitimate Governmental interest, and are not substantially recreational in nature. I believe that the Office of Public Integrity would be an appropriate entity to conduct these reviews.

I urge the majority and minority leaders to allow an up or down vote on this amendment. The American public is watching.

I urge my colleagues to support the amendment offered by Senator LIEBERMAN.

Madam President, there are many organizations that are observing our activities. I think, as I said earlier, we can be pleased at some of the progress we are making. But this would be a seminal vote. This will be an indication that we are really serious, if we are really serious, about making sure that decisions made by the Ethics Committee are untainted by personal relationships or by other factors. I think it is long overdue.

I want to point out again that in the exit polling from the 2006 election there were two major issues that affected the voters' opinion and vote. One, as we all know, was the war in Iraq. The other was the issue of "corruption in Washington."

The American public are very dissatisfied with the way Congress conducts its business. I have seen polls in the low twenties and even in the high teens of their approval rating of Congress. They don't think we conduct our business in an honest and straightforward manner, and they believe the special interests have way too much influence in determining both our priorities and the outcome of legislation.

I believe the Lieberman amendment can go a long way toward restoring the very badly tarnished image of the Congress of the United States.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 9

Mr. VITTER. Madam President, I rise to take a few minutes to urge my Senate colleagues to carefully study and support my amendment to ban spouses of sitting Members of the Senate from lobbying any Member of the Senate or any Senate staff person.

This is a very important debate. It goes to the heart of rebuilding confidence of the American people in our institutions—Senate, House, all of Congress, all of the Federal Government.

As we all know, we have seen scandal after scandal over several years, certainly involving both parties, that has, for obvious and good reason, rocked people's confidence.

At the heart of almost all of these scandals is a very simple, basic issue and that is public officials using their public position to enrich themselves, to enrich their family, and, of course, the public interest being sold down the road.

That is at the heart of this debate, and that concern is at the heart of my amendment. Again, my amendment—we will vote on this later this week—says very simply: No spouse of a sitting Member of the Senate can lobby the Senate, can lobby that Senator, can lobby that Senator's office, can lobby any Senator, can lobby any Senate office, can lobby any Senate committee.

Again, I don't think this is a peripheral issue. I think it goes to the heart of the matter: People using public office to enrich themselves, to enrich their families.

For the same reason, I thought it was important that we prohibit family members from going on the campaign payroll. Unfortunately, that was voted down. I think this is even more in need of strong action because certainly lobbying connections were at the heart of so many of the scandals that got us to this debate.

There are two big problems, two big conflicts we are talking about that this amendment can largely solve. One is for certain lobbyists to have undue influence. That is clearly an issue with regard to lobbying of spouses of sitting Members of the Senate.

The underlying bill would prohibit those spouses from lobbying their spouse Member, that office. That is fine. But clearly, any Senate spouse is going to have an enormous advantage in terms of access and influence to other Senators and other Senate offices. Imagine if a spouse lobbyist walks in the door and his or her spouse happens to be the chair of a committee on which the Member she is lobbying sits. That is a pretty significant power relationship right in the midst of that lobbying. Clearly, there is that real danger of undue influence and access.

There is a second problem too. In my opinion, the second problem is even bigger than the first, and that is for a special interest, for a monied interest, to have a mechanism to .write a big check straight into the family bank account of a sitting Senator, to directly and dramatically increase the income, the personal wealth of a sitting Senator. That absolutely happens whenever you are going to allow spouses of sitting Senators to lobby.

Again, that I think is an even bigger issue and certainly has been front and center in terms of a number of problems and scandals that have come up and reported fully in the media in the last couple of years on both sides of the aisle.

In that regard, I ask unanimous consent that this recent article about the problem, about that very issue in the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 17, 2007]

LAWMAKERS' LOBBYING SPOUSES AVOID HILL REFORMS

(By John Solomon)

When Sen. Byron L. Dorgan (D-N.D.) rose to the Senate floor last summer and passionately argued for keeping the federal estate tax, he left one person with an interest in retaining the tax unmentioned.

The multibillion-dollar life-insurance industry, which was fighting to preserve the tax because life insurers have a lucrative business selling policies and annuities to Americans for estate planning, has employed Dorgan's wife as a lobbyist since 1999.

A few months earlier, Sen. Elizabeth Dole (R-N.C.) had pleaded for restraint as she urged colleagues to avoid overreacting to the news that the Bush administration had let a United Arab Emirates company take over operations at six U.S. ports. At the same time, her husband, Robert J. Dole, a former senator and presidential nominee, was registered to lobby for that company and was advising it on how to save the deal from the political firestorm.

At least half a dozen congressional spouses have jobs as registered lobbyists and several more are connected with lobbying firms, but reining in the practice to prevent potential conflicts or the appearance of them has not been a priority among congressional leaders. Even modest proposals such as banning wives and husbands from lobbying their spouses or using their spouses' floor privileges for lobbying have gone nowhere.

Democrats made ethics reform a major issue in last fall's congressional elections, but the ethics package the House approved earlier this month didn't address the issue and neither did the one proposed by Senate Democrats. Last week, however, Sen. David Vitter (R-La.) proposed banning spouses of senators from lobbying any part of the chamber. The lone exception is for spouses who were lobbying at least one year before their husband or wife was elected.

The Senate is scheduled to vote on the legislation as soon as today. Senate Majority Leader Harry M. Reid (D-Nev.) called Vitter and said he would support the proposal with one caveat: It should exempt spouses who are already lobbyists.

"As long as it is not retroactive, Senator Reid supports efforts to ban spouses of sitting members from lobbying in the future," spokesman Jim Manley said. Vitter said he will not support Reid's proposal. "I think this goes to one of the fundamental issues in this whole debate and that is officeholders using their office to increase their personal and family income. It doesn't get any more basic than that," Vitter said.

Massie Ritsch of the Center for Responsive Politics, a nonpartisan group that studies political donations and ethics in Washington, said that if senators decide that a lobbying ban is necessary, it makes no sense to exempt current spouses.

"If there is a problem here, it is that family members can get access to lawmakers that other people don't. And if they exempt the current spouses, then they are making it all the more exclusive. Those family members will seem all the more special."

Vitter's legislation does not apply to the House. It also does not address lawmakers' siblings and children, another growth area in lobbying. Vitter said he wanted to make the plan broader but was not assured of a vote, so he scaled it back to Senate spouses.

Elected to the Senate in 2004, Vitter took an initial foray into ethics reform more than a year ago, proposing the spousal lobbying ban as well as the end of large tribal donations like those seen in the Jack Abramoff lobbying scandal. But his plans went nowhere when his own party was in charge.

Vitter had garnered scrutiny during the scandal when it was learned that, as a House member in 2002, he had written a letter opposing a casino for an Indian tribe that rivaled Abramoff's clients. Vitter had taken donations from Abramoff's tribal clients but had refunded the money. He said he always has opposed gambling.

With Democrats in control of Congress and promising broad ethics reform, Vitter tried again. Last week the Senate rejected another of his proposals—one to end the practice of lawmakers hiring relatives and paying them with Senate office, campaign or political action committee money.

Typically, according to their offices, those senators with lobbyist-spouses do not let their spouses lobby them or their staff personally. The rest of the Senate and Congress, however, is usually fair game.

Robert Dole's office said that while he registered to lobby for DP World, he never contacted the Senate and instead focused on giving advice. Nonetheless, his work during the political firestorm over port security helped earn his firm $320,000 in the first half of 2006, records show.

Kimberly Olson Dorgan is registered as a lobbyist for the American Council of Life Insurers and worked on several issues, including the estate tax. She now has moved into an executive job. Barry Piatt, a spokesman for Byron Dorgan, said that the senator long opposed repealing the estate tax, that his position was consistent with that of most Democrats and that his wife's job had no bearing.

Piatt noted that Dorgan once was at odds with his wife's lobby when he supported exempting income under $10 million from the estate tax.

Though the Dorgans built a voluntary wall between them, it doesn't extend to the senator's reelection campaign. His wife's lobbying group gave the senator's campaign $2,000 from its political action committee in 2004. And other life insurers have donated tens of thousands of dollars to Dorgan's campaign, Federal Election Commission records show.

Among the other senators with lobbyist wives are Ted Stevens (R-Alaska) and Kent Conrad (D-N.D.).

Catherine A. Stevens has been a registered lobbyist for the Washington firm of Mayer, Brown, Rowe & Maw, whose past clients include media giant Bertelsmann AG and the famed King Ranch in Texas, lobbying records show. She did not return calls to her office seeking comment.

Lucy Calautti, Conrad's wife and a former chief of staff to Dorgan, is registered to lobby for Major League Baseball's commissioner's office, which paid her firm at least $360,000 in the first half of 2006, according to the most recent lobbying reports on record with the Senate. She did not return calls to her office seeking comment. Conrad spokesman Chris Thorne said that the senator and his wife have a firm rule prohibiting her from lobbying his Senate office and staff.

On the House side, Abigail Blunt, the wife of House Minority Whip Roy Blunt (R-Mo.), has lobbied for years for Altria Group, the parent company for Kraft Foods and tobacco firm Philip Morris. The couple were married in 2003 and decided about a year ago that Abigail would no longer lobby any part of the House, Blunt's office said yesterday. And Jennifer LaTourette, the wife of Rep. Steven C. LaTourette (R-Ohio), has been registered in recent years to lobby for several interests, including health-care companies and Cleveland's port authority.

Other congressional spouses have ties to lobbying even though they aren't formally registered in Washington. Ray Hutchison, the husband of Sen. Kay Bailey Hutchison (R-Tex.), works at the Vinson & Elkins firm, whose lobbying clients have included corporate giants such as 7-Eleven, Goldman Sachs and Halliburton.

Senate Democratic Whip Richard J. Durbin's wife, Loretta Durbin, runs a lobbying firm called Government Affairs Specialists. But Durbin's office said she limits her lobbying to their home state of Illinois and recuses herself from any federal matters that could affect her husband's work in the Senate.

Mrs. FEINSTEIN. Madam President, will the Senator yield for a question?

Mr. VITTER. Certainly.

Mrs. FEINSTEIN. It is my understanding, initially, the Senator's amendment had a grandfather clause. Does it now contain that grandfather clause?

Mr. VITTER. No, it does not. I appreciate the question. In developing this amendment, we dealt with a lot of different ideas and a lot of different versions. I mistakenly filed a version with the grandfather clause in it. That was never my intent, in terms of filing an amendment in this Congress and in this debate. As soon as I learned that from my staff, I amended the amendment, and so it does not contain that grandfather clause.

My thinking is very simple. If it is wrong, it is wrong. If it is a conflict, it is a conflict. If it is a problem, it is a problem. And because somebody has been doing it for a few years doesn't right the wrong.

I do have an exception, which is different from a grandfather clause. I bent over backward to try to meet every reasonable argument. The exception says: If the spouse lobbyist was a lobbyist a year or more before the marriage or a year or more before the Member's first election to Congress, that is a bit of a different situation that is allowed.

I can make an argument for even doing away with that exception, but I tried to bend over backward for what I considered any legitimate argument.

Mrs. FEINSTEIN. Madam President, may I ask a second question?

Mr. VITTER. Certainly.

Mrs. FEINSTEIN. So anyone who doesn't meet the specific confines of the Senator's bill would be forced to lose their job; is that correct?

Mr. VITTER. No, it is not correct, for the following reason: My amendment, first of all, applies only to Senate spouses lobbying the Senate. It doesn't apply to the House, it doesn't apply to Federal agencies, it doesn't apply to State legislatures. It doesn't apply to all sorts of other things. To be quite honest and direct, I would like to have it apply more broadly to all of Congress, but to make my amendment germane, I have to forgo that.

I think that is a direct answer to the Senator's question.

Mrs. FEINSTEIN. Madam President, I thank the Senator.

Mr. SALAZAR addressed the Chair.

Mr. VITTER. Madam President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I wish to emphasize what I stated to the distinguished Senator from California. I tried to meet every legitimate argument. I bent over backward with regard to that issue. Specifically, I point out that the exception in my amendment that says, quite simply, if the spouse lobbyist was a lobbyist a year or more prior to the marriage or a year or more prior to the Member's first election to the House or Senate, then that is an exception, and they can continue lobbying.

Every other case is a real problem, a real conflict, and specifically I don't think a grandfather clause that protects folks who are doing it now is appropriate. If it is wrong, it is wrong. If it is a conflict, it is a conflict. If it poses real ethical questions—that is true whether one has been doing it for 10 years or whether one starts tomorrow—I urge all the Senate to reject that grandfather clause.

The message of a grandfather clause is simple: Yes, we are going to get serious about ethics, as long as it doesn't do anything in practice, as long as it doesn't affect our friends.

I don't think that is the right policy. I don't think that is the right message.

I urge all my colleagues, Republicans and Democrats, to support this amendment. The American people are watching this debate. They have seen the leadup to this debate. They have seen the scandals. They have seen the rhetoric in the campaigns, and they are wondering: Is this going to be real or is this going to be a farce?

We have had some votes, quite frankly, that are leading folks to believe this is a lot of show, a lot of sound and fury with nothing behind it. I hope we can prove those cynics wrong, but I have to admit, I am quickly becoming one of those cynics.

I believe this vote is going to say a lot about how serious we are. If there is a vote on the grandfather clause issue, that is going to say a lot about whether we are going to act when it has a consequence in this body or just act when it doesn't affect anybody in this body as it stands now.

Madam President, I urge all my colleagues to look at the amendment, support the amendment, certainly resist any grandfather clause which would be horrible policy, and send a very simple message to the American people. I look forward to a fuller debate on the issue and a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 71

Mr. SALAZAR. Madam President, I rise today to speak in support of amendment No. 71, which was offered and cosponsored by myself and Senator BEN NELSON from Nebraska. The essence of the amendment we offered last night is to try to make sure that as we move forward with ethics reform in Washington, DC, a spotlight not just be on the Senate or the House of Representatives but that the ethics standards we are moving forward with in this legislation, which will be a hallmark piece of legislation for Washington and for our Nation's Government, that those same kinds of high ethical standards should also apply to the senior executive officials of the executive branch of Government, as well as to the judicial branch of Government.

The essence of our amendment is to say, as we clean up Washington, DC, that we ought not to stop simply by cleaning up the affairs of the Congress; that what we ought to do is adopt a set of ethical standards that will also apply to the executive branch and to the judicial branch of Government.

As we move forward with that principle, what we have tried to do in this amendment is very simple. Let me discuss three important aspects of this legislation.

First, our amendment would apply to the gift and travel ban—which will become the rules of this Senate on passage of this bill—to senior and very senior executive and judicial branch personnel. After passage of this bill, we in the legislative branch will operate under a stringent set of rules which will ban gifts and travel from lobbyists, among other things. Currently, executive branch personnel can, with few exceptions, accept gifts, except from a few so-called prohibited sources. Simply put, there is no reason why lobbyists should be able to give gifts—no matter how small—to senior employees of the executive and judicial branches.

Second, the amendment would ban all executive branch personnel from lobbying their former agency for 1 year after leaving Government service. Currently, the revolving door rules in the executive branch apply only to senior and very senior personnel. That means junior employees of any executive branch agency are permitted to go directly from a Government job to a position of lobbying their former office. That, in my view, is an unethical thing to do. Meanwhile, here in the Senate, all Members and staff are subject to at least some form of a revolving-door rule, and the bill we are debating would strengthen those rules for the Senators as well as for staff. Simply put, there is no reason the executive branch personnel, no matter how junior, should be permitted to lobby their former office immediately upon leaving Government service.

Third, the amendment would require senior and very senior executive branch personnel to disclose to the Office of Government Ethics any negotiation for private employment within 3 business days. The bill we are now debating would require Senators and senior Senate staff to disclose to the Ethics Committee that they are negotiating for private employment within 3 business days. There is no principled reason this rule should not apply equally to senior executive branch employees as well.

This is a narrowly drafted attempt to apply some of the key provisions of this bill to other branches of Government. It is based on both principle and practical concerns. The principle is that ethics rules should apply uniformly across the Government of the United States. The practical concern is that key Government personnel should not accept any gifts from parties seeking action by the Government, that all legislative and executive employees should adhere to minimum revolving-door standards, that senior officials should not negotiate for future employment in secret, and that negotiations should be fully disclosed.

I support Senator NELSON's amendment, and I urge my colleagues in the

Senate to accept this amendment as we move forward in an effort to try to clean up Washington, DC. At the end of the day, this is much more than just about dealing with the ethics issues of the Senate and the House of Representatives; this should be an effort from all of us to send a loud and clear signal to the people of America that we are taking ethics seriously and that we are going to bring a new standard of conduct, a new standard of ethics across all the branches of our Nation's Government.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I would like to ask a couple of questions about the Vitter-Inhofe amendment, amendment No. 3. I think it is one thing if the amendment is prospective and doesn't affect people. I think it is another thing when it is retroactive. I believe our side would accept the amendment if it were, in fact, prospective.

The amendment has a complicating factor in addition to that; that is, there is a prohibition against any official contact with any spouse of a Member who is a registered lobbyist under the Lobbying Disclosure Act. That is not any lobbying contact, it is official contact. Now, what is official contact? Does this mean the spouse, if he or she happens to have been a lobbyist for a substantial period of time, cannot attend the Supreme Court dinner which just took place? That could be interpreted as an official contact. Is it an official contact if the individual calls the scheduler of her husband's or his wife's office and asks for some information on the schedule? I am surprised—and I didn't know this—that this amendment has the words "official contact." You can be sure that even if it said: Well, it is not an official contact, that someone will make the argument: Oh yes, it is an official contact if you attend the Supreme Court dinner with your spouse.

Again, I would repeat, this is retroactive legislation. We know it affects people in this body who have worked, helped support their families. I don't recall another time when we have enacted this kind of legislation.

So it concerns me, and it concerns me if it is overly repressive, such as using the words "official contact." I am puzzled as to why, when the majority leader offered that if it had a grandfather clause, we would accept it, it wasn't taken, unless the intent is essentially to sever people from their ability to have anything to do with this body, whether it is simply as a spouse or as a professional.

So I have some concerns about this amendment, and I wanted to take this opportunity to express them, and hopefully the author will respond.

Mr. VITTER. Will the Senator yield?

Mrs. FEINSTEIN. I certainly will.

Mr. VITTER. I thank the distinguished Senator from California for those points and questions. Let me respond to each one.

First, I think what you said, literally at the very beginning of your comments, says it all. You said this would be fine if it didn't affect anyone, but it does. This would be window dressing if it didn't affect anyone, if it did not do anything. But, yes, it does. And it should.

Mrs. FEINSTEIN. Will the Senator yield, please?

Mr. VITTER. I will be happy to, after I finish my comment.

Mrs. FEINSTEIN. Because I said "presently employed," if I may, through the Chair. To clarify that, I said anybody "presently employed." We know it affects people. We know it would affect people in the future. We also know it affects people presently employed.

Mr. VITTER. Reclaiming my time, the point is, yes, it is a great vote as long as it doesn't affect anyone here, as long as it doesn't affect anyone in the body now, as long as it doesn't affect any spouse.

I disagree. If it is a conflict, it is a conflict. If it is a problem, it is a problem. Having done it in the past doesn't cure the conflict, doesn't cure the problem. I think demanding that a grandfather clause be attached to this is the height of cynicism. We are going to reform things as long as it doesn't affect us. I think that is bad policy and I certainly think it is a very negative message to send to the American people—although it may be a rather clear message about what this debate and exercise is all about.

In terms of the question about official contact, I think that is very clear because it is in the context of the lobbyist disclosure law. It is in the context of lobbyist contact. However, if the Senator continues to believe it is not clear and wants to offer any clarifying language, I would look at that and work with the Senator. I will be happy to work on clarifying language. Obviously, no one wants to prohibit spouses from going to the Supreme Court dinner or anything else. I think that is a relatively—I don't think it is a problem. But even if you think it is one, I believe it is an easy problem to solve.

Mrs. FEINSTEIN. If the Senator will yield for a moment.

Mr. VITTER. Certainly.

Mrs. FEINSTEIN. Through the Chair, on line 5, if you substituted "lobbying" for "official," I think that would do it.

Mr. VITTER. I will be happy to look at that and respond to that suggestion. Certainly, if there is any ambiguity there, and I don't think there is, I will be eager to clarify it and work on it.

Mrs. FEINSTEIN. I thank the Senator.

Mr. VITTER. Again, I think this goes to the heart of the matter. I think this grandfather clause issue goes to the heart of the matter. Are we going to do something that "doesn't affect anybody," that doesn't matter in terms of people here and now and make a big show of it or are we going to make a difference and stop practices that the huge majority of the American people think are a real problem?

I hope we are going to do the latter. I hope we are going to be real and substantive and not go through a PR exercise, and I think the American people are watching to find out. I think this, among other votes, will be a clarifying moment.

I thank the Senator for her questions and I look forward to continuing the discussion.

I yield the floor.

Mrs. FEINSTEIN. Madam President, if I may, I thank the Senator. Perhaps our staffs can get together directly and take a look at this. I appreciate it.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CLINTON).

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I ask unanimous consent I be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO NANCY STETSON

Mr. KERRY. Madam President, one of the best things about the Senate and the character of this place and the opportunity it provides all of us is we are privileged to work with people as our experts on our committees and our aides who, even more than many of us, dedicate decades to this institution and to the causes that bring them to public service.

They do it selflessly, never seeking the headlines but always trying to shape those headlines, making contributions that are most often left in the unwritten history of this institution and of the country.

The fact is, though, as my colleagues know, it is these individuals and their commitment that really writes that history and makes an unbelievable contribution to the country as a whole.

One such person I have had the privilege of working with for the entire time I have been here, for 22-plus years. No one is a more dedicated, harder working, more idealistic, passionate, and effective example of that special kind of public service than Dr. Nancy Stetson of the Senate Foreign Relations Committee, who is retiring this year after over 25 years of remarkable service—groundbreaking service, really—to the Senate.

As a young and idealistic doctoral student, Nancy first came to Washington to work on her thesis and to ask the question whether a single legislator could make a difference in the shaping of American foreign policy. Her subject was Senator "Scoop" Jackson and the long record that he amassed in the Cold War through the legislation that to this day bears his name, the Jackson-Vanik waiver.

Nancy found that on Capitol Hill, despite the Historians' fixation on the rise and fall of the imperial Presidency, one Senator can make a lasting impact on America's role in the world. But it has really been for her role to the Senate Foreign Relations Committee and to me personally that I want to pay her tribute today.

She began working for Senator Pell from her beloved home State of Rhode Island and, then, of course, for Chairman BIDEN. I really inherited her in a sense from Senator Pell because when we came into the majority in 1986, Senator Pell was a chairman who believed in delegating responsibility. I was then the chairman of one of the subcommittees that had jurisdiction over the State Department budget and a number of issues that sort of brought Nancy to me.

So there she was, one Senate staffer with a lot more knowledge on how the committee and the Senate worked than I had. She was committed, dogged, and determined to make this kind of impact or to affect the life of a Senator life who was trying to make that impact.

So I ask my colleagues to consider the legacy of this remarkable staff person. Among her many proud accomplishments as a senior aide on the Senate Foreign Relations Committee was the South Africa sanctions bill and the normalization of relations between America and Vietnam that culminated in the signing of the United States-Vietnam trade agreement in the last Congress.

I am also particularly proud of Nancy's work as the principal architect of the Vietnam Education Foundation and the Vietnam Fulbright Program. These are two programs that we worked on during the 1990s together, but it was really her sense of the possible and her willingness to do a lot of the detail work that helped to bring them to maturity.

Working with a very close friend of mine, a Vietnam veteran from Massachusetts, we helped to shape, and she helped to shape, what is now the largest Fulbright program of the U.S. Government, the program with Vietnam. We have students from Vietnam studying at Harvard in Massachusetts and likewise professors and others going from Harvard to Vietnam to help train their new technicians and leaders of the future.

I think Nancy and I both believed for the years we spent in a war that became so controversial and tore this country apart—which set out as our goal to transform a country, Vietnam—that this was the best way to complete that task; that the war in a sense had not ended, and there was a way to try to ultimately make peace with Vietnam, with ourselves, and build a new future for that country and for ours.

This Vietnam Education Foundation and this Fulbright program have been instrumental in helping us to do that. And today, Vietnam is simply a transformed, extraordinarily different country. It was an innovative policy, and it was a master stroke of public diplomacy for which Nancy deserves enormous credit. Without her vision and her perseverance, we would not be able to talk today, in foreign policy, in terms that say that Vietnam is not just a war but a country. It became a country because of this kind of effort and this kind of outreach in the consciousness of Americans.

We have a relationship today that we could have never imagined when so many of us were in uniform so many years ago. It is no exaggeration to say that entire effort of normalization also was part of Nancy's craftsmanship. And I will talk about that in a moment.

In addition to the normalization with Vietnam, Nancy contributed enormously to global health issues and to some of the most significant policies of any industrialized country against diseases of poverty. Her work on malaria, TB, and AIDS, where she fought to significantly increase the U.S. contribution to the Global AIDS Fund, were among her proudest accomplishments. People across the world today literally owe their lives to Nancy's work.

I remember when we began that effort, Senator Helms was then chairman, and a lot of people said: You are never going to get anything through this committee. Well, with slow and steady work, we not only got it through the committee, we got Senator Helms, to his credit, to be one of the principal cosponsors of this effort.

Together with Senator Frist, we drafted the first original comprehensive plan on AIDS that passed the Senate and which became the centerpiece of how we are approaching particularly Sub-Sahara and Africa today, but really our global efforts to try to deal with this scourge that is growing, I might say notwithstanding those efforts, for lack of global initiative and effort to focus on it.

Over the last 22 years in the Senate, Nancy Stetson and I traveled to many parts of the world. We went to Latin America, to Central America, to East Asia, to the Middle East, to dozens of countries on more trips than I can count. And I will tell you something. Nancy has the ability to win the "Amazing Race," for those of you who have ever seen it. She secured meetings with heads of state, Nobel Prize winners, and unsung health advocates in some of the poorest countries of the world.

She pulled me and other staffs through the wilds of Myanmar, negotiated travel to remote areas of Vietnam, handled the logistical complexities of visiting Indonesia, Cuba. She gave up weekends, holidays, and vacations. And on trips she would stay up into the night, preparing for a press conference or a speech or a policy statement, and convincing the hotel business centers to open at 2 a.m. in Hanoi or Bangkok.

She gave up her 50th birthday. We celebrated it in New Delhi. It is hard to overstate the long hours, the incredible effort, the passion, and the personal sacrifice that Nancy has put into working for me and for her country.

She was indefatigable, and I am incredibly grateful. I might add that on occasion there were some very tricky moments in Vietnam when we were trying to open prisons and open the history centers in order to resolve the issue of POW-MIA, and it required some delicate negotiations. For American soldiers to be reentering Vietnamese prisons and communities by helicopter was an emotional leap for the Vietnamese to make. Nancy built wonderful relationships with leaders, with those people who could make those doors open. And, indeed, they did. I am grateful to her for that.

She was incredibly loyal, brilliant, blunt, honest, absolutely smart as a tack, and wiley. She always asked the questions that needed to be asked of me. Time and time again, when I failed to ask the right question before a witness at our committee, I could always expect that tap on the shoulder and the passing of a note, a reminder from Nancy of what really should have been said or really should have been asked.

Part prosecutor, part conscience, part intellectual, on matters of foreign policy, I was proud to think of her as an alter ego. And I hope that in some of my better moments, if there were a few, she thought the same of me.

She could step in as a surrogate Senator at the drop of a hat, and I mean that literally. When a massive fire took the lives of six of our firefighters in Worcester, MA, immediately—I was in Asia at the time in Myanmar and about to meet with Aung San Suu

Kyi—and I immediately canceled all my meetings and flew back to be in Worcester. But Nancy stayed there and soldiered on and went to my meetings for me. In Burma, meeting with dissident Aung San Suu Kyi, she was herself living out her own commitment on the diplomatic stage with poise and with courage and with intelligence that I think is a credit to the Senate.

Nancy's first love was Africa. She started her career focusing on it. Many years later, she returned to work on the devastating health issues plaguing the continent now. She had a knack for seeing reality quicker than most. She was never swept up by the headlines or the political sales pitch.

She was prescient in seeing the disastrous path that has played out in Iraq for what it is and for helping me to devise a policy going forward. She has never been afraid to act on her conscience.

Nancy is headed now to Massachusetts to become the vice president for health policy at the New England Health Care Institute. Her Senate family will miss her more than we can ever properly express. Even as we wish her good luck and much happiness in her new endeavor, I hope she knows she is not going to escape my badgering e-mails or 3 a.m. phone call from Baghdad or Amman to mine her thoughts.

I have worked with Nancy longer and probably more closely than I have worked with just about anyone in my time in the Senate. As I mentioned, we traveled the world together. Although she may not realize it—I may not have said it in so many words in those long flights to Asia or back, or during the many long hours and late nights here in the Senate—I know in my heart I could not have done it without her energy, without her drive, her grit, her tough-mindedness, and her loyalty.

She has worked long and hard without ever getting the credit she rightly deserves for the amazing things she accomplished in her time in the Senate. So I just want to say thank you to this special woman for her contributions to this institution and to our country.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I ask unanimous consent to speak as in morning business.

Mr. BENNETT. Madam President, may I inquire as to how long this presentation will be?

Ms. STABENOW. No more than 10 minutes.

Mr. BENNETT. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Ms. STABENOW. I say thank you very much to my distinguished colleague from Utah managing the floor.

PRESCRIPTION DRUGS

Ms. STABENOW. Madam President, I felt it was important today to come to the floor and speak about the efforts of the House of Representatives to lower the cost of prescription drugs for our seniors. There has been a measure passed that will require that the Secretary of Health and Human Services negotiate prices. It sounds like something that is pretty straightforward and common sense: to negotiate the very best price for our seniors and people with disabilities.

I know my distinguished colleague and friend, the now-ranking member of the Finance Committee, has spoken about his objection to that approach. I think it is important that we also have voices speaking out about why we believe this makes sense for Medicare, for taxpayers, for our seniors, and for the disabled.

The facts really bear out that this makes sense. We are not talking about whether we do research and development on new breakthrough drugs versus being able to get prices that are affordable for our seniors. There is an ample way to be able to do both. In fact, we, as taxpayers, provide a tremendous amount of the money that is currently being spent on R&D, and it is important we know we can afford the medicine that we are helping to pay to have developed.

A report by Families USA, released last week, looked at the prices of prescription drugs most commonly used by our seniors. The conclusion could not have been more clear. The report compared the prices the private Medicare Part D plans charge now and the prices charged by the Department of Veterans Affairs, the VA, which negotiates, as we all know, for the best price on behalf of America's veterans. The report showed, again, what we have been seeing over the past year. The lowest drug prices charged by the private Part D plans are significantly higher than the prices obtained by the VA.

Among the top 20 most used drugs, the median difference between the lowest Part D plan and the lowest VA plan is 58 percent; 58 percent difference between what the VA is able to do for veterans and taxpayers versus what is happening under the Medicare Part D plan. In other words, for half of the drugs our seniors need most, the highest price charged by the private drug plans is almost 60 percent higher. That makes no sense. I hope we will act to change that.

It can be a lot worse, however. When we look at half of the top 20 drugs, the highest price charged by a private plan is twice as high as the average price through VA for the lowest priced drugs. Seniors and people with disabilities who get their drugs through Medicare are forced to pay more because the law actually prohibits the Secretary of Health and Human Services from negotiating the best price. It is not only that they are trying and are not able to do it; the law that was passed prohibits them from doing that. That does not make sense.

We have all heard from seniors, from families, from people with disabilities across the country trying to wade through all of the private plans and the complexities and dealing with the doughnut hole, and so on. We know that, in fact, one of the reasons that there is that gap in coverage is that we are not using the purchasing power of the Federal Government through Medicare to get the best price so that our dollars and the dollars of the people on Medicare are stretched as far as possible to help people get the medicines they need.

Mr. BENNETT. Will the Senator yield for a question?

Ms. STABENOW. I am happy to.

Mr. BENNETT. Is the Senator aware of the fact that there are well over 1 million veterans who have moved to Medicare Part D rather than the veterans plan because they find that the restricted formulary in the veterans plan has made it impossible for them to get the drugs they want? And one of the reasons the VA plan is cheaper is because they are rationing drugs? Is the Senator aware of the fact that many veterans have, in fact, moved to Medicare Part D for that reason?

Ms. STABENOW. Yes, reclaiming my time, I am aware that, in fact, there are veterans who have moved to the Medicare system. One of the reasons the House bill that passed did not include a national formulary was because of those kinds of concerns. We are not talking about that. We are talking about the ability to negotiate to get the best price. I would also say, though, from the VA's standpoint, that there are millions of veterans who are getting much better prices as a result of the fact that they can negotiate the best price for veterans. We are working to find that balance to provide a choice so that you can get the specific prescription drug that you need but at the same time be able to get the best price. I don't know why we wouldn't want to do that. It makes absolutely no sense not to do that.

We are seeing huge differences on prescription drugs that are commonly used by our seniors. Let me give an example. Zocor, which is a drug many seniors use for keeping their cholesterol levels under control, the lowest VA price is about $127 a month. But people under Medicare are paying $1,486. We are talking about a difference of over 1,000 percent. If you account for an aggressive R&D budget, if you account for differences, there is a lot of wiggle room when you are talking about a 1,000-percent difference in price between someone going through the VA and someone going through Medicare. I don't understand why we would not say to the Secretary of Health and Human Services: We want you to negotiate a better price for Zocor.

There were 7.5 million veterans enrolled in the VA health system in 2005. The administration estimated that over 29 million seniors were enrolled in private plans last year. So there are four times more seniors enrolled in Medicare than there are people under the VA system. And I do not understand—to me it defies logic—why we would not give them the same negotiating power.

I would also like to give the Secretary a chance to negotiate a better price for Protonix, a drug that is commonly used to treat heartburn. The lowest VA price for Protonix for a year is $214.52. Seniors paying the lowest private Part D price have to pay $934 more to get their heartburn treated. Again, that makes no sense. Older Americans are forced to pay 435 percent more for Protonix because the Secretary is forbidden from negotiating prices on behalf of our seniors. When we look at what is happening, the claim that private plans could actually negotiate a better price under Medicare but also under Medicaid has not borne truth.

The Wall Street Journal, the New York Times, and expert testimony before the Finance Committee last week all indicated that, in fact, drug prices are now higher for these individuals, those who were before on Medicaid and now on Medicare. These are our poorest seniors and people with disabilities. Our seniors are being charged more than veterans for the same drugs and our poorest seniors are not getting the price break we had anticipated. It doesn't make sense to me why we would be paying more and why prices would have gone up once Medicare came into place for prescription drugs, why prices have gone up rather than down.

There are two arguments that I am hearing all the time. One is that we can't possibly rigorously negotiate for lower prices for seniors and people with disabilities because we will see prices go down so much that the companies will not be able to conduct research and development on breakthrough drugs. At the same time, we hear also that negotiating would not make a difference; it would not lower prices. It is impossible to argue both of those positions at the same time. If negotiating will, in fact, not lower prices, then it certainly can't affect R&D expenses. But yet both of those assertions are being made at the same time.

We are all committed. This Congress last year appropriated $29 billion for research and development through NIH. And I know the distinguished Chair has been involved in advocating for those efforts as well as for Medicare. The fact that we have put into place $29 billion of taxpayers' money indicates our commitment to R&D and to work with the industry. The research that is done through that effort is available free of charge to the industry. They are able to take that information. They are able to deduct as a business expense their R&D efforts, and they get a 10-percent tax credit for R&D efforts on top of that for breakthrough drugs, all of which I support. We then give about an 18-year patent to protect a company from a particular drug. They have to be able to recoup their costs and not have full competition from the private marketplace or from generic drugs. I, also, support that.

All we are asking—all the people of the country are asking, particularly our seniors and disabled—is that when one gets through with the process they have invested in, they should be able to afford to buy the medicine. Medicine that is not affordable is not available, and health care today is becoming more and more a question of treatment through medicine.

I am hopeful we will move quickly. I know the chairman of the Finance Committee has held a hearing. We are grateful for that. I am hopeful we will move forward together on a bill that will mirror what the House of Representatives has done in order to say that the Secretary should negotiate the best price for medicine for our seniors, for people with disabilities, and certainly for the taxpayers who are paying a substantial amount for this benefit.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. Madam President, I would like to respond to my colleague from Michigan. I wish to talk a little bit about the minimum wage, but I would love to debate drug rationing. And that is what we are going to get to. That is what we are talking about. We are talking about adopting the VA system. For those seniors out there listening, you have a limited list of drugs which are available. And by the way, you get them through the VA. You get about 80 or 90 percent through mail order, the rest at the VA, where my dad goes. I think he, also, may have an addition tied into Part D. I have seniors in Minnesota who like to go to the local pharmacy. I am struggling and fighting every day to keep rural pharmacies alive. You want to put a stake through the heart of rural pharmacies, of small business, talk about doing what the House is talking about. We will have that debate another day.

Americans and Minnesotans like choice. Under Medicare Part D, the poorest of the poor are dual eligibles, and it is a program that is working. Most of the seniors in my State who have Medicare Part D are pretty happy. We have some challenges with the doughnut hole. But going to a system of limited choice, limited options and somehow saying that that is going to be better than a system where you have millions of consumers and, in effect, the bargaining goes on every day, if you don't like one plan, you can go to the next, this plan has cost us less money. It is giving great choices. Our challenge is to keep our rural pharmacies alive. This is not going to make that any better.

MINIMUM WAGE INCREASE

Mr. COLEMAN. Madam President, I wish to talk about a bipartisan effort to increase the minimum wage. Last week, the House overwhelmingly passed legislation to increase the current minimum wage from $5.15 to $7.25 an hour. We will have a chance to deal with that in the Senate. We are going to get a better bill out of the Senate. We are going to have some small business protection which is important. But we do need to increase the minimum wage.

I have long supported increasing the minimum wage. I strongly believe that Congress should ensure that the benefits of our strong economy go to everybody. My State of Minnesota is 1 of 29 that have sought to ease the burden for minimum wage workers by increasing the minimum wage above the Federal minimum wage. But it is well past time that Congress acted.

It has taken more than 9 years to finally reach the point where we will be increasing the minimum wage, and it is about time. As a result of congressional inaction, the Federal minimum wage is actually at a 50-year low, when we factor in inflation. That is simply not fair. It is not fair for our minimum wage workers who must deal with the ever-rising cost of day-to-day living.

There are some who argue that the vast majority of those receiving the minimum wage don't come from poor families. They claim that those receiving the minimum wage are middle income families, young, and work part time. I don't think the facts support that proposition. If Congress increases the minimum wage to $7.25, we are talking about helping about 50 percent of the workers who come from poor and low-income families. We are talking about helping out those Minnesotans who work in the nearly 230,000 low-wage jobs who would benefit from an increase. We are talking about 40 percent of hourly workers who are making $5.15 or less who are uninsured.

Congress needs to find bipartisan solutions to reduce the ranks of the uninsured. We need to act to improve health care accessibility and affordability for all Americans, not the least of which are low-wage workers. It is important to make the point that these same uninsured Americans are also the ones who will benefit most from a hike in the minimum wage.

While I support increasing the minimum wage, I, also, support targeted small business protection. I want to see the hit of an increase in the minimum wage lessened. It is no good to increase the minimum wage if you are going to take away somebody's job. You have to look at the impact on small business.

I am a former mayor, a member of the Small Business Committee. I understand the importance of small business to our economy. I believe that America's future is tied to the growth of small business. Small businesses become big businesses, but they have to start small. They need the kind of protection we are talking about, bipartisan relief.

I have introduced legislation—and apparently a bill will come out of committee—that will provide some protection. I want to make sure a couple other things are in there, such as increasing expensing for small business. My small business owners tell me this is important. Under this sort of expensing, businesses can take an immediate depreciation deduction of up to $112,000 on taxes for qualified business purchases. This is important to do the right kind of protection and ensure that businesses can continue to hire workers and continue to grow and expand.

I applaud the Finance Committee today for passing small business relief. I think it includes an extension of increased expensing and a 15-year straight-line cost recovery period for qualified leasehold and restaurant improvements. I am not going to get into the nitty-gritty, but we are making progress. That is good.

I wish to comment on one other aspect of the minimum wage debate that is not included in the bill out of the Finance Committee. It is called the tip credit. Although this is somewhat of a technical issue, at the end of the day this is about jobs, plain and simple.

So what is tip credit? With tip credit, employers can count a certain part of their employees' tips toward meeting their employees' minimum wage. Tip credit has long been on the books. Labor laws recognize it. I know the State of New York has tip credit. I think there are 7 of the States that do not have a tip credit; 43 States have it. Again, labor laws recognize it, tax laws recognize it. It is an issue that impacts about 10,000 Minnesota businesses and their workers—mostly in the hospitality industry, such as restaurant workers. Those are important businesses. They are gathering places in the community. They are the cornerstone of many of the communities. They form an important part of the State's tax base. The restaurants and those folks employed there are active in the community. They sponsor the local youth teams and support schools and neighborhood projects. Restaurants are where Little Leaguers celebrate victories, families celebrate special occasions, and tourists spend good money, as in my State of Minnesota. This is a way of life which is increasingly under threat. Minnesota is one of seven States that do not have tip credit. My hospitality industry is at a competitive disadvantage with respect to those States which surround us which allow for tip credit. Those in the hospitality industry in our border areas are in competition with other States.

Minnesota has a minimum wage of $6.15 an hour. That is a good thing, but it is not the case in our neighboring States. I think if we look at the other chart, for instance, Wisconsin has an even higher minimum wage. Ours is $6.15 an hour, with a tip credit of $4.17. In Wisconsin, an employer pays a minimum hourly cash wage of $2.33 and can apply $4.17 of their employees' tips toward meeting the minimum wage of $6.50. The employers in Wisconsin, Iowa, South Dakota, and North Dakota in the hospitality industry can pay employees less. There is a lower cost of doing business, which puts my employers at a competitive disadvantage. We are at risk of losing jobs in these areas.

As I have always said, the best welfare program is a job program and a housing program. Consider dining out in the border town of Moorhead, MN. Just across the river in Fargo, ND, there are more than 50 national chains, and there is only 1 in Moorhead.

Operating on an unfair playing field with North Dakota and Wisconsin, hospitality establishments have to make tough decisions, such as raising prices, cutting the workforce, reducing employee hours or, worse, shutting down in the State. Peggy Rasmussen, the owner of Countryside Café in Hamel, is seriously considering closing down her business because of this tip credit issue. When businesses such as Peggy's shut down, their workers are left behind and so, too, are our communities.

This is a fundamental question of fairness. Forty-three States have tip credit. All of Minnesota's neighbors have tip credit. Minnesota does not.

I wish to make it clear that any change in the tip credit law is not going to result in a lowering of this wage for Minnesotans. Anything we do needs to be prospective. I want to defend our restaurant employees. This is what they are making. Over time, we can equalize some of the disadvantage. We can do it in a way that doesn't support a tip credit that would lessen a worker's minimum wage.

As we increase the minimum wage, which I have consistently said is the right thing to do, let's also ensure that States such as Minnesota can operate on a more level playing field with the rest of the 43 States that have the tip credit. Without the tip credit, Minnesota's hospitality businesses and workers will continue to be hurt.

Throughout my time in the Senate, I have sought to improve the living standards of America's hard-working families. Increasing the minimum wage is one way to do so. I look forward to voting with my colleagues from both sides of the aisle to increase the minimum wage.

It is my hope that the minimum wage proposal will also allow for tip credit, which is critical to the future of Minnesota's businesses and workers, which is, in the end, about fairness and, most importantly, about keeping jobs in the States that need them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

HONORING THE PUBLIC SERVICE OF TED TOTMAN

Mr. GRASSLEY. Madam President, I rise to pay tribute to a staff person, Ted Totman, who will retire this week after 23 years of public service as a professional staff member in the U.S. Senate. I didn't know it back then, but when Ted took a job for me in 1983 on the Subcommittee on Aging of the Committee on Labor and Human Resources, I had hired someone who would be one of my closest, most trusted, and longest serving advisers.

Ted was a professional staff member for the Subcommittee on Aging from May 1983 to February 1985. He was staff director during my chairmanship of that subcommittee from April 1985 to January 1987. Ted played a major role in developing and passing the 1984 Older Americans Act amendments and was a forward-looking, successful advocate for more attention to Alzheimer's disease, including expanding the number of Alzheimer's disease research centers, increasing funding for Alzheimer's disease research, and increasing funding for the care of people with Alzheimer's disease. Ted also worked to help obtain funding for two statistical centers on aging in the Census Bureau.

For the next 10 years, from January 1987 to January 1997, Ted served as a legislative assistant in my office, where he was responsible for Medicare, Medicaid, Social Security retirement and disability policy, private pensions, and veterans issues. He was the leading staff member in the Congress for rural health initiatives. He worked to call attention to regional disparities in Medicare provider reimbursement which disadvantage rural providers, requested and achieved a major Office of Technology Assessment study on the problems of delivering health care in rural areas, and supported the Medicare Dependent Hospital Program and the EACH/RPCH hospital program. Ted's staff leadership helped to secure landmark amendments in the 1995 Finance Committee reconciliation bill to ensure geographic equity in Medicare managed care and to reform Medicare's reimbursement for nonphysician primary care providers. In addition, Ted spent countless hours helping Iowans navigate the Federal health care programs.

In January 1997, I became, because of seniority, chairman of the Senate Special Committee on Aging. I asked Ted to be staff director. For the next 3 years, Ted led the committee's work that focused on preparing for the retirement of the baby boom generation and rural health issues. The committee staff developed legislation on aging policy issues, including Medicare, Social Security retirement, and private pensions, most of which was referred to the Committee on Finance, where I was also a member. Legislative initiatives included bills on Medicare dependent hospitals, consumer protections for participants in Medicare managed-care plans, and the program of all-inclusive care for the elderly, and that comes under the acronym we all recognize as the PACE Program. Staff developed and helped enact the Balanced Budget Act in 1997, provisions that provided greater reimbursement equity to managed-care plans that operated in rural communities. As staff director, Ted also led the pursuit of an active oversight and investigative agenda, including a pivotal review of the quality of care in nursing homes and the management of the oversight of quality of care in the nursing homes by the Health Care Financing Administration. Let me say for the distinguished Presiding Officer, the previous administration helped us very much get that through so that we now are adequately enforcing overview of nursing homes, as one example.

Ted helped to raise the profile of many issues of importance not only to older Americans but to our society as a whole.

In January of 2001, I became chairman of the Senate Committee on Finance, and Ted was there again to provide valuable leadership. When I asked him to stay on, at a time he was thinking of retiring, as deputy staff director, he was an integral part of the success of the committee's work during the next 6 years and oversaw staff work on major initiatives, including the Medicare Modernization Act of 2003, the health provisions of the Deficit Reduction Act, the PRIDE Act, and the authorization of the Safe and Stable Families legislation.

Once again, Ted helped to ensure an active oversight program that focused on fraud and abuse in the health care system, problems in the process by which the Food and Drug Administration approves medications and devices, the quality of care in nursing homes, and the management by the Centers for Medicare and Medicaid Services of the survey and certification system for nursing homes. That was an ongoing issue back, as I referred to, when I was chairman of the Committee on Aging.

Ted's work on the staff of the Finance Committee is so highly respected that the members signed a resolution expressing gratitude and respect for Ted's service and dedication.

In addition to his 23 years of service in the U.S. Senate, Ted worked for 5 years for the U.S. Department of Health and Human Services and served 2 years in the military.

In the Senate, Ted's policy acumen and understanding of the complexities of the legislative process, insight into the executive branch of Government, political wit, as well as his strong work ethic and intellectual honesty and his evenhandedness and personal generosity have made him remarkably effective and universally regarded.

Ted is a true public servant who was committed in his work to the people of Iowa and of this great country. I am grateful for his loyalty and applaud his legacy of accomplishment. Ted has made a positive difference in the lives of so many Grassley staff members, and his daily presence will be greatly missed by all of us. We wish Ted well and look forward to continuing our friendship with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I see my neighbor from across beautiful Lake Champlain, the State of New York, here. If the managers of the bill have no objection, I will speak for 4 or 5 minutes about a matter that has just come up. There has been a lot of interest in it.

I ask unanimous consent to speak for up to 7 minutes as in morning business.

Mr. BENNETT. I have no objection if we can add to that that following the presentation of the Senator from Vermont, I will be recognized.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Is there objection?

Without objection, it is so ordered.

THE FISA PROGRAM

Mr. LEAHY. Madam President, earlier today, I spoke with the Attorney General of the United States. He is going to be testifying before the Senate Judiciary Committee tomorrow morning. We anticipate it will be for much of the day. He wished to inform me, as he did Senator SPECTER, of some changes in the so-called FISA Program. I have been very critical of the administration's actions through the National Security Agency—their wiretapping of Americans, wiretapping of people throughout the country, and apparently doing so without obtaining any warrants.

Interestingly enough, the information about this spying on Americans came not from our administration reporting it either through the Intelligence Committee or the Judiciary Committee or the appropriate committees involved; it came out because, like so many other things we find out about, we read about it first in the newspaper.

Apparently, the administration has decided not to continue this warrantless spying program on Americans, but instead to seek approval for all wiretaps from the Foreign Intelligence Surveillance Court. I say this based on the letter sent to us. This is public; this is not a classified matter. The law has required for years that they do it this way.

I welcome the President's decision not to reauthorize the NSA's warrantless spying program because, as I have pointed out for some time, and as other Senators on both sides of the aisle have pointed out, the program was, at very best, of doubtful legality.

Since this program was first revealed, I have urged this administration to inform Congress of what the Government is doing and to comply with the checks and balances Congress wrote into law in the Foreign Intelligence Surveillance Act.

We know we must engage in all surveillance necessary to prevent acts of terrorism, but we can and we should do it in ways that protect the basic rights of all Americans, including the right to privacy.

The issue has never been whether to monitor suspected terrorists—everybody agrees with that; all Americans do. The question is whether we can do it legally and with proper checks and balances to prevent abuses. Providing efficient but meaningful court review is a major step toward addressing those concerns.

I continue to urge the President to fully inform Congress and the American people about the contours of the Foreign Intelligence Surveillance Court order authorizing the surveillance program and of the program itself. Only with meaningful oversight can we assure the balance necessary to achieve security with liberty.

I ask unanimous consent that a copy of a letter from the Attorney General, dated January 17, addressed to me and Senator SPECTER, which indicates copies to numerous other people, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ATTORNEY GENERAL,
Washington, DC, January 17, 2007.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. ARLEN SPECTER,
Ranking Minority Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR SPECTER: I am writing to inform you that on January 10, 2007, a Judge of the Foreign Intelligence Surveillance Court issued orders authorizing the Government to target for collection international communications into or out of the United States where there is probable cause to believe that one of the communicants is a member or agent of al Qaeda or an associated terrorist organization. As a result of these orders, any electronic surveillance that was occurring as part of the Terrorist Surveillance Program will now be conducted subject to the approval of the Foreign Intelligence Surveillance Court.

In the spring of 2005—well before the first press account disclosing the existence of the Terrorist Surveillance Program—the Administration began exploring options for seeking such FISA Court Approval. Any court authorization had to ensure that the Intelligence Community would have the speed and agility necessary to protect the Nation from al Qaeda—the very speed and agility that was offered by the Terrorist Surveillance Program. These orders are innovative, they are complex, and it took considerable time and work for the Government to develop the approach that was proposed to the Court and for the Judge on the FISC to consider and approve these orders.

The President is committed to using all lawful tools to protect our Nation from the terrorist threat, including making maximum use of the authorities provided by FISA and taking full advantage of developments in the law. Although, as we have previously explained, the Terrorist Surveillance Program fully complies with the law, the orders the Government has obtained will allow the necessary speed and agility while providing substantial advantages. Accordingly, under these circumstances, the President has determined not to reauthorize the Terrorist Surveillance Program when the current authorization expires.

The Intelligence Committees have been briefed on the highly classified details of these orders. In addition, I have directed Steve Bradbury, Acting Assistant Attorney General for the Office of Legal Counsel, and Ken Wainstein, Assistant Attorney General for National Security, to provide a classified briefing to you on the details of these orders.

Sincerely,

ALBERTO R. GONZALES,
Attorney General.

Mr. LEAHY. Madam President, I was a prosecutor for 8 years. I enjoyed being a prosecutor. But I also was well aware that we acted within checks and balances. Courts had their role, prosecutors had their role, defense attorneys had their role. It only worked when everybody did what they were supposed to, including the executive.

I was also a prosecutor and on the board of the National District Attorneys Association at the time of COINTELPRO, a program of spying on Americans who disagreed with the war in Vietnam, and even, we found out later, spying on Martin Luther King because he was speaking so radically as to suggest that we might actually want equality between people, no matter what their color might be, in this country.

Our Government was spying on people who objected to war. Our Government was spying on people who wanted integration in America. I don't want us to go back to that point.

I shudder to think what might have happened if J. Edgar Hoover had had all the electronic capabilities we have today. The only way we stop this—it makes no difference if we have a Democratic or Republican administration—the only way we stop it is with the checks and balances we have built in.

FISA and the Foreign Intelligence Surveillance Court came about because of illegal spying on Americans who were not committing any unlawful act, but were simply questioning what their Government was doing. Many of us worry that has happened now. We have seen, for example, that the Department of Defense has had surveillance, has even recorded movies, of Quakers protesting war. Quakers always protest wars.

Madam President, I ask for 2 additional minutes, under the same agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. They always do this. We heard in the press that there has been surveillance of Vermonters who protested the war. I can save them money. Turn on C–SPAN. I do it all the time on the Senate floor, if they want to find a Vermonter who may protest the war.

The question here is a greater one. What right does our Government—our Government, which is there to serve all of us—have to spy on individual Americans exercising their rights? Of course, go after terrorists, but to go after terrorists, you can do it within the law.

The distinguished occupant of the chair, the Presiding Officer, is also a former prosecutor. She knows how we have to go to court and follow the law for search warrants or anything else. In this area of foreign intelligence, we have made it very easy and very quick for the government to go before special courts, FISA courts. Let's do that, because when this administration or any administration says they are above the law, they don't have to follow the law, they can step outside the law, they don't have to follow checks and balances, then I say all Americans, no matter what your political leaning might be, all Americans ought to ask why are they doing this, why are they doing this. Because it doesn't in the long run protect us, not if we let them take away our liberties.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007—Continued

AMENDMENT NO. 20

Mr. BENNETT. Madam President, I have an amendment, No. 20, which I have offered and which I believe we will be voting on at some point, if not today then tomorrow. I rise to discuss the amendment and to share with my fellow Senators comments that have been made about the amendment by those groups in the Nation that would be most affected by it.

My amendment is very simple. It is a single sentence. It strikes section 220 of the underlying bill. So the whole focus of this discussion has to be on section 220 and what is it and what does it do and why do I think it should be stricken.

If I can go back to the history of this bill, back to the Senate-passed bill we dealt with in the previous Congress, I can tell you where section 220 came from. It was an attempt to deal with what the press has labeled "the astroturf groups." That is a little bit hard to understand.

What does astroturf have to do with anything here? There are grassroots lobbyists and then there are groups the press has decided are phony groups pretending to be grassroots lobbyists. And it is these phony groups that they have labeled "astroturf lobbyists" and they think something ought to be done about it.

Here is the theoretical definition of an astroturf lobbyist: An astroturf lobbyist is someone who gets paid, presumably by a large organization—a labor union, a corporation, a trade association, whatever it might be—to pretend there is a groundswell of grassroots support or opposition for or to a particular piece of legislation. So this hired gun, if you will, sends out letters, e-mails, faxes—whatever it is—to stir up phony grassroots support for or against the particular piece of legislation.

The idea was that this hired gun, this individual who does this is, in fact, a lobbyist, even though he or she never talks to a Member of Congress, even though he or she may not live in Washington, DC, or even come here, even though he or she has no connection with any Member of Congress or the staff, because he or she is trying to stimulate communications to Congress that have the effect of putting pressure on Congress. He or she is a lobbyist and, therefore, must register, must report who pays him or her, must go through all of the procedures connected with a lobbyist under the Federal Lobbying Disclosure Act.

Put in that narrow context, there may be some justification for section 220.

Now let's step out of that hypothetical context and go to the real world, and we discover that section 220 is pernicious in its effect, which is why it is opposed all across the political spectrum by those who are involved in trying to put pressure on Congress by virtue of communicating with their Members.

On the right-hand side of the slate we have the Eagle Forum, on the left-hand side of the slate, if you will, we have the ACLU, and all across the spectrum we have a number of groups that are saying: Wait a minute, the prohibitions on astroturf lobbyists or grassroots lobbyists, as they are called in the bill, are prohibitions that cut to the heart of the constitutional right of Americans to petition the Government for redress of their grievances.

I have a letter, a copy of which was sent to every Senator, from the ACLU. Knowing what I know about senatorial offices, I think most Senators will not see the letter, so I will quote from it and at the end of my presentation ask unanimous consent that it be printed in the RECORD so that all Senators and their offices can read it.

Here is what the ACLU has to say about this particular provision:

> Section 220, entitled "Disclosure of Paid Efforts to Stimulate Grassroots Lobbying" imposes onerous reporting requirements that will chill constitutionally protected activity. Advocacy organizations large and small would now find their communications to the general public about policy matters redefined as lobbying and therefore subject to registration and quarterly reporting. Failure to register and report could have severe civil and potentially criminal sanctions.

If I can end the quote there and insert this fact: When we adopted the Vitter amendment on January 12, we raised that fine to $200,000. Someone who gets his neighbors together and says, let's all write our Congressmen on this issue, and then spends some money doing it, under this provision becomes a paid lobbyist, and if he does not report and register would be fined $200,000 for having done that. The ACLU does not overstate the case when they say this would have a chilling effect on constitutionally protected activity.

If I can go back to the ACLU letter and continue quoting:

> Section 220 would apply to even small, state grassroots organizations with no lobbying presence in Washington. When faced with burdensome registration and reporting requirements, some of these organizations may well decide that silence is the best option.

I guarantee you that if this small organization has a lawyer, the lawyer will advise them that silence is the best option. The lawyer will say: You are exposing yourself to a $200,000 fine if you don't do this right, and if you don't have the capacity to go through all of the paperwork and be sure you do this right, the best thing to do is simply not try to stimulate anybody to write his Congressman or go visit the local congressional office.

Back to the letter from the ACLU:

> It is well settled that lobbying, which embodies the separate and distinct political freedoms of petitioning, speech, and assembly enjoys the highest constitutional protection.

And for every statement they make here, as you will see when you get the letter inserted in the RECORD, the ACLU gives Supreme Court decisions in support of the position, and in many instances they are quoting directly from the Supreme Court opinion and not paraphrasing.

Back to their letter:

> Petitioning the government is—

and this is a subquote from the Supreme Court—

> core political speech,

the ACLU again—

> for which the First Amendment protection is—the Supreme Court—"at its zenith."

So we are talking about something the Supreme Court has ruled is at the zenith of protected political speech under the first amendment.

Now, back to another Supreme Court position, quoting again from the ACLU:

> Constitutional protection of lobbying is not in the least diminished by the fact that it may be performed for others for a fee. Further—from the Supreme Court—"the First Amendment protects the right not only to advocate one's cause, but also to select what one believes to be the most effective means of doing so." That is from the Supreme Court decision: The right to not only advocate for the cause, but to select what one believes to be the most effective means of doing so.

A grassroots lobbying group decides in its neighborhood that the most effective means of influencing and speaking up on legislation is to send out letters to its membership, or perhaps it may decide the most effective means would be to buy a mailing list and send out letters to the people on the mailing list. As soon as they spend the money to buy the mailing list, there is a paid lobbyist involved, and if the registration is not correct, there is a $200,000 fine against that group, if we leave this provision in the bill as it is.

The ACLU goes on to make other compelling arguments, but I would like to add a few other comments from other sources to show that this is from across the board.

The National Right To Life Committee—not usually associated with the ACLU in most people's minds as being on the same side of an issue—they say:

> Section 220 defines the act of a constituent contacting a Member of Congress as an act of "lobbying," specifically, "grassroots lobbying."

And then here is what section 220 has to say, quoting directly from the bill:

> Grassroots lobbying means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials, or to encourage other members of the general public to do the same.

Let me stress that, again. This legislation says that grassroots lobbying is defined as members of the general public communicating with their Congressman or encouraging others to do the same.

I thought that is what we were all supposed to do. I was taught in civics class in high school that everyone had the right to do that, without being forced to register and report all of their connections if somebody pays for it. Again, the Supreme Court says, constitutional protection of lobbying is not in the least diminished by the fact that it may be performed for others for a fee. But if you mess up your forms, if you don't file them on time, if somehow they are confusing to you and you have contacted your neighbors or you have purchased a mailing list, whether you are Astroturf or grassroots, you are on the hook for $200,000, as the bill currently stands.

Bradley Smith, who is the former chairman of the FEC, along with Stephen Hoersting, who is Republican Senatorial Committee general counsel, two distinguished lawyers, had this to say on this issue:

> "Grassroots lobbying" is merely encouragement of average citizens to contact their representatives about issues of public concern. It is not "lobbying" at all, as that phrase is normally used outside the beltway, meaning paid, full-time advocates of special interests meeting in person with Members of Congress away from the public eye. Contact between ordinary citizens and Members of Congress, which is what grassroots lobbying seeks to bring about, is the antithesis of the lobbying at the heart of the Abramoff scandals. It is ordinary citizens expressing themselves. That they are "stimulated" to do so by "grassroots lobbying activities" is irrelevant. These are still individual citizens motivated to express themselves to Members of Congress.

The Right To Life letter goes on to say:

> Poorly paid, activist employees of such organizations could receive penalties of up to $200,000 per infraction, or even face a threat of criminal prosecution, even if they never set foot in Washington, D.C., or speak to a Member of Congress or congressional staff.

Yes, Senator BENNETT, that is all very well and good, but what about these Astroturf lobbyists? We have to get to that terrible evil. The people who say that, quite frankly, probably have never, ever served in a congressional office or held public office. And if they have, they were pretty unconscious while that was going on.

I first came to this town as a congressional staffer over 40 years ago. I served on the House side; I have served on the Senate side. I have been a lobbyist downtown. Yes, I have been one of these paid professionals, and I reported all of the things I was required to report—went through the whole situation. I was in the executive branch as a lobbyist. We didn't call it that. We pretend the executive branch doesn't lobby the legislative branch, so it is called "congressional liaison" or "congressional relations." I was the Director of Congressional Relations at the Department of Transportation. I had exquisite timing. I left just before they had title inflation, and if I had been there a little later, I could say I was an Assistant Secretary.

I understand this. People who have been involved in this understand this.

When somebody tries to create a truly phony outburst of public opinion, the people in the front office of a congressional staff recognize it in about 3 nanoseconds. The letters come in. They are all identical. You know they are not stimulated by the position of the people at home. You know they were written by some professional who is taking a fee as an Astroturf lobbyist, if you will. You can see through it in an instant. They all come in, almost always in one of these simulated kinds of campaigns and somebody ruins it. I have seen these postcards, and on one of them is written: Senator, my organization told me to send you this. I hope it is helpful. And you know the person who wrote that doesn't know what is on it.

Sometimes they come in and they say: I don't know anything about this issue, but I am being asked to send you this postcard. I trust your judgment, Senator, and I hope you do the right thing.

There were times when these phony Astroturf kinds of campaigns were so overwhelming in volume that in the office where I was working, we didn't read any of it. You identified it immediately, you put them in a separate mail sack, and you threw them away. I tell people when they come to me and say, What is the best way to influence a Member of Congress, it is to stay away from these people because we are smart enough to see through it.

In order to protect the Congress from these kinds of Astroturf campaigns, do we have to put a potential $200,000 fine on someone who uses his church list to send out a letter and urge people who receive the letter to write their Congressman on a particular issue? Do we have to expose every group, right and left, that does its best to stimulate some kind of interest in an issue to this sort of penalty? What about the Internet? What happens if someone goes on the Internet and urges everybody who sees his blog to write Congress and then makes the mistake of hiring somebody and paying him to write that notice on the blog? Has that not created a lobbyist for hire? Somebody finds out the man who created the message on the blog got paid and files a complaint. I don't know what the lawyers would do with it, whether he would end up paying the $200,000, but I do know what he would run up in legal fees to protect himself against that kind of situation.

This is simply something that has been created by virtue of a perception of the way grassroots works, a perception that is wrong. This should be stricken from the bill. This should not go forward. I speak not from my own experience, not from how I feel after 40 years of contact with this place in one way or another, but I speak for a vast number of groups who are involved in this on the far right, on the far left, on every stage of the political spectrum in between, including those who are strongly for this bill and including those who say we need more transparency, we need to do something about earmarks, we need to do something about the more traditional definition of lobbyists having undue access. People who say we are for the bill, we are for all of these wonderful things, but if you do this, put this in the bill, you are on very shaky constitutional ground.

I have no doubt that if section 220 survives in the bill and ends up in the law, it will be struck down as unconstitutional. But in order to have it struck down, someone will have to file a lawsuit. Someone will have to fund hundreds of thousands and probably millions of dollars to take it through a district court and a circuit court and up to the Supreme Court, although maybe not. I would think any district judge would take one look at this and strike it down. But life being what it is, you can never tell about that. The Supreme Court has spoken often and repeatedly on this issue. The Supreme Court position is very clear. Let's hear them and save the money for the group that would have to take this to the Supreme Court to try to get it reversed. Let's reverse it in the Senate so it does not ever see the light of day. I urge all of my colleagues to support my amendment that would strike section 220 and reaffirm that the zenith of the Bill of Rights is free speech, the right to petition your Government for redress of your grievances, and the right to peacefully assemble, all of which is involved in grassroots lobbying and none of which should be criminalized as a result of the legislation that we are considering today.

Madam President, I ask unanimous consent to include these letters in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, January 17, 2007.

DEAR SENATOR: On behalf of the ACLU, a non-partisan organization with hundreds of thousands of activists and members, and 53 affiliates nation-wide, we urge you to support Bennett Amendment S.A. 20 to S. 1, the "Legislative Transparency and Accountability Act of 2007" when it comes to the floor for a vote. This amendment would strike Section 220 of the underlying bill.

Section 220, entitled "Disclosure of Paid Efforts to Stimulate Grassroots Lobbying" imposes onerous reporting requirements that will chill constitutionally protected activity. Advocacy organizations large and small would now find their communications to the general public about policy matters redefined as lobbying and therefore subject to registration and quarterly reporting. Failure to register and report could have severe civil and potentially criminal sanctions. Section 220 would apply to even small, state grassroots organizations with no lobbying presence in Washington. When faced with burdensome registration and reporting requirements, some of these organizations may well decide that silence is the best option.

The right to petition the government is "one of the most precious of the liberties safeguarded by the Bill of Rights." When viewed through this prism, the thrust of the grassroots lobbying regulation is at best misguided, and at worst would seriously undermine the basic freedom that is the cornerstone of our system of government.

It is well settled that lobbying, which embodies the separate and distinct political freedoms of petitioning, speech, and assembly, enjoys the highest constitutional protection. Petitioning the government is "core political speech," for which First Amendment protection is "at its zenith."

Constitutional protection of lobbying is not in the least diminished by the fact that it may be performed for others for a fee. Further, "the First Amendment protects [the] right not only to advocate [one's] cause but also to select what [one] believe[s] to be the most effective means of doing so." In Meyer, the Court emphasized that legislative restrictions on political advocacy or advocacy of the passage or defeat of legislation are "wholly at odds with the guarantees of the First Amendment."

Where the government seeks to regulate such First Amendment protected activity, the regulations must survive exacting scrutiny. To satisfy strict scrutiny, the government must establish: (a) a compelling governmental interest sufficient to override the burden on individual rights; (b) a substantial correlation between the regulation and the furtherance of that interest; and (c) that the least drastic means to achieve its goal have been employed.

A compelling governmental interest cannot be established on the basis of conjecture. There must be a factual record to sustain the government's assertion that burdens on fundamental rights are warranted. Here, there is little if any record to support the contention that grassroots lobbying needs to be regulated. Without this record, the government will be unable to sustain its assertion that grassroots lobbying should be regulated.

The grassroots lobbying provision is troubling for other reasons as well. First, the provision seems to assume Americans can be easily manipulated by advocacy organizations to take actions that do not reflect their own interests. To the contrary, Americans are highly independent and capable of making their own judgment. Whether or not they were informed of an issue through a grassroots campaign is irrelevant—their action in contacting their representative is based on their own belief in the importance of matters before Congress.

Second, it appears groups such as the ACLU may end up having to report their activities because of the grassroots lobbying provisions. A "grassroots lobbying firm" means a person or entity that is retained by one or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients and receives income of, or spends or agrees to spend, an aggregate of $25,000 or more for such efforts in any quarterly period. "Client" under existing law includes the organization that employs an inhouse staff person or person who lobbies. If, for example, the ACLU hires an individual to stimulate grassroots lobbying on behalf of the ACLU and pays that individual for her efforts in amounts exceeding $25,000, it appears that individual could be considered a grassroots lobbying firm, and have to register and report as such. The fact the ACLU employs that individual appears to be irrelevant to this provision. Unless this is the type of activity that the provision is intended to reach, there is no substantial correlation between the regulation and the furtherance of the government's alleged interest in regulating that activity.

Groups such as the ACLU could also be affected because of the definitions of "paid efforts to stimulate grassroots lobbying" employed in Section 220. For example, the ACLU maintains a list of activists who have signed up to be notified about pending issues in Congress. Not all of those activists are "dues paying" members who would be exempt from consideration for "paid efforts to stimulate grassroots lobbying." Additionally, since there are 500 or more such individuals, sending out an action alert to ACLU activists could be deemed "paid" communication and subject to registration and quarterly reporting.

Because the grassroots lobbying provision is unsupported by any record of corruption, and because the provision is not narrowly tailored to achieve the government's asserted interest, the provision is constitutionally suspect. Requiring groups or individuals to report First Amendment activity to the government is antithetical to the values enshrined in our Constitution. If our government is truly one "of the people, for the people, and by the people," then the people must be able to disseminate information, contact their representatives, and encourage others to do so as well.

Sincerely,

Caroline Fredrickson,
Director, Washington Legislative Office.
Marvin Johnson,
Legislative Counsel.

National Right to Life
Committee, Inc.,
Washington, DC, January 16, 2007.

Re Support Bennett Amendment No. 20 to avoid radical effects of Section 220 of S. 1 (substitute amendment)

Dear Senator: The National Right to Life Committee (NRLC) urges you to support the Bennett Amendment (No. 20), which would strike Section 220 from the pending substitute amendment to S. 1. Because of the chilling effect that Section 220 could have on grassroots activism, NRLC may include any roll call on the Bennett Amendment in our scorecard of key votes for the 110th Congress.

While supporters of Section 220 say that it would only require "disclosure" of certain big-dollar lobbying campaigns, the actual language of Section 220 would place unprecedented burdens on issue-oriented citizen groups from coast to coast that seek to motivate the public on matters of federal policy. Any local activist who runs afoul of the new requirements could be subjected to crushing civil penalties, raised from $50,000 to $200,000 per infraction by adoption of the Vitter Amendment No. 10 on January 12, and even to intimidation by threat of the new criminal penalty of up to 10 years in prison created by Section 223 of the substitute bill. The net effect would be to chill activities that are essential to the healthy functioning of a representative system of government.

The reach of Section 220 would be far more expansive and drastic than has been acknowledged by any of the sponsors or advocacy-group backers of the provision. Some of the sweeping effects are clearly intended (if not acknowledged) by the provision's backers, but others may be the result of poor draftsmanship or poor understanding of the way Section 220 would alter the structure of the existing Lobbying Disclosure Act (2 U.S.C. Chapter 26).

CONSTITUTIONAL PRINCIPLE

Before discussing the specific regulatory burdens that would be imposed by Section 220, it is necessary to describe the pernicious premise that is at the heart of the proposal: Section 220 defines the act of a constituent contacting a member of Congress as an act of "lobbying," specifically "grassroots lobbying." In our view, petitioning elected representatives is at the very heart of representative democracy, is granted the highest degree of protection by the First Amendment, and ought to be encouraged rather than restricted and regulated. Yet Section 220 would enact into law a mind-set that encouraging citizens to contact their federal representatives is a type of influence-peddling, inherently suspect, and the proper subject for scrutiny regarding exactly how citizens were motivated to exercise their constitutional right to petition.

(We refer here to definition 17 in Section 220: "GRASSROOTS LOBBYING. The term 'grassroots lobbying' means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same." Note that this definition is so expansive that it covers not only verbal and written communications sent by a constituent to an officeholder, but also such activities as holding placards at public demonstrations, submitting letters for publication in local newspapers, or offering comments on an officeholder's position on a call-in radio program.)

Bradley Smith, former chairman of FEC, and Stephen Hoersting, former Republican Senatorial Committee general counsel, last year explained in detail why "grassroots lobbying" should be protected from Congressional scrutiny and regulation (see "Let the Grassroots 'Lobbying' Grow," www.nationalreview.com/comment/smith_hoersting_200602210809.asp), They wrote:

"'Grassroots lobbying' is merely encouragement of average citizens to contact their representatives about issues of public concern. It is not 'lobbying' at all, as that phrase is normally used outside the beltway, meaning paid, full-time advocates of special interests meeting in person with members of Congress away from the public eye. . . . Contact between ordinary citizens and members of Congress, which is what 'grassroots lobbying' seeks to bring about, is the antithesis of the 'lobbying' at the heart of the Abramoff scandals. It is ordinary citizens expressing themselves. That they are 'stimulated' to do so by 'grassroots lobbying activities' is irrelevant. These are still individual citizens motivated to express themselves to members of Congress."

We agree. We urge you to support the Bennett Amendment in order to reject the root concept that communications from constituents are a form of "lobbying," or that what motivated a constituent is a proper subject for governmental inquiry—be it a mailing from an advocacy group, or a newspaper editorial, or a franked newsletter, or a conversation at a local gym.

SECTION 220—TWO DISTINCT WEBS OF NEW REGULATION

Beyond the fundamental constitutional objection, it is vital that you understand the actual legal effects of Section 220, which have been grossly understated (and are probably poorly understood) by many of the provision's supporters.

Section 220 would create many legal hazards for grassroots-based, actvist-staffed organizations throughout the country.

Section 220 creates two separate and distinct new webs of regulation. (These have been confused or conflated in some materials circulated by both supporters and opponents of the provision.) First, Section 220 greatly expands the universe of persons who must register and file detailed reports (henceforth, quarterly) as federal "lobbyists," because Section 220 redefines "lobbying activities" to include "paid efforts to stimulate grassroots lobbying." This would include many employees of state and local right-to-life organizations who are paid only small amounts and who seldom engage in true lobbying of members of Congress or their staffs. Second, Section 220 creates a new category, the "grassroots lobbying firm," defined so broadly that even a single individual, employed by a state or local advocacy group and paid a nominal amount, could be forced to register as a "grassroots lobbying firm" if the organization purchased a single full-page ad in a newspaper on a federal legislative issue.

The primary impact of these regulations would not fall primarily on well-heeled "K Street" lobbyists or on professional public relations firms, which supporters of Section 220 claim are their targets. Most professional Washington lobbying firms and their vendors are well-equipped to deal with complex regulations—they can hire extra lawyers, bookkeepers, and support staff, and bill their clients for the additional expenses required to keep track of their centralized "grassroots lobbying activities."

The real burdens of Section 220 would fall on the thousands of low-paid employees of thousands of issue-oriented citizen groups across the land, of every ideological stripe, who try to motivate members of the general public to communicate with members of the U.S. Senate and House regarding pending legislation. If Section 220 is enacted, the activist will learn that she must register with the federal government as a "lobbyist" and file quarterly reports detailing her efforts to stimulate "grassroots lobbying," of any dollar amount, if (1) she is paid any sort of salary, (2) spends more than 20 percent of her time on such grassroots activities, (3) presents the motivating communications to more than 500 persons who are not paying members of the organization, and (4) has communicated with a congressional office or Executive Branch official more than once during a calendar quarter (for example, by sending an e-mail or making a phone call advising a Senate office of the organization's position on a pending vote).

REGISTRATION/REPORTING BY "GRASSROOTS LOBBYISTS" WHO SPEND $1

Some defenders of Section 220 say that these requirements would apply only if the activist is an employee of an organization that spends more than $10,000 in a calendar quarter on such "grassroots lobbying activity." Regrettably, they are mistaken—that may have been the intent, but it is not the language of Section 220. There is indeed a $10,000 minimum (per three-month period) threshold in the bill (which amends the $24,500 semi-annual threshold that applies under the current Lobbying Disclosure Act), but Section 220(b)(1) explicitly removes "paid efforts to stimulate grassroots lobbying" from the scope of this exemption. In other words, Section 220 creates an exception to the exemption. This means that under Section 220, even $1 per quarter spent to "stimulate" citizens to communicate with their representatives in Congress triggers the registration and reporting requirement, for an individual who meets the other four numbered criteria in our previous paragraph. (Note: The $10,000 minimum discussed here applies to registration as a "lobbyist," and should not be confused with the $25,000 threshold that applies to the "grassroots lobbying firm," the new entity created by Section 220, which is discussed on the final two pages of this letter.)

Some defenders of Section 220 also claim that the registration requirement would apply only to individuals or firms that are already required to register because they engage in extensive direct lobbying with members of Congress or congressional staff. In this, too, they are mistaken: Section 220(a)(1) explicitly adds "paid efforts to stimulate grassroots lobbying" to the list of activities that trigger the federal registration and reporting requirement Therefore, if a local issue-activist group has an employee who has spent any money to encourage more than 500 private citizens (not members of the organization) to write letters to their representatives, has spent 20% of his time on such activity, and has made as few as two contacts to congressional or Executive Branch offices urging action on a pending issue, that employee would be trapped by the registration and reporting requirements.

Defenders of Section 220 emphasize that communications to members of an organization (for example, members of a labor union) are exempt. But the First Amendment does not merely guarantee the right to communicate with those who pay dues for the privilege of receiving such communications. Even a small single-issue organization may have a large e-mail alert list (for example), made up of individuals who fall outside of the Section 220 definition of "membership" because they do not make contributions, but nevertheless have a strong desire to be kept informed of congressional legislative activities. In addition, the group may at times feel the need to reach out to the general public—for example, by purchasing an ad in a daily newspaper—to urge citizens to speak out on a timely issue.

"GRASSROOTS LOBBYING FIRM" REGULATION WEB

The second and distinct web of regulation created by Section 220 applies to a new category of regulated entity, the so-called "grassroots lobbying firm." Defenders of Section 220 talk about this provision in "terms of so-called Astroturf" operations, as if it applied to professional advertising or public relations firms, but the actual language is far more sweeping. Section 220 defines a "grassroots lobbying firm" as "a person or entity" [emphasis added] who is paid, by a "client," to stimulate "grassroots lobbying" (as defined in Section 220), and who receives, spends, or agrees to spend $25,000 or more in a quarter for such activities. "Client" is defined in the existing law to include an organization that employs an in-house staff person who engages in "lobbying activities," a definition that Section 220 would expand to include activities to motivate grassroots contacts to members of Congress.

(It is important to note that this $25,000-per-quarter threshold applies only to the new "grassroots lobbying firm" provision of Section 220, and not to the separate requirement that one engaged in "paid efforts to stimulate grassroots lobbying" must register and report as a "lobbyist." As we have already explained, the lobbyist registration requirement is not confined by any dollar threshold with respect to "paid efforts to stimulate grassroots lobbying."

Thus, under Section 220, the executive director (for example) of a state or local affiliate of National Right to Life, even if she is part-time and paid only a nominal amount, and even if she seldom or never interacts directly with congressional offices, could be forced to register as a federal "grassroots lobbying firm" and file detailed reports on a quarterly basis, if she on behalf of the organization (the "client") spends more than $25,000/quarter on encouraging the general public to contact their federal elected representatives. Since a single full-page ad in a major metro newspaper typically costs more than $25,000, many part-time citizen activists would find themselves legally defined as "grassroots lobbying firms." Note that in this scenario, it is not the organization that Section 220 defines as a "grassroots lobbying firm," but the individual staff person as described. Also, note that this new regulation of "grassroots lobbying firm(s)" is not constrained by the language that limits the existing Lobbying Disclosure Act requirement to register as a "lobbyist" to persons who make at least two direct "lobbying contacts" and who spend more than 20% of their paid time on lobbying activities during a reporting period. Those limitations apply only to the Act's definition of "lobbyist," and not to the new language of Section 220 defining "grassroots lobbying firm."

The "grassroots lobbying firm" provision of Section 220 has one additional side effect which has not been understood, or at least has not been acknowledged, by its supporters: The $25,000 threshold is an aggregate figure for a vendor, not a threshold that applies to each issue-oriented client organization. We illustrate the implications by the following scenario: In Anytown, 15 citizen-activist groups, none of which has any paid staff or engages in any direct contacts with members of Congress or congressional staff, all hire the same vendor to mail to various lists of citizens urging them to communicate with their elected representatives on different timely issues. No organization pays more than $2,000 for the use of any list, but the aggregate amount collected by the vendor for mailings to all lists exceeds $25,000 in a three-month period. Under Section 220, this local vendor would be required to register as a "grassroots lobbying firm" and to report the details of his mailing activities for all 15 of his "clients," even a group that merely paid $50 for the use of a list.

CONCLUSION

In summary, Section 220 is a poorly drafted provision. If enacted, it will disrupt the constitutionally protected activities of thousands of issue-oriented citizen groups from coast to coast, chill free speech by citizen activists on the issues of the day, and become a textbook example of the Law of Unintended Consequences.

We urge you to prevent these consequences by supporting the Bennett Amendment No. 20, which will strike Section 220 from the substitute to S. 1. Thank you for your consideration of our strong views on this issue.

Sincerely,

DOUGLAS JOHNSON,
NRLC Legislative Director.
SUSAN MUSKETT, J.D.,
Congressional Liaison.

JANUARY 16, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: As leaders of advocacy organizations active on a broad variety of issues, we write to express our strong concerns regarding certain proposals that are being advanced that would establish, for the first time, congressional oversight of grassroots activity that is intended to encourage members of the public to communicate with Members of Congress about pending legislative matters—so-called "grassroots lobbying."

We take no issue with proposals that may be legitimate responses to allegations of certain unethical actions by Members of Congress, congressional staff and lobbyists. But nothing in those allegations provide any justification whatsoever for the notion that incumbent Members of Congress should seize authority to scrutinize and regulate the constitutionally protected efforts of groups such as ours to alert citizens regarding legislative developments in Congress and to encourage them to communicate their views to their elected representatives. That citizens are "stimulated" to contact their representatives by so-called "grassroots lobbying activities" is irrelevant. Newspaper editorials, op-eds, grassroots advertisements and e-mail alerts are all ways to influence people to contact their elected representatives on an issue. Just as it would be unconstitutional to monitor the press because of their influence over their readership, the First Amendment also protects the right of the people to "petition the government for a redress of grievances." To monitor motivation as to why a citizen would contact Members on an issue is attacking that First Amendment right.

A prominent example of the type of provisions that we strongly oppose are found in the Legislative Transparency and Accountability Act of 2007 (S.1). We strongly oppose Section 220 of this legislation and any other proposals along these lines.

Section 220 requires "grassroots lobbying firms" to report to Congress within 45 days of agreeing to provide services related to grass roots lobbying (including filing of quarterly reports listing disbursements made in connection with such activities).

Section 220 exempts communications of an organization to its members from direct application of these requirements, but the bill ensures that all private contractors and vendors which we retain to help communicate with the general public, in order to encourage these citizens to contact their elected representatives in Congress, would be subject to the burdensome recordkeeping and reporting requirements. Moreover, since these activities must be reported according to when they are arranged (even before communications to the public actually occur), they would in effect require that we provide our opposition on any given issue with detailed information about the scope and location of our planned grassroots efforts.

Reasoned attempts to address the concerns emerging from Congressional scandals should not be used as an excuse for incumbent officer-holders to encroach upon our most basic Constitutional liberties. Therefore, we urge you to strongly oppose any legislative proposals that would establish federal oversight over grassroots lobbying activities. We fully support Amendment 20 to S. 1 filed by Senator Robert Bennett which would strike the section relating to disclosure of paid efforts to stimulate grassroots lobbying.

Respectfully,
Family Research Council
Focus on the Family
Family Protection Lobby
The Family Action Council of Tennessee

American Family Association
Illinois Family Institute
The Family Research Institute of Wisconsin
Free Market Foundation
Christian Civic League of Maine
The Center for Arizona Policy
Corner Institute of Idaho
South Dakota Family Policy Council
Georgia Family Council
The Minnesota Family Council
Mississippi Center for Public Policy
Men's Health Network
Family Leader Network
National Council for Adoption
Institute on Religion and Public Policy
Catholic Family & Human Rights Institute
American Association of Christian Schools
National Rifle Association
Coalition for Marriage and Family
Judicial Action Group
Coalitions for America
American Shareholders Association
Americans for Tax Reform
American Values
Catholic Exchange
Traditional Values Coalition
Tradition, Family, Property, Inc.
Family Resource Network/Teen Pact
Grassfire.org Alliance
Eagle Forum
Concerned Women for America
Christian Coalition of America
Fidelis
Citizens for Community Values
Population Research Institute
Home School Legal Defense Association
Southern Baptist Ethics & Religious Liberty Commission
Advance USA
Americans United for Life
Massachusetts Family Institute

Mr. BENNETT. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I would like to make a very few comments in response to the ranking member's comments, and then I know the Senator from Pennsylvania would like to speak on another matter, so I ask unanimous consent that he be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much. I know that Senator LIEBERMAN is going to speak on the specific provisions of section 220 in the base bill, S.1, at a later time. However, I would like to share with this body what I understand to be the facts. If I understand correctly what is attempted in the underlying bill, the goal is to compel disclosure, registration and reporting for those companies, individuals or organizations that say, We have a cause, this is the cause; we want to establish a grassroots lobbying organization. They go and hire organizations to get going and spent more than 25,000 a quarter. They say go ahead and organize a movement, but nobody ever knows who they are or who funds them. This is called astroturf lobbying. Some people refer these groups as "sham" or "front" organizations. I am not going to say they necessarily are, but they have been referred to as such. They seek to influence legislation through mass media, using campaign and issue ads, letters, phone calls, think-tank public policy papers, and public polls.

The problem is, these organizations are hired guns funded by undisclosed special interest corporations and public policy firms. They conduct grassroots organization lobbying efforts which are often very misleading or in some cases, deceptive. For example, an oil company hires a sham organization to promote the benefits of alternative fuels to big oil, or a cigarette company hires a front group to lobby for smoke-free environment—or whatever the popular cause may be. They go out to organize, make lobby contacts, and conduct other lobby activities on specific issues. Unlike genuine grassroots groups that tend to be money poor but people rich, astroturf campaigns are typically people poor and money rich.

Section 220 of the base bill contains the provisions on disclosure of paid efforts to stimulate grassroots lobbying. I am the first one to say these provisions could be more clearly written. Nonetheless, the section's goal is to close the loophole in current law that allows these groups to engage in lobbying contacts without any public disclosure or reporting whatsoever—like the paid lobbying contacts and efforts of Jack Abramoff and Ralph Reed.

The bill recognizes this increased type of lobbying—paid efforts to stimulate grassroots lobbying—and creates new disclosure and reporting rules for such activities. It makes clear that efforts by an organization to contact its own members as part of a grassroots lobbying campaign are not covered and are unaffected by these provisions unless some outside group paid the organization to do so.

The bill also requires a $50,000 quarterly threshold as a precondition of registration. This means that small and truly local efforts are not covered.

I do not agree with the comments made by the ranking member about this section 220. Non-profits will continue to be able to lobby under current tax law that requires threshold disclosure and reporting. However, private sector groups and their paid lobbyists are not currently required to disclose, register or report and therefore would be under section 220. So this is the differentiation between the two groups.

The provisions would create a balanced playing field by opposing a sham grassroots lobbying operation while protecting legitimate grassroots lobbying organizations. This in essence is the purpose. If it does survive consideration here, we will take another look at it in conference with respect to narrow definitions, registration and the reporting trigger thresholds. I do believe if somebody goes out and creates one of these groups, pours a lot of money into it and then hires people for grassroots lobbying purposes, then this group should be required to disclose and report so the public knows exactly who the group is and who is financing the group. Is it an undisclosed oil company or is it really a legitimate Citizens for Alternative Fuels to Oil? I think that it is important to determine the credibility and legitimacy of these organizations involved in grassroots lobbying.

I know the ACLU is opposed to it. The ACLU is a group that has been around for a long time. I don't see them being affected by this at all because they would be covered under this other section of the law. I offer these comments in the interests of the purpose of section 220 in this legislation, which I think is bona fide, helpful, and overdue. Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I have a question of my distinguished friend from Pennsylvania. It is my understanding he is going to speak next; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. Madam President, my request is to speak for about 10 minutes.

Mr. REID. My only question was how long he is going to speak. I will come back after that time. I appreciate the Senator allowing me to ask that question.

Mr. BENNETT. Madam President, may I make a quick response to the Senator from California before we hear from the Senator from Pennsylvania? I will not take more than a minute or two.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. I simply want to make this point with respect to the threshold that causes people to come under the provisions of the bill. There is, indeed, a $10,000 minimum for a 3-month period threshold in the bill, but section 220(b)(1) explicitly removes "paid efforts to stimulate grassroots lobbying" from the scope of this exemption. In other words, $1 per quarter spent to stimulate citizens to communicate with their representatives in Congress triggers the registration and reporting requirement for an individual who meets the other four numbered criteria.

I agree with the Senator from California. This is very badly drafted and needs an awful lot of work, which is why I think the best thing to do with it is simply strike it.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

NEW FOREIGN SURVEILLANCE POLICY

Mr. SPECTER. Madam President, I thank my colleagues for yielding this time. I have sought recognition to express my approval—I am glad to see that the Attorney General of the

United States, in telephone calls to Senator LEAHY and myself and now in letters, has advised that there is a new procedure to have the requests for wiretaps on al-Qaida members submitted to the Foreign Intelligence Surveillance Court. On December 16, the New York Times broke the story that there were wiretaps going on under a Presidential order without complying with the customary requirement that probable cause be established and submitted to the court, which would authorize the issuance of a warrant, to authorize the wiretap.

On that day, Friday, we were in the final stages of floor debate on the PATRIOT Act, and the disclosure that morning that there were warrantless recordings going on was quite a shock and quite a problem, because I was managing that bill in my capacity as chairman of the Judiciary Committee.

I said on the floor at that time that there was a clear-cut violation of the Foreign Intelligence Surveillance Act, which provides that the Act is the exclusive way for having a wiretap for foreign intelligence surveillance. The President has sought to justify the surveillance under his article II inherent powers. That raises a complicated issue, which can only be determined by the courts by weighing the invasiveness of the wiretapping—invasiveness into privacy—contrasted with the importance of national security.

Most of last year found this item as the No. 1 priority of the Judiciary Committee and my No. 1 priority as chairman. We had a series of hearings, four hearings. I introduced legislation to try to bring the program at that time under the Foreign Intelligence Surveillance Act.

The administration had refused to disclose the details of the program to the Judiciary Committee. They maintained that attitude consistently up until today. They finally did submit it, after a lot of pressure, to the Intelligence Committees—first a subcommittee of the Senate Intelligence Committee, then when the House resisted only a subcommittee, it was finally submitted to the full committees—really it was only submitted when the time came for the confirmation of General Hayden for Director of the CIA.

I have not been privy to what was disclosed to the Intelligence Committee, but based on my chairmanship of that committee during the 104th Congress, I have some doubts as to the adequacy of the disclosure. I know when I was chairman, the chairman was supposed to be informed about those classified and secret programs, but that was in fact not the case.

When the matter later moved into litigation and the Federal court in Detroit declared the surveillance program unconstitutional, and then the appeal was taken to the Sixth Circuit, I introduced substitute legislation—S. 4051 last year, and I've reintroduced it already this year—which would have provided for expedited review in the Federal courts and mandatory review by the Supreme Court. The bill also would have required individualized warrants for calls originating in the United States, because the administration had disclosed that, if there were changes made in the Foreign Intelligence Surveillance Act, there could be a warrant for all outgoing calls but not incoming calls because there were so many.

I am glad to see that we may now have all of that resolved. We are not sure. I want to know the details of this program.

Senator LEAHY has already spoken on the subject today and has put into the RECORD a letter that he and I received today from the Attorney General. The key parts are as follows:

> I am writing to inform you that on January 10, 2007, a Judge of the Foreign Intelligence Surveillance Court issued orders authorizing the Government to target for collection international communications into or out of the United States where there is probable cause to believe that one of the communicants is a member or agent of al Qaeda or an associated terrorist organization. As a result of these orders, any electronic surveillance that was occurring as part of the Terrorist Surveillance Program will now be conducted subject to approval of the Foreign Intelligence Surveillance Court.

That language says there will be probable cause established. I think we need to know more about the procedures for the determination of probable case, whether it is on individualized warrants or it is a group program. We will need to know more about the determination of an individual being an agent of al Qaeda, and we will need to know more about what is meant by an associated terrorist organization, to see that probable cause has been established under the customary standards.

The letter from the Attorney General goes on to say:

> In the spring of 2005—well before the first press account disclosing the existence of the Terrorist Surveillance Program—the Administration began exploring options for seeking such FISA Court approval.

It would have been my hope that the Attorney General, in our oversight hearings, where he was called and asked about this program, would have made that disclosure. A lot of time and effort went into the Judiciary Committee hearings and went into the drafting of legislation. I personally met with the President last July 11 and secured his agreement to submit this program to the Foreign Intelligence Surveillance Court. For a variety of reasons, which I shall not detail now, that legislation did not move forward.

Then, as I've noted, there was substitute legislation when the Federal court in Detroit declared the program unconstitutional and the matter came before the Sixth Circuit.

The Attorney General's letter says, as is appropriate, that the program will have "the speed and agility necessary to protect the Nation" from terrorist attack—and that has always been a major concern: that we be protected, but that we be protected with an appropriate balance, so that there not be an intrusive wiretap without the customary court approval.

The Attorney General had advised me that there would be a meeting today, which I am just informed has been canceled, but there needs to be oversight beyond what has been disclosed in this letter. But at least there is a very significant first step. It is regrettable that these steps were not taken a long time ago. I would like to have an explanation as to why it took from the spring of 2005, and at least from December 16, 2005, until now, when there has been such public furor and public concern.

Further, the letter of the Attorney General says:

> Accordingly, under these circumstances, the President has determined not to reauthorize the Terrorist Surveillance Program when the current authorization expires.

It would be my hope that the program is terminated now, since there is an alternative method which the Attorney General has announced. I do not know when the program will expire. They have it in place for 45-day periods. We do not know when the last one started, so we do not know when this one will end. But, with an alternative program in place, it ought to be terminated now—to have the regular procedures for the establishment of probable cause, to protect civil liberties. And, as the Attorney General says, to address concerns in taking care of the protection of the country.

Again, Madam President, I thank my colleagues for yielding the time.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I have been in Government all my adult life. Until I came back here, all my jobs were part time, and I practiced law. I say as sincerely as I can to anyone within the sound of my voice, I am so disappointed in the conversation I had with my Republican counterpart, Senator MCCONNELL, a few minutes ago. I was told that this ethics bill is not going to get the support of the Republicans. They are going to bring this bill down, defeat this bill.

Why? Listen to this. Because they are not going to have a vote on line-item veto. I told the distinguished Republican leader yesterday that we were willing to give the Republicans a vote on this prior to the Easter recess—up-or-down vote. We would have their bill, our bill, two competing votes, with 60 vote margins.

It is very clear what is going on with this bill. Keep in mind, Madam President, that we have had in Washington a culture of corruption. For the first time in 131 years, someone was indicted working in the White House. He is now in trial as we speak. The head of Government contracting appointed by the President, Mr. Safavian, is led from his office in handcuffs for sweetheart deals he had with Abramoff and others.

The majority leader of the House of Representatives was convicted three times of ethics violations in the House within 1 year. And then, of course, he was indicted in Texas on more than one occasion.

A House Member from California is in prison now as we speak for accepting more than $2 million in bribes.

A Congressman now is awaiting trial. Staff members have been convicted of crimes from the House.

Talk about a culture of corruption, the American people deserve ethics and lobbying reform. That is why I brought to the floor S. 1. It is very clear that the minority does not want a bill. They have tried a number of different things to defeat this bill, offered all kinds of amendments, thinking we would oppose them. We supported those amendments. The only one that was a little blip in the road was a DeMint amendment, but we thought it should be stronger rather than weaker, so we added tax provisions to that. That has now passed.

Line-item veto has nothing to do with ethics and lobbying reform—nothing, zero. If the majority felt so strongly about line-item veto, which I am sure they do, I have agreed to give them a vote. This is a pretext. They could not kill the bill by offering amendments, thinking we would oppose them, so now they have come up with a new idea: We cannot do this because you will not give us a vote on a nongermane, nonrelevant amendment—line-item veto.

Line-item veto has nothing to do with ethics and lobbying reform. If the line-item veto is so important to the minority, why didn't the Republicans get a vote on it last year when they controlled this Chamber? This is very difficult to comprehend.

The bill that is before the Senate was sponsored, for the first time in 30 years, by the two leaders. And then the substitute was sponsored by the two leaders. The two leaders agreed to bring this bill to the floor. Now they are going to bring down the bill that their leader cosponsored?

Mr. DURBIN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. DURBIN. Madam President, I would like to ask the distinguished majority leader if he would recount for us what happened 2 years ago when we faced passage of an ethics reform bill, with an overwhelming bipartisan vote, when the Republicans were in control of the House and Senate.

Mr. REID. They would not take it to conference. We never got it done.

Madam President, this bill is very strong. It is something the American people want. I say to my distinguished counterpart, and all the minority Senators, they are going to vote against cloture on this bill? We hear people say, in passing, here: Well, that is a 30-second spot. Voting against cloture on this is not a 30-second spot. It is a 30-minute spot.

This bill prohibits lobbyists from giving gifts to lawmakers and their staffs. It prohibits lobbyists from paying for trips or taking part in privately funded congressional travel. It requires public disclosure of earmarks. It slows the revolving door by extending to 2 years the ban on lobbying by former Members of Congress.

It makes pay-to-play schemes such as the K Street Project a violation of Senate rules. It makes lobbying more transparent by doubling the frequency of reporting and requiring a searchable electronic database.

It would require for the first time the disclosure of shadowy business coalitions that engage in so-called Astroturf lobbying campaigns. These big companies pay these people to come out and do grassroots stuff. You never know who is paying for it. Under this bill you would.

But even though we have under S. 1, as we introduced it, a lot of good things, it is even stronger because we offered a substitute amendment to make it even stronger. There are new protections to prevent dead-of-night additions to conference reports. We added new rules to say Members may not engage in job negotiations with the very industries they regulate.

There is fuller discloser by lobbyists. We ensure proper evaluation of tickets to sporting events. We make sure that Senate gift and travel rules are enforceable against lobbyists. And we toughen criminal penalties for corruption violations of the Lobbying Disclosure Act.

Since that was offered by me and the distinguished Republican leader, we have had a debate in the Senate that has strengthened the bill even more.

The Senate has adopted other amendments on a bipartisan basis: Senator KERRY's amendment to strip pensions from Members convicted of corruption; Senator SALAZAR's amendment to ensure public access to committee proceedings; and two amendments by Senator VITTER to strengthen enforcement of ethics rules. And I might add, there are other amendments out there waiting to be voted on if, in fact, cloture were invoked on the substitute.

Finally, we voted overwhelmingly to invoke cloture on an amendment to prevent the things that we did before with airplanes. It strengthens the gift ban even further.

The underlying bill generally prohibits gifts from lobbyists. The amendment I offered broadens the gift ban to prevent gifts from companies and other entities that even hire or retain a lobbyist.

We did an excellent job, I repeat, on the travel. It is common sense. It broadens the provision by generally prohibiting congressional travel paid for by companies and other entities who hire or retain a lobbyist.

The amendment provides exceptions for 1-day participation at events—speech, conference, convention—and for de minimis lobbyist involvement. It requires advanced approval by the Ethics Committee for all privately funded travel, pursuant to guidelines issued by the committee.

Madam President, I believe we have done yeoman's work. I think it is so unfortunate that I have been told that the minority would not support cloture. We will find out. We have a vote scheduled for 12:38 tonight. And if the minority desires, we will certainly agree to an earlier vote. But I have been told we will not get the additional 16 votes required. We need 66 votes on this—66 votes on this.

But I want the world to know that this bill is being brought down not on a matter of principle because there is no one in the Senate I have more respect and admiration for than the Senator from New Hampshire, Senator JUDD GREGG. He is a wonderful man, a fine person, and he believes in this line-item veto. I understand that. But I have told the Republican leader that my friend from New Hampshire or whoever else is interested in this issue can have a full debate on it. We will give them time to do it.

But this is not the place. This is not the place. This has nothing to do—we are going to vote. If cloture were invoked, we would vote on I think it is 16 germane amendments. Those are germane. This is not germane. It fails. This has nothing to do with ethics and lobbying reform.

So I would hope that there would be another view taken of this. This bill is being brought down because people do not want to comply with ethics and lobbying reform. That is what it is all about. All the rest is game playing.

This is a tough bill. It would drastically change the way we do business in Washington for the better. The American public deserves this. I think they are going to demand this. And I think it is a sad day for the American people that this bill is going to be brought down. Because it will. We can only supply 50 votes. That is all we have. And we need 66.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Madam President, you are new to the Senate and, therefore, you were not here during this debate last year. But all this sounds quite familiar.

I remember last year we had this very bill on the floor, and our colleagues on the other side were voting against cloture on this very bill last year for the very same reason that we will now vote against cloture on the bill this year, in order to ensure that more amendments are voted upon.

How many times have we heard the distinguished majority leader and the distinguished majority whip remind us that the Senate is not the House. One of the frustrations of being in the majority here is that you have to give the minority votes in order to advance legislation.

No one seriously believes—no one—that Republicans do not want to pass this legislation. That is not credible, I would say to my good friend on the other side of the aisle. We passed it 90 to 8 last year when my party was in the majority. So no amount of spin is going to convince anyone that the Republicans do not want to pass this bill. We do. We want to pass it after a fair process. And having nongermane amendments on legislation in the Senate is about as common as the Sun coming up every 24 hours.

Now, we have been working, in fact, in a bipartisan fashion on this legislation. Our two managers, Senator BENNETT and Senator FEINSTEIN, have been working their way through this. We would like to finish the bill. We would like to finish it this week.

With respect to the senior Senator from New Hampshire, he is on the floor and would be glad to describe his amendment and how he believes that it is certainly related to this legislation. In fact, his amendment has been pending, since last Wednesday. A full week in the Senate, he has been waiting to get a vote.

I do not believe that cloture is necessary on this bill, and I am prepared to enter into a unanimous consent agreement which will limit the number of amendments and move us toward completion of the bill. We are not in favor of having an unlimited amount of amendments but a reasonable number. We have had 10 rollcall votes on the bill to this point, not an incredible number. And allowing us to process the remaining amendments is something that simply the minority frequently insists on in the Senate.

Mr. GREGG. Madam President, will the Republican leader yield for a question?

Mr. MCCONNELL. I yield for a question.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. MCCONNELL. I am sorry, I did not yield the floor.

The PRESIDING OFFICER. There is a question from the Senator from New Hampshire.

Mr. MCCONNELL. I did not yield the floor, Madam President.

Mrs. FEINSTEIN. I beg your pardon. I thought you did.

The PRESIDING OFFICER. I understand.

Mr. MCCONNELL. And I yield to the Senator from New Hampshire for a question.

Mr. GREGG. So I can understand the parliamentary situation, I did offer this amendment last Wednesday. It does deal with earmarks. We have, as I understand it, spent 8 days of legislative time on this bill, of which almost 4 days have been consumed in a discussion of earmarks with the majority—not the majority but the plurality of amendments that we have actually voted on dealing with earmarks.

Now, in that context, I guess my question would be this: Why would you have to pull the bill down in order to take this amendment up later?

Why in 15 minutes is it not possible to dispose of this amendment? It requires a supermajority because it is subject to a point of order. That saves the majority leader time wherever he wants to give us time later. Why do you have to pull a bill down to dispose of an amendment which is pretty relevant to what we have been discussing and you can do it in 15 minutes?

Mr. MCCONNELL. I say to the Senator from New Hampshire, there is no reason to take this bill down. In fact, Republicans hope the bill will not be taken down. What we are asking for is a vote on the Gregg amendment, not an unreasonable request to the Senate. We see on it virtually every piece of legislation week in and week out.

Mr. GREGG. If I may ask further, this amendment, which I call a second look at waste, and some people have characterized it as enhanced rescission and others have called it the line-item veto, essentially allows the President to send up a package of rescissions, which I presume he would have taken out of omnibus bills, which I presume will be mostly earmarks for us to take a vote on. Isn't that something we have been discussing, this concept of earmarks, throughout the debate on this lobbying bill? And isn't this lobbying bill very much tied into the earmark issue? Isn't one of the real issues of lobbying the ability to establish earmarks by using influence?

Mr. MCCONNELL. I say to the Senator from New Hampshire, he is precisely correct. We have spent a substantial amount of time during debate on this bill discussing that very issue.

Mr. GREGG. My final question would be, why don't we just vote on this amendment and get it over with? I presume the good leader from the Democratic Party, who is an exceptional leader and does a great job, will probably beat me on this amendment. It will be over in 15 minutes, because he has kept the votes to 15 minutes. And we can wrap this baby up.

Mr. MCCONNELL. I thank my friend.

I repeat, there is no good reason why we couldn't finish this bill tomorrow night. We are in the process now of surveying the number of amendments over here that need to be offered. Obviously, at the top of that list is the Gregg amendment. I would hope we could continue our discussion about how we might wrap this bill up.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The majority leader.

Mr. REID. The fallaciousness of this argument is astounding. Line-item veto, the last time it left this body, it went to the U.S. Supreme Court. It was argued before the Supreme Court, dealing with the separation of powers doctrine. Fifteen minutes dealing with the very fiber of our society, our constitutional requirement of separation of powers, the legislative, the executive, and judicial branches of Government? This has implications with the separation of powers between the administration, the White House, and this Congress. To think we could do this in 15 minutes is not fair. I have said, if we want to have a debate on this, I am willing to do that, but not on this bill. This is an effort to bring down this bill. To say that nongermane amendments come just like the sun comes up every day is not reasonable or rational or sound.

We have worked through this bill. We have worked on nongermane amendments, germane amendments, trying to work things out. We are now in a parliamentary structure where at 12:38 tonight, the Senate would dispose of the Reid amendment No. 4 and then vote to invoke cloture on the substitute amendment. At that time, if cloture were invoked, we would have a number of amendments. As I indicated, I think there are 16 that would require votes because they are germane. My friend from New Hampshire can talk about having laid this amendment down 5 days ago or whenever he wants to say he laid it down. I don't know when he did. But the fact is, it is a nongermane amendment. It is not on this bill. It should not be on this bill.

I have told the distinguished Republican leader, if they want some time to do this, we will set other things aside and do it. But this is an attempt to bring down this bill. To think that you could do this in 15 minutes is absolutely unreasonable. Senator LEVIN, Senator BYRD, and others filed the case. It went before the U.S. Supreme Court the last time the line-item veto came before this body. Senator BYRD gave 10 hours of speeches on the line-item veto here on the Senate floor.

To think we could do this in 15 minutes——

Mr. GREGG. Will the Senator yield for a question?

Mr. REID. I am happy to yield for a question.

Mr. GREGG. I wasn't referring to 15 minutes as the time for debate. I was referring to it as the time that you allow votes on the floor and that the votes on the floor have been condensed and they are efficient. I respect the leader's accomplishing that in such short order. The debate has actually occurred. Senator CONRAD gave a very impassioned response to the amendment. I understand Senator CARPER has an amendment similar to my amendment. So, yes, it might take a little time to debate it, but I believe we could still deal with it promptly.

Mr. REID. Mr. President, I direct, without my losing the floor, a question to the former chairman of the Budget Committee, someone who knows money as well as anybody in this body. Why couldn't we do this at a later time? I will give you whatever time you want that is reasonable. If you want to spend 2, 3, 4 days on this, I am happy to do that. We need time to prepare for this. This new in the session is not the time to do this. I wish to get this ethics bill done. I think I am being about as reasonable as I can be to set aside a significant amount of time prior to the Easter recess to give you an opportunity to do the line-item veto. And prior to that time, we could have a couple of hearings on this. I also recognize that we have a process in the Senate where bills can be amended. Sometimes they don't have to be relevant or germane. But I think you have to be in the ballpark.

We have a CR coming up. We have the supplemental coming up which is money matters that you could file this on. I think people would have trouble objecting to it procedurally being improper. But right now, this isn't the time to do it. We are talking about doing something to make this body and the House better places to look at from an ethics and morality standpoint. I think your forcing us to go forward on this, which we are not going to do, makes it very difficult. I say this without pointing at anyone in particular, Democrat or Republican. Anyone who votes against cloture is creating some real political problems for himself. I think the American people think that something should be done with this culture of corruption we have back here.

Mr. GREGG. Was that question directed at me initially?

Mr. REID. Yes, it was. Why can't we do this at a later time when you have all the time you need? I have told the distinguished Republican leader, we will have your amendment. We will have Carper or something like that. I am not sure Carper is what we want to go with but something like that, where we can debate it, have a good debate on it, have you and Senator CONRAD leading the debate. Others will want to join in, Senator BYRD and Senator LEVIN who were plaintiffs in the case. And we can move forward on it. Why couldn't we do that it way?

Mr. GREGG. I guess I would ask the inversion of that question which is why not do it now? The amendment has been pending. It has been debated. People are fairly sophisticated about this amendment since it has been an issue that has been around here for awhile. I think it could be easily moved forward and discussed and voted on in a very prompt way.

But independent of that, the reason why I think we should proceed is, I can't imagine bringing the bill down over an amendment like this which is not a partisan amendment. It has always been bipartisan and it has substance to it. It would seem appropriate. But independent of that, as you know, the ability to amend this vehicle gives me a vehicle with this amendment which, first off, the amendment is relevant. It may not be germane, but it is certainly relevant, considering the fact that it deals primarily with earmarks. But it gives me a vehicle with which to go to conference, and I want to at least get this thing to conference. Granted, the House will probably stand in disagreement, and you will control the conference. And you may decide that you are not going to take it and you will recede to the House. But at least I will have gotten to the conference with what I consider to be a fundamental reform, which goes to the issue of ethics, which is when the President sees something in a bill which he thinks inappropriate and it probably got in there through lobbying, he can send it back for another look by us. That is my primary concern.

If the position of the Democratic leader is that you will give us time on the floor and if we succeed, we will have a commitment to go to conference, assuming we can conference—I mean, is the House going to pass a bill that we get into a position where it can get to conference somehow—that is something I would consider.

Mr. REID. You are talking about if we do this at another, subsequent time?

Mr. GREGG. Yes, if I had a commitment that we would somehow get it to conference.

Mr. REID. I am going to meet the distinguished Speaker of the House in 20 minutes. I will be happy to visit with her about that. I don't see why we couldn't have some assurance that it would go to conference. As you know, I believe in conferences. I think they should go forward. I would work very hard to get that done. I would say to my friend and those who can hear me that you can see through this a thousand miles. I am sure there are Senators who are overjoyed that this matter won't become law; I mean the ethics legislation. This matter, the line-item veto, is not a simple procedure, as my friend indicates. I repeat, it has very difficult constitutional problems, as indicated when the Supreme Court knocked it out last time. We can't debate this in a few minutes. I am willing to spend whatever time and give the Senator whatever assurances I can that we will try to move this on, move this beyond where we are here to conference.

I say this: There are people who are Democrats who have some degree of confidence in being able to do something that is a line-item veto. Senator CARPER has something. You might not like what he has done. I am not an expert on what he has done, but he is proud of it. Senator CONRAD had some other ideas. We would agree on one. We would match it with yours. It would take us a few weeks to come up with that. But as I told the distinguished Republican leader, we will bring this up at a specific time, not a hit-or-miss time, prior to the recess we are going to have for Easter. I think that is reasonable.

Mr. GREGG. If the Senator will yield for a further question. If the Senator could in the same unanimous consent give me some sort of safe harbor that I will get to conference with my language, I think we might be on to something.

Mr. REID. I can give you this assurance: I will do everything I can to get this to conference. I have not discussed this with the distinguished Speaker or anyone over there, but I will be happy to work to see that that is done. As the distinguished Senator knows, I will work to get it to conference, but as we have learned—and if we get it to conference, it will be a public conference. It will be one where Democrats will be there and Republicans will be there from both the House and the Senate. But as you know, we have more votes than you have, so I can't guarantee what would happen in conference. But I will do everything I can to get it to conference.

Mr. GREGG. If the leader would yield further, I don't think this should be characterized as an amendment to bring down the bill. That is sort of a unilateral authority of the leader, of course. But it is certainly not my intention with this amendment, nor was it my intention with this amendment. I simply want to move this item along. I think this is an appropriate vehicle. But it sounds to me as if there might be a framework here for some progress. I will leave it to the good leaders to discuss this.

Mr. REID. I want the record to reflect that the Senator from New Hampshire offered this—and I said this in my remarks—because he believes in it. This is something he believes in. It was not offered by the Senator from New Hampshire to bring down the bill. But that is what is happening. I am sorry to say there are other Senators who see this as an opportunity to bring down the bill. I would hope we can work something out on this. I want to move forward on this legislation. I want the Senator from New Hampshire to move forward on his legislation.

As the Senator from New Hampshire knows, I don't agree with your legislation. But I will work, as I have indicated before to whoever is watching this Senate proceeding, to do everything I can to get a conference and have an open public conference. If we pass something here, of course.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to point out, I was on the floor when this item was discussed, when the Senator from New Hampshire offered his line-item veto amendment. I was also on the floor when Senator CONRAD, who is our side's budget expert, came forward and debated it.

There was a rather fulsome debate. I want to recount what Senator CONRAD said about his belief about the amendment, that not only does it raise serious constitutional concerns, but it would allow the President to unilaterally block enacted funding, even if Congress rejects a proposed rescission. In addition, rather than strengthening fiscal discipline, the amendment could lead to more spending, not less. He pointed out how it could be used to eliminate entire new programs or improvements to benefits such as Medicare and Social Security. The President would have a year after a bill's enactment to propose a rescission. The President could package rescissions as he or she wishes and could combine rescissions that have been enacted in several different pieces of legislation. Senators would be forced to vote on the package with little opportunity for public notice or input and no opportunity to offer amendments, nor would there be any opportunity to filibuster proposed rescissions. The new power would make it much easier for a President to eliminate new Medicare or Social Security benefits to which he objects.

Now, I agree very much with what the majority leader said. This is a very problematic amendment. It was debated on the floor of the Senate. It needs further refinement if anybody is going to move ahead with it. Clearly, it is a major amendment. Clearly, it is a real problem for our side. But for the minority to take down the bill over this amendment when the amendment is not germane to the bill, when I have tried very hard to keep matters that are not within the scope of the bill off the bill, including a matter I myself very much wanted to present, I think makes no sense.

The minority leader pointed out that this bill passed before, 2 years ago, by a vote of 90 to 8. The whole point of this legislation is to show that the two sides can come together, be bipartisan, and enact a bill that will bring about ethics, lobbying, and earmark reform. And we have done that.

As Senator BENNETT, the ranking member, and I have sat on this floor, there has been ample time for Members to bring their amendments to the floor. I assure you that there has been a lot of time when we have just sat here in a quorum call. To allow this bill to be pulled down at this time is just a special matter of some kind of pique, when we know that the line-item veto amendment is extraordinarily problematic and deserves another venue, deserves more scrutiny, and should take some time before it is passed in any way, shape, or form.

So I am fully in support of what the majority leader had to say. It makes no sense for the other side to take down this bill over it. I hope the proposal made by the majority leader will be accepted. I believe he will keep his word. I will help in any way I possibly can to see that that is, in fact, the case. But we are so close to getting this bill done, and it has some momentous things in it that represent a total change of the way these bodies operate, and they are important, significant, and timely. We ought to pass this bill. We ought to show the American people that we can work together, Republicans and Democrats, for a common purpose. So I just want to say that after a week and a half, I am profoundly disappointed that this has come about. I really thought we were going to be able to work together and pass a strong, bipartisan bill. And, in fact, most of the amendments have passed by huge majorities. I think there have only been two that have been relatively close.

I urge the Republican side to reconsider. There are so many positive elements of this bill, and the American people will be so shortchanged if we cannot solve whatever problem there is between us and pass a bill that we voted on 90 to 8 some time ago, which has even been strengthened by some of the eight members who voted against it because they didn't think it was strong enough. This is a very strong measure.

Those of us who will work in conference will work to smooth out any bumps. We will work in an open way, and no side will be shut out of the conference. I pledge it will be a collegial conference. This is our opportunity to set an agenda for the 110th Congress. Please, please, please, let us not reject this.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, we have been working for a week and a half on this bill, S. 1, which is the highest priority of the Democratic majority in the new Congress because we believe, as it says, providing greater transparency in the legislative process is a starting point. Trying to restore public confidence in the way we work here is a starting point.

I was heartened by the fact that this bill, as well as the substitute amendment and other amendments offered, has largely been bipartisan. Most of the debate has been bipartisan in nature. With few exceptions, the rollcalls have been bipartisan. It troubles me that we have reached this procedural impasse with the minority that, with the power given to it in the Senate, is threatening to bring down this bill. I am searching my mind to understand why they would want to bring down a bill that would clean up this culture of corruption in Washington and make substantial ethical changes.

I have come to the conclusion that it has to do with indigestion. What I am referring to is this: For every decision in political life there is usually a good reason and a real reason. The good reason stated by the Republican side—or one they portray as a good reason—is they want to offer an amendment, which is characterized as a simple amendment. The bill is 55 pages long; the amendment is 24 pages long—almost half the size of the bill. It is not simple; it is very complex. It is on the legislative line-item veto.

Senator REID, as majority leader, has already made a good-faith offering even before we came to the floor to the Republican minority and said that it is important and deserves its day on the Senate floor. We will guarantee you that we will debate this bill before the Easter recess, a like bill to be offered on the Democratic side. Let's bring it to a debate and a vote and see which, if either, prevails and take it from there. That was a good-faith offering.

So the so-called good reason the Republicans are threatening to bring down the ethics bill just doesn't hold. We have already made the best offer that the minority could ever expect, and I know that having served in the minority for most of my time in the Senate.

But there is also a real reason they are trying to insert line-item veto into this ethics bill. Sadly, I am afraid it is because as they sat together over lunch and read the provisions of this bill that will now likely pass, it caused indigestion among the Republican ranks and, as a consequence, they said we need a reason to stop this bill. Well, the reason turned out to be the legislative line-item veto.

For those who follow what happens in Washington, it is my belief that somewhere in the White House the President has a veto pen. I don't know if it is one pen or many pens, but my guess is if it is one pen, most of us know already that there is a lot of ink left in this pen. For over the 6 years the President has been in the White House he has only vetoed one bill, and that was the stem cell research bill. He has never vetoed a spending bill in the entire 6 years that he has served as President.

The suggestion by the Republicans now that this President has been longing for the chance to veto spending bills to show how fiscally conservative he is is not supported by the evidence. Time and again, this President signed appropriations bills without hesitation. Now we are being told if he just had this new power, he could bring spending under control. We know better. We know spending starts with the President's budget. We know that year after year, the President has taken us away from the surplus of the Clinton years into the deepest deficits in the history of the United States.

Now we are being told the reason we cannot address ethics is we need to give the President a new power to veto spending bills for the first time in over 6 years. It doesn't really stand the test of scrutiny for us to consider this as a suggestion that is based in fact. It clearly is a reason to stop the ethics bill.

I urge my colleagues on the other side of the aisle, let's not give up on this bipartisan effort and see this ethics bill go down. Yes, as the minority, you have the power to bring the bill down. Perhaps you believe the legislative line-item veto is the way to bring it down, but the American people are not going to buy it. They understand that strengthening disclosure on earmarks, eliminating dead-of-night provisions in conference reports, respecting minorities in conference committees, and ensuring proper valuation for gifts and meals and tickets that Members of Congress receive, closing the loophole and the revolving door as Members leave public life and go into the private sector, negotiating for lobbying jobs while still in Congress, enhancing the oversight of staff level job negotiations, enhancing fiscal transparency and lobbyist disclosure, lobbyist certification and compliance with gift rules—these are powerful. They are big changes and they are long overdue. We tried a year ago under Republican leadership and failed. I hope we don't fail again because the Republican minority wants to bring the bill down. I hope that my colleagues on the other side of the aisle will reconsider their position. I hope they will come back and join us in passing this bipartisan bill, making sure we do the people's work before we leave this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I don't want to get deep into this confrontation between the two leaders, but I say to my good friend from Illinois—and he is my good friend—that I was present at the Republican luncheon and there was no indigestion on this bill. I was asked by the Republican leader to present where we are on the floor to the members of the conference. By the way, our rule is that we don't discuss anything that happens in the Republican conference, so I am bending that rule. We are allowed to at least discuss what we personally say. So I will not disclose what anybody else said, but I will bend the rule a little to characterize it.

I made the presentation as to where we were on the floor. There was no pushback whatsoever to the idea that we should pass this bill. There was no suggestion from any Member of the Republican conference that this bill should be taken down by some subterfuge.

The Senator from New Hampshire has gone to the leader and made a request. The leader has responded to the request, feeling that the Senator from New Hampshire is entitled to a vote. We are where we are. The leaders will make their decision and have their discussion. I want to make the record as clear as I possibly can that any Republican who wants to use this as a subterfuge to take down the bill has not made his or her position known to me or to the leader. There is no suggestion of that at all of which I am aware.

Mr. GREGG. Will the Senator yield?

Mr. BENNETT. Yes, I yield the floor.

Mr. GREGG. If I may follow up on the Senator's comments, it is obvious that the only person who can bring the bill down is the Democratic leader, if that is his choice. His choice appears to be based on the fact that he doesn't want to vote on the second look at waste amendment or enhanced rescission, which is tied into this bill.

As I mentioned earlier, almost 30 percent of the amendments offered have dealt with earmarks, and half of the time of the debate here in the last 8 days has been on earmarks. So it is not as if this is something that is totally off track or truly outside the realm. This isn't a farm amendment on the lobbying bill; this is a lobbying amendment on the lobbying bill. It doesn't have germaneness because that is a very narrow test, but it is sure relevant and on point. It clearly deals with earmarks, and it also deals within appropriate actions from lobbyists who get earmarks into the bills and bury them in omnibus bills. That is the purpose.

So the idea that this amendment is some sort of poison pill to the bill, it wasn't offered for that purpose and doesn't have that as its purpose. The Republican membership is ready to go forward and vote and is ready to either win or lose on this amendment.

The language of the assistant Democratic leader is such that it sounds to me as if maybe they don't want the bill. Maybe they concluded they don't want the bill because they are the only ones talking about pulling the bill down. We are not talking about pulling the bill down. We are talking about getting a vote on a reasonable amendment. Independent of that, I have made an offer——

Mrs. FEINSTEIN. Mr. President, will the Senator yield for a question? Maybe I am misinterpreting something. Will the Senator yield for a question?

Mr. GREGG. Yes, I will.

Mrs. FEINSTEIN. Through the Chair, I thought what was said was that if the Senator from New Hampshire doesn't get a vote on his amendment, that his side will vote "no" on cloture. That was clearly what I heard. Am I wrong?

Mr. GREGG. No, that is absolutely true. We should have a vote on our amendment, and as soon as we get a vote on our amendment, we can go to final passage. What is wrong with that?

Mrs. FEINSTEIN. Mr. President, I will tell the Senator what is wrong with it.

Mr. GREGG. I have not yielded the floor.

Mrs. FEINSTEIN. The amendment is a very complicated amendment. It is impossible to understand, it is a lengthy amendment, and all of the reverberations. I contend and say that it is out of the scope of this bill, and we hope to keep the bill away from these kinds of contentious matters but pass those items within the scope of the bill. I thought there was general agreement with that position. I thought the Senator would recognize, based on the debate Senator GREGG had with Senator CONRAD that there were real questions with the amendment that took further study. My impression was the Senator from New Hampshire was willing to go through that process at the time.

Mr. GREGG. Mr. President, if I may reclaim my time, I have actually suggested to the Democratic leader and have taken him up on his suggestion as a way we can pursue this issue. I hope it will be done that way and that will resolve the matter. But I continue to hear, even after making that suggestion to the assistant leader, that we on our side of the aisle are attempting to bring the bill down. That is not a defensible position because the only people who can bring this bill down are on your side. You can take it off the floor. We can insist on our right to a vote, which we have every right to do, and it is reasonable to do, and especially reasonable to do in the context of this amendment which the Senator claims is complicated. It is not; it is fairly straightforward. In fact, it is much more straightforward and less complicated than the substitute amendment which has never gone through committee. It came here as a substitute amendment, drafted by the two leaders out of their offices. It is a very complex amendment—in fact, so complex that I heard both sides of the leadership of the bill trying to explain certain sections of it and they had different explanations as to how it affected, for example, private citizens who happen to be married to Members of Congress. It is extremely complex language.

My language at least has pretty much been vetted. It has been vetted all the way to the Supreme Court. It has gone through subcommittee, committee, it has been on the floor, debated, it has been debated again, it has been debated, and it was offered—in fact, my language was actually offered, in essence, by the Democratic Party as their substitute to the original line-item bill. In fact, the Senator from California supported the language when it was offered back in 1995. The Senator from California said:

> I believe that what a line-item veto essentially does is encourage caution on the part of both the Chief Executive and the legislative branch. I think the time has come for fiscal discipline and, as I said, I sincerely believe the line-item veto can help us achieve that goal.

So this matter has been debated extensively on the floor. It has been voted on before. It is not a matter of first impression. It is a matter of considerable discussion, and it is not unique. It is related to this bill.

The Senator from California used the term "scope." Were the term "scope" applied to postcloture standing of an amendment, this amendment would stand. But scope is not the operative language. Germaneness is, and germaneness is a much narrower test in postcloture, as we know it is extraordinarily difficult to get germaneness with any amendment that has any breadth to it. That is the reason it falls postcloture, and that is the reason why it should be taken up and voted on before cloture. But I am willing to push the vote off if we are guaranteed what the Democratic leader has suggested he will guarantee us. I won't put words in his mouth. I think what he said was: You will get the vote on your amendment; you will have an amendment from your side; they will both be subject to 60 votes, with time limit on debate, and it will go to conference.

In that context, I think we can resolve this matter. But I take a little bit of umbrage at the idea that the other side of the aisle continues to characterize, even after that presentation had been worked out, our side of the aisle as trying to bring this bill down because the only person who has the right to bring this bill down right now is the majority leader. He controls the floor, he decides what is on the floor, and he can bring it down if he wishes.

We do not wish to bring this bill down. We simply wish to get a vote on a reasonable amendment that won't survive germaneness postcloture; therefore, it has to be voted before cloture. It is an entirely reasonable position for the minority to take, especially since the amendment has been aggressively vetted by having been through this process so many times and actually has been pretty well defined by the Supreme Court as to what rights we have and what rights we don't have. That is why it is structured the way it is so it is constitutional.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, parliamentary inquiry: What is the pending business at this point?

The PRESIDING OFFICER. The pending amendment is the Nelson amendment No. 71.

Mr. LOTT. Mr. President, if I may proceed to speak on this overall issue that has been going back and forth for quite some time, I find myself somewhat amused. I don't quite understand what all the fuss is about. I have been through this before. I have been in the position of resisting an amendment such as this. I have been in the position of advocating an amendment such as this. Everybody is getting their press releases ready now to go out to put their spin on this issue. I wish to make a brief effort to try to put it into proper perspective.

First, the idea or the suggestion that Republicans don't want to get this to conclusion is not credible because I managed this bill last year. We did it in a bipartisan way. As Senator MCCONNELL has said, we got an overwhelming vote. I think it was 90 to 8, and it had tough provisions in there, including most of what is in this bill.

Keep in mind, the underlying bill from last year was introduced by a bipartisan group, leaders on both sides, to begin this debate. Then there was a substitute laid down with some additional changes. Then we went forward with the amendments.

I don't think it is fair to characterize this as one side or the other trying to stop a result. As a matter of fact, I thought our leaders were going to come together. It is OK, we are going to identify a number of amendments about which Members are serious, and we could have votes on them this afternoon and Thursday and finish up Thursday night or Friday. Now I guess there is a little bit of a manhood thing here where one side is going to show the other.

Again, having been through this, when Senators do feel strongly about an issue, who have done the kind of work Senator GREGG has done, they are going to get a vote and they should get a vote. It is very simple. We could get a time agreement. Obviously, Senator GREGG would be prepared to come up with a reasonable time agreement. It is an important issue, but it certainly has been debated.

I have been on all sides of this issue over the last 10 years or so, and we could have a vote on a few other amendments and complete our work and then await conference, by the way, which won't occur until some time in March or April because the House action which has been described basically as getting the job done was only a rules change in the House. They didn't do anything about lobby reform, and they are not going to do so until March. It is not that we are in a tear to catch up with the House. We are going to complete this in a reasonable time, and then we will wait, but we are going to get a result because there are things we need to do with ethics, lobbying reform.

We can do it. We should do it. Some have gotten out of control. Now we are in a long process of self-flagellation without getting to cleaning up some things that need to be changed.

With regard to the specifics of this amendment, I was involved in the process in the nineties when we passed the line-item veto. I was very much an advocate of it. I remember we had a bipartisan group that did that. I know Senator BYRD spoke vigorously against it. We got it done, and it went to the Supreme Court. Before it went to the Supreme Court, President Clinton used the line-item veto for the first time, and I was pretty shocked by the list he came up with. Then I thought: Well, maybe I was wrong after all to support this power of the President.

This is not the same thing. This has been developed by Senator GREGG specifically addressing questions or problems of the line-item veto. I don't want to give Presidents, as they have had, by the way, and used for years, a summary rescission. This is a process, and I looked at it carefully.

I had reservations about the draft we were talking about last year. I don't particularly like giving the President four bites of the apple. But I do like the fact that if we have some rescissions that go to reduce the deficit, Presidents can't put the same rescission project multiple times. He gets a shot at it, and then he can come up with a different list.

I am a cosponsor of this legislation. I think it will help to bring spending under control. I do think it will allow the President, when there is a project that cannot be defended in the light of day, a chance to take it out, and then we have to vote on it. And, by the way, it is not in perpetuity. It is for 4 years. This President will have this authority for 2 years, and the next President will have this authority for 2 years. Is that the correct timing on this amendment?

It has a sunset. We will see how it works. If we don't like it, if we don't agree with it, if we are embarrassed by the result, it will sunset, and then that will be the end of it unless we extend it. Is that a correct interpretation?

Mr. GREGG. Mr. President, that is correct. This is 4 years, but this President probably won't get 2 years of it. He will probably get a year and a half.

Mr. LOTT. That is correct. I don't know why we have all this huffing and puffing. Let's set it up, have some debate, have a vote, and let's move on. By the way, I believe Senator REID has the majority, and as Senator GREGG pointed out, it takes 60 votes to get this through. I don't think it is going to happen.

Senator GREGG has been willing to work out any and all kinds of agreements. I don't know how in the world the leader could keep a commitment to get it in conference out of whole cloth. Maybe he has some plan afoot.

So far we have worked pretty good. I was a little embarrassed last week. We had one of our Members offer an amendment. I voted against it, but he won fair and square. And then we went through this exercise where we were going to strong-arm Members into switching their vote. Our Members said, wait a minute, including me. I was going to switch back the other way because I thought that a mistreatment. All he was trying to do on earmarks was put us in line or in sync with what the House had passed.

I still don't particularly like that language. I think it is going to create some problems, but I thought it was a very good amendment. Basically, that put us in a holding pattern for the rest of the week or 3 or 4 days.

Hopefully the Democratic leadership will quit trying to fix blame and come up with a way we can complete this good work. The managers have been dealing with it and moving it along. I looked at the list of amendments. I don't see too many amendments that will be a problem in terms of time and debate and completing the work. Let's find a way to get this done, then await further House action, and then see if we can come up with a good product that is in the best interest of this institution and the American people. I believe this rescission package would help us get to that point.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank my friend from Mississippi for that explanation. I simply want to add a little bit of history, which I did previously, to his comments. He said when he saw how President Clinton used the line-item veto he began to wonder if he hadn't, in fact, made a mistake by supporting it. I supported the line-item veto. When I saw how President Clinton used it, I was sure I had made a mistake. Here on the floor and in the debate with Senator Moynihan and Senator BYRD, I made the commitment that I would never support the line-item veto again because it was used in a way I had not anticipated. It was used in a way very different from the way State legislatures have dealt with the line-item vetoes that Governors had. That was my rationale for supporting it. I said: The Governors have it and it works; why shouldn't the President have it? That is because I didn't understand the way the Congress really works. So I said I will never support a line-item veto again.

When the White House called me and said, We need your vote on this, I said, You won't get it. And then when I saw the details of what the Senator from New Hampshire has crafted, I realized, as he has pointed out, that it is crafted with the Supreme Court rescission in mind, with the history of the experience with President Clinton in mind, and I am now willing to support the enhanced rescission legislation the Senator from New Hampshire has proposed because, as he has said, this is not the line-item veto.

Our friends in the press like a quick headline that they think everybody can understand, and they use the headline "line-item veto," and then it sticks. In fact, that is not what it is, and a careful reading of the bill makes it clear that is not what it is. If, indeed, that were what it was, I would vote against it.

But I am hoping the Democratic leader, the majority leader, can work out something which can give the opportunity for this to be brought forward, debated, and then voted on. I do note, as the Senator from New Hampshire has noted, that in order for it to pass, it would require 60 votes. So if, indeed, there are 41 votes against it, the logical thing to do is bring it up, kill it, and let us move forward. But apparently there are not 41 votes against it. I don't know, but I am guessing. So we are where we are. I am hoping it all gets worked out because I think we are close to getting this bill done. I think it is a bill that both sides can vote for overwhelmingly. I have enjoyed working with the chairman of the committee in getting reasonable adjustments in the bill, and it would be a shame to see all of that hard work go down the drain if we can't get this resolved.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I understand we are having a discussion on the floor about the amendment being proposed by Senator GREGG from New Hampshire, known as the second look at wasteful spending amendment, to the pending legislation, which is called the Legislative Transparency Act of 2007. I spoke on this particular amendment offered by Senator GREGG last week, and I came to the Chamber and expressed my strong support for what Senator GREGG is trying to do. For the life of me, I don't understand why we would want to put an issue such as this off, because it adds transparency to the process. That is the name of the bill we have before us: the Legislative Transparency Act of 2007.

What the Gregg amendment would do is to allow the President to identify certain items in bills that are earmarks or may be classified as pork barrel spending. Then once those provisions have been identified, they would get singled out, and then, the President can bring those forward and allow the House and the Senate to vote on those separately.

What happens so many times in legislation that comes before the Congress is a process which is called logrolling. It is an old term; it has been around for a long time. You just keep adding issues in there and adding issues in there and make a piece of legislation bigger, and you pick up votes, and the bill gets so big and cumbersome that it is difficult to find people who are going to vote against it because there are so many issues in there they support. So what Senator GREGG does to bring transparency to this process is to take out those single issues, give the President an opportunity to pull those out and send them back to both the House and the Senate, and we vote on them as a separate issue. That creates a clear position on that particular issue from the House and the Senate. I daresay if we do that, we will cut back on a lot of spending, for those of us who are concerned about the mounting deficits in our Federal budget, who are concerned about accountability, and who are concerned about the process around here, both in setting up a budget and then the appropriations bills that come forward.

I think it is an accountability issue, and I hope we can bring this up and have a vote, in my view, the sooner the better because right now we are involved in an appropriations process that got bogged down from the last session because of earmarks and those kinds of spending provisions, and we are getting ready to go into a budget process and then right back into appropriations. So the sooner we can deal with this type of legislation, the better.

I am hoping the leadership here in the Senate would consider and eventually allow us to bring this up, and as I say, the sooner the better because it brings accountability to the budget process. That is something we have all been talking about, those of us who are serious about getting the deficit under control, those of us who are serious about some accountability in the budgeting process. If I secure funding for a project in an appropriations bill, I don't have any problem letting people know about it because what I do is I go through the process of getting it authorized; that is, the authorizing committee has looked at it and they have verified that whatever it is that is in the amendment is legitimate, they have reached a consensus on what needs to be done to bring accountability to that particular project or program. Then you take it to the Appropriations Committee, and they allocate the money and they keep allocating the money, and by holding on to the purse strings, they continue to make that an accountable process. If we have any shortfall in what is going on, it is a lack of accountability in the budgeting process and in the appropriations process. I don't believe this makes it any more complicated. I myself think it is pretty straightforward, and I think it is constitutional.

Now, we had sort of a line-item rescission process this Congress passed a number of years back with a large reform. The courts looked at it and decided it was unconstitutional. But in this legislation the final decision is made by the Congress. We leave control of the purse strings here in the Congress. The President just delineates a few of these programs or projects and then brings them back to the Senate, and we vote on them separately.

So I just felt compelled to come to the floor and reemphasize how very important I believe it is that we step forward and we begin to act on these kinds of commonsense solutions Senator GREGG has offered. He was chairman of the Budget Committee. He has worked hard on this issue. I supported his Stop Overspending Act of 2006 when he introduced it in the last Congress. It had a similar provision in there. This is important. I hope we can get an opportunity to act on this particular provision before we move off of this piece of legislation. I ask my colleagues here in the Senate to join us in trying to bring excessive spending under control.

I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. OBAMA). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I know we are in an unfortunate gridlock at the moment, but earlier in the afternoon my friend from Utah, Senator BENNETT, rose to indicate that he intended, at some point in the debate, to move to strike a section of the bill regarding so-called grassroots lobbying. It requires disclosure of people doing paid grassroots lobbying exceeding a certain threshold of spending every year. And this provision is part of the title of the bill before us that came out of the Homeland Security and Governmental Affairs Committee, of which I am privileged to chair and of which I am privileged to have the distinguished Presiding Officer as a new member of.

I wish to respond to several statements that Senator BENNETT made. We will have a fuller debate, I am sure, before he asks for a vote on his amendment. But for the record, for the information of my colleagues, I wish to speak in favor of what I believe is one of the most important elements of this lobbying reform legislation.

The original provision, sponsored in committee by my friend from Michigan, Senator LEVIN, and myself, requires, for the first time, disclosure of so-called paid grassroots lobbying. Much has been said—I fear, too much of it not on point—about this provision and its purported impact on free speech. I wish to reassure my colleagues that those claims about this provision are not true.

This grassroots lobbying provision would do nothing to stop, deter or interfere with individuals exercising their constitutional rights to petition our Government for redress. We are talking about disclosure, not censorship, not limits in any way on lobbying. We are talking about disclosure of large sums of money spent by professional organizations. We are not talking about barring any organization from conducting a grassroots lobbying campaign. And we are not talking about small grassroots lobbying efforts.

We are talking about major media campaigns, mass mailings, large phone banks, designed for the purpose of influencing Members of Congress or the executive branch on specific issues. There is nothing wrong with that. But it has become, as I will discuss in a moment, an ever-increasing, evermore expensive part of the way in which people use their constitutional right to petition their Government, and it has, unfortunately, been abused, particularly in the Abramoff case. This provision would shine the disinfecting, the edifying, the illuminating, the educating sunshine of public disclosure, but would impose no limitation on constitutional rights.

Our former colleague, the late Senator Lloyd Bentsen of Texas—a wonderful man and a great Senator—once referred to this kind of paid grassroots lobbying as "astroturf lobbying" because it was not real grassroots lobbying. It was generated, manufactured, and not self-grown. It, to me, defies logic to require a company to disclose—as we do in law now, and would even more according to the underlying bill, S. 1—to require a company to disclose its direct lobbying of Members of Congress, while giving that same company a pass by not requiring it to disclose anything with regard to its efforts to manufacture and generate thousands of pieces of mail and calls for the same purpose.

To avoid confusion, I want my colleagues to understand what this provision does and what it does not do. It does not ban or restrict grassroots lobbying of any kind in any way. That would be wrong. Grassroots lobbying is an important way for people to get involved and contact their Members of Congress or the executive branch. There is nothing wrong with astroturf lobbying, as Senator Bentsen described it, either. It is not self-generated grass, but it is appropriate, constitutional and legal and nothing in this provision of S. 1 would stop it.

This legislation simply requires disclosure of the amount of money spent on grassroots lobbying when it is conducted by professional organizations. The opponents of this measure would have us believe we are trying to amend the first amendment. That is not true. Our Senate phones are often jammed with callers expressing their points of view and all giving the exact same message. That comes from somewhere, is paid for by somebody and is part of an organized effort, and the public and the Members have a right to know who is paying and how much.

I wish to note this provision responds directly to one element of the Abramoff scandal. Mr. Abramoff funneled money from one of his clients, the Mississippi Choctaw Indians, to a grassroots lobbying firm run by Ralph Reed to oppose pro-gambling measures. The Choctaws were particularly interested in stifling competition to their gambling activities. Well, it seems to me in that case the public had a right to know the anti-gambling campaign was funded by those trying to protect—which is their right—their own position in the gambling industry from further competition.

Mr. Abramoff also directed his clients—and here is where we get into big problems—to pay millions of dollars to grassroots lobbying firms controlled by himself and his associate Michael Scanlon, fees that were in part directed back to Mr. Abramoff personally but never known by the public as direct fees. If the disclosure requirements that we are proposing here had been in place, Mr. Abramoff and Mr. Scanlon would have had to have disclosed these multimillion dollar fees they passed through this grassroots lobbying operation and, therefore, I believe they probably would not have been able to pull that particular scam off so easily.

In crafting this provision, Senator LEVIN and I have been careful to listen to grassroots organizations and have incorporated several safeguards to make sure we do nothing to inhibit their exercise of free speech. We make clear, for example, that the grassroots lobbying effort must be in support of a direct lobbying effort. Grassroots activities without connection to lobbying do not trigger a reporting requirement in and of themselves. So no matter what is being said here, I assure my colleagues that if this bill passes with this provision in it, anyone picking up their phone of their own free will to tell their Member of Congress how they feel about an issue is not going to face any requirements under our amendment.

Here is another threshold the amendment requires. Some people say: What if an organizational leader writes to his Members or a clergyman writes to his church to urge them to express an opinion on a particular matter to Members of Congress? It wouldn't be covered by this. We exclude efforts that are not professional, that are not paid for, and we exclude all efforts that cost less than $25,000 per quarter. That is a significant exemption, and it means that an organization can spend up to $100,000 a year on paid grassroots lobbying without triggering the disclosure requirement. Again, we also exclude communication made by organizations to their own members. And we exclude any communication directed at less than 500 members of the general public.

So what we are asking for is disclosure of spending over $25,000 per quarter to get others to engage in grassroots lobbying, and we are asking them to report just one number rounded to the nearest $20,000. Eleven years ago, Senator LEVIN unsuccessfully fought for a grassroots lobbying disclosure provision when Congress originally passed the Lobbying Disclosure Act. At the time he said, to the best of his knowledge, grassroots lobbying campaigns spent about $700 million a year. To the best of my knowledge, though obviously we don't know because there is no disclosure, that figure has multiplied probably into the billions per year, and the public has no accurate picture of who is spending what to influence others to lobby Congress. That is what this provision would do.

My friend from Utah, Senator BENNETT, pointed out that the first amendment protects the right of every American to petition Government for redress of grievances. Of course, that is true, and lobbying is part of that. As I said in my opening statement on this bill, it is a constitutionally protected right. The Senator further pointed out that the Supreme Court has said this right is not diminished if performed for others for a fee. That is also correct. I agree. Nothing about disclosure, however, is inconsistent with that first amendment right. Requiring disclosure under certain narrow circumstances is all our grassroots provision would try to do. The fact is, the Supreme Court has upheld disclosure requirements for direct lobbying. I am confident that the Court's reasoning applies equally to the disclosure we are proposing for paid efforts to stimulate grassroots lobbying.

In the leading case on lobbyist disclosure, which is U.S. v. Harriss, decided in 1954, the Supreme Court considered the Federal Regulation of Lobbying Act which at that time required every person "receiving any contributions or expending any money for the purpose of influencing the passage or defeat of any legislation by Congress" to report information about their clients, their contributions, and their expenditures. The Supreme Court upheld in that case disclosure requirements for the Court's narrow definition of lobbying, which included not only direct communications with legislators but also their artificially stimulated public letter campaigns to Congress. Two courts of appeals have also upheld grassroots lobbying disclosure requirements. In Minnesota State Ethical Practices Board v. the National Rifle Association, decided by the Eighth Circuit Court in 1985, that circuit upheld the State statute requiring disclosure of grassroots lobbying, even when the activity at issue was correspondence from a national organization to its members. In other words, the Eighth Circuit upheld a statute that goes even farther than we are going because we are exempting communications made by organizations to their own members.

In the other case, the 11th Circuit, in a case known as Florida League of Professional Lobbyists, Inc. v. Meggs, decided about 10 years ago in 1996, upheld a Florida law which required disclosure of expenditures both for direct lobbying and indirect lobbying activities.

Astroturf lobbyists who don't like this legislative provision may well challenge it in court. That could be said of most pieces of legislation that Congress considers. But I believe the weight of precedent of both the Supreme Court and the two explicit circuit court cases on grassroots lobbying should give us confidence that extending the essential disclosure requirements of lobbying to paid efforts to stimulate grassroots lobbying would be upheld as constitutional.

I hope more broadly that we can proceed with this bill. It is an important reaction to the voices of the people that we have all heard who are offended by the ethical scandals here in Congress over the last few years, as we all, each Member of Congress, are embarrassed by those scandals. This underlying bill, S. 1, is a very strong response to them. I hope it does not fall by the wayside in what may appear to observers to be the first partisan gridlock of this session of Congress. Surely we can figure out a way to proceed to consider the issue that is the subject of the gridlock at some point in the Senate and then proceed rapidly to consider the other amendments pending on S. 1, adopt the bill, and go forward.

I thank my colleagues.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I listened with interest on the television when my friend from Connecticut was responding to my amendment, talking about the grassroots or astroturf kinds of lobbyists. I was struck as usual with my friend's good intentions. I am reminded once again of a comment I made, which the Presiding Officer heard me make, which is hard cases make bad law.

The Abramoff situation was clearly a matter of money laundering. It had little or nothing to do with lobbyists. He found a way to use a particular activity in order to channel contributions from one of his clients back to himself in fees that would be hidden. That is being offered as a reason why we need to adopt this amendment with respect to grassroots organizations.

My friend from Connecticut talked about simply disclosure. Everybody who does this ought to say what they are doing, and we are not stopping them. Yes, they have their constitutional right to do this. And yes, it is a proper thing for them to do, so long as it all gets disclosed. Because if Abramoff had been forced to disclose, he wouldn't have been able to launder the money. That sounds enormously reasonable. But as I listened to the details, comparing them to my knowledge of the underlying bill, I realized, once again, this is being crafted with an eye toward the astroturf lobbyists, without an understanding of how chilling an effect it will have on genuine grassroots kinds of activities.

As the ACLU pointed out in its letter, the reporting requirements are so heavy and so onerous and now, as a result of an amendment we have previously adopted, carry with them a $200,000 fine, if they are inadvertently broken, that it will have a chilling effect on many groups who will decide they simply don't want to run the risk. We simply don't want to expose ourselves to this. Someone who inadvertently violates the law or violates the reporting requirements which we would be putting into the law, who accepts a relatively small amount of money for his services but somehow triggers the amount listed in the bill, finds himself or herself subject to a $200,000 fine for each incident. And even if that individual goes to court and gets it set aside, the legal costs will clearly go above $200,000.

To what end? Members of Congress are fully aware of how these astroturf campaigns are mounted. We understand when we are the target of one of these. I don't know a single Member of Congress who can be swayed by this kind of thing, if, in fact, the underlying legislation is bad legislation in the opinion of the Member of Congress. I know many of these people do this to make a living, and they convince their

Members that it is a worthwhile kind of thing. They will still continue to do that, the big ones. This is not something that is part of any culture of corruption. We cannot point to anybody who has been overwhelmed by these and, therefore, changed his mind on a particular piece of legislation.

Let's have a little understanding of the way the system works and a little common sense about how Congress responds, about how people try to bring particular pressure points upon them.

I respect my friend from Connecticut. I think his reading of the law is obviously very careful. But I come back to exactly the same position I did before in my earlier statement. This will have a chilling effect on honest, responsible, legitimate grassroots kind of activity, because the people who engage in that kind of activity will be afraid that their exposure to a $200,000 fine is too great. And it will be easier for them to say: Never mind.

People who do the astroturf kind of thing, where they are big enough and they have enough money, they have enough legal background, file all their reports and will continue to do it. The reports will be filed, and no one will pay any attention to them. I often say the best place to hide a leaf is on the floor of the forest surrounded by all of the other leaves. There will be a blizzard of reports coming from the big people who can afford to do this, and there will be a chilling effect on the little people who will be very nervous about the exposure we have built into this bill.

In the previous bill passed by the Senate that had this provision in it, the fine was $50,000. That was serious enough. Now that the fine is $200,000, I am getting all kinds of concern from all kinds of groups that are not professional astroturf lobbyists but legitimate grassroots groups that are very anxious that this is going to, in effect, hamper their ability to exercise their constitutional rights. Will it legally prevent them from exercising their rights? No, it won't. Will it practically prevent them from doing so? Yes, in all probability, it will. And the result is simply not worth that kind of risk to run.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I strongly oppose Senator BENNETT's amendment to strike section 220 from the bill. The debate about section 220 is essentially a debate about the openness of the legislative process. It is a debate about the right of the American people to know who is spending money to influence their elected representatives and how that money is being spent.

It is important not to be misled by the use of the term grassroots lobbying in section 220. We aren't talking here about constituents reading the newspaper and deciding to call their Member of Congress to weigh in on the issue of the day. No, what section 220 deals with is paid grassroots lobbying, the spending of money to try to get the public to contact Congress. It is estimated that grassroots lobbying is a billion dollar business. That is a billion undisclosed dollars spent by special interests to influence the legislative process. We should keep in mind as well that in 2005 a few million of those undisclosed dollars went to Grassroots Interactive, a so-called "grassroots" lobbying firm controlled by Jack Abramoff. E-mails made public by the Indian Affairs Committee indicate that Abramoff and his accomplice Michael Scanlon prided themselves on being able to make it appear as if there was significant public concern over an issue. Further, those e-mails suggest that Abramoff and Scanlon used the grassroots lobbying firm as a way to avoid public scrutiny of their activities because current law does not require disclosure for grassroots lobbying firms. For example, Jack Abramoff reportedly paid Ralph Reed $1.2 million to use his Christian Coalition network to stimulate public opposition to a tribal casino; under current law, Ralph Reed's supporters were completely in the dark about the fact that their antigambling efforts were being funded by a competing tribal casino.

The lobbying disclosure law, as it stands now, contains a billion dollar loophole. All section 220 does is close that loophole.

I am going to address some of the claims made by the Senator from Utah, but first let me explain what section 220 does. First, it requires registered lobbyists to report how much they spend on efforts to stimulate grassroots lobbying on the lobbying disclosure reports that they are already required to file. Second, it requires large professional so-called grass roots lobbying firms to report on the amount they receive for their services, just like any other lobbyist. And that is it, that is all section 220 does. Organizations do not have to report on the amounts they spend to communicate with their own members, and they only have to report on the cost of their communications with the general public if they are required to register and file under the Lobbying Disclosure Act.

By the way, communications to fewer than 500 people are not considered by section 220 to be communications to the general public. And here is the important thing private citizens can still call, write, e-mail, fax, or visit their Senators anytime they want, in response to a call from a telemarketer or an e-mail from an organization they belong to, or because they read something in the morning paper, without ever have to report anything at all. Citizens are completely unaffected by this provision.

Some groups, especially the ACLU, have raised concerns that section 220 will intrude on Americans' freedom of speech and right to petition the Government. I appreciate the ACLU's concerns and am grateful for its vigilance in protecting our civil liberties, but in this case its reservations are unfounded. In 1954, in United States v. Harriss, the Supreme Court upheld the constitutionality of disclosure requirements in the Federal Regulation of Lobbying Act, stating that Congress is entitled to require a modicum of information from those who for hire attempt to influence legislation or who collect or spend funds for that purpose. That is exactly what section 220 does. Without disclosure, the Court warned, "the voice of the people may all too easily be drowned out by the voice of special interest groups seeking favored treatment while masquerading as proponents of the public weal." Paid grassroots lobbying is a billion dollar business. It will not be chilled or discouraged by the very reasonable disclosure requirements in section 220.

While the ACLU's opposition to section 220 is honest and heartfelt, the same cannot be said of attacks made by some other groups. Their claims are so outrageous, so manifestly untrue, so unhinged from any connection to the reality of this bill, that I would like to assume that they have been misinformed about the details of the section, or that perhaps they are mistakenly referring to an entirely different piece of legislation. Unfortunately, I think it is more likely that they are engaged in a campaign of deliberate misinformation about the details of section 220. And of course, because of the loophole they are trying to protect, we may never know who is spending big money to try to convince the public to tell us to oppose this provision.

I certainly would not claim that the Senator from Utah is deliberately trying to mislead the Senate. But his statement today shows a deep misunderstanding of how section 220 works. So let me address several of the claims he made.

First, the Senator from Utah said the following:

> Someone who gets his neighbors together and says, let's all write our congressmen on this issue and then spends some money doing it, under this provision, becomes a paid lobbyist and if he does not report and register, would be fined $200,000 for having done that.

That is simply not true. The definition of lobbyist and the requirements for registration are not changed by this bill or section 220. A lobbyist doesn't have to register under the Lobbying Disclosure Act unless he makes a lobbying contact on behalf of a client and receives over $5,000 for lobbying activities engaged in for a particular client. So the person who gets his neighbors together as described by the Senator from Utah and spends some money getting them to write some letters is not a lobbyist and does not have to register—before this bill or afterwards. That is not just a matter of interpretation of the statute; it is the undisputed meaning of the Lobbying Disclosure Act.

The Senator from Utah also said the following in his statement yesterday:

> A grass-roots lobbying group decides in its neighborhood that the most effective means of influencing and speaking up on legislation is to send out letters to its membership. Or perhaps it may decide the most effective means would be to buy a mailing list and send out letters to the people on the mailing list. As soon as they spend the money to buy the mailing list, there is a paid lobbyist involved. And if the registration is not correct, there is a $200,000 fine against that group if we leave this—this provision in the bill as it is.

Again, that is not true. Unless an organization makes direct contact with a Member of Congress and spends more than $10,000 in a quarter on lobbying activities, then it does not have to register. And if it does not have to register, it does not have to report its spending on that mailing list. In addition, and this is very important, a group's spending to communicate with its own members is not considered grass roots lobbying at all.

The only way that this group would have to register is if it makes direct contact with a Member of Congress and spends over $10,000 in a quarter on lobbying activities, not including communicating with the general public to try to get the general public to contact the Congress. If the group does that, then it is not a small grassroots lobbying group. And yes, it has to register and report. I think that is the correct result.

I have taken a fair amount of time to respond to the Senator from Utah because this legislation is too important to let mistaken discussions of this provision stand without an answer.

Some of section 220's opponents have claimed that it is designed to keep the public in the dark about the legislative process, that it targets individual citizens and small grassroots organizations, that it will prevent organizations from communicating with the public, and that it will smother lobbyists in miles of redtape.

None of these claims are true. Not one. I suppose the groups spreading this information are so afraid of section 220 that they are willing to say anything to try to stop it. But I wonder exactly what they are afraid of. Section 220 only applies to registered lobbyists and large grassroots lobbying firms, and it does not prohibit or restrict their activities in any way. In fact, section 220 merely makes public how much money they spend and how they spend it. Surely these groups that have tried to convince people to contact their offices with mistaken claims about the bill aren't afraid of a little sunlight—or maybe they are.

We are so close to passing the kind of ethics bill that the public wants, that the 2006 elections endorsed, and that our democracy needs. Defeating this amendment will bring us closer to the day we can go back to our States and tell our constituents that we actually delivered real bipartisan lobbying reform. But what will our constituents say if this amendment succeeds and the Senate votes to reopen a billion-dollar loophole in the lobbying disclosure law?

I urge my colleagues not to be fooled by the phony arguments being advanced by the opponents of this provision. I ask my colleagues to please vote no on the amendment of the Senator from Utah.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. REID. Mr. President, to bring everyone up to date as to where we are, I made a good-faith offer to the minority that we will put the line-item veto off to another day. Senator BYRD was not agreeable to that. I talked to Senator BYRD on more than one occasion this evening, the last time for a significant amount of time, and he simply believes this line-item veto is a matter of great constitutional import, that for us to agree at this time to debate this would be wrong and that he simply will not do that.

Having said that, I still say I think it is a terribly unfortunate day for this Senate that a bipartisan piece of legislation dealing with ethics and lobbying reform that has been cosponsored for the first time in three decades as the first bill brought before the Senate by the two leaders, Democratic and Republican leader, is not going to be allowed to go forward based on the Republicans not being able to have a vote on a matter that is not germane or relevant to this legislation.

We have done so much with this legislation. We introduced the bill that passed this Senate last year by a vote of 98. We strengthened that significantly with the substitute. A number of amendments were offered by my Republican colleagues and Democratic colleagues. There are those who say that Senators thought those amendments would not be agreed to. They have been agreed to, with rare exception.

We have 15 or so amendments that would be postcloture germane on the substitute if cloture were invoked. We have agreed those amendments should go forward.

The point I am making is it is too bad that it appears this bill is not going to pass because of a line-item veto. That is what it is all about. Members can talk about things in here that may apply, and the Parliamentarian says it is not germane. To think we can dispose of this piece of legislation in a few minutes is not sensible. This is something that will take a lot of debate. Senator CONRAD, alone, would take a number of hours. Senator BYRD would take a number of hours. Senator LEVIN, who is one of the plaintiffs taking this to the Supreme Court, would take a significant amount of time.

I hope my friends on the other side of the aisle would reconsider. After what has gone on in Washington, in the courts alone, this requires our doing something. We, in good faith, have moved forward on this, playing by the Senate rules. I hope people of good will on the other side of the aisle vote to invoke cloture. If not, as I said earlier today, there is only one reason this bill is going to not pass. It is because the minority does not want it to pass, period, underscore, exclamation point.

So, Mr. President, I ask unanimous consent that the Lott amendments Nos. 78 and 79 be withdrawn, that at 9 o'clock p.m. tonight all time postcloture be yielded back, and without further intervening action or debate, the Senate proceed to vote in relation to the following: Feingold amendment No. 65; Bennett amendment No. 81, as modified; Reid amendment No. 4, as amended, if amended; motion to invoke cloture on the Reid substitute amendment; provided further that there be 2 minutes of debate equally divided between each vote.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection?

The Republican leader.

Mr. McCONNELL. Mr. President, reserving the right to object, I might say in response to my good friend, the majority leader, there is no particular reason these votes could not be held in the morning. It is clear we are at an impasse. That frequently happens in the Senate. It is not at all unusual. It is also not at all unusual to have nongermane amendments offered on bills. They are offered on virtually every bill that goes through the Senate. So there is nothing extraordinary happening on this bill that we do not see in the Senate with great repetition on bill after bill after bill after bill.

We have been working in good faith to reach an agreement with respect to Senator GREGG's amendment on enhanced rescission. I wish to thank the

Senator from New Hampshire for his patience in that regard. He was here early on this bill. He offered it a week ago—it has now been pending for an entire week—and is prepared for a vote.

Now, the majority leader, to his credit, was attempting to reach an agreement to allow for a vote on this issue at a later date. He mentioned it needed to be sufficiently debated. Of course, at a later date, in the context in which he and I and Senator GREGG were discussing it, there would be plenty of time for debate, adequate time to make the arguments on both sides to fully consider this important measure, with plenty of time for everyone to have their fair say about it.

Unfortunately, the majority leader has an objection on his side, and therefore it appears we will not be able to finish this bill this week. I hope we can continue to work on a path toward finishing the underlying bill. It passed last year 90 to 8, after the then-minority defeated cloture on one occasion in order to do exactly what this minority is going to do to defeat cloture on one occasion, which is to guarantee consideration of additional amendments.

So I would have hoped we could have had these votes in the morning because not much progress will be made tonight in this regard.

Having said that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there objection?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, reserving the right to object, I just want to thank the Republican leader and the majority leader for their efforts to try to move forward with my amendment. There was a lot of work done, and we had, I thought, a reasonable understanding as to how to proceed, which was outlined on the floor earlier in a colloquy between myself and the Republican leader and the Democratic leader and the assistant Democratic leader.

I regret that there is an objection on the other side. But I appreciate the Republican leader's willingness to protect my rights by maintaining my ability to amend this bill, if I cannot get this amendment up at a later date under a time certain, as we had an understanding at least between the four of us.

I have no objection.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. REID. Mr. President, the unanimous consent request is agreed to; is that right?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 78 and 79) were withdrawn.

Mr. REID. Mr. President, what I want to say is, I do not want anyone to be disabused that the only problem we had with our conversations was the time. As I indicated, I thought it would be appropriate to have a time certain to do this, but there were other issues that became involved in this also about how we would get to conference and other matters that were somewhat complicating, which certainly I did not have an opportunity to even discuss with Senator BYRD. But there were other hurdles we had to jump through. So it is not just as simple as that.

The point is, it was not done. I think that is unfortunate. But the issue before this Senate tonight is whether we are going to move forward with the most significant lobbying and ethics reform, by a large margin, since Watergate. It would be historic legislation. I would remind everyone the legislation that passed last year, 90 to 8, was the original bill we laid down. So everyone understands, it was held up because of the Dubai Ports issue, which was resolved quite quickly.

Mr. President, I yield to my friend from Illinois.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, for the record, a year ago when we debated ethics reform, the cloture motion was opposed on the Democratic side after we considered one amendment—one amendment. We have considered 12 amendments to this bill to this point, plus there have been others that have been accepted by the managers. So our objection a year ago was the fact that we had not opened it to an amendment process. I do not think anyone can argue that point this evening when the minority decides, if they do, to oppose the motion to invoke cloture.

I do not want to read too much into this. I hope this is just a bump in the road. But this is going to be a long journey of 2 years, and it does not start well when a bipartisan bill sponsored by the two leaders—the Democratic and Republican leaders—a substitute cosponsored by both leaders, and amendments cosponsored on both sides of the aisle are not enough impetus for us to pass a bill which is long overdue.

We considered this bill a year ago. It has been set over and over again, but nothing happened. We were determined with the mandate of the last election to see some change on the floor of the Senate. I thought we were off to the right start with a bipartisan measure, an effort to cooperate, an effort to compromise—and there have been many compromises on the floor. To think it is going to break down this evening because we refuse to consider a measure which is not even part of this bill, not even relevant to this bill, not even germane to this bill, tells me that we have reached a bad spot in the road. I hope we can get beyond it. We have a lot of work we need to do in the time to come. I hope it starts off in the same bipartisan manner, but I hope it ends better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 81, AS MODIFIED

Mr. BENNETT. Mr. President, I am grateful to the majority leader for scheduling a vote on my amendment No. 81. I wish to inform the Members of the Senate that Senator FEINSTEIN and I have been working to get this worked out in such a fashion that a recorded vote would not be necessary.

I raised the issue because lawyers on our side examined the underlying legislation and said the way it was worded, it could, in fact, be interpreted to prevent the 501(c)(3) activity that is purely educational and not connected with lobbying in any way, in which many of us participate.

The flagship example of that is the Aspen Institute and their Congressional Program. I am told the Aspen Institute has approved the language that is in the underlying bill. But I am convinced from the analysis of the lawyers that someone who wanted to do that program harm could, in fact, take the language of the underlying bill and attack the Aspen Institute Congressional Program.

Furthermore, while the Aspen Institute is perhaps the best known and the best supported, there are a number of other purely educational programs conducted by groups that have some connection with lobbyists. They do not take lobbyists on the trip. The lobbyists do not use the trip in any way. But because the organization has some connection to a lobbyist—may have employed a lobbyist for some issue unrelated to the trip or may, as in the case of the Aspen Institute, have lobbyists on its board—I am told that someone who wanted to disrupt those programs could challenge them.

So we have tried to work out a way to carve out this area reasonably and clearly, and we thought we had a deal. We had approval from both sides of the aisle by Senators who looked at it and said: Yes, this is exactly right. This is something we can certainly live with. We were, frankly, within minutes of having a voice vote on this, and then an objection was raised. The Senator who raised the objection has refused to budge. He has refused to compromise.

I have modified our original proposal in an effort to get compromise and have been unable to get it. So we will be voting on it. I would hope everyone would understand, when the time comes to vote on the Bennett amendment No. 81, that we are not, in fact, as some might allege, creating any kind of a loophole. The Ethics Committee will be involved to review all of these programs in advance, to make sure they are, in fact, educational programs. Lobbyists will not be allowed to travel or be present at any of the meetings.

We are talking about the kinds of things we should have more of in the Congress rather than less—opportunities across the aisle to get together under the sponsorship of a neutral organization, in a neutral location, and talk through the various problems.

Again and again, as I have been involved in these things, people say to me: Why can't we have more of this in Congress? The way the underlying bill is written contains the potential of having less of it. My amendment is structured to see to it that we are able to preserve those connections and relationships we already have. And if some future foundation decides to fund a 501(c)(3) for an additional one, they will not be prohibited from doing so just because someone on the foundation's board happens to be a lobbyist. They will not be prevented from doing so just because someone connected with the 501(c)(3) happens to be a lobbyist, totally removed and apart from anything the 501(c)(3) is trying to do.

I believe very strongly this is the way we ought to go. I am grateful to my chairman, Senator FEINSTEIN, for her willingness to cooperate in a compromise. I am sorry we have been unable to work it out so that it is necessary for us to have a vote.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

VOTE ON AMENDMENT NO. 65

Mr. REID. Mr. President, I ask unanimous consent that the vote begin now and be discontinued at 20 after the hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question occurs on agreeing to amendment No. 65 offered by the Senator from Wisconsin.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from South Carolina (Mr. DEMINT), the Senator from Nebraska (Mr. HAGEL), and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 5, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—89

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Warner
Webb
Whitehouse

NAYS—5

Coburn
Enzi
Inhofe
Thomas
Voinovich

NOT VOTING—6

Bond
DeMint
Hagel
Johnson
Sessions
Wyden

The amendment (No. 65) was agreed to.

Ms. STABENOW. Mr. President, I move to reconsider the vote.

Mr. SALAZAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 81, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes equally divided prior to a vote in relation to amendment No. 81, offered by the Senator from Utah.

The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, for the information of Senators, on this amendment I wish to give them the names of the groups that would likely be prohibited from sponsoring educational travel, unless this amendment is adopted: Aspen Institute, Transatlantic Policy Network, Save the Children, CARE, Global Health Council, Population Action International.

For those who think this is a loophole that Jack Abramoff could drive through, I point out that the amendment requires the Ethics Committee to vet each program in advance, examine who is going, whether there would be a lobbyist present, and what the purpose is. If you vote against this amendment, in my view, you are expressing a vote of no confidence in the chairman and ranking member of the Ethics Committee, Senators BOXER and CORNYN. I urge adoption of the amendment.

Mr. REID. Mr. President, I yield 1 minute to the Senator from Wisconsin, Mr. FEINGOLD.

Mr. FEINGOLD. Mr. President, the Reid amendment draws a bright line. Groups that employ or retain lobbyists could not provide trips of over 1 day. The Bennett amendment allows 501(c)(3)s that lobby to provide trips. There is a limitation that will prevent this amendment from becoming a loophole that will lead to kinds of abuses we saw with Jack Abramoff and his trips to Scotland. If these groups don't lobby, there is no limitation; they can do this. That means, unlike what the Senator from Utah said, the Aspen Institute would not be prohibited under the Reid amendment. We must defeat this amendment to keep our rules parallel to the House rules and prevent lobbyists from funding these trips.

The PRESIDING OFFICER. All time is expired. The question is on agreeing to the amendment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Nebraska (Mr. HAGEL).

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—51

Alexander
Allard
Bennett
Brownback
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Leahy
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Nelson (NE)
Roberts
Sessions
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Clinton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Levin
Lieberman
Lincoln
McCaskill
Menendez
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—3

Bond
Hagel
Johnson

The amendment (No. 81), as modified, was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, it is my understanding there are two more votes; is that right?

The PRESIDING OFFICER. There are two more votes.

Mr. REID. I ask unanimous consent that the votes be 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I am sorry, I should have suggested that on the last vote, but I just didn't do it.

AMENDMENT NO. 4, AS MODIFIED AND AMENDED

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided before a vote on amendment No. 4, as modified and amended, offered by the Senator from Nevada, Mr. REID.

Mr. REID. I yield back my minute.

The PRESIDING OFFICER. The majority leader yields back his minute. Who seeks time in opposition?

Mr. BENNETT. I yield back my time.

The PRESIDING OFFICER. The Senator from Utah yields back his time. All time is yielded back.

The question is on agreeing to amendment No. 4, as modified and amended.

Ms. SNOWE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Nebraska (Mr. HAGEL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 9, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—88

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Brownback
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—9

Burr
Coburn
Cochran
Ensign
Inhofe
Lott
Murkowski
Stevens
Thomas

NOT VOTING—3

Bond
Hagel
Johnson

The amendment (No. 4), as modified and amended, was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided on the motion to invoke cloture on the Reid substitute. Who yields time?

Mr. REID. Mr. President, this is the vote. People who do not vote to invoke cloture are not in favor of doing away with the culture of corruption we have here in Washington. This is good legislation. It is the most significant reform since Watergate by many degrees. I hope people will vote for cloture.

Mr. McCONNELL. Mr. President, the minority will hopefully vote against cloture, just like the minority last year voted against cloture on the very same bill, or a very similar bill for the very same reason: to guarantee the opportunity to offer additional amendments. I urge all of our colleagues to vote no.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, by unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule 22 of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Reid substitute amendment No. 3 to Calendar No. 1, S. 1 Transparency in the Legislative Process.

Harry Reid, Dianne Feinstein, Joseph Lieberman, Tom Carper, Ken Salazar, Robert Menendez, Patty Murray, Jon Tester, Jack Reed, Joe Biden, Debbie Stabenow, Daniel K. Akaka, Barbara Mikulski, Benjamin L. Cardin, Dick Durbin, Ted Kennedy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3 offered by the Senator from Nevada, Mr. REID, an amendment in the nature of a substitute, shall be brought to a close?

The yeas and the nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Nebraska (Mr. HAGEL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—46

Alexander
Allard
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Reid
Roberts
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Bond
Hagel
Johnson

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 46. A quorum being present, two-thirds of the Senators voting not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, I enter a motion to reconsider that vote.

The PRESIDING OFFICER. The motion to reconsider is entered.

Mr. REID. I ask unanimous consent that the cloture vote on the bill be delayed to occur only if cloture is invoked on the substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I rise tonight at this late hour. The hour is late and the night is black. I rise tonight to shine a bright light on political chicanery that is playing out on the Senate floor.

In November, America voted for a change. The people sent a strong signal that they wanted less partisanship and more accountability in Washington. In response to the voters, Senator REID, Senator FEINSTEIN, and Senator McCONNELL put before the Senate an ethics reform bill that would add transparency and accountability to the legislative process. They should be proud of their product, and the Senate has had a good debate thus far on the bill.

But wait, wait, wait 1 second. Before we can clear the way for greater accountability and sunshine into the way work gets done in these halls, the Senate is being blackmailed into an assault on the Congress's single most precious and most powerful authority—the power of the purse. That is the most powerful authority we have: the power of the purse.

Tonight, this reform bill is threatened by an effort by our colleagues on the other side of the aisle to give the President line-item veto authority. No vote on the line-item veto, they say, and no ethics reform. That is nothing more than legislative blackmail, and I, for one, will not pay the price. No one should stand still when this Constitution, which I hold in my hand, is the hostage. No one should stand still, I repeat, when this Constitution, which I hold in my hand, is the hostage.

This line-item veto authority would grant tremendous and dangerous new power to the President. He would have unchecked authority to take from the Congress the power of the purse, a power that the constitutional Framers thought was absolutely vital to protecting the people's liberties.

It was just 8 years ago that the U.S. Supreme Court decided that the line-item veto was unconstitutional. Now our colleagues—some of them—on the other side of the aisle are threatening to hold up the ethics reform bill in an effort to hand the President another line-item veto authority. Are the memories around here so short?

Are the memories around here so short?

We have a President who already has asserted too much power. This is a blatantly gross attempt to take even more power for the President and strip away power from the people.

This President claimed the unconstitutional authority to tap into the telephone conversations of American citizens without a warrant or court approval.

This President claimed the unconstitutional authority to sneak and peek, to snoop and scoop, into the private lives of the American people.

This President has taken the Nation to a failed war based on faulty evidence and the misrepresentation of facts. And many Senators voted not realizing that was what was being done when we voted on the war resolution.

So I say, this President has taken the Nation to a failed war based on faulty evidence and an unconstitutional doctrine of preemptive strikes. More than 3,000 American sons and daughters have died in Iraq in this crazed Presidential misadventure.

And what is the response of the Senate? To give the President even more unfettered authority? To give him greater unchecked powers? We have seen the danger of the blank check. We have lived through the aftermath of a rubberstamp Congress. We should not continue to lie down for this President or any other President.

Of course, this President wants to take away Congress's power of the purse. When Congress has the sole ability to shut down these unconstitutional practices, when Congress is asking tough questions and demanding truthful answers about this war, when Congress is taking a hard look at finding ways to begin to bring our troops home, over the objections of this administration, the President's response is to demand that the Congress give away its most crucial power. Silence the Congress. Ignore the people. Strip away our constitutional protections and one may just as well strip away the people's liberties lock, stock, and barrel. Strip away the power of the Congress, the power of the people, and amass all power behind the fences and secret doors of the White House.

No Senator should vote to hand such power to the President. No American should stand for it—not now, not ever.

If our colleagues on the other side of the aisle want to stop the Senate's effort to add transparency and accountability to the legislative process, that is their right and their choice. But I will not blink. I cannot look the other way. We should get on with the business at hand and pass meaningful ethics reform legislation. But we should never, never, hand away those precious constitutional powers—the last protections of the people's liberties, vested in the people's representatives in this Congress—to any President.

We have each taken an oath to protect and defend this Constitution of the United States. Here it is. I hold it in my hand. I say again, we have each taken an oath to protect and defend this Constitution of the United States. And it is about time we did protect and defend that Constitution of the United States.

Mr. President, I thank the Chair. I thank all Senators.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that there now be a period of morning business with Senators allowed to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARTIN LUTHER KING, JR.

Mr. DURBIN. Mr. President, I rise today to honor Dr. Martin Luther King, Jr., a great man who inspired ordinary African Americans to demand equal rights as American citizens. This year, we celebrate what would have been Dr. King's 78th birthday and his dream for equality and justice for all that remains our Nation's moral compass.

In honoring Dr. King on this particular anniversary of his birth, we remember that it has been a year since we lost his wife and indispensable partner, Coretta Scott King, who died on January 30, 2006. Mrs. King was a woman of quiet courage and great dignity who marched alongside her husband and became an international advocate for peace and human rights. She had been actively engaged in the civil rights movement as a politically and socially conscious young woman and continued after her husband's death to lead the country toward greater justice and equality for all, traveling the world on behalf of racial and economic justice, peace and nonviolence, women's and children's rights, gay rights, religious freedom, full employment, health care, and education.

Much has improved since 1966, when Martin Luther King, Jr., and Ralph Abernathy organized marches and protests in Chicago. Today, 80 percent of African Americans older than 25 have earned their high school diploma, and there are 2.3 million African American college students, an increase of 1 million from 15 years ago. In addition, there are 1.2 million African-American businesses across the country that generate $88.6 billion in revenues.

This important day calls us to recognize the challenges that remain and the work that still must be done to move closer to Dr. King's dream. If he were alive today, Dr. King would undoubtedly be dismayed by injustices large and small, including the violence in Iraq, the deepening divide between those who have and those who do not, and the prohibitive cost of higher education, which is now out of reach for many African-American and Hispanic families. In the wealthiest Nation on Earth, 37 million people live in poverty, 47 million people do not have health insurance, and millions more are underinsured.

Our Nation is a better one thanks to Dr. King and the sacrifices he and others made during the 1950s and 1960s. I remembered that as I walked in some of those same footsteps when I joined U.S. Representative JOHN LEWIS' pilgrimage to Selma and Montgomery, Alabama. Although there is much of Dr. King's dream that remains to be fulfilled, I have faith that we will continue to move toward the equality and justice that he sought. As a nation, we must and we shall.

Mr. KYL. Mr. President, on January 15, our Nation commemorated the birthday of the Reverend Dr. Martin Luther King, Jr. Every year we pay tribute to the life of this great American. But, in honoring Dr. King, we celebrate more than his life; we celebrate the legacy of his words and deeds, and the virtues that he embodied.

Today, we remember Dr. King because he represents the best of the American spirit: someone who is compassionate, devoted, courageous, and hopeful. His compassion drew him to the plights of the poor and oppressed, and his devotion led him to champion their cause. His courage led him to act on this devotion, countless times placing himself in harm's way. Indeed, it was because of his courage that he fell to an assassin's bullet in 1968. And, his hope sustained him, even in the face of bitter racism.

All of these virtues—compassion, devotion, courage, and hope—propelled Dr. King to the esteemed place he occupies today.

Perhaps Dr. King's most enduring virtue was his hope. It surely was on display when he delivered his most famous oration. In 1963, on the steps of the Lincoln Memorial, gazing out at the Washington Monument and beyond to the Capitol, he delivered his "I Have a Dream" speech, which is familiar to all Americans.

As Dr. King looked upon these impressive symbols of America, he reflected upon the glaring shortcoming of our democracy. For all its successes, America had failed to realize the truth put forth in our Declaration of Independence: "that all men are created equal." Amid these monuments to the promise of America, he told hundreds of thousands of the Nation's greatest injustice: racial inequality. Yet he still maintained hope, speaking in terms dreams and freedom.

In 1964, President Lyndon Johnson signed the Civil Rights Act, and the Voting Rights Act became law the following year. Despite these legislative gains, Dr. King realized that achieving equality of opportunity required something much greater, and far more difficult, than mere legislation. It required a change in the hearts and minds of citizens.

Despite this challenge, his optimism did not waver. In 1967, he appeared on "Meet the Press" where he was asked if he believed "the American racial problem can be solved."

"Yes, I do," he replied. "I refuse to give up. I refuse to despair it in this moment. I refuse to allow myself to fall into the dark chambers of pessimism, because I think in any social revolution, the one thing that keeps it going is hope."

King's hope survived him, and today we are closer to the world that he envisioned.

We honor historical figures not merely because they achieved or said great things. We honor them because their lives continue to offer insight that we might use to improve our world.

"[T]he goal of America is freedom," he wrote as he sat in a Birmingham, AL, jail cell. Only a man with great hope and faith in the triumph of good could write those words in those circumstances. It is with similar hope that we as Americans should proceed today, whatever the challenges that confront us.

NATIVE HAWAIIAN REORGANIZATION ACT

Mr. ALEXANDER. Mr. President, today the Senator from Hawaii, Mr. AKAKA, reintroduced the Native Hawaiian Reorganization Act, a bill that would create a new, race-based government within the borders of the United States. I strongly oppose this bill. This legislation was considered and rejected by the Senate last year; we ought not waste one moment of the Senate's time on it this year. Instead, we should consider legislation that unites us all as Americans. Our Nation must remain "one Nation, under God, indivisible, with liberty and justice for all"—"not many Nations, divided by race, with special privileges for some." Here are four reasons this bill should be stopped in its tracks: 1. It would create a new, sovereign government within our borders. 2. As noted by the U.S. Civil Rights Commission, the bill "would discriminate on the basis of race or national origin." 3. The bill is really about transferring control over "land" and "other assets" to this new, race-based government. 4. Native Hawaiians are not just "another Indian tribe" since they do not meet the requirements under current law of being sovereign for the last 100 years, living as a separate and distinct community, and having a preexisting political organization.

I hope my colleagues will join me in opposing this dangerous piece of legislation.

GRAND VALLEY STATE UNIVERSITY LAKERS

Mr. LEVIN. Mr. President, I would like to congratulate the Grand Valley State Lakers on winning the 2006 Division II National Championship. Grand Valley completed a highly entertaining and rewarding season on December 16, 2006, when they defeated Northwest Missouri State 17–14 in the championship game. This victory is a great source of pride for all those affiliated with Grand Valley State University and for the State of Michigan.

It was a record breaking year on many fronts for the Grand Valley State Football team. This victory was the culmination of a perfect 15–0 season for the Lakers. Under the guidance of Coach Chuck Martin, Grand Valley State won their fourth Division II Championship in the last 5 years. During this time, the Lakers have become a powerhouse in Division II football and have a .709 winning percentage. Since 1999, they have an extraordinary 86–9 record, which is the second highest in all of college football. Moreover, quarterback Cullen Finnerty became the most prolific offensive player in college football history this year. In his 4-year career, Finnerty amassed a 51–4 record and led the Lakers to three national championships. As quarterback of the Lakers, Finnerty finished his career with over 10,000 total yards, including over 2,000 yards rushing.

The championship game provided its share of excitement. The thousands of GVSU fans and supporters who made the trip from the campus in Allendale to the stadium in Florence, AL, were not disappointed with the result. It proved to be a hard fought contest between two great teams. Grand Valley State eventually forced three crucial turnovers in the game, which included a NW Missouri St. fumble in the Grand Valley end zone late in the fourth quarter. Junior cornerback Bill Brenchin made significant contributions on all three plays. Brenchin ended the game with two interceptions and recovered the fumble in the end zone as NW Missouri St. attempted to tie or win the game. Overall, the Grand Valley defense was too much for NW Missouri St. to overcome, and, the Laker offense, under Finnerty's direction had more than enough weapons to stifle the opposing defense.

I am proud to recognize the Grand Valley State football team for their remarkable achievements on the field this year. They have proven that hard work, dedication and commitment can produce great results. The members of the team should be proud of their efforts and should savor their recent success. They have been a tremendous source of inspiration for both the Grand Valley State community and the entire State of Michigan.

Each member of the Grand Valley State team, including Anthony Adams, Sam Allen, Matt Bakker, Lyle Banks, Brandon Barnes, Ryan Bass, Matt Beaty, Nate Beebe, P.J. Beuke, Chad Biggar, Scott Blasko, Cameron Bradfield, Bill Brechin, Drew Burton, Tory Buter, Samad Cain, Robert Carlisle, Brandon Carr, Tony Carr, Tony Carreri, Kirk Carruth, Todd Carter, Mark Catlin, Carlos Clark, Aaron Conti, Greg Copeland, Mendalson Covington, Anthony Crump, Joe Davis, Corey Edwards, Jeremy Ehinger, Billy Eisenhardt, Ian Evans, Eric Ewing, Gary Fant, Chris Favors, Cullen Finnerty, Matt Flutur, Dan Foster, Eric Fowler, Preston Garris, Ryan Gaydosh, Alex Gilde, Brennen Blass, John Godush, Maurice Gore, Mike Graham, D.D. Hardy, James Hardy, Brett Harris, Jacob Henige, Brett Hines, Drew Hinkle, Tyler Holtz, Nick Hopkins, Brad Hull, Brad Iciek, Jay Jandasek, Nate John, Blake Johncock, Derrick Jones, Sam Jones, Zach Jones, Lamar Keith, Mike Koster, Buster Larkins, Mike Leiffers, Astin Martin, John Matthews, Nick McDonald, Mike McFadden, Jacob McGuckin, Byron Miles, David Misiewicz, Terry Mitchell, Jaquon Morrison, Mike Mukuna, Frank Mulder, Jordan Munson, Doug Neumeyer, Courtney Partee, Denny Pittman, Justin Pollock, Danny Richard, Chad Richardson, Sean Roland, Matt Russell, Brandon Ryan, Mike Scherpenberg, Felix Sharpe, Dan Skuta, Blake Smolen, Chad Somerville, Derek Stansbery, Bretty Stengele, Sean Stevens, Alex Szarenski, Joey Teague, Bryan Thomas, Tony Thompson, Jacob Topp, Lance Travis, Antoine Trent, Justin Trumble, Justin Ulberg, Justin Victor, Matt Wade, John Wasmund, Collin Williams, Justin Winsor, Joe Wohlscheid, and James Wojiechowski, made meaningful contributions to the success of the football team and proved once again the strength of teamwork and commitment.

I know my colleagues in the Senate join me in congratulating Coach Martin and the 2006 Grand Valley State Lakers on their Division II National Championship.

ADDITIONAL STATEMENTS

RECOGNIZING WILLIAM T. "BILL" McLAUGHLIN

• Mr. CARPER. Mr. President, today I wish to recognize Mayor William T. McLaughlin. Bill, as he is affectionately called by his friends—and Bill has a lot of friends—celebrated his 90th birthday on December 22, 2006. During the 90 years that the world has been blessed with Bill's presence, he and his late wife Mary have touched many lives and helped countless people. His contributions have ranged from serving his country during World War II, serving the city of Wilmington for two terms as the city's mayor and for 12 years on the city council before that, and offering continued service with numerous community projects both before and after his tenure in elected office.

William T. McLaughlin was born on December 22, 1916, on Wilmington's east side. One of 12 children, Bill often joked that the Great Depression helped to raise his family's standard of living. When Bill was 16 years old, his father lost his job. Bill's devotion to his family led to his dropping out of high school in order to accept a job cleaning the Boy's Club in Wilmington's Browntown neighborhood. He then went to work at a linoleum plant where, after being turned down for a two-cent raise, he helped organize a union for the plant employees. This type of initiative would be a hallmark of Bill's life.

At the age of 22, Bill signed up for the National Youth Administration, a Federal program he hoped would send him to California. Instead, he was assigned to a swamp drainage program in southern Delaware.

After helping to reduce Delaware's mosquito population, Bill decided to seek more adventurous endeavors and joined the Army Air Force during World War II. He trained as an electrical technician and saw action as a radio operator and tail gunner. He was shot down over the skies of New Guinea but managed to survive and went on to complete 50 missions before returning home to Wilmington.

Upon his return, Bill attended night school on the GI bill. During this time, Bill went to work for DuPont, where he would work for 30 years, mostly as a supervisor in the company's business machines section.

It was during this time that Bill would meet the woman who would become the love of his life. Mary's enthusiasm and outgoing personality were a good counterpoint to Bill's soft-spoken manner and she would have a huge influence on both his future and the future of Wilmington. Together, they raised two sons, William and Donald.

Unlike many elected officials, Bill did not enter politics until the later years of his life. In 1964, Mary encouraged him to run for Wilmington's 9th ward city council seat. Bill won the election and continued to serve on the city council for 12 years. During this time, he became the council's finance chairman. In 1976, he agreed to seek election as Wilmington's mayor after then-Mayor Tom Maloney decided to run for the U.S. Senate.

Bill was elected as Wilmington's mayor and served two terms in that capacity, serving from 1977 until 1984. During this time, his openness and compassion helped him cultivate a renaissance for the city. He held weekly "open door" sessions where any citizen could come by his office and voice their concerns or simply chat about local issues.

As mayor, he worked with Governor Pete DuPont and other State leaders to develop the Financial Center Development Act, which laid the foundation for Delaware's rebirth as a financial services center. He also helped lead the efforts to recruit dozens of out-of-State banks to set up shop in Delaware, creating more than 30,000 jobs for the First State.

During his time in office, Mayor McLaughlin helped implement the desegregation of Delaware's public school system in northern Delaware. Bill never forgot the obstacles that he had to overcome during his lifetime and sought to level the playing field for all Delawareans, regardless of the color of their skin. He also increased housing opportunities for people with low incomes, and he worked tirelessly to create new jobs by recruiting potential employers to settle in Wilmington and the surrounding areas.

Bill also played a pivotal role in promoting the Delaware arts community, helping to create the Delaware Theatre Company and the Delaware Center for Contemporary Arts.

What stands out most to me—and for a generation of Delaware's political leaders—is Bill's willingness to mentor young people seeking elected office. When I first ran for State treasurer in 1976, Bill was among the first public officials I reached out to. His support and kindness were instrumental in my first campaign and continue to be a source of inspiration for many of Delaware's elected officials.

After leaving office in 1984, Bill continued to play a vital role in the lives of countless Delawareans. He championed the disadvantaged through his involvement with numerous community service efforts. In 1996, he and Mary founded the William T. and Mary McLaughlin Education Fund, which continues to provide academic support for deserving students in Wilmington and New Castle County. After Mary's passing in 2002, Bill continued their work to help better the lives of their fellow Delawareans.

Bill's hard work and devotion to service have led to countless community service awards. In 1985, on his last day as Wilmington's mayor, Bill was awarded the Josiah Marvel Cup for public service, the Delaware State Chamber of Commerce's most prestigious award. Many people would have seen that award as a capstone, but Bill seemed to view it as a foundation upon which he continues to build his legacy.

Bill is a true friend of Delaware. His compassion, integrity, warm sense of humor and vitality of spirit are a true inspiration for us all. I rise today to commend his hard work, to applaud his devotion to community service and to wish him many more happy birthdays in the years to come.•

MESSAGES FROM THE HOUSE

At 12:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 188. An act to provide a new effective date for the applicability of certain provisions of law to Public Law 105–331.

H.R. 391. An act to authorize the Secretary of Housing and Urban Development to continue to insure, and to enter into commitments to insure, home equity conversion mortgages under section 255 of the National Housing Act.

At 5:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5. A bill to amend the Higher Education Act of 1965 to reduce interest rates for student borrowers.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5. An act to amend the Higher Education Act of 1965 to reduce interest rates for student borrowers; to the Committee on Health, Education, Labor, and Pensions.

H.R. 188. An act to provide a new effective date for the applicability of certain provisions of law to Public Law 105–331; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 391. An act to authorize the Secretary of Housing and Urban Development to continue to insure, and to enter into commitments to insure, home equity conversion mortgages under section 255 of the National Housing Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–358. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of HFE–7300" (FRL No. 8270–6) received on January 16, 2007; to the Committee on Environment and Public Works.

EC–359. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Correction" (FRL No. 8269–2) received on January 16, 2007; to the Committee on Environment and Public Works.

EC–360. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Environmental Protection Agency Implementation of OMB Guidance on Nonprocurement Debarment and Suspension" ((RIN2030–AA94)(FRL No. 8270–6)) received on January 16, 2007; to the Committee on Environment and Public Works.

EC–361. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a document recently issued by the Agency that is related to its regulatory programs; to the Committee on Environment and Public Works.

EC–362. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–536, "Organ and Bone Marrow Donor Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–363. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–539, "Child Abuse and Neglect Investigation Record Access Temporary Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–364. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–540, "Department of Small and Local Business Development Subcontracting Clarification Temporary Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–365. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–541, "Office and Commission on African Affairs Clarification Temporary Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–366. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–542, "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–367. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–543, "Commercial Exception Clarification Temporary Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–368. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–544, "Mayor and Chairman of the Council Transition Revised Temporary Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–369. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–545, "Comprehensive Psychiatric Emergency Program Long-Term Ground Lease Temporary Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–370. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–546, "Good Samaritan Use of Automated External Defibrillators Clarification Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–371. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–547, "Consumer Education on Video and Computer Games for Minors Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–372. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–548, "Audiology and Speech-Language Pathology Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–373. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–549, "Physical Therapy Assistant Licensure Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–374. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–550, "Physical Therapy Practice Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–375. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–551, "Licensed Health Professional Criminal Background Check Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–376. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–552, "Metropolitan Police Department Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–377. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–553, "Personal Mobility Device Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–378. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–554, "District Department of Transportation DC Circular Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–379. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–555, "Square 2910 Residential Development Stimulus Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–380. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–556, "Wisconsin Avenue Bridge Project and Noise Control Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–381. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–557, "Surgical Assistant Licensure Amendment Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–382. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–558, "Closing of Public Alleys in Square 776, S.O. 06–9227, Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–383. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–559, "Closing of Public Alleys in Square 701, S.O. 06–9889, Act of 2006" received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–384. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, a report relative to the Gallery's competitive sourcing efforts for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–385. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, the Gallery's Inventory of Commercial and Inherently Governmental Activities Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–386. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, a report relative to the Corporation's category rating system; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. DORGAN, Ms. CANTWELL, Mr. COLEMAN, Mr. STEVENS, Ms. MURKOWSKI, Mr. SMITH, and Mr. DODD):

S. 310. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Indian Affairs.

By Ms. LANDRIEU (for herself, Mr. ENSIGN, Mrs. BOXER, Mr. KERRY, Mr. REED, Mr. LEVIN, Mr. CARPER, Mr. GRAHAM, Ms. COLLINS, Mr. MENENDEZ, Ms. SNOWE, and Mr. BYRD):

S. 311. A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself and Mr. DEMINT):

S. 312. A bill to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion; to the Committee on Energy and Natural Resources.

By Mr. LEVIN:

S. 313. A bill for the relief of Ibrahim Parlak; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 314. A bill for the relief of Josephina Valera Lopez; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. WEBB, Mr. GRASSLEY, Mr. CORNYN, Mr. THUNE, and Mr. GRAHAM):

S. 315. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Mr. GRASSLEY, Mr. LEAHY, Mr. SCHUMER, and Mr. FEINGOLD):

S. 316. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. CARPER):

S. 317. A bill to amend the Clean Air Act to establish a program to regulate the emission of greenhouse gases from electric utilities; to the Committee on Environment and Public Works.

By Mrs. DOLE:

S. 318. A bill to redesignate the Special Textile Negotiator of the United States Trade Representative as the Chief Textile Negotiator and confer the rank of Ambassador upon that position, and for other purposes; to the Committee on Finance.

By Mr. SALAZAR:

S. 319. A bill to amend the Internal Revenue Code of 1986 to reduce the incentive to purchase larger and luxury motor vehicles; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. WYDEN, Mr. BUNNING, Mr. INOUYE, and Mr. DURBIN):

S. 320. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself and Ms. KLOBUCHAR):

S. 321. A bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies; to the Committee on Finance.

By Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. MCCAIN, Mr. CONRAD, Mr. BINGAMAN, Mr. BAUCUS, Mr. SMITH, and Mr. INOUYE):

S. 322. A bill to establish an Indian youth telemental health demonstration project; to the Committee on Indian Affairs.

By Mrs. BOXER:

S. 323. A bill to require persons seeking approval for a liquefied natural gas facility to identify employees and agents engaged in activities to persuade communities of the benefits of the approval; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 324. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. VOINOVICH):

S. 325. A bill to provide for innovation in health care through State initiatives that expand coverage and access and improve quality and efficiency in the health care system; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. THOMAS, Mr. BINGAMAN, Mr. DURBIN, Ms. MIKULSKI, Mr. AKAKA, Mr. PRYOR, Ms. KLOBUCHAR, Mr. ENZI, Mr. HARKIN, Mr. ROCKEFELLER, and Mr. KERRY):

S. 326. A bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. SALAZAR):

S. 327. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 328. A bill to ensure the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH (for himself, Mr. LUGAR, Mr. HAGEL, and Mr. LIEBERMAN):

S. Res. 31. A resolution expressing support for democratic forces in Serbia and encouraging the people of Serbia to remain committed to a democratic path; considered and agreed to.

By Mr. KERRY (for himself and Ms. SNOWE):

S. Res. 32. A resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship; to the Committee on Rules and Administration.

By Mr. BIDEN (for himself, Mr. HAGEL, Mr. LEVIN, and Ms. SNOWE):

S. Con. Res. 2. A concurrent resolution expressing the bipartisan resolution on Iraq; to the Committee on Foreign Relations.

By Mr. SALAZAR (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. LUGAR, Mr. OBAMA, Mr. HAGEL, Mr. DORGAN, Mr. COLEMAN, Mr. KERRY, Mr. THUNE, Mr. NELSON of Nebraska, Mr. BROWNBACK, Ms. CANTWELL, Mr. ALLARD, Mr. KOHL, Mr. MENENDEZ, Mr. TESTER, Mrs. CLINTON, Mr. BROWN, Mr. BAUCUS, Mr. DURBIN, Mr. FEINGOLD, and Mr. COCHRAN):

S. Con. Res. 3. A concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of

S. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 2, supra.

S. 5

At the request of Mr. REID, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 21

At the request of Mr. REID, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 113

At the request of Mr. INHOFE, the names of the Senator from North Carolina (Mr. BURR), the Senator from Alabama (Mr. SESSIONS), the Senator from Mississippi (Mr. LOTT) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 113, a bill to make appropriations for military construction and family housing projects for the Department of Defense for fiscal year 2007.

S. 156

At the request of Mr. WYDEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from South Carolina (Mr. DEMINT), the Senator from Virginia (Mr. WARNER), the Senator from Nevada (Mr. ENSIGN) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 267

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 267, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 291

At the request of Mr. SMITH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 291, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 308

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 308, a bill to prohibit an escalation in United States military forces in Iraq without prior authorization by Congress.

S. RES. 22

At the request of Mr. LEAHY, his name was added as a cosponsor of S. Res. 22, a resolution reaffirming the constitutional and statutory protections accorded sealed domestic mail, and for other purposes.

AMENDMENT NO. 14

At the request of Mr. DEMINT, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 14 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 20

At the request of Mr. BENNETT, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Iowa (Mr. GRASSLEY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 20 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 51

At the request of Mr. COBURN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 51 proposed to S. 1, a bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. DORGAN, Ms. CANTWELL, Mr. COLEMAN, Mr. STEVENS, Ms. MURKOWSKI, Mr. SMITH, and Mr. DODD):

S. 310. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today with the senior Senator from Hawaii to introduce the Native Hawaiian Government Reorganization Act of 2007. This bill, which is of great importance to the people of Hawaii, establishes a process to extend the Federal policy of self-governance and self-determination to Hawaii's indigenous people. The bill provides parity in Federal policies that empower our country's other indigenous people—merican Indians and Alaska Natives—to participate in a government-to-government relationship with the United States.

January 17, 2007, commemorates the 114th anniversary of Hawaii's beloved Queen Liliuokalani being deposed. Although this event may seem like a distant memory, it is a poignant event that expedited the decline of a proud and self-governing people. The overthrow facilitated Native Hawaiians being disenfranchised from not only their culture and land, but from their way of life. Native Hawaiians had to endure the forced imprisonment of their Queen and witness the deterioration and near eradication of their culture and tradition in their own homeland, at the hands of foreigners committed exclusively to propagating Western values and conventions.

While Congress has traditionally treated Native Hawaiians in a manner parallel to American Indians and Alaska Natives, the Federal policy of self-governance and self-determination has not been formally extended to Native Hawaiians. The bill itself does not extend Federal recognition—it authorizes the process for Federal recognition.

The Native Hawaiian Government Reorganization Act of 2007 does three things: (1) It authorizes an office in the Department of the Interior to serve as a liaison between Native Hawaiians and the United States; (2) It forms an interagency coordinating group composed of officials from Federal agencies who currently administer programs and services impacting Native Hawaiians; and (3) It authorizes a process for the reorganization of the Native Hawaiian governing entity for the purposes of a federally recognized government-to-government relationship.

Once the Native Hawaiian governing entity is recognized, the bill establishes an inclusive, democratic negotiations process representing both Native Hawaiians and non-Native Hawaiians. Negotiations between the Native Hawaiian entity and the Federal and State governments may address issues such as the transfer of lands, assets, and natural resources and jurisdiction over such lands, assets, and natural resources, as well as other longstanding issues resulting from the overthrow of the Kingdom of Hawaii. Any transfers of governmental authority or power will require implementing legislation at the State and Federal levels.

The Hawaii congressional delegation has devoted much time and careful consideration into crafting this legislation. When I first started this process in 1999, our congressional delegation created five working groups to assist with the drafting of this legislation. The working groups were composed of individuals from the Native Hawaiian community, the State of Hawaii, Federal Government, Indian country, Members of Congress, and experts in constitutional law. Collectively, more than 100 people worked together on the initial draft of this legislation. The meetings held with the Native Hawaiian community were open to the public and a number of individuals who had differing views attended the meetings and provided their alternative views on the legislation.

In August 2000, the Senate Committee on Indian Affairs and the House Committee on Resources held joint field hearings on the legislation in Hawaii for 5 days. While the bill passed the U.S. House of Representatives in the 106th Congress, the Senate failed to take action. The bill was subsequently considered by the 107th, 108th, and 109th Congresses. In each Congress, the bill has been favorably reported by the Senate Committee on Indian Affairs and its companion measure has been favorably reported by the House Committee on Resources in the 106th through the 108th Congress.

Most recently in the 109th Congress clarifications were made to the bill. I want to inform my colleagues to the fact that this bill is identical to legislative language negotiated between Senator INOUYE and myself, and officials from the Department of Justice, Office of Management and Budget, and the White House. The language satisfactorily addresses concerns expressed in July 2005 by the Bush administration regarding the liability of the United States in land claims, the impact of the bill on military readiness, gaming, and civil and criminal jurisdiction in Hawaii.

With respect to liability of the United States as it relates to land claims, as the author of the Apology Resolution, P.L. 103–150, as well as the Native Hawaiian Government Reorganization Act, I have always maintained that this legislation is not intended to serve as a settlement of any claims nor as a cause of action for any claims. The negotiated language makes clear that any grievances regarding historical wrongs committed against Native Hawaiians by the United States or by the State of Hawaii are to be addressed in the negotiations process between the Native Hawaiian governing entity and Federal and State governments.

As a senior member of the Senate Committee on Homeland Security and Governmental Affairs, as well as the incoming Chairman on the Subcommittee on Readiness and Management of the Senate Committee on Armed Services, military readiness for our Armed Forces is of great importance to me. Due to concerns raised by the Department of Defense to the consultation requirements expected to be facilitated by the Office of Native Hawaiian Relations in the Department of the Interior and the Native Hawaiian Interagency Coordinating Group; negotiated language exempts the Department from these consultation requirements. However, these exemptions do not alter nor terminate requirements of the DoD to consult with Native Hawaiians under the Native Graves Protection and Repatriation Act, NAGPRA, National Historic Preservation Act, NHPA, and other existing statutes.

The bill does not authorize gaming by the Native Hawaiian governing entity. Negotiated language clarifies that gaming may not be conducted by Native Hawaiians or the Native Hawaiian governing entity as a matter of claimed inherent authority or under the authority of any Federal laws or regulations promulgated by the Secretary of the Interior or the National Indian Gaming Commission. The bill also makes clear that the prohibition applies to any efforts to establish gaming by Native Hawaiians and the Native Hawaiian governing entity in Hawaii and in any other State or Territory. This language only applies to efforts to establish gaming operations as a matter of inherent authority as indigenous peoples or under federal laws pertaining to gaming by native peoples.

The bill makes clear that civil and criminal jurisdiction currently held by the Federal and State governments will remain with the Federal and State governments unless otherwise negotiated and implementing legislation is enacted.

I have described the clarifications that have been made so my colleagues know that our negotiations with the administration have been successful. This language has been publicly available since September 2005 and has been widely distributed. Although such clarifications have been made, I am proud to report that the bill remains true to its intent and purpose—to clarify the existing legal and political relationship between Hawaii's indigenous people, Native Hawaiians and the United States.

Along with our efforts to work with the Bush administration, during the past 4 years, we have worked closely with Hawaii's first Republican governor in 40 years, Governor Linda Lingle to enact this legislation. We have also worked closely with the Hawaii State legislature which has passed three resolutions unanimously in support of federal recognition for Native Hawaiians. I am pleased to announce today that I am again joined by members from both sides of the aisle to introduce this important measure. I mention this, to underscore the fact that this is bipartisan legislation.

In addition to its widespread support by both Native Hawaiians and non-Native Hawaiians in Hawaii, in resolutions adopted by the oldest and largest national Indian organization, the National Congress of American Indians, and the largest organization representing the Native people of Alaska, the Alaska Federation of Natives, the members of both groups have consistently expressed their strong support for enactment of a bill to provide for recognition by the United States of a Native Hawaiian governing entity. Organizations such as the American Bar Association, Japanese American Citizen League, and the National Indian Education Association have also passed resolutions in support of federal recognition for Hawaii's indigenous peoples.

Today I provide my colleagues with a framework to understand the need for this legislation by briefly reviewing (1) Hawaii's past, ancient Hawaiian society prior to Western contact, (2) Hawaii's present, the far reaching consequences of the overthrow, and (3) Hawaii's future.

Hawaii was originally settled by Polynesian voyagers arriving as early as 300 A.D, 1200 years before Europe's great explorers Magellan and Columbus. The Hawaiians braved immense distances guided by their extensive knowledge of navigation and understanding of the marine environment. Isolation followed the era of long voyages, enabling Native Hawaiians to develop distinct political, economic, and social structures which were mutually supportive. As stewards of the land and sea, Native Hawaiians were intimately linked to the environment and they developed innovative methods of agriculture, aquaculture, navigation and irrigation.

With an influx of foreigners into Hawaii, Native Hawaiian populations plummeted due to death from common Western diseases. Those that survived witnessed foreign interest and involvement in their government grow until Queen Liliuokalani was forced by American citizens to abdicate her right to the throne. This devastated the Native Hawaiian people, forever tainting the waters of their identity and tattering the very fabric of their society. For some this injustice, this wound has never healed, manifesting itself in a sense of inferiority and hopelessness leaving many Native Hawaiians at the lowest levels of achievement by all social and economic measures.

Mr. President, 14 years ago the United States enacted the Apology Resolution, 103-150, which acknowledged the 100th anniversary of the overthrow of the Kingdom of Hawaii in which the United States offered an apology to Native Hawaiians and declared its policy to support reconciliation efforts. This is a landmark declaration for it recognizes not only are Native Hawaiians the indigenous people of Hawaii, but of the urgent need for the U.S. to actively engage in reconciliation efforts. This acknowledgment played a crucial role in initiating a healing process and although progress has been made, the path ahead is uncertain.

Frustration has led to anger and festered in the hearts of Hawaii's younger generations, with each child that is taught about this period of Hawaiian history, a loss is relived. It is a burden that Native Hawaiians since the overthrow continue to carry, to know that they were violated in their own homeland and their governance was ripped away unjustly. Despite the perceived harmony, it is the generation of my grandchildren that is growing impatient and frustrated with the lack of progress being made. Influenced by a deep sadness and growing intolerance, an active minority within this generation seeks independence from the United States.

It is for this generation that I work to enact this bill so that there is the structured process to deal with these emotional issues. It is important that discussions are held and that there is a framework to guide appropriate action. For Hawaii is the homeland of the Native Hawaiian people.

A lack of action by the U.S. will only incite and fuel us down a path to a divided Hawaii. A Hawaii where lines and boundaries are drawn and unity severed. However, the legislation I introduce today seeks to build upon the foundation of reconciliation. It provides a structured process to bring together the people of Hawaii, along a path of healing to a Hawaii where its indigenous people are respected and culture is embraced.

Respecting the rights of America's first people—American Indians, Alaska Natives, and Native Hawaiians is not un-American. Through enactment of this legislation, we have the opportunity to demonstrate that our country does not just preach its ideas, but lives according to its founding principles. That the United States will admit when it has trespassed against a people and remain resolute to make amends. We demonstrate our character to ourselves and to the world by respecting the rights of our country's indigenous people. As it has for America's other indigenous peoples, I believe the United States must fulfill its responsibility to Native Hawaiians.

I am proud of the fact that this bill respects the rights of Hawaii's indigenous peoples through a process that is consistent with Federal law, and it provides the structured process for the people of Hawaii to address the longstanding issues which have plagued both Native Hawaiians and non-Native Hawaiians since the overthrow of the Kingdom of Hawaii. We have an established record of the United States' commitment to the reconciliation with Native Hawaiians. This legislation is another step building upon that foundation and honoring that commitment.

I ask my colleagues to join me in enacting this legislation which is of great importance to all the people of Hawaii.

Mr. President, I ask unanimous consent that the text of this measure be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Government Reorganization Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are indigenous, native people of the United States;

(3) the United States has a special political and legal relationship to promote the welfare of the native people of the United States, including Native Hawaiians;

(4) under the treaty making power of the United States, Congress exercised its constitutional authority to confirm treaties between the United States and the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions with the Kingdom of Hawaii to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;

(6) by setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act assists the members of the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(7) approximately 6,800 Native Hawaiian families reside on the Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress established a public trust (commonly known as the "ceded lands trust"), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival and economic self-sufficiency of the Native Hawaiian people;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii;

(12) on November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the "Apology Resolution") was enacted into law, extending an apology on behalf of the United States to the native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(13) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(14) the Apology Resolution expresses the commitment of Congress and the President—

(A) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii;

(B) to support reconciliation efforts between the United States and Native Hawaiians; and

(C) to consult with Native Hawaiians on the reconciliation process as called for in the Apology Resolution;

(15) despite the overthrow of the government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a single distinct native community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency;

(16) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children's services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master's degree programs in native language immersion instruction; and

(xii) traditional justice programs, and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(18) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(19) this Act provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent

rights as a distinct, indigenous, native community to reorganize a single Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance;

(20) Congress—

(A) has declared that the United States has a special political and legal relationship for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as a distinct group of indigenous, native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States' responsibilities as they relate to the Native Hawaiian people and their lands;

(21) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86–3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States' responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the exclusive right of the United States to consent to any actions affecting the lands included in the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(22) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, indigenous, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the indigenous, native people of a once-sovereign nation with whom the United States has a special political and legal relationship; and

(D) the special relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(23) the State of Hawaii supports the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001 sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003, and March 1, 2005.

SEC. 3. DEFINITIONS.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term "aboriginal, indigenous, native people" means people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) ADULT MEMBER.—The term "adult member" means a Native Hawaiian who has attained the age of 18 and who elects to participate in the reorganization of the Native Hawaiian governing entity.

(3) APOLOGY RESOLUTION.—The term "Apology Resolution" means Public Law 103–150 (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893, overthrow of the Kingdom of Hawaii.

(4) COMMISSION.—The term "commission" means the Commission established under section 7(b) to provide for the certification that those adult members of the Native Hawaiian community listed on the roll meet the definition of Native Hawaiian set forth in paragraph (10).

(5) COUNCIL.—The term "council" means the Native Hawaiian Interim Governing Council established under section 7(c)(2).

(6) INDIAN PROGRAM OR SERVICE.—

(A) IN GENERAL.—The term "Indian program or service" means any federally funded or authorized program or service provided to an Indian tribe (or member of an Indian tribe) because of the status of the members of the Indian tribe as Indians.

(B) INCLUSIONS.—The term "Indian program or service" includes a program or service provided by the Bureau of Indian Affairs, the Indian Health Service, or any other Federal agency.

(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) INDIGENOUS, NATIVE PEOPLE.—The term "indigenous, native people" means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(9) INTERAGENCY COORDINATING GROUP.—The term "Interagency Coordinating Group" means the Native Hawaiian Interagency Coordinating Group established under section 6.

(10) NATIVE HAWAIIAN.—

(A) IN GENERAL.—Subject to subparagraph (B), for the purpose of establishing the roll authorized under section 7(c)(1) and before the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, the term "Native Hawaiian" means—

(i) an individual who is 1 of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(I) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(II) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(ii) an individual who is 1 of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or a direct lineal descendant of that individual.

(B) NO EFFECT ON OTHER DEFINITIONS.—Nothing in this paragraph affects the definition of the term "Native Hawaiian" under any other Federal or State law (including a regulation).

(11) NATIVE HAWAIIAN GOVERNING ENTITY.—The term "Native Hawaiian Governing Entity" means the governing entity organized by the Native Hawaiian people pursuant to this Act.

(12) NATIVE HAWAIIAN PROGRAM OR SERVICE.—The term "Native Hawaiian program or service" means any program or service provided to Native Hawaiians because of their status as Native Hawaiians.

(13) OFFICE.—The term "Office" means the United States Office for Native Hawaiian Relations established by section 5(a).

(14) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(15) SPECIAL POLITICAL AND LEGAL RELATIONSHIP.—The term "special political and legal relationship" shall refer, except where differences are specifically indicated elsewhere in the Act, to the type of and nature of relationship the United States has with the several federally recognized Indian tribes.

SEC. 4. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people which includes promoting the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution, including but not limited to Article I, section 8, clause 3, to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86–3, 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—The purpose of this Act is to provide a process for the reorganization of the single Native Hawaiian governing entity and the reaffirmation of the special political and legal relationship between the United States and that Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary, the United States Office for Native Hawaiian Relations.

(b) DUTIES.—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the special political and legal relationship between the single Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate

consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with, the Native Hawaiian people and the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Interagency Coordinating Group, other Federal agencies, and the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

(c) Applicability to Department of Defense.—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Office.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) Establishment.—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group to be known as the "Native Hawaiian Interagency Coordinating Group".

(b) Composition.—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that administers Native Hawaiian programs, establishes or implements policies that affect Native Hawaiians, or whose actions may significantly or uniquely impact Native Hawaiian resources, rights, or lands; and

(2) the Office.

(c) Lead Agency.—

(1) In general.—The Department of the Interior shall serve as the lead agency of the Interagency Coordinating Group.

(2) Meetings.—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) Duties.—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) consult with the Native Hawaiian governing entity, through the coordination referred to in section 6(d)(1), but the consultation obligation established in this provision shall apply only after the satisfaction of all of the conditions referred to in section 7(c)(6); and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 5(b)(5).

(e) Applicability to Department of Defense.—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Interagency Coordinating Group.

SEC. 7. PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY AND THE REAFFIRMATION OF THE SPECIAL POLITICAL AND LEGAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE NATIVE HAWAIIAN GOVERNING ENTITY.

(a) Recognition of the Native Hawaiian Governing Entity.—The right of the Native Hawaiian people to reorganize the single Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) Commission.—

(1) In general.—There is authorized to be established a Commission to be composed of 9 members for the purposes of—

(A) preparing and maintaining a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the single Native Hawaiian governing entity; and

(B) certifying that the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section 3(10).

(2) Membership.—

(A) Appointment.—

(i) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subparagraph (B).

(ii) Consideration.—In making an appointment under clause (i), the Secretary may take into consideration a recommendation made by any Native Hawaiian organization.

(B) Requirements.—Each member of the Commission shall demonstrate, as determined by the Secretary—

(i) not less than 10 years of experience in the study and determination of Native Hawaiian genealogy; and

(ii) an ability to read and translate into English documents written in the Hawaiian language.

(C) Vacancies.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(3) Expenses.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) Duties.—The Commission shall—

(A) prepare and maintain a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certify that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(10).

(5) Staff.—

(A) In general.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) Compensation.—

(i) In general.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) Maximum rate of pay.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) Detail of federal government employees.—

(A) In general.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) Civil service status.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) Procurement of temporary and intermittent services.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) Expiration.—The Secretary shall dissolve the Commission upon the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States.

(c) Process for the Reorganization of the Native Hawaiian Governing Entity.—

(1) Roll.—

(A) Contents.—The roll shall include the names of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity and are certified to be Native Hawaiian as defined in section 3(10) by the Commission.

(B) Formation of roll.—Each adult member of the Native Hawaiian community who elects to participate in the reorganization of the Native Hawaiian governing entity shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition of Native Hawaiian in section 3(10).

(C) Documentation.—The Commission shall—

(i) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of Native Hawaiian in section 3(10);

(ii) establish a standard format for the submission of documentation; and

(iii) publish information related to clauses (i) and (ii) in the Federal Register.

(D) Consultation.—In making determinations that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(10), the Commission may consult with Native Hawaiian organizations, agencies of the State of Hawaii including but not limited to the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(E) Certification and submittal of roll to secretary.—The Commission shall—

(i) submit the roll containing the names of the adult members of the Native Hawaiian community who meet the definition of Native Hawaiian in section 3(10) to the Secretary within two years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(10).

(F) PUBLICATION.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of Native Hawaiian in section 3(10), the Secretary shall publish the roll in the Federal Register.

(G) APPEAL.—The Secretary may establish a mechanism for an appeal for any person whose name is excluded from the roll who claims to meet the definition of Native Hawaiian in section 3(10) and to be 18 years of age or older.

(H) PUBLICATION; UPDATE.—The Secretary shall—

(i) publish the roll regardless of whether appeals are pending;

(ii) update the roll and the publication of the roll on the final disposition of any appeal; and

(iii) update the roll to include any Native Hawaiian who has attained the age of 18 and who has been certified by the Commission as meeting the definition of Native Hawaiian in section 3(10) after the initial publication of the roll or after any subsequent publications of the roll.

(I) FAILURE TO ACT.—If the Secretary fails to publish the roll, not later than 90 days after the date on which the roll is submitted to the Secretary, the Commission shall publish the roll notwithstanding any order or directive issued by the Secretary or any other official of the Department of the Interior to the contrary.

(J) EFFECT OF PUBLICATION.—The publication of the initial and updated roll shall serve as the basis for the eligibility of adult members of the Native Hawaiian community whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(A) ORGANIZATION.—The adult members of the Native Hawaiian community listed on the roll published under this section may—

(i) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(ii) determine the structure of the Council; and

(iii) elect members from individuals listed on the roll published under this subsection to the Council.

(B) POWERS.—

(i) IN GENERAL.—The Council—

(I) may represent those listed on the roll published under this section in the implementation of this Act; and

(II) shall have no powers other than powers given to the Council under this Act.

(ii) FUNDING.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) ACTIVITIES.—

(I) IN GENERAL.—The Council may conduct a referendum among the adult members of the Native Hawaiian community listed on the roll published under this subsection for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to—

(aa) the proposed criteria for citizenship of the Native Hawaiian governing entity;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity; and

(dd) other issues determined appropriate by the Council.

(II) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based on the referendum, the Council may develop proposed organic governing documents for the Native Hawaiian governing entity.

(III) DISTRIBUTION.—The Council may distribute to all adult members of the Native Hawaiian community listed on the roll published under this subsection—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) ELECTIONS.—The Council may hold elections for the purpose of ratifying the proposed organic governing documents, and on certification of the organic governing documents by the Secretary in accordance with paragraph (4), hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) CERTIFICATIONS.—

(A) IN GENERAL.—Within the context of the future negotiations to be conducted under the authority of section 8(b)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the 3 governments, not later than 90 days after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) establish the criteria for citizenship in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of the adult members of the Native Hawaiian community whose names are listed on the roll published by the Secretary;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of governmental authorities by the Native Hawaiian governing entity, including any authorities that may be delegated to the Native Hawaiian governing entity by the United States and the State of Hawaii following negotiations authorized in section 8(b)(1) and the enactment of legislation to implement the agreements of the 3 governments;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity; and

(vii) are consistent with applicable Federal law and the special political and legal relationship between the United States and the indigenous, native people of the United States; provided that the provisions of Public Law 103-454, 25 U.S.C. 479a, shall not apply.

(B) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (a).—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) CERTIFICATIONS DEEMED MADE.—The certifications under paragraph (4) shall be deemed to have been made if the Secretary has not acted within 90 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) ELECTIONS.—On completion of the certifications by the Secretary under paragraph (4), the Council may hold elections of the officers of the Native Hawaiian governing entity.

(6) REAFFIRMATION.—Notwithstanding any other provision of law, upon the certifications required under paragraph (4) and the election of the officers of the Native Hawaiian governing entity, the special political and legal relationship between the United States and the Native Hawaiian governing entity is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people.

SEC. 8. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS; CLAIMS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86-3, 73 Stat. 4), is reaffirmed.

(b) NEGOTIATIONS.—

(1) IN GENERAL.—Upon the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement addressing such matters as—

(A) the transfer of lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the delegation of governmental powers and authorities to the Native Hawaiian governing entity by the United States and the State of Hawaii;

(E) any residual responsibilities of the United States and the State of Hawaii; and

(F) grievances regarding assertions of historical wrongs committed against Native Hawaiians by the United States or by the State of Hawaii.

(2) AMENDMENTS TO EXISTING LAWS.—Upon agreement on any matter or matters negotiated with the United States, the State of Hawaii, and the Native Hawaiian governing entity, the parties are authorized to submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the 3 governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the 3 governments.

(3) GOVERNMENTAL AUTHORITY AND POWER.—Any governmental authority or power to be exercised by the Native Hawaiian governing entity which is currently exercised by the State or Federal Governments shall be exercised by the Native Hawaiian governing entity only as agreed to in negotiations pursuant to section 8(b)(1) of this Act and beginning on the date on which legislation to implement such agreement has been enacted by the United States Congress, when applicable, and by the State of Hawaii, when applicable. This includes any required modifications to the Hawaii State Constitution in accordance with the Hawaii Revised Statutes.

(c) CLAIMS.—

(1) DISCLAIMERS.—Nothing in this Act—

(A) creates a cause of action against the United States or any other entity or person;

(B) alters existing law, including existing case law, regarding obligations on the part of the United States or the State of Hawaii with regard to Native Hawaiians or any Native Hawaiian entity;

(C) creates obligations that did not exist in any source of Federal law prior to the date of enactment of this Act; or

(D) establishes authority for the recognition of Native Hawaiian groups other than the single Native Hawaiian Governing Entity.

(2) FEDERAL SOVEREIGN IMMUNITY.—

(A) SPECIFIC PURPOSE.—Nothing in this Act is intended to create or allow to be maintained in any court any potential breach-of-trust actions, land claims, resource-protection or resource-management claims, or similar types of claims brought by or on behalf of Native Hawaiians or the Native Hawaiian governing entity for equitable, monetary, or Administrative Procedure Act-based relief against the United States or the State of Hawaii, whether or not such claims specifically assert an alleged breach of trust, call for an accounting, seek declaratory relief, or seek the recovery of or compensation for lands once held by Native Hawaiians.

(B) ESTABLISHMENT AND RETENTION OF SOVEREIGN IMMUNITY.—To effectuate the ends expressed in section 8(c)(1) and 8(c)(2)(A), and notwithstanding any other provision of Federal law, the United States retains its sovereign immunity to any claim that existed prior to the enactment of this Act (including, but not limited to, any claim based in whole or in part on past events), and which could be brought by Native Hawaiians or any Native Hawaiian governing entity. Nor shall any preexisting waiver of sovereign immunity (including, but not limited to, waivers set forth in chapter 7 of part I of title 5, United States Code, and sections 1505 and 2409a of title 28, United States Code) be applicable to any such claims. This complete retention or reclaiming of sovereign immunity also applies to every claim that might attempt to rely on this Act for support, without regard to the source of law under which any such claim might be asserted.

(C) EFFECT.—It is the general effect of section 8(c)(2)(B) that any claims that may already have accrued and might be brought against the United States, including any claims of the types specifically referred to in section 8(c)(2)(A), along with both claims of a similar nature and claims arising out of the same nucleus of operative facts as could give rise to claims of the specific types referred to in section 8(c)(2)(A), be rendered nonjusticiable in suits brought by plaintiffs other than the Federal Government.

(3) STATE SOVEREIGNTY IMMUNITY.—

(A) Notwithstanding any other provision of Federal law, the State retains its sovereign immunity, unless waived in accord with State law, to any claim, established under any source of law, regarding Native Hawaiians, that existed prior to the enactment of this Act.

(B) Nothing in this Act shall be construed to constitute an override pursuant to section 5 of the Fourteenth Amendment of State sovereign immunity held under the Eleventh Amendment.

SEC. 9. APPLICABILITY OF CERTAIN FEDERAL LAWS.

(a) INDIAN GAMING REGULATORY ACT.—

(1) The Native Hawaiian governing entity and Native Hawaiians may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

(2) The foregoing prohibition in section 9(a)(1) on the use of Indian Gaming Regulatory Act and inherent authority to game apply regardless of whether gaming by Native Hawaiians or the Native Hawaiian governing entity would be located on land within the State of Hawaii or within any other State or Territory of the United States.

(b) TAKING LAND INTO TRUST.—Notwithstanding any other provision of law, including but not limited to part 151 of title 25, Code of Federal Regulations, the Secretary shall not take land into trust on behalf of individuals or groups claiming to be Native Hawaiian or on behalf of the native Hawaiian governing entity.

(c) REAL PROPERTY TRANSFERS.—The Indian Trade and Intercourse Act (25 U.S.C. 177), does not, has never, and will not apply after enactment to lands or lands transfers present, past, or future, in the State of Hawaii. If despite the expression of this intent herein, a court were to construe the Trade and Intercourse Act to apply to lands or land transfers in Hawaii before the date of enactment of this Act, then any transfer of land or natural resources located within the State of Hawaii prior to the date of enactment of this Act, by or on behalf of the Native Hawaiian people, or individual Native Hawaiians, shall be deemed to have been made in accordance with the Indian Trade and Intercourse Act and any other provision of Federal law that specifically applies to transfers of land or natural resources from, by, or on behalf of an Indian tribe, Native Hawaiians, or Native Hawaiian entities.

(d) SINGLE GOVERNING ENTITY.—This Act will result in the recognition of the single Native Hawaiian governing entity. Additional Native Hawaiian groups shall not be eligible for acknowledgment pursuant to the Federal Acknowledgment Process set forth in part 83 of title 25 of the Code of Federal Regulations or any other administrative acknowledgment or recognition process.

(e) JURISDICTION.—Nothing in this Act alters the civil or criminal jurisdiction of the United States or the State of Hawaii over lands and persons within the State of Hawaii. The status quo of Federal and State jurisdiction can change only as a result of further legislation, if any, enacted after the conclusion, in relevant part, of the negotiation process established in section 8(b).

(f) INDIAN PROGRAMS AND SERVICES.—Notwithstanding section 7(c)(6), because of the eligibility of the Native Hawaiian governing entity and its citizens for Native Hawaiian programs and services in accordance with subsection (g), nothing in this Act provides an authorization for eligibility to participate in any Indian program or service to any individual or entity not otherwise eligible for the program or service under applicable Federal law.

(g) NATIVE HAWAIIAN PROGRAMS AND SERVICES.—The Native Hawaiian governing entity and its citizens shall be eligible for Native Hawaiian programs and services to the extent and in the manner provided by other applicable laws.

SEC. 10. SEVERABILITY.

If any section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. INOUYE. Mr. President, I am pleased to join my colleague, Senator AKAKA, as a cosponsor of the Native Hawaiian Government Reorganization Act of 2007.

During the 109th Congress, the Administration expressed concerns with this legislation that stem from its experience with Indian tribes. The history of the Native Hawaiians and their treatment by the United States is similar to that of Indian tribes and Alaska Natives. I want to commend the Administration for devoting staff to work with us to achieve consensus on mutually agreeable language. I am confident that this measure not only addresses the Administration's concerns but also the concerns of some of our colleagues.

Having served on the Indian Affairs Committee for the past 28 years, I know that most of our colleagues are more familiar with conditions and circumstances in Indian country, and naturally, they bring their experience with Indian country to bear in considering this measure, which has been pending in the Senate for the past eight years.

Accordingly, I believe it is important that our colleagues understand what this bill seeks to accomplish as well as how it differs from legislation affecting Indian country.

It is a little known fact that beginning in 1910 and since that time, the Congress has passed and the President has signed into law over 160 Federal laws designed to address the conditions of Native Hawaiians.

Thus, Federal laws which authorize the provision of health care, education, housing, and job training and employment services, as well as programs to provide for the preservation of the Native Hawaiian language, Native language immersion, Native cultural and grave protections and repatriation of Native sacred objects have been in place for decades.

The Native Hawaiian programs do not draw upon funding that is appropriated for American Indians or Alaska Natives—there are separate authorizations for programs that are administered by different Federal agencies—not the Bureau of Indian Affairs or the Indian Health Service, for instance—and the Native Hawaiian program funds are not drawn from the Interior Appropriations Subcommittee account. Thus, they have no impact on the funding that is provided for the other indigenous, native people of the United States.

However, unlike the native people residing on the mainland, Native Hawaiians have not been able to exercise their rights as Native people to self-determination or self-governance because their government was overthrown on January 17, 1893.

This bill would provide a process for the reorganization of the Native Hawaiian government and the resumption of a political and legal relationship between that government and the government of the United States.

Because the Native Hawaiian government is not an Indian tribe, the body of Federal Indian law that would otherwise customarily apply when the United States extends Federal recognition to an Indian tribal group does not apply.

Thus, the bill provides authority for a process of negotiations amongst the United States, the State of Hawaii, and the reorganized Native Hawaiian government to address such matters as the exercise of civil and criminal jurisdiction by the respective governments, the transfer of land and natural resources and other assets, and the exercise of governmental authority over those lands, natural resources and other assets.

Upon reaching agreement, the U.S. Congress and the legislature of the State of Hawaii would have to enact legislation implementing the agreements of the three governments, including amendments that will necessarily have to be made to existing Federal law, such as the Hawaii Admissions Act and the Hawaiian Homes Commission Act, and to State law, including amendments to the Hawaii State Constitution, before any of the new governmental relationships and authorities can take effect.

That is why concerns which are premised on the manner in which Federal Indian law provides for the respective governmental authorities of the State governments and Indian tribal governments simply do not apply in Hawaii.

We have every confidence that consistent with the Federal policy for over 35 years, the restoration of the rights to self-determination and self-governance will enable the Native Hawaiian people, as the direct, lineal descendants of the aboriginal, indigenous native people of what has become our nation's fiftieth state, to take their rightful place in the family of governments that makes up our constitutional system of governance.

By Mr. WARNER (for himself, Mr. WEBB, Mr. GRASSLEY, Mr. CORNYN, Mr. THUNE, and Mr. GRAHAM):

S. 315. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WARNER. Mr. President, I rise today to reintroduce the Minority Serving Institution Digital and Wireless Technology Opportunity Act. This legislation, which was crafted by Senator Allen and I in years past, will provide vital resources to address the technology gap that exists at many Minority Serving Institutions, MSIs.

In the past, Senator Allen took the role of lead sponsor on this important bill. With his leadership, this exact legislation has passed twice unanimously. Unfortunately, the 109th Congress adjourned before the House of Representatives considered the bill. Accordingly, today I am privileged to serve as the lead sponsor of this legislation in the 110th Congress. I am pleased to have my Virginia colleague Senator JIM WEBB as an original cosponsor of this bill. I hope this important bill will soon become law.

Over 60 percent of all jobs require information technology skills. Jobs in the information technology field pay significantly higher salaries than jobs in non-information technology fields. At the same time, many of our Minority Serving Institutions lack the capital to offer assistance to their students to bridge the "Digital Divide" between students who are able to develop the skills necessary to succeed in a technology based economy and those who are not.

This legislation will establish a grant program for these institutions of higher education to bring increased access to computers, technology, and the Internet to their student populations. Specifically, this legislation authorizes $250 million in Federal grants for Minority Serving Institutions to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology and wireless technology and infrastructure to develop and provide educational services. In addition, the grants could be used for such activities as campus wiring, equipment upgrades, and technology training. Finally, Minority Serving Institutions could use these funds to offer their students universal access to campus networks, increase connectivity rates, or make infrastructure improvements.

I am proud to say that Virginia is home to five Historically Black Colleges and Universities, HBCUs—Norfolk State University, St. Paul's College, Virginia Union University, Hampton University, and Virginia State University—that are eligible for these technology grants. There are over 200 Hispanic Serving Institutions, over 100 Historically Black Colleges and Universities and over 30 Tribal Colleges throughout the United States.

Again, in 2005, this bill passed in the Senate by unanimous consent. In 2003, this bill passed in the Senate with a roll call vote of 97–0. I am pleased to support this legislation, as I have done in the past, and I look forward to strengthening the technology provided to students at Minority Serving Institutions.

By Mr. KOHL (for himself, Mr. GRASSLEY, Mr. LEAHY, Mr. SCHUMER, and Mr. FEINGOLD):

S. 316. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Preserve Access to Affordable Generics Act. This legislation will stop one of the most egregious tactics used by the brand-name pharmaceutical industry to keep generic competitors off the market, leaving consumers with unnecessary high drug prices.

The way it is done is simple—a drug company that holds a patent on a blockbuster brand-name drug, pays a generic drug maker off to delay the sale of a competing generic product that might dip into their profits. The brand name company profits so much by delaying competition that it can easily afford to pay off the generic company, leaving consumers the big losers who continue to pay unnecessarily high drug prices.

Last year, the Supreme Court refused to consider an appeal by the Federal Trade Commission to reinstate antitrust charges against a brand-name drugs maker. Since the recent court decisions allowing these backroom deals, there has been a sharp rise in the number of settlements in which brand-name companies pay off generic competitors to keep their cheaper drugs off the market. In a report issued last year, the FTC found that more than two-thirds of the 10 settlement agreements made in 2006 included a pay-off from the brand in exchange for a promise by the generic company to delay entry into the market.

The decision by the Supreme Court is a blow to consumers who save billions of dollars on generics every year. When brand, name drugs lose patent rights, this opens the door for consumers, employers, third-party payers, and other purchasers to save billions—63 percent on average—by using generic versions of these drugs. A recent study released earlier this year by Pharmaceutical Care Management Association, showed that health plans and consumers could save $26.4 billion over the next 5 years by using the generic versions of 14 popular drugs that are scheduled to lose their patent protections before 2010.

Last year, I was successful in including an additional $10 million in the fiscal year 07 Agriculture Appropriations bill for the Food and Drug Administration's Office of Generic Drugs, an effort to help reduce the growing backlog of generic drug applications. The FDA Office of Generic Drugs has reported a backlog of more than 800 generic drug applications with more applications for new generics being received than ever before.

But even approval by the FDA doesn't always guarantee that consumers will have access to these affordable drugs. Brand-name pharmaceutical manufacturers have learned to circumvent the Drug Price Competition and Patent Term Restoration Act, commonly referred to as Hatch-Waxman, using litigation and other means to extend the life of patents and keep generics from entering the market Of the six approved first generics for LA popular brand-name drugs taken by seniors over the last year, only two have actually reached the market, while the others are being kept of the shelves by patent disputes.

We cannot profess to care about the high cost of prescription drugs while turning a blind eye to anticompetitive backroom deals between brand and generic drug companies. It's time to stop these drug company pay-offs that only serve the companies involved and deny consumers to affordable generic drugs. I urge my colleagues to join me in this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserve Access to Affordable Generics Act".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) prescription drugs make up 11 percent of the national health care spending but are 1 of the largest and fastest growing health care expenditures;

(2) 56 percent of all prescriptions dispensed in the United States are generic drugs, yet they account for only 13percent of all expenditures;

(3) generic drugs, on average, cost 63 percent less than their brand-name counterparts;

(4) consumers and the health care system would benefit from free and open competition in the pharmaceutical market and the removal of obstacles to the introduction of generic drugs;

(5) full and free competition in the pharmaceutical industry, and the full enforcement of antitrust law to prevent anticompetitive practices in this industry, will lead to lower prices, greater innovation, and inure to the general benefit of consumers.

(6) the Federal Trade Commission has determined that some brand name pharmaceutical manufacturers collude with generic drug manufacturers to delay the marketing of competing, low-cost, generic drugs;

(7) collusion by the brand name pharmaceutical manufacturers is contrary to free competition, to the interests of consumers, and to the principles underlying antitrust law;

(8) in 2005, 2 appellate court decisions reversed the Federal Trade Commission's longstanding position, and upheld settlements that include pay-offs by brand name pharmaceutical manufacturers to generic manufacturers designed to keep generic competition off the market;

(9) in the 6 months following the March 2005 court decisions, the Federal Trade Commission found there were three settlement agreements in which the generic received compensation and agreed to a restriction on its ability to market the product;

(10) the FTC found that more than ⅔ of the approximately ten settlement agreements made in 2006 include a pay-off from the brand in exchange for a promise by the generic company to delay entry into the market; and

(11) settlements which include a payment from a brand name manufacturer to a generic manufacturer to delay entry by generic drugs are anti-competitive and contrary to the interests of consumers.

(b) PURPOSES.—The purposes of this Act are—

(1) to enhance competition in the pharmaceutical market by prohibiting anticompetitive agreements and collusion between brand name and generic drug manufacturers intended to keep generic drugs off the market;

(2) to support the purpose and intent of antitrust law by prohibiting anticompetitive agreements and collusion in the pharmaceutical industry; and

(3) to clarify the law to prohibit payments from brand name to generic drug manufacturers with the purpose to prevent or delay the entry of competition from generic drugs.

SEC. 3. UNLAWFUL COMPENSATION FOR DELAY.

The Clayton Act (15 U.S.C. 12 et seq.) is amended—

(1) by redesignating section 25 as section 29; and

(2) by inserting after section 27 the following:

"SEC. 28. UNLAWFUL INTERFERENCE WITH GENERIC MARKETING.

"(a) It shall be unlawful under this Act for any person, in connection with the sale of a drug product, to directly or indirectly be a party to any agreement resolving or settling a patent infringement claim which—

"(1) an ANDA filer receives anything of value; and

"(2) the ANDA filer agrees not to research, develop, manufacture, market, or sell the ANDA product for any period of time.

"(b) Nothing in this section shall prohibit a resolution or settlement of patent infringement claim in which the value paid by the NDA holder to the ANDA filer as a part of the resolution or settlement of the patent infringement claim includes no more than the right to market the ANDA product prior to the expiration of the patent that is the basis for the patent infringement claim.

"(c) In this section:

"(1) The term 'agreement' means anything that would constitute an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

"(2) The term 'agreement resolving or settling a patent infringement claim' includes, any agreement that is contingent upon, provides a contingent condition for, or is otherwise related to the resolution or settlement of the claim.

"(3) The term 'ANDA' means an abbreviated new drug application, as defined under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

"(4) The term 'ANDA filer' means a party who has filed an ANDA with the Federal Drug Administration.

"(5) The term 'ANDA product' means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

"(6) The term 'drug product' means a finished dosage form (e.g., tablet, capsule, or solution) that contains a drug substance, generally, but not necessarily, in association with 1 or more other ingredients, as defined in section 314.3(b) of title 21, Code of Federal Regulations.

"(7) The term 'NDA' means a new drug application, as defined under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

"(8) The term 'NDA holder' means—

"(A) the party that received FDA approval to market a drug product pursuant to an NDA;

"(B) a party owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the 'FDA Orange Book') in connection with the NDA; or

"(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subclauses (i) and (ii) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

"(9) The term 'patent infringement' means infringement of any patent or of any filed patent application, extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition and extensions thereof.

"(10) The term 'patent infringement claim' means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product may infringe any patent held by, or exclusively licensed to, the NDA holder of the drug product.".

SEC. 4. NOTICE AND CERTIFICATION OF AGREEMENTS.

(a) NOTICE OF ALL AGREEMENTS.—Section 1112(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 3155 note) is amended by—

(1) striking "the Commission the" and inserting "the Commission (1) the"; and

(2) inserting before the period at the end the following: "; and (2) a description of the subject matter of any other agreement the parties enter into within 30 days of an entering into an agreement covered by subsection (a) or (b)".

(b) CERTIFICATION OF AGREEMENTS.—Section 1112 of such Act is amended by adding at the end the following:

"(d) CERTIFICATION.—The Chief Executive Officer or the company official responsibie for negotiating any agreement required to be filed under subsection (a), (b), or (c) shall execute and file with the Assistant Attorney General and the Commission a certification as follows: 'I declare under penalty of perjury that the following is true and correct: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.'.".

SEC. 5. FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.

Section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(V)) is amended by inserting "section 28 of the Clayton Act or" after "that the agreement has violated".

SEC. 6. STUDY BY THE FEDERAL TRADE COMMISSION.

(a) REQUIREMENT FOR A STUDY.—Not later than 180 days after the date of enactment of this Act and pursuant to its authority under section 6(a) of the Federal Trade Commission Act (15 U.S.C. 46(a)) and its jurisdiction to prevent unfair methods of competition, the Federal Trade Commission shall conduct a study regarding—

(1) the prevalence of agreements in patent infringement suits of the type described in section 28 of the Clayton Act, as added by this Act, during the last 5 years;

(2) the impact of such agreements on competition in the pharmaceutical market; and

(3) the prevalence in the pharmaceutical industry of other anticompetitive agreements among competitors or other practices that are contrary to the antitrust laws, and the impact of such agreements or practices on competition in the pharmaceutical market during the last 5 years.

(b) CONSULTATION.—In conducting the study required under this section, the Federal Trade Commission shall consult with the Antitrust Division of the Department of Justice regarding the Justice Department's findings and investigations regarding anticompetitive practices in the pharmaceutical market, including criminal antitrust investigations completed by the Justice Department with respect to practices or conduct in the pharmaceutical market.

(c) REQUIREMENT FOR A REPORT.—Not later than 1 year after the date of enactment of this Act, the Federal Trade Commission shall submit a report to the Judiciary Committees of Senate and House of Representatives, and to the Department of Justice regarding the findings of the study conducted under subsection (a). This report shall contain the Federal Trade Commission's recommendation as to whether any amendment to the antitrust laws should be enacted to correct any substantial lessening of competition found during the study.

(d) FEDERAL AGENCY CONSIDERATION.—Upon receipt of the report required by subsection (c), the Attorney General or the Chairman of the Federal Trade Commission, as appropriate, shall consider whether any additional enforcement action is required to restore competition or prevent a substantial lessening of competition occurring as a result of the conduct or practices that were the subject of the study conducted under subsection (b).

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Trade Commission such sums as may be necessary to carry out the provisions of this Act.

Mr. LEAHY. Mr. President, I am pleased to join Senators KOHL, FEINGOLD, GRASSLEY and SCHUMER in introducing the Preserve Access to Affordable Generics Act of 2007. This legislation is a continuation of a longstanding, bipartisan effort to provide consumers with more choices for medications at lower costs. Better access to affordable prescription medication is of vital importance to seniors, families, and consumers across the Nation who are struggling to keep up with the ever increasing costs of health care.

This legislation builds on the Drug Competition Act, which I authored in 2001 and which became law in 2003 in the Medicare Modernization Act. Recently, two Federal courts undermined the intent of this law; the legislation we introduce today will address that problem. The Preserve Access to Affordable Generics Act will result in lower prescription drug costs for all Americans by preventing a pernicious practice in which brand-name pharmaceutical companies pay other drug companies not to produce and market generic drugs—which can be 80 percent less expensive than their brand-name counterparts—as part of private patent settlement agreements.

The Hatch-Waxman Act was intended to facilitate the entry of lower-cost generic drugs into the market, making medication more affordable, while protecting patent rights to foster innovation. It created a process, known as the Abbreviated New Drug Application, ANDA, to speed approval of generics. Under ANDA, an applicant can receive expedited approval from the FDA to market a generic product. An applicant using ANDA may certify that the manufacturing of its new drug will either not infringe on a previously patented drug on which it is based, or that the existing patent is invalid. After certifying an ANDA, the generic applicant must give notice to the patent-holder, at which point the patent-holder has 45 days to file a patent infringement against the applicant.

More times than not, disputes over an ANDA are resolved through private settlements. Unfortunately, the underpinnings of these private settlements are becoming more and more questionable; drug companies are abusing Hatch-Waxman provisions, and using settlement opportunities to limit consumer choices and keep consumer prices artificially high. The FTC had been policing these deals to ensure they were not anticompetitive until two recent appellate court decisions limited it's role.

Hatch-Waxman created a good framework for promoting innovation while speeding the market entry of affordable drugs. The trend of anticompetitive agreements between brand-name pharmaceutical companies and generic companies to delay entry into the market is a troubling abuse of that good law. Some drug firms have colluded to pad their profits by forcing consumers to pay higher prices than they would pay for lower-cost generics. Congress never intended for brand-name drug companies to be able to grease the palms of generic companies by paying them not to produce generic medicines.

Rarely do we have such a clear-cut opportunity as this to remove obvious impediments that prevent the marketplace from working as it should—to the benefit of consumers. Congress should seize this opportunity and enact legislation that plainly makes anticompetitive deals, such as those I have outlined, illegal.

The Preserve Access to Affordable Generics Act will accomplish this goal. I look forward to working with my colleagues on both sides of the aisle to pass this timely and needed legislation.

By Mrs. FEINSTEIN (for herself and Mr. CARPER):

S. 317. A bill to amend the Clean Air Act to establish a program to regulate the emission of greenhouse gases from electric utilities; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I am pleased to join with Senator CARPER to introduce the Electric Utility Cap and Trade Act.

Today, we are introducing the first of five bills to address the number one environmental issue facing this planet—global warming.

This bill establishes a national cap and trade system over the electricity sector. It will reduce emissions from this sector by 25 percent by 2020.

What distinguishes this bill is that it has the support of 6 major energy companies.

Together, these companies operate in 42 States and produce approximately 150,000 megawatts of energy. This is greater than 15 percent of the U.S. electricity market.

These companies include, first, Pacific Gas & Electric (PG&E) Corporation, which is the parent of Pacific Gas and Electric Company. PG&E is California's largest utility and serves approximately 1 in every 20 Americans.

PG&E Corporation currently owns approximately 6,500 megawatts of generation.

Second, Calpine, which operates in 20 States and Canada, generating 26,000 megawatts of energy.

Third, Florida Power & Light, which operates in 26 States, generating more than 30,000 megawatts.

Fourth, Entergy, which operates in Arkansas, Louisiana, Mississippi, and Texas, generating approximately 30,000 megawatts.

Fifth, Exelon, which operates in Illinois and Pennsylvania, generating 38,000 megawatts of energy.

Sixth, Public Service Enterprise Group, which is the largest provider of energy in New Jersey, generating approximately 15,000 megawatts.

These companies' support is greatly appreciated, and I think it signals a new willingness in the energy industry to seriously tackle global warming.

This bill is just the beginning of a major program. Over the next weeks and months, we will also be introducing a cap and trade bill for the industrial sector; a bill that increases fuel economy standards by ten miles per gallon over the next ten years; a bill to promote bio-diesel and E–85; and other low carbon fuels and an energy efficiency bill modeled after California's program.

This is an ambitious agenda, but I believe it is the right way to go if we are to slow global warming.

A great debate has raged in the halls of Congress, in academia, and in the field over the past two decades.

At issue were three fundamental questions: First, is the earth warming? Second, if so, is the warming caused by human activity? And third, can it be stopped?

Over the past few years, a consensus has been forged. An overwhelming body of evidence has been gathered. And, an inescapable conclusion has been reached: The earth is warming. The warming is caused by human activity, namely the combustion of fossil fuels.

It cannot be stopped, because carbon dioxide does not dissipate. It stays in the atmosphere for 30, 40, or 50 years or more.

When we pick up the newspaper each day we see the results. We read about ice sheets the size of small nations breaking off the ice shelves in the Arctic and Antarctic. We read about polar bears committing acts of cannibalism, something unknown in recent memory. We read about species disappearing, seas rising, coral reefs dying, and glaciers melting.

But, all this dire news does not mean we should throw up our hands and do nothing. If we act now, and if we act with purpose, the most serious consequences can be averted. Global warming can be contained to 1–2 degrees Fahrenheit.

But if we do not act, and temperatures spike by 5 degrees or more, the world around us will change forever. There's no going back.

The question becomes what can we do? I've spent the last year trying to answer this question. And the conclusion I've reached is that there is no single answer, no silver bullet, no one thing to turn the tide. But rather, we need many answers in many different areas.

And more importantly, we need people of common purpose, working together, to find innovative solutions. And that's why we're here today.

As I was searching for answers, I picked up the phone and called PG&E Corporation's CEO, Peter Darbee. I said, "Peter, would you help me out on Global Warming legislation?"

To his immense credit, Peter went back, studied the issue, and said "You're right. Something must be done." And he's been terrific. He's helped at every step of the way.

It means so much to me that PG&E, Calpine, Florida Power and Light, and all the companies that comprise the Clean Energy Group's Clean Air Policy Initiative have endorsed the legislation we are introducing today.

This is the most aggressive global warming bill that industry has supported to date. And I want to thank the CEOs of these companies today for their courage and leadership in taking this step.

Here's what the bill would do. The bill would establish a cap and trade program for the electricity sector, which is the single largest piece of the global warming puzzle, accounting for 33 percent of all U.S. emissions.

First, the bill would a cap at 2006 levels in 2011—a 6 percent reduction from anticipated levels of greenhouse gases from the electric sector.

In 2015, it would ratchet the cap down to 2001 levels—a 16 percent reduction from anticipated levels.

In 2016, the bill would reduce the cap further to 1 percent below 2001 levels. And, from 2017 to 2019 it would require additional annual 1 percent reductions.

By 2020, emissions would be reduced 25 percent below anticipated levels.

And after that, emissions will be reduced even further—by an additional 1.5 percent a year and potentially more, if the EPA, based on scientific evidence, believes that more needs to be done to avert the most dire consequences of global warming.

That's the cap.

The trade part of the bill gives companies flexibility to embrace new technologies, encourage innovation, and promote green practices—not just in this area, but across the economy.

As I said, this bill is only one part of the answer. One piece of the puzzle.

Congress has a window of opportunity to act. If we act boldly and quickly, then perhaps we can make a difference.

But if we resort to the feuding which has characterized past Congresses, our world will be the poorer for it. I think there is but one choice.

I urge my colleagues to join me in supporting this legislation and I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Electric Utility Cap and Trade Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GLOBAL CLIMATE CHANGE

Sec. 101. Global climate change.

"TITLE VII—GLOBAL CLIMATE CHANGE

"Sec. 701. Definitions.

"Subtitle A—Stopping and Reversing Greenhouse Gas Emissions

"Sec. 711. Regulations; greenhouse gas tonnage limitation.
"Sec. 712. Scientific review of the safe climate level.
"Sec. 713. Required review of emission reductions needed to maintain the safe climate level.
"Sec. 714. Distribution of allowances between auctions and allocations; nature of allowances.
"Sec. 715. Auction of allowances.
"Sec. 716. Allocation of allowances.
"Sec. 717. Climate Action Trust Fund.
"Sec. 718. Early reduction credits.
"Sec. 719. Recognition and use of international credits.
"Sec. 720. Avoiding significant economic harm.
"Sec. 721. Use and transfer of credits.
"Sec. 722. Compliance and enforcement.

"Subtitle B—Offset Credits

"Sec. 731. Outreach initiative on revenue enhancement for agricultural producers.
"Sec. 732. Offset measurement for agricultural, forestry, wetlands, and other land use-related sequestration projects.
"Sec. 733. Categories of agricultural offset practices.
"Sec. 734. Offset credits from forest management, grazing management, and wetlands management.
"Sec. 735. Offset credits from the avoided conversion of forested land or wetland.
"Sec. 736. Offset credits from greenhouse gas emissions reduction projects.
"Sec. 737. Borrowing at program startup based on contracts to purchase offset credits.
"Sec. 738. Review and correction of accounting for offset credits.

"Subtitle C—National Registry for Credits

"Sec. 741. Establishment and operation of national registry.
"Sec. 742. Monitoring and reporting.

TITLE II—CLIMATE CHANGE RESEARCH INITIATIVES

Sec. 201. Research grants through National Science Foundation.

Sec. 202. Abrupt climate change research.
Sec. 203. Development of new measurement technologies.
Sec. 204. Technology development and diffusion.
Sec. 205. Public land.
Sec. 206. Sea level rise from polar ice sheet melting.

TITLE I—GLOBAL CLIMATE CHANGE

SEC. 101. GLOBAL CLIMATE CHANGE.

(a) IN GENERAL.—The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

"TITLE VII—GLOBAL CLIMATE CHANGE

"SEC. 701. DEFINITIONS.

"In this title:

"(1) AFFECTED UNIT.—

"(A) IN GENERAL.—The term 'affected unit' means an electric generating facility that—

"(i) has a nameplate capacity greater than 25 megawatts;

"(ii) combusts greenhouse gas-emitting fuels; and

"(iii) generates electricity for sale.

"(B) INCLUSIONS.—The term 'affected unit' includes—

"(i) a cogeneration facility; and

"(ii) a facility owned or operated by any instrumentality of—

"(I) the Federal Government; or

"(II) any State, local, or tribal government.

"(2) AFFORESTATION.—The term 'afforestation' means the conversion to a forested condition of land that has been in a nonforested condition for at least 15 years.

"(3) ALLOCATION.—The term 'allocation', with respect to an allowance, means the issuance of an allowance directly to covered units, at no cost, under this title.

"(4) ALLOWANCE.—The term 'allowance' means an authorization under this title to emit 1 metric ton of carbon dioxide (or a carbon dioxide equivalent), as allocated to a covered unit pursuant to section 716.

"(5) CARBON DIOXIDE EQUIVALENT.—The term 'carbon dioxide equivalent' means, with respect to a greenhouse gas, the quantity of the greenhouse gas that makes the same contribution to global warming as 1 metric ton of carbon dioxide, as determined by the Administrator.

"(6) COGENERATION FACILITY.—The term 'cogeneration facility' means a facility that—

"(A) cogenerates steam and electricity; and

"(B) supplies, on a net annual basis, to the electric power grid—

"(i) more than ⅓ of the potential electric output capacity of the facility; and

"(ii) more than 25 megawatts of electrical output from the facility.

"(7) COVERED UNIT.—The term 'covered unit' means—

"(A) an affected unit;

"(B) a nuclear generating unit (including a facility owned or operated by any instrumentality of the Federal Government or of any State, local, or tribal government), but only to the extent of incremental nuclear generation of the unit; and

"(C) a renewable energy unit (including a facility owned or operated by any instrumentality of the Federal Government or of any State, local, or tribal government).

"(8) CREDIT.—

"(A) IN GENERAL.—The term 'credit' means an authorization under this title to emit greenhouse gases equivalent to 1 metric ton of carbon dioxide.

"(B) INCLUSIONS.—The term 'credit' includes—

"(i) an allowance;

"(ii) an offset credit;

"(iii) an early reduction credit; or

"(iv) an international credit.

"(9) EARLY REDUCTION CREDIT.—The term 'early reduction credit' means a credit issued under section 718 for a reduction in the quantity of emissions or an increase in sequestration equivalent to 1 metric ton of carbon dioxide.

"(10) FUND.—The term 'Fund' means the Climate Action Trust Fund established by section 717(a)(1).

"(11) GREENHOUSE GAS.—The term 'greenhouse gas' means—

"(A) carbon dioxide;

"(B) methane;

"(C) nitrous oxide;

"(D) hydrofluorocarbons;

"(E) perfluorocarbons; and

"(F) sulfur hexafluoride.

"(12) GREENHOUSE GAS AUTHORIZED ACCOUNT REPRESENTATIVE.—The term 'greenhouse gas authorized account representative' means, for a covered unit, an individual who is authorized by the owner and operator of the covered unit to represent and legally bind the owner and operator in matters pertaining to this title.

"(13) GREENHOUSE GAS-EMITTING FUEL.—

"(A) IN GENERAL.—The term 'greenhouse gas-emitting fuel' means any fuel that produces a greenhouse gas as a combustion product.

"(B) INCLUSIONS.—The term 'greenhouse gas-emitting fuel' includes—

"(i) fossil fuels;

"(ii) municipal waste;

"(iii) industrial waste;

"(iv) agricultural waste; and

"(v) biomass that is not grown using sustainable techniques.

"(C) EXCLUSION.—The term 'greenhouse gas-emitting fuel' does not include biomass that is grown using sustainable techniques.

"(14) INCREMENTAL NUCLEAR GENERATION.—The term 'incremental nuclear generation' means, as determined by the Administrator and measured in megawatt hours, the difference between—

"(A) the quantity of electricity generated by a nuclear generating unit in a calendar year; and

"(B) the quantity of electricity generated by the nuclear generating unit in calendar year 1990.

"(15) INDUSTRY SECTOR.—The term 'industry sector' means any sector of the economy of a country (including, where applicable, the forestry sector) that is responsible for significant quantities of greenhouse gas emissions.

"(16) INTERNATIONAL CREDIT.—The term 'international credit' means a credit recognized for a reduction in the quantity of emissions or an increase in sequestration equivalent to 1 metric ton of carbon dioxide that—

"(A) arises from activities outside the United States; and

"(B) is authorized for use under section 719.

"(17) INVASIVE SPECIES.—The term 'invasive species' means a species (including pathogens, seeds, spores, or any other biological material relating to a species) the introduction of which causes or is likely to cause economic or environmental harm or harm to human health.

"(18) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

"(19) LEAKAGE.—The term 'leakage' means an increase in greenhouse gas emissions or a decrease in sequestration of greenhouse gases that is—

"(A) outside the area of a project; and

"(B) attributable to the project.

"(20) NATIVE PLANT.—The term 'native plant' means an indigenous, terrestrial, or aquatic plant species that evolved naturally in an ecosystem.

"(21) NEW AFFECTED UNIT.—The term 'new affected unit' means an affected unit that has operated for not more than 3 years.

"(22) NEW COVERED UNIT.—The term 'new covered unit' means a covered unit that has operated for not more than 3 years.

"(23) NOXIOUS WEED.—The term 'noxious weed' means a plant species that is—

"(A) characterized by being—

"(i) aggressive and difficult to manage;

"(ii) poisonous, toxic, parasitic, or a carrier or host of insects or disease representing a serious threat to native species or crops; or

"(iii) nonnative to, new to, or not common to, the United States (or a region of the United States); or

"(B) otherwise designated as a noxious weed by the Secretary of Agriculture or an appropriate State official.

"(24) NUCLEAR GENERATING UNIT.—The term 'nuclear generating unit' means an electric generating facility that uses nuclear energy to generate electricity for sale.

"(25) OFFSET CREDIT.—The term 'offset credit' means a credit issued for an offset project pursuant to subtitle B certifying a reduction in the quantity of emissions or an increase in sequestration equivalent to 1 metric ton of carbon dioxide.

"(26) OFFSET PRACTICE.—The term 'offset practice' means a practice that—

"(A) reduces greenhouse gas emissions or increases sequestration other than by reducing the combustion of greenhouse gas-emitting fuel at an affected unit; and

"(B) may be eligible to create an offset credit under this title.

"(27) OFFSET PROJECT.—The term 'offset project' means a project that reduces greenhouse gas emissions or increases sequestration of carbon dioxide or a carbon dioxide equivalent by a method other than reduction of combustion of greenhouse gas-emitting fuel at an affected unit.

"(28) PANEL.—The term 'Panel' means the Climate Science Advisory Panel established by section 712(b)(1).

"(29) PLANT MATERIAL.—The term 'plant material' means—

"(A) a seed;

"(B) a part of a plant; or

"(C) a whole plant.

"(30) RENEWABLE ENERGY.—The term 'renewable energy' means electricity generated from—

"(A) wind;

"(B) organic waste (excluding incinerated municipal solid waste);

"(C) biomass (including anaerobic digestion from farm systems and landfill gas recovery); or

"(D) a hydroelectric, geothermal, solar thermal, photovoltaic, tidal, wave, or other nonfossil fuel, nonnuclear source.

"(31) RENEWABLE ENERGY UNIT.—The term 'renewable energy unit' means an electric generating unit that exclusively uses renewable energy to generate electricity for sale.

"(32) RESTORATION.—

"(A) IN GENERAL.—The term 'restoration' means assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed.

"(B) INCLUSION.—The term 'restoration' includes the reestablishment in an ecosystem of preexisting biotic integrity with respect to species composition and community structure.

"(33) SEQUESTRATION.—The term 'sequestration' means the separation, isolation, or removal of greenhouse gases from the atmosphere.

"(34) SEQUESTRATION FLOW.—The term 'sequestration flow' means the uptake of greenhouse gases each year from sequestration practices, as calculated under section 732.

"(35) SUSTAINABLE TECHNIQUE.—The term 'sustainable technique' means an agricultural, forestry, or animal husbandry technique that does not result in—

"(A) a long-term net depletion of natural resources; or

"(B) a net emission of greenhouse gas during the lifecycle of biomass production, harvest, processing, and consumption.

"(36) UNFCCC.—The term 'UNFCCC' means the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

"Subtitle A—Stopping and Reversing Greenhouse Gas Emissions

"SEC. 711. REGULATIONS; GREENHOUSE GAS TONNAGE LIMITATION.

"(a) REGULATIONS.—Not later than 18 months after the date of enactment of this title, the Administrator shall promulgate regulations to establish an allowance trading program to address emissions of greenhouse gases from affected units in the United States.

"(b) GREENHOUSE GAS TONNAGE LIMITATION.—Beginning in calendar year 2011, the annual tonnage limitation for the aggregate quantity of emissions of greenhouse gases from affected units in the United States shall be equal to—

"(1) for each of calendar years 2011 through 2014, the aggregate quantity of emissions emitted from affected units in calendar year 2006, as determined by the Administrator based on certified and quality-assured continuous emissions monitoring data for greenhouse gases, or data that the Administrator determines to be of similar reliability for affected units without continuous monitoring systems, reported to the Administrator by affected units in accordance with this subtitle;

"(2) for calendar year 2015, the aggregate quantity of emissions emitted from affected units in calendar year 2001, as determined by the Administrator based on certified and quality-assured continuous emissions monitoring data for greenhouse gases, or data that the Administrator determines to be of similar reliability for affected units without continuous monitoring systems, reported to the Administrator by affected units in accordance with this subtitle;

"(3) for each of calendar years 2016 through 2019, the aggregate quantity of emissions emitted from affected units during the calendar year that is 1 percent less than the aggregate quantity of emissions from affected units allowed pursuant to this section during the preceding calendar year; and

"(4) for calendar year 2020 and each calendar year thereafter, the aggregate quantity of emissions emitted during the calendar year that is 1.5 percent less than the aggregate quantity of emissions from affected units allowed pursuant to this section during the preceding calendar year, except as modified by the Administrator pursuant to section 713.

"SEC. 712. SCIENTIFIC REVIEW OF THE SAFE CLIMATE LEVEL.

"(a) DEFINITION AND OBJECTIVE OF MAINTAINING THE SAFE CLIMATE LEVEL.—

"(1) FINDING.—Congress finds that ratification by the Senate in 1992 of the UNFCCC, commitments which were affirmed by the President in 2002, established for the United States an objective of 'stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system'.

"(2) DEFINITION OF SAFE CLIMATE LEVEL.—In this section, the term 'safe climate level' means the climate level referred to in paragraph (1).

"(b) CLIMATE SCIENCE ADVISORY PANEL.—

"(1) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this title, the Administrator shall establish an advisory panel, to be known as the 'Climate Science Advisory Panel'.

"(2) DUTIES.—The Panel shall—

"(A) inform Congress and the Administrator of the state of climate science;

"(B) not later than December 31, 2011, and not less frequently than every 4 years thereafter, issue a report that is endorsed by at least 7 members of the Panel that describes recommendations for the Administrator, based on the best available information in the fields of climate science, including reports from the Intergovernmental Panel on Climate Change, relating to—

"(i) the specific concentration, in parts per million, of all greenhouse gases in carbon dioxide equivalents at or below which constitutes the safe climate level; and

"(ii) the projected timeframe for achieving the safe climate level.

"(3) COMPOSITION.—

"(A) IN GENERAL.—The Panel shall be composed of 8 climate scientists and 3 former Federal officials, as described in subparagraphs (B) through (D).

"(B) CLIMATE SCIENTISTS.—Not later than 270 days after the date of enactment of this title, the President of the National Academy of Sciences shall appoint to serve on the Panel 8 climate scientists from among individuals who—

"(i) have earned doctorate degrees;

"(ii) have performed research in physical, biological, or social sciences, mathematics, economics, or related fields, with a particular focus on or link to 1 or more aspects of climate science;

"(iii) have records of peer-reviewed publications that include—

"(I) publications in main-stream, high-quality scientific journals (such as journals associated with respected scientific societies or those with a high impact factor, as determined by the Institute for Scientific Information);

"(II) recent publications relating to earth systems, and particularly relating to the climate system; and

"(III) a high publication rate, typically at least 2 or 3 papers per year; and

"(iv) have participated in high-level committees, such as those formed by the National Academy of Sciences or by leading scientific societies.

"(C) RESTRICTION.—A majority of climate scientists appointed to the Panel under subparagraph (B) shall be participating, as of the date of appointment to the Panel, in active research in the physical or biological sciences, with a particular focus on or link to 1 or more aspects of climate science.

"(D) FEDERAL OFFICIALS.—

"(i) IN GENERAL.—Subject to clause (ii), the Administrator shall appoint as members of the Panel, the longest-serving former Administrators of the Environmental Protection Agency for each of the 3 most recent former Presidents.

"(ii) TIMING.—The 3 most recent former Presidents described in clause (i) shall be identified as of the deadline for appointments to the Panel under subparagraph (B) or (E)(ii), whichever is applicable.

"(iii) SUBSTITUTES.—If a former Administrator described in clause (i) declines appointment, or is unable to serve, as a member of the Panel, the Administrator shall appoint in place of the former Administrator—

"(I) the longest-serving former Administrator for the applicable President who agrees to serve; or

"(II) if no individual described in subclause (I) accepts appointment as a member of the Panel, the longest-serving Assistant Administrator for Air and Radiation for the applicable President who agrees to serve.

"(E) TERMS OF SERVICE AND VACANCIES.—

"(i) TERMS.—The initial term of a member of the Panel shall be—

"(I) to the maximum extent practicable, the period covered by, and extending through the date of issuance of, each report under paragraph (2)(B); but

"(II) not longer than 4 years.

"(ii) SUBSEQUENT PANELS AND REPORTS.—On the issuance of each report under paragraph (2)(B)—

"(I) the Panel that submitted the report shall terminate; and

"(II)(aa) pursuant to subparagraphs (B) and (C), the President of the National Academy of Sciences shall appoint climate scientists (including at least 3 climate scientists who served as members of the preceding Panel) to serve as members of a new Panel by not later than 15 months after the deadline for issuance of the report under paragraph (2)(B); and

"(bb) pursuant to subparagraph (D), the Administrator shall appoint 3 Federal officials as members of the new Panel by the deadline described in item (aa).

"(iii) VACANCIES.—Vacancies in the membership of the Panel—

"(I) shall not affect the power of the remaining members to execute the functions of the Panel; and

"(II) shall be filled in the same manner in which the original appointment was made.

"(F) CHAIRPERSON AND VICE CHAIRPERSON.—The Panel shall elect a Chairperson and Vice Chairperson as soon as practicable.

"(G) COMPENSATION OF MEMBERS.—A member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Panel.

"(H) TRAVEL EXPENSES.—A member of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Panel.

"(4) STAFF.—

"(A) IN GENERAL.—The Chairperson of the Panel may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Panel to perform the duties of the Panel.

"(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Panel.

"(C) COMPENSATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Panel may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

"(ii) EXCEPTION.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(D) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

"(i) IN GENERAL.—An employee of the Federal Government may be detailed to the staff of the Panel without reimbursement.

"(ii) TREATMENT OF DETAILEES.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

"(E) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson or executive director of the Panel may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

"(5) HEARINGS.—The Panel may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out this section.

"(6) INFORMATION FROM FEDERAL AGENCIES.—

"(A) IN GENERAL.—The Panel may secure directly from a Federal agency such information as the Panel considers necessary to carry out this section.

"(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Panel, the head of the agency shall provide the information to the Panel.

"(7) POSTAL SERVICES.—The Panel may use the United States mail in the same manner and under the same conditions as other agencies of the Federal Government.

"SEC. 713. REQUIRED REVIEW OF EMISSION REDUCTIONS NEEDED TO MAINTAIN THE SAFE CLIMATE LEVEL.

"(a) REVIEW AND DETERMINATION REGARDING REDUCTION RATE.—Not later than December 31, 2015, the Administrator, after providing public notice and opportunity to comment, shall promulgate a final rule pursuant to which the Administrator shall review the reduction rate for greenhouse gas emissions required under section 711(b)(4) and determine—

"(1) whether to—

"(A) accept the recommendations of the Panel under section 712(b)(2)(B) regarding the safe climate level and the timeframe for achieving the safe climate level; or

"(B) establish a different safe climate level or timeframe, together with a detailed explanation of the justification of the Administrator for rejection of the recommendations of the Panel; and

"(2) whether, in order to achieve the safe climate level within the timeframe described in paragraph (1), the reduction rate under section 711(b)(4) is most accurately characterized as requiring—

"(A) the appropriate level of emission reductions;

"(B) lesser emission reductions than are necessary; or

"(C) greater emission reductions than are necessary.

"(b) MODIFICATION OF REDUCTION RATE.—

"(1) IN GENERAL.—If the Administrator makes a determination described in subparagraph (B) or (C) of subsection (a)(2), the final rule promulgated pursuant to subsection (a) shall establish a required level of emissions reductions for each calendar year, beginning with calendar year 2020, based on the considerations described in paragraph (2).

"(2) CONSIDERATIONS.—

"(A) PRIMARY CONSIDERATION.—In establishing the required level of emission reductions pursuant to paragraph (1), the Administrator shall take into consideration primarily the emission reductions necessary to stabilize atmospheric greenhouse gas concentrations at the safe climate level within the timeframe specified under section 712(b)(2)(B).

"(B) SECONDARY CONSIDERATIONS.—In establishing the required level of emission reductions pursuant to paragraph (1), in addition to the primary consideration described in paragraph (1), the Administrator shall take into consideration—

"(i) technological capability to reduce greenhouse gas emissions;

"(ii) the progress that foreign countries have made toward reducing their greenhouse gas emissions;

"(iii) the economic impacts within the United States of implementing this subtitle, including impacts on the major emitting sectors; and

"(iv) the economic impacts within the United States of inadequate action.

"(c) ENFORCEMENT PROVISION.—

"(1) IN GENERAL.—If the Administrator fails to meet a deadline for promulgation of any regulation under subsection (a), the Administrator shall withhold from allocation to covered units that would otherwise be entitled to an allocation of allowances under this subtitle a total of 10 percent of the allowances for each covered unit for each year after the deadline until the Administrator promulgates the applicable regulation.

"(2) RETURN OF ALLOWANCES.—On promulgation of a delayed regulation described in paragraph (1), the Administrator shall distribute any allowances withheld under that paragraph—

"(A) among the covered units from which the allowances were withheld; and

"(B) in accordance with the applicable formula under section 716.

"(d) SUBSEQUENT RULEMAKINGS.—

"(1) IN GENERAL.—Not later than December 31, 2019, and every 4 years thereafter, the Administrator shall promulgate a new final rule described in subsection (a) in accordance with this section.

"(2) EFFECTIVE DATE.—If a new final rule promulgated pursuant to paragraph (1) changes a level of emission reductions required under the preceding final rule, the effective date of the new final rule shall be January 1 of the calendar year that is 5 years after the deadline for promulgation of the new final rule under paragraph (1).

"SEC. 714. DISTRIBUTION OF ALLOWANCES BETWEEN AUCTIONS AND ALLOCATIONS; NATURE OF ALLOWANCES.

"(a) DISTRIBUTION OF ALLOWANCES BETWEEN AUCTIONS AND ALLOCATIONS.—

"(1) IN GENERAL.—For each calendar year, the total quantity of allowances to be auctioned and allocated under this subtitle shall be equal to the annual tonnage limitation for emissions of greenhouse gases from affected units specified in section 711 for the calendar year.

"(2) DISTRIBUTION.—The proportion of allowances to be auctioned pursuant to section 715 and allocated pursuant to section 716 for each calendar year beginning in calendar year 2011 shall be as follows:

"PERCENTAGES OF ALLOWANCES TO BE AUCTIONED AND ALLOCATED

Calendar Year	Percentage to be Auctioned	Percentage to be Allocated
2011	15	85
2012	18	82
2013	21	79
2014	24	76
2015	27	73
2016	30	70
2017	33	67
2018	36	64
2019	39	61
2020	42	58
2021	45	55
2022	48	52
2023	51	49
2024	54	46
2025	57	43
2026	60	40
2027	63	37
2028	66	34
2029	69	41
2030	72	28
2031	75	25
2032	80	20
2033	85	15
2034	90	10
2035	95	5
2036 and thereafter	100	0

"(b) Nature of Allowances.—An allowance—

"(1) shall not be considered to be a property right; and

"(2) may be terminated or limited by the Administrator.

"(c) No Judicial Review.—An auction or allocation of an allowance by the Administrator shall not be subject to judicial review.

"SEC. 715. AUCTION OF ALLOWANCES.

"(a) In General.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations establishing a procedure for the auction of the quantity of allowances specified in section 714(a) for each calendar year.

"(b) Deposit of Proceeds.—The Administrator shall deposit all proceeds from auctions conducted under this section in the Fund for use in accordance with section 717.

"SEC. 716. ALLOCATION OF ALLOWANCES.

"(a) Allocation to New Covered Units.—

"(1) Establishment.—For each calendar year, the Administrator, in consultation with the Secretary of Energy, shall, based on projections of electricity output for new covered units, promulgate regulations establishing—

"(A) a reserve of allowances to be allocated among new covered units for the calendar year; and

"(B) the methodology for allocating those allowances among new covered units.

"(2) Limitation.—The number of allowances allocated under paragraph (1) during a calendar year shall be not more than 3 percent of the total number of allowances allocated among covered units for the calendar year.

"(3) Unused allowances.—For each calendar year, the Administrator shall reallocate to each covered unit any unused allowances from the new unit reserve established under paragraph (1) in the proportion that—

"(A) the number of allowances allocated to each covered unit for the calendar year; bears to

"(B) the number of allowances allocated to all covered units for the calendar year.

"(b) Allocation to Covered Units That Are Not New Covered Units.—

"(1) Timing of allocations.—Subject to subsection (c), the Administrator shall allocate allowances among covered units that are not new covered units—

"(A) not later than December 31, 2007, for calendar year 2011; and

"(B) not later than December 31 of calendar year 2008 and of each calendar year thereafter, for each fourth calendar year that begins after that December 31.

"(2) Allocations.—

"(A) In general.—Subject to subsection (c), the Administrator shall allocate to each covered unit that is not a new covered unit a quantity of allowances that is equal to the product obtained by multiplying—

"(i) the quantity of allowances available for allocation under this subsection; and

"(ii) the quotient obtained by dividing—

"(I) the annual average quantity of electricity generated by the unit (including only incremental nuclear generation for nuclear generating units) during the most recent 3-calendar year period for which data is available, updated each calendar year and measured in megawatt hours; by

"(II) the difference between—

"(aa) the total of the average quantities calculated under subclause (I) for all covered units; and

"(bb) the quantity of electricity generated by all affected units and new affected units that, pursuant to subsection (c), do not receive any allowances.

"(B) Quantity to be allocated.—For each calendar year, the quantity of allowances allocated under subparagraph (A) to covered units that are not new covered units shall be equal to the difference between—

"(i) the annual tonnage limitation for emissions of greenhouse gases from affected units specified in section 711 for the calendar year, as modified, if applicable, under section 713; and

"(ii) the quantity of allowances reserved under subsection (a) for the calendar year.

"(c) Coal-Fired Affected Units and New Affected Units.—

"(1) In general.—Notwithstanding any other provision of this subtitle, no allowance shall be allocated under this subtitle to a coal-fired affected unit or a coal-fired new affected unit unless the affected unit or new affected unit—

"(A) is powered by qualifying advanced clean coal technology, as defined pursuant to paragraph (2); or

"(B) entered operation before January 1, 2007.

"(2) Definition of qualifying advanced clean coal technology.—

"(A) In general.—Not later than 18 months after the date of enactment of this title, the Administrator, by regulation, shall define the term 'qualifying advanced clean coal technology' with respect to electric power generation.

"(B) Requirement.—In promulgating a definition pursuant to subparagraph (A), the Administrator shall ensure that the term 'qualifying advanced clean coal technology' reflects advances in available technology, taking into consideration—

"(i) net thermal efficiency;

"(ii) measures to capture and sequester carbon dioxide; and

"(iii) output-based emission rates for—

"(I) carbon dioxide;

"(II) sulfur dioxide;

"(III) oxides of nitrogen;

"(IV) filterable and condensable particulate matter; and

"(V) mercury.

"(C) Review and revision.—

"(i) In general.—Not later than July 1, 2009, and each July 1 of every second year thereafter, the Administrator shall review and, if appropriate, revise the definition under subparagraph (A) based on technological advances during the preceding 2 calendar years.

"(ii) Notice and comment required.—Subject to clause (iii), after the initial definition is established under subparagraph (A), no subsequent review or revision under this subparagraph shall be subject to the notice and comment provisions of section 307 of this Act or of section 553 of title 5, United States Code.

"(iii) Effect.—Nothing in clause (ii) precludes the application of the notice and comment provisions of section 307 of this Act or of section 553 of title 5, United States Code, as the Administrator determines to be practicable.

"SEC. 717. CLIMATE ACTION TRUST FUND.

"(a) Establishment and Administration.—

"(1) In general.—There is established in the general fund of the Treasury a fund, to be known as the 'Climate Action Trust Fund', consisting of—

"(A) such amounts as are deposited in the Fund under paragraph (2); and

"(B) any interest earned on investment of amounts in the Fund under paragraph (4).

"(2) Transfers to fund.—The Secretary of the Treasury shall deposit in the Fund amounts equivalent to the proceeds received by the Administrator as a result of the conduct of auctions of allowances under section 715.

"(3) Expenditures from fund.—

"(A) In general.—Subject to subparagraphs (B) and (C), the Administrator shall use amounts in the Fund to carry out the programs described in this section.

"(B) Administrative expenses.—Of amounts in the Fund, there shall be made available to pay the administrative expenses necessary to carry out this title, as adjusted for changes beginning on January 1, 2007, in accordance with the Consumer Price Index for All-Urban Consumers published by the Department of Labor—

"(i) $90,000,000 for each fiscal year, to the Administrator; and

"(ii) $30,000,000 for each fiscal year, to the Secretary of Agriculture.

"(C) Panel.—Of amounts in the Fund, there shall be made available to pay the expenses of the Panel under section 712 $7,000,000 for each fiscal year, as adjusted for changes beginning on January 1, 2007, in accordance with the Consumer Price Index for All-Urban Consumers published by the Department of Labor.

"(4) Investment of amounts.—

"(A) In general.—The Secretary of Treasury shall invest such portion of the Fund as is not, in the judgment of the Administrator, required to meet current withdrawals.

"(B) Interest-bearing obligations.—Investments may be made only in interest-bearing obligations of the United States.

"(C) Acquisition of obligations.—For the purpose of investments under paragraph (1), obligations may be acquired—

"(i) on original issue at the issue price; or

"(ii) by purchase of outstanding obligations at the market price.

"(D) Sale of obligations.—Any obligation acquired by the Fund may be sold by the Administrator at the market price.

"(E) Return of proceeds to fund.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

"(5) Regulations.—Not later than 2 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of Energy, shall promulgate such regulations as are necessary to administer the Fund in accordance with this section.

"(b) Uses of Fund.—

"(1) No further appropriation.—The Administrator shall distribute amounts in the Fund for use in accordance with this section, without further appropriation.

"(2) Regulations.—

"(A) In general.—Not later than 3 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of Energy, shall promulgate regulations establishing an innovative low- and zero-emitting carbon technologies program, a clean coal technologies program, and an energy efficiency technology program that include—

"(i) the funding mechanisms that will be available to support the development and deployment of the technologies addressed by each program, including low-interest loans, loan guarantees, grants, and financial awards; and

"(ii) the criteria for the methods by which proposals will be funded to develop and deploy the technologies.

"(B) Revision of criteria.—Not later than January 1, 2014, and every 3 years thereafter, the Administrator shall review and, if appropriate, revise, based on technological advances, the criteria referred to in subparagraph (A)(ii).

"(C) ADAPTATION ASSISTANCE FOR WORKERS AND COMMUNITIES.—Not later than 3 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of Energy, shall promulgate regulations governing the distribution of funds pursuant to subsection (g).

"(c) INNOVATIVE LOW- AND ZERO-EMITTING CARBON ELECTRICITY GENERATION TECHNOLOGIES PROGRAM.—

"(1) IN GENERAL.—For each calendar year, of amounts remaining in the Fund after making the expenditures described in subparagraphs (B) and (C) of subsection (a)(3), the Administrator shall use not more than 35 percent to support the development and deployment of low- and zero-emitting carbon electricity generation technologies.

"(2) REGULATIONS.—The regulations establishing the innovative low- and zero-emitting carbon electricity generation technologies program referred to in subsection (b)(2)(A) shall establish the areas of technology development that will qualify for funding under that program, including technologies for the generation of electricity from renewable energy sources.

"(d) CLEAN COAL TECHNOLOGIES PROGRAM.—

"(1) IN GENERAL.—For each calendar year, of amounts remaining in the Fund after making the expenditures described in subparagraphs (B) and (C) of subsection (a)(3), the Administrator shall use not more than 20 percent to support the development and deployment of clean coal technologies.

"(2) REGULATIONS.—The regulations establishing the clean coal technologies program referred to in subsection (b)(2)(A) shall establish the criteria for use in defining qualifying clean coal technologies for electric power generation, while ensuring that those technologies represent an advance in available technology, taking into consideration net thermal efficiency and measures to capture and sequester carbon dioxide.

"(e) ENERGY EFFICIENCY TECHNOLOGY PROGRAM.—

"(1) IN GENERAL.—For each calendar year, of amounts remaining in the Fund after making the expenditures described in subparagraphs (B) and (C) of subsection (a)(3), the Administrator shall use not more than 15 percent to support the development and deployment of technologies for increasing the efficiency of energy end use in buildings and industry.

"(2) REGULATIONS.—The regulations establishing the energy efficiency program referred to in subsection (b)(2)(A) shall establish the areas of technology development that will qualify for funding under the energy efficiency program.

"(f) FEDERAL FUNDING OF RESEARCH INTO AND DEVELOPMENT OF ENERGY AND EFFICIENCY TECHNOLOGIES.—For each calendar year, the Administrator shall use not more than 10 percent of the amounts in the Fund to support research into and development of energy and efficiency technologies.

"(g) ADAPTATION ASSISTANCE FOR WORKERS AND COMMUNITIES NEGATIVELY AFFECTED BY CLIMATE CHANGE AND GREENHOUSE GAS REGULATION.—For each calendar year, of amounts remaining in the Fund after making the expenditures described in subparagraphs (B) and (C) of subsection (a)(3), the Administrator shall use at least 10 percent to provide adaptation assistance for workers and communities—

"(1) to address local or regional impacts of climate change and the impacts, if any, from greenhouse gas regulation, including by providing assistance to displaced workers and disproportionately affected communities; and

"(2) to mitigate impacts of climate change and the impacts, in any, from greenhouse gas regulation on low-income energy consumers.

"(h) FISH AND WILDLIFE HABITAT.—

"(1) IN GENERAL.—For each calendar year, of amounts remaining in the Fund after making the expenditures described in subparagraphs (B) and (C) of subsection (a)(3), the Administrator shall use at least 10 percent to mitigate the impacts of climate change on fish and wildlife habitat in accordance with this subsection.

"(2) WILDLIFE RESTORATION FUND.—

"(A) IN GENERAL.—For each calendar year, the Administrator shall transfer not less than 70 percent of the amounts made available under paragraph (1) to the Federal aid to wildlife restoration fund established under section 3(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(1))—

"(i) to carry out climate change impact mitigation actions pursuant to comprehensive wildlife conservation strategies; and

"(ii) to provide relevant information, training, monitoring, and other assistance to develop climate change impact mitigation and adaptation plans and integrate the plans into State comprehensive wildlife conservation strategies.

"(B) AVAILABILITY.—Amounts transferred to the Federal aid to wildlife restoration fund under this paragraph shall—

"(i) be available, without further appropriation, for obligation and expenditure; and

"(ii) remain available until expended.

"(3) PROTECTION OF NATURAL RESOURCES.—

"(A) IN GENERAL.—For each calendar year, the Administrator, in consultation with the Secretary of Agriculture, the Secretary of Commerce, the Chief of Engineers, and State and national wildlife conservation organizations, shall transfer not more than 30 percent of the funds made available under paragraph (1) to the Secretary of the Interior for use in carrying out Federal and State programs and projects—

"(i) to protect natural communities that are most vulnerable to climate change;

"(ii) to restore and protect natural resources that directly guard against damages from climate change events; and

"(iii) to restore and protect ecosystem services that are most vulnerable to climate change.

"(B) ADMINISTRATION.—Amounts transferred to the Secretary of the Interior under this paragraph shall—

"(i) be available, without further appropriation, for obligation and expenditure;

"(ii) remain available until expended;

"(iii)(I) be obligated not later than 2 years after the date of transfer; or

"(II) if the amounts are not obligated in accordance with subclause (I), be transferred to the Federal aid to wildlife restoration fund for use in accordance with paragraph (2); and

"(iv) supplement, and not supplant, the amount of Federal, State, and local funds otherwise expended to carry out programs and projects described in subparagraph (A).

"(C) PROGRAMS AND PROJECTS.—Programs and projects for which funds may be used under this paragraph include—

"(i) Federal programs and projects—

"(I) to identify Federal land and water at greatest risk of being damaged or depleted by climate change;

"(II) to monitor Federal land and water to allow for early detection of impacts;

"(III) to develop adaptation strategies to minimize the damage; and

"(IV) to restore and protect Federal land and water at the greatest risk of being damaged or depleted by climate change;

"(ii) Federal programs and projects to identify climate change risks and develop adaptation strategies for natural grassland, wetlands, migratory corridors, and other habitats vulnerable to climate change on private land enrolled in—

"(I) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.);

"(II) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of that Act (16 U.S.C. 3838n et seq.); and

"(III) the wildlife habitat incentive program established under section 1240N of that Act (16 U.S.C. 3839bb–1);

"(iii) programs and projects under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), the North American Bird Conservation Initiative, and the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.) to protect habitat for migratory birds that are vulnerable to climate change impacts;

"(iv) programs and projects—

"(I) to identify coastal and marine resources (such as coastal wetlands, coral reefs, submerged aquatic vegetation, shellfish beds, and other coastal or marine ecosystems) at the greatest risk of being damaged by climate change;

"(II) to monitor those resources to allow for early detection of impacts;

"(III) to develop adaptation strategies;

"(IV) to protect and restore those resources; and

"(V) to integrate climate change adaptation requirements into State plans developed under the coastal zone management program established under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the national estuary program established under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330), the Coastal and Estuarine Land Conservation Program established under the fourth proviso of the matter under the heading 'PROCUREMENT, ACQUISITION, AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)' of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (16 U.S.C. 1456d), or other comparable State programs;

"(v) programs and projects to conserve habitat for endangered species and species of conservation concern that are vulnerable to the impact of climate change;

"(vi) programs and projects under the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act (16 U.S.C. 2103c), to support State efforts to protect environmentally sensitive forest land through conservation easements to provide refuges for wildlife;

"(vii) other Federal or State programs and projects identified by the heads of agencies described in subparagraph (A) as high priorities—

"(I) to protect natural communities that are most vulnerable to climate change;

"(II) to restore and protect natural resources that directly guard against damages from climate change events; and

"(III) to restore and protect ecosystem services that are most vulnerable to climate change;

"(viii) to address climate change in Federal land use planning and plan implementation and to integrate climate change adaptation strategies into—

"(I) comprehensive conservation plans prepared under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e));

"(II) general management plans for units of the National Park System;

"(III) resource management plans of the Bureau of Land Management; and

"(IV) land and resource management plans under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) and the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.); and

"(ix) projects to promote sharing of information on climate change wildlife impacts and mitigation strategies across agencies, including funding efforts to strengthen and restore habitat that improves the ability of fish and wildlife to adapt successfully to climate change through the Wildlife Conservation and Restoration Account established by section 3(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(2)).

"SEC. 718. EARLY REDUCTION CREDITS.

"(a) Regulations.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations that provide for the issuance on a 1-time basis, certification, and use of early reduction credits for greenhouse gas reduction or sequestration projects carried out during any of calendar years 2000 through 2010.

"(b) Eligible Projects.—A greenhouse gas reduction or sequestration project shall be eligible for early reduction credits if the project—

"(1) is carried out in the United States;

"(2) meets the standards contained in regulations promulgated by the Administrator under subsection (a) that the Administrator determines to be applicable to the project, including consistency with the requirements of—

"(A) paragraphs (2) through (5) of section 736(a), with respect to greenhouse gas reduction projects; and

"(B) section 732(a), with respect to sequestration projects; and

"(3) was reported—

"(A) under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)); or

"(B) to a State or regional greenhouse gas registry.

"(c) Limitation.—

"(1) In general.—The aggregate quantity of early reduction credits available for greenhouse gas reduction or sequestration projects for the period of calendar years 2000 through 2010 shall not exceed 10 percent of the tonnage limitation for calendar year 2011 for emissions of greenhouse gases from affected units under section 711.

"(2) No other exceedance of tonnage limitation.—No provision of this subtitle (other than paragraph (1)) or any regulation promulgated under this subtitle authorizes the issuance or use of a quantity of credits greater than the annual tonnage limitation for emissions of greenhouse gases from affected units for a calendar year.

"SEC. 719. RECOGNITION AND USE OF INTERNATIONAL CREDITS.

"(a) Use of International Credits.—

"(1) In general.—Except as provided in this section and section 720, the owner of each affected unit may satisfy the obligation of the affected unit under section 722 to surrender a quantity of credits associated with the greenhouse gas emissions of the affected unit by submitting international credits representing up to 25 percent of the total annual submission requirements of the affected unit.

"(2) New affected units.—The owner of a new affected unit may satisfy up to 50 percent of the obligation of the new affected unit under section 722 to surrender a quantity of credits associated with the greenhouse gas emissions of the new affected unit by submitting international credits.

"(b) Facility Certification.—The owner of an affected unit who submits an international credit under this section shall certify that the international credit—

"(1) has not been retired from use in the registry of the applicable foreign country; and

"(2) satisfies the requirements of subsection (c) or (d).

"(c) International Credits From Countries With Mandatory Greenhouse Gas Limits.—The owner of an affected unit may submit an international credit under this subsection if—

"(1) the international credit is issued by a foreign country pursuant to a governmental program that imposes mandatory absolute tonnage limits on greenhouse gas emissions from the country or 1 or more industry sectors pursuant to protocols adopted through the UNFCCC process; and

"(2) the Administrator has promulgated regulations, taking into consideration applicable UNFCCC protocols, approving for use under this subsection international credits from such categories of countries as the regulations establish, and the regulations permit the use of international credits from the foreign country that issued the credit.

"(d) International Credits From Countries Without Mandatory Greenhouse Gas Limits.—

"(1) In general.—Subject to paragraph (2), the owner of an affected unit may submit an international credit under this subsection if—

"(A) the international credit is issued by a foreign country that has not imposed mandatory absolute tonnage limits on greenhouse gas emissions from the country or 1 or more industry sectors pursuant to protocols adopted through the UNFCCC process;

"(B) the international credit is issued pursuant to protocols adopted through the UNFCCC process; and

"(C) the Administrator has promulgated regulations, taking into consideration applicable UNFCCC protocols, approving for use under this subsection international credits from such categories of countries as the regulations establish, and the regulations permit the use of international credits from the foreign country that issued the credit.

"(2) Decision on continued approval.—Not later than December 31, 2015, the Administrator shall determine, pursuant to the regulations promulgated under paragraph (1)(C), whether to continue to approve for use under this subsection international credits from any country that—

"(A) has not imposed mandatory absolute tonnage limits on greenhouse gas emissions from the country or 1 or more industry sectors pursuant to protocols adopted through the UNFCCC process; and

"(B) generates more than 0.5 percent of global greenhouse gas emissions as of 2010 or as of the most recent year for which data are available.

"SEC. 720. AVOIDING SIGNIFICANT ECONOMIC HARM.

"(a) In General.—Pursuant to the regulations promulgated under this section, the Administrator may permit affected units—

"(1) to use allowances in a calendar year before the calendar year for which the allowances were allocated; and

"(2) to increase the use by the affected units of international credits up to 50 percent of the total annual submission requirements of the affected units under section 722.

"(b) Regulations.—

"(1) In general.—Not later than 3 years after the date of enactment of this title, the Administrator, in coordination with the Secretary of the Treasury, shall promulgate regulations requiring the continuous monitoring of the operation of the carbon market and the effect of that market on the economy of the United States.

"(2) Requirements.—The regulations shall—

"(A) establish the criteria for determining whether allowance prices have reached and sustained a level that is causing or will cause significant harm to the economy of the United States; and

"(B) take into consideration—

"(i) the obligation of the United States under this subtitle to stabilize greenhouse gas concentrations in the atmosphere at the safe climate level; and

"(ii) the costs of the anticipated impacts of climate change in the United States.

"(3) Prevention of economic harm.—If the Administrator determines that allowance prices have reached and sustained a level that is causing or will cause significant harm to the economy of the United States, the regulations shall establish—

"(A) a program under which an affected unit may use allowances in a calendar year before the calendar year for which the allowances were allocated, including—

"(i) a requirement that allowances borrowed from the allocation of a future year reduce the allocation of allowances to the affected unit for the future year on a 1-to-1 basis;

"(ii) a requirement for payment of interest on borrowed allowances requiring the submission of additional credits upon repayment of the allowances equal to the product obtained by multiplying—

"(I) the number of years between the advance use of allowances by an affected unit under clause (i) and the submission of additional credits under this clause; and

"(II) the sum obtained by adding—

"(aa) the Federal short-term rate, as defined pursuant to section 1274(d)(1)(C)(i) of the Internal Revenue Code of 1986; and

"(bb) 2 percent; and

"(iii) a limitation that in no event may an affected unit—

"(I) satisfy more than 10 percent of the obligation of the affected unit under section 722 to surrender allowances by submitting allowances in a calendar year before the calendar year for which the allowances were allocated; and

"(II) use allowances in a calendar year that is more than 5 years before the calendar year for which the allowances were allocated; and

"(B) a program under which the owner of an affected unit may satisfy the obligation of the affected unit under section 722 to surrender allowances for the calendar year in which the determination is made by submitting international credits representing up to 50 percent of the total annual submission requirements of the affected unit.

"SEC. 721. USE AND TRANSFER OF CREDITS.

"(a) Use in Other Greenhouse Gas Allowance Trading Programs.—

"(1) IN GENERAL.—A credit obtained under this subtitle may be used in any other greenhouse gas allowance trading program, including a program of 1 or more States or subdivisions of States, that is approved by the Administrator and an authorized official for the other program for use of the allowance.

"(2) RECIPROCITY.—A credit obtained from another greenhouse gas trading program, including a program of 1 or more States or subdivisions of States, that is approved by the Administrator and an authorized official for the other program may be used in the trading program under this title.

"(b) ALLOWANCE USE BEFORE APPLICABLE CALENDAR YEAR.—Except as provided in section 720, an allowance auctioned or allocated under this subtitle may not be used before the calendar year for which the allowance was auctioned or allocated.

"(c) TRANSFER.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the transfer of a credit shall not take effect until receipt and recording by the Administrator of a written certification of the transfer that is executed by an authorized official of the person making the transfer.

"(2) SPECIAL RULE FOR ALLOWANCES.—Notwithstanding paragraph (1), the transfer of an allowance auctioned or allocated under this subtitle may take effect before the calendar year for which the allowance was auctioned or allocated.

"(d) BANKING OF CREDITS.—Any affected unit may use a credit obtained under this subtitle in the calendar year for which the credit was auctioned or allocated, or in a subsequent calendar year, to demonstrate compliance with section 722.

"SEC. 722. COMPLIANCE AND ENFORCEMENT.

"(a) IN GENERAL.—For calendar year 2011 and each calendar year thereafter, the owner of each affected unit shall surrender to the Administrator a quantity of credits that is equal to the total tons of carbon dioxide or, with respect to other greenhouse gases, tons in carbon dioxide equivalent, associated with the combustion by the affected unit of greenhouse gas-emitting fuels during the calendar year.

"(b) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations establishing the procedures for the surrender of credits.

"(c) PENALTY.—The owner of an affected unit that emits greenhouse gases associated with the combustion by the affected unit of a greenhouse gas-emitting fuel in excess of the number of credits that the owner of the affected unit holds for use of the affected unit for the calendar year shall—

"(1) submit to the Administrator 1.3 credits for each metric ton of excess greenhouse gas emissions of the affected unit; and

"(2) pay an excess emissions penalty equal to the product obtained by multiplying—

"(A) the number of tons of carbon dioxide, or the carbon dioxide equivalent of other greenhouse gases, emitted in excess of the total quantity of credits held by the affected unit; and

"(B)(i) except as provided in clause (ii), $100, as adjusted for changes beginning on January 1, 2007, in accordance with the Consumer Price Index for All-Urban Consumers published by the Department of Labor; or

"(ii) if the average market price for a metric ton of carbon dioxide equivalent during a calendar year exceeds $60, $200, as adjusted for changes beginning on January 1, 2007, in accordance with the Consumer Price Index for All-Urban Consumers published by the Department of Labor.

"Subtitle B—Offset Credits

"SEC. 731. OUTREACH INITIATIVE ON REVENUE ENHANCEMENT FOR AGRICULTURAL PRODUCERS.

"(a) PURPOSES.—The purposes of this subtitle are to achieve climate benefits, reduce overall costs to the United States economy, and enhance revenue for domestic agricultural producers, foresters, and other landowners by—

"(1) establishing procedures by which domestic agricultural producers, foresters, and other landowners can measure and report reductions in greenhouse gas emissions and increases in sequestration; and

"(2) publishing a handbook of guidance for domestic agricultural producers, foresters, and other landowners to market emission reductions to companies.

"(b) ESTABLISHMENT.—The Secretary of Agriculture, acting through the Chief of the Natural Resources Conservation Service, the Chief of the Forest Service, the Administrator of the Cooperative State Research, Education, and Extension Service, and land-grant colleges and universities, in consultation with the Administrator and the heads of other appropriate departments and agencies, shall establish an outreach initiative to provide information to agricultural producers, agricultural organizations, foresters, and other landowners about opportunities under this subtitle to earn new revenue.

"(c) COMPONENTS.—The initiative under this section—

"(1) shall be designed to ensure that, to the maximum extent practicable, agricultural organizations and individual agricultural producers, foresters, and other landowners receive detailed practical information about—

"(A) opportunities to earn new revenue under this subtitle;

"(B) measurement protocols, monitoring, verifying, inventorying, registering, insuring, and marketing offsets under this title;

"(C) emerging domestic and international markets for energy crops, allowances, and offsets; and

"(D) local, regional, and national databases and aggregation networks to facilitate achievement, measurement, registration, and sales of offsets;

"(2) shall provide—

"(A) outreach materials, including the handbook published under subsection (d)(1), to interested parties;

"(B) workshops; and

"(C) technical assistance; and

"(3) may include the creation and development of regional marketing centers or coordination with existing centers (including centers within the Natural Resources Conservation Service or the Cooperative State Research, Education, and Extension Service or at land-grant colleges and universities).

"(d) HANDBOOK.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Secretary of Agriculture, in consultation with the Administrator and after public input, shall publish a handbook for use by agricultural producers, agricultural cooperatives, foresters, other landowners, offset buyers, and other stakeholders that provides easy-to-use guidance on achieving, reporting, registering, and marketing offsets.

"(2) DISTRIBUTION.—The Secretary of Agriculture shall ensure, to the maximum extent practicable, that the handbook is distributed widely through land-grant colleges and universities and other appropriate institutions.

"SEC. 732. OFFSET MEASUREMENT FOR AGRICULTURAL, FORESTRY, WETLANDS, AND OTHER LAND USE-RELATED SEQUESTRATION PROJECTS.

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Secretary of Agriculture, in consultation with the Administrator, shall promulgate regulations establishing the requirements regarding the issuance, certification, and use of offset credits for greenhouse gas reductions from agricultural, forestry, wetlands, and other land use-related sequestration projects, including requirements—

"(1) for a region-specific discount factor for business-as-usual practices for specific types of sequestration projects, in accordance with subsection (c);

"(2) that ensure that the reductions are real, additional, verifiable, and enforceable;

"(3) that address leakage;

"(4) that the reductions are not otherwise required by any law (including a regulation) or other legally binding requirement;

"(5) for the quantification, monitoring, reporting, and verification of the reductions;

"(6) that ensure that offset credits are limited in duration to the period of sequestration of greenhouse gases, and rectify any loss of sequestration other than a loss caused by an error in calculation identified under this subtitle, by requiring the submission of additional credits of an equivalent quantity to the lost sequestration; and

"(7) that quantify sequestration flow.

"(b) ELIGIBILITY TO CREATE OFFSET CREDITS.—

"(1) IN GENERAL.—A sequestration project that commences operation on or after January 1, 2011, is eligible to create offset credits under this subtitle if the sequestration project satisfies the other applicable requirements of this subtitle.

"(2) EXCEPTION FOR AGRICULTURAL PROJECTS.—Notwithstanding paragraph (1), sequestration flow from an agricultural project that occurs on or after January 1, 2011, may provide the basis for offset credits under this subtitle regardless of the date on which the agricultural sequestration project to which the sequestration flow is attributable commenced, if the project satisfies the other applicable requirements of this subtitle.

"(c) DISCOUNTING FOR BUSINESS-AS-USUAL PRACTICES.—

"(1) IN GENERAL.—In order to streamline the availability of offset credits for agricultural and other land use-related sequestration projects, the regulations promulgated under subsection (a) shall provide for the calculation and reporting of region-specific discount factors by the Secretary of Agriculture—

"(A) to be used by developers of agricultural projects and other land use-related sequestration projects; and

"(B) to account for business-as-usual practices for specific types of sequestration projects.

"(2) CALCULATION.—Unless otherwise provided in this subtitle, the region-specific discount factor for business-as-usual practices for sequestration projects shall be calculated by dividing—

"(A) the difference between—

"(i) the quantity of greenhouse gases sequestered in the region as a result of the offset practice under this subtitle; and

"(ii) the quantity of greenhouse gases sequestered in the region as a result of the projected business-as-usual implementation of the applicable offset practice; by

"(B) the quantity of greenhouse gases sequestered in the region as a result of the offset practice under this subtitle.

"(3) Requirements.—

"(A) In general.—The regulations promulgated under this section shall, to the maximum extent practicable—

"(i) define geographic regions with reference to land that has similar agricultural characteristics; and

"(ii) subject to subparagraph (B), define baseline historical reference periods for each category of sequestration practice, using the most recent period of sufficient length for which there are reasonably comprehensive data available.

"(B) Exception.—If the Secretary of Agriculture determines that entities have increased implementation of the relevant offset practice during the most recent period in anticipation of legislation granting credit for the offsets, the regulations described in subparagraph (A)(ii) may define baseline historical reference periods for each category of sequestration practice using an earlier period.

"(d) Quantifying Sequestration Flow.—The regulations that quantify sequestration flow shall include—

"(1) a default rate of sequestration flow, regionally specific to the maximum extent practicable, for each offset practice or combination of offset practices, that is estimated conservatively to allow for site-specific variations and data uncertainties;

"(2) a downward adjustment factor for any offset practice or combination of practices for which, in the judgment of the Secretary of Agriculture, there are substantial uncertainties in the sequestration flows estimated in paragraph (1), but still reasonably sufficient data to calculate a default rate of flow; and

"(3) offset practice- or project-specific measurement, monitoring, and verification requirements for—

"(A) offset practices or projects for which there are insufficiently reliable data to calculate a default rate of sequestration flow; or

"(B) projects for which the project proponent chooses to use project-specific requirements.

"(e) Use of Native Plant Species in Offset Projects.—

"(1) Regulations.—Not later than 18 months after the date of enactment of this title, the Administrator, in consultation with the Secretary of Agriculture, shall promulgate regulations for selection, use, and storage of native and nonnative plant materials in the offset projects described in paragraph (2)—

"(A) to ensure native plant materials are given primary consideration, in accordance with applicable Department of Agriculture guidance for use of native plant materials;

"(B) to prohibit the use of Federal- or State-designated noxious weeds; and

"(C) to prohibit the use of a species listed by a regional or State invasive plant council within the applicable region or State.

"(2) Applicability.—The regulations under paragraph (1) shall apply to qualifying offset projects described in sections 733(b)(2), 734(a)(2), and 734(b)(1).

"SEC. 733. CATEGORIES OF AGRICULTURAL OFFSET PRACTICES.

"(a) Regulations.—Not later than 2 years after the date of enactment of this title, the Secretary of Agriculture, in consultation with the Administrator, shall promulgate regulations establishing the categories of offset practices that—

"(1) reduce greenhouse gases as a result of agricultural sequestration projects; and

"(2) are eligible to receive offset credits under this subtitle.

"(b) Offset Practices.—Offset practices described in subsection (a) shall include—

"(1) agricultural sequestration practices, including—

"(A) no-till agriculture;

"(B) conservation tillage (ridge till or minimum till);

"(C) winter cover cropping;

"(D) switching from a cycle of—

"(i) planting wheat or other crops and then fallowing land; to

"(ii) continuous cropping;

"(E) any other offset practices identified by the Administrator, in consultation with the Secretary of Agriculture; and

"(F) combinations of any of the offset practices described in subparagraphs (A) through (E); and

"(2) conversion of cropland to rangeland or grassland.

"SEC. 734. OFFSET CREDITS FROM FOREST MANAGEMENT, GRAZING MANAGEMENT, AND WETLANDS MANAGEMENT.

"(a) Forest Management Offsets.—

"(1) In general.—Not later than 3 years after the date of enactment of this title, the Secretary of Agriculture, in consultation with the Administrator, shall promulgate regulations providing for the issuance of offset credits for forest management projects that provide durable, long-term reductions in greenhouse gases as a result of sequestration.

"(2) Forest management offsets.—Forest management offset projects under this section may include activities that reduce greenhouse gases as a result of forest management sequestration projects (including afforestation), other than avoided forest land conversion as described in section 735.

"(3) Prohibitions.—

"(A) In general.—In accordance with section 732(e), no afforestation project may involve the planting of invasive species or noxious weeds.

"(B) Existing native grassland and ecosystems.—No afforestation project may involve planting trees on existing native grassland or other existing native non-forested ecosystems that the Secretary of Agriculture determines should be protected in their existing native condition.

"(b) Wetlands Management Offsets.—

"(1) In general.—Not later than 3 years after the date of enactment of this title, the Administrator, in consultation with the Chief of Engineers, shall promulgate regulations providing for the issuance of offset credits for wetlands management projects that provide durable, long-term reductions in greenhouse gases as a result of sequestration.

"(2) Prohibitions.—

"(A) In general.—In accordance with section 732(e), no wetlands restoration project may involve the planting of invasive species or noxious weeds.

"(B) No new wetlands.—No wetlands offset project may be carried out in an area in which underlying local hydrologic processes will not support a wetland.

"(c) Grazing Management Offsets.—

"(1) In general.—Not later than 3 years after the date of enactment of this title, the Secretary of Agriculture, in consultation with the Administrator, shall promulgate regulations providing for the issuance of offset credits for grazing management projects that provide durable, long-term reductions in greenhouse gases as a result of sequestration.

"(2) Grazing management offsets.—Grazing management offset projects under this section may include activities that reduce greenhouse gases as a result of grazing management sequestration projects other than conversion of cropland to grassland or rangeland under section 733.

"(d) Use of Offsets.—

"(1) In general.—For each calendar year, an affected unit may satisfy not more than 5 percent of the total allowance submission requirements of the affected unit under section 722 by using forest management offset credits under this section.

"(2) Exceptions.—The limitation in paragraph (1) does not apply to grazing management, afforestation, or wetland offset projects.

"SEC. 735. OFFSET CREDITS FROM THE AVOIDED CONVERSION OF FORESTED LAND OR WETLAND.

"(a) In General.—Offset credits for avoided conversion of forested land or wetland shall be awarded to any State that reduces the conversion below expected levels for all or a significant portion of the State.

"(b) Regulations.—Not later than 3 years after the date of enactment of this title, the Administrator, in conjunction with the Secretary of Agriculture, shall promulgate regulations that address the eligibility of offset practices that avoid the conversion of forested land or wetland to nonforested land uses or drained or converted wetland to receive offset credits under this subtitle, including requirements that address—

"(1) the methodology for measuring the avoided conversion of forest land or wetland, including—

"(A) measurement of presently on-going rates of forest land conversion or wetland conversion;

"(B) calculation of business-as-usual rates of forest land conversion or wetland conversion by reference to the historical rate of conversion of forested land or wetland; and

"(C) comparison of the rates in subparagraph (A) and subparagraph (B); and

"(2) leakage, including—

"(A) adjustments for leakage using standardized regional leakage factors for afforestation and wetland restoration; and

"(B) the magnitude of the forested region or wetlands region in a State in which the rate of conversion of forest land or wetland must be reduced to ensure that leakage of forest land or wetlands conversion is minimized.

"(c) Precondition.—For an offset to be creditable under this section, the State must certify that the State has reduced its rate of conversion of forest land or wetland over a period of 5 or more consecutive years for the entire State or a significant forested or wetland region in the State.

"(d) Award by States of Offset Credits.—States that participate in the program under this section shall establish transparent and equitable rules by which offset credits will be awarded to owners of forested land or wetland.

"(e) Authorization of Appropriations.—There is authorized to be appropriated to the Administrator, in consultation with the Secretary of Agriculture, for use in awarding grants to States to carry out this section $5,000,000 for each fiscal year.

"SEC. 736. OFFSET CREDITS FROM GREENHOUSE GAS EMISSIONS REDUCTION PROJECTS.

"(a) In General.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations establishing the requirements regarding the issuance, certification, and use of offset credits for greenhouse gas emissions reduction offset projects, including requirements—

"(1) for performance standards for specific types of offset projects, which represent significant improvements compared to recent practices in the geographic area, to be reviewed, and updated if the Administrator determines updating is appropriate, every 5 years;

"(2) that ensure that the reductions are real, additional, verifiable, enforceable, and permanent;

"(3) that address leakage;

"(4) that the reductions are not otherwise required by any law (including a regulation) or other legally binding requirement;

"(5) for the quantification, monitoring, reporting, and verification of the reductions; and

"(6) that specify the duration of offset credits for greenhouse gas emissions reduction projects under this section.

"(b) ELIGIBILITY TO CREATE OFFSET CREDITS.—Greenhouse gas emissions reduction offset projects that commence operation on or after January 1, 2007, are eligible to create offset credits under this subtitle if the projects satisfy the other applicable requirements of this subtitle.

"(c) APPROVED CATEGORIES OF GREENHOUSE GAS EMISSIONS REDUCTION OFFSET PROJECTS.—Greenhouse gas emission reductions from the following types of operations shall be eligible to create offsets for use under this section:

"(1) Landfill operations.

"(2) Agricultural manure management projects.

"(3) Wastewater treatment facilities.

"(4) Coal mining operations.

"(5) Natural gas transmission and distribution systems.

"(6) Electrical transmission and distribution systems.

"(7) Elimination or reduction in use of chemicals that substitute for ozone-depleting substances.

"(8) Cement manufacturing.

"(9) Lime manufacturing.

"(10) Iron and steel production.

"(11) Aluminum production.

"(12) Adipic acid production.

"(13) Nitric acid production.

"(14) Semiconductor manufacturing.

"(15) Magnesium production and processing.

"(16) Fossil fuel combustion at commercial and residential buildings.

"(d) CREATION OF ADDITIONAL CATEGORIES OF GREENHOUSE GAS EMISSIONS REDUCTION OFFSET PROJECTS.—The Administrator may, by regulation, create additional categories of greenhouse gas emissions reduction offset projects for types of projects for which the Administrator determines that compliance with the regulations promulgated under subsection (a) is feasible.

"(e) PROHIBITION ON USE.—Notwithstanding the eligibility of greenhouse gas emission reduction projects to create offset credits in accordance with subsection (c) or (d), greenhouse gas emissions reduction offset projects shall not be eligible to create offset credits for use under this section beginning on the date on which the reductions are required by law (including regulations) or other legally binding requirement.

"SEC. 737. BORROWING AT PROGRAM START-UP BASED ON CONTRACTS TO PURCHASE OFFSET CREDITS.

"(a) IN GENERAL.—During calendar years 2011, 2012, and 2013, an affected unit may satisfy not more than 5 percent of the allowance submission requirements of section 722 by submitting to the Administrator contractual commitments to purchase offset credits that will implement an equivalent quantity of emission reductions or sequestration not later than December 31, 2015.

"(b) APPROVAL OF QUALIFYING OFFSET PROJECTS.—Offset projects that may be appropriately carried out under this section shall be approved by the Administrator in accordance with this subtitle.

"(c) REPAYMENT BY 2015.—

"(1) IN GENERAL.—If an affected unit uses subsection (a) to comply with section 722, not later than the deadline in that section for allowance submissions for calendar year 2015, the affected unit shall submit additional credits of a quantity equivalent to the sum obtained by adding—

"(A) the value of credits submitted to comply with credit submission requirements described in subsection (a); and

"(B) interest calculated in accordance with paragraph (2).

"(2) INTEREST.—Interest referred to in paragraph (1)(B) shall be equal to the product obtained by multiplying—

"(A) the number of years between—

"(i) the use by an affected unit of the method of compliance described in subsection (a); and

"(ii) the submission by the affected unit of additional credits under this subsection; and

"(B) the sum obtained by adding—

"(i) the Federal short-term rate, as defined pursuant to section 1274(d)(1)(C)(i) of the Internal Revenue Code of 1986; and

"(ii) 2 percent.

"SEC. 738. REVIEW AND CORRECTION OF ACCOUNTING FOR OFFSET CREDITS.

"(a) DUTY TO MONITOR.—The Secretary of Agriculture and the Administrator shall monitor regularly whether offset credits under the respective jurisdiction of each agency head under this subtitle are being awarded only for real and additional sequestration of greenhouse gases and reductions in greenhouse gas emissions, including—

"(1) the accuracy of default calculations of sequestration flow and greenhouse gas emission reductions achieved by the use of offset practices;

"(2) the calculation of region-specific discount factors; and

"(3) the accuracy of leakage calculations.

"(b) PERIODIC REVIEW.—Not later than December 31, 2013, and every 5 years thereafter, the Secretary of Agriculture and the Administrator shall review the issuance of offset credits under the respective jurisdiction of each agency head under this subtitle to determine—

"(1) whether offset credits are being awarded only for real and additional sequestration of greenhouse gases or reductions in greenhouse gas emissions, as described in subsection (a);

"(2) the amount of excessive award of any offset credits;

"(3) the volume of offset credits that have been or are expected to be approved;

"(4) the impact of the offset credits on market prices; and

"(5) the impact of the offset credits on the trajectory of emissions from affected units.

"(c) DUTY TO CORRECT.—If the Secretary of Agriculture or the Administrator determines that offset credits under the respective jurisdictions of the agency head have been awarded under this subtitle in excess of real and additional sequestration of greenhouse gases or reductions in emissions of greenhouse gases, the Secretary of Agriculture or the Administrator shall—

"(1) promptly correct on a prospective basis the sources of the errors, including correcting leakage factors, region-specific discount factors, default rates of sequestration flow, and other relevant information for the offset practices involved; and

"(2) quantify and publicly disclose the quantity of offset credits that have been awarded in excess of real and additional sequestration or emissions reductions.

"Subtitle C—National Registry for Credits

"SEC. 741. ESTABLISHMENT AND OPERATION OF NATIONAL REGISTRY.

"(a) IN GENERAL.—Except as provided in subsection (b), not later than July 1 of the year immediately prior to the first calendar year in which an annual tonnage limitation on the emission of greenhouse gases applies under section 711(b), the Administrator shall promulgate regulations to establish, operate, and maintain a national registry through which the Administrator shall—

"(1) record allocations of allowances, the issuance of offset credits or early reduction credits, and the recognition of international credits;

"(2) track transfers of credits;

"(3) retire all credits used for compliance;

"(4) subject to subsection (b), maintain transparent availability of registry information to the public, including the quarterly reports submitted under section 742(a);

"(5) prepare an annual assessment of the emission data in the quarterly reports submitted under section 742(a); and

"(6) take such action as is necessary to maintain the integrity of the registry, including adjustments to correct for—

"(A) errors or omissions in the reporting of data; and

"(B) the prevention of counterfeiting, double-counting, multiple registrations, multiple sales, and multiple retirements of credits.

"(b) EXCEPTION TO PUBLIC AVAILABILITY OF DATA.—

"(1) IN GENERAL.—Subsection (a)(4) shall not apply in any case in which the Administrator, in consultation with the Secretary of Defense, determines that publishing or otherwise making available information in accordance with that paragraph poses a risk to national security.

"(2) STATEMENT OF REASONS.—In a case described in paragraph (1), the Administrator shall publish a description of the determination and the reasons for the determination.

"SEC. 742. MONITORING AND REPORTING.

"(a) REQUIREMENTS.—Each owner or operator of an affected unit, or to the extent applicable, the greenhouse gas authorized account representative for the affected unit, shall—

"(1) comply with the monitoring, recordkeeping, and reporting requirements of part 75 of title 40, Code of Federal Regulations (or successor regulations); and

"(2) submit to the Administrator electronic quarterly reports that describe the greenhouse gas mass emission data, fuel input data, and electricity output data for the affected unit.

"(b) BIOMASS COFIRING.—Not later than 18 months after the date of enactment of this title, the Administrator shall promulgate regulations that provide monitoring, recordkeeping, and reporting requirements for biomass cofiring at affected units.".

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL ENFORCEMENT.—Section 113 of the Clean Air Act (42 U.S.C. 7413) is amended—

(A) in subsection (a)(3), by striking "or title VI," and inserting "title VI, or title VII,";

(B) in subsection (b)—

(i) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(ii) by striking "The Administrator shall" and inserting the following:

"(1) IN GENERAL.—The Administrator shall";

(iii) in paragraph (1) (as designated by clause (ii)), in the matter preceding subparagraph (A) (as redesignated by clause (i)), by striking "or a major stationary source" and inserting "a major stationary source, or an affected unit under title VII"; and

(iv) in subparagraph (B) (as redesignated by clause (i)), by striking "or title VI" and inserting "title VI, or title VII";

(v) in the matter following subparagraph (C) of paragraph (1) (as designated by clauses (i) and (ii))—

(I) by striking "Any action" and inserting the following:

"(2) JUDICIAL ENFORCEMENT.—

"(A) IN GENERAL.—Any action";

(II) by striking "Notice" and inserting the following:

"(B) NOTICE.—Notice"; and

(III) by striking "In the case" and inserting the following:

"(C) ACTIONS BROUGHT BY ADMINISTRATOR.—In the case";

(C) in subsection (c)—

(i) in the first sentence of paragraph (1), by striking "or title VI (relating to stratospheric ozone control)," and inserting "title VI (relating to stratospheric ozone control), or title VII (relating to global warming pollution emission reductions),"; and

(ii) in the first sentence of paragraph (3), by striking "or VI" and inserting "VI, or VII";

(D) in subsection (d)(1)(B), by striking "or VI" and inserting "VI, or VII"; and

(E) in subsection (f), in the first sentence, by striking "or VI" and inserting "VI, or VII".

(2) INSPECTIONS, MONITORING, AND ENTRY.—Section 114(a) of the Clean Air Act (42 U.S.C. 7414(a)) is amended by striking "section 112," and all that follows through "(ii)" and inserting the following: "section 112, any regulation of solid waste combustion under section 129, or any regulation of greenhouse gas emissions under title VII, (ii)".

(3) ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW.—Section 307 of the Clean Air Act (42 U.S.C. 7607) is amended—

(A) in subsection (a), by striking ", or section 306" and inserting "section 306, or title VII";

(B) in subsection (b)(1)—

(i) by striking "section 111,," and inserting "section 111,";

(ii) by striking "section 120," each place it appears and inserting "section 120, any action under title VII,"; and

(iii) by striking "112,," and inserting "112,"; and

(C) in subsection (d)(1)—

(i) by striking subparagraph (S);

(ii) by redesignating the second subparagraph (N) and subparagraphs (O) through (R) as subparagraphs (O), (P), (Q), (R), and (S), respectively;

(iii) by redesignating subparagraphs (T) and (U) as subparagraphs (U) and (V), respectively; and

(iv) by inserting after subparagraph (S) (as redesignated by clause (ii)) the following:

"(T) the promulgation or revision of any regulation under title VII,".

(4) UNAVAILABILITY OF EMISSIONS DATA.—Section 412(d) of the Clean Air Act (42 U.S.C. 7651k(d)) is amended in the first sentence—

(A) by inserting "or title VII" after "under subsection (a)"; and

(B) by inserting "or title VII" after "this title".

TITLE II—CLIMATE CHANGE RESEARCH INITIATIVES

SEC. 201. RESEARCH GRANTS THROUGH NATIONAL SCIENCE FOUNDATION.

Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) RESEARCH GRANTS.—

"(1) LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being adequately addressed by Federal agencies.

"(2) TRANSMISSION OF LIST.—The Director of the Office of Science and Technology Policy shall submit the list developed under paragraph (1) to the National Science Foundation.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation such sums as are necessary to carry out this subsection, to be made available through the Science and Technology Policy Institute, for research in the priority areas.".

SEC. 202. ABRUPT CLIMATE CHANGE RESEARCH.

(a) IN GENERAL.—The Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, shall carry out a program of scientific research on abrupt climate change designed to provide timely warnings of the potential likelihood, magnitude, and consequences of, and measures to avoid, abrupt human-induced climate change.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce such sums as are necessary to carry out this section.

SEC. 203. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall carry out a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies to calculate greenhouse gas emissions or reductions for which no accurate, reliable, low-cost measurement technology exists.

(b) ADMINISTRATION.—The program shall include technologies (including remote sensing technologies) to measure carbon changes and other greenhouse gas emissions and reductions from agriculture, forestry, wetlands, and other land use practices.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 204. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology, acting through the Manufacturing Extension Partnership program, may develop a program to promote the use, by small manufacturers, of technologies and techniques that result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the National Institute of Standards and Technology such sums as are necessary to carry out this section.

SEC. 205. PUBLIC LAND.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall prepare a joint assessment or separate assessments setting forth recommendations for increased sequestration of greenhouse gases and reduction of greenhouse gas emissions on public land that is—

(1) managed forestland;

(2) managed rangeland or grassland; or

(3) protected land, including national parks and designated wilderness areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture and the Secretary of the Interior such sums as are necessary to carry out this section.

SEC. 206. SEA LEVEL RISE FROM POLAR ICE SHEET MELTING.

(a) IN GENERAL.—The Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration and in cooperation with the Administrator of the National Aeronautics and Space Administration, shall carry out a program of scientific research to support modeling and observations into the potential role of the Greenland, west Antarctic, and east Antarctic ice sheets in any future increase in sea levels.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce and the Administrator of the National Aeronautics and Space Administration such sums as are necessary to carry out this section.

By Mr. AKAKA (for himself, Mr. WYDEN, Mr. BUNNING, Mr. INOUYE, and Mr. DURBIN):

S. 320. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today along with my distinguished colleagues, Senator WYDEN, Senator BUNNING, Senator INOUYE, and Senator DURBIN, to introduce the Paleontological Resources Preservation Act in order to protect and preserve the Nation's important fossil record for the benefit of our citizens. Vertebrate fossils are rare and important natural resources that have become increasingly endangered due to an increase in the illegal collection of fossil specimens for commercial sale. However, at this time there is no unified policy regarding the treatment of fossils by Federal land management agencies which would help protect and conserve fossil specimens. Consequently, we risk the deterioration or loss of these valuable scientific resources. This Act will correct that omission by providing uniformity to the patchwork of statutes and regulations that currently exist. By creating a comprehensive national policy for preserving and managing paleontological resources found on Federal land, this Act will also be instrumental in curtailing and preventing future illegal trade thereby ensuring that many generations to come will have access to these invaluable records of our past. I would like to emphasize that this bill covers only paleontological remains on Federal lands and in no way affects archaeological or cultural resources under the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Rehabilitation Act.

I would also mention that this bill is exactly the same bill that I introduced in the 109th Congress. This bill was heard and marked up by the Senate Energy and Natural Resources Committee, and was passed by the Senate.

As a senior member of the Senate Energy and Natural Resources Committee and Chair of the Subcommittee on National Parks, I am very concerned about the preservation of fossils as records of earth's past upheavals and struggles. While I recognize the value of amateur collecting—and casual collecting—of fossils is protected in this bill—fossil theft has become an increasing problem. New fossil fields and insights into the earth's past are discovered nearly every month. Paleontological resources can be sold on the market for a hefty price. For example, the complete skeleton of a T-Rex was sold for $8.6 million at auction to the Field Museum of Chicago. Consequently, they are being stolen from public lands without regard to science and education. The protections I offer in this Act are not new. Federal and management agencies have individual regulations prohibiting theft of government property. However, Congress has not provided a clear statute stating the value of paleontological resources to our Nation, as we have for archeological resources. We need to work together to make sure that we fulfill our responsibility as stewards of public lands, and as protectors of our Nation's natural resources.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paleontological Resources Preservation Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CASUAL COLLECTING.—The term "casual collecting" means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms "reasonable amount", "common invertebrate and plant paleontological resources" and "negligible disturbance" shall be determined by the Secretary.

(2) FEDERAL LANDS.—The term "Federal lands" means—

(A) lands controlled or administered by the Secretary of the Interior, except Indian lands; or

(B) National Forest System lands controlled or administered by the Secretary of Agriculture.

(3) INDIAN LANDS.—The term "Indian Land" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) PALEONTOLOGICAL RESOURCE.—The term "paleontological resource" means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior with respect to lands controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System Lands controlled or administered by the Secretary of Agriculture.

(6) STATE.—The term "State" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 3. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal lands using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this Act.

SEC. 4. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 5. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this Act, a paleontological resource may not be collected from Federal lands without a permit issued under this Act by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal lands controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal lands and this Act.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal lands concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this Act. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal lands under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 7 or is assessed a civil penalty under section 8.

(e) AREA CLOSURES.—In order to protect paleontological or other resources and to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 7. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal lands unless such activity is conducted in accordance with this Act;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated or removed from Federal lands in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this Act; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal lands.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than one year, or both.

(d) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

SEC. 8. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this Act, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any one violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal lands.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 9.

SEC. 9. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 7 or 8—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount equal to the lesser of one-half of the penalty or $500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 7 or 8 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this Act, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this Act.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 10. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this Act or under any other provision of Federal law shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this Act;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 11. REGULATIONS.

As soon as practical after the date of the enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this Act, providing opportunities for public notice and comment.

SEC. 12. SAVINGS PROVISIONS.

Nothing in this Act shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), Public Law 94-429 (commonly known as the "Mining in the Parks Act") (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal lands;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this Act;

(4) affect any lands other than Federal lands or affect the lawful recovery, collection, or sale of paleontological resources from lands other than Federal lands;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal lands in addition to the protection provided under this Act; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. MCCAIN, Mr. CONRAD, Mr. BINGAMAN, Mr. BAUCUS, Mr. SMITH, and Mr. INOUYE):

S. 322. A bill to establish an Indian youth telemental health demonstration project; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, I rise today to re-introduce legislation which would provide a first important step in dealing with the crisis of youth suicide in Indian Country.

The legislation I am introducing today is almost identical to legislation that the Senate passed in May, 2006, to establish an Indian youth telemental health demonstration project. The Indian Youth Telemental Health Demonstration Project Act of 2007 would authorize the Secretary of Health and Human Services to carry out a 4-year demonstration project under which five tribes and tribal organizations with telehealth capabilities could use telemental health services in youth suicide prevention, intervention, and treatment. Demonstration project grantees would provide services through telemental health for such purposes as counseling of Indian youth; providing medical advice and other assistance to frontline tribal health providers; training for community members, tribal elected officials, tribal educators, and health workers and others who work with Indian youth; developing culturally sensitive materials on suicide prevention and intervention; and collecting and reporting of data.

The Committee on Indian Affairs held three hearings during the 109th Congress on the issue of Indian youth suicide, including one hearing that I convened in Bismarck, ND. Although on the Indian reservations of the northern Great Plains, the rate of Indian youth suicide is 10 times higher than it is anywhere else in the country, this tragic issue is not limited to these locations. The committee has heard testimony from people from tribal communities in Arizona, Oregon, Washington, Alaska, New Mexico, and Wyoming, as well.

According to 2004 statistics from the National Center for Injury Prevention and Control, suicide is the second leading cause of death, behind unintentional injury, for American Indian and Alaska Native young adults 15 to 24 years old, of both sexes—a statistic that has sadly been true for the past 20 years. For North Dakota Indian girls 15 to 24 years old in 2004, suicide was the number one leading cause of death.

I am grateful for the efforts of the Indian Health Service and the Substance Abuse and Mental Health Services Administration, in particular, both of which have, in a host of ways, sought to address the reservation youth suicide crisis. SAMHSA is providing a 4-year grant to the Standing Rock Sioux Tribe of North and South Dakota—a tribe that had 12 Indian youth die by suicide over a 6-month period—to provide mental health outreach workers. In addition, across the country, tribal leaders, tribal health professionals, and service providers and family members are working together to implement early intervention plans, improve access to prevention programs, promote community training and awareness, and reinstate traditional tribal practices and culture-based interventions to address Native youth suicides.

Many Indian reservations and Native villages in Alaska are remote and isolated, and everyone who lives in those communities experiences much more limited access to mental health services than in our Nation's metropolitan areas. The testimony received by the Indian Affairs Committee indicates that it is particularly in these remote Native communities that there is a crisis among the youth. I believe that the use of telemedicine—or, for purposes of this legislation, telemental health—will prove a useful resource for the several tribes or tribal organizations that will participate in this demonstration project in assisting their youth.

In addition to introducing this legislation, I will include authorization of this Indian Youth Telemental Health Demonstration Project in legislation to reauthorize and amend the Indian Health Care Improvement Act, which I intend to introduce soon.

I thank my colleagues who have joined me in sponsoring this legislation and in being willing to talk and think hard about an issue that many believe should be kept hidden. We must find ways to prevent the needless loss of young Native American boys and girls whose whole lives lie ahead of them, and from whom their tribal communities and all of this country stand to benefit as these youth blossom in to their potential as adults. I look forward to continuing our efforts to address this sensitive and very important issue. I urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Youth Telemental Health Demonstration Project Act of 2007".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) suicide for Indians and Alaska Natives is 2½ times higher than the national average and the highest for all ethnic groups in the United States, at a rate of more than 16 per 100,000 males of all age groups, and 27.9 per 100,000 for males aged 15 through 24, according to data for 2002;

(2) according to national data for 2004, suicide was the second-leading cause of death for Indians and Alaska Natives of both sexes aged 10 through 34;

(3) the suicide rates of Indian and Alaska Native males aged 15 through 24 are nearly 4 times greater than suicide rates of Indian and Alaska Native females of that age group;

(4)(A) 90 percent of all teens who die by suicide suffer from a diagnosable mental illness at the time of death; and

(B) more than ½ of the people who commit suicide in Indian Country have never been seen by a mental health provider;

(5) death rates for Indians and Alaska Natives are statistically underestimated;

(6) suicide clustering in Indian Country affects entire tribal communities; and

(7) since 2003, the Indian Health Service has carried out a National Suicide Prevention Initiative to work with Service, tribal, and urban Indian health programs.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary to carry out a demonstration project to test the use of telemental health services in suicide prevention, intervention, and treatment of Indian youth, including through—

(1) the use of psychotherapy, psychiatric assessments, diagnostic interviews, therapies for mental health conditions predisposing to suicide, and alcohol and substance abuse treatment;

(2) the provision of clinical expertise to, consultation services with, and medical advice and training for frontline health care providers working with Indian youth;

(3) training and related support for community leaders, family members and health and education workers who work with Indian youth;

(4) the development of culturally-relevant educational materials on suicide; and

(5) data collection and reporting.

SEC. 3. DEFINITIONS.

In this Act:

(1) DEMONSTRATION PROJECT.—The term "demonstration project" means the Indian youth telemental health demonstration project authorized under section 4(a).

(2) DEPARTMENT.—The term "Department" means the Department of Health and Human Services.

(3) INDIAN.—The term "Indian" means any individual who is a member of an Indian tribe or is eligible for health services under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(6) SERVICE.—The term "Service" means the Indian Health Service.

(7) TELEMENTAL HEALTH.—The term "telemental health" means the use of electronic information and telecommunications technologies to support long distance mental health care, patient and professional-related education, public health, and health administration.

(8) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 4. INDIAN YOUTH TELEMENTAL HEALTH DEMONSTRATION PROJECT.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary is authorized to carry out a demonstration project to award grants for the provision of telemental health services to Indian youth who—

(A) have expressed suicidal ideas;

(B) have attempted suicide; or

(C) have mental health conditions that increase or could increase the risk of suicide.

(2) ELIGIBILITY FOR GRANTS.—Grants described in paragraph (1) shall be awarded to Indian tribes and tribal organizations that operate 1 or more facilities—

(A) located in Alaska and part of the Alaska Federal Health Care Access Network;

(B) reporting active clinical telehealth capabilities; or

(C) offering school-based telemental health services relating to psychiatry to Indian youth.

(3) GRANT PERIOD.—The Secretary shall award grants under this section for a period of up to 4 years.

(4) MAXIMUM NUMBER OF GRANTS.—Not more than 5 grants shall be provided under paragraph (1), with priority consideration given to Indian tribes and tribal organizations that—

(A) serve a particular community or geographic area in which there is a demonstrated need to address Indian youth suicide;

(B) enter into collaborative partnerships with Service or other tribal health programs or facilities to provide services under this demonstration project;

(C) serve an isolated community or geographic area which has limited or no access to behavioral health services; or

(D) operate a detention facility at which Indian youth are detained.

(b) USE OF FUNDS.—

(1) IN GENERAL.—An Indian tribe or tribal organization shall use a grant received under subsection (a) for the following purposes:

(A) To provide telemental health services to Indian youth, including the provision of—

(i) psychotherapy;

(ii) psychiatric assessments and diagnostic interviews, therapies for mental health conditions predisposing to suicide, and treatment; and

(iii) alcohol and substance abuse treatment.

(B) To provide clinician-interactive medical advice, guidance and training, assistance in diagnosis and interpretation, crisis counseling and intervention, and related assistance to Service or tribal clinicians and health services providers working with youth being served under the demonstration project.

(C) To assist, educate, and train community leaders, health education professionals and paraprofessionals, tribal outreach workers, and family members who work with the youth receiving telemental health services under the demonstration project, including with identification of suicidal tendencies, crisis intervention and suicide prevention, emergency skill development, and building and expanding networks among those individuals and with State and local health services providers.

(D) To develop and distribute culturally-appropriate community educational materials on—

(i) suicide prevention;

(ii) suicide education;

(iii) suicide screening;

(iv) suicide intervention; and

(v) ways to mobilize communities with respect to the identification of risk factors for suicide.

(E) To conduct data collection and reporting relating to Indian youth suicide prevention efforts.

(2) TRADITIONAL HEALTH CARE PRACTICES.—In carrying out the purposes described in paragraph (1), an Indian tribe or tribal organization may use and promote the traditional health care practices of the Indian tribes of the youth to be served.

(c) APPLICATIONS.—To be eligible to receive a grant under subsection (a), an Indian tribe or tribal organization shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a description of the project that the Indian tribe or tribal organization will carry out using the funds provided under the grant;

(2) a description of the manner in which the project funded under the grant would—

(A) meet the telemental health care needs of the Indian youth population to be served by the project; or

(B) improve the access of the Indian youth population to be served to suicide prevention and treatment services;

(3) evidence of support for the project from the local community to be served by the project;

(4) a description of how the families and leadership of the communities or populations to be served by the project would be involved in the development and ongoing operations of the project;

(5) a plan to involve the tribal community of the youth who are provided services by the project in planning and evaluating the mental health care and suicide prevention efforts provided, in order to ensure the integration of community, clinical, environmental, and cultural components of the treatment; and

(6) a plan for sustaining the project after Federal assistance for the demonstration project has terminated.

(d) COLLABORATION.—The Secretary, acting through the Service, shall encourage Indian tribes and tribal organizations receiving grants under this section to collaborate to enable comparisons about best practices across projects.

(e) ANNUAL REPORT.—Each grant recipient shall submit to the Secretary an annual report that—

(1) describes the number of telemental health services provided; and

(2) includes any other information that the Secretary may require.

(f) REPORT TO CONGRESS.—Not later than 270 days after the date of termination of the demonstration project, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources and the Committee on Energy and Commerce of the House of Representatives a final report that—

(1) describes the results of the projects funded by grants awarded under this section, including any data available that indicate the number of attempted suicides;

(2) evaluates the impact of the telemental health services funded by the grants in reducing the number of completed suicides among Indian youth;

(3) evaluates whether the demonstration project should be—

(A) expanded to provide more than 5 grants; and

(B) designated a permanent program; and

(4) evaluates the benefits of expanding the demonstration project to include urban Indian organizations.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for each of fiscal years 2008 through 2011.

By Mrs. BOXER:

S. 323. A bill to require persons seeking approval for a liquefied natural gas facility to identify employees and agents engaged in activities to persuade communities of the benefits of the approval; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I rise to discuss liquified natural gas projects in California. As of August of last year, there are five potential liquified natural gas projects in California. The projects include the Cabrillo Deepwater Port LNG Facility, Clearwater Port LNG Project, Long Beach LNG Facility, Ocean Way LNG Terminal, and the Pacific Gateway LNG Facility.

LNG is natural gas in its liquid form. When natural gas is cooled to minus 259 degrees Fahrenheit, it becomes a clear, colorless, odorless liquid. Natural gas is transferred into LNG to transport it more easily.

Although there is a need for natural gas, there are potential safety concerns with the siting of new LNG facilities. According to the California Energy Commission, "LNG hazards result from three of its properties: cryogenic temperatures, dispersion characteristics, and flammability characteristics. The extremely cold LNG can directly cause injury or damage. A vapor cloud, formed by an LNG spill, could drift downwind into populated areas. It can ignite if the concentration of natural gas is between five and 15 percent in air and it encounters an ignition source. An LNG fire gives off a tremendous amount of heat."

This is why many people who live near a potential LNG facility have safety concerns. As a result, many companies try to "sell" the projects to communities.

That is why today I am introducing this common sense bill. This bill is identical to legislation that I introduced in the 109th Congress.

It would require any company seeking Federal Government approval to submit, as part or its application, the names of employees and business agents who are trying to persuade communities of the benefits of the LNG facility.

This bill does not stop anyone from reaching out to local communities. What this bill says is that if you are trying to get approval for an LNG facility, whether on- or off-shore, you have to be public about it. Today, if someone lobbies the federal government, he or she needs to register so their affiliation and interests before the government are publicly known. We should do the same for these projects. As I said, it is common sense.

I urge my colleagues to support this bill. I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IDENTIFICATION OF PROPONENTS OF APPROVAL OF LIQUIFIED NATURAL GAS FACILITIES.

(a) LIQUEFIED NATURAL GAS FACILITIES REQUIRING FERC APPROVAL.—The Federal Energy Regulatory Commission shall—

(1) require an applicant for approval, by the Commission under the Natural Gas Act

(15 U.S.C. 717 et seq.), of the siting, construction, expansion, or operation of a liquefied natural gas facility to identify each of the employees and agents of the applicant that are engaged, directly or indirectly, in activities to persuade communities of the benefits of the approval; and

(2) maintain a publicly available database listing the names of the employees and agents.

(b) Off-Shore Liquified Natural Gas Facilities.—The Secretary of Transportation and the Secretary of the department in which the Coast Guard is operating shall—

(1) require an applicant for approval, by the appropriate Secretary under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), of the siting, construction, expansion, or operation of a liquefied natural gas facility to identify each of the employees and agents of the applicant that are engaged, directly or indirectly, in activities to persuade communities of the benefits of the approval; and

(2) maintain a publicly available database listing the names of the employees and agents.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 324. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, above-average rainfall in New Mexico last summer and recent snow fall have led many to turn a blind eye to the grim water situation faced by our State only months ago. New Mexico was fast approaching a disaster due to drought. Many of our municipalities' wells were running dry and reservoirs were at dangerously low levels. Providence intervened, narrowly averting a crisis resulting from water scarcity.

The development of the centrifugal pump was an event of great significance in the history of the West. Windmill driven pumps provided enough water for a family and several livestock. The centrifugal pump, on the other hand, was capable of pumping eight hundred gallons of water a minute, making possible the habitation of what was previously barren desert. To a large extent, this invention provided the water for growing towns and agricultural industry. However, it also resulted in a great dependence on groundwater. As such, we need to fully understand the nature and extent of our groundwater resources. This bill will provide us with the information necessary to ensure that the water on which we have come to rely is available for years to come.

During times of drought, when surface water is scarce, we must be able to reliably turn to groundwater reserves. Approximately 90 percent of New Mexicans depend on groundwater for drinking water and 77 percent of New Mexicans obtain water exclusively from groundwater sources. While groundwater supplies throughout the State are coming under increasing competition, not enough is known about these resources in order to make sound decisions regarding their use.

Nearly 40 percent of the State's population resides in the Middle Rio Grande Basin. Once thought to contain vast quantities of water, we are now faced with the reality the Middle Rio Grande Basin contains far less water than originally thought. Between 1995 and 2001, the United States Geological Survey undertook a study of the Basin which added greatly to our knowledge regarding the primary source of water for our largest population center. Had we proceeded with our water planning without the information provided by this study, I have little doubt that we would ultimately find ourselves in a dire situation. However, there is much more to be learned about this Basin.

Roughly 65 percent of the State's population lives along the Rio Grande. Also located along the river are the four largest cities in New Mexico: Santa Fe, Albuquerque, Rio Rancho and Las Cruces. While the completion of the San Juan-Chama Diversion by the Albuquerque Bernalillo County Water Utility Authority will allow the County of Bernalillo and City of Albuquerque to take advantage of their allocation of San JuanChama water, the remainder of the cities and counties located along the Rio Grande will continue to receive the majority of their water from aquifers beneath the Rio Grande. Aside from the Middle Rio Grande Basin, we have limited knowledge of the amount of water contained in the aquifers below the Rio Grande, the rate at which they recharge, aquifer contamination, and the interaction between surface flows and ground water.

Elsewhere in the State, even less is understood regarding groundwater resources. While there is limited unallocated surface water in the State, there are significant quantities of untapped underground water in the Tularosa and Salt Basins. The Tularosa Basin is approximately 60 miles wide and 200 miles long. Making the conservative estimate that 10 percent of the water contained in that aquifer is available for use through desalination, it would provide 100 years of water for a city the size of Albuquerque. With the development of desalination technology, I anticipate that even a greater amount of the brackish water contained in the Tularosa Basin will be available for human use.

Another untapped water supply is the Salt Basin located in southern New Mexico. The Basin lies in a geologically complex area and our understanding of the total resource is incomplete. However, initial estimates predict sustainable withdrawals on the order of 100,000 acre-feet per year of potable water from the New Mexico portion of the aquifer. This is enough water to support a city the size of our largest municipal area. Additional brackish resources in that Basin are highly likely. Because the Basin is located near expanding metropolitan areas near the U.S.-Mexico Border, it is a resource of critical importance.

The bill I introduce today would direct the United States Geological Survey, in collaboration with the State of New Mexico, to undertake a groundwater resources study in the State of New Mexico. A comprehensive study of the State's water resources is critical to effective water planning. Absent such a study, I fear that there is a significant likelihood that we may be depleting aquifers at an unsustainable rate.

I thank Senator BINGAMAN for being an original co-sponsor of this legislation. I look forward to working with him to ensure the bill's passage.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Mexico Aquifer Assessment Act of 2007".

SEC. 2. NEW MEXICO WATER RESOURCES STUDY.

(a) In General.—The Secretary of the Interior, acting through the Director of the United States Geological Survey (referred to in this Act as the "Secretary"), in coordination with the State of New Mexico (referred to in this Act as the "State") and any other entities that the Secretary determines to be appropriate (including other Federal agencies and institutions of higher education), shall, in accordance with this Act and any other applicable law, conduct a study of water resources in the State, including—

(1) a survey of groundwater resources, including an analysis of—

(A) aquifers in the State, including the quantity of water in the aquifers;

(B) the availability of groundwater resources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater resources to recharge;

(E) the interaction between groundwater and surface water;

(F) the susceptibility of the aquifers to contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bedrock geology, including the effect of the geology on groundwater yield and quality.

(b) Study Areas.—The study carried out under subsection (a) shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

(c) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the study.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. BINGAMAN (for himself and Mr. VOINOVICH):

S. 325. A bill to provide for innovation in heath care through State initiatives that expand coverage and access and improve quality and efficiency in the health care system; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce bipartisan legislation with Senator VOINOVICH entitled the "Health Partnership Act of 2007," which along with a companion House bill introduced by Representatives TAMMY BALDWIN, JOHN TIERNEY, and TOM PRICE, intends to set us on a path toward affordable, quality health care for all Americans. The Health Partnership Act creates partnerships between the Federal Government, State and local governments, tribes and tribal organizations, private payers, and health care providers to seek innovation in health care systems.

Under this Act, States, local governments, and tribes and tribal governments would be invited to submit applications to the Federal Government for funding to implement expansion and improvements to current health programs for review by a bipartisan "State Health Innovation Commission." Based on funding available through the Federal budget process, the Commission would approve a variety of reform options and innovative approaches.

This federalist approach to health reform would encourage a broad array of reform options subject to monitoring, to determine what is and is not successful. As Supreme Court Justice Louis D. Brandeis wrote in 1932, "It is one of the happy incidents of the federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country."

Our bipartisan legislation, the "Health Partnership Act," encourages this type of State-based innovation and will help the Nation better address both the policy and the politics of health care reform. Currently, we do not have a "one-size-fits-all" model of reform, so encouraging States, local governments, and tribes to adopt a variety of approaches will help us better understand what may or may not work.

Inaction on the growing and related problems of the uninsured and increasing health care costs is unacceptable and unconscionable.

In fact, while spending on health care in our country has reached $2 trillion annually, the number of uninsured has increased to nearly 47 million people, seven million more than in 2000. The consequences are staggering, as uninsured citizens get about half the medical care they need compared to those with health insurance and, according to the Institute of Medicine, about 18,000 unnecessary deaths occur each year in the U.S. because of lack of health insurance.

While gridlock continues to permeate Washington, DC, in regards to this issue, a number of States and local governments are moving ahead with health reform. The "Health Partnership Act" would provide support, in the form of grants, to States, groups of States, local governments, and Indian tribes and tribal organizations to carry out any of a broad range of strategies intended to reduce the number of uninsured, reduce costs, and improve the quality of care.

Responding to urgent needs, State and local governments have not been able to wait for Federal action. We observed this in the early 1990s as States such as New Mexico, Massachusetts, Pennsylvania, Florida, Rhode Island, Hawaii, Maryland, Tennessee, Vermont, and Washington led the way to expanding coverage to children through the enactment of a variety of health reforms. Evaluation proved that some of these programs worked better than others, so the Federal Government took note and responded in 1997 with passage of the "State Children's Health Insurance Program" or SCHIP. This legislation, built upon experiences of the States, enjoyed broad bipartisan support. SCHIP is a popular and successful State-based model that covers millions of children and continues to have broad-based bipartisan support across this Nation.

So, why not use that successful model and build upon it? In fact, State and local governments are already taking up that challenge and the Federal Government should, through the enactment of the "Health Partnership Act," do what it can to be helpful with those efforts. For example—

On November 15, 2005, Illinois Governor Rod Blagojevich signed into law the "Covering All Kids Health Insurance Act" which, beginning in July 2006, intended to make insurance coverage available to all uninsured children.

In April, Massachusetts Governor Mitt Romney signed into law legislation that requires all Bay State residents to have health insurance. Their State experiment involves partnerships between the State Medicaid, employer groups, and insurance companies.

Now California's Governor Schwarzenegger proposes health reform to include health promotion and wellness services for all, insurance coverage, and cost containment measures.

Other States, including New Mexico, Vermont, Tennessee, Maine, West Virginia, Oklahoma, and New York have enacted other health reforms that have had mixed success.

All of these efforts add importantly to our knowledge base, and can then lead to a national solution to our uninsured and affordability crisis. We can learn from each and every one of these efforts, including those which failed.

Commonwealth Fund President Karen Davis said it well by noting that State-based reforms, such as that passed in Massachusetts, are very good news. As she notes, "First, any substantive effort to expand access to coverage is worthwhile, given the growing number of uninsured in this country and the large body of evidence showing the dangerous health implications of lacking coverage."

She adds, "But something more important is at work here. While we urgently need a national solution so that all Americans have insurance, it doesn't appear that we'll be getting one at the Federal level any time soon. So what Massachusetts has done potentially holds lessons for every State." I would add that it holds lessons for the Federal Government as well and not just for the mechanics of implementing health reform policy but also to the politics of health reform.

As she concludes, "One particularly cogent lesson is the manner in which the measure was crafted—via a civil process that successfully brought together numerous players from across the political business, health care delivery, and policy sectors."

Senator VOINOVICH and I have worked together and reached out to like minded colleagues in the House of Representatives via a process much like that described by Karen Davis. The legislation stems from past legislative efforts by Senators such as Bob Graham, Mark Hatfield, and Paul Wellstone, but also from work across ideological lines by Henry Aaron of the Brookings Institution and Stuart Butler of the Heritage Foundation.

The legislation also benefits from advice and support from health care providers. Dr. Tim Garson who, as Dean of the University of Virginia, brought a much needed provider perspective, ensuring support from the House of Medicine. Supporters include the American Medical Association, the American Academy of Pediatrics, the American College of Physicians, the American College of Cardiology, American Gastroenterological Association, the Visiting Nurses Association, the National Association of Community Health Centers, and from state-based health providers such as the New Mexico Medical Society and Ohio Association of Community Health Centers.

The Health Partnership Act supports providers.

The Health Partnership Act received much comment and support from consumer-based groups advocating for national health reform, including that by Dr. Ken Frisof of the Universal Health Care Action Network, Bill Vaughan at Consumers Union, and from numerous health care advocates in New Mexico, including Community Action New Mexico, Health Action New Mexico, Health Care for All Campaign of New Mexico, New Mexico Center on Law and Poverty, New Mexico Health Choices Initiative, New Mexico POZ Coalition, New Mexico Public Health Association, New Mexico Religious Coalition for Reproductive Choice, New Mexico Progressive Alliance for Community Empowerment, and the Health Security for New Mexicans Campaign, which includes 115 State-based organizations.

The Health Partnership Act supports consumers.

Support from stakeholders throughout our Nation's health care system has been sought and I would like to thank the many organizations from New Mexico for their support and input to this legislation. There is great urgency in New Mexico because our State, like all of those along the U.S.-Mexico border, faces a severe health care crisis. Over one in five New Mexicans does not have insurance coverage. In fact, only one State, Texas, has more uninsured. New Mexico is also the only State in the country with greater than half of its population covered by State or federally funded health programs.

A rather shocking statistic, which also continues to worsen, is that one out of every three Hispanic citizens are uninsured. In fact, less than 41 percent of the Hispanic population now has employer-based coverage nationwide, which is in sharp comparison to the 66 percent of non-Hispanic whites who have employer-based coverage.

Because so few New Mexicans have employer-based health insurance, the State of New Mexico has enacted its own health reform plan called the State Coverage Initiative, or SCI, in July 2005. SCI is a public/private partnership intended to expand employer-sponsored insurance, developed in part with grant funding from the Robert Wood Johnson Foundation. As of December 2006, there were 4,256 people covered by this initiative and there are efforts to expand this effort to cover over 20,000 individuals. With Federal support for my State, the hope would be to further expand coverage to as many New Mexicans as possible.

The Health Partnership Act encourages reforms at both the state and local levels of government. Senator VOINOVICH, as former mayor of Cleveland, suggested language that would capture community-based efforts as well. Illinois, Georgia, Michigan, and Oregon have all initiated efforts at the local level for reform, including so-called "three-share" programs in Illinois and Michigan. Under these initiatives, employers, employees, and the community each pick up about one-third of the cost of programs.

Jeaneane Smith, deputy administrator in the Office of Oregon Health Policy and Research was recently quoted by an Academy Health publication stating, "In recent years it has become apparent that there is a need to consider both state- and community-level approaches to improved access. We want to learn how best to support communities as they play an integral part in addressing the gaps in coverage."

The Health Partnership Act supports communities.

Our hope is to spawn innovation. Brookings Institution senior health fellow Henry Aaron and Heritage Foundation vice president Stuart Butler wrote a Health Affairs article in March 2004 that lays out the foundation for this legislative effort. They argue that while we remain unable to reconcile how best to expand coverage at the Federal level, we can agree to support states in their efforts to try widely differing solutions to health coverage, cost containment, and quality improvement. As they write, "this approach offers both a way to improve knowledge about how to reform health care and a practical way to initiate a process of reform. Such a pluralist approach respects the real, abiding differences in politics, preferences, traditions, and institutions across the nation. It also implies a willingness to accept differences over an extended period in order to make progress. And it recognizes that permitting wide diversity can foster consensus by revealing the strengths and exposing the weaknesses of rival approaches."

In addition to Dr. Garson, Mr. Aaron, Mr. Butler, and Dr. Frisof, I would like to express my appreciation to Dan Hawkins at the National Association of Community Health Centers, Bill Vaughan at Consumers Union, and both Jack Meyer and Stan Dorn at ESRI for their counsel and guidance on health reform and this legislation.

I would also like to commend the American College of Physicians, or ACP, for their outstanding leadership on the issue of the uninsured and for their willingness to support a variety of efforts to expand health coverage. ACP has been a longstanding advocate for expanding health coverage and has authored landmark reports on the important role that health insurance has in reducing people's morbidity and mortality. In fact, to cite the conclusion of one of those studies, "Lack of insurance contributes to the endangerment of the health of each uninsured American as well as the collective health of the Nation."

And finally, I would also thank the many people at the Robert Wood Johnson Foundation on their forethought and knowledge on all the issues confronting the uninsured. Their efforts to continue the dialogue on the uninsured has successfully kept the issue alive for many years.

I urge my colleagues to break the gridlock and support this legislation, which offers financial support to states, communities, providers, and consumers, as they adopt important innovations in healthcare coverage and expansion.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Partnership Act".

SEC. 2. STATE HEALTH REFORM PROJECTS.

(a) PURPOSE; ESTABLISHMENT OF STATE HEALTH CARE EXPANSION AND IMPROVEMENT PROGRAM.—The purposes of the programs approved under this section shall include, but not be limited to—

(1) achieving the goals of increased health coverage and access;

(2) ensuring that patients receive high-quality, appropriate health care;

(3) improving the efficiency of health care spending; and

(4) testing alternative reforms, such as building on the public or private health systems, or creating new systems, to achieve the objectives of this Act.

(b) APPLICATIONS BY STATES, LOCAL GOVERNMENTS, AND TRIBES.—

(1) ENTITIES THAT MAY APPLY.—

(A) IN GENERAL.—A State, in consultation with local governments, Indian tribes, and Indian organizations involved in the provision of health care, may apply for a State health care expansion and improvement program for the entire State (or for regions of the State) under paragraph (2).

(B) REGIONAL GROUPS.—A regional entity consisting of more than one State may apply for a multi-State health care expansion and improvement program for the entire region involved under paragraph (2).

(C) DEFINITION.—In this Act, the term "State" means the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. Such term shall include a regional entity described in subparagraph (B).

(2) SUBMISSION OF APPLICATION.—In accordance with this section, each State desiring to implement a State health care expansion and improvement program may submit an application to the State Health Innovation Commission under subsection (c) (referred to in this section as the "Commission") for approval.

(3) LOCAL GOVERNMENT APPLICATIONS.—

(A) IN GENERAL.—Where a State declines to submit an application under this section, a unit of local government of such State, or a consortium of such units of local governments, may submit an application directly to the Commission for programs or projects under this subsection. Such an application shall be subject to the requirements of this section.

(B) OTHER APPLICATIONS.—Subject to such additional guidelines as the Secretary may prescribe, a unit of local government, Indian tribe, or Indian health organization may submit an application under this section, whether or not the State submits such an application, if such unit of local government can demonstrate unique demographic needs or a significant population size that warrants a substate program under this subsection.

(c) STATE HEALTH INNOVATION COMMISSION.—

(1) IN GENERAL.—Within 90 days after the date of the enactment of this Act, the Secretary shall establish a State Health Innovation Commission that shall—

(A) be comprised of—

(i) the Secretary;

(ii) four State governors to be appointed by the National Governors Association on a bipartisan basis;

(iii) two members of a State legislature to be appointed by the National Conference of State Legislators on a bipartisan basis;

(iv) two county officials to be appointed by the National Association of Counties on a bipartisan basis;

(v) two mayors to be appointed by the United States Conference of Mayors and the National League of Cities on a joint and bipartisan basis;

(vi) two individuals to be appointed by the Speaker of the House of Representatives;

(vii) two individuals to be appointed by the Minority Leader of the House of Representatives;

(viii) two individuals to be appointed by the Majority Leader of the Senate;

(ix) two individuals to be appointed by the Minority Leader of the Senate; and

(x) two individuals who are members of federally-recognized Indian tribes to be appointed on a bipartisan basis by the National Congress of American Indians;

(B) upon approval of ⅔ of the members of the Commission, provide the States with a variety of reform options for their applications, such as tax credit approaches, expansions of public programs such as medicaid and the State Children's Health Insurance Program, the creation of purchasing pooling arrangements similar to the Federal Employees Health Benefits Program, individual market purchasing options, single risk pool or single payer systems, health savings accounts, a combination of the options described in this clause, or other alternatives determined appropriate by the Commission, including options suggested by States, Indian tribes, or the public;

(C) establish, in collaboration with a qualified and independent organization such as the Institute of Medicine, minimum performance measures and goals with respect to coverage, quality, and cost of State programs, as described under subsection (d)(1);

(D) conduct a thorough review of the grant application from a State and carry on a dialogue with all State applicants concerning possible modifications and adjustments;

(E) submit the recommendations and legislative proposal described in subsection (d)(4)(B);

(F) be responsible for monitoring the status and progress achieved under program or projects granted under this section;

(G) report to the public concerning progress made by States with respect to the performance measures and goals established under this Act, the periodic progress of the State relative to its State performance measures and goals, and the State program application procedures, by region and State jurisdiction;

(H) promote information exchange between States and the Federal Government; and

(I) be responsible for making recommendations to the Secretary and the Congress, using equivalency or minimum standards, for minimizing the negative effect of State program on national employer groups, provider organizations, and insurers because of differing State requirements under the programs.

(2) PERIOD OF APPOINTMENT; REPRESENTATION REQUIREMENTS; VACANCIES.—Members shall be appointed for a term of 5 years. In appointing such members under paragraph (1)(A), the designated appointing individuals shall ensure the representation of urban and rural areas and an appropriate geographic distribution of such members. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) CHAIRPERSON, MEETINGS.—

(A) CHAIRPERSON.—The Commission shall select a Chairperson from among its members.

(B) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(C) MEETINGS.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting. The Commission shall meet at the call of the Chairperson.

(4) POWERS OF THE COMMISSION.—

(A) NEGOTIATIONS WITH STATES.—The Commission may conduct detailed discussions and negotiations with States submitting applications under this section, either individually or in groups, to facilitate a final set of recommendations for purposes of subsection (d)(4)(B). Such negotiations shall include consultations with Indian tribes, and be conducted in a public forum.

(B) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subsection.

(C) MEETINGS.—In addition to other meetings the Commission may hold, the Commission shall hold an annual meeting with the participating States under this section for the purpose of having States report progress toward the purposes in subsection (a)(1) and for an exchange of information.

(D) INFORMATION.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subsection. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission if the head of the department or agency involved determines it appropriate.

(E) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) PERSONNEL MATTERS.—

(A) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government or of a State or local government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(C) STAFF.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(E) TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(6) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $3,000,000 for fiscal year 2007 and each fiscal year thereafter.

(d) REQUIREMENTS FOR PROGRAMS.—

(1) STATE PLAN.—A State that seeks to receive a grant under subsection (f) to operate a program under this section shall prepare and submit to the Commission, as part of the application under subsection (b), a State health care plan that shall have as its goal improvements in coverage, quality and costs. To achieve such goal, the State plan shall comply with the following:

(A) COVERAGE.—With respect to coverage, the State plan shall—

(i) provide and describe the manner in which the State will ensure that an increased number of individuals residing within the State will have expanded access to health care coverage with a specific 5-year target for reduction in the number of uninsured individuals through either private or public program expansion, or both, in accordance with the options established by the Commission;

(ii) describe the number and percentage of current uninsured individuals who will achieve coverage under the State health program;

(iii) describe the minimum benefits package that will be provided to all classes of beneficiaries under the State health program;

(iv) identify Federal, State, or local and private programs that currently provide health care services in the State and describe how such programs could be coordinated with the State health program, to the extent practicable; and

(v) provide for improvements in the availability of appropriate health care services that will increase access to care in urban, rural, and frontier areas of the State with medically underserved populations or where there is an inadequate supply of health care providers.

(B) QUALITY.—With respect to quality, the State plan shall—

(i) provide a plan to improve health care quality in the State, including increasing effectiveness, efficiency, timeliness, patient focused, equity while reducing health disparities, and medical errors; and

(ii) contain appropriate results-based quality indicators established by the Commission that will be addressed by the State as well as State-specific quality indicators.

(C) COSTS.—With respect to costs, the State plan shall—

(i) provide that the State will develop and implement systems to improve the efficiency of health care, including a specific 5-year target for reducing administrative costs (including paperwork burdens);

(ii) describe the public and private sector financing to be provided for the State health program;

(iii) estimate the amount of Federal, State, and local expenditures, as well as, the costs to business and individuals under the State health program;

(iv) describe how the State plan will ensure the financial solvency of the State health program; and

(v) provide that the State will prepare and submit to the Secretary and the Commission such reports as the Secretary or Commission may require to carry out program evaluations.

(D) HEALTH INFORMATION TECHNOLOGY.—With respect to health information technology, the State plan shall provide methodology for the appropriate use of health information technology to improve infrastructure, such as improving the availability of evidence-based medical and outcomes data to providers and patients, as well as other health information (such as electronic health records, electronic billing, and electronic prescribing).

(2) TECHNICAL ASSISTANCE.—The Secretary shall, if requested, provide technical assistance to States to assist such States in developing applications and plans under this section, including technical assistance by private sector entities if determined appropriate by the Commission.

(3) INITIAL REVIEW.—With respect to a State application for a grant under subsection (b), the Secretary and the Commission shall complete an initial review of such State application within 60 days of the receipt of such application, analyze the scope of the proposal, and determine whether additional information is needed from the State. The Commission shall advise the State within such period of the need to submit additional information.

(4) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 90 days after completion of the initial review under paragraph (3), the Commission shall determine whether to submit a State proposal to Congress for approval.

(B) VOTING.—

(i) IN GENERAL.—The determination to submit a State proposal to Congress under subparagraph (A) shall be approved by ⅔ of the members of the Commission who are eligible to participate in such determination subject to clause (ii).

(ii) ELIGIBILITY.—A member of the Commission shall not participate in a determination under subparagraph (A) if—

(I) in the case of a member who is a Governor, such determination relates to the State of which the member is the Governor; or

(II) in the case of member not described in subclause (I), such determination relates to the geographic area of a State of which such member serves as a State or local official.

(C) SUBMISSION.—Not later than 90 days prior to October 1 of each fiscal year, the Commission shall submit to Congress a list, in the form of a legislative proposal, of the State applications that the Commission recommends for approval under this section.

(D) APPROVAL.—With respect to a fiscal year, a State proposal that has been recommended under subparagraph (B) shall be deemed to be approved, and subject to the availability of appropriations, Federal funds shall be provided to such program, unless a joint resolution has been enacted disapproving such proposal as provided for in subsection (e). Nothing in the preceding sentence shall be construed to include the approval of State proposals that involve waivers or modifications in applicable Federal law.

(5) PROGRAM OR PROJECT PERIOD.—A State program or project may be approved for a period of 5 years and may be extended for subsequent 5-year periods upon approval by the Commission and the Secretary, based upon achievement of targets, except that a shorter period may be requested by a State and granted by the Secretary.

(e) EXPEDITED CONGRESSIONAL CONSIDERATION.—

(1) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(A) INTRODUCTION.—The legislative proposal submitted pursuant to subsection (d)(4)(B) shall be in the form of a joint resolution (in this subsection referred to as the "resolution"). Such resolution shall be introduced in the House of Representatives by the Speaker, and in the Senate, by the Majority Leader, immediately upon receipt of the language and shall be referred to the appropriate committee of Congress. If the resolution is not introduced in accordance with the preceding sentence, the resolution may be introduced in either House of Congress by any member thereof.

(B) COMMITTEE CONSIDERATION.—A resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means of the House of Representatives. A resolution introduced in the Senate shall be referred to the Committee on Finance of the Senate. Not later than 15 calendar days after the introduction of the resolution, the committee of Congress to which the resolution was referred shall report the resolution or a committee amendment thereto. If the committee has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a resolution, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such reform bill and such reform bill shall be placed on the appropriate calendar of the House involved.

(2) EXPEDITED PROCEDURE.—

(A) CONSIDERATION.—Not later than 5 days after the date on which a committee has been discharged from consideration of a resolution, the Speaker of the House of Representatives, or the Speaker's designee, or the Majority Leader of the Senate, or the Leader's designee, shall move to proceed to the consideration of the committee amendment to the resolution, and if there is no such amendment, to the resolution. It shall also be in order for any member of the House of Representatives or the Senate, respectively, to move to proceed to the consideration of the resolution at any time after the conclusion of such 5-day period. All points of order against the resolution (and against consideration of the resolution) are waived. A motion to proceed to the consideration of the resolution is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the resolution, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the House of Representatives or the Senate, as the case may be, shall immediately proceed to consideration of the resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the House of Representatives or the Senate, as the case may be, until disposed of.

(B) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the resolution that was introduced in such House, such House receives from the other House a resolution as passed by such other House—

(i) the resolution of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under clause (iii);

(ii) the procedure in the House in receipt of the resolution of the other House, with respect to the resolution that was introduced in the House in receipt of the resolution of the other House, shall be the same as if no resolution had been received from the other House; and

(iii) notwithstanding clause (ii), the vote on final passage shall be on the reform bill of the other House.

Upon disposition of a resolution that is received by one House from the other House, it shall no longer be in order to consider the resolution bill that was introduced in the receiving House.

(C) CONSIDERATION IN CONFERENCE.—Immediately upon a final passage of the resolution that results in a disagreement between the two Houses of Congress with respect to the resolution, conferees shall be appointed and a conference convened. Not later than 10 days after the date on which conferees are appointed, the conferees shall file a report with the House of Representatives and the Senate resolving the differences between the Houses on the resolution. Notwithstanding any other rule of the House of Representatives or the Senate, it shall be in order to immediately consider a report of a committee of conference on the resolution filed in accordance with this subclause. Debate in the House of Representatives and the Senate on the conference report shall be limited to 10 hours, equally divided and controlled by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives or their designees and the Majority and Minority Leaders of the Senate or their designees. A vote on final passage of the conference report shall occur immediately at the conclusion or yielding back of all time for debate on the conference report.

(3) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(4) LIMITATION.—The amount of Federal funds provided with respect to any State proposal that is deemed approved under subsection (d)(3) shall not exceed the cost provided for such proposals within the concurrent resolution on the budget as enacted by Congress for the fiscal year involved.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary shall provide a grant to a State that has an application approved under subsection (b) to enable such State to carry out an innovative State health program in the State.

(2) AMOUNT OF GRANT.—The amount of a grant provided to a State under paragraph (1) shall be determined based upon the recommendations of the Commission, subject to the amount appropriated under subsection (k).

(3) PERFORMANCE-BASED FUNDING ALLOCATION AND PRIORITIZATION.—In awarding grants under paragraph (1), the Secretary shall—

(A) fund a diversity of approaches as provided for by the Commission in subsection (c)(1)(B);

(B) give priority to those State programs that the Commission determines have the greatest opportunity to succeed in providing expanded health insurance coverage and in providing children, youth, and other vulnerable populations with improved access to health care items and services; and

(C) link allocations to the State to the meeting of the goals and performance measures relating to health care coverage, quality, and health care costs established under this Act through the State project application process.

(4) MAINTENANCE OF EFFORT.—A State, in utilizing the proceeds of a grant received under paragraph (1), shall maintain the expenditures of the State for health care coverage purposes for the support of direct health care delivery at a level equal to not less than the level of such expenditures maintained by the State for the fiscal year preceding the fiscal year for which the grant is received.

(5) REPORT.—At the end of the 5-year period beginning on the date on which the Secretary awards the first grant under paragraph (1), the State Health Innovation Advisory Commission established under subsection (c) shall prepare and submit to the appropriate committees of Congress, a report on the progress made by States receiving grants under paragraph (1) in meeting the goals of expanded coverage, improved quality, and cost containment through performance measures established during the 5-year period of the grant. Such report shall contain the recommendation of the Commission concerning any future action that Congress should take concerning health care reform, including whether or not to extend the program established under this subsection.

(g) MONITORING AND EVALUATION.—

(1) ANNUAL REPORTS AND PARTICIPATION BY STATES.—Each State that has received a program approval shall—

(A) submit to the Commission an annual report based on the period representing the respective State's fiscal year, detailing compliance with the requirements established by the Commission and the Secretary in the approval and in this section; and

(B) participate in the annual meeting under subsection (c)(4)(B).

(2) EVALUATIONS BY COMMISSION.—The Commission, in consultation with a qualified and independent organization such as the Institute of Medicine, shall prepare and submit to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce, the Committee on Education and Labor, and the Committee on Ways and Means of the House of Representatives annual reports that shall contain—

(A) a description of the effects of the reforms undertaken in States receiving approvals under this section;

(B) a description of the recommendations of the Commission and actions taken based on these recommendations;

(C) an evaluation of the effectiveness of such reforms in—

(i) expanding health care coverage for State residents;

(ii) improving the quality of health care provided in the States; and

(iii) reducing or containing health care costs in the States;

(D) recommendations regarding the advisability of increasing Federal financial assistance for State ongoing or future health program initiatives, including the amount and source of such assistance; and

(E) as required by the Commission or the Secretary under subsection (f)(5), a periodic, independent evaluation of the program.

(h) NONCOMPLIANCE.—

(1) CORRECTIVE ACTION PLANS.—If a State is not in compliance with a requirements of this section, the Secretary shall develop a corrective action plan for such State.

(2) TERMINATION.—For good cause and in consultation with the Commission, the Secretary may revoke any program granted under this section. Such decisions shall be subject to a petition for reconsideration and appeal pursuant to regulations established by the Secretary.

(i) RELATIONSHIP TO FEDERAL PROGRAMS.—

(1) IN GENERAL.—Nothing in this Act, or in section 1115 of the Social Security Act (42 U.S.C. 1315) shall be construed as authorizing the Secretary, the Commission, a State, or any other person or entity to alter or affect in any way the provisions of title XIX of such Act (42 U.S.C. 1396 et seq.) or the regulations implementing such title.

(2) MAINTENANCE OF EFFORT.—No payment may be made under this section if the State adopts criteria for benefits, income, and resource standards and methodologies for purposes of determining an individual's eligibility for medical assistance under the State plan under title XIX that are more restrictive than those applied as of the date of enactment of this Act.

(j) MISCELLANEOUS PROVISIONS.—

(1) APPLICATION OF CERTAIN REQUIREMENTS.—

(A) RESTRICTION ON APPLICATION OF PREEXISTING CONDITION EXCLUSIONS.—

(i) IN GENERAL.—Subject to subparagraph (B), a State shall not permit the imposition of any preexisting condition exclusion for covered benefits under a program or project under this section.

(ii) GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE.—If the State program or project provides for benefits through payment for, or a contract with, a group health plan or group health insurance coverage, the program or project may permit the imposition of a preexisting condition exclusion but only insofar and to the extent that such exclusion is permitted under the applicable provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 and title XXVII of the Public Health Service Act.

(B) COMPLIANCE WITH OTHER REQUIREMENTS.—Coverage offered under the program or project shall comply with the requirements of subpart 2 of part A of title XXVII of the Public Health Service Act insofar as such requirements apply with respect to a health insurance issuer that offers group health insurance coverage.

(2) PREVENTION OF DUPLICATIVE PAYMENTS.—

(A) OTHER HEALTH PLANS.—No payment shall be made to a State under this section for expenditures for health assistance provided for an individual to the extent that a private insurer (as defined by the Secretary by regulation and including a group health plan (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974), a service benefit plan, and a health maintenance organization) would have been obligated to provide such assistance but for a provision of its insurance contract which has the effect of limiting or excluding such obligation because the individual is eligible for or is provided health assistance under the plan.

(B) OTHER FEDERAL GOVERNMENTAL PROGRAMS.—Except as provided in any other provision of law, no payment shall be made to a State under this section for expenditures for health assistance provided for an individual to the extent that payment has been made or can reasonably be expected to be made promptly (as determined in accordance with regulations) under any other federally operated or financed health care insurance program, other than an insurance program operated or financed by the Indian Health Service, as identified by the Secretary. For purposes of this paragraph, rules similar to the rules for overpayments under section 1903(d)(2) of the Social Security Act shall apply.

(3) APPLICATION OF CERTAIN GENERAL PROVISIONS.—The following sections of the Social Security Act shall apply to States under this section in the same manner as they apply to a State under such title XIX:

(A) TITLE XIX PROVISIONS.—

(i) Section 1902(a)(4)(C) (relating to conflict of interest standards).

(ii) Paragraphs (2), (16), and (17) of section 1903(i) (relating to limitations on payment).

(iii) Section 1903(w) (relating to limitations on provider taxes and donations).

(iv) Section 1920A (relating to presumptive eligibility for children).

(B) TITLE XI PROVISIONS.—

(i) Section 1116 (relating to administrative and judicial review), but only insofar as consistent with this title.

(ii) Section 1124 (relating to disclosure of ownership and related information).

(iii) Section 1126 (relating to disclosure of information about certain convicted individuals).

(iv) Section 1128A (relating to civil monetary penalties).

(v) Section 1128B(d) (relating to criminal penalties for certain additional charges).

(vi) Section 1132 (relating to periods within which claims must be filed).

(4) RELATION TO OTHER LAWS.—

(A) HIPAA.—Health benefits coverage provided under a State program or project under this section shall be treated as creditable coverage for purposes of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and subtitle K of the Internal Revenue Code of 1986.

(B) ERISA.—Nothing in this section shall be construed as affecting or modifying section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) with respect to a group health plan (as defined in section 2791(a)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(a)(1))).

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary in each fiscal year. Amounts appropriated for a fiscal year under this subsection and not expended may be used in subsequent fiscal years to carry out this section.

Mr. VOINOVICH. Mr. President, I rise to speak about a bill my colleague Senator BINGAMAN and I introduced today, the Health Care Partnership Act. For too many years, I have listened to my colleagues on both sides of the aisle talk about the rising cost of health care and the growing number of uninsured Americans. Yet, at the Federal level we have made little progress toward a solution for improving access to quality, affordable health care. I believe it is the greatest domestic challenge facing our Nation. In fact, the rising cost of health care is a major part of what is hurting our competitiveness in the global marketplace.

While surveys have indicated that health insurance premiums have stabilized—a 9.2 percent increase in 2006 the same increase as in 2005 and compared with; 12.3 percent in 2004; 14.7 percent in 2003 and 15.2 percent in 2002—health insurance costs continue to be a significant factor impacting American competitiveness. In addition, the share of costs that individuals have paid for employer sponsored insurance has risen roughly 2 percent each year, from 31.4 percent of health care costs in 2001 to 38.4 percent this year.

In fact, spending on health care in the United States reached $2 trillion in 2005—16 percent of our GDP—the largest share ever.

Yet, despite all the spending some 45 million Americans—15 percent of the population—had no health insurance at some point last year. This number has increased steadily. In 2000, that number was 39.8 million. In 2002 it was 43.6 million.

These statistics are startling, and it is beyond time that we do something about them.

The bill Senator BINGAMAN and I are introducing today aims to break the log-jam here in Washington and allows States to experiment the way we did with welfare reform when I was Governor of Ohio. This bill would support State-based efforts to reduce the uninsured, reduce costs, improve quality, improve access to care, and expand information technology.

I have been in this situation before. As Governor of Ohio, I had to work creatively to expand coverage and deal with increasing health care costs for a growing number of uninsured Ohioans. I am happy to report that we were able to make some progress toward reducing the number of uninsured during my time as the head of the State by negotiating with the State unions to move to managed care; by controlling Medicaid costs to the point where from 1995 to 1998, due to good stewardship and management, Ohio ended up underspending on Medicaid without harming families; and implementing the S-CHIP program to provide coverage for uninsured children. In fact, I recently learned from the Cuyahoga Commissioners that in our county, 98 percent of eligible children are currently enrolled in this program.

Like we did in Ohio, a number of States are already actively pursuing efforts to reduce the number of their residents who lack adequate health care coverage. This bill will build on the goals of States like Massachusetts, California and others, while providing a mechanism to analyze results and make recommendations for future action on the Federal level.

Under the Health Partnership Act, Congress would authorize grants to individual States, groups of States, and Indian tribes and organizations to carry out any of a broad range of strategies to improve our Nation's health care delivery. The bill creates a mechanism for States to apply for grants to a bipartisan "State Health Innovation Commission" housed at the Department of Health and Human Services, HHS. After reviewing the State proposals, the Commission would submit to Congress a list of recommended State applications. The Commission would also recommend the amount of Federal grant money each State should receive to carry out the actions described in their plan.

Most importantly, at the end of the 5-year period, the Commission would be required to report to Congress whether the States are meeting the goals of the act and recommend future action Congress should take concerning overall reform, including whether or not to extend the program.

I believe it is important that we pass this legislation and provide a platform from which we can have a thoughtful conversation about health care reform at the Federal level.

Since I have been in the Senate, Congress has made some progress toward improving health care, most notably for our 43 million seniors with the passage of the Medicare Modernization Act.

Yet, we have been at this too long here in Washington without comprehensive, meaningful results. It is my hope that we will have bipartisan support for this very bipartisan comprehensive bill that I hope will move us closer toward a solution to the uninsured.

By Mrs. LINCOLN (for herself, Mr. THOMAS, Mr. BINGAMAN, Mr. DURBIN, Ms. MIKULSKI, Mr. AKAKA, Mr. PRYOR, Ms. KLOBUCHAR, Mr. ENZI, Mr. HARKIN, Mr. ROCKEFELLER, and Mr. KERRY):

S. 326. A bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise today with my colleague, Senator CRAIG THOMAS, to introduce the Disabled Veterans Tax Fairness Act of 2007. This much-needed legislation would protect disabled veterans from being unfairly taxed on the benefits to which they are entitled, simply because their disability claims were not processed in a timely manner. This legislation is supported by the Military Coalition, a group representing more than 5.5 million members of the uniformed services and their families.

While the Department of Veterans Affairs, VA, resolves most of its filed disability claims in less than a year, there are also instances of lost paperwork, administrative errors, and appeals of rejected claims that often delay thousands of disability awards for years on end. When this occurs, disability compensation is awarded retroactively and for tax purposes, a disabled veteran's previously received taxable military retiree pay is re-designated as nontaxable disability compensation. Thereby, the disabled veteran is entitled to a refund of taxes paid and must file an amended tax return for each applicable year.

However, under current law the IRS Code bars the filing of amended returns beyond the last 3 tax years. As a result, many of our disabled veterans are denied the opportunity to file a claim for repayment of additional years of back taxes already paid—through no fault of their own—even though the IRS owes them a refund for the taxes that were originally paid on their retiree pay.

The Disabled Veterans Tax Fairness Act of 2007 would add an exception to the IRS statute of limitations for amending returns. This exception would allow disabled veterans whose disability claims have been pending for more than 3 years to receive refunds on previous taxes paid for up to 5 years—the length of time the IRS keeps these records. Affected veterans would have 1 year from the date the VA determination is issued to go back and amend previous years' tax returns.

My father and grandfather both served our Nation in uniform and they taught me from an early age about the sacrifices our troops and their families have made to keep our Nation free. This is particularly true for our disabled veterans. During a time when a grateful nation should be doing everything it can to honor those who have sacrificed so greatly on our behalf, the very least it can do is ensure they and their families are not unjustly penalized simply because of bureaucratic inefficiencies or administrative delays which are beyond their control. This situation is unacceptable and our veterans deserve better.

That is why I am proud to reintroduce this legislation today to provide relief to our Nation's veterans. It is the least we can do for those whom we owe so much, and it is the least we can do to reassure future generations that a grateful nation will not forget them when their military service is complete.

By Mr. McCAIN (for himself and Mr. SALAZAR):

S. 327. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

Mr. McCAIN. Mr. President, I am pleased to be joined today by Senator SALAZAR in reintroducing the Cesar Estrada Chavez Study Act. A similar version of this bill was introduced by Congresswoman HILDA SOLIS last week. This legislation, which is identical to the bill we introduced in the 109th Congress and passed the Senate by unanimous consent during the 108th Congress, would authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Chavez. The bill would direct the Secretary of the Interior to determine whether any of the sites significant to Chavez's life meet the criteria for being listed on the National Register of Historic Landmarks. The goal of this legislation is to establish a foundation for future legislation that would then designate land for the appropriate sites to become historic landmarks.

Mr. Chavez's legacy is an inspiration to us all and he will be remembered for helping Americans to transcend distinctions of experience and share equally in the rights and responsibilities of freedom. It is important that we honor his struggle and do what we can to preserve appropriate landmarks that are significant to his life. This legislation has received an overwhelming positive response, not only from my fellow Arizonans, but from Americans all across the Nation. It has also received an endorsement from the Congressional Hispanic Caucus.

Cesar Chavez, an Arizonan born in Yuma, was the son of migrant farm workers. While his formal education ended in the eighth grade, his insatiable intellectual curiosity and determination helped make him known as one of the great American leaders for his successes in ensuring migrant farm workers were treated fairly and honestly. His efforts on behalf of some of the most oppressed individuals in our society is an inspiration, and through his work he made America a bigger and better nation.

While Chavez and his family migrated across the southwest looking for farm work, he evolved into a advocate of migrant farm workers. He founded the National Farm Workers Association in 1962, which later became the United Farm Workers of America. He gave a voice to those who had no voice. In his words, "We cannot seek achievement for ourselves and forget about progress and prosperity for our community . . . our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own."

Cesar Chavez was a humble man of deep conviction who understood what it meant to serve and sacrifice for others. His motto in life "It Can Be Done," epitomizes his life's work and continues to be a positive influence on so many of us. Honoring the places of his life will enable his legacy to inspire and serve as an example for our future leaders.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 31—EXPRESSING SUPPORT FOR DEMOCRATIC FORCES IN SERBIA AND ENCOURAGING THE PEOPLE OF SERBIA TO REMAIN COMMITTED TO A DEMOCRATIC PATH

Mr. VOINOVICH (for himself, Mr. LUGAR, Mr. HAGEL, and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 31

Whereas, in September 2000, the people of Serbia fought for democracy by going to the streets to hold protests and rallies until President Slobodan Milosevic was removed from power and the Government of Serbia was handed over to democratic forces;

Whereas, in the following years, the democratic leadership of Serbia worked to establish a democratic society, functional rule of law, a free market economy, and respect for human and minority rights;

Whereas the President of Serbia, Boris Tadic, has expressed publicly his commitment to the principles of democracy and the dream of leading Serbia forward on this path;

Whereas Serbia is a member of several international organizations and has voiced its desire to become a member of the European Union (EU);

Whereas Serbia has enacted several military and defense reforms to strengthen ties to its Western allies and the North Atlantic Treaty Organisation (NATO) Alliance;

Whereas, on September 7, 2006, Serbia signed a Status of Forces Agreement with the United States Government to facilitate Serbia's participation in joint military exercises and training;

Whereas, on September 8, 2006, President Tadic commemorated the beginning of Serbia's participation in the National Guard State Partnership Program with the Ohio National Guard;

Whereas, on December 14, 2006, Serbia was granted accession to the NATO Partnership for Peace (PfP) program, along with its neighbors, Bosnia and Herzegovina and Montenegro, initiating formal cooperation between NATO and Serbia;

Whereas Serbia has transferred 36 individuals indicted for war crimes to the International Criminal Tribunal for the former Yugoslavia (ICTY), including Milosevic and some of his top officials, and provided thousands of documents to the Office of the Prosecutor of the ICTY;

Whereas Serbia has taken some additional steps, under the supervision of the ICTY and the international community, to enact judicial reforms and establish special courts to try individuals indicted for war crimes in Kosovo, Bosnia, and Croatia;

Whereas Serbia has failed to arrest war criminal Ratko Mladic for the horrific crimes he committed at Srebrenica in Bosnia and Herzegovina, which prevented Serbia's earlier participation in the PfP program and its progression in EU accession talks;

Whereas, on January 21, 2007, Serbia will hold democratic parliamentary elections to determine Serbia's future leadership at this critical juncture in Serbia's history;

Whereas Albanian parties in southern Serbia will participate in the parliamentary elections for the first time in over 15 years; and

Whereas a strong, stable, and democratic Serbia is critical to the future of the region: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should be committed to a strong relationship with a democratic Serbia as Serbia moves toward its goals of membership in the European Union (EU) and cooperation with the North Atlantic Treaty Organisation (NATO);

(2) the inclusion of Serbia in the NATO Partnership for Peace Program was a critical step in bringing Serbia closer to the Euro-Atlantic Alliance;

(3) Serbia will now have the opportunity to enact defense reforms and apply for a Membership Action Plan for NATO;

(4) Serbia should continue its progress on reform, including defense and judiciary reforms and reforms in the area of human and minority rights;

(5) Serbia should move quickly to fulfill its obligations to the International Criminal Tribunal for the former Yugoslavia, including by immediately arresting Ratko Mladic and transferring him to the Hague because this step is essential for Serbia to be admitted into the EU and NATO;

(6) as Serbia continues to work toward integration in Euro-Atlantic institutions, the United States should continue and increase its defense and security cooperation with the Government of Serbia, including through education, training, and technical cooperation, to assist Serbia in the reform process and in fulfilling the requirements for membership in NATO; and

(7) the United States should remain a friend to the people of Serbia as they continue on the path of democracy.

SENATE RESOLUTION 32—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY (for himself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 32

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2007, through September 30, 2007, and October 1, 2007, through September 30, 2008, and October

1, 2008, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2.

(a) The expense of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $1,373,063, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $2,405,349, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, organizations thereof (as authorized by section 292(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $1,021,186, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3.

The committee may report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007.

SEC. 4.

Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5.

There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007, October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE CONCURRENT RESOLUTION 2—EXPRESSING THE BIPARTISAN RESOLUTION ON IRAQ

Mr. BIDEN (for himself, Mr. HAGEL, Mr. LEVIN, and Ms. SNOWE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 2

Whereas the United States strategy and presence on the ground in Iraq can only be sustained with the support of the American people and bipartisan support from Congress;

Whereas maximizing chances of success in Iraq should be our goal, and the best chance of success requires a change in current strategy;

Whereas the situation in Iraq is damaging the standing, influence, and interests of the United States in Iraq, the Middle East, and around the world;

Whereas more than 137,000 United States military personnel are bravely and honorably serving in Iraq and deserve the support of all Americans;

Whereas more than 3,000 United States military personnel have already lost their lives in Iraq, and more than 22,500 have been wounded in Iraq;

Whereas on January 10, 2007, President George W. Bush announced his plan to deepen the United States military involvement in Iraq by deploying approximately 21,000 additional United States combat forces to Iraq;

Whereas Iraq is witnessing widening sectarian and intra-sectarian violence;

Whereas Iraqis must reach a political settlement if there is going to be a reconciliation in Iraq, and the failure of the Iraqis to achieve such a settlement has led to the increase in violence in Iraq;

Whereas Iraq Prime Minister Nouri al-Maliki stated on November 27, 2006, that "[t]he crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians.";

Whereas an open-ended commitment of United States forces in Iraq is unsustainable and a deterrent to the Iraqis making the political compromises and providing the personnel and resources that are needed for violence to end and for stability and security to be achieved in Iraq;

Whereas the responsibility for internal security and halting sectarian violence in Iraq must rest primarily with the Government of Iraq and Iraqi security forces;

Whereas there have been repeated promises by the Government of Iraq to assume a greater share of security responsibilities, disband militias, consider amendments to the Iraq constitution, enact laws to reconcile sectarian differences, and improve the quality of life for the Iraqi people, but those promises have not been kept;

Whereas a successful strategy in Iraq is dependent upon the Iraqi leaders fulfilling their promises;

Whereas the commander of the United States Central Command, General John Abizaid, testified to Congress on November 15, 2006, that "[i]t's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from taking more responsibility for their own future";

Whereas the Iraq Study Group suggested a comprehensive strategy to "enable the United States to begin to move its combat forces out of Iraq responsibly" based on "new and enhanced diplomatic and political efforts in Iraq and the region";

Whereas the United States Army and Marine Corps, including their Reserves and the Army National Guard, their personnel, and their families, are under enormous strain from multiple, extended deployments to Iraq and Afghanistan;

Whereas the majority of nondeployed Army and Marine Corps units are no longer combat ready due to a lack of equipment and insufficient time to train; and

Whereas the United States strategy in Iraq must not compromise the ability of the United States to address other vital national security priorities, in particular global terror networks, proliferation of weapons of mass destruction, regional stability in the Middle East, the nuclear program of Iran, the nuclear weapons of North Korea, and stability and security in Afghanistan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) it is not in the national interest of the United States to deepen its military involvement in Iraq, particularly by escalating the United States military force presence in Iraq;

(2) the primary objective of United States strategy in Iraq should be to have the Iraqi political leaders make the political compromises necessary to end the violence in Iraq;

(3) greater concerted regional, and international support would assist the Iraqis in achieving a political solution and national reconciliation;

(4) main elements of the mission of United States forces in Iraq should transition to helping ensure the territorial integrity of Iraq, conduct counterterrorism activities, reduce regional interference in the internal affairs of Iraq, and accelerate training of Iraqi troops;

(5) the United States should transfer, under an appropriately expedited timeline, responsibility for internal security and halting sectarian violence in Iraq to the Government of Iraq and Iraqi security forces; and

(6) the United States should engage nations in the Middle East to develop a regional, internationally-sponsored peace and reconciliation process for Iraq.

Mr. BIDEN. Mr. President, today, Senator HAGEL, Senator LEVIN, and I are submitting a bipartisan resolution that opposes the President's plan to escalate the war in Iraq.

This resolution says what we and many of our colleagues, Democrats and Republicans, are against: deepening America's military involvement in Iraq by escalating our troop presence.

Just as important, it says what we and many of our colleagues are for: a strategy that can produce a political settlement in Iraq.

That's the only way to stop Shiites and Sunnis from killing each other and allow our troops to leave Iraq without leaving chaos behind.

Last week, when Secretary of State Rice presented the President's plan to escalate our troop presence in Iraq to the Foreign Relations Committee, the reaction from Democrats and Republicans alike ranged from profound skepticism to outright opposition.

This resolution will give every Senator a chance to say where he or she stands on the President's plan.

I believe that when a President goes way off course on something as important as Iraq, the single most effective way to get him to change course is to demonstrate that his policy has waning or no support—from both parties.

The more we make Iraq a partisan issue, the more the President is likely to dig in. The more we show that Americans across the board don't want to go down the path of escalation, the better our chance to stop it.

Iraq is not a partisan issue. It's a challenge we must meet as Americans.

The very first sentence of our resolution says something the three of us believe profoundly: "U.S. strategy and presence on the ground in Iraq can only be sustained with the support of the American people and the bipartisan support of Congress."

This resolution will demonstrate that, right now, the support is not there for the President's policy in Iraq. The sooner he recognizes that reality and acts on it, the better off all of us will be.

Mr. HAGEL. Mr. President, we have before us one of the most important issues that has ever faced our country, certainly in modern times. The future of Iraq will affect the United States, the Middle East, and the world for decades to come.

No one in Congress and no one in the United States wants to see America humiliated, defeated, or in any way lose its purpose. The issue of Iraq involves all of us. The Congress of the United States must have a role to play.

Our responsibility is to join together in a bipartisan effort to work to develop a consensus to deal with the great challenges of our time. I know of no challenge that is greater today, before this country, than Iraq. When a Nation commits its men and women to war, it is the greatest challenge that any of us will ever deal with in our time in the Congress.

We owe it to the American people to help find a bipartisan consensus of purpose, to help develop a policy worthy of our men and women in uniform. The American people not only deserve but they expect a consensus. This resolution is not about trying to assign blame on the Administration. It is not about replaying past mistakes. This resolution is about moving forward. It is difficult but it is our responsibility.

Some of us believe that the course that the President announced Wednesday was not the appropriate course. I do not believe that the United States should be sending more American troops into the middle of the tribal, sectarian civil war that is occurring in Iraq.

Senators BIDEN, LEVIN, and I have focused personally on writing this resolution because we felt it must reflect a responsible, forward-looking, and constructive approach. We must remain focused on a strategy which seeks to advance America's national interests and allow America to leave Iraq honorably.

The American people look to its government for responsible policy. A policy that can be sustained. A policy that reflects a clear consensus of purpose regarding our objectives, our strategy and our policies. This is what our resolution seeks to achieve.

Mr. LEVIN. Mr. President, the primary objective of the bipartisan resolution my colleagues and I are introducing today is to convince a bipartisan majority of Senators to oppose deeper military involvement in Iraq by the United States and to get the Iraqis to reach a political settlement among themselves as the only way to end the violence in Iraq.

The resolution would send a clear message that Congress does not support the plan to increase the number of U.S. troops in Iraq because it is based on the false premise that there is a military solution to the violence and instability in Iraq, when what is needed is a political solution among the Iraqi leaders and factions.

Iraq's own Prime Minister Maliki acknowledged recently that "The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians."

The resolution states that it is not in the national security interests of the United States to deepen our military involvement in Iraq by increasing the number of U.S. troops.

The resolution calls for the transition of our military mission in Iraq to a more limited one of training, counterterrorism, and protecting the territorial integrity of Iraq. It also calls for greater engagement of other countries in the region in the stabilization and reconstruction of Iraq.

Last week the President said that he had made clear to Iraq's leaders that America's commitment is not open-ended. I welcome these words. But the reality behind the President's new rhetoric is that the open-ended commitment continues—more American military men and women would be sent into the chaos of Iraq's sectarian violence without condition or limitation.

President Bush also indicated that the Iraqi government needs "breathing space" to make political progress. The opposite is true. The Iraqi leaders don't need breathing space—they must feel real pressure to reach a political settlement. Increasing our military presence in Iraq takes more pressure off. The Iraq Study Group put it this way last month: "An open-ended commitment of American forces would not provide the Iraqi government the incentive it needs to take the political actions that give Iraq its best chance of quelling sectarian violence."

President Bush also said that the Iraqis have set benchmarks for themselves. But look at the track record of the Iraqi government in meeting some of its past benchmarks and promises: Iraqi President Talibani said in August 2006 that Iraqi forces would "take over security in all Iraqi provinces by the end of 2006." That pledge has not been kept. Prime Minister Maliki said last June that he would disband the militias and illegal armed groups as part of his national reconciliation plan, and in October he set the timetable for disbanding the militias as the end of 2006. That commitment has not been kept. The Iraqi Constitutional Review Commission was to present its recommendations for changes in the Constitution to the Council of Representatives within four months of the formation of the Government last May. The Commission has yet to formulate any recommendations. Prime Minister Maliki put forward a series of reconciliation milestones to be completed by the end of 2006 or early 2007, including approval of the Provincial Election Law, the Petroleum Law, a new De-Baathification Law, and the Militia Law. Not one of these laws has been enacted. The Iraqi army pledged six battalions in support of American and Coalition efforts during Operation Forward Together last summer. In fact, Iraqis provided only two battalions.

This is not a track record that inspires confidence in Iraqi pledges and commitments.

The President said that "America will hold the Iraqi government to the benchmarks it has announced." How did the President say we are going to do that? What will the consequences be if the Iraqis continue to fail to meet these benchmarks, particularly since some of them have been established and missed in the past? The President said "If the Iraqi government does not follow through on its promises, it will lose the support of the American people . . . " That is an empty threat given the fact that the Iraqi Government has already lost the support of the American people, and it hasn't affected their behavior. The President's most recent plan, like previous ones, includes no mechanism to hold the Iraqis to their commitments.

Just two months ago General Abizaid testified before our Committee against increasing the number of U.S. troops in Iraq. He told us: "I met with every divisional commander, General Casey, the corps commander, General Dempsey. We all talked together. And I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is, because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future."

Deepening our involvement in Iraq would be a mistake. Deepening our involvement in Iraq on the assumption that the Iraqis will meet future benchmarks and commitments given their track record would compound the mistake.

For America to supply more troops while the Iraqi leaders simply supply more promises is not a recipe for success in Iraq. Telling the Iraqis that we will increase our troops to give them yet more breathing space will only postpone the day when Iraqis take their future into their own hands and decide whether they want to continue to fight a civil war or make peace among themselves.

This resolution does not limit any future course of action that Congress may decide to take. What it would do is send a powerful message to the President and the Iraqis that Congress does not support an escalation of our military presence in Iraq.

SENATE CONCURRENT RESOLUTION 3—EXPRESSING THE SENSE OF CONGRESS THAT IT IS THE GOAL OF THE UNITED STATES THAT, NOT LATER THAN JANUARY 1, 2025, THE AGRICULTURAL, FORESTRY, AND WORKING LAND OF THE UNITED STATES SHOULD PROVIDE FROM RENEWABLE RESOURCES NOT LESS THAN 25 PERCENT OF THE TOTAL ENERGY CONSUMED IN THE UNITED STATES AND CONTINUE TO PRODUCE SAFE, ABUNDANT, AND AFFORDABLE FOOD, FEED, AND FIBER

Mr. SALAZAR (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. LUGAR, Mr. OBAMA, Mr. HAGEL, Mr. DORGAN, Mr. COLEMAN, Mr. KERRY, Mr. THUNE, Mr. NELSON of Nebraska, Mr. BROWNBACK, Ms. CANTWELL, Mr. ALLARD, Mr. KOHL, Mr. MENENDEZ, Mr. TESTER, Mrs. CLINTON, Mr. BROWN, Mr. BAUCUS, Mr. DURBIN, Mr. FEINGOLD, and Mr. COCHRAN) submitted the following concurrent resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. CON. RES. 3

Whereas the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

Whereas the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

Whereas accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

Whereas the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

Whereas increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

Whereas increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

Whereas public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

Mr. SALAZAR. Mr. President, today Senator GRASSLEY and I, along with our colleagues Senators HARKIN, LUGAR, OBAMA, HAGEL, and others, are submitting Senate Concurrent Resolution 3, the "25x'25" Resolution, as we did last year. 25x'25 is a critical vision for our energy future that will help reduce our dependence on foreign oil by building a new energy economy here at home. Our resolution establishes a national goal of producing 25 percent of America's energy from renewable sources—like solar, wind and biofuels—by 2025.

The "25x'25" vision is widely endorsed, bold, and fully attainable. If implemented, it would dramatically improve our energy security, our economy, and our ability to protect the environment.

I am pleased that more than 20 of my colleagues in the Senate, from both sides of the aisle, are cosponsoring this resolution. In addition, the "25x'25" vision has been endorsed by 22 current and former Governors and several State legislatures across the country.

The Big Three automobile manufacturers—Ford, Chrysler, and General Motors—are all behind "25x'25" So are many agricultural organizations, environmental groups, scientists, and businesses, ranging from the Farm Bureau and Farmers' Union to the Natural Resources Defense Council and John Deere. The breadth of support for the "25x'25" vision speaks to the extraordinary economic, environmental, and national security benefits that its implementation will yield. In all, nearly 400 organizations have embraced this vision and are working together on a plan to implement it.

The resolution that Senator GRASSLEY and I are submitting makes the "25x'25" vision a policy goal for our Nation. It sets a challenging but realistic target for our legislative and budgetary work on energy. Our resolution says that the ingenuity and entrepreneurship of the American people should be the engine for a new, clean energy economy.

I urge every American to join with me and the roughly 400 partner organizations that are part of the 25x'25 Alliance to make this goal a reality. Results from a recent study conducted by the University of Tennessee shows that reaching the 25x'25 goal is achievable. The study also shows that 25x'25 would: increase net farm income by $180 billion and, including multiplier effects, could result in $700 billion in economic activity annually; create approximately 5 million new jobs here at home in 2025; save as much as $15 billion in government payments.

America's working people can and should be at the center of our energy revolution. Farmers and ranchers in my native San Luis Valley, in Sterling, CO, and elsewhere are already leading the way; they are building biodiesel plants and ethanol refineries that help power cars, tractors, and trucks. They are building wind turbines in Prowers County and biomass generators in Jackson County. And they are searching for new technologies that will allow them to make even greater contributions to our energy supply.

These Americans understand that we cannot continue to import 60 percent of our oil from foreign countries, many of which are hostile to the United States, if we aim to be strong and secure in the world. They know that we will have to build a clean energy economy if we are to reduce our dependence on foreign oil.

A clean energy economy will take root in our farms and fields. It will help revitalize a rural America that has been forgotten for too long. It will spur our engineers to new developments and designs, and it will help establish the U.S. as the world leader in clean energy technologies.

It is time for Congress to take a more active role in our clean energy future. Establishing a national goal—"25x'25" is the first step.

Today, with this resolution, we articulate a common vision for our energy policy. It is a target we can hit. It is a target that Governors, Senators, Representatives, state legislators, farmers, ranchers, entrepreneurs, scientists, and automakers, all wish to achieve.

I am proud to be working with Senator GRASSLEY and others to establish "25x'25" as our Nation's shared goal for our energy security and I look forward to working on a legislative agenda in this Congress that will help us reach that target.

Mr. GRASSLEY. Mr. President, I rise today to join Senator SALAZAR in introducing a concurrent resolution which expresses the goal of the United States to provide 25 percent of the Nation's energy needs from renewable resources by 2025.

The goal of this 25 by 25 resolution is quite simple: to replace 25 percent of our total energy needs with renewable resources like wind, hydropower, solar, geothermal, biomass and biofuels by 2025. This is a bold goal, but given our current energy situation in the U.S., it is a necessary goal.

The impact of increased energy prices is being felt around the country by working families, farmers, businesses and industries. The increased cost for energy at the pump, in home heating and for industrial uses has the potential to jeopardize our economic security and vitality.

Our effort with this concurrent resolution is to signal to America's farmers, ranchers and forestry industry, that we believe they have the ability and resources to generate 25 percent of our energy needs. And, that it's in our economic and national security interest to do so.

There are many inherent virtues in producing our own domestic energy from renewable resources. It is good for our environment. It is good for our national and economic security. It will provide an economic boost for our rural economies. And perhaps most importantly, it will ensure a stable, secure, domestic supply of affordable energy.

Already, our farmers and ranchers are working hard to use their resources to produce electricity from wind, biomass and other agricultural wastes. In addition, corn, soybeans and other crops are being used to produce transportation fuels like ethanol and biodiesel. It is evident that rural America has the drive to achieve this goal.

While this concurrent resolution states our renewable energy goal, it does not prescribe a way to achieve the goal. Rather, it recognizes the benefit of implementing supportive policies and incentives to stimulate the development and use of renewable energy. It also identifies the benefits of technological improvements to the cost and market appeal of renewable energy.

The supporters of this goal commit to support sensible policies and proper incentives to work toward the goal. I am hopeful that my colleagues will recognize the importance of this effort, and will consider supporting us in this goal to produce 25 percent of our energy needs from renewable resources by 2025.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, January 18, 2007, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting to organize for the 110th Congress by electing the chairman and vice chairman of the committee and to adopt the rules of the committee and any other organizational business the committee needs to consider.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, January 25, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Building.

The purpose of this hearing is to receive testimony on oil and gas resources on the Outer Continental Shelf and areas available for leasing in the Gulf of Mexico.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Patty Beneke at (202) 224–5451 or David Marks at (202) 224–8046.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, January 17, 2007 at 9:30 a.m. in 328A, Senate Russell Office Building. The purpose of this committee hearing will be to consider Working Land Conservation: Conservation Security Program and Environmental Quality Incentive Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, January 17, 2007, at 10 a.m. in room SR–253 of the Russell Senate Office Building.

The purpose of the hearing is to evaluate the status of implementation of the aviation security recommendations of the 9/11 Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet in Executive Session during the session of the Senate on Wednesday, January 17, 2007, at 9:45 a.m. in SD–406.

Agenda

Rules: Rules of the Committee on Environment and Public Works.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, January 17, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to organize for the 110th Congress. The Committee will also consider an Original Bill entitled, "The Small Business and Work Opportunity Act of 2007."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 17, 2007, at 9:30 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Paying Off Generics to Prevent Competition with Brand Name Drugs: Should it Be Prohibited?" on Wednesday, January 17, 2007, at 10:00 a.m. in Dirksen Senate Office Building room 226.

Witness List

Panel I: Hon. Jon Leibowitz, Commissioner, Federal Trade Commission, Washington, DC.

Panel II: Billy Tauzin, CEO, PhRMA, Washington, DC; Merril Hirsh Partner, Ross, Dixon, and Bell LLP, Washington, DC; Bruce Downey, Chairman and CEO, Barr Pharmaceuticals, Inc., Washington, DC; Michael Wroblewski, Consumers Union, Non-Profit Publisher of Consumer Reports, Yonkers, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the

Senate on January 17, 2007, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on Wednesday, January 17, 2007, at 2:30 p.m., to receive testimony on abusive practices in Department of Defense Contracting for services and interagency contracting.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEMOCRACY FOR SERBIA

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 31 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 31) expressing support for democratic forces in Serbia and encouraging the people of Serbia to remain committed to a democratic path.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 31) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 31

Whereas, in September 2000, the people of Serbia fought for democracy by going to the streets to hold protests and rallies until President Slobodan Milosevic was removed from power and the Government of Serbia was handed over to democratic forces;

Whereas, in the following years, the democratic leadership of Serbia worked to establish a democratic society, functional rule of law, a free market economy, and respect for human and minority rights;

Whereas the President of Serbia, Boris Tadic, has expressed publicly his commitment to the principles of democracy and the dream of leading Serbia forward on this path;

Whereas Serbia is a member of several international organizations and has voiced its desire to become a member of the European Union (EU);

Whereas Serbia has enacted several military and defense reforms to strengthen ties to its Western allies and the North Atlantic Treaty Organisation (NATO) Alliance;

Whereas, on September 7, 2006, Serbia signed a Status of Forces Agreement with the United States Government to facilitate Serbia's participation in joint military exercises and training;

Whereas, on September 8, 2006, President Tadic commemorated the beginning of Serbia's participation in the National Guard State Partnership Program with the Ohio National Guard;

Whereas, on December 14, 2006, Serbia was granted accession to the NATO Partnership for Peace (PfP) program, along with its neighbors, Bosnia and Herzegovina and Montenegro, initiating formal cooperation between NATO and Serbia;

Whereas Serbia has transferred 36 individuals indicted for war crimes to the International Criminal Tribunal for the former Yugoslavia (ICTY), including Milosevic and some of his top officials, and provided thousands of documents to the Office of the Prosecutor of the ICTY;

Whereas Serbia has taken some additional steps, under the supervision of the ICTY and the international community, to enact judicial reforms and establish special courts to try individuals indicted for war crimes in Kosovo, Bosnia, and Croatia;

Whereas Serbia has failed to arrest war criminal Ratko Mladic for the horrific crimes he committed at Srebrenica in Bosnia and Herzegovina, which prevented Serbia's earlier participation in the PfP program and its progression in EU accession talks;

Whereas, on January 21, 2007, Serbia will hold democratic parliamentary elections to determine Serbia's future leadership at this critical juncture in Serbia's history;

Whereas Albanian parties in southern Serbia will participate in the parliamentary elections for the first time in over 15 years; and

Whereas a strong, stable, and democratic Serbia is critical to the future of the region: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should be committed to a strong relationship with a democratic Serbia as Serbia moves toward its goals of membership in the European Union (EU) and cooperation with the North Atlantic Treaty Organisation (NATO);

(2) the inclusion of Serbia in the NATO Partnership for Peace Program was a critical step in bringing Serbia closer to the Euro-Atlantic Alliance;

(3) Serbia will now have the opportunity to enact defense reforms and apply for a Membership Action Plan for NATO;

(4) Serbia should continue its progress on reform, including defense and judiciary reforms and reforms in the area of human and minority rights;

(5) Serbia should move quickly to fulfill its obligations to the International Criminal Tribunal for the former Yugoslavia, including by immediately arresting Ratko Mladic and transferring him to the Hague because this step is essential for Serbia to be admitted into the EU and NATO;

(6) as Serbia continues to work toward integration in Euro-Atlantic institutions, the United States should continue and increase its defense and security cooperation with the Government of Serbia, including through education, training, and technical cooperation, to assist Serbia in the reform process and in fulfilling the requirements for membership in NATO; and

(7) the United States should remain a friend to the people of Serbia as they continue on the path of democracy.

MEASURE READ THE FIRST TIME—H.R. 391

Mr. REID. Mr. President, there is at the desk H.R. 391 which has been received from the House, if I am not mistaken. I would ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 391) to authorize the Secretary of Housing and Urban Development to continue to insure, and to enter into commitments to insure, home equity conversion mortgages under section 255 of the National Housing Act.

Mr. REID. I would ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR THURSDAY, JANUARY 18, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. on Thursday, January 18; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business with Senators permitted to speak therein for up to 10 minutes each, with the first hour under the control of the majority leader or his designee and the second hour under the control of the Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, if I could say a brief word here, I hope the distinguished Republican leader has gotten the information—we tried to do it through staff—that sometime between 3 and 6 tomorrow, we will do a vote on the motion to reconsider that we had on the cloture vote. Then thereafter or sometime during the day tomorrow I will talk to the distinguished Republican leader and find out what happens next. There are a number of alternatives we have as to what we can do on Friday, but I will talk to my friend from Kentucky and try to work something out; otherwise, we will advise him what we are going to do.

COMPLETION OF ETHICS REFORM LEGISLATION

Mr. McCONNELL. Mr. President, let me say to my friend the majority leader, I still hope we can finish this bill. We are not that far away from completion, if we can work out an orderly way in which to deal with the amendments that need to be offered by this side. I hope we can reach agreement tomorrow and move toward completing the bill.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:52 p.m., adjourned until Thursday, January 18, 2007, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, January 17, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LARSON of Connecticut).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 17, 2007.

I hereby appoint the Honorable JOHN B. LARSON to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty God, You brought us to the light of a new day. Keep us attuned to Your Word the whole day through.

Do not allow us to bend to every sinful inclination which leads only to self-centeredness and blindness to the needs of others; rather, may all our thoughts, conversations and decisions bring us closer to serving the needs of our constituents and the common good of all Your people. For You have called us to serve in Your holy name now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. PENCE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that pursuant to Public Law 106–170, the Chair, on behalf of the Majority Leader, after consultation with the Ranking Member of the Senate Committee on Finance, announces the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel:

Mr. David L. Miller of South Dakota.

The message also announced that pursuant to sections 42 and 43 of title 20, United States Code, the Chair, on behalf of the Vice President, appoints the Senator from Connecticut (Mr. DODD) as a member of the Board of Regents of the Smithsonian Institution, vice the Senator from Tennessee (Mr. Frist).

The message also announced that pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Majority Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore, appoints the following individual to the United States-China Economic Security Review Commission:

Mr. Peter Videnieks of Virginia, for a term beginning January 1, 2007 and expiring December 31, 2008, vice Patrick A. Mulloy.

The message also announced that pursuant to Public Law 85–874, as amended, the Chair, on behalf of the President of the Senate, appoints the following individual to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

The Senator from California (Mrs. FEINSTEIN).

STUDENT LOAN INTEREST RATES

(Mr. KELLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. KELLER of Florida. Mr. Speaker, I rise today to discuss student loan interest rates. As the ranking member on the Higher Education Subcommittee, I believe in higher Pell Grants, lower student loan interest rates, and a leveling off of tuition.

If you ask a college student, would you rather have a 6.8 percent loan or a 3.4 percent loan, he will tell you 3.4 percent. If you ask him, would you rather have a 3.4 percent student loan that you have to pay back or a Pell Grant to help you go to college that you will never pay back, they will say Pell Grants.

The Democrats should have taken the $6 billion in spending and invested it in Pell Grants to help students on the front end instead of only helping those college graduates on the back end.

Education should not be a partisan issue; no one party has all the answers. Today, I will show a little good faith and vote for this bill. Tomorrow, I hope the Democrats show some good faith and listen to people like me when it comes to Pell Grants.

LET'S SUPPORT H.R. 5

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, as a State senator in Tennessee, I worked for more than 20 years to pass a State lottery with proceeds benefiting education programs. The primary recipients of the proceeds are college students. In addition to keeping Tennessee's best and brightest in Tennessee, the purpose of the Lottery HOPE scholarship program is to provide students with a means to focus on their studies rather than having to take a second job to pay their tuition, and also to permit them to enter the workforce without the burden of student loans.

Tuition has risen sharply at both public and private universities, particularly at public institutions; interest rates on student loans have risen as well. This has been an onerous burden on students and their families, and for many Americans it has left them out in the cold in terms of pursuing a college education.

For the U.S. to be able to compete for jobs in the world, we must have an educated workforce. We are facing a shortage of up to 12 million college-educated workers by 2020. We need to remove roadblocks to education. There is nothing more important than the education of our citizenry, because it impacts every facet of our society.

I ask my fellow Members of Congress to join the Democratic majority, join with me in supporting H.R. 5 as part of the 100 hours. Pass this student loan reduction bill.

PELOSI STEWARDSHIP

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to express my disappointment with the broken promises of the Democratic

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

leadership. I had high hopes that the promise of unlimited amendments and bipartisanship would prevail in the 110th Congress, but there have been no signs of these promises.

From the beginning, hypocrisy and corruption have reared their ugly heads. The minimum wage bill is touted as a massive relief for the poor, while only 2.5 percent of the population are actually making the minimum wage. This bill was nothing more than a kickback to unions, who use the Federal minimum wage to negotiate their salaries. This increase is a whopping 41 percent over 26 months; not to mention that in the bill American Samoa was exempt, a place where there are two canning plants for Del Monte Corporation, headquartered in San Francisco.

The pledge for open debate and unlimited amendments has been completely ignored. Democrats' bills have been rammed through without opportunity for amendments. So many promises made, all of them broken.

Mr. Speaker, this 100-hour agenda is a pure sham of political showmanship. The Democrats have distorted the North Carolina State motto, which is, "To be rather than to seem." While these bills seem worthwhile, they are nothing more than window dressing for political gain.

PELL GRANTS

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DeFAZIO. Well, here we have some born-again student advocates on the Republican side of the aisle. They are criticizing our legislation to cut student financial aid interest rates in half. Now, I might understand that because they just doubled student financial aid interest rates 1 year ago to pay for tax cuts for wealthy investors, so I guess they already took a position on that and they don't want to have to be forced to vote to provide help to students.

Then they say, well, no, we want to do Pell Grants. Well, you were in charge for 12 years; why didn't you increase Pell Grants during the 12 years you were in charge? We are going to cut student financial interest rates in half and take on the big banks, and we are going to increase funding for Pell Grants, something the majority failed to do in 12 years.

THE WAY FORWARD IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Last week, President George W. Bush outlined a new strategy and new tactics in our war in Iraq; he called it, "The Way Forward." Sadly, many in Congress and many around the country want to go backwards; to redeploy, to undo our military commitment to freedom in Iraq.

Mr. Speaker, I understand this temptation, even though I disagree with it. It is always tempting to go backwards, always tempting to want to go back before loss and hardship and war. The Old Book tells us otherwise, reading, "Forgetting what is behind, I press on."

Winston Churchill gave us this counsel: "One ought never to turn one's back on a threatened danger and try to run away from it; if you do that, you will double the danger. But if you meet it promptly and without flinching, you will reduce the danger by half." So said Winston Churchill.

I support our Commander in Chief. I support our new way forward. We must come together as a Nation. We must decide as a Nation not to see freedom fail in Iraq.

SUPPORT THE COLLEGE STUDENT RELIEF ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I rise to support the passage of the College Student Relief Act of 2007. This legislation will help families with the cost of college. Let's make college affordable and accessible for all students.

In California, the average student is graduating with over $15,000 in debt. Students are relying more on student loans. The cost to attend a 4-year public university has increased by 41 percent since the year 2001. Students can't afford to finish because the costs are too high. This legislation will help over 200,000 students in my home State alone. It also will give an opportunity for students to fulfill the American Dream in obtaining higher education.

We must do something about this now. It's good for our students and working families. It's good for our Nation and our future.

Let's support this legislation.

IN SUPPORT OF INCREASING PELL GRANTS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today in support of increasing Pell Grants, which we have done over the past 12 years, contrary to what we heard earlier. This action would have the greatest impact on helping lower-income students afford a college education.

Later today, the House will consider legislation that is intended to increase college access by temporarily reducing subsidized student loan interest rates, a helpful measure. But I suggest to my colleagues that an average 18-year-old student will not base whether they can go to college on whether their percentage of interest rate is 6.8 today or 6.14 for the 2007 year. What would make a difference is the amount of aid, either grants or loans, that is immediately available to help them afford school. To make college accessible, we should focus on what we can do now for students, not when they graduate.

Regardless of how you feel today, we need to work together on a bipartisan basis to increase Pell Grants to ensure that they are sufficient to help students to afford a higher education. This would be a very effective way to help students from low- and middle-income families afford college.

SUPPORT THE COLLEGE STUDENT RELIEF ACT

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GIFFORDS. Mr. Speaker, I rise today to express my strong support for the College Student Relief Act, legislation that will cut interest rates in half over the next 5 years.

We live in an information-driven world where a college education is more vital than ever. Yet financial barriers will prevent millions of American high school graduates from realizing their full potential and getting the education that they need. This legislation will help middle- and working-class families afford to send their children to college at a time when the cost of college, particularly in Arizona, is skyrocketing.

The average subsidized loan debt for tens of thousands of students in my home State of Arizona is around $15,000, a staggering amount for someone entering the workforce. This new act will save students in Arizona an average of $4,700, a substantial difference.

We must focus on preparing young Americans like those we have in the gallery today to be competitive in this 21st century global economy. Ensuring access to higher education is critical. This is a goal that is supported by the American people.

DEMOCRATS AND THE FACTS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the media just loves to give names to the different Congresses. I think that they should call this one the Hold-Onto-Your-Wallet Congress, because they are definitely coming to a wallet near you and it is going to be yours. During their first 100 hours, which is seeming to never end, they are spending billions of dollars of the American taxpayers' money on, guess what, bigger government, right here in Washington. They are not sending that money back to the local communities. And today they are going to have their student loan bill up.

Here are some facts. They would have you believe that we have slashed student loans and it is just not true.

Here is a fact. In a shocking display of hypocrisy, Democrat leaders are paying for their $6 billion plus plan with some of the same lender subsidy cuts crafted by congressional Republicans in the 109th Congress.

Here is another fact. House Republicans have committed a record $13 billion for Pell Grants, a two-thirds increase over the past decade. Go look it up.

Another fact. To the tune of more than $4 billion over 5 years, congressional Republicans established the first-ever grant program for high-achieving Pell students in their first and second years of college.

It is a fact. Republicans have a solid record of helping students get and stay in school.

□ 1015

DENVER TO HOST THE 2008 DEMOCRATIC NATIONAL CONVENTION

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, I rise today with great pride and honor that the Democratic National Committee has chosen Denver to host the 2008 Democratic National Convention.

2008 will mark exactly one century since Colorado last had the opportunity to nominate the Democratic candidate for President.

The Mile High City is a fitting choice, as it offers an opportunity to showcase the Rocky Mountain region as a new frontier on our Nation's political landscape. Colorado and the Rocky Mountain West are known for their independence and pioneering spirit, and will ultimately help shape the national debate to reflect the values of hard-working people all across America.

We embody a community that supports an investment in renewable energy, in fiscal discipline, and the protection of our civil liberties.

I want to thank the many individuals who worked tirelessly on behalf of Denver's bid to host this prestigious event. It is a privilege for the Centennial State to play such an influential role in our Nation's history.

DEMOCRAT JUGGERNAUT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, well, it looks like the Democrat juggernaut is rolling along, or maybe it is more like the first steps of fledgling toddlers stumbling through their day.

First was the embarrassment of saying we would have open and fair debates for all, and then the first rule, no amendments, no open rules, and no committee hearings, which of course led to the embarrassing "Sorry, Charlie Tuna" incident of exempting American Samoa from workmen's compensation. I have to ask my friends, why did y'all do that? What were you thinking?

But I also want you to know I am on the side of American Samoa on this one. I don't think it is fair to go in there and beat them up and tell them how they should run their economy, tell them what is best for them and tell them that Washington knows best on central wage planning. Wait a minute, though. That is what we did to the other States, too.

Well, as a matter of fact I don't think we should bring American Samoa into this. I think we should amend the bill, if you do decide to have a committee hearing, that is, and allow the other States to join American Samoa and set their own minimum wage. But then that would be decentralized planning.

BIG OIL DOESN'T NEED ANY MORE HELP FROM WASHINGTON

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, during the past 4 years big oil companies have seen their profits quadruple, while gas prices doubled and America continues to depend on foreign oil to operate our cars and our economy.

Yet, the Republican Congress did not think this was enough. They chose to give Big Oil billions in tax breaks and outrageous royalty incentives, instead of working to protect consumers and promote alternative energy.

Today we are sending $800 million per day to the Middle East and other oil producing countries. America now has record high dependence on foreign oil, and the need is growing.

Mr. Speaker, Congress must support consumers instead of Big Oil. Democrats have put forth a bill to increase our investment in renewable energy and put our Nation on a path to energy independence. The first step is to repeal the billions of dollars in subsidies given to Big Oil so that America can instead invest that money in clean and renewable energy sources.

Beginning the process of curbing our addiction to foreign oil is one of the main priorities of the Democratic Congress during the first 100 hours. I hope Democrats and Republicans will come together and pass this commonsense legislation that will promote our national and economic security.

IRAQ

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in support of delivering a knockout punch in Iraq, stabilizing Baghdad, securing freedom for the Iraqi people, and dealing a blow to terrorism across the Middle East.

There has been far too much politicking on this issue. Let me remind my colleagues that Iraq strategy is not about the legacy of Don Rumsfeld or General Abizaid or even President Bush. It is about 23 million Iraqi people. It is about the citizens of the United States of America. It is about the future of the Middle East, and it is about the 6 billion people on this planet who desire to live without the fear of radical terrorism.

We can achieve victory in Iraq. In the past we have underestimated the intensity of the death squads and the sectarian violence. Now we will confront them head on by ensuring we have enough coalition and Iraqi troops, not only to clear pockets of resistance, but to hold them.

Mr. Speaker, our President and combatant commanders are ready to deliver the knockout blow in Iraq. This is not the time for Congress to tie one hand behind their backs. We must be in this fight to win, and I support our drive to victory.

IN SUPPORT OF H.R. 5

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of H.R. 5, legislation that will reduce interest rates for student borrowers.

Now, we all know that the cost of college has gone up every year. In fact, over the last 7 years the cost of a public school education, on average, has increased by 41 percent and at a private school by 7 percent. That is in real dollars.

So, how do lower income and middle income students go to higher education? They do it with Pell Grants. In California we do it with the State grants, but we also do it by borrowing. And so I believe that we should lower the interest costs so that anybody who wants to have a higher education, if you want to go back and get your master's, if your child wants to go and get their B.A., that we should be a partner in investment with them. Investing in our people is the most important thing our country can do to be competitive vis-a-vis the rest of the world.

NO JUSTICE FOR BORDER PATROL

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, today Border Patrol Agents Ramos and José Compean turned themselves in to begin serving their 11- and 12-year prison terms. Now, what was their crime? Shooting a habitual drug smuggler after he evaded law enforcement, attacked one of the agents and threateningly turned to the agent with what appeared to be a gun, and was fleeing back across the border.

Now, how is this justice, Mr. Speaker?

Assistant U.S. Attorney Debra Kanof even went to Mexico to find this drug dealer, brought him to America, paid for his medical treatment in an El Paso hospital with taxpayers' dollars and gave him immunity to testify against the agents.

The unreasonable sentence of these agents undermines the morale and makes all of them question what they are doing, do they have the right to draw their firearm in the course of their duty.

This is an outrage. I urge President Bush to review this draconian prison sentence.

COLLEGE STUDENT RELIEF ACT

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute.)

Mr. LOEBSACK. Mr. Speaker, I stand before all of you today as an example of what can be achieved if provided the opportunity and resources. I grew up in poverty and relied upon loans and grants to pay for my education. In short, I was able to achieve the American Dream because of legislation similar to the College Student Relief Act.

In America, millions of high school students forego higher education because of the financial barriers created by the ever increasing costs of tuition and fees at our colleges and universities. This situation harms qualified but economically disadvantaged students and endangers our country because the American economy relies on a highly skilled and well educated workforce. As a college professor for the past 24 years, I saw firsthand the financial struggle so many students face.

I call on my colleagues to support H.R. 5 because it is time we provide hope and opportunity to the youth of our country, the youth who want to participate productively in an increasingly globalized economy.

COLLEGE STUDENT RELIEF ACT

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, I rise today in support of H.R. 5, the College Student Relief Act.

This legislation will benefit 5½ million students. These students are predominantly from middle class, hardworking American families. Without this act they may not otherwise be able to attend our public institutions.

The generation that came before mine understood the investment in the future. At age 17, when I joined the military to be able to, one, support this country in its defense and, two, further my own career, I was given the GI bill, Pell Grants and the ability to use low interest student loans. Because of that I was able to achieve my dream of becoming a public school teacher.

However, unfortunately, this next generation does not have that same investment, a generation that has never seen the kind of investment that I saw.

The good people of the First District of Minnesota sent me here to change the priorities of this government. They sent me here to look out for the next generation of Americans.

Mr. Speaker, with this legislation the American Dream will be a little more in grasp of this next generation. This is not a theoretical discussion on interest rates. These are the students that were in my classroom, on my football team and in my Guard unit.

THE WAR IN IRAQ

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, I rise to address the most important political and moral issue of the day, the war in Iraq. The war in Iraq costs us dearly in lives, more than 3,000 Americans so far, in dollars, 471 billion by my count; in international prestige by compromising our ability to meet our other foreign policy goals.

President Bush has rejected the sensible recommendations of the Iraq Study Group and instead chosen an escalation of troops. Rather than sending more brave young Americans to fight in an undefined, impossible mission in an Iraqi civil war, we should be looking for ways to redeploy our troops responsibly.

Representative MURTHA has courageously offered a framework for that redeployment, and the administration would be wise to heed his advice. The American people want to bring home their loved ones who are in harm's way. The Iraqi people want us to leave so that Iraqis can solve their problems.

As former Secretary of State Albright has pointed out, the only ones who want us to stay are those who will leave Iraq when we leave.

Mr. Speaker, Congress should reject the President's last ditch effort to salvage a botched execution of a flawed strategy.

WORKING FOR POSITIVE CHANGE AND A NEW DIRECTION FOR AMERICA

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, today, in a bipartisan embrace, both Republicans and Democrats will continue to work together for positive change and a new direction for America by promoting a truly bipartisan first-100-hour agenda.

People in Appleton and Green Bay, Wisconsin, and all across America, wanted us to come together and begin to solve these problems that we are facing, and we have done just that. Two weeks ago we passed a rules package and a comprehensive ethics reform package supported by margins of 426–0 and 430–1, respectively. I believe we are really beginning to come together.

Fiscally responsible, pay-as-you-go, and real budget reforms were supported by many, many Republicans. Sixty-eight joined in implementing the 9/11 Commission recommendations. Eighty-two Republicans helped to increase the minimum wage, and 36 joined in lowering prescription drug costs for seniors.

Let's continue to work together to help reduce the costs of higher education as well. By working together we really will build a better future for everyone.

COLLEGE STUDENT RELIEF ACT OF 2007

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, I rise today in support of this College Student Relief Act of 2007. This bill will help thousands of students throughout the State of Maine.

Maine has one of the highest high school graduation rates in the country. However, only one out of four Mainers go on to complete college. That is because college costs are rising, and many Maine students cannot afford their tuition. Too many are being denied the opportunity that college provides.

The legislation before us today would save students thousands of dollars on their loan repayment by cutting interest rates in half. Students in Maine beginning college in the fall of 2007 would save $2,107 on their loans, and those starting in 2011 would save $4,210.

This bill is also consistent with the pay-as-you-go principle that my fellow Blue Dogs and I have long advocated and that the Speaker has committed to. So it will not increase the deficit one dime.

I urge my colleagues to pass this legislation to help all the young people live the American Dream.

□ 1030

AMERICA FERRERA GOLDEN GLOBE WIN

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today I rise to congratulate America Ferrera for winning the Golden Globe for best actress in a comedy for her work in ABC's television show "Ugly Betty." America Ferrera is a native of Los Angeles, the daughter of Honduran immigrant parents and a student at the University of Southern California, earning a degree in international relations.

As Betty Suarez, her character in "Ugly Betty," Ferrera plays a smart, young Latina professional breaking into the publishing world. The people we see in here on television and in movies have a great influence on our communities and the attitudes of Americans.

While 40 percent of American youth ages 19 and under are children of color, few of the faces that they see on television actually reflect those races and cultures. Through her work, Ms. Ferrera is breaking down barriers for Latinos and Latinas in prime-time television.

I commend America Ferrera and everyone involved in Ugly Betty for helping to break down the stereotypes and provide a role model for young Latinas. I hope we can work together to teach everyone to appreciate diversity in our country.

Congratulations, America Ferrera.

CONGRATULATING THE CITIES OF NORFOLK, VIRGINIA BEACH, AND PORTSMOUTH, VIRGINIA

(Mrs. DRAKE asked and was given permission to address the House for 1 minute.)

Mrs. DRAKE. Mr. Speaker, today I rise to congratulate the cities of Norfolk, Virginia Beach, and Portsmouth, Virginia, for the grand opening of a new complex that serves formerly homeless people. This is the first complex in the Nation that is financed and supported by more than one city. This complex will serve over 60 adults from our region who formerly lived in shelters, under bridges or on the street.

Congratulations to these three cities who worked regionally and who worked together to address the very basic human need for shelter and providing other comprehensive services such as job counseling, mental health, substance abuse and drug-abuse treatment as well. Congratulations to them, and we hope other regions of the country will follow their example, and they will be a great model for our Nation.

COLLEGE STUDENT RELIEF ACT OF 2007

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, the health of the American economy depends on having a highly educated skilled workforce, but studies show the number one reason that students fail to attend college today is cost.

In addition to tuition, fees, interest rates on student loans have also risen. Over the last 5 years the interest rates on student loans have jumped by almost 2 percentage points, further increasing the cost of college. Many of us were dependent on student loans to go to college in the first place. I am one of them.

Recently, when I visited Pompano High School in my district, I met many exceptional students who were concerned that they would have difficulty managing tuition costs. These students in Pompano High School deserve better, as students do all over the United States. This Democrat bill would cut the interest rate in half from the current 6.8 percentage to 3.4 percent over the next 5 years.

This proposal will help over 5.5 million low- and middle-income students and their families afford a college education and a way to a better life. As a case in point, a study this year by the U.S. Public Interest Research Group estimates the average cost for a Florida student, what it will save over the cost of its life is $4,400. That is a powerful incentive, and I ask everyone to join us in passing this legislation.

AGAINST NEW IRAQ POLICY

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Mr. Speaker, last week something very disturbing occurred. President Bush had an opportunity to demonstrate that he understood the country's concern, he had a chance to finally articulate a clear plan for our country's engagement in Iraq. But, instead, the President chose to escalate our involvement in Iraq's civil war by proposing a substantial increase in the number of American troops there, about half of whom are based in Georgia.

Mr. Speaker, our troops have performed with great courage. They have performed admirably in the Congress, and the American people will continue to support them and provide them with every resource that they need. But we need better leadership coming from the President and his War Cabinet. This new Democratic Congress is not going to give the President a blank check, and we will continue to demand answers to the tough questions that have not been answered.

Rather than escalating our involvement in Iraq, I believe that any plan should focus on shifting responsibility to the Iraqis so that we can begin a phased redeployment. The American people want change, of course, in Iraq, and House Democrats intend to keep pressing the President to provide it.

PASS THE COLLEGE STUDENT RELIEF ACT

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, I am urging my colleagues today to pass the College Student Relief Act. I speak not only as a Congresswoman from New Hampshire, but also as the mother of a college student and one about to enter college.

These student loan interest rates are absolutely crippling students' ability to go to college and putting a burden on their families. These students are also deeply concerned now about what will happen when they go into the workforce and they have to pay a higher interest rate on their loans, as well as paying for higher energy costs and paying for rent and paying for all of the other expenses that young adults experience.

I urge my colleagues to please ease the pain on these students, encourage this higher education, because higher education is the key to prosperity in our country.

SUPPORT THE REDUCTION OF INTEREST RATES FOR STUDENT BORROWERS

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute.)

Mr. AL GREEN of Texas. Mr. Speaker, the foundation of our Nation is education. Generally speaking, those with better educations earn more, are healthier and live longer. The road to a better society is paved with education.

I want more of our people to have the opportunity to travel the road to a better society. This is why I will support H.R. 5. It cuts interest rates on subsidized student loans in half from 6.8 percent to 3.4 percent. It saves the typical borrower $4,400. It provides more opportunities for more Americans to have more opportunities.

I will support H.R. 5.

SUPPORT COLLEGE LOAN INTEREST RATE CUTS AND MAKING COLLEGE MORE AFFORDABLE

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Mr. Speaker, as a former teacher and as a member of the Education and Labor Committee, I am concerned by the fact that as the need for post-high school education increases in our country, so has the high price of attending college. Tuition fees at public universities have increased 41 percent after inflation since the year 2000.

A recent report highlighted my home State of New Jersey as having the highest college costs in the Nation for 4-year public institutions. Including tuition and room and board, it costs an average of $17,515 to attend a public 4-year university or college in New Jersey, about $5,600 over the national average. Because of these skyrocketing costs, many students and their families must take out student loans.

Unfortunately, thanks to the policies of the Bush administration in the past and of a Republican-controlled Congress, interest rates have increased as funding to college programs have been cut. Now this Congress has a chance to pursue a positive course by broadening college opportunities for all American students.

A Democratic bill coming before the House today, as part of the 100-hour agenda, will cut interest rates for the student loans, and, so, therefore, I ask, Mr. Speaker, that as our economy becomes more important day by day, it is important that we have a workforce that will be able to appreciate lower costs. This legislation will give more college-bound teens the ability to afford college, and that is why it should receive strong bipartisan support.

THE BRING THE TROOPS HOME AND IRAQ SOVEREIGNTY RESTORATION ACT

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, the President said that critics of escalation have a responsibility, quite frankly, to offer an alternative. Today, Congresswoman LYNN WOOLSEY, Congresswoman MAXINE WATERS and myself will do just that. The Bring the Troops Home and Iraq Sovereignty Restoration Act is a rational alternative to escalation. It will repeal the authorization to use force, fully fund a 6-month withdrawal of U.S. forces from Iraq, provide economic aid to the Iraqi Government and fully fund the VA health care system for all veterans.

It will also prohibit permanent military bases in Iraq and U.S. control over Iraq's oil resources, and it will create a joint bipartisan committee to investigate how our Nation came to be misled into this unnecessary war and ensure that it never happens again.

It is time to bring this war and occupation to an end. It is time for military measures to be replaced by diplomacy. It is time to take the targets off our troops' backs and bring them home now. I am proud to say that today we will be introducing legislation to do just that.

I want to thank Congresswoman LYNN WOOLSEY, Congresswoman MAXINE WALTERS of the Progressive Caucus and the Out of Iraq Caucus for their leadership.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

CONGRATULATING THE GRAND VALLEY STATE UNIVERSITY LAKERS FOR WINNING THE 2006 NCAA DIVISION II FOOTBALL NATIONAL CHAMPIONSHIP

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 62) congratulating the Grand Valley State University Lakers for winning the 2006 NCAA Division II Football National Championship.

The Clerk read as follows:

H. RES. 62

Whereas on December 16, 2006, the Grand Valley State University Lakers of Allendale, Michigan, won the 2006 National Collegiate Athletic Association (NCAA) Division II Football National Championship by defeating the Northwest Missouri State University Bearcats by a score of 17 to 14, defeating the Bearcats for the second consecutive year in the championship game;

Whereas in the championship game, quarterback Cullen Finnerty completed 15 of 33 passes for 225 yards and rushed for 115 yards on 22 carries for 340 yards of total offense, becoming the first quarterback in the history of the NCAA Division II Football National Championship to pass for more than 200 yards and rush for more than 100 yards, and Bill Brechin made 4 pivotal plays, including 2 first-quarter interceptions that kept the Lakers in the game;

Whereas the Lakers completed the season with a perfect 15–0 winning record, becoming just the second team in NCAA Division II football history to finish the season 15–0;

Whereas the Lakers have won 28 consecutive games, the longest football winning streak in any NCAA division;

Whereas the Lakers also won the NCAA Division II Football National Championship in 2002, 2003, and 2005;

Whereas the American Football Coaches Association named Coach Chuck Martin the NCAA Division II Coach of the Year for the second consecutive year;

Whereas Martin has compiled a 3-year head coaching record of 38–3, including a 10–1 postseason record;

Whereas the Lakers' seniors finish their 4 seasons with a 52–4 record, which makes them the all-time most winning senior class in all of NCAA history;

Whereas 5 Lakers earned Associated Press Little All-American honors, with seniors Finnerty, Eric Fowler, and Mike McFadden earning first-team honors and juniors Brandon Barnes and Brandon Carr earning third-team honors;

Whereas the Lakers dominated the 2006 Daktronics, Inc. Division II All-American Football team by placing 6 players (Fowler, Barnes, McFadden, Finnerty, Carr, and Anthony Adams) on the first team;

Whereas in the 2006 season, Finnerty was selected to 3 All-American teams (the American Football Coaches Association, Daktronics, and the Associated Press) and finished second in the Harlon Hill race, an award given to the top player in Division II football;

Whereas Finnerty closes a college football career with a 51–4 record as a starter, including a record of 14–1 in postseason play, to become the most winning quarterback in NCAA history;

Whereas Finnerty was named the 2006 Great Lakes Intercollegiate Athletic Conference Football Player of the Year, Barnes was named Offensive Lineman of the Year, and McFadden was named the Defensive Lineman of the Year for the second consecutive year;

Whereas McFadden also won the Gene Upshaw Award for the second consecutive year; and

Whereas Grand Valley State University's student athletes have displayed great strength, ability, and perseverance this season and have again made the citizens of the State of Michigan proud: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Grand Valley State University Lakers for winning the 2006 NCAA Division II Football National Championship; and

(2) recognizes all the players, coaches, and support staff who were instrumental in this achievement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which Members may insert material relevant to H. Res. 62.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman from Michigan (Mr. HOEKSTRA) for introducing this resolution that salutes Grand Valley State for their recent victory over the Northwest Missouri State Bearcats in the NCAA Division II national football championship in December.

Grand Valley State was led by quarterback Cullen Finnerty, who completed 15 of 33 passes for 225 yards and rushed for 115 yards on 22 carries for 340 yards of total offense, becoming the first quarterback in the history of the NCAA Division II national football championship to pass for more than 200 yards and rush for more than 100 yards.

The game also saw tremendous plays by Bill Brechin, who made two first quarter interceptions.

I would also point out that Northwest Missouri State University also played an excellent game, and I congratulate them for their effort.

The Lakers are no strangers to this championship, having won in 2002, 2003 and 2005. It is also the second year that the Lakers have defeated the Bearcats in a championship game.

Much is due to the coaching of Chuck Martin, who was named Division II Coach of the Year for the second year. Clearly, the Lakers deserve to be recognized by the House for their outstanding accomplishments on the football field, and I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank my colleague from Virginia for bringing forward this resolution today. I think it is a wonderful opportunity to educate the colleague from Virginia on the talents that we have in the State of Michigan, especially in western Michigan. I am excited to see how well versed he has become about the Grand Valley State University football team. As he indicated, we rise today to congratulate the student athletes on the Grand Valley State University Lakers 2006 football team.

On December 16, 2006, the Lakers football team won the NCAA Division II football national championship by defeating the Northwest Missouri State University Bearcats 17–14. The Grand Valley State University football program has now won championships in 2002, 2003, 2005 and 2006.

The victory capped another storybook season for Coach Chuck Martin. He has coached his team to a 23–3 record, including a 10–1 post-season record after assuming coaching responsibility after a successful stint as the Lakers' defensive coordinator.

The Grand Valley State University seniors finished their 4-year run with the Lakers with a 52–4 record, making them the all-time winningest senior class in all of NCAA history.

□ 1045

Grand Valley student athletes have displayed great strength, ability and resolve during the 2006 season. They have made the great State of Michigan proud once again.

Mr. Speaker, I encourage all Members to support the passage of H. Res. 62.

Mr. Speaker, I include for the RECORD the full roster of this national championship team and their coaching staff.

2006 ROSTER

[Alphabetical]

No.	Name	Ht/Wt	Pos	Yr	Exp	Hometown (last school).
4	Anthony Adams	6–2/234	LB	JR	2L	Troy, MI (Troy).
58	Sam Allen	6–5/285	OL	SO	1L	Lansing, MI (Sexton).
35	Matt Bakker	6–1/190	RB	FR	FR	Middleville, MI (South Christian).
43	Lyle Banks	5–11/170	DB	FR	RS	Detroit, MI (Cass Tech).
61	Brandon Barnes	6–2/315	OL	JR	2L	Detroit, MI (Pershing).
82	Ryan Bass	6–2/181	WR	FR	RS	Portage, MI (Northern).
9	Matt Beaty	6–0/232	LB	JR	2L	Detroit, MI (Cass Tech).
99	Nate Beebe	6–2/235	DL	FR	FR	Allendale, MI.
21	P.J. Beuke	6–0/215	LB	FR	RS	Hinsdale, IL.
36	Chad Biggar	6–2/220	LB	FR	FR	Traverse City, MI (St. Francis).
6	Scott Blasko	6–4/265	TE	SO	1L	Lansing, MI (St. Joseph).
88	Cameron Bradfield	6–4/256	TE	FR	RS	Grand Rapids, MI (Creston).
29	Bill Brechin	5–10/180	DB	JR	1L	Addison, IL.
64	Drew Burton	6–1/310	OL	SR	2L	Moscow, ID (Moscow).
76	Troy Buter	6–8/270	OL	FR	FR	Zeeland, MI (West).
5	Samad Cain	6–2/200	DB	SO	1L	Detroit, MI (Minnesota).
87	Robert Carlisle	6–1/184	WR	SO	1L	Detroit, MI (Lutheran East).
24	Brandon Carr	6–1/206	DB	JR	2L	Flint, MI (Carman-Ainsworth).
25	Tony Carr	6–0/190	DB	SR	1L	Flint, MI (Western Michigan).
83	Tony Carreri	6–3/235	TE	FR	FR	Clinton Township, MI (L'Anse Cruse).
20	Kirk Carruth	/235	LB	JR	2L	Saginaw, MI (Saginaw).
90	Todd Carter	6–1/190	K	SO	1L	Flint, MI (Carman-Ainsworth).
3	Mark Catlin	5–10/180	WR	SR	3L	Lowell, MI (Lowell).
	Carlos Clark	6–0/160	WR	FR	FR	Belleville, MI.
37	Aaron Conti	5–8/175	DB	FR	RS	Bloomfield Hills, MI (Detroit Jesuit).
52	Greg Copeland	6–3/250	OL	FR	FR	Inkster, MI.
95	Mendalson Covington	6–4/225	DL	FR	FR	Carsbad, CA.
84	Anthony Crump	6–4/228	WR	FR	RS	Muskegon, MI.
59	Joe Davis	6–1/250	OL	FR	FR	Jenison, MI.
32	Corey Edwards	6–0/183	WR	SO	1L	Grand Rapids, MI (Ottawa Hills).
93	Jeremy Ehinger	6–3/285	DL	JR	TR	Torranc, CA (L.A. Harbor College).
51	Billy Eisenhardt	6–3/270	OC	SO	1L	Macomb, MI (Dakota).
56	Ian Evans	6–3/235	TE	FR	FR	Clearwater, FL (Countryside).
	Eric Ewing	6–1/200	LB	FR	FR	Jackson, MI (Lumen Christi).
31	Gary Fant	5–11/190	DB	FR	RS	Lansing, MI (Eastern).
94	Chris Favors	6–2/270	DL	JR	TR	Laplace, LA (Citrus J.C.).
16	Cullen Finnerty	6–2/210	QB	SR	3L	Brighton, MI (Brighton).
34	Matt Flutur	5–11/215	RB	FR	RS	Ludington, MI (Mason County Central).
79	Dan Foster	6–5/250	OL	FR	FR	Grand Haven, MI.
80	Eric Fowler	6–3/198	WR	SR	3L	New Haven, MI (New Haven).
7	Preston Garris	5–9/190	WR	JR	2L	Muskegon, MI (Mona Shores).
92	Ryan Gaydosh	6–3/259	DL	JR	2L	Medina, OH (Medina).
66	Alex Gilde	6–0/265	DL	FR	FR	McBain, MI.
17	Brennen Glass	6–4/220	QB	FR	FR	Springfield, OH.
70	John Godush	6–3/315	OL	FR	FR	Stevensville, MI (Lakeshore).
23	Maurice Gore	5–9/190	RB	FR	RS	Lansing, MI (Sexton).
97	Mike Graham	6–2/244	TE	JR	TR	Owosso, MI (Grand Rapids C.C.).
	D.D. Hardy	6–0/170	WR	FR	FR	New Haven, MI.
75	James Hardy	6–5/250	OL	FR	FR	Buffalo Grove, IL (Stevenson).
57	Brett Harris	6–5/240	DE	FR	RS	New Haven, MI.
55	Jacob Henige	6–2/295	OL	JR	2L	Chesaning, MI (Chesaning).
71	Brett Hines	6–4/290	OL	FR	FR	Cincinnati, OH (Moeller).
54	Drew Hinkle	6–3/240	DL	FR	RS	Dearborn, MI (Divine Child).
65	Tyler Holtz	6–3/294	OL	FR	RS	Holt, MI.
	Nick Hopkins	5–11/170	K/P	FR	FR	Byron Center, MI.
67	Brad Hull	6–4/240	DL	FR	FR	Centreville, OH.
13	Brad Iciek	6–1/180	QB	FR	RS	Grandville, MI.
42	Jay Jandasek	5–11/190	K	FR	FR	Brighton, MI.
69	Nate John	6–4/300	OL	JR	TR	Bolingbrook, IL (College of DuPage).
	Blake Johncock	6–1/205	LB	JR	SQ	Battle Creek, MI (Central).
47	Derrick Jones	6–5/278	DL	SR	1L	Barstow, CA (Victory Valley College).
53	Sam Jones	6–0/250	DL	FR	FR	Kentwood, MI (East Kentwood).
28	Zach Jones	6–1/195	DB	SR	2L	Glendale, CA.
	Lamar Keith	6–3/230	DL	FR	FR	Inkster, MI.
86	Mike Koster	6–3/206	WR	FR	RS	Lowell, MI.
8	Buster Larkins	5–11/190	DB	SR	TR	Indianapolis, IN (University of Indiana).
	Mike Leiffers	6–1/245	DL	FR	FR	Allendale, MI.
2	Astin Martin	5–9/187	RB	SR	1L	Grand Rapids, MI (Toledo).
81	John Mathews	6–2/235	TE	SO	1L	Esserville, MI (Garber).
77	Nick McDonald	6–4/275	OL	FR	RS	Sterling Heights, MI (Henry Ford II).
11	Mike McFadden	6–1/255	DL	SR	3L	Saginaw, MI (Heritage).

2006 ROSTER—Continued

[Alphabetical]

No.	Name	Ht/Wt	Pos	Yr	Exp	Hometown (last school).
10	Jacob McGuckin	6–2/215	SS	FR	RS	Allen Park, MI.
44	Byron Miles	6–0/225	LB	JR	TR	Chicago, IL (Joliet J.C.).
40	David Misiewicz	6–0/185	DB	JR	SO	Sarasota, FL (Cardinal Mooney).
1	Terry Mitchell	6–2/210	WR	SR	1L	Port Huron, MI (Harper J.C.).
19	Jaquon Morrison	5–11/185	WR	JR	TR	Carson, CA (L.A. Harbor College).
49	Mike Mukuna	6–2/210	LB	FR	FR	Haslett, MI.
39	Frank Mulder	6–0/180	DB	FR	RS	Lowell, MI.
38	Jordan Munson	6–4/225	LB	FR	RS	Petoskey, MI (Petoskey).
60	Doug Neumeyer	6–3/255	OL	FR	RS	Sandusky, MI.
22	Courtney Partee	5–9/170	CB	FR	RS	Ada, MI (East Grand Rapids).
	Denny Pittman	6–1/190	DB	FR	FR	Walker, MI (West Catholic).
46	Justin Pollock	6–2/240	DL	FR	SO	Kentwood, MI (East Kentwood).
45	Danny Richard	6–3/220	DL	FR	FR	West Bloomfield, MI.
	Chad Richardson	6–1/189	WR	SO	TR	Charlotte, MI.
26	Sean Roland	5–11/195	DB	SR	3L	Detroit, MI (University of Detroit Jesuit).
	Matt Russell	5–10/188	RB	FR	FR	Naperville, IL (Aurora Christian).
12	Brandon Ryan	5–8/192	DB	JR	2L	Grand Blanc, MI
18	Mike Scherpenberg	6–4/180	QB	FR	FR	Cincinnati, OH (Indian Hill).
41	Felix Sharpe	5–10/172	WR	FR	RS	Kalamazoo, MI (Central).
33	Dan Skuta	6–3/240	DE	SO	1L	Flint, MI (Carman-Ainsworth).
27	Blake Smolen	6–0/198	WR	FR	RS	Grosse Ile, MI.
15	Chad Somerville	6–2/204	QB	FR	RS	Mason, MI.
14	Derek Stansbery	6–0/201	DB	JR	TR	Battle Creek, MI. (Harper Creek).
72	Brett Stengele	6–5/265	OL	FR	FR	Cresthill, IL (Joliet Catholic).
68	Sean Stevens	6–4/260	OL	JR	2L	Grand Ledge, MI (Grand Ledge).
	Alex Szarenski	6–2/257	DL	FR	RS	Southfield, MI (Brother Rice).
73	Joey Teague	6–2/270	OL	FR	FR	Fairfield, OH.
	Bryan Thomas	6–0/265	DL	FR	RS	South Lyon, MI.
	Tony Thompson	5–10/170	DB	FR	FR	Traverse City, MI. (West).
63	Jacob Topp	6–3/272	OL	SO	1L	Strongsville, OH (Eastern Michigan).
96	Lance Travis	6–2/237	DE	FR	RS	Sebewaning, MI. (Unionville-Sebewaning).
85	Antione Trent	6–2/198	WR	JR	2L	Grand Rapids, MI. (Ottawa Hills).
48	Justin Trumble	6–2/190	P/K	FR	RS	Grosse Point, MI. (Dakota).
91	Justin Ulberg	6–3/250	DL	JR	2L	Allendale, MI.
	Justin Victor	6–1/200	LB	FR	FR	Allen Park, MI.
89	Matt Wade	5–10/160	WR	FR	RS	Grand Haven, MI.
	John Wasmund	6–1/210	K	FR	FR	Westerville, OH (North).
74	Collin Williams	6–4/250	OL	FR	FR	Howell, MI.
98	Justin Winsor	6–4/245	DL	FR	FR	Middleton, MI (Fulton-Middleton).
78	Joe Wohlscheid	6–7/305	OL	JR	1L	Grand Ledge, MI.
50	James Wojciechowski	6–0/214	LB	FR	RS	Southfield, MI. (Brother Rice).

COACHES

Chuck Martin—head coach.

Steve Brockelbank—assistant head coach/OL/rec. coordinator.

Matt Pawlowski—defensive coordinator/defensive backs.

Todd Kolster—offensive coordinator/quarterbacks.

Matt Mitchell—linebackers/strength &amp; conditioning.

William Pascol—running backs.

Jim Schaak—kickers/tight/ends.

Matt Yoches—defensive line.

Dan Fodrocy—graduate assistant.

Adam McClain—graduate assistant

David Sartin—graduate assistant.

Dan Price—video coordinator.

Mr. EHLERS. Mr. Speaker, I rise today in support of H. Res. 62, a resolution congratulating the Grand Valley State University Lakers for winning the 2006 NCAA Division II Football National Championship.

Head Coach Chuck Martin and his team have helped to bring national reknown to GVSU's campuses in Allendale, Grand Rapids and throughout West Michigan with their excellence on the field. Over the past five years, the Lakers have won four National Championships in their division, a feat that has been duplicated at no other level of college football in the same time span.

The senior class of this team compiled a four-year record of 52–4, making them the winningest senior class of football players in NCAA history. Led by quarterback Cullin Finnerty, Eric Fowler and Mike McFadden—each of them named first-team Little All-America players by the Associated Press—the Lakers dominated their competition to an undefeated 15–0 season, culminating in a 17–14 championship victory over the Northwest Missouri State University Bearcats on December 16, 2006, in Florence, Alabama.

The game was witnessed by 7,000 fans in the stadium and by a worldwide audience including our soldiers in Iraq and elsewhere, who watched the game on the Armed Forces TV Network. One GVSU official, my former press secretary, Chris Barbee, reported hearing from two soldiers in Iraq congratulating the team on its victory.

The Laker football team is emblematic of Grand Valley State University as a whole—a thriving, bustling university in West Michigan with more than 23,000 students and nearly 2,000 faculty and staff. The university, led by its new president Thomas J. Haas, is striving for excellence at all levels academic and athletic alike.

Congratulations again to Grand Valley State University, Coach Martin and his staff, and all the players, support staff and fans who made this championship a reality.

Mr. GRAVES. Mr. Speaker, today we will be considering H. Res. 62, a resolution congratulating the Grand Valley State University Lakers for winning the 2006 NCAA Division II Football National Championship. And although I will be supporting this resolution out of respect for my friend and colleague, Congressman PETER HOEKSTRA, I would like to take a moment to recognize the Northwest Missouri State University Bearcats.

This is the second consecutive year Northwest Missouri State University has made a run for the championship. Unfortunately, the football Gods were not kind to them at the championship game this year. However, the Northwest Missouri State University Bearcats are an exceptional football team with great team spirit.

Mr. Speaker, I proudly ask you to join me in recognizing the Northwest Missouri State University Bearcats football team for an outstanding 2006 season, and I look forward to cheering them on to the NCAA Division II Football Championship again next year.

Mr. HOEKSTRA. Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 62.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 434) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 31, 2007, and for other purposes.

The Clerk read as follows:

H.R. 434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

The authorization for any program, authority, or provision, including any pilot program, that was extended through February 2, 2007, by section 1 of Public Law 109–316 is further extended through December 31, 2007, under the same terms and conditions.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation being offered today will extend the authorization of the Small Business Administration and its programs. This short-term extension will ensure that small businesses have many of the tools that they need to be successful in today's economy. As the current authorization is set to expire in February, it will ensure that programs can operate through the end of the calendar year while Congress considers legislative changes.

The 109th Congress adjourned without making the necessary changes to get the SBA and its programs running efficiently and effectively. Clearly, a lot of work needs to be done to ensure that the Small Business Administration can adequately respond to the needs of small businesses. Today we have an opportunity to give Congress time to review, evaluate and, if need be, modernize the Small Business Administration programs.

I want to commend Congressman CHABOT, the Small Business Committee's new ranking member, for recognizing these issues and working with me to expedite them.

For many entrepreneurs across the country, SBA programs are the difference between success and failure. Our Nation's 24 million small businesses often rely on these programs for affordable financing and entrepreneurial training, as well as assistance in accessing the Federal marketplace. Given the importance and the significant impact that SBA has on our Nation's entrepreneurs, it is our duty to thoroughly review and assess the SBA and its programs. This is especially true in light of the fact that there have been no major changes in over 6 years. We need to make sure that SBA is able to meet the needs of small businesses in the 21st century economy.

The administration asks for this extension, recognizing the time needed to evaluate the structure, programs and possible modifications that need to be made agency-wide.

The short-term extension that H.R. 434 provides would allow us to hold hearings on various topics and examine each of the issues brought forth by the SBA. Most importantly, it will give us the opportunity to draft a bipartisan bill that has each Member's input. Small businesses, the Nation's largest job creator, deserve nothing less than our full commitment to ensuring that they can be successful.

I urge Members to support H.R. 434, to ensure that this Nation's entrepreneurs have access to all of the resources they need to grow and expand their businesses.

Mr. Speaker, I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill simply extends all the programs, including pilot programs, the authorities or provisions of the Small Business Act and the Small Business Investment Act as they are presently constituted until the end of this year. Currently, the programs and authorities of the Small Business Administration expire on February 2. Passage of this bill will give the committee the time necessary to work in a bipartisan manner on a more comprehensive Small Business Administration reauthorization bill during the rest of this session.

I am pleased to enclose for the RECORD a letter dated January 8, 2007, from the administrator of the SBA, Steven Preston, endorsing a longer-term extension of the authorities of the SBA.

U.S. SMALL BUSINESS ADMINISTRATION, OFFICE OF THE ADMINISTRATOR,
Washington, DC.

Hon. STEVE CHABOT,
Ranking Member, Committee on Small Business,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN CHABOT: I am writing to you regarding the authorization of the U.S. Small Business Administration's (SBA) programs for fiscal year 2007. As you know, those programs were temporarily extended by Public Law 109–316. That authorization is due to expire on February 2, 2007. While SBA's major loan programs will still function without that express authorization several other important authorizations will expire. These include SBA's co-sponsorship authority which enables our district offices to conduct much of their outreach and assistance functions.

Therefore, rather than place the SBA in the unfortunate position of suspending the operation of these programs, I ask that you and your colleagues extend the authorization of SBA's programs through the end of fiscal 2007. Continuing the current authorization without any further amendment will prevent any interruption in the services of the SBA and allow SBA and Congress to work unimpeded on multi-year authorization legislation.

Thank you for your time and attention to this matter. If you or your staff have any questions please contact C.E. "Tee" Rowe in our Office of Congressional and Legislative Affairs at (202) 205–6703.

Sincerely yours,
STEVEN C. PRESTON.

Mr. Speaker, many of the programs of the SBA do not operate under a direct appropriation. This includes the 7(a) General Business Loan Guarantee Program, the Certified Development Company Program and the Small Business Investment Company Program. Passage of this bill will make it absolutely certain that there is no legal ambiguity as to whether or not the Federal Government can continue to guarantee these critical loan and debenture programs for the rest of this year.

In addition, this bill would extend the authority of the Small Business Administration to operate several smaller programs, including grants to small business development centers to participate in the Drug-Free Workplace Program, sustainability funding for women business centers, the Pre-Disaster Mitigation Pilot Program, the New Markets Venture Capital Program, and BusinessLinc. It would also extend the SBA's cosponsorship and gift authority, which enables the SBA to accept private donations to help put on events or print publications, thus saving the taxpayer substantial dollars. Finally, H.R. 434 gives the SBA all the authority it needs to continue the operations of the Advisory Committee on Veterans Business Affairs.

Mr. Speaker, this bill is quite simple. It contains the exact same language, with only the dates changed, that was signed into law four times in the 108th Congress. It was also passed one time in 2006 when Congress confronted the same problem during previous efforts to pass an SBA reauthorization bill into law.

Extending the authorities of the SBA until December 31 of this year will give the Small Business Committee unimpeded time to develop a comprehensive SBA reauthorization bill without having to confront every few weeks another expiration deadline.

I look forward to working in a bipartisan manner with Chairwoman VELÁZQUEZ and other committee members to produce a good, fiscally responsible reauthorization bill that can eventually be signed into law by the President. I especially want to thank the graciousness of Chairwoman VELÁZQUEZ for agreeing to bring up this bill in such an expeditious manner, and look forward to working with her in the upcoming session of Congress.

I want to emphasize what the chairwoman said about the importance of small business to our country. After all, about 99 percent of the businesses in this country have fewer than 500 employees, which by definition means they are small business, and 60 to 80 percent of new jobs in this country are created by these small businesses. Oftentimes the regulations, the taxation, the litigation, there are a whole range of problems which they have to bear.

Mr. Speaker, I hope that we can over the next 2 years work in a bipartisan manner in order to help small businesses. It is really not a Democrat or Republican issue, it is an issue which benefits all Americans. So I think this is especially a committee in which I think bipartisanship is called for, and I am optimistic we will be able to do that.

Mr. Speaker, I urge my colleagues to support H.R. 434, so that our Nation's small businesses will see no interruption of service from the SBA over the next 11 months while Congress works uninterrupted on a comprehensive reauthorization bill.

Mr. Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 434.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Ms. VELÁZQUEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

HONORING MUHAMMAD ALI ON HIS 65TH BIRTHDAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 58) to honor Muhammad Ali, global humanitarian, on the occasion of his 65th birthday and to extend best wishes to him and his family.

The Clerk read as follows:

H. RES. 58

Whereas Muhammad Ali is a retired American boxer;

Whereas Ali was born in Louisville, Kentucky, on January 17, 1942, and was named Cassius Marcellus Clay, Jr. after his father, Cassius Marcellus Clay, Sr., (who was named for the 19th century abolitionist and politician Cassius Clay);

Whereas Ali later changed his name after joining the Nation of Islam and subsequently converted to Sunni Islam in 1975;

Whereas in 1999, Ali was crowned "Sportsman of the Century" by Sports Illustrated, won the World Heavyweight Boxing championship 3 times, and won the North American Boxing Federation championship and an Olympic gold medal;

Whereas on September 13, 1999, Ali was named "Kentucky Athlete of the Century" by the Kentucky Athletic Hall of Fame in ceremonies at the Galt House East;

Whereas Ali received the Presidential Medal of Freedom at a White House ceremony on November 9, 2005, and the prestigious "Otto Hahn peace medal in Gold" of the United Nations Association of Germany in Berlin on December 17, 2005, for his work with the United States civil rights movement and the United Nations;

Whereas since he retired from boxing, Ali has devoted himself to humanitarian endeavors around the globe;

Whereas Ali is a devout Sunni Muslim and travels the world over, working for hunger and poverty relief, supporting education efforts of all kinds, promoting adoption, and encouraging people to respect and better understand one another;

Whereas it is estimated that Ali has helped to provide more than 22,000,000 meals to feed the hungry and travels, on average, more than 200 days per year;

Whereas through his perseverance and the support of thousands Ali has continued his legacy of humanity through the establishment of the Muhammad Ali Center in his hometown of Louisville, Kentucky;

Whereas on November 19, 2005, Ali's 19th wedding anniversary, the $60,000,000 nonprofit Muhammad Ali Center opened in downtown Louisville, Kentucky, displaying his boxing memorabilia, the center focuses on core themes of peace, social responsibility, respect, and personal growth;

Whereas the Ali Center is much more than a place that tells the story of one man's journey, the Ali Center reaches beyond its physical walls to fulfill its mission: to preserve and share the legacy and ideals of Muhammad Ali, to promote respect, hope, and understanding, and to inspire adults and children everywhere to be as great as they can be;

Whereas the onsite visitor experience incorporates as organizing elements, 6 prevailing core values of Ali's life: respect, confidence, conviction, dedication, giving, and spirituality;

Whereas these theme-based pavilions all feature dramatic media presentations and interactive exhibits that help illustrate the "hows" of Ali's life: how he found the courage, the dedication, and the discipline to become who he is today, how he found the conviction to stand up for what he believed, and how he turned his passion for excellence in the ring to a passion for peace on the world stage;

Whereas like Muhammad Ali himself, the Muhammad Ali Center focuses on what brings individuals together, not what sets them apart and is a "global gathering place" where people can come—both online and in person—to learn, share, celebrate our commonalities as human beings, and formulate ways of advancing humanity today and in the future;

Whereas the Muhammad Ali Center's educational goals include various delivery methods and incorporate a wide range of topics, from respect, diversity, and personal discovery to empowerment and conflict resolution; and

Whereas ultimately, the Muhammad Ali Center's goal is to make a profoundly significant contribution to the global society: Now, therefore, be it

Resolved, That the House of Representatives honors Muhammad Ali, global humanitarian, on the occasion of his 65th birthday and extends best wishes to him and his family.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the author of H. Res. 58, the gentlewoman from the great State of Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I thank the honorable gentleman from the State of Illinois for yielding, and to the Speaker, thank you very much for giving us this time to give honor where honor is due.

Mr. Speaker, I rise today to honor the 65th birthday of a great American, the greatest of all time, and world humanitarian, Muhammad Ali.

Quite frankly, as a little girl growing up, I didn't pay too much attention to the boxing arena of this great country. I just knew that men got in a ring with some gloves on and pounded each other, and whoever pounded the most won the title.

Ali, like me, was born in Louisville, Kentucky. He was named Cassius Marcellus Clay after his father, who was named for the 19th century abolitionist and politician, Cassius Clay. Ali later changed his name after joining the Nation of Islam and subsequently converted to Sunni Islam in 1975.

I remember as a younger person how awful I thought it was that this country would permit the stripping of a title so dutifully earned, the Heavyweight Boxing Championship of the World.

Though Ali won the gold medal at the Rome Olympics in 1960, at the time the experts didn't think much of his boxing skills. Ali surprised the experts and won the world heavyweight title against Sonny Liston in 1964. He won the world heavyweight boxing championship three times.

□ 1100

However, Ali proved to be a freedom fighter as well, protesting within his rights as an American citizen the Vietnam War and his draft by the government to serve in that war. I remember thinking Ali said, I am not mad at nobody and I am not going over to fight a war.

The government prosecuted him for draft dodging, and the boxing commission took away his license. He was inactive from March 22, 1967, to October 26, 1970, idle for 3½ years at the peak of his career.

In 1971, the Supreme Court ruled that the government had acted improperly, but Ali bore the commissions no ill will, even though he was a Sunni Muslim and he reminded you of Christ being crucified on the cross and saying I will forgive them no matter what they do.

Ali, like Nelson Mandela of South Africa, Mahatma Gandhi of India and another great American, Martin Luther King, bore no bitterness against those that sought to oppress him and deny him the freedom to pursue happiness, even though the Constitution says the government shall not deprive based on race or religion against our citizens.

Since his retirement from boxing, Ali has devoted himself to humanitarian endeavors around the globe.

He is a devout Sunni Muslim and travels the world over, lending his name and presence to hunger and poverty relief, supporting education efforts of all kinds, promoting adoption and encouraging people to respect and better understand one another.

It is estimated that he has helped to provide more than 22 million meals to feed the hungry around the world.

Ali received a Presidential Medal of Freedom at a White House ceremony in November 2005.

The Ali Center reaches beyond its physical walls to fulfill its mission: to preserve and share the legacy and ideals of Muhammad Ali, to promote respect, hope and understanding, and to inspire adults and children everywhere to be as great as they can be.

True greatness transcends the artificial boundaries of geography, gender, and race. True greatness rests in the hearts of men and women who believe in world peace and the humanity of every individual.

How prophetic of a young Muhammad Ali when he declared, "I am the greatest of all time."

Mr. Speaker, I would urge the House to support H. Res. 58 and honor the 65th birthday of this great American. Happy birthday, Muhammad Ali.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I might consume.

I rise in support of the resolution to honor Muhammad Ali on his 65th birthday. I can think of few people more deserving of this honor. Yes, he is the only three-time heavyweight champion of the world, as well as an Olympic gold medalist. Yes, he was crowned Athlete of the Century by Sports Illustrated, but Muhammad Ali is so much more than a boxer. He is a man who literally taught us another way to talk and think about sports and about life.

We had never heard athletes put their work to rhyme before Ali vowed to "float like a butterfly and sting like a bee." We had never seen an athlete so adept at the promotional aspects of his sport. Today we remember the names of his fights, the Rumble in the Jungle, the Thrilla in Manila, as much as the fights themselves.

And when his career in the ring ended, we had never seen an athlete who moved so seamlessly, so dramatically, so thoroughly to put his fame to work for the public good. It was after he had hung up the gloves, remember, that Time magazine declared his the most recognizable face on Earth.

He earned that sobriquet through his tireless struggles against hunger and poverty, he is said to have helped provide more than the 22 million meals for the hungry, through his support for education, adoption and efforts to urge young people of diverse backgrounds to grow in their understanding of one another.

Today, he continues his work for the betterment of all humanity through the Muhammad Ali Center in the downtown area of his hometown of Louisville, Kentucky. He continues to promote that which brings people together as opposed to that which pulls them apart. He continues to teach the lessons that made him great. His center is organized around the six core values of respect, confidence, conviction, dedication, giving and spirituality.

In his younger days, he revolutionized boxing with hands so fast they could deliver punches not even visible to the naked eye. Since then, he has revolutionized the role of retired athlete, leading by example, showing others how to put their fame and fortune to good use.

For these reasons, I urge all Members to support this resolution for this most deserving American.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure now to yield such time as he might consume to the distinguished gentleman from Louisville, Kentucky (Mr. YARMUTH), the home of Muhammad Ali.

Mr. YARMUTH. Mr. Speaker, I thank the gentleman from Illinois, and I want to also thank the gentlewoman from Indiana for allowing me to become a sponsor on this important resolution, also a fellow native.

Mr. Speaker, boxing gloves are a symbol of fighting for sport; but these gloves, because of the man who once wore them, symbolize so much more: fighting for justice, fighting for equality, and fighting for one's convictions.

My home district of Louisville, Kentucky, is known for a lot of things; and when you say the greatest, and particularly the greatest of all time, there is no question who you are talking about.

Larger than life now and one of the most recognizable icons throughout the world, it is easy to forget that long before he took his place as the best, and, as he would tell you the prettiest, boxer the world has ever known, there was a young, loud-mouthed speedster named Cassius Marcellus Clay, who despite his slight frame and humble beginnings, had an overpowering cockiness that immediately let you know that, whether or not he was destined for greatness, he was absolutely consumed by the quest. That flare inspired a lore that traveled quickly throughout our hometown.

In track and field, they say he won the mile easily and regularly, each time wearing steel-toed boots and running the second half backward.

They say on his way to Central High School each day he would race the school bus, being sure to stop at every traffic light lest he gain an unfair advantage over the school bus.

And when he finally began to shake up the world, winning Olympic gold at the age of 18, they say Cassius Clay furiously flung his medal into the Ohio River after his newly attained hero status did nothing to alter his second-class status in the racist South.

Whether or not these tales are the stuff of legend, the integrity of the message holds true. He was the fastest, most dedicated, most confident we had ever seen. Yet even after he had defeated the invincible giant and became the heavyweight champion of the world, he constantly felt the pain of prejudice and the heartache of racial hate. He turned down the opportunity to merely escape the situation, instead determined to change it.

He introduced dazzling quick footwork that even today has never been seen in a heavyweight and lightning left jabs that sent opponent after opponent falling to the mat. But he felt that his was a higher calling, and he chose controversy over comfort.

He became Muhammad Ali, and he used his success and fame to speak passionately and eloquently against injustice, racism, crime, illiteracy and poverty, touching and inspiring millions around the world.

As he was just approaching his prime fighting years, he was faced with a choice, betray his opposition to war and fight in Vietnam or sacrifice his career and face 5 years in jail. Twenty-five-year-old Muhammad Ali remained firm and was stripped of the title he had defended brilliantly for more than 2 years.

He had been knocked down, but he would not accept defeat. For more than 3 years, the former champ defended his name and appealed the decision, while simultaneously touring the country and world speaking tirelessly in the name of peace, justice and equality, now champion in a whole new realm.

With his peak fighting years behind him, a unanimous Supreme Court finally overruled previous decisions, granting Ali his conscientious objector status, and affording him the return that most of us thought would never happen.

What followed was not merely a comeback but an epic resurgence that featured the Fight of the Century, the Thrilla in Manila, and the Rumble in the Jungle. Ali recaptured the title by reinventing his style with the rope-a-dope in 1974, and in 1978 took the belt an unprecedented third time.

In the last two decades, Muhammad Ali has battled the effects of Parkinson's disease, and while the disease has proven a worthy adversary, it is simply not possible to defeat the man who once remarked, "I oughta be a postage stamp. That's the only way I'll ever get licked." Since his diagnosis, he has appeared at countless events to combat illiteracy, poverty, and disease. He famously lit the Olympic torch in Atlanta, was awarded the Presidential Medal of Freedom, and was an honorary captain for the Louisville Cardinals in their Orange Bowl victory this year.

His mind remains sharp and his spirit strong. He is a hero. He is among the greatest icons the world has ever known, and I urge you to join me in commemorating his contributions to this country and the world on his 65th birthday.

I leave you with the words of the poet and Godfather of Rap, Muhammad Ali:

To make America the Greatest is my goal,
So I beat the Russian and I beat the Pole.

And for the USA won the medal of gold,
Italians said, "You're greater than the Cassius of old."

We like your name,
We like your game.

So make Rome your home if you will.
I said, I appreciate your hospitality,
But the USA is my country still.
'Cause they're waiting to welcome me in Louisville.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to my distinguished colleague from the State of Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

Mr. Speaker, I rise in support of H. Res. 58. I saw Muhammad Ali as a man of great courage, and I admired him for this, not because of the courage that it took to get in a ring and fight men bigger than he, but because of his stance in 1967.

In 1967, he was 25 years old. He was the heavyweight champion of the world, and for religious beliefs, he practiced what Martin Luther King made popular, civil disobedience, because he disagreed with the war. I thought his comments were rather astute at the time and were not complex, but he merely said, I have no quarrel with the Viet-Cong. He said the Viet-Cong never called him a name, and because of his religious convictions, he said he did not want to serve in the military. He stood firm, a man of principle, and I really admired this as a quality.

He is known, of course, for his athletic skills and his humanitarian concerns, and these are rightly mentioned in a resolution like this. But I do want to emphasize this because, to me, it was so important and had such impact, in reality, what Muhammad Ali did eventually led to getting rid of the draft, and yet we as a people and we as a Congress still do not have the conviction that Muhammad Ali had, because we still have the selective service; we say, let us not draft now, but when the conditions are right, we will bring back the draft and bring back those same problems that we had in the 1960s.

I see what Muhammad Ali did as being very great. He deserves this recognition, but we should also praise him for being a man of principle and willing to give up his title for 3 years at the age of 25 at the prime of his career. How many of us give up something to stand on principle? He was a man of principle. He believed it and he stood firm, so even those who may disagree with his position may say at least he stood up for what he believed in. He suffered the consequences and fortunately was eventually vindicated.

Mr. DAVIS of Illinois. Mr. Speaker, I do not believe we are going to have any additional speakers so I am going to yield myself such time as I might consume and close for our side.

Mr. Speaker, today we celebrate the 65th birthday of Muhammad Ali. Ali's charisma, confidence and skills not only transformed boxing but the entire sporting world.

□ 1115

His unmistakable one-liners and his quick left jab enamored the public to the point that Ali said, "I wish people would love everybody else the way they love me. It would be a better world."

Born on January 17, 1942 in Louisville, Kentucky, he started to train at the age of 12 and earned Amateur Athletic Union and Golden Gloves titles as an amateur. Then known by his birth name, Cassius Clay, Jr., he became an Olympic gold medalist and was renowned for his strong right hand and his dancing feet. He went on to fight professionally and revived boxing at an age when it was plagued by mob control.

The three-time heavyweight champion was part of many legendary fights, including opponents Sonny Liston, George Frazier, and George Foreman. Ali used an unorthodox style on which he relied on quickness to dodge punches and to fool challengers rather than holding his hands high to defend his face. Ali's mix of poetic movement and powerful blows in the ring carried over to the comments he made outside. His knack for creating rhymes on the fly and his powerful paradoxes quoted to reporters made him a magnet for the media. He once said, "My way of joking is to tell the truth. That is the funniest joke in the world." Ali made no qualms about what he did or how good he was. He was backed up in his claims and holds wins over seven fellow International Boxing Hall of Fame inductees.

In the early 1980s, Ali was diagnosed with pugilistic Parkinson's disease, which forced him into retirement. After his retirement and despite his ailment, Ali has been committed to many philanthropic efforts to reduce poverty and hunger, to promote adoption, and to encourage cultural awareness. Ali was named Sportsman of the Century in 1999 by Sports Illustrated and is considered to be a modern legend by many.

So, Mr. Speaker, Ali was indeed the greatest, but he did leave Louisville and eventually moved to Chicago, which is the greatest city, and so I was fortunate as an individual to get to know him and to get to know him well. As a matter of fact, you could always count on Ali to be present at community events, banquets, it didn't matter, local schools, playgrounds where kids were.

He was a real ambassador for the Nation of Islam and was very involved in his religious beliefs. A great man of integrity. As a matter of fact, people would often meet at his home for community meetings and gatherings and people would just stop by. He lived in what we call the Hyde Park community. And so he was indeed the greatest. He had no difficulty sharing himself with others.

So I commend Representative CARSON for introducing this legislation and urge its passage.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 58, which honors Muhammad Ali on the occasion of his 65th birthday. Muhammad Ali, who transformed the sport of boxing with his unparalleled physical gifts, social commentary, and poetry, is one of the world's most beloved athletes. Muhammad Ali has been a fixture on the world stage since the 1960, when he won the gold medal at the 1960 Olympics in Tokyo. He would go on to win such legendary bouts as "The Rumble in the Jungle" against George Foreman, and "The Thrilla in Manila" against "Smoking Joe" Frazier.

Since his retirement in 1981, Muhammad Ali has engaged in many humanitarian endeavors, including a 1990 journey to Iraq to negotiate the release of 15 hostages. Muhammad Ali may be out of the ring but interest in him has not waned, 3 billion television viewers around the world watched him light the torch that opened the Olympic Games in Atlanta in 1996. In 1984 Ali was stricken with Parkinson's disease. However true to form, Ali has not let his illness stop him from being free to do what he wants.

Never has a sports figure inspired so many people in so many different ways. Ali has shown that a sport can be more than entertainment; it can also be a cultural event with the power to change social values. Muhammad Ali is one of the most recognized sportsmen of all time. His legacy is one that inspires both in the ring and through his humanitarian work.

Outside of the ring Ali was a tremendously important figure and ally in the Civil Rights Movement of the 1960s. Ali refused to fight in the Vietnam War due to his religion and because he said, "Ain't no Viet Cong done nothing to me." He has won countless awards for his humanitarian efforts, including the Medal of Freedom. If anyone is deserving of the accolades that are bestowed on him, Muhammad Ali is certainly that person.

The Muhammad Ali International Centre opened in Ali's home town of Louisville, Kentucky in November 2005. The Centre holds exhibits and provides learning initiatives. It was established to represent and promote the values by which Muhammad Ali has lived his life: confidence, dedication, respect, compassion, charity, and spirituality. It is hoped that the Centre will provide those that visit the enlightenment and ability to become the greatest they can be. Ali's wife Lonnie said of the initiative: "the Muhammad Ali Centre is all about searching for common ground and establishing peace."

On behalf of the citizens of the State of Texas and my constituents of the 18th congressional district I would like to join my colleagues in honoring Muhammad Ali, a global humanitarian, on the occasion of his 65th birthday and extend best wishes to him and his family. Muhammad Ali reminds us all that "learning to love yourself is the greatest love of all."

Happy Birthday, champ! As you often said after your many victories, you are the "Greatest of all time!"

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to commend the life of activist and humanitarian Muhammad Ali on his 65th birthday. Muhammad Ali is not only recognized for his boxing career but also for his dedication to reaching out to lesser developed countries. His involvement in social causes, diplomacy and politics has served as a shining example of courage, strength and dignity.

Muhammad Ali was once one of the world's greatest and most flamboyant boxers, and during the course of his long career, he also became known as an eloquent statesman for peace, as well as, a generous man who devoted much of his considerable earnings to charity.

Born Cassius Clay in Louisville, Kentucky in 1942, Ali learned at a very young age that determination and dedication would take him to greater places. After winning the gold medal in the 1960 Olympics, Muhammad Ali became actively involved in the Civil Rights Movement with Malcolm X. At a time when race and politics permeated the public stage, Ali represented a well known figure not afraid to speak his mind and fight against oppression imposed by Jim Crow. Never had a sport figure encouraged so many people to fight against social oppression.

After he retired from boxing he continued working to better the lives of others through his involvement with the Jimmy Carter Campaign in 1980. Through his humanitarian work Ali has founded WORLD, the World Organization for Right, Liberty, and Dignity, and the Ali Center. WORLD, an organization that fights for human rights against exploitation and slavery, and the Ali Center serve as international and cultural centers to explore the greatness and the drive that lies within all of us and to inspire everyone to pursue their highest potential.

In spite of the fact that Muhammad Ali has been suffering from Parkinson's disease in the past two decades, he still remains an advocate of children and war victims. Inspiring millions has been an arduous work in progress till this day for Muhammad Ali. He continues to be a leader and revolutionary to this day.

Ms. WATERS. Mr. Speaker, I rise in support of H. Res. 58, honoring a good friend, Muhammad Ali, on the occasion of his 65th birthday and to extend best wishes to him and his family. The Gentlelady from Indiana [Ms. CARSON] is to be commended for bringing this resolution to the House in celebration of an icon of sportsmanship, fortitude, perseverance, and peace.

On November 20, 2005, I was honored to have given remarks during the grand opening of the Muhammad Ali Center in downtown Louisville. This educational and cultural center was established to give visitors a glimpse of Ali's life and experiences and to help inspire them to pursue their dreams by applying their maximum potential.

Ali is many things to many people: a world champion, an Olympian, an innovator, a world-class father, husband, and friend. In his 21 years of boxing, he won 56 fights out of 61 and is the first boxer to win the heavyweight championship three times. He achieved the incredible feat of winning an Olympic gold medal in the 1960 games at the age of 18.

However, his legendary charisma, charm, and genius did not stop in the ring or at press conferences. What makes him a true pioneer is the fact that he was principled enough to say no to the Vietnam War. The words he spoke in refusing the draft made a stark social commentary during that time and taught America a valuable way of thinking. Those words taught us that war should always be a last resort and that before we over-commit ourselves elsewhere, we must fix the problems that exist right at home. This philosophy has tremendous relevance to us today in the context of the War in Iraq. Many Americans feel that we should re-align our priorities to address problems at home instead of fighting a war in Iraq.

I wish Muhammad Ali a very happy birthday. For his outstanding contributions to sports and sportsmanship and for the lessons on peace and conviction to principles that he gave the world, I sincerely thank him. His legacy and record of achievement have earned him the title of "the Greatest of All Time." I support this resolution.

Mr. RUSH. Mr. Speaker, I rise today to wish a very happy birthday to the former heavyweight champion of the world, and the undisputed greatest boxer of all time, Muhammad Ali.

Mr. Speaker, Muhammad Ali never shied away from speaking his mind on issues concerning racial inequality, social injustice and human rights issues, either while he was heavyweight champion, or today, as he continues to be a world leader on these issues.

Since retiring from boxing, Ali has raised over $50 million for charities here in the U.S. and around the globe, and he has delivered millions in food and medical supplies to countries throughout Africa and Asia.

He has been on international aid missions to Cuba, and he played a key role in getting American hostages released from Iraq before the start of the Persian Gulf war.

Muhammad Ali's penchant for peacemaking was recognized by U.N. Secretary-General Kofi Annan in 1998 when Ali was named a U.N. Messenger of Peace.

While serving at the U.N., he also worked to build the Muhammad Ali Center in his hometown of Louisville, KY, to promote respect, hope and understanding among all people, and which strives to help all individuals realize the greatness within them.

Standing on principle and never casting aspersions on those who challenged his moral convictions, Ali objected to the war in Vietnam, and refused to be inducted into the U.S. Army in 1967.

As a consequence, Ali was indicted for draft evasion, convicted, and was stripped of his boxing title. Eventually Ali was ultimately vindicated in the United States Supreme Court, which overturned his conviction, by a unanimous vote in 1971, but not before losing valuable years of his livelihood and being wrongly accused of being unpatriotic and disloyal to the country he loved so dearly.

Muhammad Ali would regain his boxing title in 1974, but far more important was the manner in which he wore the mantle of champion.

Mr. Speaker, Muhammad Ali is not only one of the greatest athletes of our time, he has become one of the most recognized and beloved people in the world, and he insists on using his celebrity to help his fellow man and woman.

His athletic prowess made him famous, but it is his heart and good deeds that will have cemented his place in our hearts forever.

Muhammad Ali is a hero in every sense of the world, and we all owe him a debt of gratitude for his role in making America a more conscientious and better country.

Mr. RANGEL. Mr. Speaker, I rise today in support of H. Res. 58, to honor Muhammad Ali, global humanitarian, on the occasion of his 65th birthday. Mr. Ali was crowned "Sportsman of the Century" by Sports Illustrated in 1999 and has traveled around the world working for hunger and poverty relieve, supporting education efforts of all kinds, and encouraging people to respect and better understand one another.

Muhammad Ali was born in Louisville, KY, on January 17, 1942, and was named Cassious Marcellus Clay, Jr. He later changed his name after joining the Nation of Islam and subsequently converted to Sunni Islam in 1975. He won the World Heavyweight Boxing championship three times, and won the North American Boxing Federation championship as well as an Olympic gold medal.

Ali received the Presidential Medal of Freedom at a White House ceremony on November 9, 2005, and the prestigious "Otto Hahn peace medal in Gold" of the United Nations Association of Germany in Berlin on December 17, 2005, for his work with the United States civil rights movement and the United Nations.

Ali, since retiring from boxing, has devoted himself to humanitarian endeavors around the globe. It is estimated that he has helped to provide more than 22 million meals to feed the hungry. He travels, on average, more than 200 days per year to promote his humanitarian efforts. Please join me in support of this bill honoring Muhammad Ali and extending best wishes to him and his family on the occasion of his 65th birthday.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H. Res. 58 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 58.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

REPEALING CERTAIN LAWS PERTAINING TO THE VIRGIN ISLANDS

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 57) to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

The Clerk read as follows:

H.R. 57

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF CERTAIN LAWS PERTAINING TO THE VIRGIN ISLANDS.

(a) REPEAL.—Sections 1 through 6 of the Act of May 26, 1936, (Chapter 450; 49 Stat. 1372–1373; 48 U.S.C. 1401–1401e) are repealed.

(b) EFFECTIVE DATE.—This section shall be deemed to have taken effect on July 22, 1954.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Puerto Rico (Mr. FORTUÑO) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support of H.R. 57, legislation to repeal an outdated Federal law which limits the authority of the Virgin Islands to assess and collect property taxes. Both the U.S. Senate and the House passed identical legislation in the waning hours of the last Congress but ran out of time before completing the process.

Mr. Speaker, it remains critical that we pass this bill and have it enacted into law as soon as possible in order to prevent some of my constituents from facing the very real risk of losing their homes because the Virgin Islands Government could not provide them protections from sky-high property tax bills because of that 1936 statute. It was enacted to address the tax policies of the Danish era in the Virgin Islands. It was generally thought to have been repealed by the enactment of the Revised Organic Act of 1954, which created a comprehensive system of local government with sufficient legislative powers to resolve local property tax issues without the need for Federal intervention.

The bill before us became necessary because 3 years ago the Third Circuit Court of Appeals revived the 1936 statute and struck down a local statute capping the amount of any increase in the assessment of residential real property and, therefore, any increase in the property tax owed in any assessment period.

If the 1936 law is not now repealed by the Congress, the government of the Virgin Islands will not have the authority to limit such increases by capping assessments or similar methods commonly used by other jurisdictions. Indeed, the revived 1936 statute may have the anomalous result of pricing land and homeownership beyond the reach of many Virgin Islanders. That statute has long outlived its usefulness and now interferes with the Virgin Islands' ability to perform an essential governmental function.

The assessment and collection of real property taxes is fundamentally a local government issue with no Federal impact. No other State, territorial, or local government is subject to such Federal restrictions. The Revised Organic Act of 1954, as amended, confers upon the people of the Virgin Islands full powers of self-government; the 1936 statute is an anachronism that needs to be repealed.

Mr. Speaker, I want to take this opportunity to thank my colleague, the Resident Commissioner from Puerto Rico (Mr. FORTUÑO), for his support, and to thank Chairman RAHALL and Ranking Member YOUNG for helping us to bring this bill to the floor so quickly.

Mr. Speaker, I reserve the balance of my time.

Mr. FORTUÑO. Mr. Speaker, I strongly support passage of H.R. 57, sponsored by my colleague and friend representing the U.S. Virgin Islands (Mrs. CHRISTENSEN).

From our perspective, it is noncontroversial legislation. It allows the local government of the Virgin Islands to set their own property taxes. This is consistent with the philosophical stand of the Republicans who believe in letting local governments create their own laws without Federal intervention.

Without this bill, the Virgin Islands would be forced to adhere to an outdated and unworkable Federal Property Tax Code. I urge my colleagues to correct the problem.

I also want to take this moment and congratulate my colleague Congresswoman CHRISTENSEN not only for seeing H.R. 57 pass today, but for her pending rise to the chairmanship of the Insular Affairs Subcommittee. I look forward to serving as the subcommittee's ranking member and addressing the many issues facing the U.S. territories and possessions.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I just want to respond that I look forward to working with Mr. FORTUÑO once we organize the committee as well.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 57, to repeal certain provisions of the Federal law passed 70 years ago limiting the Virgin Islands' authority to assess and collect its property taxes. I thank the Delegate from the Virgin Islands, Mrs. CHRISTENSEN, for bringing this legislation to the attention of the House.

This outdated law, enacted in 1936, results in the imposition of high property taxes that could cause many residents of the Virgin Islands to lose their homes. The local government does not have the capacity to protect them from these federally imposed taxes, nor should it have to. The policies which the statute was originally designed to address are no longer an issue; it is now entirely unnecessary.

In fact, the Revised Organic Act of 1954, which was enacted to grant the government of the Virgin Islands the power to assess, administer and collect real property taxes, was thought to have repealed the statute. However, the 1936 statute remained in effect, putting at risk our long-standing policies to support and protect economic development, social welfare, and homeownership in the Virgin Islands. No other State or territory in the United States is subject to such Federal restrictions.

I look forward to seeing H.R. 57 passed to provide relief to the good people of the Virgin Islands from this outdated law. I ask my colleagues to join me in supporting this important legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 57.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5, COLLEGE STUDENT RELIEF ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 65 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 65

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5) to amend the Higher Education Act of 1965 to reduce interest rates for student borrowers. All points of order against the bill and against its consideration are waived except those arising under clauses 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 5 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, as many of my colleagues know, I am, as many in this Chamber are, a proud parent and almost embarrassingly proud grandparent. All parents and grandparents are different, of course, but I believe almost all of us share one thing in common, and that is a hope that our children and our grandchildren will have a chance to do a little better, to go a little further, to have a little easier time than their parents and grandparents. That aspiration has a name in this country; it is called the American Dream. And the American people understand that education is the key to making that dream a reality.

Today, we consider legislation to combat a very real threat to that dream. The unfortunate reality is that skyrocketing college costs are putting a college education out of reach for many middle class families. Tuition and fees at public universities have increased by 41 percent after inflation since 2001. At private universities, tuition has increased by 17 percent after inflation. It is worth repeating because it is truly shocking: these figures are after inflation.

Indeed, according to the Congressional Advisory Committee on Student Financial Assistance, financial barriers will prevent almost 4½ million high school graduates from attending a 4-year public college over the next decade. and prevent another 2 million from attending any college at all. Those statistics are very sobering, and the sound they make is that of the door of opportunity being closed on many young people.

That is why I am very pleased that our congressional leadership has made cutting interest rates on student loans one of its top priorities for the first 100 hours of this Congress.

The legislation being considered today will cut interest rates for subsidized student loans in half over the next 5 years from 6.8 percent to 3.4 percent.

☐ 1130

As a result, we will help around 5.5 million more students afford college.

Mr. Speaker, my constituents are demanding quick action on this legislation, and with good reason. With Sacramento State University in my district and the University of California at Davis nearby, they are all too aware of the impact rising tuition costs are having on students and their families.

A recent study demonstrated that this legislation would, on average, save the average student borrower in California starting school this year almost $2,500 over the life of the loan. For students beginning college in the year 2011, the legislation will save almost $5,000. We will need to do more to make college affordable, but my constituents in Sacramento who are struggling to afford college will welcome this very important first step.

Mr. Speaker, helping all qualified students attend college is essential for our economy, for our competitiveness and for our future; but not only that, it is essential for ensuring that the American Dream remains a reality for our young people. That is why there is a remarkable consensus supporting this proposal across our country.

Newsweek reports that 88 percent of the country supports this legislation, including wide majorities of both Democrats and Republicans. We are not talking about the Democratic dream or the Republican dream, but the American Dream.

Further, this legislation meets our pay-as-you-go requirements and, therefore, will not add to our budget deficit. Fully five of six of the offsets have been approved previously by the Bush administration or Republican congressional leaders. That, again, is a remarkable consensus. It is now time to act.

All too often the American people look at Congress and they hear a lot of argument and see a lot of activity, but wonder though what Congress is doing to improve their lives. If we act on this legislation quickly, however, students will start to see a difference as soon as July 1. So let us surprise our skeptics, take action, and pass this legislation now on a bipartisan basis.

It has been gratifying to be a Member of Congress for the first few weeks of this Congress, which by wide bipartisan majorities has increased the minimum wage, approved potentially life-saving research and enacted genuinely bipartisan recommendations to improve our Nation's security.

Our first 100 hours has been a good time for the middle class and for Americans who favor progress over partisanship. This legislation is another such opportunity. Americans of every political stripe understand that if we allow college education to become too expensive for hardworking and qualified middle class students, we will have lost something very special in this country, we will have lost a part of the American Dream. Let's show them today that we understand that as well, and that we are doing something about it.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, for the last 12 years the Republicans, when we were in the majority, always led off every single rule by describing the rule and the actions of the Rules Committee.

I would like to yield to my friend from California to explain this rule again that we are offering today that is progress over partisanship.

Ms. MATSUI. We are dealing today with our agenda of 100 hours. As my colleague from Texas understands, the American people have spoken, and we intend to make progress quickly; that is why we are doing this bill today.

Mr. SESSIONS. So in other words, what the gentlewoman has said is that this five-step process that we are going through right now means that there will be no committee hearings, no expert witness testimony, no information that is available really to the membership of this body, but mostly would be necessary for new Members. And then when someone does come to the Rules Committee we are told before the session even starts there will be no amendments and a closed rule, and yet progress over partisanship is what we are doing here. Interesting day, Mr. Speaker.

Mr. Speaker, I rise in opposition to this closed rule and this underlying legislation which the Democratic leadership has decided to bring to the House today without the benefit of regular order, committee oversight or the opportunity for any Republican input or amendment, despite repeated promises to respect the rights of the minority and to increase Member participation in this legislative process.

Every Member of this body, Republican and Democrat alike, understands the importance of higher education in the competitive global world environment that our students and workers face in keeping the United States at the vanguard of the global economy.

I am greatly disappointed that the Democratic leadership has chosen to bring this narrow legislation of questionable effectiveness forward rather than engaging in an honest debate which has taken place for 12 years, as education has always been considered a bipartisan effort.

It is true that the gentlewoman did describe that it will be a bipartisan act that we do today, but this was simply the first step in education and doing the right things for our students. I disagree with that. I think members of the minority have been given the opportunity for 12 years to be a part of the progress that has taken place, offering amendments that would actually make college more affordable for parents and students, as well as the cost effectiveness of the American taxpayer who foot the bill for tens of billions of dollars each year spent on Federal student aid programs.

Mr. Speaker, this bipartisanship that I talked about for 12 years was led by Republicans in support of making sure that college was more affordable. Over the past 6 years, spending on Federal student aid has increased by 57 percent, and funding for Pell Grants has risen by nearly 50 percent.

We also think about lower education also where, as a result of Republicans for the last 12 years, education has risen in spending from Washington, DC, 256 percent. Today, some $90 billion a year in Federal resources fund student aid programs from loans and grants to work study programs and educational tax benefits.

This is not a first step that we are taking today, it is another step that was not begun or born out of bipartisanship, but rather out of bumper sticker politics.

What we have talked about is that Republicans have more than tripled what spending was helping students over the last decade. Yes, it was done in a bipartisan way before today. Open committee hearings and feedback make bills better.

Republicans, through our leadership, have also made sure that more than $4 billion for new and high achieving Pell students pursuing degrees in math, science and critical foreign languages was included these last 12 years. We slashed the total loan fees so students can access more of the money that they borrowed for education purposes. We cut $20 billion in Federal subsidies to student loan lenders through the Higher Education Reconciliation Act of 2006, which provided substantial savings for U.S. taxpayers while ensuring that these tax programs would operate efficiently by not cutting one penny in student loans.

But rather than continue along this path of making college more affordable and increasing the transparency not only in this body, but also as it relates to college costs so that students and their parents can see why higher education costs are rising, today Democrats are imposing, in a closed rule, without feedback, upon the House legislation that would do nothing to expand college access or improve affordability. Instead, their plan will not benefit a single college student, only former students.

Let me say this very plainly, not one additional student will be able to attend college because of this proposal, unlike the bipartisan efforts of the past where we worked to make sure that it impacted more students' ability to go to college. In fact, today's legislation is no more than a flawed answer in search of a problem.

In 2004, the Federal Government spent less than four-tenths of a cent on every dollar in providing these student loans. Since 2001, the program the Democrats today seek to change, Republicans, through a bipartisan effort before today, returned over $12 billion to the U.S. Treasury because the cost of administering the program needed to be changed.

Once again, we find ourselves with a great example of the private sector doing a job better, more efficient, with less risk to the taxpayer, and the government and taxpayers will see the benefit.

This legislation also does not make good on a common Democrat campaign promise in the highly touted "Six for '06" program. Many Democrats on the campaign trail made broad promise about cutting interest rates in half immediately for all student loans, both subsidized and unsubsidized, as well as loans made to parents. Instead, in a classic bait-and-switch for voters, the Democrats are really bringing to the floor today legislation that only addresses subsidized loans and phases these savings in over 5 years before they sunset and then disappear.

Additionally, they proposed to pay for this weakened $6 billion plan with many of the same lender cuts passed by Republicans and Democrats in the last Congress, the same subsidy cuts that Democrats opposed because during the election they called a "Raid on Student Aid" when in fact it is exactly what they do today.

Mr. Speaker, Republicans have a comprehensive alternative to the flawed Democrat plan. The College Affordability and Transparency Act would provide students and parents with more and better information about college costs, helping students to become better consumers of higher education. It will add great transparency and accountability by establishing a user friendly college affordability comparison creating quality, efficiency task forces to determine the causes for tuition hikes at the schools with the greatest tuition increases and provide a demonstration project for up to 100 schools, freeing them from the costly regulatory requirements and driving down one of the main reasons that schools raise costs.

Mr. Speaker, today 80 percent of the student loans made are originated by the private sector at an efficient cost and enhanced borrower services, such as reduced charges, financial education tools and reduced student interest obligation, all of which would disappear if we allow the Federal Government to crowd out the private sector.

Mr. Speaker, this was our idea, and we would have brought this forth if we were allowed to do so in a rule where Members could openly vote for this and have an honest debate through the entire committee system.

I encourage all of my colleagues to oppose this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, before I yield to my next speaker, I yield myself such time as I may consume to point out that during last year's debate on budget reconciliation, the contrast in approaches could not be sharper. In that bill, in a time of war, the Republican leadership passed an enormous tax cut for the wealthiest 1 percent in this country. Most of it was paid for by running up a deficit for our grandchildren to pay, but a small slice of it was paid for by cutting $12 billion in Federal student loan support. I think it is clear that the American people rejected that kind of short-sightedness this past November.

Today, Democrats are cutting student loan rates in half, without adding one cent to the deficit. That is common sense for students, and a responsible policy for this country's working class.

Now I would like to yield 3 minutes to the new Member, the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentlewoman for yielding such time.

Mr. Speaker, I rise in strong support of the action we take today to cut interest rates on student loans for 5.5 million of our students most in need of financial assistance. This cut is vital because there is nothing more important than ensuring our students are well prepared to enter the workforce.

☐ 1145

Many students in our Nation lack access to affordable higher education, and this has to be considered a crisis. While access to higher education has become more critical for our younger generation, the cost is rapidly moving out of reach for many low-income and middle-class families in this country.

Tuition and fees at 4-year public colleges and universities have risen 41 percent, after inflation, since 2001. The typical American student now graduates from college $17,500 in debt. This Congress, past Congresses, should be ashamed that financial barriers will prevent at least 4.4 million high school graduates from attending a 4-year public college over the next decade if we continue on this course. Costs will also prevent another 2 million high school graduates from attending any college at all.

Amazingly, instead of helping our students prepare themselves for a better future, recent Congresses have cut funding for student loan programs. With this step, we begin today to reverse that trend, which has hurt our students and has hurt our economic well-being as a Nation.

Despite what we may hear from some on the other side of the aisle, our proposal to cut student loan rates in half, in half, will help roughly 175,000 students in the State of Ohio, at universities like the University of Akron and Lorain Community College in my district. Starting this year, it is estimated that these students will save over $2,200 over the life of their loan, and that savings number is expected to increase to over $4,300 starting in 2011.

This is about opportunity, Mr. Speaker. Investment in our younger generations not only helps their future, but it helps our economy and our retired workers whom they will support. Cutting interest rates on student loans is not only about strengthening America's middle class and improving access to higher education for our students and families who are most in need, it is about strengthening America.

Education is the backbone of what we are about and everything that makes our Nation great. Let us pass H.R. 5 and give our students the opportunity they deserve and the American people what they have asked for through these recent elections. Today, we deliver on a promise.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 4 minutes to the ranking member of the Rules Committee, the former chairman, from San Dimas, California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend from Dallas for yielding, and I appreciate his fine management of this rule.

I rise in opposition to the rule, and I do so as we all share a very strong and passionate commitment to doing everything we possibly can to increase access and affordability for young people in this country who want to have an opportunity to gain the best education possible.

As I listened to my friend from Sacramento respond to Mr. SESSIONS, she was talking about the fact that tax cuts for the rich had in fact played a role in creating this huge deficit that we have today and that we need to focus on education rather than giving tax cuts to the rich; that we have this sea of red ink. Mr. Speaker, I just can't comprehend what it is that is being argued by our colleagues on the other side of the aisle.

Today, we have seen a reduction of $71 billion in the Federal deficit over what it was a year ago. The deficit is on a downward slope. Why is that? It is the fact we put into place growth-oriented tax cuts.

Now, a few years ago, the American people were decrying the fact if we graduated students, there wouldn't be jobs out there, there wouldn't be an opportunity for students once they graduated. And guess what has happened? Since we have put into place these tax cuts, we not only have reduced the deficit, we have created 7.2 million new jobs, many of which are being filled by young people who are graduating.

Now, we all recognize that it is absolutely essential that we do everything that we can, everything within our power, to make sure that young men and women have an opportunity to get into the best college possible and are able to afford their education. The tragedy is, as I listened to my colleague from Ohio, the new member of the Rules Committee, Ms. SUTTON, she very, very eloquently argued on behalf of what we all aspire to, and that is making sure that we can be competitive, making sure that we have the best students possible, and that they graduate to the best jobs.

This bill, unfortunately, is very flawed. We had this campaign promise that was made; that we were going to cut all student loan interest rates in half so that we wouldn't see this huge burden imposed on the young people in our country. Well, unfortunately, this bill now is just making a very, very modest, minuscule step towards that goal of ensuring we bring about this massive reduction in interest rates.

The other thing, Mr. Speaker, that I think is very important for us to point out is that there will not be a single student who will have an opportunity to go to college because of this bill, and there will not be a single student who will see their tuition reduced because of this bill. And I believe that what we need to do is, we need to recognize that there is much work that needs to be done. We want to make sure that we lower those costs and do everything that we can to put into place greater transparency and disclosure.

This rule, unfortunately, denied us the opportunity to propose a very thoughtful amendment that was bipartisan. I know the Democrats would have joined in this if there had been an opportunity, because Democrats and Republicans both were denied an opportunity to participate in this process that would have allowed for disclosure of tuitions, and it would have incentivized institutions in this country to do everything possible to try and work to get those tuition rates down.

We need to make sure we have the best students possible. We need to make sure we have the best education possible. We need to focus on that. The real problem in this country is on K-through-12 education. That is where we need to focus our attention so that we can make sure we have people trained at an early point in life, so that they can then be poised to get into higher education.

Mr. Speaker, this is a very, very flawed bill itself. The rule is an absolute outrage, the fact it denies any Democrat or Republican an opportunity to participate, and I urge opposition to it.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to a new Member, the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR. I thank the gentlewoman from California.

Mr. Speaker, I urge my colleagues today to act to cut student loan interest rates in half and thereby ease the financial burden of college tuition. Cutting interest rates is more than a cost-saving measure for parents and students, it is also the best means of ensuring access to higher education and, ultimately, a successful career.

This Democratic Congress is committed to making college more affordable for all. As a mother with two school-age daughters, I, like many parents across the country, look apprehensively at the cost of tuition today. Tuition costs have skyrocketed. The average tuition at a 4-year public college is almost $6,000, which is a 35 percent increase over the past 5 years. Today's college students typically incur over $17,000 in loan debt, which is a 45 percent increase over the past 11 years.

Now, last year, when the Republican Congress made it harder for families to afford college by refusing to increase Pell Grants and proposing a $12.7 billion in Federal student loans, I brought students from the University of Tampa and the University of South Florida together to speak out against the antistudent policies.

German Castro, an economics major at the University of Tampa, was worried he would not be able to complete his education without student loans. After all, the annual tuition at the University of Tampa is $18,000, not including room and board. He is working two jobs. He noted many students who have to work full-time jobs end up making bad grades, and bad grades result in loss of scholarship money and, eventually, students have to drop out.

For Jill Mitchell, at the University of South Florida, she would prefer not to have to move back in with her parents and take a job while she is concentrating on her studies.

This isn't merely about financial solutions, it is also about putting our students in a position to succeed.

Now, during the first 100 hours of this new Congress, we are here to change the priorities, to reflect the real desires of Americans. In some of our working-class neighborhoods, student loans are the only means available to pay for the dream of a higher education.

The health of our economy rests on having a highly skilled and well-educated workforce. By the year 2020, the United States is projected to face a shortage of up to 12 million college educated workers.

So, Mr. Speaker, today I call on my colleagues on both sides of the aisle to support students by encouraging their efforts to seek higher education. I ask that we pass H.R. 5, the College Student Relief Act of 2007. This legislation will go a long way to provide relief to the 5.5 million graduates, making college education far more accessible for families.

Let us act to remind the families back home that we value education and we are willing to fight to ensure access to it.

Mr. SESSIONS. Mr. Speaker, yesterday, at the Rules Committee, I saw something, well, I saw several things that I had not seen in the 8 wonderful years I have served on the Rules Committee, but I have been told by those who have longer tooth than I that they had not seen in the 12 years the Republicans were in the majority, where people were greeted to the Rules Committee by the chairman saying, your amendment will not be made in order and it is a closed rule.

The interpretation for the membership of this body was, you need not apply. Please, just don't even come and give your story because we are not open for business. We are closed before we are open.

Mr. Speaker, one of our colleagues, RIC KELLER, did come up. And despite being told this right up front, in an honest way, by the chairwoman of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER), he still stuck around for another hour. He still was there to present his thoughts and ideas, even though he knew before the meeting even took place, before a vote ever took place, that he would not have anything made in order, his ideas, which he has been presenting in a bipartisan way for the last few years, would not even see the light of day.

So, Mr. Speaker, we are proud to be able to be on the floor today and to discuss this. He is a kind and wonderful gentleman who cares a lot about students and student aid, and so I yield 3 minutes to the gentleman from Orlando, Florida (Mr. KELLER).

Mr. KELLER of Florida. Mr. Speaker, I thank the gentleman for yielding, and I rise today to oppose this rule. It is, after all, a closed rule. There were no hearings, no committee work, no markups, no amendments allowed, no due process.

Mr. Speaker, we have 54 new Members of Congress. That is 12 percent of this body who haven't benefited from any of this legislative work or hearings. Now, I happen to be the ranking member on the Higher Education Subcommittee. And before the last election, I was the chairman of this subcommittee. So, luckily, I happen to know these issues cold, and I can tell you there is a lot to know.

With regard to student loans, there are Perkins loans, Plus loans, Stafford loans, direct loans, private loans, subsidized loans, unsubsidized loans, and consolidated loans. With regard to Pell Grants, there are regular Pell Grants, academic and competitiveness grants, and there are SMART Grants.

The new Members would have benefited from some hearings and legislative work on this matter. But the other side said, well, these are smart people. Well, let us assume that every single freshman is a genius and they know these issues cold; and I am willing to make that assumption. I would have loved to have listened to their ideas in the hearings. I would have loved to have considered their suggestions. I would have loved to have accepted their positive amendments to make this bill better. But we were denied the whole process because of a closed rule.

I showed up to the Rules Committee, and I had two amendments that would make it better for kids to go to college. One dealt with the high cost of tuition that has gone up 35 percent in the last 5 years at public colleges. Another dealt with Pell Grants, to actually help people go to college. Before I even opened my mouth as the ranking member of Higher Education, the chairwoman on the Rules Committee said, there will be no amendments accepted whatsoever. This is a closed rule.

Now, the American public is pretty smart. They recall that Speaker PELOSI, sitting in your chair on January 4, said she is going to lead with partnership, not partisanship. Yet when you show up, if you have an amendment from the other side, it is not even considered, not even heard. The American people are smart, and they know actions speak louder than words.

I am told by the gentlewoman from California that 88 percent of the people support this bill and they do not need any more open process.

□ 1200

Well, if you ask someone would you rather have a 6.8 percent rate or a 3.4 percent rate, of course they are going to say 3.4. But if you ask them would you rather have a student loan at 3.4 percent or a Pell Grant that you never have to pay back, 100 percent would prefer the Pell Grant. We should have helped people with this $6 billion on the front end with increased Pell Grants to go to college rather than helping college graduates on the back end.

Mr. Speaker, by ignoring our suggestions to increase Pell Grants and address the skyrocketing costs of tuition, the Democrats have managed to hit a single for themselves, when they could have hit a home run for America's college students.

The American people want us to work together, and they realize that education is not a partisan issue.

I urge my colleagues to vote "no" on this rule.

Ms. MATSUI. Mr. Speaker, before I yield to the next speaker, I yield myself such time as I may consume to point out to you that we are doing this because the American people have spoken. They spoke in November. They want us to make progress; and that every single reform in the Democrats' 100-hours agenda has passed with broad bipartisan support thus far. And today, we are cutting student loan rates in half in the same manner they garnered broad bipartisan support last week.

I think that all Members realize that the American people want results. House Democrats plan on delivering for them, and we continue to work with those on the other side of the aisle to do that. You have not heard the last of us from this side at all. This is only the beginning. This is a step forward.

Now, at this time, Mr. Speaker, I would like to yield 1 minute to a new Member, the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, if you are a young person who has been waiting to see a stop in these galloping prices of college education, today is a good day. Just like last week, if you were a senior, waiting for prescription drug prices to have a sane policy, last week was a good week. Just like if you were a hardworking minimum wage worker, you saw that last week was a good week.

Now, we have been waiting around for about the last 12 years for good weeks to happen for the hardworking people of the United States, and this week and today those days are coming to fruition.

So, Mr. Speaker, I want to say, let's vote, let's pass this tuition decrease, let's pass this cutting in student loan interest rates. Let's make college more affordable for all Americans. And let's remember that the party opposite had a long time to solve these problems. They didn't. We did. Thank goodness for it.

Mr. SESSIONS. Mr. Speaker, the prior speaker is a prime example of the new Members of this body who are completely clueless about the 12 wonderful years of bipartisanship that have taken place out of this Education and Workforce Committee to make education strong, to give money where it has needed to be, and really, if we want to tell the truth, to take what we inherited 13 years ago from the Democrats from a failed student loan program that didn't even work, that was bankrupt.

So, Mr. Speaker, yet another good reason why I wish we had had regular order, so these new Members of Congress could speak from the facts of the case rather than holding hostage the truth.

Mr. Speaker, at this time, I would like to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise in opposition to the bill, H.R. 5, and we will have an opportunity later on in the day to discuss that thoroughly. But, mainly, at this point, Mr. Speaker, I rise in opposition to the rule. You know, I heard my colleagues just say, the gentleman from Illinois and others, some of them new members of the Rules Committee, that in November the American people have spoken and they have asked for a break, a Federal break so that more students can go to college and get these low interest loans and Pell Grants. But I think what the American people said, my colleagues, in this last election, more than anything else, is don't trample on the rights of the minority.

And as a former member of the Rules Committee, my colleagues who are still on the Rules Committee, including the chairman, and Ms. MATSUI, and others, we heard this repeatedly, Mr. Speaker. Don't trample on the rights of the minority.

I will say this. We did occasionally have closed rules that probably should have been open. But we always had a rule. And what this new majority has done in these first 100 hours is brought six pieces of legislation, four without any rules whatsoever. And now the very first piece of legislation, H.R. 5, it is a very important subject to try to help low income students afford a college education, there is a closed rule, immediately doing the things that you have railed against us about.

And I think this is what the American people basically said. They want you to guarantee the rights of the minority. You have heard from the ranking member of the Higher Education Subcommittee. You are going to hear from the ranking member of the overall Committee on Education and Labor in just a minute.

Essentially, Mr. Speaker, they speak for every Republican member of that committee, and they speak on this issue for every 202 Republican Members of this body who represent virtually half of this country. And you are taking their voice away. So this is really what this is all about. This is the time really to discuss the rule.

And, of course we can talk about the bill itself, as former Chairman DREIER did, and the fact that what you promised the American people in these fall elections is you were going to give them a $60 billion break on higher education, which all of a sudden you have reduced down to 10 percent of that, $6 billion, which virtually does nothing.

But as I say, Mr. Speaker, we will get into that discussion when we talk about the bill, when we finish discussing the rule. But I just want to say to my colleagues, all of whom, the former four Members, now the majority, and the new Members, that I respect, these are my friends, and we can talk about this, and we should. This is an opportunity to say to them, you said if you got the majority, which you now have and enjoy, and you worked hard and you deserve it, that you would not do the same things that you felt like we were doing to you, and I think in some instances you were correct.

So stand up, be men and women of your word, and do what you said you were going to do and not close this process down.

Ms. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS), who has been on the Rules Committee for 4 years.

Mr. HASTINGS of Florida. Mr. Speaker, my good friend, Dr. GINGREY, speaking just a moment ago, said, stand up and be the men and women that you should be.

Let me tell you, I heard my other colleague, Mr. SESSIONS, talk about all this wonderful bipartisanship that took place for 12 years. Well, I have been here 14, and all I know is rancor and disagreement and very little in the way of bipartisan spirit that has been engendered here in this body.

But let me talk about this business about closed rules. It was understood that in the "Six for '06" that the rules would be closed. I assure you, and everyone else has, that there will be more open rules than you provided. You had 195 total rules in the 109th Congress. Twenty-two open rules. Twenty-two open rules, 20 of which were appropriations bills, only truly open. And you had 50 closed rules, 67 restrictive rules, 26 conference report rules and 30 procedural rules. We will match you in time.

Mr. SESSIONS. Mr. Speaker, I would like to inquire on the time that remains for both sides, please, sir.

The SPEAKER pro tempore. The gentleman from Texas has 7½ minutes, and the gentlewoman from California has 14½ minutes.

Mr. SESSIONS. Mr. Speaker, if I could at this time, I would like to ask the gentlewoman if she could engage in running down her time, it would bring us to some more parity and allow her speakers that time at this juncture.

Ms. MATSUI. Mr. Speaker, we have one additional speaker.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 6 minutes to the gentleman who is the ranking member of the Education and Labor Committee, Mr. MCKEON from California.

Mr. MCKEON. Mr. Speaker, I rise in opposition to this rule and, more to the point, I rise in strong opposition to the decidedly unfair closed and heavy handed process that preceded our time on the floor today.

Over the past several years, few would argue with the assertion that the Education and the Workforce Committee was among the fairest committees when it came to member input from both the Republicans and Democrats alike. Likewise, it was home to some of the most robust debate in the House. From No Child Left Behind and the pension reform to the reauthorizations of the Older Americans Act and the Higher Education Act, our panel held extensive hearings and markups prior to the floor consideration of all major pieces of legislation within our jurisdiction. For that, our committee and the House were better off.

I have little doubt that this will, in large part, I hope, continue over the next 2 years. But in the early days of this Congress, I can't help but be concerned about the way the new majority has turned its back on regular order. As we consider legislation with such far reaching consequences, for example, the bill before us today impacts education and labor's largest entitlement program, but not a single hearing or markup was held on it prior to its arrival here on the floor. We didn't actually see this bill until last Friday afternoon. And not a single bipartisan conversation took place as the legislation was written and rewritten time after time by the majority leadership.

The last time we were on the floor considering a major higher education bill, the process we followed to get here was decidedly different. Before we sent the College Access and Opportunity Act to the floor last spring, countless hearings and markups were held in the Education and Workforce Committee where Members debated, amended and voted on the legislation. In fact, through subcommittee and full committee processes we addressed over 100 amendments from both sides of the aisle. We even considered a 40-page manager's amendment that we worked for weeks on with both sides of the aisle. But today we have nothing of the sort, and for that and for the closed rule thrust upon us today, I am deeply disappointed.

Now the other side has said, well, it was understood during the campaign that we would bring up six items, we would eliminate the democratic process, we would just bring them to the floor, shove them through, and everybody understood that process.

In fact, if I were watching this debate, I would think that right now, I would, when I get my paycheck this week, I would have a higher paycheck if I were working under the minimum wage. That has already been taken care of. And I think that probably some students are thinking that next week their loan payment is going to go down. This process is maybe being rushed on this side, but before a bill becomes law it has to go through the other body and it has to be worked out, the differences, and then it has to go to the President, and the President does not support this bill that is on the floor here today.

Mr. Speaker, to understand the importance of a robust committee process, we need to look no further than another piece of Education and Labor

Committee legislation considered by the House just last week. In it, the Federal minimum wage was increased for all 50 United States and all of our territories, all except one, that is.

We are now told that, as a matter of fact, our committee soon will consider legislation to correct this apparent oversight that happened last week. Still, I can't help but think that this extra step may not have been necessary had regular order been followed in the first place. Suffice to say I hope we don't find ourselves in the same situation after we act today. However, I can't help but be concerned by the fact that the underlying legislation would provide convicted felons unfettered access to the same or, in some cases, lower student loan interest rates as their law abiding counterparts, something we didn't get a chance to look at.

The heavy handed process carried out prior to today also has taken away our ability to improve this legislation, improvements that I believe could have been bipartisan in nature.

H.R. 5 is a well-intentioned bill, but I also believe it to be badly misdirected and ripe for improvement. Sadly, those many improvements, including an affordability amendment that I offered at the Rules Committee yesterday, even after I had been told that we had no chance to offer amendments and that it would be a closed rule, will never see the light of day.

□ 1215

We are stuck with a flawed bill, one that we could have made much better with little effort at all.

As we continue our debate today, and, more importantly, as we consider more comprehensive higher education measures in the months to come, I look forward to having a seat at the table, the same seat I provided my friends on the other side of the aisle a year ago when I was chairman.

In the meantime, I reiterate my opposition to this rule and urge my colleagues to vote "no" on the previous question.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina, the chairman of the Budget Committee (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I rise in support of the rule providing for consideration of the College Student Relief Act. This bill is good for students, it is good for the budget, and it is deserving of our support. This bill will help make college more affordable to students who need it most by cutting the interest rate in half on subsidized student loans.

College costs, as we all know, have risen dramatically. In the last 5 years, the cost of attending a 4-year public college increased $3,095, or by 34 percent. Interest rates the students pay on college loans have also risen this year to a fixed rate of 6.8 percent. This combination of factors makes attending college more expensive, if not impossible, for some of today's high school students.

This bill, the bill before us, takes a long first step towards making college more affordable. Each year it cuts the interest rate that undergraduates will pay on the standard subsidized student loans until that rate is cut in half to 3.4 percent in the year 2011. At the same time, the bill we have before us will save the Federal Government by reducing the deficit by a significant sum.

That is why this bill meets all of the tests laid down by the pay-as-you-go rule which the House adopted on January 5. That rule requires that direct spending or mandatory spending be budget neutral or deficit neutral over 6 years, 2007 through 2012, and over 11 years as well, 2007 through 2017, which is as far out as our cost estimates run. This bill is more than deficit neutral or budget neutral because it actually reduces the deficits in most years, saving $1.5 billion in 2007, $65 million over 6 years, and a total of $7.1 billion over the next 11 years, 2007 through 2017.

So, overall, this bill helps students get a good college education while helping us reduce the deficit. It meets the requirements of PAYGO. It is a bill and a rule that deserves our support.

I would urge every Member on both sides to vote for this rule and vote for the rule that enables it to come to the floor.

The SPEAKER pro tempore. The Chair would take the prerogative of reminding the gentleman and the gentlewoman that the gentleman has 2 minutes left and the gentlewoman has the right to close, and she has approximately 12 minutes left.

Mr. SESSIONS. I thank the Speaker. I also thank the gentleman, a dear friend of mine from South Carolina, for talking about how great this is for the budget. Yet the rule waives points of order that are contained in the budget. Being specific, it is an explanation of the waivers that we found out about.

The bill violates section 302(f) because its direct spending will exceed the Committee on Education and Labor's allocation, but that is good for the budget.

Mr. Speaker, my colleagues have had an opportunity on this side to talk about why we are disappointed in this closed rule and in the Democrats' failure to provide a comprehensive solution to increasing higher education access for our students that will help keep America competitive.

Mr. Speaker, I would ask to insert in the RECORD an article printed in The Dallas Morning News, my home newspaper, from January 12, outlining the way today's Democrat proposal fails and falls short of their past promises.

[From the Dallas Morning News, Jan. 12, 2007]

DEMS PUSH RATE CUT FOR STUDENT LOANS

WASHINGTON.—Following up on an election-year promise, House Democrats said Friday that they plan quick action to lower interest rates for student loans.

Their proposal, scheduled for a vote next week, would cut interest rates on some student loans in half. However, the college tuition plan has been scaled back since it was first touted on the campaign trail last year.

The interest rate relief would apply only to need-based loans and doesn't help people who take out unsubsidized student loans—a distinction not made in the campaign literature Democrats handed out before winning control of Congress last fall. The measure also abandons a pledge to reduce rates for parents who take out loans to help with their kids' college costs.

The rate cut for subsidized student loans—from 6.8 percent to 3.4 percent—would be phased in over 5 years.

The measure would cost just under $6 billion, according to the Congressional Budget Office.

To avoid increasing the deficit, the bill's cost would be offset by trimming subsidies the government gives lenders and reducing the guaranteed return banks get when students default. Banks also would have to pay more in fees.

An estimated 5.5 million students receive subsidized loans.

Republicans pushed a budget bill through Congress last session that cut $12 billion from student loan programs. Democrats and student groups argued the money should have been preserved.

Mr. Speaker, I urge all of my colleagues to vote "no" on this closed rule and the previous question. If the previous question is defeated, the House will have the opportunity to debate this important amendment offered by Republican Ranking Member BUCK MCKEON so that convicted felons will be considered ineligible to receive the Democrat interest rate reduction.

Mr. Speaker, today this debate has been very succinct and to the point. That is that we believe that for 12 years that Republicans and Democrats have worked very carefully on education issues that will help this country out, through difficult times, through difficult processes, increasing the amount of money that is available, not only for people to attend school, but also reducing the costs that were impediments in the program.

Mr. Speaker, I am disappointed that the way it is being pitched today is, well, the Republicans were just headed in a bad direction and had 12 years to do this, when in fact we have been doing this in a bipartisan way for 12 years. Today, we are going to hear it and have it the Democrats' way.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

First, I wish to thank all the Members who participated in this discussion on the importance of increasing opportunity and affordability for all of our Nation's young minds. We are all in agreement on the importance of education and the central role it played in expanding the next generation's horizons.

Mr. Speaker, as I described in my opening remarks, the resolution before the House allows for a vote on a Democratic proposal to cut subsidized student loan rates in half over the next 5 years. It will reduce the cost of college to some 5 million students by an average of $4,400. This is good, responsible progress for America's middle class, for our working families looking out to provide the next generation with a brighter future. Today's vote on the issue can make it a reality.

Last week, as part of Speaker PELOSI's 100-hour agenda, Democrats acted swiftly to help average Americans. We voted to increase the minimum wage, expand Federal stem cell research, negotiate lower drug prices for our seniors, and implement 9/11 Commission recommendations.

All of these issues passed by wide bipartisan margins and enjoyed significant bipartisan support.

I expect that today's bill will be no different, so let's get to it.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 65 OFFERED BY MR. MCKEON OF CALIFORNIA

Strike all after the resolved clause and insert the following:

That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5) to amend the Higher Education Act of 1965 to reduce interest rates for student borrowers. All points of order against the bill and against its consideration are waived except those arising under clauses 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) three hours of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor; (2) the amendment in section 2 of this resolution if offered by Representative McKeon of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. The amendment referred to in section 1 is as follows:

At the end of section 2 of the bill, add the following new subsection,

(c) INELIGIBILITY OF FELONS FOR INTEREST RATE REDUCTIONS.—Notwithstanding the amendments made by subsections (a) and (b) of this section, an individual shall not be eligible for the reduced interest rates provided under such amendments on any loan if the individual was convicted of a felony that occurred during or after a period of enrollment when the individual was receiving the loan.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress. Only political affiliation has been changed.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration ofthe subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer a amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H. Con. Res. 31, by the yeas and nays;

H.R. 434, by the yeas and nays;

ordering the previous question on H. Res. 65, by the yeas and nays;

adoption of H. Res. 65, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

HONORING THE MARE ISLAND ORIGINAL 21ERS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 31.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 31, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 27]

YEAS—416

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)

Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Aderholt
Boren
Burton (IN)
Buyer
Calvert
Cummings
Hoyer
Johnson, Sam
Lucas
Norwood
Obey
Ruppersberger
Sarbanes
Sullivan
Van Hollen
Weiner
Whitfield
Wynn

□ 1248

Ms. WASSERMAN SCHULTZ, Mr. RADANOVICH and Mr. HALL of Texas changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 434.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 434, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 2, not voting 19, as follows:

[Roll No. 28]

YEAS—413

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne

Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—19

Aderholt
Boren
Burton (IN)
Buyer
Calvert
Cummings
Hoyer
Johnson, Sam
Lucas
Norwood
Obey
Radanovich
Ruppersberger
Sarbanes
Sullivan
Van Hollen
Weiner
Whitfield
Wynn

□ 1259

Mr. MARCHANT changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5, COLLEGE STUDENT RELIEF ACT OF 2007

The SPEAKER pro tempore (Ms. DeLauro). The pending business is the vote on ordering the previous question on House Resolution 65, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 191, not voting 18, as follows:

[Roll No. 29]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—191

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Aderholt
Boren
Burton (IN)
Buyer
Calvert
Cummings
Herger
Hoyer
Johnson, Sam
Lucas
Norwood
Obey
Ruppersberger
Sarbanes
Sullivan
Van Hollen
Whitfield
Wynn

□ 1308

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 190, not voting 21, as follows:

[Roll No. 30]

AYES—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan

Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NOES—190

Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Aderholt
Bachmann
Boren
Burton (IN)
Buyer
Calvert
Cole (OK)
Cummings
Hoyer
Johnson, Sam
King (IA)
Lucas
Norwood
Obey
Ruppersberger
Sarbanes
Sullivan
Van Hollen
Whitfield
Woolsey
Wynn

□ 1316

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COLLEGE STUDENT RELIEF ACT OF 2007

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to House Resolution 65, I call up the bill (H.R. 5) to amend the Higher Education Act of 1965 to reduce interest rates for student borrowers, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Student Relief Act of 2007".

SEC. 2. INTEREST RATE REDUCTIONS.

(a) FFEL Interest Rates.—

(1) Section 427A(*l*) of the Higher Education Act of 1965 (20 U.S.C. 1077a(*l*)) is amended by adding at the end the following new paragraph:

"(4) Reduced rates for undergraduate subsidized loans.—Notwithstanding subsection (h) and paragraph (1) of this subsection, with respect to any loan to an undergraduate student made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B, 428C, or 428H) for which the first disbursement is made on or after July 1, 2006, and before January 1, 2012, the applicable rate of interest shall be as follows:

"(A) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2007, 6.80 percent on the unpaid principal balance of the loan.

"(B) For a loan for which the first disbursement is made on or after July 1, 2007, and before July 1, 2008, 6.12 percent on the unpaid principal balance of the loan.

"(C) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 5.44 percent on the unpaid principal balance of the loan.

"(D) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 4.76 percent on the unpaid principal balance of the loan.

"(E) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.08 percent on the unpaid principal balance of the loan.

"(F) For a loan for which the first disbursement is made on or after July 1, 2011, and before January 1, 2012, 3.40 percent on the unpaid principal balance of the loan.".

(2) Special allowance cross reference.—Section 438(b)(2)(I)(ii)(II) of such Act is amended by striking "section 427A(l)(1)" and inserting "section 427A(*l*)(1) or (*l*)(4)".

(b) Direct Loan Interest Rates.—Section 455(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1087e(b)(7)) is amended by adding at the end the following new subparagraph:

"(D) Reduced rates for undergraduate FDSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans made to undergraduate students for which the first disbursement is made on or after July 1, 2006, and before January 1, 2012, the applicable rate of interest shall be as follows:

"(i) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2007, 6.80 percent on the unpaid principal balance of the loan.

"(ii) For a loan for which the first disbursement is made on or after July 1, 2007, and before July 1, 2008, 6.12 percent on the unpaid principal balance of the loan.

"(iii) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 5.44 percent on the unpaid principal balance of the loan.

"(iv) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 4.76 percent on the unpaid principal balance of the loan.

"(v) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.08 percent on the unpaid principal balance of the loan.

"(vi) For a loan for which the first disbursement is made on or after July 1, 2011, and before January 1, 2012, 3.40 percent on the unpaid principal balance of the loan.".

SEC. 3. REDUCTION OF LENDER INSURANCE PERCENTAGE.

(a) Amendment.—Subparagraph (G) of section 428(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(G)) is amended to read as follows:

"(G) insures 95 percent of the unpaid principal of loans insured under the program, except that—

"(i) such program shall insure 100 percent of the unpaid principal of loans made with funds advanced pursuant to section 428(j) or 439(q); and

"(ii) notwithstanding the preceding provisions of this subparagraph, such program shall insure 100 percent of the unpaid principal amount of exempt claims as defined in subsection (c)(1)(G);".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to loans made on or after July 1, 2007.

SEC. 4. GUARANTEE AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(6)(A)(ii)) is amended to read as follows:

"(ii) an amount equal to 24 percent of such payments for use in accordance with section 422B, except that—

"(I) beginning October 1, 2003 and ending September 30, 2007, this subparagraph shall be applied by substituting '23 percent' for '24 percent';

"(II) beginning October 1, 2007 and ending September 30, 2008, this subparagraph shall be applied by substituting '20 percent' for '24 percent';

"(III) beginning October 1, 2008 and ending September 30, 2010, this subparagraph shall be applied by substituting '18 percent' for '24 percent'; and

"(IV) beginning October 1, 2010, this subparagraph shall be applied by substituting for '24 percent' a percentage determined in accordance with the regulations of the Secretary and equal to the average rate paid to collection agencies that have contracts with the Secretary.".

SEC. 5. ELIMINATION OF EXCEPTIONAL PERFORMER STATUS FOR LENDERS.

(a) ELIMINATION OF STATUS.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by striking section 428I (20 U.S.C. 1078–9).

(b) CONFORMING AMENDMENTS.—Part B of title IV of such Act is further amended—

(1) in section 428(c)(1) (20 U.S.C. 1078(c)(1))—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in section 438(b)(5) (20 U.S.C. 1087–1(b)(5)), by striking the matter following subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2007.

SEC. 6. REDUCTION OF LENDER SPECIAL ALLOWANCE PAYMENTS.

Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(I)) is amended by adding at the end the following new clauses:

"(vi) REDUCTION FOR LOANS DISBURSED ON OR AFTER JULY 1, 2007.—With respect to a loan on which the applicable interest rate is determined under section 427A(*l*) and for which the first disbursement of principal is made on or after July 1, 2007, the special allowance payment computed pursuant to this subparagraph shall be computed—

"(I) by substituting '2.24 percent' for '2.34 percent' each place it appears in this subparagraph;

"(II) by substituting '1.64 percent' for '1.74 percent' in clause (ii); and

"(III) by substituting '2.54 percent' for '2.64 percent' each place it appears in clauses (iii) and (iv).

"(vii) SMALLER LENDER EXEMPTION.—Clause (vi) shall not apply to the calculation of the special allowance payment with respect to any 3-month period for any holder of eligible loans that, together with its affiliated holders, is designated by the Secretary as a small lender.

"(viii) DESIGNATION OF SMALL LENDERS.—In determining which holders of eligible loans qualify for the exemption provided under clause (vii), the Secretary shall, using the most recently available data with respect to the total principal amount of eligible loans held by holders—

"(I) rank all holders of eligible loans in descending order by total principal amount of eligible loans held;

"(II) calculate the total principal amount of eligible loans held by all holders; and

"(III) identify the subset of consecutively ranked holders under subclause (I), starting with the lowest ranked holder, that together hold a total principal amount of such loans equal to 10 percent of the total amount calculated under subclause (II), but excluding the holder, if any, whose holdings when added cause the total holdings of the subset to both equal and then exceed such 10 percent of such total amount calculated; and

"(IV) designate as small lenders any holder identified as a member of the subset under subclause (III).".

SEC. 7. INCREASED LOAN FEES FROM LENDERS.

Paragraph (2) of section 438(d) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(d)(2)) is amended to read as follows:

"(2) AMOUNT OF LOAN FEES.—The amount of the loan fee which shall be deducted under paragraph (1), but which may not be collected from the borrower, shall be equal to—

"(A) 0.50 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 1993, and before July 1, 2007; and

"(B) 1.0 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after July 1, 2007.".

SEC. 8. INTEREST PAYMENT REBATE FEE.

Section 428C(f)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078–2(f)(2)) is amended—

(1) by striking "SPECIAL RULE—" and inserting "SPECIAL RULES—(A)"; and

(2) by adding at the end the following new subparagraph:

"(B) For consolidation loans based on applications received on or after July 1, 2007, if 90 percent or more of the total principal and accrued unpaid interest outstanding on the loans held, directly or indirectly, by any holder is comprised of principal and accrued unpaid interest owed on consolidation loans, the rebate described in paragraph (1) for such holder shall be equal to 1.30 percent of the principal plus accrued unpaid interest on such loans.".

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Ms. DELAURO). The gentleman may state his inquiry.

Mr. PRICE of Georgia. Madam Speaker, under what rule are we considering H.R. 5?

The SPEAKER pro tempore. Under the resolution just adopted.

Mr. PRICE of Georgia. Further inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRICE of Georgia. Does the rule under which we are considering H.R. 5 allow for an amendment to H.R. 5?

The SPEAKER pro tempore. Only by way of a motion to recommit.

Mr. PRICE of Georgia. Further inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. PRICE of Georgia. Can the Chair explain how a motion to recommit will be in order given that the committee hasn't met, formed or adopted any rules?

The SPEAKER pro tempore. The bill was referred to a committee, and, therefore, its committal to that committee would be a recommittal.

Mr. PRICE of Georgia. Further inquiry.

The SPEAKER pro tempore. Please state your inquiry.

Mr. PRICE of Georgia. Can the Chair tell me whether or not the committee reported the bill out?

The SPEAKER pro tempore. The bill has not been reported to the House.

Mr. PRICE of Georgia. I thank the Chair.

The SPEAKER pro tempore. Pursuant to House Resolution 65, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 90 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we have an opportunity to provide a great deal of assistance to those students who borrow from the subsidized student loan program. I want to thank the Rules Committee for providing for the passage of the rule for the consideration of H.R. 5, the College Student Relief Act.

Today, millions of students and their families all across America are struggling to figure out how to pay for college. They are making critical decisions about whether college is in their future, based on what they can afford and how much debt they will be able to reasonably take on.

We know that a college education is as important today as a high school diploma was a generation ago. Yet, since the 2000–2001 academic years, tuition and fees at public colleges and universities have soared by 41 percent, while those at the private universities have increased by 17 percent. This is not a problem that we can ignore.

The College Student Relief Act helps students and their families by cutting interest rates for undergraduate subsidized student loans in half, from 6.8 percent to 3.4 percent, phased in over 5 years. Once this interest rate is fully phased in, a student with an average loan debt of $13,800 will save approximately $4,400 over the life of their loan.

I am pleased to report that the College Student Relief Act is fully paid for, and complies with the House's new, strict PAYGO rules. Additionally, all changes to both students and lenders only apply to future loans.

This legislation will give much-needed relief to some 5.5 million students who borrow subsidized loans each year. The majority of students helped by College Student Relief Act are low- and middle-income students with family incomes between $26,000 to $68,000. Half of these students are eligible to receive Pell Grants, but many such students find that Pell Grants alone are insufficient. Because of the failure to increase the value of the Pell Grants over the last decade, the Pell Grant does not cover the cost of education, and so those students who are eligible for Pell Grants because of family income and resources also find out they have to borrow. They borrow from this program, so this program is an additional savings, when we pass this legislation, to those who are eligible for the Pell Grants.

Providing debt relief to our students is the right thing to do. Current studies indicate that more students are borrowing more than ever. The debt level of graduates from public universities has skyrocketed by 58 percent in the past decade. The Pell Grant recipients and students with modest incomes are likely to borrow more often and in greater amount than other students.

This is just the first step in helping students and their families with college education. We plan to increase Pell Grants later in the appropriation process in the amount which has seriously fallen behind the cost of college, and we need to again take a look at making college tax credits and deductions simpler to use and more robust. That is what this Congress is committed to doing in the future when we are done with these six bills in the first 100 hours.

I also believe that colleges and universities should play their part in addressing affordability by becoming more diligent about cutting expenses and more transparent about college costs. We hope to address this in the 110th Congress when we reauthorize the Higher Education Act.

We cannot ignore the fact that students and families are drowning in debt in such a way that many of them have been forced to make difficult choices. Some choose just not to go to school, they stop going to school or they defer going to school, or they choose professions that will be more lucrative, instead of public service professions such as teaching, social work, law enforcement and other such professions because they know the debt that they will have to repay.

The debt issue and the agony families feel when they think about being able to afford college for their children is all too familiar a story to many of us who have been involved in this issue for some time.

I am pleased this bill has earned wide support in the education community among students, with such groups as U.S. PIRG and the United States Students Association, with colleges and universities across the country, including the National Association for Independent Colleges and Universities and the American Council on Education, and with labor unions such as the American Federation of Teachers and the National Education Association.

I urge my colleagues to support H.R. 5, the College Student Relief Act of 2007, so we can tell middle- and low-income families that we want to invest in a college education, we want to help these families find a way to pay for that, and we want to do whatever we can to reduce the burden of debt that these students are taking on today in unprecedented levels, the first generation to be put in that situation.

I think this is a good beginning in the first 100 hours to put this Congress on record not just as hoping to do something for students, but in fact doing something for 5.5 million students who will be eligible for the benefits under this interest rate cut.

Madam Speaker, I reserve the balance of my time.

Mr. McKEON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a well-intentioned bill that I wish we had the chance to make better. Nonetheless, without the opportunity for amendments, I hope we can use these next 3 hours to analyze what H.R. 5 does and what it doesn't do.

Normally this is a task best reserved for regular order when you go through the committee process and have a chance to have hearings and have a chance to hear experts on the subject. We are forgoing that today because we are in this 100 hours of nondemocratic rule, and that is a result of the election. You won the majority, you use that majority the way you see fit; but I think that is unfortunate for America today.

Since we have bypassed that process, I would like to spend some time doing so right here today. First, let me underscore once again the fact that this bill has never been considered in committee. It includes some changes impacting the student loan industry that have never been tried before and, worse yet, they have never even been discussed in any meaningful way. Is that bad policy? Well, maybe so. But is it irresponsible policy-making? Most definitely it is.

Next, I caution my colleagues not to characterize what is before us today as a student aid bill. Ironically, the College Student Relief Act wouldn't impact a single college student. The way the loan program works, a student that wishes to borrow, and it is unfortunate, I think, that we are even having to have that kind of discussion today; I wish we were focusing on trying to keep the cost of education down so students didn't need to borrow a penny, but that is not going to be the debate.

The way it works, a student borrows the first year, the second year, the third and fourth years if they so desire; and then after they graduate from school and have a 6-month respite period, they begin to repay that loan. So this bill today addresses an interest rate that a college graduate will pay back in the repayment period 6 months after they graduate from school when they are definitely no longer students.

I also caution my colleagues not to buy into the talking point that H.R. 5 would save a typical borrower about $4,400 over the life of their loan because it just simply isn't true.

Now what the Democrats talked about during the campaign of reducing all student debt by half may have met these requirements, but not what is actually on the floor here today. The fact is that a borrower cannot save nearly this much because under H.R. 5, the bill we are discussing here today, the interest rate phases down from the current 6.8 percent to 3.4 percent over a series of 5 years. The borrower, for them to receive the complete $4,400 in savings, the 3.4 percent interest rate must remain in effect the whole time and it only is actually in effect the last 6 months, and they must consolidate their debt at that time and stretch the repayment out over the whole 15 years.

However, Democratic leaders have crafted the legislation to ensure that the 3.4 percent rate stays in effect only from July 1, 2011, through January 1, 2012, 6 months. On January 2, 2012, the interest rate returns back to the current 6.8 percent making the $4,400 in savings impossible to achieve.

In reality, a college freshman in the fall of 2011, when the rate is at 3.4 percent, would end up saving $6.42 a month. That's right, $6.42 once he or she begins repaying their student loan.

More broadly, H.R. 5 falls woefully short in dealing with what I consider the twin priorities for addressing the college cost crisis. That is, expanding access, which should be the Federal role in higher education, and enhancing affordability. Those are two very important items.

First, on access, as I said, by definition this legislation cannot expand college access because at its core it is not a student aid bill. Would it reduce payments for a limited number of college graduates who would see their interest rate gradually drop over the next 5 years? Yes.

Would it bring a low- or middle-income student any closer to the dream of attending college? Unfortunately not.

Compare this to the record $90 billion we are investing this year, $90 billion Federal investment this year, in student aid programs. That is an amount that has tripled over the last decade.

We have heard today in part of the rule debate about how over the last 12 years we have done nothing. We have tripled the amount of funding available for those who are going to higher education, under the Republican majority in Congress, I might add, and it is difficult to understand why our friends on the other side of the aisle act as if they have a monopoly on the college access debate.

□ 1330

On impacting college affordability, Madam Speaker, once again, this legislation falls short, and I truly did not believe this would have to be the case.

Consider this: On a 4-year public college education the tuition has risen 35 percent over the past 5 years. However, during the past decade, Federal aid for students has increased 300 percent. Now, I ask my colleagues, if funding alone was the solution to the college cost crisis, wouldn't we have realized it by now? Of course we would have. And that is why institutional accountability is so important. It is at the very heart of the college cost crisis.

Yesterday, I introduced legislation, the College Affordability and Transparency Act, to help parents and students hold institutions more accountable for their role in the college cost crisis. I also submitted it, or tried to submit it, as an amendment to the Rules Committee, because I believed it was a vehicle through which we could have drastically improved the underlying legislation. Unfortunately, however, the closed process has placed the issue of affordability on the back burner, and these proactive commonsense reforms will have to wait for another day.

That is right, giving parents and students more information, in an easy-to-use format, about college costs and outcomes? That will have to wait for another day.

Establishing a system of simply and unmistakably comparing the cost increases of one institution against another? That will have to wait for another day.

And asking colleges that increase their costs the most and most often to identify ways to bring tuition under control on behalf of parents and students? Well, that too will have to wait for another day.

What is most disappointing is that many of these same reforms were passed by the House last year and Members on both sides of the aisle have backed exactly this type of approach. But to see them move forward from here, we will just have to wait for another day.

In countless ways, Madam Speaker, we can do better than H.R. 5. I just wish we had that opportunity. Because although the bill before us, as well-intentioned as it is, is just not what it seems. It is not a student aid bill, it doesn't expand student access, and it doesn't enhance affordability of a college education.

In the weeks and months to come, I hope we can work in a bipartisan way toward all of these things, and I look forward to working with Chairman MILLER, Chairman KILDEE, and Members on the other side of the aisle to ensure that this happens.

Madam Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. KILDEE) controls the time for the majority.

There was no objection.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of the College Student Relief Act. By making college more affordable for 5.5 million students each year, this bill is a big step in the right direction of helping low- and middle-income families achieve the American Dream. Not only is it a step in the right direction, but it is a step in a new direction.

For years, the President and previous Congresses have passed billions of dollars of tax cuts for the wealthiest Americans instead of investing in the potential of average Americans. The last Congress put college out of reach for many families by passing a $12 billion raid on student aid, the largest cut in the history of the student aid program.

Madam Speaker, H.R. 5 will save the average borrower who starts at a 4-year college at Michigan next year nearly $2,200 over the life of the loan, and will save the same student who starts in 2011 more than $4,200.

Madam Speaker, when we debate the Federal budget around here, we talk about budget authority and outlays and offsets, and other complicated accounting procedures. But, in the end, what we really are talking about are not just numbers but real people in every corner of this country, making tough decisions about their lives.

One of the toughest questions these days is whether they can afford to attend or stay in college, especially because a college education is more important now than ever. These are real people with names, not numbers, who ask that question. They are people who live in your district.

Very simply, the reason I support this bill, and the reason I ask my colleagues to join me, is because this bill will help thousands of students to say yes to that question.

Madam Speaker, I reserve the balance of my time.

Mr. MCKEON. Madam Speaker, at this time I yield such time as he may consume to the gentleman from Florida (Mr. KELLER), the ranking member on the Higher Education Subcommittee.

Mr. KELLER of Florida. I thank the chairman for yielding.

Madam Speaker, I rise today as the ranking member on the Higher Education Subcommittee. I believe in higher Pell grants, lower interest rates, and a leveling off of college tuition. I come to this belief through my own life experiences. I grew up in relatively humble circumstances. My mom was a single parent who raised three kids on the modest salary of a secretary. If it wasn't for Pell grants and student loans, I wouldn't have been able to go to college and, ultimately, law school. I believe every child, rich or poor, deserves the chance to go to college.

Let us turn to student loans and how that impacts that. When I graduated from college in 1986, the student loan interest rate I had on my loans was 9.5 percent. In 2002, during my first term here in Congress, we decided to do something about that and we joined together, Republicans, Democrats, and student groups, and approved legislation in January of 2002 fixing the student loan interest rate at 6.8 percent. On January 24 of 2002, Chairman GEORGE MILLER supported the 6.8 percent rate. He voted for the 6.8 percent rate, and he said on this floor that we should be commended for passing the 6.8 percent rate.

Last year, in March of 2006, when we were passing the higher education bill on the House floor, Chairman Miller said that he wanted to now cut the interest rates from 6.8 percent to 3.4 percent. It had a big price tag of $18 billion. He didn't offer any ways to pay for it.

Today, he comes before us with another proposal to cut the rate from 6.8 percent, down to 3.4 percent, phased in over a 5-year period, so you hit the 3.4 percent in the final year only. This price tag is smaller, at $6 billion. And to their credit, the Democrats have come forward with a way to pay for it, and that is mainly by taking money out of the student lenders' pockets.

The question before us is one of access. What is the best way to expand college access? Should we help college students on the front end afford to go to school by increasing their Pell grants, or do we help college graduates on the back end by phasing down their loan interest rates?

I think a better approach would have been to take some of this $6 billion in savings and invest it in the Pell grant program. This is a program we Republicans have been pretty serious about during my 6 years in Congress, and I would like to show you a chart reflecting that.

This is the 20-year history of the Pell grant program. As you can see, in yellow, this is the 10 years the Democrats were in control of Congress. The red represents when the Republicans took control of Congress. You see a steep increase. If they had adopted the proposal we set forth, these charts would be literally off the charts in terms of such a dramatic increase in Pell grants.

Now, someone said earlier, well, we haven't done enough to increase Pell grant funding during our time in the majority over the past 6 years. Let us take a look at that claim. Overall, Pell grant funding from 2000 to today has gone up 71 percent, from $7.6 billion to $13 billion a year. And we have increased by 36 percent the number of children eligible for Pell grants from 3.9 million to 5.3 million. We have a pretty good record on Pell grants, one to be proud of.

If they had taken the $6 billion and invested it in the Pell grant program, what a dramatic difference it would make when you consider the Pell grant program along with the Pell-eligible programs of competitiveness grants and SMART grants.

This is the difference: First-year students would get up to $5,300 a year; second-year students would get up to $5,850; third-year students would get $8,050; and fourth-year students, up to $8,050. We made this proposal, went before the Rules Committee, and it was a closed rule. They didn't want to hear anything about it.

We also had some ideas about the skyrocketing cost of tuition. It has gone up 35 percent in the past 5 years at public colleges. We had some pretty good ideas to help, mainly Chairman McKEON, now Ranking Member McKEON's, bill. He went before the Rules Committee. Closed rule. Didn't want to hear about it.

Now, what did Chairman MILLER and others say about this problem with not investing enough in Pell grants and the skyrocketing costs of tuition? We will come back to those issues. We will deal with that a later day.

Now, here is the problem. Whatever we do on a later day with Pell grants will be $6 billion less than it could have been because this $6 billion is gone. It is gone, based on this approach here.

In summary, by ignoring our ideas about increasing Pell grants and addressing the rising tuition costs, the Democrats have managed to hit a single for themselves when they could have hit a home run for America's college students.

Education should not be a partisan issue. No one party has all the answers. Today, I will show a little bit of good faith and vote "yes" on this bill. Tomorrow, I hope the Democrats will show a little bit of good faith by listening to what people like me have to say about Pell grants and the skyrocketing costs of tuition.

Mr. KILDEE. Madam Speaker, I yield 1 minute to the chairman of the committee, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Speaker, I thank the gentleman for yielding, and I appreciate the presentation of my colleagues on the other side; their sort of would have, could have, should have.

But the fact of the matter is, last year, when they had the Higher Education Act in front of them, the only thing they did was take $16 billion out of the student aid accounts and give it to pay for tax cuts to the wealthiest people in this country. They didn't think about the Pell grantees at that time. They talked about them, but they didn't do anything for the Pell grantees. They didn't do anything to lower the student loans here.

They took $16 billion, and we begged them, we went to the Rules Committee and we begged them to let us recycle that money on behalf of the students on loans or Pell Grants or whatever. They said, no, this is going to the richest people in the country. And the fact of the matter is, the Rules Committee was so generous that in the entire higher education bill of last year, we got one amendment. We got one amendment.

So I think the point is that on this day, here in the first 100 hours, we are going to take care of middle-and lower-income students, 5 million of them who need these resources; then we will move on to tax deductions for families. And then we are going to move on and deal with increasing the Pell, something the President promised to do 6 years ago and has never been done.

Mr. McKEON. Madam Speaker, I yield myself such time as I may consume just to correct the record a little bit.

Last year, when we did the reauthorization of the Higher Education Act, we dealt with over 100 amendments, both Democrat and Republican, through the committee process that we have forgone today. And when we did take that money last year in the Deficit Reduction Act, we put over $9 billion back into students.

What we did with that money for students, and these are students in school, we took the 4 percent loan fees that were being charged to many students and cut all loan fees to 1 percent. For the average borrower, that is, for students in school, it gave them a savings of $525.

One of the problems we find is that students in their first and second years tend to drop out of school because they do not have enough money. So we gave them more of a chance to have their loans up front, and we increased those loan limits by $1,000 per year, from $3,500 to $4,500 for first- and second-year students.

And we did some other things: High-achieving, low-income students in the first and second years are able to obtain additional grant aid. High-achieving, low-income students that major in math, science or certain foreign languages are eligible to obtain an additional $4,000 in grant aid for their third and fourth years of college, and on and on. We put $9 billion of that back directly into student and student aid.

Madam Speaker, I now yield to another ranking member of the committee, the gentleman from Delaware (Mr. CASTLE), such time as he may consume.

☐ 1345

Mr. CASTLE. I thank the distinguished gentleman from California for yielding.

Unfortunately, one concern that continues to arise, and has done so since I came to Congress, is the continuously rising cost of a college education. Tuition increases are outpacing the rate of inflation, increases in family income, and even increases in State and financial aid which have grown tremendously in recent years. These cost increases are pricing students and families out of the college market. In a time when we have reports suggesting that today's high school students recognize more than ever the importance of obtaining a college education, these students should not shy away because of skyrocketing costs.

While today's bill does seek to help graduates, it barely skims the surface of the true problem of how we can help increase access and affordability. I will support this effort but hope that this Congress will make substantive steps towards helping current and future students.

We have all heard the statistics, and frankly we all deserve to hear them again. According to the College Board, the cost of attending a private college has soared by 52 percent, adjusted for inflation, since the 1991–92 academic year. Public colleges have increased costs by a whopping 86 percent in the same time span. In conjunction with these statistics, we don't often taught the fact that since 2001 under a Republican Congress, direct student aid has increased from $9.6 billion to $48 billion. During the same period, the number of students receiving such aid soared by nearly one-third, from 7.6 million to 10.1 million. Yet we are still in a predicament of students needing help. We must begin to look seriously and holistically at this issue. There is neither a simple solution nor one entity responsible.

First, it is my belief that one of the best things we can do is raise awareness, and to force transparency in the process. Legislation offered by the gentleman from California (Mr. McKEON), which I support, seeks to provide parents and students the information that they deserve as consumers. They deserve the opportunity to understand why tuition is increasing at their universities. As educated consumers, it is my hope that they will in turn have the power to demand more, to demand answers, and ultimately drive down cost. Understanding that there are many moving parts to a solution, transparency is a good first step in the right direction.

Second, we all must be part of the solution. The U.S. Secretary of Education, Margaret Spellings, and the Commission on the Future of Higher Education have helped to bring the issue of access and affordability to the forefront. They too have identified areas in which they may implement solutions, such as simplifying the Free Application for Federal Student Aid. Everyone is clearly beginning to recognize how they can alleviate this dilemma.

Third, the institutions must accept some of the responsibility. There are some fabulous colleges and universities out there making it happen for a fraction of what they could charge. For all of those, however, there are also plenty who are not being as efficient as they should be. I believe that these institutions need to take a long, hard look at every aspect of their budgets to identify savings from within. As highlighted above, despite record increases in student aid, tuition continued to increase. Some have studied and argued that there is in fact a correlation. Further, it was maintained in today's Wall Street Journal that the increase in aid will permit colleges to raise their tuitions in order to reap the benefit. Without the aid, colleges and universities would be forced to be more careful. In December, the New York Times reported that based on the fact that some equate price with equality, some institutions raise their tuition for the sole purpose of matching their rivals. In some instances they also raise their discounts and assistance, but the fact remains that they are artificially raising the price which unfortunately may scare many students away from even applying. The reality is, Federal assistance does not give license to increase tuition. We cannot continue to offer the solutions. Don't be misled. I do support Federal assistance but do ask that colleges not take it for granted. Today's action must be coupled with responsible governing and accounting by our institutions of higher learning.

Fourth, I believe that Congress has a responsibility to spend efficiently and effectively. While this proposal is well-intentioned and does reach our low- and middle-income classes, it unfortunately may not be the best use of $6 billion. Ideally, this money should be more evenly spent. Aid experts and those in the academic community often identify Pell Grants, the primary source of aid for the neediest students, as the best avenue for increasing affordability. Leading up to this bill, these groups argued that the money would be best spent in this manner. In the future, I hope that this Congress spends more time deciphering the best way to appropriate taxpayers' money.

Finally, I believe that we have to begin gaining a better understanding of private student loans. With the escalation in college costs, students are exhausting their Federal loans and are forced to turn to private loans, something that has not been a part of the conversation. Consider this: 40 percent of private loan borrowers are from the bottom two income quartiles of students going to college. Five years ago, private loans made up only $4 billion of the $850 billion of the asset-backed securities market. Today, it comprises $13 billion. This is a completely different market and is not shaped with the policy goal of increasing access and affordability for students. There are many questions surrounding private student loans and I intend on beginning to ask these questions. If we are to tackle this issue, we must do so completely.

The issue of college affordability and access is complicated but one that I trust we can come together to help resolve, not just those of us in Congress but also those in academia, the lenders, students, parents and institutions.

Mr. KILDEE. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

Madam Speaker, this debate is about a promise broken and a promise kept. When President Bush ran for President the first time in 2000, he promised to make the maximum Pell Grant $5,100 per year. Today, the maximum Pell Grant is $4,050 per year. It is true that the erstwhile majority spent more money on Pell Grants, but it is also true that many, many more people were eligible for Pell Grants and the value of the Pell Grant shrunk during the tenure of the erstwhile majority. The new majority is keeping a promise to significantly reduce student loan rates for students across this country. And we are keeping, in my view, a more important promise, to pay for keeping that promise by not adding to the deficit.

Unlike the tax breaks for the wealthiest 1 percent of the people in this country, this bill doesn't add to the deficit. Unlike the seemingly endless misadventure in Iraq, this bill doesn't add to the deficit. Unlike the huge tax breaks for the energy industry at a time when they receive the most profit in their history, this bill doesn't add to the deficit. The ways that this bill is paid for invite careful review of how we balance the direct and private loan programs and they invite careful review of how we adjust the present programs. But this bill is paid for.

This is the change that the American people voted for, help for the middle class, not increasing the deficit, and pay-as-you-go. I am delighted to hear that at least two of our colleagues on the other side will vote "yes" on this bill. I hope, Madam Speaker, that dozens or even hundreds of our colleagues on the other side will join us in voting "yes" in favor of middle-class students and deficit reduction.

Mr. McKEON. Madam Speaker, I yield myself such time as I may consume.

I appreciate my good friend from New Jersey talking about promises. My opponent during the campaign, and I don't know if this was the full Democratic Party, but what he said was they were going to cut student loan rates immediately in half. I know as we got here in Washington and they assumed the majority, we were told that that would cost about $60 billion. So they had to cut back that promise to what they have done now is a phased in approach that cuts the student loan interest rate ultimately at the end of 5 years to 3.4 percent for subsidized loans, which is considerably smaller than their original promise. I just wanted to correct the record with that.

I am happy now to yield 4 minutes to the gentleman from Pennsylvania (Mr. PLATTS), a member of the committee.

Mr. PLATTS. Madam Speaker, I appreciate the distinguished gentleman from California for yielding to me.

Madam Speaker, I certainly support the underlying goal of this legislation about making higher education more affordable for our citizens, and I plan to support this legislation to move the process forward because it is an important goal we are after.

I know from personal experience the importance of student loans. I am probably one of the few Members of this Chamber that was elected while still paying for student loans. In fact, my wife and I could not have afforded our undergraduate degrees and our graduate degrees without the support of grants and loans, and we were delighted when we were able to pay the loans back a few short years ago.

While I support the underlying goal, however, I need to raise concerns about the manner in which we are attacking this issue and some of the substance of the issue.

First, the process. This bill has not been allowed to have committee hearings. There has been no opportunity for amendments in committee, and certainly no opportunity for amendments here on the floor. In fact, we have a closed rule, no amendments. If we had followed regular order and taken this bill through the committee process, we could have taken a bill with a good intent and made it a good piece of legislation on behalf of all of our Nation's citizens and done even better than we will do today.

I also need to address the failure of this legislation to address the reason that students are in need of more and higher student loans, the reason they need to borrow more and more, and that is ever-increasing tuition rates.

To the great credit of the distinguished gentleman from California, in previous years we sought to address that issue. He led the charge to try to work with the institutions of higher education across this country to be reasonable, to be responsible. This legislation does not address that at all.

I am often surprised when higher education institutions lobby for greater loan limits, and they don't disclose to their students the reason that they need higher loans is because those very institutions keep raising their tuition rates. This bill does not address that unfortunately.

I am also very disappointed that this bill does not address the ability of students to get into colleges, those upfront costs and the initial costs. This is about graduates who are in repayment. It does not help new students to help families get their children into school.

Unlike the Deficit Reduction Act, and this was addressed earlier by one of the previous speakers, that legislation actually gave additional assistance to students in going to school, significantly higher grant program amounts, I think over $5 billion in new grant programs; lower loan fees that the distinguished gentleman from California addressed, from 4 percent to 1 percent; higher loan limits for those early years of college.

It made it more affordable for students, especially low- and middle-class family students, to get into college and to pay their bills as they were in college. This bill does not address that.

Finally, while I certainly support the pay-as-you-go approach and voted in favor of that reform this past week, this bill achieves that goal in a gimmick fashion. The way it spreads out the reduction and pays for this is not true pay-as-you-go. And I think if we are going to do right by our citizens, in this case by those seeking and getting higher education opportunities, we need to make the tough decisions and truly pay for what we are providing in assistance.

I will vote in favor of this legislation to move the process forward, but I hope as it moves forward and we get to work with the Senate, that we will do much better in truly assisting the students who are trying to get into school or who are in school now with the cost of higher education. If we do so, as we have done in the past in some important ways with the Deficit Reduction Act, we truly will be about helping our Nation's students.

Mr. KILDEE. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank my friend from Michigan.

Madam Speaker, I rise in support of H.R. 5, a bill that would cut in half student loan interest rates and make college more affordable, improve our economy, and improve the quality of lives across America.

The average student graduates with more than $17,000 in loan debt, almost 45 percent more than just a decade or so ago. In New Jersey, in my State, this bill would save the average student 4 or $5,000 over the life of the loans.

According to the Congressional Research Service, half of the student loan borrowers who benefit under this legislation have family incomes under 60 or $70,000, and the median income of family borrowers is $45,000. These are ordinary folks. Now, each of my colleagues can find thousands of stories of citizens in his or her own district where these loans have given a greater lease on life and livelihood to ordinary folks.

We can talk about might have been, should have been, things we can do to make college more affordable. This is something we can do right now. The legislation we are considering today will provide needed relief for cutting interest rates from 6.8 percent to 3.4 percent, and it will be a vital step toward making college more affordable for millions of Americans.

□ 1400

If we are going to stay competitive in the global economy, we must make access to higher education more possible; and helping qualified students pursue higher education is good not only for the individual students, but also for our economy, our competitiveness, our security, the future of this Nation.

We have an opportunity to do it. The opportunity has been passed over sometimes in the past, but let's do it now.

Mr. MCKEON. Madam Speaker, I am happy to yield at this time 3 minutes to the gentlelady from North Carolina (Ms. FOXX), a member of the committee.

Ms. FOXX. Madam Speaker, I am very grateful to my colleagues for giving me an opportunity to speak on this bill. I have been listening to the debate on this bill, and it is, again, an amazing situation for me.

My colleagues on my side of the aisle have been extremely articulate. They have presented the facts, and I am amazed that my colleagues on the other side of the aisle, at how they can stand up and simply not tell the truth over and over and over again. I am just astonished by it.

I graduated from college after 7 years without a dime of debt. I worked my way through school. Any student who wants to go to college in this country can graduate from college without a dime of debt.

We have all kinds of choices in this country as to where to go to college. If people want a college degree, they can do it.

What we are doing, by decreasing, by the sham, it is nothing but a sham, and I think people have to say that over and over again. I am not going to repeat the statistics that have been given, because they have been given very well.

My opponents simply cannot deny the facts, they cannot deny the numbers. How we have increased the Pell Grants, they can't deny, and how they did nothing to increase the Pell Grants. But they cannot deny the facts. They can give your opinions, but they cannot deny the facts.

One of the facts is, there is going to be one time, 6 months, where this is going to be cut in half, as they said they were going to do. What a shame that they are doing that and making the people of this country believe that they are, quote, "keeping their promises." They are not keeping their promises.

All we are doing is inviting colleges and universities to increase their tuition and fees. I became a college administrator and a college president. So I know student financial aid from the inside and out. This is, again, a smoke-and-mirrors issue.

We are not going to help students, we are not increasing accessibility for poor students. If we were, we would be putting this into either work-study or Pell. That is how you really help the low-income students who are trying to go to school, not by decreasing to 3.4 percent for 6 months, the loans.

What they are really trying to do here, I think, is drive the private sector out of the market for having student loans. They would like the government, again, to take over this entire program.

We are not increasing this issue of accountability. We don't know when our students graduate from college now what skills they have. Republicans have tried and tried and tried to get schools to be accountable for what they are charging for, and it is very expensive to get a college degree these days, especially if you go to private institutions.

So we don't increase the accountability, but we increase what the colleges and universities are going to charge. I think it is a very cynical move on the part of the Democrats to do this, and I think it is very unfortunate.

Mr. KILDEE. Madam Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I want to thank my good friend from Michigan for his leadership on this issue. I am proud as a 10-year member of the House Education and Labor Committee to stand here in support of H.R. 5.

With all due respect to my colleague from North Carolina, the previous speaker, facts can be a stubborn thing. The fact of the matter is, if we implement this law, if we get the President to support this cut in interest rate burden in half, over 750,000 undergraduates in my home State of Wisconsin will realize cost savings, over half of them in my home congressional district alone.

They are looking at, on average, about a $14,000 debt burden by the time they finish school; and with this bill, they will realize close to $4,400 in savings with this interest rate reduction, which almost covers a full year of tuition at a public university in my home State of Wisconsin. So, yes, facts can be a stubborn thing. What we are doing here is real. 1.

But let us also recall why we are today, because we are following in the wake of the largest raid on student aid in our Nation's history when the Republican Congress last year, in their budget reconciliation, cut over $12 billion from the student aid program, that the President went along with.

The irony is that budget reconciliations are supposed to reduce the deficit. What they did in delivering huge tax breaks to the most wealthy was doing that cut in student aid while also increasing the deficit, which is another thing that we need to emphasize here today, that we fully pay for this bill because of the pay-as-you-go budgeting rule we implemented this year.

Can we do more on accountability? Should there be more transparency in why there are rising costs? Should we be doing more with direct grant programs? Of course.

This isn't the final step of a long journey, but merely the beginning. I hope that by the rhetoric that we are hearing today that we will be able to produce a bipartisan higher education bill later this year that we can all be proud about, that will focus on access and affordability issues.

I may propose one way to find some cost savings. The Congressional Budget Office indicates that if we expand access to the STAR program, the direct loan program, we could realize over $17 billion worth of savings over the next 10 years, and that is based on a very conservative utilization estimate from 25 to 44 percent. That is a very conservative increase in utilization.

In fact, if every school participated in a direct loan program, we could realize savings of over $60 billion these next 10 years. Imagine what we can do for student-need-based programs and direct grant programs like the Pell Grant program with an additional $60 billion freed up for this higher education bill. So it is one proposal that I throw out there that maybe we can have a discussion about as we move forward with reauthorization of the higher education bill.

But I suspect we are going to get bipartisan support with H.R. 5. We should with this bill today. Not only does it bring real savings to real students making college more affordable, but we do it in a fiscally responsible manner by paying for it all and not adding to the deficit.

I encourage my colleagues to support H.R. 5.

Mr. MCKEON. Madam Speaker, I yield myself such time as I may consume.

What I would ask of people that are following this debate, if they would take the numbers and then realize that what the bill does, it takes the loan rate, which is 6.8 percent, and reduces it to 6.1 the first year, and then incrementally drops it, and then the last 6 months, this is a 5-year bill, the last 6 months it goes to 3.4 percent.

If you will take those numbers and figure out how much to borrow each year to get to the 14,000 and then pay it off over the 15 years, if they consolidate the loan, pay it off over the whole 15 years, there is no $4,400 of savings. It is more in the neighborhood of a little over $2,000.

Madam Speaker, I would be happy to yield to a new Member of Congress, Mr. SMITH from Nebraska, 2 minutes.

Mr. SMITH of Nebraska. Madam Speaker, I rise to express concern about what I have heard from both sides of the aisle, and that is the rising cost of postsecondary education. It concerns all of us here, and I know that we all want to work together. I hope to address these costs. My concern is that this resolution will not address this issue.

As we look to the larger issues of that growing cost, we have to look further than what many folks here can agree, that it is not a substantial effect that we can expect with H.R. 5. I hope that you will share my concern, and I hope we can continue to work in a direction of working together, hopefully through a committee process, and come up with something that will address these concerns.

Mr. KILDEE. Madam Speaker, I yield 2 minutes to the gentleman from the Commonwealth of Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Madam Speaker, I thank the gentleman from Michigan for yielding.

Madam Speaker, in the last session, the Democrats did, in fact, file a bill that would have done a lot of things to make colleges more accountable and accessible. Unfortunately, that is not the bill that was moved through Congress, and very little of it got discussed or was paid attention to in the committee.

This year, we hope to refile bills along that way and work in a bipartisan manner so those larger issues will have that opportunity, and we intend on doing that. In the meantime, this is a down payment. It is a down payment on the need to make college more affordable and accessible by cutting the interest rates on student loans, as has been described.

We have more to do. We want to increase Pell Grants. Mr. KELLER said that, and he is right. Last year, of course, the majority of then Republicans had a wonderful opportunity to do that. Instead, they decided to cut a net of $12 billion, basically to help the powerful and the privileged. They are busy trying to make sure that people have an incentive to get into a loan market for which no incentive is needed.

In fact, there will be very little impact on lenders with the way they are paying for this particular bill. They will digest that very readily and still make a handsome profit. As Mr. KIND from Wisconsin said, there is every opportunity for us to do more direct loans and to recapture more money, to give further Pell Grants and campus-based aid like student work-study.

We need to get States to reinvest more in education. They are falling off the cliff since 2001 in terms of their investment. We have a good bill that we will file and hopefully have the help of the Republicans. We will address that situation to get them back into the game.

We need to allow more tax deductibility for tuition so that families have a break. And moving forward, if we are serious about how much education is required, given the nature of the workplace, given nature of the competitiveness of the international arena, we need more college students.

There was a day when 8 years of school worked well for the agricultural era. Then it went to the industrial age where 12 years of school was necessary. We are beyond that now. For technology and other reasons, we need people to have more than 12 years; that means college, whether 2 years or 4 years. That means making sure that kids know they can get into college and afford to pay for it, with Pell Grants, with work-study, they still need loans.

I don't know where the gentlewoman from North Carolina, what her college was, but if she knew the rest of the country, they need to borrow, they need a break in their loans. We are happy to provide that here today.

Mr. MCKEON. If I might inquire of the Speaker, what time is left on each side?

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 60½ minutes, and the gentleman from Michigan (Mr. KILDEE) has 73 minutes available.

Mr. MCKEON. Madam Speaker, at this time I am happy to yield to my good friend from Utah, a member who is returning to the committee, Mr. BISHOP, 4 minutes.

Mr. BISHOP of Utah. Madam Speaker, you know, about roughly three decades ago, Congress decided to offer dental health plan benefits to Federal employees. And as they sent out the price sheet to all the Federal employees and circulated amongst them, on that price sheet was a column that said what is not covered in the dental health plan. Underneath that column of what is not covered in the dental health plan was "teeth."

On the issue that we have before us right now, which deals with student payments and loans, I think if we had another column which said what is not covered in this bill, you might also have the word "students."

This particular bill is one that is extremely disappointing to me. Of the half dozen message bills that we had last week and continuing on this week, this is the one that for me held out the most hope for the future.

In fact, my disappointment is only perhaps met by yesterday when I went to the airport planning to fly into Washington, DC, and ended up in Baltimore. No offense to some of our wonderful staff who live there, but I didn't want to be in Baltimore, it didn't help me out.

This is another one of those bills. I say that from some kind of personal concept, because 2 years ago, I had four kids in college at the same time. This year, I have got three kids in college at the same time. Next year, I go back to four kids in college. Sometime, I hope the hemorrhaging will stop.

But I was hoping in some way that this could do some wonderful things for me. But this bill does nothing to expand the opportunity for kids to go to college. It does nothing to actually help kids as they are going through college. It only impacts graduates, and then only temporarily for a small period of time, the very people who probably need it the least.

Earl Weaver, the old manager of the Baltimore Orioles, used to try to bait the umpires by going in their face and simply saying, are you going to get any better, or is this it?

In all good deference, is this it? There is a significant problem we have, and hopefully once the rhetoric of the power plays of the couple of weeks are past, we can do some bipartisan work. For, indeed, the ranking member from California, my good friend, Mr. MCKEON, does have a bill which addresses the real needs of kids in public education and higher education at the same time, and it builds on a foundation of increasing support for higher education that has been going by the Republican Party for years and years and years.

☐ 1415

It does try to expand access, which is what we should be doing. It does try and help those who are in school right now to support them. To be honest, I may even vote for this bill. This is one of those whoop-te-do bills. It doesn't spend a whole lot, it doesn't address a whole lot, it doesn't help a whole lot.

But to be honest with you, what it does for my kids in college right now is nothing. What it does for the friends of my kids in college right now is nothing. What it does for the students I taught in high school who are still in college is basically nothing, when it could have done so much more and should have done so much more, and we need to move forward to do so much more.

There has to be something more. This isn't hopefully as good as it gets.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. GEORGE MILLER) now controls the time for the majority.

There was no objection.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY), a member of the committee.

Mrs. MCCARTHY of New York. Madam Speaker, I thank my chairman on the Education Committee.

Madam Speaker, I am watching and listening to this debate, and we certainly have had this debate going back into the committee last year. Many of us have said this is only the beginning of what we are going to be doing for our students.

When you travel around the world and you look at those students that are going to school and you see what those nations are doing to make sure that their students are prepared for the global economy, I have always thought, what are we doing here? What are we doing here in the United States?

I heard that some people say they can go to college without taking out a loan. Well, I wish a lot of my students back home, my constituents' children, could do that. Almost all the students that I know that are going to school have a job and go to school, because that is their dream.

Then I hear that this is not going to do anything for our students that are in school. I sit on the Financial Services Committee also, and we know the burden that our young people are facing when they finish college because of the interest rates. We are trying to address that. As I said, this is the first of the things that we will be doing to make sure that our students have the opportunity to go to college, to keep the costs down and help them on every single level.

This actually fits, in my opinion, with Leave No Child Behind, which we will be addressing in the committee this year also. We want our students to be well prepared so they are able to go to college, and it fits together, and we are going to make sure that we have a good plan for Leave No Child Behind. I am looking forward to working on that.

College education is expensive, and yet we know that our students need to go to college to compete in the global economy that we are facing. This Nation has not stood up to help our students, and we need to do a better job of it. This is the beginning of that.

I hope all my colleagues will support this bill.

Mr. MCKEON. Madam Speaker, I am happy to yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I rise today in opposition to H.R. 5, the College Student Relief Act. Once again, my colleagues on the other side of the aisle bring legislation to the floor today that will do nothing to solve the problem they have outlined.

In this country, a college education is an accomplishment that all individuals should have the opportunity to pursue. I believe it is not only a noble, but also an essential endeavor for our government to pursue avenues to increase access to post-secondary education for any and all individuals interested. However, Madam Speaker, it needs to be said that this legislation does nothing to actually tackle that very real and crucial problem.

Right now our country is in need of leadership that will tackle the tough issues head on, not hide behind some quick sound bite solutions, rhetoric that does not translate to sound policy that actually combats the problem.

Madam Speaker, the problem really is the price tag of a college education. My colleague, the ranking member of the Education and Labor Committee, has brought this fact to the forefront of this Congress over a number of years, and certainly as chairman of this committee in the 109th. This is the real problem, the sticker shock of these low-income families trying to pursue for their children a college education. And here we are offering them a little bit, a very little bit in small increments over a 5-year period, cutting the interest rate.

I want to remind my colleagues, Madam Speaker, of the old adage that you can absolutely go broke saving money. These kids cannot afford a college education because of the inflationary spiral of tuition and fees at our college campuses and universities, both public and private.

So this is the kind of issue that we need to address, not this window dressing of just lowering the interest rate. They don't really get that break until they get out of college, 6 months after graduation, at a time where that shouldn't really be a problem for them. But coming up with that $10,000 a semester to go to school is wherein the real problem lies, especially for these low-income families that would be eligible for the benefit, this $6 billion benefit, which, by the way, Madam Speaker and my colleagues, was actually a $60 billion promise in these recent elections last November. Ninety percent of the promise has automatically disappeared.

The point I want to make, Madam Speaker, is that this bill could be a lot better had we had the opportunity for it to go through the regular process, the Education and Labor Committee, so that both Democratic members of that committee and Republican members, the minority, would have an opportunity to offer amendments to

THE PAPER AND INK USED IN THE ORIGINAL
PUBLICATION MAY AFFECT THE QUALITY OF
THE MICROFORM EDITION.

make this much, much better, and to let the American people know that we can do a much better job than this.

So we can do a lot better than this, Madam Speaker, and I am going to oppose this bill. I encourage my colleagues on both sides of the aisle to look at this and give us the opportunity to recommit with instructions, so we can send this bill not back to committee, but to the committee under regular order and get a better product.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Ms. HIRONO), a member of the committee.

Ms. HIRONO. Madam Speaker, I thank the chairman for yielding me time.

Madam Speaker, I rise today in strong support of H.R. 5. As a first generation immigrant who came to the United States speaking no English, education was a great equalizer for me, which is why this bill is of particular importance to me. Access to education is critical, but college costs are so high that individuals and families are being priced out of the opportunity.

I worked to put myself through college and law school, but I couldn't have done it without student loans. It took me 15 years to pay those loans back, but I was glad to have them.

Today we have an opportunity to do something concrete, something real, to help make college more affordable and accessible. I urge my colleagues to join me in supporting this bill. Education should be the great equalizer, but that can happen only when every qualified student has the opportunity to pursue it. Mahalo.

Mr. McKEON. Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), a member of the committee.

Mr. KUCINICH. Madam Speaker, I want to thank the gentleman for yielding.

Madam Speaker, as the first person on either side of my family to be able to have the opportunity to graduate from college, I understand what it is like for members of American families to have this dream of higher education and to have to work full-time, sometimes two jobs, and to go to school and to try to balance all that and see tuition keep climbing and climbing and the reach of a higher education starting to elude one's grasp.

Millions of Americans are facing this. This is why the College Student Relief Act is so important. Last year, over the strong objections of students and many Members of Congress, Congress cut approximately $12 billion from the Federal student aid program. But at the same time the price of a college diploma at a public university has continued to grow at a rate that far outpaces inflation. Since 2001, tuition and fees at public universities have increased by 41 percent after inflation.

Now, are students suddenly finding themselves in a market where they are making 41 percent more? Not a chance. They are lucky to have a job at all. Are their parents making more money? No. Most of their parents are maxed out on their credit cards. This bill is critical when we consider what the needs are.

We have to encourage innovation and talent of our youth and ensure that every American is given the skills and training necessary to reach their fullest potential. This Congress must work together to help ensure that every American, regardless of their income level, has the opportunity to continue their education.

Our Nation benefits from an educated and skilled workforce. We must not hesitate to invest in education for our students. The passage of this bill is a vital step in our efforts to increase access to college. With the passage of this bill, we can take the first step towards increasing access to college and ensuring that students graduating from college are not weighed down for life with debt.

I rise in support of H.R. 5, the College Student Relief Act.

Last year, over the strong objections of students and many Members of this body, Congress cut approximately $12 billion from Federal student aid programs.

However, the price tag on a college diploma at a public university has continued to grow at a rate far outpacing inflation. Since 2001, tuition and fees at public universities have increased by 41 percent after inflation.

The prior Congress cut student aid, as the costs of attending a public university continued to rise.

Therefore it is no surprise that over the next decade financial barriers will prevent 2 million high school graduates from continuing on to post-secondary education, even at a local community college.

Furthermore, as Federal student aid programs have faced funding cutbacks, students have increasingly been forced to rely on loans as their primary source of support.

It is outrageous that easy access to a college education be restricted to the wealthy while students from less advantageous circumstances must either do without or be saddled with a paralyzing debt.

These plights make the passage of H.R. 5 all the more necessary. Cutting these interest rates is a first step towards ensuring the rising cost of tuition does not continue to place a college education beyond the means of many Americans.

Today, with the passage of this bill, this House can take the first step toward increasing access to college and ensuring that students graduating from college are not weighed down for life with debt.

When the interest rate reduction in this legislation is fully phased in the average borrower will save approximately $4,400 over the life of their loan. This action will cut the cost of college for over 5 million students.

This Congress must work together to help ensure every American, regardless of their income level, has the opportunity to continue their education.

The benefits of expanded access to college are not limited to the individuals continuing their education, but extend to society as a whole.

We must encourage the innovation and talent of our youth and ensure that every American is given the skills and training necessary to reach their fullest potential.

Our Nation benefits from an educated and skilled workforce and we must not hesitate to invest in the education of our students.

The passage of H.R. 5 is a vital first step in our efforts to increase access to college and I urge my colleagues to join me in supporting it.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Madam Speaker, I rise today in support of H.R. 5, the College Student Relief Act. And certainly what a relief it is.

Madam Speaker, for years, students and families have been burdened by growing debt and Congress' unwillingness to budge on any key higher education issues. The fear of student loan debt causes many would-be students to forgo the better quality of life that a college education offers.

These difficult decisions tangibly impact minority access to education. Over half of Arizona's K through 12 students are minority. By the year 2020, Latinos will make up almost one-quarter of our Nation's undergraduates.

Now we have the chance to make up for the $12 billion cut in student loan programs that the former majority enacted during last year's budget reconciliation. This is just the first of many steps this Congress will take to achieve this end.

This bill enjoys bipartisan support. Unfortunately, last night the President released a statement indicating a possible veto of the bill, reasoning that H.R. 5 would direct Federal subsidies to college graduates and not to students and their families.

This statement is simply untrue. As an example, at the University of Arizona, in my district, all 6,200 Pell Grant recipients also receive subsidized Stafford loans. In our current higher education climate, subsidized Stafford loans are an integral part of a comprehensive, need-based financial aid package.

The fast-rising price of post-secondary education, coupled with the decline in need-based aid, endangers the opportunities of low income, first generation and students of color in the pursuit of a better life through education. This bill brings need-based aid front and center and provides real relief for student borrowers.

I urge my colleagues to pass H.R. 5 and open the doors to college affordability once again for all.

Mr. McKEON. Mr. Madam Speaker, I am happy to yield such time as he may consume to the gentleman from Florida (Mr. KELLER), the ranking member of the subcommittee dealing with higher education, the Pell Grant expert.

Mr. KELLER of Florida. Madam Speaker, I thank the ranking member for yielding to me. I am back. Like gum under a bus seat, you can't get rid of me here. Let me just address a couple of issues to clarify some things.

First, you keep hearing about a $12 billion raid on student aid. We didn't take a single penny away from a single student. Not one Pell Grant went down, not one student paid a higher interest rate on their student loans. What we did was take money away from lender subsidies.

Now, when we took $12 billion away from lender subsidies, it is called a raid on student aid. When the Democrats today took $6 billion away from lender subsidies, it is called the College Student Relief Act.

Now, they say, "well, we poured that money back into helping students with lower interest rates, $6 billion of it." We poured $9 billion back into helping college students. $4.5 billion went to Pell-eligible students in something called Academic Competitiveness Grants and SMART Grants, giving high achieving Pell Grant students the opportunity to get an extra $4,050 their final 2 years. We also lowered the amount of origination fees students would pay for loans and increased their loan limits.

So we poured $9 billion back, 33 percent more than they did. So don't be fooled by the funny little names characterizing things, because it is not a lot of straight talk.

The second thing you hear is "would have, could have, should have." They had been in power for 6 years. Why didn't they do more to increase Pell Grants? Pell Grants in 2000 were $7.6 billion. This past year, they were $13 billion. That is a 71 percent increase. We did increase it. In addition, we paid down the shortfall of $4.3 billion.

□ 1430

Second, if you look over here, in 2000, the maximum award was $3,300. In the final year, it was $4,050. This is an increase, not as much as many of us would like, but it is an increase.

Finally, the reason this $4,050 did not go up to $5,100, as President Bush and I and others had hoped, is because we had a dramatic increase in the amount of students who were eligible for Pell Grants from 3.9 million to 5.3 million. So the pie got a lot bigger, and rather than cut their grants, we still continued to fund them and had an extra 36 percent enrollment of people who got Pell Grants.

Now, what should we have done more? The Higher Education Act, we had language that I put in there that increased the Pell Grant authorization to $6,000. We made Pell Grants year round. I sent letters to the appropriators asking them to fund that amount. We had the funding up 71 percent. We have SMART grants and academic competitive grants. What more could we have done?

At some point, we have to realize as the authorizing committee, we are kind of dependent on what appropriators are going to spend. We have a pretty good record on the Pell Grant issue, one we can be proud of.

To see it visually a little easier, you can see the yellow marks the 10 years when Democrats were last in control of Congress. The red is when the Republicans took over. You can see a dramatic spike in Pell Grants. And what is interesting, in the final 2 years when Democrats were in control, 1993 and 1994, they actually cut Pell Grants.

So we have got a good record to be proud of, and that is one of the reasons we wanted some of this money to go to Pell Grants today so it would help people to actually go to college rather than just helping people on the back end.

With that, I am not here to make fun of the proposal the Democrats have come forward with. I am going to vote for it. The thing I am most impressed with is, this time they have offered a way to pay for it. That is something they did not do last year. They should be commended in doing that.

I just hope that, moving forward, they will work together with us in a bipartisan manner to address this skyrocketing increase in tuition costs and to help increase Pell Grants so that every child in this country, rich or poor, will have the opportunity to go to college.

Mr. GEORGE MILLER of California. Madam Speaker, for the purpose of making a unanimous consent request, I yield to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Madam Speaker, I rise in support of H.R. 5.

This bill cuts student loan interest rates to a fixed 3.4 percent over 5 years.

Right now, the average student loan debt is around $13,800. By passing this bill, we are saving a student with average debt $4,400 over the life of their loan.

Also, this legislation targets middle-class America. Half of the students that take on federally subsidized loans have incomes between $26,000 and $68,000 a year.

This benefits millions of lower income families, but also hardworking middle-class Americans that are trying to give their children a leg up in living the American dream.

College tuition has risen 41 percent since 2001. Just this year, the percentage of students relying on loans to get through school hit 52 percent.

This is a direct result of rising tuition costs in both public and private institutions.

These families need help and we should give it to them. Twice a year, our office holds a Paying for College workshop.

We bring in lenders and experts on filling out the FAFSA to help our students navigate through the application process and to come to terms with the amount of debt they may take on.

The most important consideration for families in our Congressional District is what the cost of going to college will be.

Financial barriers inhibit the ability of high school graduates to go to college.

By reducing student loan interest rates, we are encouraging families and students to get a college education.

When we pass this legislation, we are investing in the future of our economy because we will have more college graduates with a lower debt burden.

This will enable graduates to do things like buy homes, invest and fuel our economy.

To offset the costs of reducing interest rates, we are reducing the amount the Federal Government guarantees lenders.

While this is not a popular idea with large lenders, smaller lenders will not be impacted by this legislation.

Student loans are not the bread and butter of large financial institutions, but smaller local banks and credit unions often provide student loans in smaller communities.

This is why lower volume lenders will not be impacted.

Madam Speaker, this is a win for middle class America, future generations of college students and our Nation.

I urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. Madam Speaker, I thank the chairman for yielding.

Madam Speaker, today's college students are graduating with increasing levels of student loan debt. In Illinois, the average Stafford loan debt for students who graduate from a 4-year university is over $14,000. Unfortunately, the cost of college tuition is skyrocketing, forcing more and more students to rely on loans than ever before. Because I believe higher education should provide economic opportunities for our students and not bankrupt them, I rise today in support of H.R. 5, the College Student Relief Act.

This legislation will cut interest rates on subsidized loans in half, saving the average student thousands of dollars over the life of his or her loan. Additionally, by making student loans more affordable, H.R. 5 allows many qualified students from middle- and lower-income families to go to college who would not have been able to go to college before.

On behalf of the many students in my district, such as those at Western Illinois University with whom I will be discussing this issue this weekend, I will vote for H.R. 5 and will work on the Education and Workforce Committee to find better opportunities for students and their hardworking families.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2¼ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a member of the committee.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I thank the chairman for yielding.

Madam Speaker, I rise in strong support of the College Student Relief Act. This bill will put college education back in reach for millions of students and their families.

The debt relief in this bill is targeted to help the students who need it most, students from 5.5 million working and middle-class families across the country.

Here I am, a kid from a family of seven whose parents came to this country without knowing English, without much money, and without jobs waiting for them. But with hard work, the great support of family and friends, and some good luck, and mostly because of affordable student loans, I made it where I am today. Each month when I write that check to make that payment on my student loan (because I am still paying off my student loans) I know that I am paying for an investment that was well worth it.

Many young people today find themselves where I was at age 18, wondering what they will do with their lives; and to those students, especially those whose parents did not go to college, the prospect of student loan debt can be very frightening.

When I was working as a bilingual aide in an elementary school to help pay my college bills, I would always talk to my students about going to college, what they would do when they went to college, and how hard they should work to prepare for college.

I used to talk to my kids about college all the time, and finally, one of them asked me, Teacher, what is college?

It is a long road from discovering what a college education is and what doors it can open to choosing the right college and then figuring out how to pay for it.

This bill makes the paying-for-it part a bit easier for millions of hardworking students and families and helps students make an investment in themselves by reducing the burden of debt that high interest rates create.

These students have worked hard to open the door of opportunity that a college education brings them. Those of us who have already stepped through that door have an obligation to hold it open for those who follow, and the College Student Relief Act does just that.

This bill will help make the prospect of college debt less daunting.

In this great Nation, what we teach kids from the youngest age is that there are no class barriers, that they can achieve anything they work for. Finances should not be a barrier between students and their educational training.

This bill will save students and their families thousands of dollars, giving them the opportunity to earn a college education. It will bring many American dreams that much closer to reality.

Mr. McKEON. Madam Speaker, I yield myself such time as I may consume.

I really want those who are watching this debate to understand how much I understand the importance of a higher education, how important it is and how necessary for someone to really achieve the American Dream; they need to get as much education as they can.

What we are looking at with this bill, though, really what it does is, if you look at it from July 1, 2007, to July 1, 2008, it cuts the fixed rate of student interest loans from to 6.8 to 6.1. A year later, it cuts it to 5.44; a year later to 4.76; a year later to 4.08. And then ultimately, 5 years from now, January 1, 2011, it cuts for 6 months the rate to 3.4, which is what they are saying is, it cuts the interest rate in half. Well, it does for 6 months of the 5 years that this bill covers.

I think what we need to really look at is the College Advisory Committee on Student Financial Assistance has done a study, and they show that 48 percent of low-income students cannot even get into college, into a 4-year institution. Twenty-two percent cannot even get into a community college because they cannot afford the upfront money.

What I am saying is what we should be looking at, even though we are putting in $90 billion this year, three times more than just 10 years ago, it is still not enough to provide all of the things we would like to do for all of the students that need the opportunity to go to college.

So, if you have to look at just what resources you do have, what we are saying is, why do we not put those resources to those students that are trying to get into college, rather than give a bonus to those that are graduating and are now going to repay a loan; and that is what this bill does.

Those who have been fortunate enough to graduate are going to receive about $1 million more income in their lifetime than those who do not get to go to college. We are saying in the time of limited resources, why do we not try to help those who are trying to get on that economic ladder to realize the American Dream rather than give a bonus to those who have graduated.

Even if you listen to the full debate, we are not even telling them the full facts. We are saying we are cutting your interest in half. For 6 months, we are cutting it in half. The other time, it is a phased-in cut over 5 years, and then it goes back up to the rate of 6.8 percent.

When I was chairman of the subcommittee when we did the last reauthorization in 1998, we came up with an interest rate that was the lowest in the history of the student loan business, and we did that in a bipartisan way, and it was good for students.

Now interest rates have changed, and in a bipartisan way last year, we set the rate at 6.8 percent, which is what it is now, which is a pretty good interest rate. Would I like it to be lower? You bet.

But I really think that we need to focus on helping those students, especially the lower- and middle-class that are just trying to get into school, that it will be 5 years. First they have to get into school, have enough money to pay their tuition and fees and make it through the 5 years to graduate, and then they start reaping some of the benefits of this as they repay their student loans.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY), a member of the committee.

Mr. COURTNEY. Madam Speaker, H.R. 5, introduced by Mr. MILLER in the opening hours of this Congress, begins the critical work we must do as a Nation to build an economy that is based on an educated workforce.

Make no mistake about it. The economic health of our country will turn on whether or not our children have the educational tools to compete and succeed. And make no mistake about it, all the present trends in access to higher education point to danger.

The bipartisan National Conference on State Legislatures issued a report last month which described higher education in America as a system in crisis, largely due to the Federal Government's declining commitment to keeping higher education affordable.

Coming from a congressional district that is home to the University of Connecticut, this finding comes as no shock. Students and their families all testify to the same grim condition: tuition has gone up 41 percent since 2001, college costs have gone up faster than health care over the last 25 years, and in Connecticut, college is increasingly becoming the sole province of the well-to-do.

According to the Hartford Current, 58 percent of Connecticut's young people from the top income tier are in school, and only 16 percent in the lowest are enrolled. Students are leaving college burdened with record levels of debt, and many are forced to leave early because of economic hardship.

Even though all these disturbing trends are occurring, the last Congress did the unthinkable. It cut $12 billion of Federal assistance for college loans, pushing up the rate of interest for students. No other budget decision of the last Congress demonstrated how disconnected its priorities were than this cut, which hurt not only just students but America's future.

H.R. 5 will begin to repair the damage of the 109th Congress' harmful cuts to student hopes and America's economic future. It will reduce the rates of student loans by 50 percent over a 5-year period, and it will do it in a fiscally responsible manner with offsets, not an increase in the deficit.

Chairman MILLER deserves great credit for H.R. 5 and represents a down payment on the efforts of the Education and Workforce Committee to strengthen, and not weaken, our economic future.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, as one who graduated from college with two of my elementary school teachers, because they did not have to have a college degree at that time and could not get one, I want to thank and commend Chairman MILLER for bringing this legislation to the floor.

As a member of the Committee on Education and the Workforce, I am proud to cosponsor this historic legislation that will make college more affordable to students in Illinois and across the Nation.

A few minutes ago, I heard one of my colleagues from the other side of the aisle suggest that this was a sound bite of some kind, and I was thinking to myself, yeah, for those students in my district who live in and go to college at Columbia College, it is a savings bite of $2,430 over the years that they will be in school; at Chicago State University, $2,270; Concordia University, $2,430; DePaul University, $2,410; Dominican, $2,580; and on down the line.

Well, if it is a sound bite, I think the sound of this kind of saving sounds pretty good to the students who live in the city of Chicago, the State of Illinois and across the Nation. I urge its passage.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

□ 1445

Mr. BISHOP of New York. Madam Speaker, during the most recent vote to extend the Higher Education Act, I stood in this very spot and expressed my hope that during the next session of Congress, under a new majority, we would again address the needs of America's college students and make it this time about increasing access and affordability. Madam Speaker, that hope is now being realized.

I rise today in strong support of H.R. 5, the College Student Relief Act of 2007. This important legislation cuts interest rates for subsidized student loans in half, from 6.8 percent to 3.4 percent over 5 years. In my home State of New York, students will save an average of $4,500 over the course of their loan once the 3.4 percent interest rate takes effect. This reduction of the student interest rate will save millions of college students thousands of dollars, and it will help the estimated 4.4 million high school graduates who will be prevented from attending college this year because of financial barriers.

It is important to note that all of the changes proposed here today are accomplished under this Congress' new PAYGO rules and are done without harming students' access to loans. In addition, all but one of the offsets included in the bill have been proposed by either the former Republican majority or by the President himself.

Madam Speaker, during the 109th Congress this Chamber chose to cut $12 billion out of the student loan program. These cuts, coupled with no increase in the Pell Grant maximum for 5 years, have sent a message to America's students that they are no longer among this Nation's top priorities. Today the message we send to students is loud and clear: We in this Congress are dedicated to helping you achieve the dream of a college education.

The changes we make here today are just a first step in a series of proposals that will make it easier for students and their families to afford college. As we move forward with the long overdue reauthorization of the Higher Education Act, I hope to see an increase in the maximum Pell Grant, simplification of the FAFSA, and an increased investment in campus-based aid programs. These changes are all part of an effort to narrow the expanding gap between the amount of available student aid compared with the cost of attaining a college education.

As a former college administrator, I know firsthand the beneficial impact this legislation will have for needy students and their families who are working to help their sons and daughters realize their slice of the American Dream.

Mr. McKEON. Madam Speaker, I am happy to yield 3 minutes to my friend from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Speaker, I appreciate the time to discuss this matter.

Madam Speaker, the speeches and claims that we have heard from the other side sound so wonderful. They sound so good. If only this bill did what they say.

Madam Speaker, this bill is the hollow fulfillment of a solemn promise. It is the epitome of form over substance. And, Madam Speaker, it would be humorous if it weren't so serious. It would be humorous if it didn't increase the hopes and dreams of young people around this Nation only to callously and knowingly dash those hopes and dreams.

A couple of specific items. This really is bait and switch. Supporters of this bill contend that a borrower with $13,800 of subsidized debt will save up to $4,400. This assumes that they will see 4 years of loans made at the 3.4 percent rate. Under this legislation, however, no borrower will get more than one year of the 3.4 percent rate. And what happens in 2012? The rate goes right back up to 6.8 percent. Bait and switch. It is a shell game. It will result in damaging cuts to the program that has worked well for the vast majority of colleges in this country and in my own district, and not one single new undergraduate will be helped by this legislation. Not one. It is the fulfillment of a hollow promise. Very, very sad.

And it is the principle. Finally, as matter of principle, Madam Speaker, this proposal is a political gimmick. The majority proposes to rob $6 billion from the private sector loan programs, programs that work to not only offer and provide funding for college but also use market competition to drive down rates and offer borrower benefits the government can't match. And what will they do with the money? They will lower some rates for a short time on some borrowers who have in common only the fact that they have either graduated or left school and don't need the help as much as those who may lose the benefits and services that were cut in order to lower the rates.

It is a shame that those of us who desire to have a real debate about government's role in assisting middle class students achieve the American Dream of higher education are instead asked to support an expensive counterproductive cut in a student loan program that is working. Madam Speaker, this would be humorous if it weren't so serious.

I strongly support financial assistance for students who are in true financial need. Sadly, H.R. 5 is not a bill that will accomplish any of that.

I urge my colleagues to support a commonsense recommit that will indeed help students who are in financial need, and oppose the underlying bill.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Madam Speaker, each year the number of jobs that require a college diploma grows. And with tuition swelling at the rate of 41 percent over the last 6 years, so does the number of capable and dedicated Americans for whom that training is simply unattainable.

H.R. 5 does more than save $4,000-plus for 5.5 million students annually; it offers a chance to those who deserve it most. These are students who have put in their work, have demonstrated the desire, and possess the intellect to go to college, but don't have the means. These are some of the best and brightest this country has to offer. These young people are the hope for America's future.

Opposing this legislation is to turn our backs on these bright young dedicated citizens, creating a young workforce that is saddled with unmanageable debt, and each year preventing 200,000 of them from going to college at all. By failing to make education affordable, we are telling them we aren't interested in them or what they have to offer.

The University of Louisville is among a handful of universities which have developed programs to help low income students who have demonstrated exemplary potential. Their cardinal covenant is an innovative and necessary initiative. Programs like these can be an excellent supplement to sound national policy but cannot substitute for our responsibility to ensure that the capable and dedicated are also educated.

We have the chance to act on behalf of our country and our young adults; therefore, I urge my colleagues to support this important measure.

Mr. GEORGE MILLER of California. Madam Speaker, I ask if I might be apprised how much time each side has.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 55½ minutes remaining. The gentleman from California (Mr. MCKEON) has 43 minutes remaining.

Mr. MCKEON. At this time I am happy to yield 1½ minutes to my good friend from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Madam Speaker, I thank the gentleman, Mr. MCKEON, for his leadership and expanding opportunities for students to attend college.

Madam Speaker, I rise in opposition to H.R. 5. As the father of three college graduates and a college freshman, I am all too familiar with the financial burden higher education poses to families and students. That is why I am proud of the Republican efforts to expand college access and increase affordability.

During the past decade, House Republicans under the leadership of JOHN BOEHNER and BUCK MCKEON tripled overall Federal aid to a record $90 billion, helping millions of Americans achieve their dream of a college education.

In addition, Republicans increased new aid for Pell students more than $4 billion over 5 years, establishing the first ever grant program for high achieving Pell students in their first and second years of college. The program also provides grant aid to low income, high achieving students pursuing degrees in math, science, and critical foreign languages in their third and fourth years.

While the Democrat bill was well-intentioned, its focus on interest rate reduction does nothing to expand college access for new students. I urge my colleagues to vote in favor of the McKeon alternative, which will truly expand college access for young Americans.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. SARBANES), a member of the committee.

Mr. SARBANES. I thank the chairman for yielding his time.

Madam Speaker, the cost of college education is becoming the great separator in American society. It threatens to make access to the American Dream a matter of means and not merit. If we let that happen, then we guarantee the decline of American competitiveness and risk a slow and steady slide into mediocrity.

We can do better, and today we will do better. By passing the College Student Relief Act of 2007 and cutting the interest rates on student loans, we will take an important step in providing fairness and opportunity to the next generation.

I want to tell you about a woman I met in Maryland during my campaign. She is the mother of three college age students, a professional woman who works here in DC. She came up to me, she looked me right in the eye, she said, "I have three children who are going to college and I can't afford it." And then she said, "I did everything they told me I was supposed to do. I worked three jobs, my husband and I between us, we saved our money, and we told our kids if you work hard and study, you can make it in America. And now we can't afford college."

What she was saying is what millions of Americans are saying, which is we worked hard and played by the rules, and then we found out we couldn't make it.

Madam Speaker, we have a chance today to begin restoring the bargain with America that so many fear is in jeopardy. No student who works hard and achieves should be denied the opportunity to attend college because they cannot afford it. Our country needs these young people if we are going to be strong. I urge passage of H.R. 5.

Mr. MCKEON. Madam Speaker, I am happy to yield 2 minutes to our friend from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentleman very much.

This is a press release. It doesn't matter what press release it is, it is just a press release. Which means, it says something, argues a position on an issue, and it is on a piece of paper, but it doesn't actually do anything. It just talks about things.

What is before us, this bill, is like a press release. It makes an argument, it is on a piece of paper, but doesn't really do anything.

I heard everyone on the other side of the aisle here talk about how people can't afford to pay for college. Well, this bill doesn't help people pay for college. It claims to help them reduce their interest rate once they are college graduates, after they are out of college, but it certainly doesn't help you pay for college while you are there.

I have also heard the argument that it cuts the rate for student loans in half, and in fact it does: For 6 months, 5 years from now. For 6 months, 5 years from now, it cuts the rate in half, but the rest of the time the rate is either the same as it is now or somewhere in between those two. So let's not say that it cuts it in half.

And, to its credit, the bill is cost neutral. Now, cost neutral, it doesn't cost the government anything because although it cuts interest rates to some degree, it also raises or reduces subsidies on fees. So it is like I give you a dollar with less interest rate and then I take that dollar out of your other pocket with less fees. If it doesn't cost anything, net, how is it supposed to help someone, net, pay for the program? And because, perhaps, some of the loan providers could choose to absorb some of these fees if they did that, then it would likely result in less student loans. You know, this is not a bill, it is a press release.

Now, it is an issue we ought to be dealing with, because college tuition, I have two kids in college, has gone up four times the rate of inflation. But this is not the solution. This is merely talk and press and not substance.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself 1 minute.

I just say it is an interesting discussion, but people who are betting with real money have a different discussion of this legislation. What they have said, the investment houses that are advising their people whether or not to buy stock in student loan lenders and others, have said that what we have done is absolutely manageable by these lenders. And, in fact, they were quite surprised that the committee had as light a touch on these lenders as we did. And that is interesting, because those are people who are advising mutual funds and others whether or not to buy the various lenders, and theirs was that this is essentially a neutral act and very manageable by those companies.

And so I think we ought to have it not what the political politicians are saying but what people who are betting with their money are saying.

Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, I thank my colleague for yielding and for his leadership on this issue which is so important.

Madam Speaker, I rise today in strong support of this legislation to reduce interest rates for student loans. In my previous careers, I spent years teaching and caring for students from all walks of life. I have seen firsthand the value of quality education for all students. A lack of good education hurts not only today's students and tomorrow's workers, it hurts our country's efforts to remain competitive in an increasingly global market.

Madam Speaker, college is not for everyone, and not everyone needs a degree to achieve their goals, but no one should be denied an education simply because they can't afford the cost of tuition or because they fear being overburdened by tens of thousands of dollars in student loans over the years. We have all seen the rising cost of education; 41 percent increase in the last 6 years alone.

□ 1500

Students today graduate with greater and greater debt, which not only hamstrings them but also makes it hard for occupations that need highly skilled graduates but can only afford modest salaries. For example, nearly 32 percent of graduates pursuing teaching careers can't afford to repay their student loans on a starting teacher's salary. And if new graduates can't afford to work in the careers where we need them the most, like teaching, nursing or in social work, then all Americans will suffer.

By passing this bill, students starting school this year will be saving an average of $2,490 a year and by 2011 we will be saving students an average of $4,830 over the life of their loans.

I urge all of my colleagues to vote "yes" on H.R. 5. Help our students pursue their dreams and build our country.

Mr. MCKEON. Madam Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Madam Speaker, I thank the ranking member.

Madam Speaker, I rise today in tepid support of H.R. 5, the College Student Relief Act. As a result of this measure, approximately 55,000 subsidized Stafford loan borrowers in Iowa, many of whom attend Iowa State University and other colleges in my district, will have their interest rates reduced upon entering repayment after graduation.

The savings college graduates will realize through this interest rate cut, approximately $2,300 for students starting school this upcoming academic year, is commendable and deserves our support.

However, any statements implying that this measure makes college more affordable or more accessible, those statements are simply incorrect. Several Members have made such statements and the official Website of the Democrat Caucus also claims the bill "makes college more accessible and affordable." The fact is this legislation does neither.

How can a reduction in student loan interest rates make education more accessible when students do not feel the effect of the rate cuts while they attend school? Only after the students are through school and enter repayment will they be able to take advantage of the provisions of this bill. So H.R. 5 does not expand college access for a single Iowa student in any way.

Further, any claim that this measure makes college more affordable is pure conjecture. Institutions of higher education have been increasing tuition at an alarming rate, 35 percent in the past 5 years. According to the Department of Education, financial barriers will prevent 4.4 million students from attending a 4-year public college and prevent another 2 million from attending any college at all over the next decade.

Unfortunately, the Democrat majority did not make any amendments that might actually make college education more affordable, including Ranking Member MCKEON's College Affordability and Transparency Act, which would hold schools accountable for the huge cost hikes that they implement year after year, in order under the rule.

If recent pricing trends continue, any savings college graduates might enjoy from interest rate cuts will be negated within 3 years before the 3.4 percent interest rate takes effect.

Madam Speaker, I am proud that the Republican-led Congress tripled student aid over the last 10 years, and I fully support measures that make college education more accessible and more affordable for America's working families. But this legislation falls woefully short of those important goals and is nothing but a cheap, or I should say a very expensive PR measure that allows Congress to get into the business of setting student loan interest rates based on campaign promises, not on sound fiscal or education policy.

I had hoped that the Democrat majority would actually fulfill the promise to make college education more accessible and affordable. I guess I hoped for too much.

Mr. GEORGE MILLER of California. I yield myself 1 minute.

I find it very interesting that my colleagues on the other side of the aisle keep coming to the floor and saying this won't help a single student. You know who thinks this will help a single student, and in fact this will help 5 million students, are the students, the students who are getting ready to take out the loans to borrow money to pay the tuition, to pay their college costs. They overwhelmingly support this legislation because it will help them and their families finance their education.

So apparently it won't help Republican Members of Congress, but it will help students and that is why the students support it. That is why we call them "student loans" because they go to students and then the students have to pay them back. You say they don't have to pay it back until after they graduate. Yes, but they borrowed the money their freshman year, their sophomore year, their junior year, and their senior year. They got the benefit. They were the students. So the students have decided that this bill is good, and it is really good for them, and it will make college more affordable for them and it will allow more of their colleagues to participate in going to college because the overall cost of that college education will be reduced through this legislation.

Madam Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Madam Speaker, I thank the gentleman from California for the opportunity to speak on this bill. I rise in support of H.R. 5.

Mr. MILLER, I can tell you that a single mom who talked to me this past weekend also recognizes the value of this bill. This past Saturday, Madam Speaker, I was at one of my daughter's swim-and-dive meets in Arvada, Colorado, and a woman whose kids have gone to school with mine approached me and she thanked me for the action that we are taking reducing interest rates on student loans. She told me that one of her kids is in college now, and she has another one that will be going in a couple of years. She is a single mom, and her kids have done well in school, but the cost of college has become prohibitive for their entire family. She said her kids have been excellent students, but she was fearful they could not get into college and be able to pay for it. She was very happy we were taking these steps to reduce the interest rate on student loans.

She thanked me for the actions we have taken during these first 100 hours of this Congress to change the direction of this Nation and to change the focus and the cost of higher education for the millions of hardworking Americans in this country who want to send their kids to college just as she does.

This is a bill that helps so many Americans that people approach Members at swim-and-dive meets. They appreciate this bill, and I would urge everyone in this Congress to support H.R. 5.

Mr. MCKEON. Madam Speaker, I yield myself such time as I may consume to respond to some of the comments of my good friend, Chairman MILLER.

He mentioned that Republicans keep coming to the floor and saying this won't help students. Let me get away from Republicans and just read a few comments of people from the press.

The first is in the Chronicle of Higher Education. The quote is: "The question is, What are you achieving by cutting the interest rate? asked Jamie P. Merisotis, President of the Institute for Higher Education Policy, a Washington-based research group." Not Republican. He stated, "You are not encouraging any more students to go to college because you are cutting the interest rate on loans that students have already taken out."

Another one, Sandy Baum, a senior policy analyst at the College Board and an economics professor at Skidmore College, said the interest-rate proposals "costs a ton of money and is not a well-targeted policy." That was in Chronicle of Higher Education.

In Congress Daily: "The much-touted Democratic measure to slash in half student loan interest rates over 5 years has been drafted to offer only temporary relief with the lowest rate of 3.4 percent effective for only the last 6 months of 2011."

Now since we didn't have the opportunity to debate this bill in committee or explore it to any great extent, I can only guess that the bill was crafted so that the 3.4 percent interest rate is only in effect for half of that last academic year because the Democrats know the interest rate cut is unsustainable in that it would cost $22 billion if it ran for 10 years.

Another thing that was mentioned is that this will cut all student loans by half. I am hopeful that those students that are now in college that will benefit from this at some point out in the future when they become graduates will check to see if they are in a subsidized loan because they are the ones that will be covered. They should also check when they graduate to see what interest rate they will pay because again this just takes effect year by year. It doesn't reach the ultimate half until 5½ years from now. And also, those who are not on subsidized loans, don't get too excited about this because your loan interest will not be cut.

Another thing that the chairman mentioned was that there was an article, a Wall Street analyst referring to this felt that it was okay, that this wouldn't hurt and you could still buy mutual funds and everybody would get along just fine. I read the same article, and I think he was referring to Sallie Mae, the giant, the largest lender, and he said he felt they would be okay, especially based on the promise that the hit was going to be for $60 billion, and when the bill was finally written last Friday it was $6 billion. He was comparing what they will have to live with versus what the original promise was of the $60 billion cut which would have cut all student loans in half instead of reducing year by year a little amount until we get to only the subsidized loans and only for 6 months that they enjoy that cut before it goes back up to the 6.8 percent.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself 30 seconds.

So under the gentleman's theory, apparently the Republican repeal of the estate tax is only good for one day because you have a sunset on it.

And when the gentleman says one of the pundits, as opposed to a student who is going to get value for this, one of the pundits says this isn't good because it is on existing loans, no, it is on new loans.

So the pundits don't like it, the Republican Members of Congress don't like it, but the students like this. Hey, a novel idea. Let's do something the students like that they think will help to make college education affordable. There is an idea. Let's vote for that.

Madam Speaker, I yield 2 minutes to Mr. MORAN of Virginia.

Mr. MORAN of Virginia. Madam Speaker, I thank the chairman, and I also thank Speaker PELOSI for making this a national priority within our first 100 hours agenda

This is about the middle class and those struggling to make it to the middle class.

Frankly, I am stunned at the opposition from the Republican side. I guess I shouldn't be because the Republican Party opposed the GI Bill of Rights half a century ago which in so many ways created the middle class in this country by enabling soldiers coming back from World War II to be able to afford to go to college.

I guess I shouldn't be stunned either given the fact that when 9 months ago Chairman Miller suggested that we increase the value of Pell Grants for low income families and reduce the cost of student borrowing, it failed on virtually a party-line vote 220–200.

I guess I shouldn't be stunned either because 6 months ago, the White House and what was then the majority Congress, decided it was more important to give tax breaks to the very wealthiest people in this country than to give some help to those middle class and working class, families who couldn't afford to go to college. Then they took $12 billion out of college student aid to pay for those tax cuts. You have to ask yourself, where are there priorities?

You know, the cost of college has gone up by more than the cost of health care. It has gone up by more than the cost of inflation per capita personal income and by more than the cost even of health care.

□ 1515

The fact is, right now, here in January, there are hundreds of thousands of families trying to decide whether they can send their child to college. How can they afford it? And there are also any number of college students trying to decide whether they can become a teacher or work in health care or any other number of professions we critically need because they have to pay off their college student loans and those professions generally don't pay enough.

This is the right thing for America. It will make America stronger and smarter.

Mr. MCKEON. Madam Speaker, I yield myself such time as I may consume just to respond a little to the gentleman.

He talked about the $12 billion in cuts. Yes, we cut $12 billion out of the lenders, and we put $9 billion of it back into students. Not graduates, students.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself 15 seconds to correct the record.

You took $20 billion out of the lenders and put some back. And the rest of it you just took off with, and that could have been used.

Mr. MCKEON. For deficit reduction.

Mr. GEORGE MILLER of California. No, no, no, to pay for your tax cuts, which was driving the deficit.

Mr. MCKEON. Deficit reduction.

Mr. GEORGE MILLER of California. That was your priority. You are welcome to do it.

Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. Thank you, Mr. Chairman, for yielding.

Madam Speaker, I rise today in strong support of legislation that is very important to the many colleges and institutions in my district in upstate New York.

The legislation before us is a promise made to the American people, a promise to make college more affordable to the Nation's future leaders and to the people that need it most, the middle-class families. We are doing that by cutting student loans in half over the next 5 years.

It is no secret that rising tuition fees are making it more difficult for students to attend college. In response, we are taking action today to alleviate the heavy financial burden many students face after graduation when the loan collector comes knocking on their door. Through this legislation, we are providing relief where it is needed most, while at the same time creating incentives to attend college for those who otherwise might not, and we are doing it in a fiscally responsible way by meeting the pay-as-you-go requirements.

Madam Speaker, the message from America is clear. The time to act is now. I urge my colleagues to support this measure and provide needed financial relief to the hardworking, middle-class families and students who need it most.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I thank the gentleman for introducing this legislation. I am a granddaughter of immigrants to this country that couldn't speak English. They had no education when they came to the

United States. The only thing they had was a dream, and that dream was that their children and their children's children would lead a better life here in the United States.

My father has a 9th grade education because he had to quit school in order to support his widowed mother and five brothers and sisters during the Depression. So my father had no education and my mother graduated high school, but the one thing they stressed in our home was that their children would get a good education.

Now, my dad was a waiter all the years I was growing up. And if it hadn't been for Federal loans to help me get through college and law school, I guarantee I wouldn't be sitting here as a Member of the United States House of Representatives.

For the people I represent, most of the students that attend college in Nevada are first-generation college-goers, just like I was. Their parents work in the casinos, they work in the service industry, and they didn't get an education, but they want their kids to. So these are the people that we are talking about.

There are almost 11,000 students that are similarly situated to what I was when I was a student at the University of Nevada, Las Vegas. There are 11,000 of them that are depending on these Federal subsidized loans. Of those 11,000, they are going to benefit if we pass this legislation to the tune of $2,300 over the life of that loan. That is a substantial amount of money when you are a first-generation college-goer and your family works as a waiter or waitress or a keno runner in a Nevada casino.

I cannot understand how anybody would think cutting an interest rate in half would not be a benefit to these students. I wholeheartedly endorse this legislation, and I urge all of my colleagues to support it.

Mr. MCKEON. Madam Speaker, since the Republican majority's record on student aid has been one of the things we have focused on today, as well as the Democratic leadership's rhetoric over the past few years, I believe it might be useful to take a few minutes to be perfectly clear about where Members on this side of the aisle stand when it comes to expanding college access.

Now, I was really interested in the gentlewoman from Nevada's discussion about her family, because that is the beautiful thing about this country, that you do have the opportunity to go to college. My dad, during the Depression, didn't have the opportunity and my mother didn't have the opportunity. I was the only one of five sons that was able to graduate from college. It took me 30 years. I graduated with my oldest daughter.

We have six children. Four of them have graduated from college and two are still working on it. We have 28 grandchildren. So I have a big interest in the opportunities of education, and I am hopeful that all of my grandchildren will be able to get an education.

Before Republicans gained control of the House in 1995, there had been no serious congressional effort to address the issue of rising college costs or even discuss it. We have seen the charts. We have seen how from the time Pell Grants were instituted, all the time that the Democrats were in charge, they got the Pell Grants up to $2,000. In the 12 years that we had the majority, we more than doubled that and put much more money into Pell Grant relief and to other student aid projects.

Similarly, there has been very little discussion on whether our colleges or universities were producing graduates who were ready for the job market. In fact, the entire American competitiveness discussion we are having these days was not on the minds of those inside the Beltway at that time. But over the course of the past decade, we have made it a priority, often working in a bipartisan fashion. We gathered facts, talked within the higher education community, and worked to craft legislation that represented a fresh approach to policy.

In fact, as I said earlier, we have been talking about student loan interests. And when we did the reauthorization in 1998, in a bipartisan way, we came up with the lowest interest rate in history, which has afforded many, many more students the opportunity to go to school. But what we came up with was something that was not necessarily revolutionary, but at the same time, it was vitally important.

It was a two-pronged approach. First, we made an unprecedented commitment to student aid, and today our efforts are paying off. Some $90 billion in Federal resources currently fund student aid programs, from loans and grants to work-study programs and education tax benefits. That is nearly triple what it was just a decade ago. And within that $90 billion is a record $13 billion for Pell Grants, a two-thirds increase over the past decade. That is a record we should be proud of.

On top of that, we have also eliminated a troubling shortfall in the Pell program, placing it on a sound financial foundation for years to come. Beyond that, just last year alone we enacted legislation to increase loan limits to give students access to more financial aid; reduce loan fees so students can keep more of what they borrow, and this is students I am talking about, money they can put in their pockets; established $4.5 billion in new grant aid for low-income students studying math, science, and critical foreign languages, as well as high-achieving Pell eligible high school students; and we permanently expanded loan relief for highly qualified math, science, and special education teachers who commit to teaching in high-need K–12 schools for 5 years. These are things that really help us in K–12 and in higher education.

To pay for these new student loan benefits, which again included $4.5 billion in new grant aid for our Pell students, we reduced the subsidies paid to student loan lenders by more than $20 billion, as the chairman previously stated. We need to be thoughtful about increased cuts to the private sector so that we don't leave students with the poorly run direct loan program as their only option.

In short, Madam Speaker, our commitment to student aid has never been stronger. Anyone who says otherwise simply is not being candid.

The second and equally important part of our two-pronged approach to expand college access gets to the heart of the college cost crisis itself, the actual cost of a college education. This is what we really should be talking a lot more about instead of trying to get a little, small reduction in the interest rate. We should be trying to cut the total cost.

In short, we are aiming to bring greater accountability to an unchecked system so that consumers of a higher education have more information than ever before about the cost of a college education. As a result, we have dramatically shifted the college cost debate. A decade ago, the interest of students and colleges were seen as identical, and the conventional wisdom was that colleges knew what was best for students. A decade ago, the higher education establishment made clear that simply adding more Federal student aid was the solution to the problem of rising costs and that there was no point in questioning why costs rose.

Today, while we maintain an unprecedented commitment to student aid, we have also identified students, parents, taxpayers, community organizations, and employers as legitimate stakeholders in the outcomes produced by our higher education system. We are asking hard questions of colleges, such as why costs are so high, how successful the college is in helping students graduate on time, which helps keep costs down, and whether the college will give them the skills needed to compete successfully in the workplace.

Admittedly, we have gotten some blow-back. Some of these colleges don't want to answer these questions. They want us to just leave them alone, send more money. But you know what? We were and are right to demand such accountability, and we will continue to do so.

I wish we were able, as part of this debate, but the closed process under which we are operating won't allow that possibility. Still, I look forward to working with my colleagues on both sides of the aisle as we do so in the weeks and months to come.

Madam Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentlewoman from California (Mrs. DAVIS) now controls the time for the majority.

There was no objection.

Mrs. DAVIS of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of the College Student Relief Act of 2007. This legislation makes college more affordable and higher education more accessible for all Americans. But the bill, as we know, will do much more than help Americans make it to college. As we know, graduates today often spend years paying off their loans.

This fall, a young woman named Amy wrote to me and explained the challenges her family faces. Their income is over $60,000 a year. She pays $700 a month in student loans. I am an attorney, she wrote, and my student loans are killing me. Without help, I risk never buying a home or being able to save for retirement.

By reducing interest rates, those who graduate from college will save more than $4,500 over the life of their loan. Lower interest rates also mean that college graduates will have more money to contribute to the economy, start innovative businesses, that kind of competition we talked about, and save for their retirements. Do we really want to discourage our young people from taking the kinds of career risks that bring a benefit to society?

This Congress has an opportunity to help a new generation become engineers, doctors, business leaders, teachers, public servants, or whatever they dream of becoming. So let us not shackle young adults with spiraling debt just as they reach independence. I urge my colleagues to support H.R. 5.

□ 1530

Madam Speaker, I reserve the balance of my time.

Mr. MCKEON. Madam Speaker, may I inquire as to the time that we have remaining.

The SPEAKER pro tempore (Ms. DELAURO). The gentleman from California has 25 minutes remaining, and the gentlewoman from California has 41 minutes remaining.

Mrs. DAVIS of California. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, I want to thank my friend, Chairman Miller, for bringing this bill to the floor. We campaigned on the fact that we would do certain things; one of those was to try to bring down college costs as they escalate throughout this country. All of us heard, throughout this country, parents who came up to us, students who came up to us and said, Mr. HOYER, Mr. MILLER, Mr. MCKEON, we need that done. Mr. WICKER, we need that done.

This bill is not perfect. It doesn't go as far as some would like. Frankly, I would like to have very substantial impact on the Pell Grants, but we have adopted pay-as-you-go because we think you need to pay for what you buy. So we are constrained. But I hear people saying this isn't going to do anything for anybody. I disagree with that.

Madam Speaker, our Nation's economic security and future prosperity are inextricably bound to our ability to compete in the global marketplace. And in the 21st century, a century in which knowledge, skills and creativity are key, our competitiveness necessitates a highly educated citizenry.

As the journalist and author Tom Friedman has observed, and I quote, "The main challenge to America today comes from the fact that all the walls are being taken down and many other people can now compete and collaborate with us much more directly." In fact, he has observed that the world is flat. That means we are more competitive. That means that we need to be better able to compete. That means that our young people need to be better educated. That means that we need to give them access to affordable, quality higher education.

Former President Clinton also has remarked that, and I quote, "We are living in a world where what you can earn is the function of what you can learn." I think all of us agree with that. That is not a debating item. It is, how do we get there?

Today, Madam Speaker, I am pleased to support this legislation, the College Student Relief Act of 2007, which is the first step by House Democrats to make college more affordable and accessible.

In short, this bill will cut interest rates on need based Federal student loans for undergraduate students from 6.8 percent to 3.4 percent over 5 years. Why over 5 years? Because we have got to pay for it. It would be very nice to do it like that if we could pay for it. But we are in a position where we are in deep debt. We can't do that.

This legislation will cut the cost of college for an estimated 5.5 million undergraduate students and their families. That is a significant number of people. And when fully phased in, it will save the typical borrower, with $13,800 in need-based student loans, $4,400 in savings over the life of the loan.

Now, frankly, that is not a big sum when you think of the life of the loan. I understand that. But, frankly, we view large sums differently than some others, but we make $165,000 a year. Very few Americans are so privileged.

The irony of course is that at a time when an education is more important than ever to one's success, the costs of attending college have continued to skyrocket. For example, just since 2001 the tuition and fees at public universities have increased 44 percent when adjusted for inflation, and tuition and fees at private universities have risen 17 percent.

Madam Speaker, we simply need to make a college education more affordable and accessible, and this legislation helps us to do that.

Let no one be mistaken, H.R. 5 is not a panacea to the high costs of college education. But it is a good first step, and I know that Mr. MILLER and Mr. MCKEON are going to be looking at ways and means to do better for our students.

In the weeks ahead, House Democrats will continue to work on efforts to make college more affordable and to help our Nation maintain and strengthen its leadership role in education and the world economy.

Finally, I should note, Madam Speaker, that this bill contains no new costs for taxpayers. It meets all pay-as-you-go budget requirements, containing offsets that pay for the cost of cutting interest rates. This legislation is supported by an overwhelming majority of Americans. Eighty-eight percent is the figure, but whether or not they specifically know about this legislation, the overwhelming majority of Americans know that we have to bring the cost of college education down if we are going to remain competitive.

I congratulate Mr. MILLER on his leadership, and I urge my colleagues on both sides of the aisle to support this legislation as a step, a good step that we can take to make ourselves more competitive and to give our students greater access to college.

Mr. MCKEON. Madam Speaker, I yield myself such time as I may consume.

I agree with much of what the majority leader just said. I think we do have to expand access. We have to give opportunities to students.

My real concern is at the end of this debate, I am hoping that students understand that the 6.8 percent interest right now, tomorrow, doesn't go to 3.4; even if the Senate were to act on this and pass this bill exactly, that it would be almost 5 years, and then it only is cut in half for a 6-month period. So that if you look at how much they really would save over the period of a repayment, the way it works is when they graduate, 6 months later, they have to, or they have the opportunity to consolidate their loans and they can take all the loans because they get one their first year, one the second year, third year, and if they go through in 4 years they probably up end up with four loans. They consolidate those loans and they will take the interest rates, well, anyway, they are 6.8 now, and then they go to 6.1 and then they work their way down to 3.4. They will take how much they borrowed each year. They consolidate those loans. They average those out, and they will probably get a reduction of about like 4½ percent. And if they borrow the maximum during that period of time, they will end up with a savings of a little over $2,000, not $4,400, as some are saying.

I think it is really important to really have the true facts out there so that we don't give people this idea that tomorrow my interest rate is cut in half.

And also, that only pertains to the 50 percent of students that are borrowing on the subsidized basis. I know the promise during the campaign was, we are going to cut student loans across the board in half for all students. But when you tested that out you found out it cost about $60 billion, and to comply with the PAYGO they had to come back with this reduced offer.

Again, it will help people that have graduated from college, but those people are already well on their way to realizing the American Dream. If we could just take this same amount of money, the savings and try to help those who are trying to get into college, that is probably the major difference in our debate, is how we help people get an opportunity, not those who are now graduating and are benefiting from the college graduation and also benefiting from this reduced student loan rate.

Madam Speaker, I am happy now to yield to my friend from Mississippi (Mr. WICKER) 4 minutes.

Mr. WICKER. Madam Speaker, I expect a lot of Members on both sides of the aisle are going to vote for this legislation. I can't vote for it because it doesn't live up to the rhetoric that we have heard from the proponents of the legislation in debate today.

If you want to come up with a bill to, indeed, make college more affordable for middle America, then count me in. If you want to improve access to a college education for millions and millions of American young people, then count me in. If you want to do something about the very real problem of slowing the growth rate of college tuition, which is really what we should be getting at, then count me in. But I don't think this bill does any of that. And frankly, I am afraid that in the end this legislation, if enacted, would actually make a college education more expensive.

But I have to respond to some comments made by my friend from Virginia, Mr. MORAN, just a few moments ago to the effect that Republicans are not interested in helping Americans get a college education, that we somehow have a poor record in supporting student aid and higher education. I would take strong exception to those remarks, and I would submit to the contrary, Madam Speaker, that House Republicans, over 12 years of Republican majorities in this House of Representatives, have a proud record of working to expand college access through a two-pronged effort: Number one, working to hold institutions more accountable for their role in college costs, and this bill does nothing to address that whatsoever, and number two, maintaining a historic bipartisan commitment to Federal student aid. Under 12 years of a Republican majority in this House of Representatives we have achieved record levels of overall student aid, more than tripled what it was a decade ago. We funded more Pell Grants, a two-thirds increase over the past decade. In addition, the Republican record on student aid includes new grant aid for Pell Grant students, higher loan limits to give students access to more financial aid, lower loan fees so that students can keep more of what they borrow, tuition savings and deductibility, reduced student loan payments and ending the single holder rule, student loan relief for higher demand teachers—and certainly, that is something that we could have hearings about and have a bipartisan consensus about, Madam Speaker, targeting this student aid to those students who plan to go into difficult areas where there is a great need in this country—taxpayer savings through fewer lender subsidies and, finally, less fraud and abuse in Federal student aid.

So I would submit that this party has had a proud 12-year record of accomplishment in student aid, and I could not let the statements of my very good friend from Virginia go uncontested. We are all for helping students, for making college education more affordable and more accessible and for helping move more people into a higher education and a better way of life for them and their families. And I don't think this bill gets us there. I think 12 years of Republican leadership is something that we can all be proud of. So I will be voting against the bill.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. GEORGE MILLER) now controls the time for the majority.

There was no objection.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Madam Speaker, I just want to take a moment, just one moment, to thank Chairman MILLER on behalf of hundreds and thousands of students attending the eight colleges and universities in my district for bringing this legislation to the floor. They will be more than grateful to you forever for bringing this legislation to the floor, and I want to thank you, Chairman MILLER.

Madam Speaker, for too long the doors to our colleges and universities have been closed to too many of our young people. Too many of our best and brightest cannot afford to go to college, and those who do are buried under a mountain of debt when they graduate. Today we can ease that burden. Today we can make colleges and universities more affordable by passing H.R. 5. The best and brightest American minds, rich and poor, all of our children, must have access to higher education. Our young people will be competing with young people from around the world, not just on this little piece of real estate we call America, but from around the world, and they must have every opportunity to succeed. I am the first person in my family to finish high school, to go to college.

☐ 1545

I worked in a kitchen washing dishes, pots and pans, serving food, working as a janitor. That is how I made it through school. But today, hundreds of thousands of our young people cannot make it because of the debt, because of the high cost of student loans. American students should never, never be turned away from college because they cannot afford it.

It is unacceptable, it is a shame, it is a disgrace that our country is willing to spend millions and billions of dollars to fight a war in Iraq that we know is a mistake, while the doors to our colleges and universities are closed to too many of our young people.

Vote "yes" on H.R. 5, vote for America's future. Vote for our young people.

The SPEAKER pro tempore (Mr. PASCRELL). The time remaining for Mr. MILLER from California is 38 minutes. Mr. MCKEON from California has 18½ minutes.

Mr. MCKEON. Mr. Speaker, maybe if I reserve for a while, you can catch up with us a little bit.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. HINOJOSA), a member of the committee.

Mr. HINOJOSA. I want to thank Chairman MILLER for yielding time and for bringing the bill to the House floor.

Mr. Speaker, I am proud to rise in support of H.R. 5, the College Student Debt Relief Act of 2007. Last year, the 109th Congress cut $12 billion from the student loan programs. These savings were not reinvested in helping low- and moderate-income families send their children to college. Instead, the $12 billion from the student loan program was used to underwrite the irresponsible deficit spending generated by the tax cuts for the wealthiest Americans. Those cuts severely hampered our Nation's ability to close the college access gap for Hispanics and other low- and moderate-income students.

The 110th Congress has a new set of priorities. H.R. 5 will cut in half the interest on subsidized student loans by the year 2011. This legislation will save average borrowers $4,400 over the life of the loan.

The student loan programs have become an important piece of the access puzzle for Hispanic families. This interest rate reduction is part of the solution. Hispanic students borrow less on average than other groups. The reluctance to assume debt that could be difficult to repay has pushed many Hispanic students into attendance patterns that jeopardize their ability to persist until graduation. Nevertheless, according to the report, "How Latino Students Pay for College, Excelencia in Education," the average loan amounts exceeded the average grant amounts by more than $1,800.

It is of critical importance to the Hispanic community that we provide assurances to borrowers that there are protections to help them meet their student loan obligations. We are committed to addressing the other pieces of the access and affordability puzzle as well. We will move forward to ensure that academic preparation is no longer a missing piece of the puzzle.

The Advisory Committee on Student Financial Assistance estimates that in 2003 more than 400,000 college-qualified low-income students did not enroll in a 4-year college and 170,000 did not enroll in any college at all because of financial barriers.

We here in the 110th will right a wrong and place savings from the student loan program where they belong, with our low- and middle-income students. I urge my colleagues on both sides of the aisle to support this down payment on college access and affordability and to vote "yes" on H.R. 5.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume to respond to my good friend from Texas, whom I have worked with in the 1998 reauthorization when we helped the Hispanics, adding the title that helped the Hispanic community. He was one of the strong leaders that really helped his people and community. We worked together then. We worked together last year in bringing the bill to the floor that unfortunately died in the Senate, but it would have reauthorized the Higher Education Act.

I want to congratulate him. I understand he is going to be the chairman of the subcommittee in this Congress, and I am looking forward to working with him.

But I just want to say one thing to straighten the record out, we took $20 billion in the Deficit Reduction Act last year from the student lenders. We put $9 billion of it back into student services to help them; the balance we used in the deficit reduction which resulted in the $71 billion decrease, the deficit right now, versus last year.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, for purposes of a unanimous consent request, I yield to the gentleman from Oregon.

Mr. WU. Mr. Speaker, I rise in support of H.R. 5, the legislation to lower student loan interest rates.

According to the Department of Education, two-thirds of undergraduate students will take out a Federal student loan this year to help finance their college education.

As tuition costs swell and grant-aid fails to keep pace, students and their families are increasingly turning to loans as the primary mechanism to finance a higher education. While student loans make the college dream a reality for millions, they all too often turn into a nightmare of debt.

Over the past eight years the typical student loan debt has more than doubled to approximately $19,000. In addition, 39 percent of all student borrowers now graduate with unmanageable debt levels. Too many student borrowers struggle to make their monthly loan payments, and many must forgo savings, public service careers, and home ownership.

Borrowing for higher education should be a sound investment for the future, both for the student, and our society. Yet, today we are asking far too many students to mortgage their future at too high a cost.

I am proud to support this legislation which will help ease the burden of student loans. H.R. 5 will cut the interest rate for subsidized student loans in half to 3.4 percent. For a student with $13,800 in student loans, this will save them $4,400 in interest over the life of their loan and will help make the college dream a viable reality for countless students.

I have been working in Congress to do just that. I have been pushing for legislation that will not only make student financial aid more flexible for students but also ease the financial burden of student loans.

For instance, I have been pushing for passage of the Student Loan Interest Full Deductibility Act, which would allow eligible taxpayers to deduct the full amount of their student loan interest and would remove the current income cap limiting the deduction. Current law only allows for $2,500 to be deducted, even though many students pay thousands more each year in student loan interest, and phases out this deduction if a taxpayer's income is greater $50,000 a year.

I have also been advocating for the Community College Partnership Act, which would create partnerships between community colleges and four-year institutions to encourage students to continue their education at a college or university. This is based on an Oregon idea where colleges noticed their students were taking classes in non-traditional ways. Students would take classes at a community college in the morning, go to work, and then take another class at a different campus at night, or vice versa. However, in order to create such a class schedule, the students had to deal with two sets of administrations, two sets of paperwork, and two sets of financial aid. In order to encourage more of these students to continue and complete their studies at the 4-year institution, Portland State University partnered with neighboring community colleges to make this transition seamless through dual enrollment programs in which enrollees' class credits, financial aid, and administrative paperwork seamlessly transfer between the schools. The Community College Partnership Act expands on this idea by establishing a competitive grant program to encourage or expand similar partnerships throughout the United States.

Finally, I am proud to be investigating the high price of college textbooks. Recent news reports have exposed what has long been experienced by students and college bookstores: often the exact same college textbooks that American college students are required to buy for class are sold overseas for less than half the price. This situation does not meet the test of fairness and common sense, and it is especially troubling when one considers the skyrocketing cost of higher education in general and of college textbooks in particular. It is increasingly common for students to pay in excess of $1,000 per school year for textbooks and supplies alone. Last Congress, I was successful in getting the Government Accountability Office to investigate the high price of college textbooks and the disparity of prices between textbooks sold in the United States and overseas. The GAG report unmasked the problem of rising prices of college textbooks. Given this, Congressman BUCK MCKEON and I commissioned the Advisory Committee on Student Financial Assistance to further study the problem and to develop solutions.

Again, I am pleased to support H.R. 5 today because it will help address the rising cost of college. We are at the dawn of a new economy—one that is based on knowledge. A higher education is more important than ever in this economy. We must work on policies that not only improve access to a higher education but also makes this education more affordable. That is what H.R. 5 is about, and I urge my colleagues to support it.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, of all the barriers that families have faced these last several years, from the rising cost of health care and energy, to the outsourcing of good-paying American jobs, few have had as chilling an impact on opportunity as the skyrocketing cost of college tuition. The last 5 years, tuition at public universities shot up more than 40 percent.

These kinds of financial barriers prevent about 4.4 million high school graduates from attending a 4-year public college over the next decade, 2 million high school graduates finding themselves unable to attend any college at all. This, when the United States has talked about a proposed projected shortage of up to 12 million college-educated workers by 2020.

There are so many challenges before us, breathtaking challenges that impact every American. This Congress has to recognize how closely tied access to a quality education is to our economic prosperity, our national security, our civic health. Strengthening those bonds, reaffirming our commitment to our Nation's family, that is what this legislation is about. Cutting the interest rate for undergraduate students with a subsidized student loan in half over the next 5 years, we can help 5.5 million students fulfill their dream.

In Connecticut, more than 33,000 students currently take out 4-year loans. They have an average debt of $14,200. We are going to help these youngsters save more than $2,300 over the life of the loan.

I happen to represent an area with many first-rate universities. The time has come to make these universities and the lifetime of opportunity they unleash accessible to every American, to every parent who wants to send their child to college.

Lowering college costs is about expanding opportunity. It is what government should be all about. It is the reason why the people in our communities send us here, to try to help them have the opportunity to have an education for their children at a rate that they can afford, an interest rate that they can afford.

Let's help them with the college loans. This legislation deserves our support.

The SPEAKER pro tempore. Without objection, the gentleman from Florida (Mr. KELLER) will control the time for the gentleman from California (Mr. MCKEON).

There was no objection.

Mr. KELLER of Florida. Mr. Speaker, we will continue to reserve the time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, allow me to take a moment to thank Chairman Miller and the Democratic leadership for the powerful groundwork that they are laying to provide relief to the Nation's college students and aspiring college students seeking an opportunity.

Mr. Speaker, we have heard a number of Horatio Alger stories here on the floor of the House, representing the lives of so many of my colleagues, Democrats and Republicans, and I salute them. So many of us are first-generation college students who have had the opportunity to receive a degree in the Nation's institutions of higher learning.

But let me cite for my friends and colleagues the landscape of the 21st century when China is producing more engineers in 1 month than America is producing in 1 year. It is a landscape that my friends from the other side of the aisle created, for over the last couple of years, Pell Grants have had no meaningful increase in the last 5 years. Last year, the maximum Pell Grant was worth $900 less in inflation-adjusted terms than it was in 1975 and 1976. Since 2001, Pell Grants have only increased by $300. Yes, more students are getting Pell Grants, Mr. Speaker, because more are eligible because they are poor.

So there has been no educational agenda, but I am delighted that we are going to fix it for Texas. In the name of my schools, Texas Southern University, the University of Houston, Rice University, Houston Baptist University, Houston Community College, North Harris Montgomery Community College and University of St. Thomas, University of Houston-Downtown, we will finally, for the 208,000 students in Texas, bring down the cost of student interest rates some $4,000 over the next 5 years. This is relief, and this is opportunity.

We need to move quickly to pass this legislation to go to the Senate and, yes, to have the President's signature. This is long overdue, and this is a meaningful response to students who are seeking an equal opportunity.

I ask my colleagues to support H.R. 5. It is the right thing to do. It is long overdue.

Mr. Speaker, I rise today in support of H.R. 5, the College Student Relief Act of 2007. This bill does much more than ease the burden of student loans for college graduates—it will make the American dream possible for the children of more than 5.5 million working and middle-class Americans.

Mr. Speaker, in 21st century America, a college education is critical for individual success and the strength of our nation. Higher education is associated with better health, greater wealth and more vibrant civic participation, as well national economic competitiveness in today's global environment. As the need for a college degree has grown, however, so has the cost of obtaining that education. The result is rising student debt.

About 5.5 million students borrow subsidized Stafford loans every year. Of those borrowers, nearly 3.3 million attend four-year public or private nonprofit institutions. The vast majority of these borrowers come from low- and middle-income families. According to the Congressional Research Service, 75% of traditional-aged borrowers with subsidized Stafford loans come from families with incomes below $67,374. The median income for an American family of four is $65,000.

H.R. 5 CUTS INTEREST RATES IN HALF

Mr. Speaker, I support H.R. 5 because it cuts the fixed interest rate on subsidized Stafford loans for undergraduates from 6.8 percent to 3.4 percent over the next five years. Loans originated during the intervening five years would be set at fixed interest rates of 6.12 percent in 2007–2008, 5.44 percent in 2008–2009, 4.76 percent in 2009–2010, 4.08 percent in 2010–2011, and 3.4 percent from 2011 forward. After graduation, students could consolidate their loans into one loan at the weighted average of the interest rates of their various loans.

Mr. Speaker, by lowering interest rates on subsidized Stafford loans, Congress can save college graduates thousands of dollars over the life of their loans. For example:

The average four-year college student starting school in 2007 with subsidized Stafford loans would save about $2,280 over the life of his or her loans under the proposed legislation.

When the interest rate cut is fully phased in, the average four-year college student starting school in 2011 with subsidized Stafford loans would save $4,420 over the life of his or her loans.

Mr. Speaker, I support H.R. 5 because it will bring relief to the more than 205,000 student loan borrowers in my state of Texas. Today, the average subsidized Stafford Loan debt for a 4-year graduate of a Texas public college is more $14,230. Under H.R. 5, the savings for the average student starting school in Texas this year will be $2,350 over the life of his or her Stafford Loan and more than $4,500 for a student starting college in Texas in 2011.

Last year, the Republican-led Congress cut $12 billion in federal student aid to give tax cuts to the wealthy. H.R. 5 would serve to give just a bit of that back by cutting interest rates on student loans in half by 2011. It may seem like just a small step, but reducing the interest rate on student loans from 6.8 percent to 3.4 percent will do a lot for many Americans.

HIGH STUDENT DEBT DETERS COLLEGE GRADUATES FROM BECOMING TEACHERS AND SOCIAL WORKERS

Mr. Speaker, recent graduates, especially those with low and moderate incomes, must spend the vast majority of their salaries on necessities such as rent, health care, and food. For borrowers struggling to cover basic costs, student loan repayment can create a significant and measurable impact on their lives. Crushing student debt also has societal consequences, Mr. Speaker. According to a report by two highly respected economists, Drs. Saul Schwarz and Sandy Baum, the prospect of burdensome debt likely deters skilled and dedicated college graduates from entering and staying in important careers educating our nation's children and helping the country's most vulnerable populations.

To solve this problem and ensure that higher education remains within reach for all Americans, we need to increase need based grant aid; make loan repayment fair and affordable; protect borrowers from usurious lending practices; and provide incentives for state governments and colleges to control tuition costs. H.R. 5 is an important step in a new and right direction for America. I urge my colleagues to vote in favor of H.R. 5, the College Student Relief Act of 2007.

Mr. KELLER of Florida. Madam Speaker, I continue to reserve the balance of our time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Thank you, Mr. MILLER, for yielding time. Americans have always seen access to higher education as one way to help them live out the American dream. Starting with the Greatest Generation and the GI Bill, our Nation's citizens have been able to pursue an education beyond high school because of Federal assistance.

Today's job market is increasingly knowledge driven, and people are deciding they need skills beyond what is taught in high school. Whether it is 2 years, 4 years, public, private or community based, students are realizing there are economic benefits to expanding their skill set beyond a high school education. An educated workforce will also stem the flight of jobs overseas.

When I meet with the college students in my district, one of their biggest worries is, how am I going to pay off my student loans. I was talking to one young woman who had a great job. She said, I have to find a new job. She said, there is no way I can keep this job and still pay off my student loans.

As college tuition continues to skyrocket, more and more students are turning to loans to help meet the costs. In my State, the average debt for students coming out of a 4-year school is $15,000. This legislation will save those students, on average, $4,400 over the life of the loan.

I applaud Chairman MILLER and his committee for the work they have done on behalf of American students and recent college graduates. They have done the work necessary to prevent higher education from again becoming a luxury of just the wealthy.

Mr. KELLER of Florida. Madam Speaker, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Thank you, Mr. Chairman, for gathering support from both sides of the aisle. To those who have said this is a Pyrrhic victory, I ask them to look at the record here. This is a victory for undergraduates and future undergraduates.

What I also hear on the other side is that, perhaps, why are we waiting till students get out of school, why don't we do something about the tuition in school? We believe, most of us, on both sides of the aisle, in the free market. You certainly aren't suggesting that we inject ourselves in what colleges charge as tuition. I don't think that is what you mean. But I don't know what you mean.

What I do know is what I have heard on the other side of the aisle from too many that defend the lenders and not college students.

I am the first member of my family to have the opportunity to go to college. I am a strong believer in the importance of higher education, like many in this room today. Our success in educating today's generation of students will have a striking and lasting impact on the Nation's success.

According to the Department of Education, financial concerns will prevent 4.4 million high school graduates from attending a 4-year college. That is not acceptable to anybody here. It will prevent another 2 million high school graduates from attending college at all at any time. That is not acceptable either.

As tuition and fees at 4-year public colleges and universities have risen 41 percent, after inflation, since 2001, the typical student now graduates with an enormous $17,500 in total Federal debt. Besides what we are doing on interest rates, we will be working in the future, down the road, consolidating these debts, providing some loan flexibility within this program and loan forgiveness for many public service employees who give their lives and put their lives on the line today.

□ 1600

In my home State of New Jersey, the College Student Relief Act will save students an average of $2,370 on interest payments over the life of their loan if the student starts school this September. And if the student starts school in 2011, he or she will save $4,600 over the life of the loan. This is not theory, this is not empty. This is substantial.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. MCKEON) will control the time for the minority.

There was no objection.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Thank you, Chairman Miller.

Madam Speaker, following each statement I will provide a translation in Spanish.

Today, I join my colleagues to support the College Student Relief Act, H.R. 5. A competitive global economy cannot be sustained without an educated workforce and the affordable education for those people.

Hoy, acompaño a mis colegas en apoyar la propuesta. La economía competitiva global no se puede llevar acabo sin tener ciudadanos educados y hacer educación accesible.

Like many students from my district, Jenna, a Pomona student, recently spoke of her $30,000 debt for her post-graduate degree.

(En Espanol) Como muchos estudiantes de mi distrito, estudiante Jenna recientemente habló sobre su deuda de 30 mil dólares, el costo para obtener su licenciatura posgraduada.

She is burdened not only by the high cost of education tuition, the loan payments, but also by having to look for employment, much like many of the other minority and Hispanic peers.

(En Espanol) No solo tiene la deuda de su colegiatura y de su préstamo, también tiene que buscar empleo, como la mayoría de sus colegas Hispanas y otras menorias.

Students like her will save $2,500 over the life of their loan at no additional cost to the taxpayer.

(En Espanol) Sin costo adicional al los que pagan impuestos, estudiantes podrán ahorrar más de $2,500 sobre el total del préstamo.

It is time to help our students. Give them the aid they need. Lower the student loan rates. I certainly want to ensure that all my colleagues on both sides vote for this proposal, H.R. 5.

Es tiempo que ayudemos a nuestros estudiantes. Denles la ayuda nécésária!! Bajemos la tasa del préstamo!

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Madam Speaker, first of all, I would like to thank the chairman, Mr. MILLER, for carrying this legislation. It is very important to thousands of students and giving them the accessibility to education. It is about time.

As Chair of the Congressional Hispanic Caucus, I believe this bill is a good start in helping Hispanic students across the Nation. I thank Congressman RUBÉN HINOJOSA as Chair of the Congressional Hispanic Caucus Education Taskforce for working to ensure Hispanic students have equal opportunity. Let's make sure that college is affordable and accessible for all students.

We need to prepare our students to make sure that we have a workforce for the 21st century. The only way we can do that is to make sure that all students have access to affordable education.

We know that most of the students right now are relying on student loans. Forty-one percent right now have increased the student loans since the year 2001. So more students are relying on student loans. We want to make sure that it is affordable for every student.

Hispanics: 33 percent of Hispanics in their communities are under the age of 18 and the number of Hispanics attending colleges are growing in numbers. We want to make sure that they have access and an opportunity to fulfill their goals. It is not just about attending college. It is about completing college and making sure they become part of our workforce. In order to have a strong America, we must make sure that they fulfill their dream and opportunity. I am like many of those, the first one out of a family of 15 that was able to graduate; out of 15, the first one to graduate and obtain college. I went through the military, obtained the GI bill, obtained loans.

We want to make sure it is accessible and individuals have that opportunity. An educated nation is a successful nation. The only way we can do that is providing this service.

I encourage everyone to support H.R. 5. I thank Mr. MILLER for carrying this legislation and caring about many individuals, and I thank my colleague across the aisle too as well, because he has cared about education.

We need to support this legislation to make sure that every student has access to affordable education, to make sure that we have the workforce that meets the needs of the 21st century.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Madam Speaker, I also rise in strong support of H.R. 5.

The high cost of education and the lack of adequate financial aid make obtaining a higher education unattainable for many of America's working families, including Latinos. This has been a great challenge for us in the last decade.

Since 2001, tuition and fees have jumped by 17 percent at private universities and by 41 percent at public universities and student loan interest rates have risen by 2 percent. According to the Congressional Advisory Committee on Student Financial Assistance, the cost of higher education will prevent 4.4 million high school graduates from attending a 4-year public college or institution.

Obtaining a higher education is especially difficult for Latinos, who face low family incomes, low financial aid awards and a reluctance to assume debt. The median household income for Latino families has fallen by over 4 percent over the past 5 years.

Latinos, as you know, represent about 15 percent of the college-age population, and yet only represent 12 percent of all undergraduates in U.S. colleges and universities and only represent 5 percent of those students in graduate schools.

Of all undergraduate students enrolled in the 2003–2004 academic year, 49 percent of Latino undergraduates were more likely to be first-generation students, much like myself. Fifty-one percent are enrolled on a part-time basis and the majority are coming from low income households. Yet Latinos receive the least financial aid of any ethnic group in the country.

Latinos and other low income communities deserve the security provided by an affordable higher education. H.R. 5 is part of that solution. Cutting the interest rate on subsidized student loans in half from 6.8 percent to 3.4 percent will make college more affordable for many thousands and thousands of Latino students.

A higher education should not be a privilege and available only to the few. Today, we are fulfilling that promise by passing this bill, H.R. 5.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Madam Speaker, I thank the gentleman from California, Mr. MILLER, for this time.

Madam Speaker, I rise in strong support of the College Student Relief Act, a bill that will lower the interest rates that college students pay for subsidized loans from the current fixed rate of 6.8 percent to 3.5 percent over 5 years.

This is a fair bill that pays for itself by reducing the profit that the top lenders make from subsidizing loan debt, and it gives help to lower and middle income students who want to go to college but cannot afford it.

The Project on Student Debt states that over the past 10 years debt for graduating college seniors has increased by 108 percent. For graduates from public universities it has more than doubled, increasing by 116 percent.

This bill is needed because we want students to receive a college education without the stress of leaving with massive amounts of debt that will force them into jobs just for the sake of saving their credit. Furthermore, we do not want students to decide not to enter college because they are afraid of acquiring unmanageable debt.

According to Baum and O'Malley, in 2002, loan debt caused 14 percent to postpone marriage, 30 percent to postpone buying a car, 21 percent to wait on having children and 38 percent to wait on buying a house.

This bill chips away at the opportunity gap that keeps students of needy families and communities of color at the bottom of the ladder of success. Half of the students with Federal loans come from families with incomes between $26,000 and $68,000. The lower end of this range is close to the national poverty level for a family of four of $20,000.

Many parents who want to send their children to college have to take on large debt, rather than invest in homes or their retirement.

Mr. Chairman, I would like to thank you for the strong position you have taken on the floor today as you have presented this bill, and I would like to ask my colleagues on the opposite side of the aisle, if they had an opportunity to reduce the interest rate on their mortgage loans by 50 percent, on their automobile also by 50 percent, or any of their other debt, would they think it was such a terrible thing, as they think about this that we are doing today?

I ask my colleagues to support this bill.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of H.R. 5, the College Student Relief Act. A college education is the foundation of economic mobility in America. College graduates enjoy higher incomes, better career opportunities and more financial stability.

College has never been more important than it is today and, sadly, never more expensive. But in the last few years Federal support for higher education has declined. We have been moving in the wrong direction.

That is why H.R. 5 is so critical. It will save middle and low income students thousands of dollars in debt. The bill cuts the interest rates on federally subsidized Stafford loans in half over 5 years. It will save the average college student in Maine who starts school next fall $2,170 over the life of his or her loan. Maine students starting in 2011 or after will save an average of $4,200.

Sixty years ago, the GI bill sent a generation of veterans to college. Thirty years ago, Pell Grants and Stafford loans extended this opportunity to more working class Americans. The future economic prosperity of America turns on giving today's students the same opportunity. I urge my colleagues to support H.R. 5.

Mr. MCKEON. Madam Speaker, I yield myself such time as I may consume just to respond to the words that we just heard.

If a student in 5 years takes out a loan, they will not save $4,000, because this ends at the end of 5 years and the 3.4 percent is only good for that 6 months, the last 6 months of the bill. Then the loan goes back up to 6.8 percent. So at the end of 5 years, the student will be paying the same as they are now.

We just have to keep the facts correct. The rhetoric is good, but we should try to keep the facts correct.

Madam Speaker, I would be happy to yield 6 minutes to my friend the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Speaker, I thank the gentleman.

As I sit here, I am reminded of the story we have all heard about the guy who goes on the $100 cruise. He sees an advertisement for a $100 cruise. Like all of us, especially a guy like me, I have never been on a cruise, he goes down to the dock real excited about it and he gives the man $100. The man pulls out a two-by-four, hits him over the head, puts him on an inner tube and pushes him into the water. And he is cruising along. After a while he wakes up. He bumps into another guy with an inner tube and he is rubbing his head. Finally, the first guy says to the other guy, "Hey, do they serve drinks on this cruise?" And the second guy says, "Well, they didn't last year."

Now, the point is, how vulnerable could you be to do this twice? How vulnerable would these students be to believe what they are hearing about an interest rate that, it is true, it does go to 3.4. It dips down to 3.4, and then it springs back up.

I only wish the stock that I owned in whatever my savings account is would dip down like that and then go immediately back up the way the Democrat Party is.

But this bill had no hearings. A broken promise right off the bat. We would have hearings, we would have amendments. There are no amendments, there are no hearings.

What happens when you have no hearings and no amendments? You can get to only what can be called the tuna fish clause. We know what the tuna fish clause is. That is where there is something embarrassing stuck in a bill that nobody quite understands. And I think Mr. McKEON over and over again has pointed out what the tuna fish clause is in this, and that is that the 3.4 percent interest rate is only in effect for 6 months, from 2011 to 2012.

Now, I want to explain to the folks who haven't been paying attention, when we passed the minimum wage bill the other day and we heard over and over again how it was going to help save the workers of America and how it was good for all, at the same time the very people who were telling us what a great bill it was had put in a scheme to exempt the tuna fish industry from American Samoa, the very people who are telling us this is great for all.

□ 1615

So it can be called the tuna fish clause. We are going to look for the tuna fish clause over and over again.

Now, one thing that we have not talked about is that universities have had a 35 percent inflation rate over the last 5 years. That is relevant because not everybody is going to go to college on a loan or on a scholarship, and so when you have a 35 percent inflation rate, you have got to say, well, what does that do to the rest of the student population. That is something the Republican Party and, frankly, the Democrat Party should focus on, what can we do to bring this under control.

The second thing is, there has been a commitment on this. Frequently, you hear about a poll that is taken that says 90 percent of the people of America believe in clean air. Oh, my goodness, 90 percent. Please tell me about the 10 percent who do not believe in clean air. So when you hear the guy standing on the dock with the $100 cruise, that this is good for education, of course, it is good for education. Who does not want more kids to get a college education? Because our kids today are going to be competing against kids from Tokyo, and from Moscow and from Beijing.

It is important in an international global economy that we have kids that are as competitive as possible, and that is why we have always worked on a bipartisan basis. I mean, think about this. In 1995, when the Republican Party took over the House, the Pell Grant money was $2,340. We increased it the next year to $2,470, and now it is at $4,050. We did not do that only with Republican votes. We did it with Republican leadership, but the Democrats were there with us. We think bipartisanship is very important.

In addition to that, we have together worked on Perkins loans, on college work student loans, on supplemental education grants. It is very important that we as a bipartisan body come together on education just like national defense issues, because education no longer ends at the water line. It goes internationally.

So when we hear over and over again that this bill will save a student $4,400 over the life of the loan, it is absolutely mathematically impossible, and maybe that is one thing we need more of, math education, so folks could tell a fraud when they see it.

In order for you to save that kind of money, the 3.4 percent interest rate would have to stay in effect for years at a time, but as Mr. McKEON said over and over again, it is only in effect from July 2011 to January 2012. That is the tuna fish clause of this bill.

If we had worked through committees on a bipartisan basis, regular order, hearings and amendments on the floor, we could get rid of the tuna fish clause in this, and we want to do that.

I am the son of a college professor, the brother of a college professor. I am the only one in my family who only has an undergraduate degree. I believe in higher education. Who does not believe in higher education? But I also believe in truth in representation and in bipartisanship.

I thank the gentleman.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, I thank the gentleman.

Across America, our Nation's young people are burdened with this President's misplaced priorities. With the debacle in Iraq, many of our young people actually give their life or their limb, and with the soaring national debt combined with the personal debt for the cost of going to college, many of our young people find that their future is already mortgaged.

Escalating costs for tuition, the textbooks, for the cost of gasoline to get to and from school and work, they all impact who can afford the opportunity of higher education.

It was Thomas Jefferson who urged public support of higher education, wanting the youth of all of our States to, "drink from the cup of knowledge." But today, those students, thirsty for knowledge, confront too often a parched, unwelcoming desert of financial need and debt; and the last Republican Congress just made matters worse.

This bill represents a constructive step forward in making the dream of attending quality institutions a reality. It is a reality that will be there, now available, for 47,000 students each year in Texas who choose not to get a higher education because of financial barriers.

It lends a hand to working parents who want to earn a degree and provide a better life for their children.

It lends a helping hand to a young person who is the first in her family to see the inside of a college classroom.

And it lends a hand to middle-class Americans who struggle to save for college while their cost of living continues to increase.

A skilled, productive workforce is an investment in our future. We cannot afford to leave higher education unaffordable to so many of our neighbors.

Pass this bill because our youth are worth the investment

Mr. McKEON. Madam Speaker, I am happy to yield such time as he may consume to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I have here a copy of three letters that I have received out of 500 letters I have received on this bill that we are addressing today, from my constituents in my district in central Texas. They are raising a lot of issues that they are very, very concerned about.

The trend of the letters is, we were promised a 50 percent reduction in interest rates for the money that we borrowed to go to school or that we are going to borrow to go to school and we are not getting that. The only subsidized loans for undergraduates fall in the category of this bill. They are concerned about that. They are unhappy and mad about that.

Then the cost of this bill comes out of the Federal Family Education Loan Program, those other loans that are not being addressed in this bill, to reduce the interest rate which was promised to the American people by the other party. This is a concern for people in my district because many of those people are going to school with the same financial burdens that they thought that were going to be addressed by the bill, that are not being addressed; and the programs that they work through are going to bear the cost, which is going to make that market weaker and less available for those students who have to go to that market so they can go to school. Quite frankly, these letters are very concerned about that.

And then I have letters from people who work in the FFELP program, who are concerned about the fact that what this bill is going to do is put them out of work. Eight hundred people in my district work in the student loan program and have expressed a concern that this bill will put them out of work because it actually puts the burden of taking care of the subsidized undergraduate students on all the other Federal programs in fees and taxes that are added on.

So I have 500 letters in my office expressing concern, three of which I have with me.

When we tell the American people we are going to do something, we ought to do it. This bill would be much more acceptable, I think, to these people who have written me from my district if we were meeting the promise that was made to the American people, and, more importantly, to our college students, and addressed lowering interest rates for everyone.

So I rise today on behalf of the 500 letters that I have received in my office since this bill came on the radar screen, and I rise on behalf of those of us who wish we could have had some input into this bill so that possibly we could have addressed these issues and possibly we could have come up with better solutions that would not deprive others of the ability to go to school.

Finally, nothing is done here to address the real costs of education for our American students, which is also a promise broken.

So I rise here on behalf of the people of central Texas to express our concern about promises broken

I must oppose this legislation because of the negative effects this program will have on the Federal Family Education Loan Program, FFELP, program. The new taxes and fees imposed by this legislation will devastate the FFELP industry—an industry that has been proven successful by any imaginable measurement. FFELP makes higher education more affordable by using market forces to provide borrowers with the most competitive rates. FFELP also works with students to manage their debts, an effort that has led to record-low default rates. By attacking the FFELP industry, this language will cause decreases and lender competition and affect the ability of families to choose the lender that best suits their needs. I wholeheartedly support attempts to lower the costs of higher education, but the unspoken consequences of the bill will result in less competition and fewer options for these students. That is a consequence I cannot support.

DECEMBER 21, 2006.

Hon. JOHN CARTER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: I have worked at Sallie Mae for 17 years and am a supervisor in Killeen, Texas.

Sallie Mae does a great job helping students and parents get the loans they need for college.

Sallie Mae also works hard to help make our community a better place and just received an important award from the President for its community service.

Please continue to support the Field Program that has worked so well.

Thank you.

Sincerely,

DON McCANNELL.

DECEMBER 18, 2006.

Hon. JOHN CARTER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: I'm a Sallie Mae employee and now company officer, and have worked here for over 17 years. I'm really proud of what I do at this company to assist students to go to college. Not only do we help students and their families but we give back to our communities here in Texas. The Killeen/Ft. Hood area benefits greatly.

As you get ready to start the new Congress, I ask that you please remember the great help that the guaranteed education loan program provides for our Nation's students.

Thanks for all your support of higher education. It's priority for us and I know it's a priority for you.

Thank you.

Sincerely,

DEBORAH J. BRAGG SATHER.

DECEMBER 18, 2006.

Hon. JOHN CARTER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE, I am a Sallie Mae employee and have worked here in Killeen, Texas for 15 years. I can say in all honesty, I have never worked for a more caring, generous and respectful company than Sallie Mae.

I am very proud of the part I play at this company to help students go to college. Not only do we help students and their families, we give back to the community here at Sallie Mae.

When I tell my family and friends all the charitable events we participate in, they are amazed. Their amazement is not because I participate but because of the extent Sallie Mae the corporation participates, matching our donations (2:1), giving employees time off for fund raising and encouraging all employees to give back to the community. I personally participate with, The American Cancer Society, March of Dimes, United Way, American Heart Association, Families in Crisis and a few others. The giving doesn't stop with our local communities, Sallie Mae reaches across the country to people in so many ways.

I had the privilege to participate in one of the Sallie Mae Fund's National Latino "Paying for College" Bus Tour events. I cannot express in words how overwhelmed I was to see the company I work for reach out to young Hispanic adults, showing them the way to a better life through higher education. Thirty years ago, I was a young Hispanic adult with parents who did not speak English and there was no "Sallie Mae" to help me find the path to higher education. Although I did not go to college, Sallie Mae has given me an opportunity to succeed and achieve my goals in life. I have been able to use the tools Sallie Mae has shared with thousands of people to ensure my children follow that road to higher education. I do not understand how Senator Kennedy and others can say Sallie Mae puts profits ahead of students. Over the past five years alone, The Sallie Mae Fund has distributed nearly $90 million in philanthropic giving to support programs and initiatives that help open doors to higher education, prepare families for their college investment, and bridge the gap when no one else can.

As you move forward to help families afford the rising college costs, I ask that you not dismantle the FFELP loan program that has worked so well to help millions of Americans go to college and achieve their dreams.

Thank you.

Sincerely,

BLANCA VAZQUEZ.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Madam Speaker, I thank my colleague, the chairman of the Education and Workforce Committee, Mr. MILLER, for his work on this and other education issues, as well as my other colleagues.

It is interesting to hear people talk about the fact that this does not totally reduce the cost of going to college when, for the past many years, this body has not delivered on that commitment to the American people.

In the last campaign, we did make a commitment to reduce the cost of going to college, and this bill is a follow-through on that commitment, and we will reduce the cost. We know in this country that one of the greatest impediments we have to people getting ahead is the burden of the cost of college tuition, a burden that has risen dramatically over the years.

Right now, many students who graduate from college are faced with a big debt burden that takes a long time to retire, and even worse than that is the number of students who are deterred from even going to college in the first place because of the cost of going to college and the debts they will incur. This bill takes a significant step toward reducing that burden and opening up the doors of opportunities.

We lose some of the very best and brightest in this country who have the ambition to go out and learn, who are qualified to go out there, who have done the work and gotten the grades, and because of the high costs are prohibited from going forward. In fact, about 4.4 million students are essentially deterred from going to college it is estimated over the next 10 years as a result of these high costs.

So, yes, during the last campaign this was a very, very important issue to the American people. Instead of raising the costs of going to college, instead of cutting $13 billion from higher education as was done in the last Congresses, we said, we are going to turn that around; we are going to make it easier for people to go to college; we are going to open the doors of opportunity, not just because it is the right thing to do to make sure that every individual has the opportunity to reach his or her full potential, but because our Nation needs to make sure we do that in this competitive era.

Mr. McKEON. Madam Speaker, I yield myself such time as I may consume.

Let me remark again, as I said earlier, the Advisory Committee on Student Financial Assistance issued a report saying that 48 percent of our low-income high school students are not able to enter a 4-year university, and 22 percent of them cannot even get into a community college. I think we are in total agreement that we want to do what we can to help them get into school, and the numbers are not much different for the middle-income students.

The one thing that we are not really talking about too much is the cost of the education. I am concerned that the young people are graduating from college with a mortgage and no home. This debate we are hearing is all about the interest rate on that mortgage, on that loan, but what we should really be addressing is the cost of higher education.

I would like to just mention a few things that are driving that cost of education, some examples of some extravagant spending on college campuses, that if we had held hearings, we could have talked about a little bit. We have done this over the past when I was a chairman. We did have some hearings about this, but let me get some of these in the RECORD.

Cornell is investing $259 million in what it calls student life and residential facilities alone.

Ohio State University is spending $140 million to build what its peers enviously refer to as the Taj Mahal, a 657,000-square foot complex featuring kayaks and canoes, indoor batting cages and ropes courses, massages and a climbing wall big enough for 50 students to scale simultaneously.

The University of Cincinnati is spending $250 million on a Main Street of sorts, with everything from outdoor cafes to what is called a mall-style student center.

The University of Houston spent $53 million on a wellness center, including hot tubs, waterfalls and pool slides. The school has a 5-story climbing wall, while boulders and palm trees frame the leisure pools outside.

The University of Vermont plans to spend $70 million on a new student center, a colossal complex with a pub, a ballroom, theater, an artificial pond for wintertime skating and views of the mountains and Lake Champlain.

Now, we are not going to be able probably to talk about extravagant spending by the schools because we are not talking about the cost of college. We are talking about the cost of student loans that, because of this extravagant spending, students are having to take out to go to college.

Makes me want to go back to school. Some of these things sound pretty enticing. Some are pretty nice.

□ 1630

But what about the kids that are trying to get an education? They don't really, some of them, have time to use these hot tubs, anyway. They are working to put their way through school. Why don't we focus some of that stuff on the cost of an education rather than on just trying to save a few students who have already graduated, who are already on the ladder to receiving the American Dream.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy.

In listening to my friends from the other side of the aisle, first of all, I am sorry my friend from Georgia is not here because I think I could tell him who the 10 percent are who don't believe in clean air, at least I could direct him to people in the administration and to the committee leadership on the other side of the aisle for the last 12 years who proposed policies that clearly indicate that they don't care about clean air.

It is amusing to hear from our friends from the other side of the aisle who for 12 years have run the show and are complaining about some of the choices that are being made by some 4,000 institutions of higher education. If they had something that they wanted to do, I am sorry, but they didn't for the last 12 years. But what we have done in the first 12 days is to act to make a difference.

Mr. McKEON. Would the gentleman yield?

Mr. BLUMENAUER. I would be happy to yield on the gentleman's time?

Mr. McKEON. I yield 1 minute so we could talk about that.

Mr. BLUMENAUER. I would be happy to.

Mr. McKEON. I introduced a bill that really would have addressed some of these issues. In fact, in the last Congress we passed a bill out of this body. It stalled on the other side of the Capitol, but we passed a bill out of this body that would have addressed some of those issues, and we did it in a bipartisan way. I appreciate those who voted for it on that side of the aisle.

Mr. BLUMENAUER. And I am saying for 12 years they had a chance. I am sorry if you couldn't work with the administration and the Republicans who ran the other Chamber. But my point is I am not dealing with Taj Mahals; I am dealing with community colleges that have not had the basics. I am not talking about rock walls for 50 students at one time; I am talking about basic laboratory space, classroom space, library space, people who are having difficulty getting access.

The point is that the people on the other side of the aisle have been talking about this while they have been cutting opportunities and cutting budgets, cutting taxes. This bill continues our commitment to working families, promoting competitiveness in the workforce by starting by cutting interest rates on these subsidized undergraduate loans. It targets the lower and middle income students and their families with the most financial need and the least support.

The poor often get grants; the rich don't need them. This bill would save that college borrower in the middle thousands of dollars. In my State in Oregon, our students have the second highest amount of debt in the country. Over 40,000 Oregon students a year will be substantially helped by this legislation amongst the 5½ million students around the country in times of skyrocketing tuition.

Now, unlike the Republican approach of the last 12 years of cutting budgets and cutting taxes and putting the tab on the credit cards of our youth, this bill is fully paid for by offsets. Five of these six were included in President Bush's fiscal year 2006 budget and have bipartisan support.

We owe it to our students, our communities, and hard pressed families to make college not just a dream but an affordable reality, and I urge my colleagues to support H.R. 5 as an important first step in making that happen

Mr. GEORGE MILLER of California. I yield to the gentleman from New York (Mr. ENGEL) for 1 minute.

Mr. ENGEL. I thank the Chairman for yielding to me.

Madam Speaker, I rise in strong support of H.R. 5. This legislation will help ease the burden of student loans that so many of today's young people face by cutting loan interest rates in half over the next 5 years.

As the father of three, I am all too familiar with the challenges of financing a college education. I have one child in law school, one in undergraduate school. It is very, very difficult. I can imagine the vast majority of the American families that don't make what Members of Congress make, how even more difficult it is for them. So a college education becomes out of reach for many families. It is very, very important.

We are going to cut student loan interest rates in half by the next 5 years. The vast majority of student loan borrowers are low to middle income students who are burdened with huge amounts of debt upon graduating. In my home State of New York, the average subsidized Stafford loan debt for a 4-year graduate is over $14,000, and a student starting school in 2007 will save $2,360 over the life of his loan; a student who starts school in 2011 will save over $4,500 over the life of this loan.

These are real savings put directly into the pockets of people who need it most, and I am proud that Democrats have made it a priority to make college more affordable in this 110th Congress. This is the right first step. I commend the Chairman and I commend the leadership of the Democrats here in the 110th Congress.

Mr. GEORGE MILLER of California. Madam Speaker, I now yield to Mr. ETHERIDGE from North Carolina for the purposes of engaging in a colloquy.

Mr. ETHERIDGE. I thank the chairman for yielding to me and I support this bill to cut interest rates in half for our students.

Let me say, as the first member of my family to graduate from college, I know firsthand that affordable access to higher education is the key to the American dream for working families. The cost of attending college continues to skyrocket and puts it out of reach, as we have already heard and I won't state the numbers, for many working families and students.

In our State of North Carolina, Mr. Chairman, we have a unique situation where our State nonprofits provide significant benefits to students. I am concerned that this legislation could have the unintended consequences of reducing the benefits that our students will receive through our nonprofit lenders.

Mr. GEORGE MILLER of California. I thank the gentleman for his inquiry, and I would say to the gentleman that I appreciate you sharing your concerns with me. Nonprofit lenders, certainly, our guaranty agents all play a necessary role in the Federal student loan program. Our goal is to ensure in the end that our policy benefits all students, and I pledge to work with you to ensure that we meet this goal and maximize the benefits of the most number of students.

Mr. ETHERIDGE. I thank the gentleman, and look forward to working with you as the bill moves along to make sure that this takes care of our students.

Madam Speaker, I rise in support of H.R. 5 and urge my colleagues to join me in voting to pass this important first step toward making college more affordable.

As the first member of my family to graduate from college, I know firsthand that affordable access to quality higher education is the key to the American Dream for working families. The costs of attending college continue to skyrocket and putting college out-of-reach for middle class families. Since 2001, tuition and fees at public universities have increased by 41 percent after inflation, and tuition and fees at private universities have jumped by 17 percent after inflation. According to the Congressional Advisory Committee on Student Financial Assistance, financial barriers will prevent 4.4 million high school graduates from attending a four-year public college over the next decade, and prevent another two million high school graduates from attending any college at all.

Unfortunately, recent Congresses and this Administration have failed to take action to help our working families and college students. In fact, the 109th Congress raided billions of dollars from federal support for college aid to pay for tax breaks for the wealthiest few. And even yesterday, the Administration announced its opposition to H.R. 5 by stating college students do not need more help because college graduates "have higher lifetime earnings." Sadly, this Administration just doesn't get it.

H.R. 5 is designed to make college more affordable and accessible by cutting the interest rate on subsidized student loans for undergraduates in half over the next five years. H.R. 5 will cut the interest rate from the current 6.8 percent to 3.4 percent. As a strong supporter of education, I support H.R. 5 and also want this Congress to increase investments in Pell Grants for low-income families and other federal financial aid for college. Education is the great equalizer in our society because it gives each citizen the opportunity to make the most of his or her God-given abilities. The new Democratic Majority must reverse the failed priorities of the past and invest in education for greater opportunities for all Americans.

Madam Speaker, I strongly support budget discipline, and I am pleased the Democratic Leadership has made good on our promise of no new deficit spending.

I urge all my colleagues in joining with me to pass H.R. 5.

Mr. GEORGE MILLER of California. Madam Speaker, I have no further requests for time.

Mr. McKEON. I yield myself such time as I may consume.

Madam Speaker, once again, we just heard that 5 years from now somebody that takes out a loan will save $4,400. Five years from now, there will be no savings based on current interest rates which are 6.8 percent because that is what the rate will go back to. There will be a 6-month window; if somebody takes a loan out at that point, that particular loan they will repay at 3.4 percent. The rest of the time it goes back.

Madam Speaker, let me be clear. Had this debate been held in the Education and Labor Committee, I believe the bill we are slated to vote on in a few minutes would have been substantially better.

What could we have done in committee to improve upon this badly flawed legislation?

For starters, we would have been able to change the fact that college students won't even feel the slightest impact from this plan until they begin repaying their loans when they aren't even students anymore. In other words, we would have made clear that this proposal does nothing to expand college access. And, as a result, we could have done better.

Had we done our work through regular order, rather than providing 5 years of gradually increasing benefits to college graduates, we could have crafted a reform measure that continues our commitment to real student aid, a reform measure, while ensuring a sharper focus on institutional accountability. And, as a result, we could have done better.

And, had this bill gone through committee we also would have been able to work to ensure this proposal included language that improves college affordability. We would have discussed the fact that we are spending some $90 billion this year on Federal student aid, triple what it was just a decade ago, and we also would have reminded one another that even in spite of this dramatic increase in aid, tuition continues to skyrocket. And, as a result, we could have done better.

In committee, Madam Speaker, we also would have more quickly exposed those who were playing fast and loose with the facts. For example, when some on the other side of the aisle say that a typical borrower would save about $4,400 over the life of his or her loan because of H.R. 5, we would have made clear that this simply is not possible. We would have explained to our committee colleagues that for a borrower to receive the complete $4,400 in savings, the 3.4 percent rate must stay in effect for years at a time rather than the 6-month window, and they must consolidate their loans and stretch out repayment over 15 years.

In reality, Madam Speaker, for a college freshman who receives a loan at 3.4 percent in the fall of 2011, the only semester during which such loan rate will be available, he or she would save a whopping $6.42 a month in repayment. That is right, $6.42, thanks to the bait and switch tactic disguised as a sunset in this flawed legislation.

Consider this: If we were to put the same savings into Pell Grants, for example, that H.R. 5 earmarks for these gradually reduced interest rates for college graduates, we could increase Pell by about $500.

I only wish we were afforded that opportunity. However, we weren't, and the legislation before us is little more than a reflection of the broken process by which it was cobbled together.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to begin by thanking the staff of the majority side of the committee, Gabby Gomez, Julie Radocchia, Lisette Partelow, Stephanie Moore, Brian Kennedy from my staff for their great efforts in helping to prepare this legislation for the 100 hours, legislation that will have a dramatic and important impact on the cost of student loans for students borrowing from the subsidized loan program.

Madam Speaker and Members of the House, we come to the end of this debate on the question of whether or not we ought to make an effort to reduce the cost of college for millions of college students who will be taking out loans in the future to try to pay for that cost of college, and I think the resounding answer of this Congress in a few minutes will be: Yes, we should. Because we understand from discussions with our families, with our neighbors, with people in our communities that families are struggling with their children to try and figure out how they can afford them the opportunity that has become so terribly important in the economic future of these young people, and that is a college education. No longer today can you get by with a high school education. In fact, for most jobs now and most jobs certainly in the future we know that employers are telling us that at a minimum 2 years of college education is required. So this bill is about the opportunity to provide those students the means by which they go to college.

I have listened to all of this discussion on the other side of the aisle. The fact of the matter is they simply don't understand the bill. When a person is deciding whether or not they are going to pay the tuition this year, some of these students are eligible for a Pell Grant, they will get their $4,100; they still won't be able to meet the cost of the college, and they will borrow money. And under this legislation, after July, they will start to get a reduced interest rate, and next year they will get a further reduction in the rate and it will continue on. Unless the Republicans are going to repeal this legislation, maybe you are going to repeal it and take away this benefit for the students, it will continue on, as the gentleman knows. Just as we have a sunset in the Higher Education Act, a reauthorization of No Child Left Behind, we continue to reauthorize them time and time again because that is the commitment of this Congress, and I don't think the gentleman is suggesting that.

So what we have today is the opportunity for this Congress in the first 100 hours, in the first 100 hours of legislative business to reduce the student loans for those people on a subsidized loan from 6.8 percent down to 3.4 percent over the next 5 years and then thereafter. That is a magnificent opportunity.

When it is fully implemented this legislation will provide $4,400 in interest rate relief. $4,400 is a very substantial relief to low income and middle income families when they look at the life cycle cost of what it is going to cost to acquire 4 years of education to get that basic B.A. degree. When they look at that, they will see that this legislation will substantially reduce their costs.

But as Speaker PELOSI made very clear about this 100 hours, this is only the beginning. This is a down payment on our efforts to reduce the cost of college.

Yes, we want to follow along with Mr. McKEON's suggestions and his work in talking to the universities about whether or not they are doing all they can to keep the cost of college down and to make it affordable. We want to increase the Pell Grant, and we will be doing that in this committee and in the Appropriations Committee. And we hope to be able to enlarge the tax deduction for parents who are paying for the tuition and the cost of college beyond that.

□ 1645

So, yes, in this 100 hours, this is what we can do. This is what is affordable. Yes, my colleagues talk about all that they wanted to do. They paid for none of it. They sent the bill to these very same college students in terms of deficit, in terms of debt, in terms of interest on the debt, trillions of dollars of debt. This they may think is too small now, but the fact of the matter is, it is very important to these families that it is paid for so we don't continue to add to the debt because we have said we were also going to be fiscally responsible and have pay-as-you-go.

Finally, there has been a lot of discussion today about who doesn't like this bill. Maybe some of the lenders don't like this bill, some of the pundits don't like this bill. Maybe some of the people who work with the lenders don't like this bill. The people who like this bill and the people who matter are the students. And that is why U.S. PIRG and the U.S. Student Association and so many students support this legislation, because they know what this means to them with the passage of this bill, that their interest rates will be lower. They know this will lower the cost of college.

That is what we said we would do. That is what we are going to do. That is what the 100 hours have been about. That is what is going to happen with the passage of this legislation.

I urge my colleagues to support the legislation. Help these students and help families with the cost of college.

Mr. PEARCE. Madam Speaker, I believe we can all agree that we must work to increase opportunities to enhance the education of America's men and women. Education provides the needed foundation for helping Americans become productive working citizens. This makes our country stronger and more competitive both now and in the future.

Because I believe we must open the doors to higher education while ensuring taxpayers are protected, I plan to vote in favor of H.R. 5. This bill cuts subsidized student loan interest rates from 6.8 percent to 3.4 percent over a period of 5 years and includes offsets within the federal budget to ensure the budget deficit is not increased. This makes the bill a "win-win" situation for both college graduates and taxpayers.

However, the bill before us contains serious weaknesses—weaknesses that could have been avoided had the Majority allowed for a more open discussion both in committee and on the House floor. The bill lacks in its ability to help individuals who need to fund their education today. To truly increase college enrollment and affordability, students need to have increased access to financial aid while they are attending college.

Last year Republicans brought to the House floor more comprehensive legislation that created Academic Competitiveness and Science and Mathematics Access to Retain Talent (SMART) grant programs to supplement the existing Pell Grant program. I supported this measure as well as an increase in student Stafford loan limits from $2,625 to $3,500 a year for first year students and $3,500 to $4,500 a year for second year students. These measures were signed into law on February 8, 2006 and are helping students get increased access to financial aid as we speak.

By focusing on the principles of fairness, accountability, affordability and quality, we can continue to reform federal student aid programs to both maximize the benefits for students and spend taxpayer dollars wisely. I look forward to the Majority changing their closed door policy and giving all Members of Congress an opportunity to put forth their ideas to develop comprehensive higher education reform this year. We must continue to improve our efforts to increase college access and affordability to help Americans achieve a better future for themselves and their families.

Ms. BORDALLO. Madam Speaker, I rise today in strong support of H.R. 5, the College Student Relief Act of 2007, a bill to amend the Higher Education Act of 1965 to reduce interest rates for student borrowers. This bill would provide a fifty percent reduction in the interest rates applied to loans provided through the Federal Family Education Loan and Direct Loan programs to undergraduate students over the next five years. These interest rates would be reduced to the 3.4 percent by the year 2011.

Tuition costs and fees for four-year-colleges and universities in the United States have risen 41 percent after inflation since 2001. The Congressional Advisory Commission on Student Financial Assistance reports that nearly 4.4 million high school students will not be able to afford to attend a four-year public college over the next 10 years. If we do not act today, Madam Speaker, 12 million fewer college-educated workers will be among America's workforce by the year 2020.

The interest rate cuts proposed by H.R. 5 are significant, and will help stem this potential crisis. For example, a student with a $13,800 loan will save nearly $4,400 over the life of their loan. This will serve to mitigate the rise in college tuition, and will allow nearly 5.5 million students in the United States and the territories—especially those in the middle- and low-income brackets—to pursue and attain a quality higher education. Increasing the numbers of American workers who earned a college degree will help ensure the strength and vibrancy of America's economy into the next generation. The realities of the global marketplace place a high premium on workers with advanced education and training. We must do all that we can to make such education and training accessible to as many of our children as possible.

I represent the territory of Guam. This legislation is of great value to my constituents who plan to seek higher education. It is my hope that enactment of the provision of this bill into law will those among my constituency who previously believed higher education to be unaffordable to reconsider and pursue college degrees. This legislation will significantly lower the overall financial burden of higher education for Americans.

I urge my colleagues to support H.R. 5, the College Student Relief Act of 2007.

Ms. ROYBAL-ALLARD. Madam Speaker, I am proud to rise in support of the College Student Relief Act of 2007. This bill will make college more affordable for the more than 5.5 million students who depend on subsidized student loans to pay for a higher education.

If our country is to continue as the world leader and remain competitive in today's highly technical global economy, we must maintain a highly educated workforce. To achieve that goal, we must give all America's children the opportunity to develop their talents and reach their full potential.

Tragically, our country fails to benefit from the talents of so many of our students simply because they cannot afford a college education. Tuition and fees at most four-year institutions have skyrocketed in recent years, rising 41 percent since 2001. These high costs are financial barriers for many students seeking a college degree. In fact, over the next ten years the cost of higher education will prevent nearly 4.4 million high school graduates from attending a four-year public institution and another 2 million from going to college at all.

The passage of the College Student Relief Act will help to alleviate this financial burden for talented, hardworking students who cannot afford their education without financial assistance. For example, over five years, the bill will cut student loan interest rates in half, saving a student on average $4,400 over the life of his or her loan. That $4,400 in savings will be a lifeline to low and middle income students as they deal with the financial pressures of life after college, such as paying for rent, utilities, groceries, health care, and other essential costs, in addition to paying off their loans.

I am especially excited about this bill because it will greatly help poor and middle-income students in my district realize their dream of a college education. These students, many of whom are the first in their families to attend college, pay for college through a combination of scholarships, need-based loans, and jobs on the side. I am always impressed that, even in the face of so many obstacles and sacrifices, they remain determined to succeed, make their family proud, and give back to their community.

Madam Speaker, cutting interest rates on subsidized student loans today will not only help students across our country realize their dreams, but it will also help to make our country stronger. I support the bill before us today and I will continue to support other legislation to lower the financial barriers to a college education for our nation's children.

It is time to pass the College Student Relief Act.

Mr. UDALL of New Mexico. Madam Speaker, I rise today in strong support of H.R. 5, the College Student Loan Relief Act. As many of my colleagues have explained, H.R. 5 cuts in half over the next five years the interest rates on subsidized student loans for undergraduate students. This will make college more affordable and accessible for low- and middle-income students and their families.

Since 2001 tuition and fees at public universities have increased by 41 percent after inflation. During that same period tuition and fees at private universities have also increased by 17 percent after inflation. At the same time, interest rates on student loans have risen by almost 2 percentage points, adding another increasing cost to students and their families. It is estimated that 4.4 million high school students will be prevented from attending a four-year public college over the next decade, and another two million high school graduates will be prevented from attending any college at all, because of financial barriers.

In my home state alone, over 20,000 students currently have subsidized loans at four-year institutions, at an average debt of over $12,000. For these students starting school in 2007, over the life of the loan they will save over $2,000, while the average student starting school in 2011 will save over $4,000 over the life of the loan. While this savings is certainly significant, more than saving money, this legislation will provide opportunity to students across New Mexico, and the country, who otherwise might not be able to attend college. This is an inestimable value both to each of these students, as well as to our respective state's and our nation, which benefits from having a highly skilled and well-educated workforce.

I urge my colleagues to support this legislation.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in support of America's college-bound students. As an original cosponsor of H.R. 5, the College Student Relief Act, I join my colleagues in helping increase the access and affordability of college to over 5 million students.

In today's economy, the key to higher wages is through higher education. Unfortunately, the soaring cost of college education has left many of America's young adults behind. No student should ever be turned away from college for fear of being unable to pay the debt.

The College Student Relief Act of 2007, H.R. 5, makes good on the Democratic pledge for a New Direction for this country. This smart, fiscally-responsible bill would cut the interest rate for undergraduate students with subsidized student loans in half over the next five years, from 6.8 percent to 3.4 percent. H.R. 5 is targeted to help the students most in need, those with subsidized loans from low and middle income families. The bill's cost is offset with six modest reductions in various subsidies to lenders and guaranty agencies.

In my home state of Connecticut, over 33,000 students with subsidized loans would benefit from this bill. For those entering college in 2007, they will save more than $2,000 over the life of their loans. When the rate cut is fully implemented in 2011, students will save over $4,000. This is a substantial savings for students entering our workforce.

Today's legislation is about helping students and their families. The opportunity for a college education should be available to all Americans. As a Nation, we must invest in our youth and insure they have every tool and opportunity to succeed in the global economy. I urge all of my colleagues to join me in supporting H.R. 5.

Mr. REYES. Madam Speaker, I rise today in strong support of H.R. 5, a bill that would expand educational opportunity for millions of young Americans by slicing interest rates on federally subsidized student loans in half.

This fair, well-balanced legislation would open the doors to America's colleges and universities for millions of our sons and daughters who would have otherwise been dissuaded by the high cost of pursuing a higher education. Among those millions will be young men and women who will be the first in their families to attend college. There will be inventors and innovators, businessmen and women, generals, scientists, leaders of all stripes, and, surely, future members of this body.

At the University of Texas at El Paso, UTEP, in my district, students entering school in 2007 will save $2,300 on an average debt of $13,800, and students entering in 2011, when the full interest rate cuts take effect, will save over $4,400 on the same amount of debt.

These savings would mean the world to my community of El Paso and to Latino communities across the country. This is true because Hispanic students have historically borrowed less on average than other groups, a reluctance that means students are often too busy working for a paycheck to complete their degrees in a timely fashion. The six billion dollars in loan relief we are passing today will mean our kids will have the ability to borrow the money they need to finance their educations and ultimately get the jobs that will allow them prosperous lives.

What we are doing today also has broader significance. It is significant to the strength of our economy and the security of our country. If America is to compete economically with countries like China and India and fill key positions in our national security agencies, we need to start by sending more kids to college. Under current policy, financial barriers will prevent 6.4 million high school graduates from attending college and would cost our economy 12 million college-educated workers by the year 2020. This is a crisis, Madam Speaker. We need to recognize right now that the investments in education we make or choose not to make today will determine our economic future—whether or not our grandchildren and great-grandchildren have high-quality jobs.

College access is an integral part of our competitiveness and security puzzle, because we will not find the answers to the challenges we face as a Nation without a well-educated and innovative workforce. The bill we are passing today will make our country a safer and a more prosperous place.

Madam Speaker, I urge my colleagues to pass this bill, and I look forward to continuing this dialogue about the importance of education for national competitiveness and security.

Ms. SOLIS. Madam Speaker, I stand here today in strong support of H.R. 5, the College Student Relief Act of 2007.

I was proud to cast my support for this bill earlier today and commend the democratic leadership for making college affordability one of our first items of business in the 110th Congress.

Our children's future is very important to America's families. A quality education is key to that future.

However, many of America's working families, including Latino families, struggle to provide this future for their children.

The high cost of an education and the lack of adequate financial aid makes obtaining a higher education unattainable.

Since 2001, tuition and fees at private universities have jumped by 17 percent after inflation.

At public universities tuition and fees have increased by 41 percent after inflation.

In addition to tuition and fees rising, interest rates on student loans have risen.

Over the last 5 years, the interest rates on student loans have jumped by almost 2 percent—further increasing the cost of college.

During the same period of time that tuition jumped by 41 percent, the median household income for Latinos fell by 4 percent.

Of the millions of student loan borrowers with need based loans, half have family incomes between $26,000 and $68,000.

According to the 2004 National Postsecondary Student Aid Study, 73 percent of Latino families had incomes below $62,240. Forty-seven 47 percent of Latino families have incomes less than $34,288 per year.

In 2005, the total cost of college for one Latino student was 32 percent of a median household's income for a public institution.

It nears 75 percent of a median household's income for a private institution.

Yet Latinos receive the least financial aid of any ethnic group, including Federal and non-Federal aid.

While the average total aid award for all undergraduates in 2003–04 was $6,890, Latinos received the lowest average aid award of $6,250.

The high cost of higher education leaves many Latino students with no choice.

According to the Congressional Advisory Committee on Student Financial Assistance, the cost of a higher education will prevent 4.4 million high school graduates from attending a 4-year public college over the next decade.

And would prevent another two million high school graduates from attending any college at all.

This road is especially difficult for Latinos, who face low family incomes, low financial aid awards and a reluctance to assume debt.

Latinos represent 15 percent of the college-age population, yet only 12 percent of all undergraduates in U.S. colleges and universities, and 5 percent of students in graduate programs.

Only 12 percent of Latinos over the age 25 have a bachelor's degree.

Of all undergraduates enrolled in the 2003–2004 academic year, 49 percent of Latino undergraduates were more likely to be first-generation students, 51 percent are enrolled on a part-time basis and the majority have low-incomes.

Latinos and other low income communities deserve the security provided by an affordable higher education. H.R. 5 is part of the solution.

Cutting the interest rate on subsidized student loans in half from 6.8 percent to 3.4 percent over the next five years will make college more affordable for thousands of Latino students.

In fact, this bill will save students with $13,800 in subsidized federal student loan debt approximately $4,400 over the life of their loan.

At a time when financial barriers are preventing millions of young Americans from attending college we must make college more affordable.

I was fortunate to have access to federal and state programs such as the Pell Grant and Work-Study Program.

As Director of the California Student Opportunity and Access Program, I was able to help students find ways to afford their college education.

As a former Member of the Rio Hondo Community College Board, I know the struggles our colleges face in providing services to students.

My experience taught me that access to higher education should not be a privilege available to a select few, but a right available to all.

Investing in affordable higher education for every child benefits our society as a whole.

Today we are fulfilling our promise to make college more affordable for students.

Cutting interest rates in half on student loans is the first step.

I look forward to working with my colleagues to ensuring our children—all of our children—have a brighter future through education.

Mr. LEVIN. Madam Speaker, one of the pillars of the New Direction for America was a promise to make higher education more affordable and accessible so that more Americans can advance their education and enhance their economic future in an increasingly competitive global economy. Today we are taking a first step towards achieving this goal.

For a country whose economic success relies on the very best colleges and universities in the world, we are at an important crossroads. Today's college students are graduating with increasing levels of student loan debt—$17,500 on average. In many cases, this debt is simply too substantial to manageably repay. For many young people, the mere thought of putting themselves in such enormous debt could lead them to delay or forgo college. Indeed, according to the Congressional Advisory Committee on Student Financial Assistance, financial barriers will prevent at least 4.4 million high school graduates from attending a four-year public college over the next decade, and prevent another 2 million high school graduates from attending any college at all.

At a time when college tuition is skyrocketing—increasing by 35% at four-year public institutions over the past five years—it is clear that Congress needs to act and act now to make college more affordable.

The College Student Relief Act cuts the interest rates for undergraduate students with subsidized student loans in half over the next five years at no cost to the taxpayer. This commonsense legislation will help 5.5 million students across the country.

In Michigan, for about 144,000 student borrowers who will graduate from Michigan colleges and universities, this bill would generate savings of over $4,200 on average over the life of their loans. For example, these savings will benefit close to 1,200 students at Lawrence Tech and 3,500 students at Oakland University.

For Michigan, the benefits of this loan relief couldn't be clearer. A report by Michigan's Lt. Governor John Cherry's Commission on Higher Education and Economic Growth spelled out how Michigan's economic future is directly linked to our ability to accelerate the completion of degrees of higher education. Two-thirds of the jobs created in the next decade will require post-secondary education and training.

By making a higher education more affordable for thousands of Michiganders we are not only helping them realize their dreams, but we are also helping ensure the future of our state.

I urge all of my colleagues to stand today with our students and support the College Student Relief Act.

Mr. CROWLEY. Madam Speaker, I rise in support of H.R. 5, a bill to lower the cost of college for millions of middle class Americans.

Tuition all over the country has sky-rocketed. The State University of New York (SUNY) costs over $12,000 a year to attend for a commuter and almost $17,000 a year to live on campus.

And these are resident in state tuition figures.

The GOP's response to the sky-rocketing price of college tuition: Last year, Republicans cut $12 billion from student aid. To add insult to injury on December 23, 2004 with a Christmas gift only worthy of the Grinch, the Republicans actually cut back college grant programs to 1.3 million students.

Democrats offer a New Direction. Our American direction is designed to make college more affordable for Americans by cutting the current interest rate for student loans in half. Our bill will save middle class families in New York and nationwide approximately $4,400 over the life of their loan.

Democrats are putting our money where our mouth is and passing legislation to actually benefit middle class families. I urge my colleagues to pass this common sense legislation.

Mr. CUMMINGS. Madam Speaker, I rise in support of the "College Student Relief Act of 2007," H.R. 5. Every opportunity I get, I tell young people about the benefits of a college education. I use my own experience as an example of the opportunities that higher education can afford. I have a bachelor's degree from Howard University and a law degree from the University of Maryland and I am convinced that, without those degrees, I would not be standing before you today. The statistics support this assertion. The poverty rate for college graduates is about one-third that of high school graduates and individuals with college degrees are less likely to be unemployed. Further, women with bachelor's degrees earn 70 percent more than those with high school diplomas, and for men the difference is 63 percent.

Regrettably, a college education is becoming increasingly inaccessible in this country. A recent assessment by The Education Trust entitled, "Engines of Inequality: Diminishing Equity in the Nation's Premier Public Universities," finds that public institutions are no longer the engines of upward social mobility that they once were. To the contrary, these institutions are pursuing increased selectivity over expanded opportunity—targeting wealthier students to improve rankings in college guides. Some argue that the system is now a meritocracy, but this is by no means the case. The highest achieving students from high-income families are nearly four times more likely to attend a highly selective university than the highest achievers from low-income families.

Our nation's low-income and middle-class students are being pushed out of premier colleges and universities simply because they cannot afford to attend. Tuition and fees have risen by 35 percent in the past five years, and the typical student now graduates with $17,500 of debt. The Congressional Advisory Committee on Student Financial Assistance predicts that rising costs will prevent at least 4.4 million high school graduates from attending college over the next decade. This trend affects not only individual students, but our nation as a whole. By 2020, the U.S. is expected to experience a shortage of nearly 12 million college-educated workers, losing its competitive edge in the global marketplace.

That is why I stand before you today to express my strong support for this bill, which would cut student loan interest rates in half over five years—giving 5.5 million students a much needed break in the cost of college. In my home state of Maryland alone, 48,484 students would get a break. We must do all that we can to provide every American with access to a college education. I want to thank Mr. MILLER and the Democratic leadership for introducing this vitally important legislation and bringing us one step closer to achieving that goal.

Mr. STARK. Madam Speaker, I rise today in strong support of making higher education more affordable. Access to college is absolutely necessary if our country is to fulfill its promise of economic, social, and political inclusiveness for all individuals. By cutting interest rates in half on needs-based student loans, we will make college more accessible to hundreds of thousands of students from low- and middle-income families.

Last November, the American people sent a clear and powerful message. They are tired of business as usual in Washington. Instead of economic policies that help the rich get richer, they want education policies that will help their children to realize an American dream that is increasingly difficult to come by. Since 2001, college costs have risen by 41 percent. According to the Department of Education, such increases put college out of reach for as many as 200,000 would-be students a year. Rising costs have also forced more and more students to rely on loans to pay for college, which now saddle the average graduate with $17,500 in Federal student loan debt.

The College Student Relief Act, H.R. 5, offers real relief to students priced out of college and burdened by debt. According to USPIRG, my home State of California has 228,500 subsidized loan borrowers. This bill will save the average California student enrolling in college this fall $2,490. When fully implemented, it will save the average student who starts college in 2011 $4,830.

Today's legislation is an important first step in what I hope will be an ongoing effort to make college more affordable. This effort should include raising the maximum Pell Grant amount and exploring other policies to open the doors to college to a larger slice of our society. Our guiding principle should be ensuring that all students who meet academic requirements for undergraduate study can afford to attend college, not just those from wealthy families.

I urge my colleagues to heed the voice of the American people and take this initial step toward making higher education accessible to all.

Mr. ELLSWORTH. Madam Speaker, I rise in strong support of H.R. 5, the College Student Relief Act.

The strength of our economy relies on a highly-educated workforce. That's why Congress can and must do more to help families afford college. Cutting the interest rate on student loans is a good place to start in reducing the financial burden students and their families face.

Each year the high costs of college education will prevent many American students from pursuing a college education. The savings created by reducing the interest rate of student loans from 6.8 percent to 3.4 percent will provide an opportunity for more of those students to afford a higher education.

According to analysis provided by U.S. PIRG, there are over 94,000 students in the State of Indiana who are currently receiving subsidized loans. Upon graduation from a 4-year institution, these Hoosier students are saddled with an average Stafford loan debt of $12,967. Enactment of this bill will bring an average savings of $2,140 to $4,140 over the life of the student's loan.

The financial burden of today's college graduates continues to worsen as college tuition escalates at a steady clip. This weekend I heard this very sentiment from students at the University of Southern Indiana in Evansville and Indiana State University in Terra Haute. Passage of H.R. 5 will help ease this burden and give college graduates a break as they begin their career.

Enacting H.R. 5 is only a start. Congress must press ahead by finding sensible ways to make college education both affordable and assessable to students from low- and middle-income families. Our strength as a nation depends on fostering a highly-educated workforce.

It is also important to note that the College Student Relief Act adheres to the pay-as-you-go budgeting rule that Congress adopted earlier this month.

Madam Speaker, H.R. 5, the College Student Relief Act, shows Congress can make a significant difference in the lives of average Americans without raising taxes or adding to the staggering national deficit. I am proud to support this bill and I look forward to keeping the focus on making a college education accessible and affordable for Hoosier families.

Ms. LEE. Madam Speaker, I rise today to strongly support H.R. 5, the "College Student Relief Act of 2007."

I want to thank Chairman GEORGE MILLER for his leadership on this bill, and thank Speaker PELOSI and the Democratic Leadership team for making this a priority during the first 100 hours of the 110th Congress.

Madam Speaker, today, we take an important step in the right direction—a direction that leads to closing the gap between the have's and the have not's in this Nation.

And in doing so, Madam Speaker, today the doors of opportunity will swing open to a whole new generation.

Cutting the interest rate on student loans in half will have a tremendous impact on our nation's students and allow millions of others to pursue their dreams of higher education. In my home state of California, the estimated savings for one student will be over $4000. By making this cut, we are alleviating the burden on lower and middle class families, and allowing their children to reach higher.

Madam Speaker, we all know that there are many challenges in our current educational system. Excessive student loan payments are just one of many obstacles. Today, we remove an obstacle placed in the path of the students that need this help the most.

We need to be creating the workforce of the future. It is estimated that 42 percent of all jobs next year will require post-secondary education. That is why, I know, that today is just one step in many this Democratic House will take in improving the accessibility to our institutions of higher education.

Madam Speaker, I urge my colleagues to support H.R. 5, for the future of our children.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in strong support of the College Student Relief Act, as it will give financial assistance to millions of student borrowers.

In order to remain competitive in a global economy, students are taking out more loans and falling further into debt. The College Student Relief Act will go a long way towards making college more affordable and accessible. H.R. 5 will cut interest rates in half on certain federally subsidized student loans over the next 5 years. These cuts will particularly impact low- and middle-income students saving the typical borrower approximately $4,400 over the life of their loan. These interest rate cuts will help more than 5.5 million undergraduate students once they are fully phased in.

With the cost of higher education continuing to skyrocket, this is an important first step in easing the financial burden for millions of students and their families. It's estimate that around 200,000 students delay or completely forgo going to college due to the associated costs. This is simply unacceptable. We will not be able to continue to compete in the global economy if we continue to throw hurdles in front of our young people. Today's vote to ease the debt burden for millions of students will go a long way toward increasing access to higher education.

If Americans fail to address these issues now, we will default on our traditional commitment to a better future for our children. We owe it to our young people to provide the opportunities that will allow them to become successful and productive adults.

I would like to commend the Democratic Leadership for their dedication to this issue, and I urge my colleagues to support H.R. 5, the College Student Relief Act.

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in opposition to H.R. 5, the so-called "College Student Relief Act." Although its supporters would have the public believe that implementation of this bill would be a cure-all to the skyrocketing costs of higher education, the truth is that H.R. 5 does nothing to address tuition costs for students and could actually end up making college even more expensive.

In fact, the only students who will be fortunate enough to reap the full benefits of this proposal are those who take out their loans during the small 6-month window from July 1, 2011 to January 1, 2012. Before that date, the promise of halving the interest rates is unfulfilled. And, after that date, the interest rate will again double.

While this bill provides great sound bites and interesting political opportunities for my colleagues on the other side of the aisle, it also demonstrates that they have no intention of implementing an enduring plan which will address the costs of higher education. And, while this bill purports to help those in financial need, in reality, it only applies to college graduates who have already reaped the financial and other benefits of that education.

I am concerned for those students who apply for loans on January 2, 2012 and any date afterwards, for they will not only have missed the boat on a low-interest rate loan, but they will also bear the brunt of having to pay higher tuition costs. The proposal before us will exacerbate perverse incentives already at play with regard to government subsidies for student loans. College tuition costs have skyrocketed by almost 300 percent between 1982 and 2003. The only segment of our economy that comes even close to such growth—where costs have also outpaced inflation by such a dramatic gulf—is health care, which grew by nearly 200 percent. As the Wall Street Journal noted in an editorial today, "it's no coincidence that third parties foot the bill for big chunks of both higher ed and health care spending. . . ."

Colleges are serving up these Federal subsidies to education-hungry students knowing full well that those students will not be able to realistically judge the costs of the education they receive. Those students who apply for loans in that first semester of 2012 will be forced to pay for the sound bite we consider today.

While cutting the interest rates on students' loans made for an attractive campaign slogan, the new leadership is creating a program which is costly, has negligible effects for those it purports to help, and has retroactive consequences for many aspiring scholars. I challenge my colleagues to evaluate this bill for what it truly is: a political stunt which sorely lacks an effective plan to cut college costs for future students.

Mr. FERGUSON. Madam Speaker, I rise in support of H.R. 5, but I also stand to say that the legislation should be expanded to address not only college graduates but also students who are in college now and struggling with the weight of mounting tuition and expenses—or families that are considering college for their high school children.

The Chronicle of Higher Education reported this month that average tuition and fees at four-year colleges have increased by 38 percent in recent years. "Tuition inflation" far exceeds inflation in the general economy, and is pushing the dream of a college education away from too families and students. For too many parents and too many children, college simply isn't an option because it's not affordable.

That's wrong. But while H.R. 5 would aid college graduates, it would do nothing to help today's college students or families that are struggling to pay for their children's college expenses. H.R. 5 does not address the growing barrier that restricts access to higher education and new opportunities.

That's a missed opportunity—not only for this House but also for the families who cannot afford their children's college tuition and fees.

As H.R. 5 is considered in the Senate and later in the legislative process, it is my desire that its scope include not only college graduates but also current and prospective college students—and their families.

It is my further desire that the legislation should not hamper competition and restrict access to student loans for future graduates.

During the last six years, Congress increased spending on federal student aid by 57 percent. Funding for Pell Grants increased by nearly 50 percent. These programs have helped college graduates and current students.

It is my hope that before we vote again on H.R. 5, its scope is expanded to address the urgent needs of prospective and current college students, too.

Mr. LAMPSON. Madam Speaker, like many of my colleagues have mentioned today, my brothers and sisters and I were the grandchildren of immigrants who barely knew English, and the first in our family to go to college. Although my mother was only able to attend school through the 5th grade, she instilled in us the importance of an education. My mother led by example, receiving her GED on her 80th birthday, and all six of us received at least one college degree. And we all worked our way through college, I myself swept floors. She wanted us to have a better life, to be able to provide for our families without constantly worrying and living paycheck to paycheck. And we have all led successful and happy lives thanks to her encouragement and strong will.

But this Nation has lost sight of the importance of an education. We have allowed our education system to fall to the wayside, and put our citizens at a disadvantage—when they try to move up the career ladder, and when our Nation competes on a global level. We have failed our constituents when we fail to not only provide access to education, but when we fail to encourage our young people to dream and to achieve.

America is now 39th in the world in math and science. As a former physical science teacher and the current representative for Houston's Johnson Space Center I find this simply unacceptable. During the Apollo years, our Nation united behind a vision, and backed that vision with proper resources, in turn inspiring millions of children to go into these fields. The technological and medical advances that followed continue to benefit our Nation and the world. We have lost our vision. Our commitment to education and our position as a global leader.

Now is the time to repair the foundation that our country is based on—equality. It has long been said that education is the great equalizer. In recent years, millions of working and middle-class families have been left behind as college tuition has skyrocketed and student loan interest rates have risen sharply. By taking this important first step—making college more affordable and accessible for all Americans—we are showing our Nation's young adults that we are dedicated to their future. We will not make it to Mars, grow new hearts in Petri dishes, or develop new fuels without a renewed commitment to education.

A commitment to education should include all types of post-high school programs. We must encourage young adults to attend vocational schools as well as universities. Those who work as skilled laborers, such as mechanics and electricians, keep our society running and deserve encouragement and aid as well.

This bill, H.R. 6, The College Student Relief Act of 2007, is a fiscally responsible measure that meets our new pay-go requirements. It will ease the burden students and families bear as they strive to improve their situations and contribute to our Nation's economy, but not increase the burden on taxpayers. This is not merely a win-win situation; this is a win-surplus. Our country will benefit immensely both globally and locally through a renewed commitment to education.

Our students deserve the best. They are our future, and by cutting student loan interest rates and expanding access to higher education we are ensuring our Nation's future.

Mr. McGOVERN. Madam Speaker, I rise in strong support of H.R. 5, the College Student Relief Act of 2007. Currently, Massachusetts has about 99,000 undergraduate students attending 4-year colleges and universities who receive federal need-based college loans—or Stafford Loans.

In my own district, the 3rd Congressional District of Massachusetts, at Worcester State College, a 4-year public college, more than 1,300 students have Stafford Loans; and at Worcester Polytechnic Institute, a 4-year private college, more than 1,700 students have Stafford Loans.

In Massachusetts, the average Stafford Loan Debt is about $14,000 ($13,994).

Even though, under H.R. 5, the full reduction to the interest rate takes five years to achieve—because Democrats believe in making sure their proposals are fully paid for—Massachusetts students starting college in 2007 will benefit immediately from these changes to the interest rates. The savings for the average student in Massachusetts receiving a Stafford Loan who starts school in 2007 will be $2,310. That translates into $1,760 for that student at Worcester State College and $2,750 for the student at WPI.

And for the students who start school in 2011, when the interest rate reduction is fully phased in, their savings will increase to $4,470. Or once again, about $3,420 for the student at Worcester State College, and about $5,330 for the student at WPI.

These figures have real meaning to low- and middle-income students and their families. They are targeted at families whose annual income is less than $70,000. These are the families and individuals who most need our support to achieve the dream of a college education. According to the Congressional Advisory Committee on Student Financial Assistance, financial barriers will prevent at least 4.4 million high school graduates from attending 4-year public colleges over the next decade—and another 2 million high school graduates from attending any college at all.

These reductions won't cost the U.S. taxpayer a single dime.

They will barely cause a ripple in the profitability of banks and lenders currently doing business with the federal government in managing Stafford Loans—no matter how much complaining and moaning we're likely to hear from them.

And let me emphasize one other point—I agree with my friends on the other side of the aisle that there are many reasons why a higher education is increasingly out of reach for many American families: The failure over the past several years to increase the maximum Pell Grant level, the stagnation of funding for campus-based aid programs, and the soaring costs of college tuition, fees, room and board—to name just a few. As my colleagues know, I have been a particular champion of significant increases both to the Pell Grant maximum level and overall funding of the program.

It's my understanding that the gentleman from California, Chairman GEORGE MILLER, will begin hearings on these and other issues related to the affordability of a college education. Working through the Education and the Workforce Committee, legislation will be drafted and marked up through regular Committee process, reported out, and hopefully be scheduled on the House legislative calendar in the 110th Congress. So these profound issues that concern Republicans and Democrats alike will proceed through regular order with the full participation of the Minority.

Mr. CARDOZA. Madam Speaker, I rise today in strong support of the rule and the underlying bill. The cost of public university tuition has increased a staggering 41 percent since 2001. In my district in California's Central Valley, high college costs have been a persistent barrier for working families seeking to send their children to college.

If our country is serious about preserving the American Dream and extending educational opportunity to the next generation of Americans, then we must take action. The College Student Relief Act would cut the interest rate on federal, subsidized loans in half over five years.

As a Blue Dog, I am proud to say that this bill is fiscally responsible: the cost will be offset by reductions in subsidies to lenders which have enjoyed bipartisan support in the past. This is a good bill for the American people, and I urge my colleagues to open the doors of opportunity for young Americans and support this bill.

Mr. DINGELL. Madam Speaker, I rise today in support of H.R. 5, the College Student Relief Act.

This much-needed legislation will make college more affordable and accessible by cutting the interest rate in half for undergraduates who take out subsidized Stafford loans. Because subsidized loans are need-based loans, the primary beneficiaries of this legislation will be low- and middle-income families.

In Michigan's 15th Congressional District, the average amount borrowed under the subsidized loan program is about $14,000 per student. If this legislation is enacted, students who take out loans this fall will save $2,300 over the life of the loan and students starting in 2011 will save nearly $4,500. This is a significant amount of money, especially for a college student.

I would like to point out that despite all of the arguments I've been hearing about how much this bill will cost, I am proud to say that the Democrats are committed to fiscal responsibility and have drafted this bill to fully comply with the pay-as-you-go (PAYGO) budgetary requirements passed earlier this month. The PAYGO rules require any new spending to be offset in other spending areas. The costs of this legislation are entirely offset by six modest reductions in subsidies to lenders and guaranty agencies, five of which were proposed by President Bush in his budget for fiscal year 2006.

Our goal of creating a highly skilled and innovative domestic workforce begins with a college education. This bill is a bold step in the right direction towards advancing America's competitiveness in the global marketplace. I look forward to working with my colleagues in the future on additional measures such as increasing the maximum Pell grant, which will contribute to our mutual goal of higher education for all Americans.

Mr. SIRES. Madam Speaker, I rise today in support of H.R. 5, the College Student Relief Act, which cuts interest rates in half over the next five years for undergraduate students with subsidized loans. As a former teacher, I understand how important education is to every child. It ensures that everyone has the opportunity to succeed and to make the most of their dreams.

Yet college is soaring out of reach for American students. Today the average student graduates with $17,500 in loan debt; almost 45 percent more than just 11 years ago. H.R. 5 makes a great first step in reducing the burden on students with these loans. In my home state of New Jersey, the typical student loan borrower will save approximately $4,600 over the life of their loan because of this legislation.

Not only does this bill make college more affordable, it does so without further increasing the nation's debt. Specifically, this bill is paid for by six modest reductions in various subsidies to lenders and guaranty agencies.

I urge everyone to support making college more affordable by voting in favor of this legislation.

Mr. WILSON of Ohio. Madam Speaker, Ohio students and their families are struggling. In fact, Ohio ranks 49th in affordability of college.

Sadly, this is a barrier many hard-working families cannot overcome. Bright young Ohioans are being shut out because college costs too much.

Today, by cutting student loan rates in half, we are opening up important opportunities for thousands of young Ohioans and young people across the nation.

Just in the first two years, this bill will save Ohio students an average of $2,230 and in four years $4,320.

We should ease the burden on our working families. We should put our students in a position to succeed in school and beyond. This bill, which cuts student loan rates, does just that.

Ms. WOOLSEY. Madam Speaker, I rise in strong support of the College Student Relief Act, which over the next five years will cut the student loan interest rate in half for undergraduate students with subsidized loans. And, I take exception to this Republican rhetoric about what the Democrats could have done under Republican domination.

Madam Speaker, Since 2001, tuition and fees have increased by 41 percent, after inflation, at four-year public colleges and by 17 percent (after inflation) at four-year private colleges.

Now, we have a chance to act; otherwise financial barriers will prevent more than 4 million students from attending a four-year college and more than 2 million from attending any college in the coming decade.

That would be a crisis for millions of hardworking families—but it also would be a crisis for our country's ability to compete in the 21st century economy.

In his article, "It's a Flat World, After All," Thomas Friedman argues that America's historical economic advantages have disappeared because "the world is flat, and anyone with smarts; access to Google; and, a cheap wireless laptop can join the innovation fray." No matter where they live in the world.

This means we must invest more in our most valuable resource—our people—and this bill would do just that.

For example, this bill will save the average student borrower who starts at a four-year college in California next year nearly $2,500 over the life of a loan—and will save the same student who starts in 2011 nearly $5,000 over the life of a loan.

Those savings are necessary to make a difference in the lives of millions of Americans and in the life of our country as to success over failure.

I urge my colleagues to join me in support of this bill.

Mr. WELCH of Vermont. Madam Speaker, I am proud, as part of our first 100 hours, that Congress has committed to expanding higher education opportunities to more Americans. Education has always been the great equalizer in this country. With each generation doors are opened through greater access to education.

The health of our economy and prosperity of our middle class rests on having a highly-skilled and well-educated workforce. We all know stories of working class families struggling to make ends meet to put a child, sometimes the family's first generation, through college. It is a struggle millions of families go through, as college costs skyrocket year after year. Reducing the debt burden these families and students face is the least Congress can do to help meet their commitment and sacrifice.

H.R. 5 will provide a significant reduction in student loan interest rates for students who borrow under the subsidized student loan program.

This legislation is worthy in its intent and it is legislation I support. However, it is my hope to work with my fellow members and the distinguished Chairman of Education and Labor to recognize the important role small, not-for-profit lenders play in opening doors to more working families. I believe it makes sense to distinguish not only between large and small lenders, but those that lend on a not-for-profit basis and who reinvest all revenues into additional student financial assistance.

Our goal is to improve educational opportunities for students and it is a goal I know our non-profit lenders share.

Ms. ESHOO. Madam Speaker, I rise in strong support of H.R. 5.

In today's increasingly competitive economy, a college education is more important than ever. That's why it's essential for us to ensure that anyone who has the desire to receive a higher education has the opportunity to do so. Higher education shapes citizens as well as the future of our country.

Today escalating college costs and legislation passed by the Republican Majority in 2006 are creating insurmountable barriers across the country for students to afford a college education. According to the Congressional Advisory Committee on Student Financial Assistance, financial obstacles will prevent at least 4.4 million high school graduates from attending a four-year public college over the next decade. This is an inexcusable waste of our most valuable resource, the young people of our country.

H.R. 5 will lower these barriers, cutting interest rates in half over the next five years for undergraduate students with subsidized student loans. This relief is targeted to reach those most in need . . . students and families making between $26,000 and $68,000. When fully phased in, this legislation will save the typical borrower in California with $15,125 in subsidized federal student loan debt approximately $4,830 over the life of their loan. All told, this legislation will provide students with $5.5 billion in financial relief and is entirely paid for through adjustments in lender rates, participation fees for financial institutions and collection fees for defaulted loans.

I urge my colleagues to join me in supporting this legislation. By doing so we will take an important step to improve access to higher education across the country as well as helping to relieve the burden on middle class families across the nation.

Mr. RUSH. Madam Speaker, I rise today to voice my strong support for H.R. 5, the College Student Relief Act.

This important piece of legislation will make it easier for all students to attend college, and help reduce the burden on middle class families struggling to give their children a chance for a greater future with more opportunities.

Madam Speaker, if education is truly a priority of this country and this government, then let us act now and put our money where our mouth is. There is nothing more important to the future of this country than providing all of our children with a great education, and preparing them for a world which they will someday be required to lead.

Providing our children with the opportunity to receive an affordable college education is a legacy we can all be proud of, and is one that can define this 110th Congress in the most positive light.

At a time when college education is continually skyrocketing and middle and lower class families are seeing their budgets being constantly squeezed, lowering the interest rates on college loans will help those who need it most in our society.

Though some will say that the American economy has been booming over the last few years, and they will point to record increases in profits, salaries, and bonuses as proof, unfortunately Madam Speaker, many Americans have been left out of this great wealth and prosperity.

Today, we have an opportunity to help all Americans. By enacting this bill we are extending the opportunity for a brighter future through education to all sectors and classes of our society. American families need this bill. America needs this bill.

According to the Congressional Advisory Committee on Student Financial Assistance, increased college costs will prevent over 4.4 million high school graduates from entering a four-year public institution over the next decade. I repeat, over 4.4 million, students will be unable to afford a quality college education over the next decade, Madam Speaker.

This restriction on higher education will not only hurt students and families, but it will have a devastating effect on our country as a whole.

At a time when the global economy is becoming more competitive and America's dominance in the fields of science, math, engineering, and technology is being challenged by countries all over the world, we need to be providing more opportunity to our best and brightest students, and give those who have been stuck in the generational cycles of poverty and despair, a chance to improve their life situations, and give their families opportunities that have eluded them in the past.

By the year 2020, according to the American Youth Policy Forum, the United States will be facing a dire shortage of college-educated workers that threatens our entire economy.

Madam Speaker we must act now to confront this threat. I urge all of my colleagues to join me in supporting this bill with bipartisan support, because doing so makes sense, and failure to do so will lead to consequences down the road that will affect our entire economy and way of life.

Mr. EMANUEL. Madam Speaker, I rise today in support of H.R. 5, the College Student Relief Act. The rising cost of education is a concern for students and parents across the country. Occasionally, I hold office hours at grocery stores in my district back in Chicago. Every time people atend tos hare their concerns my constituents let me know that they are worried about the cost of higher education.

They worry about being able to send their children to college without taking out a new mortgage on their homes or working a second job. They worry about dipping into their retirement savings in order to pay the exorbitant cost of tuition. And they are not only worried, but they are also shocked by the tuition increases from year to year for their children who are already in college.

It is our responsibility to make sure that the price of a college education does not close doors for the future leaders of America. Today we will correct a grave mistake of the past and pass the College Student Relief Act—ensuring those doors never close.

This legislation is long overdue. The last Congress neglected to deal with college affordability—allowing the cost to skyrocket and leaving millions behind in their desire for a higher education. Tuition and fees at public universities have increased by 41 percent since 2001, and interest rates on studen loans have risen to record-breaking highs. The maximum Pell grant was frozen in the President's budget for a fouth year in a row. Today, the maximum Pell grant covers only 41 percent of the cost of attending college—about half of what it covered three decades ago.

In my home state of Illinois, the average graduate from a state university leaves with more than $15,000 in debt. This massive debt limits the choices that graduates can make, and discourages many students from seeking a college education at all.

The College Student Relief Act takes the first step toward correcting this great injustice, providing real relief to students and middle class families by making a college education more affordable and accessible.

A college education should be as universal in the 21st century as a high school education was in the 20th century. This legislation is the first step towards accomplishing that goal.

Madam Speaker, I am proud that helping students with their college loans is part of the Democratic 100 hours plan. I thank the gentleman from California for his leadership on this issue, and I urge my colleagues to join me in voting for H.R. 5, the College Student Relief Act.

Mr. REYES. Madam Speaker, I rise today in strong support of H.R. 5, a bill that would expand educational opportunity for millions of young Americans by slicing interest rates on federally-subsidized student loans in half.

This fair, well-balanced legislation would open the doors to America's colleges and universities for millions of our sons and daughters who would have otherwise been dissuaded by the high cost of pursuing a higher education. Among those millions will be young men and women who will be the first in their families to attend college. There will be inventors and innovators, businessmen and women, generals, scientists, leaders of all stripes, and, surely, future members of this body.

At the University of Texas at El Paso (UTEP) in my district, students entering school in 2007 will save $2,300 on an average debt of $13,800, and student entering in 2011, when the full interest rate cuts take effect, will save over $4,400 on the same amount of debt.

These savings would mean the world to my community of El Paso and to Latino communities across the country. This is true because Hispanic students have historically borrowed less on average than other groups, a reluctance that means students are often too busy working for a paycheck to complete their degrees in a timely fashion. The six billion dollars in loan relief we are passing today will mean our kids will have the ability to borrow the money they need to finance their educations and ultimately get the jobs that will allow them prosperous lives.

What we are doing today also has broader significance. It is significant to the strength of our economy and the security of our country. If America is to compete economically with countries like China and India and fill key positions in our national security agencies, we need to start by sending more kids to college. Under current policy, financial barriers will prevent 6.4 million high school graduates from attending college and would cost our economy 12 million college-educated workers by the year 2020. This is a crisis, Madam Speaker. We need to recognize right now that the investments in education we make or choose not to make today will determine our economic future—whether or not our grandchildren and great-grandchildren have high-quality jobs.

College access is an integral part of our competitiveness and security puzzle, because we will not find the answers to the challenges we face as a nation without a well-educated and innovative workforce. The bill we are passing today will make our country a safer and a more prosperous place.

Madam Speaker, I urge my colleagues to pass this bill, and I look forward to continuing this dialogue about the importance of education for national competitiveness and security.

Mr. PAUL. Madam Speaker, anyone who knows a recent college graduate is well aware of the way many young people struggle to pay their student loans. By slightly reducing the interest rate on student loans, H.R. 5, while far from perfect, will help ease this burden. A commendable feature of this bill is that, instead of placing new burdens on taxpayers, it pays for the reduction in interest rates by reducing subsidies to financial institutions. Thus, the bill does not increase the deficit, taxes, or the size or scope of government.

All-too-often, government programs, which the taxpaying public believes help lower-income Americans, actually provide government subsidies for politically powerful business interests. For example, in the student loan program under discussion today, taxpayer dollars are provided to financial institutions in return for those institutions agreeing to provide student loans under terms set by the government. By reducing subsidies for financial institutions in order to benefit recent graduates, H.R. 5 takes a step toward ensuring the student loan program actually focuses on helping students and recent graduates, instead of using taxpayer dollars for a disguised form of corporate welfare.

In addition to passing H.R. 5, Congress should also help more Americans afford college by passing my Make College Affordable Act, H.R. 193, that makes college tuition tax deductible. There has been talk of bringing legislation like H.R. 193 to the floor later this year. I hope all my colleagues—regardless of their positions on the bill before us today—can unite behind helping middle- and working-class Americans afford college by supporting my Make College Affordable Act or similar legislation.

Mr. CONYERS. Madam Speaker, I rise in strong support of H.R. 5, the College Student Relief Act. This bill is designed to make college more affordable and accessible by cutting the interest rate on subsidized student loans for undergraduates in half over the next 5 years—from 6.8 percent today to 3.4 percent by 2011. This proposal is targeted on assisting the low- and middle-income students with the most financial need: those who receive subsidized student loans.

Over the last 5 years, the cost of attending college has skyrocketed, putting college out of reach for more and more students in my district and across the country. Tuition and fees at public universities have increased by 41 percent since 2001. In addition to rising tuition and fees, over the last 5 years interest rates on student loans have jumped by almost 2 percentage points, further increasing the cost of college.

According to the Congressional Advisory Committee on Student Financial Assistance, financial barriers will prevent 4.4 million high school graduates from attending a 4-year public college over the next decade, and prevent another 2 million high school graduates from attending any college at all. Madam Speaker, the United States is the richest country in the world. We should be able to educate our young people to the full extent of their ability. Anything less fails not only our students, but our entire nation.

More than ever, the health of our economy rests on having a highly-skilled and well-educated workforce. College access is the key to our remaining strong in the face of an increasingly competitive global economy. Without changes, by the year 2020, the United States is projected to face a shortage of up to 12 million college-educated workers, directly threatening America's economic strength.

Once fully phased in, this bill would save the typical borrower, with $13,800 in subsidized federal student loan debt, approximately $4,400 over the life of their loan. Cutting student loan interest rates is supported by a large majority of Americans, including majorities of Republicans, Independents, and Democrats. Furthermore, the bill is fully paid for—meeting all pay-as-you-go requirements.

Madam Speaker, you don't need to be a genius to recognize the critical importance of this legislation. This one should be a no-brainer. Let's pass H.R. 5.

Mr. SCHIFF. Madam Speaker, I rise in support of the College Student Relief Act. America's economy continues to change, and a college education has grown increasingly more important. Unfortunately, it has also grown increasingly more expensive, with tuition and fees for a four-year public college rising 41 percent—after inflation—since 2001. Federally subsidized loans provide a crucial helping hand to middle class students and families. This legislation will lessen the burden on hard-working students and families by cutting interest rates on federally subsidized student loans in half over a period of five years, from 6.8 percent to 3.4 percent.

In California, the average college student with federally subsidized loans graduates with more than $15,000 of debt. The costs of college are such that it is simply unaffordable for many students without help. Over the next decade, 4.4 million high school graduates will be prevented from attending a 4-year college by financial barriers. Our Nation's economic competiveness relies upon having the best educated workforce possible and investment in postsecondary education will yield great societal benefits.

Madam Speaker, this legislation will make a difference in the lives of millions of young people, helping to put them on secure financial footing as they move from college to the working world. And it does so responsibly, within the structure of the PAY-GO rules that ensure that the entire $6 billion in costs will be paid for by reasonable offsets. I urge a "Yes" vote on this important legislation.

Mr. WILSON of South Carolina. Madam Speaker, I oppose H.R. 5 as it is written and support the alternative proposal by Ranking Member Buck McKeon. As the father of three college graduates and a college freshman, I am all too familiar with the financial burden higher education poses to families and students. That is why I am proud of Republican efforts to expand college access and increase affordability.

During the past decade, House Republicans under the leadership of John Boehner and Buck McKeon tripled overall Federal aid to a record $90 billion, helping millions of Americans achieve their dream of a college education.

In addition, Republicans increased new aid for Pell students more than $4 billion over 5 years, establishing the first ever grant program for high achieving Pell students in their first and second years of college. The program also provides grant aid to low income, high achieving students pursuing degrees in math, science, and critical foreign languages in their third and fourth years.

As lawmakers, our number one concern with regard to higher education should be to ensure that college is affordable for any student. Unfortunately, as H.R. 5 is currently written, it pits the Federal Family Education Loan Program, FFEL, against the Direct Loan program, DLP, and by doing so creates an imbalance in the student loan industry that is so lopsided only the largest FFELP lenders will survive.

While the Democrat bill was well-intentioned, its focus on interest rate reduction does not expand college access for new students which the McKeon alternative does. That is why I urge my colleagues to vote in favor of it, because it truly expands college access for young Americans.

I encourage Congress to help foster an environment that will build a student loan marketplace and not play politics with college educations.

Mrs. WILSON of New Mexico. Madam Speaker, access to quality affordable higher education is a national imperative and should be a priority of this Congress. Yet despite the clear necessity of an accessible higher education system, the ever rising cost of a college education continues to put more students at risk of not being able to afford to pursue their dreams. I supported this legislation because I believe it will give relief to middle-class graduates on the interest rates they pay on student loans. But, unfortunately the legislation before us today does little to address students' immediate needs such as rapidly rising tuition costs.

This bill instead provides for a limited benefit for a limited number of borrowers already through college. Student loan programs are a critical piece of the education financing puzzle. They have served millions of students who have relied on them to achieve their dreams of obtaining a postsecondary education.

In New Mexico, students and families are served by the New Mexico Educational Assistance Foundation; a not-for-profit organization that doubles as a loan provider and a student service provider. As a not-for-profit organization, the New Mexico Educational Assistance Foundation reinvests its revenue in students and the programs that serve them. That includes loan forgiveness programs, outreach, college planning and rate and fee relief. I want to be sure the services and programs by organizations like NMEAF are not hampered by this legislation; these programs make a real difference in the real lives of students.

College affordability should be at the top of our agenda. This bill does nowhere near enough in that regard. I hope we will have an opportunity to make a real difference for students as we move forward with discussions on how best to address the high cost of a college education in this country and encourage more young Americans to go to college.

Mr. BILBRAY. Madam Speaker, I rise in opposition to H.R. 5, the College Student Relief Act of 2007.

Make no mistake; H.R. 5 is a bad bill which does not live up to its title. In fact, this legislation provides no assistance to help future and current students attend college. Instead of helping increase attendance, this legislation seeks to reduce interest rates for those making payments on their student loans. This is a worthy goal. But this legislation accomplishes this by taxing private lenders, ultimately reducing the number of lenders willing to participate in the student loan program.

H.R. 5 provides a short-term reduction in interest rates for students who received federally guaranteed subsidized loans while they were attending college. In order to pay for this required rate reduction, this legislation forces private lenders to reduce their rates below market value. Additionally, this legislation doubles the tax imposed on these lenders by increasing the lender origination fee from .05 percent to 1 percent.

Over the course of this debate we have heard stories from Members of Congress about how the ability to go to school greatly added to their quality of life. I agree wholeheartedly that there are numerous benefits to attending college. However, not one of those Members of Congress would have had greater access to college if H.R. 5 had been in effect when they were undergraduates, because this bill does nothing for aspiring students.

Finally, I think it is important to note that we have a very competitive private marketplace providing student loans. When the government places mandates reducing their ability to compete—we all lose by driving competitors out of the marketplace. H.R. 5 directly targets the Federal family education Loan industry, dealing a devastating blow to the industry that has helped millions of students go to college.

I urge my colleagues. to oppose this legislation and work toward a bill that will actually help college students realize their goals of furthering their education.

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise in strong support of H.R. 5, the College Student Relief Act of 2007. I am proud to be a cosponsor of this important bill, and I congratulate Speaker PELOSI and Chairman MILLER for bringing this legislation to the floor in the first 100 hours. This action is a clear indication that the new democratic majority understands that college affordability is a key part of ensuring our global competitiveness in the future.

H.R. 5 will cut the interest rate on student loans in half over the next 5 years. This will save students an average of $4,400 over the life of their loan. And because the effort is focused on subsidized loans, the relief will assist those who need it most—low and middle income families.

The cost of higher education is growing out of reach for too many Americans. Tuition has increased 60 percent at the University of Minnesota since 2000 and student debt loads are skyrocketing. A recent study showed that this debt load is causing graduating students to delay decisions such as buying a home, getting married, or having children.

The College Student Relief Act is important, not only for students and families, but for our country. If we do not address this problem, by 2020 the United States is projected to face a shortage of up to 12 million college-educated workers. Our strength as a nation has always been the talent and skills of our citizens. To ensure this continues, the most important investment this Congress can and must make is in the education of our people. Access to quality education, including vocational and technical training schools, will prepare a highly skilled workforce to compete in the growing global economy.

And today we can make an investment in our future without adding to the deficit. H.R. 5 meets the Democrats new pay-as-you-go requirements by increasing efficiencies in the current program and redirecting the savings back to students. This is in stark contrast to the Republican plan last year which cut $12 billion from the student aid program and used those savings to pay for tax cuts for the Nation's wealthiest.

H.R. 5 is a promise kept and a first step in improving access to higher education. I look forward to working with my colleagues to continue this effort throughout the 110th Congress.

Mr. HOEKSTRA. Madam Speaker, I rise today to speak in opposition of H.R. 5.

Today we are considering the College Student Relief Act of 2007. Democrats have claimed that this legislation will provide relief to students going to college. However, what they have done is propose a classic bait and switch.

This bill will not improve access to higher education for low- and middle-income Americans nor will it provide relief for students in college today. This relief, when fully phased in, will benefit college graduates for only 6 months.

H.R. 5 reduces interest rates for only undergraduate subsidized loans over 5 years from 6.8 percent to 3.4 percent.

By the time the interest rate is cut in half, the 3.4 percent interest rate is only in effect for half a year. The student loan interest rate goes back to 6.8 percent permanently starting January 1, 2012. In other words, it snaps back just 6 months after it is fully phased in at a cost of $7 billion.

The reality of the situation is that the Democrats could not follow through on their campaign promise to cut interest rates in half because they couldn't pay for it.

So first they narrowed the field down to one subset of student loans. Then, they phased the rate cut in. Then, they ended it after 5 years. What is left is this "bait and switch" benefit that will expire in a mere 6 months after it is fully phased in.

Democrats have talked about improving access to higher education for lower- and middle-income Americans. H.R. 5 does not provide relief to college students seeking to pay their tuition. It does not do anything to get more students into college.

This bill provides a back-end benefit to college graduates instead of a front-end benefit for those trying to get in the door of a university.

The bill will not help a single graduate student saddled with a heavy financial burden.

H.R. 5 is a boon to the Direct Loan Program. The Direct Loan Program's market share has fallen to 22 percent because schools have chosen FFEL. Cutting FFEL lenders is the only way to increase the competitive position of direct lending, a program that is withering on the vine through the voluntary attrition of colleges.

CBO estimates that cutting interest rates will cost taxpayers more than $7 billion. In order to off-set the cost, the proposal before us will cut government payments to loan providers. While reducing lender payments, I'm concerned that rate reductions, fee waivers, loan forgiveness and other benefits will be taken away from students seeking higher education loans.

Lowering interest rates for borrowers could result in schools increasing tuition. If that is the result, borrowers won't get any relief at all. The real issue is college cost, not student loan interest rates!

During the 109th Congress, we enacted policies that reduced student loan fees by allowing students to consolidate with lenders that best met their needs. Origination fees were reduced and loan limits were also increased, allowing more students to gain access to much-needed financial aid.

Supporting H.R. 5 will not help students achieve higher education affordability.

Mr. GORDON of Tennessee. Madam Speaker, the cost of college education continues to rise at an alarming rate. You may ask, "why does it matter?" The simple fact is that education is the single most important factor when it comes to equalizing opportunity and ensuring all students are able to achieve a better future and, of course, greater income. A well educated society is paramount to our global competitiveness and national security. Because education is so critical, I believe we have a duty to ensure it is available to all our citizens. The legislation before us represents an opportunity to assist borrowers with repayment of their student loan debt—a debt that is an investment in their future. While I support that goal, I also urge my colleagues to dig deeper into the problem, and take a hard look at the problem of rising tuition costs. After all, the debt incurred by students is the costs incurred to participate in postsecondary education. I would like to see us engage in a dialogue with the higher education community to understand why college costs are rising so rapidly and what can be done to assist students who are struggling to even enroll because the cost barrier is too high.

I would also like to speak for a moment about the cost of this proposal. I fully support a fiscally responsible approach, and our newly reinstated PAYGO rules demand that we offset the cost of this proposal. As such, this bill is being paid for through reductions in government payments to the private and non-profit lenders and guarantee agencies that provide student loans. I have some concerns about how the cost of this bill may affect student benefit programs now available. We need to invest in education and we all need to take a hard look at the programs now available to ensure they are efficient and effective. However, we must not lose sight of the strengths inherent in our current system. Students and families benefit greatly from solid competition within the student loan program, which today results in reduced fees, repayment incentives, and yes, lower interest rates. But there is more: student outreach, need-based scholarship programs and services, statewide career testing for 7th through 12th grades—all of which are helping to make college more affordable and accessible. We shouldn't neglect that. As we proceed with this and other higher education legislation, I want to protect students and families from a one-size-fits-all mentality and ensure these programs that have served so many will go forward in an efficient manner for the students and families they serve, as well as for the American taxpayers making this crucial investment.

I thank Speaker PELOSI and the Chairman of the Education and Labor Committee for including higher education in the First 100 Hours. It shows how important the issue is and that this Congress is committed to moving forward with an investment in our students and an investment in the future of our Nation.

Mr. GEORGE MILLER of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 65, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MC KEON

Mr. MCKEON. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCKEON. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McKeon moves to recommit the bill H.R. 5 to the Committee on Education and Labor with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

SEC. ___. BENEFITS CONTINGENT ON INCOME OR MILITARY SERVICE.

(a) ELIGIBILITY FOR REDUCED RATES.—Notwithstanding the amendments made by section 2 of this Act, a borrower shall not be eligible for a reduced interest rate under the amendments made by such section for any year during the repayment period of the loan unless—

(1) the borrower demonstrates, in accordance with regulations prescribed by the Secretary, that the borrower's adjusted gross income for the most recently preceding year was less than $65,000; or

(2) the borrower, during any part of that year—

(A) is serving on active duty during a war or other military operation or national emergency (as such term is defined in section 481(d)(4) of the Higher Education Act of 1965 (20 U.S.C. 188(d)(4)); or

(B) is performing qualifying National Guard duty during a war or other military operation or national emergency (as such term is defined in section 481(d)(5) of such Act (20 U.S.C. 188(d)(5)).

(b) INCOME VERIFICATION.—In prescribing regulations for purposes of subsection (a)(1), the Secretary shall provide methods for verifying the adjusted gross income of a borrower that are, as nearly as practical, identical to the methods used to determine adjusted gross income and to verify that income for borrowers of income contingent loans under section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)).

Mr. MCKEON (during the reading). Madam Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. MCKEON. Madam Speaker, as I have said repeatedly today, the process followed to get this bill to the floor was badly flawed, and the legislation in question is a reflection of that. Our inability to amend the bill means that the bill we have before us today is exactly the same well-intentioned, yet completely misdirected proposal the majority leader thrust upon us just days ago.

Our friends on the other side of the aisle have been touting H.R. 5 as a student aid bill during this debate. However, as we have pointed out time after time, not a single college student or potential college student will benefit from this legislation. It impacts only those who graduate when, by definition, they are no longer students.

However, Madam Speaker, this motion would transform H.R. 5 from a critically flawed gimmick into a proactive measure that indeed could benefit borrowers, students, and taxpayers alike.

To begin, this motion would not block the new majority's promise to reduce college loan interest rates. In fact, it would allow reductions to take place as scheduled for many of the very same graduates who would benefit from them in the first place. However, to ensure that those graduates who could pay their loans under a higher interest rate will do so, this motion establishes an income cap of $65,000, the income level at which the existing student loan tax deduction is phased out, at which the interest rate for a loan will revert back to the current level of 6.8 percent.

That is almost twice the average family income of a student eligible to receive a subsidized student loan. However, graduates who may not have as high an income, those men and women who need a little extra help after graduation, will see their interest rate stay at the same exact level as directed by this legislation, as will active duty Armed Forces personnel.

This means for many first responders, nurses, teachers and other graduates who choose public careers, their interest rates will remain as scheduled, under H.R. 5. In other words, this motion will maintain most of the same borrower benefits embraced by the Democratic leadership. However, unlike H.R. 5, this motion reduces college loan interest rates and then some. By making the interest cap adjustment I just described, this motion will generate additional savings within the legislation, savings that can be directed toward deficit reduction or an increase in need-based aid such as Pell Grants.

I have argued throughout today's debate, and for years, frankly, that our first priority in higher education must be to expand access for low- and middle-income students. This motion embodies that very philosophy.

With the savings we will generate as part of this motion, we could provide more aid to a student struggling just to find the means to pay for college. Sadly, more than 400,000 students are fully prepared to attend 4-year college, but will be unable to do so due to record high financial barriers, according to the Advisory Committee on Student Financial Assistance. For these students, the promise of a college education is an empty one, and for our Nation, the loss of human capital is a serious economic and social tragedy.

Under H.R. 5, highly paid college graduates would reap the benefits, but those struggling to find a way into school, they are forgotten altogether. It is ironic that the very same Members who supported the minimum wage increase a week ago for "fairness" reasons are today champions of a bill that would undermine that same principle.

Madam Speaker, a "yes" vote on this motion is a vote for lower college loan interest rates, more needs-based aid, and additional funds to pay down the Federal deficit. A "no" vote is a vote for providing benefits to well-paid graduates, not low-income students.

Let's give borrowers, students, and taxpayers a better deal. Let's improve this flawed legislation. Let's vote "yes" on this motion to recommit.

Madam Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, I would hope that the House would turn down this motion to recommit because if you don't, there is going to be an awful lot of people who are going to be terribly disappointed.

This motion as presented today would knock almost a million students out of the benefits of this legislation, the benefits of a reduced interest rate on their college loans.

This motion if it is accepted would mean that families that might have one, two or maybe three kids in college, if they earn more than $68,000, they wouldn't get the benefits of this program.

This amendment, as offered and if it is accepted, means that perhaps a firefighter who is married to a teacher or teachers who are married to one another would not be able to get the benefits of this program for their families.

Is that what we want to do? Is that what we really want to do? We knock a million of the 5.5 million beneficiaries off eligibility for this interest rate reduction? Do we want to knock off families that may have more than one child in college off of this ability to benefit from the interest reduction? Do we want to take middle-class families, where a teacher might be married to a firefighter or teacher married to a nurse, and say to them, you are not eligible for this? I don't think you want to do, and I certainly know that the Congress doesn't want to do that.

This is aimed, based upon income, the cost of the institution you go to, the number of children in your family, income determinate, you get a subsidy. What they want to do now is put a cap on the income of about $65,000, which means if you have more than one child or two children in college, you still have the income cap and you can't get help.

So we are sending a message that you can help make your first child, but not the second child? That is what we are going to tell families? Their income didn't go up, but their cost just went up because another child is eligible for college? Another child said, I want to go to college. The family has to say, We can't help you because there is a cap.

That is why this is called the subsidized loan program, because we recognize there are people within the middle class, at the lower end of the middle class who need this help. Two and a half million of the recipients are eligible for Pell. They are going to get this help. That is what this is designed for.

This is designed for those families in the middle class that need this kind of interest rate help and is designed for those in Pell who still need additional money to go to school. That is why we picked this category of people.

But to now tell hardworking Americans because of a cap you pulled out of the sky in the last 5 minutes that they can't help their children with the cost of education, that they are not eligible for this subsidy of cutting the interest rate from 6.8 to 3.4 percent, I don't get it. I don't understand it, and I don't think the Congress should support it.

I don't think that is the message that we want to send to those working families. I don't think that is what we want to do.

You think of your districts and you think of somebody with a family income of $65,000, and you start thinking who you are telling, you are not prepared to help with reducing the cost of college for those families. Start thinking now because you are going to vote in a few minutes. Think about that family, two parents working their tails off to make ends meet. They are firefighters, construction workers. They don't work all year round. They get laid off. They are married to a nurse or a teacher or a policeman. All of a sudden they find out that they are not eligible for this.

I ask this House to give this a resounding "no." This isn't fair, it isn't just, and it is wrong. It is going to drive up the cost of college for the very families and students who need it the most.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McKEON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 5, if ordered, and the motion to suspend on H. Res. 58.

The vote was taken by electronic device, and there were—yeas 186, nays 241, not voting 8, as follows:

[Roll No. 31]

YEAS—186

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—241

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger

Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Aderholt
Burton (IN)
Buyer
Calvert
Johnson, Sam
Lucas
Norwood
Obey

□ 1726

Mr. KLEIN of Florida changed his vote from "yea" to "nay."

Mr. RENZI changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CARDOZA). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 356, nays 71, not voting 8, as follows:

[Roll No. 32]

YEAS—356

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—71

Bachmann
Baker
Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Brown (SC)
Burgess
Campbell (CA)
Cannon
Cantor
Carter
Coble
Conaway
Culberson
Deal (GA)
Doolittle
Dreier
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Granger
Hastert
Hensarling
Herger
Hoekstra
Issa
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Marchant
McCrery
McHenry
McKeon
Mica
Musgrave
Myrick
Neugebauer
Nunes
Pence
Price (GA)
Putnam
Radanovich
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Souder
Tancredo
Thornberry
Westmoreland
Wicker
Wilson (SC)

NOT VOTING—8

Aderholt
Burton (IN)
Buyer
Calvert
Johnson, Sam
Lucas
Norwood
Obey

□ 1735

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING MUHAMMAD ALI ON HIS 65TH BIRTHDAY

The SPEAKER. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 58.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 58, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 14, as follows:

[Roll No. 33]

YEAS—421

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly

Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Aderholt
Burton (IN)
Buyer
Calvert
Hunter
Johnson, Sam
Lucas
McCarthy (CA)
Napolitano
Norwood
Obey
Poe
Rogers (AL)
Rogers (KY)

☐ 1744

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CALVERT. Mr. Speaker, pursuant to my leave of absence, if I had been present earlier today, I would have voted as follows on today's recorded votes:

Rollcall No. 27—"Yea"—H. Con. Res. 31—Honoring the Mare Island Original 21ers for their efforts to increase equal employment opportunities in the military;

Rollcall No. 28—"Yea"—H.R. 434—Short Term Extension of the Small Business Administration;

Rollcall No. 29—"Nay"—Ordering the Previous Question on the Rule for H.R. 5;

Rollcall No. 30—"Nay"—Adoption of the Rule for H.R. 5;

Rollcall No. 31—"Yea"—Republican Motion to Recommit for H.R. 5;

Rollcall No. 32—"Nay"—Final Passage of H.R. 5; and

Rollcall No. 33—"Yea"—H. Res. 58—To Honor Muhammad Ali, global humanitarian, on the occasion of his 65th birthday.

DOMESTIC TERROR

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, a new terrorist has just been captured in Florida. Not an international terrorist, but a homegrown domestic one.

The facts are hard to comprehend, but here they are, according to the Associated Press. A husband took his wife on a canoe trip, and finding a wilderness spot, he took her ashore and then he raped her. He tied his naked wife to a tree and assaulted her with the butt of a knife. He let her hang on the tree for over 2 hours, then he took her off and raped her again. All the while, get this, he was videotaping this ghastly, dastardly crime. This crime is one of intimidation, degradation and humiliation.

Mr. Speaker, rape is a crime where the deviant tries to destroy the soul of the victim. When the assault occurs in the family, the domestic rape is even worse.

Now the hubby is facing a multitude of criminal charges, as it ought to be. Wives are not male property and these crimes are not to be excused as a domestic problem.

The offender should be given quick, accurate justice, and then tell him to pack his toothbrush, because justice is a thing we are going to find and demand life behind bars in this case.

And that's just the way it is.

WORKING FOR A SAFE AND SECURE IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I certainly agree with my colleague from Texas. We must really approach violence, wherever it is, and I thank him for his words.

Mr. Speaker, so many of us as Members have confronted families who have lost loved ones on the battlefields of Iraq. We realize that not one of those fallen soldiers would in any way step away from their duty. So today I rise to thank them.

But because of their commitment to their Nation, I believe as policy makers we have a commitment to them, and it is imperative that this body and the other body not engage in nonbinding resolutions, when the American people have asked us to bring our troops home, when the President of the United States has not begun to consider alternatives such as political diplomacy, when there is no recognition that the Congress is an equal branch of government and can in fact cease the funding.

We must have a new direction. We must have a safe and secure Iraq. We can work for both, but we must have the respect and mutuality of the three branches of government.

A POORLY KEPT SECRET

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Mr. Speaker, I rise today to pass along some inside information to the American people. By the way, this is the most poorly kept secret in Congress. Big surprise: The Democrats want to raise taxes, again.

Never mind that tax revenues increased by 11.5 percent last year because of strong economic growth, economic growth created by the Bush tax cuts over the last 6 years. Never mind, never mind, the economy is strong. Never mind that last year the U.S. Government took in more revenue than any government in history. Actually, in the history of the planet.

But yet that is not enough revenue for the Democrats' plans, yet they talk about pay-as-you-go in order to tax the American people more.

This is a poorly kept secret, that the tax and spend Democrats are indeed still tax and spend Democrats.

TRIBUTE TO BENNY PARSONS

(Mr. HAYES asked and was given permission to address the House for 1 minute.)

Mr. HAYES. Mr. Speaker, I rise tonight to call attention to the loss of one of the foremost members of the racing community. Benny Parsons passed away on Tuesday.

Benny was a wonderful friend, not only to the industry, but to mankind. Benny lived a wonderful life. He set many records. He was the first person to drive a stockcar over 200 miles an hour, and won many, many championships. A native and resident of North Carolina, he will be sorely missed.

Mr. Speaker, this body extends our sympathy and gratitude to the Parsons family and his wife, Terri, for the many, many services Benny has provided.

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

A SAD DAY IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is a sad day in the history of America. Two law enforcement officers who have given years of their life in service to this Nation have entered Federal prison today for shooting a drug smuggler.

This is a black mark for the President and his administration. U.S. Border Patrol agents Ramos and Compean were found guilty in a Federal court last spring for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our southern border into Texas.

Many of us in Congress have written letters asking the President to consider pardoning these agents, a request that is justified by serious questions about the prosecution of this case, including both the indictment and the process. These agents never should have been prosecuted for their actions last year, yet they have been sentenced to 11 years and 12 years in Federal prison respectively.

These agents do not deserve to spend one day in prison. By attempting to apprehend an illegal alien drug smuggler, these agents were simply doing their jobs to protect the American people. The extraordinary details surrounding the prosecution of this case assure that justice was not served. These agents should have been commended for their actions. Instead, the U.S. Attorney's Office prosecuted the agents and granted full immunity to the drug smuggler for his testimony against our agents.

The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is now suing the Border Patrol for $5 million for violating his civil rights. He is not an American citizen. He is a criminal.

Although it is clear that the agents fired shots in self-defense, Ramos and Compean were convicted mainly on the testimony of a habitual drug smuggler who claimed he was unarmed. Despite my repeated requests for an investigation of this case and a request by more than 50 Members of Congress for the President to pardon these agents, this administration has ignored the concerns of countless citizens who have cried out against this injustice.

Mr. Speaker, the indifference of this White House will long be remembered by the American people and by those of us in Congress who tried to come to the aid of these two heroes.

WHERE DEMOCRATS REALLY STAND ON THE ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the gentleman from North Carolina who preceded me in the well was saying, "Those Democrats, they just want to raise taxes and spend." I would look at the legislation we passed today with 124 Republican votes as an example of where Democrats really stand on the issues.

Just about 1 year ago today, almost exactly a year ago today, the Republican Party passed legislation called reconciliation that actually raised the cost of student financial aid, dramatically raised the cost of student financial aid. It also did one other thing to "save money" or "create revenue," which is it cut medical care for needy Americans.

Now, we have got to be fiscally responsible, but what they did with this money was cut taxes for wealthy investors, extend tax cuts for wealthy investors that were going to expire in the year 2008, not exactly an immediate problem, to 2010. They paid for that by raising the cost of student financial aid; i.e., taxing students and cutting medical care for poor Americans; i.e., taxing poor people or taking away needed health care. That is his model. He says we are the "tax and spend" folks.

Well, look at what we did today in legislation that passed with 124 Republican votes. We said it was wrong for the Republicans to jack up the cost of student financial aid. The cost of a higher education is beyond reach of too many Americans and we think people should have a chance at the ladder of success. Key to that is education, and we want to make education more affordable and more accessible. Today was the first step, and only the first step in our plan to help make higher education more affordable.

So I guess he would say we are taxing the banks; i.e., we are asking the banks to pay part of the cost here to lower the interest rate on student financial aid.

Now, these bank private loans are losers for the taxpayers. We have in fact a government study that says if we converted the whole loan program in this country to national direct student loans administered by the universities and overseen by the government, we would make money, even with the defaults. But in order to continue the subsidized bank program which he was up here defending, we are getting back 84 cents on the dollar.

The American taxpayers are subsidizing banks to offer loans on which they make a pile of money, and now he is aggrieved that we have asked the banks to lower the interest rate over 5 years. I would like to lower them tomorrow, and they shouldn't have been raised. The Republicans shouldn't have raised the cost of student financial aid to fund tax cuts for wealthy people.

Now, if they want to have more tax cuts for wealthy people, then they ought to find a way to responsibly finance that. Personally, I don't think wealthy people need more tax cuts. In fact, I think they have gotten way too many.

And he did not talk about the fact that we are borrowing money to finance tax cuts for the wealthy, that we are dinging people who need medical assistance to finance tax cuts for the wealthy, that we are heaping the costs onto students to finance tax cuts for the wealthy. If that is what he calls tax and spend, then that is what I am.

AMNESTY NEEDED FOR BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the Federal Government, this body, the body down the hallway, for some time has been talking about amnesty, amnesty for anywhere between 12 million and almost 20 million illegal people in the United States.

Well, I would like to talk about amnesty, but not for people who are illegally in the country, because I am opposed to that. But I would like to talk about amnesty for Americans, citizens, and I only want to talk about amnesty for two of those citizens. They are border agents who have been convicted of so-called civil rights violations of an illegal drug smuggler bringing drugs to the United States.

□ 1800

Two border agents, Compean and Ramos, today went to the penitentiary for 11 and 12 years for doing this. They work on the Texas-Mexico border, a volatile war zone. The border is the second front, and while on duty patrolling the sovereignty of our country, they come across a drug dealer driving a van full of about 780 pounds of marijuana. That does not mean anything, but it is worth a million dollars. That does mean something, something we can relate to.

A confrontation occurs, drug dealer abandons the van, tries to flee back to Mexico, has an altercation with the border agents, shots are fired, he runs to Mexico.

The next thing we find out, our Federal Government chooses to go to Mexico, find this drug dealer, learns that he has been shot, bring him back to America, treat his wounds at American expense, give him a deal, a backroom deal, to testify against the border agents because they did not follow some policy of reporting shots being fired. So they go to court, give the drug dealer amnesty, give the drug dealer immunity.

While waiting to testify, the old drug dealer goes back to Mexico and picks up another load of dope, almost 1,000 pounds of drugs, gets caught by different border agents. Once again, not prosecuted by the Federal Government because the Federal Government is so determined to prosecute border agents, not drug dealers; and after the trial, the border agents were convicted, and now they went to the penitentiary.

Our Federal Government had a choice to make in this case, whether or not to stand on the side of the lawless drug dealer or stand with our border agents who try to enforce the rule of law. Our government chose poorly. They sided with the enemy. They sided with the outlaws. They sided with illegal drug dealers and prosecuted our border agents. I ask the question, why?

If the border agents violated some policy or rule, suspend them, give them days off, demote them, but send them to the penitentiary for 12 years when the drug dealer goes free? This does not pass the smell test or, as we say in Texas, that dog just don't hunt, Mr. Speaker.

So we are asking a very simple thing, some of us from Congress, about 55. We are asking the President to grant amnesty to these two border agents. The administration, Federal Government, talks about amnesty. We just want it for two folks, and the President has the constitutional power to pardon and parole. The President exercised that power, that is his right under the Constitution, almost 100 times in the last 6 years. We are simply asking that the administration exercise the pardon power and pardon these two border agents and send the message to the Border Patrol and all these sheriffs who work on the border, trying to enforce the law, that we will stand beside you when you try and enforce the law; and also send the message to drug dealers that we are not going to work with you, we are not giving you a deal, we do not work backroom deals with drug dealers; we support our Border Patrol on the Texas-Mexico border.

So, Mr. Speaker, we hope that we get a response from the Federal Government on this pardon. So far, we have not received anything. I think the Federal Government is blissfully indifferent to the plight of these two border agents, and so we would hope that this gets some attention from folks across the country. Over 200,000 people have signed petitions asking that the President pardon both of these border agents; and we hope that that does occur because justice in this case did not occur, because our government chose to be on the wrong side of the border.

And that's just the way it is, Mr. Speaker.

BRING OUR TROOPS HOME AND SOVEREIGNTY OF IRAQ RESTORATION ACT

The SPEAKER pro tempore (Mr. CARDOZA). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier today, I joined with my good friends, distinguished colleagues and fellow Californians, Congresswoman BARBARA LEE and Congresswoman MAXINE WATERS, in introducing landmark legislation that would bring our troops home from Iraq within a 6-month time frame.

The Bring Our Troops Home and Sovereignty of Iraq Restoration Act is the first comprehensive legislative proposal to end the military occupation and provide a framework to help bring stability back to Iraq.

One week ago, when he addressed the Nation, President Bush demonstrated to the world that he continues to remain blind to the realities on the ground in Iraq. Instead of putting forth a plan that will withdraw our troops, the President is increasing our military presence, escalating the number of troops by over 20,000. What President Bush fails to grasp is that our military presence is only fueling the insurgency, plunging Iraq further into chaos and civil war.

Mr. Speaker, the November elections showed just exactly how fed up Americans are with the President's failed Iraq policy. It is time now to honor that mandate. It is now up to the Congress to catch up with the will of the people.

During his weekly radio address on Saturday, President Bush challenged those of us who disagree with him to offer a plan of our own. Today, we have taken up his challenge.

The Congress has already appropriated funding that will support our troops and keep this occupation going for at least another 6 months, possibly longer. That funding, instead, should be used to finance an aggressive withdrawal plan that brings our troops home to their families; and our bill would do exactly that.

Our plan will also withdraw all U.S. troops and military contractors from Iraq within 6 months from date of enactment.

It will prohibit any further funding to deploy or continue to deploy U.S. troops in Iraq. The bill does, however, allow for funding to be used as needed to ensure safe withdrawal of all U.S. military personnel and contractors. Funding may also be used for the increased training and equipping of Iraqi and international security forces.

Thirdly, it accelerates during the 6-month transition training of a permanent Iraqi security force.

And fourth, it authorizes, if requested by the Iraqi government, U.S. support for an international stabilization force. Such a force could be funded for no longer than 2 years and be combined with economic and humanitarian assistance.

It guarantees full health care funding, including mental health for U.S. veterans and military operations in Iraq and other conflicts.

In addition, Mr. Speaker, the bill would rescind the 2002 congressional authorization for the war in Iraq, prohibit the construction of permanent U.S. military bases in the country, and finally, ensure that the U.S. has no long-term control over Iraqi oil.

We believe that the oil in Iraq belongs to the Iraqi people, and we believe that when this oil goes into the world marketplace, the international marketplace, the U.S. will certainly have access to our share.

Mr. Speaker, excluding the veterans' benefits, our plan will cost the American people pennies on the dollar compared to continuing the occupation of 2 more years in Iraq. It will save lives, bodies and minds, and it will give Iraq back to the Iraqis.

The Bring Our Troops Home and Sovereignty of Iraq Act is an important step in regaining our country's credibility in the region and throughout the world, and it provides the President and Congress with a comprehensive strategy for responding to the majority of Americans who want our troops to come home.

HONORING THE LIFE OF BENNY PARSONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to commemorate a true inspiration whose perseverance showed the very best of the human spirit. Yesterday, Benny Parsons, a NASCAR legend, passed away after a difficult battle with lung cancer.

Parsons grew up in the foothills of North Carolina in Wilkes County, and his dedication and drive lifted him from poverty to national recognition. He became an inspiration to countless fans and individuals. He was a beloved character who brought passion to the sport. Today, we mourn and also celebrate the life of this beloved man in the 5th District of North Carolina.

The chairman of NASCAR, Brian France, said of Benny Parsons, who was affectionately referred to as BP, that "Benny Parsons was a true champion, both on the race track and in life. Benny loved our sport and the people that make it up and those people loved him. He will be remembered as being a great ambassador for the sport." Words such as these convey the deep admiration, respect and love of Benny and the effect he had on those with whom he connected.

After leaving Wilkes County, Benny first took a job as a cab driver in Detroit, Michigan, before he progressed to become a NASCAR champion. While faced with fame and admiration, Benny never forgot his roots and the importance of where he came from. He was often referred to as "The Professor" after he retired from racing in 1988 and began broadcasting and commenting on NASCAR races for NBC, ESPN and TNT. He had an uncanny ability to deliver information in a relaxed and informative way for the last 6 years, even when he was going through the rigorous treatment for cancer.

Michael Waltrip, who recently tested his car at the Daytona track, said of Benny, "When you talked to him, he brought out the human element. The cars are nuts and bolts, but he talked through that. He was able to deliver to people. He just tried to be passionate about what he believed, and he did a great job of explaining what people were seeing." To show his admiration of Benny, Waltrip painted on the side of his car, "We love you, BP."

Respect, admiration and inspiration among colleagues, fans and the public made Benny Parsons the amazing and inspirational figure that he was, but it was his personality that espoused all of these qualities so many came to admire. It was his passion and commitment to NASCAR and his love of the sport that made Benny such a lovable person and such a great inspiration. Even at his sickest moments, he had set up a Web blog for his fans, continually sharing his optimism that he would recover and that the will to fight is so important.

Besides the inspirational spirit and the continual drive to fight any obstacle in front of him, Benny Parsons was quite the accomplished NASCAR driver. He was a member of NASCAR's 50 greatest drivers. He was the 1973 NASCAR champion and won 21 races, including the race in 1957 at Daytona. In addition to those accomplishments, Benny was the first driver to be a Cup competitor, to qualify for a race over 200 miles per hour, driving 200.176 miles per hour at the Winston 500 at Talladega Superspeedway in 1982.

Benny Parsons made 526 starts from 1964 until his retirement in 1988. With such an outstanding record, Benny was inducted into the International Motorsports Hall of Fame in 1994 and continued his passion by broadcasting from the pit and won a Cable Ace Award for best sports analyst on his first season in the booth.

I think that NBC sports champion Dick Ebersol said it best about Benny, commenting, "Benny was a beloved and widely respected member of the NASCAR community. He was a great driver and a terrific broadcaster, but above anything else, he was a kind and generous human being. His character and spirit will define how he is remembered by all of us."

Benny fought cancer to the end with optimism and grace, inspiring countless people. His compassion, generosity and charming personality will be missed. Benny had made North Carolina and NASCAR proud, and his memory will be a lasting one of inspiration and dedication.

CONCLUDING OUR INVOLVEMENT IN IRAQ AND BRINGING OUR TROOPS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, today Representative WOOLSEY, Representative LEE and I introduced a bill that would conclude our involvement in Iraq and bring our troops home. The bill, H.R. 508, is entitled, Bring Our Troops Home and Sovereignty of Iraq Restoration Act of 2007. The bill has 16 original cosponsors. Representative WOOLSEY was on the floor a moment ago, and she shared with you some of the provisions of that bill.

I will reiterate, I will repeat, if enacted, the bill would repeal the use-of-force authorization passed by Congress in 2002 and requires a complete withdrawal of U.S. troops and contractors hired by the U.S. Government within 6 months of the enactment of this bill.

The bill authorizes the President to support an international stabilization force in Iraq, if the Iraq government requests such a force, but U.S. troops would not be permitted to participate in the international force.

It would turn security activities and military operations in Iraq over to the elected Iraqi government within 6 months of the date of enactment.

It would prohibit the U.S. from establishing permanent bases in Iraq.

It would cap the number of officers and employees of the United States assigned to the U.S. embassy in Iraq at 500.

It would accelerate the training and equipping of Iraq military and security forces, and pursue security and stability in Iraq through diplomacy.

It would provide assistance to the Iraqi government in recovering cultural and historical artifacts that have disappeared since the U.S. invaded in 2003.

It will do a number of other things, but let me wrap this up by saying it would fully fund veterans' health care, including mental health care, for our returning veterans.

Mr. Speaker, I am spending an inordinate amount of time on this issue, along with many of my other colleagues, and I have chosen to be a major cosponsor on this bill because I feel it is absolutely my responsibility to not only articulate what is wrong with this war, but to do everything that I can to encourage the President of the United States, the commander in chief, to bring our troops home.

I think it is important to do this because we have lost over 3,000 American soldiers. As a matter of fact, I think it is about 3,034.

I look at the continuing devastation in Iraq, and I see that just day before yesterday I believe over 100 Iraqis were killed and maybe twice as many was injured and we lost four more American soldiers.

□ 1815

This has got to stop. We are in control. We can stop this. I am encouraging our Commander-in-Chief to bring our troops home, and to pursue diplomacy, save lives. Because I believe if they continue down the path that they are going, we are going to have a real blood bath in a short period of time.

This surge, this expansion of the war that has been advocated and pursued and pushed by this President is absolutely the wrong thing to do. I know that he has been advised and he has accepted the advice that he is to go into Sadr City and he is to confront al-Sadr, who is the head of a tremendous militia. They have over 50,000 signed up in that militia and more coming each day. I don't want our American soldiers to confront that militia. I don't want our American soldiers in the middle of this civil war. I don't want these young boys who come from our cities and our towns and these young girls who come from our villages and our hamlets of America to be caught in between Sunnis and Shiites and Kurds. They don't know a Sunni from a Shiite. We don't speak the language. We haven't trained people. Even the soldiers that are supposed to be embedded doing the training can't speak the language. They are depending on interpreters. And let me tell you, even some of the soldiers that we are training in Iraq are turning their backs on us. They desert our soldiers in the middle of a conflict, in a confrontation. These are the ones that we are training, that we are depending on to take over the security of Iraq somehow. It is not going to happen.

We have to leave, and we should not be deterred from the mission of leaving because someone is going to accuse us of cutting and running. We know how these sound bites take place. We know what people do when they want to promote their position. They will mischaracterize what is being done. We have got to have the courage to stand up and stand up for our American soldiers.

I support and cosponsor this new bill. I would ask my colleagues to support it.

Today, Representative WOOLSEY, Representative LEE and I introduced a bill today that would conclude our involvement in Iraq and bring our troops home.

The bill, H.R. 508 is titled "Bring the Troops Home and Iraq Sovereignty Restoration Act of 2007."

The bill has 16 original cosponsors.

If enacted, the bill would:

Repeals the use of force authorization passed by Congress in 2002.

Requires the complete withdrawal of U.S. troops and contractors hired by the U.S. government within 6 months of the enactment of this bill. The bill authorizes the President to support an international stabilization force in Iraq, if the Iraqi government requests such a force, but U.S. troops would not be permitted to participate in the international force;

Turn security activities and military operations in Iraq over to the elected Iraqi government within 6 months of the date of enactment.

Prohibit the U.S. from establishing permanent bases in Iraq;

Cap the number of officers and employees of the United States assigned to the U.S. embassy in Iraq at 500;

Accelerate the training and equipping of Iraqi military and security forces;

Pursue security and stability in Iraq through diplomacy;

Provide Iraqi government assistance in destroying/cleaning up land mines, unexploded ordnance and depleted uranium shells;

Provide assistance to the Iraqi government in recovering cultural and historic artifacts that have disappeared since the U.S. invaded in 2003;

Provide compensation for Iraqi noncombatant civilian casualties—except for those individuals that participated in the armed insurgency after May 1, 2003; and

Fully fund veterans healthcare, including mental health care, for our returning veterans.

This bill stands in stark contrast to President Bush's proposal to send more than 20,000 additional troops to Iraq.

The President proposes more of the same, while we provide a way to remove our troops from the sectarian civil war in Iraq, return our troops to their loved ones and begin the process of restoring our credibility throughout the world.

EVEN THE SOLDIERS WILL TELL YOU: "NOTHING'S GOING TO HELP"

The SPEAKER pro tempore (Mr. CARDOZA). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I voted against going to war in Iraq when Congress voted on this in October of 2002, and I am opposed to sending more troops there now.

President Bush has said that he is going to listen mainly to his commanders. I wish he would listen to Specialist Don Roberts, 22, of Paonia, Colorado, now on his second tour in Iraq, who told the Associated Press, "What could more guys do? We can't pick sides. It's almost like we have to watch them kill each other and then ask questions."

Sergeant Josh Keim of Canton, Ohio, also on his second tour said, "Nothing is going to help. It is a religious war and we are caught in the middle of it."

Saddam Hussein was an evil man, but he had a total military budget a little over two-tenths of 1 percent of ours, most of which he spent protecting himself and his family and building castles. He was no threat to us at all.

But even before the war started, Fortune Magazine had an article saying that an American occupation would be "prolonged and expensive" and would make U.S. soldiers sitting ducks for Islamic terrorists.

Now we have had more than 3,000 young Americans killed, many thousands more wounded horribly, and have spent $400 billion and the Pentagon wants $170 billion more. Most of what we have spent has been purely foreign aid in nature: Rebuilding Iraq's infrastructure, giving free medical care, training police, giving jobs to several hundred thousand Iraqis, and on and on.

Our Constitution does not give us the authority to run another country as we have in reality been doing in Iraq. With a national debt of almost $9 trillion, we cannot afford it. To me, our misadventure in Iraq is both unconstitutional and unaffordable.

Some have said it was a mistake to start this war, but now that we are there we have to "finish the job" and we cannot "cut and run." Well, if you find out you are going down the wrong way down the interstate, you get off at the next exit.

Very few pushed as hard for us to go to war in Iraq as did syndicated columnist Charles Krauthammer. Last week, he wrote that the Maliki government we have installed there cares only about making sure that the Shiites dominate the Sunnis. And he wrote, "We should not be surging American troops in defense of such a government," Krauthammer wrote. "Maliki should be made to know that if he insists on having this sectarian war he can well have it without us."

There is no way we can keep all of our promises to our own people on Social Security, veterans benefits, and many other things in the years ahead if we keep trying to run the whole word.

As another columnist, Georgie Anne Geyer, wrote more than 3 years ago, "Americans will inevitably come to a point where they will see they have to have a government that provides services at home or one that seeks empire across the globe."

We should help other countries during humanitarian crises, and we should have trade and tourism and cultural and educational exchanges, but conservatives have traditionally been the strongest opponents to interventionist foreign policies that create so much resentment around the world. We need to return to the more humble foreign policy President Bush advocated when he campaigned in 2000.

We need to tell all these defense contractors that the time for this Iraqi gravy train with its obscene profits is over. It is time to bring our troops home, Mr. Speaker.

I wrote that in a column that ran last Friday in Tennessee's highest circulation newspaper, the Nashville Tennessean, but let me just add this: William F. Buckley, who has often been called the Godfather of Conservativism, wrote about 1½ years ago, "A point is reached when tenacity conveys not steadfastness of purpose but misapplication of pride."

Mr. Speaker, we cannot win a civil war between the Shiites and the Sunnis. There can be no victory for us in such a war.

Mr. Speaker, as a teenager I sent my first paycheck as a bag boy at the A&P grocery store as a contribution to the Barry Goldwater campaign. I have been a staunch conservative since high school. This war in Iraq went against every conservative position I have ever known. We need to return Iraq back to Iraqis and start putting our own people first once again.

WE CAN TRANSFORM COMMON DREAMS INTO THE COMMON GOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, we each have our heroes. Gandhi is one of mine. Gandhi said, "Be the change you want to see in the world." Those are words to live by and a philosophy to guide us in making laws that affect the American people.

I have been elected as a subcommittee chairman in the new Congress, and I think the American people and my House colleagues deserve to hear something about my vision about that responsibility.

I am elected to chair the Human Resources Subcommittee of the Ways and Means Committee. Human resources is really about America's safety net. This subcommittee has jurisdiction over many vital social and economic programs that support the American people. They are key portions of the Social Security Act, which include unemployment insurance, temporary assistance for needy families, supplemental security income, and programs to protect vulnerable and assist disadvantaged children. I don't think the present subcommittee name "Human Resources" really conveys the mission of that committee or the urgency, so we have decided to change the name to the Subcommittee on Economic Security and Family Support.

In one sentence, here is my vision of what this subcommittee can do in service of the American people: We can transform common dreams into the common good, and we have a social responsibility and a moral imperative to do it. We should at least begin an effort to cut poverty by 50 percent, and I intend to try.

Millions of Americans, many in families where both parents work, live in poverty today. That should be unacceptable in the richest nation in the world. The millions of children who go to bed hungry tonight, abandoned, abused, neglected, or just plain forgotten, it is a shame. We have got to remember. We have got to say to these children, "You are not alone, and we will help." We can inspire innovations in child welfare for children in kinship care, for foster parents, for case workers, for family court workers, and countless other unsung heroes in America. "We thank you for your service to the children and your communities and your family, and I don't think it is unreasonable to expect that your government does its part."

I am not standing here as a Democrat. Good ideas don't begin with a political party label; good ideas begin with a commitment to something bigger than ourselves but involving all of us. It is the common good. No child should be alone in a country as compassionate as ours. We can start there, and then debate the ideas and programs that can deliver the common good. We can vow to cut poverty in half.

Just 2 days ago, we stopped to honor Martin Luther King, Jr. Let's not forget something Dr. King said: "Injustice anywhere is a threat to justice everywhere." That applies to every nation on earth, including the United States. The richest nation on the earth is poorer for every American who lives in poverty. There is work to be done, and we cannot deny it. We can make America the nation where social and economic justice applies to everyone regardless of their economic circumstance.

We admire the visionary work done by leaders who have come before us. These leaders believed we have an obligation to assist Americans who lose their job through no fault of their own. In the 21st century, changes wrought by a global marketplace should challenge us to reexamine and strengthen the support for American workers. Anyone who loses their job, especially an older worker, knows what I mean. America is a nation founded on the common good. It is the fundamental basis of this country, and every caring family, we take care of each other.

The safety net committee I chair is woven out of the social fabric that created America. We have been handed the responsibility and an expectation to do good. It is far too convenient to bash the government and blame it for all our ills. In America, the people are the government. I think the people expect and deserve a government that acts in their name and on their behalf in a way that reflects the hope and promise America has meant for over two centuries.

America's future is in our hands, and it is within our power to nurture, heal, and defend. That is my mission, and that is the mission of this Congress. The safety net is ours to weave and ours to protect. We must do it.

□ 1830

WE MUST ADDRESS GUN VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCarthy) is recognized for 5 minutes.

Mrs. McCARTHY of New York. Mr. Speaker, as the House begins its work in the 110th Congress, we must address the issue of gun violence. Congress has a responsibility to make sure violent criminals cannot legally purchase guns. I am not proposing any new laws or a ban on buying guns. Instead, we must help our States enforce current laws that prevent criminals from buying guns.

The NICS system, the National Instant Criminal Background Check System, is the database used to check potential firearm buyers for any criminal records. In large, NICS has been a very good success. Since 1994 more than 700,000 individuals were denied a gun for failing their background check. However, the NICS system is only as good as the information in its database.

Mr. Speaker, 25 States have automated less than 60 percent of their felony convictions into the NICS system. In these States, many felons won't turn up on the NICS system and would be able to purchase a gun with no questions asked.

In 13 States, domestic violence and restraining orders are not accessible through the NICS system. Common sense would dictate that you don't sell a gun to somebody that has a restraining order. Unfortunately, that is not the case.

On March 8, 2002, Peter Troy purchased a .22 caliber semiautomatic rifle. His own mother had a restraining order against him as a result of his violent background. It was illegal for him to purchase a gun, but he simply fell through the cracks. Four days later, Peter Troy walked into Our Lady of Peace Church in Lynbrook, New York, opened fire and killed two innocent people. Peter Troy had no business buying a gun, and the system created to prevent him from buying the gun failed.

We must fix the NICS system. That is why I introduced H.R. 297, the NICS Improvement Act. This legislation would provide grants to States to update the NICS system. States would be able to update their NICS database to include felons, domestic abusers and other violent criminals. We need the NICS Improvement Act to become law, and we need to pass more bills like it.

These ideas impose no new restrictions on gun owners, but give the government the tools to ensure existing laws are effective and enforceable. In fact, the NICS Improvement Act already passed the House in the 107th Congress by voice vote. Last Congress, a Judiciary subcommittee passed the measure. Unfortunately it did not get to the full committee.

This is commonsense gun legislation that we can all agree on. This bill will save lives while not infringing on anybody's second amendment rights.

Mr. Speaker, I call on Congress to act quickly on H.R. 247. If we can prevent tragedies like this happening throughout the country, we could save lives and enforce the laws already on the books.

Mr. Speaker, I would like to bring one other subject up. This country is facing a shortage of blood. I would encourage all people in this country to give blood. It is easy, it is painless, and it can save someone's life.

IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. Zoe Lofgren) is recognized for 5 minutes.

Ms. ZOE LOFGREN of California. Mr. Speaker, we did not need to invade Iraq. From the beginning, I found President Bush's stated reasons for the

Iraq war unconvincing. Now we know they were also untrue.

At the time the decision was being sold to Congress, I was unable to get any level of assurance that there was a workable plan for victory. There weren't answers to questions like, "What is the strategy for stabilization after the military victory?" or, "What is the exit plan?"

The American forces were to be greeted by grateful Iraqis bearing flowers, but I was never able to learn what plan B was if this rosy scenario did not prove out. Now we know there was no plan B.

I voted against the war in Iraq, but even though I opposed the invasion, I never dreamed that the President's policies and course of action would be as disastrous as they have been for Iraq, for the Gulf region and for America.

I think the real question America now faces is what is the least catastrophic end to this debacle, and how can we obtain it. Answering such a question would include options of utilizing diplomacy in the region as recommended by the bipartisan Iraq Study Group. It would include America calling upon neighboring States to take strong measures to avoid a spread of the conflict beyond Iraq as that nation disintegrates into tribal and sectarian violence. The Saudis are aware of the peril and Iran is aware of the prospects.

But President Bush has once again offered a proposal based on wishful thinking instead of the unpleasant reality. Having been the cause of the destabilization of Iraq, America has a moral obligation to take what steps are possible to obtain new stability. But wanting to create stability within Iraq and being able to accomplish that goal with U.S. military forces is not the same thing. That is why I have decided to cosponsor Representative John Murtha's resolution directing the redeployment of our troops at the earliest practicable date while maintaining a quick reaction U.S. force and an over-the-horizon presence of U.S. Marines in the region. Like Representative MURTHA, I feel like the solution to the war in Iraq is a diplomatic one.

America is a country that doesn't take disappointment well. Our culture is one where the phrase "failure is not an option" just makes sense. That attitude has served us well historically in science, industry and war. But it can also lead to problems and to decisions based on wishful thinking instead of on facts.

Political leaders don't want to be the ones to bring the bad news to an American public raised on the phrase "failure is not an option." Some even suspect that the President's escalation plan may have as a goal running out the clock so the next President will be the one who has to deliver the bad news.

Right now I think another American phrase is better for this situation: When you are in the hole, the first thing to do is stop digging.

It is time to stop digging. Sending in more troops is not going to bring stability to Iraq because the primary problem between the Iraqis is political, not military.

We are not going to be met with flowers by the Iraqis today, or probably ever. More than 60 percent of the Iraqi public believes it is a good thing to attack and kill Americans stationed in Iraq. We have to accept that we are part of the problem in Iraq, not part of the solution.

Real leadership deals with the world as it is, not as we wish it to be. And here is something to keep in mind: The American public already knows it is time to stop digging. Now they are ready to hear Congress say it out loud.

HONORING MUHAMMAD ALI ON HIS 65TH BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor a man known as "The Greatest," Muhammad Ali on the occasion of his 65th birthday. We passed the legislation today, but unfortunately I didn't have a chance to speak. Those that know me know that I am a huge boxing fan, and Muhammad Ali is certainly one of the reasons why I enjoy the sport so much.

I can recall watching his fights and being in awe of his style and gracefulness in the ring. He was a masterful self-promoter, and won over throngs of fans and media alike with his charm and charisma. But it is his undeniable skill that kept him at the top of his game. His style is something that has often been imitated but never duplicated.

Muhammad Ali defeated almost every top heavyweight in his era, an era which has been called the Golden Age of Heavyweight Boxing. Ali was named "Fighter of the Year" by Ring Magazine more times than any other fighter and was involved in Ring Magazine "Fight of the Year" bouts more than any other fighter.

He is an inductee into the International Boxing Hall of Fame and holds wins over seven other Hall of Fame inductions. He is also one of only three boxers to be named "Sportsman of the Year" by Sports Illustrated.

But Muhammad Ali was more than an athlete, he was a revolutionary. He was a man that was not afraid to stand up for what he believed in. His prowess in the ring pales in comparison to his character and integrity as a human being. He refused to fight in the Vietnam war, famously stating, "I ain't got no quarrel with those Vietcong." His actions led to his banishment from boxing in the United States and forced him to fight abroad.

Near the end of 1967, Ali was stripped of his title by the Professional Boxing Commission and would not be allowed to fight professionally for more than 3 years. He was also convicted for refusing induction into the Army and sentenced to 5 years in prison. Over the course of those years in exile, Ali fought to appeal his conviction. He stayed in the public spotlight and supported himself by giving speeches, primarily at rallies on college campuses, that opposed the Vietnam war. In 1970, he was allowed to fight again, and in late 1971 the Supreme Court reversed his convictions.

When I was a law student at Case Western Reserve University, Muhammad Ali was scheduled to speak. I was driving down the street in this little boxcar, and I looked out my window to the right, and who was walking down the street but Muhammad Ali. I rolled my window down in my modest way and said, "What are you doing walking down the street? Get in my car."

Muhammad Ali got in my car.

I had two little boys in the back seat, and throughout the ride to the campus he recited poetry to these two young men.

When we arrived at campus, I said, "Mr. Ali, do you have a ride back to the airport?"

He said, "No."

I said, "Now you do. You've got a ride."

So he spoke. We drove the young people home to their parents. One little boy got out of the car and ran up to the house and said, "Mommy, mommy, guess who is in the car? Muhammad Ali."

That mom slapped the little boy and said, "Stop lying and get in this house."

Muhammad Ali gets out of the house and goes to the door and knocks on the door, and the mother almost fainted.

So then I drive him back to the airport.

That was such a wonderful experience, to see this man of such great talent spend so much time with these young people.

I will never forget the opportunities that I had to meet Muhammad Ali. On another occasion he came to speak in Cleveland connected with Warith Deen Muhammad, the son of Elijah Muhammad. But Mr. Speaker, it is such a wonderful opportunity to celebrate the life of the man known as "The Greatest," Muhammad Ali.

THE KUCINICH PLAN FOR IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, Congress is beginning to focus on the necessity to take a new direction with respect to Iraq. There are some in the administration who are saying well, there is no plan. What can we do? We have to stay the course. We have to send more troops. We have to make a renewed effort.

Once again I am offering for the attention of this Congress a plan that I put together that meets the requirements of being able to bring our troops home and create stability in Iraq and reunite the United States with the world community in the cause of peace and security.

Here are the elements of the Kucinich plan:

First, the U.S. announces it will end the occupation, close military bases and withdraw.

The insurgency has been fueled by the occupation and the prospect of a long-term presence, as indicated by the building of permanent bases. A U.S. declaration of intention to withdraw troops and close bases will help dampen the insurgency which has been inspired to resist colonization and fight invaders and those who have supported U.S. policy. Furthermore, this will provide an opening for parties in Iraq and in the region to set the stage toward negotiations and peaceful settlement.

Second, the U.S. announces it will use existing funds to bring the troops and the necessary equipment home.

Congress appropriated $70 billion in bridge funds on October 1 for the war. Money from this and other DOD accounts can be used to fund the troops in the field over the next few months and to pay for the cost of the return of the troops, which has been estimated at between 5 and $7 billion while a political settlement is being negotiated and preparations are made for a transition to an international security and peacekeeping force.

Number three, order a simultaneous return of all U.S. contractors to the United States and turn over all contracting work to the Iraqi government.

The contracting process has been rife with corruption with contractors stealing from the U.S. Government and cheating the Iraqi people, taking large contracts and giving a few percentages to Iraqi subcontractors. Reconstruction activities must be reorganized and closely monitored in Iraq by the Iraqi government with the assistance of the international community. The massive corruption as it relates to the U.S. contractors should be investigated by congressional committees and Federal grand juries. The lack of tangible benefits, the lack of accountability for billions of dollars while millions of Iraqis do not have a means of financial support, nor substantive employment, cries out for justice. It is noteworthy that after the first Gulf War, Iraqis reestablish electricity within 3 months despite sanctions. Four years into the U.S. occupation, there is no water or reliable electricity in Baghdad despite massive funding from the U.S. and the Madrid Conference. The greatest mystery involves the activities of private security companies who function as mercenaries. Reports of false flag operations must be investigated by an international tribunal.

Fourth, convene a regional conference for the purposes of developing a security and stabilization force in Iraq.

The focus should be on a process which solves the problem of Iraq. The U.S. has told the international community, "This is our policy and we want you to come and help us implement it." The international community may have an interest in helping Iraq, but it has no interest in participating in the implementation of failed U.S. policy.

A shift in U.S. policy away from unilateralism and toward cooperation will provide new opportunities for exploring common concerns about the plight of Iraq. The U.N. is the appropriate place to convene, through the Office of the Secretary General, all countries that have interests, concerns and influence, including the five permanent members of the Security Council and the European Community, and all Arab nations.

□ 1845

The end of the U.S. occupation and the closing of military bases are necessary preconditions for such a conference. When the U.S. creates a shift of policy and announces it will focus on the concerns of the people of Iraq, it will provide a powerful incentive for nations to participate.

It is well known that while some nations may see the instability in Iraq as an opportunity, there is also an ever-present danger the civil war in Iraq threatens the stability of nations throughout the region. The impending end of the occupation will provide a breakthrough for cooperation between the U.S. and the U.N. and the U.N. and the countries of the region. The regional conference must include Iran, Syria, Egypt, Saudi Arabia, and Jordan.

The fifth point in the Kucinich plan is to prepare an international security and peacekeeping force to move in, replacing U.S. troops who then return home.

Mr. Speaker, this is a 12-point plan, and I will be presenting more features of it in future sessions.

PUBLICATION OF THE RULES OF THE COMMITTEE ON APPROPRIATIONS OF THE 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Madam Speaker, pursuant to clause 2 of rule XI, I submit for publication in the CONGRESSIONAL RECORD the rules of the Committee on Appropriations, for the 110th Congress, adopted on January 16, 2007.

COMMITTEE ON APPROPRIATIONS—COMMITTEE RULES EFFECTIVE FOR THE 110TH CONGRESS

(Approved January 16, 2007)

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the One Hundred Ninth Congress, except as otherwise provided hereinafter, shall be and are hereby adopted as the rules and practices of the Committee on Appropriations in the One Hundred Tenth Congress.

The foregoing resolution adopts the following rules:

SEC. 1: POWER TO SIT AND ACT

(a) For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee and each of its subcommittees is authorized:

(1) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary; and

(2) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary.

(b) The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection (a)(2) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2: SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the sub committee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority; Provided, however, That party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman and Ranking Minority Member of the full Committee are each authorized to sit as a member of all subcommittees and to participate, including voting, in all of the work of the subcommittees.

SEC. 3: STAFFING

(a) COMMITTEE STAFF.—The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 9(c) of Rule X of the Rules of the House of Representatives. In addition, he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) ASSISTANTS TO MEMBERS:

(1) Each of the top twenty-one senior majority and minority Members of the full Committee may select and designate one staff member who shall serve at the pleasure of that Member. Effective as of such date as the Chairman may determine, all other Members of the Committee may also each select and designate one such staff member.

(2) Effective as of such date as the Chairman may determine, the Chairman and Ranking Minority Member of the full Committee and of each subcommittee may each select and designate one staff member, in addition to the staff member designated under the preceding paragraph, who shall serve at the pleasure of the Member making the designation.

(3) Staff members designated under this subsection shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 9(c) of Rule X of the Rules of the House of Representatives. Effective as of such date as the Chairman may determine, the limit on compensation under this subsection shall be increased to 80 per centum of such maximum.

(4) Members designating staff members under this subsection must specifically certify by letter to the Chairman that the employees are needed and will be utilized for Committee work.

SEC. 4: COMMITTEE MEETINGS

(a) REGULAR MEETING DAY.—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) ADDITIONAL AND SPECIAL MEETINGS:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of such meeting, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) VICE CHAIRMAN TO PRESIDE IN ABSENCE OF CHAIRMAN.—A member of the majority party on the Committee or subcommittee thereof designated by the Chairman of the full Committee shall be vice chairman of the Committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting of the Committee or subcommittee, the ranking member of the majority party who is present shall preside at that meeting.

(d) BUSINESS MEETINGS:

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or the subcommittee concerned, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and depart mental representatives as they may authorize shall be present at any business or markup session which has been closed.

(e) COMMITTEE RECORDS:

(1) The Committee shall keep a complete record of all Committee action, including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition, and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House, and all Members of the House shall have access thereto.

(3) The records of the Committee at the National Archives and Records Administration shall be made available in accordance with Rule VII of the Rules of the House, except that the Committee authorizes use of any record to which Clause 3(b)(4) of Rule VII of the Rules of the House would otherwise apply after such record has been in existence for 20 years. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to Clause 3(b)(3) or Clause 4(b) of Rule VII of the Rules of the House, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination upon the written request of any Member of the Committee.

SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) OVERALL BUDGET HEARINGS.—Overall budget hearings by the Committee, including the hearing required by Section 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate, and the Resident Commissioner from Puerto Rico.

(b) OTHER HEARINGS:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these Rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such Rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; Provided, however, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall coordinate the development of schedules for meetings or hearings after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance, a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(4) Each witness appearing in a nongovernmental capacity before the Committee, or any of its subcommittees as the case may be, shall to the greatest extent practicable, submit a written statement including a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(c) QUORUM FOR TAKING TESTIMONY.—The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or sub committee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings.—Whenever a hearing or meeting conducted by the full Committee or any of its subcommittees is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause (4)(f) of Rule XI of the Rules of the House of Representatives. Neither the full Committee Chairman or subcommittee chairman shall limit the number of television or still cameras to fewer than two representatives from each medium.

(f) Subcommittee Meetings.—No subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings.—The Chairman of the Committee shall make public announcement of the date, place, and subject matter of any Committee or sub committee hearing at least one week before the commencement of the hearing. If the Chairman of the Committee or subcommittee, with the concurrence of the ranking minority member of the Committee or respective subcommittee, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or subcommittee chairman shall make the announcement at the earliest possible date. Any announcement made under this subsection shall be promptly published in the Daily Digest and promptly entered into the Committee scheduling service of the House Information Systems.

SEC. 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman to report, or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(b) Presence of Committee Majority.—No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Rollcall Votes.—With respect to each roll call vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure of matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter.

(d) Compliance With Congressional Budget Act.—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Constitutional Authority Statement.—Each report of the Committee on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(f) Changes in Existing Law.—Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers.—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Listing of Unauthorized Appropriations.—Each Committee report on a general appropriation bill shall contain a list of all appropriations contained in the bill for any expenditure not currently authorized by law for the period concerned (except for classified intelligence or national security programs, projects, or activities) along with a statement of the last year for which such expenditures were authorized, the level of expenditures authorized for that year, the actual level of expenditures for that year, and the level of appropriations in the bill for such expenditures.

(i) Supplemental or Minority Views:

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority, or additional views, the Member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority, or additional views are included as part of the report.

(3) This subsection does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority, or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(j) Availability of Reports.—A copy of each bill, resolution, or report shall be made available to each Member of the Committee at least three calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report; Provided, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the full Committee.

(k) Performance Goals and Objectives.—Each Committee report shall contain a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding.

(l) Motion to Go to Conference.—The Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

(c) The Chairman of the Committee or the chairman of any of its subcommittees may—

(1) postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment;

(2) resume proceedings on a postponed question at any time after reasonable notice.

When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Section 202 (b) of the Legislative Reorganization Act of 1946 and in Clause (3)(a) of Rule X of the Rules of the House of Representatives:

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable, the Chairman shall direct the head of each Government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 8 of Rule X of the Rules of the House of Representatives and Section 502 (b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories, or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) TRAVEL REPORTS:

(1) Members or staff shall make a report to the Chairman on their travel, covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed with the Chairman no later than sixty days following completion of the travel for use in complying with reporting requirements in applicable Federal law, and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, and as promulgated from time to time by the Chairman.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. The gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank the leadership for allowing me to host this hour this evening, an hour once again of the Official Truth Squad. The Official Truth Squad is a group of individuals who got together almost 2 years ago now, and we are somewhat frustrated and concerned about the level of not just rancor here in Congress, but the level of disinformation and the kind of information that was often being put forward in support of certain legislation that, in fact, well, Mr. Speaker, just wasn't true.

So what we did is to get together, primarily, a group of freshmen from the last Congress and put in place this Official Truth Squad. Our goal, our purpose, is to raise the level of the rhetoric, to be a little more positive than is usually the case here in Washington, and to use facts. To use facts. We have a number of favorite quotes, but one we like to use frequently is one from former United States Senator Daniel Patrick Moynihan, who kind of crystallized what is a real concern here in Washington, because everybody throws around their own opinions. But his quote was, "Everyone is entitled to their own opinion but not their own facts."

We think that it is extremely helpful when we are talking about issues to talk about facts, because if we are not using facts to base the decisions we make here in Washington, if we are not using facts to reach the conclusions, then it is very likely that we will not reach the right conclusion.

I have said before, Mr. Speaker, that in my former life I was a physician, and I knew if I didn't use facts and I didn't make the right diagnosis, it was virtually impossible to formulate the right treatment plan and then have the patient get well. So we can look at that as an analogy for what we are trying to do for our Nation, which is to make the right diagnosis, to formulate the right proposals and plans and policies and put them in place so that the patient that is our Nation survives and thrives and does well.

Mr. Speaker, I am pleased to be able to have the opportunity once again tonight to host an hour of the Official Truth Squad; and I will be joined by a number of colleagues, and we will address two or three issues this evening. We are going to start by talking about what many people have discussed around the Nation, and it has kind of captured the attention of many in the media, Mr. Speaker, and that is this issue of the 100-hour agenda that the majority party, the Democrats, have.

It is curious to look at that for a variety of reasons, but we will look specifically at the amount of time and kind of what they have been doing with that 100 hours.

Secondly, we will talk about the issue of student loans. It is a bill we had here in Congress today, and we are trying to have facts back up policy as it relates to how best to provide appropriate loans for students who are trying to reach that American dream all across this Nation.

Thirdly, we are going to talk a little about energy policy, something that I would suggest, Mr. Speaker, needs a lot of facts brought to the table.

The common theme that I think people will appreciate if they are truly interested in looking objectively at these three issues, and so many others here in Congress, the common theme about these three issues tonight, I would suggest, Mr. Speaker, is broken promises. Broken promises.

In fact, when you look at these issues independently, I think you will be able to see as we go through them the broken promises that have occurred just in these first 2 weeks in Congress.

And why is it important, Mr. Speaker, for promises to be kept? Well, you know, we hear all the time from the other side that people voted last November for a change. And they did vote for a change; there is no doubt about it. There were a lot of things we in the majority could have done better. But people across this Nation based their votes upon information that they had. They based their votes upon what they were being told and what they were being promised by the other side. So if those promises aren't kept, then that is important.

It is important for a variety of reasons. One is that the policies that were promoted and were espoused as being the be-all and end-all for our Nation aren't being carried out by the majority party. But as important as that is, Mr. Speaker, maybe even more important is the fact that when people go to the polls and they vote, and they rely on what Members of Congress who are ultimately successful have told them they were going to do, and then those things aren't done, all that does, Mr. Speaker, is breed a cynicism and a disgust with our form of government and our Representatives, and makes it so that it is extremely difficult to move forward in a positive direction for our Nation.

I want to talk a little bit about the 100-hour clock, and then we will have some others, I know, who will be interested in speaking about that. There has been a lot of talk about this 100 hours, this wonderful 100 hours in which the Democrat majority was going to get all these grand things done. And it was promised, it was promised, this 100 hours.

Now, what we have seen over this period of time is that that 100 hours has changed. Initially, the first 100 hours was going to be, to quote the Speaker on October 6, 2006, she said, "In the first 100 hours the House meets after Democrats win control," and then she went on to describe what they were going to do. The first 100 hours the House meets after Democrats take control.

Then it soon morphed into, well, it will be the first 100 legislative hours. On December 1, after the election, when they began looking at what they were going to do and how they were going to make it happen, they said, on December 1, 2006, "In our first 100 legislative hours in office we have a bipartisan and an achievable plan."

Mr. Speaker, as you well know, that kind of went by the wayside as well. And when we called them on it, we said what 100 hours is it, the new majority leader, Mr. HOYER from Maryland, put it best when he kind of talked about, well, we will try to do it in 100 hours. Maybe we will get it done, maybe we won't. But then he said, "It all depends on how you are counting 100 hours."

And he is right. He is right. It all depends on how you are counting the 100 hours. If you have the desire to deceive the American people and turn the clock on and off whenever you want to, then you get to about 33 hours, which is what the Democrat clock tells us they have taken.

This is our third week, Mr. Speaker, our third week here. So what does that mean? It means that we are working about 10 hours a week. About 10 hours a week. I think the American people are working a whole lot more than 10 hours a week. A reasonable amount of time, given that we have been sworn in for about 14 days, 2 full weeks, a reasonable amount of time may be 80. And that is about the sense of how many hours we have in fact been in session.

As of 7 p.m. tonight, Mr. Speaker, we will have been in session 81 hours and 53 minutes. So that is a reasonable estimate. But the total, if you really keep track of 100 hours, the total time as of noon today was 336 hours. As of noon today, 336 hours.

Now, people may say, well, that doesn't make a whole lot of difference what the time is. But, Mr. Speaker, it does, because the promises were made and the promises have been broken. Again, as Mr. HOYER says, it all depends on how you're counting 100 hours. Kind of reminds me of the quote about the definition of "is," doesn't it, Mr. Speaker?

We are so pleased to have many members of our conference who want to take part in the Official Truth Squad, and tonight we have a new friend to me and to our conference, Congressman DAVID DAVIS, the gentleman from Tennessee, who is a freshman. This is his first term in Congress.

He began a small business, a very successful individual back in Tennessee, and he has great perception on the processes of legislation because he, like I, served 8 years in his State legislature. So I am very, very pleased to welcome Congressman DAVIS to the floor this evening to share a few words with us about the first 100 hours, the first couple of weeks, and his experiences.

I welcome you and would be glad to yield.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I thank the gentleman, and here we are in our third week of 100 hours, and that is not east Tennessee math. I represent the beautiful area of northeast Tennessee and the 1st Congressional District and am very honored to do so.

One thing I recall when we went through the elections last year, being a freshman legislator here in Washington, I remember the talk about we need change, and I think the American people actually voted for change, Mr. Speaker. But I am not so sure the American people are going to be happy with the change that is taking place here on the Hill.

One of the things that has happened as we have moved forward in this first 100 hours, one of the very first things that we did under the new Democrat majority is, we took a vote to not require recorded votes in the Rules Committee. Now, remember, back in the elections during the talk of change, this was going to be the most open Congress that had ever been known on Capitol Hill. Well, when you go into a committee and you take a vote and that vote is not open and recorded for the people back home, you are not opening up sunshine, you are actually pulling the blinds down on government.

I don't think that is exactly what the American people wanted to do. I don't think that is the change the American people wanted.

I was known as a Tennessee legislator that actually worked to open up government in Tennessee. When I went there, I found out in Nashville, Tennessee, that they were doing the very same thing. They were going into committees and subcommittees and people were taking votes, and you could go to the speaker of the house and say, Mr. Speaker, I am with you; don't worry about that, I will vote with you on that issue. And then you could go back home and say, don't worry about me, I am with you on that issue, and you would be telling two completely different stories.

Well, after 8 years of working in Tennessee, we finally changed that. And so I was looking forward to coming to Washington where we were going to have the most open Congress that had ever been known on Capitol Hill. Well, here I come, and the first week of the 100 hours, 3 weeks ago, I find one of the first things the majority party did was to actually stop recording votes. That is not the change the American people wanted, Mr. Speaker.

On another issue, Mr. Speaker, when the Republicans had the majority, if they wanted to raise taxes, if there was a need to balance the budget with taxes, it took a super majority to raise those taxes. It took three-fifths of the Members of this august body to raise those taxes.

Well, the American people voted for change. Not sure they got the change they wanted, though, because one of the very first things that took place here on Capitol Hill was, they lowered that super majority to raise your taxes down to a simple majority. So now taxes can be raised without one Republican vote.

I don't think they would have done that if that was not something they are looking at as a possibility in the future. I am not sure that is the change the American people voted for. I think they ought to be concerned. I think it can lead to bigger government, and it is going to lead to a bigger bureaucracy. We are seeing that in some of the votes.

Not sure that is the change the American people voted for.

One of the votes we voted for the second week of the 100 hours was to threaten life.

□ 1900

What a tragedy when you don't protect the life of the unborn. We were talking about stem cells. And I am a big supporter of actually using adult stem cells. There is new research that has come out that says you can use amniotic fluid. And if you look at the science, the science tells you that there are about 72 diseases that have been treated with adult stem cells. There is zero diseases that have been treated with the embryonic. And that debate was not really about can you do it or can't you do it. It has already been legal. And I can tell you, being a businessperson, if there had been a lot of scientific possibilities for that there would be some business somewhere that would have invested capital, risked that capital because there is a potential for success in the future.

Well, under the Democrat control, under the majority control, unfortunately, they decided to pass the piece of legislation to allow embryos to be destroyed; in other words, allow life to be destroyed. I am not sure that is the change the American people wanted, Mr. Speaker.

Then, again, in the second week of the first 100 hours, a bill actually passed here on the floor to allow our national security to be controlled by the United Nations.

Now, living in the mountains of East Tennessee, I don't know many east Tennesseeans that would want the U.N. to be in charge of our security. We are a sovereign Nation, and I honestly believe Americans across the Nation are just like most east Tennesseeans, we don't feel like we have to go ask the U.N. if we can protect ourselves. I can't think of anything that is more important than a government that is willing to protect its citizens. That is our number one responsibility is the security of our citizens. So putting us under the auspices of the U.N. is, I don't think, the change the American people wanted.

Then there is going to be a bill coming up tomorrow on energy taxes, and there is a lot of talk about big oil and what are we going to do with this issue. And we are giving special interest. Well, the reality is the special interest that I want to protect is the person that turns on his light switch back in east Tennessee tonight, or has to turn their heat on because it has gotten colder outside, or the family back in east Tennessee that is having to stop and fill up their automobile with gas tonight. That is the special interest that I want to protect. And raising taxes during this 100 hours is not the change that the American people wanted, Mr. Speaker. That is not what I hear from east Tennessee, and that is not what I hear from Americans.

Big government simply isn't the answer all the time. Oftentimes, I find, as I talk to the good commonsense folks back in east Tennessee, is sometimes the government is the problem. And bigger government leads to bigger bureaucracy. I think the way we solve these problems is not look to big government, but look back to our families, back across America. Families can make good decisions for their children and for their grandchildren. Then look to the States. States have a good handle on what is going on back across the United States and look to local governments. Look to businesses. Big government's not always the answer. I don't think that is a change that the American people wanted, Mr. Speaker.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for participating this evening, and I appreciate your perspective. You have come with a wealth of knowledge and information, especially in the health care issues, but also your legislative experience. And I think you are right. I think that the American people did indeed vote for change. And you outlined a number of the issues that I suspect, had the other side run, during the campaign, on those issues, that the vast majority of the American people, Mr. Speaker, would have said well, that is not what I mean.

To not reveal to the American people what kind of votes are occurring in committee? That is not democracy in action. Doing away with the super majority. We know why they did away with the super majority don't we now, because they are about to raise taxes tomorrow, and they couldn't have done it if it required a super majority.

To have the United Nations have some significant control over portions of U.S. foreign policy, that is not the kind of change that the people were interested in.

And you used one of my favorite lines, and that is that the special interests that you have are the constituents that you represent. And it is so true, that when people in this Chamber talk about special interests, the fact of the matter is the only special interests we ought to be concerned about are the constituents that we represent.

And so I can't thank you enough for your participation tonight and the wisdom that you bring and the truth. We don't call it the Official Truth Squad for nothing. And you spoke words of truth and good fact and we appreciate that.

I want to move on, Mr. Speaker, to a couple of other issues. But before I do present a specific issue, I want to highlight some comments and a quote that come from our Speaker, from the new Speaker, that she made during her address to the first session of this Congress. And I think it is important for the American people to be reminded the difference between word and deed. People can say a lot of things. But the actions are what speak louder than words. And these are the words that she used on that first day. "Let us join together in the first 100 hours," there it is again, "to make this Congress the most honest and open in history. This openness requires respect for every voice in Congress. As Thomas Jefferson said, every difference of opinion is not a difference of principle. My colleague elected me to be Speaker of the House, the entire House, respectful of the vision of our founders, the expectations of our people and the great challenges we face. We have an obligation to reach beyond partisanship and to serve all Americans."

Well, Mr. Speaker, those are wonderful words. Would that they were true. Would that they were true.

And so that brings us to the issue of student loans, the issue that was on the agenda for the House to deal with today. And I am sorry to say, Mr. Speaker, that what we have here is just one of a repeated series of broken promises. This is another broken promise by this majority party.

What did they promise? The promise was, this is a quote from their own publication. "Our new direction plan will slash interest rates on college loans in half to 3.4 percent for students and to 4.25 percent for parents."

What is the reality? Well, the reality, Mr. Speaker, is that instead of cutting rates in half across the board, the Democrats, what they did was phase in a decrease in rates over a 5-year period of time, and only for subsidized loans going to undergraduate students, not the statement that was given, not the promise that was given to the American people.

And Mr. Speaker, remember when promises are made and promises are broken, it does a disservice to all of America and it creates a distrust in our institution. But more importantly, this whole issue of decreasing student loan interest rates, once the fixed rate for this one category, just one category, reaches 3.4 percent, which occurs in July of 2011, it doesn't get there until July of 2011, but once it gets there it is only in effect for 6 months. The fixed rate returns to its original rate on January 2, 2012. Mr. Speaker, that is a broken promise. That is a broken promise if I ever saw one. And what it means is that the American people decrease their trust. They loose their trust in their leadership. And certainly that is what is happening right now across this Nation as this Nation sees the broken promises that are being piled up one after another.

I am pleased to be joined by another good friend and colleague, a member of the Official Truth Squad coming to the floor and assisting in bringing truth and facts and information to the American people, Congresswoman MARSHA BLACKBURN from Tennessee, who has again had a wealth of experience here in Congress, but also wonderful experience back home, and looks out for those special interests that she has, and that is her constituents at home. I welcome you this evening and yield to you and look forward to your comments.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia, and I want to thank the gentleman from Tennessee who previously spoke. He was in the State House when I was in the State Senate there, and he has been such a leader on the issue of government accountability and government reform and openness. And the comments he made are so very, very true. And he truly does have a sense of disappointment with the way the Democrat majority has chosen to circumvent the rules process, circumvent the committee process, not record the vote and go under a shield of darkness rather than having sunlight and exposure in recorded votes. And he represents his constituents so very well, and I am delighted that he has joined us in this body. And I thank the gentleman from Georgia for his diligence in the Truth Squad and in continuing to bring truth to the floor and to talk about the issues that are before us. He is talking about the student loan bill that came before us today, and I tell you what. Listening to some of this today, I think the gentleman would agree with me, you had to wonder every once in a while what you were listening to and where they were getting this information, saying that it was going to save approximately $4,400 over the life of every loan, talking about how it was going to make college more accessible. And it was such a head scratcher because it doesn't do anything for students who are trying to get into college. It doesn't do something for the here and now. It is for the later on, after people have graduated from college.

And you know, another thing that I found to be so very interesting was the way there was no talk about things that the Republican majority had taken action on, conservative ideas, things that we had heard repeatedly from our constituents that they wanted to see happen. And I would like to highlight just a few of the steps that were taken by the Republican majority. You can go back to 1996.

Mr. PRICE of Georgia. Will the gentlelady yield for just a moment?

Mrs. BLACKBURN. I will yield.

Mr. PRICE of Georgia. I appreciate that because I think it is important to highlight that. But I think that what you said, I don't want folks to miss the fact that, and I was stunned when I learned this with the bill that came to the floor today, and I suspect you were as well, and that is that the bill that was on the floor today by the Democrat majority will not assist a single undergraduate student in this Nation. Not one. Isn't that the truth? And I yield back.

Mrs. BLACKBURN. And the gentleman is correct in that. This is for ones who have graduated and then you are earning an income and then you start to pay a loan back.

Now, the Republican philosophy, the conservative philosophy on this is, let's get more people into the classroom. Let's help people afford that. Let's allow deductions for families so that they have the opportunity to work hand in glove with their children to make a better education possible. You can go back to 1996 when the section 529 plans came in. Save for college. You, the wage earner, the taxpayer, the mom, the dad, take the responsibility for this and tackle it as a family. That is part of the American dream, working together to realize that dream.

And Mr. Speaker, I tell you what. That is something that is proactive. That is something that gives the power to the individual, not taking it away and saying hey, we are going to cloister it away in Washington, D.C. and you want to go to college, come talk to us. We don't believe in that.

Then you can look at the Taxpayer Relief Act of 1997, two tax credits in that. HOPE Scholarship, Lifetime Learning, reinstatement of the above-the-line deduction for interest on student loans, an exclusion for earnings accruing to education IRAs. They were later changed to be the Coverdell Education Savings Accounts. There again, not giving power to the government and control to the education process over the government, but giving it to moms and dads and families and students so that they can make those.

Well, we can look at the Deficit Reduction Act in 2005. The Smart Grants of up to $4,000 annually for students majoring in math, science, engineering or a foreign language critical to this great Nation's security. Smart Grants. It effectively doubled the Pell Grant for many students. It increased subsidized student loan borrowing caps for freshmen and sophomores, there again, steps that give you, the individual, the power and the control.

We can look at current student aid. We have seen such an increase in student aid over the past decade. To see the amounts that those have increased is just amazing. Our higher ed funding in total has increased.

□ 1915

To the gentleman from Georgia, you know, as we have stood here today and listened to all the myths, and listened to the information that is erroneous, it has been very disappointing. I would just like to commend to our constituents who are watching tonight that they may want to go to the Education and Labor site, our ranking member, BUCK MCKEON's site, and look at some of the information there that the republicans.edlabor.house.gov have on there, what is the truth with the legislation that we have passed today, so that they can have a better understanding of it.

I had talked with a constituent who had thought that they were going to see enormous savings from this. They had misunderstood the rhetoric that they were hearing on the floor today and thought that they were going to be saving about $4,400 a year, not $4,400 over the life of a loan, which is incorrect, but that it would be even less than that, and for the average student it is more like $400.

So the gentleman is correct in the assessment that he is making. I appreciate that he is breaking down the interest rate chart so that our constituents do have clarity on the situation that is before us.

Mr. PRICE of Georgia. I thank the gentlelady for participating tonight and for bringing wisdom and truth to us in this Chamber.

I think the part of the challenge that we have is, this really is a difference in philosophy. It is about who ought to be in control. You highlighted that extremely well, talking about the importance of what we on the Republican side believe, and that is that students and parents ought to have the resources in order to make decisions, not government making decisions.

What we have seen in this very short 100 hours, depending on how you run the clock in these first couple of weeks, what we have seen is a clear example of the government controlling all aspects of our life from student loans to prescription medication to all sorts of things, wage and price controls.

This chart here is the exact chart that determines the definitions that were provided in the legislation that was on the floor tonight or today for student interest rates.

Right now, as you know, Mr. Speaker, they are at 6.8 percent, and that was fixed appropriately, our side did that last time, in order to make certain that we had more students eligible for student loans.

What happens over the ensuing 5 years with the bill that was passed today by the Democrats? You can see that next year the rate goes down to 6.12 percent, then down to 5.44 percent and on down until you get to 3.40 percent. But again that is only for 6 months. What happens after that 6 months? What happens on January 1, 2012? Goes right back up to 6.80.

So the frustration and the disconnect that people hear at home when they think that they have been told something that would occur, but in fact, that is not what is going to occur at all, in fact, they have been sold a bill of goods. It is another broken promise.

I think it is very destructive to all of us, all of us on both sides of the aisle, when people aren't able to trust what the Members are telling them in terms of what they would do would they be given the opportunity to lead.

We are joined again this evening by another dear friend, Congresswoman VIRGINIA FOXX from North Carolina, who is a stalwart on the Official Truth Squad, and she brings such wonderful wisdom. In this instance, she probably has more knowledge about this than virtually anybody else, that is because she was a college president back in North Carolina.

I welcome you and thank you for your participation tonight. I look forward to your comments.

Ms. FOXX. Thank you, Congressman PRICE, and thanks for always being so prepared with the Official Truth Squad and having the charts out there that show people the facts. Before I got here, I hope you said your famous line, people are entitled to their opinion, but the facts are the facts and we cannot change those. That is important.

Again, I think what we have here is a sham, and perpetuation of untruths by the Democrats to the American people; and frankly, having served 10 years in the State legislature, in the State senate, we were not allowed to say things that were untrue. We got called down by the presiding officer. So when I first came here and heard Democrats doing that, I was stunned, and as you know, pushed to get the Truth Squad going so that we could get the facts out there.

But I appreciate your comments about my experience. Let me say that I do know a lot about this subject, both from my own personal experience as a student and my experience as a university administrator and college president.

I grew up about as poor as anybody you will ever meet. So did my husband. It took me 7 years to get my undergraduate degree, but I graduated from college without a single penny of debt. We have heard all these sad stories about all these people graduating from college with debt. But, you know, it doesn't have to be that way. People choose to borrow money to go to college. They can work, and they can apply for scholarships. They can do the kinds of things I did. I got absolutely no help from home. I financed my entire education and graduated after 7 years without a penny of debt, so it can be done.

Students have lots of choices where to go to school. We have community colleges that are very inexpensive that do wonderful jobs, all the way up to very expensive schools in this country. People have that opportunity.

After I graduated, after I earned my doctorate, I was a university administrator, and I knew a lot about financial aid because that was part of my job. Then I became a community college president. So I do know this subject very well.

Again, I am appalled at this. I said on the debate about stem cell research that we are so misleading the public, thinking that if we do embryonic stem cell research, we are suddenly going to cure all the diseases in this country.

I think the Democrats are being very cynical again in trying to perpetuate to the American people that if this bill, this bill did pass the House today, by passing this bill in the Congress, what we would do would be to make college education affordable and accessible. It will do not one thing to increase access for any single person going to college. It will not make a college education more affordable.

I heard you and my colleague from Tennessee talking about how it is not going to help a single college student. It only cuts down the cost of interest that people have to pay back after they get out of school, and, as you pointed out, it exists for a mere 6 months. What an absolute travesty to try to perpetuate on the American people.

We need to get the truth about this bill out. I know that there is an 80 percent approval rate for this topic. Certainly the American people want colleges and a university education to be more affordable. However, what we are doing in the Federal Government is, we are actually driving up the cost of going to college. We are driving it up by putting all of this Federal money out there.

You know when the Federal dollars are out there, people will go after it, and the colleges and universities raise their tuition rates every time we increase the amount of money that is available to go to college. Then they scream and yell that they don't have enough money.

That is what we are doing. By doing this kind of a thing, we are doing the opposite of what the Democrats say they want to do.

If they were honest about what they wanted to do, if they wanted to help truly needy students, which I worked with my entire career in higher education, low-income students, first-generation college students, then they would put the money into the Pell Grants or into work-study. Studies show that people who work 15 hours a week while they are in college do much better than students who don't. So that is the kind of thing that we should be doing.

This is another broken promise. The Democrats want to say it is a fulfilled promise. But even this only produces one-tenth of what they promised to do in the campaign, 10 percent return on their promises. We need to figure out a nice ditty to go with that, 10 percent return, 10 percent of the 100 percent promise is what the Democrats are producing here, and it is bad.

What I think the Democrats really want to do is turn us into a socialistic country where the government controls everything. They want to put the government in control. What I think they want to do is drive the private sector out of this area. We do have a direct government loan, but most of the loans are being done through the private sector.

You know, I don't know a single thing in this country that the government does better than the private sector. There is nothing more efficient. But what would happen is, by tinkering with these rates, even making things very insecure, you are going to drive the private sector out. Because they do business plans; they don't have a well to go to, like the American people, to draw up that money just by adding taxes that the American people cannot resist. What they want to do, I think, is really put the government in control of financial aid and of loans. That would be a terrible, terrible mistake. We don't need to be doing that.

So I think it is important that we come here every week, every night, every day, and tell the American people what the truth is about these programs that the Democrats are pushing.

I want to point out one other thing that I am not sure has been pointed out today. I am quoting from a fact sheet that was given to us by staff of the Education Committee. In a shocking display of hypocrisy, Democrat leaders are paying for their $6 billion-plus plan with some of the same lender subsidy cuts crafted by congressional Republicans in the 109th Congress. Ironically, House Democrats voted against many of these cuts the last time they were proposed, calling it part of the now discredited rate on student aid.

Now, what they do, they brought in, in almost every case the bills they brought in had been bills that we had last time. They voted against them, they now bring them in. This is not something that we did last time; we didn't say this. We did do a lot to decrease the rate of spending for loans, but we added money for the loans, but decreased what students would have to pay for the loans. We did do that.

Furthermore, in 2002, Representative GEORGE MILLER, who is now chairman of the committee, praised what the Republicans had done by fixing the 6.8 percent rate that began last year. He says, in addition to extending lender subsidies, it cuts interest rates to students fixing the rate at 6.8 percent beginning in 2006 and will save the average student about $400. Too often in Congress the needs of the average people come last in line.

My colleagues, meaning Republicans, should be commended for assuring that this legislation meets the needs of students and their families. My goodness, he has got amnesia about what he said just a short time ago about what the Republicans were doing. But this suits their needs. They can get out and make campaign promises and then come in here, fulfill 10 percent of what they promised to do, and then try to fool the American people.

Republicans have done a great deal to help students who are struggling to get an education, and we will continue to do that. But we are not going to be duplicitous about it. We have been very straightforward about it.

I want to thank you again for leading the Official Truth Squad tonight and helping us get the word out to the American people.

We are not going to let them get by with telling their open truths. We are going to bring the facts here every time and make sure that the American people hear, as Paul Harvey says, "the rest of the story."

Mr. PRICE of Georgia. I thank you so much for your wonderful words of wisdom and sharing your personal story.

It really is extremely helpful and pertinent and apt.

You call this a travesty. It really is a travesty, because what has happened is that the hopes and dreams of so many Americans have been raised by the rhetoric that we have heard from the other side. In fact, if you look at this again, and you see over a 5-year period of time, the rate decreases for a mere 6 months to 3.4 percent and then shoots right back up to 6.8 percent.

It really isn't fulfilling a promise; as my good friend from North Carolina said, it is breaking a promise. I think that the American people are paying attention, and over a period of time, this will just add up to their frustration about this kind of hypocrisy and this kind of leadership.

My good friends on the other side of the aisle, for the past 2 years or so, have been talking about what they call "third-party validators" to make it so that they can cite individuals that are saying that what they are contending is the case.

We have got some third-party validators on this. I have before me a couple of quotes from some articles written in some very prominent newspapers yesterday and today. The first is from today's Wall Street Journal. This is about these student loans. It says, quote, "The ostensible goal is to make college more affordable, but such a move could well wind up having the opposite effect." This bill, that is, could wind up having the opposite effect.

Further, in the absence of all of this subsidization, colleges would have to be more cautious about raising tuition because their customers would be affected more directly.

☐ 1930

The biggest winners from this latest subsidy will be the relatively well off professors and administrators who run higher education. "Ultimately increasing the government's role is a recipe for making college less affordable."

Then from the Christian Science Monitor yesterday, from a gentleman who is quoted here, Mark Kantrowitz, the publisher of financialaid.org for students. He says, "It's a great sound bite, cutting rates in half, but it is an incredibly expensive proposal with very little student aid benefit." "Very little student aid benefit." "Congress would be better off spending the money on something else, like increasing the Pell Grant," which isn't increased with this bill, offered to the neediest students as aid that graduates don't need to pay back," Kantrowitz said.

Mr. Speaker, really it is just another broken promise, and it is truly, truly a shame to have this be one of the hallmarks of these first "six for six," these proposals that come forward. And virtually every one of them doesn't live up to the promise that was made.

Would the promises that were made be the proposals that I would bring to the floor? Well, not likely, Mr. Speaker. But I do believe that it is important that promises that are made for our constituents be promises that are kept when you are in control, in power, in Congress. Otherwise, we do a discredit and disservice to our entire electoral system.

How are the American people supposed to be able to decide for whom they should vote, if regardless of what an individual says it is not what they do? I believe in an individual's word, and I believe it is important that individuals make honest comments when they are running for office. In fact, that is not what we have seen to date, Mr. Speaker, and that is very, very troubling, to me and to many of my constituents and many folks around the Nation.

I want to switch gears a little bit now, Mr. Speaker, to the issue that will be on the floor tomorrow in the United States House of Representatives. It will be H.R. 6, a bill that has to do with energy policy, national energy policy.

The upshot of the bill is this: Mr. Speaker, as we talked about before, it will be the first time that the Democrats have very directly raised taxes on the American people. It took them 14 days to decide that they were going to do it, not a long time. But who are they going to raise taxes on?

Well, the Democrat energy plan that will be introduced tomorrow, and I will have some information on it, will be a tax increase on American oil companies. Yup, they are going to tax American oil companies because there is a lot of sentiment and anger out there about energy prices. But what happens to foreign oil companies? Not a thing. Not a thing, Mr. Speaker.

Mr. Speaker, you talk about a travesty. That is a travesty. This bill tomorrow will drive up our dependence on foreign oil.

Again, I want to go to some third-party validators. An article in the Wall Street Journal yesterday talked about this bill and said if you increase the cost of domestic oil production by $10 billion, you are ensuring that U.S. imports of OPEC oil will rise and domestic production will fall.

Mr. Speaker, I think it ought to be a goal and my constituents back in the Sixth District in Georgia believe that we ought to be utilizing American resources for Americans, having American energy for Americans. There is a three-pronged way to do that: Conversation, utilizing resources and alternative fuel. What we are doing is increasing the amount of foreign oil being used. It doesn't make any sense at all. It doesn't make any sense at all.

The Wall Street Journal article goes on to say the House energy bill is nearly a carbon copy of California's Proposition 87. That 2006 ballot initiative would have taxed California's home-produced oil in order to subsidize green technology alternatives.

California is a fairly liberal State, the home State of our Speaker. Maybe that is where they got this idea. California is a fairly liberal State, but even those voters understood that Proposition 87 would have damaged the State's home oil and gas industry, increased foreign oil consumption and raised the energy bills for State residents, and it was clobbered at the polls.

This is a quote from the Wall Street Journal. "The House will plow ahead anyway, but let's hope the Senate has more wisdom."

I include a copy of that article for the RECORD, Mr. Speaker.

[From the Wall Street Journal, Jan. 16, 2007]

THE OPEC ENERGY SECURITY ACT

House Democrats have finally released the details of their "Energy Security Bill," which will be voted on this week, and they must be cursing their rotten luck. Just when they want to stick it to Big Oil for alleged price gouging, oil and home heating costs are plunging. Never mind; this was a campaign theme amid $3 gasoline, and a detail like $2 gas isn't about to stop Democrats now.

This bill is said to promote America's energy independence, but the biggest winner may be OPEC. This is a lengthy, complicated bill, but the central idea is simple: Raise taxes on domestic oil producers and then spend the money to subsidize ethanol, solar energy, windmills (so long as they're not on Cape Cod), and so on. But if you increase the cost of domestic oil production by $10 billion, you are ensuring that U.S. imports of OPEC oil will rise and domestic production will fall.

The bill also includes a "Strategic Energy Efficiency and Renewables Reserve" fund for alternative fuels. That sounds a lot like the Carter-era Synthetic Fuels Corporation—one of the more notorious Washington boondoggles of all time, having spent $2.1 billion of tax dollars on alternative fuels before declaring bankruptcy. Today there is no underinvestment by the private sector in alternative energy. The research firm New Energy Finance has found that between 2004 and 2006 investment in alternative energy doubled to $63 billion. Venture capital funding of green-energy technologies has quadrupled since 1998.

The Democrats also insist that the big five oil companies have received sweetheart deals from the government that have ripped off taxpayers. So let's take a closer look. The most controversial issue involves $6 billion in royalty payments that oil companies are said to owe the government for oil pumped from federal waters. The facts suggest otherwise.

These were leases for drilling rights in the Gulf of Mexico signed between oil companies and the Clinton Administration's Interior Department in 1998-99. At that time the world oil price had fallen to as low as $10 a barrel and the contracts were signed without a requirement of royalty payments if the price of oil rose above $35 a barrel.

Interior's Inspector General investigated and found that this standard royalty clause was omitted not because of any conspiracy by big oil, but rather because of bureaucratic bungling in the Clinton Administration. The same report found that a year after these contracts were signed Chevron and other oil companies alerted Interior to the absence of royalty fees, and that Interior replied that the contracts should go forward nonetheless.

The companies have since invested billions of dollars in the Gulf on the basis of those lease agreements, and only when the price of oil surged to $70 a barrel did anyone start expressing outrage that Big Oil was "cheating" taxpayers out of royalties. Some oil companies have voluntarily offered to renegotiate these contracts. The Democrats are now demanding that all these firms do so—even though the government signed binding contracts.

The Democratic bill strong-arms oil companies into renegotiating the contracts or pay a $9 per barrel royalty fee from these leases. If the companies refuse, they lose their rights to bid for any future leases on federal property. So at the same time that the U.S. is trying to persuade Venezuela and other nations to honor property rights, Congress does its own Hugo Chavez imitation.

Are American taxpayers worse off because of these leasing agreements? Hardly. It's fortunate these contracts were issued when oil prices were so low, because the oil discovered from those leases will do precisely what the Democratic energy bill will not: reduce U.S. dependence on foreign oil. One of the largest oil deposits in the Gulf was recently discovered as a result of these leases.

Democrats also want to raise about $5 to $6 billion by snatching away alleged tax breaks for Big Oil in the Republicans' 2005 energy bill. Sorry, that isn't true either. The Congressional Research Service reports that the net impact of the 2005 energy bill was to raise taxes on the oil and gas industry by $300 million. Nor does it make sense to repeal a domestic oil company's eligibility for a 2004 tax cut that reduced the effective corporate income tax rate to 32% from 35% on U.S. manufacturers. This tax cut increases the competitiveness of U.S. manufacturers that are now penalized by a U.S. corporate tax rate that is among the highest in the industrialized world. Our objection is that every U.S. company should pay the same, lower rate.

The House energy bill is nearly a carbon copy (if we can still use the word "carbon" in polite company) of California's Proposition 87. That 2006 ballot initiative would have taxed California's home-produced oil in order to subsidize "green technology" alternatives. California is a fairly liberal state, but even those voters understood that Prop 87 would have damaged the state's home oil and gas industry, increased foreign oil consumption, and raised the energy bills of state residents. It was clobbered at the polls. The House will plow ahead anyway, but let's hope the Senate has more wisdom.

Mr. PRICE of Georgia. Mr. Speaker, I want to also refer to some good work done by the Heritage Foundation. The Heritage Foundation is a group of individuals who talks about responsibility, talks about making certain that individuals have opportunities to succeed in our Nation, and they came out with a memo to Speaker PELOSI citing this bill that is coming on the floor tomorrow, H.R. 6, saying that it risks making energy more expensive.

There are a number of quotes I would like to refer to, Mr. Speaker. First, it says, "The public has responded with anger to recent high energy prices," and that certainly is true as I go home and hear what folks are concerned about, especially when gas was up around $3 a gallon people were very concerned, and understandably so, and home heating oil and all the like increasing, and that puts many individuals in significant trouble.

It goes on to say, "Doing something about energy prices is understandably high on the agenda." No doubt about it. "Unfortunately, the wrong approach to meeting Americans' energy needs is H.R. 6. H.R. 6 will at best do nothing to reduce gasoline prices, and could actually increase them over the long term."

They go on to describe very clearly the consequences of what this will do, increasing taxes on the American oil companies, which will drive America to be more dependent on foreign oil.

Mr. Speaker, that doesn't make any sense. When I go home and explain things like that to my constituents back in Georgia, they say, well, why in Earth would you do something foolish like that? And all I can tell them is, well, it appears to be that the other side thinks that hollow rhetoric is what the American people want, that they aren't interested in real substance.

This Heritage Foundation memo goes on to say, "The underlying assumptions that the domestic oil and gas sector is currently undertaxed may have been popular campaign rhetoric, but it is not supported by the evidence. Total income taxes paid by this sector reached a record $71 billion in 2005, the last year for which there is data available. This is up from $48 billion in 2004 and $32 billion in 2003."

So, Mr. Speaker, what we see is that as revenues increase to oil companies, taxes increase, the amount that they pay in taxes increases as well.

What happens with H.R. 6? "Most importantly, H.R. 6 will cause harm in the long run by discouraging investment in new domestic drilling for oil and gas."

If you tax something, you get less of it. That is an economic principle that my friends on the other side of the aisle seem not to appreciate. If you tax something, you get less of it.

"America's demand for energy is growing, along with its economy."

Again, that is the three-prong approach needed for energy: Conservation, utilizing responsibly American resources, and then alternative fuel.

But I think it is important, as this memo goes on to state, that we learn from history. The bottom line is that H.R. 6 will raise taxes and will reduce domestic supplies of oil and gas, it will increase imports to fill that void, and it will ultimately increase prices for consumers at the pump and for energy supplies.

How do we know that? Well, this is the lesson of the infamous windfall profit tax on oil firms that was imposed under the Carter administration in 1980. It was repealed ultimately under the Reagan administration in 1988. But, Mr. Speaker, people around the Nation who knew what was happening at that time will recognize, and this will kind of ring a bell, it will remind them of what happened in 1980.

This goes on to say, "In 1980, anger at Big Oil," and a lot of people were mad at Big Oil over high prices, "led to this punitive tax, the windfall profit tax. But America learned the hard way that this approach does not benefit the American people. According to the Congressional Research Service, the windfall profits tax reduced domestic oil production between 3 and 6 percent."

Mr. Speaker, let me say that again. This tax, similar to the one that the House is about to vote on tomorrow, reduced domestic oil production between 3 and 6 percent. It increased oil imports between 8 and 16 percent. This made the U.S. more dependent upon imported oil. We ought to take pains to avoid repeating that energy policy blunder.

This goes on to say, "The best thing that can be said for the proposed tax changes and royalty relief provisions in H.R. 6 is that they might not be large enough to seriously reduce domestic energy production, in which case they would not cause much harm. But even so, they set a bad precedent, and if repeated in subsequent bills, could do as much damage as the infamous windfall profits tax."

So if the past is any guide to the future, most of the money in H.R. 6 will be wasted. On the other hand, these tax revenues, if left in the hands of the energy companies themselves, will be reinvested. And how do we know that? Well, in 2005, the energy industry reinvested $131 billion, $131 billion, an amount that at that time actually exceeded and was higher than their net income of $119 billion for the year.

So what is the better way? Well, as this memo goes on to describe, Mr. Speaker, "The better way, the real answer to high energy prices, is not to tinker with tax and royalty rates on existing domestic energy supplies, but it is to expand those supplies so that more oil and gas become available. Recent Department of Interior studies conducted pursuant to the 2005 energy bill confirm that the United States has substantial oil and natural gas deposits." Without a doubt. "These studies also show that much of these offshore and onshore resources are off limits due to legal and regulatory constraints."

This next sentence, Mr. Speaker, kind of caught my eye. "In fact, America remains the only nation on Earth," the only nation on Earth, "that has restricted access to a substantial portion of its domestic energy potential."

We are the only nation on Earth that does this. And why we think that there is no connection between that and us being more reliant on foreign oil today than we ever have been is beyond me. It doesn't make any sense. Again, Mr. Speaker, my constituents back home don't think it makes any sense either.

In the early seventies, when we all waited in those gas lines and pounded our fist on the dashboard and said never again, we will never be this reliant on foreign oil again, and all of us who can remember that vividly know that sense of emotion and know that sense of frustration as the gas shortages in the early seventies occurred.

But the dirty little secret, Mr. Speaker, is at that time we were about 25 percent reliant on foreign oil. Now we are about 60 percent reliant on foreign oil. And if the Democrat majority has its way, we will be even more reliant on foreign oil, because what we are doing is punishing American companies who assist us in trying to have a greater production of American resources.

This article goes on to say, "Reducing the restrictions on domestic exploration and drilling, not rewriting the Tax Code or revising royalty agreements," as in the bill to be dealt with tomorrow, "will allow for greater supplies and lower prices in the years ahead, and by expanding the resource base it would lead to far greater increases in tax and royalty revenues than H.R. 6 ever could."

So if my good friends on the other side of the aisle are truly interested in having more money, more taxes to spend as they see fit, to increase the power of government, they would be well advised to allow for increasing production, which would increase the ability for them to receive greater tax revenue. This should be the main focus of any genuinely pro-consumer energy policy; that is to not tinker with the tax policy and the royalty policy.

Again, a good energy policy, a quality energy policy, is one that we dealt with last year in Congress, Mr. Speaker. It was primarily three-pronged. One, it dealt with conservation. This bill tomorrow doesn't do significantly anything with conservation. And it encourages Americans to do all they can to conserve, because certainly all of us can do more to make certain we are not utilizing resources that are so, so precious.

□ 1945

Second is to make certain that we utilize American resources responsibly. Again, Mr. Speaker, as I said before, America remains the only nation on Earth that has restricted access to a substantial portion of its domestic energy potential.

Finally, the solution in the long run and the long term is, indeed, alternative fuel, and we worked diligently to try to make certain that we had resources that would be put forward for hydrogen fuel cells and encouraging inventiveness on the part of the American entrepreneur, because I know, as I suspect you do, Mr. Speaker, that when the American entrepreneur puts his or her mind to it, there is nothing that they are not able to do.

So tonight, Mr. Speaker, I am pleased to have had this opportunity to come before the House and to share with this House and with you, Mr. Speaker, and with the American people three issues: the issue of process here in the United States House of Representatives, the 100-hour clock; the issue of student loans, the interest on student loans; and the issue of energy policy.

I mentioned at the beginning, Mr. Speaker, that the common thread between those three issues tonight, that the majority party has brought to us, are really broken promises. It made multiple promises on the campaign trail, and it truly is a shame that promises kept on the campaign trail do not appear to be promises that will be kept in their majority in Congress.

I would suggest to you, Mr. Speaker, that the American people are understanding this. When I go home, I hear people's frustration about a lack of leadership, the broken promises that have occurred even in this short 2 weeks in Congress.

Mr. Speaker, we are a wonderful and great Nation, and it is an incredible privilege to represent my constituents in this House, this House of Representatives. I know that the challenges that we face as a Nation are not Democrat challenges and they are not Republican challenges. They are American challenges, and when we work together, we come up with the best solutions.

So I would encourage the Speaker to reread her words of the comments she made to this Chamber, to this United States House of Representatives on that very first day. I look forward to the day when we do, in fact, have the most open and honest Congress. Sadly, Mr. Speaker, we have not reached that day yet.

APPOINTMENT OF MEMBERS TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore (Mr. HALL of New York). Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Permanent Select Committee on Intelligence:

Mr. HASTINGS, Florida
Mr. BOSWELL, Iowa
Mr. CRAMER, Alabama
Ms. ESHOO, California
Mr. HOLT, New Jersey
Mr. RUPPERSBERGER, Maryland
Mr. TIERNEY, Massachusetts
Mr. THOMPSON, California
Ms. SCHAKOWSKY, Illinois
Mr. LANGEVIN, Rhode Island
Mr. PATRICK MURPHY, Pennsylvania
Mr. EVERETT, Alabama
Mrs. WILSON, New Mexico
Mr. THORNBERRY, Texas
Mr. MCHUGH, New York
Mr. TIAHRT, Kansas
Mr. ROGERS, Michigan
Mr. RENZI, Arizona
Mr. ISSA, California.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. The gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House once again.

As you know, the 30-Something Working Group, we come to the floor to share not only with the Members but also the American people the great things that are happening here under the Capitol dome and some things that Members should be informed of that could happen under the Capitol dome if we were able to work in a bipartisan way.

But I am so happy, Mr. Speaker, today because we are on the floor today, and we have a number of issues that we want to share with not only Members but also the American people. I am excited about all these bipartisan votes that have been taking place over the last 90-something-odd hours that have taken place.

I am glad to have good friends from all over the country. We are going to have the gentleman from Pennsylvania (Mr. ALTMIRE) that is going to join us, and also the gentleman from Connecticut (Mr. MURPHY) is going to join us tonight.

I think it is important for us to really reflect on some of the things that have been happening.

Mr. Speaker, if I may make an inquiry, how much time do we have, sir?

The SPEAKER pro tempore (Mr. RYAN of Ohio). The gentleman from Florida has 58 minutes remaining.

Mr. MEEK of Florida. Thank you, Mr. Speaker. I just wanted to verify that time check there.

In the 58 minutes we have left, I just want to talk about a few of the bipartisan votes, and then we will talk about this whole 100-hours agenda.

I was having a conversation before I came to the floor, and I was stopped by one of the outstanding staffers that are here. They said, Congressman, it is just interesting to see Democrats and Republicans voting together on major issues for a change.

Today, Mr. Speaker, we had a vote on the College Student Relief Act, and I am proud to say that not only did we have every Democratic Member that was in attendance today voting for it, but we also had 124 Republicans that voted for it. This was to take the interest rates down from 6.8 to now 3.4, and it is going to help 5.5 million students be able to afford college.

But I definitely love for my colleagues to chime in, because this is a good day of accomplishment whenever you can come to the floor and vote and be successful on something that you talk about when you are running for office; and now to see this legislative accomplishment in such a very short time is something that you should be excited about. I know that all our constituents are, too.

Mr. MURPHY of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Mr. Speaker, to Mr. MEEK and to Mr. RYAN, I am very pleased to be standing in the normal place of Ms. WASSERMAN SCHULTZ.

I know that because as a candidate for office and as a student of American politics I have had the honor of watching you stand here and really speak for the American people, for the last 4 years in your case, Mr. MEEK, and for the three of you, for the last 2 years. I have been able to serve in the State legislature and now obviously have just a unique opportunity to be here and advocate on behalf of those people with all of you.

If I could start by saying a tremendous and unconditional thank-you to what you have been able to do. Those of us in the political world and nonpolitical world sometimes do not get to turn on the TV until late at night. I will tell you, and speaking especially for a lot of the younger people in the State that I am from, Connecticut, who are interested in this process either as their profession or simply as an interested American, the work that you have done in talking about the agenda that was so badly needed, that was reaffirmed by the American people this November, made a difference, made a difference for me. I think I stole a lot of your lines over the course of my work this last fall.

So let me just say, by means of introduction, that it is a privilege to be able the stand here with you as a new member of the 30 Something Caucus. There are a few of us that came down here, and I think that speaks to the agenda that you have put forth that said the American people need change. We need change.

We especially heard it in our generation those of us who are looking at not just the next 10 years, but the next 20, 30, 40 years and want to make sure that things are happening here in Washington, D.C., whether they be on the 100-hours agenda or whatever we do for the next 2 years is looking to the future of our children and grandchildren, and that's what the 30 Somethings have been all about.

Mr. RYAN of Ohio. While we were down here, you were probably running through bingo halls and bowling alleys; and Mr. ALTMIRE, who is just across the border from me in western Pennsylvania, I think the impact that you have already had on Congress, you have all spoken on the floor. You all did and have done numerous press events representing our party, and I think you have done a tremendous job. So it is good to have you here with certain expertise, whether it is health care or labor, whatever the issue may be. We have got a very talented freshman class.

The reason we are still down here and we just did not quit when the elections were over is that this is about more than just the 100 hours, and we are going to hammer this 100 hours home and get it through and do what the American people asked us to do. But kind of the new energy and spirit that you guys bring is going to move us well past that 100 hours into something that is going to be very special.

So I would be happy to yield over to my friend from Pennsylvania right across the border, the same media market.

Mr. ALTMIRE. Mr. Speaker, I wanted to talk about what we did today. We have had a fantastic couple of weeks with the 100 hours, and we are going to talk a lot about that, but today specifically we did something that is going to impact just about every American with children in this country. We cut the interest rate on student loans in half. And currently interest rates are 6.8 percent; we are going to cut them down to 3.4 percent, and that is going to have an impact on people all across the country.

I wanted to take a few moments today and talk about what this is going to do for students in my district and for the impact per college in my district.

I have a college called LaRoche College where I served on the board of trustees for two terms. It is in my district. It is a private liberal arts college, and for students who are entering this year, over the lifetime of their loan, they are going to see savings of $2,120 over the time of this loan. And because this is phased in over 5 years, for students in 2011, for those parents who may have children that are going to enter college in 2011, over the lifetime of their college, if they go to LaRoche College, they are going to save over $4,000. On average across the country, it is over $4,500, and I think that is something we can be proud of in this House of Representatives.

Mr. RYAN of Ohio. I just want to make a point, and we try to distinguish our party from what the previous party has done in that we are getting some feedback from the other side, that we are phasing this thing in and it is not immediate, and we are not doing everything that we could possibly be doing. We are doing a heck of a lot more than they have done. We have done more in the last 3 hours today on the House floor than they have done in the previous 14 years in running this place for average students.

So we are not going to take it. We are doing more than they have done, and you know what, if they did not have us at a $400 billion deficit, we would be doing a heck of a lot more. The only constraints we have are the fiscal mess that they left us.

Mr. ALTMIRE. I would say to that criticism, and we all heard it today on the other side, that there is an immediate reduction. We are not cutting it in half immediately, but there is a reduction for students who are going to go into college this fall. You are going to see a reduction in your interest rates for student loans, and if you are a parent of children who are deciding where to go to school, maybe entering high school right now and they are deciding to go to college in the year 2011, the interest rate is going to be half of what it is today, and that is because of the action we took in the House today. And I was proud to cast my vote.

In Pennsylvania, we have the fifth highest cost of tuition in the entire country as a State, and we have some great State universities like Penn State. Everybody knows about Penn State. There are 32,000 students on student loans at Penn State University who are going to benefit from what we did today, and the ones who are entering school this year have a $2,250 lower payment over the course of their loans. Students who enter Penn State in the year 2011 are going to see a reduction in what they pay over the lifetime of their loans of $4,360.

That is real savings, and there is nobody on the other side who can say that we have not taken strong action here today. So I am proud of what we did today, along with all the other action we have taken in the last 2 weeks.

Mr. RYAN of Ohio. I agree 100 percent with the gentleman, except for the fact that everybody knows Penn State. In Ohio, we do not barely recognize them.

Mr. MEEK of Florida. I am glad just to echo what everyone else is saying about this outstanding day on the floor of the House of Representatives.

The thing that I have been dwelling on in the last segment of the 30 Something Working Group is the fact that we have these bipartisan votes, but we still have the Republican leadership that is voting against, voting the opposite way of many of their colleagues in their caucus.

□ 2000

I wouldn't say that the Republican Caucus are joining us, I would say that they are representing their constituents. And we talk about bipartisanship, my constituents talk about it. I know that all of our constituents would like to see it, because this vote, Mr. Speaker, today was for America, for America's future. It was for kids like these and others that were here on the opening day of the House. We are fighting on their behalf. And when we fight on their behalf, we fight on their parents' behalf, their grandparents' behalf. Because no matter what religion that one may practice, they want their children and grandchildren to have a better opportunity than what they have had. And with the whole devolution of taxation, Mr. Speaker, that was passing here with out-of-control spending here in Washington, D.C., sending a lack of funding to the States that they have to balance, many of us come from State legislatures, we know we have to balance. It is not like the Federal Government, they can put it on a credit card.

One of our first actions that we took here on this House floor was to pass the pay-as-you-go rules, of saying that if you are going to spend money, then you have to show how you are going the pay for it, not just saying that we are going to borrow from foreign nations and allow them to own a part of the American apple pie.

But today I want to talk about this vote again: 71 Republicans on that side voted against it. Amongst the Republican leadership, every last member of the Republican leadership voted against it.

Mr. Speaker and Members, what is important here is the fact that this bipartisanship is what America has been waiting on. They have been waiting on it. Let's not do it as some sort of slogan. Living proof is the vote that took place here today on this floor. 124 Republicans voted on behalf of their constituents, not just the Republican leadership saying, well, we want you to vote this way, you know, don't worry about it. It is some mighty tall ladder to climb to say that, well, go back home and say I voted against interest rate cuts for your kid to go to school. I don't know, I wouldn't be back if I was to go home and tell my constituents I voted against it because it didn't happen fast enough in my opinion.

Well, the Republican leadership and the Republican Congress on the other side last session took this money away from students and families, and raised the interest rate to give special interest tax breaks to the super, super, super plugged in here in Washington, D.C. the way it used to be. Now, today, we were like Robin Hood. Those Members that voted on behalf of their constituents and voted on behalf of America's future put their special interests love aside and said that we are going to vote on behalf of America's future.

So I am excited about it. This is a day that educators and parents and grandparents who want to see their children educated will see this day as a momentous day. And I am speaking from proof, Mr. Speaker. My wife couldn't have gone to law school. She came from a family that they just didn't have the money to do it. If it wasn't for her being able to get student loans, this bill isn't going to be able to help her but it will help kids like her, and she is a judge today. She wouldn't be a judge if she obviously didn't get a law degree. So I think it is important that we give face and voice to this day because this is about the future of our country.

Mr. RYAN, I will yield to you at this time.

Mr. RYAN of Ohio. I appreciate you being so gracious with your time. You mentioned the number 356–71. 71 people in this Chamber voted against cutting student loan interest rates in half. That is the extreme of the extreme in politics today, and that is why I guess you two gentlemen are here joining us, part of the reason anyway, is because that is the kind of extremism, Mr. Speaker, that was running this Chamber for 14 years, and we brought just a wee little bit of sanity to this place.

And then a beautiful segue into what we are going to do tomorrow: Tomorrow we are going to start repealing the Big Oil subsidies that have been doled out by the same Congress, and I would guess that you are probably going to get another 70-some Members on the other side that are going to be against repealing these major subsidies tomorrow. Major leases that these folks were getting, one of them gave, ConocoPhillips gave $106 million back in 2005 as it enjoyed profits totaling $13.5 billion.

So you are voting against cutting student loan interest rates in half. You are the ones who plugged in the super wealthy and the super plugged in into a Tax Code that is going to save you $106 million when you are making $13.5 billion.

So I am excited about what is happening here because this is a great time where the American people are starting to wrestle back the power that the American people have given us, and we are doing it on behalf of them.

I want to yield to the young new Irish Member of Congress.

Mr. MURPHY of Connecticut. Mr. Speaker, I am coming off of my first weekend back in the district after having spent a glorious first 1½ weeks down here getting sworn in and starting to work the 100-hour agenda. And people back in Connecticut are just so enraptured by the idea they have their House back, they have their House back in their hands.

You talk about the bill we are going to vote on tomorrow. Last summer, as those oil prices and gas prices rose through the roof and people started to make those terrible decisions about whether they were going to afford to pay for their family's basic needs or they were going to fill up their tank, they looked at their government which was giving away more and more tax breaks to oil companies, allowing these excessive royalties to go on in the Gulf Coast, and they just wondered who was in charge down here. They wondered who was in charge.

And that went for student loans as well, as they were crying out, clamoring for more assistance to try to get their kids to school, as students were asking, "I need just a little more help to finish this degree." Congress said the opposite. In fact made it harder for them to get that degree by raising student loan interest rates.

There was just this sense out there, almost a sense of disbelief, and you all felt it I know as well that we had lost control of the people's House here. And what I felt when I was back in the district this week was just a sense of euphoria, that the people's agenda, just regular middle class families' agenda was finally being heard in this place.

And you are very right, Mr. RYAN, when you said that it certainly doesn't end with the 100 hours agenda. This is just a preview of whose priorities are going to be heard here, and it is an exciting place to be.

Mr. RYAN of Ohio. I think the gentleman's constituents are probably glad to see him back in the district, too. And you would generate a state of euphoria for many folks back home, and yield to our friend from Pennsylvania.

Mr. ALTMIRE. Absolutely. And I was also back in the district this weekend and I heard the same things that we are talking about. There is a sense of excitement, that it really is a new day in America and this Congress has instilled a sense of confidence that has not been seen in this country in a very long time.

And if you look at what we have done here over the past 2½ weeks, as the gentleman from Ohio said, some would argue that is more than the previous Congress did in the past 2 years or maybe longer, and we have done that in the first 100 hours of business here in this Congress, and we are going to keep going when this is over. And I am excited that tomorrow we are finally going to complete that first 100 hours agenda, and then we are looking forward from hearing from the President thereafter.

But what we have done, no one should overlook the fact that this is extraordinary. What we have done here in the beginning of a new Congress with a turn in the leadership and a new group leading, we have taken right from the beginning when we looked at the lobbyists and special interests and took away the meals and the travel and the golf outings and the gifts that have been prevalent here in Congress over the past several years, and then we moved right into the pay-as-you-go where we had a system where 6 years ago we had come off four consecutive budget surpluses.

That seems like an extraordinary thing now. We had surpluses as far as the eye can see in the year 2000, and now you look back, the President is going to give us in a couple of weeks his seventh consecutive budget that is out of balance, running a deficit, and that is unacceptable. And the reason that has happened is because they allowed pay-as-you-go budget scoring, which is what we all do in our home checkbooks. You have to have money on one side of the ledger to pay for it out of the other. That is what all the families do at home, that is what I do, that is what we all do. But that is not what Congress has done. Congress has just been able to spend freely without having a revenue source on the other side.

So we are going to make the necessary cuts to balance the budget, which is something that fiscal responsibility has not been a part of the congressional landscape over the past several years. We did that on the very first day.

We followed that up with implementing the 9/11 Commission recommendations. Who can argue that we need to implement the recommendations to make this country more secure? Well, they had languished in the previous Congress. We took care of that the first Monday when we got back after the weekend.

Then we moved on to minimum wage. We raised the minimum wage for the first time in 10 years. Is there any other group of citizens that didn't even get a cost of living adjustment let alone a pay raise over the last 10 years? We did that with a bipartisanship vote. As the gentleman from Florida pointed out, these are not things that the Democrats are supporting on their own and ramming it down the Republicans' throat. These are issues that get bipartisan support.

We moved on to embryonic stem cell research; then we did Medicare prescription drugs; today we did student loans. These are issues that affect every American and working families across this country.

So I would yield back to the gentleman from Florida for him to continue this, but I just want to reemphasize how proud I am to have been a part of this historic beginning of a new session of Congress.

Mr. MEEK of Florida. I just want to let you know how much I appreciate you yielding to me. And you and Mr. MURPHY, this must be an outstanding moment for you, because it is better than what Mr. RYAN and I experienced when we came in the 108th Congress. We didn't have the opportunity to do even a quarter of the things that we told our constituents we would do if they gave us an opportunity to serve them in this great body.

And what you just talked about is exactly—you can run for five elections on what you just mentioned that we did in the last 2 weeks. Unfortunately, it has been so backed up to the fact that now it is like excitement, it is electric here in Washington, D.C. And these bipartisan votes, anyone who wants to say anything about partisanship, they have to look at what has happened over the last 2 weeks and say, this is what we are talking about. They want it.

Mr. RYAN of Ohio. They want it.

Mr. MEEK of Florida. They need it.

Mr. RYAN of Ohio. They need it.

Mr. MEEK of Florida. They asked for it.

Mr. RYAN of Ohio. They asked for it.

Mr. MEEK of Florida. And I just, again, as we go along, because, Mr. Speaker, I am just going to keep saying the same thing because the last 109th Congress, the gentleman from Connecticut and the gentleman from Pennsylvania and Ohio, we pulled this chart out. I know the Clerk's office here has seen it, they probably could close their eyes and tell you what is on it because they have seen it so many times, and I know that the Members on the Republican side and the Democratic side. But this is what has been happening, $1.05 trillion. We are going to have another chart because I am pretty sure that number has gone up of out-of-control borrowing from foreign nations, higher than 42 Presidents, 224 years prior to, $1.01 trillion. That is a real fact. And we kept saying and kept saying it.

And what I am going to say again is the fact that we have the 9/11 Commission recommendations implementation making America safer, Mr. Speaker, bipartisan 9/11 Commission. Anyone can go on Yahoo and get a copy of this, the 9/11 Report: 299 yeas. Every Democrat on the floor that was in attendance that day voted for it and 68 Republicans voted in the affirmative. That is bipartisan.

Minimum wage, we talked about it. On that day, there were 315 yeas. Here is the record here with everyone that voted for it and against it. Every Democratic Member in attendance, 233, 82 Republicans voted for it. That is the bipartisan spirit.

Stem cell research, that was mentioned earlier. We have 253 votes; we have 216 Democrats voted for it and we have 37 Republicans voting for it. That is a good number.

Also, you have the Medicare Prescription Drug Price Negotiation Act, which is 231 Democrats voted for it, 24 Republicans voted for it. And I think it is important that you take a look at that and pay well note to the fact that we were able to vote in a bipartisan way.

And I gave the vote out earlier and I want to direct the Members and all the Members to the vote counts. You can go to www.house.gov to get those vote counts so that you can share them not only back home in your district with your constituents, but the American people, Mr. Speaker, can go on www.house.gov and get this information and share it with the people that have been asking and polling and saying that they want bipartisanship in this House. We know there will be a point where there won't be bipartisanship on some votes, but we are going to try to encourage as much as possible. And I want to continue to say that. And I say that in Democratic circles and I say it in Republican circles with my Republican colleagues.

But we are so glad to be joined by another Member that has joined us in the 110th Congress, the distinguished lady from New York.

What we are doing here is kind of going around, and everyone is pretty much sharing what their experience has been over the last 100 or so hours or 90-something hours. We are going to hit 100 tomorrow. But talking about this governing in the way that we should be governing. And the American people are excited about it. So how is it for you?

Ms. CLARKE. Mr. Speaker, it has been extraordinary.

To the gentleman from Florida, I would like to thank you for welcoming me and all of my colleagues with open arms, and just to say to you that it is very clear that the winds of change are blowing here in the House of Representatives. And I find it just sort of ironic that the rhetoric does not necessarily match the outcome. We do see bipartisan voting taking place right now, and I think the American people need to know that this 110th Congress in the first 100 legislative hours today alone by a margin of 356–71 voted for cutting interest rates in student loans.

Now, if my recollection is clear, in the 109th Congress I doubt that that would have ever occurred. And I think that we need to give credit where credit is due, and credit is due to the winds of change that the people of the United States have made clear through their votes in the November election. We have heeded that very significantly in the first 96-odd hours of the 100 hour agenda, and we have done the American people good. We have done them good.

So I am excited about it. I am just a freshman from Brooklyn, New York, but I am trying to make my way, and I see that we have heeded the call and that we are active in pursuit of the mandates that the American people have set forth for us.

Mr. MEEK of Florida. Just if you would yield, please.

Ms. CLARKE. I would like to yield.

Mr. MEEK of Florida. Let me just say the fact that in the 30-Something Working Group we are so glad that not only have the gentlewoman from New York, but also the gentleman from Connecticut and also from Pennsylvania joining us, and of course Mr. RYAN from Ohio.

☐ 2015

The fact is that we come to the floor to share with the Members what is actually happening here, because I think some Members may say they don't understand, but I think we were pretty clear last Congress about the facts.

Mr. Speaker, I want to make sure, I was actually corrected on the 90-something hours; it is 68 hours. Because we like to give out good information here. Even when we may sometimes by mistake give the wrong information out as it relates to the 100 hours, we correct ourselves here on the floor. So we give good information to the people so everybody knows exactly what is going on and how it is going on.

Congresswoman, you are going to add not only your experience, but also a good representation on behalf of your constituents and the people of America. By the fact of us being elected, our constituents have federalized us to deal with these issues that are facing the country right now.

Mr. RYAN, I yield to you.

Mr. RYAN of Ohio. I appreciate that, and I welcome Ms. CLARKE, the gentlelady from New York. We are going to have some fun. You, gentlemen and lady, have brought some energy and excitement to this Congress. The 100 hours is exciting. It is boom, boom, boom, we passed the ethics. And then we are coming back with the minimum wage, and now we are getting into student loans, real meat-and-potatoes stuff that you all campaigned on, and that we talked about on this floor for hours on end for the last 3½, 4 years. Now we are actually delivering.

Tomorrow is going to be another stellar performance on behalf of Speaker PELOSI and the leaders of the Democratic Congress. Tomorrow we are going to close tax loopholes for oil companies. We are going to close a loophole that gave ConocoPhillips $106 million in 2005 when it got profits of $13.5 billion.

Profits of $13.5 billion. They didn't, you know, take it in and then have to dish it out. That is their profit.

We stepped up and had the guts to say, and I would like to take more because they are making so much money, but we are going to take $106 million and pay for student loans and health care for young people. We are going to move forward on this agenda.

There are a lot of other things that we are going to be able to do. We will do the tax loophole thing. We will roll back the energy bill tax breaks for geological and geophysical expenditures. These are things that may get too technical, but the bottom line is this: The bottom line is that the American people are going to get the kind of representation they need.

If you know you are going to go and dig, if you know you are going to go and drill and you know you are going to make enough money, no tax incentive is going to make you want to do it, especially when you are drawing down profits of $15.5 billion.

Mr. Speaker, $100 million of public subsidy is not going to make that happen.

And then you get into the five royalty relief provisions, this is beautiful, from the 2005 energy bill. This measure will strike the energy bill provisions, suspending royalty fees from oil and gas companies operating in certain deep waters of the Gulf of Mexico.

The interesting thing about this is, the gentleman from Arizona (Mr. GRIJALVA), a great Member of this body, offered an amendment to strike this provision on April 21 of 2005, and it was defeated by 203–227. We have been trying to do this, and tomorrow is our day where we get to step up and actually deliver on behalf of the American people.

Mr. MEEK of Florida. I yield to Mr. ALTMIRE.

Mr. ALTMIRE. I would welcome the gentlewoman from New York as well, who has become a good friend.

This is an issue I hear about every day. It is an issue that we get calls about in our office every day. Mr. MURPHY and I were discussing earlier the fact that we had been back in our districts for the first time this past weekend. I have to tell you, everywhere I went, this issue resonates with people because they see it every day. When they drive past the gas station and they see the price, and of course it is winter season now and we are having a little bit of a cold spell where I come from in western Pennsylvania, and I know New York and Ohio and Connecticut, as well, but probably not in Florida, Mr. MEEK's area. But this is an issue we hear about because home heating is a big part of this as well.

So it affects everyday Americans and it affects working families. I think it is appropriate on the last 100 hours as we hit the finish line that we are going to address an issue, like the others that we have discussed, that really has a day-to-day impact on working families all across this country.

Mr. MURPHY of Connecticut. I think one of the things that makes a lot of what we are doing attractive, we are not just talking about pay-as-you-go, as Mr. MEEK stated, we are doing it in almost every piece of legislation that has been brought forward.

Today, for example, the reason we saw such support for the student loan interest rate is because that program was paid for with efficiencies within that program. That is at no cost to the American taxpayers.

Tomorrow, when we go forward on our new energy policy, that is not even going to be PAYGO, that is going to be pay-it-forward. We are actually going to take the savings from all of the programmatic changes that Mr. RYAN talked about and we are going to put it into a fund, a strategic investment fund, that we are going to be able to use down the line as we start to change our energy policy towards renewable and alternative energy.

We are exercising on a daily basis that kind of fiscal restraint that was lost for so long here, and I think that is why you see a real coming together of people in this Chamber, and why people were so excited back in our districts. Not only do they see things that are helping average families, on education, on energy policy, but they are seeing it done in a really fiscally sound way.

And tomorrow we will continue to do that by taking that money that we are going to save through repealing those tax breaks and repealing those very bad royalty policies and putting it into a fund that we can then use to promote clean energy and use to promote conservation, all of the things that have been so dearly lacking in this country for a very long time.

We are doing the right things, and we are doing them in a way that, as Mr. MEEK has talked about so often, are true to the fiscal restraint that really should be the hallmark of this Congress.

Mr. MEEK of Florida. It is nothing like, and I just keep breaking this down to what my cousin would understand, who has nothing to do with government. There is nothing like being a Member of Congress and telling people what you would do if you had the opportunity to get elected, and then coming and actually doing it.

Mr. Speaker, that is a paradigm shift. That is a paradigm shift here in Washington, D.C. We said we would do what we are doing now, and it is actually happening. This is not something that somebody wrote in an article or an op-ed to your local newspaper, saying it would be wonderful if Congress could come together in a bipartisan way and raise the minimum wage.

It would be wonderful if we could start really diving into stem cell research in a way that would be responsible and along the lines of being able to cure many of the ailments that so many Americans have.

It would be wonderful for us to be able to take those super giveaways and loopholes and take $13 billion of those dollars and put them into energy innovation, making sure that we look at an efficient way to conserving not only energy but investing in the Midwest versus the Middle East. It would be wonderful, Mr. Speaker.

These are all of the things that people have been talking about, and I am glad to be a Member of the 110th Congress.

I was so happy, this last King holiday I had an opportunity to give a couple of speeches. I shared with folks; I told them what I had done over the last week and a half. They were, Wow, Congressman, we weren't ready for all that. We have been reading about it and we are so excited about it. It passed the House; and yes, it is on its way to the Senate and hopefully the President of the United States will sign it.

Our work is not done here. The Members' work is not done. America's public work is not done at this time. The American public has to continue to voice their opinion on these issues that we are passing off this floor.

I want to also let Members know that I will be down here tomorrow as a member of the Committee on Ways and Means, talking about the importance of the passage of this legislation. Being able to pass this legislation and turn these loopholes and great giveaways to special interests and turn them into something that the American people can wrap their arms around; and we can be innovative here, in the American homeland, to be able to hopefully save America.

I look at this as a national security issue. I was on Armed Services for the last two Congresses. I can tell you, I am not a Member of Congress with a conspiracy theory, but I know that if we start to invest in what we have here, our natural resources here, our alternative fuels that we can look at, be it E–85 or what have you, we will be able to do better.

I can tell you what is going to stop, Mr. Speaker, and we are going to make sure that the gentleman from Connecticut and the gentlewoman from New York and also the gentleman from Philadelphia, you will get your set of charts as you move along, to be able to show these great illustrations that I usually do. Mr. RYAN and I have a plethora of these charts.

I just want to say that it is important——

Ms. CLARKE. The gentleman is from Pittsburgh.

Mr. MEEK of Florida. I am sorry, did I say Philadelphia?

I am sorry, Mr. ALTMIRE, from Pittsburgh. I got a little excited.

Mr. ALTMIRE. I accept the gentleman's apology.

Mr. MEEK of Florida. Thank you so very much. You can say I am from Georgia at least once.

Let me just say this: It is the same media market that you are in with Mr. RYAN. I was listening.

Like, for instance, here is an actual pump of ExxonMobil. Here is E–85 that is here, and these are the other fuels that are there, need it be unleaded, regular, what have you. You see here "cannot use your Mobil credit card" to buy this ethanol which is something that is produced here in the United States. This is a part of innovation. This is a part of trying to roll back the clock on global warming. All of these things that have taken place, they have been allowed to do it.

What we are doing tomorrow is taking away some of those super giveaways that they didn't even ask for and the Republican Congress was so happy to give to them. And I don't blame the oil companies. Don't get me wrong. They can only do what we allow them to do.

And while they are making record profits and still have the taxpayer dollars to do what they wish to do, we are going to turn that around and we are going to invest.:That is just the beginning. That is what I am excited about.

I yield to the gentlewoman from New York.

Ms. CLARKE. I thank the gentleman from Florida.

I just wanted to pick up on all the excitement. I think the velocity and the momentum that has been built in the 110th Congress is something that is reverberating around the Nation.

As I went back to my district over the King holiday weekend, the enthusiasm and just the whole buoyancy of how people feel about the work we have been doing, it is uplifting, quite frankly. I think we need to capture that and make sure we use that as a motivation to continue along this path.

Just think about going home to New York City and people talking about real homeland security. We passed legislation that directly impacted on the town from which I am from. And certainly as someone whose father was in the World Trade Center in the 1993 attack, we recognize how very serious it is to reapportion the formula based on risk.

☐ 2030

And just last week we were able to make that adjustment. We were able to organize things so that we can address port security and first responders in a meaningful, tangible way based on risk. And that says a lot about how we are going to operate as a body.

Everyone in New York saw the formulas before as just some of the most overt political pandering that you could possibly do. But now we have restored to them the faith that we can do what we have been sent to do, which is to create policy that protects and that uplifts our Nation.

And so my hat is off to the leadership, Speaker PELOSI, and everyone who has really tapped into the pulse of the American people. Because when you talk about a minimum wage raise in a city like New York, where the cost of living has been something that has created such a gap in people's lives, where raising the minimum wage just enables them to get by, is extraordinary for the rest of our Nation. It is extraordinary for all of us.

And we have an obligation to continue along this path, in making sure that everything that the American people have demanded of us, and I think the 6 in 2006 has really made it tangible, addresses that in a forthright way. I feel really great about where we are right now, and I look forward to working with all of these gentlemen in a movement to really move our civil society to where it needs to be, to make that paradigm shift and focus us as one of the greatest nations of humankind.

Mr. MEEK of Florida. I thank the gentlewoman. Again, being a new Member of Congress and to be able to go home and say that you actually have done what you said you would do should make your constituents feel good and should make even your family feel good and you feel good as a public policy maker.

Mr. RYAN, I yield to you at this time, the gentleman from Niles, Ohio.

Mr. RYAN of Ohio. Thank you. Yes, right over the border from Pittsburgh, Pennsylvania.

As I was listening to you talk, and everyone kind of mentioned some different issues. But if you are the average person sitting home and you have all these politicians, Mr. Speaker, making all these political promises and then actually delivering, that in and of itself is a monumental occasion for many people to celebrate.

But as I was listening and just thinking, if you are home, it is not just that we have accomplished this, but what the actual effects are when these legislative acts get put into law and signed by the President, if the President, in fact, signs them. He said maybe he was going to veto the minimum wage and the Medicare, but just look at what we have done.

We have raised the minimum wage. That is maybe a couple thousand dollars raise for most people. We can talk about the student loan issue, whether it is $2,000 over the course of the loan or $4,000 or $5,000 over the course of the loan, depending on when you get in school. You are talking about maybe $5,000, $6,000, or $7,000 a year that the average family is now going to have at the table that they didn't have a couple years ago when they were trying to do the math and trying to work out their checkbook.

Then there is the prescription drug bill. Once that gets implemented and we actually reduce the cost of prescription drugs, that is going to have another significant impact. So they may be working a minimum wage job, or someone in the family may be working a minimum wage job to contribute. You are going to have the student loan rate lowered, and then a reduction in the cost of prescription drugs. That is significant.

It is great that we actually did what we said we were going to do, Mr. MEEK, and I couldn't agree with your eloquence any more. But the act itself, right down to the kitchen table, Mr. Speaker, this is making a difference.

Mr. MEEK of Florida. It is making a difference.

Mr. RYAN of Ohio. It is making a difference to average families.

And over the King holiday, the great thing is to go back and start reading some of the old speeches and the letter from the Birmingham jail where he talked about a sense of urgency. You know: Don't ask us to wait. What are we going to wait for? You go wait.

Well, I think that is the attitude Speaker PELOSI and our leadership took, and we didn't wait; we actually implemented this stuff. And when it is all said and done, I think no matter where any of our careers end, whether it is in the next term or retirement or some higher office, we are going to be able to see in our scrapbooks that my Aunt Rita keeps for me, I have a little Aunt Rita who cuts out my clippings and puts them in a little book, but we will be able to look back at all we have done throughout our careers and say, I was here when this all happened. I was in the United States Congress when this all happened. That is special, and that is why we are all so very excited.

So I will be happy to yield to my friend from Connecticut.

Mr. MURPHY of Connecticut. Mr. RYAN, thank you for yielding, and I think you are right, this is kitchen-table type of stuff we are doing now, and I think you are absolutely right, this is going to affect the lives of all the people in our districts.

I would go one step further. Before I came down here, I had the chance to go to my friend Adam Garner's elementary class at Highland Elementary in Cheshire, Connecticut, in my home town. And I looked at those kids, and we had about 50 kids in that place, and I thought about what their impression is of Congress, what they think happens in this place. And all they see and all they have read about for the last 10 or 12 years is bickering between the two sides. All they have seen is special interests and lobbyists giving untold millions to campaigns and having their business be brought before the House of Representatives.

So I thought, what kind of world are they going to grow up in, in which they think their government is for sale, where they think their leaders care more about arguing with each other than getting work done.

And you are exactly right, Mr. RYAN, this is going to mean money on the table for people who have very little to work with. This is going to mean a better quality of life for families.

I think of my little friend, Adam Garner, and his friends in Cheshire, Connecticut, and what this says to them about their faith in government. That is what, in the end, is our greatest legacy. Not just the fact we raised the minimum wage and not just the fact a few more kids get to go to college, but what we are doing here, and I think you are very right in this historic moment, is in some small way about restoring faith in the process of government.

The hundred hours is so brilliant because not only does it mean real, tangible results for people, but it means, I think, as Ms. CLARKE said, a paradigm shift, a paradigm shift that will be noticed by people who pay attention and watch C–SPAN late at night, but might also be noticed by those little kids who haven't thought much of their government over time.

I think the 30 Somethings being on this floor trying to expose what has become of this place, Mr. MEEK, has been part of that healing process.

Mr. MEEK of Florida. Well, you are 110 percent right. I am so glad you mentioned this faith in government and the opinion prior to the election. We would watch the news, and they would talk about the American public and what they thought about the Congress, what they thought about elected officials.

I can tell you, and this is going into my 13th year of public service in the Florida House and the Florida Senate, now here in the Congress, I have never had a 2-week period like I have had.

And let us not take it lightly. This is something that should be well noted, and it is something that I am excited about as an individual. But I know the American people are excited about it as well, because my constituents are very excited about it. They have never seen this. So let us not take this lightly.

I know we have about 5 more minutes left, and we want to go around and make sure we all get an opportunity to make closing comments, but look at the vision of this Congress from this point forward. Just think about it. Think about the committee work that is going to take place. Think about the oversight that is going to finally take place. Think about the way we are going to look at the President's budget when it is presented later on, when the President comes here and gives his State of the Union speech. Think about the response to that and how we work with the President on some of those issues and move it forward, not jammed up here in Congress.

Because the American people want action. They want it right here, right now.

We are going to give it to them, Mr. Speaker. And I am glad we have the leadership in place, with Speaker PELOSI and our entire Democratic leadership that is here. We also have some leadership, I believe, on the Republican side of the aisle, the Republicans who want to vote on behalf of their constituents. We are going to give them that opportunity.

Folks talk about bipartisan. There have been Republicans on the other side of the aisle who have been wanting to vote for this stuff, for these things. I am going to say this stuff, using Mr. RYAN's analogy, which is good. Because we don't want to speak over the heads of anyone. We want to make sure that we communicate with everyone, and that is what it is all about. That is what it is all about, communicating. And that is what we want to continue to do. Whether it is good or bad, we are going to come to this floor and be committed to it, and I am glad you are all here tonight.

Those are my closing comments, so we will roll all around to the Member from Pennsylvania.

Mr. ALTMIRE. Well, one of the things that has struck me in our first few weeks here, and I'm sure my new colleagues would agree, is that these are issues that, as we discussed, should not be controversial. Somehow, 71 Members on the other side voted against cutting the interest rates on student loans in half. Somehow, Members on the other side voted against raising the minimum wage for the first time in 10 years.

As I said during the debate on the floor last week, how could anyone vote against or even argue against allowing Medicare the right to negotiate group discounts on behalf of their 40 million beneficiaries to lower the cost of prescription drugs for every Medicare beneficiary? How can anybody be on the other side of that?

So what has struck me is, yes, we are getting bipartisan support, and we should all be grateful for that, but there are still folks on the other side who are arguing against these things. And what is amazing to me is, how is it we are able to pass these with such bipartisan support now, 300-plus votes today on the student loan bill, when in the past they couldn't even come up for a vote. Wouldn't even bring them up on the floor for a vote. Now, in the first 100 hours, we have done all these things.

So I just can't say enough about the new leadership in Congress and how well the entire Congress, including the other side, has worked together to make these things happen, and I just look forward to continuing my service over the next 2 years and working on these issues.

It is such an exciting time, and I am grateful to the gentleman from Florida for allowing me to join him this evening, and now I would yield for closing remarks to Mr. RYAN.

Mr. RYAN of Ohio. And I would yield to our good friend from Connecticut.

Mr. MURPHY of Connecticut. Thank you, Mr. RYAN, and let me just add my thanks not only for allowing us to come down and join you this evening, but for everything you have done over the past 4 years, in particular over the past 2 years, to help us get here and be part of this healing process, which I think this week and a half has been.

You will hear some acrimony from the other side, but when you look at the votes, as Mr. MEEK ran through, in the end, there is a lot of healing that happens here because we are working on things that benefit both sides.

I tell you, all of us new Members, and there are 50-some odd new Members, we all may have certain different issues that were accentuated to a greater or lesser degree in our races, but we have found in talking to each other these first few days that what binds us is the sense our constituents sent us here to get this place working again, get it working again for the right people.

I know from our side of the aisle we will do that with whoever it is. If you are liberal, conservative, Democrat, or Republican, we want to make this a place where we work together again. That is maybe why that sense of euphoria in my district that I talked about in the beginning is maybe due in part to the issues, to the substance that has happened here; but in part it is due to the sense they have that this place is back at work in a way that it hasn't been.

So I am just so grateful for what Mr. RYAN and Mr. MEEK have been able to do for everyone, us and all of our constituents, over the past 4 years, and grateful to have a few moments.

I yield to my friend from New York.

Ms. CLARKE. Thank you very much to the gentleman from Connecticut for sharing that, because I can only say "ditto."

We are, I believe, doing what needs to be done for the future of the Nation. While we see the immediate impact because we were campaigning and there were certain issues that had come before us, when I look at the fact that 8th graders, who will be entering college in 5 years, will be paying half the interest rate that current college students are paying, we are making a substantive difference in people's lives. That could encourage that one student who was saying there is no way my family can afford it to say, you know what, I can make it. And that is what this is about, future generations.

I want to thank the leadership, Mr. MEEK, Mr. RYAN, for giving us this forum in which we can reach out to the American people to come together in common cause with our colleagues, and even some of those folks on the other side of the aisle, to really do the work that is needed to be done for future generations. We have been doing it in the first 100 hours, and I look forward to doing it even more so as we move forward in the 110th session.

I yield to you, Mr. RYAN.

Mr. RYAN of Ohio. I thank the gentlewoman.

Again, raising the minimum wage, cutting student loan interest rates in half, and repealing the corporate subsidies to the oil companies so we can pay for some of this stuff. We are doing some great stuff for the American people, and I want to thank Leader Pelosi.

I will kick it to my friend from Pennsylvania to give us the Web site.

☐ 2045

Mr. ALTMIRE. I wanted to, Mr. Speaker, remind my colleagues that are here with us tonight if they wanted to share with their constituents, our website for this working group, it is www.speaker.gov/30something. Or they could send an e-mail directly or have their constituents send an e-mail directly to 30somethingdems@mail.house.gov. And at this point I would like to yield back to my friend, the gentleman from Florida.

Mr. MEEK of Florida. Well, I can tell the gentleman from Pennsylvania, you just had a great honor, because that is usually, for the last 4 years, that has been Mr. RYAN's honor, and he has now passed that on to you, so that means when you are here on the floor, the 30-something Working Group, it is your responsibility to give the website out and the e-mail address out. So consider yourself a friend, I guess, because since you all share the same media market, he thought he would be nice to you.

Let me just say in closing, it is an honor being joined here by my colleagues here in the House. And I can tell you, Mr. Speaker, even when I first came here to this House of Representatives, the good thing about being a Member of this House, when we take our voting card out, that is one vote. We all equal the same one vote. And that is very significant here in this Chamber.

We are going to take some tough votes, Mr. Speaker, and we are going to need Members to step up to the bat and be Members and be leaders on behalf of their district and on behalf of America.

And with that, we would like to thank the Speaker for the time to be here on the floor. Also, our Democratic majority leader and our Democratic whip and chairman and vice chairman for everything that they have done.

And with that, Mr. Speaker, we would like to yield back the balance of our time. And it was an honor addressing the House.

PEAK OIL PRODUCTION

The SPEAKER pro tempore (Mr. HALL of New York). The gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, tomorrow we vote here in the House on an energy bill. And I thought it might be appropriate to spend a bit of time this evening looking at where we and the world are relative to energy. I have here a chart with some numbers on it that inspired 30 of our prominent Americans, Jim Woolsey, Boyden Gray, McFarland and 27 others, among them retired four star admirals and generals, to write to the President a letter which said, "Mr. President, we have only 2 percent of the world's oil reserves. We consume 25 percent of the world's oil, almost two-thirds of which we import. And that presents a totally unacceptable national security risk. We really have to do something about that to free ourselves from the necessity of buying foreign oil."

The President recognizes that this is a problem. In his recent State of the Union message he said that we are hooked on oil.

There are a couple of other interesting numbers here. We represent actually a bit less than 5 percent of the world's population. We represent about one person in 22 in the world. And with only 2 percent of the world's oil reserves, we are pumping 8 percent of the world's oil. What that means, of course, is that we are pumping our oil four times faster than the rest of the world. We have been pumping less oil each year now for several years, and with this high pumping rate that decline will accelerate.

How did we get here? To find how we got here, you have really got to go back about 6 decades. I didn't know last year on the 14th day of March, when I gave the first speech here on the floor about peak oil, that I was just 6 days beyond the 50th anniversary of what I think will come to be seen as the most important speech given in the last century. This was a speech given by M. King Hubbert, a Shell Oil company geologist, to a group of oil people in San Antonio, Texas. At that time, if you look back in your history books, you will see that we were the largest producer of oil in the world. We were the largest consumer of oil in the world, and we were the largest exporter of oil in the world.

And M. King Hubbert shocked his audience by telling them that in just about a decade and a half, roughly 1970, the United States would peak in oil production. And no matter what we did after that, our production of oil would decline.

I have here a curve which shows his prediction. His prediction is the small green symbols here, and the actual data points are the larger green symbols. And you see they reasonably followed his predicted curve. By 1980, when Ronald Reagan took office, we were already well down the other side of Hubbert's peak, and we knew very well that M. King Hubbert had been right about the United States.

Now, in 1969, M. King Hubbert predicted that the world would follow the United States in peaking in oil production about now. If he was right about the United States, why shouldn't he be right about the world?

It has now been 27 years since we knew, in 1980. We are already 10 years down the other side of what is called Hubbert's peak. And we knew that he was right about the United States and he had predicted that the world would be peaking about now.

If he was right about the United States, why shouldn't he be right about the world? And shouldn't we have been doing something about anticipating this world peaking oil production?

The red symbols there, by the way, are a similar curve for the former Soviet Union, now today, Russia. And you see that when they fell apart they did not meet their expectation, so they are now having a second little peak, but they will follow the general downward trend.

How was M. King Hubbert able to predict this? We had already been producing oil for quite a while in 1956, and M. King Hubbert had watched the exploitation and exhaustion of some individual oil fields, and he found that they always followed what we call a bell curve. Small production at first, and then increasing and finally reaching a maximum, and then falling off the other side.

This bell curve is very familiar. If you weigh people, some will be very light and some will be very heavy, but most of them are somewhere in the middle and they follow a bell curve. If you measure the heights of people, they will follow a similar curve, or the number of mice in a mouse's litter. There are just a great many things that follow this kind of a curve.

So he noted two things, one, that most of the fields tended to be exploited and exhausted in a bell curve, and when they had reached a maximum, for the average field, half of the oil had been pumped. And so he rationalized that if he knew how many fields the United States had, and how many more we would discover, if he added up all the little bell curves he would have one big bell curve which would indicate when the United States would peak in oil production.

He did that. His math may be difficult to follow, but his reasoning is pretty simple. He did that, and he predicted it would be 1970. And right on schedule, we peaked in 1970.

I have been joined on the floor by my good friend, also from Maryland, WAYNE GILCHREST. And before I yield to him, I would just like to introduce what he is going to talk about by quoting here from the International Energy Agency. This is a recent press release. And what they say here, "The energy future we are facing today, based on projections of current trends, is dirty, insecure and expensive. But it also shows how new government policies can create an alternative energy future which is clean, clever and competitive."

They go on to say that "energy demand increases by 53 percent between now and 2030." Well, it may. The demand may increase by 53 percent, but the use will not increase by 53 percent because, as you will see when we develop the subject this evening, the oil almost certainly will not be there to meet this demand.

Over 70 percent of this increase comes from developing countries led by China and India. World oil demand reaches 116 million barrels per day in 2030, up from 84 million barrels today in 2005 and 2006 and 2007. That number really hasn't changed. We have been on a plateau for the last 3 years of about 84, 85 million barrels of oil per day.

By the way, we use about 21 million barrels a day, about exactly one-fourth of that. Most of the increase in oil supply is met by a small number of major OPEC producers. Non-OPEC conventional crude oil output peaks, they say, by the middle of the next decade. Most observers believe that that has now peaked and, as a matter of fact, the world is about to peak. These trends would accentuate consuming nations' vulnerabilities to a severe supply disruption and resulting price shocks. They would also amplify the magnitude of global climate change.

Mr. GILCHREST, I am pleased to yield to you. They introduce the subject that I know you are very much concerned about, and that is what our increased use of fossil fuels is doing to our climate and how it is affecting global climate change and global warming.

Mr. GILCHREST. I have sort of a summary, I guess you could say, a Global Warming 101 Introductory, which will take about 10 minutes, so I am not sure how you want to proceed. Do you want me to just give this sort of a 10-minute introduction to global warming, or break it up with your dialogue?

Mr. BARTLETT of Maryland. I think that would be very instructive for our audience. Please do.

Mr. GILCHREST. Congressman BARTLETT is talking about peak oil, the idea that our energy from oil is a finite resource, it is limited. And what I would like to do, in conjunction with that, is to give a perspective on one of the legacies of the age of oil, and that is global warming, heating the planet, upsetting that delicate balance between what the Earth has been used to for thousands of years, and the natural range of fluctuation in the climate, to what we have done in less than 100 years as a result of burning fossil fuel, oil in particular.

So here is how I would like to proceed. Number one, the Earth has a livable climate. The biosphere, which is the area of the planet that contains life forms that we have become familiar with is possible because of something called the greenhouse effect.

Now, in our atmosphere, we have oxygen, water vapor, methane, carbon dioxide, a number of different chemical mixes which provide us with the air we breathe and the type of atmosphere that produces, in part, the climate that we have, hence the greenhouse effect. It is warm enough and cool enough for life, as we know it, to exist.

Now, one of the most important greenhouse gases, other than water vapor, other than oxygen, other than methane—all of these contribute to the greenhouse effect—is carbon dioxide, or CO_2.

Now, even though carbon dioxide is less than 1 percent of the makeup of our atmosphere, it is critical in the heat balance of our planet. Now, that sort of gives us an idea of the importance of these greenhouse gases and the importance of carbon dioxide.

Now, is the Earth warming? There is no question, everybody would say yes, the Earth is warming, and it has been warming for the last 10,000 years. It has been warming for the last 10,000 years because that was the end of the Ice Age 10,000 years ago, and sea level has been rising, and the planet has been warming all of that time.

□ 2100

It is warming, in part, because there is an increase in carbon dioxide in the atmosphere. Ten thousand years ago, and you can evaluate this by looking at ice cores and checking the bubbles out, and see what the content in our atmosphere of CO_2 was by looking at those bubbles in ice cores from Greenland or the Antarctic, and CO_2 was about 180 parts per million in the atmosphere 10,000 years ago. CO_2, a greenhouse effect, or a greenhouse gas, was at 180 parts per million 10,000 years ago.

If we move forward almost 10,000 years to the year 1890, in 1890, CO_2 in the atmosphere was 280 parts per million. It took just about 10,000 years for CO_2, a greenhouse gas, which helps the balance of Earth's climate, it took almost 10,000 years for it to increase almost 100 parts per million.

Now, let us look at the year 2000. In the year 2000, CO_2 was 380 parts per million. In effect, the natural causes before the Industrial Age were really in full swing. The natural causes gradually warmed the planet over 10,000 years very slowly.

What we have seen in the last 100 years, actually, about the last 50 years, is a dramatic increase in the amount of carbon dioxide in the atmosphere, something like we have not seen for hundreds of thousands of years and perhaps millions of years. So CO_2 in the atmosphere right now is 380 parts per million. We haven't seen that much CO_2 in the atmosphere for 800,000 years. Now, as a result of this, we are going to see some changes in our climate.

Let me make this last comment, though, about CO_2 in the atmosphere, about the heat balance, about how the greenhouse gases intermix with the atmosphere. Human activity, burning fossil fuel, has put into the atmosphere in a little more than 50 years what the natural processes took out of the atmosphere, and it took more than millions of years to effect. In less than 100 years we have changed the atmosphere more than the natural processes of the Earth have changed the atmosphere in millions of years.

Now, what are the ramifications of this? Well, warmer seas and warmer temperatures. If we want to associate that with hurricanes, we have more frequent, stronger hurricanes as a result of that. Warm seas are fuels for hurricanes.

What is that doing to our economy? What is that doing to our coastal communities? What are some of the other implications?

Well, one other significant implication is sea level rise. If you went to Ocean City 10,000 years ago, and we know Ocean City in Maryland was not there 10,000 years ago, if you went to Ocean City, where Ocean City was supposed to be 10,000 years ago, you would have 75 more miles to go before you got to the ocean; 10,000 years ago you would walk from Alaska to Russia, easily, there was a land bridge, a wide land bridge.

Today we know that you can't. That is because sea level has been rising, and it has been rising because of the natural consequence of global warming, but now there is a significant change. For example, the temperature has increased, sea level temperatures have increased. In the last 20 years we have lost 40 percent of the volume of the Arctic ice. The Arctic ice cap, we have lost 40 percent of the volume of that.

Let us take a look at Greenland. In Greenland, it has 630,000 cubic miles of ice, Greenland, 630,000 cubic miles of ice. If that were all to melt, sea level around the globe would rise 23 feet.

Now, we know that Greenland's ice shelf is melting. Recently it was discovered that it is melting 10 times faster than anybody could have ever anticipated. A few years ago, it was losing about 80 cubic miles of ice a year, a few years ago. Today, just a matter of a few years later, it is losing now, and it is accelerating, 80 cubic miles of ice are melting every year.

When I say melting, it is not dripping. This is running off. In fact, the greatest contributor to fresh water to the world's oceans is not the Nile River, it is not the Amazon River, it is ice melting, pouring off the ice shelf of Greenland.

What is that going to do to our coastal communities, our coastal economies? What happened in Katrina, in Louisiana and Mississippi and Alabama? What is happening in a fairly more frequent occurrence to States like Florida or South Carolina, or even States like ours, the State of Maryland? What other changes might there be?

CO_2, carbon dioxide, is being absorbed at an increasing rate by the world's oceans. How will the oceans change as a result of this absorption of CO_2? It will become more acidic. The ocean chemistry will actually change in the ocean, and it will become more corrosive.

What is the problem with an acidic ocean that is more corrosive? Some of the best habitats in the world for the world's most abundant fisheries are coral reefs. Coral reefs cannot survive in an acidic ocean. A whole host of ocean creatures will be disrupted in their process to reproduce or in their process to exist at all. There will be warmer temperatures in the atmosphere, increased forest fires, increased infestation, increased invasive species, changing in agriculture practices, changing in weather patterns. There would be more significant rain storms, more significant snow storms.

Storm cycles would be difficult to predict, shifting in vegetation zones, habitat lost for a whole range of flora and fauna species and 40 percent of ice lost in the Arctic ice shelf right now, and accelerating, may be gone by this midcentury, a whole range, including polar bears or endangered species.

The coastal economy, the coastal economy in the United States is 50 percent of our GDP, 50 percent of our GDP. The likelihood of sea level rise as a result of all of this is going to be between 1, and more likely, at least 3 feet, that will clean out, wipe out, disturb, destroy most of the coastal cities in the United States on the Atlantic and gulf coast.

We are looking at New York City, Boston, Wilmington, Baltimore, Philadelphia, coastal areas from Maryland down to Florida, including Miami. Much of the peninsula of the State of Florida will be under water, not to mention, if you look at the State of Maryland, much of the peninsula, the Delmarva peninsula.

The natural range of fluctuation has been disrupted by the burning of fossil fuel, by oil, a limited resource, the end of the Oil Age and what are the consequences, the last 100 years of the Industrial Age, the age of fossil fuel, the natural range of fluctuation for CO_2, methane gas.

The temperature range in the last 10,000 years has been fairly close and predictable. Now, imagine a straight line, and what does a hockey stick look like? We have corresponded the increase in CO_2 with the increase in atmospheric temperature, the increase in land temperature, and the increase in sea level temperature. All of this corresponding to the increase in burning fossil fuel, and as a result, the increase of methane carbon dioxide.

I want to end with a quote from a gentleman called Norman Cousins, who had an illustrious career in journalism and in politics. Norman Cousins says, "Knowledge is the solvent of danger." And the key to the successful understanding and opportunities for a brighter outcome with what Congressman BARTLETT is talking about as "peak oil," the end of the age of oil, and its consequences in global warming, the key to understanding and finding a solution is knowledge.

Mr. BARTLETT, thank you very much for the time.

Mr. BARTLETT of Maryland. What the gentleman has been talking about is more than valid reason for pursuing the development of alternatives, if no other. Why would we want to increase CO_2 more? Why would we want to threaten more the quality of life in this world?

The Congressman and I have been to Antarctica twice; one of those trips we went together. Down in Antarctica, 90 percent of all the fresh water in the world is locked up in the ice there. It is nearly 2 miles high, and 70 percent of all the world's ice is locked up in Antarctica. Now that hasn't really started to melt yet, although it has threatened. I am told that calculations indicate that if the polarized caps in the Greenland ice shelf, if they were all to melt, the ocean levels would rise 200 feet.

Now, if you look around the world you will note that a big percent of the world's population lives within 200 feet of sea level. This would be a monstrous, monstrous change.

There are three very good reasons for pursuing alternatives, which is what the bill tomorrow is going to be talking about. One of those is certainly a climate change, because what we are doing now is releasing CO_2 that was bound up in these plants and organisms that grew aeons ago, and it took many, many years to tie up the CO_2. Now we are releasing it very quickly as we burn these fossil fuels.

A second reason, of course, is I just don't think that the oil is going to be there, which is what we are talking about tonight as "peak oil."

The third really good reason for doing it is the reason the President advanced, and that is, it really is a big national security risk to be so dependent on foreign oil.

What I have here on this chart is another depiction of Hubbert's peak, and this is by the Cambridge Energy Research Associates, commonly referred to as CERA, and they are trying to indicate that one should not have confidence in the predictions of Hubbert because his curve didn't exactly actually follow his prediction.

Well, by golly, it is pretty close to actually following his prediction. Here is the U.S. actual production in red. You will see there is a little second peak here, and the next chart will show that is because of Prudhoe Bay. We found a lot of oil there, but that was not in M. King Hubbert's prediction. He hadn't imagined that we would be going to the North Slope of Alaska to drill.

So the little yellow ones here are his prediction. Notice that the actual Lower 48 has followed very closely, very closely, his prediction. We are now down to, even with Prudhoe Bay, we are now down to about half, about 5 million barrels a day. That is the red one over there, as compared to roughly 10 million barrels a day at our peak.

The next chart shows better where their oil comes from. Hubbert's prediction covered the Lower 48, and that is this gray area here. Now we need to add to that gas liquids. The big find in Alaska here, and that is what causes this little blip here in the downward slope. I remember a number of years ago, these fabulous discoveries of oil in the Gulf of Mexico, which is supposed to solve our problem for the foreseeable future, that is the yellow there. Notice it hardly makes a shadow on the downward slope of Hubbert's peak.

The next chart is really a chart that we could spend a long while talking about because it has a great deal of information on it. The bars there represent the discoveries, and you notice that we were discovering oil way back in the 1930s, big discoveries in the 1940s, and then lots of discoveries which peaked about 1970, and since then it has been going down, down, down.

The solid black line here indicates the amount of oil that we have been using. Notice that for a long while we were accumulating big reserves of oil; everything about this solid black curve is reserves that we have in store that we can use later.

□ 2115

But then in about 1980 there, you can see these two curves cross. I say two curves, because obviously you could draw a smooth curve through the peaks here, and these two curves crossed about 1980. Ever since 1980 we have been burning more oil than we found. Today we burn two or three barrels of oil for every barrel of oil that we find. So for this period, between 1980 to the present, we have been using up some of the reserves that we have back here, but still a lot of those reserves remain.

Now, what will the future look like? Well, there is a big difference of opinion in what the future will look like. The persons that put this chart together believe that by about 2010, about 3 years or so, the world will peak in oil consumption. Some believe that it has already peaked, others believe it may peak a little after 2010, and then it will go down.

Now, they have made some guesses as to how much oil we are going to find. I am not sure I would have drawn that curve exactly that high, because a smooth curve might bring you down about here. I think they have been very generous in the amount of oil that is yet to be discovered.

By the way, the world's experts on oil believe that we have, most of them, we have probably found about 95 percent of all the oil that we will ever find. You notice that when we find oil now, we find it in very difficult places to get to. The last big find was in the Gulf of Mexico, through 7,000 feet of water, and then about 30,000 feet of rock and dirt until you get down to the oil. We aren't now developing that field, and I am told, you can be told a lot of things that aren't true and I don't know the veracity of this, but I am told we will be developing that field when oil reaches $211 a barrel, because that is what it will cost to get the oil out of that field.

I just want to spend a moment looking at this before we go to the next one. If you draw a smooth curve through these bars, the area under that curve represents the total amount of oil that we have found, and the area under the consumption curve will represent the total amount of oil that we have consumed.

Now, it is very obvious that you can't consume oil that you haven't found, and you can make the future, within reason, look anyway you like. But what you can't do is pump oil that you haven't found. Unless you believe that we are going to find a whole lot more oil than indicated by their projection, then you have some choices as to what that downslope is going to look like.

You can be very aggressive and use enhanced recovery techniques, you can pump steam down there, you can pump CO_2 down there, you can flood it with sea water as the Saudis do to get their oil out. You get it more quickly. But if you get it more quickly, you have less to get later on.

So we have choices facing us as to what that downslope will look like. But, remember, you can't pump oil you haven't found, and the area under the consumption curve cannot be larger than the area under the discovery curve. They have to be the same area ultimately, the same volume.

Here is a prediction by our Energy Information Agency, and it is a very interesting one, and they use some unusual statistical approaches. But this is a curve through the discovery peaks. Let me put the other one up just quickly so you can see the similarities here.

Notice the big peak here in the late 1940s and 1950s and another peak here. They have kind of smoothed that out here. You can see this is the early peak here and then the later peak and then down, down, down.

We get to the point we are at now, and they make some very unusual predictions. The yellow line there, they say, is the 95 percent probability, and the green line is the 50 percent probability, and the blue line is the 5 percent probability. And they say that the 50 percent probability is the average, the mean, and, of course, probabilities and means don't mean the same thing, so therefore, that is what our production is more likely to be.

Surprisingly, this curve that has been going down for a number of years they thought was going to turn around and go up. But notice for the roughly 5 to 10 years after they drew this first curve, notice the red symbols there. They have been following what you would expect they would follow, and that is the 95 percent probability. Ninety-five percent probably is a whole lot more probable than 50 percent probable, and that is what it has been following.

Here is another chart from CERA, and it shows something very interesting. First, I want to look at the left here. This is the low, they say, is the 95 percent probability. Now, the 95 percent probability is the most probable, so it is not the low, it is the most likely.

Then they say the high probability is almost 4,000 gigabarrels. The mean is right in the middle. Most of the experts in the world believe that we have found about a little over 2,000 gigabarrels of oil. I use the term "giga," because a billion in England is a million million, and in our country a billion is a thousand million. So everybody understands giga. A giga is a thousand million. We have consumed about half of that and about 1,000 gigabarrels, maybe a little bit more, but roughly a thousand gigabarrels remains.

Several Congresses ago I was privileged to share the Energy Subcommittee on Science, and I wanted to get some idea of the dimensions of the problem we face, so we had the world's experts come in for a hearing. And I was surprised at the unanimity. It was like from 970 to 1,040 gigabarrels of oil remaining in the world, not a big spread.

Now, what they are showing here is that if in fact we find as much more oil as all the oil that now remains discovered, if we find as much more as all the oil that remains discovered, we will still peak at 2016, 9 years from now, if we find as much more oil as all the oil that now exists, that we know exists in the world. If you don't find that, then we peaked about now and it is going to start down this way.

Another thing they have shown here is if you aggressively develop these fields and pump life steam down there or put CO_2 down there or pump sea water down there, you can get it more quickly. But then look what happens. It falls off more quickly too.

Again, the area under this curve has to be the same thing as the area under this curve. You can't pump more because you are pumping it faster. Now, with enhanced oil discovery, you might get a little more, because you might get some oil that you wouldn't have gotten with conventional techniques.

Here is another more recent chart from the Oil Information Agency. They have been pooh-poohing the idea of peak oil. They said it was going to be an undulating plateau. I agree, it is going to be an undulating plateau. So they show here with what I think are wildly optimistic estimates of how much oil we are going to find, they believe that we are going to find twice as much more oil as all the oil we now know exists. That just isn't very probable.

But even if we find that much oil, they have a peak. Notice it. They say it is an undulating plateau. I agree. With the world's economies and demands and warmer temperatures, which is why oil is down a bit now, because we have warmer temperatures in our country, I agree it is going to be undulating plateau. They are pooh-poohing the idea of peak oil, and they show in this curve peak oil. They show it I think a good many years beyond when it will actually occur.

This little curve down here is closer what I think is reality. They have 1.92 trillion, and it is just a bit over 2 trillion, I think, so maybe it would extend a little beyond this. But notice they are showing this peak about now, aren't they? So if we don't find this enormous amount of additional oil, it will be peaking about now. What they are saying is if we have only 2.93 trillion, we will be peaking at this point.

I have a quote here from one of the world's experts on oil, Dr. Laherrere, and this is what he says, and I think that it is kind of difficult to argue with his logic. Jean Laherrere made an assessment of the USGS report.

Now, it is the USGS report that provides the data that permits CERA to make their prognostications. He concludes that the USGS estimate implies a five-fold increase in discovery rate and reserve addition for which no evidence is presented. Such an improvement in performance is in fact utterly implausible, he says, given the great technological achievements of the industry over the past 20 years, the worldwide search and the deliberate effort to find the largest remaining prospects. Today we have 3-D modeling and seismic use, and so we know pretty much what the world's geology looks like.

I might take just a moment to talk a little bit about this geology, because it is very important in understanding how much more oil we are likely to find.

How did the gas and oil get there? Well, nobody was there when it got there, so we really don't know, but one of the best guess its is that a very long time ago the Earth was very much warmer than it is now. As a matter of fact, there were subtropical seas at the North Shore of Alaska. In the North Sea, there were subtropical seas. And every cycle the vegetation grew, and then when it matured or if there was a fall, and it may have been warm enough there was no true fall, but still there was a cycle of life, and it grew and sank to the bottom as algae does now in the ponds and so forth. And then waters washed erosive materials off the surrounding hills and it mixed with the organic material. This continued for an a large number of years until there was a lot of mixture of organic material and inorganic material there.

Then the tectonic plates of the world moved, and we know that happened, and it opened up and sank and went down to a depth where the temperature was appropriate, closer to the molten core of the Earth, and where the pressure was appropriate, and then cooked there under this pressure for who knows how long; and this organic material, mostly plants, maybe a few small animals, gradually became what we know as oil.

Now, the oil is made up of molecules of varying lengths. Some are very short and they are in fact gasses, if you let them escape from the oil. Some of them are very long, and that makes the waxes and so forth that we find in oil.

Now, if there happened to be a rock dome over top of this deposit way down there that is now being cooked and pressurized for a long while, if there is a rock dome over that, the gas that escapes will be trapped under that rock dome. So when you come along and drill a well through that, and you get down to the oil, the oil is going to be under pressure because of that gas above it. So you have what you call a gusher. The gas pressure above pushes the oil down and up the drill pipe and it continues to gush until that gas pressure has been relieved.

Now, this may not be the way that oil and gas were formed, but there isn't any better guess as to how it was formed. And if that is in fact the way it was formed, then we can make some guesses as to how much more oil and gas we are likely to find, because we have done a pretty good job of matching the geology of the Earth.

What you need to find is some of this organic material buried deeply for a long while with a rock dome over it so it captures the gas. By the way, if it doesn't capture that gas, you end up with something like the tar pits of California, and you end up with the tar sands, they call them oil sands, they are tar sands, thank you. They flow about as readily as the blacktop driveway out here, unless you heat them up, which is what they do, and combine them with some shorter chain molecules so that when they cool they will still flow.

The loss of these gasses has produced what we call our oil shales in the west. By the way, there are huge, huge deposits of these tar sands and oil shales.

As a matter of fact, the deposits of each of those represents way more than all the fossil fuels that we now know exist in the world, and the Canadians are making some heroic efforts because their big fields are up in Alberta, Canada, and they have a shovel up there that lifts 100 tons and they dump it into a truck that carries 400 tons and then they carry it and cook it. When it is cooked, why, the oil flows and then they mix it, as I said, with something with shorter molecules, a solvent, so when it cools it will flow and they move it out through pipes. With this heroic effort, they are getting about 1 million barrels a day. That sounds like a lot, 1 million barrels a day, but we use 21 million barrels a day. That is about 5 percent of what we use, and just a bit over 1 percent of what the world uses, because the world uses about 84–85 million barrels a day.

And what they are doing is not sustainable, because they are cooking this with natural gas that is what we call stranded. By "stranded" we mean there are not very many people there to use it, and natural gas is hard to transport unless you liquefy it and are near a port, so it is cheap. So I understand they may be using more energy from natural gas to produce the oil than they are getting out of the oil. But from a dollar and cents perspective, it makes sense, because the gas is really cheap and they are producing that oily understand for $12 to $25 a barrel, again, you get various estimates of this, and they are getting $50 to $60 barrel for it. So dollars and cents-wise, that makes good sense.

□ 2130

From an energy profit ratio, it does not make any sense at all. Natural gas is a high quality feed stock for an enormous petrochemical industry.

One of the things that we use it for, by the way, is making nitrogen fertilizer, and without our ability to make nitrogen fertilizer, we could not begin to feed the world. It is not just the plant breeder, and he has done marvelous with developing new plants. It is all of the fossil fuel energy we use in agriculture, and a great deal of that is used in making nitrogen fertilizer from natural gas.

I have next a little schematic here, and this kind of smoothes out these curves. By the way, the world has been increasing its use of oil about 2 percent. That does not sound like much, does it, 2 percent? But 2 percent exponential growth doubles in about 35 years. It is four times bigger in 70 years, and it is eight times bigger in 140 years.

Albert Einstein was asked after the discovery of nuclear energy and the detonation of the nuclear bomb, Dr. Einstein, what will be the next great energy force in the world? And he said the most powerful force in the universe is the power of compound interest. Exponential growth.

I have a namesake, no relative. I wish I had some of his genes. He is really very brilliant. Dr. Albert Bartlett, professor emeritus at the University of Colorado, he gives the most interesting 1-hour lecture I have ever heard on the failure of our industrialized society to understand exponential growth. Just do a Google search for Albert Bartlett and energy, and it will come up and you will be fascinated with this 1-hour lecture.

Here we show this little schematic curve. It is a 1 percent growth rate. Remember, that doubles in 35-years. This point is twice as high as this point, and that represents 35 years. Notice that the shortage occurs before we reach the peak.

The shape of the bell curve and the exponential growth curve indicate that you are going to have shortfalls in supply, price is going to go up before you might reach the peak, and maybe, just maybe, we are in this time right here. A lot of the evidence indicates that is true.

The next chart is one that really gives you some pause when you look at it. Let us just look at the upper one because the bottom one is an expansion of the upper one, separating the gas from the oil here in the red curve. But this shows only what 400 years, a little less than 400 years of more than 5,000 years of recorded history. The use of energy in our world was so small back in 1750 that that brown there which is wood is just about the baseline, is it not?

The industrial revolution started with wood. The hills of England were denuded to make charcoal to make steel. Catoctin Furnace, a little historic site up in Frederick County, they denuded the Catoctin Mountains where Camp David now is, thankfully the trees grew back, they denuded that making charcoal for that furnace.

The industrial revolution really took off when they discovered coal, and it was stuttering when they finally discovered gas and oil. Then look what happened.

The hockey stick, that is the hockey stick that Congressman GILCHREST was talking about, look what it did. It just goes straight up. Notice here what happened in 1970. There was a real oil price shock there, and the world used somewhat less oil. We are now very efficient in the way we use oil in this country. Air conditioners probably are twice as efficient at least as the ones you used in 1970. If it were not for our increased efficiency we would be in even more trouble with energy today.

But what I want to point out is that we are about 100, 150 years into the age of oil. That is this. If Hubbert was right, and he was exactly right about the United States, why should he not be right about the world, this is going to be a bell curve. By the way, you can make this thing look steeper or shallower depending upon the dimensions and the ordinates, the absinthe ordinate and abscissa. Here, of course, we have 400 years on the abscissa so it is very compressed so it makes the curve look higher, but that is exactly the same kind of curve we have here. We just spread out the abscissa here so that we spread it out. If you really push these two things, that is going to peak up high in the middle.

Out of 5,000 years of recorded history, the age of oil will represent about 200 to 300 years, remaining about 100, 150 years. What will our world look like post age of oil?

The next chart shows us something that is alarming a number of people, and this is a little drawing of the world. It has a number of symbols on it, and one of those symbols shows where China is securing rights to buy oil, and they are all over the world. This symbol here was Unocal. They almost bought Unocal, one of our oil companies. They are buying oil all over the world. They are scouring the world for oil.

I just came back from a trip to China, and we went there to talk about energy by the way. I was pleasantly surprised when they began their discussion of energy by saying post-oil. They get it. I wish we did. They talk about post-oil. They recognize that they are big polluters. As a matter of fact, I have a reference here that says by 2010, just 3 years from now, they will be a bigger CO_2 producer than we are, in just 3 years. Their economy is growing, the last 2 quarters, at more than 10 percent a year. That doubles in 7 years. It is four times bigger in 14 years. It is eight times bigger in 21 years, 1.3 billion people. I saw essentially no bicycles on the street and traffic jams like we have at rush hour here in Washington.

Well, the fact that they are scouring the world for oil indicates their understanding that this is going to be a resource in short supply for the future. We can spend a long time talking about China and what they are doing. They are aggressively building a blue water navy.

A blue water navy is different than the brown water navy, brown from the silt that comes out the rivers near shore, little navies that protect you from somebody coming from afar. They are rapidly developing a blue water navy. Last year, for instance, we launched one submarine. They launched 14. Now, their submarines are not ours but 14 submarines is 14 submarines.

I have here a very interesting statement from our Secretary of State Condoleeza Rice: "We do have to do something about the energy problem." I am thankful you recognize that. "I can tell you that nothing has really taken me aback more as Secretary of State than the way the politics of energy is I will use the word 'warping' diplomacy around the world. We have simply got to do something now about the warping now of diplomatic efforts by the all-out rush for energy supply."

It would be nice if everybody in the administration understood that and we were doing something meaningful about it.

So what do we do? Well, I think that any rational person would understand that you need to get busy developing some alternatives if you are going to run out of these fossil fuels. By the way, these fossil fuel are just incredible. The energy in these fossil fuels is just unreal.

I have an article, really not an article. It was a speech given by Hyman Rickover in 1957, 50 years ago this year, and I want to read something that he says here which is really interesting. He understood 50 years ago, "With high energy consumption goes a high standard of living. Thus the enormous fossil fuel energy which we in this country control feeds machines which make each of us master of an army of mechanical slaves. Man's muscle power is rated at 35 watts continuously," little more than you are working, but you have got to sleep, "or one-twentieth horsepower. Machines therefore furnish every American industrial worker with energy equivalent to that of 244 men, while at least 2,000 men push his automobile along the road, and his family is supplied with 33 faithful household helpers. Each locomotive engineer controls energy equivalent to that of 100,000 men; each jet pilot of 700,000 men. Truly, the humblest American enjoys the services of more slaves than were once owned by the richest nobles, and lives better than most ancient kings. In retrospect, and despite wars, revolutions, and disasters, the hundred years just gone by may well seem like a Golden Age."

And it has gotten even more golden in these last 50 years, has it not?

Hyman Rickover understood very well our dependence on fossil fuels. One barrel of oil controls the energy of 12 men working all year for you. If you figure out what that costs, it is less than $10 to purchase the equivalent work of a person all year long.

Now, if you have some trouble getting your minds around that, imagine how far that gallon of gasoline or diesel fuel carries your car. And by the way, it is considerably cheaper, a little over $2 a gallon, than water in the grocery store.

Now, how long would it take you to pull your SUV or your car or push it as far as that little gallon of gasoline or diesel fuel take it? I own a Prius. We get under normal road driving conditions 51 miles a gallon. It would take me a long time to pull my Prius 51 miles.

Another indication of the incredible energy benefit from fossil fuels, if you work really hard all day long, I will get more work out of an electric motor for less than 25 cents worth of electricity. It may be humbling to recognize in terms of fossil fuel that we are worth less than 25 cents a day, but that is the reality, and that is why we live so well.

As Hyman Rickover understood 50 years ago, if that was true what he said

50 years ago, it is true in spades today, is it not, because we have even more helpers to make our life quality higher as a result of our use of energy.

Well, what do we do if we are going to run short of fossil fuels? Obviously, we have no surplus oil to invest in the development of renewables. If we did, oil would not be $50, $60 a barrel, but we can free up some oil and buy some time with a very aggressive conservation program.

Matt Simmons, who has written a really good book on Saudi Arabia called "Twilight in the Desert," and he makes the case that Saudi Arabia has probably peaked in oil production. They will not tell you that, but you notice they cannot make good on any promise to increase oil production so he may very well be right. Then after having freed up this energy and bought some time, we must use it very wisely. We would get a lot of benefits from that.

Life is just so easy in this country that we are bored. We are watching awful movies. We are doing drugs because we are bored. There is no exhilaration like facing a big challenge and besting that challenge. There is nothing that puts flavor in pie so much as work, and I can imagine Americans, when they understand the problem we face, going to bed at night saying, gee, today, I used less energy than I did yesterday and I lived just fine, and tomorrow I am going to do better.

But we need leadership that is not here yet so that we will do that. By the way, big benefits. We could once again become a major exporter. We are the most creative, innovative society in the world. Properly challenged, we will figure ways to get this alternative energy. We could again be a major exporter. Today, we are a big, big importer, as you know, $800 billion trade deficit this year.

We are a role model whether we like it or not. When you use 25 percent of the world's energy, you are a role model. Not a very good one today. We profligately use energy, way more energy than the average person in the world. It really is possible to be much more efficient.

This is a fascinating chart, such a simple one, but what it shows is the heat that you get out of an incandescent bulb and the light you get out of it. Ninety percent of it is heat which is why I use an electric bulb for brooding little chickens. I am not so much interested in the light as I am the heat from it. Now fluorescents are much better, and I saw there was a Time magazine cover page that had a pile of coal there. I think it was on the cover page, and they have one of these screw-in fluorescent bulbs beside it. Five hundred pounds of coal, that is the amount of coal you save in the life of that one fluorescent bulb, that is here.

But notice what you get out of light omitting diodes. I have a little light omitting diode flashlight that I carry. I put two little batteries in it, and I have forgotten when I put them in.

□ 2145

It just lasts so long. We have the same amount of light out of each one of these, but notice the enormous amount of heat you are getting out of the incandescent bulb and the tiny amount of heat that you are getting out of the light emitting diode.

There are lots of opportunities in our society to live well and comfortably using a lot less energy. I don't have the chart here, but the average Californian uses only about 65 percent as much electricity as the rest of America, and it would be hard to argue that Californians don't live well.

This next chart is a really interesting one, and what it shows here on the abscissa is the amount of energy that we are using per person and what it shows on the ordinate here is how good you feel about life. You couldn't feel any better than 100 percent, and notice where we are. We are the biggest users of energy in the whole world and we feel pretty good about it; but notice how many countries that use less energy than we feel even better than their quality of life. Let's go way back here to Colombia. They use a fifth as much energy as we; they feel almost as good about their quality of life as we feel.

If you drew a curve through this, you need some minimum energy to feel good about life, but once you go up that steep part of the curve, the minimum energy is pretty flat. We can move way back here on the curve and feel just as good as we do now about life. You don't have to use the amount of energy that we use to feel as good about life as we do.

The average European, the countries are scattered through there, but the average European uses half the energy we use and, by the way, pays more than twice as much per gallon of gasoline and they have been doing that for a very long time.

We are shortly going to run out of our 60 minutes this evening and we will need to come back to finish this, but obviously we have got some finite resources here that we can use. When we come back, we are going to talk about the resources available to us to meet the challenge of transitioning from fossil fuels to renewables. And, by the way, we will transition either on a time scale that we have chosen or on a time scale chosen by geology.

As we run down the other side of Hubbard's Peak and the world has less and less supply of fossil fuels, we will transition. It can be a bumpy ride, or it can be a really bumpy ride. But Americans are up to it. We need leadership and knowledge. And we will be back again to talk about the finite resources available to us and all those fascinating opportunities in renewables.

CLEAN ENERGY

The SPEAKER pro tempore. The gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes.

Mr. INSLEE. Mr. Speaker, we come here to the well tonight to continue this discussion about energy. I have enjoyed listening to my colleagues Mr. BARTLETT and Mr. GILCHREST, who have been talking about the need for changes in our energy policy to effectuate an energy efficiency policy for this country, to use our innovative talents to come up with new technologies to deal with our energy challenges, and to really bring our energy policy from the 19st century into the 21st century. And the good news is tomorrow, Thursday of this week, in just the third week of the 110th Congress, this new Congress is going to start with a big step out of the 19th century, which has been represented by the last Congress, and into the 21st century, which is represented by this Congress, and I am pleased to report to the House tonight and to the country, tomorrow the Democratic majority with some help from some of our friends across the aisle will pass a bill which will cause a major shift in the energy policy of this country.

In the last Congress there was a clear direction of the energy policy of this country, and under the last management of the U.S. Congress the basic operative rule was to give billions of dollars of taxpayer money to the oil and gas industry, the most profitable industry in the history of the solar system, over $10 billion in tax breaks to the oil and gas industry. Tomorrow, that money will be returned to the citizens of the United States for the use in developing a truly 21st century energy plan.

Tomorrow, the Democratic majority held Congress or House of Representatives will pass a bill which will reel back in $14 billion of taxpayer money that was sent to the silk-lined pockets of the oil and gas industry, and that is a good thing for Republicans and Democrats and Independents and for our grandchildren for reasons we will talk about tonight. It is a good reason because when we reel that $14 billion in giveaways to the oil and gas industry that happened in the last Congress, what we will do tomorrow is take that $14 billion and create a fund of money belonging to the American people that will be used for the development of new technologies, creative new sources of energy, energy efficiencies, more efficient vehicles, more efficient appliances, and a way to beat global warming.

So we are going to convert the giveaways from the oil and gas industry that happened in the last Congress to an investment in the future of our country to have a new energy technology, technologically based future for the energy source of this country.

We are going to do it for three reasons. And perhaps those three reasons are obvious, but I want to state them.

Tomorrow when we pass this bill, we will create a fund called the Strategic Renewable Energy Reserve. Not really much of an acronym; I didn't get to name it. But the Strategic Renewable Energy Reserve will be a fund with $14 billion that will be taken back from the oil and gas industry and be used for our inventors, our businessmen, our academicians, our people who are doing great work to develop new sources of energy, and we will do this for three reasons. I will go through them quickly.

Number one, we will use this fund to develop a domestic source of energy for this country. We will use this money to develop the new advanced biofuels, the second generation ethanol, the cellulosic ethanol, the advanced biodiesel systems so that we can start buying our fuel from Midwestern farmers rather than Middle Eastern sheiks. We know the trouble we are in in the Middle East due to our dependence on Middle Eastern oil, and we are going to break that oil addiction, not rhetorically, but in reality.

Second, we are going to use these funds to develop new clean energy sources that can stop global warming. We are going to have energy efficiency which can have efficient appliances rather than dirty appliances that waste energy. We are going to have energy efficient cars, plug-in hybrids, flex fuel vehicles that can use biofuels developed in the Midwest; energy created by wind turbine, solar energy and perhaps clean coal, wave power. You name it. We have a thousand flowers that are going to bloom in energy if we use this money in a smart way to stop global warming.

And, third, we will use this money to create a new energy source of jobs in this country. It is about time to start building fuel efficient cars in this country, new technologies here. It is time to reel those jobs back in.

So I am very excited what will happen tomorrow. It is the first step in a long road of what we will talk about tonight, the new Apollo Energy Project. And we have a new Member of the U.S. House who has brought a new vision of energy, Mr. JOHN HALL of New York. And I will yield to Mr. HALL.

Mr. HALL of New York. I thank the gentleman for yielding, and I am excited to be here at this time, at this point in history when our country will finally, beginning in this House of Representatives, begin to act on renewable energy and conservation in a meaningful way. And I also want to say that I hope Northeast farmers will also be able to contribute to the biofuels that will be developing.

I have a friend in New York State who is driving around in a stock diesel Jeep Liberty 4-by-4 that he is running on biodiesel made from wood waste at a renewable tree farm that makes furniture in New York, just north of my district in Representative GILLIBRAND's district, but it is minutes from where I live in Dover Plains, New York. There is no modification needed to the vehicle. The company that is making this fuel runs all their farm vehicles on it, they run their road vehicles on it. Every scrap of leaves and sawdust and little twigs and things that are parts of the tree that are too small to go into the furniture they make goes into making biodiesel fuel, and it is very successful.

The only thing that is lacking is the knowledge on the public's part that they can ask for it, and the law of supply and demand will work for renewables the same way it does for any other form of energy or any other commodity.

I called up my own local oil company in my hometown of Dover and asked if they had biodiesel to sell for me to burn in my home heating oil system, my furnace that heats our home, and they said yes. And I said, "What is it?" And they said, "20 percent soybean derivative." And I said, "Sign me up." And I asked the gentleman on the phone, "How is it?" And he said, "I am the owner of the company and I burn it in our house, and it burns cleaner than regular home heating oil."

So it is similar to the situation I ran into when I served in county government and we were dealing with markets constantly fluctuating in recyclables, for instance, where one month you might make money on recycling paper and the next month you might lose it. It depends on how many plants are built to recycle it and how many new communities start to do so in earnest.

If our country and our citizens know to ask for wind power, which we get in my home the first 1,500 kilowatt hours per month from a wind farm in Atlantic City. And that is only one of many wind installations that are being put up around the northeast. There is a big wind farm in the Tug Hill Plateau in the Adirondacks that is going to figure majorly in New York's energy supply, and in the Finger Lakes region also. Farmers are finding out that they can lease space on their property for wind turbines, make royalties on it or lease payments from the utilities on it that will pay their property taxes and enable them to stay in farming. The cows don't care. They graze under the wind turbines, and meanwhile they are turning overhead and cranking out the energy.

The Jersey Atlantic Wind Farm in Atlantic City that my wife and I are buying power from will be amortized in 5 years. It consists of five 380-foot-tall wind turbines. Each turbine is a greater surface area than a football field and taller than the Statue of Liberty and generates 7½ million watts of power when it is running at peak operation.

So if it is free in 5 years, the investment is paid off. After that, you have free energy, you have no pollution, zero emissions, and as you were saying it helps our balance of trade deficit, it cuts back on the money that we are sending to the Middle East oil potentates that are funding the madrasas that are training people that we then have to send our military to go fight. It cuts back on oil spills. It cuts back on asthma and emphysema in the inner cities, the particulate emissions. So it is a win-win-win situation with jobs being created here, with the dollars that we are spending on energy being kept here.

And I would just like to say once again that I am proud to be a part of this action of repealing and closing loopholes. It is not a raise of taxes as our colleagues on the other side of the aisle were saying before, but it is actually closing tax loopholes, subsidies, and giveaways that they created in the last Congress and transferring those funds to these renewable energies.

Mr. INSLEE. If the gentleman will yield. Very much so, it is claiming what should be rightfully ours. We essentially gave away oil that belongs to the citizens of the United States, and gave it away with no royalties. It was a giant, giant giveaway program. And subsidies in certain circumstances are appropriate for nascent growing industries, but this is a mature industry. There was no reason to give a company that made $20 billion profit last year more of our taxpayers. You are paying twice when that happens. You are paying at the pump, and then you are paying on April 15 when you are paying taxes that are given to these oil and gas companies.

I want to just touch on your wind sample. Today I had the Director of the Bonneville Power Administration that runs the electrical grid in the Northwest today, and he was telling me that wind power today is cheaper, cheaper than essentially any other system that we have to generate electricity, at least in the Pacific Northwest, cheaper than coal even.

□ 2200

For those that say wind cannot be an integral part of the system, a study came down from a Minnesota group last week which evaluated how one can integrate wind because the wind does not always blow. It is not a totally reliable system, so you have to integrate it into your system.

They concluded it is so cheap you can integrate it by having backup gas turbines sometimes to kick in if the wind doesn't blow with minimal to no increases in prices.

This revolution that is happening in energy that we will start tomorrow, sort of the Concord Bridge moment for the energy revolution here, is all over the country. You mentioned in your neck of the woods, it is not just the Midwest, in Washington State we are going to have the biggest biodiesel plant in the Western hemisphere. It is going to be up and running next year.

Minnesota has huge growth in wind power. Wisconsin has a company that is building wind turbines so fast they cannot fulfill the orders. Missouri has just started three huge wind farms. This is something all over the country.

When I talk to businesses, what I find is there is not a State in the country that does not have some business that is going to benefit from what we will start tomorrow, which is new energy revolution. California in Silicon Valley is developing these new solar cells that could be 30-40 percent less expensive. A company called Fiber Forge in Colorado is starting to make composite bodies for cars that could be 40 percent stronger and half the weight. This is a national effort. All of us will get to brag about it some day.

I would like to yield to the gentleman from Florida (Mr. KLEIN), a new Member of Congress. Thanks for joining us.

Mr. KLEIN of Florida. Thank you, Mr. Speaker. It is a pleasure to be here with Mr. HALL, my good freshman friend from New York, and my good friend from the State of Washington. I know you have been leading the fight for a number of years and trying to get our focus, not only in your State, but throughout the country on the idea of renewable energy sources.

Many of us in the freshman class came to this year's campaign and this Congress with a view that this is an opportunity of historic proportion. This is an opportunity for us to recognize that this is a once-in-a-generation calling, no different than our predecessors had with the Manhattan Project. I know that many seniors in my district in south Florida have talked about that, the calling of their generation to make sure that World War II would end with an atomic weapon. Of course we all know that when Sputnik went up in the early 1960s, a little before my time, but at a time when this country saw this little tin can up in space and thought this could be a threat of possibly bombs coming from outer space into our country, and John F. Kennedy saw this as a time and place for us to engage our private sector, our universities, our public, to create a new generation of scientists and mathematicians who would put a man on the Moon by the end of the 1960s. By 1969, they did that. And now the science and technology that came out of the space program has broad applications to our daily lives.

I view this, as do many Democrats and Republicans, as a time in our country's history when we need to make ourselves energy independent. I believe it. There is nobody in this room or in this country who doesn't believe that Americans, when they put their nose to the grindstone, can't accomplish anything. We can. We can and we will.

This has the unbelievable capacity of recognizing three great elements in this day. One is national security. We should never, ever have to make another foreign policy decision based on where the next drop of oil is coming from. That is a strategic mistake of unbelievable proportions. To have to import 60 percent of our oil from unstable countries around the world that in many cases are taking some of the dollars that we send over, the millions and billions of dollars, and financing both sides of the war on terror is wrong.

Recognizing that is something we need to do for our own national security, inside the United States, is crucial.

Secondly, we all understand the environmental impacts. I know my colleagues that are speaking tonight have led the fight on this, and many others. And recognizing whether it is global warming or any of the other environmental impacts of some of the technologies that are used today with oil and other things, these are issues that we need to take up.

I live in Florida. We have had a battle in Congress, and I was not in Congress last year, but many of us fought the fight back home: We don't want drilling off the coast of Florida, or in Alaska in the refuge. Those are false choices made by the administration.

The right choice is we don't have to have more oil drilling. Oil drilling will be a part of our energy solution, but we don't need drilling in places which will have a potential of having a tremendous long-term environmental impact. Off the coast of Florida, we have a very large tourist industry. We have wonderful reefs. We have a beautiful environment in our oceans and bays and the Gulf Coast. We can't afford to do that. It is not good for anybody in this country. There are choices that allow us to have alternative energy.

And of course the last thing is the new economy. Many have talked about the fact that in this economy today we have lost jobs overseas. We don't have steel manufacturing like we used to. We don't produce a lot of the products. The science of alternative energy sources and the commercialization of that technology and those products can once again be our big technology boom like we had in the 1990s in this decade, and for decades to come. It will make us energy independent, and it will be exportable science to the rest of the world.

Mr. INSLEE. I was talking to a businessman the other day who wants to develop the Chinese market to sell China thin solar film technology to become the distributor in China of a technology developed in America. Talk about a great thing for our balance of payments.

You talked about the original Apollo project. We have named our bill, the first step we will talk about tomorrow, the New Apollo Energy Project because we believe, as John F. Kennedy did, that we have unlimited innovative capacity. But what we don't have at the moment are policies to put that innovative genius to work.

For instance, we are spending less than 16 percent on energy research in total in this country. We are only spending 16 percent of what we spent on the Apollo project. That is just abysmal. We had at least as much of a challenge as trying to get to the Moon.

I had a utility executive in my office today. He told me this factoid: We spend more on research about dog food than the utility industry does on new energy in this country. I don't want to belittle dog food, it is important, but we need to boost our research. Tomorrow we will put $14 billion back into the pockets of Americans to use in part for research, the tremendous things that are going on. Every time I pick up the phone, I learn about a new technology being developed.

I yield to Mr. HALL.

Mr. HALL of New York. I am just looking at the uses of the Strategic Energy Efficiency and Renewables Reserve, and I will get that out in one sentence, to accelerate the use of clean domestic renewable energy resources and alternative fuels, to promote the utilization of energy efficient products and practices and conservation, and to increase research development and deployment of clean, renewable energy and energy efficiencies and technologies.

The word "conservation" is in there, and it is one that has been sadly neglected. In fact, it was unfortunate a few years ago when our Vice President said conservation may be a personal virtue, but it is no way to build a national energy policy. I completely disagree. I think it is one of the most important ways to start building a national energy policy, and I was happy Mr. BARTLETT earlier was talking about energy efficiency. It is time all of us on both sides of the aisle did that and put our money where those words are.

I see these pet peeves of mine as I go through every day life. For instance, walking down the aisle of the supermarket, in the Northeast, I can walk through Hanford's A&P or Stop & Shop, and there are aisle after aisle of cold cases with yogurt or beer or cheese that is being kept cold by a refrigerator and a compressor running all of the time, and an open top so it is convenient. I can just reach in. But there is no door or plastic sheet to keep the cold air in and the warm air out. Meanwhile, because we live in the northern part of the country, half of the year there is a furnace going to keep the shoppers warm and the furnace and the compressor are working at cross purposes. That is the kind of blindness we have gotten used to, that energy is something we can throw away.

Mr. INSLEE. There is so much good work going in to stop those things that you are talking about. To mention two instances of success on energy efficiency, I was talking to the Vice President of Dow Chemical yesterday. Dow Chemical historically has not been looked at as a company on the forefront on environmental issues, but they got a star last year for their energy efficiency program.

They have saved 42 percent of their energy since 1990. They have reduced their energy since 2000 by 22 percent by just adopting commonsense measures, some of which you might have talked about, by having energy efficient appliances and lighting, by looking at how they monitor the energy in their building. So a 42 percent reduction of their energy usage, and they did that because it is good business, not because it is some granola-crunching idea. They did it because it is good business. And we will create a fund tomorrow to help businesses and individuals go down that road.

Second accomplishment, California. California has essentially, while the average American uses 50 percent more electricity than they did 10 years ago, 50 percent, California has been stable for the last 10 years. They have not gone up one kilowatt hour. And the way they did that was to help people invest in energy efficient light bulbs, energy efficient windows and appliances. As a result, they use 8,000 kilowatt hours per person per year, and the average person uses 14,000 kilowatts.

Does that mean people in California are living in the stone age? They are still taking hot tubs in Marin County and still putting out movies in Hollywood. They are living a good life there, and their economy is booming. But they are doing some commonsense things with energy. That is what we are going to start tomorrow.

Mr. HALL of New York. I wanted to mention something that should be another part of our energy mix and that is low head hydroelectric power. There are dams and waterfalls throughout this country where in some instances they used to generate power and no longer do. But our own Idaho National Laboratory from the Department of Energy did a study a couple of years ago that showed, and it is on their Website, it shows how much State By State latent hydroelectric power is waiting to be harvested.

In New York State, there are some 4,000 dams and waterfalls that could, just by having turbines placed where the water is already falling, yield greater than 1,200 megawatts of power, which is about 60 percent of the peak output of the Indian Point Nuclear Plant in my district.

It is that kind of using everything. We have to leave no stone unturned and to try every opportunity for clean, renewable domestic sources of power for national security purposes, as Mr. KLEIN mentioned, for environmental purposes, as we all know, and for global warming. Anybody in my part of the country knows that the weather is not normal this year. And, indeed, the records for last year showed that it is the warmest year on record and there has been a string of years getting warmer.

We had a seminar at one of our freshman orientation sessions on global warming that shows as the carbon dioxide levels in the atmosphere are rising, the temperature average is rising with it. It has risen out of what they call the background noise, where it is no longer something that can be written off to the normal ups and downs of climate. We are experiencing a change, a man-made change in our climate here on earth, and it is our duty to our children and grandchildren not to leave them that problem or to leave them mountains of debt because we refused to deal with this problem and keep borrowing money from one country so we can import oil from another country and lose our own sovereignty in the process.

Mr. KLEIN of Florida. One of the beauties of what we are talking about, and what Americans are talking about, is there is a lot of technology and a lot of science and businesses that are already out there doing these things. That is a very exciting thing. If you listen to the national picture that 60 percent of our oil is imported, and that is a major source. And we obviously have lots of other fossil fuels being burned at this point, but there is solar power.

I am from Florida, and we call ourselves the Sunshine State. And we constantly hear in Florida you can't use solar effectively because the panels are too big and they can't store the energy.

My personal feeling, and I think you believe this, if we put our mind and science to this, we could probably have a solar panel the size of this 8½ by 11 piece of paper on every house that powers that house. Individual power plants, and it will happen. It is going to happen. There is wave power. There is wind power and corn-based ethanol and sugar-based ethanol like they use in Brazil.

Again, they may not be perfect in their present form. That is the point. Let's further them and use our innovation agenda that we are pushing in this Congress to get all of the economic incentives in place to encourage the businesses, to encourage our science and university academics as well as business leaders to come together.

□ 2215

Mr. INSLEE. We had a meeting with Hank Paulson today, Secretary of the Treasury in the Bush administration, and he had made an interesting comment. I am very impressed with him, though I have been pretty critical of the Bush administration, because he has been a pretty outspoken advocate that we need to do something about global warning.

He said everything he has learned since taking the job as Secretary of the Treasury, he comes from a very successful Wall Street career, has been worse than he thought. The deficit, the situation in Iraq, everything he has learned has been worse than he thought, except energy, because he has learned about the new innovations going on around the country.

What we want to do is help businesses, like the Iogen Corporation, which is ready to build the first commercial cellulosic plant in America in Idaho. They are ready to go, as long as they can get their loan guaranty. They have 300 farmers that are going to give them their straw left over after wheat. They are going to chop it up, put an enzyme in it, and then free the carbohydrates and distill that into ethanol, and, boom, you have a product that is three to four times more productive per acre than the current type of ethanol we get from our farms.

Ocean Wave Technologies has the first permit for wave power in the United States off the coast of Oregon, a 50 megawatt plant. They are using a technology now that is in the water in Hawaii, generating technology with this buoy that is anchored below the water. It goes up and down and creates a force thoromatically that runs a generator. They are generating electricity today for the Navy. They are ready to make this a commercial operation. They need a little help to get started.

The Nanosolar Company, a company that was started, and the fellows who wrote the first two checks were the two guys who started Google. They have done pretty well for themselves, and they wrote a check to a couple of entrepreneurs in California, and now they are ready to do 450 megawatts of thin cell solar, where you use a solar panel that has one-fiftieth the width, using a selenium, iridium, gallium and caesium type of technology that they think can be 30 or 40 percent cheaper.

Another company trying something like this is called Miasole.

These are the companies that need help, not the big oil companies. And what we are doing tomorrow is shifting the subsidies that have been given away to the oil industry, an 18th century technology, and helping these new-generation technologies come on.

By the way, in this debate we are the optimists. We should identify who is on what side of this. We are the optimists who believe global warming can be dealt with. The pessimists say we can't.

Now, they are giving up. The debate about global warming is over. And I know it is over because yesterday the Exxon Corporation, which has fought tooth and nail the science on global warming, basically withdrew their support from the political organization that has tried to create doubt about global warming.

So when the Exxon Corporation agrees it is time to start getting serious about global warming, I think the debate is over. And now the question is, how can we join on a bipartisan basis to find solutions, and we are starting this tomorrow. I hope we draw some votes from some of our colleagues across the aisle.

I yield to Mr. HALL.

Mr. HALL of New York. Thank you, Mr. INSLEE. I am pretty confident there will be votes from both sides of the aisle tomorrow. And it is interesting thinking about the history of ExxonMobil in terms of their corporate advertising, going back to the days of Herbert Schmertz and the op-ed in The New York Times, and how they have spent probably more money, and other oil companies as well have spent more money. Or I should say they have spent good money on advertising to try to stop people from changing the approach that they could have spent instead on research and development on these new forms of energy.

I wanted to mention one you had not mentioned yet, and that is tidal power. Wave power, of course, is obvious. My dad taught me to sail when I was a kid, and many is the time I have sailed by a buoy that had one of those wave-driven generators in it and keeping the light powered, and/or a solar panel on it keeping the light powered and a battery storing the energy.

But tidal power in my neck of the woods, in the Hudson River, which splits my district in half, is tidal all the way to Troy, all the way past Albany, and navigable all the way that far north. The current runs a couple knots and a half south on the ebb and about two knots north on the flood in New York Harbor. And in the East River and in Hellgate, what they call the juncture of the East River and the Harlem River, where it opens into Long Island Sound to the east, the tidal current there runs five to six knots, depending on the phase of the moon.

We have inlets, rivers, harbors, coastline all throughout this country where tide comes and goes, millions of tons, millions of tons of pressure of water moving in and out of these bodies of water twice a day every day. And that is, well, it is solar and lunar, because it is driven by, I guess primarily by the moon, but nonetheless it is natural, free energy that can be harvested and should be explored. And, indeed, there have been experiments going on in the East River with tidal generators within the last year that I am looking forward to seeing the results of. But that is one more available source.

Mr. INSLEE. I want to comment that some people have argued this is sort of peripheral or tangential sources of energy, niche types of energy. I think it is important to realize the scale of energy that we have available domestically. It is enormous.

When you talk to the scientists about this, the wave power in a 10-mile-by-10-mile stretch of the California coastline, that is 100 square miles, if you can imagine 10-by-10, there is enough wave power using this existing technology to generate all of the electricity used in the State of California. That is not hypothetical. That is actual wave power that is available. That is not a niche technology.

In Montana, if we can a find way to burn coal cleanly, and I say if because we are a long ways from being able to do that, to segregate and store the carbon dioxide below ground, but there is enough coal in Montana, just Montana, if we can find a way to do that, to power the electricity needs of the entire Nation for decades.

Just to give people a sense of the scale of this, with solar energy, in a few hundred square miles, there is enough to light the entire Nation, if we get solar power down to a market-based price. It is more expensive than electricity right now from a coal plant or a gas-powered plant.

But what we are learning is that for all the technologies we have talked about today, solar, wind, wave, efficiencies, where some day plug-in hybrids, plug our cars in and run on clean electricity, every single one of those technologies has come down in price dramatically as the technologies have improved and as we have scales of economy.

Wind power has come down in price 80 percent in the last decade. Solar is coming down. There is a factor basically every time, if I get this right, every time it goes up, and I am going to have to check to make sure. In fact, I will not use it because I can't remember what it was, but there is a ratio that has been clear with solar power that has come down. Every time you ramp up production by a factor of X, you get a Y percentage decrease in price, and that has been a constant.

What we have learned is that we know there are two curves. Fossil fuels are going up because China is coming on gangbusters and demand is going to go up. We might reach peak oil. We don't know. But we know fossil fuels are going up long term, and these are coming down, and we want to be on the downward sloping path.

So one of the things we want to do eventually, in our new Apollo project, is to have a renewable portfolio standard to say that a percentage of our electricity will be generated by clean energy sources by the year 2020. We just did this in Washington by popular vote.

I yield to Mr. KLEIN.

Mr. KLEIN of Florida. I thank the gentleman, and I think that is exactly the point. The point is, there is not necessarily one source of energy alternative that is going to be for everyone. We have a big country, with lots of existing resources that have been mentioned by the gentlemen on the floor this evening, and the choices and the competitive ways that we as a country can competitively grant resources to companies, to scientists to come together and say, listen, we think there is enough coal in this country to power the country for 300 years, but we have a high sulfur and carbon dioxide problem. Is there a solution? If there is a solution, that can be a wonderful thing. So there is coal in certain parts of the country and maybe that works there.

Wave power, wind power, all the things we are talking about, it is this competitive way of approaching this. Not one solution necessarily to fit all. There is still going to be oil out there to some extent, but the point of all this is, it is there. And the most exciting part about this is that there is a solution, and Americans need to engage this.

The Congress is way behind the American public, and the administration is even further behind. And the part where we, I think, are coming together tonight and tomorrow, as you and many others are going to be leading this fight for energy independence in the first step we are taking now, which will continue with additional steps, is, we want to ask the American public to come forward to their Members of Congress, to their business leaders, and to their Chambers of Commerce and start talking about the technologies that they have. What can we do to collaborate with each other to take some of these ideas and make them commercially viable? The more competition out there, the more resources in, the lower the price will be.

It is almost like the discussion we have had for so many years, public transportation versus road building. People have said, well, you have to subsidize public transportation. Well, absolutely you do. But guess what road building is? Who pays for the roads? It is your gas taxes in every State of the country and the Federal Government that pays for that. So it is a question of reordering our priorities.

In this case, it is the reordering of priorities from more oil drilling and giving those types of resources and support to putting that into places and with people that can create the new generation of energy alternatives, and it is very exciting.

Mr. INSLEE. I want to comment on two really exciting transportation alternatives. One is public transportation.

The city of Portland, Oregon, has demonstrated the ability of America to reduce our CO_2 emissions to deal with global warming. They are the first city in the Nation to reduce their carbon dioxide emissions to 1990 levels, which would be consistent with the Kyoto Treaty, which may be a treaty we do or do not eventually adopt, but they have been the first city in the Nation to reach these 1990 levels, to roll back their carbon dioxide emissions.

One of the principal ways they did it was they embraced an incredibly popular light rail system to move people. Rather than sitting on freeways for hours at a time, you go down to Portland on a convenient, much-loved system that has now been voted on five times successfully in Portland because people love this system. It is convenient, it is safe, it is cheap, and it saves us from global warming.

So if we have a transportation policy in this country that helps communities work in that regard, we will make some strides.

The second thing I want to bring up is a technology called plug-in hybrids, which I think could be maybe the ultimate vision for us in the next decade, and that is to develop our cars so we go home at night and we plug them in. You take power off the grid, electricity generated by clean wind, clean solar, clean wave, clean coal, or a variety of technologies. These are cars that today are running, that can run 20 or 30 miles just on electricity. And then when you run out of juice, you start running on your motor.

If we have a flex-fuel hybrid plug-in car, we are going to be in really great shape in this country, because we can plug it in and get clean electricity. We have the pipes to deliver it, which is the electricity grid. You plug it in at night, you run your first 20 or 30 miles, then you use ethanol that you bought from our local farmer in the Northeast, or in Iowa, or eastern Washington. And if you don't like that, you can burn gasoline as well.

General Motors just announced their first sort of proposed car, called the Volt. They ran it out at their show just 2 weeks ago in Detroit at the auto show. Now, we have to improve the batteries to really make them commercialized, but that is where our money should be going, to improving the batteries so we can have plug-in vehicles, rather than going to the oil and gas industry.

So tomorrow we are going to make a decision to take money we gave to the oil and gas industry and give it to these companies, to the extent we can, to help develop these new technologies for batteries and a whole host of other things. These are lithium iod batteries, and they are close to being commercialized. There are a few security issues they have to work with to make sure they are stable and workable, but that is a good shift for the country.

Mr. KLEIN of Florida. If the gentleman will yield for a second, the next level of this, just like any start-up business in this country and the success of the capitalistic system that we have is, business entrepreneurs realize value. What we are talking about here is start-up capital for many of these businesses. We are not talking necessarily the United States taxpayer funding these things indefinitely.

The great part about this is that many of them are already in place. They just need a little additional push or a little additional resource, and then you will see venture capital and lots of business entrepreneurs, and probably even oil companies who will see a good opportunity, who will even invest. But whoever it is, we want to see the direction of this jump-started, and that is what the gentleman is talking about.

Mr. INSLEE. Sure. And we can do things essentially at no cost to the Federal Government. For instance, loan guarantees. If we guarantee a company that wants to start a plant, like this Iogen cellulosic ethanol plant, if we do a loan guarantee for them, there is a high level of confidence it is going to work, and it never costs us a dime, assuming that it works. But it helps them get the capital to give security for the investors to do that.

That is a good investment for the country, if we choose wisely. But these companies will tell you they have to cross the valley of death, to get from development, where they have their prototype, until they can really commercialize it. And that is where Uncle Sam can happen.

And we will get a lot more bang for our buck helping a battery company that will help us drive plug-in hybrids a few years from now than we will just giving it to a company that made $22 billion last year in the oil and gas markets.

□ 2230

That is a better deal for America. Mr. HALL.

Mr. HALL of New York. Yes, if the gentleman would yield for another minute. I wanted to mention a couple of other ways we can help, that the government can help jump start these industries. One of them is indemnification of risk. We have unbeknownst to most Americans been the underwriters for the nuclear industry since its beginning via the Price-Anderson Act. In fact, there would never have been a nuclear plant, electrical generating plant built in this country if the taxpayer didn't underwrite the possible cost of a catastrophic accident.

Now, if we took that same approach where we were willing to subsidize or underwrite alternative, fuels or low head hydro plants, many of which are being held up, by the way, because of liability issues, that would be one way that we could help.

Another way would be preferential purchasing, because the government, at all levels, buys a lot of vehicles. And if we put out a request for proposals saying that we want American companies to build vehicles that will either be plug-in hybrids or plug-in biodiesel hybrids, or just high efficiency vehicles that can be used in our fleets that the different departments of our government used, that would start the economy of scale working. The same way the wrist watches, digital wrist watches that used to cost $200 when they first came out came down to the point where they are $2 now, and computer chips that were bought in quantity by the Defense Department, or by the aerospace industry and NASA, drove down the cost to the point where now anybody can afford a laptop. It is that economy of scale that we can help get started.

And as you said, it is not going to be something that we will have to underwrite or subsidize forever. But when you look at the number of years that we have been subsidizing the old technologies that may be 19th or 20th century technology, we certainly now, in the 21st century can look at these renewables, domestic clean safe renewables and think about the same helping hand to get them off the ground.

Mr. INSLEE. And I think it is important to point out the tremendous payback to our economy of relatively small Federal investments. Look at the computer industry. It grew by leaps and bounds because of the Apollo project. There is more computing power now on a wrist watch than there was in the original Apollo space vehicle because we developed computer based software systems as part of the Apollo project.

Our medical device industry with these exotic materials largely came from the American space program, and these were relatively small investments.

By the way, we spend less today on research and energy than we do in a month in Iraq by a factor of about 10, just to put this in perspective. We are talking about for a family's budget a lot of money, but for the Federal budget fairly small amounts of money that can have absolutely tremendous payoffs.

I want to talk about one other thing that we think we need to help these companies too, though. If you want to start a company that will generate clean electricity with no carbon dioxide emissions today, you don't have a huge advantage because of a loophole in the law that a coal company has right now that is putting their carbon dioxide up the stack. That coal company that has what we call dirty coal, where you just burn it and you put your carbon dioxide, you dump it into the atmosphere, they have a huge loophole in the law because they can put as much CO_2 into the air as they want the tape. They can't put as much sulfur dioxide, they can't put as much nitrogen oxide, they can't put as much particulate matter, but they can put as much CO_2 into our atmosphere that you and I own jointly, with no charge. And the company that is going to make a clean industry, they don't get any benefit like that. We have to close that loophole. There has to be a way that there is some charge imposed on polluters who use our atmosphere to dump their carbon dioxide. And that is a loophole that needs to be closed to help these innovators as well to level the playing field.

Now it is really interesting. We are getting some support for this idea from some unusual sources. Duke Energy, I think, the third or fourth largest electrical utility in the United States, they burn massive amounts of coal, I think 40 or 50 percent or more of their electricity is produced by coal. But they recognize the need to have what they call a cap and trade system that caps the amount of carbon dioxide going into the atmosphere. And in part they realize that, I think, because when you impose some cost on this pollution it inspires these new companies to be able to create new technologies that are clean. So we hope ultimately the U.S. Congress will adopt a measure that will level the playing field and not allow these dirty plants to continue to pollute our atmosphere for nothing. You know, when you and I go to the dump it costs us 25 bucks to dump our pickup load of junk at the dump. But a company that burns coal can put their carbon dioxide and just dump it into our atmosphere, gigatons for nothing. That needs to change

Mr. KLEIN of Florida. Well, exactly. And the incentive that is being used to encourage a company to make the investment in some type of scrubber or some type of way of reducing the amount of carbon dioxide should be just that. It should be an incentive to do that and make that capital investment in that technology, versus not having to pay for it. There is no economic incentive to change. Obviously there is a huge environmental impact for all of us who are breathing the air and the entire impact on the climate and the environment. But those companies that continue to burn coal don't have an incentive. So if we flip it around and say, all right, there is going to be a charge, in order for you to do this there is going to be an expense associated with it, whereas if you invest, if you are going to have to pay something in, if you are going to invest in something that is good, good for the environment, good for you. You get some type of benefit out of it then it is a good swap for the company, and it is a particularly, it is exactly what we need in terms of our encouraging private investment in technology that will clean our air.

Mr. INSLEE. And what we are finding is that more and more companies are actually accepting this idea, thinking it is a good idea because one, it will drive innovation. It will help us invent new technologies. But second, they realize this works. What we are talking about is a thing called a cap and trade system. We cap the amount of carbon dioxide that can go into the air and we allow polluting companies to bid and trade for the right to put that pollution in. It is the most economically efficient way to do it. And what the companies have discovered is that when we do this, it works. When we did with sulfur dioxide in the 1980s it cleaned up the air and it actually ended up helping the economy.

Mr. HALL of New York. It created jobs.

Mr. INSLEE. It created jobs in creating these scrubbers. It helped our health and it actually, if anything, increased the gross domestic product. So what we are seeing is that some of these visionary companies are embracing this idea and it makes sense.

Today when I was talking to the Treasury Secretary, Mr. Paulson, I said, you know if we don't do this we are going to be wasting a lot of money. The Bush administration has supported a program, basically, it is a combined cycle way of using coal that you can make into hydrogen and sequester the carbon dioxide. It is called "future gen." We are going to have a future way of generating coal based electricity. And I think it is a good idea to invest in that type of research to see if we can burn coal, take the carbon dioxide, stick it in the ground forever and we will have clean electricity. But the Bush administration is spending $750 million of taxpayer money to do that. But the plant will never, ever, ever be used or built if the Bush administration's policies succeed because they don't want to have any charge for carbon dioxide, any regulation on the amount of carbon dioxide going into the air. Well, if you are a coal company and you have got to invest money in this future gen program but you can put your carbon dioxide in the air for free, are you ever going to build this kind of machine that President Bush wants to build? It doesn't make any sense. So if we are going to do research in this new technology, it only makes sense also to have some regulation in the amount of carbon dioxide that goes into the atmosphere. Otherwise these technologies will be developed and never used. And that is not our goal, Mr. HALL.

Mr. HALL of New York. I wanted to say that you prompted this thought. I am not against big corporations. I am not against corporations making a profit. In fact, a couple of the companies that are making the most innovation and putting the most investment into wind energy in our country right now are GE and Siemens. General Electric built the wind turbines that are in the Atlantic City wind farm that I mentioned earlier. Whether it is small start up companies working on alternative energy or whether it is existing oil companies or other utilities or big energy companies, the important thing to say, and this is the important thing, I think, to say to individuals also, and it is what I believe leadership should be doing, whether it is our President, whether it is Senators or whether it is us here on the floor of the House of Representatives, we need to tell our corporations and our citizens that it is patriotic to save energy, that it is patriotic, when you have a choice, to use the most domestic, clean, renewable form of energy that you can. It is patriotic to try to support, if you have a choice on the back of your utility bill, as I do in New York State, to check off that I want wind power, or to check off that I want hydro electric. You could choose the source of where your power comes from if you can afford to do it. And not everybody can, but those of us who are able to spend a couple of cents more per gallon for home heating fuel can get biodiesel. Well, right now it is no difference where I live. It is the same price for bio as it is for oil. But we need to think of this in terms of patriotism and national security and our national interest, and that you can't separate it from our foreign policy. You can't separate it from our economic well-being. You certainly can't separate it from our health. And I don't think you can separate it from our job future either. We need to have these industries start up and be developed here so we can compete. We can't afford to be in a situation we are in right now with hybrids, where I, who want to support, I got elected with union support, I am proud to say. Now I want to buy an American hybrid car that gets top mileage, and right now, the best mileage cars being sold in the United States are made in Japan. I don't believe, for a minute, that we can't compete and make a car that will get as good mileage or better as any other country in the world as their companies can. I think it is the choices that have been made, and the incentives that have been offered or the direction that has been given by government has been lacking. And I am proud to be a part of this 110th Congress, when we, tomorrow, will start down that road where we transfer the emphasis from the old to the new in terms of energy.

Mr. INSLEE. I really appreciate your comment. A couple of comments, first off, about the value of business, big, little, medium, small, all sizes. There are so many companies today that are leading this revolution that we want to assist them. DuPont has done tremendous work on energy efficiency. 3M has done tremendous work on energy efficiency. British Petroleum, an oil and gas company, internally, because of their great leadership, reduced their own carbon dioxide emissions down to 1990 levels. They thought it was going to take them 5 years. It took them 3 years. And they saved $300 million in energy because of doing just exactly what Mr. HALL is talking about of energy conservation. This is a green policy in two ways. Green environmentally and green for profit, and red, white and blue for America. So we have a lot of colors working for this policy.

I want to mention one other thing about our auto industry. We need our auto industry to give consumers cars that we can drive to use multiple fuels. Right now we are all kind of slaves to gasoline. We don't really have a choice. We need cars that will burn gasoline or ethanol, like they have in Brazil. The cars in Brazil drive, almost all of them burn either gasoline or ethanol. And because of that Brazil is energy independent today because they are growing their own ethanol, which we can do in this country. But we need the auto industry to give us this choice, to give us cars that can burn gasoline or ethanol. Now you can make a car for about $85 that does that. That is all it costs. Almost nothing. That is what is costs to put tint in your glass. But we need the industry to do that. And you know, Congress may need to act, and I think it does need to act to get the industry to agree to do that rapidly. The second thing we need is these oil and gas companies to agree to put pumps in that will be ethanol pumps or biodiesel pumps.

□ 2245

That is not happening, because, unfortunately, those companies kind of only are selling gas right now, not biofuels. So we need to act to give consumers that ability to have at least a small percentage in the number of service stations that are going to give us that choice.

Mr. KLEIN of Florida. To follow up, if, the whole idea of gas, miles per gallon, which people have a tendency to look at cars today and look at the miles per gallon, there have been a lot of games that have been played with that over the years, sport utility vehicles being viewed as trucks, therefore, not having the same limitations that most automobiles in the United States have.

As the gentleman from New York mentioned, there are many cars made in other places around the world that have figured out how to make 40, 50 miles per gallon, base car and some hybrids as well. I don't believe there is any inhibiting factor in the United States for our car companies to do the same.

Now, do we need to give a little incentive? Maybe. I think we have all seen the statistics. For every couple of miles per gallon you increase in efficiency, we are dropping some amount of oils per barrel, gas that has to be imported from the Middle East or wherever every day. So there is a trade-off here.

There is also this issue of importing, which is a current issue which we need to reduce. The technology is going to take a little bit of time. We need to do exactly what we are doing tomorrow and over the next number of weeks and months. But there are some immediate things we can do.

I certainly would suggest to Americans on a patriotism basis, on a smart basis on the thinking of your children and your grandchildren and what's right, we will sacrifice. We are all in this together here. Let's make the right decisions, do what you can. It's not the right thing for everybody. But to the extent that you can buy a car that gets better gas mileage and focus on that cars that maybe use regular instead of premium. Those are all choices that people make. Everybody is in this together. Let us make some smart decisions.

Mr. INSLEE. We know this can be done because in the 1970s and early 1980s we increased our gas mileage by 60 percent in 8 years. If we had simply continued on that path with the same rate of improvement, we would be free of Saudi Arabian oil today. We need to get back on that path of energy efficiency. We can do that. We can start tomorrow. It will be a good day for energy revolution tomorrow. I am looking forward to it.

Mr. HALL do you have any closing comments here? We are about ready to wrap it up.

Mr. HALL of New York. I think you have said it all, Congressman. I am happy to be here and proud to be here as part of this 110th. This is part of our taking our own future back, we as a country, I am talking about all the citizens of this country.

I think the same way Congressman KLEIN mentioned the moon shot, I do remember that, I am a couple years older than you are, and there was a huge lift in the psyche of this country, because even though President Kennedy didn't live to see the day that we landed a man on the moon, it was done in 9 years when he said we could do it in 10.

So our ingenuity and our industry and our creativity took hold, and we accomplished the goal. You could just sense this palpable lifting of the weight off the shoulders of Americans on the street. I mean, people you knew, that we had done this.

The day that we harness all these alternatives, and harness the power of conservation and efficiency so that we can say no thanks, turn that tanker around, send it back to the Middle East, we don't need that oil, that day, when that day arrives, you will see the same feeling of weight lifting off the shoulders of the American people and a feeling of self-sufficiency and of pride and of being in control of our own destiny again. That is really something to look forward to.

Mr. INSLEE. When that day arrives they will write a sequel to Tom Wolfe's book about the Mercury 7 program, and he called it "The Right Stuff." Tomorrow Congress is going to have the right stuff. We are going to do a good energy policy.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. BUTTERFIELD, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. ZOE LOFGREN of California, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Ms. FOXX, for 5 minutes, today.

Mr. KIRK, for 5 minutes, January 18.

Mr. DUNCAN, for 5 minutes, today.

Mr. HAYES, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KUCINICH, for 5 minutes, today.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Thursday, January 18, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

275. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Lake Erie [CGD09-06-153] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

276. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Coast Guard Live Fire Exercise, Gulf of Mexico, Clearwater, FL [COTP Sector St. Petersburg, FL 06-199] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

277. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-06-006] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

278. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Algoma Shanty Days, Algoma, Wisconsin [CGD09-06-143] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

279. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: St. Peter's Fiesta Fireworks display, Glouchester, Massachusetts [CGD01-06-071] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

280. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Miles 284 — 285, Port Arthur, TX [COTP Port Arthur-06-007] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

281. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Port Arthur, TX [COTP Port Arthur-06-001] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

282. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Port Arthur, TX [COTP Port Arthur-06-002] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

283. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Lake Superior [CGD09-06-158] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

284. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Lake Superior [CGD09-06-162] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

285. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Lake Ontario [CGD09-06-155] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

286. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Live-Fire Gun Exercise, Southeast of Ocean City, MD, Atlantic Ocean [COTP Hampton Roads-06-046] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

287. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercises; Bodega Bay, CA [COTP San Francisco Bay 06-035] (RIN: 1625-AA00) received Decemebr 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

288. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Lake Michigan [CGD09-06-030] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

289. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Lake Michigan [CGD09-06-041] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

290. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercises, Lake Huron [CGD09-06-042] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

291. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Orange, TX [COTP Port Arthur-05-020] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

292. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; GICW MM60 to GICW MM105, Longbeach, MS to Pascagoula, MS [COTP Mobile-005-039] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

293. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile Marker 183.5 to Mile Marker 184.5, St. Louis, MO [COTP St. Louis-05-031] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

294. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biloxi Industrial Seaway West of Cowan/Lorraine Bridge; Biloxi, MS [COTP Mobile-05-040] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

295. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou La Batre Channel, Bayou La Batre, AL [COTP Mobile-05-041] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

296. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-017] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

297. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Intersection south of the Martin Luther King, Jr. (Gulf Gate) bridge, Port Arthur, TX [COTP Port Arthur-05-014] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

298. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine Bank Channel, Sabine Pass, TX [COTP Port Arthur-05-015] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

299. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 0.1 to Mile Marker 0.5, Pittsburgh, Pennsylvania [COTP Pittsburgh-05-017] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

300. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Atlantic Ocean East of Charleston, S.C. [COTP Charleston 06-062] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

301. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Lake Michigan [CGD09-06-043] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

302. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Lake Ontario [CGD09-06-081] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

303. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Lake Huron [CGD09-06-151] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

304. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Lake Michigan [CGD09-06-159] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

305. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Lake Superior [CGD09-06-160] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

306. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, CA [COTP San Francisco Bay 06-012] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

307. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, Atlantic Ocean East of Charleston, S.C. [COTP Charleston 06-069] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

308. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chocolate Bayou mile 7 to mile 9, Alvin, TX [COTP Houston-Galveston-05- 0015] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

309. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Crystal Bay, Crystal River, FL [COTP St. Petersburg 06-059] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

310. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Lat 29-08.15N 093-18.10W [COTP Port Arthur-05-028] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

311. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Beaumont, TX [COTP Port Arthur-05-027] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

312. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-026] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

313. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-019] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

314. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-022] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

315. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; GICW mile 155 to mile 160, Santa Rosa Sound to Dauphin Island, AL [COTP Mobile-05-050] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

316. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biloxi Industrial Seaway West of Cowan/Lorraine Bridge; Biloxi, MS [COTP Mobile-05-045] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

317. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Thimble Shoals Channel, Chesapeake Bay, VA [CGD05-06-029] (RIN: 1625-AA00) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CUELLAR (for himself and Mr. Reyes):

H.R. 502. A bill to amend the Foreign Assistance Act of 1961 to authorize assistance to improve security and promote economic development in Mexico; to the Committee on Foreign Affairs.

By Ms. SCHAKOWSKY (for herself, Mr. Whitfield, Mr. Rahall, Mr. Spratt, Mr. Gallegly, Mr. Markey, Mr. Pallone, Mr. Nadler, Mr. Van Hollen, Ms. McCollum of Minnesota, Ms. Bordallo, Ms. Schwartz, Mr. Ackerman, Mr. Doyle, Ms. Lee, Mr. Cleaver, Mr. Serrano, Ms. Berkley, Mr. Shays, Mr. Jones of North Carolina, Mr. McCotter, Mr. Cummings, Ms. DeLauro, Mr. George Miller of California, Mr. Grijalva, Mrs. Capps, Ms. Bean, Ms. Matsui, Mr. King of New York, Mr. Burton of Indiana, Mr. Kildee, Ms. Kaptur, Mr. Dicks, Mr. Berman, Ms. Hirono, Mr. Chandler, Mr. Gerlach, Mr. Tierney, Mr. Bishop of New York, Mr. Frank of Massachusetts, Mr. Lynch, Mr. Kirk, Mr. Campbell of California, Mr. Wilson of South Carolina, Ms. Jackson-Lee of Texas, Mr. Sherman, Mr. LaTourette, Mr. Larson of Connecticut, Mr. Israel, Ms. Woolsey, Mr. Brown of South Carolina, Ms. Eddie Bernice Johnson of Texas, Mr. Moore of Kansas, Mr. Moran of Virginia, Mr. McNulty, Mrs. Maloney of New York, Mr. Inslee, Mr. Wolf, Ms. Carson, Mr. Weiner, Mr. Ruppersberger, Mr. Smith of New Jersey, and Mr. Linder):

H.R. 503. A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES (for himself, Mr. Spratt, Mr. McGovern, and Mr. Coble):

H.R. 504. A bill to redesignate the Special Textile Negotiator of the United States Trade Representative as the Chief Textiles Negotiator and confer the rank of Ambassador upon that position, and for other purposes; to the Committee on Ways and Means.

By Mr. ABERCROMBIE (for himself and Ms. Hirono):

H.R. 505. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Natural Resources.

By Ms. BALDWIN (for herself, Mr. Price of Georgia, Mr. Tierney, Mr. Fortuño, Mr. Stark, Mr. Linder, Mr. Conyers, Mr. Westmoreland, Mrs. Capps, Mr. Souder, Mr. Allen, Mr. Marchant, Mr. Gene Green of Texas, Mr. Gohmert, Mr. Larson of Connecticut, Mr. Burton of Indiana, Mr. Welch of Vermont, Mr. Gingrey, Mr. Holt, Mr. Wamp, Mr. Cooper, Mr. Cantor, Mr. Payne, Mr. Carter, Ms. Jackson-Lee of Texas, Mr. Akin, Ms. Moore of Wisconsin, Mr. Wu, and Mr. Langevin):

H.R. 506. A bill to provide for innovation in health care through State initiatives that expand coverage and access; to the Committee on Energy and Commerce, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas (for himself, Mr. Fossella, Mr. Engel, Mr. Sullivan, Mr. Pascrell, and Ms. Ros-Lehtinen):

H.R. 507. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself, Ms. LEE, Ms. WATERS, Ms. WATSON, Mr. McGOVERN, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. FATTAH, Mr. NADLER, Mr. CONYERS, Mr. CLAY, Mr. COHEN, Mr. HINCHEY, Mr. FILNER, Mr. KUCINICH, Mr. PAYNE, and Ms. JACKSON-LEE of Texas):

H.R. 508. A bill to require United States military disengagement from Iraq, to provide United States assistance for reconstruction and reconciliation in Iraq, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, Veterans' Affairs, Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. LaHOOD, and Mr. PLATTS):

H.R. 509. A bill to apply the Federal Minimum Wage to American Samoa; to the Committee on Education and Labor.

By Mr. GOODLATTE (for himself, Mr. PETERSON of Minnesota, Mr. KING of Iowa, Mr. MICA, Mr. PUTNAM, Mr. POE, Mr. GOODE, Mr. McINTYRE, Mr. SENSENBRENNER, Mr. JONES of North Carolina, Mr. INGLIS of South Carolina, Mr. MANZULLO, Mr. GRAVES, Mr. FRANKS of Arizona, Mr. MILLER of Florida, Mr. HENSARLING, Mr. BARTLETT of Maryland, Mr. McCOTTER, Mr. CULBERSON, Mrs. DRAKE, Mrs. JO ANN DAVIS of Virginia, Mrs. MYRICK, Mr. BARRETT of South Carolina, Mr. HASTINGS of Washington, Mr. FEENEY, Mr. BUYER, Mr. CARTER, Mr. MARIO DIAZ-BALART of Florida, Mr. CONAWAY, Mr. GARRETT of New Jersey, Mr. WICKER, Mr. PENCE, Mr. LINDER, Mr. KUHL of New York, Ms. FOXX, Mr. FLAKE, Mr. EVERETT, Mrs. CUBIN, Mr. BONNER, Mr. BAKER, Mr. ADERHOLT, Mr. BISHOP of Utah, Mr. BRADY of Texas, Mr. CAMP of Michigan, Mrs. CAPITO, Mr. AKIN, Mr. LUCAS, Mr. McKEON, Mrs McMORRIS RODGERS, Mr. SHADEGG, Mr. SHIMKUS, Mr. WAMP, Mr. BILBRAY, Mr. BLUNT, Mr. BOOZMAN, Mr. CRENSHAW, Mr. DOOLITTLE, Mr. FORBES, Mr. GINGREY, Mr. HASTERT, Mr. HAYES, Mr. KLINE of Minnesota, Mr. PETERSON of Pennsylvania, Mr. SMITH of Texas, Mr. STEARNS, Mr. SOUDER, and Mr. PRICE of Georgia):

H.R. 510. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. PUTNAM, Mr. CANTOR, Mr. McCOTTER, Ms. GRANGER, Mr. CARTER, Mr. COLE of Oklahoma, Mr. DREIER, Mr. HOEKSTRA, Mr. HUNTER, Mr. KING of New York, Ms. ROS-LEHTINEN, Mr. BUYER, Mr. LEWIS of California, and Mr. YOUNG of Florida):

H.R. 511. A bill to pledge the faithful support of Congress to members of the United States Armed Forces serving in harm's way; to the Committee on Armed Services.

By Mr. BECERRA (for himself, Ms. ROS-LEHTINEN, Mr. GRIJALVA, Mr. HINOJOSA, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Mr. GUTIERREZ, Mr. LYNCH, Mr. TOWNS, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. REYES, Mr. ROTHMAN, Mrs. CAPPS, Mr. MOORE of Kansas, Mr. SERRANO, Mr. CUELLAR, Mr. BERMAN, Mr. JOHNSON of Georgia, Mr. BACA, Mr. CARDOZA, Mr. CLYBURN, Mr. COSTA, Mr. CROWLEY, Mr. GENE GREEN of Texas, Mr. AL GREEN of Texas, Mr. LARSON of Connecticut, Mr. PAYNE, Mr. SIRES, Ms. SOLIS, Mr. UDALL of New Mexico, Ms. WOOLSEY, Mr. ENGEL, Mr. FILNER, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. VAN HOLLEN, Ms. JACKSON-LEE of Texas, Mr. CLAY, Mr. SCHIFF, Mr. McCOTTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FORTUÑO, Mr. RENZI, Mr. WELLER, and Mr. LaHOOD):

H.R. 512. A bill to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 513. A bill to amend the Servicemembers Civil Relief Act to enhance the protection of credit ratings of active duty military personnel who are activated for military service; to the Committee on Veterans' Affairs.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. MILLER of Florida, Mr. CRENSHAW, Mr. KELLER, Mr. MACK, Mr. BUCHANAN, Mr. BOYD of Florida, Mr. PUTNAM, Mr. MICA, Mr. STEARNS, Mr. HASTINGS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. YOUNG of Florida, Mr. FEENEY, Ms. WASSERMAN SCHULTZ, Mr. KLEIN of Florida, Mr. MAHONEY of Florida, Mr. WEXLER, Ms. CASTOR, Mr. WELDON of Florida, and Mr. BILIRAKIS):

H.R. 514. A bill to designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the "Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office"; to the Committee on Oversight and Government Reform.

By Mr. COOPER:

H.R. 515. A bill to establish a commission on corporate entitlement reform; to the Committee on Oversight and Government Reform, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 516. A bill to increase the security of sensitive data maintained by the Federal Government; to the Committee on Oversight and Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 517. A bill to amend the Internal Revenue Code of 1986 to make permanent certain tax incentives for alternative energy, to amend the Clean Air Act to accelerate the use of renewable fuels, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. ROGERS of Michigan, Mr. EHLERS, Mr. McCOTTER, Mr. UPTON, Mr. LEVIN, Mr. CONYERS, Mr. KILDEE, Mrs. MILLER of Michigan, Ms. KILPATRICK, Mr. CAMP of Michigan, Mr. KNOLLENBERG, Mr. HOEKSTRA, Mr. WALBERG, Mr. STUPAK, Mr. WYNN, Ms. BALDWIN, and Mr. GILLMOR):

H.R. 518. A bill to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOOLITTLE:

H.R. 519. A bill to amend the Immigration and Nationality Act to remove the discretion of the Secretary of Homeland Security with respect to expedited removal under section 235(b)(1)(A)(iii)(I) of such Act; to the Committee on the Judiciary.

By Mr. FEENEY:

H.R. 520. A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources System Ponce Inlet Unit P08; to the Committee on Natural Resources.

By Mr. HARE (for himself, Mr. LaHOOD, Ms. SCHAKOWSKY, Mr. LIPINSKI, Mr. COSTELLO, Mr. RUSH, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. EMANUEL, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Mr. KIRK, Mr. WELLER, Mrs. BIGGERT, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, and Mr. SHIMKUS):

H.R. 521. A bill to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Mr. CONYERS, Ms. ROS-LEHTINEN, Mr. MEEK of Florida, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. McGOVERN, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. GRIJALVA, Mr. RUSH, Mr. SERRANO, Mr. CROWLEY, Ms. SCHAKOWSKY, and Mr. GONZALEZ):

H.R. 522. A bill to designate Haiti under section 244 of the Immigration and Nationality Act in order to render nationals of Haiti eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. HASTINGS of Washington:

H.R. 523. A bill to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district; to the Committee on Natural Resources.

By Mr. HINOJOSA (for himself, Mr. GORDON, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BACA):

H.R. 524. A bill to establish a laboratory science pilot program at the National Science Foundation; to the Committee on Science and Technology.

By Mr. KING of New York (for himself, Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. FOSSELLA, and Mr. McCOTTER):

H.R. 525. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to require that, in order to determine that a democratically elected government in Cuba exists, the government extradite to the United States convicted felon William Morales and all other individuals who are living in Cuba in order to escape prosecution or confinement for criminal offenses committed in the United States; to the Committee on Foreign Affairs.

By Mr. LARSON of Connecticut (for himself, Mr. ETHERIDGE, Mr. BOSWELL, Mr. CONYERS, Ms. MATSUI, Ms. BORDALLO, Mr. MCNULTY, Mr. GENE GREEN of Texas, Mr. MCINTYRE, Mr. AL GREEN of Texas, Mr. PLATTS, Mr. CLEAVER, Mr. DOYLE, Mr. THOMPSON of California, Ms. ESHOO, Ms. HOOLEY, Mr. WEXLER, Mr. COSTELLO, Mr. MCCOTTER, Ms. JACKSON-LEE of Texas, Mr. HINOJOSA, Mr. MCGOVERN, Mr. BERMAN, Mr. WEINER, Mr. CROWLEY, Mr. FILNER, Mr. GRIJALVA, Ms. HIRONO, Mr. CAPUANO, Mr. HARE, Mr. CUELLAR, Mr. SHERMAN, Mr. DAVIS of Illinois, Mr. KUCINICH, Mr. CARDOZA, Mr. CUMMINGS, Ms. HARMAN, Mr. ABERCROMBIE, Mr. BUTTERFIELD, Mrs. JONES of Ohio, Mr. WYNN, and Mr. BACA):

H.R. 526. A bill to amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities; to the Committee on Education and Labor.

By Mr. LARSON of Connecticut:

H.R. 527. A bill to help American families save, invest, and build a better future, and for other purposes; to the Committee on Ways and Means.

By Mr. LYNCH:

H.R. 528. A bill to require the Secretary of Defense, acting through the Defense Contract Audit Agency, to review all defense contracts relating to reconstruction or troop support in Iraq involving any contractors, subcontractors, or Federal officers or employees that have been indicted or convicted for contracting improprieties; to the Committee on Armed Services.

By Mr. LYNCH:

H.R. 529. A bill to implement the recommendations of the Office of the Special Inspector General for Iraq Reconstruction to ensure that the Department of Defense properly accounts for all small arms weapons procured by the Department of Defense for use by the Iraqi Security Forces; to the Committee on Armed Services.

By Mr. LYNCH:

H.R. 530. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Education and Labor.

By Mr. LYNCH:

H.R. 531. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Education and Labor.

By Mr. LYNCH:

H.R. 532. A bill to amend the Child Care and Development Block Grant Act of 1990 to increase the availability and affordability of quality child care services by creating incentives for older individuals to join the child care workforce, and for other purposes; to the Committee on Education and Labor.

By Mr. LYNCH:

H.R. 533. A bill to establish the Commission on Iraqi Transition; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 534. A bill to provide for the security and safety of rail and rail transit transportation systems, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 535. A bill to provide for a rail worker emergency training program; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 536. A bill to amend chapter 89 of title 5, United States Code, and the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to require coverage of hearing aids under the Federal Employees Health Benefits Program and private group and individual insurance; to the Committee on Oversight and Government Reform, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEK of Florida:

H.R. 537. A bill to establish a bipartisan commission on insurance reform; to the Committee on Financial Services.

By Mr. ORTIZ (for himself, Mr. HINOJOSA, Mr. DOGGETT, and Mr. CUELLAR):

H.R. 538. A bill to provide for the health care needs of veterans in far South Texas; to the Committee on Veterans' Affairs.

By Ms. SCHWARTZ (for herself and Mr. BAIRD):

H.R. 539. A bill to amend the Internal Revenue Code of 1986 to increase and extend the energy efficient commercial buildings deduction; to the Committee on Ways and Means.

By Mr. SHERMAN:

H.R. 540. A bill to amend chapter 1 of title 3, United States Code, relating to Presidential succession; to the Committee on the Judiciary.

By Mr. SHERMAN:

H.R. 541. A bill to establish the Commission on Freedom of Information Act Processing Delays; to the Committee on Oversight and Government Reform.

By Ms. SOLIS:

H.R. 542. A bill to require the Department of Veterans Affairs to provide mental health services in languages other than English, as needed, for veterans with limited English proficiency, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TANNER (for himself and Mr. WAMP):

H.R. 543. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. GONZALEZ, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. GENE GREEN of Texas, and Mr. PASTOR):

H.R. 544. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. UDALL of New Mexico (for himself and Mr. KILDEE):

H.R. 545. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa:

H.J. Res. 16. A joint resolution proposing an amendment to the Constitution of the United States to repeal the sixteenth article of amendment; to the Committee on the Judiciary.

By Mr. DOOLITTLE:

H.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

By Mr. MURTHA (for himself, Mr. WU, Mr. BRADY of Pennsylvania, Ms. WATERS, Mr. DOYLE, Mr. CAPUANO, Mr. MORAN of Virginia, Ms. KAPTUR, Ms. LEE, Mr. DOGGETT, Mr. HOLT, Mr. OLVER, Ms. MCCOLLUM of Minnesota, Mr. BLUMENAUER, Ms. ZOE LOFGREN of California, Ms. CORRINE BROWN of Florida, Mr. AL GREEN of Texas, Mr. NADLER, Mr. FARR, Mr. THOMPSON of California, Mr. FILNER, Mr. MARKEY, Mr. ALLEN, Mr. MICHAUD, Ms. SCHAKOWSKY, Mr. WEINER, Mr. PATRICK MURPHY of Pennsylvania, Mr. MCDERMOTT, Ms. SLAUGHTER, Mr. CLAY, Ms. WATSON, Mr. ROTHMAN, Mr. HINCHEY, Mr. MOLLOHAN, Mr. HONDA, Mrs. MALONEY of New York, Ms. JACKSON-LEE of Texas, Ms. MATSUI, Mr. VISCLOSKY, Mr. KUCINICH, Mr. PAYNE, Mrs. CAPPS, Mr. BECERRA, Ms. BALDWIN, Mr. GEORGE MILLER of California, Mrs. JONES of Ohio, Mr. MEEKS of New York, Mr. MEEHAN, Mr. LEWIS of Georgia, Mr. RUSH, Mr. UDALL of New Mexico, Mr. RANGEL, Mr. CLYBURN, Mr. RYAN of Ohio, Mr. MEEK of Florida, Mrs. CHRISTENSEN, Mr. FRANK of Massachusetts, Mr. LARSON of Connecticut, Mr. GUTIERREZ, Mr. CUMMINGS, Mr. BACA, Ms. SOLIS, Mr. PASCRELL, Mr. STARK, Mr. DELAHUNT, Mr. FATTAH, Mr. MCGOVERN, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. MOORE of Wisconsin, Mr. PALLONE, Ms. ESHOO, Ms. VELÁZQUEZ, Mr. JACKSON of Illinois, Mr. KANJORSKI, Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WELCH of Vermont, Ms. NORTON, Mr. RAHALL, Mr. GRIJALVA, Mr. LOEBSACK, Ms. KILPATRICK, Ms. CARSON, Mr. BISHOP of New York, Ms. HIRONO, Mr. PASTOR, and Mr. YARMUTH):

H.J. Res. 18. A joint resolution to redeploy U.S. forces from Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES:

H. Res. 69. A resolution recognizing and honoring Benny Parsons and expressing the condolences of the House of Representatives to his family on his death; to the Committee on Oversight and Government Reform.

By Mrs. CAPPS (for herself and Mr. GALLEGLY):

H. Res. 70. A resolution congratulating the University of California at Santa Barbara men's soccer team, the 2006 National Collegiate Athletic Association Champions; to the Committee on Education and Labor.

By Mrs. JONES of Ohio:

H. Res. 71. A resolution recognizing the importance of community development corporations (CDCs); to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAHONEY of Florida (for himself, Mr. HASTINGS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PUTNAM, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, Mr. MILLER of Florida, and Mr. BOYD of Florida):

H. Res. 72. A resolution recognizing the work and accomplishments of Mr. Britt "Max" Mayfield, Director of the National Hurricane Center's Tropical Prediction Center upon his retirement; to the Committee on Science and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. UPTON introduced a bill (H.R. 546) for the relief of Ibrahim Parlak; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. ENGEL, Mr. LIPINSKI, Mrs. DAVIS of California, and Mr. SHAYS.

H.R. 14: Mr. UPTON, Mr. MACK, Mr. TERRY, Mrs. BIGGERT, Mr. SENSENBRENNER, Mrs. DRAKE, Mr. BUCHANAN, Mr. WOLF, Mr. GERLACH, and Mr. HERGER.

H.R. 63: Mr. NORWOOD, Mrs. MUSGRAVE, Mr. HERGER, Mr. LEWIS of Kentucky, Mr. ALEXANDER, Mr. FORTENBERRY, Mr. MANZULLO, Mr. GOODE, Mr. FRANKS of Arizona, Mrs. BLACKBURN, Mr. SMITH of New Jersey, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Kentucky, Mr. GINGREY, Mr. WICKER, Mr. KING of Iowa, Mr. LINCOLN DAVIS of Tennessee, Mr. HOEKSTRA, Mr. WILSON of South Carolina, and Mr. SALI.

H.R. 65: Mr. WALSH of New York, Mr. MORAN of Kansas, Ms. VELÁZQUEZ, Ms. PRYCE of Ohio, Mr. HUNTER, Mr. GARRETT of New Jersey, Mrs. CUBIN, Mr. WALDEN of Oregon, Mr. KNOLLENBERG, Mr. ENGEL, Ms. WATERS, and Ms. HOOLEY.

H.R. 77: Mr. JONES of North Carolina.

H.R. 92: Mr. MILLER of Florida.

H.R. 137: Mr. MICHAUD, Mr. ROSKAM, Mr. DREIER, Mr. CAPUANO, Ms. WATSON, Mr. DOGGETT, Mrs. DRAKE, Mr. YARMUTH, Ms. SHEA-PORTER, Mr. MITCHELL, and Mr. PRICE of North Carolina.

H.R. 199: Mr. PASTOR.

H.R. 211: Mr. MCCOTTER, Ms. HARMAN, and Mrs. MCCARTHY of New York.

H.R. 251: Mr. SHIMKUS, Mr. BUYER, Mrs. MYRICK, Mr. DICKS, and Mr. KUHL of New York.

H.R. 274: Mr. GOODE and Mrs. MYRICK.

H.R. 277: Mr. DOYLE, Mr. JOHNSON of Georgia, Mr. GRIJALVA, and Mr. LINCOLN DAVIS of Tennessee.

H.R. 279: Mr. FEENEY, Mr. GOODE, Mr. SESSIONS, and Mr. SHUSTER.

H.R. 312: Mrs. DRAKE.

H.R. 319: Mr. RUPPERSBERGER.

H.R. 332: Mr. CULBERSON, Mr. HAYES, Mr. POE, Mr. CONAWAY, Mr. SENSENBRENNER, Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Mr. SIMPSON, Mr. BURTON of Indiana, Mr. SOUDER, Mr. BOOZMAN, Mr. MILLER of Florida, and Mr. JONES of North Carolina.

H.R. 353: Mr. CAPUANO and Ms. LEE.

H.R. 358: Mr. MEEHAN, Mr. BURTON of Indiana, Mr. BRADY of Pennsylvania, Ms. JACKSON-LEE of Texas, and Mr. WAMP.

H.R. 359: Mrs. EMERSON, Mr. PASTOR, Mr. GEORGE MILLER of California, Mr. SERRANO, Mrs. NAPOLITANO, Ms. WATSON, and Ms. BORDALLO.

H.R. 369: Ms. ZOE LOFGREN of California, Mr. GRIJALVA, Mr. TOWNS, and Mrs. MALONEY of New York.

H.R. 402: Mr. UPTON.

H.R. 403: Mr. FATTAH, Mr. JOHNSON of Georgia, Mr. FRANK of Massachusetts, Mr. CLEAVER, Mrs. LOWEY, Mr. COHEN, Ms. Velázquez, Ms. WOOLSEY, and Mr. MCDERMOTT.

H.R. 406: Ms. MOORE of Wisconsin, Mr. SIRES, Mr. COHEN, Mr. ENGEL, Mr. WAXMAN, and Mr. BAIRD.

H.R. 409: Mr. PASCRELL, Mrs. MCCARTHY of New York, and Mr. WU.

H.R. 410: Ms. WOOLSEY.

H.R. 433: Mr. BRADY of Pennsylvania, Mr. JOHNSON of Georgia, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. INSLEE, Mrs. DAVIS of California, Ms. CARSON, Mr. FARR, and Mr. ROTHMAN.

H.R. 440: Mr. TERRY.

H.R. 450: Mr. BAIRD.

H.R. 457: Mr. MILLER of Florida.

H.R. 464: Mr. HONDA, Ms. SOLIS, and Mr. BISHOP of New York.

H.R. 471: Mr. BACHUS, Mrs. MCMORRIS RODGERS, Mr. BARRETT of South Carolina, Mr. BUCHANAN, Mr. MANZULLO, Mr. BOOZMAN, Mr. COHEN, and Mr. POMEROY.

H.R. 473: Mr. SHAYS.

H.R. 475: Ms. DEGETTE.

H.R. 488: Mr. MCGOVERN.

H.J. Res. 3: Mr. COLE of Oklahoma, Mr. CARDOZA, and Mr. GRIJALVA.

H. Con. Res. 20: Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. GALLEGLY, Ms. ROS-LEHTINEN, Mrs. MALONEY of New York, and Mr. HIGGINS.

H. Res. 37: Mr. PASTOR, Mr. BACA, Mr. HINOJOSA, Mr. SIRES, Mr. GRIJALVA, and Mr. ORTIZ.

H. Res. 41: Mr. DELAHUNT and Mr. HARE.

H. Res. 52: Mr. ROHRABACHER.

H. Res. 58: Mr. HARE and Mr. RANGEL.

H. Res. 64: Mr. MCCOTTER, Mr. KING of New York, Mr. BURTON of Indiana, Mr. WOLF, and Mr. ROTHMAN.

EXTENSIONS OF REMARKS

A TRIBUTE TO THE JESSIEVILLE LIONS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. ROSS. Madam Speaker, it is with honor and great pride that I recognize and congratulate the Jessieville Lions of Jessieville, AR, whose outstanding teamwork and dedication on the football field earned them a Class 2A Arkansas State Title at War Memorial Stadium in Little Rock on December 8, 2006. The Jessieville Lions embody the spirit of teamwork, determination, and all that defines a champion.

As a parent, I value the important lessons that teamwork teaches our students in pursuit of a lifetime of success. I have long been an advocate of sports and extracurricular activities as they complement academic excellence, inspire leadership, and build character, which better prepare our State's students to face the challenges of the 21st century.

It is a tremendous honor to congratulate the Jessieville High School football program on winning the Class 2A Arkansas State Football Championship. I applaud the Jessieville Lions for their season. This victory is the result of hard work contributed by the players, students, coaching staff, faculty and the community. I salute all who remained focused on this goal and especially the players who rose to the occasion to become State champions. Congratulations Lions.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. NORWOOD. Madam Speaker, on rollcall No. 26; on the motion to suspend the rules and agree to H. Res. 43, had I been present, I would have voted "yes."

U.S. GOVERNMENT SHOULD PRESS INTERIM GOVERNMENT OF TURKMENISTAN TO HOLD FREE AND FAIR PRESIDENTIAL ELECTIONS ON FEBRUARY 11, 2006

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. FEENEY. Madam Speaker, the world has recently witnessed the deaths of two bloody despots: one—Saddam Hussein—was executed for crimes against his own people; the other—President Saparmurat Niyazov of Turkmenistan—was able to escape justice by dying in his sleep.

Under President Niyazov, Turkmenistan became a secretive police state modeled after North Korea. Declaring himself President-for-life, Niyazov banned all political parties except his own; threw his opponents in jail or drove them into exile; and established a state monopoly on media, exercising control over the editorial content.

With the death of the dictator, one would hope that the people of Turkmenistan would finally wake up from their long nightmare and reclaim their rights, chief among them the right to elect their leaders in free and fair elections. However, the interim government has pledged to continue Niyazov's policies and has brought into question their ability to hold truly democratic elections

The interim government's most competent opponents—the exiled community of business leaders and intellectuals—have effectively been prevented from contesting the elections, even though their leader Khudaiberdy Orazov, whom the united opposition chose as its presidential candidate, would win the majority of the popular vote according to the most recent polls. As former chairman of the Central Bank and a renowned economist, Mr. Orazov is precisely the kind of leader whose insights are badly needed if Turkmenistan is to rebuild its crumbling infrastructure and revive its ailing education and healthcare systems.

I urge my colleagues in calling for free, fair, and democratic elections in Turkmenistan and for the interim government to allow its opponents the opportunity to contest the February 11 elections. In order to maintain our commitment to democracy, both at home and abroad, we can do no less.

I am including for the RECORD a copy of Jan. 3 Washington Post article, "New Future for Turkmenistan," which was written by a well-respected pro-democracy opposition leader in exile, Nurmukhammet Hanamov, whose two sons were assassinated in retaliation for his outspoken opposition to Niyazov's regime. The U.S. government would do well to hear the heartfelt plea this courageous man makes in his article.

[From The Washington Post]

A NEW BEGINNING FOR TURKMENISTAN

(By Nurmuhammet Hanamov)

Last week Turkmenistan buried its brutal dictator, Saparmurad Niyazov. His ruthless reign spanned two decades, during which time his policies became increasingly irrational and unpredictable. The long list of Niyazov's crimes against our people includes: banning all political parties except his own and jailing his opponents; preventing thousands of disloyal citizens from traveling abroad; persecuting religious and ethnic minorities; outlawing opera; and shutting down regional hospitals, firing thousands of doctors and nurses. Under Niyazov, Turkmenistan became a corridor for heroin trafficking from Afghanistan to the West and gained for itself one of the highest heroin addiction rates in the world.

Above all, Niyazov was a selfish and kleptocratic despot, stashing billions in proceeds from the sale of the country's enormous natural gas resources in personal accounts in Western banks. He used this money to fuel his outlandish personality cult, building opulent palaces and golden statues of himself even as his people were deprived of basic necessities and suffer one of the world's lowest life expectancy rates. The West's indifference was striking compared with the relentless criticism by the United States and the European Union against the more benign regime of Alexander Lukashenko, president of gas-poor Belarus.

With Niyazov gone, the West has a historic second chance to help our country make a peaceful transition to democracy. Turkmenistan's interim rulers have unfortunately pledged to continue Niyazov's policies, even ordering new statues of him, and their efforts to grab power amount to a coup d'état. The former health minister—under the de facto control of Niyazov's Presidential Guard—has arrested the speaker of Parliament, who constitutionally is next in the line of succession. He has sealed the country's borders and, using other unconstitutional measures, has set the stage for his own unchallenged victory in presidential elections scheduled for Feb. 11.

The United States must send a clear message to Niyazov's holdouts in the interim government in Ashgabat: that they will not have its support unless they agree to hold free and fair elections—ones that allow all citizens of Turkmenistan, including exiled opposition leaders and political prisoners, to take part.

We know that the United States has tried to help the people of Turkmenistan in recent years, and thanks to American educational exchange programs, there is a thriving community of bright Turkmen students and intellectuals who are living in Western countries and are ready to return and help rebuild their country. This community is largely held together by the efforts of Khudaiberdy-Orazov, a former chairman of the National Bank and an accomplished and energetic leader who was forced into exile several years ago. He was unanimously nominated to be a candidate in the February presidential elections by a broad coalition of opposition groups inside and outside of Turkmenistan. According to a recent poll, Orazov's candidacy would have the support of a majority of Turkmen voters. Until Orazov and other opposition candidates are allowed to contest the February elections, the United States and the European Union must refrain from recognizing the junta in Ashgabat and freeze all personal accounts of Niyazov and his cronies abroad. We hope that members of Congress and other government officials will visit Turkmenistan soon to personally deliver that message.

We must rebuild our country, and with the help of our friends and neighbors we can do it in an open and transparent way. Priorities for a democratically elected government

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

during the initial post-Niyazov reconstruction must be to release all political prisoners, conduct open tenders and allow Western companies to bid for a stake in developing Turkmenistan's oil and gas fields; to consider new ways of getting our gas and oil to Western markets; to restore private property that Niyazov confiscated from Turkmen citizens; and to create a reconstruction fund using Niyazov's personal bank accounts and proceeds from the sale of oil and gas to revive the health-care and education systems.

The United States is spending billions of dollars trying to turn Afghanistan and Iraq—both deep in the throes of civil war—into democratic nations while all but abandoning their peaceful post-Soviet neighbors to the north. Turkmenistan is ready for a new beginning, and the West must finally step up to the plate. To do otherwise would waste a historic opportunity and allow yet another case of popular discontent with an illegitimate government to become an anti-Western lost cause.

A TRIBUTE TO THE NASHVILLE SCRAPPERS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. ROSS. Madam Speaker, it is with honor and great pride that I recognize and congratulate the Nashville Scrappers of Nashville, AR, whose outstanding teamwork and dedication on the football field earned them a Class 4A Arkansas State Title at War Memorial Stadium in Little Rock on December 9, 2006. The Nashville Scrappers embody the spirit of teamwork, determination, and all that defines a champion.

As a parent, I value the important lessons that teamwork teaches our students in pursuit of a lifetime of success. I have long been an advocate of sports and extracurricular activities as they complement academic excellence, inspire leadership, and build character, which better prepare our State's students to face the challenges of the 21st century.

It is a tremendous honor to congratulate the Nashville High School football program on winning the Class 4A Arkansas State Football Championship. I applaud the Nashville Scrappers for their season. This victory is the result of hard work contributed by the players, students, coaching staff, faculty and the community. I salute all who remained focused on this goal and especially the players who rose to the occasion to become State champions. Congratulations Scrappers.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. NORWOOD. Madam Speaker, on rollcall No. 24, on the motion to suspend the rules and agree to H. Res. 61, had I been present, I would have voted "yes."

TRIBUTE TO THE UNIVERSITY OF TENNESSEE DANCE TEAM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. DUNCAN. Madam Speaker, I rise today to congratulate the University of Tennessee Dance Team, located in my District, for winning their first ever Division IA National title.

On January 15th, 2007, the team competed against 17 other Division IA dance teams at the Universal Dance Associations College Nationals held at the Walt Disney World Resort in Orlando, FL.

The team was awarded an all expenses paid trip to the national competition after placing third in the qualifying round, based on a two minute video they submitted in October, 2006.

Although they placed 1st in semi-finals, the team knew their competitors would step up their performances in the next round. In the final round, Tennessee gave its strongest performance yet, leaving the crowd in awe and leaving no doubt in the minds of the judges who should receive the National title.

The team defeated the four time National Champions, the Minnesota Golden Gopher Dance Team, by a margin of more than 20 points.

The Tennessee dancers worked intensely to reach this never before attained goal, practicing up to three times a day over their holiday break.

The Tennessee Spirit program is the only program in the country to place in the top five in the Cheerleading, Mascot and Dance divisions.

I would also like to congratulate coaches Kelley Eidenmuller, Valerie Baxter and Spirit Coordinator Joy Postell on their exceptional work with this group of dancers.

Madam Speaker, in closing, I would like to call to the attention of my colleagues and other readers of the CONGRESSIONAL RECORD a recent article from utsports.com regarding the University of Tennessee Dance Team's outstanding achievement.

TENNESSEE DANCE TEAM CAPTURES FIRST NATIONAL CROWN

ORLANDO, Jan. 14, 2007.—Tennessee's long elusive national crown finally found its resting place in Knoxville as Tennessee's Dance team captured its first national crown in commanding fashion in the land of dreams and wishes.

At the Milk House in Orlando, Florida, Tennessee put on a dominating performance before a packed house at the Wide World of Sports Complex. Performing to "Your House" by Alisa Morissette, the dance team performed to an Acapella version of the song and simply rocked the house.

Co-Head Coach Kellie Edenmueller said this team knew this was the material it would take to bring home the national championship.

"We knew from the moment we put this together it had the potential to bring us a national championship. Our girls worked tirelessly and put together a great performance."

Tennessee was not without their fans as more than 150 made their way to the Milk House and turned the old can into a home away from home. It was something this program has sought for almost a decade.

"It is finally a breath of fresh air to win this national title, both from a coaching standpoint and a coordinator of trying to raise the bar," said UT Spirit Coordinator Joy Postell. "Repeatedly these squads have come here and have left disappointed because they did not achieve their goal. To finally achieve the goal, to represent your university and to win the title is breathtaking and ecstatic.

"The feeling I have and pride I have that UT has allowed me to have a phenomenal program to reach out to so many spirit athletes. Not just athletics but in every aspect and to bring notoriety to this university. At Tennessee we work together as a team and cheer, dance, and mascot are all emphasized as being winners and achievers. Everyone of these teams is very supportive of the other. I am very fortunate to have the tools the university provides me to succeed. For us to reach the top five in every category is both not just a personal goal but a goal of every athlete in this program."

Tennessee was the only program in the nation to place in the top five in the country in Mascot (5th place), Cheer (4th place) and dance again in the Hip-Hop division with a 5th place finish.

Tonight was truly magical and the young women made it happen.

A TRIBUTE TO THE ARKANSAS HIGH RAZORBACKS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. ROSS. Madam Speaker, it is with honor and great pride that I recognize and congratulate the Arkansas High School Razorbacks of Texarkana, AR, whose outstanding teamwork and dedication on the football field earned them a Class 6A Arkansas State Title at War Memorial Stadium in Little Rock on November 25, 2006. The Arkansas High Razorbacks embody the spirit of teamwork, determination, and all that defines a champion.

As a parent, I value the important lessons that teamwork teaches our students in pursuit of a lifetime of success. I have long been an advocate of sports and extracurricular activities as they complement academic excellence, inspire leadership, and build character, which better prepare our state's students to face the challenges of the 21st century.

It is a tremendous honor to congratulate the Arkansas High School football program on winning the Class 6A Arkansas State Football Championship. I applaud the Arkansas High School Razorbacks for their season. This victory is the result of hard work contributed by the players, students, coaching staff, faculty and the community. I salute all who remained focused on this goal and especially the players who rose to the occasion to become State champions. Congratulations Razorbacks!

TRIBUTE TO AMERICAN CANCER FUND FOR CHILDREN AND KIDS CANCER CONNECTION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. WAXMAN. Madam Speaker, I rise today to recognize and congratulate the American Cancer Fund for Children and Kids Cancer Connection, located in the 30th Congressional District, which I represent.

Los Angeles mayor Antonio Villaraigosa proclaimed the week of December 11, 2006, as "Childhood Cancer Awareness Week" in the city of Los Angeles. I am pleased to join Mayor Villaraigosa in thanking Steven Firestein, the founder of American Cancer Fund for Children and its sister organization, Kids Cancer Connection, for his wonderful work in assisting children with cancer.

More than 12 years ago, Steven began the American Cancer Fund for Children to provide vital patient psychosocial services to children undergoing cancer treatment at the Skull Base Institute at the Cedars-Sinai Medical Office Towers in Los Angeles, Mattel Children's Hospital at UCLA Medical Center in Los Angeles, and participating hospitals throughout the country.

One of the wonderful services provided through American Cancer Fund for Children is the Magical Caps for Kids program. Handmade caps and decorated baseball caps are given to children who want to protect their heads following the trauma of chemotherapy, surgery, and radiation. The American Cancer Fund for Children also sponsors Courageous Kid award ceremonies and hospital celebrations in recognition of children's bravery and determination in their struggle against cancer.

As we know, cancer is the leading cause of death by disease among children in the United States. This tragic disease is detected in nearly 11,000 of our Nation's children each year. Steven Firestein and the American Cancer Fund for Children and Kids Cancer Connection are providing critical services and comfort to young patients and their families. I ask my colleagues to join me in recognizing Steven Firestein for his tremendous efforts.

CHOOSE GENEROSITY, NOT EXCLUSION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. ELLISON. Madam Speaker, somewhere in Minneapolis or Jackson or Baltimore, somewhere in America today, there is a young couple that is feeling vulnerable. Maybe one has been laid off due to outsourcing, and maybe, the other is working for something close to a minimum wage. They probably have no medical benefits. Today real income is lower for the typical family than in 2000, while the incomes of the wealthiest families have grown significantly. Things are tough for working people, but in America, we often turn to our faith in tough times.

When our couple shows up for worship service, probably on a Sunday, there is no doubt that the preacher will tell them of God's unyielding love. "God loves you." But the next thing the preacher tells them is crucial—not only to the young couple, but to us all. The next message from the preacher may help to shape, not only the next election results, but the political landscape of the Nation.

Will the preacher tell our young couple, "God loves you—but only you and people like you?" Or will the preacher say "God loves you and you must love your neighbors of all colors, cultures, or faiths as yourselves"? One message will lead to be a stinginess of spirit, an exclusion of the "undeserving," and the other will lead to a generosity of spirit and inclusion of all.

In America today, we are encouraged to believe in the myth of scarcity—that there just isn't enough—of anything. But in the story of the miracle of the loaves and fishes, Jesus, who the Muslims called Isa, found himself preaching to 5,000—not including the women by the way—at dinner time, and there didn't appear to be enough food. The disciples said that there were only five barley loaves and two fish. We just have to send them away hungry. We simply don't have enough. But Jesus took the loaves and the fish and started sharing food. There was enough for everyone. There was more than enough. What was perceived as scarcity was illusory as long as there was sharing, and not hoarding.

The idea here is not that there is a boundless supply of everything. Such an idea leads to waste and dispensability of everything. But the idea is that there is enough.

If scarcity is a myth, then poverty is not necessary. America need not have 37 million Americans living below the poverty line. It is a choice. Hunger is a choice. Exclusion of the stranger, the immigrant, or the darker other is a choice.

We can choose generosity. In America today, we spend more on health care than any other industrialized Nation, yet 46 million people have none. Canada spends half of what we spend and covers everyone. Perfectly? Of, course not. But adequately. That's more than what a lot of people have right now.

We live in a society which says that there is enough for a tax break for the wealthy but not enough for an increase in the minimum wage for national health care. There is enough for subsidies to oil and coal companies but not for families who are struggling to afford child care or a college education. But it doesn't have to be this way.

We need a politics of generosity based on the reality of abundance as opposed to a politics of not enough. The richest 1 percent of the Nation, on average, owns 190 times as much as a typical household. The child poverty rate in the United States is the highest of 16 other industrialized nations. Employers are shifting health insurance costs onto workers. Not only are fewer employees receiving health insurance through their employers, but those who still do are paying more for it.

Recently, I have become the focus of some criticism for my use of the Qu'ran for my ceremonial swearing in. Let me be clear: I am going to be sworn into office like all Members of Congress. I am going to swear to uphold the United States Constitution. We seem to have lost the political vision of our founding document—a vision of inclusion, tolerance and generosity.

I do not blame my critics for subscribing to a politics of scarcity and intolerance. However, I believe we all must project a new politics of generosity and inclusion. This is the vision of the diverse coalition in my congressional district. My constituents in Minnesota elected me to fight for a new politics in which a loving Nation guarantees health care for all of its people; a new politics in which executive pay may not skyrocket while workers do not have enough to care for their families. I was elected to articulate a new politics in which no one is cut out of the American dream, not immigrants, not gays, not poor people, not even a Muslim committed to serve his Nation.

TRIBUTE TO CATHOLIC SCHOOLS WEEK

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. AKIN. Madam Speaker, I rise today in recognition of Catholic Schools Week.

The Nation's nearly 8,000 Catholic schools will celebrate Catholic Schools Week January 28 through February 3. Catholic schools have made many significant contributions to the education of our Nation's children.

Catholic schools have a longstanding and proud tradition in the Archdiocese of St. Louis. The percentage of Catholic families who choose Catholic schools for their children here is among the highest in the country. There are about 51,000 students enrolled in our Catholic elementary and high schools. Catholic schools foster an atmosphere of mutual respect. Students learn to value God, themselves, and others.

Today I would also like to recognize and commend our Catholic educators who are committed to a living faith community founded on the Catholic tradition of academic excellence and enriching the lives of the children they teach spiritually, academically and socially.

I strongly support the goals of Catholic Schools Week 2007 and laud their efforts to produce students dedicated to their faith, families, and values.

CELEBRATING BETTY NIXON'S PIONEERING CAREER OF SERVICE TO HER COMMUNITY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. COOPER. Madam Speaker, today I rise on behalf of the Tennessee delegation, in particular Mr. COHEN, Mr. DAVIS, Mr. GORDON, and Mr. TANNER, to pay tribute to a lifelong activist and community servant, Betty C. Nixon, upon the occasion of her retirement from Vanderbilt University. Betty's last 17 years have been spent building bridges between Vanderbilt and the Nashville community, firmly connecting this institution to the city she loves, and yet this work represents only a small sliver of her service to her fellow citizens.

Betty's ties to Nashville run deep. She grew up there, graduating from Hillsboro High School in 1954 and heading to Texas, where she would graduate from Southern Methodist University in 1958. Most people would rest or retire after teaching high school in Alabama for the decade of the 1960s, but not Betty. By 1975, she had been elected to her first of three terms in the Metropolitan Council of Nashville and Davidson County and was serving as deputy press secretary for Tennessee Governor Ray Blanton. It was only the beginning of her public service.

In 1982, the same year she graduated from the Vanderbilt Owen Graduate School of Management, Betty became the first woman to chair the Metro Council Budget Committee. Two years later, she managed the statewide political campaign for Walter Mondale and Geraldine Ferraro, and four years after that, she managed James R. Sasser's successful bid for the U.S. Senate. Along the way, Betty ran for mayor in 1987 and 1991, and once again she blazed a trail: Betty was the first woman to run for mayor in Nashville's history.

Like many civic-minded individuals, Betty moved to Washington, but after a year of professional service to the U.S. Senate Subcommittee on Intergovernmental Relations, she returned to the community that she loved. From 1990 until 2007, Vanderbilt has benefited from her steady service, and the University knows it. In many ways, Betty defined both her role at the school and the school's role in the community; she retires as Assistant Vice Chancellor for Community, Neighborhood and Government Relations and leaves as her legacy an institution that fully and conscientiously participates in its community. And Vanderbilt has immortalized her by dedicating the Betty C. Nixon Center for Community Connections in her honor.

Betty's ceaseless service to Nashville government and nonprofit organizations belies the limited number of hours in a day. Oasis Center, Nashville Electric Service, Tennessee State University Business Incubation Center, Bill Wilkerson Hearing and Speech Center, Davidson County Election Commission, Nashville Women's Breakfast Club, United Way, Project PENCIL, West End United Methodist Church, Citizen's Bank, Youth Encouragement Services, Tennessee Women's Political Caucus, YMCA Black Achievers, Rochelle Center, League for the Hard of Hearing, Alcohol and Drug Council of Middle Tennessee, WIN—these groups and many others have all benefited from Betty's skill, charm, and grace. She has been honored as a YWCA Woman of Achievement and has received the prestigious Athena Award.

Madam Speaker, Nashville is a stronger, more vibrant community because of Betty Nixon's commitment to improving the lives of those around her. Today I rise to pay tribute to her legacy, express our Nation's gratitude for her service, and wish her many more years of contented engagement with a city that has been forever changed by her efforts.

NOTHING IS IMPOSSIBLE: CELEBRATING JOE HARDY ON HIS 84TH BIRTHDAY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. SHUSTER. Madam Speaker, I rise today to highlight an American success story, an inspirational Pennsylvanian and a great American, Joe Hardy, III. Joe Hardy is the embodiment of the idea that, as Winston Churchill said, "We make a living by what we get and we make a life by what we give." This month marks Joe Hardy's 84th birthday and it is only right that his achievements in business and his contributions to society be celebrated in this, the people's House.

Joe Hardy is perhaps best known as the founder of 84 Lumber, the largest privately owned building materials supplier to professional contractors in America. But he is much more than this. He is a self-made man, a civic leader and a great philanthropist. He is the embodiment of the American Dream and his story continues to encourage those around him.

With 84 Lumber, Joe Hardy reached a level in business that thousands of smaller entrepreneurs aspire to reach for themselves. And like many Americans just starting out in the world of business, Joe Hardy did not inherit his success; he built it from the ground up. His is a true American success story, a story that is alive and well today.

When Joe Hardy graduated from the University of Pittsburgh with a degree in engineering he joined his family's jewelry company. He demonstrated his business acumen early, and quickly became the company's best salesman. But Joe Hardy wanted to make his own name in the business world, so in 1952, with his own savings and the help of some friends, he opened a cash-and-carry lumber yard for contractors in the town of Eighty-Four, Pennsylvania. In 1956 he changed his company's name from Green Hills Lumber to 84 Lumber and the rest, as they say, is history.

84 Lumber grew quickly, reaching $84 million in sales in 1971 and $1 billion in sales in 1996. As his company and his fortune grew, Joe Hardy began to give back to the communities that had given him the chance to succeed. In 1987, he bought the Nemacolin Resort in a bankruptcy sale and turned it into a major economic draw and tourist destination for Western Pennsylvania.

He brought a PGA tournament to the world class Nemacolin Resort that not only drew attention to the area, but raised money for worthy causes. The list of philanthropic achievements in this area is long, but a few examples stand out.

Over the past 15 years, Joe Hardy's 84 Lumber Golf Tournaments have raised over $1 million for the Westmoreland-Fayette Boy Scout Council. He organized a PGA Tour event from 2003 to 2006 that raised more than $6 million for local charities and $1.3 million for Hurricane Katrina relief. Additionally, through his long collaboration with Habitat for Humanity, Joe Hardy enabled the funding and construction of 50 homes along the hurricane ravaged Gulf Coast.

But his philanthropy does not end there. In 1990, Joe Hardy gave a grant to Washington and Jefferson College to start an Entrepreneurial Spirit Studies Program as well as a scholarship fund its participation. This celebrated program continues to train tomorrow's business leaders today.

In addition to philanthropy, Joe Hardy is also civically engaged. He continues to serve as a County Commissioner for Fayette County Pennsylvania and personally invested his own money into the revitalization of Uniontown, the hometown of General George C. Marshall.

The list of Joe Hardy's accomplishments is simply too long to cover here. However, to the people of Fayette County, the contributions he has made to their lives are evident everyday. Whether you walk down the streets of a revitalized Uniontown, enjoy a jump in business due to the Nemacolin Woodlands Resort, or build your new house with 84 Lumber products, Joe Hardy's impact is there.

I want to wish Joe Hardy a happy 84th birthday and thank him for all he has done throughout his life. With his achievements and outlook on life, I am sure we will see many more successes in the years ahead.

HONORING THE CAREER OF BILL SMITH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the banking career of Bill Smith, who, as he puts it, started out as an errand runner and left as chairman of the board.

Bill began working for the Bank of Commerce in Woodbury, Tennessee, in 1950. At the time, there were five other employees working at the bank on the west side of the Cannon County Square. He began as a runner and went on to fill many other positions at the bank, including using a pen and ledger to keep the balance of the entire bank.

In 1954, the bank moved to its current location on the north side of the square, and Bill continued moving up. In 1964, an addition was added to the bank, and Bill earned the title of vice president.

In 1967, the Bank of Commerce was sold to Third National Bank, and Bill became president. Another addition to the Woodbury branch was added in 1982. Under Bill's leadership, the Bank of Commerce sponsored the Cannon County Good Ole Days for 25 years and started the annual Red Apple Days in Auburntown. Bank branches were built and obtained in the Edgefield community and in Auburntown.

When the bank sold in the early 1980s, it had grown to about 50 full-time and 20 part-time employees. The bank sold again in 1991 to Regions, and Bill's son, Steve, who had begun working for the bank while attending Middle Tennessee State University, became president. Bill became chairman of the board until he retired from the banking industry on August 31, 2005.

In his so-called retirement, Bill has been helping his son, Mike, with their family business, Smith Funeral Home, and managing his family farm. He is an active member of the Church of Christ.

Christine Dillon, who has worked with Bill since 1951, both at the bank and the funeral home, says Bill is described by friends as kind, friendly, a good Christian and a great marketing person. He is much loved by his friends and former banking colleagues. I congratulate Bill on his retirement, and I wish him many years of happiness.

INTRODUCTION OF THE HAITIAN PROTECTION ACT OF 2007

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Haitian Protection Act of 2007.

This important piece of legislation would designate Haitian nationals as eligible for Temporary Protected Status (TPS),

The creation of TPS was intended to serve as the statutory embodiment of safe haven for those who are fleeing—or reluctant to return to—a potentially dangerous situation in their country of origin.

According to section 244A of the Immigration and Nationality Act of 1990, TPS may be granted when: there is ongoing armed conflict posing a serious threat to personal safety; it is requested by a foreign state that temporarily cannot handle the return of nationals due to environmental disaster; or extraordinary and temporary conditions in a foreign state exist which prevent aliens from returning.

Haiti meets all three of these requirements for designation; and yet, not once have Haitian nationals qualified for TPS.

Madam Speaker, there are currently nine countries that are protected under the TPS provision: Nicaragua, Honduras, El Salvador, Burundi, Somalia, Sudan, and Liberia. Within the past year, all nine countries have obtained status renewal for an additional twelve months because it has been determined by the Department of Homeland Security that the country in question is unable to handle the return of its nationals due to varying circumstances.

Last year, during the 109th Congress, I wrote to the Department of Homeland Security (DHS) regarding the unfair treatment of Haitian nationals by current U.S. Immigration policies.

In response to my letter, DHS stated that before they could make a decision to grant TPS to Haiti, they had to determine whether there was "(1) an ongoing armed conflict within the foreign state posing a serious threat to the personal safety of the country's nationals if returned there; (2) an environmental disaster, such as an earthquake, flood, drought, or epidemic in the state; or (3) extraordinary and temporary conditions in the foreign state that prevent nationals from returning safely."

After assessing the aforementioned factors as they apply to Haiti, DHS has taken the following stance: "Decisions on these requests will be made on a case-by-case basis based on the specific circumstances involved when requested."

Madam Speaker, Haiti's recent political, civil, and governmental crises, as well as the extraordinary and temporary conditions caused by several natural disasters, easily make Haitian nationals currently in the United States eligible for TPS.

Any major storm that hits Florida almost always crashes through Haiti first, taking lives and leaving cities already impoverished from the previous year's storms, further devastated.

Throughout Haiti, vast deforestation leaves the country extremely vulnerable to mudslides from heavy rains. It is now 2007 and Haiti still remains severely devastated by the aftermath of Tropical Storm Jeanne, Hurricane Ivan, and serious floods throughout the region that occurred in 2004. The loss of life in Haiti is all but too common, and unfortunately overlooked, when natural disasters whip through the region.

The death toll that resulted from the combination of these natural disasters reached over 7,500. In addition, an estimated 250,000 people were left homeless across the country and at least 4,000 homes were destroyed, with thousands more damaged as a result of the storm.

The Haitian government's ability to provide basic governmental services—clean water, education, passable roads and basic healthcare—is still severely compromised by these natural disasters. Repatriating Haitians at this time imposes an additional burden on government resources that are already stretched too thin.

Concerning stability and overall safety, Haiti is still in dire need of an adequate policing force to maintain order and halt the escalation in kidnappings that are plaguing the nation.

As of January 2007, the Department of State continues to advise Americans that current conditions in Haiti make it unsafe to travel due to the potential for looting, the possibility of random violent crime, and the serious threat of kidnapping for ransom. The warning goes on to state that more than 50 American citizens, including children, have been kidnapped over the past year.

Madam Speaker, if it is unsafe for our citizens to travel to Haiti, then those same conditions should make it much too dangerous and inappropriate to forcibly repatriate Haitians at this time. It is unfortunate and appalling that our current immigration policies hold such harmful double standards.

I want to make it very clear that I acknowledge and heartily congratulate Haiti's shift toward recovery, as seen by the successful democratic elections held throughout 2006.

However, President Préval's nascent democratic government still faces immense challenges in regards to rebuilding Haiti's police and judicial institutions to achieve the fair and prompt tackling of the ongoing political and criminal violence.

Most recently there has been a sharp increase in common crime, especially kidnappings which continue to plague the capital and other cities and regions.

The absence of security and failure of police and the judicial system to function effectively only makes matters worse.

In addition to safety and human rights considerations, halting the deportation of Haitians is also an economic matter.

Under the law, TPS beneficiaries are eligible to obtain work authorization permits. The ability for Haitian Nationals to legally work in the United States put them in a position to contribute to their country's reform and development until such time it is safe for their return to Haiti.

Madam Speaker, the Haitian Diaspora has always played a pivotal role in assisting Haiti. It is widely known that Haitians residing in the United States often work three jobs to send money back to Haiti each month. Many Haitians in the United States often send remittances to support family members, and others travel home to lend their expertise toward rebuilding and humanitarian efforts.

Designating Haiti under TPS status would preserve and increase remittances—over a billion dollars a year—from the Haitian Diaspora to relatives and communities in Haiti that are key for welfare, survival, and recovery.

Haiti is more dependent than any other country on remittances—nearly a billion dollars a year—sent home by Haitians in the United States. Remittances to Haiti far exceed foreign aid.

Many Haitian Nationals in the United States who previously sustained relatives in Haiti through remittances, are being deported, further depriving Haiti of an important source of financial aid that is well-positioned to assist when based here in the United States.

Madam Speaker, by refusing to give Haiti the TPS designation, our inequitable immigration policies continue to send a clear message:

The safety of Haitian lives is not a priority compared to a Honduran, Liberian or Sudanese life.

We must act to change this perception. Our immigration policies have to change; they must reflect fairness and treat Haitians equally to Nicaraguans, Hondurans, and Salvadorans whose deportations are suspended and who are allowed to work and support their families back home.

Madam Speaker, Haiti is making great strides to recover and rebuild. We cannot reward their efforts by kicking this country, and its people, down when they are doing everything possible to bring their country out of chaos and destruction.

The election of President Préval in February 2006, and the election shortly thereafter of a national legislature which promptly confirmed his cabinet nominees, along with the broad internal and international support which this new democratic government enjoys, makes it imperative that the United States seize every current opportunity to assist that government to succeed.

Many in Haiti, as well as the Haitian Diaspora worldwide, need us to reach beyond what has been done before and demand for more.

The Haitian Protection Act of 2007 is necessary to achieve fundamental fairness in our treatment of Haitian immigrants and remedy the accurate and widespread perception that U.S. policy has discriminated against them.

Madam Speaker, we cannot miss this opportunity to help Haiti stabilize its economy, rebuild its political and economic institutions, and provide a future of hope for Haiti's people.

I ask my colleagues to support this legislation and urge the House Leadership to bring it swiftly to the House floor for consideration.

THE CURRENT HUMAN RIGHTS SITUATION IN CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. WOLF. Madam Speaker, I would like to call to the attention of the House the following assessment of the current human rights situation in China. Harry Wu, a renowned human rights activists who survived 19 years in China's notorious laogai labor camps, has detailed in this assessment the current level of human rights abuses by China's brutal dictatorship.

As we approach the 2008 Olympics in Beijing, and China continues to grow as an economic and political powerhouse, we must remind ourselves of China's abusive and oppressive treatment of innocent civilians, and fight against the tyranny of the communist regime in Beijing.

THE CURRENT HUMAN RIGHTS SITUATION IN CHINA, JANUARY 2007

(By Harry Wu)

The People's Republic of China (PRC) continues to awe the world with its rapid economic development attracting foreign investment from all over the world. Recently, China's power and influence in international politics has also grown. China has been extolled for taking the lead in negotiations with North Korea, and the world looks forward to the 2008 Olympic Games in Beijing. However the international community has overlooked the most important fact—the Chinese government is still a ruthless dictatorship.

China may be involved in the Six-Party talks with North Korea but it is still the nation's closest ally and biggest supplier. China is embracing capitalism but that does not equal freedom and democracy. This memo provides a brief description of human rights violations in China that are occurring on a large scale. China's brutal system of forced labor camps is thriving and remains a tool for repression and economic profit. Religious freedom is nonexistent without government approval, and independent trade unions are forbidden. The government refuses to reveal how many prisoners are executed each year, and organs are harvested from prisoners for money. Women and their families are being persecuted for violating the national one-child policy, and are subject to forced abortions and sterilization, detention and other punishments. Internet access is censored and cyber-dissidents are frequently monitored and arrested with the help of American companies. The number of political prisoners is on the rise as the Chinese people speak out against freedom of speech, press, and religion, the one-child policy, labor conditions, and property rights.

The truth is that a more democratic and free China that respects human rights and the rule of law would lead to a more stable region, and ultimately would be better for US interests and national security.

THE LAOGAI SYSTEM

The Laogai is a vast system of prison camps in the PRC consisting of a network of more than 1,045 prisons, labor camps, and mental institutions. The fundamental role of the Laogai is the same as it was during Chairman Mao Zedong's reign—reform through labor. Labor camps are used as a mechanism to suppress political dissent, human rights activists, religious and spiritual believers, ethnic minorities, and common law offenders. The UN Special Rapporteur on Torture has confirmed that prisoners are frequently tortured to extract false confessions to be used to convict in court.

Although some judicial reforms have been made, China's legal system is still rule by law not rule of law. The administrative detention system that the rest of the world has deemed a violation of international law, is still used. Laojiao (re-education through labor) allows individuals to be held for up to 3 years without legal proceedings. Anyone who speaks out against the Chinese Communist Party is falsely arrested and charged with the vague crimes of "endangering state security" or 'revealing state secrets', and 99 percent of those who are charged with these crimes are convicted.

The Laogai is an integral sector of the PRC's export economy and its forced labor products are frequently sold in U.S., European and world markets. Despite the 1992 Memorandum of Understanding (MOU) safeguarding against the export of prison labor goods between the U.S. and China, little has been done to enforce this policy. U.S. customs stated that it could not conduct independent investigations in China because the Chinese government refuses to comply. Yet the U.S. has done nothing to encourage compliance. American businesses often claim to be unaware that their subcontractors are using prison labor, but this should no longer be an excuse.

RELIGION

The PRC does not permit religious freedom. Roman Catholicism is still outlawed and the Chinese government continues to defy the Vatican by ordaining church officials without its permission. In late November 2006 the Chinese Patriotic Catholic Association ordained Bishop Wang in Jiangsu province, the third incident of this kind in a year. The government controls all religious activities and any new groups must apply for permission to practice and to publish literature. The spiritual practice of Falun gong is banned as a cult. Falun Gong followers and underground "house church" Christians are persecuted daily. They are put under house arrest, detained without public trial, and imprisoned and tortured for their beliefs under the auspices of various government campaigns. The Uyghur Muslim minority in Xinjiang province has been targeted and arrested according to an "anti-terrorism" campaign, while Tibetans monks and nuns have been forced to sign declarations denouncing the Dalai Lama as a dangerous separatist or face arrest according to a "patriotic education" campaign.

TRADE UNIONS

The PRC outlaws all independent trade unions, forcing its workers to join the statesponsored All China Federation Trade Union (ACFTU), which by international standards is useless and only serves the Communist Party's needs. Most recently Walmart, a company that has opened 62 stores in China, capitulated to ACFTU demands and agreed to let the union set up branches in its stores. This fact is alarming because Walmart does not allow its employees to unionize in any other country. This is a vivid example that disproves the common theory that economic development is a catalyst for democratization in China. In contrast, the more companies that cooperate with the Communist Party's demands, such as Walmart, Cisco. Google. and Yahoo, the more the totalitarian regime is strengthened.

DEATH PENALTY AND ORGAN HARVESTING

China executes anywhere from 3,500–10,000 people per year, more than the combined total of all the countries in the entire world. The true number is impossible to ascertain because this information is not made public, making it difficult for NGOs such as Amnesty International to keep records.

After decades of organ harvesting, the PRC's Vice Minister of Health, Mr. Huang Jiefu, in November 2005 officially admitted that organs are taken from executed prisoners, but still insists that the prisoner or his family always gives informed consent. However, this usually never occurs. Families are often not notified when their relative will be executed and afterwards they are given the cremated remains to cover up any signs of organ removal, or are not given the body at all Whether or not consent is actually given by the prisoner is irrelevant because even if death row prisoners give permission they are coerced and threatened by prison officials to comply. Although government legislation to regulate organ trade went into force in July 2006 prisoners' organs are still sold to wealthy Chinese nationals and foreigners with the profits going directly to the Chinese government. Multi-lingual websites boast about the ease of receiving an organ transplant in China.

POPULATION CONTROL

The PRC government continues to implement the inhumane one-child policy that began in 1976. No other country has such a draconian family planning policy that is offensive to all religions and all cultural backgrounds, and affects all of China's 1.3 billion members. Despite other social reforms, China's population policy still does not conform to international human rights standards. With few exceptions, only married couples that obtain pre-approval, i.e. a birth permit, may legally have a child even if it is their first child. A majority of Chinese women are required to use intrauterine devices (IUDs), and in villages women's menstrual cycles are monitored. Violators, if discovered to be pregnant, are coerced into having an abortion and to undergo sterilization. Occasionally the men are sterilized as well. Doctors who do not perform IUD insertion or sterilization. or who fake these operations, are jailed. Family members of violators are often imprisoned if they do not reveal their relative's whereabouts. Despite relaxation of certain aspects of China's family planning regulations, enforcement of the one-child policy continues to be coercive.

INTERNET CENSORSHIP

The crackdown of Internet dissidents remains widespread. American software companies such as Cisco, Microsoft, Google, and Yahoo continue to cooperate with the Chinese government to censor Internet use. These companies have agreed to restrict access to certain websites and terms, and to reveal the identities of users. As a result of these policies, according to Amnesty International at least 57 people have been arrested for discussing democracy on the Internet. Journalist Shi Tao was sentenced to 10 years in prison for writing an e-mail on Yahoo to a China pro-democracy group in the U.S. Cisco in particular has funded over us $700 million telecom ventures in China including selling software to the Chinese police who use it to arrest dissenters.

Directly after the Tiananmen Square massacre in 1989, the US government banned the export of crime control and detection products to China, such as guns and handcuffs.

However these sanctions are out of date. Today these restrictions must be expanded to include software and technology products that are used to censor the Internet.

DISSIDENTS AND POLITICAL PRISONERS

Human rights activists in China are frequently imprisoned for various reasons. Some recent examples include Sun Xiaodi, who has petitioned authorities to stop radioactive contamination in Gansu province Three Gorges activist Fu Xiancai who was assaulted and paralyzed after being questioned at a police station, numerous journalists such as New York Times researcher Zhao Yan, and religious practitioners and ethnic minorities. Not only are dissidents imprisoned for criticizing China's totalitarian regime, but the lawyers who defend them are being persecuted as well. For instance blind lawyer Chen Guangcheng is imprisoned for defending victims of forced abortions and sterilizations, as is Gao Zhisheng for sending a letter to the government condemning its practices. Moreover, these cases are only the ones of which the international community is aware; the reality is that unknown numbers are currently being harassed, arrested, tortured and imprisoned. The Chinese government will continue to quell political and civil unrest to maintain power and control.

CONCLUSION

The U.S. Congress should send a strong signal to the Chinese government that the world will not accept the human rights violations that are occurring in China. The Chinese people deserve the fundamental rights to a just legal system, to practice religion, to unionize, to plan their families, and to freely express themselves. While economic improvements have been made, China continues to deny its people dignity and basic rights. The U.S. must not remain silent any longer.

HONORING DR. MARGARET ANN HARRISON HILL FOR 40 YEARS OF ACHIEVEMENTS IN EDUCATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. LEWIS of California. Madam Speaker, I rise today in order to recognize Dr. Margaret Ann Harrison Hill, an esteemed educator and public servant who is retiring after 40 years of top level service. I am honored to pay tribute to this outstanding community leader, and hope that my colleagues will join me in recognizing her achievements.

As many of my colleagues know, resources are essential tools for properly educating students. Dr. Hill understands this necessity, and throughout her career has served to increase the amount of materials available to teachers nationwide. As project director of the SCORE online program, Dr. Hill has overseen the creation of a database of educational resources that serves a wide range of teachers across the country. For 5 years Dr. Hill codirected Footsteps to Freedom, a project which aids educators in developing materials that inculcate study of the Underground Railroad into classroom curriculum. She has served as the curriculum coordinator for the San Bernardino County Superintendent of Schools, developing and implementing training programs that expand the leadership and instruction capacity of San Bernardino educators.

The "We the People Program" has been a tremendous success in my district under the leadership of Dr. Hill. Under the program, Dr. Hill has coordinated civic education training programs, and has expanded student knowledge of the political process by facilitating mock congressional hearings on constitutional issues. Dr. Hill has contributed her writing to several prominent publications, and has developed and written grant proposals that have helped to secure funding for important educational programs. She has served on countless educational advisory and planning boards and has remained a sought-after presenter at educational conferences in California and throughout the Nation.

Dr. Hill's commitment to social studies education has not gone unnoticed. Throughout her years in teaching, she has been the recipient of several awards. In 2001, Dr. Hill was chosen to receive the Hilda Taba Award for Outstanding History-Social Science Leadership in California, the highest honor presented by the California Council for the Social Studies. Dr. Hill has also been presented with awards from her own community, being named Outstanding Educator in Social Studies by the Inland Empire Council, and receiving the Service Award from the Inland Empire Consortium for International Studies.

Madam Speaker, Dr. Hill's retirement will undoubtedly leave San Bernardino County with a difficult void to fill. Her exemplary commitment to her students and peers is seldom seen, and I take great pleasure in knowing that many of the children residing in my district have been fortunate enough to learn from Dr. Hill. It is with honor that I congratulate Dr. Hill on her achievements, and wish her well in her future endeavors.

IN MEMORY OF KATHERYN REEVES JEAN

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Katheryn Reeves Jean, who passed away January 14, 2007, in Magnolia, Arkansas.

Katheryn Reeves Jean was a pillar of the community of Magnolia and of greater Columbia County for decades. Mrs. Jean was a homemaker and president of Reeves Land and Timber Company. She also served the community in numerous ways, including Chairman of the Columbia County Election Commission, Justice of the Peace for Columbia County and Director of Farmer's Real Estate.

Mrs. Jean was a member of the Jackson Street Church of Christ, Quota Club International and the local and state Republican Party. Mrs. Jean was a former Girl Scout troop leader and a den mother for the Boy Scouts of America. Her dedication to making Magnolia and South Arkansas a better place to live could not have been greater.

My deepest condolences go to her two sons, Hal Jean and Mayor Lane Jean of Magnolia; her sister, Ann Reeves Eddy; and to her 4 grandchildren. Katheryn Reeves Jean will be greatly missed in Magnolia and throughout the state of Arkansas.

INTRODUCTION OF THE TAX CODE TERMINATION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. GOODLATTE. Madam Speaker, I rise today to re-introduce the "Tax Code Termination Act".

This bi-partisan legislation, which I introduced with my colleague COLLIN PETERSON of Minnesota, and 65 bi-partisan cosponsors, will accomplish two goals. It will abolish the Internal Revenue Code by December 31, 2010, and call on Congress to approve a new Federal tax system by July of the same year.

The fact is our current tax system has spiraled out of control. At a time when Americans devote a total of 7 billion hours each year to comply with the tax code, we need tax simplification. Today's tax code is unfair, discourages savings and investment, and is impossibly complex. The problem is Congress won't act on fundamental tax reform unless it is forced to do so. The Tax Code Termination Act will force Congress to finally debate and address fundamental tax reform.

Once the Tax Code Termination Act becomes law, today's oppressive tax code would survive for only 4 more years, at which time it would expire and be replaced with a new tax code that will be determined by Congress, the President, and the American people. The Tax Code Termination Act will allow us, as a nation, to collectively decide what the new tax system should look like. Having a date-certain to end the current tax code will force the issue to the top of the national agenda, where it will remain until Congress and the President finish writing the new tax law.

The tax code is hopelessly broken and abolishing it is the necessary first step to debating, designing, and adopting a new tax system. Although many questions remain about the best way to reform our tax system, I am certain that if Congress is forced to address the issue we can create a tax code that is simpler, fairer, and better for our economy than the one we are forced to comply with today.

Whichever tax system is adopted, the key ingredients should be: a low rate for all Americans; tax relief for working people; protection of the rights of taxpayers and reduction in tax collection abuses; promotion of savings and investment; and encouragement of economic growth and job creation. Taxes may be unavoidable but they don't have to be unfair and overcomplicated.

Just like other programs that require reauthorization, the tax code must be reviewed to examine whether it is fulfilling its intended purpose and then Congress must make what changes are necessary.

America's future depends on overcoming the handicap of the current tax code. There is a widespread consensus that the current system is broken, and keeping it is not in America's best interest. I urge each of my colleagues to support this important legislation.

MR. BUSH, MEET WALTER JONES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. PAUL. Madam Speaker, I would like to place the following article written by eminent conservative commentator Patrick Buchanan into the CONGRESSIONAL RECORD. In this fine op-ed, Mr. Buchanan makes reference to the recent efforts by my colleague and good friend, Rep. WALTER JONES, JR, to derail the march to war with Iran. I am very pleased to have been an original co-sponsor of the legislation referenced by Mr. Buchanan, H.J. Res. 14, which puts forth the very simple idea that if we are going to have a war with Iran we must follow the Constitution. The resolution clarifies the fact that the President shall consult with Congress, and receive specific authorization pursuant to law from Congress, prior to initiating any use of military force against Iran. I hope my colleagues will read this article closely and consider what Mr. Buchanan has written—and what Rep. JONES is trying to do.

JANUARY 16, 2007.

MR. BUSH, MEET WALTER JONES

(By Patrick J. Buchanan)

America is four years into a bloody debacle in Iraq not merely because Bush and Cheney marched us in, or simply because neocon propagandists lied about Saddam's nuclear program and WMD, and Iraqi ties to al-Qaeda, anthrax attacks, and 9/11.

We are there because a Democratic Senate voted to give Bush a blank check for war. Democrats in October 2002 wanted the war vote behind them so they could go home and campaign as pro-war patriots.

And because they did, 3,000 Americans are dead, 25,000 are wounded, perhaps 100,000 Iraqis have lost their lives, 1.6 million have fled, $400 billion has been lost, and America stands on the precipice of the worst strategic defeat in her history.

Yet, Sens. Clinton, Biden, Kerry, and Edwards—all of whom voted to give Bush his blank check—are now competing to succeed him. And how do they justify what they did?

"If only we had known then what we know now," they plead, "we would never have voted for the war." They are thus confessing to dereliction in the highest duty the Founding Fathers gave Congress. They voted to cede to a president their power to take us to war.

Now they wash their hands of it all and say, "It's Bush's war!"

And now George Bush has another war in mind.

In his Jan. 11 address, Bush said that to defend the "territorial integrity" of Iraq, the United States must address "Iran and Syria."

"These two regimes are allowing terrorists and insurgents to use their territory to move in and out of Iraq. Iran is providing material support for attacks on American troops. We will disrupt the attacks on our forces. We will interrupt the flow of support from Iran and Syria. And we will seek out and destroy the networks providing advanced weaponry and training to our enemies in Iraq."

The city sat bolt upright. If Bush was talking about Iranian agents inside Iraq, he has no need of a second aircraft carrier in the Gulf, nor for those Patriot missiles he is sending to our allies.

But does Bush have the authority to take us to war against Iran?

On ABC last Sunday, National Security Adviser Stephen Hadley, while denying Bush intends to attack Iran, nonetheless did not deny Bush had the authority to escalate the war—right into Iran.

George Stephanopoulos: "So you don't believe you have the authority to go into Iran?"

Stephen Hadley: "I didn't say that. That is another issue. Any time you have questions about crossing international borders, there are legal questions."

Any doubt how Attorney General Gonzales would come down on those "legal questions"? Any doubt how the Supreme Court would rule?

Biden sputters that should Bush attack Iran, a constitutional crisis would ensue.

I don't believe it. If tomorrow Bush took out Iran's nuclear facilities, would a Senate that lacks the courage to cut funds for an unpopular war really impeach him for denying a nuclear capability to Mahmoud Ahmadinejad? Bush's lawyers would make the same case Nixon made for the 1970 "incursion" into Cambodia—and even a Nixon-hating Democratic House did not dare to impeach him for that.

Bush's contempt for Congress is manifest and, frankly, justified.

Asked if Congress could stop him from surging 21,500 troops into Iraq, Bush on 60 Minutes brushed aside Congress as irrelevant.

"I fully understand [the Congress] could try to stop me from doing it. But I've made my decision. And we're going forward." Asked if he had sole authority "to put the troops in there no matter what the Congress wants to do," Bush replied, "In this situation I do, yeah."

Is Congress then impotent, if it does not want war on Iran?

Enter Rep. Walter Jones, Republican of North Carolina.

The day after Bush's threat to Iran, Jones introduced a Joint Resolution, "Concerning the Use of Military Force by the United States Against Iran." Under HJR 14, "Absent a national emergency created by attack by Iran, or a demonstrably imminent attack by Iran, upon the United States, its territories, possessions, or its armed forces, the President shall consult with Congress, and receive specific authorization pursuant to law from Congress, prior to initiating any use of force on Iran."

Jones' resolution further declares, "No provision of law enacted before the date of the enactment of this joint resolution shall be construed to authorize the use of military force by the United States against Iran."

If we are going to war on Iran, Jones is saying, we must follow the Constitution and Congress must authorize it.

If Biden, Kerry, Clinton, and Obama refuse to sign on to the Jones resolution, they will be silently conceding that Bush indeed does have the power to start a war on Iran. And America should pay no further attention to the Democrats' wailing about being misled on the Iraq war.

A TRIBUTE TO REPRESENTATIVE LOUISE WILLIAMS BISHOP

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor one of my city's great leaders, Representative Louise Williams Bishop. Representative Bishop, who I am proud to say represents me in the Pennsylvania General Assembly, is an accomplished legislator who was first elected in 1989. She has demonstrated leadership throughout her entire career. And her activism in cultural, ecclesiastical, civil rights, and political organizations has enriched the lives of every Philadelphian.

Madam Speaker, Louise Williams Bishop is much more than just a legislator. A true servant of God, she has evangelized in the pulpit, in the capitol, and over the airwaves. For four decades, her radio program, "The Louise Williams Show," has been the hallmark of gospel radio. Her excellence in broadcasting has earned her many accolades, including the title "The Queen of Gospel Radio." For so many Philadelphians, Reverend Bishop has been a blessing in their cars and in their living rooms. She has been a lifeline for thousands of shut ins who would otherwise miss their worship experience. Each of them feels that she is his or her personal friend and minister. And, in many ways she is.

Madam Speaker, today, Representative Bishop will host her 20th annual birthday celebration tribute to the late Reverend Dr. Martin Luther King, Jr. For all the time she has hosted this celebration, I have been proud to call her my representative, my advisor, and my friend. I know that all of my colleagues in the Congress join me in honoring her.

INTRODUCTION OF THE NATIVE AMERICAN METHAMPHETAMINE ENFORCEMENT AND TREATMENT ACT OF 2007

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to introduce the Native American Methamphetamine Enforcement and Treatment Act of 2007.

Last year, Congress passed the Combat Methamphetamine Epidemic Act of 2005 as part of the reauthorization of the USA PATRIOT Act. Included in the bill were provisions that authorized funding for three important grant programs—the COPS Hot Spots Program, the Drug-Endangered Children Program, and the Pregnant and Parenting Women Offenders Program.

The Hot Spots Program specifically provides funding for a broad range of initiatives designed to assist State and local law enforcement in undertaking antimethamphetamine initiatives. The Drug-Endangered Children Grant Program provides comprehensive services to assist children who live in a home where meth has been used, manufactured, and sold. The Pregnant and Parenting Women Offenders Grant Program is designed to facilitate cooperation between the criminal justice, child welfare, and substance abuse systems in order to reduce the use of drugs by pregnant women and those with dependant children.

Unfortunately, tribal governments were unintentionally left out as possible applicants for the Hot Spots and Drug-Endangered Children Programs. The legislation I am introducing today seeks to rectify this by ensuring that, consistent with tribal sovereignty, tribes can apply for these grants, just as States can. Additionally, while tribes were included as eligible applicants for the Pregnant and Parenting Women Offenders Grant Program, clarifying language is needed to ensure there is ample coordination with tribal service providers. This legislation works to achieve this coordination.

In 2005, the Drug Enforcement Administration and State and local law enforcement officials counted 12,484 Clandestine Laboratory Incidents in 48 States. In New Mexico alone, the State Department of Public Safety Narcotics Section handled over 400 cases involving meth in 2004. While this is disturbing enough, the situation can be worse in Native American communities. In studies of "past year methamphetamine use," Native communities have the highest use rates—more than double the use rate of other ethnicities. Additionally, when the Bureau of Indian Affairs surveyed tribes about law enforcement, more than 70 percent said that meth is the drug that poses the greatest threat to their reservation. It is evident that more needs to be done to stop the manufacturing and use of meth.

As a co-vice chair of the Congressional Native American Caucus and a member of the Congressional Caucus to Fight and Control Methamphetamine, I am uniquely aware of the substantial obstacles our criminal justice, child welfare, and substance abuse systems face in the fight against meth. As such, I am pleased to introduce this legislation today and wish to thank original cosponsor Representative DALE KILDEE for his support. Mr. KILDEE has worked diligently on this matter and continues to be a strong advocate for all Native American issues. I urge my colleagues to join us in helping to give Native American communities the resources they need to combat this epidemic, by cosponsoring this bill.

TRIBUTE TO JOHNSON COUNTY LIBRARIAN MONA CARMACK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to salute Johnson County Librarian Mona Carmack, who is retiring later this month, and will be honored on January 25, at the Overland Park Sheraton Hotel. Because of scheduled votes in Congress that evening, I will be unable to attend, but want to recognize her today. It is only fitting that the Library of Congress will contain a tribute to an outstanding librarian of our era.

Johnson County is the fastest growing county in Kansas. During her 18 years of exemplary professional service to our citizens, Mona oversaw the expansion of the library system with six new branches, and significant improvements at three others. The library system's holdings increased from nearly 565,000 to 1.5 million during her tenure, and the operating budget increased from $5 million to $21.6 million.

Most amazing of all, during that time, the circulation per capita increased from 6.1 to 16.4, and the percentage of the county's population registered as library users increased from 72 percent to 84 percent. Our county libraries are beautiful, airy, modern facilities, packed with excellent resources, and significantly contribute to the outstanding quality of life that Johnson Countians enjoy.

Mona and her staff have received numerous national library awards, including being named a Finalist in the Innovations in American Government competition in 1998, and culminating in a National Award from the Institute of Museum and Library Services in 2005. Mona was honored by her peers with 2002 awards from the Kansas Library Association and the Mountain Plains Library Association.

Like any good librarian, the issue dearest to Mona's heart is literacy. Literacy is emphasized in children's programming, and the Library, in cooperation with the Johnson County Community College, operates an adult literacy program. Mona also serves on metropolitan literacy organizations, such as the Literacy Kansas City Board and the Metropolitan Alliance for Adult Learning.

After I took office in 1999, Mona was kind enough to give me a tour and briefing of the library. My office has often used the outstanding facilities of the Johnson County libraries to host community office hours with my constituents.

Madam Speaker, we all wish Mona the very best for the next chapter of her life, and hope that she will continue to contribute her leadership and knowledge to our area.

HONORING FIRE CHIEF HOWARD D. "JACK" FRASER, NORWICH, VERMONT

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. WELCH of Vermont. Madam Speaker, it is with great pride that I stand here before you today to celebrate the birthday of a great Vermonter, public servant, and friend.

For more than 50 years Jack Fraser has made public service his way of life. Jack first joined the Norwich Fire Department in 1955. At the time, Jack was simultaneously enrolled at the University of Vermont and participating in the ROTC program. When he graduated in 1960, Jack was commissioned as an officer in the United States Army.

Always one to take on the toughest challenges, Jack became an Army Ranger and served two tours of duty in Vietnam. He continued in the military after he returned home, teaching as an ROTC instructor at the University of Vermont. He retired from the US Army Reserve in 1990 with the rank of Colonel, having served his country for 35 years.

Meanwhile, Jack had continued his public service in the Norwich, Vermont Fire Department, becoming Fire Chief in 1995. Under the leadership of Chief Fraser, the Department modernized and improved its fire apparatus, its training equipment, its rural fire protection, and its rescue operations. Jack developed particular expertise in the field of hazardous materials, developing Norwich's first hazardous materials response plan. Largely as a result of his work, the town of Norwich earned one of the highest public protection classification rates in Vermont.

Jack officially retired from his civic duties on December 31, 2006. Please join me today in thanking Jack Fraser for all he has done for his town, his country, and the state of Vermont.

GENERAL MOTORS' AURA NAMED "CAR OF THE YEAR"

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. MOORE of Kansas. Madam Speaker, I join with the staff of General Motors' Fairfax plant in Kansas City, Kansas, in celebrating the recent designation of GM's Aura model car as "North American Car of the Year" at the recent North American International Auto Show. The Aura is manufactured exclusively at the Fairfax plant, which is located in Kansas's Third Congressional District. The Aura's win was the first time GM had won car of the year since the Corvette won in 1998. And to win the award, it had to beat out the redesigned Toyota Camry, the nation's best-selling car model, which had just won the car of the year honors from Motor Trend, as well as the Honda Fit, the subcompact car recently introduced to the U.S. market. As Karl Brauer, editor-in-chief of Edmunds.com and one of 49 jurors voting for the award, was quoted as saying by CNN, "It's an undeniable statement about where Saturn has gotten," he said. "You could say it's long overdue, but they are now producing a competitive vehicle in a very competitive class."

Madam Speaker, in recognition of this outstanding achievement, I am placing in the Congressional Record recent Kansas City Star coverage of this well-deserved designation, and I know that you and the entire House of Representatives join with me in recognizing the designation of the Aura as "Car of the Year".

[From the Kansas City Star, Jan. 9, 2007]

GM AURA IS "CAR OF THE YEAR"

(By Randolph Heaster)

A group of automotive journalists named the Saturn Aura "North American Car of the Year" at the North American International Auto Show in Detroit.

The news that the Saturn Aura won a car of the year award was a boost for the General Motors Corp.'s Fairfax plant, the exclusive maker of the new model.

The Aura was named "North American Car of the Year" by a group of 49 automotive journalists from the U.S. and Canada at the North American International Auto Show in Detroit.

The car was launched last August at the Fairfax plant, which employs nearly 3,000.

"Our employees are known for their commitment to quality and teamwork," said Paul Marr, manager of the Fairfax plant. "This recognition is a win for Fairfax Assembly and our community as we strive to keep jobs in Kansas City."

Union officials at the Fairfax plant could not be reached Monday. However, Jeff Manning, president of United Auto Workers Local 31, stated frequently during Aura's launch that the employees' goal was for it to receive car-of-the-year honors.

The Aura is the second locally made vehicle to receive such a recognition this decade. The F-150 pickup, made at Ford Motor Co.'s Claycomo plant, was named "Truck of the Year" by Motor Trend magazine for 2004.

The recognition is a shot in the arm for GM, which has been struggling since higher fuel prices slowed sales of pickup trucks and sport utility vehicles. Industry analysts have stated that GM and the other domestic automakers must better compete against Japanese auto companies in the midsize passenger-car market.

GM hopes that this week's auto show will create some buzz for the new Chevrolet Malibu, which will be unveiled for the first time. The Fairfax plant, which builds the current Malibu, will begin producing the redesigned 2008 Malibu in October.

The Fairfax plant produced 39,699 Auras in 2006. More than 5,800 were sold last month.

The auto show also gave GM's new Chevrolet Silverado the award for truck of the year.

TRIBUTE TO THE LIFE OF JOSEPH MACKEY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. CAPUANO. Madam Speaker, I rise to honor and reflect on the life of Mr. Joseph Mackey, a dedicated public servant who was committed to improving the world around him in large and small ways. Joe was born in Somerville, Massachusetts, and attended Somerville High School. He went on to graduate cum laude from Harvard University and later earned his J.D. from the University of Virginia. In 1979, Joe returned to his roots and was elected an alderman for the city of Somerville.

In 1984, Joe began representing his hometown in the State legislature and served with distinction through 1990. He championed victims' rights, environmental initiatives, and led the fight to implement Massachusetts' first gay rights legislation.

Although Joe left the legislature in 1990, he never stopped advocating for his community. Joe was the founding member of Dreams for Youth, a nonprofit organization that provides financial support for a number of worthwhile groups, including Somerville's youth programs, the Somerville Scholarship Foundation and the Girls' Pride Basketball Foundation.

During his lifetime, Joe received many well-deserved honors. He was named Legislator of the Year by the Massachusetts Bar Association and the Massachusetts Victim and Witness Assistance Board for his work on behalf of crime victims. The Victim Advocacy Network also honored Joe as an Outstanding Legislator.

Throughout Joe's life, he worked to improve his community. Whether it was through the legislative process or as a private citizen devoting time to a worthy cause, Joe exemplified the value of giving something back.

LEGISLATION TO DESIGNATE THE FEDERAL COURTHOUSE IN SANTA FE, NM, AFTER JUDGE SANTIAGO CAMPOS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to honor Judge Santiago Campos by reintroducing legislation to name the Federal courthouse in Santa Fe, New Mexico, after him. We are approaching the sixth anniversary of his passing, which occurred on January 20, 2001, and naming this courthouse after the first Hispanic appointed to the Federal bench in New Mexico is a long overdue tribute. I am again pleased to be joined in introducing this legislation by Representatives GONZALEZ, GRIJALVA, MCDERMOTT, GREEN, and PASTOR. They have all cosponsored in the past and I thank them for cosponsoring again.

Judge Santiago Campos was the first Hispanic appointed to the Federal bench in New Mexico, serving from 1978 until his death in 2001, including as chief judge from 1987 through 1989. Judge Campos' career of public service only culminated with his service as a United States District Court Judge, as he also served in the United States Navy as a seaman first class from 1944 to 1946, as the Assistant and First Assistant Attorney General of New Mexico from 1954 to 1957, and as a District Court Judge from 1971 to 1978 in the First Judicial District in the State of New Mexico. Judge Campos served with distinction on the bench and displayed both firmness and compassion with those who entered his courtroom. He was a life long resident of New Mexico and graduated first in his law school class at the University of New Mexico.

Judge Campos was very active in his courtroom, often exercising his right to question witnesses in the middle of cross-examinations. Many agree that he became more involved in a case than other judges, but still let a lawyer try his own case. One of his most memorable cases ordered the Gannett Co. to return the New Mexican, Santa Fe's daily newspaper, to its former owner, Robert McKinney, due to a breach of contract.

During his career, Campos was an honorary member of the Order of the Coif. He also received the Distinguished Achievement Award of the State Bar of New Mexico in 1993, and in the same year the University of New Mexico honored him with a Distinguished Achievement Award.

Madam Speaker, following his passing, the New Mexico State legislature passed a joint memorial requesting Congress to name the Federal courthouse in Santa Fe, New Mexico, after Judge Campos. Judge Campos had his chambers in this courthouse for over 22 years. In addition, the judges of the Tenth Circuit Court of Appeals who reside in New Mexico and the district judges of the District of New Mexico unanimously requested and support congressional action to name the Federal courthouse after Judge Campos. I am pleased to once again take up this effort.

I am hopeful this will be the year to get this legislation passed and signed into law to honor this great man with a small token of appreciation for the remarkable life that he lived.

THE INTRODUCTION OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2007

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. ABERCROMBIE. Madam Speaker, I rise today to introduce a bill which is a companion measure to legislation introduced by Senator DANIEL AKAKA in the Senate this morning. This measure is called the Native Hawaiian Government Reorganization Act of 2007. The purpose of the bill is to provide a process for the reorganization of the Native Hawaiian governing entity for the purposes of a federally recognized government-to-government relationship.

On this day 114 years ago, the monarchy of the Kingdom of Hawaii was overthrown by agents of the United States. This injustice created wounds and issues that have never been healed or resolved. Fourteen years ago, the United States government took a step toward reconciling this part of history by passing a resolution which acknowledged the overthrow of the Kingdom of Hawaii and offered an apology to Native Hawaiians.

The Native Hawaiian Government Reorganization Act would take another step in the reconciliation process by providing Native Hawaiians the same right of self-governance and self-determination that are afforded to other indigenous peoples. Since Hawaii was annexed as a territory, the United States has treated Native Hawaiians in a manner similar to that of American Indians and Alaska Natives. This bill would formalize that relationship and establish parity in federal policies towards all of our indigenous peoples.

This bill will also provide a structured process to address the longstanding issues resulting from the overthrow of the Kingdom of Hawaii. This discussion has been avoided for far too long because no one has known how to address or deal with the emotions that arise when these matters are discussed. There has been no structured process. Instead, there has been fear as to what the discussion would entail, causing people to avoid the issues. Such behavior has led to high levels of anger and frustration, as well as misunderstandings between Native Hawaiians and non-Native Hawaiians.

The bill provides a structured process to negotiate and resolve these issues with the federal and state governments and will alleviate the growing mistrust, misunderstanding, anger, and frustration about these matters.

This measure is supported by Hawaii's Governor, Linda Lingle, Hawaii's Congressional delegation, and the Hawaii State Legislature. The bill is also supported by a number of organizations in Hawaii who have passed resolutions in support of enacting this bill.

I ask my colleagues to support this measure and advance the reconciliation process for our people.

A TRIBUTE TO DEACON JOHN HENRY WOOTEN, SR.

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. BUTTERFIELD. Madam Speaker, it is with great sadness that I rise today to pay tribute to Deacon John Henry Wooten, Sr. of Goldsboro, North Carolina. Deacon Wooten, an icon in education and service for Eastern North Carolina and a man whom I greatly admired, passed away this week.

Madam Speaker, Deacon Wooten's lifelong commitment to education left an indelible mark on the people he served. He received both his Bachelor of Science and Master of Science degrees from North Carolina A&T State University, and went on to serve on their Board of Trustees from 1993–2001. His work as a science teacher and principal of Dillard High School in Goldsboro, and also as an administrator of Goldsboro City Schools, enriched the lives of countless young people from the County of Wayne. His commitment to service began much earlier, as he served bravely in the United States Army during World War II and as a reservist until 1949.

Deacon Wooten's dedication to community service extended well beyond education and the military. He served for 12 years on the Wayne County Board of Commissioners and was the first African-American chairman of that Board. He also served on the Goldsboro Redevelopment Commission, the Board of Directors for Wayne Memorial Hospital, the Wayne Health Corporation and on the Salvation Army Advisory Board. All of that aside, one of his greatest contributions was to the First African Missionary Baptist Church of Goldsboro, where he served as a Deacon, Sunday School teacher, President of the Laymen's League and as a member of the chorus. Deacon Wooten's faithfulness to the church and his tireless work for our community spoke volumes of his unselfish character.

Madam Speaker, Deacon Wooten has often been recognized for the many accomplishments he achieved over his lifetime. The North Carolina A&T State University National Alumni Association recognized him for Outstanding Leadership as President in 1988. The Neuse River Council of Governments named him Outstanding Commissioner of the Year in 1993. A member of the Omega Psi Phi fraternity, he was twice named their Man of the Year and won many other honors throughout his life.

Madam Speaker, in honor and recognition of Deacon John Henry Wooten's diligent service as an educator, legislator and leader, I ask my Colleagues to join me in paying a final tribute to this great man.

ON INTRODUCTION OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2007

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Ms. HIRONO. Madam Speaker, I rise today to express my strong support for the Native Hawaiian Government Reorganization Act of 2007, which is being introduced today by Senators AKAKA and INOUYE in the Senate and by Congressman ABERCROMBIE and me in the House.

The central purpose of the bill is to extend the federal policy of self-determination and self-governance provided to the other indigenous peoples of the United States—American Indians and Alaskan Natives—to Native Hawaiians. In addition, the bill establishes an office in the Department of the Interior to focus on Native Hawaiian issues and establishes a federal interagency working group.

The United States Congress has a long history of treating Native Hawaiians as an indigenous people. The special relationship Native Hawaiians have with the Federal Government is evidenced by the more than 160 statutes Congress has passed over the years to address the needs of the Native Hawaiian people. Nonetheless, the Rice v. Cayetano Supreme Court decision highlighted the need to clarify the authority of Congress to deal with Hawaii's indigenous people on a government-to-government basis under the U.S. Constitution's Indian Commerce Clause.

I attended the Rice v. Cayetano hearing at the Supreme Court while I was serving as Hawaii's lieutenant governor. I wanted to hear first hand where the Justices were on the question of whether Hawaiians are indigenous people. Clearly, there was a lack of understanding on this point, which resulted in an unfavorable decision in the case.

It is important to note that the Native Hawaiian Government Reorganization Act, also known as the Akaka bill, enjoys wide support in the State of Hawaii. As demonstrated by the introduction of these bills, the entire Congressional delegation supports the bill. Hawaii's Republican governor also supports the bill, as do the majority of elected officials in the State.

Today is the 114th anniversary of the illegal overthrow of the Kingdom of Hawaii. It is fitting that we come together on this day to pledge to restore to the Native Hawaiian people the inherent right of self-determination our Nation has granted to the other indigenous peoples of our Nation.

RECOGNIZING JOHN VANDERBURGH FOR HIS SERVICE TO THE COMMUNITY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Ms. BORDALLO. Madam Speaker, it is commonly said that public service is not the path to financial wealth. Perhaps that is true, but, as we know, it is an enriching experience in more valuable ways. The rewards for helping people can be found in successfully meeting challenges and in the gratitude of the people helped. Staying true to the demands of public service and remaining committed to the tasks at hand require a strong sense of duty and responsibility.

On January 19, 2007, a faithful public servant with such virtues will leave his post after 35 years. Mr. John Vanderburgh, the Social Security Administration's Disability Programs coordinator for the Guam Federal Disability Office, will retire. The decision to do so was not easy to make. "My job is wonderful," he says. "I get to work directly with the public in a most personal and meaningful way. I also have the privilege of working and negotiating with professional and high-level private and public agencies, and the medical community in general, to try to provide a level of service comparable to that found anywhere stateside."

After serving his country in the U.S. Army, Mr. Vanderburgh launched his public service career with the Social Security Administration in 1974, starting as a claims representative in San Francisco and rising through the ranks to operations supervisor and district manager, with a stint in between as staff assistant for the Civic Center. In 1988, John moved to the San Francisco Regional Office's Disability Quality Branch, to focus on the disability program. In 1995, John came to Guam to head the Federal Disability Office.

The Guam Federal Disability Office, FDO, serves the Pacific territories—from Guam and the Commonwealth of the Northern Marianas to American Samoa, an expansive and culturally and linguistically diversified area. Yet, during his tenure, John has maintained the FDO as a full-service Federal disability determination center, processing some 1,000 disability claims annually.

Although John will be missed, we join his staff in wishing him well. And on behalf of the people of Guam, we commend him for his service to our community, we congratulate him on his retirement, and we thank him for a job well done.

PERSONAL EXPLANATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. CALVERT. Madam Speaker, pursuant to my leave of absence, I am submitting for the RECORD how I would have voted if I had been present earlier today, in addition to comments that I request also be entered into the record.

I would have voted as follows on today's recorded votes: rollcall No. 27—Yea—H. Con. Res. 31—Honoring the Mare Island Original 21ers for their efforts to increase equal employment opportunities in the military, rollcall No. 28—Yea—H.R. 434—Short Term Extension of the Small Business Administration, rollcall No. 29—Nay—Ordering the Previous Question on the Rule for H.R. 5, rollcall No. 30—Nay—Adoption of the Rule for H.R. 5, rollcall No. 31—Yea—Republican Motion to Recommit for H.R. 5, and rollcall No. 32—Nay—Final Passage of H.R. 5.

H.R. 5 which is being considered without regular order or Republican input, falls far short of their original proposal to cut all student loan interest rates in half, increase Pell grants and increase tax deductions for parents of college students. This legislation is not part of a comprehensive approach which provides accountability and transparency for escalating tuition costs. A temporary interest rate decrease for college graduates is only part of the solution. The reduced interest rate does not apply to PLUS loans, consolidation loans, or unsubsidized Stafford loans.

Rollcall No. 33—Yea—H. Res. 58—To Honor Muhammad Ali, global humanitarian, on the occasion of his 65th birthday.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 18, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies
Subcommittee Health, Education, Labor, and Pensions
To hold joint hearings to examine stem cell research.
SD–192

JANUARY 23

9:30 a.m.
Armed Services
To hold hearings to examine the nomination of Lieutenant General David H. Petraeus, USA, to be General and Commander, Multi-National Forces-Iraq.
SR–325

Judiciary
To hold hearings to examine challenges and strategies for securing the U.S. border.
SD–226

10 a.m.
Budget
To hold hearings to examine the growing tax gap and strategies for reducing it.
SD–608

JANUARY 24

9 a.m.
Foreign Relations
Business meeting to consider S. Con. Res. 2, a resolution expressing the bipartisan resolution on Iraq.
SH–216

9:45 a.m.
Energy and Natural Resources
To hold hearings to examine analysis completed by the Energy Information Administration, "Energy Market and Economic Impacts of a Proposal to Reduce Greenhouse Gas Intensity with a Cap and Trade System".
SD–366

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the state of the airline industry, focusing on the potential impact of airline mergers and industry consolidation.
SR–253

Finance
To hold hearings to examine the nomination of Michael J. Astrue, of Massachusetts, to be Commissioner of Social Security.
SD–215

Health, Education, Labor, and Pensions
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments; committee will also consider the Genetic Information Nondiscrimination Act.
SD–430

JANUARY 25

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine oil and gas resources on the Outer Continental Shelf and areas available for leasing in the Gulf of Mexico.
SD–366

JANUARY 30

10 a.m.
Energy and Natural Resources
To hold hearings to examine the status of Federal land management agencies' efforts to contain the costs of their wildlife suppression activities and to consider recent independent reviews of and recommendations for those efforts.
SD–366

2 p.m.
Foreign Relations
To hold hearings to examine the remaining options, alternative plans and the Iraq Study Group relating to securing America's interests in Iraq.
SH–216

FEBRUARY 1

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the communications marketplace relating to the FCC.
SR–253

FEBRUARY 8

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine issues relating to labor, immigration, law enforcement, and economic conditions in the Commonwealth of the Northern Mariana Islands.
SD–366